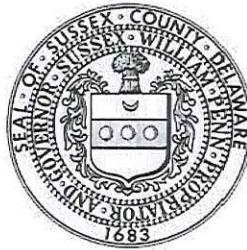


BOARD OF ADJUSTMENT

JOHN WILLIAMSON, CHAIRMAN
KEVIN CARSON
JEFF CHORMAN
JOHN T. HASTINGS
JORDAN WARFEL



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878 T

MEMO

TO: Board Members

FROM: Ann Lepore

DATE: January 20, 2022

RE: Agenda for January 24, 2022

The agenda was revised on January 19, 2022 to remove Case 12653 – Rodger Pearce at the request of the Applicant.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Ann Lepore

From: Rodger Pearce <rodgerpearceterp@gmail.com>
Sent: Wednesday, January 19, 2022 10:07 AM
To: Ann Lepore
Subject: Rodger Pearce - Special use exception application canceled

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Ann and Board of Adjustments,

I want to cancel my application for a special use exception for my property at
23004 Seagull Lane
Georgetown, DE. 19947

We had a Board of Adjustment hearing scheduled for January 24, 2022 at 6pm. Please remove it from the agenda.
I understand my fee will not be refunded and I apologize for any inconvenience.

Respectfully,
Rodger Pearce
23004 Seagull Lane
Georgetown, DE. 19947
302-245-9641

BOARD OF ADJUSTMENT

JOHN WILLIAMSON, CHAIRMAN
KEVIN CARSON
JEFF CHORMAN
JOHN T. HASTINGS
JORDAN WARFEL



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878 T

MEMO

TO: Board Members

FROM: Ann Lepore

DATE: January 20, 2022

RE: Case No. 12649

Please find letter of opposition for Case 12649 – James C. DiPaula



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Ann Lepore

From: Ann Lepore
Sent: Thursday, January 20, 2022 9:59 AM
To: Ann Lepore
Subject: RE: case12649 planning and zoning commission

From: dcsmd@aol.com <dcsmd@aol.com>
Sent: Wednesday, January 19, 2022 10:15 PM
To: Planning and Zoning <pandz@sussexcountyde.gov>
Subject: case12649 planning and zoning commission

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Diane C. Sweeney, M.D.

Milvale LLC
1865 Milvale Road
Annapolis, MD 21409

January 19, 2022

Jaime Whitehouse, AICP and Commissioners
Sussex County Planning and Zoning Department
County Administrative Office Building
2 The Circle
Georgetown, DE 19947

Dear Commissioners:

My property, is adjacent to the property at 2 Penn Street in Rehoboth Beach. The owner of 2 Penn St. has applied for a variance for a front yard setback, side yard setback and maximum fence height marked as case number 12649. The applicant is James C DiPaula.

I would like to raise an objection to the application for a side yard setback exemption. I have no objection to the fence height request or the setback variance for the proposed pool. My concern is the placement of the mechanical equipment, pool equipment, generator and possible HVAC units, (it is unclear how many units would be placed at this requested location) into a setback which would be at the south side of the 2 Penn St. property adjacent to the north side of my property. The usual setback of 10 feet would be impinged upon by more than half the distance to my property. I am worried about the noise that would be generated from multiple units which would be placed adjacent to my property line. The proposed house being built on the Penn Street lot is quite large and the distance between the homes is quite small. Therefore any noise will echo along the walls of the adjoining buildings. It does not appear to be a hardship to locate the mechanical units within the usual setbacks. I would therefore ask that the side yard setback requirements be upheld in this case.

Please contact me at 31-651-5536 or dcsmd@aol.com if you have any other questions about my objection to this application.

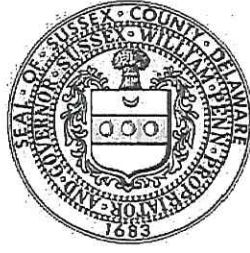
Sincerely yours,

Diane C Sweeney, M.D.

Diane C. Sweeney, M.D.
1865 Milvale Road
Annapolis, MD 21409
(C) 301-651-5536

BOARD OF ADJUSTMENT

JOHN WILLIAMSON, CHAIRMAN
KEVIN CARSON
JEFF CHORMAN
JOHN T. HASTINGS
JORDAN WARFEL



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878 T

MEMO

TO: Board Members

FROM: Ann Lepore

DATE: January 20, 2022

RE: Case No. 12650

Included are Findings of Fact from BOA Cases 12441 and 12456



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JAMES OWENS & AMY OWENS

(Case No. 12441)

A hearing was held after due notice on July 6, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the rear yard setback requirements and from the minimum aggregate front yard and rear yard requirements for proposed structures.

Findings of Fact

The Board found that the Applicants are requesting a variance of 5.58 feet from the fifteen (15) feet rear yard setback requirement for a proposed screen porch and a variance of 7.83 feet from the minimum front yard and rear yard aggregate requirements for a proposed screen porch. The application pertains to certain real property located on the northeast corner of Tower Place and Ashlyn Road within The Overlook subdivision (911 Address: 30563 Tower Place, Selbyville); said property being identified as Sussex County Tax Map Parcel Number 5-33-20.00-88.00. After a public hearing, the Board made the following findings of fact.

1. The Board was given copies of the Application, a survey of the Property dated October 22, 2015, pictures, a letter from Robert Grasso, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that James Owens was sworn in to testify about the Application.
4. The Board found that Mr. Owens testified that he purchased the townhome in 2018.
5. The Board found that Mr. Owens testified that there is an existing patio and he proposes to screen in in the western half of the porch to protect from mosquitos and bugs.
6. The Board found that Mr. Owens testified that the existing patio is 9.92 feet from the property line and the proposed porch will extend 6 inches beyond that.
7. The Board found that Mr. Owens testified that the bugs make the patio unusable at times.
8. The Board found that Mr. Owens testified that he did not realize how close the patio was to the rear property line.
9. The Board found that Mr. Owens testified that the patio cannot be screened without the variance.
10. The Board found that Mr. Owens testified that the patio was existing when the home was purchased.
11. The Board found that Mr. Owens testified that the porch will not alter the essential character of the neighborhood as there are a number of screened porches in the area.
12. The Board found that Mr. Owens testified that the variances requested are the minimum requests for a small porch to allow the Applicants and family members to enjoy the outdoor area without the nuisance of bugs.
13. The Board found that Mr. Owens testified that the porch will go 6 inches beyond the patio.
14. The Board found that Mr. Owens testified that only a portion of the patio will be screened in.

15. The Board found that Mr. Owens testified that no variance will be needed for steps because the porch will open up to the patio.
16. The Board found that Mr. Owens testified that HOA approval is needed.
17. The Board found that Mr. Owens testified that he would prefer to widen the porch but the house bumps out.
18. The Board found that Mr. Owens testified that there are no drainage issues in the area.
19. The Board found that no one appeared in support of or opposition to the Application.
20. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and unrebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is unique as it is oddly shaped, narrow, and has a bug problem. The lot's unique conditions limit the buildable area available to the Applicants and have created an unnecessary hardship and an exceptional practical difficulty for the Applicants who seek to construct a porch over an existing patio. The porch is needed due to the bug problem which makes the patio unusable at times.
 - b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
 - c. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique shape and the buildable area thereof is limited due to the size and shape of the lot. The Applicants seek to construct a screen porch over a portion of an existing patio but are unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow the reasonably sized porch to be constructed on the Property. The Board is convinced that the shape and location of the porch is also reasonable, which is confirmed when reviewing the survey provided by the Applicants.
 - d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicants. The Applicants did not create the unusual shape or size of the Property or create the bug problem. The unique size and shape of the Property is clear when reviewing the survey. The Board is convinced that the unnecessary hardship and exceptional practical difficulty were not created by the Applicants but was created by the lot's unique characteristics.
 - e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the porch will have no effect on the character of the neighborhood. The porch will be erected over an existing patio and will only extend 6 inches farther into the rear yard than the existing patio. There are other similar porches in the neighborhood as well. There was no evidence that the location of the porch in the rear yard setback area would somehow affect the neighborhood and no evidence was presented that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The Board also notes that a neighbor supports the request. The Applicants will also be required to obtain homeowner association approval so the community will have a chance to further vet this application in accordance with its rules as well.


- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicants have demonstrated that the variances sought will allow the Applicants to construct a reasonably sized porch on the Property. The Applicants propose to construct the porch on the side of the rear yard where more room is available thereby minimizing the encroachment into the rear yard setback area. The porch will also not extend the width of the house and no variance is needed for steps.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date August 17, 2020.

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THOMAS M. O'HAGAN

(Case No. 12456)

A hearing was held after due notice on August 3, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the rear yard setback requirement and from the minimum aggregate front yard and rear yard requirements for proposed structures.

Findings of Fact

The Board found that the Applicant is requesting a variance of 2 feet variance from the ten (10) feet rear yard setback requirement for a proposed screen porch and a variance of 9.27 feet from the forty (40) feet minimum aggregate front yard and rear yard requirements for a proposed screen porch. This application pertains to certain real property located on the northwest side of Tower Place approximately 488 feet east of Watch Tower Drive within The Overlook subdivision (911 Address: 30603 Tower Place, Selbyville) said property being identified as Sussex County Tax Map Parcel Number 5-33-20.00-96.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, tax records, drawings, photographs, a survey of the Property dated May 31, 2016, drawings of the structure, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Thomas O'Hagan was sworn in to give testimony about the Application.
4. The Board found that Mr. O'Hagan testified that the Property is unique as there is currently a 12 foot by 14 foot patio off the rear of the house but the building setback line is only 10 feet.
5. The Board found that Mr. O'Hagan testified that the Property is adjacent to a marsh and the marsh has led to mosquito problems in the rear yard. He was unaware of the mosquito problem when purchased the house and he testified that the mosquitos have rendered the rear yard largely unusable.
6. The Board found that Mr. O'Hagan testified that the screened in porch is necessary to enable reasonable use of the Property.
7. The Board found that Mr. O'Hagan testified that the Property cannot otherwise be developed for a screen porch without the variance.
8. The Board found that Mr. O'Hagan testified that the need for the variance was not created by the Applicant but by the uniqueness of the Property.
9. The Board found that Mr. O'Hagan testified that the variances will not alter the essential character of the neighborhood as there are many screen porches in the area.
10. The Board found that Mr. O'Hagan testified that the variances requested are the minimum variances afford relief.
11. The Board found that Mr. O'Hagan testified that the porch will project no farther than the existing patio.
12. The Board found that Mr. O'Hagan testified that there were 3 villas in his townhouse building constructed at the same time and the other two have screened in porches. The middle villa had a porch constructed at the same time the villa was constructed

(Lot 114) and Lot 115 constructed a porch later. Those porches measure 12 feet by 14 feet; which is the same size as the one proposed by the Applicant.

13. The Board found that Mr. O'Hagan testified that the angle of the lot and the house creates the need.
14. The Board found that Mr. O'Hagan testified that the patio extends 14 feet from the house and the porch will go 12 feet from the house. He believes a smaller porch would be impractical.
15. The Board found that Mr. O'Hagan testified that there are no steps from the porch as it exits to pavers.
16. The Board found that Mr. O'Hagan testified that there are no drainage issues.
17. The Board found that Mr. O'Hagan testified that homeowner association approval is needed and an application to the homeowners association has been submitted.
18. The Board found that no one appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is unique as it is oddly shaped, narrow, and has a bug problem. The lot's unique conditions limit the buildable area available to the Applicant and have created an unnecessary hardship and an exceptional practical difficulty for the Applicant who seeks to construct a porch over an existing patio. The porch is needed due to the bug problem which makes the patio unusable at times.
 - b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
 - c. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique shape and the buildable area thereof is limited due to the size and shape of the lot. The Applicant seeks to construct a screen porch over a portion of an existing patio but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow the reasonably sized porch to be constructed on the Property. The Board is convinced that the shape and location of the porch are also reasonable, which is confirmed when reviewing the survey provided by the Applicant. The porch is needed due to the bug problems on the site.
 - d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. The Applicant did not create the unusual shape or size of the Property or create the bug problem. The unique size and shape of the Property is clear when reviewing the survey. The Board is convinced that the unnecessary hardship and exceptional practical difficulty were not created by the Applicant but was created by the lot's unique characteristics.
 - e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the porch will have no effect on the character of the neighborhood. The porch will be erected over an existing patio and will not project farther into the rear yard than the existing patio. There are other similar porches in the neighborhood as well including 2 within the same townhouse building. There was no evidence that the location of the porch

in the rear yard setback area would somehow affect the neighborhood and no evidence was presented that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The Applicants will also be required to obtain homeowner association approval so the community will have a chance to further vet this application in accordance with its rules as well.

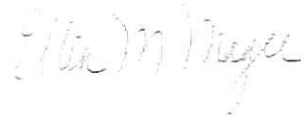
- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to construct a reasonably sized porch on the Property. The Applicant proposes to construct the porch on the side of the rear yard where more room is available thereby minimizing the encroachment into the rear yard setback area. The porch will also not extend the width of the house and no variance is needed for steps; which further minimizes the need for a variance.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



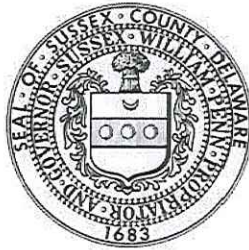
Ellen M. Magee
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date October 5, 2020.

BOARD OF ADJUSTMENT

JOHN WILLIAMSON, CHAIRMAN
KEVIN CARSON
JEFF CHORMAN
JOHN T. HASTINGS
JORDAN WARFEL



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878 T

MEMO

TO: Board Members

FROM: Ann Lepore

DATE: January 20, 2022

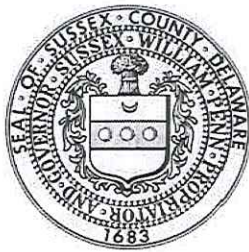
RE: Case No. 12651

Included is the Notice of Decision Letter from County Council regarding CU 2042 for Beachfire Brewing Company, LLC.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

JANELLE M. CORNWELL, AICP
PLANNING & ZONING MANAGER
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

June 10, 2016

Beachfire Brewing Company, LLC
35555 Peregrine Road
Lewes, DE 19958

RE: Notice of Decision for Beachfire Brewery (CU 2042) for the establishment of a microbrewery with tasting room and site improvements to be located at the northeast corner of Johnston St. and Central Ave. Tax Parcel: 334-13.20-24.00

To whom it may concern,

At their meeting of June 7, 2016 the Sussex County Council approved Conditional Use (CU 2042) Beachfire Brewery for the use as a microbrewery and tasting room to be located at the northeast corner of Johnston St. and Central Ave. The Conditional Use is valid for three (3) years. The following are the conditions:

- A. The applicant must comply with all State and Federal requirements for the brewery and tasting room operations.
- B. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.
- C. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.
- D. The use shall comply with all parking requirements that are contained in the Sussex County Zoning Ordinance.
- E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The next step in the process is the submission of a Preliminary Site Plan to the Planning Office for review the by the Planning Commission. The Site Plan shall reflect the Zoning Code. The Final Site Plan shall be approved prior to the commencement of construction on the property. The Final Site Plan shall reviewed and approved by the Planning Commission once all reviewing agency approvals have been received. Agency approvals include but are not limited to: the Sussex Conservation District, DelDOT, DNREC, Sussex County Engineering Department, and the State Fire Marshal's Office. The Final Site Plan shall be prepared by a licensed Delaware Surveyor or Engineer and shall contain the conditions of approval on the plan.

Please submit a minimum of two (2) full size paper copies of the Site Plan along with an electronic copy (PDF via e-mail) to the Planning and Zoning Office a minimum of twenty (20) days prior to the Planning Commission meeting. Once it has been reviewed by staff you will be informed of the number of copies to submit for the Planning Commission meeting.

An approved copy of the Ordinance granting approval of the Change of Zone and Conditional Use will be sent to you from the Clerk of the Council.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

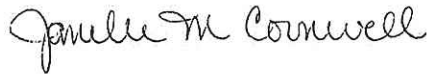
Notice of CC Decision Letter Beachfire Brewery CU 2042

June 10, 2016

P a g e | 2

Please feel free to contact me with any questions during business hours 8:30am – 4:30pm Monday through Friday at 302-855-7878.

Sincerely,

A handwritten signature in cursive script that reads "Janelle M. Cornwell". The signature is written in black ink and is positioned above the typed name.

Janelle M. Cornwell, AICP
Planning & Zoning Manager

ROJAN LN 21 LLC

CASE NO. 12654

OWNER:

ROJAN LN 21, LLC
2213 CONCORD PIKE
WILMINGTON, DE 19803

DEVELOPER:

ROJAN LN 21, LLC
2213 CONCORD PIKE
WILMINGTON, DE 19803

LEGAL:

MORRIS JAMES LLP
107 W. MARKET STREET
GEORGETOWN, DE 19947
DAVID C. HUTT, ESQUIRE

PLANNER/ENGINEER/SURVEYOR:

PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
ALAN DECKTOR, PE., ENV SP
ERIC W. WAHL, RLA, ASLA
JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL SOIL
SCIENTIST



TABLE OF CONTENTS

TAB 1 | APPLICATION

- a. APPLICATION
- b. DB5620 PG143 | 234-23.00-180.00 AND 234-2.00-181.00
- c. ROJAN VARIANCE REQUEST EXHIBIT

TAB 2 | EXHIBITS

- a. 2021 ORTHOPHOTO MAP
- b. ZONING MAP
- c. BOUNDARY PLAN
- d. DB4683 PG87 234-23.00-180.00
- e. DB4683 PG91 234-23.00-181.00
- f. DB1658 PG120 234-23.00-180.00 & 181.00 REF: PB1 PG159
- g. PB1 PG159 LOTS 6 & 8 234-23.00-180.00 & 181.00 REF: DB1658 PG120

Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. Past Board Member for the On Site Septic Advisory Board for the State of Delaware. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering and construction to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.



VARIANCE REQUEST EXHIBIT

CONCEPTUAL PLAN FOR SHERWIN WILLIAMS

23-NOV-2021

SITE STATISTICS

TAX ID 234-23.00-180.00 AND 181.00
 ZONING C-1 (COMMERCIAL)
 SETBACKS FY 60'
 SY 5' (20' ADJ TO RESIDENTIAL)
 RY 5' (30' ADJ TO RESIDENTIAL)

PROPOSED USE: RETAIL (4,000 SF)

PARKING REQUIRED: 1 PER 200 SF PATRON AREA
 RETAIL 4,000 x 75% = 3,000/200 = 15 SPACES

RETAIL PARKING PROVIDED 22 SPACES

LOADING SPACES PROVIDED (1) 12' x 40' SPACES

VARIANCE REQUESTS:

REAR SETBACK LINE 20' (REDUCED BY 10 FEET)
 FRONT SETBACK LINE 53.42' (REDUCED BY 6.58 FEET)

ADDITIONAL NOTES:

15' PERMANENT DELDOT EASEMENT REDUCED TO 5' WIDE
 PENDING DELDOT APPROVAL

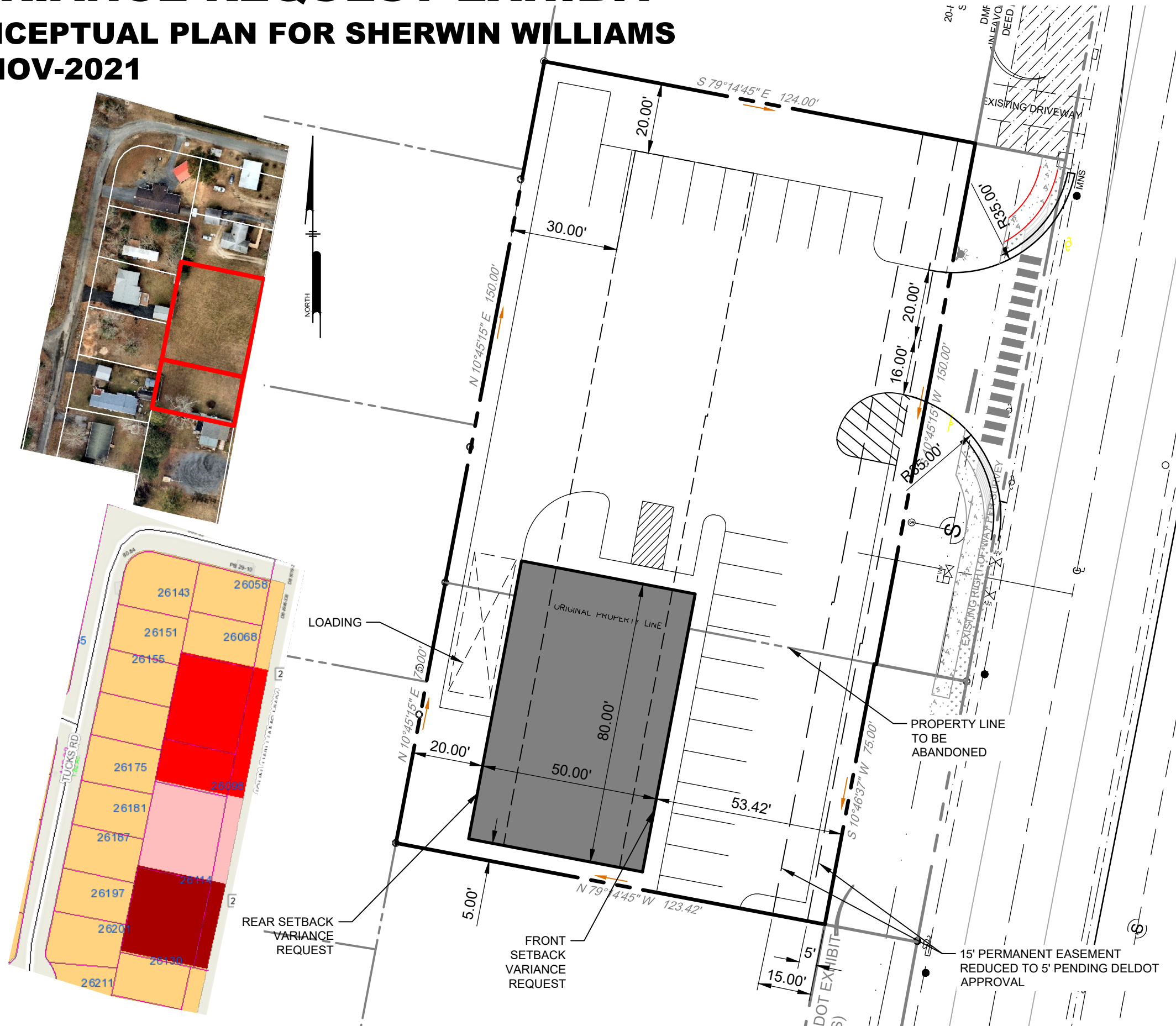
THIS CONCEPT PLAN BASED ON SURVEY INFORMATION PROVIDED
 PREVIOUSLY BY DC GROUP, DATED 2004 AND BOUNDARY PLAN
 CREATED BY PENNONI DATED 2021. ALL DATA TO BE
 CONFIRMED AND VERIFIED BY PENNONI.



PENNONI ASSOCIATES INC.

18072 Davidson Drive
 Milton, DE 19968

T 302.684.8030 F 302.684.8054



REAR SETBACK
 VARIANCE
 REQUEST

FRONT
 SETBACK
 VARIANCE
 REQUEST

15' PERMANENT EASEMENT
 REDUCED TO 5' PENDING DELDOT
 APPROVAL

TAB 1

APPLICATION

Case # _____
Hearing Date _____

Board of Adjustment Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

2400 +/- FEET SOUTH OF LONGNECK ROAD WEST SIDE OF JOHN J WILLIAMS HWY(SR24)

Variance/Special Use Exception/Appeal Requested:

A 6.58' variance is requested for the front yard setback (53.42' instead of 60').
A 10' variance is requested for the rear yard setback (20' instead of 30').

Tax Map #: 234-23.00-180.00
234-23.00-181.00

Property Zoning: C-1

Applicant Information

Applicant Name: ROJAN LN 21. LLC
Applicant Address: 2213 CONCORD PIKE
City WILLMINGTON State DE Zip: 19803
Applicant Phone #: (302) 654-6153 Applicant e-mail: ROBERT@AERENSON.COM


Owner Information

Owner Name: DMR.PROPERTIES, LLC
Owner Address: P.O. BOX 212
City LEWES State DE Zip: 19958 Purchase Date: _____
Owner Phone #: (302) 644-1400 Owner e-mail: PDYER@LANDVENTURES.COM

Agent/Attorney Information

Agent/Attorney Name:	<u>DAVID HUTT, ESQUIRE MORRIS JAMES</u>	<u>MARK DAVIDSON PENNONI</u>
Agent/Attorney Address:	<u>107 WEST MARKET ST.</u>	<u>18072 DAVIDSON DR.</u>
City	<u>GEORGETOWN, DE 19947</u>	<u>MILTON, DE 19968</u>
Agent/Attorney Phone #:	<u>(302) 856 0018</u>	<u>(302) 684 6207</u>
	<u>DHUTT@MORRISJAMES.COM</u>	<u>MDAVIDSON@PENNONI.COM</u>

Signature of Owner/Agent/Attorney



Date: 12/2/2021



Criteria for a Variance: (Please provide a written statement regarding each criteria).

*You shall demonstrate to the Board of Adjustment that the property meets **all** of the following criteria for a Variance to be granted.*

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

The subject property is shallow in depth for commercial activity, which results in an exceptional practical difficulty for a commercial use with its required parking. In addition, if current front and rear setbacks are applied, the resulting building shape and placement make it difficult for customers, employees and deliveries to safely negotiate the interior of the property, causing unsafe travel circulation.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Due to the impact of the property's shallowness on the building envelope and the resulting difficulties that creates for safe vehicular movement, the property cannot be commercially developed consistent with its zoning classification in a manner that is safe for the owner, as well as the owner's employees, contractors, delivery persons and customers.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

The exceptional practical difficulty created by the shallowness of the lots arose when DelDOT took 26' feet from the frontage of the lots in order to widen Route 24 (John J. Williams Highway). In addition, DelDOT has a permanent easement across another 15' of the property which the applicant is working with DelDOT to reduce to 5'. The shallowness was created by DelDOT's actions, not the actions of the applicant.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The proposed use is in keeping with the current zoning district and the existing character along Route 24 which has similar small commercial businesses along this Major Collector as classified by DelDOT. In addition, the applicant proposes that it be required to install a solid fence along the rear boundary of the property to establish a physical buffer with the neighbors to the rear of the property.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The 6.58' variance request for the front yard setback (53.42' setback instead of 60') and 10' variance request for the rear yard setback (20' setback instead of 30') represent the minimum required to construct a small 4,000 square foot building, its required parking, and still maintain safe vehicular movements for the owner, employees, delivery persons and customers.

Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Special Use Exception to be granted.

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

Not applicable.

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

Not applicable.

Basis for Appeal: (Please provide a written statement regarding reason for appeal)

Not applicable.

Check List for Applications

The following shall be submitted with the application

- **Completed Application**
- **Provide a survey of the property (Variance)**
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- **Provide a Site Plan or survey of the property (Special Use Exception)**
- **Provide Fee \$400.00**
- **Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)**
- **Copy of Receipt (staff)**
- **Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)**
- **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.**

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellat / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney



Date: 12/2/2021

For office use only:

Date Submitted: _____ Fee: \$400.00 Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____

Document# 2021000079155 BK: 5620 PG: 143

Recorder of Deeds, Scott Dailey On 12/28/2021 at 3:44:00 PM Sussex County, DE

Consideration: \$350,000.00 County/Town: \$5,250.00 State: \$8,750.00 Total: \$14,000.00

Doc Surcharge Paid Town: SUSSEX COUNTY

Tax Parcel Numbers:

2-34-23.00-180.00 and 2-34-23.00-181.00

PREPARED BY/RETURN TO:

Larry J. Tarabicos, Esquire
Tarabicos, Grosso & Hoffman, LLP
One Corporate Commons
100 W. Commons Blvd, Suite 415
New Castle, DE 19720

DEED

THIS DEED, made this 22nd day of December, 2021,

BETWEEN, DMR PROPERTIES, L.L.C., a Delaware limited liability company, party of the first part,

AND

ROJAN LN 21, LLC, a Delaware limited liability company, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns:

ALL THOSE CERTAIN lots, pieces, or parcels of land lying in Indian River Hundred, Sussex County, Delaware, being Sussex County tax parcel numbers **234-23.00-180.00 and 234-23.00-181.00**, and being more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Westerly side of Sussex County Route 24 and being a corner for this Parcel and lands now or formerly of DMR Properties, LLC.; thence, thereby, North 79 degrees, 14 minutes, 45 seconds West, 124.00 feet to a point, said point being a corner for these lands and the common boundary line of lands now or formerly of Ruth E. Harrington; thence, thereby, in part, and in part along lands now or formerly of Walter and Mary Donaldson, North 10 degrees, 45 minutes, 15 seconds East, 225.00 feet to a point, said point being a corner for these lands and lands now or formerly of Matt Ahmet Cinar; thence, thereby, South 79 degrees, 14 minutes, 45 seconds East, 123.42 feet to a point lying on the Westerly side of Sussex County Route 24; thence, thereby, the two (2) following described courses and distances: (1) South 10 degrees 46 minutes 37 seconds West, 75.00 feet to a point; and (2) South 10 degrees, 45 minutes, 15 seconds West, 150.00 feet to a point, said point being the point and place of Beginning.

SUBJECT TO all covenants, conditions, restrictions, plans, and easements of record with respect to the property described above, this reference to which shall not be construed to reimpose any such covenants, conditions, restrictions, plans and easements which have otherwise lapsed, expired or have been terminated in accordance with their terms or otherwise, as applicable.

BEING a part of the same lands and premises conveyed to DMR Properties, L.L.C., the party of the first part hereto, in fee, by virtue of the two (2) following deeds: (1) Deed from Ann Christian, as Executor of the Estate of Joseph W. Christian, Jr., and Trustee U/R/T of Joseph W. Christian, dated May 30, 2003, and recorded June 3, 2003 in the Office of the Recorder of Deeds in and for Sussex County and State of Delaware, in **Deed Book 2843, Page 56**; and (2) Deed from Marianne Hicks, a resident of the State of Delaware, dated February 14, 2003, and recorded February 19, 2003 in the Office aforesaid, in **Deed Book 2803, Page 207**.

Grantee's Address:
2213 Concord Pike
Wilmington, DE 19803

IN WITNESS WHEREOF, the said party of the first part, by and through Preston Lynch Dyer, its Authorized Member, has caused this Deed to be executed and sealed the day and year aforesaid.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

WITNESS:

DMR PROPERTIES, L.L.C.

Chrisann Catherine Ott

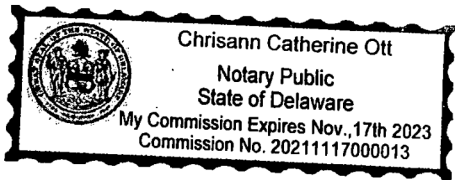
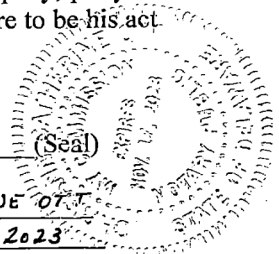
By: *[Signature]* (SEAL)
Preston Lynch Dyer, Authorized Member

STATE OF DELAWARE)
)
COUNTY OF Sussex)

S.S.

BE IT REMEMBERED, that on this 14th day of December, 2021, came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Preston Lynch Dyer, Authorized Member of DMR Properties, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the said Company.

Chrisann Catherine Ott (Seal)
Notary Public or Notarial Officer
Print Name: CHRISANN CATHERINE OTT
My Commission Expires: Nov. 17th 2023



VARIANCE REQUEST EXHIBIT

CONCEPTUAL PLAN FOR SHERWIN WILLIAMS

23-NOV-2021



SITE STATISTICS

TAX ID 234-23.00-180.00 AND 181.00
 ZONING C-1 (COMMERCIAL)
 SETBACKS FY 60'
 SY 5' (20' ADJ TO RESIDENTIAL)
 RY 5' (30' ADJ TO RESIDENTIAL)

PROPOSED USE: RETAIL (4,000 SF)

PARKING REQUIRED: 1 PER 200 SF PATRON AREA
 RETAIL 4,000 x 75% = 3,000/200 = 15 SPACES

RETAIL PARKING PROVIDED 22 SPACES
 LOADING SPACES PROVIDED (1) 12' x 40' SPACES

VARIANCE REQUESTS:
 REAR SETBACK LINE 20' (REDUCED BY 10 FEET)
 FRONT SETBACK LINE 53.42' (REDUCED BY 6.58 FEET)

ADDITIONAL NOTES:
 15' PERMANENT DELDOT EASEMENT REDUCED TO 5' WIDE PENDING DELDOT APPROVAL

THIS CONCEPT PLAN BASED ON SURVEY INFORMATION PROVIDED PREVIOUSLY BY DC GROUP, DATED 2004 AND BOUNDARY PLAN CREATED BY PENNONI DATED 2021. ALL DATA TO BE CONFIRMED AND VERIFIED BY PENNONI.



PENNONI ASSOCIATES INC.


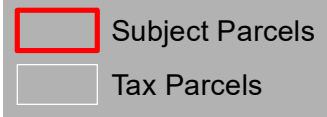
18072 Davidson Drive
 Milton, DE 19968

T 302.684.8030 F 302.684.8054

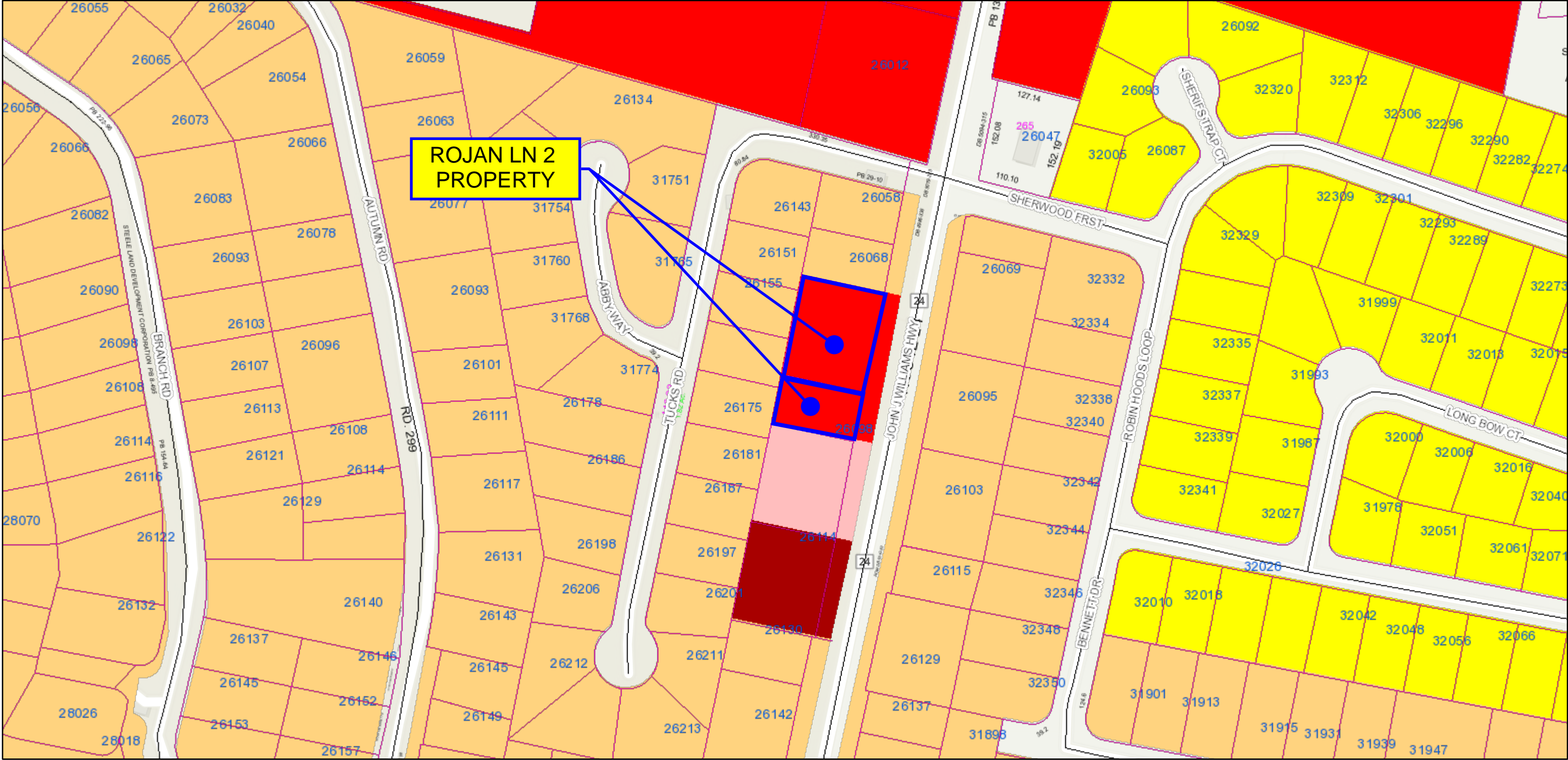
TAB 2

EXHIBITS



Figure 1 of 1.	2021 Orthophoto		
1	Sherwin Williams		
	ROJAN21001		

Sussex County



January 18, 2022

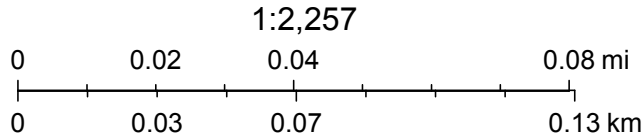
- Tax Parcels
- 911 Address
- Streets
- Zoning**
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2

- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP

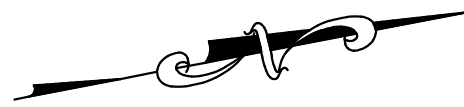
- Neighborhood Business - B-1
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2

- General Commercial - C-3
- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1

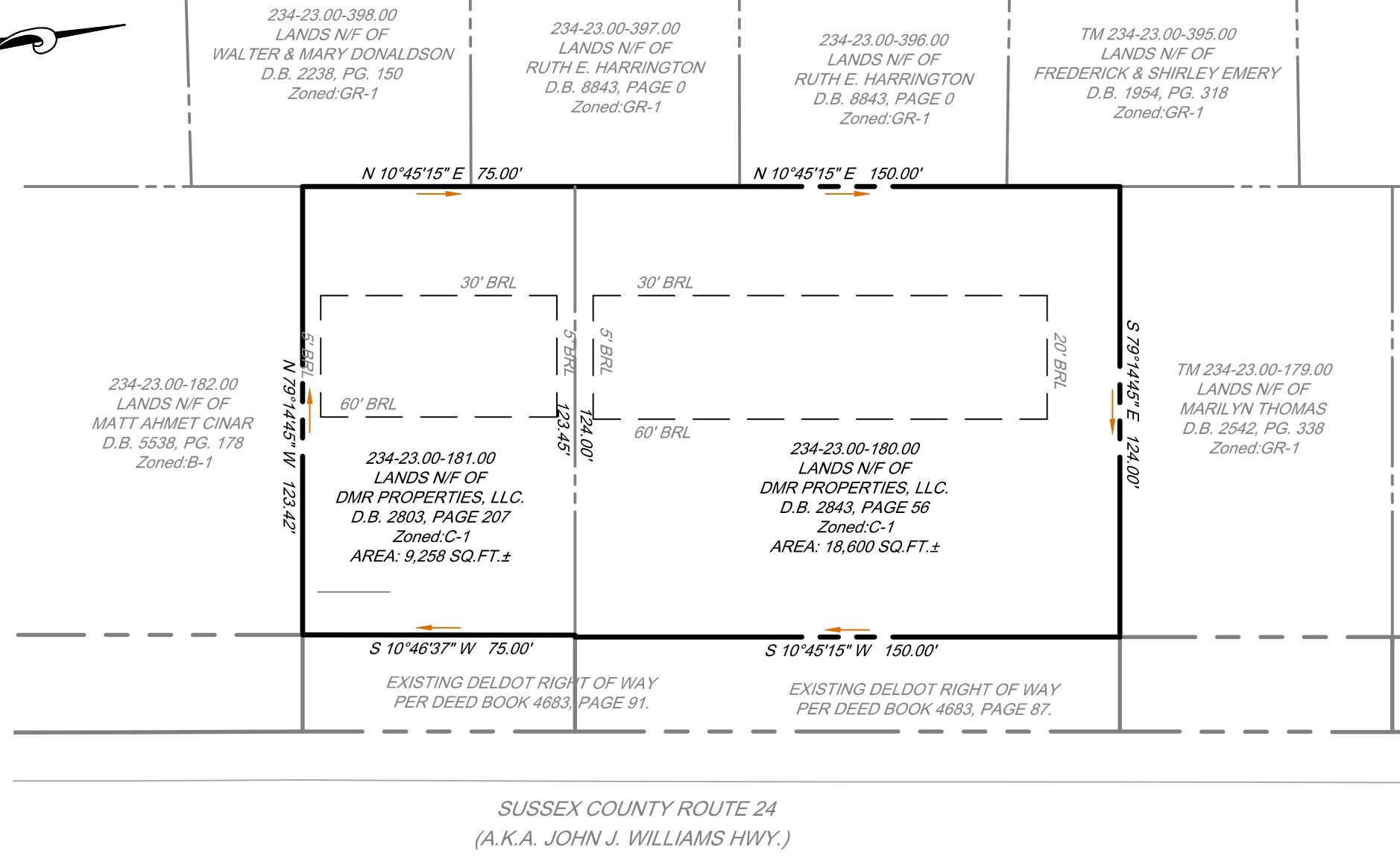
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- County Boundaries



County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

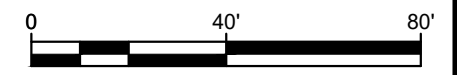



REVISIONS			
NO.	DESCRIPTION	DATE	BY
#	#	#	#



- NOTES**
1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 1, PAGE 159 AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC..
 2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
 3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
 4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS PLAN.

SURVEY CLASSIFICATION: SUBURBAN
 LOT AREA: 234-23.00-180.00 = 18,600 SQ.FT.±
 234-23.00-181.00 = 9,258 SQ.FT.±
 PLAT REF.: PLAT BOOK 1, PAGE 159



 PENNONI ASSOCIATES INC. 18072 Davidson Drive Milton, DE 19968 T 302.684.8030 F 302.684.8054	ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.	PROJECT ROJAN 21001 DATE 2021-12-01 DRAWING SCALE 1" = 40' DRAWN BY KMD APPROVED BY AMD	
	TM: 234-23.00-180.00 & 181.00, LANDS N/F OF DMR PROPERTIES, LLC. JOHN J. WILLIAMS HIGHWAY, INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE	BOUNDARY PLAN ROJAN LN 21, LLC. 2213 CONCORD PIKE WILMINGTON, DELAWARE 19803	V-0201 SHEET 1 OF 1

11142

BK: 4683 PG: 87

**TAX MAP AND PARCEL #:
P/O 234-23.00-180.00**

PREPARED BY & RETURN TO:
Delaware Department of
Transportation
250 Bear-Christiana Road
Bear, DE 19701
File No. T200711201 36-L

THIS DEED, made as of this 8th day of February, 2017,

- BETWEEN -

DMR PROPERTIES, L.L.C., a Delaware limited liability company, of P.O. Box 212,
Lewes, DE 19958, party of the first part,

- AND -

STATE OF DELAWARE, acting by and through the **DEPARTMENT OF
TRANSPORTATION**, of 250 Bear-Christiana Road, Bear, DE 19701, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum
of **One Hundred Sixty-Two Thousand Three Hundred and 00/100 Dollars (\$162,300.00)**,
lawful money of the United States of America, the receipt whereof is hereby acknowledged,
hereby grants and conveys unto the party of the second part, and its successors and assigns, in
fee simple, the following described lands, situate, lying and being in Sussex County, State of
Delaware:

ALL that certain tract, piece, or parcel of land situated in Indian River Hundred, Sussex County,
State of Delaware, being a portion of the lands required for the construction of a public road
known as SR 24 (John J. Williams Highway), being acquired for DelDOT Project Number
T200711201, the said tract being part of Sussex County Tax Parcel No. 234-23.00-180.00, and
being more particularly bounded and described as follows, to-wit:

BEGINNING at a point (31008) formed by the intersection of the division line between these
lands of DMR Properties L.L.C., lands now or formerly of Marilyn Thomas, and the existing
northeasterly right-of-way line of SR 24 (John J. Williams Highway), the point being located

MT

ms

opposite SR 24 (John J. Williams Highway), construction baseline survey station 171+11.23 and 19.00 feet distant to the left measured at a right angle to the construction baseline as shown and noted on Right-of-Way plans for Department of Transportation, Contract No. T200711201, Sheet Nos. 17 & 24; thence from the said point (31008) of Beginning, with the existing northeasterly right-of-way line of SR 24 (John J. Williams Highway), South 11 degrees 45 minutes 07.34 seconds West, 150.00 feet to a point (31007) located on the division line between these lands and other lands now or formerly of DMR Properties L.L.C.; thence with the last mentioned division line, North 79 degrees 14 minutes 52.66 seconds West, 26.00 feet to a point (39012) located on the proposed northeasterly right-of-way line of SR 24 (John J. Williams Highway) located opposite construction baseline survey station 169+60.78 and 45.00 feet distant to the left measured at a right angle of tangent to the said construction baseline; thence with the proposed northeasterly right-of-way line of SR 24 (John J. Williams Highway), North 11 degrees 45 minutes 07.34 seconds East, 150.45 feet to a point (39013) located on the first mentioned division line between these lands and lands now or formerly of Marilyn Thomas; thence with the first mentioned division line, South 78 degrees 14 minutes 52.66 seconds East, 26.00 feet to the point and place of **BEGINNING**. Containing within the said metes and bounds 3,905.8998 square feet (0.0897 acres) of land, be the same more or less.

SUBJECT to all matters of record, to the extent they are valid and enforceable.

BEING a part of the same lands and premises which Ann Christian, as Executor of the Estate of Joseph W. Christian, Jr. and as Trustee URT of Joseph W. Christian, by Deed dated June 03, 2003, and recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, in Deed Book 2843, Page 56, did grant and convey unto DMR Properties, L.L.C., a Delaware limited liability company, in fee.

The party of the second part intends to use the land hereby conveyed, in whole or in part, for the purpose of construction and operation of an existing Right-of-Way.

Grantee's Address:

Delaware Department of Transportation
250 Bear-Christiana Road
Bear, DE 19701

IN WITNESS WHEREOF, the said DMR Properties, L.L.C., a Delaware limited liability company, has caused its name to be hereunto set under seal by Preston Lynch Dyer, Managing Member of DMR Properties, L.L.C., the day and year first above written.

DMR PROPERTIES, L.L.C.

Denise S Holleger
Witness

By: [Signature] (SEAL)
Preston Lynch Dyer
Managing Member

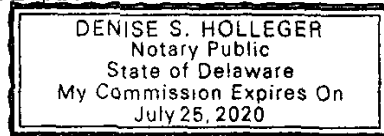
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 8th day of February, 2017, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Preston Lynch Dyer, Managing Member of DMR Properties, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Denise S Holleger
Notary Public

My Commission Expires:



Consideration: .00

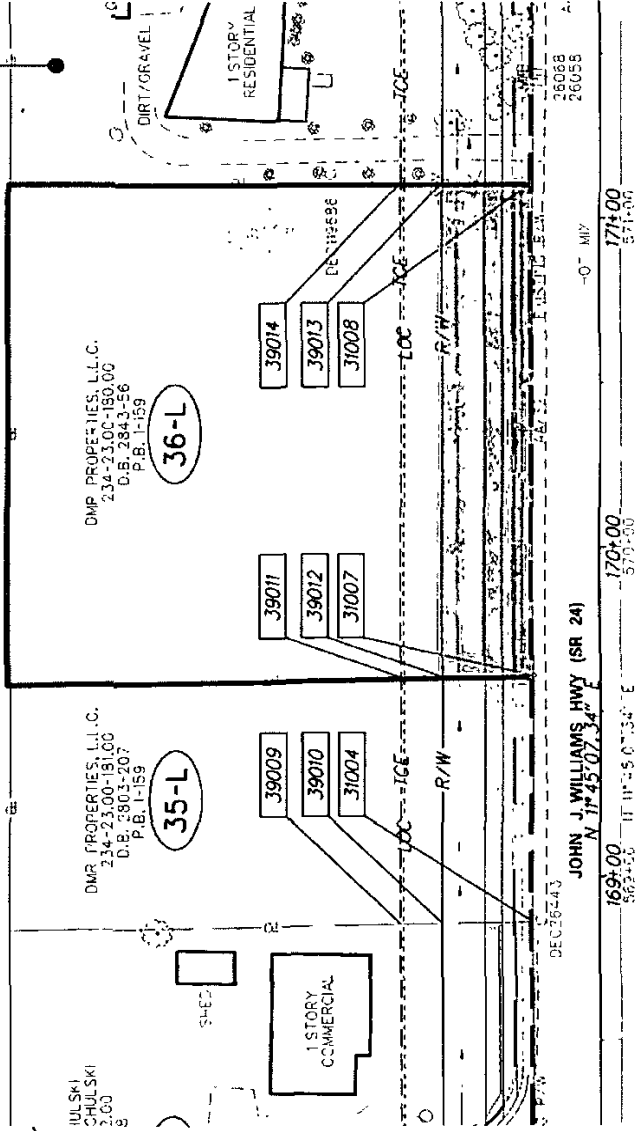
County .00
State .00
Town Total .00
Received: Margaret P Mar 23, 2017

RECEIVED
Mar 23, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

MARILYN THOMAS
 234-23.00-178.00
 D.B. 2542-338
 P.B. 1-159

SMETHWICK EGRESS ROUTE
 SUBWISIDK

IULSKI
 CHULSKI
 2.00
 8



THE STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY PLANS
HSIP SC, SR 24 AT
MOUNT JOY ROAD
TO BAY FARM ROAD

CONTRACT NUMBER: T200711201
 FEDERAL AID PROJECT NUMBER: ESTP - S024(09)

Fee Acquisition Exhibit
Parcel No. 36-L
3,905.8998 sq. ft.
(0.0897 acres)

ASSESSMENT NUMBER	OWNERSHIP OF RECORD				TYPE OF ACQUISITION				PARCEL AREA (ACRES)			
234-23.00-180.00	(36-L) DMR PROPERTIES, L.L.C.				FEE				0.258			
ALIGNMENT NUMBER & DESCRIPTION:	PT. NO.	ALIGN. NO.	STATION	OFFSET *	NORTH	EAST	BEARING	DISTANCE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS **
	39013	1000	171+11.23	-45.00	229305.7080	719213.2128	S 78°14'52.66" E	26.00				
	31008	1000	171+11.23	-19.00	229300.4124	719238.6675	S 11°45'07.34" W	150.00				
	31007	1000	169+61.23	-19.00	229153.5567	719208.1163	N 79°14'52.66" W	26.00				
	39012	1000	169+60.78	-45.00	229158.4080	719182.5689	N 11°45'07.34" E	150.45				
	39013	1000	171+11.23	-45.00	229305.7080	719213.2128						

FIGURE 39212 AREA = 3905.8998 SQ. FT. (0.0897 ACRES)

11147

BK: 4683 PG: 91

TAX MAP AND PARCEL #:
P/O 234-23.00-181.00
PREPARED BY & RETURN TO:
Delaware Department of
Transportation
250 Bear-Christiana Road
Bear, DE 19701
File No. T200711201 35-L

THIS DEED, made as of this 8th day of February, 2017,

- BETWEEN -

DMR PROPERTIES, L.L.C., a Delaware limited liability company, of P.O. Box 212, Lewes, DE 19958, party of the first part,

- AND -

STATE OF DELAWARE, acting by and through the **DEPARTMENT OF TRANSPORTATION**, of 250 Bear-Christiana Road, Bear, DE 19701, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Eighty-One Thousand Two Hundred and 00/100 Dollars (\$81,200.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain tract, piece, or parcel of land situated in Indian River Hundred, Sussex County, State of Delaware, being a portion of the lands required for the construction of a public road known as SR 24 (John J. Williams Highway), being acquired for DelDOT Project Number T200711201, the said tract being part of Sussex County Tax Parcel No. 234-23.00-181.00, and being depicted on the Exhibit attached hereto and more particularly bounded and described as follows, to-wit:

BEGINNING at a point (31007) formed by the intersection of the division line between these lands of DMR Properties L.L.C., other lands now or formerly of DMR Properties L.L.C., and the existing northeasterly right-of-way line of SR 24 (John J. Williams Highway), the point being located opposite SR 24 (John J. Williams Highway), construction baseline survey station 169+61.23 and 19.00 feet distant to the left measured at a right angle to the construction baseline

MT

MS

as shown and noted on Right-of-Way plans for Department of Transportation, Contract No. T200711201, Sheet Nos. 17 & 24; thence from the said point (31007) of Beginning, with the existing northeasterly right-of-way line of SR 24 (John J. Williams Highway) South 11 degrees 45 minutes 07.34 seconds West, 75.00 feet to a point (31004) located on the division line between these lands and other lands now or formerly of Edward and Nancy Machulski; thence with the last mentioned division line, North 79 degrees 14 minutes 52.66 seconds West, 26.00 feet to a point (39010) located on the proposed northeasterly right-of-way line of SR 24 (John J. Williams Highway) located opposite construction baseline survey station 168+85.78 and 45.00 feet distant to the left measured at a right angle if tangent to the said construction baseline; thence with the proposed northeasterly right-of-way line of SR 24 (John J. Williams Highway), North 11 degrees 45 minutes 07.34 seconds East, 75.00 feet to a point (39012) located on the first mentioned division line between these land and lands now or formerly of DMR Properties L.L.C.; thence with the first mentioned division line, South 79 degrees 14 minutes 52.66 seconds East, 26.00 feet to the point and place of **BEGINNING**. **Containing within the said metes and bounds 1,950.0000 square feet (0.0448 acres) of land,** be the same more or less.

SUBJECT to all matters of record, to the extent they are valid and enforceable.

BEING a part of the same lands and premises which Marianne Hicks, by Deed dated February 19, 2003, and recorded in the Office of the Recorder of Deeds in and for Sussex County and State of Delaware, in **Deed Book 2803, Page 207** did grant and convey unto DMR Properties, L.L.C., a Delaware limited liability company, in fee.

The party of the second part intends to use the land hereby conveyed, in whole or in part, for the purpose of construction and operation of an existing right-of-way.

Grantee's Address:

Delaware Department of Transportation
250 Bear-Christiana Road
Bear, DE 19701

IN WITNESS WHEREOF, the said DMR Properties, L.L.C., a Delaware limited liability company, has caused its name to be hereunto set under seal by Preston Lynch Dyer, Managing Member of DMR Properties, L.L.C., the day and year first above written.

DMR PROPERTIES, L.L.C.

Denise S. Holleger
Witness

By: [Signature] (SEAL)
Preston Lynch Dyer, Managing Member

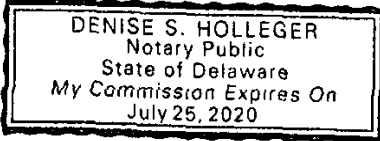
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 8th day of February, 2017, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Preston Lynch Dyer, Managing Member of DMR Properties, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Denise S. Holleger
Notary Public

My Commission Expires: _____



Consideration: .00

County .00
State .00
Town Total .00
Received: Margaret F Mar 23, 2017

RECEIVED
Mar 23, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

THE STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

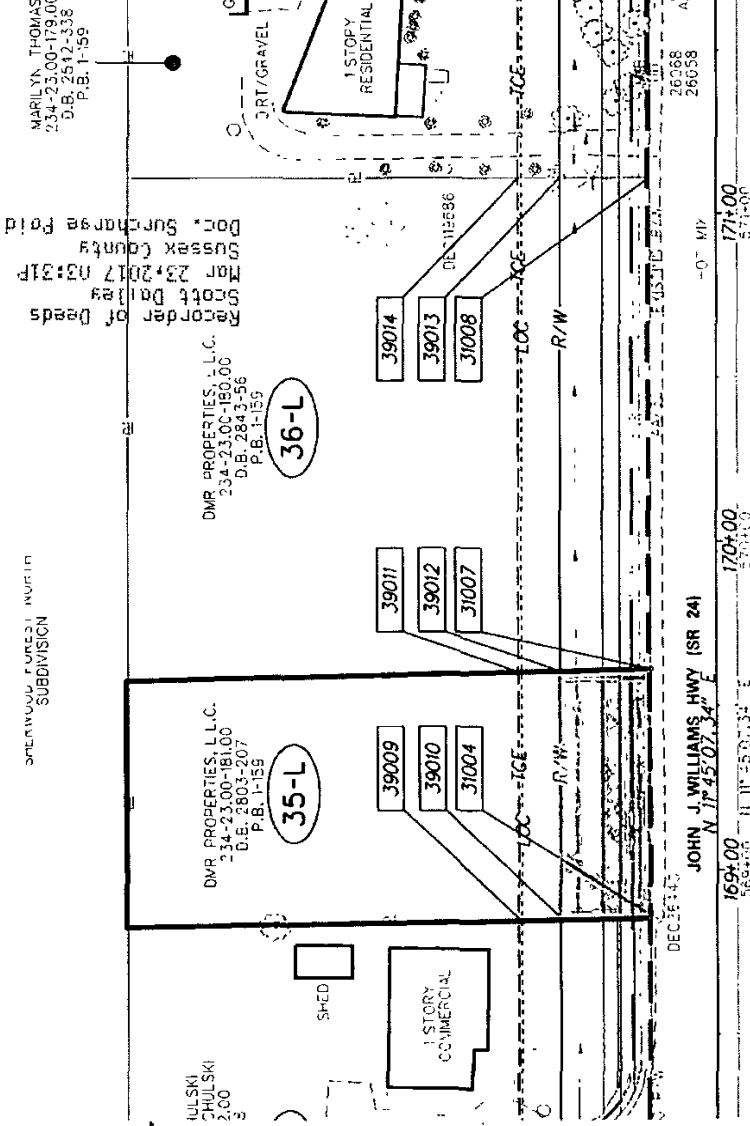


RIGHT-OF-WAY-PLANS

HSIP SC, SR 24 AT
MOUNT JOY ROAD
TO BAY FARM ROAD

CONTRACT NUMBER: T200711201
FEDERAL AID PROJECT NUMBER: ESTP - S024(09)

Fee Acquisition Exhibit
Parcel No. 35-L
1,950.000 sq. ft.
(0.0448 acres)



ASSESSMENT NUMBER	OWNERSHIP OF RECORD				TYPE OF ACQUISITION			TITLE SOURCE			PARCEL AREA (ACRES)	
234-23.00-181.30	(35-L) DMR PROPERTIES, L.L.C.				FEE			G.B. 2803-207, P.B. 1-159			0.258	
ALIGNMENT NUMBER & DESCRIPTION: 1000 - SR 24												
PT. NO.	ALIGN. NO.	STATION	OFFSET *	NORTH	EAST	BEARING	DISTANCE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS **	
39012	1000	169+60.78	-45.00	229158.4080	719182.5689	S 79°14'52.66" E	26.00					
31007	1000	169+61.23	-19.00	229153.5567	719208.1163	S 11°45'07.34" W	75.00					
31004	1000	168+86.23	-19.00	229080.1288	719192.8406	N 79°14'52.66" W	26.00					
39010	1000	168+85.78	-45.00	229084.9801	719167.2932	N 11°45'07.34" E	75.00					
39012	1000	169+60.78	-45.00	229158.4080	719182.5689							

FIGURE 39210 AREA = 1950.0000 SQ. FT. (0.0448 ACRES)

13119

NO TITLE OR LIEN SEARCH REQUESTED OR PERFORMED.

This Deed, made this

3rd day of *July* in the year of
our LORD one thousand nine hundred and eighty-nine.

BETWEEN, MYRTLE CHRISTIAN, of Route 4, Box 122A, Millsboro, Sussex County
Delaware 19966, party of the first part,

- and -

JOSEPH W. CHRISTIAN, JR., of 13514 223rd Street, Laurelton,
New York 11413, party of the second part.

.00
CD
EX
7/ 3/89
4313 333

Witnesseth, That the said party of the first part, for and in consideration of
the sum of -----\$1.00----- lawful money of the United
States of America, the receipt whereof is hereby acknowledged, hereby grants
and conveys unto the said party of the second part,

ALL

Those certain lots, pieces or parcels
of land situate in Indian River Hundred, Sussex County and State of Delaware,
lying on the West side of State Highway No. 24 leading from Millsboro to Leves,
designated as lots Nos. 6 and 8 on a Plot of Lots of Elisha A. Steele, drawn by
I. Webster Warren, Surveyor, dated August, 1952, and recorded in the Recorder's
Office at Georgetown, in Plot Record No. 1, Page 159, having a frontage on said
Highway No. 24 of 150 feet and depth of 150 feet.

BEING a part of the same lands which were conveyed to Elisha A. Steele by
deed of Samuel L. Jones, dated the 4th day of August, A.D. 1951, and recorded in
the Office for the Recording of Deeds, in and for Sussex County, at Georgetown,
in Deed Record F.M.Q., Vol. 403, Page 477, &c.

ALSO BEING the same lands conveyed unto Myrtle Christian and Joseph Christian,
her husband, be Deed of Elisha A. Steele, single man, dated April 23, 1962, and now
of record in the Office of the Recorder of Deeds, at Georgetown, Delaware, in Deed
Book 546, Page 524 &c.

The said Joseph Christian departed this life on September 16, 1985, at which
time the said lands passed to the Grantor herein by rights of survivorship.

WILLIAM B. WILGUS
ATTORNEY AT LAW
221 EAST DUPONT HWY.
MILLSBORO, DELAWARE 19966

In Witness Whereof, The said party of the first part has hereunto set her hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

Mellie Morris

Myrtle Christian (Seal) MYRTLE CHRISTIAN (Seal) (Seal) (Seal)

STATE OF DELAWARE, SUSSEX County, ss.

BE IT REMEMBERED, that on this 3rd day of July in the year of our Lord one thousand nine hundred and eighty-nine, personally came before me, a Notary Public in and for the State and County aforesaid,

Myrtle Christian

PURCHASERS REPORT MADE THIS DATE

JUL 05 1989

ASSESSMENT DIVISION OF SUSSEX CTY.

Party to this Indenture, known to me personally to be such, and she did acknowledge this Indenture to be her Deed.

GIVEN under my hand and Seal of Office, the day and year aforesaid

C. RUSSELL MCCAGE REC. SURCHARGE PAID 1989 JUL -3 AM 11:59 RECORDS & CLERKS SUSSEX COUNTY

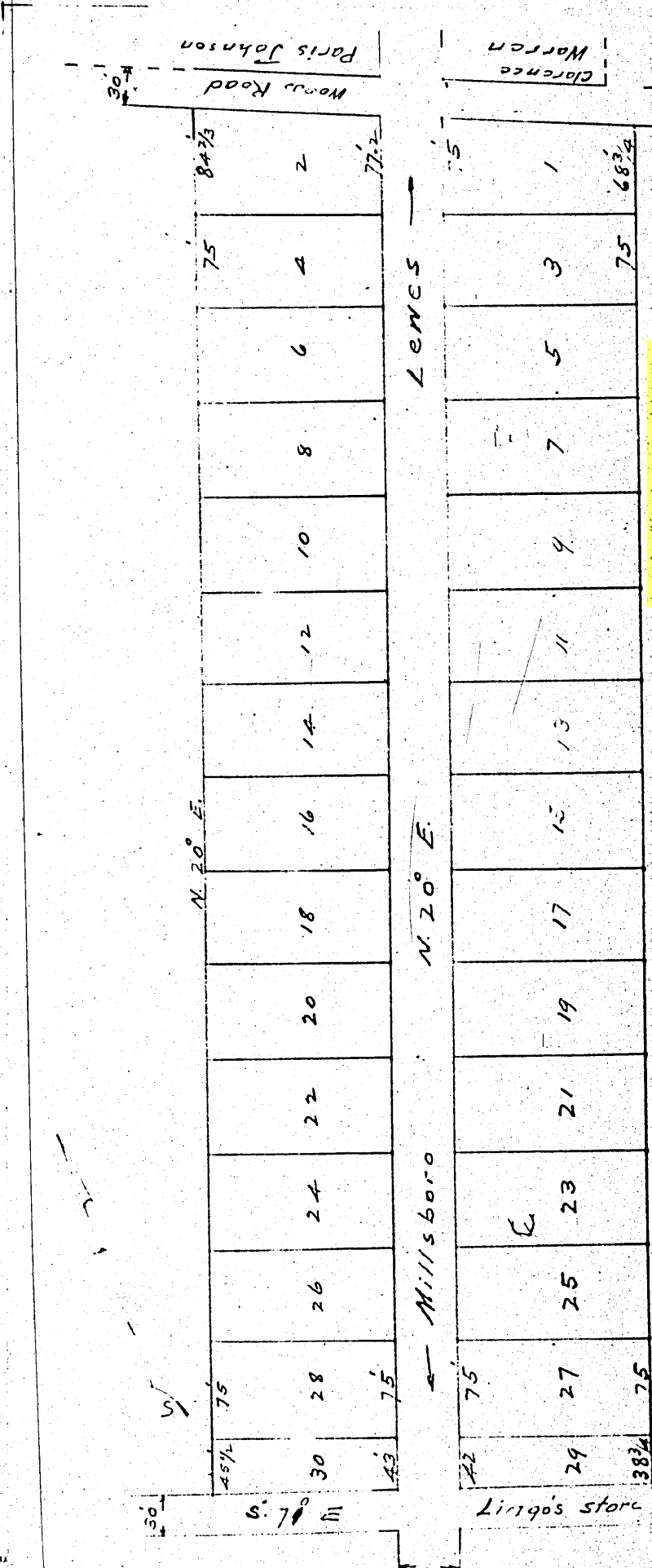
Notary Public seal

WILLIAM B. WILGUS ATTORNEY AT LAW 221 EAST DUPONT HWY. MILLSBORO, DELAWARE 19966

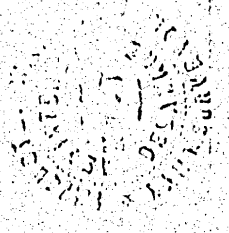
William Wilgus atty 7/20/89

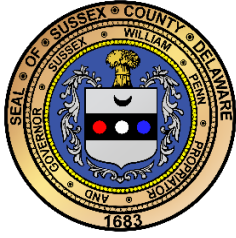
ROJAN21001
 234-23.00-180.00 AND
 181.00
 PB1 PG159

REF: DB1658 PG120



Lands
 A. Steele
 Indian River Hwy
 Sussex Co. Del.
 Aug 1952
 Scale 1" = 100'





Sussex County Government COVID-19 Intake Form

Contact Name:

Address:

Contact Phone Number:

Email Address:

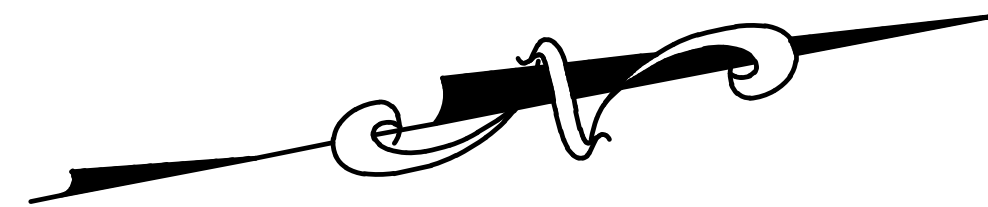
For (Person or Department):

Date:

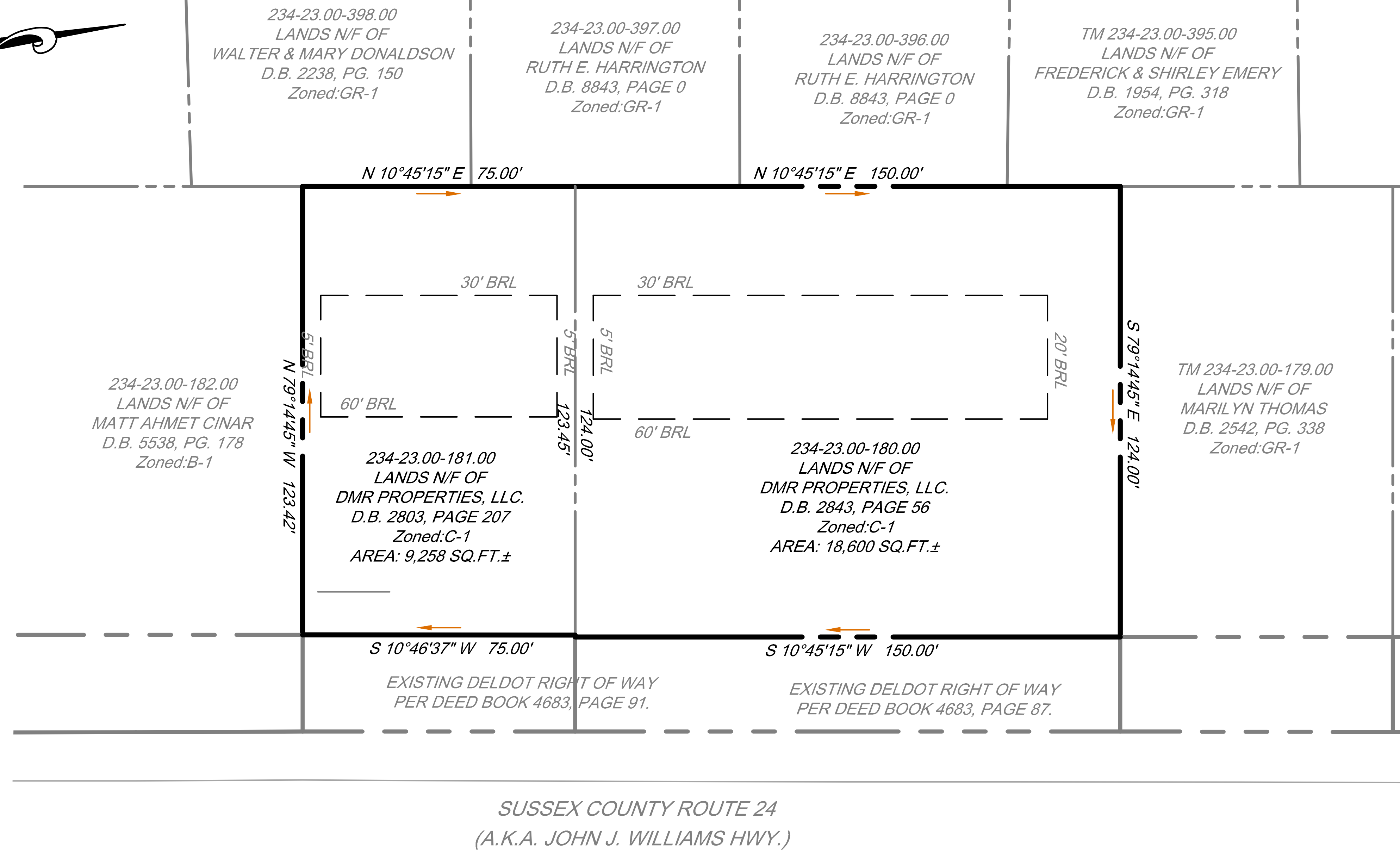
Time:

What is being dropped off?

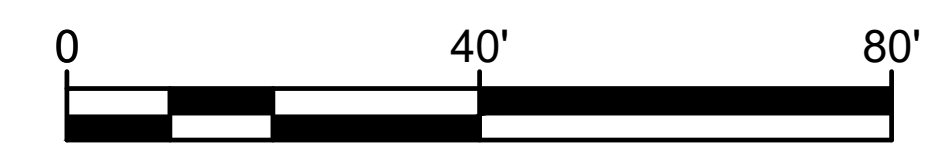
Comments:



REVISIONS			
NO.	DESCRIPTION	DATE	BY
#	#	#	#



- NOTES**
1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 1, PAGE 159 AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC..
 2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
 3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
 4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS PLAN.



SURVEY CLASSIFICATION: SUBURBAN
 LOT AREA: 234-23.00-180.00 = 18,600 SQ.FT.±
 234-23.00-181.00 = 9,258 SQ.FT.±
 PLAT REF.: PLAT BOOK 1, PAGE 159

PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

TM: 234-23.00-180.00 & 181.00, LANDS N/F OF DMR PROPERTIES, LLC.
 JOHN J. WILLIAMS HIGHWAY, INDIAN RIVER HUNDRED
 SUSSEX COUNTY, DELAWARE

BOUNDARY PLAN

ROJAN LN 21, LLC.
 2213 CONCORD PIKE
 WILMINGTON, DELAWARE 19803

PROJECT	ROJAN 21001
DATE	2021-12-01
DRAWING SCALE	1" = 40'
DRAWN BY	KMD
APPROVED BY	AMD
V-0201	
SHEET	1 OF 1