AGENDA

October 5, 2020

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 August 3, 2020

Approval of Finding of Facts for August 3, 2020

Old Business

Public Hearings

Case No. 12475 – Jennifer Cunningham & Dustin Fritz seek variances from the side yard setback and rear yard setback requirements for an existing structure (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located on the northeast side of E. Pond Circle within the Keenwick Sound subdivision. 911 Address: 37729 E. Pond Circle, Selbyville. Zoning District: MR. Tax Parcel: 533-19.00-397.00

Case No. 12476 – Jeffrey & Syndy Gaber seeks variances from the side yard setbacks, rear yard setback and the minimum aggregate front yard and rear yard requirements for a proposed structure (Sections 115-25, 115-183 and 115-188 of the Sussex County Zoning Code). The property is located on the west side of Harbor Road within the North Shores subdivision. 911 Address: 61 Harbor Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-8.17-147.00

Case No. 12480 – Belva Robinson seeks variances from the side yard setback requirements for an existing structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Robinhood Road approximately 179 ft. south of Oak Branch Road. Address: 36744 Robin Hood Road, Delmar. Zoning District: AR-1. Tax Parcel: 532-14.00-15.07
Case No. 12481 – Richard A. Strouse, Jr. seeks variances from the side yard setback requirement for a proposed structure (Section 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Canvasback Road in the Swann Keys subdivision. Address: 37032 Canvasback Road, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-386.00

Additional Business

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 21, 2020 at 8:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting. Agenda items listed may be considered out of sequence. Revised: September 28, 2020 (to add Approval of Minutes and Finding of Facts for August 3, 2020)
**The Sussex County Board of Adjustment is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.**

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

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

The meeting will be streamed live at [https://sussexcountyde.gov/council-chamber-broadcast](https://sussexcountyde.gov/council-chamber-broadcast)

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

To join the meeting via phone, please dial:

- Conference Number: 1 302 394 5036
- Conference Code: 570176

Member 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/](https://sussexcountyde.gov/)

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Thursday, October 1, 2020

###
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  
- [x] Proposed  
- [ ] Existing Condition  
- [ ] Code Reference (office use only)

Site Address of Variance/Special Use Exception:  
37729 E Pond Circle, Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:  
Existing shed in place is currently 2-3 feet from property line. I purchased home in April 2020 and shed was already in place.

Tax Map #: S 33 - 19.00 - 397.00  
Property Zoning: ______

Applicant Information  
Applicant Name: Jennifer Cunningham  
Applicant Address: 9905 Colorado Court  
City Damascus State MD Zip: 20872  
Applicant Phone #: (301) 801-4815  
Applicant e-mail: redhead6288@hotmail.com

Owner Information  
Owner Name: Jennifer Cunningham & Dustin Fritz  
Owner Address: 37729 E Pond Circle  
City Selbyville State DE Zip: 19975  
Purchase Date: 4/28/20  
Owner Phone #: (301) 801-4815  
Owner e-mail: redhead6288@hotmail.com

Agent/Attorney Information  
Agent/Attorney Name: n/a  
Agent/Attorney Address:  
City State Zip:  
Agent/Attorney Phone #:  
Agent/Attorney e-mail: ______

Signature of Owner/Agent/Attorney  
Date: 6/30/20
**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.

   Shallow lot in back yard. No room for a shed if it's placed 5 feet away from property line.

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 other options on sides of lot.

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

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

   We were not involved in the process of planning / construction of the shed. We purchased the property in April 2020. The shed was placed years prior by the previous home owners.

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.

   Numerous variances approved in Keenwick Sound community of similar nature. Majority of neighbors who have sheds have them very close to the property line. < 2 feet in some instances.

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.

   Shed is placed around 2-3 feet from property line. Code is 5 feet without a variance. We cannot have a shed if it has to be 5 feet from property line due to shallow lot.
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.

To correct the code violation would be a tremendous hardship. There are numerous properties within the Keenwick Sound community that have been approved for similar variances without any issues. There is no adverse effects on neighboring property. Our current neighbors are fine with the placement of our shed and it has been in place since prior to us purchasing the property in April 2020.

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)

It is very impractical to make adjustments to the fixed property (shed). The current homeowners (myself and husband Dustin Fritz) were not involved in the application of the building permit or the construction of the shed. If the shed had to be placed 5 feet from the property line, we would not be able to have a shed due to our small backyard. Many neighbors have sheds close to the property line. Our neighbors have no problem with the location of the shed where it is now.

See attached picture. Two of our neighbors sheds are ≤5 feet from property line. The white shed in the picture is 2 feet from our fence/property line. The blue shed in the picture is ≤5 ft from the property line as well. Many sheds placed ≤5 feet from property line in this community.
Property Information

Property Location: 37729 E POND CIR
Unit:
City: SELBYVILLE
State: DE
Zip: 19975

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 533 – BALTIMORE
School District: 1 - INDIAN RIVER
Council District: 5-Rieley
Fire District: 90-Roxana
Deeded Acres: .0001
Frontage: 51
Depth: 133,000
Irr Lot: 1
Zoning 1: MR-MEDIUM RESIDENTIAL
Zoning 2: RPC-RESIDENTIAL PLANNED COMMUNITY
Plot Book Page: /PB

100% Land Value: $9,000
100% Improvement Value $36,600
100% Total Value $45,600

Legal

Legal Description
KEENWICK SOUND
PHASE I LOT 93
EAST POND CIRCLE

Owners

<table>
<thead>
<tr>
<th>Owner</th>
<th>Co-owner</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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<tbody>
<tr>
<td>FRITZ DUSTIN J</td>
<td>JENNIFER E CUNNINGHAM</td>
<td>9905 COLORADO CT</td>
<td>DAMASCUS</td>
<td>MD</td>
<td>20872</td>
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Building Permit
P.O. Box 589
Georgetown, DE 19947
302-855-7720

<table>
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<th>Permit Type: ACCESSORY STRUCTURE OUT OF TOWN</th>
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<tr>
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<th>Applicant Information</th>
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<tr>
<td>Name: BUSH WILLIAM A</td>
<td>Name: BUSH WILLIAM A</td>
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<tr>
<td>Phone: 410-375-0555</td>
<td>Phone: 410-375-8555</td>
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<td>License Exp. Date:</td>
<td>Insurance Exp. Date:</td>
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<tr>
<td>Name: BUSH WILLIAM A</td>
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<td>CID: 1089567</td>
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<table>
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<tr>
<th>Building Information</th>
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<tr>
<td>Proposed Use: SHEDS</td>
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<tr>
<td>Construction Type:</td>
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<tr>
<td>Estimated Cost of Construction: $ 152</td>
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<tr>
<td>Cannot Occupy More than ____ of Total Lot Area</td>
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<tr>
<td>Distance from any Dwelling of other Ownership: ____</td>
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<tr>
<td>Distance from any other Mobile Home or Accessory Structure: ____</td>
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<tr>
<th>Property Information</th>
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<tbody>
<tr>
<td>Measurements taken from Property Lines</td>
</tr>
<tr>
<td>Front Setback: 30.00</td>
</tr>
<tr>
<td>Side Setback: 5.00</td>
</tr>
<tr>
<td>Maximum Building Height: 42</td>
</tr>
<tr>
<td>Flood Zone: X500/AEP651K</td>
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</tbody>
</table>

If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT<400'

Scope of Work:
8X12 SHED
DEMOING OLD SHED

Permit Details:

Signature of Approving Official

I fully understand the Zoning Requirements of this permit.

Signature of Owner/Contractor

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Building Permit Application:

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and is proceeded in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site will not be considered "actual construction". Permit must be renewed prior to expiration date.

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

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

<table>
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<th>Permit Number</th>
<th>TOTAL FEES:</th>
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<tr>
<td>BP-106263</td>
<td>$ 13.38</td>
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</tbody>
</table>
Building Description

Total Bedrooms: 
Full Baths: Half Baths: 
Total Rooms: 
Basement: 
Interior Walls: 
Flooring: 
Heat Type: SHINGLE
Roofing: WOOD
Exterior Walls: GRAVEL/RUNNERS
Foundation Type: 
Fireplace Type: 
Air Conditioning: N

Additional Requirement/Restrictions

Fences
Fence may only be 3.5' tall around the front and back sides until 40'/30'. Thereafter, fence may be a maximum of 7' tall. On corner properties, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may go on property line.

Above-Ground Pools
Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool.

In-Ground Pools
A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

Pools or Guest Homes
No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

Campgrounds
Must conform to the location approved by the park.

Accessory Building 900 Square Feet or Greater
No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

Agricultural Storage Structures
Storage only. NO LIVESTOCK PERMITTED.

Farm-Use Permits
Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.
BOUNDARY & LOCATION SURVEY

LOT 93, PHASE 1, "KEENWICK SOUND"

Baltimore Hundred * Sussex County * Delaware

MARCH 17, 2011

SCALE: 1" = 30'

PLOT REF: P.B. 28, P. 329
DEED REF: D.B. 3488, P. 53
TAX MAP #: 5-33-19.00-397.00

DELaware surveying services
MAXwell j. morris, de. pls #625
p.o. box 1121
Ocean view, de. 19970
phone & fax: (302) 537-7094

Class "B" Survey

11-006

EAST POND CIRCLE
(50' wide)
7/18/20

37725 E Pond Circle
Selbyville, DE 19975

Dear Recipient:

I am writing to you in regard to my neighbors, Jennifer Cunningham and Dustin Fritz at 37729 E Pond Circle to let you know that we are totally fine with the placement of their shed. I’m not sure what the issue is because it has been there for a year or so and it was the last owner that put it there.

If you have any questions, please don’t hesitate to contact me at 410-299-9292.

Sincerely,

Gretchen Hoffman

RECEIVED
AUG 24 2020
SUSSEX COUNTY
PLANNING & ZONING
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 # 12480
Hearing Date 10-5
20208827

Type of Application: (please check all applicable)

Variance ✓  
Existing Condition ✓  
Special Use Exception □  
Proposed □  
Administrative Variance □  
Code Reference (office use only)
115-25  
115-183

Site Address of Variance/Special Use Exception:
36744 Robin Hood Rd., Delmar, DE 19940

Variance/Special Use Exception/Appeal Requested:
1.1 foot variance to allow an Existing Building to remain 13.9 feet from the side, back yard property line.

Tax Map #: 532-14.60-15.07  
Property Zoning: AR-1-AGR

Applicant Information

Applicant Name: Belva Robinson  
Applicant Address: 6355 Kyle Dr.  
City Sykesville State MD Zip: 21784  
Applicant Phone #: (302) 727-3615  
Applicant e-mail: beverly.robinson1215@gmail.com

Owner Information

Owner Name: Belva Robinson  
Owner Address: 6355 Kyle Dr.  
City Sykesville State MD Zip: 21784  
Purchase Date: 3/7/11  
Owner Phone #: (302) 727-3615  
Owner e-mail: beverly.robinson1215@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Belva Robinson  
Date: 7/28/20
Criteria for a Variance: (Please provide a written statement regarding each criteria).

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

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

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

   The existing structure was so-placed in order to preserve the existing tree-line on the side, back yard property line (see photo for reference). This was built, to my knowledge, with a building permit and inspection. I was not aware of the need for a variance until the property was recently surveyed.

2. Cannot otherwise be developed:
   That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

   There is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinances and therefore variances are necessary to enable the reasonable use of the property.

3. Not created by the applicant:
   That such exceptional practical difficulty has not been created by the appellant.

   The difficulty has not been created by the applicant. (Applicant is 84 yrs of age and co-owned the property with her daughter who died suddenly in October 2019. This structure was built 20 years ago on the property by the daughter's ex-husband.)

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 not substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

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

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 granted in this matter represents the minimum variance needed and will represent the least modification possible of the regulations in use.
LETTER OF CONSENT FROM ADJOINING NEIGHBOR
FOR REQUEST OF VARIANCE

To be completed by the Petitioner

Owner: BELVA RCBINSON

Project Address: 36744 ROBIN HOOD RD., DELMAR, DE 19940

Scope of Work: REQUEST A 1.1 FOOT VARIANCE TO ALLOW AN EXISTING BUILDING TO REMAIN
13.9 FEET FROM THE BACK, SIDE PROPERTY LINE.

PARID: 532-14.00-15.07

Date: 07/29/2020

☐ ☐ ☐

Belva RCBinson
Signature

To be completed by Neighbor

I, WILLIAM GRISWOLD
(Name)

located at, 36732 ROBIN HOOD RD, DELMAR, DE 19940
(address - number and street)

PARID: 532-14.00-15.08

which is an adjoining property to the variance request. I am aware that a variance of 1.1 feet is
being applied for at the subject property. The existing structure has been in place for 20 years.

× I HAVE NO OBJECTION TO GRANTING MY CONSENT FOR THE AFOREMENTIONED
REQUEST FOR VARIANCE.

WILLIAM GRISWOLD
(Print Name)

Neighbor Signature

Date

7/29/20
Sussex County
Building Permit
P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number
202008820
Issue Date: 07/29/2020
Expire Date: 07/29/2021

Permit Type: ACCESSORY STRUCTURE OUT OF TOWN

<table>
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<th>Parcel ID</th>
<th>Address</th>
<th>Zone Code</th>
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<tbody>
<tr>
<td>532-14.00-15.07</td>
<td>36744 ROBIN HOOD ROAD</td>
<td>AR-1</td>
</tr>
</tbody>
</table>

**Owner Information**
Name: ROBINSON BELVA W
Phone: 

**Applicant Information**
Name: ROBINSON BELVA W
Phone: 

**Contractor Information**
Name: ROBINSON BELVA W
CID: 1084745
Phone: 

**Building Information**
Proposed Use: DECK
Construction Type: 
Estimated Cost of Construction $3,550
Cannot Occupy More than ______ of Total Lot Area
Distance from any Dwelling of other Ownership: ______
Distance from any other Mobile Home or Accessory Structure: ______

**Property Information**
Measurements taken from Property Lines
Front Setback: 40.00
Side Setback: 15.00
Maximum Building Height: 42'
Location Description: LOT 6A
FLOOD ZONE: XP240K

Project Description: ACC STRUCT 400'+ W/O BC
Scope of Work:
ABOVE GROUND POOL 20', 15X20 DECK,

Permit Details:
EVERYTHING HAS BEEN DONE SINCE 2000.
NO BC PER CHRIS/ANDY. POOL 40' 10'9" 0'8"

Building Permit Acknowledgement:
I, the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder’s control. Grading or surface-shaping of the site shall not be considered as actual construction. I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSIST AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials’ right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.

THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

**Signature of Approving Official**
[Signature]

**Signature of Owner/Contractor**
[Signature]

443-497-1965

**Permit Number**
BP-136696

**TOTAL FEES:** $25.38
Sussex County
Building Permit
P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number
20208325
Issue Date: 07/29/2020
Expire Date: 07/29/2021

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<td>Address</td>
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<tr>
<td>Zone Code</td>
<td>AR-1</td>
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<tr>
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<th>Applicant Information</th>
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<tbody>
<tr>
<td>Name: ROBINSON BELVA W</td>
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<td>Construction Type:</td>
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<td>Distance from any Dwelling of other Ownership: ____</td>
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<tr>
<td>Distance from any other Mobile Home or Accessory Structure:</td>
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<tr>
<th>Property Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurements taken from Property Lines</td>
</tr>
<tr>
<td>Front Setback: 40.00</td>
</tr>
<tr>
<td>Side Setback: 15.00</td>
</tr>
<tr>
<td>Rear Setback: 20.00</td>
</tr>
<tr>
<td>Corner Setback:</td>
</tr>
<tr>
<td>Maximum Building Height: 42</td>
</tr>
<tr>
<td>Location Description: LOT 6A</td>
</tr>
<tr>
<td>Flood Zone: XP240K</td>
</tr>
</tbody>
</table>

If Initialed, See Attached Flood Plan

Project Description: ACC STRUCT 400+ W/O BC
Scope of Work: DETT GAR 950 SQ FT

Permit Details:
NO BC PER CHRIS/ANDY. GARAGE HAS BEEN THERE SINCE 2000. WAITING ON VARIANCE.

Signature of Approving Official

I fully understand the Zoning Requirements of this permit.

Signature of Owner/Contractor

Building Permit Acknowledgement:
I, we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface shaping of the site shall not be considered as actual construction.

I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSIST AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.

THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number BP-136698

TOTAL FEES: $ 74.38
Board of Adjustment Application
Sussex County, Delaware
Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 471) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check all applicable)

Variance [✓]
Special Use Exception ______
Administrative Variance ______
Appeal ______

Existing Condition ______
Proposed ______
Code Reference (office use only) ______

Site Address of Variance/Special Use Exception: 61 Harbor Rd Rehoboth

Variance/Special Use Exception/Appeal Requested: Side and rear setback to be able to put shed up to property line

Tax Map #: 3-34-8-17-147.00 Property Zoning: AR-1

Applicant Information

Applicant Name: Mark Wilson KC Home Improvement
Applicant Address: 19464 Beaver Dam Rd Lewes DE 19958
Applicant Phone #: 302-345-4133 Applicant e-mail: Mark@KCHomeImprovement.net

Owner Information

Owner Name: Jeffrey Saber & Syndy Saber
Owner Address: 3805 Norland Dr
City, State, Zip: Baltimore, MD 21208 Purchase Date: 12/2008
Owner Phone #: 410-466-3819 Owner e-mail: jsaber@comcast.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Date: 7/14/20

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

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

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

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

   The lot is narrow and small in order to put a shed it would be difficult.

2. Cannot otherwise be developed:
   That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

   The only possibility to put a shed and side setbacks

3. Not created by the applicant:
   That such exceptional practical difficulty has not been created by the appellant.

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

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

   The variance will not alter the character of the neighborhood. Many sheds have been built in the same manner.

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.

   Any less than the variance asked for will not suffice and would cause greater hindrance.
Planning & Zoning
Project Contact List

Applicant Information

Applicant Name: Mark W. Ken 15C Home Improvement
Applicant Address: 19964 Belair Dr. Apt
City: Lewes State: DE Zip: 19958
Phone #: 302.245.4133 E-mail: Mark@15CHomeImprovement.net

Owner Information

Owner Name: Jeffrey Gaber
Owner Address: 3005 Dorland Dr
City: Baltimore State: MD Zip: 21205
Phone #: 410.458.3819 E-mail: JGaber@comcast.net

Engineer/Surveyor Information

Engineer/Surveyor Name: Element Design
Engineer/Surveyor Address: 115 West Market
City: Lewes State: DE Zip: 19958
Phone #: 695.0777 E-mail: Mrailpinski@elementdc.com

Agent/Attorney Information

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

Other

Name:
Address:
City: State: Zip:
Phone #: E-mail:
Gaber, Jeffrey
61 Harbor, Rehoboth
Shed Proposal Rev. 4-27-20

July 8, 2020

- Remove and dispose of existing fence from HVAC platform to corner
- Dig out topsoil and stones as possible for concrete pad
- Install stones and footers for pad for additional support per engineering specs
- Pour concrete pad inside fenced area, up to existing decking on north side
- Move plumbing spigot and line to other side of deck
- Add additional pressure treated framing for wall between HVAC units and new propane tank location. Install white PVC sheet goods from top of HVAC units to ground level decking
- Frame shed approximately 10’x5.7’x10’h
  o 2x4 wall framing
  o Pressure treated bottom plates
  o 2x6 rafters, shed style, 5/12 pitch
  o 7/16 osb sheathing for roof and walls
  o Simpson hurricane strapping per engineering specs
- Run electric to shed, install light and one outlet ($500.00 electrical allowance)
- Finishings
  o Architectural shingles
  o TI-11 siding
  o 4’ double entry door, off-set to south end of back of shed, fiberglass door with pvc jamb
  o Electronic deadbolt
  o Lever type handset
  o 1x4 corners
  o 1x6 fascia
- Fence:
  o Build fence from HVAC platform to shed in similar fashion as existing
  o 3’ door facing rear
  o Replace existing side facing door
- Paint
  o 2 coats Sherwin Williams paint on shed, door, fence

Price: $17,220.00

Notes:
- Homeowner to have propane tank moved prior to start of project
- Homeowner responsible for all HOA permitting
- Architectural drawings and surveys not included
### ELEVATION CERTIFICATE

**Important:** Follow the instructions on pages 1–9.

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

#### SECTION A – PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>A1. Building Owner’s Name</th>
<th>Policy Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>JEFF GABER</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>61 HARBOR ROAD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>REHOBOTH BEACH</td>
<td>Delaware</td>
<td>19971</td>
</tr>
</tbody>
</table>

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)

TAX MAP 3 - 34 - 8.17 - 147.00

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)

RESIDENTIAL

A5. Latitude/Longitude: Lat. 38° 44' 04.68" N  Long. 75° 04' 53.80" W

Horizontal Datum: ☒ NAD 1927  ☐ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number ____________

A8. For a building with a crawlspace or enclosure(s):

<table>
<thead>
<tr>
<th>a) Square footage of crawlspace or enclosure(s)</th>
<th>1065.00 sq ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade</td>
<td>0</td>
</tr>
<tr>
<td>c) Total net area of flood openings in A8.b</td>
<td>0.00 sq in</td>
</tr>
<tr>
<td>d) Engineered flood openings?</td>
<td>☐ Yes ☒ No</td>
</tr>
</tbody>
</table>

A9. For a building with an attached garage:

<table>
<thead>
<tr>
<th>a) Square footage of attached garage</th>
<th>N/A sq ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade</td>
<td>0</td>
</tr>
<tr>
<td>c) Total net area of flood openings in A9.b</td>
<td>0.00 sq in</td>
</tr>
<tr>
<td>d) Engineered flood openings?</td>
<td>☐ Yes ☒ No</td>
</tr>
</tbody>
</table>

#### SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

<table>
<thead>
<tr>
<th>B1. NFIP Community Name &amp; Community Number</th>
<th>B2. County Name</th>
<th>B3. State</th>
</tr>
</thead>
<tbody>
<tr>
<td>100029 - SUSSEX COUNTY UNINCORPORATED</td>
<td>SUSSEX</td>
<td>Delaware</td>
</tr>
</tbody>
</table>

B4. Map/Panel Number

<table>
<thead>
<tr>
<th>B5. Suffix</th>
<th>B6. FIRM Index Date</th>
<th>B7. FIRM Panel Effective/Revised Date</th>
<th>B8. Flood Zone(s)</th>
<th>B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10005 C 0352</td>
<td>K</td>
<td>03-16-2015</td>
<td>03-16-2015</td>
<td>AE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5' &amp; 6'</td>
</tr>
</tbody>
</table>

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:

| ☐ FIS Profile | ☒ FIRM | ☐ Community Determined | ☐ Other/Source. |

B11. Indicate elevation datum used for BFE in Item B9:

| ☐ NGVD 1929 | ☒ NAVD 1988 | ☐ Other/Source: |

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?

| ☐ Yes | ☒ No |

Designation Date: ____________

CBRS ☐  OPA ☐

FEMA Form 096-0-33 (7/15) Replaces all previous editions.

Form Page 1 of 6
ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☑ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.


Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: DICARLO RTN Vertical Datum: NAVD 1988

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

☐ NGVD 1929 ☑ NAVD 1988 ☐ Other/Source:

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

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor) 5.68 ☑ feet ☐ meters

b) Top of the next higher floor 7.95 ☑ feet ☐ meters

c) Bottom of the lowest horizontal structural member (V Zones only) N/A ☐ feet ☐ meters

d) Attached garage (top of slab) N/A ☐ feet ☐ meters

e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) 9.35 ☑ feet ☐ meters

f) Lowest adjacent (finished) grade next to building (LAG) 5.68 ☑ feet ☐ meters

g) Highest adjacent (finished) grade next to building (HAG) 6.16 ☑ feet ☐ meters

h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support 5.68 ☑ feet ☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

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

Certifier's Name: Bradley A. Absher
License Number: 735
Title: President
Company Name: True North Land Surveying, Inc.
Address: 118 Atlantic Ave., Suite 202
City: Ocean View State: Delaware ZIP Code: 10070
Signature: [Signature]
Date: 05-25-2018 Telephone: (302) 539-2488 Ext.
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable):

C2(a) CRAWL SPACE NOT ACCESSIBLE
C2(e) HVAC

DE-04670

*THIS ELEVATION CERTIFICATE IS NOT VALID UNLESS FIRST PAGE IS DATED AND INITIALED BY CERTIFIER*

FEMA Form 098-0-33 (7/15) Replaces all previous editions.

Form Page 2 of 6
ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
61 HARBOR ROAD

City: REHOBOTH BEACH
State: Delaware
ZIP Code: 19971

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
   a) Top of bottom floor (including basement, crawlspace, or enclosure) is
      ________________ feet  ________________ meters
      above or below the HAG.
   b) Top of bottom floor (including basement, crawlspace, or enclosure) is
      ________________ feet  ________________ meters
      above or below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is
   ________________ feet  ________________ meters
   above or below the HAG.

E3. Attached garage (top of slab) is
   ________________ feet  ________________ meters
   above or below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is
   ________________ feet  ________________ meters
   above or below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community’s floodplain management ordinance?  Yes  No  Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER’S REPRESENTATIVE) CERTIFICATION

The property owner or owner’s authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner’s Authorized Representative’s Name

Address
City
State
ZIP Code

Signature
Date
Telephone

Comments

Check here if attachments.

OMB No. 1660-0006
Expiration Date: November 30, 2018

Policy Number:
Company NAIC Number
## ELEVATION CERTIFICATE

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

<table>
<thead>
<tr>
<th>Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.</th>
<th>FOR INSURANCE COMPANY USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>61 HARBOR ROAD</td>
<td>Policy Number:</td>
</tr>
<tr>
<td></td>
<td>Company NAIC Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>REHOBOTH BEACH</td>
<td>Delaware</td>
<td>19971</td>
</tr>
</tbody>
</table>

### SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G6–G10. In Puerto Rico only, enter meters.

- **G1.** The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

- **G2.** A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

- **G3.** The following information (Items G4–G10) is provided for community floodplain management purposes.

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Date Permit Issued</th>
<th>Date Certificate of Compliance/Occupancy Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **G7.** This permit has been issued for:
  - □ New Construction
  - □ Substantial Improvement

- **G8.** Elevation of as-built lowest floor (including basement) of the building:
  - □ feet □ meters Datum __________________

- **G9.** BFE or (in Zone AO) depth of flooding at the building site:
  - □ feet □ meters Datum __________________

- **G10.** Community's design flood elevation:
  - □ feet □ meters Datum __________________

<table>
<thead>
<tr>
<th>Local Official's Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community Name</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments (including type of equipment and location, per C2(e), if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

☐ Check here if attachments.

FEMA Form 086-0-33 (7/15) Replaces all previous editions. Form Page 4 of 6
**Building Photographs**

**Elevation Certificate**

See Instructions for Item A6.

**Important:** In these spaces, copy the corresponding information from Section A.

<table>
<thead>
<tr>
<th>Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.</th>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>61 Harbor Road</td>
<td>Rehoboth Beach</td>
<td>Delaware</td>
<td>19971</td>
</tr>
</tbody>
</table>

For Insurance Company Use

- Policy Number: 
- Company NAIC Number: 

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A6. If submitting more photographs than will fit on this page, use the Continuation Page.

---

**Photo One Caption**

Front View - Date Taken: 05/22/2018

---

**Photo Two Caption**

Rear View - Date Taken: 05/22/2018
| Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. | 61 HARBOR ROAD |
| City | REHOBOTH BEACH |
| State | Delaware |
| ZIP Code | 19971 |

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

**Photo Three**

**Photo Three Caption**

**Photo Four**

**Photo Four Caption**
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:
37032 Canvasback Rd. Selbyville, De. 19975

Variance/Special Use Exception/Appeal Requested:
Asking for consideration to impede the 5' setback to build a lean-too off existing screen porch.

Tax Map #: 533-12. 16-386.00
Property Zoning: MR

Applicant Information

Applicant Name: Richard A. Strouse Jr.
Applicant Address: 37032 Canvasback Rd.
City: Selbyville State: De Zip: 19975
Applicant Phone #: (302) 270-6308 Applicant e-mail: strouselectric@comcast.net

Owner Information

Owner Name: Richard A. Strouse Jr.
Owner Address: 37032 Canvasback Rd.
City: Selbyville State: De Zip: 19975 Purchase Date: 7/12/19
Owner Phone #: (302) 270-6308 Owner e-mail: strouselectric@comcast.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Date: 7/8/20
Sussex County, DE - BOA Application

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.

   Our lots are only 40' wide and I'm told in the early development the properties weren't governed to be laid out all the same way which has made for some unique challenges.

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.

   I need the lean too to be a minimum of 10' wide, which impedes 3' into the 5' setback.

3. Not created by the applicant:
   That such exceptional practical difficulty has not been created by the appellant.

   The structure doesn't create any difficulties with neighboring property. I have also discussed this with my neighbor and Bruce and Janet Hoover so they understood what I wanted to do, and both see no issues.

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

   This variance will not alter or impair our neighborhood or adjacent property. I got the idea to build this by seeing similar structures built throughout our community.

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, I'm building this structure to the minimum needs. I didn't want to be right on the property line, so the 10' width allows the structure to be functional.
AREA = 4,166 SQ. FT. +/-

ADDRESS: 37032 CANVASBACK ROAD

TAX PARCEL #: 533-12.16-386.00

OWNER: RICHARD A. STROUSE, JR.

I CERTIFY THAT THIS SURVEY WAS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE INDIVIDUALS NOTED ABOVE. NO RESPONSIBILITY IS EXTENDED AND/OR ASSUMED BY THE ENGINEER TO ANY FUTURE LAND OWNERS OR OCCUPANTS. I CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN.

RICHARD K. VETTER, P.E. #10329

SURVEY BASED ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD AND A PLOT OF "SWANN KEYS", AS RECORDERD IN PLOT BOOK 14, PAGE 99. PROPERTY MAY BE SUBJECT TO EASEMENTS AND/OR RESTRICTIONS AS NOTED ON THE PLOT.

SURVEY PLAN

LOT 837 - BLOCK D
SWANN KEYS

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

RICHARD K. VETTER, P.E.
125 APPLE BLOSSOM DRIVE
CAMDEN, DE 19934

SCALE: 1" = 20'

JULY 30, 2020