

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

AGENDA

August 2, 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 17, 2021

Approval of Finding of Facts for May 17, 2021

Old Business

Public Hearings

Case No. 12585 – Darrell & Naomi Spurlock seek a variance from the side yard setback requirement for an existing structure (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Blue Teal Road within the Swann Keys Subdivision. 911 Address: 37018 Blue Teal Road, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-497.00

Case No. 12586 – Timothy Goucher & Mary Alice McNamara seek variances from the front yard setback requirement for a proposed structure (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the east side of Belle Road within the Bayview Park Subdivision. 911 Address: N/A. Zoning District: MR. Tax Parcel: 134-20.11-65.00

Case No. 12587 – Rollin & Lisa Bell seek variances from the corner front yard setback requirement for a proposed structure (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the corner of Beach Ave. and Pierce Ave. approximately 818 ft. east of Coastal Hwy. (Rt. 1). 911 Address: 2 Beach Ave., Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-23.06-93.00



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

Case No. 12588 – Nasir Mahmood (Aslender Garcia) seeks a special use exception to place a manufactured home (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the south side of Asketum Branch Road approximately 0.40 mile west of Shortly Road. 911 Address: 20050 Asketum Branch Road, Georgetown. Zoning District: AR-1. Tax Parcel: 133-9.00-38.00

Case No. 12589 – BAR-SGR, LLC seeks variances from the front yard setback requirement for proposed structures (Sections 115-25, 115-82, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Holly Lake Road at the intersection of Holly Lake Road and John J. Williams Highway (Rt. 24). 911 Address: 32087 Holly Lake Road, Millsboro. Zoning District: AR-1/C-1. Tax Parcel: 234-17.00-20.00

Case No. 12590 – William E. & Carol Hackett seek variances from the side yard setback requirement for proposed and existing structures (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Wilson Avenue within the Cape Windsor Subdivision. 911 Addresses: 38827 Wilson Avenue, Selbyville. Zoning District: AR-1. Tax Parcel: 533-20.18-149.00

Case No. 12591 – Kenneth & Helen Heydt seek variances from the front yard setback requirement for a proposed structure (Sections 115-42 and 115-182 of the Sussex County Zoning Code). The property is located on the southwest side of Camp Arrowhead Road within the Angola Neck Park Subdivision. 911 Addresses: 22750 Camp Arrowhead Road, Lewes. Zoning District: GR. Tax Parcel: 234-12.18-13.00

Case No. 12592 – Shirley H. Rozanski seek variances from the side yard setback requirement for proposed structures (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Laws Point Road within the Swann Keys Subdivision. 911 Addresses: 37020 Laws Point Road, Selbyville Zoning District: GR. Tax Parcel: 533-12.16-284.00

Additional Business



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 26, 2021 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

To join the meeting via telephone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

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

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

####



request Aug 2 hearing

Case # 12585
Hearing Date 8/2
202107685

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:

37018 Blue Teal Rd. Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

5' from S' side yard set back
for accessory structure

Tax Map #: 5-33-12.16-497.00 Property Zoning: Residential
GR

Applicant Information

Applicant Name: Darrell & Naomi Spurlock
Applicant Address: 37018 Blue Teal Road
City Selbyville State DE Zip: 19975
Applicant Phone #: 302-598-5202 Applicant e-mail: d.spurlock1@verizon.net

Owner Information

Owner Name: Darrell & Naomi Spurlock
Owner Address: 37018 Blue Teal Road
City Selbyville State DE Zip: 19975 Purchase Date: 2006
Owner Phone #: 302-598-5202 Owner e-mail: d.spurlock1@verizon.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Darrell Spurlock
Naomi Spurlock

Date: 5-14-21



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.

house is 5.9' off property line, neighbors as above 5' as well
neighbors are heavy smokers Darrel has Asthma and can not sit outside
The structure helps block smoke

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 area is a passage way next to the house
no other structure could go without blocking
the path

3. Not created by the applicant:

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

The structure is semi-permanent grill cover/Barrier to help
keep cigarette smoke off property, no run off on their property
cover does not block view @water is held back 5' from water

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.

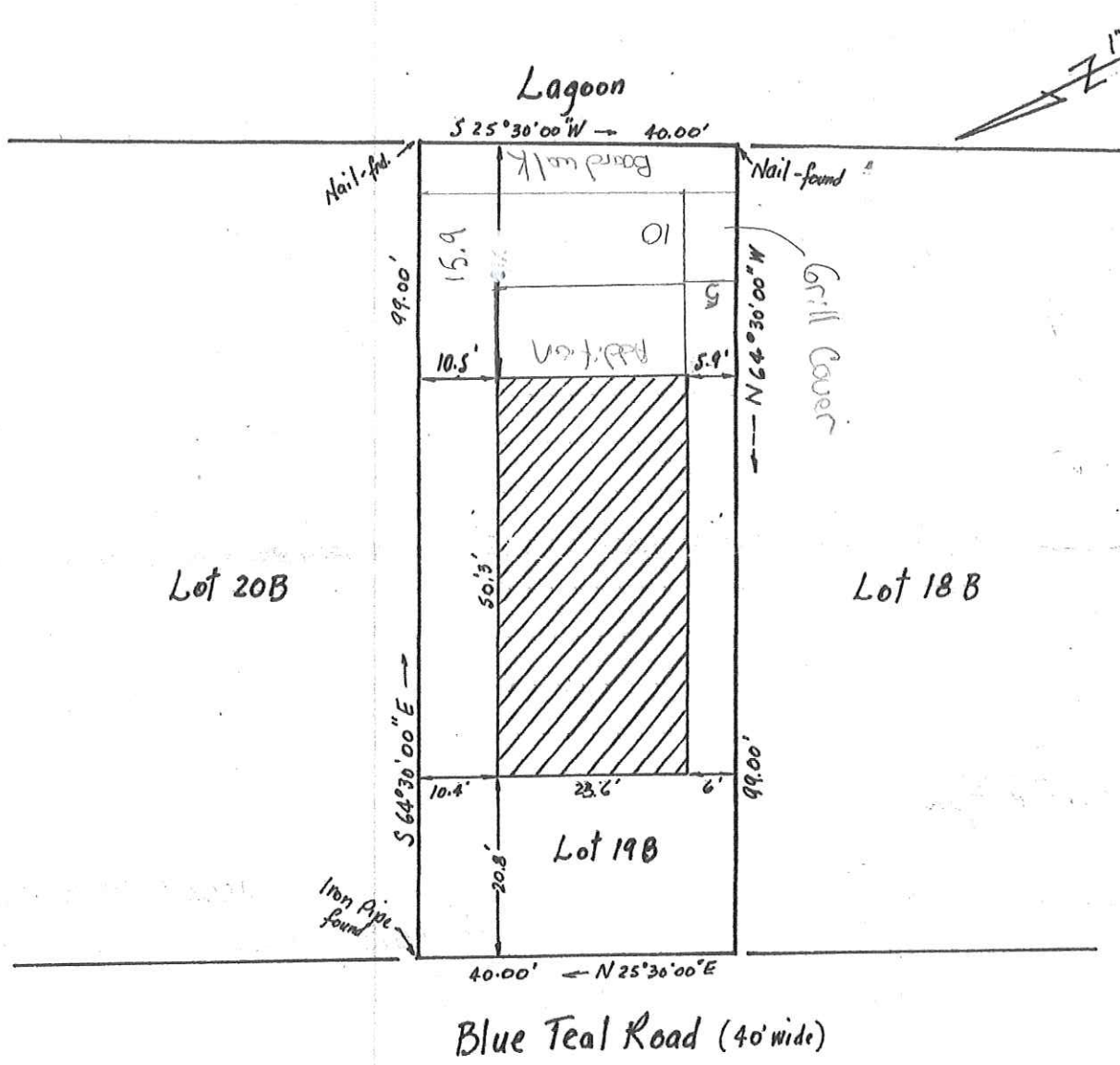
The structure is not visible from the road and is
semi-permanent held down with 4 bolts, there is
no run off on to neighbors property. Gutters collect
and deposit into canal

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.

at property line

minimum variance to allow
structure to remain in current location



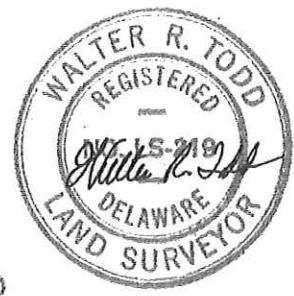
Blue Teal Road (40' wide)

LOT OF DARRELL & NAOMI SPURLOCK (LOT 19B-"SWANN KEYS") SHOWING THE LOCATION OF A 23.6'x50.3' ONE STORY MANUFACTURED HOME (WHITE VINYL SIDING, BLUE SHUTTERS)

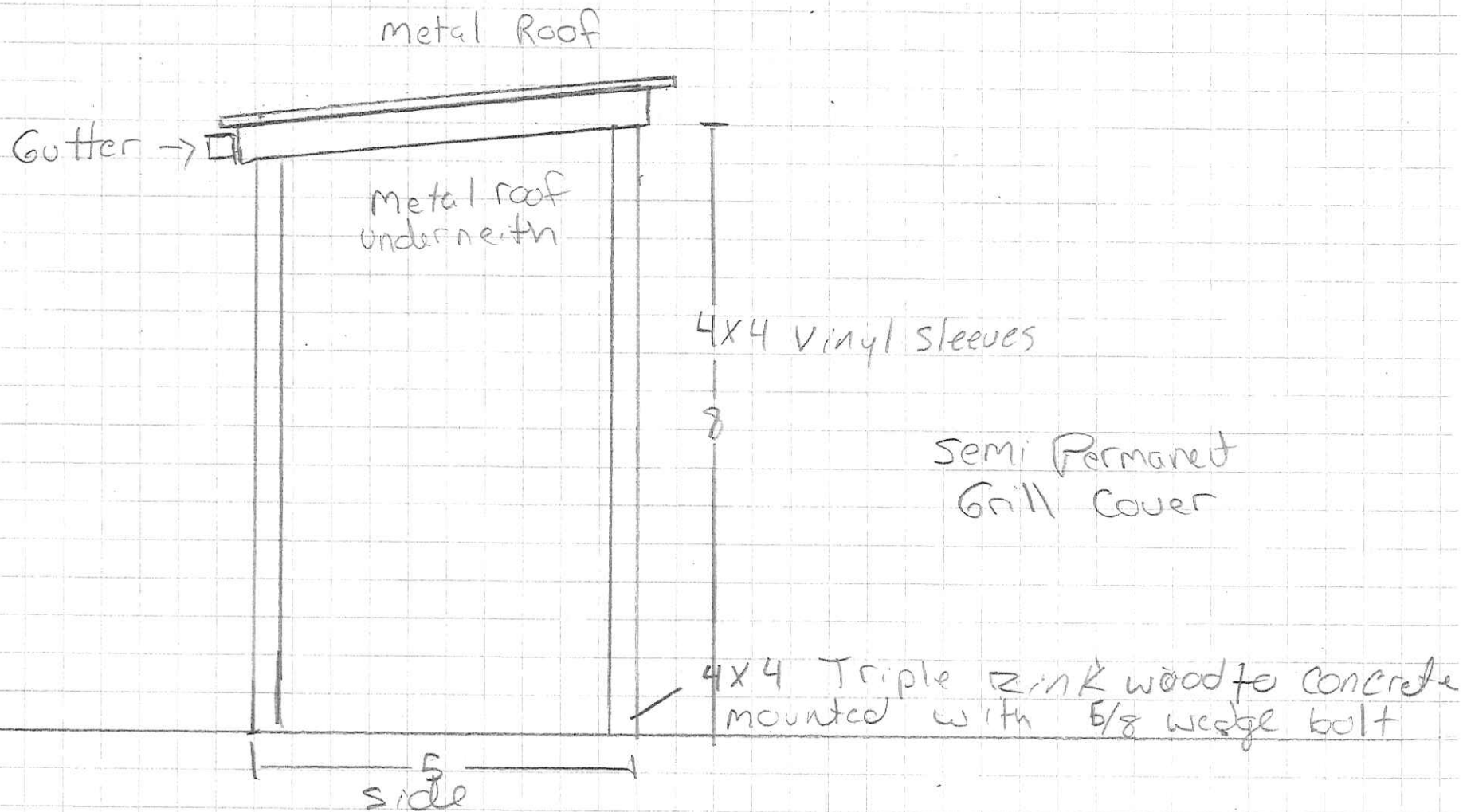
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

REFERENCES:: TAX MAP 5-33-12.16 PARCEL 497
PLAT BOOK 14-PAGE 100

DATE: JAN. 4, 2007

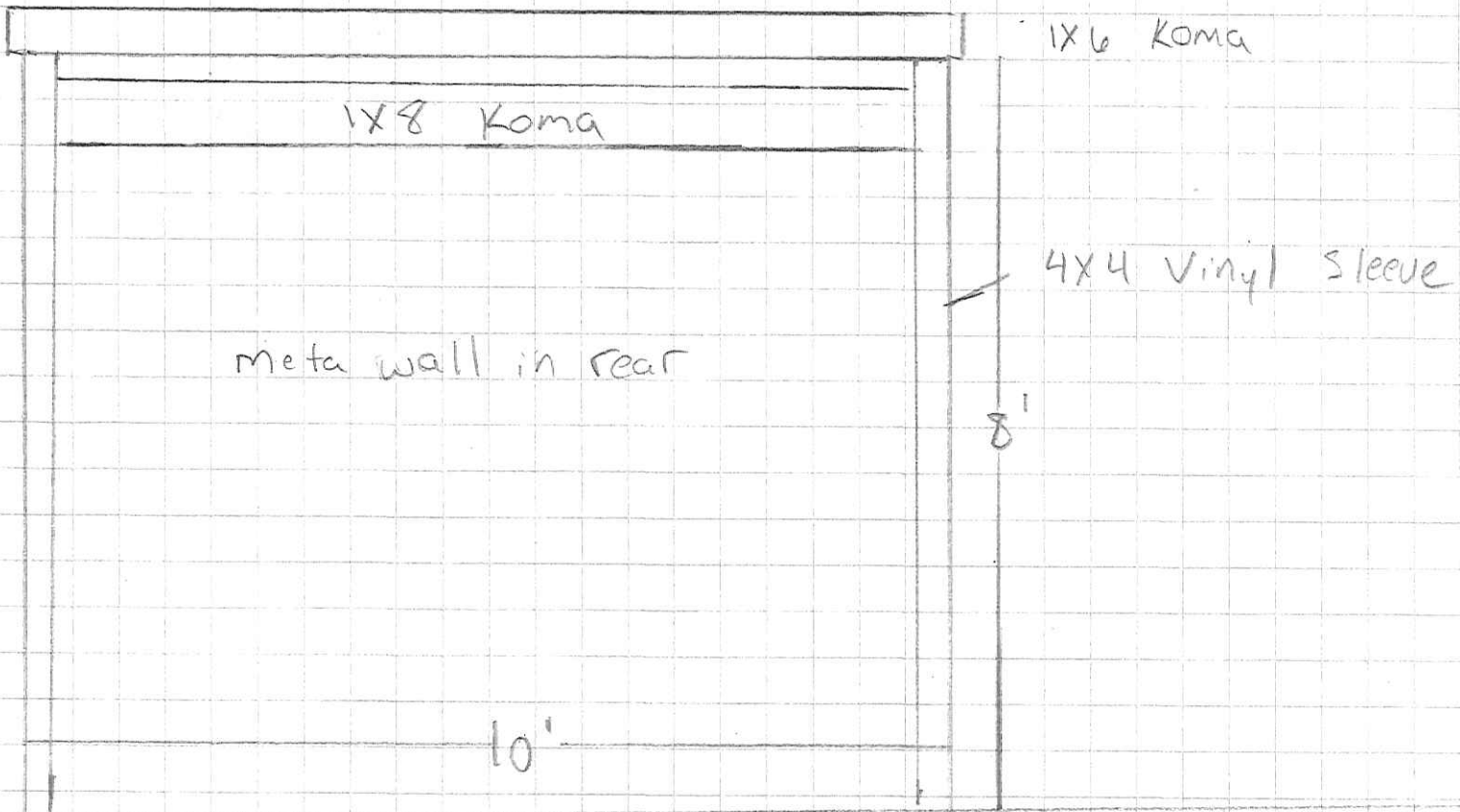


PREPARED BY:
WALTER R. TODD
23292 E. TRAP POND ROAD
GEORGETOWN, DE 19947
PHONE: 658-2080



metal Roof

Coastal



Front





Opposition
Exhibit

RECEIVED

JUL 23 2021

SUSSEX COUNTY
PLANNING & ZONING

David Cox
6722 Greenleaf St
Springfield VA 22150
07/20/2021

Sussex County Board of Adjustment
Case #12585-Spurlock
37018 Blue Teal Rd

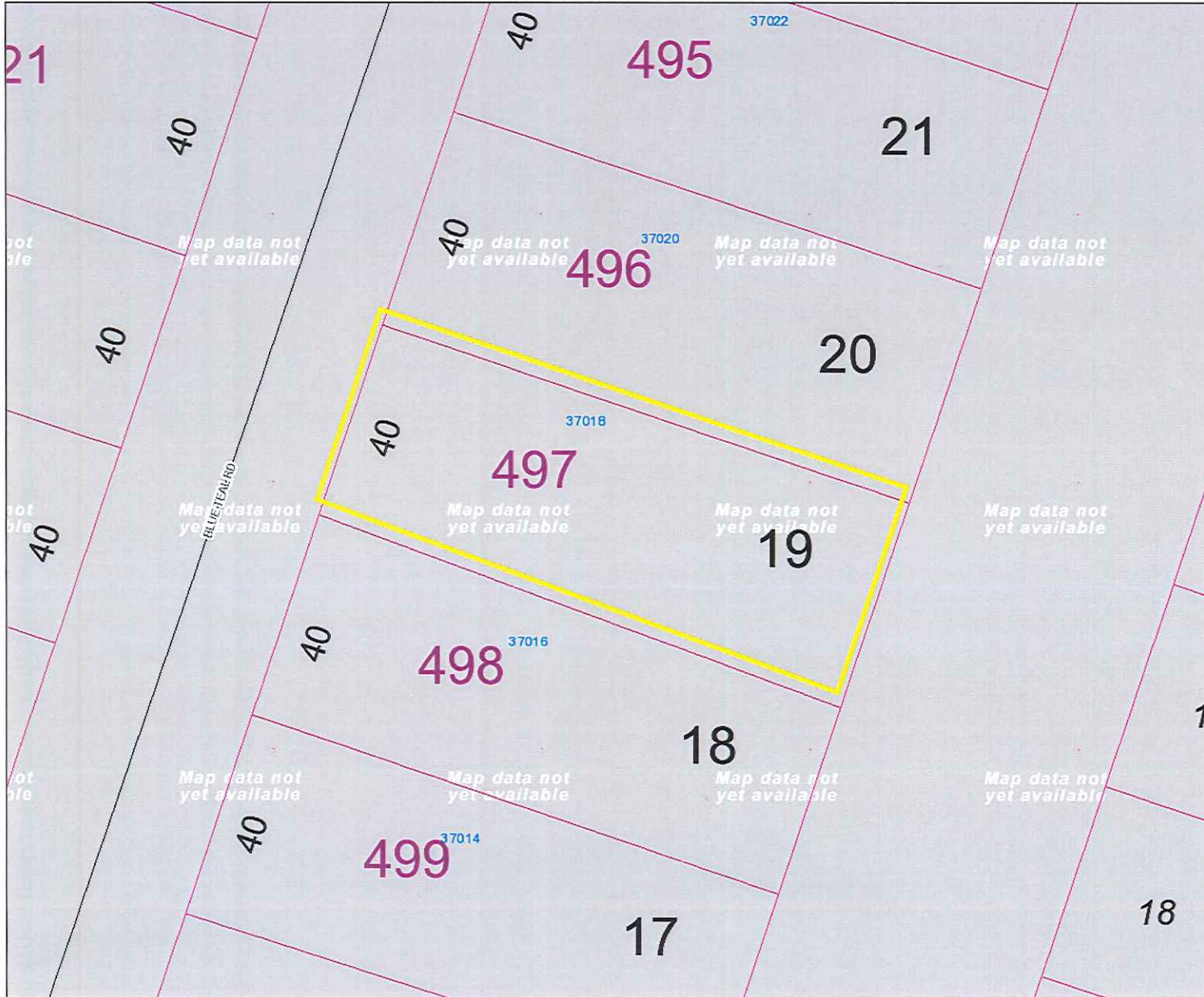
To Whom it may Concern:

I am writing this letter in regards to a structure that was built a few months ago along the fence line of my property located at 37016 Blue Teal Rd Selbyville DE 19975. The structure is approximately 8 feet tall and has a sloped roof that is pitched downward toward the property line. I am concerned that there is potential for my property to be damaged due to heavy rains and water runoff from this structure. Also, this structure now blocks the view of the water way that I previously had. I am sorry to say I am not in favor of this structure being allowed to stay.

Sincerely,

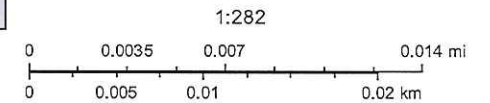


David Cox



PIN:	533-12.16-497.00
Owner Name	SPURLOCK DARRELL K & NAOMI M
Book	2979
Mailing Address	37018 BLUE TEAL RD
City	SELBYVILLE
State	DE
Description	SWANN KEYS
Description 2	BLUE TEAL
Description 3	LOT 19 BLK B T#21508
Land Code	

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



Home (browse/) > PI (browse/PI) > AS400_REPORTS (browse/PI/AS400_REPORTS) > as400_permits

★ Favorites (favorites) Browse (browse/) Comments (javascript:void(0);)

parcel View Report

⏪ < of 1 > ⏩ ↺ ↻ ⏴ ⏵ 🖨 Find | Next

parcel	type	type1	permit	case1	issue date	BC/Occup date	PZ/Compli date
533-12.16-497.00	TP		39039	0	12/8/2006		2/21/2007
	BP	RM	208863	0	7/19/2002		
	BP	AS	190891	0	7/21/2000		1/22/2001
	BP	RM	218821	0	7/25/2003		3/25/2004

6/30/2021 1:54:14 PM

*Violation issued for Building
Structure without Building Permit*

*Permit pending outcome of BOA decision
Applied to BOA same day structure
Structure is 5' x 10'*

*CO-issued for Shed
+ MH*

for an existing attached garage; that he purchased his parents dwelling; that the attached garage has been on the lot as long as he can remember; that the encroachment was discovered on a survey done for settlement; and that the existing detached garage measures 24'x 24'.

By a show of hands 1 party appeared in support of the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted since it will not alter the character of the neighborhood, and since it is the minimum variance to afford relief.** Vote carried 4 – 0.

Case No. 9638 – Larry Bonner – east of Bunting Avenue, 100 feet north of Virginia Avenue, being Lot 3, Section D within L.P. Faucett, Inc. lots.

A variance from the front yard setback requirement and a variance from the minimum square footage requirement for a duplex.

Ms. Hudson presented the case. Larry Bonner was sworn in with Shannon Carmean, Attorney, present on behalf of the application, and testified requesting a 4.70-foot variance from the required 30-foot front yard setback requirement and a 2,231-square-foot variance from the required 7,260-square-foot minimum square foot requirement for a duplex; that the Applicant purchased the property in May 2004; that the proposed duplex is permitted on the property; that there are similar variances in the area; that the size of the narrow lot creates uniqueness; that it will not alter the character of the neighborhood; and that this is the minimum variance to afford relief.

By a show of hands 1 party appeared in support of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variances be **granted since it meets the standards for granting a variance.** Vote carried 4 – 0.

Case No. 9639 – Mr. and Mrs. Darrell Spurlock – north of Route 54, east of Blue Teal, being Lot 19, Block B within Swan Keys development.

A variance from the side yard setback requirement.

Ms. Hudson presented the case. Naomi and Darrell Spurlock were sworn in and testified requesting a 4-foot variance from the required 10-foot side yard setback requirement for a proposed manufactured home; that the lot measures 40'x 100'; that the

proposed unit will measure 24'x 54'; that the unit will be in line with the other units on the street; that the air conditioning unit will be placed on the south side of the lot; and that they can provide the exact measurements needed for a variance for the air conditioning unit.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **left open to allow the Applicant to provide how much of a variance is needed for the air conditioning unit.** Vote carried 4 – 0.

Case No. 9640 – Roger and Celeste Sansom – south of Road 452, 419 feet west of Road 453.

A variance from the minimum lot width requirement for a parcel and a variance from the front yard setback requirement.

Ms. Hudson presented the case. Roger Sansom was sworn in and testified requesting a 16.54-foot variance from the required 150-foot lot width requirement for a parcel and a 40-foot variance from the required 40-foot front yard setback requirement for an existing dwelling; that he believes the dwelling is non-conforming; that he wants to subdivide the lot and build a new dwelling; and that all the other improvements will comply with the required setback requirements.

The Board members found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variances be **granted since it will not alter the character of the neighborhood and since it will enable reasonable use of the property.** Vote carried 4 – 0.

Case No. 9641 – Michael and Gloria Brandon – west of Road 273, southeast of Burton Avenue, being Lot 21-A within West Rehoboth.

A variance from the front yard setback requirement.

Ms. Hudson presented the case. Michael Brandon was sworn in and testified requesting a 20-foot variance from the required 30-foot front yard setback requirement for a proposed dwelling; that the lot is irregular shaped; that there is open space adjacent to the property; that the lot is at the end of a dead end road; that the bike path runs along the property; and that the variance will enable reasonable use of the property.

By a show of hands 1 party appeared in support of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted since it meets the standards for granting a variance**.
Vote carried 4 – 0.

Case No. 9642 – Joseph and Melanie Norton – north of Route 26, northwest of Shawnee Drive, being Lot 7 within Blackwater Village development.

A variance from the rear yard setback requirement.

Ms. Hudson presented the case. Joseph Norton was sworn in and testified requesting a 1.2-foot variance from the required 5-foot rear yard setback requirement for an existing shed; that the survey was done in 1997; that he did not build the shed; that the shed was on the lot when he purchased the property; that he feels the previous owner was not aware that the property line ran at an angle; and that he obtained a building permit to bring the property into compliance.

Gerard and Kirsten Seling were sworn in and testified in opposition to the application and stated that they own the adjacent property; that they feel the Applicant should be made to comply with the required setback requirements; that another neighbor was made to move his shed into compliance; that they submitted pictures; and that they would really just like to see the work on the shed completed.

In rebuttal, Joseph Norton, stated that they have made some repairs to the existing shed; and that he would have the construction complete within ninety (90) days.

William Jones was sworn in and testified in support of the application and stated that he has lived next to the Applicant since 1998; and that the size and shape of the shed is the exact same.

By a show of hands 1 party appeared in support of the application.

Ms. Hudson stated that the office received 1 letter in support of the application.

By a show of hands 2 parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variance be **granted with the stipulation that the construction on the shed be completed within ninety (90) days**. Vote carried 4 – 0.

OLD BUSINESS

Case No. 9613 – American Tower Corporation – south of Road 26, 50 feet west of Road 17.

Amend the stipulations of approval for Case No. 9424 (Omnipoint Communications).

The Board discussed the case which has been tabled since September 25, 2006.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously to **amend the conditions of approval on Case No. 9424 (Omnipoint Communications) that they have a red light at mid-point and at the top of the tower.** Vote carried 4 – 0.

Minutes
October 16, 2006
Page 8

Case No. 9630 – Cingular Wireless – west of Road 365, north of Road 84.

A special use exception to erect a telecommunications tower.

The Board discussed the case which has been tabled since September 25, 2006.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the special use exception be **granted with the stipulation that there be a red lights on the tower at the midpoint and at the top of the tower.** Vote carried 5 – 0.

Case No. 9639 – Mr. and Mrs. Darrell Spurlock – north of Route 54, east of Blue Teal, being Lot 19, Block B within Swan Keys development.

A variance from the side yard setback requirement.

The Board discussed the case which has been tabled since October 2, 2006.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **granted.** Vote carried 4 – 0.

Meeting Adjourned 9:15 p.m.

PROPERTY RECORD CARD

RESIDENTIAL/TLK.

CARD _____ OF _____

5-33

MAP

12.16

PARCEL

497

CONTROL NO.

ADDRESS

OWNERSHIP RECORD

LAND IDENTIFICATION

5-33 12.16 497.00
 EDWARDS
 MAX N E CAROL ANN
 403 BROWNELL RD
 SCH-1
 EDIT-P
 BALTIMORE MD 21220 TRI-181579
 SWANN KEYS LOT 19
 BLK B BLUE TEAL
 W/IMP #T21508# T21508

LOT 19 BLK B
 TEAL ROAD
 SWANN KEYS

RE

DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE
1-30-81	Money Store	104 1/418	181579
	Max N. Edwards + Carol Ann		330

LAND RECORD AND VALUATION SUMMARY

BUILDING PERMIT RECORD

PROPERTY FACTORS			LAND COMPUTATION						DATE	NUMBER	AMOUNT	
IMPROVEMENTS	STREET OR ROAD		DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE			
CITY WATER	PAVED		FRONT	DEPTH		DEPTH	OTHER					
SEWER	SEMI-IMPROVED								8000	5-31-88	101860	500-
GAS	UNIMPROVED									12/08/06	39039	58955
ELECTRICITY	OTHER											
ALL UTILITIES	SIDEWALK											

ASSESSMENT RECORD

19	LAND \$	BLDG. \$	TOTAL \$	19	LAND \$	BLDG. \$	TOTAL \$

SUMMARY OF VALUES	TOTAL LAND	TOTAL IMPROVEMENTS	TOTAL APPRAISED VALUE
	\$ 8000	\$ 20,800	\$ 28,800


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

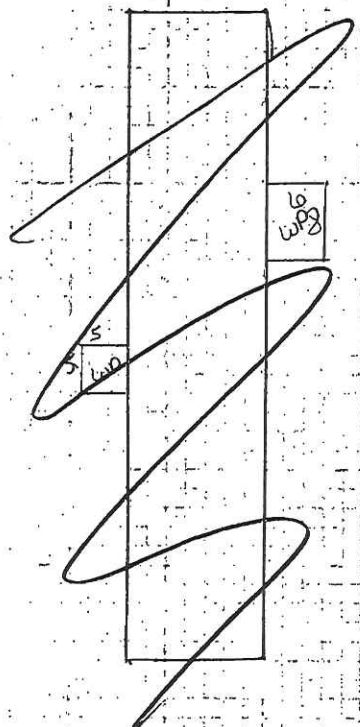
NOTES Bulkhead Added Old value 20300 24-1-92
 BP # 190891 Shed (ned) 2 wooddecks OV 21200 11/2/00
 04/13/07 Replacement OV 21400
 Por Plc + CSK replace as dwlg to be comparable to Par 418 OV 24600 3/31/08

Can Be C Grade

DIST _____ MAP _____ PARCEL _____

CONTROL NO _____

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
1	1	C	24 x 50	1200					15.72	18864
			X							
			X							
			X							
			X							
										
H. L. YOH CO. PHILA., PA.										
TOTAL GROUND AREA					TOTAL BASE COST \$ 18864					



PRINCIPAL BUILDING DESCRIPTION

										M/C	± %	± PTS	
MASONRY-1		PIER-2			SLAB-3			FOUNDATION		1			
NONE-0	1/4-1	1/2-2	3/4-3	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	3				
INDICATE QTY										FIRE PLACE	0		
3-FIXT BATH	2-FIXT BATH			SG-FIX		TOTAL FIXT			PLUMBING	6		3.9	
NONE-0	1/2-1	1-2	1 1/2-3	2-4	2 1/2-5	3-6	4-7	5-8	CER TILE	0			
1ST FLOOR			2ND FLOOR			3RD FLOOR			INT. FINISH				
NONE	PL	WB	WP	NONE	PL	WB	WP	NONE	PL	WB	WP	WLS-CLG	
DIRT	CONC	HW	SW	HW	SW	HW	SW	HW	SW	HW	SW	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	3			
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								
AREA	SQ FT	INDICATE QTY			PORCH-GLZD								
NONE-0	CENTRAL-1	AIR-COND			1	+6							
NONE-0	1 CAR-1	2 CAR-2	SQ FT			ATT GAR/CP							
			SQ FT			UTILITY							
						OTHER							
						OTHER							

BUILDING SKETCH

NOTES:

BASE COST \$ 18864	± INDEX % \$ 19995	± INDEX PTS \$ 20385	X GRADE FACTOR 100	= REPLACEMENT COST	INDEX TOTALS 106% 3.9					
ACTUAL AGE	YRS	EFF AGE	YRS	PHYS. COND	GOOD	FAIR	POOR	PER CENT GOOD 98 %	\$ 20385	
OBSOLESCENCE: FUNC	%	OV'RIMP	%	UND'RIMP	%	OTHER ECON.	%	NET COND	%	DEPRECIATED BLDG VALUE

ACCESSORY BUILDINGS

CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
	Bulkhead Shed	w	B	w	1	8	8	40			21.50	860		98	842
								64							nc

TRAILERS

OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL. VAL.	PHYS. DEPR	SOUND VAL
	Redman	1977	14x66	blue		12201241	10.472	110	11.519
39039	Redman	2007	24x50	white/blue	3 bedroom	12200410	17200	110	14520

TOTAL TRAILERS VALUE \$ 15720

INSPECTED BY	CHECKED BY	APPROVED BY	TOTAL ACCESSORY BLDGS VALUE	\$ 1842
			TOTAL BLDGS VALUE	\$ 20819

REASSESSMENT DIVISION

WORKED BY:

Louise Charles

ACT. CODE: |

DIST: 5-33

MAP: 12.16

PAR: 497

TRL/UNIT:

NAME: *Extern Assoc. Inc.*

ADDRESS: *P.O. Box 38
Ocean View, DE 19970*

PROP. DESC.: *Swan Key
lot 19 Block B
Blue Seal*

TRANSFER:

NEW VALUE: *4000*

OLD VALUE:

ACTION REASON: *left off book*

BILLING: *QB 100%*

ACTION CODE: 2

WORKED BY: B.P. 4-22-85

DISTRICT: 5-33

MAP: 12.16

PARCEL: 497

TRL/UNIT:

NAME: Edwards

ADDRESS:

PROPERTY DESCRIPTION: #T 21508

ACREAGE:

TRANSFER:

LAND CLASS: rt

OLD VALUE: 8000

LAND VALUE: 8000

IMP. VALUE: 12,300

Dorman Ed. A
5-2-85

185

TOTAL VALUE: 20,300

Assessment Division

SUSSEX COUNTY
ADMINISTRATION BUILDING

P.O. BOX 589
GEORGETOWN, DELAWARE

19947

EDDY J. PARKER
DIRECTOR OF ASSESSMENTS

(302) 855-7824
FAX (302) 855-7828



NO TAX DUE
see!

THIS IS TO VERIFY THAT AS OF THIS DATE OUR RECORDS INDICATE THERE ARE NO OUTSTANDING TAXES DUE ON THE FOLLOWING MANUFACTURED HOME:

MAKE: Hedman

YEAR: 1977

SIZE: 14x68

SERIAL NUMBER: 12207247

PREVIOUS OWNER: Edwards, May N and Carol Ann

NEW OWNER: John, Charles and Shawn

NEW OWNER'S ADDRESS: Swann Keys Lot 19 BIK B

Blue teal Solbyville DE 19975

NEW OWNER'S PHONE: -

PLACE COMING FROM: 5.33 - 12.16 - 497.00

PLACE GOING TO: SAME

STAYING ON SAME LOT: YES NO

IF "NO" ARE YOU REPLACING THIS MANUFACTURED HOME WITH ANOTHER MANUFACTURED

HOME: YES NO

IF THIS ANSWER IS "YES" YOU WILL NEED A PLACEMENT PERMIT FOR THE NEW HOME. FAILURE TO OBTAIN THE PLACEMENT PERMIT WILL RESULT IN A VIOLATION FINE.

DO YOU OWN THE LOT OR ARE YOU PURCHASING IT? YES NO

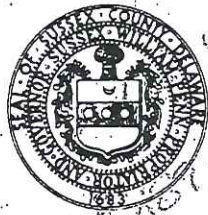
DATE: December 13, 1999

ASSESSMENT CLERK: Sherry C. Collins

Assessment Division

SUSSEX COUNTY
ADMINISTRATION BUILDING

P.O. BOX 589
GEORGETOWN, DELAWARE
19947



Taxes Paid

EDDY J. PARKER
DIRECTOR OF ASSESSMENTS

(302) 855-7824
FAX (302) 855-7828

5-33
497.00
17 due

THIS IS TO VERIFY THAT AS OF THIS DATE OUR RECORDS INDICATE THERE ARE NO OUTSTANDING TAXES DUE ON THE FOLLOWING MANUFACTURED HOME:

MAKE: Redmond

YEAR: 1977

SIZE: 14x68

SERIAL NUMBER: 12207247

PREVIOUS OWNER: Charles R. Johns, Jr. & Shawn E. Johns

NEW OWNER: Naomi M. Byrne and Darrell K. Spurlock

NEW OWNER'S ADDRESS: 350 Park Lane
Newport, DE 19804

NEW OWNER'S PHONE: _____

PLACE COMING FROM: 5-33 12.16 497.00

PLACE GOING TO: Same

STAYING ON SAME LOT: YES NO

IF "NO" ARE YOU REPLACING THIS MANUFACTURED HOME WITH ANOTHER MANUFACTURED HOME: YES NO

IF THIS ANSWER IS "YES" YOU WILL NEED A PLACEMENT PERMIT FOR THE NEW HOME. FAILURE TO OBTAIN THE PLACEMENT PERMIT WILL RESULT IN A VIOLATION FINE.

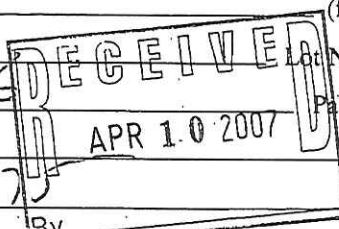
DO YOU OWN THE LOT OR ARE YOU PURCHASING IT? YES NO

DATE: 9/30/03

ASSESSMENT CLERK: Dorella M. Waples

Lot 19
Blue Teal Rd.
Swann Keys

LOCATION: Route _____ (N) (S) (E) (W) side, _____ (ft) (miles) (N) (S) (E) (W) of _____
 Subdivision or Manufactured Home Park SWANN KEYS Lot No. 19B Section of Block _____
 District No. 533 Map No. 12.16 Parcel No. 497 Trailer No. T 21508
 Street Name BLUE TEAL RD _____ Hundred _____
SELBYVILLE DE 19975
 Size of Lot: Frontage _____ Depth _____ By _____ Acreage _____ Size of Manufactured Home 24x50 Cost 58955
 On-Farm Manufactured Home for Re-Placement



IDENTIFICATION:

Name DARRELL & NAMI SPURLOCK
 Address 37018 BLUE TEAL RD
 Lands of SELBYVILLE DE 19975
 Make REDMAN Year 2007
 Serial No. 12200HD46545AB
 Width 24 Length 50 Color white Trim Blue
 Central Air Fireplace no Tip-Out no Bedrooms 3
 Previous Owner of the M.H. Justin MHC
 Previous Location _____
 Has this lot ever been occupied by a M.H.? yes
 If so, where did this M.H. go? destroyed
 Have you ever owned a M.H. in Sussex County? no
 If so, where? _____
 Comments: 58955
12/8/06

ZONING:

Existing Use M.H. Removed
 Proposed Use M.H.
 Zoning District R/R
 Front Yard Setback 10'
 Side Yard Setback 10'
 Rear Yard Setback N
 Side Yard Setback on Corner Lot _____
 Distance from any other M.H. or accessory building Variance Side Yard
 in a M.H. park Setback 10/16/06
 Cannot occupy more than _____ % of total lot area
 Board of Adjustment Case No. 96370
 Planning and Zoning Approval P. Brown

FLOOD ZONE INFORMATION:

Flood Zone AF-5' P 6553
 Elevation Required above Mean Sea Level _____
 To be measured to:
 1) Finished First Floor _____
 2) Lowest Horizontal Structural Member _____
 (Check Requirements Needed)
 Elevation Certificate
 Placement Survey
 Height Certification
 Venting
 Comments: Required before CO. will be issued

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.

The owner of this manufactured home and the undersigned agree to comply to all applicable Federal, State, and County regulations and to apply for a certificate of compliance at completion. This does not imply approval of other Governmental Agencies. Prior to transfer of Title of above mentioned manufactured home a tax release form must be obtained from the Sussex County Assessment Division.

Signature of Applicant D. Curran Phone 934 8848 Date 12-8-06
 Permit Fee 181.50 + 2.00 = 183.50 Date Issued 12/8/06 Approved by Assessment Division P. Brown

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 Assessment Division and Planning and Zoning Agents, to enter upon said premises for the purpose of assessing and inspecting said property within a reasonable time after issue of permit; said consent being given on signing of this permit.

THIS PERMIT DOES NOT COVER ANY STRUCTURE BUILT OR MOVED TO LOT MANUFACTURED HOME IS PLACED UPON. A BUILDING PERMIT IS NEEDED FOR THESE STRUCTURES. PLEASE CALL 855-7720 TO REPORT ANY INFORMATION NEEDED FOR ANY CIRCLED BLANKS.

Assessment Division

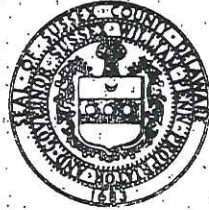
SUSSEX COUNTY
ADMINISTRATION BUILDING

P.O. BOX 589
GEORGETOWN, DELAWARE

19947

EDDY J. PARKER
DIRECTOR OF ASSESSMENTS

(302) 855-7824
FAX (302) 855-7828



TAXES PAID

THIS IS TO VERIFY THAT AS OF THIS DATE OUR RECORDS INDICATE THERE ARE NO OUTSTANDING TAXES DUE ON THE FOLLOWING MANUFACTURED HOME:

MAKE: REDMAN

YEAR: 1977

SIZE: _____

SERIAL NUMBER: 12207247

PREVIOUS OWNER: SPLIT LOCK, DARRELL & /OF NAOMI

NEW OWNER: SAMS MOBILE HOMES & SHEDS

NEW OWNER'S ADDRESS: 630 MITCHELL STREET

MILLSBORO DE 19956

NEW OWNER'S PHONE: _____

PLACE COMING FROM: 533-1215-4911.00 SWANN'S KEYS

PLACE GOING TO: SAMS MOBILE HOMES LOT 19

STAYING ON SAME LOT: _____ YES _____ NO

IF "NO" ARE YOU REPLACING THIS MANUFACTURED HOME WITH ANOTHER MANUFACTURED

HOME: _____ YES _____ NO

IF THIS ANSWER IS "YES" YOU WILL NEED A PLACEMENT PERMIT FOR THE NEW HOME. FAILURE

TO OBTAIN THE PLACEMENT PERMIT WILL RESULT IN A VIOLATION FINE.

DO YOU OWN THE LOT OR ARE YOU PURCHASING IT? _____ YES _____ NO

DATE: SEPTEMBER 27, 2006

ASSESSMENT CLERK: Shirley Collins

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

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

Case # 12586
Hearing Date 8/2
20210529

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 27, Belle Road, Bay View Park, Bethany Beach, DE 19930

Variance/Special Use Exception/Appeal Requested:

Variance of 5 feet requested for front yard of residence to bring front yard setback from 25 ft to 20 ft. (25 ft determined by front yard average survey)

Tax Map #: 1-34-20.11-65

Property Zoning: MR

Applicant Information

Applicant Name: Timothy Goucher and Mary Alice McNamara
Applicant Address: 638 Piccadilly Road
City Towson State MD Zip: 21204
Applicant Phone #: (410) 718-3209 Applicant e-mail: teamgoucher@verizon.net

Owner Information

Owner Name: Timothy Goucher and Mary Alice McNamara
Owner Address: 638 Piccadilly Road
City Towson State MD Zip: 21204 Purchase Date: 1/15/20
Owner Phone #: (410) 718-3209 Owner e-mail: teamgoucher@verizon.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



Date: 7/1/2021



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

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

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

1. Uniqueness of property:

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

Small lot of 5,191 sq.ft. Lot is parallelogram in shape which has slightly above average width and below average depth which adversely affects the placement of the planned improvements.

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.

Current restrictions encourage building footprint to maximum side and back setback limits. Reduced front set back would allow maintainng larger back and side yards.

3. Not created by the applicant:

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

Existing houses to the north and south appear to be built with a rear setback of 10'. Building to our rear yard set back of 5' would adversely impact the adjoining neighbors waterviews. A 5' front yard variance from the current 25' would allow us to maintain a 10' rear yard setback and have a front yard setback similar to the adjacent properties on our side of the street.

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.

Essential character of neighborhood will not be altered if variance of 5 feet granted as front setback will still be more than the two residences to the south of the property as well as many other properties in the neighborhood. The property to the north has a similar current setback. Belle Road is a deadend street about halfway back in the Bay View Park community and the 20ft setback will not alter the essential character of the neighborhood.

5. Minimum variance:

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

Owners request a variance of 5 ft, which would bring its front setback to 20ft (which is a greater front setback than the 2 residences to the south (19.4 and 17.7)).



VICINITY MAP

NOT TO SCALE

SITE DATA

- TAX MAP NO. 1-34-20.11-65
- STATE: DELAWARE
- COUNTY: SUSSEX
- HUNDRED: BALTIMORE
- AREA: 5,191 SQ. FT.
- SCALE: 1"=20'
- CLASS "B" SURVEY

ZONING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AT THE PUBLIC COUNTER OF THE LOCAL ZONING AUTHORITY. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES, COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.

- ZONING- MR
- BUILDING RESTRICTION LINE (B.R.L.)
 - A. -FRONT= 30'
 - A.A. -FRONT AVERAGE= 25.29'
 - B. -SIDE = 5'
 - C. -REAR = 5'
 - D. -HEIGHT RESTRICTIONS- NOT TO EXCEED STORIES OR 42'

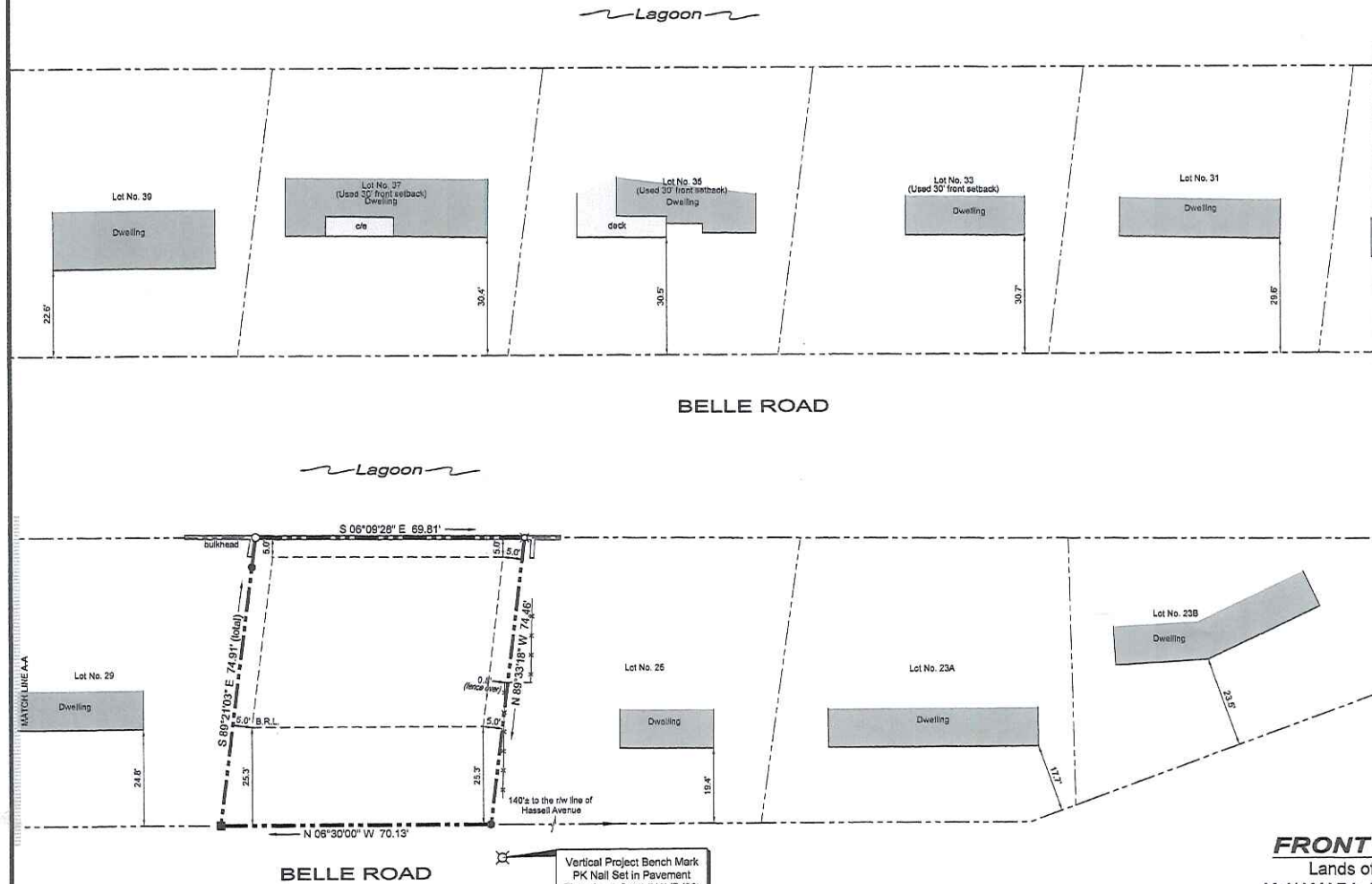
SURVEYOR NOTES

1. This plot 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 Disc Easements.
2. No title search provided or stipulated.
3. Deed Book Reference:
 - Db. 5395, Pg. 041 (Subject Parcel)
 - Db. 2685, Pg. 242 (Lot No. 23B)
 - Db. 1825, Pg. 104 (Lot No. 23A)
 - Db. 3731, Pg. 056 (Lot No. 25)
 - Db. 4878, Pg. 175 (Lot No. 29)
 - Db. 4071, Pg. 142 (Lot No. 31)
 - Db. 3959, Pg. 282 (Lot No. 33)
 - Db. 3533, Pg. 285 (Lot No. 35)
 - Db. 4391, Pg. 211 (Lot No. 37)
 - Db. 3473, Pg. 272 (Lot No. 39)
4. Plat Book Reference:
 - Pb. 08, Pg. 25

STANDARD LEGEND

These standard symbols will be found in the drawing

- POINT
- 3/4" PIPE (FD)
- CONC. MON. (FD)
- ✕ PK NAIL (FD)



SURVEYOR CERTIFICATION

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 herein shall necessitate a new review and certification for any official or legal use.

Gregory M. Hook
 GREGORY M. HOOK, PLS 7111
 03/12/2021
 Date

FLOOD DATA This property is in Zone "AE" S.F.F. 6.0' of the Flood Insurance Rate Map, Community Panel No. 100029-1000500518-K which has an effective date of MARCH 16, 2015 and is in a Special Flood Hazard Area.

DATE OF ORIGINAL:	MARCH 10, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
REVISION:	DATE: _____, 2021
Drawn by:	MICHAEL LOVELAND
Checked by:	GREGORY M. HOOK

FRONT YARD AVERAGE SURVEY
 Lands of TIMOTHY GOUCHER and MARY ALICE McNAMARA. Being known as LOT NO. 27, BAY VIEW PARK. Ref. Plat Book 8, Page 25.



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

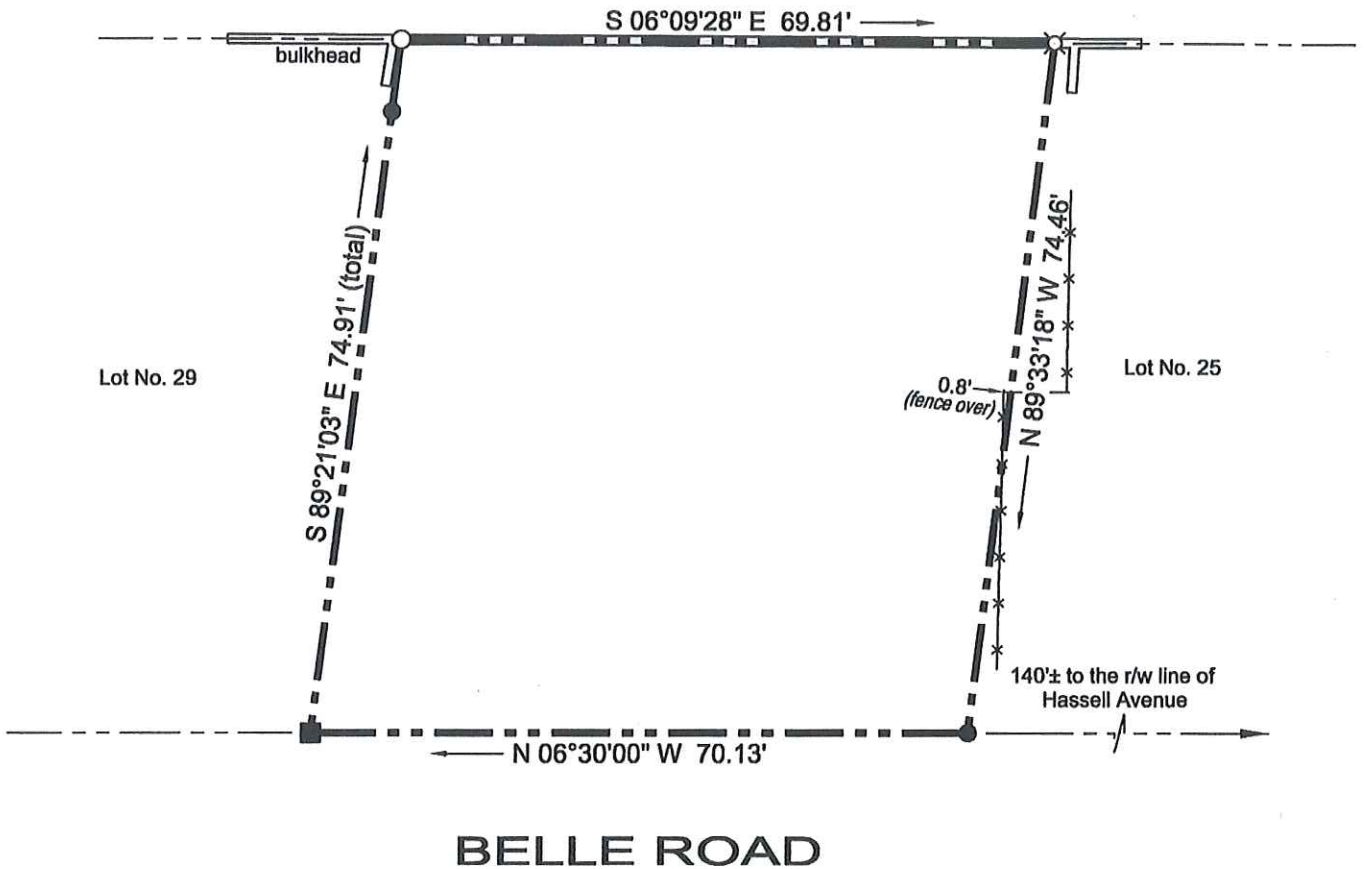
NOTES:

• 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.



Lagoon



- POINT
- 3/4" PIPE (FD)
- CONC. MON. (FD)
- ⊗ PK NAIL (SET)

SCALE: 1"=20'
 AREA: 5,191 SQ. FT.
 TAX MAP NO. 1-34-20.11-65

Lands of WILLIAM R. BOENNING and AUDREY A. BOENNING to be conveyed to TIMOTHY GOUCHER and MARY ALICE McNAMARA. Being known as LOT NO. 27, BAY VIEW PARK. Ref: Plat Book 8, Page 25.

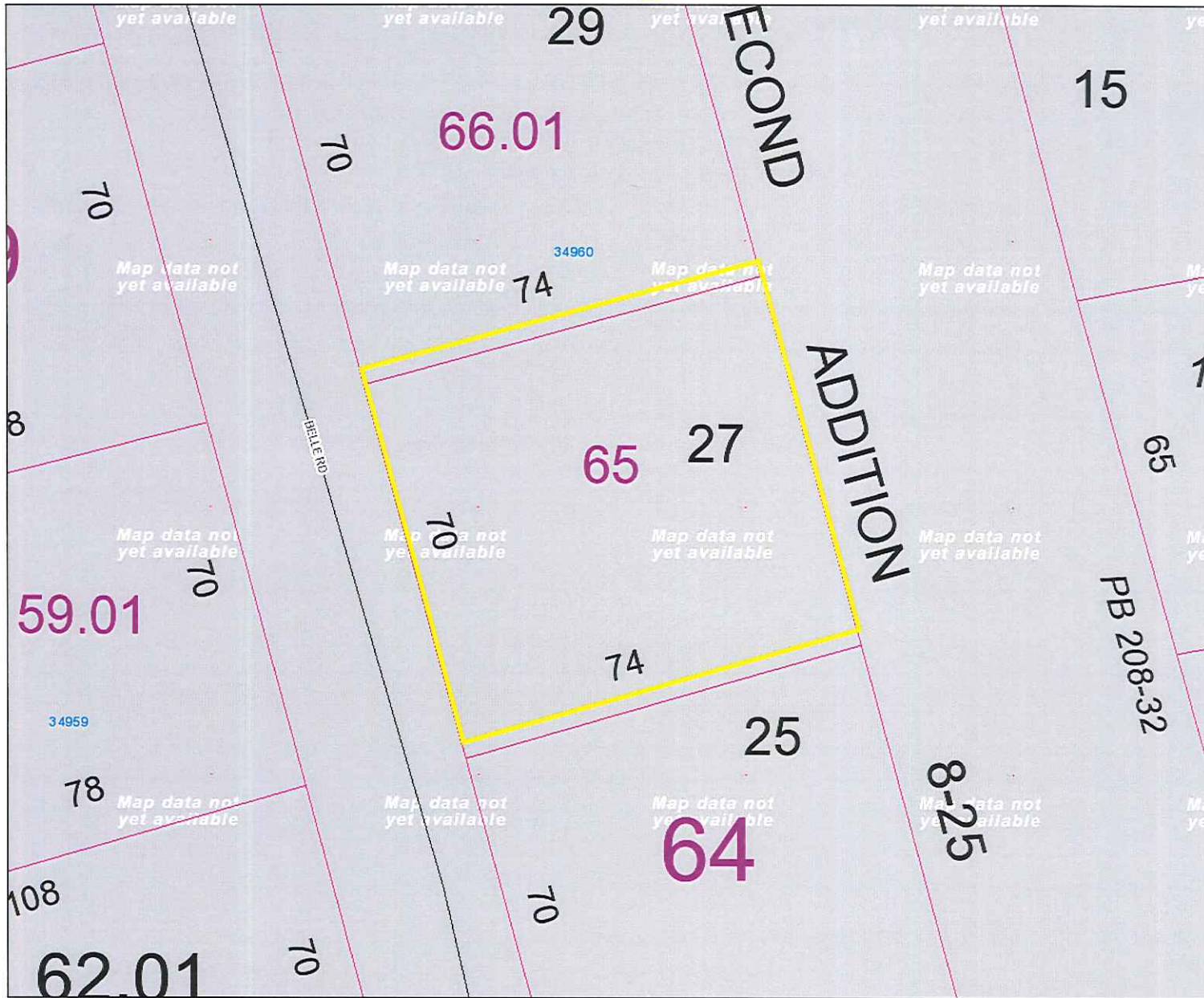
FIRM INFORMATION:
 100029 - 0518 - K
 MARCH 16, 2015
 ZONE: "AE", B.F.E.= 6.0'
 CLASS "B" SURVEY

HUNDRED: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE
 DATE OF ORIGINAL: 12-17-2020
 DRAWN BY: MICHAEL LOVELAND

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

SEAL
 GREGORY M. HOOK
 REGISTERED
 No. 56010071
 PROFESSIONAL LAND SURVEYOR
 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.

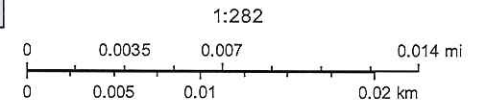


PIN:	134-20.11-65.00
Owner Name	GOUCHER TIMOTHY J
Book	5395
Mailing Address	638 PICCADILLY RD
City	TOWSON
State	MD
Description	BAY VIEW PARK
Description 2	LOT 27 BELLE RD
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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



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

Case # 12587
Hearing Date 8/2
202109208

Type of Application: (please check all applicable)

Variance Existing Condition
Special Use Exception Proposed
Administrative Variance Code Reference (office use only)
Appeal 115-34 115-182

Site Address of Variance/Special Use Exception:

2 Beach Avenue, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Ten (10) feet variance from the fifteen (15) feet setback to allow for proposed cantilevered balconies on the north side of the existing dwelling pursuant to Sussex County Code Section 115-34 Height, area and bulk requirements.

Tax Map #: 334-23.06-93.00

Property Zoning: MR

Applicant Information

Applicant Name: Rollin Bell and Lisa Bell
Applicant Address: 3828 Village Park Drive
City Chevy Chase State MD Zip: 20815
Applicant Phone #: (240) 375-3701 Applicant e-mail: rbell@pcmcompanies.com

Owner Information

Owner Name: Rollin Bell and Lisa Bell
Owner Address: 3828 Village Park Drive
City Chevy Chase State MD Zip: 20815 Purchase Date: _____
Owner Phone #: (240) 375-3701 Owner e-mail: rbell@pcmcompanies.com

Agent/Attorney Information

Agent/Attorney Name: Baird Mandalas Brockstedt, LLC c/o Mackenzie M. Peet, Esquire
Agent/Attorney Address: 1413 Savannah Rd, Suite 1
City Lewes State DE Zip: 19958
Agent/Attorney Phone #: (302) 645-2262 Agent/Attorney e-mail: mackenzie@bmbde.com

Signature of Owner/Agent/Attorney

Mackenzie M. Peet, Esq.

Date: 06/15/2021



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

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

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

1. Uniqueness of property:

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

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.

BELL VARIANCE CRITERA
2 Beach Avenue, Dewey Beach, DE 19971
TAX MAP PARCEL NO. 334-23.06-93.00

1. UNIQUENESS OF PROPERTY

The lot shape and buildable lot area is unique in that the DNREC building restriction line restricts the placement of the proposed cantilevered balconies on this property. The angle of the DNREC line from the southeast to northwest further restricts the property in comparison to the immediate neighbor to the south, which is the property that sets the parameters for DNREC's 4-step process.

2. CANNOT OTHERWISE BE DEVELOPED

Given the DNREC building restriction limitations and Regulations governing Beach Protection and Use in effect since August 11, 2016, all structures, including the cantilevered balconies, must be constructed seaward of the DNREC building restriction line and be above Base Flood Elevation. Given these regulations, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code.

3. NOT CREATED BY THE APPLICANT

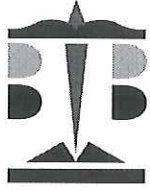
The exceptional practical difficulty is the difficulty given the location of the existing home in the setback and the requirement that the cantilevered balconies be constructed seaward of the DNREC building restrictions line.

4. WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE
NEIGHBORHOOD

The proposed cantilevered balconies will not alter the essential character of the neighborhood or district. The Applicant's existing dwelling and proposed improvements are in character with the neighborhood and district.

5. MINIMUM VARIANCE

The variance is the minimum variance needed to construct the proposed balconies on the north side of the property.



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A

Property and Deed Information

Property Information

Property Location: 2 BEACH AV
 Unit:
 City: REHOBOTH BEACH
 State: DE
 Zip: 19971
 Class: RES-Residential
 Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
 Town: 00-None
 Tax District: 334 - LEWES REHOBOTH
 School District: 6 - CAPE HENLOPEN
 Council District: 4-Hudson
 Fire District: 86-Rehoboth
 Deeded Acres:
 Frontage: 232
 Depth: 83.000
 Irr Lot:
 Zoning 1: MR-MEDIUM RESIDENTIAL
 Zoning 2: -
 Plot Book Page: /PB
 100% Land Value: \$64,000
 100% Improvement Value: \$95,100
 100% Total Value: \$159,100

Legal

Legal Description E/PIERCE AVE
 LOTS 17 19

Owners

Owner	Co-owner	Address	City	State	Zip
BELL ROLLIN	LISA BELL	3828 VILLAGE PARK DR	CHEVY CHASE	MD	20815

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
06/27/2005	3162/234	\$3,600,000.00	\$54,000.00	0	
04/11/2003	/	\$800,000.00	\$12,000.00	0	
07/26/1985	/	\$400,000.00	\$8,000.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2020	BELL ROLLIN	LISA BELL	3828 VILLAGE PARK DR	CHEVY CHASE	MD	20815	3162/234
2019	BELL ROLLIN	LISA BELL	3828 VILLAGE PARK DR	CHEVY CHASE	MD	20815	3162/234
2018	BELL ROLLIN	LISA BELL	3828 VILLAGE PARK DR	CHEVY CHASE	MD	20815	3162/234
2017	BELL ROLLIN	LISA BELL	3828 VILLAGE PARK DR	CHEVY CHASE	MD	20815	3162/234
2012	BELL ROLLIN		LISA BELL 3828 VILLAGE PARK DR	CHEVY CHASE	MD	20815	3162/234
2005	BELL ROLLIN LISA BELL		3828 VILLAGE PARK DR	CHEVY CHASE	MD	20815	3162/234
2003	RHODES ETHAN MICHAEL RHODES		107 DEPOT ST	GEORGETOWN	DE	19947	2823/267
1900	SILARD JOHN JANET					0	1358/107

Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	RES	RS	232	83	.4421	

Land Summary

Line	1
100% Land Value	64,000

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$64,000	\$95,100	\$159,100

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$32,000	\$47,550	\$79,550

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
14-OCT-2013	201312333	\$0	REAR YARD VARIANCE
01-JUN-2004	77328-3	\$154,604	DWELLING W/ADDITIONS-E/PIERCE AVE LOT 17 & 19
28-MAY-1992	77328-2	\$18,825	REMODELING-N/A
10-JUN-1986	77328-1	\$6,000	DECKS-IND.BEACHLOT 17 & 19

33511

BR 03162 234

TAX MAP AND PARCEL #: 3-34
23.06 93.00
PREPARED BY:
Tunnell & Raysor, P.A.
323E Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. HD15095/MLG

THIS DEED, made this 17th day of June, 2005,

- BETWEEN -

ETHAN RHODES and ETHAN RHODES, Attorney In-Fact for MICHAEL RHODES under a Power of Attorney dated June 14, 2005 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Misc Book 858, Page 153, of 107 Depot Street, Georgetown, DE 19947, parties of the first part,

- AND -

ROLLIN BELL and LISA BELL, his wife, of 3828 Village Park Drive, Chevy Chase, MD 20815, as tenants by the entirety, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL those certain lots, pieces or parcels of land situate, lying an being in Lewes and Rehoboth Hundred, Sussex County, Delaware, generally known as Lot No. 17 and 19, as designated on a Plot of "Indian Beach Surf Club Lots" surveyed by T.B. Pepper, Surveyor, December, 1946, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 310, page 556, and being more particularly described as follows, to wit:

BEGINNING at a set 1/2" pipe lying on the southeasterly intersection of Pierce Avenue & Beach Avenue; thence running along and with a 25 foot walkway South 87 degrees 16 minutes 27 seconds East passing through a set 1/2" pipe at 39.02 feet, for a total distance of 232.00 feet to a point; thence turning and running South 00 degrees 49 minutes 57 seconds East for a distance of 80.00 feet to a point, said point being a common corner for Lot 19 and Lot 20; thence turning and running along and with a common line for Lots 19 & 17 and Lots 20 & 18, North 87 degrees 16 minutes 27 seconds West passing through a set 1/2" pipe at 204.20 feet, for a total distance of 232.00

TUNNELL
RAYSOR, P.A.
Rehoboth Beach, DE

Consideration: \$360000.00 Exempt Code: A

1

County	State	Total
54000.00	54000.00	108000.00
counter	Date: 06/27/2005	

feet to a set ½" pipe lying on the easterly right of way of Pierce Avenue, said pipe being a common corner for Lot 17 and Lot 18; thence turning and running along and with the easterly right of way of Pierce Avenue, North 00 degrees 49 minutes 57 seconds West for a distance of 80.00 feet to a set ½" pipe lying on the southeasterly intersection of Pierce Avenue and Beach Avenue, said pipe being the point and place of beginning, containing 18,524 square feet of land more or less, as surveyed by Wingate & Eschenbach, Registered Surveyors, dated June 14, 2005.

BEING the same lands conveyed to Ethan Rhodes and Michael Rhodes, by Deed of Neal Ruchman and Frances B. Ruchman, dated April 11, 2003, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2823, page 267.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:

Harold E. Dukes
Harold E. Dukes

Ethan Rhodes (SEAL)
Ethan Rhodes

Michael Rhodes by Ethan Rhodes
Michael Rhodes, By His Attorney In-Fact
Ethan Rhodes

STATE OF DELAWARE :
: ss
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on June 17, 2005, personally came before me, the subscriber, Ethan Rhodes and Ethan Rhodes, Attorney In-Fact for Michael Rhodes, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

HAROLD E. DUKES
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3

Harold E. Dukes
Notary Public
Printed Name: _____
My Commission Expires: _____

RETURN TO: Rollin Bell, 3828 Village Park Drive, Chevy Chase, MD 20815

RECORDER OF DEEDS
JOHN F. BRADY
05 JUN 27 PM 3: 26
SUSSEX COUNTY
DOC. SURCHARGE PAID

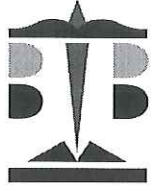
Received
JUN 28 2005
ASSESSMENT DIVISION
OF SUSSEX CTY



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B

Survey



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT C

Municipal Code

Chapter 115. Zoning

Article V. MR Medium-Density Residential District

§ 115-34. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

[Added 11-7-1989 by Ord. No. 632]

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

[Added 7-15-1997 by Ord. No. 1157]

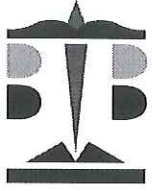
B. Minimum yard requirements. Minimum yard requirements shall be as follows:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)**	10	10

**NOTE: See also the table of district regulations at the end of this chapter.

C. Maximum height requirements. Maximum height requirements shall be as follows:
[Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42



BAIRD
MANDALAS
BROCKSTEDT LLP

EXHIBIT D

DNREC Approval

DIVISION OF WATERSHED STEWARDSHIP

REQUEST FOR ACTION BY DIRECTOR

Action Requested

X For Your Approval/Signature Return to Jennifer Pongratz
_____ Review & Comment Mail to _____
_____ For Your Information

Approvals Required Prior to Submission

Name	Initials	Date
<u>Michael Powell</u>	<u>MSP</u>	<u>5/26/21</u>
<u>Ashley Norton</u>	<u>AN</u>	<u>5/25/2021</u>
_____	_____	_____

Remarks:

Mike and Ashley, please review and initial this routing slip and the memo for permit BP5874.

Terry, please review and sign the permit BP5874 for a single family dwelling.

From: Jennifer Pongratz Initials JLP Date 05/24/2021



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

SHORELINE AND WATERWAY
MANAGEMENT SECTION

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

MEMORANDUM

TO: Terry L. Deputy, Director

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

FROM: Jennifer Luoma Pongratz, Environmental Scientist *JLP*

RE: Permit BP5874 for construction of a dwelling for Mr. and Mrs. Rollin Bell

DATE: May 24, 2021

LOCATION: Lots 17 & 19, North Indian Beach

ACTIVITY: To construct a single family dwelling

Attached for your signatures, is a Permit for the above activity. The application has been advertised as required. We received one comment from the Division of Fish and Wildlife, which was incorporated into the Permit conditions. I have reviewed the application and found the proposed activity to be in compliance with the Regulations Governing Beach Protection and the Use of Beaches.

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



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

**DIRECTOR'S
OFFICE**

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

May 24, 2021

Mr. and Mrs. Rollin Bell
3828 Village Park Drive
Chevy Chase, MD 20815

RE: Tax Map # 334-23.06-93.00

Dear Mr. and Mrs. Bell:

Application No. BP5874 - To construct a single family dwelling with a cantilevered decks on the north and west side on Lots 17 & 19, North Indian Beach, Sussex County, Delaware.

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

The above referenced work is in compliance with the requirements of the Beach Preservation Act and the "Regulations Governing Beach Protection and the Use of Beaches" (effective August 11, 2016). The application submitted by you, or on your behalf, received on March 26, 2021 with plans and specifications dated October 31, 2019, April 19, 2021 and May 6, 2021 has been approved with the following conditions:

- 1. All structures constructed seaward of the DNREC Building Line must be above Base Flood Elevation with the exception of lattice.**
- 2. Future enclosure or conversion to living space of the cantilevered deck and porch is prohibited.**
- 3. The area underneath the cantilevered deck and porch shall remain open and free of obstructions including lattice.**

Mr. and Mrs. Rollin Bell
BP5874
Page Two
May 24, 2021

- 4. Please keep disturbance to a minimum and off the beach in front of the proposed home. The area beachward of the existing structure is used by migratory birds including some rare and endangered species.**

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

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

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

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

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

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

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

Mr. and Mrs. Rollin Bell
BP5874
Page Three
May 24, 2021

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

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

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

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

Sincerely,



Terry L. Deputy
Director

cc: Adjacent Landowners
Sussex County Planning and Zoning

Pre-Construction Agreement

BP5874
Lots 17 & 19
North Indian Beach

Specific conditions that must be followed during construction:

1. All construction equipment, supplies, and personnel must remain within the footprint of the existing and proposed structures
2. All glass must be removed from the existing structure prior to demolition. This includes, but is not limited to, all windows, mirrors, light fixtures, etc.
3. All debris from demolition of the existing structure must be disposed of prior to driving of pilings. This includes any scraps of siding, lumber, shingles, roofing materials, etc.
4. Sand may not be removed from the site without prior approval from the Shoreline and Waterway Management Section
5. other _____

Property Owner

Printed Name

Signature

Date

Authorized Agent

Printed Name

Signature

Date

Contractor

Printed Name

Signature

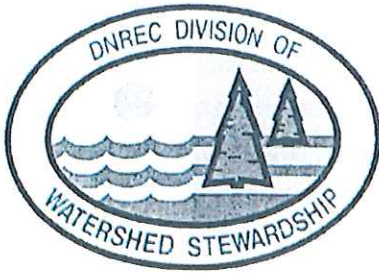
Date

Shoreline and Waterway Management

Printed Name

Signature

Date



State of Delaware
Department of Natural Resources & Environmental Control
Division of Watershed Stewardship
89 KINGS HIGHWAY, DOVER, DE 19901 (302)739-9921, FAX (302)739-6724

PERMIT APPLICATION FOR CONSTRUCTION SEAWARD OF THE DNREC BUILDING LINE

This application form is provided for construction activities within the defined beach area and seaward of the DNREC Building Line as shown on maps prepared by the Shoreline & Waterway Management Section, and for construction activities requiring a Permit, as outlined in Part 4.0 of the Regulations Governing Beach Protection and the Use of Beaches. Copies of individual Building Line Maps are available for planning by request to the Shoreline & Waterway Management Section.

Please answer all questions thoroughly and provide the applicable drawings and plans. An application fee of \$150.00 in check form payable to the State of Delaware must accompany the application. Incomplete applications will be returned.

All Permit applications will be advertised in two papers of State wide circulation. Twenty (20) calendar days from the date of advertisement must pass, in order to receive comments, before a decision will be rendered. A thirty (30) day appeal period follows issuance of the permit.

Name of Property Owner: ROLLIN & LISA BELL

Mailing Address: 3828 VILLAGE PARK DR.

City/State/Zip Code: CHEVY CHASE, MD 20815

E-mail Address: rbell@pcmcompanies.com

Telephone Numbers: A/C 240.375.3701 ^{cell} Residence A/C 301.595.3700 Office

Name of Authorized Agent: BECKER MORGAN GROUP

Mailing Address: 312 W. MAIN ST. SUITE 300

City/State/Zip Code: SALISBURY, MD 21801

E-mail Address: cpattay@beckermorgan.com

Telephone Numbers: A/C () _____ Residence A/C 410.546.9100 Office

Location of proposed work:

Lot(s) Number: 17^d19 Block Number: _____

Street: E. PIERCE ST. & BEACH AVE.

Subdivision/Community: N. INDIAN BEACH

Tax Map #: 334.23.06-93.00

Type of work proposed:

(Construction of a dwelling, commercial building, subdivision, addition, shore protection structure, pedestrian dyne crossover, septic system, storage facility, placement of utilities, placement of fill etc.)

NEW 4 LEVEL DWELLING PER 4-STEP PROCESS - TO INCLUDE WEST ENCROACHMENT OF RESIDENTIAL ACCESS ELEVATOR (4-STOP); FLANKING BALCONIES & ASSOCIATED ARCHITECTURAL ELEMENTS (ROOF ETC.) & NORTH CANTILEVERED BALCONIES INTO SETBACK

Site Work:

Removal of sand from the site is prohibited without prior approval

Will there be any lot clearing or excavation at the site? EXISTING PILING REMOVAL & INSTALL NEW PILINGS
If so, will any sand be removed from the site? NO (ELEVATOR PIT EXCAVATION)
Where will the sand be taken? N/A
Will sand or fill be added to the site? NO How much? N/A
What will be the source of the material? N/A

Indicate on the plans where the fill will be placed.

Will there be any landscaping? NO If so, will you be bringing in top soil? NO

Are there any structures included in your landscape design? NO

Please indicate their location on the plans.

Activities Seaward of the Building Line and on the dune:

Construction Seaward of the Building Line must be located above Base Flood Elevation.

What NFIP Flood Zone is the property located in (e.g. V, A, B, etc.)? VE

What NFIP Flood Zone is the proposed construction taking place? VE

What is the Base Flood Elevation? 10'

What is the effective/revised date of the FIRM panel used for flood zone determination? 3/16/2015

(This information can be obtained from the applicable Town or County)

Will any enclosures, such as entrances, storage areas, elevators, showers, skirting, utilities etc., be constructed below the first living floor? NO If so, indicate their location on the plans.

These structures must be located landward of the Building Line or elevated above Base Flood Elevation.

ALL LIVING LEVELS WILL BE ELEVATED ABOVE BFE

Will any concrete, brick or asphalt be used for flooring, driveways, side walks, etc.? YES - CONC. FLOOR @

If so, indicate their location on the plans. These structures must be located landward of the Building Line.

ELEVATOR PIT ONLY

Placement of construction equipment or materials seaward of the DNREC Building Line is prohibited.

Erection of sand fencing will be required to mark the Building Line.

Proposed construction should be designed and undertaken to minimize impacts to dunes and beaches.

What mitigating measures will be taken in order to prevent disturbance and damage to the dune during construction?

PROJECT WILL NOT NEGATIVELY IMPACT THE DUNE

Following construction, what steps will be taken to replant vegetation disturbed during construction or to vegetation bare areas in the dune and on the lot?

N/A

Please supply the following information:

All surveys must be originals, signed and sealed by a professional surveyor licensed in the State of Delaware. All plans must be approved by a registered professional engineer or architect licensed in the State of Delaware. Cantilevered decks must be designed and certified by an Architect or Engineer licensed in the State of Delaware.

1. Copy of deed, lease, sales contract or other instrument showing legal interest of the property upon which work is to take place.
2. Four copies of a 8 1/2" X 11" plan (drawn to scale)(see attached examples), indicating:
 - a. A Topographic survey of the lot (at one foot intervals), both plan and profile views, which indicates the location of the DNREC Building Line with regard to the proposed structure on the lot. If a cantilevered deck is proposed as part of the construction, please complete and submit the **Cantilevered Deck Worksheet**. The survey must also indicate the average distance seaward of the Building Line that the proposed Cantilevered Deck may or may not extend out to.
 - b. Foundation pile layout plan and detail of pile to beam attachment approved by a registered professional engineer or architect licensed in the State of Delaware, certifying compliance with local flood hazard zoning and construction ordinances.
 - c. The location and dimensions of the proposed structure, modification, or additions, on the lot or parcel clearly showing setback distances from front, back and side boundary lines
 - d. A profile view of the proposed construction (include area below first living floor) showing existing grade, proposed fill, proposed foundation, base flood elevation, first floor elevation, stairs, heat pumps, etc.
3. For all construction activities utilizing the 4 Step Process please complete and submit the **Dune Encroachment Reduction Worksheet**, demonstrating that the proposed construction is in accordance with the Regulations Governing Beach Protection and the Use of Beaches subsections 3.1.1.2 through 3.1.1.2.4.
4. For work other than construction of buildings, alternative or additional information may be required. Please contact the Division of Watershed Stewardship at (302) 739-9921 for additional information.
5. List names, Lot numbers and mailing addresses of all owners of property immediately adjacent to the project site.

334-23.06-94.00
Brian Taff
P. O. Box 734
Rehoboth Beach, DE 19971

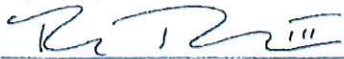
334-23.06-92.00 (4)
Theresa B. Gergar
1443 Sharps Point Rd.
Annapolis, MD 21409

334-23.06-91.00
Michael F. Mann
P. O. Box 734
Rehoboth Beach, DE 19971

SIGNATURE PAGE

All signatures must be in original ink

As legal property owner, I (we) accept the legally binding nature of the Construction Permit application and enclosed plans for construction and acknowledge the ultimate responsibility of the owner in executing the conditions of the approval. I (we) also understand that any unauthorized additions or modifications of the final approved construction plans will be considered a violation of the Construction Permit and the Regulations and are therefore subject to penalties found in the Beach Preservation Act and the Regulations.

x  3/24/21
Signature of Property Owner(s) Date

x Lisa E Bell 3/24/21
Signature of Property Owner(s) Date


Statement of Agent Authorization

I hereby designate and authorize BECKER MORGAN GROUP

to act in my behalf as my agent in the processing of this Construction Permit application and to furnish, as requested, supplemental information in support of this application.

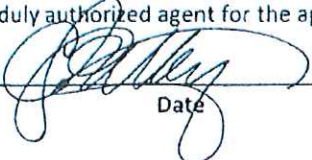
As legal property owner, I (we) accept the legally binding nature of this Construction Permit application and enclosed plans for construction and acknowledge the ultimate responsibility of the owner in executing the conditions of the approval. I also understand that this authorization does not transfer ultimate responsibility for this approval to the agent.

Major modifications or subsequent additions involving horizontal or vertical expansion of the initial construction must be entered as a new application subject to conditions for construction outlined in the Regulations. Copies of the Regulations are available upon request from the Shoreline & Waterway Management Section.

x  3/24/21
Signature of Property Owner(s) Date

x Lisa E Bell 3/24/21
Signature of Property Owner(s) Date

Application is hereby made for a beach Construction Permit in the State of Delaware. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge; such information is correct and complete. I further certify that I am authorized to undertake the proposed activities or I am acting as the duly authorized agent for the applicant.

 BECKER MORGAN GROUP Signature of Authorized Agent
Date 3.24.21

TAX MAP AND PARCEL #: 3-34
23.06 93.00
PREPARED BY:
Tunnell & Raysor, P.A.
323E Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. HD15095/MLG

THIS DEED, made this 17th day of June, 2005,

- BETWEEN -

ETHAN RHODES and ETHAN RHODES, Attorney In-Fact for MICHAEL RHODES under a Power of Attorney dated June 14, 2005 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Misc Book 858, Page 153, of 107 Depot Street, Georgetown, DE 19947, parties of the first part,

- AND -

ROLLIN BELL and LISA BELL, his wife, of 3828 Village Park Drive, Chevy Chase, MD 20815, as tenants by the entirety, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL those certain lots, pieces or parcels of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, generally known as Lot No. 17 and 19, as designated on a Plot of "Indian Beach Surf Club Lots" surveyed by T.B. Pepper, Surveyor, December, 1946, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 310, page 556, and being more particularly described as follows, to wit:

BEGINNING at a set 1/2" pipe lying on the southeasterly intersection of Pierce Avenue & Beach Avenue; thence running along and with a 25 foot walkway South 87 degrees 16 minutes 27 seconds East passing through a set 1/2" pipe at 39.02 feet, for a total distance of 232.00 feet to a point; thence turning and running South 00 degrees 49 minutes 57 seconds East for a distance of 80.00 feet to a point, said point being a common corner for Lot 19 and Lot 20; thence turning and running along and with a common line for Lots 19 & 17 and Lots 20 & 18, North 87 degrees 16 minutes 27 seconds West passing through a set 1/2" pipe at 204.20 feet, for a total distance of 232.00

TUNNELL
RAYSOR, P.A.
Rehoboth Beach, DE

Consideration: \$360000.00 Exempt Code: A

County	State	Total
54000.00	54000.00	108000.00
counter	Date: 06/27/2005	

fact to a set 1/2" pipe lying on the easterly right of way of Pierce Avenue, said pipe being a common corner for Lot 17 and Lot 18; thence turning and running along and with the easterly right of way of Pierce Avenue, North 00 degrees 49 minutes 57 seconds West for a distance of 80.00 feet to a set 1/2" pipe lying on the southeasterly intersection of Pierce Avenue and Beach Avenue, said pipe being the point and place of beginning, containing 18,624 square feet of land more or less, as surveyed by Wingate & Eschenbach, Registered Surveyors, dated June 14, 2005.

BEING the same lands conveyed to Ethan Rhodes and Michael Rhodes, by Deed of Neal Ruchman and Frances B. Ruchman, dated April 11, 2003, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2823, page 267.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:

Harold E. Dukes

Ethan Rhodes (SEAL)
Ethan Rhodes

Harold E. Dukes

Michael Rhodes by Ethan Rhodes
Michael Rhodes, By His Attorney In-Fact
Ethan Rhodes

STATE OF DELAWARE :
: ss
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on June 17, 2005, personally came before me, the subscriber, Ethan Rhodes and Ethan Rhodes, Attorney In-Fact for Michael Rhodes, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

HAROLD E. DUKES
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3

Harold E. Dukes
Notary Public
Printed Name: _____

My Commission Expires: _____

RETURN TO: Rollin Bell, 3828 Village Park Drive, Chevy Chase, MD 20815

RECORDER OF DEEDS
JOHN F. BRADY
05 JUN 27 PM 3: 26
SUSSEX COUNTY
DOC. SURCHARGE PAID

Received
JUN 28 2005
ASSESSMENT DIVISION
OF SUSSEX CTY

LL
DR, P.A.
uch, DE



Dune Encroachment Reduction Worksheet

For use with the Four Step Process

7 DE Admin Code 5102 Section 3.1.1.2 through 3.1.1.2.4

This worksheet is intended to document the steps taken to reduce or eliminate construction seaward of the Building Line.

Step 1 – Can the proposed structure be located completely landward of the DNREC Building Line by placing the exterior wall of the structure on the setback line established for the landward property boundary? **YES/NO**
If NO proceed to Step 2

Step 2 – By meeting the established side yard setbacks can the proposed structure be located entirely landward of the DNREC Building Line? **YES/NO**
If NO proceed to Step 3

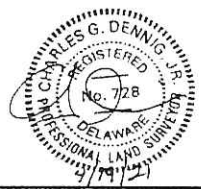
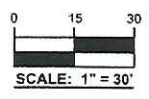
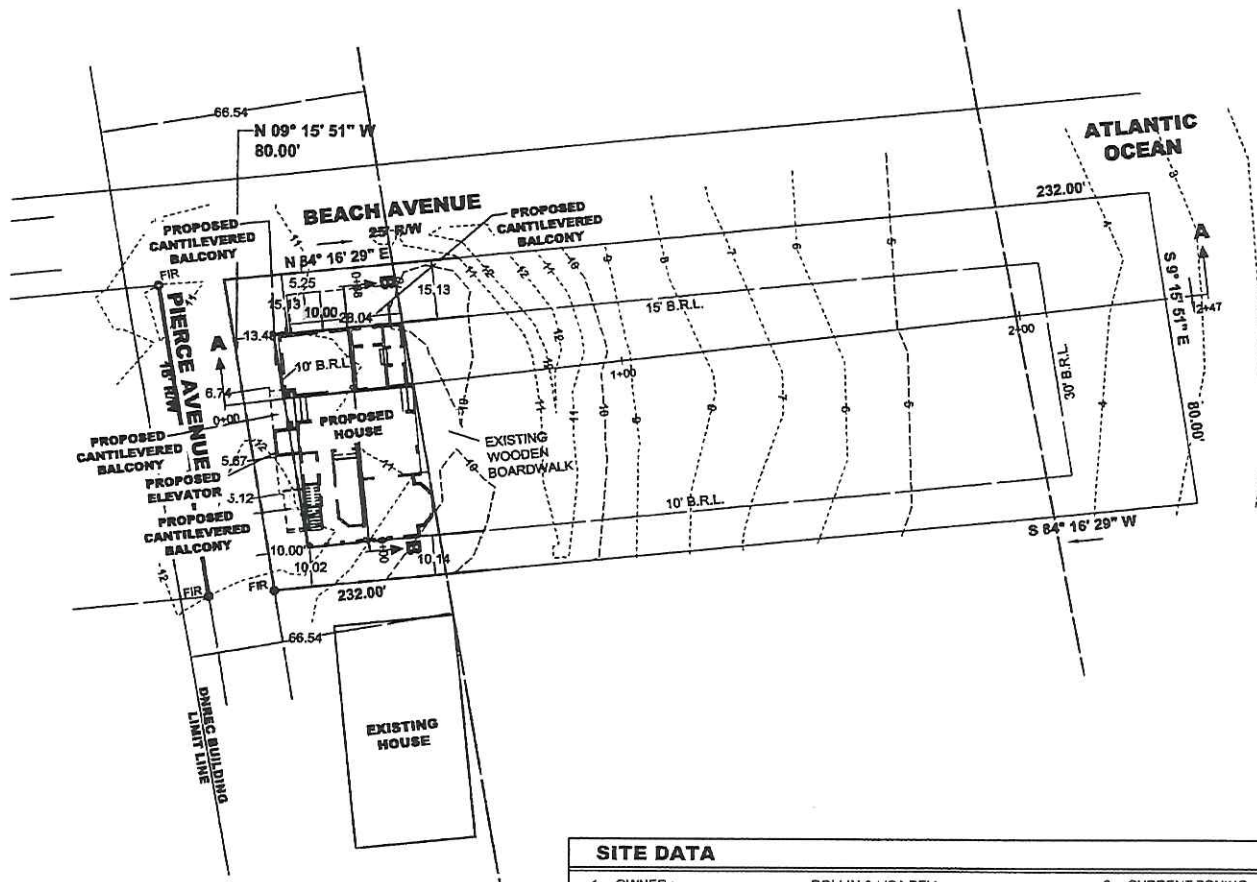
Step 3 - The square footage of the footprint of the proposed structure must be no greater than the average square footage (living space only) of the adjacent structures within the *smallest subset of lots**. Does this step eliminate construction over the DNREC Building Line? Please show square footages of adjacent structures below. **YES/NO**
If NO proceed to Step 4

Step 4 – Penetration over the DNREC Building Line may not exceed the average encroachment (ft.) of the adjacent structures (living space only) within the *smallest subset of lots, used in step 3**. Please show encroachment distances of adjacent structures below.

Complete the chart to determine the average living footprint and average encroachment values as needed.

<u>Tax Map</u>	<u>Lot</u>	<u>Block</u>	<u>Living Footprint (sqft.)</u>	<u>Encroachment (ft.)</u>
1. 334-23.06-94.00	_____	_____	1702	66.54 ¹
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
Total :			_____	_____
Average:			_____	_____

*Smallest Subset of Lots – means smallest identifiable group of lawfully subdivided, contiguous lots that exist within a subdivision, development or community separated by either roads or subdivision boundaries. If there are no roads or subdivision boundaries separating groups of lots, the smallest set of lots shall be seven lots.



SITE DATA

1. OWNER :	ROLLIN & LISA BELL 3828 VILLAGE PARK DRIVE CHEVY CHASE, MARYLAND 20737-1314	6. CURRENT ZONING:	RS
2. ENGINEER/SURVEYOR:	BECKER MORGAN GROUP, INC. 312 W MAIN STREET, SUITE 300 SALISBURY, MD 21801 410-546-9100	7. SETBACKS: (PER LETTER FROM SUSSEX P&Z DATED 01/27/2004)	FRONT (OCEAN): 30' SIDE (CORNER): 15' SIDE (INTERIOR): 10' REAR (STREET): 10'
3. MAP REFERENCE(S):	334-23.06-93.00	8. TOTAL PARCEL AREA:	19,140 sq.ft.
4. DEED REFERENCE(S):	3162/234	9. FLOOD ZONE:	BASED UPON THE FEMA FIRM PANEL 10005C0354K WITH A EFFECTIVE DATE OF 03/16/2015, THIS SITE APPEARS TO BE WITHIN FLOOD ZONE VE. ELEV. 10'
5. PLAT REFERENCE(S):	2/11	10. DNREC BUILDING LIMIT LINE:	THIS SITE IS ENTIRELY WITHIN THE DNREC BUILDING LIMIT (SEAWARD)

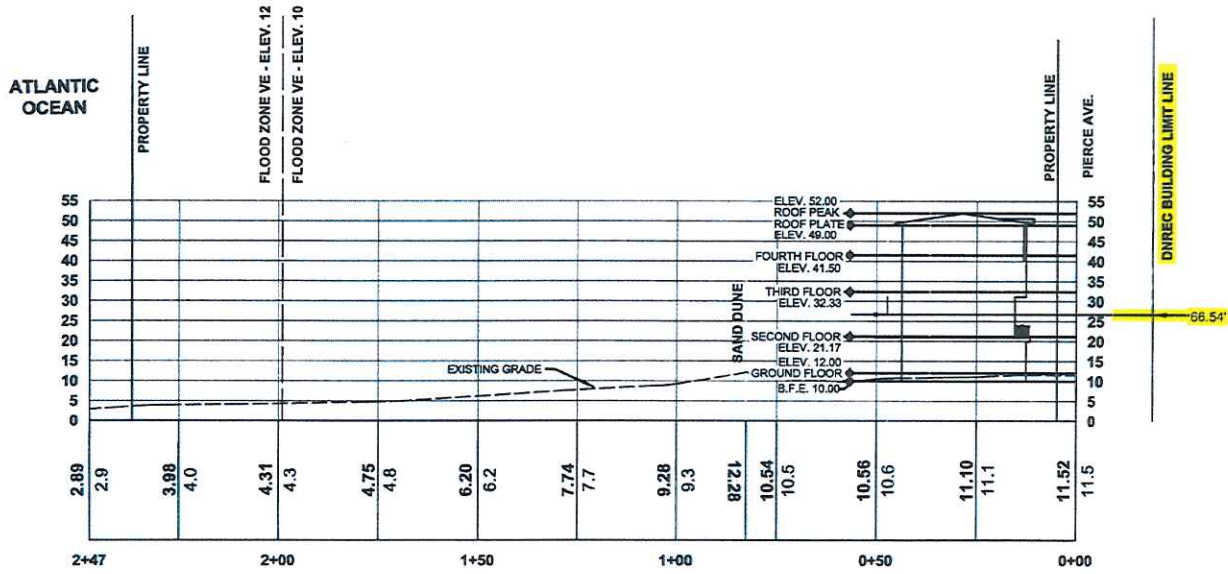
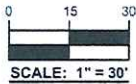
BMC: 2019226.02
SCALE: 1" = 30'
DATE: 04/01/2021
DRAWN BY: CGD
1 OF 2

ARCHITECTURE
ENGINEERING
Salisbury, MD
312 W. Main Street
Salisbury, MD 21801
PH: 410-546-9100
Fax: 410-546-5824

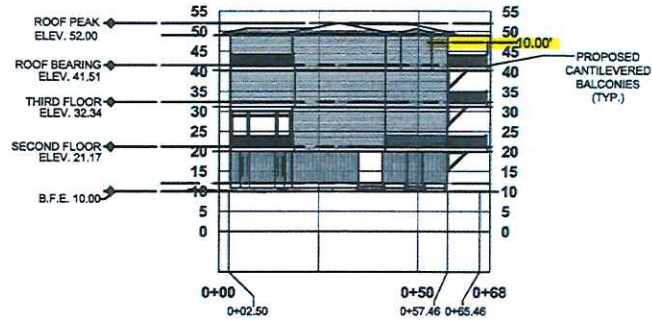
**BECKER
MORGAN
GROUP**

VARIANCE EXHIBIT
LANDS OF
ROLLIN & LISA BELL
LOTS 17 & 19 - "INDIAN BEACH SURF CLUB"
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DE

F:\Auser\CAD\Projects\3019\3019022600\DWG\301922601.VARIANCE-NEW HOUSE HOLD DNREC LINE.CDD\10-DE.dwg, Apr 19, 2021 - 11:05am



Profile AA - CENTERLINE PROFILE (0+00.00 TO 2+47.37)

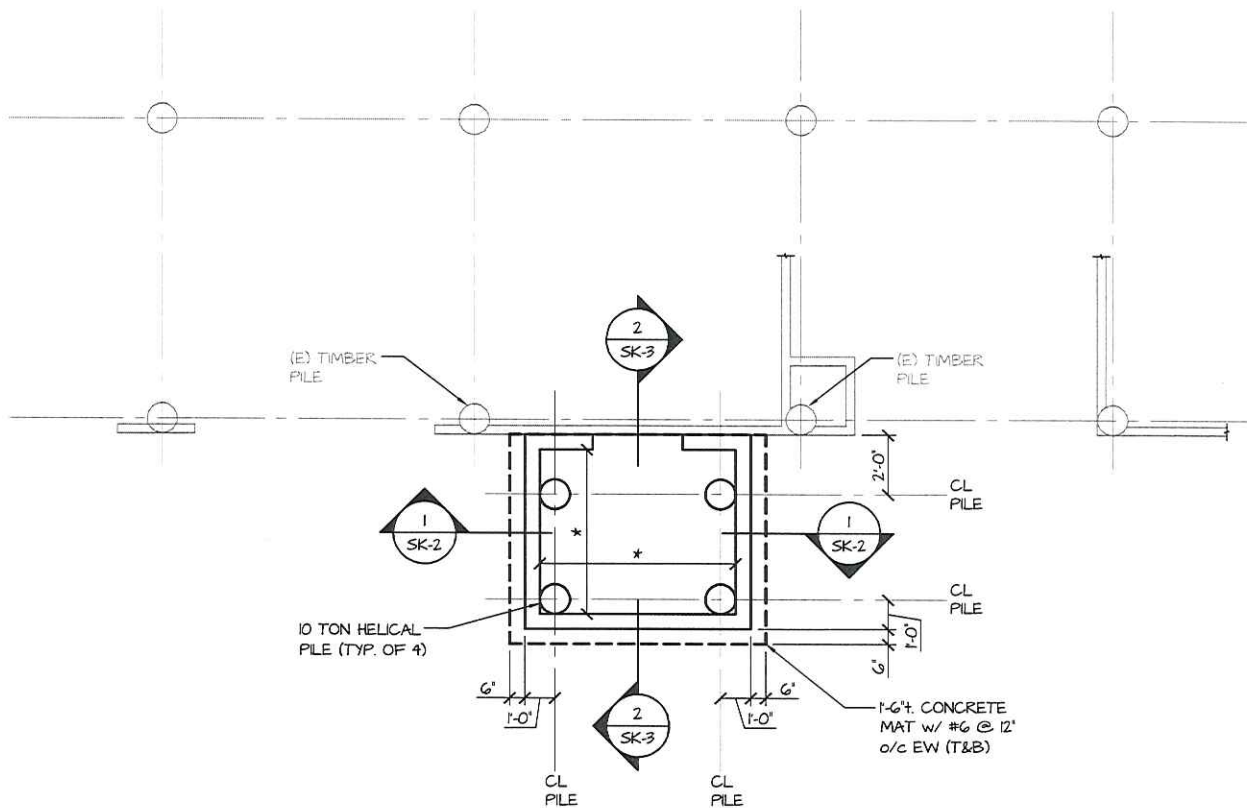


Profile BB - CENTERLINE PROFILE (0+00.00 TO 0+68.00)

ARCHITECTURE
ENGINEERING
Becker Morgan Group
Salisbury, MD
312 W. Main Street
Salisbury, MD 21801
Tel: 410.546.5824
Fax: 410.546.5824

DATE: 04/01/2021
DRAWN BY: CGD
2 OF 2

VARIANCE EXHIBIT
LANDS OF
ROLLIN & LISA BELL
LOTS 17 & 19 - "INDIAN BEACH SURF CLUB"
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DE



PARTIAL FOUNDATION PLAN @ NEW ELEVATOR

SCALE: 1/4" = 1'-0"

NOTES:

1. * INDICATES DIMENSION TO BE COORDINATED w/ ELEV. MANUF.



PROJECT TITLE:

BELL RESIDENCE SCHEMATIC DESIGN



PILOTOWN
ENGINEERING
17585 MASSAU COMMONS BLVD.
UNIT 3 | LEWES, DE 19958
PHONE: 302-703-1770
JOB NUMBER: 124.005
CONTACT: J. BAKER

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THE PURPOSE OF SHOP
DRAWING PREPARATION
WITHOUT THE PRIOR WRITTEN
PERMISSION OF PILOTOWN
ENGINEERING

SCALE:
1/4" = 1'-0"

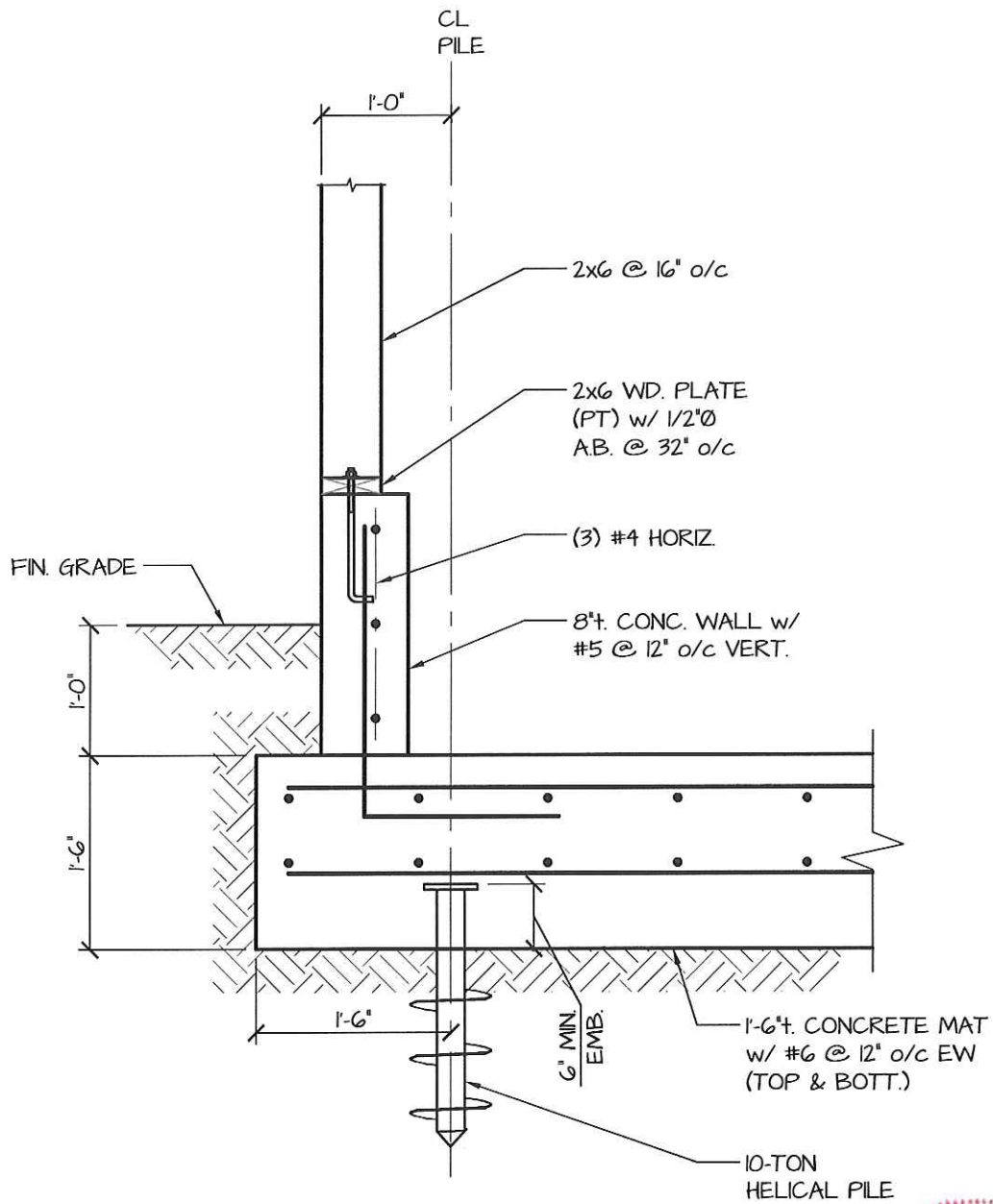
DRAWN BY:
JNR

REFERENCE DRAWING:

DATE:
10/31/19

CHECKED BY:
JRB


DRAWING NO.:
SK-1

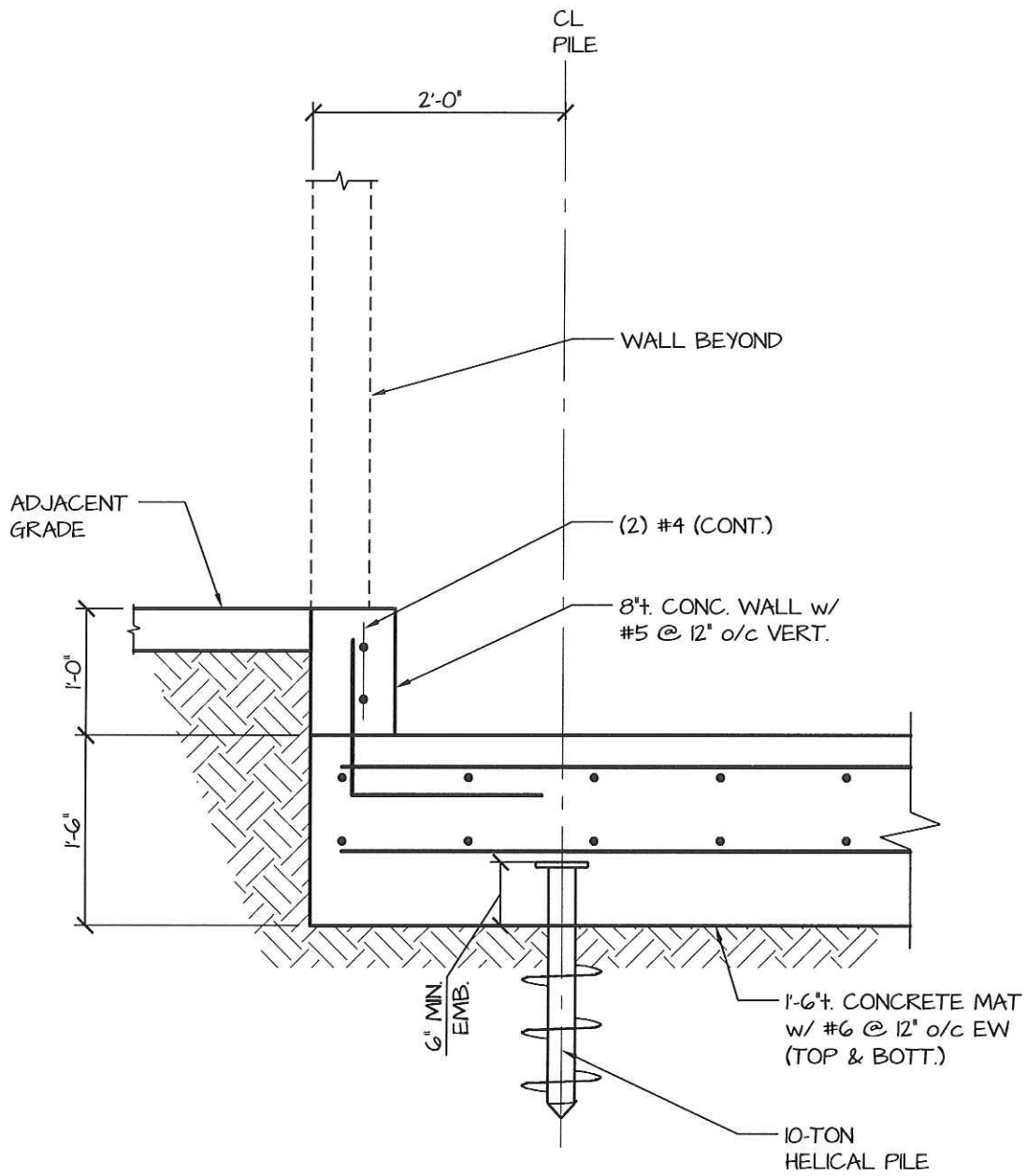


Section 1 SK-2



PROJECT TITLE: BELL RESIDENCE SCHEMATIC DESIGN

 <p>PILOTTOWN ENGINEERING 17585 NASSAU COMMONS BLVD. UNIT 3 LEWES, DE 19958 PHONE: 302-703-1770</p> <p>JOB NUMBER: 124.005 CONTACT: J. BAKER</p>	<p>THIS DOCUMENT IS THE SOLE PROPERTY OF PILOTTOWN ENGINEERING AND MAY NOT BE REPRODUCED IN ANY FORM FOR THE PURPOSE OF SHOP DRAWING PREPARATION WITHOUT THE PRIOR WRITTEN PERMISSION OF PILOTTOWN ENGINEERING</p>	SCALE: 3/4" = 1'-0"	DATE: 10/31/19
		DRAWN BY: JNR	CHECKED BY: JRB
		REFERENCE DRAWING: ---	DRAWING NO.: SK-2



Section 2
SK-3

PROJECT TITLE:

BELL RESIDENCE SCHEMATIC DESIGN



PILOTTOWN
ENGINEERING
17585 NASSAU COMMONS BLVD.
UNIT 3 | LEWES, DE 19958
PHONE: 302-703-1770

JOB NUMBER: 124.005
CONTACT: J. BAKER

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WITHOUT THE PRIOR WRITTEN
PERMISSION OF PILOTTOWN
ENGINEERING

SCALE:
3/4" = 1'-0"

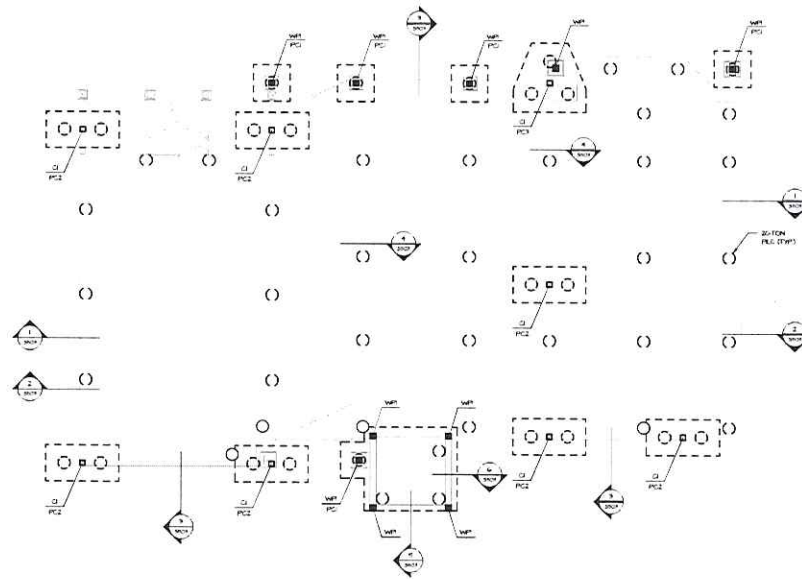
DRAWN BY:
JNR

REFERENCE DRAWING:

DATE:
10/31/19

CHECKED BY:
JRB

DRAWING NO.:
SK-3



1 FOUNDATION PLAN SCALE: 1/4" = 1'-0"



ARCHITECTURE
ENGINEERING

Delaware
300 S. University Ave.
Dover, DE 19901
302.734.1900
The Tower at STAR Campus
104 Discovery Boulevard, Suite 110
Newark, DE 19713
302.343.3700
Maryland
312 West Main St., Suite 300
Sunderland, MD 21688
410.726.9100
North Carolina
1110 Parkway Drive, Suite 100
Wilmington, NC 28403
910.341.7600
www.beckermorgan.com



BELL
RESIDENCE

2 BEACH AVE.
NORTH INDIAN BEACH
REHOBOTH BEACH, DE 19971

FOUNDATION PLAN



PILOT TOWN
ENGINEERING
17506 ANNALE COMMONS BLVD.
SUITE 211 LEWES, DE 19956
PHONE: 302.765.1770
P.O. BOX 124, 027
CONNETT, 1 BAKER

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PILOT TOWN ENGINEERING

PROJECT NO. 20190208-02
DATE 05.06.2021
SCALE 1/4" = 1'-0"
DRAWN BY/Author: PROJ./MChecker

S100

1/27/2021 12:30:33 PM \\PLOT\ADMIN\PROJECTS\2019\20190208-02\FOUNDATION PLAN.dwg

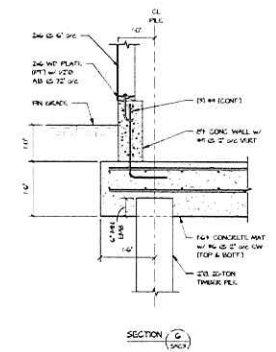
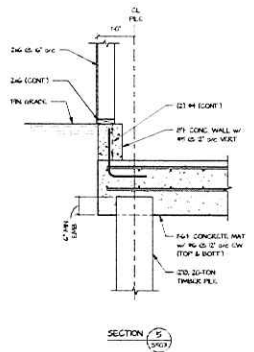
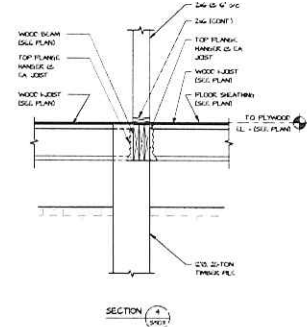
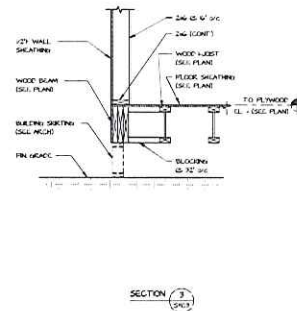
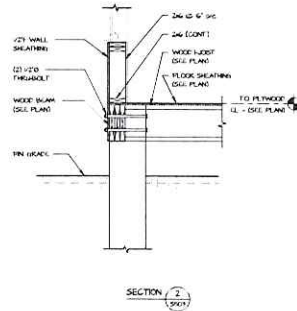
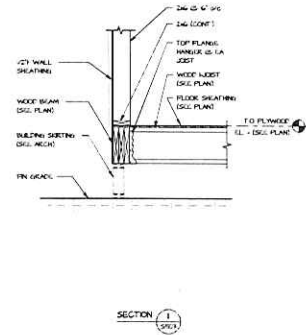


**BELL
RESIDENCE**

2 BEACH AVE.
NORTH INDIAN BEACH
REHOBOTH BEACH, DE 19971

SECTIONS

PROJECT NO.	20190228-02
DATE	05/06/2021
SCALE	3/4" = 1'-0"
DRAWN BY	AJH/PROJ.MED/CHK.MAT
S503	



**PILOTOWN
ENGINEERING**
17100 NATIONAL COMMONS BLVD
LEVEL 3 LEVELS DE 39000
PRINCE, MD 20373-1770

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PILOTOWN ENGINEERING.

JOB NUMBER: 224-027
CONTACT: J. BAKER

DATE PLOTTED: 05/06/2021 10:07:18 AM USER: J. BAKER

BECKER FINANCIAL GROUP, INC.
 CHECK # 3274117530
 405690

BECKER FINANCIAL GROUP, INC.
 6-30-20

CHEQUE

11/25/20

Pay to the order of Physical COX Health

State of Delaware

AMOUNT \$100.00

BECKER FINANCIAL GROUP, INC. 11/25/20

BECKER FINANCIAL GROUP, INC.

53666

Account Name	Date	Amount	Debit	Credit	Balance
Physical COX Health	11/25/20	100.00			100.00
State of Delaware		100.00			100.00
Checking					

BECKER FINANCIAL GROUP, INC.
 327 VETMATE STREET
 DELAWARE

BECKER FINANCIAL GROUP, INC.
 327 VETMATE STREET
 DELAWARE

BALTIMORE, MD
 26 MAR 2021

11/25/20
 100.00
 100.00

Signature of V. Steward
 Attn: Jennifer
 285 Baseline
 Level, DE 19804

RECEIVED
 MAR 20 2021
 DEPARTMENT OF REVENUE
 100 N. MARKET ST.
 BALTIMORE, MD 21201

Security features. Details on back.



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

SHORELINE AND WATERWAY
MANAGEMENT SECTION

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

May 2, 2021

Dear Landowner(s):

Notice is hereby given that an application for a permit for construction seaward of the DNREC Building Line has been filed by **Mr. and Mrs. Rollin Bell to construct a single family dwelling on Lots 17 & 19, North Indian Beach**, Sussex County, Delaware pursuant to the revised "Regulations Governing Beach Protection and the Use of Beaches" of the State of Delaware (effective August 11, 2016).

The application(s) may be inspected at the office of the Division of Watershed Stewardship, 285 Beiser Boulevard, Suite 102, Dover, Delaware.

Comments concerning this application should be made in writing to the Division within fifteen (15) days from the date of this notice.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley R. Norton".

Ashley R. Norton, Ph.D.
Planner
Shoreline & Waterway
Management Section



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: SD SOIL WATER DNREC
Address: 97 COMMERCE WAY STE 106
DOVER DE 19904
USA

Ad No.: 0004708076
Pymt Method: Invoice
Net Amt: \$122.82

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/02/21

Text of Ad:



**Shoreline and Waterway
Management Section
LEGAL NOTICE
PERMIT APPLICATION**

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Division of Watershed Stewardship
Department of Natural Resources
and Environmental Control
285 Beiser Blvd., Suite 102
Dover, Delaware 19904
Phone: (302) 739-9921
Jennifer Luoma Pongratz
Jennifer.Pongratz@delaware.gov
5/2-NJ

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800.282.8586

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Proof

Client	DNREC Watershed Stewardship JENNIFER PONGRATZ	Phone	(302) 739-9922
Address	89 KINGS HWY DOVER, DE 19903	EMail	dnrec_dss_fss_watershed@delaware.gov
		Fax	
AD #	472479	Requested By	DNREC Watershed Stewardship JENNIFER PONGRATZ
Account#	119145	PO #	
Class	5500	Created By	ROBROOKS
Start Date	05/02/21	Creation Date	04/26/2021
End Date	05/02/21	Dimensions	2 X 4.514
Run Dates	2	Price	\$60.23
Pubs	Delaware State News, Newszap		
Order #	472479		
Sales Rep	Roxanne Brooks	Phone	(302) 741-8297
		EMail	rbrooks@newszap.com
		Fax	(302) 741-8215



**DNREC -
Shoreline &
Waterway
Management
Branch**

LEGAL NOTICE
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Division of Watershed Stewardship
Department of Natural Resources and
Environmental Control
285 Beiser Blvd., Suite 102
Dover, Delaware 19904
Phone: (302) 739-9921
Jennifer Luoma Pongratz
Jennifer.Pongratz@delaware.gov

472479 DSN 5/2/2021

INDEPENDENT NEWSMEDIA INC. USA

110 Galaxy Drive • Dover, DE • 19901 • 1-800-282-8586

State of Delaware:

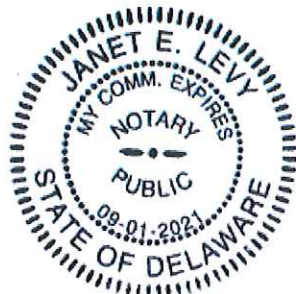
County of Kent:

Before me, a Notary Public, for the County and State aforesaid. Darel LaPrade, known to me to be such, who being sworn according to law deposed and says that he is the Publisher of **Delaware State News**, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the **Delaware State News** in its issue of 05/02/21.

Darel LaPrade

Publisher
Independent Newsmedia Inc. USA

Sworn to and subscribed before me this 2nd Day of May, A.D., 2021



Janet Levy
Notary Public



**DNREC -
Shoreline &
Waterway
Management
Branch**

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Department of Natural Resources and
Environmental Control
285 Beiser Blvd., Suite 102
Dover, Delaware 19904
Phone: (302) 739-9921
Jennifer Luoma Pongratz
Jennifer.Pongratz@delaware.gov
472479 DSN 5/2/2021



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Mailing Address: Legal Desk:
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Wilmington, DE 19850 Legal Fax:
302 324-2249

SD SOIL WATER DNREC
97 COMMERCE WAY STE 106

DOVER, DE 19904

DE,

AFFIDAVIT OF PUBLICATION

State of Delaware
New Castle County

Personally appeared **The News Journal**

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05/02/21 A.D 2021

Melanie C. Altz

Gail Wilczewski

Sworn and subscribed before me, this 2 day of May, 2021

Ad Number: 0004708076

Legal notification printed at larger size for affidavit.





**Shoreline and Waterway
Management Section
LEGAL NOTICE
PERMIT APPLICATION**

Notice is hereby given that an application for a permit for construction seaward of the DNREC Building Line has been filed by **Mr. and Mrs. Rollin Bell** to construct a **single family dwelling on Lots 17 & 19, North Indian Beach, Sussex County, Delaware** pursuant to the revised "Regulations Governing Beach Protection and the Use of Beaches" of the State of Delaware (effective August 11, 2016).

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Division of Watershed Stewardship
Department of Natural Resources
and Environmental Control
285 Beiser Blvd., Suite 102
Dover, Delaware 19904
Phone: (302) 739-9921
Jennifer Luoma Pongratz
Jennifer.Pongratz@delaware.gov
5/2-NJ

From: [Conroy, Margaret \(DNREC\)](#)
To: [Pongratz, Jennifer L. \(DNREC\)](#)
Subject: RE: DNREC-DWS 2021 Bell - location for Bell house
Date: Friday, May 14, 2021 4:26:40 PM

Jennifer,

Regarding DNREC-DWS 2021 Bell:

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. As a result, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the Army Corps of Engineers (ACOE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or pre-construction notification submitted to the Army Corps of Engineers for activities on this property.

We suggest that the contractors keep the disturbance to a minimum and keep disturbance off the beach in front of the current home. The area beachward of the existing structure is used by migratory birds including some rare and endangered species.

Please feel free to contact me with any questions or comments.

Thanks

Margaret Conroy
Conservation Project Review Scientist

Delaware Division of Fish and Wildlife
6180 Hay Point Landing Rd
Smyrna, DE 19977
Office: (302) 223-2446

Delaware Division of Fish & Wildlife

***We Bring You Delaware's Great Outdoors
through Science and Service***



From: Pongratz, Jennifer L. (DNREC) <Jennifer.Pongratz@delaware.gov>
Sent: Friday, May 14, 2021 3:00 PM
To: Conroy, Margaret (DNREC) <Margaret.Conroy@delaware.gov>
Subject: RE: DNREC-DWS 2021 Bell - location for Bell house

There is. They are tearing down and rebuilding.

From: Conroy, Margaret (DNREC) <Margaret.Conroy@delaware.gov>
Sent: Friday, May 14, 2021 3:00 PM

To: Pongratz, Jennifer L. (DNREC) <Jennifer.Pongratz@delaware.gov>

Subject: RE: DNREC-DWS 2021 Bell - location for Bell house

Thanks. Looks like there is already a house there. The application description sounded like it was new construction.

Please feel free to contact me with any questions or comments.

Thanks

Margaret Conroy
Conservation Project Review Scientist

Delaware Division of Fish and Wildlife
6180 Hay Point Landing Rd
Smyrna, DE 19977
Office: (302) 223-2446

Delaware Division of Fish & Wildlife

***We Bring You Delaware's Great Outdoors
through Science and Service***



From: Pongratz, Jennifer L. (DNREC) <Jennifer.Pongratz@delaware.gov>

Sent: Friday, May 14, 2021 2:57 PM

To: Conroy, Margaret (DNREC) <Margaret.Conroy@delaware.gov>

Subject: RE: DNREC-DWS 2021 Bell - location for Bell house

Yes, it is 334-23.06-93.00.

Thanks!

Jennifer Luoma Pongratz

Environmental Scientist, CFM

DNREC, Division of Watershed Stewardship
Shoreline and Waterway Management Section

285 Beiser Blvd., Suite 102

Dover, DE 19904

(302) 608-5502 office

(302) 242-9939 mobile

Jennifer.Pongratz@delaware.gov

From: Conroy, Margaret (DNREC) <Margaret.Conroy@delaware.gov>
Sent: Friday, May 14, 2021 1:57 PM
To: Pongratz, Jennifer L. (DNREC) <Jennifer.Pongratz@delaware.gov>
Subject: DNREC-DWS 2021 Bell - location for Bell house

Jennifer,

Regarding:

Notice is hereby given that an application for a permit for construction seaward of the DNREC Building Line has been filed by Mr. and Mrs. Rollin Bell to construct a single family dwelling on Lots 17 & 19, North Indian Beach, Sussex County, Delaware pursuant to the revised "Regulations Governing Beach Protection and the Use of Beaches" of the State of Delaware (effective August 11, 2016).

Do you have the tax parcel or address of this property? We would like to comment but that description does not show up on our maps.

Please feel free to contact me with any questions or comments.

Thanks

Margaret Conroy
Conservation Project Review Scientist

Delaware Division of Fish and Wildlife
6180 Hay Point Landing Rd
Smyrna, DE 19977
Office: (302) 223-2446

Delaware Division of Fish & Wildlife

***We Bring You Delaware's Great Outdoors
through Science and Service***





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Maps and Images



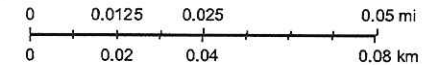
Sussex County



PIN:	334-23.06-93.00
Owner Name	BELL ROLLIN
Book	3162
Mailing Address	3828 VILLAGE PARK DR
City	CHEVY CHASE
State	MD
Description	E/PIERCE AVE
Description 2	LOTS 17 19
Description 3	N/A
Land Code	

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

1:1,128



Case # 12588
Hearing Date 3/2
202108778

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)
115-25 115-210

Site Address of Variance/Special Use Exception: 20050 asketum branch rd,
georgetown, DE, 19947

Variance/Special Use Exception/Appeal Requested: Proposal
Manufacture to place a 2nd
manufactured home on parcel, 44.50 Acre property. Home will be
used for agriculture use. It will be placed on a chicken farm and used
for housing workers

Tax Map #: 133 - 9.00 - 38.00 Property Zoning: _____

Applicant Information

Applicant Name: Aslendor Garcia
Applicant Address: P.O. Box 294
City, State, Zip: Selbyville, DE, 19975
Applicant Phone #: 202-340-5401 Applicant e-mail: Pghomes today@hotmail.com

Owner Information

Owner Name: NASIR MAHMOOD
Owner Address: 24855 Shortly Rd Georgetown, DE, 19947
City, State, Zip: Georgetown, DE, 19947 Purchase Date: _____
Owner Phone #: 443 944 2104 Owner e-mail: _____

Agent/Attorney Information

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



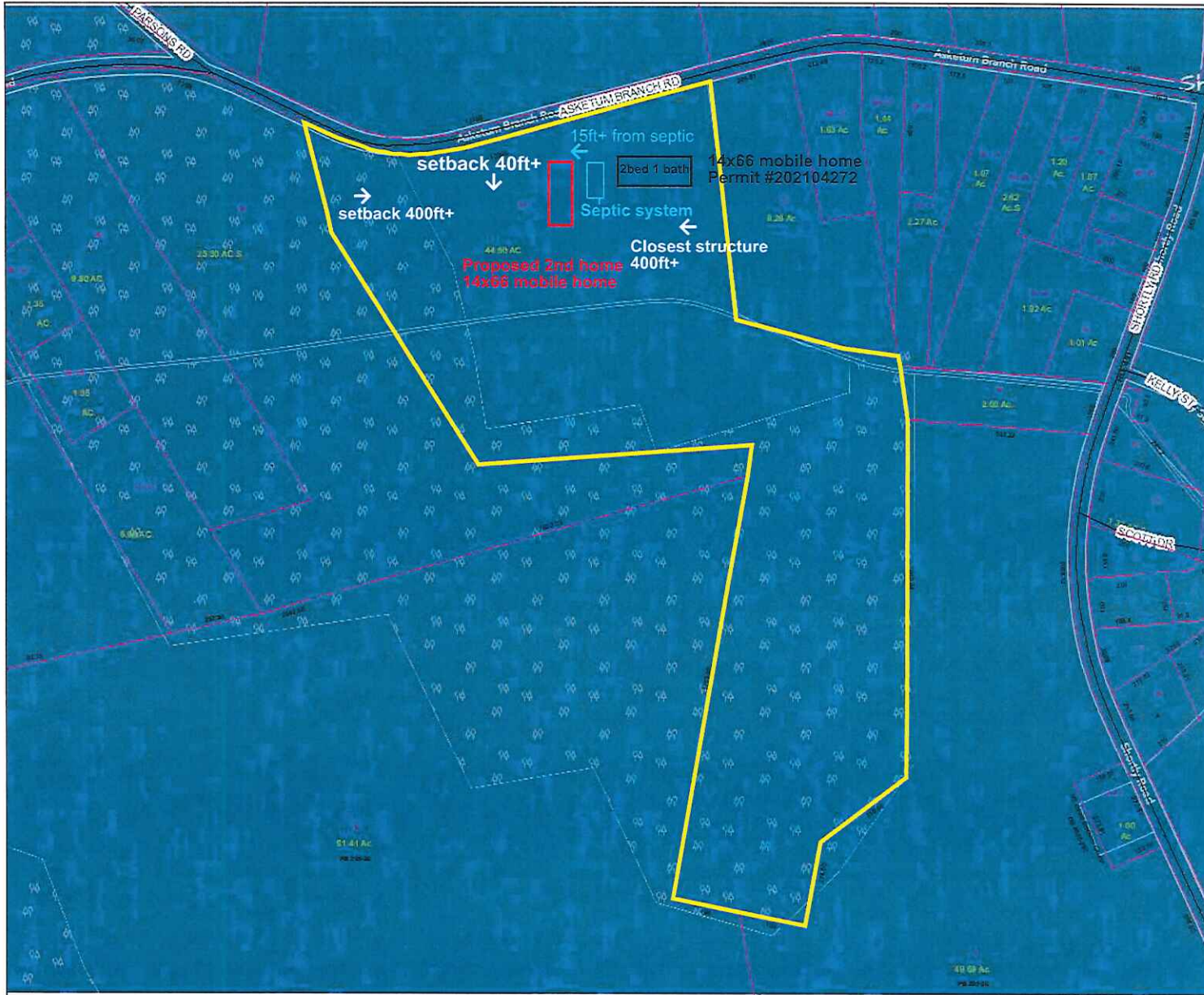
Signature of Owner/Agent/Attorney

Date: 06/09/21





Sussex County



PIN:	133-9.00-38.00
Owner Name	MAHMOOD NASIR
Book	5227
Mailing Address	24855 SHORTLY RD
City	GEORGETOWN
State	DE
Description	S/RT. 442
Description 2	FX
Description 3	
Land Code	

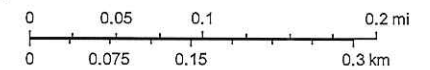
- polygonLayer

Override 1
- polygonLayer

Override 1

 - Tax Parcels
 - Streets
 - County Boundaries

1:4,514





Sussex County



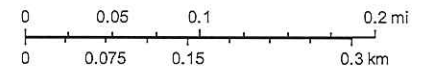
PIN:	133-9.00-38.00
Owner Name	MAHMOOD NASIR
Book	5227
Mailing Address	24855 SHORTLY RD
City	GEORGETOWN
State	DE
Description	S/RT. 442
Description 2	FX
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:4,514



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

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

Case # 12589
Hearing Date 8/2
20210924

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-25 115-82
115-182 115-185

Site Address of Variance/Special Use Exception:

Holly Lake Campsites, 32087 Holly Lake Road, Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

14.9 feet variance request from the 60 feet front yard setback requirement pursuant to Sussex County Code Section 115-82.

Tax Map #: 234-17.00-20.00

Property Zoning: AR-1/C-1

Applicant Information

Applicant Name: BAR-SGR, LLC

Applicant Address: 32193 Winery Way

City Lewes State DE Zip: 19958

Applicant Phone #: (302) 645-6665 Applicant e-mail: TSENN@BARSGRLLC.COM

Owner Information

Owner Name: BAR-SGR, LLC

Owner Address: 32193 Winery Way

City Lewes State DE Zip: 19958 Purchase Date: _____

Owner Phone #: (302) 645-6665 Owner e-mail: TSENN@BARSGRLLC.COM

Agent/Attorney Information

Agent/Attorney Name: Baird Mandalas Brockstedt, LLC c/o Mackenzie M. Peet, Esq.

Agent/Attorney Address: Baird Mandalas Brockstedt, 1413 Savannah Road

City Lewes State DE Zip: 19958

Agent/Attorney Phone #: (302) 645-2262 Agent/Attorney e-mail: MACKENZIE@BMBDE.COM

Signature of Owner/Agent/Attorney

Mackenzie Peet

Date: 06/16/2021



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

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

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

1. Uniqueness of property:

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

SEE ATTACHED.

2. Cannot otherwise be developed:

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

SEE ATTACHED.

3. Not created by the applicant:

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

SEE ATTACHED.

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

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

SEE ATTACHED.

5. Minimum variance:

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

SEE ATTACHED.

BAR-SGR, LLC VARIANCE CRITERA
Holly Lake Campsites
32087 Holly Lake Road, Millsboro, DE 19966
TAX MAP PARCEL NO. 234-17.00-20.00

1. UNIQUENESS OF PROPERTY

The Property is unique in that it is subject to split zoning with Agricultural Residential (AR-1) and General Commercial (C-1). The Property is also subject to a restrictive 60 feet setback along John J. Williams Highway and Holly Lake Road, minimizing the buildable lot area. Additionally, preexisting structures identified as "Existing Storage Building" on the Site Plan prepared by Clifton L. Bakhsh, Jr., Inc. were misplaced by the pole building contractor, creating a unique condition on site that limits the buildable lot area for the Applicant to make normal improvements to its' Property. See Exhibit B.

2. CANNOT OTHERWISE BE DEVELOPED

Because of the misplacement of the Existing Storage Building on the C1 portion of the Parcel, the Property cannot be developed in strict conformity with the Zoning Code. Therefore, the authorization of a variance is necessary for the Applicant to make normal improvements to its Property.

3. NOT CREATED BY THE APPLICANT

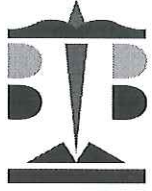
The exceptional practical difficult was created by the pole building contractor, as a result of the placement of the Existing Storage Building.

4. WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD

If authorized, the variance will not alter the essential character of the neighborhood or the Holly Lake Campsite. The proposed location of the Campground Store improves present conditions on site because the existing Campground Store is located 12.5 feet, more or less, from the Existing Paving shown on the site plan and the proposed Campground Store will be located 45.10 feet, more or less, from the Existing Paving.

5. MINIMUM VARIANCE

This is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A

Property and Deed Information

Property Information

Property Location: 32087 HOLLY LAKE RD
 Unit:
 City: MILLSBORO
 State: DE
 Zip: 19966
 Class: COM-Commercial
 Use Code (LUC): CO-COMMERCIAL
 Town: 00-None
 Tax District: 234 - INDIAN RIVER
 School District: 1 - INDIAN RIVER
 Council District: 3-Schaeffer
 Fire District: 80-Indian River
 Deeded Acres: 21.7000
 Frontage: 0
 Depth: .000
 Irr Lot:
 Zoning 1: AR-1-AGRICULTURAL/RESIDENTIAL
 Zoning 2: XX-ADDITIONAL CODES
 Plot Book Page: /PB
 100% Land Value: \$62,500
 100% Improvement Value: \$78,300
 100% Total Value: \$140,800

Legal

Legal Description: DIRT RD FROM ANGOLA
 MILLSBOROFAIRMOUNT

Owners

Owner	Co-owner	Address	City	State	Zip
BAR-SGR LLC		32193 WINERY WAY	LEWES	DE	19958

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2020	BAR-SGR LLC		32193 WINERY WAY	LEWES	DE	19958	2173/83
2019	BAR-SGR LLC		32193 WINERY WAY	LEWES	DE	19958	2173/83
2018	BAR-SGR LLC		32193 WINERY WAY	LEWES	DE	19958	2173/83
2017	BAR-SGR LLC		32193 WINERY WAY	LEWES	DE	19958	2173/83
2008	BAR-SGR LLC		32193 WINERY WAY	LEWES	DE	19958	2173/83
2004	BAR-SGR LLC		32193 WINERY WAY	LEWES	DE	19958	2173/83
1900	1194					0	621/119

Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	COM	CO	0	0	21.7000	

Land Summary

Line	1
100% Land Value	62,500

100% Values

100% Land Value	100% Improv Value	100% Total Value
-----------------	-------------------	------------------

\$62,500

\$78,300

\$140,800

50% Values

50% Land Value

\$31,250

50% Improv Value

\$39,150

50% Total Value

\$70,400

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
12-JUN-2020	202004367	\$160,733	HOLLY LAKE CAMPGROUND: STORAGE BLDG 82X54 W/8X62 PORCH
19-FEB-2016	201601680	\$0	AR-1 TO AR-1 AND C-1
03-MAY-2012	41671-7	\$7,552	CABIN W/PORCH-HOLLY LAKE MHP LOT 78
14-DEC-2006	41671-6	\$5,299	POLE BUILDING-HOLLY LAKE RD
21-OCT-2004	41671-5	\$30,150	15 CABINS-HOLLY LAKE RD
29-JUL-2004	41671-4	\$30,150	15 CABINS W/PORCHES-DIRT RD
06-MAY-1994	41671-3	\$0	BILLBOARD(SIGN)-N/24AT RT.301
12-JAN-1984	41671-2	\$50,000	SWIMMING POOL-HOLLY LAKE N/301 W/24
16-MAY-1983	41671-1	\$2,000	COMMUNITY HALL-W/24 INT. N/301

33470 02173 083

Tax Map #2-34 17.00 20.00
Prepared by: R. A. Raley
33 Nassau Commons
Leves - DE - 1995B

This Deed, Made this

day of December in the year of
our LORD one thousand nine hundred and ninety-six

BETWEEN, ROBERT A. RALEY and SUSAN G. RALEY, his wife of 33 Nassau
Commons, Leves, Sussex County, Delaware 1995B, parties of the first part,

AND

BAR-SGR, L.L.C. of 33 Nassau Commons, Leves, Sussex County, Delaware 1995B,
party of the second part.

Witnesseth, That the said part 1st of the first part, for and in consideration of the sum of
ONE DOLLAR (\$1.00) lawful money of the United States of America,

the receipt whereof is hereby acknowledged, hereby grant and convey unto the said
part y of the second part,

ALL that certain tract, piece, and parcel of land situate, lying and being in Indian River Hundred, County of Sussex and State of Delaware, adjoining lands of D.D. Burton, Wm. E. Phillips, at al, and bounded and described as follows, to-wit: BEGINNING at a fence post in line of dirt road leading from the improved Angol-Millsboro Road to Fairmount at a corner for this land, lands of William E. Phillips, binding lands of William E. Phillips North 47 degrees and 50 minues East, a distance of 1368 feet to a stake; thence, South 70 degrees and 41 minutes East, a distance of 613.7 feet to a stake, thence South 29 degrees and 45 minutes West 130.5 feet to a stake; thence South 56 degrees and 30 minutes East, a distance of 352 feet to a stake; thence South 67 degrees East, a distance of 116.8 feet to a corner; thence South 14 degrees West, a distance of 233.2 feet to a corner; thence North 88 drees 15 minutes West, a distance of 78.8 feet; thence North 74 degrees 15 minutes West 76.4 feet; thence South 47 degrees and 30 minutes West, a distance of 25 feet; thence North 89 degrees and 45 minutes West 714 feet; thence, South 73 degrees, a distance of 800 feet; thenc North 65 degrees 30 minutes West, a distance of 238 feet, home to the place of beginning, containing 21.7 acres improved by a two-story house with outbuildings thereon.

BEING the same certain tract, piece, and parcel of land heretofore conveyed unto Robert A. Raley and Susan G. Raley, his wife by deed of Forrest P. Wenyon and Margaret C. Wenyon, his wife dated July 3, 1977 and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 621, Page 1194.

Consideration : 0		0.00 Exempt Code: A
County	State	Total
0.00	0.00	0.00
counter	Date: 12/31/1996	

Dhr

02173 084

3/24/97 - R. A. Raley
331 Sussex Commons
Sussex DE 19958

In Witness Whereof, the said parties of the first part have hereunto set their hand and seals, the day and year aforesaid.

Sealed and Delivered in the Presence of
Maryann K. Raley Robert A. Raley (SEAL)
Susan G. Raley Susan G. Raley (SEAL)

Received

JAN 02 1997

ASSESSMENT DIVISION
OF SUSSEX CTY

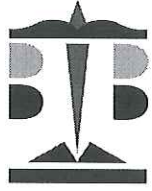
State of Delaware, }
SUSSEX County, } ss.

this 30 day of December in the year of our LORD, one thousand nine hundred and ninety-six personally came before me

Robert A. Raley and Susan G. Raley

parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their GIVEN under my Hand and Seal of office, the day and year aforesaid.

RECORDER OF DEEDS
FRANCIS S. KAUSKA
DEED
SUSSEX COUNTY
Maryann K. Raley, Notary Public
Commission Expires 8/27/98



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B

Survey

NOTES CONTINUED:

26.) SUSSEX CONSERVATION NOTES

- 1.) THE DNREC SEDIMENT AND STORMWATER PROGRAM (OR DELEGATED AGENCY) SHALL BE NOTIFIED IN WRITING 5 DAYS PRIOR TO COMMENCING WITH CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORM WATER MANAGEMENT PLAN.
- 2.) REVIEW AND/OR APPROVAL OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS, NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
- 3.) IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY DNREC OR DELEGATED AGENCY.
- 4.) FOLLOWING SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED FOR ALL PERIMETER SEDIMENT CONTROLS, SOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WITHIN 14 CALENDAR DAYS UNLESS MORE RESTRICTIVE FEDERAL REQUIREMENTS APPLY.
- 5.) ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
- 6.) AT ANY TIME A Dewatering OPERATION IS USED, IT SHALL BE PREVIOUSLY APPROVED BY THE AGENCY CONSTRUCTION SITE REVIEWER FOR A NON-EROSIVE POINT OF DISCHARGE, AND A Dewatering PERMIT SHOULD BE APPROVED BY THE DNREC WELL PERMITTING BRANCH.
- 7.) APPROVAL OF SEDIMENT AND STORMWATER MANAGEMENT PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORMWATER RUNOFF. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC. NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
- 8.) THE CONTRACTOR SHALL BE AT ALL TIMES PROTECT AGAINST SEDIMENT OR DEBRIS LAID RUNOFF OR WIND FROM LEAVING THE SITE. PERIMETER CONTROLS SHALL BE CHECKED DAILY AND ADJUSTED OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENT FROM LEAVING THE SITE. ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT HAS REACHED HALF OF THE EFFECTIVE CAPACITY OF THE CONTROL. IN ADDITION, THE CONTRACTOR MAY NEED TO ADJUST OR ALTER MEASURES IN TIMES OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY CONSTRUCTION SITE REVIEWER.
- 9.) BEST AVAILABLE TECHNOLOGY (BAT) SHALL BE EMPLOYED TO MANAGE TURBID DISCHARGES IN ACCORDANCE WITH REQUIREMENTS OF 7, DEL. C. CH 60, REGULATIONS GOVERNING THE CONTROL OF WATER POLLUTION, SECTION 5.1.02, KNOWN AS SPECIAL CONDITIONS FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES, AND DNREC POLICIES, PROCEDURES, AND GUIDELINES.

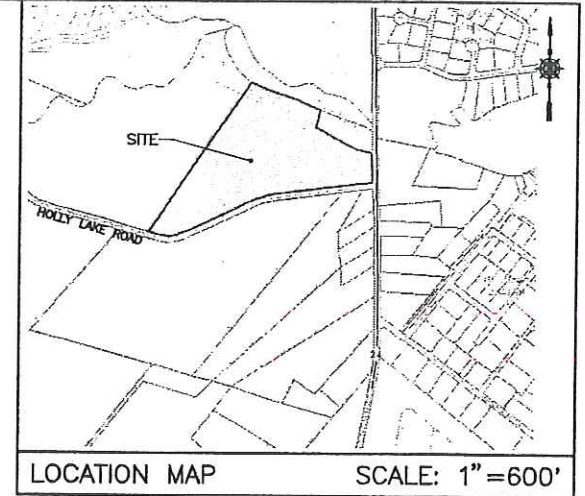
NOTES CONTINUED:

27.) DELDOT NOTES

- A.) ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- B.) ALL RIGHTS-OF-WAYS ARE INTENDED FOR PUBLIC USE.
- C.) SIGNAGE, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- D.) POSTED SPEED LIMIT - 50 M.P.H. JOHN WILLIAMS HWY. - 40 M.P.H. HOLLY LAKE ROAD
- E.) PROJECT IS 1.01 MILES OUTSIDE THE HELDOPEN T.L.D.

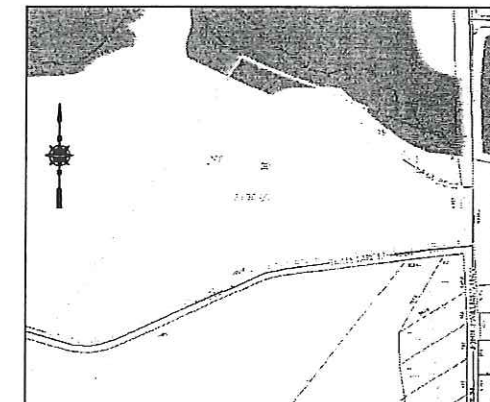
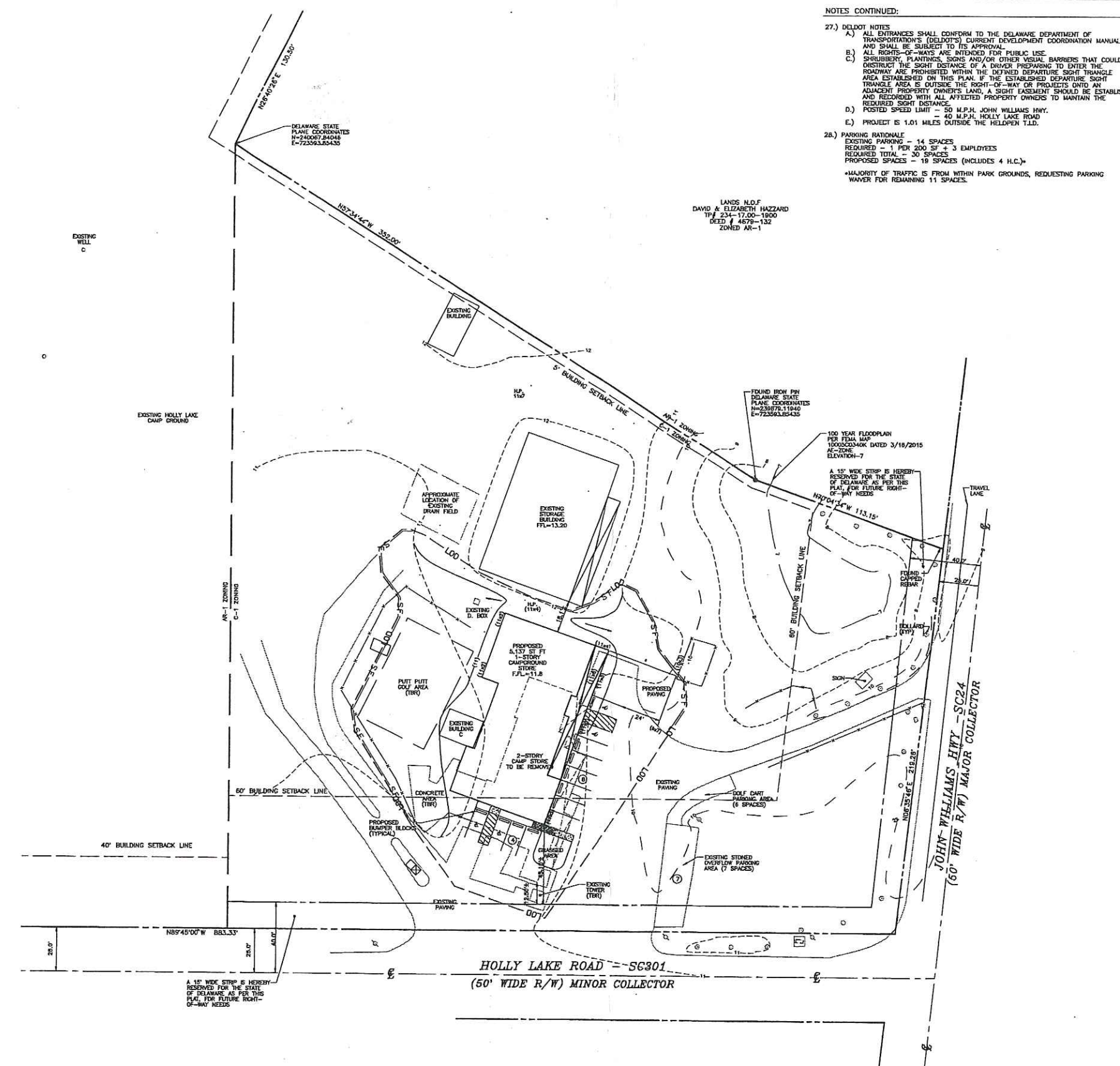
28.) PARKING RATIONALE

- EXISTING PARKING - 14 SPACES
 REQUIRED - 1 PER 200 SF + 3 EMPLOYEES
 REQUIRED TOTAL - 30 SPACES
 PROPOSED SPACES - 19 SPACES (INCLUDES 4 H.C.)
 *MAJORITY OF TRAFFIC IS FROM WITHIN PARK GROUNDS, REQUESTING PARKING WAGON FOR REMAINING 11 SPACES.

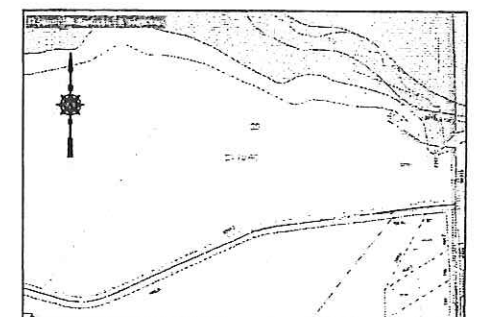


SITE DATA:

- 1.) PROPERTY OWNER: BAR-SGR, LLC, 32183 WAREY WAY, C/O TONY SENN, LEWES, DE 19958, 302-645-6666
- 2.) SITE ADDRESS: 32087 HOLLY LAKE ROAD, MILLSBORO, DE 19966
- 3.) TAX PARCEL NUMBER: 234-17.00-20.00
- 4.) ZONING: AR-1 AND C-1
- 5.) SETBACKS: FRONT YARD 40', SIDE YARD/AGGREGATE 15', REAR YARD 20', BUILDING MAX HEIGHT 42'
- 6.) SITE ACREAGE: 48.8606 ACRES
- 7.) IMPERVIOUS PERMITTED AREA: NO NEW IMPERVIOUS AREA PROPOSED
- 8.) ROAD CLASSIFICATION: HOLLY LAKE ROAD MINOR COLLECTOR, SPEED LIMIT - 40 M.P.H.; JOHN WILLIAMS HWY MAJOR COLLECTOR, SPEED LIMIT - 50 M.P.H.
- 9.) SOURCE OF TITLE: D.R. #2173-E3
- 10.) BEARING DATUM: DELAWARE STATE PLANE SYSTEM
- 11.) HORIZONTAL DATUM: N.A.V.D 88
- 12.) SURVEY CLASSIFICATION: RURAL
- 13.) PURPOSE OF PLAN: THE PURPOSE OF THIS PLAN IS TO REPLACE THE EXISTING CAMPGROUND STORE BUILDING WITH A NEW 5,878 S.Q.F.T. BUILDING.
- 14.) BOUNDARY SURVEY: NO BOUNDARY SURVEY WAS PREPERFORMED OR REQUESTED. NO TITLE SURVEY WAS PROVIDED. SURVEY BASED UPON DEEDS AND PHYSICAL LOCATIONS. BEARINGS & DISTANCES ARE IN DELAWARE STATE PLANE COORDINATE SYSTEM.
- 15.) IMPERVIOUS AREA TO BE REMOVED: EXISTING BUILDING 4,143 S.Q.F.T., CONCRETE AREA 1,045 S.Q.F.T., PUTT PUTT GOLF AREA (PART OF) 2,566 S.Q.F.T., TOTAL 7,754 S.Q.F.T.; PROPOSED IMPERVIOUS AREA: NEW BUILDING & COVERING 6,594 S.Q.F.T., ADDITIONAL PARKING 1,180 S.Q.F.T., TOTAL 7,774 S.Q.F.T.
- 15.) LIMITS OF DISTURBANCE: 24,420 S.Q.F.T.
- 16.) FIRE NOTE: ALL FIRE LANES, FIRE HYDRANTS, FIRE DEPARTMENT CONNECTIONS, SPRINKLERS, STAIRWELL CONNECTIONS AND FIRE EXITS SHALL BE MARKED AND/OR PROTECTED IN ACCORDANCE WITH THE DELAWARE STATE FIRE REGULATION.
- 17.) LOCK BOX: LOCK BOX REQUIRED, CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION AND LOCATION OF BOX ON THE BUILDING.
- 18.) AUTOMATIC SPRINKLERS: AUTOMATIC SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
- 19.) BUILDING TYPE: BUILDING TYPE - V
- 20.) PROPOSED BUILDING: CAMPGROUND STORE
- 21.) STORIES / BUILDING HEIGHT: 1 STORY / 21'5" HEIGHT
- 22.) FIRE HYDRANTS: 0
- 23.) COMPLETE BUILDING MUST BE ALARMED PER FIRE MARSHAL REGULATIONS.
- 24.) PROPOSED BUILDING GROSS FLOOR AREA: 5,878 SQ.FT.
- 25.) EMERGENCY ACCESS: 50%



NATIONAL WETLANDS INVENTORY MAP SCALE 1"=400'



FEMA FLOOD PLAIN MAP SCALE 1"=400'

CERTIFICATION OF PLAN ACCURACY

I, MATTHEW R. BRICKLEY, CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, I CERTIFY THAT THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES.

MATTHEW R. BRICKLEY DATE _____

CERTIFICATION OF OWNERSHIP

I, TONY SENN A REPRESENTATIVE OF BAR-SGR, LLC, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED STANDARD AND THAT RESPONSIBLE INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO THE INITIATION OF THE PROJECT. AT A DNREC SPONSORED OR APPROVAL TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWING.

TONY SENN DATE _____

SEQUENCE OF CONSTRUCTION:

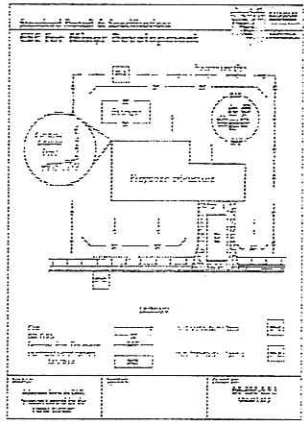
- 1.) APPROXIMATE 4 MONTHS OF CONSTRUCTION
- 1.) NOTIFY APPROVAL AGENCY OF INTENT TO CONSTRUCT.
- 2.) INSTALL STABILIZED CONSTRUCTION ENTRANCE, SILT FENCE AND STAKE LOD.
- 3.) CLEAR AND GRUB SITE.
- 4.) INSTALL FOUNDATION AND ROUGH GRADE.
- 5.) FINISH BUILDING AND DRIVEWAY CONSTRUCTION.
- 6.) FINAL GRADE, SEED AND STABILIZE.
- 7.) REMOVE EROSION AND SEDIMENT CONTROLS.

LEGEND:

EXISTING BOUNDARY	---
EXISTING FENCE LINE	--- ---
EXISTING BOLLARD	o
EXISTING TELEPHONE POLE	o
EXISTING SETBACK LINE	---
EXISTING TOPOGRAPHY	--- ---
PROPOSED TOPOGRAPHY	---
PROPOSED SILT FENCE	---
PROPOSED LOD	---

EROSION & SEDIMENT CONTROL PLAN / STANDARD SITE PLAN
 FOR LANDS OF
32087 HOLLY LAKE ROAD
BAR-SGR, LLC.
 T.P. #234-17.00-20.00
 PREPARED FOR
 HOLLY LAKE CAMPSITE
 INDIAN RIVER HUNDRED
 SUSSEX COUNTY DELAWARE

		Clifton L. Bakhsh, Jr., Inc. Land Surveyors & Planners 4450 Summit Bridge Road, Middletown, DE 19709 (302) 576-8008	
		Date: December 15, 2020 Scale: 1" = 30'	Drawn By: F.R.Perno Checked By: Job No.: MJ-23316
Revision	Date	GRAPHIC SCALE 1" = 30' 0' 15' 30' 45' 60'	Sheet No. 1 of 2

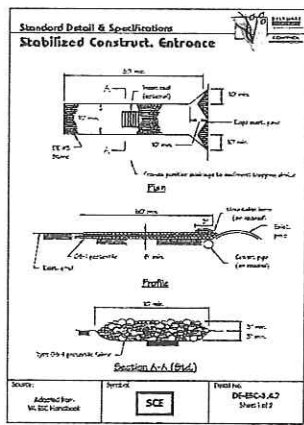


Standard Detail & Specifications
ESC for Minor Development

Construction Notes:

1. Identify the Site.
2. Identify Areas to be Stabilized.
3. Install Erosion Control Measures.
4. Monitor and Maintain Erosion Control Measures.
5. Remove Erosion Control Measures.

Source: Adopted from DEP, Erosion Control for the Home Builder. DE-ESC-3.1, Sheet #1 of 2. Effective February 2019.



Standard Detail & Specifications
Stabilized Construct. Entrance

Construction Notes:

1. Excavate to 18" depth.
2. Install 18" concrete curb.
3. Install 18" concrete curb.
4. Install 18" concrete curb.
5. Install 18" concrete curb.

Source: Adopted from DEP, Stabilized Construct. Entrance. DE-ESC-3.2, Sheet #1 of 2. Effective February 2019.

Standard Detail & Specifications
Site Pollution Prevention

Notes:

1. Material Inventory.
2. Material Storage.
3. Material Handling.
4. Material Disposal.
5. Material Spill Response.

Source: Adopted from DEP, Site Pollution Prevention. DE-ESC-3.3, Sheet #1 of 2. Effective February 2019.

Standard Detail & Specifications
Site Pollution Prevention

Notes (cont.):

6. Wash and discharge.
7. Wash and discharge.
8. Wash and discharge.
9. Wash and discharge.
10. Wash and discharge.

Source: Adopted from DEP, Site Pollution Prevention. DE-ESC-3.3, Sheet #2 of 2. Effective February 2019.

Standard Detail & Specifications
Site Pollution Prevention

Notes (cont.):

11. Wash and discharge.
12. Wash and discharge.
13. Wash and discharge.
14. Wash and discharge.
15. Wash and discharge.

Source: Adopted from DEP, Site Pollution Prevention. DE-ESC-3.3, Sheet #3 of 3. Effective February 2019.

Standard Detail & Specifications
Vegetative Stabilization

Species	Planting Rate	Planting Method	Planting Date	Planting Location	Planting Notes
Grass	1000/sq ft	Hydroseeding	Spring	Stabilized Area	Apply 1/2" topsoil
Shrub	100/sq ft	Hand Planting	Spring	Stabilized Area	Apply 1/2" topsoil
Tree	10/sq ft	Hand Planting	Spring	Stabilized Area	Apply 1/2" topsoil

Source: Adopted from DEP, Vegetative Stabilization. DE-ESC-3.4, Sheet #1 of 1. Effective February 2019.

Standard Detail & Specifications
Vegetative Stabilization

Species	Planting Rate	Planting Method	Planting Date	Planting Location	Planting Notes
Grass	1000/sq ft	Hydroseeding	Spring	Stabilized Area	Apply 1/2" topsoil
Shrub	100/sq ft	Hand Planting	Spring	Stabilized Area	Apply 1/2" topsoil
Tree	10/sq ft	Hand Planting	Spring	Stabilized Area	Apply 1/2" topsoil

Source: Adopted from DEP, Vegetative Stabilization. DE-ESC-3.4, Sheet #2 of 1. Effective February 2019.

Standard Detail & Specifications
Vegetative Stabilization

Species	Planting Rate	Planting Method	Planting Date	Planting Location	Planting Notes
Grass	1000/sq ft	Hydroseeding	Spring	Stabilized Area	Apply 1/2" topsoil
Shrub	100/sq ft	Hand Planting	Spring	Stabilized Area	Apply 1/2" topsoil
Tree	10/sq ft	Hand Planting	Spring	Stabilized Area	Apply 1/2" topsoil

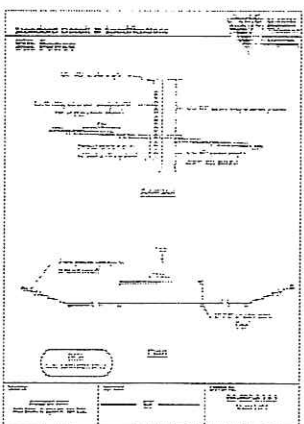
Source: Adopted from DEP, Vegetative Stabilization. DE-ESC-3.4, Sheet #3 of 1. Effective February 2019.

Standard Detail & Specifications
Vegetative Stabilization

Construction Notes:

1. Prepare site.
2. Apply seed.
3. Water regularly.
4. Monitor growth.
5. Remove erosion control.

Source: Adopted from DEP, Vegetative Stabilization. DE-ESC-3.4, Sheet #4 of 1. Effective February 2019.



Standard Detail & Specifications
Silt Fence

Construction Notes:

1. Construct silt fence.
2. Maintain silt fence.
3. Remove silt fence.

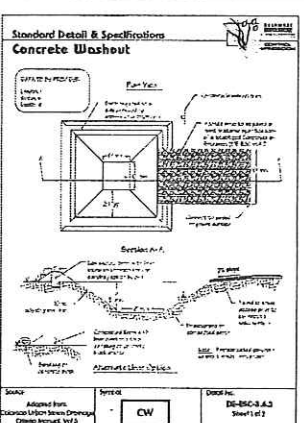
Source: Adopted from DEP, Silt Fence. DE-ESC-3.5, Sheet #1 of 1. Effective February 2019.

Standard Detail & Specifications
Silt Fence

Construction Notes:

1. Construct silt fence.
2. Maintain silt fence.
3. Remove silt fence.

Source: Adopted from DEP, Silt Fence. DE-ESC-3.5, Sheet #2 of 1. Effective February 2019.

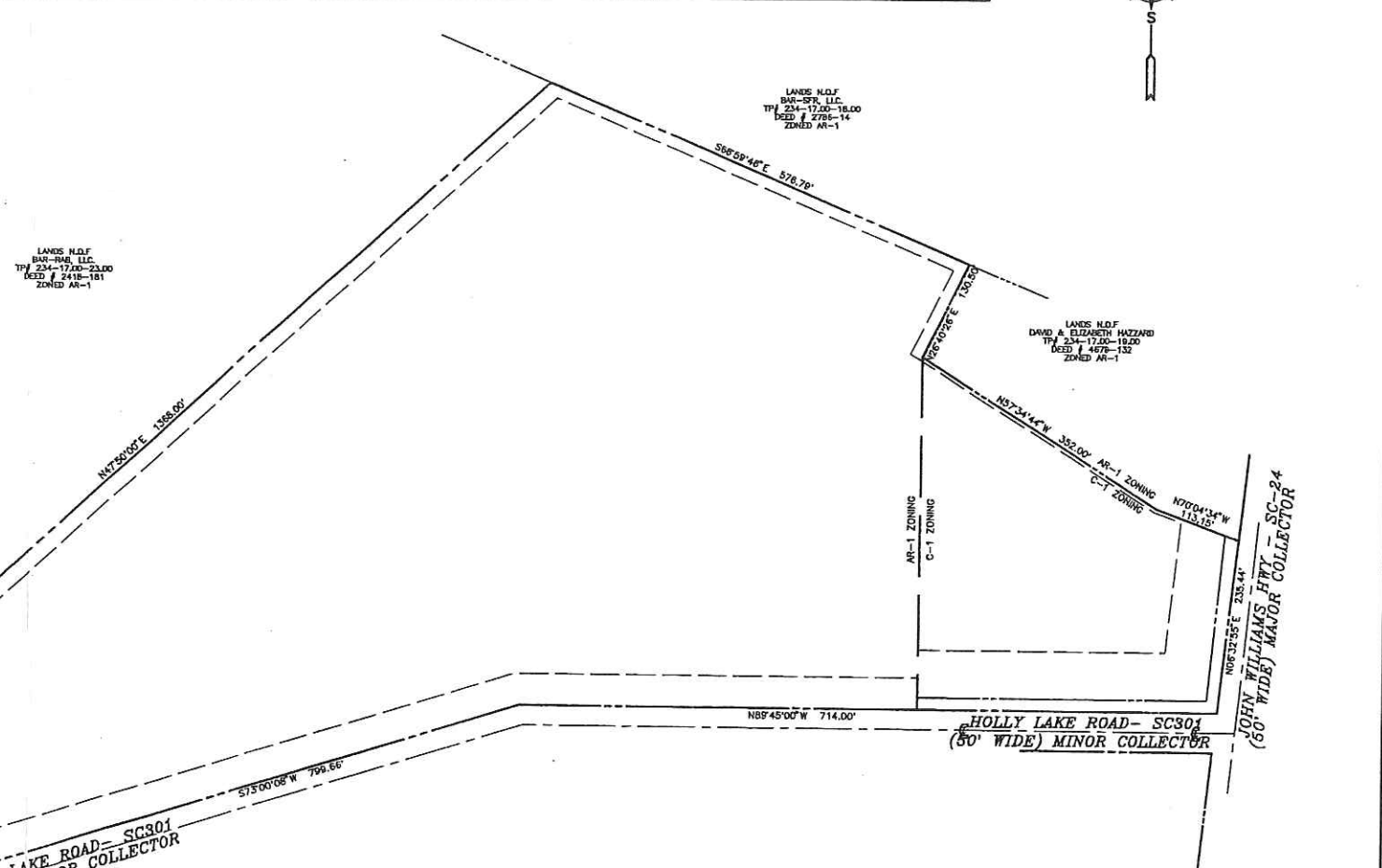
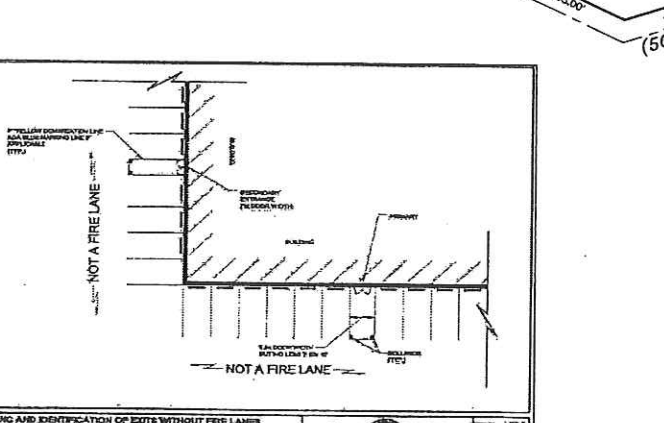


Standard Detail & Specifications
Concrete Washout

Construction Notes:

1. Excavate to 18" depth.
2. Install 18" concrete curb.
3. Install 18" concrete curb.
4. Install 18" concrete curb.
5. Install 18" concrete curb.

Source: Adopted from DEP, Concrete Washout. DE-ESC-3.6, Sheet #1 of 1. Effective February 2019.



EROSION & SEDIMENT CONTROL PLAN / STANDARD SITE PLAN
FOR LANDS OF
32087 HOLLY LAKE ROAD
BAR-SGR, LLC.
T.P. #234-17.00-20.00
PREPARED FOR
HOLLY LAKE CAMPSITE
INDIAN RIVER HUNDRED
SUSSEX COUNTY DELAWARE

- STANDARD PLAN REQUIREMENTS (SUSSEX COUNTY)**
- STANDARD CONDITIONS**
- 1) DISCHARGES FROM ROOFTOPS WILL BE DISCONNECTED USING ONE OF THE FOLLOWING METHODS APPROVED BY THE DEPARTMENT OR DELEGATED AGENCY.
 - A. INDIVIDUAL DOWNSPOUTS WILL DISCHARGE TO LAWN OR LANDSCAPE AREA.
 - B. DISCHARGES FROM DOWNSPOUTS WILL BE COLLECTED AND DISCHARGED TO A RAIN GARDEN.
 - C. DISCHARGES FROM DOWNSPOUTS WILL BE COLLECTED IN RAIN BARRELS OR CISTERNS FOR REUSE.
 - D. DISCHARGES FROM DOWNSPOUTS WILL BE COLLECTED IN RAIN BARRELS OR CISTERNS FOR REUSE.
 - 2) DISCHARGES FROM DOWNSPOUTS WILL BE COLLECTED AND DISCHARGED TO A RAIN GARDEN, RAIN BARRELS OR CISTERNS FOR REUSE, OR OTHER PERVIOUS AREAS TO MAXIMUM EXTENT PRACTICABLE.
 - 3) DISCHARGES FROM DOWNSPOUTS WILL BE COLLECTED AND DISCHARGED TO A RAIN GARDEN, RAIN BARRELS OR CISTERNS FOR REUSE, OR OTHER PERVIOUS AREAS TO MAXIMUM EXTENT PRACTICABLE.
 - 4) APPROVAL OF THIS STANDARD PLAN DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY OR MUNICIPAL LAWS AND REGULATIONS.
- STABILIZATION CONDITIONS**
- 1) FOLLOWING INITIAL SOIL DISTURBANCE OR REDISTURBANCE, TEMPORARY OR PERMANENT STABILIZATION WITH SEED AND MULCH SHALL BE COMPLETED WITHIN 14 CALENDAR DAYS TO THE SURFACE OF ALL DISTURBED AREAS NOT ACTIVELY UNDER CONSTRUCTION.
 - 2) SPECIFIC STABILIZATION RECOMMENDATIONS MAY BE FOUND IN THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, 3.4.3 STANDARD AND SPECIFICATIONS FOR VEGETATIVE STABILIZATION.

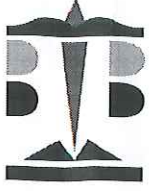
Clifton L. Bakhsh, Jr., Inc.
Land Surveyors & Planners
4450 Summit Bridge Road, Middlestown, DE 19709 (302) 578-0009

Date: December 15, 2020 Drawn By: F.R. Perre
Scale: 1" = 100' Checked By: [Signature]
Job No.: MJ-2331E

GRAPHIC SCALE 1" = 100'
0 100' 200'

Revision _____ Date _____

Sheet No. 2 of 2



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT C

Municipal Code

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-82. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100
Other	10,000	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

[Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

[Added 7-15-1997 by Ord. No. 1157]

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

*NOTE: See also the table of district regulations at the end of this chapter.

**NOTE: See also § 115-194.1.

C. Maximum height requirements. Maximum height requirements shall be as follows:
[Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

Chapter 115. Zoning

Article IV. AR-1 and AR-2 Agricultural Residential Districts

§ 115-25. Height, area and bulk requirements.

[Amended 11-7-1989 by Ord. No. 632; 10-31-1995 by Ord. No. 1062; 7-15-1997 by Ord. No. 1157; 8-3-2004 by Ord. No. 1709]

- A. Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.

- (1) Standard lot option:

District (square feet)	Area (feet)	Width* (feet)	Depth
AR-1	32,670	100	100

NOTES:

A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

- (2) Cluster development option. The minimum lot size may be reduced to one-half acre (21,780 square feet) where soil conditions are suitable as approved by DNREC. The total number of lots allowed shall not exceed the number of lots that would be permitted under the standard lot option. The number of dwelling units permitted shall be determined by dividing the gross area by 32,670 square feet. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. However, if the proposed cluster development lies within a Low-Density Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, the total number of lots permitted shall be determined by first reducing the gross area by 25%. [Amended 1-31-2006 by Ord. No. 1822; 12-4-2018 by Ord. No. 2618]

- B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:

- (1) Standard lot option:

District	Area** (square feet)	Width* (feet)	Depth (feet)
AR-1	20,000	100	100

- (2) Cluster development option (subject to § 115-25F):
[Amended 5-21-2019 by Ord. No. 2656]

Minimum Tract Size (acres)	Minimum Lot Size (square feet)	Required Open Space
10	7500	30%

NOTES:

* A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

** For lots located in the Coastal Area, the Development Districts or the Town Center Districts, the overlay ordinance for that district shall determine the minimum lot size.

- (3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. When a cluster development lies within a Town Center, a Developing Area, or an Environmentally Sensitive Developing Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. [Amended 1-31-2006 by Ord. No. 1822; 4-2-2006 by Ord. No. 1842; 12-4-2018 by Ord. No. 2618]

C. Minimum yard requirements. Minimum yard requirements shall be as follows:

District	Depth of Front Yard (feet)	Width of Side Yard* (feet)	Depth of Rear Yard (feet)	Minimum Lot Width (feet)
AR-1 and AR-2 (Cluster with central sewer)	25	10	10	60
AR- and AR-2 (All others)	40(30)**	15	20	100

NOTES:

* A lot having an area of less than 20,000 square feet or having a width of less than 100 feet, which lot was legally recorded prior to January 1, 1971, shall be subject to the minimum side yard requirements applicable to an MR District rather than to the minimum side yard requirements of this district.

** See also the table of district regulations at the end of this chapter.

D. Maximum height requirements. Maximum height requirements shall be as follows:

District	Feet
AR-1 and AR-2	42

E. Design requirements for cluster development.

- (1) All development shall be in accordance with the latest amendment to the community design standards.

- (2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance.
- (3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area
- (4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.
 - (a) A planting strip at least 30 feet wide near the property line which shall include two canopy trees, four understory trees and 10 shrubs per 100 linear feet of buffer; or
 - (b) A landscaped rolling berm at least four feet in height; or
 - (c) A solid fence or wall a minimum of six feet in height designed with durable materials, texture and colors compatible with adjacent residential development.
- (5) No lots shall have direct access to any state-maintained roads.
- (6) All lots shall be configured to be contained completely outside of all wetlands.
- (7) Any development using the option in Subsection **B(2)** shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § **115-194A** of the Sussex County Zoning Ordinance.

F. Review procedures for cluster development.

- (1) The developer shall submit an application for a cluster development in accordance with Chapter **99**, Subdivision of Land, of the Sussex County Code and which shall include, at a minimum, a sketch plan showing the location and uses of all open spaces, the extent of existing wooded areas and wetlands and the location of any historical or cultural resources. The Director of Planning and Zoning may waive this requirement when the proposed development does not contain significant natural features or resources.
- (2) The information submitted shall include a plan for the management of all open space.
- (3) The Planning and Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be reviewed on an expedited basis.

[Amended 1-31-2006 by Ord. No. 1822; amended 4-2-2006 by Ord. No. 1842; 12-16-2008 by Ord. No. 2024^[1]; 12-4-2018 by Ord. No. 2618; 6-11-2019 by Ord. No. 2658]

 - (a) The cluster development sketch plan and the preliminary plan of the cluster subdivision provides for a total environment and design which are superior, and the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for the standard option. For the purposes of this subsection a proposed cluster subdivision which provides for a total environment and design which are superior to that allowed under the standard option subdivision is one which, in the reasonable judgment of the Planning Commission meets all of the following criteria:

[1] Homes shall be clustered on the environmentally suitable portions of the tract, specifically those portions of the tract least encumbered by sensitive environmental features, including but not limited to wetlands, mature woodlands, waterways and other water bodies. This does not inhibit the development of wooded parcels.

- [2] (Reserved)
- [3] Required open space shall comply with the following criteria:
- [a] All required open space must meet the official definition of acceptable open space contained in § 115-4.
 - [b] Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.
 - [c] If one of the following physical conditions exists adjacent to the proposed cluster development tract, at least 30% of all required open space must be adjacent to:
 - [i] An existing or officially planned public park, land preserved by easement, or land preserved as open space and in municipal, County, state, or federal ownership.
 - [ii] Existing wetlands, waterways, wildlife corridors, or other ecology-sensitive land.
 - [iii] Existing farmland and/or woodlands.
 - [iv] If more than one of these physical features exist on adjacent properties, then one of these features will be identified and utilized to satisfy this requirement.
 - [v] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners' association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.
 - [vi] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.
- [4] A minimum of 25 feet of permanent setback must be maintained around the outer boundaries of all wetlands, except for tidal waters, tidal tributary streams and tidal wetlands and from the ordinary high water line of perennial nontidal rivers and nontidal streams as provided for in § 115-193B under Ordinance No. 774 where a fifty-foot permanent setback is required. No buildings or paving shall be placed within these setbacks.
- [5] Stormwater management shall be designed to promote groundwater recharge and protect groundwater quality. Natural drainage flows shall be maintained to the greatest extent possible. Drainage from rooftops shall be directed to vegetated areas or allow green technology. Stormwater detention and retention facilities should be designed to resemble natural ponds as referenced by DNREC in the National Resource Conservation Service's (NRCS) Pond Code 378, Visual Resource Design.
- [6] Removal of healthy mature trees shall be limited.

- [7] Scenic views that can be seen from within the tract should be preserved to the greatest extent possible.
 - [8] The applicant for a cluster development shall illustrate that the following sequence and process was followed in the site design of the cluster project:
 - [a] Identify lands that should be preserved. First, areas worthy of preservation should be mapped, including wetlands, wooded areas, waterways, other water bodies, and natural drainage areas. Then, other features that are important should be mapped, such as tree lines, scenic views, historic buildings, and prime farmland. The areas with the fewest important natural, scenic and historic features should be considered the "potential development area."
 - [b] Identify developable areas. Next, the most appropriate locations for development should be chosen to minimize the impact to the most important features mapped in the first step.
 - [c] Locate roads and trails. After the developable areas are determined, a road system should be designed to serve those homes. A trail system that links homes to destinations outside of the tract should be designed.
 - [d] Locate lot lines. The last step is to configure lot lines and make necessary adjustments to satisfy the various reviewing agencies' comments.
 - [9] Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.
- (b) The cluster development plan will preserve the natural environment and any historic or archeological resources.
 - (c) All of the items in Ordinance Number 1152 (see § **99-9C**) have been addressed and approval of the cluster option for the proposed development will not have an adverse effect on any of the items to be considered.
 - (d) The cluster development lies within a Town Center, a Developing Area or an Environmentally Sensitive Developing Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the proposed development complies with § **115-25B(2)**, and does not exceed four dwelling units per gross acre, and the developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas the development fee required by § **115-25B(3)**. The Sussex County Council prior to the signing of a contract to purchase, shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this act. All such approvals by the Council shall be by a four-fifths majority vote. It is understood that the County shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.
- [1] *Editor's Note: This ordinance also provided that it shall apply to all cluster subdivision applications filed after 1-1-2009.*
- (4) The Sussex County Planning and Zoning Commission may add conditions to the approval of any cluster development to protect adjacent properties and the natural environment.

ZONING

115 Attachment 1

Sussex County

TABLE I

**General Table of Height, Area and Bulk Requirements
Sussex County
(See also § 115-156A)**

Article of chapter	District or Use	Maximum Height		Lot Area (square feet)	Width of Lot (feet)	Depth of Lot (feet)	Depth of Front Yard (feet)	Width of Side Yard (2 required) (feet)	Depth of Rear Yard (feet)
		Feet	Stories						
IV (9)	AR-1 District	42 (12)	– (12)	20,000 (14)	100 (10)	100	40 (7)(8)	15	20
IV (9)	AR-2 District	42 (12)	– (12)	15,000 (14)	100 (10)	100	40 (7)(8)	15	20
V (9)(6)	MR District	42 (12)	– (12)	10,000 (14)	75 (10)	100	40 (7)(8)	10	10
VI (9)(6)	GR District	42 (12)	– (12)	10,000 (14)	75 (10)	100	40 (7)(8)	10	10
VII (6)(9)	Detached single-family dwelling in HR-1 District	52 (12)	– (12)	7,500 (14)	60 (10)	100	40 (7)(8)	10	10
VII (6)(9)	Detached single-family dwelling in HR-2 District	52 (12)	– (12)	7,500 (14)	60 (10)	100	40 (7)(8)	10	10
VIII (9)(6)	UR District	42 (12)	– (12)	10,000 (14)	75 (11)	100	(2)	10	10
IX (9)(6)	UB District	42 (12)	– (12)	Dwellings 10,000 (14)	75 (11)	100	40 (7)(8)	10	10
		42 (12)	– (12)	Other 10,000 (14)	75 (11)	100	40 (7)(8)	5 (3)	5 (3)
X (9)(6)	B-1 District	42 (12)	– (12)	Dwellings 10,000 (14)	75 (10)	100	40 (7)(8)	10	10
		42 (12)	– (12)	Other 10,000 (14)	75 (10)	100	60 (7)(8)(15)	5 (3)	5 (3)
XI (9)(6)	C-1 District	42 (12)	– (12)	Dwellings 10,000 (14)	75 (10)	100	40 (7)(8)	10	10
		42 (12)	– (12)	Other 10,000 (14)	75 (10)	100	60 (7)(8)(15)	5 (3)	5 (3)
XII	M District	42 (12)	– (12)	Dwellings 10,000 (14)	75 (10)	100	40	10	10
		45 (12)	– (12)	Other 10,000 (14)	75 (10)	100	40	10 (5)	10 (5)
XIII	LI-1 District	42 (12)	– (12)	43,560/1 acre (14)	150	200	50	20	20 (4)
XIV	LI-2 District	52 (12)	– (12)	1 acre	150	200	50	20	20 (4)
XV	HI-1 District	125 (1)	--	2 acre	200	200	50	20	20 (4)
XVI	Manufactured home parks (13)	15	1	5,000	50	50	10	10	10

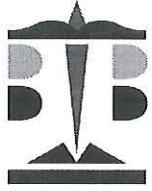
NOTES:

- (1) Grain elevators, industrial tanks or towers and other similar structures may exceed 125 feet in height, but whenever such use in the HI-1 District adjoins a residential district, such structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet).
- (2) See § 115-58.
- (3) None is required when there is a party wall to an adjoining building, except that there shall be a side yard not less than 20 feet in width on the side of a lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.
- (4) None is required, except that there shall be a rear yard not less than 40 feet in depth on the rear side of a lot adjoining a residential district.

SUSSEX COUNTY CODE

(NOTES cont'd):

- (5) No rear yard or side yard shall be required on that rear or side of a lot which adjoins a waterway.
- (6) See § 115-50 for tables covering townhouses and multifamily dwellings in HR-1 and HR-2 multifamily residential districts. See Table II for tables covering multifamily dwellings in MR, GR, UR, UB, B-1, M and C-1 Districts.
- (7) On property fronting on highways designated by the Delaware Department of Transportation as Principal Arterials or Minor Arterials, the setback shall be measured from a point not less than 50 feet from the center line of the right-of-way. On property fronting on highways designated by the Delaware Department of Transportation as Major or Minor Collectors, the setback shall be measured from a point not less than 40 feet from the center line of the right-of-way. On property fronting on all other local roads shown on the General Highway Map for Sussex County of 1964, as last revised, the setback shall be measured from a point not less than 30 feet from the center line of the right-of-way. If the existing right-of-way on any of these roads or highways is greater than the minimum dimension listed above, the setback shall be measured from the existing right-of-way line. **[Amended 8-3-2004 by Ord. No. 1711]**
- (8) Any lot fronting on a subdivision street and not fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised January 1979, shall have a setback of not less than 30 feet.
- (9) For buildings located on lots adjacent to waterways, golf courses and similar special situations, the front of such lots may be determined by the Commission. In the event that a Commission ruling makes a rear yard adjacent to the street line, an additional depth of rear yard may be required by the Commission, and an additional setback of accessory buildings from the street line may be required.
- (10) A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet. **[Added 11-7-1989 by Ord. No. 632]**
- (11) A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 90 feet. **[Added 11-7-1989 by Ord. No. 632]**
- (12) **[Amended 10-31-1995 by Ord. No. 1062]**
- (13) **[Amended 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]**
- (14) Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre. **[Added 7-15-1997 by Ord. No. 1157]**
- (15) **[Amended 7-20-1999 by Ord. No. 1328]**
- (16) For any existing approved lot which is not located in a cluster subdivision, Coastal Area cluster subdivision or residential planned community, and consists of less than 10,000 square feet, the following setbacks shall apply: the side yard setback shall be reduced to five feet and the rear yard setback shall be reduced by five feet. For any lot with side or rear yard setbacks reduced by operation of § 115-183D, no structures shall extend or project closer than five feet from the lot line. The front yard setback may be reduced to the average front yard setback of the existing buildings located on the same side of the street or road and being within 300 feet of the structure; provided, however, the front yard setback is not less than five feet. Any vacant lot within 300 feet of the structure shall be calculated as having the required setback for the district. **[Added 3-20-2018 by Ord. No. 2557; amended 5-21-2019 by Ord. No. 2656]**



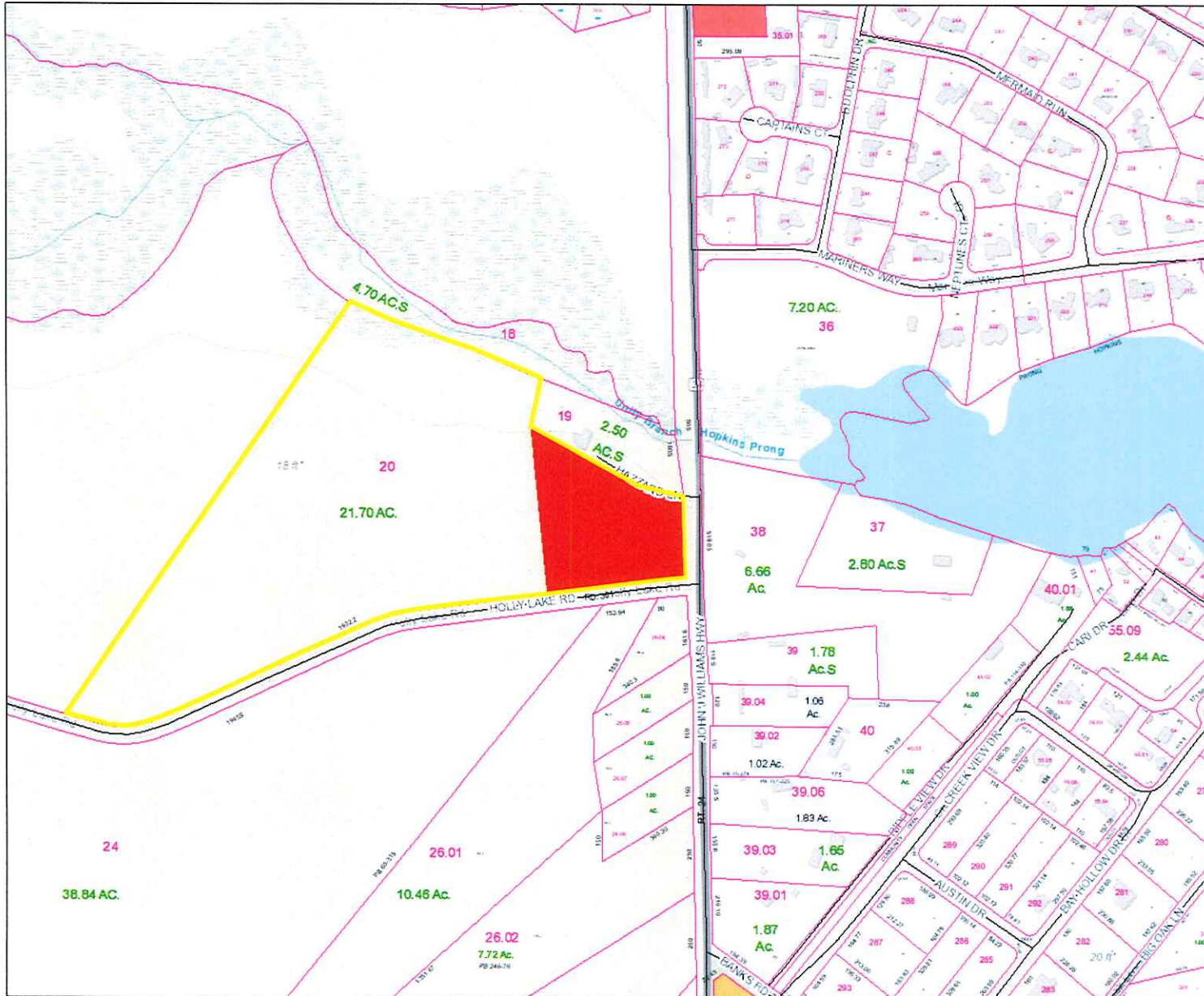
BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT D

Aerial Maps



Sussex County



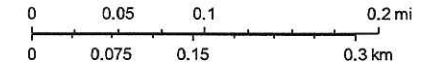
PIN:	234-17.00-20.00
Owner Name	BAR-SGR LLC
Book	2173
Mailing Address	32193 WINERY WAY
City	LEWES
State	DE
Description	DIRT RD FROM ANGOLA
Description 2	MILLSBOROFAIRMOUNT
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

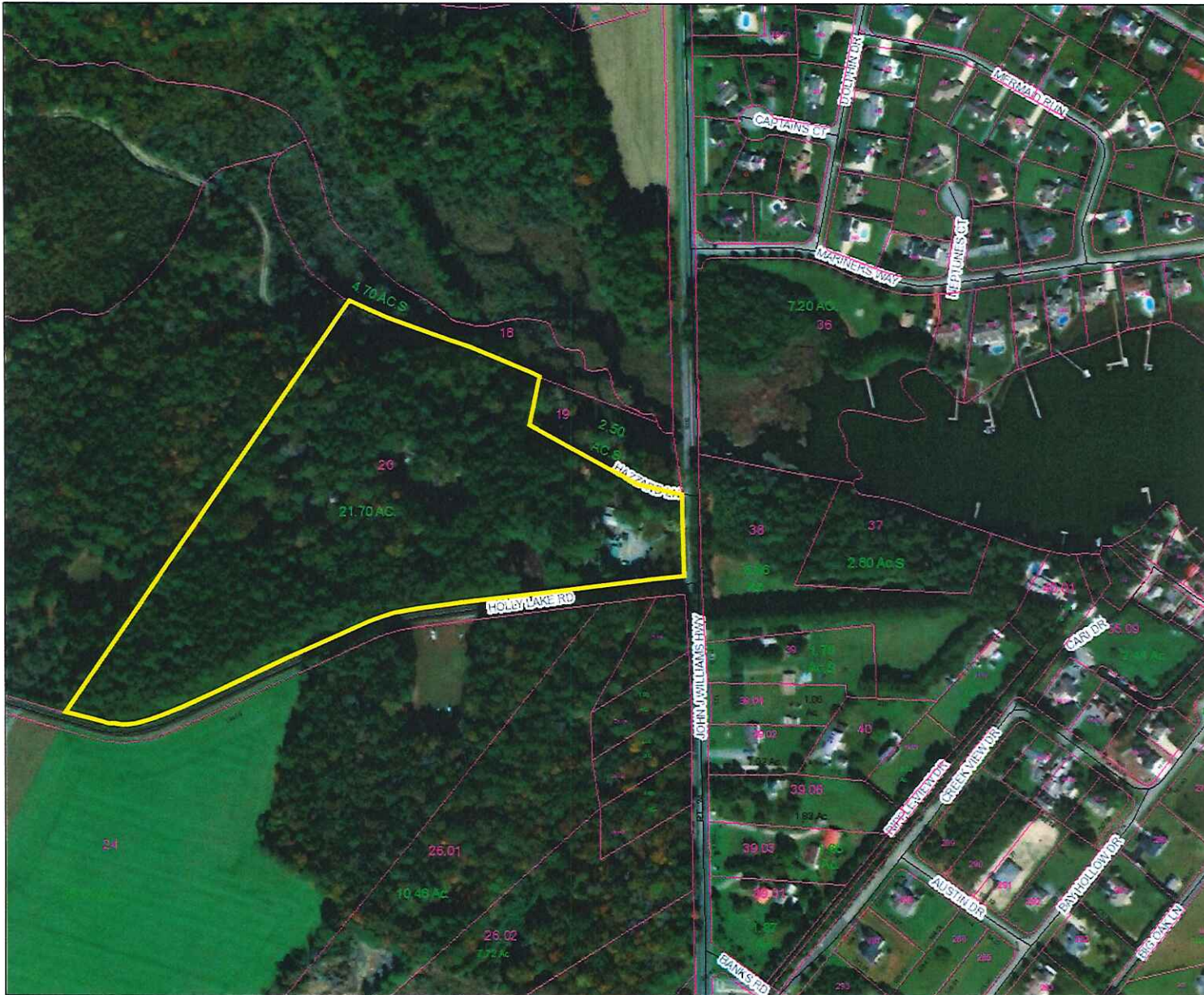
 - Override 1
- Tax Parcels
- Streets

1:4,514



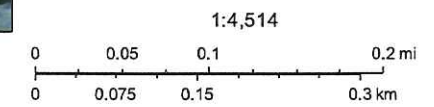


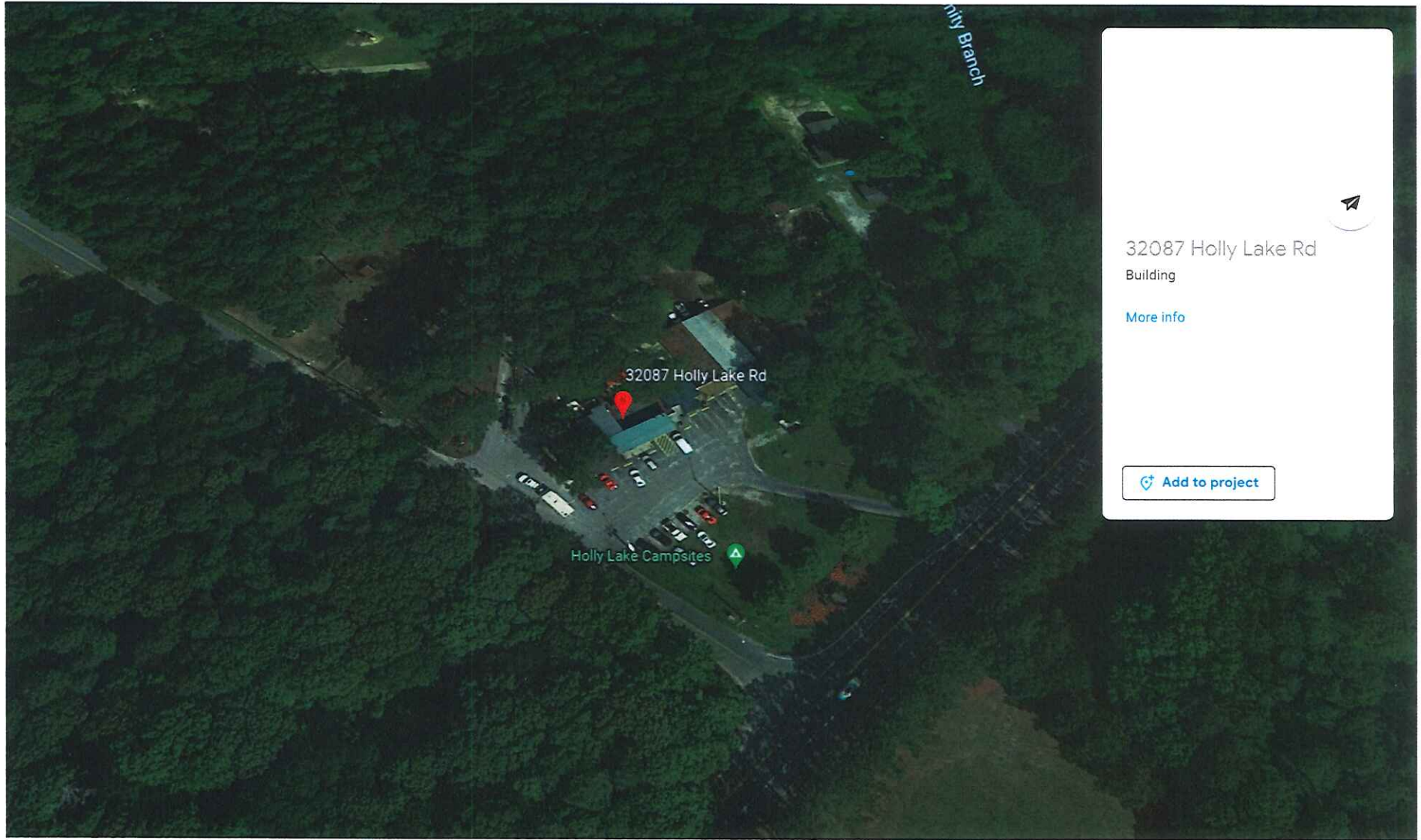
Sussex County



PIN:	234-17.00-20.00
Owner Name	BAR-SGR LLC
Book	2173
Mailing Address	32193 WINERY WAY
City	LEWES
State	DE
Description	DIRT RD FROM ANGOLA
Description 2	MILLSBOROFAIRMOUNT
Description 3	N/A
Land Code	

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





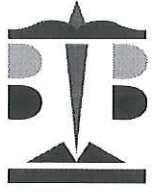
32087 Holly Lake Rd
Building

[More info](#)

[Add to project](#)

100%

30 m Camera: 217 m 38°39'28"N 75°11'22"W 3 m



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Images

31376 Holly Lake Rd Millsboro, Delaware

32087 Holly Lake ...
Millsboro, DE 19966
38.66°N, 75.19°W



Case # 12590
Hearing Date 8/2/21
202108764

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) Building Permit # 202007310

Variance
Special Use Exception _____
Administrative Variance _____
Appeal _____

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

Site Address of Variance/Special Use Exception: _____
38827 Wilson Ave. Selbyville, De. 19975

Variance/Special Use Exception/Appeal Requested: Variance

- ① Steps on side yards are in 5' set-back
- ② 10" from S' side for steps
- ③ 15" from S' side for steps
- ③ HVAC needs variance - 1" from S' side - HVAC will comply per Bldg

Tax Map #: 5-33-20.18-149 Property Zoning: AR1

Applicant Information

Applicant Name: Kevin Garber
Applicant Address: 148 Carlotta Dr.
City, State, Zip: Bear, De 19701
Applicant Phone #: 302-220-3561 Applicant e-mail: _____

Owner Information

Owner Name: William E. and Carol Hackett
Owner Address: 3035 Old County Rd.
City, State, Zip: Newark, De 19702 Purchase Date: _____
Owner Phone #: 302-562-9372 Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Kevin Garber
Agent/Attorney Address: 148 Carlotta Dr.
City, State, Zip: Bear, De 19701
Agent/Attorney Phone #: 302-220-3561 Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Kevin Garber

Date: 6/4/21



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

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

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

1. Uniqueness of property:

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

Lot is only 50' wide - and house is 37' wide

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.

steps are 42" wide on both sides, so that is why we need variance.

3. Not created by the applicant:

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

Left side of house steps were there. I only recovered with pressure treated lumber.

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

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

It will not alter neighborhood, because 50% of neighbors steps are in 5' set back

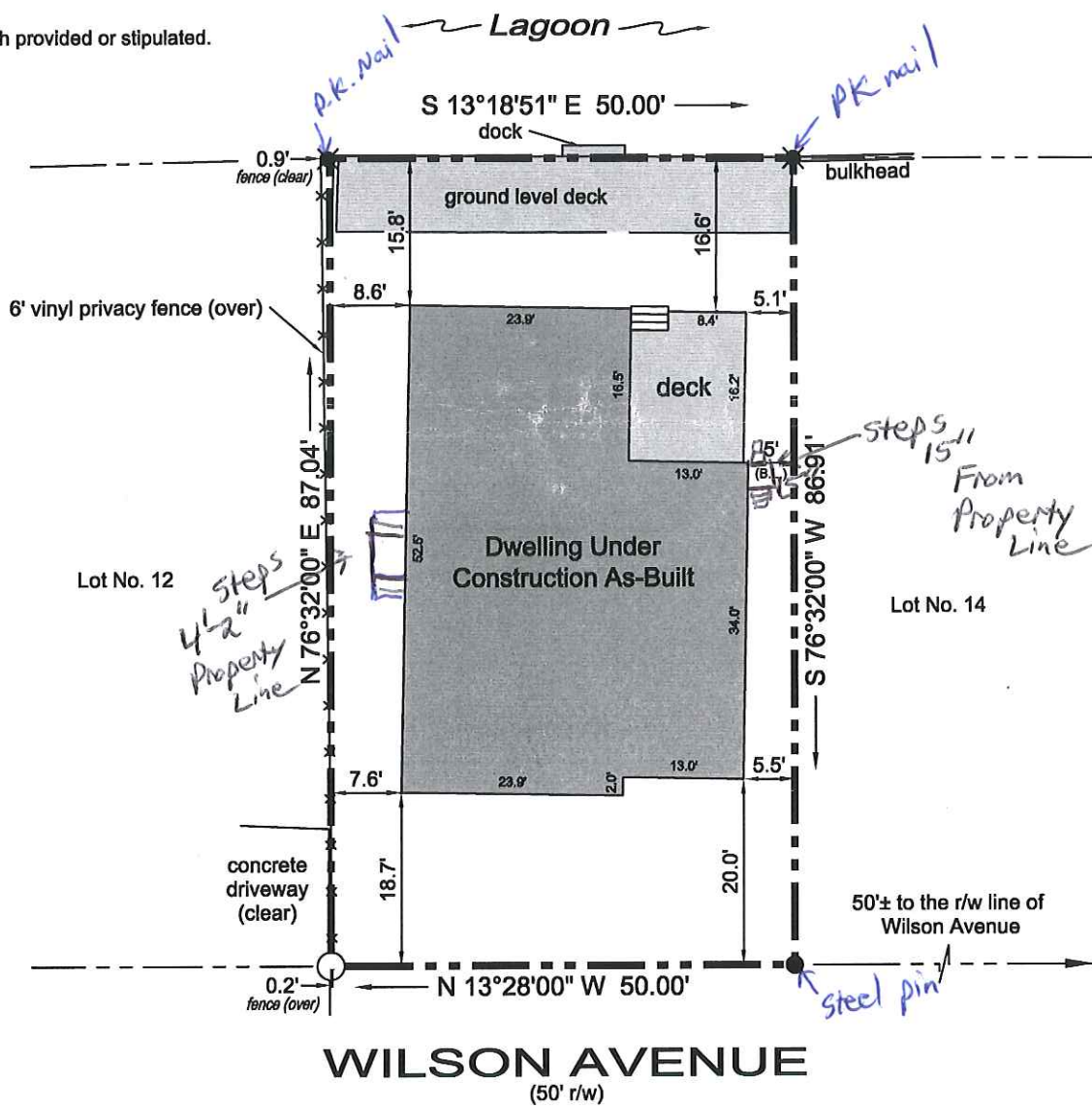
5. Minimum variance:

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.

It's definitely the least amount of room for variance

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.



WILSON AVENUE
(50' r/w)

Lands of WILLIAM E. HACKETT, SR. and CAROL HACKETT. Being known as LOT NO. 13, BLOCK NO. 3, CAPE WINDSOR. Ref: Plat Book 6, Page 44.

- POINT
- 3/4" PIPE (FD)
- ⊗ PK NAIL (FD)

SCALE: 1"=20'
 AREA: 4,349 SQ. FT.
 TAX MAP NO. 5-33-20.18-149

Revised: 11/23/2020, Dwelling Under Construction As-Built.

FIRM INFORMATION:
 100029 - 0654 - K
 MARCH 16, 2015
 ZONE: "AE", B.F.E.= 5'
 CLASS "" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE OF ORIGINAL: 06-15-2020
DRAWN BY: MICHAEL LOVELAND

SIMPLER SURVEYING & ASSOCIATE, INC.

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

SEAL

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.

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION						FOR INSURANCE COMPANY USE
A1. Building Owner's Name WILLIAM E. HACKETT, SR. & CAROL HACKETT					Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 38827 WILSON AVENUE					Company NAIC Number:	
City SELBYVILLE		State Delaware		ZIP Code 19975		
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LOT NO. 13, BLOCK NO. 3 5-33-20.18-149 CAPE WINDSOR						
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)						RESIDENTIAL - ADDITION
A5. Latitude/Longitude: Lat. 38°-27'-14" Long. -75°-04'-15"						Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.						
A7. Building Diagram Number <u>6</u>						
A8. For a building with a crawlspace or enclosure(s):						
a) Square footage of crawlspace or enclosure(s) <u>254</u> sq ft						
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>2</u>						
c) Total net area of flood openings in A8.b <u>400</u> sq in						
d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
A9. For a building with an attached garage:						
a) Square footage of attached garage <u>N/A</u> sq ft						
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>						
c) Total net area of flood openings in A9.b <u>N/A</u> sq in						
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No						
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION						
B1. NFIP Community Name & Community Number SUSSEX COUNTY 100029				B2. County Name SUSSEX		B3. State Delaware
B4. Map/Panel Number 10005C0654	B5. Suffix K	B6. FIRM Index Date 03/16/2015	B7. FIRM Panel Effective/ Revised Date 03/16/2015	B8. Flood Zone(s) "AE"	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 5.0'	
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____						
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____						
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA						

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 38827 WILSON AVENUE			Policy Number:
City SELBYVILLE	State Delaware	ZIP Code 19975	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.
 Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: DRILL HOLE Vertical Datum: NAVD '88

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.


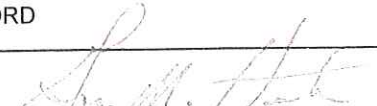
Check the measurement used.

- | | | | |
|---|-----|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | 3.0 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | 5.6 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | N/A | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | N/A | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | 5.0 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | 2.6 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | 3.3 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | 2.7 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

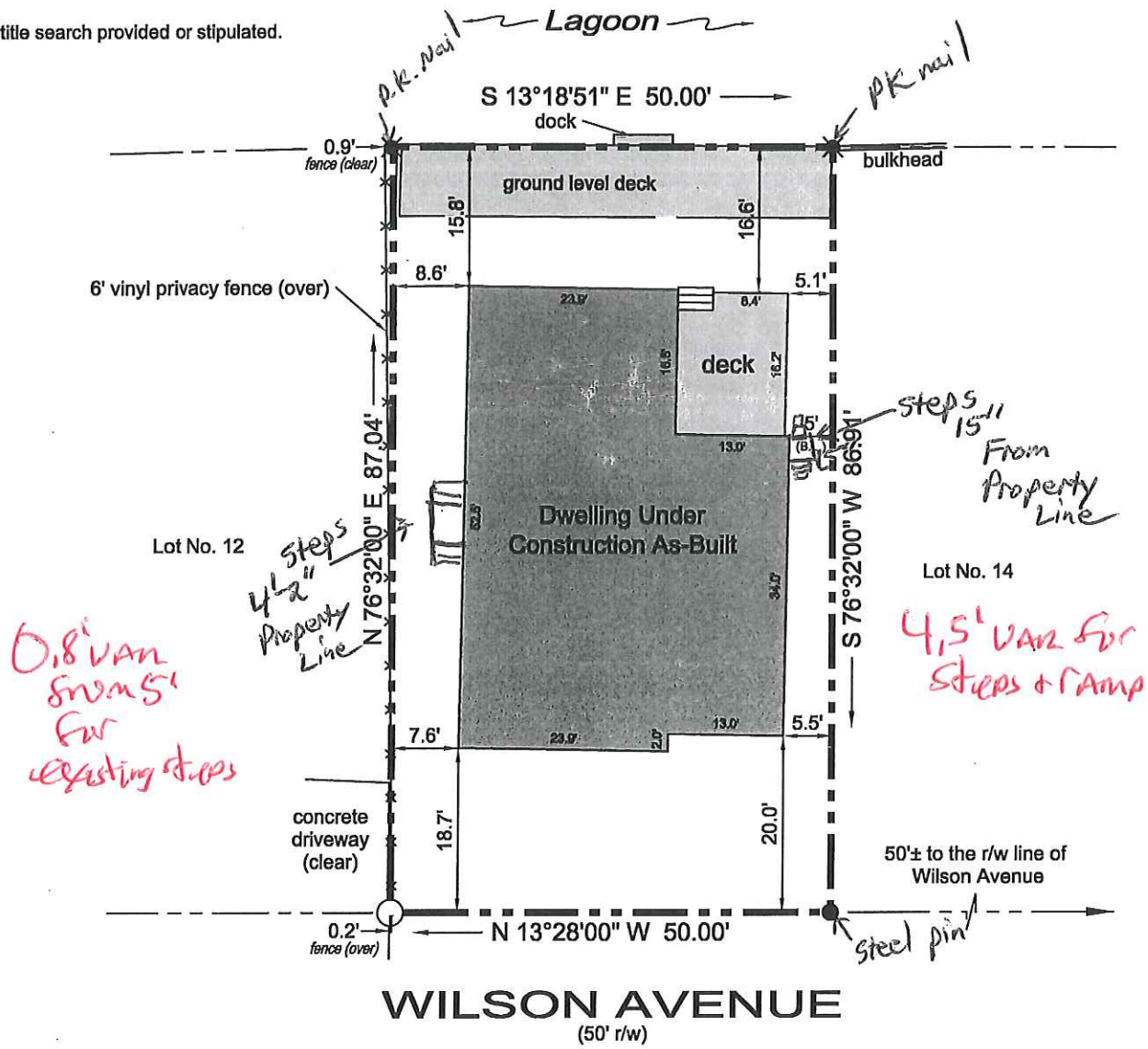
Certifier's Name GREGORY M. HOOK	License Number P.L.S. 711		
Title LAND SURVEYOR			
Company Name SIMPLER SURVEYING & ASSOCIATE, INC.			
Address 32486 POWELL FARM ROAD			
City FRANKFORD	State Delaware		ZIP Code 19945
Signature 	Date 08/06/2020	Telephone (302) 539-7873	Ext.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
 1. SECTION A8 (b) -There will be Two (2) Engineered Vents Installed in Enclosure Area, Within 1.0' of Adjacent Grade, Each Vent Provides 200 Sq. Ft. of Coverage, Providing 400 Sq. Ft. of Coverage. Vent Dimensions are 1.2' x 0.6'.
 2. SECTION C2 (b-h) - Elevations are Based on Existing Conditions. Proposed Addition to Match Existing Elevations.
 3. SECTION C2 (e) - Existing Heat Pump, Left side of Dwelling. Mechanicals to be Elevated Above Base Flood Elevation.

NOTES:

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- No title search provided or stipulated.



WILSON AVENUE
(50' r/w)

Lands of WILLIAM E. HACKETT, SR. and CAROL HACKETT. Being known as LOT NO. 13, BLOCK NO. 3, CAPE WINDSOR. Ref: Plat Book 6, Page 44.

- POINT
- 3/4" PIPE (FD)
- ✕ PK NAIL (FD)

SCALE: 1"=20'

AREA: 4,349 SQ. FT.

TAX MAP NO. 5-33-20.18-149

Revised: 11/23/2020, Dwelling Under Construction As-Built.

FIRM INFORMATION:

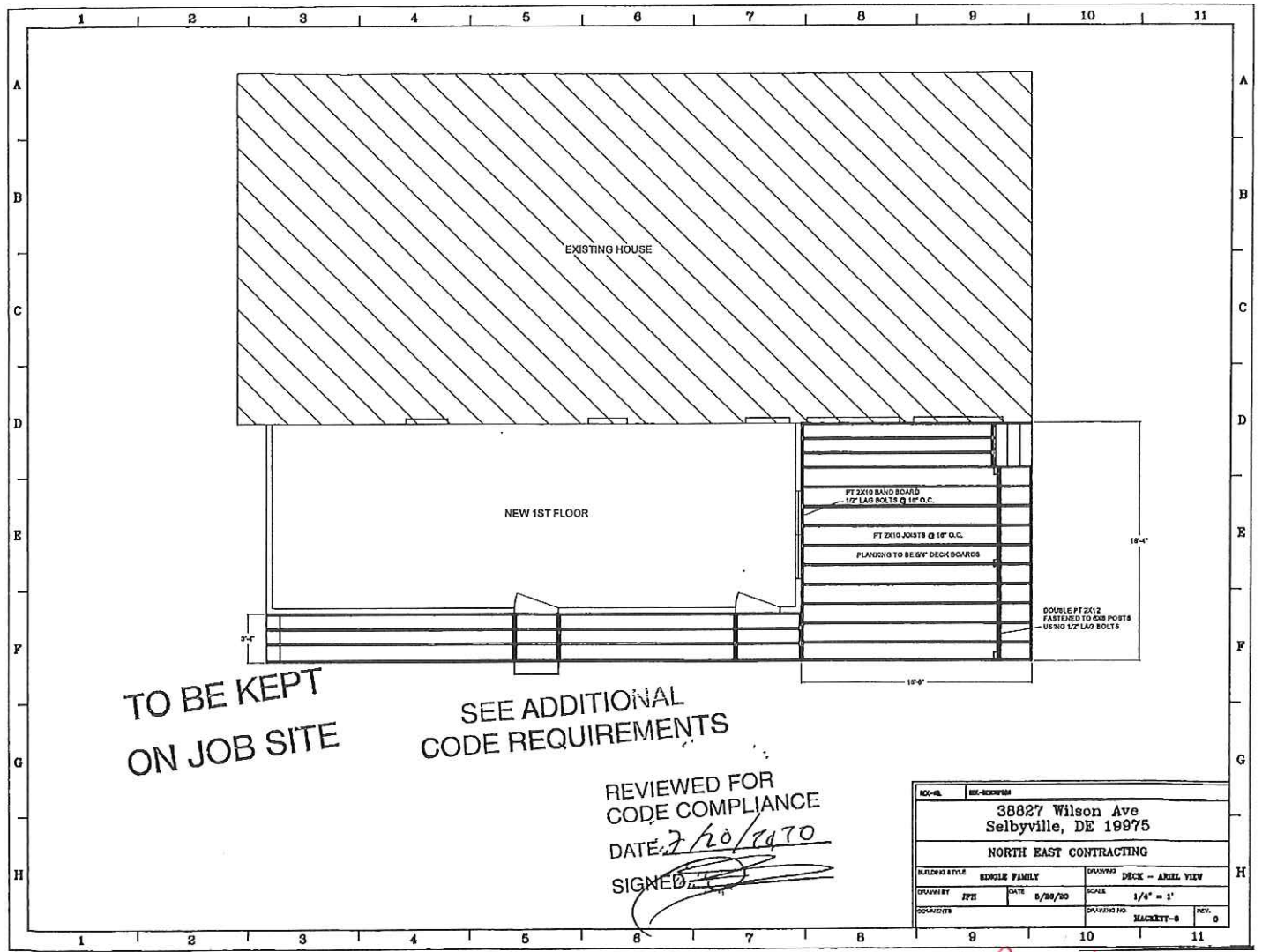
100029 - 0654 - K
MARCH 16, 2015
ZONE: "AE", B.F.E.= 5'
CLASS "" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE OF ORIGINAL: 06-15-2020
DRAWN BY: MICHAEL LOVELAND

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

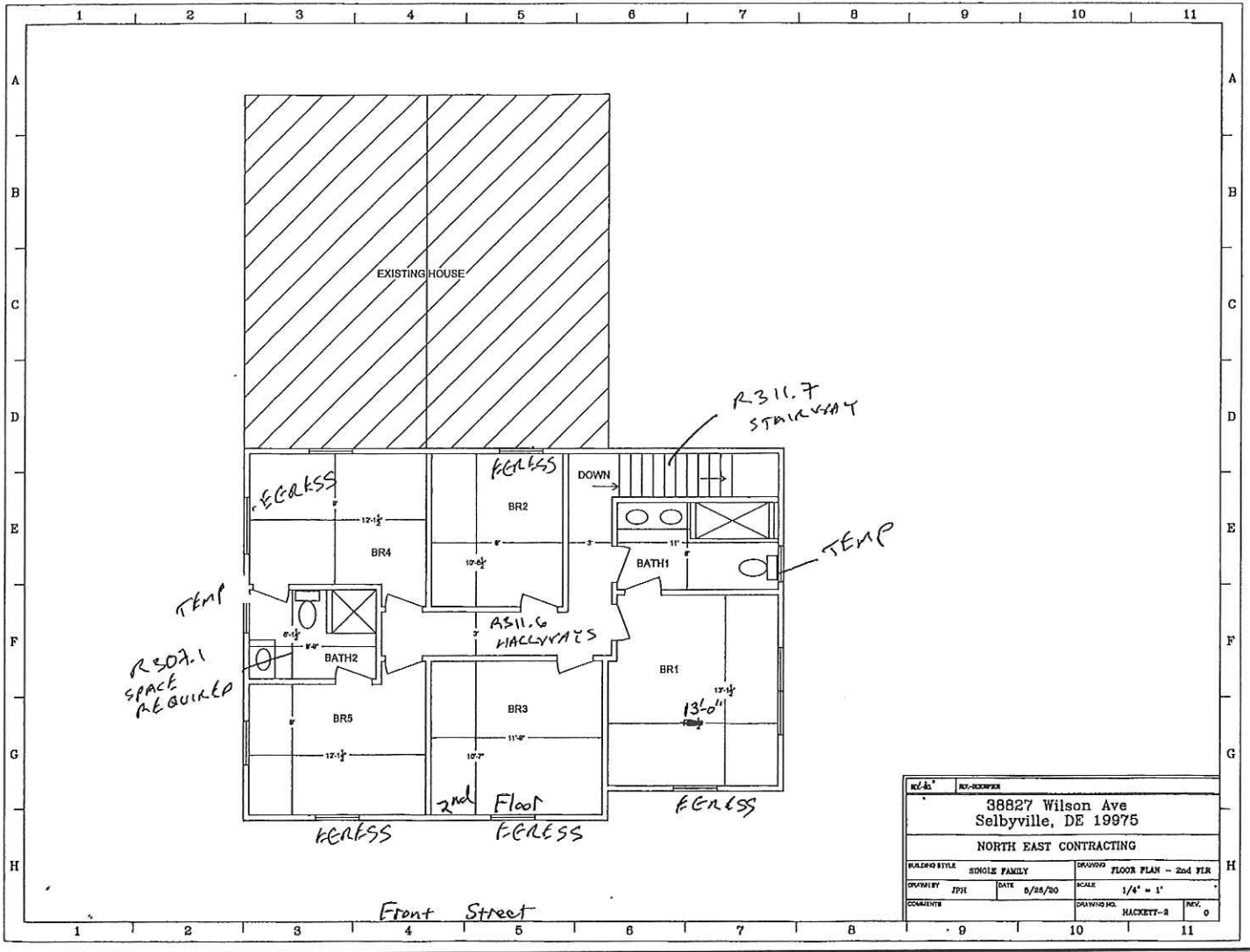
SEAL
Gregory M. Hook
11/24/2020

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.

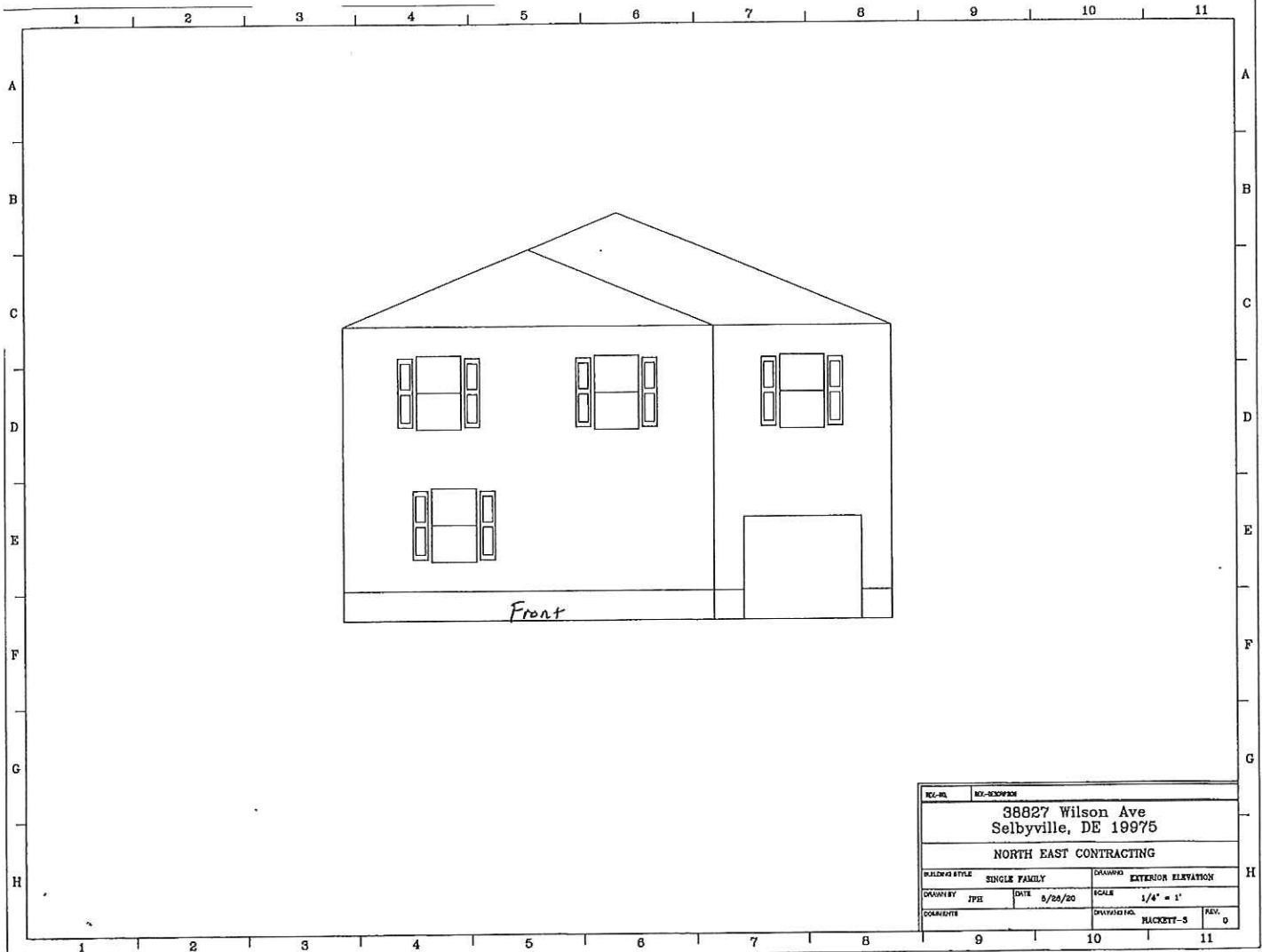


For Review

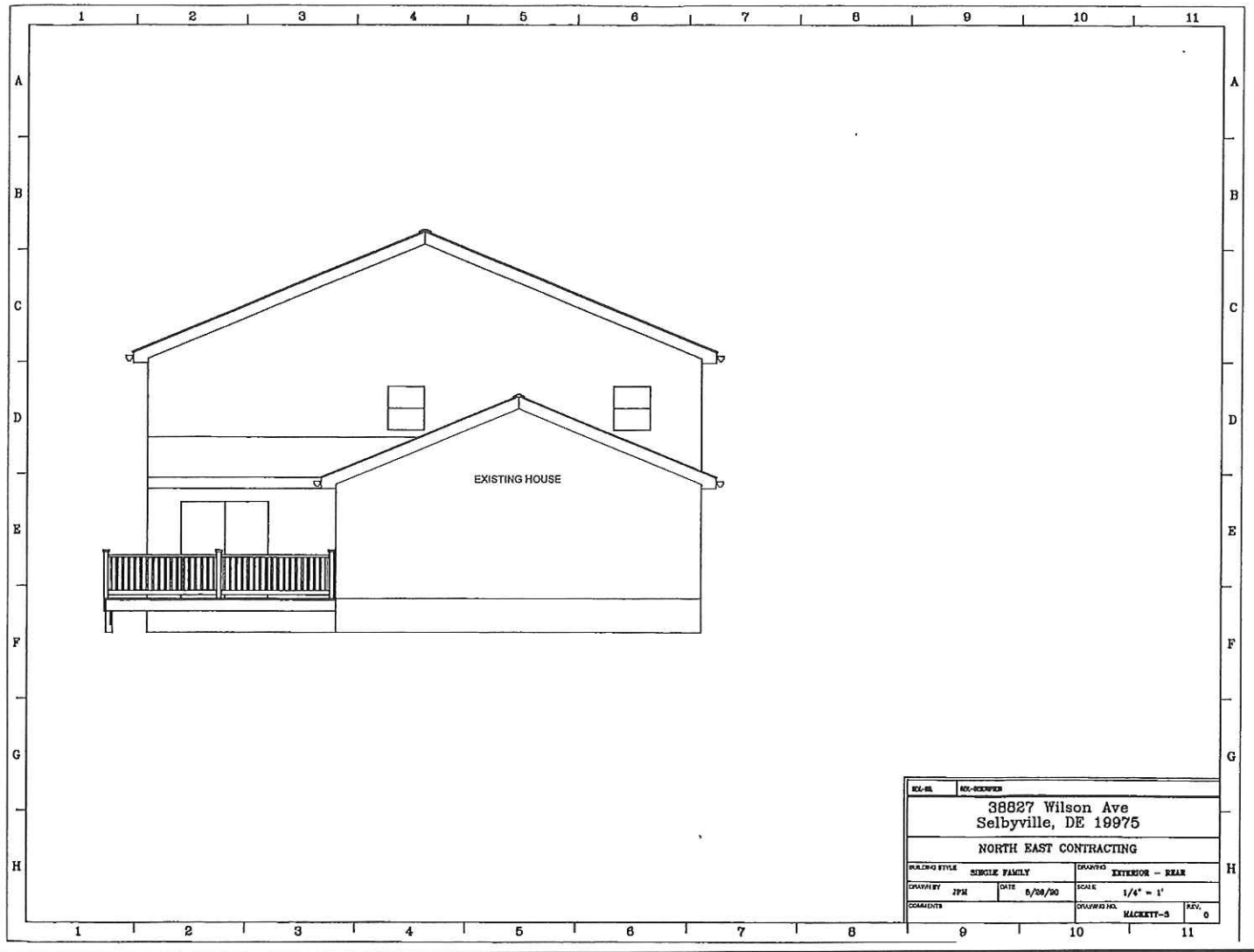
- Submitted for permit
- MVAE will be made into compliance per builder
- Steps along south side property line will include a ramp
24' Long same distance from property line as steps
- Builder stated his measurements are accurate
- 4.5' var from 5' side for steps + ramp proposed
- 0.8' var from 5' side for existing steps



REV. NO.		REV. DESCRIPTION	
38827 Wilson Ave Selbyville, DE 19975			
NORTH EAST CONTRACTING			
BUILDING TITLE	SINGLE FAMILY	DRAWING	FLOOR PLAN - 2nd FLR
DATE	0/28/20	SCALE	1/4" = 1'
CONTRACT NO.		DRAWING NO.	HACKETT-2
		REV.	0



REV. NO.	REV. 02/20/20		
38827 Wilson Ave Selbyville, DE 19975			
NORTH EAST CONTRACTING			
BUILDING STYLE	SINGLE FAMILY	DRAWING	EXTENSION ELEVATION
DRAWN BY	JPE	DATE	5/22/20
		SCALE	1/4" = 1'
DATE		DRAWN BY	HACKETT-S
		REV.	0



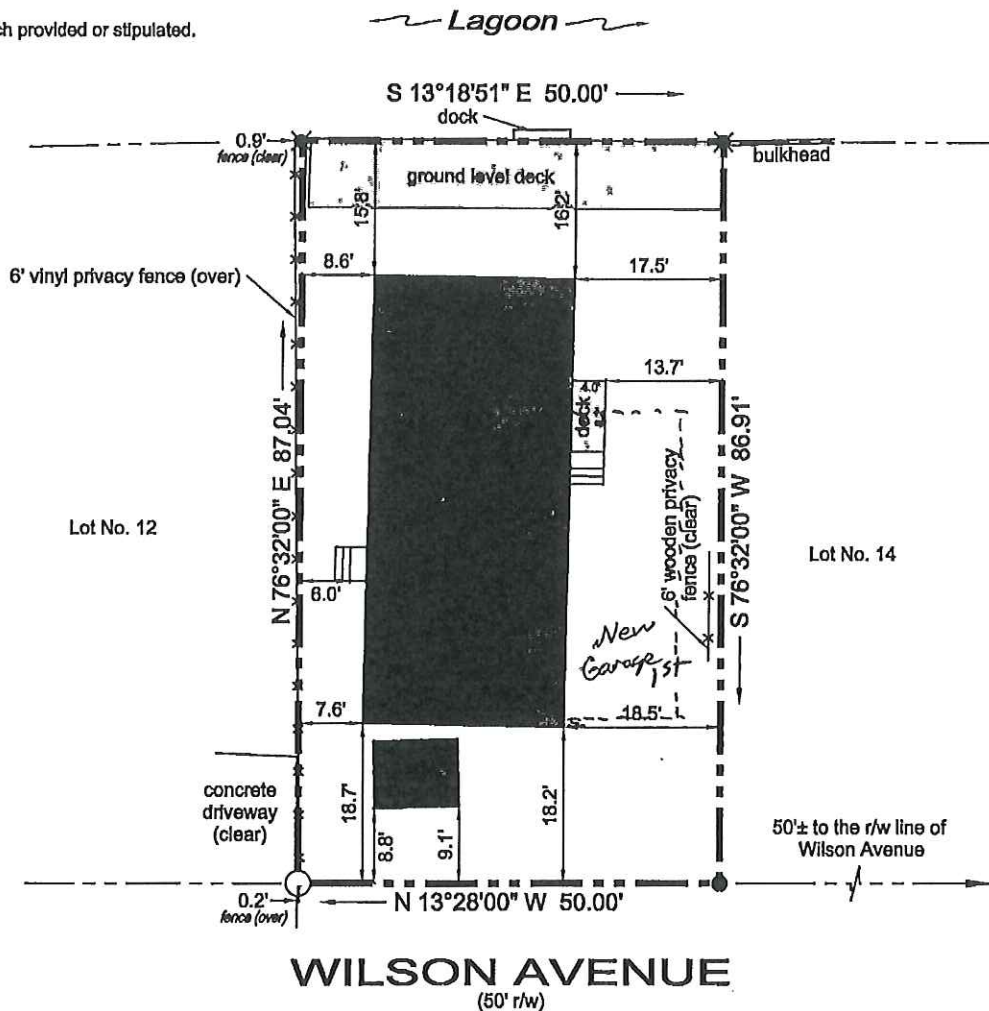
EXISTING HOUSE

NO. 88		NO. 88-2008	
38827 Wilson Ave Selbyville, DE 19975			
NORTH EAST CONTRACTING			
BUILDING STYLE		DRAWING	
SINGLE FAMILY		EXTERIOR - REAR	
DRAWN BY	DATE	SCALE	REV.
JPM	6/28/20	1/4" = 1'	0
COMMENTS	DRAWING NO.	REV.	
	NAKERTT-3	0	

NOTES:

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WILSON AVENUE
(50' r/w)

- POINT
- 3/4" PIPE (FD)
- ✕ PK NAIL (FD)

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SCALE: 1"=20'

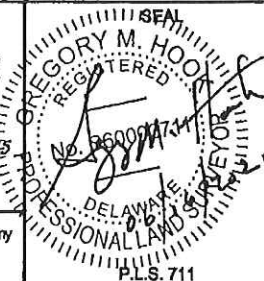
AREA: 4,349 SQ. FT.

TAX MAP NO. 5-33-20.18-149

FIRM INFORMATION:
100029 - 0654 - K
MARCH 16, 2015
ZONE: "AE", B.F.E.= 5'
CLASS "" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
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DATE OF ORIGINAL: 06-15-2020
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PROPERTY RECORD CARD

DIST. 5-33 MAP 20.18 PARCEL 149 CONTROL NO.

ADDRESS

T 7671 OWNERSHIP RECORD

LAND IDENTIFICATION

5-33 20.18 149.00
 BROWNING
 LAVERNE M SCH-1
 EDIT-P

225 MARGATE DR
 GLEN BURNIE MD 21060 TR1- 30
 TR2- 9805

CAPE WINDSOR
 E/S WILSON AVE. LOT
 13, BLK 3 W/IMP 8/31/97

RT

DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE
5/16/80	1007/91 177273 William A. Harper & Margaret Richard B. Miller and Helen S.	390.00	\$15,000.00


LAND RECORD AND VALUATION SUMMARY

PROPERTY FACTORS		LAND COMPUTATION						
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE
		FRONT	DEPTH		DEPTH	OTHER		
CITY WATER	PAVED							
SEWER	SEMI-IMPROVED							
GAS	UNIMPROVED							
ELECTRICITY	OTHER							
ALL UTILITIES	SIDEWALK							

BUILDING PERMIT RECORD		
DATE	NUMBER	AMOUNT
	43105	400
	45115	600
10-22-87	97458	2500

ASSESSMENT RECORD				SUMMARY OF VALUES	TOTAL LAND	
19	LAND \$	BLDG. \$	TOTAL \$		\$	
19	\$	\$	\$		\$ 10,000	\$ 17,300
19	\$	\$	\$	\$ 27,300		

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



NOTES: 2/19/82 replacement of old values 15,100
 3/26/82 Gdn. bulk hard. old 26,300 new 27,300 1000

DIST 2018 MAP 20.18 PARCEL 111

CONTROL NO

BUILDING SKETCH

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST									
			X																
			X																
			X																
			X																
			X																
H. L. YOH CO. PHILA., PA.																			
TOTAL GROUND AREA					TOTAL BASE COST \$														
PRINCIPAL BUILDING DESCRIPTION										M/C	± %	± PTS							
MASONRY-1		PIER-2		SLAB-3		FOUNDATION													
NONE-0		1/4-1		1/2-2		3/4-3		FULL-4		BASEMENT									
NONE-0		REC AREA-1		APT-2		% OF BASEMENT		SQ FT		BSMT FINISH									
NONE-0		PIPELESS GHA-1		ELECTRIC-2		FHA-3		STM-HW-4		HEAT SYS									
INDICATE QTY																			
3-FIXT BATH		2-FIXT BATH		SG FIX		TOTAL FIXT				FIRE PLACE									
NONE-0		1/2-1		1-2		1 1/2-3		2-4		2 1/2-5		3-6		4-7		5-8		PLUMBING	
1ST FLOOR				2ND FLOOR				3RD FLOOR				INT FINISH							
NONE	PL	WB	WP	NONE	PL	WB	WP	NONE	PL	WB	WP	WLS-CLG							
DIRT		CONC		HW		SW		HW		SW		FLOORS							
NONE-0		HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY									
NONE-0		ONE CAR-1		TWO CAR-2				BLT-IN GAR											
WOOD-1		SHGL-2		ALUM-3		BLK-4		BRK OR STN-5		STUCCO-6		COMP-7		EXT WALLS					
HIP-1		GABLE-2		FLAT-3		MANSARD-4		GAMBREL-5				ROOF TYPE							
WD-COMP-SHGL-1		SLATE-2		METAL-3		TILE-4		ROLL-5		T & G-6				ROOFING					
AREA		SQ FT		1900		INDICATE QTY				PORCH-OPEN		1		9.6					
AREA		SQ FT		INDICATE QTY				PORCH-GLZD											
NONE-0		CENTRAL-1				AIR-COND													
NONE-0		1 CAR-1		2 CAR-2		SQ FT				ATT GAR/CP									
										SQ FT		UTILITY							
										960		OTHER WD		1		38			
												OTHER							
NOTES:										INDEX TOTALS		% 13.4							

BASE COST \$	± INDEX % \$	± INDEX PTS \$	X GRADE FACTOR	= REPLACEMENT COST	\$ 1940		
ACTUAL AGE YRS	EFF AGE YRS	PHYS. COND	GOOD	FAIR	POOR	PER CENT GOOD 98 %	
OBSOLESCENCE: FUNC %	OV'RIMP %	UND'RIMP %	OTHER ECON. %	NET COND %	DEPRECIATED BLDG VALUE	\$ 1313	

ACCESSORY BUILDINGS															
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
	Shed				1	8	10	80							NIC
	Bulkhead							50			2150	1075		98	1053

TRAILERS									
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL	PHYS DEPR	SOUND VAL
	ATLANTIC	1967	11 x 60	Blue		207360215		35	5150
	Bluebird	1973				2010016185	12672	110	12999

TOTAL TRAILERS VALUE										\$ 13,939
TOTAL ACCESSORY BLDGS VALUE										\$ 1053
TOTAL BLDGS VALUE										\$ 17,365
INSPECTED BY		CHECKED BY		APPROVED BY						

**APPLICATION FOR TRAILER PLACEMENT
SUSSEX COUNTY, DELAWARE**

PERMIT NO. 2338

LOCATION: Route _____ (N) (S) (E) (W) side, _____ (ft) (miles) (N) (S) ((E) (W) of _____
 Subdivision or Trailer Park Cape Williston Lot No. 13 Section or Block 3
 District No. 5-33 Map No. 20.18 Parcel No. 149 Trailer No. _____
 Street Name Williston Hundred Ralt
 Size of Lot: Frontage 50' Depth 25' Acreage _____ Size of Mobile Home 24 x 49 Cost 19,000
 _____ On Farm Mobile Home for _____

IDENTIFICATION:
 Name Richard Miller & Helen L.
 Address 16613 Chestnut St.
Cathetersburg, MD. 20760
 Lands of owns land
 Make Marion Year 1983 Serial No. 2010-016148
 Model No. _____ New / Used _____ Date of purchase 7-14-82
 Width 24 Length incl hitch 48 Color: main Grey trim White
 Central Air no Tip-out or expando no
 Previous owner of this trailer: new
 Previous Location: _____
 Has this lot ever been occupied by a mobile home? no
 If so, where did this mobile home go? Nearby Indiana
 Have you ever owned a mobile home in Sussex County? yes the above
 If so, where? _____

TYPE OF USE

Existing Use Mobile Home
 Proposed Use Replacement
Flood zone A-3 Min. 6' high

ZONING

Zoning District AR-1
 Front yard setback _____
 Side yard setback _____
 Rear yard setback _____
 Side yard setback on side street of corner lot _____
 Distance from any dwelling of other ownership NA
 Distance from any other trailer in a trailer park 20
 Cannot occupy more than 35 % of total lot area
 Board of Adjustment Case No. NA
 Approved by Planning & Zoning _____

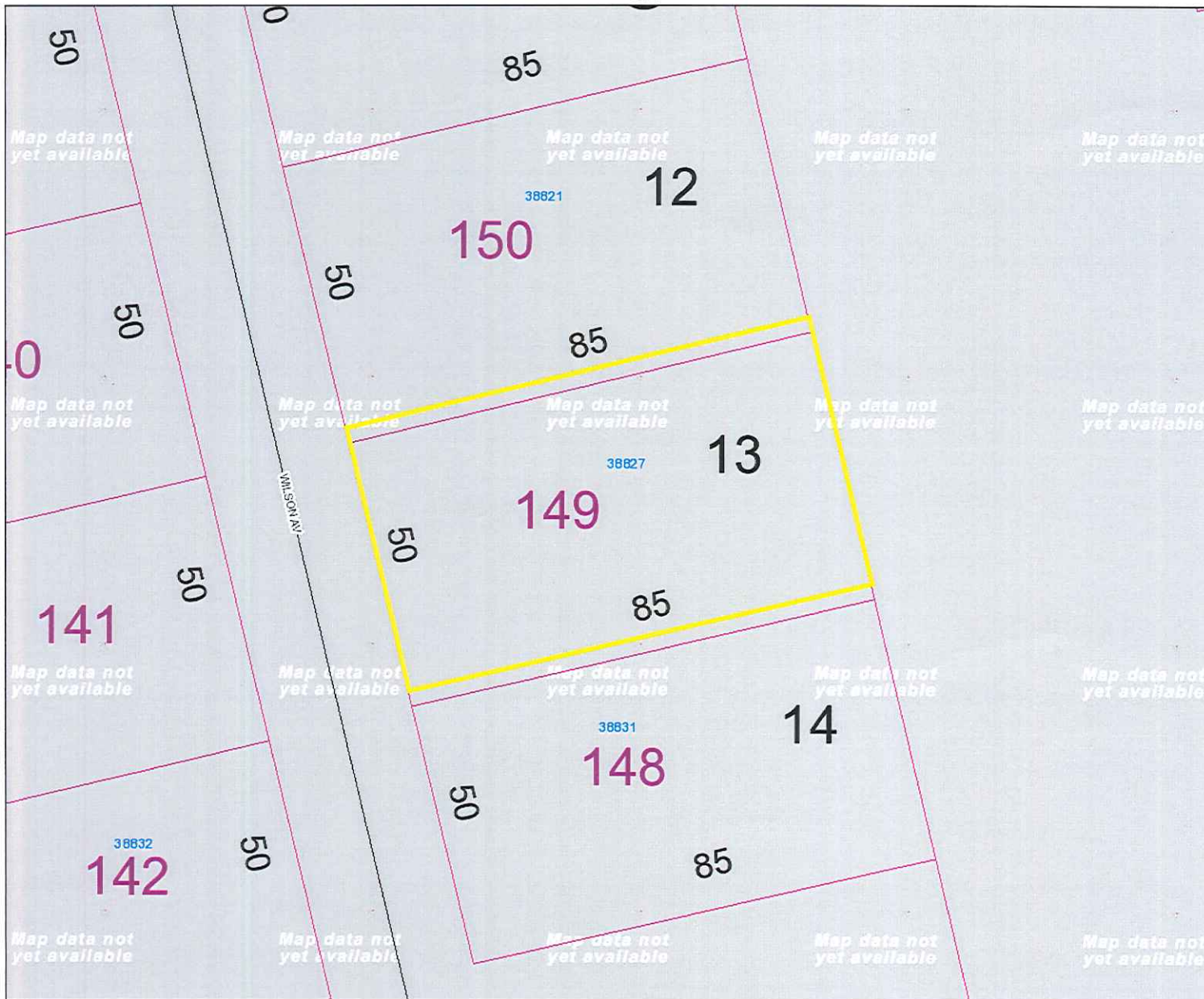
THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

The owner of this mobile home and the undersigned agree to comply to all applicable Federal, State, and County regulations and to apply for a certificate of occupancy at completion. This does not imply approval of other Governmental Agencies.

Signature of Applicant R Miller Address _____ Date _____
 Permit Fee 20.00 Date Issued 7-14-82 Approved by Assessment Division 922

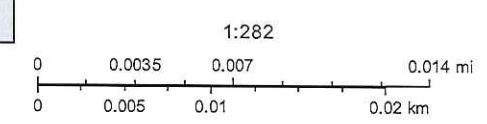
ASSESSORS AND INSPECTORS RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY: The owner or owners of these premises do hereby consent to the Assessment Division and Planning and Zoning Agents, to enter upon said premises for the purpose of assessing and inspecting said property within a reasonable time after issue of permit; said consent being given on signing of this permit.

THIS PERMIT DOES NOT COVER ANY STRUCTURE BUILT OR MOVED TO LOT TRAILER IS PLACED UPON. A BUILDING PERMIT IS NEEDED FOR THESE STRUCTURES. PLEASE CALL 856-7701 ext 223 TO REPORT ANY INFORMATION NEEDED FOR ANY CIRCLED BLANKS.



PIN:	533-20.18-149.00
Owner Name	HACKETT WILLIAM E SR
Book	4705
Mailing Address	3035 OLD COUNTRY RD
City	NEWARK
State	DE
Description	CAPE WINDSOR
Description 2	LOT 13 BLK 3
Description 3	E/WILSON AVE
Land Code	

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



Case # 12591
Hearing Date 8/2
202108806

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 WAVV

Appeal _____

Existing Condition _____

Proposed

Code Reference (office use only)

115-42 115-182

Site Address of Variance/Special Use Exception: 22750 Camp Arrow Head RD
LEWES, DE 19958

Variance/Special Use Exception/Appeal Requested: 4.5 FRONT YARD VARIANCE

Tax Map #: 234-12.18-13.00 Property Zoning: GR

Applicant Information

Applicant Name: Kenneth & Helen Heydt

Applicant Address: 16 Fox Chase Lane

City, State, Zip: Oley, PA 19547

Applicant Phone #: 302-249-6335 Applicant e-mail: kennethheydt@gmail.com
302-249-6315

Owner Information

Owner Name: Same

Owner Address: _____

City, State, Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City, State, Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Date: 6-9-21



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

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

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

1. Uniqueness of property:

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

The lot is diamond shaped. The 40' front setback from Camp Arrowhead road leaves very little space for a multi-sectional home without Board approval.

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.

No. Due to the small building envelope there is not enough room for a standard multi-sectional home. The previous home was non-compliant to the new standard for many years to place a home suitable to maintain likewise lifestyle.

3. Not created by the applicant:

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

No. This issue was not a result caused by applicant. The home chosen is reasonable living space. No multi-sectional home will fit into current building restriction lines. The issue is a result of county regulations regarding property lines + setback restrictions from front rear + side yard setbacks.

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

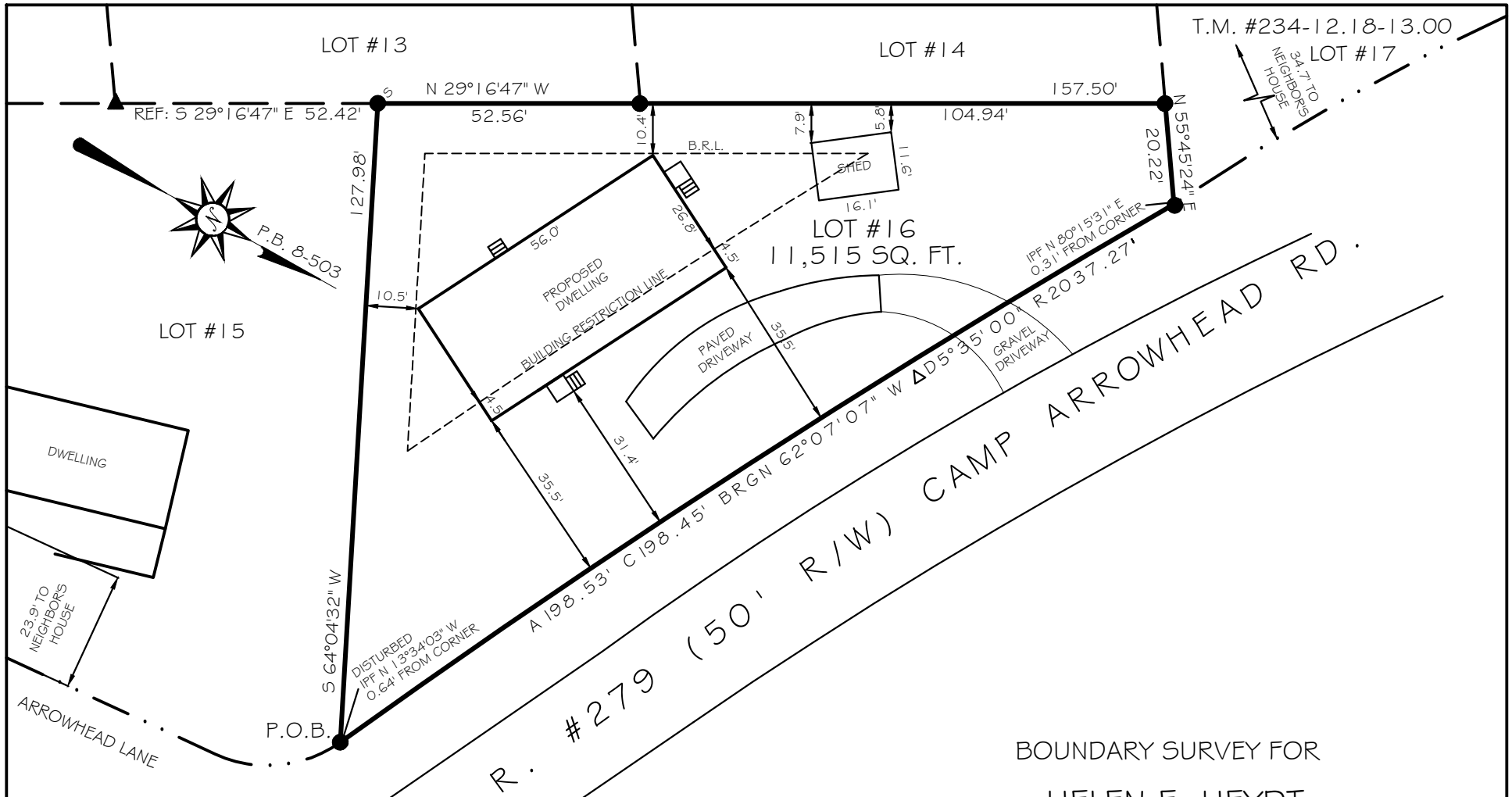
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

No. This project if approved will in no way effect the look of the neighborhood but will enhance the neighborhood.

5. Minimum variance:

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

Yes. Since the applicant wishes to place a multi-sectional home on the property and nothing except a singlewide or custom built will fit within the county setback restriction lines.



BOUNDARY SURVEY FOR
HELEN E. HEYDT

22750 CAMP ARROWHEAD RD., LEWES, DE. 19958
LOT #16 OF "ANGOLA NECK ACRES" SUBDIVISION
INDIAN RIVER HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 30' MAY 19, 2021

I, DONALD K. MILLER 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.

- ▲ IRON ROD (FOUND)
- IRON PIPE (FOUND)
- ⊙ IRON PIPE (SET)

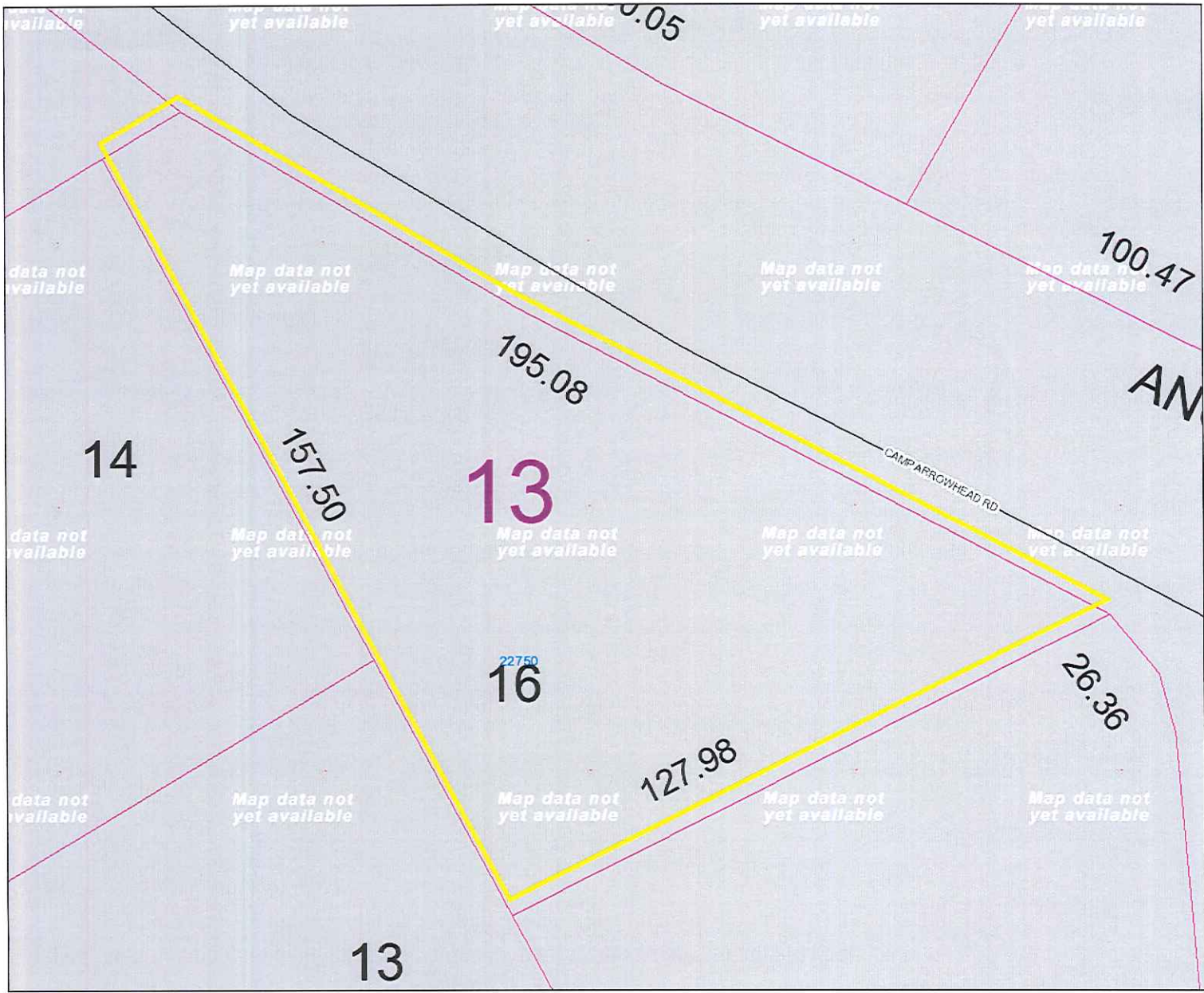
SEE PLOT BOOK 8 PAGE 503 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

DONALD K. MILLER, PLS 407 _____ DATE _____
SURVEY CLASS: SUBURBAN

PREPARED BY: _____ PH: 302-629-9895
FAX: 302-629-2391

MILLER LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD. • SEAFORD, DE. 19973

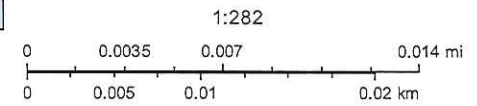


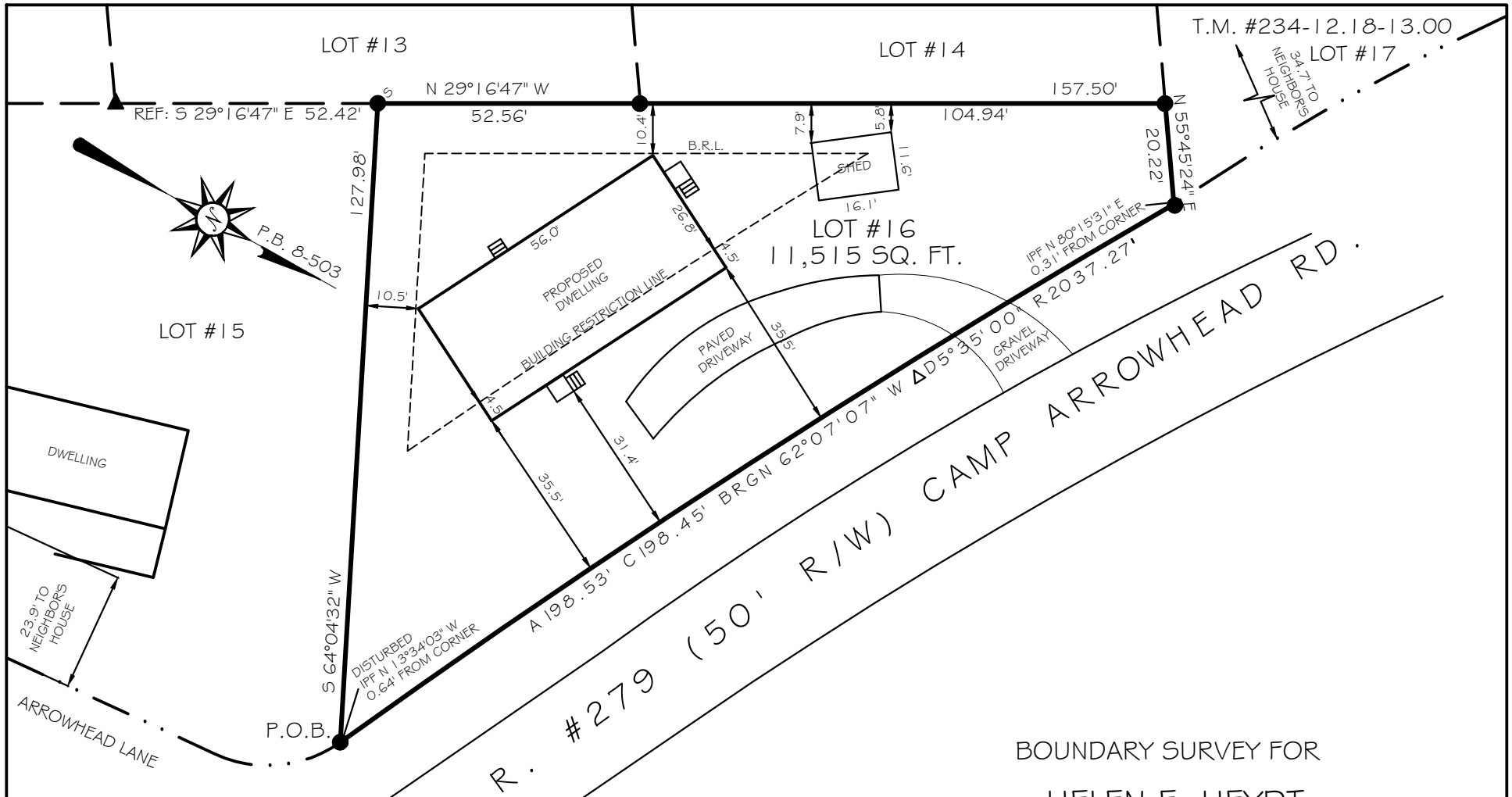
PIN:	234-12.18-13.00
Owner Name	HEYDT HELEN E
Book	5381
Mailing Address	16 FOX CHASE LN
City	OLEY
State	PA
Description	ANGOLA NECK ACRES
Description 2	LOT 16
Description 3	T#42570
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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





BOUNDARY SURVEY FOR
HELEN E. HEYDT

22750 CAMP ARROWHEAD RD., LEWES, DE. 19958
LOT #16 OF "ANGOLA NECK ACRES" SUBDIVISION
INDIAN RIVER HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 30' MAY 19, 2021

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- ▲ IRON ROD (FOUND)
- IRON PIPE (FOUND)
- ⊙ IRON PIPE (SET)

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DONALD K. MILLER, PLS 407 _____ DATE _____
SURVEY CLASS: SUBURBAN

PREPARED BY: _____ PH: 302-629-9895
FAX: 302-629-2391

MILLER LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD. • SEAFORD, DE. 19973

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

Case # 12592
Hearing Date 8/2
202109662

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed / Replacement
Code Reference (office use only)

115-42 115-183
115-185

Site Address of Variance/Special Use Exception:

37020 Laws Point Road, Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

Heat pump with platform and steps to be located in setback area, replacing items at same location

2.9' up from 5' side for HVAC platform + steps

Tax Map #: 5-33 12.16 284.00

Property Zoning: GR

Applicant Information

Applicant Name: Diane and Paul Barrett
Applicant Address: 815 Scarlett Drive
City Baltimore State MD
Applicant Phone #: _____

37034 Canvasback Rd
19975

Zip: 21286

Applicant e-mail: barrettdi@comcast.net

Owner Information

Owner Name: Shirley H. Rozanski
Owner Address: 37020 Laws Point Road
City Selbyville State DE
Owner Phone #: _____

Zip: 19975

Purchase Date: 6/15/21

Owner e-mail: none; use dtr's: barrettdi@comcast.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Shirley H. Rozanski

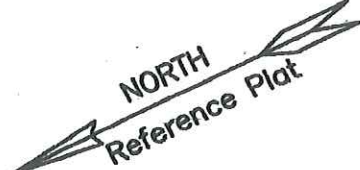
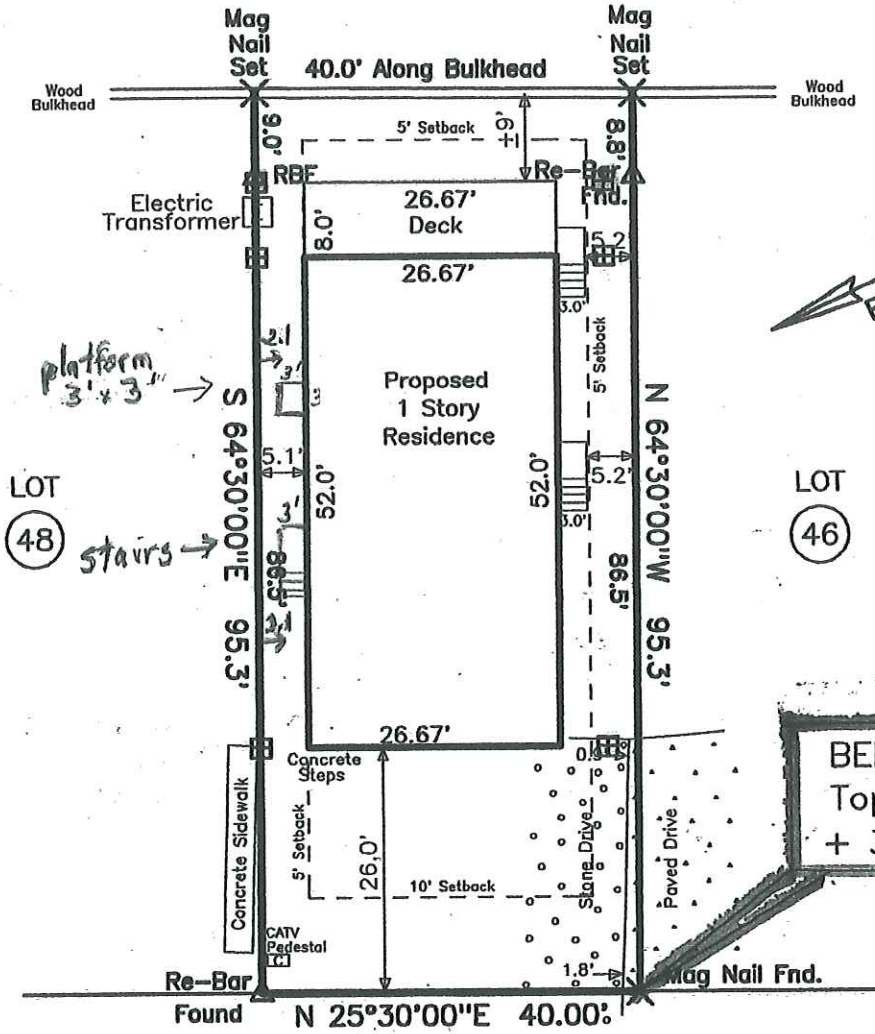
Date: 6-25-2021



Survey: Lot 47, Block E, Swann Keys
 Baltimore Hundred Sussex County Delaware

[BOUNDARY SURVEY PLAN]

LAGOON



This Property is Situated in Flood AE, Elevation 4, As Shown On FIRM #10005C0652K, Dated 03/16/2015.

May 10, 2021 - Bulkhead Mag Nails Set.
 April 30, 2021 - Site Plan Detail Added.

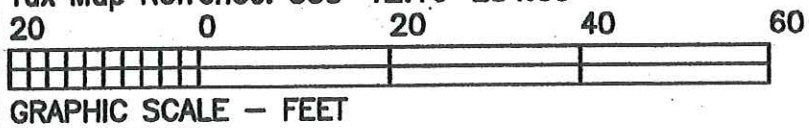
BENCHMARK:
 Top Of Mag Nail
 + 3.2' NAVD, 1988

Laws Point Road

⊠ - 5' Offset Hub & Tack Set
 Staked: May 10, 2021

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS, OR EASEMENTS IN REFERENCE TO THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.

Zoning: GR
 Area Of Survey: ± 3,816 Sq. Feet
 Reference Plat: Swann Keys
 Plot Book 14 / Pages 99 & 100
 Tax Map Reference: 533-12.16-284.00



FOR OFFICE USE ONLY!

LAWRENCE R. LONG (Valid in Red Ink Only)
 Professional Land Surveyor
 DELAWARE #543 MARYLAND #10961

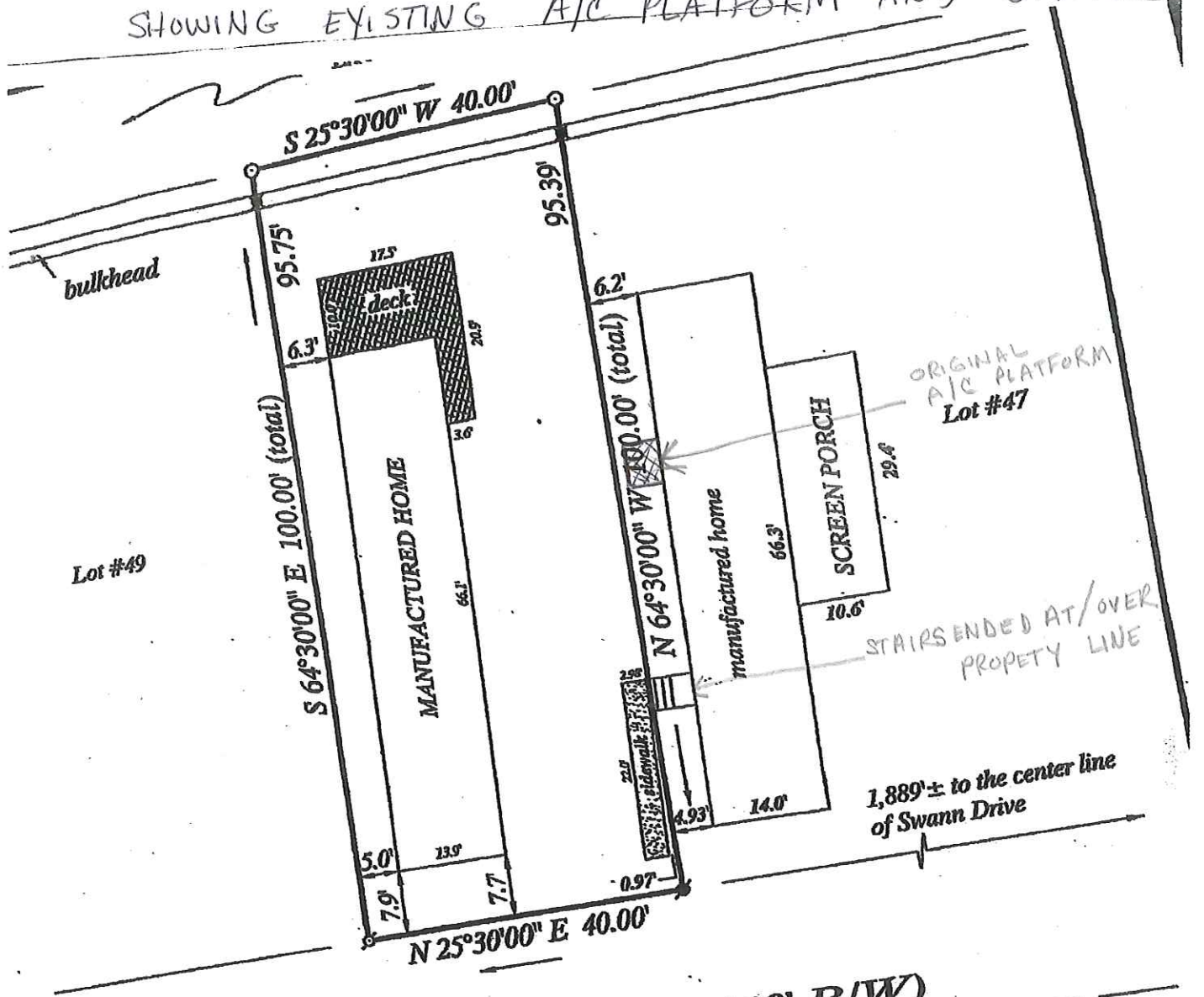
Class B Survey
 June 3, 2016

LAWRENCE R. LONG
 Professional Land Surveyor, L.L.C.

36079 Bayard Road
 Frankford, DE 19945
 PHONE: 302-436-5215

Land Surveying Services
 DELAWARE / MARYLAND

ORIGINAL HOUSE, PURCHASED 2003.
 SHOWING EXISTING A/C PLATFORM AND STAIRS



LAWS POINT ROAD (40' R/W)

- 5/8" RE-BAR (SET)
- 5/8" RE-BAR (FD)
- PIK NAIL (FD)
- POINT

Lands of GERARD J. CICCARONE and MARCELLA C. CICCARONE to be conveyed to JOHN E. HUMPHREYS and JUDITH A. HUMPHREYS. Being known as LOT NO. 48, BLOCK "E", SWANN KEYS. Ref: plot book 14, page 99.

REA: 4,000 SQ. FT.
 IX MAP NO. 5-33-12.16-283
 UNDRD: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE

SCALE: 1" = 20'

SIMPLE SURVEYING & ASSOCIATES
 1000 BROADWAY, WILMINGTON, DE 19801
 (302) 426-1111

Uniqueness of Property:

Steps:

This home is a new standard double wide mobile, delivered 6/15/21, replacing a single wide mobile. The property, including the original unit, was purchased in 6/2003 and the original mobile unit removed 10/2020. The stairs and heat pump with platform will be in the same location as the previous items. The replacements will actually require a smaller footprint than the original ones.

The request for stairs in the setback area adjacent to Lot 48 is for EMERGENCY USE. The owner of the home is an 88 year old woman who has difficulty walking. We feel it is necessary to have an exit closer to the bedrooms in the event of fire or other emergencies. The utility room is the closest area to accomplish this. The stairs will consist of a simple set of steps and will use the minimal area required to safely walk from the elevated house to the ground.

It is most likely that this exit will be seldom used, if used at all as it is intended for safety measures should evacuation be required.

Heat Pump with platform:

We plan to place this on the same side as the stairs addressed in the above. The platform is to be in the same location as the previous platform and A/C system. Placement on this side will permit more efficiency of the system as it will be closer to the electrical panel. The new heat pump is smaller than previous system and should require a smaller platform.

Cannot otherwise be developed:

Steps: There is no other location suitable for an exit door on this side of the house. This exit will accomplish both (1) and exit on both sides of the house, and (2) an exit closer to the bedrooms. Both reasons are for added safety measures.

Heat Pump with platform:

Placement on the opposite side of the house will interfere with safely walking from the parking pad to main entrance, and from the main entrance to back of house; placement in the drive area will interfere with vehicle parking as well as decrease efficiency of the system.

Not created by the Applicant:

Prior to purchase of the home, representatives from the retailer were at the site, took measurements, and assured us that this mobile unit would fit on the property without problem. Relying on the expertise of professionals we were unaware that replacing the stairs and heat pump with platform would be an issue until after purchase and placement of the home.

Will not alter the essential character of the neighborhood:

This request will not alter the essential character of the neighborhood, but will actually create a better fit; most homes in fact, have the heat pump on this side of their homes.

Minimum variance:

Creation of both the steps and heat pump/platform will use as minimum space as required by professional codes. Both are requested for practical and safety purposes only.

Additional Information:

Attached are two letters from the owners of the adjacent properties acknowledging that they are in agreement with this request and they offer no objection with placement of the stairs and heat pump platform.

To Whom It May Concern

This letter is confirming that we, John E. Humphreys and Judith A. Humphreys, are the legitimate property owners of Lot 48, Block "E", of the Swann Keys Community, with the mailing address 37022 Laws Point Road, Selbyville, DE.

We acknowledge awareness that our adjacent neighbor, Shirley H. Rozanski, Lot 47, is requesting a variance in order to place emergency exit stairs and a heat pump on a platform to be located within the county five foot setback.

We also acknowledge that we have no objection to the granting of a variance to complete the request.

John E. Humphreys 6/25/21 Judith A. Humphreys 6/25/21
John E. Humphreys Date Judith A. Humphreys Date

To Whom It May Concern

This letter is confirming that I, Barbara Gossett, am the legitimate property owner of Lot 46, Block "E", of the Swann Keys Community, with the mailing address 37018 Laws Point Road, Selbyville, DE, 19975.

I acknowledge awareness that my adjacent neighbor, Shirley H. Rozanski, Lot 47, is requesting a variance in order to place emergency exit stairs and a heat pump on a platform to be located within the county five foot setback. The setback area is not directly adjacent to my property.

Although this bears no impact on me, I acknowledge that I have no objection to the granting of a variance to complete the request.

Barbara F. Gossett 6/24/21

Barbara Gossett

Date

June 25, 2021

To Whom It May Concern

Enclosed are initial papers for a variance request for a set of stairs and a heat pump platform. However, I question as to whether this is necessary since they will be replacing those, in the same location, as from the previous mobile home.

The new footprints of both are actually smaller than the prior footprints. I have included a survey showing how the old unit was placed on the property.

Do we even need to request this variance? Could this be considered as a "replacement"? Please contact me at below number.

The surveyor is in process of preparing an official survey per instructions showing the heat pump platform and exit stairs, including his signature. We have drawn the stairs and heat pump platform to the best of our ability to scale. Per call with the Permit Department we understand this is acceptable until the official survey is complete. These papers are being submitted early with the intent to secure the earliest hearing date available.

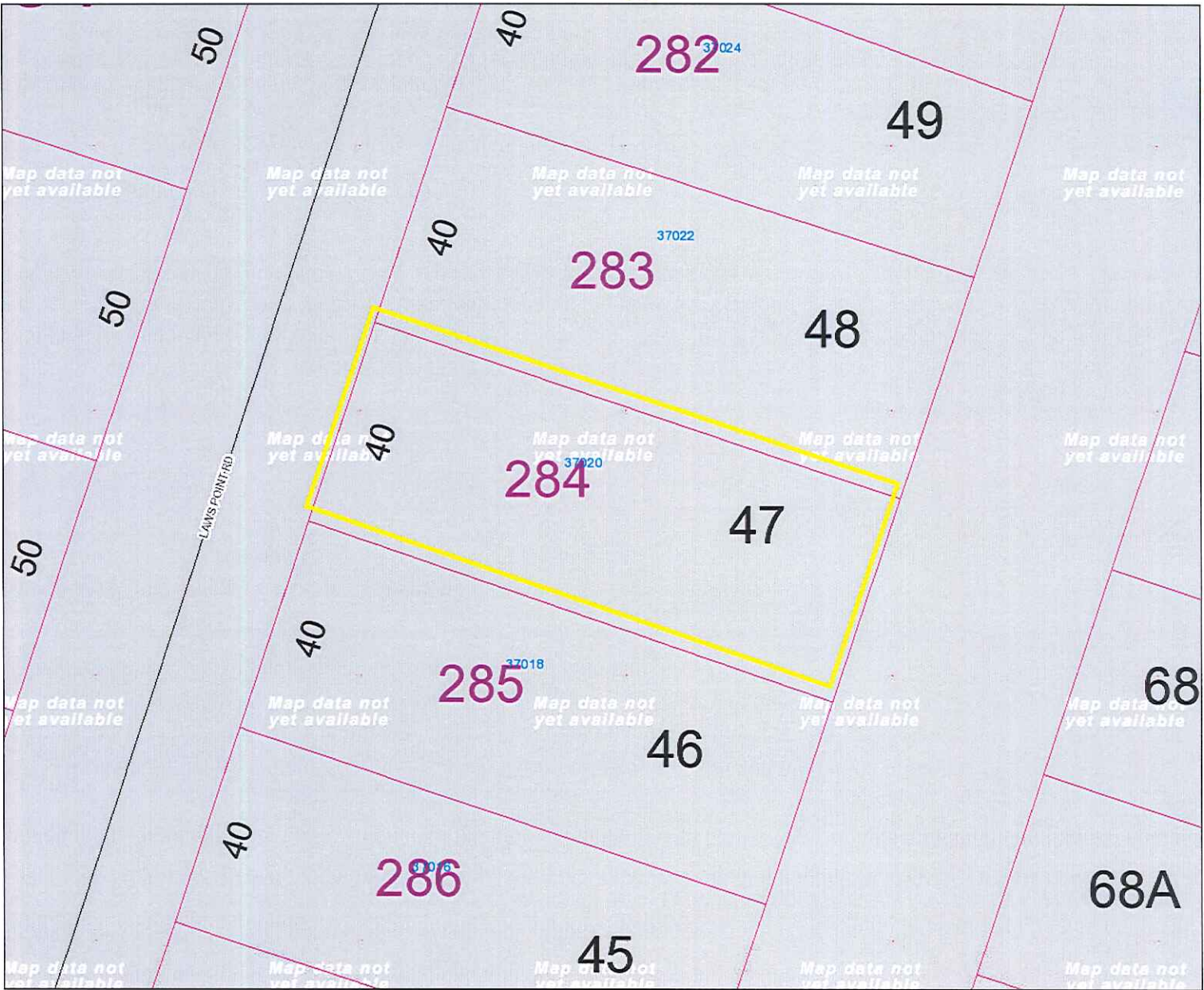
Enclosed are letters from both adjacent neighbors indicating that they have no objection to this request. This house has been a dream for mom, 88 years old, for many years. My dream is to help her achieve this. As time is not on her side, we are asking that should a variance be required, if any cancellation occurs or if there is any possibility to consider this case earlier, it would be truly appreciated.

On behalf of Shirley Rozanski and myself, thank you.

Sincerely,

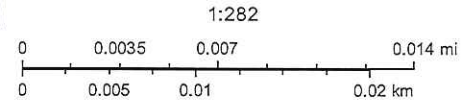


Diane Barrett
410-302-6977
barrettdi@comcast.net



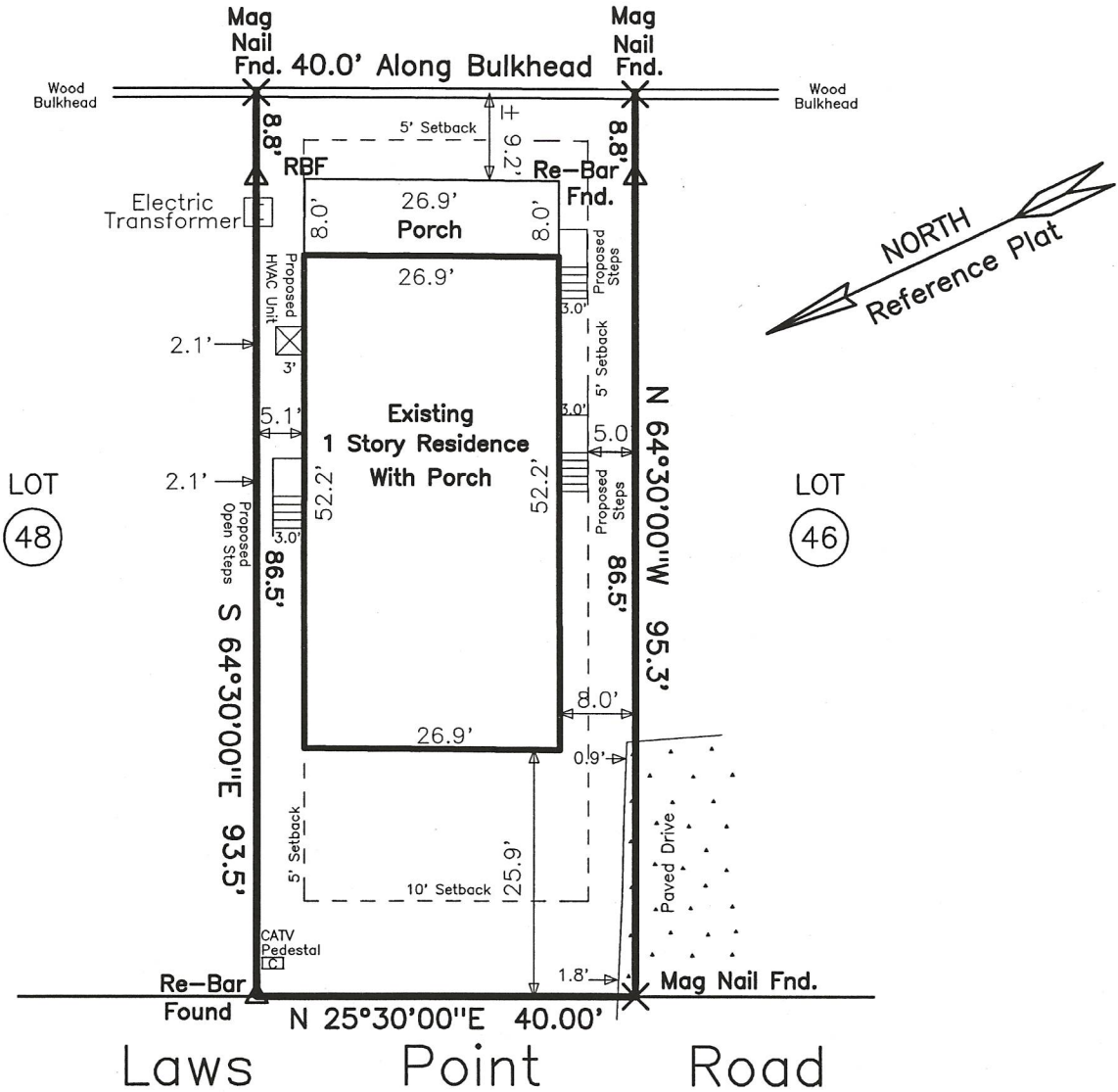
PIN:	533-12.16-284.00
Owner Name	ROZANSKI NORBERT B & SHIRLEY H
Book	2855
Mailing Address	1504 CLARIDGE AVE
City	HALETHORPE
State	MD
Description	SWANN KEYS LAWS PT
Description 2	ROAD LOT 47 BLK E
Description 3	N/A
Land Code	

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

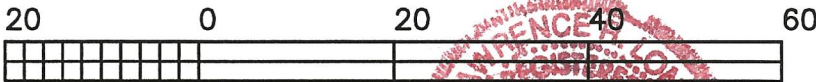


Survey For Variance: Lot 47, Block E, Swann Keys [BOUNDARY SURVEY PLAN]
 Baltimore Hundred Sussex County Delaware

LAGOON



Zoning: GR
 Area Of Survey: ± 3,812 Sq. Feet
 Reference Plat: Swann Keys
 Plot Book 14 / Pages 99 & 100
 Tax Map Reference: 533-12.16-284.00



GRAPHIC SCALE - FEET

Lawrence R. Long
 LAWRENCE R. LONG (Valid In Red Ink Only)
 Professional Land Surveyor
 DELAWARE #543 MARYLAND #1096

Class B Survey
 June 28, 2021

I, Lawrence R. Long, 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.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS, OR EASEMENTS IN REFERENCE TO THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED.

LAWRENCE R. LONG
 Professional Land Surveyor, L.L.C.

36079 Bayard Road
 Frankford, DE 19945
 PHONE: 302-436-5215

Land Surveying Services
 DELAWARE / MARYLAND