

BOARD OF ADJUSTMENT

JOHN WILLIAMSON, CHAIRMAN
KEVIN E. CARSON
JEFF CHORMAN
JOHN T. HASTINGS
E. BRENT WORKMAN



Sussex County

DELAWARE
sussexcountyde.gov

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

AGENDA

April 19, 2021

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Introduction of Staff Members

Approval of Agenda

Old Business

Public Hearings

Case No. 12541 – Kevin & Zofia Bremser seek variances from the front yard setback requirements for a proposed and existing structures (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the east side of Rock Elm Drive within the Keenwick Subdivision. 911 Address: 38198 Rock Elm Drive, Selbyville. Zoning District: MR. Tax Parcel: 533-19.12-120.00

Case No. 12542 – Jeff & Victoria Rushie seek variances from the side yard setback requirements for proposed structures (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located at the intersection of North Bay Shore Drive and Maryland Avenue in Broadkill Beach. 911 Address: 10 Maryland Avenue, Broadkill Beach. Zoning District: MR. Tax Parcel: 235-4.13-63.00

Case No. 12543 – John Byrnes & Katherine Cunningham seek a variance from the rear yard setback requirements for a proposed structure (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Marina Bay Circle within The Peninsula Development. 911 Address: 33469 Marina Bay Circle, Millsboro. Zoning District: MR-RPC. Tax Parcel: 234-30.00-310.00 Unit 25

Case No. 12544 – Peaceful Child, LLC (Patrick Snyder) seeks a special use exception to operate a day care center (Sections 115-23 and 115-210 of the Sussex County Zoning Code).



The property is located on the southwest side of Coastal Highway (Rt. 1) approximately 0.31 mile southeast of Hudson Road. 911 Address: 14904 Coastal Highway, Milton. Zoning District: AR-1. Tax Parcel: 235-16.00-75.00 and 77.00

Case No. 12545 – Joseph A. Vai seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Mallard Drive within the Swann Keys Subdivision. 911 Address: 37041 Mallard Drive, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-94.00

Case No. 12546 – Jeanne Murray seeks variances from the front yard and side yard setback requirements) for proposed and existing structures. (Sections 115-82, 115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property located on the southwest side of Washington Street approximately 225 ft. southeast of Church Street. 911 Address: 37496 Washington Street, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.20-63.00

Case No. 12547 – John Lepkowski seek variances from the side yard setback requirements for existing and proposed structures (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Blue Teal Road within the Swann Keys Subdivision. 911 Address: 37000 Blue Teal Road, Selbyville. Zoning District: GR. Tax Parcel: 533-12.20-46.00

Recess

7:30 p.m.

Case No. 12532 – John H. Legg seeks a special use exception to operate a rifle or pistol range (Sections 115-23 and 115-210 of the Sussex County Code). The property is located on the northeast corner of Gravel Hill Road (Rt. 30) at the intersection of Bennum Switch Road and Gravel Hill Road. 911 Address: 20093 Gravel Hill Road, Georgetown. Zoning District: AR-1. Tax Parcel 135-11.00-82.00

Additional Business

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



In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 12, 2021 at 4:00 p.m., and at least seven (7) days in advance of the meeting.

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

-MEETING INSTRUCTIONS-

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

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

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

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

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

To join the meeting via phone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, April 15, 2021

####



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

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

Case # 12541
Hearing Date 4/19
202101813

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:

38198 Rock Elm Dr., Selbyville, DE 19804 19975

Variance/Special Use Exception/Appeal Requested:

Allow building an addition (garage and front porch) to be compliant with the Keen-Wik on the Bay Homeowners Association 25 foot front setback instead of a 30 foot county setback. Our Association has approved the plans for this project pending approval of this variance.

Tax Map #: 5-33 19.12 120

Property Zoning: MR

Applicant Information

Applicant Name: Kevin & Zofia Bremser
Applicant Address: 38198 Rock Elm Dr
City Selbyville State DE Zip: 19975
Applicant Phone #: (302) 537-5867 Applicant e-mail: kgb19970@gmail.com

Owner Information

Owner Name: Kevin & Zofia Bremser
Owner Address: 38198 Rock Elm Dr
City Selbyville State DE Zip: 19975 Purchase Date: 5/1/02
Owner Phone #: (302) 537-5867 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

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.

We wish to improve the property by building a front porch and a new garage. The current state of the front entrance are concrete steps with no overhand protection which is a safety concern in our retirement years. Since the house was already built to the county 30 foot front setback line then a variance is needed which will resolve the entrance issue and provide an appealing look to the 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.

The front the house was built to the 30 front setback limit and therefore a front porch and appealing garage addition cannot be built without a variance.

3. Not created by the applicant:

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

We are not the original owners of the property and we did not build the original house.

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.

Most houses in this community are unique in design and therefore this project will align our house with this uniqueness. Also, there seems to be many houses in this community that do not conform to the 30 foot front setback.

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.

Yes it will. The plans from our builder will provide a design that is acceptable to us. The design provides a porch and new garage to a 25 foot front setback in compliance with Keen-Wik on the Bay Association.

POC Review Copy

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.

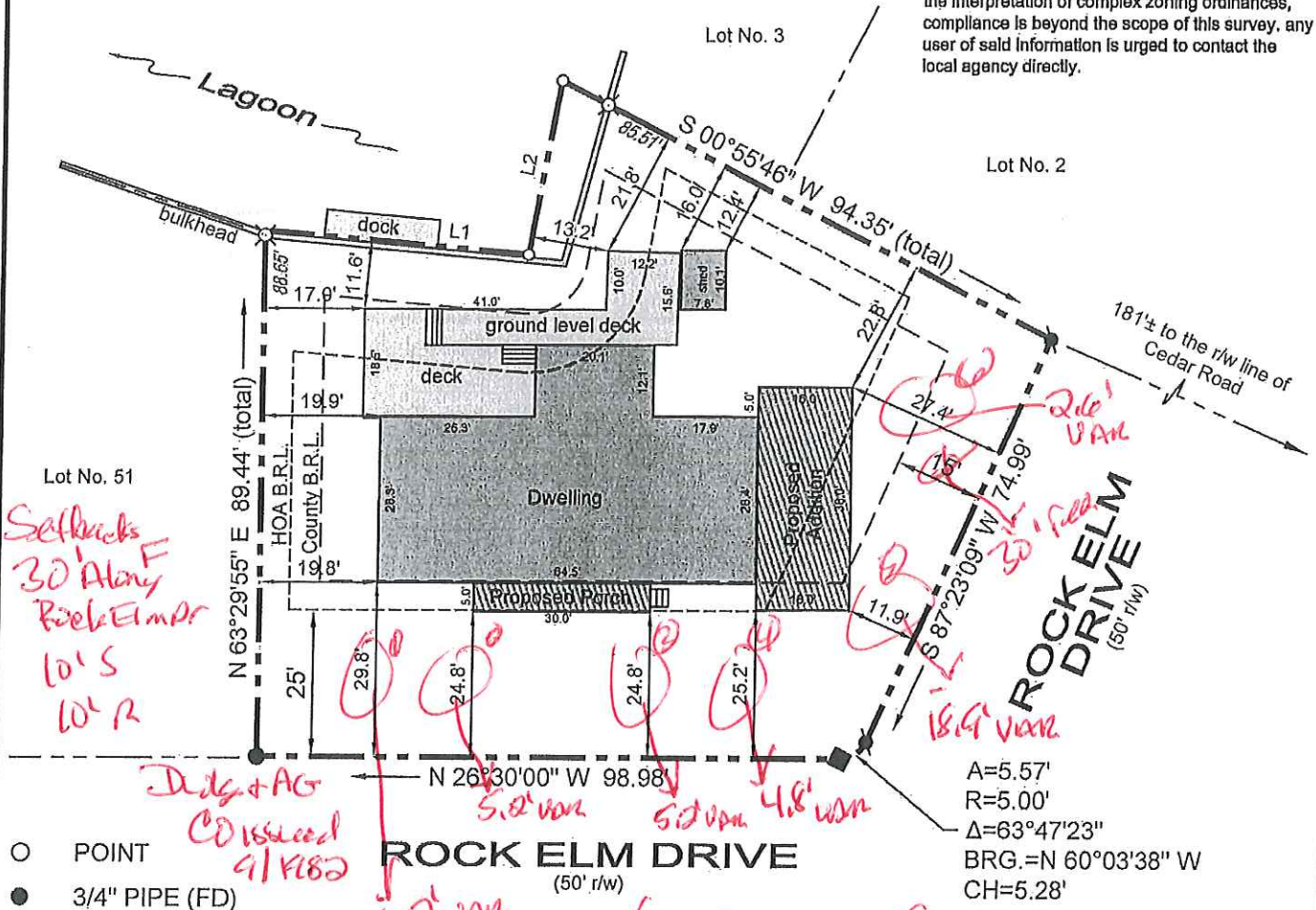
PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 21°25'52" E	44.86'
L2	N 73°44'13" E	29.95'

(B.R.L.) BUILDING RESTRICTION LINES

PER COUNTY	PER HOA
• FRONT- 30'	25'
• FRONT- 15'	—
• SIDES - 10'	5'
• REAR - 10'	20'
• ZONING - MR	

NOTE:

zoning and restrictions shown hereon were obtained by a general request at the public counter of the local zoning authority. no representation is made for the accuracy or completeness of said third party information. this firm is not an expert in the interpretation of complex zoning ordinances, compliance is beyond the scope of this survey, any user of said information is urged to contact the local agency directly.



- POINT
- 3/4" PIPE (FD)
- CONC. MON. (FD)
- ⊗ PK NAIL (SET)
- ⦿ 5/8" RE-BAR (FD)

B.R.L. BUILDING RESTRICTION LINE
 SCALE: 1"=30'
 AREA: 11,114 SQ. FT.
 TAX MAP NO. 5-33-19.12-120

Lands of KEVIN G. BREMSER and ZOFIA BREMSER. Being known as LOT NO. 52, SUBDIVISION NO. 7, KEEN-WIK. Ref: Plat Book 17, Page 150.

FIRM INFORMATION:
 100029 - 0654 - K
 MARCH 16, 2015
 ZONE: "AE", B.F.E.= 4.0'
 CLASS "B" SURVEY

HUNDRED: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE
 DATE OF ORIGINAL: 03-08-2021
 DRAWN BY: MICHAEL LOVELAND

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



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.

Revised survey from Appl.

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.

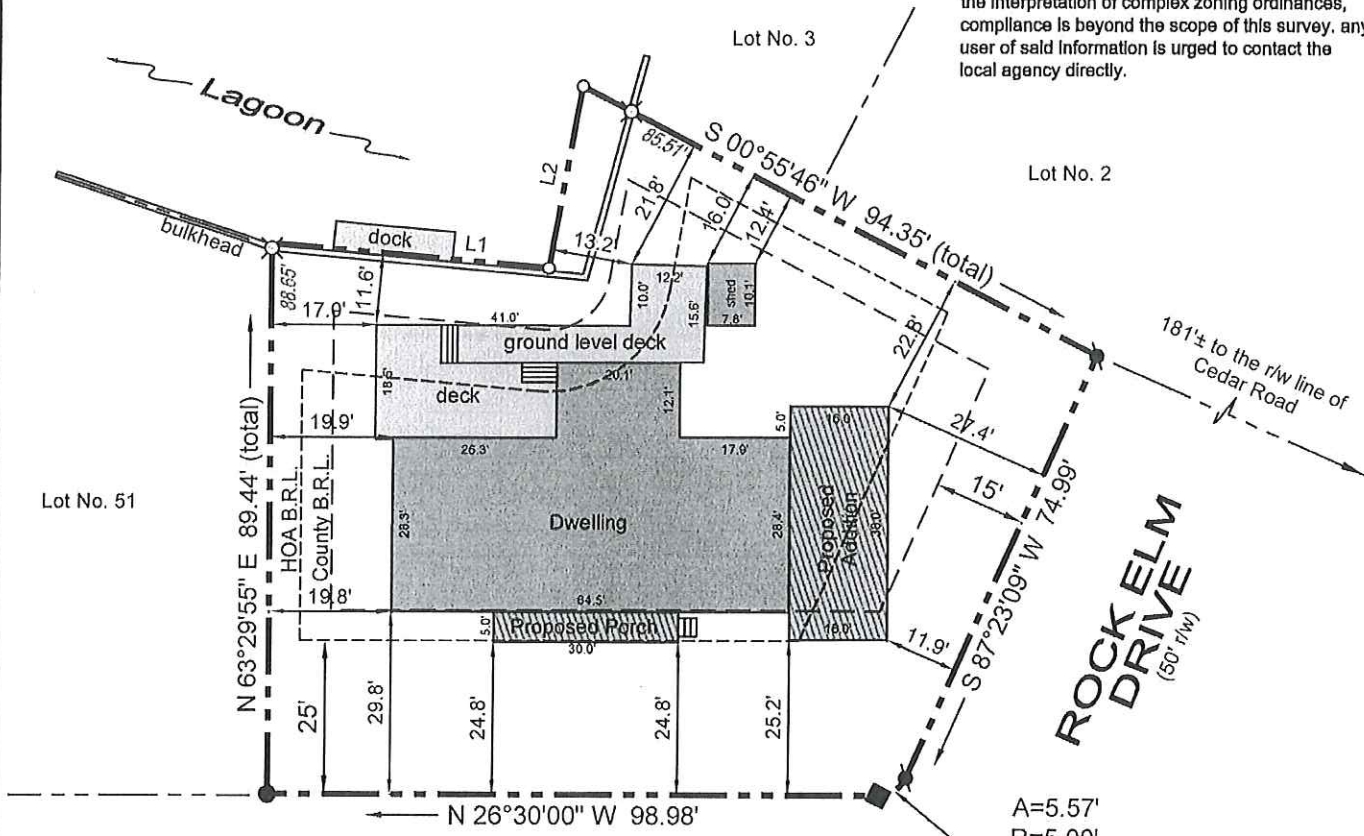
PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 21°25'52" E	44.86'
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(B.R.L.) BUILDING RESTRICTION LINES

PER COUNTY	PER HOA
• FRONT- 30'	25'
• FRONT- 15'	—
• SIDES - 10'	5'
• REAR - 10'	20'
• ZONING - MR	

NOTE:

zoning and restrictions shown hereon were obtained by a general request at the public counter of the local zoning authority. no representation is made for the accuracy or completeness of said third party information. this firm is not an expert in the interpretation of complex zoning ordinances, compliance is beyond the scope of this survey, any user of said information is urged to contact the local agency directly.



- POINT
- 3/4" PIPE (FD)
- CONC. MON. (FD)
- ⊗ PK NAIL (SET)
- ⦿ 5/8" RE-BAR (FD)

ROCK ELM DRIVE
(50' r/w)

Lands of KEVIN G. BREMSER and ZOFIA BREMSER. Being known as LOT NO. 52, SUBDIVISION NO. 7, KEEN-WIK. Ref: Plat Book 17, Page 150.

FIRM INFORMATION:
100029 - 0654 - K
MARCH 16, 2015
ZONE: "AE", B.F.E.= 4.0'
CLASS "B" SURVEY

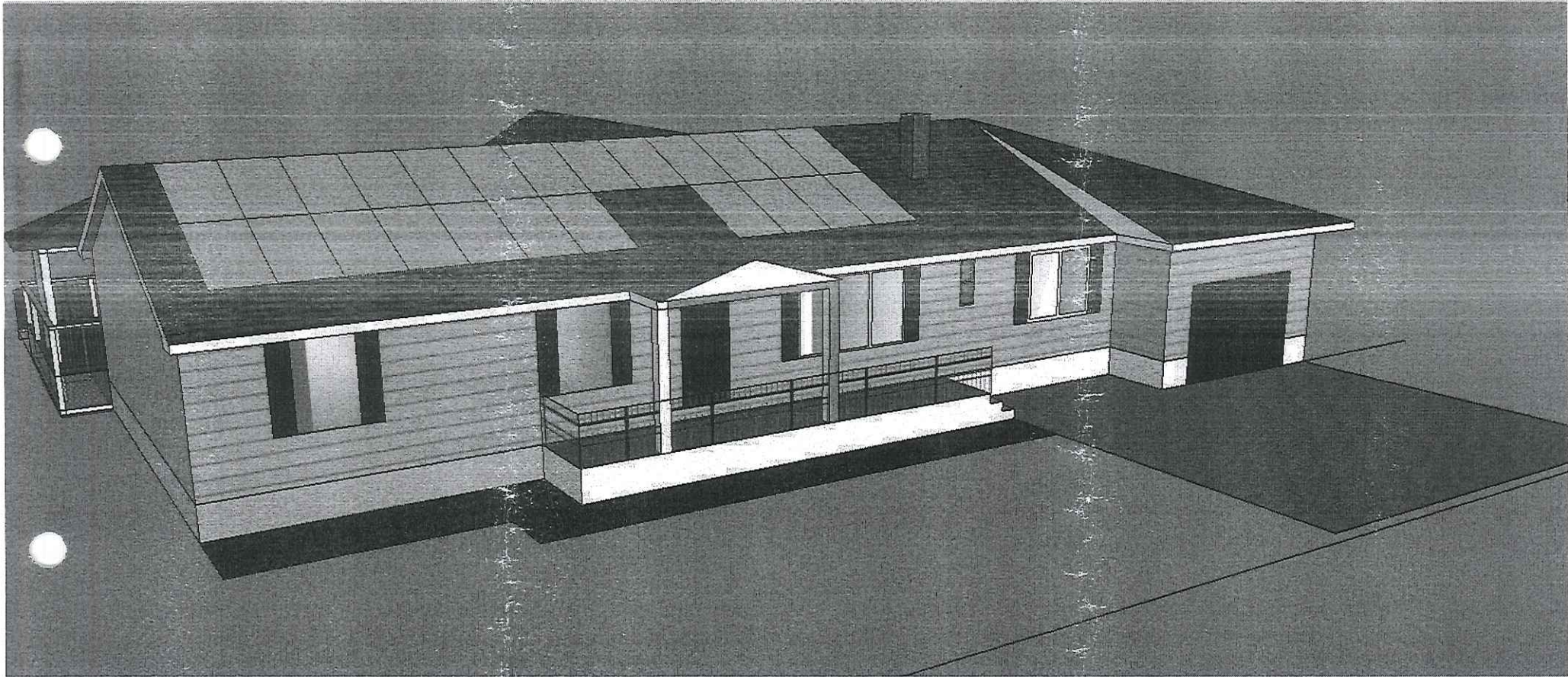
B.R.L. BUILDING RESTRICTION LINE
SCALE: 1"=30'
AREA: 11,114 SQ. FT.
TAX MAP NO. 5-33-19.12-120

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE OF ORIGINAL: 03-08-2021
DRAWN BY: MICHAEL LOVELAND

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
REGISTERED
N 86°00'07" 11
APR 12 2015
PROFESSIONAL LAND SURVEYOR
P.L.S. 711

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.



Kevin and Zofia Bremser
38198 Rock Elm Drive
Selbyville, DE 19975
302-537-5867
Kgb19970@gmail.com
January 31, 2021

Board of Adjustment
Sussex County Planning and Zoning Department
PO Box 417
Georgetown, DE 19947

Dear Board of Adjustment:

Enclosed is our variance application to build a front porch and garage as an addition to our existing house with a 25 foot front setback instead of a 30 foot. Also enclosed are:

- a sketch we created of the proposed addition superimposed on our current survey
- a screen capture of a 3D model showing the proposed front porch and new garage
- a check for \$400 for the application

Please note that we will provide a new survey by Simpler Surveying Associates showing the exact dimensions of the proposed addition before the meeting.

Please schedule us for the March 15, 2021 Board of Adjustment meeting or later.

Sincerely,

Kevin and Zofia Bremser



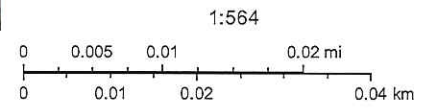
PIN:	533-19.12-120.00
Owner Name	BREMSEY KEVIN G
Book	2739
Mailing Address	33 SRANDIFORD CT
City	WILMINGTON
State	DE
Description	KEENWIK LOT 52
Description 2	ADDITION TO SUBD 7
Description 3	N/A
Land Code	

- 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 # 12 542
Hearing Date 4/12
2021 01957

RECEIVED

FEB 09 2021

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition SUSSEX COUNTY
Proposed PLANNING & ZONING
Code Reference (office use only)
115-34 115-183

Site Address of Variance/Special Use Exception:

Corner of North Bay Shore + Maryland Ave

Variance/Special Use Exception/Appeal Requested:

Requesting a 10 Ft. Variance from the 15-ft. side yard for
a proposed dwelling Per Applicant - All structures + HMAE with

Tax Map #: 2-35-4.13-63,00

Property Zoning: MR

with
Bldg
Box
shown

Applicant Information

Applicant Name: Jeff + Victoria Rushie
Applicant Address: 106 Paladin Dr
City WILM State De Zip: 19802
Applicant Phone #: 302-753-0438 Applicant e-mail: Jeff.Rushie@gmail.com

Owner Information

Owner Name: J+V Holdings
Owner Address: 307 Commercial Dr
City WILM State De Zip: 19805 Purchase Date: _____
Owner Phone #: 302-753-0438 Owner e-mail: Jeff.Rushie@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: _____



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 10-foot requested Variance is due to the narrowness of the 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.

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 necessary to enable reasonable use of property.

3. Not created by the applicant:

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

The exceptional practical difficulty has not been created by the applicant.

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

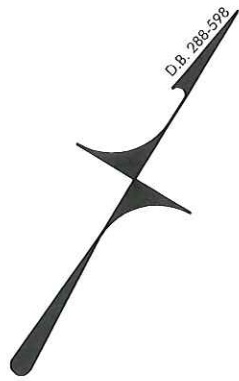
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

If authorized, this will not impair use of adjacent properties. The existing dwelling has been there since the 1960's and is 43' wide, 13 feet over the setback and has not altered the character of the neighborhood.

5. Minimum variance:

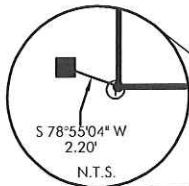
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The 10-foot variance that is being requested, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.



EDGE OF PAVING

NORTH BAY SHORE DRIVE (40' R/W)



MARYLAND AVENUE (30' R/W)
(SAND/GRAVEL ROAD)

LEGEND:

- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- DISTURBED CONCRETE MONUMENT (FOUND)
- Ⓞ POINT IN TELECOM BOX

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7720). THIS PARCEL IS IN FLOOD ZONE: AE (ELEV. 10') F.I.R.M. 10005C0180K, JUNE 20, 2018. 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
J & V HOLDINGS, LLC

10 MARYLAND AVENUE, MILTON
LOT #11, BLOCK C OF "BROADKILL BEACH" SUBDIVISION
BROADKILL HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

FEBRUARY 2, 2021 SCALE: 1" = 20'

Prepared by:



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

J & V Holdings, LLC

Jeff and Victoria Rushie are requesting a variance of 10 feet from the 15 foot side yard setback. The property is located at 10 Maryland Ave, it is a 50x100 corner lot. The variance is due to the narrowness of the property.

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 exceptional practical difficulty has not been created by the applicant. If authorized, this will not impair use of adjacent properties.

The existing dwelling has been there since the 1960's and it is 43 feet wide, 13 feet over the setback and has not altered the character of the neighborhood. The new building with a deck would be 40 feet wide and would not be a detriment to public welfare.



Sussex County

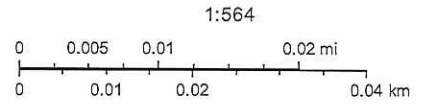


PIN:	235-4.13-63.00
Owner Name	J AND V HOLDINGS LLC
Book	5380
Mailing Address	307 COMMERCIAL DR
City	WILMINGTON
State	DE
Description	BROADKILL BEACH
Description 2	BROADKILN BEACH
Description 3	BLK C LOT 11 MD AVE
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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



February 23, 2021

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

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

Case # 12544
Hearing Date _____
202102136

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-25 115-210

Site Address of Variance/Special Use Exception:

14904 Coastal Hwy, Milton, DE 19968

Variance/Special Use Exception/Appeal Requested:

Special Use Exception for Day nurseries or Childcare centers

Tax Map #: 235-16.00-75.00 and 235-16.00-77.00 **Property Zoning:** AR1

Applicant Information

Applicant Name: Peaceful Child LLC
Applicant Address: 4 Cristeen Ct
City Lewes State DE Zip: 19958
Applicant Phone #: (302) 278-1210 Applicant e-mail: psnyder@gmail.com

Owner Information

Owner Name: Patrick William Snyder
Owner Address: 4 Cristeen Ct
City Lewes State DE Zip: 19958 Purchase Date: _____
Owner Phone #: _____ Owner e-mail: psnyder@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

Patrick Snyder

Date: 2/9/21



Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

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

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

Please see the attached documents.

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

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

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

Previous Use

This property was previously "The Olive Branch Church" and "Turning Point Yoga & Meditation" (*Conditional Use for Wellness Classes granted on June 18, 2019, Case #: CU 2156*)

Schedule

We follow the Cape Henlopen School District schedule for public schools, with a few exceptions (ex: we start a few days earlier). This means we're open approximately 180 days for the school year. We may offer a "Summer Program" starting 2022.

We are open Monday – Friday.
8:30a - 3:30p is the regular school day.

We offer before-care: 7:30a - 8:30a,
and after-care: 3:30p - 5:30p

Size

We hope to eventually grow to approximately 40 to 60 children.

Traffic

Drop-off and pickup times are staggered because of before-care and after-care. Traffic is additionally staggered because we offer half days for children ages 1 to 3. Also, some families enroll more than 1 child, but only need 1 car. Therefore, we anticipate approximately 30 cars at peak times. The parking lot has 50 parking spaces with additional space to park if necessary.

We believe peak traffic will be less than what was needed when the building was used as a church. For comparison, the former church hall can seat 100 people.

We will not be operating on weekends.

We don't believe our use will cause a noticeable effect on traffic.

Experience & Background

Patrick and Pin run Little World International Montessori Academy on the campus of St Jude the Apostle Catholic Church (*Special Use Exception granted June 5, 2017, Case No. 11976*).

<https://littleworldima.com>

This new school will be called "Peaceful Child". It will attempt to duplicate what Little World IMA has done to serve the surrounding community. It will be a separate school and childcare facility, with programs similar to Little World IMA.

Patrick has been teaching for over 19 years. Pin has been teaching for 12 years. We both hold Montessori certifications (in addition to our certificates from DE Dept. of Education) and have taught in Montessori classrooms for much of our career.

Certifications - Patrick Snyder

Montessori Diploma - Elementary (Ages 6-12)	Association Montessori International (AMI)
School-Age Administrator	DE Dept. of Education, Delaware First
Early Childhood Teacher (Birth – Grade 2)	DE Dept. of Education
Elementary Teacher (Grades K-6)	DE Dept. of Education
Elementary Teacher (Grades K-6)	NJ Dept. of Education
Music Teacher (Grades K-12)	DE Dept. of Education
Music Teacher (Grades K-12)	NJ Dept. of Education

Certifications - Pin Li

Montessori Diploma - Primary (Ages 2½-6+)	Association Montessori International (AMI)
Early Childhood Teacher	DE Dept. of Education, Delaware First

We will hire other skilled and experienced educators as we've done at Little World IMA.

<https://littleworldima.com/staff.htm>

Peaceful Child School will be regulated by DE Dept. of Education following the guidelines of Delaware Office of Child Care Learning. We also will be seeking extra accreditation once the school is up and running. We aim to create the quality of school that will ultimately enhance the value of the surrounding area.

School Style

We will be a small Montessori style school with family style, mixed-age classrooms. We will have 3 programs, Toddlers (ages 1-3), Primary (ages 3-6) and Elementary (ages 6-12).

Providing a Useful Service

We recently opened enrollment for Little World IMA for next school year. All spots filled within 2 weeks, with the majority being returning families. We have a long waiting list, and we still receive calls and emails every day from families looking for childcare. Little World IMA received 25 new applications just this past month.

From what we hear, other nearby schools & childcare facilities also have long waiting lists, and many families are struggling to find quality childcare. We believe that opening another facility will provide a useful service to the community.

LANDS N/F OF
 JOSEPH R. HUDSON and
 FAYE W. HUDSON
 DEED REF.: 665/180
 TAX MAP: 2/35/22
 PARCEL 52

LANDS N/F OF OTIS CLIFTON
 DEED REFERENCE: 639/97
 TAX MAP: 2/35/16
 PARCEL 50

**Lands of:
 Christine and Joseph R. Hudson
 27910 Eagles Crest Road
 Milton, DE 19968**

15' Side
 Yard Setback
 Typical on
 North and
 South Property
 Lines

P/O 52
 PARCEL

PARCEL 75
 TAX MAP: 2-35-16
 DEED REF.: 1272/347
 AREA = 2.00 ACRES±

DEED REF.:
 TAX MAP: 2-35-16

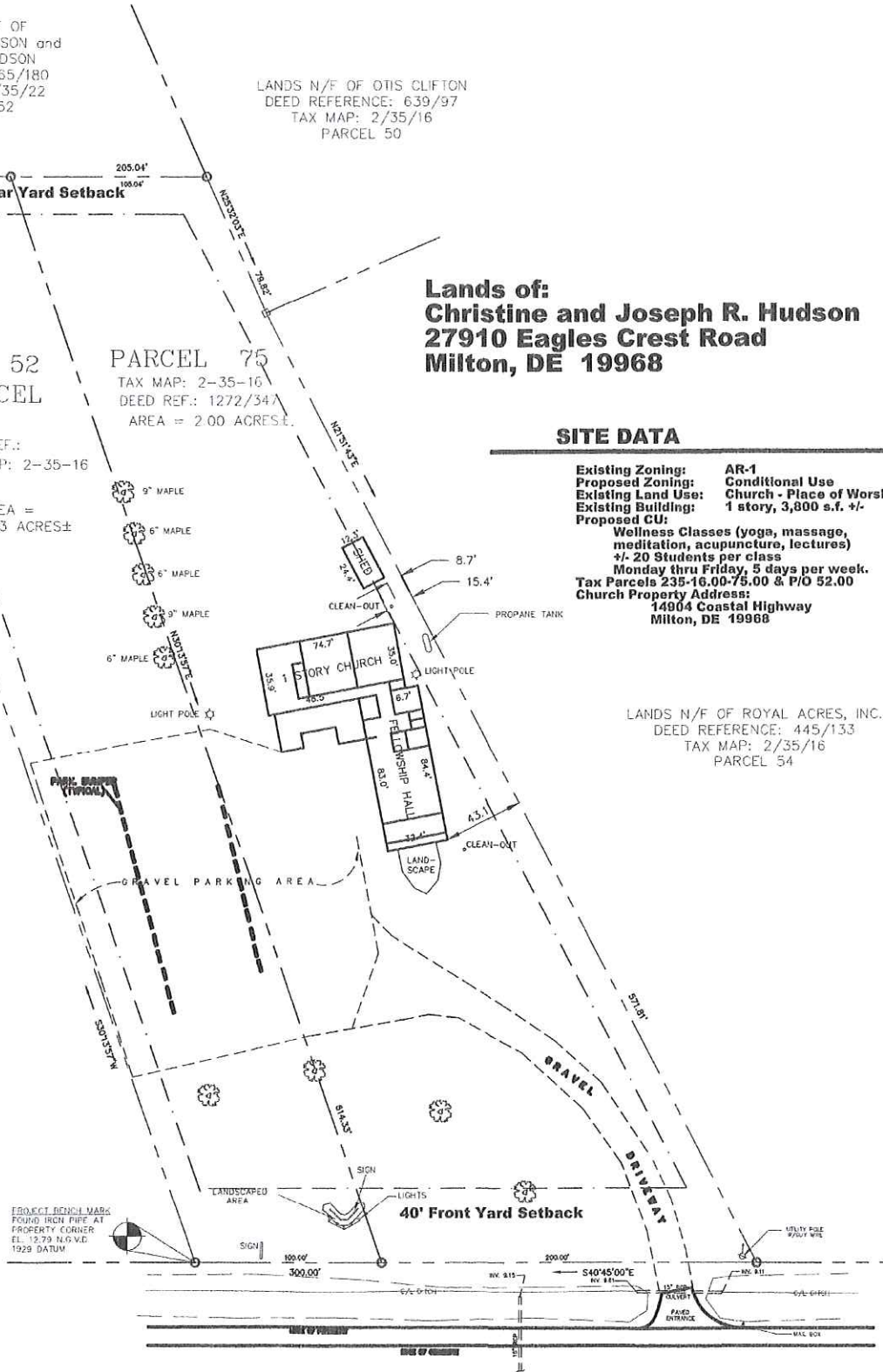
AREA =
 1.33 ACRES±

SITE DATA

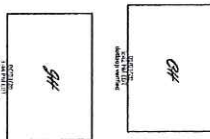
Existing Zoning: AR-1
 Proposed Zoning: Conditional Use
 Existing Land Use: Church - Place of Worship
 Existing Building: 1 story, 3,800 s.f. +/-
 Proposed CU: Wellness Classes (yoga, massage, meditation, acupuncture, lectures) +/- 20 Students per class Monday thru Friday, 5 days per week.
 Tax Parcels 235-16.00-75.00 & P/O 52.00
 Church Property Address: 14804 Coastal Highway Milton, DE 19968

LANDS N/F OF ROYAL ACRES, INC.
 DEED REFERENCE: 445/133
 TAX MAP: 2/35/16
 PARCEL 54

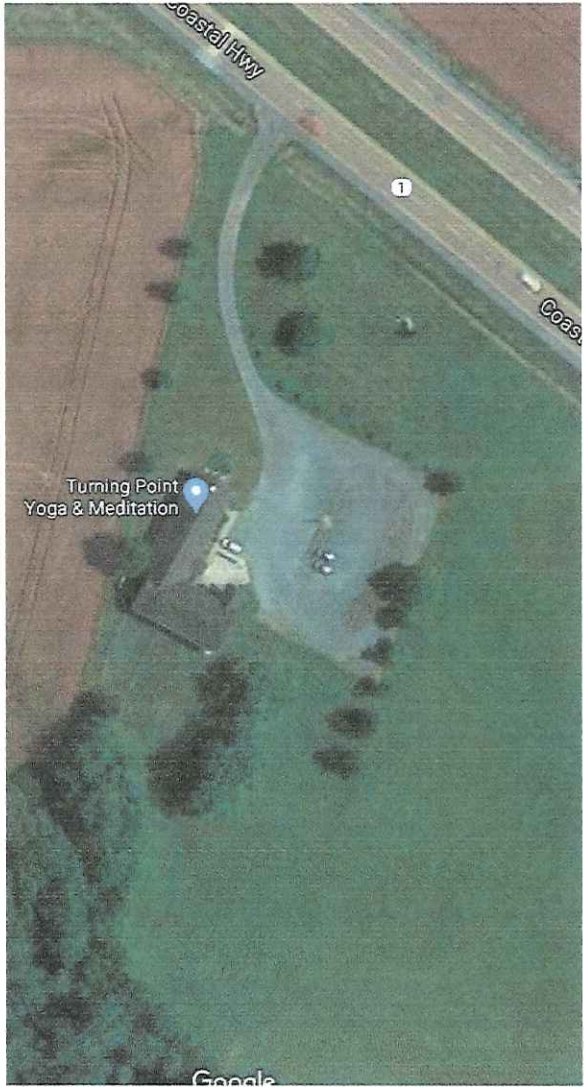
LANDS N/F OF
 JOSEPH R. HUDSON and
 FAYE W. HUDSON
 DEED REF.: 665/180
 TAX MAP: 2/35/22
 PARCEL 52

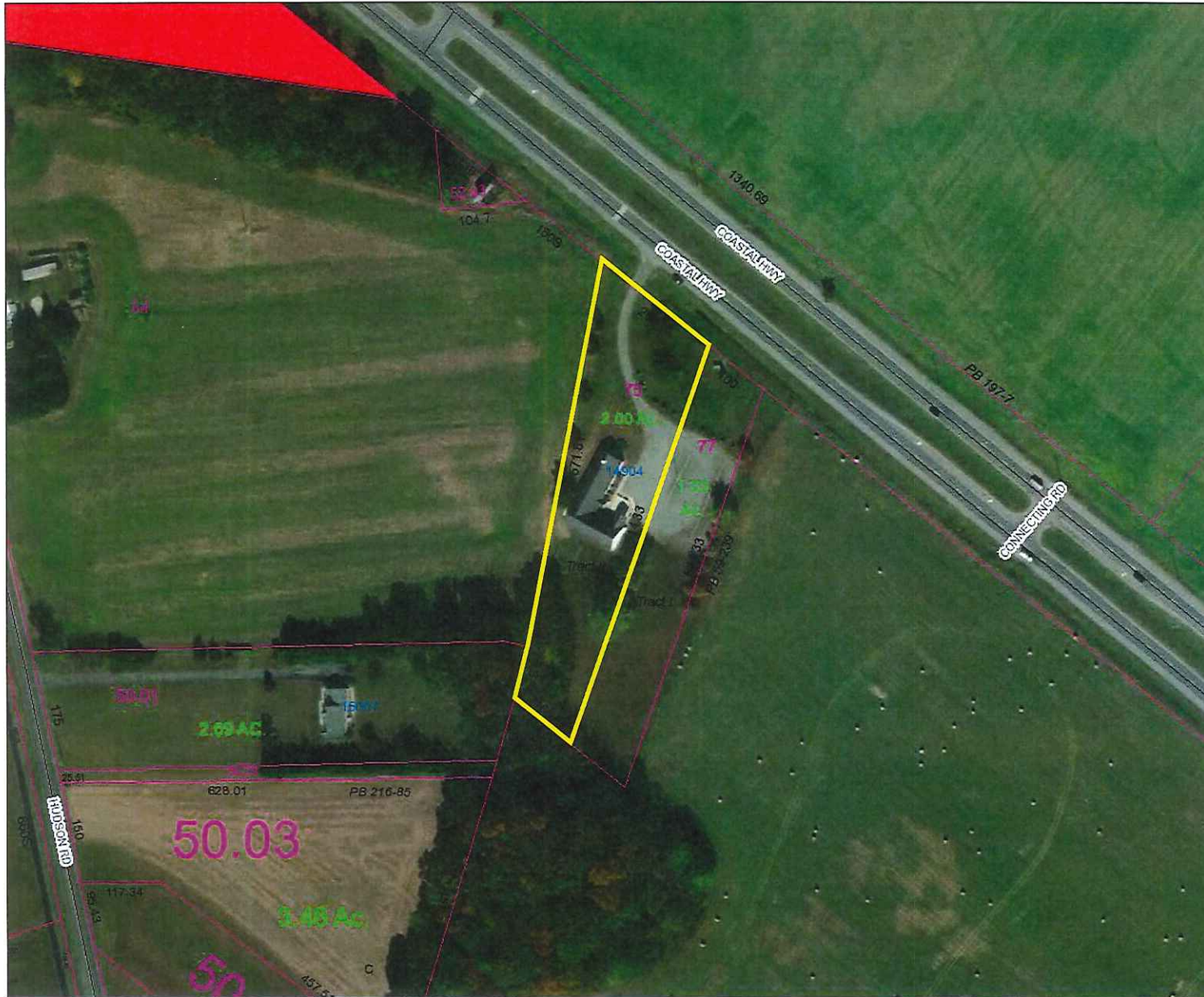


DELAWARE ROUTE NO. 1



SITE PLAN - Proposed Conditional Use
 August, 27, 2018



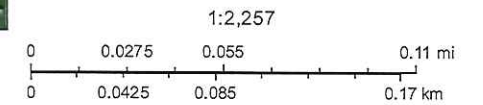


PIN:	235-16.00-75.00
Owner Name	HUDSON FAMILY 2 LLC
Book	3739
Mailing Address	30045 EAGLES CREST RD
City	MILTON
State	DE
Description	SW/RT 1
Description 2	1640'SE/RT 258
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets



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 # 12543
Hearing Date 4/12
2021 02078

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-34 115-143

Site Address of Variance/Special Use Exception:
33469 Marina Bay Circle Millsboro DE 19966

Variance/Special Use Exception/Appeal Requested:
Sunroom addition to home.
Permission to extend 6'6" into setback.

Tax Map #: 234-30.00-310.00-25 **Property Zoning:** MR

Applicant Information

Applicant Name: John Byrnes and Katherine Cunningham
Applicant Address: 33469 Marina Bay Circle
City Millsboro State DE Zip: 19966
Applicant Phone #: (703) 965-7392 Applicant e-mail: jbyr@aol.com

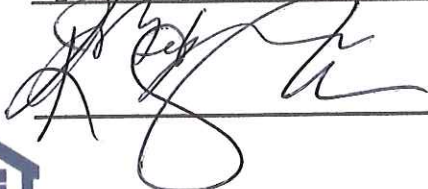
Owner Information

Owner Name: John Byrnes and Katherine Cunningham
Owner Address: 33469 Marina Bay Circle
City Millsboro State DE Zip: 19966 Purchase Date: 9/30/12
Owner Phone #: (703) 965-7392 Owner e-mail: jbyr@aol.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: 1/15/20



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

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

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

1. Uniqueness of property:

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

Rear of home is directly on setback, allowing no room to attach sun-room..

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.

There is no other location where indoor/outdoor enclosure can be installed-very narrow space between homes & side setbacks.

3. Not created by the applicant:

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

This was the builder's development project- not homeowner.

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 many homes in the community which have sun-rooms attached- style & finish materials will be harmonious with community.

5. Minimum variance:

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

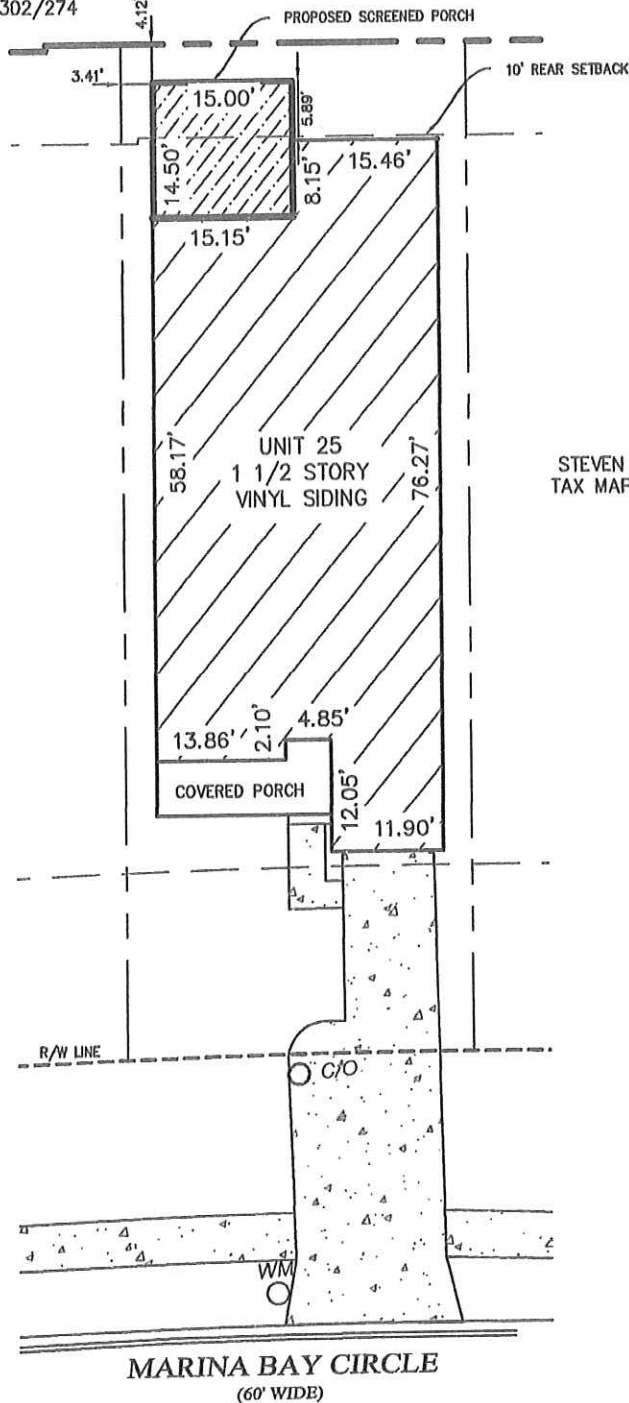
Due to side setback being tight, encroaching into rear setback area is the only possibility and due to the narrow width of only 15' available, the depth ,must be enough to afford the minimum 200 sq-ft for furniture layout and egress path.

LANDS N/F
 THE PENINSULA COMMUNITY ASSOCIATION INC.
 TAX MAP: 234-30.00-367.00
 DEED REF: 5302/274



UNIT 24
 LANDS N/F
 BRUCE J & LYNDY T MABINE
 TAX MAP: 234-30.00-310.00-24

UNIT 26
 LANDS N/F
 STEVEN & KIMBERLY SCHNEIDER
 TAX MAP: 234-30.00-310.00-26



LEGEND

- LIMITED COMMON ELEMENT LINE
- PROPERTY LINE
- RIGHT OF WAY LINE
- BUILDING SETBACK LINE
- EXISTING CONCRETE HATCH
- PROPOSED HATCH

DEED REF: 4040/327

SITE PLAN
 UNIT 25, "MARINA BAY"
 AT
 "THE PENINSULA ON INDIAN RIVER BAY"
 PHASE 5B - AREA 4
 INDIAN RIVER HUNDRED
 SUSSEX COUNTY, DELAWARE

McCRONE

ENGINEERS ■ SURVEYORS ■ PLANNERS
 ANNAPOLIS ■ CENTREVILLE ■ ELKTON ■ SALISBURY ■ DELAWARE

119 NAYLOR MILL ROAD, SUITE 6
 SALISBURY, MD 21801
 (410) 518-1492

www.mccrone-engineering.com

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DRAWN BY SG
 SCALE 1"=20'
 DATE 02/09/2021
 JOB NO. D2210019
 SHEET No. 1


CAD: D2210019.DWG, D2210019 - Site Plan.dwg, 2/9/2021 2:50:54 PM, SHARE MK-5070N ECI 6

Steve & Kimberly Schneider
33471 Marina Bay Circle
Millsboro, DE 19966
703-344-1238

January 15, 2021

Subject: Concurrence on Sunroom Build for John & Kathy Byrnes, 33469 Marina Bay Circle, Millsboro, DE 19966

The purpose of this letter is to provide concurrence on the sunroom addition at the address in subject line.


Steve Schneider
Homeowner

jbyr@aol.com

From: Bruce Mabine <bmabine1260@comcast.net>
Sent: Friday, January 15, 2021 9:26 PM
To: jbyr@aol.com
Cc: lynda Thomas-Mabine
Subject: Re: Variance

Hi John and Kathy,

We are happy that you are adding to your home by building a sunroom. I am certain that it will provide another level of enjoyment to your home. We have no objections and hope that you will enjoy many sunsets with a beverage of choice, while relaxing in your new sunroom.

Sincerely,
Bruce and Lynda Mabine

33467 MARINA Bay Cir

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 # 12545
Hearing Date 4/19
202102254

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-183

Site Address of Variance/Special Use Exception:

37041 MALLARD DRIVE, SELBYVILLE, DE 19975

Variance/Special Use Exception/Appeal Requested:

REMOVE 8'x12' PORTABLE WOOD SHED & PROPERTY LINE.
INSTALL 10'x24' PORTABLE WOOD SHED SAME LOCATION.
SEE ATTACHED SURVEY & SKETCH

Tax Map #: 5-33-12.16-94 Property Zoning: GR

Applicant Information

Applicant Name: JOSEPH A. VAI
Applicant Address: 1402 W. 8TH ST
City Wilmington State DE Zip: 19806
Applicant Phone #: 302 540 0622 Applicant e-mail: IVAI@COMCAST.NET

Owner Information

Owner Name: SAME AS ABOVE
Owner Address: _____
City _____ State _____ Zip: _____ Purchase Date: OCT-2000
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

Joseph A Vai

Date: 1/27/2021



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.

ADDITION BUILDING ADDITION & REAR PROPERTY (FUTURE). REMOVING REAR SHED TO MAKE ROOM. NEED TO REMOVE 8'X12' PORTABLE SHED & LEFT SIDE AND INSTALL 10'X24' PORTABLE SHED FOR STORAGE SPACE. EXISTING SHED 5" FROM PROPERTY LINE.

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.

NEED TO HAVE 10'X24' PORTABLE SHED @ SAME LOCATION, 5" FROM PROPERTY LINE TO ALLOW SIDEWALK ACCESS FROM STREET TO REAR OF PROPERTY.

3. Not created by the applicant:

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

EXISTING 8'X12' SHED @ THIS LOCATION WHEN PROPERTY PURCHASED. NO OTHER LOCATION WILL ALLOW REASONABLE ACCESS TO REAR OF PROPERTY

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

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

NEW 10'X24' PORTABLE WOOD SHED @ SAME LOCATION WILL NOT IMPAIR OR ALTER CHARACTER OF MY PROPERTY OR NEIGHBORHOOD. NEW 10'X24' SHED TO MATCH HOUSE. SAME A FRAME ROOF, SHINGLES AND WHITE VINYL SIDING

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.

INSTALLING LARGER 10'X24' SHED THIS LOCATION WILL ALLOW ME TO HAVE SAME STORAGE SPACE (1) LOCATION. LOOSING SHED @ REAR DUE TO (FUTURE) ADDITIONS.

TO: Board of Adjustment Application, Sussex County, DE

1/18/2021

FROM: Joseph A. Vai (OWNER)

1402 W. 8th Street, Wilmington, DE 19806

302-540-0622, jvai@comcast.net

Dear Board,

I'm planning on extending rear bedroom and rear living room on existing building. I need to remove the 6'X 8' shed at rear deck, losing storage space to make room for bedroom extension. I now have an existing 8'X 12' portable wood shed left side of property and room to enlarge storage shed space there.

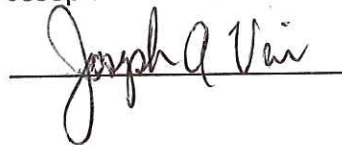
I'm requesting that I can remove existing 8'X12' shed, left side of property and install a 10'X 24' quality portable wood shed extending width of existing space 2' wider and length 12' longer in same area, see attached plot plan. The new shed will reflect existing building exterior construction, matching white vinyl siding design and matching color/ style of roof shingles on A frame roof per house. Extending the existing shed width and length will relieve a lack of storage area needed, due to loss of rear shed and will not create a noticeable impairment with neighbor and surrounding residence. This will not affect adversely the uses of adjacent neighboring properties. New concrete sidewalk and landscaping will be installed to complete shed project. I'm planning to live at this property and want to make it as attractive as possible.

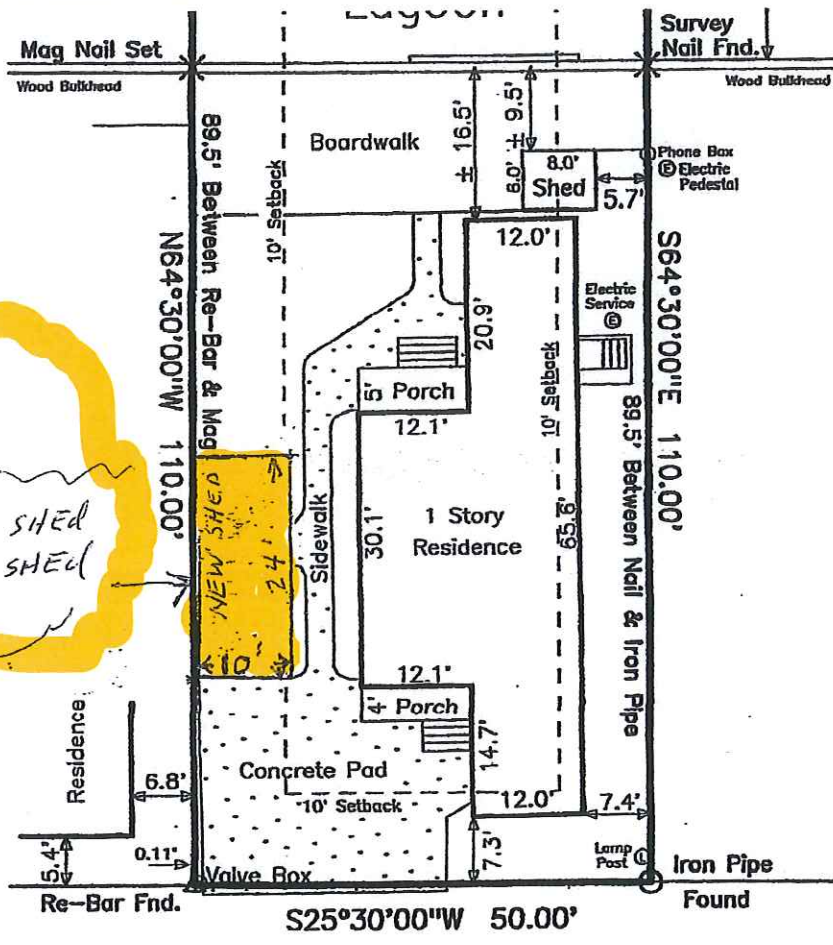
Attached are pictures of existing shed, new wood shed to be installed and plot plan showing location of variance needed.

Please let me know if any other information is needed.

Thank You for your Time.

Joseph A. Vai

A handwritten signature in black ink that reads "Joseph A. Vai". The signature is written in a cursive style and is positioned above a horizontal line.

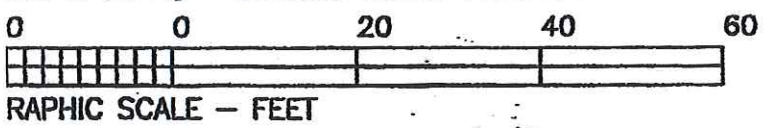


LOT
 (53)
 REMOVE 8'X12' SHED
 INSTALL 10'X24' SHED

Mallard Drive
37041

zoning: GR County Setbacks Shown.
 Area Of Survey: ± 5,500 Sq. Feet
 Area Of Fast Land: ± 4,475 Sq. Feet
 Reference Plat: Swann Keys

Plat Book 14 / Pages 99 & 100
 Tax Map Reference: 5-33-12.16-94
 Class B Survey Location Detail: Suburban



THIS DRAWING DOES NOT VERIFY THE
 EXISTENCE OR NON-EXISTENCE OF
 RIGHT-OF-WAYS, OR EASEMENTS IN
 REFERENCE TO THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.

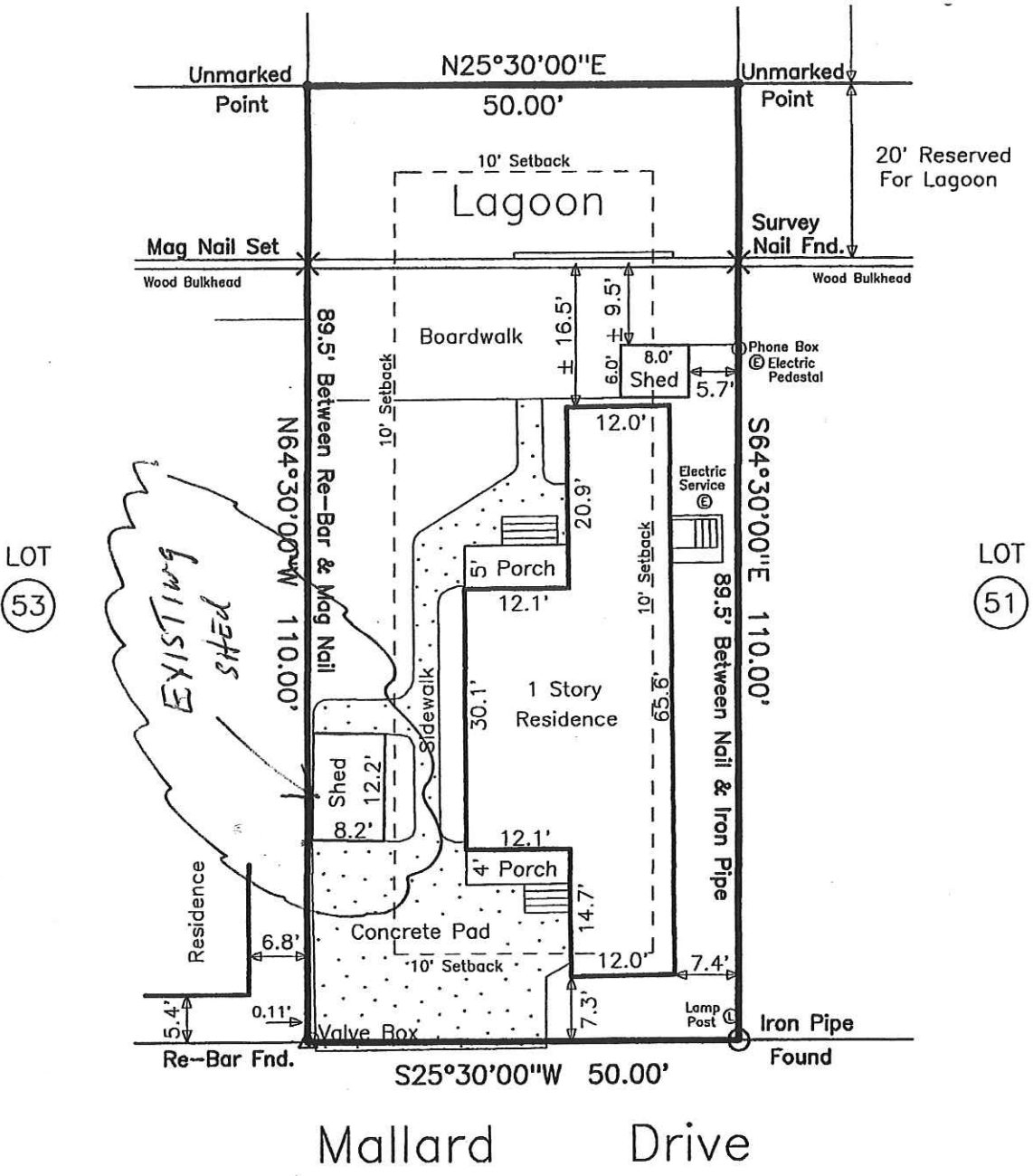
LAWRENCE R. LONG
Professional Land Surveyor

36079 Bayard Road
Frankford, DE 19945
PHONE: 302-436-8361

Land Surveying Services
DELAWARE / MARYLAND

LAWRENCE R. LONG
 Professional Land Surveyor
 LAWRENCE #543 MARYLAND #10961

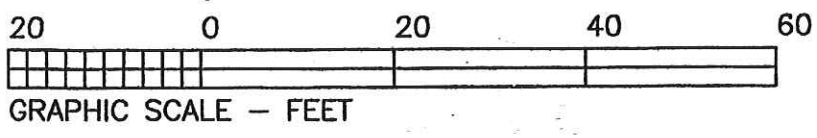
March 14, 2007



Mallard Drive

Zoning: GR County Setbacks Shown.
 Area Of Survey: ± 5,500 Sq. Feet
 Area Of Fast Land: ± 4,475 Sq. Feet
 Reference Plat: Swann Keys

Plat Book 14 / Pages 99 & 100
 Tax Map Reference: 5-33-12.16-94
 Class B Survey Location Detail: Suburban



THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS, OR EASEMENTS IN REFERENCE TO THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.

LAWRENCE R. LONG
 Professional Land Surveyor

36079 Bayard Road
 Frankford, DE 19945
 PHONE: 302-436-8361

Land Surveying Services
 DELAWARE / MARYLAND

Lawrence R. Long
 LAWRENCE R. LONG (Valid In Red Ink Only)
 Professional Land Surveyor
 DELAWARE #543 MARYLAND #10961

March 14, 2007

SoE VAI

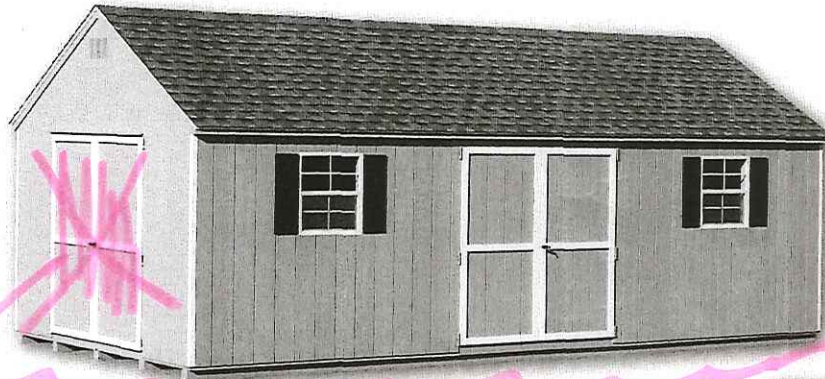
37041 MALLARD DR.
SWAN KEYS
SELBYVILLE, DE

VYNLE SIDING / ROOF SHINGLES
TO MATCH EXISTING HOUSE

ECONOMY SERIES

Standard Features:

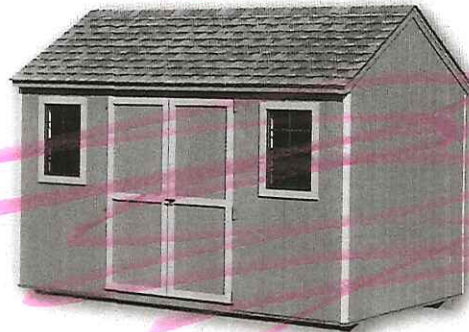
- * 12" on Center Floor Joists
- * 1/2" Floor Plywood (5/8" floor plywood on garages)
- * Walls & Roof 2"x4"s 24" on Center



10' x 24' ECONOMY A-FRAME

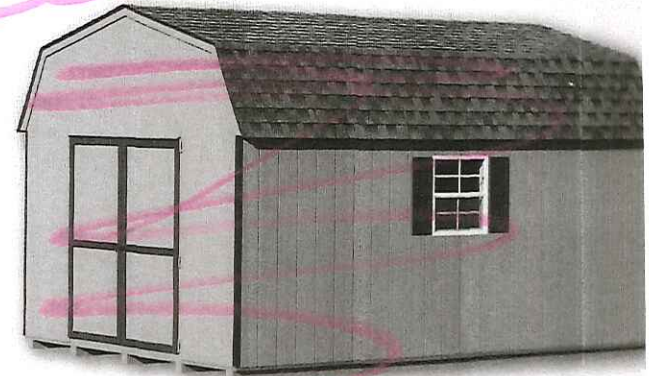
Shown with optional end vents & additional double doors

Light Gray • White Trim • Pewter Roof • Black Shutters



8' x 12' ECONOMY A-FRAME

Shown with optional 1x3 window trim instead of shutters
Coffee • Clay Trim • Weatherwood Roof

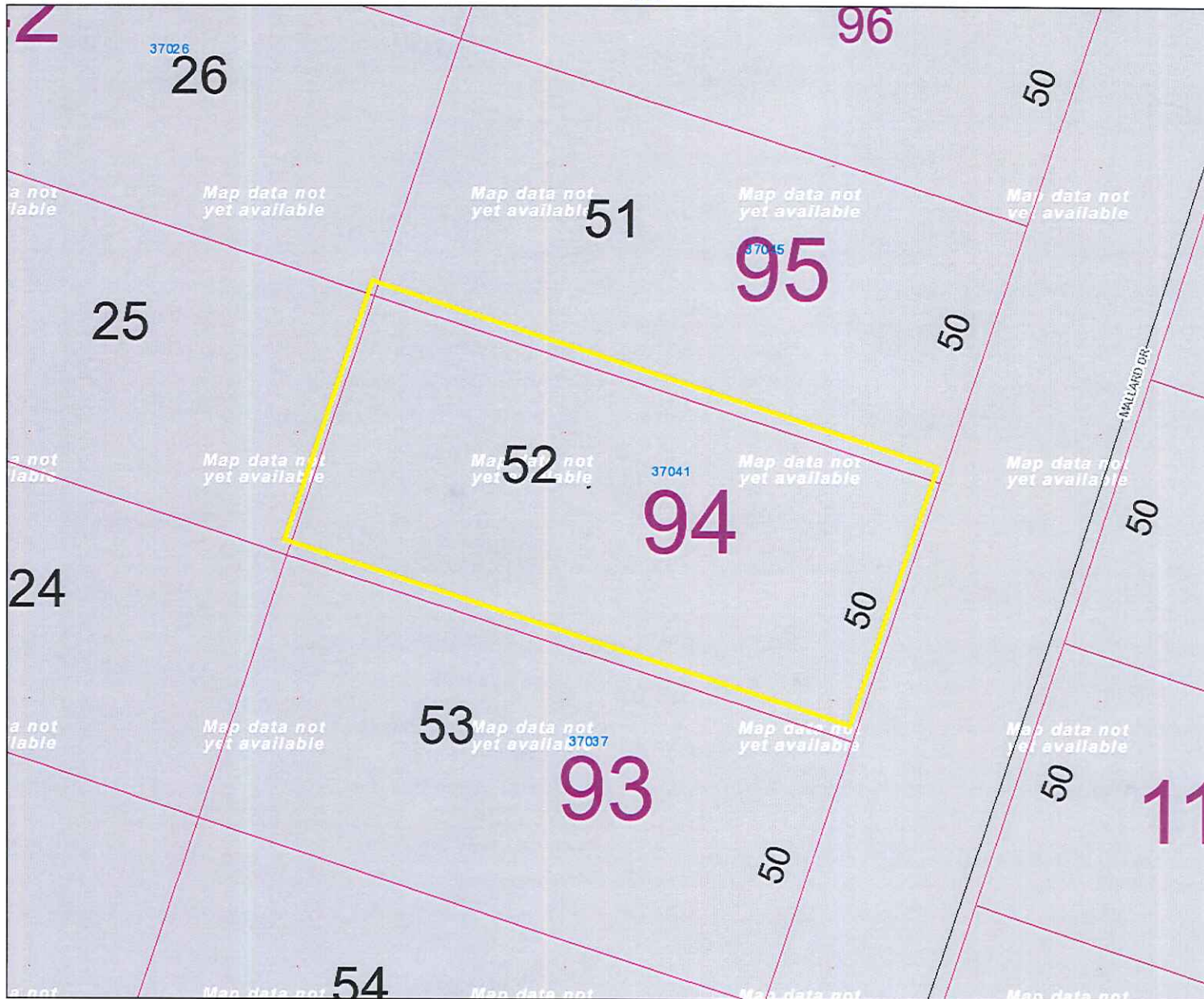


12' x 16' ECONOMY DUTCH

Clay • Green Trim • Weatherwood Roof

NO DOOR



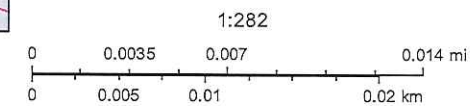


PIN:	533-12.16-94.00
Owner Name	VAI JOSEPH A & ANDREA G
Book	2510
Mailing Address	1402 W 8TH ST
City	WILMINGTON
State	DE
Description	SWANN KEYS LOT 52
Description 2	BLK H WITH IMP
Description 3	N/A
Land Code	

- 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 # 12546
Hearing Date April 19, 2021
202102255

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-82 115-182
115-183 115-185

Site Address of Variance/Special Use Exception:

37496 Washington Street, ~~Wilmington, DE 19810~~ Rehoboth Beach

Variance/Special Use Exception/Appeal Requested:

A request for variances pursuant to Section 115-82 of the Municipal Code to allow: (1) a reduction of the front yard average setback requirement of 19.52' to 13.9' for a proposed porch; (2) a reduction of the side yard setback requirement of 5' to 4.4' for the existing dwelling; and (3) a reduction of the side yard setback requirement of 5' to 3.8' for an existing shed.

Tax Map #: 334-13.20-63.00

Property Zoning: C-1

Applicant Information

Applicant Name: Jeanne Murray
Applicant Address: 2207 Charwood Drive
City Wilmington State DE Zip: 19810
Applicant Phone #: (302) 475-3008 Applicant e-mail: jeanne.murray@yahoo.com

Owner Information

Owner Name: Jeanne Murray
Owner Address: 2207 Charwood Drive
City Wilmington State DE Zip: 19810 Purchase Date: _____
Owner Phone #: (302) 448-1179 Owner e-mail: jeanne.murray@yahoo.com

Agent/Attorney Information

Agent/Attorney Name: Baird Mandalas Brockstedt LLC c/o Mackenzie M. Peet, Esq.
Agent/Attorney Address: 1413 Savannah Road, Suite 1
City Lewes State DE Zip: 19958
Agent/Attorney Phone #: (302) 645-2262 Agent/Attorney e-mail: mackenzie@bmbde.com

Signature of Owner/Agent/Attorney

Mackenzie Peet

Date: 2/10/21



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:

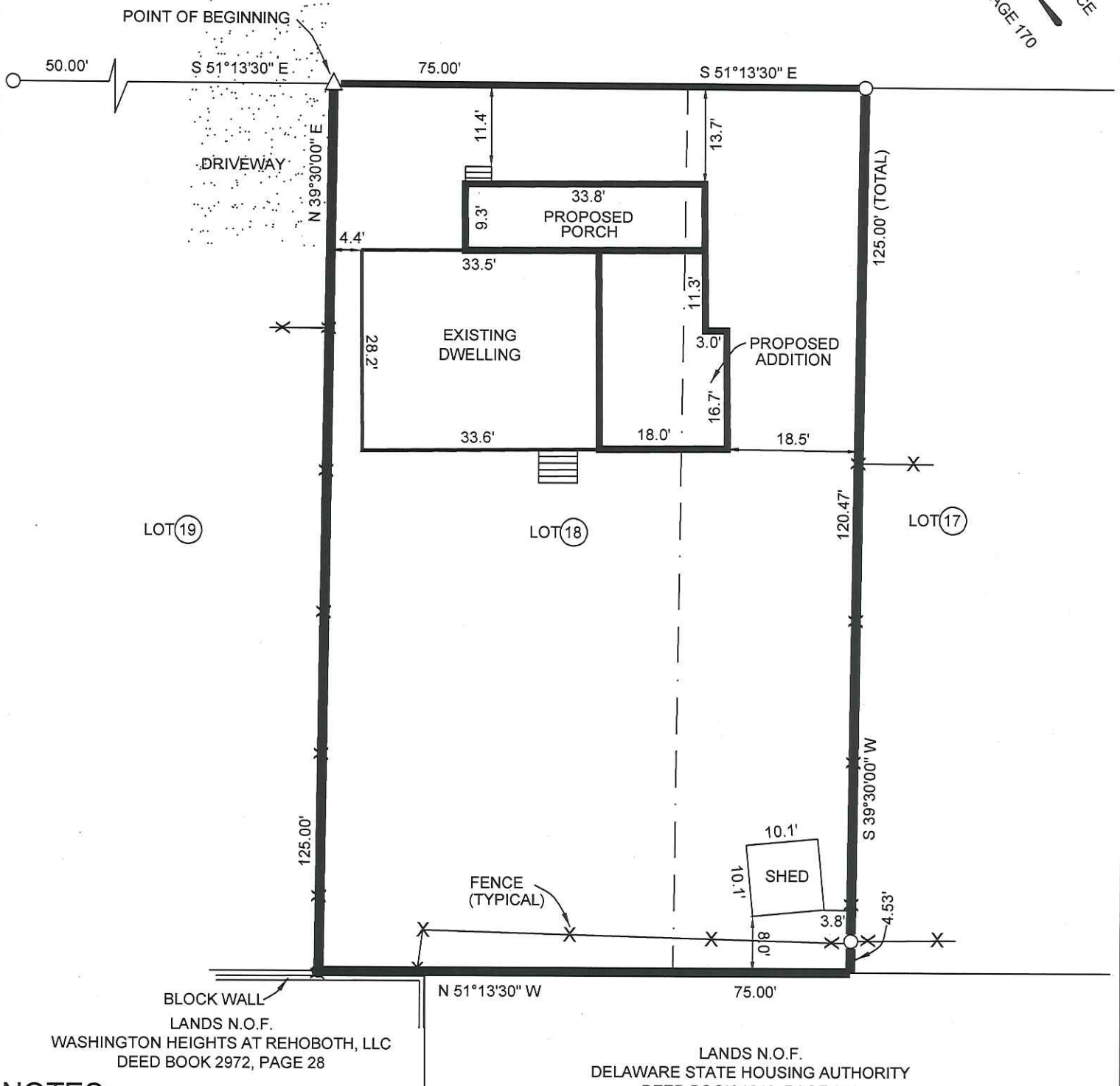
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

See attached.

Criteria for Variance

1. **Uniqueness of property:** The lot is irregularly shaped in comparison to other lots on Washington Street as a lot and a half. The existing structure is not centrally located on the lot, is located towards Lot 19, and sits in the side yard setback, creating a unique condition on site peculiar to this property and an exceptional practical difficulty for the Applicant to make normal improvements to the existing structure.
2. **Cannot otherwise be developed:** The property's current size and shape and the existing structure's orientation on the lot restricts the Applicant's reasonable use of the property to make normal improvements to the aged existing structure.
3. **Not created by the applicant:** The property was inherited by the Applicant's deceased husband and subsequently deeded to the Applicant and her late husband. The existing structure and shed existed on the site when the Applicant's deceased husband inherited the property. There is an existing porch that exists in the front yard setback presently and the Applicant is proposing to make normal improvements to the existing porch structure to improve the original, existing structure.
4. **Will not alter essential character of the neighborhood:** Washington Street is in transition. Owners along Washington Street have been making normal improvements to older homes like the Applicant's proposed improvements. The Applicant's proposed porch expansion is like other front porches attached to other dwellings along Washington Street. The average setbacks survey confirms that other dwellings and/or attached porches exist in the front yard setback of other lots.
5. **Minimum variance:** This is the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue. Other properties on Washington Street have similar porches and the dwelling already exists in the front yard and side yard setbacks. The chain of title suggests that the property and the existing dwelling have existed in the front and side yard setbacks for decades and possibly before adoption of the Zoning Code.

WASHINGTON STREET
(50' WIDE)



NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 4877, PAGE 206
- 2) SURVEY CLASSIFICATION: SUBURBAN
- 3) CURRENT ZONING: C-1
- 4) SETBACKS PER SUSSEX COUNTY CODE:
FRONT: 19.52' (AVG. SETBACK)
SIDE: 5'
REAR: 5'
- 5) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 6) 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

BOUNDARY SURVEY & SITE PLAN
 PREPARED FOR
**WILLIAM E. MURRAY &
 JEANNE B. MURRAY**
 LOT 18 & PART OF LOT 17
 WASHINGTON HEIGHTS
 DEED BOOK 271, PAGE 598
 (A.K.A. 37496 WASHINGTON STREET)
 TAX MAP NO. 3-34-13.20-63.00
 AREA: 9,374± SQUARE FEET
 SITUATE IN: LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, STATE OF DELAWARE

LEGEND:

- FOUND IRON PIPE
- △ FOUND IRON BAR
- SET IRON BAR

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



Karins and Associates

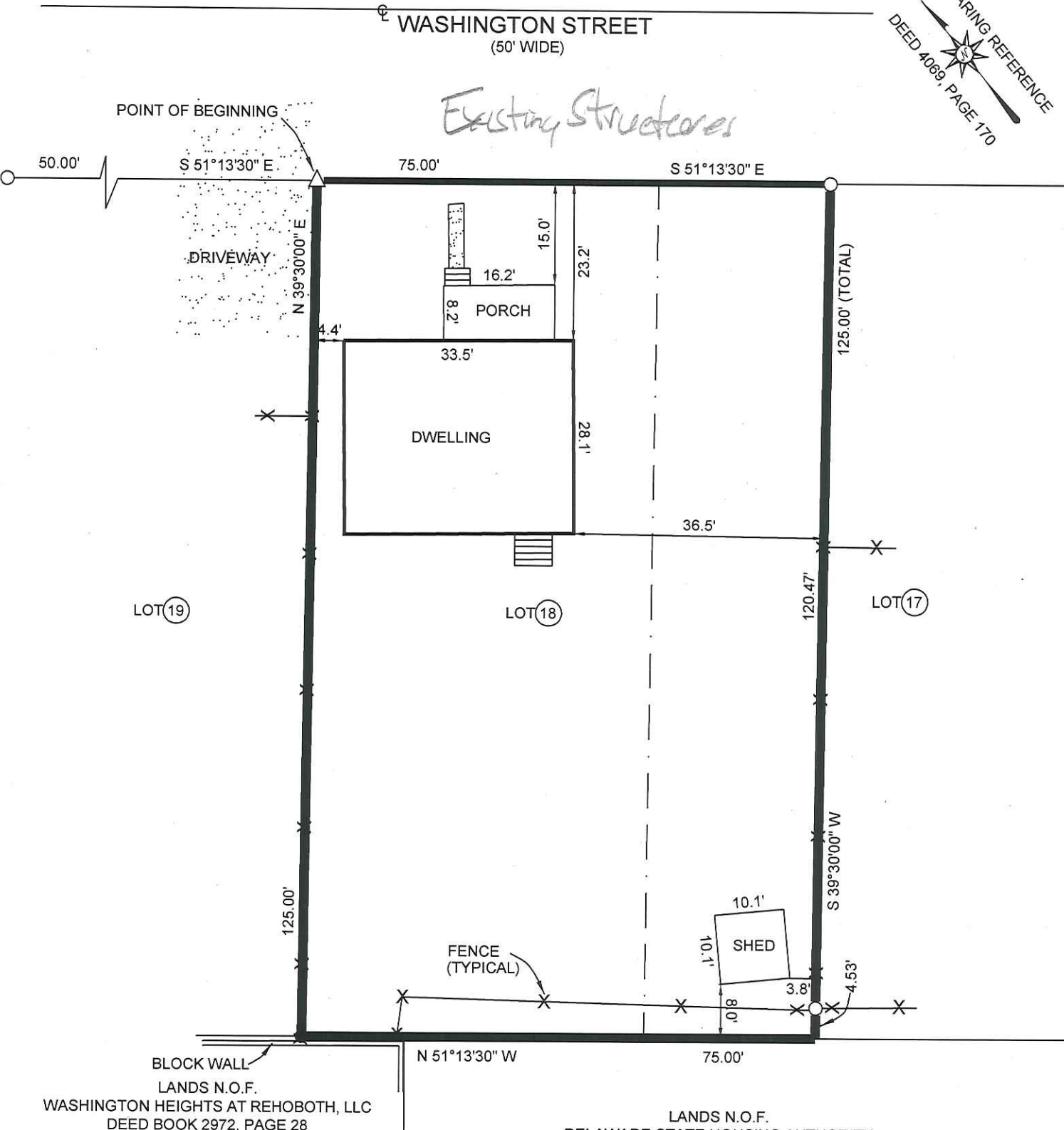
ENGINEERS • PLANNERS • SURVEYORS
 NEWARK, DE • GEORGETOWN, DE
 www.karinsengineering.com

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

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



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



NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 4877, PAGE 206
- 2) SURVEY CLASSIFICATION: SUBURBAN
- 3) CURRENT ZONING: C-1
- 4) SETBACKS PER SUSSEX COUNTY CODE:
 FRONT: 30' OR AVG. SETBACK
 SIDE: 5'
 REAR: 5'
- 5) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 6) 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

BOUNDARY SURVEY PLAN
PREPARED FOR
WILLIAM E. MURRAY &
JEANNE B. MURRAY
LOT 18 & PART OF LOT 17
WASHINGTON HEIGHTS
DEED BOOK 271, PAGE 598
(A.K.A. 37496 WASHINGTON STREET)
TAX MAP NO. 3-34-13.20-63.00
AREA: 9,374± SQUARE FEET
 SITUATE IN: LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, STATE OF DELAWARE

LEGEND:

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



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

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-82. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100
Other	10,000	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

[Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

[Added 7-15-1997 by Ord. No. 1157]

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

*NOTE: See also the table of district regulations at the end of this chapter.

**NOTE: See also § 115-194.1.

C. Maximum height requirements. Maximum height requirements shall be as follows:
 [Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

ZONING

115 Attachment 1

Sussex County

TABLE I

General Table of Height, Area and Bulk Requirements
Sussex County
(See also § 115-156A)

Article of chapter	District or Use	Maximum Height		Lot Area (square feet)	Width of Lot (feet)	Depth of Lot (feet)	Depth of Front Yard (feet)	Width of Side Yard (2 required) (feet)	Depth of Rear Yard (feet)
		Feet	Stories						
IV (9)	AR-1 District	42 (12)	-- (12)	20,000 (14)	100 (10)	100	40 (7)(8)	15	20
IV (9)	AR-2 District	42 (12)	-- (12)	15,000 (14)	100 (10)	100	40 (7)(8)	15	20
V (9)(6)	MR District	42 (12)	-- (12)	10,000 (14)	75 (10)	100	40 (7)(8)	10	10
VI (9)(6)	GR District	42 (12)	-- (12)	10,000 (14)	75 (10)	100	40 (7)(8)	10	10
VII (6)(9)	Detached single-family dwelling in HR-1 District	52 (12)	-- (12)	7,500 (14)	60 (10)	100	40 (7)(8)	10	10
VII (6)(9)	Detached single-family dwelling in HR-2 District	52 (12)	-- (12)	7,500 (14)	60 (10)	100	40 (7)(8)	10	10
VIII (9)(6)	UR District	42 (12)	-- (12)	10,000 (14)	75 (11)	100	(2)	10	10
IX (9)(6)	UB District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (11)	100	40 (7)(8)	10	10
		42 (12)	-- (12)	Other 10,000 (14)	75 (11)	100	40 (7)(8)	5 (3)	5 (3)
X (9)(6)	B-1 District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (10)	100	40 (7)(8)	10	10
		42 (12)	-- (12)	Other 10,000 (14)	75 (10)	100	60 (7)(8)(15)	5 (3)	5 (3)
XI (9)(6)	C-1 District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (10)	100	40 (7)(8)	10	10
		42 (12)	-- (12)	Other 10,000 (14)	75 (10)	100	60 (7)(8)(15)	5 (3)	5 (3)
XII	M District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (10)	100	40	10	10
		45 (12)	-- (12)	Other 10,000 (14)	75 (10)	100	40	10 (5)	10 (5)
XIII	LI-1 District	42 (12)	-- (12)	43,560/1 acre (14)	150	200	50	20	20 (4)
XIV	LI-2 District	52 (12)	-- (12)	1 acre	150	200	50	20	20 (4)
XV	HI-1 District	125 (1)	--	2 acre	200	200	50	20	20 (4)
XVI	Manufactured home parks (13)	15	1	5,000	50	50	10	10	10

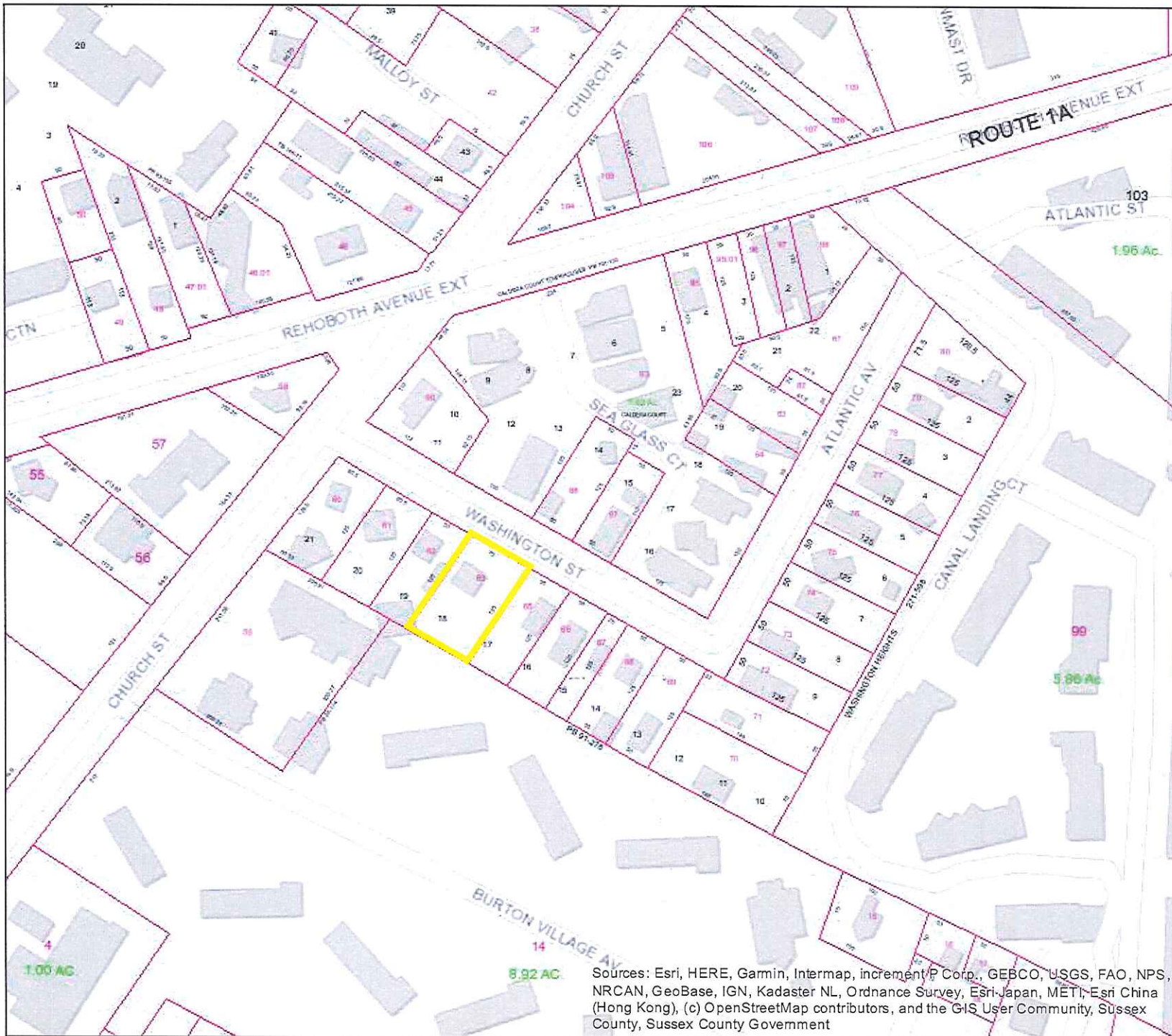
NOTES:

- (1) Grain elevators, industrial tanks or towers and other similar structures may exceed 125 feet in height, but whenever such use in the HI-1 District adjoins a residential district, such structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet).
- (2) See § 115-58.
- (3) None is required when there is a party wall to an adjoining building, except that there shall be a side yard not less than 20 feet in width on the side of a lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.
- (4) None is required, except that there shall be a rear yard not less than 40 feet in depth on the rear side of a lot adjoining a residential district.

SUSSEX COUNTY CODE

(NOTES cont'd):

- (5) No rear yard or side yard shall be required on that rear or side of a lot which adjoins a waterway.
- (6) See § 115-50 for tables covering townhouses and multifamily dwellings in HR-1 and HR-2 multifamily residential districts. See Table II for tables covering multifamily dwellings in MR, GR, UR, UB, B-1, M and C-1 Districts.
- (7) On property fronting on highways designated by the Delaware Department of Transportation as Principal Arterials or Minor Arterials, the setback shall be measured from a point not less than 50 feet from the center line of the right-of-way. On property fronting on highways designated by the Delaware Department of Transportation as Major or Minor Collectors, the setback shall be measured from a point not less than 40 feet from the center line of the right-of-way. On property fronting on all other local roads shown on the General Highway Map for Sussex County of 1964, as last revised, the setback shall be measured from a point not less than 30 feet from the center line of the right-of-way. If the existing right-of-way on any of these roads or highways is greater than the minimum dimension listed above, the setback shall be measured from the existing right-of-way line. **[Amended 8-3-2004 by Ord. No. 1711]**
- (8) Any lot fronting on a subdivision street and not fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised January 1979, shall have a setback of not less than 30 feet.
- (9) For buildings located on lots adjacent to waterways, golf courses and similar special situations, the front of such lots may be determined by the Commission. In the event that a Commission ruling makes a rear yard adjacent to the street line, an additional depth of rear yard may be required by the Commission, and an additional setback of accessory buildings from the street line may be required.
- (10) A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet. **[Added 11-7-1989 by Ord. No. 632]**
- (11) A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 90 feet. **[Added 11-7-1989 by Ord. No. 632]**
- (12) **[Amended 10-31-1995 by Ord. No. 1062]**
- (13) **[Amended 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]**
- (14) Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre. **[Added 7-15-1997 by Ord. No. 1157]**
- (15) **[Amended 7-20-1999 by Ord. No. 1328]**
- (16) For any existing approved lot which is not located in a cluster subdivision, Coastal Area cluster subdivision or residential planned community, and consists of less than 10,000 square feet, the following setbacks shall apply: the side yard setback shall be reduced to five feet and the rear yard setback shall be reduced by five feet. For any lot with side or rear yard setbacks reduced by operation of § 115-183D, no structures shall extend or project closer than five feet from the lot line. The front yard setback may be reduced to the average front yard setback of the existing buildings located on the same side of the street or road and being within 300 feet of the structure; provided, however, the front yard setback is not less than five feet. Any vacant lot within 300 feet of the structure shall be calculated as having the required setback for the district. **[Added 3-20-2018 by Ord. No. 2557; amended 5-21-2019 by Ord. No. 2656]**



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

Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County





Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts
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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County, Sussex County Government



Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

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■ County District 05

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🏫 School Buildings (Various)

📖 School Library

📖 Public Library

📖 Special Library

📖 DOE School Districts

📖 DOE VoTech School Districts

Hydrology

🌊 Streams / Rivers

🌊 Lakes, Ponds, Bays

Flood Zones

🟡 0.2% Annual Chance Flood Hazard

🟠 A

🟠 AE

🟠 AO

🟠 Open Water

🟠 VE

🟢 Public Protected Lands

🟢 Municipalities

🟢 Communities

🟢 Boundaries State County

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



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37496 Washington St

Building

[More info](#)

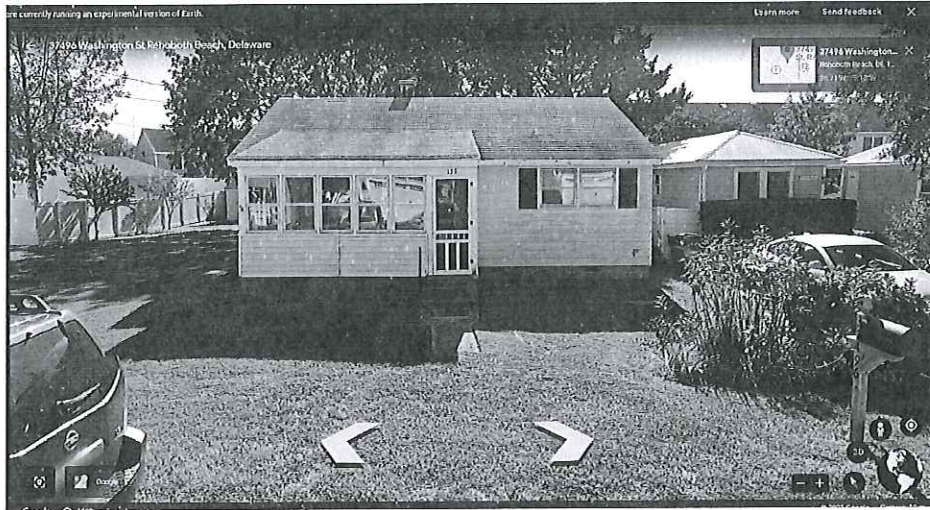
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< Family



2D

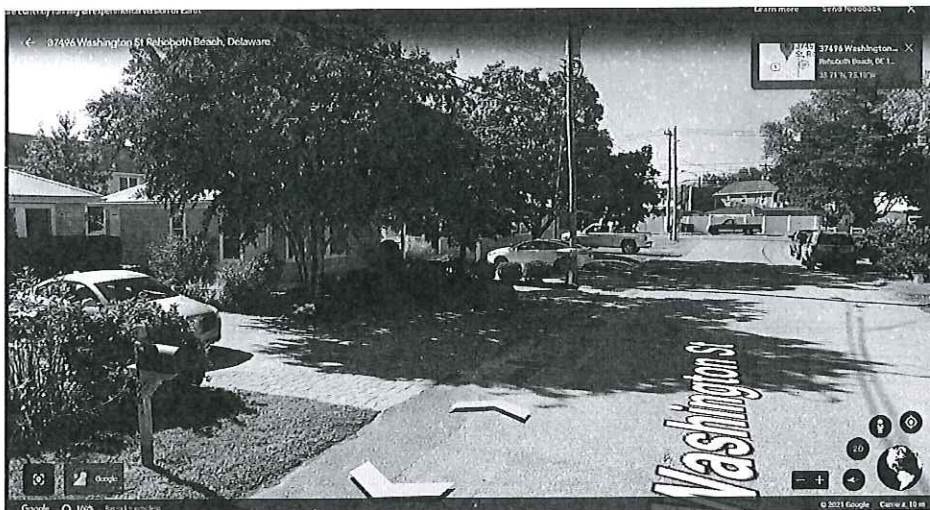




37496 Washington Street, Rehoboth Beach, DE 19971



Street Image No. 1



Street Image No. 2

Property Information

Property Location: 37496 WASHINGTON ST
Unit:
City: REHOBOTH BEACH
State: DE
Zip: 19971

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 334 – LEWES REHOBOTH
School District: 6 - CAPE HENLOPEN
Council District: 4-Hudson
Fire District: 86-Rehoboth
Deeded Acres: .2152
Frontage: 75
Depth: 125.000
Irr Lot:
Zoning 1: C-1-GENERAL BUSINESS
Zoning 2: -
Plot Book Page: /PB

100% Land Value: \$11,300
100% Improvement Value \$5,900
100% Total Value \$17,200

Legal

Legal Description WASHINGTON HEIGHTS
LOT 18 P/O 17 BLK B

Owners

Owner	Co-owner	Address	City	State	Zip
MURRAY WILLIAM E	JEANNE B MURRAY	2207 CHARWOOD DR	WILMINGTON	DE	19810

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
04/26/2018	4877/206				MURRAY WILLIAM E
03/13/2018	4853/265				MURRAY WILLIAM E
03/31/1988	4193/9	\$82,500.00	\$1,650.00	2	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2020	MURRAY WILLIAM E	JEANNE B MURRAY	2207 CHARWOOD DR	WILMINGTON	DE	19810	4877/206
2019	MURRAY WILLIAM E	JEANNE B MURRAY	2207 CHARWOOD DR	WILMINGTON	DE	19810	4877/206
2018	MURRAY WILLIAM E	JEANNE B MURRAY	2207 CHARWOOD DR	WILMINGTON	DE	19810	4877/206
2017	MURRAY WILLIAM E	JEANNE B MURRAY	2207 CHARWOOD DR	WILMINGTON	DE	19810	4877/206
2014	MURRAY GERTRUDE A TRUSTEE		2340 CARLTON AVE	BOOTHWYN	PA	19061	4193/9
2010	MURRAY WILLIAM A GERTRUDE A		MURRAY TRUSTEES 2340 CARLTON AVE	BOOTHWYN	PA	19061	3781/240
1900	ANN					0	830/252

Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	RES	RS	75	125	.2152	

Land Summary

Line	1
100% Land Value	11,300

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$11,300	\$5,900	\$17,200

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$5,650	\$2,950	\$8,600

14844

BK = 4877 PG = 206

Tax Parcel No. 3-34-13.20-63.00
Prepared by and Return to:
David J. Ferry, Jr., Esquire
824 Market Street, Suite 1000
P.O. Box 1351
Wilmington, DE 19899

NO TITLE SEARCH REQUESTED OR PERFORMED

THIS DEED MADE THIS 24th day of March in the year of our LORD Two Thousand Eighteen (2018),

BETWEEN, William E. Murray, of New Castle County, State of Delaware, party of the first part,

- AND -

William E. Murray and Jeanne B. Murray, his wife, of New Castle County, State of Delaware, parties of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said parties of the second part,

Tract 1:

ALL those certain lots, pieces or parcels of land situate in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, designated as Lot Eighteen (18) and eighteen and one-half (18 ½), Block B in a subdivision of Washington Heights and being the same lots which are designated as Lot Eighteen (18) Block B in plot of Washington Heights which is of record in the Office of the Recorder of Deeds in Deed Book 271, Page 598, with the improvements thereon erected.

Tract 2:

ALL that certain tract, piece and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and designated as Lot Seventeen and one-half (17 ½) Block B, a subdivision of Washington Heights, and being the same lands as the southwestern half of Lot Seventeen (17) designated on the plot of Washington Heights, the plot of which is of record in the Office of the Recorder of Deeds, Sussex County, Delaware, in Deed Book 271, Pag 598.

SUBJECT to all restrictions, covenants, conditions, easements and reservations of record pertaining to the above described property.

Said lands being known as 133 Washington Street, Rehoboth Beach, DE 19971, a/k/a 37496 Washington Street, Rehoboth Beach, DE 19971.

JH

JH

Tax Parcel No. 3-34-13.20-63.00
THIS INSTRUMENT PREPARED BY/
RETURN TO:
Robinson Grayson Dryden & Ward, P.A.
910 Foulk Road, Suite 200
(302) 655-6262
Our File No.: 7380-0001

12647

BK: 3781 PG: 240

This Deed, Made this 18th day of March in the year of our LORD Two
Thousand and Ten (2010),

BETWEEN William Albert Murray and Gertrude Ann Murray, his wife, of
Sussex County, Delaware, parties of the first part,

- and -

William A. Murray, Trustee, or his Successor in Trust under the
William A. Murray Revocable Trust Agreement dated March 18, 2010 f/b/o William
A. Murray (as to a 50% interest) and Gertrude A. Murray, Trustee, or her
Successor in Trust under the Gertrude A. Murray Revocable Trust Agreement
dated March 18, 2010 f/b/o Gertrude A. Murray (as to a 50% interest), as Tenants in
Common, parties of the second part.

WITNESSETH, that the said parties of the first part for and in consideration of the
sum of Ten and 00/100 Dollars (\$10.00) lawful money of the United States of America,
the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said
parties of the second part, as Tenants in Common, its heirs and assigns.

Tack 1:

ALL those certain lots, pieces or parcels of land situate in Lewes and Rehoboth
Hundred, Sussex County and State of Delaware, designated as Lot Eighteen (18) and
eighteen and one-half (18 1/2), Block B in a subdivision of Washington Heights and
being the same lots which are designated as Lot Eighteen (18), Block B in a plot of
Washington Heights which is of record in the Office of the Recorder of Deeds in Deed
Book 271, Page 598, with the improvements thereon erected.

Tack 2:

ALL that certain track, piece and parcel of land situate, lying and being in Lewes
and Rehoboth Hundred, Sussex County, Delaware, and designated as Lot Seventeen
and one-half (17 1/2), block B, a subdivision of Washington Heights, and being the same
lands as the southwestern half of Lot Seventeen (17) designated on the plot of

Washington Heights, the plot of which is of record in the Office of the Recorder of Deeds, Sussex County, Delaware, in Deed Book 271, Page 598.

SUBJECT to all restrictions, covenants, conditions, easements and reservations of record pertaining to the above described property

BEING the same lands and premises William Albert Murray and Gertrude Ann Murray, his wife, by deed dated October 21, 1996, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 2157, Page 30, granted and conveyed unto William Albert Murray and Gertrude Ann Murray, his wife, in fee.

Grantees' Mailing Address: 2340 Carlton Avenue
Boothwyn, PA 19061

Recorder of Deeds
John F. Brady
May 04, 2010 09:29A
Sussex County
Doc. Surcharge Paid

IN WITNESS WHEREOF, the said parties of the first part has hereunto set their hands and seals the day and year aforesaid.

Sealed and Delivered
in the presence of:

Stephen D. Mosley
Witness

William Albert Murray
William Albert Murray

Stephen D. Mosley
Witness

Gertrude Ann Murray
Gertrude Ann Murray

Consideration: .00

STATE OF DELAWARE)
: S.S.
NEW CASTLE COUNTY)

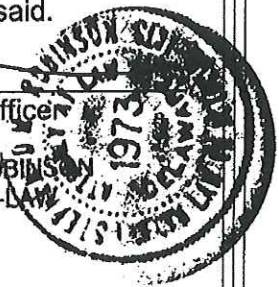
County .00
State .00
Town Total .00
Received: Faith R May 04, 2010

BE IT REMEMBERED that on this 18th day of March, 2010, personally came before me, the Subscriber, a Notary Public/Notarial Officer in and for the State and County aforesaid, William Albert Murray and Gertrude Ann Murray, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of office the day and year aforesaid.

CITY OF REHOBOTH BEACH
REALTY TRANSFER TAX
Serial Number 4500
Amount of City Tax Exempt
Date Recorded 4/15/10
By *[Signature]*

[Signature]
Notary Public/Notarial Officer
RECEIVED
STEPHEN D.M. ROBINSON
ATTORNEY-AT-LAW
MAY 04 2010
ASSESSMENT DIVISION
OF SUSSEX COUNTY



27006

02157 2030

27006

NO LIEN OR TITLE SEARCH
REQUESTED OR PERFORMED.

PREPARED BY: O'LEARY LAW OFFICES
P.O. BOX 305
REHOBOTH BEACH, DE 19971

TAX MAP 3-34-13.20-63.00 & 64.00

This Deed, Made this
21st day of October in the year of
our LORD one thousand nine hundred and ninety-six,

BETWEEN, WILLIAM ALBERT MURRAY AND GERTRUDE ANN MURRAY, his wife,
of 2340 Carlton Avenue, Boothwyn, Pennsylvania, 19061, parties of the first
part,

- A N D -

WILLIAM ALBERT MURRAY AND GERTRUDE ANN MURRAY, his wife,
of 2340 Carlton Avenue, Boothwyn, Pennsylvania, 19061, parties of the second
part,

Witnesseth, That the said part ~~ies~~ of the first part, for and in consideration of the sum of
ONE DOLLAR (\$1.00)----- lawful money of the United States of America,
the receipt whereof is hereby acknowledged, hereby grant and convey unto the said
part ~~ies~~ of the second part, their heirs and assigns,

Tract 1: **ALL** those certain lots, pieces or
parcels of land situate in Lewes and Rehoboth Hundred, Sussex County,
Delaware, designated as Lot eighteen (18) and eighteen and one-half (18 1/2),
Block B in a subdivision of Washington Heights and being the same lots which
are designated as Lot eighteen (18), Block B in a plot of Washington Heights
which is of record in the office of the Recorder of Deeds in Deed Book 271,
Page 598, with the improvements thereon erected.

Tract 2: **ALL** That certain tract, piece and parcel
of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County,
Delaware, and designated as Lot Seventeen and one-half (17 1/2), Block B, a
subdivision of Washington Heights, and being the same lands as the
southwestern half of Lot Seventeen (17) designated on the plot of Washington
Heights, the plot of which is of record in the office of the Recorder of
Deeds, Sussex County, Delaware, in Deed Book 271, Page 598.

BEING the same lands which
Maretta L. Wilson, also known as Maretta M. Wilson, by deed dated March 31,
1988, of record in the office of the Recorder of Deeds, in and for Sussex
County, at Georgetown, Delaware, in Deed Book 1558, Page 318, granted and
conveyed unto the parties of the first part hereto in fee.

THE PURPOSE OF THIS DEED is to
combine tracts 1 and 2 into a single parcel of land with one Sussex County tax
map number.

Consideration : 0 0.00 Exempt Code: A

County	State	Total
0.00	0.00	0.00
counter	Date: 10/22/1996	

(No. 44-B)

DEED-TYPEWRITER
Printed and Sold by Hanby's, Inc.

In Witness Whereof, the said part 1es of the first part ha ve hereunto set their hand s and seal s , the day and year aforesaid.

Sealed and Delivered in the Presence of
William Albert Murray (SEAL)
WILLIAM ALBERT MURRAY
Gertrude Ann Murray (SEAL)
GERTRUDE ANN MURRAY

Received

State of Delaware, }
SUSSEX County, } ss.

OCT 23 1996

ASSESSMENT DIVISION
OF SUSSEX CTY

this 21st day of
nine hundred and ninety-six, personally came before me

He It Remembered, That on
in the year of our LORD, one thousand

WILLIAM ALBERT MURRAY and GERTRUDE ANN MURRAY, his wife,

part 1es to this Indenture, known to me personally to be such, and they
acknowledged this Indenture to be their Deed.
GIVEN under my Hand and Seal of office, the day and year aforesaid.

OCT 22 1996
5-5-99

BARBARA-CHERRIX O'LEARY
NOTARY PUBLIC, DELAWARE
MY COMMISSION EXPIRES
Barbara-Cherrix O'Leary
Notary Public

1/23/97
M/M William Murray
2340 Carlton Ave
Boothwyn, PA 19061

NO TITLE OR LIEN SEARCH MADE OR REQUESTED

(No. 44-B)

DEED-TYPEWRITER

Printed and Sold by Hugh George Co. Stationers

This Deed, Made this

31st day of ~~April~~ *March* in the year of
our LORD one thousand nine hundred and eighty-eight.

BETWEEN MARETTA L. WILSON also known as MARETTA M. WILSON of 531
School Lane, Rehoboth Beach, Delaware 19971, party of the first part,

a n d

WILLIAM ALBERT MURRAY and GERTRUDE ANN MURRAY, his wife,
of 2340 Carlton Avenue, Boothwyn, Pennsylvania 19061, parties of the second
part

Witnesseth, That the said part *Y* of the first part, for and in consideration of the sum of
Eighty-two Thousand Five Hundred *lawful money of the United States of America,*
Dollars (\$82,500.00)
the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said
part *ies* of the second part, their heirs and assigns,

Tract 1: **ALL** those certain lots, pieces
or parcels of land situate in Leves and Rehoboth Hundred, Sussex County,
Delaware, designated as Lot eighteen (18) and eighteen and one-half (18-1/2)
Block B in a subdivision of Washington Heights and being the same lots
as are designated as Lot eighteen (18), Block B in a plot of Washington
Heights which is of record in the office of the Recorder of Deeds in Deed
Book 271, Page 598, with the improvements thereon erected.

Being the same land and premises which Emma C. Marsh by deed
dated March 3, 1977, of record in the office of the Recorder of Deeds
in Deed Book 830, Page 252, granted and conveyed unto Marettia L. Wilson,
party of the first part hereto in fee.

Tract 2: All that certain tract, piece and parcel
of land situate, lying and being in Leves and Rehoboth Hundred, Sussex
County, Delaware, and designated as Lot Seventeen and one-half (17-1/2),
Block B, a subdivision of Washington Heights, and being the same lands
as the southwestern half of Lot Seventeen (17) designated on the plot
of Washington Heights, the plot of which is of record in the office of
the Recorder of Deeds, Sussex County, Delaware, in Deed Book 271, Page
598.

Being the same land which Emma C. Marsh by deed dated August
30, 1977, of record in the office of the Recorder of Deeds in Deed Book
859, Page 149, granted and conveyed unto Marettia M. Wilson, party of the
first part hereto in fee.

PURCHASERS REPORT
MADE THIS DATE

APR 12 1988

ASSESSMENT DIVISION
OF SUSSEX CTY.

In Witness Whereof, the said party of the first part has hereunto set her hand and seal, the day and year aforesaid.

Sealed and Delivered in the Presence of
Margarette C. Jones } Margarette M. Wilson (SEAL)
as to both } Margarette L. Wilson (SEAL)
Howard Wilson (SEAL)
Howard Wilson, her husband

State of Delaware, }
Sussex County, } ss.

We Remembered, That on this 31st day of March, in the year of our LORD, one thousand nine hundred and eighty-eight personally came before me the Subscriber, Margarette L. Wilson also known as Margarette M. Wilson, and Howard Wilson, her husband, joins in at the request of the buyers,

parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their Deed.
GIVEN under my Hand and Seal of office, the day and year aforesaid.

Margarette C. Jones
Notary Public

C. RUSSELL MCCABE
DEP. SECRETARY PAID
1988 APR 11 PM 2:44
RECORDS SECTION
SUSSEX COUNTY



William + Gertrude Murray
12340 Carlton Ave
Boothwyn, PA 19061
4/20/88

DUNLAP, HOLLAND & EBERLY
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
GEORGETOWN, DELAWARE 1997

1266

This Deed, made this 30th day of August 1977, by

and between: EMMA C. MARSH, 133 Atlantic Avenue, Washington Heights, Rehoboth Beach, Delaware 19971

part y of the first part,

- AND -

MARETTA M. WILSON, 531 School Lane, Rehoboth Beach, Delaware 19971

part y of the second part;

Witnesseth, that the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00)-----

-----, current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, her heirs and assigns,

ALL that certain tract, piece and parcel of land situate, lying, and being in Lewes and Rehoboth Hundred, Sussex County, Delaware and designated as Lot Seventeen and One-half (17 1/2), Block B, a subdivision of Washington Heights, and being the same lands as the southwestern half of Lot Seventeen (17) designated on the plot of Washington Heights, the plot of which is of record in The Office of The Recorder of Deeds, Sussex County, Delaware, in Deed Book 271, page 598.

BEING the same lot, piece and parcel of land that was conveyed to Emma C. Marsh by Deed of The Farmers Bank of The State of Delaware, Trustee under the Will of Nathaniel P. Marsh, dated the 31st day of May, A.D., 1977, and which remains of record in The Office of The Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 858, at page 147.

RECORDED
SEP 5 1977
STATE OF DELAWARE
STATE TAX DEPT. SUSSEX
REALTY TRANSFER TAX \$ 00.00

In Witness Whereof, the said party of the first part has hereunto set her hand and seal the day and year first above written.

Sealed and delivered in the presence of:

Maretha L. Wilson *Emma Marsh* (SEAL)
EMMA C. MARSH

(SEAL)

(SEAL)

(SEAL)

STATE OF DELAWARE
COUNTY OF SUSSEX

BE IT REMEMBERED, that on this 30th day of August 19 77, personally came before me, the subscriber, a notary public in and for the county and state aforesaid,

EMMA C. MARSH

part y to this indenture, known to me personally to be such, and she acknowledged this indenture to be her act and deed.

Given under my hand and seal of office the day and year aforesaid.

RECEIVED
MARY ANN McCABE
SEP 2 1 56 PM '77

Elizabeth C. Porter
Notary Public



RECORDER OF DEEDS
STATE OF SUSSEX COUNTY
COUNTY OF

BE IT REMEMBERED, that on this. day of 19 , personally came before me, the subscriber, a notary public in and for the county and state aforesaid,

part and to this indenture, known to me personally to be such, acknowledged this indenture to be act and deed.

Given under my hand and seal of office the day and year aforesaid.

Notary Public

*Maretha M. Wilson
531, Delwood Drive
Rehoboth, Del
9-15-77*

PURCHASERS REPORT MADE
THIS 6th DAY OF Sept 1977
ASSESSMENT DIVISION OF SUSSEX COUNTY
MILDRED E. SAVAGE

In Witness Whereof, The said FARMERS BANK OF THE STATE OF DELAWARE Trustee under the Will of Nathaniel P. Marsh hath caused its name by W. Roy Maston its Vice President to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Asst. Secretary, the day and year first above written.

FARMERS BANK OF THE STATE OF DELAWARE Trustee under the Will of Nathaniel P. Marsh Sealed and Vettered in the Presence of BY: [Signature] Vice President [Signature] Asst. Secretary ATTEST: [Signature] Secretary

State of Delaware, } ss. SUSSEX County, }

31st day of May We It Remembered, That on this nine hundred and seventy-seven in the year of our LORD one thousand personally came before me, a Notary Public for the State of Delaware. W. Roy Maston, Vice President of FARMERS BANK OF THE STATE OF DELAWARE, Trustee under the Will of Nathaniel P. Marsh a corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation, that the signature of the Vice President thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of signing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

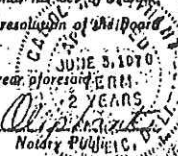
RECEIVED MARY ANN MCGADE

SEP. 2 1 55 PM '77

RECORDER OF DEEDS SUSSEX COUNTY

GIVEN under my Hand and Seal of office, the day and year first above written.

PROCLAMERS REPORT MADE DAY OF SEP. 1977. WALTER L. SAVAGE



Anna L. Marsh
133 Atlantic Ave.
Re-Booked 9-15-77



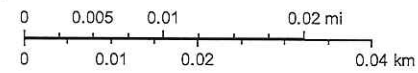
PIN:	334-13.20-63.00
Owner Name	MURRAY WILLIAM E
Book	4877
Mailing Address	2207 CHARWOOD DR
City	WILMINGTON
State	DE
Description	WASHINGTON HEIGHTS
Description 2	LOT 18 P/O 17 BLK B
Description 3	N/A
Land Code	

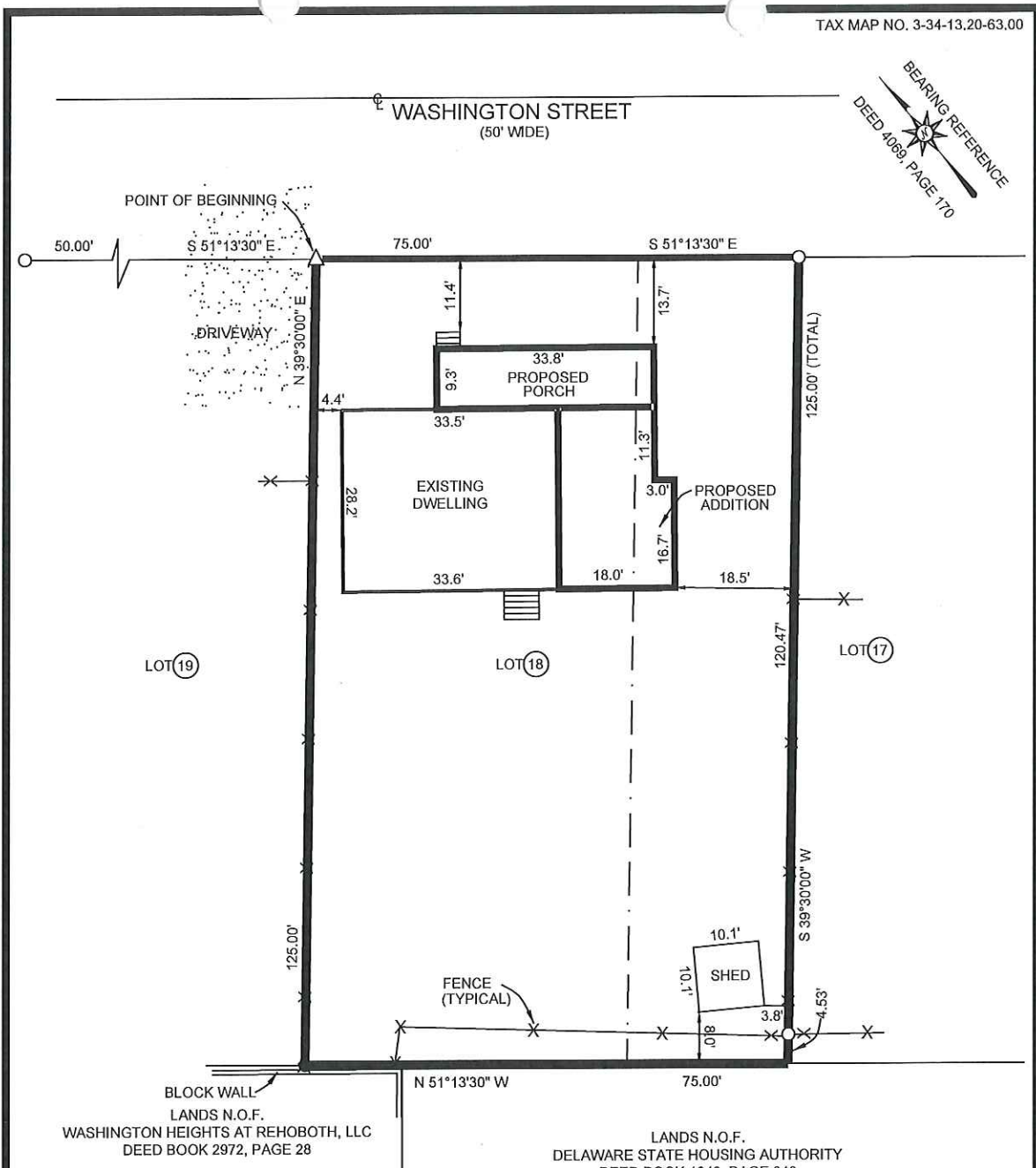
- polygonLayer**

 - Override 1
- polygonLayer**

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

1:564





NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 4877, PAGE 206
- 2) SURVEY CLASSIFICATION: SUBURBAN
- 3) CURRENT ZONING: C-1
- 4) SETBACKS PER SUSSEX COUNTY CODE:
 FRONT: 19.52' (AVG. SETBACK)
 SIDE: 5'
 REAR: 5'
- 5) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 6) 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

BOUNDARY SURVEY & SITE PLAN

PREPARED FOR
**WILLIAM E. MURRAY &
 JEANNE B. MURRAY**
 LOT 18 & PART OF LOT 17
 WASHINGTON HEIGHTS
 DEED BOOK 271, PAGE 598
 (A.K.A. 37496 WASHINGTON STREET)
 TAX MAP NO. 3-34-13.20-63.00
 AREA: 9,374± SQUARE FEET
 SITUATE IN: LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, STATE OF DELAWARE

LEGEND:

- FOUND IRON PIPE
- △ FOUND IRON BAR
- SET IRON BAR

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



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

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

**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 # 12547
Hearing Date 4/19
202102545

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-183
115-185

Site Address of Variance/Special Use Exception:

37000 Blue Teal Road Selbyville, DE 19925

Variance/Special Use Exception/Appeal Requested:

*Heat pump 3.3' from side set back
Steps 2.2' from side set back*

Tax Map #: 5-33-12.20-46

Property Zoning: GR

Applicant Information

Applicant Name: Carl Deputy & Son Builders LLC
Applicant Address: 5564 Little Mastens Corner Road
City Felton State DE Zip: 19943
Applicant Phone #: _____ Applicant e-mail: PDEPUTY@DEPUTYBUILDERS.COM

Owner Information

Owner Name: John Lepkowski
Owner Address: 223 Eagles Nest Landing Road
City Townsend State DE Zip: 19734 Purchase Date: _____
Owner Phone #: (302) 419-0309 Owner e-mail: jlepkowski@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Patty Deputy
Agent/Attorney Address: 5564 Little Mastens Corner Rd
City Felton State DE Zip: 19943
Agent/Attorney Phone #: (302) 284-3041 Agent/Attorney e-mail: pdeputy@deputybuilders.com

Signature of Owner/Agent/Attorney

Patty M Deputy

Date: 2-20-21



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.

The lot is narrow being only 40' wide, plan for dwelling was approved prior to construction with the A/C unit and step showing as built.

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 lot has been developed in accordance with approved building permit. The steps cannot be moved because they are the secondary egress. Moving the A/C is not realistically possible because the only place to move them would be the driveway.

3. Not created by the applicant:

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

The plan was approved and constructed pursuant to the plans approved by Sussex County.

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 home is similar to the other homes in the vicinity. This development was developed as a trailer park and has been being converted to homes. Upon information and belief other homes in the vicinity have had similar variances granted.

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 correct the steps and A/C cannot be moved any closer to the dwelling in order to minimize the variance being requested.

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.

REFERENCE DATUM NOTES:

1. VERTICAL DATUM: NAVD '88 (North American Vertical Datum of 1988)
2. HORIZONTAL DATUM: NAD '83 (North American Datum of 1983)

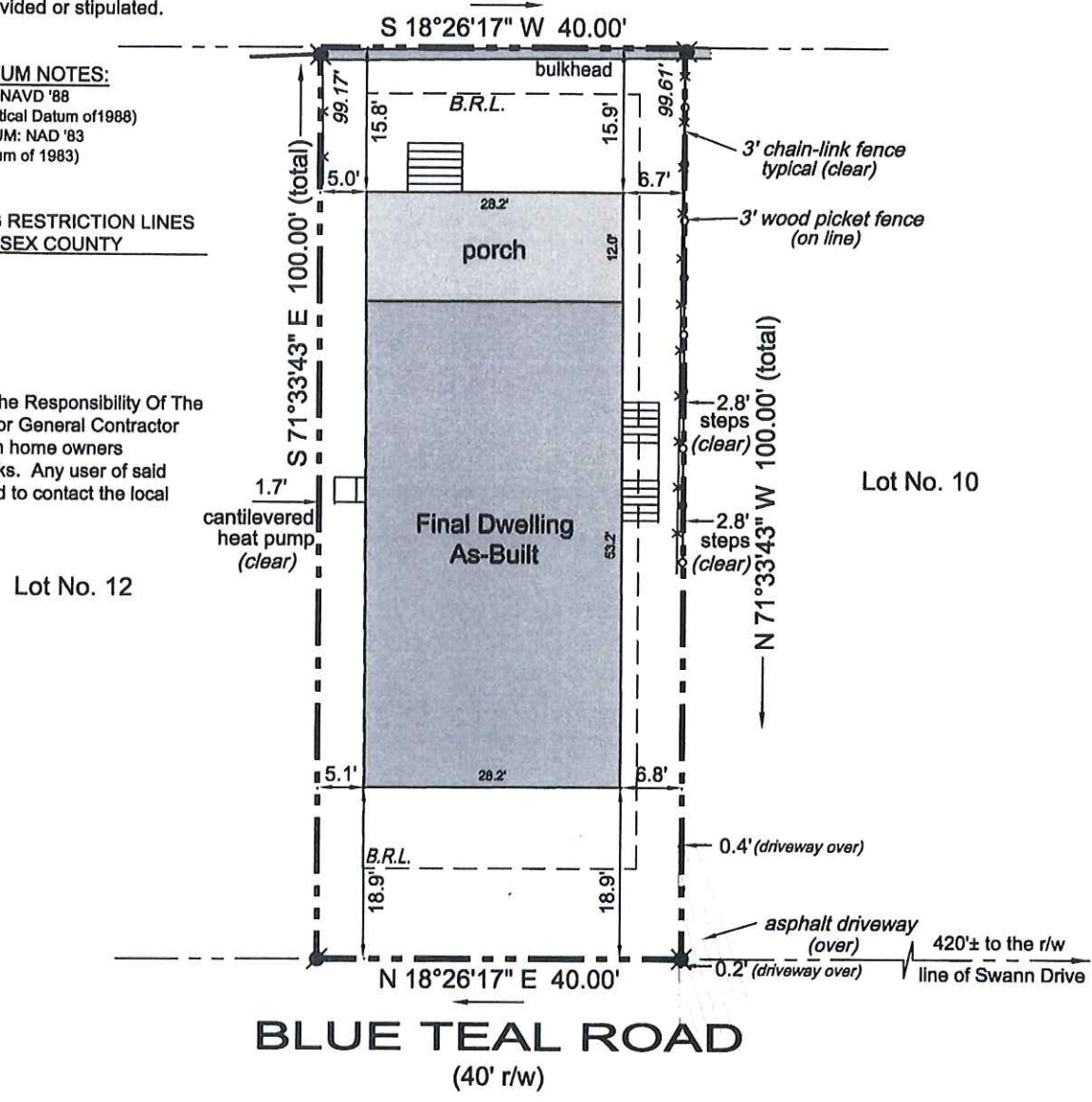
(B.R.L.) BUILDING RESTRICTION LINES PER SUSSEX COUNTY

- FRONT - 10'
- SIDES - 5'
- REAR - 5'
- ZONING - GR

NOTE:

All Setbacks Are The Responsibility Of The Home Owner And/or General Contractor and may differ from home owners association setbacks. Any user of said information is urged to contact the local agency directly.

Lagoon



B.R.L. BUILDING RESTRICTION LINE

5/8" RE-BAR (FD) Lands of JOHN J. LEPKOWSKI and DENISE K. LEPKOWSKI. Being known as LOT NO. 11, BLOCK "B", SWANN KEYS. Ref: Plat Book 14, Page 99.

SCALE: 1"=20'
 AREA: 4,000 SQ. FT.
 TAX MAP NO. 5-33-12.20-46

Revised: 01/24/2020, Proposed Dwelling Site Plan
 Revised: 05/29/2020, Proposed Dwelling Site Plan
 Revised: 01/18/2021, Final Dwelling As-Built
 Revised: 02/11/2021, Heat Pump Located

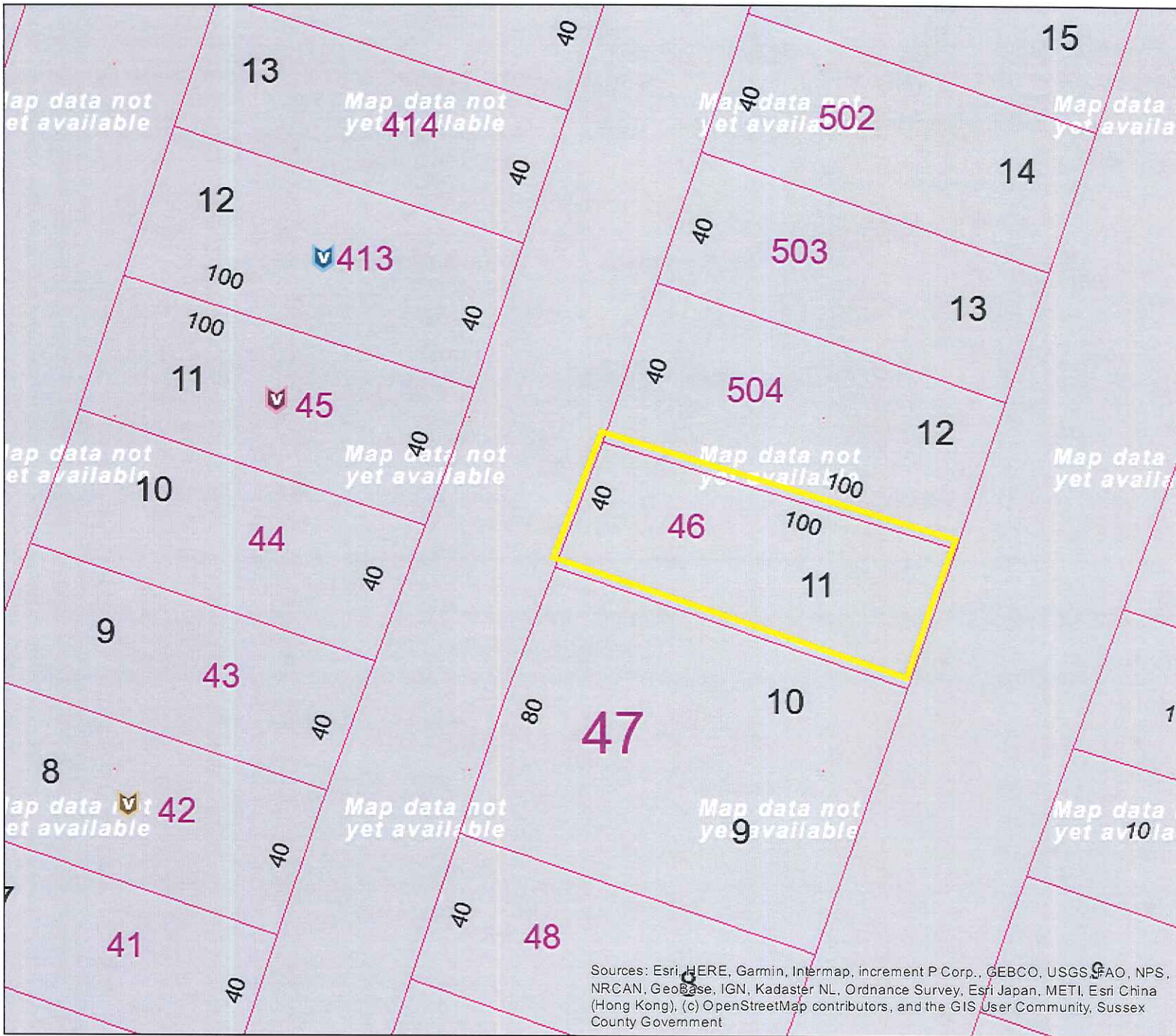
FIRM INFORMATION:
 100029 - 0652 - K
 MARCH 16, 2015
 ZONE: "AE", B.F.E.= 4.0'
 CLASS "B" SURVEY

HUNDRED: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE
 DATE OF ORIGINAL: 01/03/2020
 DRAWN BY: ALEX KANSAK

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



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.



Addresses / Parcels

□ Tax Parcels

Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

Schools/Libraries

⌘ School Buildings (Various)

⌘ School Library

⌘ Public Library

⌘ Special Library

⌘ DOE School Districts

⌘ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

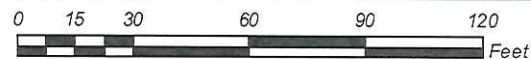
■ Municipalities

■ Communities

■ Boundaries State County

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

Sussex County Map



Case # 12532
Hearing Date 4/14

Board of Adjustment Application Sussex County, Delaware

202100871

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)
115-23
45-210

Site Address of Variance/Special Use Exception:

20093 Gravel Hill Road, Georgetown, Delaware 19947

Variance/Special Use Exception/Appeal Requested: Operate Shooting Range, Rifle/Pistol
Continue using site as Landscape business with storage Period of
of materials and shooting range. This site was previously 5 years
zoned light industrial and was changed to ARI

Tax Map #: 1-35-11.00 82.00 Property Zoning: ARI

Applicant Information

Applicant Name: John H Legg
Applicant Address: 21 Cardiff Road
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: 302 542 7425 Applicant e-mail: Johnhlegg@gmail.com

Owner Information

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

Agent/Attorney Information

Agent/Attorney Name: Neal Dukes Jr Tunnell & Ray, PC
Agent/Attorney Address: 30 East Pine St.
City Georgetown State DE Zip: 19947
Agent/Attorney Phone #: 302-396-9645 Agent/Attorney e-mail: nd@tunnellray.com
pam@tunnellray.com

Signature of Owner/Agent/Attorney

John H Legg

Date: 1-20-21



Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

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

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

*ALL PARKING ON SITE, HOURS 9-7,
WOODS ALL AROUND, CLEAN UP AS PER
BMP*

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

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

RECEIVED
MAR 05 2021
SUSSEX COUNTY
PLANNING & ZONING



19849 Hebron Rd., Rehoboth Beach, DE 19971
By: American Responder Services, LLC

302-567-2530

March 4th, 2021

Reference: 20099 Gravel Hill Rd., Georgetown, DE 19947, Property of Mr. Jack Legg

To Whom it May Concern:

My name is Ron Hagan, I am the owner and operator of American Responder Services, LLC, Trading as Best Shot. I am a life-long resident of Sussex County, a Life Member of the Lewes Fire Department, and I served the majority of my 30-year career with the Delaware State Police (now retired) serving and protecting the citizens of Sussex County.

In 2018, I started American Responder Services, LLC to continue my service to the citizens of Sussex County and Delaware by training community members in the safe use of firearms while also helping them meet the requirements to obtain their State of Delaware Concealed Deadly Weapons Permit. The State requires all applicants take a class and show proficiency in the use of a firearm by firing at least 100 rounds.

With very limited options for locations/ranges to hold the required live fire training in Eastern Sussex County, I reached out to Mr. Legg, knowing he had a range on the listed property for well over 10 years and that it had previously been used by another person who was training community members. Mr. Legg was gracious enough to allow me to use the range and I have been using it to train community members, first responders and community leaders since February 2018.

When we conduct training, we always have a range safety officer on site and a minimum of 1 instructor for every 4 students. We have made several improvements to the range over the last 3 years, increasing the height and width of the dirt berm to reduce the risk of any errant rounds from going over it or to the sides. We also conduct regular maintenance by pushing fallen dirt back up to ensure the depth of the berm is more than sufficient to stop all rounds, leveling the shooting area to prevent any shooter from tripping or falling, and making sure all spent casings are picked up. If Mr. Legg is permitted to keep the range open, we have additional improvements planned to further enhance the ranges safety.

Along with making sure we provide a safe experience for our students and the area surrounding the range, we also make sure we are considerate to nearby residents by limiting our live fire training to Tuesdays, Thursdays and Saturdays during daylight hours and never, before 10 am. While there have been instances when we have had to make slight adjustments to schedule conflicts, weather, time of year, or student's capabilities, we do our best to be understanding and respectful to all.

It is my hope, along with many other community members, that Mr. Legg's range be permitted to remain open so our community can continue to train to be safe in the handling and use of firearms, thus allowing them to better protect themselves their families and our community.

Respectfully Submitted,


Ron Hagan

www.bestshotde.com
www.americanresponderservices.com

RECEIVED

MAR 05 2021

SUSSEX COUNTY
PLANNING & ZONING



PIN:	135-11.00-82.00
Owner Name	SMARR CAROL S IVA L LEGG
Book	2240
Mailing Address	215 MARSHALL ST
City	MILFORD
State	DE
Description	GRAVEL HILL TO MILLS
Description 2	E/RT 30 696'
Description 3	S/RT 18
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

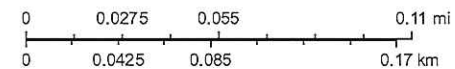
□ Tax Parcels

911 Address

— Streets

□ County Boundaries

1:2,257



RECEIVED

MAR 05 2021

SUSSEX COUNTY
PLANNING & ZONING

BMP for Lead at Outdoor Shooting Ranges

The greatest concerns of all the articles I've read was about large area of lead shot from shotguns as opposed to bullets confined in a small area that are easily reclaimed and recycled.

How is Lead Shot Regulated Under RCRA?

Lead shot is not considered a hazardous waste subject to RCRA at the time it is discharged from a firearm because it is used for its intended purpose. As such, shooting lead shot (or bullets) is not regulated nor is a RCRA permit required to operate a shooting range. However, spent lead shot (or bullets), left in the environment, is subject to the broader definition of solid waste written by Congress and used in sections 7002 and 7003 of the RCRA statute.

With reference to reclaiming and recycling lead shot, the following points should serve as guidance in understanding RCRA and how it applies to your range. (A more detailed discussion of the underlying RCRA rules applicable to lead shot removal at ranges is included in Appendix D)

- **Removal contractors or re-claimers should apply standard best management practices, to separate the lead from soil. The soil, if then placed back on the range, is exempt from RCRA. However, if the soil is to be removed off-site, then it would require testing to determine if it is a RCRA hazardous waste.**

- **Lead, if recycled or reused, is considered a scrap metal and is, therefore, excluded from RCRA.**

- **Collected lead shot and bullets are excluded from RCRA regulation, and need not have a manifest, nor does a range need to obtain a RCRA generator number (i.e., the range is not a hazardous waste "generator"), provided that the lead is recycled or re-used.**

- **Lead removal will allow the range to: avoid contamination of the site and potential impacts to human health and the environment; reduce liability with regard to potential government agency or citizen suit action; and, possibly, benefit economically from the recycling of lead.**

Bullet Containment

Knowing where spent lead is allows the appropriate BMP to be used. The single most effective BMP for managing lead in these areas is by bullet containment. Owners/operators should employ a containment system that allows for the maximum containment of lead on-site.

Vegetative Ground Cover

Planting vegetative ground cover (such as grass) is an important and easy erosion control method. Vegetation provides several benefits by minimizing the amount of lead that will run off the land surface during heavy rainfall. It is important to use a mixture of grass seeds to ensure that the cover will last into the future (i.e., annual rye grass lasts one year and dies and perennial rye grass lasts three to four years, then dies off). Fescue grasses form useful mats that are effective in controlling erosion

Hand Raking and Sifting

A simple BMP that can be done by club members, particularly at small ranges, is raking and/or sifting bullet fragments from the soil. Sifting and raking activities should be concentrated at the surface layer. This is a low technology and low-cost management alternative for lead reclamation. Once collected, the lead must be taken to a recycler or reused.

Concentrating the lead shot in a smaller area by modifying the shooting direction facilitates lead management by providing a smaller and more dense area of lead to both manage in-place and reclaim, thereby making the management and reclamation process simpler and more effective

OUR PLAN: Reuse lead in the manufacturing of fishing weights, decoy weights, and bullet heads for reloading. We will recover the lead by hand raking and sifting and prevent erosion by planting grasses and Green & White Variegated Vinca Ground Cover Vine

Case 12532 Opposition

Ann Lepore

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, February 24, 2021 12:48 PM
To: Ann Lepore
Subject: Submission from: Board of Adjustment contact form

RECIPIENTS: Ann Lepore, Jamie Whitehouse

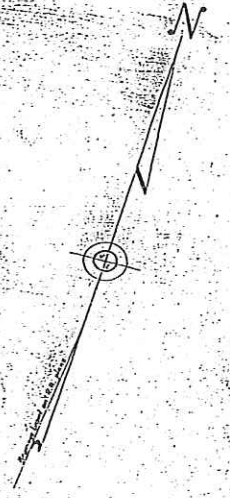
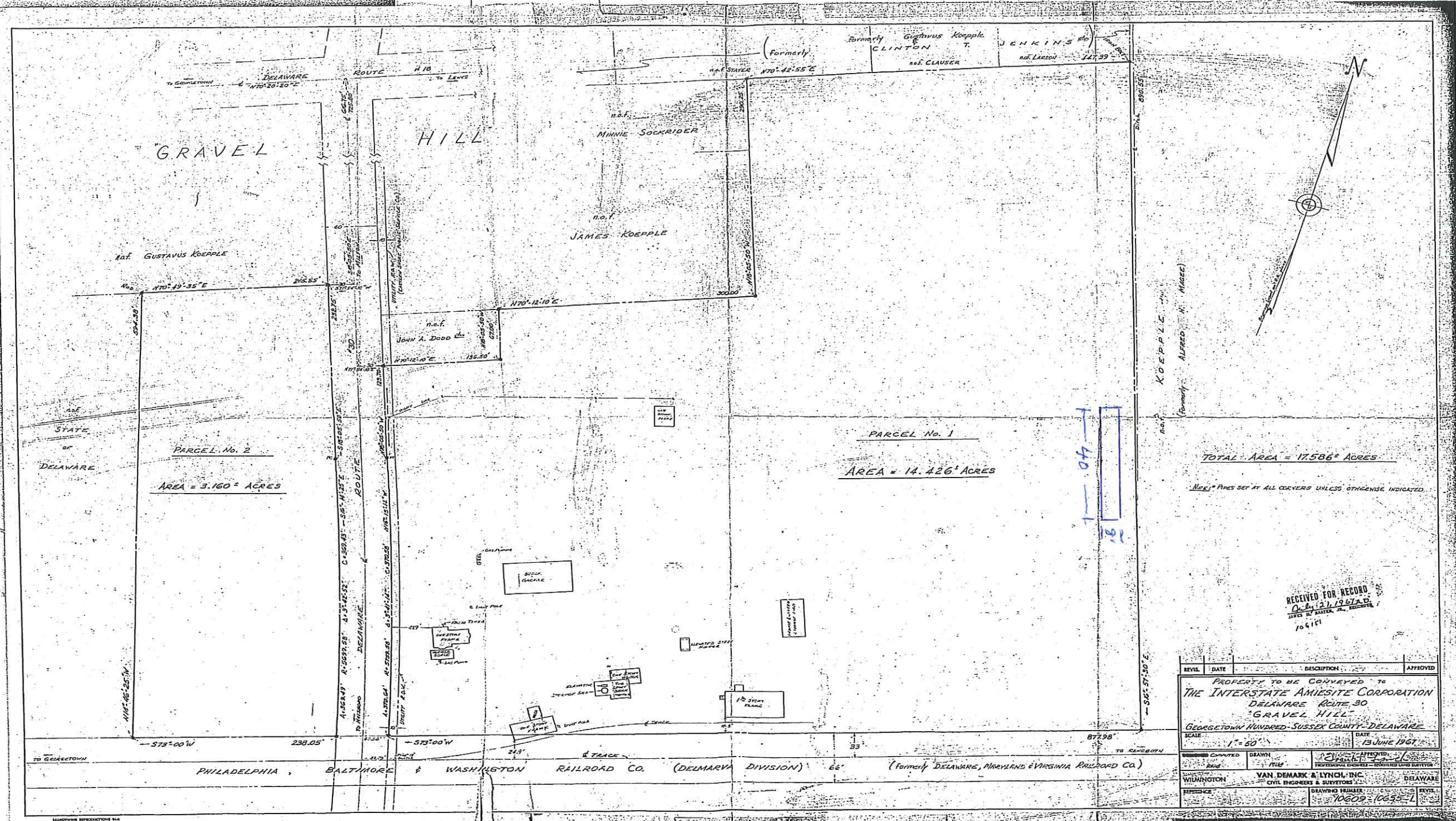
Submitted on Wednesday, February 24, 2021 - 12:47pm

Name: james mitchell

Email address: jamesmitchell68@comcast.net Phone number: 13025421651

Subject: special use permit near rt 9 & rt 30

Message: a special use permit was filed for a shooting range on a property neighboring residents on rt 9 the noise level and duration of this activity is reducing our property values and has diminished our quality of life and limited our time outside since this activity continues till after dark 6-7 days a week . the residents in the area respectfully request a denial with out a strict noise abatement plan to keep it at a safe level as to be below health and safety standards according title 7 delaware code . thank you , James Mitchell rt 9 resident



TOTAL AREA = 17.586 ACRES
 Note: * Pines set at all corners unless otherwise indicated.

RECEIVED FOR RECORD
 JUN 13 1967
 10611

REV.	DATE	DESCRIPTION	APPROVED
PROPERTY TO BE CONVEYED TO THE INTERSTATE AMESITE CORPORATION DELAWARE ROUTE 30 GRAVEL HILL GEORGETOWN HUNDRED-SUSSEX COUNTY-DELAWARE			
SCALE: 1" = 50'		DATE: 13 JUNE 1967	
DESIGNED	DRAWN	CHECKED	APPROVED
VAN DEMARK & LYNCH, INC. CIVIL ENGINEERS & SURVEYORS			
WILMINGTON		DELAWARE	
REFERENCE		DRAWING NUMBER	
		10609-10635-2	



STANDARD REPRODUCTION SIZE

Ann Lepore

From: Pete Lorah <knightnorth1981@hotmail.com>
Sent: Monday, April 12, 2021 1:05 PM
To: Planning and Zoning
Cc: Danielle
Subject: Case 12532 (photos)
Attachments: Photo 1.png; Photo 2.png; Photo 3.png; Photo 4.png; Photo 5.png; Photo 6.png; Photo 7.png; Photo 8.png; Photo 9.png; Photo 10.png; Photo 11.png; Photo 12.heic

Categories: Ann

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

Per Case 12532 to be heard by the Board of Adjustments April 19 at 6PM.

Photo 1, 2, 3: Shows Facebook post by applicant's family and friends who use the range. It shows their acknowledgement to being a disturbance and their intent to cause more of a disturbance to the people who complain. "It's not like it's a [redacted] range all day every day. But it [redacted] can be after this is over." "...we've only been making noise, riding atvs, and shooting guns there for 20 years." "Wont stop shit If the range has to go then there gonna [redacted] about the atv track I'm gonna build. They thought the couple hrs a week of gun shots were bad wait till every Saturday and Sunday. We all ride from sun up to sun down we got some louuuud toys."

Photo 4, 5, 6: Screenshots from American Responder Services Facebook page showing as recently as 14 months ago the range used a shorter berm with logs. According to the applicant's own application moved dirt and berm material should be tested for hazardous material when being moved. The range may already be responsible for contamination in the ground and surface water.

Photo 7: Screenshot from another site shared on American Responder Services Facebook page. Shows they acknowledge the dangers of ricochets but have not improved their own range to protect neighbors and customers.

Photo 8: Screenshot from American Responder Services Facebook Page. Acknowledges the range will also be used for family recreation in addition to Ron Hagan's letter to use the range for training only Tuesday, Thursday, and Saturdays.

Photo 9, 10, 11: Screenshots from American Responder Services Facebook page. As recently as 6 weeks ago shows the current erosion of the berm, the shortness on the ends, and the lack of sides to protect from errant shots or ricochets. The berm does not have the planted grass or necessary best management practices for lead at outdoor ranges that the application has suggested.

Photo 12: Current residential trailer with fenced in yard for animals currently on the applicant's property.

Thank you,

Pete Lorah

24646 Lewes Georgetown Hwy

Georgetown, De 19947

302-430-1158



Colby Hopkins

Hahahaha good thing it's a commercial property we have been using the range for years. With no complaints until now. And please show how or where this residential neighborhood is? Because there isn't one around!!!! 100ft seariously try again every bit of 100yards if not way more.. range is not facing any houses. Get over it. I only hope your home butts up to our pond on the property so you can enjoy the view of the new fence we're putting up. It's not like it's a range all day every day. But it can be after this is over.

17m

Like

Reply

1



Write a reply...



Michael DeRogatis

[Colby Hopkins](#) we've only been making noise, riding atvs, and shooting guns there for 20 years. Hasn't been an issue, now all of a sudden there is? And the shop is more than 100 feet from the range, these people are crazy! 🤪



7m Like Reply



American Responder Services, LLC



American Responder Services, LLC

Dec 21, 2019 · 🌐

Teaching firearms safety and handgun basics to yo...



American Responder Services, LLC

Feb 16, 2020 · 



American Responder Services, LLC



Mar 21 · 🌐

This is a great example of why you always wear your safety equipment on the range. Ricochet's do happen and you must be prepared. (Photo from another page).





Denise Clendenning
What range is this?

3h Like Reply



 Author

American Responder Services, LLC
[Denise Clendenning](#) it's a private range the owner permits us to use for training. He also has family and friends who use it for recreation.

2h Like Reply

1 