

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

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

AGENDA

February 1, 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

Old Business

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

Public Hearings

Case No. 12520 – Dewey Beer Company seeks variances from the side yard setback requirements for a proposed structure (Sections 115-82 and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of Iron Throne Drive off Harbeson Road (Rt. 5) approximately 0.20 mile north of Lewes Georgetown Highway (Rt. 9). 911 Address: 21241 Iron Throne Drive, Milton. Zoning District: C-1. Tax Parcel: 235-30.00-21.00

Case No. 12521 – Care A Lot Child Development Center, LLC seek a special use exception to operate a day care center (Sections 115-80 and 115-210 of the Sussex County Zoning Code). The property is located on the south side of Long Neck Road directly across from Lingo Lane. 911 Address: 32564 Long Neck Road, Millsboro. Zoning District: C-1. Tax Parcel: 234-23.00-311.10



Case 12522 – Trevor Clark seeks a variance from the side yard setback requirements for proposed structures (Sections 115-34, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Ocean View Place within the White Creek at Bethany Subdivision. 911 Address: 30869 Ocean View Place, Ocean View. Zoning District: MR-RPC. Tax Parcel: 134-8.00-582.00

Additional Business

Discussion regarding Through Lots

**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 25, 2021 at 8:30 p.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://sussexcountyde.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://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Thursday, January 28, 2021

####



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 1/23
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 between 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 10ft off their property line, the 50ft required separation is difficult to adhere to with the size of the mobile home. Placing it closer 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 38 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 5ft 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 5ft. 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

'SOUTH SHORE SUBDIVISION'
LOT 28

STONE GARDEN

S. SHORE DR.

EDGE OF PAVING

1.8'

S 77°41'02" E 101.72'

48.50'

S 77°41'02" E 80.63'

EDGE OF PAVING

N 15°25'23" E
11.33'

S 77°41'02" E 38.67'

LOT 41

8,287 SQ.FT.±

EDGE OF PAVING

N 14°47'43" E 71.00'

LOT 47
7,015 SQ.FT.±

N 12°18'53" E 92.15'

EDGE OF MARSH

W 86°50'35" W
60.23'

SOUTH SHORE MARINA

S. SHORE DRIVE EXT.

CLAMSHELL DRIVE
ONTO LOT 47

64.71'

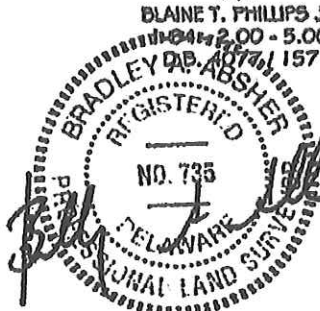
N 86°18'13" W

EXISTING BULKHEAD

22.61' 27.39' N 83°47'38" W 50.00'

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

N/P
BLAINE T. PHILLIPS JR.
2.00 - 5.00
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.

LEGEND

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

| | |
|-----------|--------------------------|
| 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 SIMPSONS MOBILE HOME PARK

FOR DAVE DECRISTO

SHORE DRIVE EXT., BETHANY BEACH, DE. 19930

TRUE NORTH

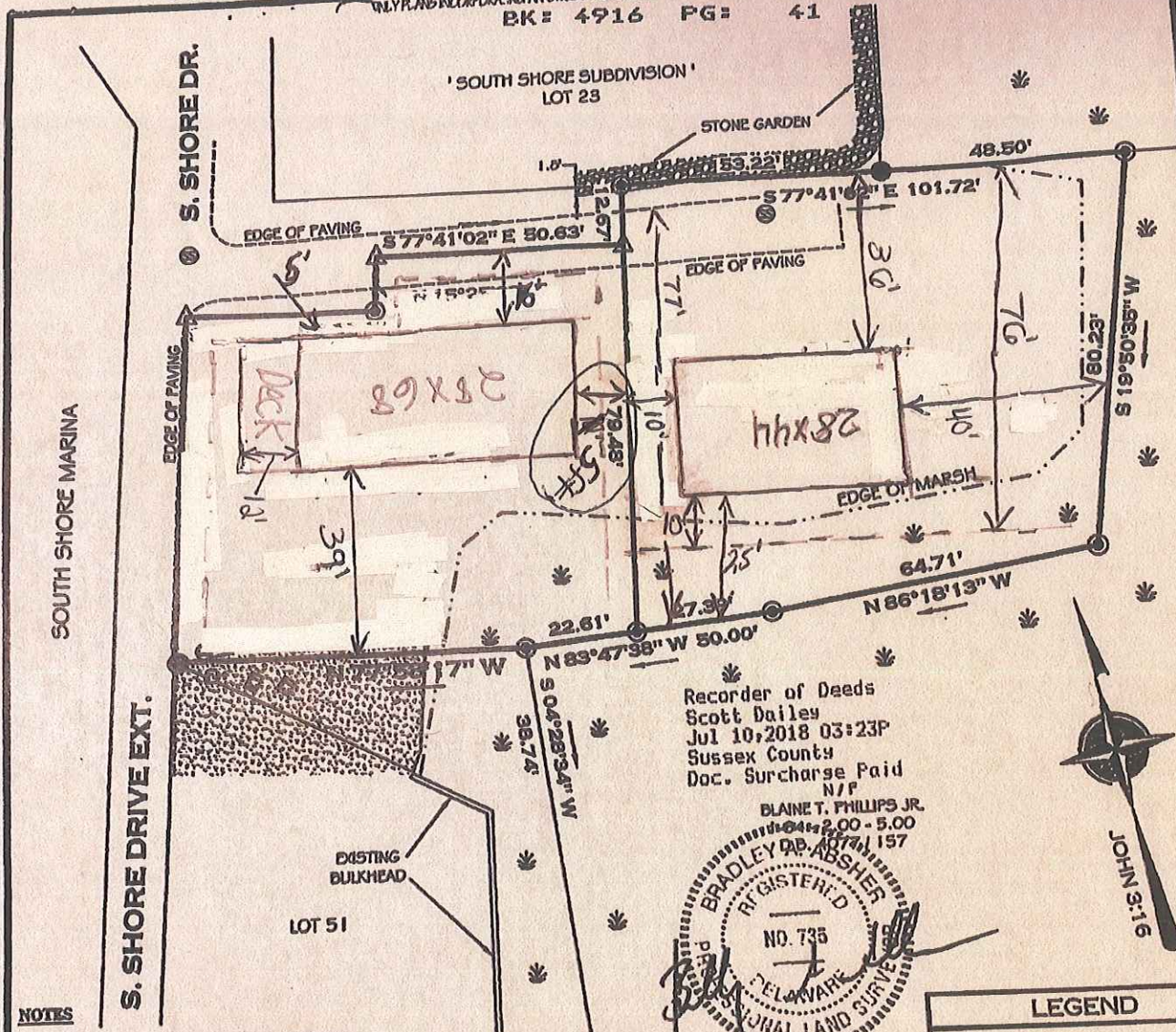


LAND SURVEYING

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

EXHIBIT "C" - SURVEY OF LOTS 41 & 47 SIMPSONS MOBILE HOME PARK

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



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
 BRADLEY D. ABBSHER
 REGISTERED
 NO. 735
 DELAWARE
 PROFESSIONAL LAND SURVEYOR



NOTES

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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, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

LEGEND

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

| | |
|-----------|--------------------------|
| 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 SIMPSONS MOBILE HOME PARK

FOR
DAVE DECRISTO

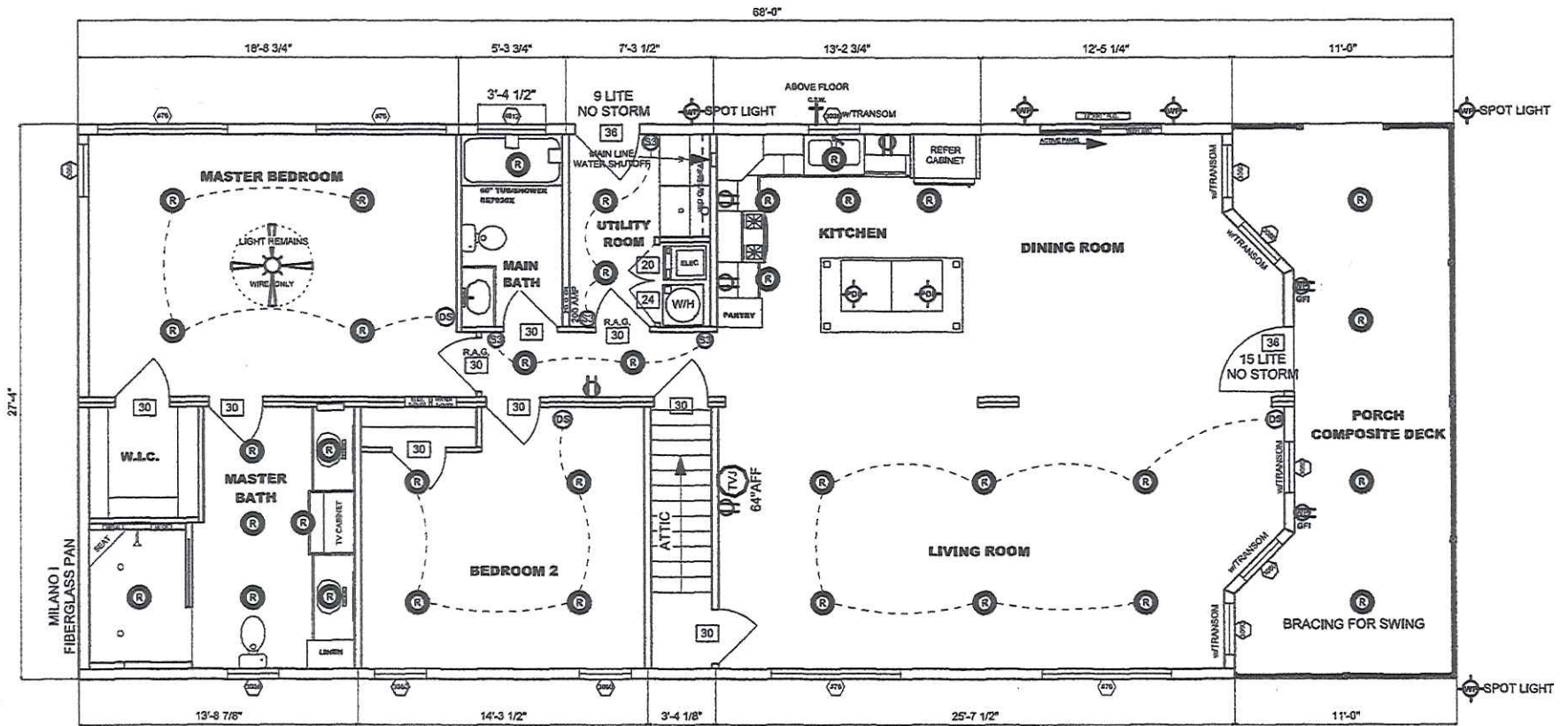
SHORE DRIVE EXT., BETHANY BEACH, DE. 19930

TRUE NORTH



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

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: _____

REVISIONS

NOTES



PINE GROVE
- HOMES
SINCE 1982

STD. PRODUCTION UNIT
DRAWING NAME: 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

S SHORE DRIVE EXT

220.73 S SHORE DRIVE EXT

129.38

3.01

243.99

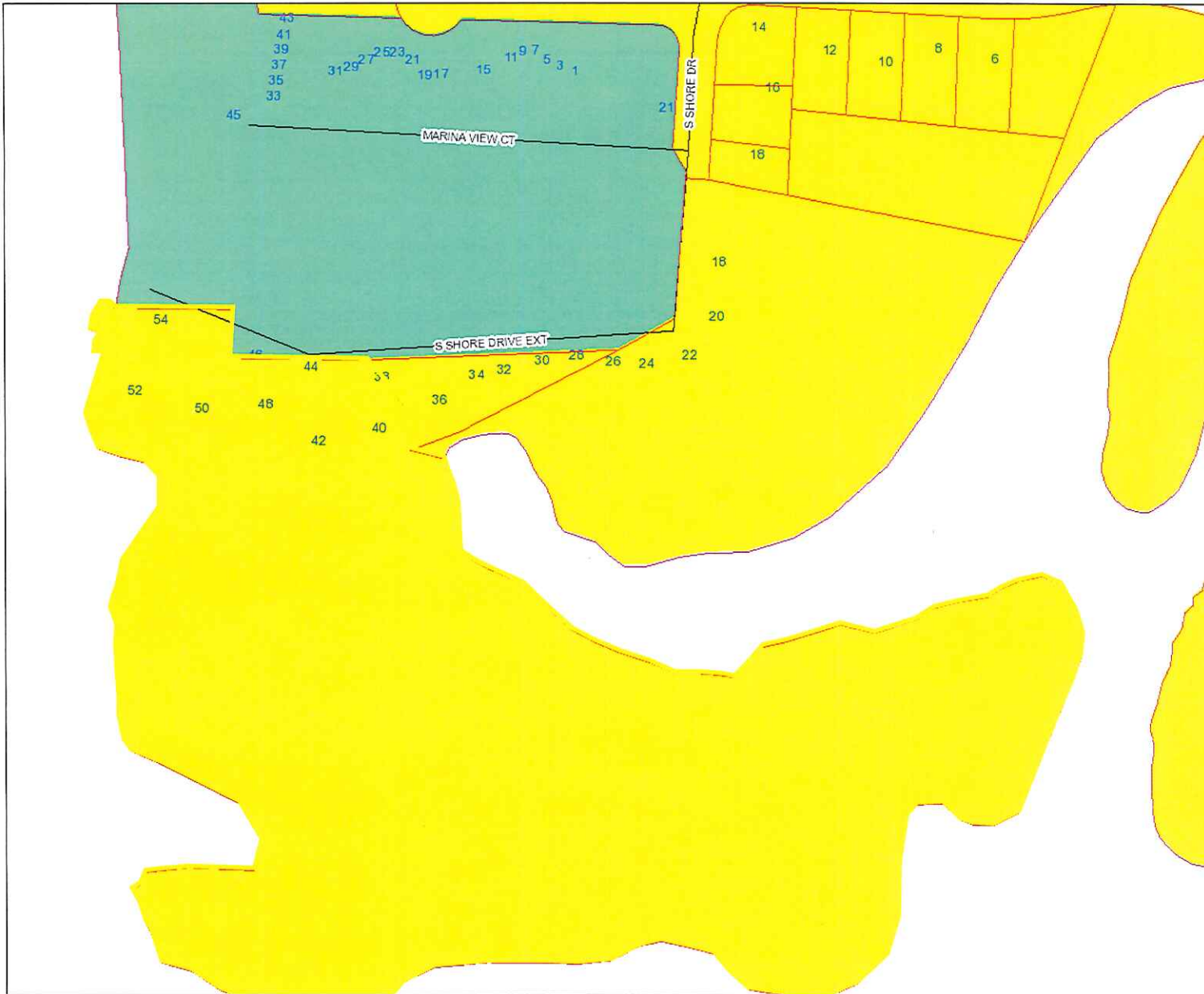
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County Map



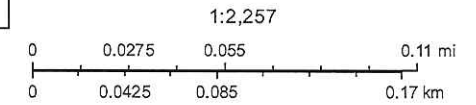


Sussex County



| | |
|------------------------|-----------------------------|
| 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



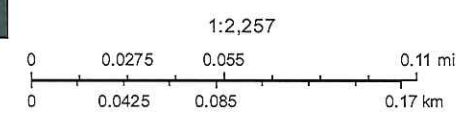


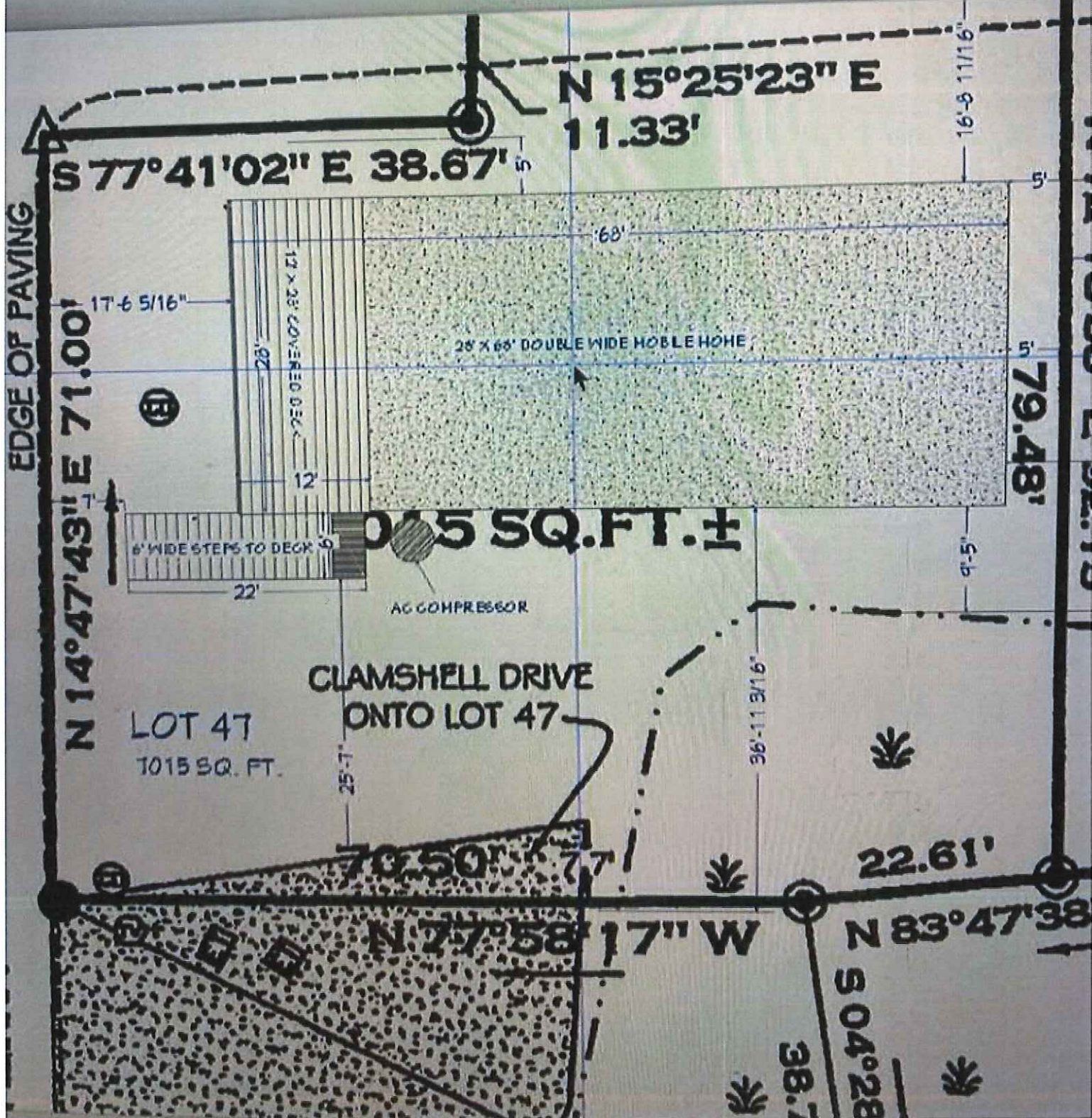
Sussex County

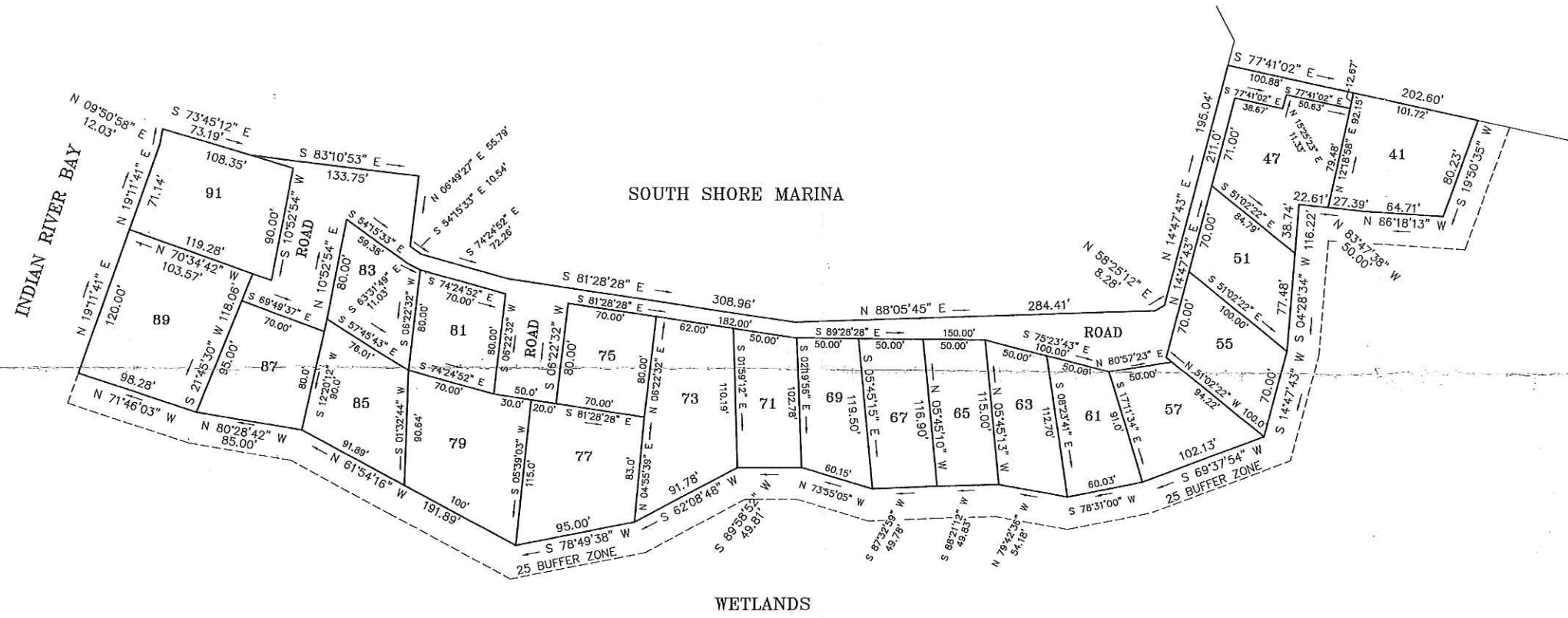


| | | |
|------------------------|------------------|-------------------|
| PIN: | 134-2.00-4.00 | |
| Owner Name | SIMPSON'S | LAND HOLDINGS LLC |
| Book | 0 | |
| Mailing Address | 1001 ELKCAM BLVD | |
| City | COCOA | |
| State | FL | |
| Description | GIS TIEBACK | |
| Description 2 | DUMMY ACCOUNT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

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





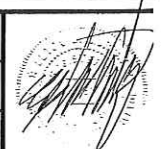




RECEIVED
 APPROVED
 AS REVISED AND LEASE HOLIDAY
 FOR LEASE LOTS ONLY
 MAY 26 2006
 L.S.L. & A.S.S. & C.
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION
 COM. OF SUSSEX COUNTY

This plat and survey does not verify the existence or non-existence of right-of-ways or easements on this property.

REVISED LOTS 41,43,45,47,49,51,53, & 55
 REVISION OF PLAT DATED: 6/7/90 BY PTER E. LOEWENSTEIN & ASSOCIATES, INC.
 NO FIELD VERIFICATION PERFORMED.
 SUBURBAN SURVEY
 FLOOD ZONE: VE 9' (COASTAL BARRIER)

| | | |
|---|--|---|
|  LAND SURVEYING, LLC <small>A DIVISION OF E.C.I. CORPORATION 552 ATLANTIC AVENUE, MILLVILLE, DELAWARE 19967 PHONE: (302) 537-8555 FAX: (302) 537-8556</small> | DRAWN BY: D.S. CHECK BY: E.M.M. FILE NAME: 06073 F.B. No. - T.M. No. 1-34-2-3.01 |  |
| | DATE: 5-16-06 SCALE: 1" = 50' | |
| LANDS OF: JOSEPH SIMPSON BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE | | |
| REVISED SIMPSON'S MOBILE HOME PARK | | |
| PROJECT No. 06073 |  | |
| SHEET No. 1 of 1 | | |
| DIV. No. B-756 | | |

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

Subject: Fwd: Hello from Your South Shore Beach Neighbors!
Date: Wednesday, January 20, 2021 at 4:58:00 AM Eastern Standard Time
From: Krystal Waltman
To: Krystal Waltman



Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: <mbmlaverty@cox.net>
Date: Sat, Jan 16, 2021 at 11:52 AM
Subject: Hello from Your South Shore Beach Neighbors!
To: <kkwaltman8@gmail.com>

SUPPORT EXHIBIT

Hi Krystal and Jim,

Happy New Year! We were excited to see the sign about your upcoming Sussex County Board Hearing since that means construction progress should soon be underway. We hope the house can be completed in time to let you enjoy some time at the beach this year.

The neighbors on the other side of your lot, Kathy and Terry, shared the information with us about the variances that have been requested. Brian and I have no objection to the variances being sought.

Since you are planning to build close to Bill's house, we are presuming that both homes will include several fire protection materials. Brian's experience in the construction industry has indicated that use of Type X Fire-Rated Drywall, CeDUR fire retardant cedar shakes, metal roofing, and fiber cement siding should provide great protection. If your builders include these materials, it should alleviate the concerns that the other neighbors have about possible fire hazard.

Good luck with the construction (remember we are in Lower Slower Delaware and this process may test your patience...that was certainly our experience but it is SO worth it in the end!) and we look forward to you joining us in the neighborhood soon.

Mary and Brian Laverty

(703) 501-9177

Applicant
Exhibit

SUPPORT EXHIBIT

Monday January 25, 2021

Attention Jamie Whitehouse:

I am writing in reference to Jim and Krystal Waltman's request for a variance at the Board of Adjustment meeting tonight at 6PM. The Waltmans are requesting a variance for their dwelling to sit 5 feet from the property line. The Waltmans own lot 47, and I own lot 41 directly behind them. I am fully in favor of this variance request. I am a builder/designer full-time in Lancaster PA and am very familiar with IRC Fire requirement codes. My dwelling will be placed 10 feet from our property lines and the homes will be 15 feet apart with variance approval. I am the property owner closest to the Waltman's home and I want to make a clear statement of approval, and record that as a professional in the building trade I am not concerned of fire issues and am in favor of their variance request. I will be happy to discuss this by phone if necessary and appreciate your taking the time to read my statement.

Regards,

Bill J Martin



Applicant
Exhibit

**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 # 12520
Hearing Date 2/11
202016111

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-82

115-183

Site Address of Variance/Special Use Exception:

21241 Iron Throne Drive, Milton, DE 19968 (Building 3)

Variance/Special Use Exception/Appeal Requested:

Request to reduce side yard setback in C-1 from residential parcel to 10' from 20' exclusively for location of mechanical equipment serving a brewery/microbrewery.

Tax Map #: 235-30.00-21.00

Property Zoning: C-1

Applicant Information

Applicant Name: Dewey Beer Company

Applicant Address: 2100 Coastal Hwy

City Dewey Beach State DE Zip: 19971

Applicant Phone #: (703) 901-2303 Applicant e-mail: mike@deweybeerco.com

Owner Information

Owner Name: Kings Landing at Harbeson LLC

Owner Address: 30030 Gatehouse Road Milton, DE

City Milton State DE Zip: 19968 Purchase Date: _____

Owner Phone #: (302) 542-9002 Owner e-mail: makowski0754@aol.com

Agent/Attorney Information

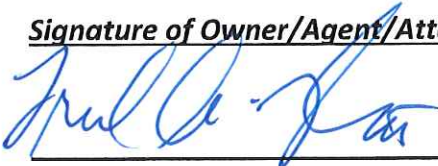
Agent/Attorney Name: Fred Townsend/ Hudson, Jones, Jaywork & Fisher

Agent/Attorney Address: 34382 Carpenters Way

City Lewes State DE Zip: 19958

Agent/Attorney Phone #: (302) 644-8330 Agent/Attorney e-mail: ftownsend@delawarelaw.com

Signature of Owner/Agent/Attorney



Date: 12.9.20



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.

Applicant is a tenant of a newly constructed pole building located just .6' beyond the 20' S/Y setback leaving inadequate room for HVAC and various other necessary mechanical equipment serving a small brewery/microbrewery. The site is located in a business park and the remaining sides of the building are not suitable locations for mechanical equipment.

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.

The mechanical equipment cannot be located on either of the three remaining sides of the building given the F/Y setback, the 10' separation between the subject building and the building behind it, and the site of the parking area at the opposite side of the building. For the property to be utilized as a microbrewery, its approved conditional use, or virtually any other use the requested variance is required.

3. Not created by the applicant:

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

The exceptional practical difficulty is created by the proximity of the existing building to the side boundary line. Applicant is the tenant and not the owner of the preexisting building.

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

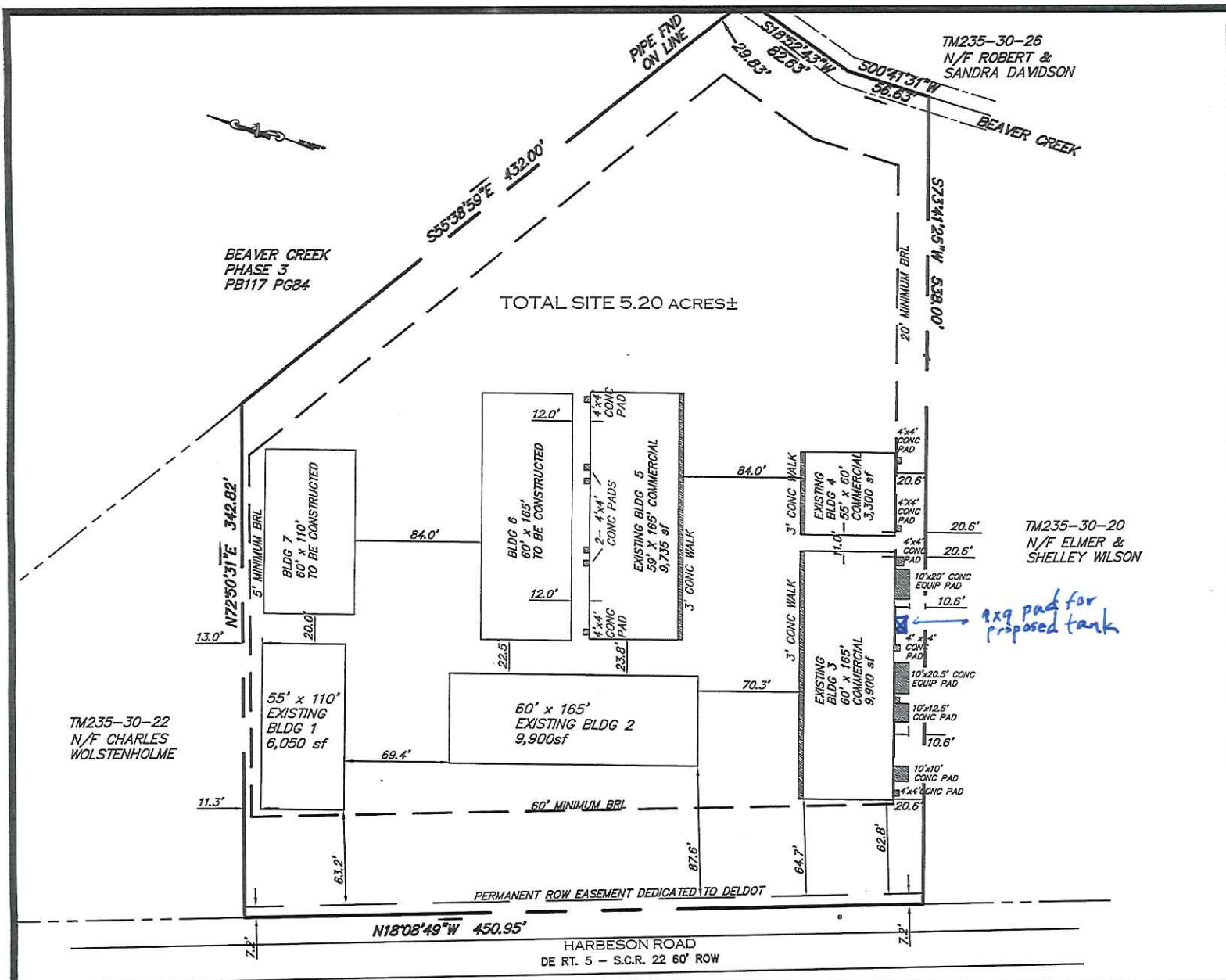
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The building in question is located in a 5.2 acre business park consisting of seven existing commercial buildings. The requested variance will not alter the essential character of the neighborhood as the commercial building already exists. Concerning the neighboring residential parcel, its elevation falls off steeply from front to back such that the area adjacent to the proposed mechanical equipment is not suitable for residential use.

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 relief requested is for the location of mechanical equipment only and not for any other use. The location of the equipment is proposed to encroach in the setback to the minimum extent.



NOTE- THIS SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF ANY EASEMENTS.

SITE DATA-
CURRENT OWNER-
KINGS LANDING AT
HARBESON LLC
DB 3752 PG 277

DATE OF SURVEY-
9-21-20



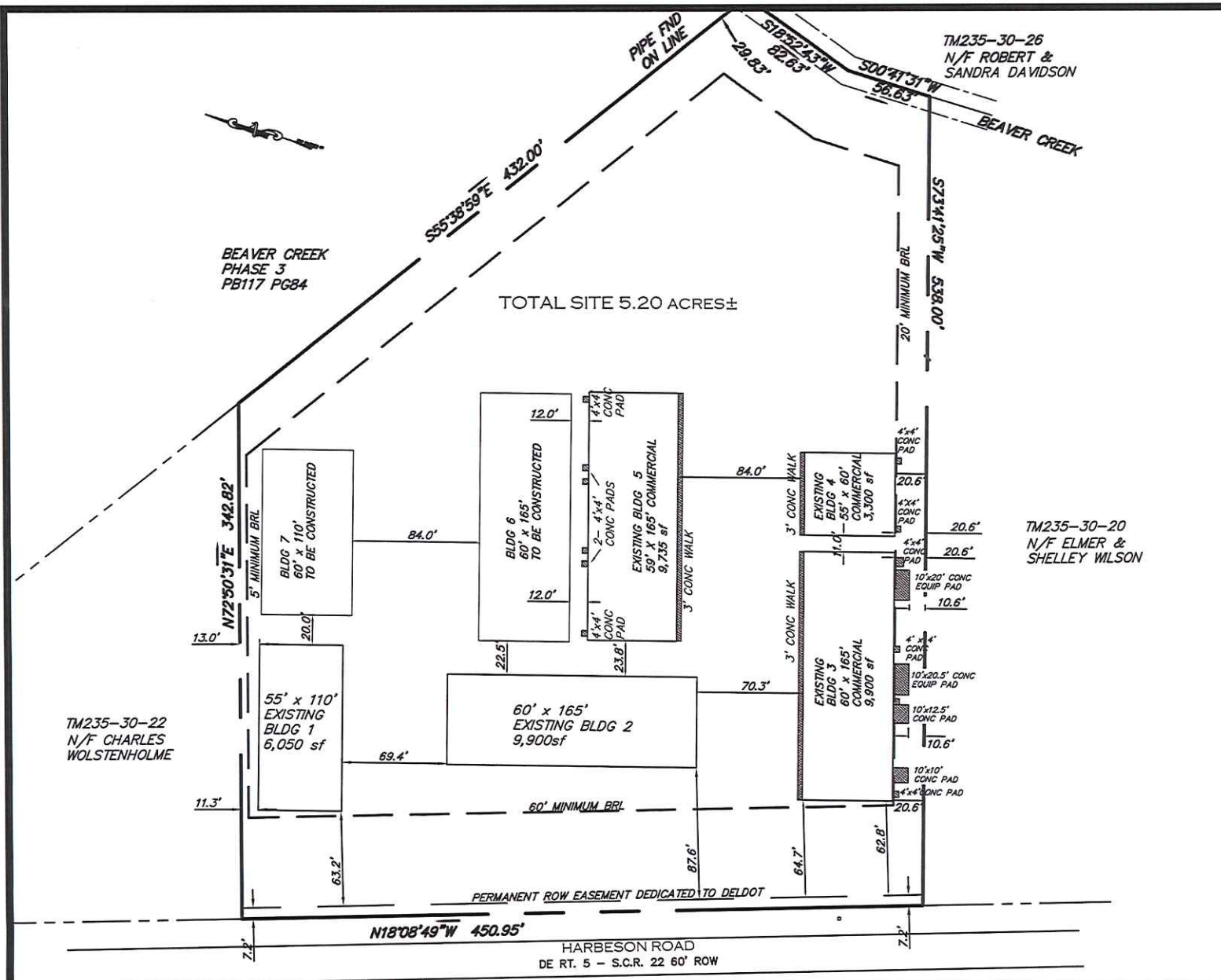
E. Scott Wallis
9-22-20

CERTIFIED CORRECT
AS SHOWN

AE AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
EMAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

FINAL LOCATION SURVEY
BLDGS 3, 4, AND 5
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

| | | |
|----------|--------------|------------|
| SCALE | 1"=100' | 0002-1601x |
| DESIGNED | ESW | EXHIBIT. |
| DRAWN | ESW | |
| CHECKED | | |
| DATE | 9-22-20 | |
| T.M. | 235-30.00-21 | AB |



NOTE- THIS SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF ANY EASEMENTS.

SITE DATA- CURRENT OWNER- KINGS LANDING AT HARBESON LLC DB 3752 PG 277

DATE OF SURVEY- 9-21-20



E. Scott Wallis
9-22-20

CERTIFIED CORRECT AS SHOWN

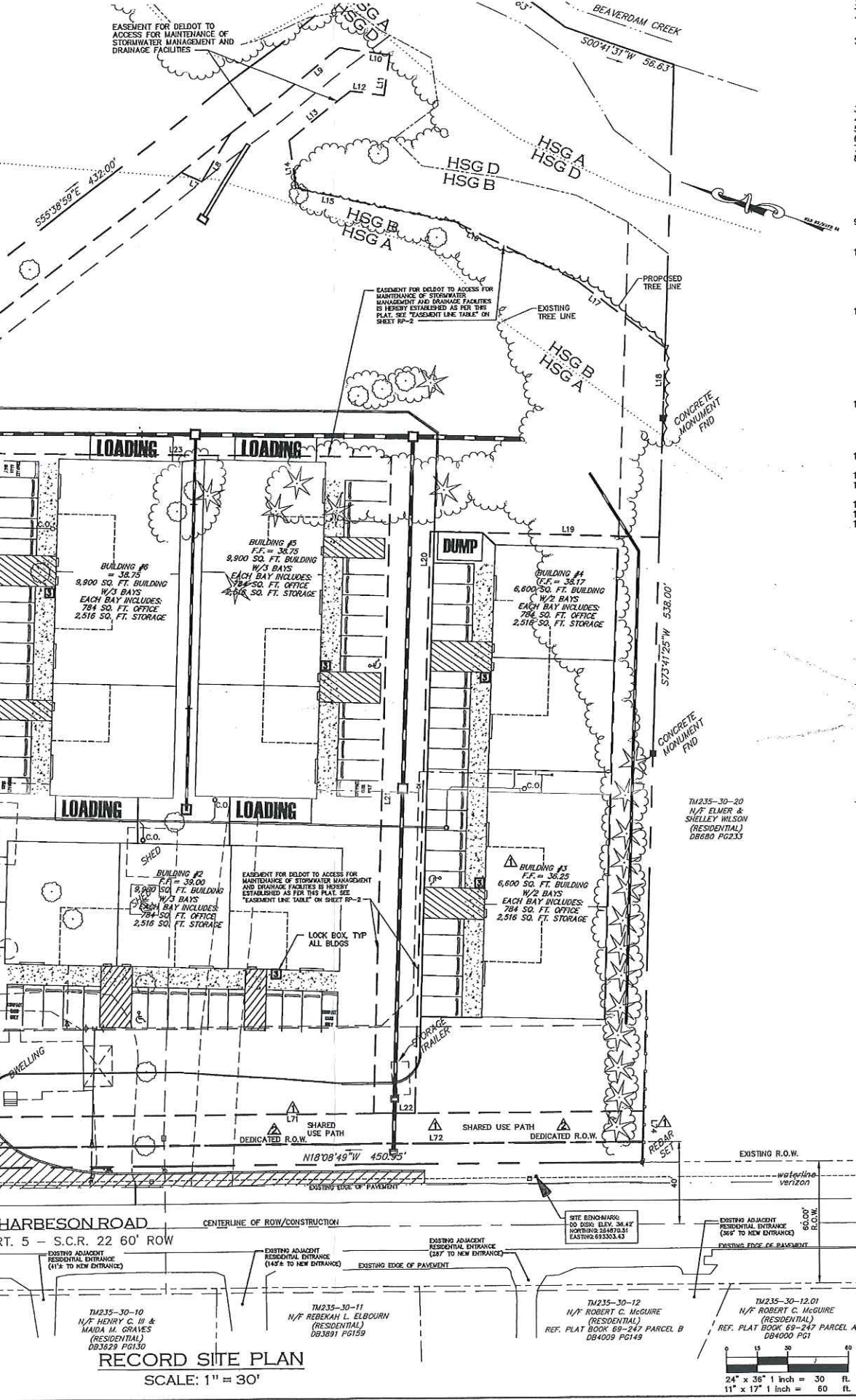
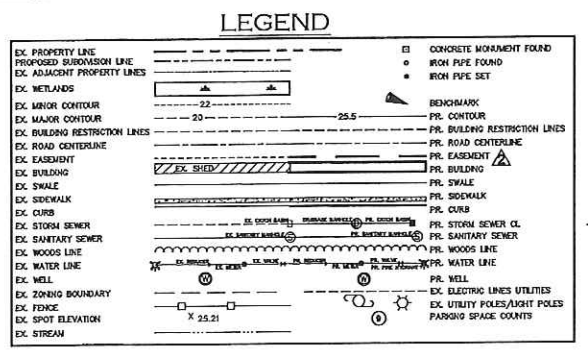
AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

FINAL LOCATION SURVEY
BLDGs 3, 4, AND 5
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

| | | |
|----------|--------------|------------|
| SCALE | 1"=100' | 0002-1601x |
| DESIGNED | ESW | EXHIBIT. |
| DRAWN | ESW | AB |
| CHECKED | | |
| DATE | 9-22-20 | |
| T.M. | 235-30.00-21 | |

RECORD/SITE PLANS GENERAL NOTES:

- NO LANSINGHOFF SHALL BE ALLOWED WITH R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- PROPERTY PLANS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARED TO ENTER THE HIGHWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHOULDER-USE PATH ACROSS THE PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNER, OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD OR CONCRETES LOCATED ALONG ADJACENT PROPERTIES AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY.
- (NOTE DELETED)
- (NOTE DELETED)
- (NOTE DELETED)
- (NOTE DELETED)
- THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNER, OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
- (NOTE DELETED)
- (NOTE DELETED)
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS ON LOCAL AND HIGHWAY OTHER FRONTAGE ROADS. RIGHT-OF-WAY MONUMENTS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- (NOTE DELETED)
- (NOTE DELETED)
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- A 15-FOOT WIDE PERMANENT EASEMENT CONTAINING 6,768 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAN.
- PROPERTY OWNERS OR BOTH, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXISTING PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.



SITE DATA:

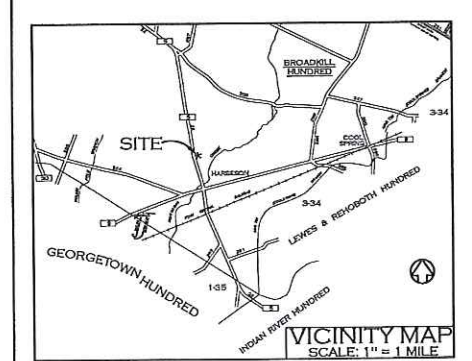
- PROPERTY OWNER: WILLIAM C. DOWNS - TRUSTEE
- DEVELOPER/APPLICANT: KINGS LANDING, L.L.C. / C/O MICHAEL MAKOWSKI / 30030 GATEHOUSE DRIVE / HILTON, DE 19968 / 302-542-9002 / makowski0754@aol.com
- DEED REFERENCE: DB 3752 - PG 277
- CURRENT ZONING: C-1
- EXISTING USE: RESIDENTIAL
- PROPOSED USE: STORAGE AND OFFICE
- PROPOSED CONSTRUCTION TYPE: WOOD FRAME WITH STEEL SIDING
- BUILDING SETBACKS:
 - FRONT: 60'
 - SIDE: 5' (ADJACENT TO COMMERCIAL DISTRICT)
 - REAR: 20' (ADJACENT TO RESIDENTIAL DISTRICT)
 - REAR: 5' (EXCEEDED BY WETLAND LINE)
- PROPOSED BUILDING HEIGHT:
 - 21' (EAVE HEIGHT)
 - 30' (MAXIMUM HEIGHT)
- TOTAL SITE AREA: 226,548 SQ. FT.
 - DEDICATION TO STATE OF DELAWARE: 4,510 SQ. FT.
 - REMAINING LANDS: 222,038 SQ. FT.
- BUILDING USE:

| | GROSS FLOOR AREA (SQ. FT.) | PARKING REQUIRED |
|---|----------------------------|------------------------|
| 7 BUILDINGS: | 56,100 | |
| (4 WITH 2 UNITS) | 26,400 | |
| (3 WITH 3 UNITS) | 29,700 | |
| OFFICE SPACE (784 SF X 17) | 13,328 SF | 67 (1 PER 200 SQ. FT.) |
| STORAGE 42,772 SF (2 EMPLOYEES PER BAY)17 | | |
| TOTAL PARKING SPACES REQUIRED | | 84 |
- PARKING SPACES PROVIDED:

| | |
|---------------------------|----|
| HANDICAP (9'x18') | 4 |
| PERPENDICULAR (10' x 20') | 71 |
| COMPACT | 9 |
| TOTAL | 84 |
- TOTAL PARKING SPACES PROVIDED: 84
- LOADING SPACES REQUIRED: 4
- LOADING SPACES PROVIDED: 4
- CENTRAL WATER PROVIDER: ARTESIAN
- CENTRAL SEWER PROVIDER: ARTESIAN
- TAX MAP NUMBER: 235-30.00-21.00

ROAD
HARBESON ROAD (DELAWARE ROUTE 5, SUSSEX ROAD 012)

FUNCTIONAL CLASSIFICATION - MAJOR COLLECTOR
 DIAGONAL
 10 YR PROJECTED ADMT = 1.16 X 4,398 = 5,099
 PEAK HOUR ADMT BASED ON 2017 DELDOT AIR COUNTS
 10 YR PROJECTED ADMT + SITE ADT (238) = 5,337
 PEAK HOUR RATE = 5,337 / 10.15H = 526
 AM PEAK HOUR = 5,099 X 10.15H = 51,754
 DIRECTIONAL SPLIT = 51,754 / (48.07K/18) = 1,076
 PM PEAK HOUR = 5,099 X 9.14H = 46,605
 DIRECTIONAL SPLIT = 46,605 / (48.76K/18) = 1,076
 12.64 TRUCKS X 1.018 = 12.87
 SPEED = POSTED
 TRAFFIC PATTERN GROUP -



DESIGNATION

STATE ROUTE 5 HARBESON RD. (SCR 22)

FUNCTIONAL CLASS: MAJOR COLLECTOR D.M.V. PROJECTED YEAR: 2027

TYPE OF CONSTRUCTION: ENHANCEMENT DESIGN SPEED: 40 MPH

A.D.T. CURRENT: 4,398 YEAR: 2017 X TRUCKS: 12.64

A.D.T. PROJECTED: 5,099 YEAR: 2027 DIRECTION DISTRIBUTION: X 54.85/45.15

ENGINEER'S CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

Steven W. Hutchins 03/19/2018

STEVEN W. HUTCHINS, P.E. - DE LICENSE NO. 12954 EXPIRES JUNE 30, 2018
 AXIOM ENGINEERING, L.L.C. - 18 CHESTNUT STREET - GEORGETOWN, DE 19947
 PHONE: (302) 855-0810 FAX 302-855-0812
 EMAIL: STEVE@AXIOMENGINEERING.COM

OWNER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

William C. Downs 11/28/17

DATE: 11/28/17

APPROVED: *Michael Makowski* 11/28/17

C/O MICHAEL MAKOWSKI
 30030 GATEHOUSE DRIVE
 HILTON, DE 19968
 makowski0754@aol.com

RECORD PLAN

KINGS LANDING, L.L.C.
 BROADKILL HUNDRED, SUSSEX COUNTY, DE

AXIOM ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19947
 FAX: 302-855-0812
 EMAIL: AXIOM@AXIOMENGINEERING.COM
 WWW.AXIOMENGINEERING.COM

AE

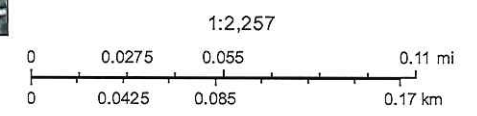
| | | | |
|----------|------------|------------|---|
| ENGINEER | SWH | DATE | 07/11/2017 |
| DRAWN | DAD | CHECKED BY | KRC |
| DATE | 07/11/2017 | TAX MAP | 2017-30-00 |
| SCALE | 1" = 30' | WARNING | THIS BAR DOES NOT BEGIN IS NOT TO SCALE |

PROJECT NO: 0002-1601
 DRAWING: RP-1
 SHEET: 1 OF 2



| | |
|------------------------|--------------------------------|
| PIN: | 235-30.00-21.00 |
| Owner Name | KING'S LANDING AT HARBESON LLC |
| Book | 3752 |
| Mailing Address | 30030 GATEHOUSE DR |
| City | MILTON |
| State | DE |
| Description | E/RT 5 |
| Description 2 | 825'N/RT 18 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Flood Zones 2018
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE
- Tax Ditch Segments
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Approx. Watershed Boundary



RECEIVED

JAN 25 2021

SUSSEX COUNTY
PLANNING & ZONING

January 16, 2021

Shirley W. Givens
3 Colgate Drive
Rehoboth Beach, DE 19971

Sussex County
Planning & Zoning Department
Board of Adjustment
2 The Circle, PO Box 417
Georgetown, DE 19947

RE: Case No. 12520 – Dewey Beer Company Variance Request for Tax Parcel 235-30.00-21.00

This letter is written to register **my Strong Objection** to the variances requested in the aforementioned Case No. 12520. I am sending this as a written objection in lieu of attending the public hearing due to the health dangers posed by the current pandemic. My reasons for my Strong Objection are several:

- I am the owner of the adjacent Tax Parcel 235-30.00-20.00 (hereafter referred to as Parcel 20). On July 2, 2020, the Planning Commission was sent a comprehensive memo, written by Mr. Nick Torrance of the County Planning & Zoning Department, regarding the conditional use for Tax Parcel 235-30.00-21 (hereafter referred to as Parcel 21), for the construction and operation of a microbrewery. That memo included thirty one (31) pages of blueprints, plot plans, traffic studies and other details indicating that a comprehensive and well thought out plan existed to accommodate the needs of the brewery. Furthermore, the memo specifically stated that while Parcel 21 was designated as "Commercial Area", virtually everything else around it, including Parcel 20, is designated as "Low Density", with "...the primary uses envisioned in 'Low Density Areas' are agricultural activities and homes". A further review of that July 2 memo raises several questions and an obvious point:
 - The operators of the Brewery are undoubtedly experienced and knowledgeable in their craft. It was apparent that much thought was put into their planning. Yet why are we here, less than 6 months after their initial submission was approved, looking for a variance that will impact the mandatory setbacks in the plan?
 - In the same package referenced above from July 2020, there is a Final Site Plan that purports to show a proposed tree line to be established between Parcels 20 and 21. That tree line, if and when actually installed, would at least soften the impact between the industrial site on Parcel 21 and my low density residential site on Parcel 20. As I understand the Variance request being considered on February 1, 2021, if the proposed structures in the current setback are allowed, it would virtually eliminate any possibility of landscaping that would reduce the already detrimental impact that the structure has had on my property.
- On April 20, 2017, the Sussex County Planning and Zoning Commission considered the original Preliminary Site Plan for Tax Parcel 21. There are two things of note from the minutes of that meeting:
 - The Preliminary Site Plan was "...a request for ... approval to create 45,288 square feet of storage space and 14,112 square feet of office space..." . Nowhere in that Preliminary Approval does it mention plans for or allowing the creation and operation of a facility

for any manufacturing, let alone the provision of alcohol, table service, or retail sales of any type. It was to be a quiet warehouse and office park.

- Mr. Martin Ross, a former member of Planning & Zoning Commission, was quoted at the meeting as having "...concerns with rear yard setback and required a 20-ft. forested buffer in rear yard from adjoining residential property". That buffer, previously mentioned above, still does not exist.

In considering the above two points, along with the proposed variance that is currently under consideration, it is apparent that in a few short years the use and operation of the Commercial property on Parcel 21 has drifted from its original intent, to the detriment of the neighbors around it. And now, once again with Case No. 12520, you are being asked to approve more variances that deviate from what was originally stipulated by the applicant in 2017.

- From the information that is currently available to me prior to the meeting on February 1, 2021, it is unclear as to exactly what is being requested with the variance. I do know two things:
 - In County Ordinance 2250, page 13, (§ 115-75.13 Height, area and bulk requirements), this much is clear:
 - *"There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district."*
 - At present, and recently constructed, in the side yard are concrete pads, compressors, tanks, and other structures on Parcel 21 that are well less than 20 feet from the property line between Parcel 20 and Parcel 21. Parcel 20 is a low density residential district. Are these new structures on Parcel 21 in violation of the County Ordinance referenced immediately above? They are not evident on the Final Site Plan that was approved in August, 2020. The Planning and Zoning Commission needs to determine if the site is currently within compliance before considering any further variances.
- Approval of the requested Variance would further degrade my property's value as a residential parcel, making it a de facto part of a Commercial Area without my approval or agreement.

Let me conclude by saying I wish no ill will to the owners of the Dewey Brewing Company, nor to the owners of the Tax Parcel referenced in Case No. 12520. In fact, I otherwise wish them success in their commercial endeavors. I just do not believe that their success must come at my expense by contributing to the further degradation and devaluation of the property of which I am the owner. For this reason, and all of the reasons which I have outlined above, I urge you to reject this application for Variance.

Thank you for your consideration of this matter and your respect of my property rights.

Sincerely,


Shirley W. Givens



Stanley Grivens
House and unattached
Garage next to Dewey Beer Brewery.



#3



4



December 8, 2020

RECEIVED

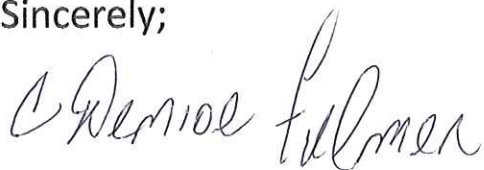
JAN 25 2021

SUSSEX COUNTY
PLANNING & ZONING

TO WHOM IT MAY CONCERN;

I own and operate Crab Barn Restaurant located next door to the proposed Care A Lot daycare center on Long Neck Road. I have no objection to the property being used for a day care center and do not believe my business would be effected in any negative way.

Sincerely;

A handwritten signature in cursive script that reads "Carol Denise Fulmer". The signature is written in dark ink and is positioned below the word "Sincerely;".

Carol Denise Fulmer



RECEIVED

JAN 25 2021

SUSSEX COUNTY
PLANNING & ZONING

Date: December 10, 2020

RE: Care A Lot Daycare

This letter is to show support in having Care A Lot Child Development Center conduct business in the Long Neck Community. We feel that a Day Care/Child Development will be an incredible addition to this area and illustrate even more that Long Neck is a great place to live, support, and grow with and we would love to see her business grow with us. As another local business owner and operator, we support Care A Lot Child Development Center joining us in Long Neck and we look forward to their success and wish them all the best.

Thank you for your time, have a safe & healthy holiday,

Sandy Samsel
CFO of Paradise & Seaside Restaurant Group
27344 Bay Rd.
Long Neck, DE 19966
Sandy@paradiseisladde.com

Rick, Brenessa Jones & Cindy Rhorer
Bayside Bait and Tackle, LLC
36085 Long Neck Rd
Millsboro, DE 19966
717-419-1805

RECEIVED

JAN 25 2021

SUSSEX COUNTY
PLANNING & ZONING
January 4, 2021

Dear Zoning Board,

We have known Michelle Blattenberger, owner of Care A Lot for over 4 years and she has exhibited great community spirit as well as excellent business skills. Michelle runs her current day care very professionally. I personally know residents that would agree with her expansion from a home based daycare of 9 to a center able to serve up to 25 children.

In closing having a daycare on Long Neck road would deffiently a positive move forward for the Long Neck community.

Thank you for your consideration,

Rick Jones
BSB&T, LLC Owner



RECEIVED

JAN 25 2021

SUSSEX COUNTY
PLANNING & ZONING

January 7, 2021

Brenessa Jones
26595 Lucky Lane
Millsboro, DE 19966
717-669-7181

Dear Zoning Board,

I work and live on Long Neck Road and love the idea of a new child development center opening within our community as there are many businesses with employees needing quality childcare while parents work. The building that is hoping to open as a childcare center is a safe place for children to learn and grow in a happy safe environment.

In closing my opinion is strongly that only positive outcome can come from opening of a childcare center on long neck road. I can see no negative affect to our community at all.

Thank you for your consideration,

Brenessa Jones



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 # 12521

Hearing Date 2/1

2020157411

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-80 115-210

Site Address of Variance/Special Use Exception:

32564 Long Neck Rd Long Neck DE 19966

Variance/Special Use Exception/Appeal Requested:

To operate a Child Care Center which can serve up to 35 children

Tax Map #: 2-34-23.00-311.10

Property Zoning: CI

Applicant Information

Applicant Name: Care A Lot Child Development Center, LLC

Applicant Address: 32564 Long Neck Rd

City Long Neck State DE Zip: 19966

Applicant Phone #: 302-259-5440 Applicant e-mail: caalotdere@gmail.com

Owner Information

Owner Name: Tortella Realty 2, LLC

Owner Address: 27344 Bay Rd

City Millsboro State DE Zip: 19966 Purchase Date: Aug 20

Owner Phone #: 302-945-4500 Owner e-mail: sandyeparadiseislandde.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

Michelle Blalock

Date: 12/8/20



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. *To use existing bldg which I have leased to operate a child care center to serve up to 35 children of the community. The area is zoned C1 and has multiple businesses which include restaurants, car wash, etc. I feel a day care facility among these other businesses will enhance the community with no negative affects on the area*

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)

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



State of Delaware

*The Department of Services for
Children, Youth and Their
Families*

License Number: 1320619

Type: Annual Renewal

Capacity: 006

REGULATED SERVICES

Level II

FAMILY CHILD CARE LICENSE

The Department of Services for Children, Youth and Their Families pursuant to Title 31 Chapter 3
of the Delaware Code hereby certifies that:

MICHELLE BLATTENBERGER

36247 SANDY LANE MILLSBORO, DELAWARE 19966-5832

is hereby granted a license to operate a
licensed Family Child Care Home
for the period:

April 1, 2020 to March 31, 2021

unless revoked for cause.

NOTE: This license shall be posted.

Director

State of Delaware
Secretary of State
Division of Corporations
Delivered 01:20 PM 01/02/2020
FILED 01:20 PM 01/02/2020
SR 20200016422 - File Number 7779722

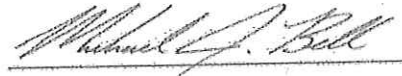
**CERTIFICATE OF FORMATION
OF
Care A Lot Child Development Center LLC**

(A Delaware Limited Liability Company)

First: The name of the limited liability company is: Care A Lot Child Development Center LLC

Second: Its registered office in the State of Delaware is located at 16192 Coastal Highway, Lewes, Delaware 19958, County of Sussex. The registered agent in charge thereof is Harvard Business Services, Inc.

IN WITNESS WHEREOF, the undersigned, being fully authorized to execute and file this document have signed below and executed this Certificate of Formation on this January 02, 2020.



Harvard Business Services, Inc., Authorized Person
By: Michael J. Bell, President

STATEMENT OF AUTHORIZED PERSON

IN LIEU OF ORGANIZATIONAL MEETING

FOR

Care A Lot Child Development Center LLC

January 2, 2020

We, Harvard Business Services, Inc., the authorized person of Care A Lot Child Development Center LLC -- a Delaware Limited Liability Company -- hereby adopt the following resolution pursuant to Section 18-201 of the Delaware Limited Liability Company Act:

Resolved: That the Certificate of Formation of Care A Lot Child Development Center LLC was filed with the Secretary of State of Delaware on January 2, 2020.

Resolved: That on January 2, 2020 the following persons were appointed as the initial members of the Limited Liability Company until their successors are elected and qualify:

Michelle Blattenberger

Douglas Blattenberger

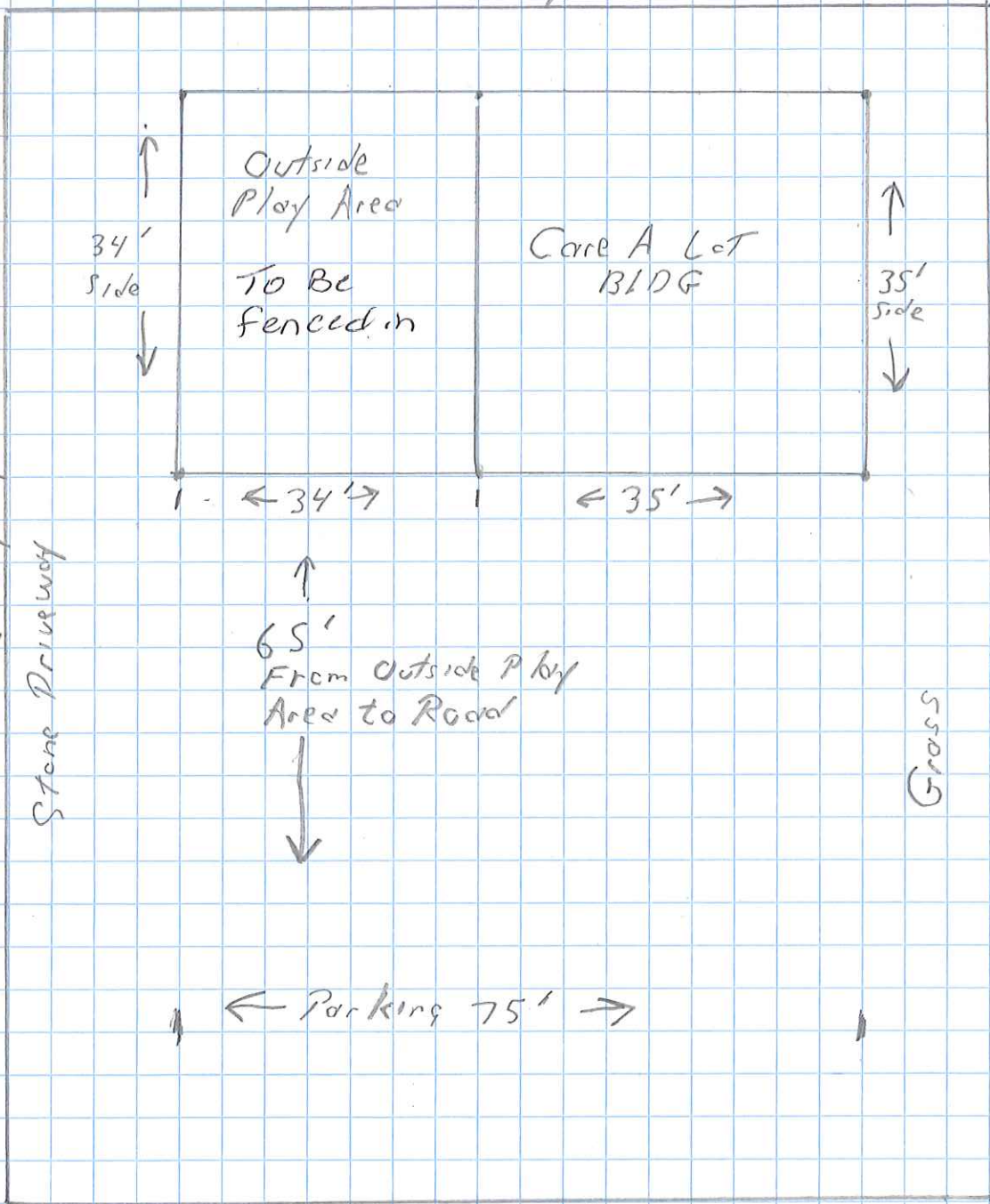
Resolved: That the undersigned signatory hereby resigns as the authorized person of the above named Limited Liability Company.

This resolution shall be filed in the minute book of the company.



Harvard Business Services, Inc., Authorized Person
By: Michael J. Bell, President

← 103' →
Back Property Line



↑
34'
side
↓

Outside
Play Area
To Be
fenced in

Core A Lot
BLDG

↑
35'
side
↓

← 34' →

← 35' →

↑
65'
From Outside Play
Area to Road
↓

← 112' →
Left Side Property Line
Stone Driveway

← 112' →
Right Side Property Line
Grass

← Parking 75' →

Front Property Line

RT 23 Longneck Rd

Pierce Fence Co., Inc.

5751 N. DuPont Hwy
Dover, De. 19901
Office:302.674.1996
www.piercefence.com
EIN # 51-0248945



Customer Information:

Doug Blattenberger
36247 Sandy Lane
Millsboro De 19966
(856)535-7054
douq.blattenberger@gmail.com

PROPOSAL/CONTRACT

Valid : For 30 days
Prepared by: **Hunter Smith**
Date: 12/4/20

Customer is responsible for establishing property lines and obtaining a permit if needed unless otherwise noted.

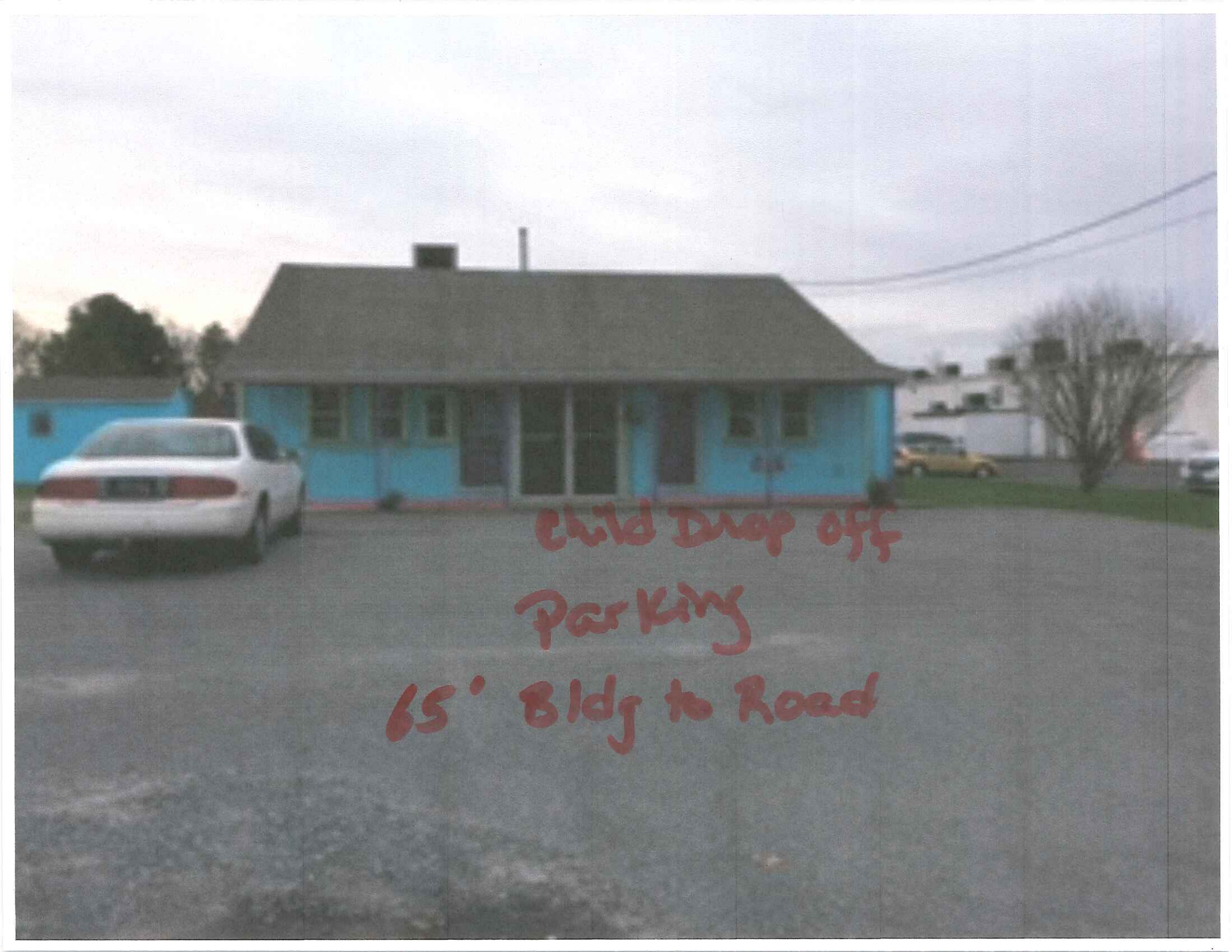
| Description | AMOUNT |
|--|--------------------|
| *Job site address; 32564 Long Neck Rd, Millsboro De 19966 Install approx. 90' of 4' high Black vinyl coated chain link fence. 1 - 8' double gate with hardware. 1 - 4' single gate with hardware. Posts to be set in concrete. (30'x30'x30' measurments provided & need to be verified) | \$ 3,250.00 |
| 50% Down payment required: | \$ 1,625.00 |
| Balance due at completion: | \$ 1,625.00 |

pd 12/3/20

Customer Signature Douglas Blattenberger (Dec 7, 2020 08:20 EST)



Thank you for doing business with us.



Child Drop off
Parking
65' Bldg to Road



≈ 75' ≈

Parking Area





Parking



Play Area
34 x 34

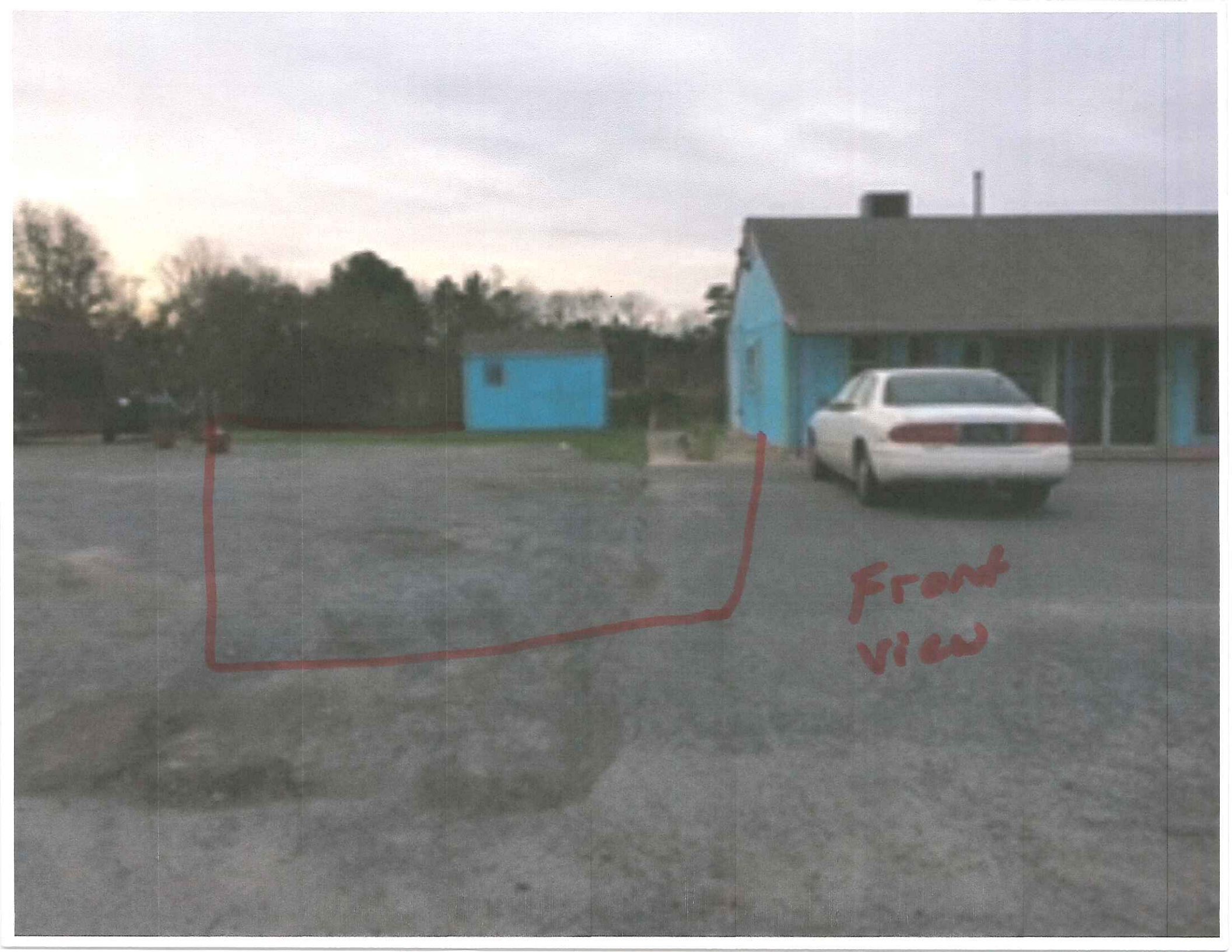
↓ 34 → 34
Play Area



Play
Area
Side
View



Front
view



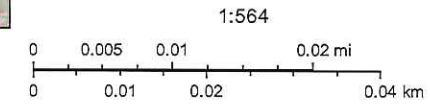
Bay
Bridal
Gowns & Alterations

Other
Business
at a distance



| | |
|------------------------|-----------------------|
| PIN: | 234-23.00-311.10 |
| Owner Name | TORTELLA REALTY 2 LLC |
| Book | 4683 |
| Mailing Address | 34814 LONG NECK RD |
| City | MILLSBORO |
| State | DE |
| Description | S/RT 22 2050' |
| Description 2 | E/RT 298 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE
- 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 # 12522
Hearing Date 2/1
202015779 (12/15)

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-34 115-18 B
115-185

Site Address of Variance/Special Use Exception:

30869 Ocean View Place, Ocean View, DE 19970

Variance/Special Use Exception/Appeal Requested:

Variance - To build an attached storage room, outside shower, and trash bin receptacle.

7-Ft Variance from 10-Ft side yard req.

Tax Map #: 134-08.00-582.00 Property Zoning: MR - RPC

Applicant Information

Applicant Name: Trevor Clark
Applicant Address: 30869 Ocean View Place
City Ocean View State DE Zip: 19970
Applicant Phone #: (302) 290-3869 Applicant e-mail: trevor.clark@1stchoicetoday.com

Owner Information

Owner Name: Trevor Clark
Owner Address: 30869 Ocean View Place
City Ocean View State DE Zip: 19970 Purchase Date: 4/10/20
Owner Phone #: (302) 290-3869 Owner e-mail: trevor.clark@1stchoicetoday.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

Trevor A Clark Digitally signed by Trevor Clark
Date: 2020.11.23 20:50:04 -05'00'
Date: 11/23/20



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.

Setbacks from where the builder placed the house will not allow for the addition of an outdoor shower/storage room and trash receptacle near an egress door. Also, the HOA covenants do not allow stand-alone sheds within the development.

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.

The side setbacks are 10 feet. The house is situated on the lot so that a 6' outdoor shower/storage room and trash receptacle along the side of the house adjacent to the garage entry door is not possible without a variance.

3. Not created by the applicant:

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

The only intent is to erect an outdoor shower/shed which will impede 3 feet over the South East corner set back of the property's East side setback. The total amount is ~ 9 sq. ft.

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

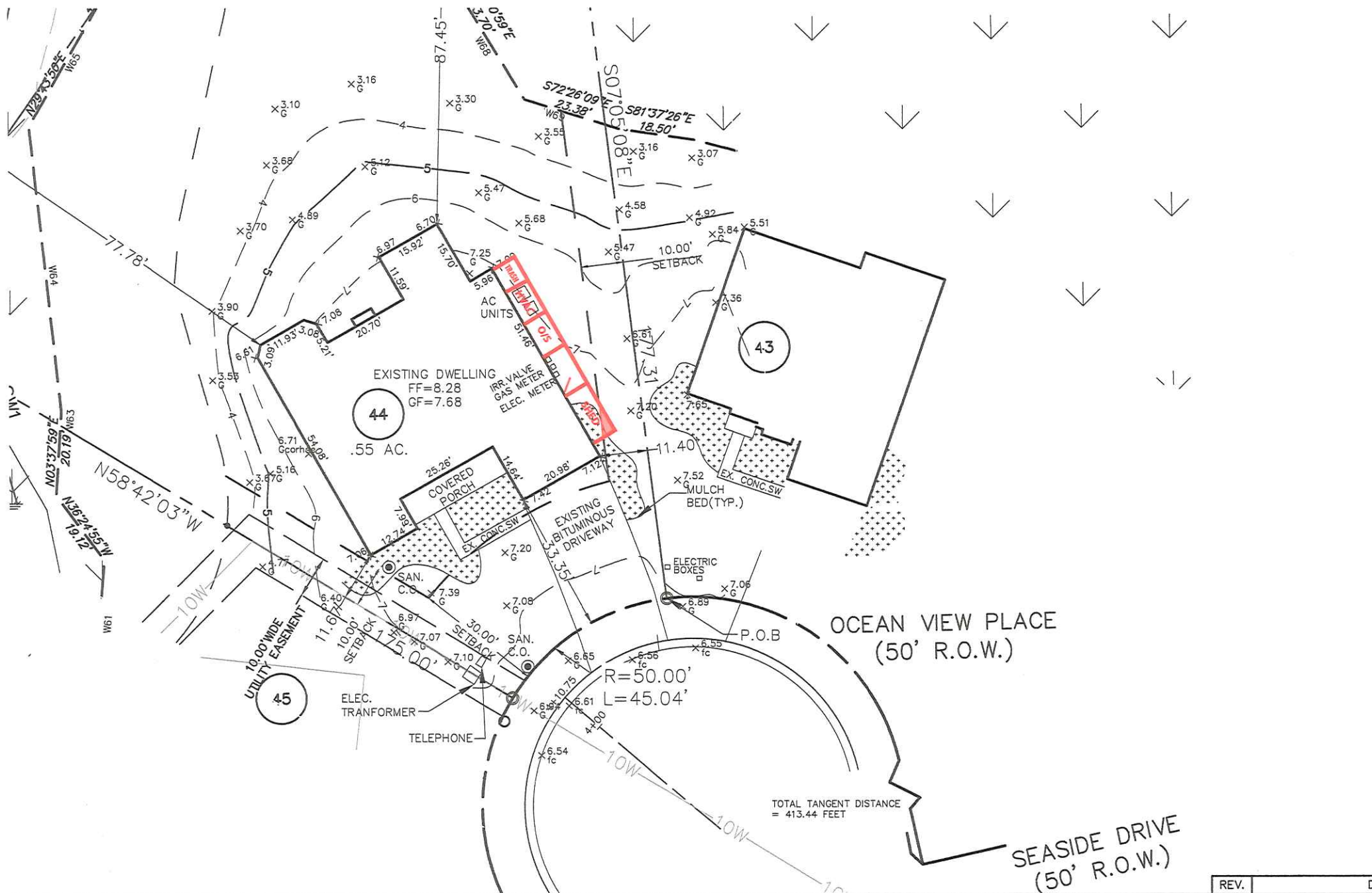
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The HOA requires all changes to home/landscape to be approved by the Architectural Review Committee. The outdoor shower/storage room and trash receptacle along the side of the property has been approved by the Architectural Review Committee for several of the homes in the development. The application to the HOA also requires approval of the change by the immediate neighbors bordering on the applicants home.

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 outdoor shower/storage room and trash receptacle in question is of a "typical" outdoor size allowing for a person to comfortably shower and dry. It will match the existing home with no framing exposed (siding and/or pvc trim to cover the entire unit).



REV. _____ D

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YING

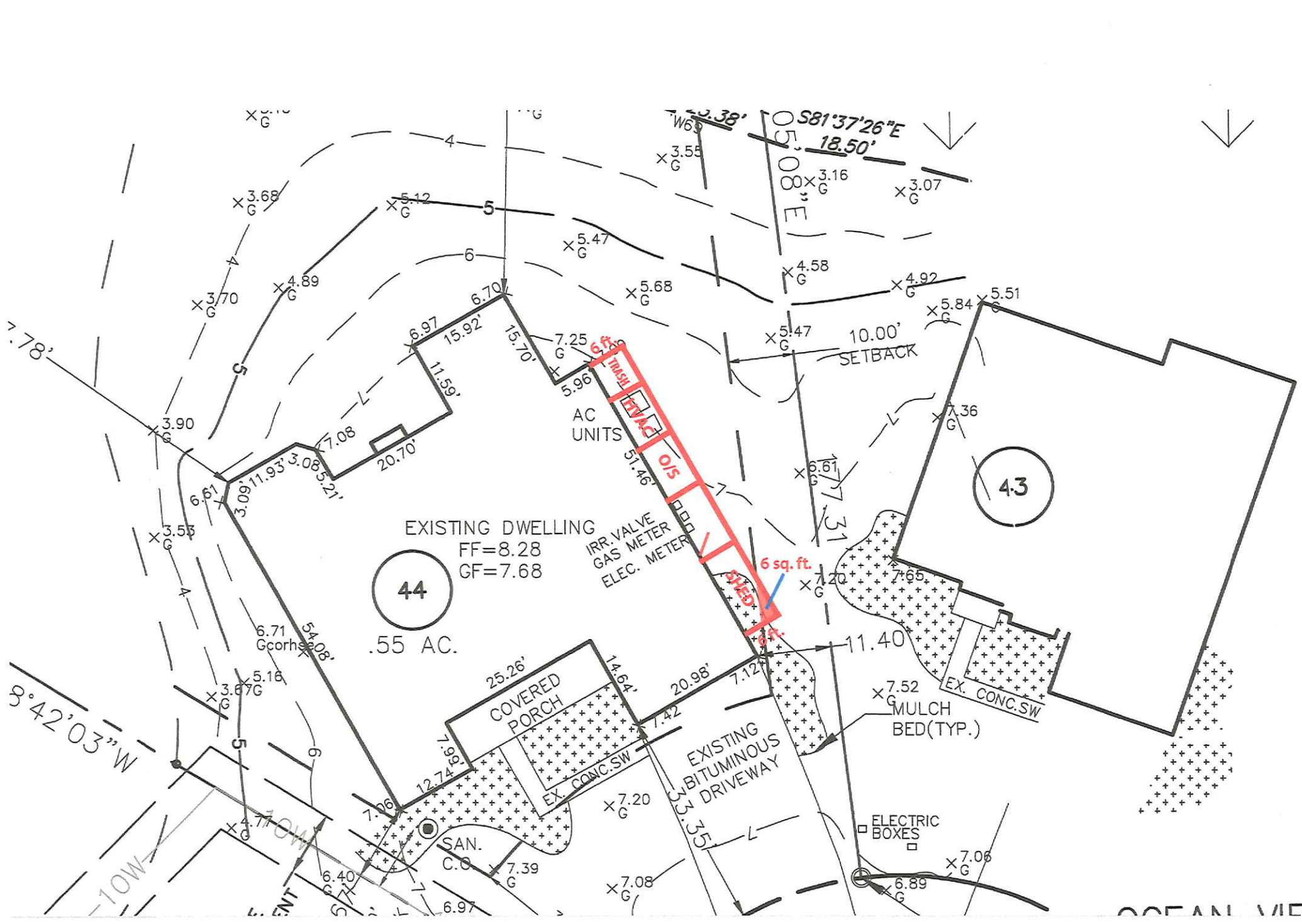
ROGER FIELDS
REGISTERED
No. 718

ROGER FIELDS
PROFESSIONAL LAND SURVEYOR
DEL. LICENSE #S6-000718

LOT 44
"FINAL AS-BUILT"

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE:
SCALE:
DRAWN:



OCEAN VIEW

**White Creek at Bethany Homeowners Association
ARCHITECTURAL REVIEW APPLICATION**

**Mail to: White Creek Architectural Committee
c/o Legum & Norman, Inc.
12000 Old Vine Blvd #114
Lewes, DE 19958**

***Please include a check for \$50.00 payable to White Creek at Bethany HOA for the processing of this application and mail with completed form and all pertinent specifications.**

Name Trevor + Abby Clark
White Creek Address: 30869 Ocean View Pl, Ocean View, DE 19950
Phone # 302-290-3869
Mailing address if different: same

I request the Architectural Review Committee's approval to make the modifications, alterations or additions described and depicted below (or on additional pages or plans, as necessary).

NOTE TO OWNERS:

- Please include such information and samples, when applicable, as dimensions, materials, color, design, location, etc., in sufficient detail to allow a decision.
- If applying to change paint or stain color, please attach a paint/stain chip, type and color.
- Any change must include construction drawings & pictures.
- Note the location of desired changes on a copy of the site plan you received at the time of settlement.
- Owners have 1 year from date of approval to complete work.

***ALL INFORMATION MUST BE INCLUDED FOR THE COMMITTEE TO ACCURATELY REVIEW THE APPLICATION.**

Proposed Modification, Alterations and Additions:

additions -

1. paver patio
2. attached storage/outside shower, trash enclosure
3. Kayak racks

****Please note that this application does not exempt you from obtaining, where necessary, any county permits and contacting Miss Utility, if relevant to the change desired. If using a contractor for said work, please furnish us with the following information:**

Name of Contractor: John Matthews LLC - Paver Patio
Address: 32419 Wingate Rd, Frankford, DE 19945

License #: 2020100813

Phone: 302-265-7918

John Weisel - (908) 310-2972 - storage / shower / trash

If contractor causes damage to any common area and/or homeowner's yard, landscape, irrigation system, driveway, concrete lead walk, siding/exterior trim, windows/doors, or porches - owner will be held liable. Improvements may void certain warranties provided by builder. Please check with the builder's warranty department for details.

It is necessary to advise the neighbors adjacent to your home of the changes you wish to make. Once you have apprised them of your intent, please have them complete the following section:

Neighbors approval

Name: William & Esther Samios Name: _____

Address: 30868 OceanView Place Address: _____

Signature: William Samios Signature: Esther A. Samios

Unit Owner – Do not complete area below this line.

DATE APPLICATION RECEIVED: _____ BY: _____

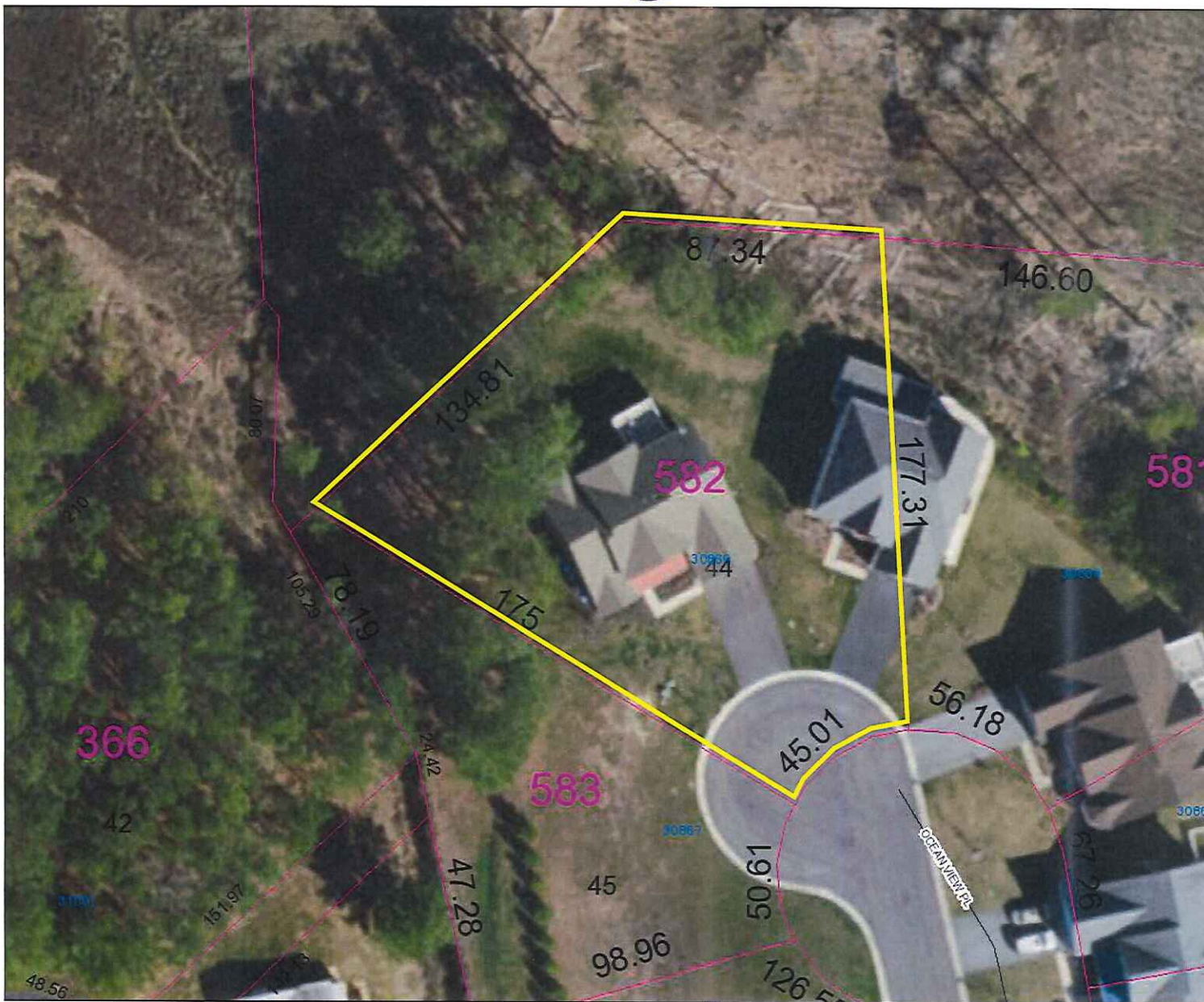
APPLICATION FEE RECEIVED: _____ BY: _____ CHK #: _____

COMMITTEE USE: APPROVED _____ DISAPPROVED _____

NEED MORE INFORMATION _____

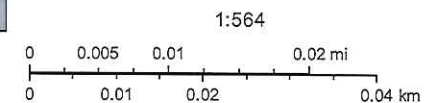
SIGNATURE _____ TITLE _____

Additional Comments:



| | |
|------------------------|---------------------|
| PIN: | 134-8.00-582.00 |
| Owner Name | CLARK TREVOR A |
| Book | 5227 |
| Mailing Address | 30869 OCEAN VIEW PL |
| City | OCEAN VIEW |
| State | DE |
| Description | WHITE CREEK AT |
| Description 2 | BETHANY LOT 44 |
| Description 3 | N/A |
| Land Code | |

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



White Creek at Bethany

C/O Legum & Norman, Inc.
12000 Old Vine Blvd Suite 114
Lewes, DE 19958

December 28, 2020

Trevor & Abby Clark
30869 Ocean View Place
Ocean View, DE 19970

Dear Mr. & Mrs. Clark:

This letter is to inform you the ARC application to install a patio, storage, trash enclosure, shower, etc.- has been approved by the Architectural Committee.

As the proposal is in accordance with the architectural guidelines noted in the WCB Declaration of Covenants, Conditions, Easements, and Restrictions

Please understand this approval does not exempt you from obtaining any local or county permits where necessary. Please retain this letter for future reference.

Should you have any questions or require further information, please don't hesitate to contact me. I can be reached at 302-227-8448, or via email at kyurchak@legumnorman.com .

Sincerely,

Kathy Yurchak, CMCA® , AMS® , PCAM®
Legum & Norman – An Associa® Company
Community Manager – Resorts Division