

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

November 16, 2020

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Introduction of Staff Members

Approval of Agenda

Approval of Minutes for September 21, 2020

Approval of Finding of Facts for September 21, 2020

Old Business

Case No. 12489 – Rehoboth Inn JK, LLC seeks variances from the front yard and rear yard setback requirements for existing and proposed structures (Sections 115-82, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Coastal Highway (Rt. 1) approximately 153 ft. southeast of Washington Street. 911 Address: 20494 Coastal Highway, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-19.08-176.00

Public Hearings

Case No. 12493 – Yekaterina Barg seeks variances from the side yard setback requirements for existing structures (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the south side of White Pine Drive within the Pines at Long Neck Subdivision. 911 Address: 136 White Pine Drive, Millsboro. Zoning District: GR. Tax Parcel: 234-23.00-859.00

Case No. 12494 – James & Elizabeth Wade seek a variance from the rear yard setback requirements for an existing structure (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of White Pine Drive within



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

the Pines at Long Neck Subdivision. 911 Address: 14 White Pine Drive, Millsboro. Zoning District: GR. Tax Parcel: 234-23.00-808.00

Case No. 12495 – Carl & Maria Anderson seek variances from the side yard setback requirements for a proposed structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of Locust Street within the Woodland Heights Subdivision. 911 Address: 10116 Locust Street, Laurel. Zoning District: AR-1. Tax Parcel: 232-12.18-29.01

Case No. 12496 – George E. & Lucille J. Kehm seek a variance from the rear yard setback requirements for a proposed structure (Sections 115-25, and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Bayberry Court within the Marina at Peppers Creek Subdivision. 911 Address: 33276 Bayberry Court, Dagsboro. Zoning District: AR-1. Tax Parcel: 233-7.00-277.00

Case No. 12497 – Cynthia Parr seeks a variance from the side yard setback requirements for a proposed structure (Sections 115-25, and 115-183 of the Sussex County Zoning Code). The property is located on the south side of Regatta Bay Boulevard within the Heron Bay Subdivision. 911 Address: 30162 Regatta Bay Boulevard, Lewes. Zoning District: AR-1. Tax Parcel: 234-5.00-273.00

~~**Case No. 12498 – Tammy Harman** seeks a variance from the gross floor area requirements for a manufactured home (Sections 115-42 and 115-187 of the Sussex County Zoning Code). The property is located on the northeast corner of Elizabeth Street and Bowden Street within the Orchard Manor Subdivision. 911 Address: 28283 Elizabeth Street, Millsboro. Zoning District: GR. Tax Parcel: 234-34.08-88.03~~

Case No. 12499 – Dick Ennis seeks a variance from the side yard setback requirements for a proposed structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast corner of the intersection of Angola Road and John J. Williams Highway (Rt. 24). 911 Address: 22357 John J. Williams Highway, Lewes. Zoning District: AR-1. Tax Parcel 234-11.00-56.03

Additional Business

Request for 12-month time extension for Case 12230 – Lands of David R. Yingling & Mona L. Hansford

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 November 9, 2020 at 4:00 p.m., and at least seven (7) days in advance of the meeting.
Revised on 11-10-2020 to withdraw Case No. 12498 per Applicant request.**

**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://sussexcountyde.gov/council-chamber-broadcast>

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

To join the meeting via phone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Thursday, November 12, 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 # 12493
Hearing Date 11/16/20
202012154

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42
115-183

Site Address of Variance/Special Use Exception:

136 White Pine Dr., Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

Applicant seeks a 7.2' variance from the side yard setback requirement of 10' for an existing trellis and a 8.7' variance from the side yard setback requirement of 10' for the overhang of the trellis.

Tax Map #: 234-23.00-859.00

Property Zoning: GR

Applicant Information

Applicant Name: Yekaterina Barg
Applicant Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751
City Georgetown State DE Zip: 19947
Applicant Phone #: (302) 855-1260 Applicant e-mail: shannonb@sussexattorney.com

Owner Information

Owner Name: Yekaterina Barg
Owner Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751
City Georgetown State DE Zip: 19947 Purchase Date: 3/31/17
Owner Phone #: (302) 855-1260 Owner e-mail: shannonb@sussexattorney.com

Agent/Attorney Information

Agent/Attorney Name: Shannon Carmean Burton, Esquire
Agent/Attorney Address: Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751
City Georgetown State DE Zip: 19947
Agent/Attorney Phone #: (302) 855-1260 Agent/Attorney e-mail: shannonb@sussexattorney.com

Signature of Owner/Agent/Attorney

Shannon Carmean Burton, Esquire
Digitally signed by Shannon Carmean Burton, Esquire
Date: 2020.09.24 14:22:51 -04'00'

Date: 9/30/20



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

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

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

1. Uniqueness of property:

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

The property is unique in that it is a narrow rectangular lot located in The Pines at Long Neck Subdivision and consisting of only 7,500 square feet of land. The exceptional practical difficulty is due to such uniqueness and not due to circumstances or conditions generally created by the provisions of the Zoning 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.

There is no possibility that the property can be developed in strict conformity with the Code. The purpose of the trellis was to create a natural shaded area for Applicant's children to play. If the trellis must meet setback requirements, its purpose would be defeated. The space would be too small for the children to play and little, if any, shade would be created. A variance is necessary to enable the reasonable use of the property. +

3. Not created by the applicant:

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

The exceptional practical difficulty has not been created by the Applicant. The Applicant had no control over the size of the lot or the house, or the placement of the house. The Applicant engaged a contractor to construct the trellis to create a natural shaded area for her children to play on this unique, undersized lot.

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

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

The variance will not alter the essential character of the neighborhood or district in which the property is located, nor will it substantially or permanently impair the use or development of adjacent property, or be detrimental to the public welfare. Rather, the adjoining property owner who would be most affected by the variance supports this application and Applicant received permission from the HOA to construct the trellis.

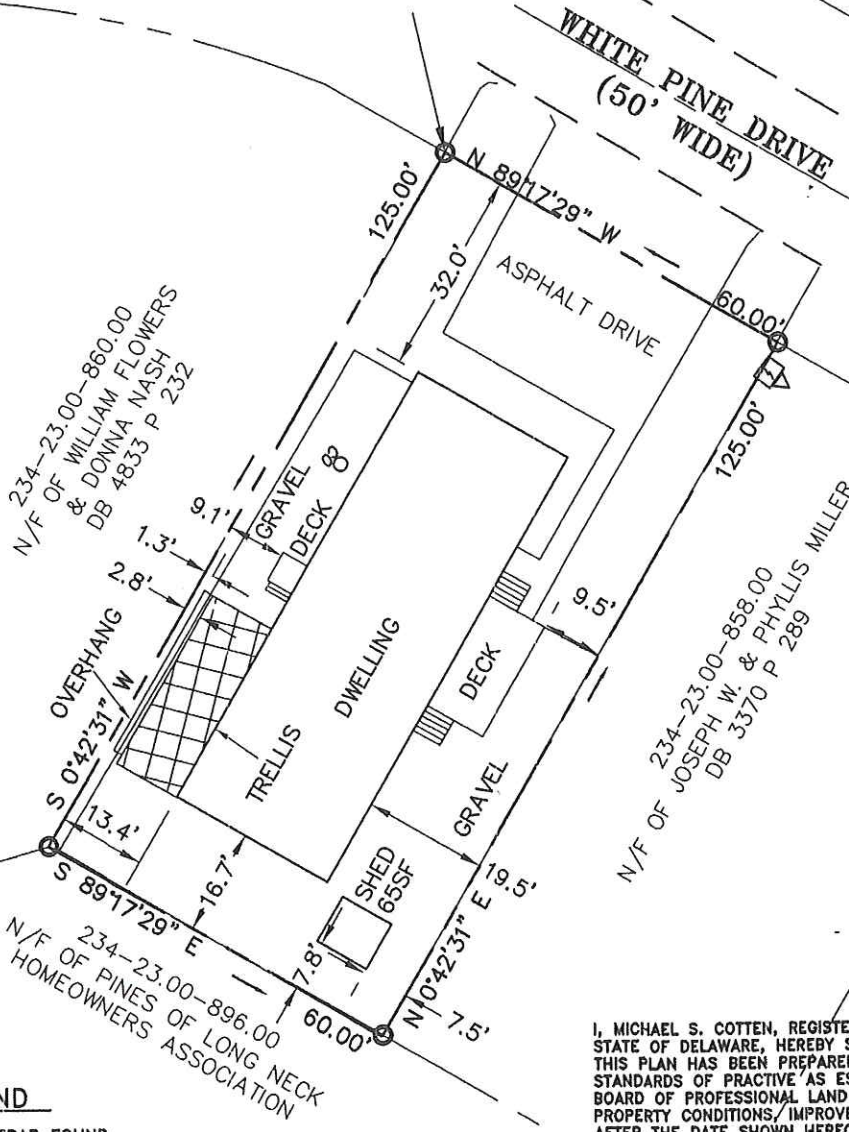
5. Minimum variance:

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

The variance represents the minimum variance that will afford relief and represents the least modification possible of the regulation in issue.



1375'± TO
INT OF
NORTHEASTERLY AND
NORTHWESTERLY ROW
OF WHITE PINE DRIVE



LEGEND

- IRON REBAR FOUND
- PROPERTY LINE
- - - EDGE OF PAVING

I, MICHAEL S. COTTEN, REGISTERED AS A PROFESSIONAL ENGINEER 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 OF LEGAL USE.

NOTES

1. TITLE REFERENCED TO DEED BOOK 4687, PAGE 267.
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. THIS SURVEY DOES NOT CERTIFY THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS AFFECTING THIS PROPERTY. NO TITLE SEARCH WAS PERFORMED OR PROVIDED.

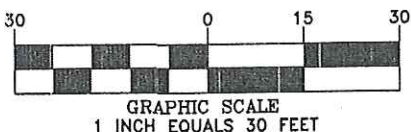
BOUNDARY SURVEY
FOR YEKATERINA BARG
LOT 150, PHASE II, THE PINES AT LONG
NECK SUBDIVISION
136 WHITE PINE DRIVE
MILLSBORO DE 19966
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP #234-23.00-859.00
AREA: 7,500±SF OR 0.172±ACRES

COTTEN ENGINEERING LLC

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

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THIS PROJECT ONLY, AND REMAINS THE COPYRIGHTED PROPERTY OF COTTEN ENGINEERING LLC. REUSE OR REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENTS RISK AND BE A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA AND THE RESPECTIVE STATE WITHIN WHICH THE WORK WAS COMPLETED.

DESIGNED BY: CE	REV:	JOB # 20-378
DRAWN BY: JCD	DATE: 09/08/2020	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: AS-SHOWN	



12339

BK: 4687 PG: 267

TAX MAP AND PARCEL #: 2-34 23.00
859.00
PREPARED BY & RETURN TO:
Haller & Hudson
101 S. Bedford St.
P.O. Box 533
Georgetown, DE 19947
File No. 10004-KH/

RECEIVED
APR 03, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

THIS DEED, made this 31st day of March, 2017,

- BETWEEN -

FRANK A. RICCI, JR. and VIRGINIA A. RICCI, of 233 Cheyenne Drive, Bear, DE 19701, parties of the first part,

- AND -

YEKATERINA BARG, of 804 Longmaid Drive, Reisterstown, MD 21136, as sole owner, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **One and 00/100 Dollar (\$1.00)**, lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and her heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

All THAT certain lot, piece and parcel of land, lying and being in Indian River Hundred, Sussex County and State of Delaware, being known and designated as Lot #150, Pines at Long Neck, more fully shown on the subdivision plot of Pines at Long Neck, as recorded with the Office of the Recorder of Deeds, in and for Sussex County, Georgetown, Delaware, in Plot Book 56, Page 310, together with any and all improvements located thereon.

NS

NS

BK: 4687 PG: 268

BEING the same land conveyed unto Frank A. Ricci, Jr. and Virginia A. Ricci by deed Pines of Long Neck, Inc. dated August 13, 1993 of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 2313 at Page 68.

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

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

Signed, Sealed and Delivered in the presence of:

Consideration:	
County	
State	
Town	
Total	49.00
Received: Teresa C Apr 03, 2017	

WIT [Signature]

[Signature] (SEAL)
Frank A. Ricci, Jr.

WIT [Signature]

[Signature] (SEAL)
Virginia A. Ricci

Consideration:	
County	768.75
State	768.75
Town	
Total	1,537.50
Received: Teresa C Apr 03, 2017	

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 31, 2017, personally came before me, the subscriber, Frank A. Ricci, Jr. and Virginia A. Ricci, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

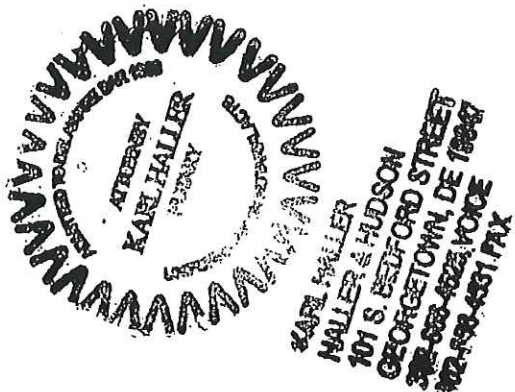
GIVEN under my Hand and Seal of Office the day and year aforesaid.

[Signature]
Notary Public

KARL HALLER
HALLER & HUDSON
101 S. BEDFORD STREET
GEORGETOWN, DE 19947
302-858-4525 VOICE
302-858-4531 FAX

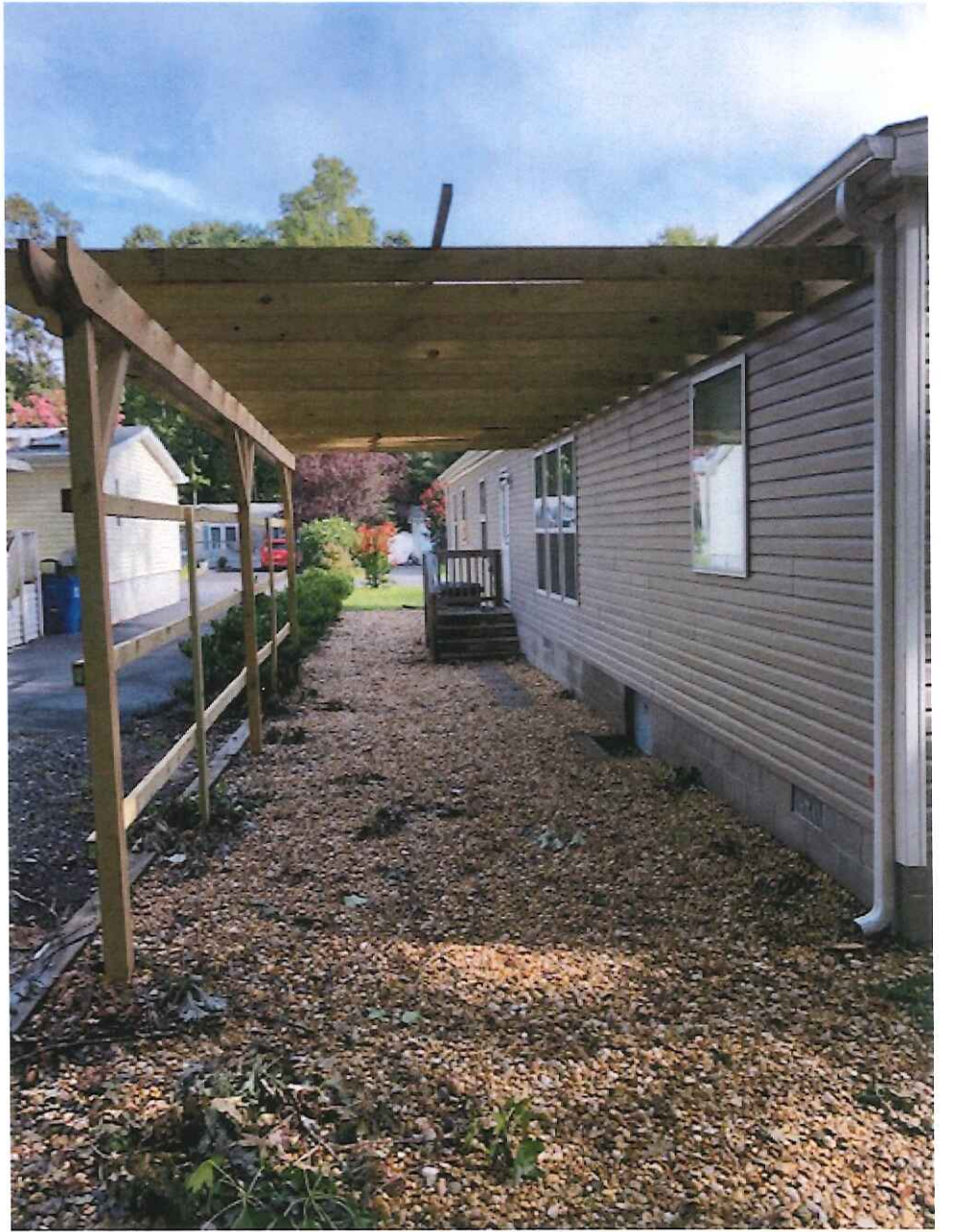
My Commission Expires: MA IS ATTORNEY

BAR NO 56



NOTARIAL OFFICER PURSUANT TO
29 DEL CODE SECT 4321(3)
ATTORNEY AT LAW - DELAWARE
ID #56

Recorder of Deeds
Scott Dailey
Apr 03, 2017 10:35A
Sussex County
Doc. Surcharge Paid











Sent from my iPhone

From: DONNA NASH <dlanash@comcast.net>
Date: August 8, 2020 at 3:58:48 PM EDT
To: "katyabarg@yahoo.com" <katyabarg@yahoo.com>
Subject: 136 White Pine Drive Millsboro De

To Whom It May Concern,

My husband and I own the property at 138 White Pine Drive. It has come to our attention that there is an issue with the recently installed pergola at above property. Please be advised we have no issue with the pergola as it does not interfere with our residence at all. If you have any questions please feel free to contact me at 302-584-7857.

Donna L. Nash



Sussex County

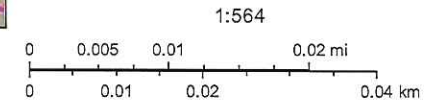


PIN:	234-23.00-859.00
Owner Name	BARG YEKATERINA
Book	4687
Mailing Address	804 LONGMAID DR
City	REISTERSTOWN
State	MD
Description	PINES AT LONG NECK
Description 2	PHASE II LOT 150
Description 3	T#55597
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 142 911 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 # 12494
Hearing Date _____

202012340

RECEIVED

OCT 05 2020

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition SUSSEX COUNTY
PLANNING & ZONING
Proposed
Code Reference (office use only)
115-42, 115-183
115-185

Site Address of Variance/Special Use Exception:

14 White Pine Drive, Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

Applicants seek a 5' variance from the rear yard setback requirement of 5' for an existing shed.

Tax Map #: 234-23.00-808.00

Property Zoning: GR

Applicant Information

Applicant Name: James and Elizabeth Wade
Applicant Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., P.O. Box 751
City Georgetown State DE Zip: 19947
Applicant Phone #: (302) 855-1260 Applicant e-mail: shannonb@sussexattorney.com

Owner Information

Owner Name: James and Elizabeth Wade
Owner Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., P.O. Box 751
City Georgetown State DE Zip: 19947 Purchase Date: 9/30/20
Owner Phone #: (302) 855-1260 Owner e-mail: shannonb@sussexattorney.com

Agent/Attorney Information

Agent/Attorney Name: Shannon Carmean Burton, Esquire
Agent/Attorney Address: Sergovic Carmean Weidman McCartney & Owens, P.A., P.O. Box 751
City Georgetown State DE Zip: 19947
Agent/Attorney Phone #: (302) 855-1260 Agent/Attorney e-mail: shannonb@sussexattorney.com

Signature of Owner/Agent/Attorney

Shannon Carmean Burton, Esquire
Digitally signed by Shannon Carmean Burton, Esquire
Date: 2020.10.05 11:20:01 -04'00'

Date: 10/5/20



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 is unique as it is a narrow, rectangular lot located in the Pines at Long Neck Subdivision and contains only 7,500 sq. ft. of land. The rear of the property abuts open space lands owned by the HOA. The exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the 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.

There is no possibility that the property can be developed in strict conformity with the Zoning Code. The shed has been in its current location since 1999 and there is no other location to place it on the property. 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.

The exceptional practical difficulty has not been created by the Applicants. The Applicants recently purchased the property and learned of the encroachment upon receipt of a survey. The Applicants did not have any control over the size of the lot, the location of the dwelling or the location of the shed.

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

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

The variance will not alter the essential character of the neighborhood/district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property or be detrimental to the public welfare. The lands that would be affected by the variance are open space lands owned by the HOA, which has entered into a license agreement to allow the encroach onto the HOA lands.

5. Minimum variance:

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

The variance, if authorized, represents the minimum variance that will afford relief and represents the least modification possible of the regulation in issue. The Applicants' seek to bring the shed into compliance with the Zoning Code and nothing more.

LEGEND

○ IRON PIPE FOUND

PROPERTY LINE

N/F OF 234-23.00-899.00
HOMEOWNERS AT LONG NECK
ASSOCIATION
DB 2622 P 343

N/F OF 234-23.00-809.00
DIXIE L. KALEY
DB 4442 P 141

N/F OF 234-23.00-807.00
SANDRA CHINCHILLA &
MICHELLE HOLMES
DB 4924 P 145

POB/POC
420'± TO JOHN J
WILLIAMS HWY

I, MICHAEL S. COTTEN, REGISTERED AS A PROFESSIONAL ENGINEER 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 OF LEGAL USE.

**WHITE PINE DRIVE
(50' WIDE)**



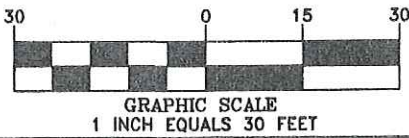
NOTES

1. TITLE REFERENCED TO DEED BOOK 2096 PAGE 200.
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. THIS SURVEY DOES NOT CERTIFY THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY.
5. FLOOD ZONE 'X'. THIS LOT MAY CONTAIN STATE AND/OR FEDERAL WETLANDS.
6. SIDE AND REAR LOT LINES SUBJECT TO CL OF 10' DRAINAGE/UTILITY EASEMENT

BOUNDARY SURVEY PLAN
FOR JAMES N. & ELIZABETH ANN WADE
OF LANDS N/F OF
EDWIN S. & KAREN L. BARLOW
LOT 99, PINES AT LONG NECK SUBDIVISION
14 WHITE PINE DRIVE
MILLSBORO, DE 19966
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP #234-23.00-808.00
AREA: 7,500±SF OR 0.172±ACRES

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

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THIS PROJECT ONLY, AND REMAINS THE COPYRIGHTED PROPERTY OF COTTEN ENGINEERING LLC. REUSE OR REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENTS RISK AND BE A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA AND THE RESPECTIVE STATE WITHIN WHICH THE WORK WAS COMPLETED.



DESIGNED BY: CE	REV: 1	JOB # 20-410
DRAWN BY: JCD	DATE: 10/2/2020	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: AS-SHOWN	

2-34 23.00 808.00 & 899.00
Prepared by & Return to:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut Street
Georgetown, DE 19947-0751
File No. RE-11685

THIS IS A LICENSE AGREEMENT, made and entered into this 30th day of September, A.D., 2020, by and between **THE PINES AT LONG NECK HOMEOWNERS' ASSOCIATION, INC.**, a Delaware non-profit corporation, party of the first part, hereinafter referred to as "Licensor" and **EDWIN S. BARLOW AND KAREN L. BARLOW**, of 800 East Avenue, New Castle, DE 19720, parties of the second part, hereinafter collectively referred to as "Licensees".

WHEREAS, Licensor is the owner of certain real property designated as Tax Map 2-34 23.00 899.00, as described in a Deed filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2622, page 343 (the "Lands of Licensor"); and

WHEREAS, Licensees are the present owners of certain real property designated as Tax Map 2-34 23.00 808.00 as conveyed to Licensees by a Deed filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2096, page 200 (the "Lands of Licensees");

WHEREAS, the improvements of Licensees, more specifically a deck and garage, encroach onto the Lands of the Licensor, said encroachments being more particularly shown on a recent survey made by Cotten Engineering LLC dated September 18, 2020, a copy of which is attached hereto as Exhibit "A" (the "Survey"); and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter expressed, the parties hereto agree as follows:

1. Licensor hereby grants to Licensees a License to occupy and use, subject to the terms and conditions set forth herein, the Lands of Licensor caused by the encroachment of a deck and

garage hereinafter presently existing and as more particularly shown on the Survey, attached hereto as Exhibit "A".

2. Licensees agree to pay the Licensor an annual license fee in the amount of One Dollar (\$1.00).

3. Licensees agree that no further improvements or modifications shall be made to the improvements of Licensees presently existing on the Lands of Licensor without the express written consent of the Licensor, its successors or assigns, except for regular maintenance or repair to the existing improvements.

4. Licensees agree that this License shall cease and come to an end if the encroaching improvements are destroyed by Licensees, act of God, disuse, disrepair, or natural causes or are damaged to such an extent that they cannot be repaired as a result of any of the foregoing causes. Licensees further agree that if the License is terminated pursuant to this Paragraph, Licensees shall remove all debris from the Lands of Licensor within sixty (60) days following the date that the improvement was destroyed or damaged.

5. Licensees agree that no interest or estate in the Lands of Licensor has been acquired by the use and occupancy of the Lands of Licensor prior to the date of this License Agreement and that they do not and shall not claim at any time subsequent to the date of this License Agreement any interest or estate in the Lands of Licensor as a result of the occupancy or use of the Lands of Licensor pursuant thereto.

6. Licensees agree to defend and hold Licensor harmless from any liability or damages for personal injury, including death, and property damage resulting from, or in any way connected with, the improvements of Licensees covered by this License Agreement.

7. Licensees agree that if Licensor waives any breach of any covenant or condition set forth herein, such waiver shall not be construed as a waiver of any subsequent breach of the same or different covenant or condition.

8. This License Agreement shall be construed and interpreted under the laws of the State of Delaware. In the event that a dispute arises between the parties hereto under the terms of this License Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs in addition to any other remedies available under Delaware Law.

9. It is mutually agreed by the parties hereto that the terms and conditions of this License Agreement shall run with the land and shall be binding not only upon the parties hereto but also upon their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, Licensor and Licensees have hereunto set their hands and seals, the day and year first above written.

Licensor:

THE PINES AT LONG NECK
HOMEOWNERS' ASSOCIATION, INC.

By: *John C. Dupont*
President

[corporate seal]

Attest: *Jane Zang*
Secretary

Licensees:

Edwin S. Barlow (SEAL)
Edwin S. Barlow

Karen L. Barlow (SEAL)
Karen L. Barlow

[Signature]
Witness

[Signature]
Witness

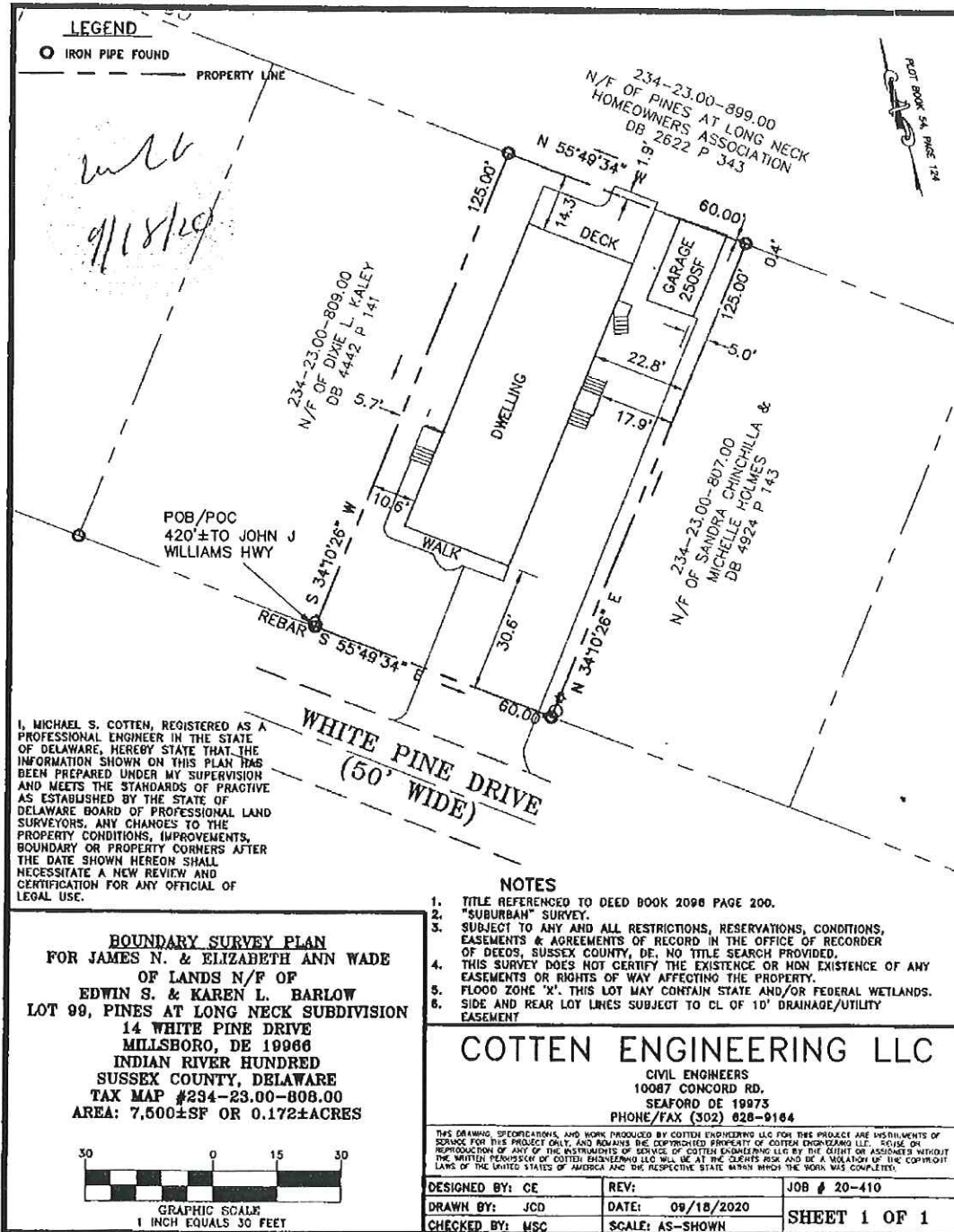


Exhibit "A"

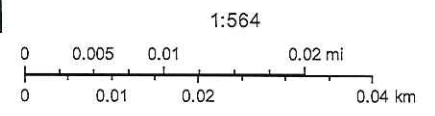


PIN:	234-23.00-808.00
Owner Name	WADE JAMES N
Book	5322
Mailing Address	426A HOPE DR
City	MIDDLETOWN
State	DE
Description	PINES AT LONG NECK
Description 2	LOT 99
Description 3	CT47962
Land Code	

- 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 # 12495
Hearing Date _____

202012339

RECEIVED

OCT 05 2020

Type of Application: (please check all applicable)

- Variance
- Special Use Exception
- Administrative Variance
- Appeal

SUSSEX COUNTY
PLANNING & ZONING
Existing Condition
Proposed
Code Reference (office use only)
115-25 115-183
115-185

Site Address of Variance/Special Use Exception:

10116 Locust Street, Laurel, DE 19956

Variance/Special Use Exception/Appeal Requested:

Applicants seek a 7.9' variance from the side yard setback requirement of 15' to construct a two-car attached garage.

Tax Map #: 232-12.18-29.01

Property Zoning: AR-1

Applicant Information

Applicant Name: Carl Anderson and Maria Anderson
Applicant Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751
City Georgetown State DE Zip: 19947
Applicant Phone #: (302) 855-1260 Applicant e-mail: shannonb@sussexattorney.com

Owner Information

Owner Name: Carl Anderson and Maria Anderson
Owner Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751
City Georgetown State DE Zip: 19947 Purchase Date: 10/2/08
Owner Phone #: (302) 855-1260 Owner e-mail: shannonb@sussexattorney.com

Agent/Attorney Information

Agent/Attorney Name: Shannon Carmean Burton, Esquire
Agent/Attorney Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751
City Georgetown State DE Zip: 19947
Agent/Attorney Phone #: (302) 855-1260 Agent/Attorney e-mail: shannonb@sussexattorney.com

Signature of Owner/Agent/Attorney

Shannon Carmean Burton, Esquire
Digitally signed by Shannon Carmean Burton, Esquire
Date: 2020.10.05 10:23:23 -04'00'

Date: 10/5/2020



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.

The property is unique as it is a rectangular lot located in the Woodland Heights Subdivision and contains 15,050 square feet of land. There is no other location for the garage due to the location of the septic system. The exceptional practical difficulty is due to such uniqueness and not due to circumstances or conditions generally created by the Zoning Code in the neighborhood/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.

There is no possibility that the property can be developed in strict conformity with the Code. A two-car garage is a reasonable addition to the property. There is no other location on the property for the garage due to the location of the septic system. A variance is necessary to enable the reasonable use of the property.

3. Not created by the applicant:

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

The exceptional practical difficulty has not been created by the Applicants. They had no control over the size of the lot or the placement of the septic system. Applicants simply seek to construct a garage for their cars and for storage purposes. Many of the neighboring properties have detached garages that are located to the rear of the properties; however, due to the location of the septic system, that is not feasible.

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

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

The variance will not alter the essential character of the neighborhood or district in which the property is located, nor will it substantially or permanently impair the use or development of adjacent property, or be detrimental to the public welfare. Many of the properties in close proximity to the Applicants' property have garages. In addition, the garage will enhance the Applicants' property and increase its value.

5. Minimum variance:

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

The variance represents the minimum variance that will afford relief and represents the least modification possible of the regulation in issue. The Applicants simply seek to construct an attached two-car garage to park their cars and for storage of other personal property.

Document# 202000005831 BK: 5196 PG: 345
Recorder of Deeds, Scott Dailey On 2/7/2020 at 12:41:22 PM Sussex County, DE
Consideration: \$0.00 County/Town: \$0.00 State: \$0.00 Total: \$0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

2-32 12.18 29.01
PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947-0751
File No. SCB/anm

NO TITLE SEARCH REQUESTED OR PERFORMED

THIS DEED, made this 6 day of February, 2020,

- BETWEEN -

CARL ANDERSON, of 10116 Locust Street, Laurel, DE 19956, party of the first part,

- AND -

CARL ANDERSON and **MARIA ANDERSON**, of 10116 Locust Street, Laurel, DE 19956, husband and wife, as tenants by the entirety, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part, and their heirs and assigns:

ALL that certain lot, piece or parcel of land situated lying and being in Broad Creek Hundred, Sussex County, State of Delaware, on the south side of Locust Street, and being known as lots Nos. 12 and 13 Block "E" as shown on a plot of Woodland Heights as surveyed by Edgar L. Mustard in February 1948 and January 1950, said plot being of record in the Office of the Recorder of Deeds, Sussex County, Delaware in Plot Book 2, page 22, Dated May 12, 1950.

BEING the same lands conveyed to Carl Anderson by a deed of James R. Cummings and Juanita H. Cummings, dated October 2, 2008 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Deed Book 3625, page 83.

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

Document# 202000005831 BK: 5196 PG: 346
Recorder of Deeds, Scott Dailey On 2/7/2020 at 12:41:22 PM Sussex County, DE
Doc Surcharge Paid

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal
the day and year first above written.

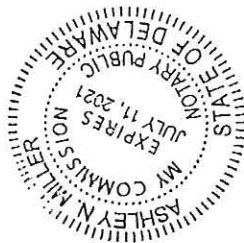
Signed, Sealed and Delivered
in the presence of:

_____ Carl Anderson (SEAL)
Carl Anderson

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on February 6, 2020, personally came before me, the
subscriber, Carl Anderson, party of the first part to this Indenture, known to me personally to be
such, and acknowledged this Indenture to be his act and deed.

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

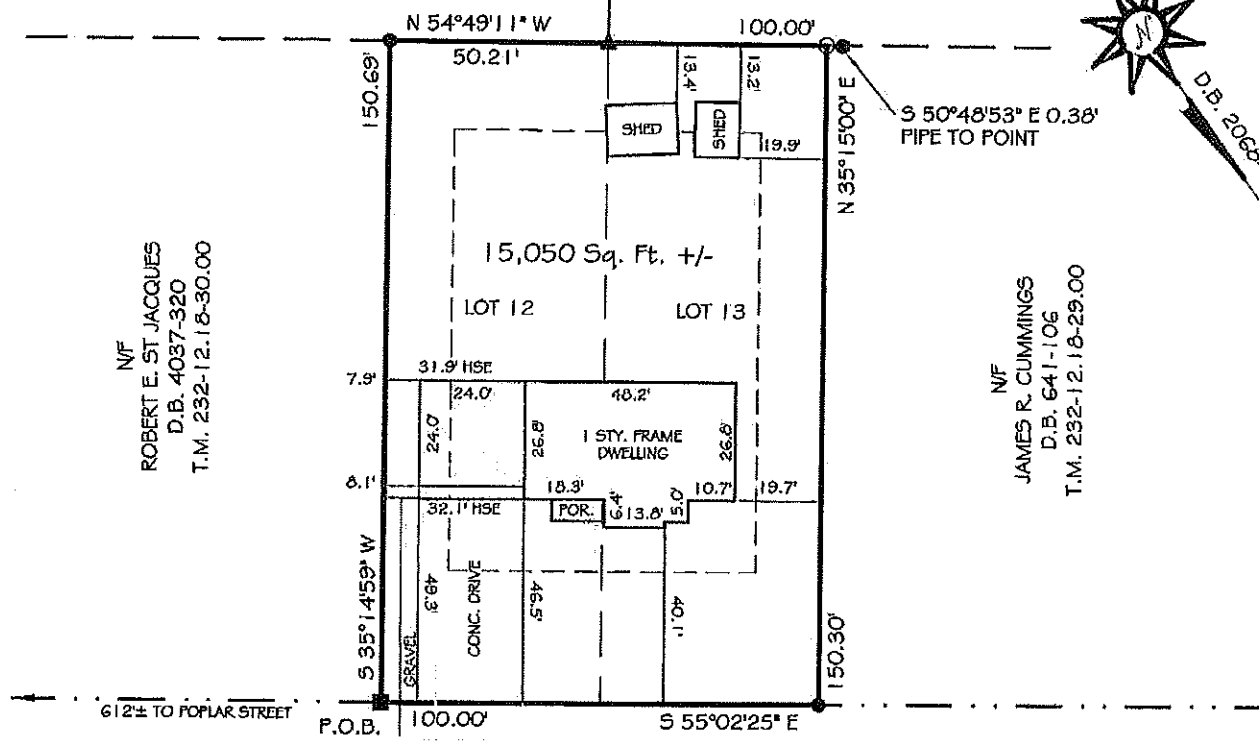
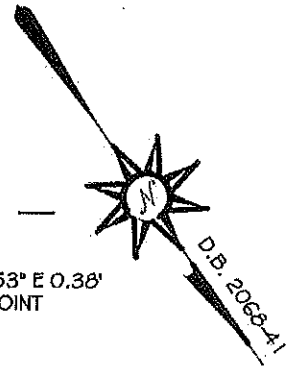


Ashley N. Miller
Notary Public
Printed Name: Ashley N. Miller
My Commission Expires: 7/11/21

T.M. #232-12.18-29.01

N/F
NICOLE L. ANDREWS
W.B. 426-163
T.M. 232-12.18-39.00

N/F
RONALD L. & FRANCES GRAY
D.B. 3156-257
T.M. 232-12.18-39.00



LOCUST STREET
(40' WIDE)

ZONING: AR-1
SETBACKS: FRONT 30'
SIDE: 15'
REAR: 20'

DEED REF: 5196-345

SEE PLOT BOOK 2 PAGE 22 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

BOUNDARY SURVEY PLAN FOR CARL & MARIA ANDERSON

10116 LOCUST STREET, LAUREL, DE. 19956
LOTS #12 & 13, BLOCK "E" OF "WOODLAND HEIGHTS" SUBDIV.
BROAD CREEK HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 40' SEPTEMBER 30, 2020
REVISED 10-14-2020 TO SHOWN PROPOSED GARAGE

I, STEPHEN M. SELLERS 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.

Stephen M. Sellers
STEPHEN M. SELLERS 113 566 DATE 10/14/2020
SURVEY CLASS: SUBURBAN

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



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

Application Number
202009642
Issue Date: 08/24/2020
Expire Date: 08/24/2021

Permit Type: ACCESSORY STRUCTURE OUT OF TOWN

Parcel ID	Address	Zone Code
232-12.18-29.01	10116 LOCUST STREET	AR-1

Owner Information	Applicant Information
Name: ANDERSON CARL Phone:	Name: ANDERSON CARL Phone:

Contractor Information	
Name: ANDERSON CARL CID: 281939 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: ATTACHED GARAGE Construction Type: Estimated Cost of Construction: \$ 5,184 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: 40.00 / Rear Setback: 20.00 / Side Setback: 15.00 / Corner Setback: _____ / Maximum Building Height: 42 Location Description: FLOOD ZONE WOODLAND HEIGHTS 12 13 Flood Zone: XP 404 L _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT 400'+

Scope of Work:
24X24 ATT GAR

Permit Details:

Signature of Approving Official

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction. I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property. THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number	BP-138679	TOTAL FEES:	\$ 35.46
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Building Description

Total Bedrooms:

Heat Type:

Full Baths:

Half Baths:

Roofing: SHINGLE

Total Rooms:

Exterior Walls: VINYL

Basement:

Foundation Type: BLOCK

Interior Walls:

Fireplace Type:

Flooring:

Air Conditioning: N

CONCRETE

Additional Requirement/Restrictions

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

_____ Agricultural Storage Structures
Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds
Must conform to the location approved by the park.

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

_____ Fences
Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

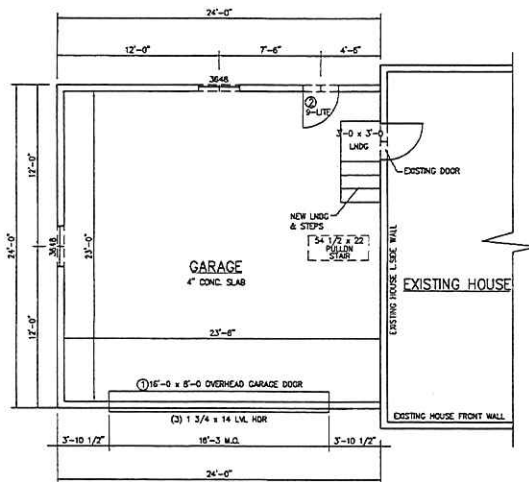
_____ Parcel Setbacks
All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

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

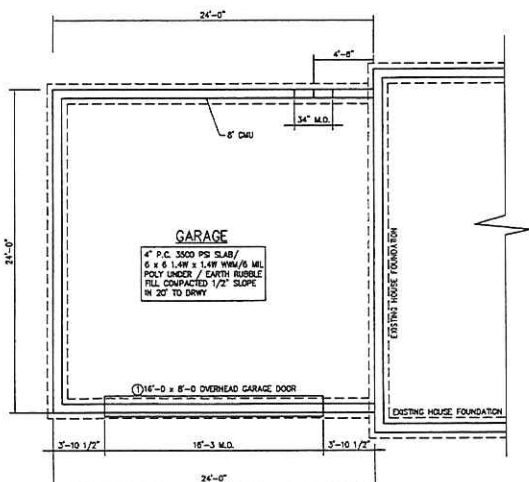
_____ Pools (In-Ground)
A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

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

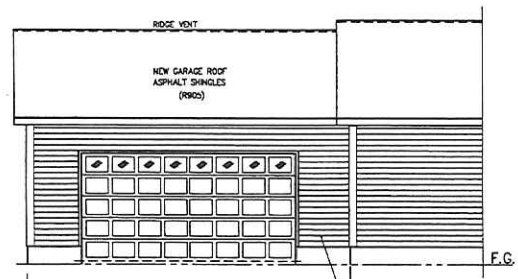
_____ Tax Ditch
Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.



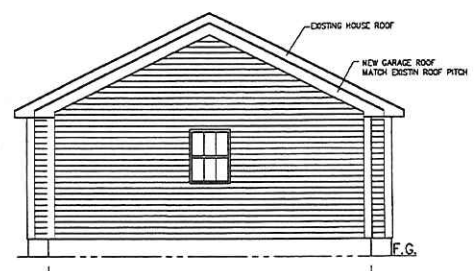
GARAGE PLAN
NOTE: 2 x 6 EXTERIOR WALLS



FOUNDATION PLAN



FRONT ELEVATION



L SIDE ELEVATION

WINDOW SCHEDULE				
SLOCOMB WINDOW INC.				
LOCATION	SIZE	HD.	SL. FT.	NOTES
GARAGE	38 x 48	3/4"	5/8"	D.H.

DOOR SCHEDULE				
DOOR	SIZE	ML.	SL. FT.	NOTES
1	15'-0" x 8'-0"			OVERHEAD GARAGE DOOR
2	7'-8" x 6'-8"	2MBS		8-LITE
3				

GENERAL NOTES

- ALL ROOF RIDGES ARE TO WOOD STUDS
- CONSTRUCTION SHALL BE WITH THE FOLLOWING SECT OF THE "INTERNATIONAL RESIDENTIAL CODE 2018"
- BUILDING PLANNING - CHAPTER 3
- BEDDING OVERLAY - SECT R301.1
- EMERGENCY ESCAPE & RESCUE OPENINGS - SECT R310
- WINDOW OPENING AREA - R310.1 (1)
- HEADS OF DOORS - SECT R311
- EGRESS DOOR - R311.2
- FLOOR & LANDINGS AT DOORS - R311.3
- HALLWAYS - R311.5
- STAIRWAYS - R311.7
- GUTTERS AND WINDOW FALL PROTECTION - SECT R312
- SMOKE ALARMS - SECT R314
- SMOKE DETECTORS (SEE WED) W/ BATTERY BACK UP & INTERCONNECTED
- CARBON MONOXIDE ALARM - SECT R315
- COMBINATION CARBON MONOXIDE/ SMOKE ALARM (SEE)
- PROTECTION AGAINST VERMIN - SECT R316
- FLOOD-RESISTANT CONSTRUCTION - SECT R318
- FOUNDATIONS - CHAPTER 4
- FOOTINGS - SECT R403
- FOOTING MINIMUM DEPTH - R403.1.1
- FOOTING MINIMUM DEPTH - R403.1.4
- FOUNDATION DRAINAGE - R403
- FOUNDATION WATERPROOFING - SECT R404
- COLUINS - SECT R407
- UNDER-FLOOR SPACE - SECT R408
- VENTILATION - R401.1
- OPENINGS FOR UNDER FLOOR VENT. - R401.2
- ACCESS - R401.4
- FINISHED GRADE - R401.6
- FLOOR RESISTANCE - R401.7
- FLOOR - CHAPTER 5
- ALLOWABLE JOIST SPANS - R502.3
- WALL CONSTRUCTION - CHAPTER 6
- WALL COVERING - CHAPTER 7
- ROOF-CEILING CONSTRUCTION - CHAPTER 8
- RAFTER SPANS - TABLE R502.1(2)
- CEILING JOIST SPANS - TABLE R502.1(1)
- ROOF ASSEMBLIES - CHAPTER 9
- CHIMNEYS & FIREPLACES - CHAPTER 10
- ALL DOOR & WINDOW HEADERS TO BE (2) 2" x 12" 3/4" CDX PLYWOOD (UNLESS OTHERWISE NOTED)

OWNER/CONTRACTOR TO VERIFY ALL ASPECTS OF PLAN AND ELEVATION PRIOR TO CONSTRUCTION

GARAGE = 576 SQ FT

MR. & MRS. ANDERSON RESIDENCE
10116 LOCUS STR.
LAUREN, DE

GARAGE PLAN & FOUNDATION
FRONT & L SIDE ELEVATION
WINDOW & DOOR SCHEDULE

DRAWING NUMBER	SCALE 1/4" = 1'-0"	REVISION
LS - 1001	1/8" = 1'-0"	#
DRAWN BY	SA	05-03-20
DESIGNED BY		
SALES REP.		

THIS DRAWING IS THE PROPERTY OF
BROOKS & PALMER CUSTOM HOMES, INC.
GREENGROVE, DE
(302) 834 - 1137

CONTRACTOR NOTES

BEFORE PERFORMING WORK THE CONTRACTOR/BUILDER SHALL VERIFY THE EXISTING LOCATIONS, DIMENSIONS AND CONDITIONS OF ALL EXISTING STRUCTURAL COMPONENTS INCLUDING BUT NOT LIMITED TO CEILING JOISTS, FLOOR JOISTS, RAFTERS ETC. TO MAKE SURE PROPER INTEGRATION WITH THE NEW COMPONENTS.

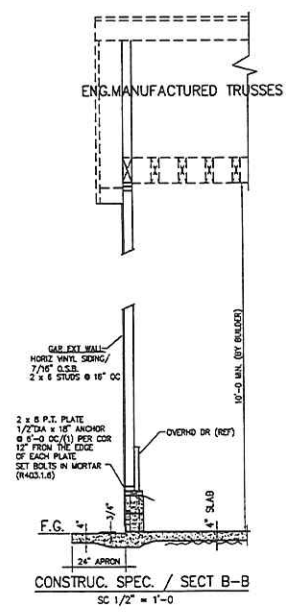
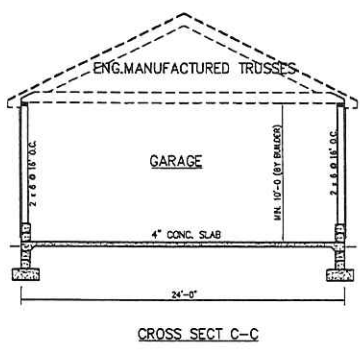
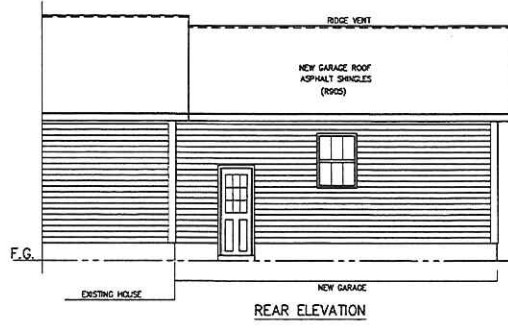
SD SAMSON DESIGN & DRAFTING L.L.C.
LEVEL DE 19408
(302) 947-0965

Carl Anderson
SIGNATURE

6/8/2020
Date

Maria Anderson
SIGNATURE

6/8/2020
Date



MR. & MRS. ANDERSON RESIDENCE
10116 LOCUS STR.
LAUREN, DE

REAR ELEVATION
CONSTRUC. SPEC. / SECT B-B
CROSS SECT C-C

DRAWING NUMBER	SCALE: 1/4" = 1'-0"	REVISION
LS - 1002	1/4" = 1'-0"	*
DRAWN BY: SA	08-25-20	
REVISED BY:		
SALES REP:		

THIS DRAWING IS THE PROPERTY OF
BROOKS & PALMER CUSTOM HOMES, INC.
GEORGETOWN, DE
(302) 834 - 1137

CONTRACTOR NOTES
PRIOR TO PERFORMING WORK,
THE CONTRACTOR/BUILDER SHALL
VERIFY THE EXISTING LOCATIONS,
DIMENSIONS AND CONDITIONS OF ALL
EXISTING STRUCTURAL COMPONENTS
INCLUDING, BUT NOT LIMITED TO, CEILING
JOISTS, FLOOR JOISTS, RAFTERS, ETC.
TO MAKE SURE PROPER INFORMATION
WITH THE NEW COMPONENTS.

SD SAUMSON DESIGN & DRAFTING L.L.C.
LENEX, DE 19958
(302) 847-0895

Carl Anderson
SIGNATURE

6/8/2020
Date

Maria Anderson
SIGNATURE

6/8/2020
Date

BUILDING CODE
REQUIRED YES 60606

BUILDING PERMIT APPLICATION
SUSSEX COUNTY, DELAWARE

PERMIT NO. 271611

NEEDS TOWN PERMIT: DENREC # 215273 S&W _____ Div of Rev spec
LOCATION
Roule WOODLAND HGTS LOTS (N) (S) (E) (W) Side: 12 & 13 BLK E (ft) (miles) (N) (S) (E) (W) of PARCEL A
Subdiv. Or TP: _____ Lot No _____ Section or Block _____
Town _____ Street locust st

District No: 232 Map No: 12.18 Parcel No: 29.01 Manufactured Home #: _____
Frontage: 100 Depth 150 Acreage: _____

ASSESSMENT		
I. TYPE OF IMPROVEMENT		
Cost of Improvements \$ <u>79,065.00</u>	Stories _____	
New Building <u>DW</u> Size <u>40x33</u>		
Addition <u>FRT PORCH</u> Size <u>10x5</u>		
Relocation _____ Size _____		
A. Structure _____ Size _____		
Sign _____ Size _____		
Remodeling _____ Size _____		
Other _____ Size _____		
II. INTERIOR		
No of Bedrooms <u>3</u>	VI. FOUNDATION	
No of Bathrooms <u>2</u>	Pad <input type="checkbox"/> Brick <input type="checkbox"/>	
No of Rooms <u>5</u>	Piling <input type="checkbox"/> Conc Blk <input checked="" type="checkbox"/>	
Basement <u>CRAWL</u>	Poured Concrete <input type="checkbox"/> Slab <input type="checkbox"/>	
Other _____		
III. HEATING		
Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	
Heat Pump <input checked="" type="checkbox"/>	FHA <input type="checkbox"/>	
Air Condition <input checked="" type="checkbox"/>	VII. FIRE PLACE	
IV. EXTERIOR WALLS		
Vinyl <input checked="" type="checkbox"/>	Wood <input type="checkbox"/>	
Alum Sliding <input type="checkbox"/>	Brick <input type="checkbox"/>	
Other <input type="checkbox"/>	Stone <input type="checkbox"/>	
VIII. ROOFING		
Built-Up <input type="checkbox"/>	Metal <input type="checkbox"/>	
Asph Shingle <input checked="" type="checkbox"/>	Wood Shingle <input type="checkbox"/>	
Other <input type="checkbox"/>	Other _____	
IX. FLOORING		
Dry Wall <input checked="" type="checkbox"/>	Earth <input type="checkbox"/> Vinyl <input checked="" type="checkbox"/>	
Paneling <input type="checkbox"/>	Carpet <input checked="" type="checkbox"/> Tile <input type="checkbox"/>	
Other <input type="checkbox"/>	Concrete <input type="checkbox"/> Wood <input type="checkbox"/>	
Other _____	Other _____	

ZONING	
TYPE OF USE	
Existing Use <u>DW, FRT PORCH</u>	
Proposed Use <u>DW, FRT PORCH</u>	
Single Family <input checked="" type="checkbox"/> Commercial _____ Other _____	
Zoning District <u>AR1</u>	No of Units _____
SETBACKS	
Front Yard <u>30</u>	Side Yard <u>15</u> Rear Yard <u>20</u>
Rd Name - RY _____	
Side yard on side street or corner Lot _____	
From any dwelling or other ownership _____	
From any unit or Assesory Structure _____	
Cannot occupy more than _____ of total lot area	
Height <u>42' MAX</u>	
Board of Adjustment Case No. _____	
Conditional Use Case No. _____	
Approved by Planning and Zoning <u>Crystal Adams</u>	
FLOOD	
Flood Zone <u>XP 404J</u>	
Elevation Required above mean sea level _____	
To be measured to	
1. Finished first floor _____	
2. Lowest structural member _____	
Elevation certification _____	
Breakaway walls _____	
Placement Survey _____	
Height Certification _____	
Venting _____	
I fully understand the Zoning Requirement of this Permit.	
ADDITIONAL REQUIREMENTS AND COMMENTS _____	

OWNERS IDENTIFICATION

Name CUMMINGS, JAMES R & JUANITA H

Address 10106 LOCUST ST

City: LAUREL ST DE Zip 19956

On Lands of STA 81

Name & Address of recipient of Certificate of Compliance (Builders)

Name mahatta construction

Address 11 sandpebble dr

City seaford State de Zip: 19973

The owner of this building or land and the undersigned agree to all applicable Federal State and County Regulations and to apply for certificate of Compliance at Completion. This does not imply approval of other Governmental Agencies or Compliance with private deed restrictions.

Signature of Applicant [Signature] Name Printed _____ Phone Number 628-1976

Permit Fee \$244.50 + \$197.66 + \$0.00 = \$442.16 Payment Type Check 9083 Date Issued: 10/2/08

BP FEE + FIRE ST FEE + DISC FEE + VIOL FEE + MAIL FEE + OTHER FEES = TOTAL PERMIT FEE

ZONING AND BUILDING PERMIT will expire one (1) year from date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those BEYOND THE PERMIT-HOLDER'S CONTROL. GRADING OR SURFACE-SHAPING OF THE SITE SHALL NOT BE CONSIDERED AS "ACTUAL CONSTRUCTION." PERMIT MUST BE RENEWED PRIOR TO DATE. ASSESSORS AND INSPECTORS RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY: The owner or owners of these premises do hereby consent to the Board of Assessment and Planning and Zoning Agent and Building Code Officials to enter said premises during the construction for which this PERMIT is granted, or within a reasonable time thereafter, for the purpose of assessing and inspecting said property, said consent being given on the signing of this permit.

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

GRADING

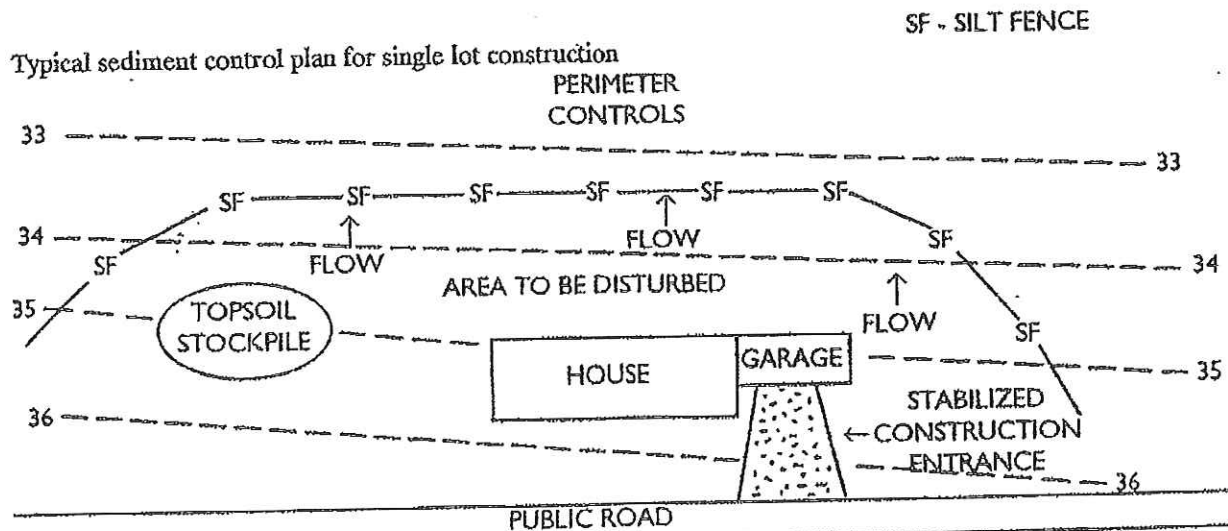
- Initial earth disturbance will be limited to that area necessary to install sediment control measures.
- The permanent driveway or entrance location shall be used as the stabilized construction entrance. Two inch stone shall be placed 6 inches deep, fifty feet long and as wide as necessary to accommodate all construction vehicles.
- At any location where sediment laden run-off may exit the property, perimeter controls will be installed to prevent sediment from being transported off-site.
- Any sediment transported off-site to roads or road rights of way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
- Grading shall not impair surface drainage, create an erosion hazard or create a source of sediment to any adjacent watercourse or property owner.
- Local grading requirements may supplement these grading conditions.

STABILIZATION


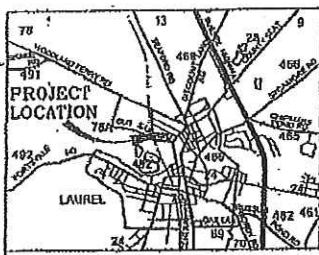
- **FOLLOWING INITIAL SOIL DISTURBANCE OR REDISTURBANCE, TEMPORARY OR PERMANENT STABILIZATION WITH SEED AND MULCH SHALL BE COMPLETED WITHIN 14 DAYS TO THE SURFACE OF ALL DISTURBED AREAS NOT ACTIVELY UNDER CONSTRUCTION.**
- Specific stabilization recommendations may be found in the Delaware Erosion and Sediment Control Handbook 1989.
- Swales or other areas that transport concentrated flow will be stabilized with erosion control matting or sod. Downspouts will be protected by splashblocks, sod or other means of adequate protection to prevent erosion.

SPECIFICATIONS

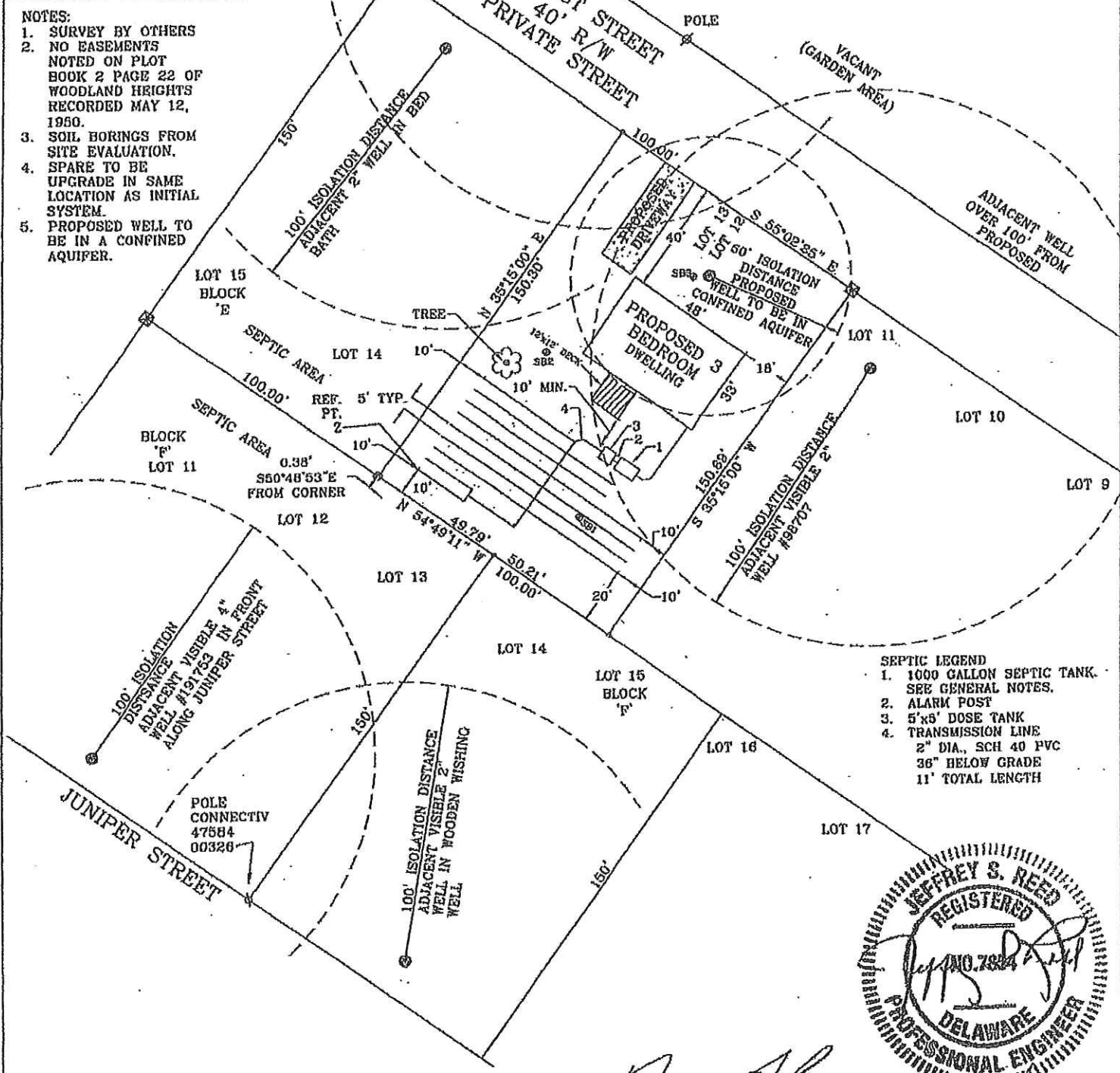
For specifications regarding all sediment control practices, reference the Delaware Erosion and Sediment Control Handbook 1989.



215273-5

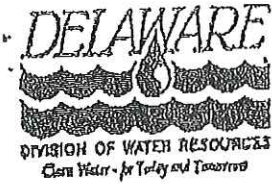
- NOTES:**
1. SURVEY BY OTHERS
 2. NO EASEMENTS NOTED ON PLOT BOOK 2 PAGE 22 OF WOODLAND HEIGHTS RECORDED MAY 12, 1950.
 3. SOIL BORINGS FROM SITE EVALUATION.
 4. SPARE TO BE UPGRADE IN SAME LOCATION AS INITIAL SYSTEM.
 5. PROPOSED WELL TO BE IN A CONFINED AQUIFER.



Scale: 1"=50'
 Sheet: N/A
 Date: 9-4-08
 Drawn by: JVR
 Client: MAHETTA
 Client #: 08158

SEPTIC PLOT PLAN
WOODLAND HEIGHTS
 LOTS 12 & 13
 PARCEL "A"

CITADEL ENGINEERING, INC.
 Jeffrey S. Reed, P.E.
 17129 Webbs Road
 Ellendale, DE 19841
 (302) 422-2574



ON-SITE WASTEWATER SYSTEM CONSTRUCTION REPORT



MAHETTA - CUMMINGS RECEIVED

(Please Type or Print Legibly)

JAN 14 2009

Permit #: 215273-5

GROUNDWATER

Tax Map#: 2-32-12.18-29.01

Installer's Name: BRENT T SUTTON

License #: 4105

Phone #: 337-7293

Construction Start Date: 12-17-08

Authorization #: 4503

Completion Date: 01-13-09

THIS FORM MUST BE SUBMITTED WITHIN 10 DAYS OF COMPLETION

(Please check all boxes that apply)

CF = Cap & Fill / FD = Full Depth

Type of Construction:

- Replacement
New Construction
Component Replacement
Repair to 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)

- Low Pressure Pipe (CF)
Wisconsin At-Grade
Pressure Dose (CF)
Subsurface Micro Irrigation
Gravity (CF)
Other

- Bed or Gravelless Chamber or Stone/Gravel

- Sand-lined Existing System Malfunctioning

- Yes No N/A

Pre-Treatment Units

- Bio-Clear
Septic Tank
Other
Klargester
Recirculating Sand Filter

-AS-BUILT CONSTRUCTION CHANGES-

(Please describe any changes different from approved permit)

ANY LOCATION CHANGE MUST BE MARKED (USE RED INK ON COPY OF ORIGINAL PERMIT (PLEASE ATTACH))

No Changes

SEE ENGINEER REPORT

I hereby affirm that the sewage disposal system for permit number 215273-5 was constructed in accordance with all requirements and conditions of the permit. I further certify that if I made any changes that the copy of the original permit (with red markings) is an accurate representation of the installation.

01/14/09 Date

Contractor's Signature

Certificate of Satisfactory Completion

Signature and Date of official approval

BUILDING CODE
REQUIRED NO

BUILDING PERMIT APPLICATION SUSSEX COUNTY, DELAWARE

PERMIT NO. 273931

273931

NEEDS TOWN PERMIT: _____ DENREC # _____ S&W _____ Div of Rev _____

LOCATION
Route WOODLAND HGTS LOTS (N) (S) (E) (W) Side: 12 & 13 BLK E (ft) (miles) (N) (S) (E) (W) of PARCEL A

Subdiv. Or TP: _____ Lot No _____ Section or Block _____

Town LAUREL Street 10116 LOCUST STREET

District No: 232 Map No: 12-18 Parcel No: 29.01 Manufactured Home # _____

Frontage: 100 Depth 150 Acreage: _____

ASSESSMENT

I. TYPE OF IMPROVEMENT

Cost of Improvements \$ 500.00 Stories _____

New Building _____ Size _____

Addition STORAGE SHED Size 10 X 12

Relocation _____ Size _____

A. Structure COMING FROM Size _____

Sign 432-8.06-222.01 Size _____

Remodeling _____ Size _____

Other _____ Size _____

II. INTERIOR

No of Bedrooms _____

No of Bathrooms _____

No of Rooms _____

Basement _____

III. HEATING

Electric Gas

Heat Pump FHA

Air Condition

IV. EXTERIOR WALLS

Vinyl Wood

Alum Siding Brick

Other _____ Stone

IV. INTERIOR WALLS

Dry Wall

Paneling

Other _____

VI. FOUNDATION

Pad Brick

Piling Conc Blk

Poured Concrete Slab

Other RUNNERS

VII. FIRE PLACE

Yes No

Massonary Metal

VIII. ROOFING

Built-Up Metal

Asph Shingle

Wood Shingle

Other _____

IX. FLOORING

Earth Vinyl

Carpet Tile

Concrete Wood

Other _____

ZONING

TYPE OF USE

Existing Use DWELLING

Proposed Use STORAGE SHED, COMING FROM 432-8.06-222.01

Single Family Commercial _____ Other _____

Zoning District AR1 No of Units _____

SETBACKS

Front Yard 30' Side Yard 5' Rear Yard 5'

Rd Name - RY _____

Side yard on side street or corner Lot _____

From any dwelling or other ownership

From any unit or Assesory Structure _____

Cannot occupy more than _____ of total lot area

Height 42' Max

Board of Adjustment Case No. _____

Conditional Use Case No. _____

Approved by Planing and Zoning Sherry Collins

FLOOD

Flood Zone NA

Elevation Required above mean sea level _____

To be measured to

1. Finished first floor _____

2. Lowest structural member _____

Elevation certification _____

Breakaway walls _____

Placement Survey _____

Height Certification _____

Venting _____

I fully understand the Zoning Requirement of this Permit.

ADDITIONAL REQUIREMENTS AND COMMENTS _____

OWNERS IDENTIFICATION

Name ANDERSON, CARL

Address 10116 LOCUST ST

City LAUREL ST DE Zip 19956

On Lands of STA 81

Name & Address of recipient of Certificate of Compliance (Builders)

Name _____

Address _____

City _____ State _____ Zip: _____

The owner of this building or land and the undersigned agree to all applicable Federal State and County Regulations and to apply for certificate of Compliance at Completion. This does not imply approval of other Governmental Agencies or Compliance with private deed restrictions.

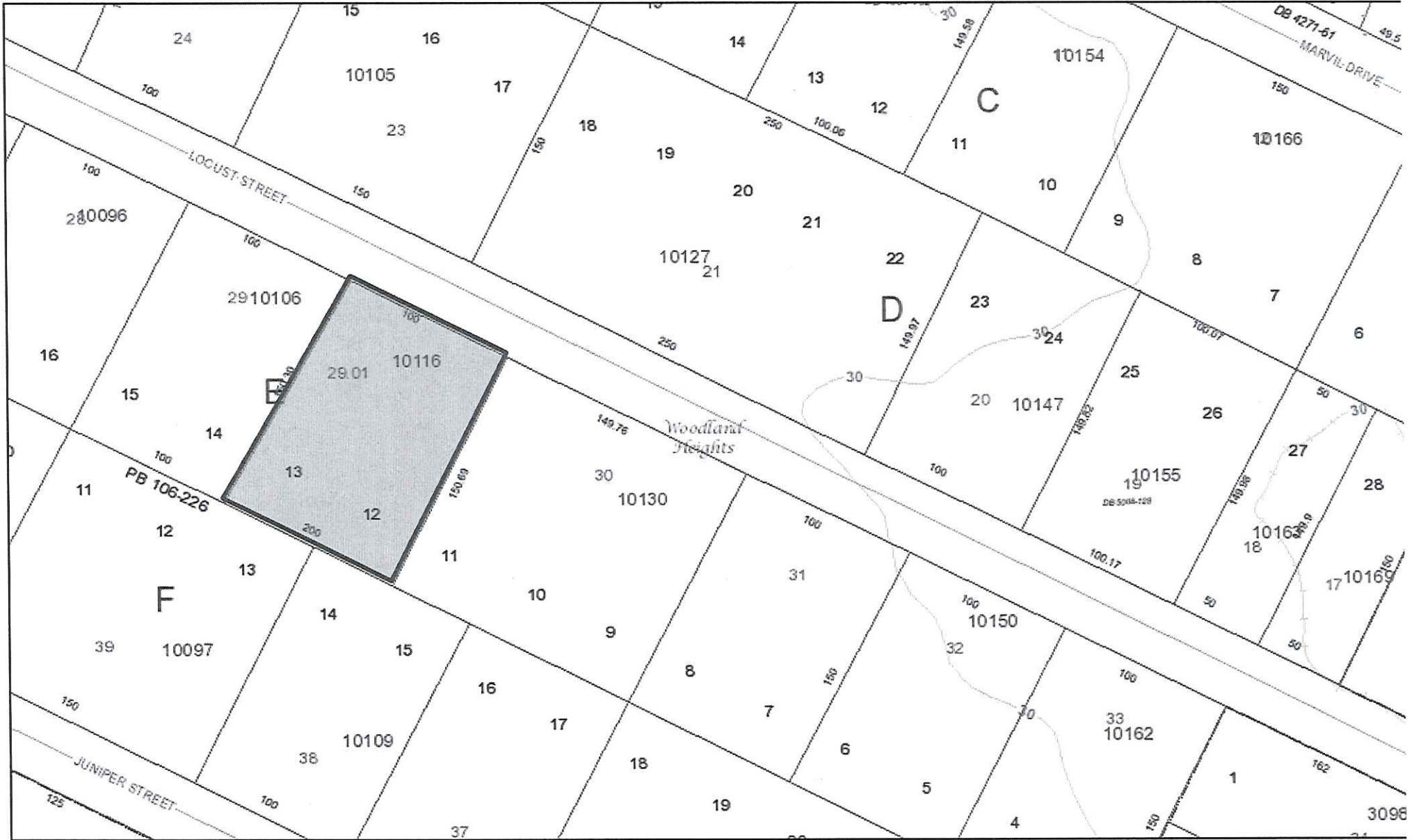
Signature of Applicant X C.A. Name Printed _____ Phone Number 302-649-7271

Permit Fee \$7.50 + \$1.25 + \$0.00 = \$8.75 Payment Type Cash Date Issued: 3/16/09

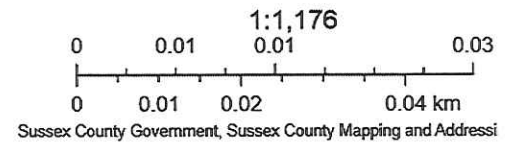
BP FEE + FIRE ST FEE + DISC FEE + VIOL FEE + MAIL FEE + OTHER FEES = TOTAL PERMIT FEE

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September 22, 2020



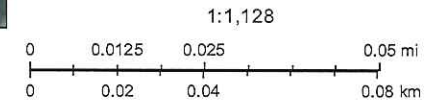


Sussex County



PIN:	232-12.18-29.01
Owner Name	ANDERSON CARL
Book	5196
Mailing Address	10116 LOCUST ST
City	LAUREL
State	DE
Description	WOODLAND HEIGHTS
Description 2	12 13
Description 3	N/A
Land Code	

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



October 8, 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 # 12496
Hearing Date 11/16
202012515

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

33276 Bayberry Court, Dagsboro DE

Variance/Special Use Exception/Appeal Requested:

REAR YARD VARIANCE OF 2 FT.
FOR A 8X12 SCREEN PORCH

Tax Map #: 233-7.00-277.00

Property Zoning: AR-1

Applicant Information

Applicant Name: George E. and Lucille J. Kehm
Applicant Address: 33276 Bayberry Court
City Dagsboro State DE Zip: 19939
Applicant Phone #: (302) 927-0138 Applicant e-mail: gkehms@outlook.com

Owner Information

Owner Name: George E. and Lucille J. Kehm
Owner Address: 33276 Bayberry Ct.
City Dagsboro State DE Zip: 19939 Purchase Date: 3/25/14
Owner Phone #: (302) 927-0138 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

George E. Kehm

Date: 10-8-2020



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.

Our lot backs up to community common ground and street . While the plot plan says 16.85 ft. we are required to maintain another 3+ feet of community ground before the community plant/tree line starts. At the back of our home, we have 20+ feet of grass before the community plant and tree line starts, 30 feet to the sidewalk and 40 feet to the street.

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.

According to our plot plan we have 16' 10 " to our property line. We are asking for a 2 ft. variance to build an 8x12 ft screen room. Without the variance, we will not be able to build a usable screen room. The steps from the screen room will be on the side so no additional variance will be needed.

3. Not created by the applicant:

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

The Builder put the house too far back on the lot in error. It was supposed to be 30 feet from the front sidewalk and it is 37 feet from the sidewalk. Had the builder put the house on the lot correctly we would have no problem building a screen room. Loss of those 7 ft is causing our need for a variance.

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 screen room will be 8ft x 12 ft - which is smaller than most in the neighborhood. Most homes in the neighborhood have either a screen room or sunroom. The screen room will compliment both our home and the neighborhood.

5. Minimum variance:

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

A 2ft variance will allow us to build an 8 ft. deep x 12 wide ft screen room.

TO: Sussex County, De. Planning and Zoning

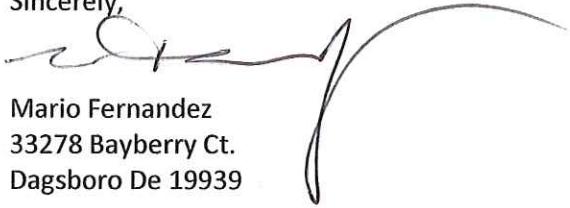
FROM: Mario Fernandez

DATE: October 7, 2020

RE: Variance to property at 33276 Bayberry Ct. Dagsboro DE

It's my understanding that our neighbors, George and Lucille Kehm are applying for a 2 ft. variance to their property at 33276 Bayberry Ct. Dagsboro for the purpose of constructing an 8x12 screen room on the back of their home. I have no objection to their request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mario Fernandez', with a large, sweeping flourish extending to the right.

Mario Fernandez
33278 Bayberry Ct.
Dagsboro De 19939

TO: Sussex County, De. Planning and Zoning

FROM: Joyce McDowell

DATE: October 7, 2020

RE: Variance to property at 33276 Bayberry Ct. Dagsboro DE

It's my understanding that our neighbors, George and Lucille Kehm are applying for a 2 ft. variance to their property at 33276 Bayberry Ct. Dagsboro for the purpose of constructing an 8x12 screen room on the back of their home. I have no objection to their request.

Sincerely,

A handwritten signature in cursive script that reads "Joyce McDowell".

Joyce McDowell
33274 Bayberry Ct.
Dagsboro De 19939



Sussex County

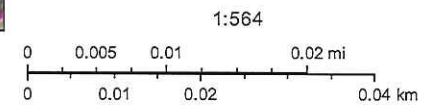


PIN:	233-7.00-277.00
Owner Name	KEHM GEORGE E
Book	4242
Mailing Address	33276 BAYBERRY COURT
City	DAGSBORO
State	DE
Description	THE MARINA AT
Description 2	PEPPERS CREEK
Description 3	LOT 70
Land Code	

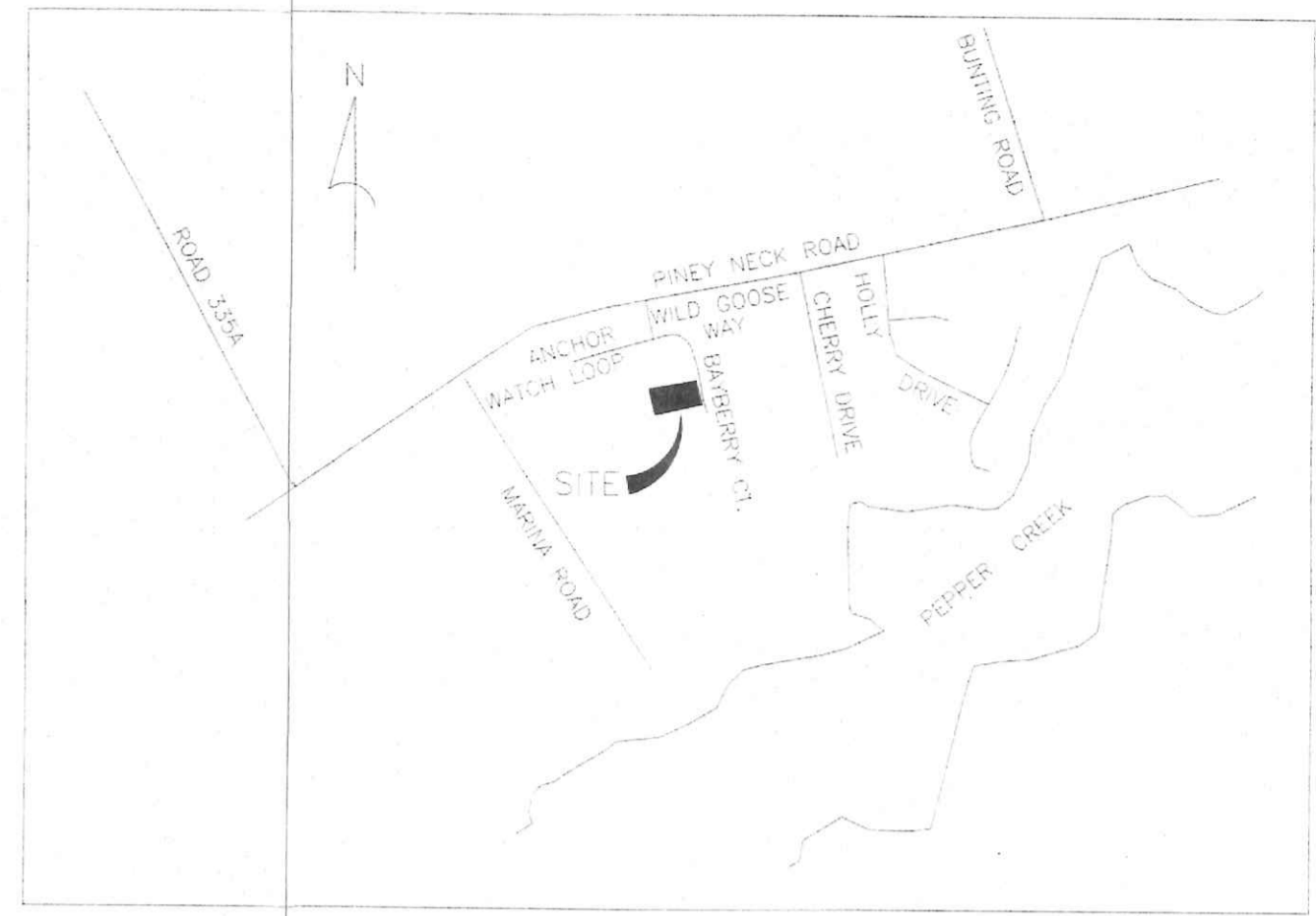
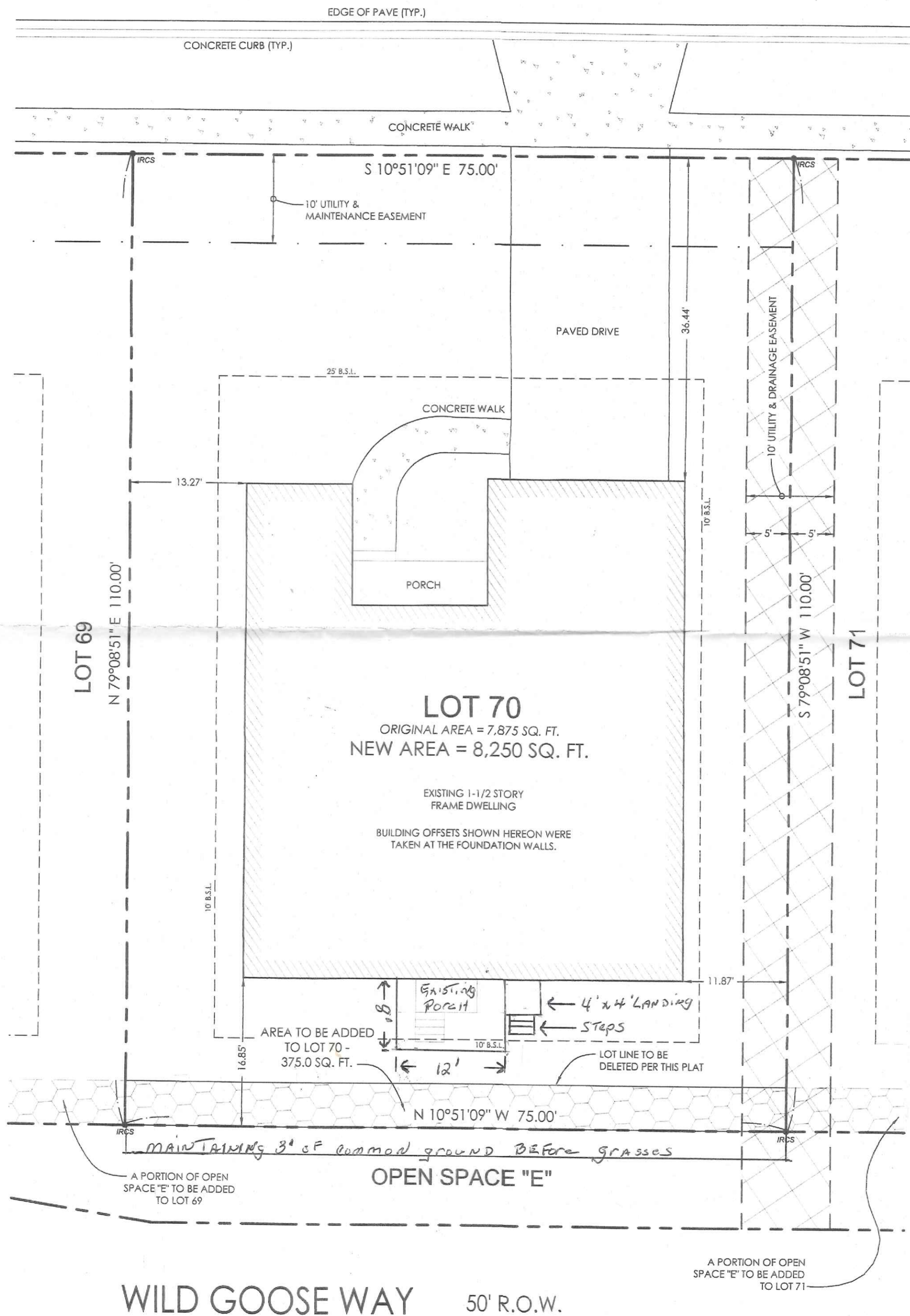
- polygonLayer**

Override 1
- polygonLayer**

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



BAYBERRY COURT 50' R.O.W.



LEGEND
IRCS ● IRON ROD & CAP SET

Recorder of Deeds
Scott Bailey
Jul 06, 2015 03:57P
Sussex County
Doc. Surcharge Paid

SITE DATA:

- OWNER: OPEN SPACE "E"
HKS 4 LLC
28107 BEAVER DAM BRANCH RD
LAUREL, DE 19956

LOT 70
GEORGE E. & LUCILLE J. KEHM
33276 BAYBERRY COURT
DAGSBORO, DE 19939
- SURVEYOR: SOLUTIONS IPEM, LLC
P.O. BOX 416
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JASON PALKIEWICZ, P.E.
- TAX ID: 233-7.00-30.00 (OPEN SPACE "E")
233-7.00-277.00 (LOT 70)
- PLOT: BOOK 116 / PG. 69-82
- DEED: 4242/13
- EX. ZONING: AR-1
- SETBACKS: 25' MIN. FRONT
10' MIN. SIDE
10' MIN. REAR

GENERAL NOTES

- ALL LOTS ARE SUBJECT TO A 5' UTILITY EASEMENT ON SIDE AND REAR PROPERTY LINES.
- MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DOT RIGHTS-OF-WAY ONLY.

PURPOSE STATEMENT

THE PURPOSE OF THIS AMENDED AND RESTATED PLAT IS TO ADD A PORTION OF OPEN SPACE "E" TO LOT 70 AS DESCRIBED IN "THE MARINA AT PEPPER'S CREEK SUBDIVISION" RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, DELAWARE IN PLOT BOOK 116 PAGES 69-82. IN SO FAR AS THOSE PLATS DESCRIBE THE ABOVE MENTIONED LOTS ONLY.

APPROVED
lot 70 as extended
7/6/15
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

George E. Kehm 6/25/15
GEORGE E. KEHM
LOT 70 OWNER
DATE

Lucille J. Kehm 6/25/15
LUCILLE J. KEHM
LOT 70 OWNER
DATE

Robert E. Hays 6/25/15
AUTHORIZED REPRESENTATIVE
HKS 4 LLC
OPEN SPACE "E"
DATE

SURVEYOR'S STATEMENT

I, BARRY M. HALL, HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS FOR A SUBURBAN CLASS SURVEY AND THAT THE MONUMENTS AND MARKERS SHOWN HEREON AS EXISTING ACTUALLY EXIST AND THAT THEIR POSITIONS ARE ACCURATELY SHOWN.

SOLUTIONS IPEM, LLC
by BARRY M. HALL, AGENT

Barry M. Hall 6-18-15
BARRY M. HALL
PROFESSIONAL LAND SURVEYOR DE NO. 618
DATE



REVISIONS	DESCRIPTION
DATE	

AMENDED & RESTATED
LOT 70
"THE MARINA AT PEPPER'S CREEK"
SUBDIVISION
DAGSBORO HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	12/16/2014
Job Number:	G14-014
Scale:	1" = 10'
Drawn By:	HDH
Designed By:	FKM
Approved By:	BMH
Sheet No.:	1
File Name:	G14-014 LOT 70.dwg

solutions
Integrated Planning
Engineering & Management, LLC

Fuller Hall
& ASSOCIATES, INC.
A Wholly Owned Subsidiary
1328 East Market Street, P.O. Box 416
Georgetown, DE 19947
T. 302.297.9215
3003 Meritt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com
Copyright © 2014



Kehm
 33276 Bayberry Court
 Dagsboro, DE 19939



View of Back of House
from Street

Kehm
33276 Bayberry Court
Dagsboro, DE 19939

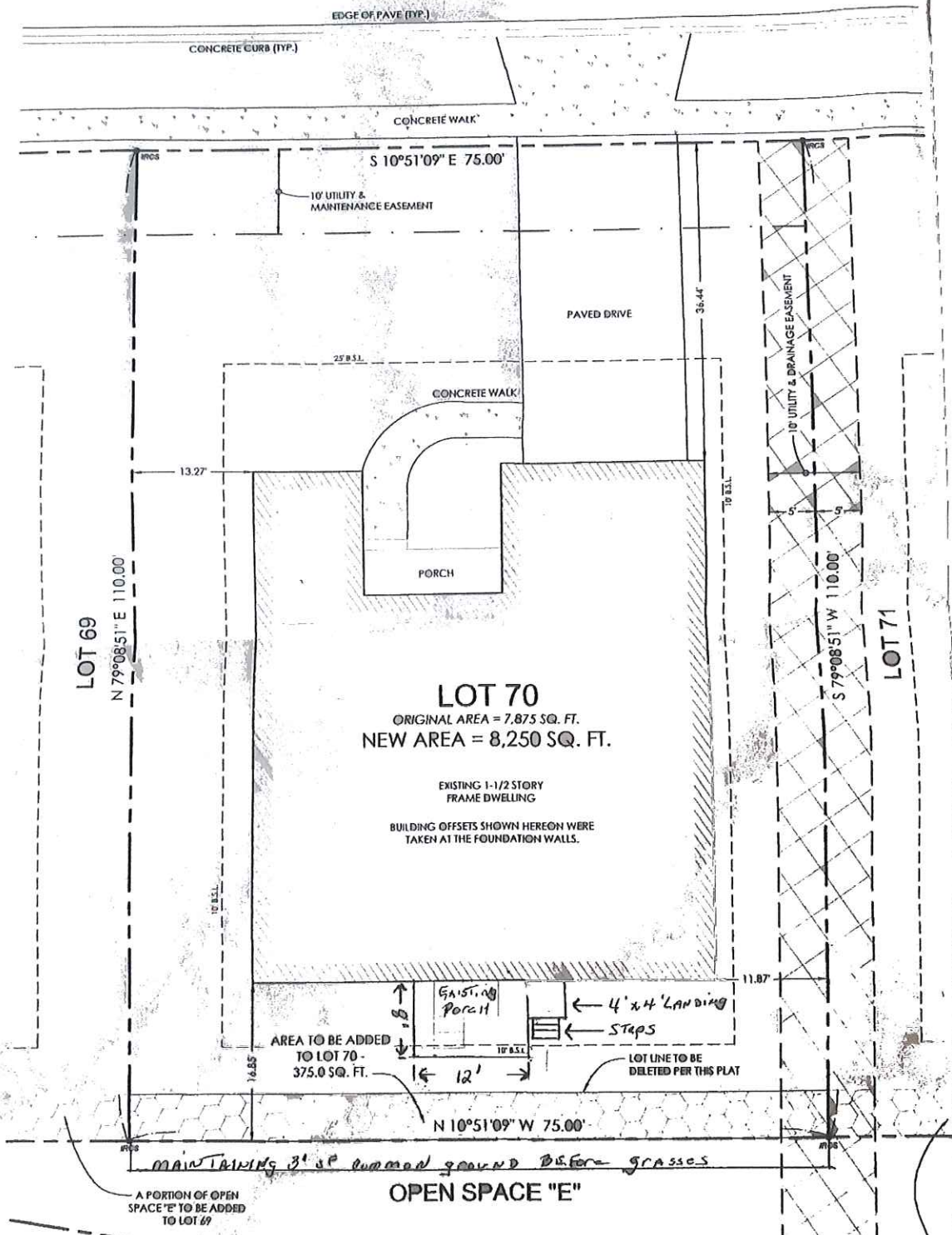


View from Back of our house
to Street

Kehm
33276 Bayberry Court
Dagsboro, DE 19939

BAYBERRY COURT

50' R.O.W.



WILD GOOSE WAY

50' R.O.W.



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 # 12497
Hearing Date 11-16

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

30162 Regatta Bay Blvd
LEWES, DE 19958 US

Variance/Special Use Exception/Appeal Requested:

I would like to request for a variance on the set backs of 3feet to enable an enlargement of the existing garage. This request is just regarding to one side of the house. That means, where the set backs, existing garage side, is 15 feet from the property line to be 12 feet so the garage could be enlarged from 12 feet wide to 20 feet wide, measured on the exterior.

Tax Map #: 2-34-5.00-273.00 **Property Zoning:** AR-1

Applicant Information

Applicant Name: Cynthia Parr
Applicant Address: 30162 Regatta Bay Blvd.
City Lewes State DE Zip: 19958
Applicant Phone #: (410) 812-4746 Applicant e-mail: cparr@archoward.org

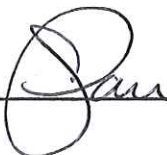
Owner Information

Owner Name: Cynthia Parr
Owner Address: 30162 Regatta Bay Blvd.
City Lewes State De Zip: 19958 Purchase Date: 4/15/20
Owner Phone #: (410) 812-4746 Owner e-mail: cparr@archoward.org

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



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.

There is a uniqueness in that a "normal" size garage cannot currently be built as the easement is on the garage side of the house.

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.

Currently because there is an easement, it precludes adding space, but a variance would allow the ability to increase the garage size to what is considered "normal."

3. Not created by the applicant:

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

This has not been 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.

This additional footage, if granted, will in no way alter the character of the neighborhood, the district or impair the adjacent property.

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 granted, the variance will represent the minimum amount of modification to afford relief.



CLAMSHELL LANE
(50 FEET WIDE)

REGATTA BAY BOULEVARD
(50 FEET WIDE)

$N\ 86^{\circ}18'12''\ E$
26.98'

$N\ 86^{\circ}18'12''\ E$
51.98'

$S\ 03^{\circ}41'48''\ E$
50.00'
 $R=460.00'$
 $A=48.11'$
 $D=05^{\circ}59'32''$

NEW GARAGE ADDITION

BUILDING RESTRICTION LINE

30'

ASPHALT DRIVEWAY
37.0±

CONC. WALK

15.9±

1-STOREY FRAME DWELLING

ATTACHED 1-CAR GARAGE

CONC. PAD

COVERED SCREENED PORCH

CRAWL SPACE

192

OPEN SPACE

$N\ 03^{\circ}41'48''\ W$
200.00'

285

0.4601 AC.

286

$S\ 03^{\circ}41'48''\ E$
202.51'

10' MAINTENANCE/ACCESS EASEMENT

BUILDING RESTRICTION LINE (BRL)

CAPPED REBAR FOUND (TYP.)


$S\ 86^{\circ}18'12''\ W$
100.00'

Scale 1"=40'

STORMWATER MANAGEMENT AREA



FORMWATER MANAGEMENT AREA



Christopher A. Episcopo

Professional Land Surveyor
Christopher A. Episcopo No. 556

LOT & LOCATION SURVEY PLAN

PREPARED FOR
James A. & Margaret H. Straight
KNOW AS
Lot 285, Heron Bay Subdivision
ALSO KNOWN AS
30162 Regatta Bay Boulevard
SITUATE IN
Indian River Hundred Sussex County Delaware

TAX PARCEL NO.: 2-34-5.00-273.00

DEED BOOK 3386, PAGE 256

DATE: 02-17-09 SCALE: 1"=40'

JOB NO. LL09-718 LOT285C.dwg



Sussex County



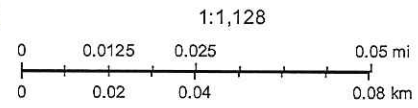
PIN:	234-5.00-273.00
Owner Name	PARR CYNTHIA M
Book	4380
Mailing Address	30162 REGATTA BAY BLVD
City	LEWES
State	DE
Description	HERON BAY
Description 2	LOT 285 PHASE I
Description 3	N/A
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
- Tax Parcels
- 911 Address
- Streets

STORMWATER MANAGMENT AREA
PART OF 537



Case # 12499
Hearing Date 11-16
202013099

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 _____ 115-23 115-183
115-185

Site Address of Variance/Special Use Exception: 22357 JOHN J. WILLIAMS Hwy

Variance/Special Use Exception/Appeal Requested: _____
VARIANCE OF 10 FT FROM THE 15 FT SIDE
YARD SETBACK FOR A PROPOSED STRUCTURE

Tax Map #: 234-11.00-56103 Property Zoning: AR-1

Applicant Information

Applicant Name: DICK ENNIS
Applicant Address: 22357 JOHN J. WILLIAMS Hwy
City, State, Zip: LEWES DE 19958
Applicant Phone #: C-302-245-3033 Applicant e-mail: DICK ENNIS MARINE @ AOL.COM

Owner Information

Owner Name: _____
Owner Address: _____
City, State, Zip: SAME AS ABOVE Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City, State, Zip: None
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

[Signature] Date: 10/19/2020



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.

CORNER LOT BOAT YARD LIMITED SPACE FOR
TURNING BOATS AROUND

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.

SMALLER SMALL BOAT YARD, NO OTHER PLACE WOULD
WORK DUE TO SLOPE OF PROPERTY

3. Not created by the applicant:

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

CHECK INSIDE TO DO MOTOR WORK, SHRINK WRAP, ELECTRIC
LIGHTS ON BOAT TRILER

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.

LOT OF BOATS IN THE AREA WILL NOT AFFECT THE AREA
SURROUNDING THIS PROPERTY

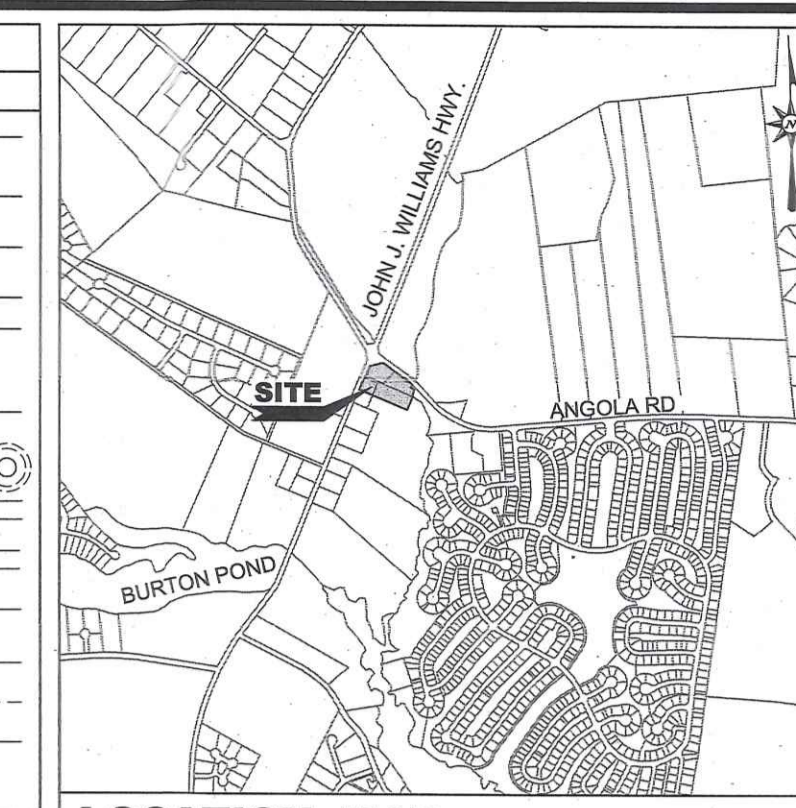
5. Minimum variance:

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

YES TO USE THE VARIANCE IS NEEDED DUE TO
SMALL AREA OF THE PROPERTY

ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	◻	◻
IRON PIPE	⊙	⊙
IRON PIPE W/ CAP	⊙	⊙
IRON ROD	⊙	⊙
IRON ROD W/ CAP	⊙	⊙
DRILL HOLE	⊙	⊙
STONE	⊙	⊙
PK NAIL	⊙	⊙

ITEM	EXISTING	ITEM	EXISTING
CONCRETE CURB & GUTTER	—	SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	—
CONCRETE SIDEWALK, SLAB / PAVING	—	SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	—
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT	—	SANITARY SEWER MANHOLE (S.M.H.)	—
INDIVIDUAL TREE OR BUSH	—	SANITARY SEWER CLEANOUT	—
EVERGREEN	—	WATER MAIN & SIZE	—
DECIDUOUS	—	FIRE HYDRANT	—
CHAINS LINK FENCE	—	WATER VALVE (W.V.) OR METER (W.M.)	—
STOCKADE FENCE	—	STORM DRAIN MANHOLE (S.D.M.H.)	—
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	—	STORM DRAIN LINE (CMP OR RCP)	—
DRAINAGE DITCH OR SWALE	—	CATCH BASIN	—
EMBANKMENT SLOPES (DOWN)	—	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	—
CONTOUR	—	UNDERGROUND ELECTRIC	—
ELEVATION SPOT SHOT	—	UNDERGROUND TELEPHONE	—
BENCH MARK	—	UNDERGROUND GAS MAIN	—
PROPERTY OR RIGHT-OF-WAY LINE	—	PAVEMENT TO BE REMOVED	—
CENTERLINE	—		
LIGHT POLE	—		
CONSTRUCTION NOTE	—		



SCALE: 1" = 2,000'

PARCELS TO BE EXPUNGED		
PARCEL NO.	TAX MAP #	DEED REF.
1	234-11.00-56.06	D-3253-209
2	234-11.00-56.09	D-4031-164

THE PURPOSE OF THIS PLAN IS TO DISSOLVE PARCELS 56.06 AND 56.09, ALONG WITH A LOT LINE ADJUSTMENT CONVEYING 1.0 ACRE FROM PARCEL 56.02 INTO PARCEL 56.03. THE NEW AREA FOR PARCEL 56.03 TOTALING

SITE DATA

- OWNERS OF RECORD: DONALD W. & HELEN G. DORMAN, 8 VALIANT DRIVE, ABINGDON, MD 21009; HAROLD R. ENNIS, JR., 22357 JOHN J. WILLIAMS HWY, LEWES, DE 19958; DICK ENNIS, INC., 22357 JOHN J. WILLIAMS HWY, LEWES, DE 19958; RENDALL & ANN MARIE WHIBLEY, 22955 CAMP ARROWHEAD RD, LEWES, DE 19958.
- EQUITABLE OWNER: K. H. SUSSEX, LLC, 32079 DUPONT BLVD., DAGSBORO, DE 19939.
- ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC., 309 SOUTH GOVERNORS AVE., DOVER, DELAWARE 19904.
- PROPERTY LOCATION: LATITUDE: 38°47' 35.88" WRS80 - NAD83 (2011); LONGITUDE: 75°17' 56.82" WRS80 - NAD83 (2011).
- TAX PARCEL NUMBER: 234-11.00-56.02, 234-11.00-56.03, 234-11.00-56.06, 234-11.00-56.08, 234-11.00-56.09.
- DEED REFERENCE: BOOK: 3624 PAGE: 1; BOOK: 2926 PAGE: 348; BOOK: 3253 PAGE: 209; BOOK: 4031 PAGE: 164.
- PLAT REFERENCE: BOOK: 74 PAGE: 3; BOOK: 119 PAGE: 321.
- SITE AREA SUMMARY: PARCEL 56.02 (PORTION) = 43,560 SQ. FT. ±; PARCEL 56.03 = 41,628 SQ. FT. ±; PARCEL 56.06 = 20,227 SQ. FT. ±; CONSOLIDATED PARCEL 56.03 = 148,744 SQ. FT. ± / 3.416 AC. ±.
- EXISTING LOTS: 3.
- PROPOSED LOTS: 1.
- ZONING CLASSIFICATION: AR-1 (AGRICULTURAL RESIDENTIAL).
- SETBACKS: FRONT YARD: 40 FT.; SIDE YARD: 15 FT.; REAR YARD: 2 FT.
- PRESENT USE: RESIDENTIAL.
- PROPOSED USE: RETAIL CONVENIENCE STORE.
- ROAD CLASSIFICATION: LOCAL ROAD - ANGOLA ROAD (40 M.P.H.); MAJOR COLLECTOR - JOHN J. WILLIAMS (50 M.P.H.).
- SURVEY DATUM: NGS MONUMENTS; VERTICAL: NAVD 88 - SUS17; HORIZONTAL: NAD 83 (2011) DSP - CORS.
- MONUMENTATION: EXISTING: 6 FOUND; PROPOSED: 4 TO BE SET.
- SURVEY CLASSIFICATION: URBAN SURVEY.
- SURVEY UNIT: LINEAR: US SURVEY FOOT; ANGULAR: DEGREES MINUTES SECONDS (DMS); COORDINATE: GROUND.

GENERAL NOTES FOR DELDOT:

- THIS RECORD PLAN - RED SATISFIES THE DEPARTMENT'S RECORDATION REQUIREMENTS AND ARE BASED ON THE PARCEL'S LOCATION. NO COMMITMENTS ARE STATED OR IMPLIED BY DELDOT THROUGH THE ISSUANCE OF THIS LETTER WITH RESPECT TO: ENTRANCE LOCATION(S), ACCESS CONFIGURATIONS, AUXILIARY LANES AND/OR ROADWAY IMPROVEMENTS WHICH WILL BE EVALUATED AND REQUIRED AS NECESSARY AT THE TIME OF ENTRANCE CONSTRUCTION PLAN REVIEW OR APPROVAL FOR THE SITE.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN RIGHT OF WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM).
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG ANGOLA ROAD (CR 277), WHICH HAS A FUNCTIONAL CLASSIFICATION OF LOCAL ROAD AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM): IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT. FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION, ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3-A, NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3-A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LEVELS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- THIS PROJECT IS LOCATED WITHIN THE TRANSPORTATION IMPROVEMENT DISTRICT.
- THIS SITE IS WITHIN INVESTMENT LEVEL 3 FOR THE STATE STRATEGIES.



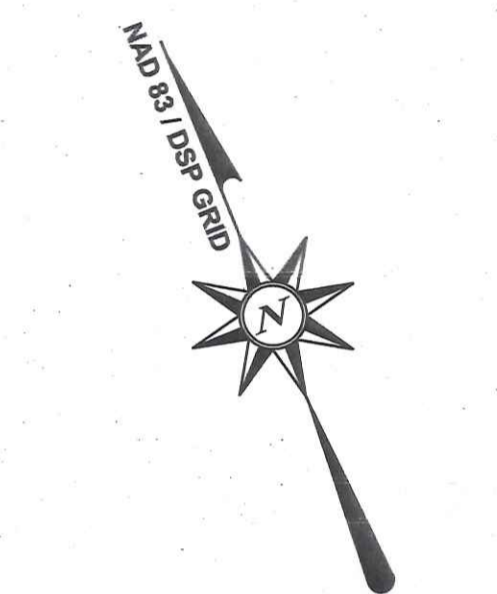
ARCHITECTURE ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax. 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax. 410.546.5824

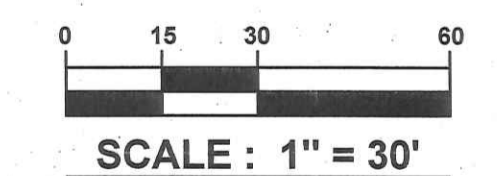
Wilmington, NC
3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax. 910.341.7506

www.beckermorgan.com

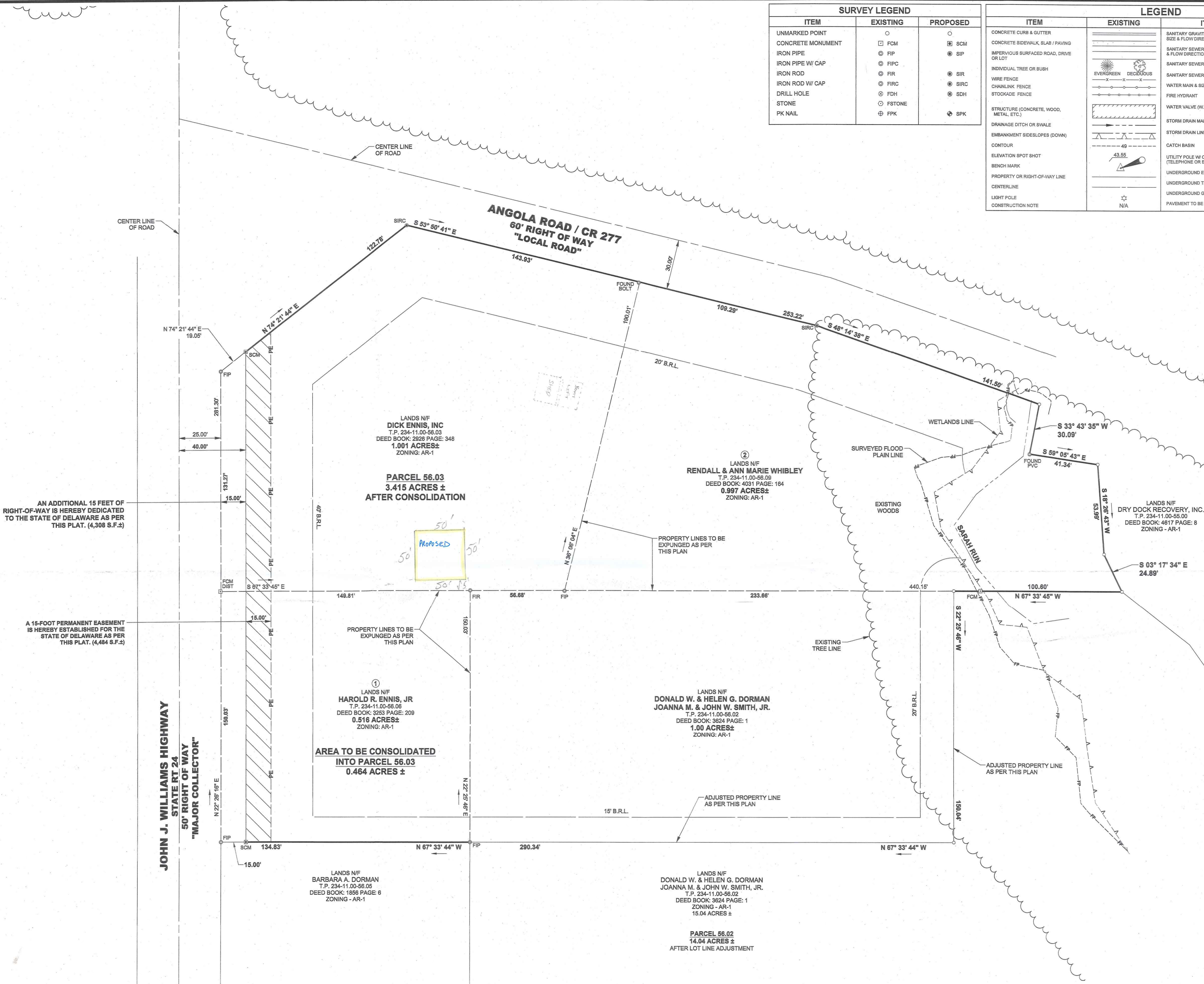


PROJECT TITLE
LANDS OF DORMAN, ENNIS, INC., ENNIS & WHIBLEY
JOHN J WILLIAMS HWY & ANGOLA ROAD
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DE

SHEET TITLE
CONSOLIDATION PLAN



MARK	DATE	DESCRIPTION
ISSUE BLOCK		
PROJECT NO.:	2017222.00	
DATE:	03/22/2018	
SCALE:	1" = 30'	
DRAWN BY:	D.S.G.	PROJ. MGR.: J.C.D.
SHEET		
1 OF 1		



AN ADDITIONAL 15 FEET OF RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT. (4,308 S.F.±)

A 15-FOOT PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT. (4,484 S.F.±)

OWNERS CERTIFICATION

WE, «OWNER/S», HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE _____ DATE _____

SURVEYORS CERTIFICATION

I, JEFFREY C. DODD, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

JEFFREY C. DODD P.L.S. NO. 762 DATE _____

GENERAL NOTES:

- TOPOGRAPHIC AND BOUNDARY RETRACEMENT SURVEY WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN MARCH OF 2018.
- THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
- PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
- ALL MEASUREMENTS MADE ARE BASED ON A GNSS RTK SITE CALIBRATION SET BY BECKER MORGAN GROUP, DOVER, DE., IN NOVEMBER OF 2016. BOTH VERTICAL AND HORIZONTAL COORDINATES FOR SITE CALIBRATION WERE DERIVED THROUGH A LIMITED CONSTRAINT POST PROCESS OF STATIC GNSS OBSERVATIONS. VERTICAL DATUM IS BASED ON NGS MONUMENT SUS 17 (NAVD 88) WITH TIES TO OTHER NEAR BY PASSIVE NGS MONUMENTS. HORIZONTAL DATUM IS BASED ON ACTIVE NGS MONUMENTS - DELAWARE: STATE PLANE NAD 83 (2011).
- WHERE GNSS OBSERVATION WERE NOT SUITABLE, MEASUREMENTS WERE MADE WITH A TOPCON QS-3 ELECTRONIC TOTAL STATION. TRAVERSE RAN TO/FROM POINTS SET WITHIN CALIBRATION FILE WERE WITHIN MINIMUM CLOSURE STANDARD SET BY STATE STATUTE FOR AN URBAN SURVEY BEFORE ADJUSTMENT.
- PARCEL IS PARTIALLY LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN, ZONE AE 8.2' BASED ON FEMA FIS REPORT 10050V01C, DATED MARCH 7, 2017.

AR-1

234-11.00-56.06 Home
234-11.00-56.03 Boat yard 34

Land and Site Analysis

Land Parcels

Parcel Summary	Associated APN(s)	Classification	Land Area (SF)	Land Area (Acres)
3-R	234-11.00-56.06	Primary Site 1	22,500	0.5165
4-R	234-11.00-56.03	Primary Site 1	43,659	1.0023
Total Gross Land Area			66,159	1.5188

Compiled by NKF

Land Description

Total Land Area 1.5188 Acres; 66,159 SF
 Source of Land Area DeIDOT Plans

Site Characteristics

Primary Street Frontage John J. Williams Hwy. & Angola Road
 Traffic Control at Entry Traffic Light
 Traffic Flow Moderate
 Accessibility Rating Above Average
 Visibility Rating Average
 Shape Slightly Irregular
 Corner Yes
 Topography Mostly Level

Flood Zone Analysis

Flood Area Panel Number 10005C0341K
 Date 3/16/2015
 Zone Zone X
 Description Area of minimal flood hazard, usually depicted on Flood Insurance Rate Maps as above the 500-year flood level.
 Insurance Required? No

Utilities

Utility Services Public availability

Compiled by NKF

Public water & sewer are within the immediate area of this intersection; however, the property currently relies on private utilities.

Easements, Encroachments and Restrictions

There is an existing DeIDOT easement along the roadway in front of Parcel 4-R as shown in the diagram below. It contains 2,055.1793 SF and appears to be entirely within the proposed acquisition area.



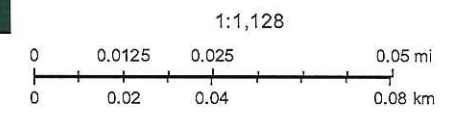
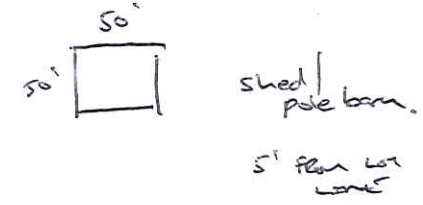


Sussex County



PIN:	234-11.00-56.06
Owner Name	ENNIS HAROLD R JR
Book	3253
Mailing Address	22357 JOHN J WILLIAMS
City	LEWES
State	DE
Description	E/RT 24
Description 2	150'S/RT 277
Description 3	N/A
Land Code	

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



October 20, 2020

50'x50' → 5' from prop. line

Scott A. Orndorff
1605 Sycamore Circle
Manheim, PA 17545

RECEIVED

OCT 27 2020

SUSSEX COUNTY
PLANNING & ZONING

October 19, 2020

Board of Adjustment
Sussex County Planning & Zoning Dept.
POB 417
Georgetown, DE 19947

RE: Case No. 12230

Dear Board:

Attached is a January 29, 2019 Findings of Fact (#1) for a variance at 112 Loughlin Lane, Ocean View, DE 19970.

We would like to request a one-year extension of this variance to January 29, 2022 for several reasons:

- We did not purchase this property from Mr. Yingling until February 14, 2020 (#2).
- Due to COVID-19 and building material shortages, our contractor has a significant backlog and will not be able to start our construction until sometime around 4Q 2020 – 2Q 2021.
- We have plans (#3) and are scheduled for a final survey with True North in October.

We appreciate your consideration and look forward to hearing from you.

Sincerely,



Scott A. Orndorff

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DAVID R. YINGLING & MONA L. HANSFORD

(Case No. 12230)

A hearing was held after due notice on November 19, 2018. The Board members present were: Mr. Dale Callaway, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard setback requirement for existing and proposed structures.

Findings of Fact

The Board found that the Applicants are seeking a variance of 1.9 feet from the thirty (30) feet front yard setback requirement for an existing dwelling and a variance of 13.7 feet from the thirty (30) feet front yard setback requirement for a deck with a proposed addition. This application pertains to certain real property located on the south side of Loughlin Lane, approximately 481 feet east of Cedar Neck Road (911 Address: 112 Loughlin Lane, Ocean View); said property being identified as Sussex County Tax Map Parcel Number 1-34-5.00-291.00.

1. The Board was given copies of the Application, a survey of the Property dated August 22, 2018, pictures of the Property, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of the Application or in opposition to the Application.
3. The Board found that David Yingling was sworn in to testify about the Application. Susan Weidman, Esquire, was present on behalf of the Applicants, presented the Application, and submitted an exhibit booklet to Board members.
4. The Board found that Mrs. Weidman stated that the Property is adjacent to Loughlin Lane, which is a curved road.
5. The Board found that Mr. Yingling testified that the home was built in 1991 by his father. A building permit and certificate of occupancy were sought but the certificate of occupancy could not be located. The deck was later enclosed like a porch and faces the wetlands.
6. The Board found that Mr. Yingling testified that the deck measures approximately 6 feet by 10 feet and a certificate of compliance was issued for the deck in 1992.
7. The Board found that Mr. Yingling testified that he wants to sell the Property but a survey for a recent settlement showed the encroachments and the sale fell through. He seeks the variances for the existing structures and to add an addition to the current deck and to enclose it. He proposes to add 6 feet to the first floor deck.
8. The Board found that Mr. Yingling testified that the Property is unique due to its irregular shape.
9. The Board found that Mr. Yingling testified that there is no neighbor to that side of the lot.
10. The Board found that Mr. Yingling testified that he did not create the situation as he received the Property from his father.
11. The Board found that Mr. Yingling testified that the Property could not otherwise be brought into compliance without moving the dwelling.
12. The Board found that Mr. Yingling testified that the variances will not alter the essential character as it has been in existence since 1991 and there are similar enclosed decks in the development which are similar to the proposed enclosed deck.

13. The Board found that Mr. Yingling testified that the variances would enhance the character of the neighborhood.
14. The Board found that Mr. Yingling testified that there is a significant distance from the edge of paving of Loughlin Lane and the front property line.
15. The Board found that Mr. Yingling testified that the variances are the minimum variance requests to afford relief.
16. The Board found that Mr. Yingling testified that the Property is served by a well and previously had a septic system.
17. The Board found that Mr. Yingling testified that he has received no complaints about the structures.
18. The Board found that Mr. Yingling testified that there are lot of mosquitoes.
19. The Board found that Al Okonski was sworn in to give testimony in support of the Application and submitted an exhibit to the Board. Mr. Okonski lives next door to the site and he requests that conditions be placed on the deck addition.
20. The Board found that two (2) people appeared in support of and no one appeared in opposition to the Application.
21. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is unique due to the its unique shape and proximity to wetlands. The Property is adjacent to Loughlin Lane, which is a road that curves near the Property. As a result of the curve, the Property has a long but unusually shaped front property line. This unique condition leaves an oddly shaped and limited building envelope. The Board notes that the Property was also previously improved by a septic system which likely further reduced the size of the building envelope when the house was constructed. Ultimately, these conditions greatly limited the buildable area of the Property and have created an exceptional practical difficulty for the Applicants.
 - b. Due to the uniqueness of the Property, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicants seek to retain an existing dwelling and to build an addition to an existing deck but are unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow the Applicants to retain an existing dwelling and to build an addition to an existing deck on the Property. The Board is convinced that the shape and location of the structures are reasonable, which is confirmed when reviewing the survey provided by the Applicants. The Board notes that there is no other reasonable location where the addition could be constructed. The Property is also located near wetlands and mosquitoes are often present so a covered deck is necessary for the Applicants to enjoy the outdoor space.
 - c. The exceptional practical difficulty was not created by the Applicants. The Property has unique physical conditions due to the Property's unique shape and limited building envelope. It is clear that the Applicants did not create the unique physical conditions of the Property. These conditions have created the exceptional practical difficulty for the Applicants who seek to retain an existing dwelling and to build an addition to an existing deck. The Applicants also did not construct the dwelling or deck as those structures were placed on the Property by a prior owner.
 - d. 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. The Board is convinced that the dwelling and proposed addition will have no effect on the character of the neighborhood. The dwelling and deck have been on the Property for many years without complaints noted in the record. The proposed addition to the deck will be similar to other decks in the neighborhood. No evidence was presented that the variances would somehow alter the essential character of the neighborhood. The Board also notes that the testimony and record demonstrate that there is a significant distance between the edge of paving of Loughlin Lane and the front property line so the encroachments are likely not noticeable without a survey.

- e. 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 Applicants have demonstrated that the variances sought will allow the Applicants to retain an existing dwelling and to build an addition to an existing deck on the Property.
- f. The variance approval for the deck and addition is subject to the following conditions:
 - i. The deck and addition are limited to one-story and the exterior of the addition is limited to a height of 15 feet above the floor level of the existing deck.
 - ii. The roof pitch of the deck's addition must be a 4/12 roof pitch.
 - iii. No deck is permitted on top of the roof.

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

Decision of the Board

Upon motion duly made and seconded, the variance application was approved with conditions. The Board Members in favor were Mr. Dale Callaway, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application with conditions. Ms. Ellen Magee did not participate in the discussion or vote on this 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 January 29, 2019.

2

TAX MAP # 1-34-5.00-291.00

PREPARED BY & RETURN TO:
Parsons & Robinson, P.A.
P.O. Box 480
118 Atlantic Ave, Ste 401
Ocean View, DE 19970
File No. 36265/

THIS DEED, made this 14TH day of February, 2020,

- BETWEEN -

DAVID R. YINGLING and MONA L. HANSFORD, of 400 Summer Shade Court, Bel Air, MD 21015, parties of the first part,

- AND -

SCOTT A. ORNDORFF and SANDRA M. ORNDORFF, of 1605 Sycamore Circle, Manheim, PA 17545, parties of the second part, tenants by the entirety.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part:

ALL that certain lot, piece and parcel of land situate, lying and being in Baltimore Hundred, Sussex County, Delaware, designated and known as **LOT NO. 35** in the development of **BAYSIDE HAMLET**, shown on the plot as recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 8, Page 366, as reference thereto will more fully appear.

This conveyance is subject to all restrictions of record in Deed Book 675, Page 320, and Amendment To Restrictions in Deed Book 701, Page 980.

BEING a portion of the same lands conveyed to David R. Yingling and Mona L. Hansford by Deed of David R. Yingling, dated October 21, 1996 and recorded in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware, in Deed Book 2159, Page 117.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year witnessed below.

Signed, Sealed and Delivered in the presence of:

X *David R. Yingling* (SEAL)
David R. Yingling

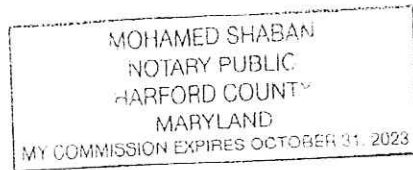
_____ (SEAL)

STATE OF Maryland, COUNTY OF Harford : to-wit

BE IT REMEMBERED, that on this 14th day of February, 2020, personally came before me, the subscriber, David R. Yingling, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

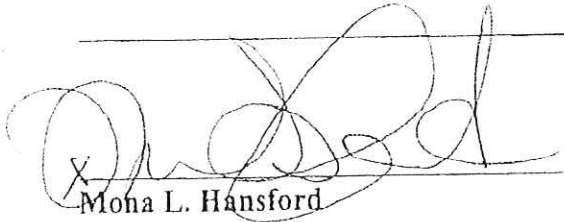
Given under my Hand and Seal of office the day and year aforesaid.

Mohamed Shaban
Notary Public



IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year witnessed below.

Signed, Sealed and Delivered
in the presence of:

 (SEAL)
Mona L. Hansford (SEAL)

STATE OF Maryland, COUNTY OF Harford; to-wit

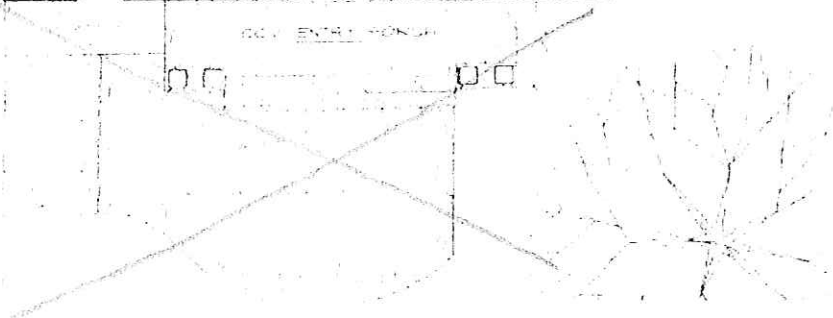
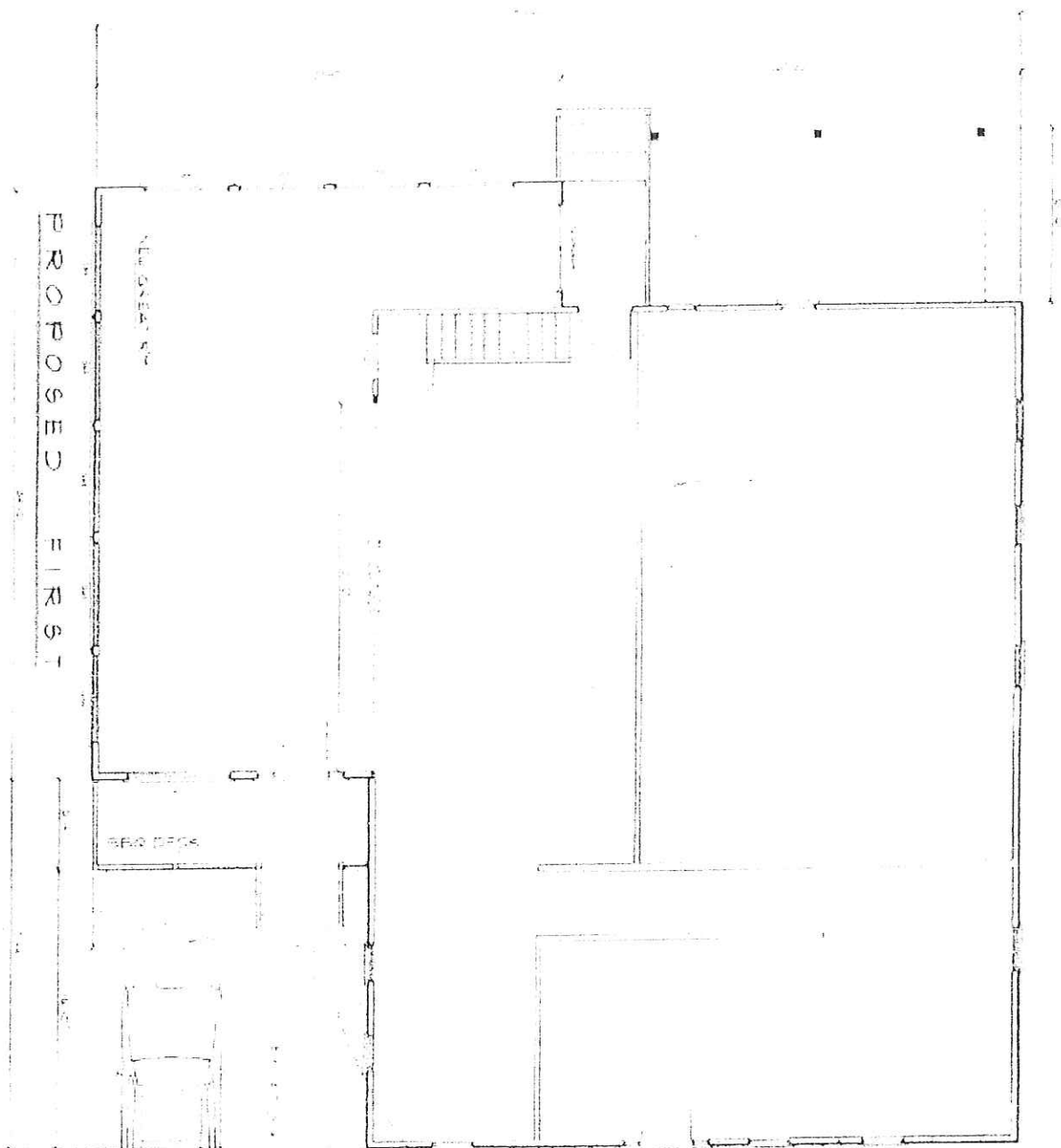
BE IT REMEMBERED, that on this 11th day of February, 2020, personally came before me, the subscriber, Mona L. Hansford, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

Mohamed Shaban
Notary Public

MOHAMED SHABAN
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 31, 2023

PROPOSED HIRSI



Tim Sanders

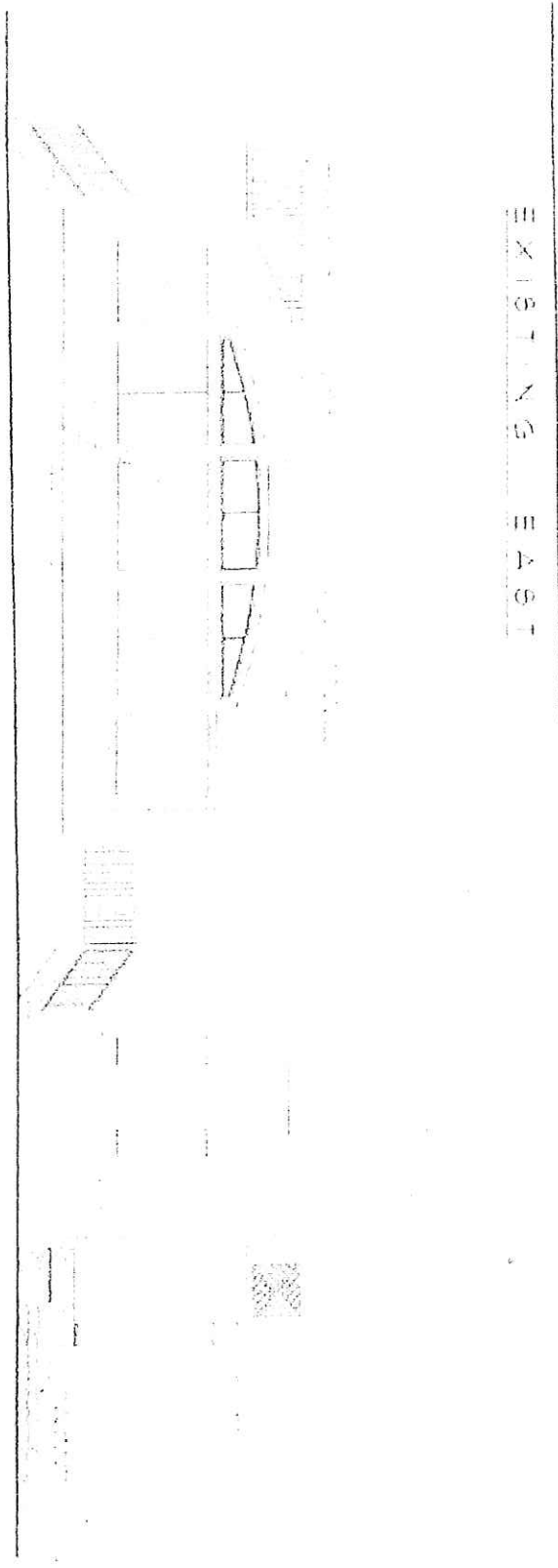
3

Fwd: BAYSIDE HAMLET LOT 35 PROJECT

Feb 27, 2020 at 7:21:12 PM

Scott Orndorff

PROPOSED EAST



EXISTING EAST

