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.

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

March 7, 2022

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Hearings

Case No. 12662 – Mark E. Helner seeks variances from the front yard setback, rear yard setback and corner front yard setback requirements for existing and proposed structures (Sections 115-25, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located at the southeast side of Mulberry Knoll Road at the intersection of Mulberry Knoll Road and West Mint Place within the Mulberry Knoll subdivision. 911 Address: 20640 Mulberry Knoll Road, Lewes. Zoning District: AR-1. Tax Map: 334-18.00-72.00

Case No. 12663 – Michelle McNichol & Jewell Estes seek variances from the front yard setback, side yard setback, and maximum fence height requirements for proposed structures (Sections 115-25, 115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property is a through lot located on the west side of Daisy Road and the east side of Bay Road. 911 Address: 20642 Daisey Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-19.12-43.00

Case No. 12664 – John Klemash seeks variances from the corner front yard setback and maximum fence height requirements for existing and proposed structures (Sections 115-25, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located at the intersection of Prestwick Drive and Pipers Lane within the Prestwick Subdivision. 911 Address: 24987 Prestwick Drive, Milton. Zoning District: AR-1. Tax Parcel: 230-22.00-168.00

Case No. 12665 – Candice Windsor n/k/a Candice Kinsler & Christopher Kinsler seeks a variance from the corner front yard setback requirement for an existing and proposed

structure (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located at the intersection of Robin Hoods Loop and Maid Marions Retreat Court within the Sherwood Forest North Subdivision. 911 Address: 32172 Robin Hoods Loop, Millsboro. Zoning District: MR. Tax Parcel: 234-23.00-498.00

Case No. 12666 – Gary Alexander 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 on the west side of Sussex Road within the Indian River Acres Subdivision. 911 Address: 30143 Sussex Road, Dagsboro. Zoning District: AR-1. Tax Parcel: 134-7.00-34.00

Case No. 12667 – Margaret Parker seeks a variance from the rear yard setback requirement for a proposed structure (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Polly Branch Road approximately 339 ft. northeast of Lighthouse Road (Rt. 54). 911 Address: 31621 Polly Branch Road, Selbyville. Zoning District: AR-1. Tax Parcel: 533-17.00-89.00

Additional Business

****

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 28, 2022 at 5:00 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. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, March 3, 2022

####

Case # 12662
Hearing Date 3/7
202117751

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☑
Proposed ☑
Code Reference (office use only)
115-25 115-182
115-183

Site Address of Variance/Special Use Exception:

20640 Mulberry Knoll Rd., Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

See attached

Tax Map #: 334-18.00-72.00 **Property Zoning:** AR-1

Applicant Information

Applicant Name: Mark E. Helner
Applicant Address: 20640 Mulberry Knoll Rd.
City Lewes State DE Zip: 19958
Applicant Phone #: (856) 207-0714 Applicant e-mail: mark.helner@jmusa.com

Owner Information

Owner Name: Mark E. Helner
Owner Address: 20640 Mulberry Knoll Rd.
City Lewes State DE Zip: 19958 Purchase Date:
Owner Phone #: (856) 207-0714 Owner e-mail: mark.helner@jmusa.com

Agent/Attorney Information

Agent/Attorney Name: William Schab, Esq., Fuqua, Willard, Stevens & Schab, P.A.
Agent/Attorney Address: 9 Chestnut St.
City Georgetown State DE Zip: 19947
Agent/Attorney Phone #: (302) 856-9024 Agent/Attorney e-mail: bill@fwsslaw.com

Signature of Owner/Agent/Attorney

Date: 12/3/21

EQUAL HOUSING OPPORTUNITY

Variances Being Requested:

A. FRONT - existing
1. 2.2' from the required 30' front setback for the home
2. 2.3' from the required 30' front setback for the home

B. REAR – existing
3. 19.9' from the required 20' rear setback for the shed
4. 19.2' from the required 20' rear setback for the shed

C. SIDE – proposed
5. 8.8' from the required 15' side setback for the front corner of the garage
6. 8.8 from the required 15' side setback for the rear corner of the garage
Criteria for a Variance:

1. Uniqueness of the property

The history of this property is unique, as are the circumstances which require this application.

The dwelling is a one story, ranch-style home, which has no garage. Most of the homes in the area are similar in size and style but they have garages that were built with the home. Here, the home is centered squarely in the middle of the lot, which prevents a garage from being added because there isn't enough room on either side for one to be built without a variance. This problem is compounded by the fact that this is a corner lot, which requires a greater side setback.

The applicant and his late wife bought the property in 2011 from a bank which had foreclosed on the property. They had a survey done at the time but it was apparently not taken to Planning and Zoning for approval because it wasn't until now that the applicant learned that two variances are needed for the front because of the "bump-outs" which are extension of closets in the front bedrooms.

The property originally had a shed in the back right corner of the property. Before abandoning the property, the previous owners (who lost the property at a foreclosure sale) apparently drove a large truck into the backyard and removed the shed, at the same time severely damaging the septic system which was near the shed. The applicant had to install a new and larger septic system and could not put a replacement shed back in that corner because of the septic system. The applicant paid a dealer to place a new shed and just now was made aware that it should have been placed 20 feet from the rear property line, which would have put it almost right against the home.

Another unique feature of the property which supports this application is that, as shown on the attached survey, there is a strip of grass about 15' wide in the right-of-way between the front and side property lines and the adjacent paved roads, so all the structures on the property are and will be that much further from the paved roads.

2. Cannot otherwise be developed

Some of the variances being sought (front and rear) are needed to correct existing conditions related to the home and the shed; the others (side) are needed so the applicant can make an addition to the home which will allow him to better use his property and make it more compatible with neighboring properties.

3. Not created by the applicant

As noted above, the front variances were existing at the time the applicant purchased the property. The rear variances are needed because of where a dealer placed the shed. The side variances are needed because of where on this corner lot the home was built.

4. Will not alter the essential character of the neighborhood

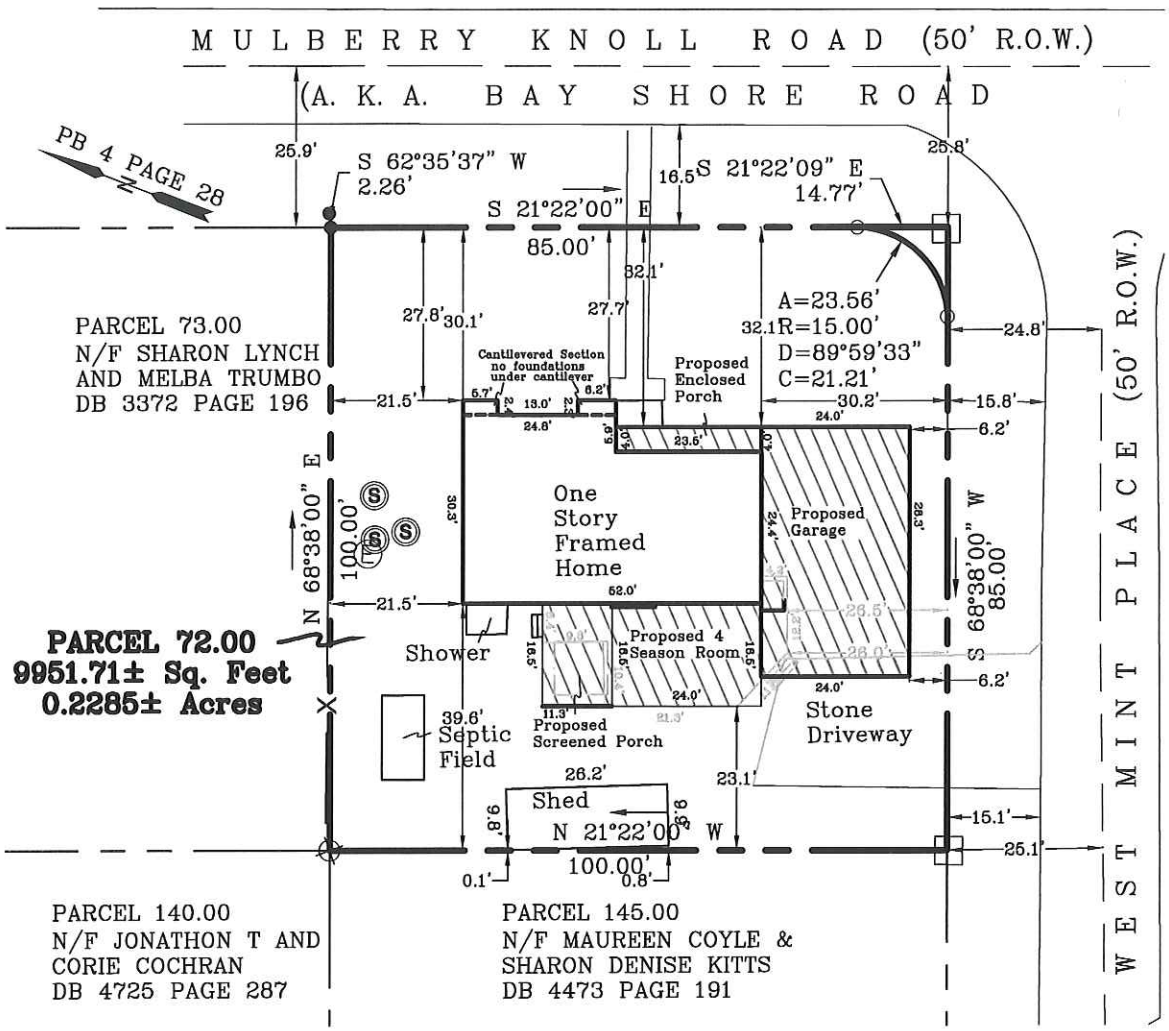
The present home—which contains two front encroachments—has existed for many years without adversely affecting any other properties or property owners. The shed has been in its present location for about 10 years without negatively impacting other properties. The two variances being requested for the garage are on the side of the home and, if granted, will not alter the essential character of the neighborhood or substantially or permanently impair the use or development of the adjacent property and certainly will not be a detriment to the public welfare. Almost every other home in the development has a garage, so adding one to this home will make this property more in keeping with other properties.

5. Minimum variance

The variances being requested are the minimum variances that will afford relief and will represent the least modification possible of the setback regulation in issue. To correct the front and rear encroachments, the applicant would have to remove a portion of the home and remove the shed. The variances for the proposed garage are the minimum variances which will allow for a functioning garage.

SURVEY WITH PROPOSED HOME ADDITIONS
LANDS OF "MARK E. & JEANNE M. HELNER"
ALSO KNOWN AS: "20640 MULBERRY KNOLL ROAD, LEWES, DE"
LOT NO. 10 SECTION A, BAY SHORE HILLS
SITUATE IN: "LEWES & REHOBOTH HUNDRED"
SUSSEX COUNTY * STATE OF DELAWARE
TAX MAP #: 334-18.00 PARCEL 72.00
DEED REFERENCE: DB 3855, PG 326
PLOT REFERENCE: PB 4 PAGE 28

ZONING CLASSIFICATION: AR-1
YARD REQUIREMENTS:
FRONTYARD: 30'
SIDEYARD: 15'
REARYARD: 20'



LEGEND

- FENCE
- PROPERTY LINE
- ELECTRIC BOX
- SEWER MANHOLE
- PROPERTY CORNER
- CONCRETE MONUMNENT
- NAIL IN STUMP
- IRON PIPE

NOTES

1. THIS SURVEY IS CLASSIFIED AS A "SUBURBAN" SURVEY.
2. UNLESS THIS PLAT HAS A SEAL WITH AN ORIGINAL SIGNATURE OF ENGINEER, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
3. THE SURVEY DOES NOT VERIFY THE EXISTENCE OF OR NONEXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS.

Revised 10/19/2021

JOHN B. ROACH, JR. REGISTERED No. 12178 DELAWARE PROFESSIONAL ENGINEER

PROFESSIONAL ENGINEER

JOHN B. ROACH Engineering LLC
22184 MELSON ROAD
GEORGETOWN, DELAWARE 19947
PHONE NO. 302-856-1565

DRAWN BY: JBR	DATE: 05-03-2021
SCALE: 1"=30'	SHEET 1/1

FUQUA, WILLARD, STEVENS & SCHAB, P.A.

PAYNTER HOUSE ☐
26 THE CIRCLE OR P.O. BOX 250
GEORGETOWN, DELAWARE 19947
PHONE 302-856-7777
FAX 302-856-2128
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20245 BAY VISTA ROAD, UNIT 203
REHOBOTH BEACH, DE 19971
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FAX 302-227-2226

JAMES A. FUQUA, JR.
WILLIAM SCHAB
TIMOTHY G. WILLARD
TASHA MARIE STEVENS-GUEH
NORMAN C. BARNETT
www.fwsslaw.com

HART HOUSE ☐
9 CHESTNUT STREET
GEORGETOWN, DELAWARE 19947
PHONE 302-856-9024
FAX 302-856-6360
realestate@fwsslaw.com

LEWES REAL ESTATE OFFICE ☐
16698 KINGS HIGHWAY, SUITE B
LEWES, DELAWARE 19958
PHONE 302-645-6626
FAX 302-645-6620
realestate@fwsslaw.com

12/8/21

RECEIVED
DEC 08 2021
SUSSEX COUNTY
PLANNING & ZONING

TO: P+Z

FROM: BILL SCHAB

RE: ATTACHED VARIANCE APPLICATIONS-
334-18.00-72.00
334-19.12-43.00

PLEASE SCHEDULE BOTH HEARINGS FOR MONDAY, FEBRUARY 7, 2022.

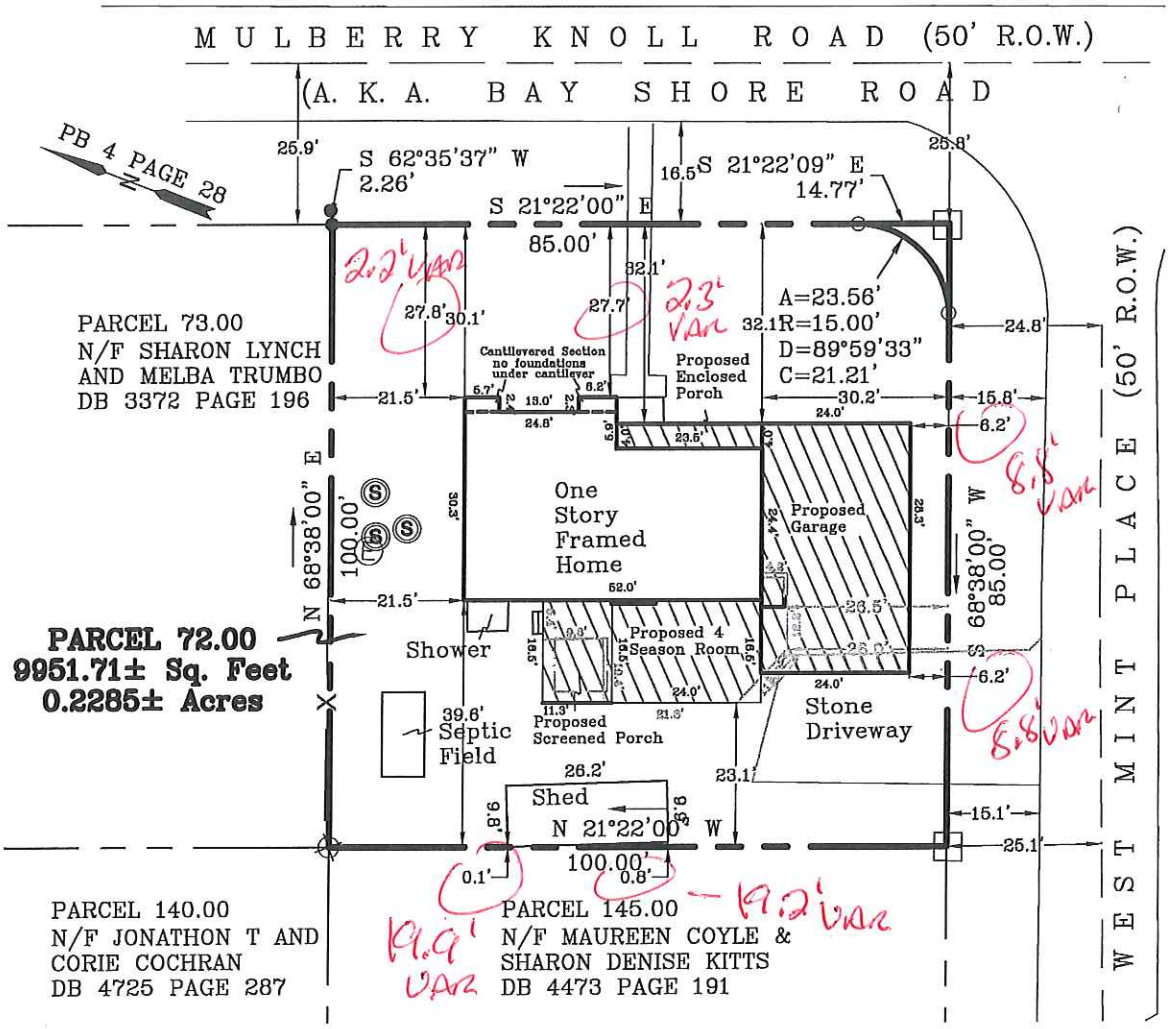
THANKS.

P&Z Review Copy

SURVEY WITH PROPOSED HOME ADDITIONS
LANDS OF "MARK E. & JEANNE M. HELNER"
ALSO KNOWN AS: "20640 MULBERRY KNOLL ROAD, LEWES, DE"
LOT NO. 10 SECTION A, BAY SHORE HILLS
SITUATE IN: "LEWES & REHOBOTH HUNDRED"
SUSSEX COUNTY * STATE OF DELAWARE
TAX MAP #: 334-18.00 PARCEL 72.00
DEED REFERENCE: DB 3855, PG 326
PLOT REFERENCE: PB 4 PAGE 28

ZONING CLASSIFICATION: AR-1
YARD REQUIREMENTS:
FRONTYARD: 30'
SIDEYARD: 15'
REARYARD: 20'

Dudy Altin F181



LEGEND

- FENCE
- PROPERTY LINE
- ELECTRIC BOX
- SEWER MANHOLE
- PROPERTY CORNER
- CONCRETE MONUMNENT
- NAIL IN STUMP
- IRON PIPE

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Revised 10/19/2021

JOHN B. ROACH, JR. REGISTERED No. 12178 DELAWARE PROFESSIONAL ENGINEER

PROFESSIONAL ENGINEER

JOHN B. ROACH Engineering LLC
22184 MELSON ROAD
GEORGETOWN, DELAWARE 19947
PHONE NO. 302-856-1565

DRAWN BY: JBR	DATE: 05-03-2021
SCALE: 1"=30'	SHEET 1/1

PROPERTY RECORD CARD

CARD 1 OF 1

DIST. 3-34	MAP 18	PARCEL 72	CONTROL NO.

ADDRESS

LAND IDENTIFICATION

3-34 18.00 72.00
GANLEY SCH-6
JANE H & NANCY E JOHNSON EDIT-P

301 CHERRY COURT
HERNDON VA 22070 TR1- 292529,

BAY SHORE HILLS 9/18/95
LOT 10 SEC A W/IMP

Bay Shore Hills Lot Lot 10 KS

OWNERSHIP RECORD

DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE
6-5-80	SALTAR, John To 177474 1019/244	60	3,000
9-12-81	Leveaway, Jewell A. 185379 1082/102	000- 230-	56 500-
	Myles & Katherine		

LAND RECORD AND VALUATION SUMMARY

PROPERTY FACTORS

IMPROVEMENTS		STREET OR ROAD	
CITY WATER		PAVED	
SEWER		SEMI-IMPROVED	
GAS		UNIMPROVED	
ELECTRICITY		~~OTHER~~ gravel	
ALL UTILITIES		SIDEWALK	

LAND COMPUTATION

Level

DIMENSIONS FRONT	DIMENSIONS DEPTH	UNIT VALUE	FACTORS DEPTH	FACTORS OTHER	ADJ UNIT VALUE	VALUE
100	100					

BUILDING PERMIT RECORD

DATE	NUMBER	AMOUNT
11-13-80	60376	30 00
8-5-88	102 [illegible]	1,000

ASSESSMENT RECORD

1975	LAND $ 3,000		19	LAND $	
	BLDG. $ —			BLDG. $	
	TOTAL $ 3,000			TOTAL $	
19	LAND $		19	LAND $	
	BLDG. $			BLDG. $	
	TOTAL $			TOTAL $	
19	LAND $		19	LAND $	
	BLDG. $			BLDG. $	
	TOTAL $			TOTAL $	

SUMMARY OF VALUES

TOTAL LAND	$ 6000
TOTAL IMPROVEMENTS	$ 25800
TOTAL APPRAISED VALUE	$ 31800

H. L. YOH COMPANY
A DIVISION OF DAY AND ZIMMERMANN, INC.
PHILADELPHIA, PA.

NOTES old value 6000 added during 1-30-81
2/9/89 B.P.# 103242 add w. deck & shed old 28800 new 31800 (JW)

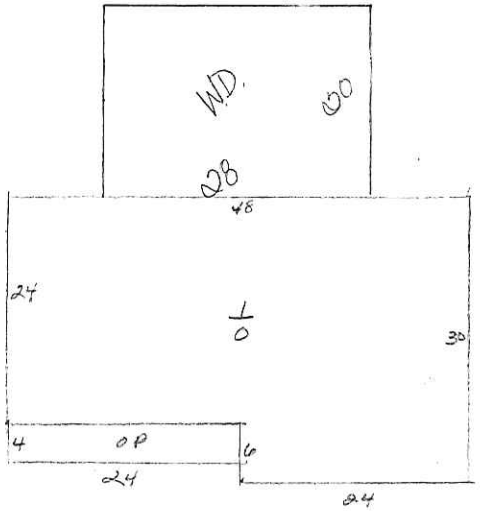
CARD 1 OF 1

DIST	MAP	PARCEL
3-34	18	72

CONTROL NO

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
1	1	B-	x	1296	1	1	—	—	15.38	19932
			x							
			x							
			x							
			x							
TOTAL GROUND AREA				1296				TOTAL BASE COST		$ 19932

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



BUILDING SKETCH

PRINCIPAL BUILDING DESCRIPTION

		M/C	± %	± PTS
MASONRY—1 / PIER—2 / SLAB—3	FOUNDATION	1	—	
NONE—0 / ¼—1 / ½—2 / ¾—3 / FULL—4	BASEMENT	0		—
NONE—0 / REC AREA —1 / APT —2 / % OF BASEMENT / SQ FT	BSMT FINISH	0		—
NONE—0 / PIPELESS GHA—1 / ELECTRIC—2 / FHA—3 / STM—HW—4	HEAT SYS	2	-2	
INDICATE QTY	FIRE PLACE	0		—
3—FIXT BATH 2 / 2—FIXT BATH / SG FIX / TOTAL FIXT 6	PLUMBING	6		3.9
NONE—0 / ½—1 / 1—2 / 1½—3 / 2—4 / 2½—5 / 3—6 / 4—7 / 5—8	CER TILE	0		—
1ST FLOOR / 2ND FLOOR / 3RD FLOOR	INT FINISH			
NONE / PL / WB / WP / NONE / PL / WB / WP / NONE / PL / WB / WP	WLS—CLG			
DIRT / CONC / HW / SW / HW / SW / HW / SW	FLOORS			
NONE—0 / HOME POWER UNIT—2 / PUBLIC—3	ELECTRICITY	3		
NONE—0 / ONE CAR—1 / TWO CAR—2	BLT-IN GAR	0		—
WOOD—1 / SHGL—2 / ALUM—3 / BLK—4 / BRK OR STN—5 / STUCCO—6 / COMP—7	EXT WALLS	2		
HIP—1 / GABLE—2 / FLAT—3 / MANSARD—4 / GAMBREL—5	ROOF TYPE	2		
WD—COMP—SHGL—1 / SLATE—2 / METAL—3 / TILE—4 / ROLL—5 / T & G—6	ROOFING	1		
AREA 96 SQ FT / INDICATE QTY 1	PORCH—OPEN	1		4.9
AREA / SQ FT / INDICATE QTY	PORCH—GLZD	0		—
NONE—0 / CENTRAL—1	AIR-COND	0	—	
NONE—0 / 1 CAR—1 / 2 CAR—2 / SQ FT	ATT GAR/CP	0		—
SQ FT	UTILITY	0		
560 ft	OTHER WD	1		22.4
	OTHER	0	—	
NOTES:	INDEX TOTALS		98 %	31.2

BASE COST $ 19932 ± INDEX % $ 19533 ± INDEX PTS $ 22653 X GRADE FACTOR 114 % = REPLACEMENT COST $ 25824

ACTUAL AGE 1981 YRS | EFF AGE YRS | PHYS. COND GOOD | FAIR | POOR | PER CENT GOOD 98 %

OBSOLESCENCE: FUNC % | OV'RIMP % | UND'RIMP % | OTHER ECON. % | NET COND % | DEPRECIATED BLDG VALUE $ 25307

ACCESSORY BUILDINGS

CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
	Shed	W	A	W	1	10	10	100			4.10	492	X	98	482

TRAILERS

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

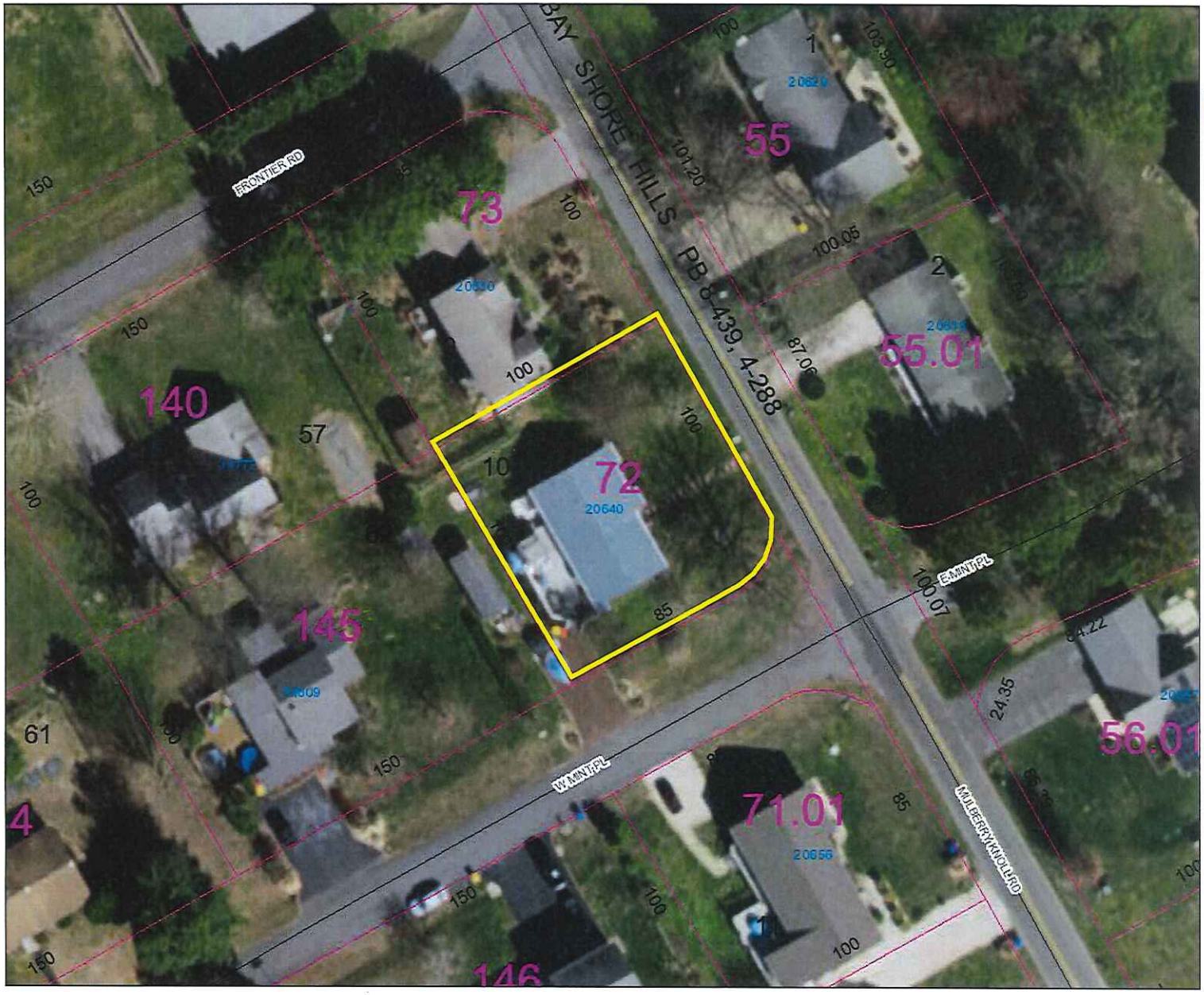
TOTAL TRAILERS VALUE $

INSPECTED BY 807 17 July 73 | CHECKED BY | APPROVED BY

TOTAL ACCESSORY BLDGS VALUE $ 482

TOTAL BLDGS VALUE $ 25789

Sussex County



PIN:	334-18.00-72.00
Owner Name	HELNER MARK
Book	3855
Mailing Address	20640 MULBERRY KNOLL R
City	LEWES
State	DE
Description	BAY SHORE HILLS
Description 2	LOT 10
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

December 22, 2021

TO: Sussex County Board of Adjustment

Georgetown, Delaware

RECEIVED
JAN 18 2022
SUSSEX COUNTY
PLANNING & ZONING

RE: Variance Application of Mark E. Helner

20640 Mulberry Knoll Rd., Lewes, DE 19958

Tax Map No. 334-18.00-72.00

I/We own property near 20640 Mulberry Knoll Rd. I/We understand that Mark E. Helner is seeking variances that (1) will correct some minor encroachments which have existed since the home was built, (2) will allow his shed to remain where it is, and (3) will allow him to add a garage. I/We support his application because the existing encroachments are minor, his shed would have to be removed if a variance is not granted, and the addition of a garage will benefit all property in the area.

Signature TE Kiracofe Signature Lisa Kiracofe

Name: Thomas + Lisa Kiracofe
Local address: 34810 West Mint Place
Lewes, DE 19958

Date: January 10, 2022

Case # 12663
Hearing Date 3/7
202117749

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☑
Proposed ☑
Code Reference (office use only)
115-25 115-182
115-183 115-185

Site Address of Variance/Special Use Exception:

20642 Daisey Rd., Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

See attached

Tax Map #: 334-19.12-43.00 **Property Zoning:** I AR-1

Applicant Information

Applicant Name: Michelle McNichol & Jewell Estes
Applicant Address: 6144 Utah Ave NW
City Washington State DC Zip: 20015
Applicant Phone #: (202) 452-3311 Applicant e-mail: michaela@his.com

Owner Information

Owner Name: Michelle McNichol & Jewell Estes
Owner Address: 6144 Utah Ave NW
City Washington State DC Zip: 20015 Purchase Date:
Owner Phone #: (202) 452-3311 Owner e-mail: michaela@his.com

Agent/Attorney Information

Agent/Attorney Name: William Schab, Esq.
Agent/Attorney Address: 9 Chestnut St.
City Georgetown State DE Zip: 19947
Agent/Attorney Phone #: (302) 856-9024 Agent/Attorney e-mail: bill@fwsslaw.com

Signature of Owner/Agent/Attorney

Date: 12/3/21

EQUAL HOUSING OPPORTUNITY

Variances Being Requested:

A. FRONT – 30' setback

1.	Proposed garage	-	14.1' for corner nearest Spring Lake
2.	Proposed garage	-	18.7' for other corner

B. REAR – 30' setback

3.	Proposed pool house	-	21.1' for corner nearest Spring Lake
4.	Proposed pool house	-	24.0' for other corner
5.	Proposed pool	-	11.8' for corner nearest Spring Lake
6.	Proposed pool	-	17.6' for middle
7.	Proposed pool	-	20.3' for other corner
8.	Proposed pool walkway	-	13.5' for corner nearest Spring Lake
9.	Proposed pool walkway	-	19.6' for middle
10.	Proposed pool walkway	-	24.0' for other corner
11.	Proposed covered outdoor kitchen	-	19.0' for corner nearest Lot 51
12.	Proposed covered outdoor kitchen	-	16.1' for other corner

C. REAR/SIDE – Fence – 3.5' height limit

13.	Existing fence is 6.0' high	-	2.5' for entire fence

History:

The applicants bought this property – with the existing two story dwelling and detached garage – in 2003. Because of their age and health concerns and because of condition issues with the property, the applicants wish to replace the existing home with a new one. However, the shape of the property and the fact that there is a public road both in front of and behind the property make a new home extremely difficult unless the variances being sought in this application are granted.

Criteria for a Variance:

1. Uniqueness of the property

This property is a scalene trapezoid in shape, with one side being longer than the other; the front is on Daisey Road and the back is on Bay Road. Both Bay Road and Daisy Road dead-end at the property, thus greatly reducing the number of people and properties conceivably affected by this application. In the front, the pavement of Daisey Road is approximately 20' from the property

line, making this property appear to be significantly larger than it is and significantly lessening the impact and visual effect of any front setback variances. Because Bay Road ends behind the property, that likewise significantly lessens the visual and practical impact of the numerous rear setback variances, almost all of which are due to the fact that Bay Road is there. Were the rear of the property bordered by property other than a road (which requires a 30' setback), few of the rear variances being requested would be needed. Adding to the uniqueness of this situation is that the existing detached garage is presently too close to the front property line; the new home will have an attached garage which will (except in one corner) not be as close to the line.

2. Cannot otherwise be developed

Because of the shape of the lot and the existence of Bay Road, the applicants cannot improve and modernize their property without the requested variances.

3. Not created by the applicant

The applicants obviously did not create the issues which are requiring this application. Their lot has been the same shape and size since they bought it, the existing structures were there when they bought it, and Bay Road was there when they bought it.

4. Will not alter the essential character of the neighborhood

The proposed variances will not alter the essential character of the neighborhood or substantially or permanently impair the use or development of the adjacent properties and certainly will not be a detriment to the public welfare. Once the new home is built, it will be more conforming with the neighborhood, where the older and less functional homes are being replaced/modernized. The new home will be an addition to the neighborhood and it certainly will not adversely affect any other properties or property owners. This property is bordered by two

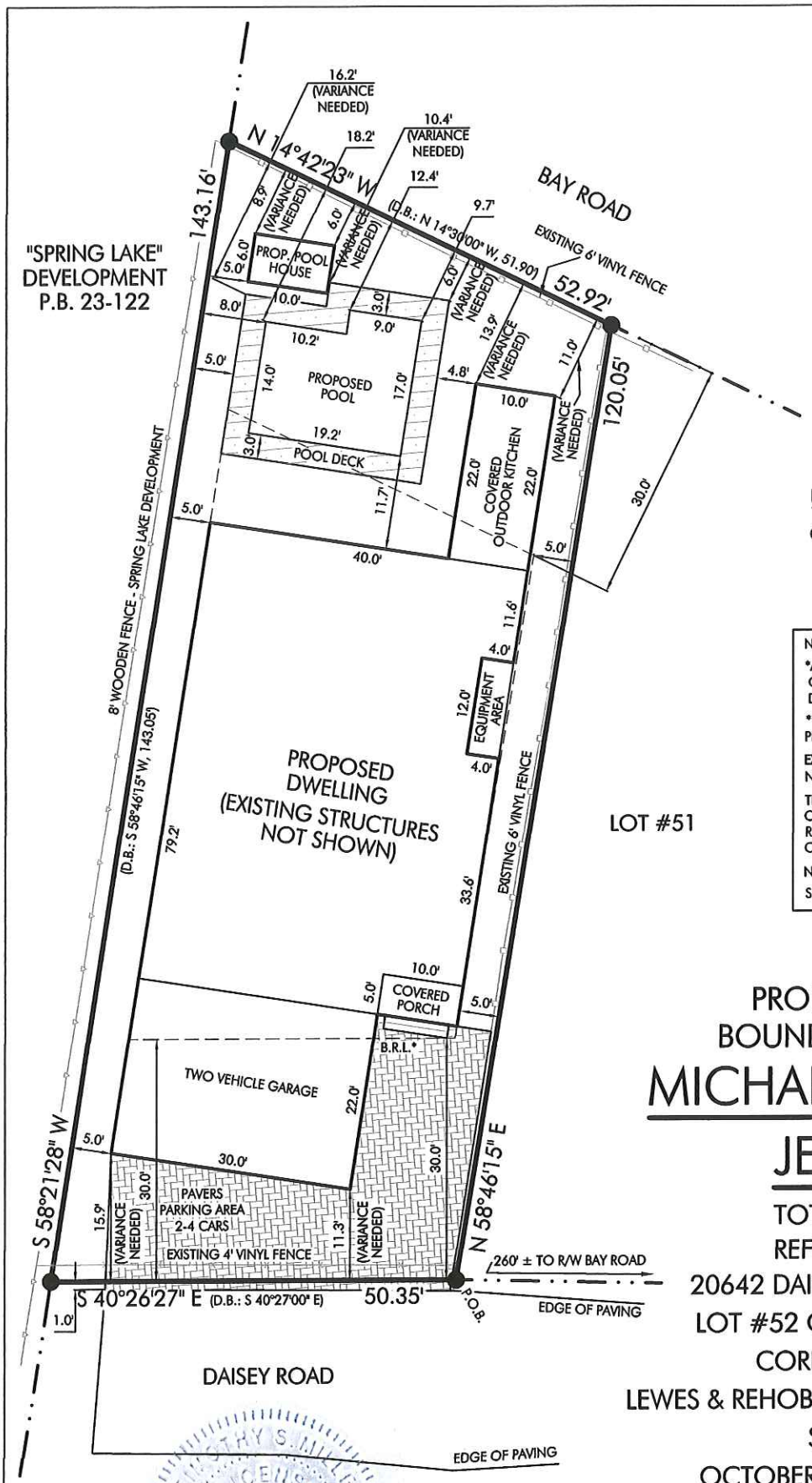
roads (front and rear) and the expanse of the Spring Lake Condominium development (the south side), so only one other residential property is even possibly impacted by this application.

5. Minimum variance

The variances being requested are the minimum variances that will afford relief and will represent the least modification possible of the setback regulations in issue. Given the unique circumstances of this property, the applicants have struggled mightily to design a new home which requires the fewest significant variances. Again, the existing property contains a building which is in the front setback; the new home will for the most part lessen that encroachment, and it is only for a portion of the new garage. No side setback variances are being requested. The majority of the variances are in the rear of the property but, as stated above, with only a few exceptions all of these variances are needed because of the 30' setback requirement due to the existence of Bay Road. With the exception of the covered outdoor kitchen on the rear of the new home, the remaining setbacks are for a small pool house (which will replace an existing shed), the pool and deck, and the fence which already exists (and will be required because of the pool). Given the unusual circumstances here, the variances being requested are the minimum variances that will afford relief and will represent the least modification possible of the setback requirements.

Attached to this application are the survey which shows the proposed project and the variances being requested and a color-coded rendering of the property which shows the property as it now is and as it will be if the variances are granted.

T.M. #3-34-19.12-43.00



LEGEND:

● IRON PIPE (FOUND)

NOTES:

*ALL RESTRICTIONS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY.

**DRAWING REVISED 11/3/2021 TO REMOVE PROPOSED PROPANE.

EXISTING STRUCTURES AND ENCROACHMENTS ARE NOT SHOWN.

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

PROPOSED CONDITIONS BOUNDARY SURVEY PLAN FOR

MICHAELA McNICHOL & JEWELL ESTES

TOTAL AREA: 6,607 SQ. FT.

REFERENCE: D.B. 3845-269

20642 DAISEY ROAD, REHOBOTH BEACH

LOT #52 OF "SUBURBAN DEVELOPMENT CORPORATION" SUBDIVISION

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

OCTOBER 5, 2020** SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

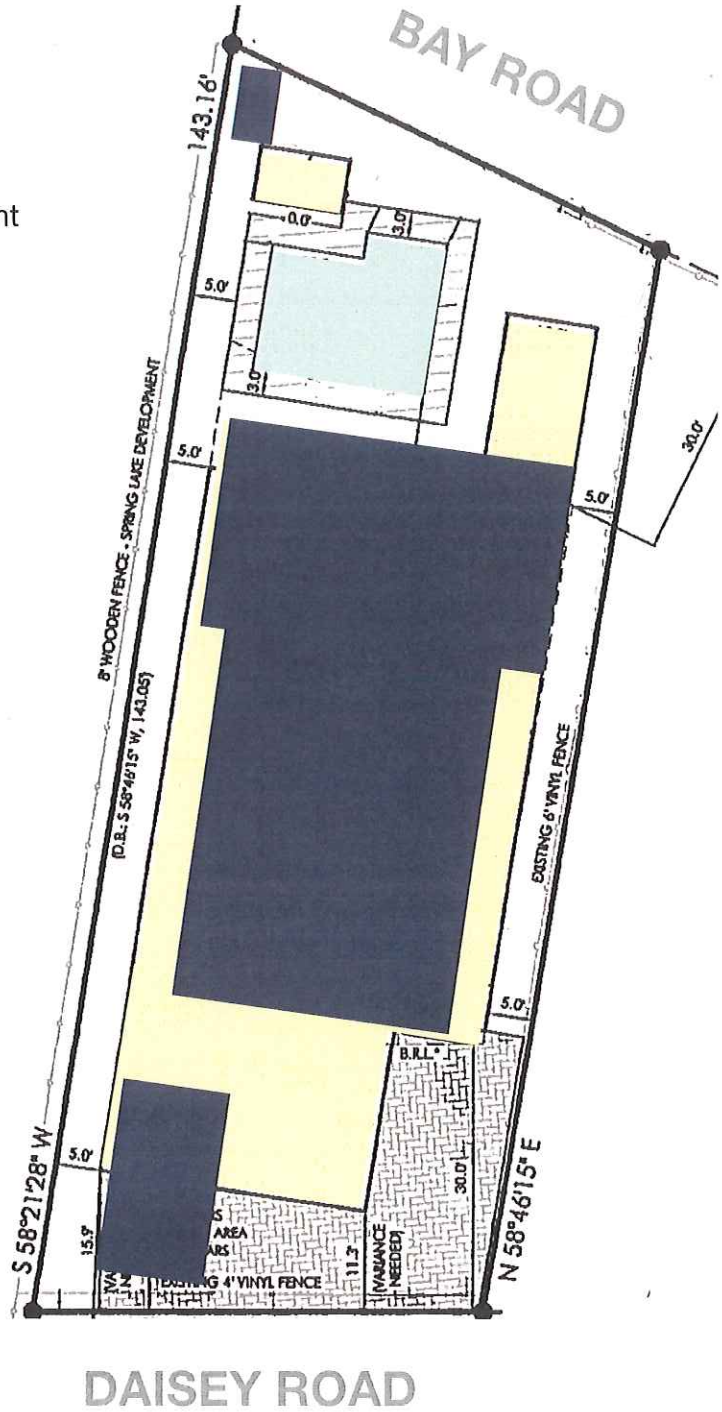
302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

Comparison of existing footprint to proposed
20642 Daisey Road

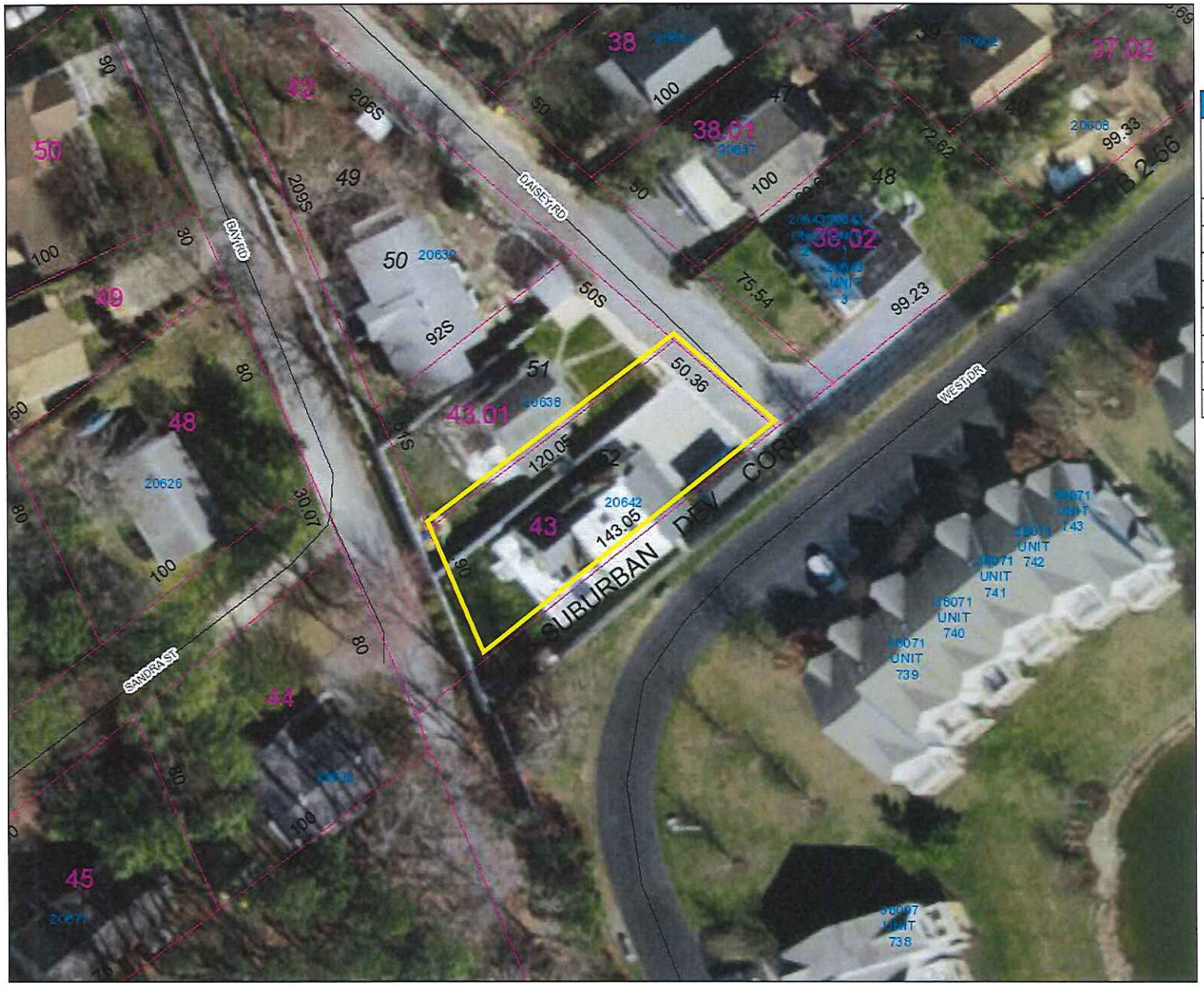
Existing footprint

Proposed footprint

Proposed pool



Sussex County



PIN:	334-19.12-43.00
Owner Name	MCNICHOL MICHELLE & JEWELL MARIE
Book	3845
Mailing Address	6144 UTAH AVE NW
City	WASHINGTON
State	DC
Description	SUBURBAN DEV CORP
Description 2	LOT 52
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

December 22, 2021

Case # 12664
Hearing Date March 7, 2022
202200073

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☐
Code Reference (office use only)
115-25 115-182
115-183

Site Address of Variance/Special Use Exception:

24987 Prestwick Dr. Milton DE 19968

Variance/Special Use Exception/Appeal Requested:

New construction Home with 60' set Back. Residence Located on Corner Lot. Requesting to modify set Back to ~~23'6"~~ 10.4' * off of the Roadway (Pipers Ln) (See Attached Survey) to Build 24x40 Garage.
0.5' var from 3.5' height req for fence

Tax Map #: 230-22.00-168.00 **Property Zoning:** AR-1

Applicant Information

Applicant Name: John Klemash
Applicant Address: 24987 Prestwick Dr.
City Milton State DE Zip: 19968
Applicant Phone #: 570-762-8994 Applicant e-mail: John.Klemash@delaware.gov

Owner Information

Owner Name: John Klemash
Owner Address: 24987 Prestwick Dr.
City Milton State DE Zip: 19968 Purchase Date: 2017
Owner Phone #: 570-762-8994 Owner e-mail: John.Klemash@delaware.gov

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

John Klemash

Date: 01/05/22

EQUAL HOUSING OPPORTUNITY

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.

   There Are No Physical Circumstances Conditions that Are Unique to the Property Other Than Being a Corner Lot giving An Increase for set BACK.

2. Cannot otherwise be developed:

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

   The Property located at 24987 Prestwick Dr. Cannot be further Developed. Neither Can the Community.

3. Not created by the applicant:

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

   The Residence was a model Home Prior to Purchase, therefore the Owners had No Creation with the Dwelling. If owners were aware of the Set Back, the Purchase would have Been Re-considered.

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

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

   No, there are similar garages in the Neighborhood And Neighbors are ok with Garage Plans. See Attached Letter Signed by Neighbors. Also, see Attached Pictures of similar garages.

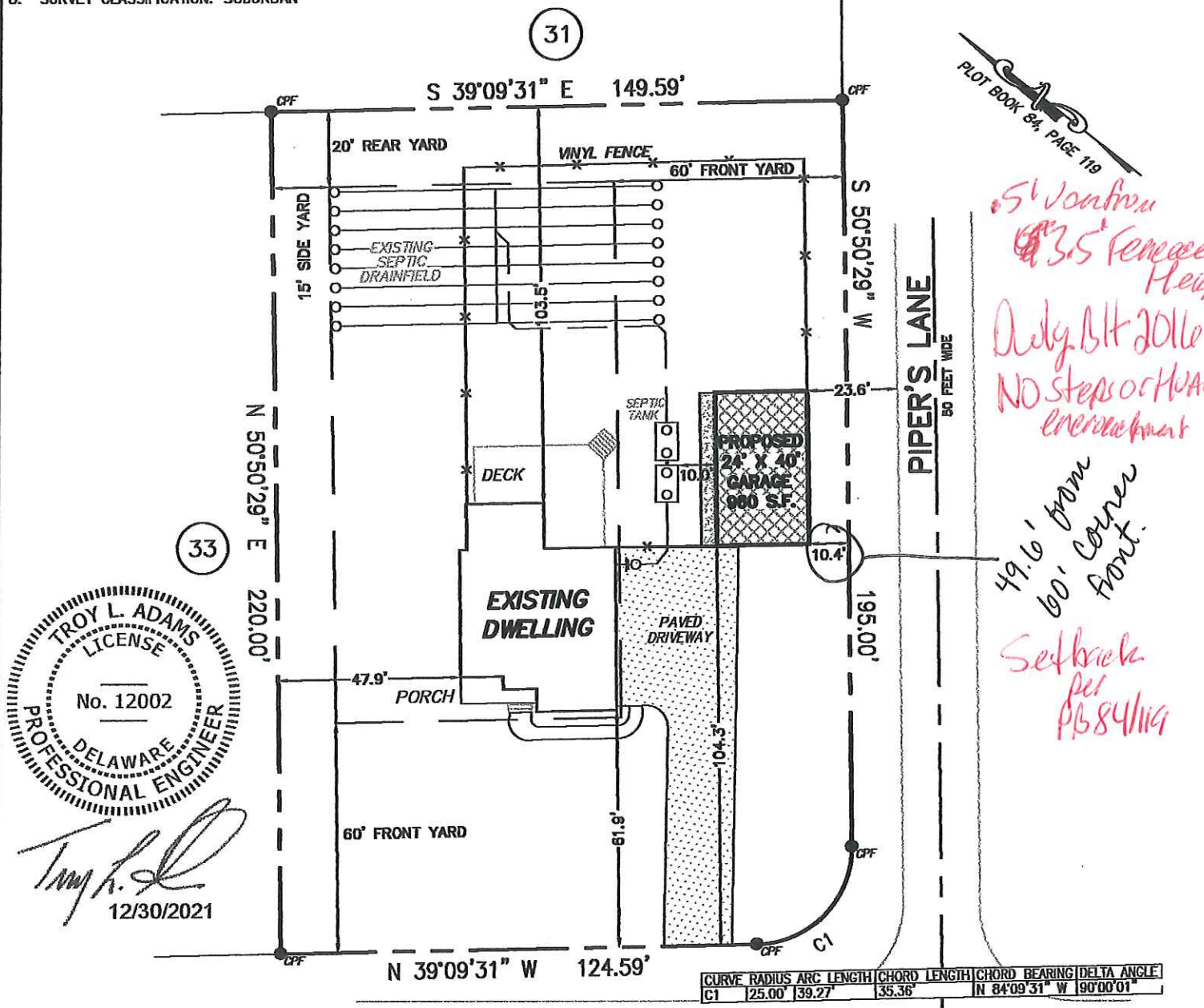
5. Minimum variance:

   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.

   Due to Covid, my wife was forced to accept a Report Job in Oregon. the Needed Space Upstairs will be her office as well as mine. Smaller Dimensions will not Allow her to work from home.

NOTES:

1. PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. BUILDING DISTANCES TO PROPERTY LINES SHOULD NOT BE USED FOR FUTURE DETERMINATION OF IMPROVEMENT.
3. LOTS SHOWN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. WE HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FOR THE INDIVIDUAL(S) NOTED BELOW,
5. NO RESPONSIBILITY IS IMPLIED AND/OR ASSUMED TO ANY FUTURE LAND OWNER OR OCCUPANT.
6. THIS PLAN IS BASED UPON THE RECORD PLAN(S) NOTED AND/OR DEED RECORDS SHOWN THUS (D/R), & PHYSICAL EVIDENCE FOUND.
7. SOURCE OF TITLE: D/R 4732–280; PB 84, PG 119
8. SURVEY CLASSIFICATION: SUBURBAN



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	39.27'	35.36'	N 84°09'31" W	90°00'01"

BOUNDARY SURVEY
FOR
JOHN KLEMASH

LOT 32 – PLOT BOOK 84, PAGE 119 – PRESTWICK

TAX MAP 230–22.00–168.00
ZONING: AR–1

CEDAR CREEK – SUSSEX COUNTY
STATE OF DELAWARE

LEGEND

CPF — CAPPED PIPE FOUND

0' 20 40 80
GRAPHIC SCALE

DESIGNED BY:	INITIALS
DRAWN BY:	AVH
CHECKED BY:	BGT
APPROVED(DESIGN)	
APPROVED(CONSTRUCTION)	

mountain consulting

103 S. Bradford Street
Dover, DE 19904

P.O. Box 558
Dover, DE 19903

302.744.9875 Tel
866.672.6428 Fax

BOUNDARY SURVEY PLAN

24987 PRESTWICK DRIVE
MILTON, DE 19968

SCALE	DATE	PROJECT NO.	FIGURE
1"=40'	11/30/2021	2021139SM	1

NOTES:

1. PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. BUILDING DISTANCES TO PROPERTY LINES SHOULD NOT BE USED FOR FUTURE DETERMINATION OF IMPROVEMENT.
3. LOTS SHOWN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
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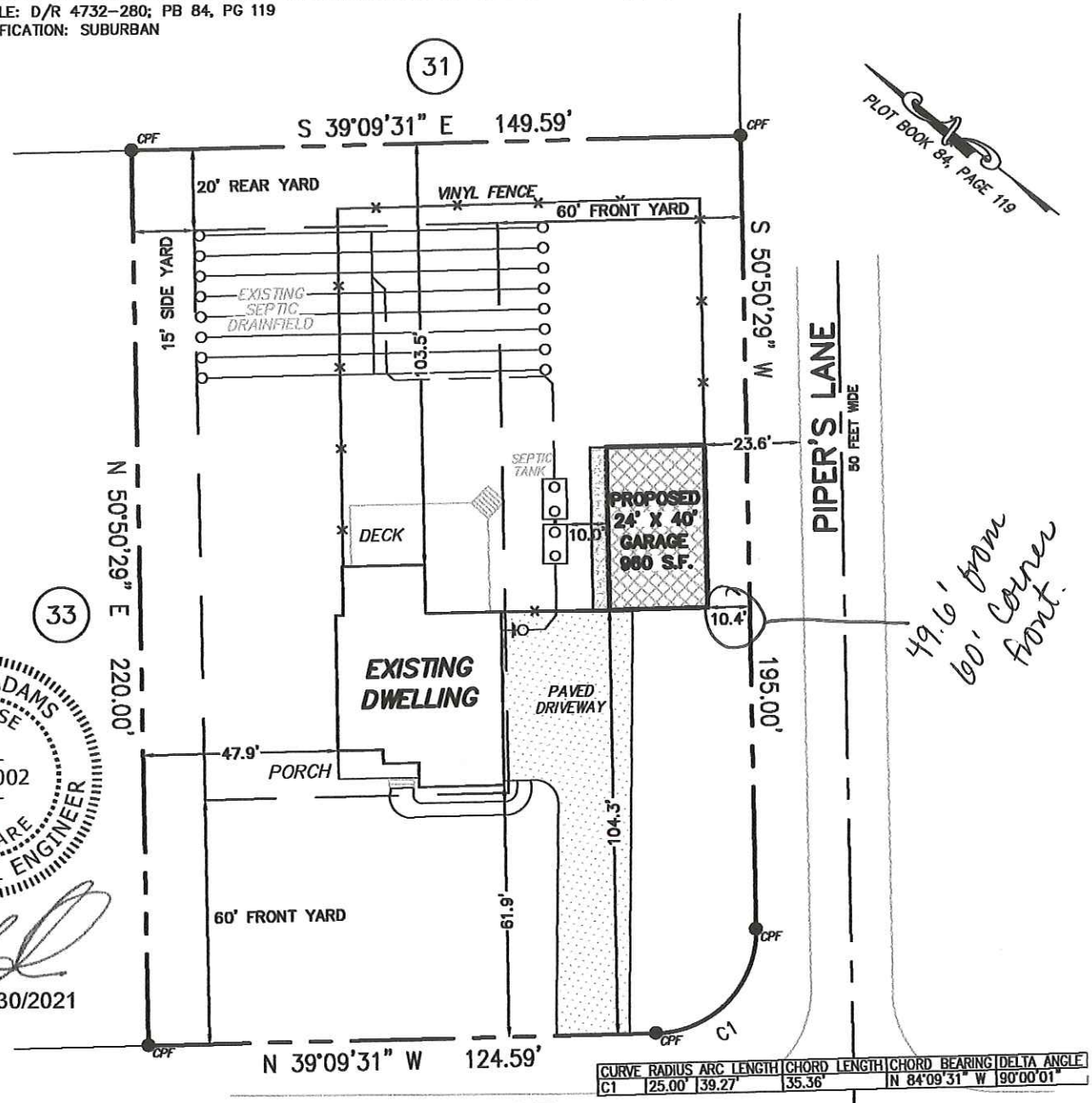
8. SURVEY CLASSIFICATION: SUBURBAN



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	39.27'	35.36'	N 84°09'31" W	90°00'01"

TROY L. ADAMS
LICENSE
No. 12002
DELAWARE
PROFESSIONAL ENGINEER

12/30/2021

BOUNDARY SURVEY
FOR
JOHN KLEMASH

LOT 32 – PLOT BOOK 84, PAGE 119 – PRESTWICK

TAX MAP 230-22.00-168.00
ZONING: AR-1

CEDAR CREEK – SUSSEX COUNTY
STATE OF DELAWARE

LEGEND

CPF CAPPED PIPE FOUND

0' 20 40 80
GRAPHIC SCALE

DESIGNED BY:	INITIALS
DRAWN BY:	AVH
CHECKED BY:	BGT
APPROVED(DESIGN)	
APPROVED(CONSTRUCTION)	

mountain consulting

103 S. Bradford Street
Dover, DE 19904

P.O. Box 558
Dover, DE 19903

302.744.9875 Tel
866.672.6428 Fax

BOUNDARY SURVEY PLAN

24987 PRESTWICK DRIVE
MILTON, DE 19968

SCALE	DATE	PROJECT NO.	FIGURE
1"=40'	11/30/2021	2021139SM	1

Projected Garage (24x40) located at 24987 Prestwick Dr. (Milton)

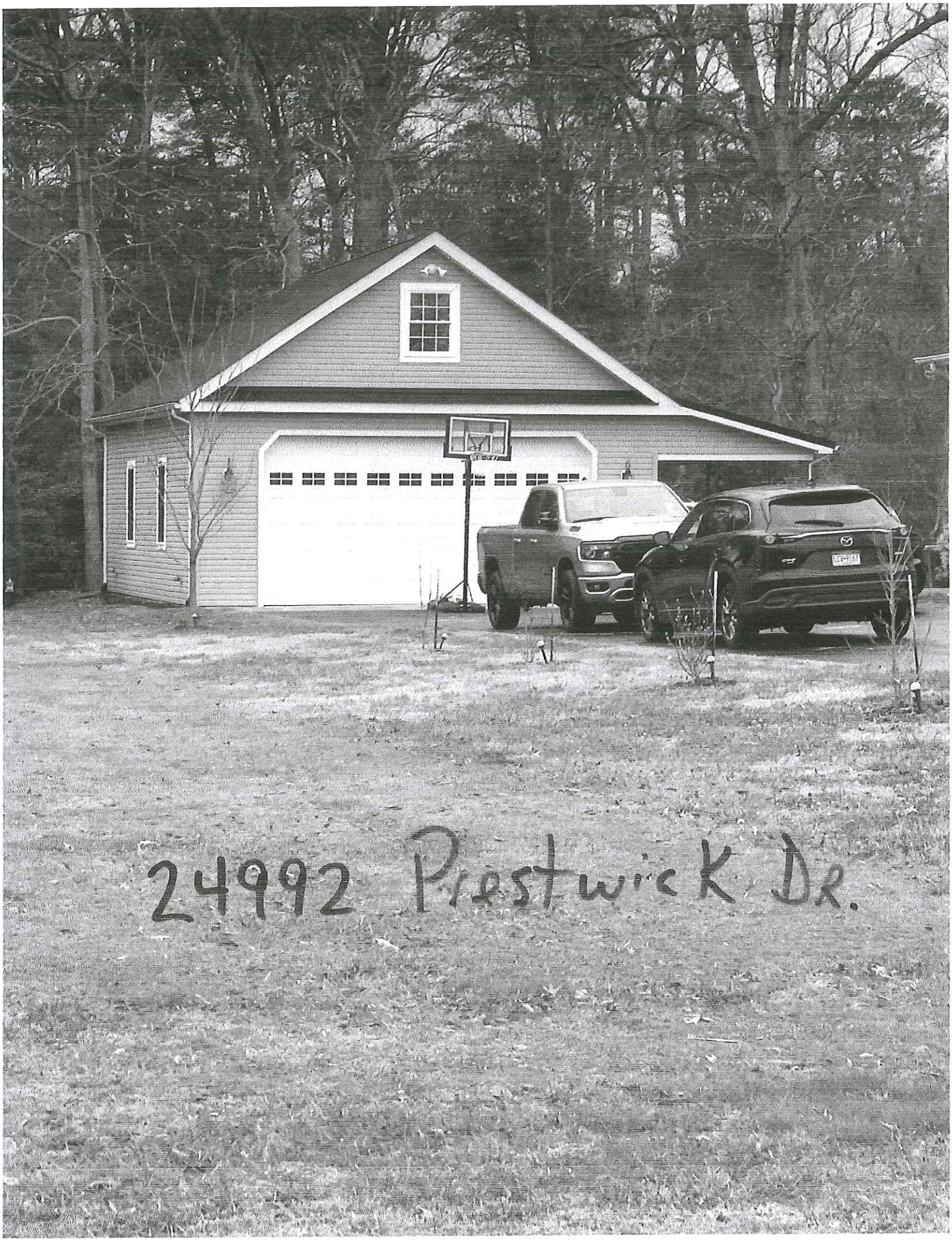
- A detached 2 car/2 story garage (24x40) is currently being developed with Diamond State Pole Building. The garage is meeting all county codes and Prestwick rules and regulations, however due to the size, the Sussex County Council recommended to contact surrounding neighbors to make sure this garage would not cause any traffic and/or hazardous conditions because of the height which WILL NOT exceed the height of the primary residence and is projected to be 23'6" off of the roadway. The garage is projected to be built on the south end of the residence, adjacent to where the rear deck is located. Again, the garage will meet all codes and rules/regulations for this location.

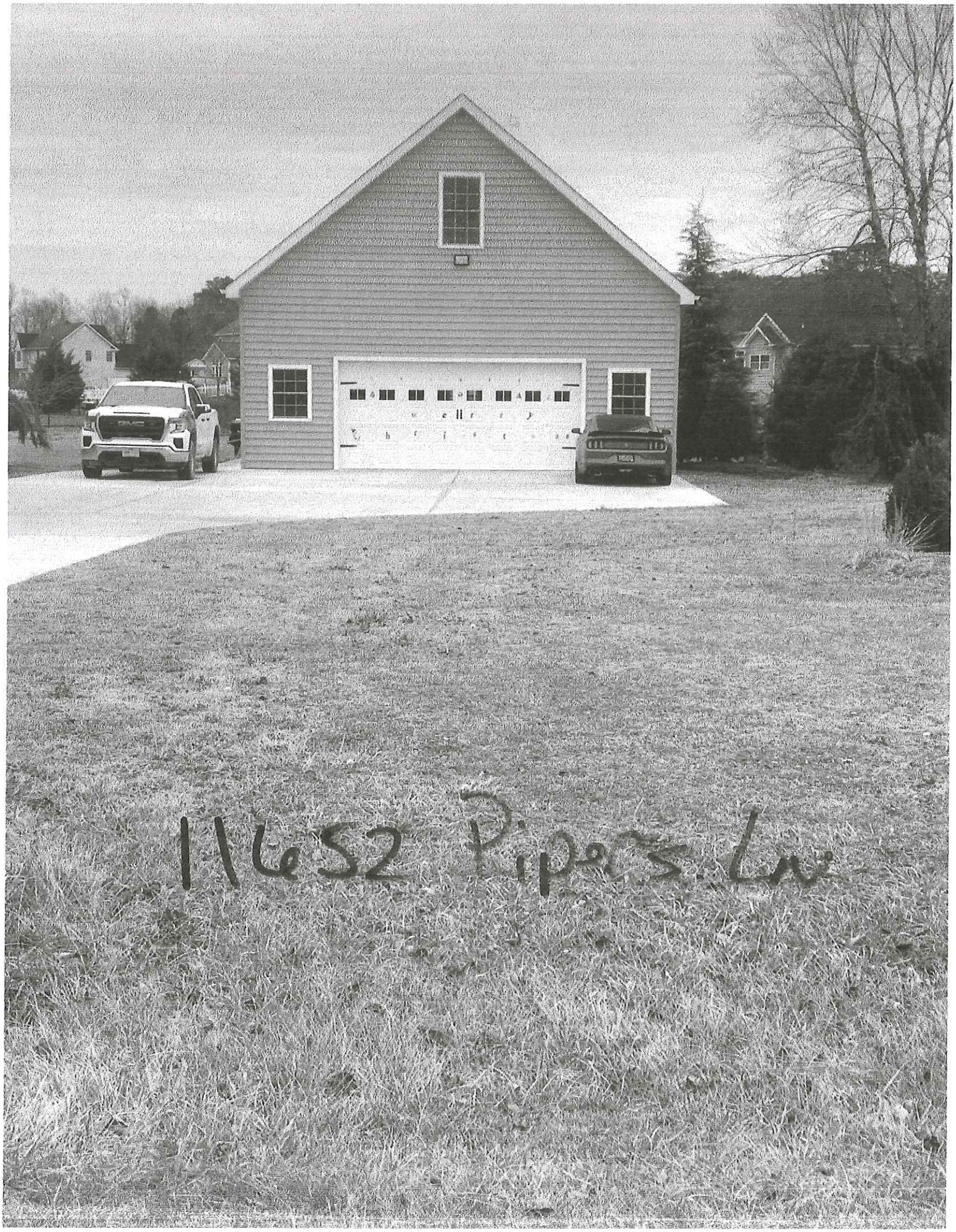
-By signing this letter, you are acknowledging this garage WILL NOT cause any traffic and/or hazardous conditions for driving and visibility due to its height and its offset of where it's projected to be built (23'6" N/O N/EOR-Pipers Ln.)

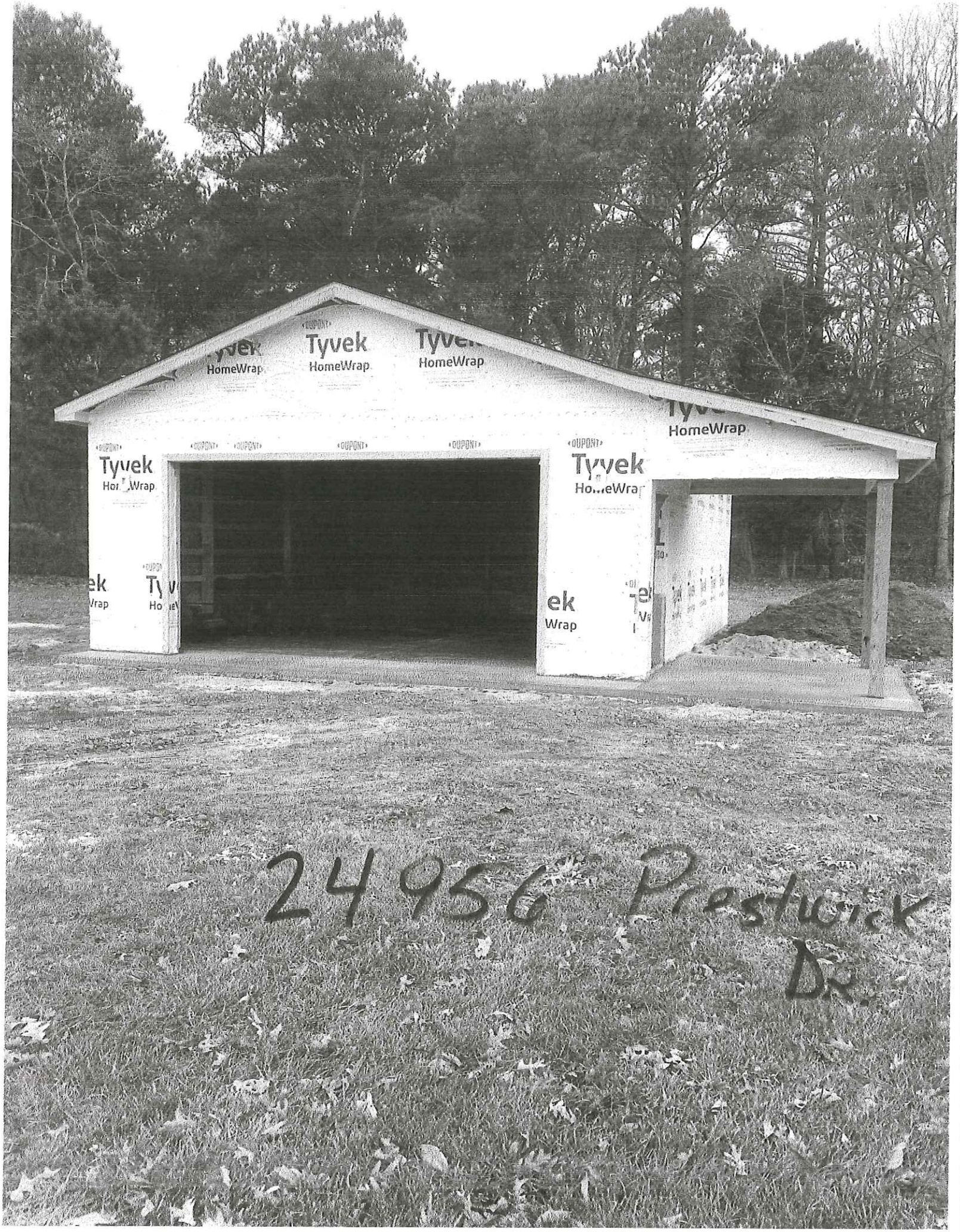
Respectfully,

John and Lindsey Klemash
24987 Prestwick Dr. (Milton)

- **Name and Address:**
  William Booth 11703 Pipers Lane Milton, DE
- **Name and Address:**
  Tim Laura Halloran 24988 Prestwick Dr. Milton, DE
- **Name and Address:**
  N. J. Di Orio 24983 Prestwick Dr Milton, DE
- **Name and Address:**
  Robert L. Alexander III 11698 Pipers LN Milton DE
- **Name and Address:**


24992 Prestwick Dr.


11652 Pipers Ln


Tyvek
HomeWrap
24956 Prestwick
Dr.

Sussex County

PIN:	230-22.00-168.00
Owner Name	UNKNOWN
Book	4732
Mailing Address	24987 PRESTWICK DR
City	MILTON
State	DE
Description	PRESTWICK
Description 2	LOT 32
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

January 12, 2022

Case # 12665
Hearing Date 3/7
202200308

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

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

Site Address of Variance/Special Use Exception:

32172 Robin Hoods Loop, Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

We are requesting permission to enclose the existing carport that is attached to the home.

17.3 foot variance requested to enclose the carport

Tax Map #: 2-34-23.00-498.00 **Property Zoning:** MR

Applicant Information

Applicant Name: Candice Kinsler and Christopher Kinsler
Applicant Address: 32172 Robin Hoods Loop
City Millsboro State DE Zip: 19966
Applicant Phone #: (302) 258-5752 Applicant e-mail: windsorkinslerhome@outlook.com

Owner Information

Owner Name: Candice Windsor n/k/a Candice Kinsler and Christopher Kinsler
Owner Address: 32172 Robin Hoods Loop
City Millsboro State DE Zip: 19966 Purchase Date: 7/3/17
Owner Phone #: (302) 258-5752 Owner e-mail: windsorkinslerhome@outlook.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

Candice Kinsler

Date: 1/10/22

EQUAL HOUSING OPPORTUNITY

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

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

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

1. Uniqueness of property:

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

   This property is a corner lot. Unfortunately, the setbacks are increased due to the property being a corner lot. We are not able to expand in the backyard due to our septic field and tank underground. Also, there is no additional room in the backyard. Our carport is an existing structure

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.

   Same as above. Front yard has trees which would require removal.

3. Not created by the applicant:

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

   Purchased property as-is. We are just looking to enclose the existing carport that is attached to the home.

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.

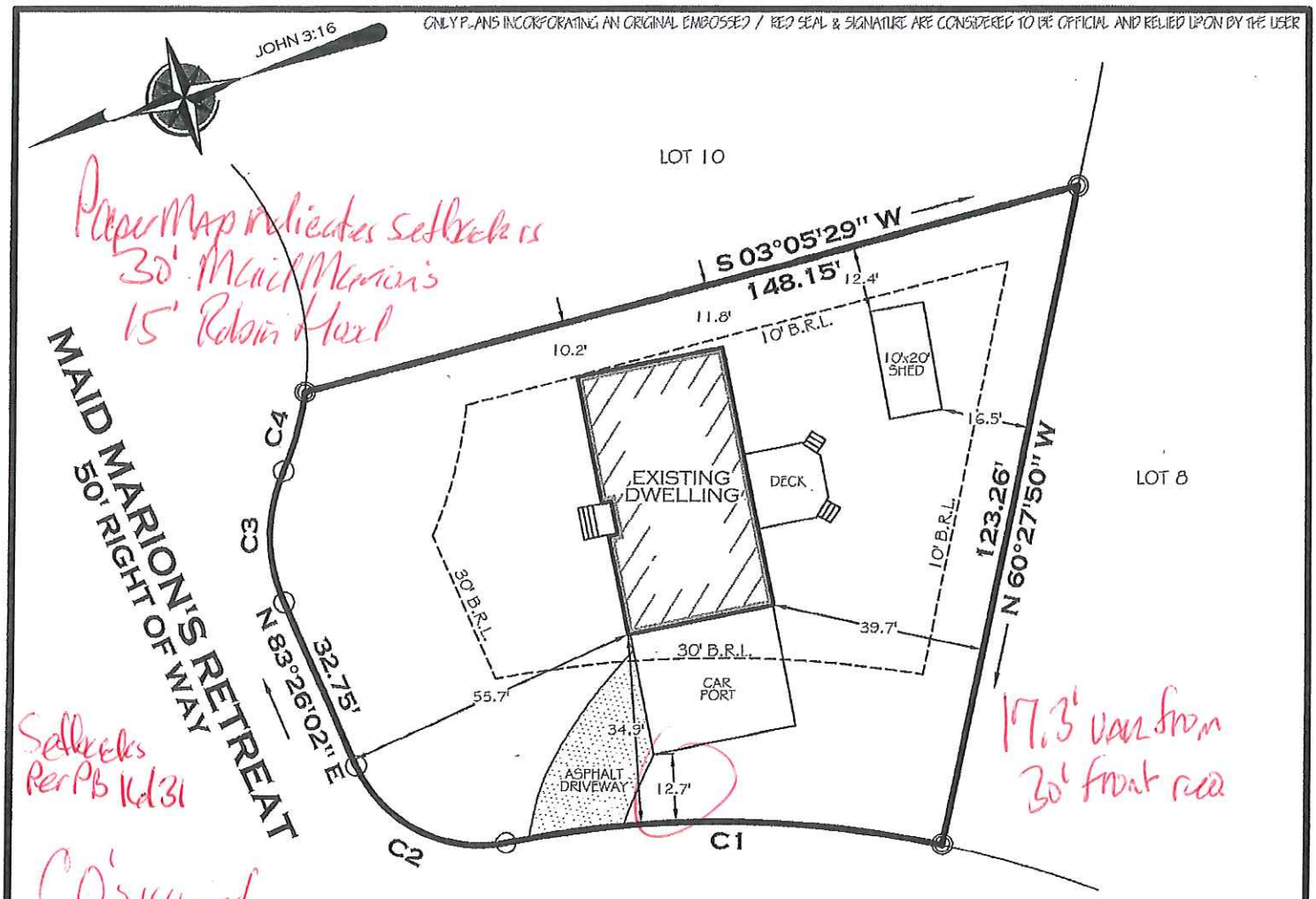
   The carport already exists. Homes of similar size exist in the neighborhood.

5. Minimum variance:

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

   We wish to only enclose the existing carport.

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



ROBIN HOOD'S LOOP
50' RIGHT OF WAY

BRADLEY A. ABSHER
REGISTERED
NO. 735
PROFESSIONAL LAND SURVEYOR
DELAWARE

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. BUILDING RESTRICTION LINES (B.R.L.) (PER SUSSEX COUNTY)
   FRONT 30'
   SIDES 10'
   REAR 10'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	200.00'	81.22'	80.66'	N 17°56'51" E
C2	25.00'	33.67'	31.18'	N 44°53'48" E
C3	30.00'	25.07'	24.35'	S 72°37'34" E
C4	52.00'	15.05'	15.00'	S 56°58'38" E

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

5. ALL SIDE AND REAR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT WIDE DRAINAGE AND UTILITY EASEMENT. (PER PLAT 16/31)

LEGEND
- IRON PIPE FOUND
- UNMARKED POINT

TAX MAP	2-34 - 23.00 - 498.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	INDIAN RIVER
TOWN	---
AREA	12,697 ± SQ. FT.
DEED REF.	3869 / 268
PLAT REF.	16 / 31
DRAWN BY	KTH
DATE	06 / 23 / 17
SCALE	1" = 30'
SURVEY #	DE - 03775

BOUNDARY SURVEY PLAN

LOT 9, BLOCK F
SHERWOOD FOREST

FOR
CANDICE WINDSOR &
CHRISTOPHER KINSLER

32172 ROBIN HOODS LOOP, MILLSBORO, DE 19966

TRUE NORTH

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

BUILDING CODE REQUIRER: N

BUILDING PERMIT APPLICATION
SUSSEX COUNTY, DELAWARE

PERMIT NO. 185174.

NEEDS TOWN PERMIT: N DNREC # N S & W N Div. of Rev. N

LOCATION:

Route ____ (N) (S) (E) (W) Side: South (ft.) (miles) (N) (S) (E) (W) of F.

Subdiv. or TR: Sherwood Forest Lot No. 9. Section or Block ____

Town ____ Street ____

District No. 234. Map No. 23.00 Parcel No. 498.00 MANU. HOME # ____

Frontage: 111 Depth: 123. Acreage: ____

ASSESSMENT

Pa

I. TYPE OF IMPROVEMENT

Cost of Improvements 5940 Stories ____

New Building ____ Size ____

Addition Carport 22x27.

Relocation ____

Accessory Structure ____

Sign ____

Remodeling ____

Other ____

II. INTERIOR

No. of Bedrooms ____

No. of Bathrooms ____

No. of Rooms ____

Basement ____

III. HEATING

Electric ☐ Gas ☐

Heat Pump ☐ FHA ☐

Air Conditioned ☐

IV. EXTERIOR WALLS

Vinyl ☐ Wood ☐

Alum. Siding ☐ Brick ☐

Other ____

V. INTERIOR WALLS

Dry Wall ☐

Paneling ☐

Other ____

VI. FOUNDATION

Pad ☐ Brick ☐

Piling ☐ Conc. Blk. ☐

Other Posts.

VII. FIRE PLACE

Yes ☐ No ☐

MASONARY ☐ Metal ☐

VIII. ROOFING

Built-Up ☐ Metal ☐

Asphalt Shingle ☒

Wood Shingle ☐

Other ____

IX. FLOORING

Earth ☐ Wood ☐

Carpet ☐ Vinyl ☐

Concrete ☐

Other Stone

ZONING

TYPE OF USE

Existing Use Dwelling

Proposed Use Carport

Single Family ____ Commercial ____ Other ____

Zoning District MR Number of Units ____

SETBACKS

Front Yard 30 Side Yard 10 Rear Yard 10

Side yard on side street on corner lot ____

From any dwelling of other ownership ____

From any other unit in a manufactured homepark ____

Cannot occupy more than ____ % of total lot area

Height 42 max.

Board of Adjustment Case No. ____

Conditional Use Case No. ____

Approved by Planning & Zoning HJ

FLOOD

Flood Zone ____

Elevation Required above Mean sea level ____

To be measured to:

1. Finished first floor ____

2. Lowest structural member ____

Elevation Certification ☐ Height Certification ☐

Breakaway Walls ☐ Venting ☐

Placement Survey ☐

ADDITIONAL REQUIREMENTS & COMMENTS ____

OWNERS IDENTIFICATION:

Name: Fullmer, Howard

Address: 9 Robin Hoods Loop

City: Millsboro State: DE Zip: 19966

On Lands Of: Sta: 80.

Name & Address of recipient of Certificate of Compliance (Builder):

Name: Same

Address: ____

City: ____ State: ____ Zip: ____

The owner of this building or land and the undersigned agree to comply to all applicable Federal, State and County Regulations and to apply for certificate of Compliance at Completion. This does not imply approval of other Governmental Agencies or Compliance with private deed restrictions.

Signature of Applicant: Mandy Marcette Phone No. 947-9360

Permit Fee: 22.50 + 14.85 = 37.35 HJ Date Issued: 11-17-93

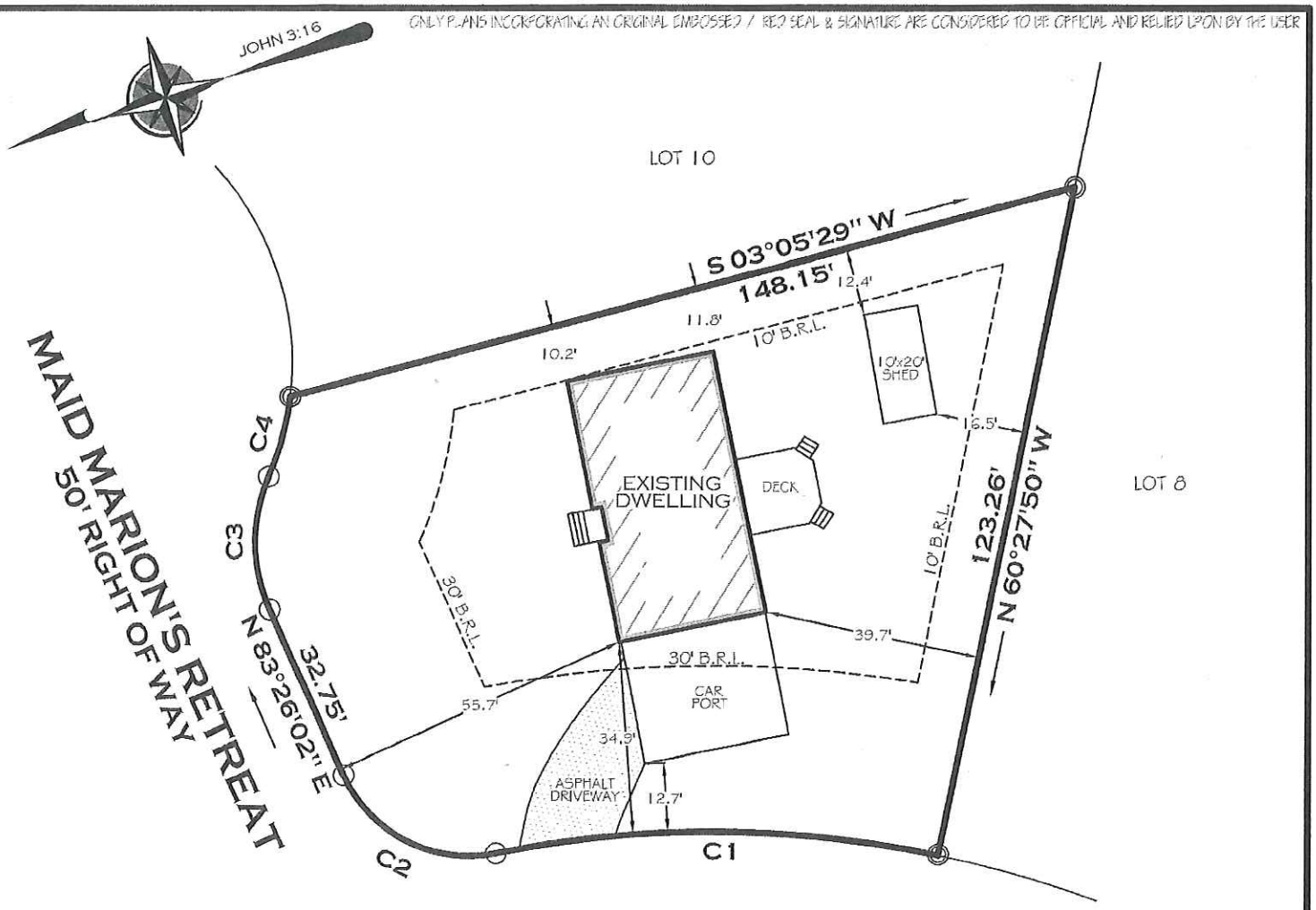
ZONING AND BUILDING PERMIT will expire one (1) year from date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as "actual construction". Permit must be renewed prior to expiration date.

ASSESSORS AND INSPECTORS RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY: The owner or owners of these premises do hereby consent to the Board of Assessment and Planning and Zoning Agents and Building Code Officials to enter upon said premises during the construction for which this PERMIT is granted, or within a reasonable time thereafter, for the purpose of assessing and inspecting said property, said consent being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

A-8

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



ROBIN HOOD'S LOOP
50' RIGHT OF WAY

BRADLEY A. ABSHER
REGISTERED
NO. 735
PROFESSIONAL LAND SURVEYOR
DELAWARE

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. BUILDING RESTRICTION LINES (B.R.L.) (PER SUSSEX COUNTY)
   FRONT 30'
   SIDES 10'
   REAR 10'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	200.00'	81.22'	80.66'	N 17°56'51" E
C2	25.00'	33.67'	31.18'	N 44°53'48" E
C3	30.00'	25.07'	24.35'	S 72°37'34" E
C4	52.00'	15.05'	15.00'	S 56°58'38" E

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

5. ALL SIDE AND REAR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT WIDE DRAINAGE AND UTILITY EASEMENT. (PER PLAT 16/31)

LEGEND

- IRON PIPE FOUND
- UNMARKED POINT

TAX MAP	2-34 - 23.00 - 498.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	INDIAN RIVER
TOWN	- - -
AREA	12,697 ± SQ. FT.
DEED REF.	3869 / 268
PLAT REF.	16 / 31
DRAWN BY	KTH
DATE	06 / 23 / 17
SCALE	1" = 30'
SURVEY #	DE - 03775

BOUNDARY SURVEY PLAN

LOT 9, BLOCK F
SHERWOOD FOREST

FOR
CANDICE WINDSOR &
CHRISTOPHER KINSLER

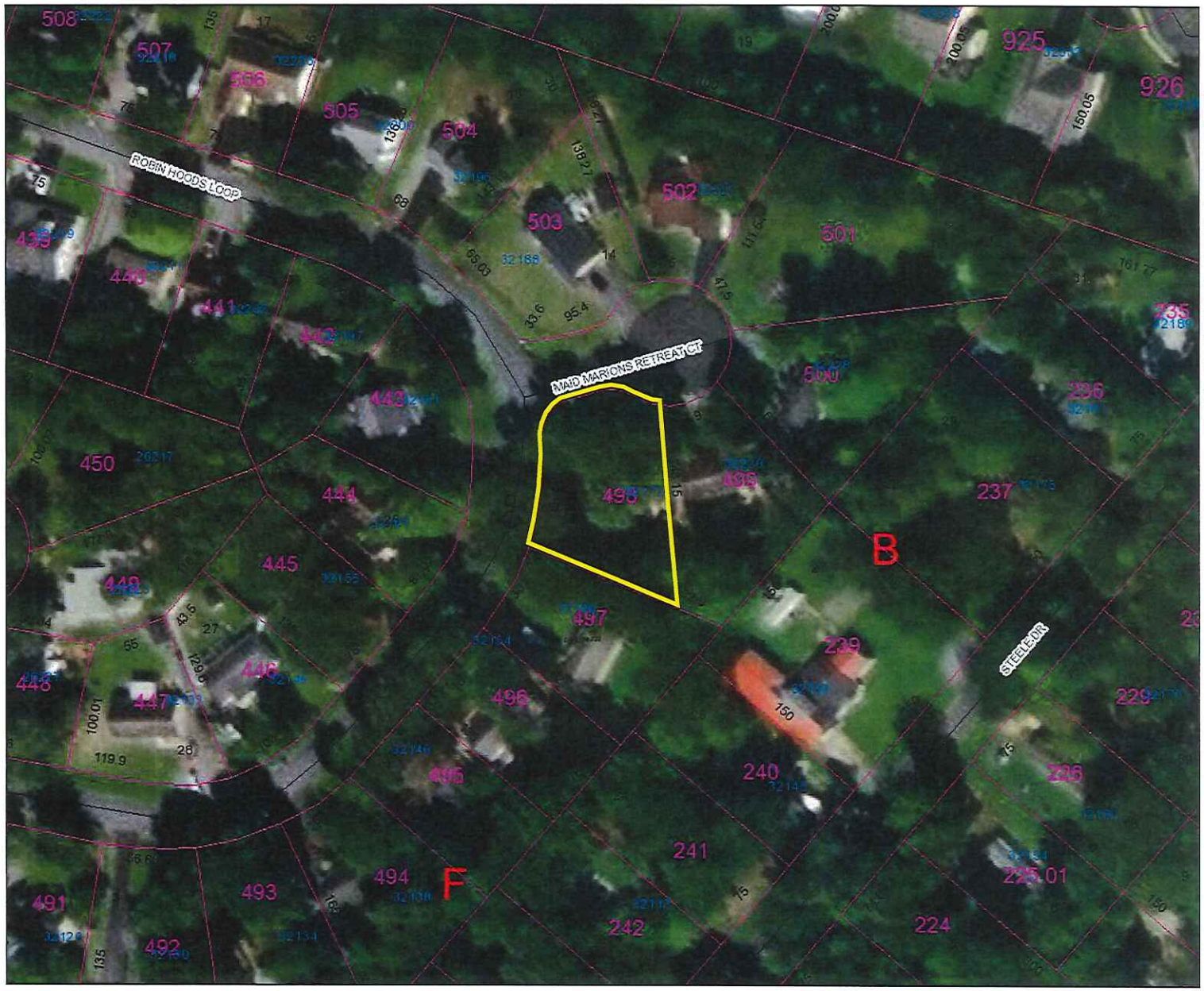
32172 ROBIN HOODS LOOP, MILLSBORO, DE 19966

TRUE NORTH

LAND SURVEYING

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

Sussex County



PIN:	234-23.00-498.00
Owner Name	WINDSOR CANDICE MARIE
Book	4734
Mailing Address	32172 ROBIN HOODS LOO
City	MILLSBORO
State	DE
Description	SHERWOOD FOREST
Description 2	SOUTH
Description 3	LOT 9 BLK F
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:1,128

0 0.0125 0.025 0.05 mi

0 0.02 0.04 0.08 km

January 12, 2022

Case # 12666
Hearing Date 3/7
202200726

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

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

Site Address of Variance/Special Use Exception:
30143 Sussex Rd., Indian River Acres, Dagsboro, DE 19939

Variance/Special Use Exception/Appeal Requested:
Replace shed that had to removed for bulkhead replacement.
New 8'x14' shed to be placed 1-foot off side property line. (1.0')

Tax Map #: 134-7.00-34.00 **Property Zoning:** AR-1

Applicant Information

Applicant Name: Gary Alexander
Applicant Address: 30143 Sussex Rd.
City Dagsboro State DE Zip: 19939
Applicant Phone #: (302) 539-7888 Applicant e-mail: gdags74@gmail.com

Owner Information

Owner Name: Gary Alexander
Owner Address: 30143 Sussex Rd.
City Dagsboro State DE Zip: 19939 Purchase Date: 12/20/03
Owner Phone #: (302) 539-7888 Owner e-mail: gdags74@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

Date:

EQUAL HOUSING OPPORTUNITY

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.

   As of 2021, there was an existing shed on the property. In order to instal the damanged bulkhead on the property, the pre-existing shed had to be demolished and removed. Therefore, our ask it to replace the pre-existing shed in its near its original placement.

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 above. Our request is to replace the shed in its near original pre-existing place on the property.

3. Not created by the applicant:

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

   Not applicable.

   Going to answer @hearing Called Appl. 1/27/22

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

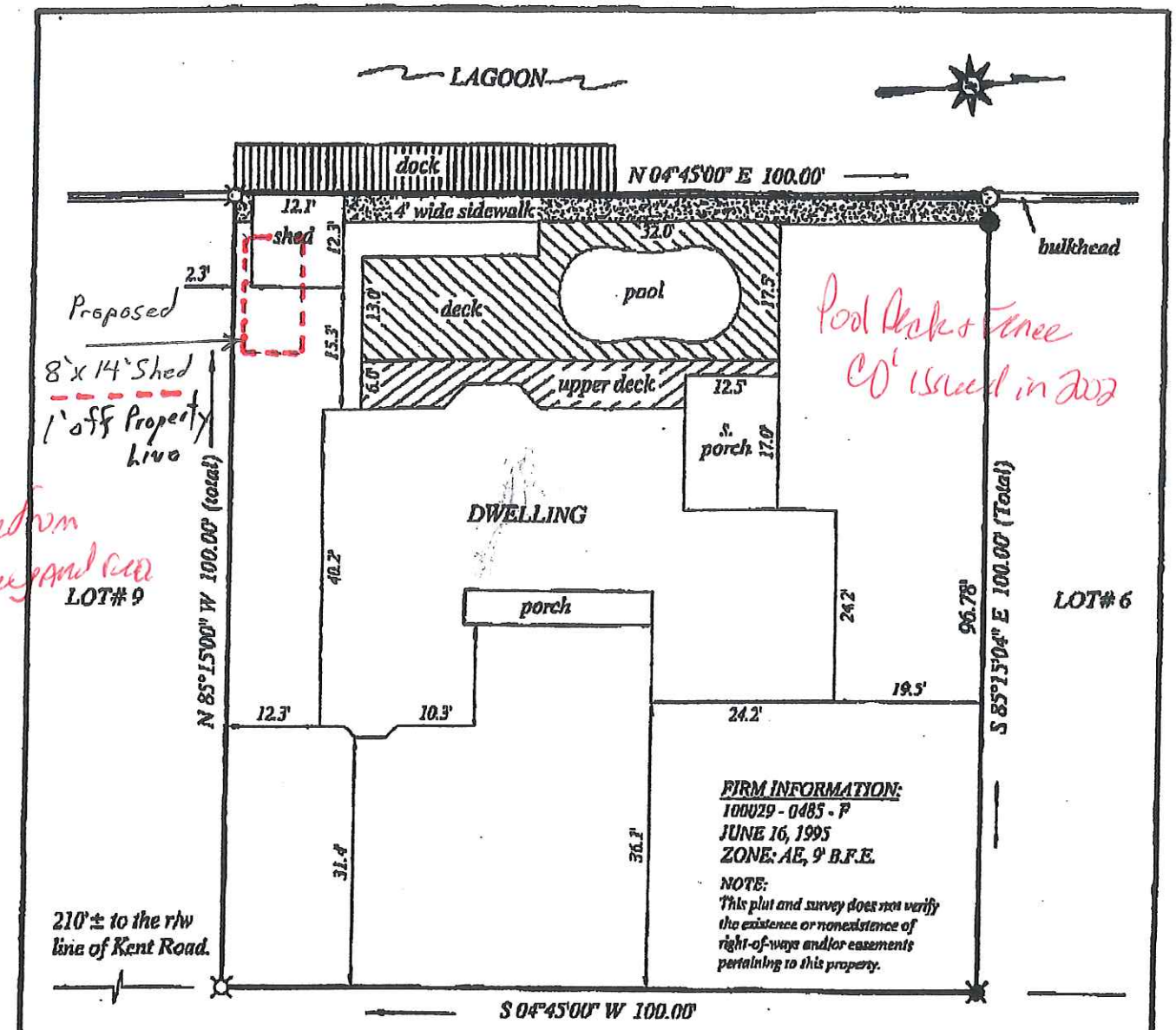
   That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

   The variance will not alter the charactor of the neighborhood as there was a shed in place that had to be removed for construction of bulkhead.

5. Minimum variance:

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

   The new shed will not encroach on the rear setback like the prior shed did and only need to encroach onto the side yard setback.



LEGEND

- PK NAIL (SET)
- P/K NAIL (FD)
- 3/4" PIPE (FD)
- POINT

Lands of DONALD BELL and VIRGINIA BELL. Being known as LOT NOS. 7 & 8, SECTION "B", INDIAN RIVER ACRES. REF: plot book 3, page 27.

AREA: 10,000 SQ. FT.

TAX MAP NO. 1-34-07-34

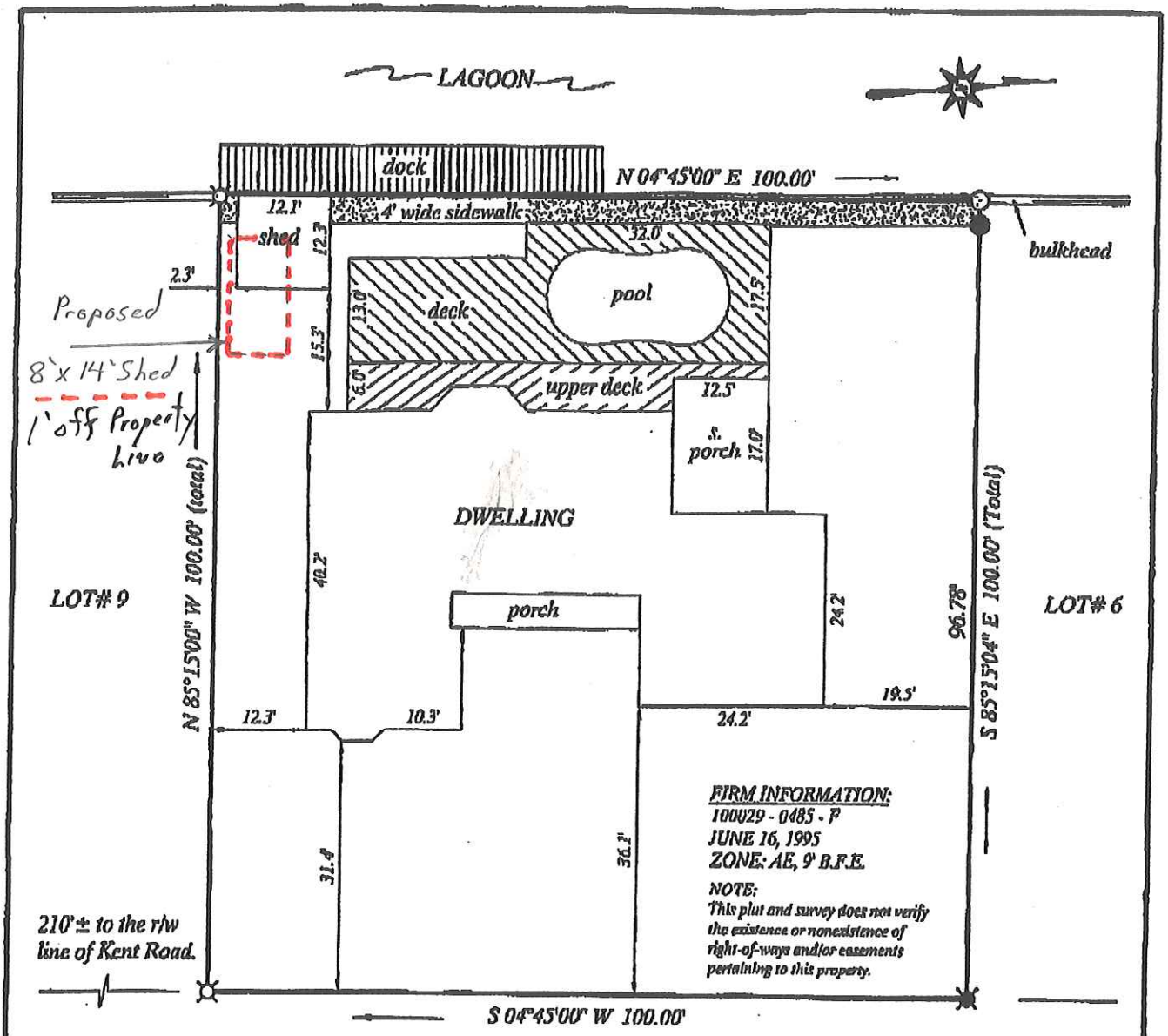
SCALE: 1"= 20'

No title search provided or stipulated.
CLASS "B" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE: 07/30/2002
DRAWN BY: D. WINDSOR

SIMPLER SURVEYING & ASSOCIATE
RD. 1 BOX 98E, FRANKFORD, DE 19945
www.delawaresurveyor.com
PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL
7/31/02
P.L.S. 289



SUSSEX ROAD (30' R/W)

LEGEND

- PK NAIL (SET)
- PK NAIL (FD)
- 3/4" PIPE (FD)
- POINT

Lands of DONALD BELL and VIRGINIA BELL. Being known as LOT NOS. 7 & 8, SECTION "B", INDIAN RIVER ACRES. REF: plot book 3, page 27.

AREA: 10,000 SQ. FT.

TAX MAP NO. 1-34-07-34

SCALE: 1"= 20'

No title search provided or stipulated.
CLASS " B " SURVEY

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE: 07/30/2002

DRAWN BY: D. WINDSOR

SIMPLER SURVEYING & ASSOCIATE
RD. 1 BOX 98E, FRANKFORD, DE 19945
www.delawaresurveyor.com
PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL

7/31/02

P.L.S. 289

Sussex County

PIN:	134-7.00-34.00
Owner Name	ALEXANDER GARY S
Book	2927
Mailing Address	30143 SUSSEX RD
City	DAGSBORO
State	DE
Description	INDIAN RIVER ACRES
Description 2	LOTS 7 8
Description 3	SEC B
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

January 19, 2022

Case # 12667
Hearing Date 3/7

Application: 2022007168
Tentative Date: March 7, 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

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

Site Address of Variance/Special Use Exception:
31621 Pollybranch Rd. Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:

17.5 ft Variance from rear yard setback

Tax Map #: 533-17.00-89.00 **Property Zoning:** AR1

Applicant Information

Applicant Name: James Jones Yvonne Jones
Applicant Address: 28984 Cordrey Rd
City Millsboro State DE Zip: 19966
Applicant Phone #: 302-752-6233 Applicant e-mail: mrsyjones79@gmail.com

Owner Information

Owner Name: Margaret Parker
Owner Address: 31621 Polly Branch Rd
City Selbyville State De Zip: 19975 Purchase Date: 1969
Owner Phone #: 302-752-6233 Owner e-mail: mrsyjones79@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

Margaret Parker Date: 1/18/2022

EQUAL HOUSING OPPORTUNITY

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.

   yes This property has an Irregular Shape NOT Allowing us To place A New home 40' from Polly branch And rear of Property

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 could place A much Shorter home on This Lot But That would NOT Allow enough usable Living Space for family To occupy

3. Not created by the applicant:

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

   The 40' Front Set back from Polly branch Rd was NOT Created by us And is The primary Cause of issue 20' rear contributes AS well Totaling 60' Unusable

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

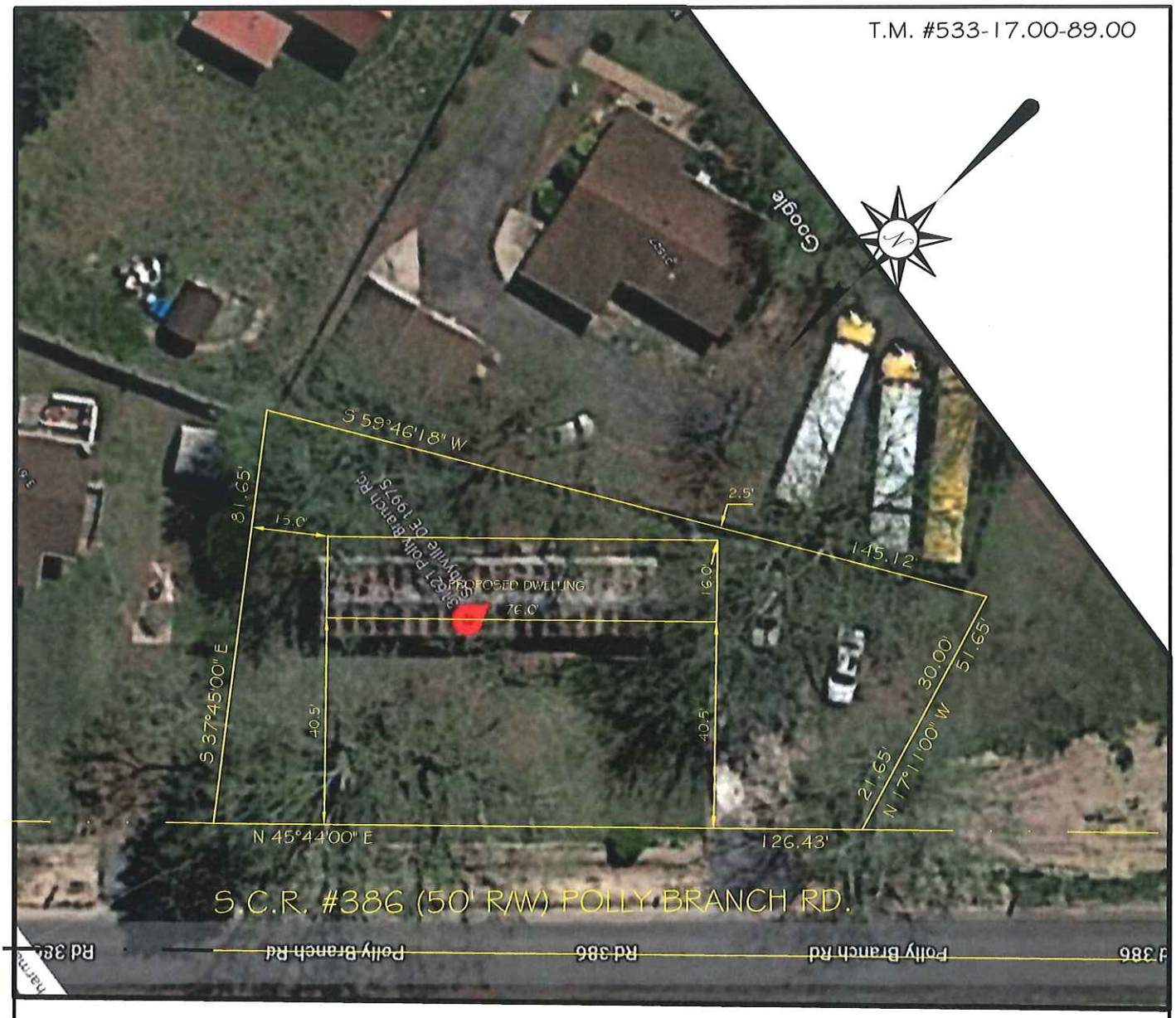
   That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

   There Are Several older homes on Polly branch Rd And VARIANCES Approved. MANY older homes IN This Area, This new home will enhance The Area

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 due To The Total of 60' unusable Area with This property This is As minimal As we CAN do To place The home Chosen which fits our Lifestyle And needs.



CONCEPT PLAN FOR

JAMES JONES

31621 POLLY BRANCH RD., SELBYVILLE, DE. 19975
BALTIMORE HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" =30' JANUARY 14, 2022

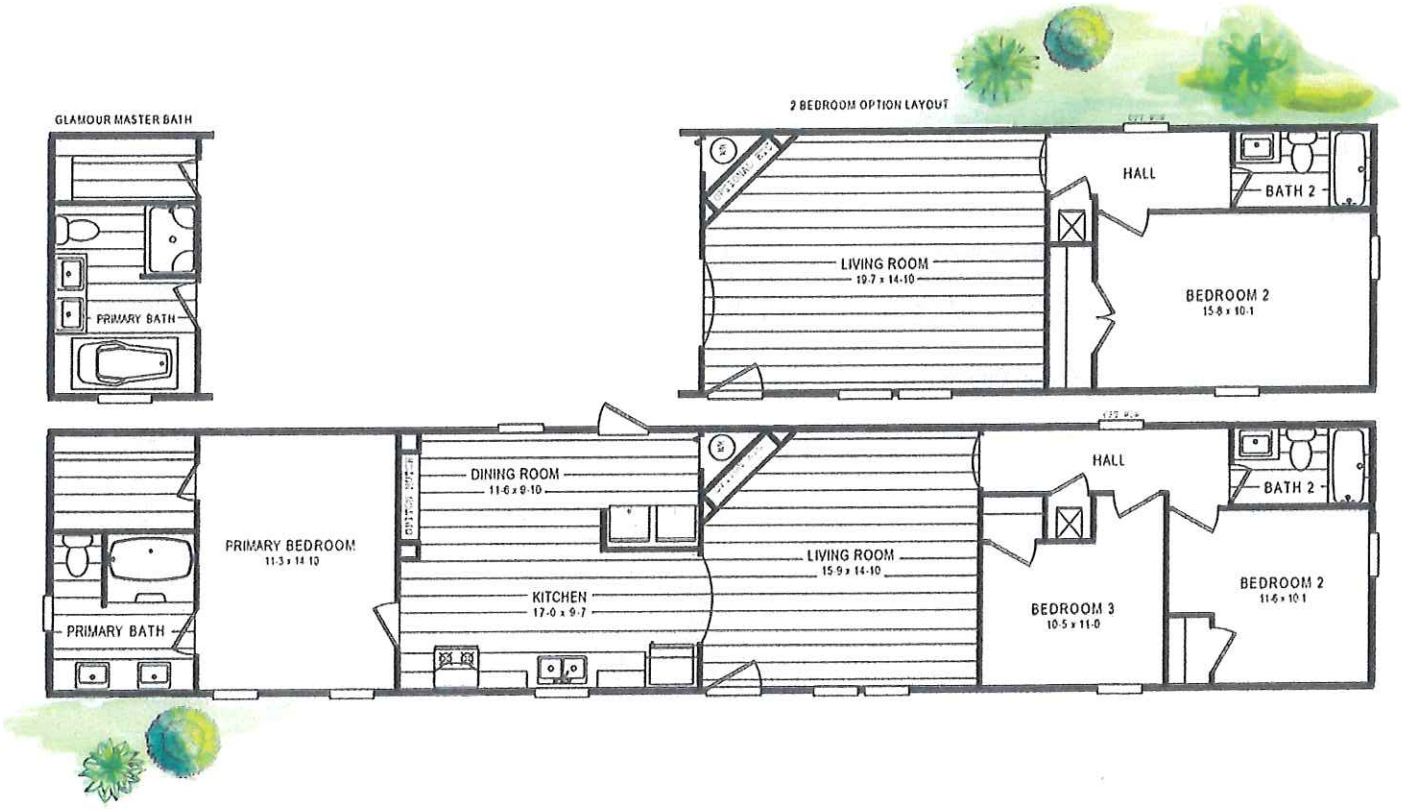
PREPARED BY:
PH: 302-629-9895
FAX: 302-629-2391
MILLER LEWIS, INC.
LAND SURVEYING
1560 MIDDLEFORD RD. • SEAFORD, DE. 19973

NOTE: NOT A FIELD SURVEY

Rockwell

Opening doors to a better life.

103 ELITE PLUS 7616 - 57ELP16763AH



Plan Details

Bedrooms	3
Bathrooms	2
Sq Feet	1178
Width	16
Depth	76

The home series and floor plans indicated will vary by retailer and state. Your local Home Center can quote you on specific prices and terms of purchase for specific homes. Clayton Rockwell Enterprise invests in continuous product and process improvement. All home series, floor plans, specifications,

Sussex County

PIN:	533-17.00-89.00
Owner Name	PARKER MARGARET M
Book	0
Mailing Address	31621 POLLY BRANCH RD
City	SELBYVILLE
State	DE
Description	SELBYVILLE TO
Description 2	WILLIAMSVILLE LOT
Description 3	T#7873
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

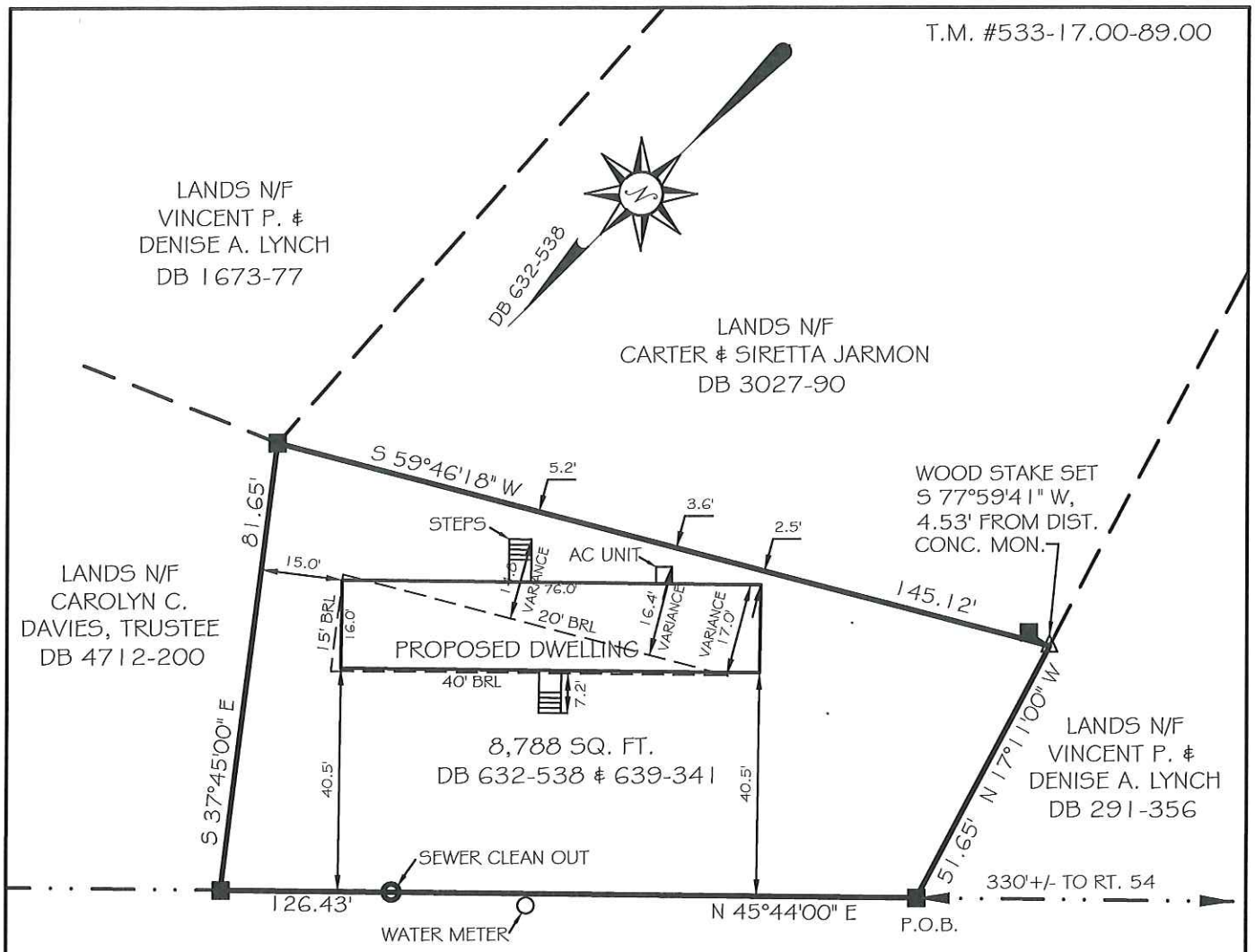
Streets

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

January 20, 2022



S.C.R. #386 (50' R/W) POLLY BRANCH RD.

■ CONCRETE MONUMENT (FOUND)

Front Steps will be turned to comply with rear setbacks per Oakwood Homes

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, DONALD K. MILLER 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.

DONALD K. MILLER PLS 407 DATE

SURVEY CLASS: SUBURBAN

BOUNDARY SURVEY FOR

JAMES JONES

31621 POLLY BRANCH RD., SELBYVILLE, DE. 19975
BALTIMORE HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" =30' JANUARY 14, 2022

PREPARED BY:
PH: 302-629-9895
FAX: 302-629-2391
MILLER LEWIS, INC.
LAND SURVEYING
1560 MIDDLEFORD RD. • SEAFORD, DE. 19973