

BOARD OF ADJUSTMENT

ELLEN MAGEE, CHAIR
KEVIN E. CARSON
JEFF CHORMAN
JOHN WILLIAMSON
E. BRENT WORKMAN



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878 T
(302) 845-5079 F

AGENDA

October 19, 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 17, 2020

Approval of Finding of Facts for August 17, 2020

Old Business

Public Hearings

Case No. 12474 – Eileen & Chris Andrews seeks variances from the front yard and side yard setback requirements for a proposed structure (Sections 115-34, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Carla Avenue at the intersection of Carla Avenue and Dodd Avenue in the Seabreeze subdivision. 911 Address: 301 Carla Avenue, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-20.13-85.00

Case No. 12482 – Peggy A. Beers seek variances from the front yard setback, rear yard setback and corner front yard setback requirements for proposed structures (Sections 115-34, 115-182, and 115-183 of the Sussex County Zoning Code). The property is located on the northwest corner of N. Bayshore Drive and S. Carolina Avenue. 911 Address: 602 N Bayshore Drive, Milton. Zoning District: MR. Tax Parcel: 235-3.16-81.00

Case No. 12483 – Ivan P. Shockley (Dashon James) seeks variances from the minimum lot size requirement and the minimum lot width requirement for proposed lot line adjustments and (Sections 115-25 of the Sussex County Zoning Code). The property is located on the west side of Benson Road approximately 665 ft. northeast of Cedar Creek Road. 911 Address: N/A. Zoning District: AR-1. Tax Parcel: 230-14.00-64.02 & 62.00



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

Case No. 12484 – Paul & Deborah Davis seek variances from the front yard setback requirement for existing structures (Sections 115-42 and 115-182 of the Sussex County Zoning Code). The property is located on the west side of Mississippi Drive within the Plantation Park subdivision. 911 Address: 37131 Mississippi Drive, Frankford. Zoning District: GR. Tax Parcel: 134-16.00-248.05

Case No. 12485 – Sun Home Services, Inc. seeks variances from the separation distance requirement for proposed and existing structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the east side of Center Avenue within the Sea Breeze Manufactured Home Park. 911 Address: 19899 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3042

Case No. 12486 – Melissa Stoltz seeks variances from the side yard setback, rear yard setback and pool walkway requirements for proposed and existing structures (Section 115-42, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Park Circle within the Banksville Park subdivision. Address: 36425 Park Circle, Ocean View. Zoning District: GR. Tax Parcel 134-12.00-1299.00

Additional Business

Request for 12-month time extension for Case 12201 – Lands of John W. Davidson, Trustee
2021 Board of Adjustment Meeting Schedule

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 October 12, 2020 at 11:00 a.m., and at least seven (7) days in advance of the meeting.

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



-MEETING INSTRUCTIONS-

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

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

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

The meeting will be streamed live at <https://sussexcountytde.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://sussexcountytde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountytde.gov. All comments shall be submitted by 4:30 P.M. on Thursday, October 15, 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

202007759

Case # 12474

Hearing Date 9/21

RECEIVED

JUL 09 2020

SUSSEX COUNTY
PLANNING & ZONING

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:

Sussex Tax Parcel No. 334-20.13-85.00 (301 Carla Avenue, Seabreeze Development, Rehoboth Beach, Delaware 19971).

Variance/Special Use Exception/Appeal Requested:

That the Board grant two sets of variances, one set of variances to reduce the Property's side yard setback from 10 feet to 9 feet, and one to reduce the Property's front yard setback from 30 feet to 20 feet, consistent with the plans for the proposed construction attached to an accompanying letter as Exhibit B.

Tax Map #: 334-20.13-85.00

Property Zoning: MR

Applicant Information

Applicant Name: Eileen Andrews and Chris Andrews

Applicant Address: 8 Battle Drive

City Newark State DE Zip: 19702

Applicant Phone #: (302) 383-3558 Applicant e-mail: casey19702@yahoo.com

Owner Information

Owner Name: Eileen Andrews and Chris Andrews

Owner Address: 8 Battle Drive

City Newark State DE Zip: 19702 Purchase Date: _____

Owner Phone #: (302) 383-3558 Owner e-mail: casey19702@yahoo.com

Agent/Attorney Information

Agent/Attorney Name: Brian V. DeMott, Esquire

Agent/Attorney Address: 2711 Centerville Road, Suite 401

City Wilmington State DE Zip: 19808

Agent/Attorney Phone #: (302) 327-1177 Agent/Attorney e-mail: brian@bmbde.com

Signature of Owner/Agent/Attorney



Date: 7/7/20



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 Property at issue is unusually shaped. It sits at the corner of Dodd Avenue and Carla Avenue. The Property's border with Dodd Avenue results in a large arc in the property line and a notch into the Property.

Due to this odd shape, the Property's front yard setbacks are already non-compliant with County Code. The proposed variances will not substantially increase the currently existing setbacks on the Property. For more information, see accompanying letter.

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.

As noted above, the Property is already non-compliant with the setback requirements under Section 115-34 (B) as to the front yards and could not have been developed without relief as to the setback requirements. The front yard bordering Dodd Avenue is only 21 feet in depth rather than 30 feet and the front yard on Carla Avenue is currently 25 feet in depth rather than 30 feet. The side yard setbacks are currently compliant. For more information see accompanying letter.

3. Not created by the applicant:

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

The Andrews did not lay out the boundary lines for the Property, nor were they responsible for subdividing the Property into its current configuration. They purchased the Property on May 17, 2015, over a decade after Seabreeze was created. They merely wish to utilize the Property in a way that comports with its zoning designation but that provides them with comfort and enjoyment. For more information see accompanying letter.

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

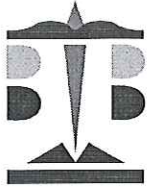
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The Property is located in the Seabreeze Development, a residential subdivision. The deed restrictions for Seabreeze require that any property within Seabreeze be used for single-family residential purposes. The Property is zoned "MR" and the County Code permits "[d]etached single-family dwellings but not manufactured homes" as a use for such properties. The proposed construction complies with such purposes and will not alter the neighborhood. For more information, see accompanying letter.

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 variances sought are minimal. The variances requested for the side yards are a only 1 foot, which is a 10% reduction of the setback requirement. The requested variances for the front yards are for at most a 33% reduction of the setback requirement. The Property, in its current state, is already non-conforming and the variances sought are only slightly smaller than the front yard setbacks currently existing. For more information, see accompanying letter.



BAIRD
MANDALAS
BROCKSTEDT LLC

Brian V. DeMott, Esq.
Wilmington Office
(302) 327-1100
Brian@bmbde.com

July 7, 2020

VIA U.S. MAIL

Board of Adjustment
Sussex County Planning & Zoning Department
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RECEIVED

JUL 09 2020

SUSSEX COUNTY
PLANNING & ZONING

RE: Variance Application

Dear Board of Adjustment Members:

I represent Eileen and Chris Andrews, the owners of a piece of real property with a residential improvement located thereon with Sussex Tax Parcel No. 334-20.13-85.00 and with a mailing address of 301 Carla Avenue, Seabreeze Development, Rehoboth Beach, Delaware 19971 (the "Property"). The residential improvement currently on the Property is a one-story house. The configuration of the Property is oddly shaped, being located at the corner of Dodd Avenue and Carla Avenue in the Seabreeze Development. Indeed, the Property's boundaries is not rectangular, but rather the boundaries contour along Dodd Avenue in an arc. A copy of the Boundary & Location Survey for the Property, dated May 7, 2015, is attached to this letter as Exhibit A.

The Property is zoned "MR" or medium-density residential, and as such has a front yard setback requirement of 30 feet (as the Property is located on a road within a subdivision) and a side yard setback of 10 feet.

The Andrews wish to raze and reconstruct the residential improvement located on the Property. A copy of the plans for the proposed construction are attached to this letter as Exhibit B. Due to the Andrews' desire for the construction of a new residential improvement on the Property, they must obtain two sets of variances from the Sussex County Board of Adjustment as the setbacks for the proposed new residential improvement slightly differ from those codified in the County Code. The Andrews have already secured approval for their proposed construction from the Seabreeze Homeowners' Association. A letter from the Seabreeze Homeowners' Association approving of the Andrews' proposed construction plans is attached to this letter as Exhibit C.

Please accept this letter, and the attached Board of Adjustment Application, as the Andrews' request for a variance concerning the 10-foot side yard setback requirement and the 30-foot front yard setback requirement for MR zoned properties. *See* Sussex Cnty. C. § 115-34(B). The Andrews request a variance as to the side yard requirement of 1 foot or less as their proposed

2711 Centerville Road, Suite 401 | Wilmington, DE 19808 | 302-327-1100 | 302-327-1101 (Fax)

www.bmbde.com

WILMINGTON | DOVER | LEWES | GEORGETOWN

side yard setback in their construction plans ranges between 9 feet and 9.3 feet. As to the front yard, they request a variance of 10 feet as their proposed front yard setback is 20 feet from both Carla Avenue and Dodd Avenue.

Legal Standard

The Delaware Supreme Court has determined there are two types of variances, which are “use” variances and “area” variances.¹ The Court has indicated that a “use variance is a variance that changes the character of the zoned district by permitting [the land to be used for a purpose otherwise proscribed by the zoning regulations].”² However, an area variance does not involve a prohibited use, and “concerns only the practical difficulty in using the particular property for a permitted use.”³

“Generally, [an area variance] allows deviations from zoning restrictions relating to the use of the property itself, such as the height, size or extent of lot coverage, size of the buildings, placement of the building on the site or other restrictions relating to the physical characteristics of the site.”⁴ “A use variance is subjected to the ‘unnecessary hardship’ test, while an area variance is subjected to the less burdensome ‘exceptional practical difficulty’ test.”⁵ The *Kwik-Check* Court concluded, “[s]uch [exceptional] practical difficulty is present where the requested dimensional change is minimal and the harm to the applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted.”⁶ When addressing an application for an area variance, the *Kwik-Check* Court set forth four factors to for consideration:

[1][T]he nature of the zone in which the property lies[;] [2] the character of the immediate vicinity and the uses contained therein[;] [3] whether, if the restriction upon the applicant’s property were removed, such removal would seriously affect such neighboring property and uses; [and] [4] whether, if the restriction is not removed, the restriction would create [hardship] for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the use provisions of the ordinance.⁷

Additionally, the applicant for an area variance must not have created the exceptional practical difficulty in order for it to be granted.⁸

¹ *Bd. of Adjustment of New Castle Cty v. Kwik-Check Realty, Inc.*, 389 A.2d 1289, 1291 (Del. 1978).

² *Id.* citing Anderson Am. Law of Zoning, §14.45 *et seq.* (1968).

³ *Id.* citing 2 Rathkopf, *The Law of Zoning & Planning*, 45-2 (1973 Supp.).

⁴ *Wawa, Inc. v. New Castle County Bd. of Adjustment*, 929 A.2d 822, 830-31 (Del. Super. 2005) citing *Kwik-Check*, 389 A.2d at 1291; *Mackes v. Bd. of Adjustment of Town of Fenwick Island*, 2007 WL 441954, *4 (Del. Super. Feb. 8, 2007) (“[a]n exceptional practical difficulty is present ‘where the requested dimensional change is minimal and the harm of the applicant if the variance is denied will be greater than the probable effect of the neighboring properties if the variance is granted.’”).

⁵ *Wawa, Inc.*, 929 A.2d at 831 citing *Council of Civil. Orgs. Of Brandywine Hundred v. New Castle Cty Bd. of Adjustments*, 1995 WL 717202, *11 .

⁶ *Kwik-Check Realty*, 389 A.2d at 1291.

⁷ *Id.* (citation omitted), *see also*, *Wawa*, 929 A.2d at 831; *Holowka v. New Castle County Bd. of Adjustment*, 2003 WL 21001026, at *5 (Del. Super.).

⁸ *See* 9 Del. C. §6917(3)(c); *Bd. of Adjustment of Sussex Cty v. Verleysen*, 36 A.3d 326, 330 (Del. 2012).

The Andrews satisfy each factor listed in *Kwik-Check*. Each will be addressed in turn:

1. **Nature of the Zone where the Property is located and the Character of the Immediate Vicinity.** The Property is located in a residential subdivision known as the Seabreeze Development. The deed restrictions for Seabreeze, which are attached as Exhibit D, require that any piece of real property within Seabreeze be used for single-family residential purposes. The Andrews have used the Property for such purpose and will do so if the requested variances are granted. Indeed, the Seabreeze Homeowners' Association recognize the Andrews' intent as the Seabreeze Homeowners' Association's approval letter states that the Andrews' construction plans for the proposed additions comport with the Seabreeze deed restrictions.

Additionally, the County zone designation for the Property is "MR." According to the Sussex County Code, the permitted uses for real property in an MR zone include "[d]etached single-family dwellings but not manufactured homes." Sussex Cnty. C. § 115-29(A). As noted above, the Andrews have used and will continue to use the Property as a single-family home as required by the County Code and their deed restrictions. The Andrews satisfy the first and second *Kwik-Check* factors.

2. **Effect of Variance on Neighboring Properties.** The variances requested by the Andrews will have little to no effect on any neighboring properties. First, the Property is a corner lot along Dodd Avenue and Carla Avenue. As such, it only borders two rather than three other properties. Further, the neighbors, at most, would only be affected by the side yard setback variance requested by the Andrews. The front yard variances requested by the Andrews, which still comply with the *Kwik-Check* standard as they are needed for a permitted use of the Property, are a 33% reduction from the setback requirements in the County Code and effect the Property's borders with Dodd Avenue and Carla Avenue. Thus, the front yard setback variance would have no effect on neighboring properties.

As noted above, the requested side yard variances are for a reduction of the 10-foot side yard setback requirement by a foot or less. This is a *de minimus* request, representing a variance of 10% or less. As the Property's borders with neighboring properties will be virtually unchanged should the variance be granted, and the Seabreeze Homeowners' Association has already approved the Andrews' proposal, the third *Kwik-Check* factor is satisfied.

3. **Hardship and Practical Difficulty to the Andrews.** The requested variances are necessary for the Andrews to make use of their Property in a permitted way—the construction of a single-family home. The Property is unique in shape in that there is an arc in the Property's boundaries due to its contouring of Dodd Avenue. Due to this unique shape, the Andrews' ability to construct a residential improvement expressly compliant with the setback requirements in the County Code is limited in a way that other neighboring properties are not. The Andrews seek "to make normal improvements in the character of that use of the property which is a permitted use

under the use provisions of the ordinance.”⁹ Without the requested variances, the Andrews cannot make these normal improvements to their Property.

The Andrews did not subdivide or layout the boundaries of the Property, and so they did not create the hardship they currently face. Further, the residential improvement that currently exists is not expressly compliant with the front yard setback requirements, further exemplifying the need for variance for the proposed new construction. These facts satisfy the final factor of the *Kwik-Check* standard.

4. **The Application’s Standards.** In addition to the *Kwik-Check* standard discussed above, the Board of Adjustment Application discusses four factors as well. A few of such factors overlap with the *Kwik-Check* factors. These will be touched on briefly in both the Application and this letter.

a. **Uniqueness of the Property.** The Property, as referenced above, has unique boundary lines. The Property’s boundaries do not form a rectangle, but rather, due to the formation of Dodd Avenue, causes a notch or an arc in the Property’s boundary with Dodd Avenue. This formation impacts the ability for the Property to satisfy the technical requirements of the front yard setback requirements under the County Code. And, the current residential improvement does not comport with such setback requirement. This factor is satisfied.

b. **Cannot otherwise be developed.** The Property at issue cannot be developed in accordance with the construction and design plans of the Property’s owners without the requested variances. Indeed, the current residential improvement does not comply with the front yard set back requirements. Therefore, variances are necessary to construct a residential improvement on the Property. This factor is satisfied.

c. **Not Created by the Andrews.** As mentioned above, the Andrews did not subdivide or create the shape and boundary lines of the Property. They have not placed themselves in the hardship they find themselves in.

d. **Alter Character of Neighborhood.** The requested variances and the proposed construction will not change the character of the neighborhood. The Andrews request to build a detached single-family home on the Property, a permitted use in the MR zone and under the deed restrictions for the Seabreeze Development. This factor is satisfied.

e. **Minimum Variance.** Lastly, the variances requested are minimal. The variance for the front yard setback requirements are approximately 33% (reduction of the 30 foot requirement to 20 feet). The side yard variances only seek a reduction of the requirement from 10 feet to 9 feet, a 10% reduction. As such, this factor is satisfied.

For the reasons set forth above, consistent with the plans for the proposed construction attached to this letter as Exhibit B, I respectfully request, on behalf of the Andrews, that the Board grant two sets of variances, one set of variances to approve the reduction of the Property’s side

⁹ *Stingray Rock, LLC v. Bd. of Adjustment of City of Rehoboth Beach*, 2013 WL 870662, *4 (Del. Super. Feb. 28, 2013).

yard setback from 10 feet to 9 feet, and one to approve the reduction of the Property's front yard setback from 30 feet to 20 feet.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BVD' with a stylized flourish at the end.

Brian V. DeMott, Esq.
Del. Bar ID No. 6025
Attorney for Eileen and Chris Andrews

BVD/tly
Enclosure
cc. Eileen and Chris Andrews (w/o enclosure)

EXHIBIT A

Location Map

Borrower	Christopher J & Eileen M Andrews						
Property Address	301 Carla Ave						
City	Rehoboth Beach	County	Sussex	State	DE	Zip Code	19971
Lender/Client	RBS Citizens, N.A.						



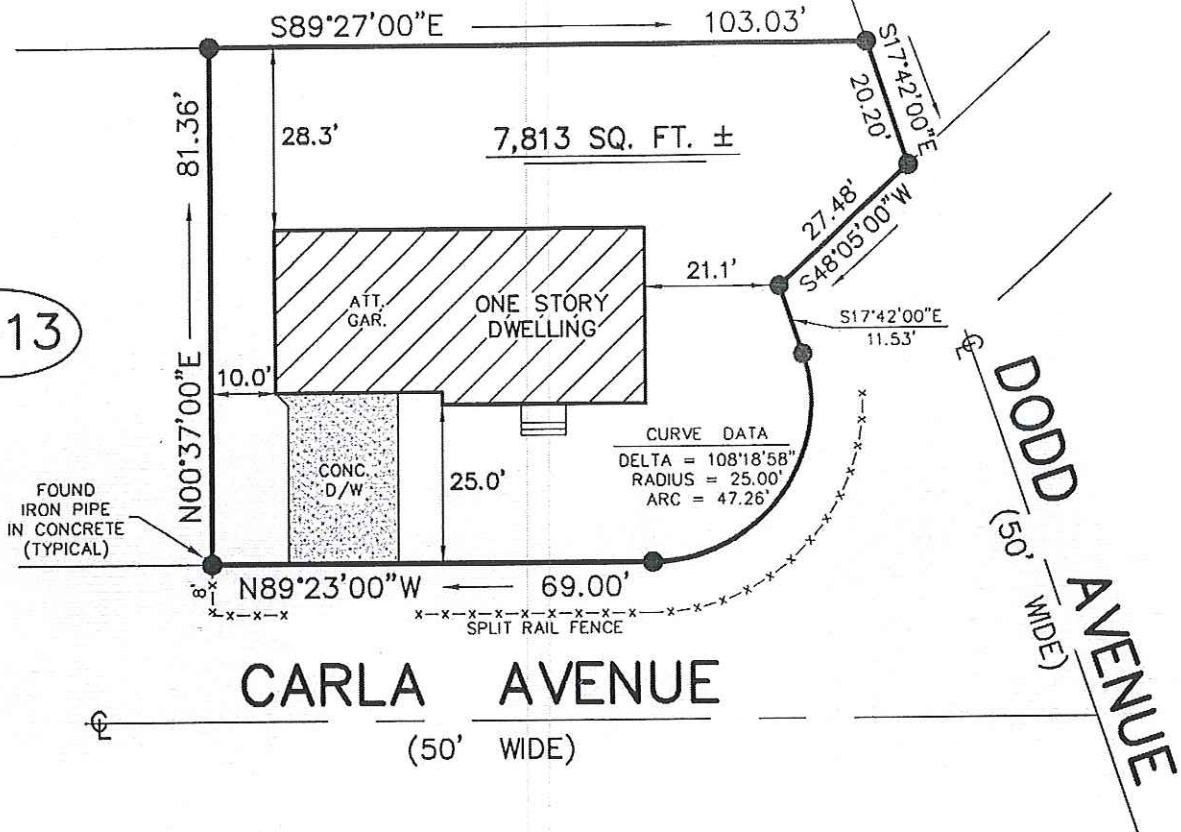


LANDS OF:
RAYMOND S. SMETHURST, JR.
& ROBERT SMETHURST

" ANN ACRES "
(P.B. 2, P. 38)

(31)

C-13



April 11

APPROVED
Existing lot
LPL 5-22-15
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

DELAWARE SURVEYING
SERVICES

MAXWELL J. MORRIS, DE. PLS #625
P.O. BOX 1121
OCEAN VIEW, DE. 19970
(302) 537-7094

DATE: MAY 7, 2015

SCALE: 1" = 30'

PLOT REF: P.B. 3, P. 5
DEED REF: D.B. 2902, P. 45
TAX MAP #: 3-34-20.13-85.00

BOUNDARY & LOCATION SURVEY

CLASS "B" SURVEY

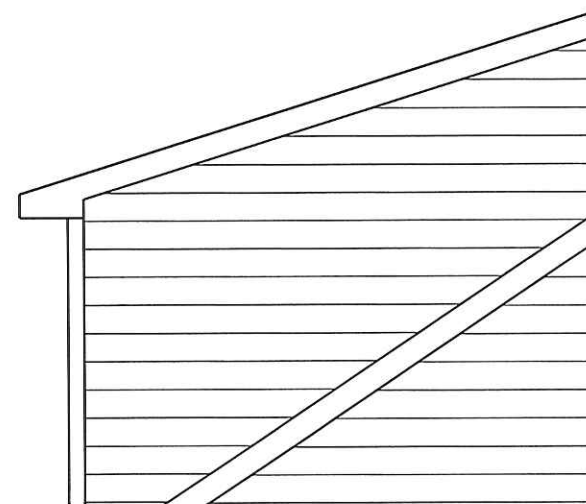
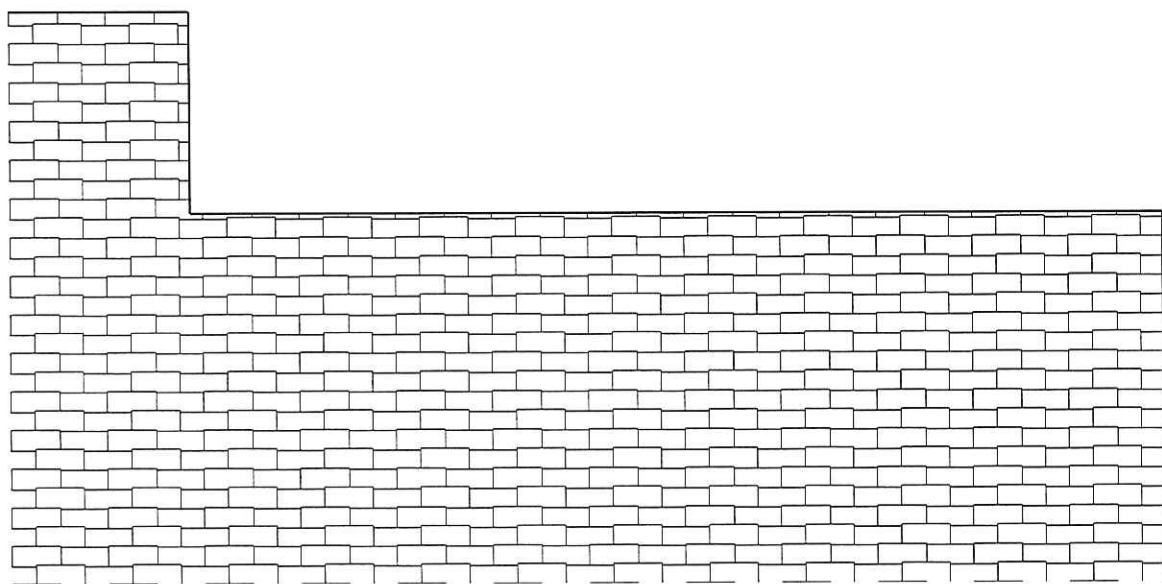
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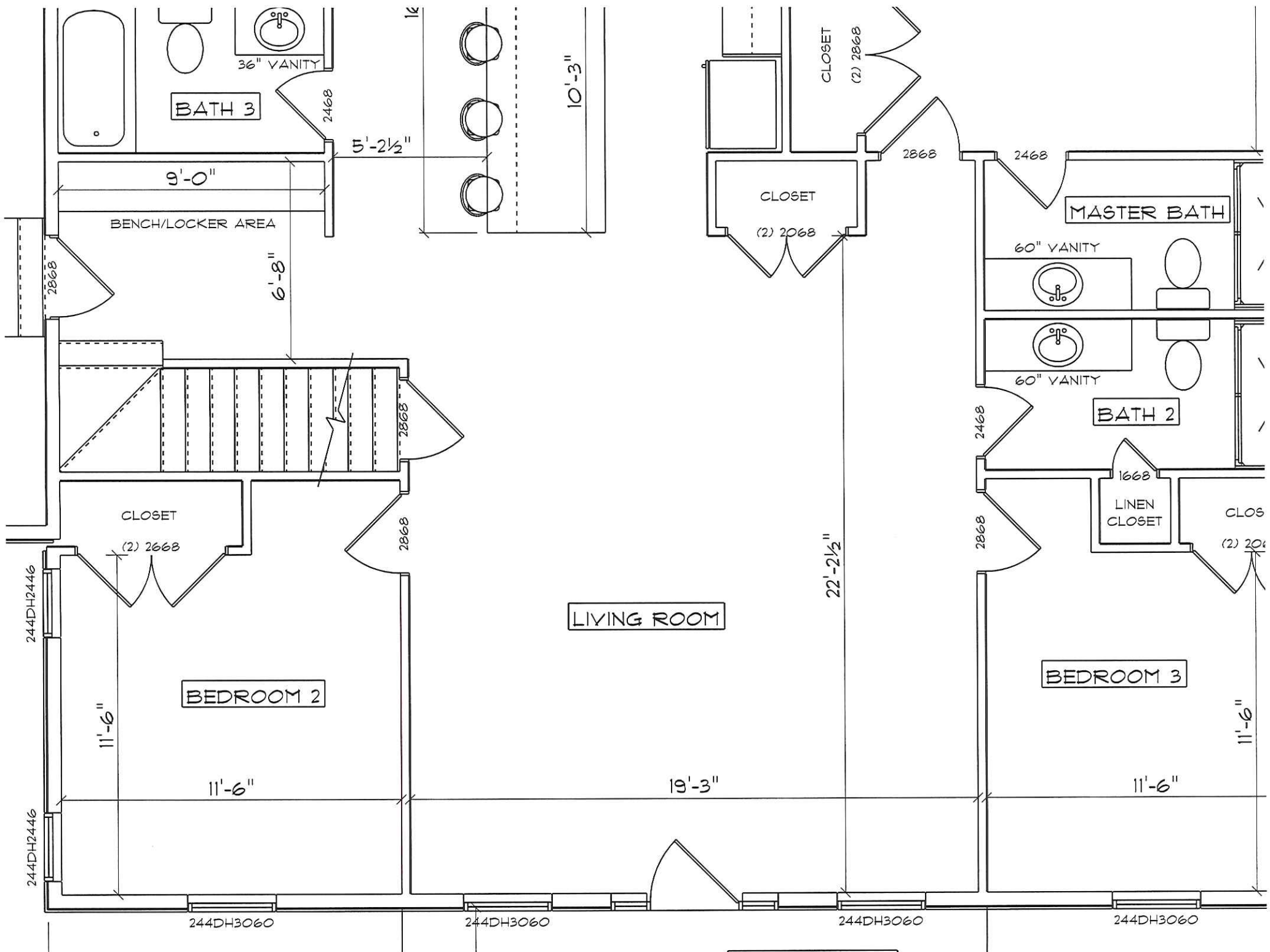
LOT C-14, " SEABREEZE DEVELOPMENT "
LEWES AND REHOBOTH HUNDRED * SUSSEX COUNTY * DELAWARE

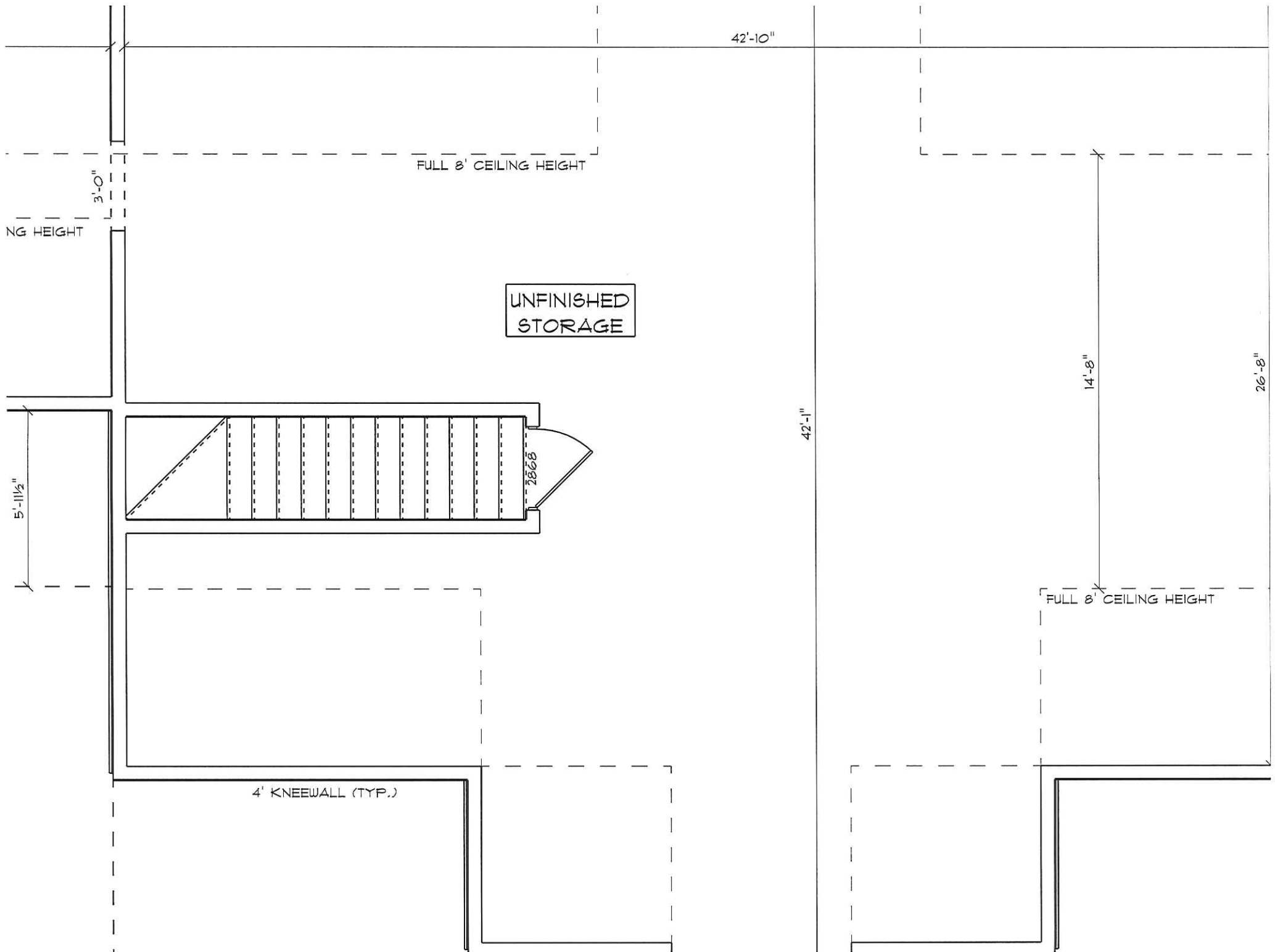
DRAWING #:

15-038

EXHIBIT B







PROPOSED
DWELLING

FRONT PORCH

20'-0"

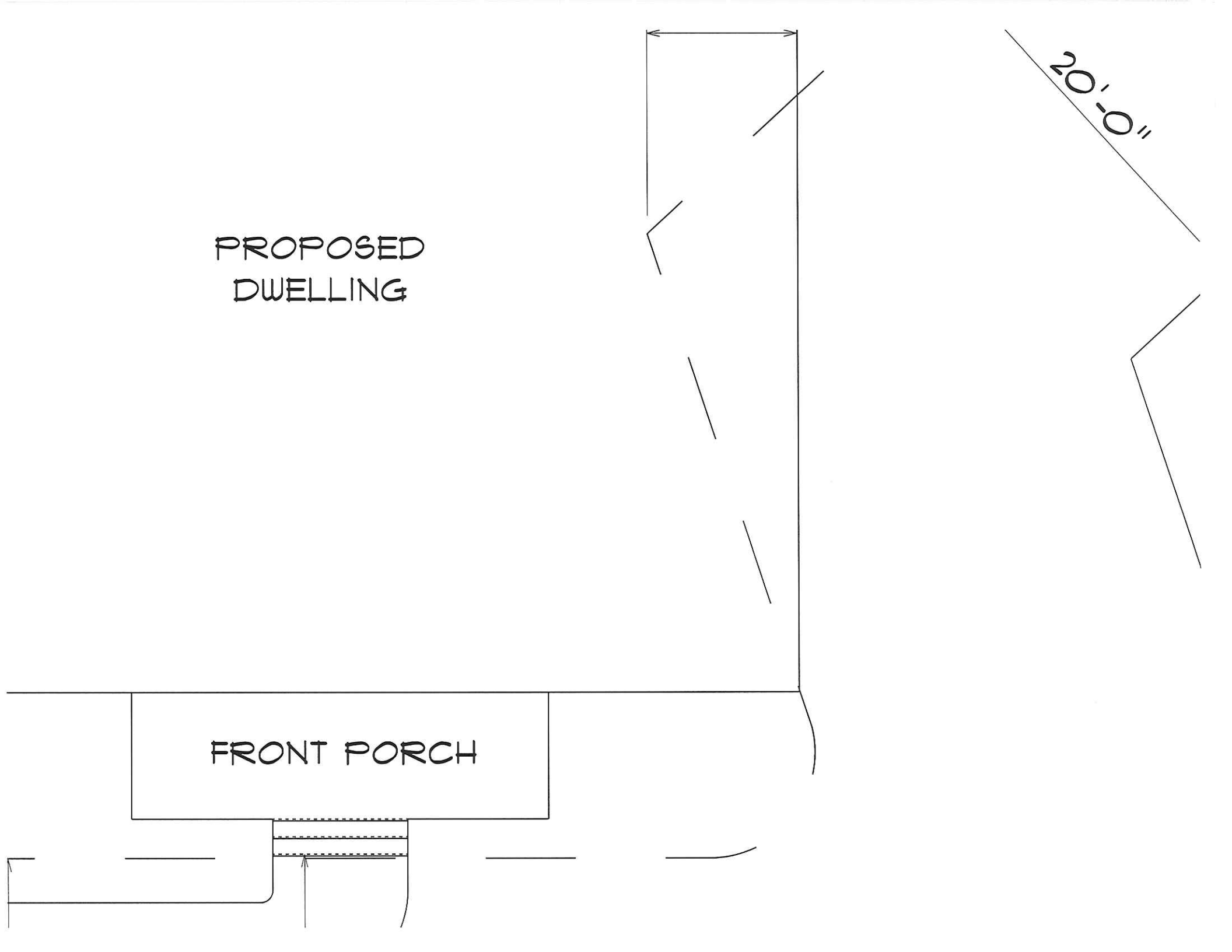
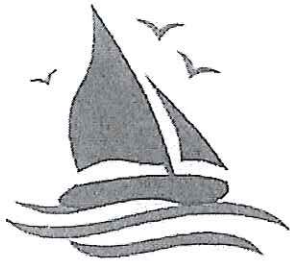


EXHIBIT C



Seabreeze Homeowners
Association, Inc.

P.O. Box 365
Rehoboth Beach, DE 19971

February 20, 2020

Chris and Eileen Andrews
301 Carla Avenue
Rehoboth Beach, DE 19971

Dear Mr. & Mrs. Andrews,

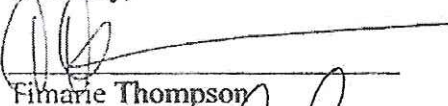
The Architectural Review Committee (ARC) has received and reviewed the plans submitted for a new home at 301 Carla Avenue via email on 02-17-2020 and an updated site plan on 02-18-2020. These plans are Approved as submitted as they relate to Seabreeze Covenants.

ARC approval does not constitute approval at the Local, County or State level. It is the responsibility of the owner to secure any Local, State or County permits necessary to carry out the proposed work at this location and to meet all their building requirements.

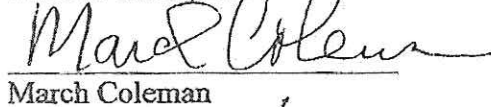
Any additional improvements to the property such as a shed, swimming pool, planting trees or additional fencing will require separate approvals by the ARC but are not necessary at this time to begin construction on the house.

Please contact any us if you have any questions.

Sincerely,



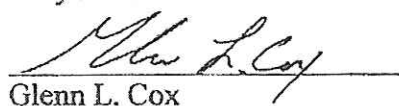
Famarie Thompson



March Coleman



Gary Keith



Glenn L. Cox

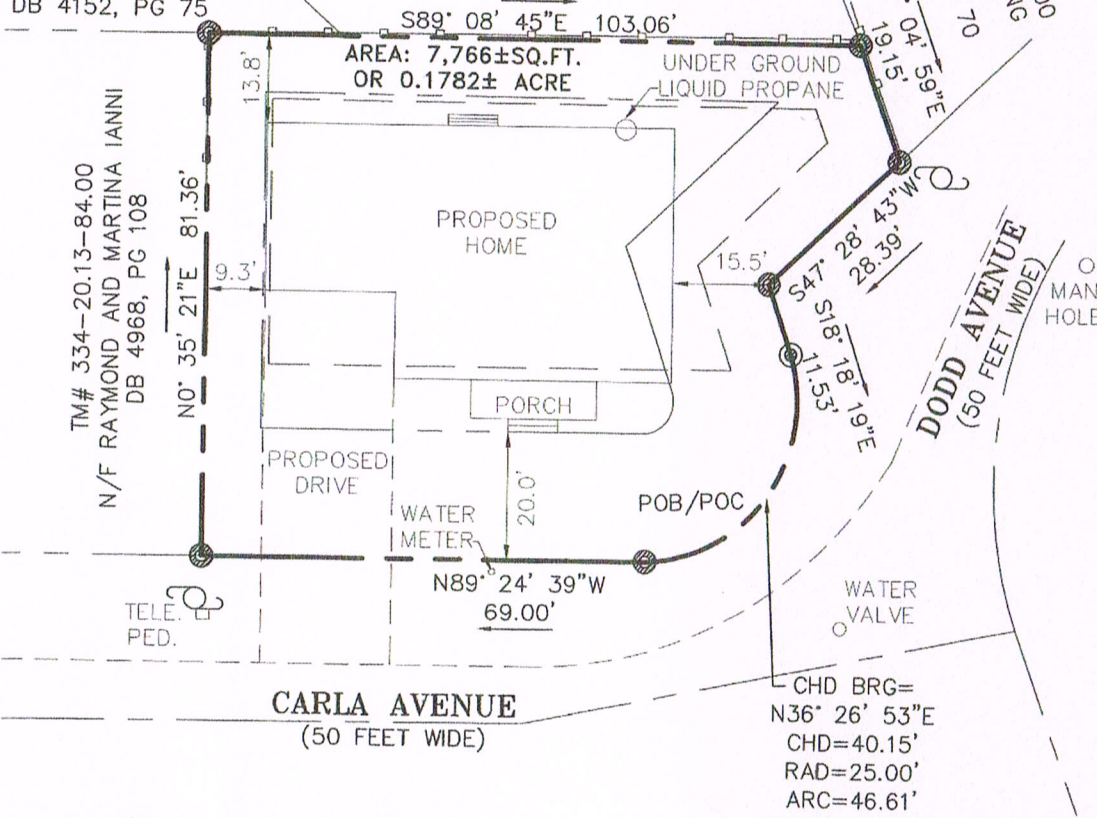
cc: Secretary, Seabreeze Homeowners Association, Inc.

TM#334-
20.13-62.02
N/F RYAN AND
CHRISTI
SMETHURST
DB 4152, PG 75

TM# 334-20.13-62.00
N/F RYAN AND
CHRISTI SMETHURST
DB 4152, PG 75

TM# 334-20.13-86.00
N/F LYNN MONROE
HAGGERTY
PG 70
DB 3472

TM# 334-20.13-84.00
N/F RAYMOND AND MARTINA IANNI
DB 4968, PG 108



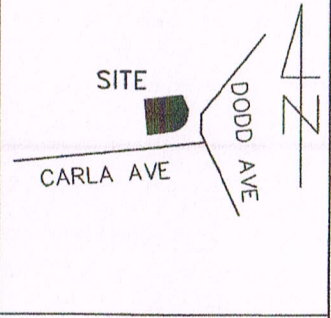
CARLA AVENUE
(50 FEET WIDE)

DODD AVENUE
(50 FEET WIDE)

CHD BRG=
N36° 26' 53"E
CHD=40.15'
RAD=25.00'
ARC=46.61'

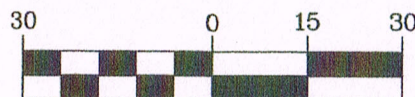
I, ALAN O'DALE KENT, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES 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.

ALAN O'DALE KENT, PLS#738, DATE 10 SEP 2020



- PLAN DATA:
1. TITLE REFERENCED TO:
TM# 334-20.13-85.00
DB 4395, PG 327, PB 3, PG 5
301 CARLA AVENUE REHOBETH BEACH, DE 19971
LOT C-14, SEABREEZE DEVELOPMENT
LEWES AND REHOBETH HUNDRED
SUSSEX COUNTY, STATE OF DELAWARE
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
 3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
 4. ACCORDING TO SUSSEX COUNTY THE ZONING IS MR AND THE SETBACKS ARE: FRONT-30, SIDE-10, AND REAR-10. SETBACKS PROVIDED BY THE COMMUNITY ARE FRONT-20 SIDE-9, AND REAR-10.

LOCATION MAP
NOT TO SCALE



SCALE 1 INCH = 30 ft.

LEGEND:

- UTILITY POLE
- IRON PIPE FOUND
- CAPPED IRON PIN SET
- CENTER OF ROAD
- PROPERTY LINE
- ADJOINING PROPERTY LINES
- BUILDING RESTRICTION LINE

JOB # 2020244 THIS IS A SUBURBAN SURVEY

DATE OF PLAN 10 SEP 2020	BOUNDARY SURVEY PLAN AND SITE PLAN OF THE LANDS NOW OR FORMERLY OF CHRISTOPHER J. ANDREWS AND EILEEN M. ANDREWS
DATE OF LAST FIELD WORK 24 AUG 2020	PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 19973 (302) 745-1735

THURS
PG 75

Seahreeze set Back Lines Blow-Up

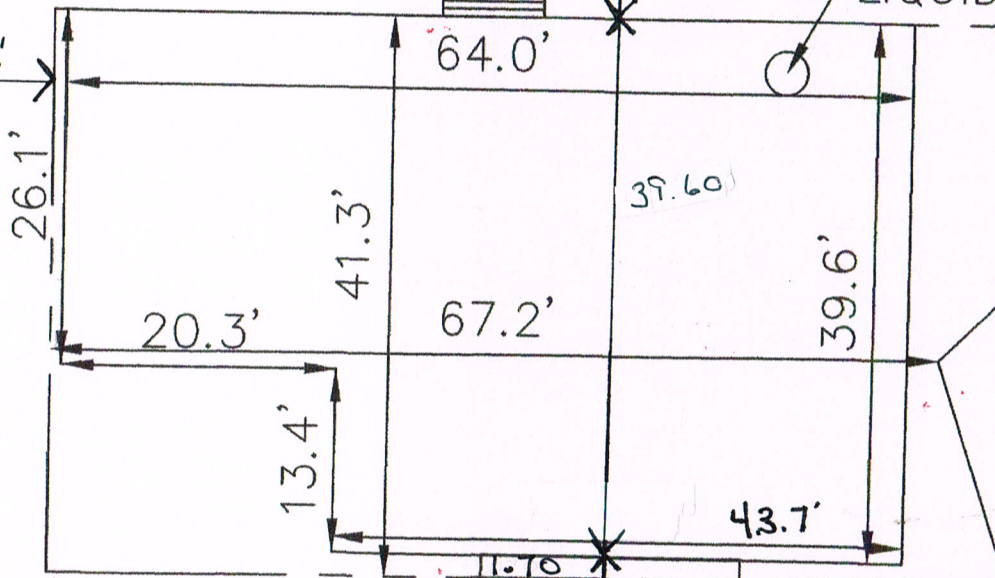
N/F RAYMOND AND MARTINA IANNI
DB 4968, PG 108

N0° 35' 21"E 81.36'

S89° 08' 45"E 103.06'

UNDER GROUND
LIQUID PROPANE

19.04' 59"E
19.15'



S47° 18' 19"E
S18° 18' 19"E
28' 43"W
28.39'

CHD BRG=
N36° 26' 53"E
CHD=40.15'
RAD=25.00'
ARC=46.61'

EXISTING
DRIVE

WATER
METER

N89° 24' 39"W

69.00'

WATER
VALVE

TELE. □
PED.

CARLA AVENUE

(50 FEET WIDE)

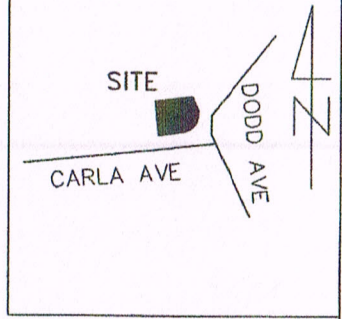
Sea Breeze Set Back Lines

TM#334-20.13-62.02
N/F RYAN AND
CHRISTI
SMETHURST
DB 4152, PG 75

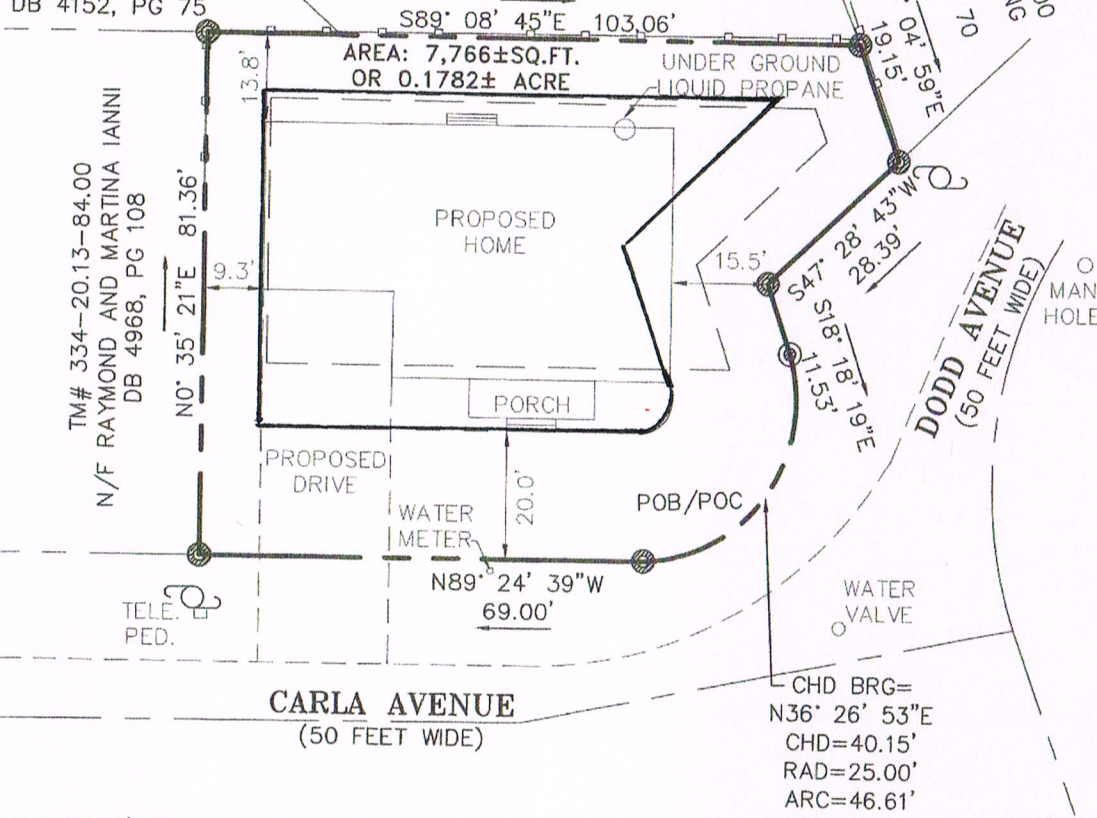
TM# 334-20.13-62.00
N/F RYAN AND
CHRISTI SMETHURST
DB 4152, PG 75

TM# 334-20.13-86.00
N/F LYNN MONIG
HAGGERTY
PG 70
DB 3472

PB 3, PG 5

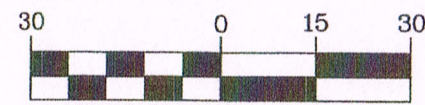


LOCATION MAP
NOT TO SCALE



PLAN DATA:

1. TITLE REFERENCED TO:
TM# 334-20.13-85.00
DB 4395, PG 327, PB 3, PG 5
301 CARLA AVENUE REHOBETH BEACH, DE 19971
LOT C-14, SEABREEZE DEVELOPMENT
LEWES AND REHOBETH HUNDRED
SUSSEX COUNTY, STATE OF DELAWARE
2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
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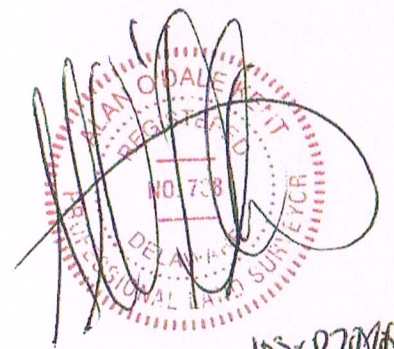


SCALE 1 INCH = 30 ft.

LEGEND:

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- IRON PIPE FOUND
- CAPPED IRON PIN SET
- CENTER OF ROAD
- PROPERTY LINE
- ADJOINING PROPERTY LINES
- BUILDING RESTRICTION LINE

I, ALAN O'DALE KENT, 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.

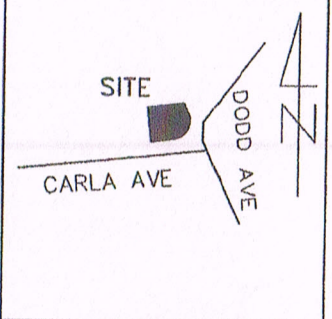
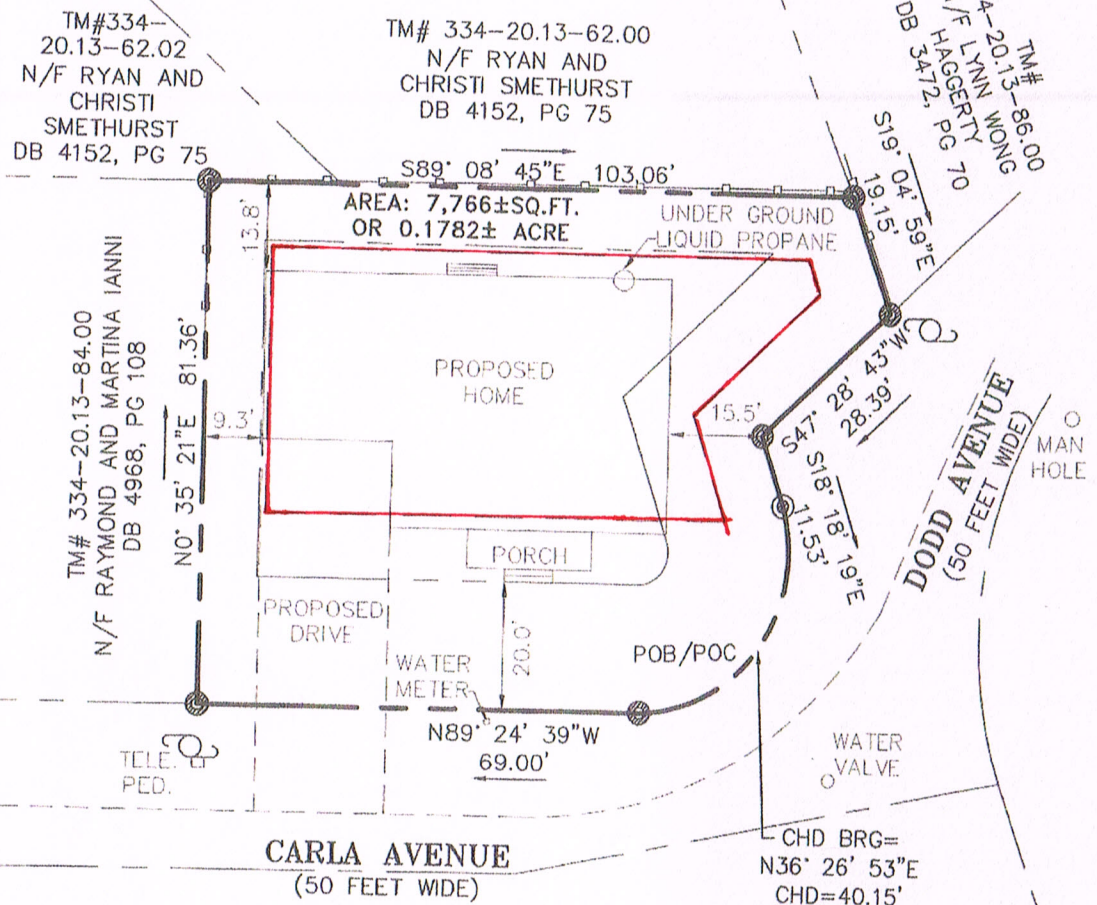


ALAN O'DALE KENT, PLS#738, DATE 10 SEP 2020

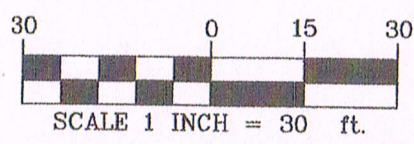
JOB # 2020244 THIS IS A SUBURBAN SURVEY

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DATE OF LAST FIELD WORK 24 AUG 2020	PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 19973 (302) 745-1735

County Set Back Lines



- PLAN DATA:
1. TITLE REFERENCED TO:
TM# 334-20.13-85.00
DB 4395, PG 327, PB 3, PG 5
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ALAN O'DALE KENT, PLS#738, DATE 10 SEP 2020

JOB # 2020244 THIS IS A SUBURBAN SURVEY	
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THURST
PG 75

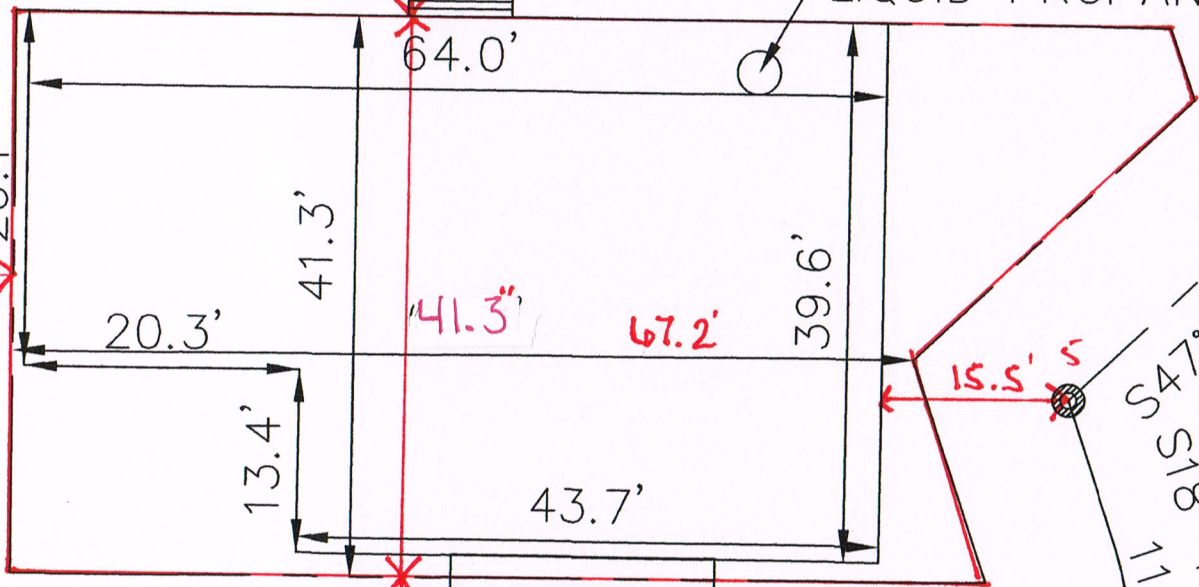
County Set Back Lines Blow-up

N/F RAYMOND AND MARTINA IANNI
DB 4968, PG 108

N0° 35' 21"E 81.36'

S89° 08' 45"E 103.06'

UNDER GROUND
LIQUID PROPANE



PORCH

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CHD=40.15'
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WATER
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N89° 24' 39"W

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WATER
VALVE

CARLA AVENUE
(50 FEET WIDE)

TELE. □
PED.

S47° 18' 19"E 11.53'
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S18° 18' 19"E 11.53'
S47° 18' 19"E 11.53'
S18° 18' 19"E 11.53'

28' 43" W
28.39'

Chase Phillips

From: Susan Machado <susancmachado54@gmail.com>
Sent: Friday, October 9, 2020 12:41 PM
To: Chase Phillips
Subject: Board of Adjustment: Letter of Support Case # 12474

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To Whom it may concern:

I write concerning the public hearing scheduled for October 19, 2020: #12474--Eileen and Chris Andrews' property on Carla Ave in Rehoboth Beach.

I am the property owner at 226 (21071) Dodd Avenue, which is the corner property diagonally across from them. I have owned this home for 20 years and am very familiar with the property and neighborhood.

I would like to express that I completely support their request for the variance needed to move ahead with their construction project. As the home will sit about where the present house sits, there will be no change to the overall look or feel of the property and it will not take away from the style of neighborhood design. It also will not impinge upon any sight lines for traffic.

Please consider my support for their variance request as you deliberate this issue.

Thank you
Susan Machado
226 Dodd Ave
Rehoboth, DE
717.332.1238
susancmachado54@gmail.com

SUPPORT EXHIBIT

RECEIVED

OCT 09 2020

SUSSEX COUNTY
PLANNING & ZONING



Brian V. DeMott, Esq.
Wilmington Office
(302) 327-1100
Brian@bmbde.com

October 9, 2020

VIA U.S. MAIL AND E-MAIL

Board of Adjustment
Sussex County Planning & Zoning Department
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Variance Application – hearing scheduled for Monday, October 29, 2020
BOA Case No.: 12474
Tax Parcel: 334-20.13-85.00

Dear Board of Adjustment Members:

As you know, I represent Eileen and Chris Andrews, the owners of a piece of real property with a residential improvement with Sussex Tax Parcel No. 334-20.13-85.00 and a mailing address of 301 Carla Avenue, Seabreeze Development, Rehoboth Beach, Delaware 19971 (the “Property”). On behalf of my clients I submitted a variance application on or about July 7, 2020 regarding potential updates to the above referenced property.

Please accept this letter as a supplement to my client’s variance application. Enclosed please find letters of support from various homeowners and a letter from the Seabreeze Homeowners Association, stating they have no opposition to the variance request.

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully submitted,

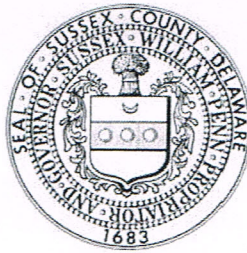
Brian V. DeMott, Esq.
Del. Bar ID No. 6025
Attorney for Eileen and Chris Andrews

BVD/tly
Enclosure
cc. Eileen and Chris Andrews (w/o enclosure)

2711 Centerville Road, Suite 401 | Wilmington, DE 19808 | 302-327-1100 | 302-327-1101 (Fax)
www.bmbde.com

WILMINGTON | DOVER | LEWES | GEORGETOWN

JAMIE WHITEHOUSE, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

September 30, 2020

Eileen & Chris Andrews
8 Battle Drive
Newark, DE 19702

Dear Eileen & Chris Andrews:

The public hearing to the Board of Adjustment has been scheduled for your following application:

Case No. 12474 – Eileen & Chris Andrews seeks variances from the front yard and side yard setback requirements for a proposed structure (Sections 115-34, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Carla Avenue at the intersection of Carla Avenue and Dodd Avenue in the Seabreeze subdivision. 911 Address: 301 Carla Avenue, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-20.13-85.00

The Board of Adjustment will hold a Public Hearing on **Monday, October 19, 2020 at 6:00pm** in the Sussex County Council Chambers located in the County Administrative Office, 2 The Circle Georgetown, DE, 19947.

It will be necessary for you, the applicant, to participate or be represented by an agent or attorney at the hearing before the Board. **The applicant shall provide evidence in the form of testimony and/or exhibits to support the application.** Exhibits must be submitted by Thursday, October 15, 2020. If you do not participate, the Board reserves the right to refuse to act on your application and to require that a new application be filed and fees paid at your expense after one year.

In case the applicant is to be represented by an attorney, or agent, it is your duty to notify them as to the date and time of the hearing as herein set forth, as the Board will not notify your counsel.

Further instructions describing the method of public participation and the manner of viewing the hearings will be contained within the Agenda that will be posted at least 7 days in advance of the meeting at sussexcountype.gov.

Sincerely,
Planning and Zoning Department



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

October 5, 2020

Via Regular Mail & Email

Sussex County Board of Adjustment
C/o Sussex County Planning & Zoning
PO Box 417
Georgetown, DE 19947

RE: BOA Case No. 12474 - Eileen & Chris Andrews, 301 Carla Avenue, Rehoboth Beach, DE 19971
Tax Parcel: 334-20.13-85.00

To Whom It May Concern;

The Seabreeze Homeowners Association is not opposed to Variance Case No. 12474 as long the variance does not violate Seabreeze Covenants & Restrictions, Section 3-Setback Lines (c,d), *Originally Recorded 08-07-1959 Book 507, Page 385 and Restated and Recorded 08-08-2003 Book 02869, Page 180.

No building or structure or part thereof is permitted within the following setbacks per Seabreeze Covenants & Restrictions for the lot identified on the BOA Application.

*Setback Front	20'00"
*Setback Side	9'00" minimum, 23'00" aggregate both sides
*Setback Rear	9'00"

If I can be of further assistance please call 302-227-2723.

Sincerely,

Glenn L. Cox
President, Seabreeze Homeowners Association, Inc.

GLC:glc

Cc: Eileen & Chris Andrews, 301 Carla Avenue, Rehoboth Beach, DE 19971
Rita Poore, Secretary, Seabreeze Homeowners Association, Inc.

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name: *Jennifer Murphy*

Signature: *Jennifer Murphy*

Date: *10/4/20*

Address: *21037 Dodd Avenue, Rehoboth Beach, DE 19971*

Contact Info: *763-400-0162*

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name: Susan Seitz & Craig Forster

Signature: Susan R. Seitz

Date: 10/4/20

Address: 21206 2nd Street

Contact Info: 302-242-1224 (Craig)

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name:

Mike Arant

Signature:

Mike Arant

Date:

10/3/2020

Address:

2162 Andrew Ave Rd 19971

Contact Info:

302-340-2400

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name: STUART QTEL

Signature: Stuart Qtel.

Date: Oct 2, 2020

Address: 21108 Elizabeth Ave

Contact Info: 443 996, 0658

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name: Susan Machado

Signature: Susan Machado

Date: 10/3/22

Address: 21071 Dodd Ave. Rehoboth

Contact Info:

SusanMachado54@gmail.com

717 332 1238

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name: RAYMOND AND MARTINA IANNI

Signature: 

Date: 10/3/2020

Address: 303 CARLA AVE, SEABREEZE, REHOBOTH BEACH,
DE 1971

Contact Info: 302-229-6030 (TINA)

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name: *Beth Andrews*

Signature: *Beth Andrews*

Date: *10/3/2020*

Address: *305 Carla Ave.*

Contact Info: *610-274-3048*

Sussex County Board of Adjustment

Case #12474:

Variance Request for 301 Carla Avenue, Seabreeze,
Rehoboth Beach, DE 19971

Property Owners:

Christopher & Eileen Andrews

I support the planned improvements for the above-mentioned property. I do not object to the variance requests.

Name: *Earle Timpson*

Signature: *Earle Timpson*

Date: *10/3/2020*

Address: *206 Dodd Ave, Rehoboth Beach, De.*

Contact Info: *302-740-6397*

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 # 12482
Hearing Date 10/14/2020
202010307

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-822 34
115-182 B

Site Address of Variance/Special Use Exception:

602 N Bayshore Drive, Milton, DE

Variance/Special Use Exception/Appeal Requested:

Variance for frontyard and sideyard setback.

10.3' var from 30' Front yard

8.1' var from 15' corner front yard

For 2nd & 3rd Class Addition on
Non conforming lot

Tax Map #: 235-3.16-81.00

Property Zoning: MR

Applicant Information

Applicant Name: Peggy A. Beers

Applicant Address: 611 Academy Street

City Newark

State DE

Zip: 19711

Applicant Phone #: (302) 366-8628

Applicant e-mail: pabfbnma@verizon.net

Owner Information

Owner Name: Same as Applicant

Owner Address: _____

City _____

State _____

Zip: _____

Purchase Date: _____

Owner Phone #: _____

Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: John B Roach, Jr.

Agent/Attorney Address: 22184 Melson Road, Georgetown, DE

City Georgetown

State DE

Zip: 19947

Agent/Attorney Phone #: (302) 856-1565

Agent/Attorney e-mail: jbroachengr@netscape.net

Signature of Owner/Agent/Attorney

J B Roach Jr

Date: 8/27/20



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 lot is 50' wide and 100.00 feet deep which is common for the lots in this area. This limits the house size that can be built on the lot. Therefore the only possible expansion is to add a second and third floor to the existing home. .

2. Cannot otherwise be developed:

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

Because of the small size of the home and adding on to the 2 floors this seems to be the practical alternative.

3. Not created by the applicant:

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

The home was built in the 1950's During that time the builder could not build to the county setbacks since they did not come into effect until the 1970's.

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 building will maintain the character of the neighborhood as it currently does.

5. Minimum variance:

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

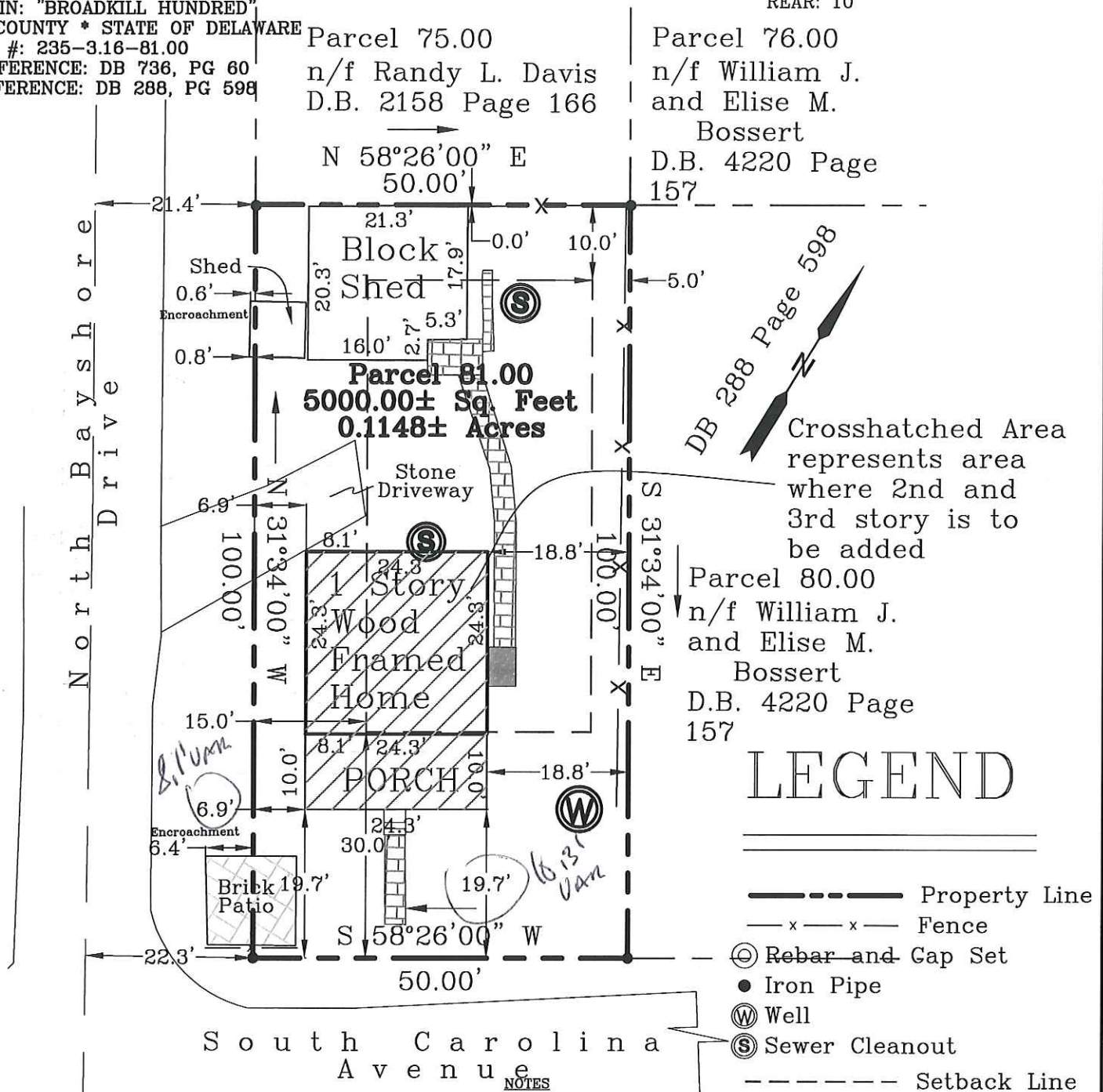
This is the minimum impact and least modification of the setback requirements.

PROPOSED SITE PLAN
LANDS OF "FRANKLIN L. BEERS, JR. AND
PEGGY A. BEERS"

ALSO KNOWN AS: "602 N. BAY SHORE DRIVE, MILTON, DE"

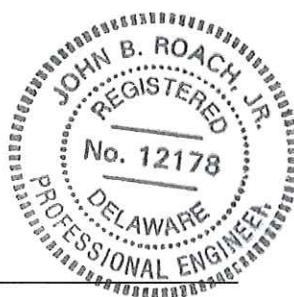
SITUATE IN: "BROADKILL HUNDRED"
SUSSEX COUNTY * STATE OF DELAWARE
TAX MAP #: 235-3.16-81.00
DEED REFERENCE: DB 736, PG 60
PLAT REFERENCE: DB 288, PG 598

ZONING CLASSIFICATION: MR-1
YARD REQUIREMENTS:
FRONT: 30'
SIDE: 15' off Bayshore Drive,
5' on east side
REAR: 10'



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

Revised 8/07/2020



22184 MELSON ROAD
GEORGETOWN, DELAWARE 19947
PHONE NO. 302-858-1585

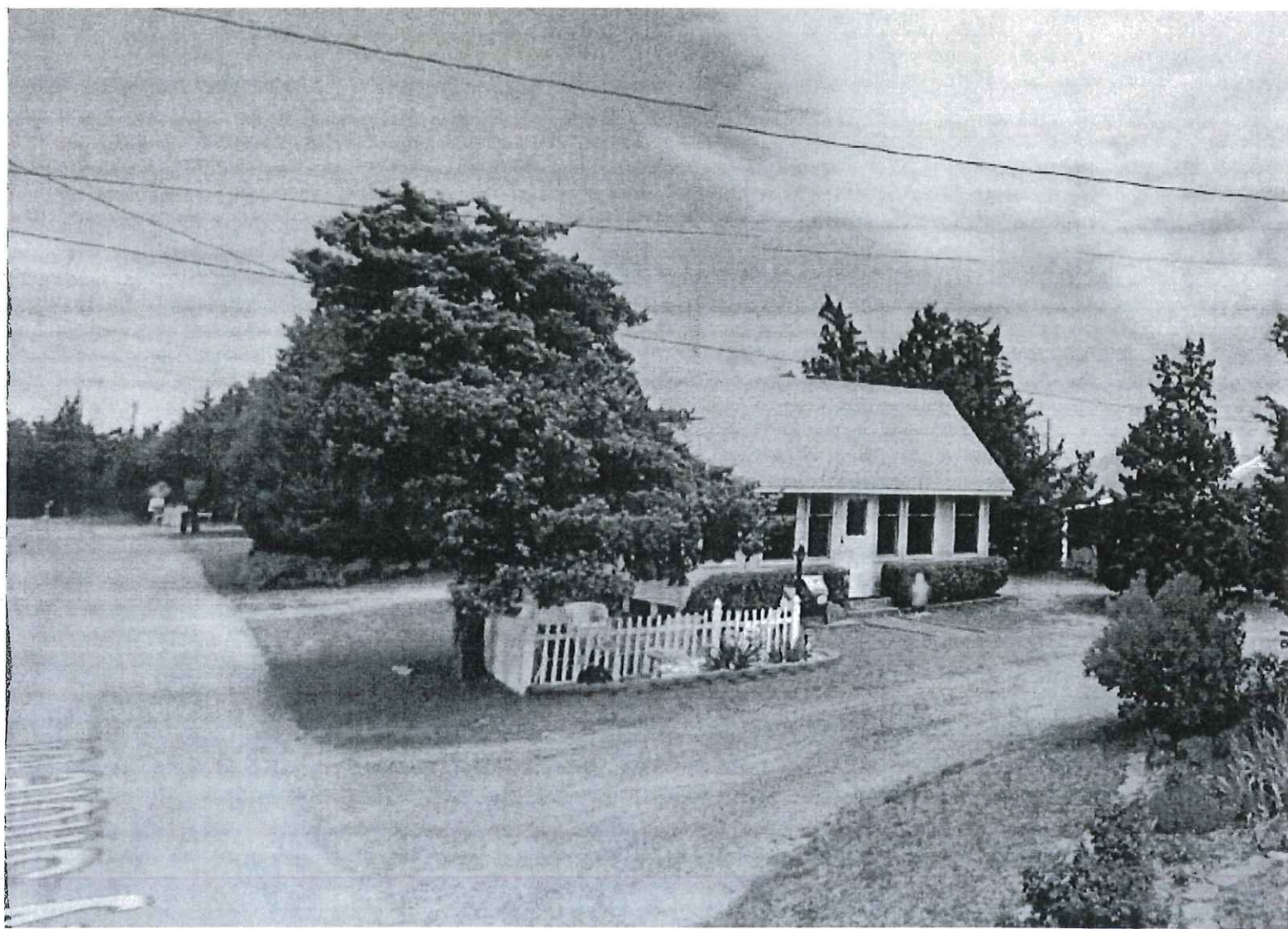
DRAWN BY: JBR

DATE: 06-29-2020

SCALE: 1"=20'

SHEET 1/1

PROFESSIONAL ENGINEER



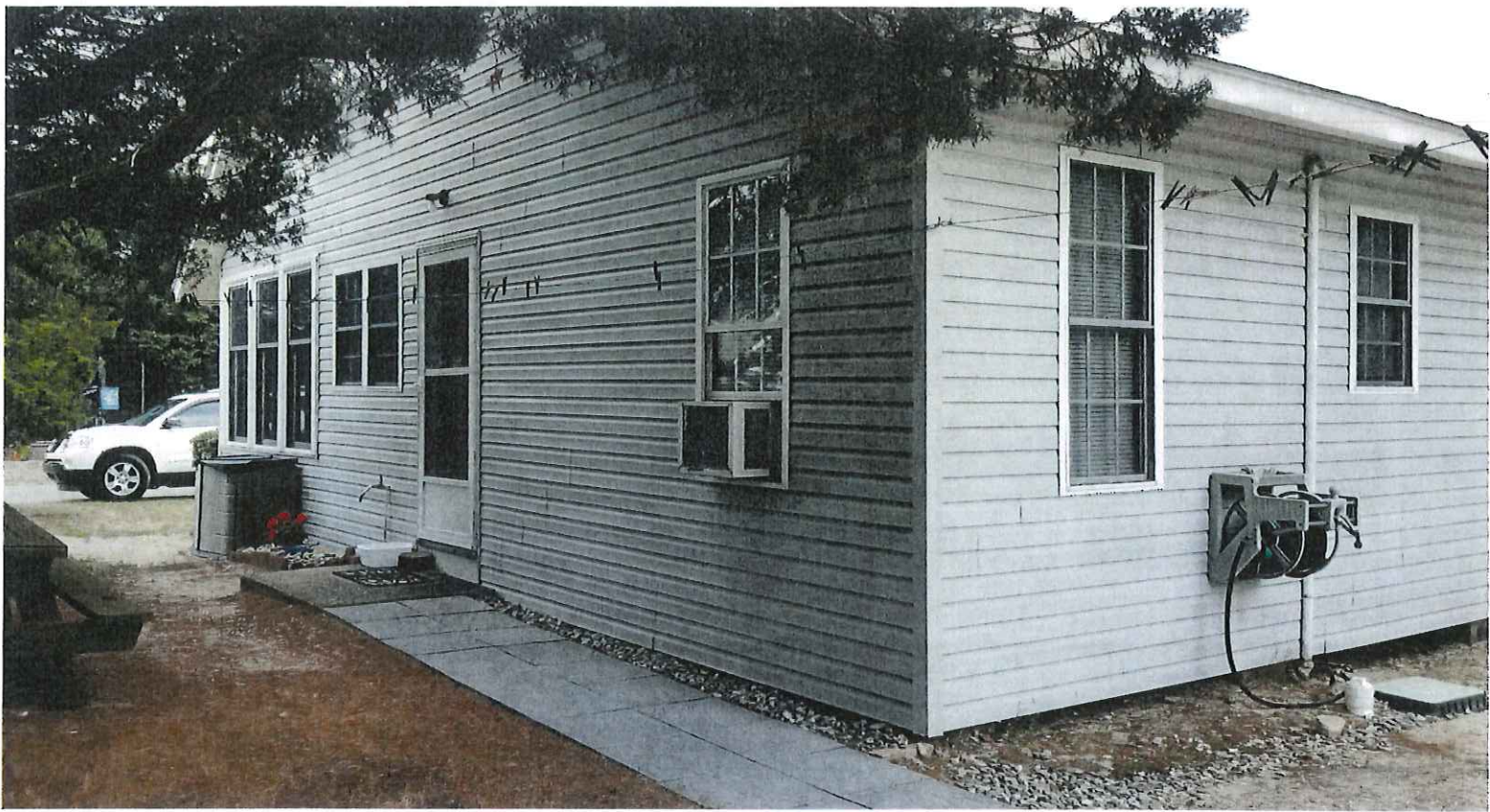




Image capture: Jun 2012 © 2020 Google

Milton, Delaware

 Google

Street View

L. FRANKLIN Jr. & PEGGY A. BEERS


The renovations and additions will be to the existing structure by adding a second and third floor.

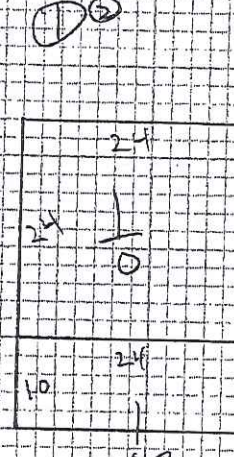
NAME	SIGNATURE	ADDRESS
Rita Smith	<i>Rita Smith</i>	7 S Carolina Ave Milton DE 19968
Mark Kibler	<i>Mark Kibler</i>	6 South Carolina Milton DE 19968
Natalie Burn	<i>Natalie Burn</i>	5 South Carolina Ave.
Jarvis Klotz	<i>Jarvis Klotz</i>	South Carolina Dee
William Bossert	<i>William Bossert</i>	10 S. Carol AVE Milton, DE
Elise M. Bossert	<i>Elise M. Bossert</i>	10 S CAROLINA MILTON DE
CAROL A SWAEVLY	<i>Carol A Swaevly</i>	11 S. CAROLINA AVE MILTON, DE
Warren F	<i>Swaevely</i>	11 S Carolina Milton DE

PROPERTY RECORD CARD

CARD _____ OF _____

DIST. <u>2-35</u>	MAP <u>3.16</u>	PARCEL <u>81</u>	CONTROL NO.		
ADDRESS		OWNERSHIP RECORD			
<div style="border: 1px solid black; padding: 5px;"> <p>LAND IDENTIFICATION</p> <p><u>2-35</u> <u>3.16</u> <u>81</u></p> <p><u>L. FRANKLIN BEERS, JR. & Peggy A.</u></p> <p><u>611 Academy St.</u></p> <p><u>NEWARK, DE. 19711</u></p> <p>TR <u>144711</u></p> <p><u>Lot 11 B1K G</u> <u>Imp</u></p> </div>		DATE OF TRANSFER	GRANTEE	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			
CITY WATER	PAVED	<input checked="" type="checkbox"/>	FRONT	DEPTH		DEPTH	OTHER					
SEWER	SEMI-IMPROVED	<input type="checkbox"/>	<u>50</u>	<u>100</u>	<u>70</u>	<u>10</u>	<u>-</u>	<u>70</u>	<u>3500</u>			
GAS	UNIMPROVED	<input type="checkbox"/>										
ELECTRICITY	OTHER	<input checked="" type="checkbox"/>										
ALL UTILITIES	SIDEWALK	<input type="checkbox"/>										
ASSESSMENT RECORD			SUMMARY OF VALUES		TOTAL LAND		\$ <u>3500</u>		 H. L. YOH COMPANY A DIVISION OF DAY AND ZIMMERMANN, INC. PHILADELPHIA, PA.			
19	LAND \$	19			LAND \$	TOTAL IMPROVEMENTS		\$ <u>9300</u>				
	BLDG. \$				BLDG. \$	TOTAL APPRAISED VALUE		\$ <u>12800</u>				
	TOTAL \$				TOTAL \$							
19	LAND \$	19	LAND \$	NOTES								
	BLDG. \$		BLDG. \$									
	TOTAL \$		TOTAL \$									
19	LAND \$	19	LAND \$									
	BLDG. \$		BLDG. \$									
	TOTAL \$		TOTAL \$									

DIST	MAP	PARCEL	CARD _____ OF _____											
CONTROL NO			TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST	
			L	1	D4	X	576	1	1				11,130	
						X								
						X								
						X								
						X								
			TOTAL GROUND AREA 576							TOTAL BASE COST \$ 11,130				

PRINCIPAL BUILDING DESCRIPTION													M/C	± %	± PTS
MASONRY-1			PIER-2			SLAB-3			FOUNDATION				2	—	—
NONE-0			1/4-1			1/2-2			FULL-4				0	—	—
NONE-0			REC AREA-1			APT-2			% OF BASEMENT SQ FT				0	—	—
NONE-0			PIPELESS GHA-1			ELECTRIC-2			FHA-3 STM-HW-4				0	-6	—
3-FIXT BATH			2-FIXT BATH			SG FIX			TOTAL FIXT				0	—	—
NONE-0			1/2-1			1-2			2 1/2-5 3-6 4-7 5-8				3	—	—
1ST FLOOR			2ND FLOOR			3RD FLOOR			INDICATE QTY				0	—	—
NONE PL (WB) WP			NONE PL WB WP			NONE PL WB WP			WLS-CLG				0	—	—
DIRT CONC HW (SW) HW SW			DIRT CONC HW (SW) HW SW			DIRT CONC HW (SW) HW SW			FLOORS				0	—	—
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			EXT WALLS				2	—	—
HIP-1			GABLE-2			FLAT-3			ROOF TYPE				2	—	—
WD-COMP-SHGL-1			SLATE-2			METAL-3			ROOFING				1	—	—
AREA 240 SQ FT			INDICATE QTY			AREA SQ FT			PORCH-OPEN				1	—	11.5
NONE-0			CENTRAL-1			INDICATE QTY			PORCH-GLZD				0	—	—
NONE-0			1 CAR-1			2 CAR-2			AIR-COND				0	—	—
									ATT GAR/CP				0	—	—
									UTILITY				0	—	—
									OTHER				0	—	—
									OTHER				0	—	—

BASE COST \$ 11,130 ± INDEX % \$ 10,462 ± INDEX PTS \$ 11,612		X GRADE FACTOR		INDEX TOTALS 94% 11.5	
ACTUAL AGE 1945 ± YRS	EFF AGE YRS	PHYS. COND	GOOD	FAIR	POOR
OBSOLESCENCE: FUNC %		OV'RIMP %	UND'RIMP %	OTHER ECON. %	NET COND %
				PER CENT GOOD 90 %	
				REPLACEMENT COST \$ 10,450	
				DEPRECIATED BLDG VALUE \$ 8360	

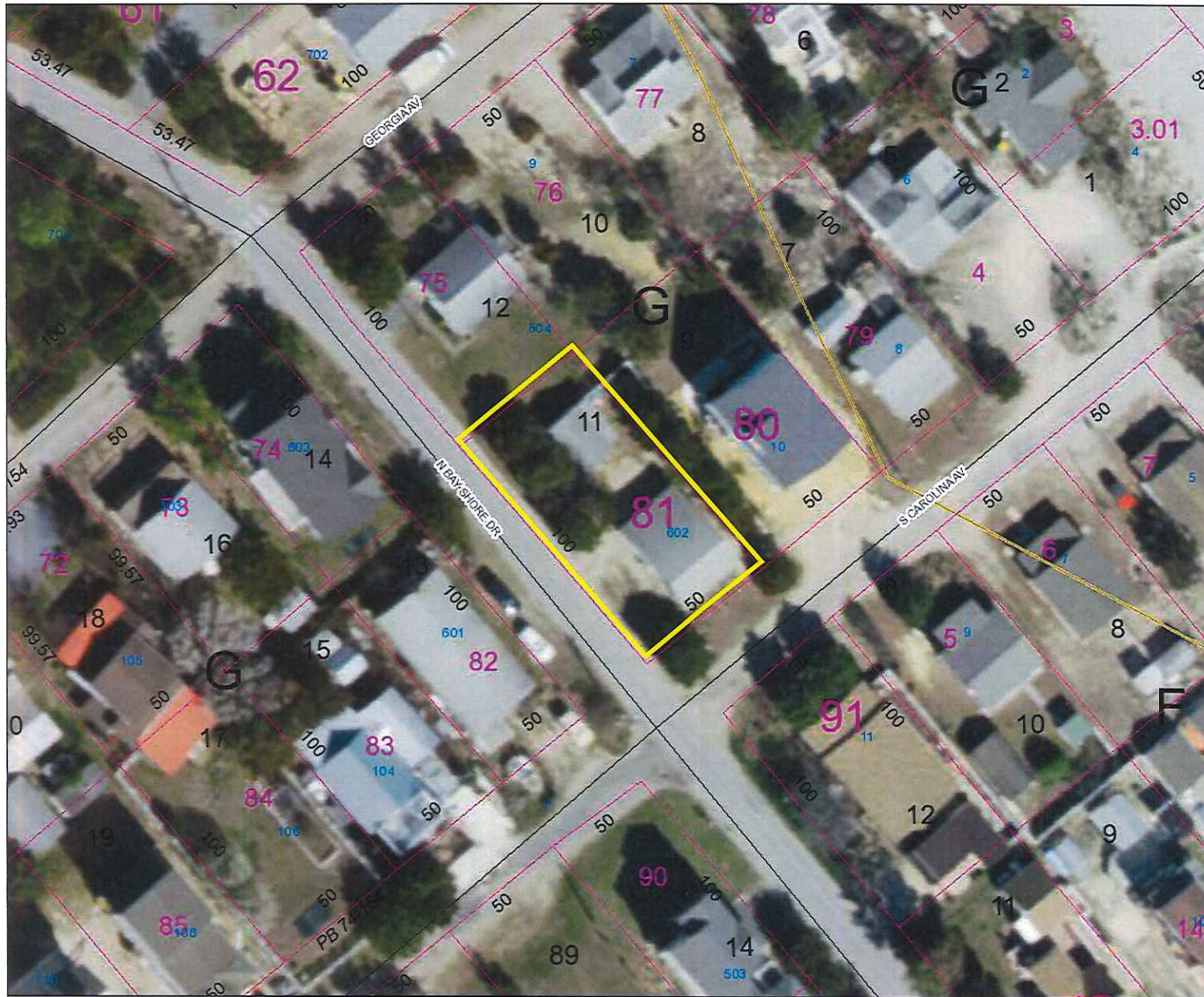
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
F19	Garage	1 CCBK	C	CC	1	20	16	320			3.92	1254		70	880
P-2	GPB	2 CCBK	C	CC	1	17	5	85			1.22	103		70	70

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

INSPECTED BY 11.18.74 WJA		CHECKED BY	APPROVED BY	TOTAL TRAILERS VALUE \$	TOTAL ACCESSORY BLDGS VALUE \$ 950	TOTAL BLDGS VALUE \$ 9310
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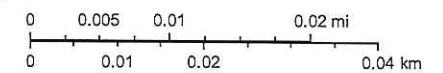
Sussex County



PIN:	235-3.16-81.00
Owner Name	BEERS L FRANKLIN JR
Book	0
Mailing Address	611 ACADEMY ST
City	NEWARK
State	DE
Description	BROADKILN BEACH
Description 2	S. CAROLINA AVE. LOT
Description 3	11 BLK G WITH IMP.
Land Code	

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

1:564



September 14, 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

Case # 12483
Hearing Date 10/19/2020
202010384

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-25

Site Address of Variance/Special Use Exception:

BENSON ROAD, LINCOLN, DELAWARE 19960

Variance/Special Use Exception/Appeal Requested:

① REQUESTING LOT FRONTAGE OF 131.67' ON TAX MAP 230-14.00-64.02

② Requesting lot frontage of 95' on tax map 230-14.00-64.02

Tax Map #: 230-14.00-64.02

Property Zoning: AR-1

Applicant Information

Applicant Name: DASHON JAMES

Applicant Address: 6293 RADIAN CIRCLE

City MILFORD State DE Zip: 19963

Applicant Phone #: 302-377-5411 Applicant e-mail: _____

Owner Information

Owner Name: IVAN P. SHOCKLEY

Owner Address: 2235B PINE HAVEN RD.

City LINCOLN State DE Zip: 19960

Purchase Date: 10/21/2002

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: MILLER-LEWIS, INC.

Agent/Attorney Address: 1560 MIDDLEFORD ROAD

City SEAFORD State DE Zip: 19973

Agent/Attorney Phone #: 302-629-9895 Agent/Attorney e-mail: stevesellers@millerlewisinc.com

Signature of Owner/Agent/Attorney

[Signature]

Date: 2/18/2020



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.

OWNERS OWNS PARCEL 62.00 AND 64.02. PARCEL 64.02 HAS A 20 STRIP AROUND PARCEL 62.00. THE REASON FOR THE VARIANCE IS TO ADD THE 20' STRIP TO PARCEL 62.00 TO INCREASE ITS FRONTAGE TO 95.00' TO HAVE A BUILDABLE LOT ON BOTH PARCELS.

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 ARE TWO PARCELS AT PRESENT. PARCEL 62.00 AND PARCEL 64.02. PARCEL 62.00 IS SMALL AND BY ADDING THE 20' STRIP MAKES A MUCH BETTER LOT.

3. Not created by the applicant:

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

THIS WAS NOT CREATED BY THE CURRENT OWNER.

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.

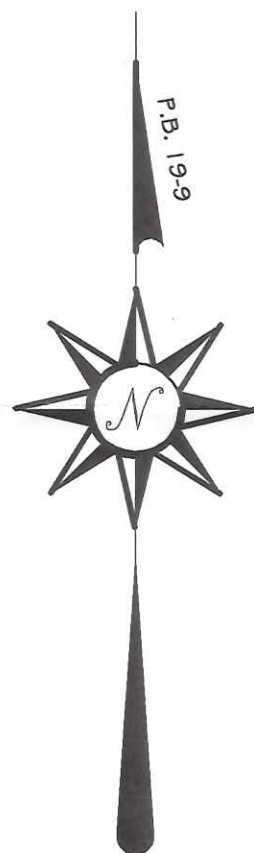
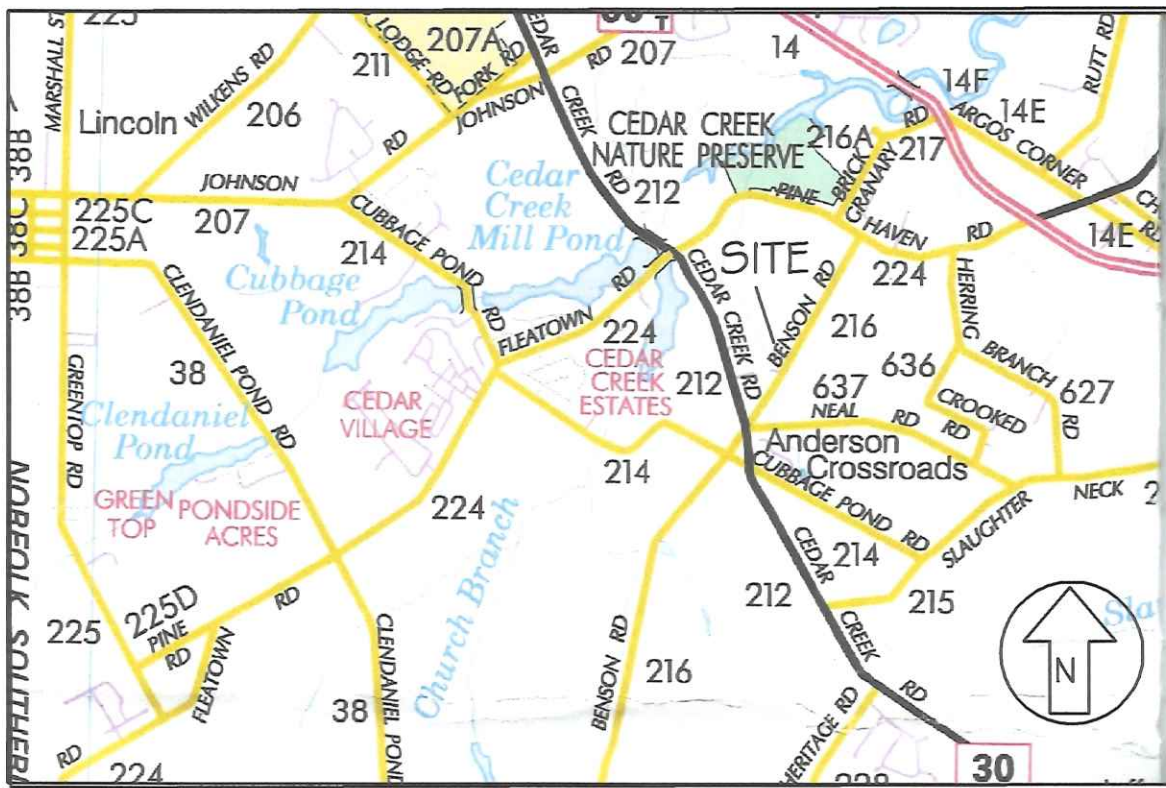
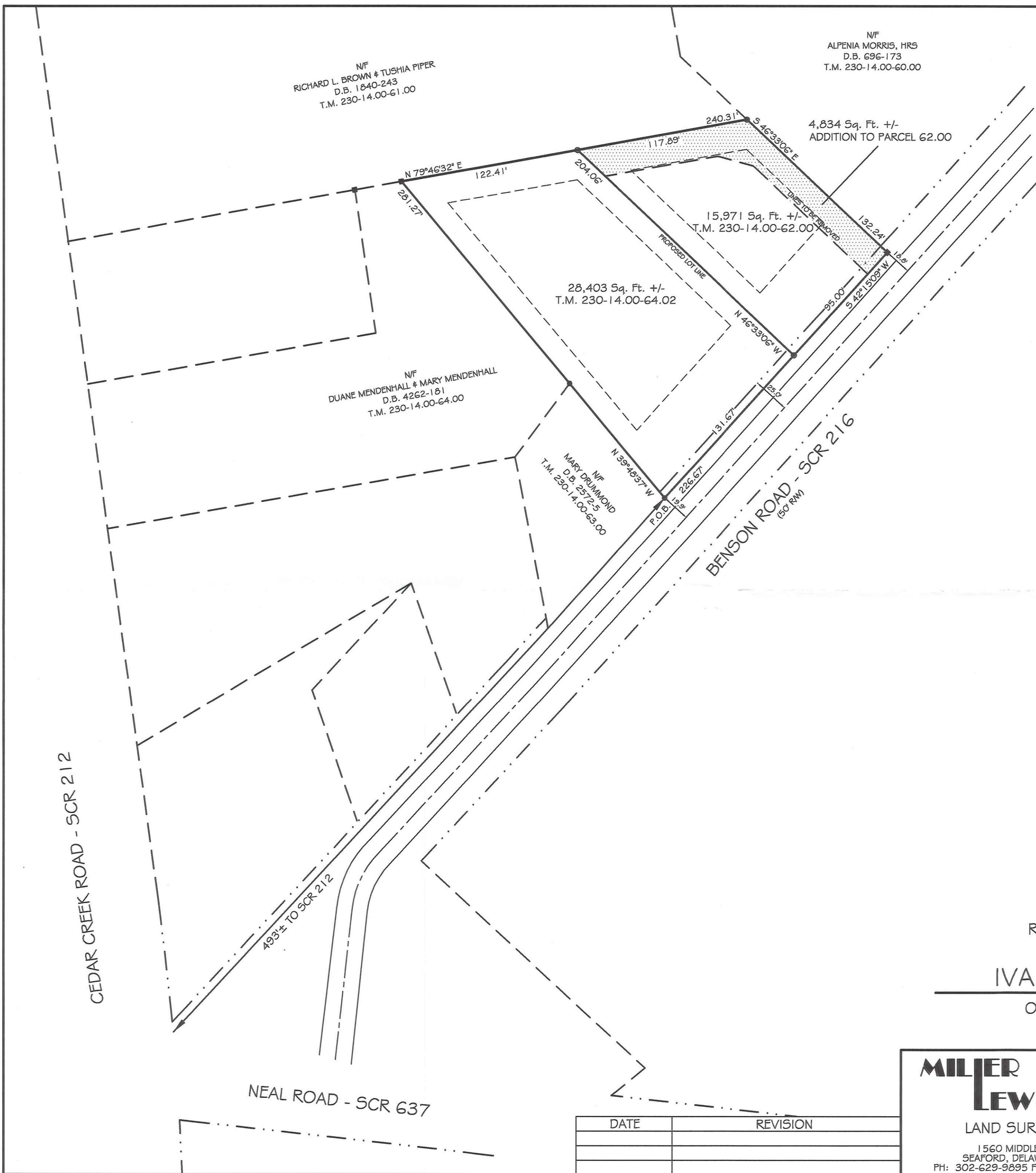
THIS IS IN CHARACTER WITH THE NEIGHBORHOOD. BOTH PARCELS EXIST NOW. THIS WILL ENHANCE THE NEIGHBORHOOD BY ALLOWING BOTH PARCELS TO BE DEVELOPED.

5. Minimum variance:

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

THIS WOULD BE THE MINIMUM VARIANCE REQUIRED.

T. M. #230-14.00-62.00 & 64.02



REQUEST FOR VARIANCE OF FRONTAGE FOR
TAX MAP 230-14.00 PARCEL 64.02

IVAN P. & FRANCINE E. SHOCKLEY

OWNER ADDRESS: 22358 PINE HAVEN ROAD
LINCOLN, DE. 19960

**MILNER
LEWIS, INC.**
LAND SURVEYING
1560 MIDDLEFORD RD.
SEAFORD, DELAWARE 19973
PH: 302-629-9895 FAX: 302-629-2391



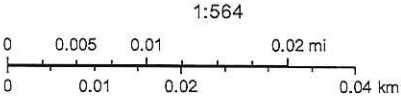
HUNDRED CEDAR CREEK	COUNTY SUSSEX
STATE DELAWARE	DRAWN BY SMS
REF. 2643-87	FILE NO. JAMES 230-14-62

DATE	REVISION



PIN:	230-14.00-64.02
Owner Name	SHOCKLEY IVAN P & FRANCINE E
Book	2643
Mailing Address	22358 PINE HAVEN RD
City	LINCOLN
State	DE
Description	W/RT 216 525'
Description 2	N/RT 30
Description 3	N/A
Land Code	

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



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

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

Case # 12484
Hearing Date 10/19/2020
202010716

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:

37131 Mississippi Drive, Plantation Park, Frankford, DE 19945

Variance/Special Use Exception/Appeal Requested:

9.4' ± 9.9' from reg. 30' front for screen porch

Tax Map #: 1-34-16-248.05

Property Zoning: GR

Applicant Information

Applicant Name: Paul and Deborah Davis
Applicant Address: 28 Oriental Avenue
City Pennsville State NJ Zip: 08070
Applicant Phone #: 856-275-7010 Applicant e-mail: pmd85vette@gmail.com
856-371-3974

Owner Information

Owner Name: Paul and Deborah Davis
Owner Address: 28 Oriental Avenue
City Pennsville State NJ Zip: 08070 Purchase Date: 2014
Owner Phone #: 856-275-7010 Owner e-mail: pmd85vette@gmail.com
856-371-3974

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Paul and Deborah Davis

Date: 9/3/2020



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

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

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

1. Uniqueness of property:

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

See attachment

2. Cannot otherwise be developed:

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

See attachment

3. Not created by the applicant:

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

See attachment

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

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

See attachment

5. Minimum variance:

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

See attachment

Attachment - Criteria for a Variance

1. Uniqueness of property:

The lot is angular in shape--narrow in the front and wider in the back. Due to the narrowness of the lot frontage, the porch was designed so that it did not extend the full width of the house, which we felt was the most visually appealing solution.

2. Cannot otherwise be developed:

Due to the location of the existing home, detached garage, and carport on the property, the only location for a porch is the front of the home.

3. Not created by the applicant:

The builder hired to construct the porch, Federation Builders, secured the building permit based on verbal assurance by us, the property owners, that the location of the porch met the county setback requirements. However, after construction was well underway, we were made aware by Mr. Jeff Whaley, Building Inspector, that our measurements appeared to be incorrect. We then realized that we had used the wrong starting point.

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

We will be listing our New Jersey home for sale in the very near future and will be permanently relocating to Plantation Park. We feel very strongly that the addition of the porch will enhance the look of our retirement home, will be an asset to the Plantation Park community, and will be a welcoming place to visit with our neighbors--many of whom are already our good friends. Letters of support from our five closest neighbors are included with this variance request.

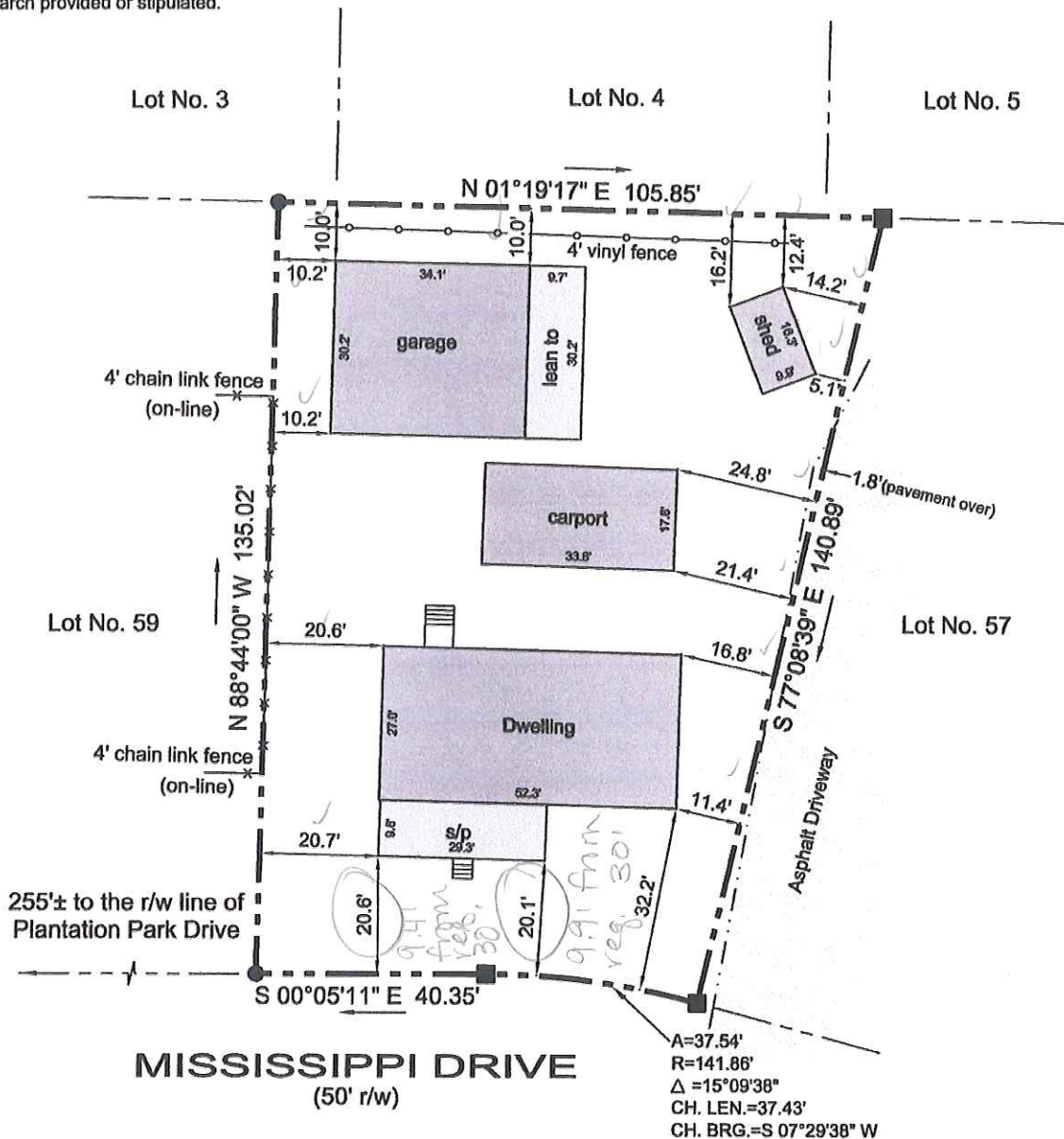
5. Minimum variance:

The porch location as shown on the included survey represents the minimum variance required that would allow its construction.

NOTES:

- This plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property.

- No title search provided or stipulated.



- 3/4" PIPE (FD)
- CONC. MON. (FD)

SCALE: 1"=30'

AREA: 12,410 SQ. FT.

TAX MAP NO. 1-34-16-248.05

Lands of PAUL M. DAVIS and DEBORAH H. DAVIS. Being known as LOT NO 58, BLOCK NO. 3, PLANTATION PARK. Ref: Plat Book 8, Page 176.

FIRM INFORMATION:

100029 - 0513 - K

MARCH 16, 2015

ZONE: "X", Non-Shaded

CLASS "B" SURVEY

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 08-27-2020

DRAWN BY: MICHAEL LOVELAND

SIMPLER SURVEYING & ASSOCIATE, INC.

32486 POWELL FARM ROAD, FRANKFORD, DE 19945

www.delawaresurveyor.com

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



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.



August 24, 2020

To the Sussex County Board of Applications:

We are next door neighbors of Paul and Deborah Davis who reside at 37131 Mississippi Drive, Plantation Park, Frankford, Delaware.

We are aware that a porch on their property will be the subject of an upcoming variance request hearing. I would like the Board of Applications to know that we support their application and have no objection to the porch. In fact, the addition of the porch enhances their home's curb appeal.

Sincerely,

Handwritten signatures of James Porter and Karen Porter in blue ink. The signature of James Porter is on top, and the signature of Karen Porter is below it.

James and Karen Porter

37137 Mississippi Drive

Frankford, DE 19945

8/24/2020
Date

To the Sussex County Board of Applications:

My neighbors, Paul and Deborah Davis, 37131 Mississippi Drive, Plantation Park, Frankford, DE, recently added a front porch to their home.

I completely support their application for a variance and I am looking forward to many enjoyable visits with them on their porch.

Regards,

Paul L. Shoffner Jr.
37125 Mississippi Dr

8/22/2020

Date

To the Sussex County Board of Applications:

I am a neighbor of Paul and Deborah Davis, who own the property located at 37131 Mississippi Drive, Plantation Park, Frankford, DE.

I understand that Mr. and Mrs. Davis have built a front porch on their property which will be the subject of an upcoming variance request hearing. I would like to express my support of their application and state that I have no objection to the addition of the porch to their property.

Sincerely,

Orlando A. Saini
Paul J. Saini

8-30-20

Date

To the Sussex County Board of Applications:

We are neighbors of Paul and Deborah Davis, who are the owners of 37131 Mississippi Drive, Plantation Park, Frankford, DE.

Paul and Debbie have built a front porch on their property which is the subject of an upcoming variance request hearing. We support their application and have no objection to the addition of the porch to their property.

We feel that the addition of the porch enhances the appearance of their property and is an improvement to the Plantation Park community.

Sincerely,

Sandra L. Fox

8-28-2020

Date

To the Sussex County Board of Applications:

I am a neighbor of Paul and Deborah Davis who own the property known as 37131 Mississippi Drive, Plantation Park, Frankford, DE.

This letter is to certify that I have no objection to the front porch that was built on their property and I support their application for a variance.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. M. M. Davis", written over a horizontal line.



Sussex County



PIN:	134-16.00-248.05
Owner Name	DAVIS PAUL M
Book	4117
Mailing Address	28 ORIENTAL AVE
City	PENNSVILLE
State	NJ
Description	PLANTATION PARK
Description 2	LOT 58 BLK 3
Description 3	N/A
Land Code	

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

1:282
0 0.0035 0.007 0.014 mi
0 0.005 0.01 0.02 km

September 14, 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

Case # 12485
Hearing Date 10/19
2020 09473

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

115-25

115-172

Site Address of Variance/Special Use Exception:

19889 Center Avenue Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

7' from right side - where neighbor's shed is located

4.4' from right side - where neighbor's deck is located

Tax Map #: 334-13.00-310.00 - 3042

Property Zoning: _____

Applicant Information

Applicant Name: Kaylie Bush

Applicant Address: 19837 Sea Air Avenue

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (302) 227-8118 Applicant e-mail: kbush@suncommunities.com

Owner Information

Owner Name: Sun Home Services, Inc.

Owner Address: 19989 Center Avenue

City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____

Owner Phone #: (302) 227-8118 Owner e-mail: kbush@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Kaylie Bush

Agent/Attorney Address: 19837 Sea Air Avenue

City Rehoboth Beach State DE Zip: 19971

Agent/Attorney Phone #: (302) 227-8118 Agent/Attorney e-mail: kbush@suncommunities.com

Signature of Owner/Agent/Attorney

Kaylie Bush

Date: 8/7/20



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.

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.

3. Not created by the applicant:

That such 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.

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. 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 property is unique as it is narrow and shaped at an angle. The lot was laid out with others in the community in the 1930s and 1940s. The lots are small in comparison with the size of the modern-sized manufactured homes. I have located the narrowest available home on the market but I am still unable to place on the lot with the required setbacks. The narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood, while being in compliance with the Sussex County Zoning Code.

2. Cannot otherwise be developed:

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

Due to the uniqueness of the property, the property cannot be developed in strict conformity with the Sussex County Zoning Code. I propose to place the minimal width sized manufactured home that is consistent with other homes in the community, but unable to do so without violating the separation distance requirements between manufactured homes. The variances are necessary to enable reasonable use of the property.

3. Not created by the applicant:

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

The exceptional practical difficulty was not created by the Applicant. The property is quite narrow which greatly limits the buildable area thereof. It appears impossible for a home to be placed on the property without violating the separation distance requirements. The exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots.

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

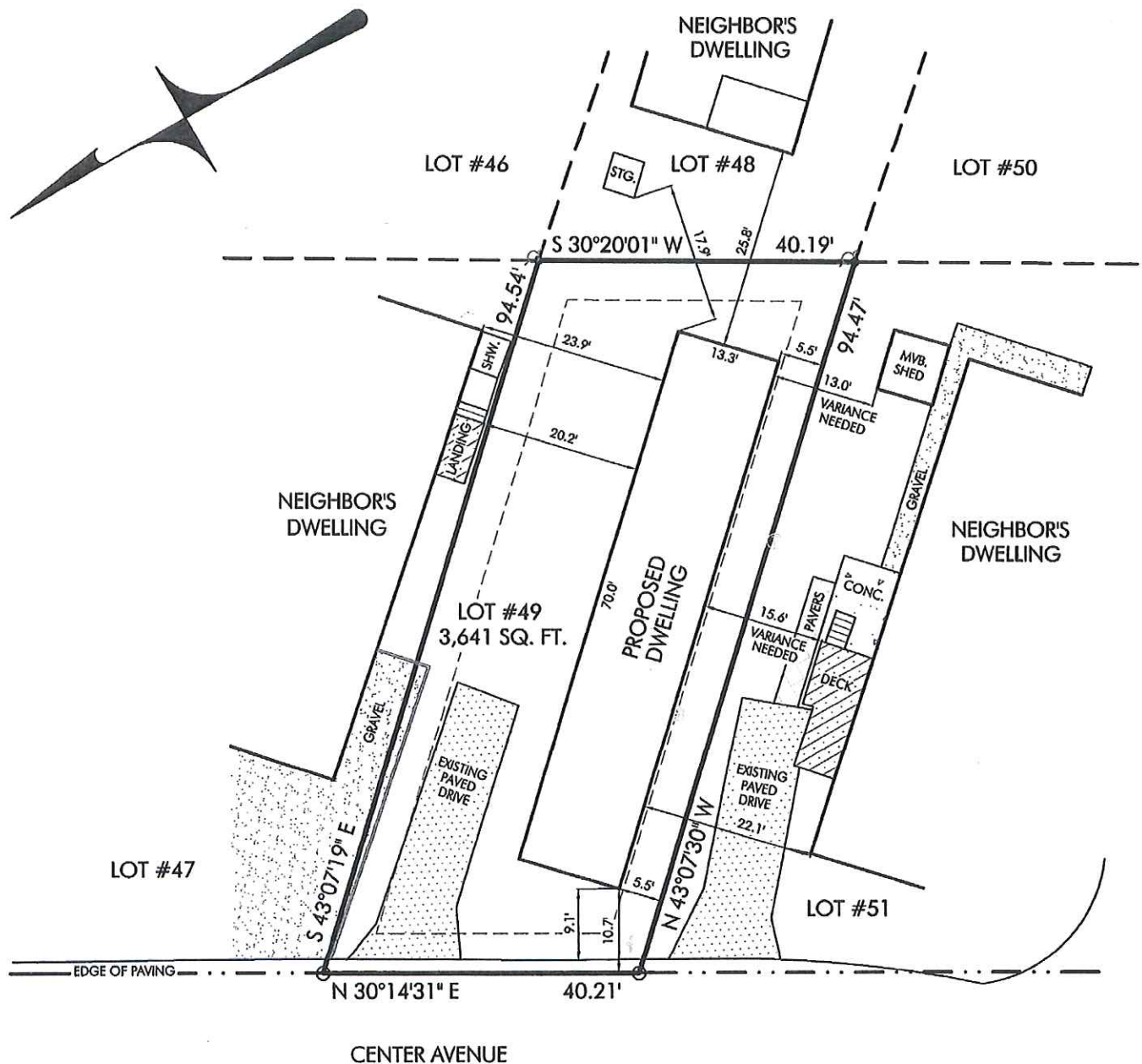
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. I am seeking this variance so that this new home will add value and improve the characteristics of the community.

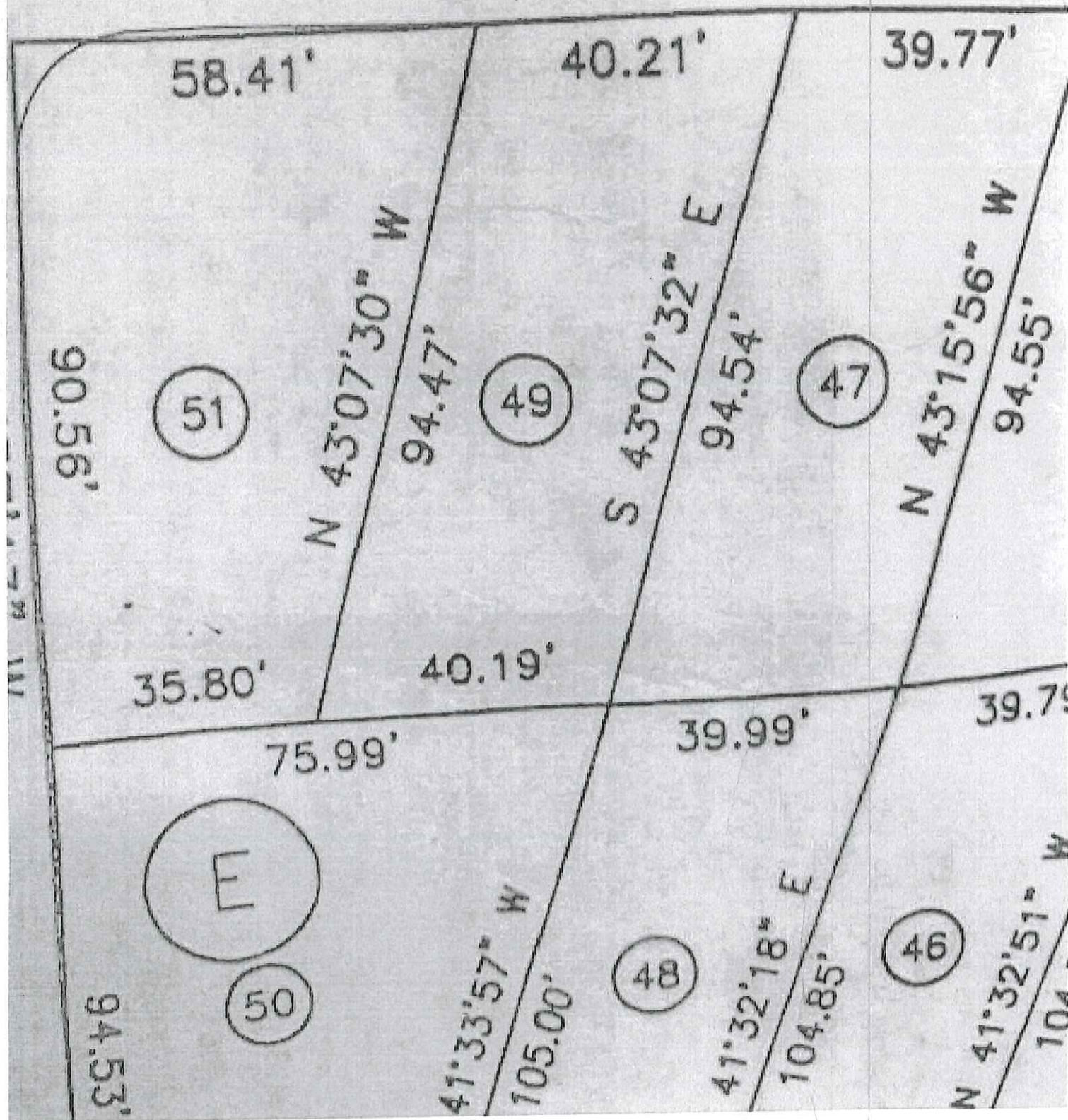
5. Minimum variance:

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.

The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The home is the narrowest models available and minimizes the need for a variance on the property.



N 30°14'31" E →



See Sheet

VIEW

STREET

RECREATION ARE

S 45°31'16" W
20.97'

185.10'

94.53'

(50)

75.99'

35.80'

90.56'

(51)

N 43°07'30" W

94.47'

(49)

S 43°07'32" E

94.54'

(47)

N 43°15'56" W

94.55'

(45)

S 42°54'45" E

94.80'

(43)

58.41'

40.21'

39.77'

40.42'

N 30°14'31" E

N 56°57'13" W

N 41°33'57" W

105.00'

(48)

S 41°32'18" E

104.85'

(46)

N 41°32'51" W

104.68'

(44)

S 41°44'58" E

104.39'

(42)

27.60'

39.99'

S 30°06'52" W

39.86'

40.43'

42.54'



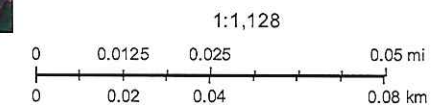


Sussex County



PIN:	334-13.00-310.00
Owner Name	SEA BREEZE LP
Book	0
Mailing Address	27777 FRANKLIN RD
City	SOUTHFIELD
State	MI
Description	GIS TIEBACK
Description 2	DUMMY ACCOUNT
Description 3	N/A
Land Code	

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



September 14, 2020



LEGEND:

- POINT AT BASE OF UTILITY POLE
 POINT

NOTES:
ALL SETBACKS MUST BE VERIFIED BY THE HOME
OWNER, GENERAL CONTRACTOR AND/OR THE
DESIGNER. PLEASE CONTACT SUSSEX COUNTY AND
THE PARK MANAGER.

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

LOT #49 BLOCK D OF "SEA AIR" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
JULY 23, 2020 SCALE: 1" = 20'

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

RECEIVED

SEP 03 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 # 12486
Hearing Date 10-19
202010821

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-42

115-185

Site Address of Variance/Special Use Exception:

36425 PARK Circle Ocean View DE 19970

Variance/Special Use Exception/Appeal Requested:

4.5 ft. VARIANCE

from req. 10' side for proposed addition

Tax Map #: 134-12.00-1299.00

Property Zoning: General Residential

Applicant Information

Applicant Name: Melissa Stoltz

Applicant Address: 11517 ALBRITE CT

City MANASSAS State VA Zip: 20112

Applicant Phone #: 571-238-6642 Applicant e-mail: MELISSA.STOLTZ1 @Gmail, com

Owner Information

Owner Name: Same as Above

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

Melissa Stoltz

Date: 8/20/20



See Attached

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.

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.

3. Not created by the applicant:

That such 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.

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. I bought the modular home in 2004. The lot size is 100x100. At that time, I obtained a septic plot plan which showed the house (28x60) was placed in the middle of the small lot with 20 feet on each side. (see attachment 1). We had asked for the home to be put further to the right in case we wanted to eventually add on, but it wasn't, but we were still fine with it being in the middle as shown on the plat. Imagine our shock when after obtaining the survey in July, that you request, that our house is not in the middle of the lot! (see survey) The current house has 3 small bedrooms (see attachment 2) and we would like to add a fourth bedroom onto the left side. Even though we have another home in Virginia, we are retired and spend over half of the year in Delaware. Our family visits often. My daughter is a teacher and she and her children spend the majority of the summers and holidays at our beach house. We have two grown children, with spouses, and 3-3/4 grandchildren (one is still baking and due in September, with more anticipated). As you can see on the attachment, each bedroom is very small and can only accommodate one bed.
2. Besides of the small size of the lot, and the way the modular rooms were created, there is no way to build the extension, other than on the left side of the property. The only disruption to our house will be that we lose two closets. We have figured a way to replace them once the new room is finished. We have a large deck on the back that was built according to code and inspected by the county, that we do not want to lose. If the room was built onto the back of the home, we would lose our family room, as well as the deck, and potentially the dining room. Building on the right side of the house would mean losing the family room and fireplace. (See attachment 2). We have never had a well so that is not a consideration. Our original holding tank was in the front but was removed when we hooked up to sewer around 2009.
3. The difficulty was not created by us. We didn't realize until we started this request that our home is not directly in the middle of the lot. It wasn't until I looked at the recent plat that I realized the problem. Also, unless you consider having grandchildren a difficulty, that was not created by us either. (haha) Back in 2004 we did not realize the rapid growth of our family.

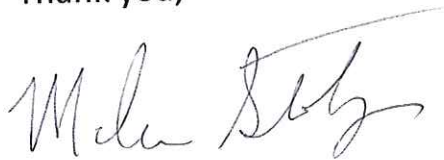
4. The new room will not alter the character of the neighborhood. We have a builder that will duplicate the look of the new room according to the original home, including the same color as the vinyl siding and roof pitch. It will also not impair the development of any adjacent properties, as this is an older neighborhood and the houses are already placed on the lots. We have the neighbor's blessings/approvals that will see this new room from their properties. Please see attached letters. We have included the notarized letters of the neighbor to the left, back and front of the property. They are the only ones impacted by seeing the room. The property to the right in back of our property was just sold and these people have given us verbal approval as well. They don't see the front or side of our house and are located on a different street. The people who own the house to the right of our property only comes to the house a couple times a year, therefore it should not impact them, nor would they see the new room from their property. There is no known further development in our subdivision. The public welfare will not change nor be a detriment.
5. We are asking the minimum variance, 4.5 feet, on the left side, that will help us accommodate our family. The 16' length of the proposed room is well under the zoning requirements so that part isn't a problem, it's just the left side for which we need your approval. We were going to ask for a 12x16 room until we saw the new plat, and were afraid we would be asking too much. We feel a 11x16 room will accomplish our goals. We want to put two 5'x6.5' sets of bunk beds as well as a crib and children's toys. That way the children and their toys would have a bedroom and their parents could have their own bedroom. If our lot had been a foot smaller, the zoning laws only require 5 feet (if the lot is under 10,000 sq. feet) between properties, not 10 feet. Then we would not have needed a variance. Our bad luck!

Please see the attached picture of our property. The tree to the left will be taken down. The proposed room will end before the tree but we wanted it down to allow more space beside the room.

The surveyor told us that he believes our lot could potentially be bigger in the back and to have the county reevaluate it. He said he found it confusing. Our new neighbors in back had their lot surveyed and the stakes show their lot into the 10' wide gap between subdivisions so maybe our lot was originally in the gap a well. Fortunately, it doesn't affect the variance we are asking for, but it would give us more of a backyard.

We would really appreciate your approval for our variance.

Thank you,

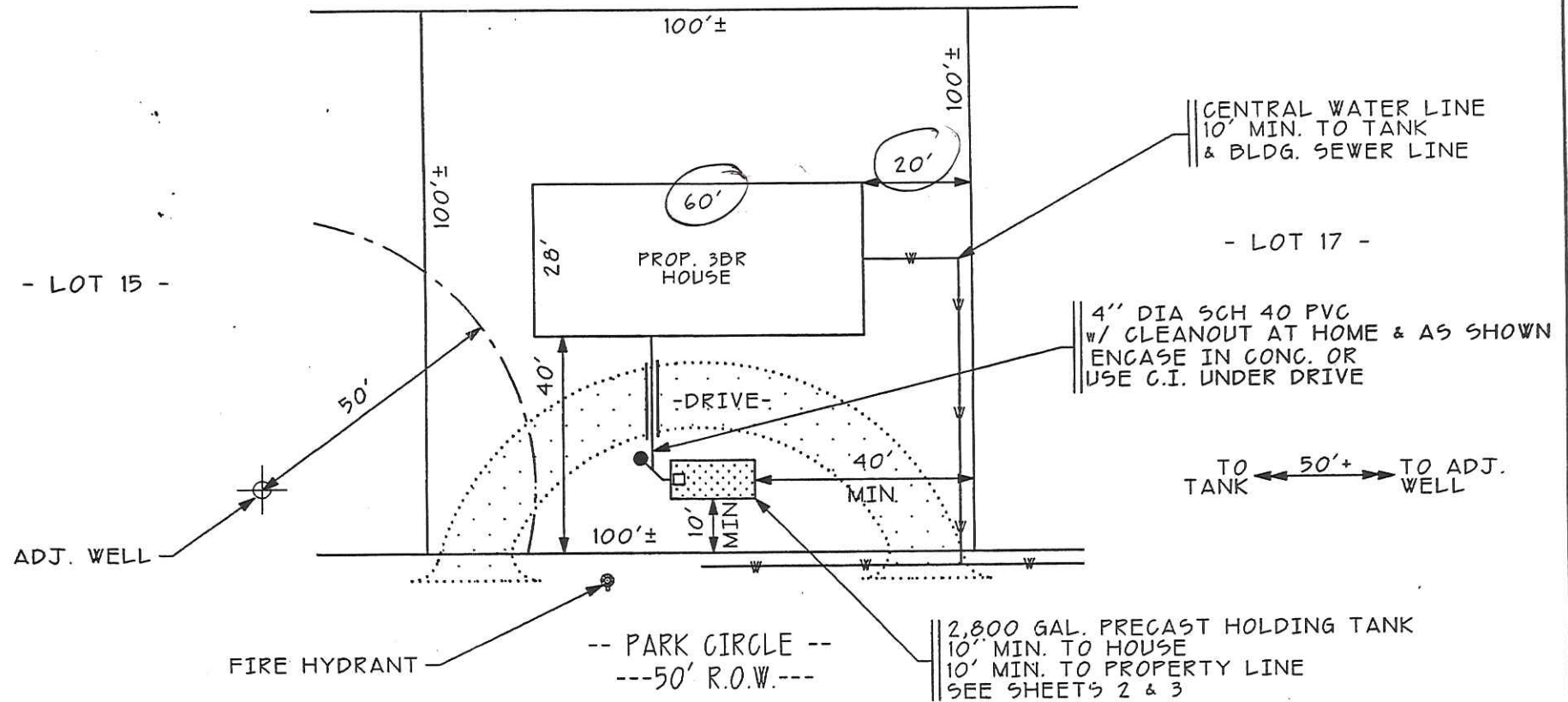
A handwritten signature in cursive script, appearing to read "Melissa Stoltz".

Melissa Stoltz

I noticed that the language in the survey says "more or less" 10,000 sq feet. That could make a difference if it's less. Then as stated before, we would not need a variance.

ATTACHMENT 1

- BOWSERSET S/D -
SERVED BY CENTRAL WATER.
(NO WELL WITHIN 150')



SEPTIC PLOT PLAN

STOLTZ

BYRON H. JEFFERSON, P.E.
P.O. BOX 161
LINCOLN, DE 19960
302-422-9568

DATE: 6-23-04

SCALE: 1"=30'

SHEET 1

► DENOTES REVISED ITEMS

04162-MER

Electric CO. Attachment 2

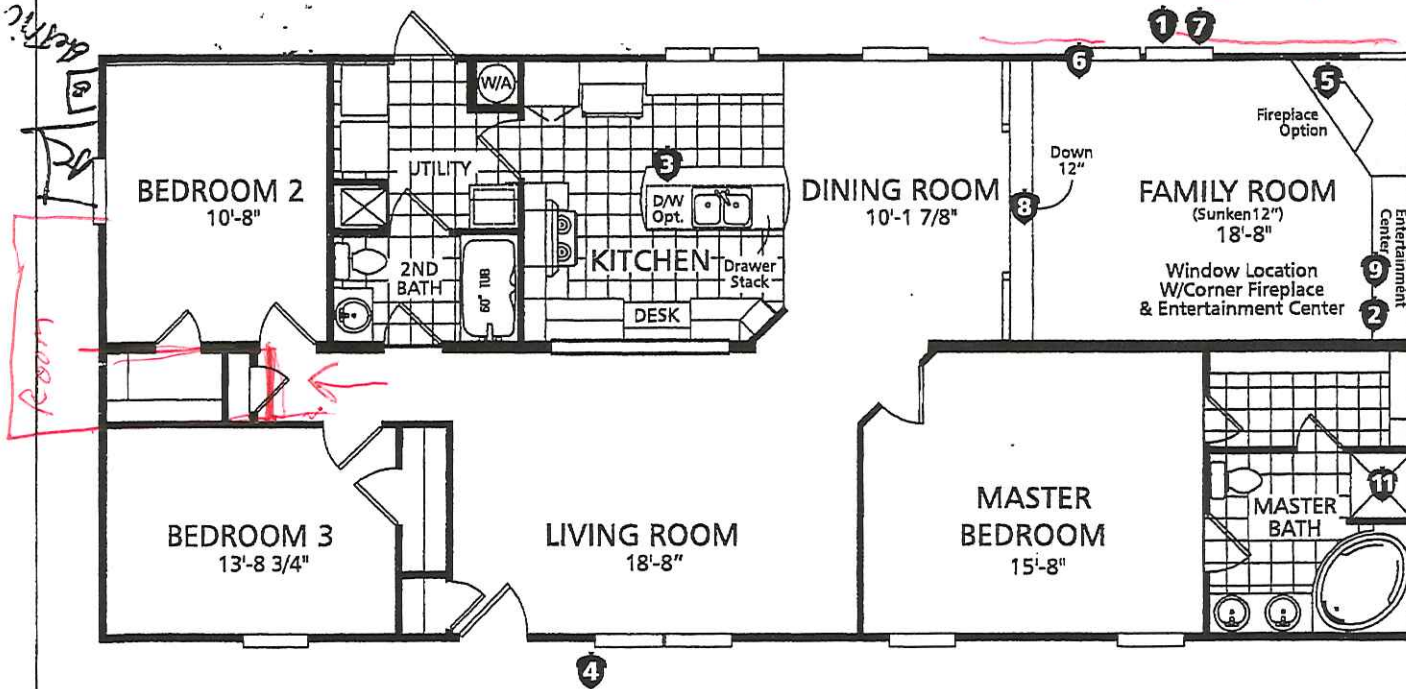


The Cinema Experience
Offering You the Best Seat in the House!

1600 Sq. Ft. 28' x 60'
3 Bedroom, 2 Bath

This home is available as a 32 foot wide.

Back side would lose fireplace family room and part of dining room.



Right side would lose if built here

AC/Electric location
x [Signature]
x [Signature]

Available in:



Floor plan and rendering represent standard features as well as upgrade options and may not reflect final construction specifications.



www.oakwoodhomes.com

I, Jona Gavin, agree to the extension of an 11x16 bedroom to the home of Melissa Stoltz and Melinda Stegman located at 36425 Park Circle Ocean View DE 19970. I live at 36421 Park Circle, lot 15, which is to the left of their property where they want to build. I have no problem with this extension. This extension will not negatively impact the neighborhood.

Jona Gavin Date: 8/13/2020

Jona Gavin

I Harry Warburton agree to the extension of an 11x16 bedroom to the home of Melissa Stoltz and Melinda Stegman, located at 36425 Park Circle, Ocean View, DE 19970. I live at 36096 Blackstone Dr, Ocean View, DE 19970. My house is at the back left of the proposed extension.

Harry Warburton

Date: 8-13-20

Harry Warburton

I Shirley Rogers, agree to the extension of an 11x16 bedroom to the home of Melissa Stoltz and Melinda Stegman located at 36425 Park Circle, Ocean View DE 19970. I live at 36424 Park Circle, DE, which is located directly across the street from their property. This extension will not negatively impact the neighborhood.

Shirley Rogers Date: 8/13/2020

Shirley L. Rogers



Cypress Surveys, LLC

443-614-2031

Registered Land Surveyor
in DE, MD & VA



**PARTICULAR DESCRIPTION
LOT #16, SECTION A, BANKSVILLE PARK
LOCATED ON THE WEST SIDE OF PARK CIRCLE
OCEAN VIEW, DELAWARE
TAX I.D. 134-12.00-1299.00
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE**

July 9, 2020

COMMENCING at a 5/8 inch diameter iron pipe found on the right of way line of a cul-de-sac entitled "Park Circle" at the common corner of Lot 17 and Lot 18 as shown on a Plot Entitled, "Banksville Park", dated, November 1969, and filed for Record at the Office of Recorder of Deeds for Sussex County, Delaware in Plot Book 15, Page 42 thence crossing over the said cul-de-sac with the bearings referenced to the said Plot for the following course and distance;

- 1) **South 32°58'08" West a distance of 111.97 feet** to a 5/8 inch diameter iron pipe found on the western right-of-way line of Park Circle at the point of beginning,

BEGINNING at a 5/8 inch diameter iron pipe found on the western right-of-way line of Park Circle, (50 foot wide private right-of-way) at the division line between Lot 16 and 17 in Section A as depicted on the above mentioned Plot. Said iron pipe found is further described as being labeled "Point of Beginning" on a Plot entitled "Boundary Survey Plan for Lot #16, Section A, Banksville Park", dated July 9, 2020 and prepared by Cypress Surveys, LLC;

THENCE binding on the right-of-way of Park Circle for the following course and distance;

- 1) **South 06°26'00" West a distance of 100.00 feet** to a point at the division line between Lot 16 and 15, said point bears North 33°01'39" East 0.30 feet from a 5/8 inch diameter iron pipe found,

THENCE leaving Park Circle and binding on Lot 15 for the following course and distance;

- 2) **North 83°34'00" West a distance of 100.00 feet** to a 5/8 inch diameter iron pipe found,

Robert E. Rigdon, Jr., Member
12535 Sheppards Crossing Road
Whaleyville, Maryland 21872
Email: rprrigdon@aol.com

THENCE leaving Lot 15 and binding on the western outline of Lot 16 for the following course and distance;

- 3) **North 06°26'00" East a distance of 100.00 feet** to a 5/8 inch diameter iron pipe found at the division line between Lot 16 and Lot 17,

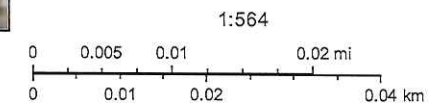
THENCE binding on Lot 17 for the following course and distance:

- 4) **South 83°34'00" East a distance of 100.00 feet** to the point of beginning.

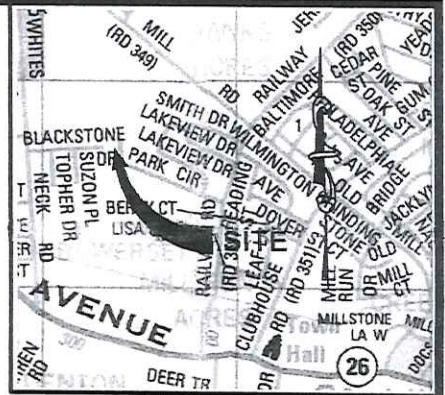
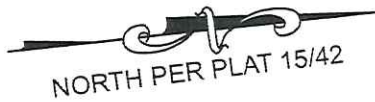
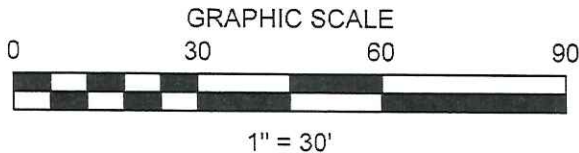
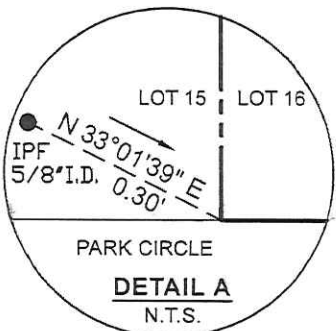
CONTAINING 0.2296 acres or 10,000 square feet of land, more or less as surveyed by Cypress Surveys, LLC on July 9, 2020.

BEING all that lot designated as Lot 16 in Section A as shown on a Plot Entitled, "Banksville Park", dated, November 1969, and filed for Record at the Office of Recorder of Deeds for Sussex County, Delaware in Plot Book 15, Page 42





September 14, 2020



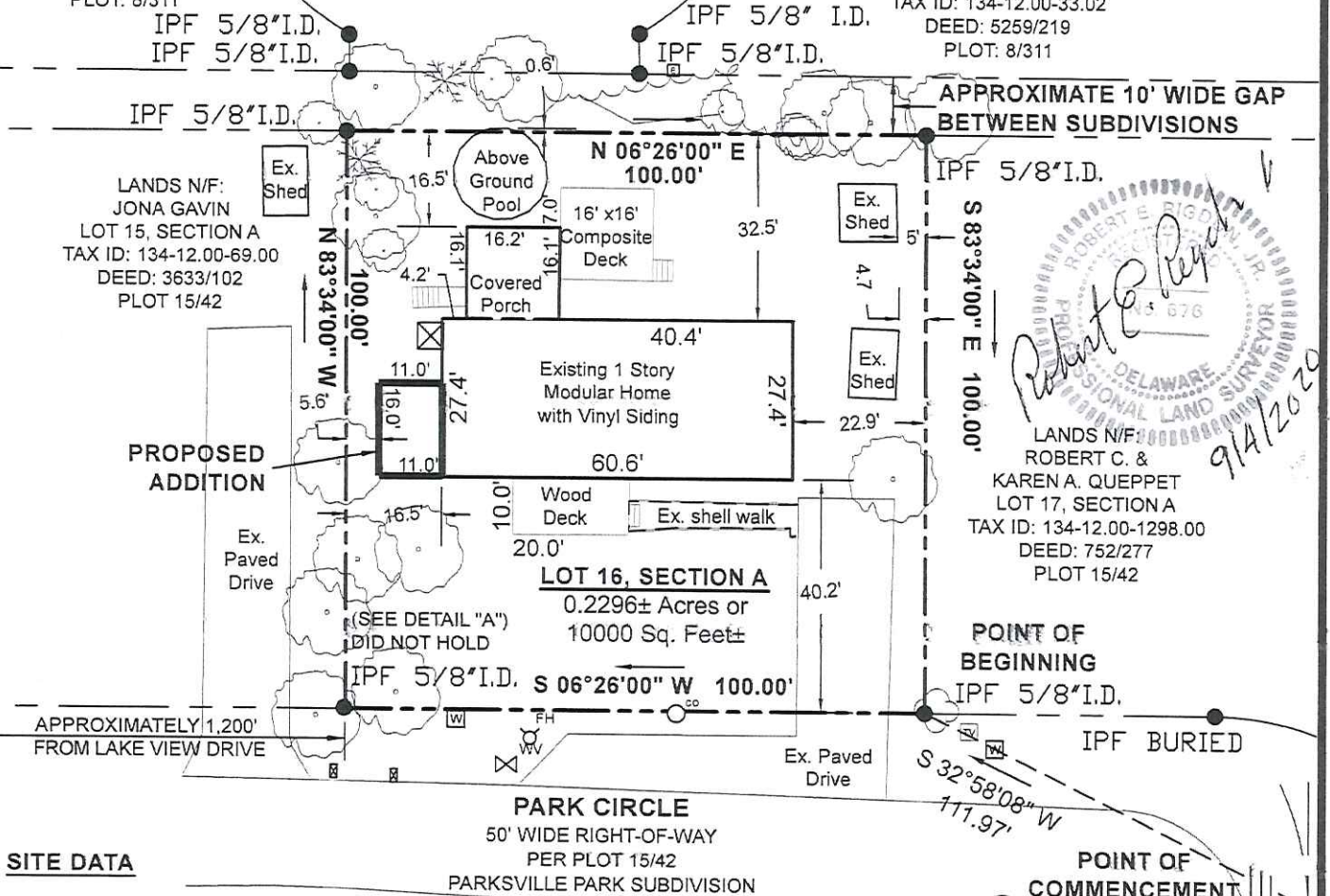
VICINITY MAP
N.T.S.

LANDS N/F
HARRY R.
WARBURTON, SR.
LOT 7, SECTION D
TAX ID: 134-12.00-1996.00
DEED: 1942/247
PLOT: 8/311

BLACKSTONE DRIVE
50' WIDE RIGHT-OF-WAY
PER PLOT 8/311
BOWERSET SUBDIVISION

LANDS N/F
SUSAN HERTZOG
LOT 12, SECTION D
TAX ID: 134-12.00-33.02
DEED: 5259/219
PLOT: 8/311

APPROXIMATE 10' WIDE GAP
BETWEEN SUBDIVISIONS



SITE DATA

OWNERS: MELISSA L. STOLTZ
MELINDA S. STEGMAN

SITE ADDRESS: 36425 PARK CIRCLE
OCEAN VIEW, DELAWARE 19970

TAX MAP I.D.: 134-12.00-1299.00

DEED REFERENCE: 3902/224 & 2992/310

PLAT REFERENCE: 15/42 & 8/410

RESTRICTIONS: 752/280

ZONING: GENERAL RESIDENTIAL
ES-1, ENVIRONMENTALLY SENSITIVE
DEVELOPING DISTRICT

SETBACKS: FRONT: 30'
(40' OPEN FRONT YARD PER DEED 752/280)
SIDE: 10'
REAR: 10'

NOTES: THIS IS A SUBURBAN CLASS BOUNDARY SURVEY.
NO EASEMENTS OR RIGHT-OF-WAYS WERE PROVIDED.

LEGEND

PROPERTY LINE ————
ADJOINING PROPERTY LINE ————
EXISTING WOODS LINE ————
IRON PIPE FOUND IPF ●
EXISTING MAILBOX [Symbol]
EXISTING SANITARY MANHOLE [Symbol]
EXISTING SEWER CLEANOUT [Symbol]
EXISTING CABLE TV BOX [Symbol]
EXISTING FIRE HYDRANT [Symbol]
EXISTING WATER CURB STOP [Symbol]
EXISTING WATER VALVE [Symbol]
EXISTING DECIDUOUS TREE [Symbol]
EXISTING DEAD TREE [Symbol]

BOUNDARY SURVEY PLAN

FOR
LOT# 16, SECTION A
BANKSVILLE PARK

TAX ID: 134-12.00-1299.00
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

Cypress Surveys, LLC

ROBERT E. RIGDON, JR.
REGISTERED LAND SURVEYOR
12535 SHEPPARDS CROSSING ROAD
WHALEYVILLE, MARYLAND 21872
443-614-2031
rprigdon@aol.com



DRAWN BY: PJR
SCALE: 1"=30'
DATE: 7/9/2020
JOB NO.: 2020-14
SHEET No.: 1 OF 1

Case 12486

Melissa Stoltz

Exhibit











Attorneys at Law

WILMINGTON
GEORGETOWN
MIDDLETOWN
NEW YORK

John E. Tracey

P 302.571.6740
F 302.576.3382
JTRACEY@YCST.COM

September 22, 2020

RECEIVED

VIA EMAIL & FIRST CLASS MAIL

SEP 30 2020

SUSSEX COUNTY
PLANNING & ZONING

Mr. Jamie Whitehouse, AICP
Sussex County Department of Planning
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Re: Cellco Partnership d/b/a Verizon Wireless; Case Number 12201 (John W. Davidson, Trustee ("DOV-Hollyville"))

Dear Mr. Whitehouse:

I write on behalf of Cellco Partnership d/b/a Verizon Wireless to request a second one-year extension to the Special Use Permit granted by the Board of Adjustment in Case Number 12201 (dated November 20, 2018). A copy of this decision is attached.

This request is being made as construction has not yet commenced on this site and the approval is approaching expiration. Since the approval of the Special Use Exception, Cellco has been working to secure the final approval of its construction plans for the project while, at the same time, navigating the difficulties presented by the current pandemic. These plans are now scheduled to be considered soon by the Planning Commission, following which the project can be slated for construction within the build plan for Verizon Wireless. As this construction will not take place until calendar year 2021, however, this extension is being requested to avoid the need to return to the Board for a new hearing.

I trust that this letter is sufficient for the matter to be scheduled for consideration by the Board of Adjustment, however, should you need any further information or have any questions, please feel free to contact me at (302) 571-6740.

Sincerely yours,

John E. Tracey, Esq.

Enclosure

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN W. DAVIDSON, TRUSTEE

(Case No. 12201)

A hearing was held after due notice on September 17, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to place a telecommunications tower.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to place a telecommunications tower on the property. This application pertains to certain real properties located on the southwest side of Harbeson Road, approximately 436 feet and 670 feet north of Hollyville Road (911 Address: 22602 Harbeson Road, Harbeson) said properties being identified as Sussex County Tax Map Parcel Number 2-34-10.00-70.06 and 2-34-10.00-70.07.

1. The Board was given copies of the Application, a portion of the tax map of the area, an aerial photograph of the Property, reports dated September 7, 2018, from John Bosco, a report dated April 25, 2018, from Andrew Petersohn, and a site plan of the Property dated August 4, 2018.
2. The Board found that the Office of Planning and Zoning received one (1) letter in support and no correspondence in opposition to the Application.
3. The Board found that Andrew Petersohn and John Davidson were sworn in to testify about the Application. John Tracey, Esquire, presented the case on behalf of the Applicant.
4. The Board found that Mr. Tracey stated that the Property is located on the corner of Hollyville Road and Harbeson Road and is commercially zoned. The Property is used for a masonry & house moving business. The tower will be located on the south corner of the Property outside the area used for that business.
5. The Board found that Mr. Tracey stated that the tower will measure 151 feet tall and that there are no variances requested as the tower will comply with all aspects of the Sussex County Zoning Code, including all lighting and setback requirements.
6. The Board found that Mr. Tracey stated that the nearest tower is 1.96 miles away and will not satisfy the Applicant's gap in coverage. The proposed tower will address a gap in coverage along Route 5.
7. The Board found that Mr. Tracey stated that the tower will meet all FCC regulations pertaining to radio frequency and, at its maximum output, would only be 1.8% of the maximum allowable limit.
8. The Board found that Mr. Tracey stated that the tower emits no sounds or smells.
9. The Board found that Mr. Tracey stated that traffic associated with the tower will result in approximately one (1) maintenance trip per month after the tower is constructed.
10. The Board found that Mr. Tracey stated that the tower will not substantially affect adversely the uses of neighboring and adjacent properties.
11. The Board found that Mr. Davidson affirmed the statements made by Mr. Tracey as true and correct.
12. The Board found that Mr. Petersohn testified that the tower will improve service in the area for Verizon subscribers where Verizon suffers from capacity issues. The tower will also be available for collocation for other providers.

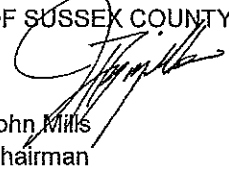
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the telecommunication tower 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 commercial parcel consisting of approximately 1.25 acres. The tower will be located near an existing masonry and house-moving business.
 - b. No objections from any neighbors about the proposed tower have been noted in the record.
 - c. The Applicant demonstrated that the proposed tower will not emit any noise or smell and that the radio frequency emissions will be well below the maximum emissions permitted under federal regulations.
 - d. The proposed tower will fill a gap in coverage in the Applicant's cell phone service and should enhance the service in the areas around the tower which would benefit neighboring and adjacent properties.
 - e. No evidence was presented which would demonstrate that the tower would have a substantial adverse effect on neighboring and adjacent properties.
15. The Applicant also demonstrated that it met the requirements under Sussex County Code Section § 115-194.2 for a telecommunications tower. The Applicant submitted appropriate documentation demonstrating compliance with § 115-194.2.
 - a. The Applicant submitted documentation showing that existing structures within a two (2) mile radius of the Property were unavailable for collocation.
 - b. The Applicant substantiated a need for the tower on the Property. Testimony presented by the Applicant demonstrated that the proposed tower will help fill a gap and coverage which has arisen.
 - c. The Applicant demonstrated that the proposed tower will be designed to accommodate at least two (2) additional PCS / cellular platforms.
 - d. The proposed tower will be set back from adjoining property lines by a minimum of one-third (1/3) the height of the tower.
 - e. Pad sites, ground equipment structures, and guy wires shall be surrounded by a minimum six (6) feet tall fence as shown on the documentation submitted by the Applicant.
 - f. The Applicant demonstrated that the tower shall have warning lights which will meet all applicable requirements of the Federal Communications Commission and the Federal Aviation Administration

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, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

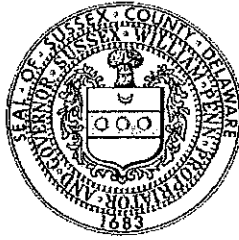

John Mills
Chairman

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

Date November 20, 2018

BOARD OF ADJUSTMENT

JOHN M. MILLS, CHAIRMAN
DALE A. CALLAWAY
ELLEN MAGEE
BRUCE MEARS
E. BRENT WORKMAN



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878 T
(302) 845-5079 F

November 20, 2018

John E. Tracey, Esquire
1000 N. King Street
Wilmington, DE 19801

Dear Mr. Tracey:

Attached please find the formal written decision on Case No. 12201, the application of John W. Davidson, Trustee as filed by the Board of Adjustment on September 17, 2018. Please remember that although the decision is now final, an appeal is possible up to thirty days following the date of filing.

Any work done prior to the expiration of the appeal period or during an appeal, is at risk. Nevertheless, if you wish, you may now begin the process of obtaining permits, if any are needed. Obtaining those permits may require payment of fees. Please call the Permit Department at 302-855-7720 prior to applying for any permits, in order to make certain that you have all necessary documentation. It is important that you inform the counter clerk of the above-referenced case number when you apply for a permit.

If the Board has ruled against you, you must comply with the Board's decision within thirty days of the date of filing. In order to avoid enforcement action, you should notify the office once you are in compliance.

Should you have any questions about your legal rights, you are advised to contact an attorney, as this office cannot provide legal advice.

Sincerely,

Ann Lepore
Recording Secretary



COUNTY ADMINISTRATIVE OFFICES
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Sussex County
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BOARD OF ADJUSTMENT

PUBLIC HEARING DATES 2021

January 4, 2021
January 25, 2021
February 1, 2021
February 15, 2021
March 1, 2021
March 15, 2021
April 12, 2021
April 19, 2021
May 3, 2021
May 17, 2021
June 7, 2021
June 21, 2021
July 12, 2021
July 19, 2021
August 2, 2021
August 16, 2021
September 13, 2021
September 20, 2021
October 4, 2021
October 18, 2021
November 1, 2021
November 15, 2021
December 13, 2021
December 20, 2021



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