

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 17, 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 15, 2021

Approval of Finding of Facts for March 15, 2021

Old Business

Public Hearings

Case No. 12527 – Kathleen D. Stone & John C. Meyer seek variances from the side yard, front yard setback requirements and the landscape buffer requirement in the Combined Highway Corridor Overlay Zone (CHCOZ) for proposed structures. (Sections 115-82, 115-182, 115-183, 115-185 and 115-194.1 of the Sussex County Zoning Code). The property located on the west side of Carolina Street approximately 90 ft. northeast of Coastal Highway (Rt. 1). 911 Address: 38439 Carolina Street, Dewey Beach. Zoning District: C-1. Tax Parcel: 334-20.09-167.00

Case No. 12542 – Jeff & Victoria Rushie seek variances from the corner front yard setback requirements for proposed structures (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located at the intersection of North Bay Shore Drive and Maryland Avenue in Broadkill Beach. 911 Address: 10 Maryland Avenue, Broadkill Beach. Zoning District: MR. Tax Parcel: 235-4.13-63.00

Case No. 12557 – Key Properties Group, LLC (Elmer G. Fannin) seek variances from the front yard setback requirements and the landscape buffer requirement in the Combined



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

Highway Corridor Overlay Zone (CHCOZ) for existing and proposed structures (Sections 115-82, 115-182 and 115-194.1 of the Sussex County Zoning Code). The property is located on the northeast side of Coastal Highway (Rt. 1) approximately 546 ft. southeast of Kings Highway. 911 Address: 18315, 18321, 18327 Coastal Highway and 34670, 34673, 34677, 34682, 34703, 34704 Villa Circle, Lewes. Zoning District: C-1. Tax Parcels: 334-6.00-74.00, 75.00 & 70.01 (Portion of).

Case No. 12558 – Sequence Properties, LLC seek variances from the side yard setback requirements for existing and proposed structures (Sections 115-82 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Coastal Highway (Rt. 1) approximately 397 ft. southeast of Sea Air Avenue. 911 Address: 19724 Coastal Highway, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.00-319.01

Case No. 12559 – Steve T. Fitzgerald seeks a variance from the corner 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 on the corner of Riverside Drive and Marjorie Drive within The Island Subdivision. 911 Address: 9001 Riverside Drive, Seaford. Zoning District: AR-1. Tax Parcel: 331-7.00-51.00

Case No. 12560 – Yasin & Layla, LLC (Mahmut & Dawn Yilmaz) seeks a special use exception to operate a day care center (Sections 115-23, 115-72 and 115-210 of the Sussex County Zoning Code). The property is located on the southeast side of John J. Williams Highway (Rt. 24) at the intersection with Oak Orchard Road (Rt. 5). 911 Address: 31507 Oak Orchard Road, Millsboro. Zoning District: B-1 and AR-1. Tax Parcel: 234-29.00-263.12

Case No. 12561 – Kevin Phelan seek variances from the front yard, side yard and rear yard setback requirements for existing and proposed structures (Sections 115-25, 115-182, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located at the intersection of Cedar Creek Road (Rt. 30) and Cabbage Pond Road approximately 658 ft. south of Benson Road. 911 Address: 8952 Cedar Creek Road, Lincoln. Zoning District: AR-1. Tax Parcel: 230-14.00-68.00

Case No. 12562 – David Bower seek variances from the side yard and 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 on the southwest side of Mulberry Knoll Road approximately 0.25 mile northwest of John J. Williams Highway (Rt. 24). 911 Address: 19490 Mulberry Knoll Road, Lewes. Zoning District: AR-1. Tax Parcel: 334-12.00-16.02

Additional Business

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



In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 10, 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, May 13, 2021

####



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

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

Case # 12527
Hearing Date 2/15

202016325

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-82 115-182
115-183 115-185 115-194.1

Site Address of Variance/Special Use Exception:

38439 Carolina Street, Dewey Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Request for variance pursuant to § 115-82 to allow a reduction of the front yard setback requirement from 30' to 25.8' (4.2' request) and request for variance pursuant to § 115-194.1 to allow a reduction of the CHCOZ setback from 60' to 25.8' (34.2' feet request)

Tax Map #: 334-20.09-167.00

Property Zoning: C-1

Applicant Information

Applicant Name: Kathleen D. Stone and John C. Meyer
Applicant Address: 38439 Carolina Street
City Dewey Beach State DE Zip: 19971
Applicant Phone #: 484-639-2298 Applicant e-mail: stone97@gmail.com
(Kathleen Stone)

Owner Information

Owner Name: Kathleen D. Stone and John C. Meyer
Owner Address: 38439 Carolina Street
City Dewey Beach State DE Zip: 19971 Purchase Date: 07/02/2014
Owner Phone #: 484-639-2298 Owner e-mail: stone97@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Tunnell & Raysor, PA; Mackenzie M. Peet, Esq.
Agent/Attorney Address: 323E Rehoboth Avenue
City Rehoboth Beach State DE Zip: 19971
Agent/Attorney Phone #: (302) 227-1314 Agent/Attorney e-mail: mackenzie@tunnellraysor.com

Signature of Owner/Agent/Attorney

Mackenzie Peet

Date: 12/15/2020



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 uniquely shaped with a uniquely shaped building area as shown on the surveys attached hereto limiting and significantly reducing the Applicant's buildable area. These conditions have created an unusually shaped buildable area and have created an exceptional practical difficulty.

2. Cannot otherwise be developed:

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

The Property has a unique size and shape and condition and the buildable area is limited due to these conditions.

3. Not created by the applicant:

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

The preexisting conditions have resulted in a limited buildable area with the lot's unique and irregular shape that significantly affects the value and proposed use of the property, creating an exceptional practical difficulty.

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 Applicants are proposing to rebuild the existing structure in the exact location as it currently exists. There is no known neighbor opposition.

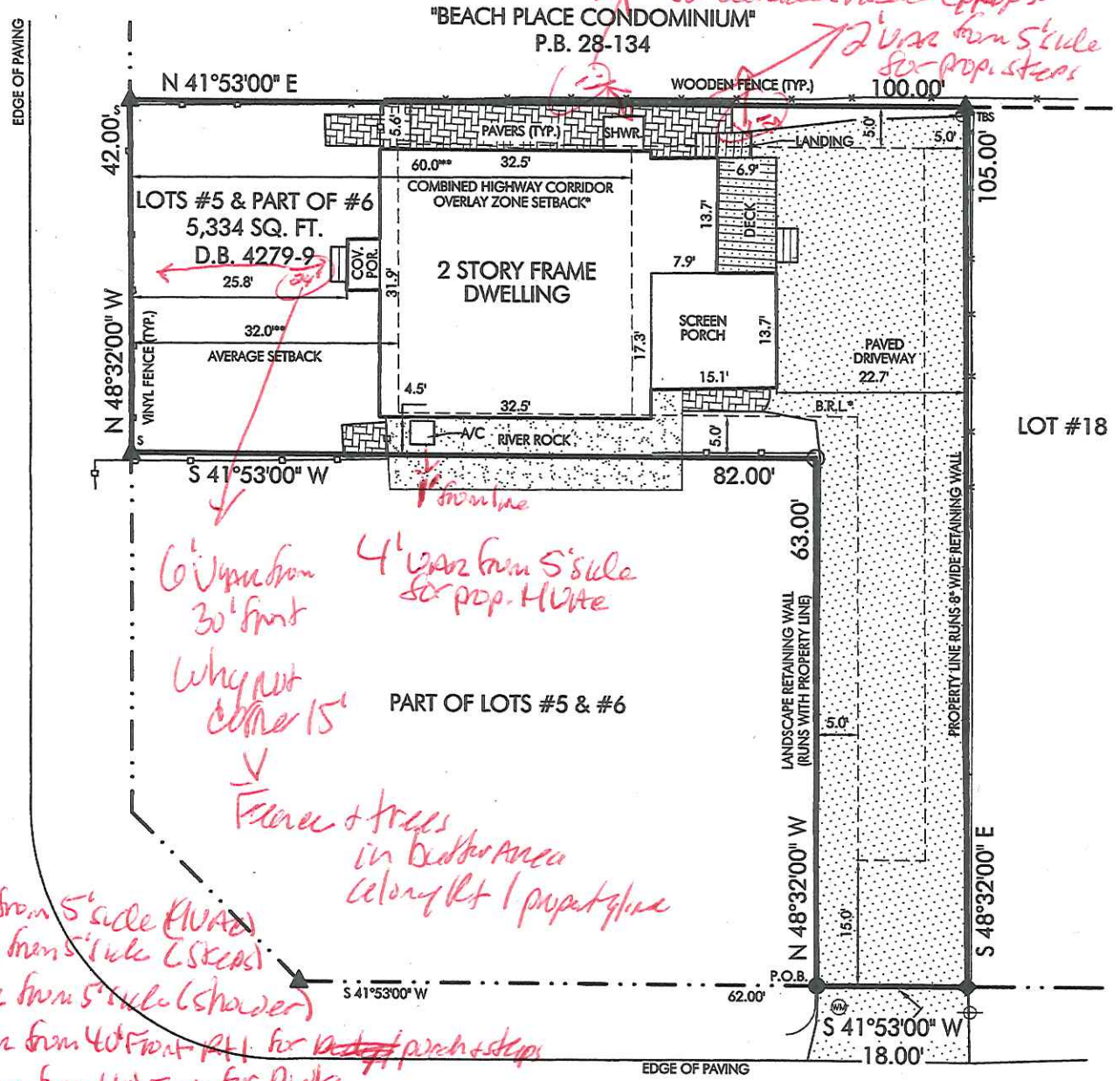
5. Minimum variance:

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 requests represent the minimum variance.

4' var from side for outside shade (prop)
 2' var from side for prop steps

DELAWARE RT. 1 / COASTAL HIGHWAY (NORTHBOUND LANE)



6' var from 30' front why not corner 15'
 4' var from S side for prop. HVAE
 Fence + trees in back area along Rt 1 property line

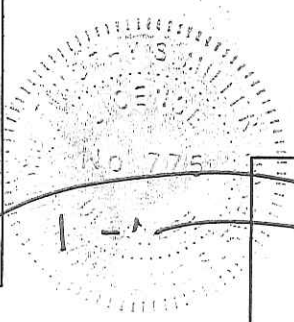
- ① 4' var from S side (HVAE)
- ② 2' var from S side (steps)
- ③ 4' var from S side (shade)
- ④ 16' var from 40' front RT 1 for deck porch steps
- ⑤ 10' var from 40' front for deck
- ⑥ 20' var from C&O2 Realignment along Rt 1

DE RT. 1 / COASTAL HIGHWAY AVERAGE SETBACK TABLE
 AVERAGE = 32.0*

PARCEL T.M. #	TYPE OF STRUCTURE	DISTANCE TO ROAD R/W
3-34-20.09-156.01	DECK	25.3'
3-34-20.09-158.00	BUILDING WALL	39.9'
3-34-20.09-159.00	COVERED PORCH	25.5'
3-34-20.09-166.00	BUILDING WALL	39.8'
3-34-20.09-168.00	COVERED PORCH	25.8'
3-34-20.09-187.00	COVERED PORCH	30.3'
3-34-20.09-184.00	COVERED PORCH	35.0'
3-34-20.09-45.01	BUILDING WALL	34.6'

- LEGEND:**
- IRON PIPE (FOUND)
 - ▲ IRON ROD (FOUND)
 - ▲ IRON ROD (SET)
 - TBS ▲ IRON ROD (TO BE SET)
 - ◆ "PK" NAIL (FOUND)
 - POINT IN RETAINING WALL
 - ⊕ UTILITY POLE
 - ⊗ WATER METER

NOTES:
 ZONING: COMMERCIAL C-1
 *REVISED 11/12/2020 TO SHOW AVERAGE SETBACK TABLE.
 **ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL SUSSEX CO. (302-855-7878) AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES).
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.
 SURVEY CLASS: SUBURBAN



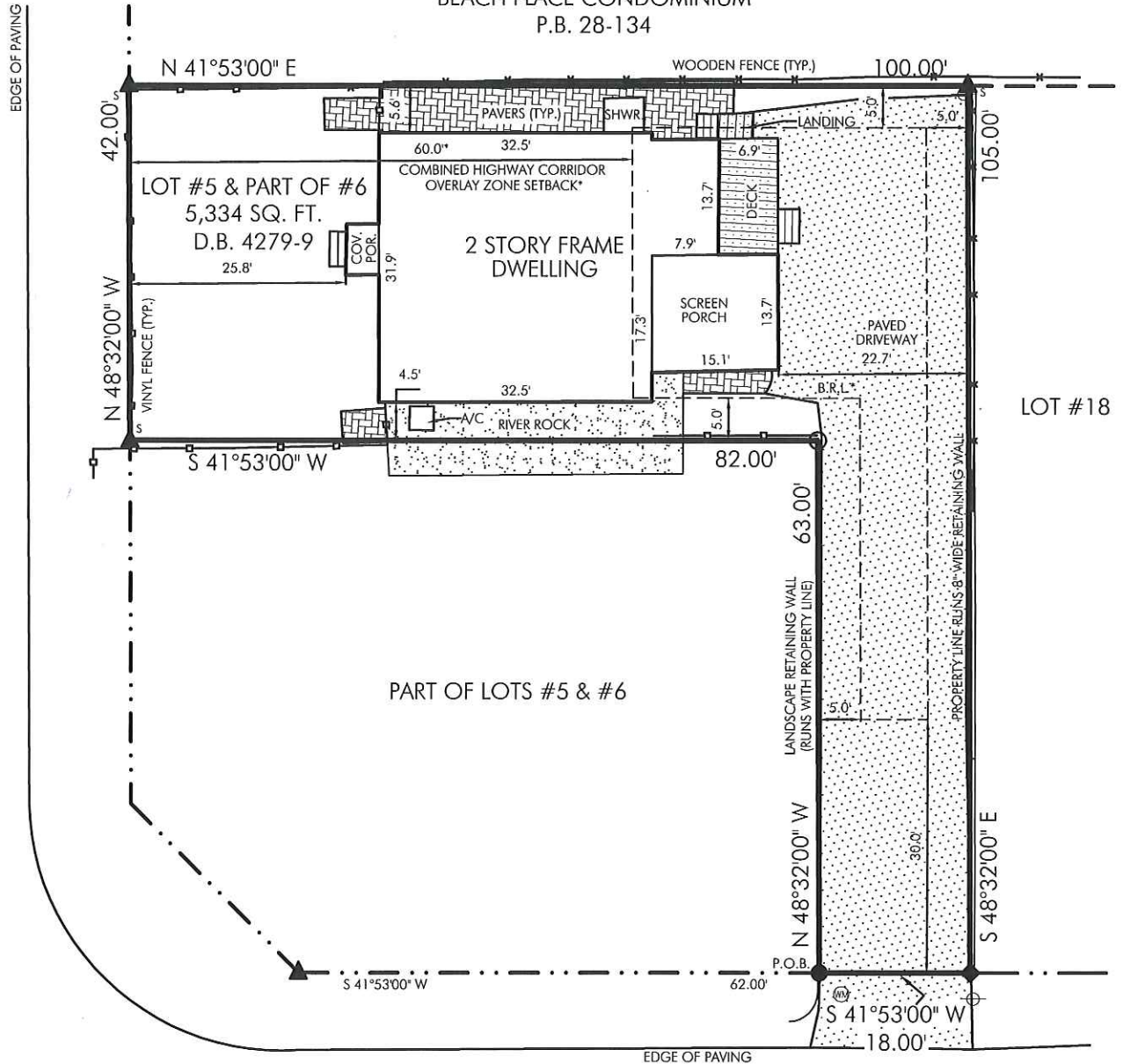
Prepared by:
FORESIGHT Services
 Surveying & Precision Measurement

Setbacks
 40' Front (Rt. 1)
 5' side
 5' rear
 15' Corn (Carolina)

BOUNDARY SURVEY PLAN FOR
JOHN C. MEYER & KATHLEEN D. STONE
 38439 CAROLINA STREET, DEWEY BEACH
 LOT #5 & PART OF LOT #6 OF
 "KILLENS ADDITION TO REHOBOTH BEACH"
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE
 MAY 29, 2019* SCALE: 1" = 20'

"BEACH PLACE CONDOMINIUM"
P.B. 28-134

DELAWARE RT. 1 / COASTAL HIGHWAY (NORTHBOUND LANE)



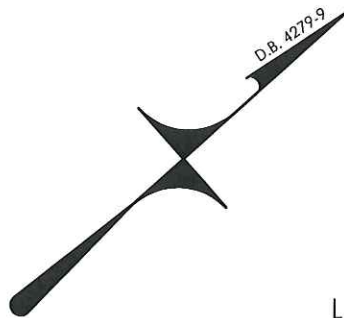
LOT #18

PART OF LOTS #5 & #6

CAROLINA STREET (R/W 40')

LEGEND:

- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- ▲ IRON ROD (TO BE SET)
- ◆ "PK" NAIL (TO BE SET)
- POINT IN RETAINING WALL
- ⊕ UTILITY POLE
- ⊗ WATER METER



NOTES:

ZONING: COMMERCIAL C-1
 *ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL SUSSEX CO. (302-855-7878) AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES).
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 NO TITLE SEARCH PROVIDED OR STIPULATED.
 SURVEY CLASS: SUBURBAN

BOUNDARY SURVEY PLAN FOR
**JOHN C. MEYER &
KATHLEEN D. STONE**

38439 CAROLINA STREET, DEWEY BEACH
 LOT #5 & PART OF LOT #6 OF
 "KILLENS ADDITION TO REHOBOTH BEACH"
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

MAY 29, 2019 SCALE: 1" = 20'

Prepared by:

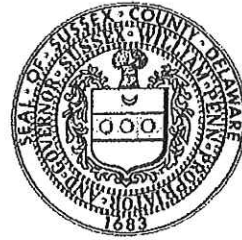
FORESIGHT Services

Surveying & Precision Measurement

Sussex County

DELAWARE
PLANNING & ZONING DEPARTMENT

sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR



SETBACK INFORMATION REQUEST

Date of Request 09/25/2020 Zoning District C-1
Customer Name Mackenzie Peet
Customer Contact mackenzie@tunnellraysor.com
Tax Parcel ID 334-20.09-167.00 Lot/Unit Number 5
Parcel Address 38439 Carlina St
Front Yard Setback 30' Residential 60' Commercial (Carolina St)
Side Yard Setback 5'
Rear Yard Setback 5'
Corner Front Yard Setback 15' (Coastal Hwy)
Maximum Height 42'

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

Additional Notes:

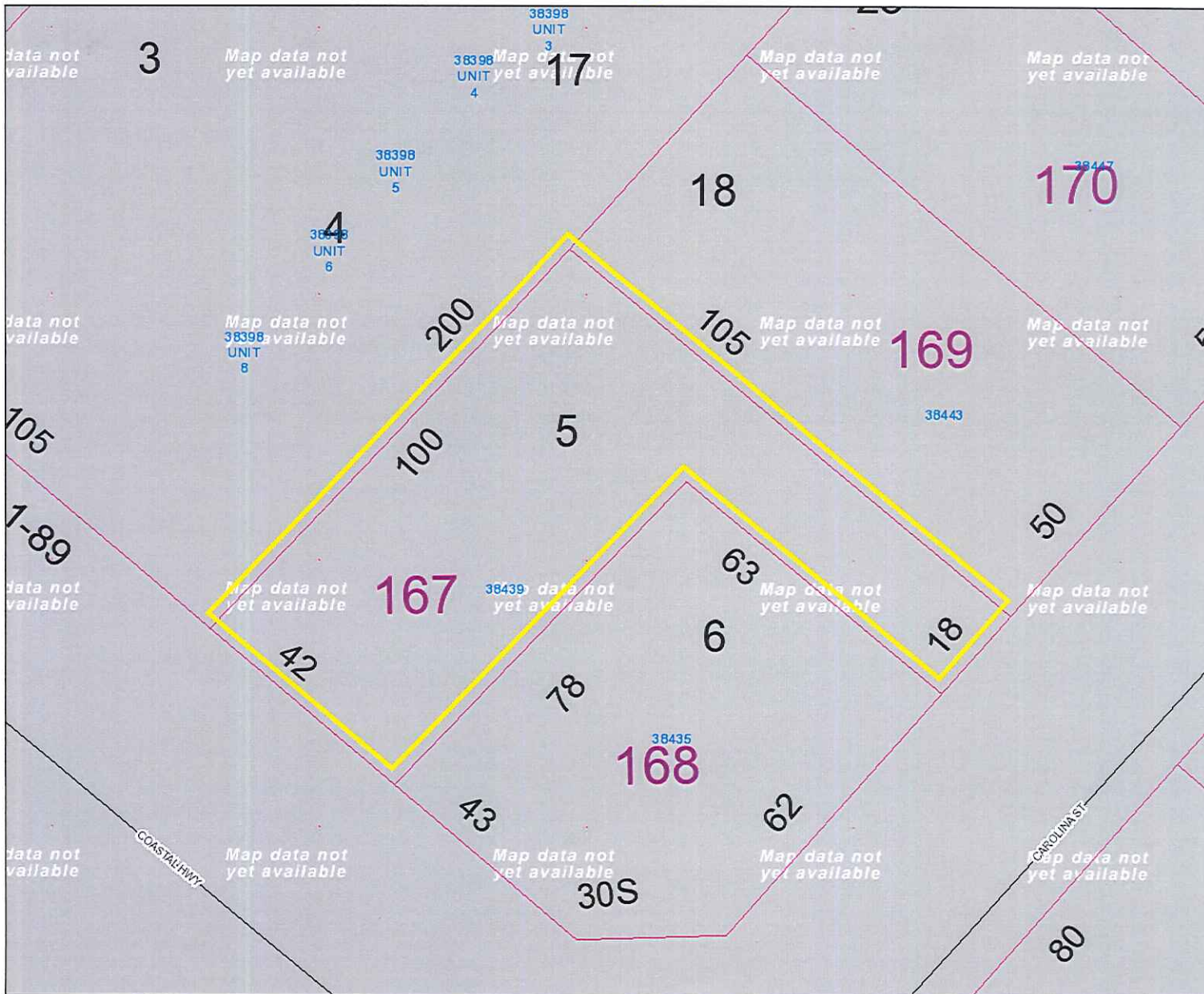
Lot is <10,000 sq feet and recieves reduced setbacks

Name of Staff Member RUSTY

Checked By *Rusty*

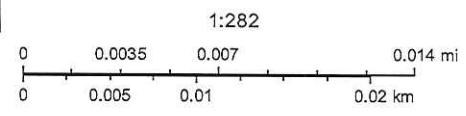


Sussex County



PIN:	334-20.09-167.00
Owner Name	MEYER JOHN C
Book	4279
Mailing Address	1292 SEDGEWICK DRIVE
City	DOWNINGTOWN
State	PA
Description	KILLENS ADDITION PT
Description 2	OF LOT 5 LOT 6
Description 3	N/A
Land Code	

- polygonLayer**
 Override 1
- polygonLayer**
 Override 1
- Tax Parcels
- 38439 911 Address
- Streets
- County Boundaries



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KATHLEEN STONE / JOHN MEYER

(Case No. 11452)

A hearing was held after due notice on September 22, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the fence height requirement in the front yard.

Findings of Fact

The Board found that the Applicants were seeking a variance of forty (40) feet from the forty (40) foot setback requirement for a seven (7) feet solid fence (exceeding 3.5 feet in height allowed) thereby requesting a variance of 3.5 feet from the 3.5 feet maximum height requirement for a fence. This application pertains to certain real property located northeast of Route One (Coastal Highway) 65 northwest of Carolina Street and being Lot 5 and part of Lot 6 within Killen's Addition Subdivision (911 Address: 38439 Carolina Street, Rehoboth Beach, DE); said property being identified as Sussex County Tax Map Parcel Number 3-34-20.09-167.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received one (1) letter in opposition to the Application.
2. Kathleen Stone was sworn in to testify about the Application.
3. The Board found that Ms. Stone submitted exhibits to the Board regarding the Application.
4. The Board found that Ms. Stone testified that the Applicants are requesting a variance to allow for a seven (7) feet tall privacy fence.
5. The Board found that Ms. Stone testified that the Property is unique because it is adjacent to Route 1.
6. The Board found that Ms. Stone testified that she purchased the Property in June 2014.
7. The Board found that Ms. Stone testified that the Applicants have been renovating the existing dwelling and the Applicants are now beginning clean up to the Property.
8. The Board found that Ms. Stone testified that the proposed fence will be the same height and style as the neighbor's existing fence.
9. The Board found that Ms. Stone testified that there is no possibility the Property can be developed in strict conformity with the Sussex County Zoning Code.
10. The Board found that Ms. Stone testified that the need for the variance was not created by the Applicants.
11. The Board found that Ms. Stone testified that there are other fences in the neighborhood and that the proposed fence will not alter the essential character of the neighborhood.
12. The Board found that Ms. Stone testified that the height and style of the fence will be consistent with other fences in the neighborhood.
13. The Board found that Ms. Stone testified that the fence will block trespassers from using their property as a pathway to Route One.
14. The Board found that no parties appeared in support of or in opposition to the Application.

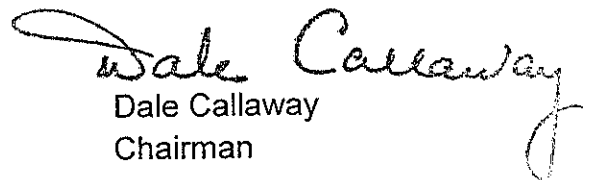
15. Based on the findings above and the testimony and exhibits presented at the public hearing and the public record, the Board determined that the application met the standards for granting a variance. The Property is unique and shape and in its proximity to Route 1; which is a well-traveled road. The variances are necessary to enable reasonable use of the Property. The fence will provide privacy from Route 1 and will restrict the access of trespassers who have used the Property as a shortcut to access Route 1. The hardship and exceptional practical difficulty were not created by the Applicants who only purchased the Property a few months ago. The Applicants did not create the lot next to Route 1 and the use by trespassers is not a situation created by the Applicants. The variances will not alter the essential character of the neighborhood as the proposed fence is similar in size and style to other fences on nearby properties. The variances sought are the minimum variances necessary to afford relief.

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 Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance 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 18, 2014



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

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

Case # 12 542
Hearing Date 4/12
2021 01957

RECEIVED

FEB 09 2021

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

Corner of North Bay Shore + Maryland Ave

Variance/Special Use Exception/Appeal Requested:

Requesting a 10 Ft. Variance from the 15-ft. side yard for
a proposed dwelling Per Applicant - All structures + HMAE with
Tax Map #: 2-35-4.13-63,00 Property Zoning: MR Block
shown

Applicant Information

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

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Date: _____



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

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

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

1. Uniqueness of property:

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

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

2. Cannot otherwise be developed:

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

There is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance or code and that the authorization of a variance is necessary to enable reasonable use of property.

3. Not created by the applicant:

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

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

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

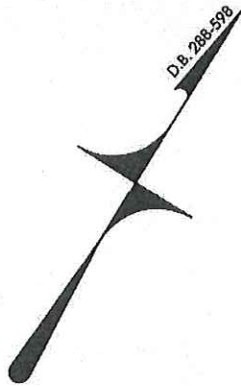
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

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

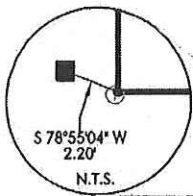
5. Minimum variance:

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

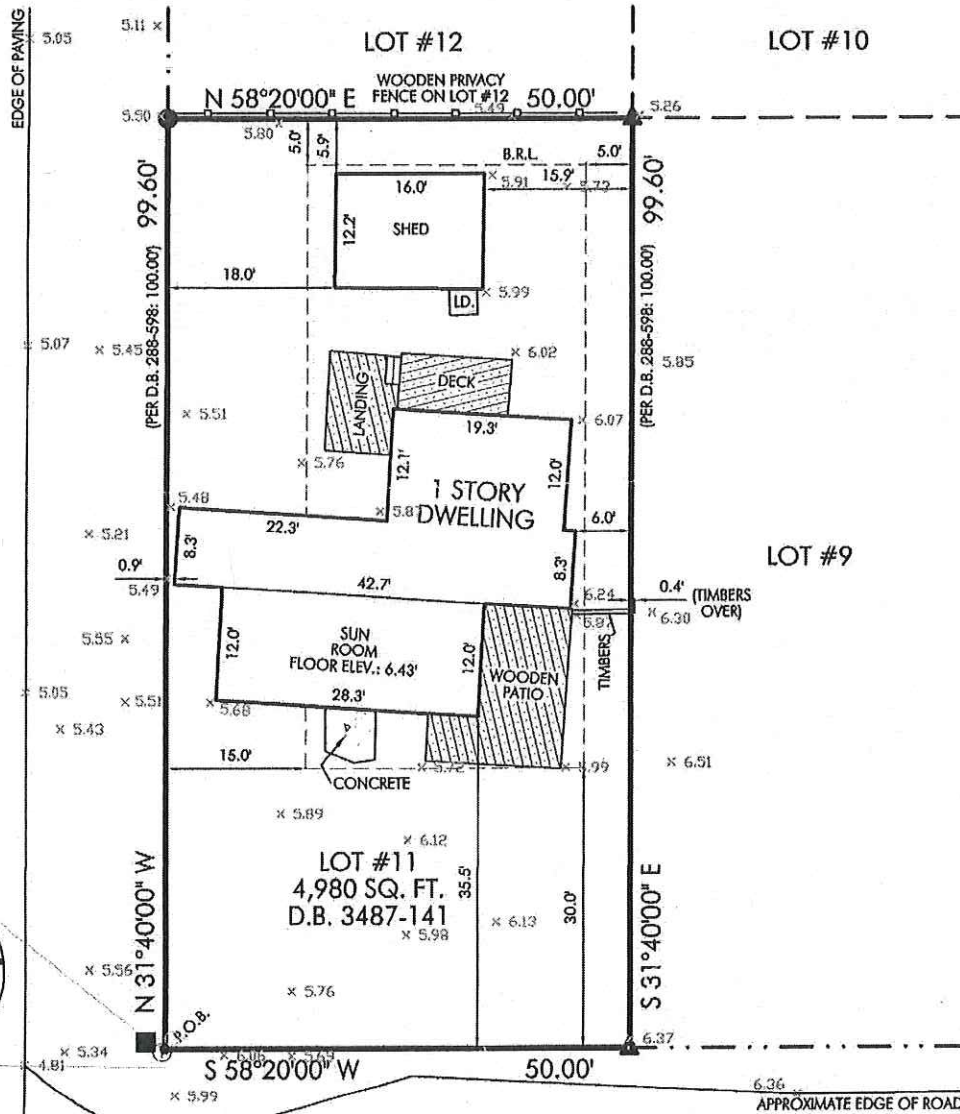
The 10-foot variance that is being requested, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.



NORTH BAY SHORE DRIVE (40' R/W)



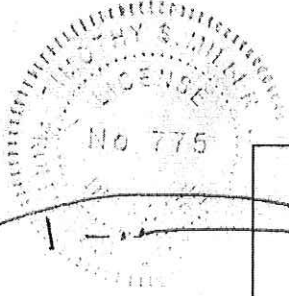
REFERENCE BENCHMARK:
"PK" NAIL SET IN CROWN OF ROAD
ELEVATION: 4.86' (NAVD 88)



LEGEND:

- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- DISTURBED CONCRETE MONUMENT (FOUND)
- ⊙ POINT IN TELECOM BOX
- x 0.00 ELEVATION SPOT SHOT (NAVD 88)

NOTES:
ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7720).
VERTICAL DATUM: NAVD (1988)
THIS PARCEL IS IN FLOOD ZONE: AE (ELEV. 10') F.I.R.M. 10005C0180K, JUNE 20, 2018
THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR STIPULATED.
SURVEY CLASS: SUBURBAN

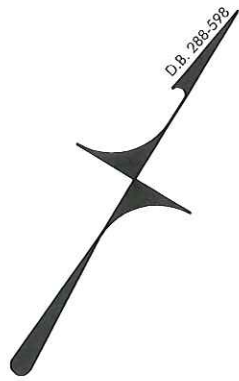


TOPOGRAPHIC & BOUNDARY SURVEY PLAN FOR J & V HOLDINGS, LLC

10 MARYLAND AVENUE, MILTON
LOT #11, BLOCK C OF "BROADKILL BEACH" SUBDIVISION
BROADKILL HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
DECEMBER 18, 2020 SCALE: 1" = 20'

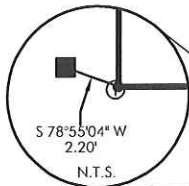
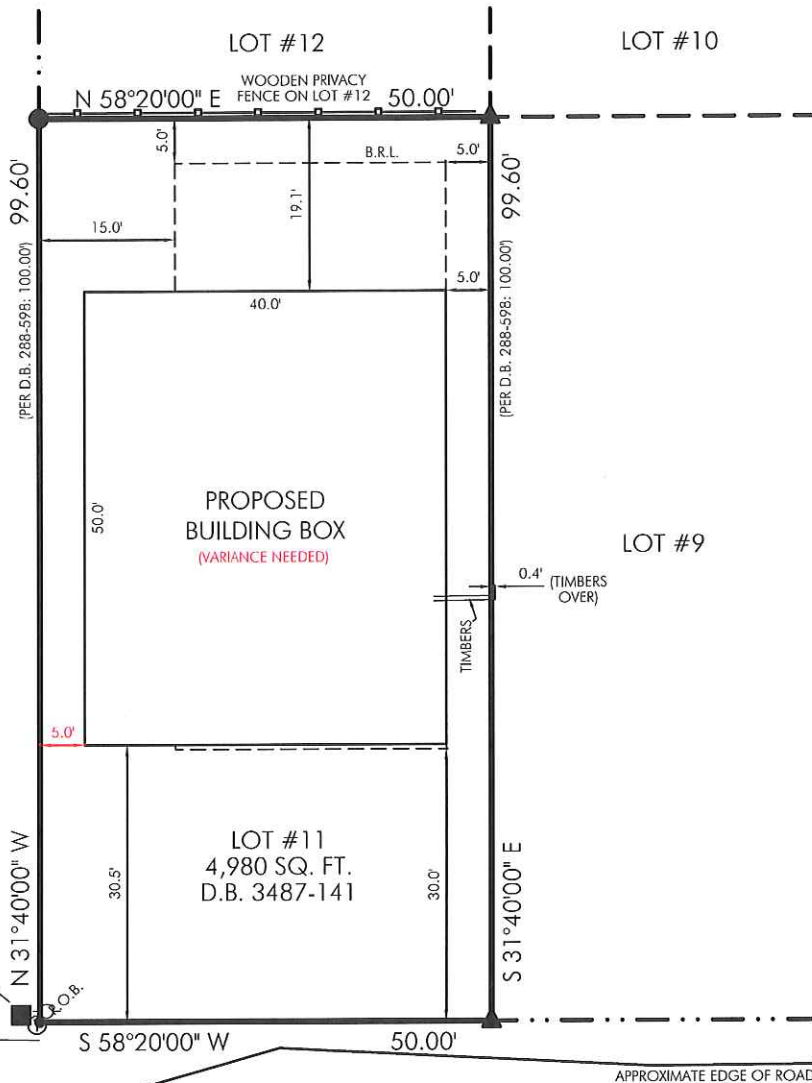
Prepared by:
FORESIGHT Services
Surveying & Precision Measurement

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



NORTH BAY SHORE DRIVE (40' R/W)

EDGE OF PAVING



LEGEND:

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

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7720).
 THIS PARCEL IS IN FLOOD ZONE: AE (ELEV. 10') F.I.R.M. 10005C0180K, JUNE 20, 2018
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.
 SURVEY CLASS: SUBURBAN

PROPOSED CONDITIONS
 BOUNDARY SURVEY PLAN FOR
J & V HOLDINGS, LLC

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

FEBRUARY 2, 2021 SCALE: 1" = 20'

Prepared by:



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

J & V Holdings, LLC

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

There is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance or code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. The exceptional practical difficulty has not been created by the applicant. If authorized, this will not impair use of adjacent properties.

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



Sussex County



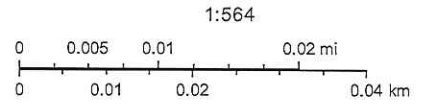
PIN:	235-4.13-63.00
Owner Name	J AND V HOLDINGS LLC
Book	5380
Mailing Address	307 COMMERCIAL DR
City	WILMINGTON
State	DE
Description	BROADKILL BEACH
Description 2	BROADKILN BEACH
Description 3	BLK C LOT 11 MD AVE
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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

February 23, 2021



Board of Adjustment Application
Sussex County, Delaware

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

Case # 12557
Hearing Date MAY 17
202103651

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-80 115-182
115-194.1

Site Address of Variance/Special Use Exception:

18315 Coastal Highway, Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

1. The Owner is seeking a variance from section 115-82.B. Depth of Front Yard. Request a reduction of 27.28 feet from the required 60 foot front yard setback to 32.72 feet which is the setbacks of the existing buildings on the properties. Both properties will ultimately be combined. Parcels 74.00 & 75.00 only.
2. Request a variance from the provisions of Section 115 194.1 E (3) Combined Highway Corridor Overlay Zone for the required 20 foot landscaped buffer .A 5-foot variance is requested to reduce buffer to 15 feet. Parcels 74.00, 75.00 & p/o 70.01

Tax Map #: 334-6.00 Parcels 74.00, 75.00 & P/O 70.01

Property Zoning: C-1

Applicant Information

Applicant Name: Elmer G. Fannin
Applicant Address: 610 Marshall Street
City Milford State DE Zip: 19963
Applicant Phone #: (302) 265-2257 Applicant e-mail: elmerfannin@countrylifelifehomes.com

Owner Information

Owner Name: Key Properties Group, LLC (c/o Elmer G. Fannin)
Owner Address: 610 Marshall Street
City Milford State DE Zip: 19963 Purchase Date: _____
Owner Phone #: (302) 265-2257 Owner e-mail: elmerfannin@countrylifelifehomes.com

Agent/Attorney Information

Agent/Attorney Name: Mark H Davidson | Pennoni
Agent/Attorney Address: 18072 Davidson Drive
City Milton State DE Zip: 19968
Agent/Attorney Phone #: (302) 684-6207 Agent/Attorney e-mail: mdavidson@pennoni.com

Signature of Owner/Agent/Attorney



RECEIVED

Date: 4/20/21



APR 22 2021
SUSSEX COUNTY
PLANNING & ZONING



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

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

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

1. Uniqueness of property:

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

"See Attached"

2. Cannot otherwise be developed:

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

"See Attached"

3. Not created by the applicant:

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

"See Attached"

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

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

"See Attached"

5. Minimum variance:

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

"See Attached"

April 20, 2021

**CRITERIA FOR VARIANCE
FOR
TAX MAP 334-6.00 PARCELS 74.00 & 75.00 and PORTION OF PARCEL 70.01**

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.

PARCELS 74.00 & 75.00

1. THE UNIQUE CONDITION OF THIS SITE IS THAT THE BUILDING IS EXISTING AND WAS CONSTRUCTED IN 1948, WHICH PREDATES NOT ONLY THE SUSSEX COUNTY INTERIM ZONING ORDINANCE IN 1968 BUT THE ADOPTION OF THE CHCOZ ON JANUARY 30, 1996 AND THEREFORE IS A PRE-EXISTING NON-CONFORMING BUILDING. THE BUILDINGS WERE ONCE SINGLE-FAMILY RESIDENCES. THE BUILDING ON PARCEL 75.00 WAS CONVERTED TO PROFESSIONAL OFFICE SPACE BACK IN THE 1990'S. SINGLE FAMILY DWELLINGS ALONG COASTAL HIGHWAY (DE ROUTE ONE) CORRIDOR HAVE DIMINISHED GIVEN THE NATURE OF THE AREA, USES, TRAFFIC AND ZONING OF PROPERTIES. THE PARCELS MINIMAL SITE AREAS AND RELATIVELY SHALLOW DEPTHS OF 116.50' FOR PARCEL 74.00 AND 160.00' FOR PARCEL 75.00 MINIMIZE THE ABILITY TO DEVELOP THE PROPERTY WITH A USE CUSTOMARY TO THE PARCEL'S C-1 ZONING WHILE STILL PROVIDING THE REQUIRED PARKING, LOADING, LANDSCAPE BUFFERS, STORMWATER MANAGEMENT, ETC. AND WITH THE EXPANSION OF THE HIGHWAY RIGHT-OF-WAY OVER THE YEARS HAS A SETBACK FROM THE EXISTING RIGHT-OF-WAY OF 32.72' FOR PARCEL 74.00 AND 32.77' FOR PARCEL 75.00. THE COMBINED REQUEST FOR VARIANCE IS FOR 27.28-FEET.

PARCELS 74.00, 75.00 & PORTION OF 70.01

2. THE UNIQUE PHYSICAL CIRCUMSTANCE OF THE PROPERTIES IS THE SHALLOWSNESS OF THE PARCELS AT 116.50' FOR PARCEL 74.00 AND 160.00' FOR PARCEL 75.00 AND THE CONNECTION OF PORTION OF PARCEL 70.01 (WITH LIMITED WIDTH) TO PARCELS 74.00 AND 75.00 FOR PARKING ALONG WITH THE DEDICATION OF 15-FEET TO DELDOT FOR A PERMANENT EASEMENT CREATES LIMITED SPACE FOR HANDLING ADDITIONAL DRAINAGE AND UTILITY PLACEMENT FOR THE REUSE AND REDEVELOPMENT OF THE EXISTING BUILDINGS UNDER CURRENT C-1 PERMITTED USES. PROVIDING A 15-FOOT LANDSCAPE BUFFER FOR THE COMBINED HIGHWAY OVERLAY ZONE ACROSS ALL THREE PARCELS WILL PROVIDE UNIFORMITY AND WILL STILL MEET THE INTENT OF THE CODE.

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.

PARCELS 74.00 & 75.00

1. APPROXIMATELY 28-FEET OF THE BUILDING WOULD HAVE TO BE DEMOLISHED TO BRING THE BUILDINGS INTO COMFORMITY WITH THE 60-FOOT FRONT YARD SETBACK. THE INTENT OF THIS PLAN IS TO RENOVATE AND USE THE EXISTING STRUCTURE AS PART OF A NEW RESTAURANT AS PERMITTED UNDER THE PARCEL'S C-1 ZONING. WITHOUT THE REQUESTED VARIANCE, THE PARCEL'S MINIMAL AREA AND DEPTH (160 FEET) LIMITS THE ABILITY TO PROVIDE THE NECESSARY BUILDING, PARKING, LOADING, LANDSCAPE BUFFERS, AND STORMWATER MANAGEMENT WHILE STILL ENABLING A REASONABLE USE OF THE PROPERTY.

PARCELS 74.00, 75.00 & PORTION OF 70.01

2. IN ORDER TO PROVIDE SUFFICIENT PARKING, ADDITIONAL DRAINAGE AND PLACEMENT OF UTILITIES AS WELL AS SAFE ACCESS AND TURNING MOVEMENTS FOR VEHICULAR TRAFFIC, THE 5-FOOT VARIANCE FROM THE CHCOZ BUFFER IS NECESSARY TO DEVELOP THE PROPERTY THAT CONFORMS TO THE ZONING ORDINANCE.

3. Not created by the applicant:

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

PARCELS 74.00 & 75.00

1. THE BUILDINGS WERE PURCHASED BY THE APPELLANT AND THE BUILDING ON PARCEL 75.00 WAS RENOVATED IN THE PAST TO BE USED FOR PROFESSIONAL OFFICE AS ALLOWED UNDER THE C-1 ZONING ORDINANCE. THE APPELLANT WANTS TO USE BOTH EXISTING BUILDINGS FOR A RESTAURANT THAT IS ALSO ALLOWED UNDER THE C-1 ZONING ORDINANCE.

PARCELS 74.00, 75.00 & PORTION OF 70.01

2. THE APPLICANT HAS REDESIGNED THE SITE TO REMOVE PARKING SPACES OUTSIDE OF THE FRONT YARD SETBACK AND HAS ELIMINATED TWO ADDITIONAL COMMERCIAL ENTRANCES BE REMOVED TO CREATE ONE SINGLE ENTRANCE TO PROVIDE SAFE ACCESS AND TURNING MOVEMENTS WITHIN THE PROPERTIES. IN SO DOING, DELDOT HAS REQUIRED THAT THE APPLICANT DEDICATE 15-FEET OF HIS ENTIRE ROAD FRONTAGE TO A PERMANENT EASEMENT FOR DELDOTS UNFORSEEN USE IN THE FUTURE. THIS LEAVES LIMITED SPACE ALONG THE FRONT OF THE PROPERTIES TO PROVIDE FOR ADDITIONAL DRAINAGE AND UTILITIES.

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

PARCELS 74.00 & 75.00

1. THE SUBJECT PROPERTIES WERE GRANTED A VARIANCE FOR THE FRONT YARD SETBACK (CASE#11883) ON NOVEMBER 21, 2017. THE BUILDING WAS THE SUBJECT OF A COMMERCIAL SITE PLAN APPROVAL, APPLICATION #S-17-08, BY THE SUSSEX PLANNING & ZONING COMMISSION ON JANUARY 11TH, 2019 FOR A PROPOSED RESTAURANT USE, WHICH IS CURRENTLY UNDER CONSTRUCTION. THE ADJACENT PARCELS TO THE NORTH AND SOUTH ARE COMMERCIAL USES AND WERE CONSTRUCTED AFTER THE BUILDING HAD BEEN CONVERTED TO A PROFESSIONAL OFFICE BACK IN THE 90'S. OTHER STRUCTURES LOCATED ALONG COASTAL HIGHWAY WITH SIMILAR FRONT SETBACKS HAVE BEEN CONVERTED TO COMMERCIAL USES.

PARCELS 74.00, 75.00 & PORTION OF 70.01

2. THERE IS SUFFICIENT ROOM TO PROVIDE FOR THE NECESSARY LANDSCAPING REQUIRED WITHIN 15-FEET THAT WILL ALSO MEET DELDOT REQUIREMENTS AND THEREFORE WILL EXCEED THE LANDSCAPING THAT IS CURRENTLY LOCATED ON ADJACENT PARCELS.

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.

PARCELS 74.00 & 75.00

1. THE SITE PLANS SUBMITTED WITH THIS APPLICATION SHOWS THE MINIMUM VARIANCE NEEDED FOR THE FRONT SETBACK REDUCTION OF THE EXISTING BUILDINGS. NO IMPROVEMENTS TO THE BUILDING WILL BE REQUESTED TO INTRUDE WITHIN THE EXISTING SETBACK SHOWN.

PARCELS 74.00, 75.00 & PORTION OF 70.01

2. THE SITE PLANS SUBMITTED ALONG WITH THE LANDSCAPE PLAN CONCEPT PLANS TO BE SUBMITTED AT THE HEARING WILL SHOW THAT A 5-FOOT VARIANCE IS THE MINIMUM NECESSARY TO PROVIDE THE REQUIRED LANDSCAPING THAT WILL PRESERVE AND ENHANCE THE AESTHETIC AND VISUAL CHARACTER OF THE PROPOSED RESTAURANTS ALONG COASTAL HIGHWAY.

 COPY

LEASE WITH OPTION TO PURCHASE

Lease agreement made this 23 day of July, 2020, between VILLAS AT BAY CROSSING of Lewes, Delaware ("Landlord") and KEY PROPERTIES GROUP, LLC, of Milford, Delaware ("Tenant").

For the payment of rent as provided herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Landlord and Tenant do now agree as follows:

WHEREAS, Landlord is the sole owner of the property being leased and Tenant, which is Sussex County Tax Map Parcel 334-6.00-70.01P/0, and Tenant and a related company (Country Life Homes, Inc) are the owners of the two adjacent properties lying on the southeasterly side and fronting on Coastal highway, said parcels being Sussex County Tax Map Parcels 334-6.00-74.00 (Key Properties Group, LLC) and Parcel 75.00 (Country Life Homes, Inc.), all of which are zoned C-1 (General Commercial) on the Sussex County Zoning Map; and

WHEREAS, on January 1, 2020, Landlord and Tenant entered into a Purchase and Sale Agreement under which the property herein being leased to Tenant was to be legally removed from the Declaration Plan for the Villas at Bay Crossing Condominium prior to being sold to Tenant and said agreement shall, upon the execution of this lease, be terminated and the deposit money refunded to Tenant; and

WHEREAS, under the Delaware Unit Property Act, which is the governing law applicable to the Villas at Bay Crossing Condominium, property that is dedicated as part of a condominium is owned in common by all of the unit owners and requires the unanimous consent of all of the owners before it can be removed from the condominium plan and sold to a third party; and

WHEREAS, although a substantial majority of the condominium unit owners have consented to the removal and sale of the property to Tenant, unanimous consent was not obtained and the parties hereto have agreed to the property being leased to Tenant until such time and unanimous consent can be obtained and, if said consent is not obtainable, to the long term lease of the property to Tenant, as provided for herein.

SECTION ONE GRANT OF LEASE

Landlord leases to Tenant and Tenant leases from Landlord all that certain parcel of real estate located on the easterly side of State Route 1, also known as Coastal Highway, said parcel being identified as Sussex County Tax Map Parcel 334-6.00-70.01 P/O and being as depicted on a Survey of Lands to be conveyed to Country Life Homes, Inc., prepared for Landlord by Merestone Consultants, Inc. and attached hereto as EXHIBIT A and hereafter referred to as the "Property".

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: KEY PROPERTIES GROUP, LLC / COUNTRY LIFE HOMES, INC.

(Case No. 11883)

A hearing was held after due notice on November 21, 2016. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the front yard setback and combined corridor overlay zone buffer requirements.

Findings of Fact

The Board found that the Applicant is seeking a variance of 27.26 feet from the sixty (60) feet front yard setback requirement for an existing building and a variance of ten (10) feet from the twenty (20) feet combined corridor overlay zone buffer requirement. This application pertains to certain real property located on the east side of Coastal Highway (Route 1) approximately 251 feet north of Bay Crossing Boulevard (911 Address: 18315 & 18327 Coastal Highway, Lewes); said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-74.00 & 75.00.

1. The Board was given copies of the Application, a restaurant development site plan dated October 21, 2016, aerial photographs of the Property, and a portion of the tax map.
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 Carlton Savage was sworn in to testify about the Application.
4. The Board found that Mr. Savage testified that he is the design engineer for the project.
5. The Board found that Mr. Savage testified that the Property consists of two (2) lots and there is an existing dwelling and office building on the properties.
6. The Board found that Mr. Savage testified that the Applicant plans to renovate the existing office building and convert it to a restaurant. Additions to the building will be made to the rear and the existing dwelling will be demolished. There are no changes being made to the front of the building or property.
7. The Board found that Mr. Savage testified that a restaurant is a permitted use in a C-1 zoning district.
8. The Board found that Mr. Savage testified that the development will reduce the number of entrances to the site from three entrances to one entrance.
9. The Board found that Mr. Savage testified that the Property is unique because the building existed prior to the adoption of the ordinance creating the Combined Highway Corridor Overlay Zone.
10. The Board found that Mr. Savage testified that the Property is oddly shaped as it is only 160 feet deep but is 239 feet wide.
11. The Board found that Mr. Savage testified that the shallowness of the lot leaves very few options for development.
12. The Board found that Mr. Savage testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code. Approximately 28 feet of the existing building would have to be demolished to bring the Property into compliance.
13. The Board found that Mr. Savage testified that the reduction of the buffer requirement will provide enough space for parking, drive aisles, and landscaping.

14. The Board found that Mr. Savage testified that the exceptional practical difficulty was not created by the Applicant.
15. The Board found that Mr. Savage testified that parking currently exists within the twenty (20) feet buffer zone.
16. The Board found that Mr. Savage testified that the existing character of the neighborhood consists of commercial businesses.
17. The Board found that Mr. Savage testified that the variances will not alter the character of the neighborhood. There are other structures to the north and south of the Property with similar setbacks.
18. The Board found that Mr. Savage testified that there will be ten (10) feet of landscaping in the buffer area.
19. The Board found that Mr. Savage testified that the variances requested are the minimum variances necessary to afford relief.
20. The Board found that Mr. Savage testified that reducing the buffer zone allows the Applicant to meet the required parking and drive aisles for the proposed use.
21. The Board found that Mr. Savage testified that the Delaware Department of Transportation ("DelDOT") has expanded the right-of-way over the years, including the expansion of sidewalks in the area.
22. The Board found that no parties appeared in support of or in opposition to the Application.
23. 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 because it is an oddly shaped commercial property in the Combined Corridor Overlay Zone. The Property is wide but shallow. The shallowness of the Property has posed a particular challenge for the Applicant, who seeks to redevelop the Property. The Applicant seeks to demolish an existing dwelling, which also encroaches into the front yard setback area, and to expand the existing office building towards the rear yard in order to use the Property for a restaurant. A restaurant is a permitted use in this zoning district. The shallowness of the Property has created an exceptional practical difficulty for the Applicant because the Property is not deep enough to accommodate the parking and drive aisles necessary for the proposed restaurant. Similarly, the unique conditions of the Property have posed a challenge for the Applicant who seeks to retain the existing office building in its location while expanding within the rear yard setback area. The office building encroaches into the front yard setback area and will not further encroach into the front yard setback area. Undisputed testimony also indicates that, over the years, DelDOT has taken additional right-of-way areas in the front yard, thereby reducing the size of the front yard. The Board finds that the unique physical conditions of the Property have created an exceptional practical difficulty for the Applicant who seeks to redevelop the Property.
 - b. 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 redevelop the Property by removing an existing dwelling and to expand an existing office building within the setback areas in order to convert the office building to a restaurant. The building, however, already encroaches into the front yard setback area and, due to the unique conditions of the Property, the Applicant cannot meet the necessary parking requirements while also meeting the buffer zone requirements. The Board is convinced that the variances are necessary to enable the reasonable use

of the Property as the variances will allow the Applicant to redevelop the Property into a restaurant. The Board is convinced that the shape and location of this restaurant are reasonable, which is confirmed when reviewing the survey provided by the Applicant. The Board notes that the Applicant will also demolish an existing dwelling and reduce the number of entrances on the Property as part of the redevelopment.

- c. The exceptional practical difficulty was not created by the Applicant. The Applicant did not place the existing office building on the Property. Rather, that building has been on the Property for many years and its location predates the enactment of the Combined Corridor Overlay Zone ordinance. The Applicant also did not create the odd depth of the Property, which has created a small building envelope. This small building envelope was further limited by the takings by DelDOT for additional right-of-way space along Route 1. These conditions have limited the space where the Applicant can place parking and drive aisles for the proposed restaurant. Notably, the parking spaces cannot fit within the building envelope even though another structure on the Property will be demolished. The unique situation and physical conditions of the Property have created the exceptional practical difficulty for the Applicant.
- d. The variances 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 office building will encroach no further into the front yard setback area than it already does and the other structure on the Property (which also encroaches into the front yard setback area) will be demolished. The unrebutted testimony confirms that other commercial businesses in the area are similarly situated from Route 1 and that the proposed redevelopment will be consistent with those properties. The Board is also convinced that encroachment into the buffer zone will not alter the character of the neighborhood. Parking already exists in the buffer zone and, while the Applicant plans to have parking spaces in the buffer zone, the Applicant will plant ten (10) feet of landscaping in the front yard. This landscaping will be an improvement for the Property. The Board also notes that the proposed redevelopment will reduce the number of entrances from the Property to Route 1. Furthermore, no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare.
- e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to retain an existing office building and to redevelop the Property for a restaurant. The building will encroach no farther into the front yard setback than the existing building does and the Applicant will plant as much landscaping in the buffer zone as possible while still meeting the parking requirements for the site.

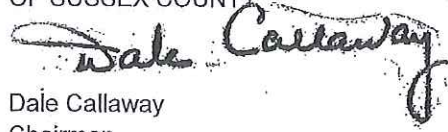
The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills,

Mr. Norman Rickard, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

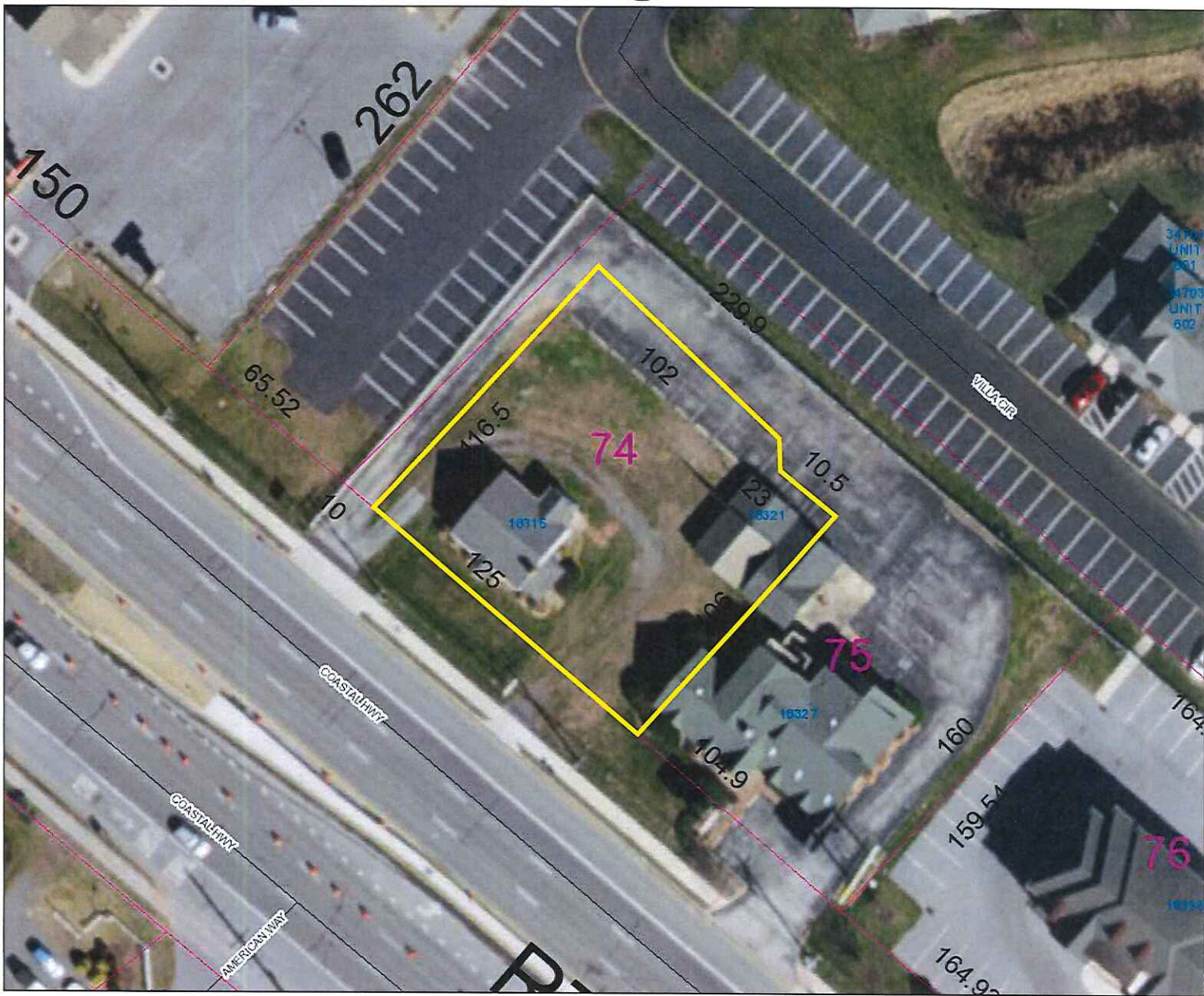
BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

A handwritten signature in cursive script that reads "Dale Callaway". The signature is written in black ink and is positioned above the printed name and title.

Dale Callaway
Chairman

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

Date 2/7/2017



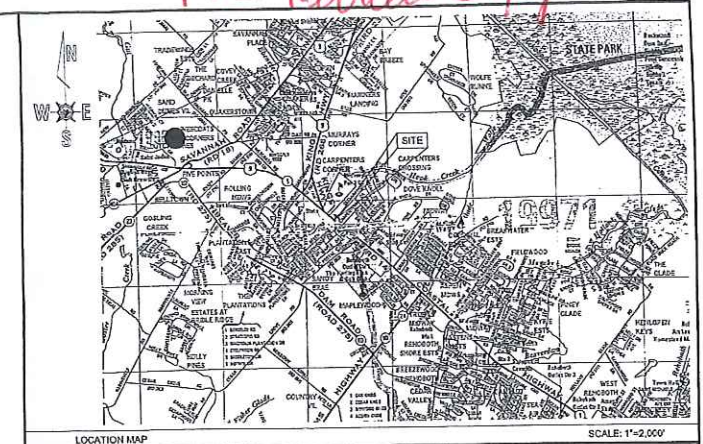
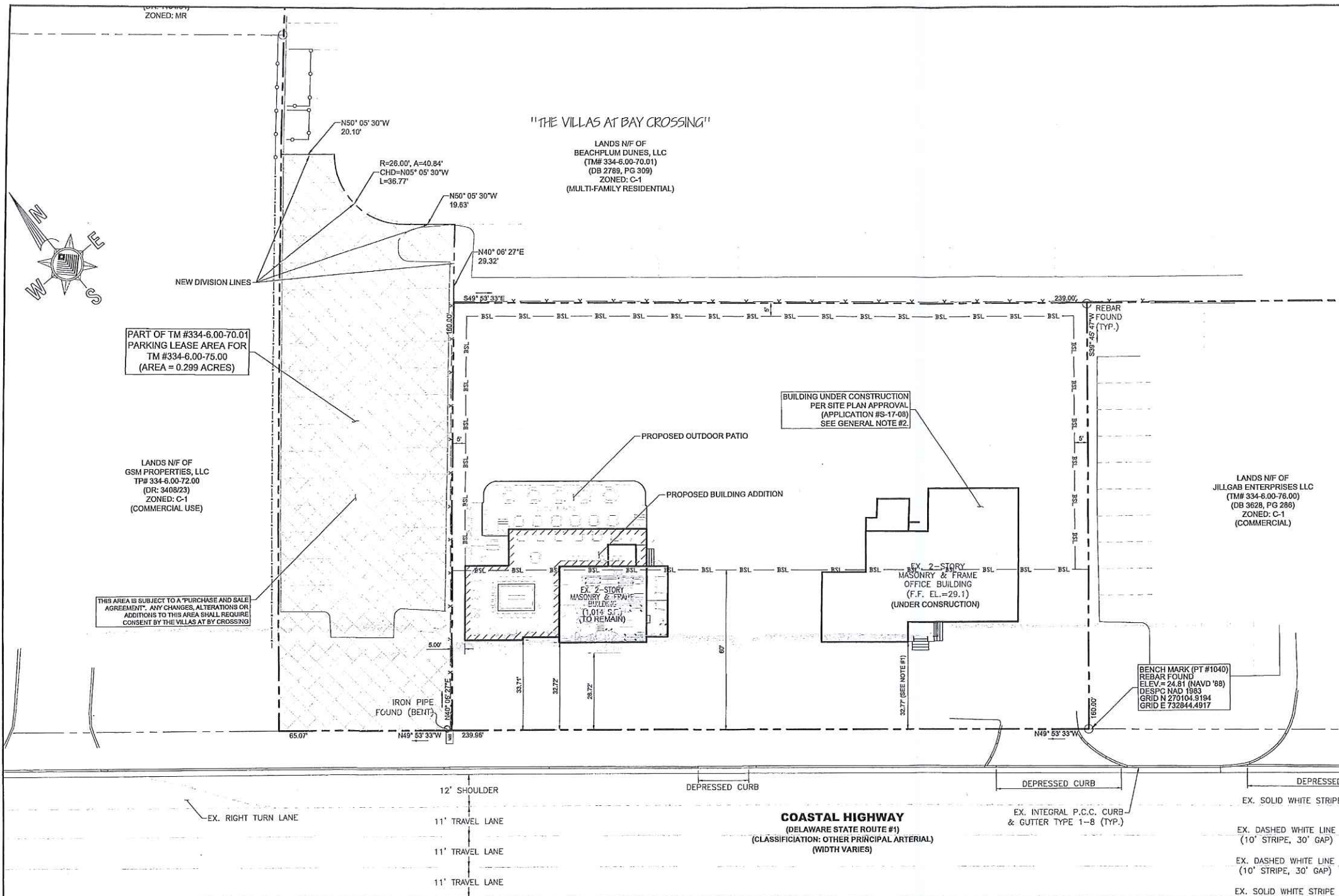
PIN:	334-6.00-74.00
Owner Name	KEY PROPERTIES GROUP LLC
Book	4522
Mailing Address	610 MARSHALL ST
City	MILFORD
State	DE
Description	RD WESCOATS COR
Description 2	TO REHOBOTH
Description 3	LOT W/IMP
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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

PTZ Review Copy




PLAN DATA:

PARCEL I.D. NO.	334-6.00-74.00
DEED REFERENCE	DB 4622, PG 230
ZONING DISTRICT	C-1 (GENERAL COMMERCIAL)
SEWAGE DISPOSAL	SUSSEX COUNTY SANITARY SEWER SEWERAGE IS SUBJECT TO APPROVAL OF THE SUSSEX COUNTY DEPARTMENT OF PUBLIC WORKS AND THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
WATER SUPPLY	TIDEWATER UTILITIES, INC. WATER IS SUBJECT TO THE APPROVAL OF TIDEWATER UTILITIES, INC., THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
OWNER/DEVELOPER	KEY PROPERTIES GROUP, LLC C/O ELMER FANNIN 610 MARSHALL STREET MILFORD, DE 19963 PHONE: (302) 255-2227 EXT. 410 EMAIL: ELMERFANNIN@COUNTRYLIFEHOMES.COM
LOCAL LAND USE AGENCY	SUSSEX COUNTY PLANNING AND ZONING
HORIZONTAL DATUM	NAD 83 (NA 2011, EPOCH 2016)
VERTICAL DATUM	NAVD 88
EXISTING USE	VACANT MASONRY FRAME STRUCTURE & RESTAURANT (UNDER CONSTRUCTION)
SITE ADDRESS	18315 COASTAL HIGHWAY, LEWES 19958


- GENERAL NOTES:**
- The adjacent building's front setback of 60' was reduced to 32.74 feet by a variance approval granted by the Sussex County Board of Adjustment on 21 November 2017, case no. 11883.
 - A Commercial Site Plan prepared for Key Properties Group, LLC (Application #S-17-08) has been approved by Sussex County Planning and Zoning Commission on January 11, 2019. Construction on the adjacent building has commenced as of the date of this plan.
 - The buffer zone established for the Highway Corridor Overlay Zone was reduced to 10' in width by a variance approval granted by the Sussex County Board of Adjustment on 21 November 2017, case no. 11883.

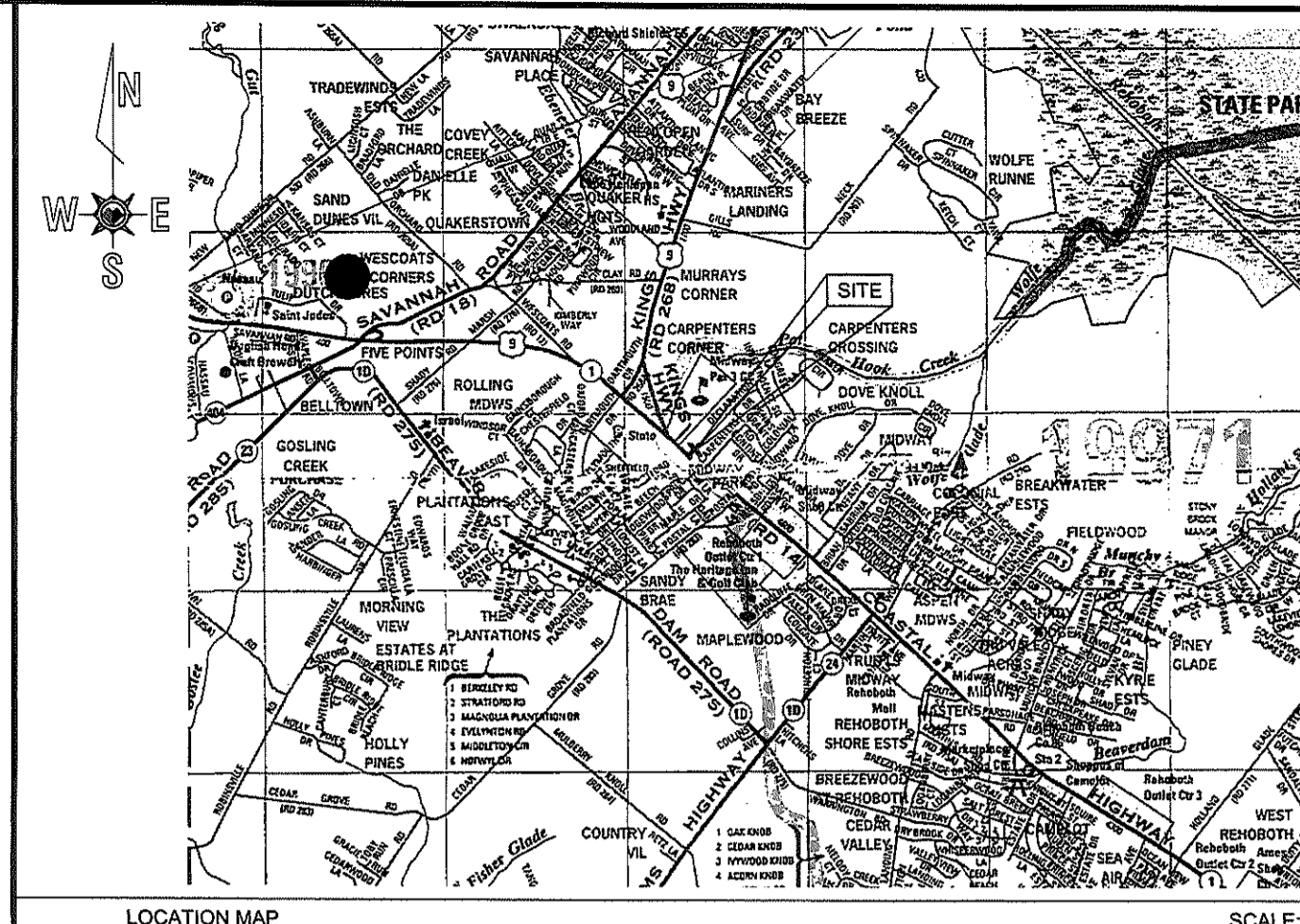
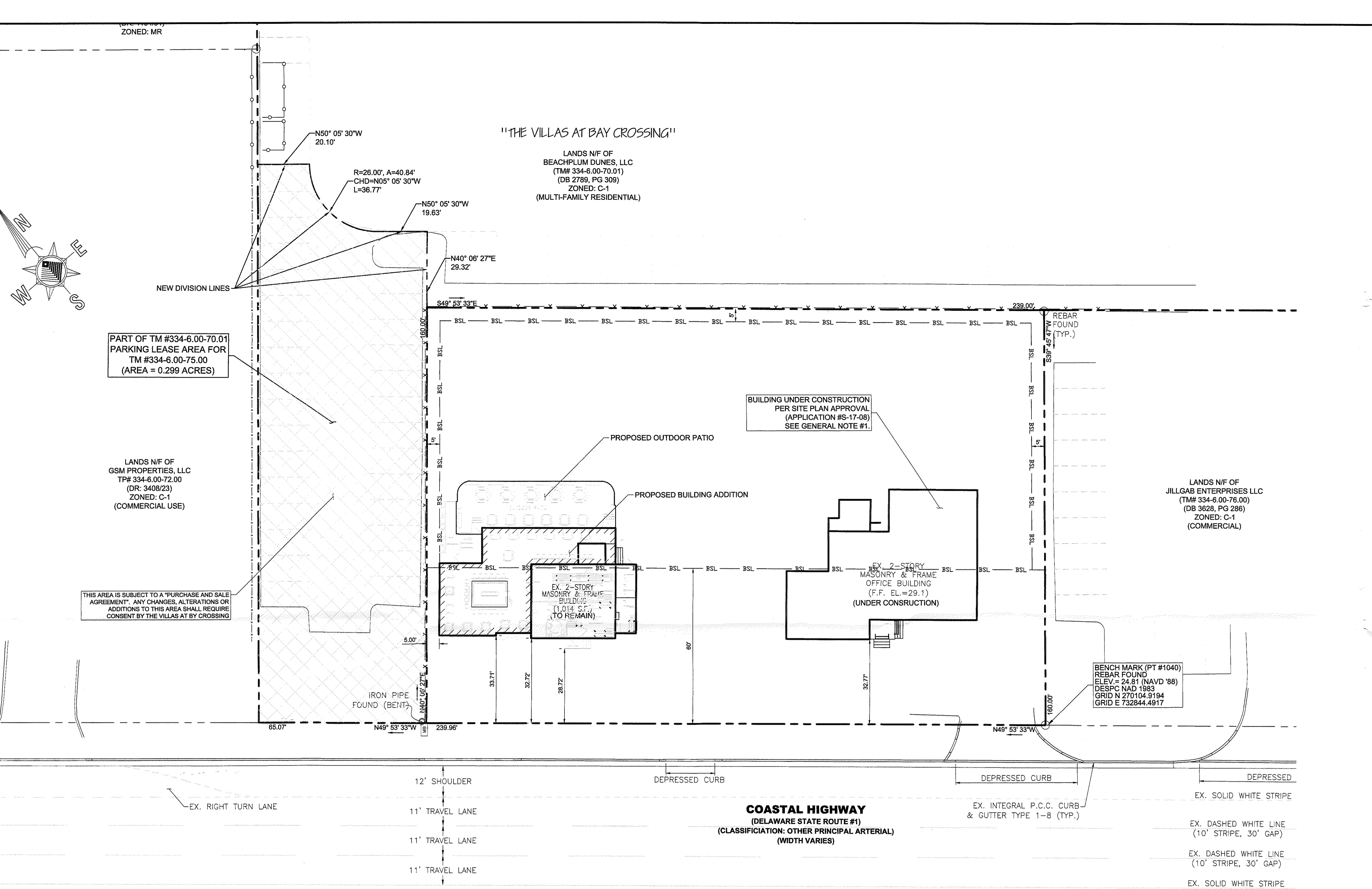
*Setbacks
60' F
5' S
5' R*

*Existing Structure Built in 1940's
Front yard variances needed
① 31.28' var from 60' F for prop. front Entry
② 27.28' var from 60' F for existing structure
③ 26.31' var from 60' F for prop. Addition*

APPROVED:  3/10/21
PROFESSIONAL ENGINEER DATE

PLAN TO ACCOMPANY VARIANCE APPLICATION
PROJECT:
LANDS OF KEY PROPERTIES GROUP, LLC
ALSO KNOWN AS:
18315 COASTAL HIGHWAY
SITUATE IN:
LEWES & REHOBOTH HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 334-6.00-74.00
SCALE: 1"=20'

		 MERESTONE CONSULTANTS, INC. ENGINEERS - PLANNERS - SURVEYORS			
		5215 WEST WOODMILL DRIVE 33516 CROSSING AVENUE, UNIT 1 WILMINGTON, DE 19808 FIVE POINTS SQUARE PH: 302-992-7900 LEWES, DE 19958 FAX: 302-992-7911 PH: 302-228-5880			
DATE	REVISION	CHKD.	DRAWN BY: RAG	DATE: 1 FEBRUARY 2021	SHEET#: 1 OF 1



PLAN DATA:

PARCEL I.D. NO.	334-6.00-74.00
DEED REFERENCE	DB 4522, PG 230
ZONING DISTRICT	C-1 (GENERAL COMMERCIAL)
SEWAGE DISPOSAL	SUSSEX COUNTY SANITARY SEWER SEWERAGE IS SUBJECT TO APPROVAL OF THE SUSSEX COUNTY DEPARTMENT OF PUBLIC WORKS AND THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
WATER SUPPLY	TIDEWATER UTILITIES, INC. WATER IS SUBJECT TO THE APPROVAL OF TIDEWATER UTILITIES, INC., THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DIVISION OF PUBLIC HEALTH.
OWNER/DEVELOPER	KEY PROPERTIES GROUP, LLC C/O ELMER FANNIN 610 MARSHALL STREET MILFORD, DE 19963 PHONE: (302) 285-2257 EXT.410 EMAIL: ELMERFANNIN@COUNTRYLIFEHOMES.COM
LOCAL LAND USE AGENCY	SUSSEX COUNTY PLANNING AND ZONING
HORIZONTAL DATUM	NAD 83 (NA 2011, EPOCH 2010)
VERTICAL DATUM	NAVD '88
EXISTING USE	VACANT MASONRY FRAME STRUCTURE & RESTAURANT (UNDER CONSTRUCTION)
SITE ADDRESS	18315 COASTAL HIGHWAY, LEWES 19958

GENERAL NOTES:

- A Commercial Site Plan prepared for Key Properties Group, LLC (Application #S-17-08) has been approved by County Planning and Zoning Commission on January 11, 2019. Construction on the adjacent building has commenced as of the date of this plan.

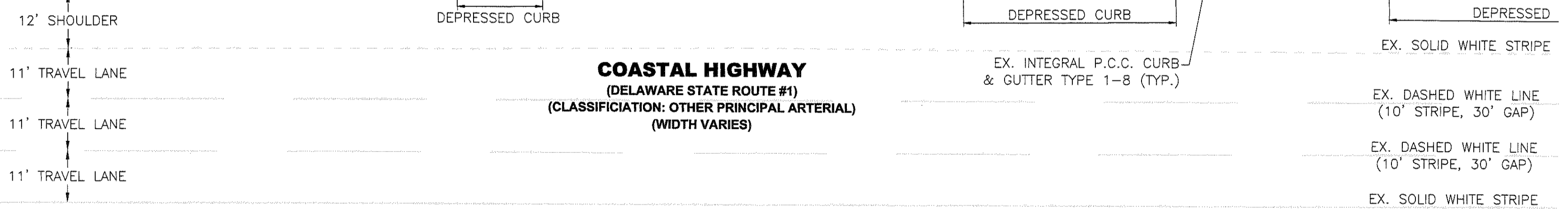
PART OF TM #334-6.00-70.01
PARKING LEASE AREA FOR
TM #334-6.00-75.00
(AREA = 0.299 ACRES)


LANDS N/F OF
GSM PROPERTIES, LLC
TP# 334-6.00-72.00
(DR: 3408/23)
ZONED: C-1
(COMMERCIAL USE)

BUILDING UNDER CONSTRUCTION
PER SITE PLAN APPROVAL
(APPLICATION #S-17-08)
SEE GENERAL NOTE #1.

LANDS N/F OF
JILLGAB ENTERPRISES LLC
(TM# 334-6.00-76.00)
(DB 3628, PG 286)
ZONED: C-1
(COMMERCIAL)

BENCH MARK (PT #1040)
REBAR FOUND
ELEV = 24.81 (NAVD '88)
DESPC NAD 1983
GRID N 270104.9194
GRID E 732844.4917



APPROVED:  4/20/21
PROFESSIONAL ENGINEER DATE

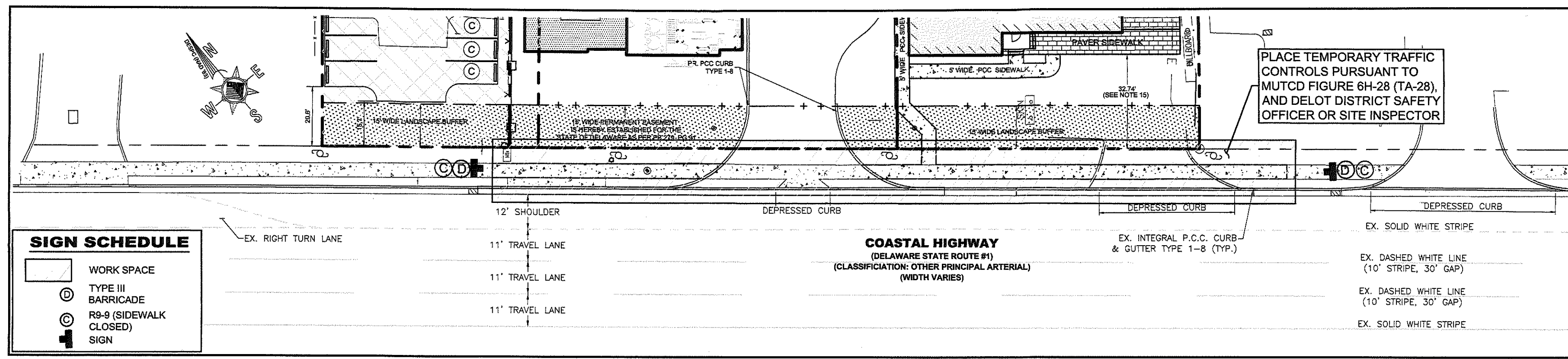
PLAN TO ACCOMPANY VARIANCE APPLICATION

PROJECT:
LANDS OF KEY PROPERTIES GROUP, LLC
ALSO KNOWN AS:
18315 COASTAL HIGHWAY
SITUATE IN:
LEWES & REHOBOTH HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 334-6.00-74.00
SCALE: 1"=20'

4/20/21	PER SUSSEX P & Z REVIEW	R.A.G.
DATE	REVISION	CHKD, DRAWN BY: RAG DATE: 1 FEBRUARY 2021 SHEET:

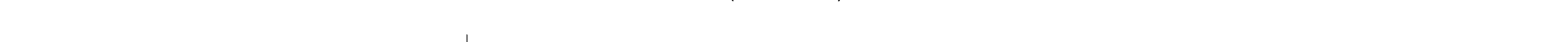
MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE 33516 CROSSING AVENUE
WILMINGTON, DE 19808 FIVE POINTS SQUARE
PH: 302-992-7900 LEWES, DE 19958
FAX: 302-992-7911 PH: 302-226-5888

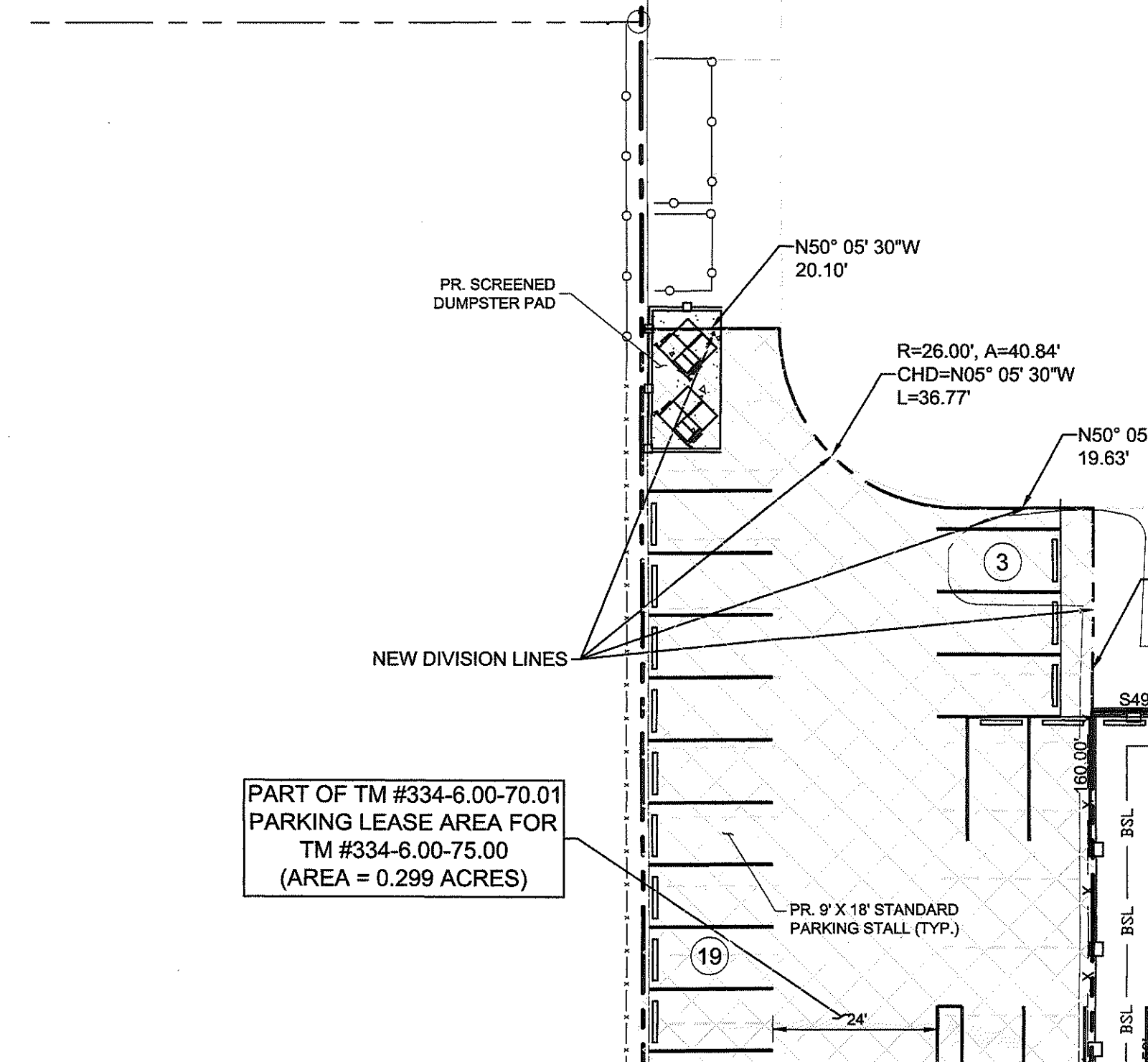


PEDESTRIAN "MOT" DETAIL
(SCALE: 1" = 30')

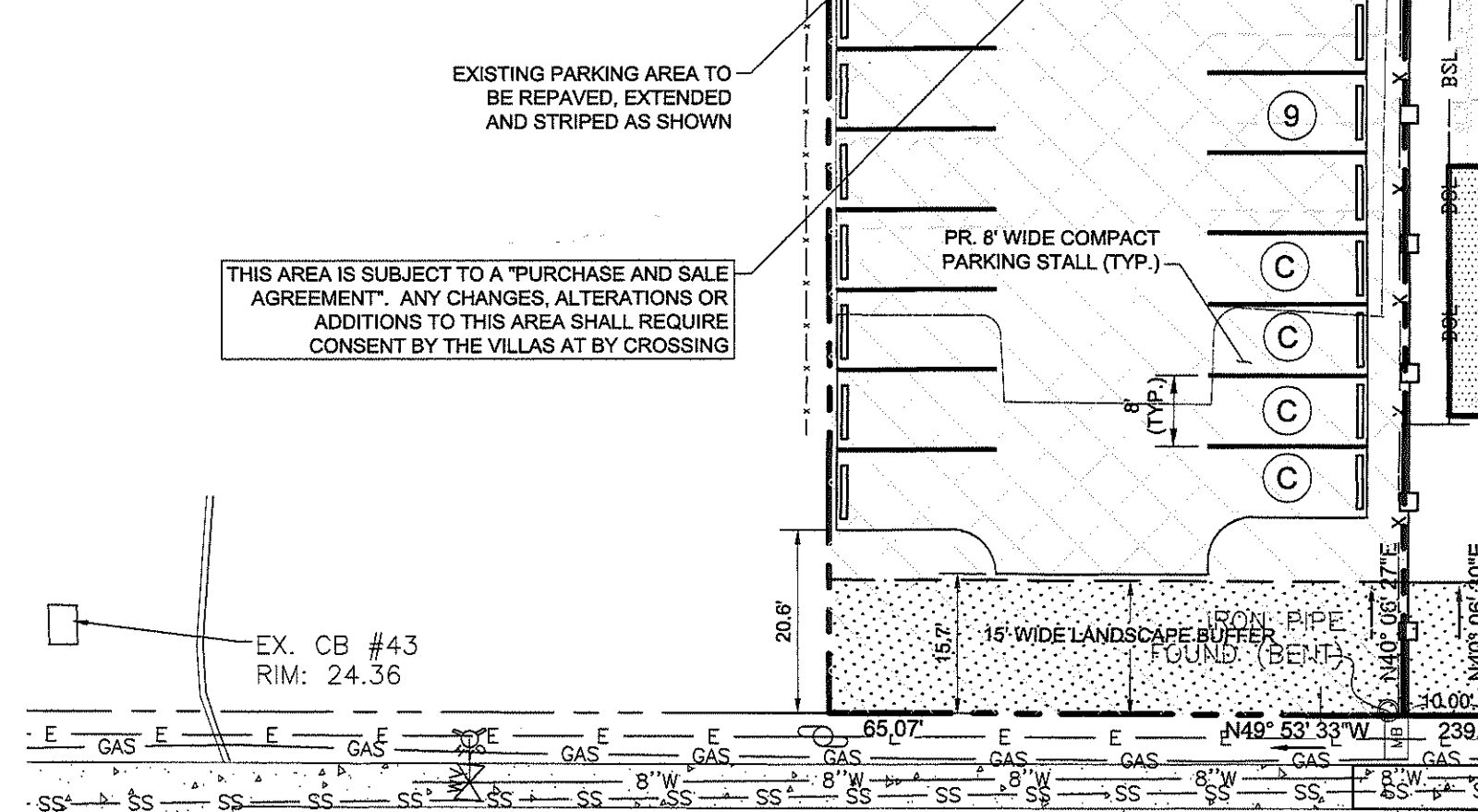
- Pedestrian MOT General Notes**
1. ALL DETOUR SIGNING, INCLUDING TRAILBLAZERS, ARE TO BE SUPPLIED AND MAINTAINED BY THE GENERAL CONTRACTOR IN COMPLIANCE WITH THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (DE MUTCD).
 2. THE CONTRACTOR SHALL COMPLY WITH GUIDELINES IN "THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (DE MUTCD PART 6) FOR BARRICADES AND SIGNS (AS PER LATEST REVISION).
 3. DESIGN OF ALL SIGNS SHALL BE IN ACCORDANCE WITH THE FHWA STANDARD HIGHWAY SIGNS BOOK.
 4. SIZES OF ALL SIGNS SHALL BE IN ACCORDANCE WITH THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (DE MUTCD). SIZE OF SIGN SHALL BE BASED ON TYPE OF ROADWAY ON WHICH THE SIGN IS INSTALLED.
 5. SIGNS NO LONGER IN USE SHALL BE COMPLETELY COVERED WITH NO RETROREFLECTIVE MATERIAL SHOWING, OR SHALL BE REMOVED, AS DIRECTED BY THE ENGINEER.
 6. FIELD CONDITIONS MAY DICTATE CHANGES AT SOME TIME DURING THE LIFE OF THE CONTRACT. IN THE EVENT OF OMISSIONS OR CORRECTIONS, THE SIGNING PROVISIONS OF "THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (DE MUTCD) WILL PREVAIL.
 7. WARNING SIGNS AND DETOUR TRAILBLAZERS SHALL BE MOUNTED ON BREAKAWAY POSTS AND HAVE RETRO-REFLECTIVE FLUORESCENT ORANGE SHEETING.
 8. "D" BARRICADE SHALL COMPLETELY RUN THE FULL WIDTH OF SIDEWALK OR PEDESTRIAN PATH.
 9. BARRICADES SHALL BE A MINIMUM OF 6 FEET WIDE UNLESS DIRECTED BY THE ENGINEER.
 10. PEDESTRIAN DETOUR TRAILBLAZERS NOT ATTACHED TO BARRICADES ARE TO EITHER BE GROUND MOUNTED OR ATTACHED TO AN EXISTING SIGN POST AT THE LOCATION SHOWN ON THE PLAN.
 11. THE CONTRACTOR SHALL PROVIDE PEDESTRIAN ACCESS THROUGH THE WORK ZONE DURING CONSTRUCTION ACTIVITIES THAT IMPACT THE EXISTING SIDEWALK USING A FLAGGER EXCLUSIVELY FOR PEDESTRIANS TO GUIDE USERS THROUGH THE WORK ZONE BEHIND THE EXISTING SIDEWALK. AN EXCAVATED AREA WITHIN THE PEDESTRIAN PATH SHALL BE BACKFILLED AND RESTORED IN ACCORDANCE WITH THE NOTE BELOW AT THE END OF EACH WORK DAY.
 12. ACCEPTABLE MATERIALS FOR TEMPORARY PEDESTRIAN PATHS SHALL INCLUDE CONCRETE, HOT-COMPACTED MILLINGS OR PLYWOOD WALKWAY STRUCTURE. PLYWOOD WALKWAY STRUCTURES SHALL ALSO INCLUDE DETECTABLE EDGING AND RAILINGS IN ACCORDANCE WITH ADA GUIDELINES AND DELAWARE MUTCD. STONE OR GRADED AGGREGATE BASE COURSE SHALL NOT BE USED FOR TEMPORARY PEDESTRIAN PATHS.



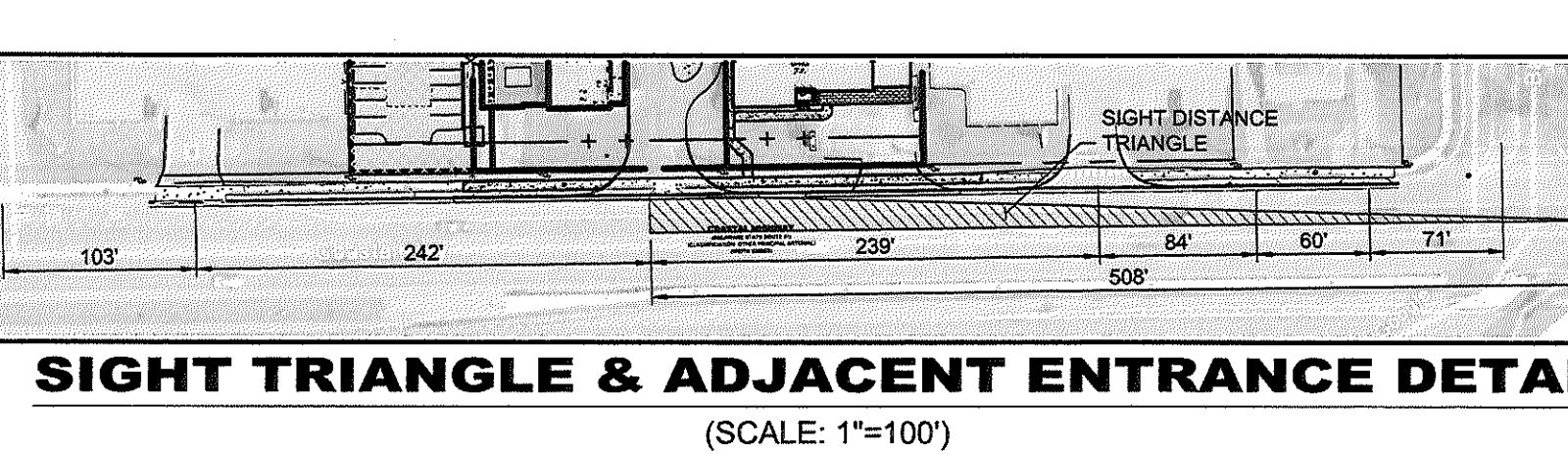
LANDS N/F OF HUNTER'S WALK LEWES, LLC
TP# 334-6.00-88.00
(DR: 4154/34)
ZONED: MR



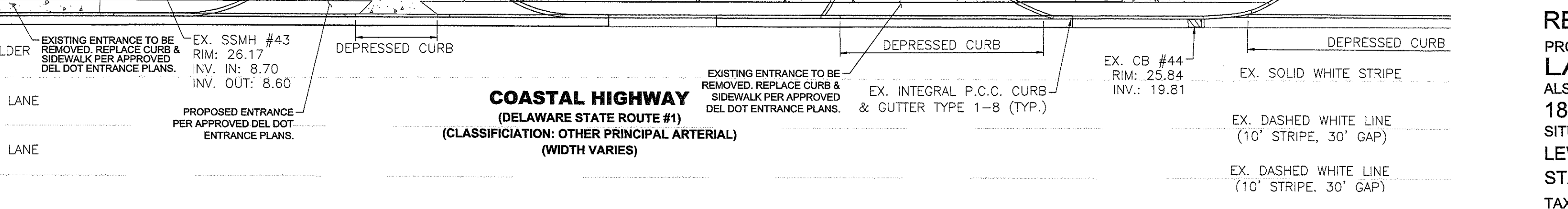
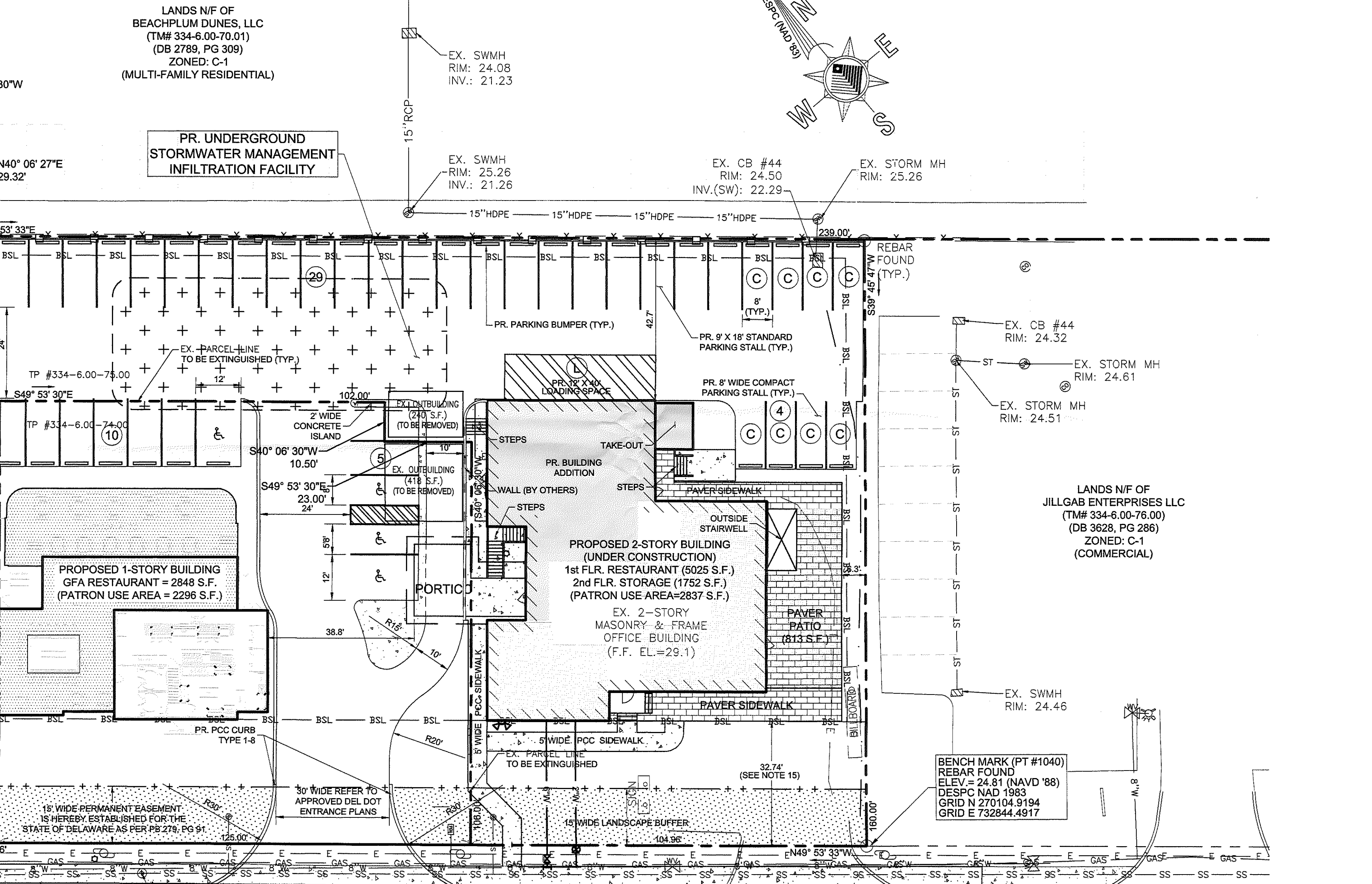
LANDS N/F OF BEACHPLUM DUNES, LLC
(TM# 334-6.00-70.01)
(DB 2789, PG 309)
ZONED: C-1
(MULTI-FAMILY RESIDENTIAL)



LANDS N/F OF GSM PROPERTIES, LLC
TP# 334-6.00-72.00
(DR: 3408/23)
ZONED: C-1
(COMMERCIAL USE)



LANDS N/F OF JILLGAB ENTERPRISES LLC
(TM# 334-6.00-76.00)
(DB 3628, PG 286)
ZONED: C-1
(COMMERCIAL)



NOTE:
SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

REVISED COMMERCIAL SITE PLAN (S-17-08)
PROJECT:
LANDS OF KEY PROPERTIES GROUP, LLC
ALSO KNOWN AS:
18315, 18321, & 18327 COASTAL HIGHWAY
SITUATE IN:
LEWES & REHOBOTH HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 334-6.00-74.00 & 75.00
SCALE: 1"=20'

DATE	REVISION	CHKD.	DRAWN BY:	RAG	DATE:	30 SEPTEMBER 2020	SHEET#:
4/20/21	PER SUSSEX P & Z REVIEW	R.A.G.					
1/13/21	PATIO AREA & PARKING REQ.	R.A.G.					
11/30/20	PATRON AREA & PARKING REQ.	R.A.G.					
11/12/20	PATRON AREA	R.A.G.					
11/08/20	PATRON AREA	R.A.G.					

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 # 12558
Hearing Date 5/17

202103710

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-80 115-183

Site Address of Variance/Special Use Exception:

19724 Coastal Highway, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Reduction on ~~Rear~~ ^{side} Setback restriction

4.7' var from 5' side yard for existing bldg
Requesting 4.5' var from 5' side yard for prop. Addition existing bldg

Tax Map #: 334-13.00-319.01

Property Zoning: C-1

Applicant Information

Applicant Name: Sequance Properties, LLC
Applicant Address: 45 Wanoma Circle
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: _____ Applicant e-mail: _____

Owner Information

Owner Name: Sequance Properties, LLC
Owner Address: 45 Wanoma Circle
City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Moonlight Architecture, Inc.
Agent/Attorney Address: 29003 Lewes Georgetown Highway
City Lewes State DE Zip: 19958
Agent/Attorney Phone #: (302) 645-9361 Agent/Attorney e-mail: freddy@moonlightarch.com

Signature of Owner/Agent/Attorney

Stallone

Date: 03/11/2021



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.

The existing building and concrete pad extend beyond the current Side Setback. Due to the current change in business environment created by Covid-19, the nature of the business has changed more towards take-out business and as a result the restaurant needs more space to prepare, package pick-up and delivery of the product, as well as, to create a better and safer work environment for social distancing in the kitchen.

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 current configuration of the parking and loading area and the County parking requirements, the project can not expand any other direction.

3. Not created by the applicant:

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

The Applicant purchased this property as it is in this current configuration.

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

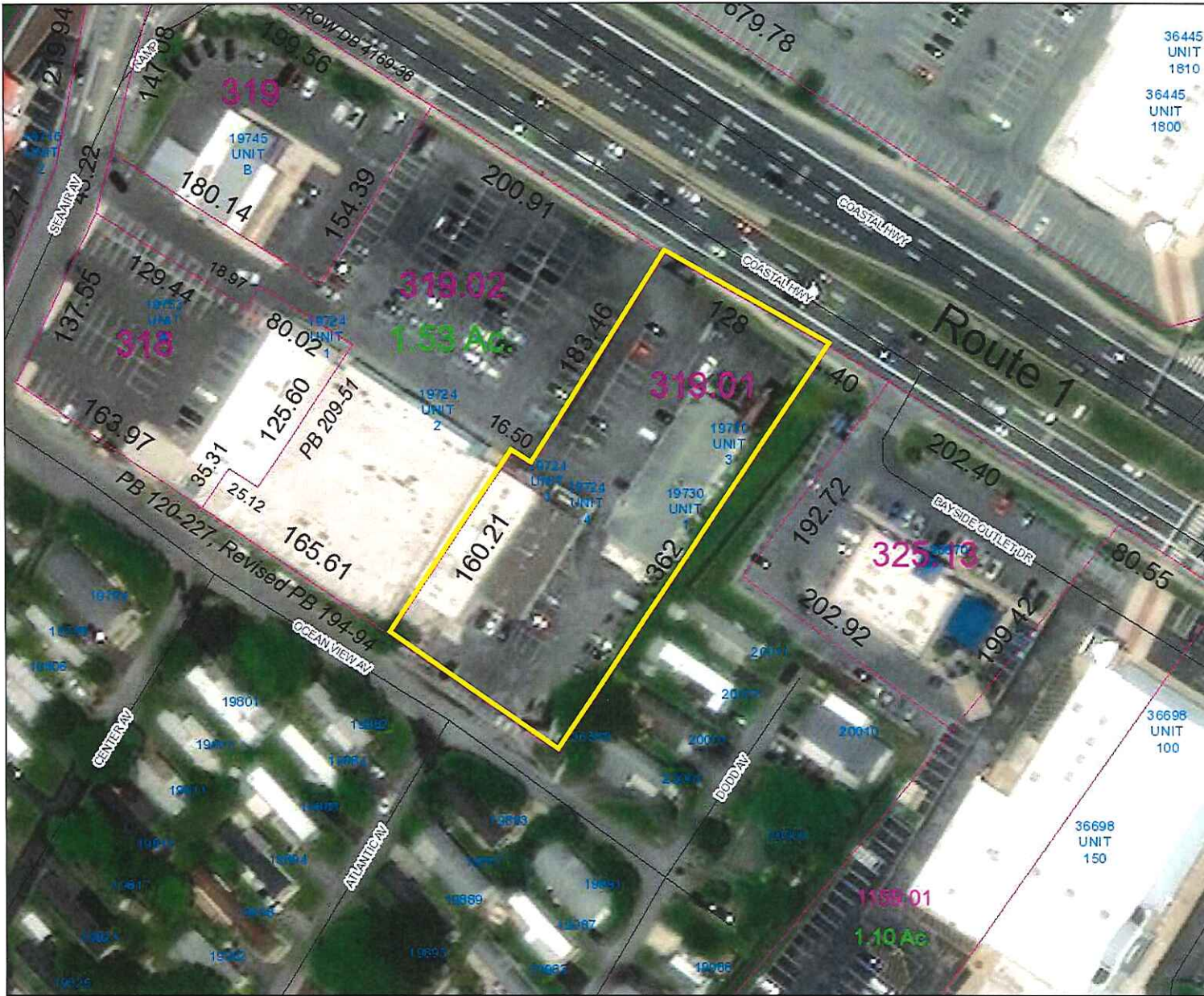
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The proposed expansion will be constructed in area that is already in an utilitarian area for this and the other adjacent businesses. As such, this will not alter the current character and will improve the visual esthetic of the site.

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 Code required Setback is 5 feet, but the current buildings are 0.5 feet and 0.3 feet from the existing property line. We are requiring a reduction of 4.5 feet from the required Side Setback, which is in line with the existing structures.



36445
UNIT
1810

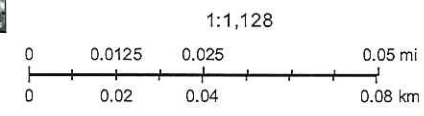
36445
UNIT
1800

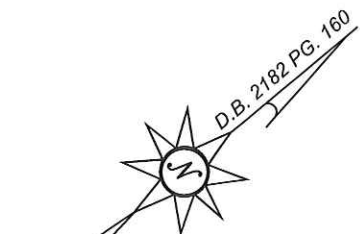
PIN:	334-13.00-319.01
Owner Name	SEQUENCE PROPERTIES LLC
Book	5281
Mailing Address	45 WANOMA CIRCLE
City	REHOBOTH BEACH
State	DE
Description	SW/S RT 1
Description 2	3240' S/RD 275A
Description 3	N/A
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

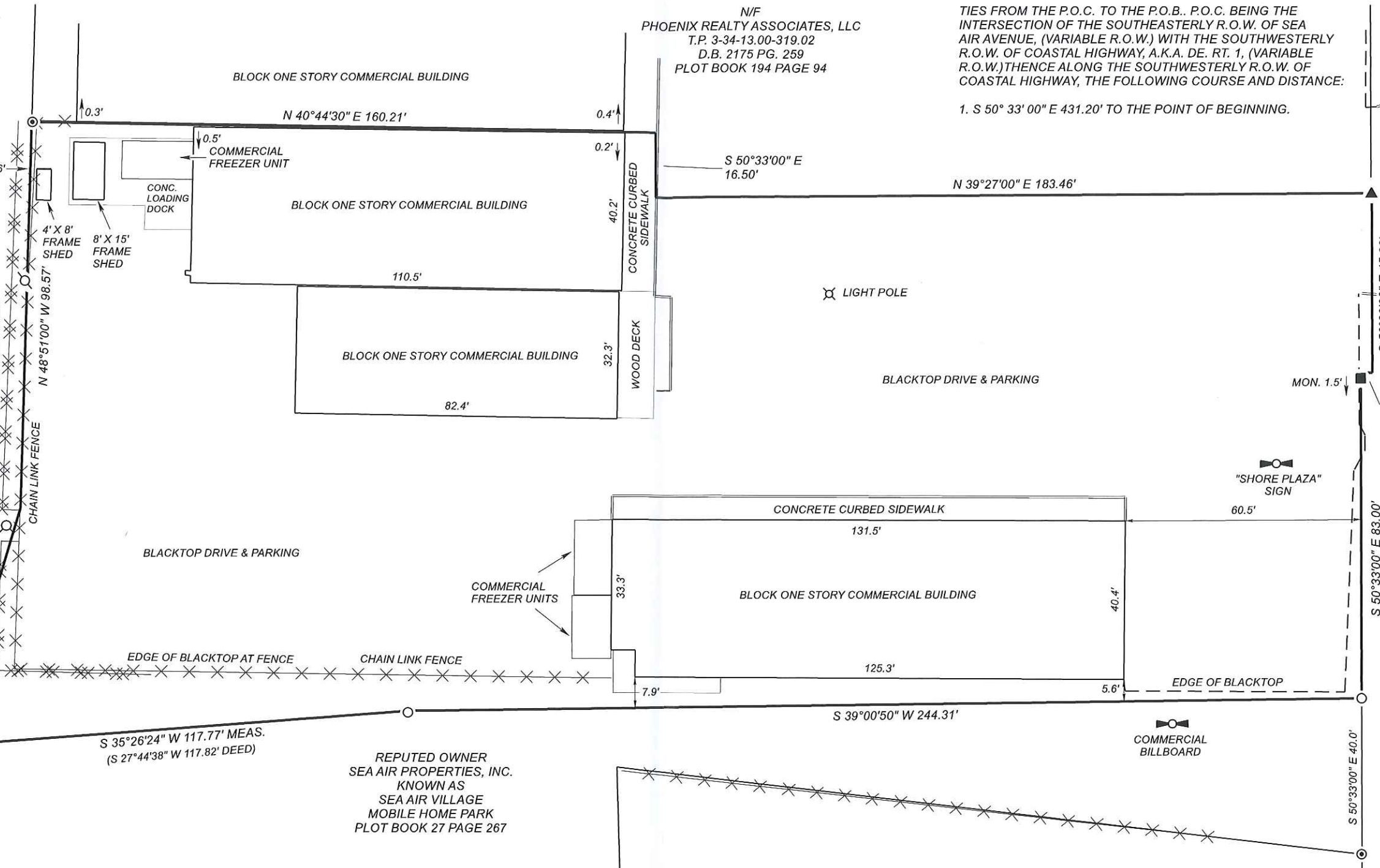
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries





REPUTED OWNER
SEA AIR PROPERTIES, INC.
KNOWN AS
SEA AIR VILLAGE
MOBILE HOME PARK
PLOT BOOK 27 PAGE 267

"OCEAN VIEW AVENUE"
SAID STREET BEING PART OF
"SEA AIR VILLAGE"
MOBILE HOME PARK



N/F
PHOENIX REALTY ASSOCIATES, LLC
T.P. 3-34-13.00-319.02
D.B. 2175 PG. 259
PLOT BOOK 194 PAGE 94

TIES FROM THE P.O.C. TO THE P.O.B.. P.O.C. BEING THE INTERSECTION OF THE SOUTHEASTERLY R.O.W. OF SEA AIR AVENUE, (VARIABLE R.O.W.) WITH THE SOUTHWESTERLY R.O.W. OF COASTAL HIGHWAY, A.K.A. DE. RT. 1, (VARIABLE R.O.W.) THENCE ALONG THE SOUTHWESTERLY R.O.W. OF COASTAL HIGHWAY, THE FOLLOWING COURSE AND DISTANCE:
1. S 50° 33' 00" E 431.20' TO THE POINT OF BEGINNING.

S 50°33'00" E 16.50'
N 39°27'00" E 183.46'
P.O.B.
S 50°33'00" E 45.80'
CURE
S 39°27'00" W 3.00'
MON. 1.5'
S 50°33'00" E 83.00'
S 50°33'00" E 40.0'

COASTAL HIGHWAY
DELAWARE ROUTE 1
VARIABLE R.O.W.

SITE DATA
TAX PARCEL:
3-34-13.00-319.01
ADDRESS:
19724 & 19730 COASTAL HIGHWAY
REHOBOTH BEACH, DE 19971
AREA:
1.114 ACRES
DEED REFERENCE:
DEED BOOK 2182 PAGE 160

CURRENT OWNER:
SHORE INVESTMENTS, INC
SURVEY CLASS:
THIS SURVEY MEETS OR EXCEEDS THE REQUIREMENTS FOR A SUBURBAN SURVEY.

TITLE NOTE:
THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHTS-OF-WAYS OR MORE STRINGENT BUILDING RESTRICTION LINES THAN THOSE SHOWN HEREON. NO RECORDED RIGHTS-OF-WAYS OR EASEMENTS WERE PROVIDED BY OTHERS FOR THE PREPARATION OF THIS SURVEY.

REPUTED OWNER
SEA AIR PROPERTIES, INC.
KNOWN AS
SEA AIR VILLAGE
MOBILE HOME PARK
PLOT BOOK 27 PAGE 267

- LEGEND**
- REBAR & CAP SET
 - △ MAG NAIL SET
 - ⊙ IRON PIPE FOUND
 - ▲ RAILROAD SPIKE FOUND
 - CONCRETE MONUMENT FOUND
 - UTILITY POLE
 - ⊕ FIRE HYDRANT

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SURVEY SHOWN HEREON IS CORRECT. THAT IT IS A SURVEY OF ALL THE LANDS CONVEYED BY SHORE INVESTMENTS, INC. TO SHORE INVESTMENTS, INC. BY DEED RECORDED FEBRUARY 14, 1997 AMONG THE LAND RECORDS OF SUSSEX COUNTY, DELAWARE IN DEED BOOK 2182 PAGE 160.

**BOUNDARY SURVEY PLAN
FOR
SHORE
INVESTMENTS, INC.**

LEWES AND
REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

PREPARED FOR: HUDSON, JONES, JAYWORK & FISHER, LLC

DONALD G. GROWER, PLS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
200 DEPOT STREET, GEORGETOWN, DE 19947
TEL. 302-858-4743 CEL. 302-632-1979
EMAIL: dgrower@comcast.net

Mailing Address: 533 Carol Street, Dover, DE 19904

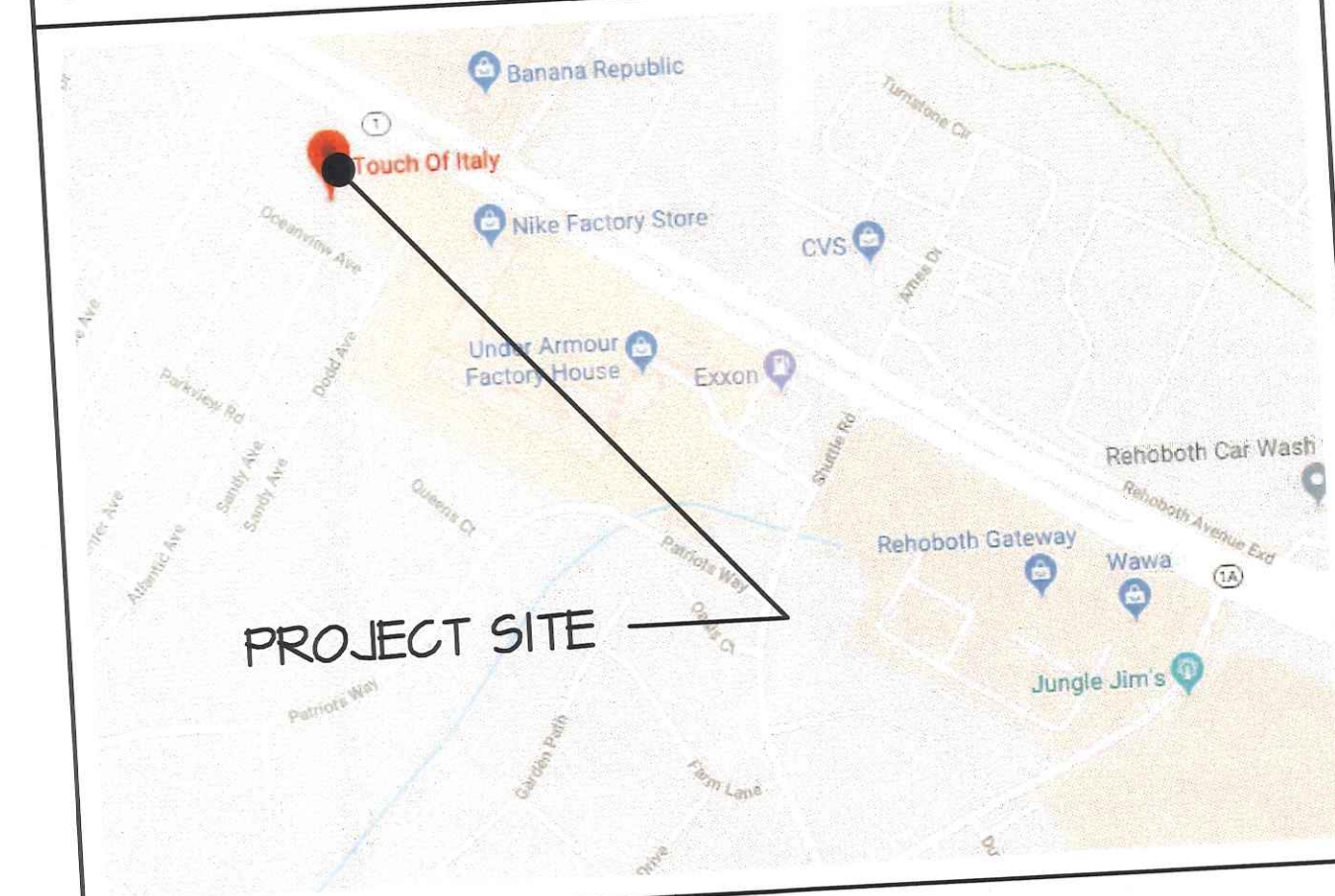
DATE: 9/6/2016 JOB NO.: 1706-2016
SCALE: 1"=80' DRAWN BY: DGG
SHEET NO.: 1 OF 1 COPYRIGHT 2016

DONALD G. GROWER, PLS NO. 0734

CONSTRUCTION DRAWINGS FOR THE: TOUCH OF ITALY RENOVATION

19724 COASTAL HIGHWAY
REHOBOTH BEACH, SUSSEX COUNTY, DELAWARE

VICINITY MAP



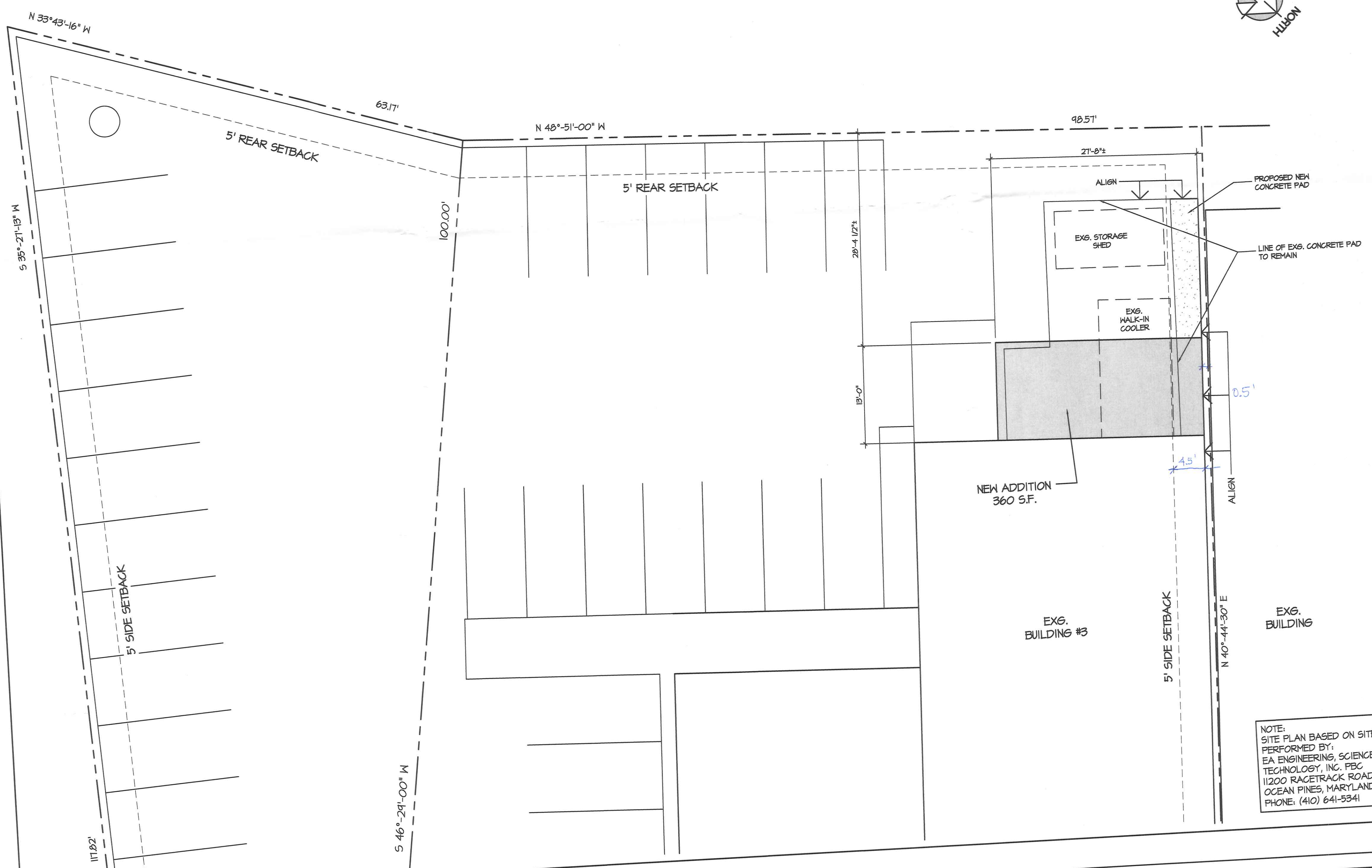
Moonlight Architecture, Inc.
Architecture • Interior Design
Site Planning
DE (302) 645-9361
MD (410) 677-4747
www.moonlightarch.com

All designs, concepts, ideas and arrangements depicted on these drawings are the property of Moonlight Architecture, Inc. and are intended to be used in connection with this specific project only and shall not be used in whole or in part for any other purpose whatsoever without the written consent of Moonlight Architecture, Inc. No changes or deviations shall be allowed without the written consent of Moonlight Architecture, Inc.

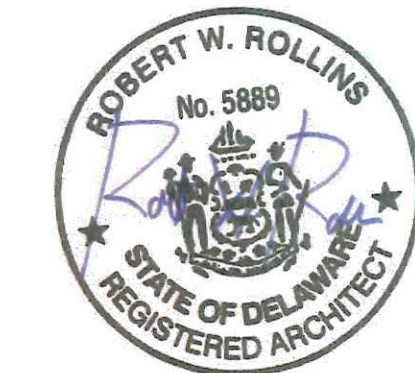
CONSTRUCTION DOCUMENTS FOR THE:
TOUCH OF ITALY RENOVATION
19724 COASTAL HIGHWAY
REHOBOTH BEACH, SUSSEX COUNTY, DELAWARE

PROJECT DATA

BUILDING OWNER: SEQUENCE PROPERTIES, LLC 45 MANOMA CIRCLE REHOBOTH BEACH, DE 19471	TAX MAP NUMBER: 334-13.00-319.01 ZONING: C-1 (GENERAL BUSINESS) FLOOD ZONE: X
TENANT: TOUCH OF ITALY 19724 COASTAL HIGHWAY REHOBOTH BEACH, DE 19471 PH: (302) 703-3090	SETBACKS: FRONT SETBACK: 60 FEET SIDE SETBACK: 5 FEET REAR SETBACK: 5 FEET HEIGHT SETBACK: 42 FEET
ARCHITECT: MOONLIGHT ARCHITECTURE, INC. 29003 LEBES GEORGETOWN HWY. LEBES, DE 19456 PH: (302) 645-4361 FAX: (302) 645-4364	LOT AREA: 48,528± S.F.
CONTRACTOR: T.B.D.	



NOTE:
SITE PLAN BASED ON SITE PLAN PERFORMED BY:
EA ENGINEERING, SCIENCE AND TECHNOLOGY, INC. FBC
11200 RACETRACK ROAD, UNIT 101A
OCEAN PINES, MARYLAND 21011
PHONE: (410) 641-5341



REVISIONS:

SCALE:
AS NOTED
DRAWING DATE:
03/11/2021
SHEET TITLE:
SITE PLAN

© COPYRIGHT 2021 MOONLIGHT ARCHITECTURE, INC.
PROJECT NUMBER:
18108
SHEET #:
G-001

AI SITE PLAN
KEY

**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 # 12559
Hearing Date 5/17
202103845

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:

9001 Riverside Dr., Seaford DE 19973

Variance/Special Use Exception/Appeal Requested:

Set back variance for pole building on existing cement pad, to reduce building cost & improve neighborhood.

Tax Map #: 331-7.00-51.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Steve T. Fitzgerald
Applicant Address: 9001 Riverside Dr
City Seaford State DE Zip: 19973
Applicant Phone #: 302-381-9760 Applicant e-mail: fitz.zvette@comcast.net

Owner Information

Owner Name: Steve T. Fitzgerald
Owner Address: 9001 Riverside Dr
City Seaford State DE Zip: 19973 Purchase Date: _____
Owner Phone #: 302-381-9760 Owner e-mail: fitz.zvette@comcast.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Steve T. Fitzgerald

Date: 3/16/21



Criteria for a Variance: (Please provide a written s

You shall demonstrate to the Board of Adjustment that the
a Variance to be granted.

In granting any variance the Board may attach such reason
deem necessary to implement the purposes of the Zoning O
no case, however, to grant a variance in the use of land or s

Applicant was
told to answer questions
1-3 (he originally put
N/A).
He insisted that he did
not want to provide more
details.
scheduled for 03/16
05/17/2021 - chase

1. Uniqueness of property:

That there are unique physical circumstances or co
or shallowness of lot size or shape, or exceptional t
peculiar to the particular property and that the exc
conditions and not to circumstances or conditions
Zoning Ordinance or Code in the neighborhood or district in which the property is located.

~~N/A~~ Existing cement pad

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.

~~N/A~~ Existing cement pad w/septic behind pad

3. Not created by the applicant:

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

~~N/A~~ Existing pad location creates need for 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.

will improve the neighborhood by removing
dilapidated sheds

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.

Minimum set-back variance from Marjorie Dr.

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.

Current sheds on existing cement pad. Removal of sheds and pole building built using existing pad, modified as needed to hold post frame.

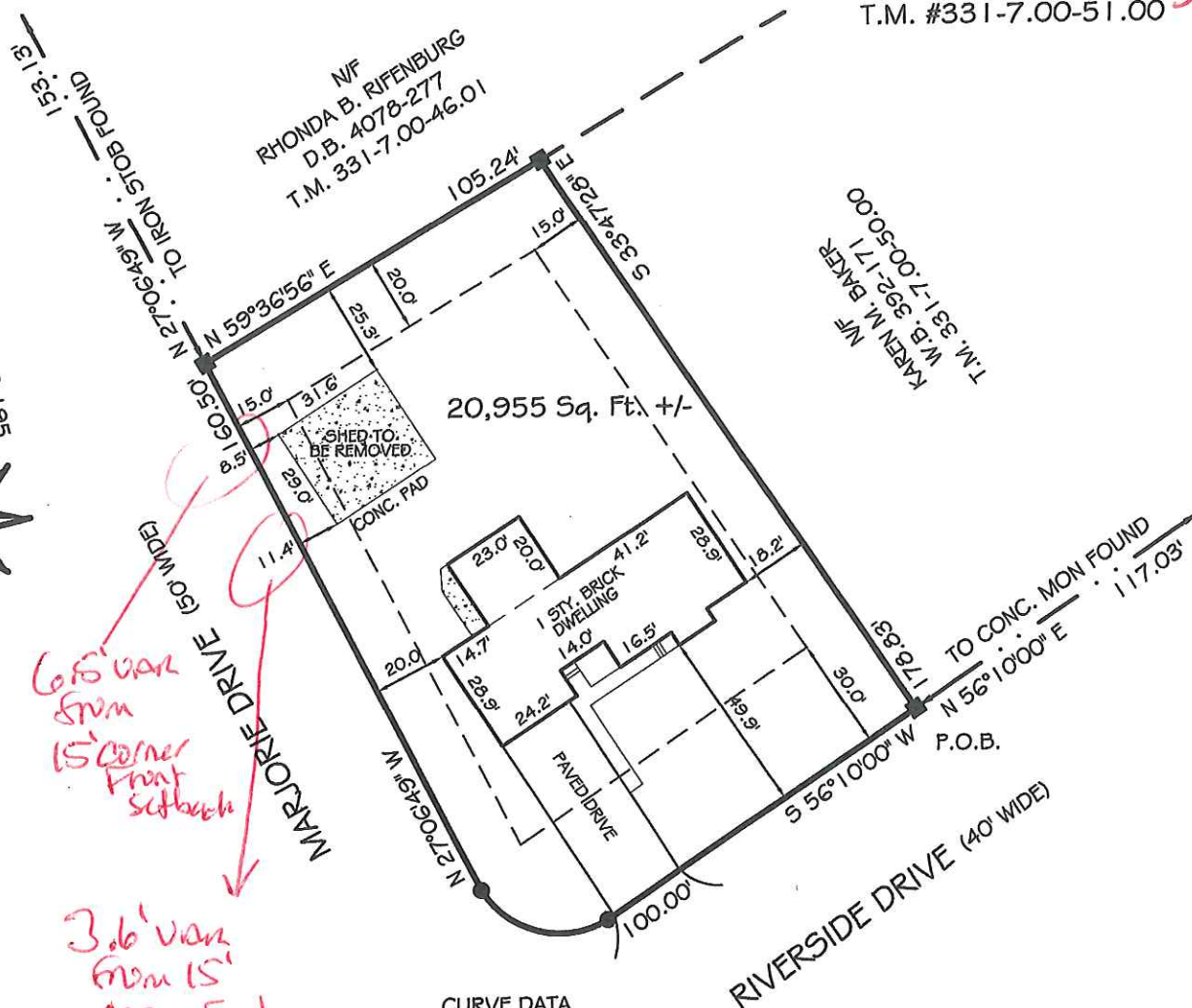
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

Improvement of neighborhood by removing dilapidated sheds with replacement of new building.

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

P+Z Review Copy

T.M. #331-7.00-51.00



60.5' var from 15' corner front setback
3.6' var from 15' corner front setback

Existing sheds on lot since before 1995 per Assessment Records

CURVE DATA
R = 25.00'
Δ = 88°53'06"
A = 38.78'
CD = 35.01'
Brg. = N 76°26'50" W

- CONC. MON. (FD)
- PIPE (SET)

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

BOUNDARY SURVEY PLAN FOR STEVE T. FITZGERALD

9001 RIVERSIDE DRIVE, SEAFORD, DE. 19973
LOT #7 & 1/3 LOT #8 SECT. E OF "ISLAND DEVELOPMENT"
SEAFORD HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 50' AUGUST 31, 2020
REVISED SEPTEMBER 14, 2020

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

STEPHEN M. SELLERS PLS 566 DATE 9/14/2020
SURVEY CLASS: SUBURBAN

PREPARED BY:

MILNER LEWIS, INC.

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

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

Scale: 1" = 40'



GRAPHIC SCALE

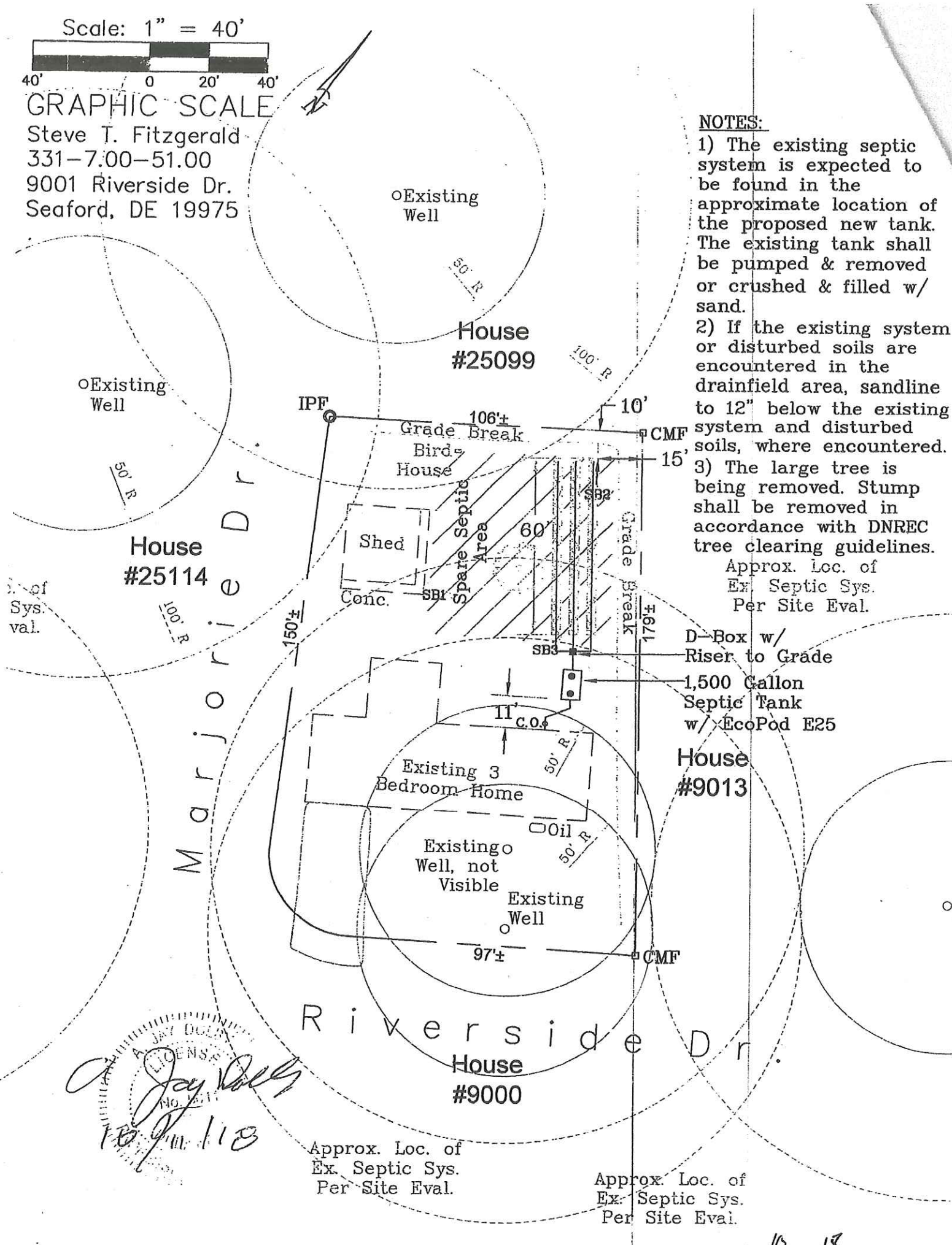
Steve T. Fitzgerald
331-7.00-51.00
9001 Riverside Dr.
Seaford, DE 19975

NOTES:

- 1) The existing septic system is expected to be found in the approximate location of the proposed new tank. The existing tank shall be pumped & removed or crushed & filled w/ sand.
- 2) If the existing system or disturbed soils are encountered in the drainfield area, sandline to 12" below the existing system and disturbed soils, where encountered.
- 3) The large tree is being removed. Stump shall be removed in accordance with DNREC tree clearing guidelines.

Approx. Loc. of
Ex. Septic Sys.
Per Site Eval.

D-Box w/
Riser to Grade
1,500 Gallon
Septic Tank
w/ EcoPod E25



Approx. Loc. of
Ex. Septic Sys.
Per Site Eval.

Approx. Loc. of
Ex. Septic Sys.
Per Site Eval.

Jay Kelly
 JAY KELLY
 LICENSE
 No. 118
 10/11/18

We, Keith and Patricia Connolley, give our support to our neighbor Steve Fitzgerald at 9001 Riverside Dr, Seaford DE to build a Pole Barn on the existing location of his sheds now.

We are aware of the variance of setbacks distances from the property lines on Marjorie Rd

Keith W. Connolley

Patricia A. Connolley

Keith & Patricia Connolley
25102 Marjorie Rd
Seaford, DE 19973

Lot: 331-7.00-52.00

I Jason Friedel, would like to express my support to my neighbor, Steve Fitzgerald at 9001 Riverside Dr, for him to erect a Pole Barn at the existing location of the sheds currently standing at this location.

I am aware that this requires a variance of the setback distances from the property lines on Marjorie Rd, Seaford DE.



Jason Friedel
8981 Riverside Dr.
Seaford, DE 19973

Lots: 331-7.00-53.00 & 331-7.00-52.01

I Rhonda Rifenburg, current neighbor of Steve Fitzgerald at 9001 Riverside Dr, Seaford DE, would like to give my consent to have him build a Pole Barn at the current location of the existing sheds he has now.

He has explained that this requires a variance of the setbacks distances from the property lines and from Marjorie Rd.

A handwritten signature in black ink, appearing to read 'Rhonda Rifenburg', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Rhonda Rifenburg
25099 Marjorie Rd
Seaford, DE 19973

Lot: 331-7.00-46.01





3d View for TAT- Fitzgerald 28 x 28 x 10

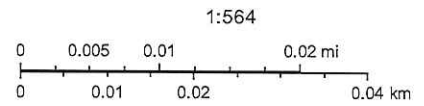


NEW



PIN:	331-7.00-51.00
Owner Name	FITZGERALD STEVE T
Book	4543
Mailing Address	9001 RIVERSIDE DR
City	SEAFORD
State	DE
Description	THE ISLAND DEV
Description 2	BLK E LOT 7
Description 3	N/RIVERSIDE DR
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- 911 Address
- Streets



Case # 12560
Hearing Date 3/17
202104543

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)
115-23 115-210

Site Address of Variance/Special Use Exception:

31507 Oak Orchard Rd Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

operate day care center

Tax Map #: 234-29.00-263.12

Property Zoning: AR-1

Applicant Information

Applicant Name: Mahmut & Dawn Yilmaz ^{Yasins Laxla, LLC}
Applicant Address: 26776 Anderson Corner Rd
City Harbeson State DE Zip: 19951
Applicant Phone #: 302-229-2322 Applicant e-mail: yilmazdawn@hotmail.com

Owner Information

Owner Name: Mahmut Yilmaz
Owner Address: 26776 Anderson Corner Rd
City Harbeson State DE Zip: 19951 Purchase Date: _____
Owner Phone #: 302-229-2323 Owner e-mail: yilmazdawn@hotmail.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

M. Yilmaz

Date: 3/26/21



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.

Day Care center will be open 7AM - 6PM during the weeks. No disturbance ^{day} night time for neighborhood. No lighting at night except security lights. It will be C plan parking and will be fenced play areas for children.

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

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



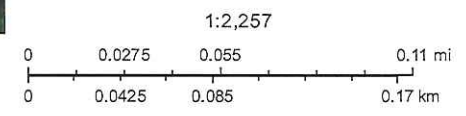


PIN:	234-29.00-263.12
Owner Name	YASIN & LAYLA LLC
Book	4737
Mailing Address	31507 OAK ORCHARD ROAD
City	MILLSBORO
State	DE
Description	N/RT 24
Description 2	RT 297
Description 3	N/A
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

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





Moonlight
Architecture, Inc.

Architecture - Interior Design
Site Planning

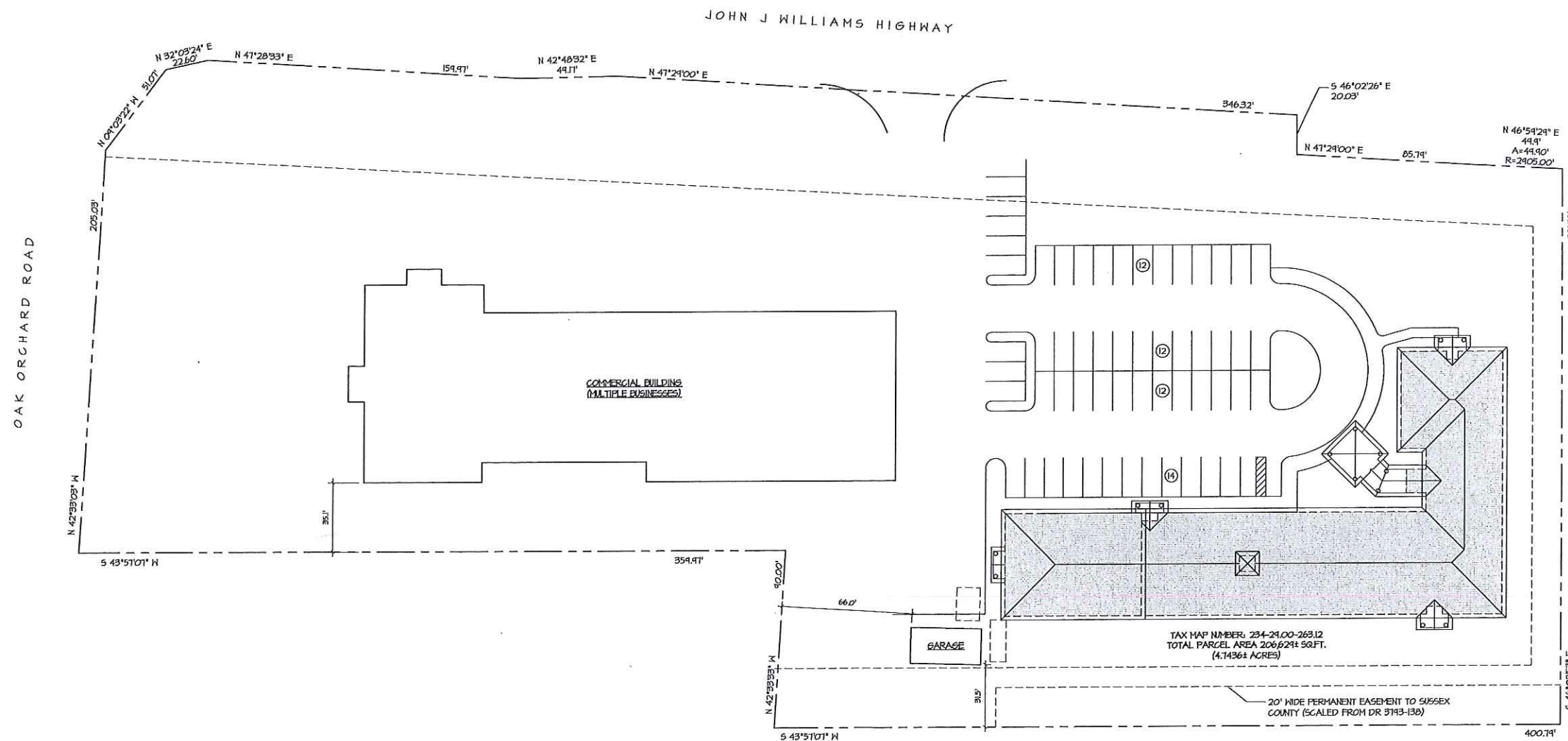
DE (302) 645-9361

MD (410) 677-4747

www.moonlightarch.com

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CONSTRUCTION DOCUMENTS FOR THE:
OAK ORCHARD DAYCARE
JOHN J. WILLIAMS HIGHWAY
MILLSBORO, SUSSEX COUNTY
DELAWARE



REVISIONS:

SCALE:
3/32" = 1'-0"

DRAWING DATE:
04/01/2019

SHEET TITLE:
SCHEMATIC SITE PLAN

© COPYRIGHT 2019 MOONLIGHT ARCHITECTURE, INC.

PROJECT NUMBER:
18165

SHEET #:
SD-G

A1 SCHEMATIC SITE PLAN
1" = 30'-0" KEY



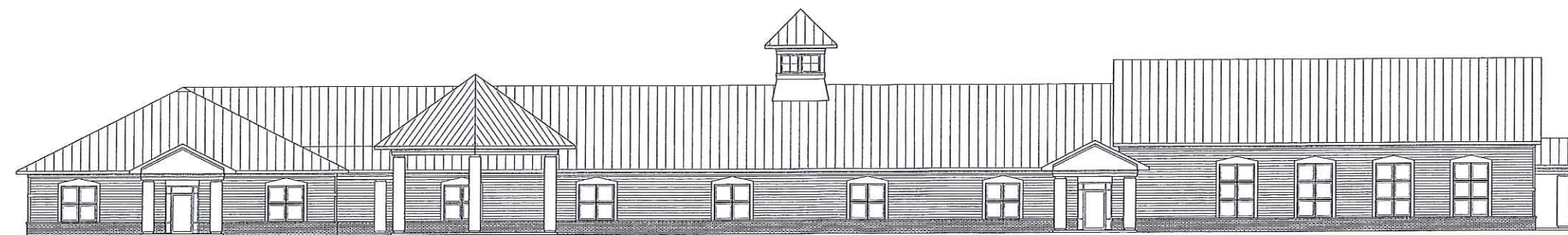
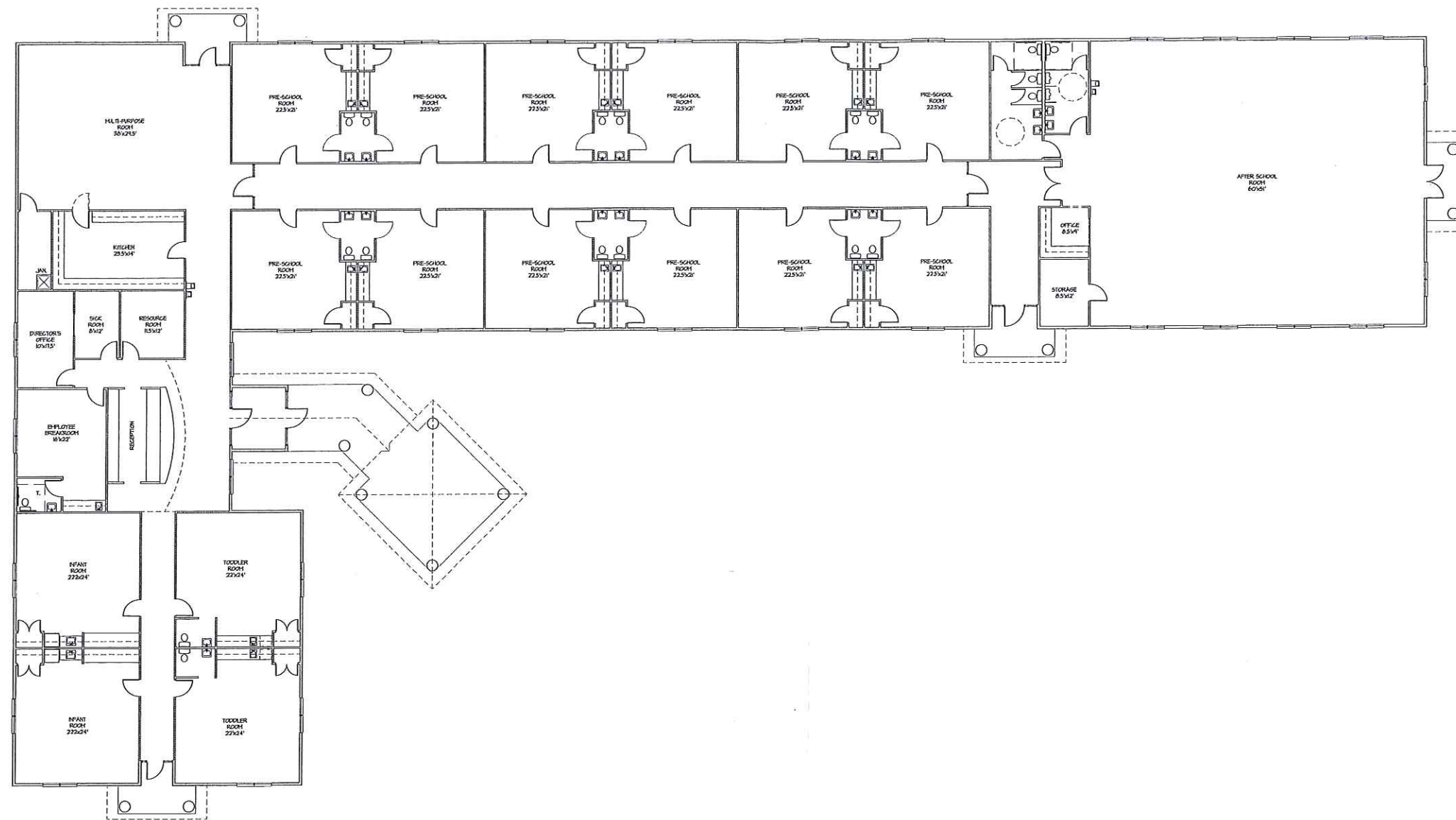
Moonlight
Architecture, Inc.

Architecture - Interior Design
Site Planning

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MD (410) 677-4747
www.moonlightarch.com

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CONSTRUCTION DOCUMENTS FOR THE:
OAK ORCHARD DAYCARE
JOHN J. WILLIAMS HIGHWAY
MILLSBORO, SUSSEX COUNTY
DELAWARE



SCHEMATIC FRONT ELEVATION

REVISIONS:

SCALE:
3/32" = 1'-0"
DRAWING DATE:
04/01/2019
SHEET TITLE:
SCHEMATIC FLOOR PLAN
EXTERIOR ELEVATIONS

© COPYRIGHT 2019 MOONLIGHT ARCHITECTURE, INC.
PROJECT NUMBER:
18165

SHEET #:
SD-01



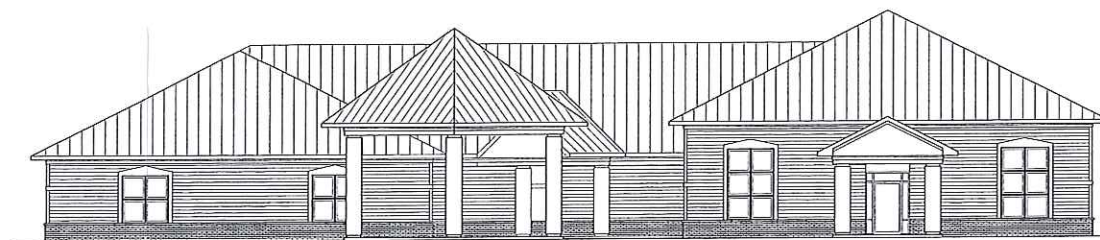
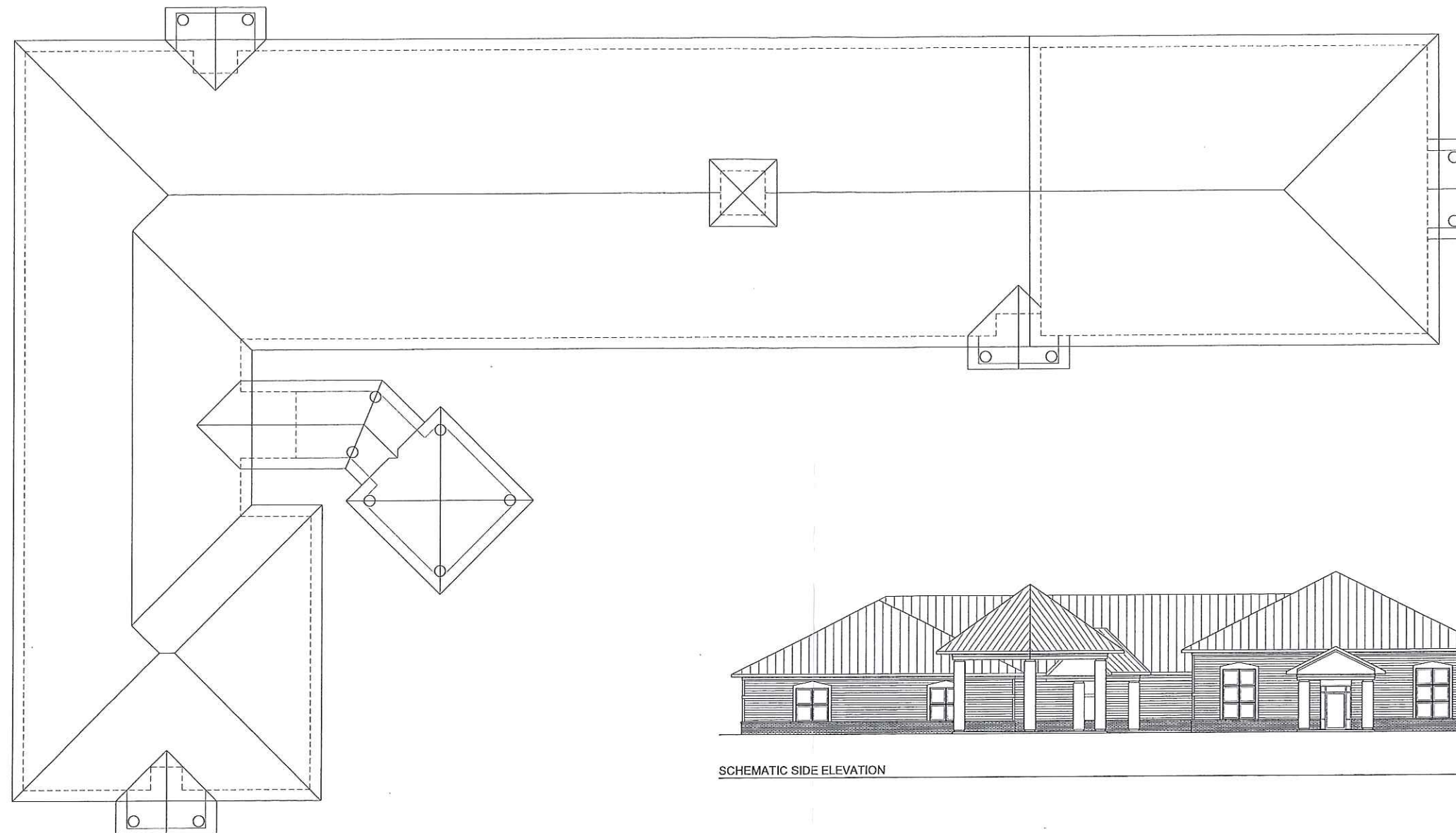
Moonlight
Architecture, Inc.

Architecture • Interior Design
Site Planning

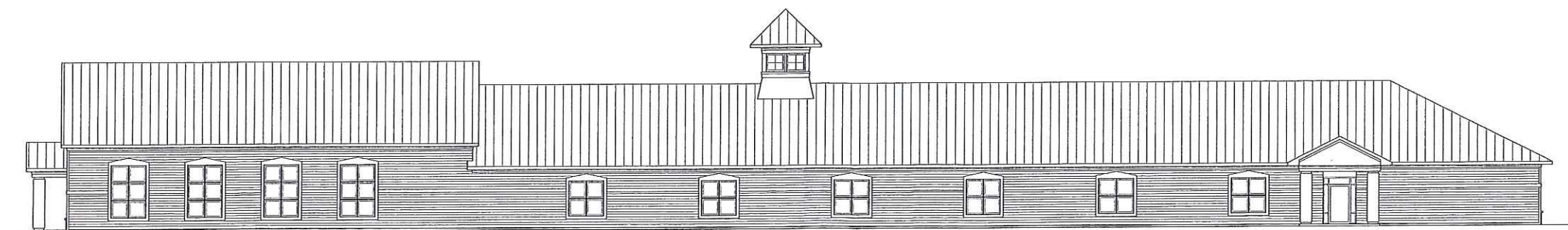
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MD (410) 677-4747
www.moonlightarch.com

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CONSTRUCTION DOCUMENTS FOR THE:
OAK ORCHARD DAYCARE
JOHN J. WILLIAMS HIGHWAY
MILLSBORO, SUSSEX COUNTY
DELAWARE



SCHEMATIC SIDE ELEVATION



SCHEMATIC REAR ELEVATION

REVISIONS:

SCALE:
3/32" = 1'-0"
DRAWING DATE:
04/01/2019

SHEET TITLE:
SCHEMATIC ROOF PLAN &
EXTERIOR ELEVATIONS

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PROJECT NUMBER:
18165

SHEET #:
SD-02

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 # 12561
Hearing Date 5/17
202104399

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-23 115-182
115-183

Site Address of Variance/Special Use Exception:

8952 CEDAR CREEK ROAD LINCOLN, DE

Variance/Special Use Exception/Appeal Requested: VARIANCE ON SETBACKS ON FRONT & REAR OF THE PROPERTY WITH AN EXISTING STRUCTURE WITH IMPROVEMENTS ON

Tax Map #: 230-14.00-68.00 Property Zoning: R2-1

Applicant Information

Applicant Name: KEVIN PHELAN
Applicant Address: 537 S STATE ST
City DOVER State DE Zip: 19901
Applicant Phone #: 302-542-6784 Applicant e-mail: Kevin.phelan@msn.com

Owner Information

Owner Name: KEVIN PHELAN
Owner Address: 8952 CEDAR CREEK RD
City LINCOLN State DE Zip: 19960 Purchase Date: 04-24-2020
Owner Phone #: 302-542-6784 Owner e-mail: Kevin.phelan@msn.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Kevin Phelan

Date: 03-23-2021



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.

NON-CONFORMING LOT WITH SETBACKS ON FRONT & REAR OF LOT MAKING THE EXISTING STRUCTURE NOT IN CONFORMANCE TO THE COUNTY STANDARDS. SEE ATTACHED SURVEY

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 SETBACKS WOULD ONLY ALLOW FOR APPROXIMATELY ~~A~~ 14'X14' BUILDING OR LARGER TRIANGULAR BUILDING. SEE ATTACHED SURVEY.

3. Not created by the applicant:

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

THE STRUCTURE HAS BEEN HERE SINCE THE 1950/1960S. THE PROPERTY HAS BEEN LIKE THIS ~~BEFORE~~ BEFORE OWNERSHIP.

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.

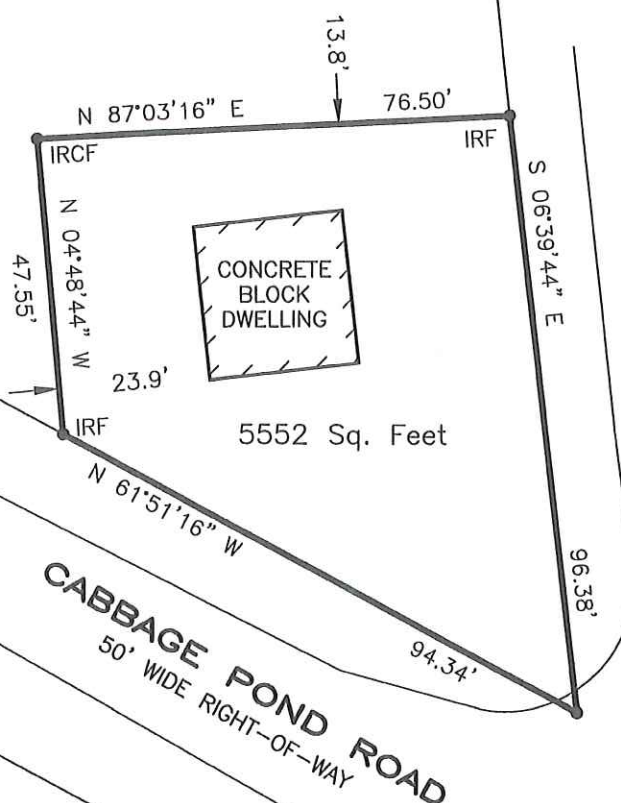
THE BUILDING WILL BE REBUILT IN THE SAME FOOTPRINT & ON THE SAME FOUNDATION. WITH THE ADDITION OF THE SMALL FRONT PORCH, IT WILL MAKE THE BUILDING A BETTER FIT FOR THE NEIGHBORHOOD.

5. Minimum variance:

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

WE WILL BE USING THE EXISTING STRUCTURE'S FOOTPRINT & SMALL PORCH FOR A MORE PROPORTIONATE / SAFE FRONT ENTRANCE TO THE RESIDENCE.

DELAWARE STATE PLANE
COORDINATE SYSTEM (NAD 83)



CEDAR CREEK ROAD
60' WIDE RIGHT-OF-WAY

CABBAGE POND ROAD
50' WIDE RIGHT-OF-WAY



SURVEYOR'S STATEMENT

I, CHRISTOPHER D. WATERS, HEREBY STATE THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

Christopher D. Waters
SIGNATURE: _____ DATE: _____
LIC. NO. S6-647

GENERAL NOTES

- 1) PROPERTY: 8952 CEDAR CREEK ROAD
ADDRESS: LINCOLN, DELAWARE
- 2) MAP NUMBER: 230-14.00-68.00
- 3) DEED REFERENCE: 5231 / 212
- 4) CURRENT ZONING: R-1
- 5) THE LAND SHOWN HEREON LIES ENTIRELY WITHIN FLOOD ZONE X
- 6) IRCF DENOTES IRON ROD AND CAP FOUND
- 7) IRF DENOTES IRON ROD FOUND



EASTON, MARYLAND (410) 770-4744
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

PLAT SHOWING

THE LANDS OF
KEVIN PHELAN
CEDAR CREEK HUNDRED
SUSSEX COUNTY, DELAWARE

Date: 6-18-20 Scale: 1" = 30' Proj.No.:3600A001

Sussex County

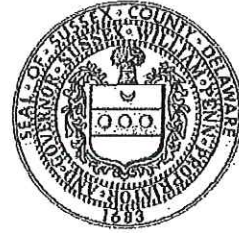
DELAWARE
PLANNING & ZONING DEPARTMENT

sussexcountysde.gov

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR



SETBACK INFORMATION REQUEST

Date of Request 6/15/2020 Zoning District AR-1
Customer Name KEVIN
Customer Contact kevin.phelar@abcsupply.com
Tax Parcel ID 230-14.00-68.00 Lot/Unit Number N/A
Parcel Address 8952 CEDAR CREEK ROAD
Front Yard Setback 40' CUBBAGE POND
Side Yard Setback 5'
Rear Yard Setback 15'
Corner Front Yard Setback 15' CEDAR CREEK ROAD
Maximum Height 42'

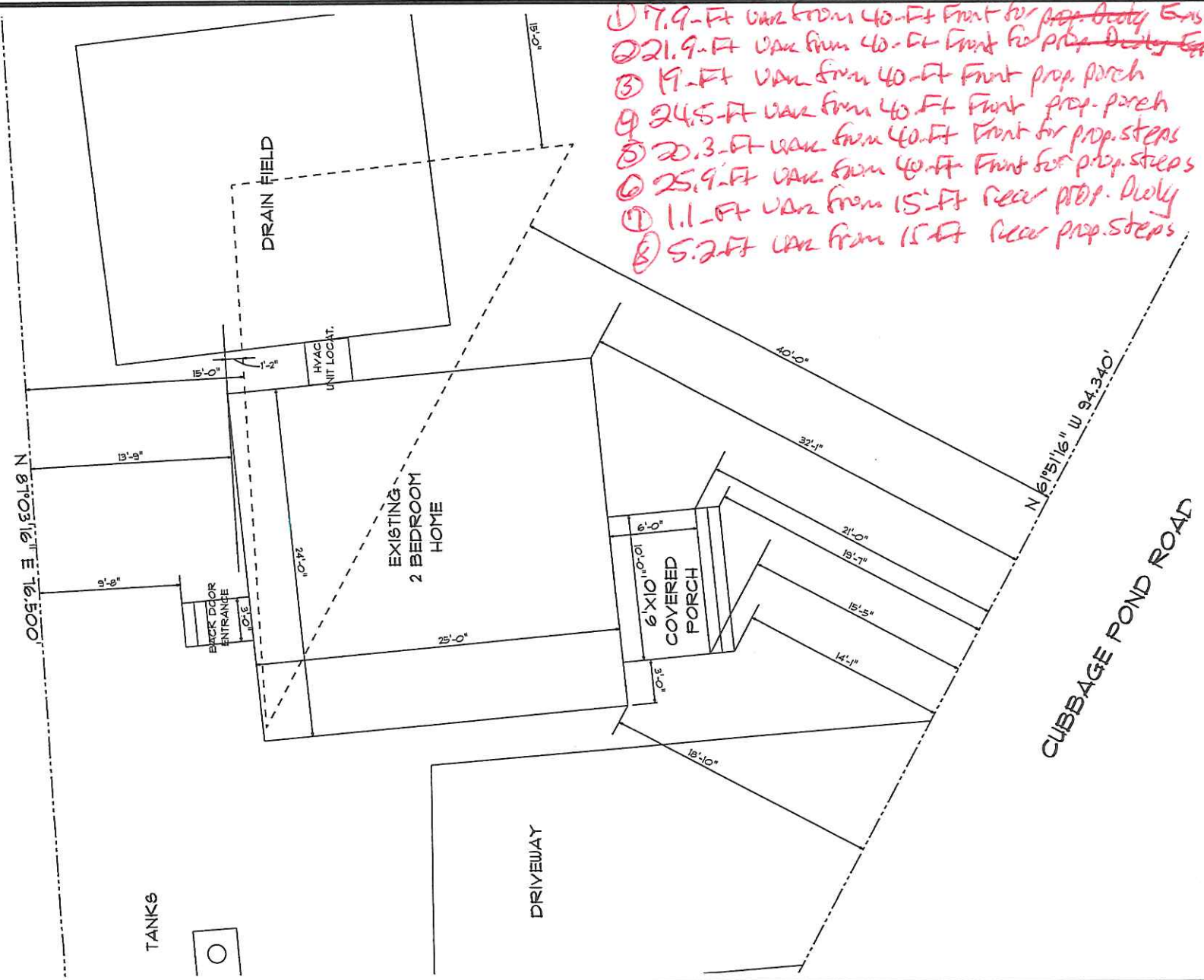
The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

Additional Notes:


Name of Staff Member RUSTY

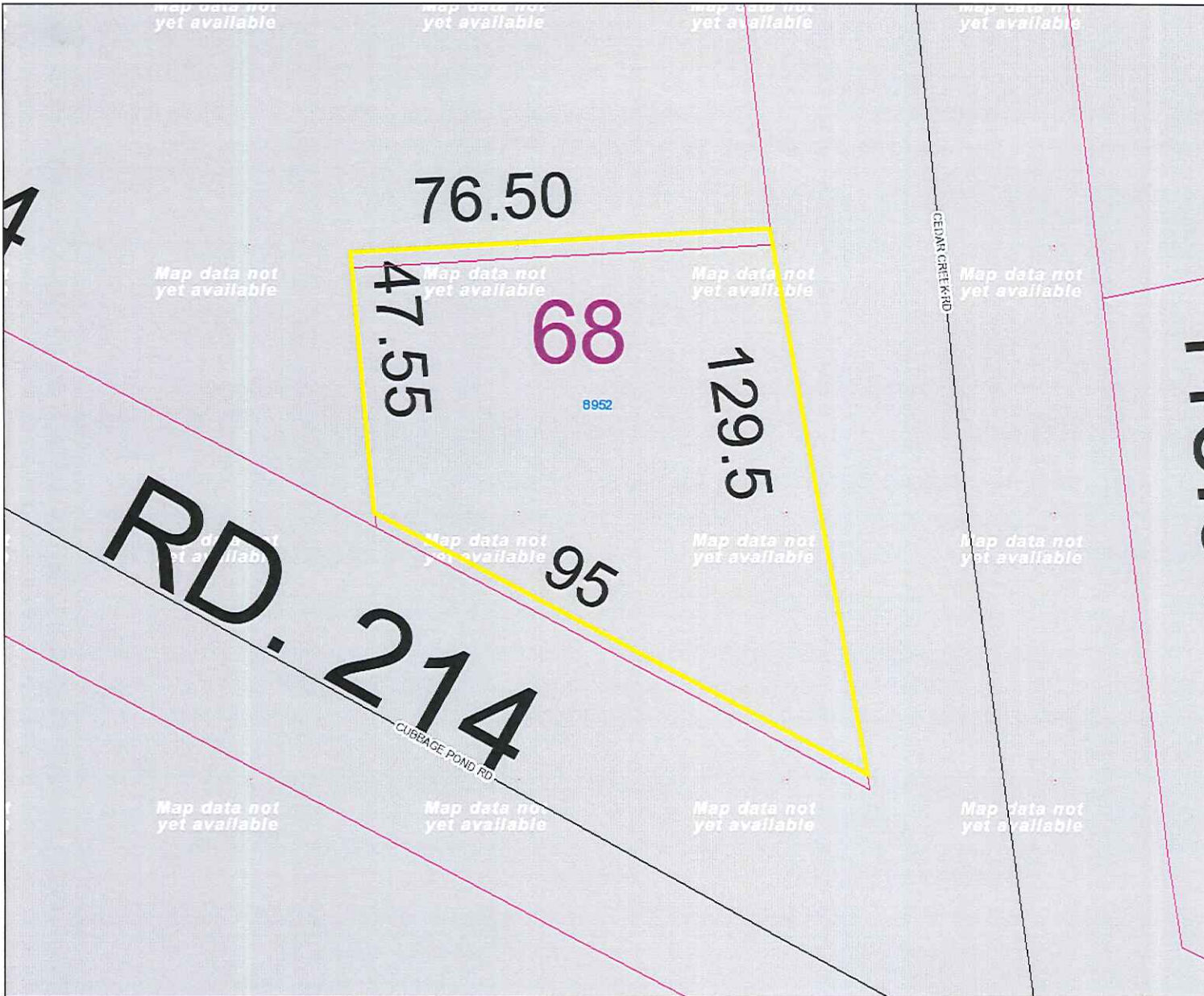
Checked By 

Review Copy



- ① 7.9-Ft var from 40-Ft front for prop. ~~Driv~~ Existing Driv
- ② 21.9-Ft var from 40-Ft front for prop. ~~Driv~~ Existing Driv
- ③ 17-Ft var from 40-Ft front prop. porch
- ④ 24.5-Ft var from 40-Ft front prop. porch
- ⑤ 20.3-Ft var from 40-Ft front for prop. steps
- ⑥ 25.9-Ft var from 40-Ft front for prop. steps
- ⑦ 1.1-Ft var from 15-Ft rear prop. Driv
- ⑧ 5.2-Ft var from 15-Ft rear prop. steps

PHELAN RESIDENCE 8952 CEDAR CREEK RD LINCOLN Delaware					
<i>M.R. Designs, Inc.</i> 		26342 BROADKILL RD. MILTON, DE 19968 (302) 684-8082	SCALE: 1" = 10'-0" DATE: 3/17/2021	DRAWN BY: MRD REVISED:	DRAWING NO. 1 of 1

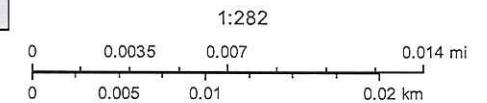


PIN:	230-14.00-68.00
Owner Name	PHELAN KEVIN
Book	5231
Mailing Address	8952 CEDAR CREEK RD
City	LINCOLN
State	DE
Description	W/RT 30 INT
Description 2	N/RT 214
Description 3	N/A
Land Code	

- 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 # 12562
Hearing Date 5/17
202105026

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:

19490 Mulberry Knoll Rd. Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

1. Reduce side setback to 5' (currently 15')
2. Reduce back setback to 10' (currently 20')

Tax Map #: 334-12.00-16.02 Property Zoning: AR-1

Applicant Information

Applicant Name: David Bower
Applicant Address: 509 Ohio Ave. Wilmington DE 19805
City Wilmington State DE Zip: 19805
Applicant Phone #: 302-598-0170 Applicant e-mail: bowerzz@yahoo.com

Owner Information

Owner Name: David Bower
Owner Address: 509 Ohio Ave.
City Wilmington State DE Zip: 19805 Purchase Date: 05/05/19
Owner Phone #: 302-598-0170 Owner e-mail: bowerzz@yahoo.com Inherited upon Mom death.

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

David Bower

Date: 4/2/21



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.

1. Current zoning requires 150' ~~road~~ ^{road} frontage, but I'm 100', (narrow!)
2. My septic field is very near centered in backyard.

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 uniqueness of property constraints creates a situation of potential damage to property as well as safety concerns.

3. Not created by the applicant:

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

Location of existing lot improvements creates this practical difficulty.

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.

- Closest two neighbors, (to my left), both have sheds in their backyards, I currently have none.
- My other three neighbors are:
 1. The new elementary school fields
 2. The new State Police station
 3. George Townsend crop fields

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.

These two changes to setback restrictions allow for a alignment of driveway entrance into building ~~for~~ ^{for} motorhome. Eliminates/minimizes dog-leg driveway.

Sussex County - Board of Adjustment

In reference to the setback variance(s) request by David W. Bower at 19490 Mulberry Knoll Road, Lewes, Delaware 19958 (Tax Parcel No. 334-12.00-16.02).

I, the undersigned, support granting a rear yard setback variance, and/or a side yard setback variance, of the dimensions being requested of the Board of Adjustment.

LISA Hartzell
Print Name

Lisa Hartzell
Signature

19508 Mulberry Knoll Rd
Property Address
Lewes De 19958

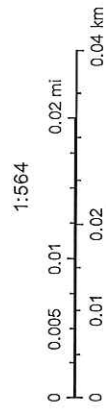
4/4/21
Date

Mailing Address (if different from property address)

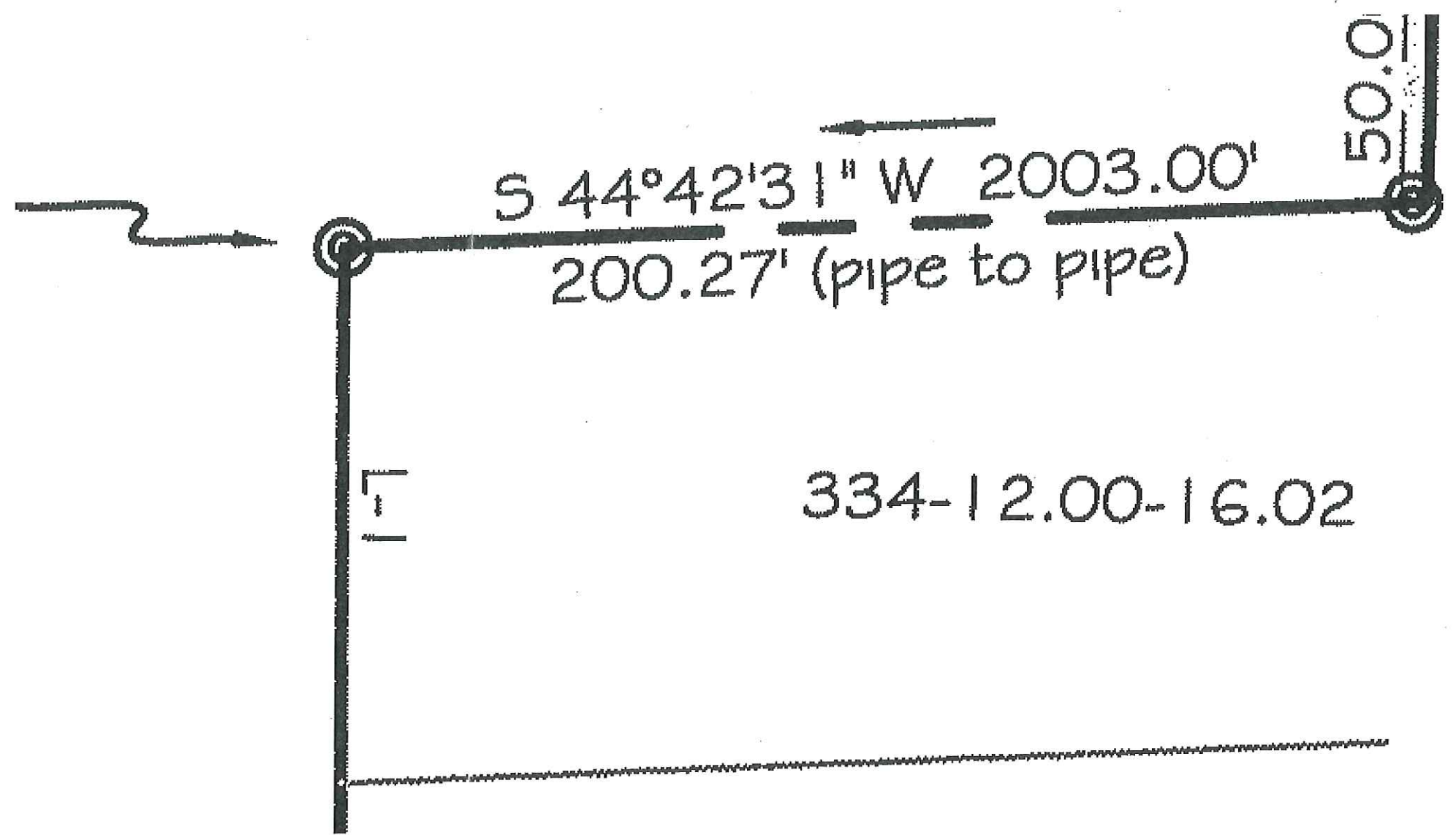


PIN:	334-12.00-16.02
Owner Name	BOWER DAVID W
Book	4372
Mailing Address	509 OHIO AVE
City	WILMINGTON
State	DE
Description	SW SD RT 284
Description 2	LOT
Description 3	N/A
Land Code	

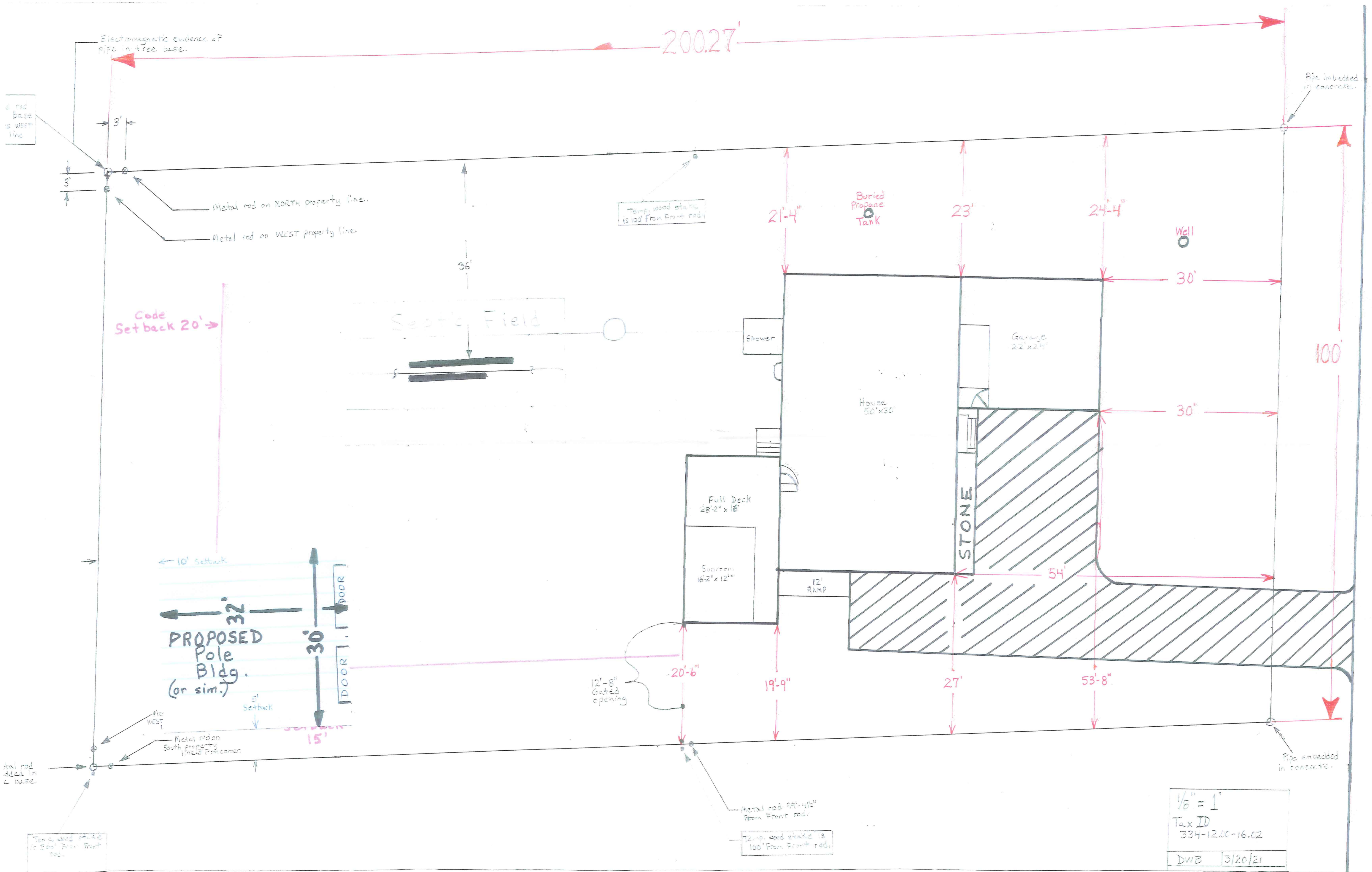
- polygonLayer
- Override 1
- polygonLayer
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries



Electromagnetic
evidence of pipe
in base of tree



334-12.00-16.02



1/8" = 1'
 Tax ID
 334-1200-16.02
 DWB 3/20/21