

## BOARD OF ADJUSTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

(302) 855-7878 T

## AGENDA

September 13, 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 June 21, 2021

### Approval of Finding of Facts for June 21, 2021

### Old Business

**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

### Public Hearings

**Case No. 12601– Care A Lot Child Development Center, LLC** seek a special use exception to operate a day care center (Sections 115-72 and 115-210 of the Sussex County Zoning Code). The property is located on the north side of Long Neck Road directly across from Julius Lane. 911 Address: 32479 Long Neck Road, Millsboro. Zoning District: B-1. Tax Parcel: 234-23.00-304.00

**Case No. 12602 – Patrick Tell** seeks variances from the front yard, side yard and corner front yard setback requirements for existing structures (Sections 115-82, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of River Road at the intersection of River Road and Oak Orchard Road. 911 Address: 32742 River Road, Millsboro. Zoning District: C-1. Tax Parcel: 234-34.12-77.00



**Case No. 12603 – Patrick Tell** seeks variances from the front yard, side yard and corner front yard setback requirements for existing structures (Sections 115-82, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Oak Orchard Road at the intersection of River Road and Oak Orchard Road. 911 Address: 32746 Oak Orchard Road, Millsboro. Zoning District: C-1. Tax Parcel: 234-34.12-78.00

**Case No. 12604 – Edward Olson** seeks a special use exception for a garage/studio apartment and a variance from the maximum square footage for a garage/studio apartment for an existing structure (Sections 115-23, 115-25, & 115-210 of the Sussex County Zoning Code). The property is located on the west side of Hopkins Road directly across from Park Pavillion Way. 911 Address: 20396 Hopkins Road, Lewes. Zoning District: AR-1. Tax Parcel: 234-5.00-46.03

**Case No. 12605 – ZCorp Property Consultants, LLC** seek variances from the side yard setback requirement for existing structures (Sections 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the north side of W. Piney Grove Road approximately 966 ft. west of Shortly Road. 911 Address: 20499 West Piney Grove Road, Georgetown. Zoning District: AR-1. Tax Parcel: 133-5.00-33.06

**Case No. 12606 – Michael Wright** seeks variances from the front yard setback and maximum fence height requirement requirements for proposed structures (Sections 115-25, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Teaberry Circle within the Teaberry Woods Subdivision. 911 Address: 37744 Teaberry Circle, Selbyville. Zoning District: AR-2. Tax Parcel: 533-19.00-607.00

**Additional Business**

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-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 3, 2021 at 4:00 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://sussexcountyde.gov/council-chamber-broadcast>

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

To join the meeting via 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://sussexcountyde.gov/agendas-minutes/board-of-adjustment>

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, September 9, 2021

####



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

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

Case # 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.

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**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.

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**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.

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

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

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.

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**5. Minimum variance:**

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

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'

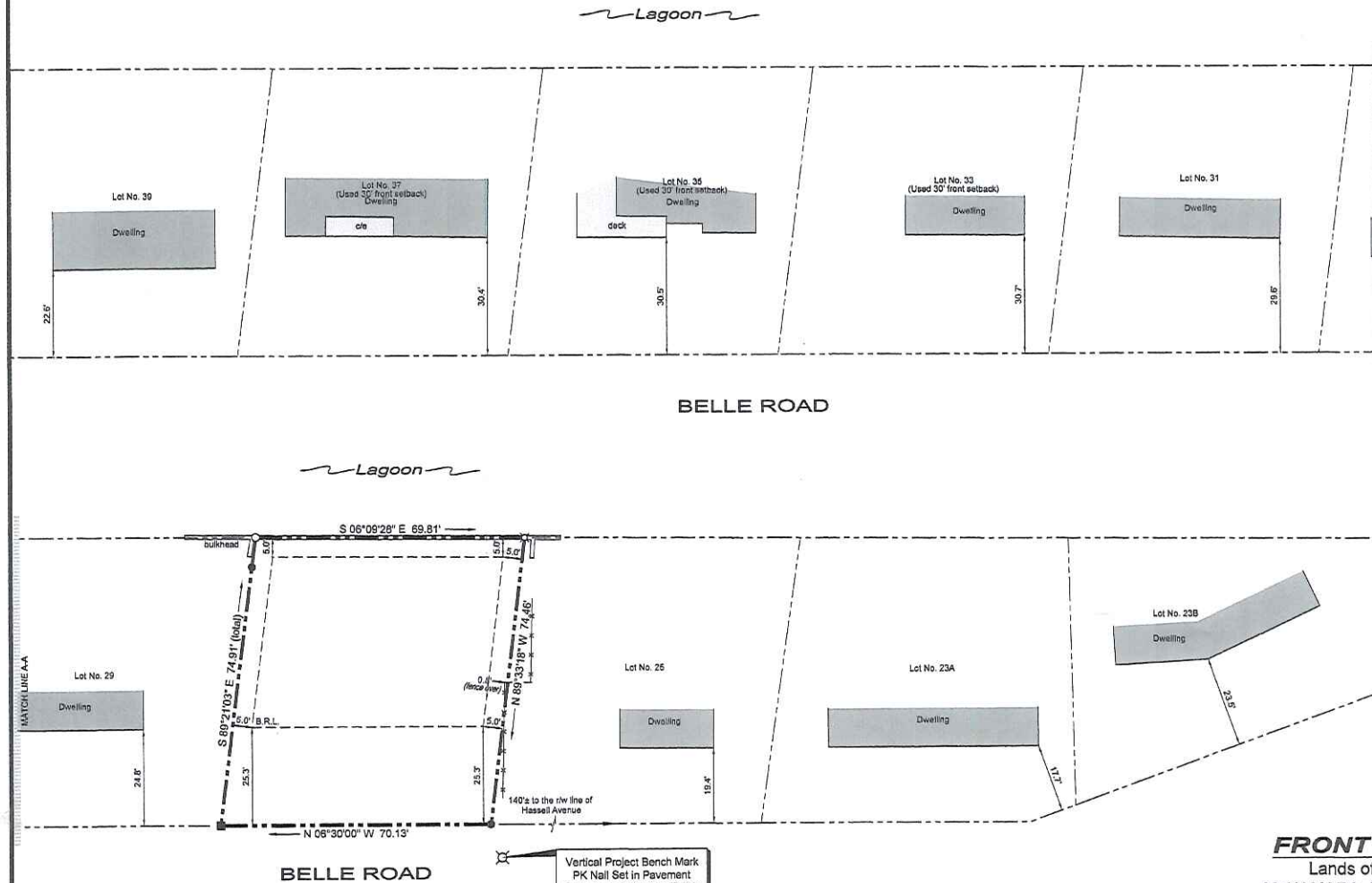
**SURVEYOR NOTES**

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  
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 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

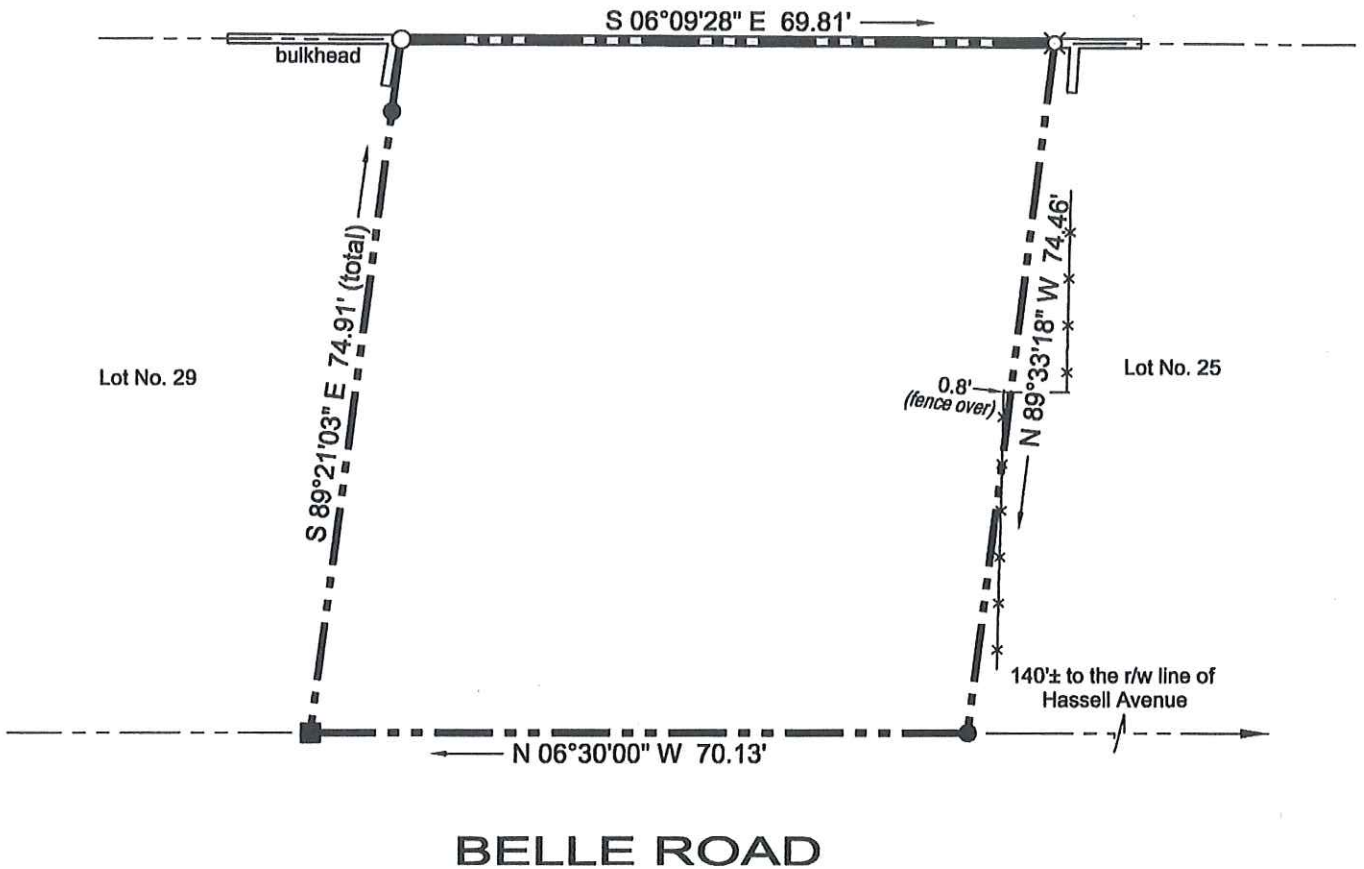
**NOTES:**

• 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.

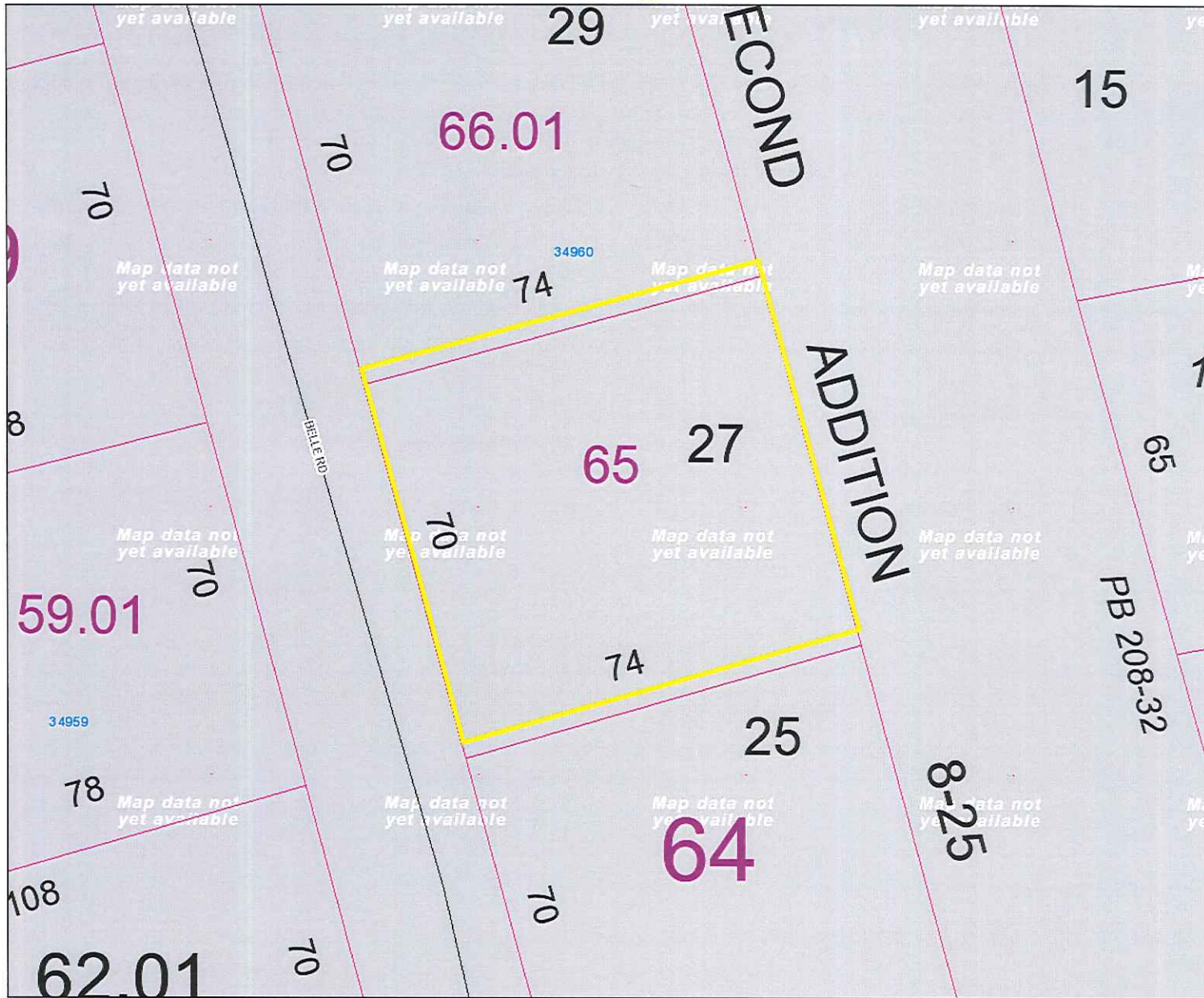
**FIRM INFORMATION:**  
 100029 - 0518 - K  
 MARCH 16, 2015  
 ZONE: "AE", B.F.E.= 6.0'  
 CLASS "B" SURVEY

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

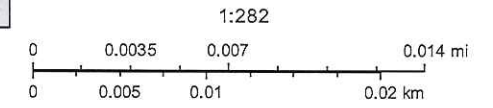


<b>PIN:</b>	134-20.11-65.00
<b>Owner Name</b>	GOUCHER TIMOTHY J
<b>Book</b>	5395
<b>Mailing Address</b>	638 PICCADILLY RD
<b>City</b>	TOWSON
<b>State</b>	MD
<b>Description</b>	BAY VIEW PARK
<b>Description 2</b>	LOT 27 BELLE RD
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

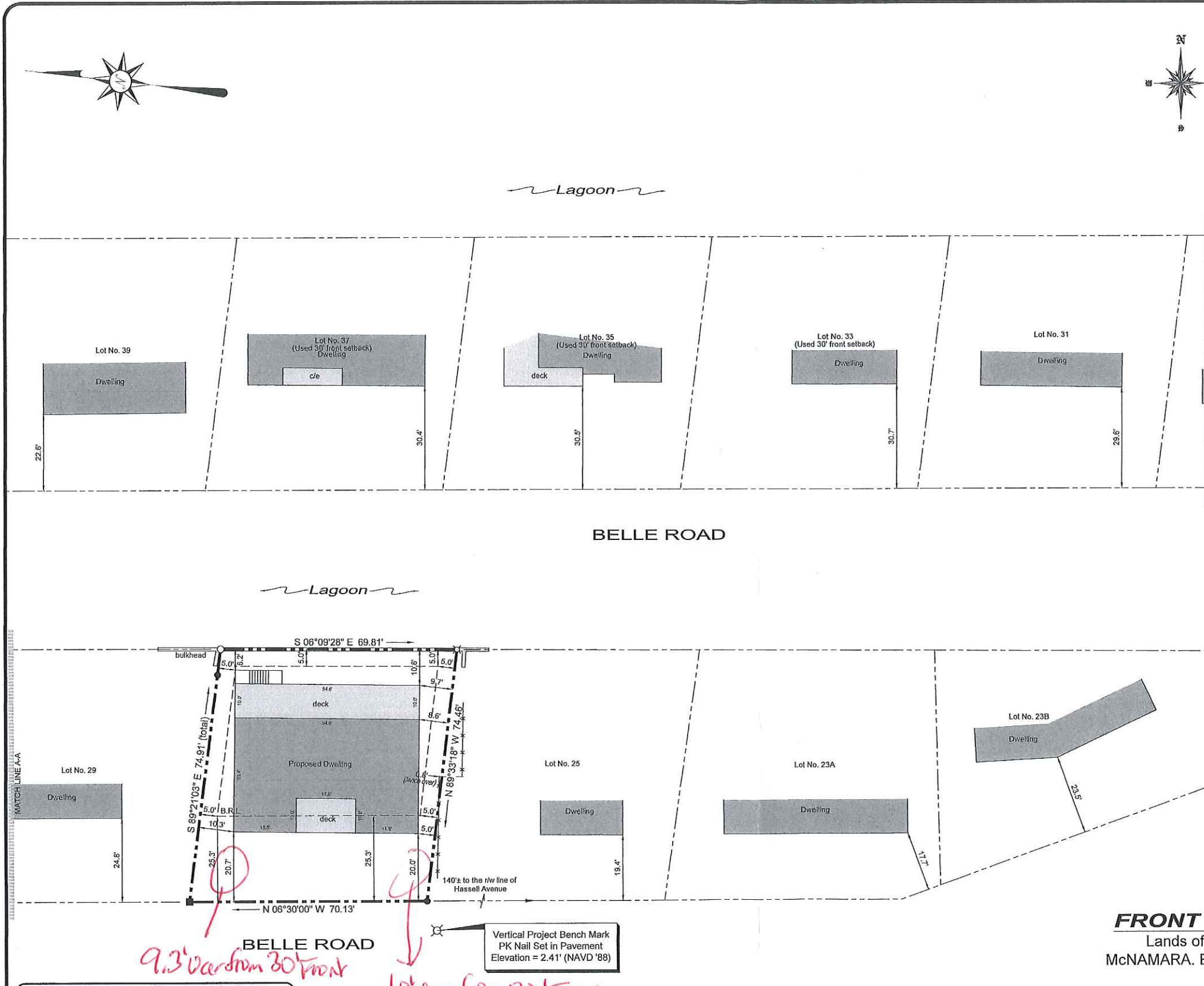
  - Override 1
- polygonLayer**

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





A-Z Review Copy



VICINITY MAP

NOT TO SCALE

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  - B. -SIDE = 5'
  - C. -REAR = 5'
  - D. -HEIGHT RESTRICTIONS- NOT TO EXCEED STORIES OR 42'

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  - Db. 4397, Pg. 221 (Lot No. 37)
  - Db. 3473, Pg. 272 (Lot No. 39)
- Plat Book Reference:
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  - 3/4" PIPE (FD)
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Lands of TIMOTHY GOUCHER and MARY ALICE McNAMARA. Being known as LOT NO. 27, BAY VIEW PARK. Ref: Plat Book 8, Page 25.

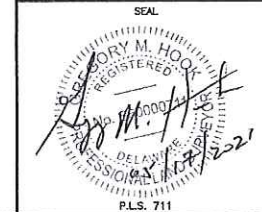
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GREGORY M. HOOK, P.L.S. 711  
Date: 05/20/2021

FLOOD DATA This property is in Zone "AE", B.F.E. 6.0' of the Flood Insurance Rate Map, Community Panel No. 100029-10005C0518-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:	PROPOSED SITE PLAN	DATE: MAY 19, 2021
REVISION:		DATE: 2021
REVISION:		DATE: 2021
REVISION:		DATE: 2021
REVISION:		DATE: 2021
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Drawn by:	MICHAEL LOVELAND	Checked by: GREGORY M. HOOK



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Handwritten notes: 9.3' over from 30' front, 10' over from 30' front

teamgoucher@verizon.net

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**From:** Sue Cesare <sue-cesare@dexterco.com>  
**Sent:** Wednesday, June 16, 2021 10:42 AM  
**To:** teamgoucher@verizon.net  
**Subject:** Re: Goucher letter to Belle Road neighbors

Hi Tim and Mary Alice:

Just a brief note to welcome you to Belle Road, and to wish you the best of luck with the hearing for the variance - no issues on my part.

I'm in the (crappy 😊) "double wide" prefab, with the beautiful garden on the south side of your lot, and the north side of Bayard & Sue Allmond. We're generally very quiet, as is our entire canal. When my four grandkids are here, you will hear their voices during the day, but not at night.

Wishing you the best.

Sue Cesare  
410-493-5908

Sent from my iPhone

On Jun 15, 2021, at 11:42 AM, teamgoucher@verizon.net wrote:

Dear BVP Neighbors, we are Tim and Mary Alice Goucher. We have been Bayview Park property owners since 2009. In late 2020 we sold our house at 35209 Hassell Ave and purchased Lot 27 Belle Rd. We plan to start building a house there in January 2022. Once completed – hopefully in Summer 2022 – we plan to become full-time residents. We wanted to let you know that we have applied for a variance and there will be a hearing with Sussex County on August 2<sup>nd</sup>. What we are seeking is a 5 foot variance from the street – bringing the footprint of the house forward from 25 feet to 20 feet. We are seeking this variance of 5 feet in order to increase our rear yard depth from 5 feet to approximately 10 feet. This allows us to have a bigger backyard, and also lessens any chance of our house blocking the water views of neighbors. We hope you understand our rationale in seeking the variance, but if you want to talk to us further about it in advance of the hearing on August 2<sup>nd</sup>, please feel free to reach out to us at [teamgoucher@verizon.net](mailto:teamgoucher@verizon.net) or 410/718-3209 (Tim) or 410/718-3208 (Mary Alice).

Enjoy the summer, Tim and Mary Alice Goucher

**teamgoucher@verizon.net**

---

**From:** teamgoucher@verizon.net  
**Sent:** Friday, June 11, 2021 1:23 PM  
**To:** tgoucher@sheppardpratt.org  
**Subject:** FW: Draft letter to BVP neighbors

**From:** teamgoucher@verizon.net <teamgoucher@verizon.net>  
**Sent:** Tuesday, June 8, 2021 1:30 PM  
**To:** Team Goucher <teamgoucher@verizon.net>  
**Subject:** Draft letter to BVP neighbors

Dear BVP Neighbors, we are Tim and Mary Alice Goucher. Until late 2020 we had owned a small yellow house at 35209 Hassell Ave. In January 2021 we bought Lot 27 Belle Road from Keith Boenning, and plan to start building a house there in January 2022. Once completed – hopefully in Summer 2022 – we will living in the house fulltime. We wanted to give you a heads up that we have applied for a variance and there will be a hearing with Sussex County on August 2<sup>nd</sup>. What we are seeking is a 5 foot variance from the street – bringing the footprint of the house forward from 25 feet to 20 feet. We are seeking this variance of 5 feet in order to increase the rear (canal side) set back from 5 feet to 10 feet. In other words, while the canal side is permitted to be 5 feet, we would like to have 10 feet from the house to the canal. This allows us to have a bigger backyard, and also lessens any chance of our house blocking the water views of neighbors.

We hope you understand our rationale in seeking the variance, but if you want to talk to us further about it in advance of the hearing on August 2<sup>nd</sup>, please feel free to reach out to us at [teamgoucher@verizon.net](mailto:teamgoucher@verizon.net) or 410/718-3209 (Tim) or 410/718-3208.

Enjoy the summer, Tim and Mary Alice Goucher



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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 Ejectments.
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  - Db. 1925, Pg. 104 (Lot No. 23A)
  - Db. 3731, Pg. 056 (Lot No. 25)
  - Db. 4878, Pg. 175 (Lot No. 29)
  - Db. 4071, Pg. 143 (Lot No. 31)
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  - Db. 3553, Pg. 255 (Lot No. 35)
  - Db. 4307, Pg. 221 (Lot No. 37)
  - Db. 3473, Pg. 272 (Lot No. 39)
4. Plot Book Reference:
  - Pg. 58, Pg. 25

STANDARD LEGEND

These standard symbols will be found in the drawing

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

Lagoon

Lagoon

BELLE ROAD

BELLE ROAD

Vertical Project Bench Mark  
PK Nail Set in Pavement  
Elevation = 2.41' (NAVD '88)

Lot No. 39

Lot No. 37  
(Used 30' front setback)  
Dwelling

Lot No. 35  
(Used 30' front setback)  
Dwelling

Lot No. 33  
(Used 30' front setback)  
Dwelling

Lot No. 31

Dwelling

Deck

Deck

Dwelling

Dwelling

27.6'

30.4'

30.5'

30.7'

29.6'

Lot No. 29

Lot No. 25

Lot No. 23A

Lot No. 23B

Dwelling

Dwelling

Dwelling

Dwelling

MATCHLINE AA

MATCHLINE AA

SURVEYOR CERTIFICATION

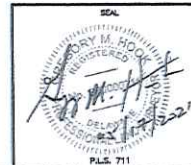
I, GREGORY M. HOOK, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes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

Signature: Gregory M. Hook  
Date: 5/19/2021  
Professional Seal: GREGORY M. HOOK, P.L.S. 711

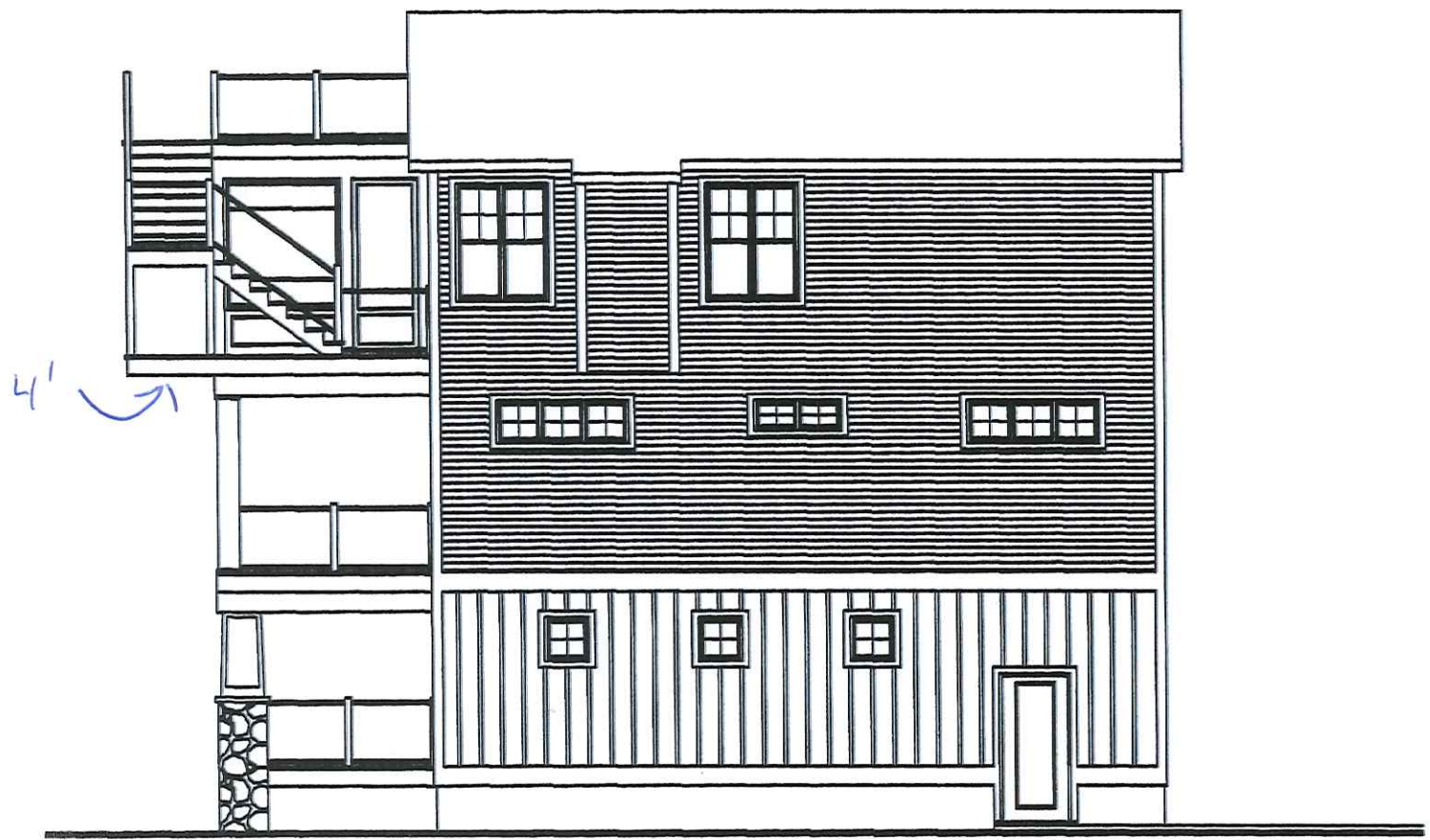
FLOOD DATA This property is in Zone "AE" B.F.F. 5.0' of the Flood Insurance Rate Map, Community Panel No. 100029-100050518-K which has an effective date of MARCH 16, 2015, and IS in a Special Flood Hazard Area.

DATE OF ORIGINAL: MARCH 10, 2021  
 REVISION: PROPOSED SITE PLAN DATE: MAY 19, 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



NORTH ELEVATION

teamgoucher@verizon.net

---

**From:** Susan Allmond <sallmond57@gmail.com>  
**Sent:** Sunday, August 1, 2021 8:11 PM  
**To:** Tim Goucher  
**Subject:** Zoning Variance Request

Tim and Mary Alice,

Thank you for informing me of your request for a zoning variance for the street set back at the front of your Belle Rd property.

I am in support of your request for the front set back from the street (reducing 25 ft to 20 ft) as it will preserve my view up the canal at the back of your property which you intend to deck.

I look forward to having you as full time neighbors.

Thank you,

Sue Allmond  
34592 Belle Rd

**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.

(B.R.L.) BUILDING RESTRICTION LINES  
PER SUSSEX COUNTY

- FRONT- 30'
- FRONT AVERAGE- 25.3'
- SIDES - 5'
- REAR - 5'
- ZONING - MR



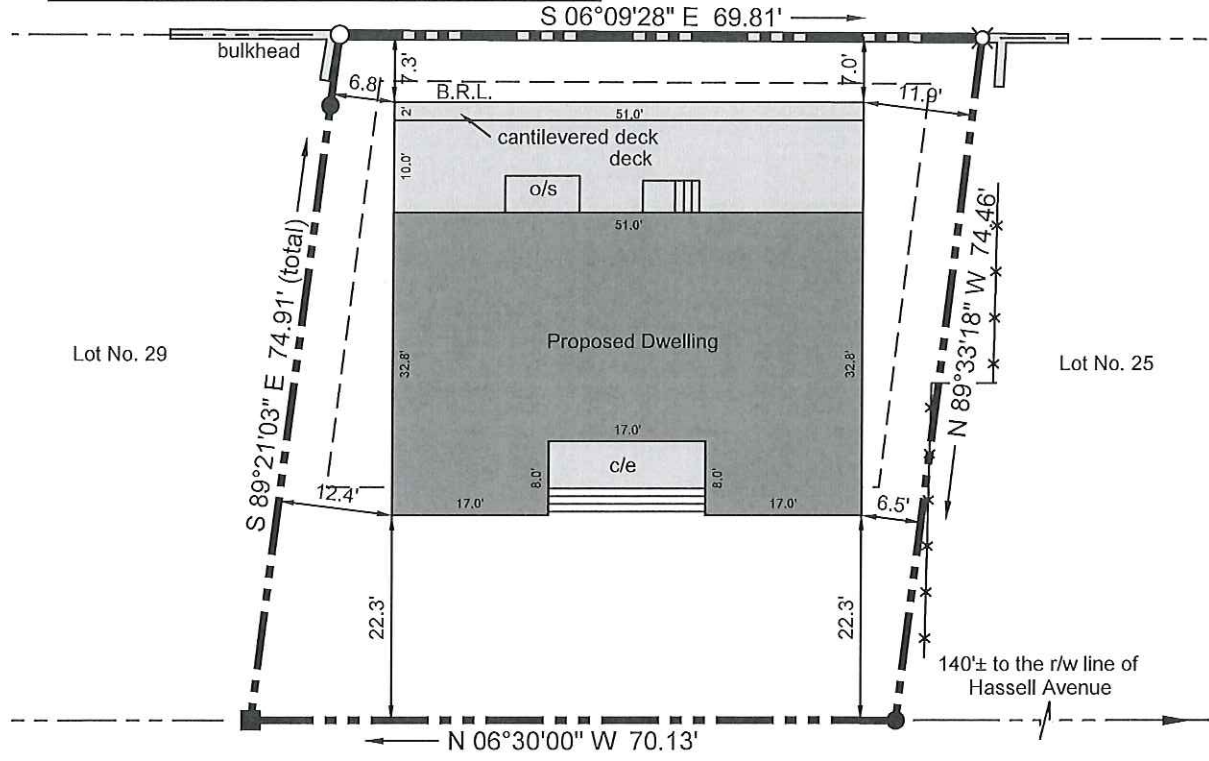
Plan for Location Approval

**NOTE:**

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.

**SURVEY INVALID WITHOUT PROFESSIONALS SIGNATURE AND SEAL**

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 Revised: 08-20-2021, Proposed Site Plan.

**BELLE ROAD**

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

Vertical Project Bench Mark  
PK Nail Set in Pavement  
Elevation = 2.41' (NAVD '88)

**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: 03-10-2021  
DRAWN BY: MICHAEL LOVELAND

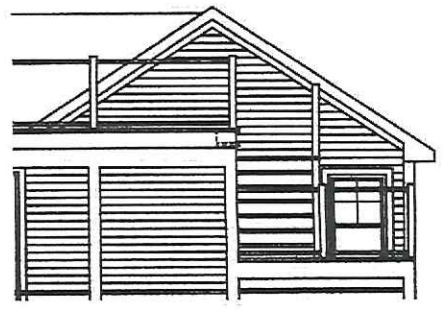
**SIMPLER SURVEYING & ASSOCIATE, INC.**  
32486 POWELL FARM ROAD, FRANKFORD, DE 19945  
www.delawaresurveyor.com  
PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL

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.



WEST ELEVATION



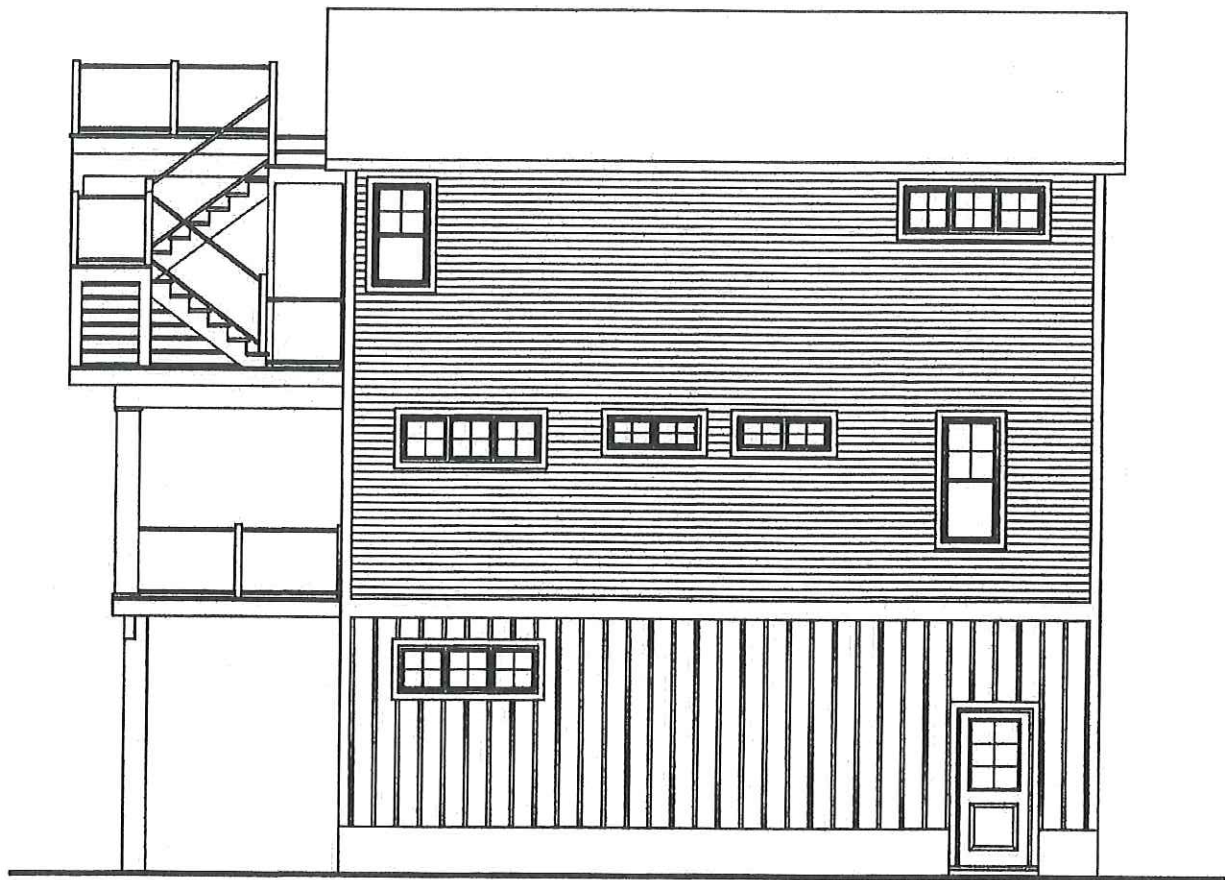




SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

Patrick O'Sullivan  
34960 Belle Rd.  
Bethany beach de 19930

7 Country Ln.  
Cornwall N.Y. 12518

I request that the board does not grant the variance request for lot 27 belle road bay view park Bethany beach DE 19930, tax map 1-34-20.11-65.

1. The applicant seems to be starting from a self granted 25 foot setback when the setback requirement is 30 feet.
2. Application is full of inaccuracies and contradictory statements. - inaccurate measurements, using adjoining street for measurements, concern for neighbor's view preservation, building out to maximum distances while claiming to be remedying need for such practice ,etc.
3. The proposed front variance is actually 10' further out front to 20' from the required 30' yet they claim 5'
4. This extra 10' will completely block the view from my home down the bay to the Ocean city skyline, and the open bay.
5. The variance will adversely affect my property value significantly
6. The variance will adversely affect my enjoyment of my property significantly by destroying the only open view lane from my property.

From: PATRICK O SULLIVAN posull3116@aol.com  
Subject: Variance 8/21  
Date: Aug 2, 2021 at 10:07:57 AM  
To: Patrick O'Sullivan posull3116@aol.com

owner of  
34960 Belle Rd  
Adjoining House North of  
Applicants Lot.

## Variance 8/21

Sq. FT?  
Flooding  
View

1 - Uniqueness of property

Applicants contacted previous owner of property PRIVATELY to purchase the lot knowing full well the uniqueness of the property.

- No one forced them to acquire the lot and the lot was not for sale to the public.
- At the time they purchased there were several larger lots in the development for sale publicly. One of which is still available for sale
- • Cannot otherwise be developed. - as shown on applicant's own survey more than half the houses on the street have been developed with 30' or more of front setback on same sized lots. - applicants claim reduced setback will allow "maintaining larger back and side yards" and then submit plan to build out to maximum 5' on side yards and 6' 2" in the rear yard
- • Not Created by applicant- The lot is a blank slate that has never been developed, this entire situation has been created by the applicant
- • Will not alter essential character of neighborhood- Adjoining houses are all of modest size much smaller than the proposed project. See *attached pictures*
- • Minimum variance- Applicant asks for 5' and claims that brings them to 20' somehow 30' - 5' comes out to 20' according to applicant. Also they use a measurement off the adjoining street to assign a setback of 17.7' to one house. This is misleading as the property is

fronted on belle road at a much larger frontage.see applicant's survey. Applicants survey shows my house at 24.5' frontage which does not agree with the survey of my house from April 2018. In short , applicant's survey is inaccurate and misleading. See attached survey →

~~Sent from my iPad~~

I ask that the full 30' front setback be enforced as it is designed to protect my property from exactly what the applicant is proposing to do unnecessarily.



Looking south



Looking North

1. - There has been no view up the canal for decades as evidenced by the mature overgrown trees . Application states need for variance to avoid "adversely impact neighbors waterviews".
2. - neighbor to the south of subject lot is built right back to the rear of lot , not a 10' yard as stated.



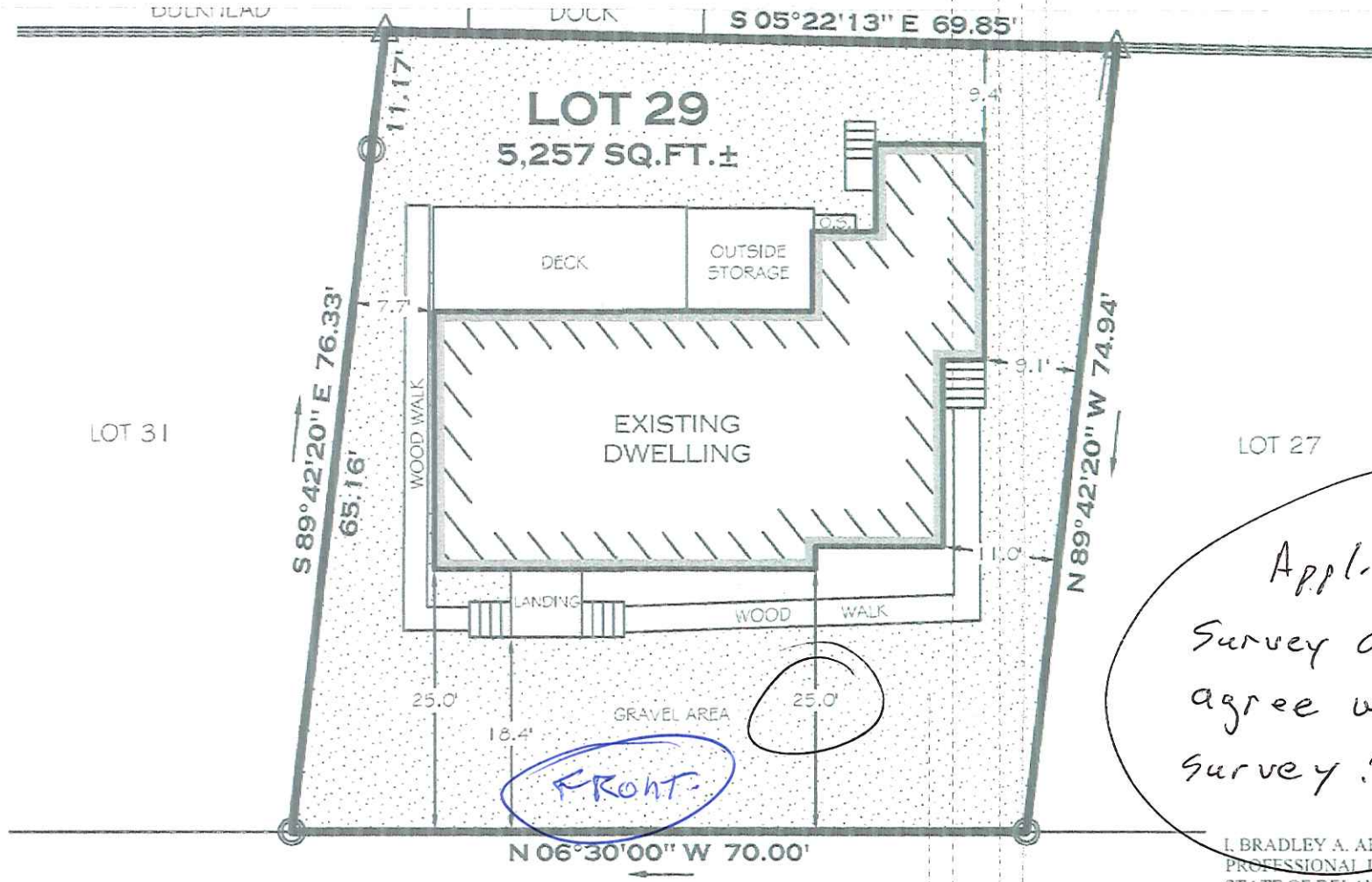
Adjoining house to North.

April 23, 2018

2:46 PM



Edit All Photos



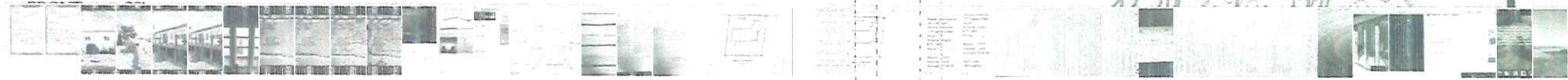
Applicant's Survey does not agree with this survey!!

**BELLE ROAD**  
30' R/W

NOTES

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

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



Neighboring houses



House to south.



House to North

Houses directly across street



Character of Neighborhood.  
is modest homes with  
open front and side yards.

**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 # 12601  
Hearing Date 9/13/21  
App. # 202110674

Type of Application: (please check all applicable)

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-74 115-210

Site Address of Variance/Special Use Exception:

32479 Long Neck Rd Long Neck DE 19966

Variance/Special Use Exception/Appeal Requested:

Special Use Exception for Child Care Center

Tax Map #: 234-23.00-304.00

Property Zoning: P1

**Applicant Information**

Applicant Name: Care A Lot Child Development Center, LLC  
Applicant Address: 32479 Long Neck Rd Long Neck DE 19966  
City Long Neck State DE Zip: 19966  
Applicant Phone #: 302-259-5440 Applicant e-mail: Carealotcenter@gmail.com

**Owner Information**

Owner Name: Tortella Realty 2, LLC  
Owner Address: 27344 Bay Rd  
City Milford State DE Zip: 19966 Purchase Date: \_\_\_\_\_  
Owner Phone #: 302-945-4500 Owner e-mail: Sandy@paradisecorndelaware.com

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

Nichelle Blatter

Date: 7/9/21



**Criteria for a Special Use Exception:** (Please provide a written statement regarding each criteria)

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

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property. I am looking to open and operate a child care center utilizing the existing building. This property backs up to other commercial properties such as boat sales, restaurants, car wash, etc. This child care center will not adversely affect the area as most buildings around are commercial properties with employees needing care for their children.

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

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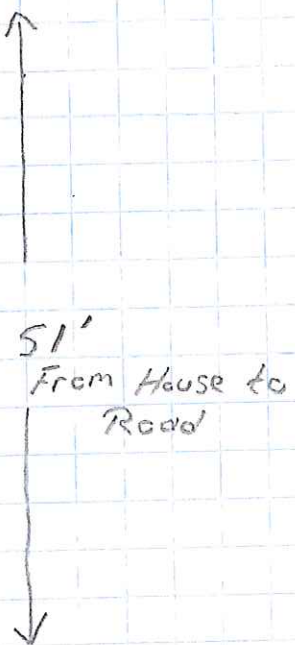
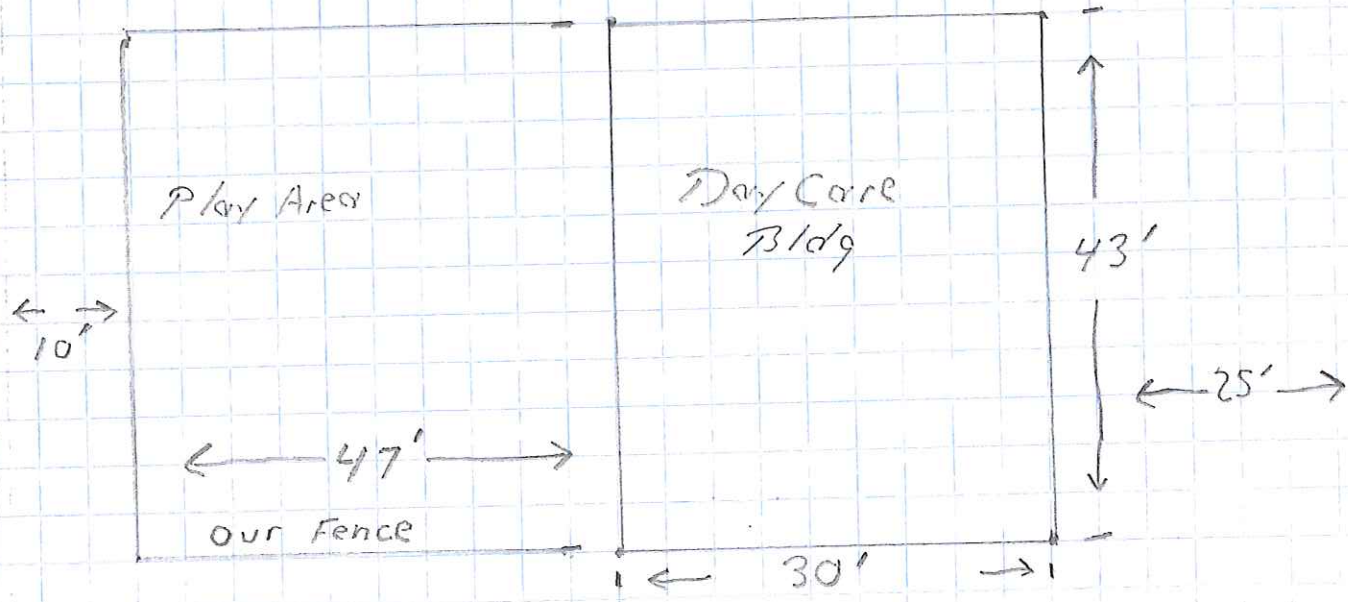
**Basis for Appeal:** (Please provide a written statement regarding reason for appeal)

---

32479 Long Neck Rd  
Long Neck DE 19966  
Michelle Blattenberger  
302-259-5440

Shorts Boat Parking

Fence - Shorts Boat Parking



Longneck Rd RT 23

Our Driveway



*State of Delaware*

*Department of Education*

License Number: 1478750

Type: Initial Provisional

Capacity: 025

REGULATED SERVICES

## **EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTER LICENSE**

The Department of Education pursuant to Title 14 Chapter 30A  
of the Delaware Code hereby certifies that:

**CARE A LOT CHILD DEVELOPMENT CENTER, LLC**  
**32564 LONG NECK RD LONG NECK, DELAWARE 19966-6674**

is hereby granted a license to operate a  
licensed Early Care and Education and School-Age Center  
for the period:

**April 26, 2021 to October 31, 2021**

unless revoked for cause.

NOTE: This license shall be posted.

A handwritten signature in black ink that reads "Elizabeth Finn".

Director

A handwritten signature in black ink, appearing to be "mm".

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 01:20 PM 01/02/2020  
FILED 01:20 PM 01/02/2020  
SR 20200016422 - File Number 7779722

**CERTIFICATE OF FORMATION  
OF  
Care A Lot Child Development Center LLC**  
(A Delaware Limited Liability Company)

**First:** The name of the limited liability company is: Care A Lot Child Development Center LLC

**Second:** Its registered office in the State of Delaware is located at 16192 Coastal Highway, Lewes, Delaware 19958, County of Sussex. The registered agent in charge thereof is Harvard Business Services, Inc.

IN WITNESS WHEREOF, the undersigned, being fully authorized to execute and file this document have signed below and executed this Certificate of Formation on this January 02, 2020.



Harvard Business Services, Inc., Authorized Person  
By: Michael J. Bell, President

# STATEMENT OF AUTHORIZED PERSON

\*\*\*\*\*

IN LIEU OF ORGANIZATIONAL MEETING

FOR

Care A Lot Child Development Center LLC

January 2, 2020

We, Harvard Business Services, Inc., the authorized person of Care A Lot Child Development Center LLC -- a Delaware Limited Liability Company -- hereby adopt the following resolution pursuant to Section 18-201 of the Delaware Limited Liability Company Act:

**Resolved:** That the Certificate of Formation of Care A Lot Child Development Center LLC was filed with the Secretary of State of Delaware on January 2, 2020.

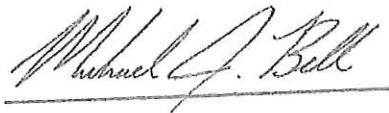
**Resolved:** That on January 2, 2020 the following persons were appointed as the initial members of the Limited Liability Company until their successors are elected and qualify:

Michelle Blattenberger

Douglas Blattenberger

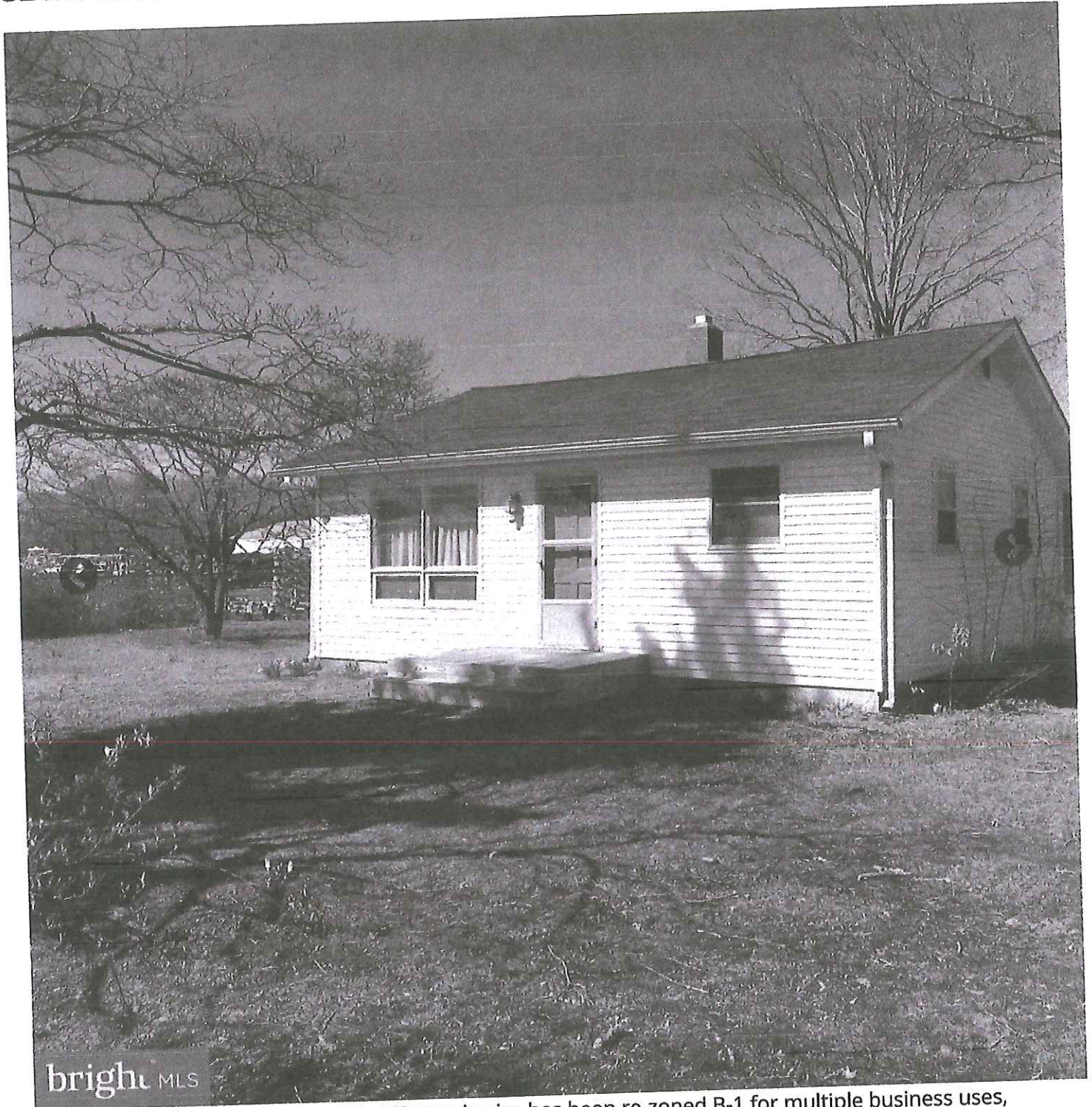
**Resolved:** That the undersigned signatory hereby resigns as the authorized person of the above named Limited Liability Company.

This resolution shall be filed in the minute book of the company.



Harvard Business Services, Inc., Authorized Person  
By: Michael J. Bell, President



**32479 LONG NECK ROAD, MILLSBORO, DE 19966      \$375,000**

brighthouse MLS

Former residential property, nearly 1/2 acre in size has been re-zoned B-1 for multiple business uses, including medical and business offices, retail, hair salon, catering, and many others. This property is located in a high-traffic area peppered with many other commercial businesses in one of Sussex County's fastest growing areas. The existing building has been used as a residential property for family vacation and weekend get-a-ways for several decades by the current owners prior to re-zoning, and is still being used

occasionally for this purpose. Two storage sheds are located at the rear of the lot. In addition to the driveway, there is room for additional parking in the back of the house.


## CONTACT JACK LINGO

First Name:\*

Last Name:\*

Email:\*

Phone:

How did you find us? 

Comments:

32479 Long Neck Road, Millsboro, De - MLS: Desu179882

Submit

## AGENT INFORMATION

Brenessa Jones  
26595 Lucky Lane  
Millsboro, DE 19966  
717-669-7181

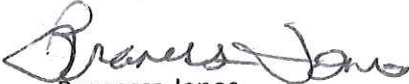
July 9, 2021

Dear Zoning Board,

I work and live on Long Neck Road and love the idea of a new child development center opening within our community as there are many businesses with employees needing quality childcare while parents work. The building that is hoping to open as a childcare center is a safe place for children to learn and grow in a happy safe environment.

In closing my opinion is strongly that only positive outcome can come from opening of another childcare center on long neck road. I can see no negative affect to our community at all.

Thank you for your consideration,

  
Brenessa Jones

Rick, Brenessa Jones & Cindy Rhorer  
Bayside Bait and Tackle, LLC  
36085 Long Neck Rd  
Millsboro, DE 19966  
717-419-1805


July 10, 2021

Dear Zoning Board,

We have known Michelle Blattenberger, owner of Care A Lot for over 4 years and she has exhibited great community spirit as well as excellent business skills. Michelle runs her current day care very professionally. I personally know residents that would agree with her expansion from her current center on Long Neck Rd. to another center able to accommodate more of our community children at another location.

In closing having a daycare on Long Neck road would deffiently a positive move forward for the Long Neck community.

Thank you for your consideration,

  
Rick Jones  
BSB&T, LLC Owner





↑  
yard

↓  
177'

↑  
51'

↓  
Road













← 30' →

17531





← 30' →



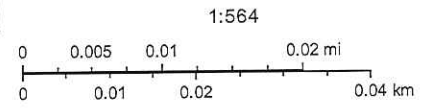


<b>PIN:</b>	234-23.00-304.00
<b>Owner Name</b>	HICKS THOMAS R & CHERYL HICKS
<b>Book</b>	3060
<b>Mailing Address</b>	144 HIAWATHA BLVD
<b>City</b>	OAKLAND
<b>State</b>	NJ
<b>Description</b>	NE/HWY MILLSBORO
<b>Description 2</b>	TO GARY MASSEY FARM
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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



Case # 12602  
Hearing Date 20211106

**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)  
115-82 115-182

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

32742 River Rd Millsboro De 19966

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

Att house Variance for set back

Tax Map #: 2-34-34 12-77.00

Property Zoning: C1

**Applicant Information**

Applicant Name: Patrick Tell  
Applicant Address: 191 Eshelman Rd  
City Carcaston State PA Zip: 17601  
Applicant Phone #: 717 468 7007 Applicant e-mail: patrick@tellstar77.com

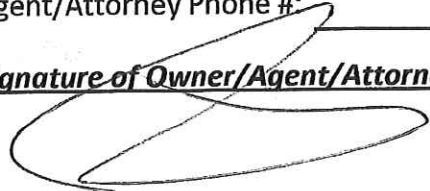
**Owner Information**

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: 7/19/21





**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.

historic property non conforming lots developed over 100 yrs ago

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.

lot size too small we are raising the house and require a variance

3. Not created by the applicant:

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

No these houses are over 100 years old

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 The neighborhood is being raised because of flooding

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 raising the house existing no changes or additions



All Structures Non-Conforming

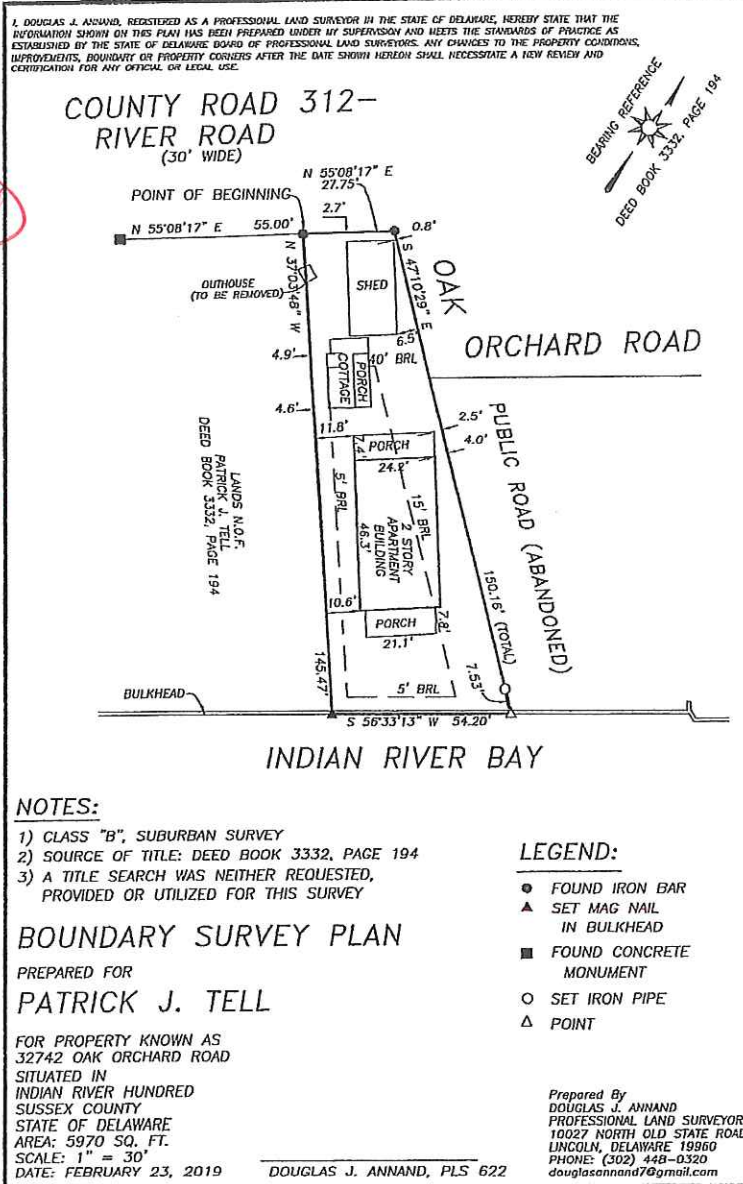
Setbacks

40' F (River Rd)  
15' Cor (Oak Orchard rd)

5' side  
5' rear

9 Variances Needed

TAX MAP NO. 2-34-34.12-77.00



- 1) 37.3-Ft var from 40' for existing shed
- 2) 14.2-Ft var from 15' corner for existing shed front
- 3) 8.5-Ft var from 15' corner for existing shed front
- 4) 12.5-Ft var from 15' cor front for existing porch
- 5) 11-Ft var from 15' cor front existing ditch
- 6) 0.1-Ft var from 5' side for existing cottage
- 7) 0.5-Ft var from 5' side for existing cottage

TAX MAP NO. 2-34-34.12-78.00



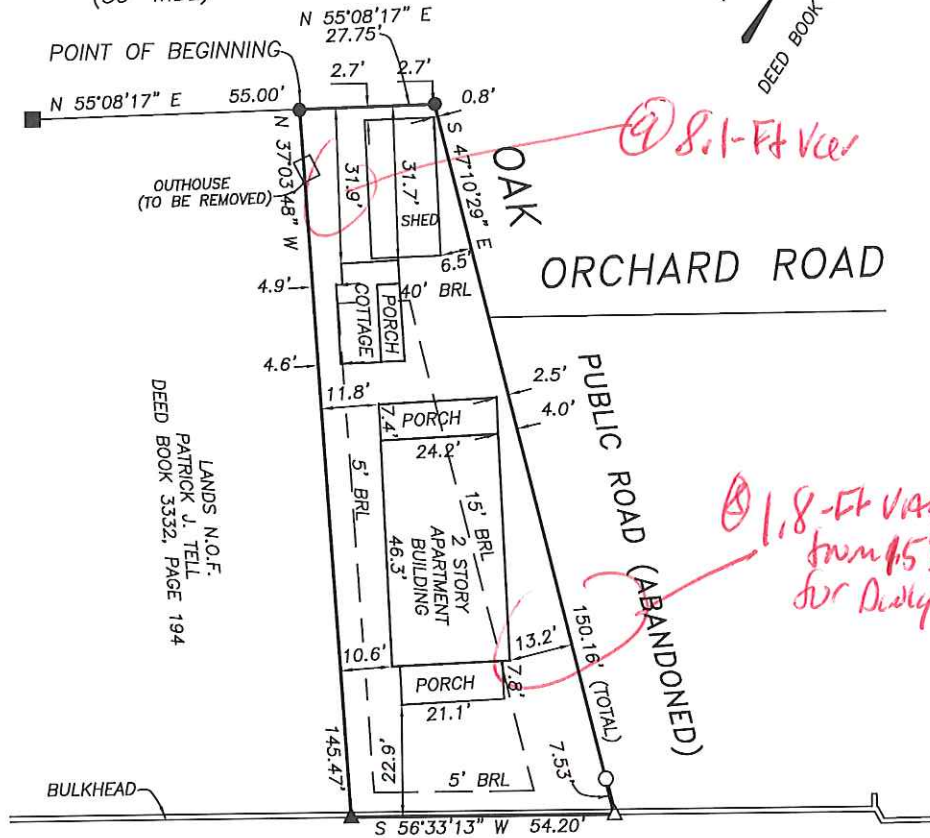
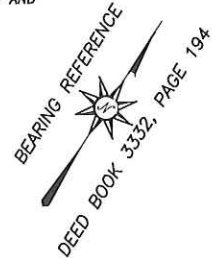
Re: ALESSANDRA Confirmation of Binding

P+Z Record  
Copy (2)

TAX MAP NO. 2-34-34.12-77.00

I, DOUGLAS J. ANNAND, 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.

COUNTY ROAD 312-  
RIVER ROAD  
(30' WIDE)



INDIAN RIVER BAY

NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3332, PAGE 194
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY

LEGEND:

- FOUND IRON BAR
- ▲ SET MAG NAIL IN BULKHEAD
- FOUND CONCRETE MONUMENT
- SET IRON PIPE
- △ POINT

BOUNDARY SURVEY PLAN

PREPARED FOR

PATRICK J. TELL

FOR PROPERTY KNOWN AS  
32742 OAK ORCHARD ROAD

SITUATED IN  
INDIAN RIVER HUNDRED  
SUSSEX COUNTY

STATE OF DELAWARE

AREA: 5970 SQ. FT.

SCALE: 1" = 30'

DATE: FEBRUARY 23, 2019

DOUGLAS J. ANNAND, PLS 622

Prepared By  
DOUGLAS J. ANNAND  
PROFESSIONAL LAND SURVEYOR  
10027 NORTH OLD STATE ROAD  
LINCOLN, DELAWARE 19960  
PHONE: (302) 448-0320  
douglasannand7@gmail.com

PROPERTY RECORD CARD

CARD 1 OF 2


TRIST. 2-34 MAP 34.12 PARCEL 77 CONTROL NO.

ADDRESS	OWNERSHIP RECORD			
	DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE
<div style="border: 1px solid black; padding: 5px;">                     2-34 34.12' 77.00                      HAINES                      MYRTLE H. SCH-1                      3123 STUMPHALL RD RR1 EDIT-P                      COLLEGEVILLE PA 19426 TR1- 311495                       OAK ORCHARD                      LOTS: 31.4 &amp; 5 1/4 IMP 10/29/97                 </div>				

RS

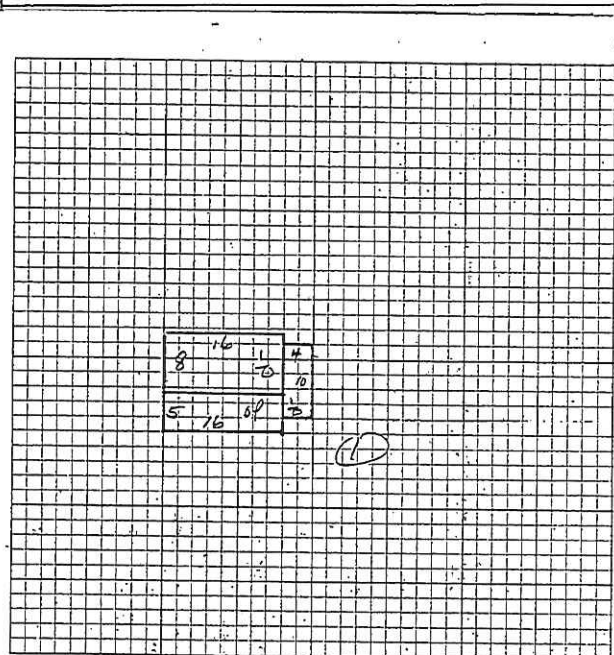
LAND RECORD AND VALUATION SUMMARY BUILDING PERMIT RECORD

PROPERTY FACTORS		LAND COMPUTATION						DATE	NUMBER	AMOUNT
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE		
		FRONT	DEPTH		DEPTH	OTHER				
<input checked="" type="checkbox"/> CITY WATER	<input checked="" type="checkbox"/> PAVED									
<input checked="" type="checkbox"/> SEWER	<input checked="" type="checkbox"/> SEMI-IMPROVED	25	140	110	.98	-	107 <sup>80</sup>	2700	5/29/78	42582
<input type="checkbox"/> GAS	<input type="checkbox"/> UNIMPROVED	23	140	110	.98	-30	32 <sup>34</sup>	700		
<input type="checkbox"/> ELECTRICITY	<input type="checkbox"/> OTHER									
<input type="checkbox"/> ALL UTILITIES	<input type="checkbox"/> SIDEWALK									

ASSESSMENT RECORD				SUMMARY OF VALUES		TOTAL LAND	
1973	LAND \$ 1700	LAND \$		SUMMARY OF VALUES	TOTAL LAND	\$ 3400	 H. L. YOH COMPANY A DIVISION OF DAY AND ZIMMERMANN, INC. PHILADELPHIA, PA.
	BLDG. \$ 7100	BLDG. \$			TOTAL IMPROVEMENTS	\$ 23900	
	TOTAL \$ 8800	TOTAL \$			TOTAL APPRAISED VALUE	\$ 27300	

1973	LAND \$	LAND \$		NOTES 1-12-94 Add Bulkhead + Docks 0117600
19	BLDG. \$	BLDG. \$		BP#204108 Chg grade on bath dwlgs, chg % Good, occupancy, heat + add bath 01216022-03
19	TOTAL \$	TOTAL \$		N/V 27300 5B
19	LAND \$	LAND \$		
19	BLDG. \$	BLDG. \$		
19	TOTAL \$	TOTAL \$		

DIST 2-34 MAP 34.12 PARCEL 77



TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
		C-	X	168	1	1			19.98	3356
			X							
			X							
			X							
			X							
TOTAL GROUND AREA				168	TOTAL BASE COST \$ 3356					

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

**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		-								
ONE-0		REC AREA-1		APT-2		% OF BASEMENT SQ FT				BSMT FINISH			0		-								
ONE-0		PIPELESS GHA-1		ELECTRIC-2		FHA-3		STM-HW-4		HEAT SYS			0	-6									
										FIRE PLACE			0		-								
-FIXT BATH		2-FIXT BATH		1		SG FIX		TOTAL FIXT		PLUMBING			2		1.3								
ONE-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														
ONE	PL	(WB)	WP	(NONE)	PL	WB	WP	(NONE)	PL	WB	WP	WLS-CLG											
RT	CONC	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			1						
IP-1		GABLE-2		FLAT-3		MANSARD-4		GAMBREL-5		ROOF TYPE				2									
(D) COMP-SHGL-1		SLATE-2		METAL-3		TILE-4		ROLL-5		T & G-6		ROOFING				1							
AREA 80		SQ FT		INDICATE QTY 1		PORCH-OPEN				1	4.1												
AREA		SQ FT		INDICATE QTY		PORCH-GLZD				0													
NONE-0		CENTRAL-1		AIR-COND				0															
NONE-0		1 CAR-1		2 CAR-2		ATT GAR/CP				0													
				UTILITY				0															
				OTHER				0															
				OTHER				0															

IDENT: 2-34 34.12 77

NOTES:

*rents cottage June to Labor Day*

INDEX TOTALS 94% 3.8

BASE COST \$	3356	± INDEX % \$	3154	± INDEX PTS \$	3434	X GRADE FACTOR	95	= REPLACEMENT COST	\$	3263			
ACTUAL AGE	54	YRS	EFF AGE	54	YRS	PHYS. COND	GOOD	FAIR	X	POOR	PER CENT GOOD	57	%
OBSOLESCENCE: FUNC	%	OV'RIMP	%	UND'RIMP	%	OTHER ECON.	%	NET COND	%	DEPRECIATED BLDG VALUE	\$	1632	

**ACCESSORY BUILDINGS**

CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
1	Gen. Pump. Bldg.	wood	C	wood	1	14	28	392			174	290		40	120

**TRAILERS**

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

TOTAL TRAILERS VALUE \$

INSPECTED BY 802 7.9/26/73 CHECKED BY APPROVED BY

TOTAL ACCESSORY BLDGS VALUE \$ 120  
TOTAL BLDGS VALUE \$ 1752

PROPERTY RECORD CARD

CARD 2 OF 2

DIST. <u>2-34</u>	MAP <u>34.12</u>	PARCEL <u>77</u>	CONTROL NO.
ADDRESS		OWNERSHIP RECORD	
		DATE OF TRANSFER	GRANTEE
LAND IDENTIFICATION  <div style="border: 1px solid black; padding: 5px; margin: 5px;">                 2-34                      34.12                      77                   Haines, Myrtle H. &amp; Spence                  R. D. 1, Stump Hill Rd.                  Collegeville, Pa.                      1             </div>		REVENUE STAMPS	SALE PRICE

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	
<input checked="" type="checkbox"/> CITY WATER	<input checked="" type="checkbox"/> PAVED	FRONT	DEPTH		DEPTH	OTHER			
<input checked="" type="checkbox"/> SEWER	<input checked="" type="checkbox"/> SEMI-IMPROVED								
<input type="checkbox"/> GAS	<input type="checkbox"/> UNIMPROVED								
<input type="checkbox"/> ELECTRICITY	<input checked="" type="checkbox"/> OTHER								
<input type="checkbox"/> ALL UTILITIES	<input type="checkbox"/> SIDEWALK								

ASSESSMENT RECORD				SUMMARY OF VALUES		TOTAL LAND	
19	LAND \$	BLDG. \$	TOTAL \$			\$	—
19	LAND \$	BLDG. \$	TOTAL \$	TOTAL IMPROVEMENTS	\$ 1150		
19	LAND \$	BLDG. \$	TOTAL \$	TOTAL APPRAISED VALUE	\$ —		
19	LAND \$	BLDG. \$	TOTAL \$	NOTES <hr/> <hr/> <hr/>			
19	LAND \$	BLDG. \$	TOTAL \$				
19	LAND \$	BLDG. \$	TOTAL \$				







BOARD OF ASSESSMENT  
OF SUSSEX COUNTY  
GEORGETOWN, DE

TELEPHONE: 856-3374 or 3998

DISTRICT: *2.34*      MAP: *34.12*      PARCEL: *27*

NAME:      DATE:      -77

ADDRESS: *HAINES MYRTLE*      TIME:

PAST VALUE:

PRESENT VALUE:

TYPE OF COMPLAINT:

IMP. VALUE:

LAND VALUE:

OTHER:

FIELD CHECK

COMMENTS:

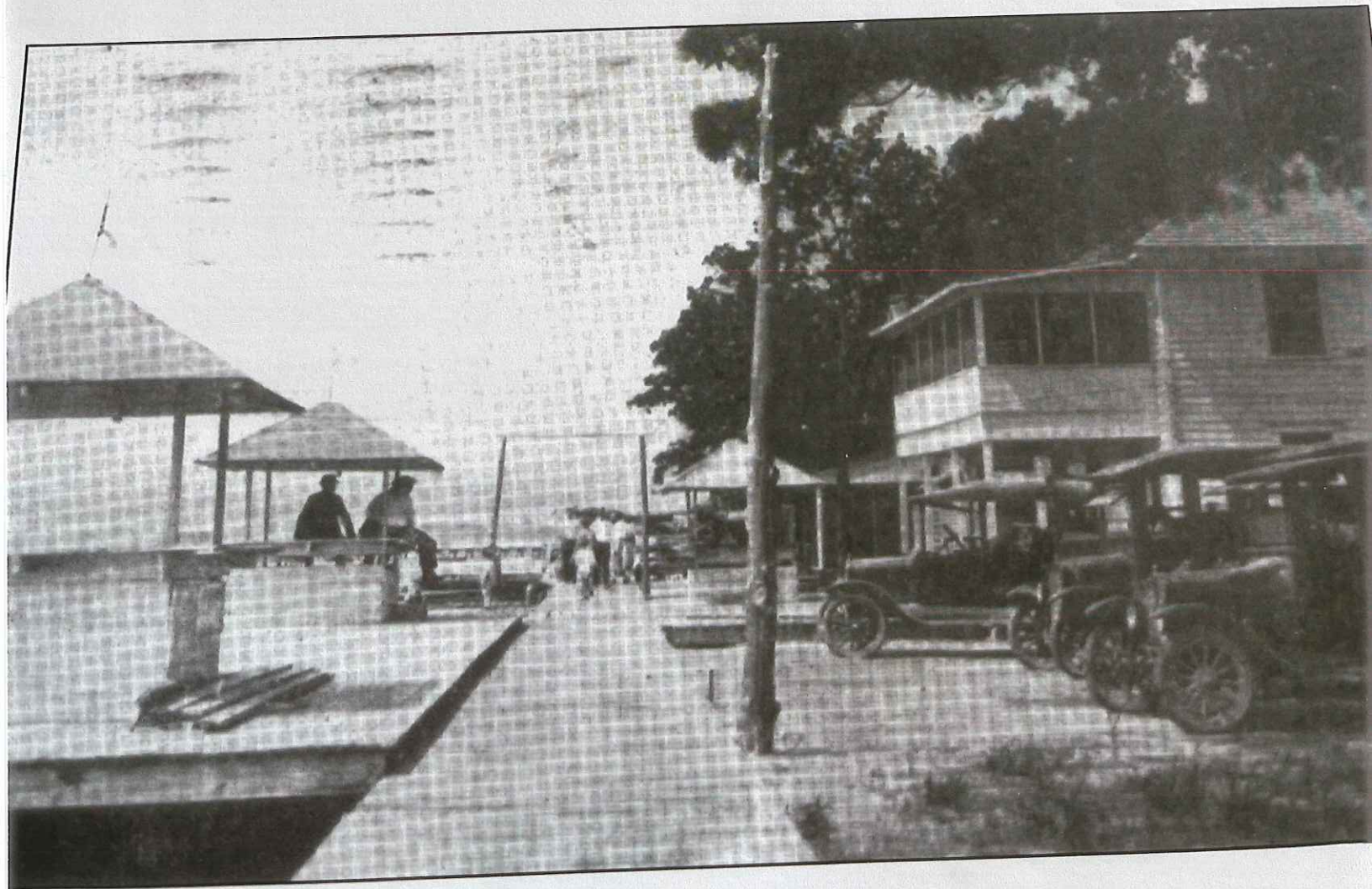
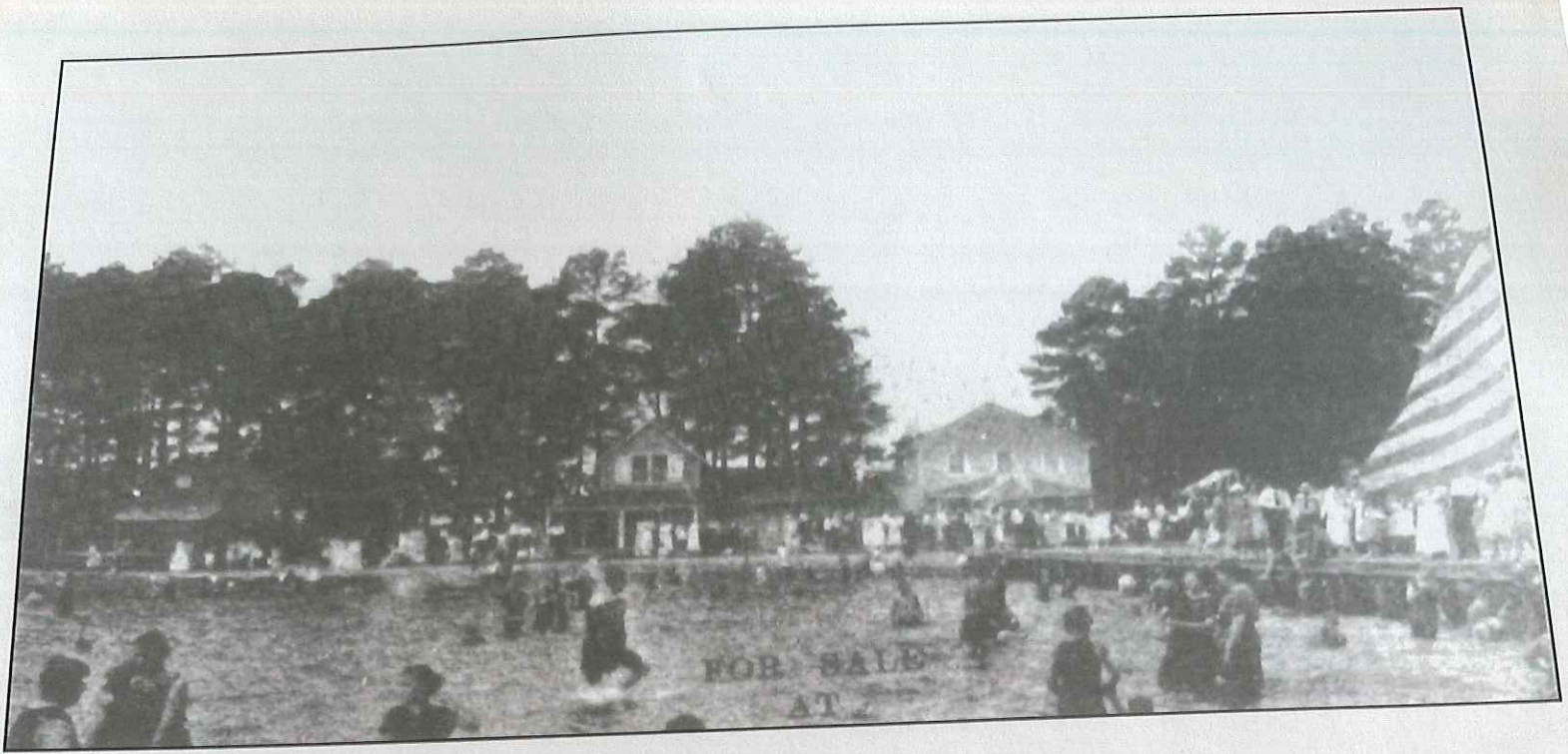
CHANGE:

NO CHANGE:

*No change*

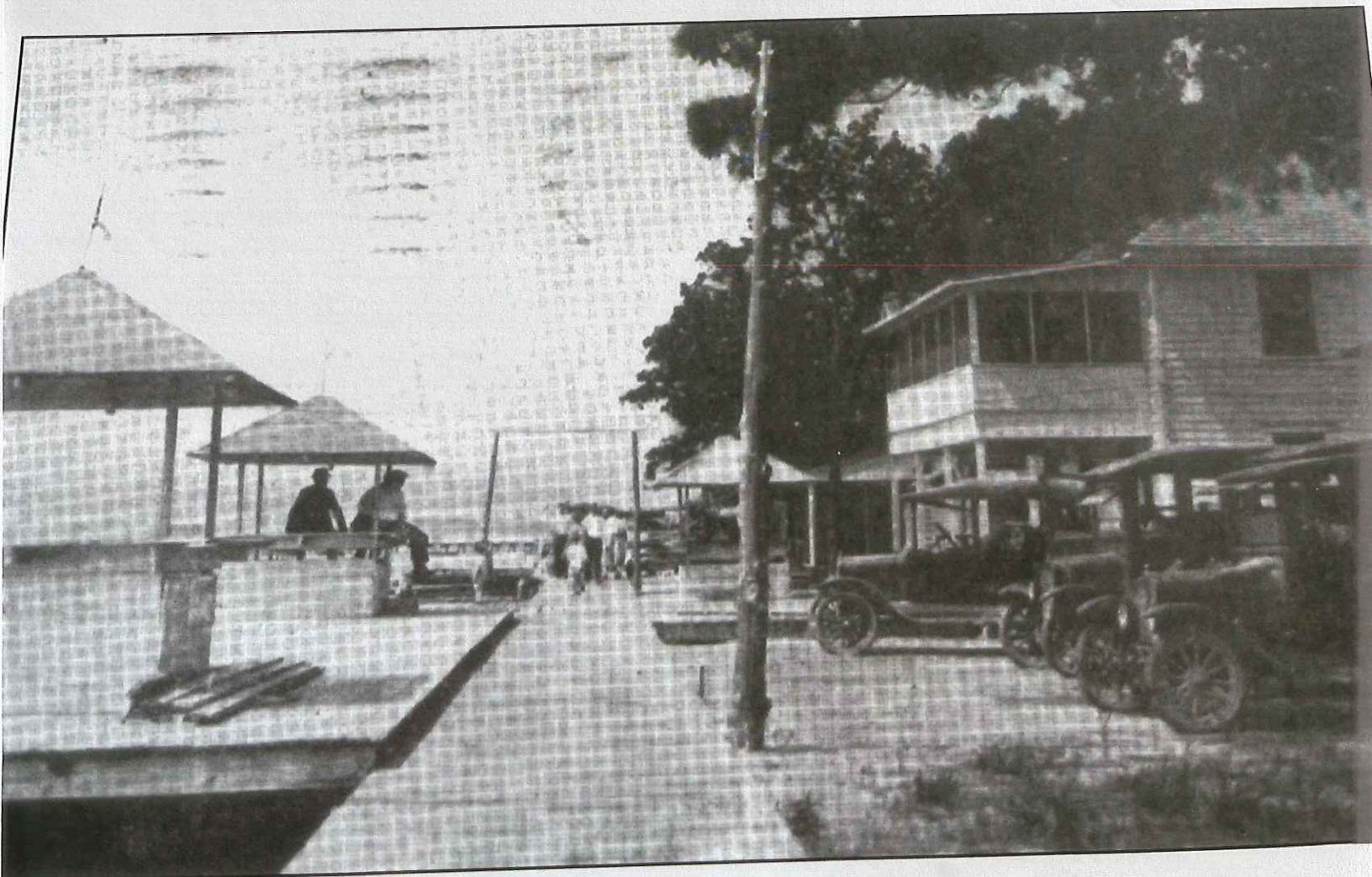
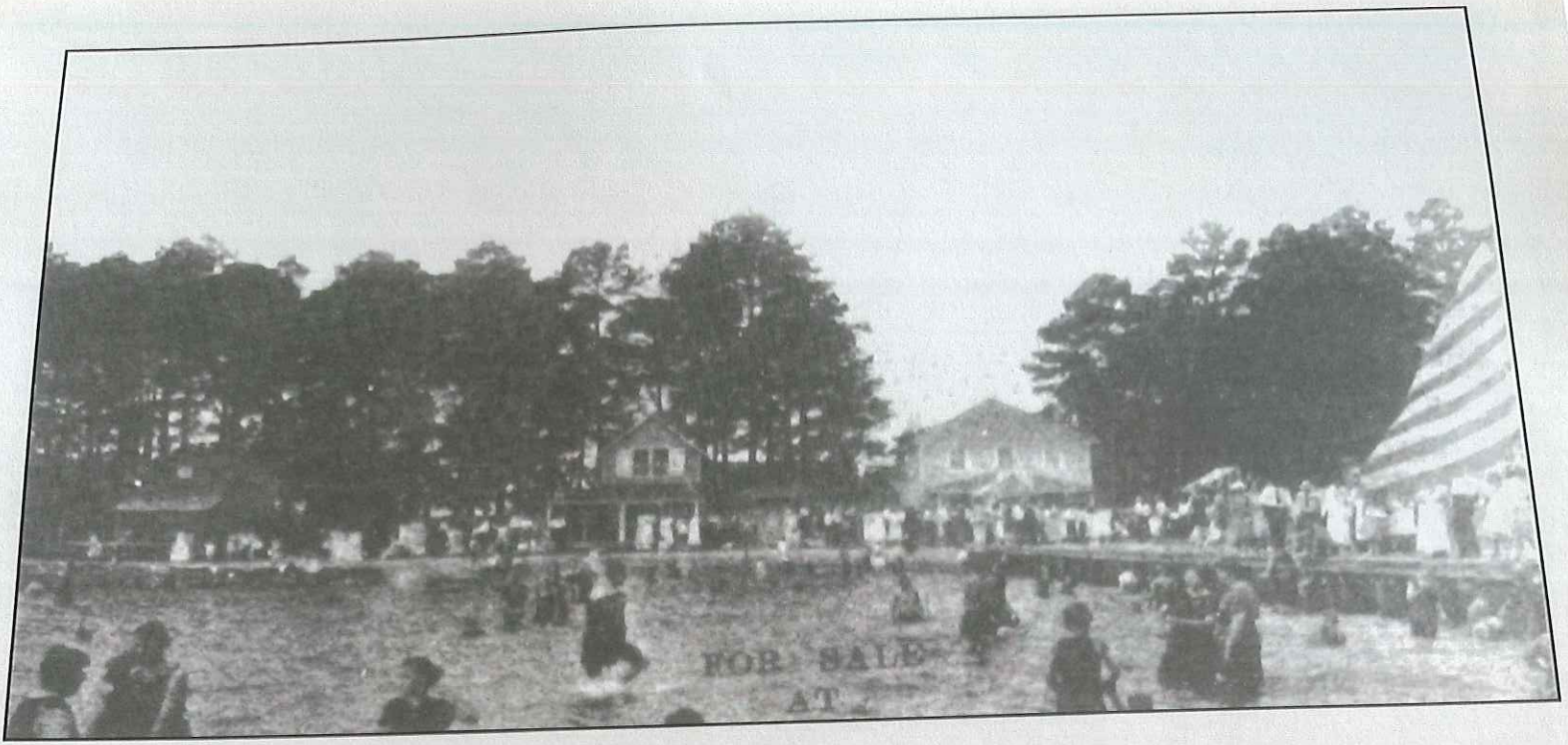
*N/C  
Letter Sent  
3-29-77  
N.S.*

REVIEWER:





VIEW OF OAK ORCHARD, DELAWARE



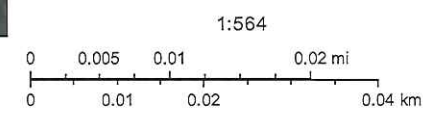


<b>PIN:</b>	234-34.12-77.00
<b>Owner Name</b>	TELL PATRICK J
<b>Book</b>	3332
<b>Mailing Address</b>	191 ESHELMAN RD
<b>City</b>	LANCASTER
<b>State</b>	PA
<b>Description</b>	OAK ORCHARD
<b>Description 2</b>	LOTS 3 4 5
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer

  - Override 1
- polygonLayer

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



Case # 125603  
Hearing Date 20211108

**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)  
115-82 115-182

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

32746 Oak Orchard Rd

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

set back Raise properties

Tax Map #: 2-34-34 12-78

Property Zoning: C1

**Applicant Information**

Applicant Name: Patrick Tell  
Applicant Address: 191 Eshelman Rd  
City Conover State Pa Zip: 17601  
Applicant Phone #: 717 468 7007 Applicant e-mail: patrick@tellstar77.com

**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**

[Signature]

Date: 3/19/21



**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.

historic property nonconforming lots developed over 100 years ago

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 We are raising the house and require a variance

3. Not created by the applicant:

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

NO These houses are over 100 years old

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.

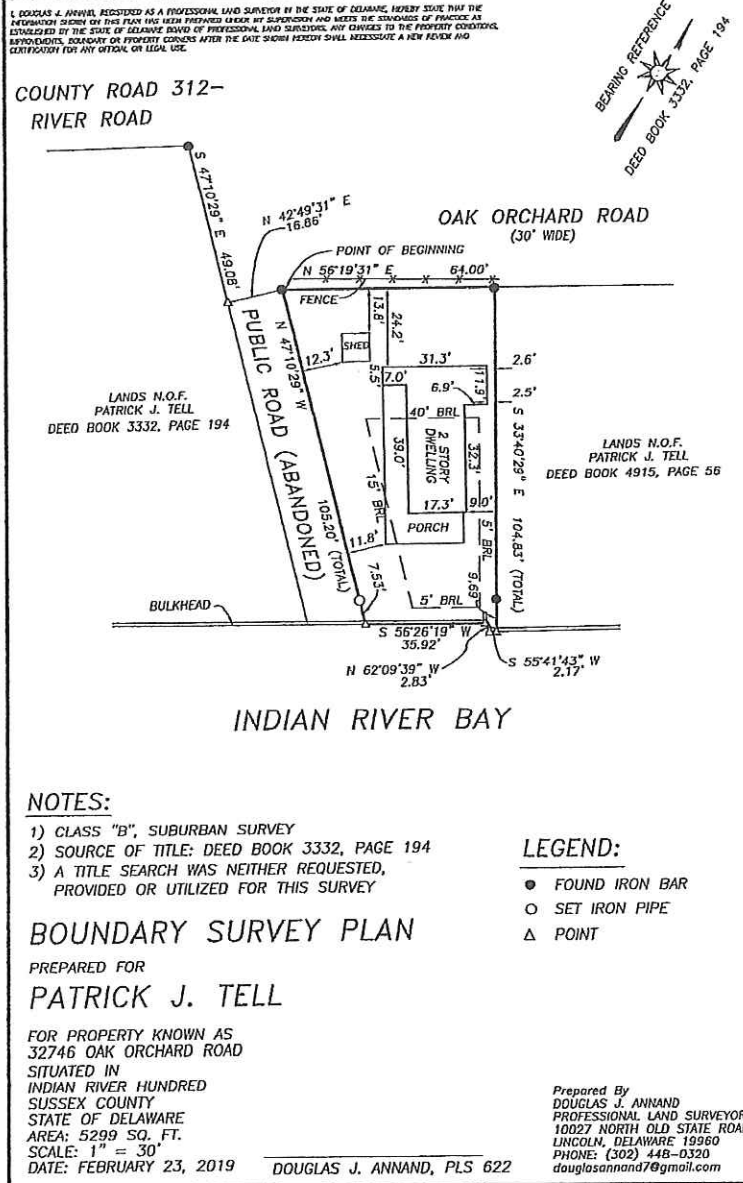
NO the neighborhood is all being raised because of flooding

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 We are not changing anything or adding

TAX MAP NO. 2-34-34.12-78.00



Douglas J. Annand  
Professional Land Surveyor  
10027 North Old State Road  
Lincoln, DE 19960  
302-448-0320  
douglasannand7@gmail.com

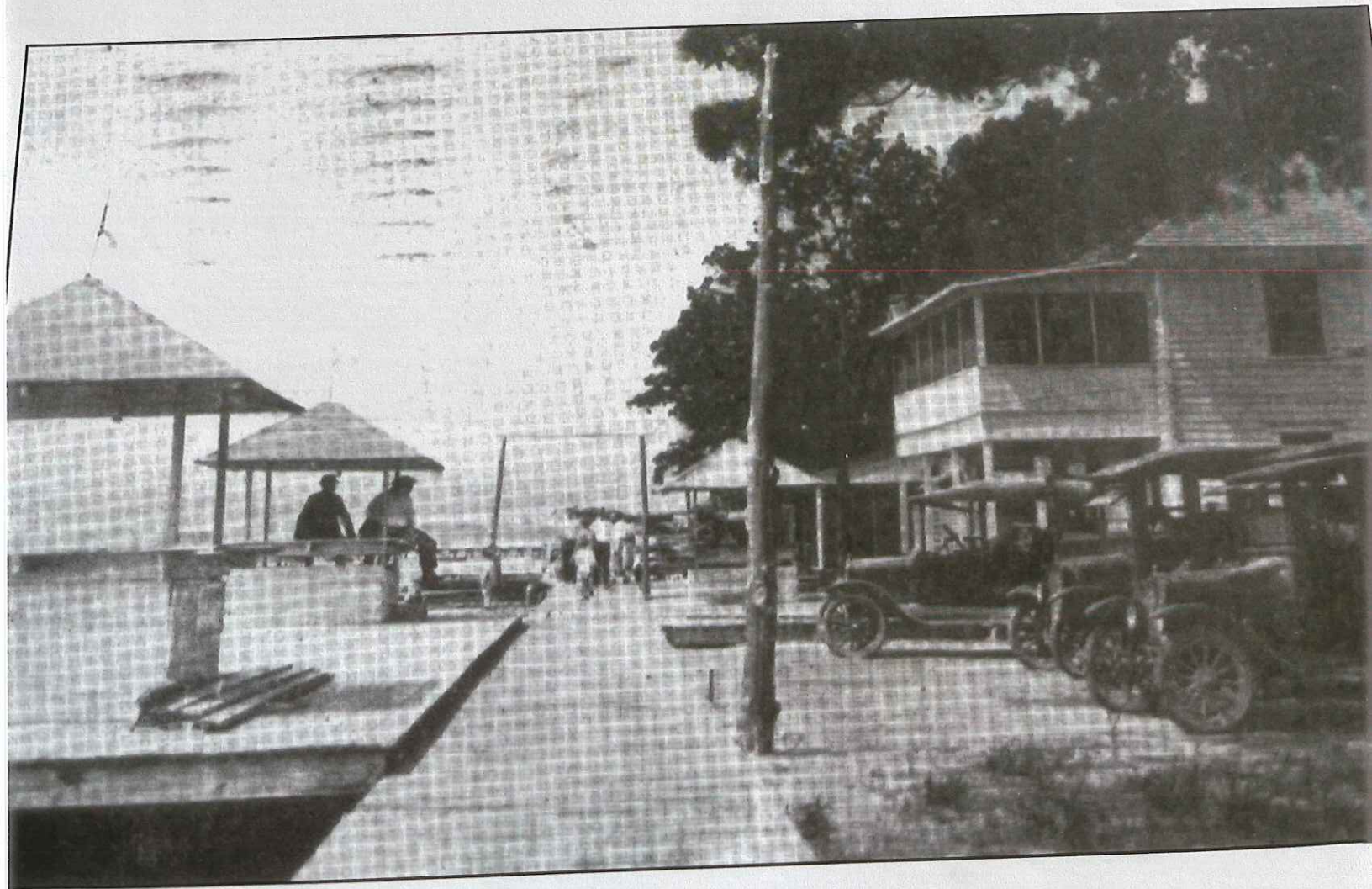
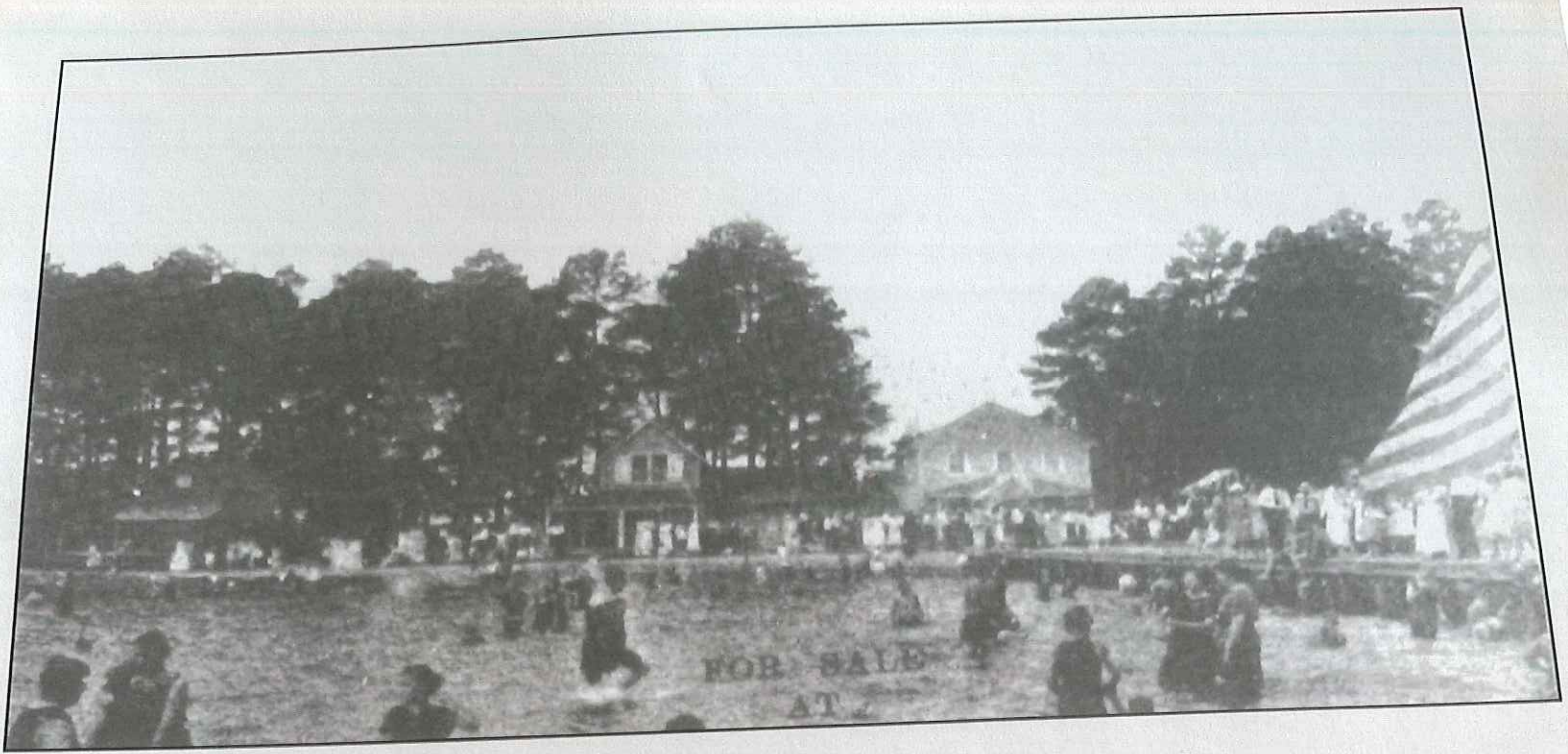


Re: ALESSANDRA Confirmation of Binding



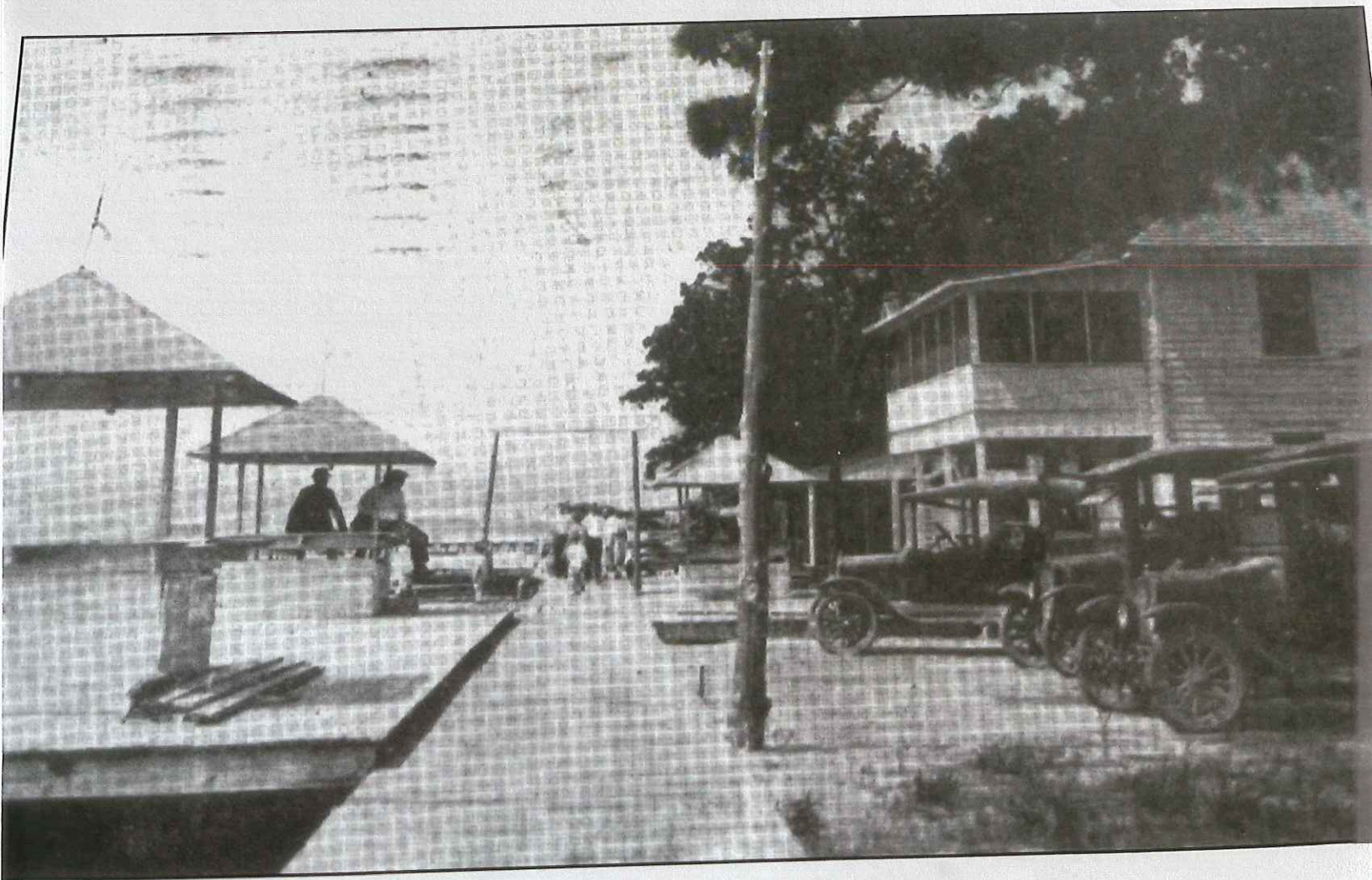
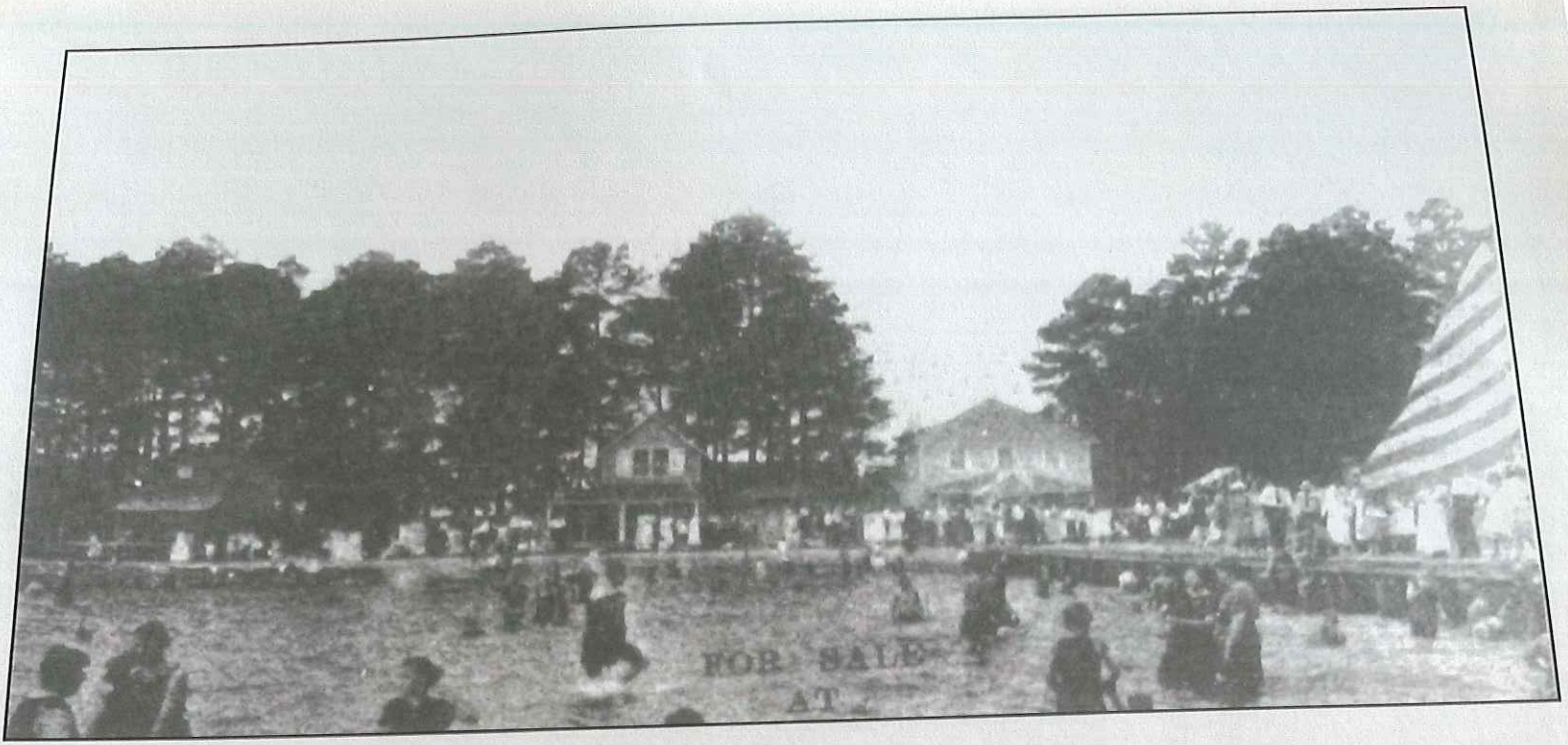








VIEW OF OAK ORCHARD, DELAWARE



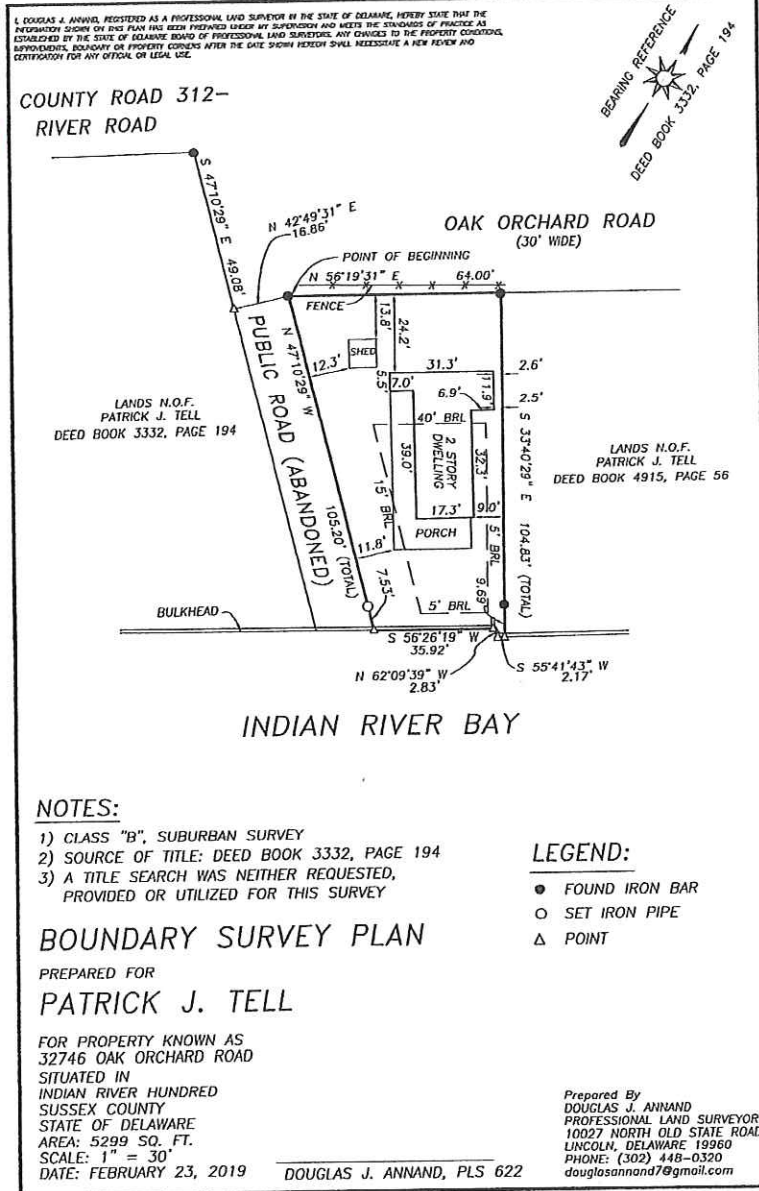


At Review Copy

Structures are non-conforming

Setbacks  
30' F (Creek Overhead)  
15' Corner Front  
5' sides  
5' rear

TAX MAP NO. 2-34-34.12-78.00



1) 11.2 Ft over from 30' F for existing shed  
2) 2.7 Ft over from 15' corner front existing shed  
3) 5.8 Ft over from 30' F existing driveway  
4) 2.5 Ft over from 5' side existing driveway  
5) 3.2 Ft over from 15' cor front east porch

Douglas J. Annand  
Professional Land Surveyor  
10027 North Old State Road  
Lincoln, DE 19960  
302-448-0320  
douglassannand7@gmail.com



Re: ALESSANDRA Confirmation of Binding

PROPERTY RECORD CARD

CARD 1 OF 1

DIST. 2-34 MAP 34.12 PARCEL 78 CONTROL NO.

ADDRESS

LAND IDENTIFICATION

2-34 34.12 78.00  
 HAINES SCH-1  
 MYRTLE H. EDIT-P  
 STUMP HALL RD - 3123 RR 1  
 COLLEGEVILLE PA 19426 TRI- 311496

LOT 10/29/97  
 W/IMP!  
 OAK ORCHARD

*DATA*

*RS*

OWNERSHIP RECORD

DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE

LAND RECORD AND VALUATION SUMMARY

BUILDING PERMIT RECORD

PROPERTY FACTORS		LAND COMPUTATION						
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE
CITY WATER	PAVED	FRONT	DEPTH		DEPTH	OTHER		
<i>Water</i>	<input checked="" type="checkbox"/>	42	101	110	.84	-	9240	3900
SEWER	<input checked="" type="checkbox"/>	22	102	110	.84	.60	5544	1200
GAS	UNIMPROVED							
ELECTRICITY	<input checked="" type="checkbox"/>							
ALL UTILITIES	SIDEWALK							


DATE	NUMBER	AMOUNT

ASSESSMENT RECORD

19	LAND \$	BLDG. \$	TOTAL \$	19	LAND \$	BLDG. \$	TOTAL \$
19	2550	5250	7800	19			
19				19			
19				19			

SUMMARY OF VALUES

TOTAL LAND	\$ 5100
TOTAL IMPROVEMENTS	\$ 20400
TOTAL APPRAISED VALUE	\$ 25500 <i>9900</i>



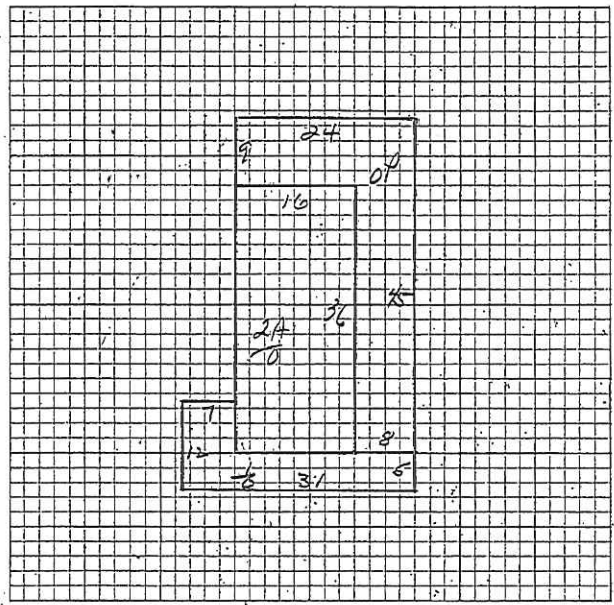
**H. L. YOH COMPANY**  
 A DIVISION OF DAY AND ZIMMERMANN, INC.  
 PHILADELPHIA, PA.

NOTES *1-12-94 Add Bulkhead. or 19600*  
*BP# 204107 Chg grade 4% front on dwlg, occupancy heat 01/19800 2-27-03 N/V 25500 SB*



DIST **2-34** MAP **34.12** PARCEL **78**  
 CONTROL NO

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
1	8	C	X	576	1	24		unf	27.80	16054
			X	204	1	1		+	19.23	3921
			X							
			X							
			X							
H. L. YOH CO. PHILA., PA.										
TOTAL GROUND AREA				780			TOTAL BASE COST \$ 19975			



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	each	unit		
INDICATE QTY																	
3-FIXT BATH		2-FIXT BATH		1		SG FIX		/		TOTAL FIXT		3	PLUMBING		3	-	
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			0	-	
1ST FLOOR			2ND FLOOR			3RD FLOOR				INT FINISH							
NONE	PL	(WB)	WP	NONE	PL	(WB)	WP	(NONE)	PL	WB	WP	WLS-CLG					
IRT	CONC	HW	(SW)	HW	(ESW)	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			1					
P-1	GABLE-2	FLAT-3	MANSARD-4		GAMBREL-5			ROOF TYPE			2						
(WB) COMP	(SHGL)-1	SLATE-2	METAL-3	TILE-4	ROLL-5	T & G-6		ROOFING			1						
AREA	504	SQ FT		INDICATE QTY		/		PORCH-OPEN			1	23.1		+			
AREA		SQ FT		INDICATE QTY				PORCH-GLZD			0						
NONE-0		CENTRAL-1			AIR-COND				0								
NONE-0		1 CAR-1		2 CAR-2		SQ FT		ATT GAR/CP			0						
		SQ FT		UTILITY		0					0						
		OTHER		0							0						
		OTHER		0							0						

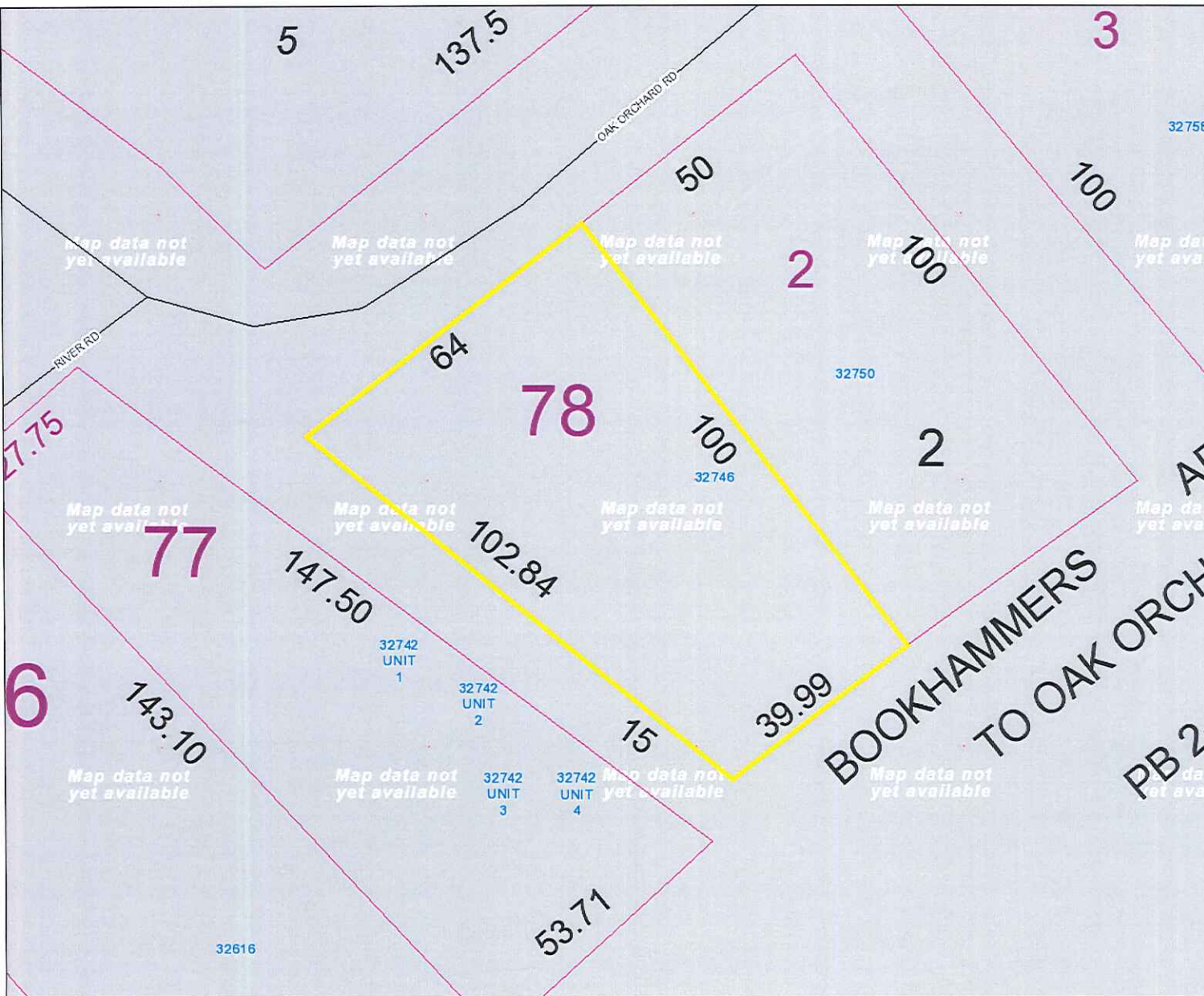
IDENT: **2-34** **34.12** **78**  
 NOTES:

*stair has damaged part of the 1st flr - exterior wall.*

INDEX TOTALS										94%	23.1	+	
BASE COST \$	19975	± INDEX %	\$ 18000	± INDEX PTS	\$ 21087	X GRADE FACTOR	107	= REPLACEMENT COST	\$ 22563				
ACTUAL AGE	74	YRS	EFF AGE	74	YRS	PHYS. COND	GOOD	FAIR	POOR	X PER CENT GOOD	75		
OBSOLESCENCE: FUNC	%	OV'RIMP	%	UND'RIMP	%	OTHER ECON.	%	NET COND	%	DEPRECIATED BLDG VALUE			\$ 15816

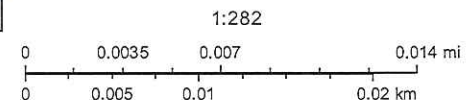
ACCESSORY BUILDINGS															
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
1	Palace	wood	C	dnt	1	16	16	256			3.56	911		45	410
	Pantheon														3500
	Rev. Stair H.														100
	shed														500
Bulkhead		42'	TRAILERS			21.50	903	25	225						
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL.	PHYS DEPR	SOUND VAL.						
TOTAL TRAILERS VALUE										\$					
TOTAL ACCESSORY BLDGS VALUE										\$	4585				
TOTAL BLDGS VALUE										\$	20401				

INSPECTED BY **502** **9/26/73** CHECKED BY APPROVED BY



<b>PIN:</b>	234-34.12-78.00
<b>Owner Name</b>	TELL PATRICK J
<b>Book</b>	3332
<b>Mailing Address</b>	191 ESHELMAN RD
<b>City</b>	LANCASTER
<b>State</b>	PA
<b>Description</b>	OAK ORCHARD
<b>Description 2</b>	
<b>Description 3</b>	
<b>Land Code</b>	

- 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 # 12604  
Hearing Date 9/13  
202111014

Type of Application: (please check all applicable)

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
\_\_\_\_\_  
\_\_\_\_\_

Site Address of Variance/Special Use Exception:

20396 HOPKINS RD, LEWES, DE 19958

Variance/Special Use Exception/Appeal Requested: Variance to expand garage / studio apartment to around 849 sqft. and create kitchen with secondary cooking.

Tax Map #: 234-5.00-46.03

Property Zoning: AR-1

Applicant Information

Applicant Name: EDWARD OLSON  
Applicant Address: 20396 HOPKINS RD  
City LEWES State DE Zip: 19958  
Applicant Phone #: 623-556-7010 Applicant e-mail: letoy55@aol.com

Owner Information

Owner Name: EDWARD OLSON, LUCY OLSON  
Owner Address: 20396 HOPKINS RD  
City LEWES State DE Zip: 19958 Purchase Date: 2011  
Owner Phone #: 623-556-7010 Owner e-mail: letoy55@aol.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

[Signature]

Date: 7/22/2021



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

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

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

1. Uniqueness of property:

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

Garage was build 1995 & remodel in 2020. A PROX 49 sq ft addition to create mechanical/storage room for water heater, HVAC unit enable a functional living space.

---

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.

Build in 1995 and remodel in 2020 for more practical living space. Certificate of occupancy # 138381

---

3. Not created by the applicant:

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

Existing Garage was build in 1995

---

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.

Creating a functional, modern, up-to-date living space which will add value to neighborhood, not alter the character.

---

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.

Build 49 sq ft to create functional housing.

---

**Criteria for a Special Use Exception:** (Please provide a written statement regarding each criteria)

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

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property. *Will not affect neighbors as the property sits at minimum 182 feet away from any surrounding neighbors.*

---

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

---

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

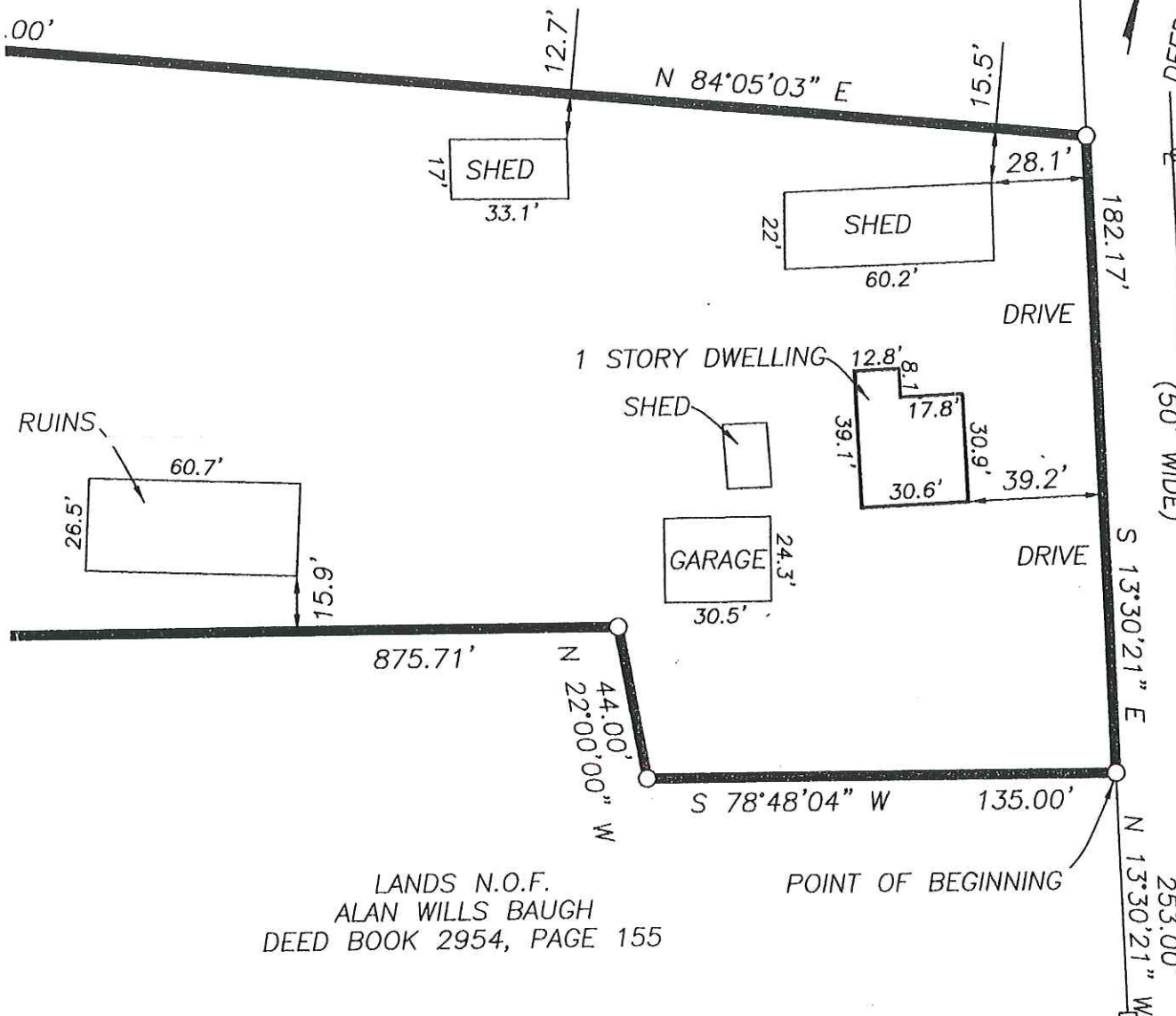
*To create kitchen with secondary cooking to comply with Sussex County requirements.  
49 sqft extension to exceed 800 sqft garage/studio*

---

LANDS N.O.F.  
JOHN M. WALLS, JR.  
DEED BOOK 1836, PAGE 54

BEARING REFERENCE  
DEED BOOK 2892, PAGE 295

COUNTY ROAD 286  
(A.K.A. HOPKINS ROAD)  
(50' WIDE)



LANDS N.O.F.  
ALAN WILLS BAUGH  
DEED BOOK 2954, PAGE 155

# BOUNDARY SURVEY PLAN

PREPARED FOR

## EDWARD & LUCY OLSON

FOR PROPERTY KNOWN AS  
20396 HOPKINS ROAD

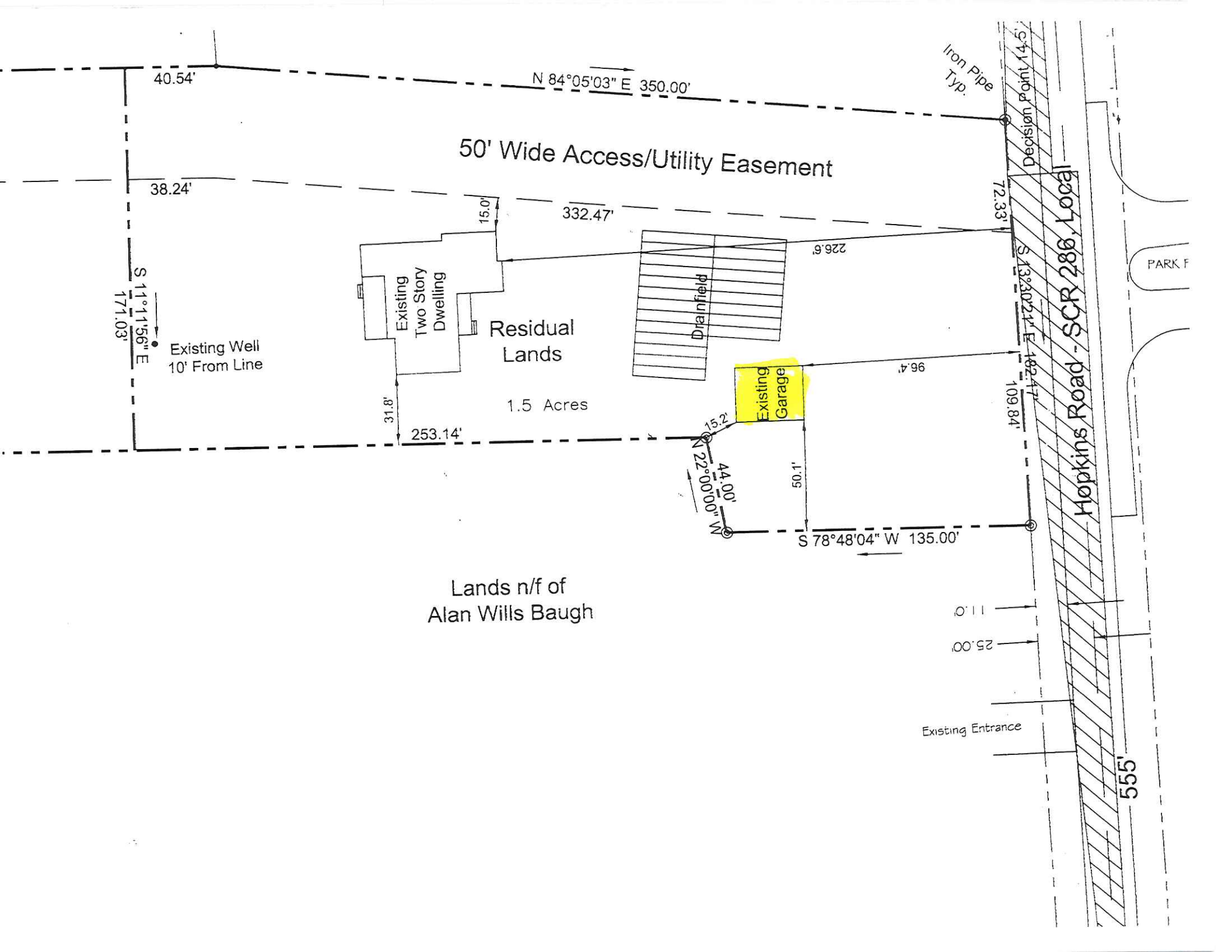
SITUATED IN  
INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
AREA: 4.003± ACRES

SCALE: 1" = 50'  
DATE: SEPTEMBER 22, 2011

PLAN NO. 110919 -B

APPROVED  
Existing lot  
J. P. [Signature]  
SUSSEX COUNTY  
PLANNING COMMISSION

IRON PIPE  
ON BAR  
CONCRETE  
MENT



40.54'

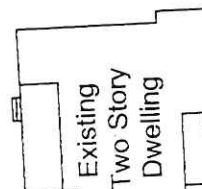
$N 84^{\circ}05'03'' E 350.00'$

50' Wide Access/Utility Easement

38.24'

332.47'

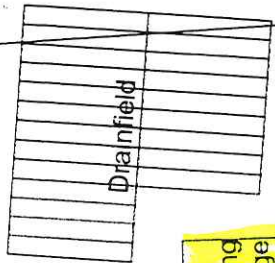
15.0'



Existing Two Story Dwelling

Residual Lands

1.5 Acres



Drainfield



Existing Garage

Existing Well  
10' From Line

$S 11^{\circ}11'56'' E$   
171.03'

31.8'

253.14'

226.6'

96.4'

109.84'

72.33'

$S 13^{\circ}30'21'' E 102.47'$

Iron Pipe  
Typ.

Decision Point

Hopkins Road - SCR 286 Local

PARK F

Lands n/f of  
Alan Wills Baugh

11.0'  
25.00'

Existing Entrance

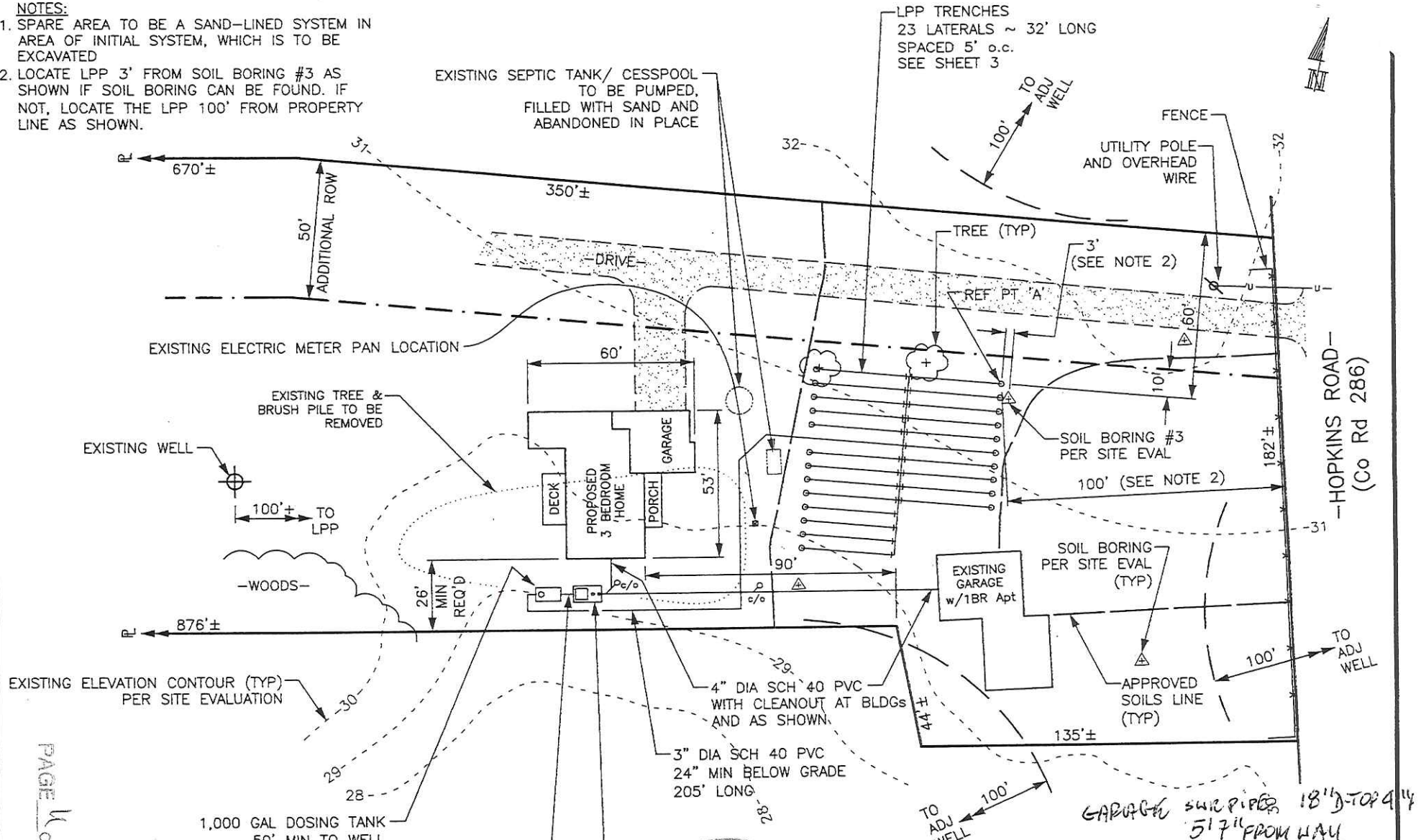
555'

**NOTES:**

1. SPARE AREA TO BE A SAND-LINED SYSTEM IN AREA OF INITIAL SYSTEM, WHICH IS TO BE EXCAVATED
2. LOCATE LPP 3' FROM SOIL BORING #3 AS SHOWN IF SOIL BORING CAN BE FOUND. IF NOT, LOCATE THE LPP 100' FROM PROPERTY LINE AS SHOWN.

EXISTING SEPTIC TANK/ CESSPOOL TO BE PUMPED, FILLED WITH SAND AND ABANDONED IN PLACE

LPP TRENCHES  
23 LATERALS ~ 32' LONG  
SPACED 5' o.c.  
SEE SHEET 3



PAGE 1 of 4 PAGES

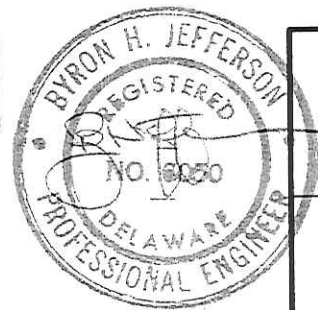
RECEIVED

APR 15 2015

GROUNDWATER

1,000 GAL DOSING TANK  
50' MIN TO WELL  
10' MIN TO HOME & PROPERTY LINES  
SEE SHEET 2

1,500 GAL PRECAST SEPTIC TANK  
w/ MicroFAST 0.5 UNIT  
AND ACCESS RISER TO GRADE  
50' MIN TO WELL;  
10' MIN TO HOME & PROPERTY LINES  
SEE SHEET 4



SEPTIC PLOT PLAN

OLSON

BYRON H. JEFFERSON  
P.O. BOX. 161  
LINCOLN, DE 19960

(302) 422-9568

DATE: 4/10/15

SCALE: 1"=50'

SHEET: 1

*GARAGE SURF PIPES 18" DIA TOP 4" 5' 7" FROM WALL*

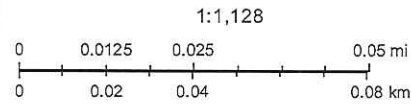
1500A





<b>PIN:</b>	234-5.00-46.03
<b>Owner Name</b>	OLSON EDWARD
<b>Book</b>	3933
<b>Mailing Address</b>	20396 HOPKINS RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	W/RT 286
<b>Description 2</b>	2668'NW/RT 285
<b>Description 3</b>	N/A
<b>Land Code</b>	

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





BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: EDWARD OLSON

(Case No. 11621)

A hearing was held after due notice on August 17, 2015. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for a garage / studio apartment.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for a garage / studio apartment. This application pertains to certain real property located on the west side of Hopkins Road across from Park Pavilion Way (911 Address: 20396 Hopkins Road, Lewes); said property being identified as Sussex County Tax Map Parcel Number 2-34-5.00-46.03. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, and a survey dated September 22, 2011.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Edward Olson was sworn in and testified regarding the Application. Mr. Olson also submitted a floor plan dated July 7, 2015, and a site plan dated April 14, 2015.
4. The Board found that Mr. Olson testified that he purchased the Property in 2011 and he is currently building a dwelling on the Property. He removed an existing dwelling from the Property because it was beyond repair.
5. The Board found that Mr. Olson testified that the existing garage was built in 1995 and is in good shape. The existing detached garage will be converted into the studio apartment.
6. The Board found that Mr. Olson testified that the studio apartment will be for his mother who suffers from dementia. He may also live in the apartment until the dwelling is complete.
7. The Board found that Mr. Olson testified that the existing garage measures 24 feet by 30 feet and he plans to add a 10 feet by 12 feet addition to the garage. He is aware the apartment cannot exceed 800 square feet.
8. The Board found that Mr. Olson testified that the neighbors have no objection to the Application.
9. The Board found that Mr. Olson testified that he has cleaned up the Property which was poorly maintained at one point.
10. The Board found that Mr. Olson testified that the use will not substantially adversely affect the uses of the adjacent and neighboring properties. The surrounding area is residential.
11. The Board found that Mr. Olson testified that the existing septic system can handle both structures.
12. The Board found that Mr. Olson testified that the existing garage and addition will meet setback requirements.
13. The Board found that Mr. Olson testified that there is a designated parking space for the studio apartment.
14. The Board found that no parties appeared in support of or in opposition to the Application.

15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the garage / studio apartment will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
- a. The Property is a large lot consisting of approximately 4 acres as shown on the survey and tax map. A detached garage has been located on the Property since 1995. Based on the Applicant's testimony, the Applicant intends to use the garage for an apartment for his mother who suffers from dementia. He also plans to live in the garage while the main dwelling is being constructed.
  - b. The Applicant will provide a dedicated parking space for the resident of the apartment as required by the Sussex County Zoning Code.
  - c. The apartment appears to be of a reasonable size. Currently the apartment is 720 square feet. The Applicant is aware that the apartment cannot exceed 800 square feet.
  - d. The garage will meet all setback requirements and will be hooked up to the existing septic system on the Property.
  - e. The neighborhood surrounding the Property is residential in character and the apartment is a residential use.
  - f. No evidence was presented which would demonstrate that the apartment has had or will have a substantial adverse effect on neighboring and adjacent properties.

The Board granted the special use exception application finding that it met the standards for granting a special use exception.

Decision of the Board

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

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
Dale Callaway  
Chairman

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

Date October 6, 2015

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: EDWARD OLSON

(Case No. 11673)

A hearing was held after due notice on November 16, 2015. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the maximum square footage requirement for a garage / studio apartment.

Findings of Fact

The Board found that the Applicant is seeking a variance of 48 square-feet from the 800 square-foot maximum allowable square footage for a garage / studio apartment. This application pertains to certain real property located on the west side of Hopkins Road at the intersection with Park Pavillion Way (911 Address: 20396 Hopkins Road, Lewes); said property being identified as Sussex County Tax Map Parcel Number 2-34-5.00-46.03.

1. The Board was given copies of the Application and a drawing of the floor plan dated July 7, 2015.
2. The Board found that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.
3. Edward Olson was sworn in to testify about the Application.
4. The Board found that Mr. Olson testified that the special use exception for the garage / studio apartment was granted August 17, 2015.
5. The Board found that Mr. Olson testified that an existing garage was built in 1995 and is being converted into the garage / studio apartment.
6. The Board found that Mr. Olson testified that the additional square-footage is needed now due to the mechanical devices needed to make it a living space. The changes needed for the duct work created a loss in livable space.
7. The Board found that Mr. Olson testified that the 10 feet by 12 feet addition will be a kitchen.
8. The Board found that Mr. Olson testified that the entire structure meets all required setback requirement.
9. The Board found that Mr. Olson testified that the apartment will be aesthetically pleasing and his neighbors support the Application.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
  - a. The situation is unique because the Applicant had previously received approval to convert an existing garage into a garage / studio apartment but the size of the apartment needed to be expanded to provide reasonable living space which was lost by the installation of mechanical systems in the apartment. The Board is convinced that the loss of the usable space due to the mechanical installations is a unique situation which has created an exceptional practical difficulty for the Applicant.

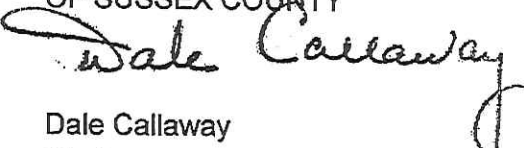
- b. Due to the uniqueness of the situation, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicant seeks to use a garage for a studio apartment but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variance is necessary to enable the reasonable use of the Property as the variance will allow a reasonably sized garage apartment to be used on the Property. The Board is convinced that the size, shape, and location of the garage apartment are reasonable. The Board is also convinced that requiring the apartment to comply with the Sussex County Zoning Code would greatly limit the functionality of the living space.
- c. The exceptional practical difficulty was not created by the Applicant. The Applicant did not construct the garage and needs the variance to recoup living space lost by the installation of mechanical systems which service the apartment.
- d. The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The unrebutted testimony confirms that exterior appearance of the garage will improve and that neighbors support the application. The variance will also afford more practical living area in the apartment. Additionally, no evidence was presented which would indicate that the variance would somehow alter the essential character of the neighborhood or be detrimental to the public welfare.
- e. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification possible of the regulation at issue. The Applicant has demonstrated that the variance sought will allow the garage apartment to be reasonably used and for practical living space to be provided to the occupant of the apartment while minimizing the size of the addition to the apartment.

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

Decision of the Board

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

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
Dale Callaway  
Chairman

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

Date January 5, 2016

**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 # 125605  
Hearing Date 9/13  
20211078

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

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-23 115-183  
115-185

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

20499 WEST PINEY GROVE ROAD, GEORGETOWN, DE 19947

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

- 1) A corner of the residential dwelling is 1 (one) foot and 5 (five) inches past the 15 (fifteen) foot side setback line.
- 2) A pole building in the rear yard is 7 (seven) feet and 9 (nine) inches past the 15 (fifteen) foot side setback line. See attached for further clarification.

Tax Map #: 133-5.00-33.06

Property Zoning: AR-1

**Applicant Information**

Applicant Name: Barry Zeigler Jr.  
Applicant Address: 14288 Brandy Lane  
City Georgetown State DE Zip: 19947  
Applicant Phone #: 302-864-8581 Applicant e-mail: bzeigler.zcorp@gmail.com

**Owner Information**

Owner Name: ZCorp Property Consultants LLC  
Owner Address: 14288 Brandy Lane  
City Georgetown State DE Zip: 19947 Purchase Date: 9/17/2019  
Owner Phone #: 302-864-8581 Owner e-mail: bzeigler.zcorp@gmail.com

**Agent/Attorney Information**

Agent/Attorney Name: Dan Conway, Esq.  
Agent/Attorney Address: 19413 Jingle Shell Way, Suite 6  
City Lewes State DE Zip: 19958  
Agent/Attorney Phone #: 302-827-6050 Agent/Attorney e-mail: dan@gdwlawfirm.com

**Signature of Owner/Agent/Attorney**

 Dan Conway, Esq.

Date: 7/23/21



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

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

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

1. Uniqueness of property:

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

- 1) Narrowness of the lot prevents the buildings from being moved in the opposite directions in order to comply with the side setback lines.

---

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.

- 1) Due to the narrowness of the lot, and the fact that the buildings are built on existing foundations, the property cannot be developed to conform with the side setback lines.

---

3. Not created by the applicant:

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

- 1) The lot dimensions, and thus the narrowness of the lot, were in place when purchased by the Applicant. The Applicant has not altered lot dimensions.
- 2) The pole building was an existing structure when Applicant purchased the property, and a CO was issued for the residential dwelling.

---

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.

- 1) The requested variances will not alter the essential character of the neighborhood, as the existing residential dwelling and pole building are common structures for the area.

---

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.

- 1) The requested variances will represent the minimum variance possible for the property, as the two buildings are on or near the side setback lines for the opposite sides.
  - 2) The residential dwelling's opposite side is on the side setback line, and the pole building's opposite side is XX inches from the side setback line.
-



Further clarification for the variance request:

The attached survey from True North, dated July 20, 2021, makes note of a "Storage" box on the side of the pole building, placing the building at 10.7' from the lot line. The storage box was built to house a now-defunct well head. Applicant will be demolishing the storage box, thereby bringing the pole building into compliance as regards that side setback line.



Don Conway, Esq

PARID: 133-5.00-33.06  
 ZCORP PROPERTY CONSULTANTS LLC

ROLL: RP  
 20499 PINEY GROVE RD W

### Property Information

Property Location:	20499 W PINEY GROVE RD
Unit:	
City:	GEORGETOWN
State:	DE
Zip:	19947
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	133 - DAGSBORO
School District:	1 - INDIAN RIVER
Council District:	2-Green
Fire District:	77-Georgetown
Deeded Acres:	.0001
Frontage:	100
Depth:	546.000
Irr Lot:	I
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	323 28/PB
100% Land Value:	\$2,000
100% Improvement Value	\$34,300
100% Total Value	\$36,300

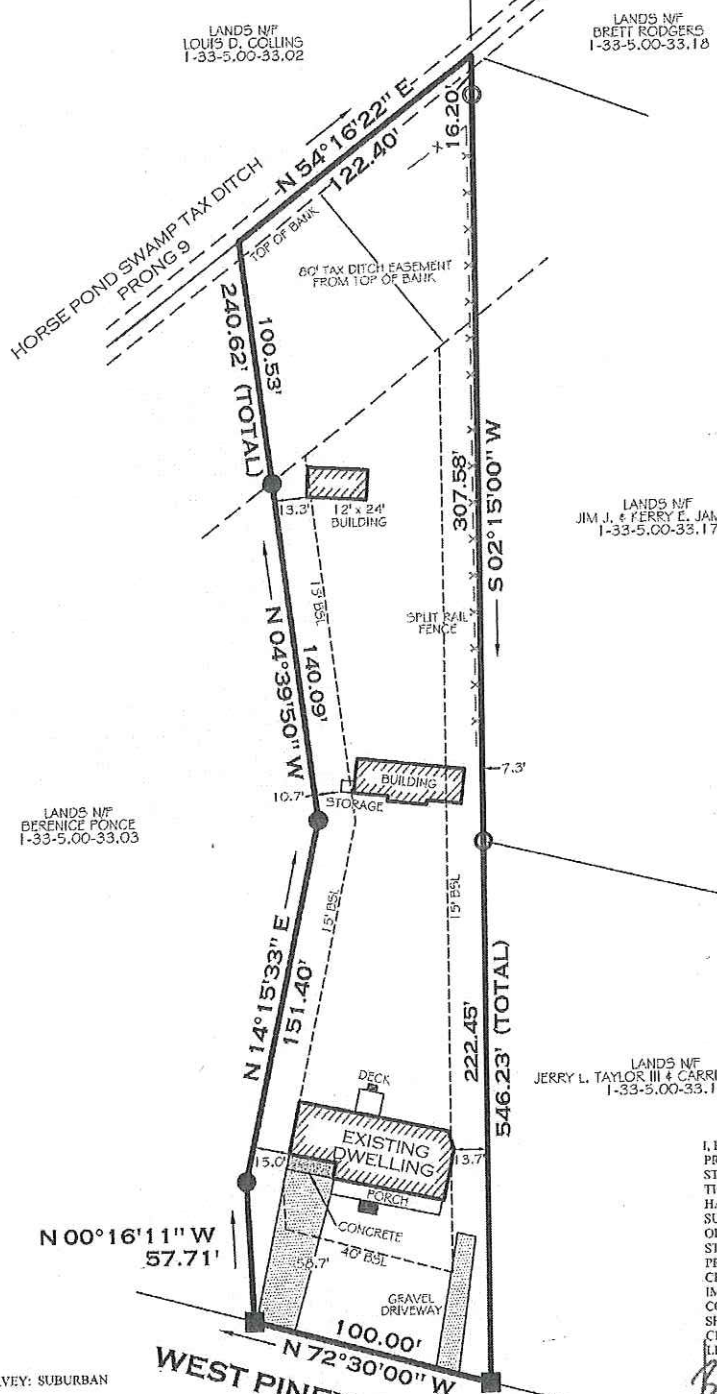
### Legal

Legal Description	N/W PINEY GROVE RD
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### Owners

Owner	Co-owner	Address	City	State	Zip
ZCORP PROPERTY CONSULTANTS LLC		14288 BRANDY LN	GEORGETOWN	DE	19947

ONLY PLANS INCORPORATING AN ORIGINAL EMPLOYER'S RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



LANDS W/F  
LOUIS D. COLLING  
1-33-5.00-33.02

LANDS W/F  
BRETT RODGERS  
1-33-5.00-33.18

LANDS W/F  
JIM J. & PERRY L. JAMES  
1-33-5.00-33.17

LANDS W/F  
BERENICE PONCE  
1-33-5.00-33.03

LANDS W/F  
JERRY L. TAYLOR III & CARRIE E. TAYLOR  
1-33-5.00-33.12

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

*Bradley A. Absher*  
BRADLEY A. ABSHER, DE PLS # 735  
DATE: 7.20.21

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

TAX DITCH 30' FROM TOP OF BANK  
ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

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

**LEGEND**

- IRON PIPE FOUND
- ◉ IRON PIPE W/ CAP FOUND
- IRON ROD W/ CAP FOUND
- CONCRETE MONUMENT FOUND

TAX MAP	1-33-5.00-33.06
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	DAGSBORO
TOWN	---
AREA	42,456 ± SQ. FT.
DEED REF.	5123/90
PLAT REF.	323/28
DRAWN BY	JMH
DATE	07/20/2021
SCALE	1" = 60'
SURVEY #	DE-07979

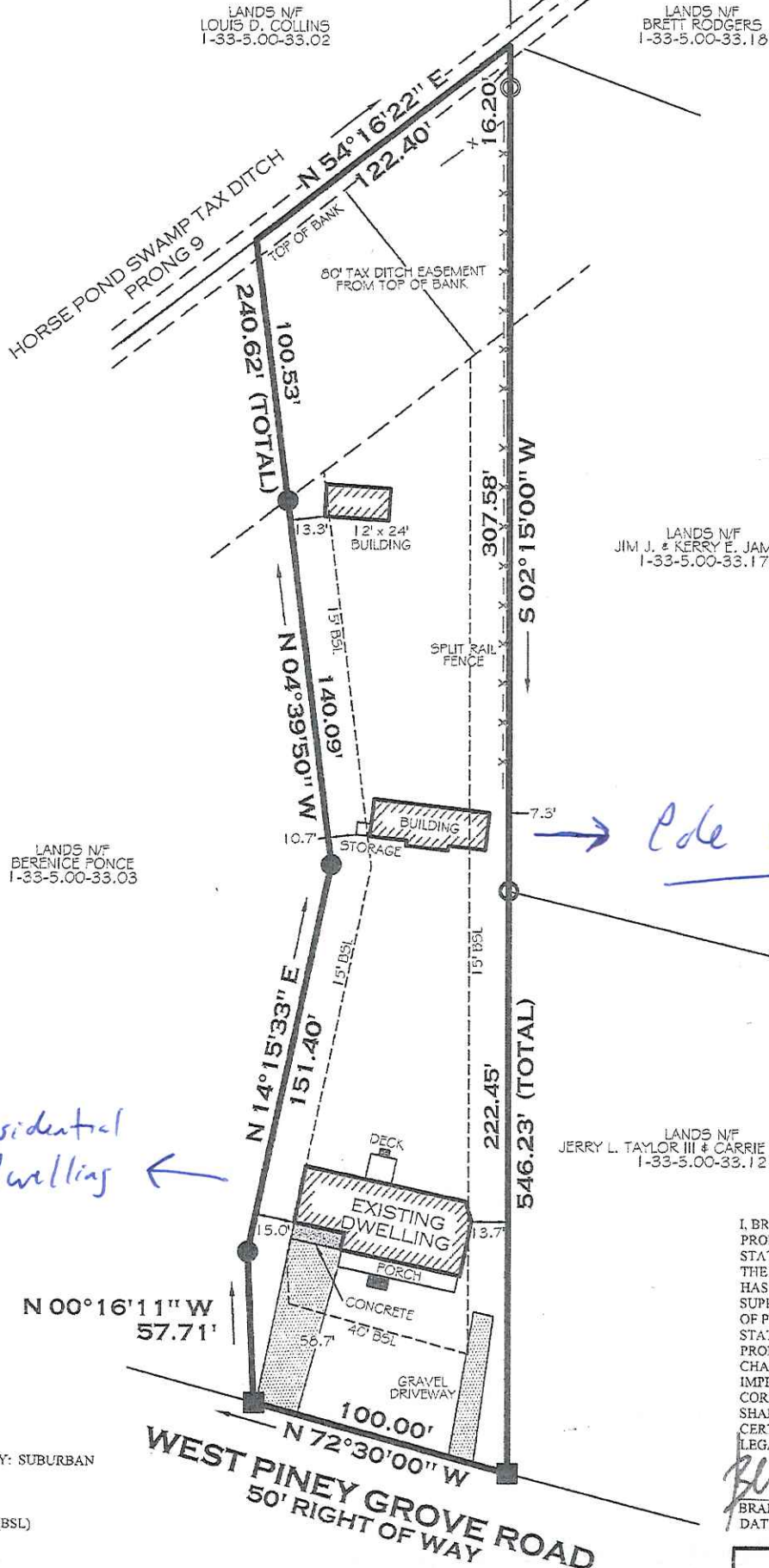
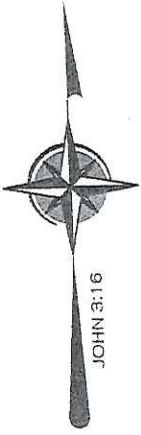
**BOUNDARY SURVEY PLAN**

FOR  
**THOMAS CARTER & SUNMO HAMILL-CARTER**

20499 WEST PINEY GROVE ROAD, GEORGETOWN, DE 19947

**TRUE NORTH**

**LAND SURVEYING**  
118 ATLANTIC AVENUE, SUITE 202  
OCEAN VIEW, DE 19970  
302-539-2488



- NOTES**
1. CLASSIFICATION OF SURVEY: SUBURBAN
  2. ZONE: AR-1
  3. BUILDING SETBACK LINES (BSL)  
 FRONT 40'  
 SIDE 15'  
 REAR 20'  
 TAX DITCH 80' FROM TOP OF BANK

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

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

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

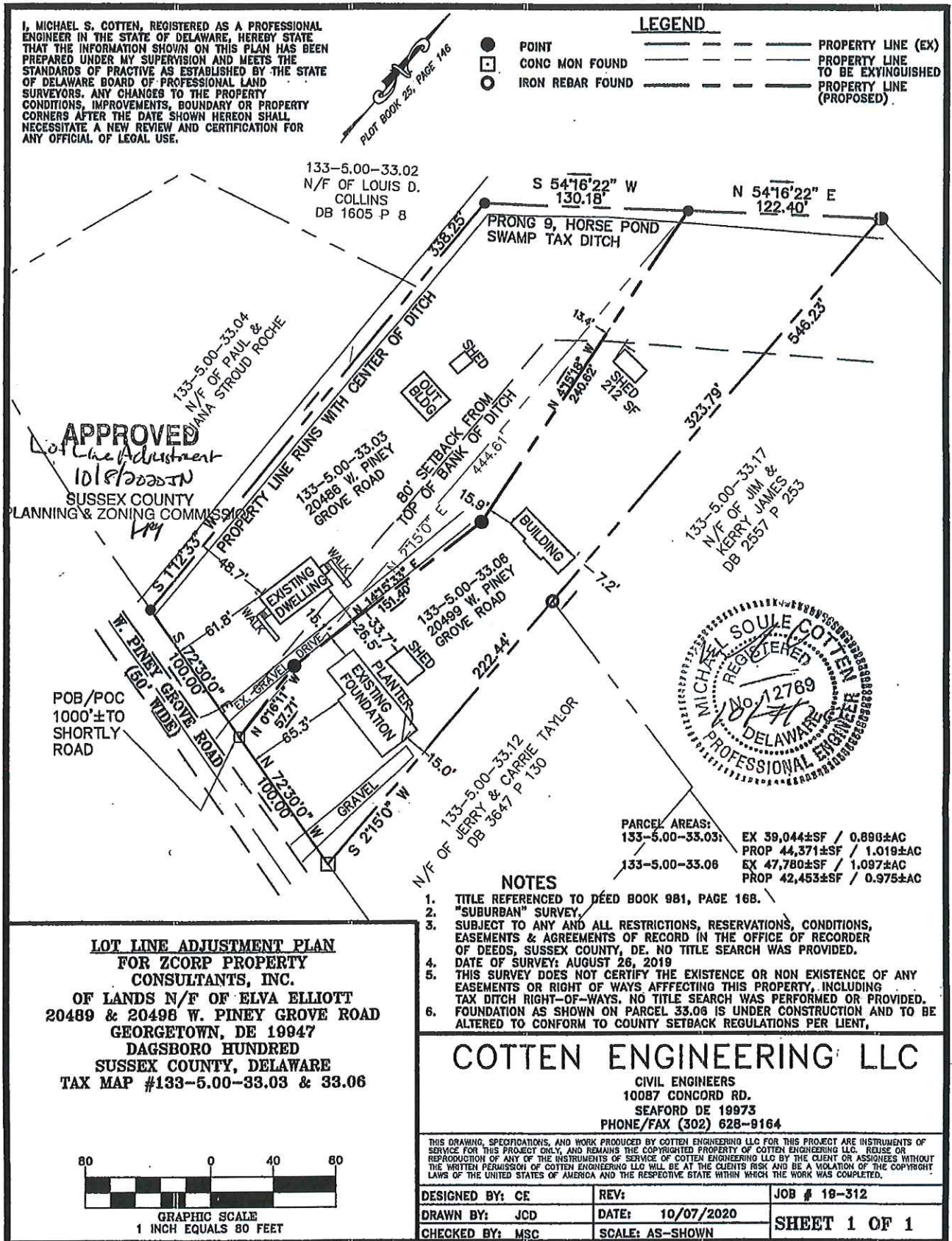
BRADLEY A. ABSHER, DE PLS # 735  
 DATE: 7-20-21

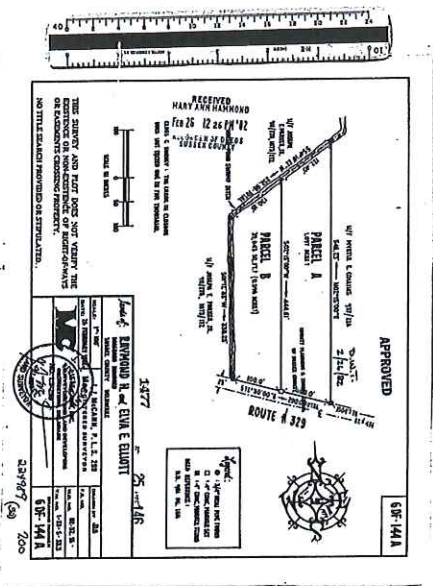
LEGEND	
○	IRON PIPE FOUND
◐	IRON PIPE W/ CAP FOUND
●	IRON ROD W/ CAP FOUND
■	CONCRETE MONUMENT FOUND

Document# 202000047662 BK: 323 PG: 28

Recorder of Deeds, Scott Dailey On 10/8/2020 at 1:45:06 PM Sussex County, DE

Doc Surcharge Paid





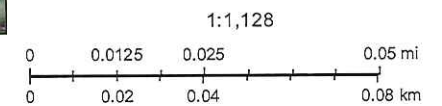


<b>PIN:</b>	133-5.00-33.06
<b>Owner Name</b>	ZCORP PROPERTY CONSULTANTS LLC
<b>Book</b>	5123
<b>Mailing Address</b>	14288 BRANDY LN
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	N/W PINEY GROVE RD
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer

  - Override 1
- polygonLayer

  - Override 1
- Tax Parcels
- 911 Address
- Streets



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 # 12606  
Hearing Date 9/13  
2021/11/16

Type of Application: (please check all applicable)

Variance   
Special Use Exception   
Administrative Variance   
Appeal

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

Site Address of Variance/Special Use Exception:

37744 TEABERRY CIRCLE, SELBYVILLE, DE 19975

Variance/Special Use Exception/Appeal Requested:

A VARIANCE IS REQUESTED TO ALLOW A FENCE OF SIX(6) FEET IN HEIGHT AND SHED IN A FRONT YARD.

Tax Map #: 533-19.00-607.00

Property Zoning: AR-2

AGRICULTURAL RESIDENTIAL

Applicant Information

Applicant Name: Michael Wright  
Applicant Address: 37656 West Shady Drive  
City Selbyville State De Zip: 19975  
Applicant Phone #: 302-519-0343 Applicant e-mail: cawright@aacps.org

Owner Information

Owner Name: Michael Wright  
Owner Address: 37656 West Shady Drive  
City Selbyville State De Zip: 19975 Purchase Date: \_\_\_\_\_  
Owner Phone #: 302-519-0343 Owner e-mail: cawright@aacps.org

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

[Signature]

Date: 7/26/2021





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

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

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

1. Uniqueness of property:

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

THE SUBJECT PROPERTY IS A CORNER LOT AND IS CONFINED BY TWO PARALLEL ROADS. THIS CREATES TWO FRONT YARDS. THE FENCE AND SHED WOULD BE IN THE REAR/SIDE YARD, NOT IN THE YARD OF THE ACTUAL FRONTAGE

2. Cannot otherwise be developed:

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

~~N/A~~ This is no other area on the property to place a privacy fence in what we consider to be our back yard

3. Not created by the applicant:

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

THE LOT IS EXISTING AND WAS NOT CREATED BY THE APPLICANT.

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

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

THE REQUESTED VARIANCE WILL MATCH OTHER PROPERTIES WITHIN THE SAME SUBDIVISION. IT WILL ALSO NOT IMPACT OTHER PROPERTIES WITHIN THE NEIGHBORHOOD.

5. Minimum variance:

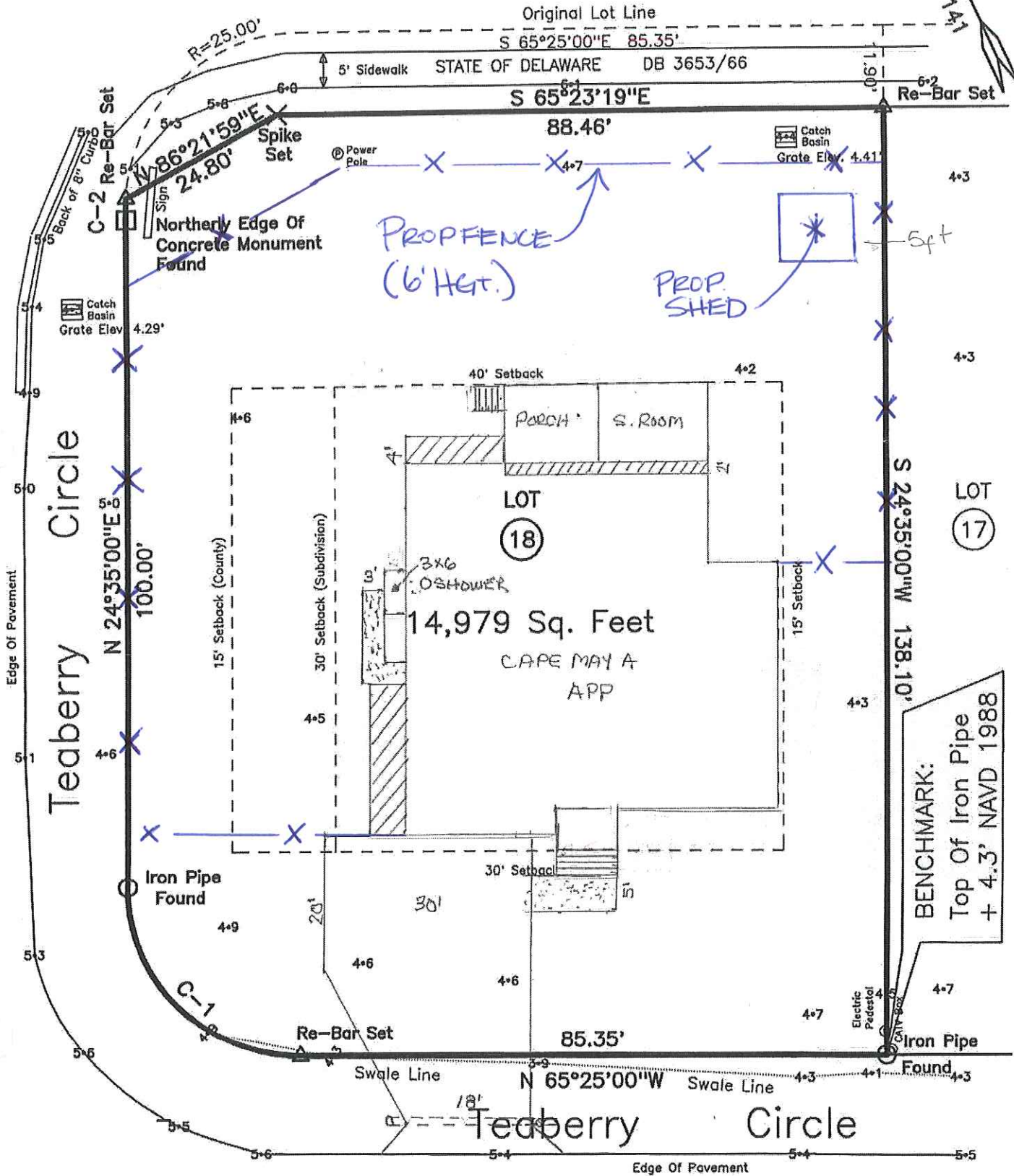
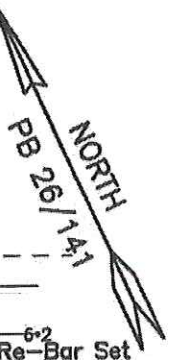
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

THE VARIANCE WILL BE THE MINIMUM BY CREATING A REAR YARD ON THE SUBJECT PROPERTY.

# Topographic Survey: Lot 18, Teaberry Woods Baltimore Hundred Sussex County Delaware

## ROUTE 54

4+5 : Typical Spot Elevation



Teaberry Circle

LOT 18

LOT 17

14,979 Sq. Feet  
 CAPE MAY A  
 APP

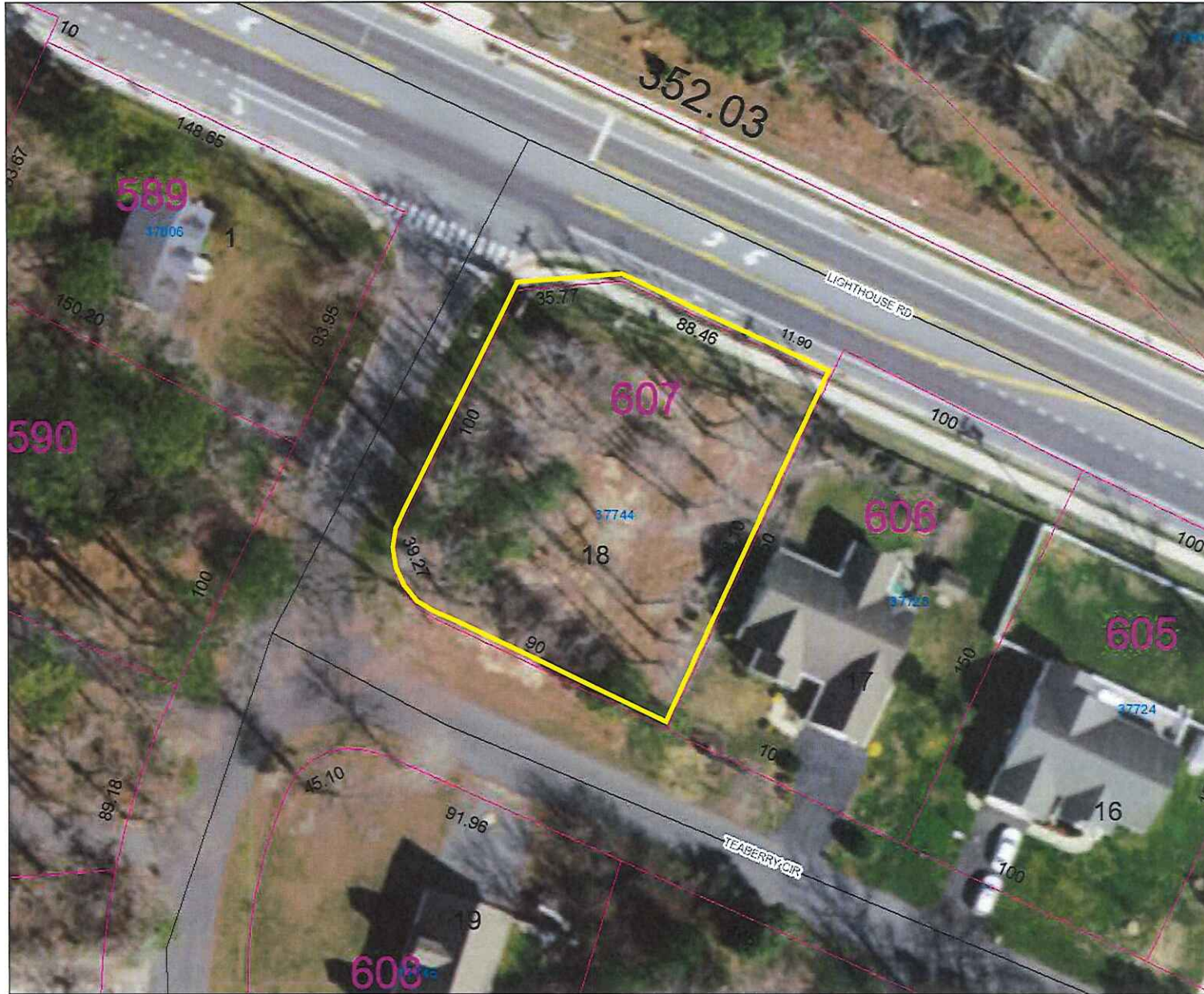
BENCHMARK:  
 Top Of Iron Pipe  
 + 4.3' NAVD 1988

PROPFENCE  
 (6' HGT.)

PROP.  
 SHED

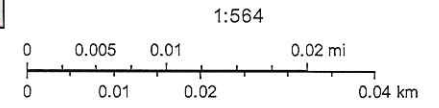
Edge Of Pavement

Edge Of Pavement



<b>PIN:</b>	533-19.00-607.00
<b>Owner Name</b>	WRIGHT MICHAELA
<b>Book</b>	5488
<b>Mailing Address</b>	37656 WEST SHADY DR
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	TEABERRY WOODS
<b>Description 2</b>	LOT 18
<b>Description 3</b>	N/A
<b>Land Code</b>	

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



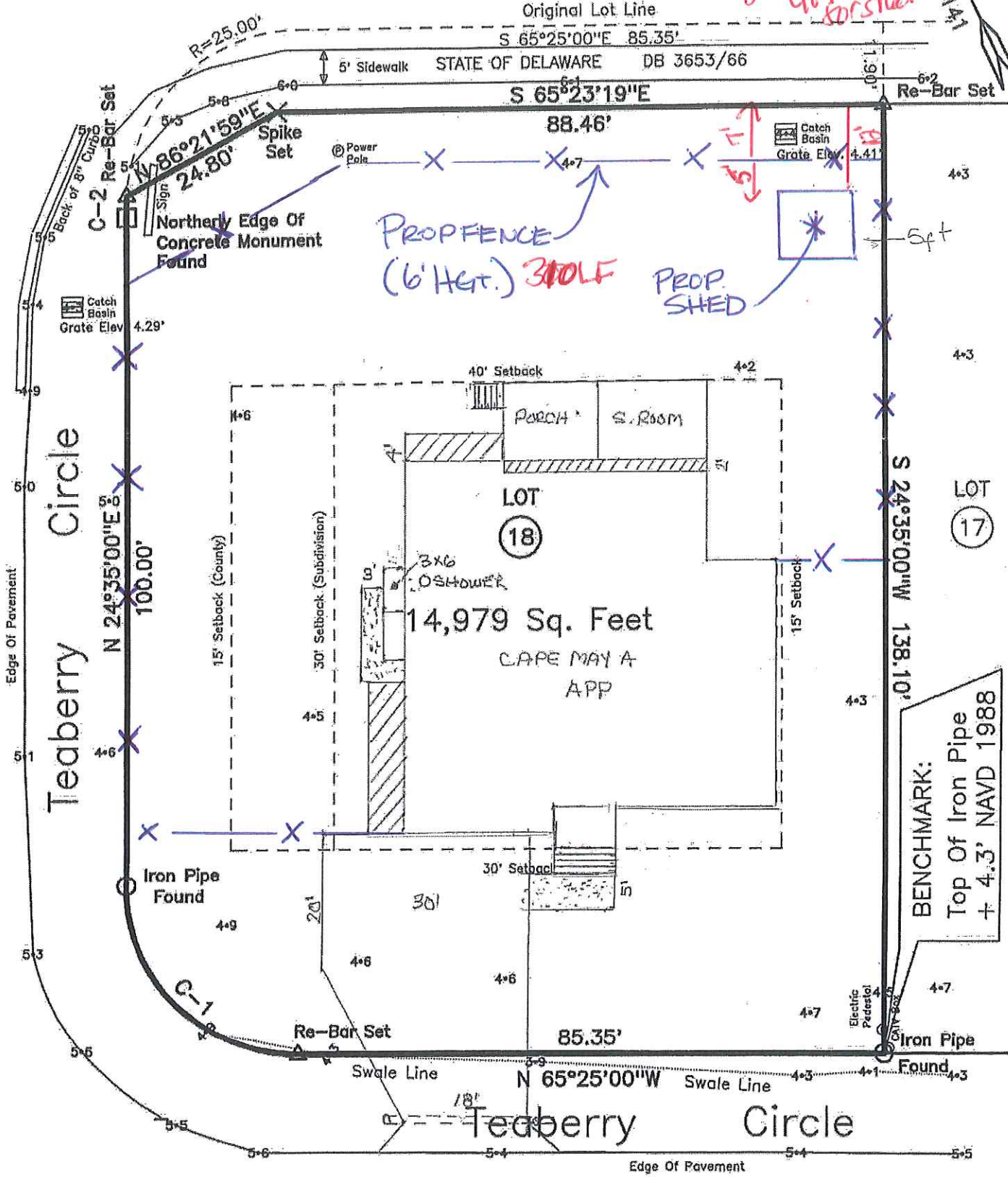
*Pt 2 Review Copy*

# Topographic Survey: Lot 18, Teaberry Woods L. Timore Hundred      Sussex County      Delaware

## ROUTE 54

4+5 : Typical Spot Elevation

*Handwritten:* 12' from 28' Van from 40' front of shed



*Handwritten:* PROPFENCE (6' HGT.) 300LF

*Handwritten:* PROP. SHED

**BENCHMARK:**  
Top of Iron Pipe  
+ 4.3' NAVD 1988





**BEWARE  
of DOG**









HARRY  
WOODS  
COMMUNITY



Lima

Bunting  
TYPAR







To Whom It May Concern:

I (we) live at ~~377~~ <sup>3</sup>77718 Teaberry Ln in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

July 27, 2021

To Whom It May Concern:

I (we) live at 37665 Teaberry Circle in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

Allen Anderson

Mary Anderson

July 27, 2021

37683 / Teaberry Circle

To Whom It May Concern:

I (we) live at Richard Chavath in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

July 27, 2021

To Whom It May Concern:

I (we) live at Michael Wright in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

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July 27, 2021

To Whom It May Concern:

I (we) live at 37606 Teaberry Circle in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you, *Margaret K Barnard*

July 27, 2021

To Whom It May Concern:

I (we) live at 37660 TICA BERRY CIRCLE in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

JIM CORRETT

J. J. Corbett



July 27, 2021

To Whom It May Concern:

I (we) live at 37668 Teaberry Circle in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

Margaret Charles

8/16/21

July 27, 2021

To Whom It May Concern:

I (we) live at Daniel Namorato in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

Dan Namorato

37724 Teaberry Woods  
Selbyville, DE 19975

443-883-1420

dnamorato@comcast.net

July 27, 2021

37683 / Teaberry Circle

To Whom It May Concern:

I (we) live at *Richard Chavala* in Teaberry Woods. I (we) do not opposed  
for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

July 27, 2021

To Whom It May Concern:

I (we) live at *Michael Wright* in Teaberry Woods. I (we) do not opposed  
for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

To Whom It May Concern:

I (we) live at <sup>3</sup>~~27718~~ Teaberry Cir in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

July 27, 2021

To Whom It May Concern:

I (we) live at 37665 Teaberry Circle in Teaberry Woods. I (we) do not opposed for Mr. & Mrs. Michael Wright to install a fence around their house and to put a shed in the back of their yard.

Thank you,

Allen Anderson  
Mary Anderson