JAMIE WHITEHOUSE, AICP DIRECTOR OF PLANNING & ZONING (302) 855-7878 T (302) 854-5079 F jamie.whitehouse@sussexcountyde.gov





PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.





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





DELAWARE sussexcountyde.gov

(302) 855-7878

AGENDA

February 7, 2022

<u>6:00 P.M.</u>

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for December 13, 2021

Approval of Finding of Facts for December 13, 2021

Public Hearings

Case No. 12643 – E. Nelson & Linda Justice seeks a special use exception for a garage/studio apartment and a variance from the maximum square footage for a garage/studio apartment for a proposed use within an existing structure (Sections 115-23, 115-25, & 115-210 of the Sussex County Zoning Code). The property is located on the northwest side of Cypress Lane approximately 0.23 mile north of Old Landing Road. 911 Address: 30478 Cypress Lane, Laurel. Zoning District: AR-1. Tax Parcel: 232-13.00-63.01

Case No. 12644 – **Orlando Figueroa** seeks a variance from the front yard setback requirement for a proposed garage (Sections 115-42 and 115-182 of the Sussex County Zoning Code). The property is located on the north side of Weigelia Drive approximately 340 ft. east of Wilson Hill Road. 911 Address: 15421 Weigelia Drive, Georgetown Zoning District: GR. Tax Parcel: 231-3.00-24.00

Case No. 12645 – Zachary Ulrich & Breanna Tumas seeks a variance from the maximum lot coverage requirement (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on S Canal Street within the Bay City Manufactured Home Park. 911 Address: 35851 S Canal Street, Millsboro. Zoning District: AR-1. Tax Map: 234-24.00-34.00-17838



Case No. 12646 – Donna P. Thomas seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-34, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the south side of Admiral Road within the Tower Shores Subdivision. 911 Address: 39950 1E Admiral Road, Bethany Beach. Zoning District: MR. Tax Map: 134-5.00-110.00 E-2

Case No. 12647– Jason Satterfield seeks variances from the side yard and rear yard setback requirements for an existing structure (Sections 115-34, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the northeast side of Shawnee Drive within the Blackwater Village Subdivision. 911 Address: 34060 Shawnee Drive, Dagsboro. Zoning District: MR. Tax Map: 134-11.00-301.00

Case No. 12648 – Katherine Benton seeks a special use exception to operate a tourist home (Sections 115-32, 115-34, 115-183, 115-185, and 115-210 of the Sussex County Zoning Code). The property is located at the northwest side of Creek Road within the Blackwater Village Subdivision. 911 Address: 34085 Creek Road, Dagsboro. Zoning District: MR. Tax Map: 134-11.00-358.00

Additional Business



-MEETING DETAILS-

In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on January 27, 2022 at 3:30 p.m. and at least seven (7) days in advance of the meeting.

The Agenda was prepared by the Director of Planning and Zoning and is subject to change to include the additional or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

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

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 telephone, 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: <u>https://sussexcountyde.gov/agendas-minutes/board-of-adjustment</u>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, February 3, 2022

####



Case # 12643 Hearing Date 1322 202110199

Board of Adjustment Application

Sussex County, Delaware

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

Type of Application: (please check all applicable)

If over 800 59 Ft.

Variance Special Use Exception Administrative Variance Appeal Site Address of Variance/Special Use Exception; 30478 Cupress Lame Laure	Existing Condition Proposed Code Reference (office use only 115-23 115-25 115-210
Variance/Special Use Exception/Appeal Requested:	
@ anny Garage Studio Aportm	ent @ 1,160 sg.ft.
Тах Мар #: <u>2-32 13.00 63.01</u>	Property Zoning: <u><i>RESIDENTIAL</i></u>
Applicant Information	
Applicant Name:E. NELSONJUSTICEApplicant Address:30478CYPRESSCity, State, Zip:LAURELDE 19956Applicant Phone #:302815-4217Applicant Phone #:302815-4217	
Owner Information	
Owner Name: E. NELSON AND LINDA Owner Address: 30478 CYPRESS LANE City, State, Zip: LAUREL DE 19956 Owner Phone #: 302 542 4827 Owner e-mail: CELL	
Agent/Attorney Information	
Agent/Attorney Name: Agent/Attorney Address: City, State, Zip: Agent/Attorney Phone #: Agent/Att	
Agent/Attorney Phone #: Agent/Att	orney e-man.
Signature of Owner/Agent/Attorney Sinda P. Justice Date:	11/4/21



Sussex County, DE - BOA Application

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

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

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

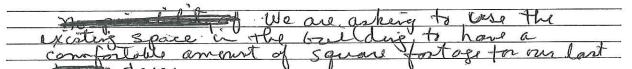
1. Uniqueness of property:

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

the existing space in

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.



3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.
We are tring to utilize the existing balling
into teving quartees so no son can help
us during the flost phase of oren lives
- us award the word for an of the rest

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.

no way nergh bort

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.

×.)

It inll	in no i	Nag/ off	est neigh	bars .	Building	6
ONCOTA	ne at	this	Current	sine		
	-0			3		

Sussex County, DE - BOA Application

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 <u>all</u> of the following criteria for a Special Use Exception to be granted.

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

an MS Sumunded K FILL DAC any rei

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)

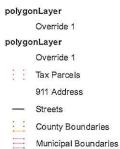
Basis for Appeal: (Please provide a written statement regarding reason for appeal)

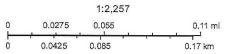


Sussex County

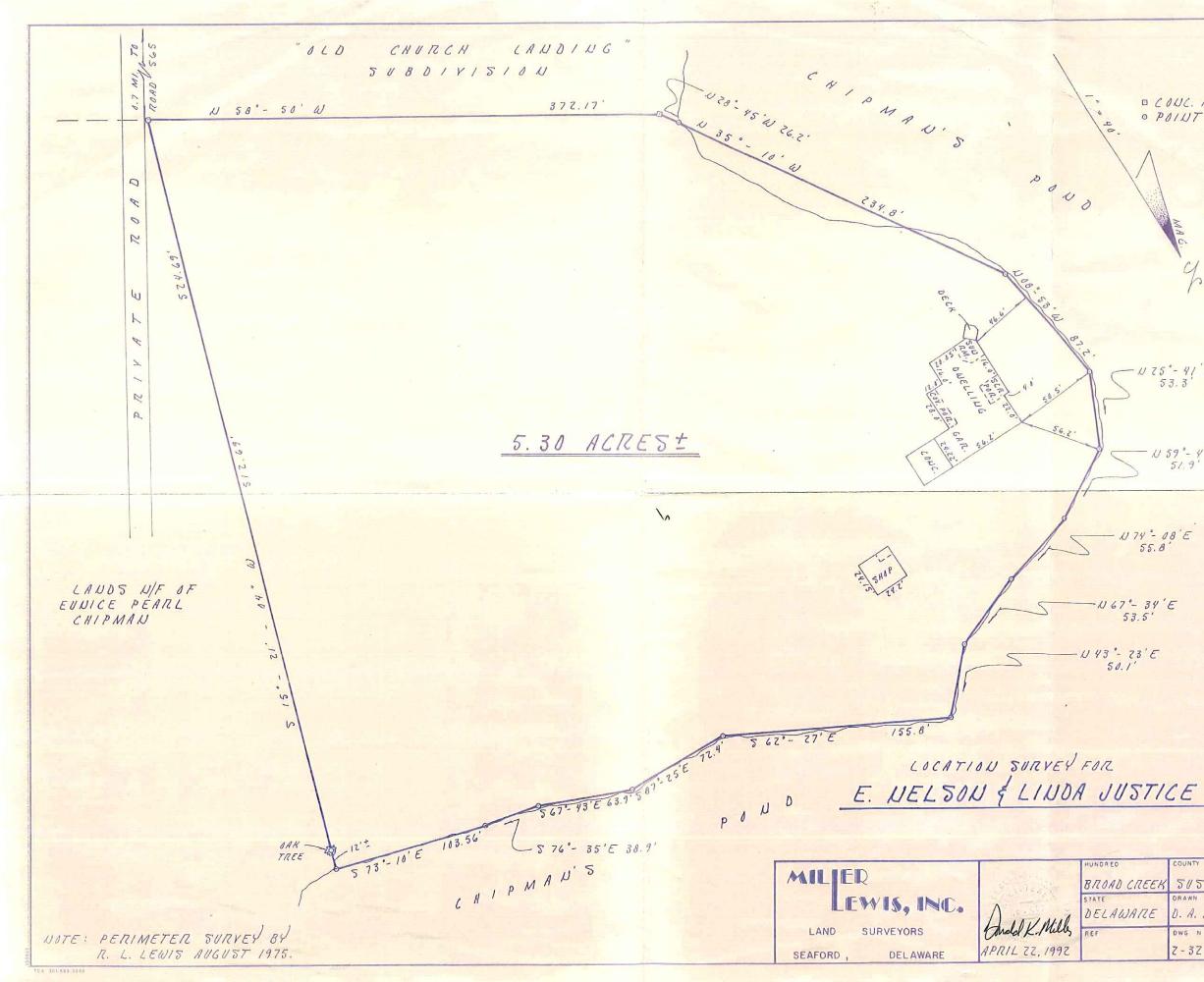


PIN:	232-13.00-63.01
Owner Name	JUSTICE JOHN WILLIAM TTEE OF ELMER
Book	5258
Mailing Address	30478 CYPRESS LN
City	LAUREL
State	DE
Description	OLD CHURCH LANDING
Description 2	N/A
Description 3	N/A
Land Code	

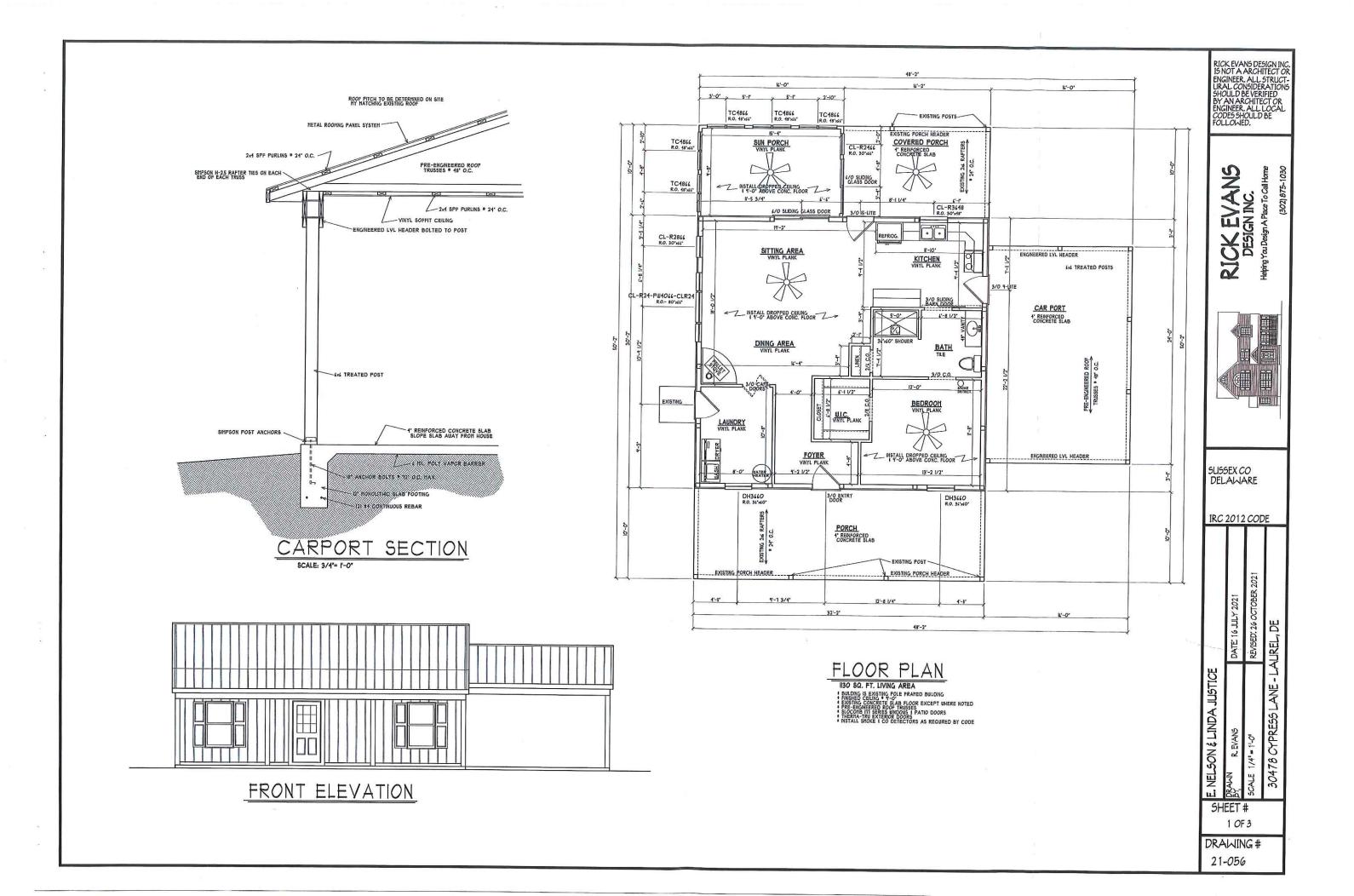




November 16, 2021



□ COUC. MON. ○ POINT DOUD N 25° - 41'E 53.3' N 59°- 47'E 51.9' N 74 - 08 E 55.8 -N67°- 34'E 53.5' N 43°- 23'E 50.1' COUNTY HUNDRED BROAD CREEK SUSSEL DRAWN BY STATE DELAWARE D. A. MORRIS Condol K. Mills OWG NO REF 2-32-13-63.01



December 16, 2021

RECEIVED

DEC 2 0 2021

SUSSEX COUNTY PLANNING & ZONING

Sussex County Planning & Zoning Department County Administrative Offices 2 The Circle / P O Box 417 Georgetown, DE 19947

RE: Case No. 12643

Dear Board of Adjustment,

We are representing ourselves and come before you with our request. We have reached ages of nearing 80 and live on a limited income. When an incident last fall resulted in Nelson sustaining an L5 compression fracture that required back surgery and months of physical rehabilitation, we realized that we needed to make plans for the next phase of our lives. We knew we could not afford a retirement community or a nursing home, so we are asking permission to allow us to convert an existing building on our property into a one bedroom apartment. Our son and daughter-in-law are soon to be empty nesters, and we are allowing them to move into our home. This option affords all of us the opportunity to be close to care for each other.

We sincerely hope that you will grant us a permit to do this conversion on our 5 acre property situated on said location.

Sincerely,

E. Nelson Justice Linda P. Justice

, Lunda P. Justice

2	Case # 12644			
Board of Adjustment A				
Sussex County, Dela	101/1/202			
Sussex County Planning & Zoning 2 The Circle (P.O. Box 417) Georgeto 302-855-7878 ph. 302-854-50	Department own, DE 19947			
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			
Site Address of Variance/Special Use Exception:				
15421 Weigelig DR, Ereorgetown Variance/Special Use Exception/Appeal Requested:	ar, DE			
10 feel from 30° front yas	0.			
Tax Map #: 23) - 3.00 - 24,00	Property Zoning: 5			
Applicant Information				
Applicant Name: Juga Turcios				
Applicant Name: <u>Joan Torcros</u> Applicant Address: 212 1 st 5t				
City Bridgeville State DE Zip:	19933			
Applicant Phone #: 302 - 727 - 2107 Applicant e-m	nail: Consumi 100 (a) gragil com,			
Owner Information				
Owner Name: Orlando Figueroa				
Owner Address: 15421 Weigelig OK				
City <u>Seorge town</u> State DE Zip:	<u> </u>			
Owner Phone #: 302-381-5734 Owner e-mail	l:			
Agent/Attorney Information				
Agent/Attorney Name:				
Agent/Attorney Address:				
City State Zip: Agent/Attorney Phone #: Agent/Attorney e-mail:				
· · · ·				
Signature of Owner/Agent/Attorney				
Alex	Date: 11-4-21			





Sussex County, DE - BOA Application

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

You shall demonstrate to the Board of Adjustment that the property meets <u>all</u> 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 way the land, the first yourd is the chily way I can get it done, and I have septic in the back

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 gos age could be done by the size given close to bring to small (12) that it will only fit a car probably near.

3. Not created by the applicant:

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

Th.	applic	4117	pure	hused	the	property cation.	with	łhe	ho-use
and	septic	ί'n	the	existing	lo	cation.			

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. W^{2} have 500 Ke to neighbors and they said they said the

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.



Sussex County Building Permit P.O. Box 589 Georgetown, DE 19947 302-855-7720

Application Number 202114889

Issue Date: 10/21/2021 Expire Date: 10/21/2022

Permit Type:

RES. ADDITION OUT OF TOWN

Parcel ID	Address	Zone Code	
231-3.00-24.00	15421 WEIGELIA DRIVE GR		
Owner Information	Applicant Information	and the same of	
Name: FIGUEROA ORLANDO	Name:		
Phone:	Phone:		
Contractor Information			
Name: FIGUEROA ORLANDO	License Number:		
CID: 104619	License Exp. Date:		
Phone:	Insurance Exp. Date:		
Building Information	and the second		
Proposed Use: ATTACHED GARAGE			
Construction Type: Estimated Cost of Construction: \$ 7,290			
Cannot Occupy More than of Tota	al Lot Area		
Distance from any Dwelling of other Owne			
Distance from any other Mobile Home or A			
Property Information			
Measurements taken from Property Lin			
Front Setback: 30.00 /	Rear Setback: 10.00 /		
Side Setback: 10.00 /	Corner Setback: /		
Maximum Building Height: 42'	Location Description: PINE BLUFF #2 LOT D5 CT#51356		
FLOOD ZONE Flood Zone: X280L			
	n Construction Review Coastal and Flood-Prone Area Buildir	ng Requirements.	
Project Description: RES ADD W/ BC			
Scope of Work:	TO DE VEDI		
30X27 ATT GARAGE	TO BE KEPT		
	ON 10B SITE		
Permit Details:	011 500 011-		
κ.	1		
\wedge			
(notto, m	\$1 902	-727-2107	
CPUMAN	1 D TAM	127 200	
Signature of Approving Official	Signature of Owner/Contractor	nts of this permit.	
Building Permit Acknowledgement: I/we the undersigned, acknowledge I/we have read and account	ant the terms of this Building Permit and shall comply with the rules and restrictions rel	ated to this building activity.	
This permit shall expire one (1) year from the date of issue. This not discontinued for reasons other than those beyond the permit l/we further acknowledge, ASSESSORS AND INSPECTOR owner or owners of these premises do hereby consent to Susse	permit may be renewed prior to its expiration date it construction has begun and cont -holder's control. Grading or surface-shaping of the site shall not be considered as as 5 HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INS x County Officials' right to enter upon said premises during the construction of which the imposition and promotive	inued in a normal manner and itual construction. PECT PROPERTY. The his permit is granted, or within	
THE APPROVAL OF THIS PERMIT APPLICATION PERTA	INS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT ER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS (TIER, II IO	

7 TOTAL FEE	\$ 46.73
2	27 TOTAL FEES

Building Description Heat Type: **Total Bedrooms:** SHINGLE **Roofing:** Half Baths: Full Baths: VINYL **Exterior Walls: Total Rooms:** POST Foundation Type: **Basement:** Fireplace Type: Interior Walls: N Air Conditioning: Flooring: CONC

Additional Requirement/Restrictions

Accessory Building 900 Square Feet or Greater

No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures Storage only. NO LIVESTOCK PERMITTED.

__ Campgrounds

Must conform to the location approved by the park.

Farm-Use Permits

Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

Fences

Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

Parcel Setbacks

All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

Pools (Above-Ground)

Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

Pools (In-Ground)

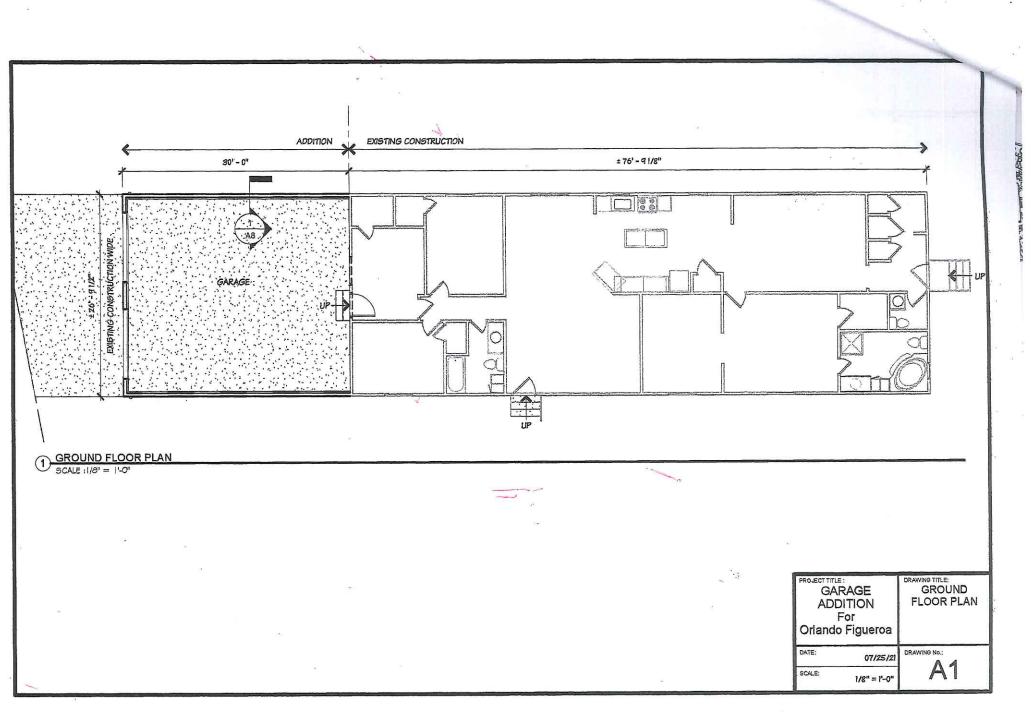
A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

Pools or Guest Homes

No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

_ Tax Ditch

Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.



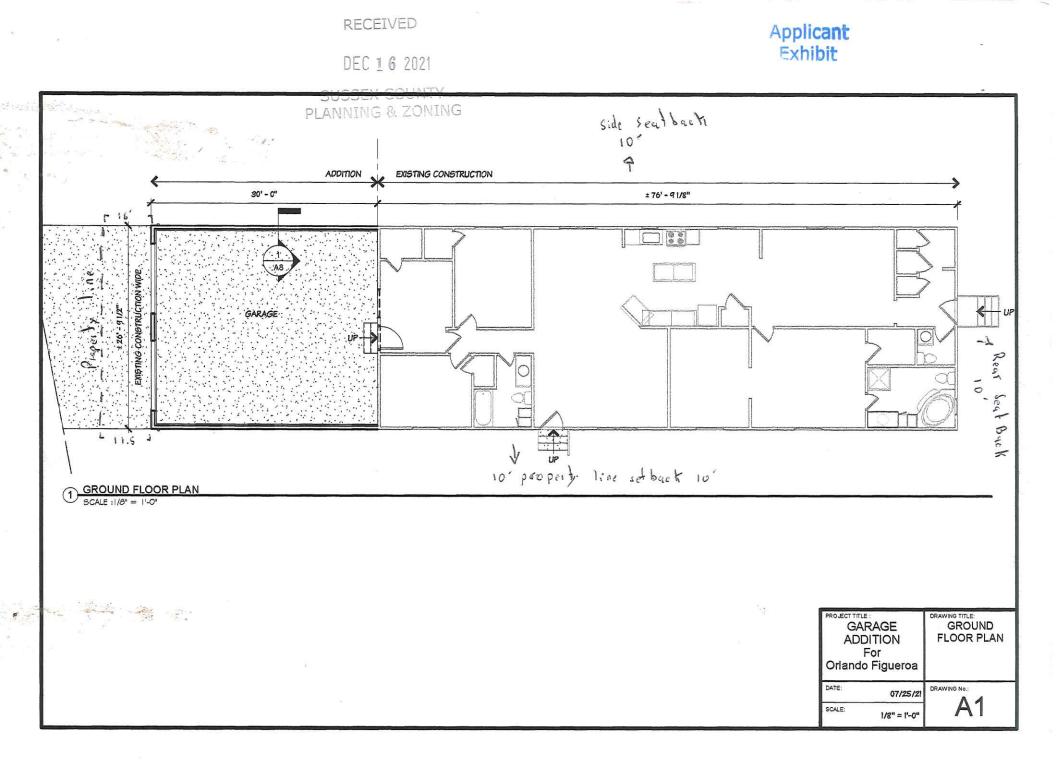


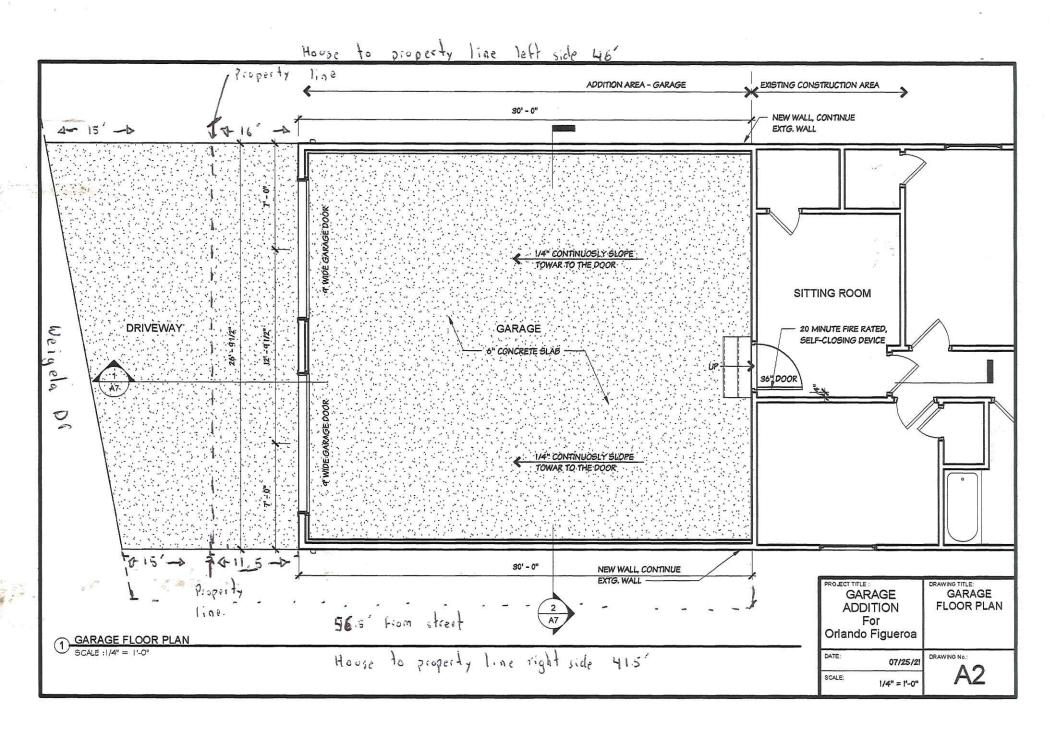
Sussex County

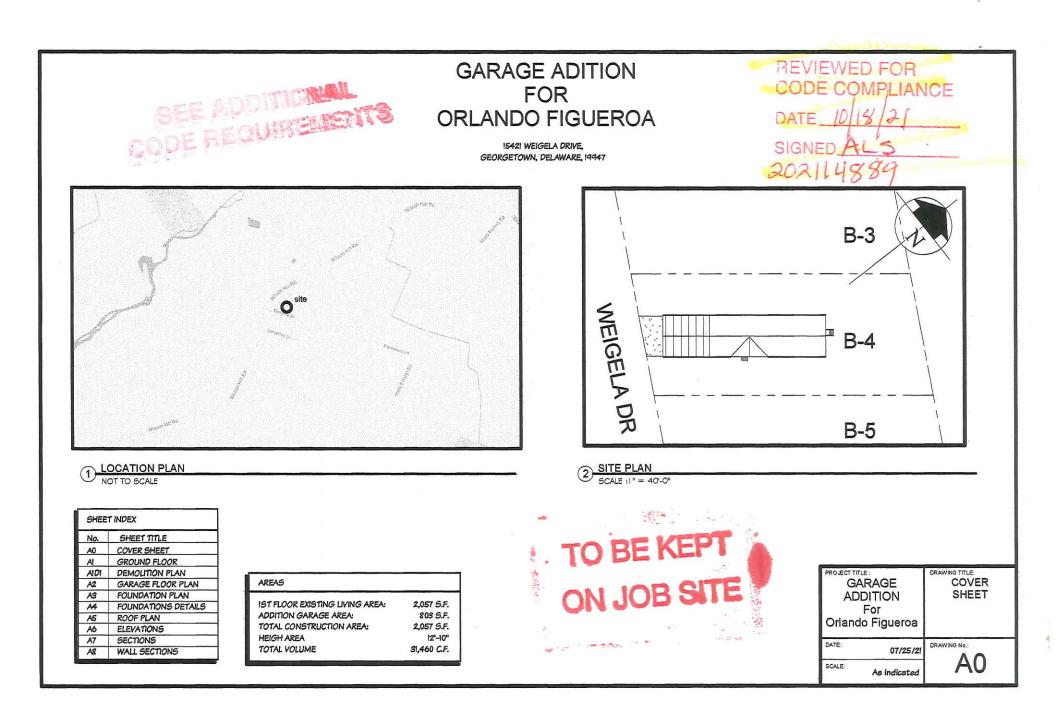


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November 16, 2021







Čase # 🖊	2645
Hearing Da	te <u>13</u>
20211	6345

Board of Adjustment Application

Sussex County, Delaware

Sussex County Planning & Zoning Department 2 The Circle (P.O. Box 417) Georgetown, DE 19947 302-485-7878 ph, 302-485-4078 fee

Type of Application: (please check all applicable)

Variance 🔀 Special Use Exception 🛄 Administrative Variance 🔄 Appeal 🔄	Existing Condition Proposed Code Reference (office use only) <u> 115 - 25</u> <u> 115 - 172</u>
Site Address of Variance/Special Use Exception: 35851 5 Carrol St. Millsk	Dro, DE 19966
Variance/Special Use Exception/Appeal Requested OUR addition is about 30 less than 35% Rule. But it is Required. We are requesting to h	well within the required well within the set backs have a variance for it.
Тах Мар #: 234-24.00-34.00-17838	Property Zoning: <u>AR</u>
Applicant Information	A
Applicant Address: 35951 5 Papal 5	+ Braanna Tumas + zip: <u>19966</u> nte-mail: <u>zachuz4zs@gmail.com</u>
Owner Information	1 O
Owner Name: <u>Zachary</u> Olrich Owner Address: <u>35851</u> <u>S</u> <u>Canal</u> <u>S</u> City <u>MillSDoro</u> State <u>DE</u> Owner Phone #: <u>(724)</u> 777-7098 Owner	F Breanna Iumas The Zip: <u>19966</u> Purchase Date: <u>02/20/9</u> e-mail: <u>Zachu 2428 Q</u> gmail.com
Agent/Attorney Information	
City	Zip:
Agent/Attorney Phone #:	
Signature of Owner/Agent/Attorney	
SCC	Date: 11/2/21

Sussex County, DE - BOA Application

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

You shall demonstrate to the Board of Adjustment that the property meets <u>all</u> 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 graperiy:

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 peruliar 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.

We live in a mobile nome community park. The uniqueness of the property is the smaller lot sizes and the 35% Rule.

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

The exercise sper our marginal restrictions are different than normal subdivisions.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant. The nouse Sits on a low part of the property. Water from the neighboring properties would all draine under our nouse, along with the rain water from durs. We put the additions on in order to push the water away from going under we put the additions on in order to neip the drainage problem and offer the our house. We also put french drains to help the drainage problem and offer the Water to avoid going on neighborhood: 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

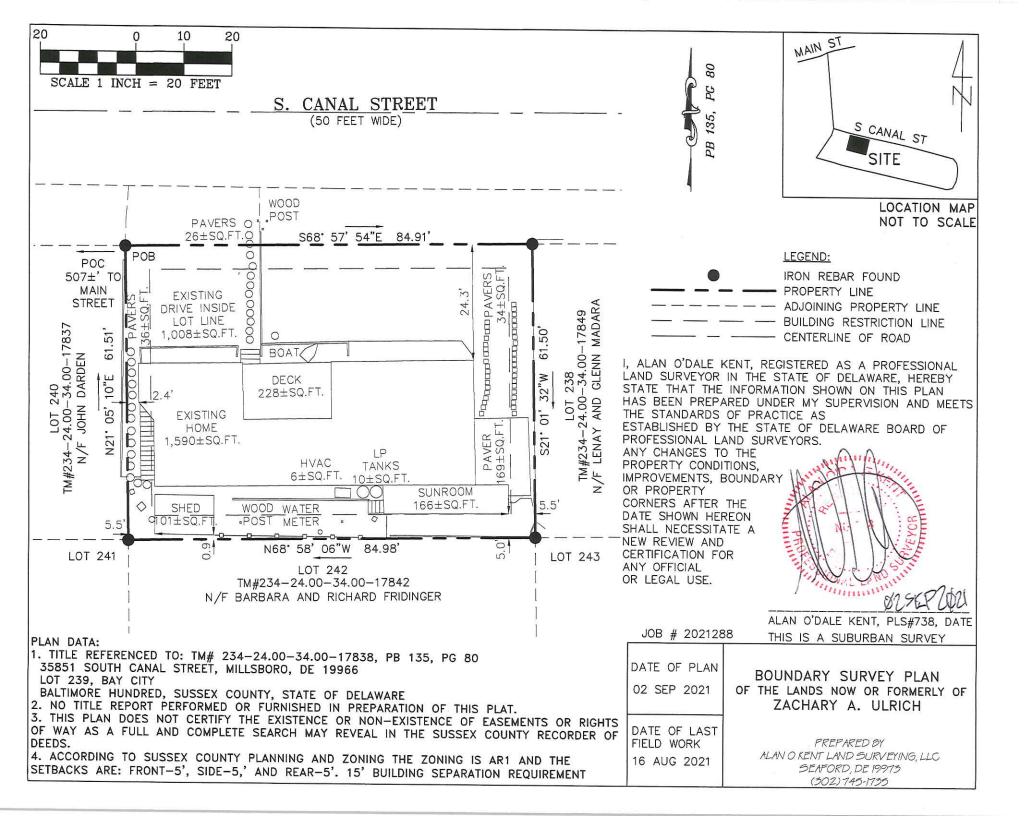
district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare. This has improved the drainage on not only our property but also the surrounding properties too.

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 want to apply for a parameter manimum variance of Solo above the 3500 of buildable lot specie / coverage.

Page | 2 Last updated 3/17/2015





Sussex County



	Case # 12.64.6
Board of Adjustme	2-2-6-2-7
Sussex County Sussex County Planning & 2 The Circle (P.O. Box 417) (302-855-7878 ph. 30	Zoning Department Georgetown, DE 19947
Type of Application: (please check all applicable)	
Variance 🔀	Existing Condition
Special Use Exception	Proposed
Administrative Variance	Code Reference (office use only)
Арреа	115-185
Site Address of Variance/Special Use Exception: 39950 - IE Admiral Rd. Tower Shores Bethany Beach, DE 19930	
	d: vator 5.5' into a 10's ideyard setback
request a variance to place an even	Varon 5.7 (nelo a lo parte parte so
Tax Map #: 134-5.00-110.00-E-2	Property Zoning: MR.
Applicant Information	
Applicant Name: Donna PThomas	
Applicant Address: 39950 Admiral Rd City Berhany Beach State DE	Zip: 19930
Applicant Phone #:302-993-2579 Applic	ant e-mail: bothany now 1220 Stahoe. com
have all so that the second	
Owner Information See appl Cant	
Owner Name:	
Owner Address:	
City State	Zip: Purchase Date:
Owner Phone #: Owner	r e-mail:
Agent/Attorney Information See applicant	
Agent/Attorney Name:	
Agent/Attorney Address:	
City State	
Agent/Attorney Phone #: Agent/	Attorney e-mail:
Signature of Owner/Agent/Attorney	
\$ DTT	Date: $\left \left \left \left \left 0 \right \right \right \right $
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See Attachment "A"

Sussex County, DE - BOA Application

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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.

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.

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

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.

5. Minimum variance:

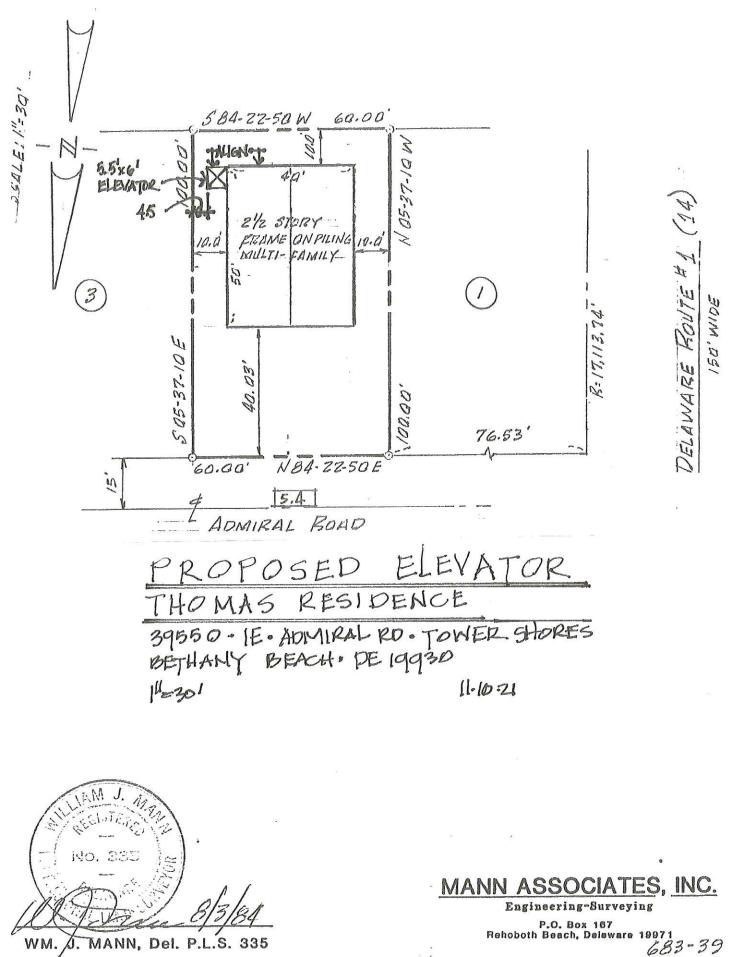
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Affachment "A"

BOA Application cont. 11/10/21 Criteria for Variance statements Donna P. Themas

1. The lot is under 10,000 sf so it is a small 167. (6000 sf)

- 2. Because of the location of the exasting structure on the small log, there are few optims for placement of the elevator. The proposed placement makes the best use of space.
- 3. The applicant has a medical diagnosis that was not created by the applicant.
- 4. The proposed location is at the left rear corner of the house so there is low resibulity from the street & stops below the railing of the top floor level deck. Also, there are at least 3 other elevators in the community that were added after the homes were built and are located in the setbacks.
- 5. The applicant is requesting only minimum stellspace so cablenclosure is accessible allowing min. room for wheel chair + standing person.



J. MANN, Del. P.L.S. 335

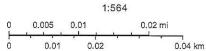


Sussex County



PIN:	134-5.00-110.00
Owner Name	PANJAG ASSOCIATES
Book	0
Mailing Address	405 W 23RD ST
City	WILMINGTON
State	DE
Description	TOWER SHORES DEV
Description 2	ADMIRAL RD
Description 3	LOT 2
Land Code	

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



November 16, 2021

RECEIVED

From: donna thomas Sent: Wednesday, January 12, 2022 9:07 AM To: Brad Newcomer Subject: Fwd: Elevator approval

JAN 31 2022

SUSSEX COUNTY PLANNING & ZONING

Sent from my iPhone

Begin forwarded message:

From: Karen Castle <<u>karen@thecastlefamily.org</u>> Date: January 4, 2022 at 10:09:40 PM EST To: donna thomas <<u>bethanynow1220@yahoo.com</u>> Subject: Re: Elevator approval

Hi Donna,

The Tower Shores Beach Association Board of Directors voted unanimously to approve your request. You are free to install your elevator pending approval of the setback variance from Sussex County. I have attached a draft copy of the board minutes documenting the vote. They will be approved at the meeting on January 11. Please let me know if you need anything else.

Thank you, Karen Castle TSBA President (301) 825-2947 karen@thecastlefamily.org

On 11/9/2021 8:53 PM, donna thomas wrote:

Hi Karen,

My name is Donna Thomas and I am a full time resident of Tower Shores living at 39550 Admiral Rd, unit 1E. I am applying for approval from the TSBA HOA to install an enclosed elevator on the left rear corner of the house. It will extend 5.5' into the side setback. I am applying for a variance from the County Planning & Zoning office. See the Site Plan which shows the size and location. There are at least 3 other elevators in the community that were installed after the homes were built and are in the setbacks.

Atlantic Elevator will be supplying & install the unit. This has become a need because of a medical condition/diagnoses.

Thank you for your consideration and please let me know if you have any questions.

Please confirm receipt.

Donna

e

1-302-893-2579

Sent from my iPhone

From: Rick Conlin
Sent: Saturday, January 15, 2022 6:40 PM
To: donna thomas
Subject: Fwd: Support for variance request @ 39550 Admiral Rd 1-E

RECEIVED

To: Sussex County Board Of Adjustment 2 The Circle PO Box 417 Georgetown, DE 19947

JAN 31 2022

SUSSEX COUNTY PLANNING & ZONING

RE: Case NO. 12646 Hearing Date February 7, 2022 Variance for side yard setback Owner, Donna P. Thomas Tax Map 134-5.00-110.00 39550-1E Admiral Rd Bethany Beach, DE 19930

My name is Richard J. Conlin. Along with my wife Catherine Conlin, we own a home at 39543 Admiral Rd. Unit 2, Which is located diagonally across the street from the residence owned by Donna P. Thomas, a Tower Shores Owner/Resident since 1975. We both fully support the variance request for the east side of 39550 - 1E Admiral Rd. My understanding is that the request is being made to accommodate the construction of an enclosed elevator. I also understand that the elevator will be designed and constructed to blend in with the existing structure. Two similar variance requests based on need have been granted over the past few years one block away on Bay Road. I do not think the granting of this request will in any way devalue surrounding home property values and in fact believe it will increase values. It is for these reasons that we fully support and respectfully request the variance be approved.

Sincerely atherine a Conlin Caterine A. Conlir

RECEIVED

JAN 31 2022

SUSSEX COUNTY PLANNING & ZONING

Sussex County Board of Adjustments #2 The Circle P.O. Box 417 Georgetown, Delaware 19947

January 12, 2022

Reference: Case No. 12646

The above referenced case is being heard before the Board on February 7, 2022. As the property owner of 39556-2 Admiral Road, which is immediately east of the property under consideration, I am in support of the requested change in the set back variance. I do not believe it will affect my property value directly nor cause any decrease in the value of property in Tower Shores. Thank you for your consideration in this matter.

Padricia m. Hennessy

Patricia M. Hennessey 1105 Archers Glen Lancaster, Pennsylvania 17601

From: brad newcomer sussexcredit@gmail.com Subject: Zoning request Date: Jan 23, 2022 at 2:16:20 PM To: bethanynow1220@yahoo.com

RECEIVED

To Sussex County Zoning **Georgetown DE**

JAN 31 2022

SUSSEX COUNTY PLANNING & ZONING

From **Brad Newcomer Karen Newcomer** 39550 Admiral RD 2 west Bethany DE 19930

1-22-22 board of Adjustment Hearing 2/1/22 case no # 12646

Brad and Karen Newcomer have no opposition to the elevator being proposed by Donna Thomas at 39550 Admiral Rd 1 East. We are the owners of the other side (west) of the duplex we share with Donna. Please approve so Donna Thomas may proceed with her project.

Thank you **Brad and Karen Newcomer** 302-258-8473 sussexcredit@gmail.com

Karen a Newcomer

January 14, 2022

- To: Sussex County Board of Adjustment 2 The Circle PO Box 417 Georgetown, DE 19947
- RE: Case No: 12646 Hearing date February 7, 2022 Variance for side yard setback Owner, Donna P Thomas Tax map 134-5.00-110.00 39550-1E Admiral rd. (911 address) Bethany Beach, DE 19930

RECEIVED

JAN 31 2022

SUSSEX COUNTY PLANNING & ZONING

My wife and I own the property (39549 Admiral Rd.) directly across from the property (39550-1E Admiral Rd.) owned by Donna P Thomas, the Owner seeking the east side yard setback variance. This setback variance is to allow for the construction and installation of an enclosed elevator. Because of the location and matching finish materials (siding, trim and colors), the enclosure will have very low visibility from the street. Also, there are 3 other elevators in the community of which 2 are in the setbacks. This has established a precedent.

We do not feel that the variance will de-value our property in any way. If anything, adding an elevator will most likely increase the value and raise the values of the properties around it. For these reasons, we have NO objection to this variance.

Thank you, 🥢

Sang and N. Jewel Na. 39549 Admiral Rd., Bethany Beach, DE 19930

Juli 18 July

lede om eine sterne mente en eine eine sterne eine eine sterne geben eine sterne geben. Die mit beiten on eine Beweise gebeiste der gebenste Weisselste oder zicht als eine gebeite mente geben. Die mit beite der geben sollt Unterent Berkensterne mehtelte stellte eine To: Sussex County Board 0f Adjustment 2 The Circle PO Box 417 Georgetown, DE 19947

RE: Case NO. 12646 Hearing Date February 7, 2022 Variance for side yard setback Owner, Donna P. Thomas Tax Map 134-5.00-110.00 39550-1E Admiral Rd Bethany Beach, DE 19930 January 23, 2022

RECEIVED

JAN 31 2022

SUSSEX COUNTY PLANNING & ZONING

Hi, my name is Trudy Albrecht, and I own both 39557 and 39559 Admiral Road in the Tower Shores development of Bethany Beach. My neighbor diagonally from my primary residence (at 39557) is Donna Thomas, a fulltime Tower Shores resident who has owned property in the community since 1975.

Since we live in one of the oldest developments in North Bethany, established way back in the late 50's, the only homes here with elevators are the re-built structures, and a handful of previously approved setback variances for elevators added on to some older homes. With many of the structures featuring inverted floor plans, an elevator becomes essential to owners who wish to continue enjoying their beach property well into their retirement years.

In light of this reality, I am fully in support of the variance request for the east side of 39550-1E Admiral Road. This request is being made to accommodate an enclosed elevator, toward the rear of the dwelling, designed and constructed to blend in with the existing structure. I believe that granting this request will enhance this home and the surrounding home property values, as buyers these days want/expect an elevator – especially for the inverted floor plan structures.

I thank you for reading this, and I respectfully request this variance be approved.

Sincerely,

Trudy albrecht

Trudy Albrecht P.O. Box 1350 Bethany Beach, DE. 19930

Bethanybreeze96@gmail.com

To: Sussex County Board of Adjustment

Letter of Opposition to:

Case No. 12646 – Donna P. Thomas seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-34, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the south side of Admiral Road within the Tower Shores Subdivision. 911 Address: 39950 Admiral Road, Bethany Beach. Zoning District: MR. Tax Map: 134-5.00-110.00

We are the Owners of Lot 109 on Admiral Road, sharing the western boundary with Lot 110, i.e., 39950 Admiral Road Bethany Beach, the owner of which is seeking this variance.

We have owned Lot 109 for the past nine months. We have leased, owned, and currently occupy other properties in Bethany Beach for the past 40 years. There are several reasons for our opposition to this request for a variance to reduce the side yard setback requirement by fifty-five percent (55.00%) to a side yard setback of 4.5 feet.

- (1) If the variance is granted, the construction of an elevator in the side yard setback will alter the essential character of the neighborhood by reducing the value of Lot 109, since the lesser space between the boundary of our lot and the expanded envelope of the building on Lot 110 will be seen adversely by any prospective owner who wishes to either build on the currently unimproved lot, or purchase any structure hereinafter build on Lot 109, because of reduced privacy, and greater congestion.
- (2) This variance is NOT the sole means of satisfying the Applicant's desire to have an elevator in the structure occupying their lot. Therefore, there is a possibility that the Property can be developed in strict conformity with the provisions of the Zoning Ordinance, and approval of this variance request is not necessary to enable the reasonable use of the Property. There is the clear alternative of building the planned elevator within the setbacks, simply by modest re-design and allocating the needed length and width of the elevator, keeping the existing exterior boundaries of the dwelling exactly where it stands today. The owners of Lot 110 bought a property which observed, and stipulated the current 10-foot side yard setback; i.e., they bought into those limits which they now wish to use a variance to modify.
- (3) It is our position that the exceptional practical difficulty has been created by the Applicant. While we are sympathetic to the Applicant's medical diagnosis, we do not believe the Applicant's medical diagnosis meets the variance criteria that such exceptional practical difficulty has not been created by the Applicant. It is our understanding that appropriate considerations apply to the land itself. Therefore, consideration of the needs/preferences of persons who own or occupy the premises are not appropriate considerations in accordance with the Sussex County guidelines relating to variances.

The stated purpose in seeking the variance relates to the medical needs of a current occupant. The Sussex Country guidelines wisely recognize that the dimensions of buildings, including the side yard setbacks in this case, become permanent and remain well beyond the transition of one owner and their specific circumstances and needs/desires.

Hence, the guidelines are premised on the facts that modifications confined to specific occupants/owners are necessarily temporary, while modifications to the land are almost always permanent.

(4) The Applicant's 5.5 feet variance request is not the minimum variance that will afford relief and does not represent the least modification possible of the regulation in issue because the Applicant through modest re-design should be able to build the planned elevator within the current footprint.

For these reasons, the Applicant has not satisfied her burden of meeting the Sussex County area variance criteria. The owner of Lot 110 bought into the existing limitations with the presumed understanding that there would be no ability to expand the building's footprint westwardly in the direction of Lot 109. If the Board of Adjustment were to grant the requested variance, we, as owners of Lot 109, would suffer economic damages to the value of Lot 109. Therefore, we oppose Case 12646, and urge the Board of Adjustment to deny the Applicant's request for variance to reduce the side yard setback.

Very truly yours,

/s/ Thomas and Mary Ellen Fise

Thomas and Mary Ellen Fise Owners and Taxpayers Lot 109, Admiral Road Bethany Beach, Delaware

Sussex County 2 The Circle (P.O.	ijustment Ap County, Delay Planning & Zoning De Box 417) Georgetow 7878 ph. 302-854-5079	Vare partment n, DE 19947	Case # <u>12647</u> Hearing Date <u>1/3</u> $\lambda 021/6706$
Type of Application: (please check all ap	plicable)		
Variance 🖌 Special Use Exception 🗌 Administrative Variance 🗍 Appeal 🗍 Site Address of Variance/Special Use Exc		115-34	ion \checkmark e (office use only) 115 - 183 115 - 185
34060 Shawnee Dr, Dagsboro, DE, 1993	19		
Variance/Special Use Exception/Appeal			
Shed rear setback reduced by 4 feet 9 in Shed side setback reduced by 2 feet 10 i Shed to remain in its current location.			
Тах Мар #: 134-11.00-301.00		Property Zonin	g: MediumResidential
Applicant InformationApplicant Name:Jason SatterfieldApplicant Address:34060 Shawnee DrCityDagsboroStateApplicant Phone #: 302-258-3904	Zip: <u>19</u> Applicant e-ma	and the second sec	rfield@outlook.com
Owner Information			
Owner Name: Jason Satterfield Owner Address: 34060 Shawnee Dr City <u>Dagsboro</u> State <u>DE</u> Owner Phone #: 302-258-3904	Zip: <u>19</u> Owner e-mail:		chase Date: <u>5/20/2020</u> field@outlook.com
Agent/Attorney Information			
Agent/Attorney Name: Agent/Attorney Address: City State Agent/Attorney Phone #:	Zip: Agent/Attorney	e-mail:	
Signature of Owner/Agent/Attorney	ſ	Date: 11/11/2	021



Sussex County, DE - BOA Application

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

You shall demonstrate to the Board of Adjustment that the property meets <u>all</u> 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.

Please see attached.

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.

Please see attached.

3. Not created by the applicant: That such exceptional practical difficulty has not been created by the appellant.

Please see attached.

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.

Please see attached.

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.

Please see attached.

I really appreciate you taking the time out of your busy schedules to meet with me regarding my shed location. I hope after reading the following you'll see the difficulties I've faced and had to endure with my property being buildable and the constraints my property has placed on setbacks.

1.) My property has been extremely difficult to build on and impacted very heavily from the Blackwater Creek that runs alongside the outer edge connecting to the Indian River Bay. Our property is very close to the marsh and the majority of the front of the property is in a flood zone. The ordinary high water line as indicated by the soil scientist forced the septic to be in the front right corner with an extremely long drainfield to accommodate the narrowness of applicable area and is on the front and side 10 foot setbacks. This along with the flood zone running through the front of my property forced my house to the back 10 foot property line with only the minimum distance of 10 feet to my septic tank. Because of this I was forced to get a variance for my well and place it 100 feet from the septic in the back left corner 1 foot from the rear and side property lines. The difficulty with my property left us with almost no backyard.

2.) My shed is 10 x 14 and was constructed with 2 double doors on the left side and 1 single door and windows on the front side. If the shed is relocated to the rear and side 5 foot property lines my single door becomes completely unusable and the side double doors will make it nearly impossible to get a majority of my larger equipment like riding tractor and 13 foot kayak in and out. Every day tasks would become very difficult as a result of the shed being at the 5 foot property lines. The shed cannot be rotated with the long side facing the street or one of the doors would become inaccessible from my property and the shed would look abnormal facing a neighboring property. The shed remaining in its current location would keep my property the most usable as well esthetic for the community.

3.) My builder was responsible for purchasing and installing the shed as part of my construction contract. My family and I were not at the construction site at the time of the install and we were not living in the home yet. I myself didn't know shed county codes until I later found out the shed was installed improperly and there was no permit for it. I've filed the appropriate paperwork at this time and have a permit with the county for the shed. Since finding out the shed was not to code I've called for quotes on relocating the shed and the cost would be roughly \$350-\$400 for a large truck and shed mule. I would end up having to take all stored items out of the shed and then put them back in after and the doors would become very unusable because of the lack of space around and in front of the doors. Construction contract attached as supporting evidence.

4.) A large majority of Blackwater Village has sheds of varying sizes and shapes and is considered extremely normal and most properties have at least one shed located on the rear of a property. Our shed matches the design and color scheme of our home and is very appealing and in good taste for the community. All 3 adjacent properties have signed a letter showing support for this variance application and see no concerns with the shed in its current location near the property lines. The President as well as the Director of the Blackwater Village HOA have signed letters approving of this variance application and believe it to be perfectly acceptable for the community.

5.) The minimum variance that will afford my property relief would be to leave the shed in its current location which is perfectly acceptable to the community and adjacent property owners. The minimum variance would be to have the rear setback reduced by 4 feet 9 inches and the side setback reduced by 2 feet 10 inches.

I'd like to thank the Board of Adjustment for any and all considerations regarding my property and variance application. I look forward to meeting the Board and discussing the specifics of my property in person at the January 3rd hearing. Hope everyone gets a chance to enjoy the holidays in the meantime.

Thank you very much,

Jason Satterfield

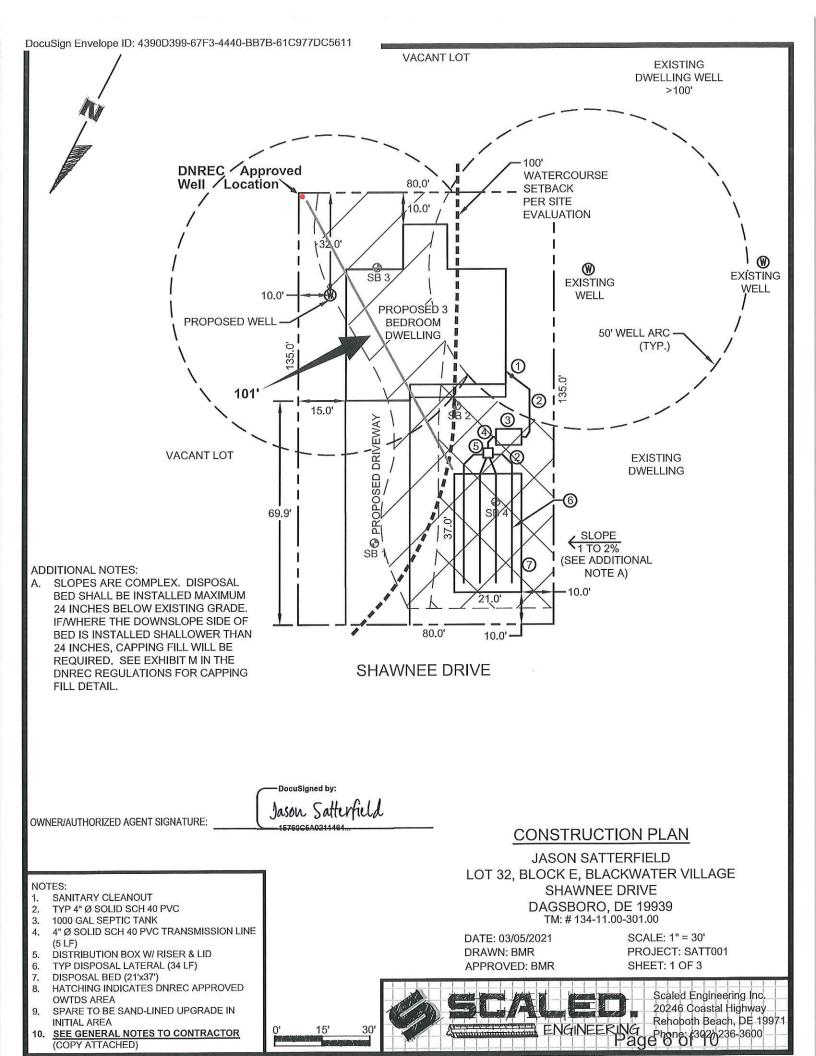
Jusn Sattepind 11/11/2021

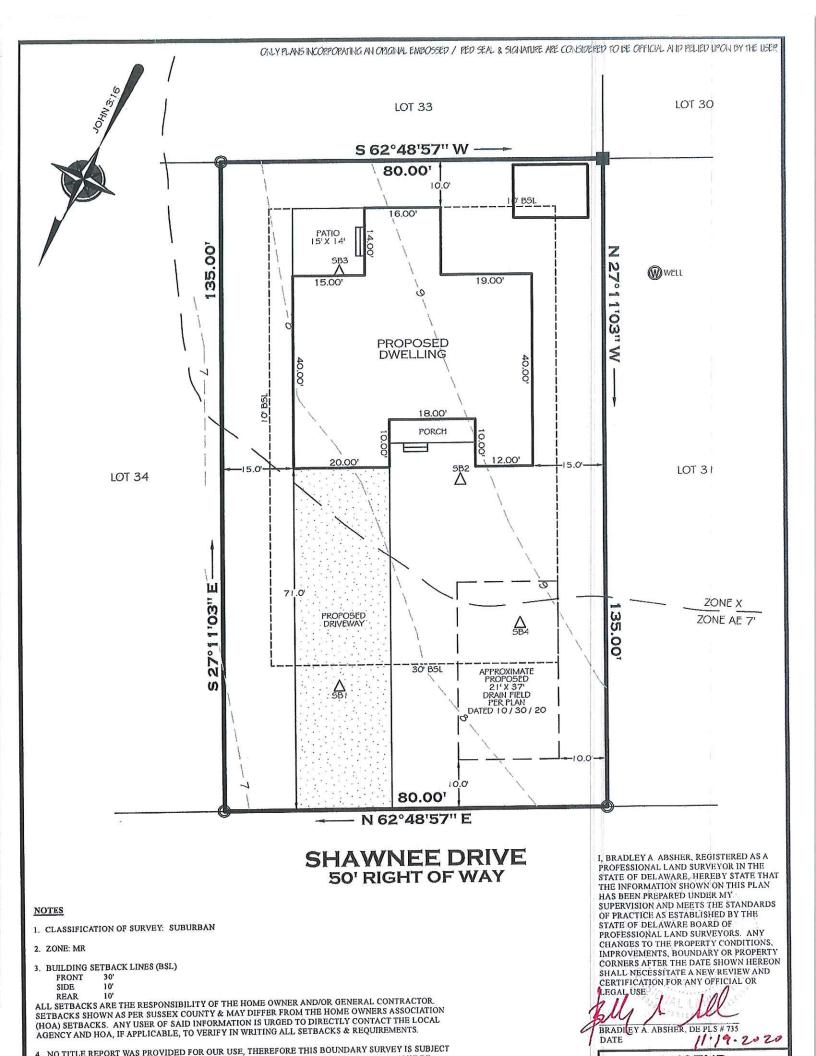
I'd like to formally apologize for my shed being placed too close to the property lines. There's no excuse for not being cognizant of county codes as well as the specifics at the construction site of our new home. My wife and I have been dealing with a lot lately and we haven't been able to spend as much time on other things. We are blessed to have our first child, our 7 month son Callahan, but he has made our lives a little more complicated and strained. During the construction phase of our home we weren't able to spend as much time at the work site as we would've liked. We had a lot of difficulties with our builder and general problems especially toward the end of the construction. Our builder gave us a completion date and we listed our previous home with a realtor. The builder ended up falling significantly behind schedule just prior to us accepting an offer on our new home forcing us to sign a rental agreement to stay in our old home. The timelines got further constrained and the builder rushed a lot at the very end for us to get into the house the day before our rental agreement ended. We've lived in the house approximately a month and we're far from finished unpacking, but we recently discovered the shed's location was not following County codes. The builder had apparently rushed to finish the home for us and our baby and mistakes were made. I'm terribly sorry there was no permit and the shed was not placed appropriately and I hope my family and I can rectify this situation with the County. I've since gone to the Permit Department and obtained an appropriate permit for the shed. Prior to applying for the variance I made sure no neighboring and adjacent properties had any issues with my shed and its current location and all have signed accordingly. I've talked to the Blackwater Village HOA Board and I have their full support as well and they all also signed letters stating such. I hope I've taken all the appropriate steps including this variance application to rectify my shed's current status. Please accept this letter and variance application as a sincere apology from me and my family regarding the county code for our shed. Please let me know if there are any questions or concerns from the Board of Adjustment prior to the January 3rd hearing and I'll make sure to answer them and provide appropriate documentation. Thank you very much for your time!

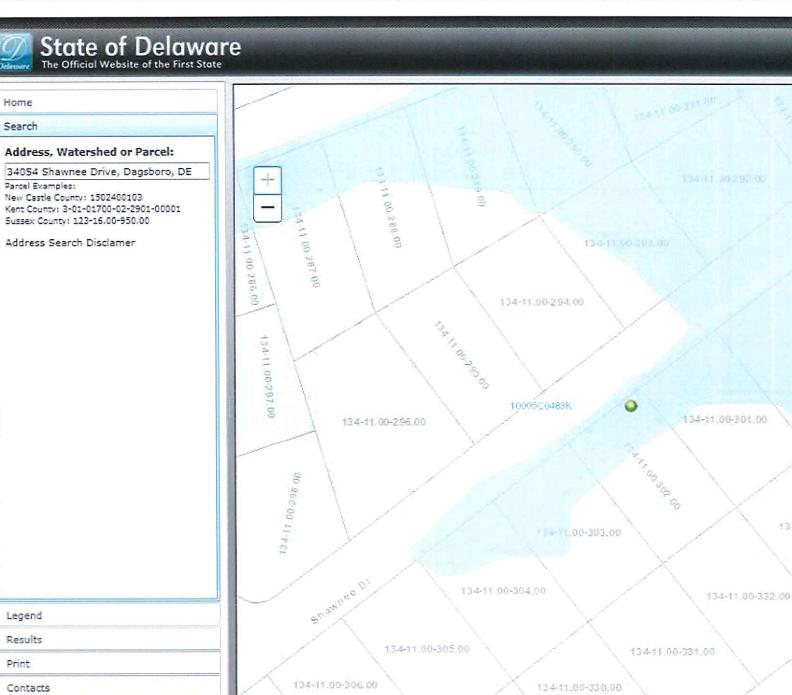
Thank you,

Jason Satterfield

Jun Atterpent 11/11/2021









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Federal Emergency Management Agency | FirstMap 2019

AE-7

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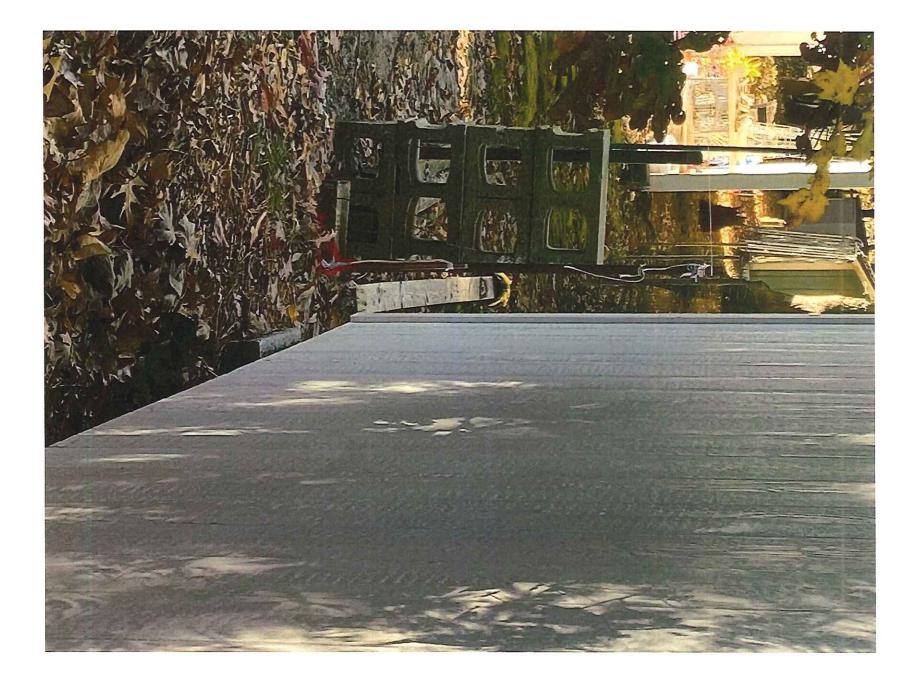
134-11 00-333 00

Getting Started/Help

	Draft Inspe	ection Report		
Permittee: Jason Satterfield		Permit #: 2441	35	Auth #: 833944
Contractor: Randall Craft	Lic #: 2467	Phone #: (302)) 542-1919	
Date/Time of Call: 06/02/2021 2:30 pm		System Ready:	06/03/21 5:00	nm
Property Location: 34060 Shawnee Drive,	Deceboro: Plackwate			
Property Location: _ 54000 Snawnee Drive,	Dagsboro, Diackward	or village		
Septic Tank	Lift	Station	M	liscellaneous
1. 1,000 Gal	1.	Gal/Dimensions		Intreated Paper
2. X Concrete Plastic	2.	Ft/Dwelling	(* 92.5%) (* 10.5%)	ilter Fabric
3. 10.5' Ft/Dwelling	3.	Ft/D-Box	New York Contraction of the State	oints Sealed
4. X Risers	5 Vent			Welling On Site
5. X Filter	6 Concre			Driveway per Plan Ildg Connected
6. <u>X</u> 2 Comp. 7. X Baffles	7 Plastic 7.	Anchored Alarm Type		Adjacent Wells
7. <u>X</u> Baffles		Alarin Type	7. <u>07</u> 1	Aujacent wens
		774 3 3		XX7 U
D-Box		n Field	1 7	Wells
1. X Plastic	1. <u>X</u> Ag _	Ag-free # of Trenches	a second s	<mark>nstalled</mark> Central Water
2. Concrete	2	" Width	3. 106	
3. <u>TEE</u> Baffle 4. 5' Ft/Tank	4.	· Length	4.	Ft./Lift Station
$\begin{array}{c} 4. \\ 5. \\ 4 \\ \end{array} \qquad \begin{array}{c} 101 \text{ rank} \\ \text{# Outlets} \end{array}$	5. 21'x37'	Bed Dimensions	5. 101	
6. 5' Solid Pipe	6. <u>8"-12"</u>	" Depth TOS/Ag-free	1 million 1	
	7.	Spacing		
	8. 50'+	Ft./Trees		
	9. <u>x</u> 5' Soli	d Pipe (sch. 40)		
Initial Incorrection			Cap Inspection	
Initial Inspection Comments: Installed per plan, Well's inst	alled in confined	Final Site Restoration:	Cap Inspection	
Aquifer per permit		I mai blie Restoration.		
Aduliei per permit				
		Thickness (of Cap):		
AL	1	Extent of Berm:		
1) 1 192		Inspectors Signature:		
Inspectors Signature:				
Date: 06/03/2021	1	Date: License Number:		
License #: 4298 Authorization M	Number: 833944	License Number.		
Site Conditions: <u>DRY</u>				
System Meets Permit Conditions X	Yes <u>No</u>			
System to be Covered X Y	esNo			
Construction Report Required X	lesNo			
As Built RequiredYes	<u>X</u> No	2		
Needs Cap InspectionYes	<u>X</u> No			
Supervised InspectionYes	<u>X</u> No			







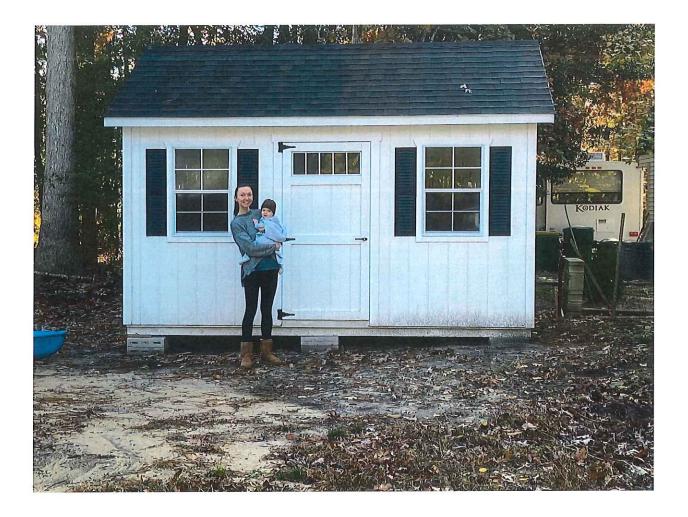


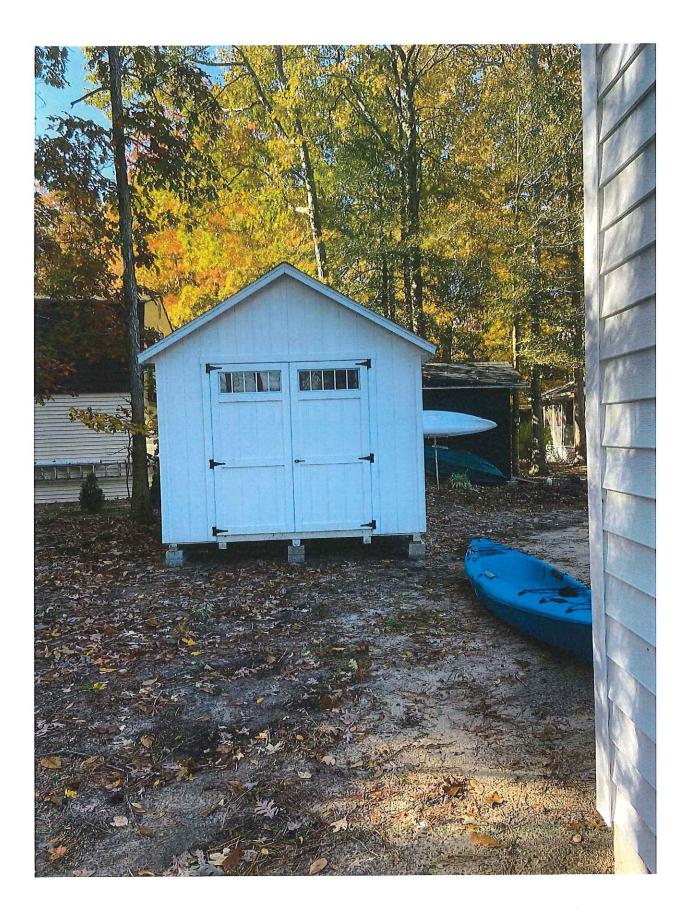














P.O. Box 734 Lewes, DE 19958 US



Estimate

ADDRESS Jason Satterfield Tax Map #1-34-11.00-301.00		ESTIMATE DATE EXPIRATIO	1238 09/17/2020 M DATE 10/31/2020	
ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Foundation	***House Construction: *Foundation:	1	0.00	0.00
	-Grading and site preparation -Dig for new footing -Pour concrete In new footing -Install concrete blocks for new foundation walls -Install vapor barriers -Install approx."2" of concrete slab over vapor barriers -Install approx."4" concrete slab for garage -Aluminum termite shield. Pressure treated sill plate. Sill sealer over -5 course 8" concrete block walls -Clean entire area -Haul away all debris			
Frame	*Frame:	1	0.00	0.00
ž	-Build first floor deck with 2"x10" -Build exterior walls with 2"x6"s -Build interior walls with 2"x4"s -Build upstairs per plans(To be Unfinished) -Build Stairway to upstairs per plans -Build Roof with rafters 16" O/C -Build front porch with pressure treated 6"x6" posts -Build front porch roof with 2"x8" rafters -Install house wrap -Wrap 6"x 6" post with vinyl sleeves -Install windows and doors -Seal windows and doors with caulk and window tape -Clean entire area -Haul away all debris			
Roofing	*Roofing -Install drip edge -Install ice and water shield -Install 30 years architectural designed shingles Install Gutters and downspouts -Clean entire area -Haul away all debris	1	0.00	0.00
			<i>(</i>	

Rough Plumbing	 -Run new feeding lines for all bathrooms(Including one upstairs) -Run new feeding lines for laundry room sink -Run new feeding lines for kitchen -Run new feeding lines for all faucets (where needed)/(Including one bathroom upstairs) -Run new feeding line for spigots by driveway near front porch, rear of the house, and extra location to be determined. -Run new drain lines for all bathrooms (Including one upstairs) -Run new drain lines for all bathrooms (Including one upstairs) -Run new drain lines for all faucets (where needed)/(Including one bathroom upstairs) -Run new drain lines for all faucets (where needed)/(Including one bathroom upstairs 1-Rough-in for outside shower -Install water heater -Install new sump pump -Clean entire area -Haul away all debris 	1	0.00	0.00
Rough HVAC	-Install new 2.5 to 3 ton Rheem Heat Pump 14 Seer System -Run all necessary duct work -Install all new registers -Install new HVAC compressor -Install new HVAC Thermostat with WiFi capability -Clean entire area -Haul away all debris	1	0.00	0.00
Rough Electrical	 -Run wire for 5 exterior light fixtures (Being one of the them a WIFI motion light for the patio) -Run wire for 3 exterior receptacles -Run wire for light fixtures -Run wire for light switches -Run wire for receptacles -Run wire for for ceiling fan in 3 bedrooms, sunroom & living room, and. -Run wire for all utilities -Clean entire areas -Haul away all debris 	1	0.00	0.00
Exterior Trim	Exterior trim: -Wrap all headers on porches with PVC trim -Install 4" Vinyl Linear around windows and doors -Install PVC trim around garage door -Clean entire area -Haul away all debris	1	0.00	0.00
Siding	-Install new aluminum fascia -Install new vinyl soffit -Install new vinyl corners -Install new vinyl D4-D5 siding on entire house -Install vinyl board and batten siding on garage wall gable -Clean entire area -Haul away all debris	1	0.00	0.00
Tile	-Install new cement board for laundry floor -Install new cement board on 2 bathroom floors -Install new cement board on shower walls, and floor on master bathroom -Install new cement board on shower walls on hall bathroom -Install new tile on bathroom floors, and laundry floor -Install new tile on bathroom shower walls, and floor on master bathroom	1	0.00	0.00

61

	-Install new grout on bathroom shower walls -Install new grout on bathroom floors, and laundry floor -Install new glass door for the master bathroom -Install backsplash on kitchen(Customer will supply tile and grout) -Haul away all debris			
Insulation	-Install insulation on exterior walls R19 -Install insulation on ceiling R38 -Install insulation on garage -Clean entire area -Haul away all debris	1	0.00	0.00
Drywall	-Install drywall on ceilings -Install drywall on walls -Install drywall on garage -Install green boards in bathrooms -Install green board in laundry -Tape and finish drywall on garage -Tape and finish drywall on all ceilings -Tape and finish drywall on all walls -Clean entire area -Haul away all debris	1	0.00	0.00
Interior Trim	-Install new interior doors -Install new hardware for new interior door -Install new trim around new windows -Install new trim around new exterior door -Install new trim around new interior doors -Install new trim around doors and window on garage -Install new baseboard trim -Clean entire area -Haul away all debris	1	0.00	0.00
Paint	-Prime all new drywall -Paint all ceilings with two coats of paint -Paint all walls with two coats of paint -Paint all doors with two coats of paint -Paint all interior trim with two coats of paint -Clean all surface on garage floor -Install two coats of epoxy paint -Clean entire area -Haul away all debris	1	0.00	0.00
Kitchen Cabinets	-Install kitchen cabinets -Install bathroom vanities in all bathrooms -Install hardware on all cabinets -Clean entire area -Haul away all debris	1	0.00	0.00
Finish electrical	Finish electrical: -Install all light fixtures(Homeowner will supply) -Install all light switches -Install all receptacles -Install switches for ceiling fan in all bedrooms, dining room, and sunroom -Install Ceiling fans (Homeowner will supply) -Install 1 outlet on rear of the house -Install 1 outlet on front porch -Install 4 outlets on garage (To be determined by homeowner) -Clean entire area	1	0.00	0.00
	-Haul away all debris			Ŷ

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Hardwood	-Install new underlayment on entire house -Install new hardwood on entire house -Install new quarter round trim on on entire house -Clean entire area -Haul away all debris	1	0.00	0.00
Counter Top	-Install all counter tops for Kitchen cabinets -Install counter top for kitchen island -Clean entire area -Haul away all debris	1	0.00	0.00
Bathroom Fixtures	-Install toilets -Install faucets(Homeowner will supply) -Install other plumbing fixtures) -Install bathroom hardware on all bathrooms(Homeowner will supply) -Clean entire area -Haul away all debris	1	0.00	0.00
Appliances	Appliances -Install all appliances -Clean entire area -Haul away all debris	1	0.00	0.00
Concrete Patio and walkway	-Dig for new concrete next to one side of sunroom, new slab for HVAC, walkway from the driveway to new patio, and new driveway -Pour approx' 4" of concrete for new walkway, new patio,slab for HVAC, and driveway -Brush concrete and finish the joins -Clean entire area	1	0.00	0.00
Glass Shower door	-Haul away all debris -Install glass shower door in the master bathroom -Clean entire area -Haul away all debris	1	0.00	0.00
Septic System	Install septic system	1		
Shed	-Shed allowance (Home owner will select the shed)	1		
Bases of Estimate	*THIS ESTIMATE IS BASED ON HOUSE MODEL SENT BY HOMEOWNER	1	0.00	0.00
	 *This estimates includes all material, with exceptions of kitchen faucet, bathroom faucets, bathroom hardware. *This estimate includes labor, dump fee, drawings, permit application, and permit fee. *This estimate is based on foundation walls built with cider blocks parging. *This estimate includes black United Windows 3900 series, or similar quality and price *This estimate is based on 4" concrete driveway (20'x90') *This estimate is based on Plygem Herald traditional, or similar quality and price products for siding and exterior trim *This estimate is based on Plygem vinyl linear around windows *This estimate is based on Sherwin Williams paint products or equal *This estimate is based on \$2.00 square foot tile (homeowner will select the tile) *This estimate is based on budget of \$13 for door handles 		- C	Y

*This estimate is based on \$2.00 square foot hardwood flooring (homeowner will select hardwood flooring) *This estimate is based on budget of for kitchen Cabinets and vanities \$4,000.00

*This estimate is based on budget of \$1,000.00 for water heater

*This estimate is based on budget of \$2,500.00 for all kitchen counter tops.

*This estimate is based on budget of \$3,500.00 for all appliances.

*This estimate is based shoreline series 100 for railing(If needed)

*This estimate is based on concrete front porch

*This estimate is based on house will be set up to 90' from the street

*This estimate is based on one cable wiring per room with location chosen by homeowner

*This estimate is based on ceiling height = 9'

*This estimate is based on Interior doors hollow core, three hinges, color homeowner's choice.

*This estimate is based on allowance of \$2.500.00 for landscaping, irrigation, shrubs.

*This estimate is based on up to 4 colors for Interior paint

*This estimate is based on batt insulation exterior walls R19 , and ceilings R38

*This estimate is based on front door allowance of \$800.00

*This estimate is based on 3 pendants for kitchen

*This estimate includes light for all closet

*This estimate includes Kitchen exhaust to exterior

*This estimate includes door bell

*This estimate includes garage/driveway motion lights/WIFi capability

*This estimate includes front porch light

*This estimate is based on standard number of electrical components per room as required by code. That is, for all request of extra light, or outlet, not listed on the bases of the estimate, there will be an additional amount of \$150 per item.

* Electrical work to be done to meet or exceed Code.

*This estimate includes lever type door handles, lockable for all doors except pantry/closet doors

*This estimate is based on 1" x 6"(MDF) trim for baseboards, and 1" x 4" (MDF) for trim around doors and windows. Crown molding for living, kitchen, and dining room.

This estimate includes pressure treated steps from slider door to concrete patio

*This estimate is based on build unfinished upstairs with rough-ins for electrical, and plumbing for one bathroom. *This estimate is based on unfinished upstairs to be on floor joists.

*This estimate is based on Shed allowance of \$4,000.00 *This estimate is based on septic system allowance of \$15,000

*Water Softener Allowance =\$ 3,000

*Miscellaneous allowance (Mirrors, flooring, etc) =\$9,500 *THIS ESTIMATE INCLUDES LOT GRADING

***WN Builders is not responsible for any damage of any kind caused by or to third party during the work hours or after, inside of the work site. Homeowner has to inform neighbors of the risk of a work site, and guarantee that there will be no unpermitted access to the work site.



All the work shall meet or exceed current building codes

1 250,999.00

250,999.00

\$250,999.00

Accepted By

Price

(psn Sattergreek 19/27/2020

Accepted Date

Date: 20/27/2020

TOTAL



I am a nearby property owner and neighbor of Jason Satterfield and I have no concerns with the shed being close to the property lines. The shed's current location is perfectly acceptable and poses no hindrance to the community or my property.

Thank you,

Printed Name:

David Kline

Property Address:

4054 Shawnee Dr. 19939

Signature:

Date:

21

PARID: 134-11.00-302.00 KLINE DAVID EDWARD

Property Information

ROLL: RP 34054 SHAWNEE DR

Owner KLINE DAVID EDWARD	Co-owner TINA-MARIE KLINE	Address 34054 SHAWNEE DR	City DAGSBORO	State DE	Zip 19939
Owners					
	BLK E				
Legal Description	LOT 31	WATER VILLAGE			
Legal					
100% Total Value	\$43,100)			
100% Improvement Value	\$40,100				
100% Land Value:	\$3,000				
Plot Book Page:	/PB				
Zoning 2:	-				
Zoning 1:	MR-ME	DIUM RESIDENTIAL			
Irr Lot:					
Depth:	135.000)			
Frontage:	80				
Deeded Acres:	.2479				
Fire District:	84-Milly	ille			
Council District:	4-Huds	on			
School District:		AN RIVER			
Tax District:		ALTIMORE			
Town	00-Non				
Class: Use Code (LUC):		esidential SIDENTIAL SINGLE FAMILY			
Zip:	19939				
City: State:	DE				
Unit:	DAGSE	ORO			
Property Location:	01001	SHAWNEE DR			

https://property.sussexcountyde.gov/PT/Datalets/PrintDatalet.aspx?pin=134-11.00-302.00&gsp=PROFILEALL&taxyear=2021&jur=DE000&ownseq=0... 1/1

I am a nearby property owner and neighbor of Jason Satterfield and I have no concerns with the shed being close to the property lines. The shed's current location is perfectly acceptable and poses no hindrance to the community or my property.

Thank you,

Printed Name:

AMES J. HArmon

Property Address:

Signature:

Date:

19939 N. 7 INIAN QUE.

PARID: 134-11.00-332.00 HARMON JAMES T III & MARY F

Property Information

ROLL: RP 34037 INDIAN QUEEN LN

Property Location:	34037	INDIAN QUEEN LN			
Unit:		α.			
City:	DAGS	BORO			
State:	DE				
Zip:	19939)			
Class:	RES-I	Residential			
Use Code (LUC):	RS-R	ESIDENTIAL SINGLE FAMILY			
Town	00-No	ne			
Tax District:	134 –	BALTIMORE			
School District:	1 - INI	DIAN RIVER			
Council District:	4-Hud	son			
Fire District:	84-Mi	lville			
Deeded Acres:	.2479				
Frontage:	80				
Depth:	135.0	00			
Irr Lot:					
Zoning 1:	MR-M	EDIUM RESIDENTIAL			
Zoning 2:	-				
Plot Book Page:	/PB				
100% Land Value:	\$3,00)			
100% Improvement Value	\$33,70	00			
100% Total Value	\$36,70	00			
Legal					
Legal Description	BLAC	KWATER VILLAGE			
	LOT 3	0			
	BLK E				
Owners					
Owner	Co-owner	Address	City	State	Zip
HARMON JAMES T III & MARY F	CARMELLA	34037 INDIAN QUEEN LN	DAGSBORO	DE	19939

I am a nearby property owner and neighbor of Jason Satterfield and I have no concerns with the shed being close to the property lines. The shed's current location is perfectly acceptable and poses no hindrance to the community or my property.

Thank you,

Printed Name:

Property Address:

Signature:

Date:

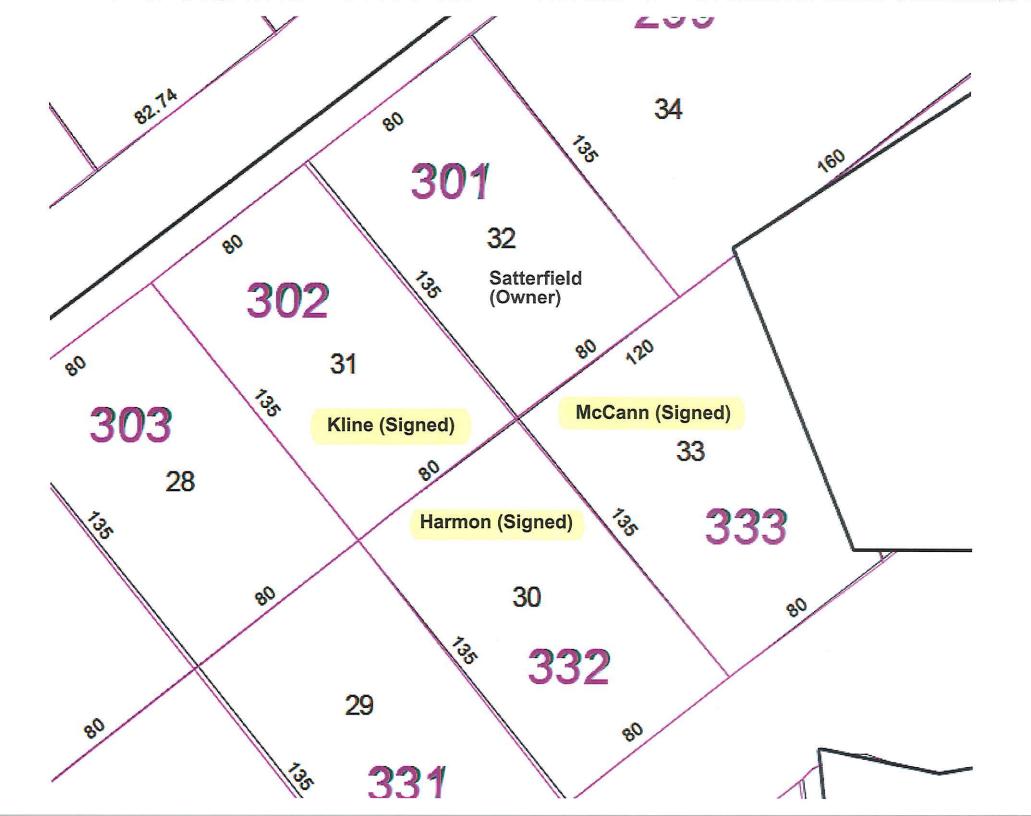
ROBERT MCANN 333 INDIAN QUEEN LANE 1 202

PARID: 134-11.00-333.00 MCCANN ROBERT WILLIAM

Property Information

ROLL: RP

			and the second		
Property Location:					
Unit:					
City:					
State:					
Zip:					
Class:	F	RES-Residential			
Use Code (LUC):	F	RV-RESIDENTIAL VACANT			
Town	0	0-None			
Tax District:	1	34 – BALTIMORE			
School District:	1	- INDIAN RIVER			
Council District:	4	-Hudson			
Fire District:	8	4-Millville			
Deeded Acres:	.:	2590			
Frontage:	8	0			
Depth:	1	41.000			
Irr Lot:					
Zoning 1:	٨	IR-MEDIUM RESIDENTIAL			
Zoning 2:	-				
Plot Book Page:	Л	PB			
100% Land Value:	\$	3,000			
100% Improvement Value					
100% Total Value					
Legal					
Legal Description	E	BLACKWATER VILLAGE			
	L	.OT 33			
	E	BLK E			
Owners					
Owner	Co-owner	Address	City	State	Zip
MCCANN ROBERT WILLIAM		30613 SANDY LANDING RD	DAGSBORO	DE	19939



I am a Board Member in the Home Owners Association for Blackwater Village and I fully support this variance application. Jason Satterfield has written approval from all 3 owners of adjacent properties in the back right corner of his property. I have no concerns with the shed being close to the property lines. The shed's current location is perfectly acceptable and poses no hindrance to the community.

Thank you,

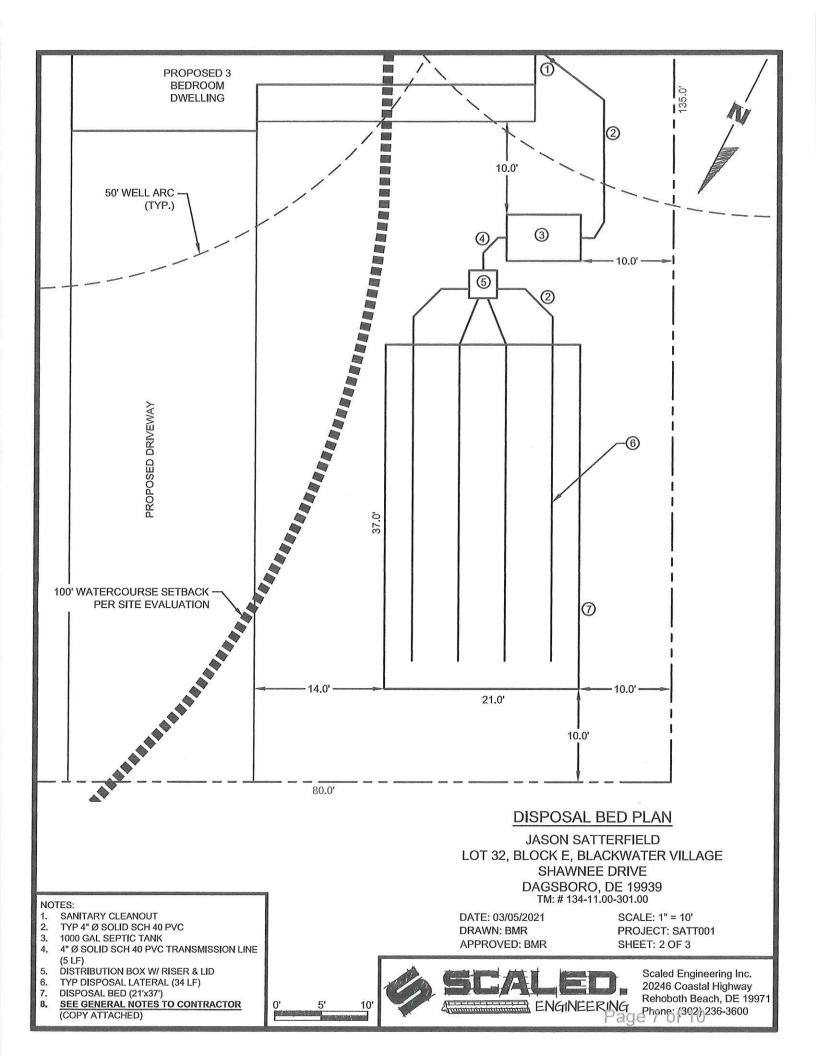
Printed Name:	BETTIE J. DUNKIN
Board Title:	DIRECTOR
Address:	34023 ARRONDE, 19939
Signature:	Retter J. Dunh
Date:	11/11/2021

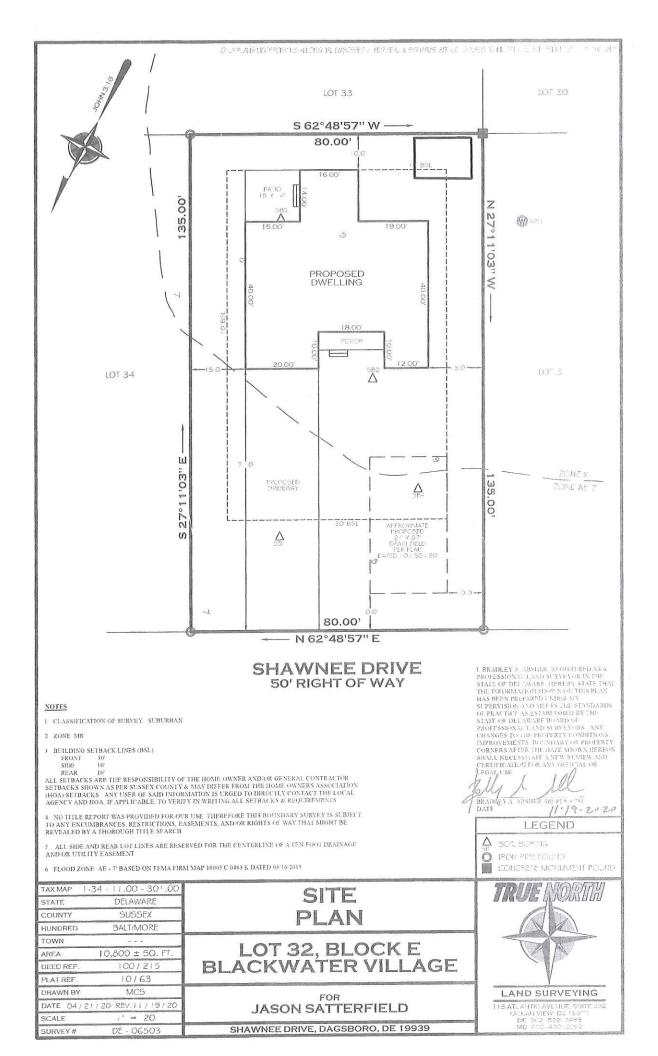
Dear Board of Adjustment,

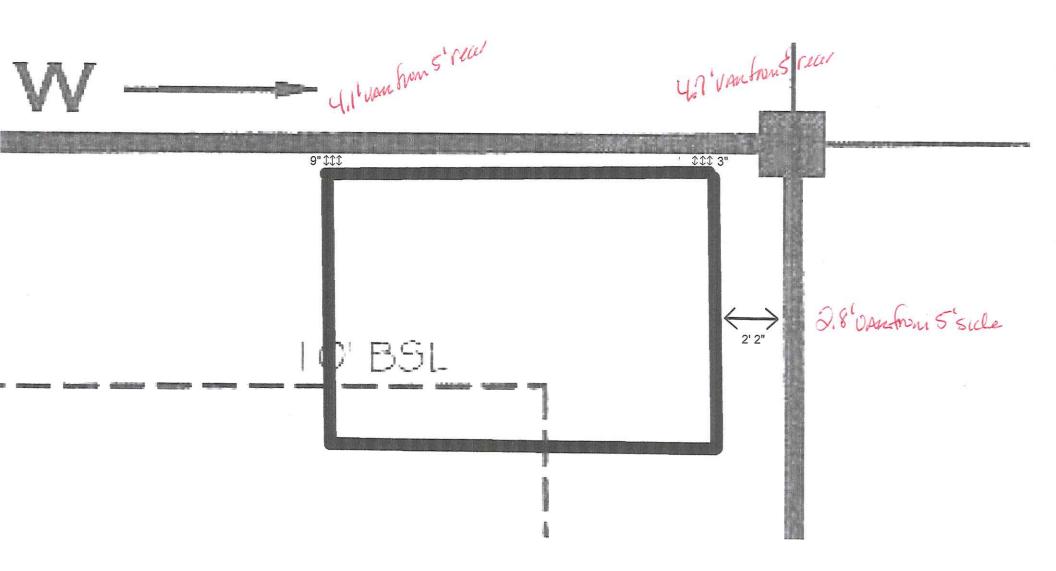
I am a Board Member in the Home Owners Association for Blackwater Village and I fully support this variance application. Jason Satterfield has written approval from all 3 owners of adjacent properties in the back right corner of his property. I have no concerns with the shed being close to the property lines. The shed's current location is perfectly acceptable and poses no hindrance to the community.

Thank you,

Printed Name:	ROSE C. FIECHTER
Board Title:	VICE Pres Acting PRESident
Address:	34025 Indian Qr. LN., Agsboro
Signature:	Rose C. Frechter
Date:	12 November 2021

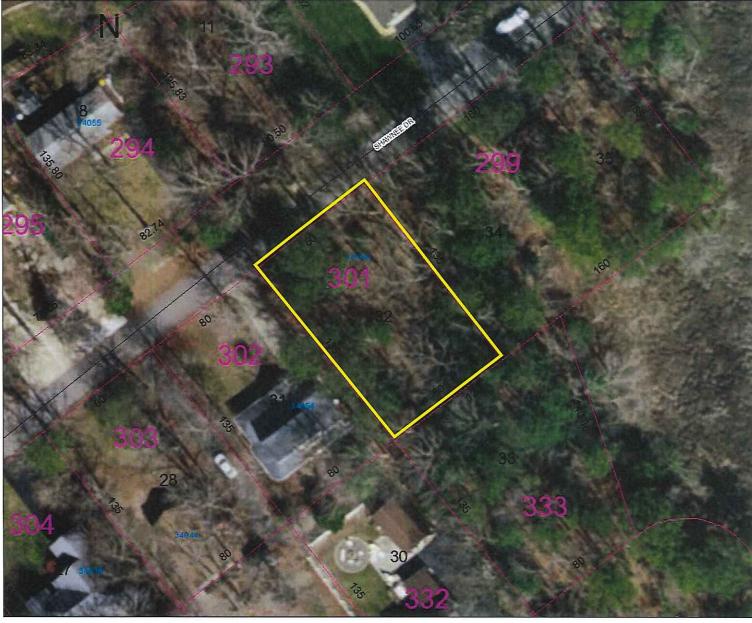








Sussex County



PIN:	134-11.00-301.00
Owner Name	SATTERFIELD JASON ALFRED
Book	5243
Mailing Address	34060 SHAWNEE DR
City	CAMDEN WYOMING
State	DE
Description	BLACKWATER VILLAGE
Description 2	LOT 32
Description 3	BLK E
Land Code	

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

1:564 0 0.005 0.01 0.02 mi 0 0.01 0.02 0.04 km

November 16, 2021

CONSTABLE

LESTER R. SHAFFER CHIEF COUNTY CONSTABLE

> (302) 855-7819 T (302) 855-7798 F





sussexcountyde.gov

NOTICE OF VIOLATION

November 4, 2021

SATTERFIELD JASON ALFRED 34060 SHAWNEE DR CAMDEN WYOMING, DE 19934

REFERENCE NUMBER: 5420 PARCEL: 134-11.00-301.00 PARCEL DESCRIPTION: BLACKWATER VILLAGE LOT 32 BLK E LOCATION: 34060 SHAWNEE ROAD DAGSBORO

Violation: §115-185 (F)- Accessory buildings and structures

On <u>**11/4/2021**</u> a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the above parcel and is described as:

ACCESORY BUILDINGS MUST BE LOCATED FIVE FEET (5FT) FROM THE SIDE LOT LINE AND FIVE FEET (5FT) FROM THE REAR LOT LINE.

Within fifteen (15) calendar days, the owner or occupant is required to comply with the County Code. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

§ 115-229 Violations and penalties.

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 589 GEORGETOWN, DELAWARE 19947 If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

The office is in the County Administration Building, 2 The Circle, Georgetown, Delaware. The office hours are 8:30AM – 4:30PM, Monday through Friday.

This Notice of Violation is being issued under the authority of the Sussex County Planning and Zoning Director.

KELLY PASSWATERS Sussex County Constable



Sussex County Building Permit P.O. Box 589 Georgetown, DE 19947 302-855-7720

Application Number

202116552

Issue Date: 11/10/2021 Expire Date: 11/10/2022

Permit Type:

ACCESSORY STRUCTURE OUT OFTOWN

Parcel ID	·····································	Address Zone Code		Zone Code	
134-11.00-301.00		34060 SHAWNEE ROAD MR			
Owner Information		Applic	ant Information		Contract Medicine and
Name: SATTERFIELD JA Phone: 302-258-3904	ASON ALFRED	Name: Phone		JASON ALFRE	D
Contractor Information	and the second set	an and the second	and the second		the states
Name: SATTERFIELD CID: 284956 Phone:	JASON ALFRED		License Numbe License Exp. Da Insurance Exp.	ate:	
Building Information		the second second			
Proposed Use: MISC COST Construction Type: Estimated Cost of Construct Cannot Occupy More than Distance from any Dwelling Distance from any other Mo	ion: \$ 1,000 of Total Lot <i>i</i> of other Ownership:				
Property Information				ALL SAMARE	And Street and Street
Measurements taken from Front Setback: 30.00 Side Setback: 5.00 Maximum Building Height: FLOOD ZONE Flood Zone: AE 483 K If Initialed, See Attack	/ /	Location Descriptio	Setback: n: LAGE LOT 32 BLK		Requirements.
Project Description: AC Scope of Work: 10X14 SHED Permit Details:	C STRUCT<400'				
Signature of A	pproving Official	(e of Owner/Contractor	58-3904
Building Permit Acknowledgement:			I fully understand the Zo	oning Requirements	of this permit.
I/we the undersigned, acknowledge I/we This permit shall expire one (1)/year from the not discontinued for reasons other thay those I/we further acknowledge, ASSE8SORS owner or owners of these premises do herel a reasonable time thereafter, for the purpose THE APPROVAL OF THIS PERMIT API AS AN APPROVAL OF THIS PERMIT API AS AN APPROVAL FOR THE REQUIREME ACKNOWLEDGED AND UNDERSTOOD TI COUNTY, STATE OR FEDERAL LAW APP	e date of issue. This permit m te beyond the permit-holder's AND INSPECTORS HAVE 4 by consent to Sussex County as of assessing and inspectin PLICATION PERTAINS ONL ENTS OF ANY OTHER GOVE HAT THIS PERMIT MAY BE LICABLE TO THIS PERMIT.	ay be renewed prior to its exp control. Grading or surface-si A RIGHT TO ENTER AND ACC Officials' right to enter upon sa g said property. Y TO COMPLIANCE WITH SU ERNMENTAL AGENCY, WHIC REVOKED BY SUSSEX COU	ration date if construction h aping of the site shall not b ESS THE PREMISES TO id premises during the con SSEX COUNTY ZONING (H MAY PERTAIN TO THIS NTY FOR ANY VIOLATION	as begun and continue e considered as actua ASSESS AND INSPE(struction of which this DRDINANCES. IT IS N SITE. AND FURTHE OF THE TERMS OF	I in a normal manner and construction. T PROPERTY. The permit is granted, or within NOT TO BE CONSTRUED R. IT IS
Permit Number	BP-169769	101	AL FEES:	\$ 10.00	CODAL HOUSING

Building Description			
Total Bedrooms:		Heat Type:	
Full Baths:	Half Baths:	Roofing:	
Total Rooms:		Exterior Walls:	WOOD
Basement:		Foundation Type:	BLOCK
Interior Walls:		Fireplace Type:	
Flooring:		Air Conditioning:	Ν

Additional Requirement/Restrictions

_____Accessory Building 900 Square Feet or Greater No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds Must conform to the location approved by the park.

Farm-Use Permits

Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

Fences

Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

Parcel Setbacks

All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

Pools (Above-Ground)

Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

Pools (In-Ground)

A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

Pools or Guest Homes

No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

Tax Ditch

Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.

y. P	Board of Adjustme Sussex County Sussex County Planning & 2 The Circle (P.O. Box 417) G 302-855-7878 ph. 302	, Delaware Zoning Department Jeorgetown, DE 19947	Case # <u>12648</u> Hearing Date <u>13 T</u> entah 2021 16645
Type of Application: (lease check all applicable)		
Variance 🔄 Special Use Exception Administrative Variance Appeal 🗌	provide a second s		
34085 Cree	Exception/Appeal Requested	<u>Dera, DE 199</u> d:	9.39
Тах Мар #:	-11.00 - 358.00	Property Zonir	ng:
Applicant Information Applicant Name: <u>//</u> Applicant Address: <u>34</u> City <u>Dagsbaro</u> Applicant Phone #: <u>36</u>	State <u>PE</u>	Zip: <u>19939</u> ant e-mail: <u>Kata</u>	stically
Owner Information Owner Name: <u>Mar</u> Owner Address: <u>340</u> City <u>Dag Shore</u> Owner Phone #:	State <u>pG</u>	Zip: <u>/9939</u> Pu e-mail:	rchase Date: <u>Julij</u>
Agent/Attorney Inform		e-man.	
Agent/Attorney Name: Agent/Attorney Addres City Agent/Attorney Phone Signature of Owner/A	ss:StateAgent/	Zip: /Attorney e-mail:	······································
Katta and a	Biton	Date: Mar	12,2021



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Sussex County, DE - BOA Application

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 <u>all</u> 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.

Sie attached

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)

Kyle Swiney Katherine Benton 34085 Creek Road Dagsboro, DE 19939 11-2-2021

Sussex County Board of Adjustments

To Whom It May Concern,

We would like to ask that the county give us permission to rent a couple rooms on short term basis, such as Air B&B. We live in the house full time and it is just the two of us and we have 2 private rooms on the first level that we like to rent from time to time. The renters have no access to the main house. We have a very large black top driveway that can accommodate 6 or more cars which is more than enough room to accommodate 2 extra cars, so there is no need for on street parking.

We feel that there would be absolutely no impact on our neighbors, as we do have off street parking and we are very particular about the clientele we would want in our home. There are no after hour activities allowed on the property, so there would be no noise impact for our neighbors in the regard.

We purchased the house from my parents and they have 5 children (me included) and 3 grandchildren and I can promise the board that there was way more activity going on when they owned the house then us renting out a couple rooms.

Thank you for you cooperation and we look forward to a positive decision.

Sincerely

Katherine Benton

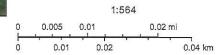


Sussex County

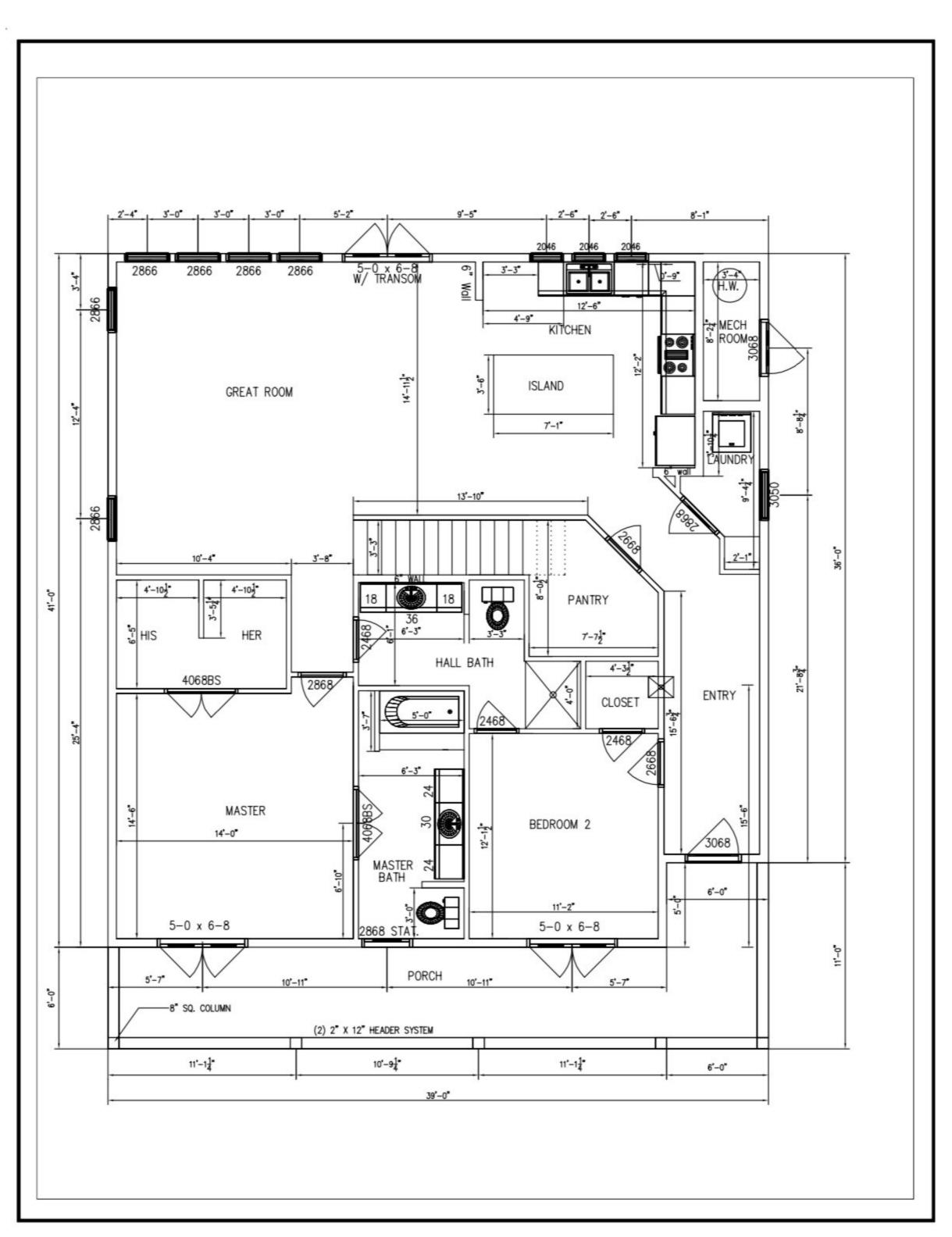


134-11.00-358.00
SWINEY KYLE RAY
5520
34085 CREEK RD
DAGSBORO
DE
BLACKWATER VILLAGE
LOT 23
BLK F

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

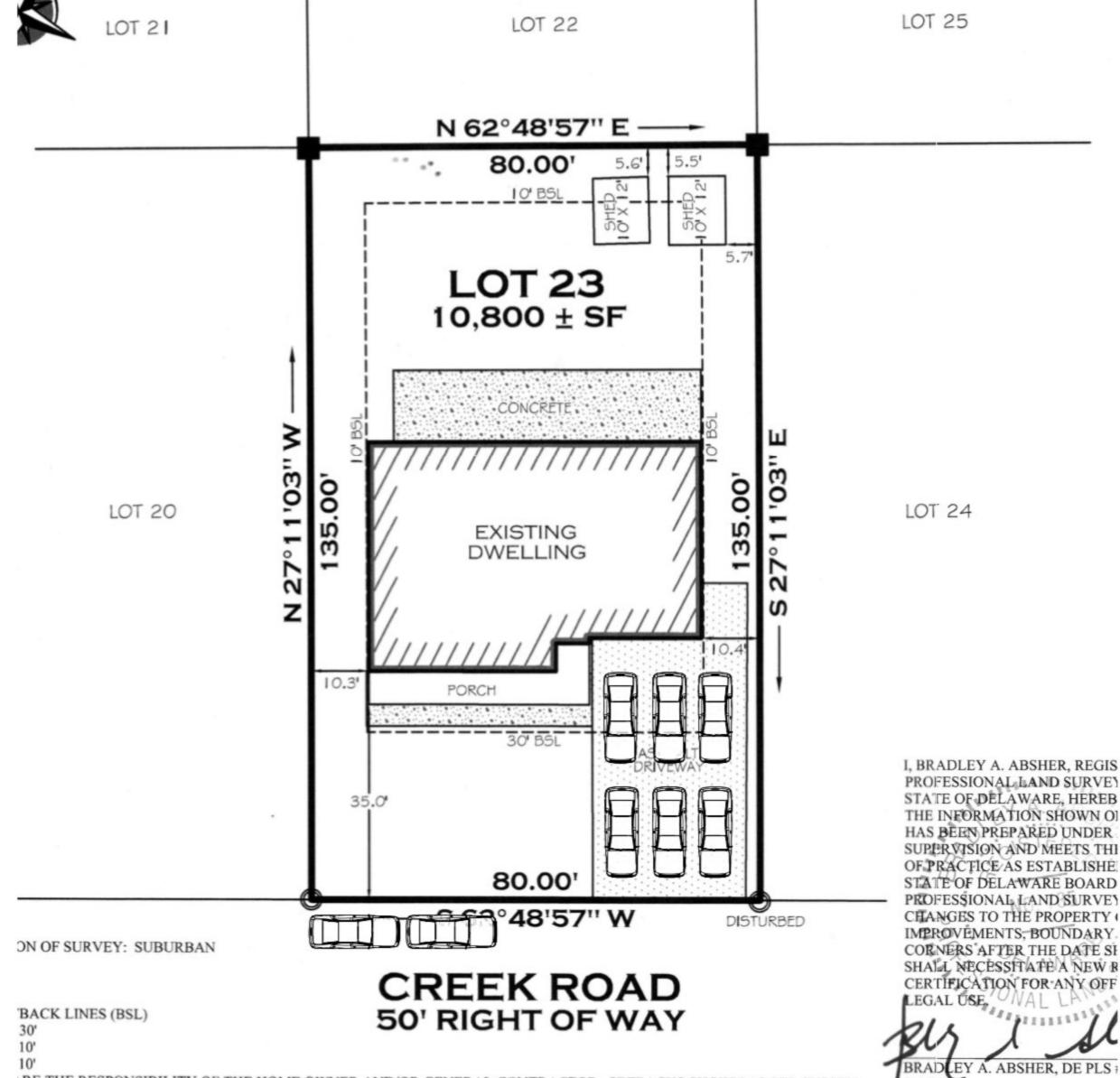


November 16, 2021



JOB NO.: SHEET: SHEET 3 OF		BO LLC 37763 LAGOON LANE OCEAN VIEW, DE 19970 302-462-6438	FIRST FLOOR NEW RESIDENCE STEVE & MICHELLE BENTON LOT 23 CREEK ROAD/DAGSBORO	SEPT 19, 2016	REVISIONS:
-	16		LOT 23 CREEK ROAD/DAGSBORO		BY:

CADSOFT CORPORATION, 1997



ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO ACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

ORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.



7.21

LEGENE

IRON PIPE FOUND

CONCRETE MONUN



















From:	Beth Triantafyllou <bethanndesigns1@icloud.com></bethanndesigns1@icloud.com>
Sent:	Sunday, January 30, 2022 9:12 PM
To:	Planning and Zoning
Subject:	Re: Case#12648-Katherine Benton Petition for Tourist Home
Categories:	Chase

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

Dear Board of Adjustment Members,

I am a full time resident of Blackwater Village and I work full time in Millsboro. I bought my home 2 years ago. After searching for a nice quiet neighborhood I found 34076 Creek Rd to be just perfect. Until all of these transients started coming in across the street last year. I never imagined there would be a hotel directly across from me or I would have never moved here.

This letter I'm sending you is to help all of the residents of Blackwater Village but in particular for myself being a resident living directly across from Katherine Benton who operates a Hair Salon out of her home which I am not sure is legitimate either and now wants to try and open AGAIN an Air BNB in her home.

Last year she started an Air BNB in her home without sending any information to our HOA or any notice to Planning and Zoning which included 2 separate rooms. I was no longer comfortable sitting on my front porch. The traffic was crazy, people hanging outside that I didn't know, walking up and down on the streets. Parking right along the street making it very difficult for me to get in and out of my driveway, cars everywhere which were at times 4 - 6 extra cars. I do not want this to happen again. This will make our neighborhood unsafe since there are children riding bikes and playing. This will devalue our properties. This will have a negative effect on our friendly community.

Please keep in mind this smaller community wants to stay residential not commercial!

Regards, Beth Rhoads 34076 Creek Rd Dagsboro, De. 19939 717.515.0519

Sent from my iPad

1

RECEIVED JAN 27 2022 Case # 12648 - 34085 Check Rd. SUSSEX COUNTY PLANNING & ZONING I strongly oppose the special exception request from penlon, tourist / acrond in my Community pop a of Blackwater Village. We are streetly a residenteal Community of single family homes no residential Commerceal. This tourist / linbub has been operational along with her hack palon residence and has been adventised on social media I believe this request is for her own self interest with total des regard for her immediate neighbors and aux Community. Perhaps, Katherine Benton forgat she attended the fall membership meeting held on 25 Sept 2021. as serving Vice - Prisident at time assure you Katherine Can Benton heard first hand Complaints, Concerns and openions from thet immediate neighbors on Creek Rd but also the community

CBVB sos tix dAi DIMINOS & DI Mainship who he nd for time that a unsty. et woman this time lini alone I feel safe knowing my not fearful of ... 1. I enjoy a auch 0-0my peaceful nge : ever this co ing on your <u>/.</u> d_e d Hierten King ian Queen In. 34025 19939 , 302.

Jesse Lindenberg

From: Sent: To: JOYCE GOODWIN <joyce72149@gmail.com> Wednesday, January 26, 2022 3:07 PM Planning and Zoning

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Case #12648-34085 Creek Rd.

RECEIVED

I OPPOSE TOURIST HOME/AIR BNB

JAN 2 6 2022

Oppo. Exhib

Opposition Exhibit

SUSSEX COUNTY PLANNING & ZONING

Joyce Goodwin 33938 Indian Queen Lane

Jesse Lindenberg

From:	EC Fox <jadeddame001@gmail.com></jadeddame001@gmail.com>
Sent:	Wednesday, January 26, 2022 10:00 AM
To:	Planning and Zoning
Subject:	Case #12648 Proposed Special Use Exception

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To whom it may concern,

My name is Elizabeth Fox and I reside full time at 31211 Mohican Drive in Blackwater Village. I am retired and this is my only residence.

I am writing today regarding the proposed special use exception being requested by a homeowner on Creek Road to turn her home into a tourist home(AirBnb). I am strongly opposed to the county granting this exception. I may not live on Creek or a street close to it but my property and I will be negatively impacted by allowing this house to become an AirBnb. I will be affected by increased traffic, noise pollution, and crime which always follows this sort of business. And let's not forget the inevitable decrease in property values. Blackwater has been and should stay a family community. The homeowner has already spoiled Creek Road by making her driveway large enough for nine (9) cars.

Additionally this exception is a slippery slope. What's to prevent others from doing the same, turning their property into AirBnb's, repair shops, daycare. The list of possibilities goes on. If the homeowner desires to run a business of this sort she should have never moved into Blackwater Village.

Please do not grant this exception. Send a message to our community that Sussex County supports the residents in keeping Blackwater a private, non-commercial family community.

Sincerely,

RECEIVED

Elizabeth C. Fox

JAN 26 2022

SUSSEX COUNTY PLANNING & ZONING

Exhibin

From:	sbs100@mchsi.com
Sent:	Tuesday, January 25, 2022 1:57 PM
То:	Planning and Zoning
Subject:	Case #12648-34085 Creek Road

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CASE 12648 TOURIST AIRB/B CREEK ROAD BLACKWATER VILLAGE I am opposing Tourist Home/Air B/B for the following reasons.

1. We are on septic's systems here in our development on 1/4 acre lots, and well water. People coming and going and using water and septic can destroy neighboring lots.

2.Parking is an issue, our roads are narrow, we have no sidewalks, which makes us a crowded neighborhood with children playing and people walking dogs. we do not need added traffic.

3.I am concerned that allowing this to case to proceed will invite crime as well as more commercial situations and destroy our peaceful family life.

Thank you and please consider my concerns against allowing this to go forward. Respectfully:

John P. Strawley 34038 Moccasin Way Dagsboro, DE. 19939

From:	p galati <zpwinkle@gmail.com></zpwinkle@gmail.com>
Sent:	Tuesday, January 25, 2022 12:47 PM
То:	Planning and Zoning
Subject:	Case#12648 - 34085 Creek Rd

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Hello Board of Adjustments, WE OPPOSE Tourist Home/ Air BNB.

We are full time residents in Blackwater Village and are very concerned about the safety and culture of our neighborhood should opportunists start short-term rentals of properties here. Homes in our village are all on private well and septic and we do not want to imagine what would happen if daily/weekend/weekly renters, who do not know or care about the property, use these systems improperly. Nobody wants their well contaminated by an abused septic system. Also, the culture of our neighborhood - families and seniors safely thriving as neighbors - would be in jeopardy. This is a tight knit community where folks feel safe to live, especially seniors. By allowing properties to become tourist home locations, we're creating situations where people no longer feel safe in their own homes. We purchased our home here because it's NOT a beach rental community. Allowing properties to be used as tourist homes/Air BNBs will surely invite individuals and businesses to purchase and build homes here with the sole intention of making a buck. That will not enhance our community's value or quality of life.

Thank you for your time and attention. Patti Galati Karen Jung 33948 Indian Queen Lane

From:sbs100@mchsi.comSent:Tuesday, January 25, 2022 2:19 PMTo:Planning and ZoningSubject:Case 12648-34085

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.

To Whom It May Concern,

I object to the new air b/n/b on Creek Rd in Dagsboro, De. This is an elderly community that was established for single family homes. The streets are very narrow, and we do not need any more traffic. Furthermore, these B&B's will invite crime and unwanted people to this development. I do not want my taxes or other bills to go up because of more people in the neighborhood. Our septic and well water systems are under strain at the time. We are looking to receive updated sewerage in 5 years.

Sincerely,

Theresa V. Styles 34092 Pocahontas rd. Dagsboro, De. 19939

From:	Richard Lee <ohm5868@comcast.net></ohm5868@comcast.net>
Sent:	Tuesday, January 25, 2022 10:18 AM
То:	Planning and Zoning
Cc:	Bettie Dunkin
Subject:	Case # 12648-34085 Creek Road

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I oppose Tourist Home/Air Bnb

Air BnB is not an BnB, Air BnB has hijacked the term BnB and communities are trying to deal with them for years. BnB are regulated by codes and Air BnB are not.

Sent from my iPad

From:	Mary Ellen <maryellen3792@gmail.com></maryellen3792@gmail.com>
Sent:	Tuesday, January 25, 2022 9:18 AM
То:	Planning and Zoning
Subject:	CASE# 12648-34085 Creek Road

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I oppose tourist home/air bnb!!

This village has been residential living only, since it's beginning. It has been guided very closely and all new home owners sign the form saying they are

aware of the covenants for Blackwater Village.

Our infrastructure will not safely hold up to an overload of traffic. At present, two cars can barely pass each other due to mailboxes, and the lots that have not been maintained up to the blacktop. We have no sidewalks or curbs to allow children, adults, dog walkers, bicyclist, etc. to safely escape to when vehicles do not obey the posted speed limits. With the existing conditions, we have an accident looking for a place to happen. This proposed tourist home is located on a dead end street, in the back of the Village, one house from the water with no turn around for traffic. They have been operating this place since last summer without any voted on or official approval. At the same time Ms. Benton has been actively advertising and running a Beautician Business from the same home. There has been an increase in traffic on Creek Road and there are people living here that are trying to keep their driveways blocked off from vehicles needing to turn around.

This used to be a very peaceful street. We have put up with continual, questionable behaviors for quite awhile, trying to be good neighbors. Enough!!!

MaryEllen Engler 34068 Creek Road

From:	sbs100@mchsi.com
Sent:	Tuesday, January 25, 2022 4:39 PM
То:	Planning and Zoning
Subject:	Case #12648 -34085 CREEK ROAD

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CASE #12648 TOURIST AIR B/B 34085 CREEK RD BLACK WATER VILLAGE DE.

I OPPOSE CASE 12648 TOURIST HOME B/B 34085 CREEK ROAD BECAUSE OF THE FOLLOWING REASONS.

1. WE DO NOT NEED MORE TRAFFIC, OUR STREETS ARE NARROW, NO SIDEWALKS, PEOPLE DO NOT OBEY SPEED LIMIT WHICH IS 25 MPH, SHOULD BE LOWER. WE HAVE CHILDREN AND PEOPLE WALKING DOGS AND MORE TRAFFIC WILL INCREASE DANGER OF ACCIDENTS.

2. WE HAVE NO PARKING SPACES ON THE STREETS.

3. If approved this will start other commercial issues, that will destroy our quiet way of family life. Also, this could cause crime as more people become aware of the village. We were set up to be a residential community, not commercial.

4. We are on septic's system and well water, how can an Air B/B not create a strain on the systems.

Thank you. Stephanie Strawley 34052 PACK HORSE DRIVE

WRITTEN BY HER SON JOHN STRAWLEY WHO HAS POWER OF ATTORNEY

and well 4.

From:	Barbara Mister <mrmrsmr3@gmail.com></mrmrsmr3@gmail.com>
Sent:	Monday, January 24, 2022 7:58 PM
То:	Planning and Zoning
Subject:	CASE#12648-34085 Creek Road

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As a property owner in Blackwater Village I oppose Tourist Home/Air BNB.

Our residential traffic has increased exponentially over the last 15 year due to an increased volume of homes that have been built. We have many children in the neighborhood, many walkers, bike riders and dog walkers; Living in the community you know and act responsibly where as someone coming to Blackwater Village for a short stay may not. Our speed limit is 25mph(I think it should be 15mph) and we have no speed bumps. Our roads are narrow with no sidewalks.

If this is allowed we have opened the door for others to follow. We are a quiet residential community and I would like it to stay that way.

Richard & Barbara Mister 34130 Hiawatha Blvd. Dagsboro De. 19939

From:	DENNIS STRAWLEY <dstrawley@comcast.net></dstrawley@comcast.net>
Sent:	Monday, January 24, 2022 9:10 PM
То:	Planning and Zoning; DENNIS STRAWLEY
Subject:	Blackwater Village

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To: Sussex County, Delaware Government

I oppose the request that one of the property owners in Blackwater Village is making to operate a Tourist Home/ Air BNB from their residence.

This is a longtime residential neighborhood with many young families with children. Not only would the narrow streets be a safety issue but the septic systems, wells, and limited parking within the community are not designed to handle a business and future businesses that this precedent will set.

Thank you, Dennis Strawley 34046 Moccasin way Dagsboro, DE 19939

From:	Jhprsng <jhprsng@aol.com></jhprsng@aol.com>
Sent:	Monday, January 24, 2022 9:14 PM
То:	Planning and Zoning
Subject:	Case#12648-34085 Creek Road

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We oppose the tourist home/ Air BNB in Blackwater Village in Dagsboro. This community was founded with covenants that

designate it to be a clearly residential ,single family community.We have no sidewalks and very narrow roads which cannot

safely accommodate business traffic.No commercial enterprise should be conducted in this community.We have owned a

home here since 1985 and would like to live our retirement years in the quiet, rural neighborhood that it was.

Thank you. Ann/ John Persinger

From: Sent: To: Subject: Morgan Kelleher <mparis_5@hotmail.com> Monday, January 24, 2022 5:28 PM Planning and Zoning CASE # 12648- 34085 Creek Road

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Hello,

I am a resident of Blackwater Village and I would like to email and state my husband and I oppose to the Airbnb/vacation rent will type residents in the village.

Thank you Morgan & Tanner Kelleher

Get Outlook for iOS

From:	Cherry Gonder <lvbaylife2@gmail.com></lvbaylife2@gmail.com>
Sent:	Monday, January 24, 2022 2:40 PM
То:	Planning and Zoning
Subject:	Case 12648 - 34085 Creek Rd

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I am adamant in not wanting or allowing an Airbnb in our village. I also do not want a beauty shop in the village. In another instance, why is there a "tiny house " being allowed in our Blackwater Village. Why do we have rules and laws when someone gets away with illegal rules for our village. What good is Sussex County when rules seem to be made to be broken or favoritism shown? Are there \$\$\$ involved- I'm beginning to wonder!?!?! Thank you and let's see if this goes thru or is controlled.

From:	Bill <bolt470@gmail.com></bolt470@gmail.com>
Sent:	Monday, January 24, 2022 1:46 PM
То:	Planning and Zoning
Cc:	Gail Henning; bettiedunkin@gmail.com
Subject:	CASE # 12648- 34085 Creek Road, Dagsboro zip 19939

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This email is to record our <u>opposition</u> to the Tourist Home/Air BNB in **CASE # 12648- 34085 Creek Road**. There are many and varied reasons that directly affect our community, including security issues, transitory residency, neighborhood character, family life style, operation of a small business in a home environment community, etc.

Sincerely, William E. and Gail A. Henning Blackwater Village full time residents 31407 Nanticoke Ln Dagsboro, DE 19939-4153 443-928-3345 Bill 443-928-3348 Gail

Debby <demgemd@yahoo.com> From: Monday, January 24, 2022 1:11 PM Sent: Planning and Zoning To: air bnb Subject:

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To whom it may concern,

I am emailing to respond to the air bnb in blackwater village. We are against this, case # 12648-34085 Creek Rd. We oppose the tourist home air bnb. Thank you, Dale & Debby Emge, feather la/blackwater village

From:	Tamazon Stevenson <tamazonstevenson@gmail.com></tamazonstevenson@gmail.com>
Sent:	Monday, January 24, 2022 12:18 PM
То:	Planning and Zoning
Subject:	Air BnB case#12648 34085 Creek Rd Dagsboro De.

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I oppose this tourist home in this neighborhood.

From:	Mr. Weekend <mrweekend1313@yahoo.com></mrweekend1313@yahoo.com>
Sent:	Monday, January 24, 2022 3:15 PM
То:	Ginny Nangle; Planning and Zoning
Subject:	OPPOSE Tourist Home/ AirBNB

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CASE # 12648- 34085 Creek Road

I Ginny Nangle at 33882 Shawnee Drive Dagsboro, DE 19939 OPPOSE Tourist Home/ AirBNB.

Drive a Hybrid... My Jeep needs the Gas!

From:

Sent:

To:

Opposition letters 12648

Mary Ann Shoemaker <mshoemaker19939@yahoo.com> Friday, December 31, 2021 12:01 PM Planning and Zoning Reference Case Number 12648 Subject:

Categories:

Ann

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Subject: Tourist Home, Creek Rd. Dagsboro, Delaware 19939

To whom It May Concern:

I have been a resident in Blackwater Village since 1991. It is a single family residential community. I have watched it grow through the years and have tried to personally welcome each new resident. We all know who our neighbors are and keep a wary eye on strangers who drive through our small community.

I am appalled that an "Air Bed & Breakfast" is being advertised on-line bringing strangers into our safe little community. Since this is on Creek Road, a street that is right in front of my home, I am more than a little concerned for my safety. In this day and age with crime on the up-swing, I'm wary of the potential of having unsavory people in my immediate surroundings.

Our Covenants and By-Laws of Blackwater Village clearly state this is a single family home development. Rental properties are few and are long-term lease.

I vote "NO" on approving this business to be allowed in Blackwater Village. Please do not allow it to be granted a license to operate.

Respectfully, Mary Ann Shoemaker 34167 Hiawatha Blvd. Dagsboro, Delaware. 19939 Phone: 302-249-0320

Sent from Yahoo Mail on Android

From:	Tamazon Stevenson <tamazonstevenson@gmail.com></tamazonstevenson@gmail.com>
Sent:	Friday, December 31, 2021 12:35 PM
To:	Planning and Zoning
Subject:	objection to airbanb case# 12648
Categories:	Ann

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touristhome

this is anresidental area with children dog walkers and older folks who enjoy walking the village , the roads are narrow and more traffic will make our streets more dangerous. No No to Airbab . Amazon Stevenson 34038 Shawnee Drive Dagsboro DE 19939

Dec. 17th 2021

RE: CASE No. 126 48

MY NAME iS WALTER S. EARL Address: 34060 CREEK RD. DAGSBORD, DELAWARE 19939

ĺ

I DON'T THINK I NEED A TOURIST HOME / MOTEL TO BE USED -OPEN ON MY STREET.

I WILL CAST MY VOTE OF NO.

I AM 85 YEARS OLD AND CAN'T SEE WELL AT NITE - SO I WILL NOT BE ABLE TO ATTEND THE HEARING OF JAN. 3, 2022.

THIS IS SUPPOSED TO BE A RESIDENTIAL NEIGHBORHOODT DEVELOPMENT!

> YOURS TRULY, WALTER S. EARL 34060 CREEK RJ. DAGSBORD DE 19939

RECEIVED

DEC 28 2021

SUSSEX COUNTY PLANNING & ZONING

Walter S. Enal

From:sbs100@mchsi.comSent:Thursday, December 30, 2021 3:42 PMTo:Planning and ZoningSubject:CASE 12648- TOURIST HOME

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CASE 12648 TOURIST HOME BLACKWATER VILLAGE CREEK ROAD.

MY OBJECTION TO ALLOWING THIS TO GO FORWARD IS:

1. THIS COMMUNITY WAS ESTABLISHED IN THE YEAR 1973 AS A SINGLE FAMILY DEVELPOMENT. I HAVE LIVED HERE SINCE 1998, OUR ROADS ARE NARROW AND ADDED TRAFFIC CREATES A HAZARD FOR OUR CHILDREN AND RESIDENTS WHO WALK ALONE OR WITH DOGS, [WHICH ARE MANY].

2. I BELIVE IT WOULD SUBJECT US TO THE POSSIBILITY TO INCREASED CRIME DUE TO THE FACT OF ADVERTISING ON THE INTERNET.

3. PARKING IS AN ISSUE. WE HAVE NO SPACE FOR STREET PARKING.

4. I AM CONCERNED THAT ALLOWING THIS TO PROCEED WILL JUST OPEN THE VILLAGE UP TO MORE COMMERCIAL SITUATIONS, WHICH WILL DESTROY OUR PEACEFUL FAMILY LIFE.

THANK YOU AND PLEASE CONSIDER MY CONCERN AGAINST ALLOWING THIS TO GO FORWARD.

BARBARA SULLIVAN 34111 POCAHONTAS ROAD DAGSBORO, DE. 19939

CASE # 12648- 34085 Creek Road

My name is Bettie Dunkin. I have served on the Blackwater Village Board, mostly in the role as Treasurer since 2013. I recently, this past November took back the role of Treasurer as we had to terminate our management company which had only served since last February.

Blackwater Village is a charming community of approximately 200 plus homes, made up of retirees, singles and young families. Our dues are very low, \$120/year because most oversight is done by volunteers. Prior to Covid, there were approximately 30 children at the school bus stop. There are a few full time rentals (I believe less than 10). I would estimate 90% of the homes in Blackwater Village are full time residents. One item to note regarding rentals is that our Covenants do require a disclosure of tenant contact information.

Ms. Benton and family began operating their Airbnb in early summer, 2021. The HOA/ Management Company sent a letter to Ms. Benton on July 21, 2021 (copy attached). She did not comply, nor did she seek Planning & Zoning approval at that time.

After numerous complaints from adjacent neighbors, the board asked our HOA attorney to draft an amendment, specifically limiting the term of rentals within Blackwater Village. The amendment would prohibit rentals less than 90 days. The amendment was sent to all residents by Blackwater Village's former management company. We needed 178 ballots returned in order to add the amendment to the Covenants. From what was returned, the results were:

86 YES – ADD THE AMENDMENT TO RESTRICT SHORT TERM RENTALS

37 NO - NO CHANGE

Far short of the 178 needed. I will note that this vote was mishandled by the management company. There were multiple mailings because the wording was very confusing. Most recently, we have found many members that voted the opposite of their intention. A sample ballot is attached for you.

The Board will bring the vote to the May, 2022 Membership meeting.

Additionally, Ms Benton is advertising a hair salon at the same residence. There was a Facebook post on 1/2/2022 on Locals only page describing her services specifically located in Blackwater Village (copy attached). Per State of Delaware Business Licensing, she is currently operating without the required Business License.

Ms. Benton's home is in the back of the Village, 1 home away from our nature preserve. Blackwater Village is on septic systems and wells. Children, walkers, bikers enjoy our Village streets. We are very concerned that our community character will be transformed.

I am opposed to Tourist Home/ Airbnb.



Shore Management, Inc

8300 Coastal Hwy • Ocean City, MD 21842 • P.O. Box 1328 • Bethany Beach, DE 19930

410-524-5760 • 410-723-2309 fax e-mail:shoremgt@gmail.com • shoremgtinc@gmail.com

July 21, 2021

Steve & Sharon Benton 37763 Lagoon Road Ocean View, DE 19970

RE: Blackwater Village, Lot F-23, 34085 Creek Road, Dagsboro, DE

Mr. & Mrs. Benton:

It has come to the attention of the B.O.D.'s of Blackwater Village you are in the process of attempting to open a Air BNB. Per Article VI: Use Section 13: Covenants and Restrictions: Business use and homebased occupations. This is not allowed without requesting a conditional approval by the B.O.D.'s. Also, you must seek a Special Use Exception to operate a tourist home from Sussex County Planning and Zoning.

My suggestion would be to begin with Blackwater Village Board of Directors. If you need anything from this office do not hesitate to contact me.

Sincerely,

Cynthia Mooney, Shore Management

"Your Premier Property Management Specialist"

÷.,,

Add a new section as follows:

Section 7. Lease Restrictions

It is permissible for a lot owner to lease his or her dwelling to a third party for compensation, provided the following provisions are met, as every lease agreement for every dwelling within Blackwater Village is subject to the following rules and regulation, even if the lease agreement shall fail to expressly include such provisions:

- (a) The lease agreement must be in writing and shall be for an initial term of at least ninety (90) days. If, upon expiration of the initial term of ninety (90) days or more, a lease agreement shall continue thereafter on a monthly basis if and as permitted by Delaware law, such a continuation of the agreement shall be permitted hereunder;
- (b) The lease agreement must be for the entire dwelling and the entire lot or lots upon which the dwelling is located;
- (c) The owner shall provide a copy of all Association governing documents to the tenant, and the tenant's use of the premises shall be subject to the provisions thereof (whether or not such documents actually have been provided to the tenant);
- (d) Any failure of the tenant to fully comply with the provisions of the governing documents shall constitute a material default under the lease agreement and shall be grounds for termination and eviction;
- (e) As provided in Article II, Section 4 hereof, within ten (10) days of occupancy by the tenant, the name and telephone number of the tenant must be furnished to the Association. Upon request the owner shall provide the Association with a copy of the lease agreement; and
- (f) The dwelling cannot be used like a time-share or as a rooming house, multi-family dwelling, group home, motel or hotel, or otherwise for transient tenants who temporarily reside in or rent the dwelling or lot (or a portion thereof, which in and of itself is prohibited), as, again, all lease agreements shall be for the initial term of at least ninety (90) days with a possible continuation thereafter on a monthly basis if and as permitted by Delaware law (see subparagraph (a) above).

WRITTEN CONSENT

The undersigned owner(s) of unit(s) in Blackwater Village Lot Owners, by signing below, hereby give their consent to the following amendments to the Code of Regulations of Blackwater Village Homeowners Association:

(1) Article III, Section VI1, <u>LEASE RESTRICTIONS</u>, shall be created.

I/WE DO APPROVE Section 7 I/WE DO NOT APPOVE Section 7

Lot# or Physical Address

Witness

Owner signature

Witness

Owner signature



Katherine Benton

January 2 at 11:06 AM · 😁

Happy New Year y'all!! I'm a high end, master hairstylist, 17 years experience. Just moved back to DE after being gone for 10 years. I sold my salon and home in Virginia Beach to be closer to family. I specialize in color, highlights, balayage, ombré, women's, mens and children cuts. Updos. Smoothing treatments, all types of extensions. Iv been published in 6 bridal magazines, Tons of fashion shows, coordinated hair for Miss And Mrs Delaware America pageants and photo shoots. LOCATED in Blackwater village off 26. Salon is brand spanking new in my home and It's beautiful.

TEXT 302 752 8376 to book appointments. Or Facebook messenger. I do use square for my operating system. First appointment I need to book then there is online booking. Very user friendly.

Womens Haircut \$55 Womens dry cut \$35 Mens haircut \$35 Mens dry cut \$25 Kids cut \$30 Kids dry cut \$25 Blowouts \$35 COLOR Root touch up \$60

https://www.facebook.com/groups/1900688026614598/search/?g=katherine benton

w 13

Partial Balayage/ full highlight \$80 Keratin smoothing treatment (4-6 months) starts \$250 Keratin smoothing treatment express (9weeks) \$150 Updo starting at \$75 All Extensions vary. Will need a consultation. Wonderful if trying to add volume and or length.

I did just move back to DE. I am rebuilding! Looking forward to meeting new people. I said goodbye to 600 clients ... it was difficult because they were like family to me



1/3

606

January 4, 2022

RECEIVED

JAN 28 2022

SUSSEX COUNTY PLANNING & ZONING

Sussex County Board of Adjustments 2 The Circle (PO Box 589) Georgetown, DE 19947

RE: Case Number 12648 – Katherine Benton Petition for Tourist Home

Dear Board of Adjustment Members:

I am hopeful that this Board will deny this "special use exception" to operate a tourist home in Blackwater Village, as it did in a similar situation Oct of 2017 in case #12044. Barbara McClay was seeking a "special use exception" to operate a tourist home.

My name is Kathy Tidwell. I own a home and am a full time resident at 34063 Creek Road, Blackwater Village.

First of all, thank you for the timely notification for this meeting and the opportunity to state my objection to the proposed special use exception to operate a tourist home at 34085 Creek Road.

I have lived on Creek Road for 7 years and have enjoyed the family oriented, quiet, residential quality of Blackwater Village until this past spring/summer (2021).

When Ms. Benton purchased the home at 34085 Creek Road from her parents, and moved in, the whole flavor of our community changed. Ms. Benton immediately began "sprucing up" the front yard and back yards, she informed another homeowner that she was <u>getting the place ready for an Air BNB</u>. Lock boxes appeared on two sets of French doors facing the road, along with designations for "A" and "B". Advertisements for the BNB appeared soon after and then came a fairly steady stream of "vacationers", parking on the street, walking about the neighborhood and smoking outside. There was one incident, very late at night, with approximately 8-10 people in the back yard around a fire pit, in and out of the house and relatively noisy. There is an empty lot between our houses however windows were open and I could hear them. All of this activity at this address without a permit or use exception.

My neighbor began gathering information for Sussex County regarding zoning and permits, licensing etc. With the information she gathered (photos of the locked boxes, room designations, unfamiliar cars with out of state plates, bags being carried in and out of room, strangers wandering on the street, etc.) we approached the Blackwater Village Board to assist with addressing this issue in our covenants.

An amendment to our the current covenants (Article III, Section 7. Lease Restrictions) was drawn up and presented at the Fall membership Meeting of Blackwater Village on September 25, 2021 The vote to pass/reject the amendment did not occur due to undue influence by Mr. Steve Benton Sr. He was allowed to speak at length even though he is/was no longer a legitimate home owner in the Village and should have been asked to cease by the then President Bill Fox. Following that meeting, the Board for BWV moved to present the amendment to the entire community. Every home/lot owner was mailed a copy and asked to approve / not approve the amendment. The amendment did not pass due to lack of sufficient returns...approximately 120 signed responses. The amendment will be re-introduced at the Spring Meeting in 2022

All of this aside, according to Ms. Benton, the tourist home would have absolutely no impact on her neighbors. This is insulting, to say the least. Ms. Benton has no idea or concern what her tourist home business will do to our property values, neighborhood traffic, and privacy. We are all upset with the rental activity as well as the increased traffic from her new beauty salon. There is no respect for her neighbors or the community of Blackwater Village.

Thank you for your time and consideration of the negative impact the tourist home has had and will have on our community.

Sincerely, ather Judwell

Kathy Tidwell² 34063 Creek Road Dagsboro, DE 19939 Ktidwell1947@gmail.com

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Blackwater Village Association, Inc.

31275 Mohican Drive Dagsboro, DE 19939 bvvillagevoice@gmail.com

January 24, 2022

Sussex County Planning & Zoning Board of Adjustment 2 The Circle Georgetown, DE 19947

RE: CASE #12648 Blackwater Village- 34085 Creek Road

Dear Sirs:

The Board of Blackwater Village is opposed to the permitting of a Tourist Home. After receiving numerous complaints from surrounding neighbors since the start of the Tourist Home in June, 2021, the Board of Blackwater Village has taken multiple steps to disallow.

Please find attached a Board Resolution executed by all seven board members.

Thank you for your consideration in this matter.

Very truly yours,

arby Sidwell

Kathy Tidwell, Secretary

enclosure

BLACKWATER VILLAGE ASSOCIATION, INC. BOARD OF DIRECTORS

RE: Board Resolution 01/19/2022-1:

In Favor of Amending Association Covenants to Restrict Short Term Rentals

Having met in regular session on Jan. 19, 2022 at the residence of Board Treasurer Bettie Dunkin, and having reviewed and discussed issues regarding the proposed **amendment to Article III Section 7 Lease Restrictions** of our Covenants, Conditions and Restrictions – the same being submitted by the 2021 Board of Directors to property owners in October 2021 and being approved by simple majority but lacking requisite number of votes required for inclusion in our Covenants-- the current Board, like that before it, favors passage of the proposed amendment.

Accordingly, we the undersigned, reflecting the consensus of the Blackwater Village Board of Directors and in accordance with procedures called for in Blackwater Village Association Covenants and By-Laws, will resubmit to membership with no changes the proposed amendment Article III Section 7. Lease Restrictions with our unanimous recommendation that it be approved and added to Amended and Replaced Declaration of Covenants, Restrictions and Conditions for Blackwater Village.

Subject to procedures called for in Blackwater Village Association Covenants and By-Laws, the referenced amendment (as attached) will be presented to Blackwater Village Association members at the Annual Spring Membership Meeting of Blackwater Village Association, currently scheduled for May 21, 2022, for final discussion and immediate vote on the proposed amendment.

Rose C. Fiechter, President

Michael Seifert, Vice President

Kathy Tidwell, Secretary

Bettie J Dunkin, Treasurer

Mary Ann Shoemaker, Director

Mary Ellen Engler, Director

Barbara Sullivan, Director

Add a new section as follows:

Section 7. Lease Restrictions

It is permissible for a lot owner to lease his or her dwelling to a third party for compensation, provided the following provisions are met, as every lease agreement for every dwelling within Blackwater Village is subject to the following rules and regulation, even if the lease agreement shall fail to expressly include such provisions:

- (a) The lease agreement must be in writing and shall be for an initial term of at least ninety (90) days. If, upon expiration of the initial term of ninety (90) days or more, a lease agreement shall continue thereafter on a monthly basis if and as permitted by Delaware law, such a continuation of the agreement shall be permitted hereunder;
- (b) The lease agreement must be for the entire dwelling and the entire lot or lots upon which the dwelling is located;
- (c) The owner shall provide a copy of all Association governing documents to the tenant, and the tenant's use of the premises shall be subject to the provisions thereof (whether or not such documents actually have been provided to the tenant);
- (d) Any failure of the tenant to fully comply with the provisions of the governing documents shall constitute a material default under the lease agreement and shall be grounds for termination and eviction;
- (e) As provided in Article II, Section 4 hereof, within ten (10) days of occupancy by the tenant, the name and telephone number of the tenant must be furnished to the Association. Upon request the owner shall provide the Association with a copy of the lease agreement; and
- (f) The dwelling cannot be used like a time-share or as a rooming house, multi-family dwelling, group home, motel or hotel, or otherwise for transient tenants who temporarily reside in or rent the dwelling or lot (or a portion thereof, which in and of itself is prohibited), as, again, all lease agreements shall be for the initial term of at least ninety (90) days with a possible continuation thereafter on a monthly basis if and as permitted by Delaware law (see subparagraph (a) above).