

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

AGENDA

May 2, 2022

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for March 7, 2022

Approval of Finding of Facts for March 7, 2022

Old Business

Case No. 12681 – Sean Merlonghi seeks a variance from the side yard setback requirement for a proposed pole building/garage (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northwest side of New Lane within the New Road Estates Subdivision. 911 Address: 5 New Lane, Lewes. Zoning District: AR-1. Tax Parcel: 335-8.00-591.00

Public Hearings

Case No. 12684 – Adan Casas seeks variances from the side yard setback, rear yard setback, and stable structure for personal keeping of animals setback requirements for existing structures (Sections 115-20, 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Seaford Road approximately .74 miles south of Bethel Road/Camp Road. 911 Address: 30016 Seaford Road, Laurel. Zoning District: AR-1. Tax Parcel 232-12.00-32.00

Case No. 12685 – Christopher Reinholz seeks a variance from the side yard setback requirement for proposed structures (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the south west side of White Oak Road within the Rehoboth Beach Yacht and Country Club Subdivision. 911 Address: 30 White Oak Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-19.00-73.00



Case No. 12686 – Kathy Harris seeks a variance from the side yard setback requirements for proposed structure (Sections 115-42, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on the corner of Sandy Cove Road and Pine Crest Drive within the Pine Crest Terrace Subdivision. 911 Address: 30102 Pinecrest Drive, Ocean View. Zoning District: GR. Tax Parcel: 134-9.00-136.00

Case No. 12687 – Devin Fortney seeks a variance from the side yard and rear yard setback requirements for existing and proposed structures (Sections 115-34, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the southside of Mercer Avenue within the Orchard Manor Subdivision. 911 Address: 33218 Mercer Avenue, Millsboro. Zoning District: MR. Tax Parcel: 234-35.05-123.00

Case No. 12688 – Evelyn Cosentino seeks a variance from the front yard setback and side yard setback requirements for existing and proposed structures (Sections 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Betty Street approximately 495 ft. from Old Shawnee Road. 911 Address: 5531 Betty Street, Milford. Zoning District: MR. Tax Parcel: 130-3.00-84.00

Case No. 12689 – Heather Shevland seeks a special use exception to operate a daycare facility (Sections 115-40 and 115-210 of the Sussex County Zoning Code). The property is located at the north side of 33564 Parker House Road within the Chevy Chase Subdivision. 911 Address: 33564 Parker House Road, Frankford. Zoning District: GR. Tax Map: 134-16.00-697.00

Additional Business



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 25, 2022 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, April 28, 2022.

####



RECEIVED

FEB 28 2022

SUSSEX COUNTY
PLANNING & ZONING

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

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

Case # 12681
Hearing Date 4/18
202202739

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

5 New Ln, Lewes DE 19958

Variance/Special Use Exception/Appeal Requested:

Requesting a 10.00 ft variance from the 15.00 foot set-back requirement for Pole Garage building that is greater 600 sq. ft. (exact amount here)

Tax Map #: 335-8.00-591.00

Property Zoning: ARI

Applicant Information

Applicant Name: Sean Merlonghi
Applicant Address: 5 New Ln
City Lewes State DE Zip: 19958
Applicant Phone #: (302) 584-3288 Applicant e-mail: smerlonghi@yahoo.com

Owner Information

Owner Name: Sean Merlonghi
Owner Address: 5 New Ln
City Lewes State DE Zip: 19958 Purchase Date: 9/15/20
Owner Phone #: (302) 584-3288 Owner e-mail: smerlonghi@yahoo.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: 2/24/22



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

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

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

1. Uniqueness of property:

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

Due to where the main home is located in relationship to the property line, requiring a 15.00 foot set-back will not allow proper size nor location of the anticipated pole garage. a 5.00 set-back from the property line will allow not only ample room from the property line but also allow full functionality and sizing of the required proposal.

2. Cannot otherwise be developed:

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

due to the physical circumstances of the main home and safest and most functional locationg for the pole garage, the variance is necessary to enable reasonable use of the property.

3. Not created by the applicant:

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

Appellant has not created any practical difficulty requiring this variance request. There will still be ample room between the structure and the property line side (5') on the right side, while allowing the required space between the main dwelling and this structure to service the backyard (Septic system service, yard work service, etc...)Without this variance, it would actually create practical difficult requiring the 15' set back as opposed to a 5' set back.

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

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

This Variance will not alter, impair, or be detrimental in anyway to the community, public welfare, or adjacent neighboring property. It is a practical structure that bodes well within the community while allowing appropriate and proper use of the development of adjacent property. Adjacent property line is still 5' from the structure. Adjacent property owner has no concerns with the proposed variance and structure and i've enclosed an e-mail conversation for confirmation.

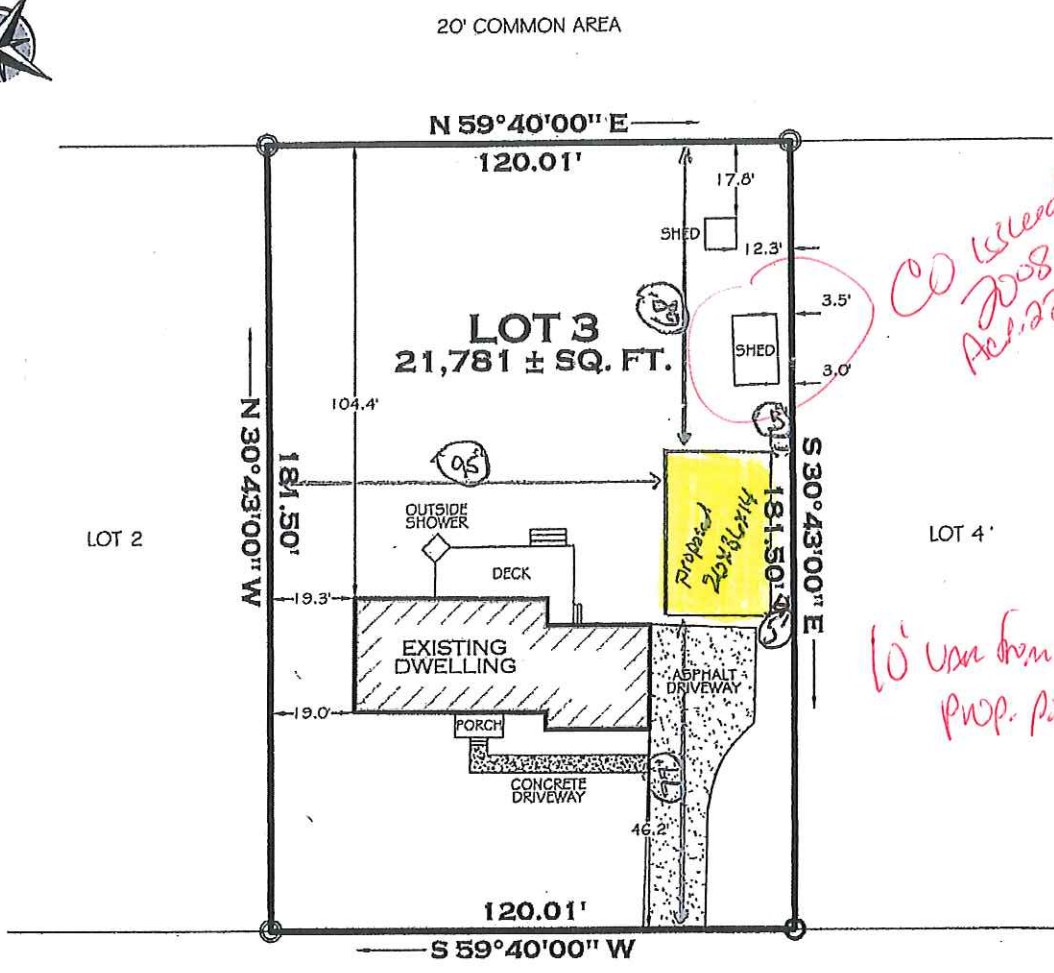
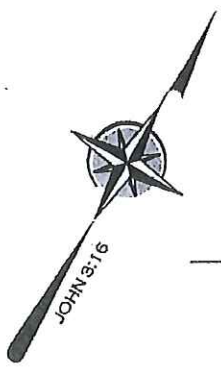
5. Minimum variance:

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 minimum variance required is a 5.00 foot set back from the property line as opposed to the current 15.00 set back requirement.

Pz Review

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



*CO issued 2008
Apr. 22-12*

*10' use from 15' side
prop. pole bldg*

**NEW LANE
50' RIGHT OF WAY**

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
3. A TEN (10) FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE PROVIDED ALONG ALL LOT LINES. (PER PLAT 43 / 174)

Billy A. All

LEGEND

- IRON PIPE FOUND
- ◉ IRON PIPE W/ CAP FOUND

TRUE NORTH

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

TAX MAP	3-35 - 8.00 - 591.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LEWES & REHOBOTH
TOWN	---
AREA	21,781 ± SQ. FT.
DEED REF.	3303 / 230
PLAT REF.	43 / 174
DRAWN BY	KTH
DATE	08 / 25 / 15
SCALE	1" = 40'
SURVEY #	DE - 02421

**BOUNDARY SURVEY
PLAN**

**LOT 3
NEW ROAD ESTATES**

FOR
**SEAN MERLONGHI &
MICHELLE PLOURDE**

5 NEW LANE, LEWES, DE 19958

**Administrative Correction Process
Sussex County, Delaware**

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

Type of Application:

Permit/CO issued in Error

Site Address of Variance: 5 New Lane, Lewes

Variance/Special Use Exception/Appeal Requested: 1.5-ft var from 5-ft side and 2-ft var from 5-ft side for shed
CO issued for shed in 2008, permit issued in 2008

Tax Map #: 335-8.00-591.00 **Property Zoning:** AR-1

Owner Information

Owner Name: Sean Merlonghi & Michelle Plourde
Owner Address: 5 New Lane
City, State, Zip: Lewes, DE 19958 Purchase Date: _____
Owner Phone #: 302-584-3288 Owner e-mail: smerlonghi@yahoo.com

Alternate Reference Information

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

Signature of Director/Director Designee

Jennifer Norwood

Date: 3/15/2022



Check List for Applications

The following shall be submitted with the application

- Completed Application
- Provide Building Permit for Structure
- Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

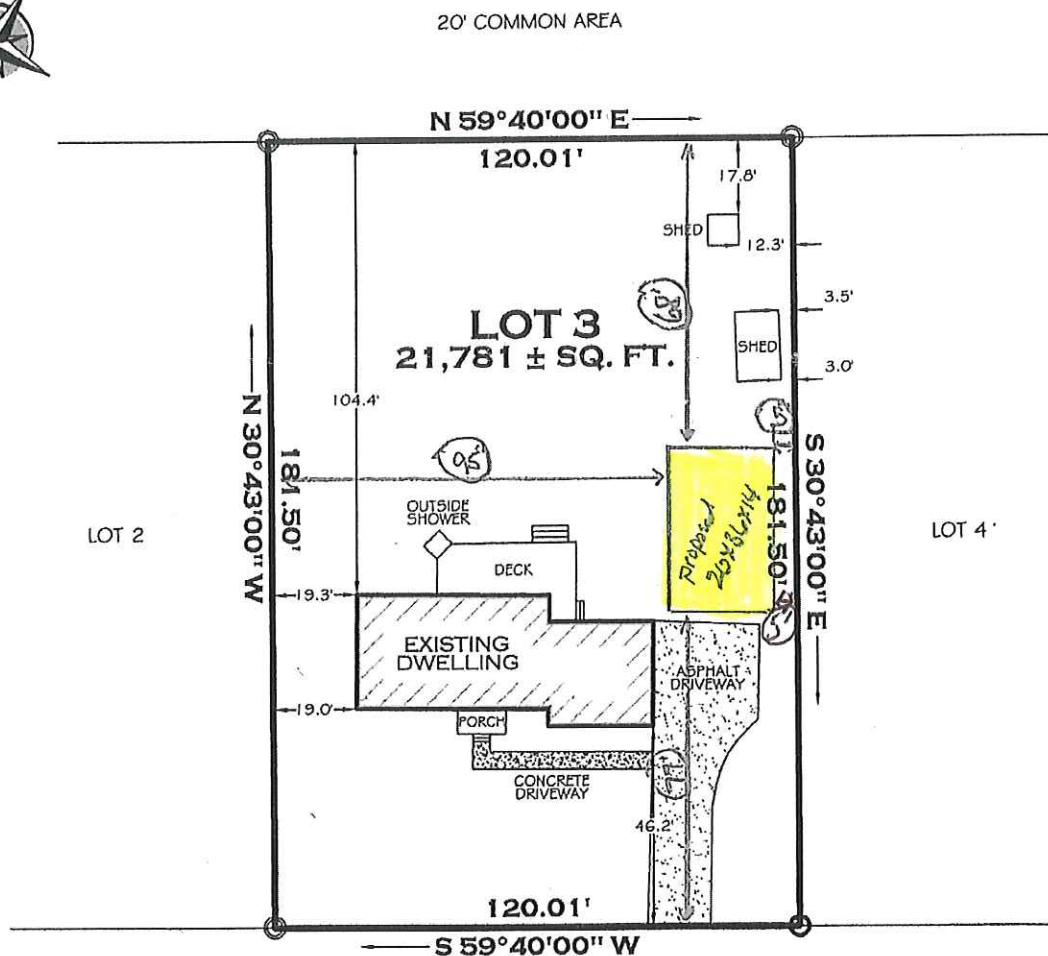
Signature of Applicant/Staff Member

Jennifer Norwood _____ Date: _____

For office use only:

Date Submitted: _____ Fee: \$400.00 Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____



**NEW LANE
50' RIGHT OF WAY**

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
3. A TEN (10) FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE PROVIDED ALONG ALL LOT LINES. (PER PLAT 43 / 174)

John A. All

TAX MAP	3-35 - 8.00 - 591.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LEWES & REHOBOTH
TOWN	---
AREA	21,781 ± SQ. FT.
DEED REF.	3303 / 230
PLAT REF.	43 / 174
DRAWN BY	KTH
DATE	08 / 25 / 15
SCALE	1" = 40'
SURVEY #	DE - 02421

**BOUNDARY SURVEY
PLAN**

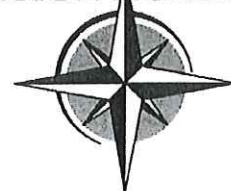
**LOT 3
NEW ROAD ESTATES**

FOR
**SEAN MERLONGHI &
MICHELLE PLOURDE**
5 NEW LANE, LEWES, DE 19958

LEGEND

- IRON PIPE FOUND
- IRON PIPE W/ CAP FOUND

TRUE NORTH



LAND SURVEYING

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

Sean Merlonghi

From: Sean Merlonghi
Sent: Friday, February 25, 2022 8:50 AM
To: Sean Merlonghi
Subject: Fwd: Question for you

Sean Merlonghi, CFP®, APMA®
Vice President, Financial Advisor
Lokken Investment Group, LLC



[1413 Savannah Rd., Suite 4](#)
[Lewes, DE 19958](#)
[302-645-6650](#)
[www.LokkenInvest.com](#)

The information and material contained in this communication is confidential and intended for the recipient addressee named. If you are not the intended recipient, please delete the message and notify the sender immediately. Lokken Investment Group, LLC is an Investment Advisor registered with the states of Delaware and Maryland. Please contact us at [\(302\) 645-6650](tel:3026456650) if there is any change in your financial situation, needs, goals or objectives, or if you wish to initiate any restrictions on the management of the account or modify existing restrictions. Additionally, we recommend you compare any account reports from Lokken Investment Group, LLC with the account statement from your Custodian. Please notify us if you do not receive statements from your Custodian on at least a quarterly basis. Our current disclosure brochure, Form ADV Part2, is available for your review upon request. This disclosure brochure, or a summary of material changes made, is also provided to our clients on an annual basis.

Begin forwarded message:

From: Jack <captainjack6868@verizon.net>
Date: February 24, 2022 at 5:13:14 PM EST
To: Sean Merlonghi <Smerlonghi@lokkeninvest.com>
Subject: Re: Question for you

I have no problem with your pole barn being five (5') feet from our property line.
John A. Malloy, Sr.

Sent from my iPhone

On Feb 24, 2022, at 1:19 PM, Sean Merlonghi <smerlonghi@lokkeninvest.com> wrote:

Hey Jack! I hope you are well!

As you know I've also been looking into installing a pole garage to the right of my house and it appears I'm going to have to get a variance for a 5' set back from the property line as opposed to the current requirement of 15' from the property line. Without this variance I'll have trouble getting to the back yard to service the septic, etc... and we won't be able to have the size that we require.

My question to you before I submit any such variance is that would you be ok if I put this pole garage up with a 5' buffer to our property line (to the left of your house and the right of mine right where the fence is) as opposed to the current 15' requirement from the county?

Talk soon.

Best,

Sean D. Merlonghi, CFP[®], APMA[®]
Vice President, Financial Advisor

<image001.jpg>

1413 Savannah Rd., Suite 4
Lewes, DE 19958
302-645-6650
www.LokkenInvest.com

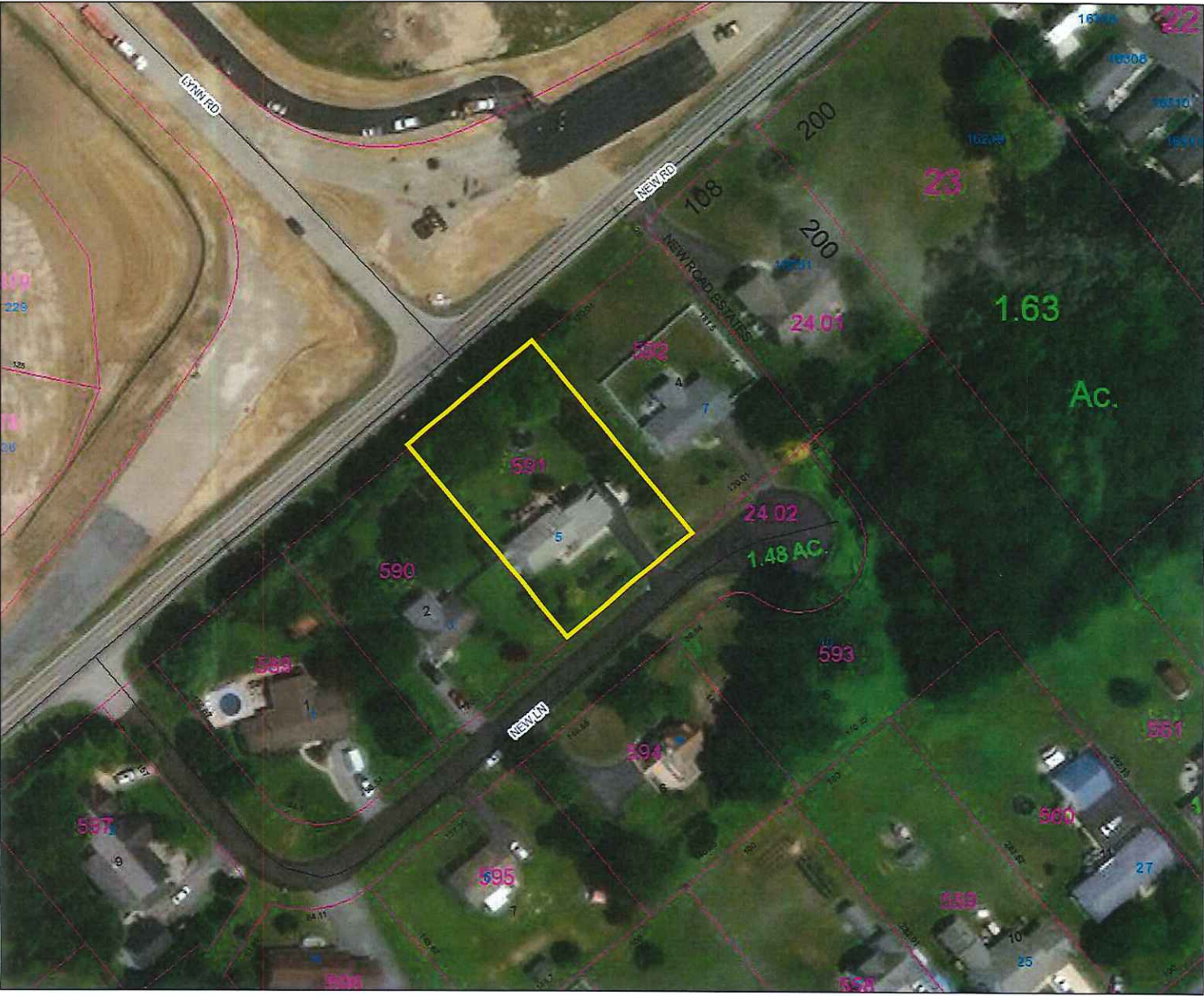
<image002.png>

The information and material contained in this communication is confidential and intended for the recipient addressee named. If you are not the intended recipient, please delete the message and notify the sender immediately. Lokken Investment Group, LLC is an Investment Advisor registered with the Securities and Exchange Commission ("SEC"). Please contact us at (302) 645-6650 if there is any change in your financial situation, needs, goals or objectives, or if you wish to initiate any restrictions on the management of the account or modify existing restrictions. Additionally, we recommend you compare any account reports from Lokken Investment Group, LLC with the account statement from your Custodian. Please notify us if you do not receive statements from your Custodian on at least a quarterly basis. Our current disclosure brochure, Form ADV Part 2, is available for your review upon request. This disclosure brochure, or a summary of material changes made, is also provided to our clients on an annual basis.

Certified Financial Planner Board of Standards, Inc. (CFP Board) owns the CFP[®] certification mark, the CERTIFIED FINANCIAL PLANNER[™] certification mark, and the CFP[®] certification mark (with plaque design) logo in the United States, which it authorizes use of by individuals who successfully complete CFP Board's initial and ongoing certification requirements.

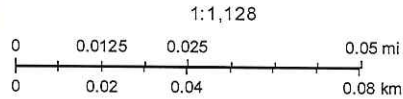


Sussex County



PIN:	335-8.00-591.00
Owner Name	MERLONGHI SEAN
Book	5261
Mailing Address	5 NEW LN
City	LEWES
State	DE
Description	NEW ROAD ESTATES
Description 2	LOT 3
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 # 12684
Hearing Date 5-2-22

202203546

RECEIVED

MAR 14 2022

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

SUSSEX COUNTY
PLANNING & ZONING
Existing Condition
Proposed
Code Reference (office use only)
115-20 115-34
115-103 115-105

Site Address of Variance/Special Use Exception:

30016 Seaford Rd., Laurel, DE 19956

Variance/Special Use Exception/Appeal Requested:

A variance is requested on my personal property recorded in Deed book 4606, page 165.

Tax Map #: 232-12.00-32.00

Property Zoning: RES AR-1

Applicant Information

Applicant Name: Adan Casas
Applicant Address: 30016 Seaford Rd.
City Laurel State DE Zip: 19956
Applicant Phone #: (302) 569-0187 Applicant e-mail: _____

Owner Information

Owner Name: Adan Casas
Owner Address: 30016 Seaford Rd.
City Laurel State DE Zip: 19956 Purchase Date: _____
Owner Phone #: (302) 569-0187 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



Date: 3/1/22



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

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

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

1. Uniqueness of property:

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

The lot is narrow and long.

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 structures are completed and we have encroached on a side setback and the rear setback.

3. Not created by the applicant:

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

I was unaware of the setback requirements when I built my home and structures.

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

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

The requested variance will not alter the essential character of the neighborhood, nor impair the use of the property or be detrimental to the public welfare.

5. Minimum variance:

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

The house and garage would require a variance of 6' on the side setback. I am willing to move the two existing sheds to an area which would not require a variance. The large barn would require a variance of 20' in the rear of the property.

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.

The requested variance will not alter the essential character of the neighborhood, nor impair the use of the property or be detrimental to the public's welfare.

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)

None

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

I do most of the work on my property myself to ease the financial burden of homeownership. I do have a language barrier and I am truly sorry I did not get guidance from a licensed builder. When I build any other structure it will be in compliance.

INSPECTIONS TEXT

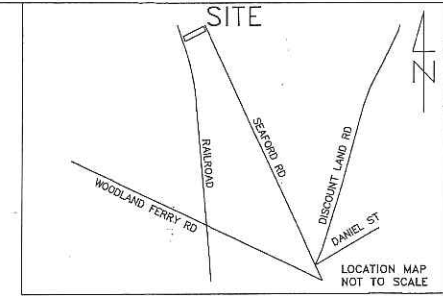
Created from inspection 228945 on 01/22/2020 by alan.shields

**01-22-20 I arrived on location to find a structure built and attached to the dwelling along with a horse barn at the rear of the property both built without a permit. There is also a trash violation on the property at this time. I met the owner Adan Casas in the drive way and I found that he did not understand English very well. He went and got his son so I could explain through him to his father. The building that's attached to the dwelling has a concrete floor, framed up walls with metal covering, partially framed up roof attached to the dwelling and water and electric ran to it at the back side of the structure. I explained that this has been built without a permit as well as the horse barn and that he can not do any more work on them until he gets permits and approval from BC. There is also a small amount of trash through out the property with refrigerators, bottles, and bags of trash. I explained both violations and that he has five days on the permit and thirty days on the trash. Mr. Casas said he is going get permits today. I then hand delivered the NOV's for building without a permit and trash to Adan Casas.

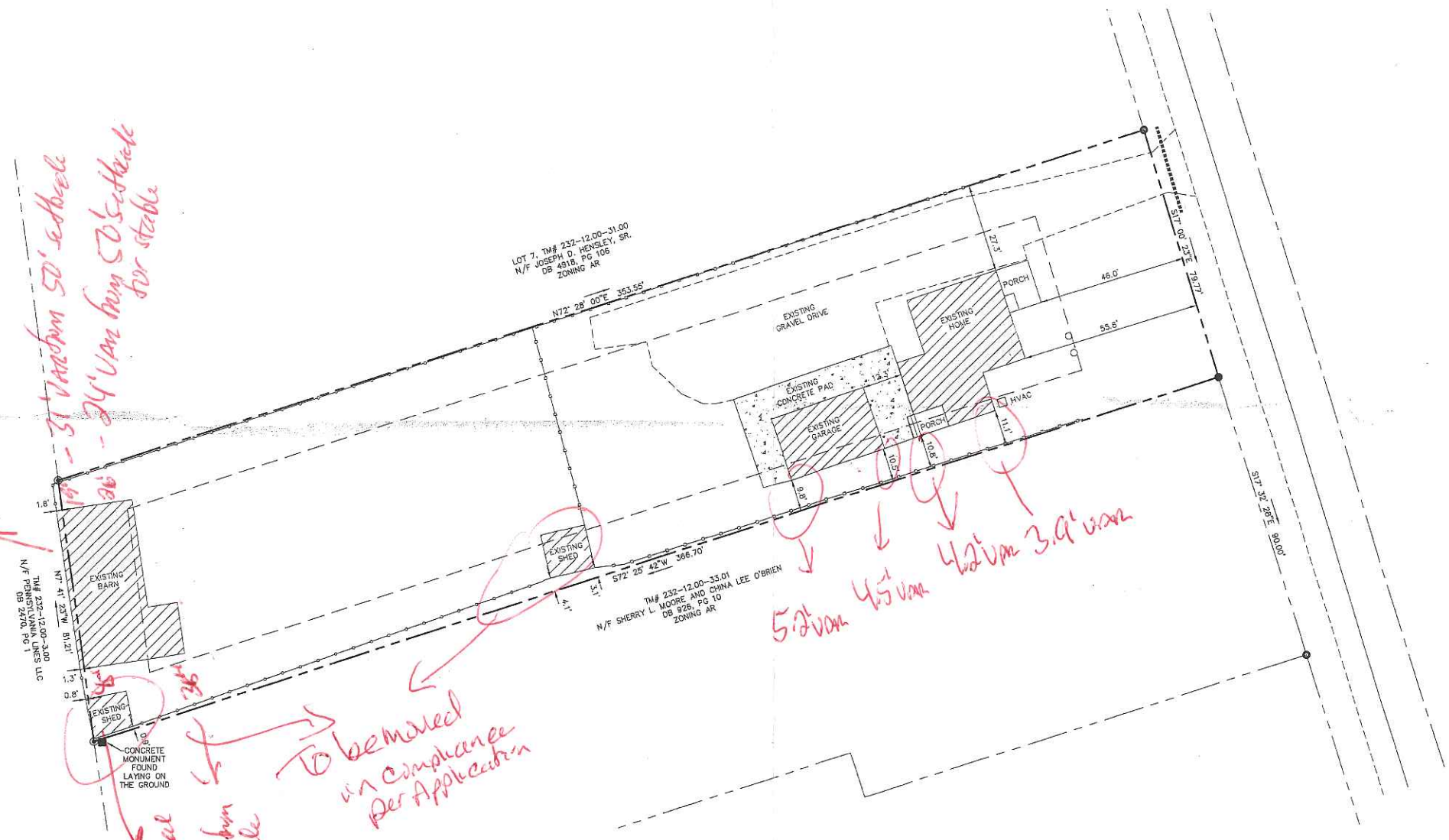
01-28-20 As of today the owner has obtained the permit and the structure will now go through BC for further inspections. This case can now be closed as the owner did what was requested by getting the permit. **Cleared

PLAN DATA:
 1. TITLE REFERENCED TO: TM# 232-12.00-32.00, DB 4606, PG 165
 30016 SEAFORD ROAD, LAUREL, DE 19956
 LOT 6 LANDS OF CATHERINE R. MOORE AND BEATRICE M. ALLEN
 BROAD CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN.
 3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL
 AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS
 4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR, AND SETBACKS ARE: FRONT-40, SIDE-15,
 AND REAR-20.

DSEPC/ANSRS 2021



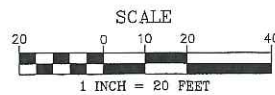
50' Var from 50' rear yard for stable
19' - 31' Var from 50' setback
26' - 24' Var from 50' setback for stable



5' Var from 50' setback
15' Var from 50' setback
to be removed in compliance per Application

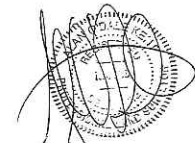
5.2' Var
4.5' Var
4.2' Var
3.4' Var

- LEGEND:
- CAPPED IRON PIN SET
 - IRON REBAR FOUND
 - CONCRETE MONUMENT FOUND
 - IRON PIPE FOUND
 - IRON PIPE FOUND
 - PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - BUILDING RESTRICTION LINE
 - - - ROAD CROWN
 - - - ROAD EDGE
 - ▬▬▬ EXISTING CULVERT PIPE



SURVEYOR'S CERTIFICATION

I, ALAN O'DALE KENT 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.



ALAN O'DALE KENT, PLS#738
 ALAN O KENT LAND SURVEYING LLC
 8505 SUSSEX STREET
 SEAFORD, DE 19973

JOB # 2021323

THIS IS A SUBURBAN CLASS SURVEY

DATE OF PLAN
 01 OCT 2021

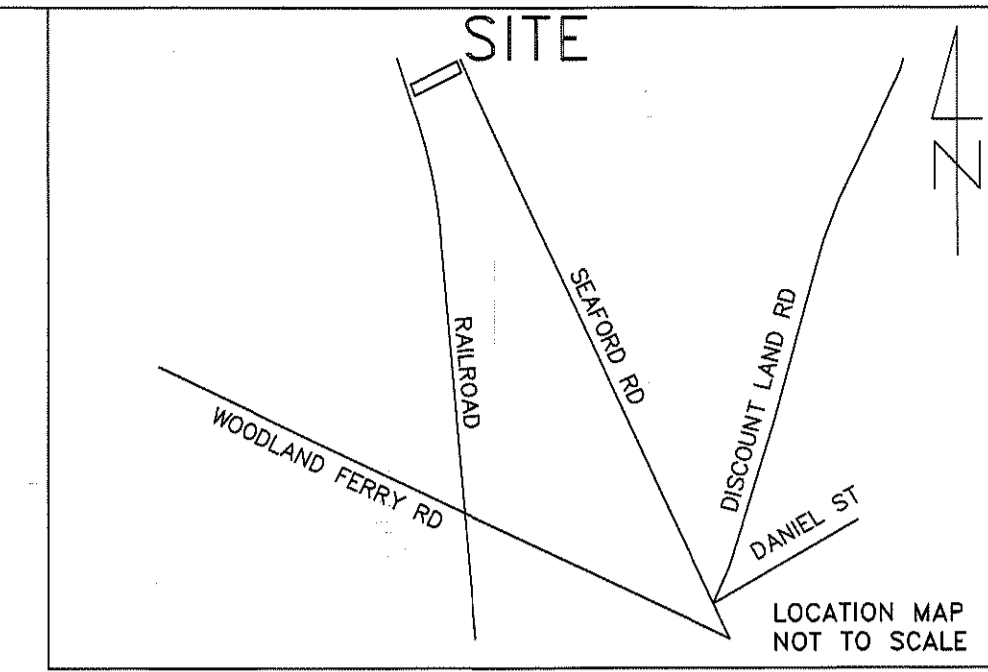
DATE OF LAST FIELD WORK

30 SEP 2021

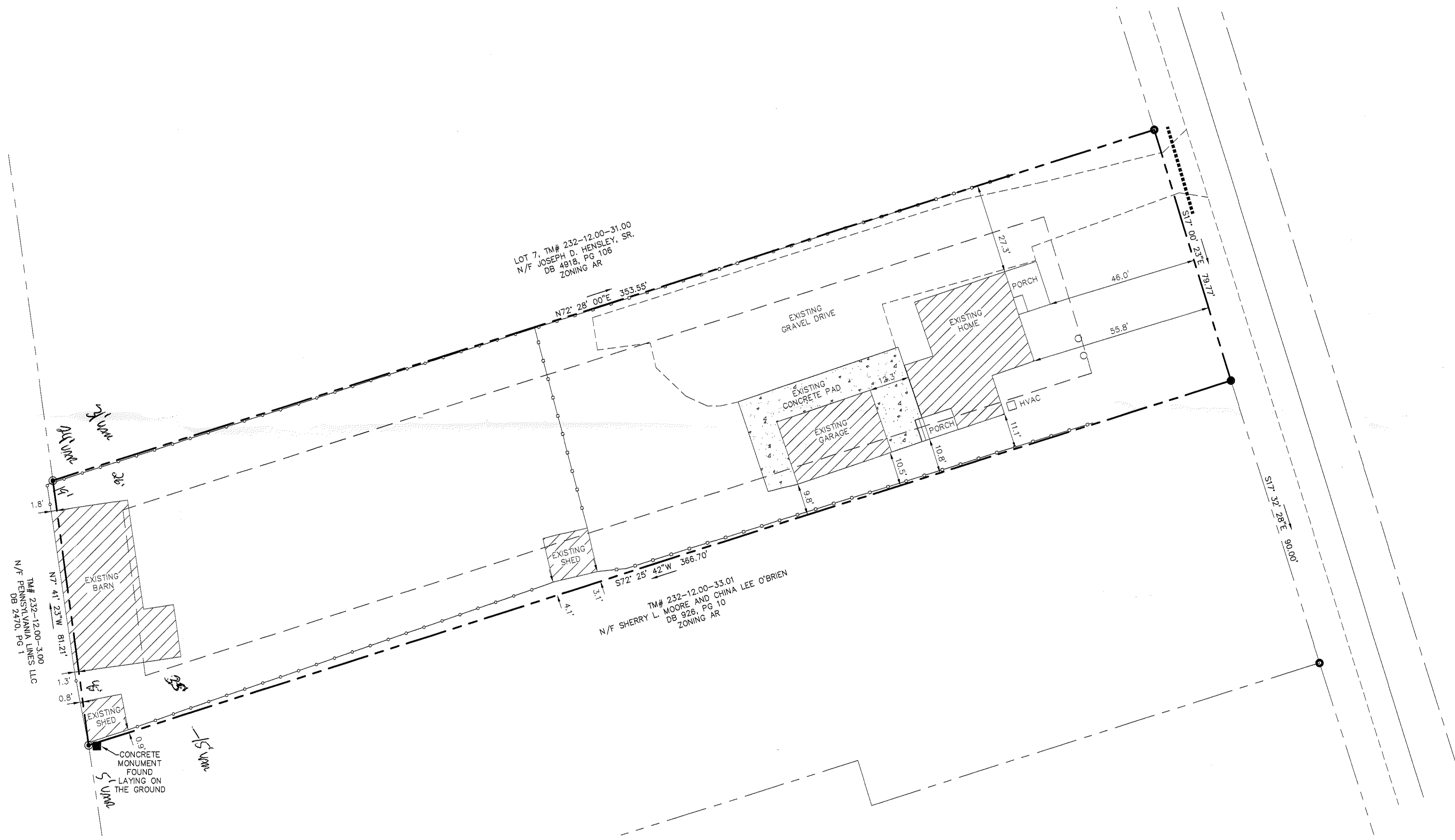
**BOUNDARY SURVEY PLAN
 AND VARIANCE REQUEST
 OF THE LANDS NOW OR FORMERLY OF
 ADAN CASAS**

PREPARED BY
 ALAN O KENT LAND SURVEYING
 9505 SUSSEX STREET
 SEAFORD, DE 19973

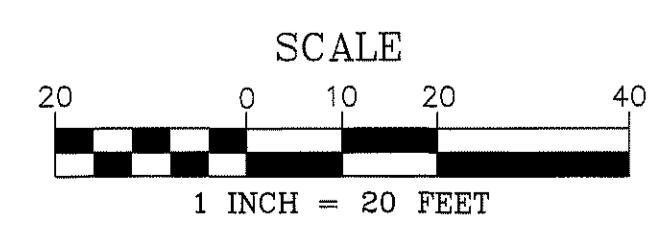
PLAN DATA:
 1. TITLE REFERENCED TO: TM# 232-12.00-32.00, DB 4606, PG 165
 30016 SEAFORD ROAD, LAUREL, DE 19956
 LOT 6 LANDS OF CATHERINE R. MOORE AND BEATRICE M. ALLEN
 BROAD CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
 3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS
 4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR, AND SETBACKS ARE: FRONT-40, SIDE-15, AND REAR-20.



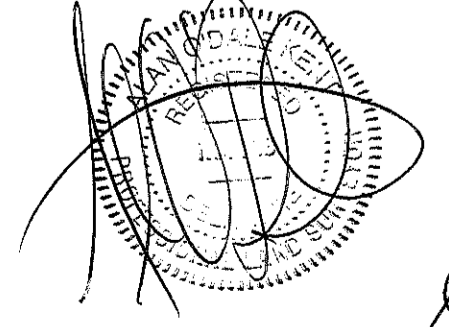
JSP/PC/ANS/RIS 2011



LEGEND:
 ● CAPPED IRON PIN SET
 ○ IRON REBAR FOUND
 □ CONCRETE MONUMENT FOUND
 ○ IRON PIPE FOUND
 — PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - BUILDING RESTRICTION LINE
 - - - ROAD CROWN
 - - - ROAD EDGE
 - - - EXISTING CULVERT PIPE



SURVEYOR'S CERTIFICATION
 I, ALAN O'DALE KENT 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.



ALAN O'DALE KENT, PLS#738
 ALAN O KENT LAND SURVEYING LLC
 9505 SUSSEX STREET
 SEAFORD, DE 19973
 DATE

JOB # 2021323

THIS IS A SUBURBAN CLASS SURVEY

DATE OF PLAN	01 OCT 2021
DATE OF LAST FIELD WORK	30 SEP 2021

BOUNDARY SURVEY PLAN AND VARIANCE REQUEST OF THE LANDS NOW OR FORMERLY OF ADAN CASAS

PREPARED BY
 ALAN O KENT LAND SURVEYING
 9505 SUSSEX STREET
 SEAFORD, DE 19973
 410.2116.4444



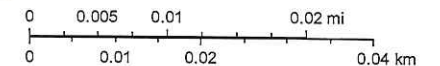
Sussex County



PIN:	232-12.00-32.00
Owner Name	CASAS ADAN
Book	4606
Mailing Address	30016 SEAFORD ROAD
City	LAUREL
State	DE
Description	SW/LAURELSEAFORD
Description 2	LOT 6
Description 3	
Land Code	

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

1:564



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 # 12685
Hearing Date 5/2
202203/01

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115.25 115-183

Site Address of Variance/Special Use Exception:

30 White Oak Rd, Rehoboth Beach DE 19971

Variance/Special Use Exception/Appeal Requested:

Requesting a variance to the side setback.

Tax Map #: 334-19.00-73.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Christopher M. Reinholz

Applicant Address: 30 White Oak Road

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (412) 855-0636 Applicant e-mail: rhinohome@gmail.com

Owner Information

Owner Name: Christopher M. Reinholz

Owner Address: 30 White Oak Road

City Rehoboth Beach State DE Zip: 19971 Purchase Date: 8/22/20

Owner Phone #: (412) 855-0636 Owner e-mail: rhinohome@gmail.com

Agent/Attorney Information

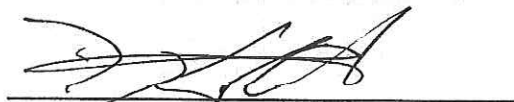
Agent/Attorney Name: Trent Collins, MCH Construction LLC.

Agent/Attorney Address: 170 Plaindealing Rd.

City Magnolia State De Zip: 19962

Agent/Attorney Phone #: (302) 249-2765 Agent/Attorney e-mail: trent.collins@mchllc.net

Signature of Owner/Agent/Attorney



Date: 3/1/22



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

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

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

1. Uniqueness of property:

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

The property is a corner lot with a 15' rear and side setback. The 25' front setback impacts both the rear and side of the house, the structure was built close the the side set backs in order to accommodate the width of the home. This only allows 13.5' of buildable space in the rear of home. There is an existing concrete patio between the rear of the house and the rear setback that impacts the footer location of the proposed structure.

2. Cannot otherwise be developed:

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

The location of the house on the lot in addition to the existing chimney and crawl space access create limited usable space withing the current setback.

3. Not created by the applicant:

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

This situation was created by the original Builder and/or 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.

It will enhance the space with an esthetically pleasing porch in lieu of an unused concrete slab.

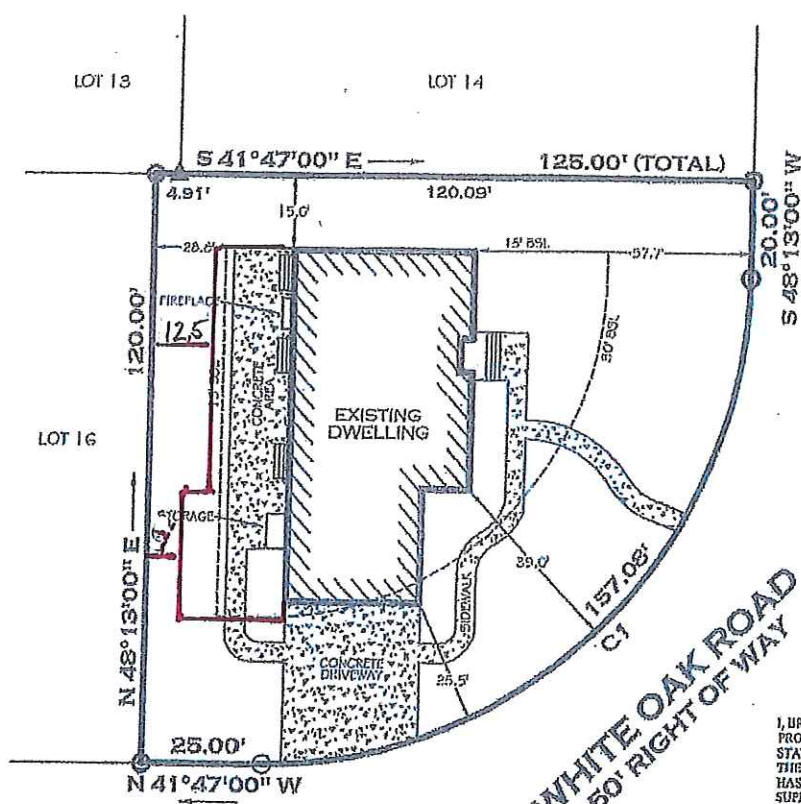
5. Minimum variance:

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 proposed structure will require 8' of the 15' set back, the footers for the structure will only require to be 5.5' into the 15' setback.

ON-YA HAS INCORPORATING AN ORIGINAL EMPLOYED / 180 PER. & 200 PER. AS CONSIDERED TO BE CRUCIAL AND NECESSARY FOR THE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	157.08'	141.42'	N 86°47'00" W



I, BRADLEY A. ADISHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE 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 BE THE RESPONSIBILITY OF THE CLIENT AND SHALL REQUIRE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

Bradley A. Adisher
 BRADLEY A. ADISHER, DE PLS # 735
 DATE 1/31/2020

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: AR-1
3. BUILDING SETBACK LINES (BSL)
 - FRONT 30'
 - SIDE 15'
 - REAR N/A

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

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

LEGEND

- ▲ IRON T-BAR FOUND
- IRON PIPE W/ CAP FOUND

TAX MAP	3-34 - 19.00 - 79.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LEWES & REHOBOTH
TOWN	---
AREA	12,854 ± SQ. FT.
DEED REF.	1047 / 105, 698 / 72
PLAT REF.	5 / 32
DRAWN BY	MCS
DATE	01 / 31 / 2020
SCALE	1" = 30'
SURVEY #	DE - 06055

BOUNDARY SURVEY PLAN

**LOT 15, BLOCK 20
 REHOBOTH BEACH
 YACHT & COUNTRY CLUB**

FOR
MICHAEL D. & KATHERINE C. DICKINSON
 30 WHITE OAK ROAD, REHOBOTH BEACH, DE 19971

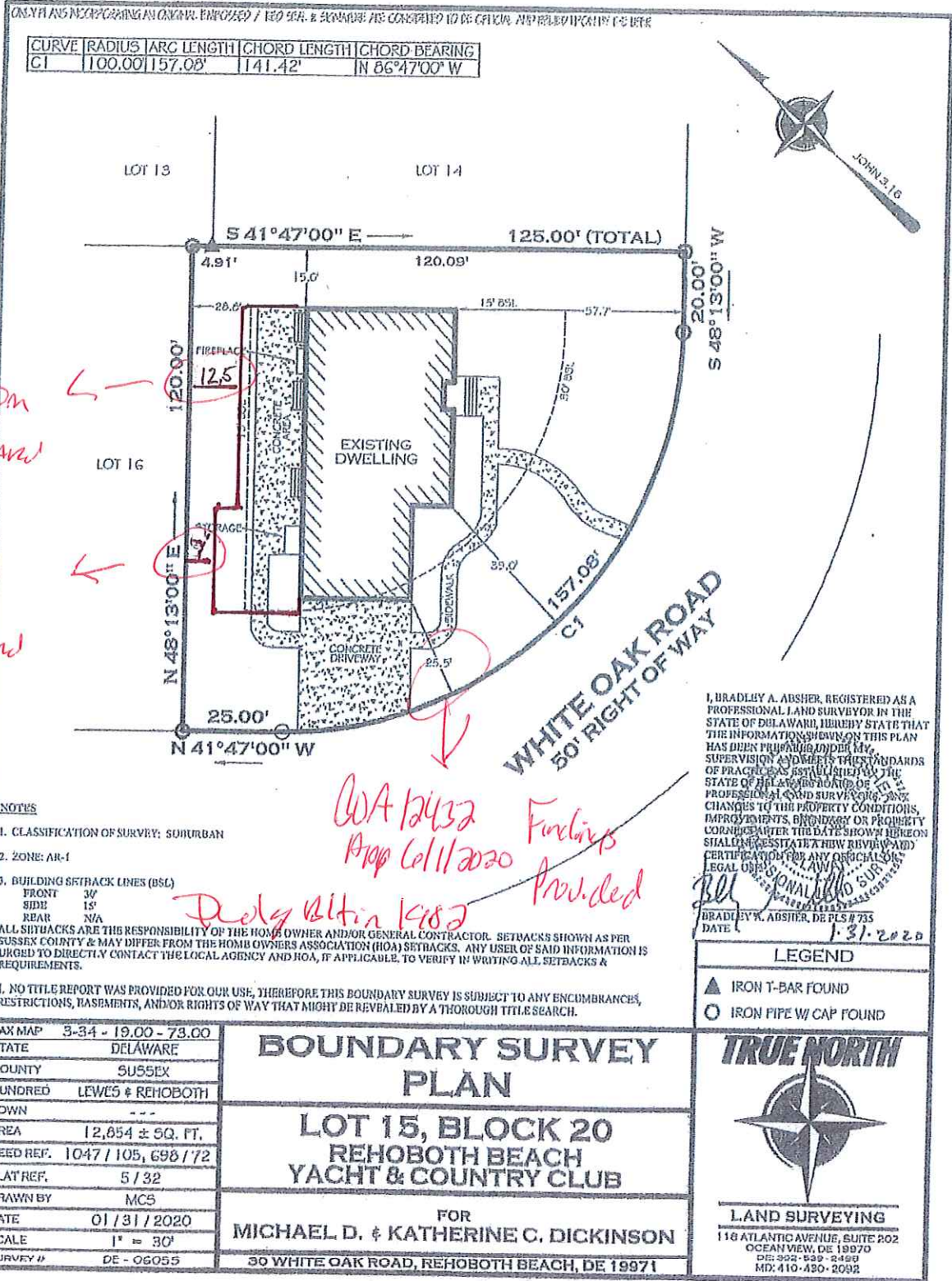
TRUE NORTH



LAND SURVEYING
 118 ATLANTIC AVENUE, SUITE 202
 OCEAN VIEW, DE 19970
 PH: 302-639-2400
 MO: 410-420-3002

Pt 2 Review

No stairs or HVAC will encroach into side yard



2.5' yard from
15' side yard

8' yard from
15' side yard

- NOTES**
1. CLASSIFICATION OF SURVEY: SUBURBAN
 2. ZONE: AR-1
 3. BUILDING SETBACK LINES (BSL)
 - FRONT 30'
 - SIDE 15'
 - REAR N/A

Q/A 12/4/22
App Call 11/2020
Permit 1/18/22
Foundings Provided

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

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TAX MAP	3-34 - 19.00 - 73.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LEWES & REHOBOTH
TOWN	---
AREA	12,854 ± SQ. FT.
DEED REF.	1047 / 105, 698 / 72
PLAT REF.	5 / 32
DRAWN BY	MCS
DATE	01 / 31 / 2020
SCALE	1" = 30'
SURVEY #	DE - 06055

BOUNDARY SURVEY PLAN

LOT 15, BLOCK 20
REHOBOTH BEACH
YACHT & COUNTRY CLUB

FOR
MICHAEL D. & KATHERINE C. DICKINSON
30 WHITE OAK ROAD, REHOBOTH BEACH, DE 19971

I, BRADLEY A. ABSHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED 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, ENCUMBRANCES OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL BE AT THE SURVEYOR'S RISK AND CERTIFICATION BY ANY OTHER LEGAL OFFICIAL.

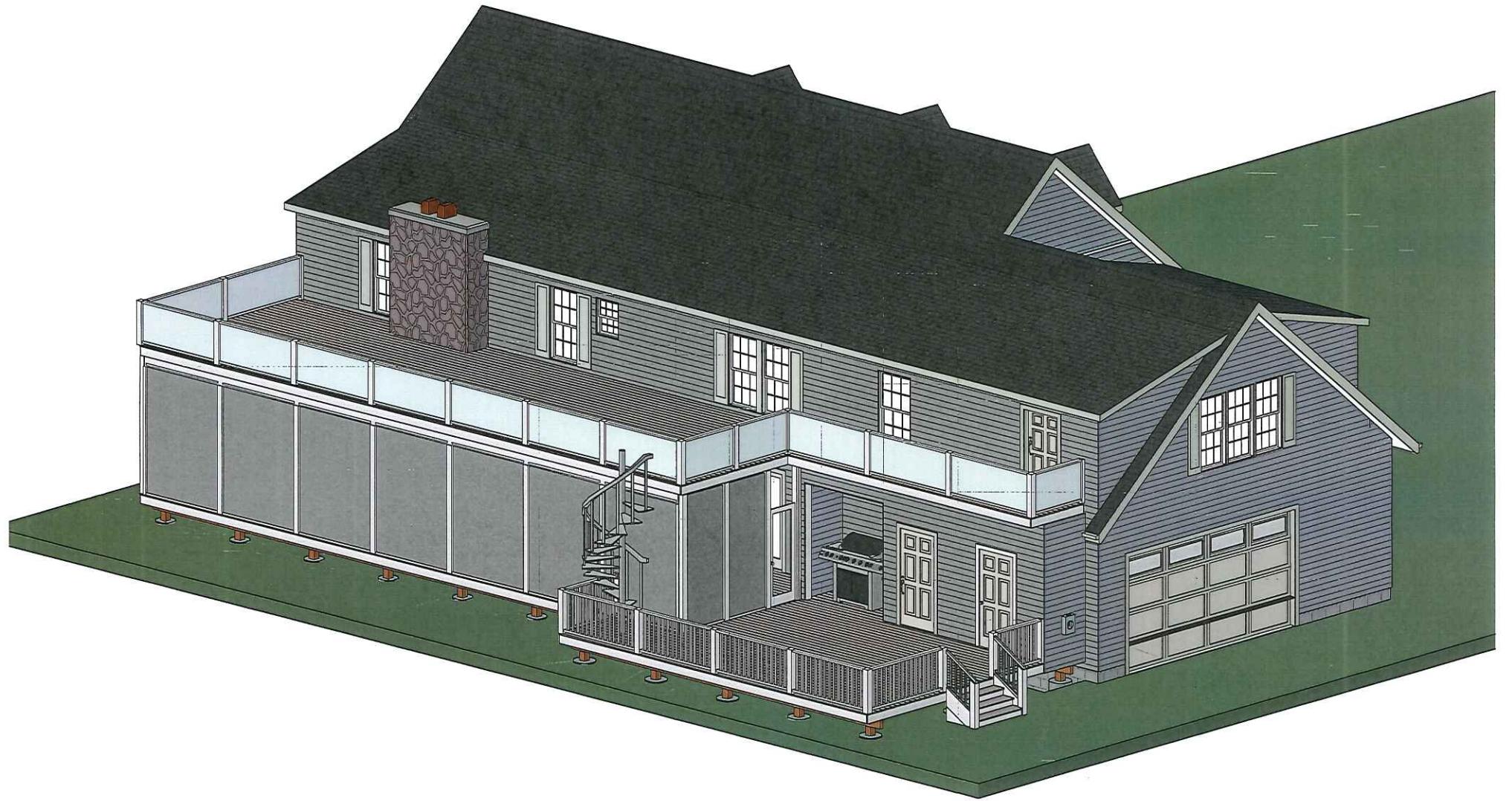
Bel
BRADLEY A. ABSHER, DE PLS # 735
DATE 1/31/2020

LEGEND

- ▲ IRON T-BAR FOUND
- IRON PIPE W/ CAP FOUND

TRUE NORTH

LAND SURVEYING
118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 19970
DE: 302-639-2450
MD: 410-430-2092



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BARBARA WALKER

(Case No. 12432)

A hearing was held after due notice on June 1, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard setback requirement for an existing dwelling.

Findings of Fact

The Board found that the Applicant is seeking a variance of 4.5 feet from the thirty (30) feet front yard setback requirement for an existing dwelling. This application pertains to certain real property located on the southwest corner of White Oak Road within the Rehoboth Beach Yacht and Country Club subdivision (911 Address: 30 White Oak Road, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel Number 3-34-19.00-73.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph of the Property, a survey of the Property dated January 31, 2020, a building permit, findings of fact for Case No. 2192-1982, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that a variance of 5 feet was granted from the front yard setback in 1982 for a proposed dwelling but no certificate of compliance was issued after the house was built.
4. The Board found that Barbara Walker and Adam Linder were sworn in to give testimony about the Application.
5. The Board found that Mr. Linder testified that the Applicant wishes to sell the home and she was unaware of any violations until the Property was surveyed.
6. The Board found that Mr. Linder testified that the Rehoboth Beach Yacht and Country Club subdivision had a 25 foot setback.
7. The Board found that Mr. Linder testified that the dwelling has been on the Property since 1982/83 and has had no complaints.
8. The Board found that Mr. Linder testified that the dwelling is in character with the neighborhood.
9. The Board found that Ms. Walker testified that she inherited the Property two years ago and that the Property was built by the McCauleys who were the original owners and who lived in the home for 37 years.
10. The Board found that Ms. Walker testified that the prior owners lived in Egypt for approximately 1 year after the house was built.
11. The Board found that Ms. Walker testified that other lots in the neighborhood are square or rectangular.
12. The Board found that Ms. Walker testified that there have been no complaints about the location of the house.
13. The Board found that no one appeared in support of or opposition to the Application.
14. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive,

and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.

- a. The Property is unique due to the size and shape of the lot. The front property line is curved and the lot is not exceptionally large. These conditions have created an unusually shaped and limited building envelope. The Property was developed by a house in the 1980s after the issuance of a variance. No certificate of compliance was issued, however, after the house was constructed. The Board notes that the prior owners lived abroad for approximately 1 year after the house was constructed and their absence likely resulted in the failure to complete the appropriate paperwork to demonstrate that the dwelling was constructed in compliance with the prior variance approval and the Code. The Board notes that the existing dwelling complies with the prior variance approval. The unique conditions of the lot and the prior construction of the house have created an unnecessary hardship and exceptional practical difficulty for the Applicant who seeks to retain the existing dwelling on the lot.
- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to the uniqueness of the Property and the situation, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicant seeks to retain the existing dwelling on the lot but is unable to do so while complying with the Sussex County Zoning Code. The Board is thus convinced that the variance is necessary to enable the reasonable use of the Property as the variance will allow the Applicant to retain the reasonably sized dwelling on the lot. The Board is convinced that the size, shape, and location of the dwelling are reasonable.
- d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. As discussed above, the Property has unique conditions which have limited the Applicant's ability to reasonably develop the Property. The Applicant did not create the unique conditions of the lot or construct the original house. The Board was convinced that the Applicant has not created the exceptional practical difficulty and unnecessary hardship. Furthermore, the Board is convinced that the Applicant did not come to the Property with an illegal use in mind. Rather, the Applicant is limited by the physical conditions of the Property and the prior development thereof and the Applicant needs the variances in order to retain the existing dwelling.
- e. The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the variance will have no effect on the character of the neighborhood. The variance will allow the existing dwelling to remain in its current location. There were no complaints about the location of the dwelling. Lastly, the Board finds that no evidence was presented which demonstrate that the variance would somehow alter the essential character of the neighborhood or be detrimental to the public welfare.
- f. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification possible of the regulation at issue. The Applicant has demonstrated that the variance sought will allow the Applicant to retain the existing dwelling on the Property. No additions or modifications to the dwelling are proposed.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably

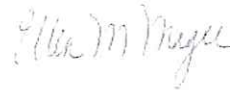
practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. Brent Workman, and Mr. John Williamson. No Board Member voted against the motion to approve Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date July 7, 2020.

Alison Biloon

03/01/2022

28 White Oak Rd.

Rehoboth Beach, De. 19971

To whom it may concern:

I, Alison Biloon of 28 White Oak Rd. agree to the encroachment into the setback on the adjacent property at 30 White Oak Rd.

Sincerely,



Alison Biloon

3/1/22



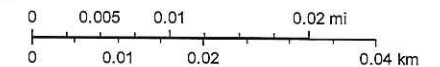
Sussex County



PIN:	334-19.00-73.00
Owner Name	REINHOLZ CHRISTOPHER M
Book	5299
Mailing Address	30 WHITE OAK RD
City	REHOBOTH BEACH
State	DE
Description	REH BEACH YACHT CC
Description 2	LOT 15 BLK 20
Description 3	WHITE OAK RD
Land Code	

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

1:564



**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 # 12686
Hearing Date 5/2
202203178

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-182
115-185

Site Address of Variance/Special Use Exception:

30102 Pinecrest Drive, Ocean View, DE 19970

Variance/Special Use Exception/Appeal Requested:

9.9' variance into 40' side yard setback (Sandy Cove Road)
(4' beyond existing block wall)

Tax Map #: 1-34 - 9.00 - 136.00

Property Zoning: GR

Applicant Information

Applicant Name: Kathy Harris
Applicant Address: 30102 Pinecrest Drive
City Ocean View State DE Zip: 19970
Applicant Phone #: (717) 203-9682 Applicant e-mail: _____

Owner Information

Owner Name: Kathy Harris
Owner Address: 30102 Pinecrest Drive
City Ocean View State DE Zip: 19970 Purchase Date: 7/18/19
Owner Phone #: (717) 203-9682 Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Bradley A. Absher, PLS
Agent/Attorney Address: 35380 Atlantic Avenue
City Millville State DE Zip: 19967
Agent/Attorney Phone #: (302) 539-2488 Agent/Attorney e-mail: brad@truenorthls.com

Signature of Owner/Agent/Attorney



Date: 3/7/22



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

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

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

1. Uniqueness of property:

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

Due to the location and size of the property and it being a corner lot, a 40' side yard setback from Sandy Cove Road severely restricts the buildable area on the 107'± long property. With all setbacks taken into consideration, the buildable area is only 37% of the overall 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 proposed placement of the 70' x 24' rectangular structure would extend into this setback by 9.9', despite minimizing the space on the opposite side of the property. To allow placement of the structure, a 9.9' variance is required.

3. Not created by the applicant:

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

There is no orientation of the purchased unit that will prevent an encroachment upon a side yard setback. The proposed placement of the unit intends to minimize the extension into the 40' setback from Sandy Cove Road by placing it as close to the opposite property line as possible.

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, the proposed structure would only extend 4' beyond an existing block wall. Several houses directly to the east stand closer to the road than the proposed structure would; therefore, the proposed structure would not alter the appearance or character of the neighborhood. It would not affect adjacent properties.

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.

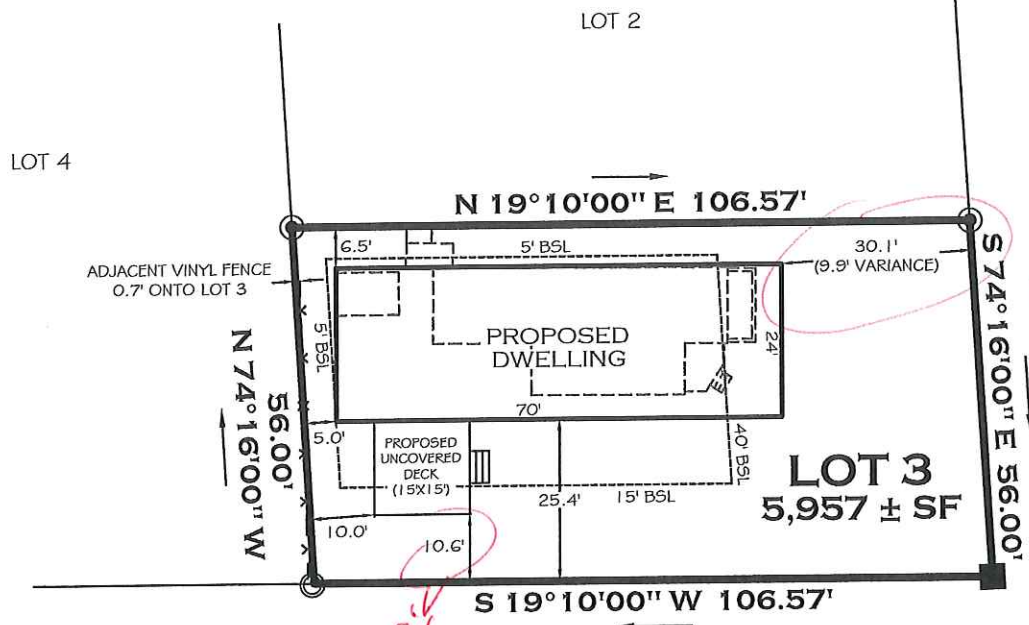
When minimizing the opposite side yard of the property, the structure extends 10' into the side yard setback along Sandy Cove Road; therefore, no more than a 9.9' variance is being requested.

At 2 Review



SANDY COVE ROAD
40' RIGHT OF WAY

9.9' var from 40' front



PINECREST DRIVE
40' RIGHT OF WAY

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: GR
3. BUILDING SETBACK LINES (BSL)
 - FRONT (SANDY COVE) 40'
 - SIDE 5'
 - REAR 5'
 - CORNER FRONT (PINECREST) 15'

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

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

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

Bradley A. Absher
BRADLEY A. ABSHER, DE PLS # 735
DATE 3.7.22

LEGEND	
	IRON PIPE FOUND
	CONCRETE MONUMENT FOUND
	IRON ROD W/ CAP SET
	STRUCTURE TO BE REMOVED

TAX MAP	1-34 - 9.00 - 136.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	5,957 ± 5Q. FT.
DEED REF.	2310 / 243
PLAT REF.	8 / 69
DRAWN BY	WTM
DATE	03 / 07 / 2022
SCALE	1" = 30'
SURVEY #	DE - 07991

SITE PLAN

LOT 3, SECTION 3
PINE CREST TERRACE

FOR
JERRY L. HARRIS, II &
KATHY A. CALDWELL HARRIS

30102 PINECREST DRIVE, OCEAN VIEW, DE 19970

TRUE NORTH

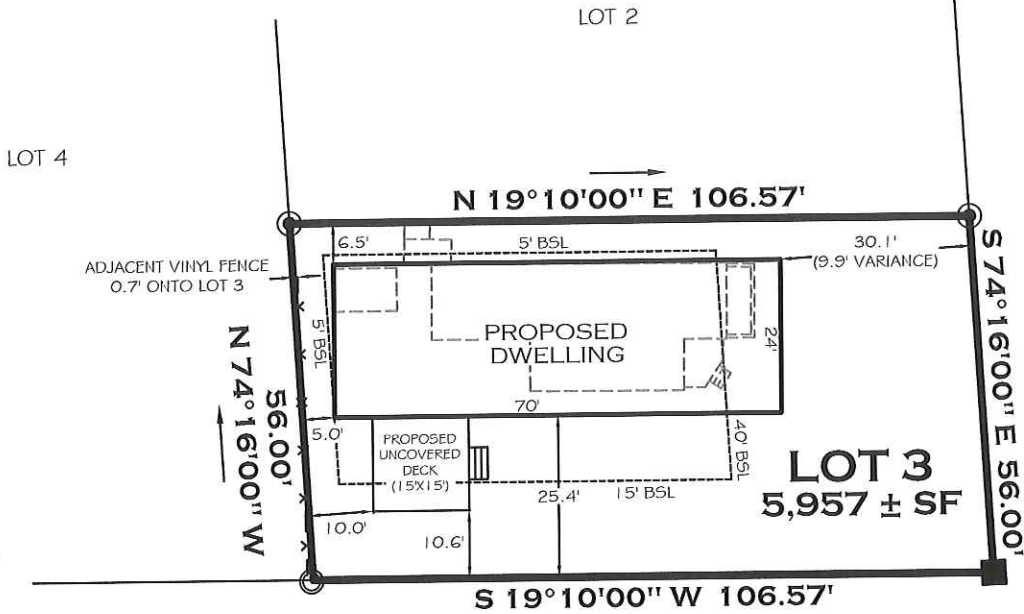


LAND SURVEYING

35380 ATLANTIC AVENUE
MILLVILLE, DE 19967
302-539-2488



SANDY COVE ROAD
40' RIGHT OF WAY



PINECREST DRIVE
40' RIGHT OF WAY

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. ZONE: GR

3. BUILDING SETBACK LINES (BSL)
 FRONT (SANDY COVE) 40'
 SIDE 5'
 REAR 5'
 CORNER FRONT (PINECREST) 15'

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Bradley A. Absher
 BRADLEY A. ABSHER, DE PLS # 735
 DATE 3.7.22

LEGEND

- IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- IRON ROD W/ CAP SET
- STRUCTURE TO BE REMOVED

TAX MAP	1-34 - 9.00 - 136.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	5,957 ± SQ. FT.
DEED REF.	2310 / 243
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DRAWN BY	WTM
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SCALE	1" = 30'
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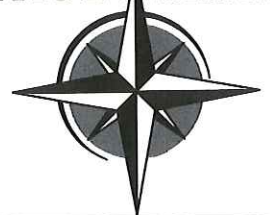
SITE PLAN

LOT 3, SECTION 3
PINE CREST TERRACE

FOR
JERRY L. HARRIS, II &
KATHY A. CALDWELL HARRIS

30102 PINECREST DRIVE, OCEAN VIEW, DE 19970

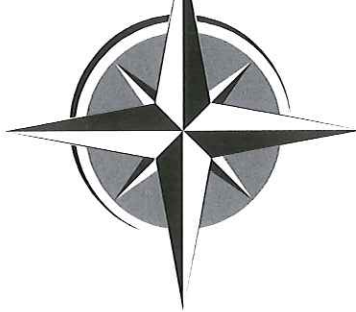
TRUE NORTH



LAND SURVEYING

35380 ATLANTIC AVENUE
 MILLVILLE, DE 19967
 302 - 539 - 2488

TRUE NORTH



LAND SURVEYING

35380 ATLANTIC AVENUE
OCEAN VIEW, DE 19967
302 - 539 - 2488

MARCH 7, 2022

SUSSEX COUNTY BOARD OF ADJUSTMENT
GEORGETOWN, DE

TO WHOM IT MAY CONCERN,

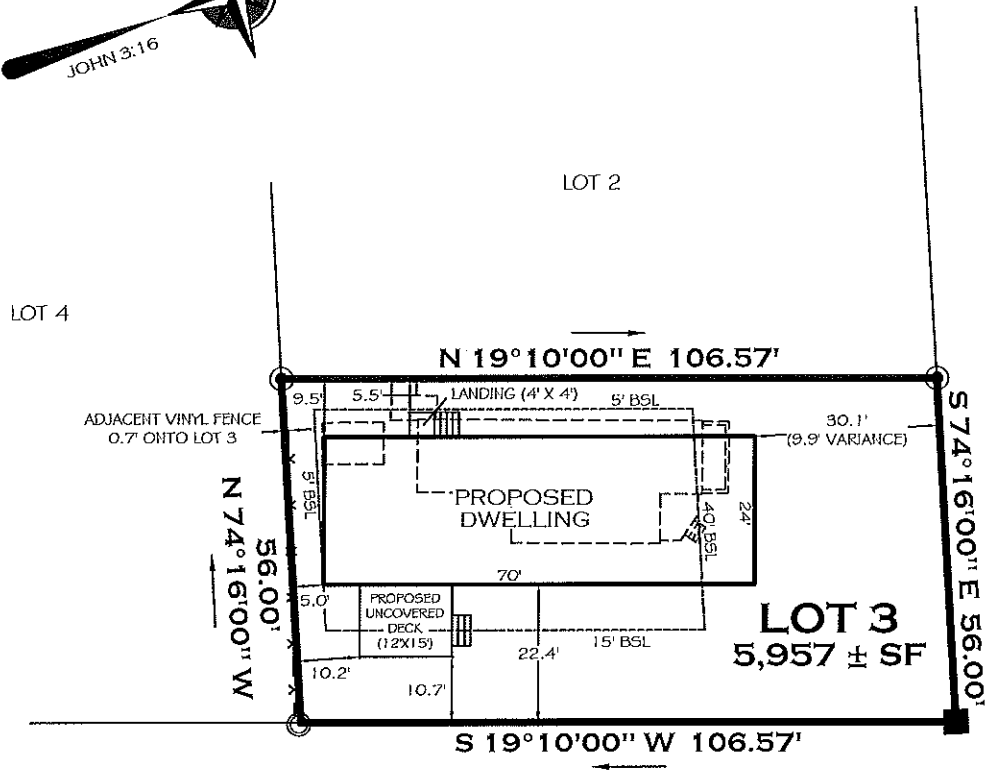
PLEASE ACCEPT THIS LETTER AND THE ATTACHED VARIANCE APPLICATION REGARDING THE PROPERTY AT 30102 PINECREST DRIVE, OCEAN VIEW, DE 19970. THE UNIT PURCHASED TO BE PLACED ON THIS PROPERTY EXCEEDS THE LENGTH OF THE BUILDABLE AREA BY A MINIMUM OF 9.9' DUE TO A SIGNIFICANT SIDE YARD SETBACK OF 40' FROM SANDY COVE ROAD. ALTHOUGH AN EFFORT WAS MADE TO ADJUST PLACEMENT ON THE PROPERTY, AN ENCROACHMENT CAN'T BE AVOIDED. IN AN EFFORT TO MAINTAIN THE CURRENT AESTHETIC OF THE PROPERTY, PLACEMENT IS PROPOSED SUCH THAT THE UNIT REMAINS PARALLEL TO PINECREST DRIVE, REMAINS A SIMILAR DISTANCE FROM THE ADJACENT STRUCTURE ON LOT 2 TO THE WEST, AND WILL HAVE A SIMILAR PROPOSED ENCROACHMENT TO THAT OF EXISTING HOUSES TO THE EAST.

PLEASE ALLOW A VARIANCE OF NO MORE THAN 9.9' FOR THE SIDE YARD ALONG SANDY COVE ROAD.

THANK YOU FOR YOUR CONSIDERATION,

A red circular seal for Bradley A. Abhsler, Registered Professional Land Surveyor, Delaware, No. 735. The seal is partially obscured by a red ink signature that reads "B.A. Abhsler".

BRADLEY A. ABHSER, PRESIDENT
DE PROFESSIONAL LAND SURVEYOR # 735



SANDY COVE ROAD
40' RIGHT OF WAY

**PINECREST DRIVE
40' RIGHT OF WAY**

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: GR
3. BUILDING SETBACK LINES (BSL)

FRONT (SANDY COVE)	40'
SIDE	5'
REAR	5'
CORNER FRONT (PINECREST)	15'

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- STRUCTURE TO BE REMOVED

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TOWN	---
AREA	5,957 ± SQ. FT.
DEED REF.	2310 / 243
PLAT REF.	8 / 69
DRAWN BY	WTM
DATE	04 / 05 / 2022
SCALE	1" = 30'
SURVEY #	DE - 07991

**SITE
PLAN**

**LOT 3, SECTION 3
PINE CREST TERRACE**

FOR
**JERRY L. HARRIS, II &
KATHY A. CALDWELL HARRIS**

30102 PINECREST DRIVE, OCEAN VIEW, DE 19970

TRUE NORTH



LAND SURVEYING

35380 ATLANTIC AVENUE
MILLVILLE, DE 19967
302 - 539 - 2488

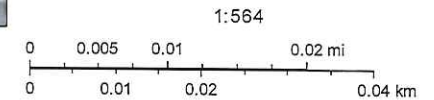


Sussex County



PIN:	134-9.00-136.00
Owner Name	HARRIS JERRY L II & KATHY A
Book	2310
Mailing Address	211 BROAD ST
City	LANDISVILLE
State	PA
Description	PINE CREST TERRACE
Description 2	LOT 3
Description 3	SEC 3
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal 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 # 12687
Hearing Date 5-2-22

202203261

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-34 115-183
115-185

Site Address of Variance/Special Use Exception:

33218 MENCEN AVENUE, MILLSBORO, DE 19966

Variance/Special Use Exception/Appeal Requested:

3.3' for proposed 3.4' for Existing garage 4.1' for Attached garage

Tax Map #: 2-34-35.05-123.00 Property Zoning: MR

Applicant Information

Applicant Name: Devin Fortney

Applicant Address: 33379 Grove Street 1

City Millsboro State DE Zip: 19966

Applicant Phone #: 717-648-3102 Applicant e-mail: Devin.Fortney@gmail.com

Owner Information

Owner Name: JEROME M. COXON

Owner Address: 33218 MENCEN AVENUE,

City MILLSBORO State DE Zip: 19966 Purchase Date: 1985

Owner Phone #: 717-805-5562 Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: DOUGLAS J. ANNAND

Agent/Attorney Address: 10027 NORTH OLD STATE RD.

City LINCOLN State DE Zip: 19960

Agent/Attorney Phone #: 302-446-0320 Agent/Attorney e-mail: douglasannand7@gmail.com

Signature of Owner/Agent/Attorney

[Signature]

Date: 03-04-2022



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 PROPERTY IS LONG & NARROW.

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.

This New building will be used to store some equipment for my business. I will need to back a large trailer into this building. Because of the limited space in the front of the building due to the retaining wall. This is the reason I am asking to have it pushed back into the setback.

3. Not created by the applicant:

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

SOME OF THE VARIANCES ARE FOR 2 EXISTING GARAGE THAT HAVE BEEN THERE SINCE THE 1960S.

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.

SOME OF THE PROPERTIES IN THE NEIGHBORHOOD HAVE BUILDING THAT ENCRUACH INTO THE SETBACKS

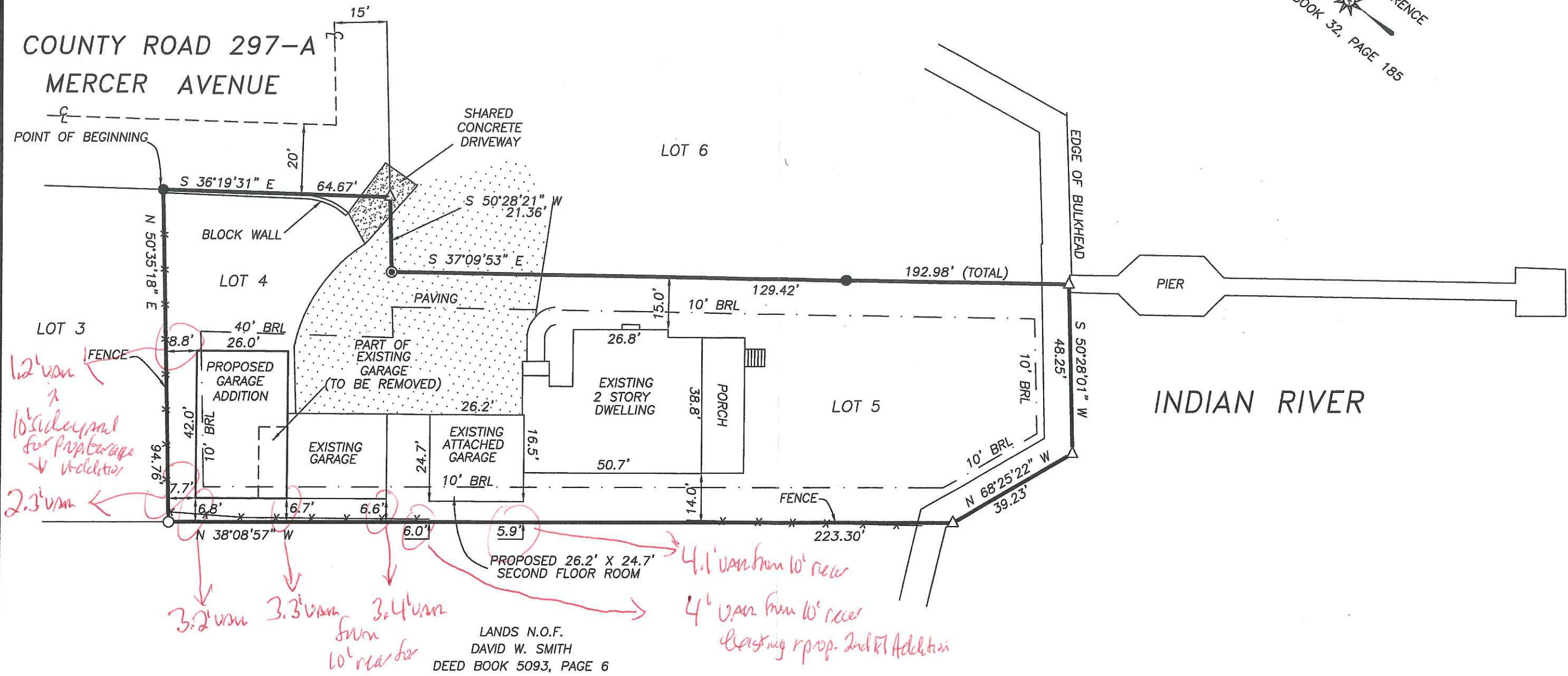
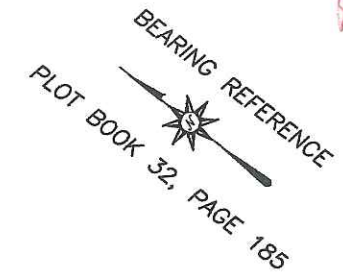
5. Minimum variance:

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, THIS IS THE MINIMUM VARIANCE THAT WILL AFFORD RELIEF.

I, DOUGLAS J. ANNAND, 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.

*Prz Review
copy*



*1.2' var
10' sidewalk for prop. garage
2.3' var*

*3.2' var
3.3' var
3.4' var
from 10' rear for existing proposed*

*4.1' var from 10' rear
4' var from 10' rear
existing prop. 2nd fl Addition*

LANDS N.O.F.
DAVID W. SMITH
DEED BOOK 5093, PAGE 6

Redg. Bt in 1960's

NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 1339, PAGE 87
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY

Prepared By
DOUGLAS J. ANNAND
PROFESSIONAL LAND SURVEYOR
10027 NORTH OLD STATE ROAD
LINCOLN, DELAWARE 19960
PHONE: (302) 448-0320
douglassannand7@gmail.com

[Signature]
DOUGLAS J. ANNAND, PLS 622

LEGEND:

- FOUND IRON PIPE
- SET IRON PIPE
- △ SET DRILL HOLE IN CONCRETE
- ◎ FOUND BRASS CAP

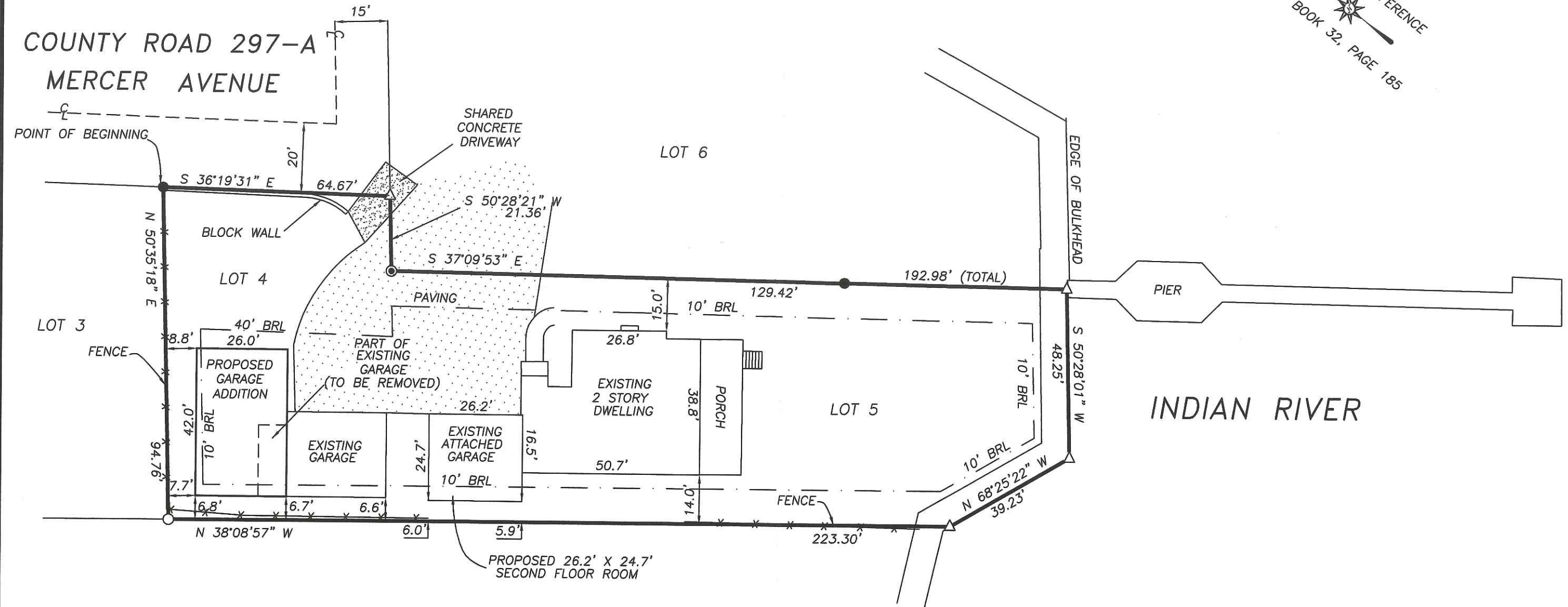
BOUNDARY SURVEY PLAN

PREPARED FOR

DEVIN C. FORTNEY

FOR PROPERTY KNOWN AS
LOTS 4 & 5, LANDS OF NORMAN E. & HOWARD G. CLIFTON
PLOT BOOK 1, PAGE 521
SITUATED IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
AREA: 19,156 SQ. FT.
SCALE: 1" = 30'
DATE: MARCH 2, 2022

I, DOUGLAS J. ANNAND, 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.



LANDS N.O.F.
DAVID W. SMITH
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LINCOLN, DELAWARE 19960
PHONE: (302) 448-0320
douglasannand7@gmail.com

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BOUNDARY SURVEY PLAN

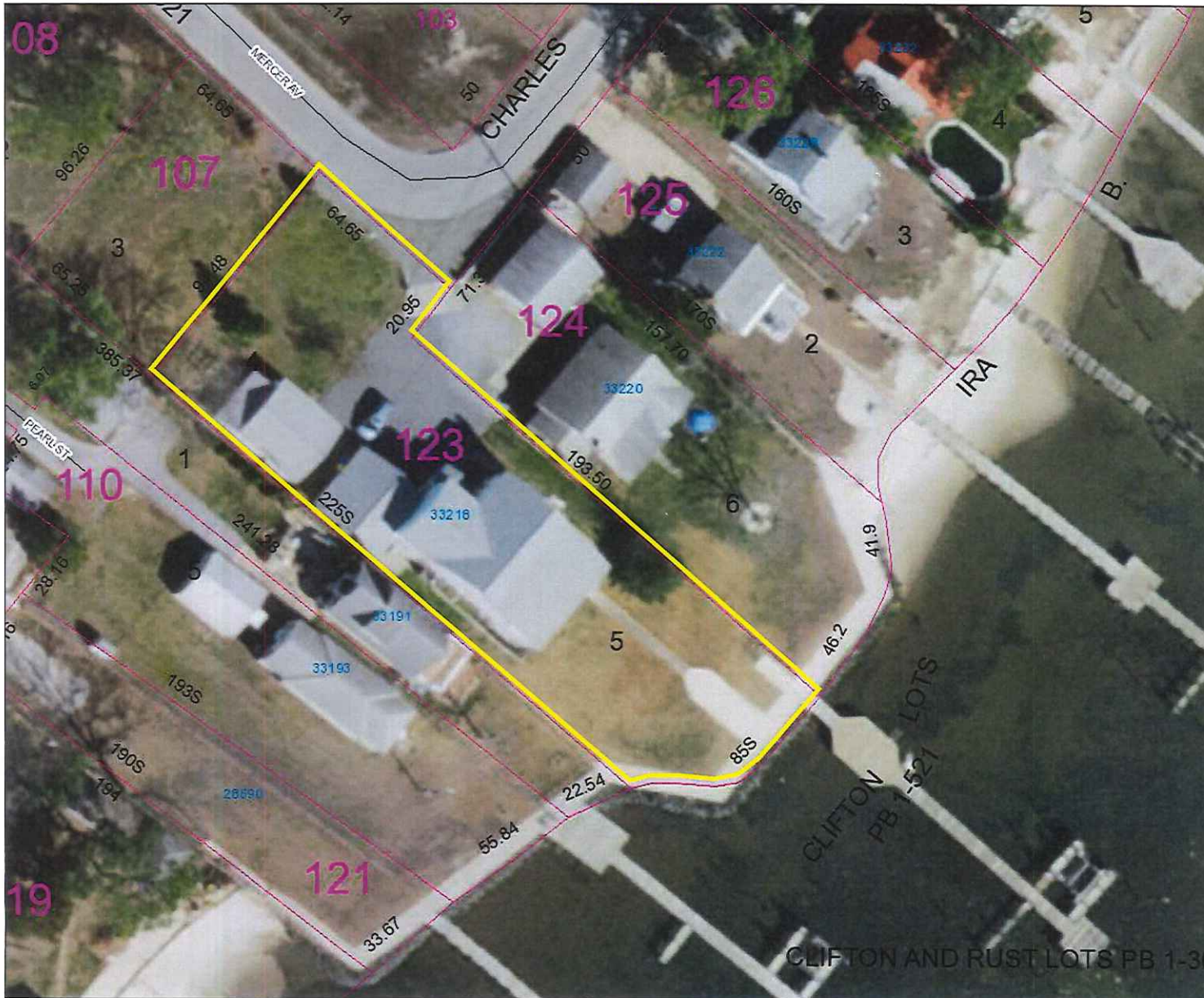
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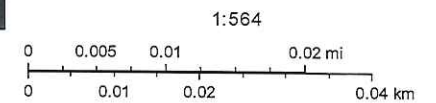


Sussex County



PIN:	234-35.05-123.00
Owner Name	COXON JERE M
Book	0
Mailing Address	639 WILLOW WAY
City	MECHANICSBURG
State	PA
Description	LANDS OF NORMAN E AND
Description 2	LOTS 4 5
Description 3	N/A
Land Code	

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



Case # 12688
Hearing Date 5-2-22
202203548

Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance
Special Use Exception _____
Administrative Variance _____
Appeal _____

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

Site Address of Variance/Special Use Exception:
5531 Betty St Milford Del 19963

Variance/Special Use Exception/Appeal Requested: Requesting to build a lean-to on the existing pole barn that is currently 5 ft from the property line. Received a permit then got a call that there was an owner sight and had build the pole barn 10 ft from property line. This wouldn't work because the garage would be behind the house.

Tax Map #: 1-30-3-84 Property Zoning: Residential MR

Applicant Information

Applicant Name: Evelyn Casentino
Applicant Address: 5531 Betty St
City, State, Zip: Milford Del 19963
Applicant Phone #: 312-236-6900 Applicant e-mail: ecasentino718@gmail.com

Owner Information

Owner Name: Evelyn Casentino
Owner Address: 5531 Betty St
City, State, Zip: Milford Del 19963 Purchase Date: 1990/house-
Owner Phone #: 312-236-6900 Owner e-mail: ecasentino718@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

Evelyn Casentino Date: March 11, 2022



#1 If we put the lean-to and the Pole Barn 10 ft from the property line it would extend to close to the existing Septic.

#2 We were approved for the lean-to and the Pole Barn. We signed the Contract and the permit was approved for our Pole Barn + lean-to. 5 ft from the property line - The materials were ordered by the Contractor everything was ready to go. We recieved a phone call stating there was an Over Sight on the permit that we had to now be 10ft from the property line - They Came Out to restate where the Pole Barn + lean-to would go. We weren't able to get into our garage since the garage was now behind our house + having the poles for the lean-to made it difficult to drive in with ease. We decided to go ahead with the Pole Barn only because the materials were already ordered we were stuck with the materials. The Contractor said you can apply for a Variance but said it was up to the neighbors to decide. We were hesitant since we know a few neighbors not all of them. After the

#2 Pole Barn was built I called the Contractor & stated we still want the lean-to. we didn't have an option to go with a small square footage building cause the materials were ordered. The Contractor gave me the number to Sussex Planning & Zoning. Ann explained the process & said the board decides, Hearing this we decided to go forth and apply for the variance to add a lean-to on the side of the Pole Barn it can't go in the front now because the garage door was originally off center to accommodate 3 poles with a larger Supporting Beam so we could get in the garage. But now we don't have that Supporting beam & need 4 poles. So we have to place it on the side.

#3 We were reliant on the Contractor applying for the permit and getting approved. We did get approved then they said no. We were stuck with the building materials since everything was approved & then said no.

#4 Adding the lean-to, to the existing Pole Barn will not alter the character of the neighborhood. You won't be able to see the lean-to from the road since it will extend into our backyard. There are several free standing garages in our neighborhood.

#5. The minimum is to add a small lean-to, to the existing Pole Barn. We may need 168ft more to complete this process. + to keep the existing Pole Barn 5ft from the property line. The lean-to can't be placed in the front of the garage due to the new plans so has to be placed on the side.

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Evelyn Cosentino
Applicant Address: 5531 Betty St
City: Milford State: Del Zip: 19963
Phone #: 302-236-6900 E-mail: ecosentino718@gmail.com

Owner Information

Owner Name: Evelyn Cosentino
Owner Address: 5531 Betty St
City: Milford State: Del Zip: 19963
Phone #: 302-236-6900 E-mail: ecosentino718@gmail.com

Engineer/Surveyor Information

Engineer/Surveyor Name: Edward V. Stella P.E.
Engineer/Surveyor Address: 132 W. Camden/Wyoming Ave.
City: Wyoming State: Del Zip: 19934
Phone #: 302-697-2189 E-mail: _____

Agent/Attorney Information

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

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____



March 10, 2022

To Whom It May Concern:


This letter is written to address and support the variance for a lean-to roof addition on the garage that is currently under construction on the property of Evelyn Cosentino at 5531 Betty St., Milford, DE.

It is our understanding that the additional roof will be located on the north end side of the garage and will add approximately 168 sq. ft. to the structure. The additional roof will be almost entirely behind the home. Although there are no lean-to roofs in the immediate neighborhood, it would not be out of character for the homes that exist there.

The proposed addition would add value to the property and provide an area of shade and respite for the owners. The garage area will be utilized for vehicle protection and the proposed roof will secure high-value lawn equipment from damage due to weather.

We have no objection to the proposed variance and thank you, in advance, for your approval.

Sincerely,


Bryan K. Ward
5532 Betty St.
Milford, DE 19963


Karen L. Ward



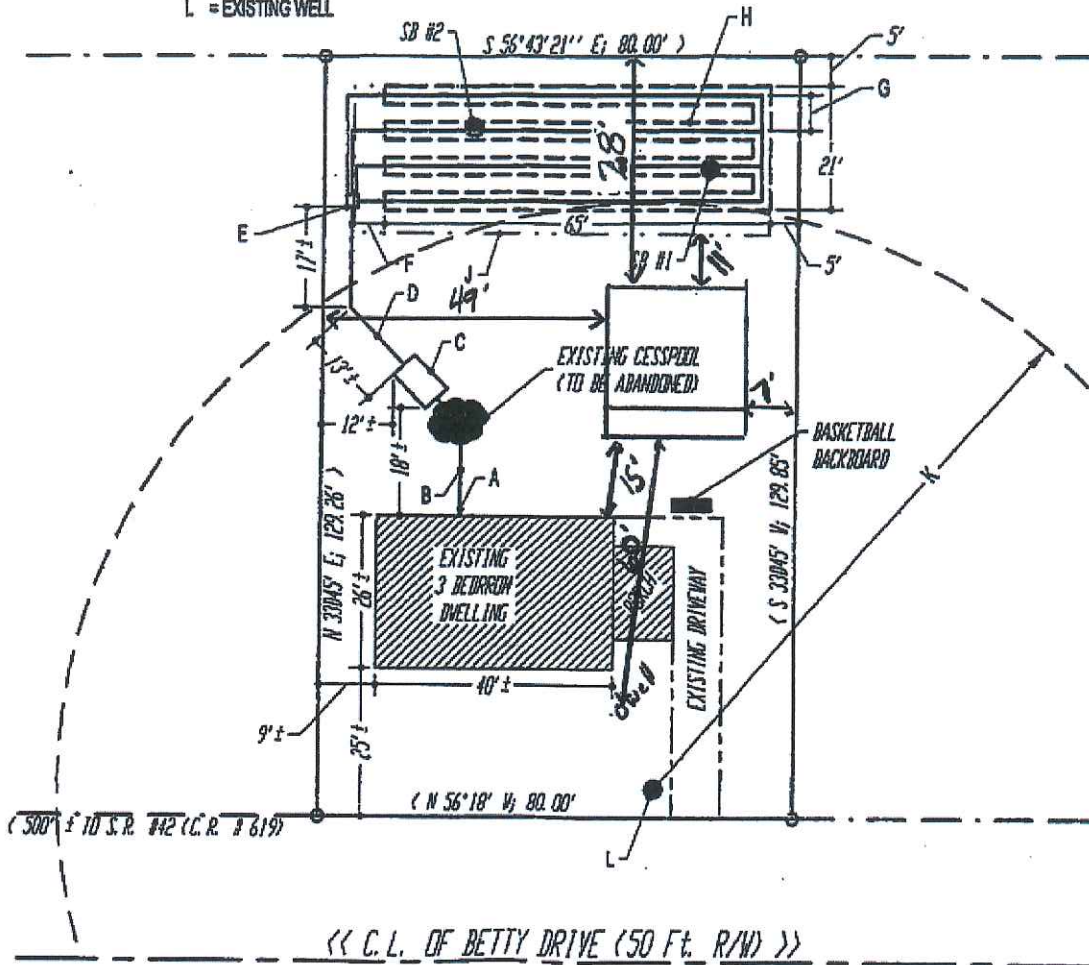
PROP. OWNER'S SIGN

original plans

DATE:

LEGEND:

- A = INSTALL C.O.
- B = 4" PVC SEWER LINE
- C = 1000 GALLON SEPTIC TANK
- D = 4" PVC TRANS. LINE
- E = DISTRIBUTION BOX
- F = 5 FT. UNPERF. TO LATERALS
- G = 6 FT. C. TO C. LATERALS
- H = (4) 65 FT. LONG 24" DEEP STONE TRENCH
GRAVITY LATERALS = 780 SQ. FT. DISPOSAL FIELD
- J = LIMITS OF GRAVITY APPROVED AREA
- K = 100 FT. WELL ISOLATION ARC
- L = EXISTING WELL



R:

VINCENT M. & EVELYN J. COSENTINO
SUSSEX COUNTY; TAX MAP # 1-30-3-84

EDWARD V. STELLA, P.E.

132 W. CAMDEN-WYOMING AVE.
WYOMING, DE. 19934
DE. NO. 4957
(302) 697-2169 • (302) 697-2179-fax
WWW.ENRCHARTS.COM

Drawn by: EVS DATE: 08-Jan-01
Checked by: EVS DATE: 08-Jan-01
SCALE: AS NOTED

SITE PLAN

REV.
0

CONTRACT NO.
COSENTINO - 01/01

New Plans

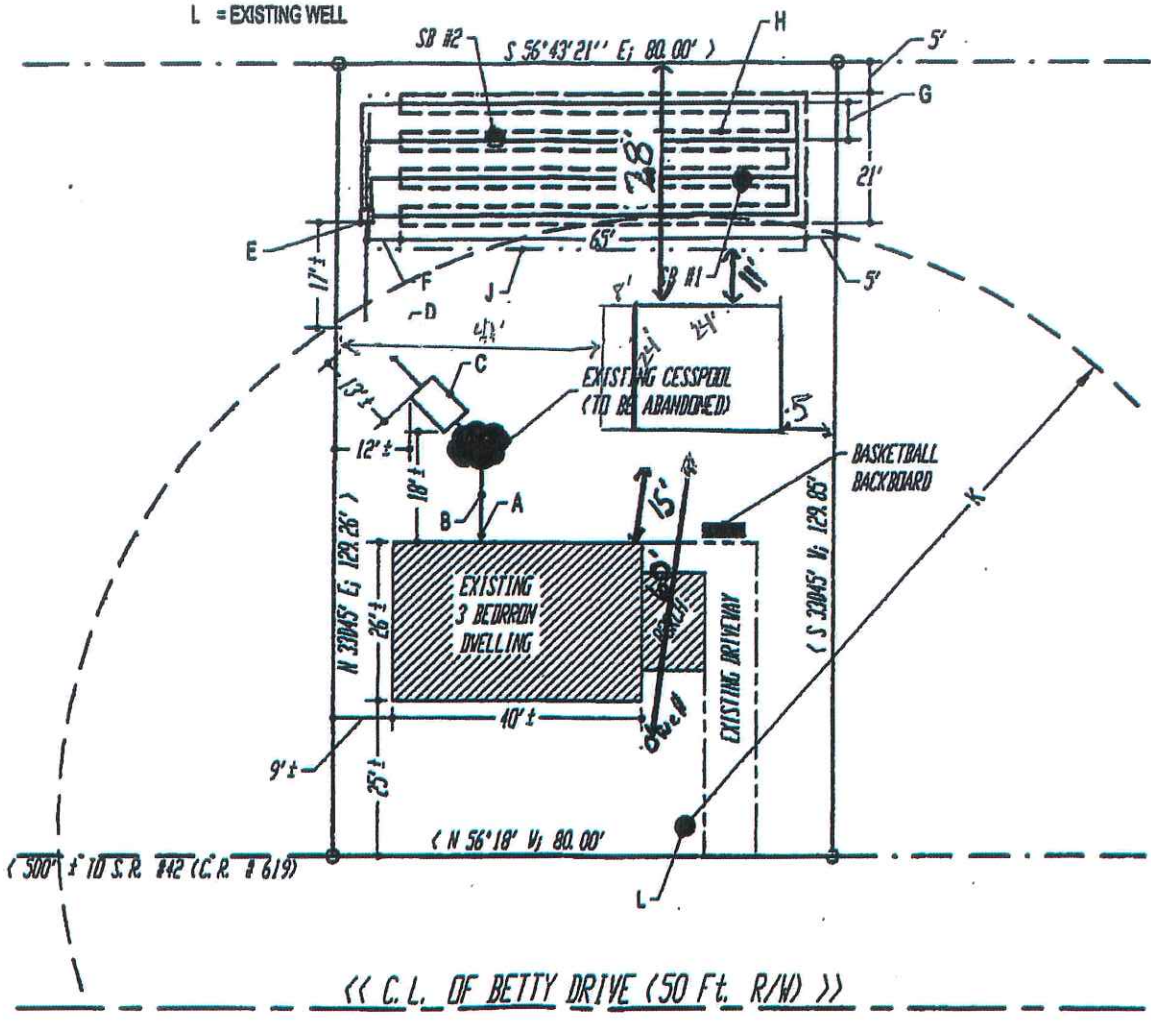
PROP. OWNERS SIGN _____

DATE: _____



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- J = LIMITS OF GRAVITY APPROVED AREA
- K = 100 FT. WELL ISOLATION ARC
- L = EXISTING WELL



VINCENT M. & EVELYN J. COSENTINO SUSSEX COUNTY; TAX MAP # 1-30-3-84		EDWARD V. STELLA, P.E. 132 W. CAMDEN-WYOMING AVE. WYOMING, DE. 19934 DE. NO. 4957 (302) 697-2109 • (302) 697-2179-fax WWW.DENRCHWEB.COM	
1: EVS DATE: 08-Jan-01 2: EVS DATE: 08-Jan-01 SCALE: AS NOTED	SITE PLAN	REV. 0	CONTRACT NO. COSENTINO - 01/01







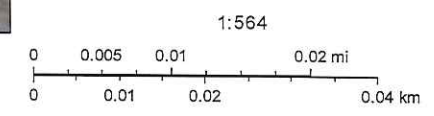


Sussex County



PIN:	130-3.00-84.00
Owner Name	COSENTINO EVELYN J
Book	5295
Mailing Address	5531 BETTY ST
City	MILFORD
State	DE
Description	WEBB MANOR
Description 2	LOT 48
Description 3	N/A
Land Code	

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



RECEIVED

MAR 28 2022

SUSSEX COUNTY
PLANNING & ZONING

Board of Adjustment Application

Sussex County, Delaware

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

Case # 12689
Hearing Date 5-16-22

2022-04352

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-40 115-210

Site Address of Variance/Special Use Exception:

33564 Parker House Rd. Frankford, DE 19945

Variance/Special Use Exception/Appeal Requested:

We are requesting a SEC to build a new building on the property adjacent to our current location. This is for a Large Family Day Care.

Tax Map #: 1-34 16.00 697.00

Property Zoning: ER

Applicant Information

Applicant Name: Heather Shevland
Applicant Address: 32652 Cedar Dr.
City Millville State DE Zip: 19967
Applicant Phone #: 302-858-1049 Applicant e-mail: hshevland@gmail.com

Owner Information

Owner Name: same as above
Owner Address: _____
City _____ State _____ Zip: _____ Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

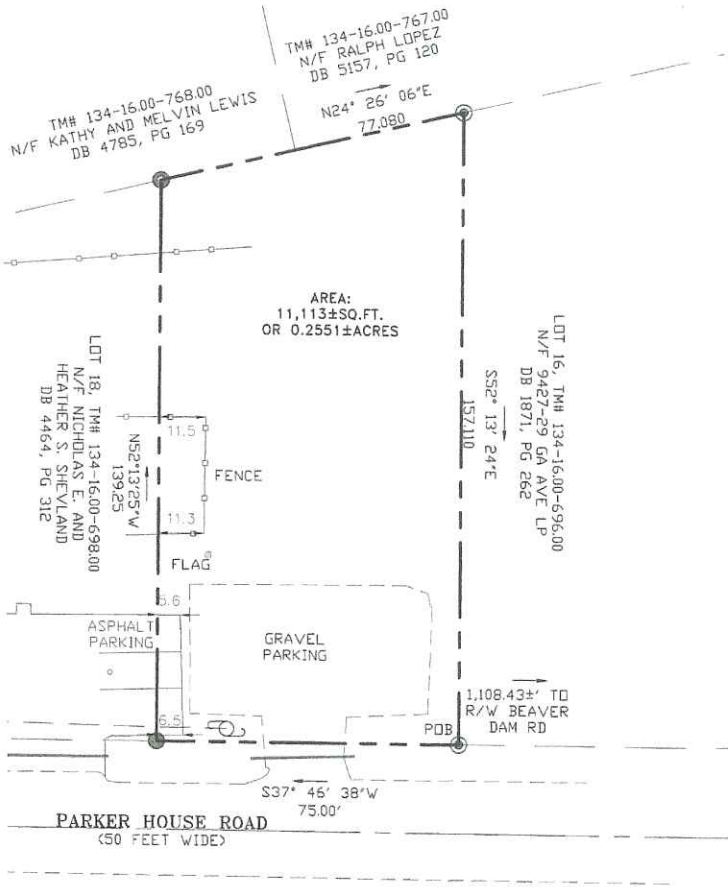
Agent/Attorney Name: N/A
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

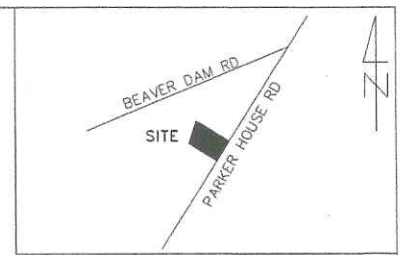
Heather Shevland

Date: 3/25/22





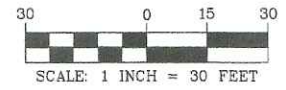
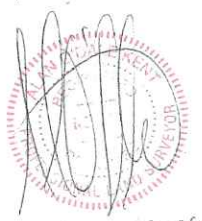
DE STATE PLANE
COORDINATES



LOCATION MAP
NOT TO SCALE

PLAN DATA:
1. TITLE REFERENCED TO:
TM# 134-16.00-697.00, DB 4950, PG 247, PB 10, PG 73
PARKER HOUSE ROAD OCEAN VIEW, DE 19945
LOT 17, CHEVY CHASE SUBDIVISION
BALTIMORE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS
OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE
SUSSEX COUNTY RECORDER OF DEEDS.

I, ALAN O'DALE KENT 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.



LEGEND:

- UTILITY POLE
- IRON PIPE FOUND
- CAPPED IRON PIN SET
- EXISTING PROPERTY LINE
- ADJOINING PROPERTY LINE
- BUILDING RESTRICTION LINE
- ROAD EDGE
- ROAD CENTERLINE

JOB # 2021380		ALAN O'DALE KENT, P.L.S.#738, DATE
DATE OF PLAN		THIS IS A SUBURBAN SURVEY
25 FEB 2022		BOUNDARY SURVEY PLAN OF THE LANDS NOW AND FORMERLY OF NICHOLAS E. AND HEATHER C. SHEVLAND
DATE OF LAST FIELD WORK		PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 19973 (302) 745-1735
11 NOV 2021		

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: NICHOLAS SHEVLAND & HEATHER SHEVLAND

(Case No. 11648)

A hearing was held after due notice on October 5, 2015. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a daycare facility.

Findings of Fact

The Board found that the Applicants are requesting a special use exception to operate a daycare facility. This application pertains to certain real property located on the northwest side of Parker House Road, approximately 0.24 miles south of Beaver Dam Road (911 Address: 33572 Parker House Road, Frankford); said property being identified as Sussex County Tax Map Parcel Number 1-34-16.00-698.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Heather Shevlund and Nicholas Shevlund were sworn in and testified regarding the Application.
4. The Board found that Mrs. Shevlund testified that the Applicants have operated a daycare in the Frankford area for approximately eight (8) years and they plan to relocate to this property. The Applicants are under contract to purchase this property.
5. The Board found that Mrs. Shevlund testified that, at any one time, they care for approximately twelve (12) children between the ages of 2 to 5 years old.
6. The Board found that Mrs. Shevlund testified that the use will not substantially adversely affect the surrounding and neighboring properties.
7. The Board found that Mr. Shevlund testified that the current owner of the Property is in poor health and the Property is in disrepair.
8. The Board found that Mr. Shevlund testified that the Applicants plan to improve the Property and make minor interior changes to accommodate the pre-school. Most of the improvements to the Property will be made to the interior of the building.
9. The Board found that Mr. Shevlund testified that there is a paving business located nearby.
10. The Board found that Mr. Shevlund testified that a neighbor has indicated support of the Application.
11. The Board found that Mr. Shevlund testified that they have not received complaints about their current business.
12. The Board found that Mr. Shevlund testified that their hours of operation are Monday through Thursday from 8:00 a.m. to 2:30 p.m. and Fridays 8:00 a.m. to 11:00 a.m.
13. The Board found that Mr. Shevlund testified that they will provide a fenced in play area and adequate parking which will be paved.
14. The Board found that no parties appeared in support of or in opposition to the Application.

15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the daycare facility will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Applicants will have a fenced-in back yard for a playground area and there is adequate parking on the Property. The hours of the facility are reasonable.
- b. The number of children served at the daycare is limited and is reasonable. The Applicant does not intend to have a substantial number of employees.
- c. There are other businesses in the area, including a nearby paving business.
- d. No one appeared in opposition to the Application and a neighbor has indicated to the Applicants that it supports the Application.
- e. No evidence was presented which would demonstrate that the daycare facility would have a substantial adverse effect on neighboring and adjacent properties.

The Board granted the special use exception application finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. Norman Rickard was not present and did not participate in the discussion or vote of this Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

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

Date November 17, 2015