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

July 12, 2021

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for May 3, 2021

Approval of Finding of Facts for May 3, 2021

Additional Business

Board of Adjustment Annual Reorganization

Old Business

Public Hearings

Case No. 12579 – Richard & Joanne Orsini seek variances from the rear yard setback and side yard setback requirements for a proposed structure (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Oak Street within the Banks Acres Subdivision. 911 Address: 31435 Oak Street, Ocean View. Zoning District: GR. Tax Parcel: 134-12.00-111.00

Case No. 12580 – GREC CO, LLC (William Greco) seeks a variance from the rear yard setback requirement for a proposed structure (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the south side of Annondell Drive within the Harts Landing Subdivision. 911 Address: 20690 Annondell Drive, Lewes. Zoning District: AR-1/RPC. Tax Parcel: 334-18.00-639.00

Case No. 12581 – Matthew & Patricia Busillo seek variances from the front yard setback and side yard setback requirements for proposed and existing structures (Sections 115-25,

115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the south side of 3rd Street within the Bay Vista Subdivision. 911 Address: 37416 3rd Street, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-19.16-46.00

Case No. 12582 – John D. Gibson seeks a special use exception to operate a tourist home and a variance from the side yard setback requirement for an existing structure (Sections 115-32, 115-34, 115-183, 115-185, and 115-210 of the Sussex County Zoning Code). The property is located on the northwest side of Meadow Brook Lane approximately 385 ft. southwest of Victoria Drive. 911 Address: 607 Meadow Brook Lane, Milford. Zoning District: MR. Tax Parcel: 130-3.00-5.00

Case No. 12583 – Terry Weaver, Sr. seeks variances from the front yard setback requirements for proposed structures (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the south side of Lisa Avenue within the Holly Acres Subdivision. 911 Address: N/A. Zoning District: MR. Tax Parcel: 134-12.00-135.00

Case No. 12584 – Michael & Margaret K. Chanoux seek variances from the front yard setback requirements for proposed structures (Sections 115-25, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of Lockerman Road and the northeast side of Coastal Highway (Rt. 1) approximately 0.55 mile northwest of Steamboat Landing Road. 911 Addresses: 28708, 28736, & N/A Lockerman Road, Milton. Zoning District: AR-1. Tax Parcels: 235-16.00-8.00, 8.01, & 8.02

Additional Business

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 01, 2021 at 3:00 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 may be required to go through a wellness and security screening, including a no-touch temperature check. The public may be required to wear a facial mask.

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

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

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

To join the meeting via phone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

The Board of Adjustment meeting materials, including the "packet", are electronically accessible on the County's website at: **https://sussexcountyde.gov/**

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, July 08, 2021

####

Case # 12579
Hearing Date 7/12

2021 07691

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ✓
Special Use Exception ____
Administrative Variance ____
Appeal ____

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

Site Address of Variance/Special Use Exception:
31435 OAK ST, OCEAN VIEW, DE 19970

Variance/Special Use Exception/Appeal Requested:
2' VARIANCE FROM SIDE AND REAR 5' SET BACK FOR PROPOSED POLE BUILDING.

Tax Map #: 134-12.00-111.00 **Property Zoning:** GR

Applicant Information

Applicant Name: RICHARD & JOANNE ORSINI
Applicant Address: 31435 OAK ST
City, State, Zip: 19970
Applicant Phone #: 610-2635637 Applicant e-mail: JZETUSKY@AOL.COM
RORSINI621@GMAIL.COM

Owner Information

Owner Name: RICHARD V. ORSINI JOANNE ZETUSKY ORSINI
Owner Address: 31435 OAK ST
City, State, Zip: 19970 Purchase Date: ____
Owner Phone #: 302-537-0432 Owner e-mail: JZETUSKY@AOL.COM

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Richard V. Orsini Date: 5-19-21

EQUAL HOUSING OPPORTUNITY

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

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

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

1. Uniqueness of property:

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

NON CONFORMING LOT OF 10,000 SQ FT. WITH WELL & INGROUND PROPANE TANK AT REAR OF PROPERTY

2. Cannot otherwise be developed:

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

CAN ONLY PUT BUILDING ON RIGHT SIDE OF PROPERTY BECAUSE OF WELL PLACEMENT. SHED & DRIVEWAY. WOULD LIKE TO MAKE USE OF EXISTING CONCRETE PAD.

3. Not created by the applicant:

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

PURCHASED PROPERTY 1980. SHED WAS ALREADY IN PLACE

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

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

WILL NOT CHANGE CHARACTER OF THE NEIGHBORHOOD SINCE THERE ARE OTHER STRUCTURES CLOSE THE PROPERTY LINE AND ONE ONTHE PROPERTY LINE.

5. Minimum variance:

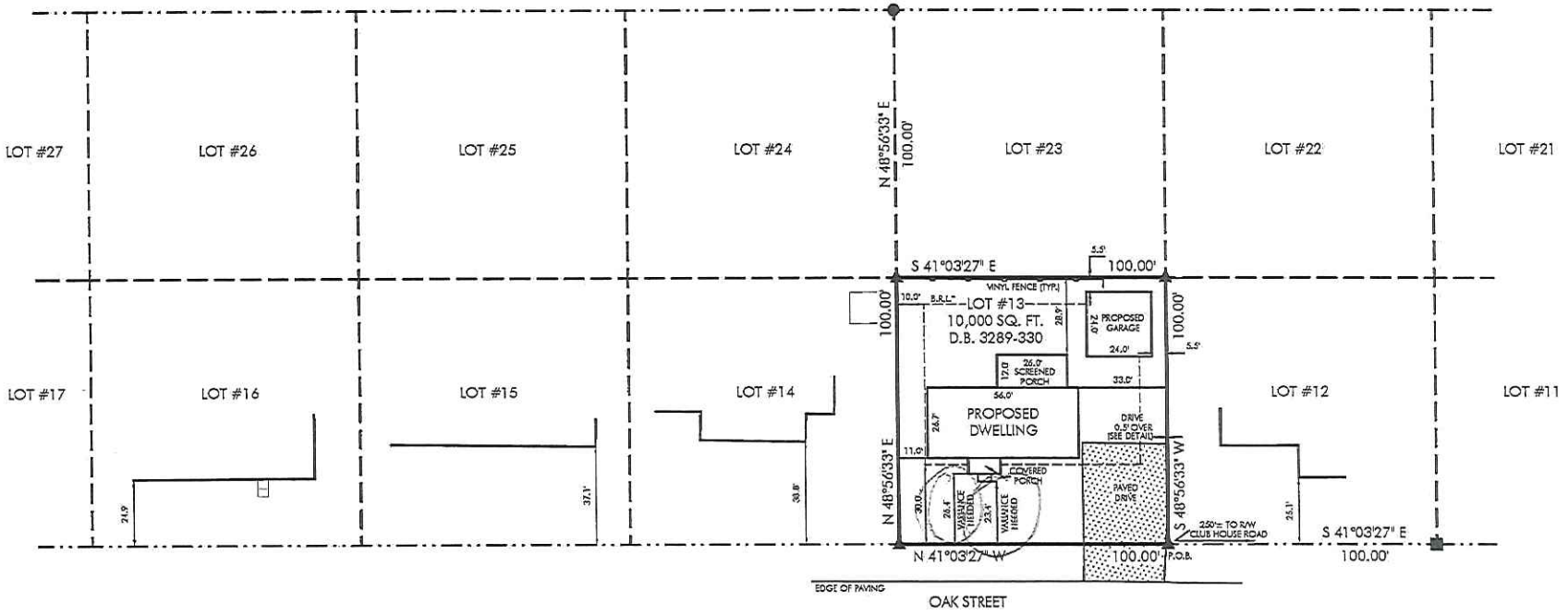
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

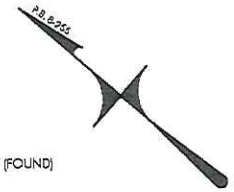
BY PUTTING BUILDING IN THIS LOCATION I WILL RETAIN THE ORIGINAL SETBACK OF THE EXISTING SHED. THIS WILL ALLOW SUFFICIENT SPACE TO MAINTAIN BUILDING WITH OUT ENCROACHING ON MY NEIGHBORS PROPERTY

Case # 12579
ORSINI

BOA 12303 - App 5/6/2019

T.M. #1-34-12.00-111.00

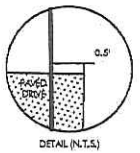




LEGEND:
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- IRON ROD (TO BE SET)

OAK STREET SETBACK TABLE
AVERAGE = 30.5'

LOT	PARCEL T.M. #	TYPE OF STRUCTURE	DISTANCE TO ROAD R/W
#16	1-34-12.00-108.00	BUILDING WALL	24.9'
#15	1-34-12.00-109.00	BUILDING WALL	37.1'
#14	1-34-12.00-110.00	SCREEN PORCH	38.8'
#13	1-34-12.00-111.00	SCREEN PORCH	26.4'
#12	1-34-12.00-112.00	BUILDING WALL	25.1'



DETAIL (N.T.S.)

NOTES:
- ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR.
- THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
- NO TITLE SEARCH PROVIDED OR STIPULATED.
- SURVEY CLASS: SUBURBAN

SCALE: 1" = 40'
0 40 80 120

PROPOSED CONDITIONS
BOUNDARY SURVEY PLAN FOR
JOANNE M. ZETUSKY
31435 OAK STREET, OCEAN VIEW
TOTAL AREA: 10,000 SQ. FT.

SUBDIVISON:	LOT #13, SECTION B OF "BANKS ACRES"
HUNDRED:	BALTIMORE
COUNTY:	SUSSEX
STATE:	DELAWARE
DRAWN BY:	J.R.B.
REF.:	D.B. 3289-330
DWG. NO.:	1-34-12-111

FEBRUARY 22, 2019

SURVEY CLASS: SUBURBAN

DATE	REVISION
2/25/2019	REPOSITIONED DWELLING

Prepared by:
FORESIGHT Services
Surveying & Precision Measurement
302 226 2229 phone 302 226 2239 fax 21032A Coastal Highway Bowry Beach, DE 19971

scale:
1" = 30' ±

Proposed site plan for; garage

Richard & JoAnne Orsini
31435 Oak street
Ocean View, De 19970 (LOT 13)3

May 29, 2021.

RECEIVED

JUN 01 2021

SUSSEX COUNTY
PLANNING & ZONING

Letter of Acknowledgment and Consent

By signing below I am acknowledging and I have no objections to Richard Orsini and Joanne Zetusky Orsini removing the existing shed and replacing it with a 24 x 24 Pole Barn within the original set back of 3 feet.

1. Joanne 31447 Oak St. Ocean View DE
2. D. Mal Jo 31420 Pine St Ocean View DE 19970
3. Donald C. Shaw 31425 Oak St. Ocean View, DE 19970 5/30/21
4. Constance M Dellicicco 31418 Pine St. Ocean View DE 1997
5. Mark A. Poley 31416 Pine Street Ocean View De 5/31/21

Sussex County

PIN:	134-12.00-111.00
Owner Name	ORSINI RICHARD V
Book	5081
Mailing Address	621 SPRUCE ST
City	COLLINGDALE
State	PA
Description	BANKS ACRES
Description 2	LOT 13
Description 3	15352
Land Code	

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

1:564

0 0.005 0.01 0.02 mi
0 0.01 0.02 0.04 km

May 19, 2021

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOANNE ZETUSKY

(Case No. 12303)

A hearing was held after due notice on May 6, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard setback requirements for proposed structures.

Findings of Fact

The Board found that the Applicant is requesting a variance of 6.6 feet from the thirty (30) feet front yard setback requirement for a proposed steps and a variance of 3.6 feet from the thirty (30) feet front yard setback requirement for a proposed porch. This application pertains to certain real property located on the northeast side of Oak Street approximately 240 feet north of Club House Road in the Banks Acres subdivision (911 Address: 31435 Oak Street, Ocean View); said property being identified as Sussex County Tax Map Parcel Number 1-34-12.00-111.00.

1. The Board was given copies of the Application, a survey of the Property dated February 18, 2019, a site plan of the Property dated February 22, 2019, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of the Application or in opposition to the Application.
3. The Board found that Joanne Zetusky, Richard Orsini, and Tim Parker were sworn in to give testimony about the Application.
4. The Board found that Mr. Orsini testified that the Applicant purchased the Property in 1980 and the home has been on the Property since the 1970s. The Applicant intend to replace the house with a new house in almost the same footprint as the prior home.
5. The Board found that Mr. Orsini testified that the Property is unique because the well is in the front of the home but will have to be moved to the rear. An in-ground propane tank will also have to be installed. Due to these conditions, the home cannot be set farther back on the Property.
6. The Board found that Mr. Orsini testified that other houses in the neighborhood are closer to the front yard.
7. The Board found that Mr. Orsini testified that the Property cannot be developed with a front porch without the variance.
8. The Board found that Mr. Orsini testified that the variances will not alter the character of the neighborhood but will be an improvement by replacing the old dwelling.
9. The Board found that Mr. Orsini testified that the exceptional practical difficulty was not caused by the Applicant as she did not have control over the placement of the well and sewer.
10. The Board found that Mr. Orsini testified that the variances requested are the minimum requests to afford relief.
11. The Board found that Ms. Zetusky testified that the current dwelling is already non-conforming and the new dwelling will have the same footprint but the variances are necessary for the porch and steps.

12. The Board found that Ms. Zetusky testified that there have been no complaints from neighbors.
13. The Board found that Mr. Parker testified that the new porch will be raised on a permanent foundation which is why the variance is requested for the steps.
14. The Board found that no one appeared in support of or in opposition to the Application.
15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and unrebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
    a. The Property is unique due to the location of the well and gas tank. Those improvements are to be located in the rear of the proposed house and will be located in the building envelope. As such, the building envelope is quite limited. The Property is also small as it is only 10,000 square feet. If it was one square foot smaller, the Applicant would be entitled to reduced setback requirements which would afford them additional building space. As it is, the Applicant is not afforded that relief. These unique characteristics of this Property limit the buildable area available to the Applicant and have created an exceptional practical difficulty for the Applicant who seeks to construct a porch and steps on the lot.
    b. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique size and the buildable area thereof is limited due to its size and location of the well and gas tank. The Applicant seeks to construct a porch and steps on the lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow reasonably sized porch and steps to be constructed on the lot. The Board is convinced that the shape and location of these structures are also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
    c. The exceptional practical difficulty was not created by the Applicant. The Applicant did not create the unusual size of the Property or the location of the well. The lot was created prior to the Applicant's purchase of the Property. These conditions have resulted in a limited building envelope on the Property and the small building envelope has created the exceptional practical difficulty. The small building envelope was further limited by the location of the well and gas tank. The unique characteristics of the Property are clear when reviewing the survey. The Board is convinced that the exceptional practical difficulty was not created by the Applicant but was created by the lot's unique characteristics.
    d. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the structures will have no effect on the character of the neighborhood. The porch and steps will protrude into the front yard setback but the front yard appears larger than it actually is because the edge of paving of Oak Street does not match the front property line. As such, it is likely that the encroachment would not be noticeable. No evidence was presented that the variances would somehow alter the essential character of the neighborhood. The lack of evidence is telling since the prior house on the Property encroached a similar distance into the front yard setback

area and the Board would have expected some evidence of the adverse impact if such evidence existed.

e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulation at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to construct a porch and steps. The Board is convinced that the Applicant explored other options for the placement of these structures but was constrained by the unique conditions of the lot. The house could not be placed rather into the rear yard due to the location of the well and gas tank. As such, the house was moved closer to the front yard. The house itself is not a deep house and the Applicant appears to have taken measures to otherwise fit the structures on the lot in compliance with the Code.

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

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

John Mills
Chairman

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

Date June 18, 2019.

Case # 12580
Hearing Date 7/12
2021077 43

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

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

Site Address of Variance/Special Use Exception:
20690 Annondell Drive, Lewes, De

Variance/Special Use Exception/Appeal Requested:
Placement of screened enclosure over existibg concrete patio. Patio corner encroached on 20 foot setback line necessitating a variance.

Tax Map #: 334-18-639 **Property Zoning:** AR-1, RPC

Applicant Information

Applicant Name: William Greco
Applicant Address: 13 Murray Road
City Montvale State NJ Zip: 07645
Applicant Phone #: (551) 574-0776 Applicant e-mail: billfeet@aol.com

Owner Information

Owner Name: GREC CO LLC
Owner Address: 13 Murray Road
City Montvale State NJ Zip: 07645 Purchase Date: 8/20/00
Owner Phone #: (551) 574-0776 Owner e-mail: BILLFEET@AOL.COM

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Date: 5/18/20

EQUAL HOUSING OPPORTUNITY

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.

irregular rear yard with existing concrete patio which has its corner slightly projecting over the 20 foot setback line. Rear yard has an arc due to preservation of trees behind the property.

2. Cannot otherwise be developed:

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

Placement of sreen enclosure over the existing concrete patio has the least ompact on neighbors and maintains the asthetics and conformity with the community architecture.

3. Not created by the applicant:

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

It is an existing patio placed at the time of the origional construction

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.

Approved by the community artictectural committee, conforms with community stardards. and does not impact neighboring properties.

5. Minimum variance:

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

Yes

20690 Annondell Dr
Lewes, De
Phone (551)574-0776
E-mail Billfeet@aol.com

GREC CO LLC c/o William Greco

June 4, 2021

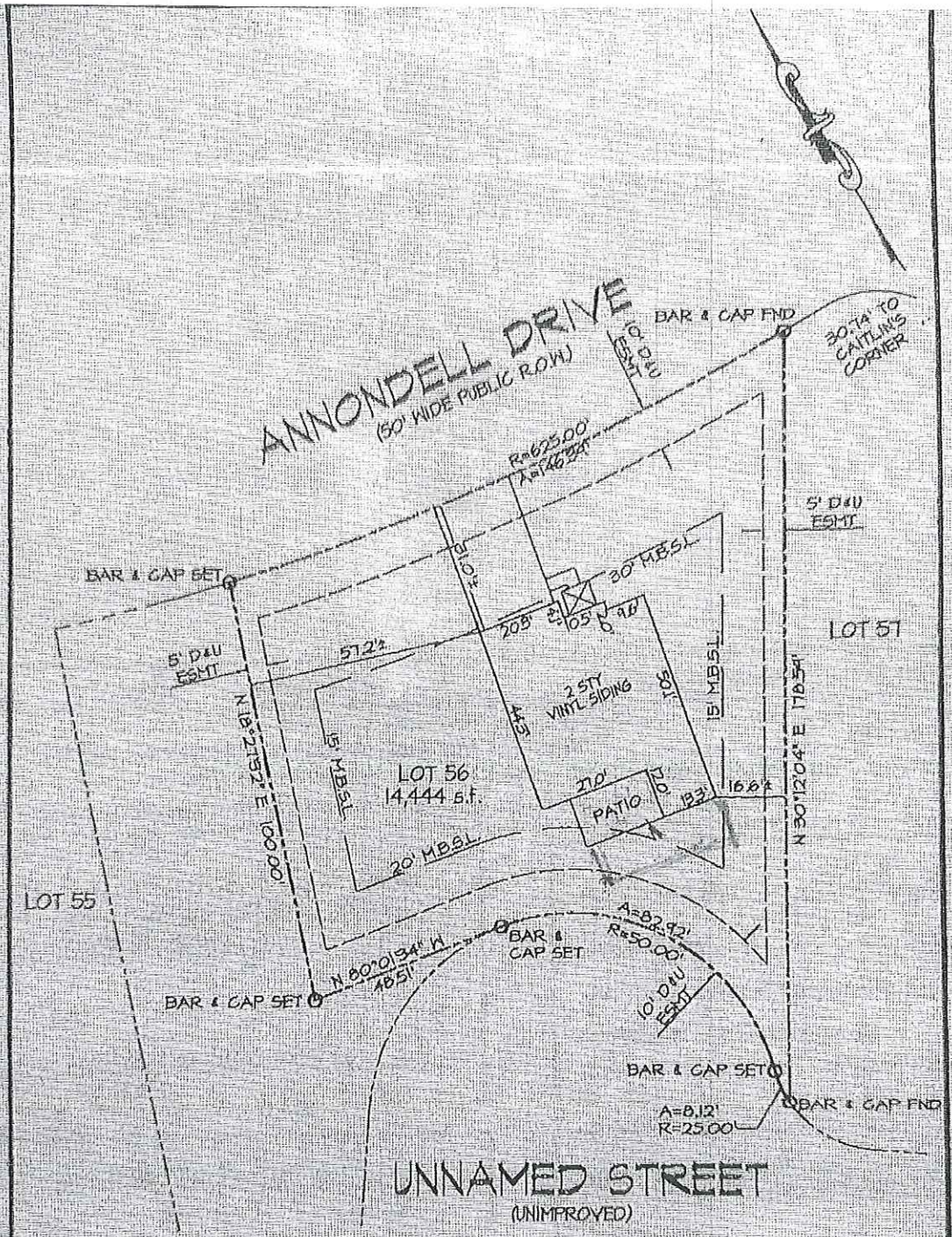
Sussex County Board of Adjustments

Dear Sirs,

Clarification of encroachment on rear setback line. There is an irregular rear yard with a curvilinear setback in the rear north west corner or the property. There is an existing patio slab where the proposed screen enclosure will cover. The setback line is over the North west corner of the patio extending at its maximum depth 5 feet over the setback carving out a triangle that is over the line measuring approximately 15 square feet of the patio. See marked survey for a visualization of the area of encroachment.

Thank you

William Greco



LOT LIES IN FLOOD ZONE X (500 YEAR FLOODPLAIN)

LEVEL OF ACCURACY IS BASED ON "SUBURBAN SURVEY" STANDARDS

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHITECTS
404 South Bedford Street, Suite 5
Georgetown, Delaware 19947
(302) 855-5734
Fax: (302) 855-0151

BOUNDARY SURVEY AND
IMPROVEMENT LOCATION DRAWING
LOT 56
FINAL RECORD PLAT
HART'S LANDING
PLOT BOOK 45 PAGE 118
LINES AND REHOBOTH HUNDRED SUSSEX CO., DELAWARE
FOR: RYAN HOMES

SCALE: 1"=50'	DATE: JAN. 21, 2010	DRAWN BY: GHM	DESIGN BY:	REVIEW BY: GSP	JOB NO. 16818

JAN 27 2010 4:50PM RYAN HOMES DES NO. 8057 P. 2
Jan 27 2010 03:35pm
Received:

ScreenHouse
1.800.922.4760

Quote# 24772 - Hard Top Screen Room

0.024" x 4" EPS Foam Insulated Panel (Wheat)

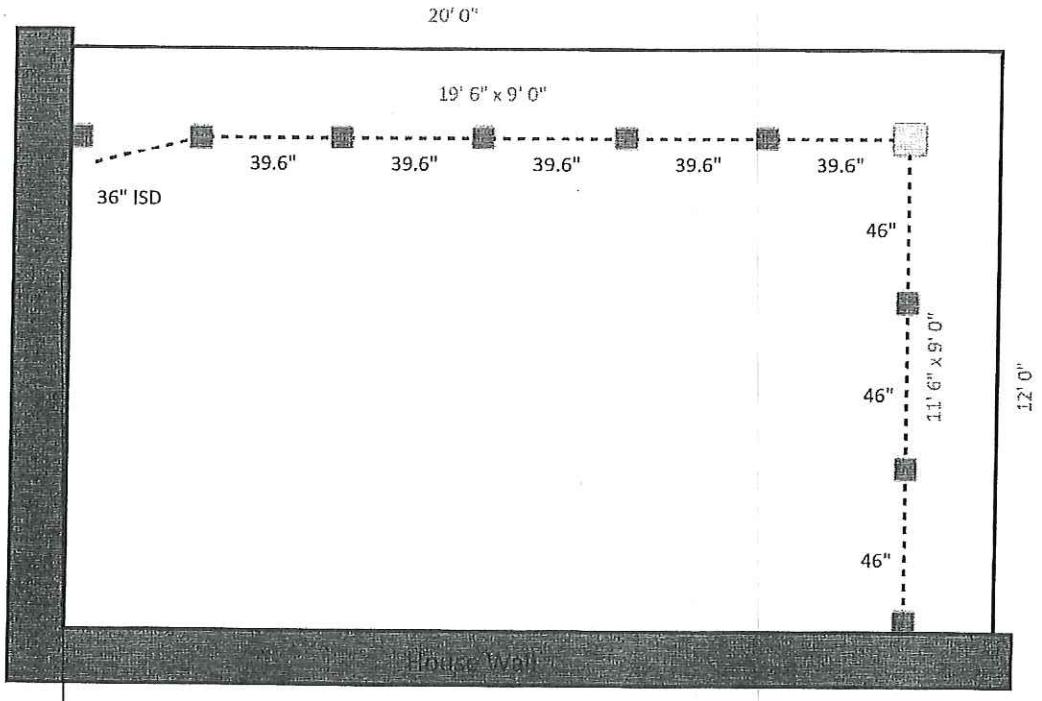
Dimensions: 12' 0" x 20' 0"
Overhang: 6" on the front
Load: 20psf / 100mph
Fan Beam(s): 1

Screen Wall System:

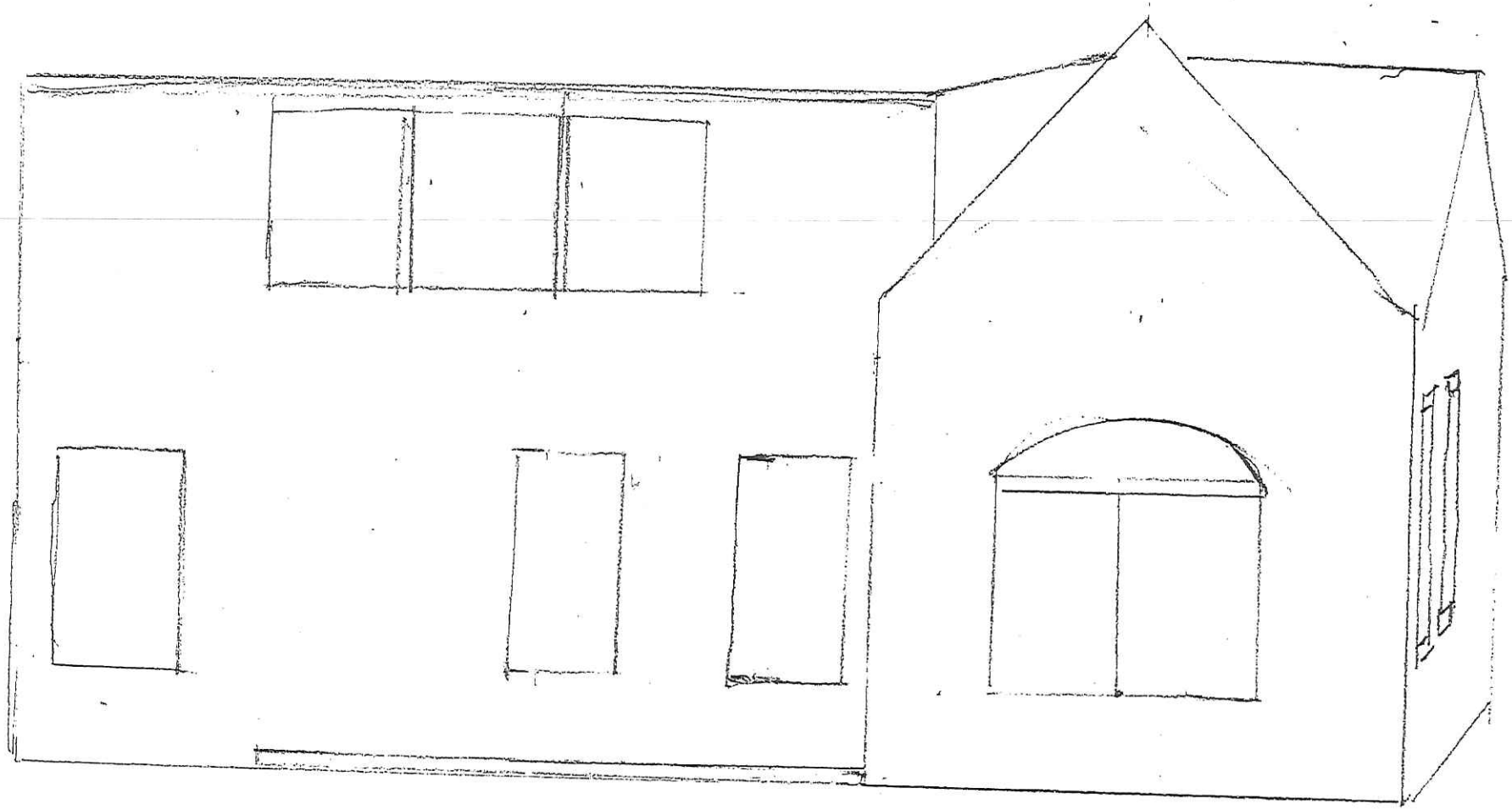
Dimensions: as per diagram
Wall Height: 9' 0"
Door: as per diagram
Kick Plate: 24" (w/ 1"x3" support)
Chair Rail: None
Color: Wheat
Screening: PetScreen screening (Black)

Legend (Diagram NOT to Scale):

Red: 1738 - 2"x3" extruded aluminum post
Yellow 1737 - 3"x3" corner post
Green: 1737 - 1"x3" mainframe and 1723 - 1"x3" U-channel



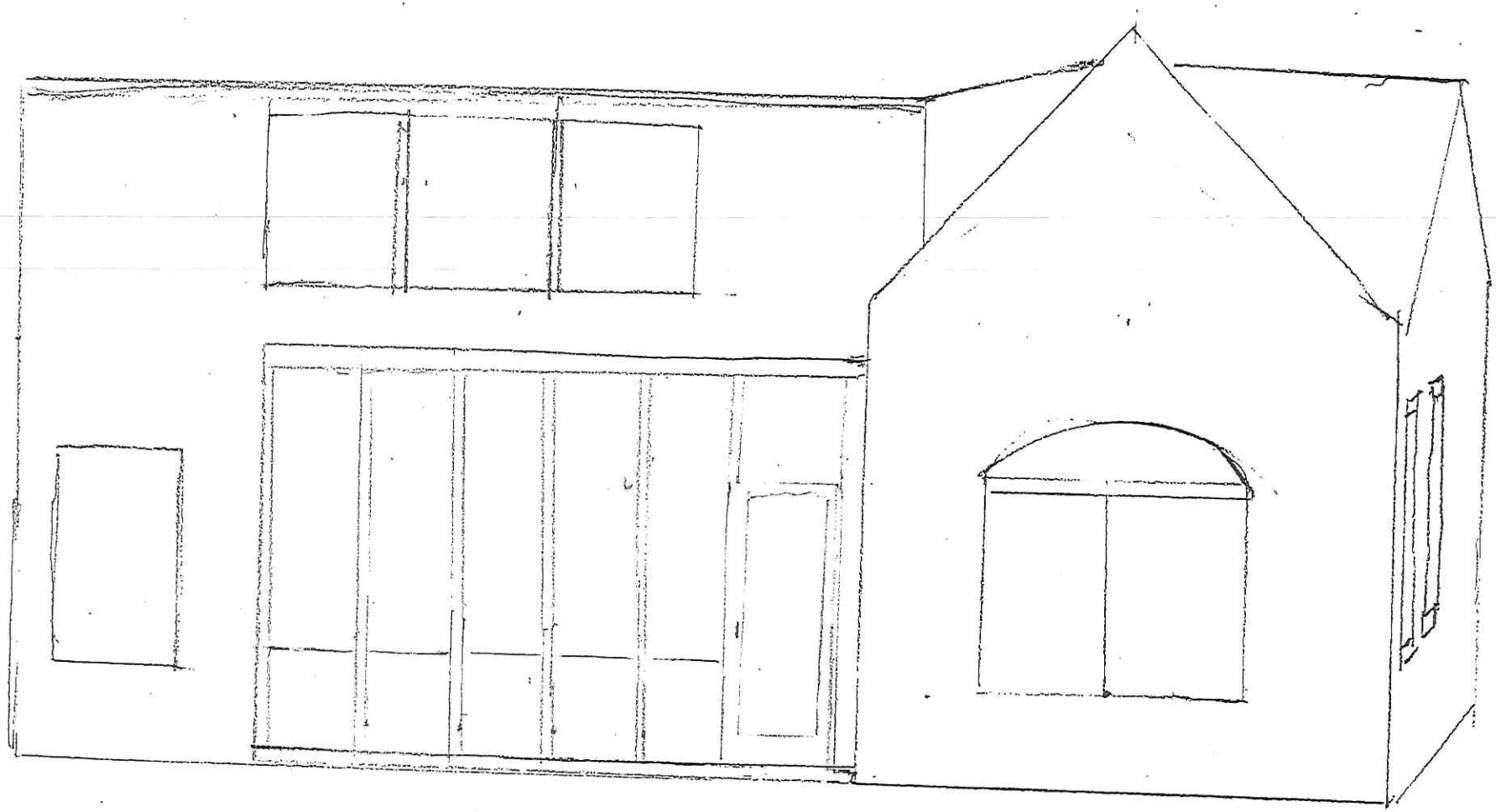
20690 Annendell Dr. Lewes, De



Existing Rear Facade

Artistic Conception
not to Scale

20690 Annandell Dr Lewes, DE



Proposed Screen enclosure of existing Pad (Patio)

Artistic Conception
not to scale

20690 Annandell Dr, Lewes, De

Existing side view

Artistic rendition
not to scale

20690 Annendell Dr. Lewes DE

Proposed screen enclosure

Artistic rendition not to scale

Harts Landing Homeowners Association

Architectural Review Board – APPLICATION APPROVAL/DENIAL

Project Description: Install a Screened in porch on existing patio

Address: 20690 Annondell Drive

Owner's Name: William Greco

History: Application Received: April 30, 021 (5/12/2021)

ARC Approval: 5/13/2021

Final Inspection:

APPROVED:5/13/2021

APPROVAL EXPIRATION DATE: December 13,2021

FINAL APPROVAL:

Any changes to the approved application must be submitted in writing for approval prior to execution.

Building Permits (where applicable) must be submitted to ARC prior to starting your project.

- Permits should be faxed to Legum & Norman at 302-827-5183

FINAL INSPECTION is required by ARC upon project completion

- Please contact Legum & Norman at 302-227-8448 to notify ARC when your project is complete.
- An ARC member will conduct a final inspection to ensure the work approved was the work completed and is in full compliance with the Design Guidelines.

REMINDERS:

1. The homeowner is responsible for obtaining all required building permits, contacting Miss Utility and to construct the improvements in a workmanlike manner in conformance with all applicable building and zoning codes.

2. The Harts Landing dumpster is not to be used by your contractor for disposal at any time.

3. All construction and improvements must be conducted with minimum impact on existing residents. Construction is not permitted prior to 7:00am on weekdays and 8:00am on weekends and holidays, or to continue past 7:00pm on weekdays and 6:00pm on weekends and holidays.

4. Access to construction area must be made by the homeowner's driveway and/or property. No access is allowed from any neighbors' property or common areas which include the bike/walking paths and sidewalks.

Fences / Landscaping / Anything Permanent

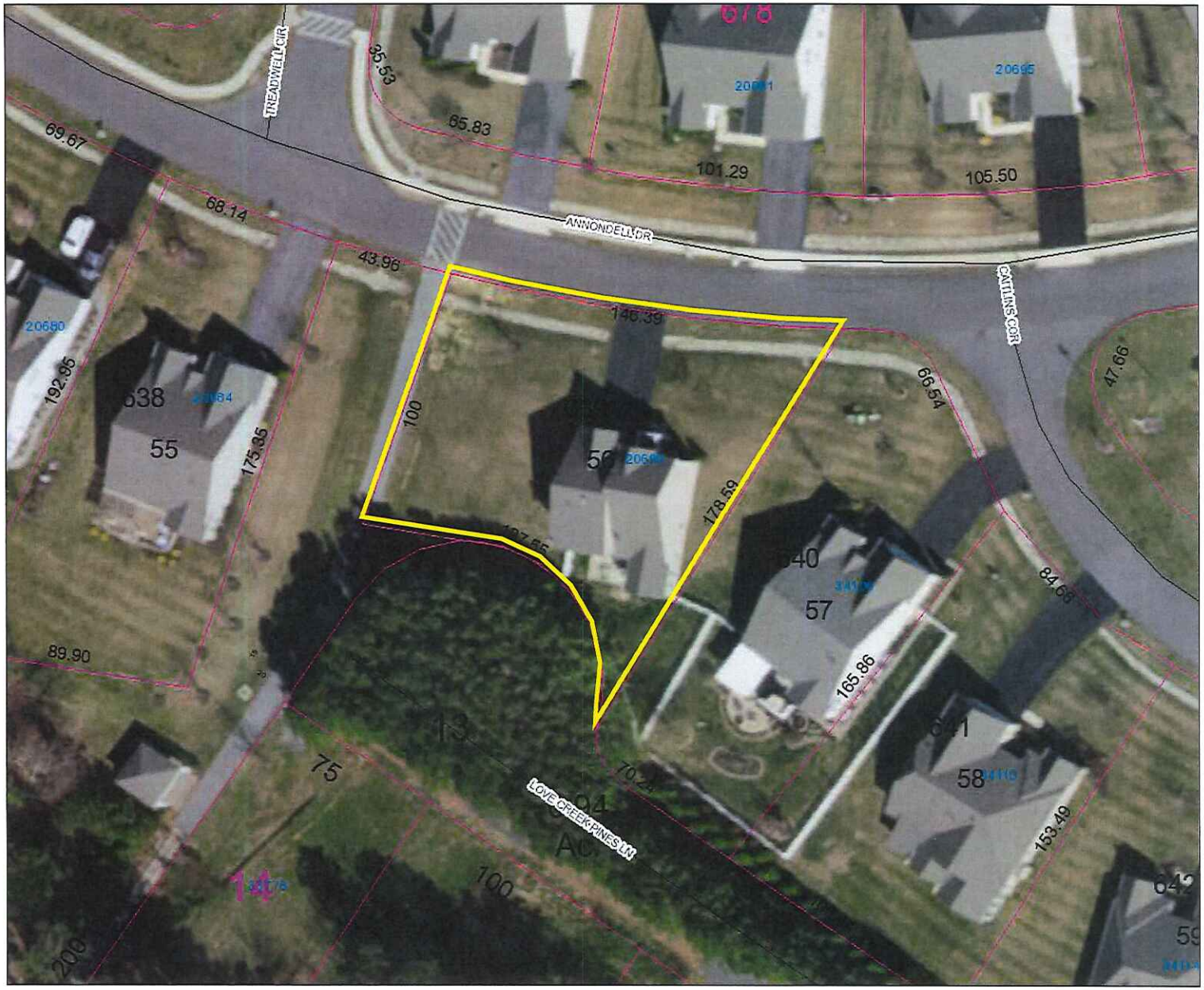
Article 4: USE OF PROPERTY

Easements and Right of Way

Paragraph 9

(a) Easements and right-of-ways are hereby reserved on, over, under and along all of the Lots in the Property, for wires, conduits, and pipes for lighting, heating, gas, electricity, telephone, and any other public or quasi-public utility service purpose, for septic/sanitary sewers, as applicable and for drainage or storm water management, together with all pipes, lines, conduits and other distribution systems, improvements or facilities of various kinds, all of which shall be confined, as practicable, five (5) feet from the side and rear property lines of each Lot, such utilities to be constructed underground, together with the right of access thereto for the purpose of further construction and/or repair or as otherwise expressly provided by the Plan. A ten (10) foot wide easement shall be established along interior rights of way created by the Plan, unless otherwise specified on the Plan. No building or other permanent structure shall be erected or maintained on any part of ant area herein reserved as an easement and/or right-of-way.

Sussex County



PIN:	334-18.00-639.00
Owner Name	GREC CO LLC
Book	5311
Mailing Address	13 MURRAY RD
City	MONTVALE
State	NJ
Description	HARTS LANDING
Description 2	LOT 56 PHASE 2
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

June 3, 2021

Case # 12581
Hearing Date 7-12
202108442

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]
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:
37416 3rd St., Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:
15' x 4' Front Porch to provide cover to front door and added dimension to increase curb appeal.
4ft variance from 30ft front yard setback for proposed porch.

Tax Map #: 334-19.16-46.00 **Property Zoning:** AR-1

Applicant Information

Applicant Name: GR Campbell Construction, LLC
Applicant Address: PO Box 900
City Greenwood State DE Zip: 19950
Applicant Phone #: 302.715.1644 Applicant e-mail: grcampbellconstruction@gmail.com

Owner Information

Owner Name: Matthew and Patricia Busillo
Owner Address: 37416 3rd St., Rehoboth Beach, DE 19971
City _____ State _____ Zip: _____ Purchase Date: 12/7/2012
Owner Phone #: 215.816.4121 Owner e-mail: mbusillo@comcast.net

Agent/Attorney Information

Agent/Attorney Name: GR Campbell Construction, LLC
Agent/Attorney Address: PO Box 900
City Greenwood State DE Zip: 19950
Agent/Attorney Phone #: 302.715.1644 Agent/Attorney e-mail: grcampbellconstruction@gmail.com

Signature of Owner/Agent/Attorney

Date: 5.24.21

EQUAL HOUSING OPPORTUNITY

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.

As the first home built in Bay Vista in 1955, with no variance on record, it appears the front setbacks were established following completion of the home.

2. Cannot otherwise be developed:

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

Due to the front of the home encroaching on the existing setback, a variance is a necessity in order to protect the front door and window from the elements with a small front porch, while providing sheltered access.

3. Not created by the applicant:

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

Current owner has not altered the front footprint in any way. They simply want to add the 15' x 5' porch on the front to protect the entry.

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 variance request to provide protection and shelter to the front entry with a small porch will not only increase curb appeal, but help to assimilate to the surrounding homes.

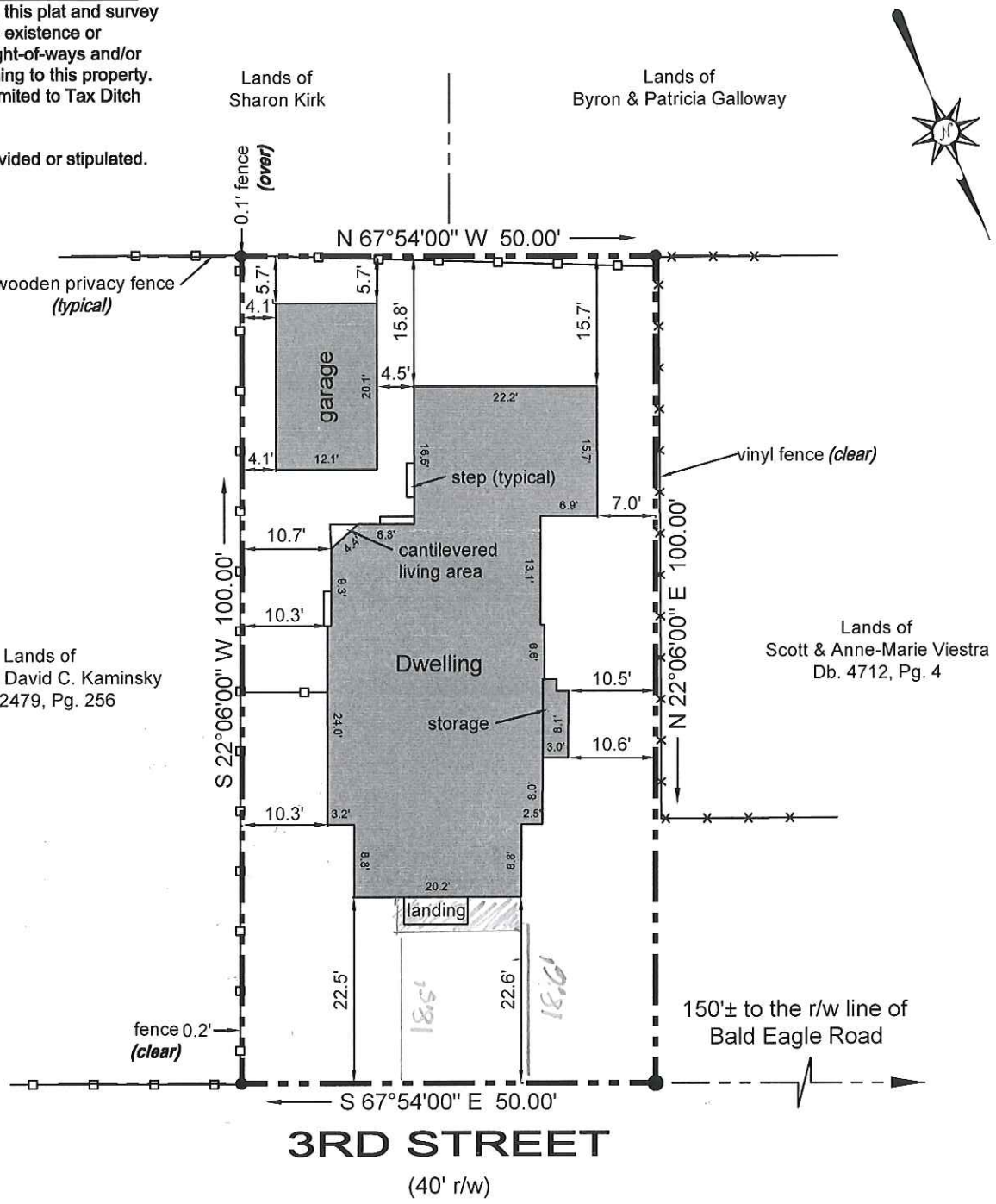
5. Minimum variance:

   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.

Per the survey, the front of the house is 22.6' from the setback. Request the 5' d porch w/ steps, approx. 15' from setback.

NOTES:

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.
- No title search provided or stipulated.



- 1/2" PIPE (FD)
- 3/4" PIPE (FD)

SCALE: 1"= 20'

AREA: 5,000 SQ. FT.

TAX MAP NO. 3-34-19.16-46

Lands of MATTHEW J. BUSILLO and PATRICIA A. BUSILLO. Being known as LOT NO. 160 & 161, BAY VISTA. Ref: Plat Book 2, Page 41.

FIRM INFORMATION:
100029 - 0353 - K
MARCH 16, 2015
ZONE: "X", NON-SHADED

CLASS "B" SURVEY

HUNDRED: LEWES & REHOBOTH

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 04/01/2021

DRAWN BY: ALEX KANSAK

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

SEAL

04/25/2021

P.L.S. 711

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

NOTES:

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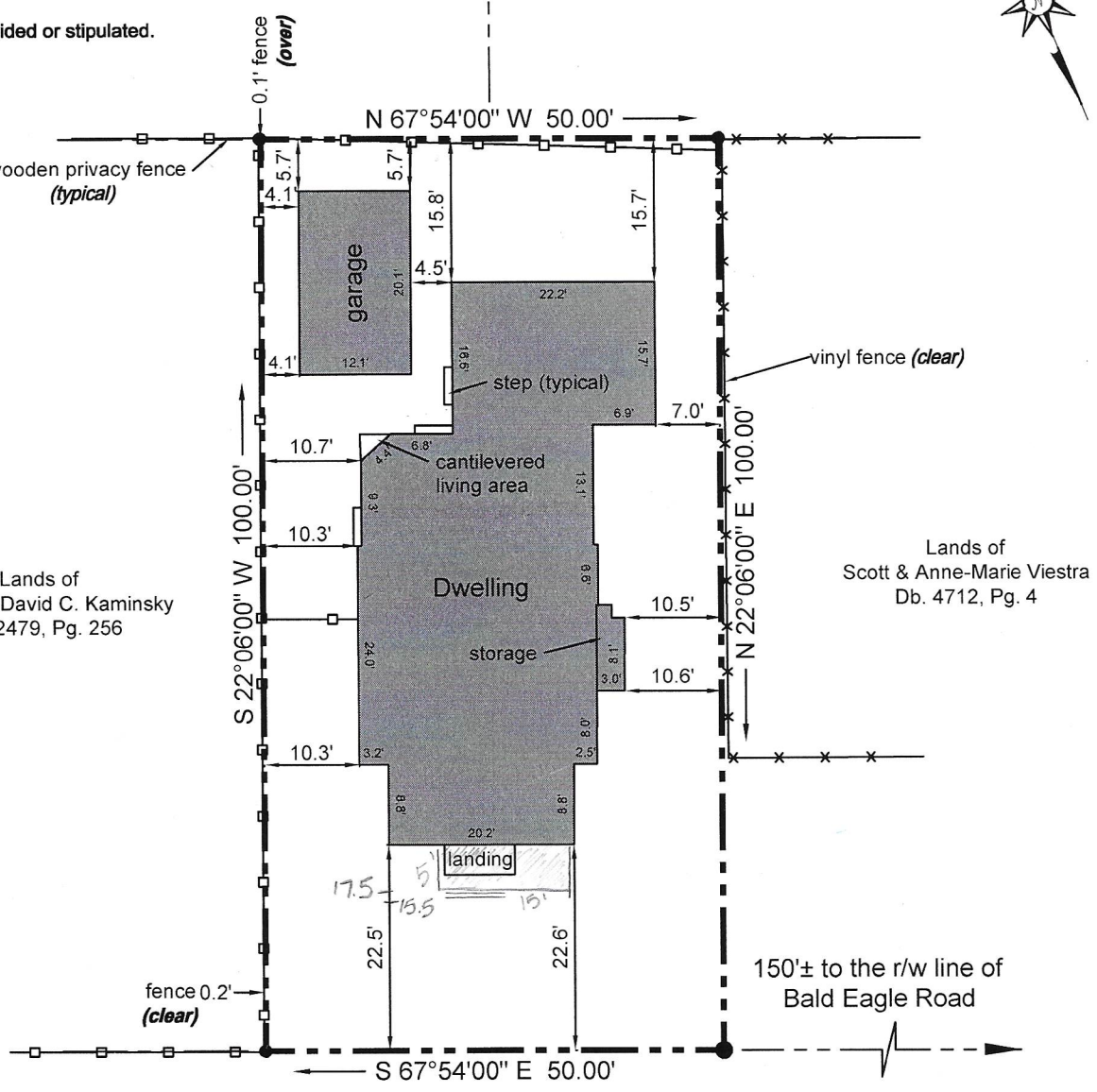

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PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL

GREGORY M. HOOK REGISTERED No. S60000711 PROFESSIONAL LAND SURVEYOR DELAWARE

P.L.S. 711

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BUILDING CODE REQUIRER: Yes

BUILDING PERMIT APPLICATION
SUSSEX COUNTY, DELAWARE

PERMIT NO. 213916

NEEDS TOWN PERMIT: Una DNREC # Una S & W Yes? Div. of Rev. —

LOCATION

Route _____ (N) (S) (E) (W) Side: _____ (ft.) (miles (N) (S) (E) (W) of _____

Subdiv. or TP: Bay Vista Lot No. _____ Section or Block Blk. D.

Town _____ Street Third St. Vista 160+161.

District No. 334 Map No. 19.16 Parcel No. 4Lo. MANU. HOME # _____

Frontage: _____ Depth: _____ Acreage: _____

ASSESSMENT

I. TYPE OF IMPROVEMENT

Cost of Improvements 39,316 00 Stories _____

New Building _____ Size _____

Addition → 1st floor Kitchen Deck

Relocation _____

Accessory Structure 2nd floor master Bed Rm. WIC/Bath

Sign _____

Remodeling office/Bedroom/Closet Study/Lounge Deck

Other _____

II. INTERIOR

No. of Bedrooms _____

No. of Bathrooms _____

No. of Rooms _____

Basement _____

III. HEATING

Electric ☐ Gas ☒

Heat Pump ☐ FHA ☐

Air Conditioned ☒

IV. EXTERIOR WALLS

Vinyl ☒ Wood ☐

Alum. Siding ☐ Brick ☐

Other +Block

V. INTERIOR WALLS

Dry Wall ☒

Paneling ☐

Other _____

VI. FOUNDATION

Pad ☐ Brick ☐

Piling ☐ Conc. Blk. ☒

Other _____

VII. FIRE PLACE

Yes (1) ☒ No ☐

MASONARY ☐ Metal ☒

VIII. ROOFING

Built-Up ☐ Metal ☐

Asphalt Shingle ☒

Wood Shingle ☐

Other _____

IX. FLOORING

Earth ☐ Wood ☐

Carpet ☒ Vinyl ☐

Concrete ☐

Other Tile

ZONING

TYPE OF USE

Existing Use Dwelling 2nd floor master Bedroom WIC/Bath office Bedroom Study/Lounge Deck

Proposed Use 1st floor Kitchen/Deck

Single Family _____ Commercial _____ Other _____

Zoning District AR1 Number of Units _____

SETBACKS

Front Yard 30' Side Yard 10' Rear Yard 20'

Side yard on side street on corner lot _____

From any dwelling of other ownership _____

From any other unit in a manufactured homepark _____

Cannot occupy more than _____ % of total lot area

Height 42' max

Board of Adjustment Case No. _____

Conditional Use Case No. _____

Approved by Planning & Zoning H. McDowell 2/25/03

FLOOD

Flood Zone X [redacted] R 355

Elevation Required above Mean sea level _____

To be measured to:

1. Finished first floor _____

2. Lowest structural member _____

Elevation Certification ☐ Height Certification ☐

Breakaway Walls ☐ Venting ☐

Placement Survey ☐

ADDITIONAL REQUIREMENTS & COMMENTS _____

OWNERS IDENTIFICATION:

Name: Randi L. Hearn.

Address: Bay Vista 1004 Third St.

City: Rehoboth Beach State: De Zip: 19971

On Lands Of: _____

St 986

Name & Address of recipient of Certificate of Compliance (Builder):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

The owner of this building or land and the undersigned agree to comply to all applicable Federal, State and County Regulations and to apply for certificate of Compliance at Completion This does not imply approval of other Governmental Agencies or Compliance with private deed restrictions.

Signature of Applicant: [signature] Phone No. 302 227-6391

Permit Fee: 134.50+98.89=233.79 HM Date Issued: 2/25/03

ZONING AND BUILDING PERMIT will expire one (1) year from date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not 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". Permit must be renewed prior to expiration date.

ASSESSORS AND INSPECTORS RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY: The owner or owners of these premises do hereby consent to the Board of Assessment and Planning and Zoning Agents and Building Code Officials to enter upon said premises during the construction for which this PERMIT is granted, or within a reasonable time thereafter, for the purpose of assessing and inspecting said property, said consent being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE

Engineer № 032689

SINGLE FAMILY ☑

COMMERCIAL ☐

MULTI FAMILY ☐

MISC ☐

REVIEW RECEIPT NO:

PERMIT NO: _____

2.34 19.16 46.00
Bay Vista Third St.
Units 16 & 161
B/C D

PLAN REVIEW REPORT

NAME: Hearn, Randi

ADDRESS: Bay Vista 1004 Third Street

CITY: Reho Bch STATE: Del ZIP: 17574

DWELLING: _____ SQUARE FEET DESCRIPTION: _____

ADDITIONS: 204 SQUARE FEET DESCRIPTION: (1st Floor) (New) Kitchen & Dock

ACCESSORY STRUCTURES: 116 SQUARE FEET DESCRIPTION: (2nd Floor) Master Bed Rm (2) WIC / Bath

574

THE PLANS SUBMITTED FOR ABOVE PROJECT HAVE BEEN "REVIEWED FOR CODE COMPLIANCE" OF THE STANDARD BUILDING CODE OR CABO ONE & TWO FAMILY DWELLING CODE ON 2/21/03
DATE

Office/Bed Room/Closet
Study/Storage
Dock

PLEASE CONTACT THE FIRST STATE INSPECTION AGENCY AT (302) 856-3517 FOR ALL INSPECTIONS. (FOOTER, FRAMING, INSULATION, AND FINAL).

116

FEE INCLUDES: PLAN REVIEW & 5 INSPECTIONS (STICK BUILT) 4 INSPECTIONS (MODULAR). ANY ADDITIONAL INSPECTIONS WILL BE CHARGED $40.00 PER VISIT.

PLAN REVIEW AND INSPECTION FEE: $ 175.00 CKD 7509 DATE: 2/14/03 CLERK: JB
(PAID WHEN PLANS WERE SUBMITTED)

APPROVED BY: [signature]

MESSAGE 2/21/03

*** A 48 HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS ***

CONTACT PERSON: Steve Ashley PHONE: 227-6391
PLEASE PRINT
542 1169

SIGNATURE: [signature]

EQUAL HOUSING OPPORTUNITY

AR1 30'-10'-20' X[redacted] P355

AUTHORIZATION FOR BUILDING/PLACEMENT PERMIT ISSUANCE

TO: ASSESSMENT DIVISION

FROM: PLANNING & PERMITS DIVISION

DISTRICT 3-34 MAP 19.16 PARCEL _____ UNIT _____

SUBDIVISION/STREET Bay Vista Third St Ln

LOT 160+161 BLOCK D

EXISTING USE SFD

ISSUE A BUILDING / PLACEMENT PERMIT FOR (TYPE OF IMPROVEMENT):

2 floor addition 1 bath master bathroom & 2 spare rooms

FEES PAID: YES X NO _____ NOT APPLICABLE _____

APPROVED BY: Betty Littleton DATE: 2/25/03

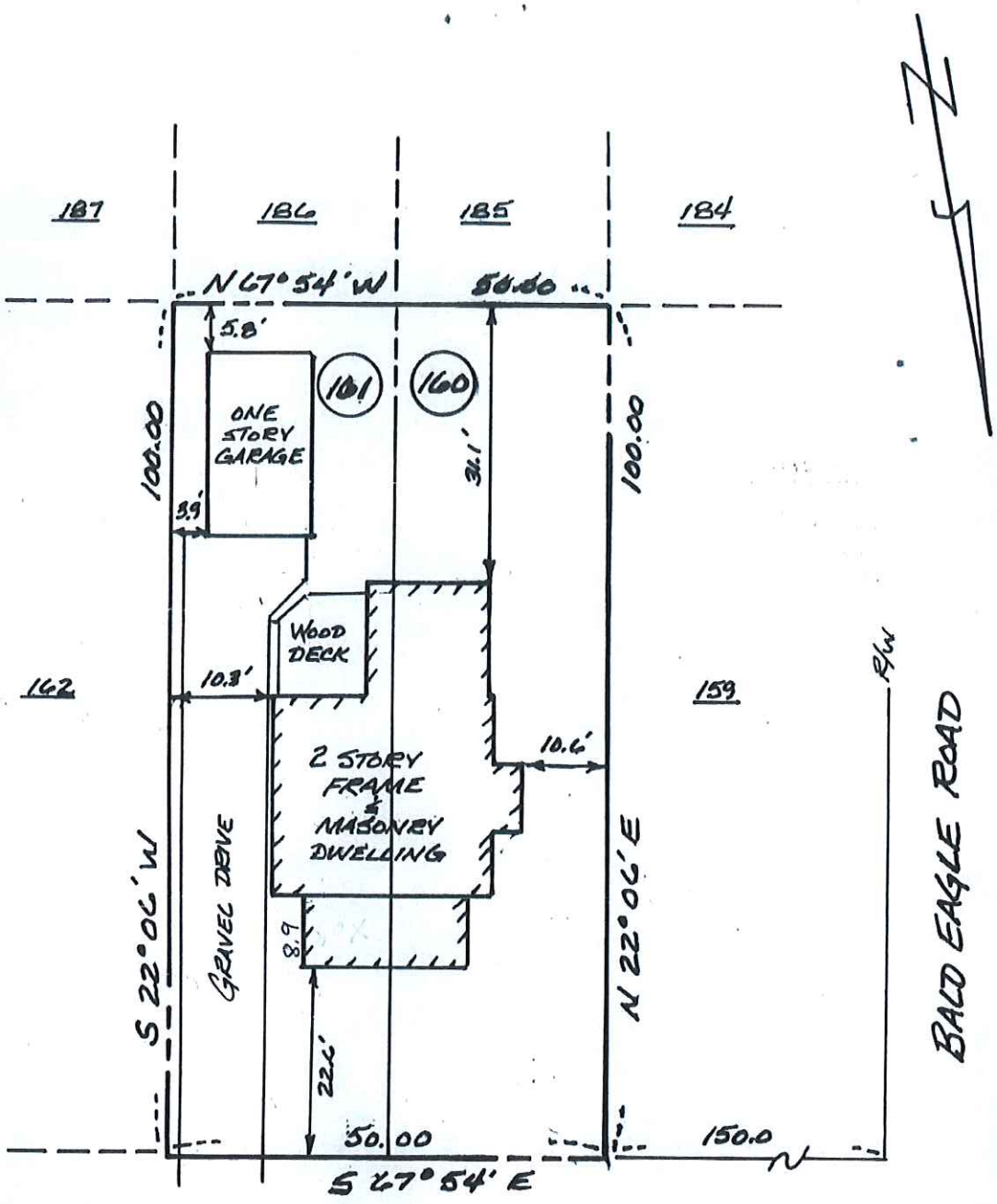
Tenant fitup

(WHITE/ASSESSMENT DIVISION) (GREEN/PROPERTY OWNER) (YELLOW/ENGINEERING DEPARTMENT)

213916

~~213916~~

N190360



MORTGAGE INSPECTION PLAN

PREPARED FOR

RANDI L. HEARN

LOTS #160 & 161, SECTION A-A, BAY VISTA

10/27/03

CERTIFICATE OF COMPLIANCE AND/OR OCCUPANCY
PER
BUILDING CODE DEPATMENT AND/OR
PLANNING & ZONING DEPARTMENT
SUSSEX COUNTY, DELAWARE

Date of Issue 10-27-03 Expiration Date _____ (Temporary Permit) Tax Map & Parcel 334 19.16 46

This certifies that the (structure) (premises) described in Permit Number 21396 conforms to and complies with the requirements of the Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County, Delaware, and may be occupied as of the above date.

Approved Use 1st & 2nd Floor Additions

Applicant's Name Randi L. Hearn
Address 1004 Third St.
Rehoboth, DE 19971

N/A: Non-Applicable

Approved By _____
Building Code Department for
Certificate of Occupancy

Approved By _____
Planning & Zoning Department
for Certificate of Compliance per SS

HEARN

PROPERTY RECORD CARD

CARD 1 OF 1

DIST 3 - 34	MAP 19.16	PARCEL 46	CONTROL NO.

ADDRESS

LAND IDENTIFICATION

3-34.19.16 46.00 CAPS-I
HEARN SCH-6
RANDI L EDIT-P
BAY VISTA
1004 THIRD ST
REHOBOTH BCH DE 19971 TR1-206742

BAY VISTA THIRD ST
UNITS 160 & 161
BLK D W/IMP

RS

OWNERSHIP RECORD

DATE OF TRANSFER	GRANTEE 1012/325	REVENUE STAMPS	SALE PRICE
6-28-80	Shropshire, Margaret E. & Raymond E. Jr. 177849	60 0	30,000
10-13-84	Evans, David N & Suzanne F. 206742 1291/163	1120	56000
	Randi L. Hearn		

LAND RECORD AND VALUATION SUMMARY

PROPERTY FACTORS

IMPROVEMENTS		STREET OR ROAD	
~~CITY WATER~~ well		PAVED	✓
~~SEWER~~ S.T.		SEMI-IMPROVED	
GAS		UNIMPROVED	
ELECTRICITY		OTHER	
ALL UTILITIES		SIDEWALK	

ASSESSMENT RECORD

1975	LAND $ 3,750	LAND $
	BLDG. $ 3,950	BLDG. $
	TOTAL $ 7,700	TOTAL $
19	LAND $	LAND $
	BLDG. $	BLDG. $
	TOTAL $	TOTAL $
19	LAND $	LAND $
	BLDG. $	BLDG. $
	TOTAL $	TOTAL $

LAND COMPUTATION

Level

DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE
FRONT	DEPTH		DEPTH	OTHER		
50	100	100	1.0	-	100	5000

SUMMARY OF VALUES

TOTAL LAND	$ 5000
TOTAL IMPROVEMENTS	$ 14700
TOTAL APPRAISED VALUE	$ 19700

BUILDING PERMIT RECORD

DATE	NUMBER	AMOUNT

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

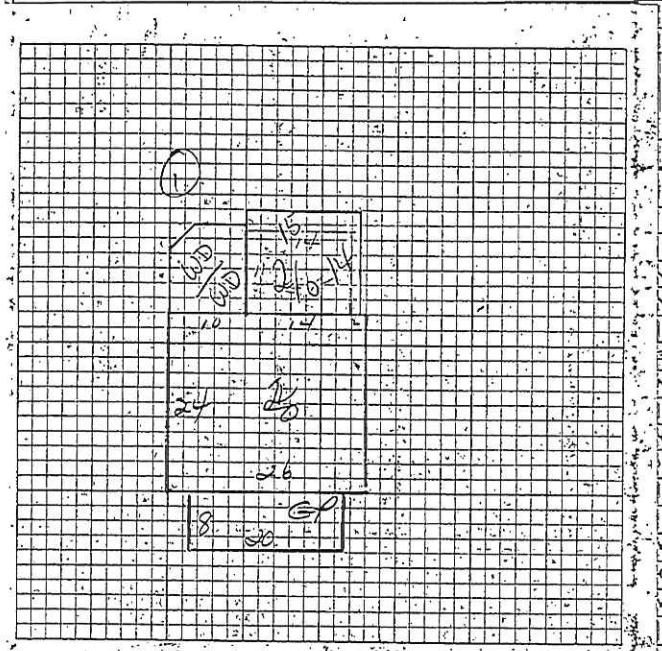
NOTES 12/22/03 B.P.# 213916 addit & w. dec. old 12900 new 19700

SD

CARD 1 OF 1

DIST 3-34 | MAP 19.16 | PARCEL 46

CONTROL NO



IDENT: 3-34 19.16 46

NOTES:

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
1	1	D	×	624	1	2	—	—	28.75	17940
			14 × 15	210	1	2			28.75	6037
			×							
			×							
			×							
			TOTAL GROUND AREA	834					TOTAL BASE COST	$23977

H. L. YOH CO.
PHILA., PA.

PRINCIPAL BUILDING DESCRIPTION

		M/C	± %	± PTS
MASONRY—1 PIER—2 SLAB—3	FOUNDATION	3	—	
NONE—0 ¼—1 ½—2 ¾—3 FULL—4	BASEMENT	0		—
NONE—0 REC AREA—1 APT—2 % OF BASEMENT SQ. FT	BSMT FINISH	0		—
NONE—0 PIPELESS GHA—1 ELECTRIC—2 FHA—3 STM—HW—4	HEAT SYS	1	-4	
INDICATE QTY	FIRE PLACE	0		—
3—FIXT BATH 1 2—FIXT BATH SG FIX TOTAL FIXT 3	PLUMBING	8		6.5
NONE—0 ½—1 1—2 1½—3 2—4 2½—5 3—6 4—7 5—8	CER TILE	0		—
1ST FLOOR: NONE PL (WB) WP — 2ND FLOOR: NONE PL WB WP — 3RD FLOOR: NONE PL WB WP	INT FINISH			
DIRT (CONC) HW SW — HW SW — HW SW	WLS—CLG			
	FLOORS			
NONE—0 HOME POWER UNIT—2 PUBLIC—3	ELECTRICITY	3		
NONE—0 ONE CAR—1 TWO CAR—2	BLT-IN GAR	0		—
WOOD—1 SHGL—2 ALUM—3 BLK—4 BRK OR STN—5 STUCCO—6 COMP—7	EXT. WALLS	2		
HIP—1 GABLE—2 FLAT—3 MANSARD—4 GAMBREL—5	ROOF TYPE	2		
WD—COMP—SHGL—1 SLATE—2 METAL—3 TILE—4 ROLL—5 T & G—6	ROOFING	1		
AREA SQ FT INDICATE QTY	PORCH—OPEN	0		—
AREA SQ FT INDICATE QTY 160	PORCH—GLZD	1		9.6
NONE—0 CENTRAL—1	AIR-COND	0	—	
NONE—0 1 CAR—1 2 CAR—2 SQ FT	ATT GAR/CP	0		—
SQ FT	UTILITY	0		—
232	OTHER WD	2		8.8
	OTHER	0	—	—
NOTES:	INDEX TOTALS		96%	24.9

BASE COST $ 23977 = INDEX % $ 23017 ± INDEX PTS $ 25507 X GRADE FACTOR 85% = REPLACEMENT COST $ 21680

ACTUAL AGE 18 YRS | EFF AGE 1955 YRS | PHYS. COND GOOD | FAIR ✓ | POOR | PER CENT GOOD 65 %

OBSOLESCENCE: FUNC % | OV'RIMP % | UND'RIMP % | OTHER ECON. % | NET COND 65 % | DEPRECIATED BLDG VALUE $ 14092

ACCESSORY BUILDINGS

CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
1	Garage	wood	B	CC	1	20	12	240			5.11	1226	Avg.	50	610

TRAILERS

OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL. VAL.	PHYS. DEPR	SOUND VAL.

TOTAL TRAILERS VALUE $

25 INSPECTED BY 6/8/73 | CHECKED BY | APPROVED BY

TOTAL ACCESSORY BLDGS VALUE $ 610

TOTAL BLDGS VALUE $ 14702

MR. SHARPSHIP

REASSESSMENT DIVISION

5-13-85

ACTION CODE: 1

WORKED BY: MS.

DISTRICT: 3-34 MAP: 19.16 PARCEL: 46 TRL/UNIT:

NAME: Hearn

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE:

LAND VALUE:

IMP. VALUE:

TOTAL VALUE:

ACTION REASON: Bring back in unit # in decription

BILLING: 85

REASSESSMENT DIVISION

5-13-85

ACTION CODE: 3

WORKED BY: MS.

DISTRICT: 3-34 MAP: 19.16 PARCEL: 46 TRL/UNIT: 160

NAME: Hearn

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE:

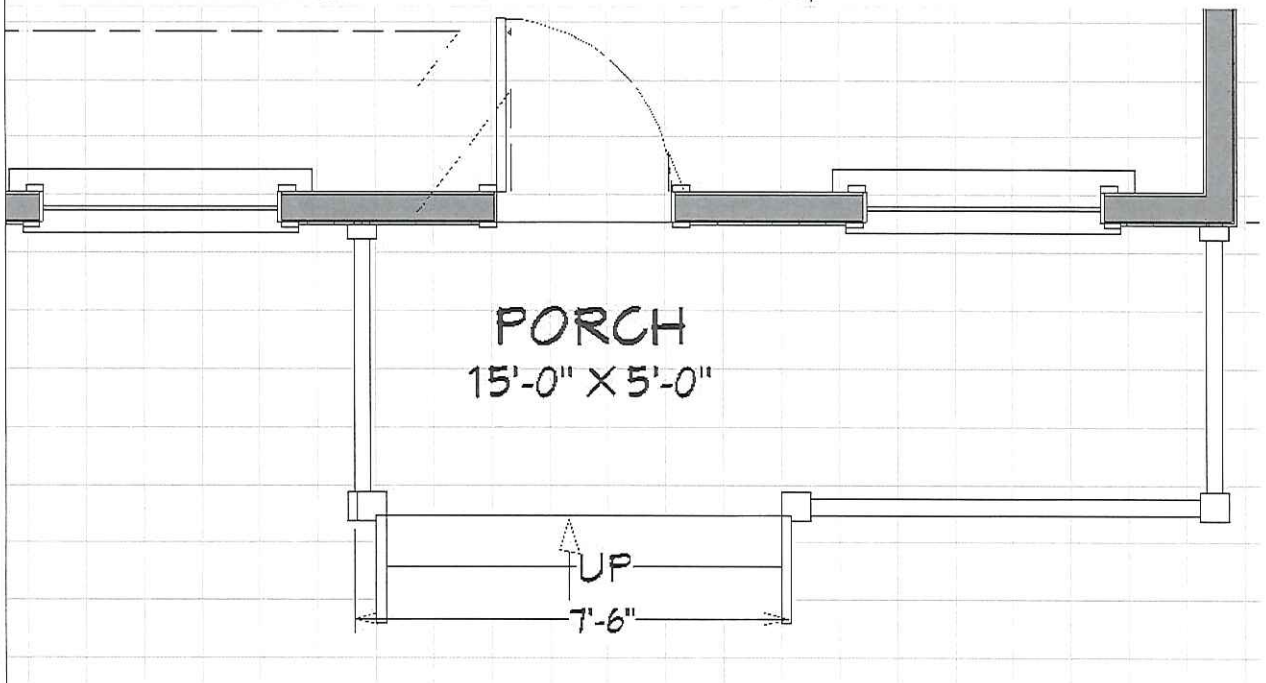
LAND VALUE:

IMP. VALUE:

TOTAL VALUE:

ACTION REASON: Bring back w unit # in description.

BILLING: 85



NO.	DESCRIPTION	BY	DATE

SHEET TITLE: VARIANCE

PROJECT DESCRIPTION: BUSILLO PORCH

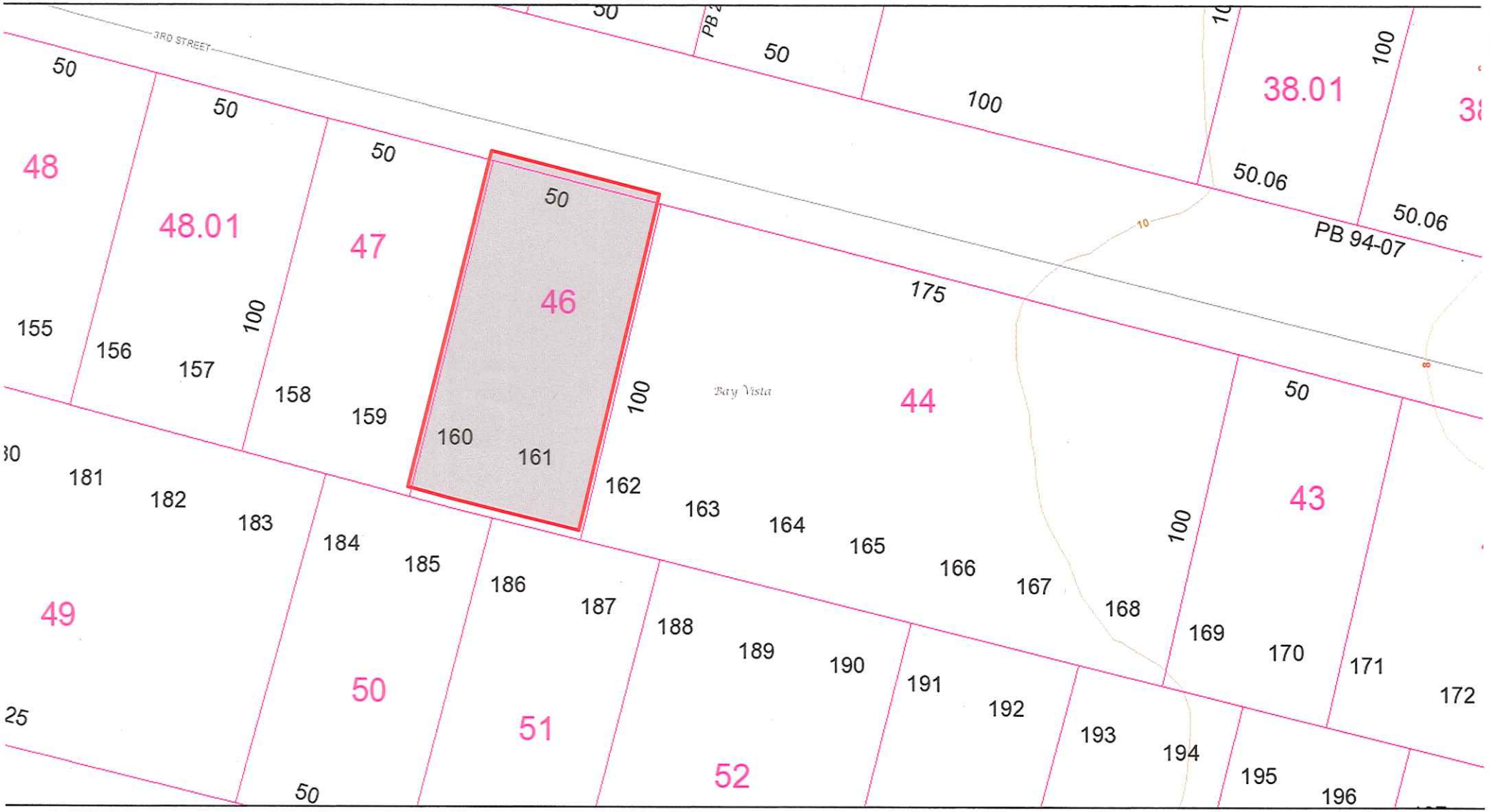
GR CAMPBELL
CONSTRUCTION LLC.
PO BOX 900, 19950
DE LIC NO: 2012600741

DATE: 06.04.21

SCALE:

SHEET: A-1

334-19.16-46.00 37416 3RD ST, REHOBOTH BEACH, DE, 19971



bruary 24, 2021

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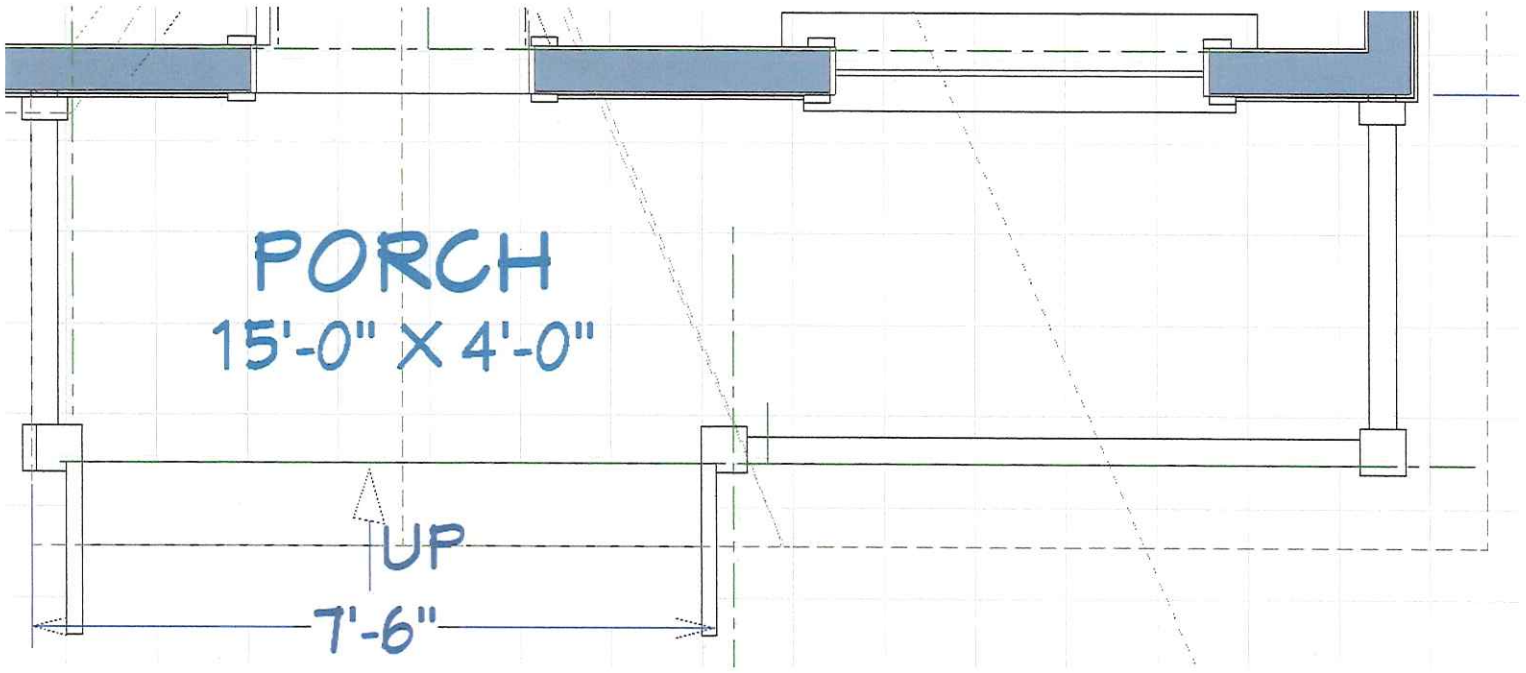
Sussex County Government, FirstMap

Property Tax Information - Sussex County D



NO.	DESCRIPTION	BY	DATE

SHEET TITLE: VARIANCE

PROJECT DESCRIPTION: BUSILLO PORCH

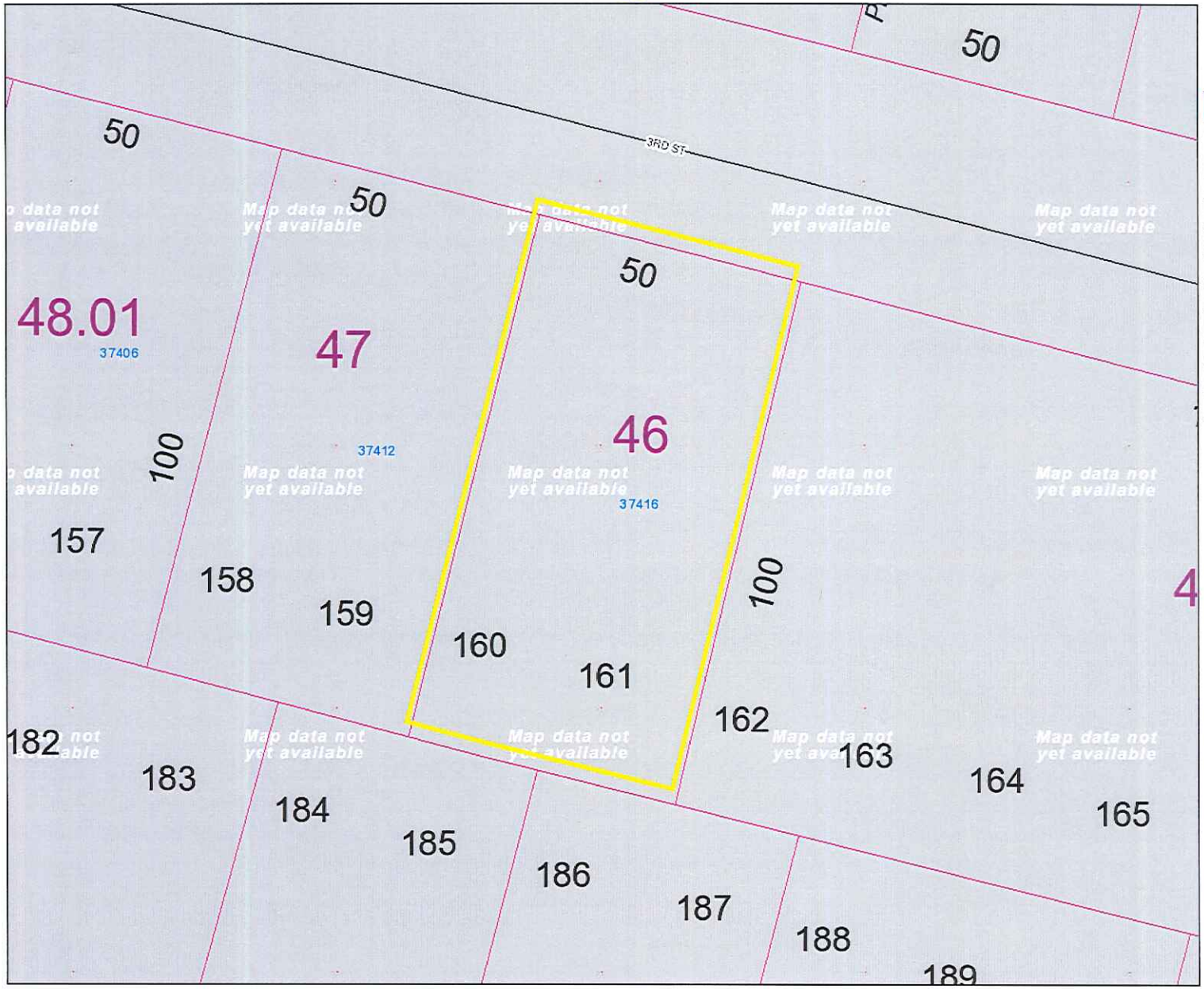
GR CAMPBELL
CONSTRUCTION LLC.
PO BOX 900, 19950
DE LIC NO: 2012600741

DATE: 05.20.21

SCALE:

SHEET: A-1

Sussex County



PIN:	334-19.16-46.00
Owner Name	BUSILLO MATTHEW J
Book	4069
Mailing Address	1055 THUNDER HILL RD
City	LINCOLN UNIVERS
State	PA
Description	BAY VISTA THIRD ST
Description 2	UNITS 160 161
Description 3	BLK D
Land Code	

polygonLayer
Override 1
polygonLayer
Override 1
Tax Parcels
911 Address
Streets

June 3, 2021

1:282

0 0.0035 0.007 0.014 mi

0 0.005 0.01 0.02 km

Case # 12582
Hearing Date 7/12
2021 07 835

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☐
Special Use Exception ☑
Administrative Variance ☐
Appeal ☐

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

Site Address of Variance/Special Use Exception:
607 Meadow Brook Lane, Milford, DE. 19963

Variance/Special Use Exception/Appeal Requested:
Tourist Home / Lodging House.

Tax Map #: 130 - 3.00 - 5.00 **Property Zoning:** MR.

Applicant Information

Applicant Name: John D. Gibson
Applicant Address: 607 Meadow Brook Lane
City Milford State DE Zip: 19963
Applicant Phone #: (302) 233-6464 Applicant e-mail: JG1255556@GMail.com

Owner Information

Owner Name: John D. Gibson
Owner Address: 607 Meadow Brook Lane
City Milford State DE Zip: 19963 Purchase Date:
Owner Phone #: (302)233-6464 Owner e-mail: JG1255556@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

John D. Gibson

Date: 5-20-2021

EQUAL HOUSING OPPORTUNITY

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.

This property has been used for room rental for several years with no adverse effects.

---

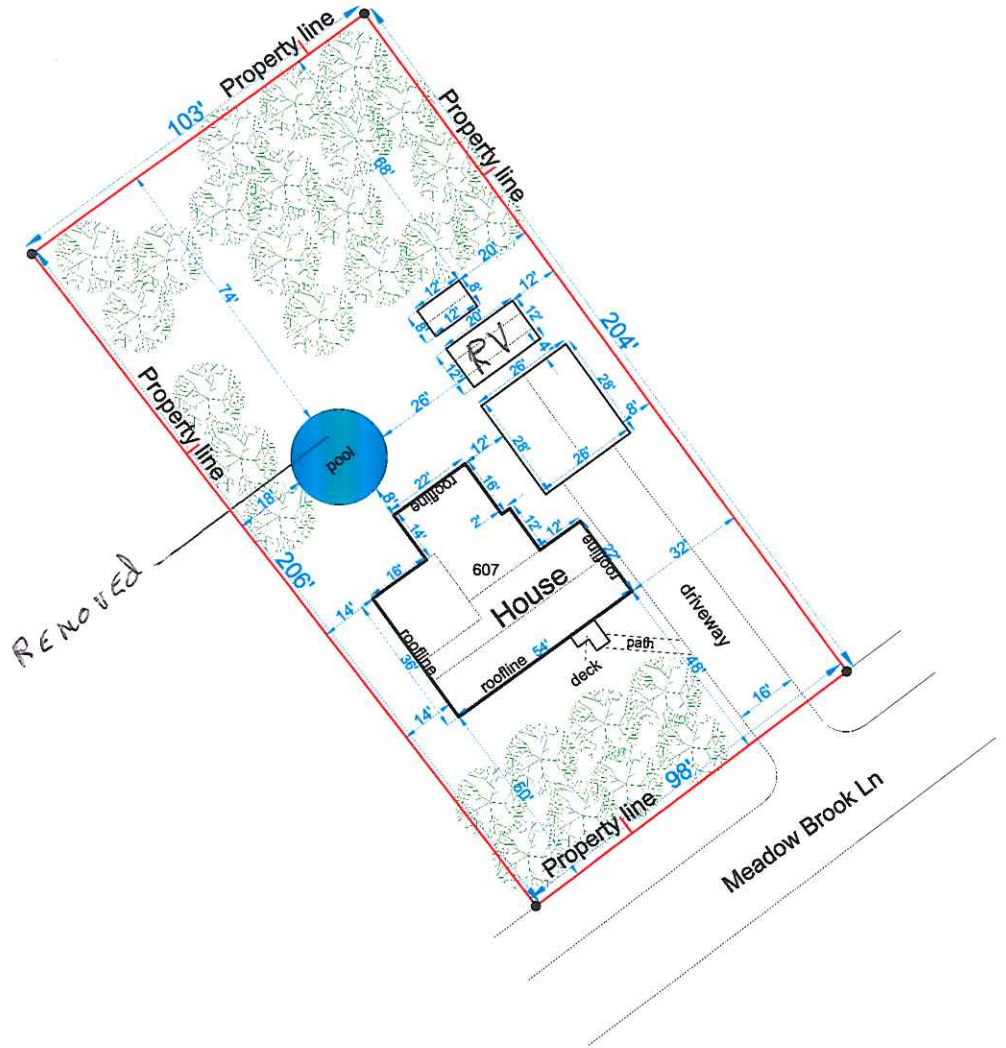
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

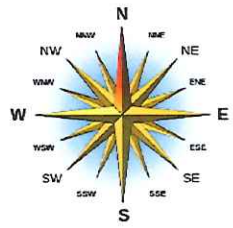
Basis for Appeal: (Please provide a written statement regarding reason for appeal)

I have rented rooms to otherwise homeless people on disability. I believe this use is a positive use for the community.

SITE PLAN

Address: 607 Meadow Brook Ln
City, State, ZIP: Milford, DE 19963
Country: USA
Scale 1":30'





CONSTABLE
LESTER R. SHAFFER
CHIEF COUNTY CONSTABLE
(302) 855-7819 T
(302) 855-7798 F

Sussex County
DELAWARE
sussexcountyde.gov

NOTICE OF VIOLATION

May 5, 2021

GIBSON JOHN D
7189 COASTAL HWY
MILFORD, DE 19963

REFERENCE NUMBER: 4789
PARCEL: 130-3.00-5.00
PARCEL DESCRIPTION: N/RT 634 300'W/VICTORIA LN
LOCATION: 607 MEADOW BROOK LANE MILFORD

Violation: §.115-29 Permitted Uses

On 05/05/2021 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the above parcel and is described as:
Single Family residence into/with seven room rental. (Multi-family) Needs Conditional Use.

Within fifteen (15) calendar days, the owner or occupant is required to comply with the County Code. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

§ 115-229 Violations and penalties.

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than $100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

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

This Notice of Violation is being issued under the authority of the Sussex County Planning and Zoning Director.

John Sapp
Sussex County Constable

27859

BK: 4926 PG: 282

TAX MAP NO: 1-30-3.00-5.00

PREPARED BY AND
RETURN TO: WALTER G. FEINDT, P.A.
P.O. Box 1184
Milford, De. 19963

THIS DEED, made this 27th day of July, 2018, BETWEEN **VERONICA H. MCCUTCHAN by NANCIE E. ROBINSON (her attorney-in-fact)**, Party of the first part, -**AND- JOHN D. GIBSON,** 7189 Coastal Highway, Milford, Delaware 19963, Party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS ($10.00) AND OTHER VALUABLE CONSIDERATION, current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, his heirs and assigns, all of her right, title and interest in:

ALL that certain lot, piece or parcel of land with the improvements thereon erected, situated in Cedar Creek Hundred, Sussex County, State of Delaware, lying on the northwesterly side of County Road 634, a short distance southwest of Victoria Drive and being more particularly bounded and described in accordance with a recent survey by William L. Sapp, Professional Land Surveyor, dated February 3, 1993, as follows, to wit:

BEGINNING at an iron pin set in the northwesterly line of County Road 634 at a corner for this lot and for lands now or formerly of Roy E. White, II., said point being located 325 feet, more or less, as measured in a southwesterly direction from the intersection of the northwesterly line of County Road 634 (50 feet wide) with the centerline of Victoria Drive; thence along the northwesterly line of County Road 634 South 62 deg. 08 min. West 100 feet to an iron pin set in the northwesterly line of County Road 634 at a corner for lands now or formerly of S. Willis Hammond; thence along line of lands now or formerly of S. Willis Hammond North 29 deg. 03 min. 43 sec. West 199.53 feet to an iron pin set in line of lands now or formerly of S. Willis Hammond at a corner for Lot 1 of The Heath Subdivision, Section II; thence along line of Lot 1 of The Heath Subdivision, Section II, North 62 deg. 49 min. 36 sec. East 100 feet to an iron pin set in line of Lot 1 of The Heath Subdivision, Section II at a corner for lands now or formerly of Roy E. White II; thence along line of lands now or formerly of Roy E. White II, South 29 deg. 04 min. 17 sec. East 198.32 feet to the place of beginning and containing 19,885 square feet of land, be the same more or less.

JH JH

BEING the same lands and premises conveyed unto **GEORGE H. MCCUTCHAN** and **VERONICA H. MCCUTCHAN,** husband and wife, by deed of **VERONICA H. MCCUTCHAN, f/k/a VERONICA H. JONES,** dated October 25, 1999 and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book **2433**, at Page **33.** The said **GEORGE H. MCCUTCHAN** having since departed this life, leaving his surviving spouse, the said **VERONICA H. MCCUTCHAN**, as sole owner as surviving tenant by the entireties.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her Hand and Seal on the day and year first aforesaid.

Sealed and Delivered
In the Presence Of:

WITNESS

Veronica H. McCutchan by Nancie E. Robinson, POA (SEAL)
VERONICA H. MCCUTCHAN by NANCIE E. ROBINSON (her attorney-in-fact),

Consideration: 95,000.00

County	1,425.00
State	2,375.00
Town Total	3,800.00

Received: Sue D Aug 01,2018

STATE OF DELAWARE :
: SS.
COUNTY OF Sussex :

BE IT REMEMBERED, that on this 27th day of July in the year of our Lord two thousand eighteen personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, **VERONICA H. MCCUTCHAN by NANCIE E. ROBINSON (her attorney-in-fact),** party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her Act and Deed.

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

WALTER G. FEINDT ESQUIRE
NOTARIAL OFFICER PURSUANT TO
29 DEL. CODE SECT. 4323
ATTORNEY AT LAW
DELAWARE

NOTARIAL OFFICER

RECEIVED
Aug 01,2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Aug 01,2018 02:42P
Sussex County
Doc. Surcharge Paid

Sussex County

PIN:	130-3.00-5.00
Owner Name	GIBSON JOHN D
Book	4926
Mailing Address	607 MEADOW BROOK LN
City	MILFORD
State	DE
Description	N/RT 634
Description 2	300' W/VICTORIA LN
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

June 3, 2021

Opposition
Exhibit

RECEIVED

JUL 06 2021

SUSSEX COUNTY
PLANNING & ZONING

7/5/21

Mr. Jamie Whitehouse, Dir.

Planning & Zoning

Sussex County

Georgetown, DE

Re: Case # 12562 John D. Gibson, 607 Meadow Brook Lane, Milford, DE.

Public Hearing Mon. 7/12/21 6:00 pm

Dear Mr. Whiehouse:

I am leaving a personal thumb drive contacting many photos and videos in evidence of the activities that have been going on for the past 3 years at the 607 Meadow Brook Lane property. I was told by "Jason" when he called that if I got this information to you, you would use your technology to present it at the Hearing next Monday night.

As you know, I have been trying to get the situation of this illegal group/transitional home or whatever you want to call it to be stopped. Things keep escalating every day. These photos and videos will show you all of the activities in regarding to various vehicles coming to this house on a regular basis. Between the State Police, Delivery Meal Services, Medical professionals, Ambulances, Fire Trucks, Moving Vans, etc .plus all of the people leaving and coming to the property on a continual basis, it is really quite a disturbance.

Fights and arguments have occurred recently, foul language is screamed from the front lawn and yesterday there was an incident with indecent exposure with a woman taking her clothes off and standing naked in the front lawn/driveway two times. One of the "residents" in the house was offended and called the State Police. Since I saw everything myself as well, I also gave a statement to the State Trooper. I am going to pick up the report to bring to the hearing.

I've been trying for years to get people to investigate this property for illegal activity. I've called politians, DNREC (because I knew they were in violation of the septic system laws), plus planning & zoning, etc. I'm glad that you had an inspector come out, but a message was left in my voicemail that they are indeed violating the law but that you were going to try to get them legal. Legal? Shouldn't the owner have been fined? Since the septic system did fail in that house, pumper trucks were out often and finally a new septic system was installed. This is a 3 bedroom house and a septic system for a 6 bedroom house was installed. I have all of those records. I did not find any permits making this 1200 sq ft. home into a 6 bedroom home.

I don't want them legal. I want them to stop their activities in a quiet residential neighborhood.

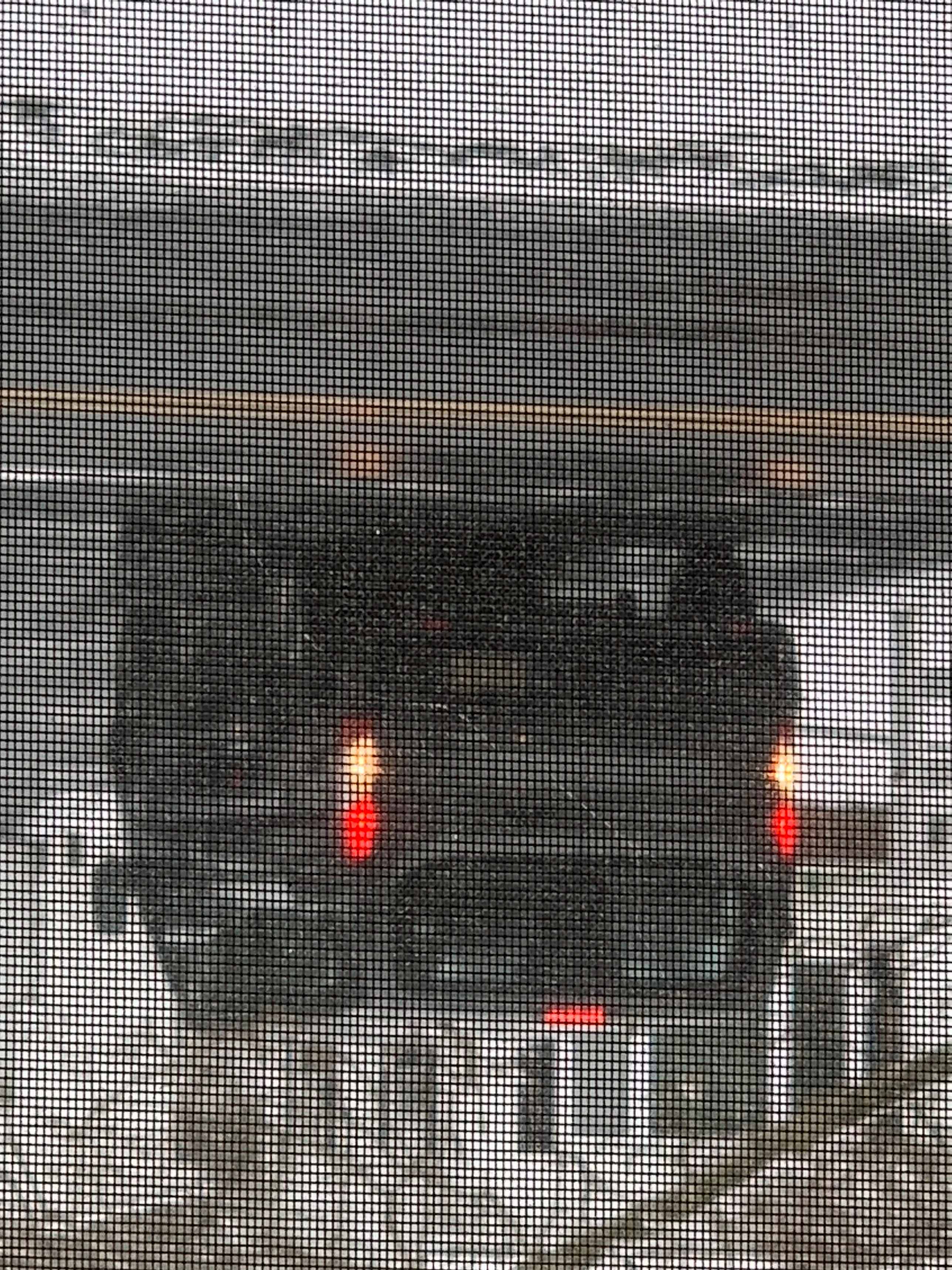
I appreciate that you will prepare this photos and videos for view at the hearing. They are an integral part of presenting the true story of what has been happening across the street from me. There is now a new home being built next me, directly across the street from 607 Meadow Brook and I doubt that those new people know that they have bought a property across from a group home with deplorable activities going on there.

Thanks you for your help and I hope that we can get this situation resolved next Monday. If you need to talk with me, I can be reached at 302-270-5980 and email: ruthanngodfrey@aol.com

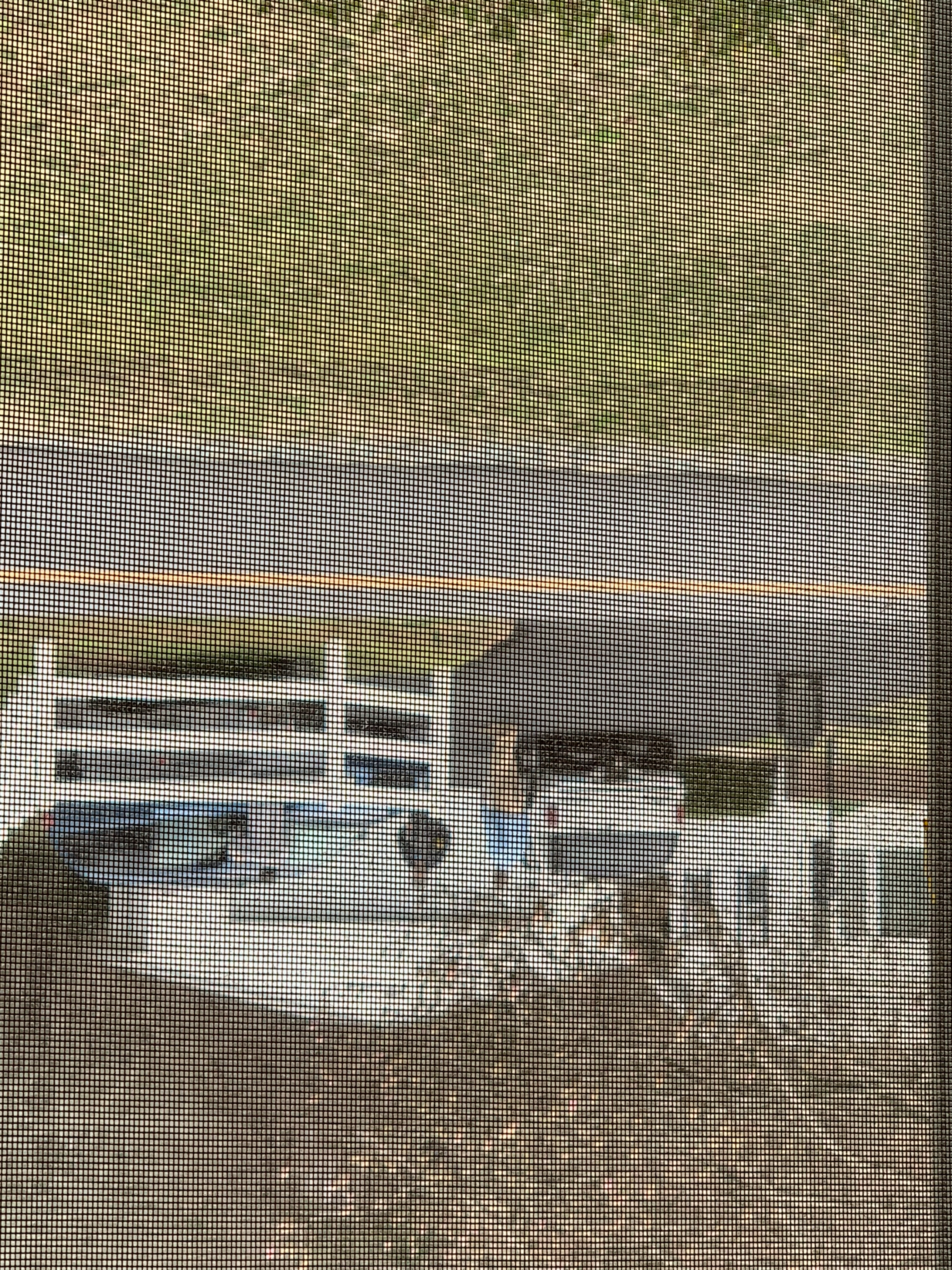
Ruth Ann Godfrey

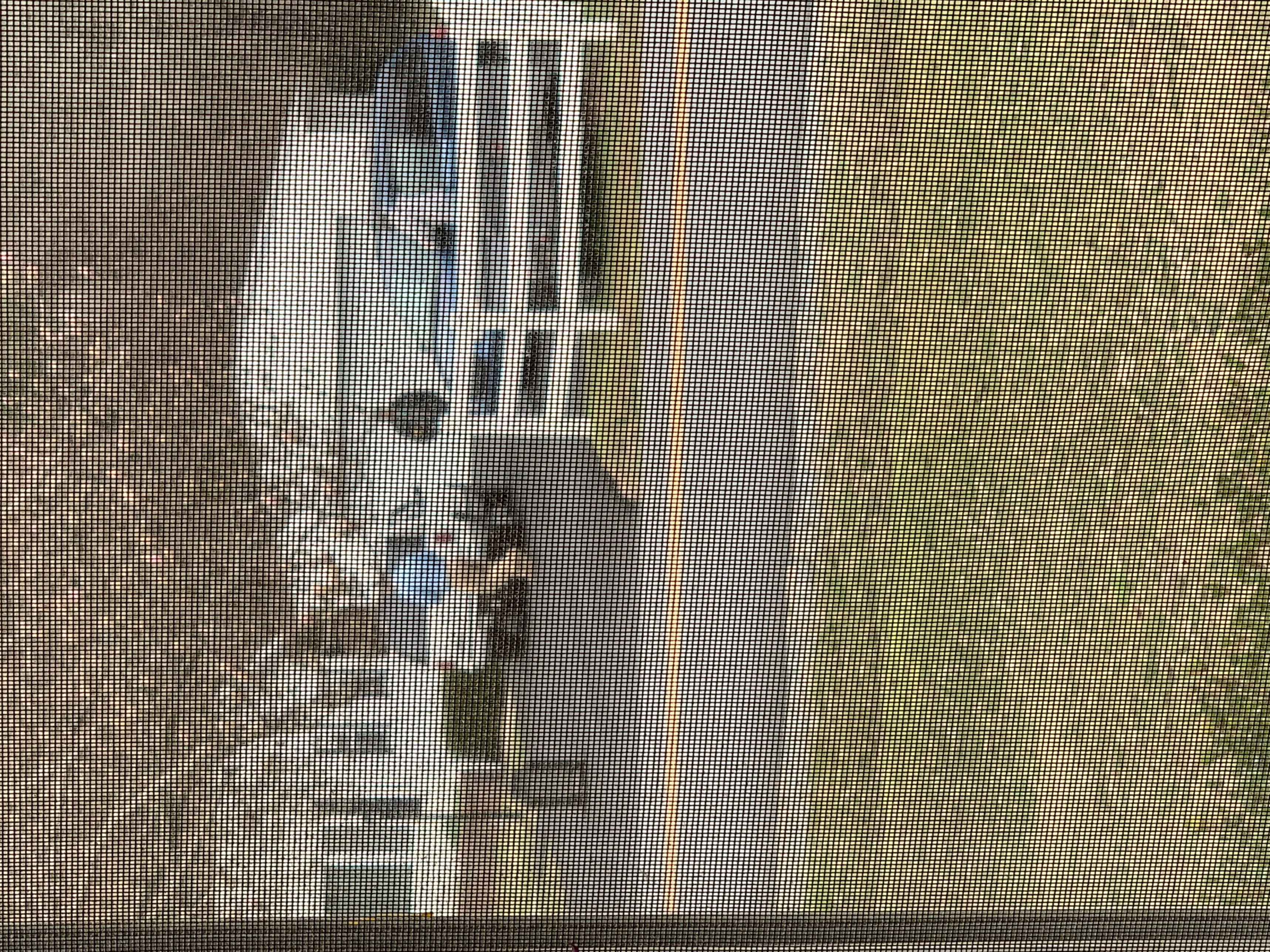
604 Meadow Brook Lane, Milford, DE 19963 (Stanley Manor Development)

NOTICE
PUBLIC HEARING



KIA
343070





209417

CARLISLE
FIRE CO.
B-42

DART

Delaware Transit Corporation

TRANSIT 150
C70987

TRANSIT
C70987

ADT

CARLISLE
FIRE CO.
MILFORD, DE.
COMMAND 42
CARLISLE
FIRE CO.
MILFORD, DE.
42-5

COMMAND 42
CARLISLE
FIRE CO.
MILFORD, DE.
A42-2

COMMAND 42
CARLISLE
FIRE CO.
MILFORD, DE.
CARLISLE
FIRE CO.
MILFORD, DE.
42-5
EST.
1802

Sussex County
Emergency Medical Services
PARAMEDICS
Caring People. Quality Service.
SUSSEX COUNTY EMS
PARAMEDIC

Sussex
Emergency Medical Ser
Quality Service
Sussex County
SUSSEX COUNTY EMS
PARAMEDICS
Caring People Quality Service
Emergency Medical Services
CY2628

A-42

Sussex County
Emergency Medical Services
A-42

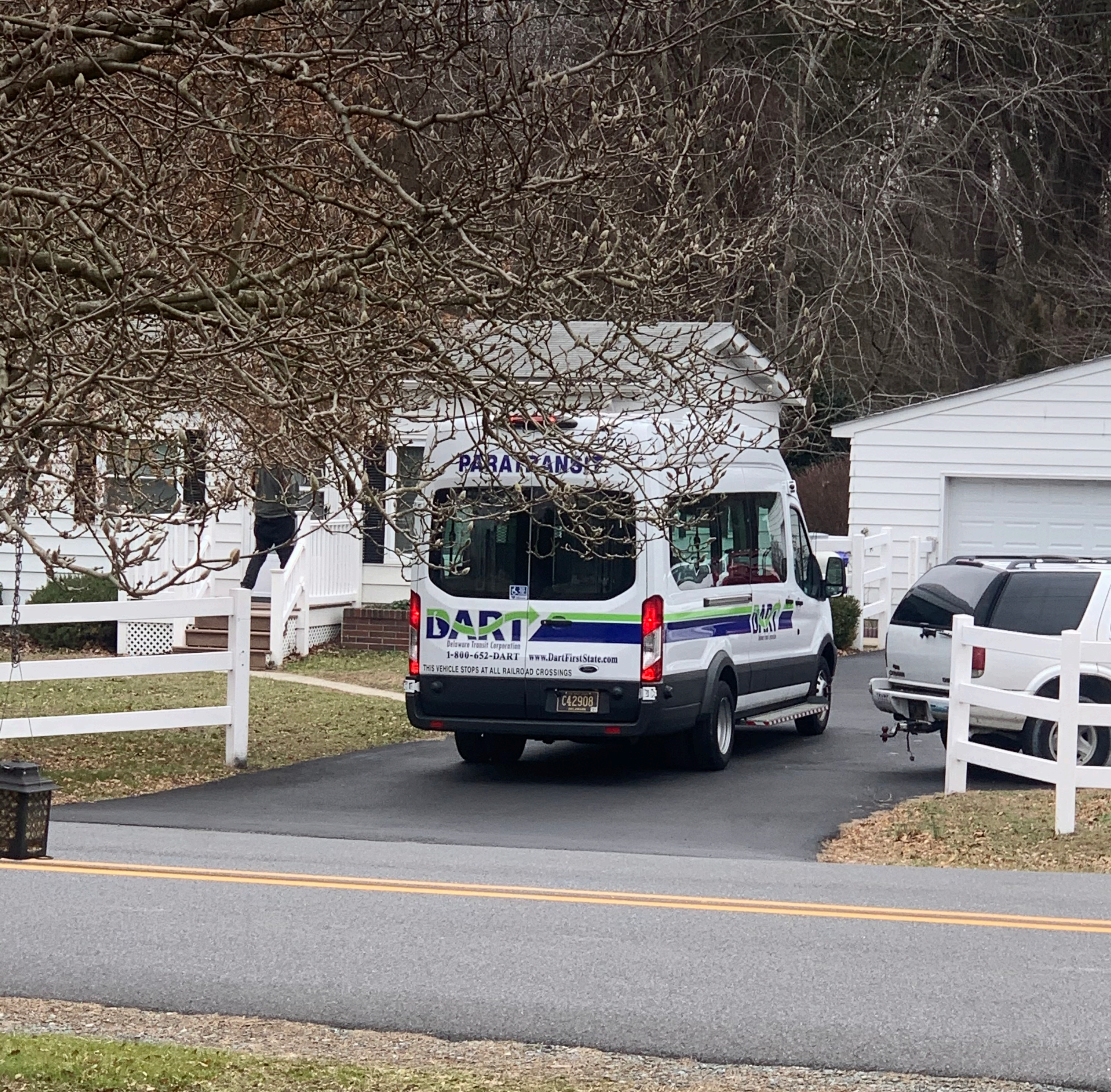
Installation Inspection Repair

CARLISLE
FIRE CO.
5298

F47200

EST.
1802

607
A·52


DART
Delaware Transit Corporation
1-800-652-DART
www.DartFirstState.com
THIS VEHICLE STOPS AT ALL RAILROAD CROSSINGS
C42908

ADT

Meals on
Wheels
302.836.5187

157078
CM610

157078
CM610

EQUINOX

CARLISLE
FIRE CO.
MILFORD, DE
EST.
1802
A-42

Sussex County
Emergency Medical Services
PARAMEDICS

AMBULANCE

91612306
SKE
Rental
FV 5298

STATE TROOPER
STATE TROOPER

STATE TROOPER
E23478
STATE TROOPER

Mom's Meals
NourishCare
866-79-MEALS
www.momsmeals.com
From Our Hearts
to Your Home

KIA
343070

Case # 12583
Hearing Date 7/12
2021 08585

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☑
Code Reference (office use only)
115-34
115-182

Site Address of Variance/Special Use Exception:

Lot 6 Lisa Ave Holly Acres Ocean View De 19970

Variance/Special Use Exception/Appeal Requested:

A Variance of 6' From 30' set Back

Tax Map #: 1-34-12-135.1 **Property Zoning:** MR

Applicant Information

Applicant Name: Terry D Weaver Sr
Applicant Address: 36496 Lisa Ave
City Ocean View State DE Zip: 19970
Applicant Phone #: 410-241-9931 Applicant e-mail: TWeavercustom@aol.com

Owner Information

Owner Name: Terry D Weaver Sr
Owner Address: Lot 6 Lisa Ave Holly Acres Ocean View DE 19970
City Ocean View State DE Zip: 19970 Purchase Date: 7-8-2020
Owner Phone #: 410-241-9931 Owner e-mail: TWeavercustom@aol.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Terry D Weaver Sr

Date: 4-9-2021

EQUAL HOUSING OPPORTUNITY

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

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

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

1. Uniqueness of property:

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

Small Lot on Private Road and maintained By ~~Sussex County~~ Home Owners

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 Back yard is small and The Well Also Has To Go in The Rear so I would Almost Have no Backyard

~~N/A~~

3. Not created by the applicant:

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

This Parsel lot Has Been Located Here For approv 35 years and we Can't move closer To sides of Tax Ditch.

~~N/A~~

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

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

We Have Talk To Neighbors and Submitted There Comments on our Variance.

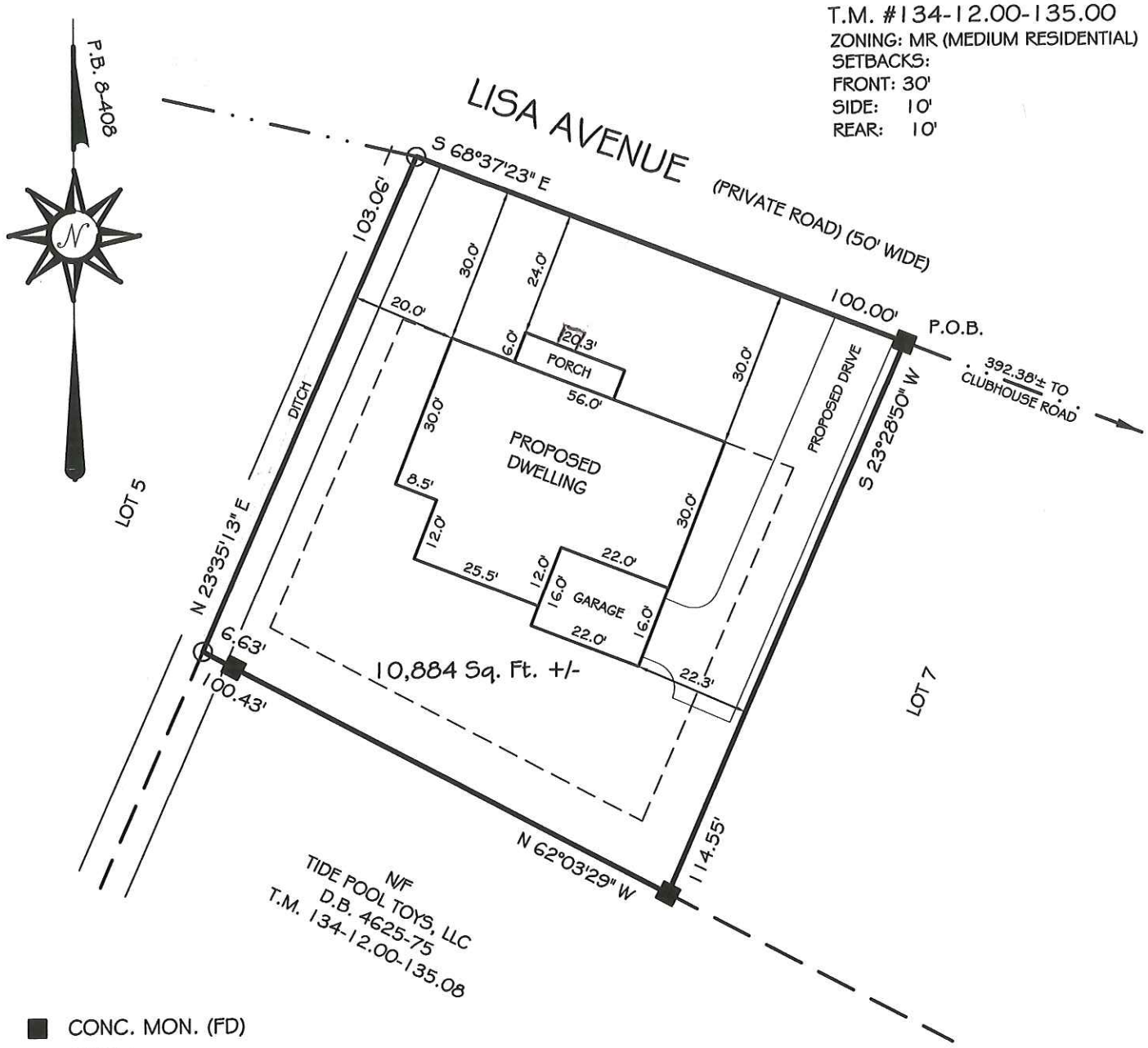
~~Will Not~~ There Are Also 2 Propertys That Do not Have 30' Set Back

5. Minimum variance:

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

Yes minimum variance of 24 feet from street will allow more space behind property.

T.M. #134-12.00-135.00
ZONING: MR (MEDIUM RESIDENTIAL)
SETBACKS:
FRONT: 30'
SIDE: 10'
REAR: 10'



■ CONC. MON. (FD)

⊙ POINT

DEED REF: 5272-139

SEE PLOT BOOK 8 PAGE 408 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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

STEPHEN M. SELLERS REGISTERED

5/12/2021

STEPHEN M. SELLERS PLS 566 — DATE

SURVEY CLASS: SUBURBAN

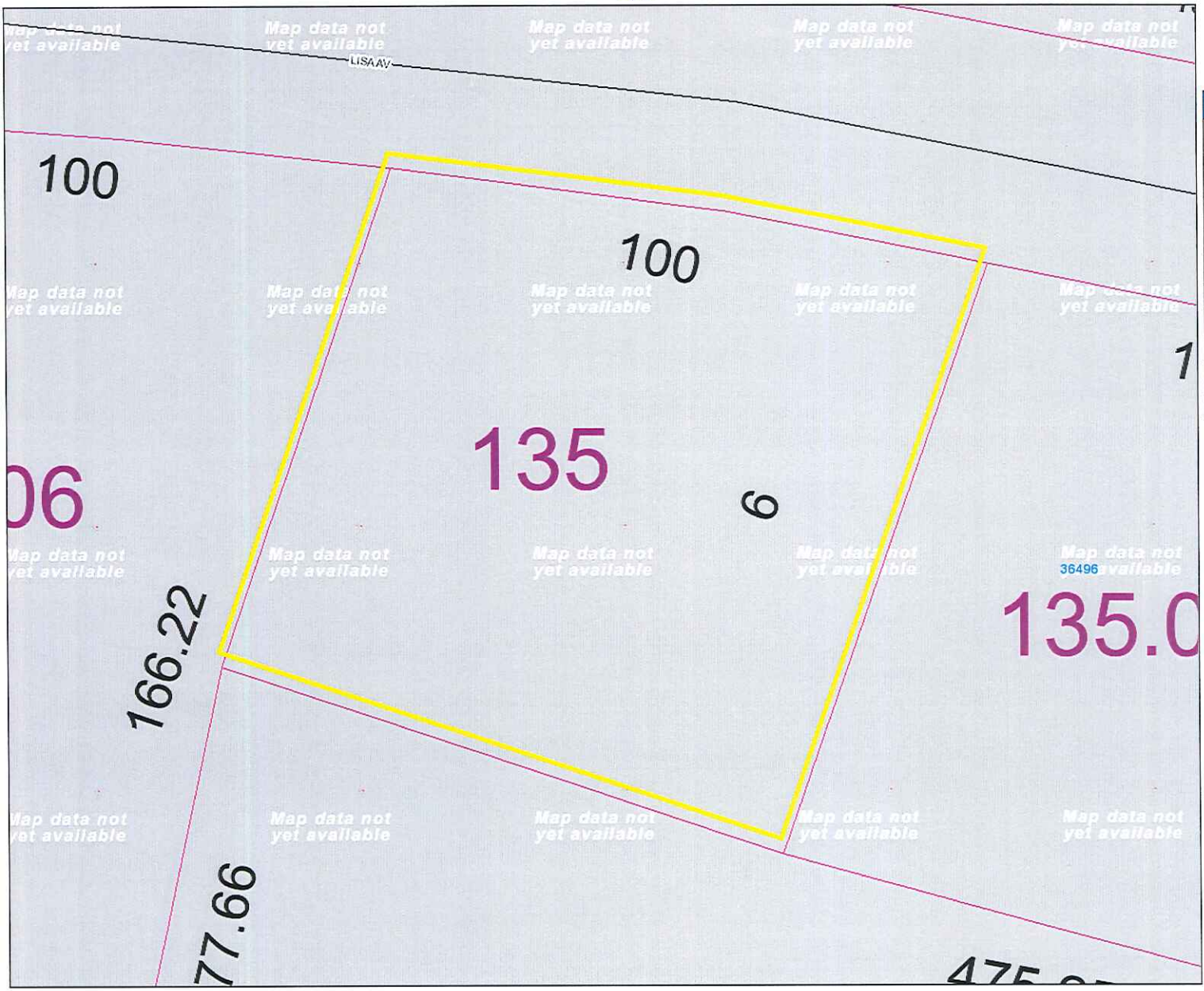
REQUEST FOR VARIANCE

TERRY D., SR. & KAREN E. WEAVER

LISA AVENUE, OCEAN VIEW. DE. 19970
LOT #6 OF "HOLLY ACRES" SUBDIV.
BALTIMORE HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 30' MAY 18, 2021

PREPARED BY:
PH: 302-629-9895
FAX: 302-629-2391
MILLER LEWIS, INC. LAND SURVEYING
1560 MIDDLEFORD RD. • SEAFORD, DE. 19973

Sussex County



PIN:	134-12.00-135.00
Owner Name	WEAVER TERRY D SR
Book	5272
Mailing Address	36496 LISA AVE
City	OCEAN VIEW
State	DE
Description	HOLLY ACRES LOT 6
Description 2	LISA AVE
Description 3	N/A
Land Code	

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

1:282

0 0.0035 0.007 0.014 mi

0 0.005 0.01 0.02 km

June 10, 2021

June 1, 2021

Sussex Count Planning & Zoning Department

I agree and have no concerns for a Variance request for Lisa Ave. Lot 6 Holly Acres Town of Ocean View De 19970 to move the street setback line from 30 feet down to 24 feet to provide more space in rear of house.

Adress: 36496 LISA AVE OCEANVIEW DE 19970

Sign: [signature]

Date: 6-4-2021

June 1, 2021

Sussex Count Planning & Zoning Department

I agree and have no concerns for a Variance request for Lisa Ave. Lot 6 Holly Acres Town of Ocean View De 19970 to move the street setback line from 30 feet down to 24 feet to provide more space in rear of house.

Adress: 36487 LISA AVE

Sign: Robert J Fehr

Date: 6/4/21

Case # 12584
Hearing Date 8/2
2021086 84

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☑
Code Reference (office use only)
115-25, 115-182
115-185

Site Address of Variance/Special Use Exception:

28708, 28736, N/A Lockerman Rd

Variance/Special Use Exception/Appeal Requested:

Due to the parcels having double front yards, a variance of 20' from Route 1 and 10' from Lockerman Road is requested.

Tax Map #: 235-16-8, 8.01, 8.02 **Property Zoning:** AR-1

Applicant Information

Applicant Name: Michael Chanoux and Margaret K. Chanoux
Applicant Address: 9 California Avenue
City Lewes State DE Zip: 19958
Applicant Phone #: (302) 270-8727 Applicant e-mail: kchanoux@msn.com

Owner Information

Owner Name: Same
Owner Address:
City State Zip: Purchase Date: 12/27/13
Owner Phone #: Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name: Sergovic Carmean Weidman McCartney & Owens, P.A.
Agent/Attorney Address: P.O. Box 751
City Georgetown State DE Zip: 19971
Agent/Attorney Phone #: (302) 855-1260 Agent/Attorney e-mail: john@sussexattorney.com

Signature of Owner/Agent/Attorney

Sign Here

Date: 6/1/21

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

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

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

1. Uniqueness of property:

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

See attached.

2. Cannot otherwise be developed:

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

See attached.

3. Not created by the applicant:

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

See attached.

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

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

See attached.

5. Minimum variance:

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

See attached.

Variance Application (cont'd): Michael Chanoux and Margaret K. Chanoux

Criteria for a Variance:

1. The lands of the applicant were inherited from Mr. Chanoux's grandparents and are located off the north bound lane of Route 1 at Broadkill River. DelDOT's creating Route 1 and closing the old Route 14 bridge at this location created an odd shape parcel of 2.767+ acres, which has been divided into 3-lots (SCTM 235-16.00-8.00, 8.01 and 8.02 – see attached tax map) by a variance granted by the Board of Adjustment in 2019 (see Variance attached hereto as Exhibit "1"). Lockerman Road, County Road 14-D ("Lockerman Road") dead ends at the old bridge location and is the only accessible road for this property. The other front road would be the elevated Route 1, which is not accessible due to the bridge for Route 1 over the Broadkill River. The widening of Route 1 caused any potential subdivision to create long and narrow lots.

2. Each tax parcel has a very narrow, mostly unbuildable building envelope with 2-40' front yards. The reasons for front yards are to allow a wider access from the street for emergency vehicles. The slope of the yard adjacent to Route 1 negates access by emergency vehicles. Thus, a 20' variance from Route 1, or a 20' set back from Route 1 is requested. Lockerman Road, which dead ends at the Broadkill River, is a road of limited use. Lockerman Road at this location has a width of at least 60' and was previously Delaware Route 14 and should provide adequate width for emergency vehicles without the need for a 40' set back. Thus, a 10' variance from Lockerman Road is requested. A 30' front set-back given the width of Lockerman Road should provide adequate space for emergency vehicles and is the normal front yard for residential uses. Attached as Exhibit "2" is a detailed engineering analysis of this land prepared by Axiom Engineering, LLC, which is incorporated herein by reference.

3. Configuration of these lands was created by DelDOT in 1966 when it created Route 1, leaving 118.82± feet on Broadkill River.

4. The neighborhood consists of the applicants three (3) lots on the west side of Lockerman Road with the Broadkill River to the North and a connection road to the north. The East side of Lockerman Road is a farm and Henlopen Memorial Park. Given this neighborhood, the variance should have no impact upon it.

5. The variance requested is the minimum to allow for usable building envelopes on the three (3) lots.

LEGEND

	FOUND	SET	BOUNDARY MONUMENT
EX. PROPERTY LINE	CMF	CMS	CONCRETE MONUMENT
PROPOSED SUBDIVISION LINE	MMF		MARBLE MONUMENT
EX. ADJACENT PROPERTY LINES	RBF	RBS	REBAR
EX. 404 WETLANDS	MNF	MNS	MAGNETIC NAIL
STATE (TIDAL) WETLANDS	SPF		SPIKE
FEMA FLOODPLAIN BOUNDARY (ZONE X / ZONE AE (ELEV. 7))	IPF		IRON PIPE
EX. MINOR CONTOUR (22)			POST
EX. MAJOR CONTOUR (20)	BENCHMARK		UNMARKED CORNER
EX. BUILDING RESTRICTION LINES	25.5		PR. CONTOUR
EX. ROAD CENTERLINE			PR. BUILDING RESTRICTION LINES
EX. EASEMENT			PR. ROAD CENTERLINE
EX. BUILDING (EX. SHED)			PR. EASEMENT
EX. SWALE			PR. BUILDING
EX. SIDEWALK			PR. SWALE
EX. CURB			PR. SIDEWALK
EX. STORM SEWER (EX. CATCH BASIN, DRAINAGE MANHOLE, PR. CATCH BASIN)			PR. CURB
EX. SANITARY SEWER (EX. SANITARY MANHOLE, PR. SANITARY MANHOLE)			PR. STORM SEWER CL
EX. WOODS LINE			PR. SANITARY SEWER
EX. WATER LINE (EX. REDUCER, EX. METER, EX. VALVE, PR. REDUCER, PR. METER, PR. VALVE, PR. FIRE HYDRANT)			PR. WOODS LINE
EX. WELL			PR. WATER LINE
TRAFFIC SIGN			PR. WELL
EX. ZONING BOUNDARY (9 PERPENDICULAR 10' X 20' / 9 DIAGONAL 9' X 18'; 1 HANDICAP 8' X 20' + PAINTED AISLE / 1 COMPACT 8' X 17')			PARKING SPACE COUNTS
EX. ELECTRIC LINES UTILITIES			
EX. UTILITY POLES/LIGHT POLES			PROPOSED LIGHT POLES
EX. FENCE			PR. SPOT ELEVATION
EX. SPOT ELEVATION (X 25.21)			PROPOSED DRAINAGE FLOW
PR. DELDOT ENTRANCE PAVING	TYPE 1 IP-1	TYPE 2 IP-2	PR. INLET PROTECTION
PR. ROTOMILL 1 1/4" & OVERLAY		CIP	PR. CULVERT INLET PROTECTION
SOIL BORING (SB-1)	TYPE 1 ROP-1	TYPE 2 ROP-2	ROCK OUTLET PROTECTION
TEST PIT (TP-1)			PR. FOREBAY
EX. STREAM		SCE	CONSTRUCTION ENTRANCE
LIMIT OF DISTURBANCE (LOD)		CW	CONCRETE WASHOUT
SILT FENCE (SF)			

NOTES:

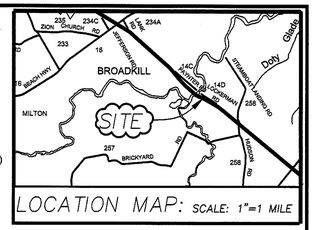
1. *THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM A PERIMETER SURVEY PREPARED BY ADAMS KEMP ASSOCIATES, INC., ENTITLED "SUBDIVISION SURVEY PLAN PREPARED FOR MARGARET KENNA CHANOUX & MICHAEL CHANOUX", DATED FEBRUARY 9, 2016 AND IS NOT THE RESULT OF A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, L.L.C..*
2. *THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.*

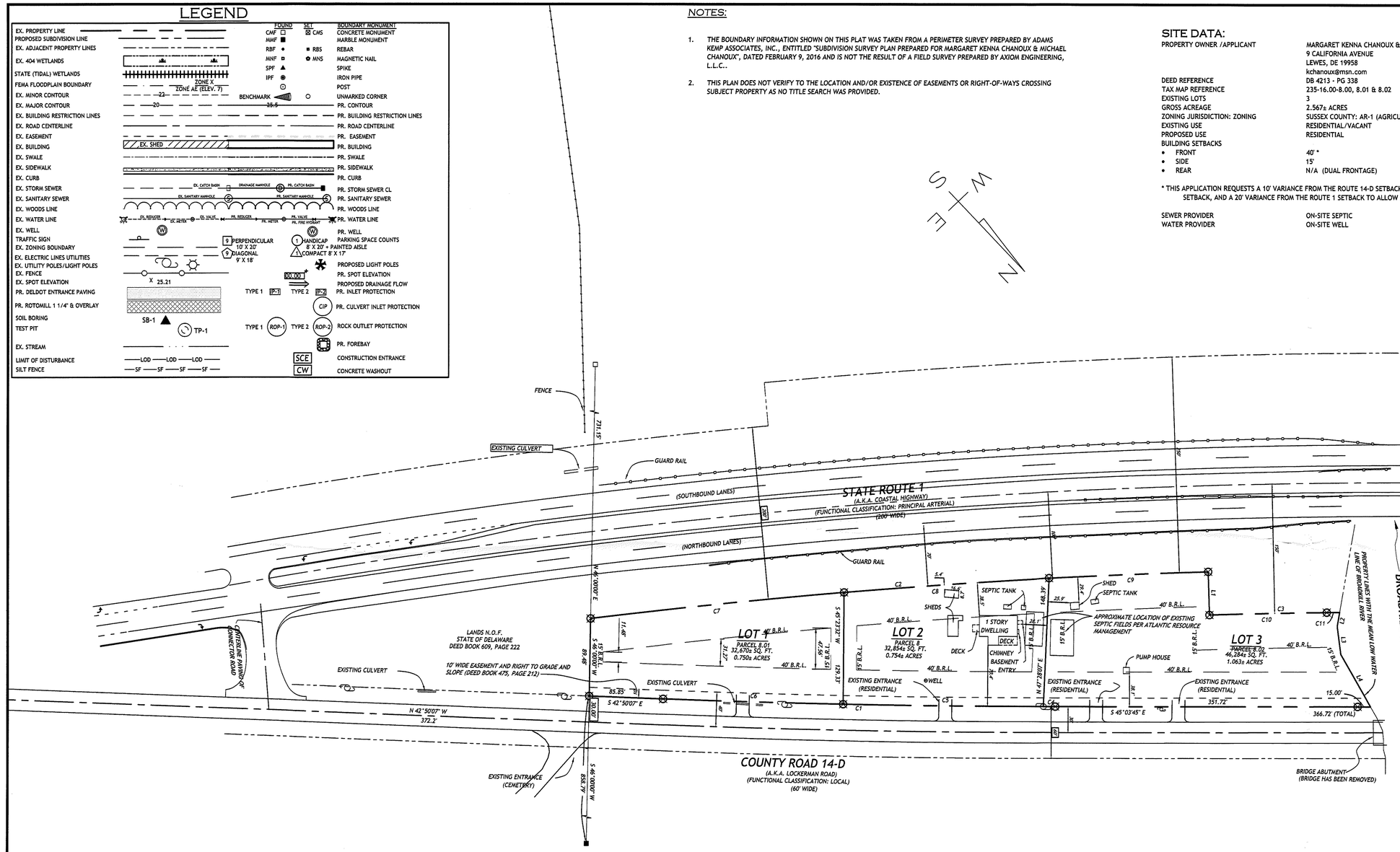
SITE DATA:

PROPERTY OWNER /APPLICANT	MARGARET KENNA CHANOUX & MICHAEL CHANOUX 9 CALIFORNIA AVENUE LEWES, DE 19958 kchanoux@msn.com
DEED REFERENCE	DB 4213 - PG 338
TAX MAP REFERENCE	235-16.00-8.00, 8.01 & 8.02
EXISTING LOTS	3
GROSS ACREAGE	2.567± ACRES
ZONING JURISDICTION: ZONING	SUSSEX COUNTY: AR-1 (AGRICULTURAL-RESIDENTIAL)
EXISTING USE	RESIDENTIAL/VACANT
PROPOSED USE	RESIDENTIAL
BUILDING SETBACKS	
• FRONT	40' *
• SIDE	15'
• REAR	N/A (DUAL FRONTAGE)

* THIS APPLICATION REQUESTS A 10' VARIANCE FROM THE ROUTE 14-D SETBACK TO ALLOW A 30' FRONT SETBACK, AND A 20' VARIANCE FROM THE ROUTE 1 SETBACK TO ALLOW A 20' FRONT SETBACK.

SEWER PROVIDER	ON-SITE SEPTIC
WATER PROVIDER	ON-SITE WELL





LINE	BEARING	DISTANCE
L1	N 43°13'08" E	50.00'
L2	N 54°46'22" E	16.48'
L3	N 37°36'08" E	32.52'
L4	N 15°07'01" E	69.81'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	11726.78'	2°13'38"	455.84'	455.81'	S 43°56'56" E
C2	7900.00'	5°13'12"	719.75'	719.51'	N 49°23'28" W
C3	7850.00'	1°06'24"	151.60'	151.60'	N 46°13'40" W
C4	11726.78'	0°04'03"	13.79'	13.79'	S 45°01'44" E
C5	11726.78'	1°08'09"	232.49'	232.49'	S 44°25'38" E
C6	11726.78'	1°01'26"	209.56'	209.55'	S 43°20'50" E
C7	7900.00'	2°08'53"	296.18'	296.16'	N 50°55'38" W
C8	7900.00'	1°43'49"	238.57'	238.56'	N 48°59'17" W
C9	7900.00'	1°20'30"	185.00'	185.00'	N 47°27'07" W
C10	7850.04'	0°59'17"	135.36'	135.35'	S 46°17'14" E
C11	7850.00'	0°06'34"	15.00'	15.00'	S 45°43'46" E

REV	DESCRIPTION OF REVISION	REVISED BY/DATE	CHECKED BY/DATE

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO AND APPURTENANT.

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	5/4/2021
TAX MAP:	235-16.00-8.00, 8.01 & 8.02

0 30 60 120

24" x 36" 1 inch = 60 ft.
11" x 17" 1 inch = 120 ft.

KENNETH R. CHRISTENSEN — REGISTERED — No. 11553 — PROFESSIONAL ENGINEER — DELAWARE

SEAL

AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

SITE PLAN

LANDS OF
MICHAEL CHANOUX & MARGARET KENNA CHANOUX
SETBACK VARIANCE APPLICATION
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO: 0270-1601
DRAWING: S - 1
SHEET: 1 OF 2

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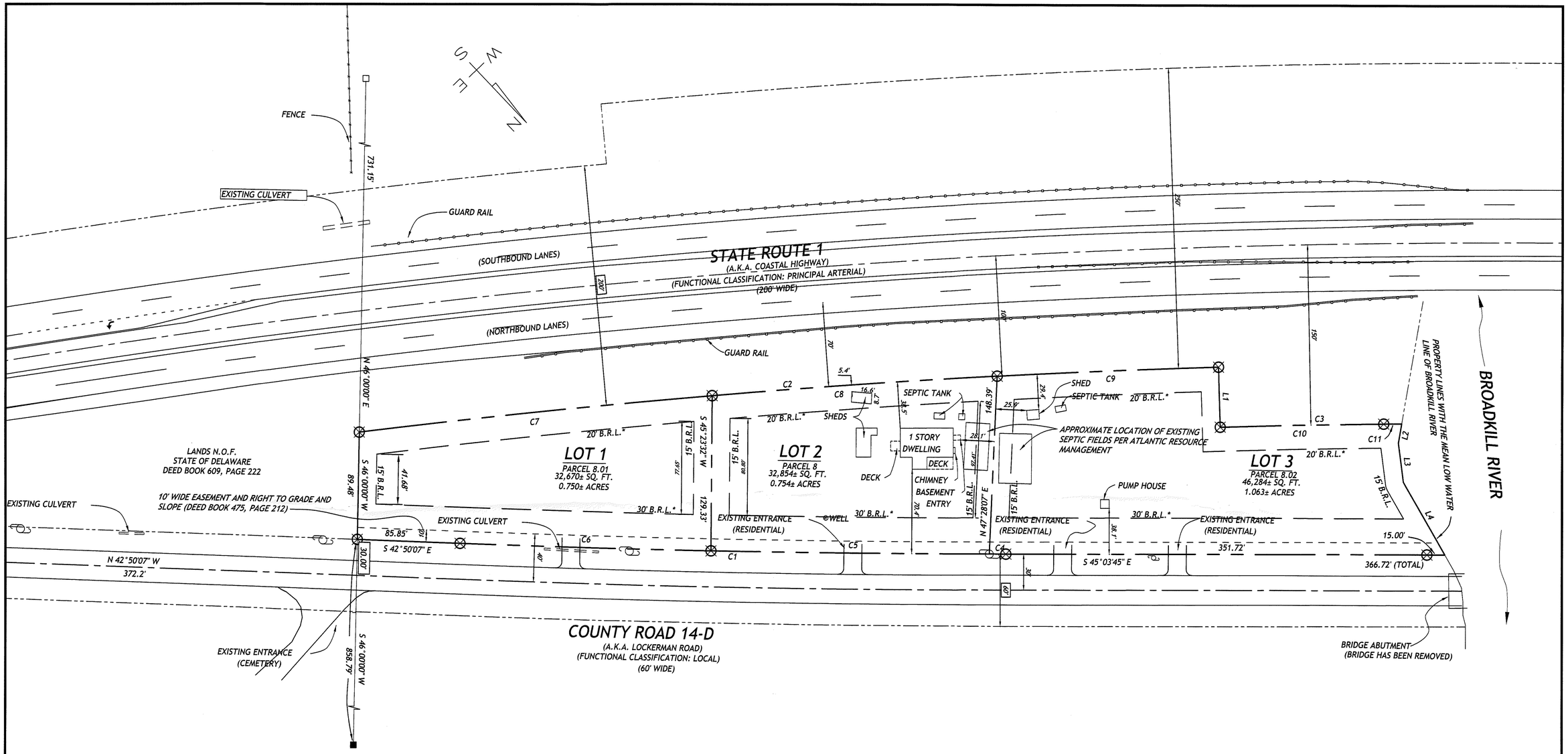

LINE	BEARING	DISTANCE
L1	N 43°13'08" E	50.00'
L2	N 54°46'22" E	16.48'
L3	N 37°36'08" E	32.52'
L4	N 15°07'01" E	69.81'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
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C11	7850.00'	0°06'34"	15.00'	15.00'	S 45°43'46" E

REV	DESCRIPTION OF REVISION	REVISED BY/DATE	CHECKED BY/DATE

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THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO AND APPURTENANT.

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	5/4/2021
TAX MAP:	235-16.00-8.00, 8.01 & 8.02

0 20 40 80

24" x 36" 1 inch = 40 ft.
11" x 17" 1 inch = 80 ft.

KEITH R. CHRISTENSEN — REGISTERED — No. 11553 — DELAWARE — PROFESSIONAL ENGINEER

SEAL

NOTE: SETBACKS INDICATED ON THIS SHEET REQUIRE APPROVAL OF FRONT SETBACK VARIANCES FROM THE SUSSEX COUNTY BOARD OF ADJUSTMENT

AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

SITE PLAN

LANDS OF
MICHAEL CHANOUX & MARGARET KENNA CHANOUX
SETBACK VARIANCE APPLICATION
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO: 0270-1601
DRAWING: S - 2
SHEET: 2 OF 2

Sussex County

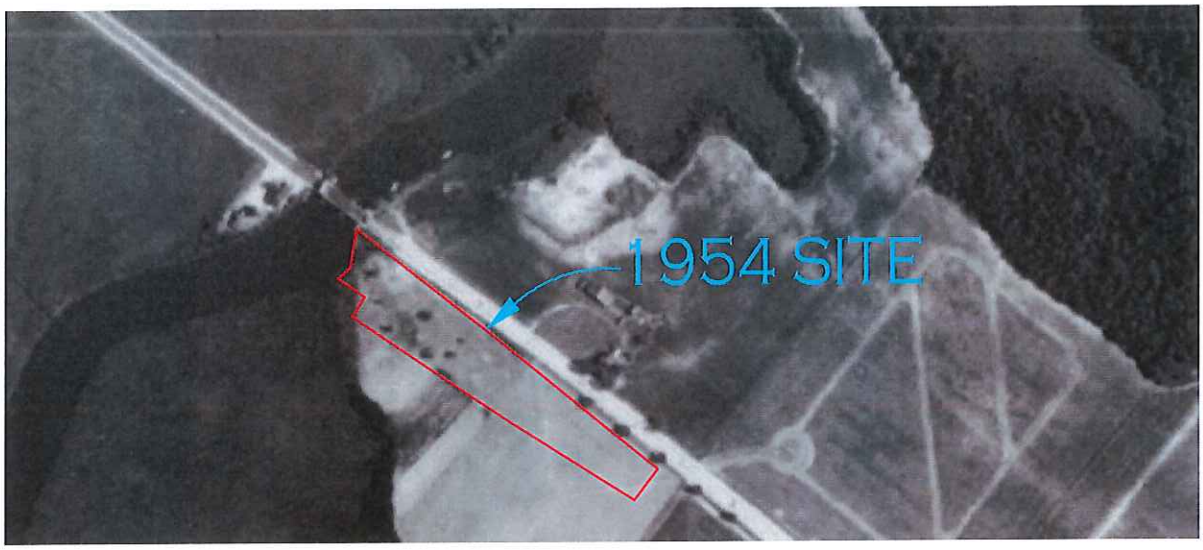
PIN:	235-16.00-8.00
Owner Name	CHANOUX MICHAEL
Book	4213
Mailing Address	9 CALIFORNIA AVE
City	LEWES
State	DE
Description	LOT 2 W/ IMP
Description 2	ROUTE 14D 381' S/E
Description 3	BROADKILL RIVER
Land Code	

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

1:1,128

0 0.0125 0.025 0.05 mi
0 0.02 0.04 0.08 km

June 7, 2021



SUSSEX COUNTY BOARD OF ADJUSTMENT
VARIANCE CASE NO. 11820
AUGUST 15, 2016

LANDS OF:

MARGARET KENNA CHANOUX & MICHAEL CHANOUX
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

SERGOVIC CARMEAN WEIDMAN MCCARTNEY & OWENS, P.A.
Attorneys At Law

AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Case # _____
Hearing Date _____

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☑
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☐
Code Reference (office use only)
_____
_____

Site Address of Variance/Special Use Exception:

_____

Variance/Special Use Exception/Appeal Requested:

A) From the lot width requirement of 50' under SCC Section 115-94B.(4) due to the state taking for Route 1 remaining lands have a 118.81 width along Broadkill River. The property width at Broadkill River was created by DelDOT taking to create Route 1 in 1966 of lands from the parents of Mr. Chanoux. The variance is necessary to separate the proposed Lot 1 from Lot 2.
B) Variance from 115-194B(1) one acre requirement for proposed Lot 1, 0.075+ acres and proposed Lot 2, 0.754+ acres.

Tax Map #: 2-35-16-8 **Property Zoning:** AR-1

Applicant Information

Applicant Name: Michael Chanoux and Margaret K. Chanoux
Applicant Address: 9 California Avenue
City Lewes State DE Zip: 19958
Applicant Phone #: (302) 270-8727 Applicant e-mail: kchanoux@msn.com

Owner Information

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

Agent/Attorney Information

Agent/Attorney Name: Sergovic Carmean Weidman McCartney & Owens, P.A.
Agent/Attorney Address: P.O. Box 751
City Georgetown State DE Zip: 19971
Agent/Attorney Phone #: (302) 855-1260 Agent/Attorney e-mail: john@scdelaw.com

Signature of Owner/Agent/Attorney

_____ Date: 5/11/16

EQUAL HOUSING OPPORTUNITY

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 lands of the applicant were inherited from Mr. Chanoux's parents and relocated off the north bound lane of Route 1 at Broadkill River. The DelDOT taking to create Route 1 and abandon old Route 14 and the prior bridge at this location created an odd shape parcel of 2.767+ acres.

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.

Seeking variance to create three (3) lots on lands inherited by applicant of 2.567+ acres. The DelDOT taking left only 118+ feet on Broadkill River.

3. Not created by the applicant:

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

Configuration of these lands was created by a DelDOT taking in 1966 to create Route 1 leaving only 118.82+ frontage on Broadkill River and a narrow strip of land on former Route 14.

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.

Lot 2 - same use, Lot 1 was improved by a trailer, which was removed due to death of a family member. The trailer was authorized under SCC Section 115-210A(1). The variance will allow 3 lots on 2.567+ acres.

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.

Lands of applicant require a variance from 115-194B.(1) to allow only 3-lots on 2.567+ acres. AR-1 Zoning density requirement allows lots of 20,000 sq. ft.

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.

N/A

---

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)

N/A

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

N/A

Check List for Applications

The following shall be submitted with the application

- ☐ • **Completed Application**
- ☐ • **Provide a survey of the property** (Variance)
  - o Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
  - o Survey shall show distances from property lines to buildings, stairs, deck, etc.
  - o Survey shall be signed and sealed by a Licensed Surveyor.
- ☐ • **Provide a Site Plan or survey of the property** (Special Use Exception)
- ☐ • **Provide Fee $400.00**
- ☐ • **Provide written response to criteria for Variance or Special Use Exception** (may be on a separate document if not enough room on the form)
- ☐ • **Copy of Receipt (staff)**
- ☐ • **Optional - Additional information for the Board to consider** (ex. photos, letters from neighbors, etc.)
- ☐ • **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.**

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

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

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

Signature of Owner/Agent/Attorney

_____ Date: 5/11/16

For office use only:

Date Submitted: _____ Fee: $400.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____

Date of Hearing: _____ Decision of Board: _____

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHAEL CHANOUX & MARGARET K. CHANOUX

(Case No. 11820)

A hearing was held after due notice on August 15, 2016. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the minimum lot width for a parcel requirement and the minimum lot size requirement for a parcel.

Findings of Fact

The Board found that the Applicants are seeking a variance of 60.52 feet from the 150 feet lot-width requirement for a parcel, a variance of 20.67 feet from the 150 feet lot-width requirement for a parcel, a variance of 31.19 feet from the 150 feet lot-width requirement for a parcel, a variance of 0.25 acre from the minimum 43,560 square feet lot size requirement for a parcel, and a variance of 0.246 acre from the minimum 43,560 square feet lot size requirement for a parcel. This application pertains to certain real property located on the west side of Lockerman Road, east side of Coastal Highway approximately 0.57 miles north of Steamboat Landing Road (911 Address: 28708 Lockerman Road, Milton); said property being identified as Sussex County Tax Map Parcel Number 2-35-16.00-8.00.

1. The Board was given copies of the Application, a portion of the tax map of the area, an aerial photograph of the Property, and a survey of the Property dated February 9, 2016.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Michael Chanoux, Margaret Chanoux, Leif Erickson, and Ken Christenbury were sworn in to testify about the Application. John Sergovic, Esquire, presented the case to the Board. Mr. Sergovic submitted exhibits to the Board including a portion of the Sussex County Zoning Code, aerial overlays of the Property, Sussex Conservation District Standard Plan Requirements, and Atlantic Source Management Soil Site Evaluation dated December 11, 2015.
4. The Board found that Mr. Sergovic stated that this Property is within the Conservation Zone portion of the Sussex County Zoning Code and that the subdivision of lots must meet different criteria due to the Conservation Zone requirements.
5. The Board found that Mr. Sergovic stated that Mr. Chanoux inherited the Property from his grandparents.
6. The Board found that Mr. Sergovic stated that the Property is located off of the northbound lane for Route 1 along the Broadkill River.
7. The Board found that Mr. Sergovic stated that, in 1966, the Delaware Department of Transportation ("DelDOT") built Route One and abandoned Old Route 14. The new highway ran through the middle of the Applicants' property leaving an odd shaped parcel on the east side of Route One.
8. The Board found that Mr. Sergovic stated that the configuration of the lands was caused by DelDOT's taking.
9. The Board found that Mr. Sergovic stated that the Applicants seek to subdivide the Property into three (3) lots.
10. The Board found that Mr. Sergovic stated that Lot 1 will be slightly more than one (1) acre. Lot 1 previously had a manufactured home for a medical hardship but

the home has since been removed. Lot 2 is where the original farmhouse is located.

11. The Board found that Mr. Chanoux, under oath, affirmed the statements made by Mr. Sergovic.
12. The Board found that Mr. Christenbury testified that Lot 1 would be the only lot that must meet the new impervious cover requirement through the Delaware Department of Natural Resources and Environmental Control ("DNREC"). The Property will meet the new stormwater management requirements.
13. The Board found that Mr. Christenbury testified that the variances are necessary to enable reasonable use of the properties.
14. The Board found that Mr. Christenbury testified that the adjacent property is owned by the State and cannot be otherwise developed.
15. The Board found that Mr. Christenbury testified that there is farmland and a cemetery in the area and the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
16. The Board found that Mr. Christenbury testified that DelDOT took a portion of the Property to create Route One and the Sussex County Zoning Code did not exist at the time the highway was constructed.
17. The Board found that Mr. Erickson testified that he is licensed by DNREC as a site evaluator and the proposed lots will meet all DNREC regulations.
18. The Board found that Mr. Erickson testified that the two existing residences are on conforming septic systems.
19. The Board found that Mr. Erickson testified that the deep groundwater will not be affected and the proposed subdivision will not lead to degradation of the surface or ground water.
20. The Board found that Mr. Erickson testified that the proposed lots will not adversely affect the Broadkill River.
21. The Board found that Mr. Chanoux testified that the original homestead is located on the proposed Lot 2. A shed and pump house are located on the Proposed Lot 3.
22. The Board found that Mr. Chanoux testified that the original farm was approximately thirty (30) acres.
23. The Board found that Mr. Sergovic stated that the State left the Applicants with only three (3) acres and the Applicants did not create the difficulty.
24. The Board found that Mr. Sergovic stated that that the difficulty was created by DelDOT.
25. The Board found that Mr. Sergovic stated that the State has taken additional lands which cannot be used for residential use in the area.
26. The Board found that Mr. Sergovic stated that the Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code.
27. The Board found that no parties appeared in support of or in opposition to the Application.
28. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board finds credible, persuasive, and unrebutted, Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
    a. The Property, which consists of 2.567 acres as shown on the survey, is unique as it a large but oddly shaped lot. The Property is not wide enough to subdivide the parcels into three lots. More importantly, however, the Property was created by the taking of DelDOT in the 1960s to create Route 1. This taking left a very unusually shaped lot. These unique characteristics of the Property have created an exceptional practical difficulty for the Applicants who seek to subdivide the lot.

b. Due to the Property's unique conditions, the Property cannot be subdivided in strict conformity with the Sussex County Zoning Code. The Applicants seeks to subdivide the Property into three lots but are unable to do so without violating the Sussex County Zoning Code due to the odd shape of the lot. The Board is convinced that the proposed subdivision of the Property is reasonable and that the variances requested are necessary to enable the reasonable use of the Property as the variances will allow the Applicants to reasonably subdivide the Property. The survey attached to the Application confirms that the subdivision is reasonable.

c. The exceptional practical difficulty was not created by the Applicants. The Applicants did not create the unique size and shape of the Property. The unrebutted evidence confirms that the Property originally consisted of approximately thirty (30) acres but was split when DelDOT took a significant part of the Property to create Route 1. The resulting taking left an oddly shaped lot adjacent to unused state-owned lands. This taking took place prior to the enactment of the Sussex County Zoning Code. No evidence was presented that the lot's size and shape has changed since the implementation of the lot width requirement in the Sussex County Zoning Code. Notably, the Property is quite large and could easily service three dwellings on separate lots but the Property is too narrow to meet the lot width requirement. The unique characteristics of the Property are clear when reviewing the survey. The Board is convinced that these unique conditions have created an exceptional practical difficulty for the Applicants.

d. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Property will be subdivided into three lots. The unrebutted evidence confirms that the neighboring properties are either state lands, farmland, or a cemetery. No evidence was presented that the proposed subdivision of the Property would somehow alter the essential character of the neighborhood or be detrimental to the public welfare.

e. The variances sought is the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicants have demonstrated the variances will allow the Property to be subdivided into three lots.

f. For the reasons already stated herein, the Board finds that the Applicants have demonstrated that special conditions or circumstances exist that are peculiar to the land within the County and that a literal enforcement of provisions within the conservation zone would result in unwarranted hardship.

g. The Board finds that the variance requests are not based upon conditions or circumstances which are a result of actions by the Applicants, nor do the request arise from any condition relating to the land use, either permitted or nonconforming, on any neighboring property.

h. The Board found that the granting of variances will not adversely affect water quality or adversely impact the tidal water bodies adjacent to the conservation zone. The proposed variances will be in harmony with the general spirit and intent of the section and any subsequent regulations. The testimony from Mr. Christenbury and Mr. Ericson was particularly persuasive to the Board. Notably, there was no evidence to the contrary presented to the Board.

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

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway

Dale Callaway
Chairman

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

Date October 18, 2016