

## BOARD OF ADJUSTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

(302) 855-7878 T

## AGENDA

June 21, 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 April 19, 2021

### Approval of Finding of Facts for April 19, 2021

### Old Business

**Case No. 12538 – Marc Forman** seeks variances from the side 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 east side of Reynolds Road approximately 807 ft. northwest of Zion Church Road. 911 Address: 12921 Reynolds Road, Milton. Zoning District: AR-1. Tax Parcel: 235-8.00-18.00

### Public Hearings

**Case No. 12571 – ADBM Holdings, LLC** seek a variance from the front yard setback requirement for a proposed structure (Sections 115-82 and 115-182 of the Sussex County Zoning Code). The property is located on the southwest side of DuPont Boulevard (Rt. 113) at the intersection of North Oak Drive. 911 Address: 28362 DuPont Boulevard, Millsboro. Zoning District: C-1. Tax Parcel: 133-16.00-105.00 & 105.01

**Case No. 12572 – Frank & Laura Taylor** seek a variance from maximum fence height requirement for an existing fence. (Sections 115-42, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Adams Avenue approximately 110 feet southwest of South Bay Shore Drive in Broadkill Beach. 911 Address:



102 Adams Avenue, Milton. Zoning District: GR. Tax Parcel: 235-4.17-6.00

**Case No. 12573 – Eugenia Castrejon** seeks a special use exception to operate a day care center (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the west side of Sanfilippo Road approximately 0.21 mile north of Swan Lane. 911 Address: 20734 Sanfilippo Road, Bridgeville. Zoning District: AR-1. Tax Parcel: 331-2.00-40.00

**Case No. 12574 – T. Patrick & Eileen Cannon** seek variances from the front yard setback and maximum fence height requirements for proposed structures (Sections 115-34, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of London Circle South within the Rehoboth Beach Yacht and County Club Subdivision. 911 Address: 117 London Circle South, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-19.00-495.00

**Case No. 12575 – Hometown Village of Cool Branch, LLC** seeks variances from the rear yard setback requirements for existing structures (Sections 115-42, 115-172, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Hitch Pond Circle within the Cool Branch Manufactured Home Park. 911 Address: 100 Hitch Pond Circle, Seaford. Zoning District: GR. Tax Parcel: 132-8.00-1.00

**Case No. 12576 – Logan Galbreath** seeks a variance from the front yard setback requirement for a proposed structure (Sections 115-42, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Smith Drive within the Banksville Park Subdivision. 911 Address: 35438 Smith Drive, Ocean View. Zoning District: GR. Tax Parcel: 134-12.00-1260.00

**Case No. 12577 – Woodlands Development, LLC** seeks a variance from the front yard setback requirements for a proposed structure (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the north side of Yiana Drive within The Woodlands Subdivision. 911 Address: 34165 Yiana Drive, Frankford. Zoning District: AR-1. Tax Parcel: 134-19.00-429.00

**Case No. 12578 – Jeff & Molly Chorman** seek variances from the front yard setback requirements for proposed structures (Sections 115-34, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the northwest side of Alabama Drive approximately 428 feet northeast of North Bayshore Drive in Broadkill Beach. 911 Address: 4 Alabama Avenue, Milton. Zoning District: MR. Tax Parcel: 235-3.12-106.00

**Additional Business**

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**Board of Adjustment meetings can be monitored on the internet at**  
**[www.sussexcountyde.gov](http://www.sussexcountyde.gov).**



\*\*\*\*\*

**In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 14, 2021 at 4:00 p.m., and at least seven (7) days in advance of the meeting.**

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

**-MEETING INSTRUCTIONS-**

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

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

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

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

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

To join the meeting via phone, please dial:

**Conference Number: 1 302 394 5036**

**Conference Code: 570176**

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

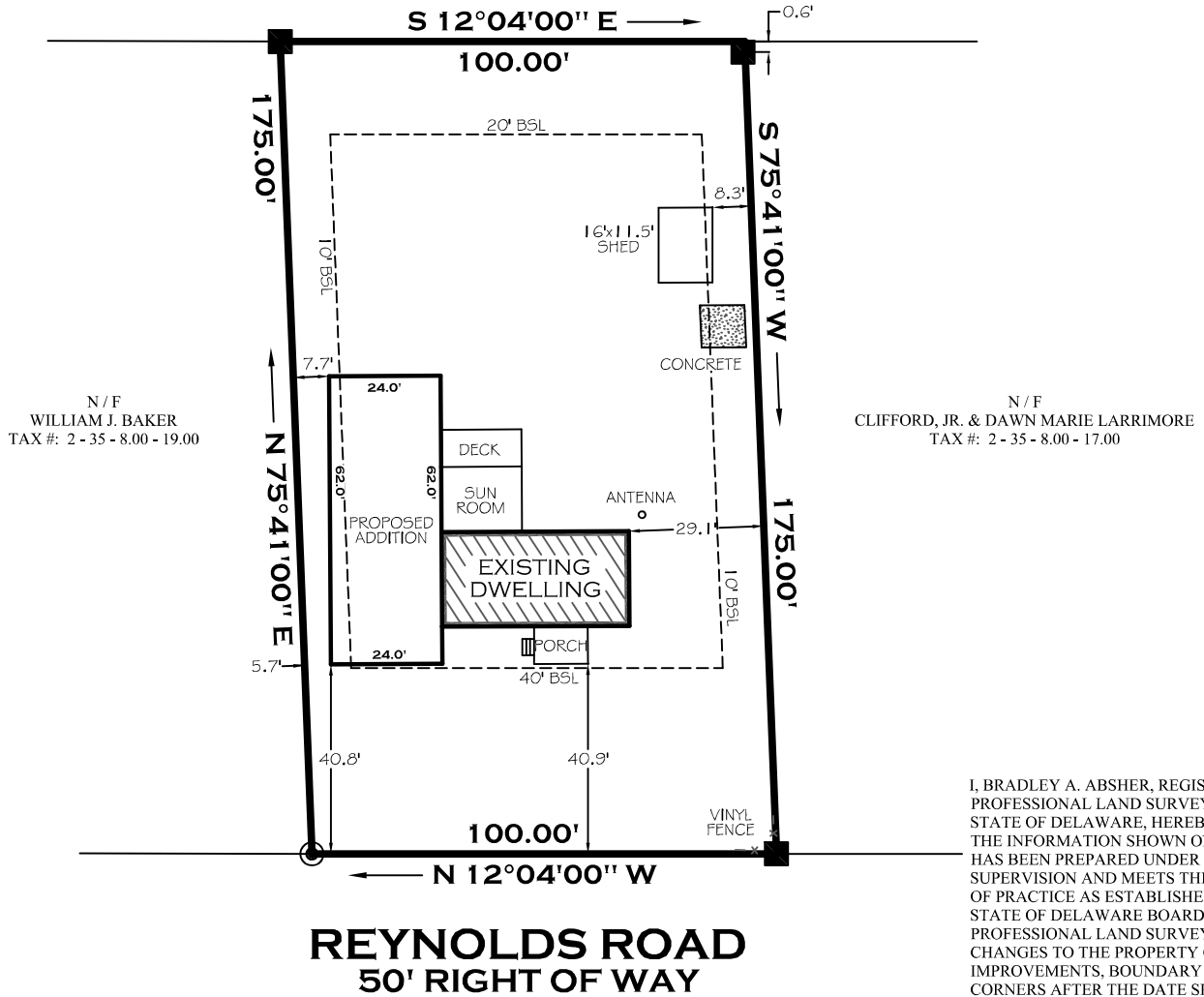
The Board of Adjustment meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, June 17, 2021

####



N / F  
 CLYDE BETTS & SON INC  
 TAX #: 2 - 35 - 8.00 - 15.10



N / F  
 WILLIAM J. BAKER  
 TAX #: 2 - 35 - 8.00 - 19.00

N / F  
 CLIFFORD, JR. & DAWN MARIE LARRIMORE  
 TAX #: 2 - 35 - 8.00 - 17.00

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

BRADLEY A. ABSHER, DE PLS # 735  
 DATE

**NOTES**

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: AR - 1
3. BUILDING SETBACK LINES (BSL)  
 FRONT 40'  
 SIDE 10'  
 REAR 20'

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

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

LEGEND	
	CONCRETE MONUMENT FOUND
	IRON ROD W/ CAP SET

TAX MAP	2-35 - 8.00 - 18.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BROAD KILL
TOWN	---
AREA	17,487 ± SQ. FT.
DEED REF.	5330 / 63
PLAT REF.	1668 / 135
DRAWN BY	JMH
DATE	05 / 04 / 2021
SCALE	1" = 40'
SURVEY #	DE - 07123

**SITE PLAN**

FOR  
**MARK & KRISTIN FORMAN**

**12921 REYNOLDS ROAD, MILTON, DE 19968**

**TRUE NORTH**

**LAND SURVEYING**

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

**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 # 12571  
Hearing Date 6/7  
202106631

**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

**Site Address of Variance/Special Use Exception:**

28362 DuPont Blvd Millsboro DE 19966

**Variance/Special Use Exception/Appeal Requested:**

36" of the 60' Front Setback in place on this parcel to the front of the building for branding as a Jeep Franchise Facility

*3ft variance*

Tax Map #: 133-16-105/105.01

Property Zoning: C-1

**Applicant Information**

Applicant Name: Chris Schaffner

Applicant Address: 2035 Windswept Drive

City Dover State DE Zip: 19901

Applicant Phone #: 302-745-6788 Applicant e-mail: chris@dhwholdings.com

**Owner Information**

Owner Name: ADBM Land Holdings LLC

Owner Address: 101 Bay Street PO Box 1207

City Easton State MD Zip: 21601 Purchase Date: 1998

Owner Phone #: 410-829-7171 Owner e-mail: dave@dhwholdings.com

**Agent/Attorney Information**

Agent/Attorney Name: Timothy Wilson

Agent/Attorney Address: 101 Bay Street PO Box 1207

City Easton State MD Zip: 21601

Agent/Attorney Phone #: 415-706-0436 Agent/Attorney e-mail: tim@aw-law.com

**Signature of Owner/Agent/Attorney**



Date: March 31, 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.

In order to rebrand the existing building to a Jeep Franchise Facility a Brand wall must be added to the existing structure as a freestanding, self supporting wall cosmetically attached to the pole building. ~~The only other way this could be constructed would be to demolish the existing structure and build from scratch~~

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 only way to get the improvements to the building approved for use as a Jeep Franchise is to construct the Brand Wall across the fac of the facility whicj is currently on the set back line

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3. Not created by the applicant:

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

The building as constructed meets the setback requirements, it is not feasible to modify the existing structure to keep the footprint inside the setback line

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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.

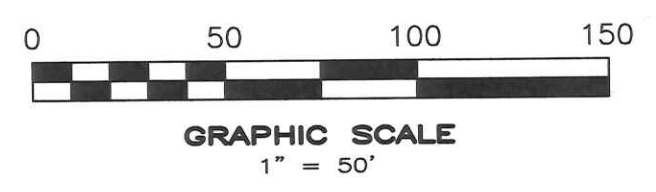
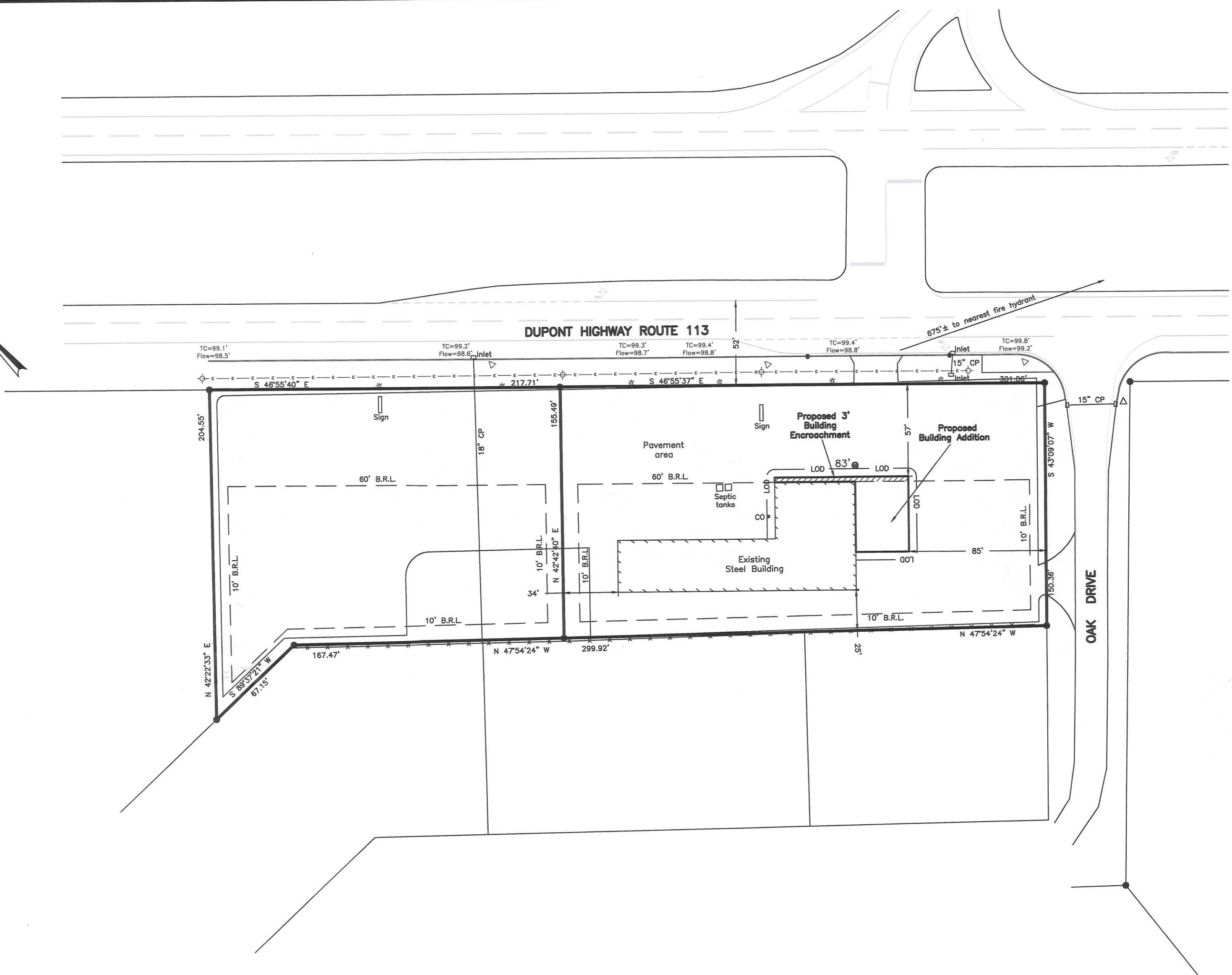
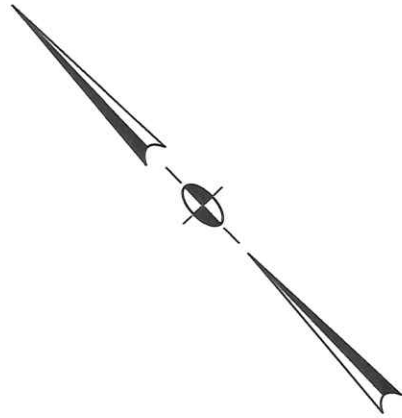
The 36 " Wall will not alter the essential character of the neighborhood and will still leave 57 ' of setback

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5. Minimum variance:

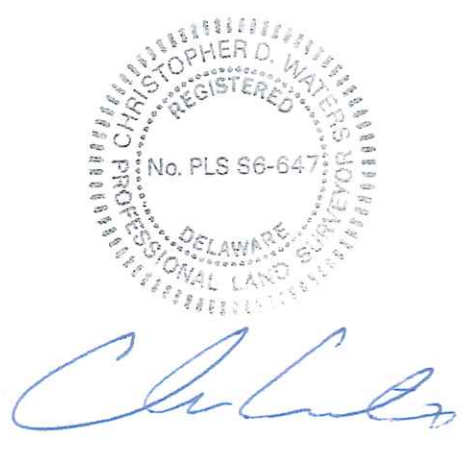
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Minimum Variance required is 36 " [Thirty-Six Inches]



**GENERAL NOTES**

1. Owner: ADBM Properties, LLC.  
P.O. Box 489  
Preston, Maryland 21655
2. Property: 500 West Dupont Highway  
Address: Millsboro, Delaware
3. Tax Map: 133-16-105/105.01
4. Deed Reference: 1687 / 54
5. B.R.L. Denotes building restriction line
6. Building information:
  - Atuo sales and service
  - Single story with loft
  - Floor area: 6370 S.F.
  - Height of building: 30'

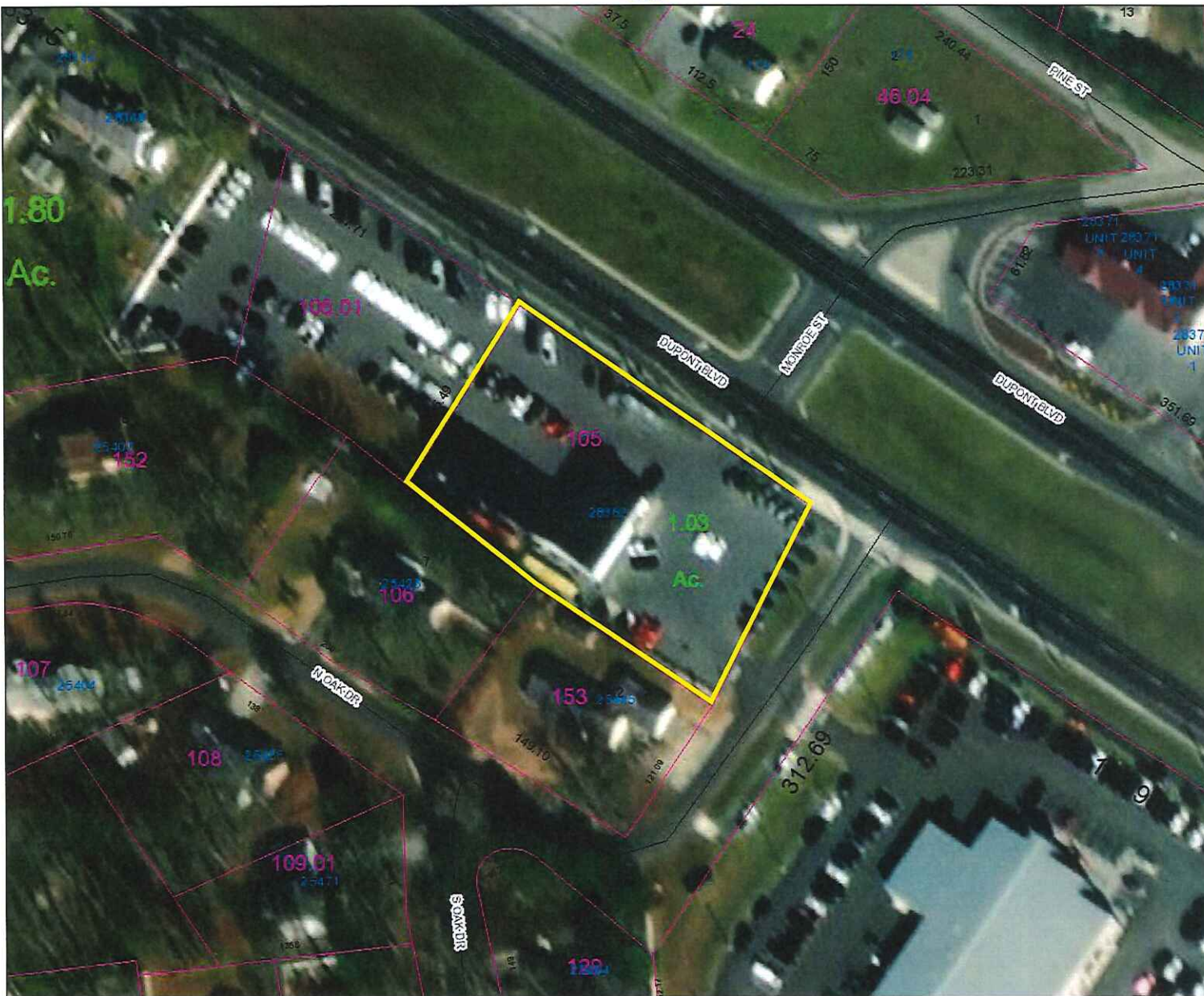


**LEGEND**

— E — E —	Over head utilities
▽	Traffic sign
⊕	Power pole
*	Light pole
LOD	Limits of disturbance ( 2,752 sq. ft.)



# Sussex County

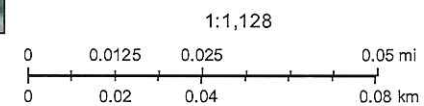


<b>PIN:</b>	133-16.00-105.00	
<b>Owner Name</b>	ADBM	PROPERTIES INC
<b>Book</b>	4157	
<b>Mailing Address</b>	PO BOX 98	
<b>City</b>	PRESTON	
<b>State</b>	MD	
<b>Description</b>	W/DUPONT HWY	
<b>Description 2</b>	N/A	
<b>Description 3</b>	N/A	
<b>Land Code</b>		

- polygonLayer**

  - Override 1
- polygonLayer**

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





Case # 12572  
Hearing Date 6/21  
202106217

## 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 X Existing Condition   
Special Use Exception \_\_\_\_\_ Proposed \_\_\_\_\_  
Administrative Variance \_\_\_\_\_ Code Reference (office use only) \_\_\_\_\_  
Appeal \_\_\_\_\_

Site Address of Variance/Special Use Exception: 102 ADAMS AVE  
Broadkill Beach Milton, DE 19968

Variance/Special Use Exception/Appeal Requested: We are requesting  
a 1.5 FOOT HEIGHT VARIANCE FOR already erected  
FENCE

Tax Map #: 235-4.17-6.00 Property Zoning: GR

### Applicant Information

Applicant Name: FRANK Taylor AND LAURA Taylor  
Applicant Address: 120 WOODSTREAM RD  
City, State, Zip: Upper CHICHESTER, PA 19061  
Applicant Phone #: 610 517 0610 Applicant e-mail: taylor5120@COMCAST.NET

### Owner Information

Owner Name: FRANK Taylor AND LAURA Taylor  
Owner Address: 102 ADAMS AVE Broadkill Beach  
City, State, Zip: Milton DE 19968 Purchase Date: \_\_\_\_\_  
Owner Phone #: 610 517 0610 Owner e-mail: taylor5120@COMCAST.NET

### Agent/Attorney Information

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

### Signature of Owner/Agent/Attorney

Frank Taylor  
Laura A. Taylor

Date: 04-22-2021



**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.

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

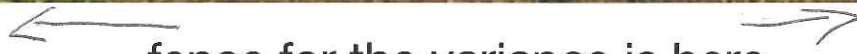
When visitors to Broadkill Beach cross the Rt 16 bridge and look south down Deep Hole Creek, our dock at the marsh is the first one that can be seen. Turning right onto S. Bayshore and coming upon Adams Ave one can turn onto Adams Ave and seeing a dead end with no fence on the property leading back to our dock/walkway could be mistaken for a public use access to Deep Hole Creek..We are seeking a 1'5" variance to help deter a clear view of our dock/walkway.

A few years ago, two ladies came upon our dock, got out of their canoe, carried it across our walkway and property to the end of Adams Ave, but the canoe on another neighbors lawn and waited for a ride.

We have also had people who we do not know want to go back to the water through our property to fish or crab.



side  
fence



fence for the variance is here  
The red circle is the beginning of the walkway.

Even the ferals enjoy it!



## Criteria for a Variance

### Uniqueness of Variance

The property holding the fence requiring a variance is at the dead end of a right of way (Adams Ave) The whole property is an "L" shape.

Given the uniqueness of the dead end of Adams Ave/right of way and the marsh behind the fence, we believe there is no chance for development on wet lands. Our additional property is to the left of the fence going south. The property to the right of the fence going north is owned by to Brenda L. Erdman.

3. The uniqueness of the lot created the exceptional practical difficulty. We purchased the lot in its current condition.

We hired a licensed contractor to install the fence with a permit. The contractor did not think the 5' fence would be a problem because it was not installed on the front of our property. The contractor was Backyard Works, 26822 Lewes Georgetown Hwy, Harbeson, DE 19951

Will not alter the essential character of the neighborhood.

We do not feel the height of the fence will or has altered the neighborhood.

Our neighbor, Brenda L Erdman, at 101/103 Adams Ave has altered the right of way since the fence was installed. Two beautiful 40+ year old cedar trees that were on our side of the right of way were removed by Ms Erdman sometime between May 15, 2020 and June 2, 2020. I have outlined this event in another section of our application along with pictures. Ms Erdman created a drastic change, not the fence. Ms Erdman also had crushed stone put on her property and approximately 10" across the right of way. That created a change, not the fence.

In our opinion, the fence in no way hinders Ms Erdman's ability to park her boat with a vehicle attached to it on her side of the right of way.

ERDMAN'S BOAT  
↓

ERDMAN'S  
↓ CAR





ERDMAN'S BOAT  
↓

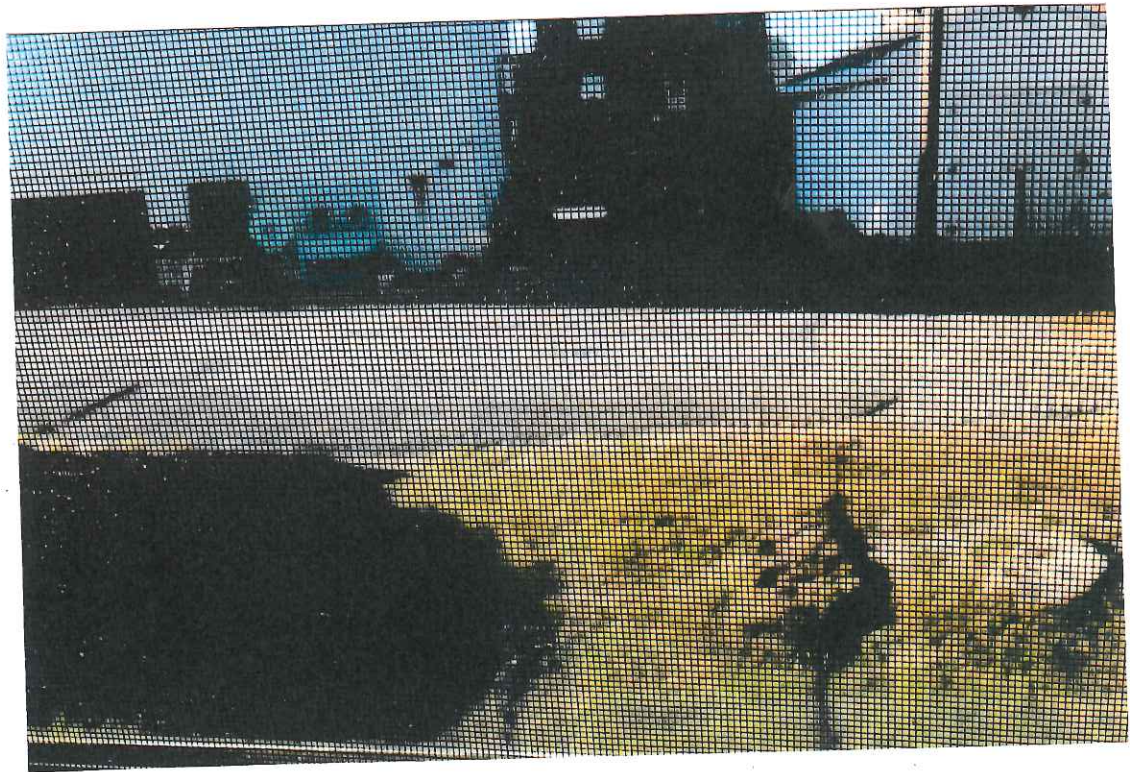


ERMAN'S BOAT AND VEHICLE IN FRONT OF FENCE

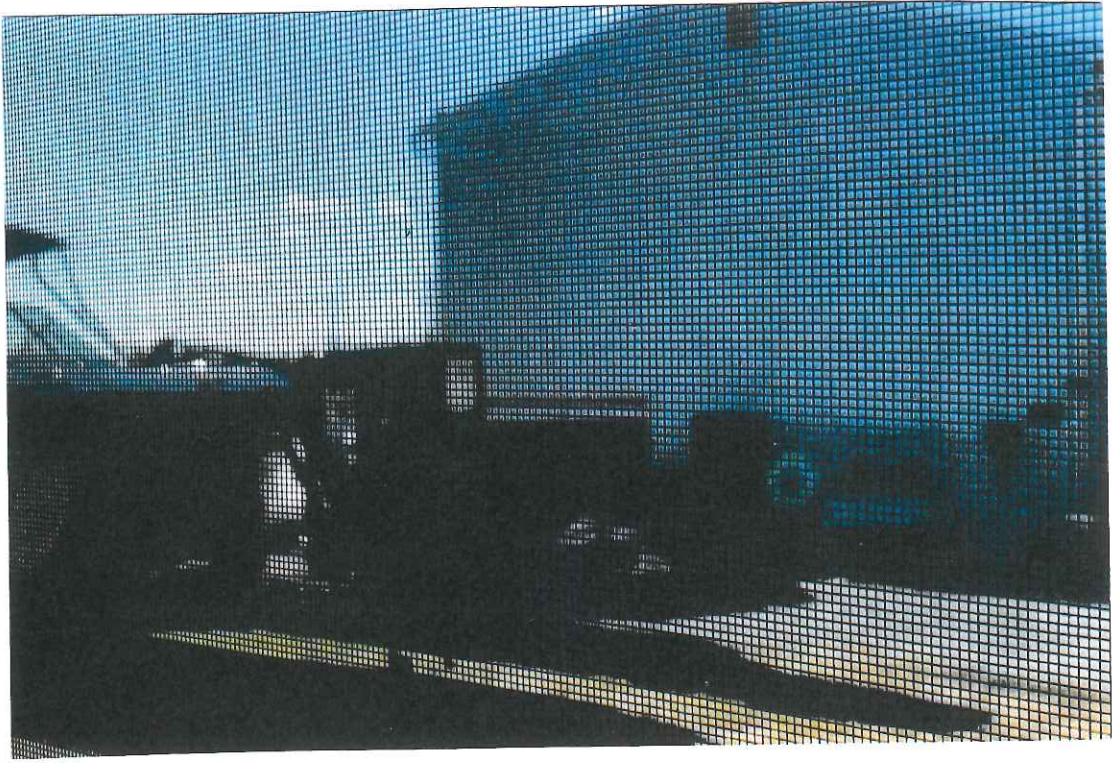




#4



#4



#4

We pay a gentleman to maintain the grass on our property at 102 Adams Ave. As part of the maintenance he trims the grass that grows along the front of the fence that runs horizontally across the end of Adams Ave/right of way. The entire width of the front of the fence is 34 feet.

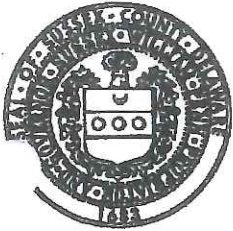
He also maintains our property behind the fence, the 10 foot right of way on our side of Adams Ave/right of way, and the 93 feet of our property going from the fence to the front of our house.

In October, 2020, we hired Randy & Mandy Landscape Company of Milton, DE to cut down the majority of fragmities on the back of our property.



Minimum variance:

We are asking to keep the fence at its current height of 5 feet.



**Sussex County  
Building Permit**  
P.O. Box 589  
Georgetown, DE 19947  
302-855-7720

**202001162**  
Issue Date: 01/31/2020  
Expire Date: 01/30/2021

Permit Type: **MISC. OUT OF TOWN**

235-4.17-6.00	102 ADAMS AVENUE	GR
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Name: TAYLOR FRANK I LAURA Phone:	Name: BACKYARD WORKS INC Phone:
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Name: TAYLOR FRANK I LAURA CID: 109942 Phone:	License Number: License Exp. Date: Insurance Exp. Date:
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Proposed Use: FENCES  
Construction Type:  
Estimated Cost of Construction: \$ 4,677  
Cannot Occupy More than \_\_\_\_\_ of Total Lot Area  
Distance from any Dwelling of other Ownership: \_\_\_\_\_  
Distance from any other Mobile Home or Accessory Structure: \_\_\_\_\_

**Measurements taken from Property Lines**  
Front Setback: 30.00 / 3.5' MAX IN 1ST 30' Rear Setback: /  
Side Setback: / Corner Setback: /  
Maximum Building Height: 7' Location Description:  
**FLOOD ZONE** BROADKILL BEACH BROADKILN BEACH P O LOTS 5 9 11  
Flood Zone: AE P 180 K  
\_\_\_\_\_ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

**Project Description:** MISC  
**Scope of Work:**  
104' VINYL FENCING (48" IN HEIGHT), 70' VINYL FENCING (60" IN HEIGHT), (1) GATE  
**Permit Details:**

302-259-8815

*[Handwritten Signature]*

Signature of Approving Official

*[Handwritten Signature]*

Signature of Owner/Contractor

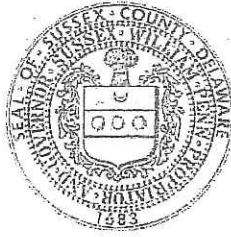
I fully understand the Zoning Requirements of this permit.

**Building Permit Acknowledgement:**

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction.  
I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.  
THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

**BUILDING CODE**

MAIN OFFICE (302) 855-7880  
 MAIN OFFICE (FAX) (302) 855-7821  
 INSPECTION SCHEDULING (302) 858-5500  
 INSPECTIONS (FAX) (302) 855-7821  
 PLAN REVIEW (302) 855-7860  
 PLAN REVIEW (FAX) (302) 855-7869



**Sussex County**

DELAWARE  
 sussexcountyde.gov  
 ANDY WRIGHT  
 CHIEF OF BUILDING CODE

**Final Completion Requirements**

**To Obtain Certificate of Compliance/Occupancy**

The following items, when applicable, must be sent into the Sussex County Building Code Office prior to any final inspection being scheduled:

- On-site wastewater/septic completion report (with red stamp) from DNREC.
- Del-Dot entrance permit when required on new construction and commercial projects.
- Final elevation certificate. (when in flood zone)

A certificate of compliance/occupancy will be issued when the above documents are received, and Sussex County field inspections are completed. Please call (302) 858-5500 between 7:30 am – 3:00 pm to schedule inspections.

Application # 20201160  
 District/Map/Parcel# 235-4.17-6.00  
 Property Owner Taylor  
 Email \_\_\_\_\_

My signature certifies I understand this certificate must be issued prior to any occupancy or intended use to complete the application.

Name (please print) Heather Delgado  
 Signature [Handwritten Signature]



Heather Delgado <neatner@backyardworks.net>

4/3/2020 10:54 AM

## Final Inspection Verification

To Laura Taylor <taylor120@comcast.net> Copy Bobbi Brooks <bobbi@backyardworks.net>

Good morning, this email is to inform you that your final inspection has been completed and your project passed inspection. We hope you are enjoying the addition to your property. If you have any questions do not hesitate to contact me directly via this email or you can call the office at 302-703-9888 and ask for Bobbi or Heather.

Heather M Delgado  
Operations Manager  
Backyard Works

Edited with HubSpot.



Calendar

Hubspot



NOTES:

Fence

Today's Date: 10/22/19

Estimate Appt: 10:00 AM

Name: Laura Taylor

Address: 102 Adams Ave

Milton DE

Development: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: 610-517-0610 Cell: \_\_\_\_\_

922  
158

Footage	Height	Style	Color	Straight Top	Concave	Convex
104'	4'	Seaside Scallop				
54'	5'	Sussex		X		

Gate 1	H	W
Gate 2	H	W
Gate 3	H	W
Gate 4	H	W

SETBACKS: \_\_\_\_\_

ANY REMOVAL EXISTING: \_\_\_\_\_

IRRIGATION: \_\_\_\_\_

SPECIAL INSTRUCTIONS/ISSUES: \_\_\_\_\_

New England Caps

36' 18"

Quote

Follow-up

Follow-up

HOA Approval

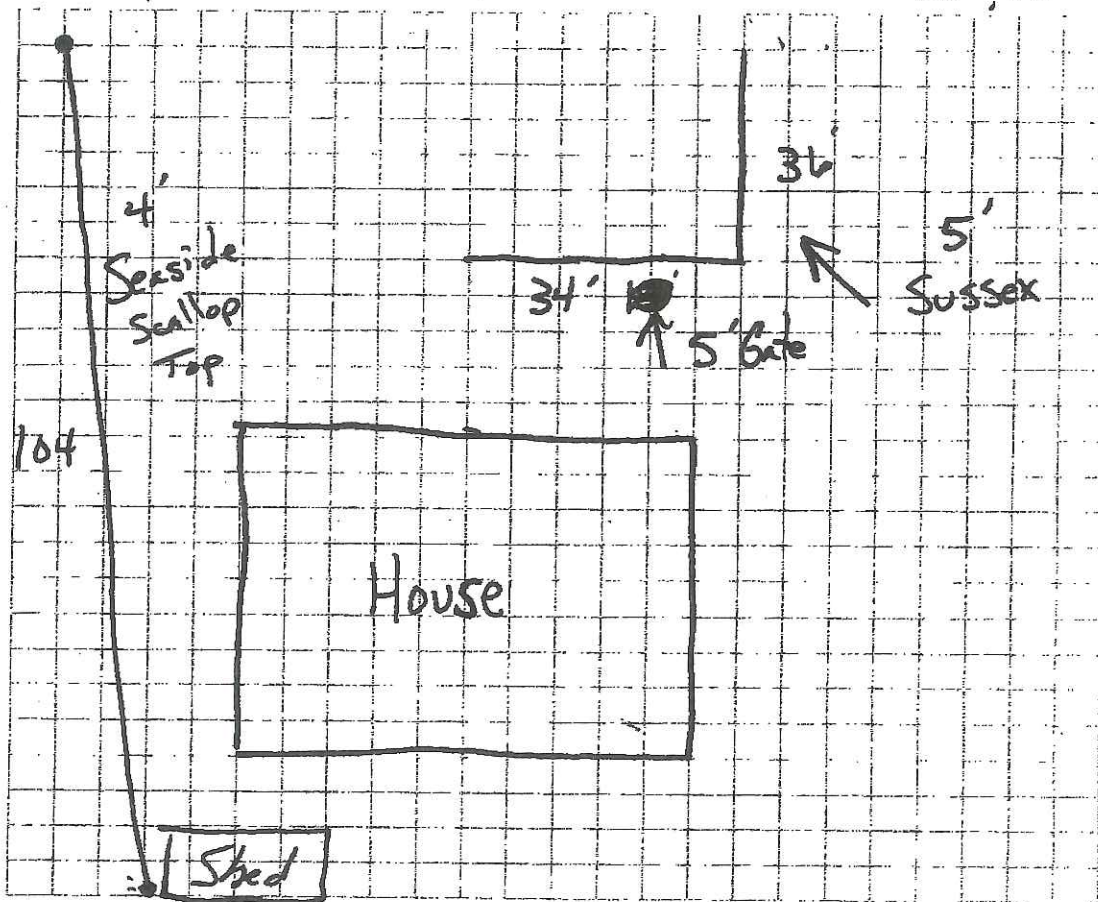
ETA

Materials Ordered

Permits

Miss Utility

Job Scheduled



**BOUNDARY SURVEY PLAN**  
**LANDS OF "FRANK I. AND LAURA TAYLOR"**

ALSO KNOWN AS: "102 ADAMS STREET, MILTON, DE"  
 PARTS OF LOT 9, LOT 11 AND LOT 3- BLOCK 3  
 OLD BROADKILL BEACH - DEED BOOK 300 PAGE 600  
 SITUATE IN: "BROADKILL HUNDRED"  
 SUSSEX COUNTY \* STATE OF DELAWARE  
 TAX MAP #: 235-4.17-6.00  
 DEED REFERENCE: DB 2262, PG 033  
 PLAT REFERENCE: DB 300, PG 600

ZONING CLASSIFICATION: GR  
 YARD REQUIREMENTS:  
 FRONTYARD: 40'  
 SIDEYARD: 10'  
 REARYARD: 10'

PARCEL 2.00  
 N/F BRENDA L.  
 ERDMAN  
 DB 4413 PAGE 247

PARCEL 5.00  
 N/F CANDY H.  
 LORD, THOMAS J  
 LORD AND LAURA  
 JANE LORD  
 DB 1291 PAGE 257

PARCEL 8.00  
 N/F JASON AND  
 STACY  
 HARSHBARGER  
 DB 4959 PAGE 316

PARCEL 102.00  
 N/F PATRICIA T.  
 BURKE AND SUSAN  
 T. WATKINS  
 WB 6178

**Parcel 6.00**  
**19862.52± Sq. Feet**  
**0.4560± Acres**

DB 2262 PAGE 033

**LEGEND**

- Property Line
- x-x- Fence
- Rebar and Cap Set
- Concrete Marker
- Iron Pipe
- Cedar Tree

**NOTES**

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



*John B. Roach, Jr.*  
 PROFESSIONAL ENGINEER



22184 MELSON ROAD  
 GEORGETOWN, DELAWARE 19947  
 PHONE NO. 302-856-1565

DRAWN BY: JBR

DATE: 10-03-2019

SCALE: 1"=40'

SHEET 1/1

Prepared By:

Merritt Burke, III, Esquire  
401-B Rehoboth Avenue  
Rehoboth Beach, DE 19971  
(302) 226-1800

Tax Map: 2-35 4.17 Parcels 6 &  
Part of 7

THIS QUITCLAIM DEED, Made this 15 day of Jan, A.D.,  
1998 between:

JENNIE H.J. LAYTON By Her Attorney In Fact, ANNE L. LAYTON of  
202 North Bedford Street, Georgetown, Sussex County, Delaware,  
party of the first part.

- AND -

FRANK I. TAYLOR and LAURA TAYLOR, his wife, of Delaware  
County, Commonwealth of Pennsylvania, parties of the second part.

WITNESSETH. That the said party of the first part, for an in  
consideration of the sum of ONE DOLLAR (\$1.00)-----, lawful money  
of the United States of America, the receipt whereof is hereby  
acknowledged, hereby grants and conveys unto the said party of the  
second part.

ALL that certain lot, piece or parcel of land lying and being  
in Broadkill Hundred, Sussex County, Delaware, more particularly  
described as follows, to-wit:

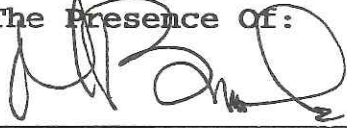
BEGINNING at the southwestern terminus of Adams Avenue, thence  
traveling North 50 degrees 45 minutes 49 seconds East, by and along  
the southerly right-of-way of Adams Avenue, a distance of 92.48  
feet to a iron pipe set; thence turning and traveling South 39  
degrees 14 minutes 11 seconds East, a distance of 50 feet to an  
iron pipe set; thence turning and traveling South 50 degrees 45  
minutes 49 seconds West, a distance of 19.5 feet to a concrete  
marker found, thence traveling the same course, a distance of  
102.12 feet to a point, being the southwesterly corner of the  
parcel to be conveyed and marked by an iron pipe set; thence  
traveling North 28 degrees 19 minutes 11 seconds West, a distance  
of 50.92 feet to the point and place of beginning, be the contents  
thereof what they may and being the northerly half of Lot No. 9,  
the northern portion of Lot No. 11 and the western 19.5 feet of Lot  
No. 5, Block 3, as shown upon a plot of Broadkill Beach as the  
same now appears of record in the Office o the Recorder of Deeds,  
Georgetown, Sussex County, Delaware in Deed Book 288 at Page 598.

BEING a part of the lands conveyed to Halsted P. Layton and  
Jennie H.J. Layton, by deed of Marion Collins, dated May 22, 1945,  
and of record in the Office of the Recorder of Deeds, at  
Georgetown, Sussex County, Delaware, in Deed Book 351, Page 529.  
The said Halsted P. Layton died February 8, 1963, leaving Jennie  
H.J. Layton the sole owner in possession of these lands.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year aforesaid.

Anne L Layton (SEAL)  
JENNIE H.J. LAYTON By Her  
Attorney in Fact, ANNE L.  
LAYTON

Sealed And Delivered  
In The Presence Of:



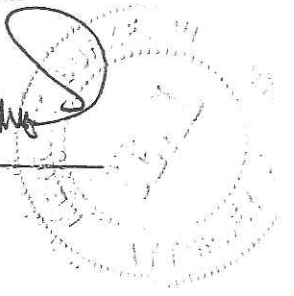
\_\_\_\_\_  
Witness

SWORN TO And SUBSCRIBED before me the day and year aforesaid.



\_\_\_\_\_  
NOTARY PUBLIC

MERRITT BURKE, III  
ATTORNEY AT LAW  
STATE OF DELAWARE  
NOTARY POWER UNDER  
10 DEL C S 4323



PREPARED BY:

Merritt Burke, III, Esquire  
401-B Rehoboth Avenue  
Rehoboth Beach, DE 19971  
(302) 226-1800

Tax Map: 2-35-4.17  
PART 85 102

THIS DEED, Made this 15 day of Jan, A.D., 1998  
between:

JENNIE H.J. LAYTON By Her Attorney In Fact, ANNE L. LAYTON of  
202 North Bedford Street, Georgetown, Sussex County, Delaware,  
party of the first part,

- AND -

FRANK I. TAYLOR and LAURA TAYLOR, his wife, of Delaware  
County, Commonwealth of Pennsylvania, parties of the second part.

WITNESSETH. That the said party of the first part, for an in  
consideration of the sum of FIVE THOUSAND DOLLARS (\$5,000.00)-----,  
lawful money of the United States of America, the receipt whereof  
is hereby acknowledged, hereby grants and conveys unto the said  
party of the second part.

ALL that certain lot, piece or parcel of land lying and being  
at the southwestern terminus of Adams Avenue, as found on a plot of  
Broadkill Beach, as the same now appears of record in the Office of  
the Recorder of Deeds, Georgetown, Sussex County, Delaware, in Deed  
Book 288 at Page 598 as follows, to-wit:

BEGINNING at the southwestern terminus of Adams Avenue, thence  
traveling south 28 degrees 19 minutes 11 seconds East, a distance  
of 50.92 feet to an iron pipe set; thence turning and running South  
50 degrees 45 minutes 49 seconds West, a distance of 188 feet, more  
or less to the top of the bank of Old Broadkill Creek; thence  
turning and running North 29 degrees 25 minutes West, a distance of  
81 feet, more or less to a point, said point being an extension of  
the northerly right-of-way of Adams Avenue; thence turning and  
running North 50 degrees 45 minutes 49 seconds East, a distance of  
189 feet more or less to an iron pipe set, said iron pipe being the  
northwest terminus of Adams Avenue; thence turning and running  
South 28 degrees 19 minutes 11 seconds East, a distance of 30.11  
feet, to the point and place of beginning, said area to contain  
15,000 square feet of land, more or less.

It is the intent of the parties hereto that this parcel of  
land shall merge into and become a part of the plot of land deeded  
by this Grantor to these Grantees of even date and recorded in the  
Office of the Recorder of Deeds, Georgetown, Sussex County,  
Delaware in Deed Book 2262 at Page 31., said parcels to be  
considered a single building lot.

BEING a part of the lands conveyed to Halsted P. Layton and Jennie H.J. Layton, by deed of Marion Collins, dated May 22, 1945, and of record in the Office of the Recorder of Deeds, at Georgetown, Sussex County, Delaware, in Deed Book 351, Page 529. The said Halsted P. Layton died February 8, 1963, leaving Jennie H.J. Layton the sole owner in possession of these lands.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year aforesaid.

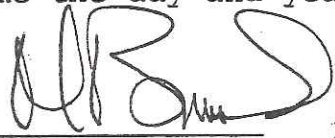
Anne L Layton (SEAL)  
JENNIE H.J. LAYTON By Her  
Attorney in Fact, ANNE L.  
LAYTON

Sealed And Delivered  
In The Presence Of:



\_\_\_\_\_  
Witness

SWORN TO And SUBSCRIBED before me the day and year aforesaid.



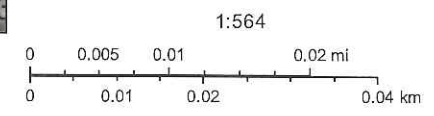
\_\_\_\_\_  
NOTARY PUBLIC

MERRITT BURKE, III  
ATTORNEY AT LAW  
STATE OF DELAWARE  
NOTARY POWER UNDER  
10 DEL C S 4323



<b>PIN:</b>	235-4.17-6.00
<b>Owner Name</b>	TAYLOR FRANK I LAURA
<b>Book</b>	2262
<b>Mailing Address</b>	120 WOODSTREAM RD
<b>City</b>	BOOTHWYN
<b>State</b>	PA
<b>Description</b>	BROADKILL BEACH
<b>Description 2</b>	BROADKILN BEACH
<b>Description 3</b>	P O LOTS 5 9 11
<b>Land Code</b>	

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



APR 22, 2021

RECEIVED

APR 22 2021

SUSSEX COUNTY  
PLANNING & ZONING

Director Jamie Whitehouse  
Sussex County Planning + Zoning  
2 The Circle  
P.O. Box 417  
Georgetown, De 19947

SUPPORT EXHIBIT

Theodore H. Walrus  
12303 DuPont Blvd.  
Ellendale, De 19941

Subject: Height VARIANCE FOR A FENCE

Mr. Director Whitehouse,

I being a Property Owner At 204 South  
Bay Shore Dr. Broadkill Beach Milton, De.

I have NO OPPOSITION to the height  
VARIANCE FOR A fence ON Property  
OF FRANK AND LAURE TAYLOR AT ADAMS AVE,  
BROADKILL BEACH MILTON, DE TAX PARCEL 235-4.17.6.00

Thank You,  
Theodore H Walrus



Timothy J. Taylor  
2105 Broomall Street  
Upper Chichester, PA 19061

April 24, 2021

RECEIVED

Ann Lepore  
%County Administrative Offices  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

APR 30 2021

SUSSEX COUNTY  
PLANNING & ZONING

RE: Tax Parcel: 235-4.17-6.00


Dear Sussex County Planning and Zoning,

I am writing to show support for a 1'5" fence height variance at 102 Adams Ave, Broadkill Beach, Milton, DE 19968.

As an heir of the current owners, Frank Taylor and Laura Taylor, and potential inheritor of the property I would wish the fence be allowed to stay the same height as it stands, 5-feet.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy J. Taylor', with a long horizontal flourish extending to the right.

Timothy J. Taylor

April 26, 2021

Ann Lepore  
%County Administrative Offices  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

RE: Tax Parcel: 235-4.17-6.00

Dear Sussex County Planning and Zoning,

I am writing to show support for / in favor of a 1'5" fence height variance at 102 Adams Ave, Broadkill Beach, Milton, DE 19968. The property owners are Frank Taylor and Laura Taylor.

Thank you for your time and consideration.

Sincerely,

*Jason Harshbarger*

203 S Bayshore Drive, Milton, DE 19968

Michael Hilligoss  
205 S Bayshore Dr  
Broadkill Beach  
Milton, DE 19968

April 26, 2021

Ann Lepore  
%County Administrative Offices  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

RE: Tax Parcel: 235-4.17-6.00

Dear Sussex County Planning and Zoning,

I am writing to show support for / favor of a 1'5" fence height variance keeping the current height at 5 feet.

Property owners are Frank Taylor and Laura Taylor, 102 Adams Ave Broadkill Beach, Milton, DE 19968

Thank you for your time and consideration.

Sincerely,

Michael Hilligoss

# Theodore and Candy Mills

---

8 Tuscany Rd Aston, Pa 19014 | (610) 494-6624 | n3up@comcast.net

**June 14, 2021**

Ann Lepore  
Sussex County Planning and Zoning  
County Administrative offices  
2 The Circle  
PO Box 417  
Georgetown De, 19947

**RE: Case #12572 102 Adams Av. Milton De, 19968**

**Tax Parcel 235-4.17-6.00**

**To Sussex County Planning and Zoning:**

As the owners of 201 S. Bayshore Dr, we are writing to question the need for granting a variance for the height of the fence, as we do not believe the additional height is required for the reasons given by the Taylors.

Prior to the erection of the current fence, view of the dock was obscured from the road by the normal growth of vegetation and the angle of the path to the dock. A fence of the height permitted by the regulations would be sufficient to provide visual protection from view from a vehicle on the road.

Security of the dock is not provided by the fence as constructed, because a person can walk around the end of the L shaped fence to access the dock, or simply use the gate, which is not locked. Also, there is no "No Trespassing" signage posted. The additional height requested does not increase the security or effectiveness of the fence.

We believe that the fence would fundamentally alter the character of the neighborhood since there are very few other fences visible from public access areas in the neighborhood, and those that do exist are mostly decorative and not for security or visual obscurement.

Sincerely,

**Theodore D Mills Candy H Mills**

RECEIVED

JUN 16 2021

SUSSEX COUNTY  
PLANNING & ZONING

Oppositi  
Exhibit

June 11, 2021

Ann Lepore  
Sussex County Administrative Offices  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

RE: Variance/Tax Parcel 235-4.17-6.00

Dear Sussex County Planning & Zoning BOA,

I am writing to oppose the 18.5 inch fence height variance request submitted by property owners Frank Taylor and Laura Taylor, 102 Adams Ave, Broadkill Beach, Milton DE 19968.

My wife and I have been residents of Broadkill Beach for 40+ years. We are 83 & 80, and regretfully will not be able to attend the variance meeting to personally tell the board members why we totally oppose this variance.

Every morning, I walk past Adams Ave to get my mail. Being neighborly, many times I would walk back Adams Ave to check on my neighbor's property. I have always had the pleasure of seeing the natural beauty of the Prime Hook Wildlife Refuge, salt marsh and habitat. That natural view that once existed on Adams Ave was destroyed when the Taylors decided to replace their old 20+ year old open split rail fence with a 5 ft. solid white plastic fence. That fence does not allow anyone to see if someone could be hiding behind the fence & can't be looked over by the average height person, including the Taylors. More importantly is it violates planning & zoning fence height restriction. Isn't that the purpose of having fence height restrictions? See the attached photos; OLD open split rail fence vs NEW 5 ft. solid white plastic fence

This is "Broadkill Beach", not a development in the suburbs where solid white fences are common in backyards, but again are still not allowed to be 5ft. in front yards.

All the other fencing the Taylors had erected on their property are NOT solid fencing and are NOT 5ft high.  
Why & what was the Taylors real reason that this area of fencing is totally different from their other property fence?  
The Taylors did not fence in their entire property.

What's the purpose of a 5ft. FREE STANDING fence that anyone could easily walk around?  
Wouldn't a simple sign have been sufficient? EX-NO TRESPASSING, PRIVATE PROPERTY, NO PUBLIC ACCESS, there are several areas along Bay Shore Dr where that signage is posted.

Without a doubt, the 5 ft. solid white fence alters the essential character of the neighborhood, its also placed in wetlands, it permanently restricts the use, access & development of the adjacent property (Brenda & Alan Erdman's property) and creates a public safety issue.

There is no reason a 5ft. fence is necessary or should be allowed on Adams Ave.

We, Thank you for allowing us to provide our comments and your consideration to keeping Broadkill Beach/Primehook environment unique & our neighborhood safe.

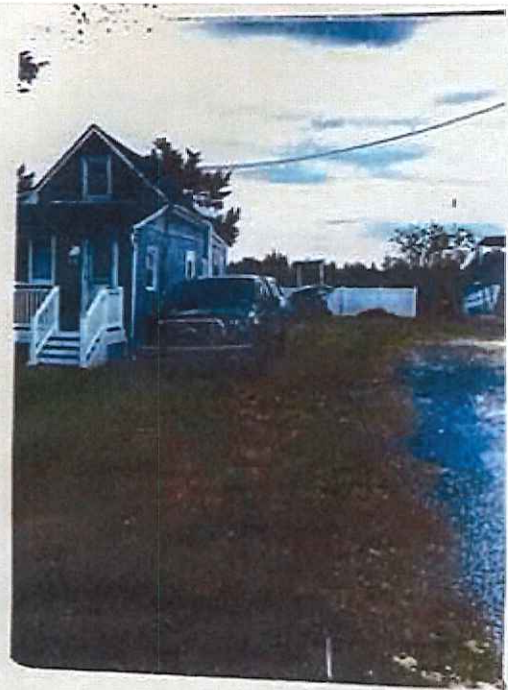
Sincerely,

*Benito & Jane Castillo*

Benito & Jane Castillo  
105 S Bayside Dr  
Broadkill Beach,  
Milton DE, 19968



Original fence



5' Solid White fence

Adams Ave  
View from Bay Shore Drive

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant

All blanks below must be filled in for this application to be processed.

Application No. 3177 Date 7/22/86 Fee \$ 100.00  
Name FRANK & LAURA L. TAYLOR Phone 215-4973504  
Mailing Address 120 Woodstream Road Boothwyn, Pa. 19061  
Interest in Property OWNERS

Owner: (Indicate if different than above)  
Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_

Location: Road Adams Ave (N) (S) (E) (W) side, 80 (ft.) or  
(miles) (N) (S) (E) (W) of Bay shore Drive

District No. 2-35 Map No. 4.17 Parcel No. 6  
Subdivision Broad Kill Beach Lot No. \_\_\_\_\_ Zone \_\_\_\_\_

Hundred Broad Kill Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Acres \_\_\_\_\_

Request for a special use exception as provided by: \_\_\_\_\_ (or)

Request for a variance from the provisions of:

Article 5, Section 16, Paragraph chart, Item \_\_\_\_\_

Date property was acquired July 6, 1983

Plot plan or drawing attached: Yes X No \_\_\_\_\_

State specifically your request and the reason for this request.

We request a variance in order to erect a 10 x 13  
bedroom onto our existing cottage. As the cottage is  
situated on an uneven line, the end of the proposed  
new structure will be 23 1/4" from the side of the property line.

Frank J Taylor  
Laura L. Taylor  
Signature of Applicant

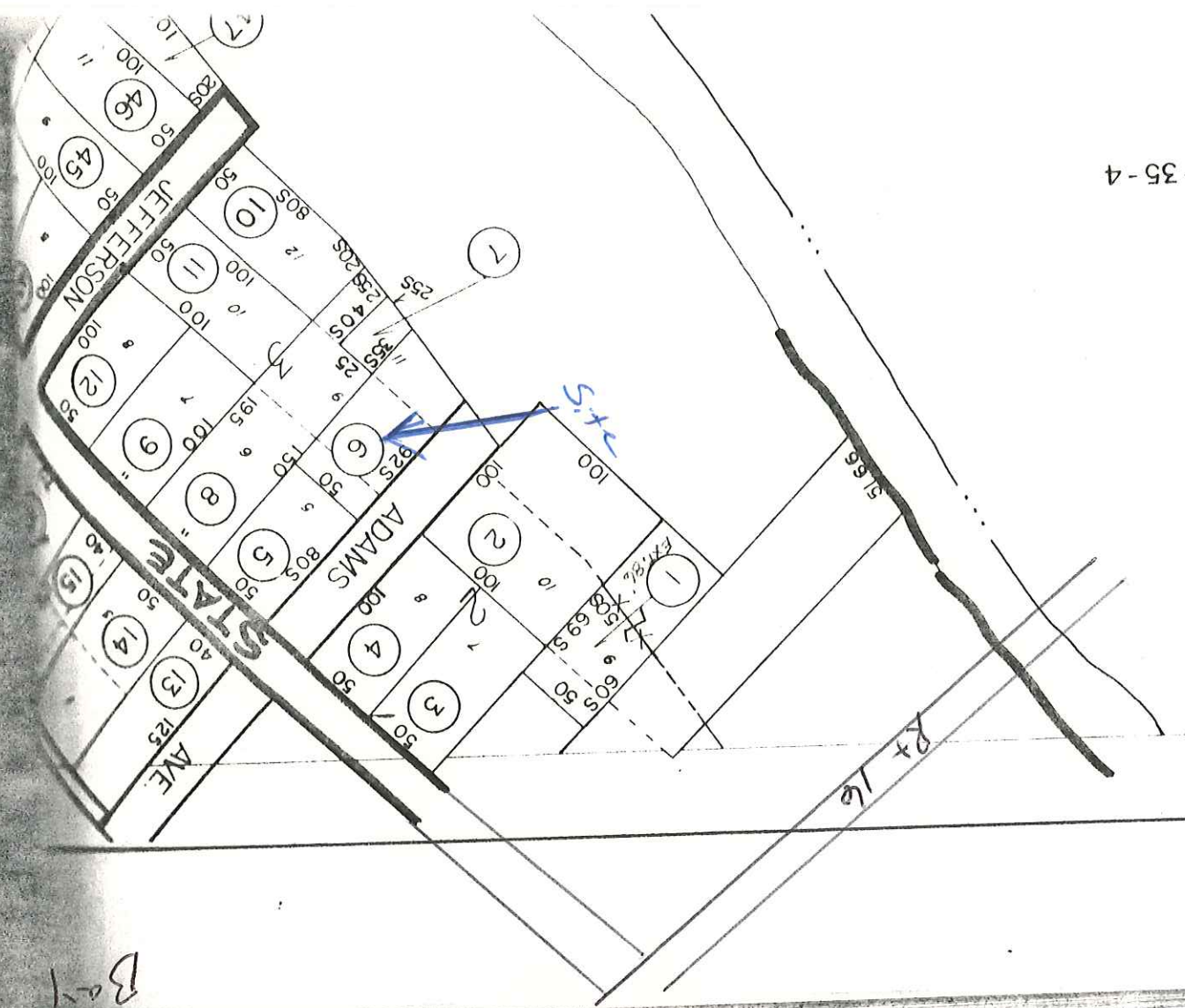
FOR BOARD USE ONLY:

Date of Notice \_\_\_\_\_ Date of Hearing Sept 8, 1986

Fee Receipt No. 19424  
Decision of Board Approved.

Date of Decision 9-8-86

Person Accepting Application

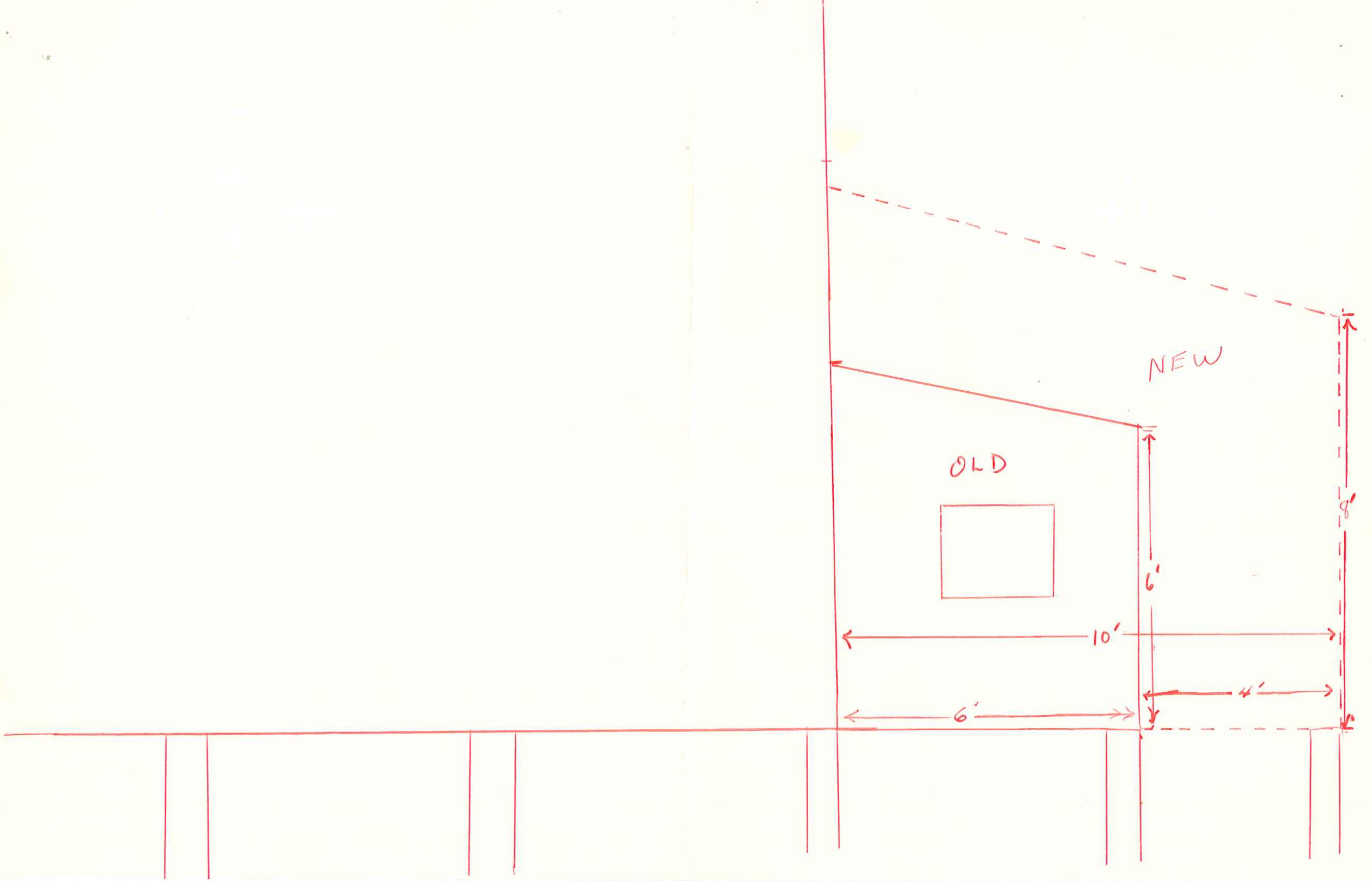


SEE 2-35-4

Bay  
D.C. 1



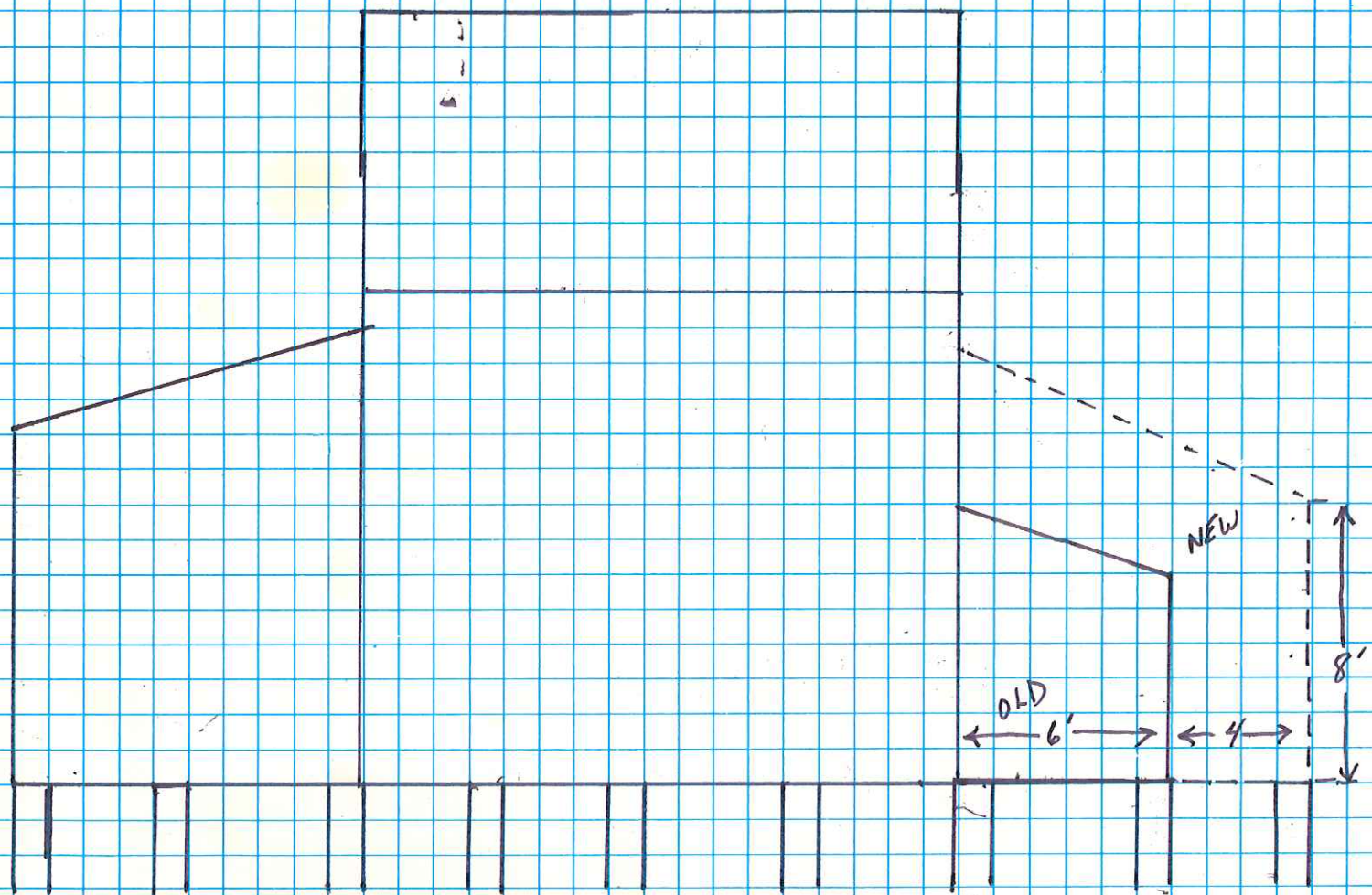


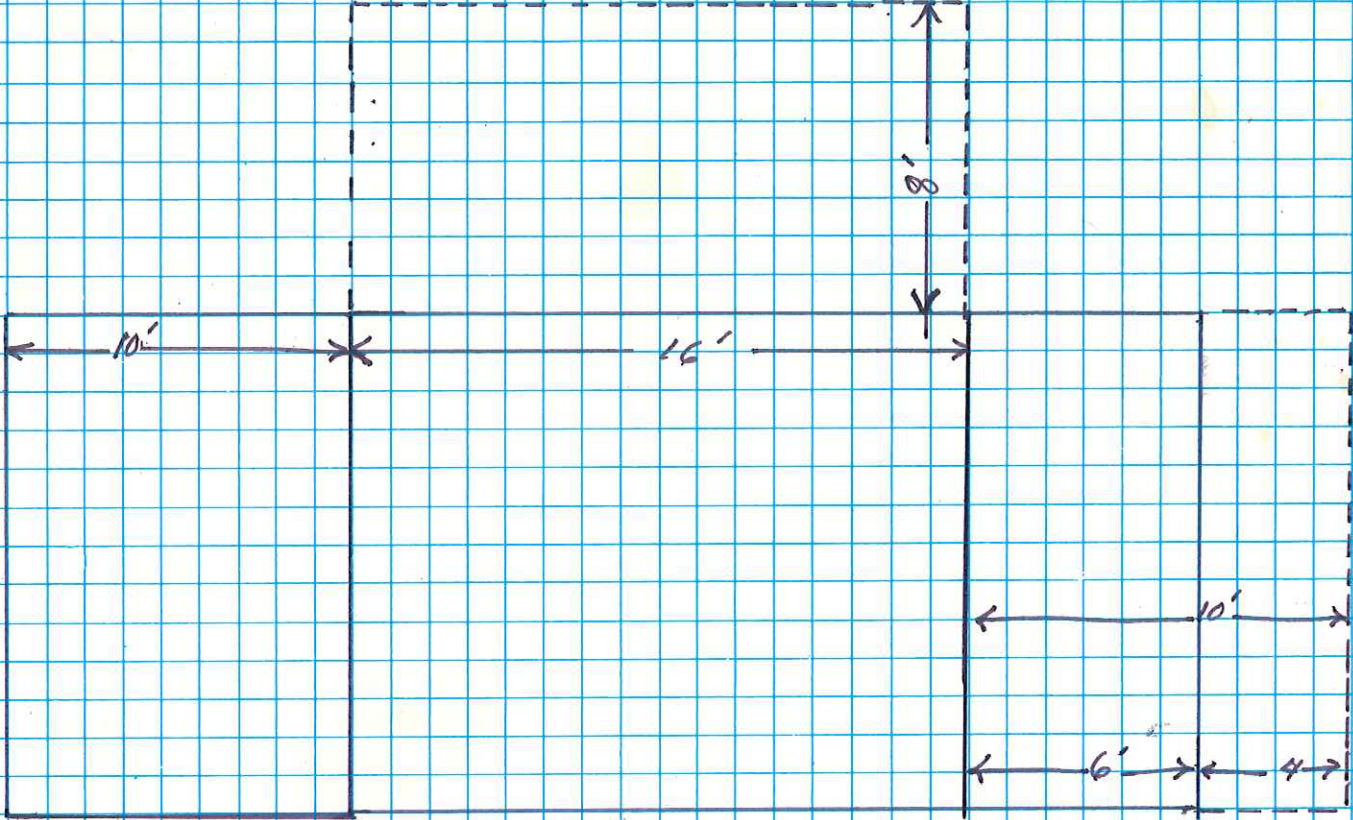


Draw or attach a drawing indicating what will be located on this lot and give as accurate as possible, measurements of lot and setbacks and sizes of all structures.

Approved for Advertising.

Eddy G. G. 7-22-66





-----  
PROPERTY LINE

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FRANK & LAURA L. TAYLOR

Case No. 3177 - 1986

A hearing was held after due notice on September 8, 1986. The Board members present were: Mr. Stuchlik, Mrs. Hudson, Mr. Adams, Mr. Mariner and Mr. McCabe.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement.

Finding of Facts

The Board found the applicant was requesting a variance from the side yard setback requirements for a lot located on the south side of Adams Avenue, 80 feet southwest of Bayshore Drive within Broadkill Beach. The applicant is requesting a variance from the side yard setback requirements for an addition to be built to an existing residence. The addition will be 23 1/4 inches from the side property line. The addition will maintain the existing angle of the house along the sideline. The neighbors are related to the applicant and have no objection to the requested variance. The rear corner of the existing building is currently located 28 3/4 inches from the side line.

The Board found that due to the unusual nature of the building and location on the property at the present time, the granting of the variance would not adversely affect the uses of neighboring and adjacent property owners nor be contrary to the general character of the area and that practical difficulties would result to the applicant if the variance were denied.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Stuchlik, Mrs. Hudson, Mr. Adams, Mr. Mariner and Mr. McCabe; voting against--none.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

*Charles F. Stuchlik, III*

Charles F. Stuchlik, III  
Chairman

Valid for a period of one (1)  
year from date below.

Date Oct 31, 1986

**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 # 12573  
Hearing Date June 21, 2021  
202106345

**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:**

20734 Sanfilipo Road, Bridgeville, De 19933

**Variance/Special Use Exception/Appeal Requested:**

I would like to have a home child care in my house.

12 children

Tax Map #: 331-2.00-40.00

Property Zoning: AR-1

**Applicant Information**

Applicant Name: Eugenia Castrejon  
Applicant Address: 20734 Sanfilipo Road  
City Bridgeville State De Zip: 19933  
Applicant Phone #: 302 265-8625 Applicant e-mail: eigueniacastrejon123@gmail.com

**Owner Information**

Owner Name: Eugenia Castrejon  
Owner Address: 20734 Sanfilipo Road  
City Bridgeville State DE Zip: 19933 Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

Eugenia Castrejon

Date: 4/26/21



**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.

If I am granted the zoning to use a room in my house for a childcare it will not affect any of the neighboring properties.

---

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)

At this time there are no other requirements needed

---

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

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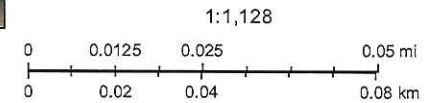


<b>PIN:</b>	331-2.00-40.00
<b>Owner Name</b>	CASTREJON ALEJANDRINO
<b>Book</b>	3950
<b>Mailing Address</b>	20734 SANFILIPPO RD
<b>City</b>	BRIDGEVILLE
<b>State</b>	DE
<b>Description</b>	W/RT 533
<b>Description 2</b>	2930'S/RT 18
<b>Description 3</b>	TR # 17969
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- 911 Address
- Streets



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

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

Case # 12574  
Hearing Date 6/21  
202106508

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-3416  
115-182      115-185

**Site Address of Variance/Special Use Exception:**

117 London Circle South, Rehoboth Beach, DE 19971

**Variance/Special Use Exception/Appeal Requested:** Req. 15' from 315' Height Req. Ordinance

We recently added a built-in pool to our side yard. The design and location were approved by Sussex County in Q3 2020. We would like to build a small pool house (8'x18'=144sq.ft.) with a storage area, powder room and small dining area. During the pool construction, we decided to move the pool several feet from the wetlands from the original design by Ashton Pools. Due to moving the pool closer to the street, we are requesting a variance from Sussex County P & Z to accomodate the width of 8' for the pool house. The variance is for 3'.

Tax Map #: 3-34-19.00-495.00

Property Zoning: MR

**Applicant Information**

Applicant Name: T. Patrick Cannon & Eileen Cannon

Applicant Address: 117 London Circle South

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (302) 344-4171 Applicant e-mail: tpcannon58@gmail.com

**Owner Information**

Owner Name: T. Patrick & Eileen Cannon

Owner Address: 117 London Circle South

City Rehoboth Beach State DE Zip: 19971 Purchase Date: 11/4/20

Owner Phone #: (302) 344-4171 Owner e-mail: tpcannon58@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**

T. Patrick Cannon

Date: 4/26/21



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

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

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

1. Uniqueness of property:

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

The majority of our property extends deep into wetlands and this prohibits the placement of the pool and/or pool house in the back yard. The side yard is the only existing space for pool and the pool dimensions meet the side setbacks and has met the DNREC wetland delineation requirement. (exhibits 1, 2a, 2b, 4)

---

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 majority of the property extends over the wetlands and becomes narrower as it approaches the street. The front of the property is on a cul-de-sac, and due to the right of way and safety requirements for fire trucks, emergency vehicles and trash trucks, the required increased road width infringes on the traditional setback for our property. (Exhibits 2a, 2b)

---

3. Not created by the applicant:

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

The lot setbacks, size and configuration is the same and has been since before the time of our purchase. (exhibits 1, 3a, 3b)

---

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.

With approval given by RYBCC-Bay Vista Property Owners Association we shared our pool and pool house plans with immediate and adjacent neighbors within 200ft. on the cul-de-sac at 115, 119 and 116 with their approval. (Exhibits 3a, 3b, 3c,) In addition we have contracted Environtech to provide an Conservation Landscape Plan.

---

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.

With the approved pool already in place and the equipment in the only feasible space allowable, we have scaled down the pool house to 144sq.ft to accommodate minimal and feasible space for a small bath, dining and storage. Of the actual 144Sq footage of pool house requested in our variance, the amount of space attributed to the variance is approximately 50 Sq ft. (Exhibit 4)  
The width of the pool house, it was reduced from 10 feet from the original plan to 8 feet in revised plan.

---

April 28, 2021

To the Members of the Board of Adjustment of Sussex County, Delaware

We have recently added a built-in pool to our side yard. The design and location were approved by Sussex County in Q3 2020. We would like to build a small pool house (8' X 18' = 144 sq. ft.) that will have a storage area, powder room and small dining area. During the pool construction, we decided to move the pool several feet further away from the wetlands from the original design by Ashton Pools. Due to moving the pool closer to street, we are requesting a variance from Sussex County Planning and Zoning Department to accommodate the width of 8' for the pool house. The variance is for 3'. The square footage and length of the structure are within the current guidelines.

We have several unique factors of our property that are outlined in the attached BOA application.

They are:

- Purchased property as is, didn't make any changes or alterations
- The majority of our property extends deep into wetlands and this prohibits the placement of the pool and/or pool house in the back yard
- The side yard is the only existing space for pool and the pool dimensions meet the side setbacks and the DNREC wetland delineation requirement
- The wetlands delineation was approved, and we have contracted with Envirotech to create and install a conservation plan to protect the wetlands
- The property is wider over the wetlands and becomes narrower as it approaches the street
- The property is on a cul-de-sac, and due to the right of way and safety requirements for fire trucks, emergency vehicles and trash trucks, the required increased road width infringes on the traditional setback for our property
- Pool equipment is installed and within the setback requirements. The location of the pool house has been moved to accommodate this equipment.

The design and size of the pool house has been approved by the Homeowners Association (HOA) and it will be in accordance with the aesthetics of the community.

We have the signed approval of our nearby neighbors including our neighbor also located on the cul-de-sac.

We appreciate your consideration of this request.

Best Regards,

Patrick and Eileen Cannon  
117 London Circle South  
Rehoboth Beach, DE 19971  
302-344-4171

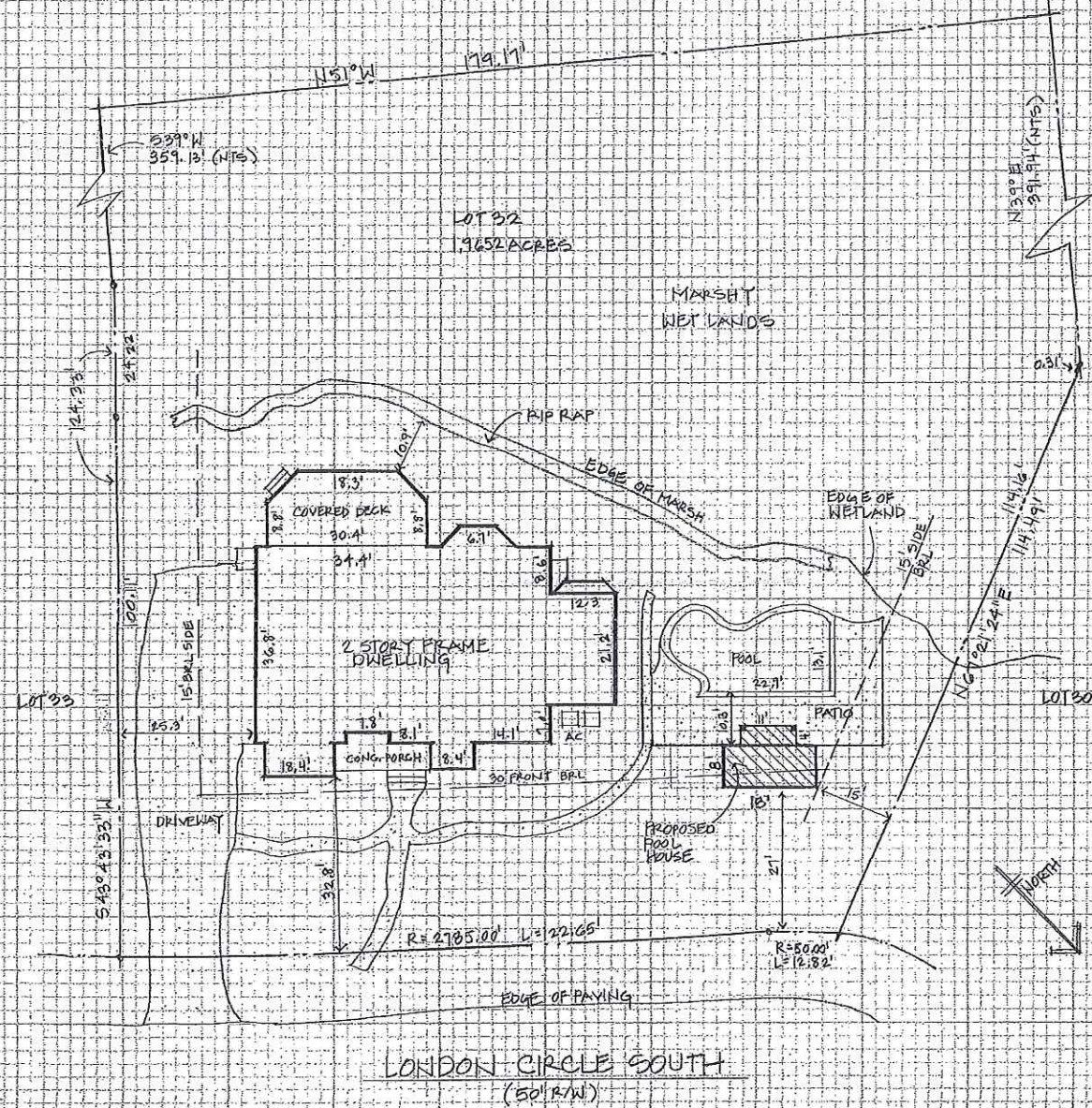
**SCOPE OF THE WORK:**

8x18 UNCONDITIONED POOL HOUSE WITH 4x11 COVERED AREA ADJACENT TO POOL & PATIO.

**DATA**

OWNERS: PATRICK AND BILEEN CANNON  
117 LONDON CIRCLE SOUTH, REHOBETH BEACH, DELAWARE 19971  
410-271-2782 EMCANNON28@AOL.COM

SITE INFORMATION: 117 LONDON CIRCLE SOUTH, REHOBETH BEACH, DE  
TAX MAP # 3-34 19.00 495  
LOT SIZE 1.96 ACRES  
SITE PLAN PROVIDED BY ASHTON POOLS BY DESIGN



**SITE PLAN**

SCALE 1:20

**GENERAL NOTES**

ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH LOCAL CODES AND INTERNATIONAL RESIDENTIAL CODE 2015.

**FOUNDATION**

ALL FOOTINGS TO BE 30 INCHES BELOW GRADE MINIMUM, AND IN ALL CASES, ONTO FIRM, UNDISTURBED SOIL.

ANCHOR BOLTS TO HAVE HOOK. SET INTO WET CONCRETE.  
ANY WOOD IN CONTACT WITH CONCRETE OR SOIL MUST BE PRESSURE TREATED.  
PROVIDE VAPOR BARRIER UNDER ALL INTERIOR SLABS.

**FRAMING**

ALL WALLS 2X4 STUDS AT 16 INCHES ON CENTER WITH DOUBLE TOP PLATE  
ALL FRAMING SPRUCE-PINE-FIR (SPF) #2 GRADE OR BETTER  
USE 1/2 INCH ADVANTECH OR CDX SHEATHING AT WALLS AND 5/8 INCH ROOF SHEATHING.  
PROVIDE HURRICANE TIES FOR ALL RAFTERS AND TRUSSES TO DOUBLE TOP PLATE OR BEAMS.

PROVIDE 8" CLEARANCE BETWEEN WOOD AND CONCRETE OR SOIL, UNLESS USING PRESSURE TREATED WOOD.

**FINISHES**

ALL EXTERIOR MATERIALS, COLORS, PATTERNS AND DETAILS TO MATCH MAIN HOUSE.

OWNER TO SELECT ALL FINISHES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:  
CABINETS AND COUNTERTOPS, HARDWARE, LIGHTING, PAINT/STAIN COLORS, FLOORING,  
PLUMBING FIXTURES AND FITTINGS, DOORS, INTERIOR TRIM, AND APPLIANCES.

BATT-N-BEARD SIDING ON INTERIOR SPACES TO TOP PLATE... RAFTERS EXPOSED & PAINTED.  
VINYL WRAP EXTERIOR BEAMS AND COLUMNS.  
STRUCTURE IS NOT INSULATED.

**OTHER**

PROVIDE EASILY ACCESSIBLE WATER SHUT-OFF VALVE.  
PROVIDE INSTANT HOT WATER UNIT FOR SINKS.  
PROVIDE UNDER COUNTER REFRIGERATOR, SINK, LAV, TOILET, HOSE BIB.

LOUVERED HINGED SHUTTER AT BAR OPENING TO HAVE HYDROLIC LIFTS AND SAFETY HOOK TO RAFTERS WHEN OPEN.

**TYPICAL WALL CONSTRUCTION**

2X4 EXTERIOR STUDS AT 16 INCHES OC  
1/2 INCH ADVANTECH SHEATHING  
FIBER-CEMENT HORIZONTAL SIDING

**TYPICAL ROOF CONSTRUCTION**

ASPHALT SHINGLES W/ 15# FELT PAPER  
5/8 INCH ADVANTECH SHEATHING, CLIPPED  
2X RAFTERS AS NOTED PER PLANS

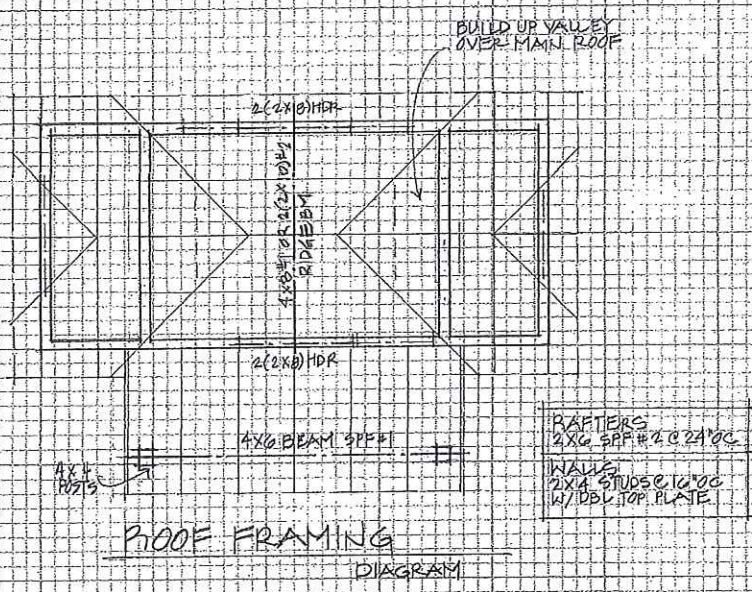
TERESA TODD - ARCHITECT

1037 LAKE CLAIRE DRIVE, ANNAPOLIS, MD 21409  
PHONE 410-626-7877 MD #9337 WWW.TTARCHITECT.COM

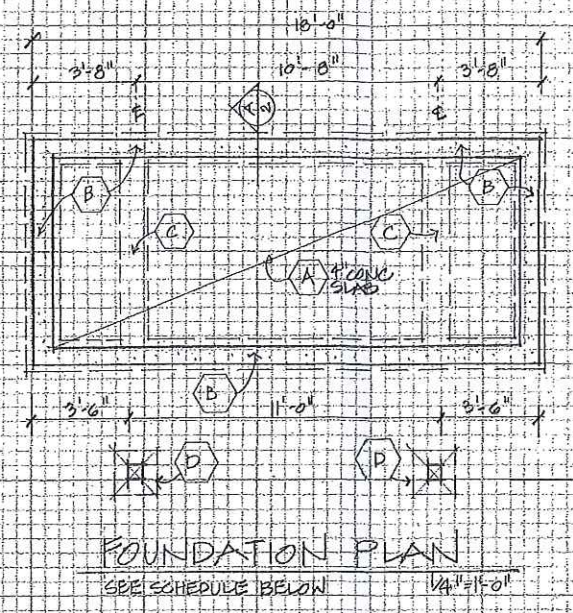
3-23-21

CANNON POOL HOUSE  
117 LONDON CIRCLE SOUTH  
REHOBETH BEACH, DELAWARE

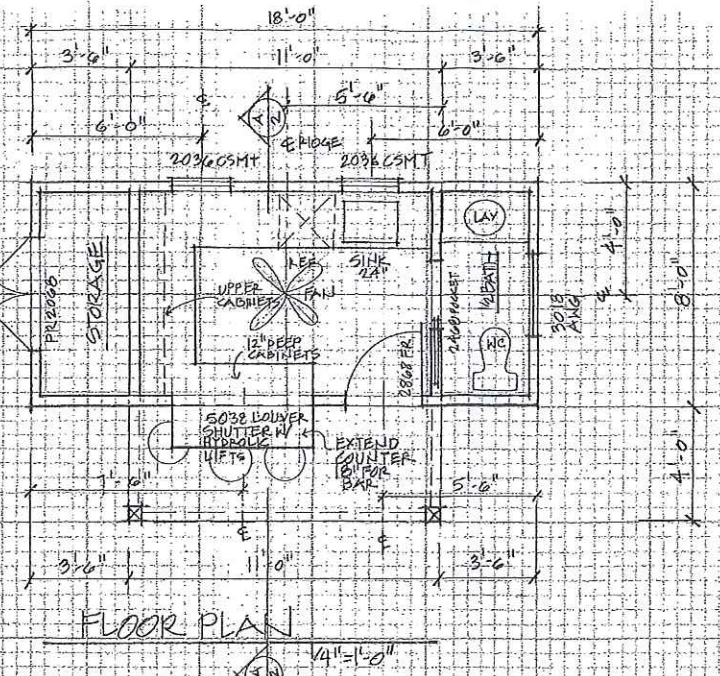
SHEET  
1  
OF 2



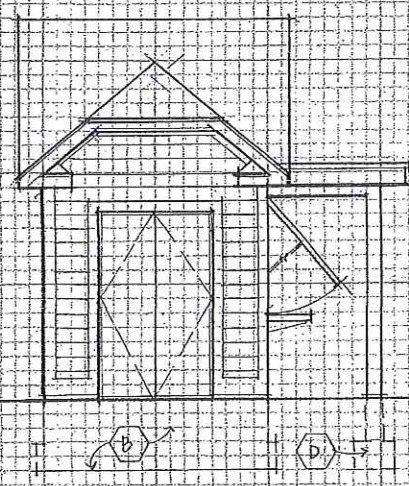
ROOF FRAMING DIAGRAM



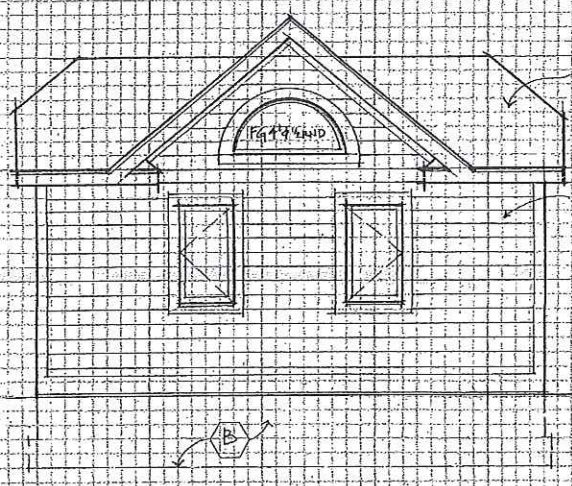
FOUNDATION PLAN  
SEE SCHEDULES BELOW



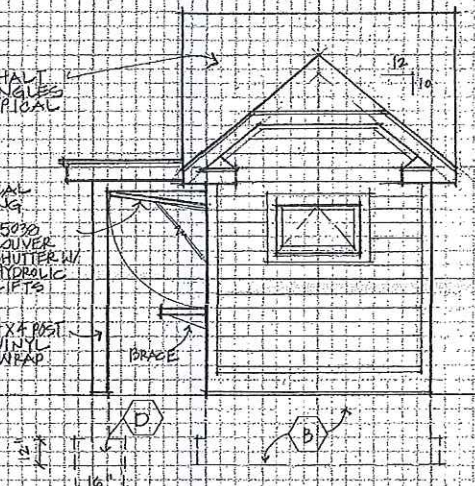
FLOOR PLAN



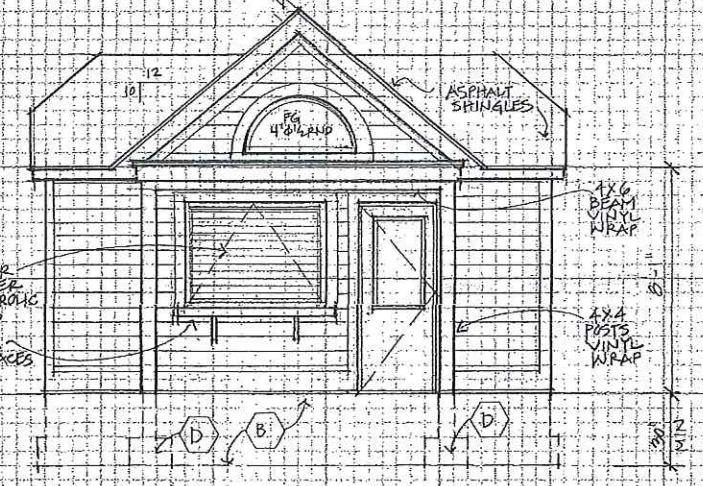
FAR SIDE ELEVATION  
1/4" = 1'-0"



STREET SIDE ELEVATION  
1/4" = 1'-0"



HOUSE SIDE ELEV.  
1/4" = 1'-0"

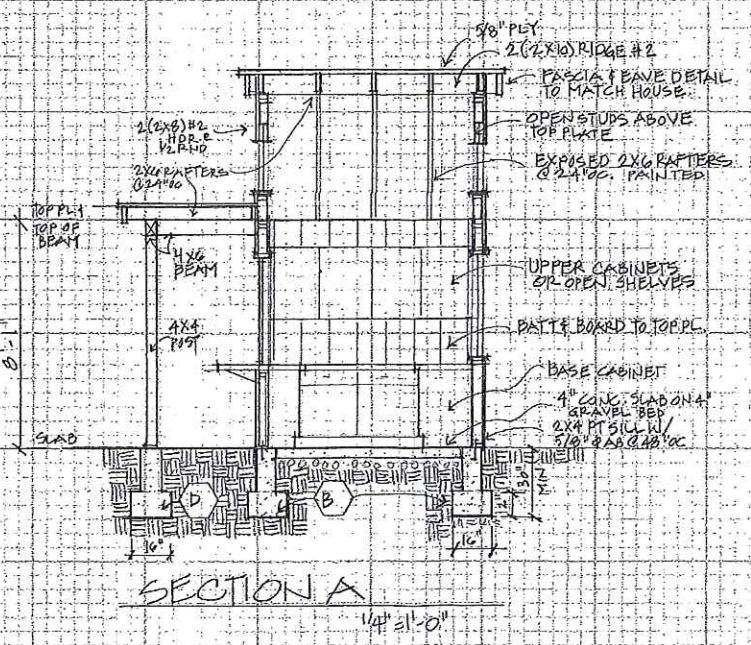


POOL SIDE ELEVATION  
1/4" = 1'-0"

**FRAMING NOTES**  
 2X4 STUDS AT 16 INCHES ON CENTER WITH DOUBLE TOP PLATE  
 SLOPE RAFTERS AT "FLAT" ROOF TO DRAIN  
 ALL ROOF PITCHES 10:12 TYPICAL  
 ALL HEADERS 2(2X8) SPPF#2  
 BUILD VALLEY FRAMING OVER MAIN ROOF

**FOUNDATION SCHEDULE**

	SIZE	REINFORCING	CONNECTION
A	4" conc slab on 4" gravel bed	6x6 WWF #10, or Fiber Mesh Contn	
B	8" reinf. concrete wall on 16" wide x 12" deep continuous footing	#4 vertical bars at 48" inches on center.	2x4 minimum pressure treated sill with 5/8" diameter anchor bolts at 48" oc
C	12" deep x 24" wide x continuous thickened slab under bearing wall	2 #4 bars continuous	redheads securing 2x6 pressure treated sill plate to concrete @ 32 inches oc.
D	16" x 16" x 12" deep concrete pier footing	No reinforcing required	4x4 pressure treated post with PB44 & PC44



SECTION A  
1/4" = 1'-0"

TERESA TODD - ARCHITECT  
 1037 LAKE CLAIRE DRIVE, ANNAPOLIS, MD 21409  
 PHONE 410-626-7877 MD #9337 WWW.TTARCHITECT.COM

CANNON POOL HOUSE  
 117 LONDON CIRCLE SOUTH  
 REHOBETH BEACH, DELAWARE

SHEET  
 2  
 OF 2

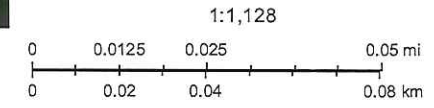


<b>PIN:</b>	334-19.00-495.00
<b>Owner Name</b>	CANNON THOMAS PATRICK TTEE
<b>Book</b>	4672
<b>Mailing Address</b>	117 LONDON CIR SO
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	REH BCH YACHT CC
<b>Description 2</b>	LOT 32 BLK 35 SEC H
<b>Description 3</b>	LONDON CIRCLE SOUTH
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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



May 26, 2021

To the Members of the Board of Adjustment of Sussex County, Delaware:

**FILE COPY**

The purpose of this letter is to request:

1. A variance for our fence on the street side to be 4 feet in height and not the required 3.5 feet
2. A variance to have the street side of the fence to be 27 feet from the property line and not the required 30 feet.

It is our understanding that per the county's code for fence regulations, "Any fence or wall for residential use, not more than 3 1/2 feet in height, may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard". The fence for the pool area is 4' due to the requirements for pool safety. We are requesting a variance to the height requirement to allow the 4' foot high fencing for the fencing that falls within the front yard setback area for required safety purposes.

We understand the code for the fence is that it should be located at least 30 feet from the property line. The street side portion of the fence is 27 feet from our front yard property line. We are requesting a variance for this fence to be 27 feet from the property line to align with the sides of the proposed pool house also under consideration for a 3' variance request. The pool equipment has been installed and it is within code.

Attachments:

- Draft of our property, the area of the fence we are requesting a variance for is highlighted in blue. This draft is also in the slide presentation.
- The PowerPoint presentation has pictures of the fence from various angles and areas.

We plan to landscape the area between the pool house and fence with indigenous plants and trees. I hope this information is helpful.

Thank you for your consideration.

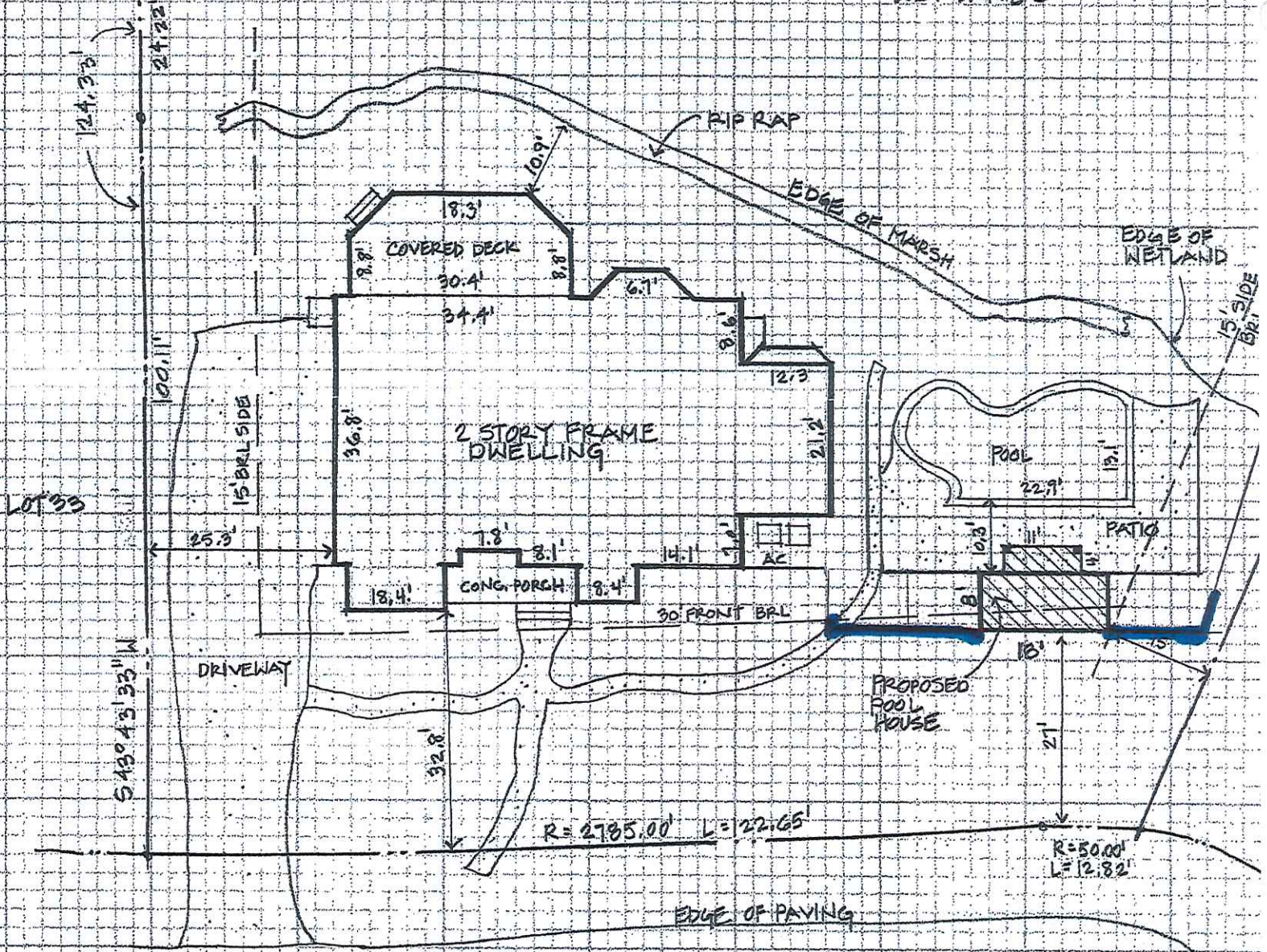
Respectfully,

Pat and Eileen Cannon  
117 London Circle South  
Rehoboth Beach, DE 19971  
302-344-4771



LOT 32  
1.9652 ACRES

MARSHY  
NET LANDS



LOT 33

543' 4 3/8" W

DRIVEWAY

2 STORY FRAME  
DWELLING

COVERED DECK

CONG. PORCH

AC

30' FRONT BRL

POOL

PATIO

PROPOSED  
POOL  
HOUSE

EDGE OF PAVING

R=2785.00' L=22.65'

R=50.00'  
L=12.82'

124.33'

214.22'

100.11'

15' BRL SIDE

25.3'

18.4'

7.8'

3.1'

14.1'

1.2'

12.3'

8.6'

6.7'

10.9'

18.3'

30.4'

34.4'

36.8'

21.2'

9.1'

10.3'

11'

11'

16'

21'

15'

15' SIDE  
BRL SIDE

EDGE OF MARSH

EDGE OF NETLAND

RIP RAP

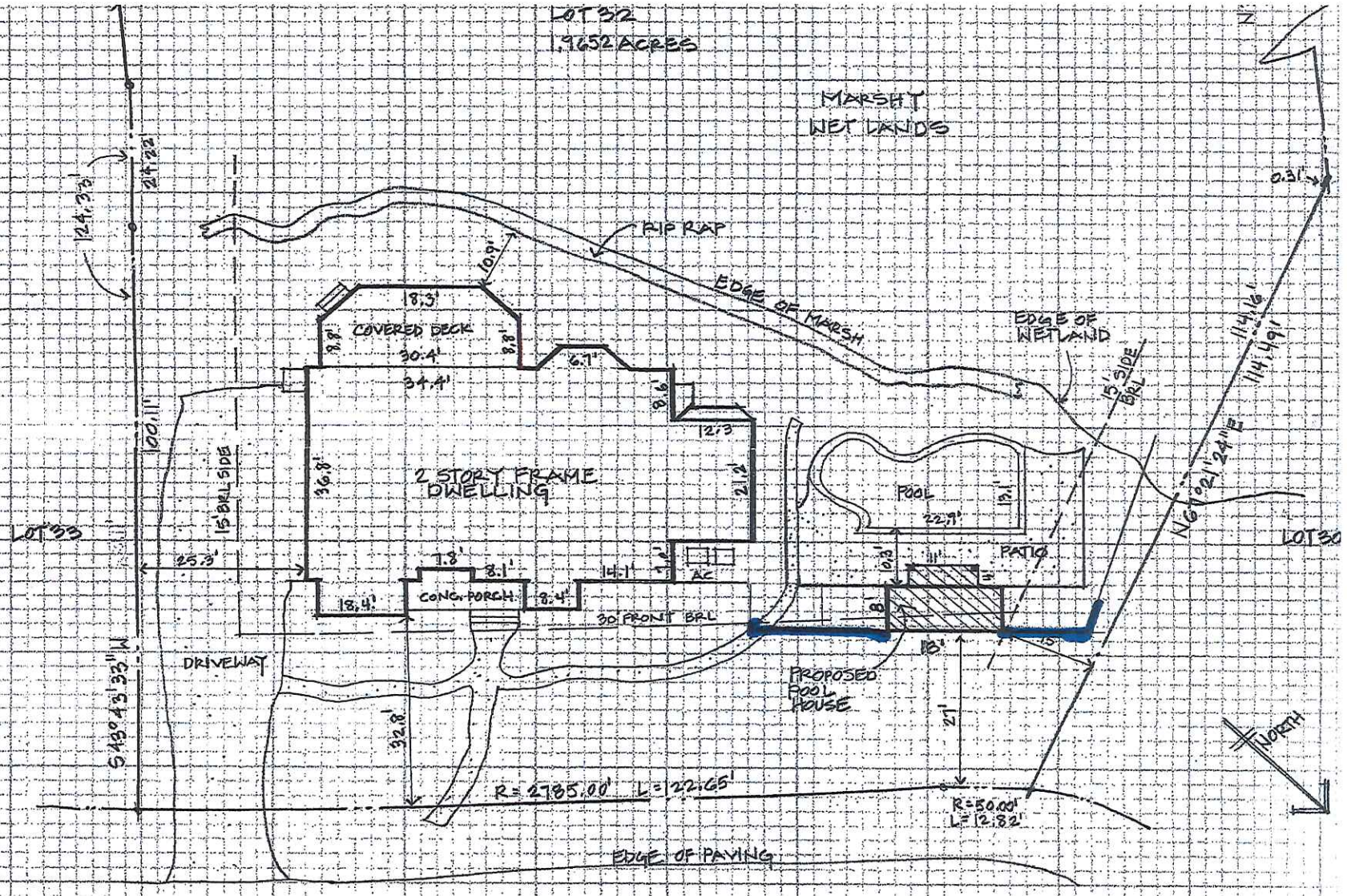
# Cannon Fence Variance Request Photos

June 2021

**Pat and Eileen Cannon  
117 London Circle South  
Rehoboth Beach, DE 19971**

LOT 32  
.9652 ACRES

MARSHY  
NET LANDS



# Street view



# View from both sides



Closer shot on property looking  
towards the pool



# Fence height photos



**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 # 12575  
Hearing Date 6/21  
202106642

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-42 115-183  
115-185  
115-172 67

**Site Address of Variance/Special Use Exception:**

100 Hitch Pond Circle Seaford, DE 19973

**Variance/Special Use Exception/Appeal Requested:**

To permit a manufactured home (utilized as an office per special use exemption dated May 18th, 2020) 2.4' over the required 10' building restriction setback.

**Tax Map #:** 132-8.00-1.00

**Property Zoning:** GR/111

**Applicant Information**

Applicant Name: Hometown Village of Cool Branch, LLC  
Applicant Address: 150 N. Wacker Dr., Suite 2800  
City Chicago State IL Zip: 19973  
Applicant Phone #: (302) 702-8205 Applicant e-mail: \_\_\_\_\_

**Owner Information**

Owner Name: Hometown Village of Cool Branch, LLC  
Owner Address: 100 Hitch Pond Circle  
City Seaford State DE Zip: 19973 Purchase Date: \_\_\_\_\_  
Owner Phone #: (302) 702-8205 Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: Michaelena Hayes  
Agent/Attorney Address: PO Box 966  
City Dover State DE Zip: 19903  
Agent/Attorney Phone #: (302) 312-4716 Agent/Attorney e-mail: michaelena@millbrookeng.com

**Signature of Owner/Agent/Attorney**

Michaelena Hayes

Date: 4/20/21





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

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

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

1. Uniqueness of property:

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

The office was placed 2.4' into the required rear property line setback. The variance will not alter the essential character of the community. The adjacent homes are respectively within the 10 ft setback line. It is our understanding that the boundary line along Fire Tower Road has some boundary discrepancies over the years, additionally a 50 ft buffer is allocated off the boundary line. The 10 ft is placed outside of said buffer.

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 office is existing and would need to be moved to accommodate the 2.4' distance that is not met. Physically moving the office is a large undertaking and costly to the owner.

---

3. Not created by the applicant:

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

The contractor attempted to place the office as required and the distance was not met by approximately 2.4'.

---

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 character of the neighborhood would not change with the distance of 2.4'. The home aligns well the rear of other homes located on the street. There is a 50 foot buffer between the lots, and the adjacent right of way.

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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.

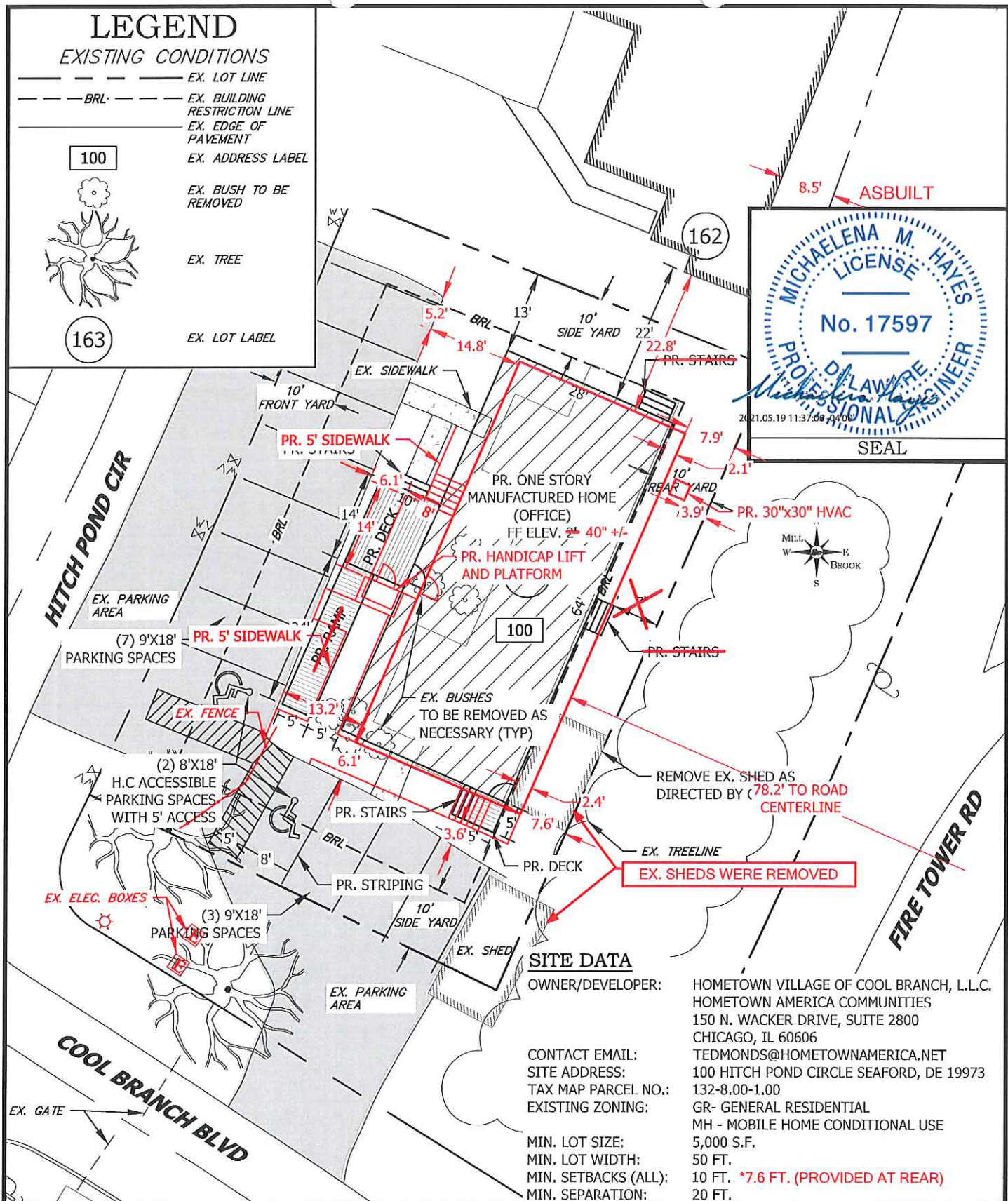
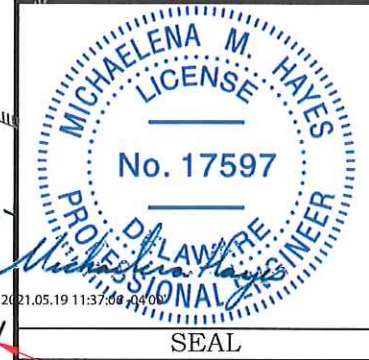
The variance requested is 7.6 feet of 10 feet setback required.

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# LEGEND

## EXISTING CONDITIONS

-  EX. LOT LINE
-  EX. BUILDING RESTRICTION LINE
-  EX. EDGE OF PAVEMENT
-  EX. ADDRESS LABEL
-  EX. BUSH TO BE REMOVED
-  EX. TREE
-  EX. LOT LABEL



### SITE DATA

OWNER/DEVELOPER: HOMETOWN VILLAGE OF COOL BRANCH, L.L.C.  
 HOMETOWN AMERICA COMMUNITIES  
 150 N. WACKER DRIVE, SUITE 2800  
 CHICAGO, IL 60606  
 CONTACT EMAIL: TEDMONDS@HOMETOWNAMERICA.NET  
 SITE ADDRESS: 100 HITCH POND CIRCLE SEAFORD, DE 19973  
 TAX MAP PARCEL NO.: 132-8.00-1.00  
 EXISTING ZONING: GR- GENERAL RESIDENTIAL  
 MH - MOBILE HOME CONDITIONAL USE  
 5,000 S.F.  
 MIN. LOT SIZE: 5,000 S.F.  
 MIN. LOT WIDTH: 50 FT.  
 MIN. SETBACKS (ALL): 10 FT. \*7.6 FT. (PROVIDED AT REAR)  
 MIN. SEPARATION: 20 FT.



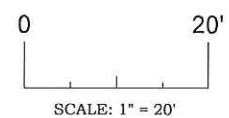
## VILLAGE OF COOL BRANCH

**ASBUILT OFFICE - SITE PLAN**  
 HOMETOWN AMERICA  
 100 HITCH POND CIRCLE SEAFORD, DE 19973

DATE: 03/02/2020  
 PROJECT #: M-20-CBRANCH-003

SHEET 1

ENGINEER: MMH  
 DESIGN BY: MMH  
 DRAWN BY: AVP & EMB  
 CHECKED BY: MMH



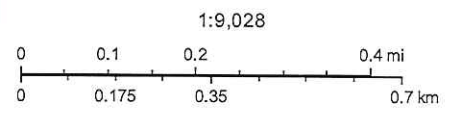


<b>PIN:</b>	132-8.00-1.00
<b>Owner Name</b>	HOMETOWN VILLAGE OF COOL BRANCH LLC
<b>Book</b>	5217
<b>Mailing Address</b>	150 NORTH WACKER DR. S
<b>City</b>	CHICAGO
<b>State</b>	IL
<b>Description</b>	GIS TIEBACK
<b>Description 2</b>	DUMMY ACCOUNT
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets
- County Boundaries



Board of Adjustment Application  
Sussex County, Delaware

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

Case # 12576  
Hearing Date 6/21  
202106980

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-42      115-182  
115-185

Site Address of Variance/Special Use Exception:

35438 smith drive, Ocean View, DE 19970

Variance/Special Use Exception/Appeal Requested:

Applying for a variance so we can build a 24'x31' garage on our property. Asking to adjust our front setback from 30ft to 10ft.

Tax Map #: 1-34-12.00-1260.00

Property Zoning: Resident GR

Applicant Information

Applicant Name: Logan Galbreath

Applicant Address: 36438 smith drive

City Ocean View State DE Zip: 19970

Applicant Phone #: (302)604-9022 Applicant e-mail: galbreathlogan@yahoo.com

Owner Information

Owner Name: Logan Galbreath

Owner Address: 36438 smith Drive

City Ocean view State DE Zip: 19970 Purchase Date: 6/9/2020

Owner Phone #: (302)604-9022 Owner e-mail: galbreathlogan@yahoo.com

Agent/Attorney Information

Agent/Attorney Name: N/A

Agent/Attorney Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

Signature of Owner/Agent/Attorney

Logan Galbreath

Date: 4/20/21



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

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

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

**1. Uniqueness of property:**

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

With the shape and placement of our house, it is impossible to add on a much needed garage with our current setbacks. Our plans for the garage will not alter the character of the development.

**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.

With the shape and placement of our house, it is impossible to add on a much needed garage with our current setbacks. We do not want to place it in the backyard as we want to keep the back as open as possible as a safe place to play for our dogs and future children. Our plans for the garage will not alter the character of the development.

**3. Not created by the applicant:**

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

The structure was on the property when we bought it, we did not choose the placement.

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

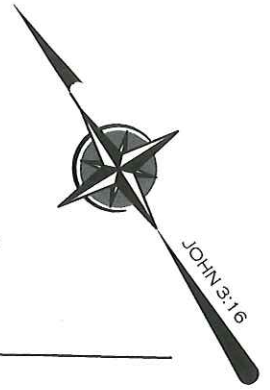
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

With the desired addition of this garage, it will not effect any surrounding properties, nor the character of the neighborhood. This will be a poll barn style garage which is common on other properties in the neighborhood. The garage colors will coordinate with our earthy toned house colors.

**5. Minimum variance:**

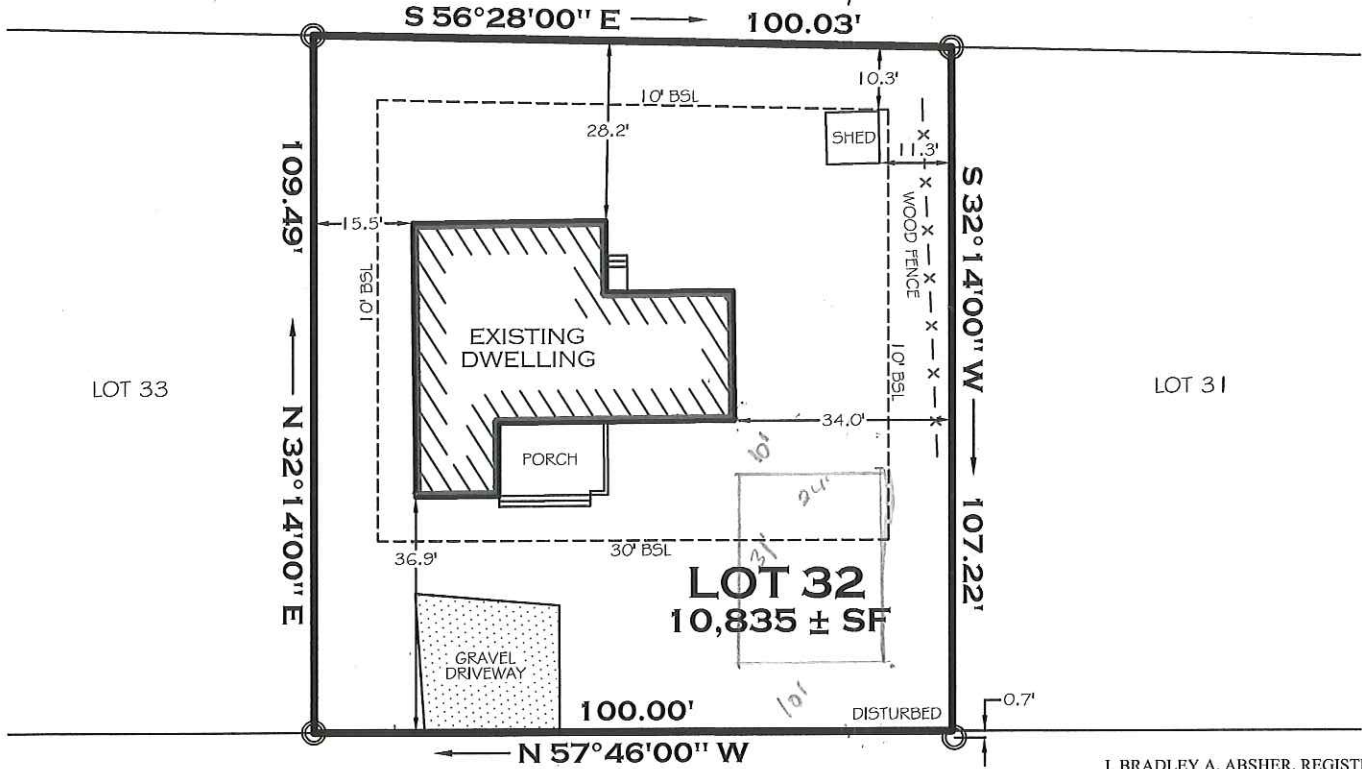
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

We are proposing to gain 20ft usage in the front yard. This would adjust our 30ft front setback to a 10ft front setback.



N/F  
LOUIS W. MELTON  
TAX #: 1 - 34 - 12.00 - 73.01

N/F  
LOUIS W. MELTON  
TAX #: 1 - 34 - 12.00 - 73.03



**SMITH DRIVE  
50' RIGHT OF WAY**

**NOTES**

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

FRONT	30'
SIDE	10'
REAR	10'

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

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

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

*Bradley A. Absher*  
 BRADLEY A. ABSHER, DE PLS # 735  
 DATE 6.2.2020


TAX MAP	1-34 - 12.00 - 1260.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	10,835 ± SQ. FT.
DEED REF.	5109 / 105
PLAT REF.	15 / 42
DRAWN BY	JMH
DATE	06 / 02 / 2020
SCALE	1" = 30'
SURVEY #	DE - 00453

**BOUNDARY SURVEY  
PLAN**

**LOT 32, SECTION B  
BANKSVILLE PARK**

FOR  
**LOGAN GALBREATH**

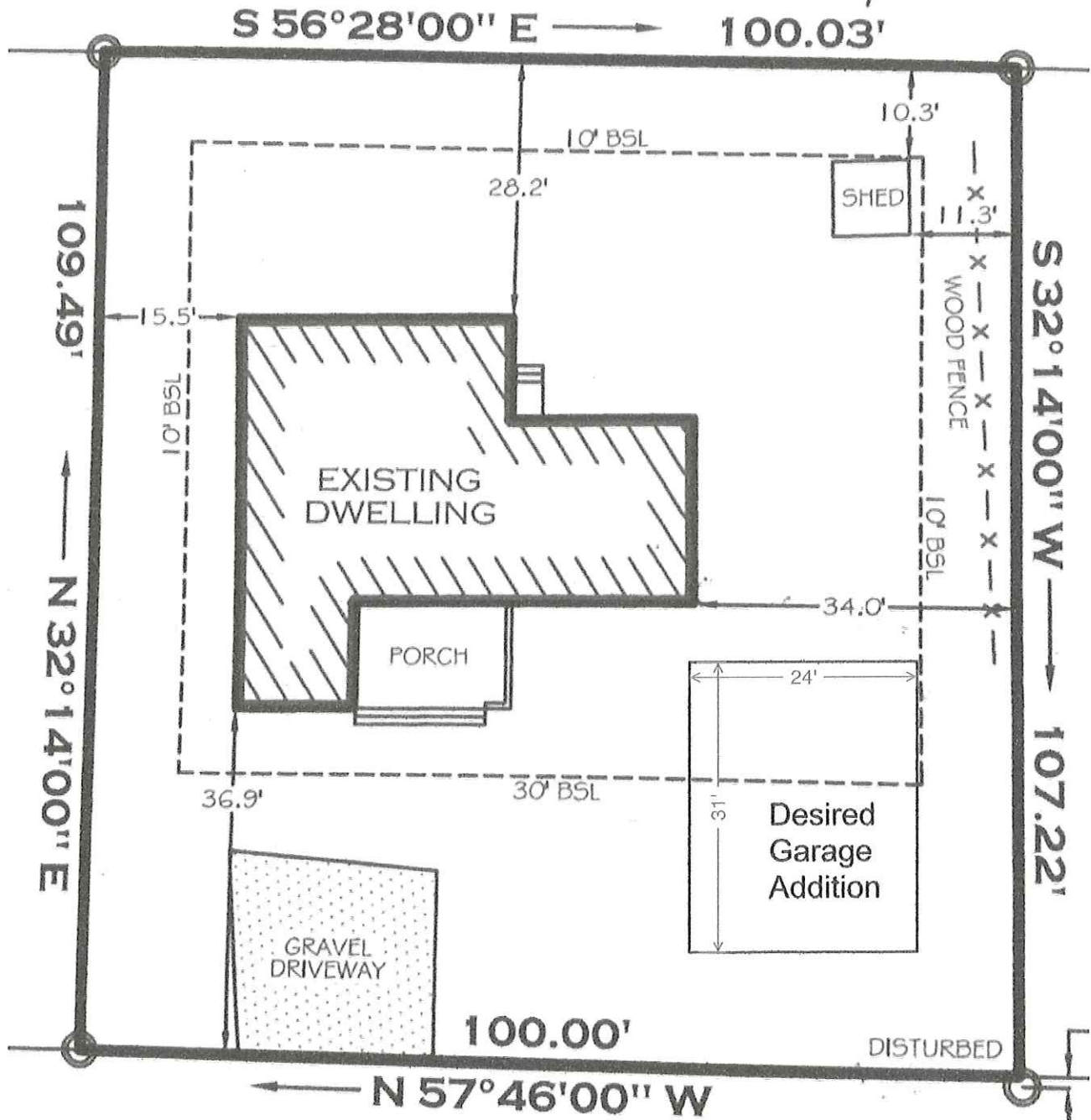
**36438 SMITH DRIVE, OCEAN VIEW, DE 19970**

<b>LEGEND</b>
○ IRON PIPE FOUND
<b>TRUE NORTH</b>

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

# Site Plan

TAX #: 1-34-12.00-75.01

1A

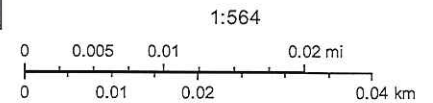


**SMITH DRIVE  
50' RIGHT OF WAY**



PIN:	134-12.00-1260.00
Owner Name	GALBREATH LOGAN L
Book	5256
Mailing Address	36438 SMITH DR
City	OCEAN VIEW
State	DE
Description	BANKSVILLE PARK
Description 2	LOT 32 SEC B
Description 3	N/A
Land Code	

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





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

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

Case # 12517  
Hearing Date 6/21  
202104192

**Type of Application: (please check all applicable)**

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-25 115-182

**Site Address of Variance/Special Use Exception:**

34165 Yiana Drive, Frankford, DE 19945

**Variance/Special Use Exception/Appeal Requested:**

Variance:

We would like to request a 9' variance on the left front corner of this lot.

**Tax Map #:** 134-19.00-429.00

**Property Zoning:** AR-1

**Applicant Information**

Applicant Name: Insight Homes

Applicant Address: 16255 Sussex Highway

City Bridgeville State DE Zip: 19933

Applicant Phone #: 302-396-1959 Applicant e-mail: cmcauliffe@insightde.com

**Owner Information**

Owner Name: Woodlands Development, LLC

Owner Address: 27 Atlantic Ave

City Ocean View State DE Zip: 19970 Purchase Date: \_\_\_\_\_

Owner Phone #: 302-841-3767 Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: Same as above

Agent/Attorney Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**

*Cynthia McAuliffe*

Date: 03/18/21



**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.

This property is very unique which lends to having an exceptional practical difficulty in improving the lot due to that fact that it is very small, odd-shaped and on a cul-de-sac. The building envelope is very irregular and restrictive, and has no uniformity.

---

**2. Cannot otherwise be developed:**

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

This lot cannot otherwise be developed. Therefore a variance is necessary to allow a reasonable use of the property due to the unique circumstances, the shape and oddities of the lot.

---

**3. Not created by the applicant:**

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

This exceptional practical difficulty has not been created by the Applicant. It is just a lot that is part of a development. It is very restrictive being on the curve of a cul-de-sac. No home that we build would fit on the lot, the building restrictions are so unique, because the left front corner of the lot is shallow.

---

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

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

This variance will not alter the essential character of the neighborhood, not impair appropriate use, but rather will enhance the development.

---

**5. Minimum variance:**

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

This variance will represent the minimum variance that will afford relief. This plan has a small first floor footprint of the home. We are doing the Base Traditional Elevation with no extensions, just the basic house, trying to get it to fit on an irregular lot to allow use of the property.

---

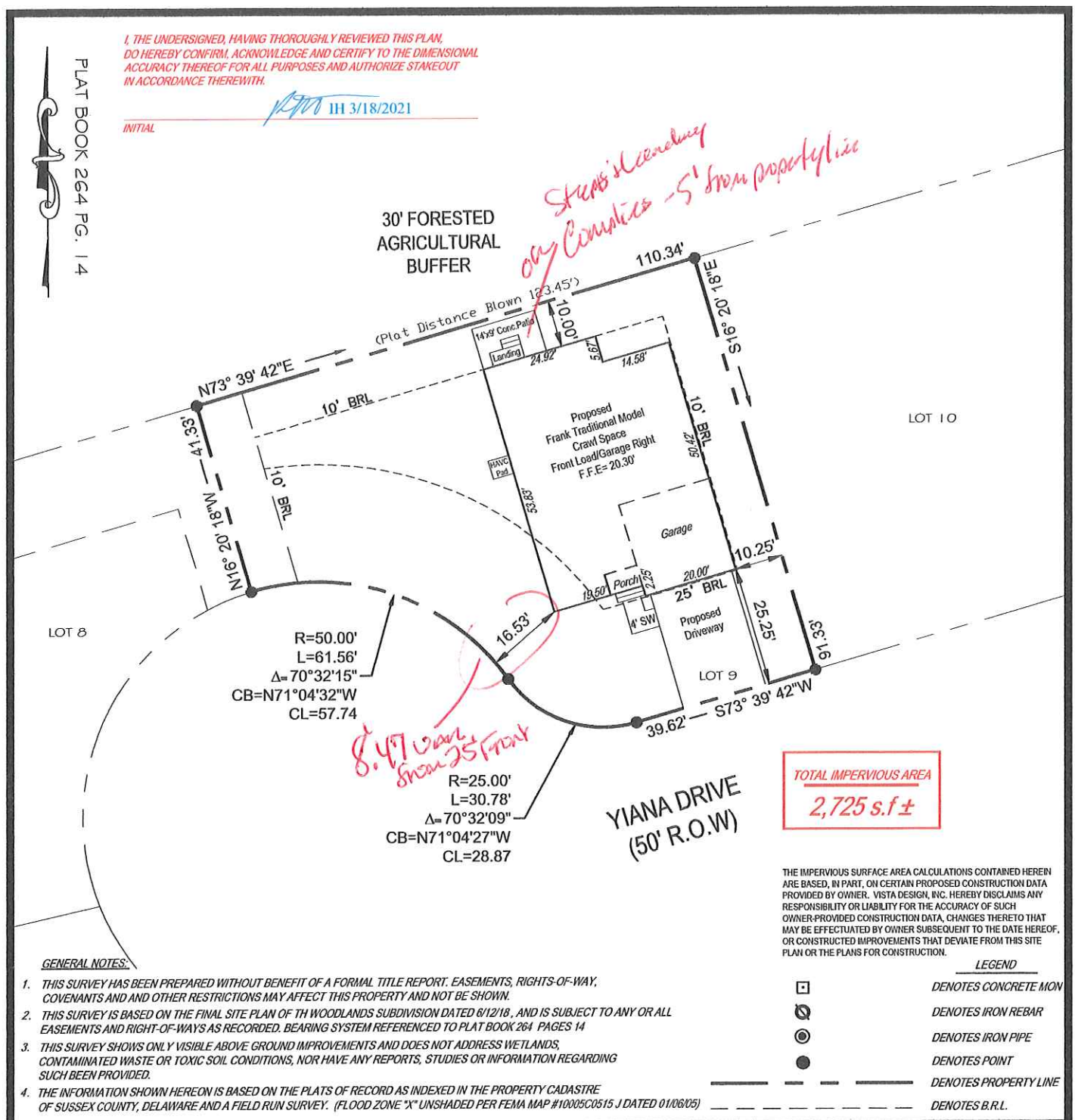
I, THE UNDERSIGNED, HAVING THOROUGHLY REVIEWED THIS PLAN, DO HEREBY CONFIRM, ACKNOWLEDGE AND CERTIFY TO THE DIMENSIONAL ACCURACY THEREOF FOR ALL PURPOSES AND AUTHORIZE STAKEOUT IN ACCORDANCE THEREWITH.

*[Handwritten Signature]*  
IH 3/18/2021

INITIAL

PLAT BOOK 264 PG. 14

*Steps & Landing  
any Concrete - 5' from property line*



**TOTAL IMPERVIOUS AREA**  
**2,725 s.f ±**

THE IMPERVIOUS SURFACE AREA CALCULATIONS CONTAINED HEREIN ARE BASED, IN PART, ON CERTAIN PROPOSED CONSTRUCTION DATA PROVIDED BY OWNER. VISTA DESIGN, INC. HEREBY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF SUCH OWNER-PROVIDED CONSTRUCTION DATA. CHANGES THERETO THAT MAY BE EFFECTUATED BY OWNER SUBSEQUENT TO THE DATE HEREOF, OR CONSTRUCTED IMPROVEMENTS THAT DEVIATE FROM THIS SITE PLAN OR THE PLANS FOR CONSTRUCTION.

LEGEND

- ☐ DENOTES CONCRETE MON
- ⊙ DENOTES IRON REBAR
- ⊙ DENOTES IRON PIPE
- DENOTES POINT
- DENOTES PROPERTY LINE
- DENOTES B.R.L.

GENERAL NOTES:

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY, COVENANTS AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
- THIS SURVEY IS BASED ON THE FINAL SITE PLAN OF TH WOODLANDS SUBDIVISION DATED 6/12/18. AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED. BEARING SYSTEM REFERENCED TO PLAT BOOK 264 PAGES 14
- THIS SURVEY SHOWS ONLY VISIBLE ABOVE GROUND IMPROVEMENTS AND DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED.
- THE INFORMATION SHOWN HEREON IS BASED ON THE PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF SUSSEX COUNTY, DELAWARE AND A FIELD RUN SURVEY. (FLOOD ZONE "X" UNSHADED PER FEMA MAP #10005C0515 J DATED 01/06/05)

**SITE PLAN**

PREPARED FOR

LOT 9, THE WOODLANDS SUBDIVISION  
BALTIMORE HUNDRED  
SUSSEX COUNTY, DELAWARE  
TAX MAP 1-34-19.00 PARCEL 429.00  
AREA: 8,038 ± SQ.FT. OR 0.18 ± ACRES



GRAPHIC SCALE



Engineers, Surveyors, Landscape Architects,  
Land Planning Consultants and GIS Specialists

116.34 Worcester Hwy, Showell, MD 21862

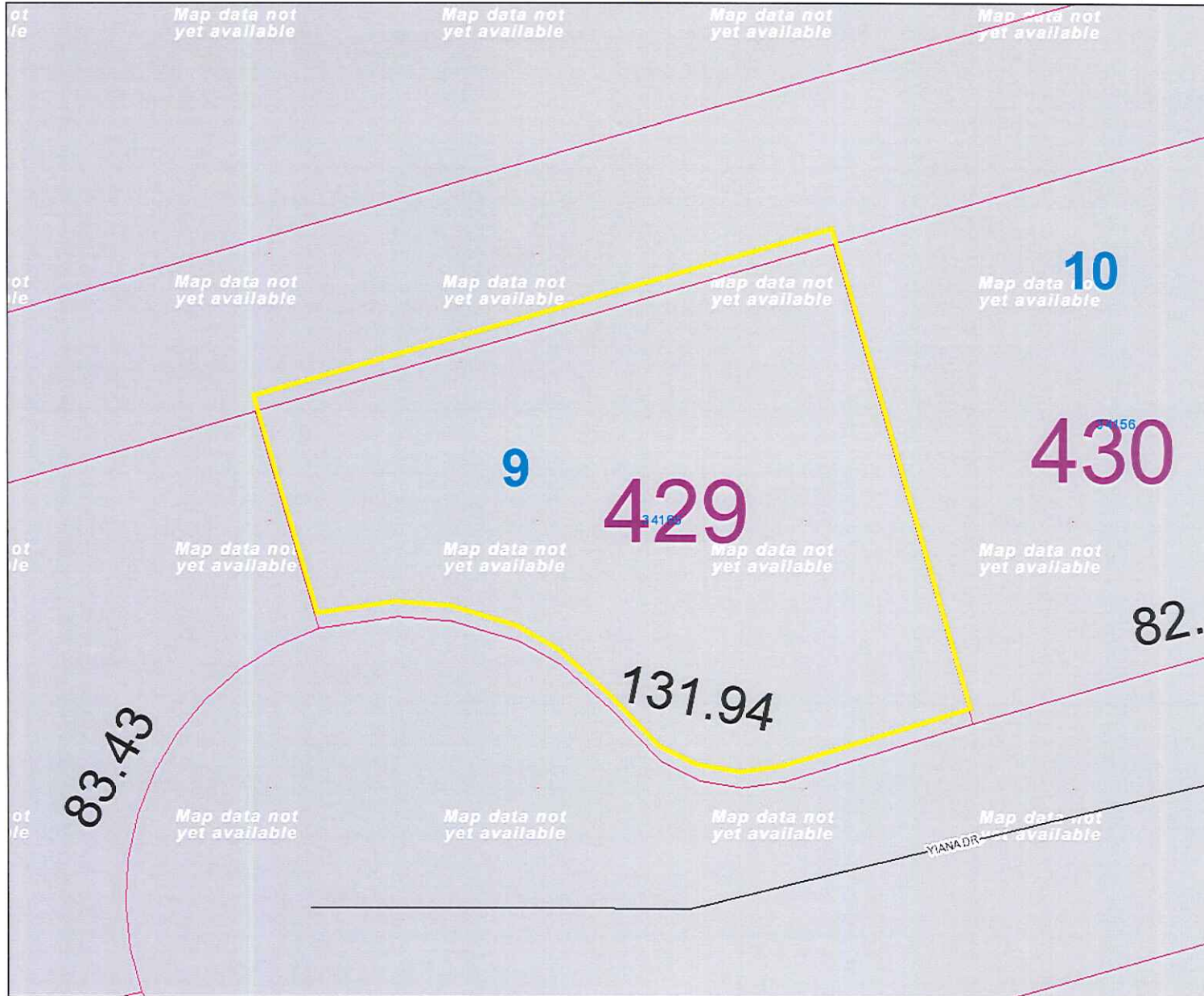
ph. 410-352-3874 fax 410-352-3875 email vista@vistadesigninc.com

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DESIGNED BY: VD	FIELD BOOK# PAGE#	JOB# 16-023-009
DRAWN BY: VD	DATE: 03/17/21	SHEET 1 OF 1
CHECKED BY: DLA	SCALE: AS SHOWN	



# Sussex County

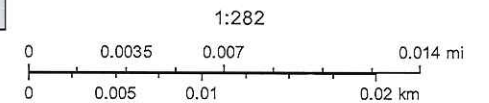


<b>PIN:</b>	134-19.00-429.00
<b>Owner Name</b>	WOODLANDS DEVELOPMENT LLC
<b>Book</b>	5119
<b>Mailing Address</b>	27 ATLANTIC AVE
<b>City</b>	OCEAN VIEW
<b>State</b>	DE
<b>Description</b>	THE WOODLANDS
<b>Description 2</b>	LOT 9
<b>Description 3</b>	N/A
<b>Land Code</b>	

- 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 # 12578  
Hearing Date 6/21  
202106959

**Type of Application: (please check all applicable)**

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-34      115-182

**Site Address of Variance/Special Use Exception:**

4 Alabama Avenue, Milton, DE 19968

**Variance/Special Use Exception/Appeal Requested:**

Request a reduction of the 30 foot front setback along Alabama Avenue to enable construction of a new dwelling located 9 feet to the front property line and new stairs located 5 feet to the front property line as shown on the attached survey

Tax Map #: 235-3.12-106.00

Property Zoning: MR

**Applicant Information**

Applicant Name: Kristopher S. Connelly

Applicant Address: 2882 Sandbox Road

City Milford State DE Zip: 19963

Applicant Phone #: (302) 245-1776 Applicant e-mail: ksc50@msn.com

**Owner Information**

Owner Name: Jeffrey & Molly Chorman

Owner Address: 5121 Mills Road

City Milford State DE Zip: 19963 Purchase Date: 6/29/15

Owner Phone #: (302) 236-3007 Owner e-mail: jeff@chorman.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**

Jeffrey A. Chorman

Date: 5/3/21



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

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

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

**1. Uniqueness of property:**

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

Broadkilm Beach, North Shores Subdivision was recorded March 27, 1969 in Plot Book 8, Page 89 with bayfront lots oriented towards the Delaware Bay accessed by dead end roads. These lots are served by on-site septic systems and central water. Our lot is 50 feet wide and a total of 5,750 square feet. County setbacks severely impact the buildable envelope on the property rendering it effectively unbuildable.

---

**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 an existing one-story cottage on the property that is planned for demolition due to its age and structural deficiencies. It also does not meet the County Code, DNREC build line restrictions or FEMA flood standards. The owners propose to rebuild a new dwelling in full compliance with FEMA flood regulations and DNREC build line restrictions and therefore requests relief from the front setback along Alabama Avenue. The proposed dwelling will be no closer than the existing dwelling.

---

**3. Not created by the applicant:**

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

Due to all the aforementioned County, State and Federal restrictions that were imposed after the creation of this property, an exceptional practical difficulty exists for the owners to make normal improvements to this property which were not 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.

The character of the neighborhood or district where the property is located will not be impacted by the granting of this request since the proposed dwelling will remain at 9 feet from the front along Alabama Avenue while coming into compliance with other agency regulations which did not exist when this property was created in 1969.

---

**5. Minimum variance:**

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

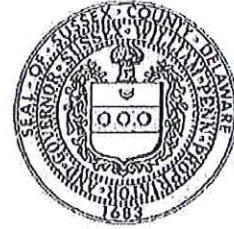
This request represents the minimum variance that is necessary for the owners to make normal improvements to this property given the location of the existing septic system and DNREC building restriction line.

---

# Sussex County

DELAWARE  
PLANNING & ZONING DEPARTMENT

[sussexcountyde.gov](http://sussexcountyde.gov)  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR



## SETBACK INFORMATION REQUEST

Date of Request 4/30/2021 Zoning District MR  
Customer Name KRIS CONNELLY  
Customer Contact Kris.Connelly@CO.KENT.DE.US  
Tax Parcel ID 235-3.12-106.00 Lot/Unit Number 4  
Parcel Address 4 ALABAMA AVENUE  
Front Yard Setback 30'  
Side Yard Setback 5'  
Rear Yard Setback 5'  
Corner Front Yard Setback N/A  
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:

#### VE FLOOD ZONE

See attachment for visual  
Beach preservation line (ANRBC) may be present or near  
the property  
No tax ditch ROWs  
Various instances of nonconformity are listed. see county small lots Ord.

Name of Staff Member RUSTY  
Checked By Chase Phillips Chase Phillips Planner I



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

DIVISION OF WATERSHED STEWARDSHIP  
ENTERPRISE BUSINESS PARK  
285 BEISER BOULEVARD, SUITE 102  
DOVER, DELAWARE 19904

SHORELINE AND WATERWAY  
MANAGEMENT SECTION

PHONE: (302) 739-9921  
FAX: (302) 739-6724

**MEMORANDUM**

TO: Terry L. Deputy, Director

THRU: Michael S. Powell, Administrator *MSD*  
Ashley R. Norton, Ph.D., Planner *AN*

FROM: Jennifer Luoma Pongratz, Environmental Scientist *JLP*

RE: Permit BP5858 for construction of a dwelling for Mr. and Mrs. Jeff Chorman

DATE: April 19, 2021

---

**LOCATION:** Lot 4, Block J, Broadkill Beach

**ACTIVITY:** To construct a single family dwelling with a 10' cantilevered deck/porch

Attached for your signatures, is a Permit for the above activity. The application has been advertised as required. We received two comments. The first stated that the 4-step process should be required and followed and that a cantilevered deck should not require approval. I have reviewed the application and found the proposed activity to be in compliance with the Regulations Governing Beach Protection and the Use of Beaches including Section 3.1.1.2 (the 4-step process) and Section 3.1.1.3 that requires approval of cantilevered decks/porches. The second comment came from the Division of Fish and Wildlife and was incorporated into the permit as a condition.

Based on my review of the application, and the four step process which the property owner went through in order to meet the requirements of Section 3.1.1.2 of the Regulations, I recommend that this Permit be approved.





STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

DIVISION OF WATERSHED STEWARDSHIP  
ENTERPRISE BUSINESS PARK  
285 BEISER BOULEVARD, SUITE 102  
DOVER, DELAWARE 19904

**DIRECTOR'S  
OFFICE**

PHONE: (302) 739-9921  
FAX: (302) 739-6724

April 19, 2021

Mr. and Mrs. Jeff Chorman  
4 Alabama Avenue  
Milton, DE 19968

**RE: Tax Map # 235-3.12-106.00**

Dear Mr. and Mrs. Chorman:

**Application No. BP5858 - To construct a single family dwelling with a 10' cantilevered deck/porch on Lot 4, Block J, Broadkill Beach, Sussex County, Delaware.**

The Division of Watershed Stewardship has reviewed your plans for coastal construction with regard to the Beach Preservation Act and the "Regulations Governing Beach Protection and the Use of Beaches" (effective August 11, 2016). In doing so, the Division considered what material physical effects the proposed construction may have on coastal conditions and natural shore processes with particular reference to beach erosion, storm damage, flooding, or any detrimental effect it may have on the shore or adjacent property.

The above referenced work is in compliance with the requirements of the Beach Preservation Act and the "Regulations Governing Beach Protection and the Use of Beaches" (effective August 11, 2016). The application submitted by you, or on your behalf, received on March 18, 2021 with plans and specifications dated September 15, 2020, October 28, 2020 and March 19, 2021 has been approved with the following conditions:

- 1. Future enclosure or conversion to living space of the cantilevered deck and porch is prohibited.**
- 2. The area underneath the cantilevered deck and porch shall remain open and free of obstructions including lattice.**

Mr. and Mrs. Jeff Chorman  
BP5858  
Page Two  
April 19, 2021

3. **The eastern portion of this project site is located in a habitat of conservation concern, Beach and Dune Communities. These lands may support valuable wildlife habitats that support a variety of species, including those that are threatened or endangered under state and federal management. To protect the habitat to the fullest extent practicable, keep the staging of heavy machinery within the existing developed portion of the tax parcel or the adjacent right-of-way and avoid the dune and beach habitat located east of the parcel.**

Any unauthorized additions or modifications of the final permitted construction plans will be considered a violation of this permit and the Regulations and are therefore subject to penalties provided in the Beach Preservation Act and the Regulations. Major modifications or subsequent additions involving horizontal expansion of the initial construction must be entered as a new application subject to conditions for construction outlined in the Regulations Governing Beach Protection and the Use of Beaches. Copies of the Regulations are available upon request from the Shoreline and Waterway Management Section.

For the purpose of dune and beach protection, construction activities seaward of the Building Line must be minimized. Any residential construction proposed seaward of the Building Line shall be free of all non-essential portions of the dwelling. This includes, but is not limited to, showers, garages, patios, retaining walls, vehicle ramps, storage areas, steps, solid driveways, fences and all other non-living space portions of the dwelling seaward of the Building Line and below the first living floor. Decks must be supported by cantilevering.

Prohibited activities seaward of the Building Line include landscaping (hard structures such as railroad ties, flower boxes, brick, cement, patio blocks, etc.), erection of fencing other than sand/snow fence, and other modifications which impede the natural function and flexibility of the dune.

This approval pertains only to compliance with the above Regulations and is not to be construed as an all-inclusive approval for any other activities or requirements of the Department of Natural Resources and Environmental Control or any other governmental agency, which may pertain to this site.

This approval is void if on-site construction has not been initiated on or before one year and completed on or before two years from the above date.

**An "as-built" survey showing completed construction must be submitted within (30) thirty days of completion of construction.**

This approval in no way affects, or rules upon, ownership of the subject lands.

Mr. and Mrs. Jeff Chorman  
BP5858  
Page Three  
April 19, 2021

You are required to notify the Division of Watershed Stewardship at (302) 739-9921 at least one week prior to the initiation of on-site construction, to schedule a meeting between a Shoreline and Waterway Management Section representative, the contractor, the property owner and or their authorized agent and any other parties involved in the proposed construction activities. Construction may not commence until this meeting has occurred and all parties have signed the attached Pre-Construction Agreement form. **If it is found that construction has begun without this meeting, construction will be stopped until the meeting is held.** You are also required to notify the Division when construction is completed.

Absolutely no quantity of sand or sedimentary material may be removed from the site which is the subject of this approval without prior inspection by a Shoreline and Waterway Management Section representative. Any quantity of material which is to be removed from the site and is suitable beach material as determined by the Section representative shall be place on the beach at the nearest suitable location.

In accordance with Part 6 of the Regulations Governing Beach Protection and the Use of Beaches and with Section 6803, Chapter 68, Title 7 of the Delaware code, any person or persons, aggrieved by any decision of the Division and the Secretary, may appeal to either the Secretary of DNREC by giving written notice of appeal to the Secretary and to the applicant if other than the appellant, or to the Superior Court in and for the County in which the activity is principally located. Notice to the Secretary shall be by certified or registered mail within twenty (20) calendar days of the Division's decision. Any appeal to Superior Court shall be in the record and shall be perfected within thirty (30) days of the receipt of the decision of the Secretary. The applicant shall not commence any activity approved by this permit until the appeal process has been exhausted.

If you have any questions concerning this approval, or the requirements, please contact the Shoreline and Waterway Management Section of this Division at (302) 739-9921.

Sincerely,



Terry L. Deputy  
Director

cc: Adjacent Landowners  
Sussex County Planning and Zoning





















May 5, 2021

I/We have been informed by Mr. and Mrs. Chorman that they have applied for a setback variance for a proposed dwelling located at 4 Alabama Avenue in Broadkill Beach. The existing legal nonconforming dwelling will be demolished.

As an adjacent/nearby property owner, we support the requested variance and have no objection to the proposed location of the new house as shown on the plans and survey. This will be a great improvement to their property and our neighborhood in Broadkill Beach.

---

Owner(s) – 1 Alabama Avenue	Date
-----------------------------	------

---

Owner(s) – 2 Alabama Avenue	Date
-----------------------------	------

	05/14/2021
--	------------

---

Owner(s) – 5 Alabama Avenue	Date
-----------------------------	------

---

Owner(s) – 6 Alabama Avenue	Date
-----------------------------	------

May 5, 2021

I/We have been informed by Mr. and Mrs. Chorman that they have applied for a setback variance for a proposed dwelling located at 4 Alabama Avenue in Broadkill Beach. The existing legal nonconforming dwelling will be demolished.

As an adjacent/nearby property owner, we support the requested variance and have no objection to the proposed location of the new house as shown on the plans and survey. This will be a great improvement to their property and our neighborhood in Broadkill Beach.

---

Owner(s) – 1 Alabama Avenue

Date

*Jan Kanan · Heather Co*

5/5/21

---

Owner(s) – 2 Alabama Avenue

Date

---

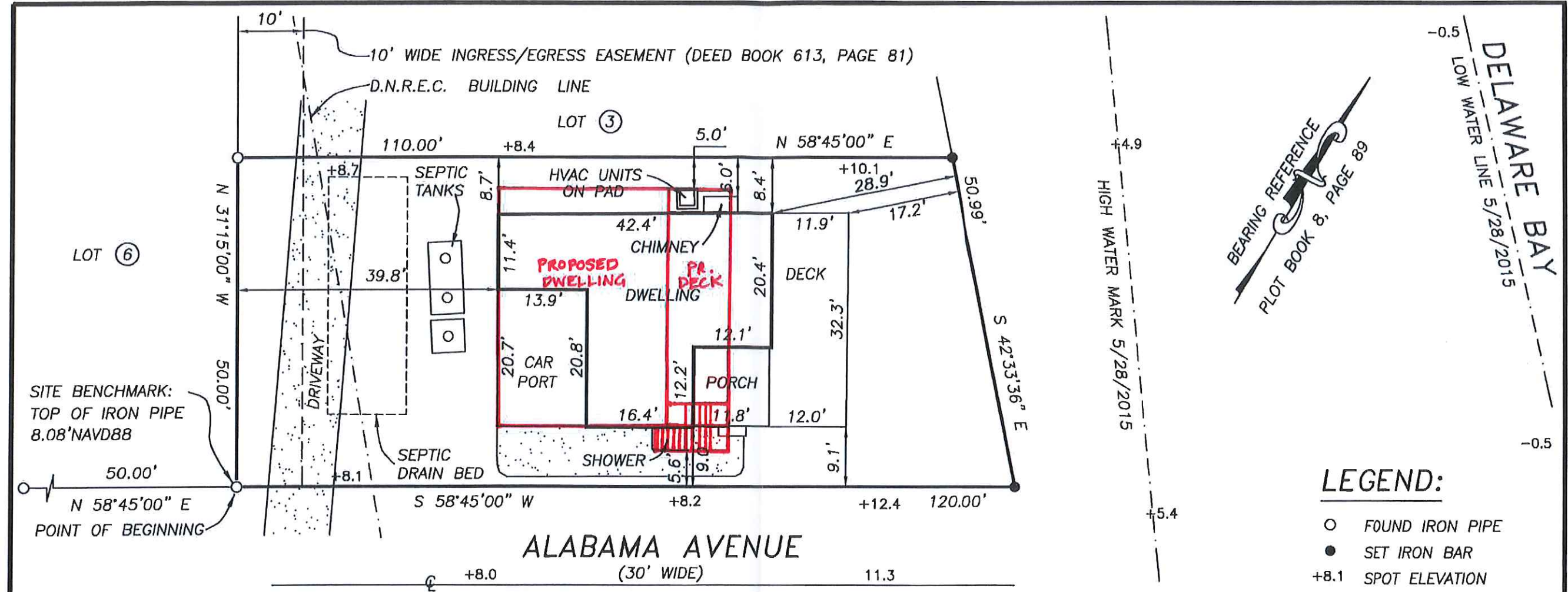
Owner(s) – 5 Alabama Avenue

Date

---

Owner(s) – 6 Alabama Avenue

Date



**NOTES:**

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 4414, PAGE 4
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY
- 4) BY GRAPHIC SCALING AND PLOTTING, THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "VE 13" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 10005C00180-K, EFFECTIVE DATE: 3/16/2015
- 5) THE SEPTIC DRAIN BED SHOWN HEREON IS PLOTTED PER DNREC PLANS

Prepared By  
 ADAMS-KEMP ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.



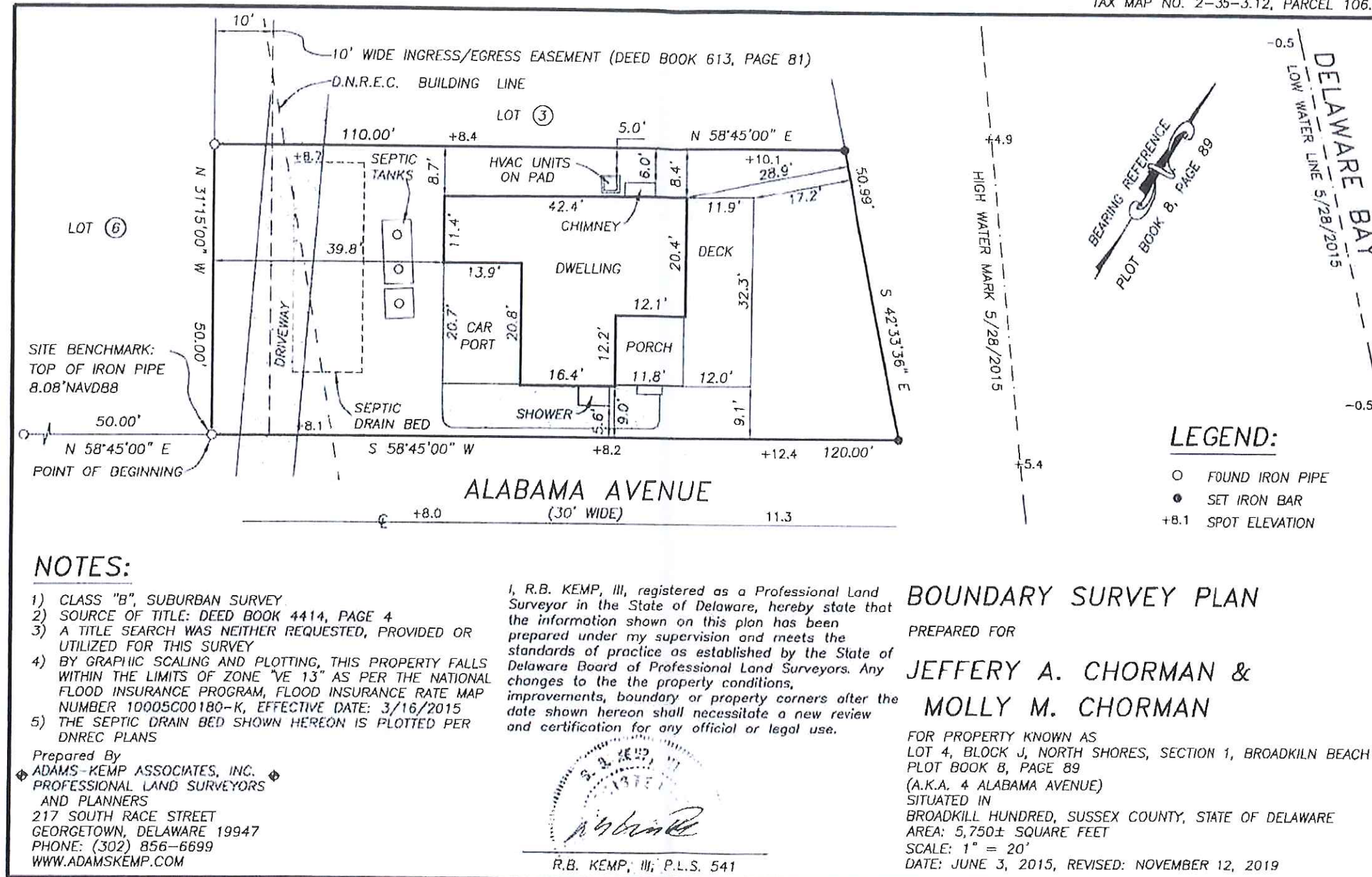
R.B. KEMP, III, P.L.S. 541

**BOUNDARY SURVEY PLAN**

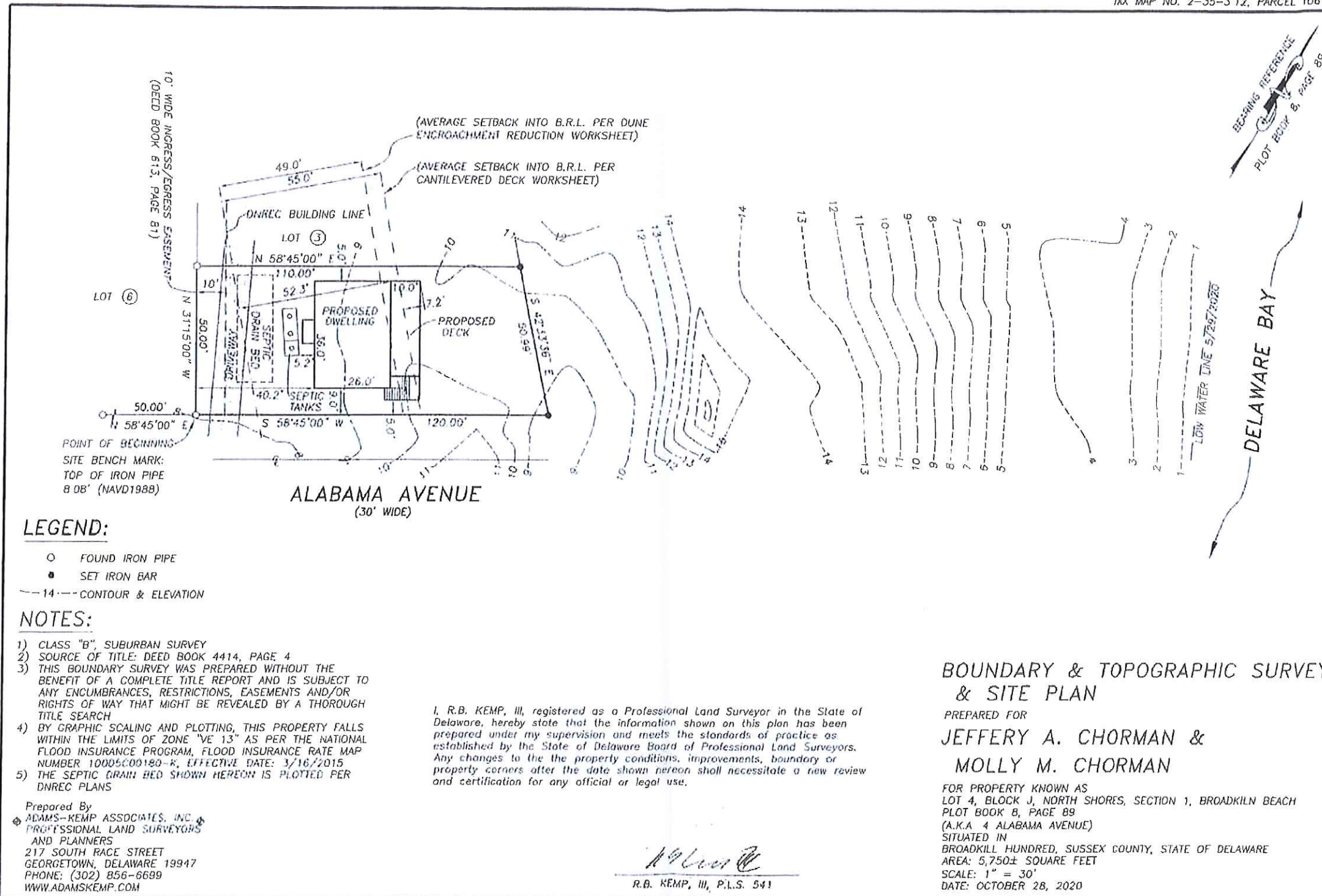
PREPARED FOR

**JEFFERY A. CHORMAN &  
 MOLLY M. CHORMAN**

FOR PROPERTY KNOWN AS  
 LOT 4, BLOCK J, NORTH SHORES, SECTION 1, BROADKILN BEACH  
 PLOT BOOK 8, PAGE 89  
 (A.K.A. 4 ALABAMA AVENUE)  
 SITUATED IN  
 BROADKILL HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
 AREA: 5,750± SQUARE FEET  
 SCALE: 1" = 20'  
 DATE: JUNE 3, 2015, REVISED: NOVEMBER 12, 2019







# BROADKILL BEACH HOUSE

## LOT 4 ALABAMA AVENUE

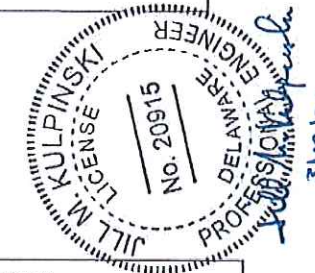
### MILTON, DE 19968

SHEET LIST	
NO.	NAME
A001	COVER SHEET
A002	CONSTRUCTION NOTES & SITE PLAN
A001	FLOOR PLANS
A002	FLOOR PLAN
A001	ELEVATIONS
A002	ELEVATIONS
A003	SECTIONS
A004	SECTIONS
S001	STRUCTURAL NOTES-PILE LAYOUT
S001	FRAMING PLANS
S001	STRUCTURAL DETAILS
S002	STRUCTURAL DETAILS

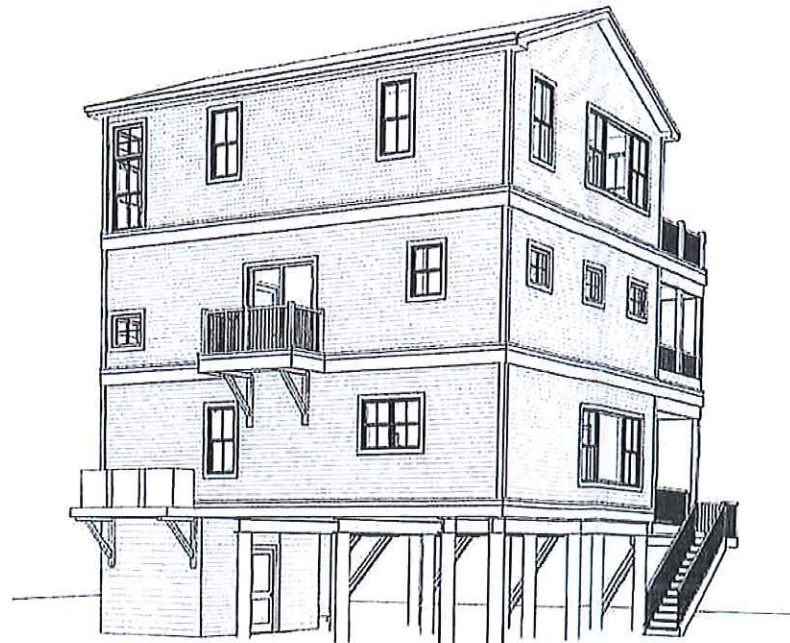
SYMBOLS	
	SECTION CUT - INDICATES SECTION OR DETAIL NUMBER/SHEET NUMBER
	ELEVATION HEIGHT MARKER - INDICATES HEIGHT ABOVE FINISH FLOOR & OBJECT
	DRAWING BREAK LINE
	CENTERLINE
	ROOM NAME
	ROOM LABEL
	NORTH ARROW
	FOOTCANDLES
	COMBINED CARBON MONOXIDE & SMOKE DETECTOR
	DOOR CALL OUT: N2, Q2 (W/TS) X'-X" X X'-X" (S/TL) ABR. (TYPE) (NO. OF UNITS) X'-X" X X'-X" (S/TL) ABR. (TYPE) EK 5018 FR X 6'-0" P/DE X 6'-0" TALL FRENCH DOOR PKMT: POCKET DOOR SLDR: SLIDING DOOR
	(N) XXXX (TRANSOM) (N) XXXX DOOR



PROJECT CONTACT INFORMATION	
<b>ARCHITECT / STRUCTURAL ENGINEER</b>	<b>COMPANY:</b> ELEMENT DESIGN GROUP <b>CONTACT:</b> ERENON BICKEL, AIA <b>ADDRESS:</b> 115 WEST MARKET STREET LEWIS DE, 19968 <b>PH:</b> (302) 649-0711 <b>EMAIL:</b> ERENON@ELEMENTDG.COM
<b>BUILDER</b>	<b>COMPANY:</b> TBD <b>CONTACT:</b> --- <b>ADDRESS:</b> --- <b>PH:</b> --- <b>EMAIL:</b> ---



GENERAL NOTES	
1.	THIS STRUCTURE SHALL BE BUILT IN ACCORDANCE WITH ALL APPLICABLE CODES SET FORTH BY THE AUTHORITY HAVING JURISDICTION. THIS PROJECT WAS DESIGNED IN ACCORDANCE WITH IRC 2012.
2.	THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES REQUIRED FOR SAFE EXECUTION AND COMPLETION OF WORK, AND FOR INQUIRY, MAINTENANCE AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
3.	ONLY MOST RECENT SIGNED & SEALED PLANS SHALL BE USED FOR BIDDING, CONSTRUCTION PURPOSES; IF IN DOUBT OF MOST RECENT PLAN SET, CONTACT ELEMENT DESIGN GROUP.
4.	ANY ERRORS, OMISSIONS OR INCONSISTENCIES ON THESE DRAWINGS OR ANY VARIATIONS OR AMBIGUITIES BETWEEN THESE DRAWINGS AND ACTUAL SITE AND CONSTRUCTION CONDITIONS AND/OR REQUIREMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.
5.	THE CONTRACTOR SHALL REVIEW AND BECOME FAMILIAR WITH ALL CONTRACT DOCUMENTS IN THEIR ENTIRETY, SURVEY THE PROJECT AND BECOME FAMILIAR WITH THE EXISTING CONDITIONS AND SCOPE OF WORK, ANY DISCREPANCY AND/OR UNCERTAINTY AS TO WHAT MATERIAL OR PRODUCT IS TO BE USED SHOULD BE VERIFIED WITH THE OWNER AND ARCHITECT.
6.	THERE SHALL BE NO DEVIATION FROM CONSTRUCTION DOCUMENTS WITHOUT THE WRITTEN APPROVAL OF THE OWNER AND ARCHITECT.
7.	THE CONTRACTOR SHALL KEEP THE CONSTRUCTION SITE CLEAN AND FREE OF DEBRIS DURING CONSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO ALL GLAZING (BOTH SIDES) AND ALL HORIZONTAL AND VERTICAL SURFACES.
8.	PROVIDE ALL O & M MANUALS FOR ALL INSTALLED EQUIPMENT, FIXTURES, AND SYSTEMS TO OWNER.



BUILDING CODE ANALYSIS DATA											
SITE ADDRESS:	LOT 4 ALABAMA AVENUE MILTON, DE 19968 TAX PARCEL # 235-3.12-106.00										
CODE OFFICIAL CONTACTS:	SUSSEX COUNTY										
APPLICABLE CODES:	2018 IECC / IRC 2012										
BUILDING/CONSTRUCTION TYPE:	V-B (SINGLE FAMILY HOME)										
ZONING:	R5										
LOT SIZE:	6,120 SQ. FT.										
BUILDING HEIGHT:	MAXIMUM ALLOWABLE: 44'-0" FROM BASE FLOOR PROPOSED CONSTRUCTION: 41'-15" FROM BASE FLOOR										
FLOOR AREAS:	SEE AREA PLANS										
BUILDING SETBACKS:	<table border="1"> <tr> <td>REQUIRED:</td> <td>FRONT: TBD</td> <td>REAR: TBD</td> <td>SIDE: TBD</td> <td>TBD</td> </tr> <tr> <td>PROPOSED:</td> <td>TBD</td> <td>TBD</td> <td>TBD</td> <td>TBD</td> </tr> </table>	REQUIRED:	FRONT: TBD	REAR: TBD	SIDE: TBD	TBD	PROPOSED:	TBD	TBD	TBD	TBD
REQUIRED:	FRONT: TBD	REAR: TBD	SIDE: TBD	TBD							
PROPOSED:	TBD	TBD	TBD	TBD							

PERMITTING AND APPROVALS	
1.	THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED BUILDING PERMITS, LICENSES, AND INSPECTIONS.
2.	THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION WITH THE OWNER'S REVIEW REQUIREMENTS AND SPECIFICATIONS. CONTRACTOR SHALL MEET WITH THE OWNER PRIOR TO START OF CONSTRUCTION ACTIVITIES.

REV.	DATE	DESCRIPTION	BY

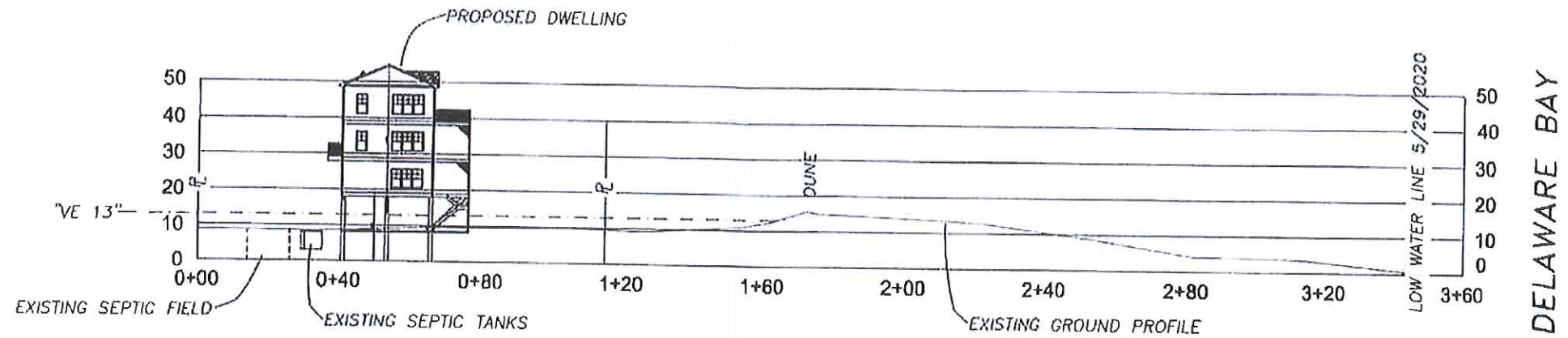
BROADKILL BEACH HOUSE  
 LOT 4 ALABAMA AVENUE  
 MILTON, DE 19968  
 TAX PARCEL: 235-3.12-106.00

**ELEMENT**  
 115 W. Market Street, 3rd floor  
 Lewis, DE 19958  
 302.445.0777  
 www.elementally.com

**DNREC REVIEW**  
 03.19.21

DSN	DRY	CHKD
--	EC	BC
SCALE: As indicated		
JOB No. e20249		
ISSUE DATE: ...		
A001		

COVER SHEET



**NOTES:**

- 1) CLASS "B", SUBURBAN SURVEY
- 2) THE SEPTIC DRAIN BED SHOWN HEREON IS PLOTTED PER DNREC PLANS
- 3) BY GRAPHIC SCALING AND PLOTTING, THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "VE 13" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 10005C00180-K, EFFECTIVE DATE: 3/16/2015
- 4) FIRST FLOOR ELEVATION; 19.8'
- 5) ROOF PEAK ELEVATION; 54.83'
- 6) ROOF HEIGHT ABOVE BASE FLOOD ELEVATION: 41.8' (42' MAX.)

Prepared By  
 ADAMS-KEMP ASSOCIATES, INC.  
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 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

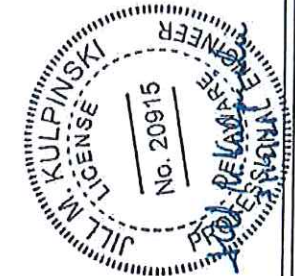
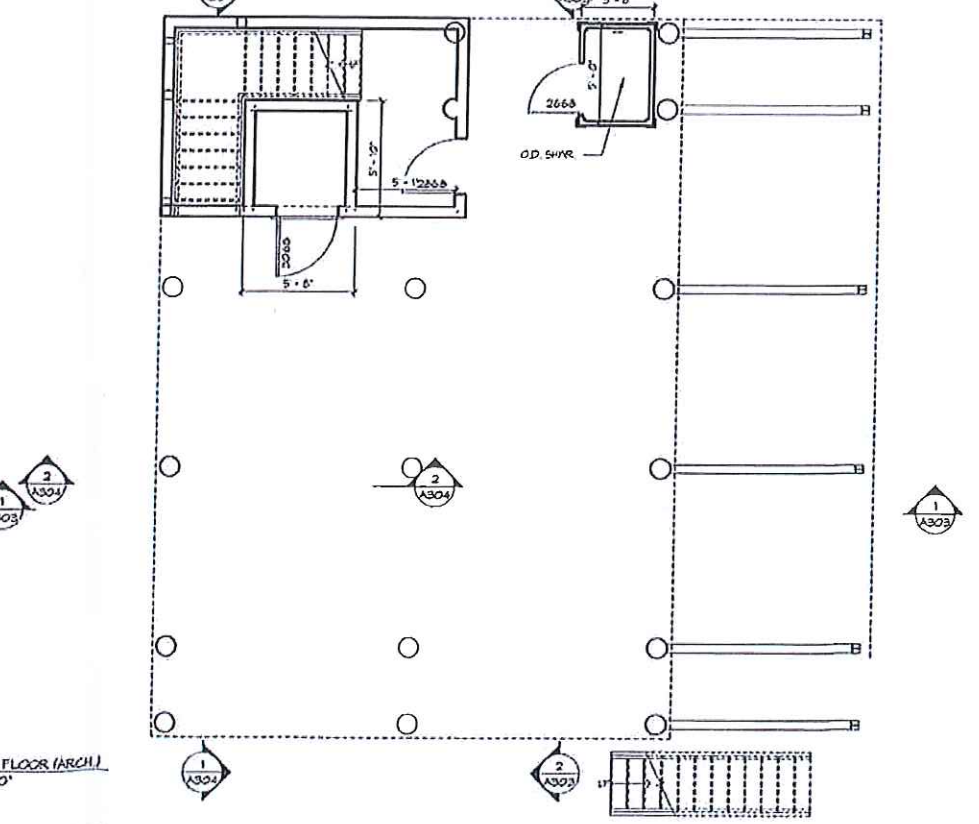
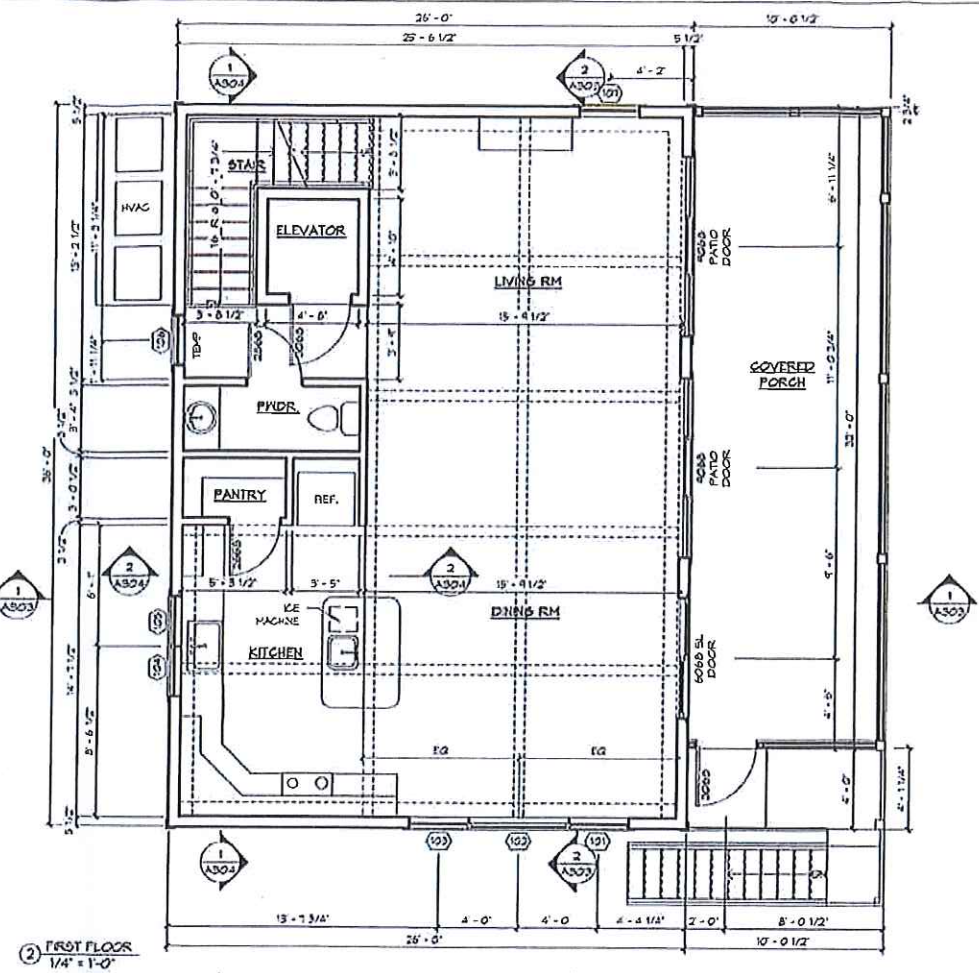
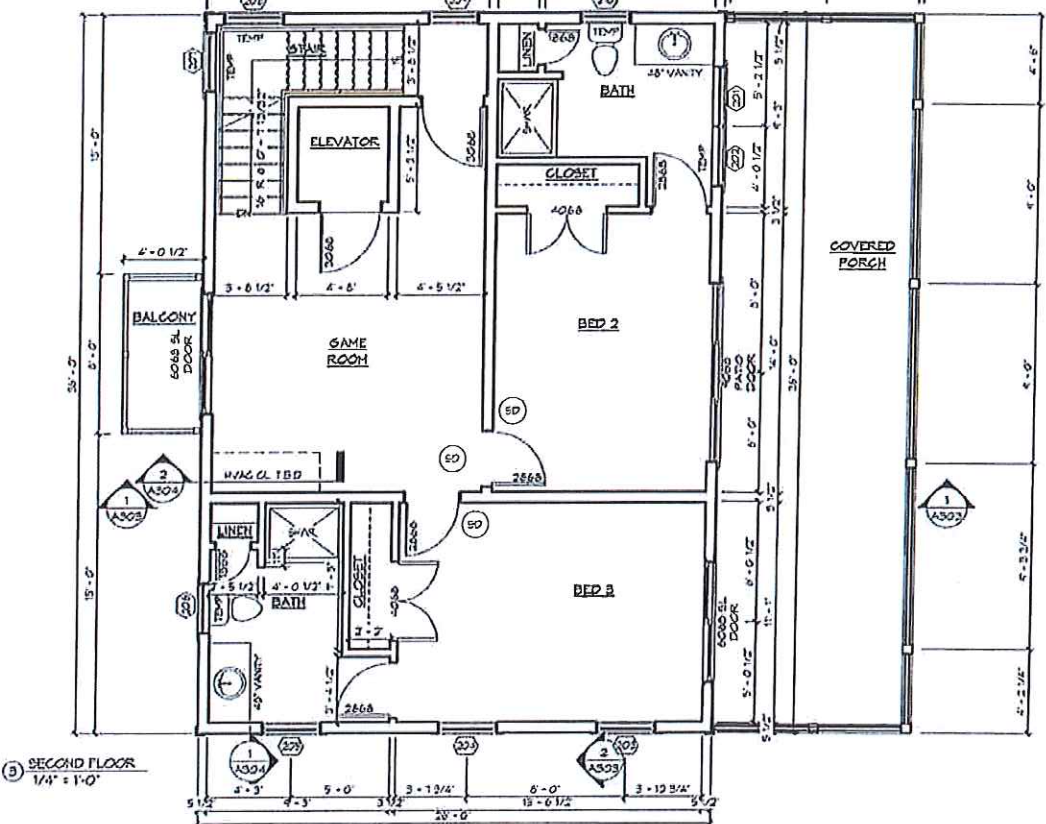
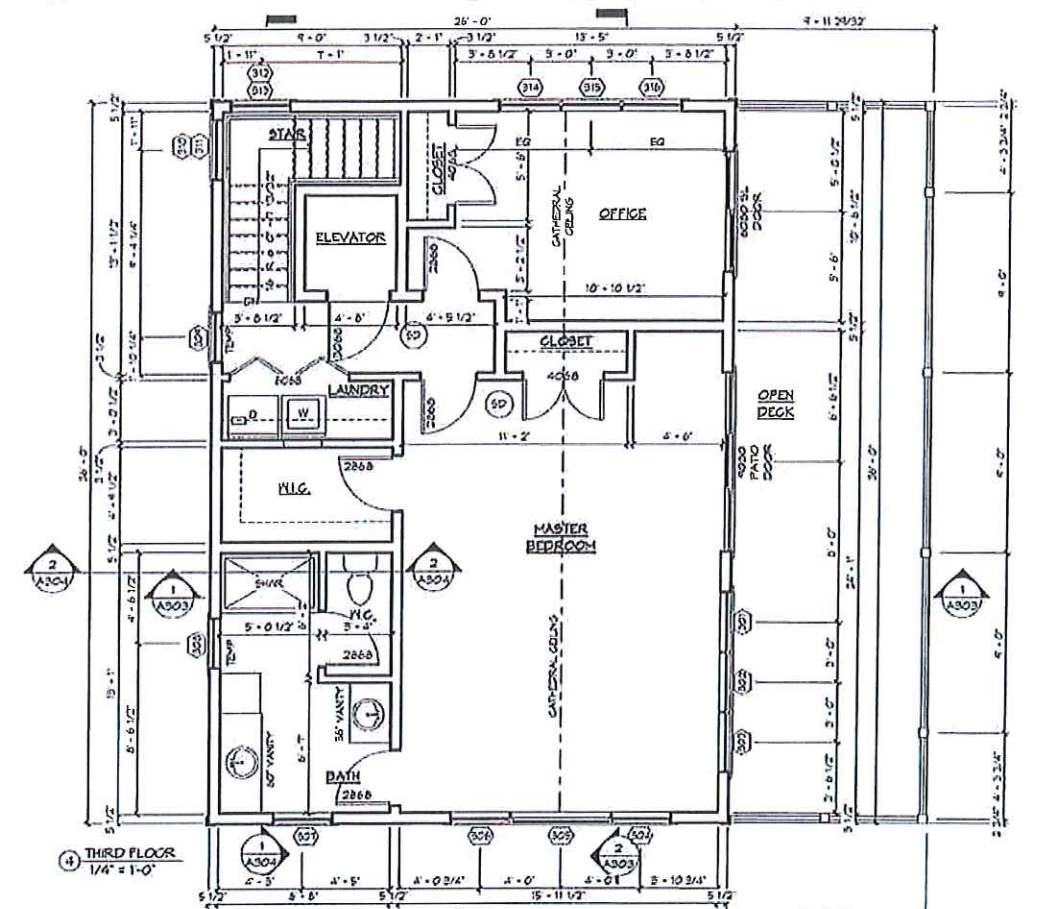
I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

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

**PROFILE VIEW PLAN**

PREPARED FOR  
**JEFFERY A. CHORMAN &  
 MOLLY M. CHORMAN**

FOR PROPERTY KNOWN AS  
 LOT 4, BLOCK J, NORTH SHORES, SECTION 1, BROADKILN BEACH  
 PLOT BOOK B, PAGE 89  
 (A.K.A. 4 ALABAMA AVENUE)  
 SITUATED IN  
 BROADKILL HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
 SCALE: 1" = 40'  
 DATE: SEPTEMBER 15, 2020



REV.	DATE	DESCRIPTION	BY

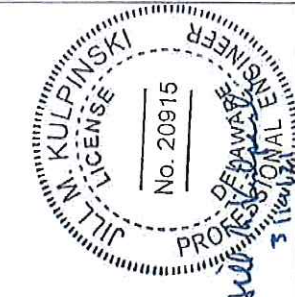
**BROADKILL BEACH HOUSE**  
 LOT 4 ALABAMA AVENUE  
 MILTON, DE 19968  
 TAX PARCEL: 255-5.12-106.00

**ELEMENT**  
 115 W. Market Street, 2nd floor  
 Dover, DE 19901  
 302.445.0777  
 www.elemently.com

**DNREC REVIEW**  
 09.19.21

DSN	DRN	CHKD
--	EC	EC
SCALE: 1/4" = 1'-0"		
JOB No. 620249		
ISSUE DATE: ---		
<b>A201</b>		

FLOOR PLANS



REV.	DATE	DESCRIPTION	BY

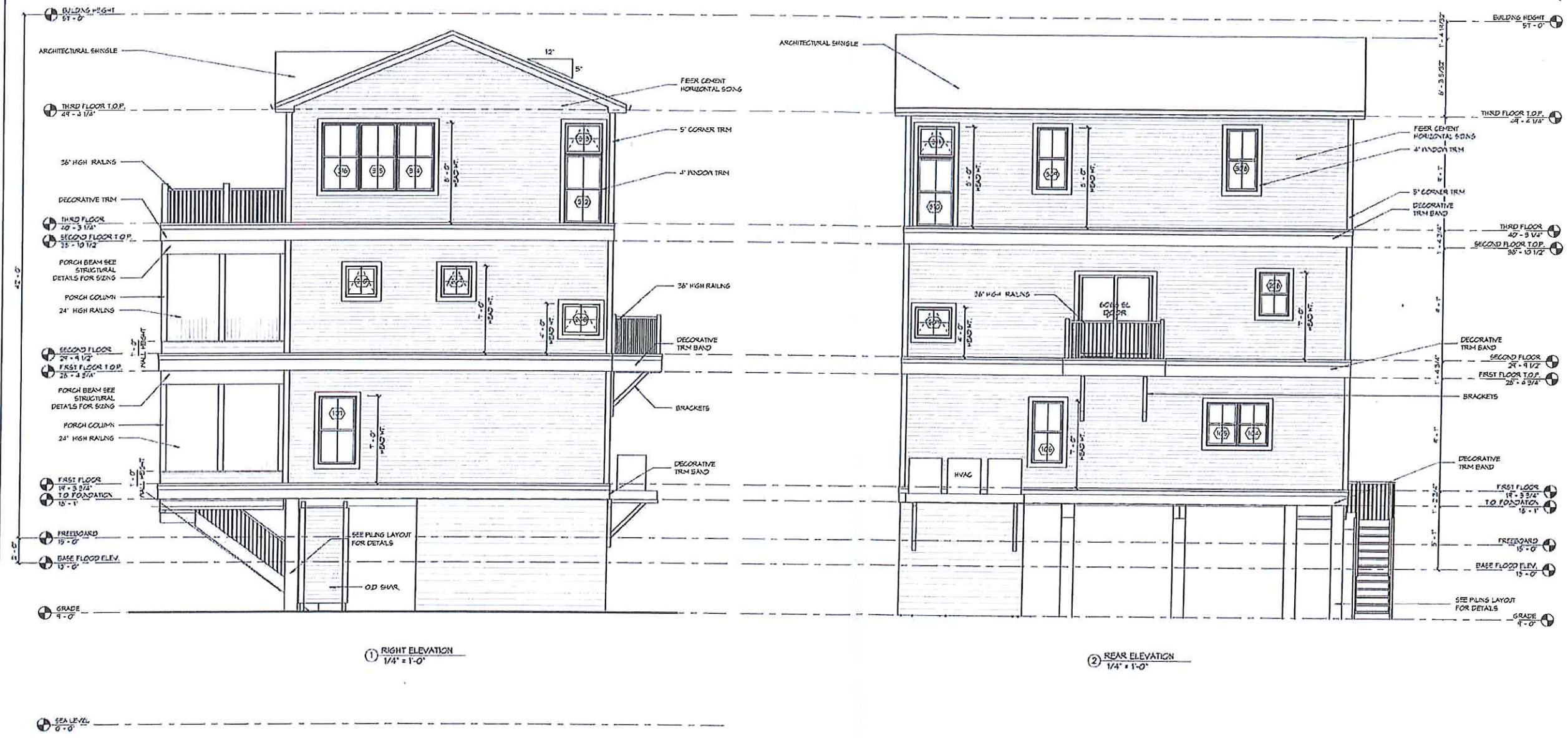
**BROADKILL BEACH HOUSE**  
 LOT 4 ALABAMA AVENUE  
 MILTON, DE 19968  
 TAX PARCEL: 295-9.12-106.00

**ELEMENT**  
 115 W. Main Street, 2nd floor  
 Lewis, AL 36958  
 302.445.0777  
 www.elementply.com

**DNR REC REVIEW**  
 08.19.21

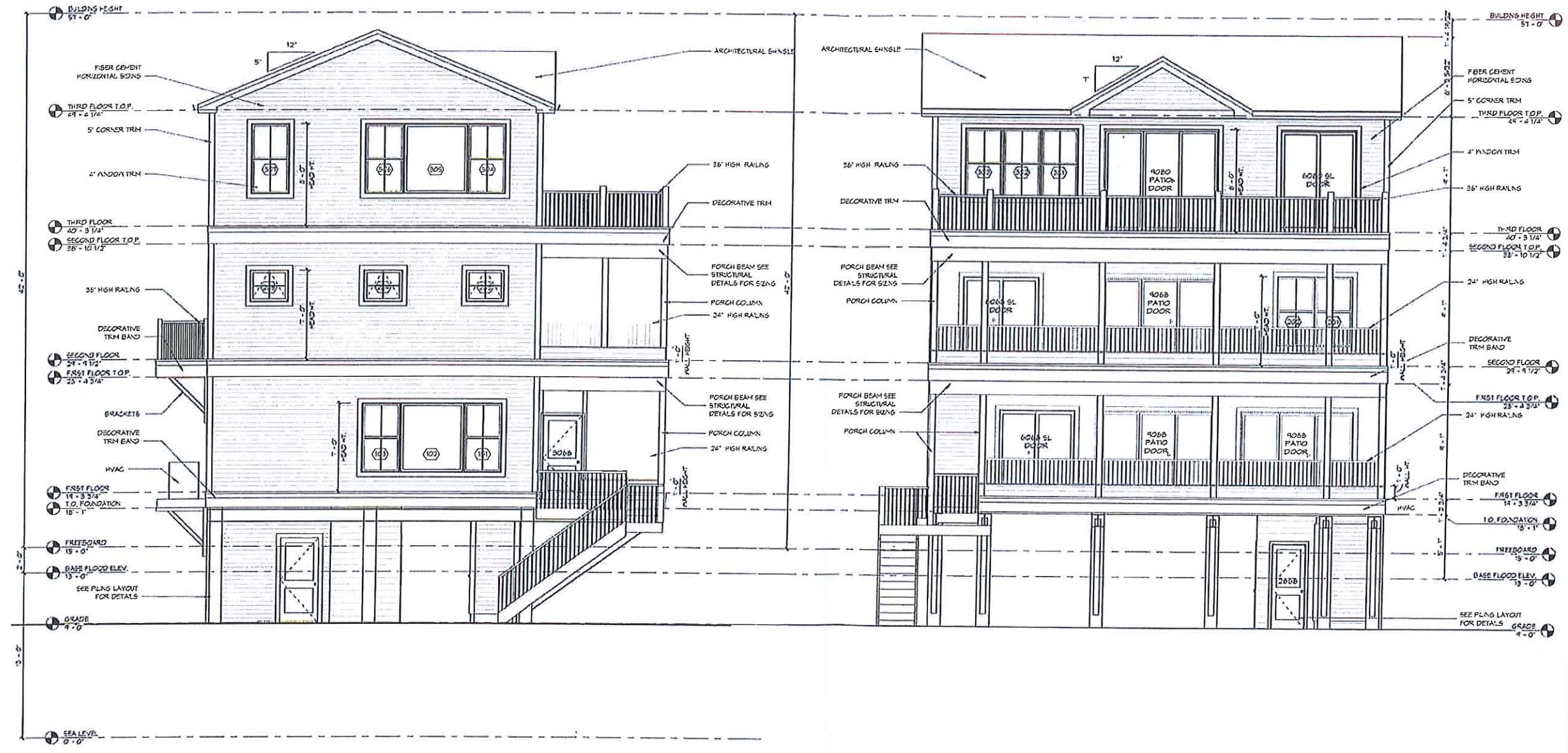
DSN	DRN	CHKD
-	EC	EC
SCALE: 1/4" = 1'-0"		
JOB No. 20249		
ISSUE DATE: ---		
<b>A302</b>		

ELEVATIONS



① RIGHT ELEVATION  
 1/4" = 1'-0"

② REAR ELEVATION  
 1/4" = 1'-0"



① LEFT ELEVATION  
1/4" = 1'-0"

② FRONT ELEVATION  
1/4" = 1'-0"

REV.	DATE	DESCRIPTION

**BROADKILL BEACH HOUSE**  
**LOT 4 ALABAMA AVENUE**  
**MILTON, DE 19968**  
 TAX PARCEL: 285-3.12-106.00

**ELEMENT**  
 115 W. Market Street, 2nd floor  
 Dover, DE 19901  
 302.645.0777  
 www.elementllc.com

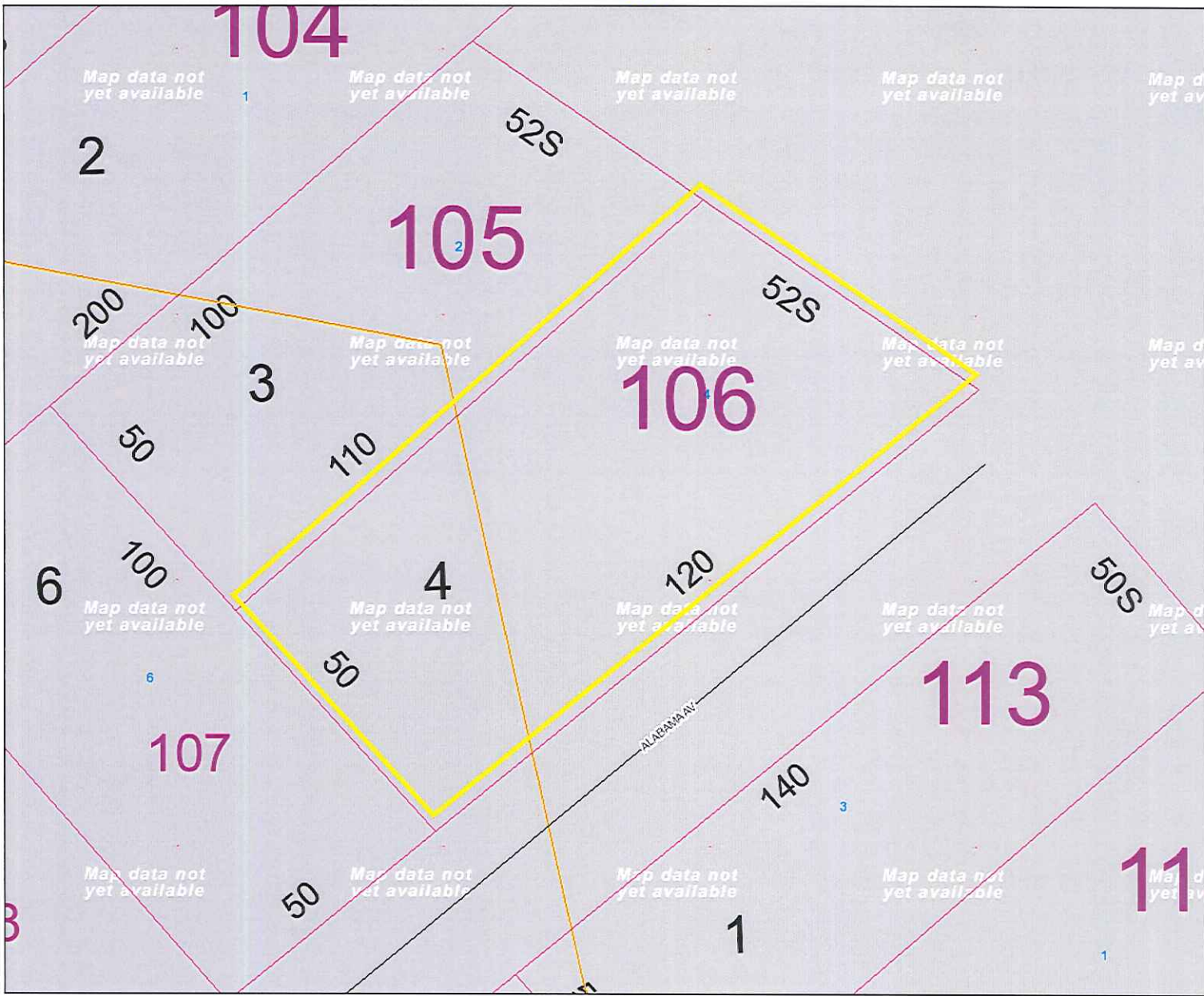
**DIRECT REVIEW**  
 03.19.21

DSN	DRN	CHKD
--	BC	BC

SCALE: 1/4" = 1'-0"  
 JOB No. e20244  
 ISSUE DATE: \*\*\*

**A301**

ELEVATIONS



<b>PIN:</b>	235-3.12-106.00
<b>Owner Name</b>	CHORMAN JEFFREY A
<b>Book</b>	4414
<b>Mailing Address</b>	5121 MILLS RD
<b>City</b>	MILFORD
<b>State</b>	DE
<b>Description</b>	NORTH SHORES
<b>Description 2</b>	ALABAMA AVE. LOT 4
<b>Description 3</b>	BLK J WITH IMP.
<b>Land Code</b>	

- polygonLayer

  - Override 1
- polygonLayer

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

