

## BOARD OF ADJUSTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

(302) 855-7878

## AGENDA

November 15, 2021

6:00 P.M.

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

### Call to Order

### Pledge of Allegiance

### Approval of Agenda

### Approval of Minutes for September 20, 2021

### Approval of Finding of Facts for September 20, 2021

### Old Business

### Public Hearings

**Case No. 12627 – Jack & Jeanine Zaccara** seek a variance from the rear yard setback requirement for a proposed structure (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Falmouth Way within Coastal Club Condominiums. 911 Address: 31339 Falmouth Way, Lewes. Zoning District: MR-RPC. Tax Parcel: 334-11.00-394.00

**Case No. 12628 – Brian & Sarah Reilly** seek variances from the front yard and side yard setback requirements for a proposed dwelling (Sections 115-34, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located at the south east side of Louisiana Avenue approximately 365 feet southwest of North Bay Shore Drive. 911 Address: 107 Louisiana Drive, Milton. Zoning District: MR. Tax Map: 235-3.16-12.00

**Case No. 12629 – John Porter** seeks variances from the front yard and side yard setback requirements for existing structures (Sections 115-25, 115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property is a through lot located on the east side of Sharptown Road and the west site of Hastings Drive. 911 Address: 9248 Sharptown Road, Laurel. Zoning District: AR-1. Tax Parcel: 432-8.14-7.00



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

**Case No. 12630 – Louis C. & Barbara C. Pugliese** seeks variances from the front yard setback requirement for proposed structures (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the northeast side of Bayfront Drive within the Quillens Point Subdivision. 911 Address: N/A Zoning District: MR. Tax Parcel: 134-5.00-330.00

**Additional Business**

\*\*\*\*\*

**-MEETING DETAILS-**

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 8, 2021 at 12:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1 302 394 5036**

**Conference Code: 570176**

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

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

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, November 11, 2021

####



Board of Adjustment Application  
Sussex County, Delaware

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

Case # 12627  
Hearing Date 11/15  
202114232

Type of Application: (please check all applicable)

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
15-34 115-183

Site Address of Variance/Special Use Exception:

31339 Falmouth Way Lewes, Delaware 19958

Variance/Special Use Exception/Appeal Requested:

8' var from 20' rear yard rear proposed addition

Tax Map #: 334-11-394

Property Zoning: MR-RPC

Applicant Information

Applicant Name: Jack and Jeanine Zaccara  
Applicant Address: 31339 Falmouth Way  
City Lewes State DE Zip: 19958  
Applicant Phone #: 9143843272 Applicant e-mail: jnzaccara31@gmail.com

Owner Information

Owner Name: Jack and Jeanine Zaccara  
Owner Address: 31339 Falmouth Way  
City Lewes State DE Zip: 19958 Purchase Date: 7/21/2016  
Owner Phone #: 9143843272 Owner e-mail: jnzaccara@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Jeanine M. Zaccara

Date: 9/27/2021





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

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

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

1. Uniqueness of property:

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

*We are a townhome community where several homeowners have built 3 season rooms on the rear of their homes. It provides shelter from sun and protection from insects while enjoying the outdoors. Mosquitos are a huge problem due to poor drainage in the swail.*

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.

*We must and will follow the homeowners code and keep the size of the room in accordance with the rules and plans laid out in our homeowner contract.*

3. Not created by the applicant:

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

*We agreed to these constructs and will continue to honor all codes. We have immensely enjoyed our neighbors 3 seasons rooms and would like to enjoy our own.*

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

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

*We chose a contractor and a plan identical to our next door neighbor's 3 season room. We would like to include a table, 4 chairs and love seat for comfort.*

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.

*My husband has had skin cancer and Parkinson's Disease. We note that his anxiety lessens with exposure to nature. The 3 season room would greatly benefit his health. It is a minimum distance to make it a usable porch.*  
*Thank you.*





resubmitted as requested with the required changes. Please expedite. Thank you so much.

COASTAL CLUB  
ARCHITECTURAL APPLICATION  
C/O SeaScape Property Management  
17563 Nassau Commons Blvd  
Lewes, DE 19958  
302-645-2222 \* 302-645-1292 FAX

Please include your application fee of \$50.00. Make checks payable to:  
**COASTAL CLUB HOMEOWNERS ASSOCIATION, INC.**

Applicant: Jack and Jeanine Zaccara

Address: 31339 Falmouth Way

Home phone: 914 621 6252 Work phone: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

**Directions:**

In order to be considered by the Architectural Committee your application must include detailed information describing the proposed change (typically, plans and specifications including sketches, photos, catalog illustrations, etc. showing the nature, kind, shape, color, dimensions, and materials; and a copy of the survey with the location marked). Make sure your application is complete. An application submitted without all required submissions will be considered incomplete. In such case, the Architectural Committee's review period will not commence until all required submissions have been provided. Other exhibits may be requested to permit adequate evaluation of the proposed change. If you have any questions regarding the required submissions or the application process, you are advised to seek guidance from SeaScape Property Management prior to submission of an application.

**Description of Proposed Change:**

Describe all proposed improvements, alterations, or changes to your lot or home. Please provide required details by attaching sketches, drawings, clippings, pictures, catalog illustrations, and a copy of your house location survey (recorded plat) with the location of the modification marked, etc. to fully describe the proposed change.

Addition of sunroom

Purpose of Improvement: addition of comfort and living space

ESTIMATED START DATE OF CONSTRUCTION: Oct 2021  
(After approval by the ARC)

ESTIMATED COMPLETION DATE: January 2022



**Neighbors' Acknowledgments:**

You are requested to obtain the signatures of all lot owners whose lots are adjacent to your lot. Signature by your neighbors indicates an awareness of your proposed change and *does not* constitute approval or disapproval on their part.

Name: Steven Krasnow  
Address: 31335 Falmouth Way  
Lot: \_\_\_\_\_  
Signature: [Signature]

Name: William E. Bach  
Address: 31347 FALMOUTH WAY  
Lot: \_\_\_\_\_  
Signature: [Signature]

**Owner's Acknowledgments:**

(please initial below)

I/we understand and agree:

1. [Initials] that approval by the Committee shall in no way be construed as to pass judgment on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of the proposed change being reviewed.
2. [Initials] that approval by the Committee shall in no way be construed as to pass judgment on whether the proposed change being reviewed is in compliance with the applicable building and zoning codes of the county in which the property is located.
3. [Initials] that approval of any particular plans and specifications or design shall not be construed as a waiver of the right of the Committee to disapprove such plans and specifications, or any elements or features thereof, in the event such are subsequently submitted for use in any other instance.
4. [Initials] that no work on the proposed change shall begin until written approval of the Committee has been received by me; that, if work is begun prior to approval, I may be required to return the property to its former condition at my own expense if this application is disapproved wholly or in part; and I may be required to pay all legal expenses incurred.
5. [Initials] that there shall be no deviations from the plans, specifications, and location approved by the Committee without prior written consent of the Committee; any variation from the original application must be resubmitted for approval.
6. [Initials] that I authorize members of the Committee or managing agent to enter upon my Property to make one or more routine inspection(s).
7. [Initials] that construction or alterations in accordance with the approved plans and specifications must commence within 6 months of the approved date of this application and completed within 12 months of the approved date, otherwise the approval by the Committee shall be deemed conclusively to have lapsed and to have been withdrawn.
8. [Initials] that it is my responsibility and obligation to obtain all required building permits, to contact *Miss Utility*, and to construct the improvements in a workmanlike manner in conformance with all applicable building and zoning codes.
9. [Initials] that I am responsible for any damage and all cost to repair greenspace or community property that results from the proposed modification.



**Required Attachment:** Descriptive information (typically plans and specifications, including sketches, photos, catalog illustrations, etc. showing the nature, kind, shape, color, dimensions, materials, and a copy of the survey with the location marked).

Owner(s) Signature: Jack J. Zaccaro

Seamus M. Zaccaro

Date: 6/24/2021

**Home Owner – Do not complete area below this line.**

DATE APPLICATION RECEIVED: \_\_\_\_\_

APPLICATION FEE RECEIVED: \_\_\_\_\_ CHECK# \_\_\_\_\_

COMMITTEE USE: APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

NEED MORE INFORMATION: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ TITLE: \_\_\_\_\_

COUNCIL: APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

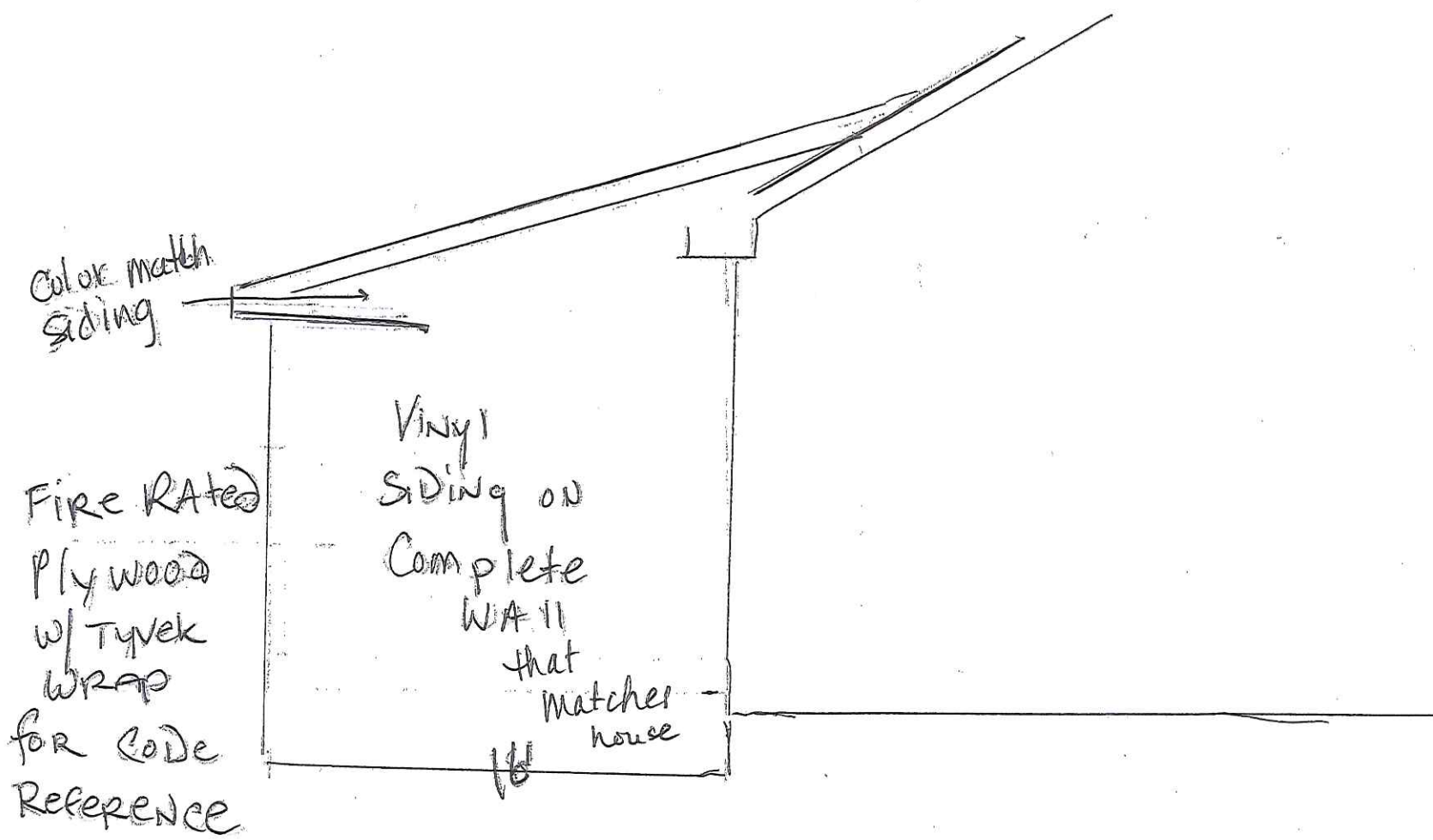
REASON: \_\_\_\_\_

MORE INFO REQUIRED: \_\_\_\_\_

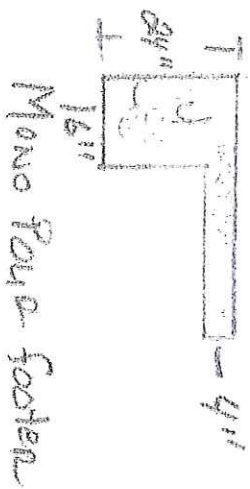
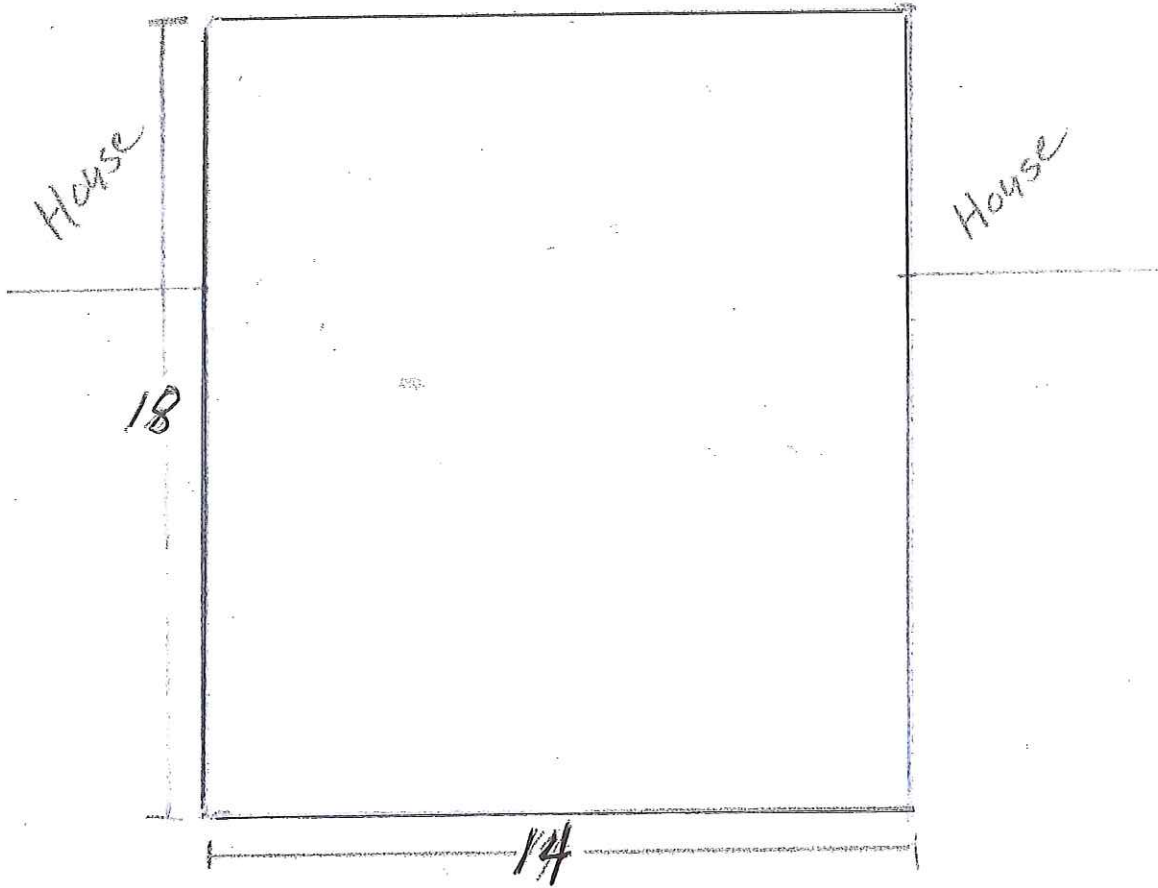
SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

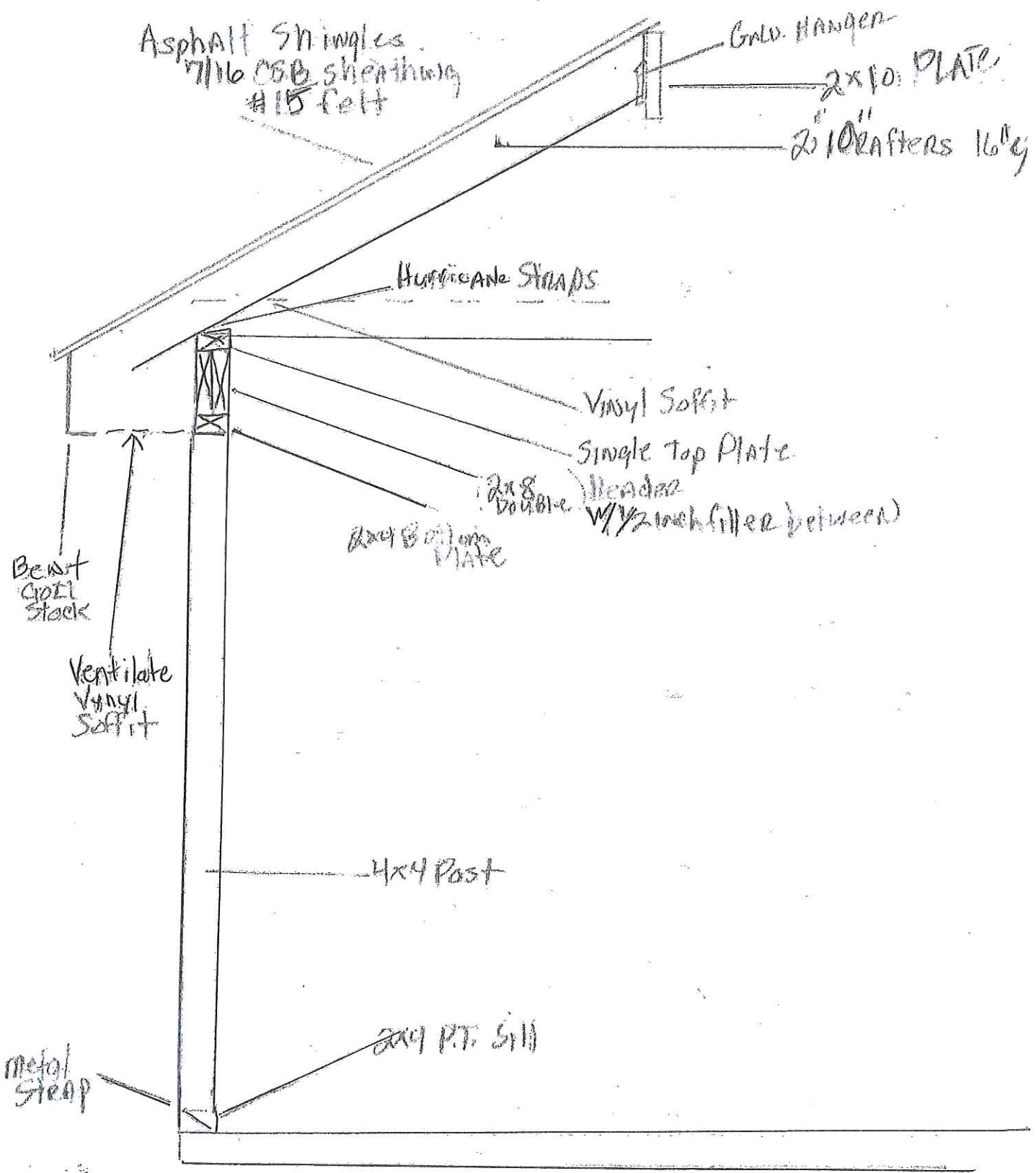
DATE: \_\_\_\_\_

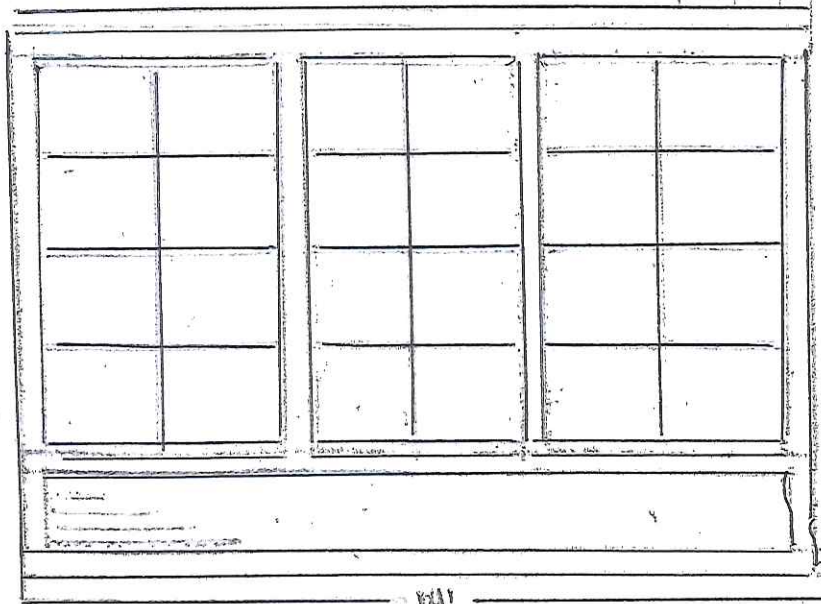


home



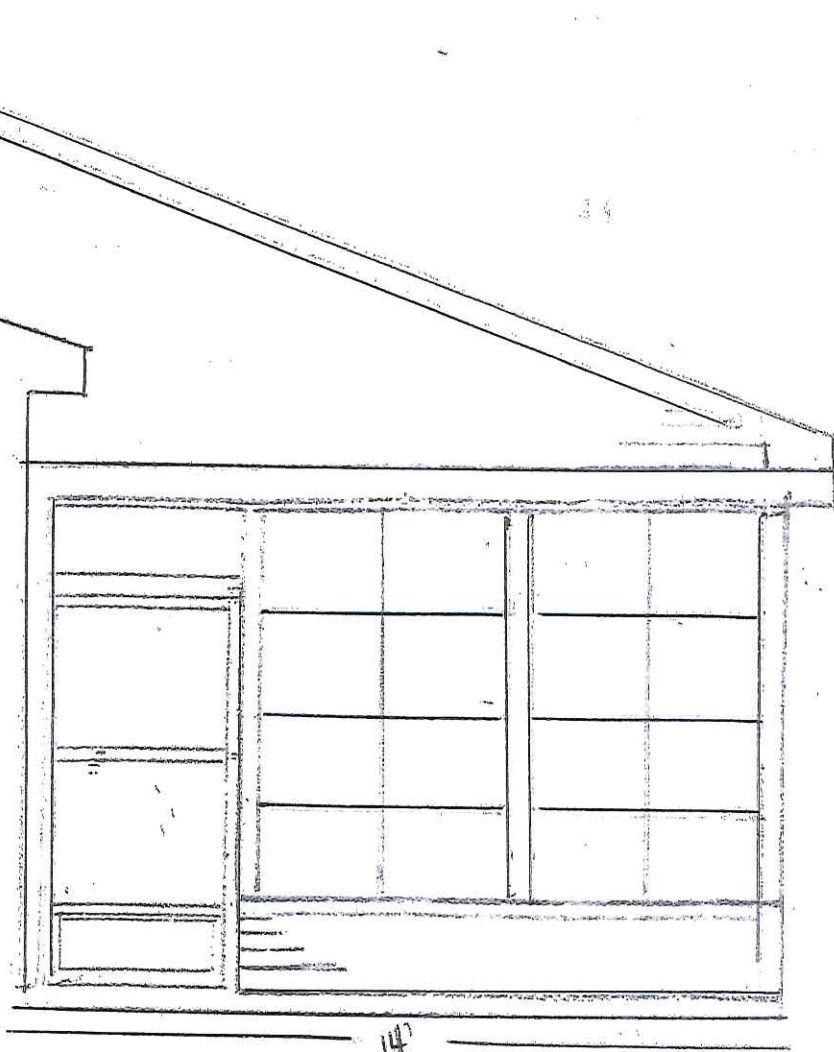






14'

House

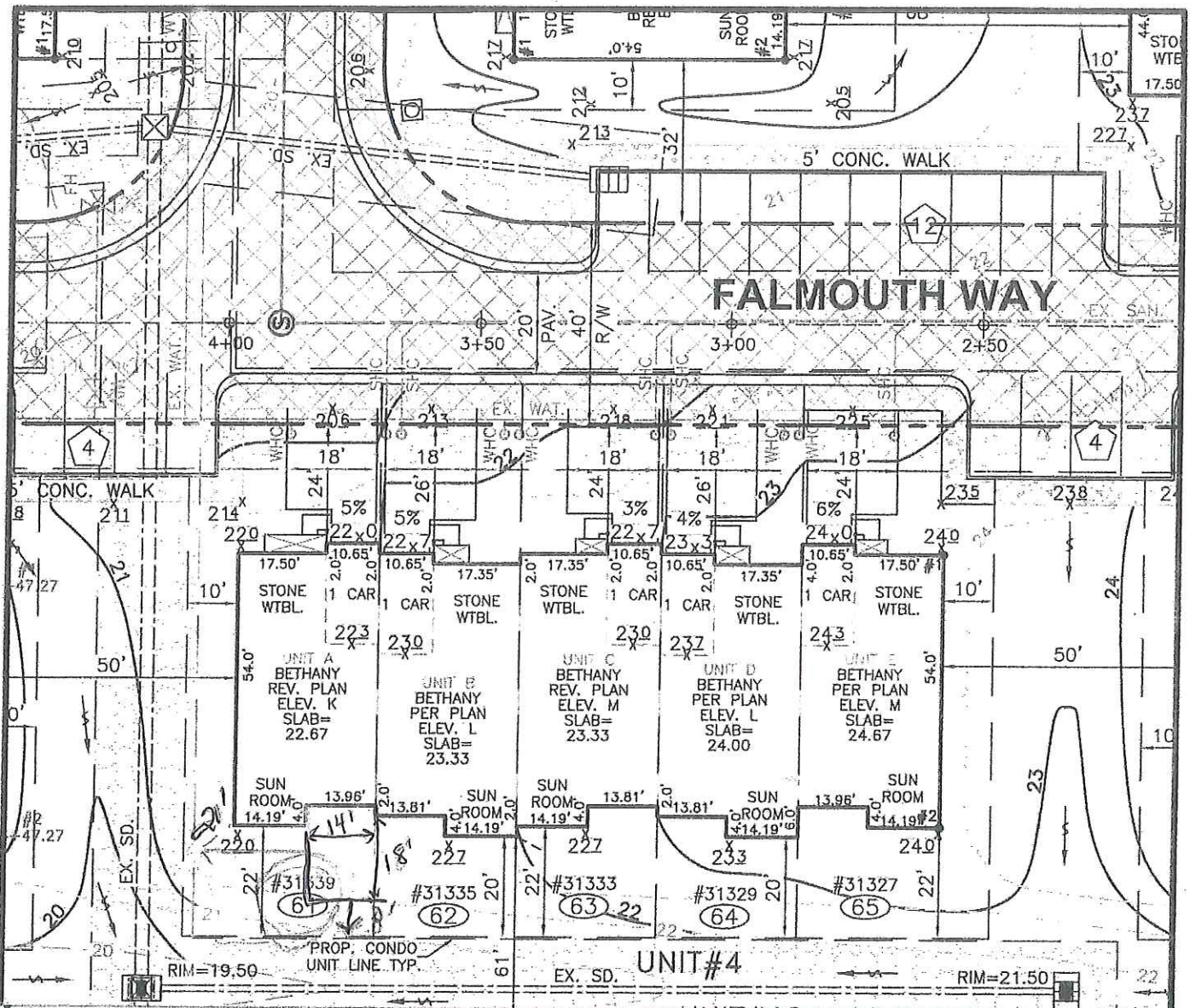


LEFT

14'

side





**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
 3445-A BOX HILL CORPORATE CENTER DRIVE  
 ABINGDON, MD 21009  
 (410) 515-9000  
 FAX: (410) 515-9002  
 www.mragta.com

**SITE AND GRADING PLAN**  
 FOR  
**COASTAL CLUB**  
 UNIT #4  
 RYAN HOMES UNITS 61-65  
 #31327-#31339 FALMOUTH WAY  
 LEWES-REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

SCALE: 1"=30'	DATE: MARCH 2, 2016	DRAWN BY: M.E.	DESIGN BY: M.E.	REVIEW BY: D.A.	JOB NO.: 18892
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P S/O 3-9-2016 (PKB)

Case 12627

Dear Ann

Please find the photos of our neighbors porches. The last set is of the porch next door to us which is what we are contracted for.

Case #202114232



Applicant  
Exhibit

RECEIVED

NOV 01 2021

SUSSEX COUNTY  
PLANNING & ZONING

























## Ann Lepore

---

**From:** Jason Ippolito <jeaninemzaccara@icloud.com>  
**Sent:** Monday, November 1, 2021 11:21 AM  
**To:** Ann Lepore  
**Subject:** Zaccara

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.

This is the one we contracted for.







Sent from my iPhone

To: The Sussex County, Delaware Board of Planning and Zoning

We the undersigned, are neighbors of Jack and Jeanine Zaccara, who live at 31339 Falmouth Way, in Lewes, DE. We are writing in support of their application for a zoning varlance at said address, in order to add a sunroom to the back of their townhouse.

The sunroom plans have been approved by the Coastal Club HOA and they are in keeping, in size and design, with the essential character of our neighborhood, where a number of sunrooms have been added by other residents.

Date	Name	Address	Contact Phone
1. 9-28-21	Pauline Watowicz	31333 Falmouth Way	623 696-9761
2. 9-28-21	Diane H. Deed	31347 Falmouth Way	30-938-8546
3. 9/28/21	Laura Brennan	31407 Falmouth Way	484-354-6047
4. 11/1/21	Mardene Evans	31329 Falmouth Way	717-903-7684

Thank you for your consideration on matter.



To: The Sussex County, Delaware Board of Planning and Zoning

We the undersigned, are neighbors of Jack and Jeanine Zaccara, who live at 31339 Falmouth Way, in Lewes, DE. We are writing in support of their application for a zoning variance at said address, in order to add a sunroom to the back of their townhouse.

The sunroom plans have been approved by the Coastal Club HOA and they are in keeping, in size and design, with the essential character of our neighborhood, where a number of sunrooms have been added by other residents.

Date	Name	Address	Contact Phone
1. 9.28.21	Routine Walowicz	31333 Falmouth Way	623 696-9761
2. 9.28.21	Diane H. Led	31347 Falmouth Way	30-938-8546
3. 9/28/21	Laura Brennan	31407 Falmouth Way	484-354-6047
4. 11/1/21	Marlene Evans	31329 Falmouth Way	717-903-9684
5. 11/5/21	Tom Dickey	31312 Falmouth Way	410-440-0818
6. 11/5/21	Joseph L.	31351 Falmouth Way	876631412
Thank you for your consideration on matter.			
7.	Barry & Martha	33301 Hillad Lane	814-932-7812
8.	Pam Angino	33313 Guisod Ln	302-545-8870
9.	Barbara Brush	31398 Falmouth Way	609-275-7078
10.	ANTON VANZEEVENBERGEN,	31398 FALMOUTH WAY	609-408-9979
11.	Gail Deymal	31427 Falmouth	845-781-3563



**The Neurology Center of South Delaware, P.A.**

24488 Sussex Highway, Suite 6  
Seaford, DE 19973  
Phone (302)628.7730  
Fax (302)628.7791

21635 Biden Ave, Suite 203  
Georgetown, DE 19947  
Phone (302)858.4524  
Fax (302)858.4766

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Bruce Dopler, M.D.  
Board Certified Neurologist  
Board Certified Vascular Neurologist

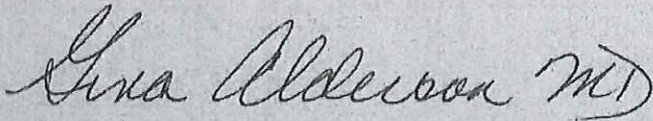
Gina Alderson, M.D.  
Board Certified Neurologist

09-29-2021

To whom it may concern:

Mr. Jack Zaccara is followed in my office for Parkinson's disease and associated anxiety. Some of the symptoms do much better when he can be out in the sun/outdoors. Obviously this is not always possible secondary to weather and excessive sun exposure given his history of cancer. A great option for him to help deal with some of his symptoms would be a sun porch.

Thank you,



Electronically signed by: Electronically signed by Gina Alderson, M.D. 09-29-2021 11:59 a.m.

**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 # 12628  
Hearing Date 11/15  
20215247

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

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-34 115-182  
115-183

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

107 Louisiana Avenue Milton, DE 19968

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

Front yard variance & Side yard variance

Tax Map #: 235-3.16-12.00

Property Zoning: MR

**Applicant Information**

Applicant Name: Brian and Sarah Reilly

Applicant Address: 2849 S. Bay Shore Drive

City Milton State DE Zip: 19968

Applicant Phone #: 7175861884 Applicant e-mail: sreilly1254@gmail.com

**Owner Information**

Owner Name: Jason Harshbarger

Owner Address: 542 Harvest Lane

City Mechanicsburg State PA Zip: 17055 Purchase Date: 2016

Owner Phone #: 7175032175 Owner e-mail: jason@hcoaccounting.com

**Agent/Attorney Information**

Agent/Attorney Name: \_\_\_\_\_

Agent/Attorney Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**

Jason M. Harshbarger

Date: 9.16.2021





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

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

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

**1. Uniqueness of property:**

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

The property we wish to purchase is unique in which there are Federal wetlands encroaching on the rear of the property. The current septic system was placed toward the middle of the property for this reason. We wish to have a variance in which we could build a home in front of the septic system.

**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.

We understand that a previously approved variance request existed, but has subsequently expired. The septic system is in the middle of the property, it cannot be moved so therefore the home must be built in front of the system.

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

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

We would like to purchase this property, but a septic system was placed on the property by a former owner. It was placed there based on a septic plot plan done by Mr. Byron H. Jefferson, PE on June 29, 2006. The provided plot plan shows Federal wetlands encroaching on the rear of the property, which required the septic to be placed in its current location.

**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.

A modest sized, 3 bedroom house plan is being presented in this application. It will not alter the character of this neighborhood.

**5. Minimum variance:**

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

We are presenting a house plan that will present a minimum variance to the neighborhood. It will only be closer to the road than the other homes but will not alter the essential character of the neighborhood.



PARCEL NO.  
2-35-3.16-12.00

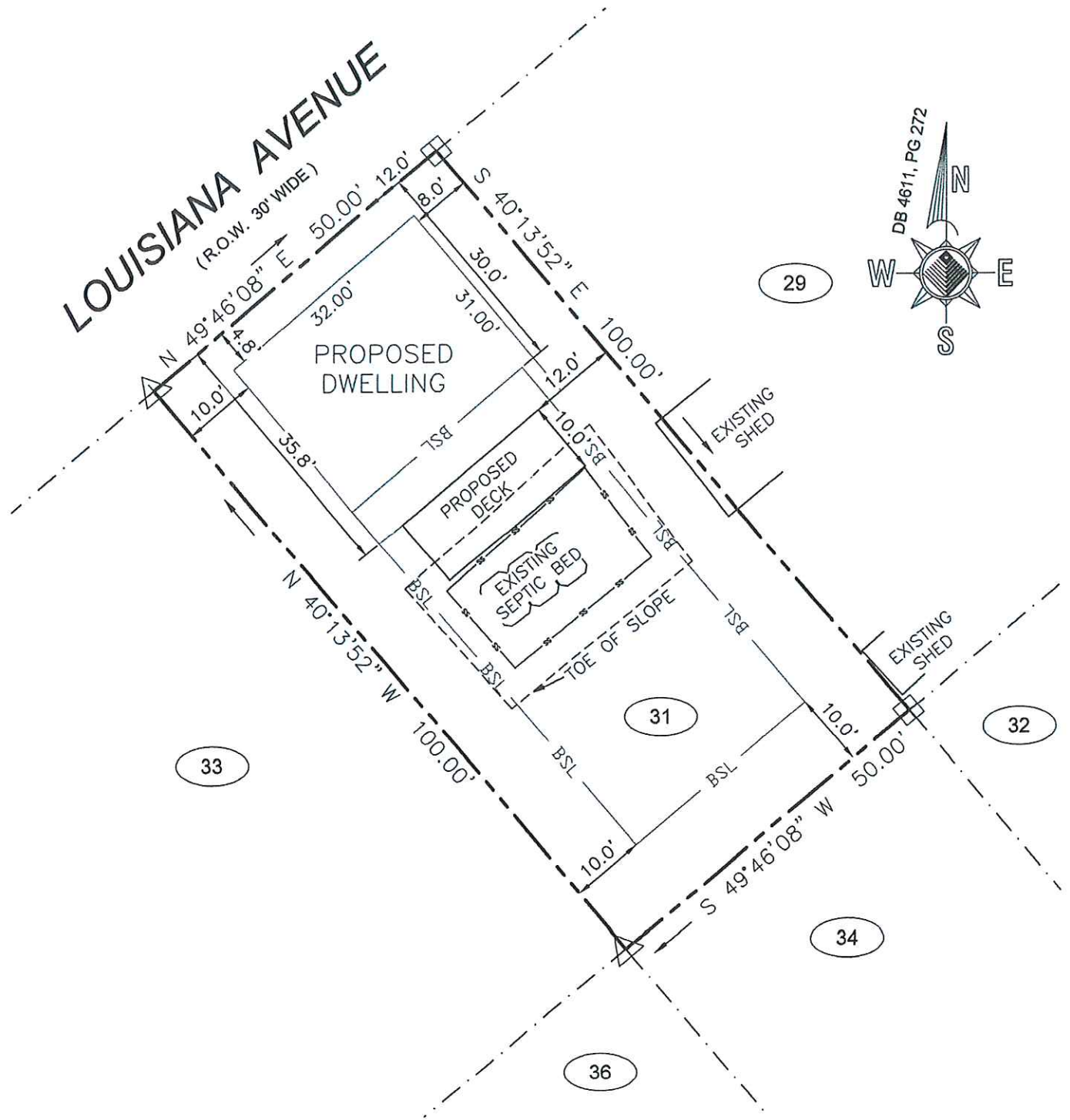
RECORD PLAN:  
PLOT BOOK #, PAGE #

DEED REF:  
DEED BOOK 4611, PAGE 272

PLAN #25344L-13

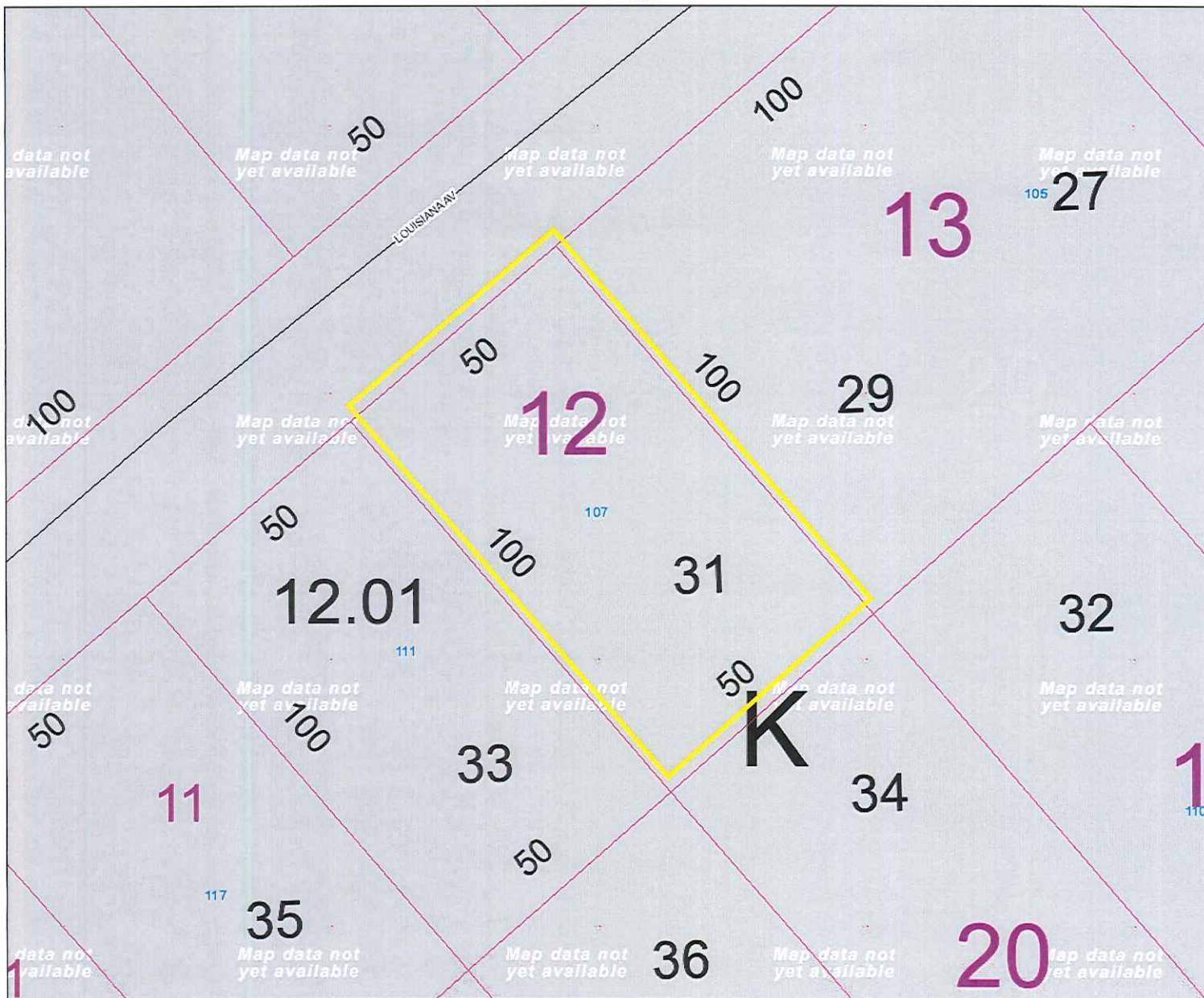
# LOUISIANA AVENUE

(R.O.W. 30' WIDE)



## HOUSE PLACEMENT PLAN

PREPARED FOR:  
BRIAN & SARAH REILLY

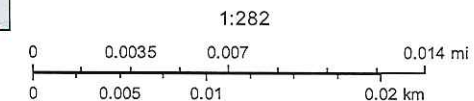


<b>PIN:</b>	235-3.16-12.00
<b>Owner Name</b>	HARSHBARGER JASON
<b>Book</b>	4611
<b>Mailing Address</b>	542 HARVEST LN
<b>City</b>	MECHANICSBURG
<b>State</b>	PA
<b>Description</b>	NORTH SHORES SEC 1
<b>Description 2</b>	BROADKILL BEACH LOT
<b>Description 3</b>	31 BLK K SE/LOUS AVE
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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







## GROUND WATER DISCHARGES SECTION EXISTING ON-SITE WASTEWATER SYSTEM FIELD INSPECTION REPORT

### Inspection Request Received From

Name: Jason Harshbarger Mailing Address: 2118 N. Taft St.  
 Telephone #: 717-503-2175 City, State, Zip: Arlington, VA 22201

### Owner (if different)

Name: Same as above Mailing Address: \_\_\_\_\_  
 Telephone #: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

### Property

#### \*\*ZONING CERTIFICATE MANDATORY\*\*

Tax Map #: 2-35 3.16 12.00 Type of Structure:  Single Family Dwelling  
 Subdivision (if appl): N/A  Multi-Family  
 City, State, Zip: Milton, DE 19968  Community/Large  
 Physical Address: 107 Louisiana Ave.  Commercial

Age of Structure: no structure # of Bedrooms: 0 # of Residents: 0

Occupied:  Yes  No Length of Vacancy: N/A Weeks \_\_\_\_\_ Months  N/A if occupied

### Permit / System

Permit Available:  Yes  No Permit #: 210749-S  
 Age of System: 2006  
 System Type:  Full Depth Gravity  Full Depth LPP  Elevated Sand Mound  
 Capping Fill Gravity  Capping Fill LPP  Micro Drip Irrigation  
 Full Depth Pressure Dosed  Alternative System\*  Seepage Pit  
 Capping Fill Pressure Dosed  Wisconsin at Grade  Cesspool

\* All Innovative/Alternative systems including Advanced Treatment Unit's (ATU's) and alternative drainfield systems may only be inspected by a Class H licensee that has been certified through DNREC approved training for that ATU or alternative drainfield system. Proof of certification must be submitted to DNREC. A Class H license alone is not adequate enough for this task.

### General Information

#### Pump Out

Date of Last Pump Out: N/A  
 Pumping Frequency: N/A

#### Repairs

Repairs made to system?  Yes  No  
 Was repair permit issued?  Yes  No  
 Details N/A

#### Name of System Maintainer

McMullen Septic Service Inc.

#### Water Service

Central Water  On-Site Well

Is this a second opinion inspection?  Yes  No

Is there a water treatment system discharging into the systems? no structure  Yes  No

Does grey water discharges somewhere other than the septic system?  Yes  No

If yes, location \_\_\_\_\_

### Information Verification

I attest this information I have provided is true and accurate to the best of my knowledge

Owner not present  
 Owner's/Requestor's Signature

8/25/16  
 Date







## GROUND WATER DISCHARGES SECTION

### EXISTING ON-SITE WASTEWATER SYSTEM FIELD INSPECTION REPORT

#### Distribution System

	<u>S</u>	<u>SWC</u>	<u>U</u>		<u>S</u>	<u>SWC</u>	<u>U</u>
Distribution Box (if Existing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Liquid Level (D-Box)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion Box (if Existing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Liquid Level (Div-Box)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Distribution Piping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Top/Lid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Baffles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

*S = Satisfactory, SWC = Satisfactory With Concerns, U = Unsatisfactory*

Distribution Box level, allowing equal distribution?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Is effluent above the lateral inverts in the distribution box?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Does effluent from the absorption facility run back to the D-Box?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Is there evidence of effluent surfacing above the D-Box?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A

Distribution Box Capacity (gal) \* \_\_\_\_\_  
 Material \*\* \_\_\_\_\_  
 Dimensions \_\_\_\_\_ x \_\_\_\_\_ x \_\_\_\_\_

N/A

\* Round: D" X D" / 292.5 X H"    Rectangular: L" X W" / 231 X H"  
 \*\* Specify: Concrete, Metal, Other

#### Holding / Dosing Tank / Lift Station

Holding Tank   
  Lift Station   
  Dosing Tank   
 Gallons: 500  
 Material: Concrete  
 Dimensions: 5' x 5' x 5'

Effluent measurement before activating pump 48"  
 Effluent measurement after activating pump 36"

	<u>S</u>	<u>SWC</u>	<u>U</u>		<u>S</u>	<u>SWC</u>	<u>U</u>
Tank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Electrical Connections	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Top/Lids/Risers (if appl)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Timer <input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pump/Siphon Operat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Check Valve & Weep Hole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alarm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pump Elev. Off Tank Floor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vent Pipe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

*S = Satisfactory, SWC = Satisfactory With Concerns, U = Unsatisfactory*

Accumulated solids found in pump tank?     Yes     No  
 Is alarm on separate circuit? *no structure*     Yes     No  
 Infiltration of surface waters?     Yes     No







## Septic Inspection Summary

107 Louisiana Ave. Milton, DE 19968:

### Treatment Tank:

- The septic tank is in good condition.
- The water level in the septic tank was below the inlet and outlet pipes.
- The septic tank was pumped during this inspection.
- The septic tank had 0" of scum (top layer) and 0" of sludge (bottom layer).

### Dosing Chamber:

- The dosing chamber is in satisfactory condition.
- The timer is set and functioning properly at this time.
- The alarm and pump are on separate circuits.

### Absorption Facility:

- The drain field accepted 1 Dosing cycle with no surfacing or other problems.
- There are trees growing on the system (Unsatisfactory, the trees need to be removed).

### Comments and Concerns:

- The septic tank and dosing tank should be pumped every 2-3 years in accordance with the permit.

Thank You,



Mike McMullen



Government

Citizens

Visitors

Business

Services

## Map Search

# Sussex County, Delaware - Zoning and Sales Information

### PROPERTY DETAILS

- [General Information](#)
- [Appraisal & Assessment Info](#)
- [Sales Info](#)
- [Map of Property](#)

## General Information

**District-Map-Parcel:**  
2-35 3.16 12.00

**Owner(s) Names:**  
KLEIN , BARBARA & DOROTHY NEUMANN

**Property Legal Description:**  
NORTH SHORES SEC 1  
BROADKILL BEACH LOT

**Billing Address:**  
2118 N TAFT ST  
ARLINGTON , VA 22201

**Land Use:**  
Residential, Vacant Lot,No Improvement

**Zoning:**  
Medium Residential

**Town/Municipality:**  
-No Town or Municipality Specified-

**Fire District(s):**  
Milton Fire District

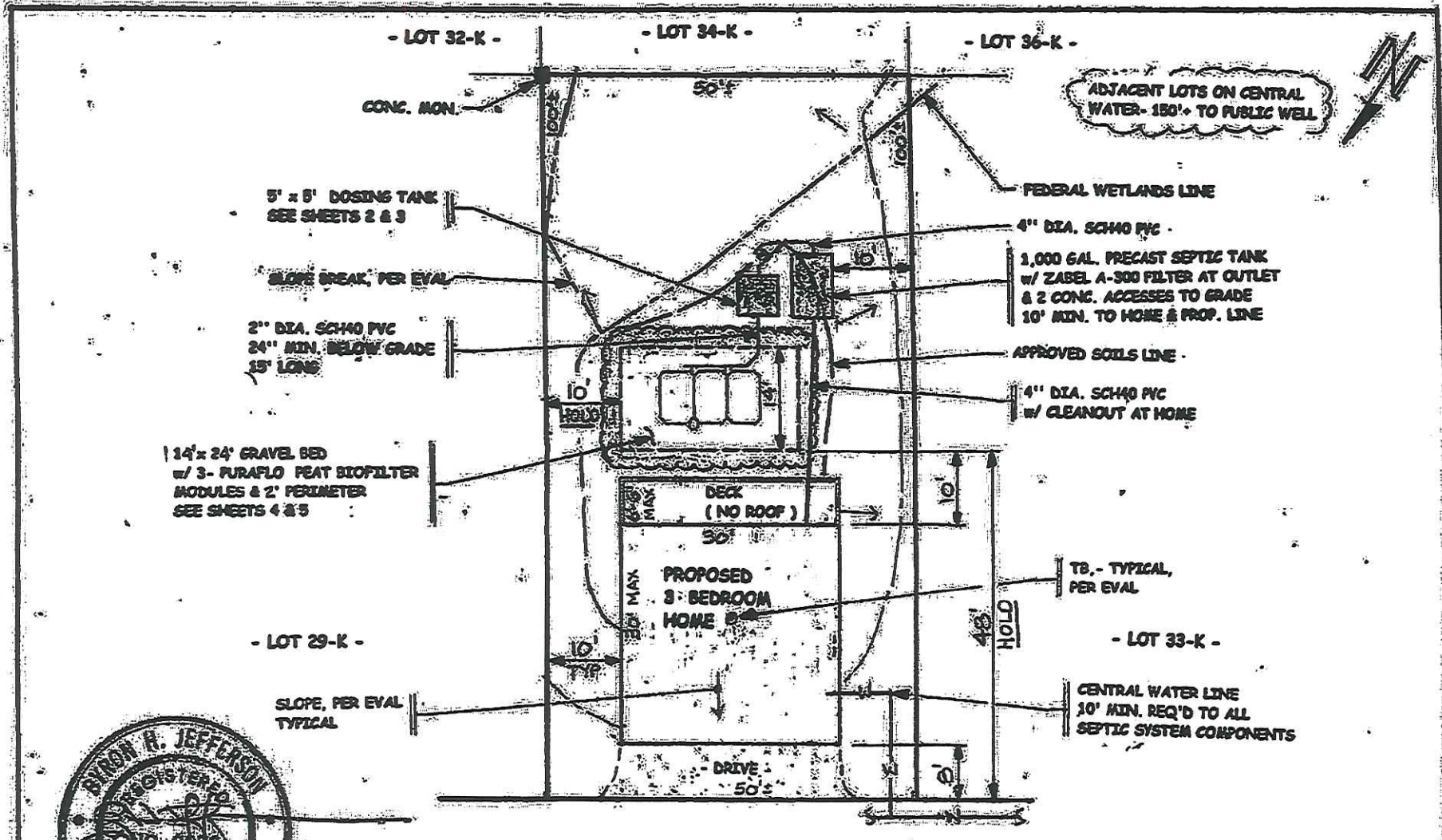
**Tax Ditch(es):**  
-No Ditch Records-

**Sewer/Water District:**  
-No Sewer Records-

**Watershed:**  
BROADKILL-SMYRNA



PAGE 8 OF 6 PAGES



SPARE:  
SAND-LINED SYSTEM IN AREA OF  
INITIAL SYSTEM, WHICH IS TO  
BE EXCAVATED

▶ DENOTES REVISED ITEMS

<b>SEPTIC PLOT PLAN</b>	
<b>KLEIN</b>	
BYRON H. JEFFERSON, P.E. P.O. BOX 161 LINCOLN, DE 19960 302-422-9568	DATE: 6-29-06
	SCALE: 1" = 20'
	SHEET 1





APPLICATION - PERMIT  
ON-SITE WASTEWATER SYSTEM

JUL 03 2006



210749-S

(Please Type or Print Legibly)  
OWNER'S NAME: Barbara Klein & Dorothy Neumann PHONE: \_\_\_\_\_

ADDRESS: 2118 North Taft Street Arlington, VA 22201

PROJECT LOCATION: (Broadkill Beach - SouthEast side of Louisiana Avenue)

Lot 31 Block K North Shores Section 1 TAX/MAP #: 2-35-3.16-12.00 2-35-3.16-12

APPLICATION PREPARER: Byron H. Jefferson, P.E. DNREC LICENSE #: 2160

PREPARER'S ADDRESS: PO Box 121 Lincoln, DE 19960

PHONE: (302) 422-9568



I hereby affirm that the information provided on this document is accurate and complete.

Preparer's Signature: \_\_\_\_\_ Date: 6-29-06

SEPTIC DESIGN CRITERIA-

(Please check all boxes that apply)

- Type of Construction:
- Replacement
  - New Construction
  - Component Replacement
  - Repair to Existing System
  - Authorization to Use Existing System

- System Type:
- Low Pressure Pipe(FD)
  - Elevated Sand Mound
  - Pressure Dose (FD)
  - Holding Tank
  - Gravity (FD)
  - Std. Pressure Dose (FD)
  - Std. Pressure Dose (CF)

- CF = Cap & Fill / FD = Full Depth
- Low Pressure Pipe (CF)
  - Wisconsin At-Grade
  - Pressure Dose (CF)
  - Subsurface Micro Irrigation
  - Gravity (CF)
  - Other Puraflo Peat Filter

- Bed or  Trench
- Gravelless Chamber or  Stone/Gravel
- Sand-lined  Yes  No
- Existing System Malfunctioning  Yes  No  N/A

- Pre-Treatment Units
- Bio-Clear
  - Septic Tank
  - Other \_\_\_\_\_
  - Klargestar
  - Recirculating Sand Filter

# of Bedrooms: 3  
 Avg. Percolation Rate: 5 MPI Assigned  
 Gallons Per Day Flow: 360  
 Minimum Sq. Ft. Req'd: 320 (Puraflo)  
 Sq. Ft. Proposed: 336

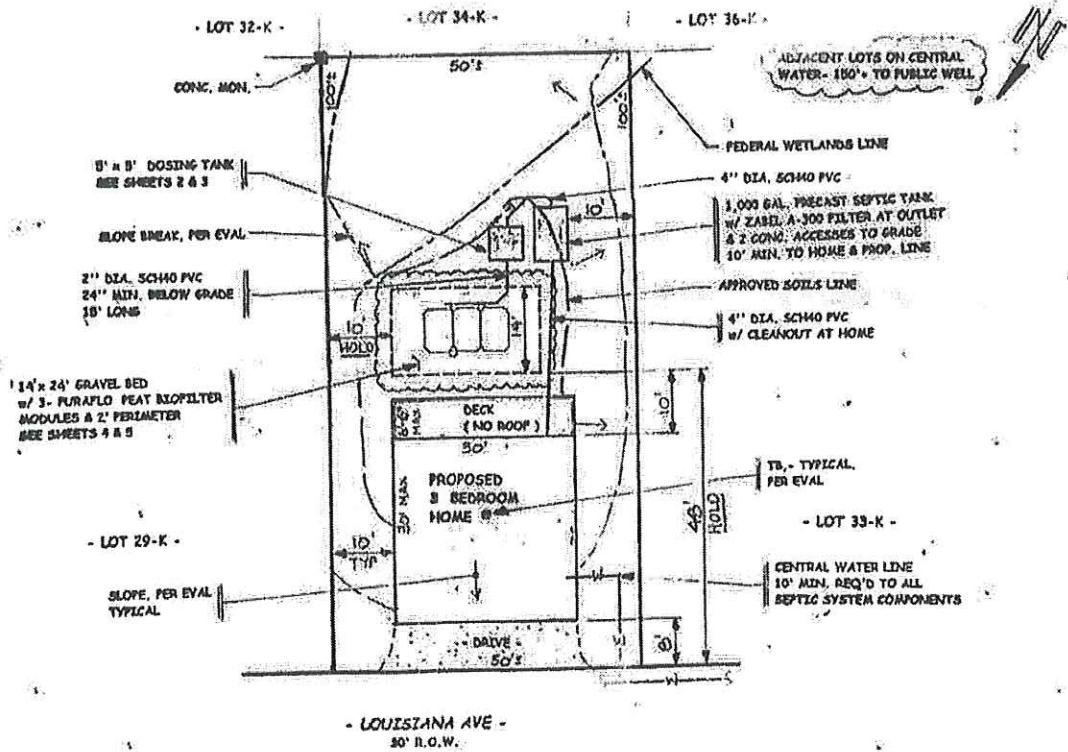
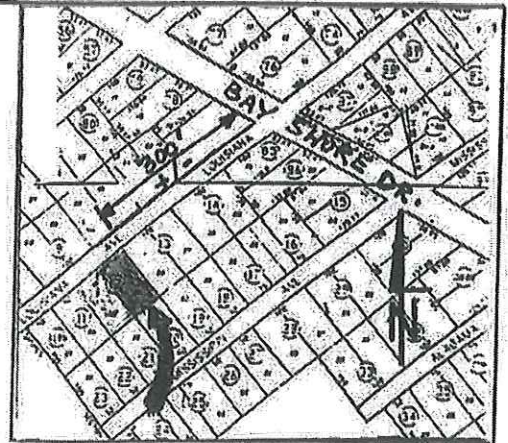
Central Water Available  Yes  No  
(If yes, please state Utility Name: \_\_\_\_\_)

DNREC APPROVED  
Permit # 210749  
See Permit Conditions



- SITE PLAN & CROSS SECTION -  
 (INDICATE DIRECTION OF NORTH & SCALE OF SITE PLAN)

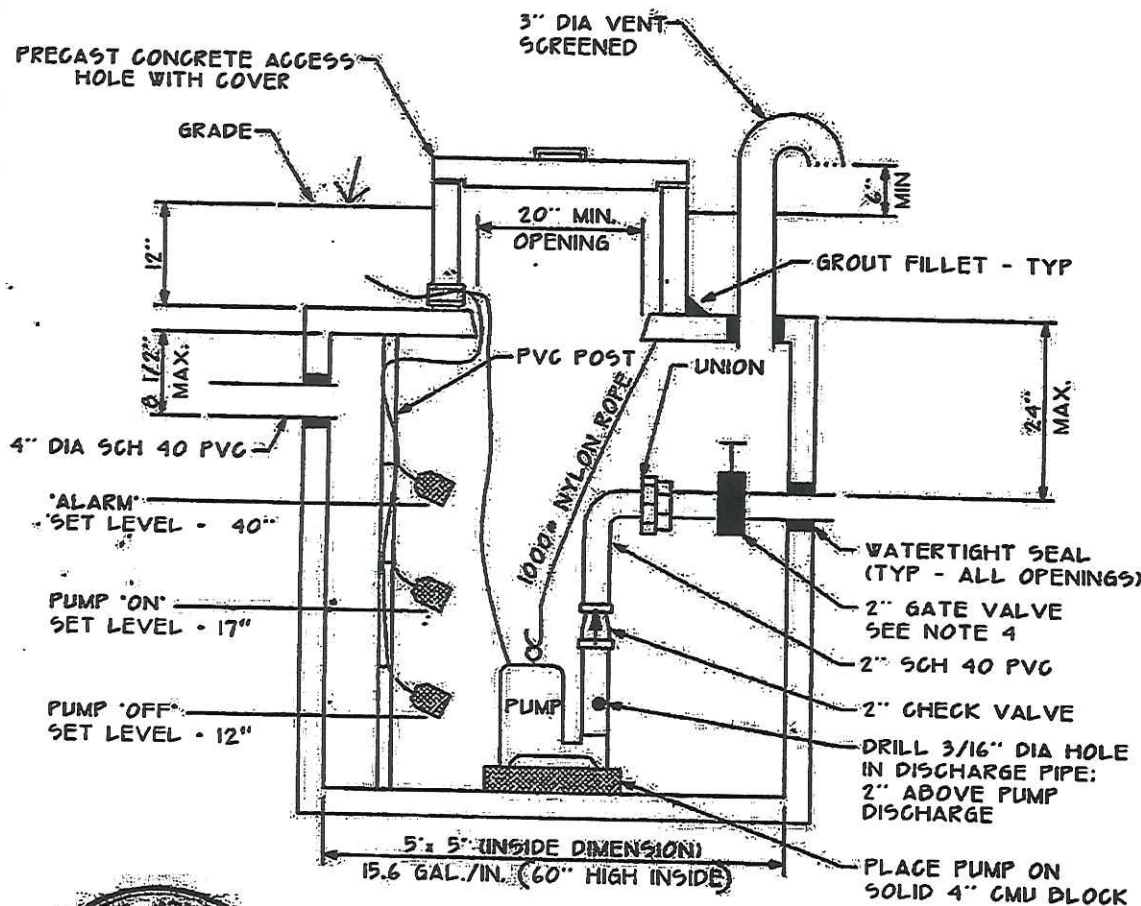
SEE SHEET 1 ATTACHED  
 FOR PLOT PLAN DETAILS



NOTE:  
 SAND-LINED SYSTEM IN AREA OF  
 INITIAL SYSTEM, WHICH IS TO  
 BE EXCAVATED

OWNER'S / AUTHORIZED AGENT SIGNATURE *Stephena C. Klein* DATE: 5/22/06  
*Robert H. Klein* 5/22/06

\* A copy of this page must be submitted with both the septic and well completion reports.



**ELEVATION VIEW**

PUMP VOL./ CYCLE - 30 GAL. PER TIMER

**NOTES**

1. ALL ELECTRICAL CONNECTIONS INSIDE TANK TO BE EXPLOSION PROOF, CORROSION RESISTANT AND WATERPROOF.
2. ELECTRICAL INSTALLATIONS SHALL MEET ALL REQUIREMENTS OF NEC, LATEST EDITION.
3. CONTACT ENGINEER FOR CHECK-OUT OF SYSTEM INSTALLATION AND OPERATION PRIOR TO PLACING THE DOSING TANK IN OPERATION.
4. ADJUST GATE VALVE FOR 30 GPM ( 2" PER MINUTE )
5. EQUIPMENT: (SEE SHEET 3):  
FLOAT SWITCHES - MERCURY TUBE TYPE SEALED IN FLOAT BALL AND RATED FOR VOLTAGE AND AMPERAGE OF SERVICE. FLOATS ARE NOT TO BE LOCATED DIRECTLY BELOW TANK INLET.  
ENCLOSURES - TO BE RATED FOR MOUNTING LOCATION. NEMA-1 FOR INSIDE USE OR NEMA-3R FOR OUTSIDE USE.  
HIGH LEVEL ALARM - TO OPERATE ON 115 VOLT AC. CIRCUIT ON SEPARATE FROM PUMP. ALARM TO ACTIVATE BOTH RED-LITE AND BELL OR BUZZER.  
PUMP - GOULDS MODEL 3871 OR EQUAL. 4/10 HP. 115/230 VOLT AC. 1 PHASE. 30 GPM AT 17.0 FT. SUBMERSIBLE SEWAGE.

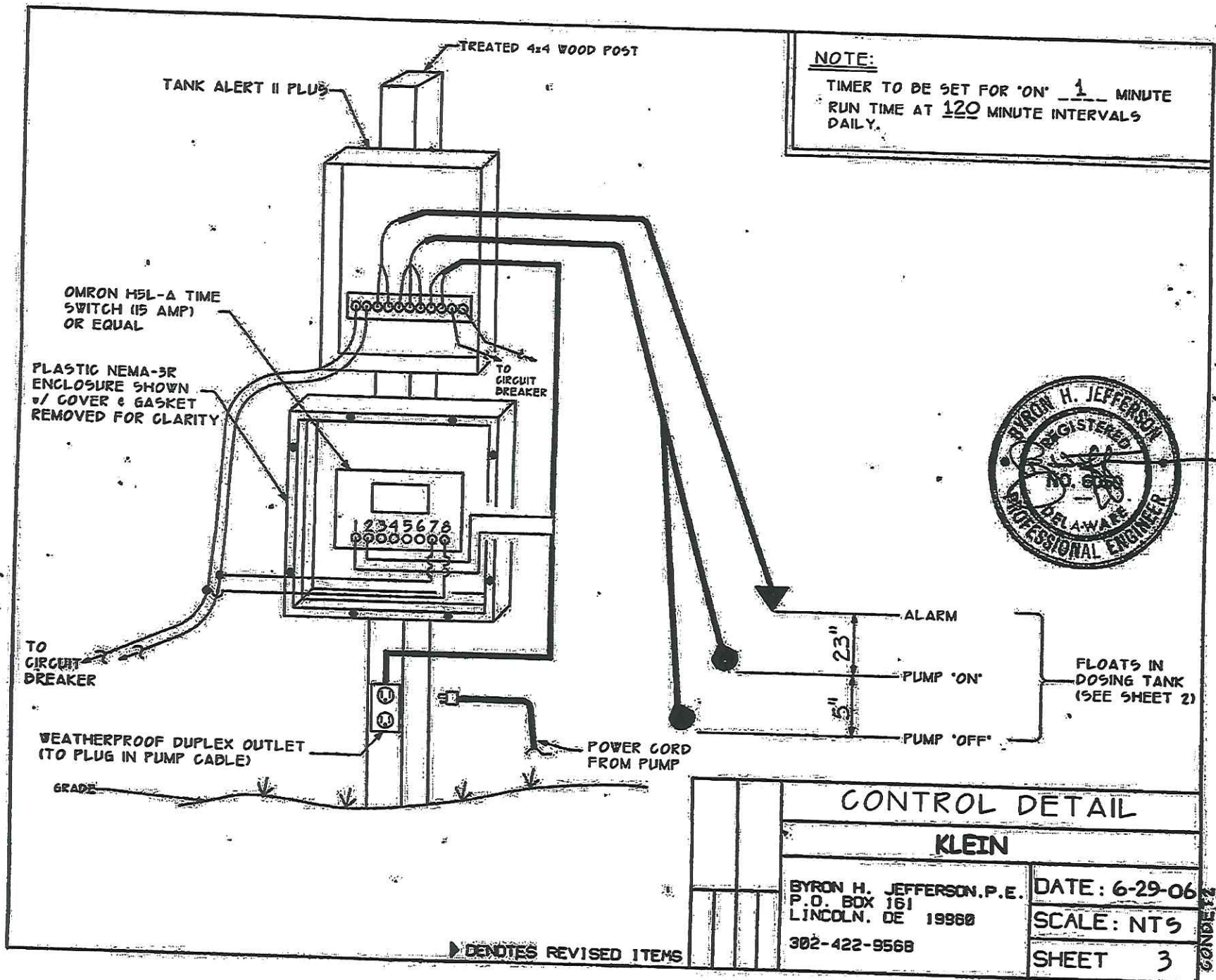
PAGE 9 OF 10 NOTES



▶ DENOTES REVISED ITEMS

<b>DOSING TANK DETAIL</b>	
<b>KLEIN</b>	
BYRON H. JEFFERSON, P.E. P.O. BOX 161 LINCOLN, DE 19960 302-422-9568	DATE: 6-29-06 SCALE: NTS SHEET 2





**NOTE:**  
 TIMER TO BE SET FOR 'ON' 1 MINUTE  
 RUN TIME AT 120 MINUTE INTERVALS  
 DAILY.



<b>CONTROL DETAIL</b>	
<b>KLEIN</b>	
BYRON H. JEFFERSON, P.E. P.O. BOX 161 LINCOLN, DE 19960 302-422-9568	DATE: 6-29-06 SCALE: NTS SHEET 3

▶ DENOTES REVISED ITEMS

PAGE 10 OF 16 PARTS

COND



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Send feedback

Why this ad? ▶

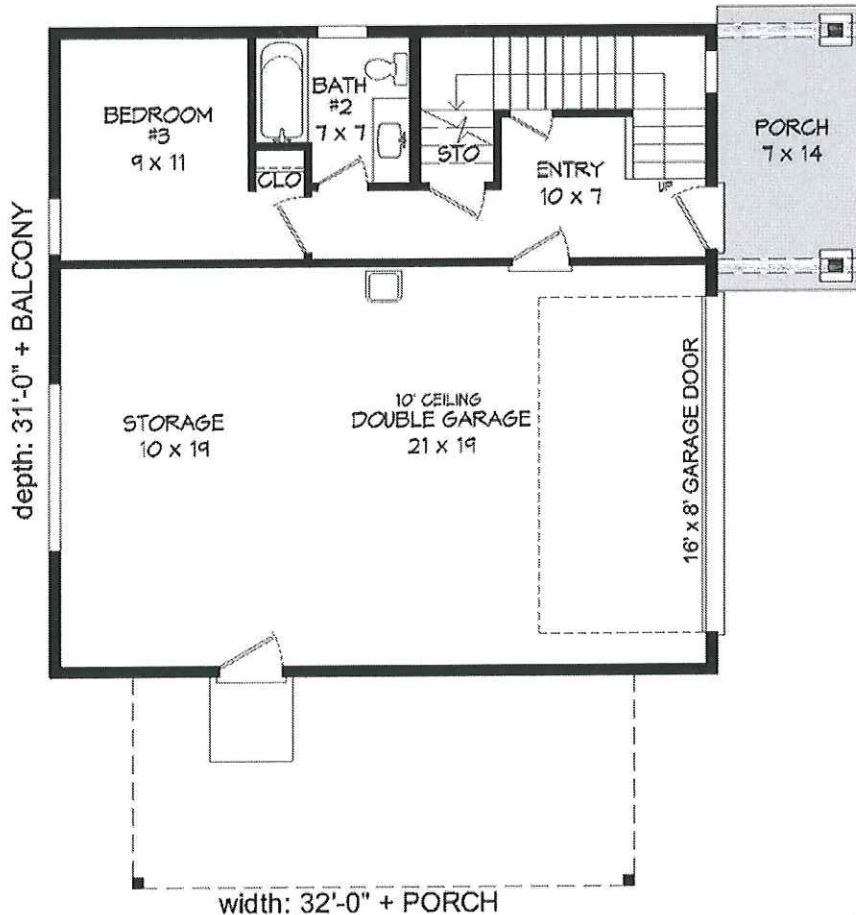
sq. ft.), 68775VR (1,700 sq. ft.) and 68740VR (1,721 sq. ft.). Get a front-facing garage with house plan 68666VR.

## Floor Plan

Main Level



REVERSE FLOOR PLAN



2nd Floor



REVERSE FLOOR PLAN





# Ads by Google

Send feedback

Why this ad? ▶

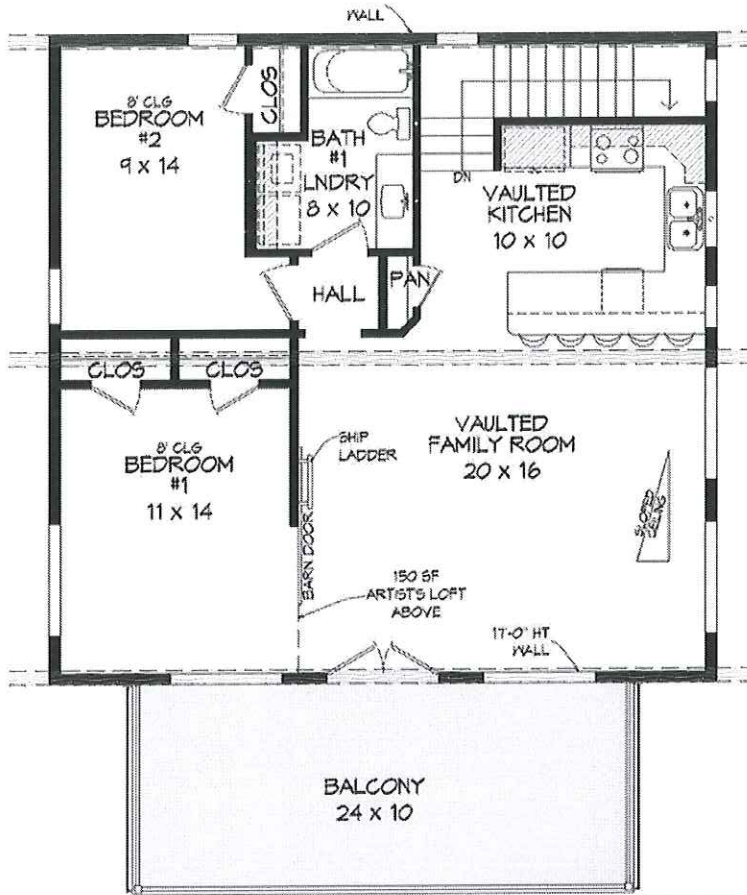


door

*Pin it*



REVERSE FLOOR PLAN

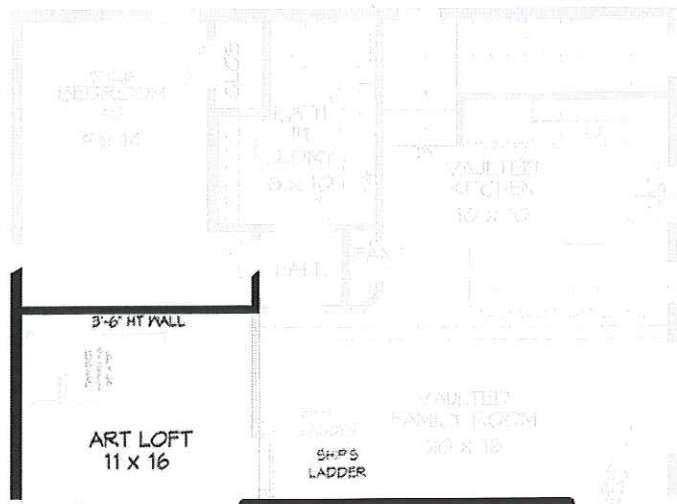


3rd Floor

*Pin it*



REVERSE FLOOR PLAN







# Ads by Google

Send feedback

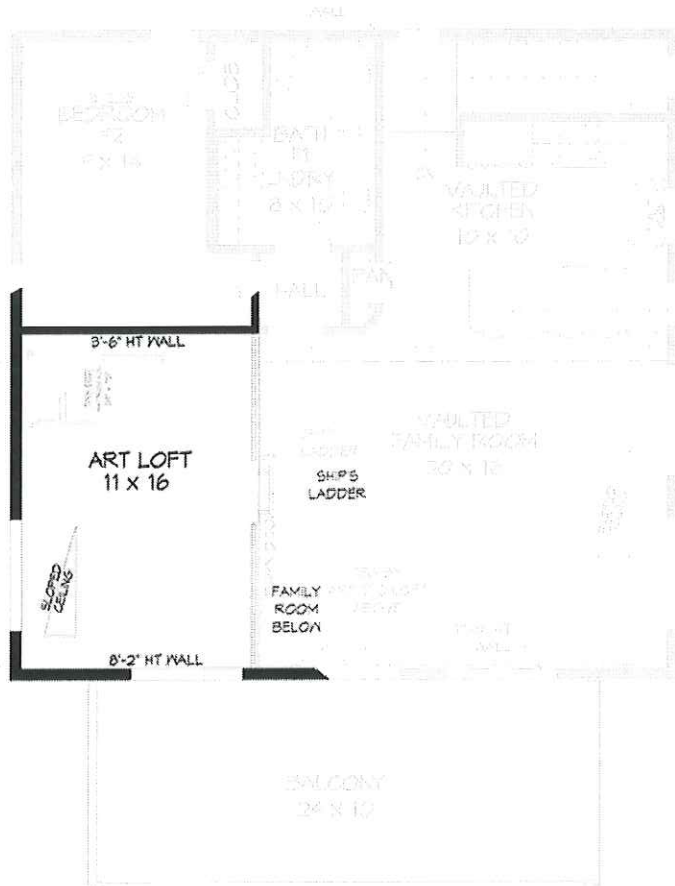
Why this ad? ▶



3rd Floor



REVERSE FLOOR PLAN



## Plan details

### Square Footage Breakdown

Total Heated Area: 1,359 sq. ft.

1st Floor: 367 sq. ft.



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Why this ad? ▶



## Garage

Type:	Drive Under
Area:	625 sq. ft.
Count:	2 cars
Entry Location:	Side

## Ceiling Heights

Floor / Height:	First Floor / 10' 0"
-----------------	----------------------

## Roof Details

Primary Pitch:	3.5 On 12
Framing Type:	Stick

## Architectural Style







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Why this ad? ▶



## Foundation Type

Standard Foundations: **Slab**

Optional Foundations: **Crawl, Basement**

## Exterior Walls

Standard Type(s): **2x6**

## Dimensions

Width: **32' 0"**

Depth: **31' 0"**

Max Ridge Height: **30' 4"**

## Garage

Type: **Drive Under**



# Ads by Google

Send feedback

Why this ad? ▶



## Square Footage Breakdown

Total Heated Area:	1,359 sq. ft.
1st Floor:	367 sq. ft.
2nd Floor:	992 sq. ft.
Porch, Combined:	311 sq. ft.
Loft:	200 sq. ft.
Bonus:	150 sq. ft.

## Beds/Baths

Bedrooms:	3
Full Bathrooms:	2

## Foundation Type

Standard Foundations:	Slab
-----------------------	------

Case # 12629  
Hearing Date 11/15  
202114295

### Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance  Existing Condition   
Special Use Exception \_\_\_\_\_ Proposed \_\_\_\_\_  
Administrative Variance \_\_\_\_\_ Code Reference (office use only)  
Appeal \_\_\_\_\_ 115-25, 115-183  
115-182, 115-185

Site Address of Variance/Special Use Exception: 9248 Sharptown Rd.  
Laurel, DE 19956

Variance/Special Use Exception/Appeal Requested: \_\_\_\_\_  
FRONT & SIDE YARD VARIANCES

Tax Map #: Parcel 432-8.14-7.00 Property Zoning: Lot 9 B1K C

#### Applicant Information

Applicant Name: John Porter  
Applicant Address: 9248 Sharptown Rd.  
City, State, Zip: Laurel, DE 19956  
Applicant Phone #: 302-841-8989 Applicant e-mail: \_\_\_\_\_

#### 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

[Signature] Date: 7-16-21





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

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

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

1. Uniqueness of property:

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

Property is 56' wide

2. Cannot otherwise be developed:

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

septic tanks and drainfield.

3. Not created by the applicant:

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

Sheds on property were in place when purchased property in 2006.

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

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

No there is nothing a normal dwelling would have.

5. Minimum variance:

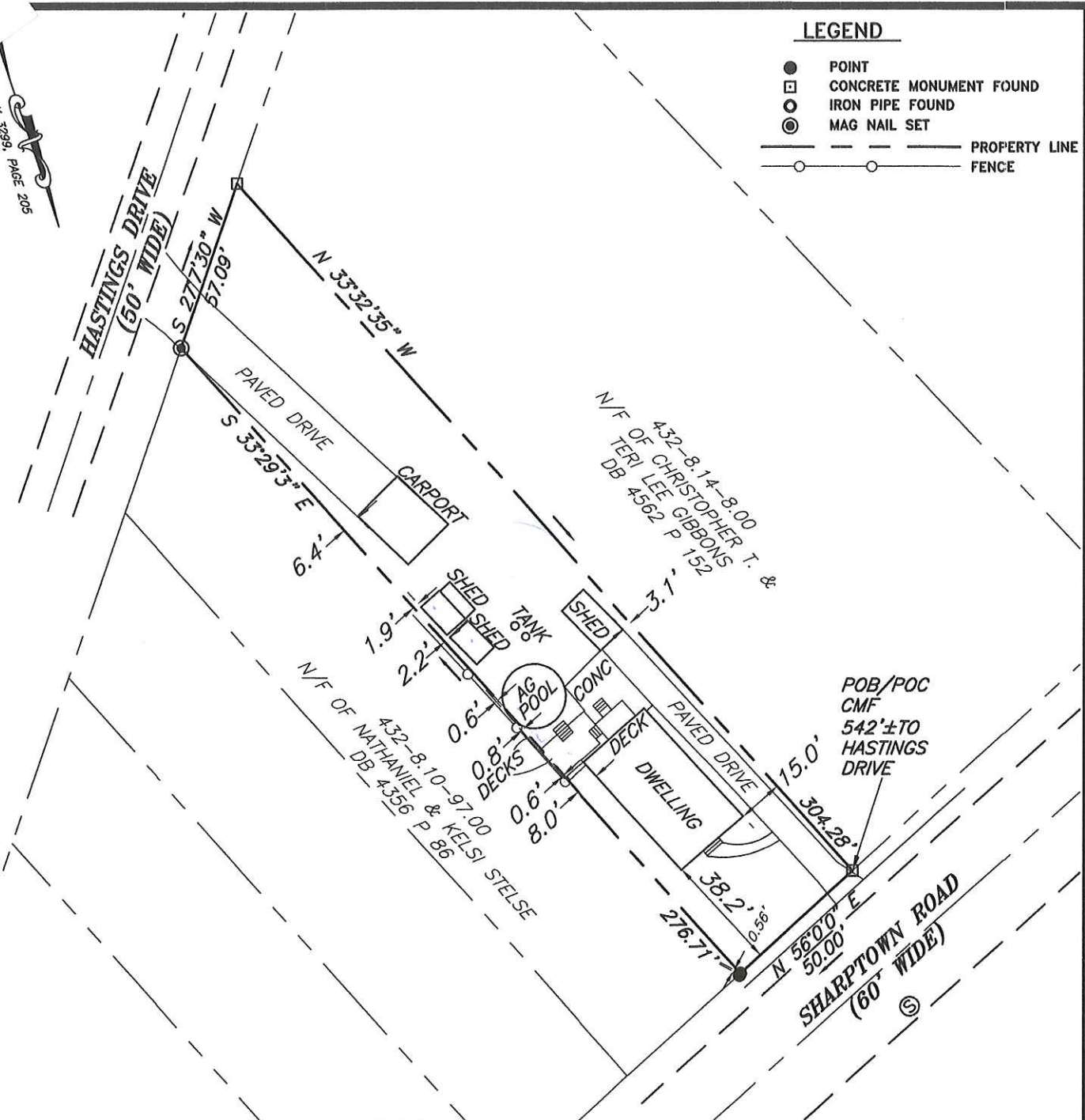
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

if This is minimal to allow the existing structures to remain.

**LEGEND**

- POINT
- CONCRETE MONUMENT FOUND
- IRON PIPE FOUND
- ⊙ MAG NAIL SET
- — — — — PROPERTY LINE
- — ○ FENCE

EDD BOOK 3299, PAGE 205



**NOTES**

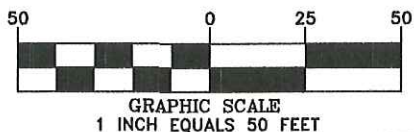
1. TITLE REFERENCED TO DEED BOOK 3299, PAGE 205.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
4. ALL DECKS >0.5' ABOVE GRADE.

**BOUNDARY SURVEY**  
**FOR JOHN M. & BROOKE J. PORTER**  
**LOT 9, BLOCK C,**  
**LANDS OF WILLIAM J. PUSEY SUBDIVISION**  
**9248 SHARPTOWN ROAD**  
**LAUREL, DE 19956**  
**LITTLE CREEK HUNDRED**  
**SUSSEX COUNTY, DELAWARE**  
**TM# 432-8.14-7.00**  
**AREA: 14,497±SF OR 0.333±ACRES**

**COTTEN ENGINEERING LLC**

CIVIL ENGINEERS  
 10087 CONCORD RD.  
 SEAFORD DE 19973  
 PHONE/FAX (302) 628-9164

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DESIGNED BY: CE	REV:	JOB # 18-394
DRAWN BY: JCD	DATE: 09/08/2021	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: AS-SHOWN	



Google Maps 32031 Rd 499

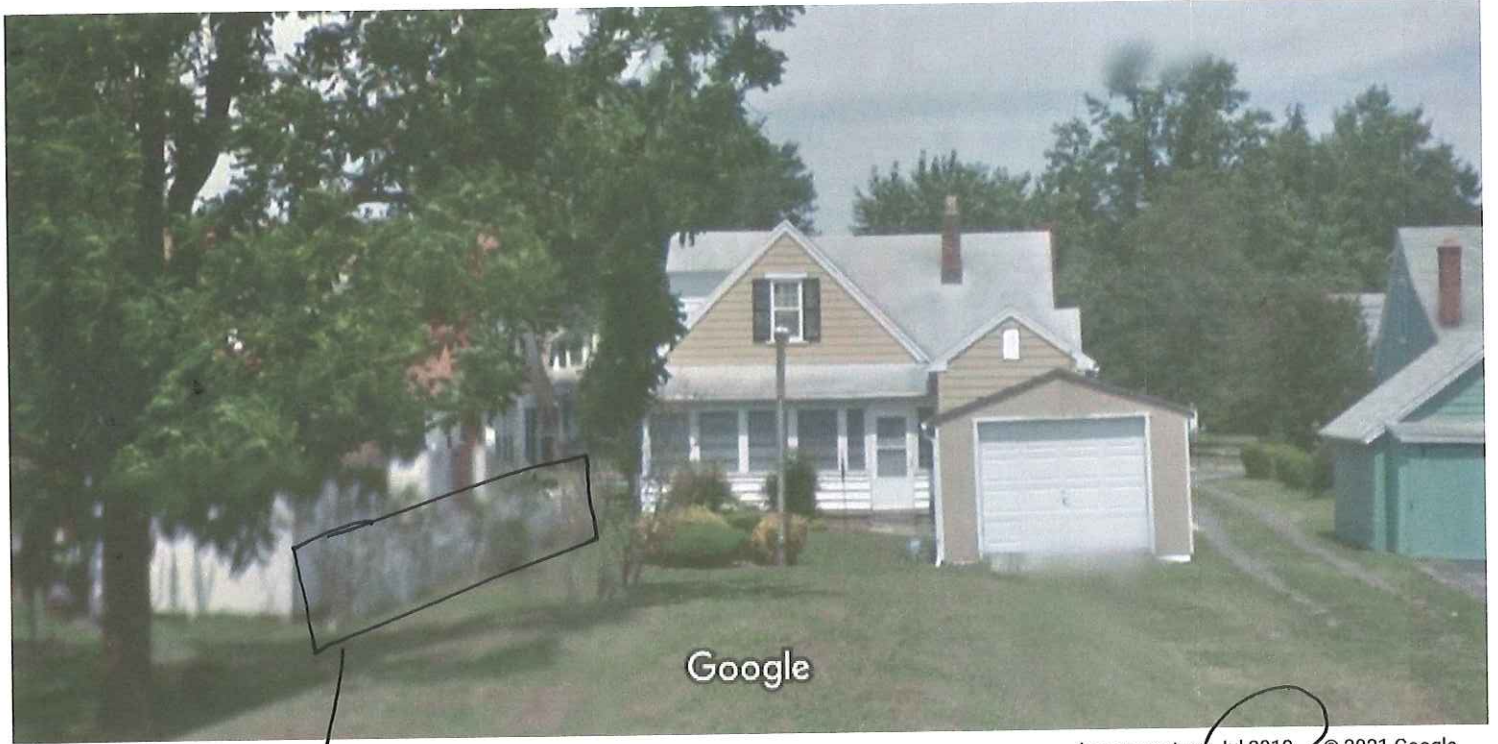


Image capture: Jul 2012 © 2021 Google

Laurel, Delaware



Street View





Google Maps 32122 Rd 499

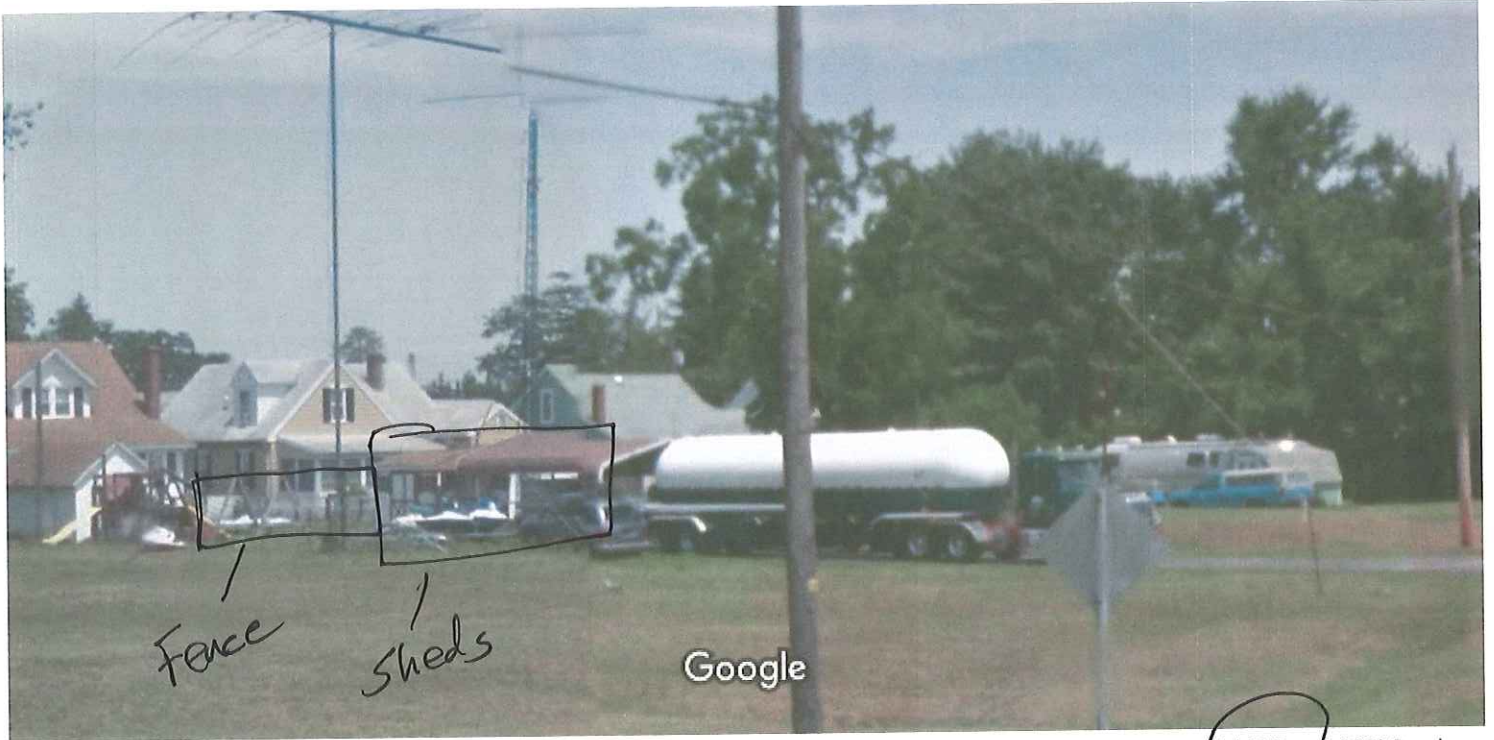


Image captured Jul 2012 © 2021 Google

Laurel, Delaware



Street View



Google Maps 32122 Rd 499



Image capture: Jul 2012 © 2021 Google

Laurel, Delaware



Street View



Fence

Sheds/building

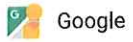
Google

Google Maps 9248 Sharptown Rd



Image capture Nov 2015 © 2021 Google

Laurel, Delaware



Street View

Fence

Nov. 2015





Google Maps 32031 Rd 499



Image capture: Aug 2008 © 2021 Google

Laurel, Delaware



Street View



Currently shown: Aug 2008









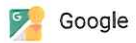


Google Maps 9252 Sharptown Rd

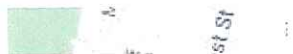


Image capture: Nov 2015 © 2021 Google

Laurel, Delaware



Street View



Google Maps 9252 Sharptown Rd



Image capture: Nov 2015 © 2021 Google

Laurel, Delaware



Street View





Google Maps 9248 Sharptown Rd



Image capture: Oct 2013 © 2021 Google

Laurel, Delaware



Street View



Currently shown: Oct 2013





Google Maps 32031 Rd 499

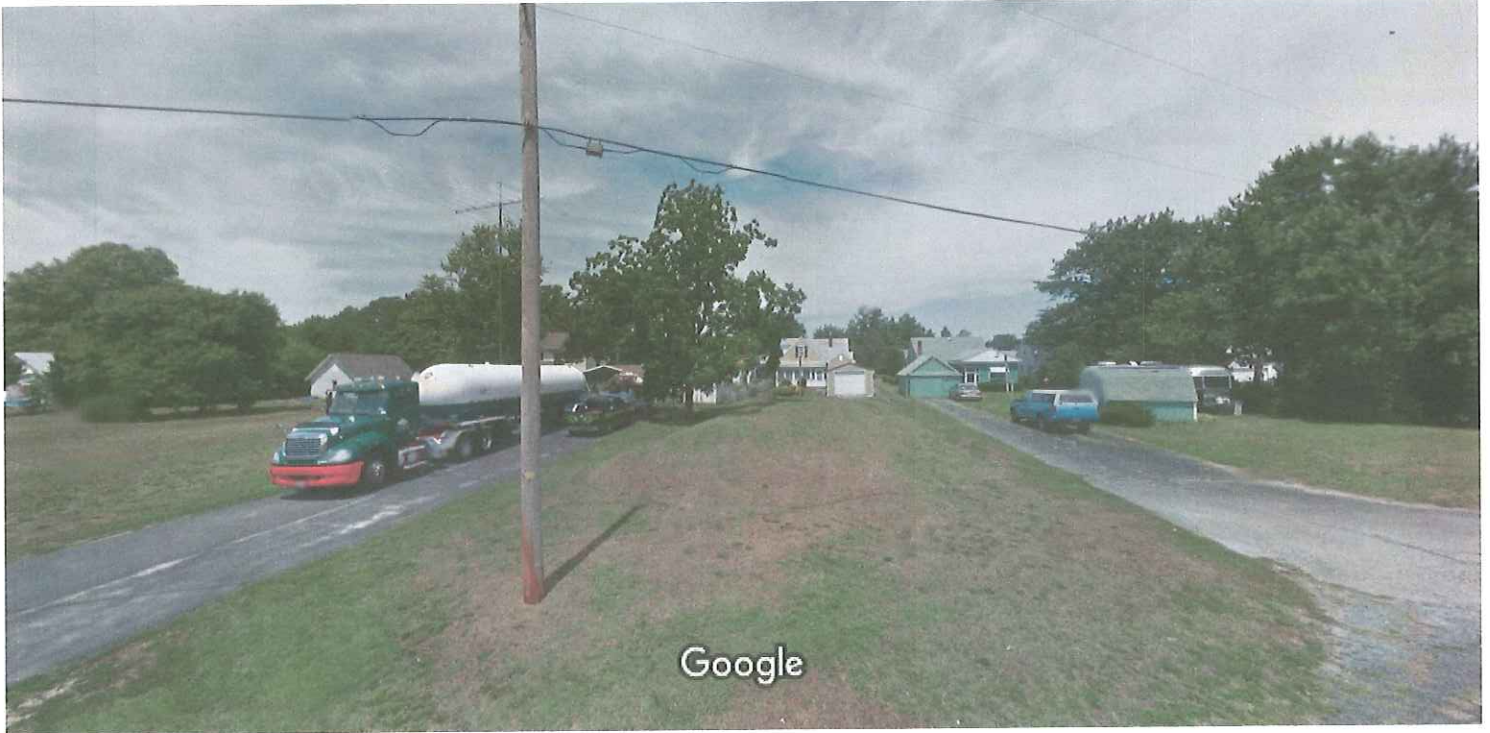


Image capture: Jul 2012 © 2021 Google

Laurel, Delaware



Street View



Aug 2008



Google Maps 9248 Sharptown Rd



Image capture: Jun 2012 © 2021 Google

Laurel, Delaware



Street View



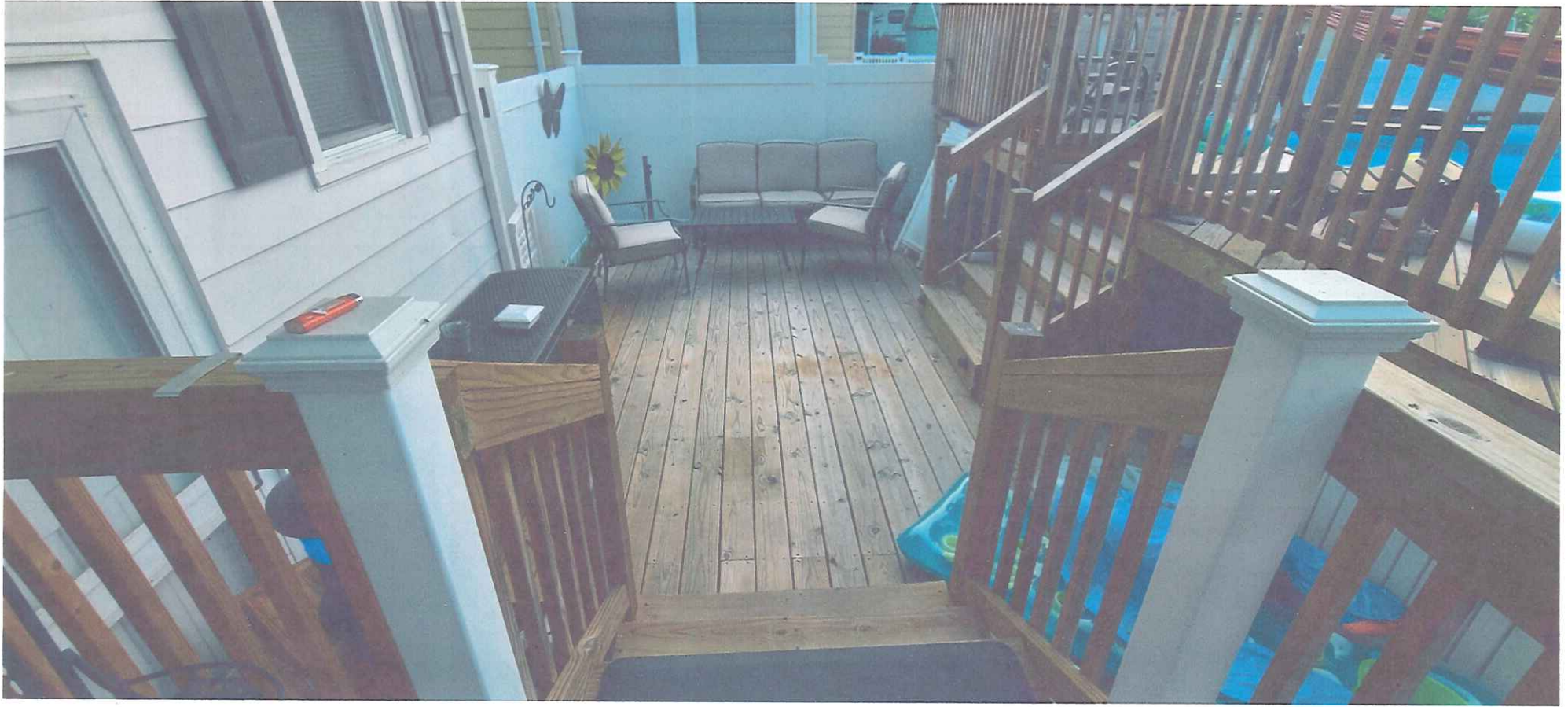
Currently shown: Jun 2012



















**CONSTABLE**  
LESTER R. SHAFFER  
CHIEF COUNTY CONSTABLE

(302) 855-7819 T  
(302) 855-7798 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## NOTICE OF VIOLATION

June 16, 2021

PORTER JOHN M & BROOKE J  
9248 SHARPTOWN RD  
LAUREL, DE 19956

REFERENCE NUMBER: 5014  
PARCEL: 432-8.14-7.00  
PARCEL DESCRIPTION: E/HWY LAUREL SHARPTOWN LOT 9 BLK C  
LOCATION: 9248 SHARPTOWN ROAD LAUREL

### **Violation: §115-185D & 115-183C ACCESSORIES .**

On 06-16-21 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the above parcel and is described as:

Set back violation for the pool and deck on the property.

---

---

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

### **§ 115-229 Violations and penalties.**

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

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

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

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

ALAN SHIELDS  
Sussex County Constable



CONSTABLE  
LESTER R. SHAFFER  
CHIEF COUNTY CONSTABLE

(302) 855-7819 T  
(302) 855-7798 F



Sussex County  
DELAWARE  
sussexcountyde.gov

## NOTICE OF VIOLATION

June 16, 2021

PORTER JOHN M & BROOKE J  
9248 SHARPTOWN RD  
LAUREL, DE 19956

REFERENCE NUMBER: 5014  
PARCEL: 432-8.14-7.00  
PARCEL DESCRIPTION: E/HWY LAUREL SHARPTOWN LOT 9 BLK C  
LOCATION: 9248 SHARPTOWN ROAD LAUREL

### **Violation: §115-224. Building without a permit.**

The County Code requires a permit to be obtained for the placement or improvement of any structure. The permit will indicate the required setbacks for the structure or improvement.

On 06-16-21 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the above parcel and is described as:

Building without a permit for a pool and deck around the pool on the property.

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Within five (5) business days, the owner or occupant is required to obtain a permit for the above described structure and shall discontinue all construction activity until a valid building permit has been issued. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

### **§ 115-229 Violations and penalties.**

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner

or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

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

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

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

ALAN SHIELDS  
Sussex County Constable



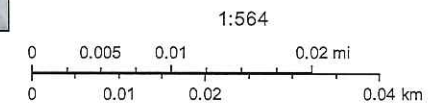


<b>PIN:</b>	432-8.14-7.00
<b>Owner Name</b>	PORTER JOHN M & BROOKE J
<b>Book</b>	3299
<b>Mailing Address</b>	9248 SHARPTOWN RD
<b>City</b>	LAUREL
<b>State</b>	DE
<b>Description</b>	E/HWY LAUREL
<b>Description 2</b>	SHARPTOWN
<b>Description 3</b>	LOT 9 BLK C
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
  - Municipal 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 # 12630  
Hearing Date 11/15  
202114866

REVISED  
APPLICATION

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

Variance   
Special Use Exception   
Administrative Variance   
Appeal

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

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

Lot 21 on Bayfront Drive, Quillen's Point, Ocean View, Delaware

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

Applicant seeks a six (6) foot variance from the Front Yard Setback requirement in order to construct improvements on the lot.

Tax Map #: 134-5.00-330.00 Property Zoning: MR

**Applicant Information**

Applicant Name: Louis C. Pugliese and Barbara C. Pugliese  
Applicant Address: 12704 Pond Crest Lane  
City Oak Hill State VA Zip: 20171  
Applicant Phone #: \_\_\_\_\_ Applicant e-mail: \_\_\_\_\_

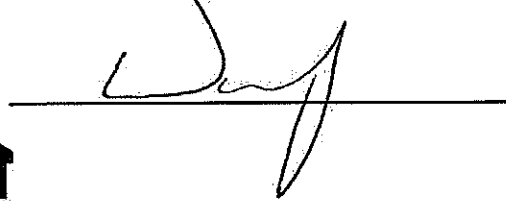
**Owner Information**

Owner Name: See above.  
Owner Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: David C. Hutt, Esq. | Morris James LLP  
Agent/Attorney Address: 107 W. Market Street  
City Georgetown State DE Zip: 19947  
Agent/Attorney Phone #: 302-856-0018 Agent/Attorney e-mail: dhutti@morrisjames.com

**Signature of Owner/Agent/Attorney**



Date: 11/5/2021



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

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

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

**1. Uniqueness of property:**

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

The Property is unique because approximately twenty-five (25') feet of the lot is within the Indian River Bay and unable to be used as part of the building envelope. On the survey, the un-buildable area is the area located beyond the bulkhead in the water of the Indian River Bay. Part of the area beyond the bulkhead is within the building envelope presenting an exceptional practical difficulty in improving the property.

**2. Cannot otherwise be developed:**

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

The physical conditions of the Property stemming from its location on the Indian River Bay limit the Applicant's ability to develop the Property in strict conformity with the Code. Therefore, because approximately one fifth (1/5th) of the Property is located in the water beyond the bulkhead, a five (5') foot variance from the Front Yard Setback requirement is necessary to make reasonable use of the Property.

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

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

The bulkhead and physical condition of the Property is the result of its location on and within the Indian River Bay and was not created by the Applicant.

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

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

The requested variance will not alter the essential character of the neighborhood as the Applicant seeks a variance in order to construct normal improvements on the Property which is located in a residential neighborhood and is surrounded with similar, if not identical, improvements. In addition, the immediate neighbors support the requested variance.

**5. Minimum variance:**

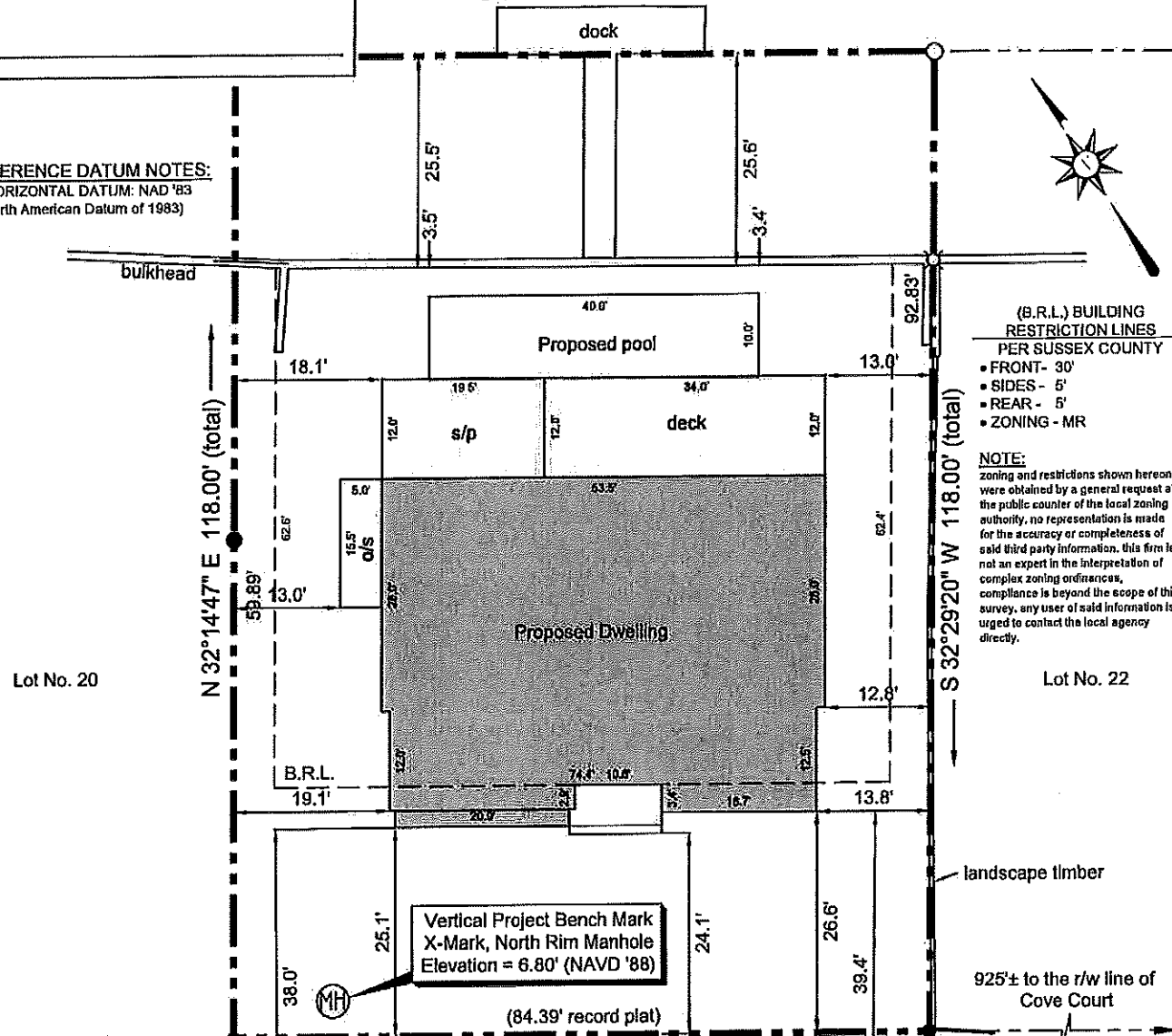
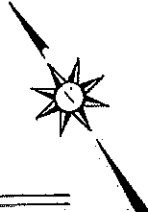
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

This is the minimum variance necessary in order to improve the property within the limited upland area of the lot. Even though the Applicant's Property extends twenty-five (25') feet into the water and is "missing" more than five feet (5') of the building envelope, the Applicant is only seeking a five foot (5') variance.

Plan for Location Approval

Quillen's Point  
S 57°46'50" E 84.74'

REFERENCE DATUM NOTES:  
1. HORIZONTAL DATUM: NAD '83  
(North American Datum of 1983)



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

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

NOTE:  
Zoning and restrictions shown hereon were obtained by a general request at the public counter of the local zoning authority, no representation is made for the accuracy or completeness of said third party information, this firm is not an expert in the interpretation of complex zoning ordinances, compliance is beyond the scope of this survey, any user of said information is urged to contact the local agency directly.

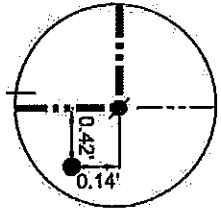
- 1/2" PIPE (FD)
- POINT
- 3/4" PIPE (FD)
- ⊕ 5/8" RE-BAR w/CAP (SET)
- ⦿ 5/8" RE-BAR (FD)

SCALE: 1"=20'  
AREA: 9,970 SQ. FT.  
TAX MAP NO. 1-34-05-330

Lands of ROSEMARY PROPERTIES, LLC. to be  
*SURVEY INVALID WITHOUT PROFESSIONAL'S SIGNATURE AND SEAL*

Revised: 02/09/2021, Vertical Project Bench mark.

**FIRM INFORMATION:**  
100029 - 0504 - K  
MARCH 16, 2015  
ZONE: "AE", B.F.E.= 6.0'  
CLASS "B" SURVEY



HUNDRED: BALTIMORE  
COUNTY: SUSSEX  
STATE OF DELAWARE  
DATE OF ORIGINAL: 08-06-2020  
DRAWN BY: MICHAEL LOVELAND

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

SEAL

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.



Date: October 31, 2021  
To: Sussex County Board of Adjustments  
From: Jeff & Tracy Holcomb  
38916 Bayfront Dr., Quillens Point  
Ocean View, DE. 19970  
Holcombfamily4@aol.com  
Re: Case #12630

RECEIVED  
NOV 01 2021  
SUSSEX COUNTY  
PLANNING & ZONING

We are writing to oppose the request for variance by Louis C. & Barbara C. Pugliese, Case #12630 for the following reasons:

There is no real reason listed on the application that requires a variance. As they are starting from scratch, they could build a smaller house or a smaller pool. It is not like they are required to live with any existing structure, it is a completely empty lot.

Their request is based on the fact that 25' of their property is in the water which is ridiculous because they knew the property lines when they purchased the property. We wish we could own 25' out into the water but we don't. They are manipulating what is clearly a positive aspect of that particular piece of property into a negative.

It's not fair to those that followed the rules and made adjustments to the size of their house or pool.

It sets a bad precedence in the neighborhood for future building or additions. We are worried that if it's that easy to ask and get approved, everyone will want to do it.

They purchased the property fully aware of what the requirements were. They are only asking for five feet, but honestly how hard would it be to take five feet out of the depth of the house or the width of the pool, or a combination of both? Just because you want it, doesn't mean that's a good enough reason that you (and only you) should get it. We just do not see any extenuating circumstances that would require this variance.

We urge you to decline this variance request to keep the integrity of our neighborhood. Thank you for your consideration.

Opposition  
Exhibit