

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

May 3, 2021

6:30 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

Approval of Minutes for March 1, 2021

Approval of Finding of Facts for March 1, 2021

Old Business

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

Public Hearings

Case No. 12548 – Kurt Family Limited Partnership seeks variances from the front yard setback requirement) for proposed and existing structures. (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the west side of Garfield Avenue within the Edgewater Acres Subdivision. 911 Address: 39179 Garfield Avenue, Selbyville. Zoning District: AR-1. Tax Parcel: 533-20.18-185.00

Case No. 12549 – Shannon Neal/Sussex Family YMCA seeks a special use exception to operate a day care center (Sections 115-80 and 115-210 of the Sussex County Zoning Code). The property is located on the southwest side of Church Street approximately 156 feet northeast of Coastal Highway (Rt. 1). 911 Address: 20080 Church Street, Rehoboth Beach.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Zoning District: C-1. Tax Parcel: 334-13.20-53.00

Case No. 12551 – Rodney Kennedy seeks a variance from the side yard setback requirement for an addition to an existing structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Sycamore Road approximately 431 ft. southwest of Dukes Lumber Road. 911 Address: 14181 Sycamore Road, Laurel. Zoning District: AR-1. Tax Parcel: 232-8.00-2.00

Case No. 12552 – Clint & Blair Lutz seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the west side of East Trap Pond Road approximately 0.31 mile southwest of Parker Road. 911 Address: 22842 East Trap Pond Road, Georgetown. Zoning District: AR-1. Tax Parcel: 135-19.00-51.04

Case No. 12553 – Coastal Properties, LLC seek variances from the rear yard setback requirements for a proposed structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located at the intersection of Stingey Lane and Beaver Dam Road approximately 589 ft. southeast of Lewes-Georgetown Highway (Rt. 9). 911 Address: 17677 Stingey Lane, Lewes. Zoning District: AR-1. Tax Parcel: 334-5.00-196.00

Case No. 12554 – Shane Eskridge seek variances from the front yard setback requirements for existing structures (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the west side of Zoar Road approximately 700 ft. north of Graves Lane. 911 Address: 24815 Zoar Road, Georgetown. Zoning District: AR-1. Tax Parcel: 234-20.00-2.04

Case No. 12555 – Marie Burkman seek variances from the rear yard setback requirements for a proposed structure (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the south side of Old Pier Lane within The Estuary Subdivision. 911 Address: 33366 Old Pier Lane, Frankford. Zoning District: AR-1. Tax Parcel: 134-19.00-610.00

Case No. 12556 – Lisa Nicoletti & John Smilyk seek a variance from maximum fence height requirement for a proposed fence. (Sections 115-25, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Willow Creek Road within the Willow Creek Subdivision. 911 Address: 16086 Willow Creek Road, Lewes Zoning District: AR-1. Tax Parcel: 235-23.00-4.12

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 26, 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://sussexcountycle.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://sussexcountycle.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountycle.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, April 29, 2021

####



Case # 12548
Hearing Date April 19TH
202102614

Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

39179 Garfield Ave., Selbyville

Variance/Special Use Exception/Appeal Requested:

- Raising & moving existing dwelling.
① 1.0' from req. 5' side for deck
② 8.5' from req. 30' front for dwelling

Tax Map #: 533 - 20.18 - 185.00

Property Zoning: AR-1

Applicant Information

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

Owner Information

Owner Name: Kurt Family Limited Partnership
Owner Address: 42 Stanley Rd
City Belmont State MA Zip: 02478 Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Vallee Stanley
Agent/Attorney Address: 8904 Rust, Anchor Rd.
City O.C. State MD Zip: 21842
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: ValleeStanley@gmail.com

Signature of Owner/Agent/Attorney

Vallee Stanley

Date: 2-23-21



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.

Small Lot with bulkhead.

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.

Already developed Raising home to flood Plain

3. Not created by the applicant:

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

House is non conforming.

House Already Existing trying to bring to flood compliance

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.

Other homes already on Pilings

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.

Moving house to better accommodate all set backs

Jennifer Norwood

Revised Survey

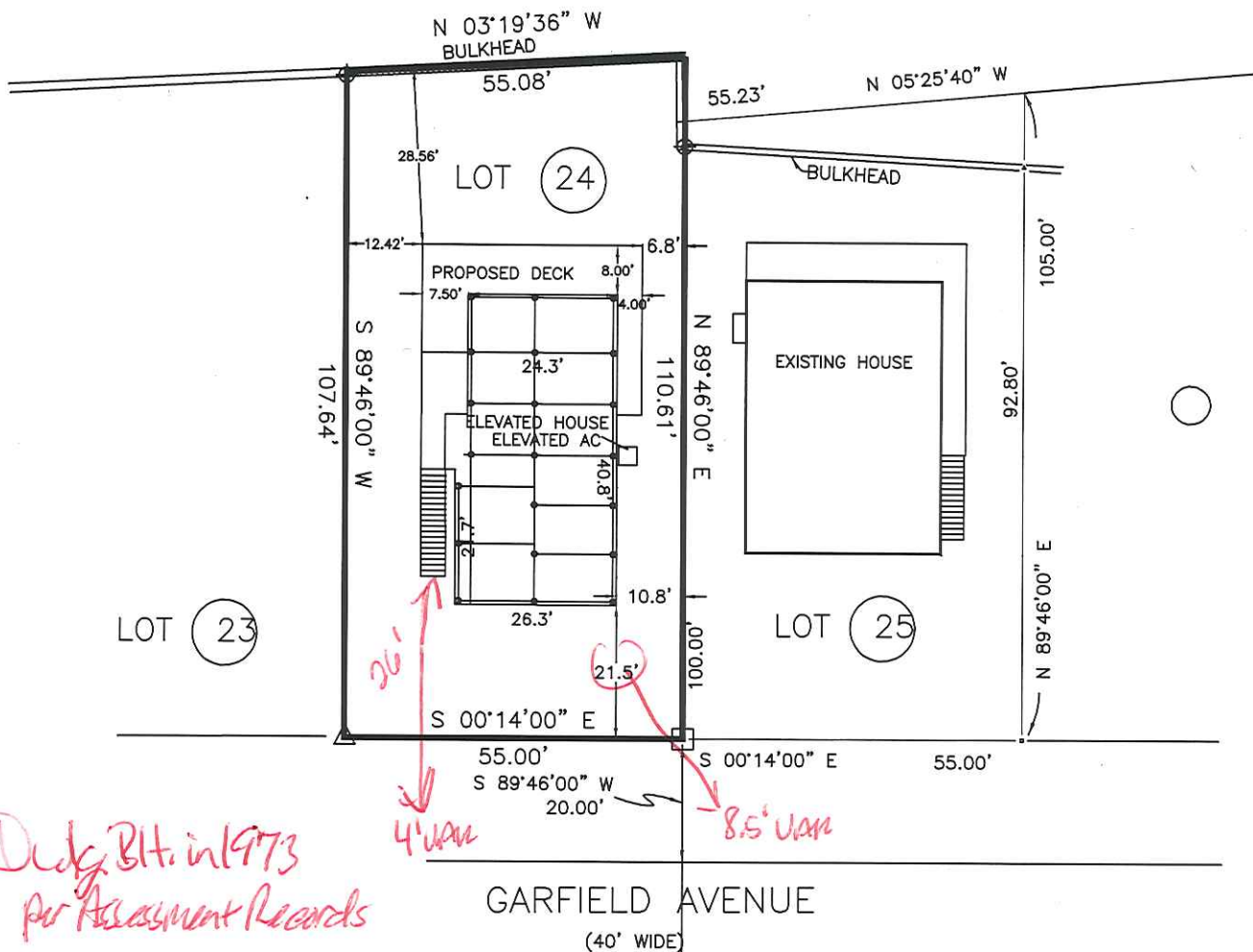
Setbacks
30' F
5' S
15' R

TAX MAP NO. 5-33-20.18, PARCEL 185.00

BIG ASSAWOMAN BAY



PLOT BOOK 5, PAGE 31



Dedg. Bt. in 1973
per Assessment Records

4' var. from 30' for steps
8.5' var. from 30' for Dwg.

LEGEND:

- FOUND CONCRETE MONUMENT
- ⊕ FOUND P.K. NAIL IN BULKHEAD
- △ FOUND SPIKE

NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 2540, PAGE 151
- 2) SURVEY CLASSIFICATION: SUBURBAN
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY

BOUNDARY SURVEY PLAN SITE PLAN

TAX MAP NO. 5-33-20.18, PARCEL 185.00
KURT FAMILY LIMITED PARTNERSHIP

FOR PROPERTY KNOWN AS
LOT 24, BLOCK 2
EDGEWATER ACRES
PLOT BOOK 5, PAGE 31
SITUATED IN
BALTIMORE HUNDRED
SUSSEX COUNTY
STATE OF DELAWARE
AREA: 6,002 sq. ft. +/-
SCALE: 1" = 20'
DATE: APRIL 1, 2021

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



Karins and Associates

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

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

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

APPROVED:
CHARLES E. ADAMS, JR., P.L.S. 506

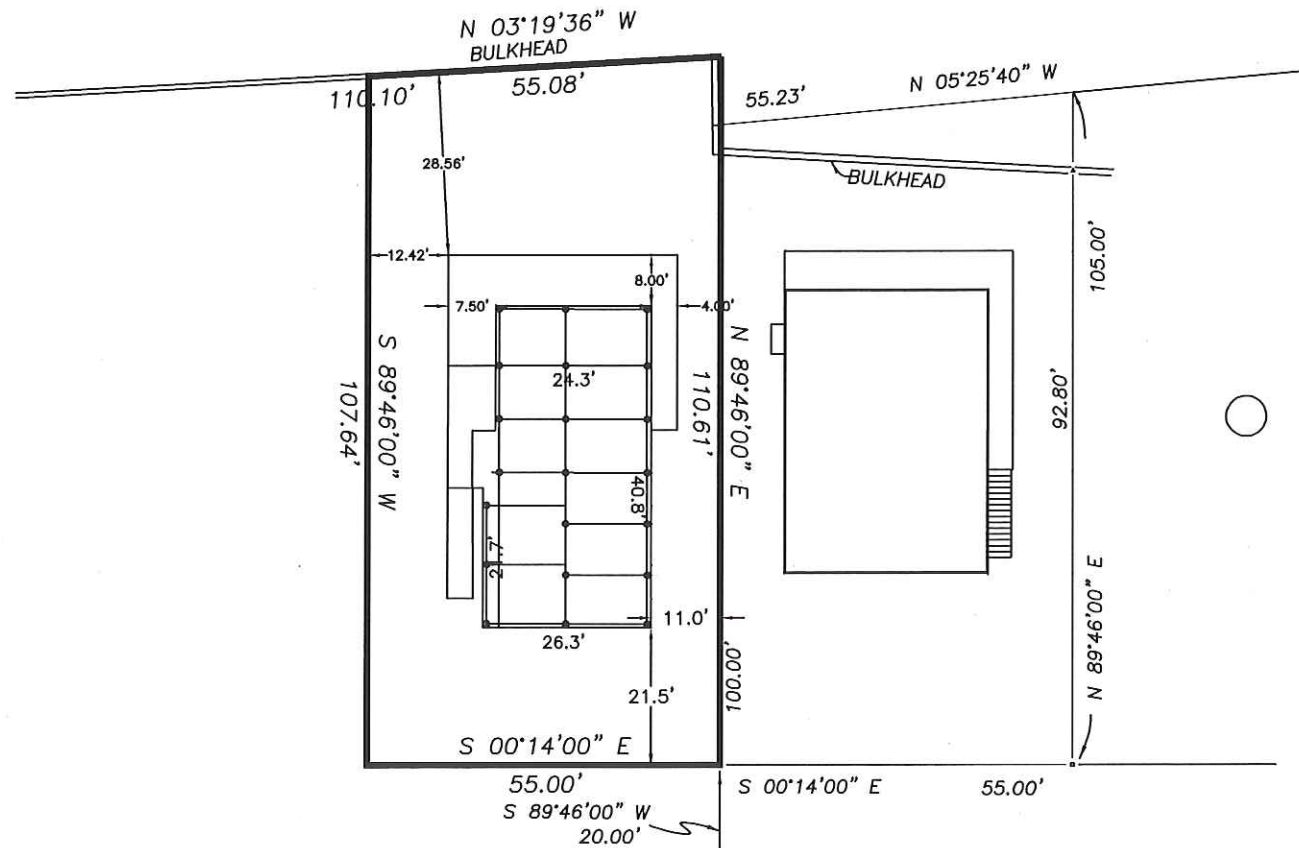
DATE: 03-30-2021

SCALE: 1" = 30'

DRAWN: MBK

CHECKED: CEA

DRAWING: JOB# G 1318-A



Karins and Associates

ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE • GEORGETOWN, DE
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17 POLLY DRUMMOND CENTER * SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900

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

DATE: 02-21-2021 SCALE: 1" = 30' DRAWN: MBK

Ann Lepore

From: Kimberly Bringe <bringeka@comcast.net>
Sent: Sunday, April 25, 2021 1:16 PM
To: Ann Lepore
Subject: Neighbor Statement re: Kurt Case 12548

SUPPORT EXHIBIT

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

To the Sussex County Board of Adjustment:

Please accept this letter regarding Case No. 12548/ Kurt Family Ltd. P.

As the property owners of 39180 Garfield Avenue; immediately next door to the recently renovated Kurt house, it is our property that would be most directly impacted by the drastic shift of the Kurt house. We are in FULL support of the variance request which would permit them to keep the house in the position it currently stands, and OPPOSE the movement closer to the waterfront to comply with the current setback, as this would negatively impact the waterfront view we currently enjoy and so highly value!

Those of us who live bayfront on Garfield have driveways that you may consider our front yard, but we strongly contend that our bayside frontage is where we do our outside living and entertaining. We have no porches, decks or seating areas on our driveway frontage. Being a "dead end", we experience a higher than usual amount of driver turn-arounds by personal and commercial/utility vehicles. Privacy and safe space for pets and people is limited. To move the Kurt house closer to the bay would also infringe on both family's privacy, as our now staggered entertainment spaces, entry doors and main windows would be side-by-side on our small lots.

We request that our yard and deck views of the Assawoman Bay not be blocked or diminished by the movement of the Kurt house, as per the current setback requirements, and that you grant their variance as applied for. We have been cordial neighbors for six years, and would like our properties to be situated as is; as we have grown accustomed to living in them.

Should you require a personal presence to attest to these opinions, please advise.

Most Sincerely,
Peter & Kimberly Bringe
724-309-2096

39180 Garfield Avenue
Selbyville, DE 19965

1017 Norwich Lane
Greensburg, PA 15601

Ann Lepore

From: K J <karenjmilan@gmail.com>
Sent: Saturday, April 24, 2021 11:42 AM
To: Ann Lepore
Subject: Case 12548 Kurt family

SUPPORT EXHIBIT

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.

Ann,
I am the next door neighbor
To this property and I have no issues with their variance I want to go on record to support this variance

Thank you
Tony and Karen Milan

Sent from my iPhone

RECEIVED

MAR 01 2021

SUSSEX COUNTY
PLANNING & ZONING

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

Case # 12549
Hearing Date 4/19

202102908

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-80 115-210

Site Address of Variance/Special Use Exception:

20080 Church Street Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

We are requesting to use part of the Sussex YMCA facility to run licensed childcare programming.

Tax Map #: 334-13-20-53-00

Property Zoning: C-1

Applicant Information

Applicant Name: Shannon Neal/Sussex Family YMCA
Applicant Address: 20080 Church Street
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: (302) 510-1265 Applicant e-mail: sneal@ymcade.org

Owner Information

Owner Name: Cape Henlopen School District
Owner Address: 1270 Kings Highway
City Lewes State DE Zip: 19958 Purchase Date: _____
Owner Phone #: (302) 645-6686 Owner e-mail: robert.fulton@cape.k12.de.us

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

[Handwritten Signature]

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.

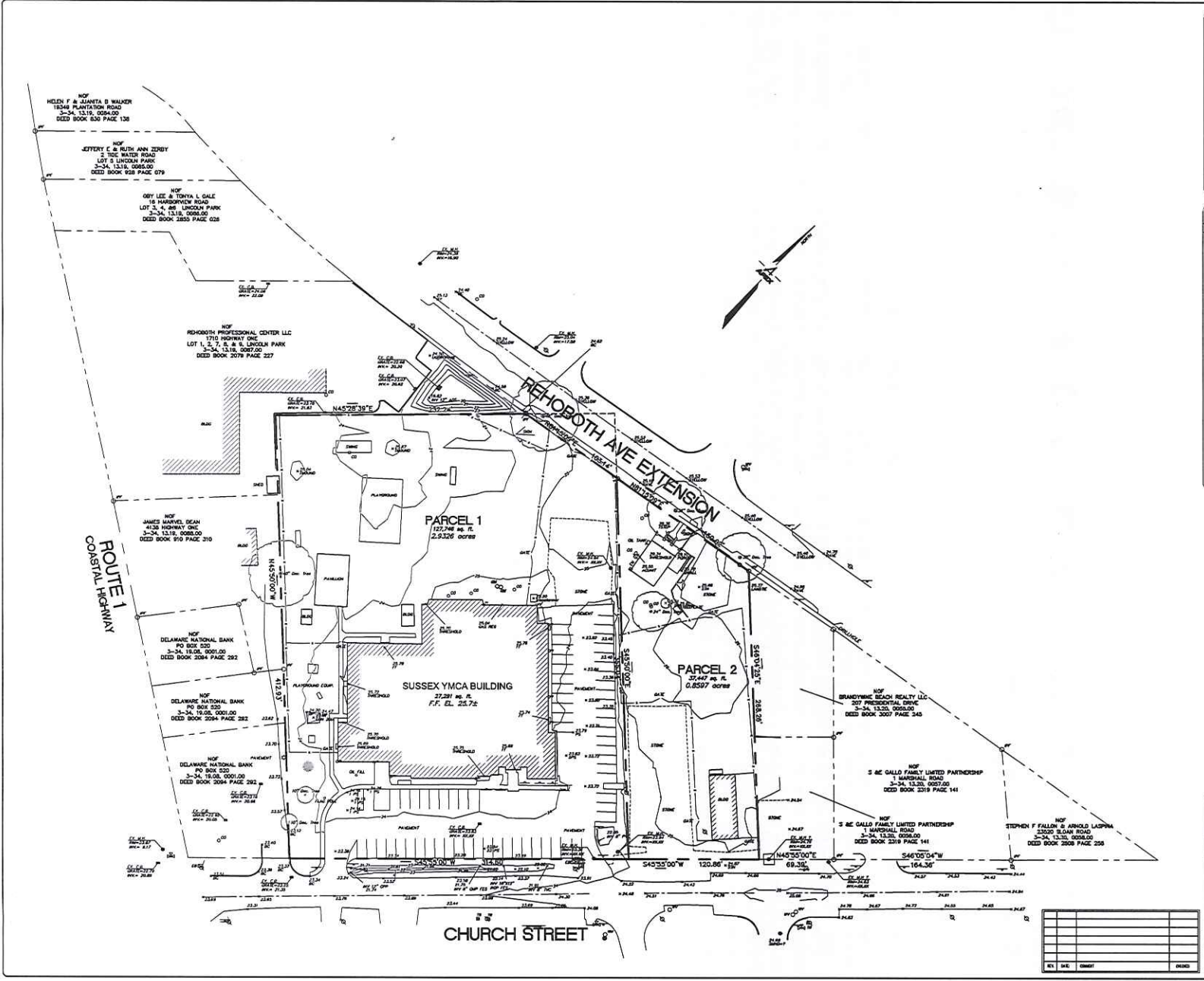
1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

The licensed childcare program will not adversely affect the uses of adjacent and neighboring property. The program will operate on the property only, Monday-Friday during business hours. The property is gated and program (and activities) will operate within those parameters.

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)

No additional requirements

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



LOCATION MAP **SCALE 1" = 800'**

SITE DATA

	PARCEL 1	PARCEL 2
OWNER ADDRESS	CAPE HOLOPHEN SCHOOL DISTRICT 1750 RINDS HWY LEWES, DE 19958	HAROLD W T PARNELL II TRUSTEE OF THE JAMES S & DOROTHY S TRUITT PO BOX 151 GEORGETOWN, DE 19947
TAX PARCEL NUMBER	3-34, 13.20, 0003.00	3-34, 13.20, 0004.00
AREA OF PARCEL	2.93264 ACRES	0.85974 ACRES
DEED REFERENCE	503-206	0-2172-027
ZONING	RS	
DATUM	N.G.V.D.	
BENCHMARK	ELEVATION 25.00', BENCH MARK SET ABOUT 1 MILE FROM SITE	
DATE OF SURVEY	AUG. 2005, APEX ENGINEERING INC.	
UTILITIES	EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATIONS AND ELEVATION. NO CONSTRUCTION SHOULD BE ADJACENT TO UTILITIES UNLESS NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA (TELEPHONE 609-282-8555).	

**SURVEY BASE PLAN
SUSSEX YMCA**

YMCA OF DE - SUSSEX BRANCH SUSSEX COUNTY, DE

APEX ENGINEERING INCORPORATED

27 W. SILBERT STREET NEPHREW, DELAWARE 19894
(302) 994-1980 (302) 994-9999 FAX

SCALE 1" = 40'	DATE 9-12-05	SURVEY NO. 1
SURVEYED BY D.SICA	DRAWN BY D.SICA	OP 1
MICROFILM NO.	CHECKED BY CD	REVISION
PROJECT / FILE NUMBER 05221.000		

The professional services of Apex Engineering Incorporated were performed for and performed in the interest of the client. The client is responsible for the accuracy of the information provided to Apex Engineering Incorporated for the purpose of any other utility. This document is issued by Apex Engineering Incorporated, and it shall not be relied upon for other purposes. All copyrights are reserved by Apex Engineering Incorporated.

⊖ parking lot (Front) ⊕



↑ parking lot (side)

Additional parking
↓



↑
Fenced-in playground / backyard

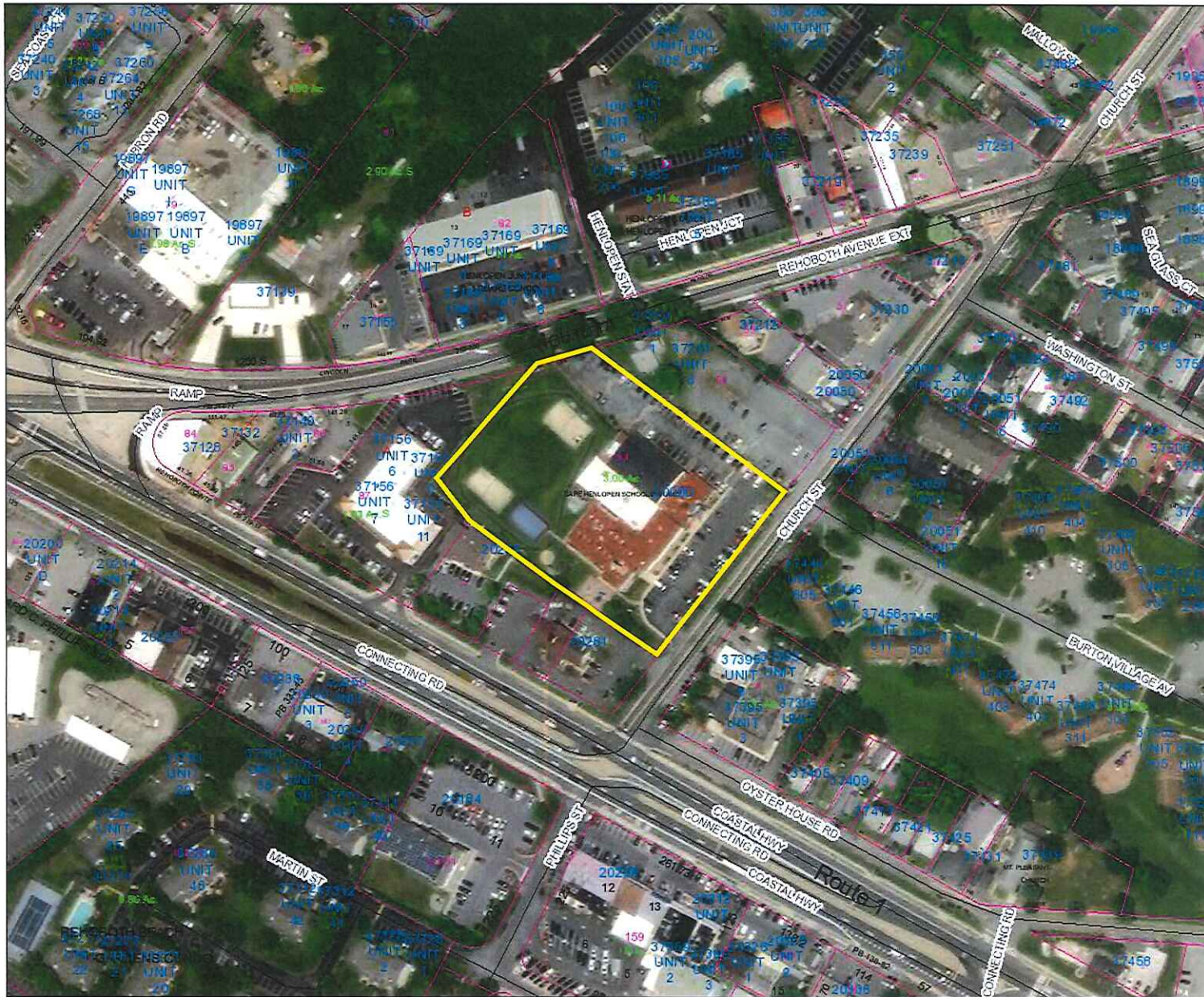
Fenced-in backyard



Fenced-in backyard



Sussex County



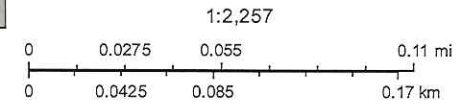
PIN:	334-13.20-53.00
Owner Name	CAPE HENLOPEN SCHOOL DISTRICT
Book	0
Mailing Address	1270 KINGS HWY
City	LEWES
State	DE
Description	REHOBOTH AVE.
Description 2	3 ACRES
Description 3	393150
Land Code	

- 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 # 12552
Hearing Date 5/3

202102973

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:

22842 East Trap Pond Road, Georgetown

Variance/Special Use Exception/Appeal Requested: would like the sideyard setback to be reduced to 8'

Tax Map #: 135-19.00-51.04

Property Zoning: AR-1

Applicant Information

Applicant Name: Clint and Blair Lutz
Applicant Address: 22842 East Trap Pond rd
City Georgetown State DE Zip: 19947
Applicant Phone #: 302-745-1638 Applicant e-mail: clint@rslandscaping.com

Owner Information

Owner Name: Clint & Blair Lutz
Owner Address: 22842 East Trap Pond rd
City Georgetown State DE Zip: 19947 Purchase Date: _____
Owner Phone #: 302-745-1638 Owner e-mail: clint@rslandscaping.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

CL

Date: 2/15/2021



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.

Our property has a odd angle on left side of property.

2. Cannot otherwise be developed:

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

By building pole shed 15' off property line the shed will be in middle of backyard due to narrow lot size.

3. Not created by the applicant:

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

By only asking for an additional 7' closer to property line I am not creating a problem by an appellant

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

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

We currently have our brother and sister in law living next door. By installing the pole shed closer to the line it will not affect their property or 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.

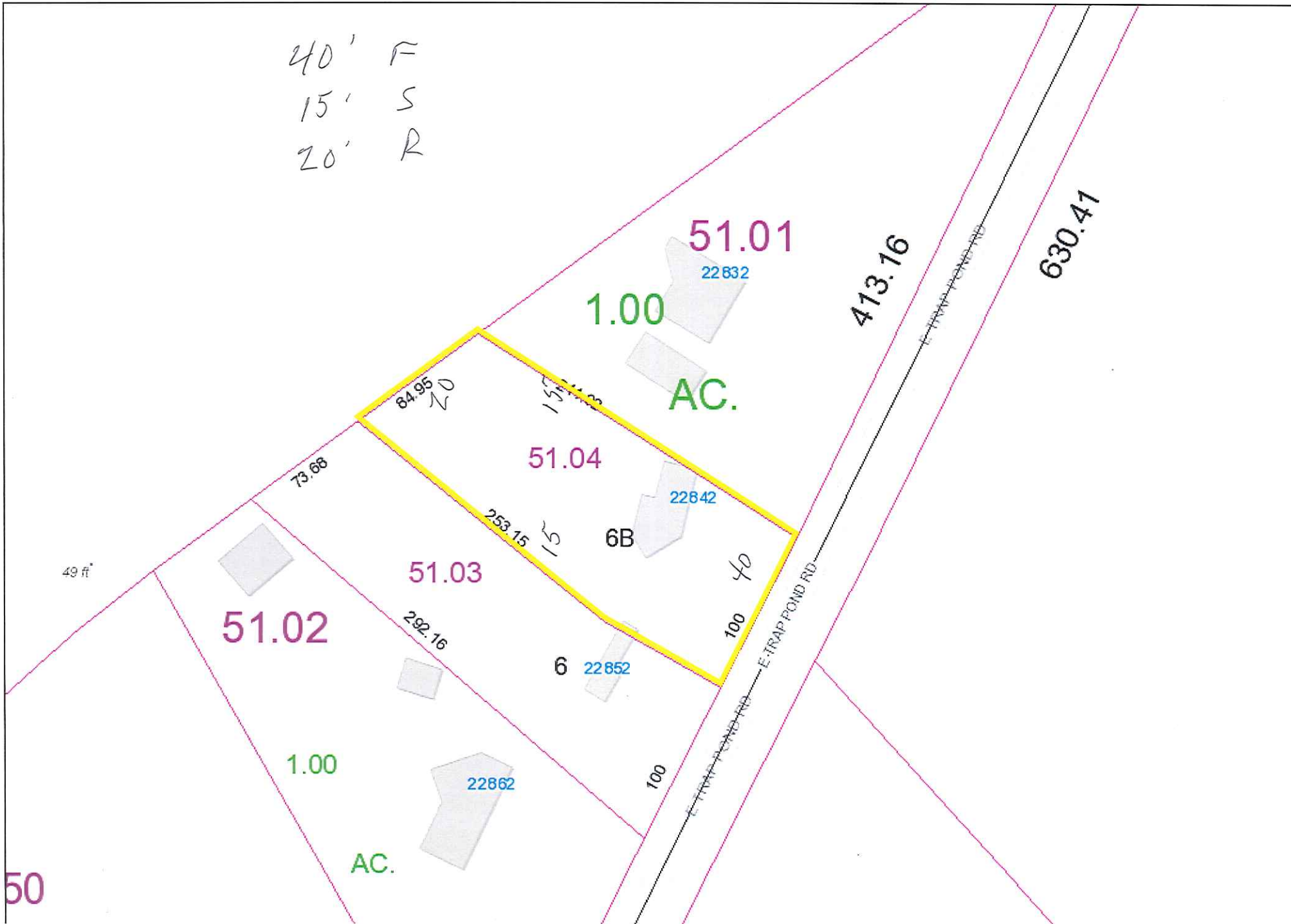
I will not build any closer to the property line than the 8 ft I asked for.

24 x 60



Sussex County

40' F
15' S
20' R





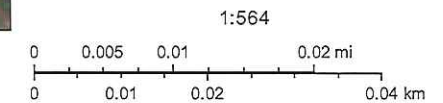
PIN:	135-19.00-51.04
Owner Name	LUTZ BLAIR L & CLINT LUTZ
Book	3627
Mailing Address	22862 E TRAP POND RD
City	GEORGETOWN
State	DE
Description	NW/RD 62
Description 2	1848' SE/RD 469
Description 3	LOT 6B
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**

 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE

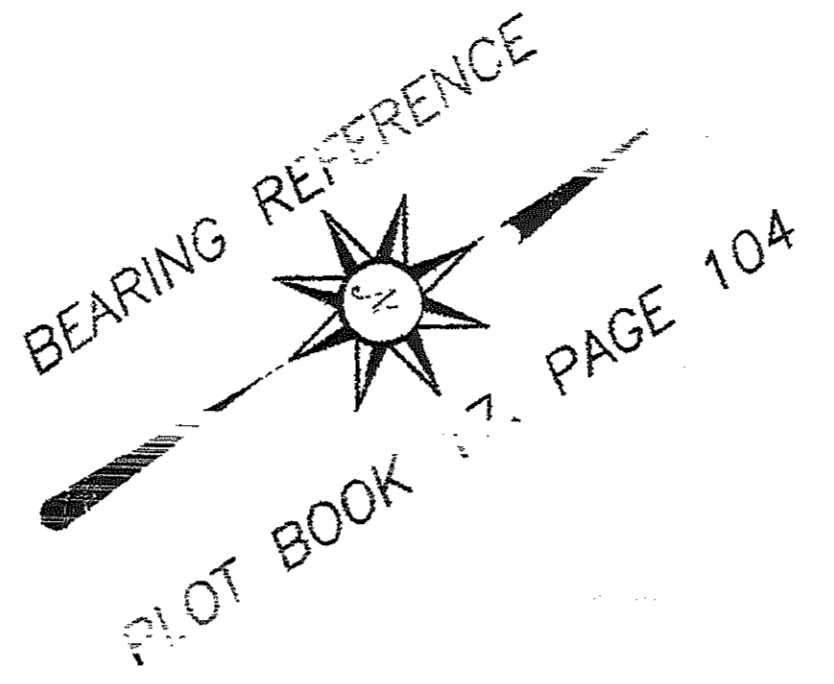


LINE DATA		
L1	N 45°49'50" W	34.57'
L2	N 54°36'52" W	65.43'

THIS PLAN SREVISES AND SUPERSEDES PLAN RECORDED IN PLAT BOOK 115 PAGE 218

TAX MAP NO. 1-35-19. PARCFI 51.02 AND 51.03

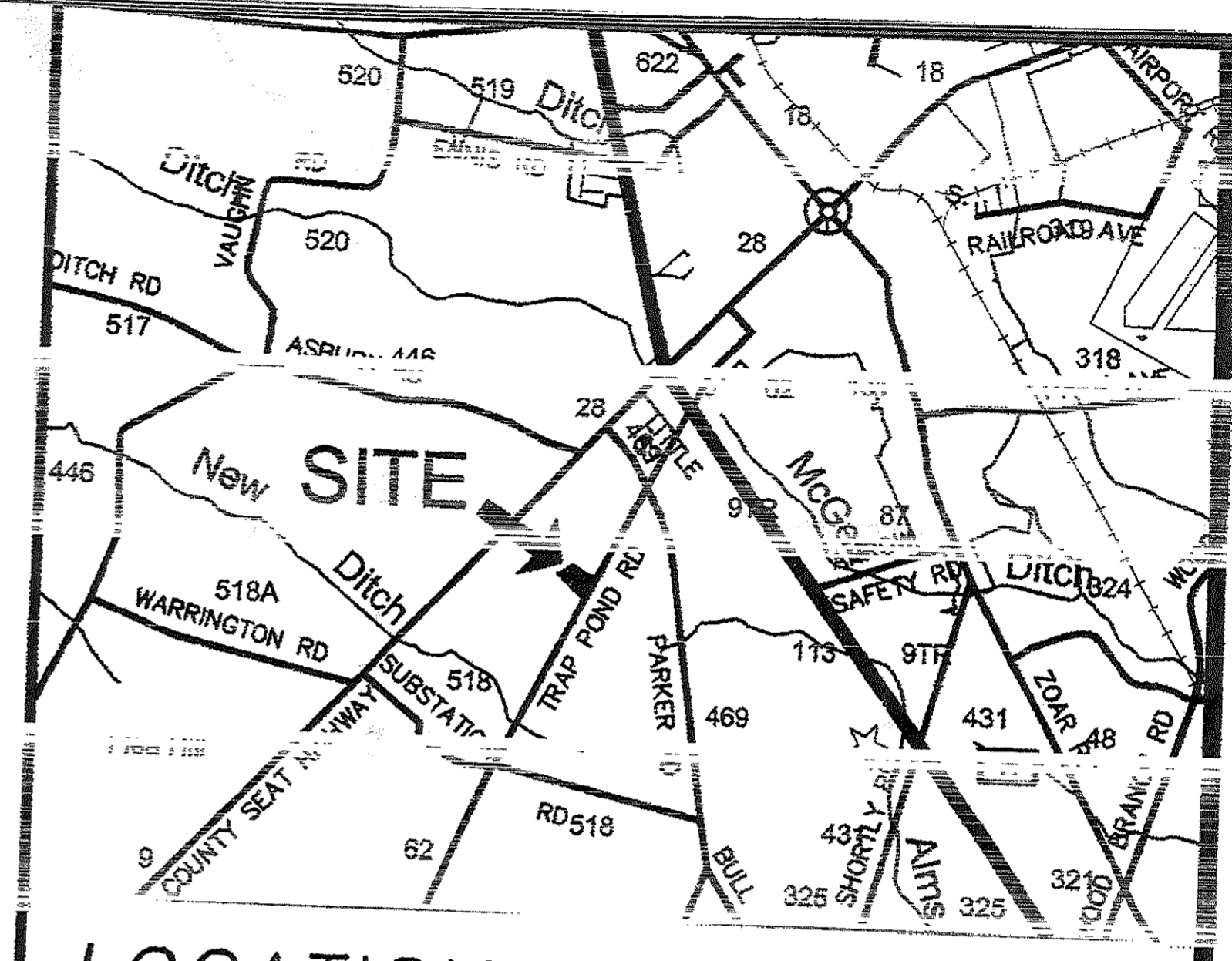
MASSEY FARMS, INC.
DEED BOOK 1774. PAGE 98



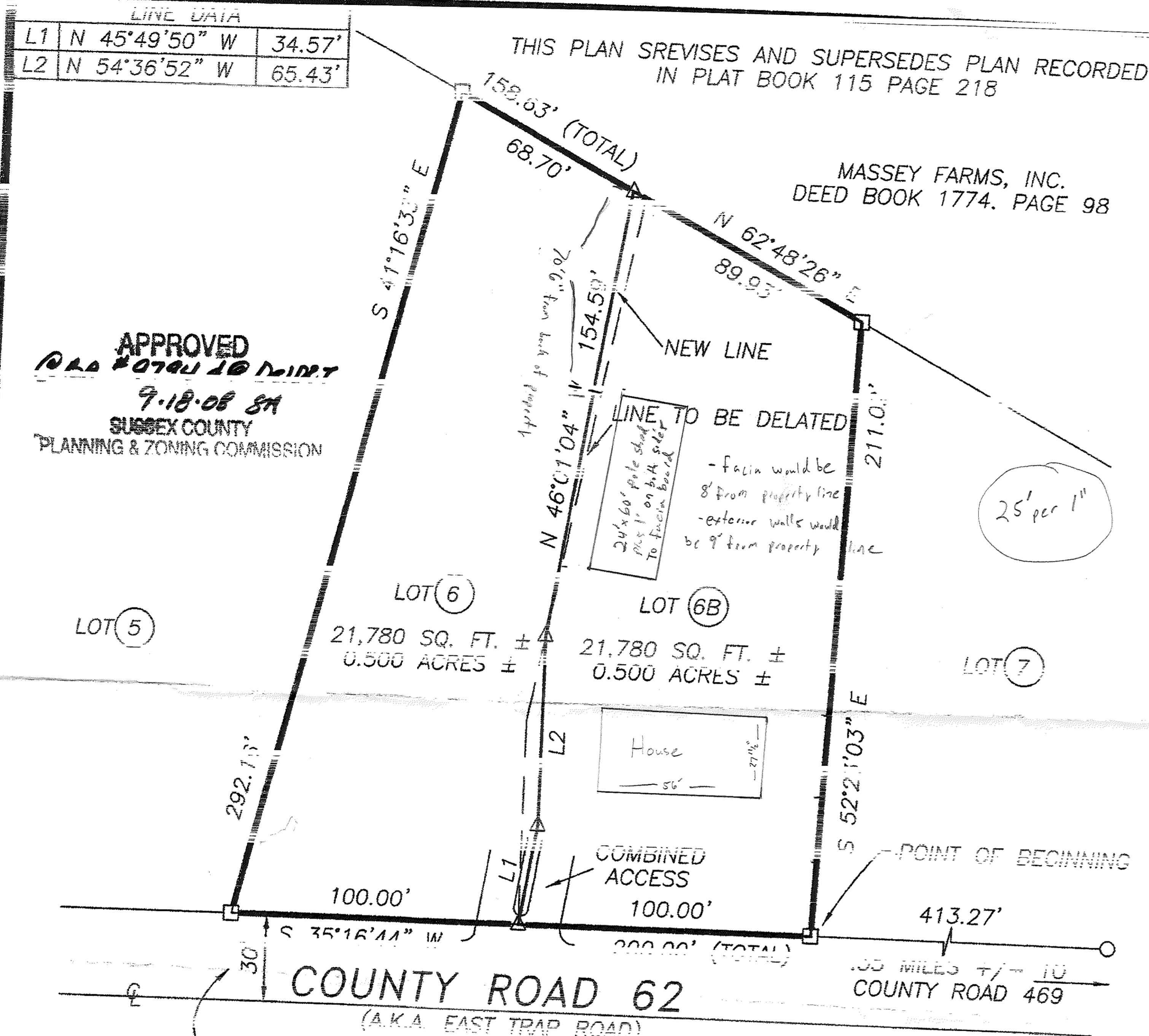
APPROVED
07-18-07
9-18-08 SA
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

LEGEND:

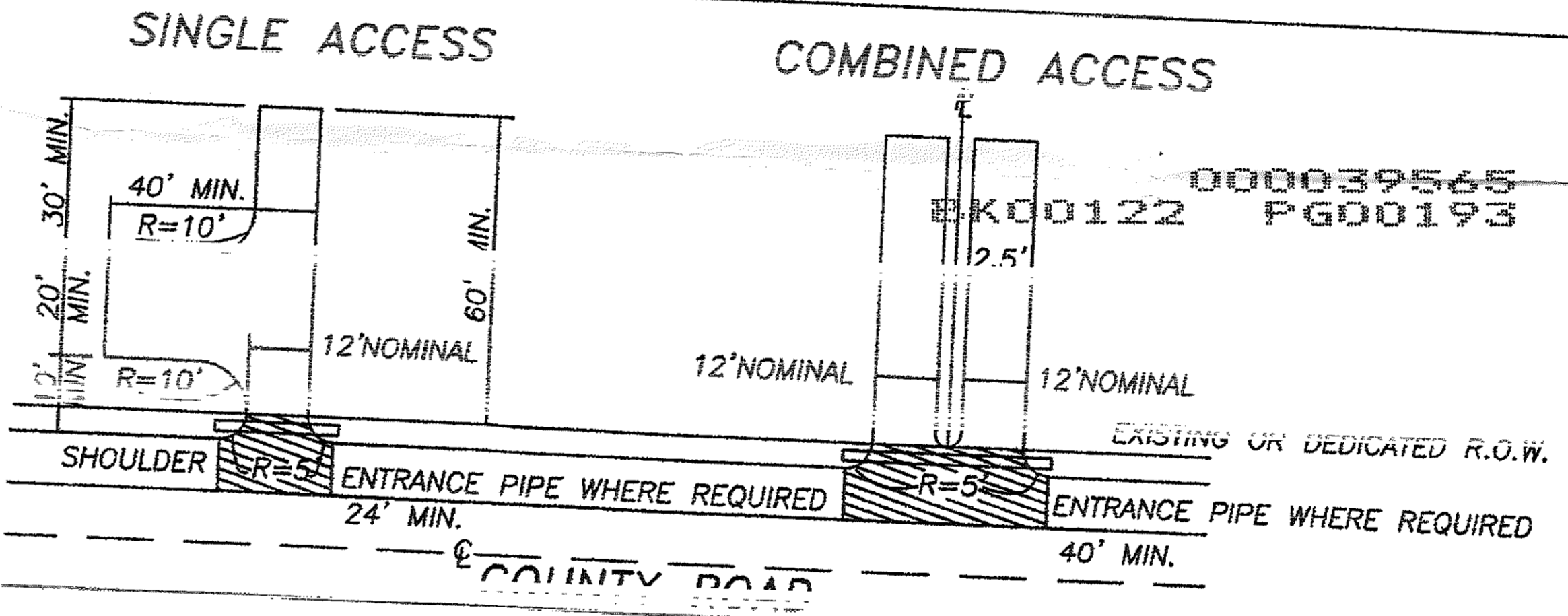
- FOUND CONCRETE MONUMENT
- FOUND IRON PIPE
- △ SET IRON BAR



LOCATION MAP: SCALE: 1"=1MILE



TYPICAL RESIDENTIAL ACCESS:



RECORDER OF DEEDS
10/17/2008 01:53P
SUSSEX COUNTY
DDC. SURCHARGE PAID

NOTES: A 30' WIDE STRIP OF RIGHT-OF-WAY FROM CENTERLINE OF ROAD IS HEREBY DEDICATED TO PUBLIC USE AS PER THIS PLOT.

- 1) CLASS "B", SUBURBAN SURVEY
- 2) RESIDUAL FRONTAGE - NONE
- 3) RESIDUAL AREA - NONE
- 4) OWNER: RONNIE L. & MAXINE S. JOHNSON
22862 E. TRAP POND ROAD
GEORGETOWN, DE. 19947
- 5) IF THE RESIDUAL LANDS OF RONNIE L. & MAXINE S. JOHNSON ARE EVER DEVELOPED AS A SUBDIVISION, THEN THESE LOTS MAY BE REQUIRED TO HAVE ACCESS FROM AN INTERNAL SUBDIVISION STREET AND ANY DIRECT ACCESS TO COUNTY ROAD 62 WILL BE ELIMINATED.
- 6) LOT 6 AND LOT 6B SHALL HAVE A COMBINED ACCESS FROM SCR 62, AS SHOWN HEREON.

- 1) WHERE DRIVEWAY SERVES TWO ADJACENT RESIDENCES (COMBINED DRIVEWAY ACCESS), THE DRIVEWAY WIDTH AT THE RIGHT OF WAY WILL BE 29 FEET.
- 2) DRIVEWAY WIDTHS MAY BE INCREASED WITH DIVISION OF HIGHWAYS APPROVAL FOR SPECIAL PURPOSE VEHICLES (i.e. FARM VEHICLES, ETC.).
- 3) ENTRANCE PIPE FURNISHED BY THE PROPERTY OWNER WILL BE INSTALLED BY THE DIVISION OF HIGHWAYS ON REQUEST.
- 4) MINIMUM RESIDENTIAL PAVEMENT SECTION: BITUMINOUS SURFACE TREATMENT ON 6" SELECT BORROW BASE COURSE.
- 5) ACCESS TO RESIDENTIAL LOTS SHALL BE LIMITED TO ONE ACCESS POINT.

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

PREPARED BY
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947

REVISION SURVEY PLAN
PREPARED FOR
RONNIE L. & MAXINE S. JOHNSON
FOR PROPERTY KNOWN AS
LOT 6, LANDS OF LOLA D. STANTAGLIONE
PLOT BOOK 17, PAGE 104
SITUATED IN
GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE
SCALE: 1" = 50' 25"
DATE: JULY 26, 2007
REVISED: SEPTEMBER 17, 2007 PLAN NO. 070719-B

ROOF LAYER 1: DRIPSTOP APPLIED TO ROOF METAL
 ROOF LAYER 2: P L 2128 EVERLAST I I LYNX STEEL
 PANEL

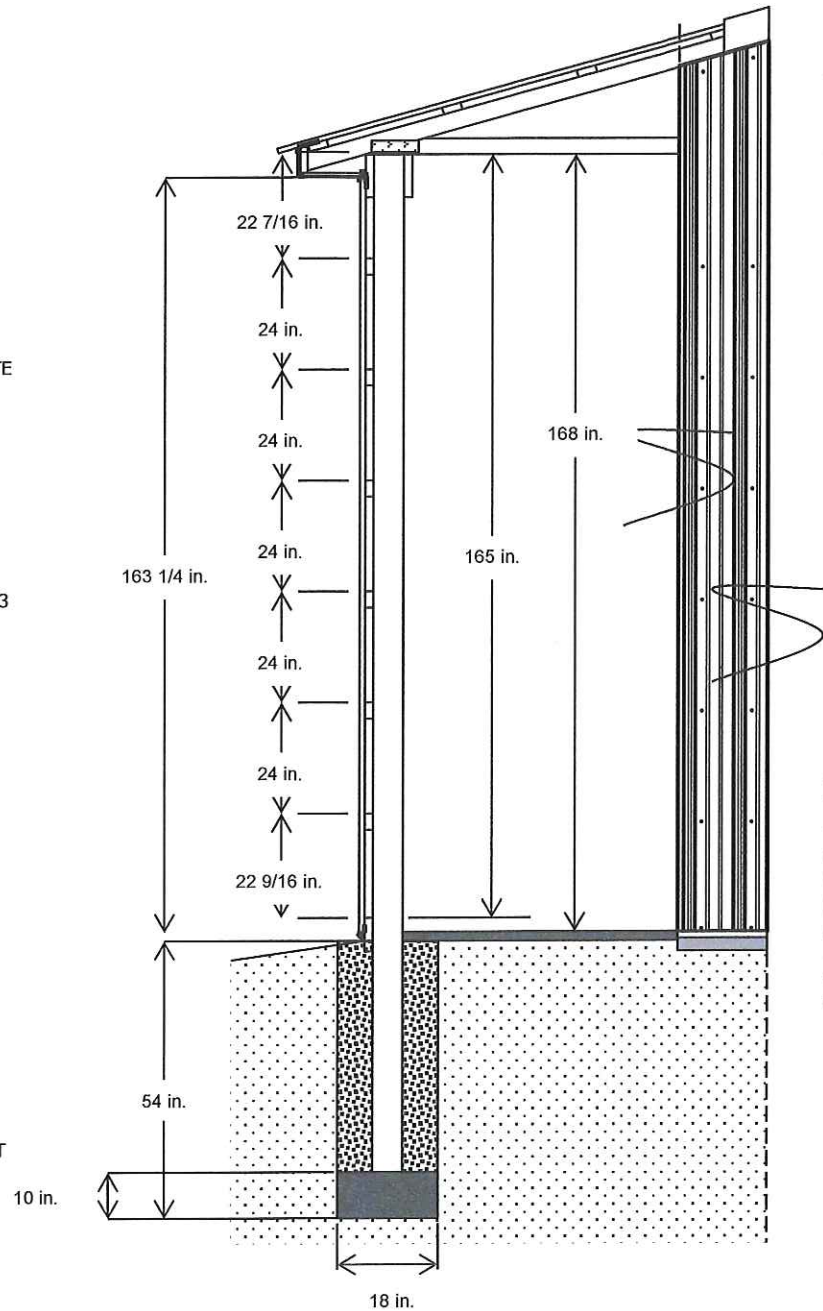
PURLINS: 2 X 4 CONSTRUCTION GRADE FASTENED
 LAYING FLAT @ 24" O.C.
 SUB FACIA: 2 X 6 CONSTRUCTION GRADE
 FACIA COVERING: DELAWARE BUILDING SUPPLY WHITE
 6 IN X 12 FT ALUMINUM FACIA
 UNDEREAVE: DELAWARE BUILDING SUPPLY WHITE
 VINYL CENTER VENT SOFFIT 12 IN X 12 FT

CORNER POSTS: DELAWARE BUILDING SUPPLY 3 PLY
 4.125 X 5.25
 INTERMEDIATE POSTS: DELAWARE BUILDING SUPPLY 3
 PLY 4.125 X 5.25 SPACING 8 FT O.C.
 EXTERIOR CARRIER: CONSTRUCTION GRADE 2 X 10
 (4) 5/16" x 4-1/2" GRK HEAVY DUTY FASTENER &
 MINIMUM OF (12) 12d NAILS @ EACH POST
 CONNECTION *TYPICAL OF EACH HEADER PLY
 INTERIOR CARRIER: CONSTRUCTION GRADE 2 X 10
 (4) 5/16" x 4-1/2" GRK HEAVY DUTY FASTENER &
 MINIMUM OF (12) 12d NAILS @ EACH POST
 CONNECTION *TYPICAL OF EACH HEADER PLY
 EXTERIOR WALL GIRTS: CONSTRUCTION GRADE 2 X 4
 @ 24" O.C.
 (3) .121 DIA. X 3" POWER DRIVEN SCREW NAILS @
 EACH CONNECTION
 WALL LAYER 1: P L 2128 EVERLAST I I LYNX STEEL
 PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 8

SIDING BEGINS 3 3/16 IN. BELOW THE TOP OF SKIRT
 BOARD

EARTH GRADE BEGINS 5 IN. BELOW THE TOP OF SKIRT
 BOARD



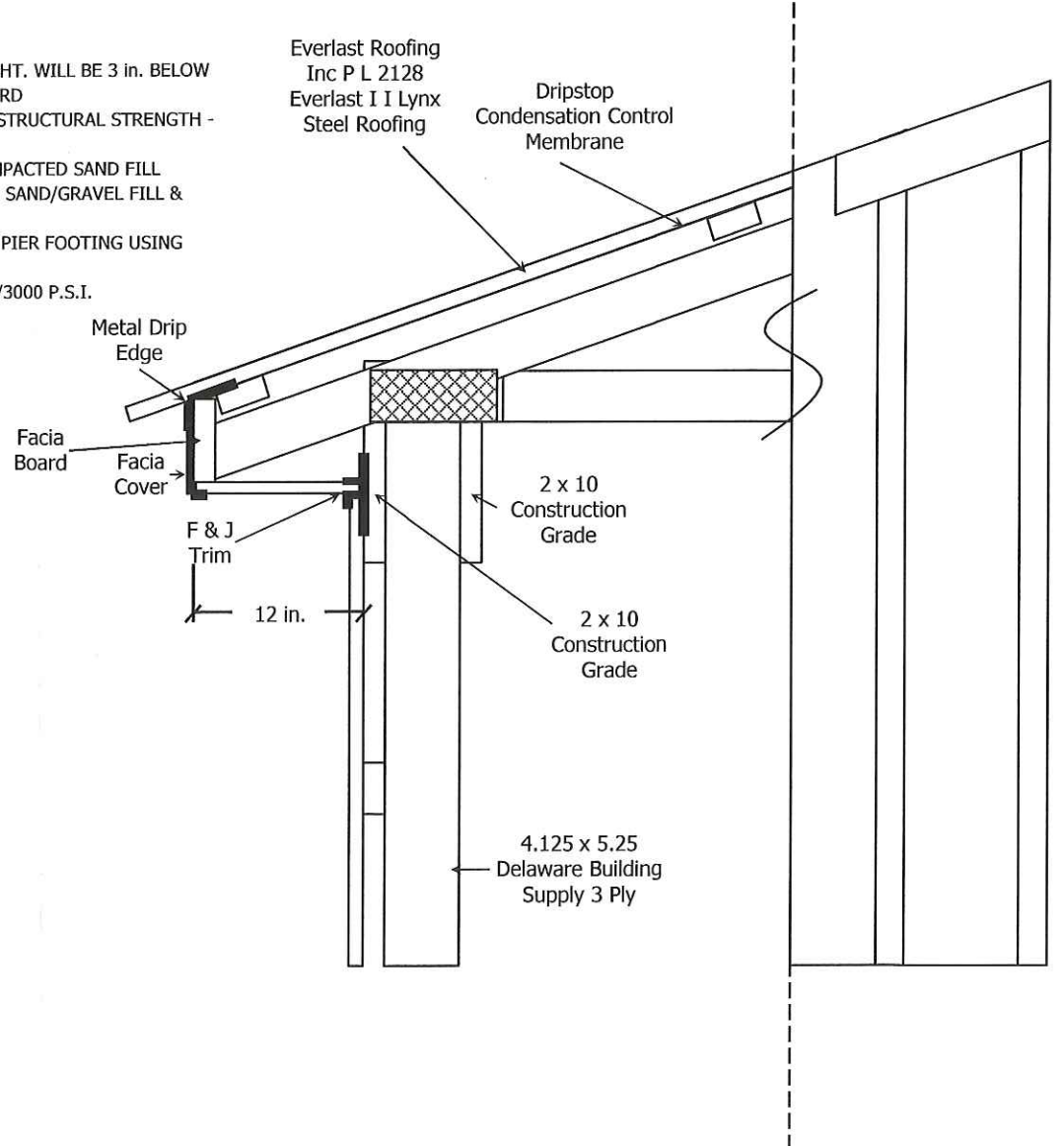
4/12 PITCH TRUSS SYSTEM WITH A NON-STANDARD
 HEEL (HEEL HEIGHT: 0-4-0 OR 4 IN.)
 TRUSS SPACING: 48 IN. O.C.
 TRUSS LOADING INFORMATION: T CLL/TCDL/BCLL/BCDL
 25-5-0-5
 TOTAL TRUSS LOADING = 35 P.S.F.
 BRACE PER TRUSS MANUFACTURER'S
 RECOMMENDATIONS

ROOF LOADING:
 25 PSF TOP CHORD LIVE LOAD
 5 PSF TOP CHORD DEAD LOAD
 0 PSF BOTTOM CHORD LIVE LOAD
 5 PSF BOTTOM CHORD DEAD LOAD

WIND SPEED: 115 MPH

Trusses are not loaded for storage.
 Truss Spacing= 4-0-0 o.c.

INTERIOR FINISHED FLOOR HT. WILL BE 3 in. BELOW
 THE TOP OF THE SKIRT BOARD
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -
 4000 P.S.I.
 UNDISTURBED SOIL OR COMPACTED SAND FILL
 BACKFILL 18 IN. HOLE WITH SAND/GRAVEL FILL &
 COMPACT
 18 IN. WIDE X 10 IN. THICK PIER FOOTING USING
 SAKRETE
 WITH MINIMUM STRENGTH/3000 P.S.I.



TYPICAL DETAIL SECTION

Humphries Construction

Lutz 24' x 60' x 14'
 Sussex County, DE

SCALE NOT TO SCALE DISCLAIMERS:

DATE 1/27/21

DRAWN BY RBG

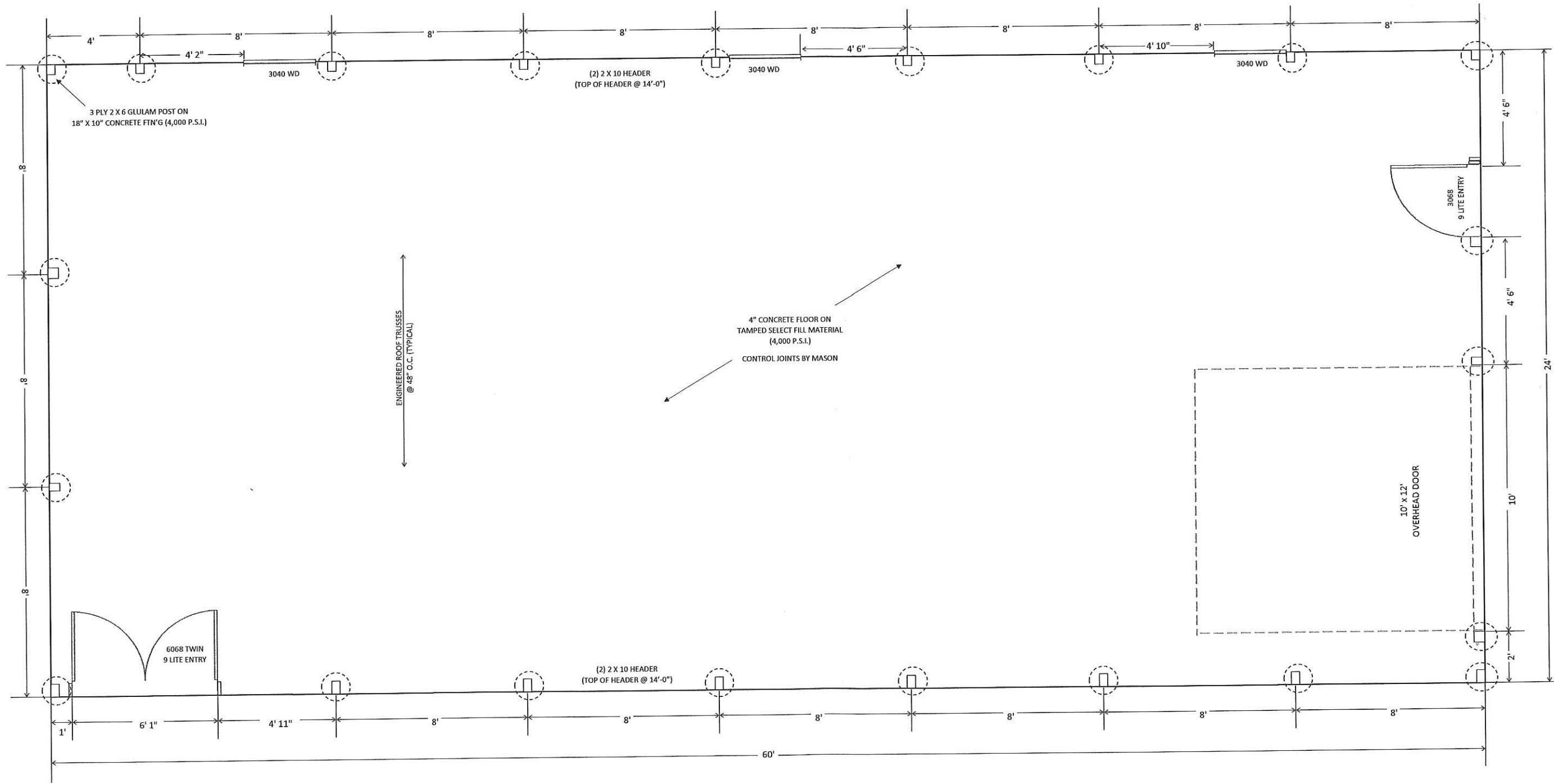
DWG# 4 of 4

*OWNER/CONTRACTOR ASSUMES RESPONSIBILITY OF BUILDING TO APPLICABLE CODES.

*DESIGNER IS NOT RESPONSIBLE FOR MISTAKES FOUND AFTER CONSTRUCTION BEGIN.

*DESIGNER IS NOT A LICENSED ARCHITECT.

*NO WARRANTY IS EXPRESSED OR IMPLIED.



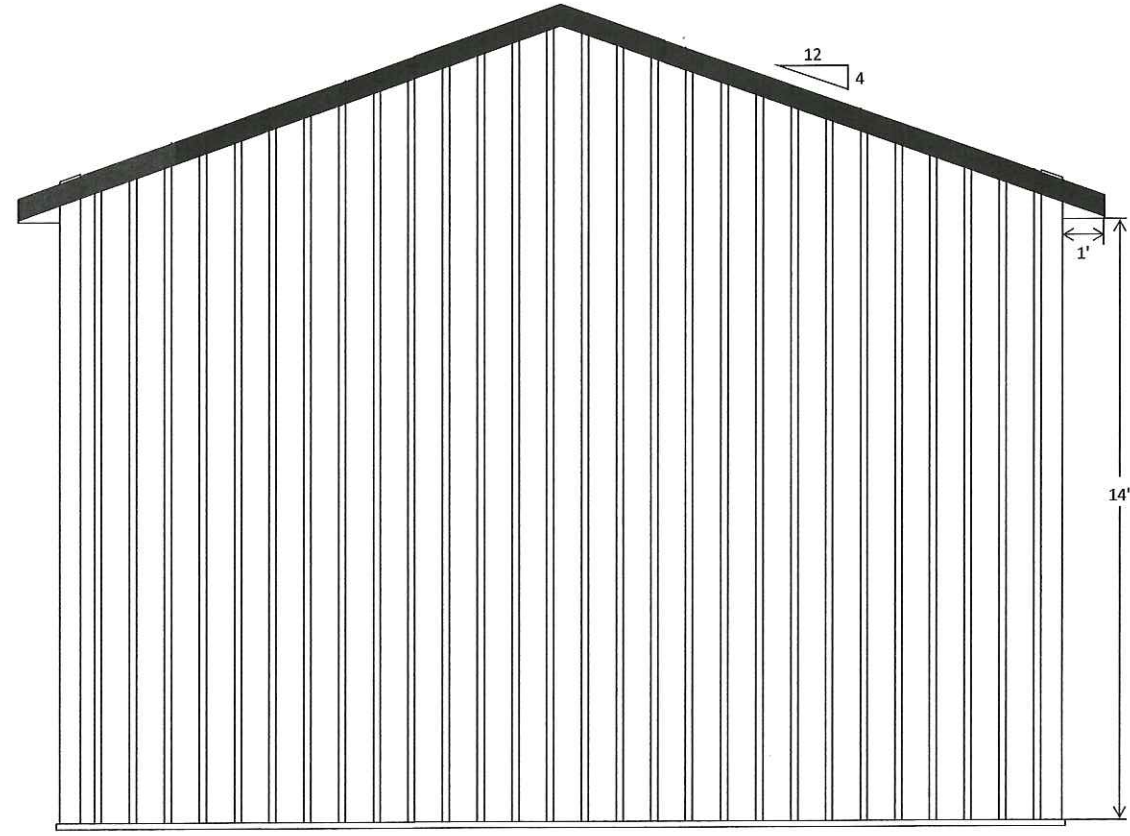
FLOOR PLAN

Humphries Construction

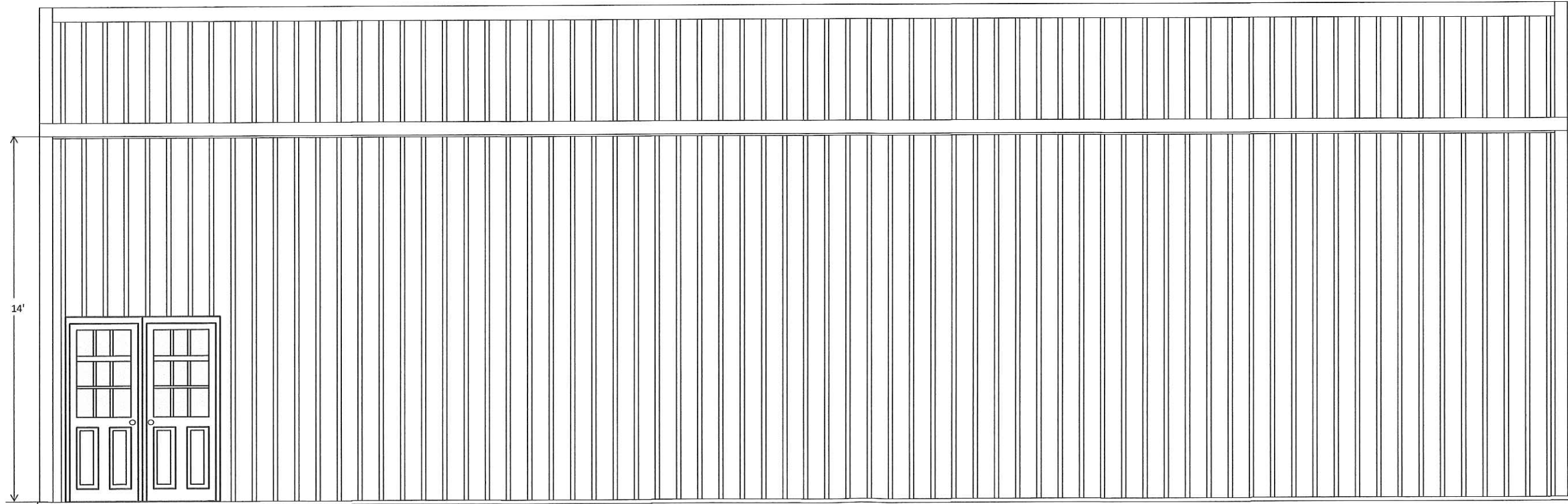
Lutz 24' x 60' x 14'
Sussex County, DE

SCALE NOT TO SCALE DISCLAIMERS:

- DATE 1/27/21
- DRAWN BY RBG
- DWG# 1 of 4
- *OWNER/CONTRACTOR ASSUMES RESPONSIBILITY OF BUILDING TO APPLICABLE CODES.
- *DESIGNER IS NOT RESPONSIBLE FOR MISTAKES FOUND AFTER CONSTRUCTION BEGIN.
- *DESIGNER IS NOT A LICENSED ARCHITECT.
- *NO WARRANTY IS EXPRESSED OR IMPLIED.



REAR ELEVATION



LEFT SIDE ELEVATION

Humphries Construction

Lutz 24' x 60' x 14'
Sussex County, DE

SCALE NOT TO SCALE DISCLAIMERS:

DATE 1/27/21

DRAWN BY RBG

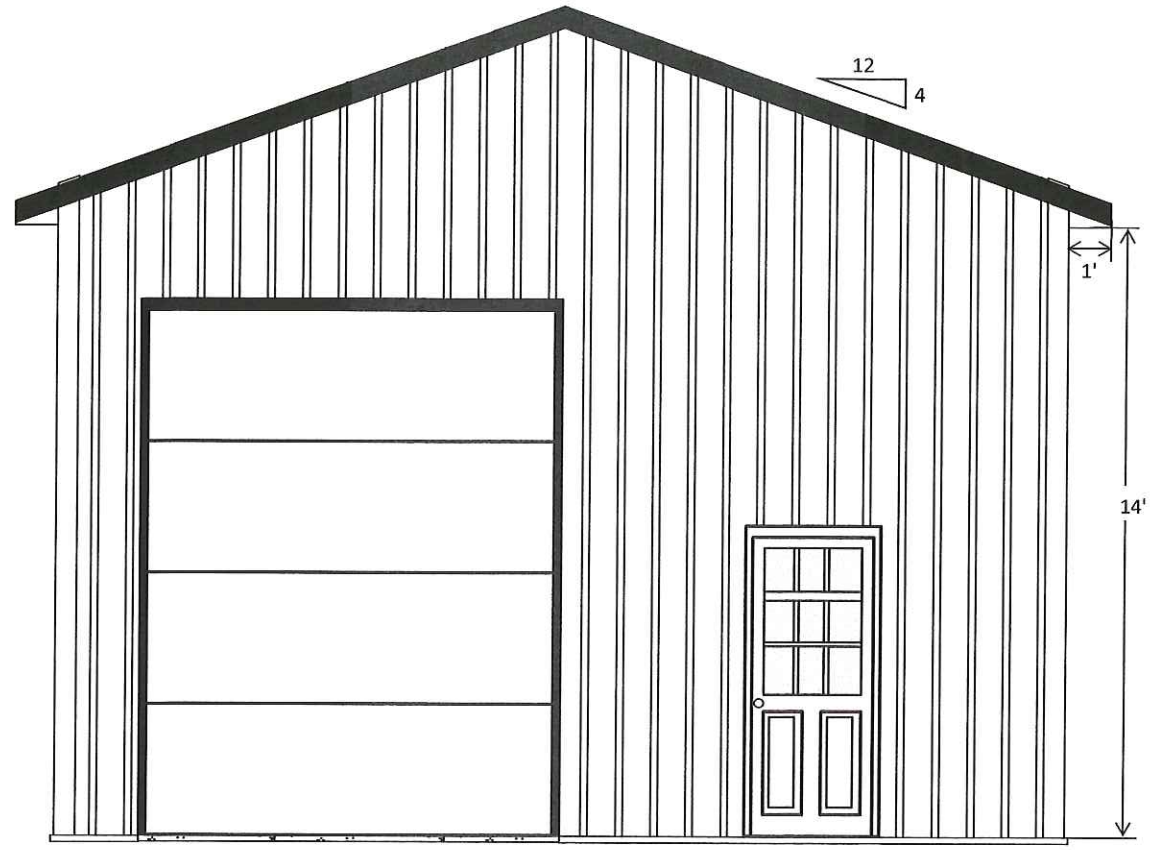
DWG# 3 of 4

*OWNER/CONTRACTOR ASSUMES RESPONSIBILITY OF BUILDING TO APPLICABLE CODES.

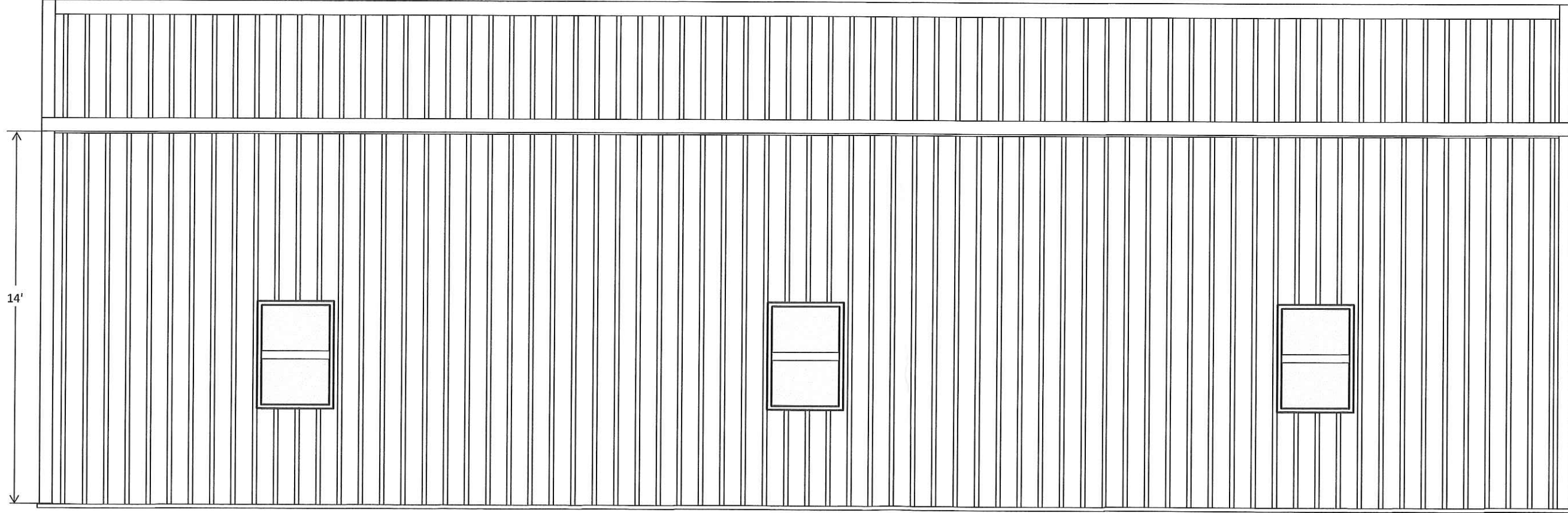
*DESIGNER IS NOT RESPONSIBLE FOR MISTAKES FOUND AFTER CONSTRUCTION BEGIN.

*DESIGNER IS NOT A LICENSED ARCHITECT.

*NO WARRANTY IS EXPRESSED OR IMPLIED.



FRONT ELEVATION



RIGHT SIDE ELEVATION

Humphries Construction

Lutz 24' x 60' x 14'

Sussex County, DE

SCALE NOT TO SCALE DISCLAIMERS:

DATE 1/27/21

DRAWN BY RBG

DWG# 2 of 4

*OWNER/CONTRACTOR ASSUMES RESPONSIBILITY OF BUILDING TO APPLICABLE CODES.

*DESIGNER IS NOT RESPONSIBLE FOR MISTAKES FOUND AFTER CONSTRUCTION BEGIN.

*DESIGNER IS NOT A LICENSED ARCHITECT.

*NO WARRANTY IS EXPRESSED OR IMPLIED.

Case # 12551
Hearing Date 5/3
202102196

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 Existing Condition _____
Special Use Exception _____ Proposed
Administrative Variance _____ Code Reference (office use only)
Appeal _____ 115-25 115-183
115-185

Site Address of Variance/Special Use Exception: 14181 Sycamore Rd.
Laurel, DE

Variance/Special Use Exception/Appeal Requested: 5 ft. from side
yard set back

Tax Map #: 232-800-2000 Property Zoning: AR-1

Applicant Information

Applicant Name: Rodney Kennedy
Applicant Address: 14181 Sycamore Rd. Laurel, DE
City, State, Zip: Laurel, DE 19956
Applicant Phone #: 443-880-0620 Applicant e-mail: Walston66@yahoo.com

Owner Information

Owner Name: Rodney Kennedy
Owner Address: Same Address
City, State, Zip: _____ Purchase Date: 6-2018
Owner Phone #: Same Owner e-mail: Same

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Rodney Kennedy

Date: 2-25-21



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.

Due to the pie shaped property, the original garage couldn't be moved over to the right any more, because it would have pushed the new 12' x 24' addition too close to the trees.

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.

Cannot be built anywhere else on the property - because of the shape of the property this addition couldn't be put anywhere else - the lean-to (addition) needs to be attached to the garage

3. Not created by the applicant:

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

The narrowness of the property and the mature trees location are the reason for the requested variance.

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

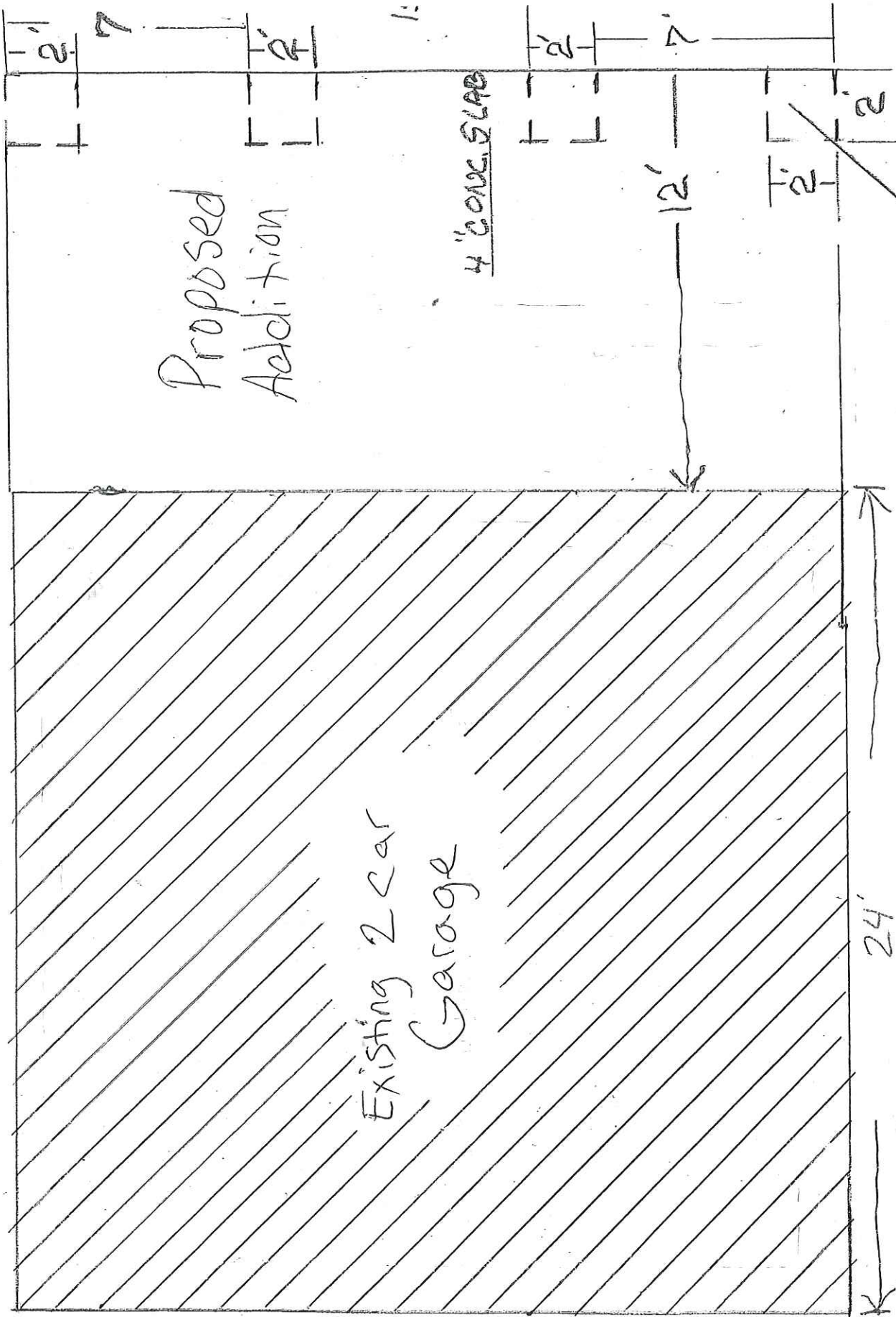
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

This addition will blend in with the established garage (same siding) and also 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.

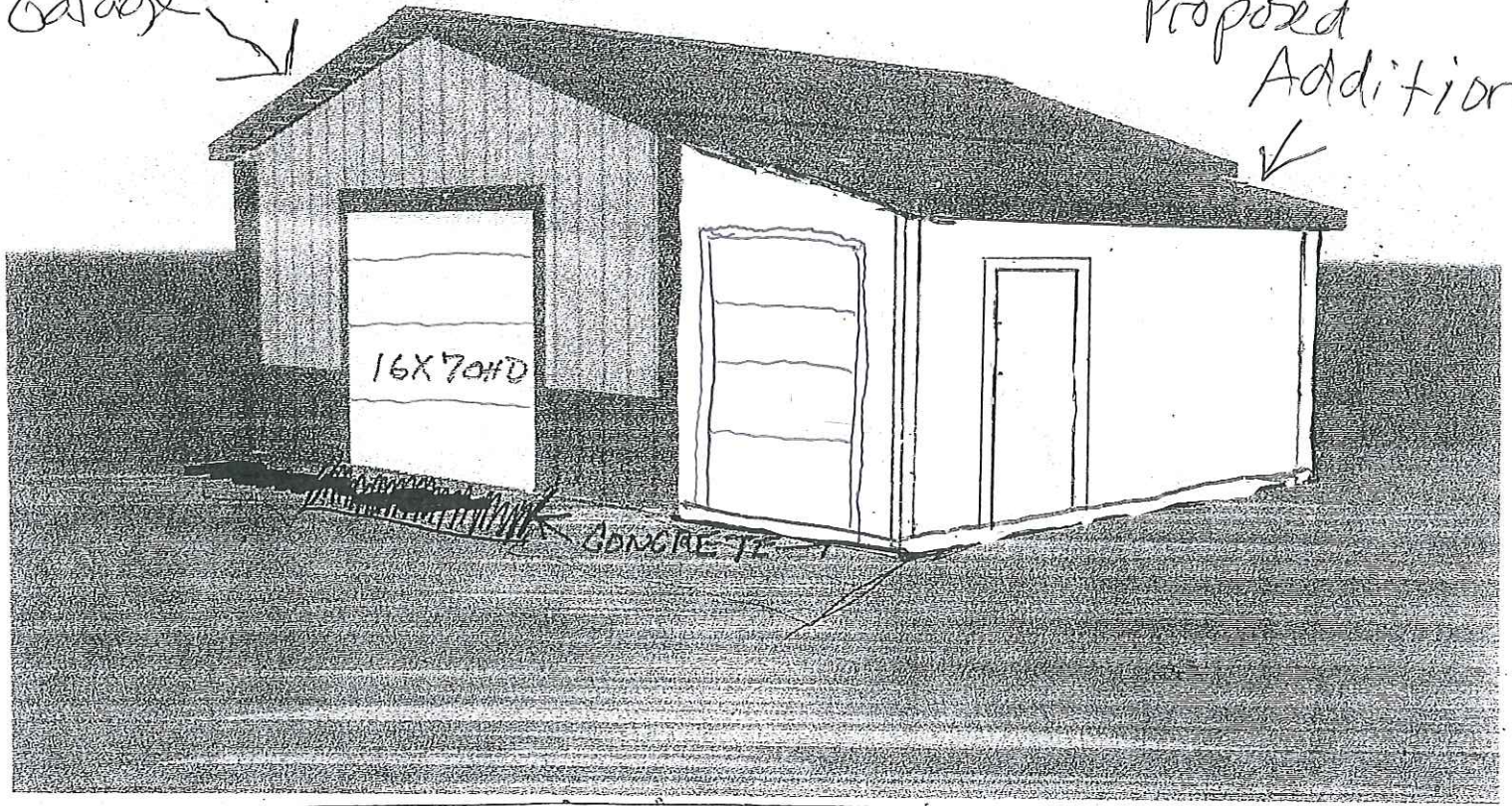
There is only 5 ft. of variance requested. The established garage is already 10" in from the property line.



FOUNDATION PLAN

Existing
Garage

Proposed
Addition



24x24 GARAGE WITH 12x24 LEANTO 2' APRON

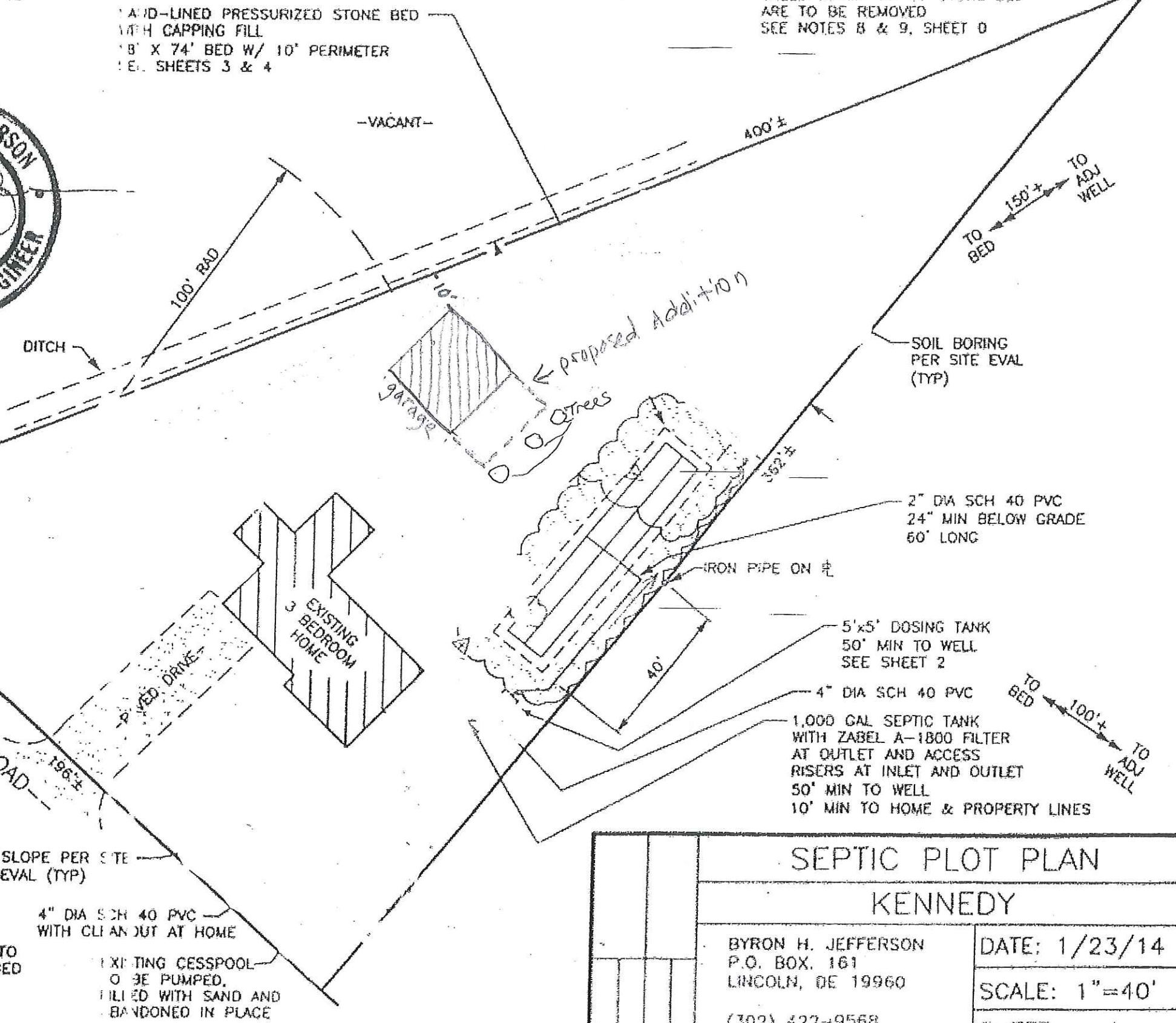
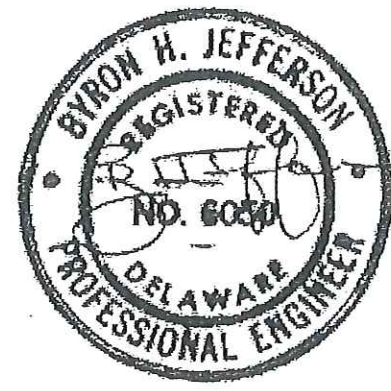
4" CONCRETE SLAB IN GARAGE AND LEANTO AND APRON

226204

SPARE AREA:
SAND-LINED SYSTEM IN AREA
OF INITIAL SYSTEM, WHICH IS
TO BE EXCAVATED

SAND-LINED PRESSURIZED STONE BED
WITH CAPPING FILL
18' X 74' BED W/ 10' PERIMETER
SEE SHEETS 3 & 4

WOODED AREA
TREES WITHIN 10' OF STONE BED
ARE TO BE REMOVED
SEE NOTES 8 & 9, SHEET 0



Part 2 Review Copy
Setbacks - F-40'
S-15'
R-20'

Proposed Leanto on
existing 24x24 Det. Garage
Must comply w/ 15' sides

Permit for 24x24 Garage
App# 202014483 - issued at
11/11/2020

Without proposed Leanto
Garage would comply w/
5' side for under 600^{sq}
Accessory structure

Proposed Leanto will comply
w/ setbacks

Variance needed due to
increased square footage
of structures combined

SEPTIC PLOT PLAN	
KENNEDY	
BYRON H. JEFFERSON P.O. BOX. 161 LINCOLN, DE 19960 (302) 422-9568	DATE: 1/23/14 SCALE: 1"=40' SHEET: 1

14006 14

**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 # 12553
Hearing Date 5/3
2021 03269

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:
17677 Stingey Lane, Lewes, Delaware 19958

Variance/Special Use Exception/Appeal Requested:
13' from req 20' rear

*is side yard setback reduced to 10'? Yes

Tax Map #: 3-34 5.00 196.00 Property Zoning: AR-1

Applicant Information

Applicant Name: Coastal Properties LLC
Applicant Address: 17280 Coastal Highway, Unit #2
City Lewes State DE Zip: 19958
Applicant Phone #: (302) 858-3732 Applicant e-mail: coastalconstructionllcde@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



Date: 3.4.2021



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.

Applicant is seeking a ten foot variance from the 20 foot rear yard setback to build a 3 car garage. Per the attached plans, the 3-car garage would be 10 feet from the rear property line. It must be placed in that location because of the uniqueness of the Lot. There is an old cess pool that was filled in so the ground is not stable enough to move it further onto the Lot.

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 instability of the ground where the old cess pool was does not allow for it to be placed further onto the Lot. Also, the dwelling is situated on a corner lot with a lot with heavier traffic on the side road on the left side of the Lot because of commercial vehicles for Delaware Electric Cooperative and Stockley Materials construction and landscape supply. This physical situation creates the need for the variance in order to be able to have dwelling & garage, reasonable use for the area.

3. Not created by the applicant:

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

The applicant did not own this property when the cess pool was there or when it was filled and learned about this situation after the purchase. This, coupled with the commercial traffic on the left side, only leaves the rear right hand side. The situation has created an exceptional practical difficulty such that the only reasonable location for a garage to service the dwelling is the rear right hand side but farther back.

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

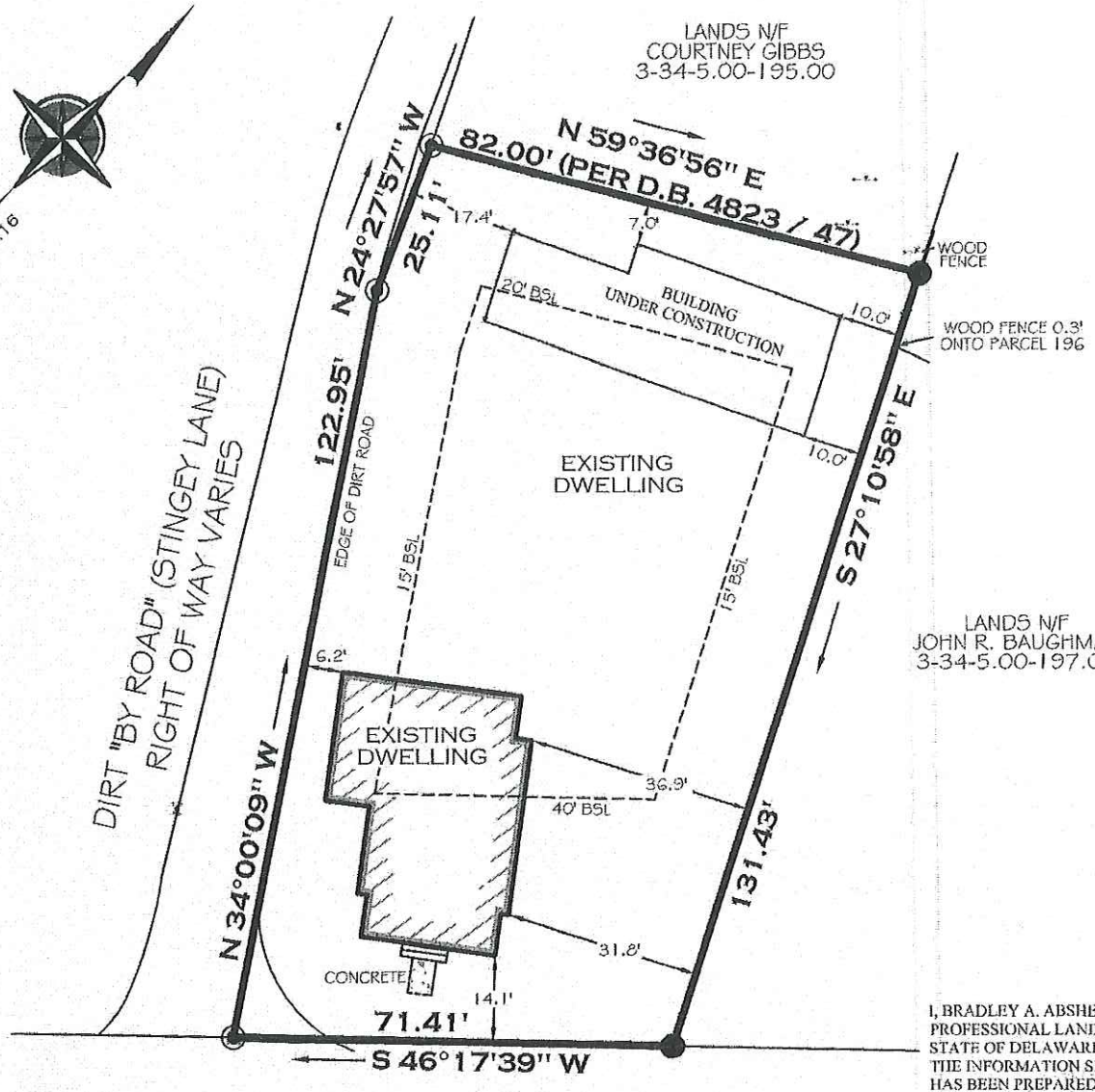
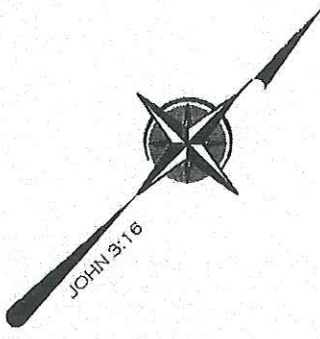
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

This will actually improve the appearance of the Lot and allow for a place storage on the property so that the Lot itself will be cleaner in appearance. It will create a better neighborhood appearance as commercial buildings are surrounding it.

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.

As set forth in the plans, this would be the minimum variance required to safely place a garage on the property to serve both structural integrity and less interference with public traffic on the corner lot.



LANDS N/F
COURTNEY GIBBS
3-34-5.00-195.00

LANDS N/F
JOHN R. BAUGHMAN
3-34-5.00-197.00

**BEAVER DAM ROAD
50' RIGHT OF WAY**

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: AR - 1
3. BUILDING SETBACK LINES (BSL)
 - FRONT 40'
 - SIDE 15'
 - REAR 20'

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

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

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

Bradley A. Absher
BRADLEY A. ABSHER, DE PLS # 735
DATE 2.8.21

LEGEND	
⊙	IRON ROD WITH CAP SET
●	IRON ROD W/ CAP FOUND


TAX MAP	3 - 34 - 5.00 - 196.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LEWES & REHOBOTH
TOWN	---
AREA	10,810 ± SQ. FT.
DEED REF.	4222 / 223
PLAT REF.	---
DRAWN BY	MCS
DATE	02 / 08 / 21
SCALE	1" = 30'
SURVEY #	DE - 06515

**BOUNDARY SURVEY
PLAN**

FOR
COASTAL PROPERTIES, LLC

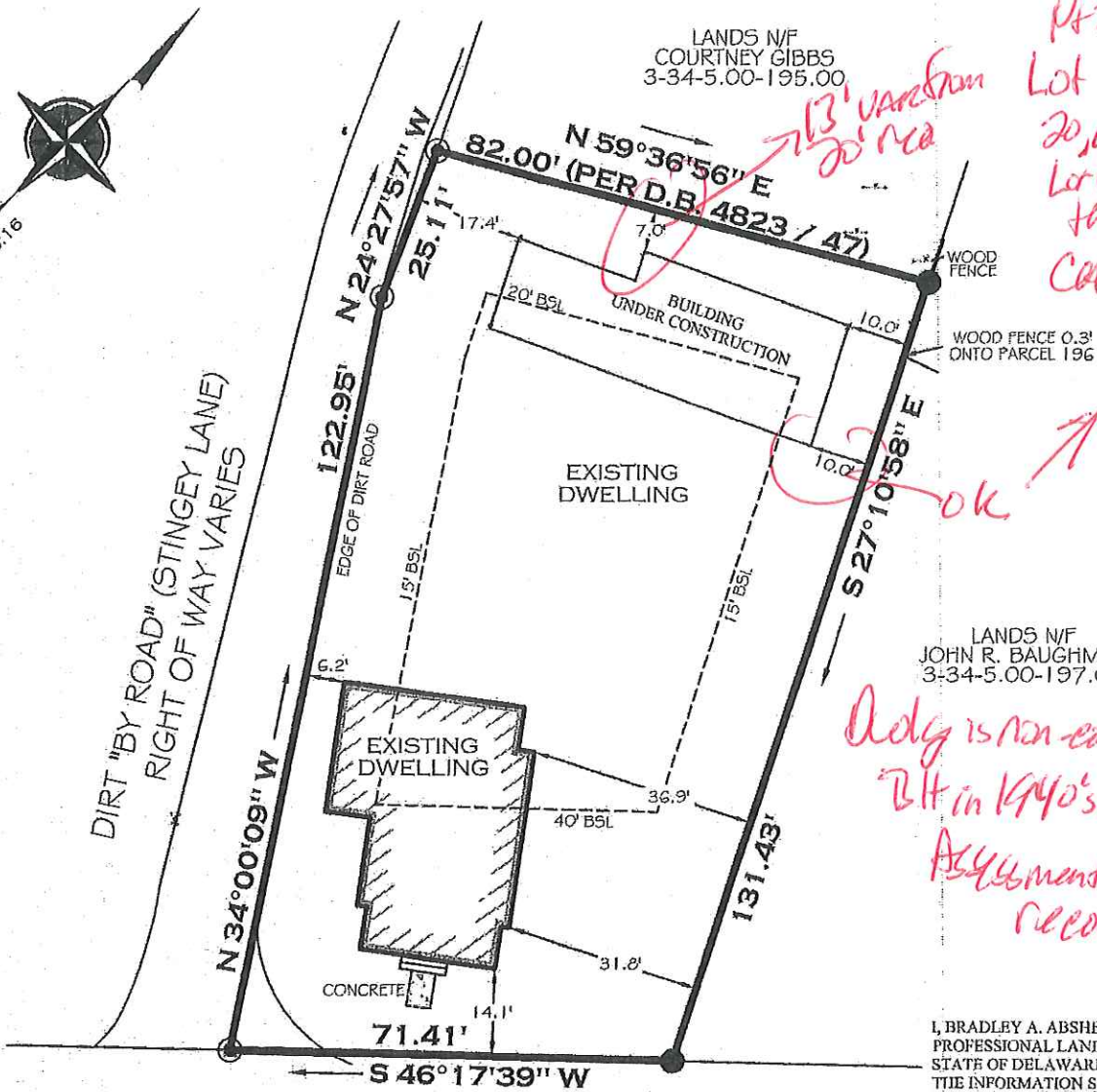
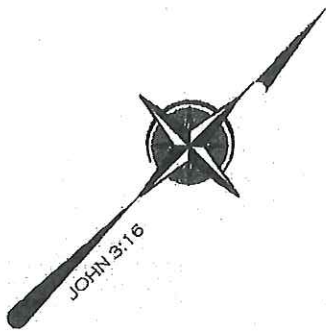
17677 STINGEY LANE, LEWES, DE 19958

TRUE NORTH



LAND SURVEYING

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



**BEAVER DAM ROAD
50' RIGHT OF WAY**

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: AR - 1
3. BUILDING SETBACK LINES (BSL)
 - FRONT 40'
 - SIDE 15'
 - REAR 20'

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 - 5.00 - 196.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LEWES & REHOBOTH
TOWN	---
AREA	10,810 ± SQ. FT.
DEED REF.	4222 / 223
PLAT REF.	---
DRAWN BY	MCS
DATE	02 / 08 / 21
SCALE	1" = 30'
SURVEY #	DE - 06515

**BOUNDARY SURVEY
PLAN**

FOR
COASTAL PROPERTIES, LLC

17677 STINGEY LANE, LEWES, DE 19958

Handwritten notes:
 Lot less than 20,000 SF + 100' wide
 Lot width less than 100'
 Can have 10' side setback
 13' variance 20' area
 OK
 Adg is non-conforming Bt in 1940's per Assgment records

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.

Signature: Bradley A. Absher
 BRADLEY A. ABSHER, DE PLS # 735
 DATE 2.8.21

LEGEND

●	IRON ROD WITH CAP SET
●	IRON ROD W/ CAP FOUND

TRUE NORTH

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

PROPERTY RECORD CARD

CARD 1 OF 1

DIST. 3-34 MAP 5 PARCEL 196 CONTROL NO. _____

ADDRESS _____

LAND IDENTIFICATION

3-34 5.00 196.00 SCH-6
BRISCOE EDIT-P
GARLAND R.

RD 1 BOX 261 DE 19958 TRI- 127934
LEWES

BETWEEN HWY 18 &
RT 285
LOT W/IMP

Rt. 285 *RS*

OWNERSHIP RECORD			
DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE

LAND RECORD AND VALUATION SUMMARY

BUILDING PERMIT RECORD


PROPERTY FACTORS		LAND COMPUTATION					
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS		UNIT VALUE	FACTORS		VALUE
		FRONT	DEPTH		DEPTH	OTHER	
<input checked="" type="checkbox"/> CITY WATER	<input checked="" type="checkbox"/> PAVED	110	81				
<input checked="" type="checkbox"/> SEWER ST	<input type="checkbox"/> SEMI-IMPROVED						
<input type="checkbox"/> GAS	<input type="checkbox"/> UNIMPROVED						
<input checked="" type="checkbox"/> ELECTRICITY	<input type="checkbox"/> OTHER						
<input type="checkbox"/> ALL UTILITIES	<input type="checkbox"/> SIDEWALK						

DATE	NUMBER	AMOUNT
<u>8.2.85</u>	<u>94812</u>	<u>1000.00</u>

ASSESSMENT RECORD

19 <u>85</u>	LAND \$ <u>750</u>	LAND \$
	BLDG \$ <u>1900</u>	BLDG \$
	TOTAL \$ <u>2650</u>	TOTAL \$
19	LAND \$	LAND \$
	BLDG \$	BLDG \$
	TOTAL \$	TOTAL \$
19	LAND \$	LAND \$
	BLDG \$	BLDG \$
	TOTAL \$	TOTAL \$

SUMMARY OF VALUES	
TOTAL LAND	\$ <u>1500</u>
TOTAL IMPROVEMENTS	\$ <u>1200</u>
TOTAL APPRAISED VALUE	\$ <u>2700</u>

6350  H. L. YOH COMPANY
A DIVISION OF DAY AND ZIMMERMANN, INC.
PHILADELPHIA, PA.

NOTES 3/21/91 B.P.#119350 add siding old 9900 new 12700

REASSESSMENT DIVISION

2-10-86

ACTION CODE: 2

WORKED BY: M.S.

DISTRICT: 3-34 MAP: 5 PARCEL: 196 TRL/UNIT:

NAME: Briscoe

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE: 5300

LAND VALUE: 1500

IMP. VALUE: 8400

TOTAL VALUE: 9900

ACTION REASON: B.P.# 84612 add siding

BILLING: 86

DOB
2-14-86

CG
2/25

allowance
made

REASSESSMENT DIVISION

WORKED BY: Janet E. Morris

ACT. CODE: 1

DIST: 3-34

MAP: 5.00

PAR: 196.00 TRL/UNIT:

NAME: Briscoe, Garland R.

ADDRESS: R.D. 1 Box 226
Lewes, Delaware 19958

PROP. DESC.: Between Hwy. 18 & Route 285
Lot w/imp.

TRANSFER: 127934

NEW VALUE: 5,300

OLD VALUE:

ACTION REASON: included with 5-217
property transferred

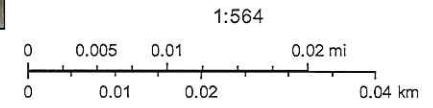
BILLING: QB 100% - 1977

BC



PIN:	334-5.00-196.00
Owner Name	COASTAL PROPERTIES LLC
Book	4222
Mailing Address	17280 COASTAL HWY
City	LEWES
State	DE
Description	BETWEEN HWY 18
Description 2	RT 285
Description 3	N/A
Land Code	

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



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.

When building the addition I was unaware that the property line and house were not running perpendicular.

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 structure has been completed according to County specs but upon final county inspection it was found that corner is 8" over setback.

3. Not created by the applicant:

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

The original ~~place~~ home and front porch have been in existence since the 1940's. The front porch overhang is further into the yard than the corner of the new addition.

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 home is in character with the neighborhood and the existing front overhang and steps are over further than the corner of the home.

5. Minimum variance:

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

We are just requesting that the addition be approved as is and there will be no further changes to the front of the home.

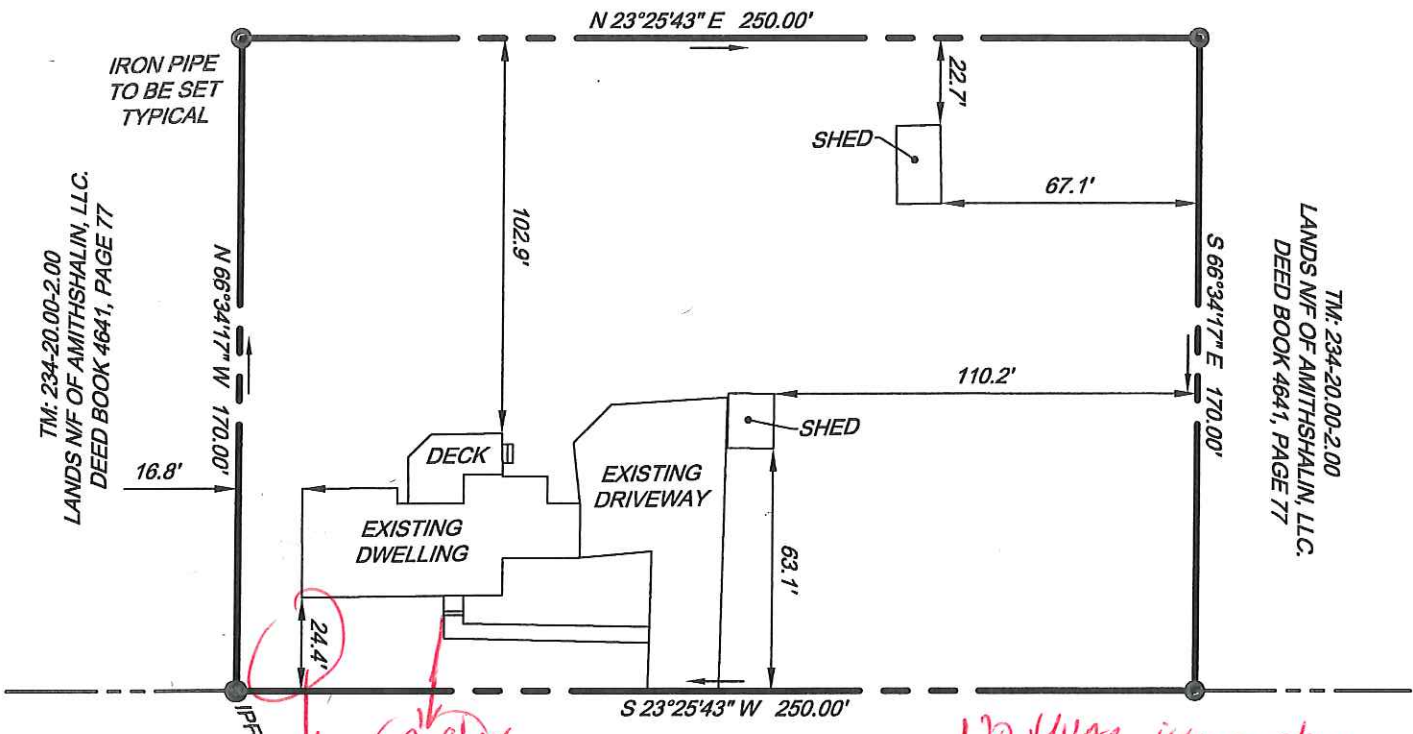
Poz Pennoni Corp

NOTES

- 1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 68, PAGE 172 AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC..
- 2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
- 3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
- 4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS SURVEY.



TM: 234-20.00-2.00
 LANDS N/F OF AMITHSHALIN, LLC.
 DEED BOOK 4641, PAGE 77



SETBACKS:
 FRONT - 40'
 SIDE - 15'
 REAR - 20'

Handwritten notes:
 15.6' var
 19.3' var
 copy provided

Handwritten note:
 NO HVAC issues along front side of new addition

SURVEY CLASSIFICATION: SUBURBAN
 LOT AREA: 42,500 sq.ft.± (0.98 ac.±)
 PLAT REF.: PLAT BOOK 68, PAGE 172



S:\PROJECTS\DEL\TEK\10-2019\SWIFX19001\DESIGN\SWIFX19001-1-SP.DWG
 PLOTTED: 10/16/2019 10:43:09 AM, BY: KEITH DAVIDSON PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS:



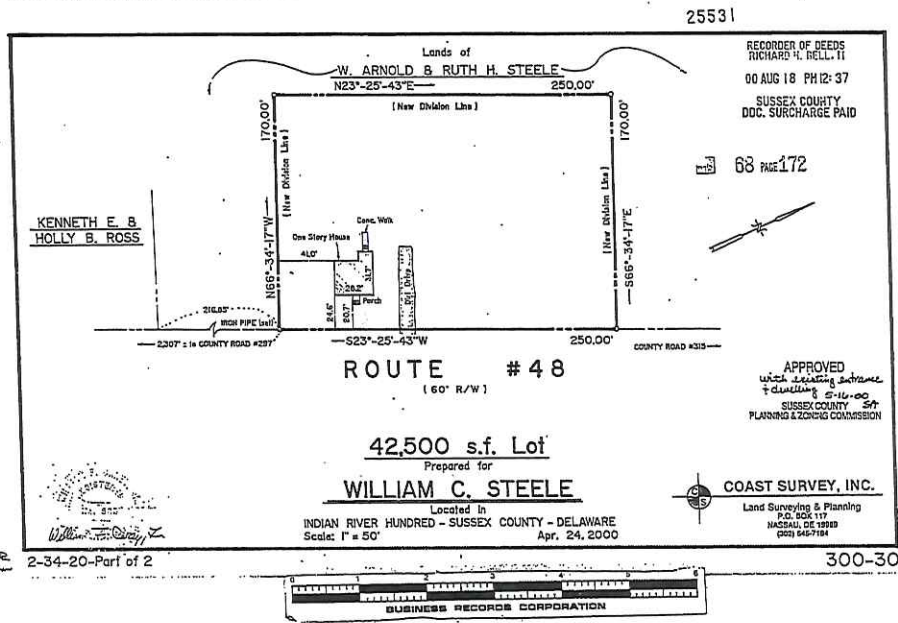
PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LANDS N/F OF SHANE ESKRIDGE
 24815 ZOAR ROAD, GEORGETOWN, DE. 19947
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE
BOUNDARY & LOCATION SURVEY PLAN
 TM: 234-20.00-2.04
 NORMAN SWIFT
 24892 PEBBLE LANE
 GEORGETOWN, DELAWARE 19947

PROJECT	SWIFX19001
DATE	2017-10-17
DRAWING SCALE	1"=50'
DRAWN BY	KMD
APPROVED BY	SKC

SHEET 1 OF 1

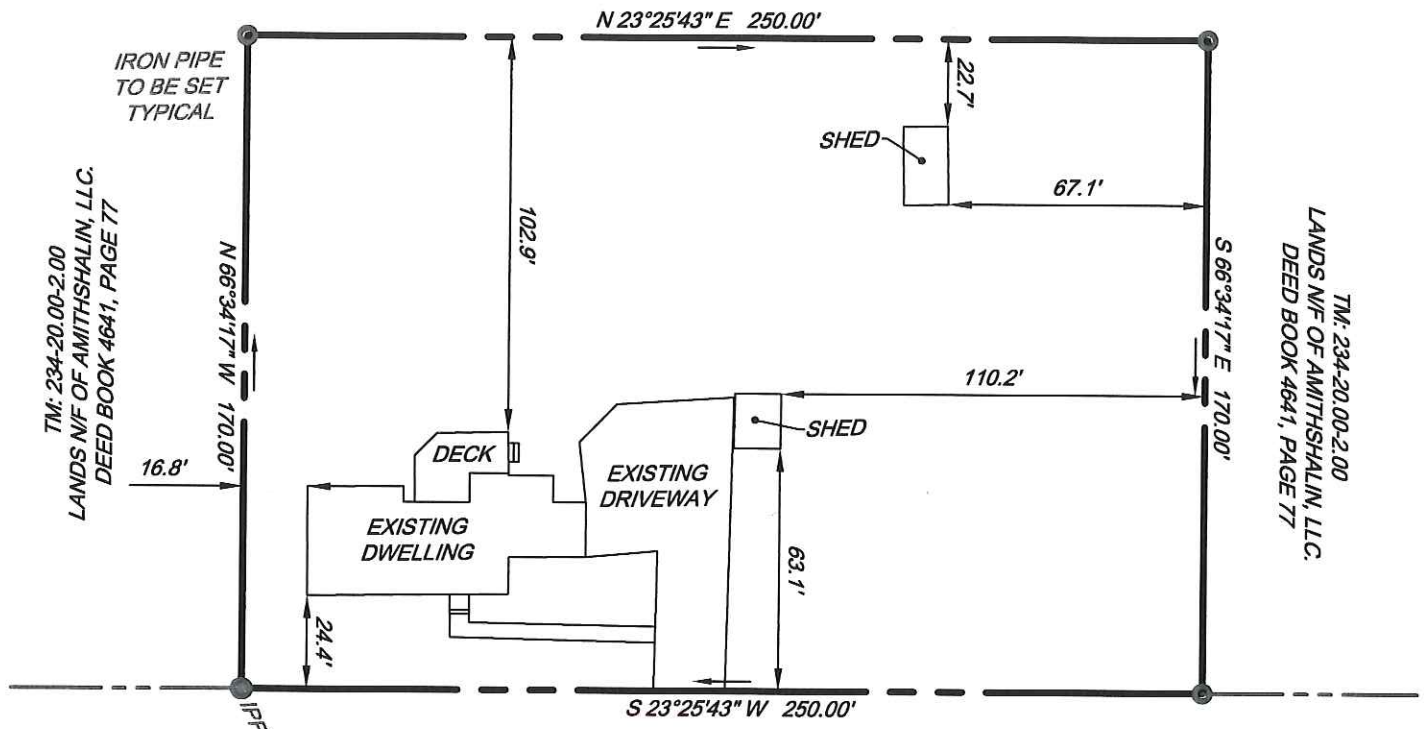


NOTES

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4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS SURVEY.



TM: 234-20.00-2.00
 LANDS N/F OF AMITHSHALIN, LLC.
 DEED BOOK 4641, PAGE 77



**ZOAR ROAD - SCR 48
 (60' ROW)**

SETBACKS:
 FRONT - 40'
 SIDE - 15'
 REAR - 20'

SURVEY CLASSIFICATION: SUBURBAN
 LOT AREA: 42,500 sq.ft.± (0.98 ac.±)
 PLAT REF.: PLAT BOOK 68, PAGE 172



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 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

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LANDS N/F OF SHANE ESKRIDGE
 24815 ZOAR ROAD, GEORGETOWN, DE. 19947
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE
BOUNDARY & LOCATION SURVEY PLAN

TM: 234-20.00-2.04
 NORMAN SWIFT
 24892 PEBBLE LANE
 GEORGETOWN, DELAWARE 19947

PROJECT	SWIFX19001
DATE	2017-10-17
DRAWING SCALE	1"=50'
DRAWN BY	KMD
APPROVED BY	SKC

SHEET 1 OF 1

S:\PROJECTS\DELTEK 10-2019\SWIFX19001\DESIGN\SWIFX19001-1-V-SP.DWG PLOTTED: 10/18/2019 10:13:09 AM, BY: KEITH DAVIDSON PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: —

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

SUSSEX COUNTY NOTICE OF VIOLATION

May 21, 2019

SHANE ESKRIDGE
24815 ZOAR ROAD
GEORGETOWN, DE 19947

REFERENCE NUMBER 201811436- ADDITION
PARCEL: 234-20.00-2.04
LOCATION: 24815 ZOAR ROAD GEORGETOWN

Code Violation:	Article: IV	Chapter 115	Section: 115-25- C
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It has come to the attention of the Sussex County Planning and Zoning Department that the property described above is in violation of Sussex County Code.

The County Code requires a principal structure to comply with required setbacks from the property line. Based on a site visit conducted on May 17, 2019, the placement of the principal structure is in violation of the required setback requirements.

You are hereby directed to cease the activity described above and conform to Chapter 115 of the County Code immediately upon receipt of this Notice unless otherwise directed. Failure to comply by the date specified will result in referral to the Sussex County Constable for enforcement action. Subsequently, the violation will be forwarded to the Justice of the Peace Court where you will be notified to appear. At which time, you may request a hearing on the matter.

Within **fifteen calendar (15) days** of the date of this letter the violation shall be corrected. If you have questions regarding the violation, please contact me to discuss the violation. If you have evidence, e.g., surveys, plats, or other documents that address this preliminary finding, please provide copies for our review.

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

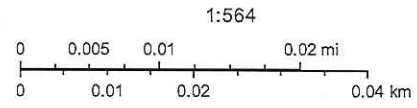
Sincerely,
KELLY PASSWATERS
302-855-7878





PIN:	234-20.00-2.04
Owner Name	ESKRIDGE SHANE
Book	4770
Mailing Address	24815 ZOAR ROAD
City	GEORGETOWN
State	DE
Description	W/RT 49
Description 2	N/RT 297
Description 3	N/A
Land Code	

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



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 # 12555
Hearing Date 5/3
202103094

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:

33366 Old Pier Lane Frankford, DE 19945

Variance/Special Use Exception/Appeal Requested:

Requesting 10ft variance for deck and 6ft variance for steps.

Tax Map #: 134-19-610

Property Zoning: AR-1

Applicant Information

Applicant Name: Kelsey, Coastal Life Patios
Applicant Address: 17326 Coastal Hwy
City Lewes State DE Zip: 19959
Applicant Phone #: 302-945-6964 Applicant e-mail: blanch@coastallifepatios.com

Owner Information

Owner Name: Marie Burkman
Owner Address: Old Pier Lane (33366)
City Frankford State DE Zip: 19945 Purchase Date: APRIL 2018
Owner Phone #: 410-917-1091 Owner e-mail: marieburkman1091@icland.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

Kelsey Harding

Date: 3/3/21



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.

LOT 123 is completely cut off at porch. Due to grade, to properly make use of property we believe proposed construction to be necessary.

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 grade and setbacks, zoning allows for no use of back property. In order to be less invasive proposed construction is necessary.

3. Not created by the applicant:

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

Appellant has had no influence on grade, zoning, or changing set backs by additions.

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.

- Plenty of other lots have patios and backyard structures.
 - Appropriate measures will be taken to not disrupt other lots by doing proposed construction
-

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.

- Requested size is minimum compared to standard deck sizes.
 - We require only 10' additional.
-

• We believe this is the most unintrusive way to make use of property

Marie Burkman
33366 Old Pier Lane
Frankford, DE 19945

To install 10'x18.6' Timbertech Deck and a 10'x17.4' Nicolock Paver Patio and 14'x4' Walkway to Deck from Patio. We're asking for setbacks to be furthered by 10' from left side of deck, 2.5' from right side of deck, 6' from steps and walkway.

CRITERIA FOR VARIANCE:

1. UNIQUENESS OF PROPERTY

- Lot 123 is completely irregular at the back of the property. Lot owners have no space out of there porch, it is completed cut off. Also, the grade requires a Deck for proper use due to lot and grade.

2. CANNOT OTHERWISE BE DEVELOPED

- We believe the proposed construction is necessary for reasonable use of the property.
- The other option would be to reduce the grade, which would not be minimally intrusive.

3. NOT CREATED BY THE APPLICANT

- The appellant was not involved in the planning and zoning process.
- The appellant has made no changes to their property that has had any direct impact of making this issue.

4. WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD

- Lots in the same development have been zoned to allow similar proposed construction.
- The proposed construction would only benefit the overall look the community has set standard and compliance wise.
- The proposed construction will have appropriate drainage compliance, to not put detrimental effect on adjacent properties.
- The proposed structure would harmonize with the grade instead of having to fill it and grade it out.

5. MINIMUM VARIANCE

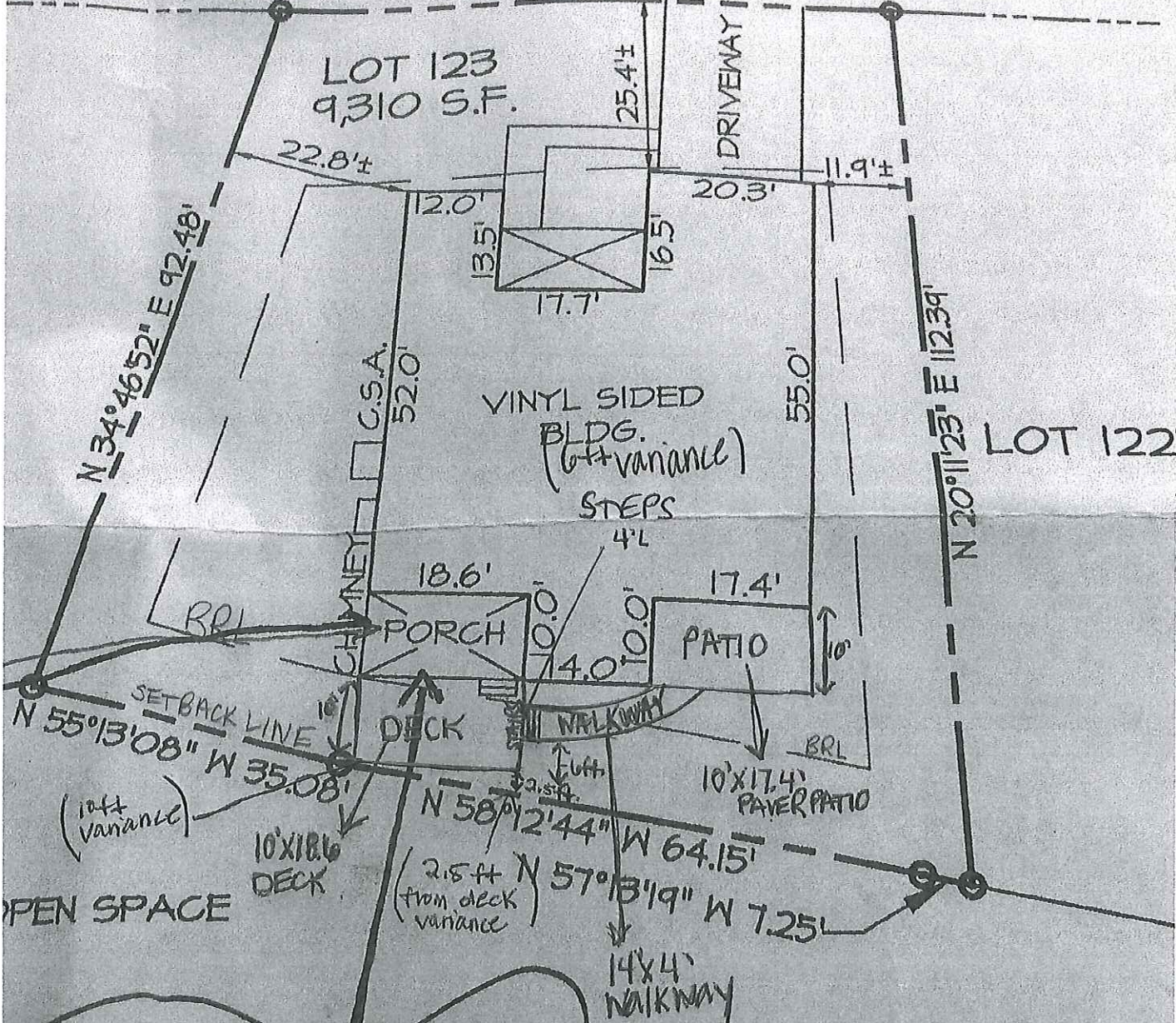
- We require only 10 Linear feet additional for the proposed construction, the size requested is of minimal size when compared to standard sized decks. We believe this is the most unintrusive way to make proper use of appellant's property.

OLD PIER LANE

(PRIVATE 50' R.O.W.)

591.14' TO THE
INTERSECTION OF
ATCH HILL ROAD

S 69°48'37" E 78.67'



LOT 122

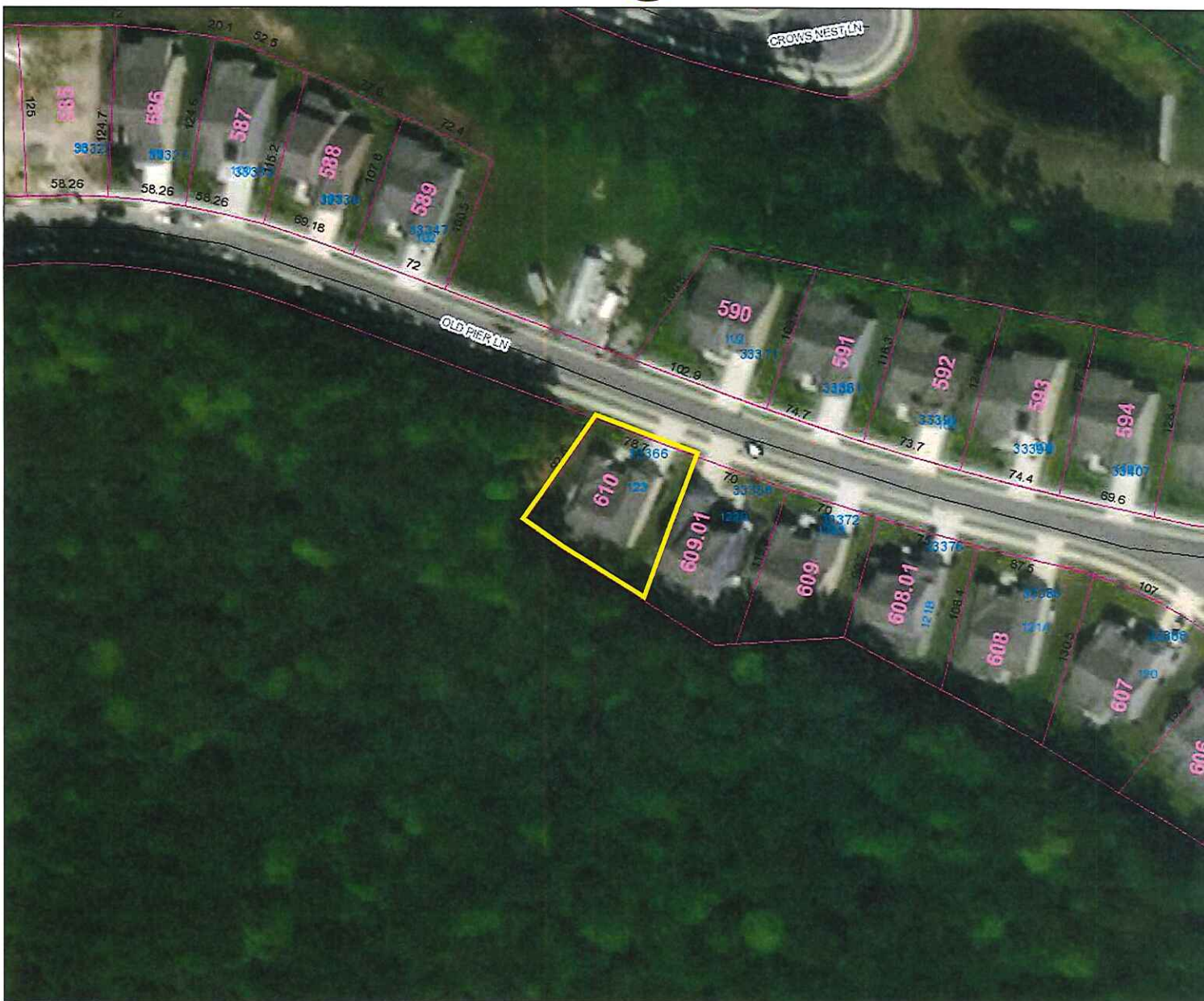
ALL CONSTRUCTION
UNDER EXISTING
PARTY.







Sussex County



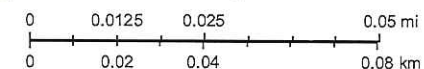
PIN:	134-19.00-610.00
Owner Name	BURKMAN JAMES F
Book	4875
Mailing Address	429 MAYAPPLE CT
City	ABINGDON
State	MD
Description	THE ESTUARY
Description 2	LOT 123
Description 3	N/A
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128



**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 # 12556
Hearing Date 5/13
202103865

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-25 115-182
115-185

Site Address of Variance/Special Use Exception:

16086 Willow Creek Road Lewes, De. 19958

Variance/Special Use Exception/Appeal Requested:

We are requesting a 6" increase in our proposed front yard fence height, so that we can achieve compliance with the 4' fence height that is required by code around all swimming pools.

Tax Map #: 235-23.00-4.12

Property Zoning: AR1

Applicant Information

Applicant Name: Lisa Nicoletti and John Smilyk

Applicant Address: 16086 Willow Creek Road

City Lewes State De Zip: 19958

Applicant Phone #: (302) 228-1865 Applicant e-mail: Ldnicoletti@gmail.com

Owner Information

Owner Name: Lisa Nicoletti and John Smilyk

Owner Address: 16086 Willow Creek Road

City Lewes State De Zip: 19958 Purchase Date: 8/3/18

Owner Phone #: (302) 228-1865 Owner e-mail: Ldnicoletti@gmail.com

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: 3/15/21



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 property has highly unusual topography, shape and length. The parcel is extremely long (over 1000 ft or 2/10's of a mile) and shallow. It undulates with very steep grades changes. & starts at approx. 22' elevation and ends at a 2' elevation where it terminates into a farm pond. While these unusual characteristics make the site beautiful and sylvan; they also limit the areas that can be developed/ reasonably used.

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.

Because of the limitations of the property stated above; our home is sited perpendicular to the long, winding road frontage and we are without a "rear yard" to use. However, a limited "side yard" occupies the usable area behind our home where we planned a pool. In order for us to comply with the 4' pool fence code & reasonably utilize the limited area in our side yard for this pool; we will need to run our fence along a portion of the FRONT property line with the required 4' fence; not 3.5'.

3. Not created by the applicant:

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

Our request for this additional increase of 6" in fence height, along our front property line, is so that we can be in strict compliance with the required 4' fence height around pools that the Sussex County building code has established.

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

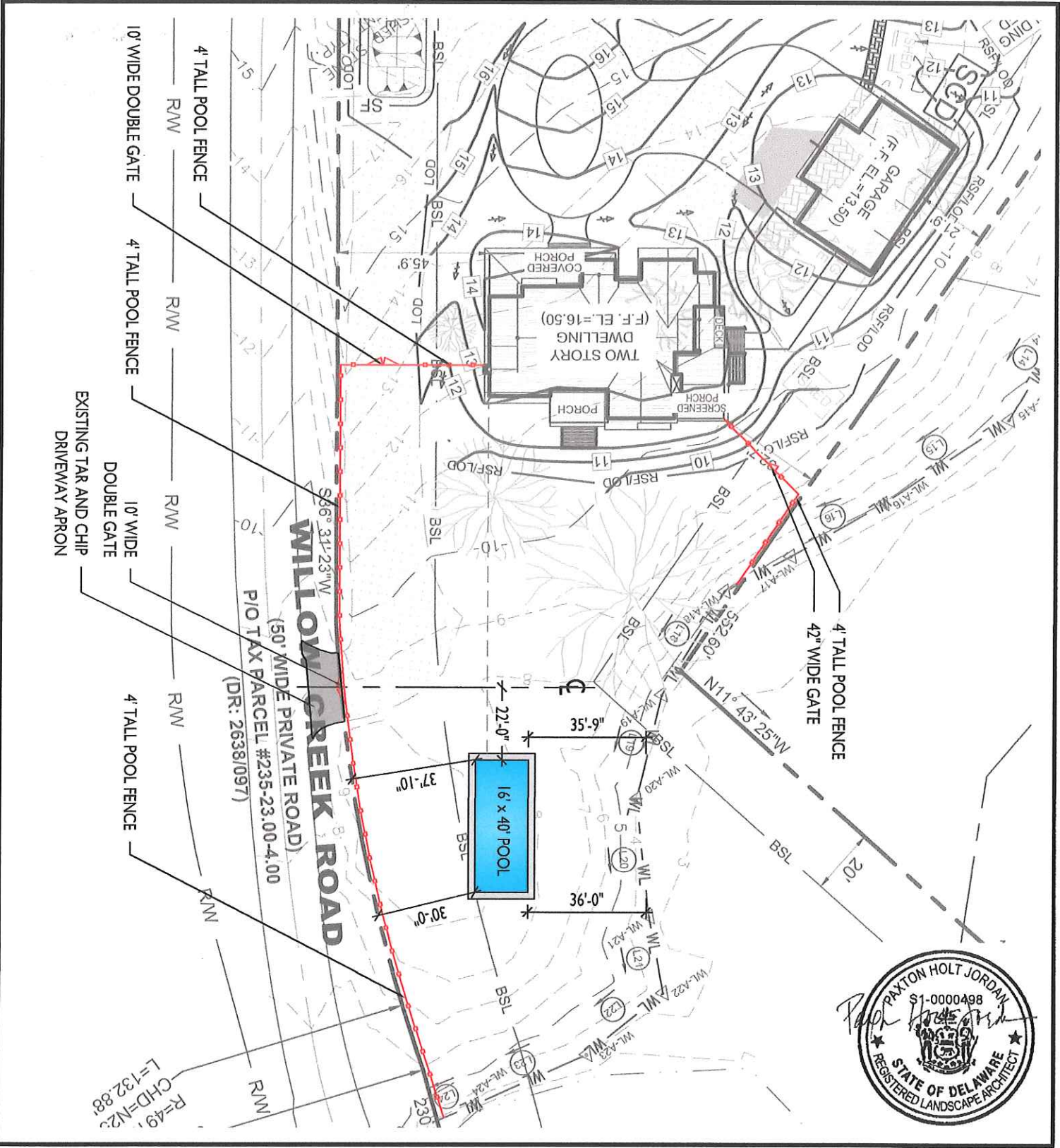
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

Home to a former nursery for 35 yrs; the front property border is already lined in mature trees & established evergreen hedges. We plan to supplement and enhance the beauty of the fence line, if granted, with mature holly, pine and magnolia trees and camouflage the fence between existing and new plantings. The fence would be across the street from a high, densely wooded berm. Without any adjacent homes facing the fenceline; we do not believe the character of community will be altered/impaired.

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 requested variance of 6" of increased fence height represents the least modification necessary to afford relief to meet the current 4' county building code requirement for us to enclose our pool and yard for safety.



<p>Pool and Fence Layout Plan</p>	<p>Nicoletti Residence 16086 Willow Creek Road Lewes, DE 19958</p>	<p>Scale: 1" = 40' Date: 3.16.2021 Revisions:</p>	 <p>JORDAN HONEYMAN Landscape Architects, LLC 711 Florida Avenue, NW Washington, DC 20001 202.986.0711 202.986.0712 FAX</p>
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BOARD OF ADJUSTMENT APPLICATION: VARIANCE

*Additional information from Applicants and homeowners

Lisa Nicoletti and John Smilyk

16086 Willow Creek Road

Lewes, De. 19958

TAX MAP # 235-23.00-4.12

**CRITERIA FOR A VARIANCE: ANSWERS EXPANDED AND CONTINUED
FROM APPLICATION...**

2. CANNOT OTHERWISE BE DEVELOPED: CONTINUED...

&

3. NOT CREATED BY THE APPLICANT: CONTINUED...

*The placement and orientation of our home on this property was largely predetermined for us based on the existing structures and use of the property prior to our purchase in 2018. We conducted a full topographic survey of the property with Merestone Engineering Consultants when we purchased. Due to the uniqueness of the parcels drastic changes in elevation; the engineer at Merestone Consultants then designed a grading plan to handle these steep grade changes in which he strongly advised us to limit the areas of disturbance to land to best preserve "existing drainage patterns". These drainage patterns had been well established for decades and it was clear that the water wanted to follow in these directions. We were left with few options but to work with what existed and not disturb Mother Nature.

In order to follow the engineer's advice, we kept the existing features of the property intact:

* We left the existing accessory building in place.

* We shaped and kept the existing driveway entrance and car park area because of the heavy compaction of 30 years as a nursery and used only pea gravel tar and chip to promote further permeability and prevent added future runoff.

* We kept the former garage footprint for new garage to maintain grading and the high volume/velocity of water that drains & travels around it; which had worked well and existed for over 30 years.

*We kept the existing 150 foot brick walkway between the accessory structure and garage.

* We kept the existing septic field in place and expanded it to accommodate the new dwelling; this septic field now takes up the greater part of the area in front of our home.

The remaining small “rear” yard” between the garage and home is taken up by the septic tank location which was also the recommended location because of the natural fall from the home.

*We kept all but 1 of the 100’s of existing mature, old growth trees throughout the property.

So, after all of the areas and placements above were kept intact; the remaining developable land for the positioning of our home was on a steep grade toward the end of the long property. We situated the home at the end of the existing driveway to try and keep a cohesive appearance from the roadside along the longest view and stretch where neighbors drive past. This allowed us to unify the existing structures and features that had been here for decades. Because of the fact that the home’s placement and orientation spans a 5’ drop in elevation; it slopes dramatically downhill at the rear of our home and terminates at an existing swale. That swale safely and successfully diverts the water draining the entire length of our property.

To conclude, the limited remaining area beyond that swale levels off nicely and is the only high, flat area on the property that is reasonably suited for a pool. It is within this area that we have designed a pool; but we’re unable to enclose and otherwise cannot develop this area, without the 6” increased fence height variance to comply with the required 4’ fence height for pools.



4. WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD: CONTINUED....

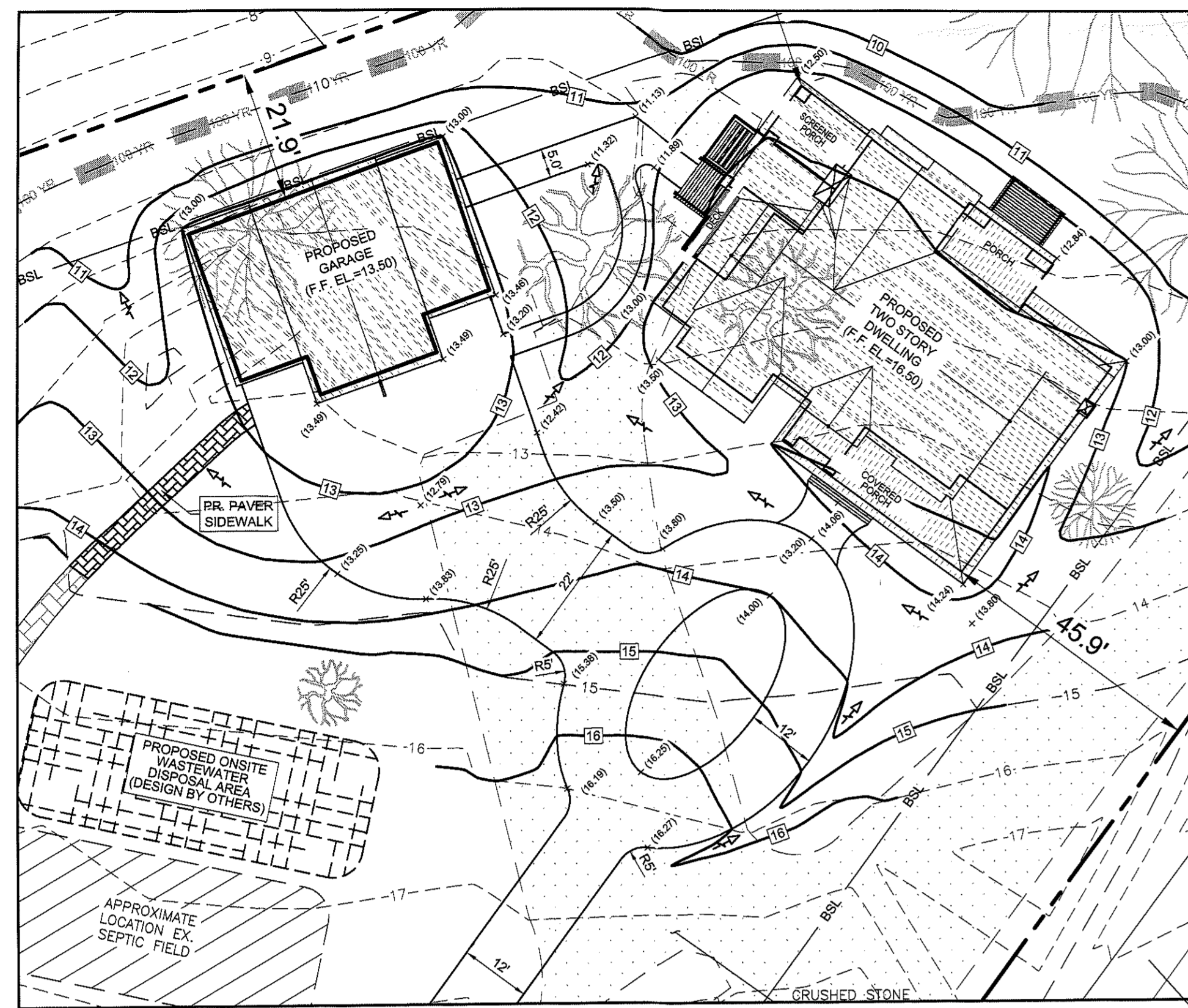
We don’t believe the variance will alter the essential character of the neighborhood because there are already a few properties in the community that have tastefully enclosed their entire parcels with fencing along the entire front yard property line. Both of these front property fences are located at the entrance to the community which sets a tone and atmosphere. These fence lines also have mature trees and hedges that complement the aesthetics of the neighborhood.

One particular neighbor has a full, front yard property line fence that exceeds the 3.5' feet maximum height by approximately 1'; which could be a potential precedent.

However, unlike the other properties, the fence/height will not be a dominant feature and will be minimized from view because we are only requesting a variance for a small segment of our entire front property line to have a 4' fence height in an area on the far end of property. We believe the location of this fence line will not directly impact the view or aesthetics nor impair the development of and of the adjacent neighbors whose homes are located quite a distance away with wooded and forested areas in between.

5. MINIMUM VARIANCE: CONTINUED...

The nominal 6" variance is only for a segment of frontage at the very end of our long, meandering property that borders the entire length of the road. This portion of fence line is largely hidden from view due to a long bend in the road. Passersby will not come upon the fence line until after they have cleared the bend and arc along the road and passed by our driveway, home and garage and the rear of our home. It is easily perceived to be our "backyard" as you experience walking or driving past the area, even though it is technically considered our front yard setback.

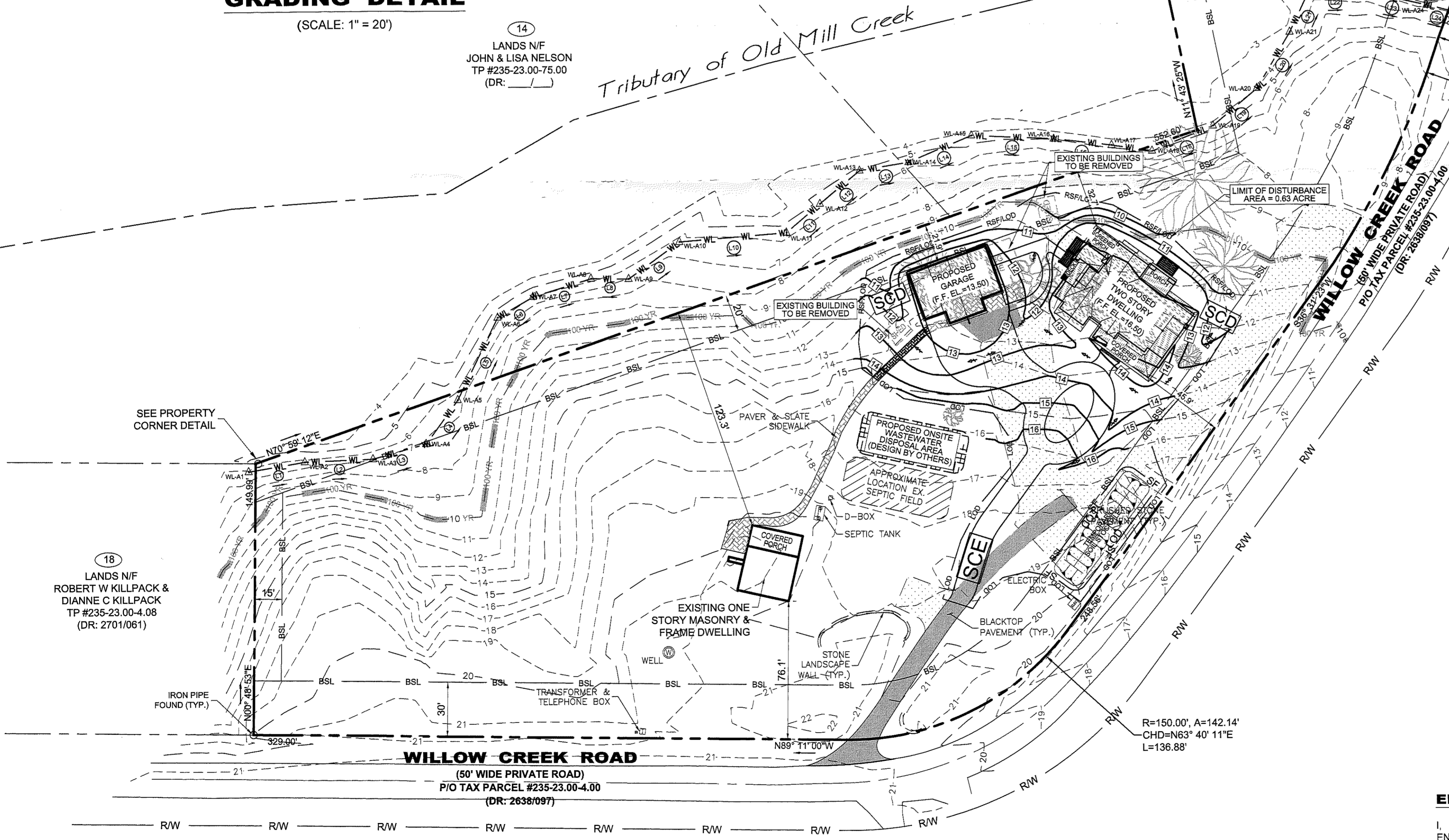


GRADING DETAIL

(SCALE: 1" = 20')

LEGEND

PROPERTY LINE	---
BUILDING SETBACK LINE	BSL
CENTERLINE ROAD	---
EASEMENT LINE	+
RIGHT-OF-WAY LINE	R/W
EXISTING CONTOUR	-30-
FENCE LINE	X X
WETLAND DELINEATION LINE	WL
100 YEAR FLOODPLAIN (BFE=10)	100 YR
CRUSHED STONE PAVEMENT	CS
BLACKTOP PAVEMENT	BT
IRON PIPE FOUND	IP
REBAR FOUND	RF
CONCRETE MONUMENT FOUND	CM
UTILITY POLE	UP
TRANSFORMER	TR
TELEPHONE RISER	TR
PROPOSED SPOT ELEVATION	SP
SILT FENCE	SF
LIMIT OF DISTURBANCE (LOD)	LOD
LOD/SILT FENCE	SFLOD
LOD/REINFORCED SILT FENCE	RSFLOD
DRAINAGE ARROW	DA
STABILIZED CONSTRUCTION ENTRANCE	SC
STONE CHECK DAM	SCD

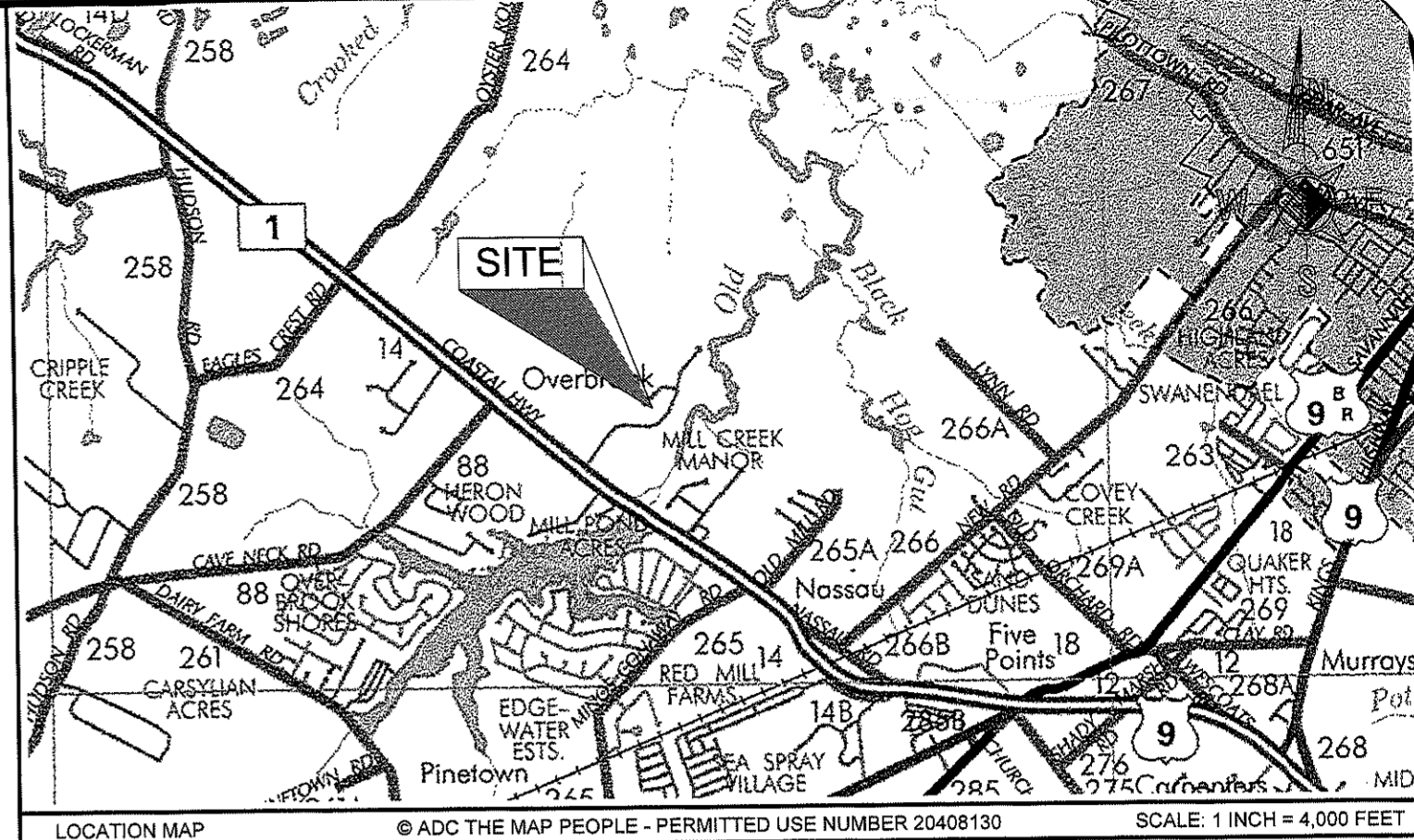


Wetland Line Table

Line #	Length	Direction
L1	31.56'	N80° 39' 40"E
L2	37.76'	N87° 58' 00"E
L3	30.56'	N74° 37' 24"E
L4	29.85'	N36° 15' 50"E
L5	50.28'	N26° 23' 37"E
L6	22.63'	N60° 24' 06"E
L7	33.87'	N73° 21' 36"E
L8	20.86'	S89° 21' 28"E
L9	34.57'	N54° 27' 25"E
L10	59.43'	N85° 35' 23"E
L11	24.41'	N49° 49' 56"E
L12	28.70'	N50° 05' 42"E
L13	27.49'	N80° 22' 18"E
L14	37.73'	N67° 17' 41"E
L15	45.59'	S87° 21' 52"E
L16	32.25'	S83° 20' 21"E
L17	22.63'	S81° 27' 09"E
L18	36.69'	N67° 43' 48"E
L19	32.16'	N49° 41' 45"E
L20	35.92'	N30° 39' 04"E
L21	23.44'	N25° 39' 22"E
L22	29.77'	N87° 47' 00"E

Wetland Line Table

Line #	Length	Direction
L23	36.85'	S77° 37' 14"E
L24	13.97'	S76° 20' 08"E
L25	6.78'	N47° 53' 02"E
L26	34.12'	N21° 08' 41"E
L27	38.41'	N05° 29' 27"E
L28	45.52'	N08° 59' 30"E
L29	41.01'	N19° 52' 48"E
L30	21.84'	N26° 37' 03"E
L31	7.97'	N58° 30' 35"W
L32	8.04'	S60° 33' 47"W
L33	16.98'	S89° 13' 52"W
L34	27.55'	N65° 24' 05"W
L35	17.93'	N58° 43' 39"W
L36	8.65'	N80° 22' 24"W
L37	12.03'	S75° 04' 28"W
L38	10.27'	S47° 24' 16"W
L39	14.77'	S41° 02' 23"W
L40	15.42'	S37° 17' 25"W
L41	12.86'	S36° 19' 47"W
L42	16.30'	S26° 29' 53"W
L43	12.07'	S35° 06' 49"W
L44	31.39'	S82° 45' 02"W



PLAN DATA:

PARCEL I.D. NO.	235-23.00-4.12
DEED REFERENCE	DB 4930, PG 25
PLOT REFERENCE	PLOT BOOK 40, PAGE 192
EXISTING ZONING	AR-1 (AGRICULTURAL/RESIDENTIAL)
OWNERS	JOHN L. SMILYK & LISA D. NICOLETTI 16826 BLACK MARLIN CIRCLE LEWES, DE 19958
HORIZONTAL DATUM	NAD 83(2011) Epoch 2010.00
VERTICAL DATUM	NAVD 1988
PARCEL AREA RATIONALE	
GROSS PARCEL AREA	= 3.9026 ACRES
UPLANDS TOTAL	= 3.1459 ACRES
WATERS OF THE UNITED STATES =	0.7567 ACRES
a. PALUSTRINE FORESTED WETLANDS TOTAL	= 0.3412 ACRES
b. WATERS OF THE UNITED STATES TOTAL (POND)	= 0.4155 ACRES

SITE DEMOLITION AND CLEARING NOTES:

- ALL SITE DEMOLITION AND CLEARING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND ALL APPLICABLE LOCAL, COUNTY, STATE OR FEDERAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LOCAL, COUNTY, STATE OR FEDERAL DEMOLITION PERMITS BEFORE BEGINNING DEMOLITION WORK.
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA AT LEAST THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- THE CONTRACTOR SHALL PROVIDE THE REQUIRED DEMOLITION AND REMOVAL OF STRUCTURES/ITEMS IN ACCORDANCE WITH THE AREAS SHOWN ON THE PLAN AND THOSE AREAS NECESSARY TO INSTALL THE PROPOSED IMPROVEMENTS. THE CONTRACTOR SHALL CONDUCT DEMOLITION ACTIVITIES IN A MANNER TO ENSURE MINIMUM INTERFERENCE WITH PEDESTRIAN AND VEHICULAR TRAFFIC AREAS TO PROVIDE A SAFE WORK ZONE.
- THE CONTRACTOR SHALL PRESERVE ALL TREES ON THE SITE EXCEPT WHERE NECESSARY TO CONSTRUCT PROPOSED BUILDINGS, UTILITIES, DRIVEWAYS, OR PARKING AREAS.
- NO DEBRIS WILL BE BURIED ON THIS SITE. ALL DEMOLITION WASTE AND DEBRIS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, COUNTY, STATE AND FEDERAL REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE AND REPAIRS TO EXISTING STRUCTURES THAT ARE TO REMAIN THAT OCCUR DURING SITE DEMOLITION. ALL REPAIRS MUST USE NEW MATERIALS AND RESTORE THE ITEM TO THE PRE-DEMOLITION CONDITION AT HIS/HER EXPENSE.
- THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY FOR SITE DEMOLITION. ALL DEMOLITION, CLEARING, SOLID WASTE DISPOSAL AND REMOVAL MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- PORTIONS OF THE SITE ARE LOCATED WITHIN ZONE "AE", BASE FLOOD ELEVATION = 10 FEET AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP NUMBER 1005C0189K LAST REVISED MARCH 16th, 2015.
- COPYRIGHT © 2018, MERESTONE CONSULTANTS, INC. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED BY PHOTOCOPIING, RECORDING OR BY ANY OTHER MEANS, OR STORED, PROCESSED, OR TRANSMITTED IN OR BY ANY COMPUTER OR OTHER SYSTEMS WITHOUT THE PRIOR WRITTEN PERMISSION OF MERESTONE CONSULTANTS, INC. COPIES OF THIS PLAN WITHOUT COLORED INK SIGNATURE AND A RAISED IMPRESSION SEAL ARE NOT VALID.
- THIS PARCEL WAS CREATED BY THE RECORDED OF "WILLOW CREEK SUBDIVISION", RECORDED IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE IN THE RECORDER OF DEEDS OFFICE IN PLOT BOOK 35 PAGE 291 ON OCTOBER 15, 1986. THE RECORDED OF THIS PLOT PRECEDES THE ADOPTION OF § 115-193 BUFFER ZONES FOR WETLANDS AND TIDAL AND PERENNIAL NONTIDAL WATERS, THEREFORE NO BUFFER OR SETBACK IS REQUIRED ALONG THE ORDINARY HIGH WATER LINE OF THE EXISTING POND. THIS INTERPRETATION WAS CONFIRMED BY JAMIE WHITEHOUSE, PLANNER, OF SUSSEX COUNTY PLANNING & ZONING ON 10 JULY 2018.

**STANDARD PLAN - RESIDENTIAL
CONSTRUCTION < 1.0 ACRE DISTURBED
LINES AND GRADES PLAN**

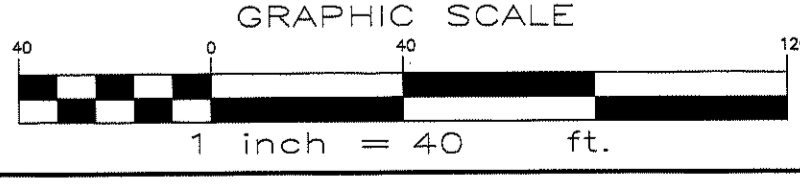
FOR PROPERTY KNOWN AS:
LOT #17 * WILLOW CREEK SUBDIVISION

ALSO KNOWN AS:
#16086 WILLOW CREEK DRIVE

PREPARED FOR:
LISA NICOLETTI

SITUATE IN:
**BROADKILL HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE**

TAX PARCEL #: 235-23.00-4.12
SCALE: 1" = 40'



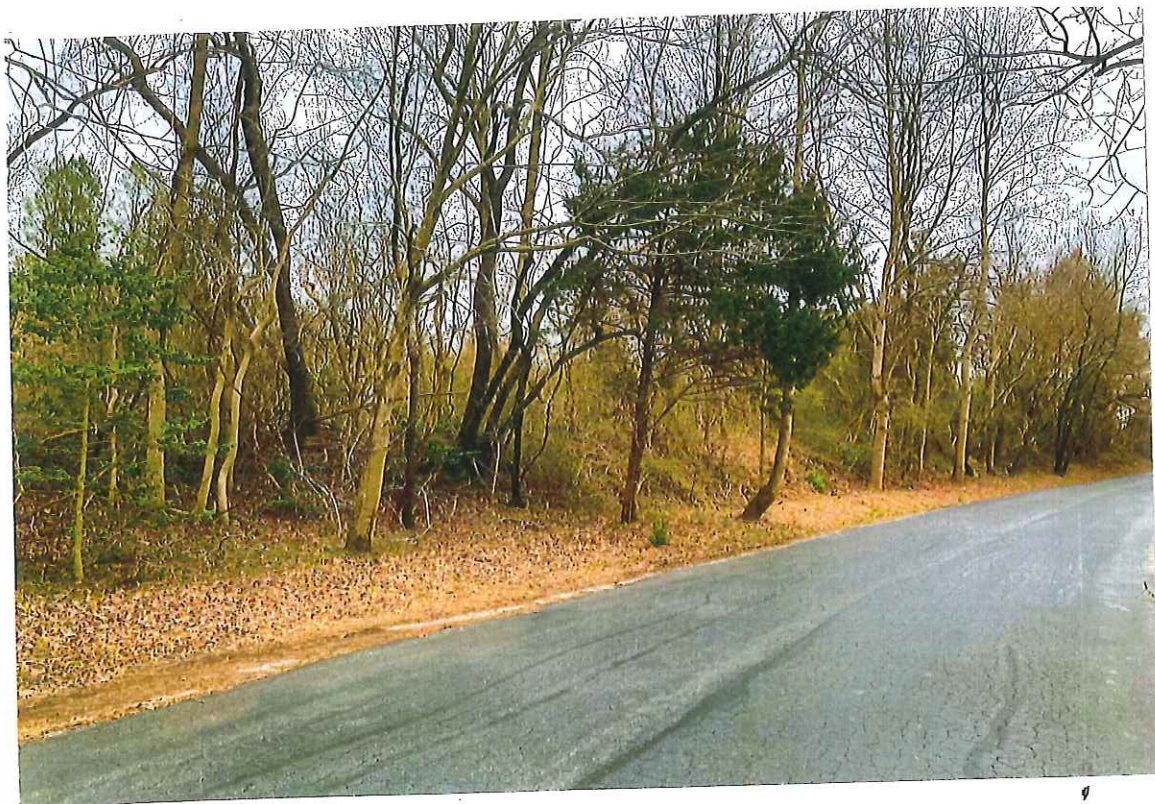
ENGINEER'S CERTIFICATION

I, ROGER A. GROSS, P.E. HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, AND THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

Roger A. Gross 3/16/21
DATE:

ROGER A. GROSS, P.E.
MERESTONE CONSULTANTS, INC.
33516 CROSSING AVENUE
UNIT 1 FIVE POINTS CROSSING
LEWES, DELAWARE 19958
(302) 226-5880

MERESTONE CONSULTANTS, INC.					
ENGINEERS - PLANNERS - SURVEYORS					
5215 WEST WOODMILL DRIVE WILMINGTON, DE 19808 PH: 302-992-7900 FAX: 302-992-7911	33516 CROSSING AVENUE UNIT 1, FIVE POINTS SQUARE LEWES, DE 19958 PH: 302-226-5880 FAX: 302-992-7911				
3/19/19	ADDED 100 YEAR FLOODPLAIN R.A.G.				
DATE	REVISION	CHKD	DRAWN BY: RAG	DATE: 12 DECEMBER 2018	SHEET#: G-1



WILLOW CREEK ROAD LOOKING SOUTH
* ADJACENT PROPERTY IS A
ROAD SIDE W/A HIGH WOODED
BERM. THIS IS DIRECTLY ACROSS
FROM THE REQUESTED FENCE-
LINE. THERE IS NOT A
HOME THAT WILL BE DIRECTLY
IMPACTED RE: VIEW.



10860 WILLOW CREEK ROAD

PICTURE SHOWS MATURE/EXISTING
TREE LINED BERM TO THE RIGHT/
EAST OF HOUSE WHERE FENCE
WOULD BE DISGUISED BY TREES &
OTHER LANDSCAPING THAT WILL
BE SUPPLEMENTED.



* 16086 WILLOW CREEK ROAD

CLOSE-UP

* PICTURE OF AREA WHERE 4'

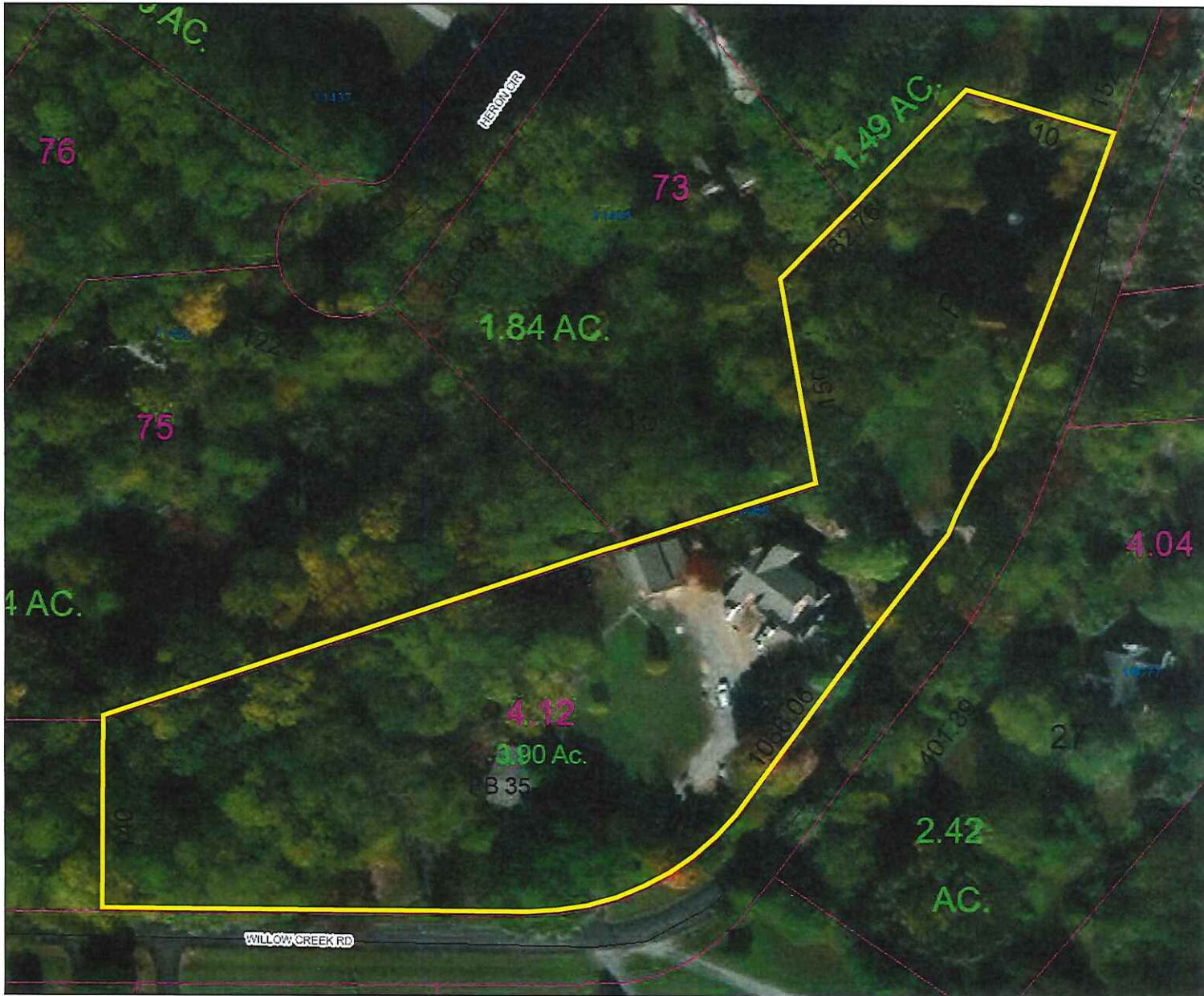
REQUESTED FENCE WILL RUN
ALONG HEAVILY WOODED BERM
§ ROADSIDE.

* BLACK IRON FENCE WILL BE
LARGELY HIDDEN BY TREE'S §
LANDSCAPING W/ MINIMAL IMPACT
TO CHARACTER OF STREET.



16086 WILLAW CREEK ROAD - LEW

- * PICTURE SHOWS REAR OF HOME & TREE LINED BERM/ROADSIDE PROPERTY LINE TO THE LEFT OF THE REAR OF HOME WHERE REQUESTED FENCE LINE WILL BE CAMOUFLAGED BEHIND EXISTING MATURE TREES & EVERGREEN HEDGES
- * ADDITIONAL MATURE EVERGREEN TREE'S & HEDGES WILL BE ADDED.



PIN:	235-23.00-4.12
Owner Name	NICOLETTI LISA D
Book	5045
Mailing Address	16086 WILLOW CREEK RD
City	LEWES
State	DE
Description	WILLOW CREEK
Description 2	LOT 17 AND THE POND
Description 3	N/A
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

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

