

BOARD OF ADJUSTMENT

ELLEN MAGEE, CHAIR
KEVIN E. CARSON
JEFF CHORMAN
JOHN WILLIAMSON
E. BRENT WORKMAN



Sussex County

DELAWARE
sussexcountye.gov

(302) 855-7878 T
(302) 845-5079 F

AGENDA

January 25, 2021

6:00 P.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

Call to Order

Pledge of Allegiance

Introduction of Staff Members

Approval of Agenda

Approval of Minutes for November 16, 2020

Approval of Finding of Facts for November 16, 2020

Old Business

Public Hearings

Case No. 12515 – RC Marshall, Inc. seek variances from the side yard, front yard setback requirements and the landscape buffer requirement in the Combined Highway Corridor Overlay Zone (CHCOZ) for proposed structures. (Sections 115-82, 115-182, 115-183, 115-185 and 115-194.1 of the Sussex County Zoning Code). The property located on the northeast side of Washington Street at the intersection of Coastal Highway (Rt. 1). 911 Address: 20469 Washington Street, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-19.08-173.00

Case No. 12516 – 20643 Daisey Road, LLC (c/o Ray Patton) seeks variances from the minimum lot size requirement and the minimum lot width requirement for proposed lot line adjustments (Section 115-42 and 115-182 of the Sussex County Zoning Code). The property is located on the northeast side of Daisey Road within the Rehoboth Manor Subdivision. 911 Address: 20643 Daisey Road, Rehoboth Beach. Zoning District: GR. Tax Parcel: 334-19.12-38.02



Case No. 12517 – Ray & Carolyn V. Patton seeks variances from the front yard, rear yard setback requirements for existing structures and minimum lot size requirement and the minimum lot width requirement for proposed lot line adjustments (Sections 115-42, 115-182, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Daisey Road within the Rehoboth Manor Subdivision. 911 Address: 20637 Daisey Road, Rehoboth Beach. Zoning District: GR. Tax Parcel: 334-19.12-38.01

Case No. 12518 – Furniture & More seeks a special use exception to place a tent for special events (Sections 115-80 and 115-210 of the Sussex County Zoning Code). The property is located on the northeast side of Coastal Highway (Rt. 1) at the intersection of Munchy Branch Road. 911 Address: 19287 Coastal Highway, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.00-325.04

Case No. 12519 – Krystal Waltman seeks variances from the corner front yard setback requirement and separation distance requirement for proposed structures (Sections 115-34, 115-172 and 115-182 of the Sussex County Zoning Code). The property is located on the east side of South Shore Drive Extension approximately 450 ft. south of Marina View Court. 911 Address: N/A. Zoning District: MR. Tax Parcel: 134-2.00-4.00, 3.01 and 5.00

Additional Business

Request for 12-month time extension for Case No. 12320 – Lands of Country Rest Home, Inc.

Board of Adjustment meetings can be monitored on the internet at
www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 15, 2021 at 8:30 a.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.
Agenda items listed may be considered out of sequence.



MEETING INSTRUCTIONS-

**** The Sussex County Board of Adjustment is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.**

The public is encouraged to view the meeting on-line. Any person attending in person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited, and seating assignments will be enforced.

The meeting will be streamed live at <https://sussexcountytde.gov/council-chamber-broadcast>

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via phone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items under public hearings on this agenda.

The Board of Adjustment meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountytde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountytde.gov. All comments shall be submitted by 4:30 P.M. on Thursday, January 21, 2021

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**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

Case # 12515
Hearing Date 1/4/21
202013318

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

115-82 115-182
115-183 115-185

Site Address of Variance/Special Use Exception:

20469 Washington Street, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Reduction of setback requirements in order to obtain a building permit to construct a new building of similar nature to the existing building.

24.5-Ft Var from 30-Ft Front for Prop. 2nd 20.5-Ft Var from 5-Ft Side
25-Ft Var from 30-Ft Front for Prop. 2nd 20-Ft Var from Back for

Tax Map #: 334-19.08-173.00

Property Zoning: C-1

Applicant Information

Applicant Name: RC Marshall, Inc.

Applicant Address: 1700 Coastal Highway

City Dewey Beach

State DE

Zip: 19971

Applicant Phone #: (302) 236-1552

Applicant e-mail: katmarshall@atlanticcoastside.com

Owner Information

Owner Name: RC Marshall, Inc. (Robert & Kathy Marshall)

Owner Address: 1700 Coastal Highway

City Dewey Beach

State DE

Zip: 19971

Purchase Date: _____

Owner Phone #: (302) 236-1552

Owner e-mail: rcm@atlanticcoastside.com

Agent/Attorney Information

Agent/Attorney Name: N/A

Agent/Attorney Address: _____

City _____

State _____

Zip: _____

Agent/Attorney Phone #: _____

Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Kathy Marshall

Date: 10/16/2020



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.

This is a corner lot at the intersection of Coastal Highway and Washington Street with an irregular shape. The small lot size and irregular shape make it impossible to build according to the existing setback requirements. Please see the attached survey for a diagram.

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 small size and irregular shape, the current setback requirements make it impossible to construct a new building on the lot without a variance. There is a building on the property that was built prior to 1998 when we purchased it.

3. Not created by the applicant:

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

We purchased the lot and current building in 1998 as it exists today. The footprint of the building has not been changed since we purchased the property.

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.

We are seeking to replace the older existing house with a newly constructed house that will comply with the current building codes. This is the same use and would not change the character of the neighborhood.

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 requested setback variance is similar to the existing setbacks and is the least amount necessary in order to build a new structure on the irregular lot. The two surveys provided illustrate the footprint of the existing structure and the proposed structure, which are very similar in shape and size.

$R=2,779.93'$
 $\Delta=00^{\circ}05'57''$
 $L=4.81'$
 $C=4.81'$
 $BRG=S\ 49^{\circ}51'54''\ E$

LANDS N/F
 THE REHOBOTH INN
 D.B. 2221-180

S 37°00'26" W
 (DEED: S 37°15'00" W, 85.91')
 86.43'
 49.84'
 N 52°05'00" W
 51.74'
 N 37°15'00" E
 51.3'
 32.3'
 41.3'
 11.9'
 10.0'
 20.4'
 8.2'
 5.5'
 9.7'
 56.35'
 P.O.B.
 CONCRETE (TYP.)
 24.5' Van from 30'
 20.2' Van for Pkwy
 20.9' Van for Pkwy
 25' Van from 30'
 0.5' Van from 5'
 REAR SETBACKS
 30' F - Along Levee Highway St
 5' Side
 5' Near
 15' Corridor Along Rt. 1

PROPOSED
 DWELLING
 (VARIANCE NEEDED)

LANDS N/F
 RBJ, INC.
 D.B. 1331-75

EDGE OF PAVING

WASHINGTON STREET (50' R/W)

EDGE OF PAVING

LEGEND:

- IRON PIPE (FOUND)
- ⊙ PUNCH HOLE IN METAL DISK (FOUND)
- ◆ "PK" NAIL (SET)

NOTES:

*DRAWING REVISED ON 10/12/2020 TO SHOW PROPOSED CONDITIONS

ALL SETBACKS ARE THE RESPONSIBILITY OF THE OWNER AND/OR GENERAL CONTRACTOR. PLEASE CONTACT SUSSEX COUNTY.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

"WORKING VERSION"

PROPOSED CONDITIONS PLAN FOR 20469 WASHINGTON STREET

REFERENCE: DEED BOOK 1465, PAGE 219

TOTAL AREA: 3,522 SQ. FT.

NORTHERN PORTION OF LOT #15 OF

"REHOBOTH MANOR" SUBDIVISION

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

AUGUST 26, 2020* SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302 226 2229 phone

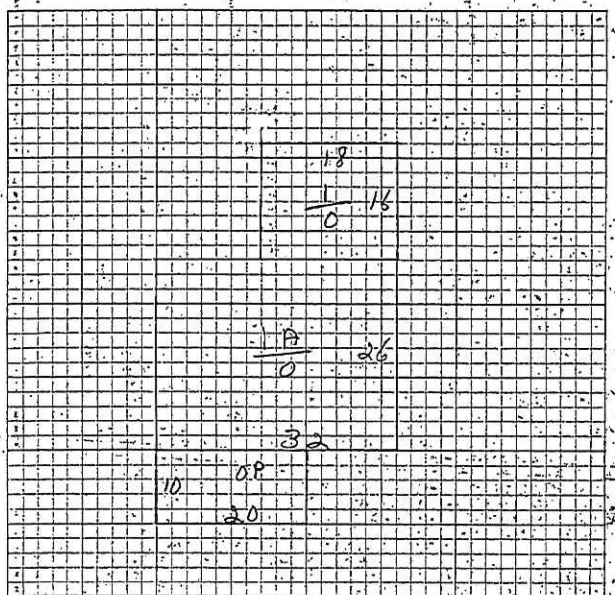
302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

DIST 3-34 MAP 19.08 PARCEL 173
CONTROL NO

CARD 1 OF 1



IDENT: 3-34 19.08 173
NOTES:

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
1	1	C-	X	832	1	1A		1	18,030	18,030
			X	288	1	1		0		
			X							
			X							
			X							

H. L. YOH CO.
PHILA., PA.

TOTAL GROUND AREA 1120

TOTAL BASE COST \$ 18,030

PRINCIPAL BUILDING DESCRIPTION										M/C	± %	± PTS							
MASONRY-1		PIER-2		SLAB-3				FOUNDATION	1	-	-								
NONE-0		1/4-1		1/2-2		3/4-3		FULL-4	BASEMENT	0	-	-							
NONE-0		REC AREA-1		APT-2		% OF BASEMENT		SQ FT	BSMT FINISH	0	-	-							
NONE-0		PIPELESS GHA-1		ELECTRIC-2		FHA-3		STM-HW-4	HEAT SYS	2	-2	-							
INDICATE QTY										FIRE PLACE	1	-	8.0						
3-FIXT BATH		1		2-FIXT BATH		1		SG FIX	TOTAL FIXT	5	-	2.6							
NONE-0		1/2-1		1-2		1 1/2-3		2-4		2 1/2-5	3-6		4-7	5-8	CER TILE	0	-	-	
1ST FLOOR			2ND FLOOR			3RD FLOOR					INT FINISH								
NONE		PL		WB		WP		NONE		PL		WB		WP		WLS-CLG			
DIRT		CONC		HW		SW		HW		SW		HW		SW		FLOORS			
NONE-0		HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY			3	-	-				
NONE-0		ONE CAR-1				TWO CAR-2				BLT-IN GAR			0	-	-				
WOOD-1		SHGL-2		ALUM-3		BLK-4		BRK OR STN-5		STUCCO-6		COMP-7		EXT WALLS			1	-	-
HIP-1		GABLE-2		FLAT-3		MANSARD-4		GAMBREL-5		ROOF TYPE			2	-	-				
WD-COMP-SHGL-1		SLATE-2		METAL-3		TILE-4		ROLL-5		T & G-6		ROOFING			1	-	-		
AREA		200		SQ FT		INDICATE QTY				1		PORCH-OPEN			1	-	10.0		
AREA		SQ FT		INDICATE QTY				PORCH-GLZD			0	-	-						
NONE-0		CENTRAL-1				AIR-COND				0	-	-							
NONE-0		1 CAR-1		2 CAR-2		SQ FT				ATT GAR/CP	0	-	-						
SQ FT										UTILITY	0	-	-						
										OTHER	0	-	-						
										OTHER	0	-	-						

1-20-82

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: *Shirley*

DISTRICT: 3-34 MAP: 19.08 PARCEL: 173 TRL/UNIT:

NAME: *Klein*

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE: 16,400

LAND VALUE: 16,900

IMP. VALUE: 15,900

TOTAL VALUE: 32,800

ACTION REASON: *Calculation error - found by Computer*

BILLING:

Letter sent 1-20-82

Done on 2-26
OC
2/26

ASSESSMENT DIVISION

3-28-80

ACTION CODE: 2

WORKED BY: LR

DISTRICT: 3-34

MAP: 19.08

PARCEL: 173

TRL/UNIT:

NAME: Klein, MARVIN J. & BARBARA G.

1703 Addison Street

ADDRESS: Philadelphia, Pa. 19146

PROPERTY DESCRIPTION :

TRANSFER : 176377

NEW VALUE : 32,800

OLD VALUE: 29,700

ACTION REASON : STRAIGHT TRANSFER - AND dimension correction
from mapping.

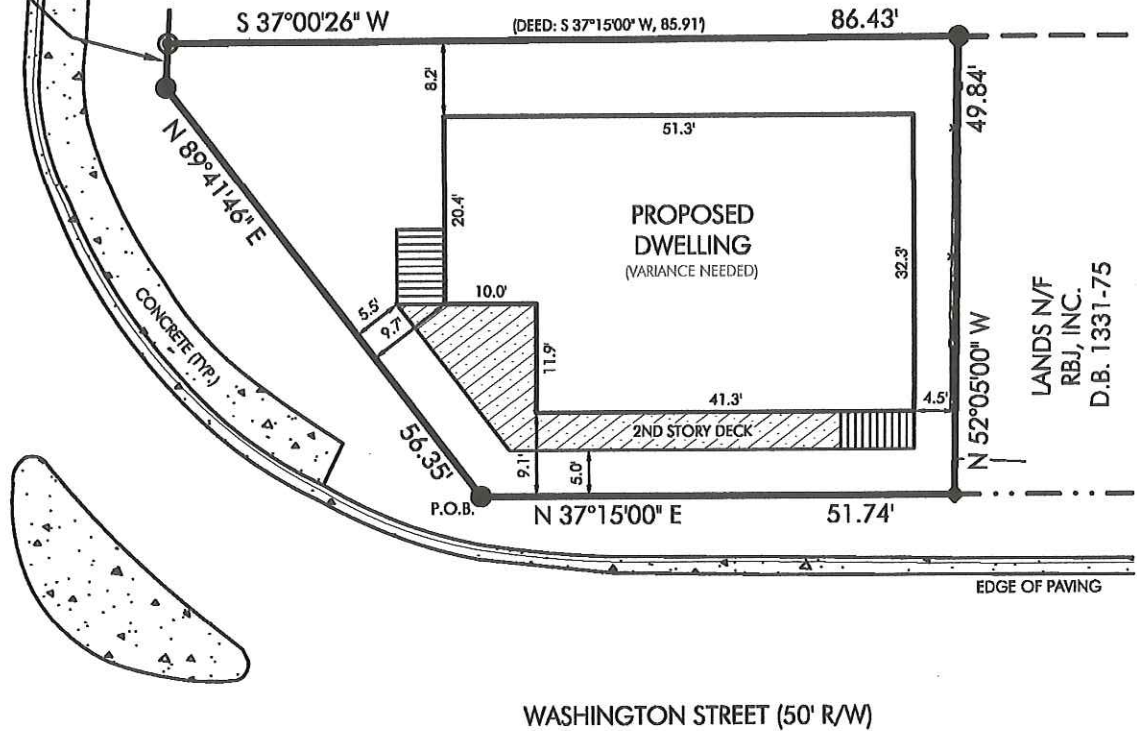
BILLING : 1980.

Done on edit
3/28/80

$R=2,779.93'$
 $\Delta=00^{\circ}05'57''$
 $L=4.81'$
 $C=4.81'$
 $BRG=S\ 49^{\circ}51'54''\ E$

LANDS N/F
 THE REHOBOTH INN
 D.B. 2221-180

SOUTHBOUND LANE COASTAL HIGHWAY / DELAWARE ROUTE 1 (R/W VARIES)



WASHINGTON STREET (50' R/W)

EDGE OF PAVING

LEGEND:

- IRON PIPE (FOUND)
- ⊙ PUNCH HOLE IN METAL DISK (FOUND)
- ◆ "PK" NAIL (SET)

NOTES:

*DRAWING REVISED ON 10/12/2020 TO SHOW PROPOSED CONDITIONS

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NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

"WORKING VERSION" PROPOSED CONDITIONS PLAN FOR 20469 WASHINGTON STREET

REFERENCE: DEED BOOK 1465, PAGE 219

TOTAL AREA: 3,522 SQ. FT.

NORTHERN PORTION OF LOT #15 OF

"REHOBOTH MANOR" SUBDIVISION

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

AUGUST 26, 2020* SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302 226 2229 phone

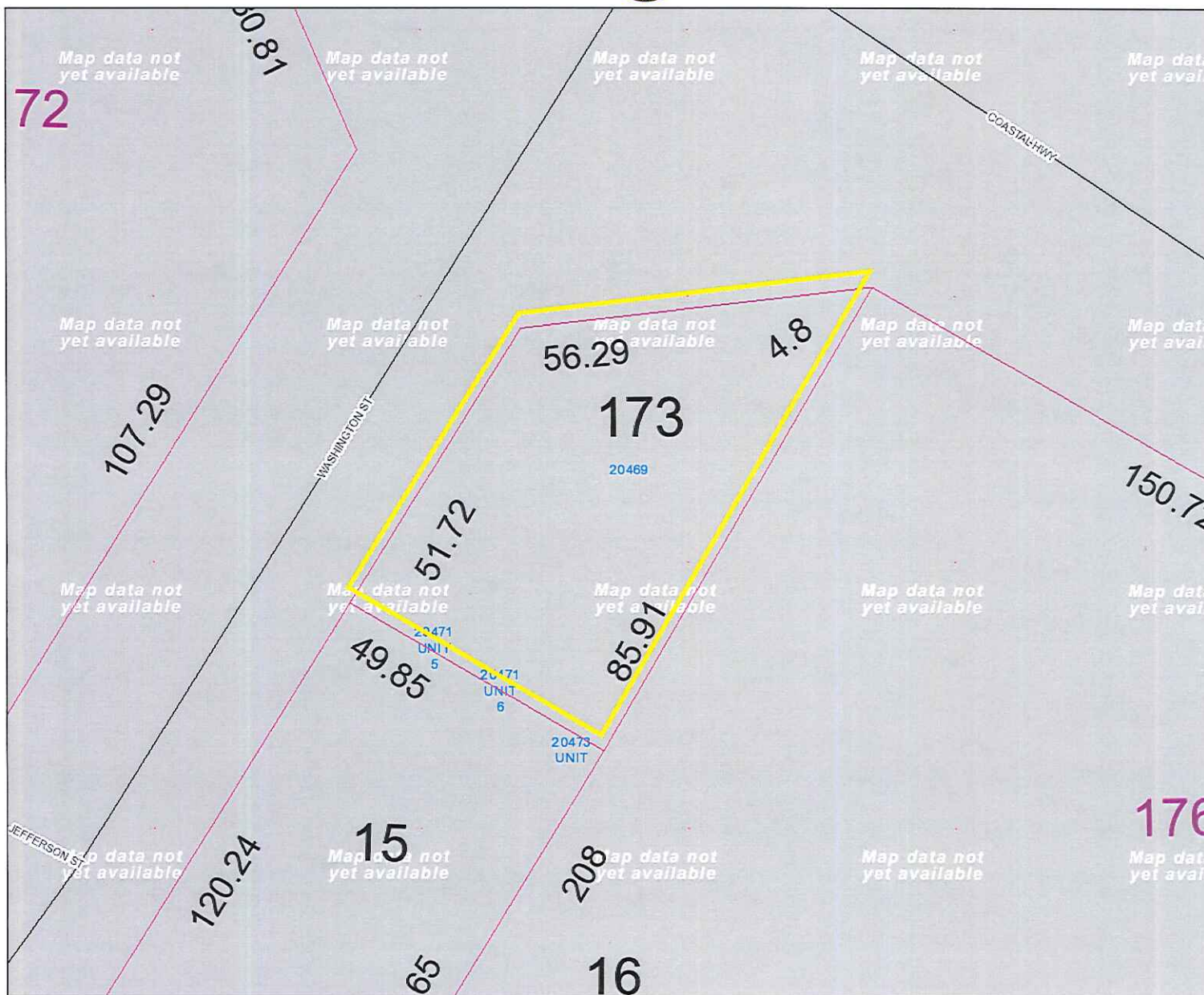
302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

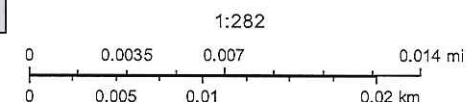


Sussex County



PIN:	334-19.08-173.00
Owner Name	R C MARSHALL INC
Book	2318
Mailing Address	21003 COASTAL HWY
City	REHOBOTH BEACH
State	DE
Description	WASHINGTON ST
Description 2	P/O LOT 15 W/IMP
Description 3	N/A
Land Code	

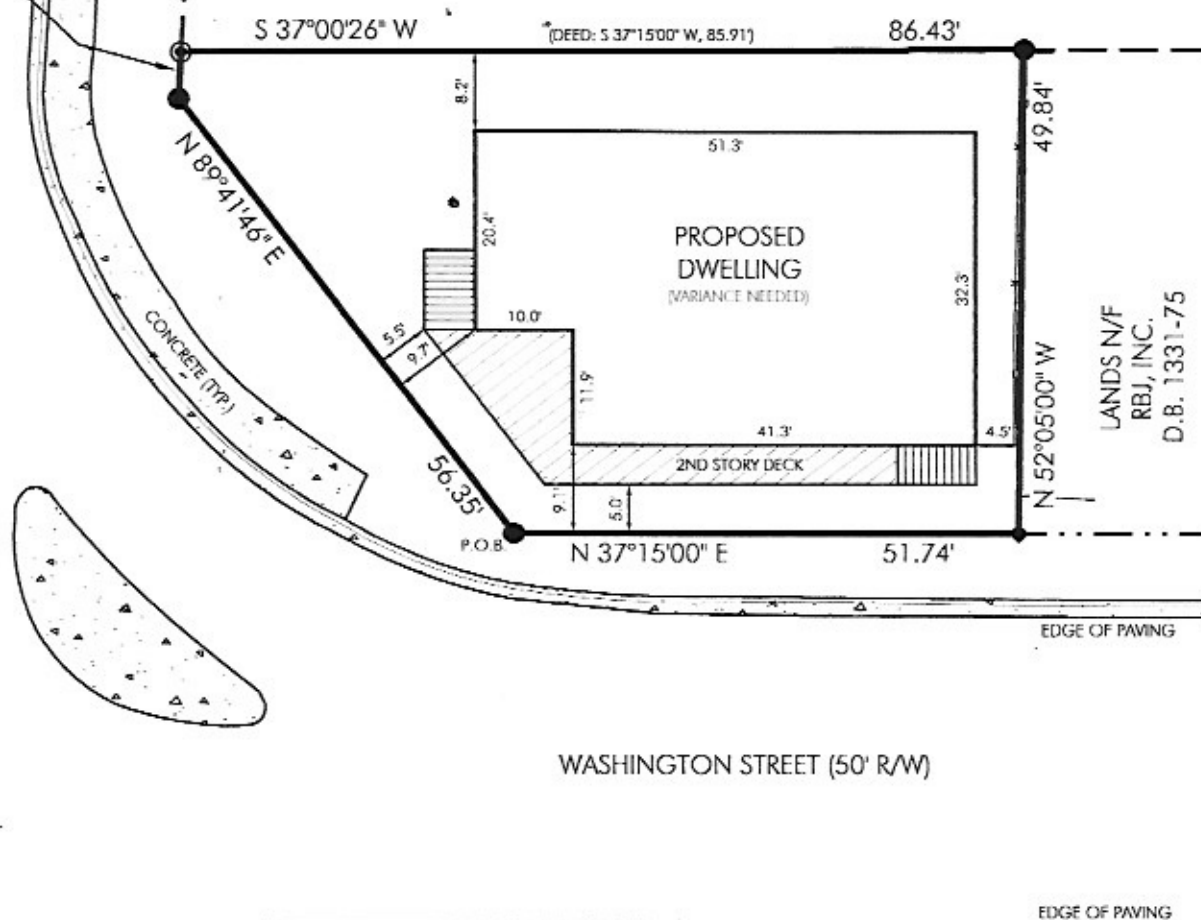
- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries



$R=2,779.93'$
 $\Delta=00^{\circ}05'57''$
 $L=4.81'$
 $C=4.81'$
 $BRG=S\ 49^{\circ}51'54''\ E$

LANDS N/F
 THE REHOBOTH INN
 D.B. 2221-180

SOUTHBOUND LANE COASTAL HIGHWAY / DELAWARE ROUTE 1 (R/W VARIES)



WASHINGTON STREET (50' R/W)

EDGE OF PAVING

LEGEND:

- IRON PIPE (FOUND)
- ⊙ PUNCH HOLE IN METAL DISK (FOUND)
- ◆ "PK" NAIL (SET)

NOTES:

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"WORKING VERSION" PROPOSED CONDITIONS PLAN FOR 20469 WASHINGTON STREET

REFERENCE: DEED BOOK 1465, PAGE 219

TOTAL AREA: 3,522 SQ. FT.

NORTHERN PORTION OF LOT #15 OF

"REHOBOTH MANOR" SUBDIVISION

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

AUGUST 26, 2020* SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302.226.2229 phone

302.226.2239 fax

2103A Coastal Highway

Delmar Beach, DE 19971









**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

Case # 12516
Hearing Date 1/25/21
202013233

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-42

Site Address of Variance/Special Use Exception:

20643 Daisey Rd., Rehoboth Beach, Delaware- Lot 48

Variance/Special Use Exception/Appeal Requested:

See Attached Sheet

Tax Map #: 334-19.12-38.02

Property Zoning: GR

Applicant Information

Applicant Name: 20643 Daisey Rd, LLC (c/o Ray Patton)

Applicant Address: 519 Glenchester Street

City Houston State TX Zip: 77079

Applicant Phone #: (713) 818-3054 Applicant e-mail: rayvpatton@yahoo.com

Owner Information

Owner Name: SAME AS APPLICANT

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: William Schab, Esquire

Agent/Attorney Address: 9 Chestnut Street

City Georgetown State DE Zip: 19947

Agent/Attorney Phone #: (302) 856-9024 Agent/Attorney e-mail: bill@fwsslaw.com

Signature of Owner/Agent/Attorney

W Schab

Date: 10/21/20



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.

(See Attached Sheet)

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.

(See Attached Sheet)

3. Not created by the applicant:

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

(See Attached Sheet)

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.

(See Attached Sheet)

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.

(See Attached Sheet)

20643 Daisey Road

Variances Requested:

The property in question in this application (Lot 48) is an undersized, legal, non-conforming, improved lot in a development of non-conforming lots. The applicant is a LLC whose sole member is a trust of Carolyn V. Patton. [Mrs. Patton and her husband, Ray, also own the adjoining property - Lot 47 - but in their personal names.] In this application, the applicant wishes to adjust the common boundary line between the two lots as shown on the attached survey. The lot line adjustment will reduce the front footage of Lot 48 from 75.54' to 64.22', thus requiring a variance of 11.32'. Lot 48 is presently 7,246 sq. ft. in size. With the lot line adjustment, it will be reduced to 6,656 sq. ft., thus requiring a variance of 589 sq. ft.

Uniqueness of the property: This is a very unique situation. There are two adjacent, undersized, legal, non-conforming, improved lots owned by the same people (but in different names). The Pattons wish to make one lot (Lot 48) a little more non-conforming and the other lot (Lot 47) a little less non-conforming. [They also wish to further improve Lot 47 and a variance application pertaining to that lot is being filed simultaneously with this application.] Because Lot 48 is already less than 10,000 sq. ft. in size and because the front footage is presently 75', the variances being requested are needed because, if they are granted, Lot 48 will be more non-conforming than it is presently.

Cannot otherwise be developed: There is no possibility that Lot 48 (or Lot 47) can be improved in conformity with the provisions of the Sussex County zoning ordinances because, as stated above, both lots are presently improved and non-conforming.

Not created by the applicant: Lot 47 and Lot 48 were both undersized, legal, non-conforming, improved lots when purchased by the Pattons. They bought Lot 47 in June of 2013 and Lot 48 in July of 2017.

Will not alter the essential character of the neighborhood: The only properties that will be impacted in any way by this variance application are Lot 47 and Lot 48, both owned by the Pattons. The attached pictures show the area in question and confirm that the requested change in the location of the boundary line between the two lots will not adversely affect any other properties or really even be noticeable.

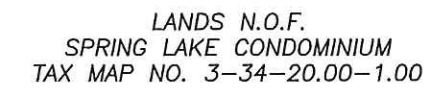
Minimum variance: The variances being requested, if granted, will not adversely affect Lot 48 or other properties and they represent the minimum variances that will afford the Pattons the relief needed so as allow Lot 47 to be more readily improved and maintained. The variances will also make Lot 47 less non-conforming and will give the Pattons the minimum additional space they need on the front and side of Lot 47 to make that property, which they intend to expand and keep as a residence, more useable.





NOTES:

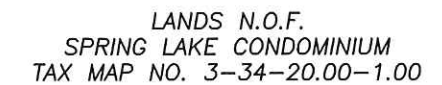
- ✓ 589-5FVpn
Needed



ATZ Working File

NOTES:

- LOT (46)



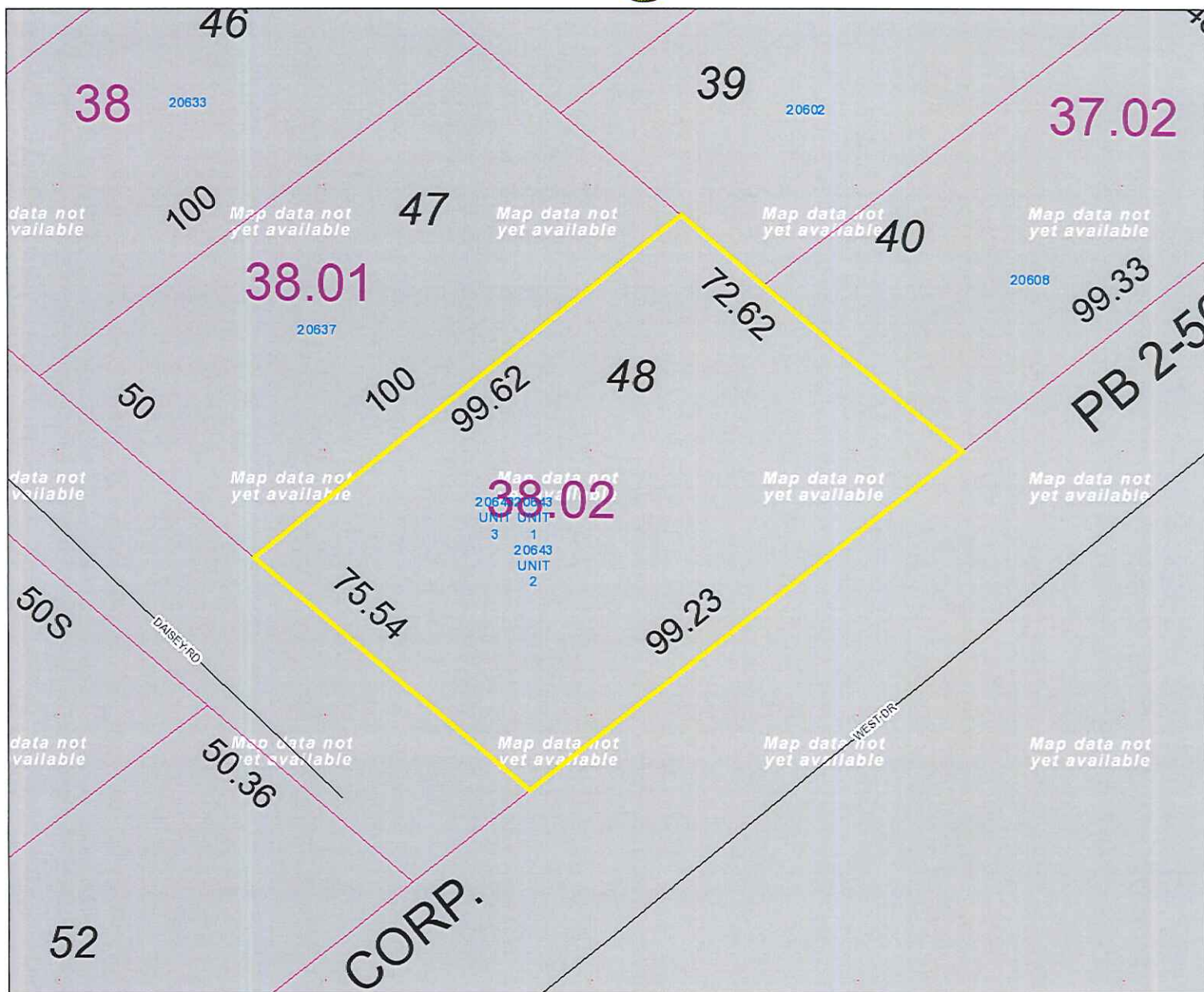
Prepared By
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
WWW.ADAMSKEMP.COM

R.B. Kemp, III
R.B. KEMP, III, P.L.S. 541

FOR PROPERTY KNOWN AS
LOT 47 & LOT 48, SUBURBAN DEVELOPMENT CORPORATION
PLOT BOOK 2, PAGE 53
(A.K.A. 20637 & 20643 DAISEY ROAD)
SITUATED IN
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
AREA: 12,140± SQUARE FEET (TOTAL)
SCALE: 1" = 20'
DATE: MAY 21, 2020; REVISED: JULY 22, 2020

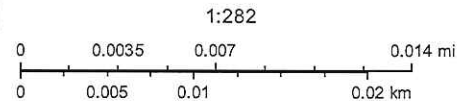


Sussex County



PIN:	334-19.12-38.02
Owner Name	20643 DAISEY ROAD LLC
Book	4747
Mailing Address	519 GLENCHESTER DR
City	HOUSTON
State	TX
Description	SUBURBAN DEV CORP
Description 2	LOT 48
Description 3	
Land Code	

- polygonLayer
- Override 1
- polygonLayer
- Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments
- Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Approx. Watershed Boundary



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

Case # 12518
Hearing Date 11/25
202015554

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:

19287 Coastal Highway Rehoboth DE 19958

Variance/Special Use Exception/Appeal Requested:

Previous BDA Approvals - 10739 & 11748

3rd Renewal of SUE for tent over a 3 day period

Tax Map #: 3-34-13.20 Parcel 1325.04 Property Zoning: Commercial

Applicant Information

Applicant Name: Furniture & More

Applicant Address: 19287 Coastal Highway

City Rehoboth State DE Zip: 19971

Applicant Phone #: 302 226-5900 Applicant e-mail: athompson53@comcast.net

Owner Information

Owner Name: _____

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Deborah Thompson

Date: 12/4/20



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.

temporary tent twice a year

-
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)

temporary tent twice a year
10 days surrounding Memorial Day & Labor Day
5 yr. permit

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

SITE

**COMMERCIAL
BUILDING**

1 1/2 STORY
COMMERCIAL
BRICK/METAL
BUILDING

- CONCRETE MONUMENT (FOUND)
- IRON PIPE (FOUND)
- POINT
- ▢ CATCH BASIN
- ⊕ SEWER MANHOLE
- † STOP SIGN
- ELECTRIC BOX
- ☎ TELEPHONE BOX
- ★ LIGHT POLE
- ⊗ WATER METER
- ✕ FIRE HYDRANT
- MAIL BOX
- ✕ CLEANOUT
- ▢ DDH CONTROLS
- TRANSFORMER

B.M. #2
CONCRETE MONUMENT
EL. 27.58 (NAVD 88)
NORTHING: 264108.182
EASTING: 740010.148

LOCATION SURVEY FOR
CENTURIAN PLAZA L.L.C.
TOTAL AREA: 1.4631 ACRES

SCALE: 1" = 30'

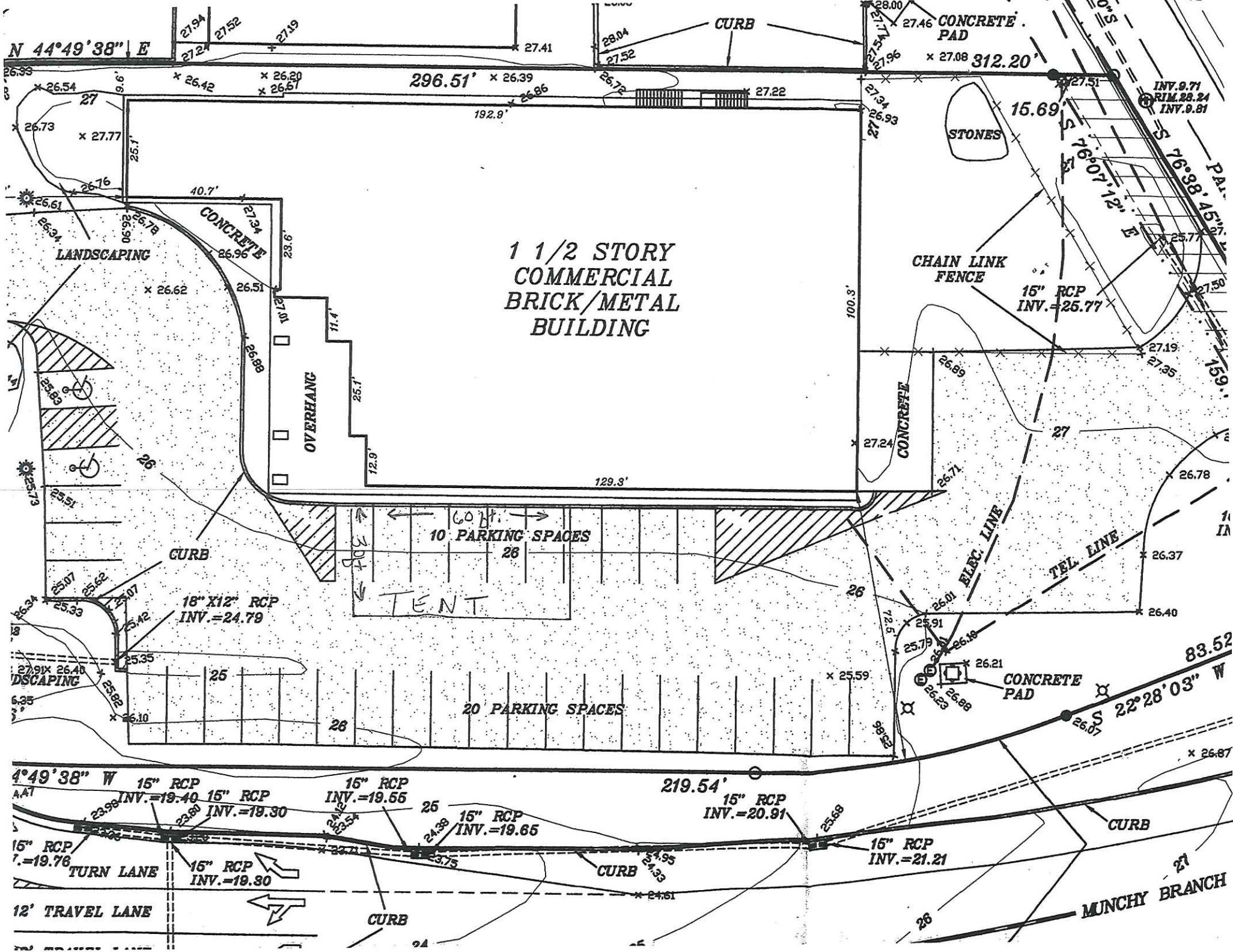
REVISION 5/19/10
CORRECTED RCP SIZE
18" TO 15"

MILITARY
LEWIS, INC.
LAND SURVEYING
34313 PEPPERS CORNER RD.
FRANKFORD, DELAWARE 19945

SUBURBAN SURVEY

PHONE 302 541 5850
FAX 302 541 5751

HUNDRED LEWES & REHOBOTH	COUNTY SUSSEX
STATE DELAWARE	DRAWN BY K MARTIKYAN
REF. P.D. 35-74	DWG NO. 3-34-13-325.04



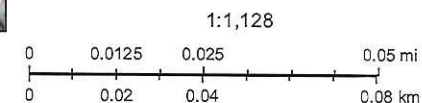


Sussex County



PIN:	334-13.00-325.04
Owner Name	SEASIDE PLAZA LLC
Book	4142
Mailing Address	1050 INDUSTRIAL RD STE
City	MIDDLETOWN
State	DE
Description	N/RT 1
Description 2	S/RT 270A
Description 3	N/A
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FURNITURE AND MORE

(Case No. 11748)

A hearing was held after due notice on April 4, 2016. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for tents for a special purpose exceeding three (3) days.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for tents for a special purpose exceeding three (3) days. This application pertains to certain real property located on northeast corner of Coastal Highway and Munchy Branch Road (911 Address: 19287 Coastal Highway, Lewes); said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-325.04. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a copy of the Findings of Fact for Case No. 10739-2010, a survey of the Property dated May 19, 2010, a letter from Lawrence Lank to the Applicant, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received one letter in opposition to the Application and no letters in support of the Application.
3. The Board found that Deborah Thompson was sworn in and testified regarding the Application.
4. The Board found that Ms. Thompson testified that the Applicant was previously approved for this use in 2010. The tent will be located in the same location and used during the same dates as previously approved.
5. The Board found that Ms. Thompson testified that the tents are used during Memorial Day and Labor Day Weekends. The tent will be erected seven (7) days prior to Memorial Day Weekend and Labor Day Weekend and will be removed seven (7) days after the stated weekends.
6. The Board found that Ms. Thompson testified that there will be no change in the use of the tents.
7. The Board found that Ms. Thompson testified that there have been no complaints in the last five (5) years.
8. The Board found that Ms. Thompson testified that the tent will be solely for retail purposes.
9. The Board found that Ms. Thompson testified that there is adequate parking available during the time the tent is used.
10. The Board found that Ms. Thompson testified that there is no additional signage on the tent or the Property.
11. The Board found that Ms. Thompson testified that the location of the tent does not block any other businesses or signage.
12. The Board found that Ms. Thompson testified that the use has not and will not substantially adversely affect the uses of the neighboring and adjacent properties.
13. The Board found that Michael Vasilikos was sworn in to testify about the Application. Craig Aleman, Esquire, represented Mr. Vasilikos and stated that, since the request is the same as the prior approval, his client has no opposition

to the Application. Mr. Aleman previously submitted a letter opposing the request but withdrew this opposition.

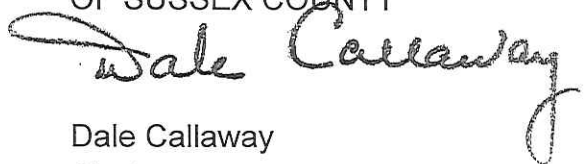
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the tent will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The Applicant owns a furniture retail store and wishes to hold tent sales during Memorial Day and Labor Day weekends. The Applicant has held such sales on the Property for the past five years.
 - b. The Applicant intends to erect the tent seven (7) days before and seven (7) days after each of those holiday weekends on an annual basis.
 - c. The Applicant has used the tent for a special purpose in the same location for the same period of time as proposed for each of the past five years and the Applicant has not received any complaints related to the tent.
 - d. A neighbor who previously had concerns about the tent withdrew its objection after hearing the Applicant's testimony and reviewing the record.
 - e. The tent will not block the visibility of any neighboring businesses or signs.
 - f. The Applicant will still have adequate parking even with the tent in place.
 - g. The tent will be used only on a temporary basis during limited times of the year.
 - h. The approval is conditioned on the following:
 - i. The tent shall be no larger than 30 feet by 60 feet in size.
 - ii. The tent shall be placed on the south side of the building on the Property as shown on the survey dated May 19, 2010, submitted by the Applicant.
 - iii. The approval is valid for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) years with conditions finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved with conditions for a period of five (5) years. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date May 17, 2016.

**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

Case # 12517
Hearing Date 11/25/11
202013 232

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-42 115-182
115-183 115-185

Site Address of Variance/Special Use Exception:

20637 Daisey Rd., Rehoboth Beach, Delaware- Lot 47

Variance/Special Use Exception/Appeal Requested:

See Attached Sheet

Tax Map #: 334-19.12-38.01

Property Zoning: GR

Applicant Information

Applicant Name: Ray and Carolyn V. Patton

Applicant Address: 519 Glenchester Street

City Houston State TX Zip: 77079

Applicant Phone #: (713) 818-3054 Applicant e-mail: rayvpatton@yahoo.com

Owner Information

Owner Name: SAME AS APPLICANT

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: William Schab, Esquire

Agent/Attorney Address: 9 Chestnut Street

City Georgetown State DE Zip: 19947

Agent/Attorney Phone #: (302) 856-9024 Agent/Attorney e-mail: bill@fwsslaw.com

Signature of Owner/Agent/Attorney

[Signature]

Date: 10/21/20



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.

(See Attached Sheet)

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.

(See Attached Sheet)

3. Not created by the applicant:

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

(See Attached Sheet)

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.

(See Attached Sheet)

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.

(See Attached Sheet)

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.

(See Attached Sheet)

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)

(See Attached Sheet)

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

20637 Daisey Road

Variances Requested:

This property in question in this application (Lot 47) is an undersized, legal, non-conforming, improved lot in a development of non-conforming lots. The front yard setback for this property is 30'. As shown on the attached survey, the front right corner of the existing home is 17.3' from Daisey Road and the front left corner is 21.9'. A variance of 12.7' from the 30' front yard setback is needed. The existing shed should be 5' from the rear property line and it is 3.5'. A variance of 1.5' is needed.

The survey and the attached pictures show a fence on the property line between this lot (Lot 47) and the adjacent lot (Lot 48) and an enclosure for garbage cans near Daisey Road. No variance is being sought for the enclosure because it is not a permanent structure – it can easily be moved or removed. The fence will either be moved or removed if the applicants, who also own Lot 48, are granted the variances being requested for that lot.

Uniqueness of the property: The existing home does not comply with the required front yard setback of 30'. When their property was purchased in 2013, it was uninhabitable. It was totally renovated in the same front and side footprint, with a new addition in the rear. There was also a dilapidated shed in approximately the same location as the existing shed. The existing shed which was built for the Pattons by the same contractor who renovated the house. The Pattons have decided to keep this home for their personal use so they intend to make further renovations by (in addition to other things that would not require a variance) enclosing the existing front screened porch and then building another room on top of that porch (see attached picture). To do these renovations, they must obtain a variance from the 30' front yard setback requirement so as not to expand upon an existing setback encroachment.

As for the shed, it was built on-site, it is large (see pictures), and it would be difficult and expensive to move to comply with the rear yard setback requirements. The Pattons did not know that the shed was built too close to the rear property line until the property was surveyed for this variance application. When they learned that this new shed was built too close to the rear property line, they also learned that their contractor had forgotten to get a building permit for it. That permit will be obtained prior to a hearing on this application.

Cannot be otherwise be developed: The original home was not built in conformity with the provisions of the existing Sussex County zoning ordinances. The applicants do not want to change the footprint of that part of the home which is too close to the front property line but they do want to be able to enclose the front porch and build another room on top of that porch. They do not wish to move the shed to a different location but instead leave it where it is presently (and where the old one was).

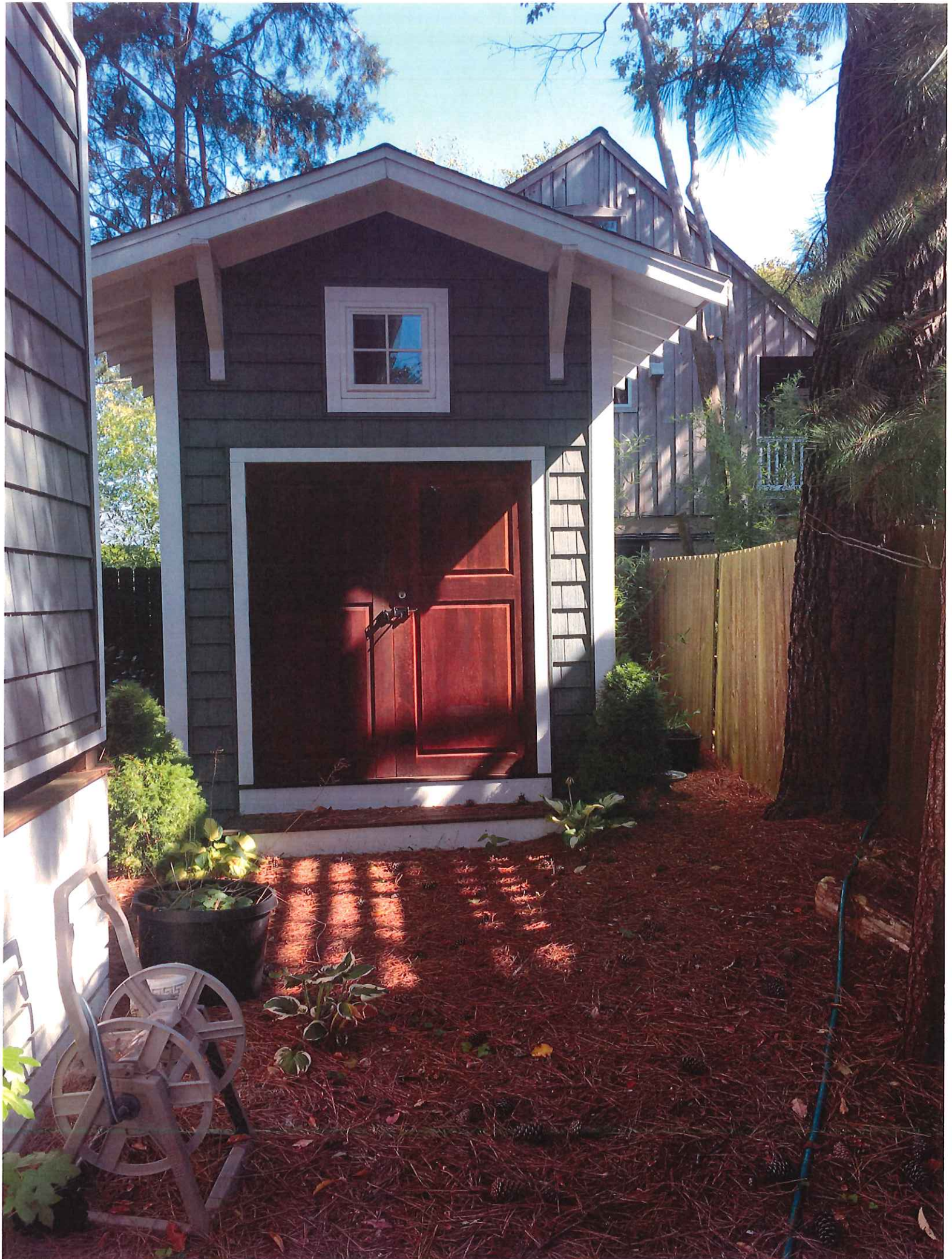
Not created by the applicant: The applicants purchased this home in its present location in 2013. They owned the property when the old shed was removed and the new one built and, while they believe that the new shed is where the old shed was, they are not certain. However, they are certain that it would be a hardship to move the new shed which, as the pictures show, is bordered by fences.

Will not alter the essential character of the neighborhood: Both the home and a shed have been on the property for a long time in their present locations and neither has had any adverse effect on any other properties. Therefore, granting the variances will not adversely affect other properties.

Minimum variance: The variances being requested represent the minimum variances that will afford relief and will represent the least modification possible of the zoning ordinances in question. The applicants are requesting that they be able to leave the existing structures in their present locations but, as explained above, a variance is also needed so they can expand their home upward.







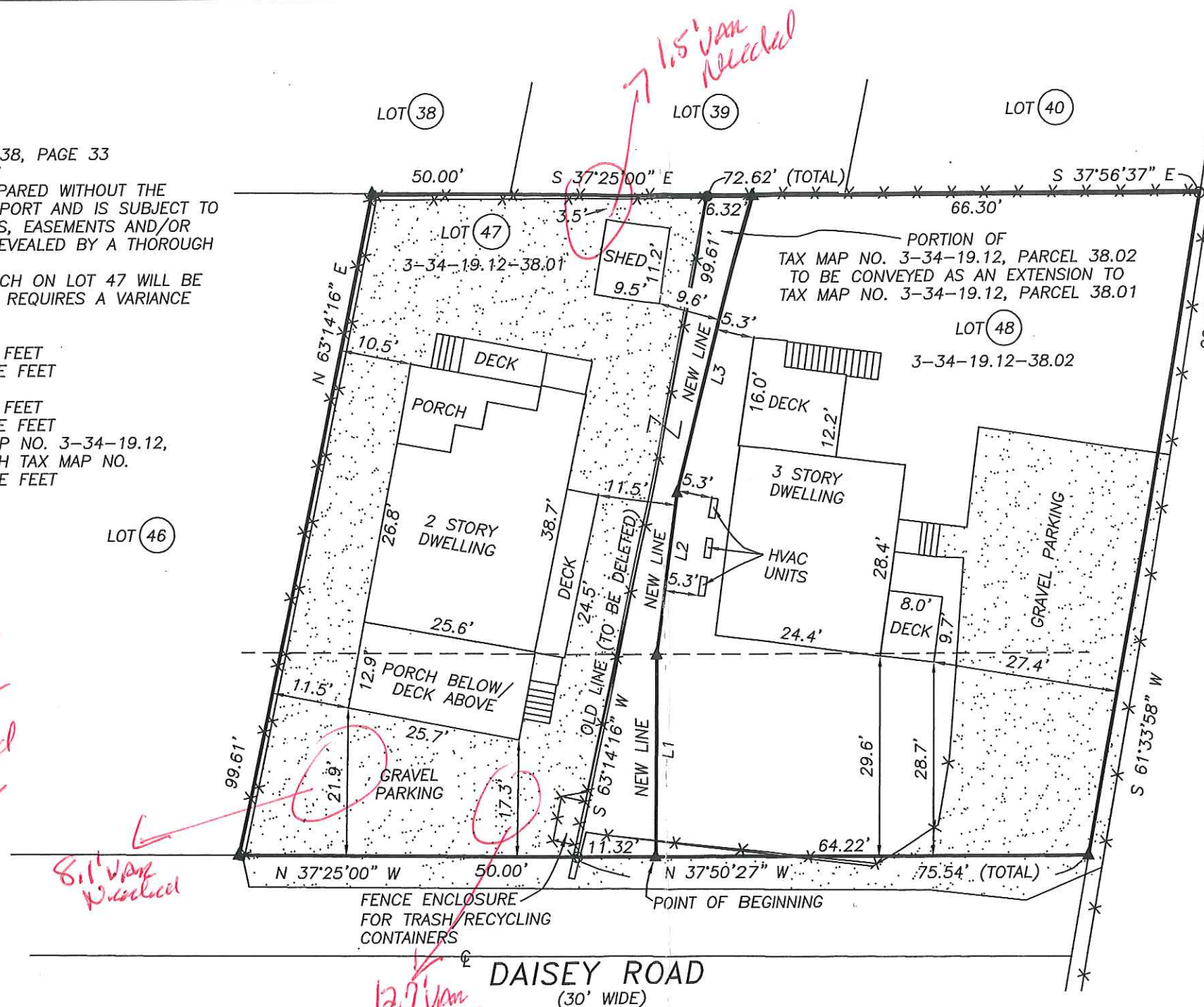
LINE	BEARING	DISTANCE
L1	N 52°09'33" E	30.00'
L2	N 59°45'35" E	24.08'
L3	N 66°10'35" E	45.24'

NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 4138, PAGE 33 AND DEED BOOK 4747, PAGE 297
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) THE DECK ABOVE THE FRONT PORCH ON LOT 47 WILL BE CONVERTED TO LIVING SPACE AND REQUIRES A VARIANCE FROM THE FRONT SETBACK.
- 5) TAX MAP NO. 3-34-19.12-38.01
CURRENT AREA: 4,895± SQUARE FEET
PROPOSED AREA: 5,484± SQUARE FEET
- 6) TAX MAP NO. 3-34-19.12-38.02
CURRENT AREA: 7,245± SQUARE FEET
PROPOSED AREA: 6,656± SQUARE FEET
- 7) AREA TO BE TAKEN FROM TAX MAP NO. 3-34-19.12, PARCEL 38.02 AND COMBINED WITH TAX MAP NO. 3-34-19.12-38.01: 589± SQUARE FEET

*Area Setbacks
30-Ft Front
10-Ft Sides
10-Ft Rear
Setbacks for Shed
5' Side & rear*

Dodge Blt in K&S



LANDS N.O.F.
SPRING LAKE CONDOMINIUM
TAX MAP NO. 3-34-20.00-1.00

LEGEND:

- FOUND IRON BAR
- FOUND IRON PIPE
- ▲ SET IRON BAR

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
WWW.ADAMSKEMP.COM

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

R.B. KEMP, III, P.L.S. 541

LOT LINE ADJUSTMENT SURVEY PLAN

PREPARED FOR

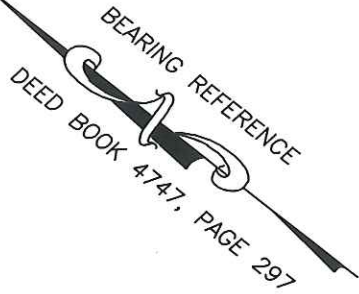
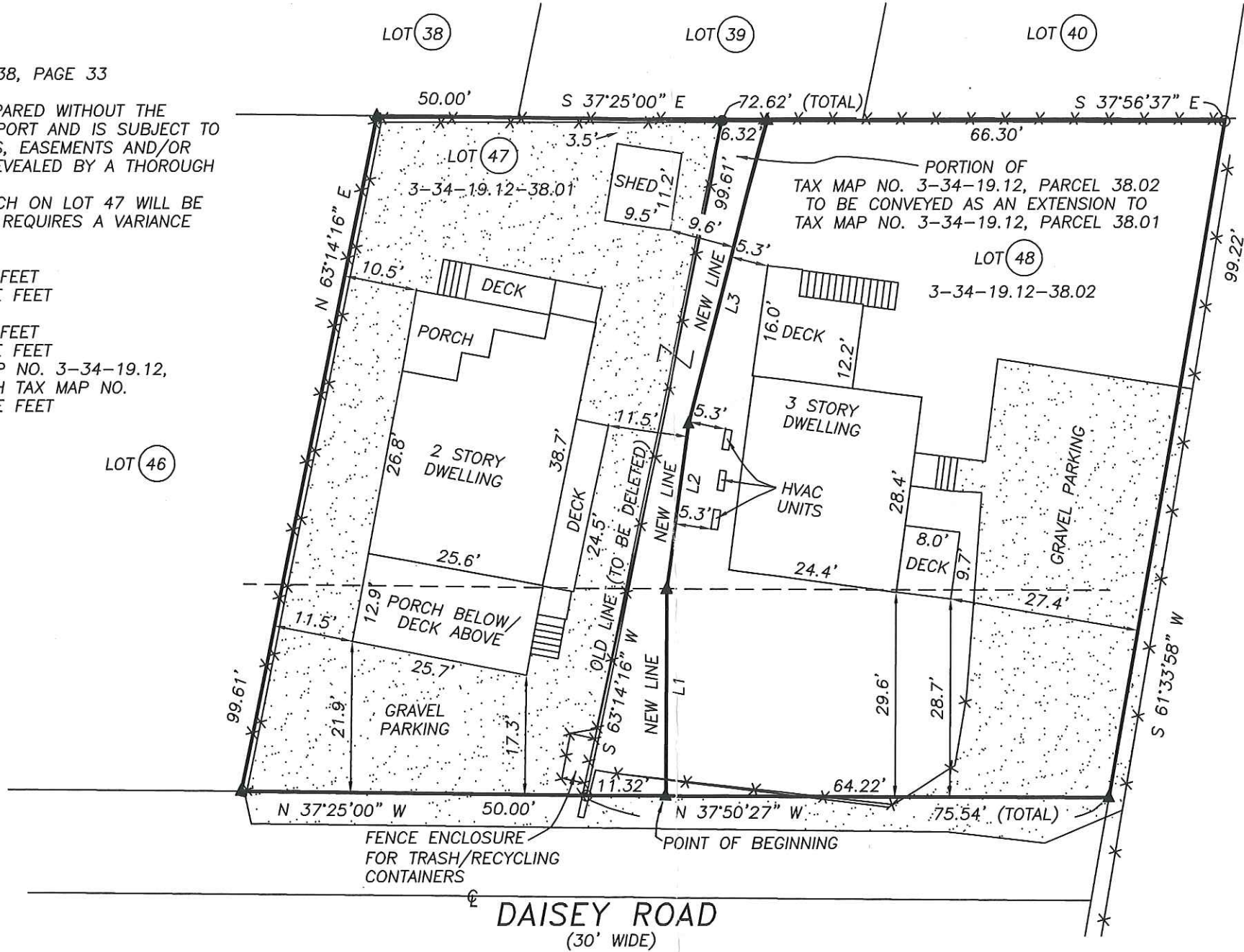
**RAY PATTON & CAROLYN V. PATTON
& 20643 DAISEY ROAD, LLC**

FOR PROPERTY KNOWN AS
LOT 47 & LOT 48, SUBURBAN DEVELOPMENT CORPORATION
PLOT BOOK 2, PAGE 53
(A.K.A. 20637 & 20643 DAISEY ROAD)
SITUATED IN
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
AREA: 12,140± SQUARE FEET (TOTAL)
SCALE: 1" = 20'
DATE: MAY 21, 2020; REVISED: JULY 22, 2020

LINE	BEARING	DISTANCE
L1	N 52°09'33" E	30.00'
L2	N 59°45'35" E	24.08'
L3	N 66°10'35" E	45.24'

NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
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PROPOSED AREA: 5,484± SQUARE FEET
- 6) TAX MAP NO. 3-34-19.12-38.02
CURRENT AREA: 7,245± SQUARE FEET
PROPOSED AREA: 6,656± SQUARE FEET
- 7) AREA TO BE TAKEN FROM TAX MAP NO. 3-34-19.12, PARCEL 38.02 AND COMBINED WITH TAX MAP NO. 3-34-19.12-38.01: 589± SQUARE FEET



LANDS N.O.F.
SPRING LAKE CONDOMINIUM
TAX MAP NO. 3-34-20.00-1.00

LEGEND:

- FOUND IRON BAR
- FOUND IRON PIPE
- ▲ SET IRON BAR

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
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AND PLANNERS
217 SOUTH RACE STREET
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PHONE: (302) 856-6699
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I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

R.B. Kemp, III

R.B. KEMP, III, P.L.S. 541

LOT LINE ADJUSTMENT SURVEY PLAN

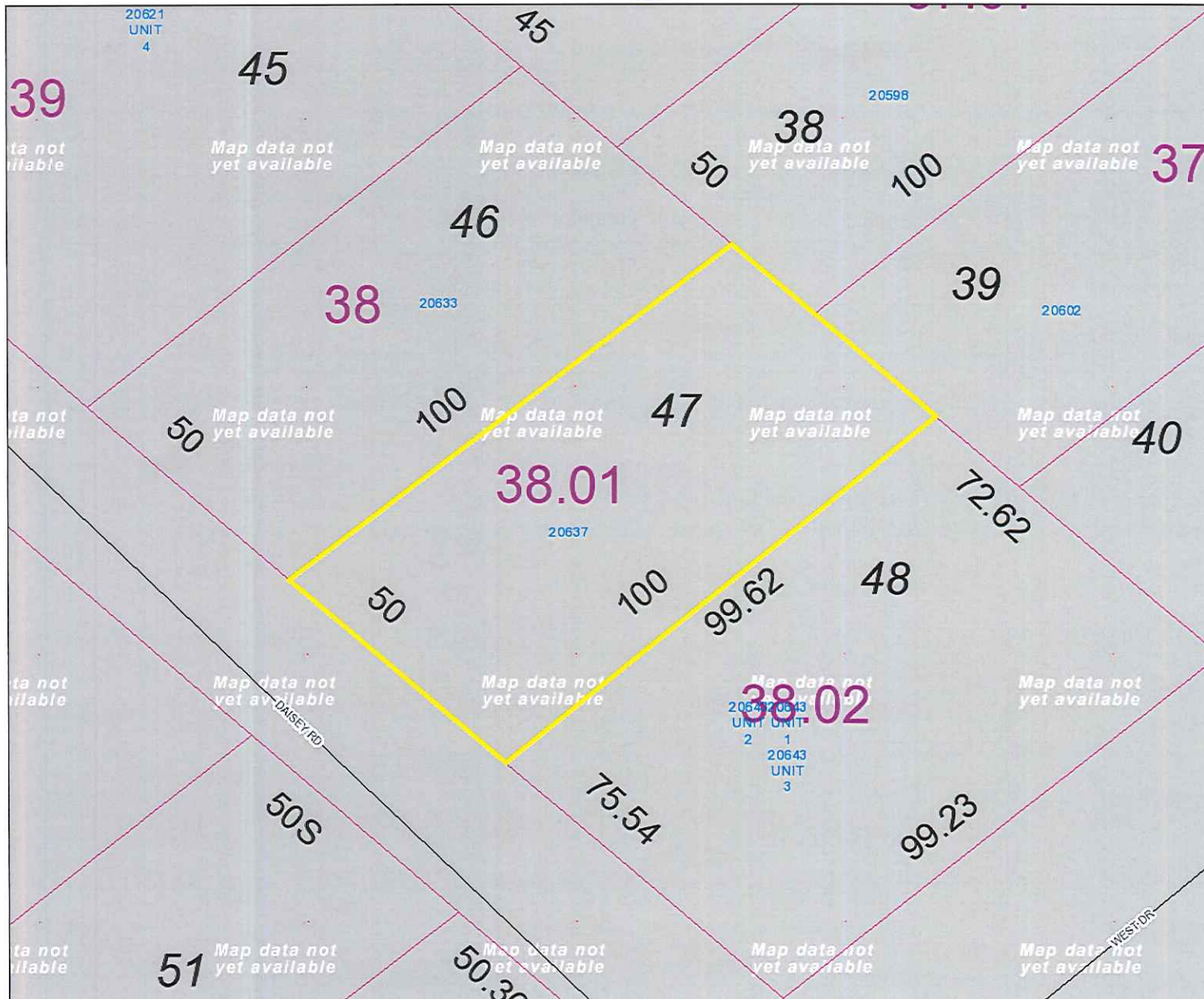
PREPARED FOR

RAY PATTON & CAROLYN V. PATTON
& 20643 DAISEY ROAD, LLC

FOR PROPERTY KNOWN AS
LOT 47 & LOT 48, SUBURBAN DEVELOPMENT CORPORATION
PLOT BOOK 2, PAGE 53
(A.K.A. 20637 & 20643 DAISEY ROAD)
SITUATED IN
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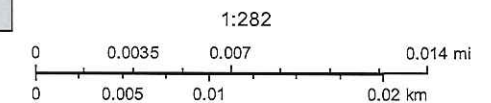


Sussex County



PIN:	334-19.12-38.01
Owner Name	PATTON RAY
Book	4138
Mailing Address	519 GLENCHESTER STREET
City	HOUSTON
State	TX
Description	SUBURBAN DEV COR
Description 2	LOT 47
Description 3	
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments
- Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Approx. Watershed Boundary



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

Case # 12519
Hearing Date 1/25
202014781

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☒
Code Reference (office use only)
115-34 115-182

Site Address of Variance/Special Use Exception:

South Shore Drive Extension

Variance/Special Use Exception/Appeal Requested:

Requesting 5' Variance from 20' sep btwn units

Tax Map #: 134-2-4 & 3.01 15.00

Property Zoning: MR

Applicant Information

Applicant Name: Krystal Waltman
Applicant Address: 24 South Broad Street
City Lititz State PA Zip: 17543
Applicant Phone #: 717-669-0975 Applicant e-mail: KKWaltman8@gmail.com

Owner Information

Owner Name: Krystal Waltman
Owner Address: 24 South Broad Street
City Lititz State PA Zip: 17543 Purchase Date: _____
Owner Phone #: 717-669-0975 Owner e-mail: KKWaltman8@gmail.com

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Krystal Waltman

Date: Nov 20, 2020



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.

Due to the unique building restrictions prohibiting modular and stick built homes and requiring mobile homes space is limited. Height restrictions limit options of second story additions. Marsh land/wet lands prohibit a different placement of the home. Easement on the property further limits options on placement of home.

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 fact that the Martins home on lot 41 will be 10 ft off their property line, the 20 ft required separation is difficult to adhere to with the size of the mobile home. Placing it catcomed would not look pleasing to the eye. Marsh lands and environmental issues do not allow for placement of home in a different formation.

3. Not created by the applicant:

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

mobile homes are limited in width to 28 feet wide. Space can only be added to the length, which is what we would like to do, to be able to better meet our family needs. We did not create the subdivision of these lots or the conditions or constraints.

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.

Our goal is to make these HUD mobile homes look great to compliment both sides of the community. We plan to add cedar shakes and metal roofing. This 5 ft variance should in no way be detrimental to the community.

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.

We are requesting a small 5 ft. variance, which would help greatly with the least modification possible.

Lauren DeVore

From: Krystal Waltman <kkwaltman@icloud.com>
Sent: Friday, November 20, 2020 10:10 AM
To: Lauren DeVore
Subject: IMG_4796.jpeg

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.



Sent from my iPhone

BK: 4916 PG: 41

'SOUTH SHORE SUBDIVISION'
LOT 29

STONE GARDEN

S. SHORE DR.

EDGE OF PAVING

S 77°41'02" E 80.63'

S 77°41'02" E 101.72'

EDGE OF PAVING

N 15°25'23" E
11.33'

S 77°41'02" E 38.67'

EDGE OF PAVING
N 14°47'43" E 71.00'

LOT 47
7,015 SQ.FT.±

LOT 41
8,287 SQ.FT.±

CLAMSHELL DRIVE
ONTO LOT 47

EDGE OF MARSH

64.71'

N 86°18'13" W

N 83°47'38" W 50.00'

S 04°28'34" W
38.74'

LOT 51

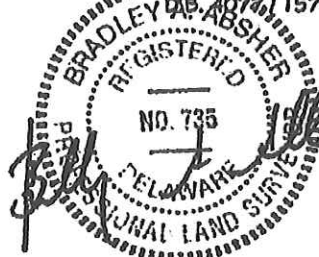
EXISTING
BULKHEAD

Recorder of Deeds
Scott Dailey
Jul 10, 2018 03:23P
Sussex County
Doc. Surcharge Paid
N/P

BLAINE T. PHILLIPS JR.

04/06/18 2.00 - 5.00

04/06/18 157



NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. BOUNDARY LINES AS SHOWN PER PLAT BY LAND TECH ENTITLED "SANITARY SEWER EASEMENT" RECORDED IN PLAT BOOK 96, PAGE 137 & BASED ON A PLAT BY LAND TECH LAND SURVEYING, LLC ENTITLED "LANDS OF JOSEPH SIMPSON- REVISED SIMPSON'S MOBILE HOME PARK" DATED 04 / 12 / 06. THIS PLAT IS ALSO BASED ON A PLAT ENTITLED "LOT RECONFIGURATION PLAT FOR JOSEPH SIMPSON" DATED 01 / 11 / 13.

3. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, BASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

TAX MAP 1-34-2.00-4.00 (PART OF)

STATE DELAWARE

COUNTY SUSSEX

HUNDRED BALTIMORE

TOWN ---

AREA 15,302 ± SQ. FT.

DEED REF. 4077 / 157

PLAT REF. 96 / 137

DRAWN BY CJP

DATE 04 / 06 / 18

SCALE 1" = 30'

SURVEY# DE - 00220

BOUNDARY SURVEY PLAN

LOTS 41 & 47
REVISED SIMPSON'S MOBILE HOME PARK

FOR
DAVE DECRISTO

SHORE DRIVE EXT., BETHANY BEACH, DE. 19930

LEGEND

- IRON ROD W/ CAP FOUND
- IRON ROD W/ CAP SET
- ▲ PK NAIL SET
- ⊗ SEWER MANHOLE
- ⊙ SEWER CLEANOUT
- ⊞ ELECTRIC TRANSFORMER
- ⊕ CATV PEDESTAL

TRUE NORTH



LAND SURVEYING

118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 18970
DE 302-539-2488
MD: 410-430-2092

EXHIBIT "C" - SURVEY OF LOTS 41 & 47 SIMPSON'S MOBILE HOME PARK

ONLY PLANS INCORPORATING AN ORIGINAL ENCLOSED / RED SEAL & F. ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER
BK: 4916 PG: 41

SOUTH SHORE MARINA

S. SHORE DRIVE EXT.

S. SHORE DR.

LOT 51

'SOUTH SHORE SUBDIVISION'
LOT 23

STONE GARDEN

EDGE OF PAVING

EDGE OF PAVING

EDGE OF MARSH

EXISTING
BULKHEAD

Recorder of Deeds
Scott Dailey
Jul 10, 2018 03:23P
Sussex County
Doc. Surcharge Paid
N/F

BLAINE T. PHILLIPS JR.
N/F
04:200 - 5.00
04/10/157



NOTES

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LEGEND

- IRON ROD W/ CAP FOUND
- ⊙ IRON ROD W/ CAP SET
- △ PK NAIL SET
- ⊙ SEWER MANHOLE
- ⊙ SEWER CLEANOUT
- ⊙ ELECTRIC TRANSFORMER
- ⊙ CATV PEDESTAL

TRUE NORTH



LAND SURVEYING

118 ATLANTIC AVENUE, SUITE
OCEAN VIEW, DE 19970
DE 302-539-2488
MD 410-430-2092

TAX MAP	1-34-2.00-4.00 (PART OF)
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	15,302 ± SQ. FT.
DEED REF.	4077 / 157
PLAT REF.	96 / 137
DRAWN BY	CJP
DATE	04/06/18
SCALE	1" = 30'
SURV. NO.	00220

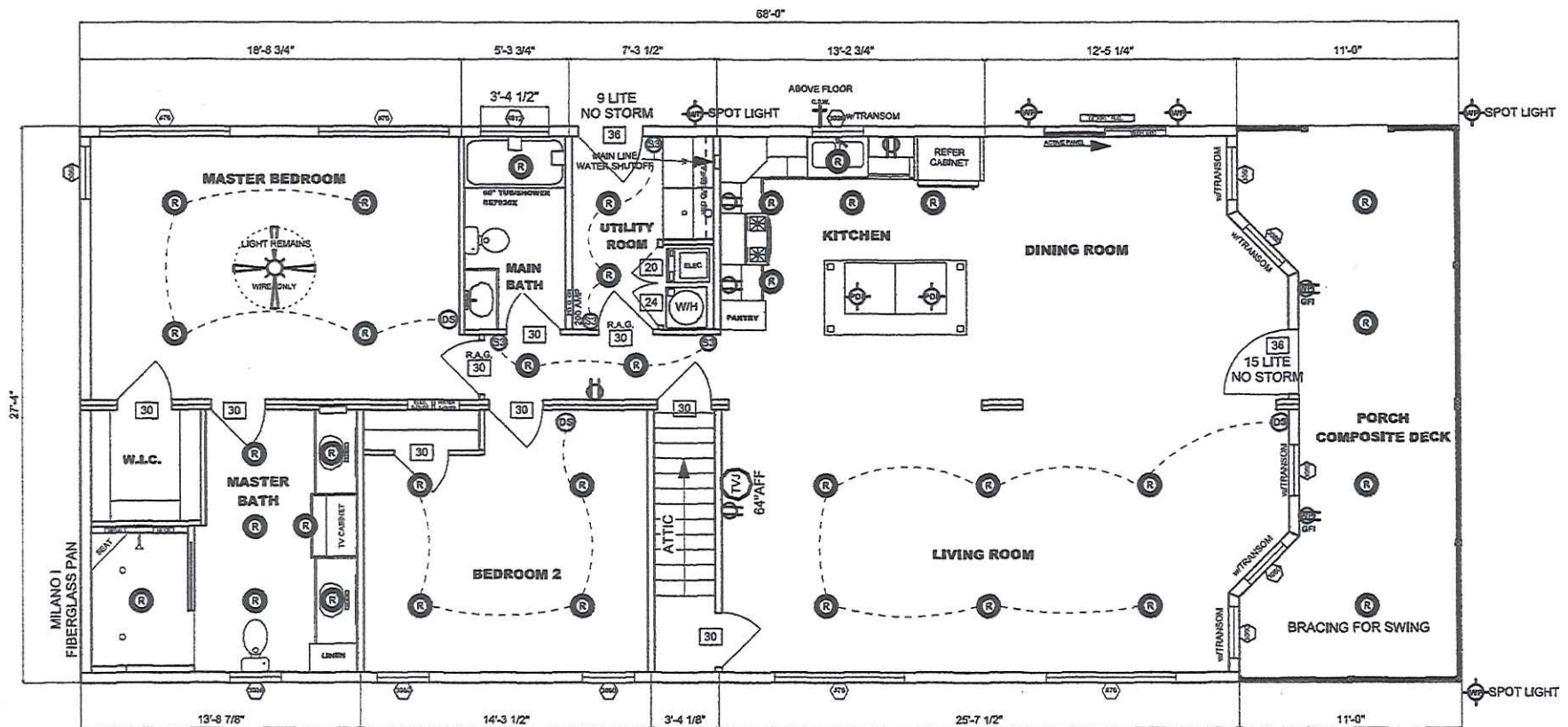
BOUNDARY SURVEY PLAN

LOTS 41 & 47
REVISED SIMPSON'S MOBILE HOME PARK

FOR
DAVE DECRISTO

SHORE DRIVE EXT., BETHANY BEACH, DE. 19930

DEVELOPER PACKAGE 8'8" WALLS



MANUFACTURER DISCLAIMER NOTICE:

PLEASE READ AND UNDERSTAND THE FOLLOWING INFORMATION.
PINE GROVE MFG. HOMES/PLEASANT VALLEY HOMES INC. DOES NOT DO ANY SITE WORK FOR HOMES.
IT WILL BE THE RESPONSIBILITY OF THE DEALER/SITE CONTRACTOR TO INSURE THAT ALL SITE WORK WILL CORRELATE WITH THE UNIT ORDERED.
NOTICE TO ALL HOME INSTALLERS: MANUFACTURED HOMES WEIGH SEVERAL TONS. DO NOT ATTEMPT TO INSTALL ANY HOME ON SITE WITHOUT HAVING EXPERIENCE, KNOWLEDGE, AND UNDERSTANDING OF ALL INSTALLATION REQUIREMENTS. FAILURE TO MEET THESE REQUIREMENTS MAY RESULT IN SERIOUS INJURY OR DEATH TO AN INEXPERIENCED INSTALLER. INSTALLERS: PLEASE READ AND UNDERSTAND THE SET-UP AND INSTALLATION MANUALS SUPPLIED WITH THE HOME BEFORE ATTEMPTING ANY INSTALLATION OF ANY MANUFACTURED HOME.

THIS PRINT MUST BE SIGNED AND RETURNED
TO PLEASANT VALLEY HOMES, INC.
BEFORE ANY ADDITIONAL DESIGNS/PRINTS
CAN BE PROVIDED.

authorized retailer rep. _____ date: _____



PINE GROVE
- HOMES
SINCE 1982

STD. PRODUCTION UNIT			
SALES CONFIRMATION			
SALES: JEFF	DEALER: JEFF		
DRAWN BY: LRS	DATE DRAWN: 11/13/20	MODEL #: 3846 29001	

SOUTH SHORE MARINA CONDOMINIUMS



Addresses / Parcels

TaxParcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance
Flood Hazard

A

AE

AO

Open Water

VE

Public Protected Lands

Municipalities

Communities

Boundaries State County

220.73 S SHORE DRIVE EXT

129.38

3.01

243.99

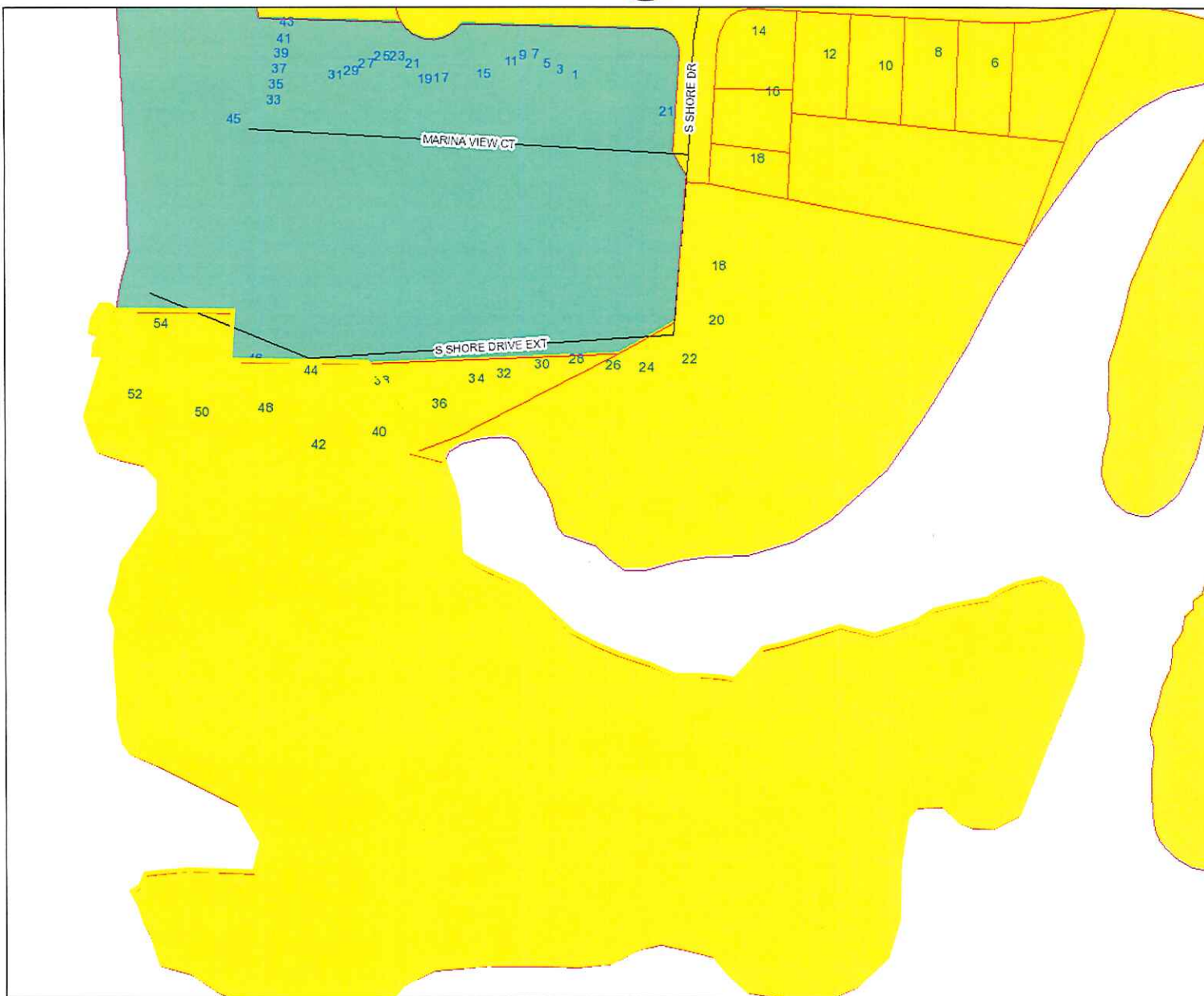
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County Map

0 37.5 75 150 225 300
Feet



Sussex County



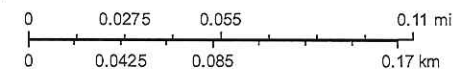
PIN:	134-2.00-4.00	
Owner Name	SIMPSON'S	LAND HOLDINGS LLC
Book	0	
Mailing Address	1001 ELKCAM BLVD	
City	COCOA	
State	FL	
Description	GIS TIEBACK	
Description 2	DUMMY ACCOUNT	
Description 3	N/A	
Land Code		

polygonLayer
Override 1

polygonLayer
Override 1

-  Tax Parcels
-  911 Address
-  Streets

1:2,257



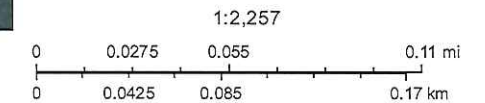


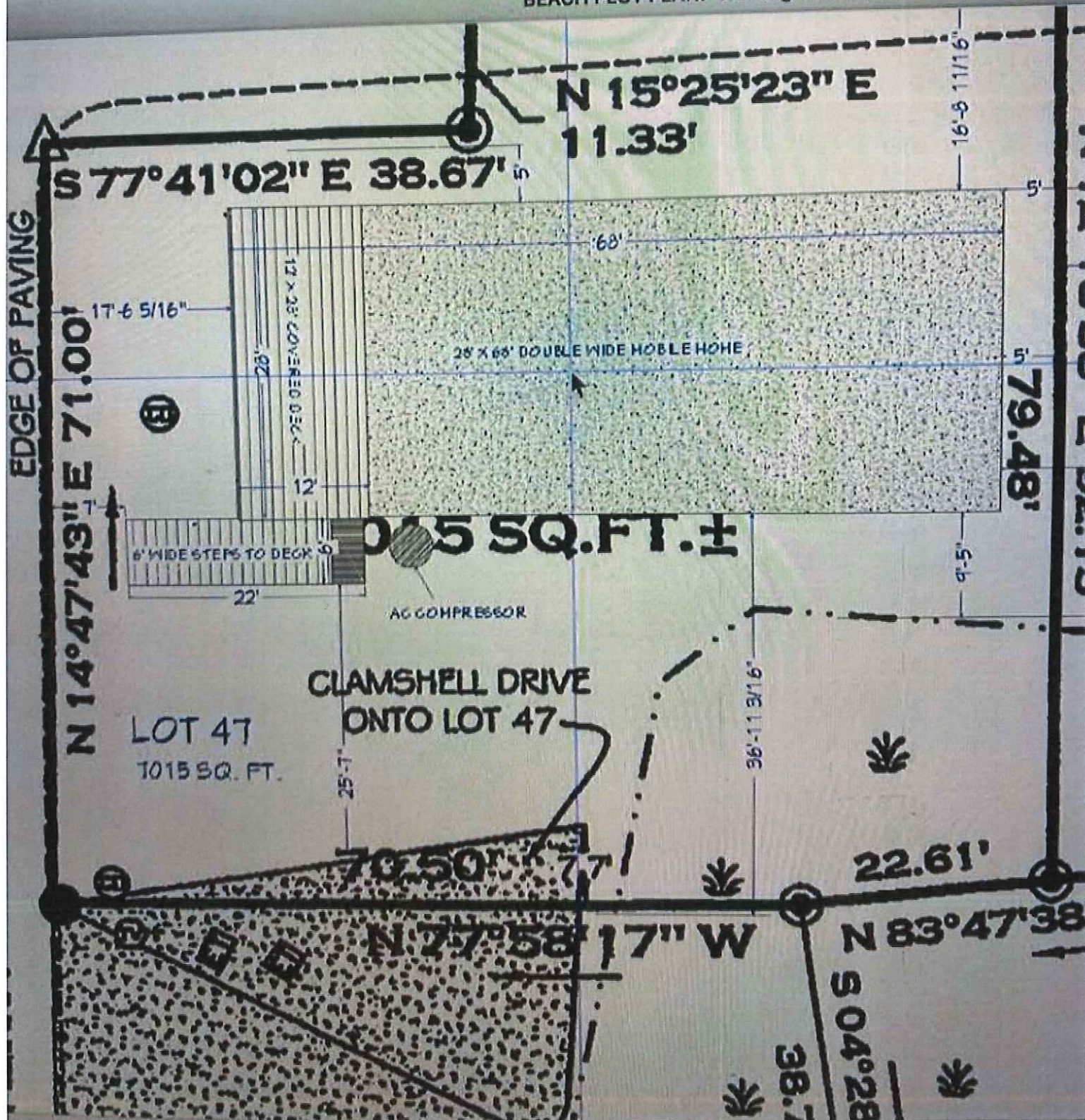
Sussex County



PIN:	134-2.00-4.00	
Owner Name	SIMPSON'S LAND HOLDINGS LLC	
Book	0	
Mailing Address	1001 ELKCAM BLVD	
City	COCOA	
State	FL	
Description	GIS TIEBACK	
Description 2	DUMMY ACCOUNT	
Description 3	N/A	
Land Code		

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





Thank you for your time in considering our variance request. We own lot 47 and our friends Bill and Kim Martin own lot 41. We are both actively making preparations to place mobile homes on these lots. There is a requirement that 20 ft of space separate the homes. This variance request is for permission for our mobile home to be 5 feet from the rear property line instead of the 10 ft standard requirement, allowing for 15 feet between the homes instead of 20.

Due to adhering to the requirement that Modular and Stick built homes cannot be placed on our lot 47, our option is a HUD mobile home. For this reason we are limited in the size of the mobile home. A mobile home option does not permit a second floor for additional living space, only a first floor option. A modular or stick build home would allow for more internal square footage. We would like to maximize the first floor space, and bring in a 68' foot mobile home. We have included a diagram of the home for you, as well as a survey. We have 6 children as well as grandchildren and require larger space when everyone visits. Owning this land is the culmination of a family dream, and we plan to make the homes very special by putting cedar shakes on the exterior!. Bill has added a written note below, to show that he has knowledge of this request, and is in approval of this variance. This variance would allow us to sit 5 feet further back on the front of the lot, aiding in both visibility and ease when entering and exiting the garage which will be entered from the front of the home. Bill Martin plans for the front of his mobile home to face the Blue Bridge, so the rear of the two mobile homes would be facing each other. Your consideration of our request is much appreciated.

Sincerely,
Jim and Krystal Waltman

To Whom it may concern!
I Bill Martin owner of the adjoining lot #41.
have no issue with the waltman's request
Thanks Bill G Martin

SITWORKS

ENGINEERING

January 11, 2021

Mr. Jamie Whitehouse
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

RECEIVED

JAN 11 2021

SUSSEX COUNTY
PLANNING & ZONING

RE: **Country Senior Living Tax Parcel # 330-15.00-33.01**
Time Extension Request for BOA Case 12320

Dear Mr. Whitehouse:

On behalf of the Country Rest Home, Inc., I am requesting a one-year extension to the Special Use Exception approval granted to the Country Rest Home, Inc. to operate a senior housing facility considered convalescent homes, nursing homes, and/ or homes of the aged on tax parcel 330-15.00-33.01. The 911 address is 18971 Johnson Road, Lincoln, DE. This matter was heard by the Board of Adjustment on June 17, 2019, and the Decision granting a Special Use Exception was signed August 6, 2019.

Soon after the Decision was signed, COVID-19 brought social, economic, and health related impacts to area. Those impacts have disproportionally affected the people who live in and businesses that operate senior housing facilities. The Applicant, Country Rest Home, Inc., has not been immune to hardships brought to us by COVID-19 and is requesting a one-year time extension to obtain approvals and start construction on the proposed facility. Work on the project was halted soon after the pandemic started due to uncertainty surrounding it.

The Applicant and Engineer have had discussions with DelDOT, DNREC, Sussex Conservation District, and the Delaware State Fire Marshal's Office about the proposed development and have clear direction on obtaining approvals needed for construction.

Your consideration in this matter is appreciated. Please let me know if you have any questions or concerns.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

Z:\PROJECTS\ICRHE1902 - Lincoln\RECORD DOCUMENTS\SC P&Z\210111 - Project Extension Request Letter\Country Senior Living - Extension Request Letter - BOA Case 12320.docx

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: COUNTRY REST HOME, INC.

(Case No. 12320)

A hearing was held after due notice on June 17, 2019. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a convalescent home, nursing home, and / or homes for the aged.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to operate a senior housing facility consisting of 30 single family cottage units and a building of approximately 50,000 square feet containing 15 single bedroom apartments and 25 two-bedroom apartments; these facilities being considered convalescent homes, nursing homes, and / or homes for the aged. This application pertains to certain real property located on the north side of Johnson Road approximately 0.48 miles east of Wilkins Road (911 Address: 18971 Johnson Road, Lincoln) said property being identified as Sussex County Tax Map Parcel Number 3-30-15.00-33.01.

1. The Board was given copies of the Application, a site data information sheet, variances maps, deeds, a survey of the Property dated April 11, 2019, a subdivision approval for Mission Estates and notice of voided approval, a letter from Joseph Wells regarding property values, pictures, letters of support, proposed findings of fact and conditions, a preliminary site plan dated June 14, 2019, 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 nine (9) letters in support of the Application and no correspondence in opposition to the Application.
3. The Board found that Mark Yoder, Jr., who is a member of the Applicant, and David Heatwole, who is the site engineer, were sworn in to give testimony about the Application. David Hutt, Esquire, presented the Application on behalf of the Applicant.
4. The Board found that Mr. Hutt stated that the proposed facilities will not substantially affect adversely the use of adjacent properties as the immediate uses are agricultural and residential.
5. The Board found that Mr. Hutt stated that the project will still be subject to agency approvals and site plan reviews following the approval of the special use exception. Agencies such as DelDOT, the Fire Marshal, and the Sussex Conservation District will all have input. Furthermore, the Applicant proposes, as a condition of approval, that preliminary and final site plan approval be obtained by the Planning & Zoning Commission.
6. The Board found that Mr. Hutt stated that the site consists of 32.6 acres. Christian Tabernacle Church is located directly opposite to the entrance of the Applicant's property and the Bayhealth Sussex campus is located nearby.
7. The Board found that Mr. Hutt stated that the site was previously approved for a 25 lot subdivision which was not developed because the approval expired.
8. The Board found that Mr. Hutt stated that Applicant operates Country Rest Home near Greenwood and this location is a logical place for a second facility as this is a growth area.

9. The Board found that Mr. Hutt stated that residents of the current Country Rest Home support the request and that neighbors also support the Application.
10. The Board found that Mr. Hutt stated that the soils are appropriate for this facility.
11. The Board found that Mr. Hutt stated that the facility will have a maximum of 50,000 square feet with 40 apartment style units. 15 units will be single-bedroom units and 25 units will be 2-bedroom units. The facility will be a single-story facility. The 30 cottage units will consist of 1,500 – 2,000 square feet each.
12. The Board found that Mr. Hutt stated that the facility will use well water and on-site septic but will need approval from DNREC.
13. The Board found that Mr. Hutt stated that the facility estimates 330 trips per day which is below the threshold required for a traffic impact study and that the facility does not have a large traffic impact.
14. The Board found that Mr. Hutt stated that the Property will have its own stormwater management facility to be approved by the Sussex Conservation District and the Applicant will use best management practices and best available technology.
15. The Board found that Mr. Hutt stated that there will be ample parking for visitors and residents and all lighting will be downward screened.
16. The Board found that Mr. Hutt stated that there has been a great population increase in Sussex County and that trend is expected to continue. Many new residents are older than 65 years old and this type of facility is needed.
17. The Board found that Mr. Hutt stated that the facility will provide a continuum of care and aging in place.
18. The Board found that Mr. Hutt stated that the facility is a residential-style use and will not dominate the landscape of the area.
19. The Board found that Mr. Hutt stated that a local realtor submitted a letter that the impact on property values would be neutral.
20. The Board found that Mr. Hutt stated that the facility is similar to other uses in the area.
21. The Board found that Mr. Hutt stated that the Applicant proposes a forested buffer of 30 feet along boundaries which is a similar boundary as if the property was a subdivision.
22. The Board found that Mr. Hutt stated that the Applicant would implement an agricultural use notice in all leases.
23. The Board found that Mr. Hutt stated that the noises from the facility are similar to noises from residential uses and that noises from agricultural uses are likely louder.
24. The Board found that Mr. Yoder and Mr. Heatwole affirmed the statements made by Mr. Hutt as true and correct.
25. The Board found that Mr. Hutt stated that there would be no forested buffer along the powerline easement due to maintenance needs and that there is a 150 foot easement for the powerline.
26. The Board found that Robert Layton was sworn in to give testimony in support of the Application. He lives at Country Rest Home and he testified that there is a need for this facility.
27. The Board found that Paul Reiger was sworn in to give testimony in opposition to the Application.
28. The Board found that two people appeared in support of and one person appeared in opposition to the Application.
29. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application met the standards for granting a special use exception because the facility will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Applicant proposes to operate an assisted living facility referred to as "convalescent homes, nursing homes, or homes for the aged" in the Sussex County Zoning Code on property consisting of 32.6 acres more or less.
- b. The proposed facility will contain no more than 30 single-family homes and a single-story building consisting of no more than 50,000 square feet containing 40 independent living units (15 single-family bedroom and 25 two-bedroom apartments) to allow for a continuum of care from independent to assisted living along with ancillary uses.
- c. The Property is located within a Developing Area on the Future Land Use Map in the 2018 Sussex County Comprehensive Plan, which are "newer, emerging growth areas that demonstrate the characteristics of developmental pressures." The Applicant designed this project to co-existing with the existing farming and residential uses in the area recognizing this emerging growth in the area due to the construction of the Bayhealth hospital and medical campus.
- d. The site is located in an Investment Level 3 area under the 2015 Delaware Strategies for State Policies and Spending, which areas "include lands adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2." This site is in close proximity to the new Bayhealth hospital which is an Investment Level 1 area and this proposed use complements the hospital and other medical uses that will surround the hospital.
- e. The site is zoned AR-1 (Agricultural Residential) under the Sussex County Zoning Code and assisted living facilities (referred to as "convalescent homes, nursing homes, or homes for the aged") are authorized at the time the Application was submitted as a special use exception in the AR-1 Zoning District.
- f. The Applicant operates facilities on Route 16 (Hickman Road) just outside Greenwood known as the Greenwood Country Retirement Community and the Country Rest Home. The Greenwood facilities are well established and have long been well regarded for the quality of the environment they provide.
- g. The facility will be served by private (on-site) wells for domestic and fire protection subject to the review and approval by the Department of Natural Resources and Environmental Control ("DNREC") and the Delaware Division of Public Health.
- h. The facility will be served by private (on-site) sanitary sewer treatment plant and disposal system subject to DNREC regulations governing the design, installation, and operation of on-site wastewater treatment and disposal systems.
- i. The site is located on Johnson Road, east of Lincoln and south of Milford. This is a typical rural area of Sussex County with a mixture of homes, residential subdivisions, a manufactured home community and some farming operations. Directly across the street from the site is the Christian Tabernacle Church. In addition, the new Bayhealth hospital and medical campus is located in close proximity to this site.
- j. The facility will provide options for individuals (primarily seniors) who need various degrees of care and supervision from independent living to in-home nursing care. The facility is an "aging in place" concept. The overall development provides older area homeowners with the option of staying at one facility as their needs may change over time. The goal is to provide a continuum of care at one location.
- k. The facility will contribute to serving the needs of older county residents for this type of residential alternative and there is a need for this type of facility.

- l. The Applicant proposes a thirty (30) foot forested buffer along all the boundaries of the site except its boundary with the adjacent power lines which will remain open for sanitary sewer and for access and maintenance of the power lines.
- m. The design and exterior of the facilities will be attractive and will integrate well with the surrounding properties as they will be similar to the existing structures and units at the Country Rest Home and the Greenwood Country Retirement Community.
- n. Owners of properties in the surrounding area are in support of the proposed facility.
- o. The nature of an assisted living facility is a quiet, residential use which does not generate noise, light, smells, or other nuisances associated with commercial or business uses which neighboring properties might find objectionable. No evidence to the contrary was submitted by the opposition.
- p. There was no evidence that there would be additional pollutants or negative environmental emissions from the proposed assisted living facility.
- q. The facility will have access from Johnson Road (SCR 207). All entrance and roadway improvements required by DelDOT for the facility will be the responsibility of the Applicant.
- r. There was also no evidence submitted into the record which demonstrated that the facility would have a substantial adverse effect on traffic in the neighborhood.
- s. The site has more than adequate room to provide the minimum number of parking spaces required by the Code along with additional parking spaces for times when friends and family members visit residents including peak times during the summer, vacation season, and holidays. No evidence was presented by the opposition that the parking associated with the facility would create a substantial adverse impact on neighboring and adjacent properties.
- t. The project will meet storm water management system regulations set forth by the Sussex Conservation District and DNREC through a combination of Best Management Practices ("BMP") and Best Available Technologies ("BAT").
- u. There was no evidence, particularly expert testimony, reports, or studies, presented by the opposition that the facility would have a substantial adverse effect on property values in the neighborhood.
- v. The Applicant has demonstrated that the proposed senior housing facility will not substantially affect adversely the uses of neighboring and adjacent properties.
- w. This approval is subject to the following conditions as proffered by the Applicant:
 - i. The assisted living facility shall contain no more than 30 single-family detached units and a building consisting of no more than 50,000 square feet containing no more than 40 units to allow for aging in place along with ancillary uses.
 - ii. The 40-unit facility shall be set back a minimum of seventy-five feet (75') from the rear property lines of the homes between the facility and Johnson Road.
 - iii. All entrances, intersections, inter-connection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements.
 - iv. The facility (including the single-family detached homes and the multi-unit building) shall be served by a privately operated, on-site sanitary sewer treatment plant and disposal system subject to the

Department of Natural Resource and Environmental Control's regulations governing the design, installation and operation of on-site wastewater treatment and disposal systems.

- v. The facility (including the single-family detached homes and the multi-unit building) shall be served by private on-site well(s) subject to the approval of the Delaware State Department of Natural Resources and Environmental Control and the Delaware Division of Public Health. The system shall be designed and installed to provide adequate drinking water and fire protection as required by applicable regulations.
- vi. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- vii. The Applicant shall provide agricultural buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice (3 *Del. C.* § 910) shall be included in all leases for units on the Property
- viii. The Applicant shall submit as part of the Site Plan Review a landscape plan showing the proposed tree and shrub landscape design. The Applicant shall provide a thirty foot (30') forested buffer along all boundaries of the Property except for the boundary adjacent to the power lines which shall remain open for sanitary sewer and maintenance of the power lines.
- ix. All fire safety and protection requirements, including, but not limited to fire lanes, fire hydrants and fire department connections, shall be reviewed, approved and installed according to the State of Delaware Fire Prevention Regulations.
- x. Preliminary and Final Site Plans shall be subject to the review and approval of the Planning & Zoning Commission.

The Board granted the special use exception application with conditions finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved with conditions. The Board Members in favor were Mr. Dale Callaway, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application with conditions. Ms. Ellen Magee did not participate in the discussion or vote on this Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Ellen M. Magee

Ellen M. Magee
Chair

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

Date August 6, 2019