

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



**Sussex County**

DELAWARE  
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.



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

## BOARD OF ADJUSTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

(302) 855-7878

## AGENDA

February 21, 2022

6:00 P.M.

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

### Call to Order

### Pledge of Allegiance

### Approval of Agenda

### Approval of Minutes for December 20, 2021

### Approval of Finding of Facts for December 20, 2021

### Old Business

**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

### Public Hearings

**Case No. 12655 – Edwin & Candice Kelly** seek variances from the front yard setback requirement for proposed structures (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is a through lot located at the east side of Cove Way and the west side of Coastal Highway within the Cotton Patch Hills Subdivision. 911 Address: 29563 Cove Way, Bethany Beach. Zoning District: MR. Tax Map: 134-5.00-138.00

**Case No. 12656 – Michael Walton** seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located at the north side of Concord Road approximately 0.94 mile east Sussex Highway (Rt. 13). 911 Address: 10059 Concord Road, Seaford. Zoning District: AR-1. Tax Map: 132-2.00-95.00

**Case No. 12657 – Ronald J. & Lisa K. Masi** seek variances from the front yard, rear yard



COUNTY ADMINISTRATIVE OFFICES  
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GEORGETOWN, DELAWARE 19947

and side yard setback requirements for existing and proposed structures (Sections 115-25, 115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the east side of Peppers Corner Road approximately 192 ft. north of Lizzard Hill Road. 911 Address: 34461 Peppers Corner Road, Frankford. Zoning District: AR-1. Tax Map: 134-18.00-40.00

**Case No. 12658 – Thomas A. Habowski** seeks a variance from the maximum fence height requirement requirements for a proposed fence (Sections 115-25, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on the east side of John J. Williams Highway approximately 0.89 mile north of Angola Road. 911 Address: 21191 John J. Williams, Lewes. Zoning District: AR-1. Tax Parcel: 234-11.00-504.00

**Case No. 12659 – Richard M. & Elizabeth C. Littleton** seek a variance from the rear yard setback requirement for a proposed structure (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located at the northeast side of Candleberry Drive within the Bayside Community. 911 Address: 30177 Candleberry Drive, Selbyville. Zoning District: MR. Tax Map: 533-19.00-1629.00

**Case No. 12660 – J&J Cooper Family, LLC** seek variances from the side yard setback requirement for existing structures (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located at the south side of Venture Lane within the Whites Neck Village subdivision. 911 Address: 35934 Venture Lane, Millville. Zoning District: MR. Tax Map: 134-8.00-24.00

**Case No. 12661 – Karen & James Wright** 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 the east side of Berry Street within the Bay City Manufactured Home Park. 911 Address: 25859 Berry Street, Millsboro. Zoning District: AR-1. Tax Map: 234-24.00-34.00-53131

**Additional Business**

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-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 14, 2022, at 4:30 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 <https://sussexcountyde.gov/council-chamber-broadcast>

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

To join the meeting via 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: <https://sussexcountyde.gov/agendas-minutes/board-of-adjustment>

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, February 17, 2022.



####



Board of Adjustment Application  
Sussex County, Delaware

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

Case # 12655  
Hearing Date 2-7-  
Application # 202117345

Type of Application: (please check all applicable)

Variance   
Special Use Exception   
Administrative Variance   
Appeal

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

Site Address of Variance/Special Use Exception:

29563 COVE WAY BETHANY BEACH DE 19930

Variance/Special Use Exception/Appeal Requested:

INCREASE DECK BY 10' & ALLOW ACCESS TO DECK  
FROM 2<sup>ND</sup> FLOOR OF HOUSE

Tax Map #: 1-34-5.00-138.00

Property Zoning: MR

Applicant Information

Applicant Name: EDWIN & CANDICE KELLY  
Applicant Address: 840 OLD STAGE COACH ROAD  
City LA PLATA State MD Zip: 20646  
Applicant Phone #: 301-848-3335 Applicant e-mail: E.KELLY824@GMAIL.COM

Owner Information

Owner Name: SAME AS APPLICANT  
Owner Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

[Signature]

Date: 11-27-2021



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

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

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

1. Uniqueness of property:

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

SEE ATTACHMENT 1

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2. Cannot otherwise be developed:

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

SEE ATTACHMENT 2

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3. Not created by the applicant:

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

SEE ATTACHMENT 3

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

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

SEE ATTACHMENT 4

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5. Minimum variance:

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

SEE ATTACHMENT 5

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1. Uniqueness of the property:

The lot in question is 12,000 square feet, which is a typical sized lot and the deck proposed is 18' by 16' which is a typical sized deck for a house of this size in this type of community. The County setback of 40 feet is unique in that typically setbacks are 20 to 25 feet. Note: the homeowners association requires a 25 foot setback.

The County's 40 foot setback makes it impossible to fully utilize the property. The Owners are requesting a reduction of the set back to 30 feet, in order to construct their deck. The Owners are aware of no health or safety issue that would prevent the requested reduction in the setback. The Owners have considerable plantings, trees, and buffer surrounding their property and specifically, there is a well-established buffer at the property line that borders Coastal Highway.

2. Cannot otherwise be developed:

See Number 1 above. The Owners are requesting a deck of a size and shape that is typical for this type of property. In order to construct a deck of the square footage requested, within the 40 foot set back, the deck would be very narrow and would traverse the length of the house. This is not feasible or desirable, and would likely not receive HOA approval because it would not be aesthetically pleasing.

3. Not created by applicant:

The Owners did not create the impediment. The Owners are seeking only a 10 foot reduction in the setback to construct a deck in their back yard that will be well buffered from Coastal Highway.

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

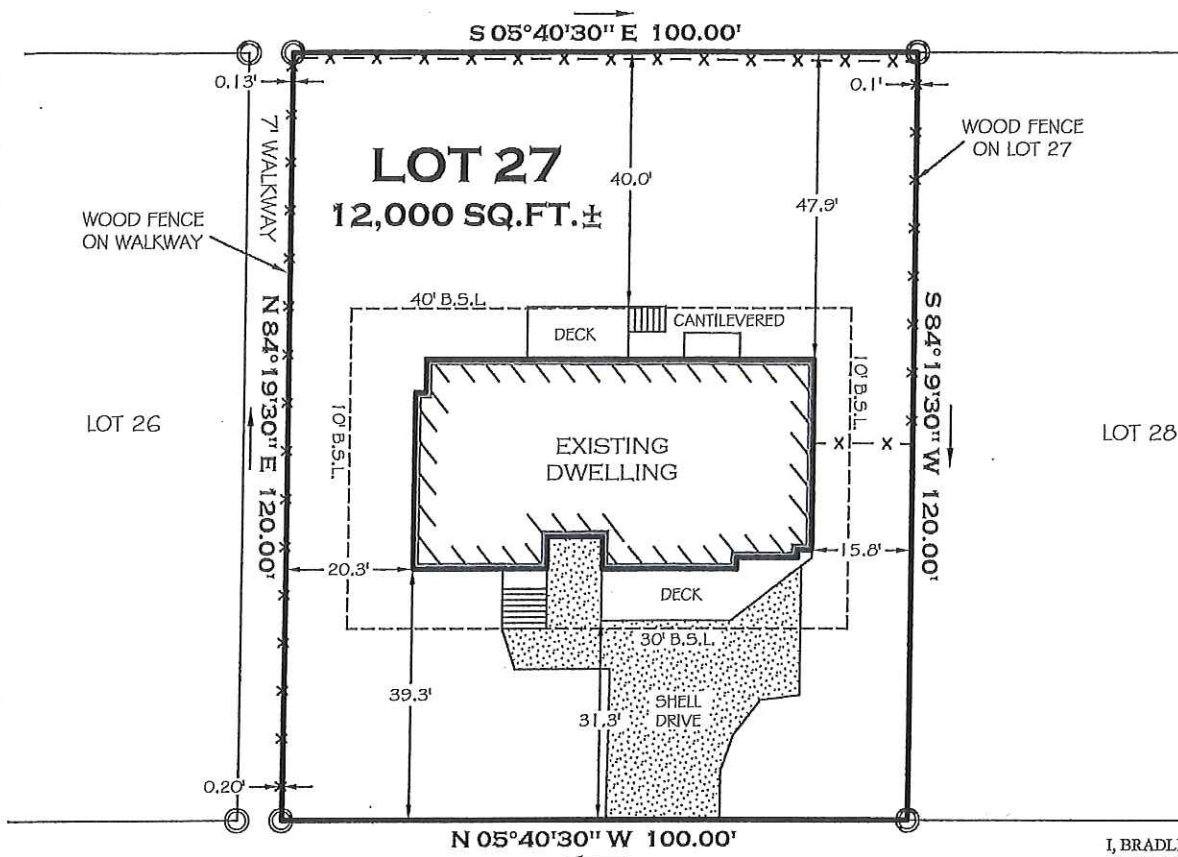
The homeowners association approved the proposed deck on Dec 8, 2021, which supports the Owners' position that the proposed deck will not alter the essential character of the neighborhood. Adding improvements such as the proposed deck for outdoor living is consistent with the essential character of the community. The proposed deck will not impair the appropriate development of adjacent properties because many of the neighboring properties already include improvements/decks within the 40 foot setback and as noted previously, adequate plantings and buffer trees are in place such that the proposed deck will not be visible or impactful to neighboring properties. The proposed deck is not detrimental to the public welfare.

5. Minimum variance:

The Owners are proposing the smallest deck possible to accomplish their goal of improving their outdoor living space and in so doing are seeking a reduction of 10 feet to the County's 40 foot setback. This is the minimum variance that will afford relief and represents the least modification possible.



# DELAWARE ROUTE 1 COASTAL HIGHWAY 150' RIGHT OF WAY



## COVE WAY 50' RIGHT OF WAY

**NOTES**

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. ZONE: MR

3. BUILDING SETBACK LINES (BSL)

- FRONT 30' (COVE WAY)
- SIDE 10'
- REAR 40' (DE. ROUTE 1)

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

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

I, BRADLEY A. ABSHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HERON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USES.

*Bradley A. Absher*  
 BRADLEY A. ABSHER, DE PLS # 735  
 DATE

5-29-18

TAX MAP	1-34 - 5.00 - 138.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	12,000 ± SQ. FT.
DEED REF.	4389/88
PLAT REF.	5/2
DRAWN BY	CJP
DATE	05/29/18
SCALE	1" = 30'
SURVEY #	DE - 04661

## BOUNDARY SURVEY PLAN

### LOT 27 COTTON PATCH HILLS

FOR  
**EDWIN L. KELLY, CANDACE Q. KELLEY**  
 & **EDWIN L. KELLY TRUSTEE OF THE**  
**EDWIN L. KELLY REVOCABLE TRUST**

29563 COVE WAY, BETHANY BEACH, DE. 19930

**LEGEND**

⊙ IRON PIPE FOUND

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
 OCEAN VIEW, DE 19970  
 DE: 302-539-2488  
 MD: 410-430-2092

# Sussex County

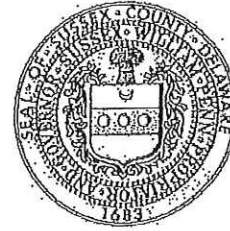
DELAWARE  
PLANNING & ZONING DEPARTMENT

[sussexcountyde.gov](http://sussexcountyde.gov)

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR



## SETBACK INFORMATION REQUEST

Date of Request 10/27/21 Zoning District MR  
Customer Name Ed Kelly  
Customer Contact ekelly824@gmail.com, 301-848-3335  
Tax Parcel ID 134-5.00-138.00 Lot/Unit Number Lot 27  
Parcel Address 29563 Cove Way, Bethany (Cotton Patch Hills) and Coastal Hwy  
Front Yard Setback 30' (from property line on Cove Way)  
Side Yard Setback 10'  
Rear Yard Setback 40' (from property line on Coastal Hwy)  
Corner Front Yard Setback N/A  
Maximum Height 42'



The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

### Additional Notes:

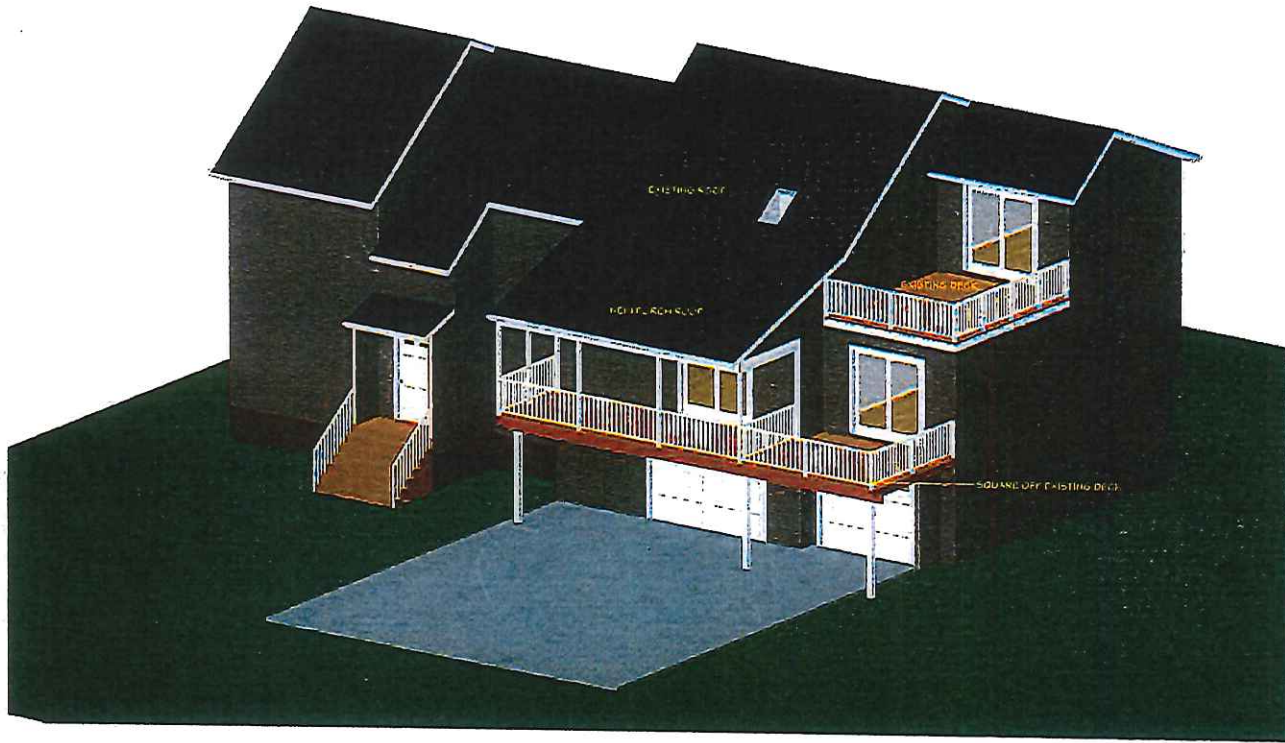
Online Deeds: Book: 4904, Page: 73

Property located in the AE Flood Zone

Sussex County Permit Dept: 302-855-7720

Name of Staff Member Ashley Paugh

Checked By *Eric Young*



DATE	REVISION	DESCRIPTION



**DRAWINGS PROVIDED FOR:**  
 ED KELLY  
 29563 COVE WAY  
 BETHANY BEACH, DE

**DRAWINGS PROVIDED BY:**  
 ATLANTIC DESIGN GROUP  
 34085 CREEK ROAD  
 DAGSBORO, DE 19939  
 302-462-6438

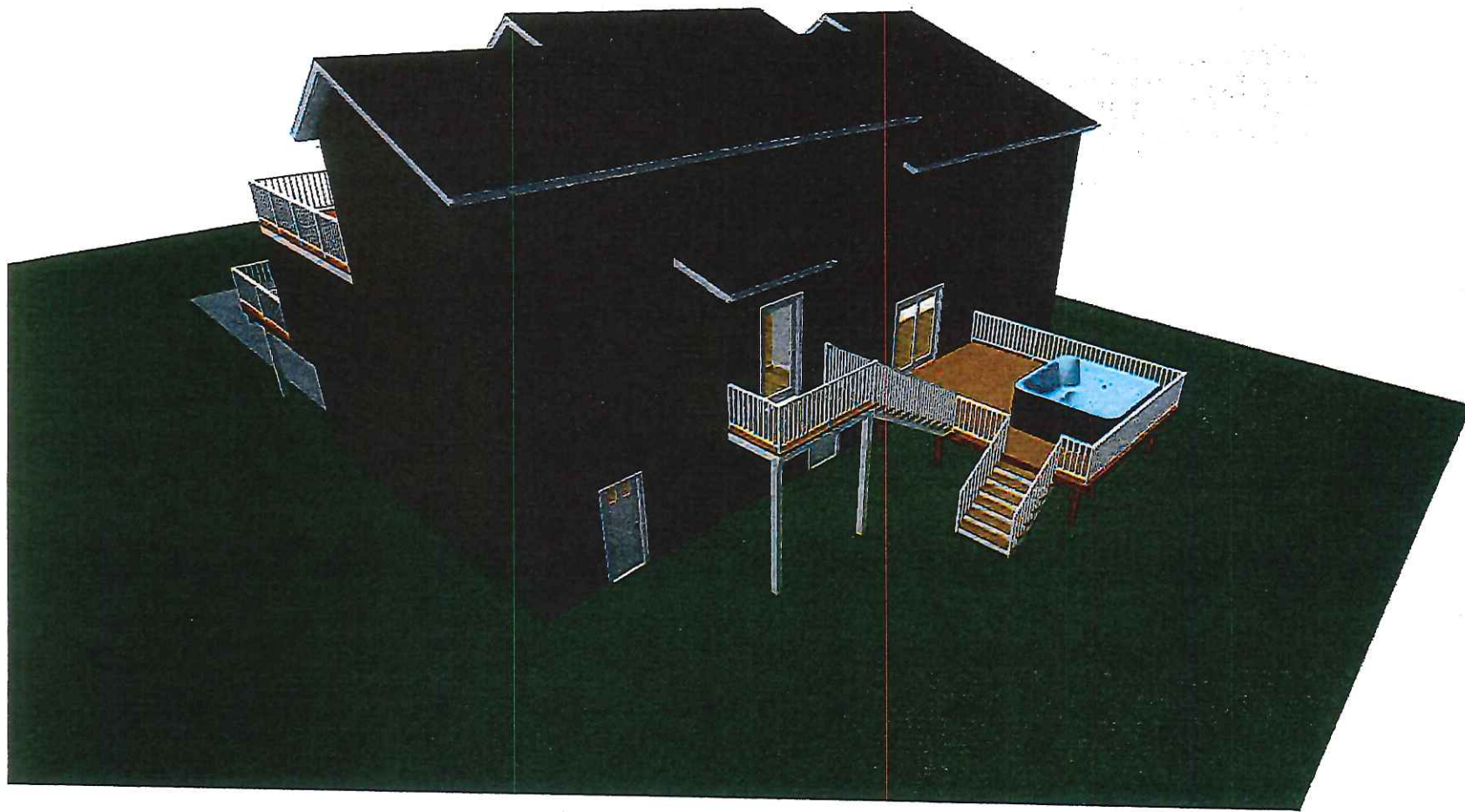
**DATE:**

11/22/2021

**SCALE:** 1/4"

**SHEET:**

1



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REVISION TABLE			
NO.	DATE	REVISION BY	DESCRIPTION



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 ED KELLY  
 29563 COVE WAY  
 BETHANY BEACH, DE

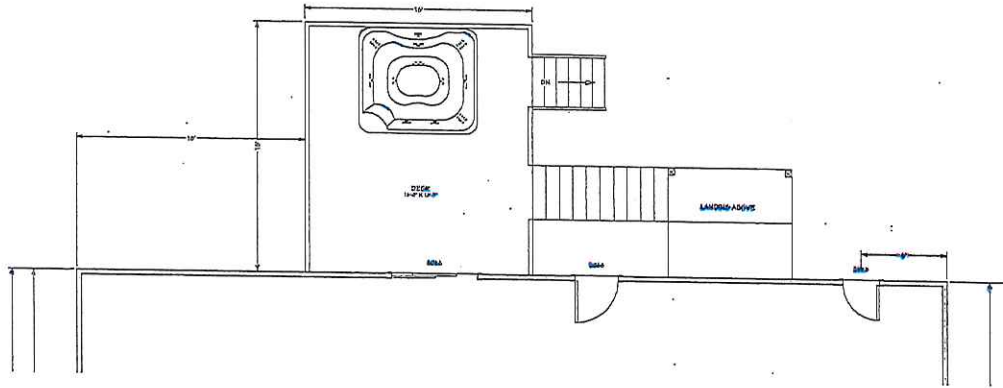
DRAWINGS PROVIDED BY:  
 ATLANTIC DESIGN GROUP  
 34085 CREEK ROAD  
 DAGSBORO, DE 19939  
 302-462-6438

DATE:  
 11/22/2021

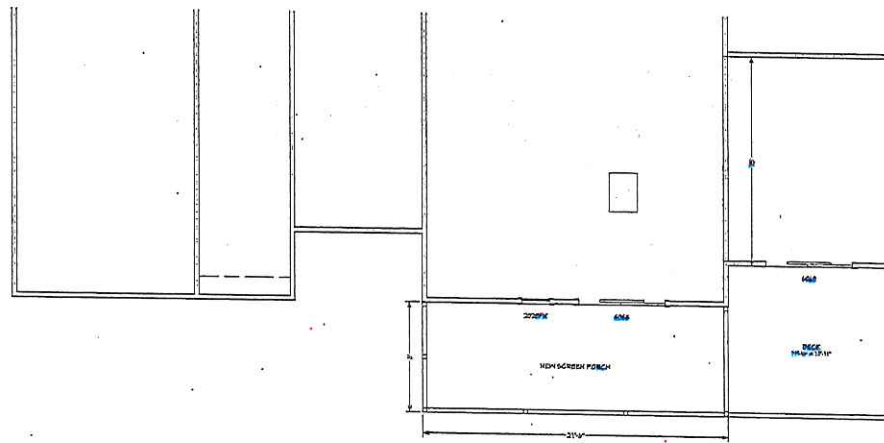
SCALE: 1/4"

SHEET:

2



1st Floor



2nd Floor

REVISION TABLE			
NUMBER	DATE	REVISIONS BY	DESCRIPTION



DRAWINGS PROVIDED FOR:  
 ED KELLY  
 29563 COVE WAY  
 BETHANY BEACH, DE

DRAWINGS PROVIDED BY:  
 ATLANTIC DESIGN GROUP  
 34085 CREEK ROAD  
 DAGSBORO, DE 19939  
 302-462-6438

DATE:

11/22/2021

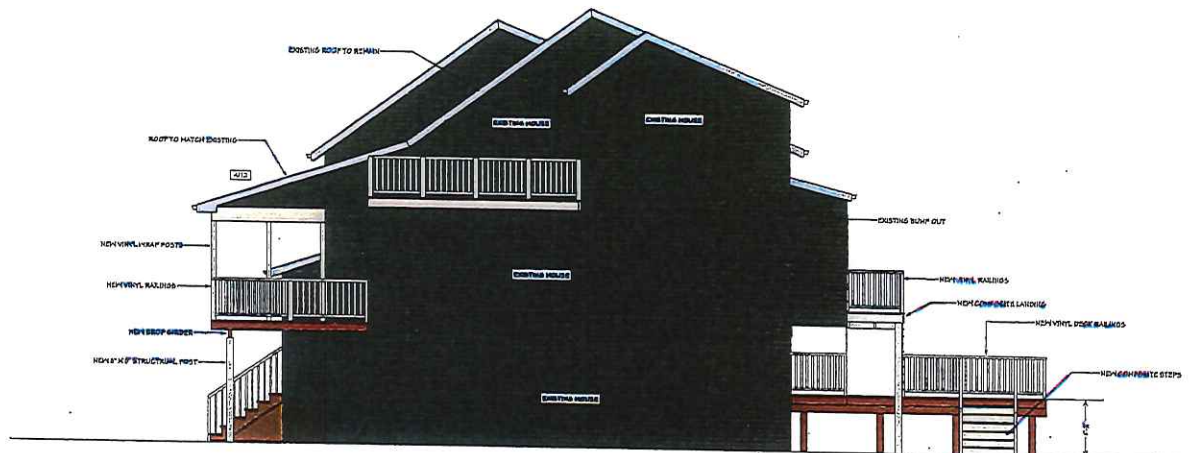
SCALE: 1/4"

SHEET:

3



Exterior Elevation Front  
1/4" Scale



Exterior Elevation Right  
1/4" Scale

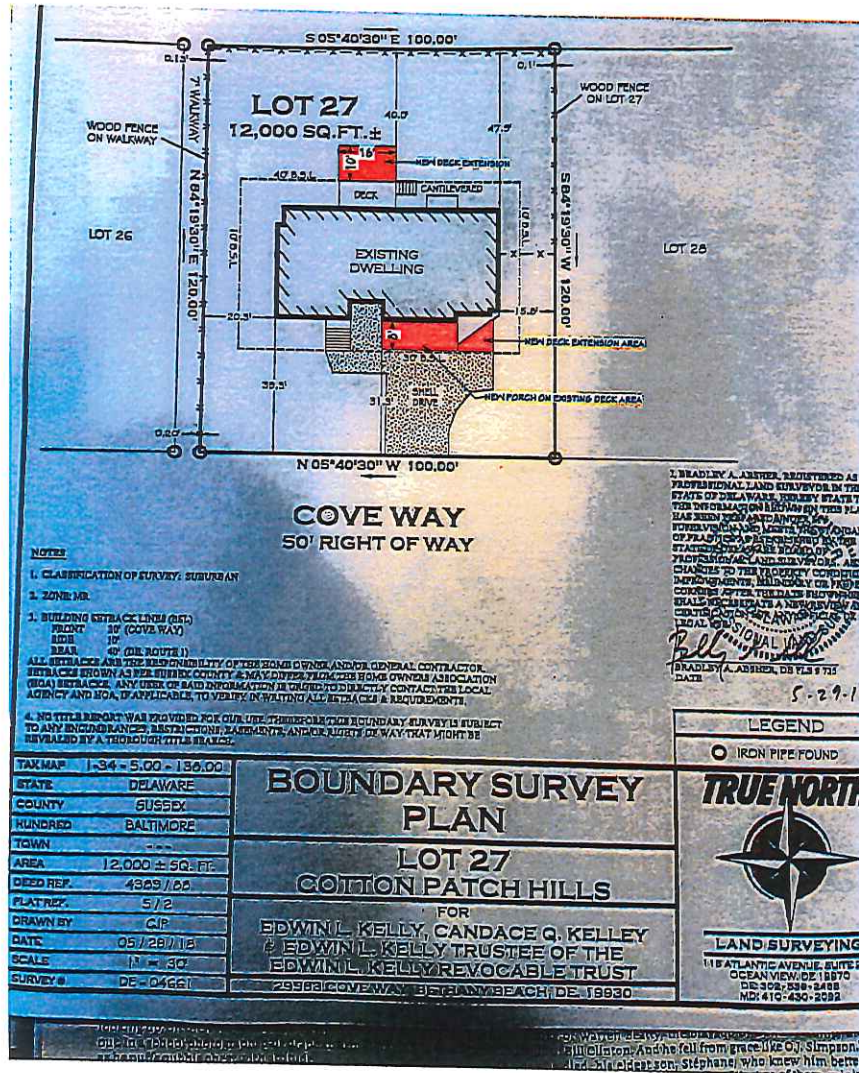
REVISION TABLE	REVISION	DESCRIPTION
NUMBER	DATE	



DRAWINGS PROVIDED FOR:  
ED KELLY  
29563 COVE WAY  
BETHANY BEACH, DE

DRAWINGS PROVIDED BY:  
ATLANTIC DESIGN GROUP  
34085 CREEK ROAD  
DAGSBORO, DE 19939  
302-462-6438

DATE:  
11/22/2021  
SCALE: 1/4"  
SHEET:  
4



SITE  
1/16" SCALE

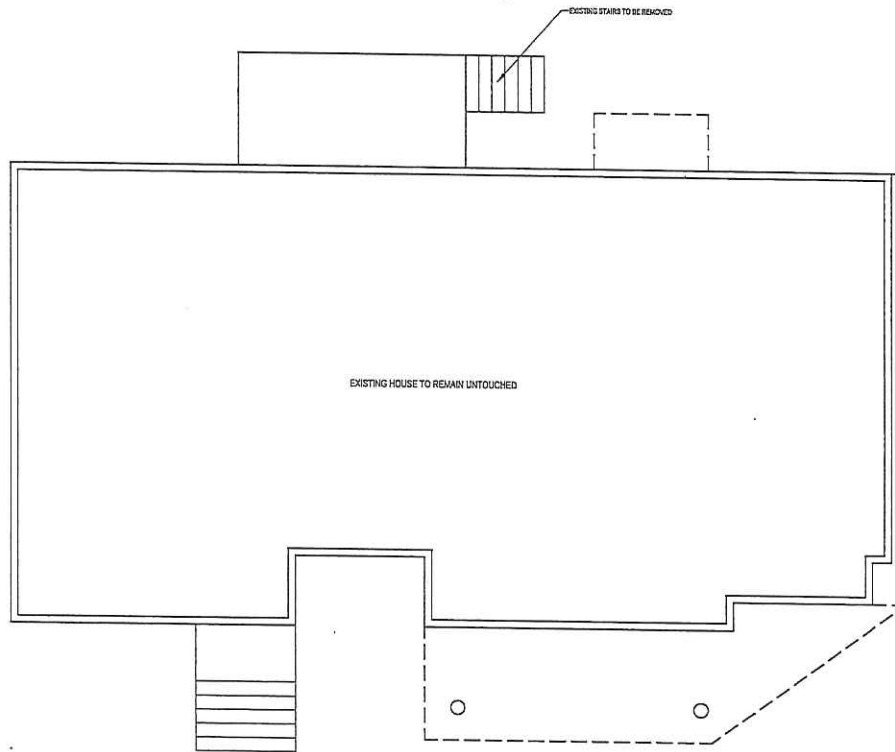
REVISION TABLE	REVISION BY	DESCRIPTION



DRAWINGS PROVIDED FOR:  
ED KELLY  
29563 COVE WAY  
BETHANY BEACH, DE

DRAWINGS PROVIDED BY:  
ATLANTIC DESIGN GROUP  
34085 CREEK ROAD  
DAGSBORO, DE 19939  
302-462-6438

DATE:	
11/22/2021	
SCALE: 1/4"	
SHEET:	
5	



**1** EXISTING/DEMOLITION FLOOR PLAN  
A1.1 SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

1) DRAWINGS ARE INTENDED TO BE USED AS CONCEPT ONLY. ANY PERMIT AND CONSTRUCTION DOCUMENTS ARE TO BE PREPARED, IF REQUIRED, BY AN ARCHITECT/ENGINEER LICENSED IN THE STATE OF DELAWARE.

2) ALL EXISTING DIMENSIONS AND CONDITIONS SHOWN ARE TO BE FIELD VERIFIED.

NO.	DESCRIPTION	DATE
1		

CONCEPT DOCUMENTS  
 FOR THE  
**KELLY RESIDENCE  
 DECK ADDITIONS**  
 BETHANY BEACH, DE.

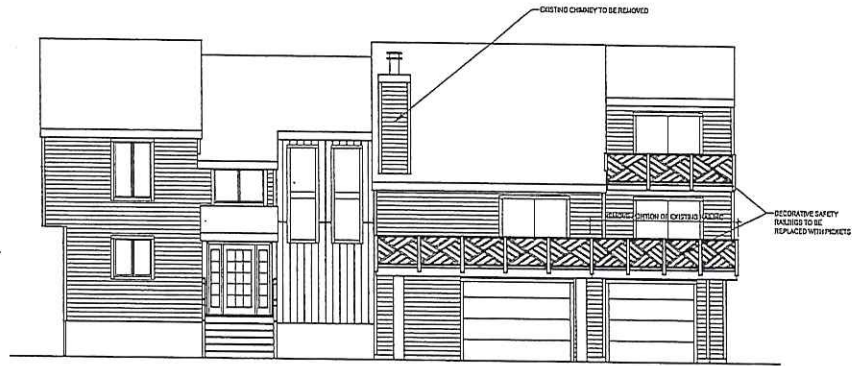

EXISTING FLOOR PLAN  
 DATE: 11-03-2021

**A1.1**  
 SCALE:

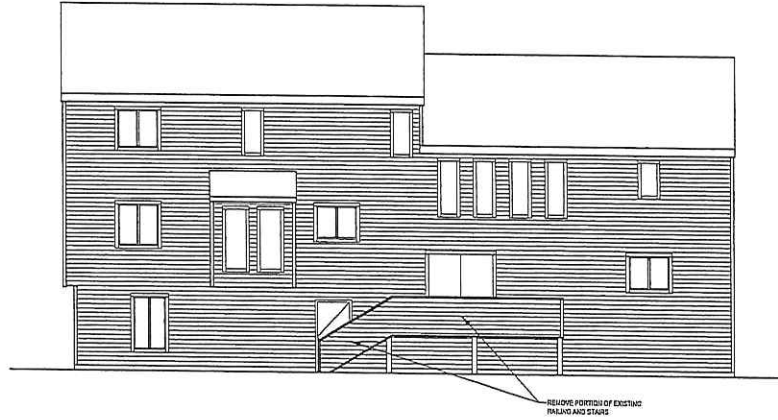




2 EXISTING RIGHT SIDE ELEVATION  
A1.2 SCALE: 3/16" = 1'-0"



1 EXISTING FRONT ELEVATION  
A1.2 SCALE: 3/16" = 1'-0"



3 EXISTING REAR ELEVATION  
A1.2 SCALE: 3/16" = 1'-0"

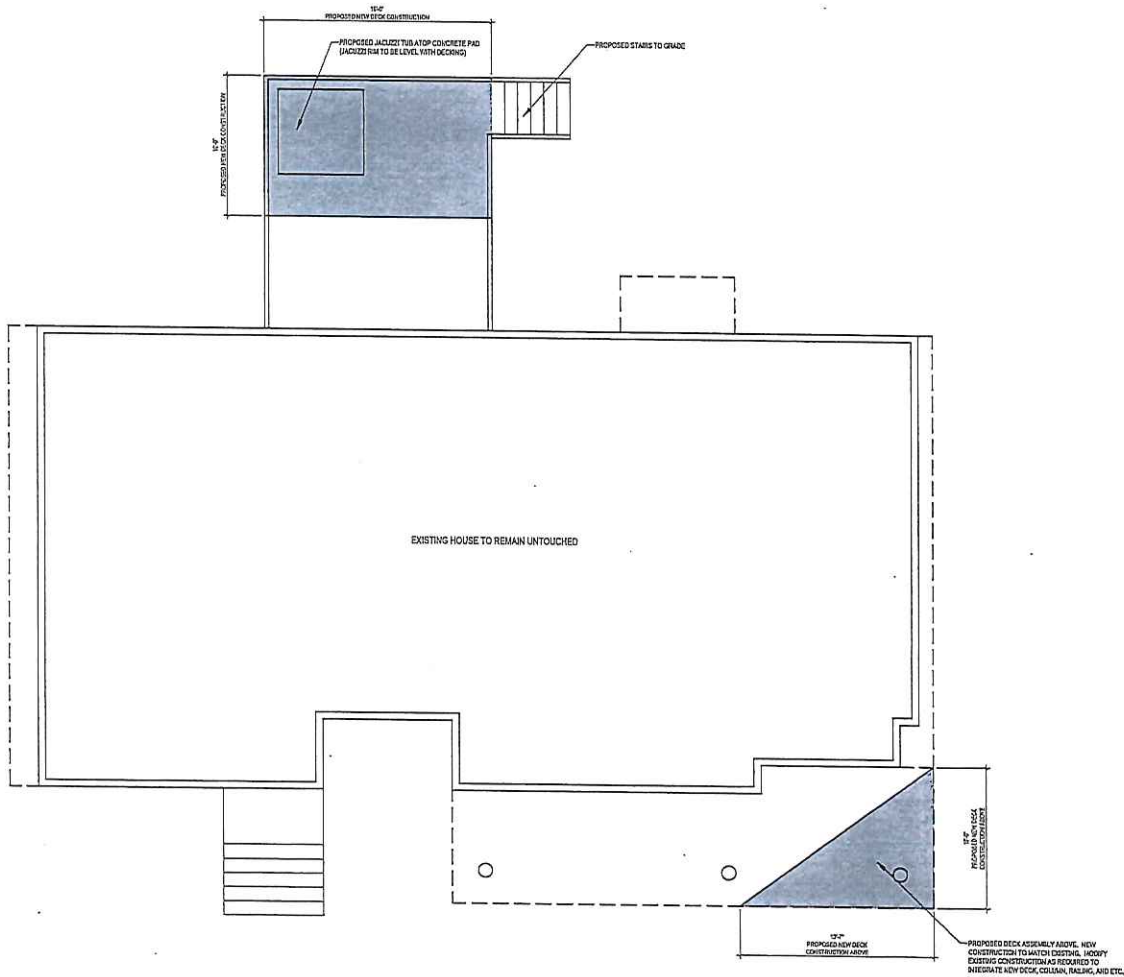
NO.	DESCRIPTION	DATE	BY
1			

CONCEPT DOCUMENTS  
FOR THE  
**KELLY RESIDENCE  
DECK ADDITIONS**  
BETHANY BEACH, DE.


EXISTING ELEVATIONS
DATE: 11-09-2021

**A1.2**  
SCALE:

**GENERAL NOTES**  
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1 PROPOSED FLOOR PLAN  
A2.1 SCALE: 1/4" = 1'-0"

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NO.	DESCRIPTION	DATE REVISION
1		

CONCEPT DOCUMENTS  
FOR THE  
**KELLY RESIDENCE  
DECK ADDITIONS**  
BETHANY BEACH, DE.


PROPOSED FLOOR PLAN  
DATE: 11-03-2021

A2.1  
SCALE:



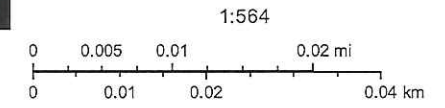


<b>PIN:</b>	134-5.00-138.00
<b>Owner Name</b>	KELLY, EDWIN L TTEE OF THE ELK REV TRUST
<b>Book</b>	4904
<b>Mailing Address</b>	8400 OLD STAGECOACH
<b>City</b>	LA PLATA
<b>State</b>	MD
<b>Description</b>	COTTON PATCH HILLS
<b>Description 2</b>	LOT 27
<b>Description 3</b>	N/A
<b>Land Code</b>	

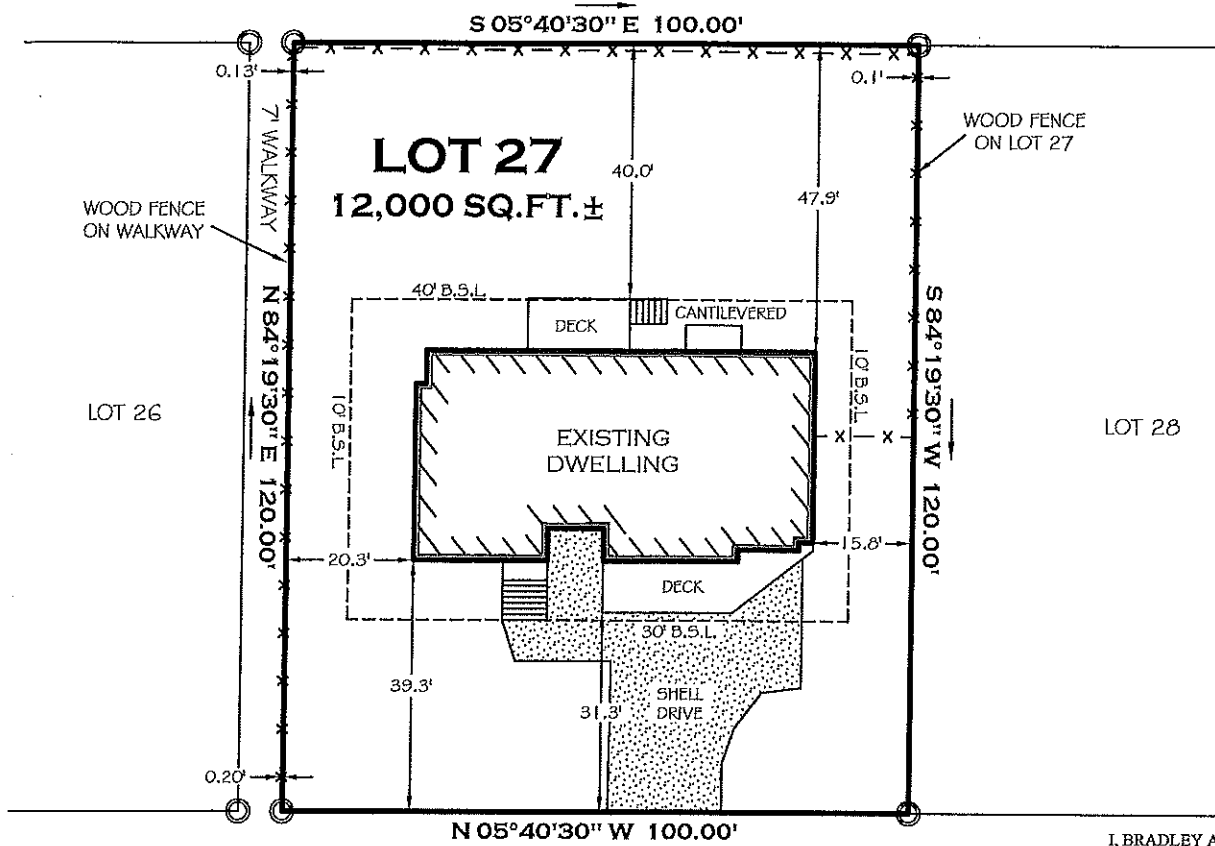
- polygonLayer**

  - Override 1
- polygonLayer**

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



# DELAWARE ROUTE 1 COASTAL HIGHWAY 150' RIGHT OF WAY



## COVE WAY 50' RIGHT OF WAY

**NOTES**

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. ZONE: MR

3. BUILDING SETBACK LINES (BSL)  
FRONT 30' (COVE WAY)  
SIDE 10'  
REAR 40' (DE. ROUTE 1)

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*Bradley A. Absher*  
BRADLEY A. ABSHER, DE PLS # 735  
DATE

5-29-18

TAX MAP	1-34 - 5.00 - 138.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	12,000 ± SQ. FT.
DEED REF.	4389 / 88
PLAT REF.	5 / 2
DRAWN BY	CJP
DATE	05 / 29 / 18
SCALE	1" = 30'
SURVEY #	DE - 04661

## BOUNDARY SURVEY PLAN

### LOT 27 COTTON PATCH HILLS

FOR  
EDWIN L. KELLY, CANDACE Q. KELLEY  
& EDWIN L. KELLY TRUSTEE OF THE  
EDWIN L. KELLY REVOCABLE TRUST

29563 COVE WAY, BETHANY BEACH, DE. 19930

**LEGEND**

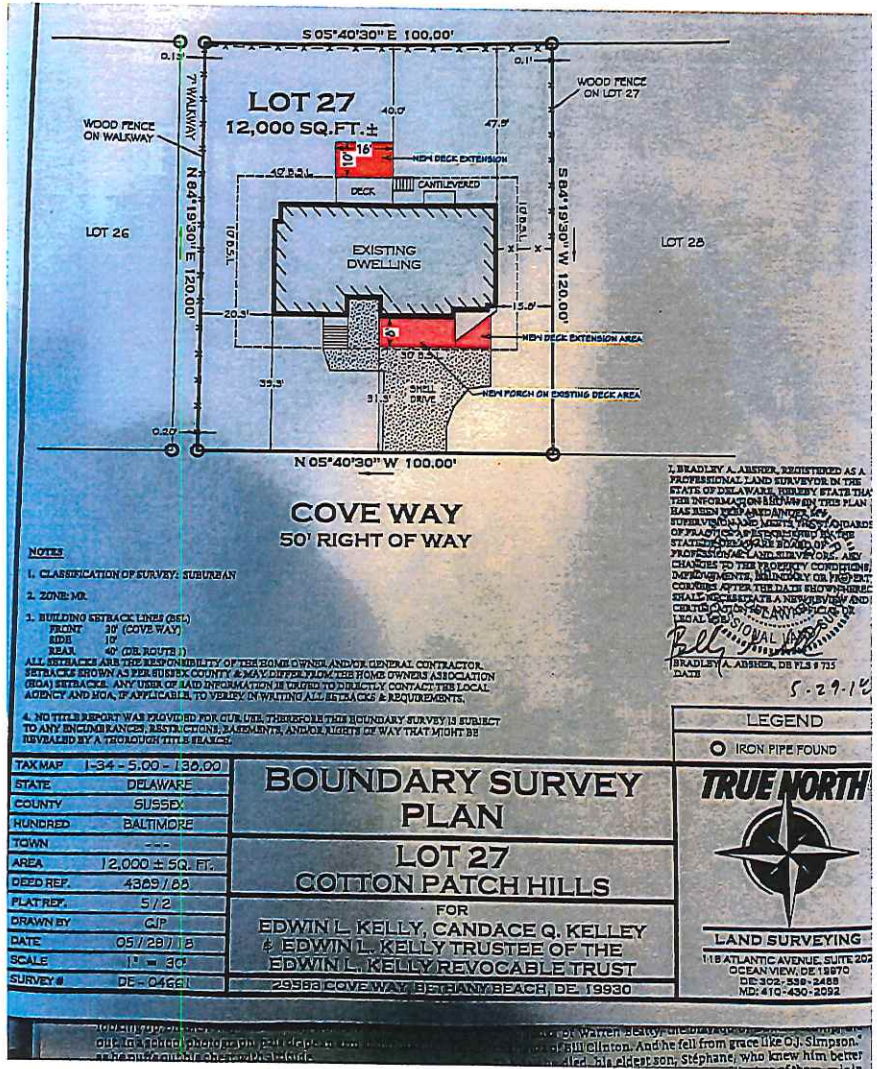
○ IRON PIPE FOUND

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
OCEAN VIEW, DE 19970  
DE: 302-539-2486  
MD: 410-430-2092



SITE  
1/16" SCALE

REVISION TABLE	DESCRIPTION
NUMBER	DATE

**ATLANTIC**  
SURVEYING

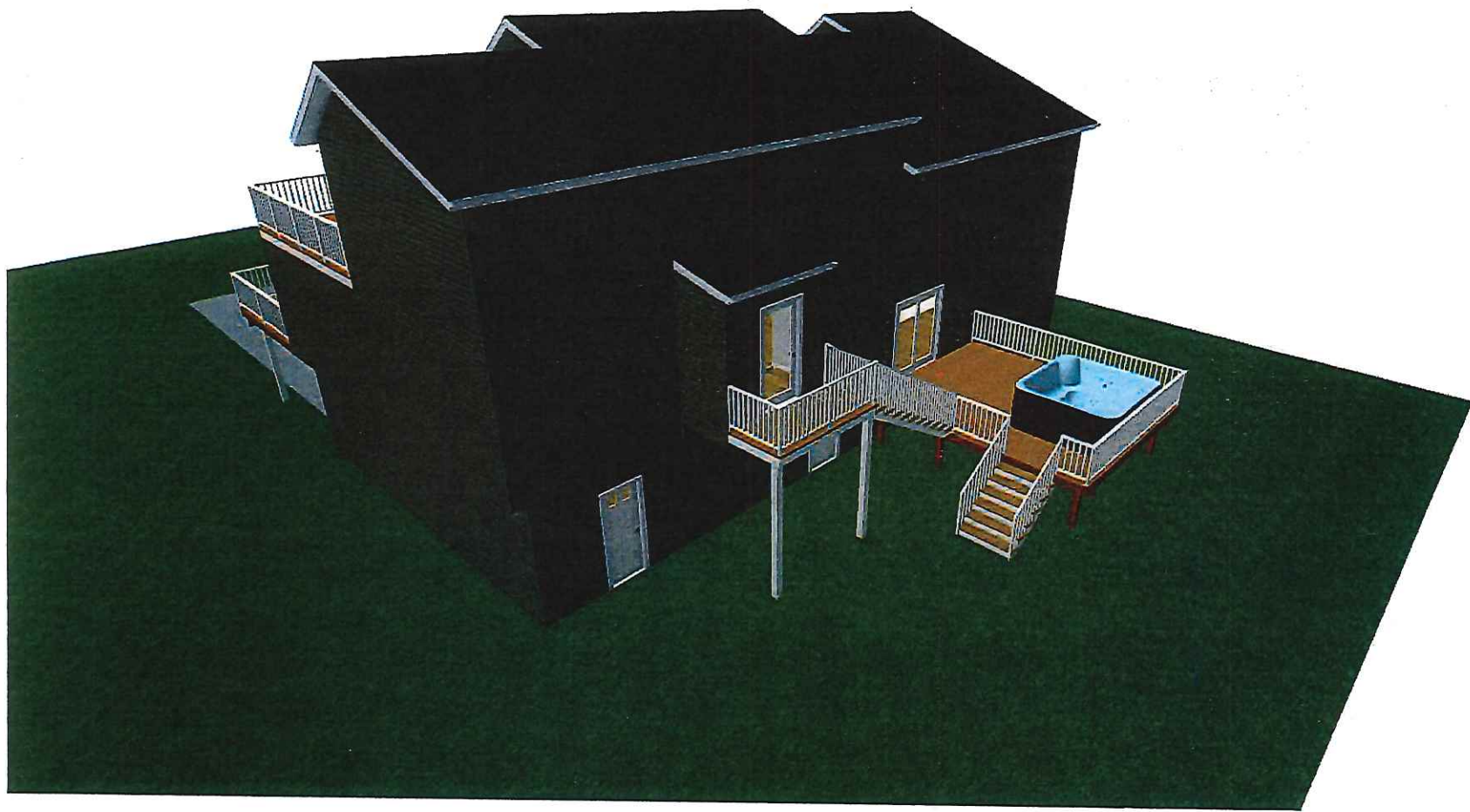
**DRAWINGS PROVIDED FOR:**  
ED KELLY  
29563 COVE WAY  
BETHANY BEACH, DE

**DRAWINGS PROVIDED BY:**  
ATLANTIC DESIGN GROUP  
34085 CREEK ROAD  
DAGSBORO, DE 19939  
302-462-6436

DATE:  
11/22/2021

SCALE: 1/4"

SHEET:  
5



NO.	REVISION	DATE	DESCRIPTION



DRAWINGS PROVIDED FOR:  
 ED KELLY  
 29563 COVE WAY  
 BETHANY BEACH, DE

DRAWINGS PROVIDED BY:  
 ATLANTIC DESIGN GROUP  
 34085 CREEK ROAD  
 DAGSBORO, DE 19939  
 302-462-6438

DATE:

11/22/2021

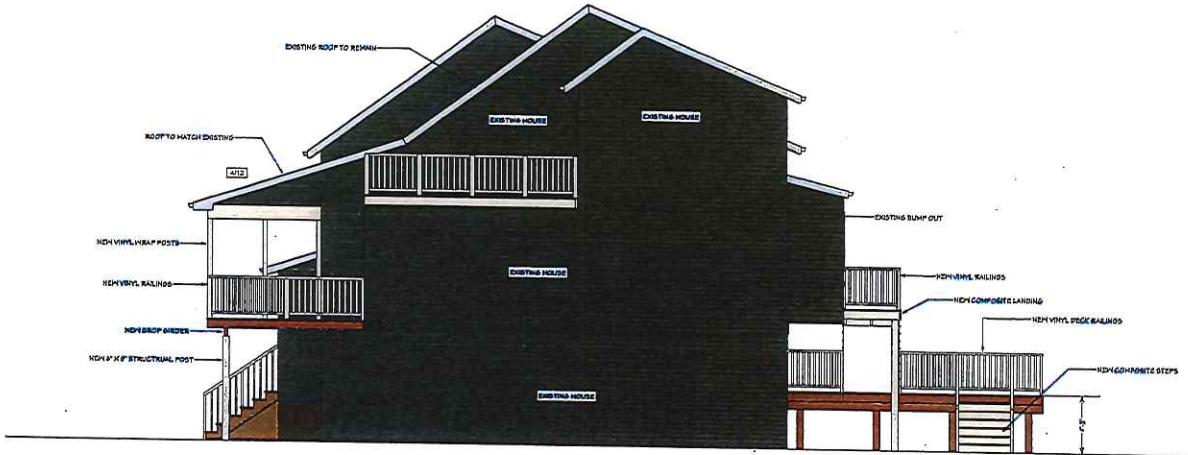
SCALE: 1/4"

SHEET:

2



Exterior Elevation Front  
1/4" Scale



Exterior Elevation Right  
1/4" Scale

REVISION NUMBER	DATE	REVISION DESCRIPTION



DRAWINGS PROVIDED FOR:  
ED KELLY  
29563 COVE WAY  
BETHANY BEACH, DE

DRAWINGS PROVIDED BY:  
ATLANTIC DESIGN GROUP  
34085 CREEK ROAD  
DAGSBORO, DE 19939  
302-462-6438

DATE:  
11/22/2021

SCALE: 1/4"

SHEET:  
4



**Board of Adjustment Application  
Sussex County, Delaware**

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

Case # 12656  
Hearing Date 2/7  
202117628

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-25 115-183  
115-185

**Site Address of Variance/Special Use Exception:**

10059 Concord Rd Scaford DE 19973

**Variance/Special Use Exception/Appeal Requested:**

From 15' to 5' on the left or  
West side of Property

Tax Map #: 132-2.00 - 95.00

Property Zoning: AR-1

**Applicant Information**

Applicant Name: Michael Walton  
Applicant Address: 10059 Concord Rd  
City Scaford State DE Zip: 19973  
Applicant Phone #: 3026040360 Applicant e-mail: MikeWalton81@gmail.com

**Owner Information**

Owner Name: Michael Walton  
Owner Address: 10059 Concord Rd  
City Scaford State DE Zip: 19973 Purchase Date: 2-1-14  
Owner Phone #: 3026040360 Owner e-mail: MikeWalton81@gmail.com

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

Michael Walton

Date: 12-7-21



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

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

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

1. Uniqueness of property:

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

Property is narrow and DEEP. Shed on Right Side of Property was Destroyed would like to Add to Existing

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.

Destroyed Shed is within 2' of property line would like to Add to left of pole Barn and Remove old shed

3. Not created by the applicant:

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

Pole Barn was Existing when Purchased

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.

Neighbor has a large Garage Directly Beside mine

5. Minimum variance:

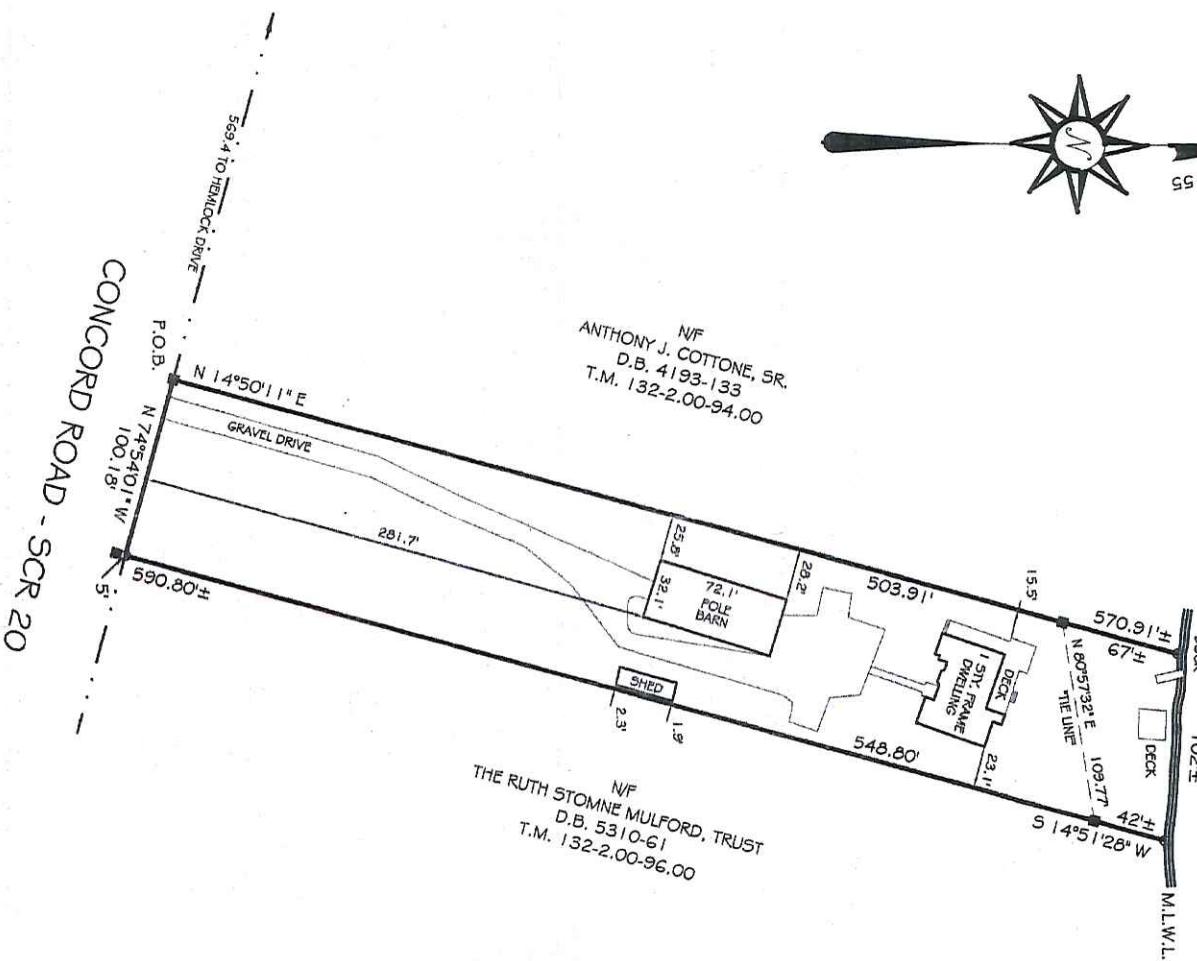
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

I would like to be Allowed 5' BOA would Build only within 9'

T.M. #132-2-00-95.00

DEEP CREEK  
(MANTOKE RIVER)

D.B. 2078-155



AREA: 1.33 Acres +/-

- CONC. MON. (T.D)
- POINT

THIS SURVEY AND PLAT DOES NOT VERIFY THE DISTANCE OR NON-EXISTENCE OF RIGHTS-OR-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN.  
NO TITLE SEARCH PROVIDED OR STIPULATED.

I, STEPHEN M. SQUIRES, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND WITHIN THE JURISDICTION OF PUBLIC AS ESTABLISHED BY THE STATUTES OF DELAWARE. I HAVE REVIEWED THE LAND SURVEY, APPROVED THE BOUNDARY OR PROPERTY CONDITIONS AFTER THE DATE SHOWN HEREON SHALL NEGOTIATE A NEW REVIEW AND CERTIFICATION FOR ANY CORRECTION OR LEGAL USE.



BOUNDARY SURVEY PLAN FOR

MICHAEL L. WALTON

10059 CONCORD ROAD, SEAFORD, DE. 19973  
BROAD CREEK HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
NOVEMBER 19, 2021

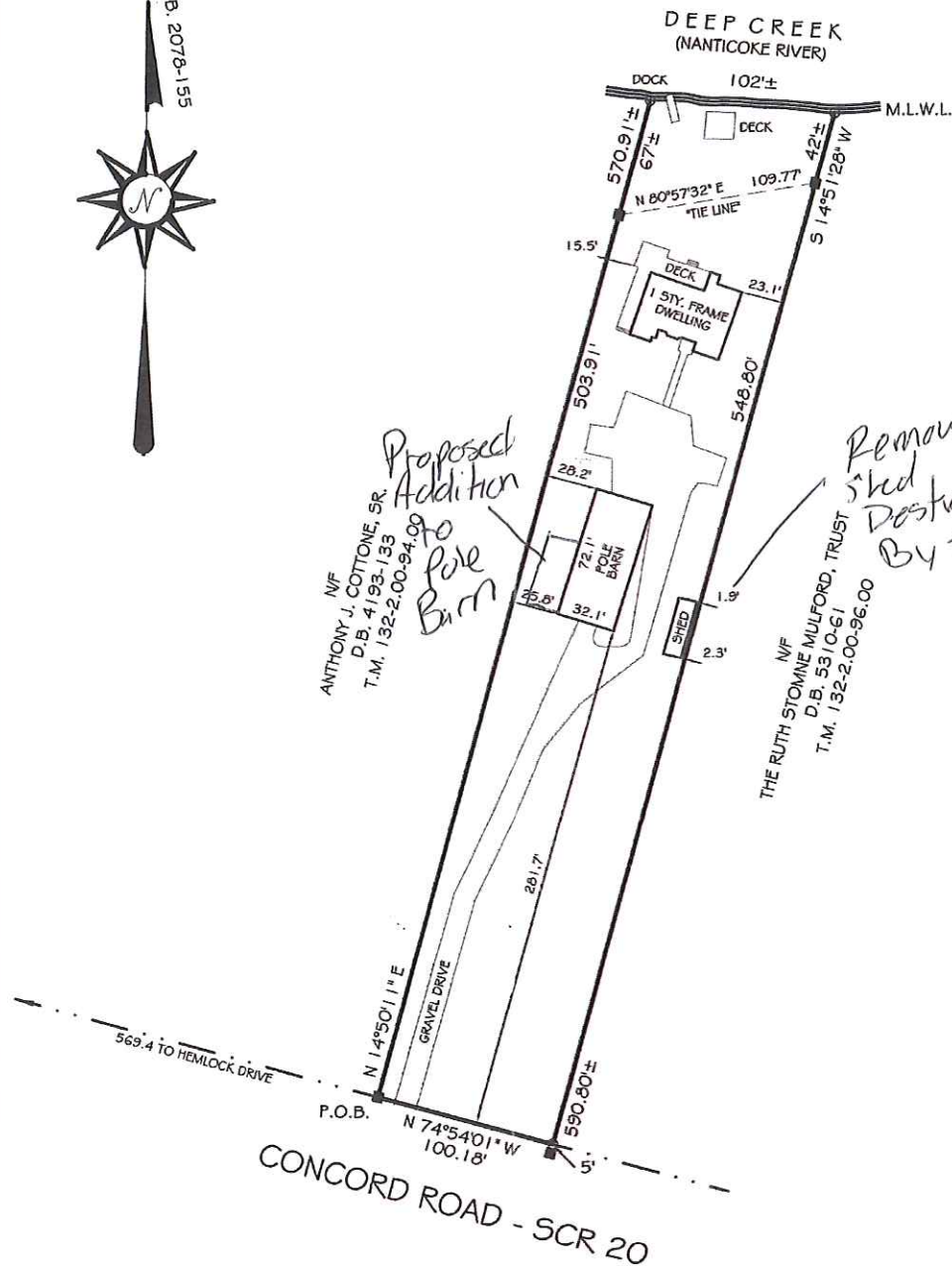
PREPARED BY:

**MILNER** LAND SURVEYING  
**LEWIS, INC.**

PH: 302-629-9895  
FAX: 302-629-2391

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973



*Proposed Addition to Pole Barn*

*Remove shed Destroyed By tree*

AREA: 1.33 Acres +/-

- CONC. MON. (FD)
- POINT

THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN.  
NO TITLE SEARCH PROVIDED OR STIPULATED.

I, STEPHEN M. SELLERS REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

*Stephen M. Sellers*  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 STATE OF DELAWARE  
 No. 566  
 DATE: 11/19/2021  
 STEPHEN M. SELLERS PLS 566 DATE  
 SURVEY CLASS: SUBURBAN

BOUNDARY SURVEY PLAN FOR  
**MICHAEL L. WALTON**

10059 CONCORD ROAD, SEAFORD, DE. 19973  
 BROAD CREEK HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE  
 SCALE 1" = 80' NOVEMBER 19, 2021

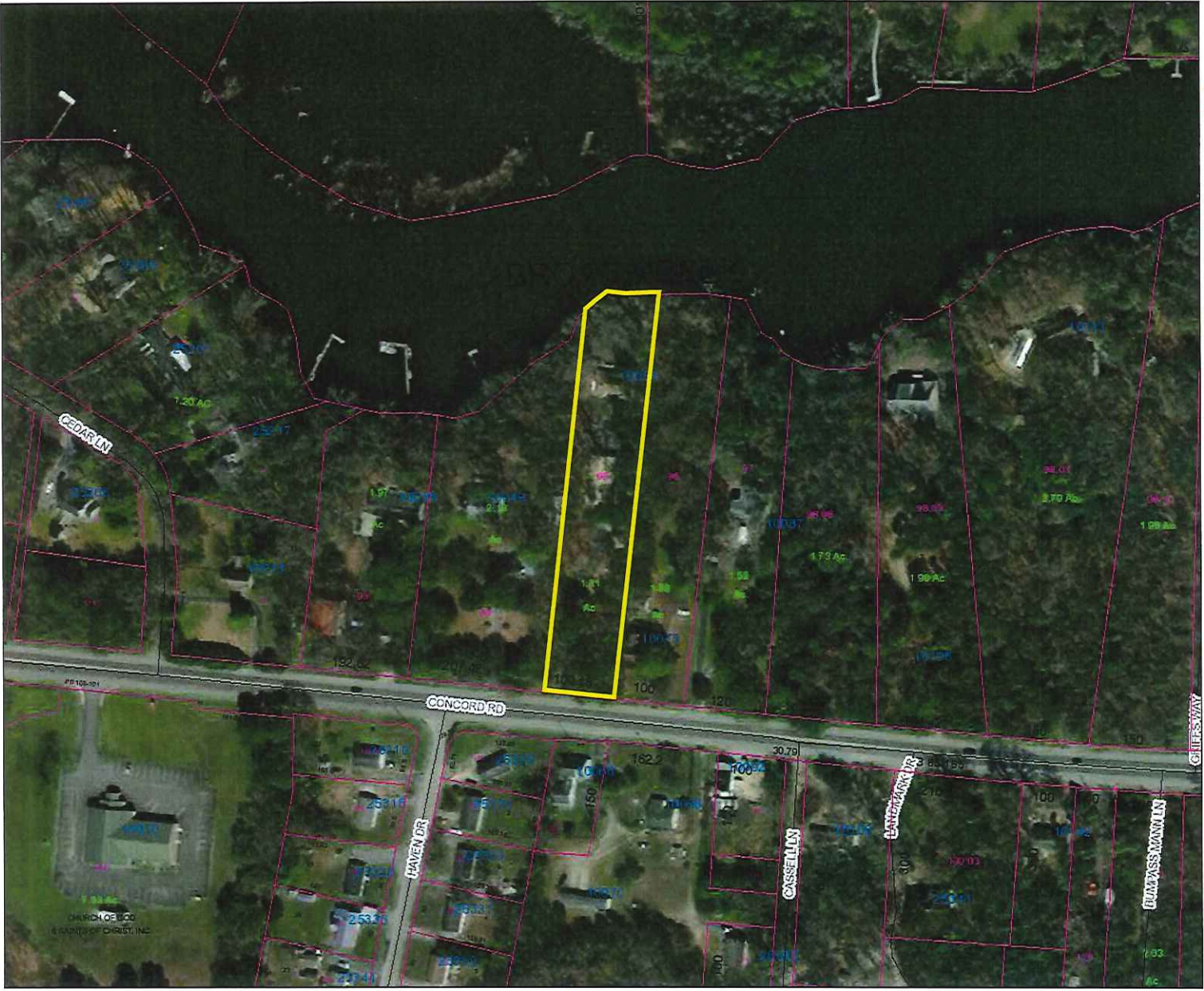
PREPARED BY:

**MILNER**  
**LEWIS, INC.**  
 LAND SURVEYING

PH: 302-629-9895  
 FAX: 302-629-2391

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

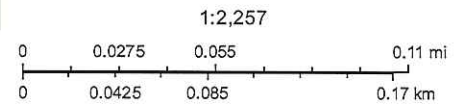


<b>PIN:</b>	132-2.00-95.00
<b>Owner Name</b>	WALTON MICHAEL L
<b>Book</b>	4241
<b>Mailing Address</b>	10059 CONCORD RD
<b>City</b>	SEAFORD
<b>State</b>	DE
<b>Description</b>	N/CONCORD RD
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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



**Board of Adjustment Application  
Sussex County, Delaware**

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

Case # 12657  
Hearing Date 2/21

20218552

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception  
Administrative Variance  
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-25 115-182

**Site Address of Variance/Special Use Exception:**

34461 Peppers Corner Rd. Frankford De 19945

**Variance/Special Use Exception/Appeal Requested:**

just asking for 12' in front of 40' setback

Tax Map #: 134-18.00-40.00

Property Zoning: AR-1

**Applicant Information**

Applicant Name: Ronald J. MASI  
Applicant Address: 34461 Peppers Corner Rd. Frankford De. 19945  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Applicant Phone #: 302 537 5399 Applicant e-mail: mbi @ mediacomb66.net

**Owner Information**

Owner Name: Lisa K. MASI  
Owner Address: 34461 Peppers Corner Rd. Frankford De. 19945  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

[Signature]

12/29/21 Date:



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

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

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

1. Uniqueness of property:

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

*The septic mound is the backyard. CAN'T do anything there.*

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.

*I only want to extend length of existing deck NOT go beyond, what is already there*

3. Not created by the applicant:

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

*To the left and right cannot be developed, due to "wetlands"  
I only want to go length of house with deck and roof. existing deck is 8' wide.*

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

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

*The addition will enhance both, house and neighborhood.*

5. Minimum variance:

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

*If issued variance there will be no modifications done, except adding  
There has not been any roof.*

Ticket Number: 213370489

Location: 34461 PEPPERS CORNER RD FRANKFORD, DE

As of 12/08/21 11:10 EST, participating facility owners have responded to Ticket Check as follows:

District Code	Status
ARTESIAN WATER COMPANY	Clear/No conflict
CHESAPEAKE UTILITIES	Clear/No conflict
DELAWARE ELECTRIC COOP CO	Marked
SUSSEX COUNTY ENGINEERING	Clear/No conflict 12-6-21 jh no county sewer involved
MEDIACOM/SPECTRUM CABLE	Marked 313
VERIZON	Clear/No conflict

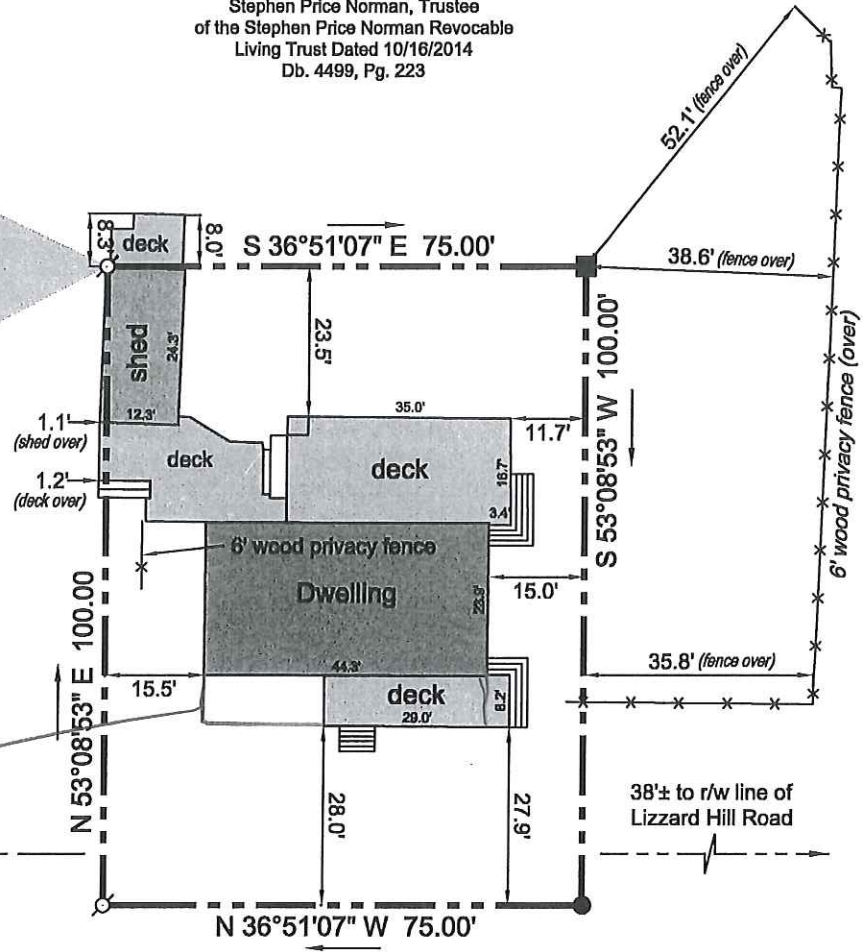
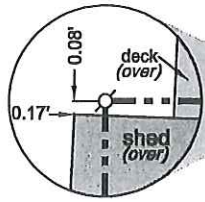
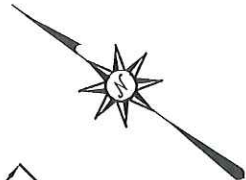
To review this ticket in its entirety, visit Search and Status on [www.managetickets.com](http://www.managetickets.com).



**NOTES:**

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.
- No title search provided or stipulated.

Lands of  
Stephen Price Norman, Trustee  
of the Stephen Price Norman Revocable  
Living Trust Dated 10/16/2014  
Db. 4499, Pg. 223



*Proposed deck w/ roof*

**PEPPERS CORNER ROAD**

- 3/4" PIPE (FD)
- CONC. MON. (FD)
- ⊘ 5/8" RE-BAR w/ CAP (SET)

SCALE: 1"=30'  
AREA: 7,500 SQ. FT.  
TAX MAP NO. 1-34-18-40

**Lands of RONALD J. MASI  
and LISA K. MASI.**

**FIRM INFORMATION:**  
100029 - 0495 - K  
MARCH 16, 2015  
ZONE: "X", NON-SHADED  
CLASS "B" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE OF ORIGINAL: 01-09-2020
DRAWN BY: ALEX KANSACK

**SIMPLER SURVEYING & ASSOCIATE, INC.**  
32486 POWELL FARM ROAD, FRANKFORD, DE 19945  
www.delawaresurveyor.com  
PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL  
*Gregory M. Hook*  
01/09/2020

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



peppers corner road.

closest house : wet lands between.



peppers corner Road.

House across from proposed variance



peppers CORNER ROAD.

Lizard Hill Road



34461 Peppers Corner Road.

Front existing deck

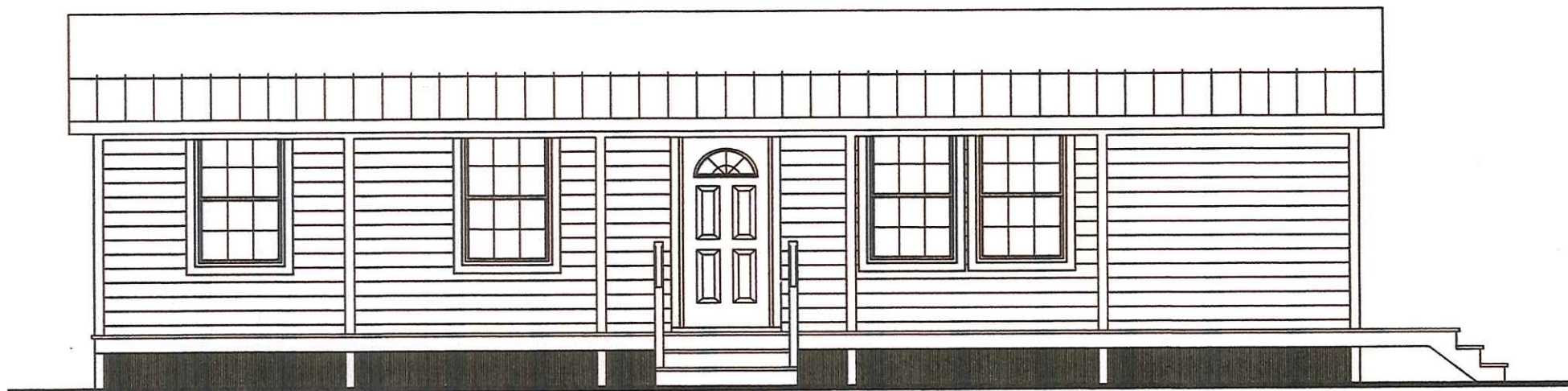


34461 Peppers Corner Road,  
existing deck



344.61 Peppers Corner Road.

Proposed addition of deck w/ metal roof

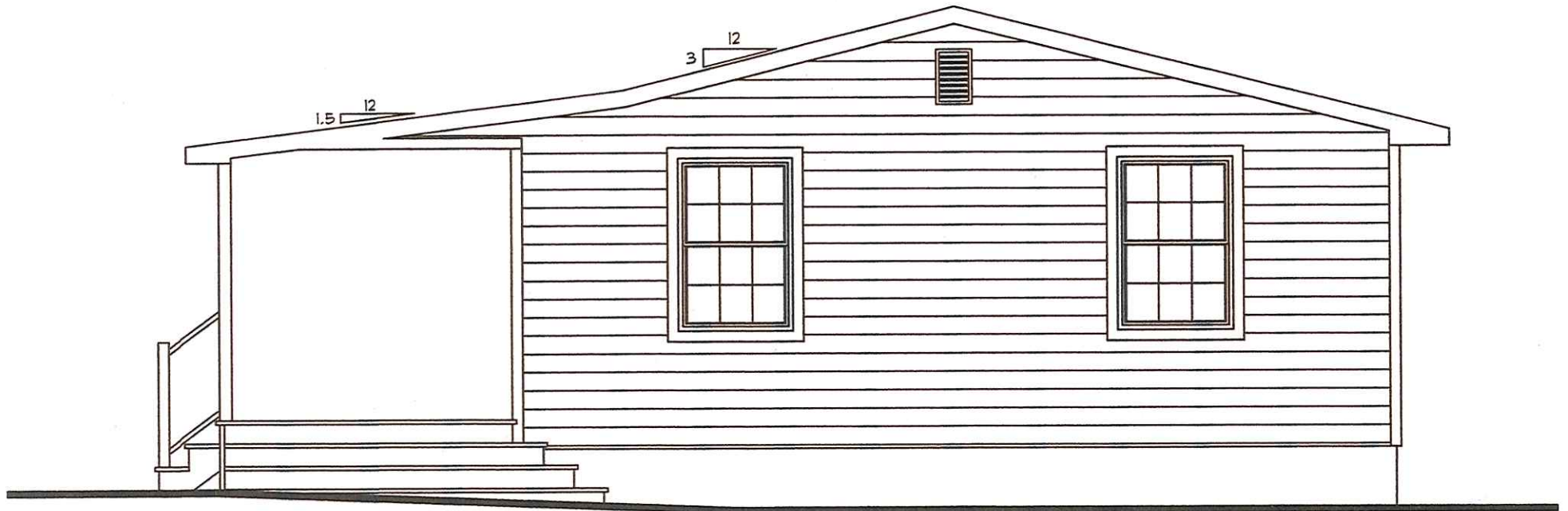


FRONT ELEVATION

proposed deck w/ roof

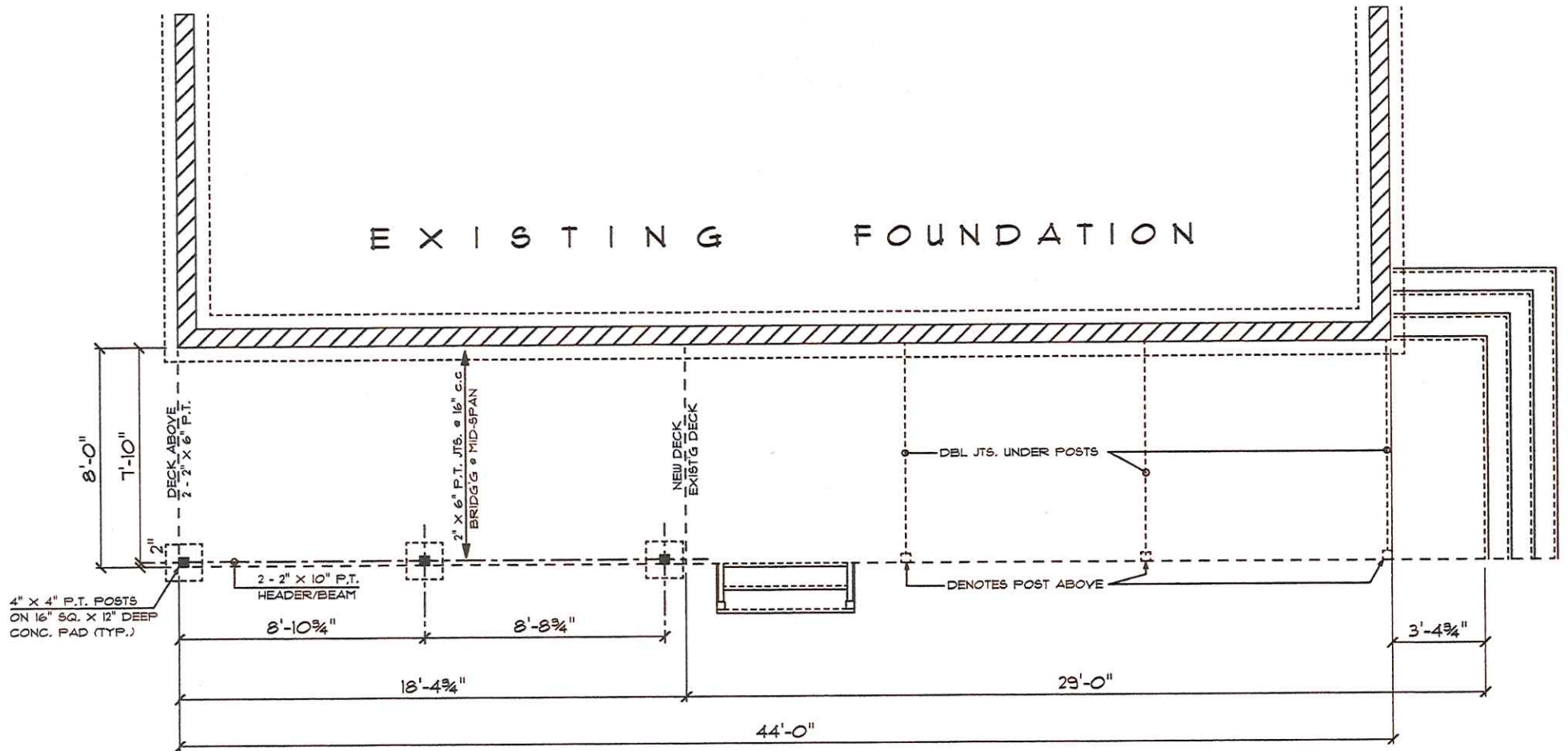
34461 Peppers Corner Road  
Frankford De.





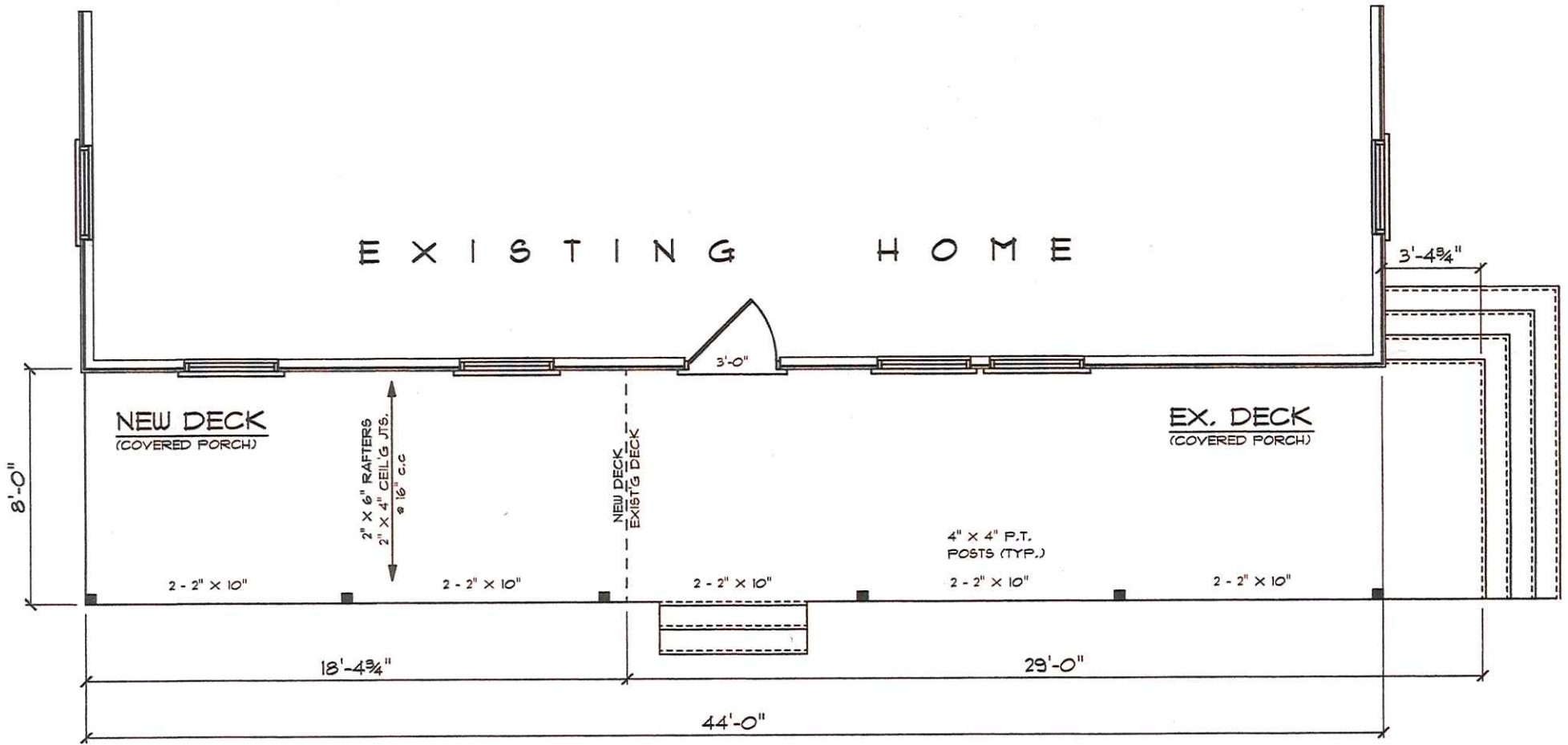
RIGHT ELEVATION

EXISTING FOUNDATION

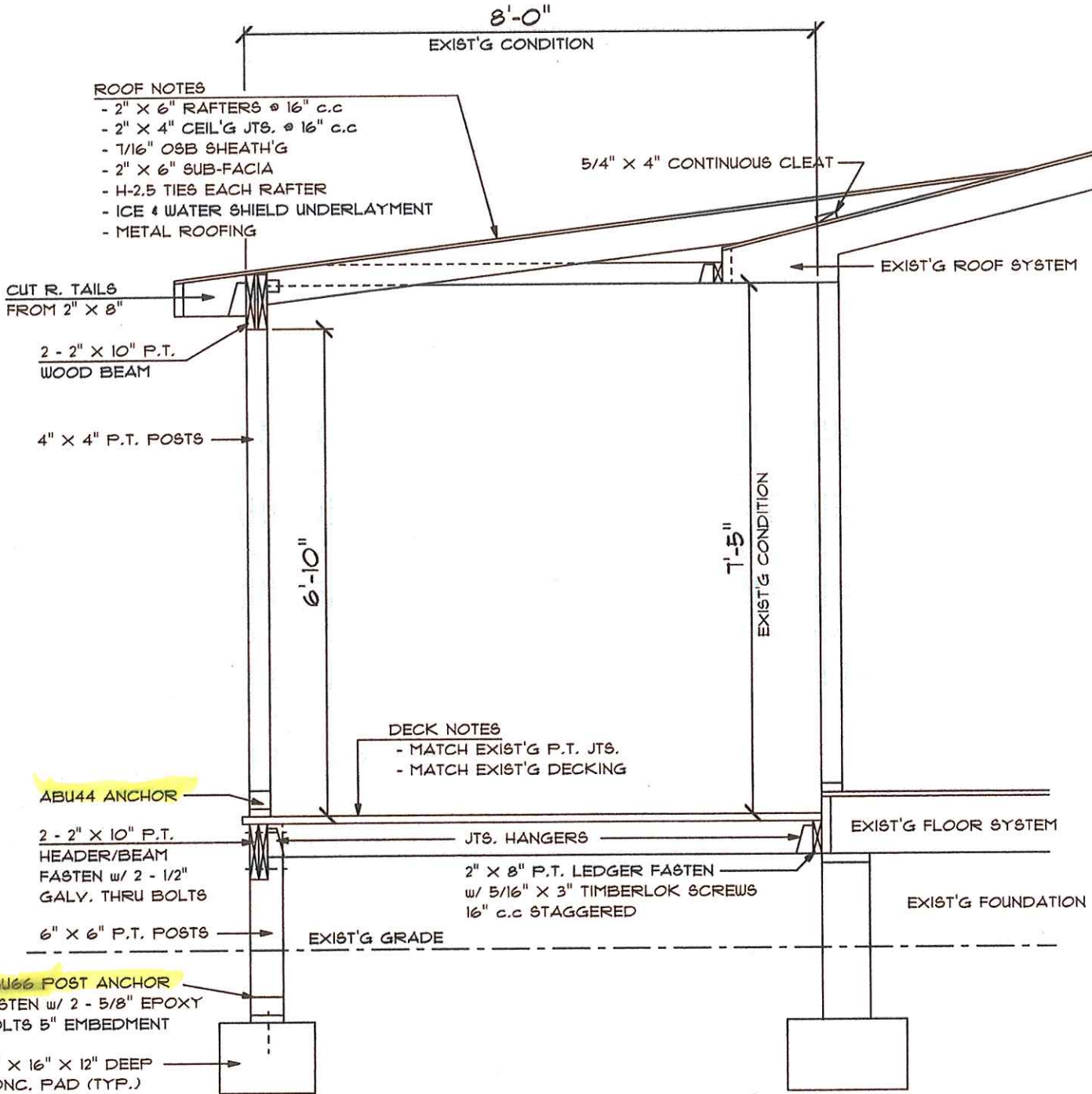


FOUNDATION PLAN

RE



FLOOR PLAN



**ROOF NOTES**

- 2" X 6" RAFTERS @ 16" c.c
- 2" X 4" CEIL'G JTS. @ 16" c.c
- 1/16" OSB SHEATH'G
- 2" X 6" SUB-FACIA
- H-2.5 TIES EACH RAFTER
- ICE & WATER SHIELD UNDERLAYMENT
- METAL ROOFING

**DECK NOTES**

- MATCH EXIST'G P.T. JTS.
- MATCH EXIST'G DECKING

**SECTION**

1/2" = 1'-0"

A hearing was held after due notice on June 19, 1995. The Board members present were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Wheatley and Mr. Callaway.

Decision of the Board

This is an application for a special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

Finding of Facts

The Board found that the applicants were seeking a special use exception to place a manufactured home in an AR-1 district on less than five (5) acres for a permanent residence on a parcel located on the east side of Route 365, at the intersection with Route 367A.

The Board found that the applicants wish to place a twenty-four (24) foot by forty-eight (48) foot manufactured home on the parcel on a fixed foundation. There are other manufactured homes in the area.

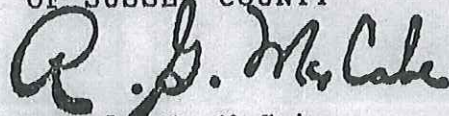
No persons appeared in opposition.

The Board granted the requested special use exception, finding that it would not substantially affect adversely the uses of adjacent and neighboring properties, with a condition that the stick-built home on the premises be removed.

Decision of the Board

Upon motion duly made and seconded the application was granted. The Board members voting in favor were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Wheatley and Mr. Callaway; voting against--none.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Ronald G. McCabe  
Chairman

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

A placement permit must be obtained before the manufactured home is placed on the property.

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 5686 Date 4.18.95 Fee \$ 150.00

Name Ronald J. Masi and Abby E. Phone <sup>(410)</sup> 833-0280

Mailing Address 127 Lampport Rd. Reisterstown Md. (Relocating to District soon)

Interest in Property Lampport Rd. Reisterstown Md. 21136

Owner: (Indicate if different than above)

Name Beatrice E. Byrd Phone Call S. Bilobran 539-1133

Address P.O. Box 723, Georgetown, DE, 19947

Location: Road 365 (N) (S) (E) (W) side, at (St.)

or (miles) (N) (S) (E) (W) of 367A

District No. 1-34 Map No. 18 Parcel No. 40

Subdivision NA Lot No. — Zone ARI

Hundred Baltimore Frontage 75' Depth 100' Acres —

Request for a special use exception as provided by: (or)

Request for a variance from the provisions of:

Chapter 115 Article IV Subsection 115-23 Item C(10)

Date property was acquired —

Plot plan or drawing attached: Yes X No —

State specifically your request and the reason for this request.

To put a manufactured house w/ crawl space - if course of Bick

to glade - new septic & well

To place a manufactured home on less than 5 acres.

Beatrice Byrd Ronald J. Masi

Signature of Applicant

FOR BOARD USE ONLY:

Date of Notice — Date of Hearing June 19, 1995

Fee Receipt No. 25843 4.18.95

Decision of Board Approve

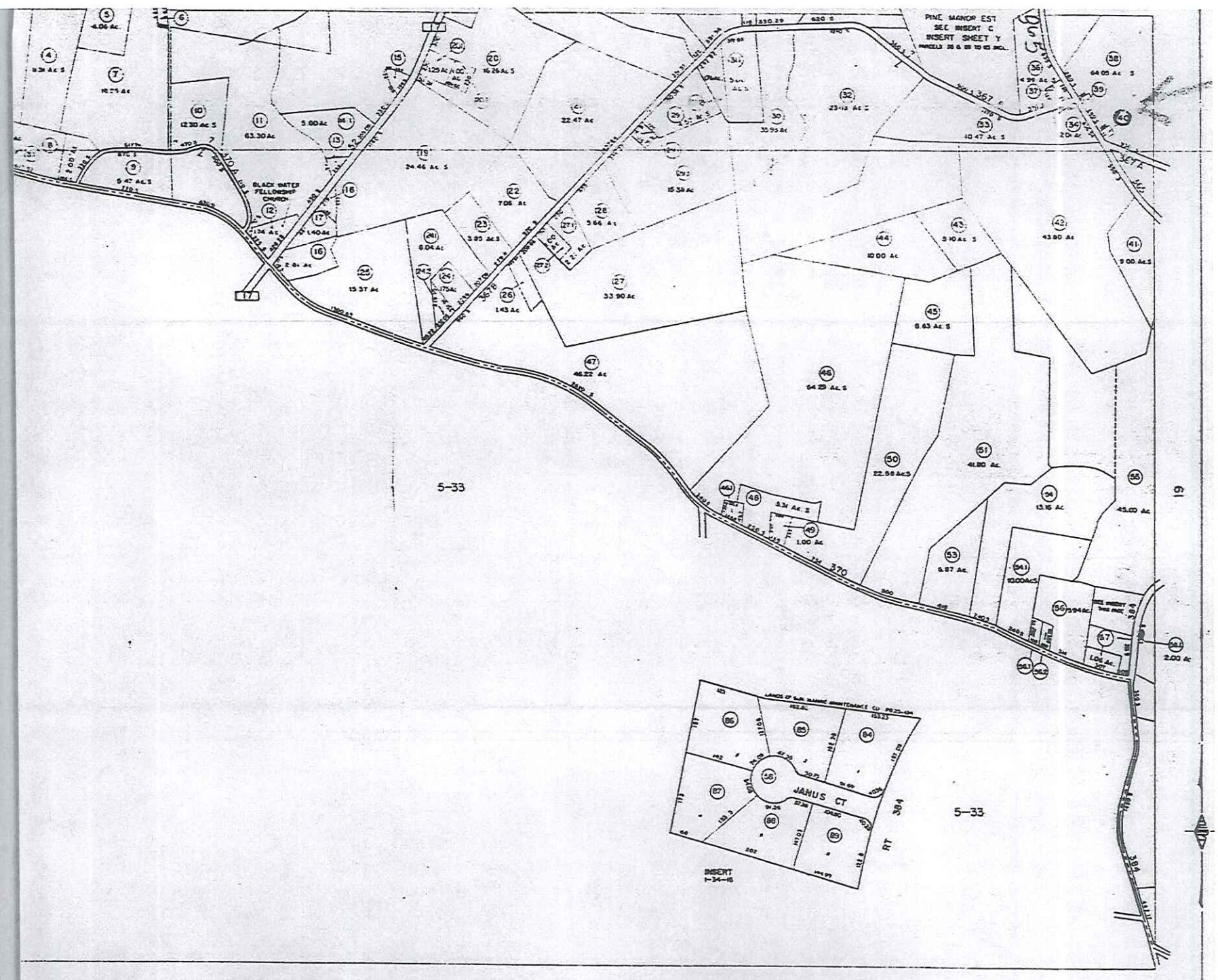
—

Date of Decision 6/19/95

—

UBL 4.18.95

Person Accepting Application



23, 1990

DATE OF PHOTOGRAPHY JAN-FEB 1972  
 SCALE - FIELD RECONNAISSANCE AND RECORDS PLAT  
 DELAWARE STATE PLANE COORDINATE SYSTEM

THE INFORMATION SHOWN HEREON  
 HAS BEEN OBTAINED FROM THE  
 RECORDS OF THE COUNTY AND  
 HAS BEEN REPRODUCED AS ACCURATE  
 AS POSSIBLE. THE STATE  
 DOES NOT WARRANT THE  
 ACCURACY OF ANY INFORMATION  
 SHOWN BY AN APPROVED SURVEY.

SUSSEX COUNTY  
 DELAWARE

SCALE 1" = 1000 FEET

LEGEND	
--- (dashed line)	County line
--- (long dashed line)	Hundred line
--- (short dashed line)	District line
--- (dash-dot line)	City or Borough line
--- (dotted line)	City or Township line
--- (solid line)	Original lot line
--- (solid line)	Property line
--- (solid line)	Map parcel number
--- (solid line)	Original lot number
--- (solid line)	100' BUFFER ZONE
--- (solid line)	Demotes same owner
--- (solid line)	All Dimensions Shown in Feet

MAP 1-34-18

1:501,400

Size of mobile home 24x48 ~~27x48~~

~~24~~ 4/12 pitch on roof

Model of mobile home \_\_\_\_\_

Who will live in this unit: self - Relocating to  
Delaware

I will clearly mark and identify my lot for a Planning and Zoning Official to locate and have read the standards for approval of my request.

X Beatrice Byrd Ally Misi  
Ronald J. Mow  
Signature



a. Unique physical circumstances or conditions (such as irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the property).

b. That unnecessary hardship or exceptional practical difficulty is due to such unique conditions, and not to general circumstances or conditions and cannot be developed in strict conformity.

2. Cannot otherwise be developed.

a. There is no possibility the property can be developed in strict conformity with the zoning ordinance.

b. That the variance is necessary to enable reasonable use of the property.

3. Not created by the applicant.

a. The unnecessary hardship or exceptional practical difficulty cannot have been created by the applicant.

4. Will not alter essential character of neighborhood.

a. The variance will not alter the essential character of the neighborhood.

b. The variance will not substantially or permanently impair the appropriate use or development of adjacent property.

c. The variance will not be detrimental to the public welfare.

5. Minimum variance.

a. The variance is the minimum that will afford relief.

b. The variance will represent the least modification possible of the regulation in issue.

#### STANDARDS FOR GRANTING SPECIAL USE EXCEPTION

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

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code (for instance, time limitations).

1/25/95

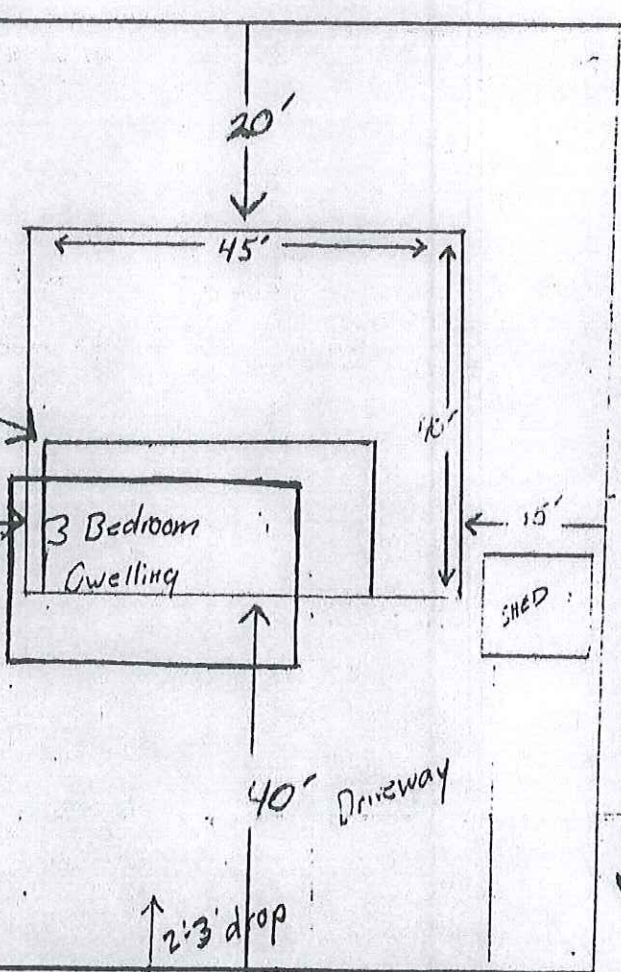
Vacant

CMF

Proposed Dwelling  
24' X 36'  
2 Bedroom

Vacant

Dwelling to be removed



100' Vacant

CR 365  
75'

Sussex County, Delaware

In the Case of:

Ronald J. Masi & Abby E.

Case No. \_\_\_\_\_

The below listed persons are the true and lawful owners of all lands lying within two hundred (200) feet of all the boundaries of the property which is the subject of the above mentioned Zoning application. The names and addresses are true and correct and represent a complete listing of all owners of land within 200 feet of the subject property which is the subject of this application.

- 1. Name ✓ Stephen "Bo" Bilobran  
Address P.O. Box 1199  
Bethany Beach, De. 19930
- 2. Name ✓ Orville E. Quillen  
Address RD 1  
Frankford, DE 19945
- 3. Name ✓ Merwin T. & LILLIAN CHAPMAN  
Address RD 2 Box 1918  
FRANKFORD, DE 19945
- 4. Name ✓ HAZEL M. KELLY  
Address RD 2 Box 186  
FRANKFORD, DE 19945
- 5. Name ✓ JOSEPH R. HAAS & STEPHANIE W.  
Address 6313 ORCHARD ROAD  
LINTHICUM HEIGHTS, MD 21090
- 6. Name ✓ INDIAN RIVER SCHOOL DISTRICT
- 7. Name MILLVILLE FIRE CO.  
Address
- 8. Name DELAWARE STATE  
Address POLICE
- 9. Name  
Address
- 10. Name  
Address
- 11. Name  
Address
- 12. Name  
Address

agent

1.34.18

38

34

42

1.34.19

7.5

Signature of Applicant or Agent Shane Abbott Staff  
@ computer 4/18/95

✓ 6-6-95

May 31, 1995

LEGAL NOTICE  
COUNTY BOARD OF ADJUSTMENT HEARING

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a special use exception as provided by: Chapter 115, Article IV, Subsection 115-23, Item C(10) of said ordinance of RONALD J. AND ABBY E. MASI who are seeking to place a manufactured home in an AR-1 District on less than five acres for a permanent residence to be located on the east side of Route 365, at the intersection with Route 367A.

The hearing will be held in the County Council Office, Room 115, Courthouse, Georgetown, Delaware, on Monday evening, JUNE 19, 1995, at 7:00 P.M. or as soon thereafter as may be heard.

All interested parties should attend and present their views.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947

APPLICATION OF

RONALD J. & ANN E. WASE

CASE NO.

5686

WHO IS REQUESTING A

SPECIAL USE EXCEPTION TO PLACE A MANUFACTURED HOME IN AN AR-1 DISTRICT ON LESS

THAN FIVE ACRES FOR A PERMANENT RESIDENCE

COUNTY BOARD OF ADJUSTMENT HEARING DATE

JUNE 19, 1995

TIME

7:00 PM

I, Robert Betts, hereby certify that  
notices of application No. 5686 were posted at the  
following locations:

<u>LOCATION</u>	<u>DATE</u>
<u>P &amp; Z Office Bulletin Board</u>	<u>5/25/95</u>
<u>Notice was posted on the site</u>	<u>6/7/95</u>

Robert Betts  
Signature of Zoning Inspector

May 31, 1995

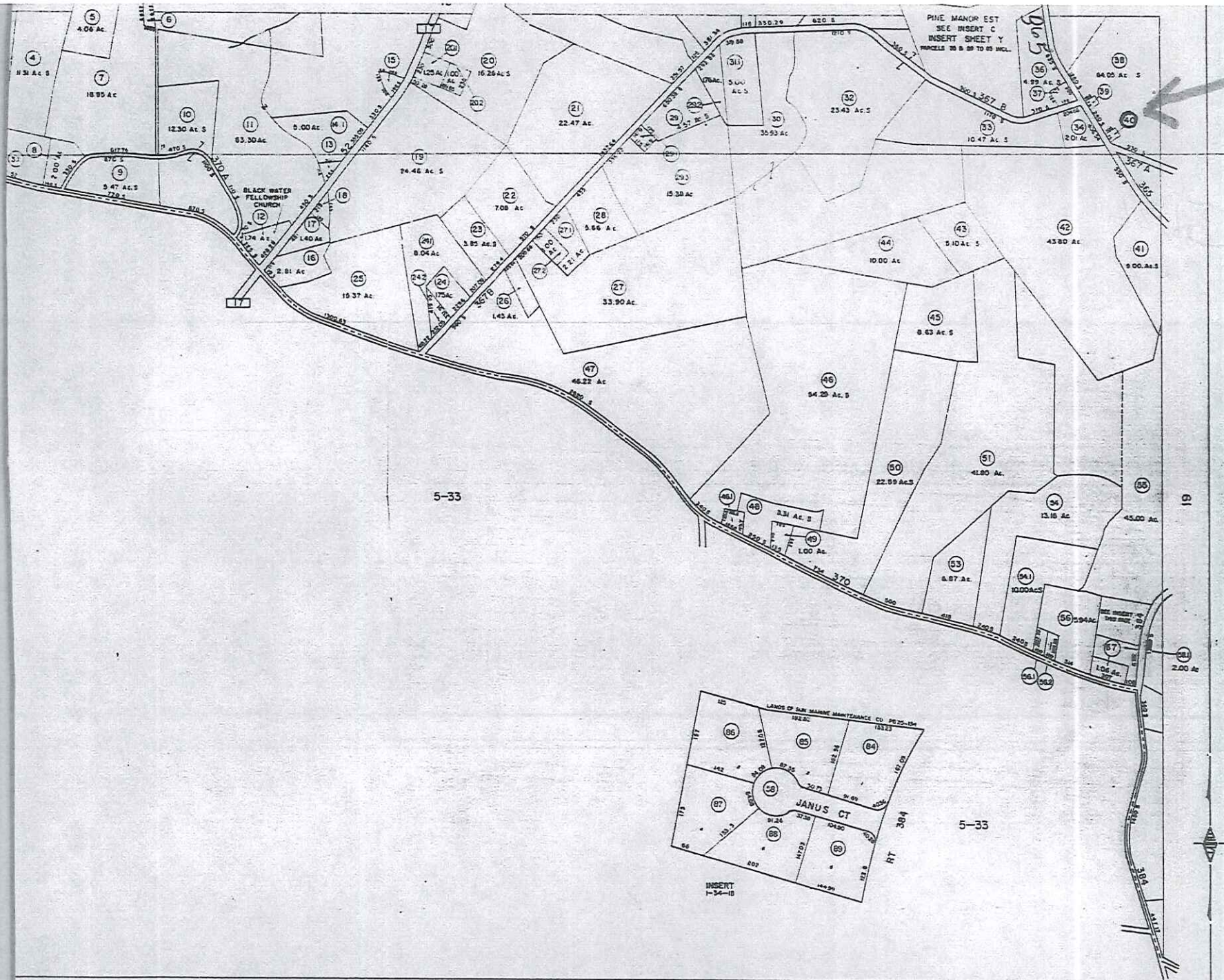
LEGAL NOTICE  
COUNTY BOARD OF ADJUSTMENT HEARING

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a special use exception as provided by: Chapter 115, Article IV, Subsection 115-23, Item C(10) of said ordinance of RONALD J. AND ABBY E. MASI who are seeking to place a manufactured home in an AR-1 District on less than five acres for a permanent residence to be located on the east side of Route 365, at the intersection with Route 367A.

The hearing will be held in the County Council Office, Room 115, Courthouse, Georgetown, Delaware, on Monday evening, JUNE 19, 1995, at 7:00 P.M. or as soon thereafter as may be heard.

All interested parties should attend and present their views.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947



23, 1990

APR 1973 DATE OF PHOTOGRAPHY JAN-FEB 1972  
 LANC-1 FIELD RECONNAISSANCE AND RECORDED PLATS  
 LANRAC STATE PLANE COORDINATE SYSTEM

THE INFORMATION SHOWN HEREIN  
 WAS OBTAINED FROM AERIAL  
 PHOTOGRAPHY, FIELD RECONNAISSANCE, AND  
 RECORDS. THE ACCURACY OF THE INFORMATION  
 SHOWN HEREIN IS NOT GUARANTEED BY THE  
 STATE OF DELAWARE.

**SUSSEX COUNTY  
 DELAWARE**  
 SCALE: 1 INCH = 400 FEET

LEGEND			
	County line		Map parcel number
	Hundred line		Original lot number
	District line		Map scale dimension
	City or Borough line		Denotes some owner
	All Purpose line		
	Designated lot line		
	Property line		
			All Dimensions Shown in Feet

MAP 1-34-18

C 891,800



PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Sussex County Board of Adjustment took the following action at their regular meeting of June 19, 1995:

- Case No. 5679 Workmans Store - north side of Route 20, at the intersection with Route 431.  
A special use exception to expand a non-conforming use.  
APPROVED.
- Case No. 5680 Frances H. Haley - south side of Route One, at the intersection with Route 271, Lot E-94, within Sea Air Mobile City.  
A variance from the setback requirement between units in a park.  
APPROVED.
- Case No. 5681 Glen Singleton - west side of Route 232B, 1/4 mile north of Route 232.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence and a variance from the minimum lot width requirement.  
TABLED.
- Case No. 5682 Donald G. and Hester S. Downes - northwest side of Route 633, 800 feet north of Road 634.  
A variance from the minimum lot width requirement.  
APPROVED.
- Case No. 5683 Nick DelCampo and Jay Konesey - southwest side of Route 272, 1/4 mile north of Route One.  
A variance from the minimum square footage requirement for a 4 unit multi-family dwelling structure.  
APPROVED.
- Case No. 5684 Kenneth R. Walsh - east side of Route 371, 1,405 feet west of Route 17.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED.

- Case No. 5685 Ted J. Liszewski - east side of Route 600, at the intersection with Route 597, Lot 13, within Doe Run Subdivision.  
A variance from the side yard setback requirement.  
APPROVED.
- Case No. 5686 Ronald J. and Abby E. Masi - east side of Route 365, at the intersection with Route 367A.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED WITH STIPULATIONS.
- Case No. 5687 Howard L. Foskey - north side of Route 64, 775 feet southeast of Route 70.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED.
- Case No. 5688 Sidney Davis and Tomekia Mills - west side of Route 505A, 1,896 feet south of Route 505.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED.
- Case No. 5689 Frank and Helene Vadakin - south side of Route 214, 472 feet northwest of Route 216.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED.
- Case No. 5690 Robert Harris, Jr. & Joseph M. Zduriencki - south side of Route One, Lot 2, within Maisons Sur-Mer Subdivision.  
A special use exception to operate a Bed and Breakfast.  
APPROVED.
- Case No. 5691 Patricia & Carlton James - northwest side of Route 24, 200 feet southeast of Route 30.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
DENIED.

- Case No. 5692 Dean and Brenda Kestner - south side of Route One,  
at the intersection with Route 271, Lot  
D-91, within Sea Air Mobile City.  
A variance from the setback requirement between  
units in a park and a variance from lot lines.  
APPROVED.
- Case No. 5693 Paul R. and Linda H. Miller - north side of Route  
496, on Broad Creek Drive.  
A variance from the minimum lot width requirement.  
APPROVED.
- Case No. 5694 Joan Hudson - west side of Route 113, 1/4 mile  
northwest of Route 82, Lot 14, within Oak  
Drive Subdivision.  
A variance from the front yard setback requirement.  
APPROVED.

OLD BUSINESS

- Case No. 5667 William and Bertha Parsons - southeast side of  
Andrew Avenue, 1/4 mile southwest of  
Route One, Lot 4, within Ann Acres.  
A variance from the front yard setback requirement.  
APPROVED.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 199472

May 31, 1995

LEGAL NOTICE  
COUNTY BOARD OF ADJUSTMENT HEARING

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a special use exception as provided by: Chapter 115, Article IV, Subsection 115-23, Item C(10) of said ordinance of RONALD J. AND ABBY E. MASI who are seeking to place a manufactured home in an AR-1 District on less than five acres for a permanent residence to be located on the east side of Route 365, at the intersection with Route 367A.

The hearing will be held in the County Council Office, Room 115, Courthouse, Georgetown, Delaware, on Monday evening, JUNE 19, 1995, at 7:00 P.M. or as soon thereafter as may be heard.

All interested parties should attend and present their views.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947

**Serving Sussex County**

Midway Shopping Center  
Post Office Box 37  
Lewes, Delaware 19958  
Phone: (302) 645-2265

State of Delaware ( )  
                                  ( )  
County of Sussex ( )

LEGAL # 5933

Before me, a Notary Public, for the County and State aforesaid, personally appeared Tamra Brittingham, known to me as such, who being sworn according to law deposes and says that she is Publisher of the Sussex Post, a weekly newspaper published in Lewes, County of Sussex and State of Delaware, and that the Notice, a copy of which is hereto attached, was published in the Sussex Post in the issue of:

5/31

Planning & Zoning

Tamra Brittingham  
Publisher

Sworn to and subscribed before me this thirty-first day of  
May A.D. 1995.

RECEIVED

JUN - 9 1995

PLANING & ZONING  
COMM. OF SUSSEX COUNTY

Wanda M. Youmans  
Notary Public

WANDA M. YOUMANS  
Notary Public, Delaware  
Comm. Expires May 19, 1999

CLIPPING & COMPANY  
P.O. BOX 407  
GEORGETOWN

DE 19947

NAME OF ADVERTISER/CUSTOMER  
SUSSEX COUNTY

PLEASE RETURN SECOND COPY OF STATEMENT WITH YOUR REMITTANCE

10	DATE	11	REFERENCE NUMBER	13	DESCRIPTION	15	AD SIZE	17	BILLED UNITS	18	RATE	20	AMOUNT
					BALANCE BROUGHT FORWARD								1674.27
	05/10/95				#5892 PUBLIC NOTICE		6.50		IN		4.420		28.73
	05/10/95				#5890 PUBLIC NOTICE		6.50		IN		4.420		28.73
	05/10/95				#5891 PUBLIC NOTICE		6.50		IN		4.420		28.73
	05/10/95				#5892 PUBLIC NOTICE		6.75		IN		4.420		29.83
	05/10/95				#5893 PUBLIC NOTICE		6.50		IN		4.420		29.73
	05/10/95				#5894 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/10/95				#5895 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/10/95				#5896 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/10/95				#5897 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/10/95				#5898 PUBLIC NOTICE		8.00		IN		4.420		35.36
	05/10/95				#5899 PUBLIC NOTICE		7.75		IN		4.420		34.25
	05/10/95				#5900 PUBLIC NOTICE		7.75		IN		4.420		34.25
	05/10/95				#5901 PUBLIC NOTICE		7.75		IN		4.420		34.25
	05/17/95				#5919 PUBLIC NOTICE		4.50		IN		4.420		19.89
	05/17/95				#5917 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5918 PUBLIC NOTICE		4.50		IN		4.420		19.89
	05/17/95				#5903 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5904 PUBLIC NOTICE		6.00		IN		4.420		26.52
	05/17/95				#5905 PUBLIC NOTICE		6.00		IN		4.420		26.52
	05/17/95				#5906 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5907 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5908 PUBLIC NOTICE		5.25		IN		4.420		23.20
	05/17/95				#5909 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/17/95				#5910 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5911 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5912 PUBLIC NOTICE		6.50		IN		4.420		28.73
	05/17/95				#5913 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5914 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/17/95				#5915 PUBLIC NOTICE		6.75		IN		4.420		29.83
	05/17/95				#5916 PUBLIC NOTICE		7.00		IN		4.420		30.94
	05/24/95				#5921 PUBLIC NOTICE		6.25		IN		4.420		27.62
	05/24/95				#5922 PUBLIC NOTICE		6.25		IN		4.420		27.62
	05/24/95				#5923 PUBLIC NOTICE		6.25		IN		4.420		27.62
	05/24/95				#5924 PUBLIC NOTICE		6.75		IN		4.420		29.83
	05/24/95				#5925 PUBLIC NOTICE		7.00		IN		4.420		30.94
	05/24/95				#5926 PUBLIC NOTICE		7.75		IN		4.420		34.25
	05/24/95				#5927 PUBLIC NOTICE		7.75		IN		4.420		34.25
	05/24/95				#5928 PUBLIC NOTICE		7.75		IN		4.420		34.25
	05/24/95				#5929 PUBLIC NOTICE		4.25		IN		4.420		18.78
	05/25/95		83643		PAYMENT								1324.79-
	05/31/95				#5930 PUBLIC NOTICE		5.25		IN		4.420		23.20
					C O N T I N U E D								
	05/31/95				#5931 PUBLIC NOTICE		6.50		IN		4.420		28.73
	05/31/95				#5932 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/31/95				#5933 PUBLIC NOTICE		6.00		IN		4.420		26.52
	05/31/95				#5934 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/31/95				#5935 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/31/95				#5936 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/31/95				#5937 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/31/95				#5938 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/31/95				#5939 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/31/95				#5940 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/31/95				#5941 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/31/95				#5942 PUBLIC NOTICE		6.00		IN		4.420		26.52
	05/31/95				#5943 PUBLIC NOTICE		5.50		IN		4.420		24.31
	05/31/95				#5944 PUBLIC NOTICE		6.00		IN		4.420		26.52
	05/31/95				#5945 PUBLIC NOTICE		5.75		IN		4.420		25.41
	05/31/95				#5946 PUBLIC NOTICE		4.25		IN		4.420		18.78
	05/31/95				#5947 PUBLIC NOTICE		5.00		IN		4.420		22.10
	05/31/95				#5948 PUBLIC NOTICE		4.50		IN		4.420		19.89

ACCT. # 091-023-523-10-38

AMT. \$1,546.84

PO. # \_\_\_\_\_

VENDOR \_\_\_\_\_ LV. \_\_\_\_\_

DATE 7-17-95 DEPT. 45 tank

INTS. \_\_\_\_\_ APPRV. \_\_\_\_\_

C O C C

is to certify that the attached has been published in The WAVE a weekly paper of general circulation in Sussex County, published in Bethany Beach, Delaware, on the following dates:

5-31-95 \$28.00  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

signed: Karen Leigh Ladaboff

WAVE  
P.O. Box 1420  
Bethany Beach, De 19930  
537-1881

**COUNTY BOARD OF ADJUSTMENT HEARING**  
In accordance with Chapter 117, Code of Sussex County, Delaware, Monday evening, JUNE 19, 1995, at 7:00 P.M. or as soon thereafter as may be determined by the Board.  
The hearing will be held in the County Council Office, Courthouse, Georgetown, Delaware, on Monday evening, JUNE 19, 1995, at 7:00 P.M. or as soon thereafter as may be determined by the Board.  
All interested parties should attend and present their views.  
The hearing is for a permanent residence to be located on the east side of Route 365, at the intersection with Route 367A.  
The applicant is RONALD [unclear] of [unclear] District seeking to [unclear] a manufactured home on less than five acres for a permanent residence to be located on the east side of Route 365, at the intersection with Route 367A.  
JUN 19 1995  
PLANNING & ZONING COMM. OF SUSSEX COUNTY

**Atlantic**  
PUBLICATIONS, INC.

P.O. BOX 150  
ACCOMAC, VA. 23301  
804-787-7070

Tisbury, VA 23441  
804-787-7200

Worcester County Messenger  
Worcester County Express  
Rockdale City, MD 21851  
410-957-1700

Somerset Herald  
Somerset Express  
Princess Anne, MD 21853  
410-651-1600

Delaware Wave  
410-263-6814

Delaware Wave  
Bethany Beach, DE 19930  
302-537-1081

Delaware Coast Press  
Delaware Beachcomber  
Seaside Station Beachcomber  
Fondleak Beach, DE 19971  
302-227-9456

SUSSEX COUNTY PLANNING &  
ZONING  
P. O. BOX 417  
ATTN: VICKIE MASSEY  
GEORGETOWN, DE 19947-0000

STATEMENT DATE: 6/03/95

ACCOUNT NUMBER: 11905

BEGINNING BALANCE 352.10

DATE	ORDER NO.	VOLUME	PAPER	DESCRIPTION	AMOUNT
5 10 95	33070		DELAWARE COAST PRESS	LEGALS ORD AMED CHPT.115	18.90
5 10 95	33080		DELAWARE COAST PRESS	LEGALS ORD AMEND CHPT.115	18.11
5 10 95	33082		DELAWARE COAST PRESS	LEGALS ORD.AMEND CHPT.99	18.11
5 10 95	33083		DELAWARE COAST PRESS	LEGALS ORD.AMEND CHPT.99	16.54
5 10 95	33531		DELAWARE WAVE	LEGALS HEAR.AMEND CHPT.115	28.00
5 10 95	33534		DELAWARE WAVE	LEGALS AMEND.CHPT. 99	28.00
5 10 95	33537		DELAWARE WAVE	LEGALS AMEND.CHPT.115	28.00
5 10 95	33538		DELAWARE WAVE	LEGALS AMEND.CHPT. 99	28.00
5 17 95	35587		DELAWARE WAVE	LEGALS ORDINANCE JOHN PARKS	28.00
5 22 95	37430		DELAWARE WAVE	LEGALS ORD.RICHARD L.SHARP PAYMENT	151.20-
5 24 95	38585		DELAWARE WAVE	LEGALS PUB.NOTICE CU 1120	30.80
5 24 95	38586		DELAWARE WAVE	LEGALS SARA V.THOROUGHGOOD	39.20
5 31 95	41398		DELAWARE WAVE	LEGALS KENNETH R. WALSH	28.00
5 31 95	41399		DELAWARE WAVE	LEGALS RONALD J.MASS	28.00
5 31 95	41401		DELAWARE WAVE	LEGALS JOSEPH ZOURIENAK	28.00

SERIOUSLY PAST DUE PROTECT YOUR CREDIT RATING  
SEND CHECK AT ONCE!!

BALANCED DUE 594.56

ACCOUNT DUE UPON PRESENTATION OF STATEMENT. PAST DUE AFTER 15TH OF MONTH.  
ALL CHARGES ARE NET. A SERVICE CHARGE OF 2% PER MONTH WILL BE CHARGED ON  
ALL AMOUNTS PAST DUE. THIS IS AN ANNUAL PERCENTAGE RATE OF 24%.

PLEASE RETURN REMITTANCE COPY  
TO INSURE PROPER CREDIT  
ORIGINAL

VR. # \_\_\_\_\_  
 ACCT. # 001-023-523-10-38  
 AMT. \$393.66  
 PO. # \_\_\_\_\_  
 VENDOR LV. \_\_\_\_\_  
 DATE 12-15-95 DEPT. Up Bank  
 INITS. \_\_\_\_\_ APPRV. \_\_\_\_\_



A hearing was held after due notice on August 19, 1996.  
The Board members present were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Wheatley and Mr. Callaway.

Nature of the Proceedings

This is an application for a variance from the side yard and the front yard setback requirements.

Finding of Facts

The Board found that the applicant was seeking a variance from the side yard and the front yard setback requirements for a parcel located on the east side of Route 365, 50 feet north of Route 367A. The Board found that the applicant was seeking a variance of 8 feet from the side yard setback requirement and a variance of 16 feet from the front yard setback requirement in order to build a deck. No persons appeared in opposition.

The Board granted the requested variances.

Decision of the Board

Upon motion duly made and seconded the application was granted. The Board members voting in favor were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Wheatley and Mr. Callaway; voting against--none.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Ronald G. McCabe  
Chairman

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

Date November 8, 1996

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 6080 Date \_\_\_\_\_ Fee \$ 150.00  
Name Ronald Masi Phone 410-833-0280  
Mailing Address 122 Lambert Rd. Reisterstown, Md. 21136

Interest in Property  
Owner: (Indicate if different than above)  
Name SAME Phone \_\_\_\_\_  
Address \_\_\_\_\_

Location: Road 365 (N) (S) (E) (W) side, 50 (ft.)  
or (miles) (N) (S) (E) (W) of 367A

District No. 1-34 Map No. 18 Parcel No. 40  
Subdivision \_\_\_\_\_ Lot No. 40 Zone AR-1

Hundred Baltimore Frontage 75' Depth 100' Acres \_\_\_\_\_  
Request for a special use exception as provided by: (or)

Request for a variance from the provisions of:  
Chapter 115 Article IV Subsection 115-25 Item B  
Date property was acquired 6-30-95

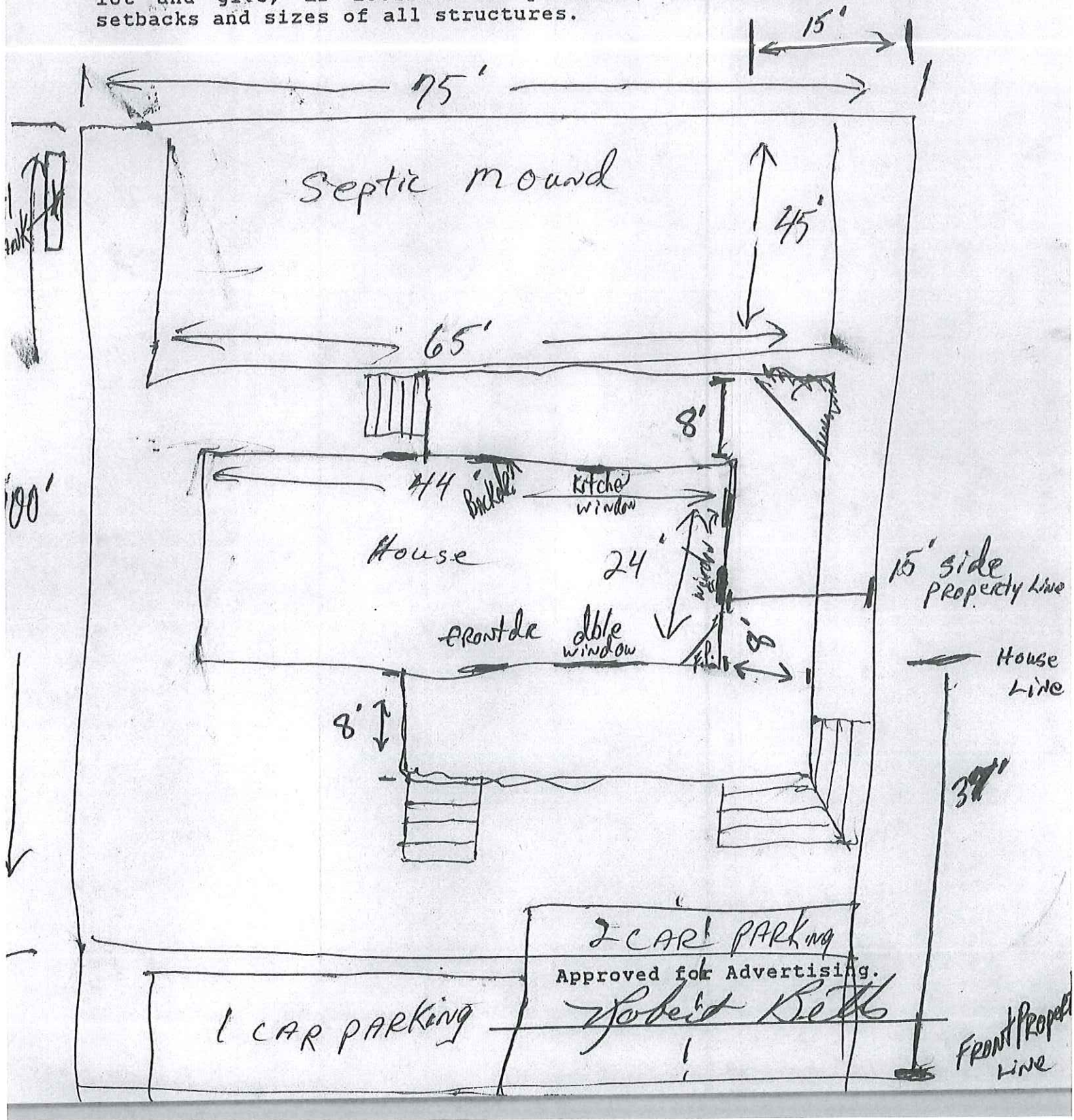
Plot plan or drawing attached: Yes  No \_\_\_\_\_  
State specifically your request and the reason for this request.

*I am requesting to build an 8' wide deck - horseshoe style around a 44' x 24' house to enhance the appearance of the home and surrounding area and to make full usage of property.*  
*\* Variance of 8' from side setback + 16' from front setback*  
Signature of Applicant Ronald J. Masi *3' on side Walk of house + 16' 8' access Front 8' access Back*

FOR BOARD USE ONLY:  
Date of Notice \_\_\_\_\_ Date of Hearing Aug 19, 1996 *\* see attached Drawing*  
Fee Receipt No. 26612 6-13-96  
Decision of Board Approve  
Date of Decision 8/19/96

Joyce Walbenson  
Person Accepting Application

Draw or attach a drawing indicating what will be located on this lot and give, as accurate as possible, measurements of lot, setbacks and sizes of all structures.





1. Uniqueness.

a. Unique physical circumstances or conditions (such as irregularity, narrowness or shallowness of lot size or shape, or exceptional typographical or other physical conditions, peculiar to the property).

b. That unnecessary hardship or exceptional practical difficulty is due to such unique conditions, and not to general circumstances or conditions and cannot be developed in strict conformity.

2. Cannot otherwise be developed.

a. There is no possibility the property can be developed in strict conformity with the zoning ordinance.

b. That the variance is necessary to enable reasonable use of the property.

3. Not created by the applicant.

a. The unnecessary hardship or exceptional practical difficulty cannot have been created by the applicant.

4. Will not alter essential character of neighborhood.

a. The variance will not alter the essential character of the neighborhood.

b. The variance will not substantially or permanently impair the appropriate use or development of adjacent property.

c. The variance will not be detrimental to the public welfare.

5. Minimum variance.

a. The variance is the minimum that will afford relief.

b. The variance will represent the least modification possible of the regulation in issue.

STANDARDS FOR GRANTING SPECIAL USE EXCEPTION

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

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code (for instance, time limitations).



Name of Applicant/Owner

AFFIDAVIT

Case No. \_\_\_\_\_

The below listed persons are the true and lawful owners of all lands lying within two hundred (200) feet of all the boundaries of the property which is the subject of the above mentioned application. I do solemnly swear that the names and addresses are true and correct and represent a complete listing of all owners of lands within 200 feet of the subject property which is the subject of this application.

1-34-18  
38

✓  
1. Name NORMA D. DAISEY  
38 Address 101 KINGS BRIDGE RD,  
REHOBOTH BEACH, DE 19971

7. Name  
Address

2.  
34

✓  
2. Name MERWIN T. CHAPMAN  
34 Address RD. 2 BOX 191B  
FRANKFORD, DE 19945

8. Name  
Address

3.  
42

✓  
3. Name HAZEL M. KELLY  
42 Address RD 2 BOX 186  
FRANKFORD, DE 19945

9. Name  
Address

4.

Name  
Address

10. Name  
Address

5.

Name  
Address

11. Name  
Address

6.

Name  
Address

12. Name  
Address

✓  
8-6-96

Ronald J. Rossi  
Signature of Applicant or  
Authorized Agent

# Hand Rail

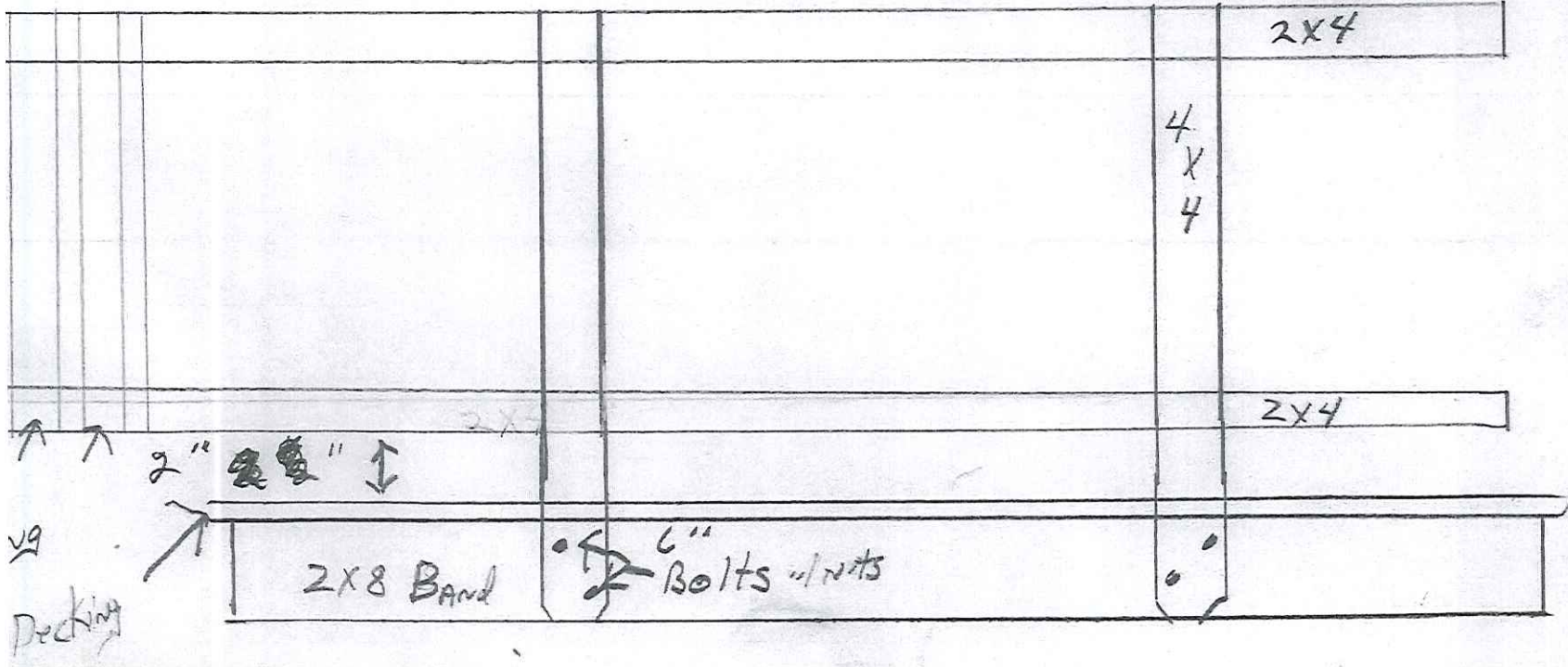
RECEIVED  
APR 08 1996  
By \_\_\_\_\_

picket w/

REVIEWED FOR  
CODE COMPLIANCE

DATE 4-8-96

SIGNED *Bob [Signature]*





← 8' →

Anchored to Existing house w/ joist hangers →

House

2x6 BAND

2x8 fir. joist 16" O.C.

8" Block WALL

2x8 Header  
notched  
& bolted to  
post

6x6  
post

Header w/post  
6' from House

galvanized  
feet w/af

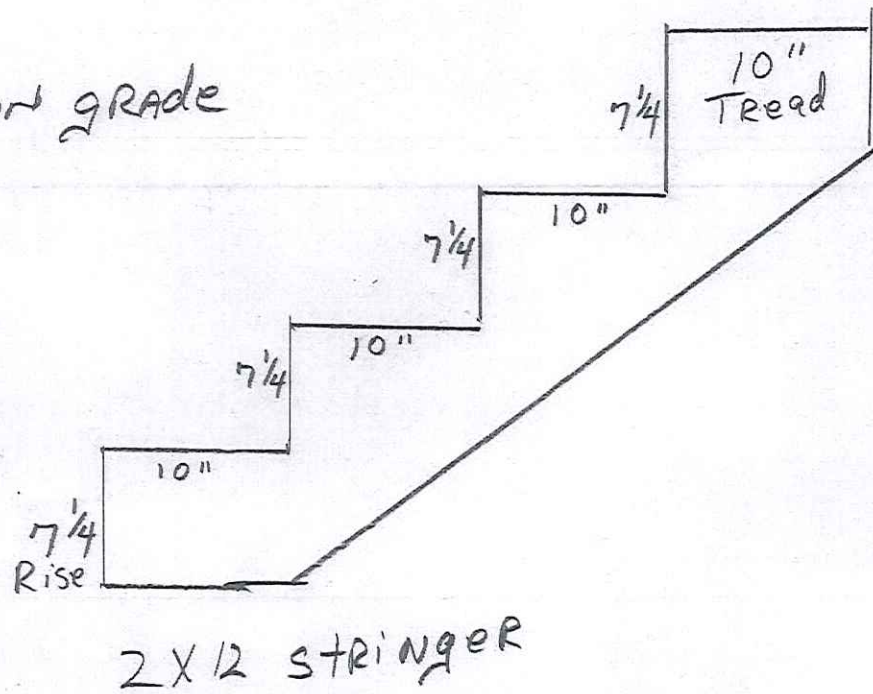
grade

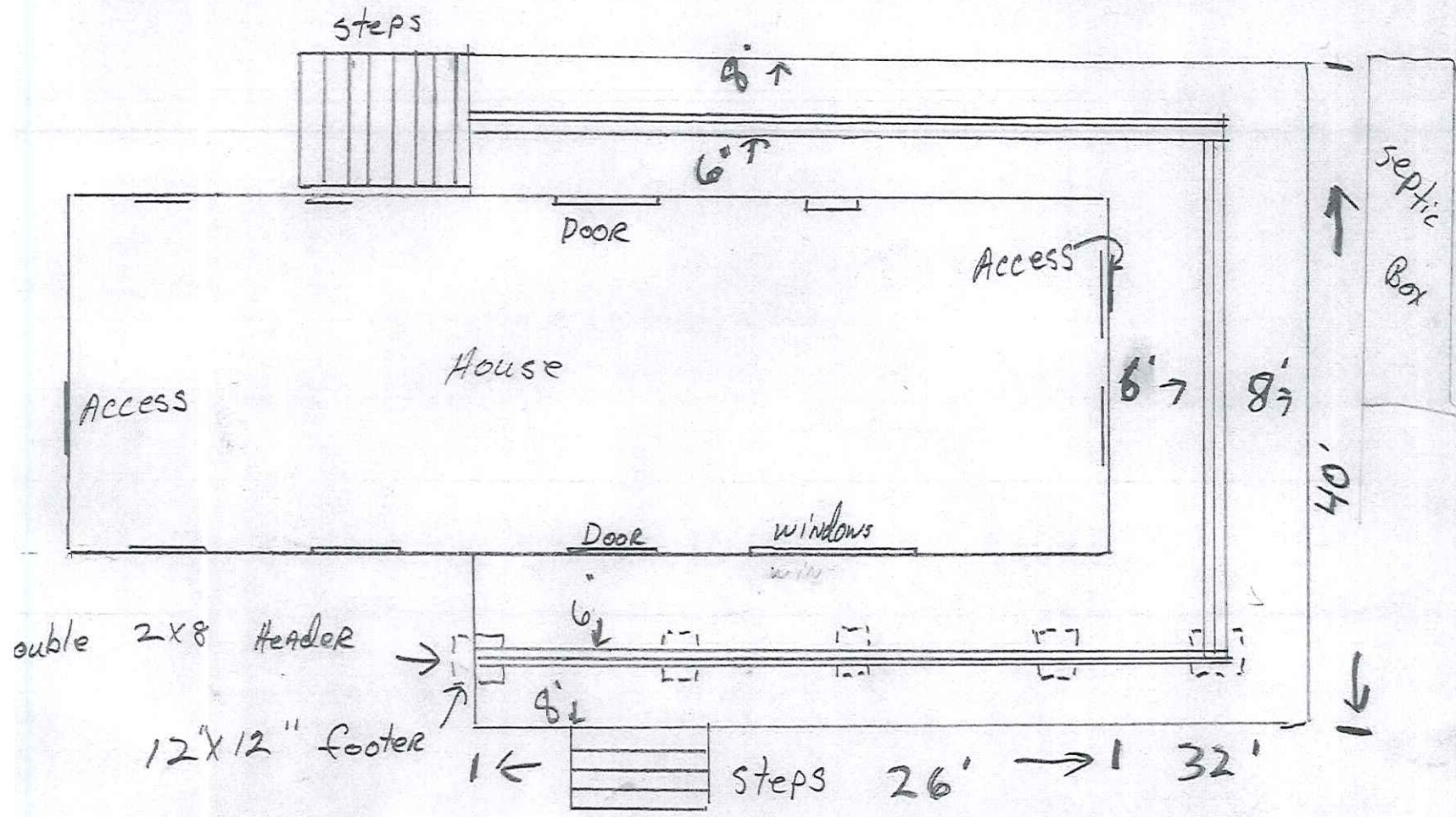
12" x 12" x 12"

# STEPS : Entrance AND REAR DOORS

WITH HANDRAILS

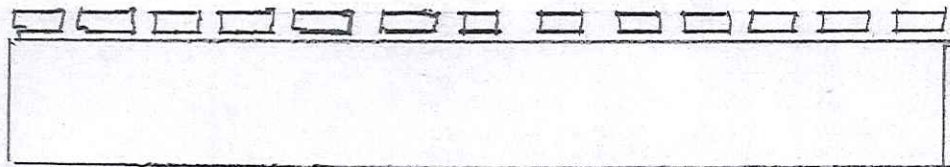
Lead # depends on grade

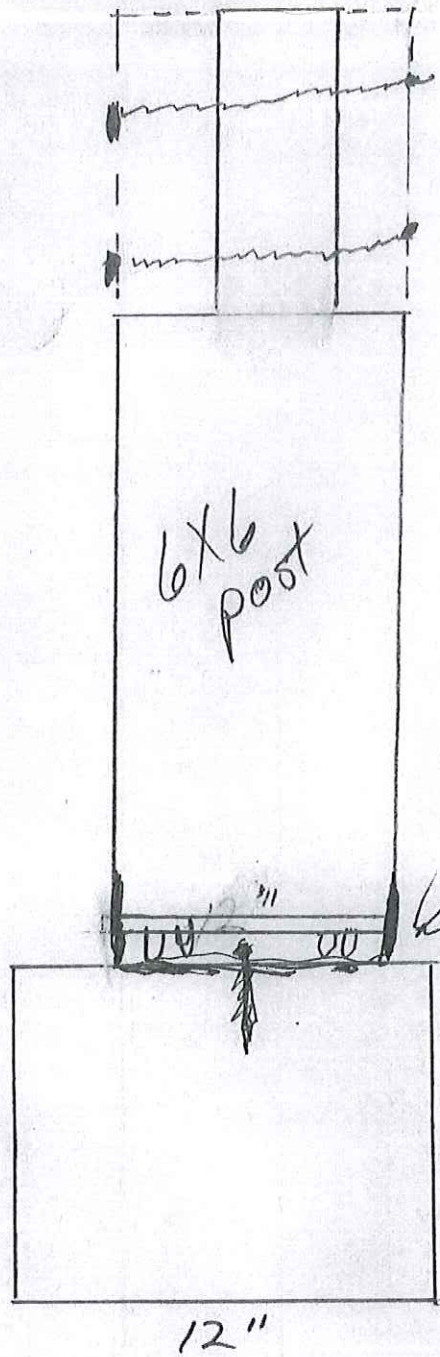




5/4" X 6" PLANKING w/ Beveled edges w/ 6 penny  
SPIRAL GALVANIZED

2X8 joist





2x8 Header  
with 9" galvanized  
Bolts, washers & nuts

6x6  
post

Lag & shield  
12"x12"

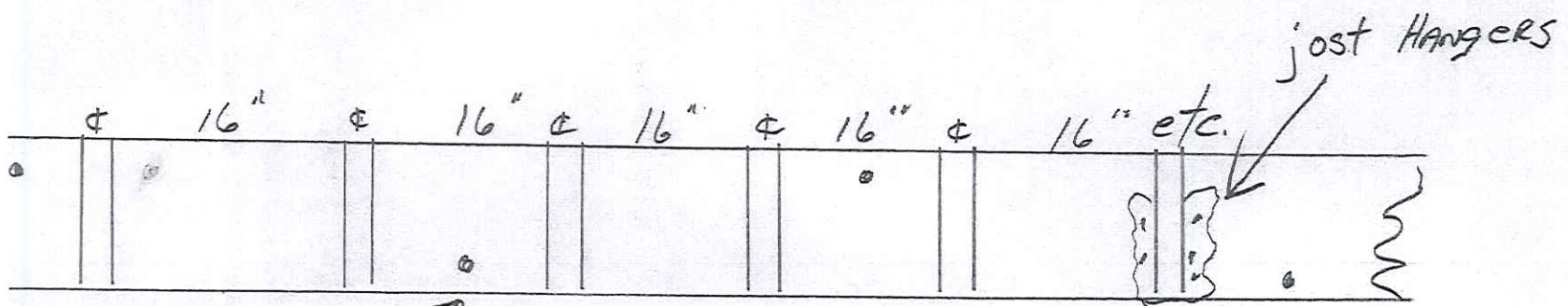
solid poured concrete  
Footer

12"

12"

RECEIVED

# Joist Lay-out 16" O.C. with Joist Hangers



2" Bolts w/nuts  $\nearrow$  every  $\frac{3}{8}$ '

APPROVAL FOR ADDITION GRANTED. PROPERTY OWNER IS RESPONSIBLE FOR ESTABLISHING STRUCTURAL STABILITY OF EXISTING FOUNDATION AND/OR BUILDING SUPPORTING NEW ADDITION. *DECK OVER 30"*

DISTRICT *1-34* MAP *18* PARCEL *40*

SIGNATURE (OWNER) *Ronald J. Simon* DATE *4/8/96*  
SIGNATURE (CONTRACTOR) *Same* DATE \_\_\_\_\_

*\$150.00*



July 17, 1996

LEGAL NOTICE  
COUNTY BOARD OF ADJUSTMENT HEARING

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a variance from the provisions of: Chapter 115, Article IV, Subsection 115-25, Item B of said ordinance of RONALD MASI who is seeking to obtain a variance from the side yard and the front yard setback requirements to be located on the east side of Route 365, 50 feet north of Route 367A.

The hearing will be held in the County Council Office, Room 115, Courthouse, Georgetown, Delaware, on Monday evening, AUGUST 19, 1996, at 7:00 P.M. or as soon thereafter as may be heard.

All interested parties should attend and present their views.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947



APPLICATION OF RONALD MASI CASE NO. 6080

WHO IS REQUESTING A VARIANCE FROM THE SIDE YARD AND THE FRONT YARD SETBACK REQUIREMENTS

COUNTY BOARD OF ADJUSTMENT HEARING DATE AUGUST 19, 1996 TIME 7:00 PM

I, Robert Betts, hereby certify that  
notices of application No. 6080 were posted at the  
following locations:

LOCATION

DATE

P & Z Office Bulletin Board

7/19/96

Notice was posted on the site

8/7/96

Robert Betts  
Signature of Zoning Inspector

July 17, 1996

LEGAL NOTICE  
COUNTY BOARD OF ADJUSTMENT HEARING

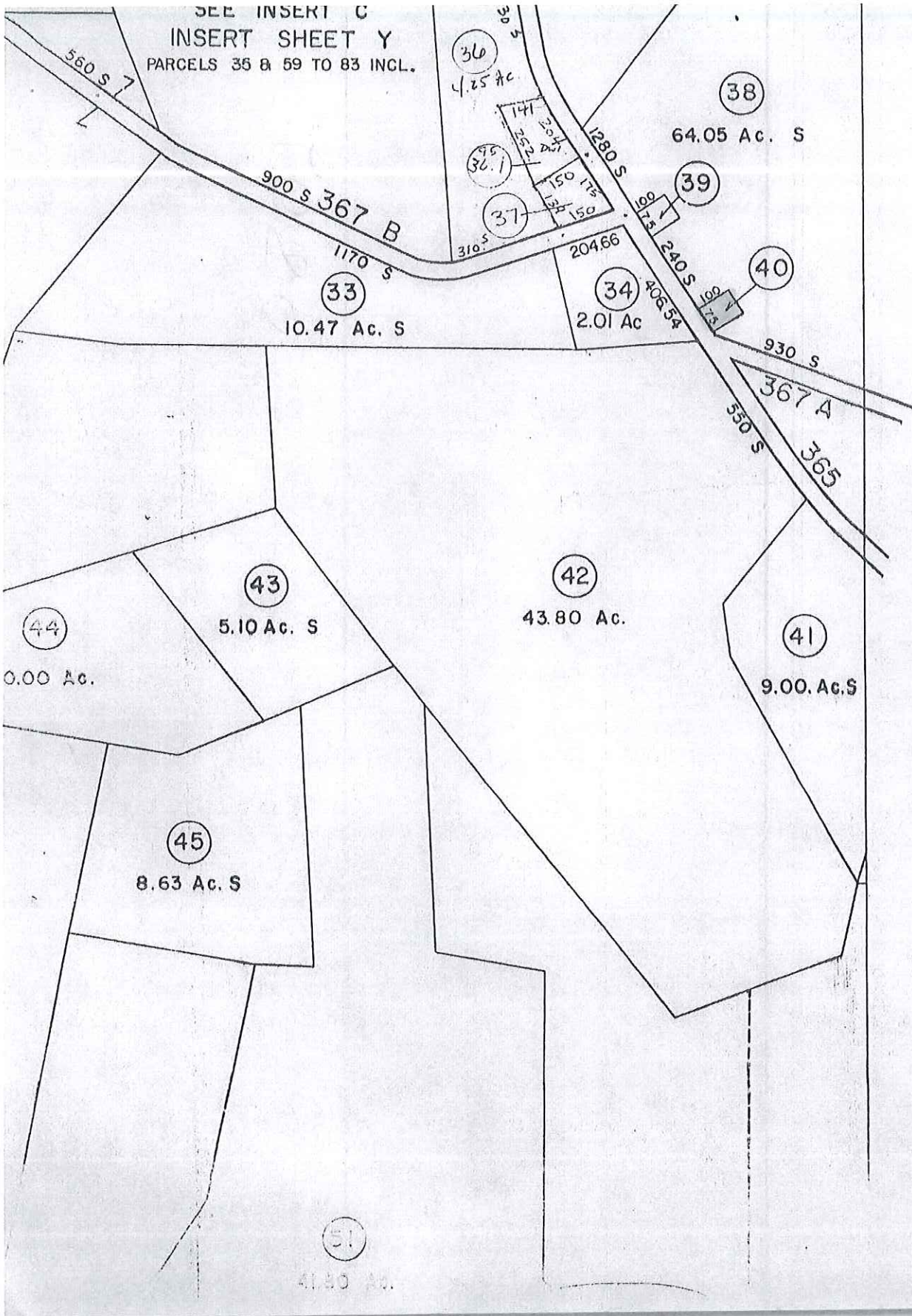
In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a variance from the provisions of: Chapter 115, Article IV, Subsection 115-25, Item B of said ordinance of RONALD MASI who is seeking to obtain a variance from the side yard and the front yard setback requirements to be located on the east side of Route 365, 50 feet north of Route 367A.

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Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947

SEE INSERT C  
INSERT SHEET Y  
PARCELS 35 & 59 TO 83 INCL.



PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Sussex County Board of Adjustment took the following action at their regular meeting of August 19, 1996:

Case No. 6077 Leonard and Barbara Griffin - south side of Route 28, on the west corner of Route 474.  
A special use exception to place a manufactured home to be used as a storage building.  
APPROVED WITH STIPULATIONS.

Case No. 6078 Gerald and Esther Lupton - south side of Route 54, one mile west of Route One, Lot 46, within Cape Windsor.  
A variance from the side yard and the rear yard setback requirements.  
APPROVED.

Case No. 6079 Jerome and Shirlanda Cannon - east side of Route 516, 892 feet north of Route 46.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED WITH STIPULATIONS.

Case No. 6080 Ronald Masi - east side of Route 365, 50 feet north of Route 367A.  
A variance from the side yard and the front yard setback requirements.  
APPROVED.

Case No. 6081 Elizabeth Davis - north side of Route 262, 2,450 feet west of Route 290.  
A special use exception to place a manufactured home on a medical hardship basis.  
APPROVED WITH STIPULATIONS.

Case No. 6082 Joseph L. Black - north side of Route 9, at the intersection of Route 321.  
A variance from the minimum lot width requirement.  
APPROVED.

- Case No. 6083 Frank N. Baker, Jr. - south side of Route 16A, at the corner of Bayshore and Jackson Streets.  
A variance from the front yard, the side yard and the rear yard setback requirements.  
APPROVED.
- Case No. 6084 Edna Denise Michelle Workman - north side of Route 32, at the intersection of Route 590.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED.
- Case No. 6085 Maryland and Delaware Railroad - south side of Route 18, 250 feet west of Route 30.  
A variance from the rear yard and the side yard setback requirements.  
DENIED.
- Case No. 6086 Ronald A. Ciafre - northeast side of Poplar Drive, 200 feet northwest of Woodland Circle, within Angola By The Bay, south of Road 277.  
A variance from the rear yard setback requirement.  
APPROVED.
- Case No. 6087 Richard E. Tucker - south side of Route 54, 1/2 mile east of Route 390A.  
A variance from the rear yard and the side yard setback requirements.  
APPROVED.
- Case No. 6088 Michelle and Warren Reid - southeast side of Route 475, at the intersection of Route 474.  
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED.
- Case No. 6089 Emory and Otisia Howell - west side of Route 636, 175 feet southwest of Route 627.  
A variance from the side yard setback requirement.  
TABLED.

Case No. 6090 Michael L. and Jacqueline M. Hollingsworth - west side of Route 214, 960 feet north of Route 224.

A variance from the rear yard setback requirement.  
APPROVED.

Case No. 6091 Harold K. and Collen Lester - west side of Route 632, 1,050 feet north of Route 611.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
APPROVED.

OLD BUSINESS

Case No. 6070 Gary E. Black - west side of Route 13, 820 feet south of Route 583.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.  
DENIED.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947

July 17, 1996

LEGAL NOTICE  
COUNTY BOARD OF ADJUSTMENT HEARING

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All interested parties should attend and present their views.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947



This is to certify that the attached has been published  
in The WAVE a weekly paper of general  
circulation in Sussex County, published in Bethany  
Beach, Delaware, on the following dates:

7-17-96 \$28.00

\_\_\_\_\_

\_\_\_\_\_

Signed:

Janet G. Eaton

WAVE  
P.O. Box 1420  
Bethany Beach, De 19930  
537-1881

RECEIVED

JUL 18 1996

PLANNING & ZONING  
COMM. OF SUSSEX COUNTY

ZONING  
P. O. BOX 417  
ATTN: VICKIE MASSEY  
GEORGETOWN, DE

ACCOUNT NUMBER: 11905

19947-0000

BEGINNING BALANCE 399.70

DATE	ORDER NO.	VOLUME	PAPER	DESCRIPTION	AMOUNT
3 96	167695		DELAWARE WAVE	LEGALS	25.20
10 96	170036		DELAWARE WAVE	ORD-ORMA C. PITT	30.80
10 96	170037		DELAWARE WAVE	JOHN BRUCE MEARS	33.60
17 96	173530		DELAWARE WAVE	AUG. 27 ORD. MEARS	28.00
17 96	173540		DELAWARE WAVE	ESTHER LUPTON	28.00
17 96	173542		DELAWARE WAVE	RONALD MOSI	28.00
24 96	175286		DELAWARE WAVE	RICHARD E. TUCKER	28.00
				SUBDIV. 96-14	

CEIVED

UG - 2 1996

*Please send payment*

ZONING & ZONING

SUSSEX COUNTY

ACCT OVERDUE. PLEASE PAY WITHIN 10 DAYS TO STOP FURTHER ACTION. IF MAILED ALREADY, THANK YOU.

BALANCE DUE 601.30

AMOUNT DUE UPON PRESENTATION OF STATEMENT. PAST DUE AFTER END OF MONTH. CHARGES ARE NET. A SERVICE CHARGE OF 2% PER MONTH WILL BE CHARGED ON AMOUNTS PAST DUE. THIS IS AN ANNUAL PERCENTAGE RATE OF 24%.

PLEASE RETURN REMITTANCE COPY TO INSURE PROPER CREDIT

ORIGINAL

VR # \_\_\_\_\_  
ACCT. # 201-023-523-10-38  
AMT. \$201.60  
PO. # \_\_\_\_\_  
VENDOR \_\_\_\_\_ LV. \_\_\_\_\_  
DATE 8-2-96 DEPT. Sup. Bank  
INTS. \_\_\_\_\_ APPRV. \_\_\_\_\_

OFFICE OF  
The Sussex Post  
Sussex County, State of Delaware

RECEIVED

JUL 24 1996

PLANNING & ZONING  
COMM. OF SUSSEX COUNTY

This is to certify that the annexed

*Legal Notice*

was published in

The Sussex Post

one of the newspapers printed and  
published in Sussex County,  
Delaware, / time in each of  
successive weeks

beginning the

*19th* day of *July* 19*96*

and the last insertion on the

*19th* day of *July* 19*98*

Independent Newspapers Inc.  
Publishers of The Sussex Post

Per *Delma Adkins*

**LEGAL NOTICE COUNTY BOARD OF ADJUSTMENT HEARING**

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a variance from the provisions of Chapter 115, Article IV, Subsection 115-25, Item B of said ordinance of RONALD MASI who is seeking to obtain a variance from the side yard and the front yard setback requirements to be located on the east side of Route 365, 50 feet north of Route 367A. The hearing will be held in the County Council Office, Room 115, Courthouse, Georgetown, Delaware, on Monday evening, AUGUST 19, 1996, at 7:00 P.M. or as soon thereafter as may be heard. All interested persons should attend and present their views.  
02-G0191-01-p  
07/17

Date: 07/19/96  
Terms: Due Upon Receipt

Amount Due: 20.46

Remitted: \_\_\_\_\_

Planning & Zoning  
Attn: Vicki Massey  
P.O. Box 417  
Georgetown, DE 19947

Return This Portion With Payment

Classify: Post Legals  
Format: Normal Line  
Ad Taker: DELMA  
Rate: 35 Lns / 123 Wd

Ad: LEGAL NOTICE COUNTY BOARD OF ADJUSTMENT  
HEARING In accordance with Chapter 115,  
of the Code of Sussex County, a hearing  
PO:

Publication	Wks	Starting	Ending
Sussex Post	1	07/17/96	07/17/96

RECEIVED

JUL 24 1996

PLANNING & ZONING  
COMM. OF SUSSEX COUNTY

VR. # \_\_\_\_\_  
ACCT. # 001-023-523-10-30  
AMT. \$ 20.46  
PO. # \_\_\_\_\_  
VENDER \_\_\_\_\_ LV.     
DATE 2-11-97 DEPT. Blank  
INITS. \_\_\_\_\_ APPRV. \_\_\_\_\_

TOTAL DUE ==> 20.46

Due Upon Receipt

Retain This Portion For Your Records

*late due to work*  
*Quelias*

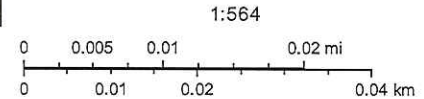


<b>PIN:</b>	134-18.00-40.00
<b>Owner Name</b>	MASI RONALD J & LISA K
<b>Book</b>	2547
<b>Mailing Address</b>	34461 PEPPERS CORNER
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY 365 LEADING FROM
<b>Description 2</b>	BAYARD TO PEPPER'S
<b>Description 3</b>	COR LOT CT45104
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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



RECEIVED

DEC 30 2021

SUSSEX COUNTY  
PLANNING & ZONING

**Board of Adjustment Application  
Sussex County, Delaware**

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

Case # 12658  
Hearing Date 12/22/21  
202200011

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception \_\_\_\_\_  
Administrative Variance \_\_\_\_\_  
Appeal \_\_\_\_\_  
Existing Condition \_\_\_\_\_  
Proposed   
Code Reference (office use only)  
115-25 115-182  
115-185

Site Address of Variance/Special Use Exception: 21191 John J. Williams Hwy.  
Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested: request for variance  
concerning 160' fence within the front setback of  
property (73.5" high) to shield road noise and  
excessive noise and lights from emergency vehicles  
from the fire department across the street.

Tax Map #: 234-11.00.504.00 Property Zoning: AR1

**Applicant Information**

Applicant Name: THOMAS A. HABOWSKI  
Applicant Address: 21191 John J. Williams Hwy  
City, State, Zip: LEWES, DE 19958  
Applicant Phone #: 717-606-2575 Applicant e-mail: habowski1@gmail.com

**Owner Information**

Owner Name: same as above  
Owner Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Purchase Date: 2016  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: N/A  
Agent/Attorney Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**

Thomas A. Habowski Date: 12/30/2021



**Board of Adjustment Application  
Sussex County, DE**

Sussex County Planning & Zoning Dept.  
2 The Circle (P.O.Box 417) Georgetown, DE 19947  
302-855-7878

Applicant: Thomas A. Habowski  
21191 John J. Williams Hwy  
Lewes, DE 19958  
717.606.2575  
234-11.00-504.00

Criteria for a Variance:

1. Uniqueness of Property: This property is unique because the shape of the lot forces the house to be close to the road. The property is also unique because it sits directly across from the Rehoboth-Lewes Fire Station #3, which is a very busy station that contains three drive-through engine bays. The property is unique because the fire station vehicles use very loud sirens each time an emergency vehicle exits the property. The station also shines bright lights directly into the windows of the house (house owned by Thomas Habowski) throughout the night.
2. Cannot Otherwise be Developed: Due to the uniqueness of the lot, the property cannot be developed in strict conformity with the Sussex County Zoning Code. A 3.5 foot fence would not block the noise or the bright lights from the emergency vehicles. This variance request for a taller fence (73.5 inches) will enable reasonable use of the property by blocking noise and light from emergency vehicles.
3. Not created by the applicant: The property of 21191 John J Williams Hwy (TM# 234-11.00-504.00) is located along a very busy road (Rt. 24 aka John J. Williams Hwy) and the road noise is excessive. The property is directly across from the Rehoboth-Lewes Firehouse #3 which regularly puts off excessive noise as emergency equipment is dispatched out of the firehouse. The excessive road traffic noise, fire truck noise, and emergency equipment noise were not created by the applicant. Also, so much trash is thrown onto the property and gets blown into the trees in the front yard which makes it difficult to pick up. The proposed fence would help block excessive noise, night time lights, and trash. Ms. Madelyn Tropp also lives at 21191 John J. Williams Hwy with Thomas Habowski and she works as a 911 dispatcher for the Rehoboth Police Department. She works various 12 hour shifts throughout the week and proper uninterrupted rest is needed for her to perform her job adequately. This proposed fence

would help her to get better rest by blocking excessive sound and lights. These exceptional practical difficulties were not created by the applicant.

4. Will not alter the essential character of the neighborhood: This proposed fence (160 feet long, 73.5 inches high, 8.5 feet in from the front property line) within the front setback would not alter the essential character of the area because there are only 2 neighboring properties who will be able to see the fence and both of these neighbors have provided letters of support for the fence. The property is bordered on the side and rear by 143 acre woods (Wandendale Farms, Inc), and the property is bordered on one side by neighbors Glenn and Lauren Boyer (21185 John J. Williams Hwy) who are one of 5 neighboring properties who have signed letters of support for the fence. The property across the street (Rehoboth-Lewes Firehouse #3) has also provided a letter of support signed by Daniel Mitchell, President of RBVFC. The fence will be very attractive. The fence will be brown and blend into the trees. The fence will not obstruct any views. The fence will not impair the appropriate use of development of adjacent properties, nor will it be detrimental to the public welfare.
5. Minimum variance: The variance sought is the minimum variance necessary to afford relief from the excessive road noise, emergency lights at night, and trash thrown from passers by.

Attachments:

- i. criteria for variance explanations (2pgs)
- ii. boundary survey plan showing all setbacks
- iii. tax ID map
- iv. photo of proposed fence located along the road
- v. photo of proposed fence #2
- vi. photo of proposed fence #3

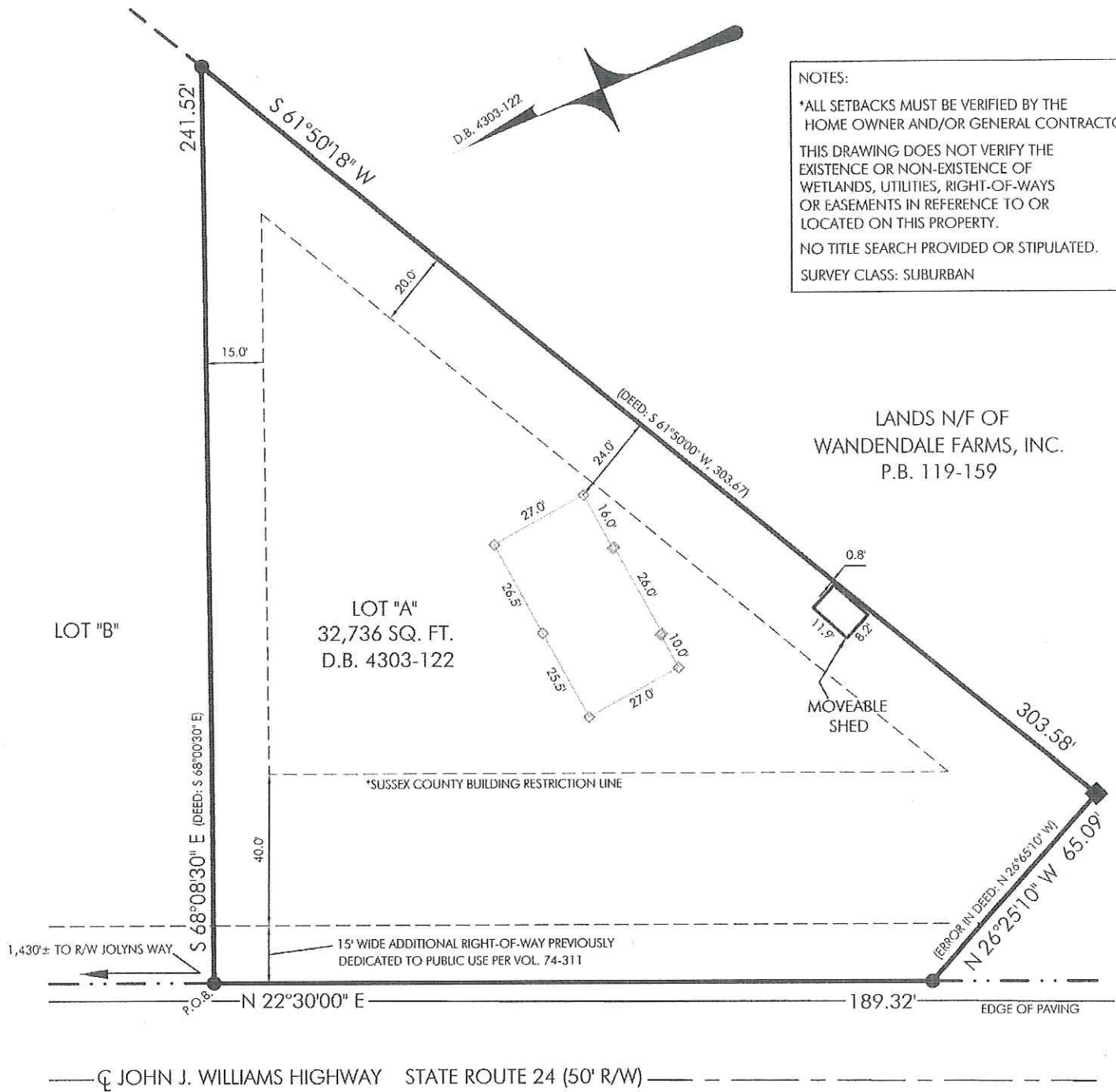
Letters of support by neighboring properties:

21194 John J. Williams Hwy, Lewes/Rehoboth Fire Station #3 President Dan Mitchell  
21101 John J. Williams Hwy, David Phillips  
21265 John J. Williams Hwy, Lighthouse Baptist Church, Pastor Gary Hayden  
21171 John J. Williams Hwy, Alltemp Air owner, David George  
21185 John J. Williams Hwy, Glenn Boyer



NOTES:

\*ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER AND/OR GENERAL CONTRACTOR.  
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.  
 NO TITLE SEARCH PROVIDED OR STIPULATED.  
 SURVEY CLASS: SUBURBAN



LANDS N/F OF  
 WANDENDALE FARMS, INC.  
 P.B. 119-159

LOT "A"  
 32,736 SQ. FT.  
 D.B. 4303-122

MOVEABLE  
 SHED

\*SUSSEX COUNTY BUILDING RESTRICTION LINE

15' WIDE ADDITIONAL RIGHT-OF-WAY PREVIOUSLY  
 DEDICATED TO PUBLIC USE PER VOL. 74-311

EDGE OF PAVING

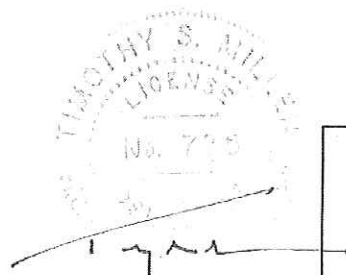
BOUNDARY SURVEY PLAN FOR  
**THOMAS A. HABOWSKI**

LOT "A" OF "JEFF LEWIS" SUBDIVISION  
 INDIAN RIVER HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE

NOVEMBER 20, 2015 SCALE: 1" = 40'

LEGEND:

- IRON PIPE (FOUND)
- ◆ WOODEN POST (FOUND)
- ◇ MASONRY TACK (FOUND)



Prepared by:

**FORESIGHT** Services

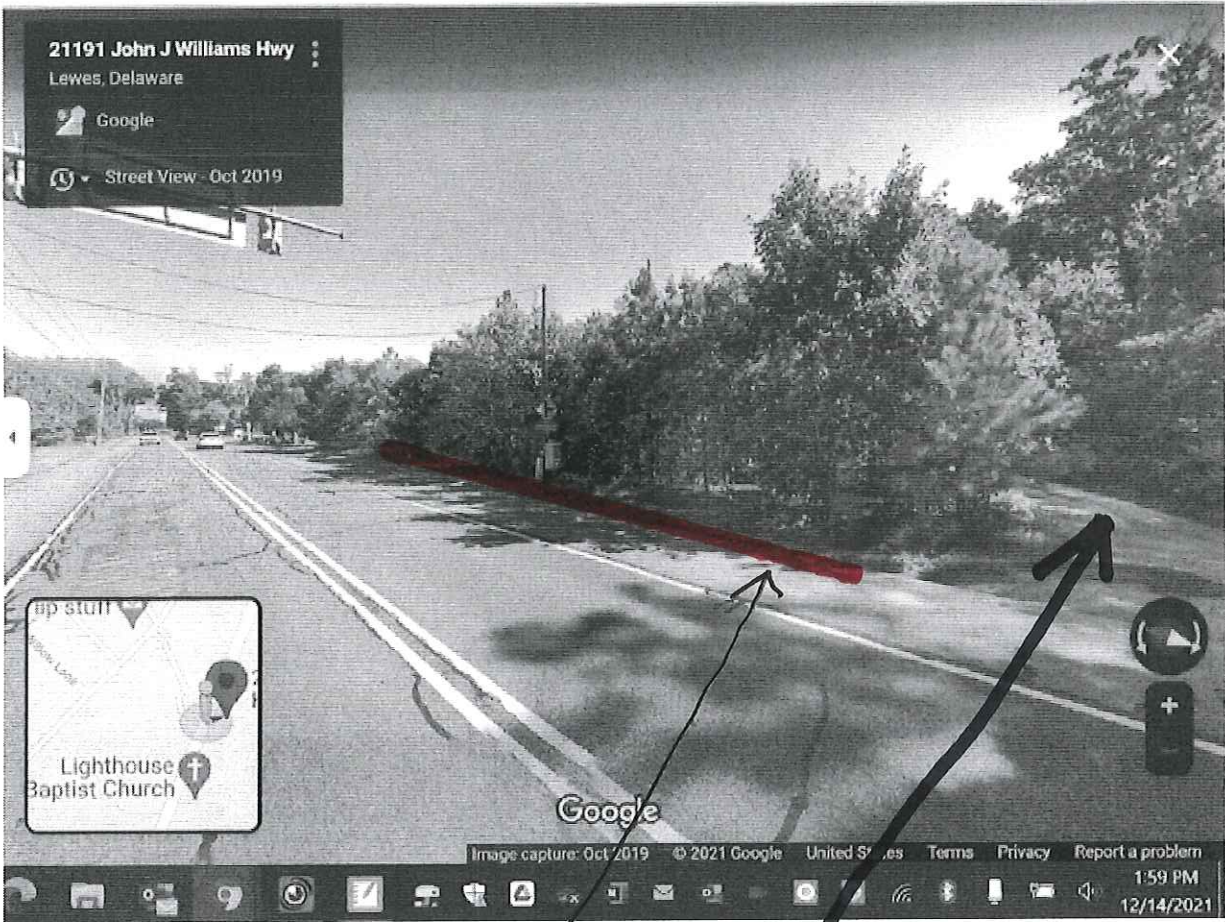
Surveying & Precision Measurement

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971



THOMAS HABOWSKI  
 21191 John J. Williams Hwy  
 Lewes, DE 19958

proposed fence

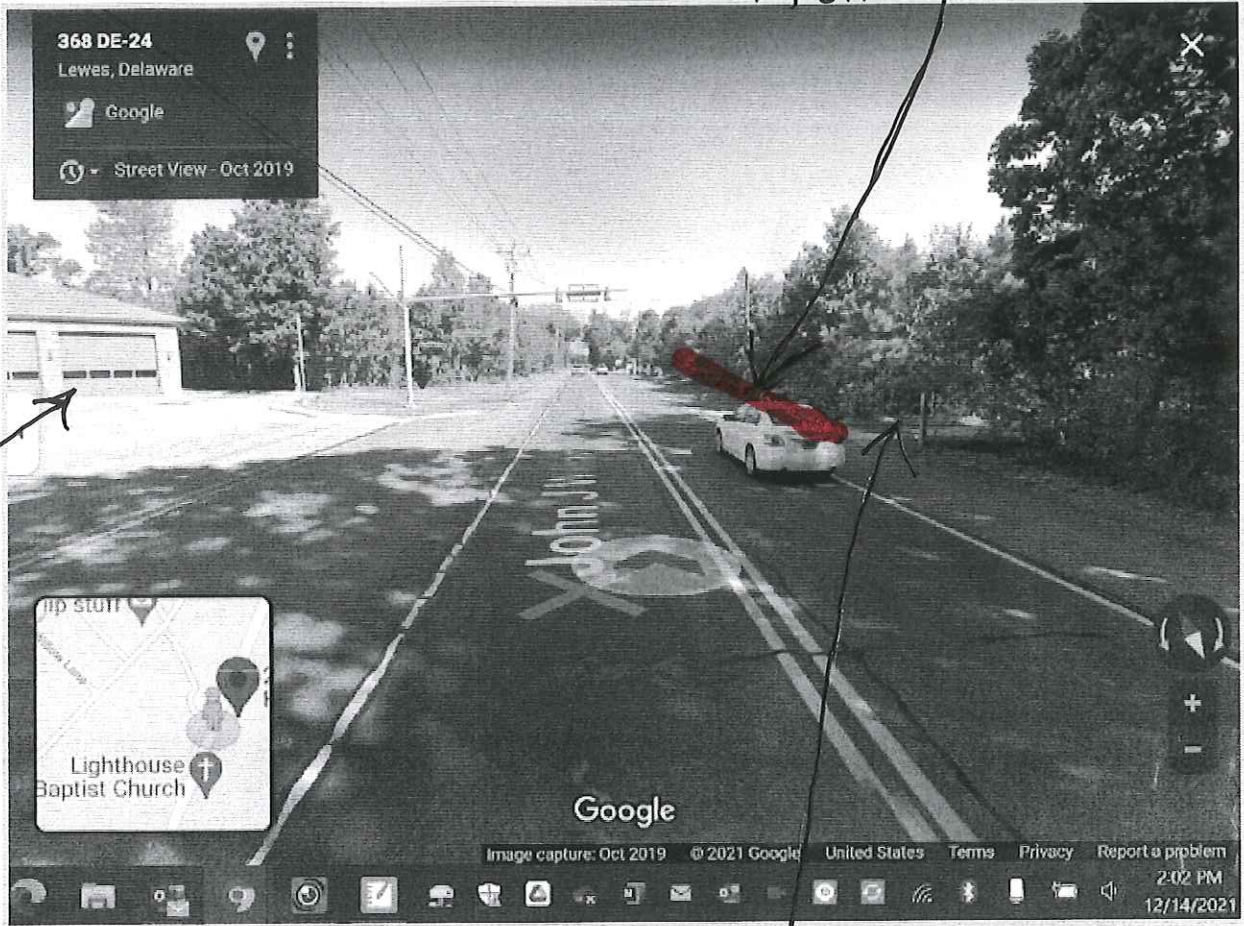


proposed fence

this is my driveway

V.

proposed  
fence



fire station

my driveway

V6.



proposed  
fence

my driveway

This letter is intended to show support for the proposed fence construction by Thomas A. Habowski at 21191 John J. Williams Hwy Lewes, DE 19958. This is an extremely busy road with a lot of vehicular noise and the fence will help by blocking road noise, blocking blaring sirens from the firehouse, and blocking trash that is thrown out of passing vehicles.

Printed Name Glenn Boyer  
Address 21185 John J Williams Hwy  
Lewes DE 19958  
Signature *Glenn Boyer*  
Date 12-15-2021

This letter is intended to show support for the proposed fence construction by Thomas A. Habowski at 21191 John J. Williams Hwy Lewes, DE 19958. This is an extremely busy road with a lot of vehicular noise and the fence will help by blocking road noise, blocking blaring sirens from the firehouse, and blocking trash that is thrown out of passing vehicles.

Printed Name GARY P. LONG  
Address Lighthouse Baptist Church  
21265 John J. Williams Hwy Lewes, DE  
Signature Mary P. Long  
Date 12-30-21

This letter is intended to show support for the proposed fence construction by Thomas A. Habowski at 21191 John J. Williams Hwy Lewes, DE 19958. This is an extremely busy road with a lot of vehicular noise and the fence will help by blocking road noise, blocking blaring sirens from the firehouse, and blocking trash that is thrown out of passing vehicles.

Printed Name DANIEL J MITCHELL

Address P.O. Box 327

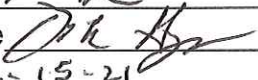
219 Rehoboth Ave

Signature *Dan J Mitchell* PRESIDENT RBVFC

Date 12-29-21



This letter is intended to show support for the proposed fence construction by Thomas A. Habowski at 21191 John J. Williams Hwy Lewes, DE 19958. This is an extremely busy road with a lot of vehicular noise and the fence will help by blocking road noise, blocking blaring sirens from the firehouse, and blocking trash that is thrown out of passing vehicles.

Printed Name David George  
Address 21171 John J. Williams Hwy.  
Lewes DE  
Signature   
Date 12-15-21

This letter is intended to show support for the proposed fence construction by Thomas A. Habowski at 21191 John J. Williams Hwy Lewes, DE 19958. This is an extremely busy road with a lot of vehicular noise and the fence will help by blocking road noise, blocking blaring sirens from the firehouse, and blocking trash that is thrown out of passing vehicles.

Printed Name David Phillips  
Address 21101 John J Williams Hwy  
Lewes DE  
Signature David Phillips  
Date 12/15/2021

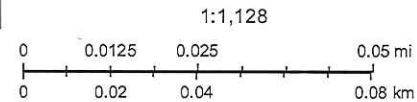


<b>PIN:</b>	234-11.00-504.00
<b>Owner Name</b>	HABOWSKI THOMAS A
<b>Book</b>	4303
<b>Mailing Address</b>	21191 JOHN J WILLIAMS HWY
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	SE/RT 24
<b>Description 2</b>	LOT A
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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



**Board of Adjustment Application  
Sussex County, Delaware**

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

Case # 12659  
Hearing Date 2/7  
202118435

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
\_\_\_\_\_  
\_\_\_\_\_

**Site Address of Variance/Special Use Exception:**

30177 CANDLEBERRY DRIVE, SELBYVILLE, DE 19975

**Variance/Special Use Exception/Appeal Requested:**

2.0' FROM 10.0' SETBACK

Tax Map #: 533-19.00-1629.00 Property Zoning: MR

**Applicant Information**

Applicant Name: RICHARD M + ELIZABETH C LITTLETON  
Applicant Address: 30177 CANDLEBERRY DRIVE  
City SELBYVILLE State DE Zip: 19975  
Applicant Phone #: 410-375-0870 Applicant e-mail: littleton@comcast.net

**Owner Information**

Owner Name: SAME  
Owner Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: NONE  
Agent/Attorney Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_  
Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**

Richard M. Littleton  
Elizabeth C. Littleton

Date: 12-22-21



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

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

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

1. Uniqueness of property:

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

SEE ATTACHED

---

2. Cannot otherwise be developed:

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

SEE ATTACHED

---

3. Not created by the applicant:

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

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.

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.

SEE ATTACHED

---

1. **Uniqueness of property** –
  - a. The description of the rear ground is that it is level, generally rectangular in shape and varies in depth from the existing home structure from 12.0' to 18.0'
  - b. Setbacks are both Sussex County and Bayside HOA consistent as follows;
    - i. 5.0' side property setback - No issue as the proposed addition will be flush with the side wall of the existing home
    - ii. 10.0' rear setback – The proposed glassed-in structure is 10.0' x 22.0' and would extend 2.0' into the existing rear setback
  - c. Beyond the rear property line is a Bayside HOA common space which at a minimum is 5.0' in width before the property of the adjacent neighbor's property thereby giving a further buffered open space area that each neighbor has common enjoyment use
2. **Cannot otherwise be developed** – In order to conform with the 10.0' rear setback, the proposed addition would not be accessible from the existing house exit as it would only allow for a 2.0' doorway. Further, the pre-existing exterior landing extends 4.0' into the exterior and thus itself protrudes 2.0' into the 10.0' rear setback. It is the consistency of this 2.0' protrusion that this variance is requested across the entire length of the proposed addition.
3. **Not created by the applicant** – This variance application is the first such addition to the property since it was originally constructed by NVHomes, Inc. in 2015.
4. **Will not alter the essential character of the neighborhood** – The proposed addition has already been approved by the Bayside HOA (see attached letter dated 12-17-21). Further, this proposed addition is very much in keeping with the existing community and immediate surroundings such that it would be very much in family, both in style and proportion.
5. **Minimum variance** – The 2.0' variance is the minimum (and maximum) needed to allow for the safe passage from room to room. As stated in 2. above, this variance would be consistent with the existing exterior landing.



B A Y S I D E  
HOMEOWNERS ASSOCIATION

December 17,2021

Elizabeth & Mark Littleton  
30177 Candleberry Drive  
Selbyville, DE 19975

Re: DRC Application

Dear Elizabeth & Mark Littleton

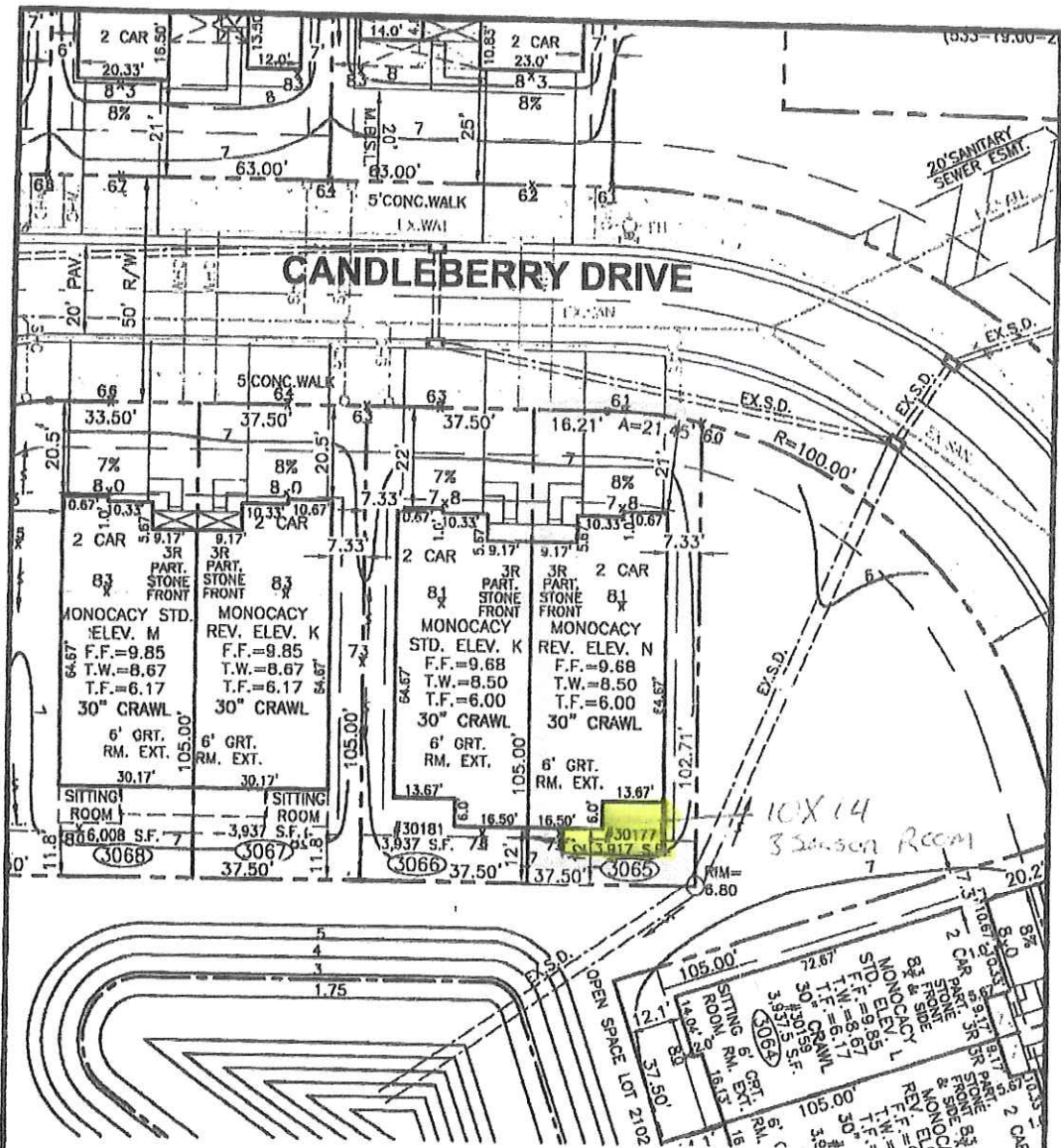
Congratulations, your architectural application to install 3 season room & patio has been approved by the Design Review Committee as submitted on your application.

Things to keep in mind as you begin your project:

- Any changes to your approved project must be resubmitted for review and approval before proceeding with the project.
- Construction material must be stored on your property, rather than on the street, common ground or neighboring properties.
- Be sure to contact Miss Utility to locate and mark your underground utilities before excavation. They can be reached at 800-257-7777, or online at [www.missutility.net/delaware](http://www.missutility.net/delaware).
- Any modification to your property must not negatively affect neighboring properties and common ground, including but not limited to drainage issues.
- As stated on the application's Irrigation Alteration Agreement, you and your contractors are responsible for the structural integrity of the irrigation system. This includes sprinkler heads and lines presently on the property that require relocation to accommodate the project.
- Your work is contingent that ongoing responsibility will be managed and shared equally amongst applications when applicable.

Upon completion of your project, contact Legum and Norman to schedule an inspection to release your deposit.

Sincerely,  
The HOA Management Team  
Legum & Norman  
302.988.2389



LOT 3065

AREA CALCULATIONS	
DRIVEWAY	544 SF
LEADWALK	41 SF
PUBLIC WALK	188 SF
SEED	--- SF
SOD	1,444 SF
WHC	29 LF
SHC	40 LF
HSE FACING	N.EAST

LOT 3066

AREA CALCULATIONS	
DRIVEWAY	549 SF
LEADWALK	41 SF
PUBLIC WALK	188 SF
SEED	--- SF
SOD	1,456 SF
WHC	29 LF
SHC	41 LF
HSE FACING	N.EAST

**NOTE:**  
 ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT. A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT IS RESERVED ON EACH LOT ALONG THE FRONT AND REAR PROPERTY LINES.

--- DENOTES 5' CONCRETE SIDEWALK  
 --- DENOTES DRAINAGE AND/OR UTILITY ESMT.

**SETBACKS:**  
 FRONT: 20' MIN.  
 SIDE: 5' MIN.  
 REAR: 10' MIN.

UB= UTILITY BOX  
 SL= STREET LIGHT

BOOK 214 PAGE 19

*Carroll Freeman*  
**COMMUNITIES**

**BUILDER**  
 N.V. HOMES  
 32448 ROYAL BLVD., SUITE B  
 DAGSBORO, DE 18939  
 PHONE: 302-732-9900

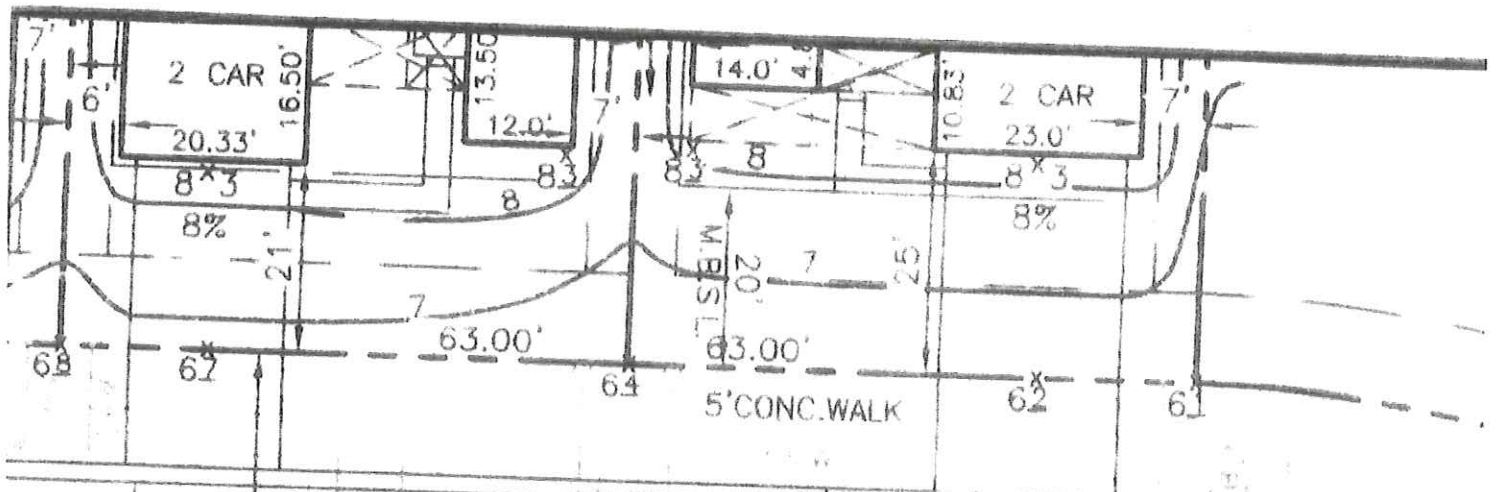


**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
 3445-A BOX HILL CORPORATE CENTER DRIVE  
 ABERGON, MD 21009  
 (410) 515-8000  
 FAX: (410) 515-8002  
 www.mragto.com

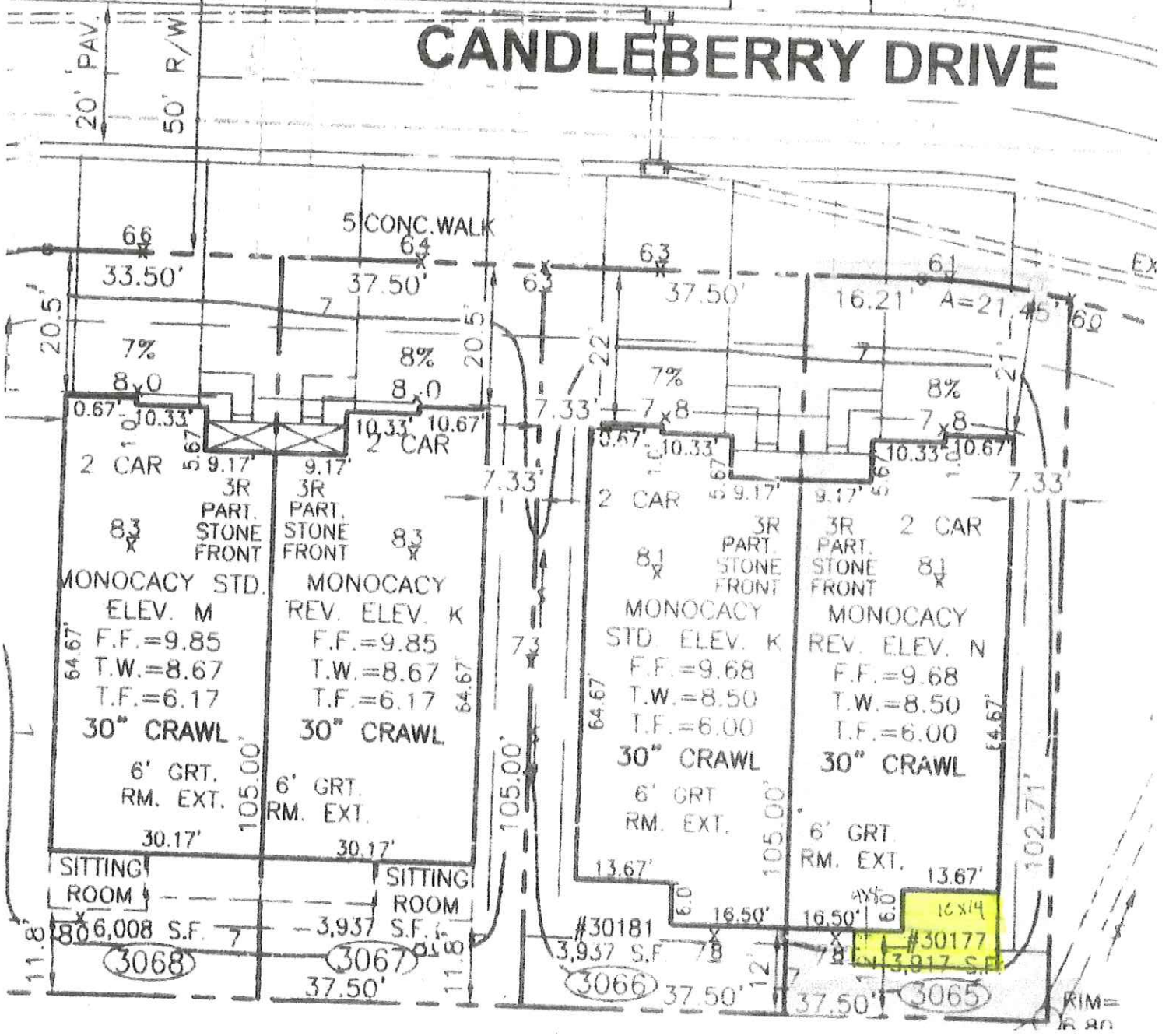
**SITE AND GRADING PLAN**  
 FOR  
**AMERICANA BAYSIDE**  
 KNOX PROPERTY  
 LOTS 3065-3066  
 #30177-#30181 CANDLEBERRY DRIVE  
 BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE

SCALE: 1"=30'	DATE: AUGUST 14, 2015	DRAWN BY: S.C.S.	DESIGN BY: S.C.S.	REVIEW BY: D.AL	JOB NO.: 16200
---------------	-----------------------	------------------	-------------------	-----------------	----------------

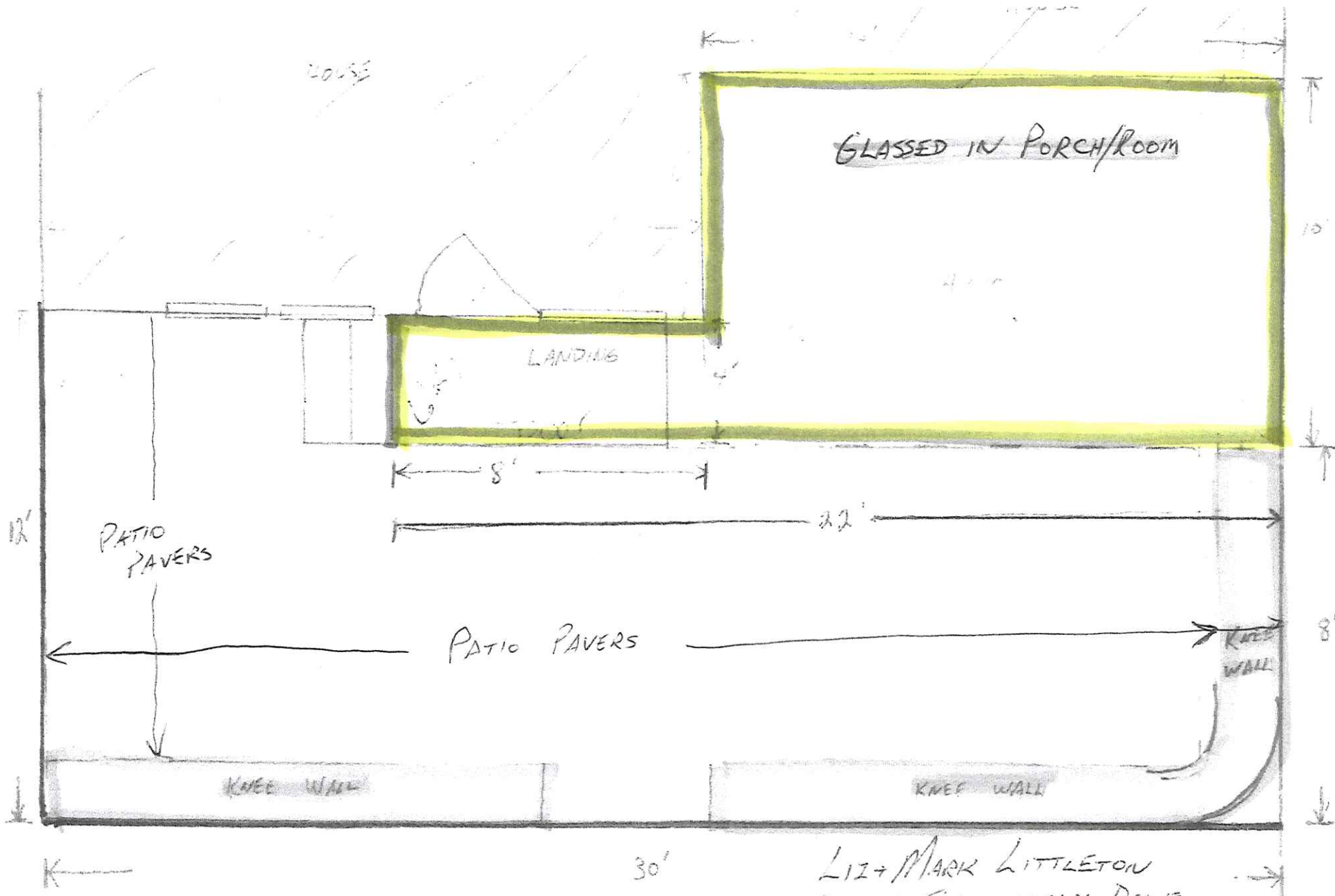




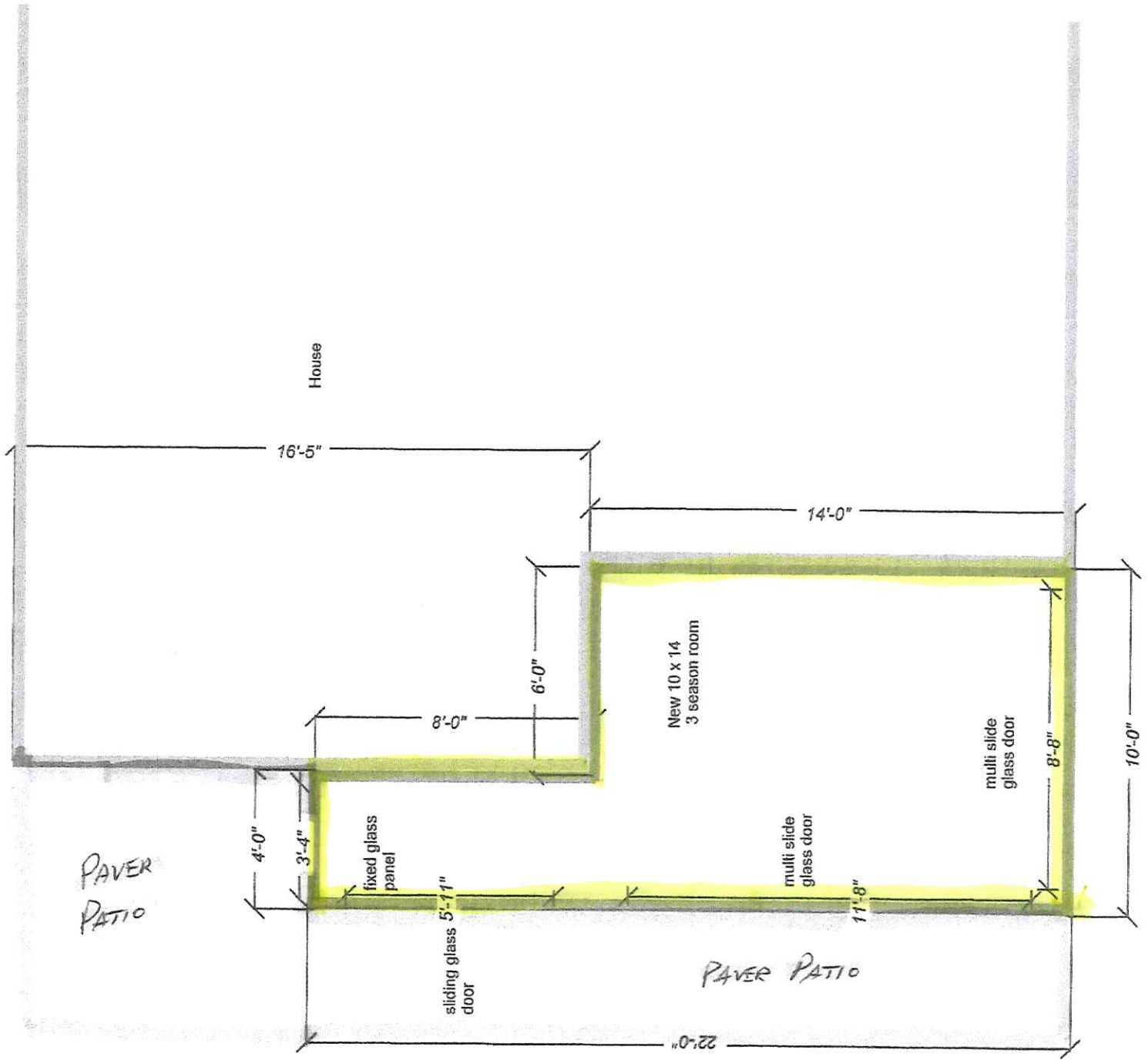
# CANDLEBERRY DRIVE

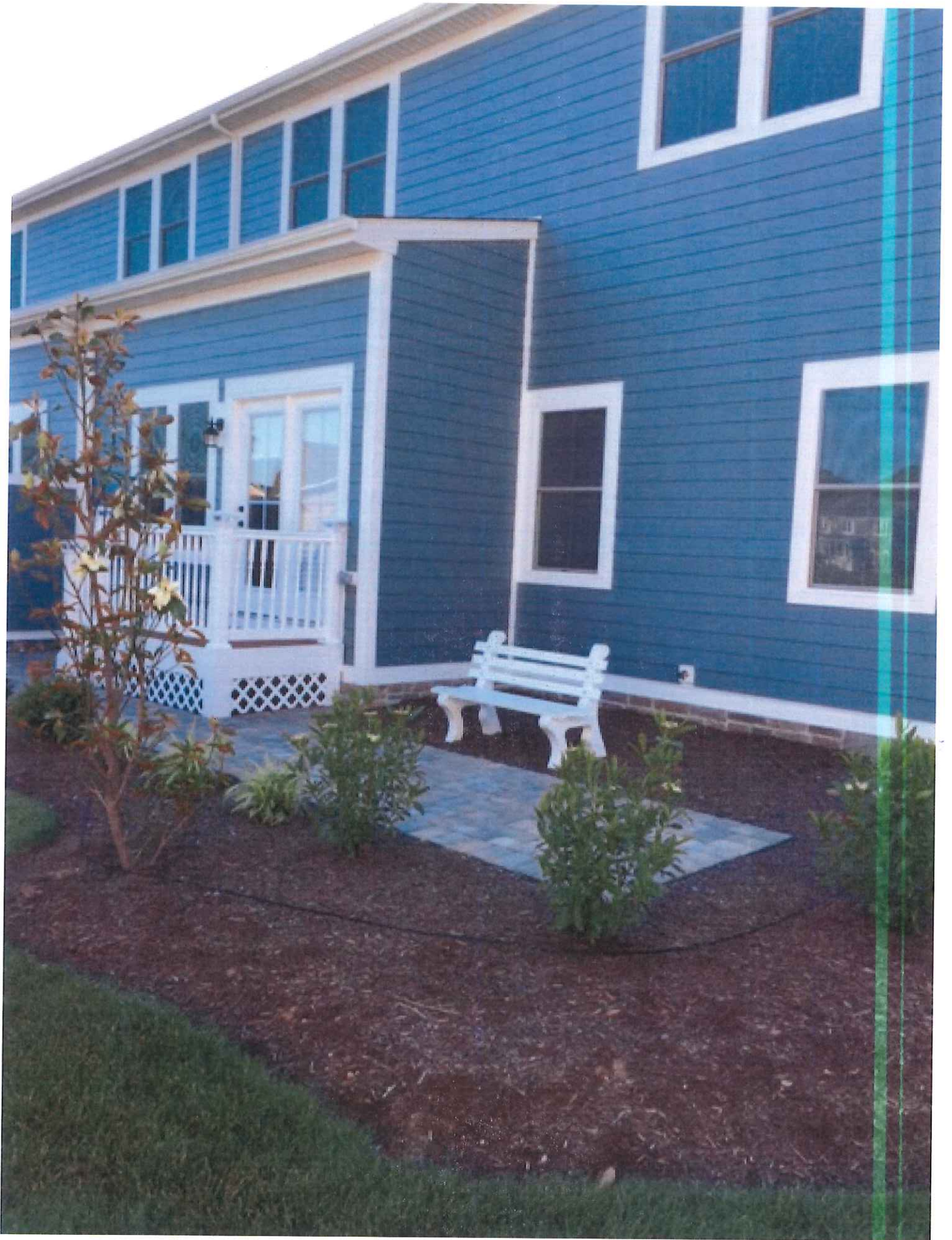


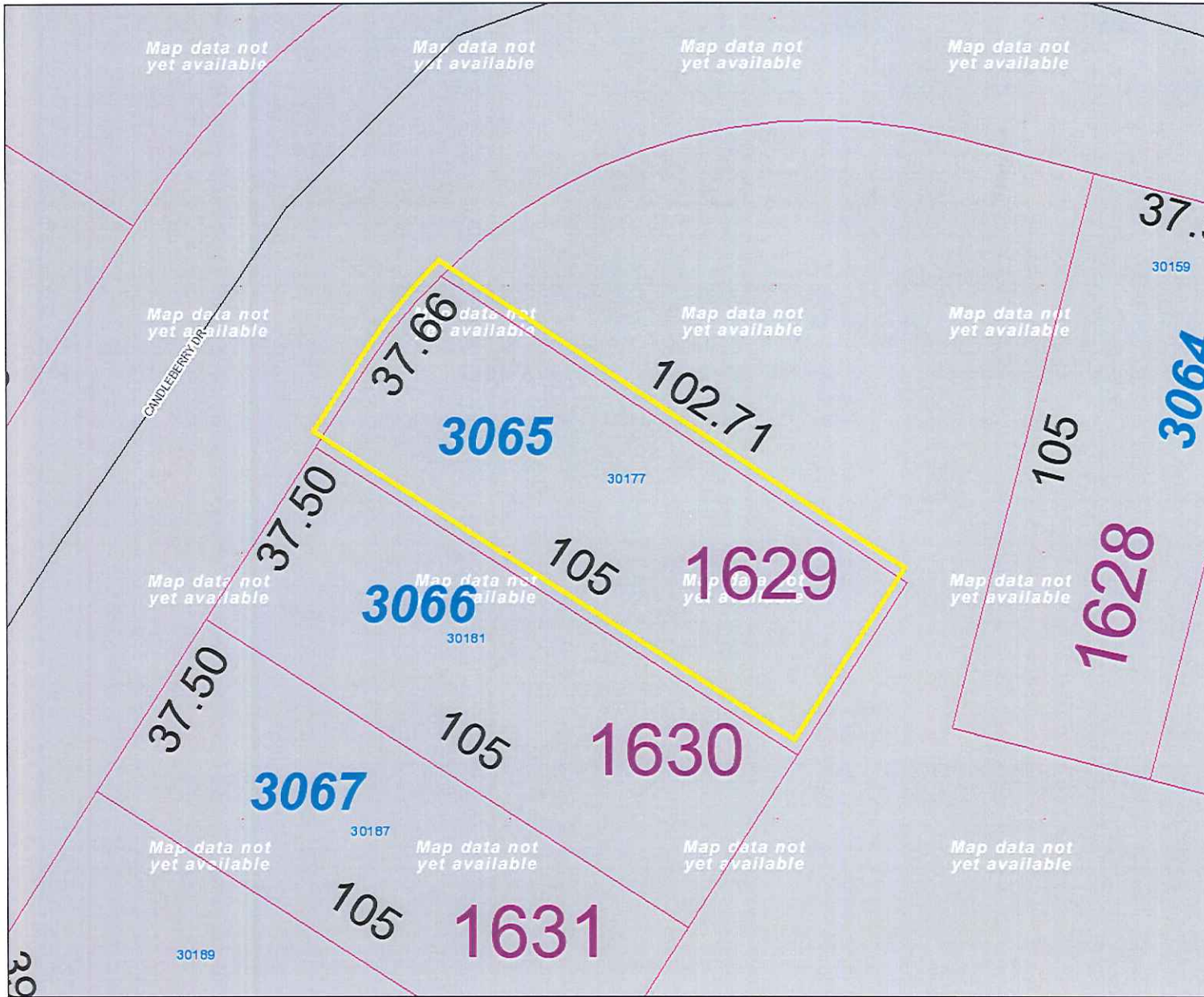
RIM = 6.80



LIZ + MARK LITTLETON  
 30177 CANDLERBERRY DRIVE  
 SELBYVILLE, DE 19975  
 410-375-0870  
 littleton@comcast.net







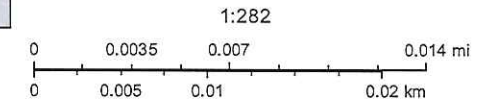
<b>PIN:</b>	533-19.00-1629.00
<b>Owner Name</b>	LITTLETON RICHARD MARK
<b>Book</b>	4482
<b>Mailing Address</b>	30177 CANDLEBERRY DR
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	AMBS KNOX PROPERTY
<b>Description 2</b>	LOT 3065
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polyonLayer**

  - Override 1
- Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
- Tax Ditch Segments**

  - Tax Ditch Channel
  - Pond Feature
  - Special Access ROW
  - Extent of Right-of-Way
  - Approx. Watershed Boundary
  - Municipal Boundaries



Case # 12660  
217  
202118353

# Board of Adjustment Application Sussex County, Delaware

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

**Type of Application: (please check all applicable)**

- Variance
- Special Use Exception
- Administrative Variance
- Appeal

Existing  
code  
115-34, 115-183  
115-185

**Site Address of Variance/Special Use Exception:**  
35934 Venture Ln Millville, DE 19967

**Variance/Special Use Exception/Appeal Requested:**

Requesting a 5.6 ' foot variance from the side yard setback requirement of 10'.  
6.5' 10'

**Tax Map #:** 134-8.00-24.00 **Property Zoning:** MR

**Applicant Information**

Applicant Name: J&J Cooper Family LLC  
Applicant Address: 35934 Venture Ln  
City Millville State DE Zip: 19967  
Applicant Phone #: 302-745-8383 Applicant e-mail: janetcooper2193@icloud.com

**Owner Information**

Owner Name: J&J Cooper Family LLC  
Owner Address: 35934 Venture Ln  
City Millville State DE Zip: 19967 Purchase Date: 06/25/1973  
Owner Phone #: 302-539-6684 Owner e-mail: janetcooper2193@icloud.com

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

Janet Cooper

Date: 12-21-21



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

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

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

1. Uniqueness of property:

Father has passed away and I didn't know the property was in violation. It been like this for 35 years.

---

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.

I'm trying to clean up a non-conforming set back from 1985.

---

3. Not created by the applicant:

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

My father which is deceased probably didn't know the rules and if he did it wouldn't have happened.

---

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.

I've had no complaints about the building since its been there since 1985 and don't see any in the foreseeable future.

---

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.

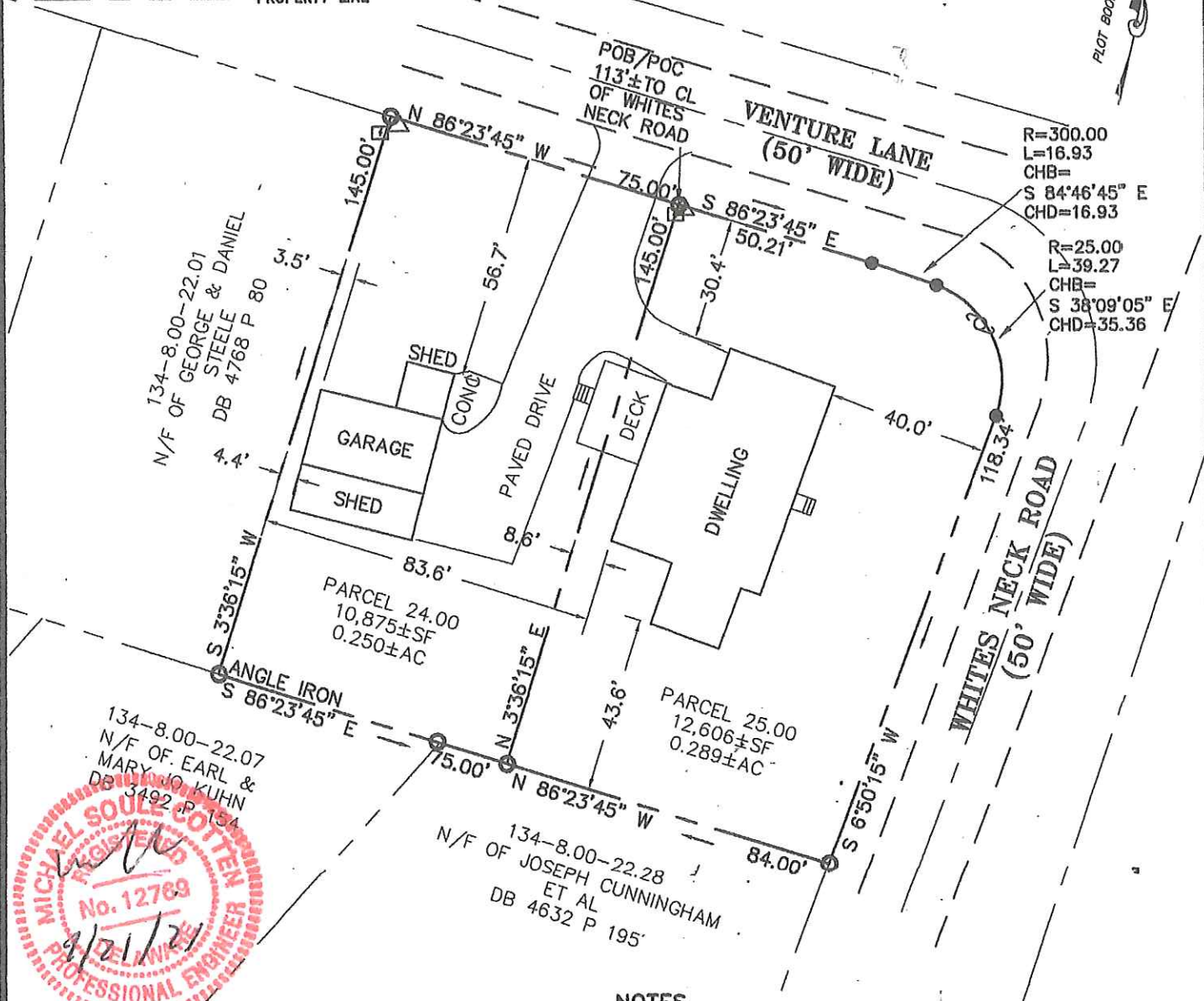
This is a minimal variance to make this property in compliance for the county.

I, MICHAEL S. COTTEN, REGISTERED AS A PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

**LEGEND**

- POINT
- IRON PIPE FOUND
- PROPERTY LINE

PLOT BOOK 11, PAGE 45



134-8.00-22.01  
N/F OF GEORGE & DANIEL  
STEELE  
DB 4768 P 80

134-8.00-22.07  
N/F OF EARL &  
MARY JO KUHN  
DB 3492 P 154

134-8.00-22.28  
N/F OF JOSEPH CUNNINGHAM  
ET AL  
DB 4632 P 195



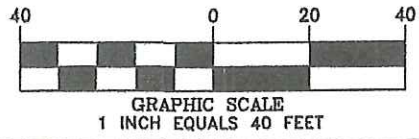
**NOTES**

1. TITLE REFERENCED TO DEED BOOK 4097, P 294.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
4. THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OF RIGHT OF WAYS AFFECTING THIS PROPERTY.
5. ALL SIDE AND REAR LOT LINES SUBJECT TO 6' WIDE DRAINAGE AND/OR UTILITY EASEMENT.

**BOUNDARY SURVEY PLAN**  
**FOR ALLISON NEWSOM**  
**OF LANDS N/F OF J&J COOPER FAMILY, LLC**  
**LOTS 5 & 6,**  
**WHITES NECK VILLAGE SUBDIVISION**  
**35934 VENTURE LANE,**  
**OCEAN VIEW, DE 19970**  
**BALTIMORE HUNDRED**  
**SUSSEX COUNTY, DELAWARE**  
**TAX MAP #134-8.00-24.00 & 25.00**

**COTTEN ENGINEERING LLC**  
 CIVIL ENGINEERS  
 10087 CONCORD RD.  
 SEAFORD DE 19973  
 PHONE/FAX (302) 628-9164

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THIS PROJECT ONLY, AND REMAINS THE COPYRIGHTED PROPERTY OF COTTEN ENGINEERING LLC. REUSE OR REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENTS RISK AND BE A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA AND THE RESPECTIVE STATE WITHIN WHICH THE WORK WAS COMPLETED.



DESIGNED BY: CE	REV:	JOB # 21-407
DRAWN BY: JCD	DATE: 09/21/2021	SHEET 1 OF 1
CHECKED BY: JCD	SCALE: AS-SHOWN	



# PROPERTY RECORD CARD

CARD 1 OF 1

DIST. 1-34 MAP 8 PARCEL 25 CONTROL NO. \_\_\_\_\_

**ADDRESS**

1-34 8.00 25.00 CAPS-2  
 COOPER SCH-1  
 JOHN W. & JANET L. EDIT-P  
 P.O. BOX 104-R  
 MILLVILLE, DE 19967 TRI- 132739

WHITES NECK VILLAGE  
 VENTURE LANE LOT 5  
 WITH IMP.

Rd 347

RS

OWNERSHIP RECORD			
DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE

## LAND RECORD AND VALUATION SUMMARY

PROPERTY FACTORS								LAND COMPUTATION				BUILDING PERMIT RECORD		
IMPROVEMENTS		STREET OR ROAD		DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE	DATE	NUMBER	AMOUNT	
CITY WATER	PAVED	SEWER	SEMI-IMPROVED	FRONT	DEPTH		DEPTH	OTHER						
				118	75						11-7-83	75159	\$ 100	
				27	71									

ASSESSMENT RECORD				SUMMARY OF VALUES		TOTAL LAND	
LAND \$	BLDG. \$	TOTAL \$					
						\$ 500	
						\$ 27900	
						\$ 32900	



**NOTES**

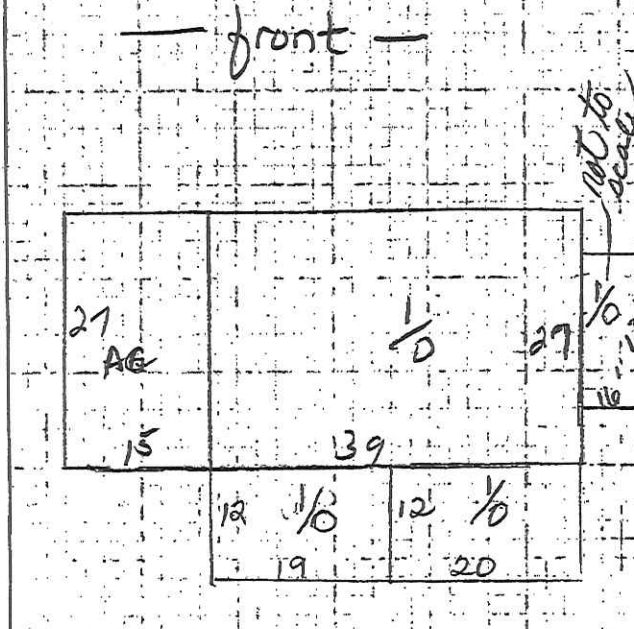
Permit 42790 added 10/1/79  
 BP 75159 for garage + lean to added 4/2/85  
 BP 127264 for addn + wd added 11/24/92 DV 27100 Bill 93  
 BP 2819600 chg wd to 1-sty / chg OP to 1-sty by fld ck DV 30400 8-23-11 Bill 12

DIST: 1-34 MAP 8 PARCEL 2.500

CONTROL NO

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
L	L	C	X	1053	1	1	-	-	13.63	14352
			X	240	1	1	-	-	"	3271
			X	516	1	1	-	-	"	7033
			X							
			X							
H. L. YOH CO. PHILA., PA.										
TOTAL GROUND AREA				1809	TOTAL BASE COST \$24656					

PRINCIPAL BUILDING DESCRIPTION										M/C	± %	± PTS
MASONRY-1		PIER-2		SLAB-3		FOUNDATION				1	-	
NONE-0		1/4-1	1/2-2	3/4-3	FULL-4				0			
NONE-0		REC AREA-1		APT-2		% OF BASEMENT SQ FT				0		
NONE-0		PIPELESS GHA-1		ELECTRIC-2		FHA-3		STM-HW-4		2	-2	
INDICATE QTY										0		
3-FIXT BATH		2-FIXT BATH		SG FIX		TOTAL FIXT				5		2.6 +
NONE-0		1/2-1	1-2	1 1/2-3	2-4	2 1/2-5	3-6	4-7	5-8	2		3.0 +
1ST FLOOR		2ND FLOOR				3RD FLOOR				INT FINISH		
NONE	PL	WB	WP	NONE	PL	WB	WP	NONE	PL	WB	WP	WLS-CLG
DIRT	CONC	HW	SW	HW	SW	HW	SW	HW	SW	FLOORS		
NONE-0		HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY		
NONE-0		ONE CAR-1		TWO CAR-2				BLT-IN GAR				
WOOD-1		SHGL-2	ALUM-3	BLK-4	BRK QR STN-5	STUCCO-6	COMP-7				EXT WALLS	
HIP-1		GABLE-2	FLAT-3	MANSARD-4	GAMBREL-5				ROOF TYPE			
WD-COMP-SHGL-1		SLATE-2	METAL-3	TILE-4	ROLL-5	T & G-6				ROOFING		
AREA SQ FT		INDICATE QTY				Porch-OPEN				0		1.5 +
AREA SQ FT		INDICATE QTY				Porch-GLZD				0		=
NONE-0		CENTRAL-1				AIR-COND				0		
NONE-0		1 CAR-1		2 CAR-2		405 SQ FT				ATT GAR/GP		
						SQ FT				UTILITY		
										OTHER		
										OTHER		



NOTES: INDEX TOTALS 98% 31.9 +

BASE COST \$ 24656 ± INDEX % \$ 24163 ± INDEX PTS \$ 27353 X GRADE FACTOR 100 = REPLACEMENT COST \$ 27353

ACTUAL AGE YRS EFF AGE 1972 YRS PHYS. COND GOOD V FAIR POOR PER CENT GOOD 98%

OBSOLESCENCE: FUNC % OV'RIMP % UND'RIMP % OTHER ECON. % NET COND % DEPRECIATED BLDG VALUE \$ 26805

ACCESSORY BUILDINGS															
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
✓	garage	wd	C	Dut	1	20	10	200			4.20	840		98	823
✓	kevin to	wd	C	Dut	1	20	12	240			1.13	271		98	266

TRAILERS									
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL	PHYS DEPR	SOUND VAL

TOTAL TRAILERS VALUE \$

TOTAL ACCESSORY BLDGS VALUE \$ 1089

TOTAL BLDGS VALUE \$ 27894

INSPECTED BY 17 6/25/73 CHECKED BY APPROVED BY

PARID: 134-8.00-24.00  
J & J COOPER FAMILY LLC

Property Information

---

Property Location:

Unit:

City:

Zip:

State:

Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	134 - BALTIMORE
School District:	1 - INDIAN RIVER
Council District:	4-Hudson
Fire District:	84-Millville
Deeded Acres:	.2497
Frontage:	75
Depth:	145.000
Irr Lot:	
Plot Book Page:	/PB

100% Land Value:	\$3,500
100% Improvement Value	
100% Total Value	

Legal

---

Legal Description	WHITES NECK VILLAGE LOT 6
-------------------	------------------------------

Owners

---

Owner	Co-owner	Address	City	State	Zip
J & J COOPER FAMILY LLC		35934 VENTURE LN	MILLVILLE	DE	19970

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: Jay 4/21/25

DISTRICT: 1-34

MAP: 8

PARCEL: 25

TRL/UNIT:

NAME: Cooper,

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE: 26000

LAND VALUE: 5000

IMP. VALUE: 22100

TOTAL VALUE: 29100 13550

ACTION REASON: BP 75159 for garage + hear to added

BILLING: 85

# Sussex County

DELAWARE  
PLANNING & ZONING DEPARTMENT

[sussexcountysde.gov](http://sussexcountysde.gov)

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR



## SETBACK INFORMATION REQUEST

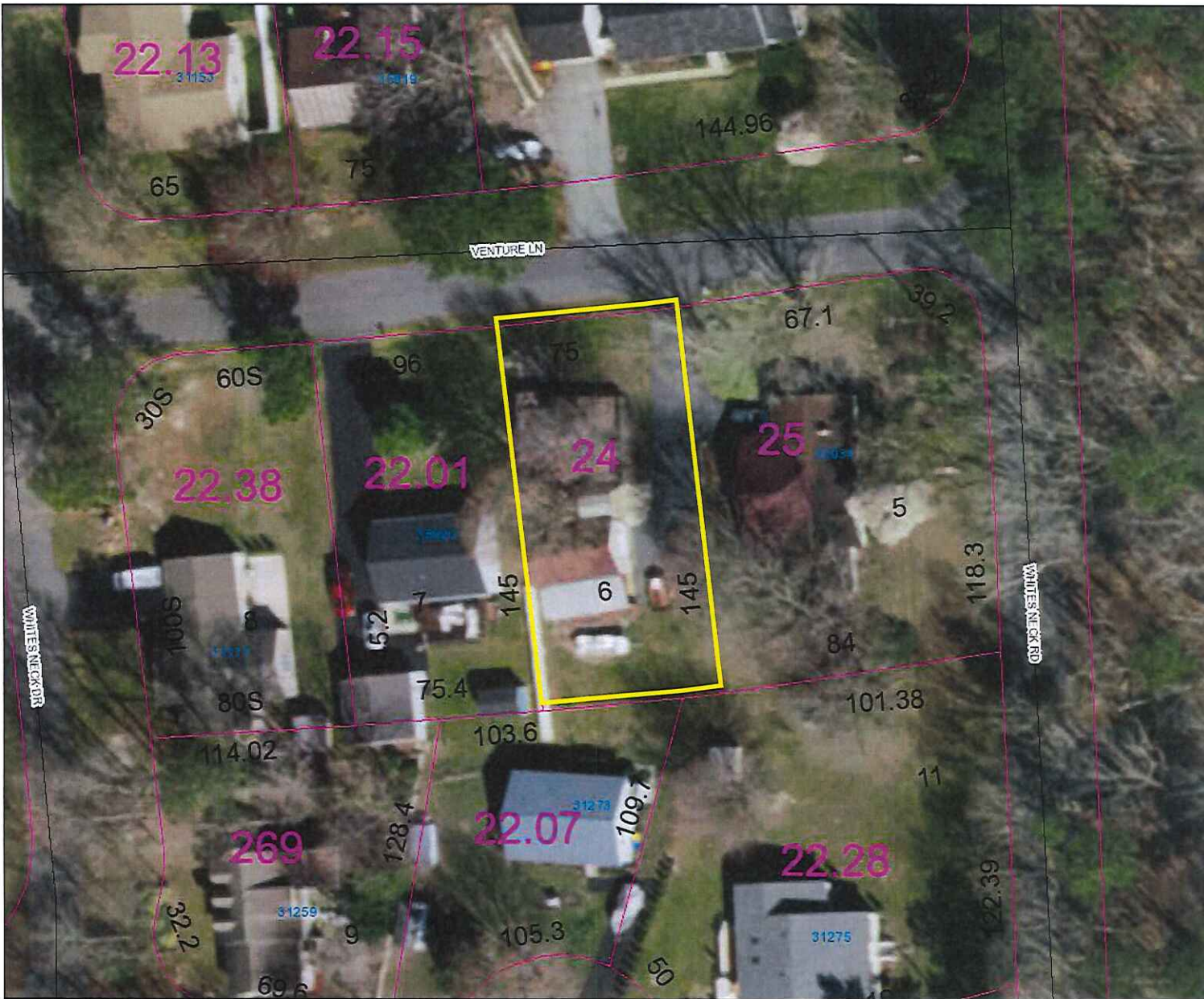
Date of Request 12/21/2021 Zoning District MR  
Customer Name John  
Customer Contact jttimmons@gmail.com  
Tax Parcel ID 134-8.00-24.00 Lot/Unit Number 6  
Parcel Address Venture Lane  
Front Yard Setback 30-ft  
Side Yard Setback 10-ft  
Rear Yard Setback 10-ft  
Corner Front Yard Setback n/a  
Maximum Height 42-ft

The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

Additional Notes:

Name of Staff Member Ann Lepore

Checked By Christi Scott

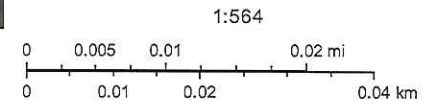


<b>PIN:</b>	134-8.00-24.00
<b>Owner Name</b>	J & J COOPER FAMILY LLC
<b>Book</b>	4097
<b>Mailing Address</b>	35934 VENTURE LN
<b>City</b>	MILLVILLE
<b>State</b>	DE
<b>Description</b>	WHITES NECK VILLAGE
<b>Description 2</b>	LOT 6
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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



Board of Adjustment Application  
Sussex County, Delaware

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

Case # 12661  
Hearing Date 2-21-22

202200660

Type of Application: (please check all applicable)

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-25 115-172

Site Address of Variance/Special Use Exception:

25859 Berry Street, Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested: Variance from Max. lot coverage

Variance to approve the building of a shed and porch for adequate outdoor storage and seating for our reasonable enjoyment of the property and to align the property with all other homes in our community. We submitted the plan to Sussex County with the requested additional square footage and related details.

Tax Map #: 234-24-34-53131

Property Zoning: AR1

Applicant Information

Applicant Name: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_  
Applicant Phone #: \_\_\_\_\_ Applicant e-mail: \_\_\_\_\_

Owner Information

Owner Name: Karen and James Wright  
Owner Address: 25859 Berry Street  
City Millsboro, State DE Zip: 19966 Purchase Date: 8/10/21  
Owner Phone #: 484-529-7743 Owner e-mail: cutty511@msn.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Karen Wright  
James S. Wright

Date: 1-13-22



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

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

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

**1. Uniqueness of property:**

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

Due to the square footage requirements, the unique shape, and wetlands on the back side of our lot, we are unable to add a porch and shed for outdoor storage without this variance. Nearly all other homes in our community have a shed and porch, and this variance would solely be used to add a shed and porch to align our home with all other homes in the park and give us adequate outdoor storage.

**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.

We have no ability to add a shed or porch without this variance, and this variance is necessary for the reasonable enjoyment of the property. We believe it is reasonable to have access to outdoor space and storage, so that we can comfortably and reasonably enjoy our property without clutter due to lack of seating and storage. No smaller shed or porch would reasonably fit the equipment needed to maintain the property.

**3. Not created by the applicant:**

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

We have taken no actions that have created this issue. We have tried to find other plans or smaller structures, but none would be adequate to be able to reasonably store and maintain the lot.

**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.

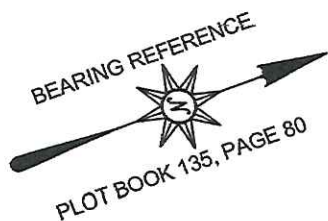
This variance will not alter the character of the neighborhood. Rather, this variance will put our lot in line with the rest of the neighborhood. Almost all homes in our community have a porch and shed. This will allow us to store our belongings without clutter. One side of the lot is heavy shrubbery, and the other side is another home, so the location of the shed and porch will in no way impede any neighbors views in any way.

**5. Minimum variance:**

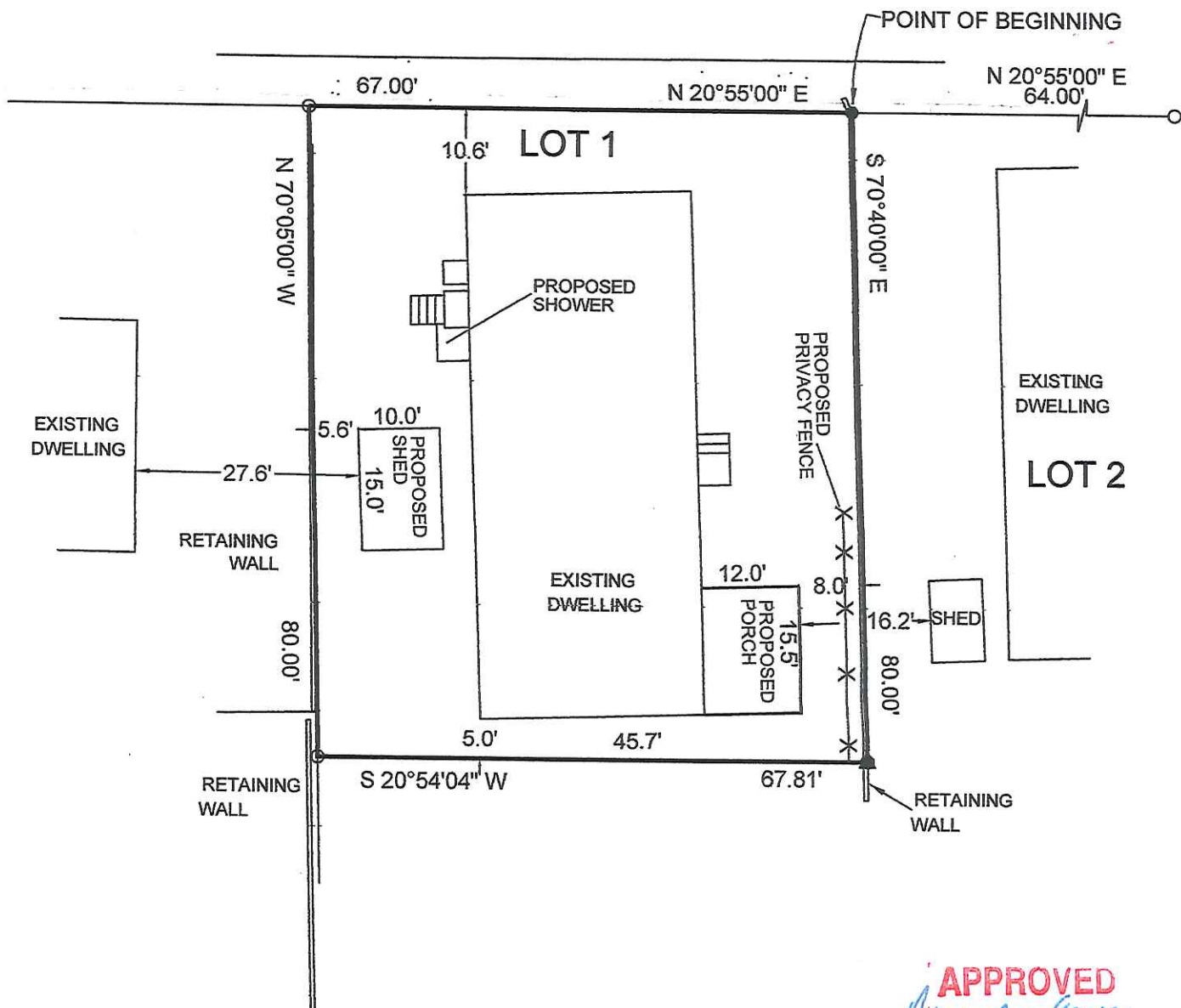
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

We believe that our plan is the minimum variance required to adequately and reasonably enjoy the use of our property, and it's in a manner that will add to character of the neighborhood and will in no way impede, alter, or otherwise distract from any neighboring properties. We are happy to provide any letters from our neighbors of their approval.





BERRY STREET



**APPROVED**  
*Charles E. Adams, Jr.*  
 11/12/2021  
 SUSSEX COUNTY  
 PLANNING & ZONING COMMISSION  
*lay*

**NOTES:**

- 1) SOURCE OF TITLE: DEED BOOK 1130, PAGE 17
- 2) SURVEY CLASSIFICATION: SUBURBAN
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY

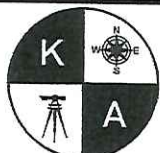
**BOUNDARY SURVEY PLAN  
 PROPOSED SITE PLAN  
 KAREN WRIGHT  
 LOT1, BAY CITY  
 PLOT BOOK 135, PAGE 80  
 25859 BERRY STREET  
 AREA: 5,391 SQ. FT.**

SITUATE IN: INDIAN HUNDRED  
 SUSSEX COUNTY, STATE OF DELAWARE

**LEGEND:**

- FOUND IRON PIPE
- ▲ FOUND MAG NAIL IN RR TIE
- SET IRON BAR

I, CHARLES E. ADAMS, JR., REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



**Karins and Associates**

ENGINEERS • PLANNERS • SURVEYORS  
 NEWARK, DE • GEORGETOWN, DE  
 www.karinsengineering.com

17 POLLY DRUMMOND CENTER \* SUITE 201  
 NEWARK, DELAWARE 19711  
 PHONE: (302) 369-2900

128 WEST MARKET STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699

APPROVED: *Charles E. Adams, Jr.*  
 CHARLES E. ADAMS, JR., P.L.S. 506

DATE: 09-21-2021

SCALE: 1" = 20'

DRAWN: CJA

CHECKED: CEA

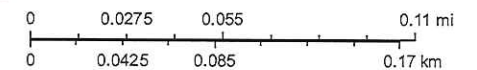
DRAWING: JOB# G G1633-A



<b>PIN:</b>	234-24.00-34.00
<b>Owner Name</b>	BAY CITY LIMITED PARTNERSHIP
<b>Book</b>	0
<b>Mailing Address</b>	34677 LONG NECK RD
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	GIS TIEBACK
<b>Description 2</b>	DUMMY ACCOUNT
<b>Description 3</b>	
<b>Land Code</b>	

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

1:2,257



Dan Wien  
25867 Berry Street  
Millsboro, DE 19966  
(302) 945-2847

February 7, 2022

To: The Board of Adjustment  
Sussex County, Delaware  
John Williamson – Chairman  
Kevin E. Carson  
Jeffrey A. Chorman  
John Travis Hastings  
Jordon Warfel

RE: **OBJECTION to Granting this variance – CASE 12661**

**“variance from the maximum lot coverage requirement”**

Karen and James Wright – Applicants – (hereinafter the “Wrights”)  
Bay City Trailer Park – Lot 1  
25859 Berry Street, Millsboro, DE 19966

Objection Justification:

1. The Wrights variance is the second time a variance application has been requested for overbuilding the same trailer on lot 1 in Bay City Trailer Park (hereinafter – “Bay City”)

The 28ft x 64ft = 1,792 square foot Colony trailer currently on Lot 1 was placed there by “Bay City” on June 30, 2006. This set-up trailer was then sold to Orwin & Jocelyn Reidell. The Reidells overbuilt this trailer by adding structures including deck, enclosed porch and shed. The Reidells were forced to apply for a variance for overbuilding in 2008 – the variance was denied. The Reidells applied for a rehearing in 2010. The rehearing was also denied on March 15, 2010 because **“as the park owner (“Bay City”) stated they would correct the situation at their cost”**. (see attached BOA minutes dated March 15, 2010 – Exhibit 1)

Bay City bought the trailer back from the Reidells. Most overbuilt structures including the deck and enclosed porch were removed. The large shed the Reidells had installed was removed and replaced with a much smaller shed. Now we are again going through the same procedure on the same lot with the same trailer, but with different owners.

The fill dirt Bay City placed on Lot 1 in violation of Sussex County Code was never removed or regraded. To date no Storm/Flood Water Management Plan was implemented as required by County Code.

The current trailer on Lot 1 remained empty for the next 11 years until the Wrights bought it in September - December 2021.

- 2. Before the Board considers this variance application, it would seem reasonable to require Bay City to bring the Lot 1 fill and grading up to the appropriate code requirements. If enforcing the County codes concerning the fill on Lot 1, then possibly this issue could be escalated to the appropriate regulatory authority.**

Once the central sewer was installed in the Bay City Trailer Park in 1991, Bay City began removing older single-wide trailers on their lower elevation (street level) rental lots and mounding these lots with fill dirt 2-3 feet above the street elevation. Bay City tried to claim the fill dirt was required by the County to qualify for flood insurance on new expensive double-wide trailers that Bay City sold to renters thru their subsidiary (Mystic Homes) renters. According to then Planning and Zoning, Lawrence Lank then Director this is not a requirement. There are other options. (see Exhibit 2)

Lot 1 was historically the lowest elevation lot on Berry Street and was the natural drainage for this entire section of Bay City. Once the elevation of Lot 1 was filled and mounded above street level, storm and flood water was diverted to lower elevation rental lots and my home.

Bay City Lots 1-3 originally were considered non-conforming (pre-code) and "grandfathered". Once Bay City removed the older trailers, these lots had to meet current Sussex County codes to place new trailers on these lots. Bay City never has brought these lots up to County code including implementing an effective storm/flood water management plan.

On November 5, 2003 (3+ years before Bay City placed the current trailer on Lot1) the then Planning and Zoning Director, Lawrence Lank (since retired) notified Bay City by letter that "numerous complaints have been and are still being received from residents within the Bay City Manufactured Home Community about filling activities that are taking place on rental sites within the community".

"The filling activities are creating drainage problems and could be considered as negatively impacting the health, safety and general welfare of the citizens living in the community." (see Exhibit 2)

"It is not necessary to raise the elevation of the lots to satisfy flood regulations....."

**Bay City's filling activities continued and still do to date.**

On September 14, 2007 Patricia Weyl, then President of the Bay City HOA, received a response from Michael Powell, DNREC - Environmental Scientist IV, Flood Mitigation Program, concerning "a visitation he made to Bay City to take photographs of the types of building and filling practices which have the potential to aggravate drainage problems. Some of the pictures of Bay City were used in a presentation (he) gave at the University of Delaware on examples of building practices which create adverse impacts on flooding and drainage. Some of the attendees (mostly code enforcement officials from other counties) were quite surprised that this sort of thing is allowed to go on since the adverse effects on drainage are so obvious." (see Exhibit 3)

3. There are three privately deeded properties with stick built homes surrounded by Bay City Trailer Park rental lots. My home is one of the three privately deeded properties. Lot 1 borders my northern boundary line. When Bay City removed the old trailer from Lot 1, the non-conforming pre-code "grandfathered" classification was void. The then current Sussex County Code required a fifty foot buffer area with appropriate drainage to adjoining privately deeded property. Part of Lot 1 adjacent to my northern property boundary line should be that buffer area that would also restore the natural drainage flow of flood water in this area of Bay City.
4. What is not depicted on the plot diagram the Wrights submitted with their variance application is an inadequate diameter drainage pipe that was installed by Bay City in the 70s that runs from a pit in the wetlands marsh starting at the south-easterly corner of Lot 1, then under Berry Street to an open pit on Lot 85 immediately across from Lot 1. The pipe is connected to a clean-out basin on the east side of Berry Street at the southwest corner of Lot 1. The steel grate to access this clean out was cemented shut by Bay City some 25 years ago. This cleanout basin is now grown over with weeds and sediment. The drainage pit in the wetlands marsh is also grown over with weeds, debris, wetlands vegetation and sediment. This pit has never been cleaned out and/or regraded since I purchased my property in 1972.

Lot 1 was always the lowest elevation lot on Berry Street. Since Bay City filled and mounded Lots 1 thru 4 and Lot 83, my property and Bay City Lots 85 and 82 are the lowest elevation lots on Berry Street. The natural topography flow of storm/flood water in this section of Bay City is west to east. So now, Lots 85, Lot 82 and my property collect all the water drainage from this entire section of Bay City which includes approximately 30 trailer homes.

We must move our vehicles and personal property to higher ground during heavy rains or typical NE storms as Berry Street is frequently flooded and impassable.

From 1972 when I purchased my property, the lower level of my home and my garage never incurred any flood water intrusion or damage until 1998 (26 years). Since 1998 my home and garage have incurred significant storm/flood water damage 12 times. My FEMA Flood insurance has gone up over 100% from \$2,337 in 2016 to \$4,644 in 2021 and rising every year. In 2017 my home was declared a Severe Repetitive Loss (SRL) property by FEMA to rate my yearly premium. On October 29, 2021 the lower level of my home and garage got flooded again. The FEMA Claim Adjuster prepared the estimate for repairs at \$25,262.92 minus my deductible of \$5,000.

Both my neighbor's who rent Bay City Lots 82 and 85 have also incurred flood water damage.

**Before the Board of Adjustments deliberates the Wright's Application for a "variance from the maximum lot coverage requirement" by relaxing the 35% maximum regulation code, I and on behalf of any of Bay City renters on low elevation lots, am requesting the Board deny the Wright's application and any new variance applications in this section of Bay City until Bay City stops filling lots and implements a professionally engineered Storm/Flood Water Management Plan that is functional. Bay City Management has proven to be incapable to do so by creating the current flooding mess.**

**Overbuilding on non-forming lots just makes flooding worse by diverting more water runoff into Berry Street with no retention swales and grossly inadequate storm water drainage.**

**The fundamental problem is that Bay City knowingly placed large trailers on small non-conforming lots for Profit !** In the early 90s Bay City developed a subdivision area just as you enter the main entrance off Long Neck Road. These lots are of adequate size for the trailers placed. Each lot has a storm water retention swale parallel to the street frontage. Flooding is not a problem in this section of Bay City.  
**Bay City Management knows what should be done by code to correct the flooding problems on Berry street, refuses to comply.**

Soil & Conservation, Planning and Zoning, DNREC, some Councilmen (retired) have all been onsite to inspect the conditions. Without exception, all agree the flooding conditions created by Bay City should not have occurred.

Years pass and nothing get done !

I have never met the Wrights. I will assume they are fine people. I'm sure they will be upset by any objection to their variance application. Perhaps they will understand when they can't get to their home because Berry Street is impassable with flood water.

5. Questions & Objections to the specifics indicated on the Wright's variance application plot drawing: (reference Exhibit 4)
- A. What are the dimensions of the proposed outside shower to be installed ?  
What type of floor will the shower have ?
  - B. Where will the water from the proposed outside shower drain to ?
  - C. The underground drainage pipe on the south side of your lot boundary is not identified on your plot drawing. Do you know where it is ?
  - D. The drainage pit on the southeast corner of your lot boundary is not identified on your plot drawing. Do you know where it is?
  - E. The proposed 10ft x 15ft shed is much larger than the shed that was recently removed. A 10ft wide shed is as big as a single car garage. Why was the smaller shed removed ?
  - F. Is the proposed 12.0' x 15.5' porch a deck or an enclosed addition ?
  - G. Based on your plot drawing, the proposed privacy fence appears to extend into the wetlands which is not allowed by DNREC.
6. Response to the Wright's responses to their application "Criteria for a Variance" questions 1-5: (reference Exhibit 5)

(question 1) – The Wright's Lot 1 is larger in width and square footage than Lot 2 adjacent to Lot 1 north boundary.

Lot 1 is not a unique shape. Lot 1 is almost a perfect rectangle within a few inches extra width on the easterly wetlands boundary line.

Lots 1-3 all have wetlands on the backside of their lots.

(question2) – Lot 1 has very little grass to maintain since both sides of the trailer have recently been stoned for parking and access. If a 186 square foot porch, or deck or enclosed room were added, and a 150 square foot shed and an outdoor shower were added to their lot, there would be very little grass (if any) to maintain unless the Wrights plan to mow the wetlands to expand their lot size usage. Too many of the lots in Bay City have already been overbuilt and therefore have minimal (if any) lawns. Most simply use a walk-behind lawn mower, a weed wacker and garden tools. The smaller shed that was just recently removed from Lot 1 was adequate previously.

(question 3) – Since the Wrights purchased the property driveways for parking and access on both sides of the trailer were graded and stoned.  
The smaller shed was removed.

(question 4) – It’s unclear what the Wrights define as the “character of the neighborhood” or of what value granting their variance to overbuild their lot is to get “in line with the rest of the neighborhood” other than to the Wrights.

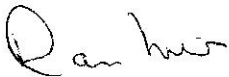
To the contrary, all the trailers on Berry Street are lengthwise and parallel to Berry Street. Lots 1-3 are the only trailers placed perpendicular to Berry Street allowing the neighbors a view of nothing but a 28ft wide solid vinyl siding wall at the rear end of the Wrights trailer.

If the Wrights add a large shed on one side of the their trailer and an addition on the other side of their trailer, the neighbors on Lots 83 and 85 directly across Berry Street from Wrights Lot 1 will have their already limited view of the bay minimized even farther.

(question 5) I can’t imagine how the Wrights can claim that overbuilding their lot with a large shed, a porch addition and an outdoor shower can possibly “add to the character of the neighborhood” ?

I plan to attend the Board’s meeting on February 21, 2022 at 6:00 pm when this variance application will be considered. If you have any question concerning my objection to this variance application, I can be reached by phone, danwien@aol.com or at the meeting.

Respectfully submitted,



Dan Wien

CC: Jamie Whitehouse – Planning and Zoning Director  
Jennifer Norwood – Planning Manager  
Hans Medlarz – Sussex County Engineer



variances be **granted for Case No. 10585 and Case No. 10574**. Vote carried 4 – 0. Mr. Workman abstained from voting.

**Case No. 10586 – John I. and Suzanne E. Butler-** south of Road 88, north of Polaris Lane, being Lot 17, Block K within Cave Colony development.

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. John and Suzanne Butler were sworn in and testified requesting a 3.2-foot variance from the required 15-foot side yard setback requirement for an addition; that they need to expand the home for there elderly mother; that a handicap access is needed; that it will measure 18' x 32'; and that it will consist of a sitting room, bath with handicap shower and recreational room.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously that the variance be **granted since it will not alter the essential character of the neighborhood**. Vote carried 5 – 0.

#### OLD BUSINESS

**Case No. 10574 – Bridle Ridge Properties, LLC-** Bay Terrace, Pier Point, Sandcastle Cove and Seashore Lane, north of Salt Marsh Boulevard, being Lots 232 thru 261 and 263 thru 277, being within Henlopen Landing Phase 4 development.

A variance from the front yard setback requirement.

A motion was made and approved with Case No. 10585.

#### OTHER BUSINESS

✓ **Case No. 10548 – Jocelyn and Orvine E. Reidell, III-** east of Route 22, east of Berry Street, being Lot 1 within Bay City Mobile Home Park.

A variance from the rear yard setback requirement and a variance from the maximum allowable lot coverage in a mobile home park.

This is a request for a rehearing.

CONTINUED NEXT PAGE

Exhibit 1

✓ Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the request for a rehearing be **denied as the park owner stated they would correct the situation at their cost.** Vote carried 4 – 1.

**Case No. 10568 – Jonathan and Kathy Zeleznick-** south of Road 358, north of Bow Street, 150 feet east of Wango Lane, being Lot 17, Section 2 within Holly Ridge Terrace development.

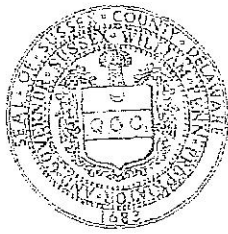
A variance from the side yard setback requirement.

This is a request for a rehearing.

Motion by Mr. Mr. Mills, seconded by Mr. Workman, and carried unanimously that the request for a rehearing be **granted and that the applicant shall re-apply and pay the application fee.** Vote carried 5 – 0.

**Meeting adjourned at 8:25 P.M.**

Sussex County  
Planning & Zoning Commission  
P.O. Box 417  
Georgetown, DE 19947  
302-855-7878  
302-854-5079 (fax)



John L. Allen, Chairman  
Robert C. Whoutley, Vice-Chairman  
W. Layton Johnson  
Ronald P. Lynch  
Benjamin Gordy  
Lawrence B. Lank, Director

Exhibit 2

November 5, 2003

Bay City Limited Partnership  
RR 1 Box 324  
Long Neck, DE 19966

RE: Drainage Complaints  
Bay City

Dear Sirs:

Please be advised that numerous complaints have been and are still being received from residents within the Bay City Manufactured Home Community about filling activities that are taking place on rental sites within the park.

The filling activities are creating drainage problems and flooding on adjacent rental sites within the park and could be considered as negatively impacting the health, safety, and general welfare of the citizens living in the community due,

It is my understanding that the lots are being filled to raise the lot elevations above the base flood elevation requirement for flood insurance purposes. It is not necessary to raise the elevation of the lots to satisfy flood regulations. The Zoning Ordinance provides that "(1) Manufactured homes to be placed or substantially improved within any floodplain area on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage, as defined herein, as a result of a flood shall: (a) Be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation; and (b) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (2) Manufactured homes to be placed or substantially improved within any floodplain area in an existing manufactured home park or subdivision and not subject to the provisions of Subsection (1) above shall be elevated so that either: (a) The lowest floor of the manufactured home is at or above the base flood elevation; or (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement". The Ordinance continues to define anchoring.

Exhibit 2 CONTINUED

Bay City Limited Partnership  
Page 2

Anytime fill is placed on property it alters drainage and may violate regulations of any number of Federal, State and County agencies. By copy of this letter the following agencies are being notified of the filling activities.

Sussex Conservation District  
Att: Jessica Watson  
23818 Shortly Road  
Georgetown, DE 19947

Sussex County Engineering Department  
Public Works Division  
Att: Richard S. McCabe  
P.O. Box 589  
Georgetown, DE 19947

U. S. Army Corps. of Engineers  
Dover Delaware Field Office  
1203 College Park Drive  
Suite 103  
Dover, DE 19904

If it is found that the filling does negatively impact the health, safety, or welfare of the citizens within the community, it may be necessary that this Department cease the issuance of any and all Certificates of Compliance within the park.

Should you have any questions, please do not hesitate to contact this Department.

Sincerely,

~~~~~  
Lawrence B. Lank  
Director of Planning and Zoning

Cc: Robert L. Stickels, County Administrator

-----Original Message-----

From: Powell Michael S. (DNREC) [mailto:rVJMichael.Powell@state.de.us]  
Sent: Friday, September 14, 2007 12:42 PM  
To: Weyl, Patricia  
Cc: Piorko Frank M. (DNREC)  
Subject: Bay City

Exhibit 3

Patricia,

I mainly was visiting to take some photographs to illustrate the types of building and filling practices which have the potential to aggravate drainage problems. Thank you for setting the visit up with Mr. Wein on short notice. I included some of the pictures of Bay City in a presentation I gave at the University of Delaware on examples of building practices which create adverse impacts on flooding and drainage. Some of the attendees (mostly code enforcement officials from other counties) were quite surprised that this sort of thing is allowed to go on since the adverse effects on drainage are so obvious.

Michael S. Powell  
Environmental Scientist IV  
Flood Mitigation Program  
Phone: (302) 739-9921  
Fax (302) 739-6724  
e-mail: [michael.pmvell@state.de.us](mailto:michael.pmvell@state.de.us)

From: Weyl, Patricia [mailto:Patricia.Weyl@bcbsde.com]  
Sent: Wednesday, September 12, 2007 10:40 AM  
To: Piorko Frank M. (DNREC); Powell Michael S. (DNREC)  
Subject: Update

Hello there. What is the update on Bay City? Michael what did you find in your visit?

Let me know. Thank you.

Patty

1011512007

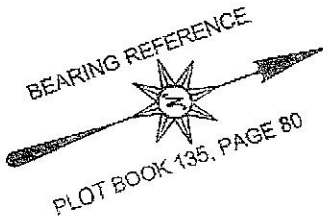
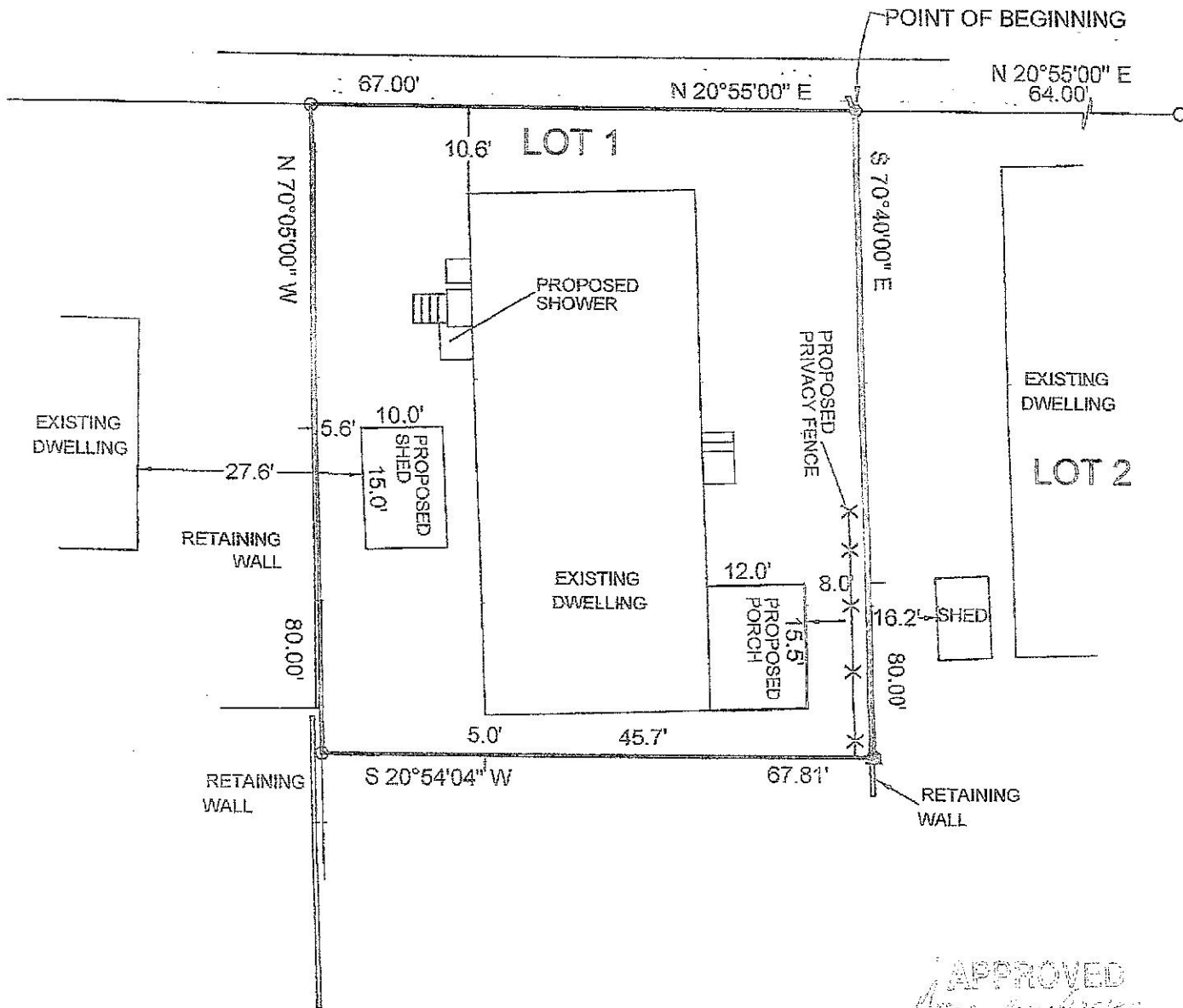


Exhibit 4

BERRY STREET



APPROVED  
*[Signature]*  
 SUSSEX COUNTY  
 PLANNING & ZONING COMMISSION

NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 1130, PAGE 17
- 2) SURVEY CLASSIFICATION: SUBURBAN
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS

BOUNDARY SURVEY PLAN  
 PROPOSED SITE PLAN  
 KAREN WRIGHT  
 LOT 1, BAY CITY  
 PLOT BOOK 135 PAGE 80

LEGEND:

- FOUND IRON PIPE
- △ FOUND MAG NAIL IN RR TIE
- ⊙ SET IRON BAR

# Exhibit 5

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 all of the following criteria for a Variance to be granted.*

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

**1. Uniqueness of property:**

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

Due to the square footage requirements, the unique shape, and wetlands on the back side of our lot, we are unable to add a porch and shed for outdoor storage without this variance. Nearly all other homes in our community have a shed and porch, and this variance would solely be used to add a shed and porch to align our home with all other homes in the park and give us adequate outdoor storage.

**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.

We have no ability to add a shed or porch without this variance, and this variance is necessary for the reasonable enjoyment of the property. We believe it is reasonable to have access to outdoor space and storage, so that we can comfortably and reasonably enjoy our property without clutter due to lack of seating and storage. No smaller shed or porch would reasonably fit the equipment needed to maintain the property.

**3. Not created by the applicant:**

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

We have taken no actions that have created this issue. We have tried to find other plans or smaller structures, but none would be adequate to be able to reasonably store and maintain the lot.

**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 variance will not alter the character of the neighborhood. Rather, this variance will put our lot in line with the rest of the neighborhood. Almost all homes in our community have a porch and shed. This will allow us to store our belongings without clutter. One side of the lot is heavy shrubbery, and the other side is another home, so the location of the shed and porch will in no way impede any neighbors views in any way.

**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 believe that our plan is the minimum variance required to adequately and reasonably enjoy the use of our property, and it's in a manner that will add to character of the neighborhood and will in no way impede, alter, or otherwise distract from any neighboring properties. We are happy to provide any letters from our neighbors of their approval.