

BOARD OF ADJUSTMENT

JEFF CHORMAN, CHAIRMAN
KEVIN E. CARSON
JOHN T. HASTINGS
SHAWN LOVENGUTH
JOHN WILLIAMSON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878

AGENDA

May 5, 2025

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of the Minutes for March 10, 2025

Approval of the Findings of Fact for March 10, 2025

Public Hearings

Case No. 13062 - Brian Quier

seeks variances from the side and rear yard setback requirements for a proposed structure. (Sections 115-183, 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the west side of River Bend Drive and the East Side of Koszy Lane approximately 100 ft. to the north of Thorogoods Road. 911 Address: 105 River Bend Drive, Dagsboro. Zoning District: AR-1. Tax Map: 233-5.00-41.01

Case No. 13063 - Peter & Maria Passero

seeks a variance from the separation distance requirement for a proposed structure. (Section 115-34 and 115-188 of the Sussex County Zoning Code). The property is located on the south side of S Nicklaus Drive within the Peninsula Golf and Country Club. 911 Address: 27514 South Nicklaus Avenue, Millsboro. Zoning District: MR-RPC. Tax Map: 234-30.00-304.03-48

Case No. 13064 - State of Delaware; Division of Fish & Wildlife

seek a special use exception for a rifle and pistol range. (Section 115-23(A), 115-25, and 115-210 of the Sussex County Zoning Code). The property is located on the east side of Hunters Cove Road approximately 683 ft. south of Owens Road. 911 Address: 12613 Hunters Cove Road, Greenwood. Zoning District: AR-1. Tax Map: 430-9.00-19.00

Case No. 13065 - Melony Messina

seeks a special use exception for a commercial dog kennel. (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the south side of Wolfe Neck Road approximately 0.68 miles northeast of Coastal Highway. 911 Address: 35808 Wolfe Neck Road, Rehoboth. Zoning District: AR-1. Tax Map: 334-7.00-16.00

Case No. 13066 - James Nichols

seeks a variance from the front yard setback for an existing structure. (Section 115-185 and 115-139 (c) of the Sussex County Zoning Code). The property is located on the south side of Lagoon Lane within the Mariner's Cove Manufactured Home Park. 911 Address: 35414 Lagoon Lane, Millsboro. Zoning District: VRP. Tax Map: 234-25.00-4.00-56380

Case No. 13067 - Joseph and Susan Sparmo

seek a variance from the rear yard setback for a proposed structure. (Section 115-34 and 115-183 of the Sussex County Zoning Code). The property is located on the south side of 18th Boulevard within The Peninsula Subdivision. 911 Address: 27280 18th Boulevard, Millsboro. Zoning District: MR- RPC. Tax Map: 234-30.00-478.00

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 28, 2025, at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

The 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 are encouraged to be submitted by 4:30 P.M. on Thursday, May 1, 2025.

####

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 # 13062
Hearing Date 5/5/25
202 502690

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

105 River Bend Drive Dagsboro, DE 19939

Variance/Special Use Exception/Appeal Requested:

5' left side and 5' rear setback.

Tax Map #: 233-5.00-41.01

Property Zoning: AR-1

COASTAL

Applicant Information

Applicant Name: BRIAN QUIER

Applicant Address: 1415 Westgate Dr

City Bethlehem

State PA

Zip: 18017

Applicant Phone #: 484 554-5394

Applicant e-mail: Allharley@yahoo.com

Owner Information

Owner Name: BRIAN QUIER

Owner Address: 1415 Westgate Dr

City Bethlehem

State PA

Zip: 18017

Purchase Date: 09/13/2024

Owner Phone #: 484 554-5394

Owner e-mail: Allharley@yahoo.com

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____

State _____

Zip: _____

Agent/Attorney Phone #: _____

Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Brian L. Quier

Date: 3/3/2025



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

There is a septic drain field that expands across the top front of the North side of the property cutting off access to drive a vehicle on.

The proposed locations depth and side of the lot is not deep enough without a five foot setback from the south side and the west back without blocking the existing garage access.

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 a septic drain field that expands across the top front of the North side of the property cutting off access to drive a vehicle on.

The proposed locations depth and side of the lot is not deep enough without a five foot setback from the south side and the west back without blocking the existing garage access.

3. Not created by the applicant:

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

The current owner purchased the property with the existing circumstances pertaining to the limitations of placement of the proposed Pole Building.

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 proposed placement of the Pole Building would marry next to the current Pole building variance setbacks at 101 River Bend Dr. In addition I have designed the building to increase the aesthetics of the neighborhood to include 24" overhangs and an eyebrow on the front, 12' overhangs on the sides and rear, wainscot perimeter siding, etc.

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.

I have designed this building to fit properly in this proposed location to make it functional and non intrusive to any adjoining neighbors.

Sussex County, DE - BOA Application

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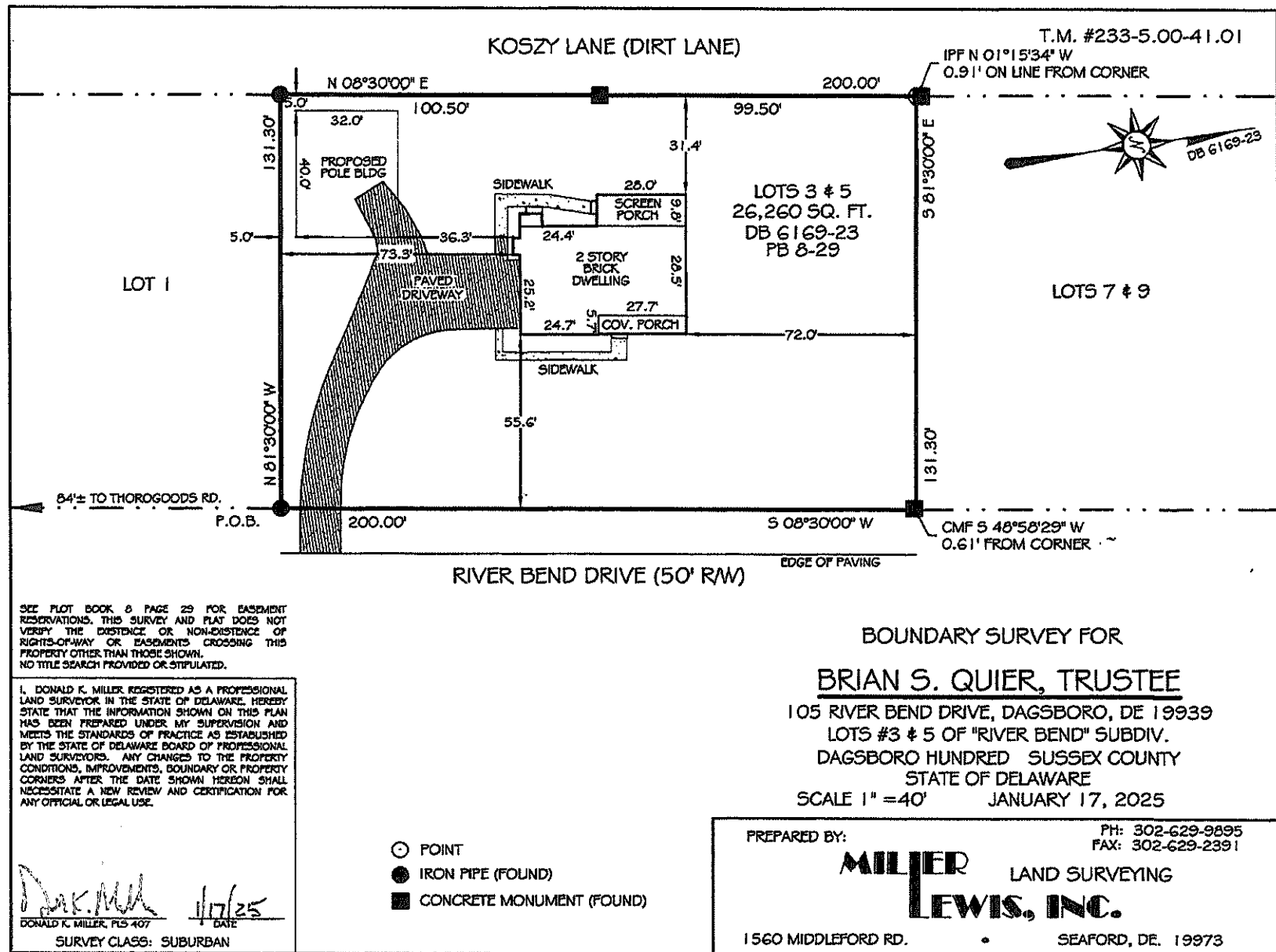
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I have designed this building to fit properly in this proposed location to make it functional and non intrusive to any adjoining neighbors.



**Word Bank**

Conc - Concrete
 DR - Door
 FTG - Footing
 FLR - Floor
 GA - Gauge
 Int - Interior
 O/C - On Center
 PTD - Painted
 SYP - Southern Yellow Pine
 SPF - Spruce, Pine, Fir
 sqft - Square Feet
 TR - Treated

Contract: 013FSTW25

Free Standing Building installed on your level site

32' width x 40' length x 12' inside height

Roof System: 2' o/c attic trusses w/ floor Pitch: 10/12 Loading: 30-5-5 standard

Walls: 8' o/c 3-Ply 2x6 Glulam Load-Bearing Posts

Siding: Patriot Panel 28 Gauge Painted Steel ***LIFETIME WARRANTY*** (Red)

Trim Color (Bronze)

Siding: 4' Wainscoting Patriot Panel ***LIFETIME WARRANTY*** (Bronze)

Roofing Type: Patriot Panel 27 Gauge Painted Steel with Ridge Vent ***LIFETIME WARRANTY*** (Bronze)

Roofing Type: Snow Guards - 2 Rows on Both Eaves (Bronze)

Overhangs: 12" Boxed Vented on 2-eaves & 1-gable (Bronze) soffit and fascia

3'x8' Eyebrow Lift Over 6' Entry Door

Overhangs: 24" Boxed Vented on 1-gable (Bronze) soffit and fascia

2'x30' Eyebrow Lift Gable end

Insulation/Underlayment: Radiant Insulation Barrier on Roof

Insulation/Underlayment: Radiant Insulation Barrier on Sides

Insulation/Underlayment: R-21 Batt on Sides

Insulation/Underlayment: R-30 Blown Insulation on Ceiling

Liner Panel: 2 X 4 2' o/c girts only (Finish Interior by Others)

2 - 12 X 10 Insulated Vinyl-Backed (White) Overhead Doors Model T52 with 1 panel lites Sunset 502

1 - 6' X 6'8" Fiberglass 9-lite Entry Door (Out Swing)

1 - 3' X 6'8" Fiberglass 9-Lite Entry Door

86 lineal ft of 6K Seamless Gutter (White)

Total feet of 3x4 Downspout - 32 ft. Qty of Downspouts - 02

1 - 42" Wide Stairway w/ landing

2 - 36"x48" Double Hung Insulated Windows with Grids

1 - 36"x48" Tempered Double Hung Insulated Windows with Grids

2x8 Treated Skirt Board

Lean-to #1

8 x 12 x 8 Open Below Eave Lean-to with 2/12 pitch, steel ceiling

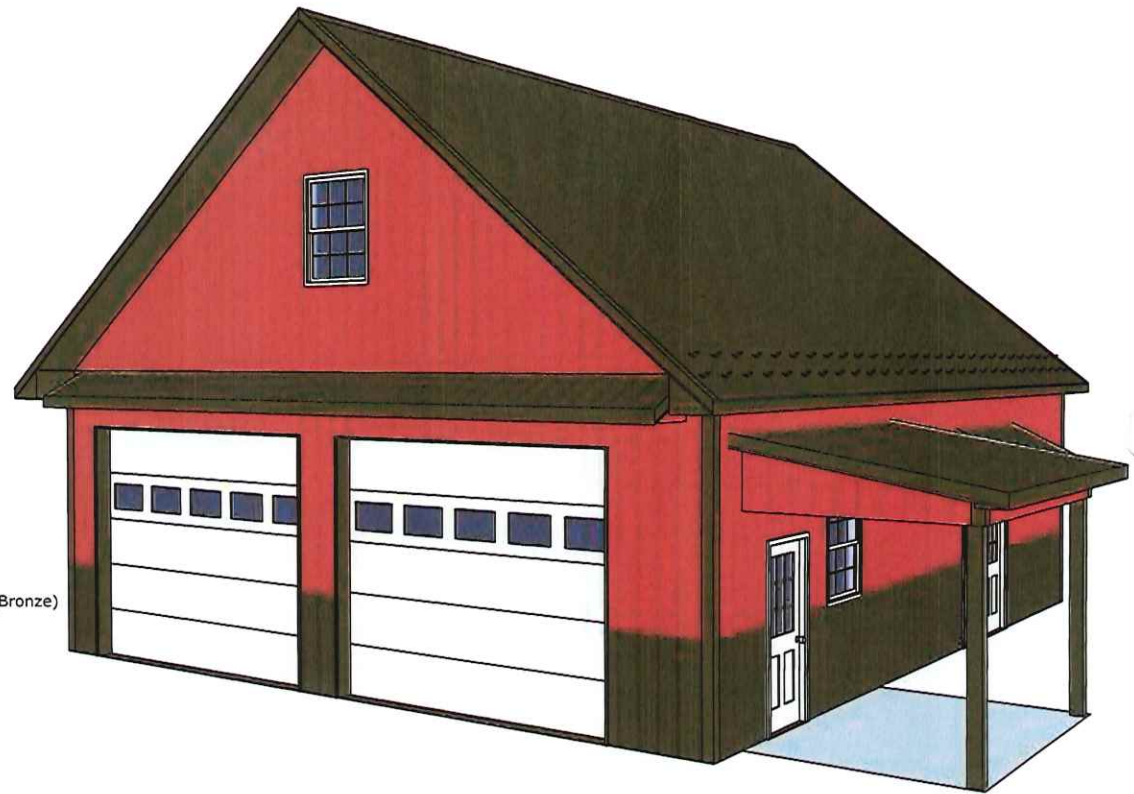
Roofing Type: Patriot Panel 27 Gauge Painted Steel with Ridge Vent ***LIFETIME WARRANTY*** (Bronze)

Overhangs: 12" Boxed Vented on 1-eave & 2-gables (Bronze) soffit and fascia

14 lineal ft of 6K Seamless Gutter (White)

Total feet of 3x4 Downspout - 12 ft. Qty of Downspouts - 01

2 - Wrapped Posts

**Special Conditions**

Debris from building left on site

Crew will be out 1-14 day after material delivery

**THIS BUILDING MEETS OR EXCEEDS THE 2021 IBC
BUILDING CODE FOR POST FRAME CONSTRUCTION**

Cover Sheet**Client Name:** Brian Quier**Address:** 105 River Bend Drive
Dagsboro, DE, 19939**Phone:** 484-554-5394

My Signature affirms this drawing & design to be correct & accurate.
I have received my building permit and have forwarded any changes from code
officials to Fetterville. I understand that there are no changes that can be
made from this point forward without extra costs being incurred at my expense

X _____ X _____
Customer Signature Date

Contact:

Troy Wallace
717-201-3957

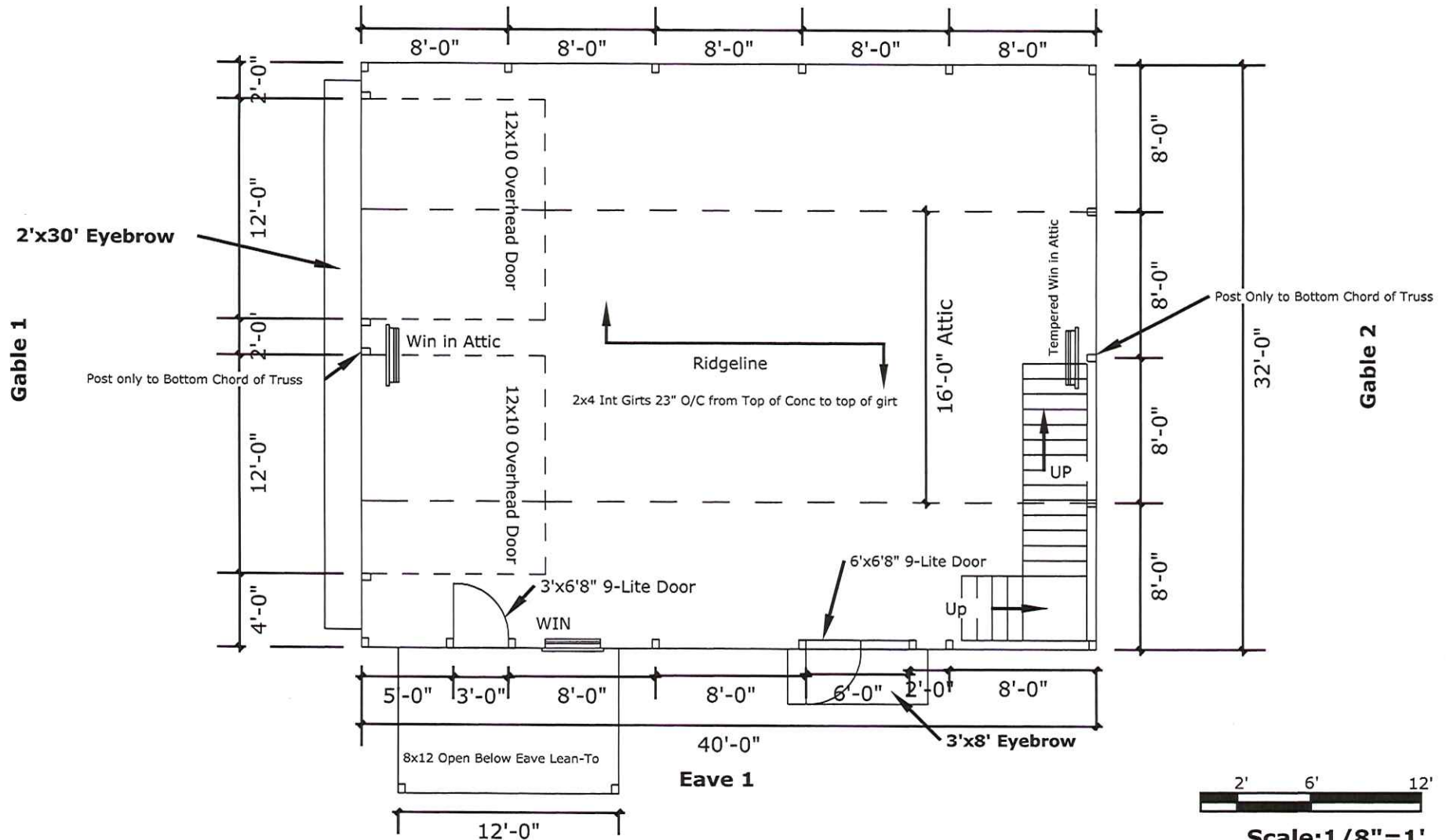
Email:
Troy@fettervillesales.com

Drawn By: JF

**CONFIRM FINISH FLOOR
HEIGHT WITH CUSTOMER**

Floor Plan
Personal use, 1,280 sqft

Eave 2



Post Layout w/ Header Height of 11'11" from Top of Skirt Board to Top of Header



Client Name: Brian Quier

Address: 105 River Bend Drive
Dagsboro, DE, 19939

Phone: 484-554-5394

Contact:

Troy Wallace
717-201-3957

Email:

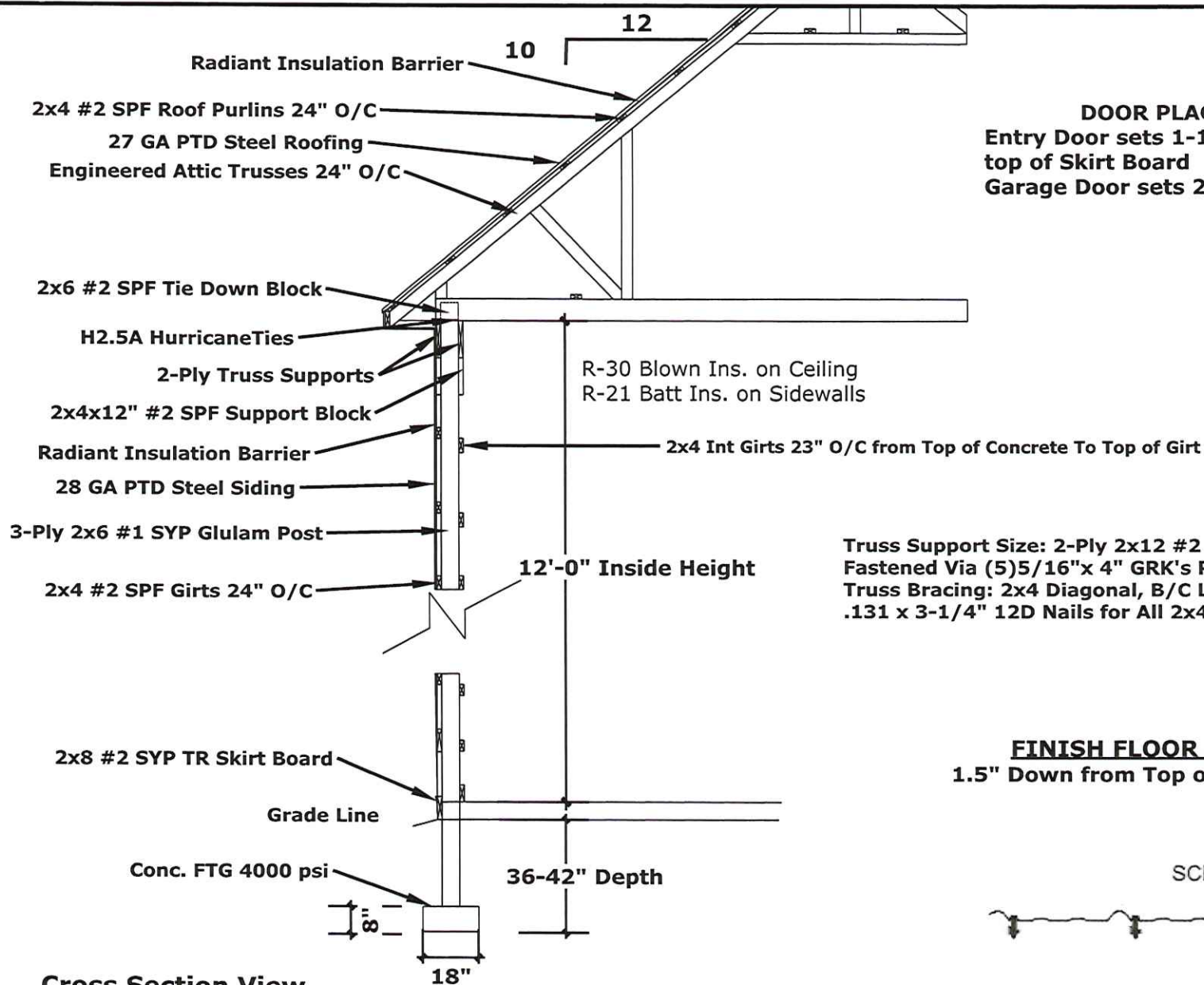
Troy@fettervillesales.com

Fetterville Pole Buildings LLC
245 Fetterville Rd.
East Earl, PA, 17519
800-331-1875

Drawn By: JF

Page:

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DOOR PLACEMENTS:
 Entry Door sets 1-1/2" Down from
 top of Skirt Board
 Garage Door sets 2" Down

Truss Support Size: 2-Ply 2x12 #2 SYP
 Fastened Via (5)5/16"x 4" GRK's Per Connection
Truss Bracing: 2x4 Diagonal, B/C Laterals, Web Bracing Per Print
 .131 x 3-1/4" 12D Nails for All 2x4 & 2x6 Girts, Purlins, Fascia

FINISH FLOOR HEIGHT:
 1.5" Down from Top of Skirt Board

SCREW PATTERNS



Purlins and All Siding

No Scale

Cross Section View



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Address: 105 River Bend Drive
 Dagsboro, DE, 19939

Phone: 484-554-5394

Contact:

Troy Wallace
 717-201-3957

Email:

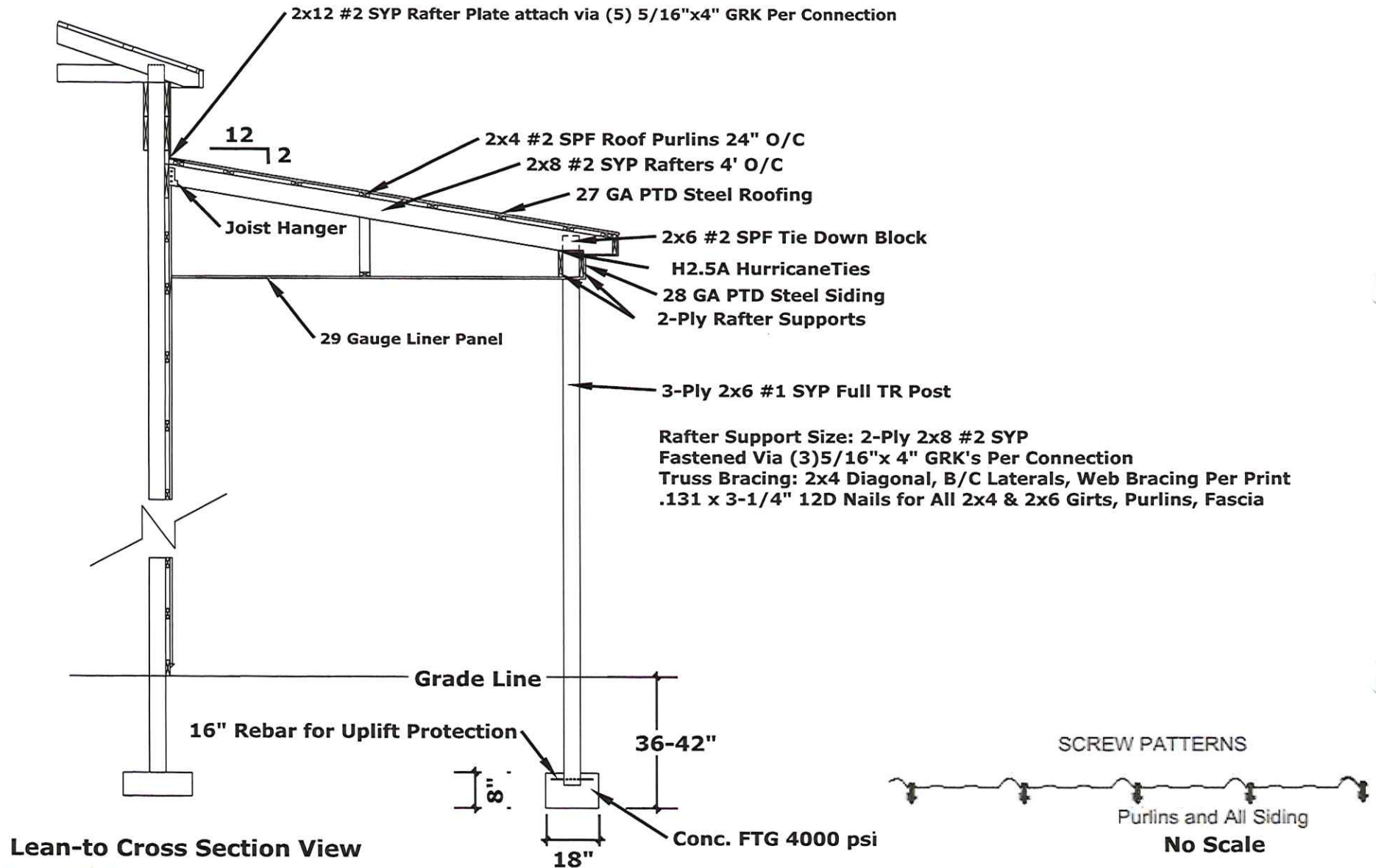
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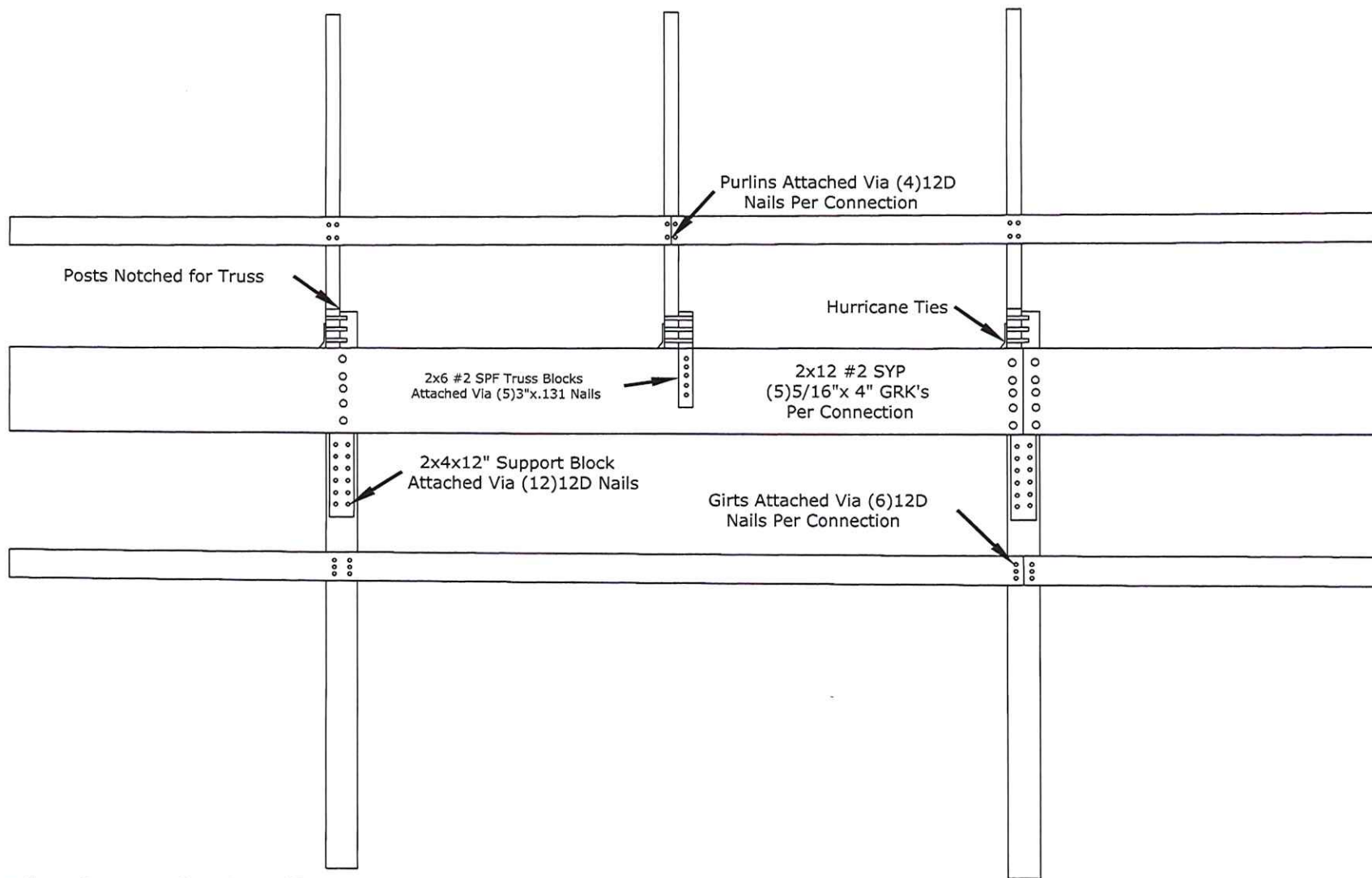
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Drawn By: JF

Page:

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Framing Connection Detail

**Client Name:** Brian Quier**Address:** 105 River Bend Drive
Dagsboro, DE, 19939**Phone:** 484-554-5394**Contact:**Troy Wallace
717-201-3957**Email:**

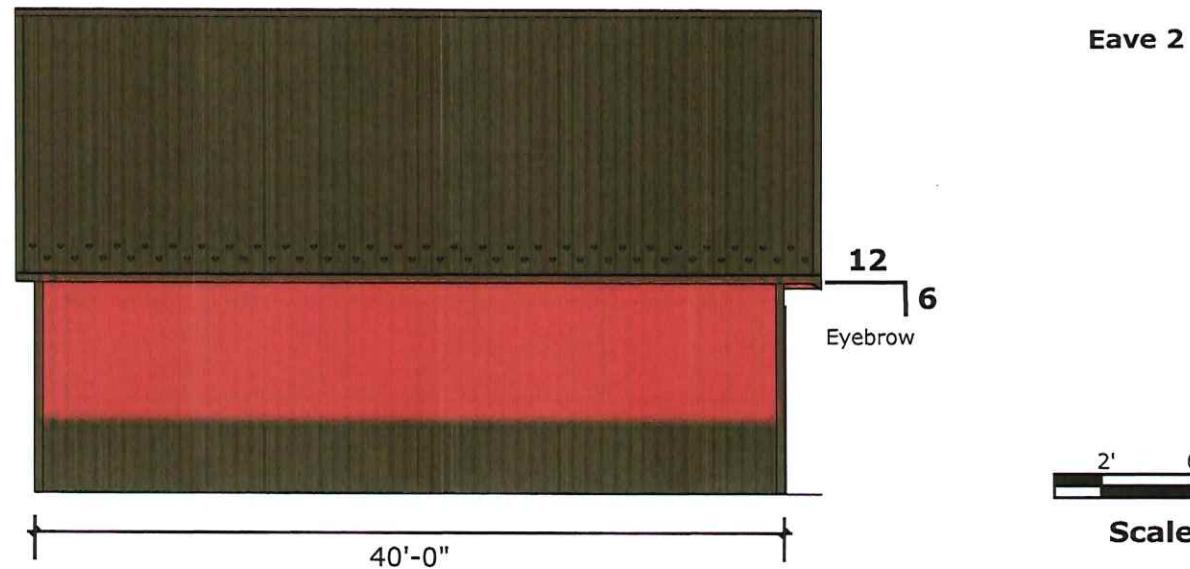
Troy@fettervillesales.com

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Drawn By: JF

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Scale: 1/8" = 1'

Elevation Views



Client Name: Brian Quier

Address: 105 River Bend Drive
Dagsboro, DE, 19939

Phone: 484-554-5394

Contact:

Troy Wallace
717-201-3957

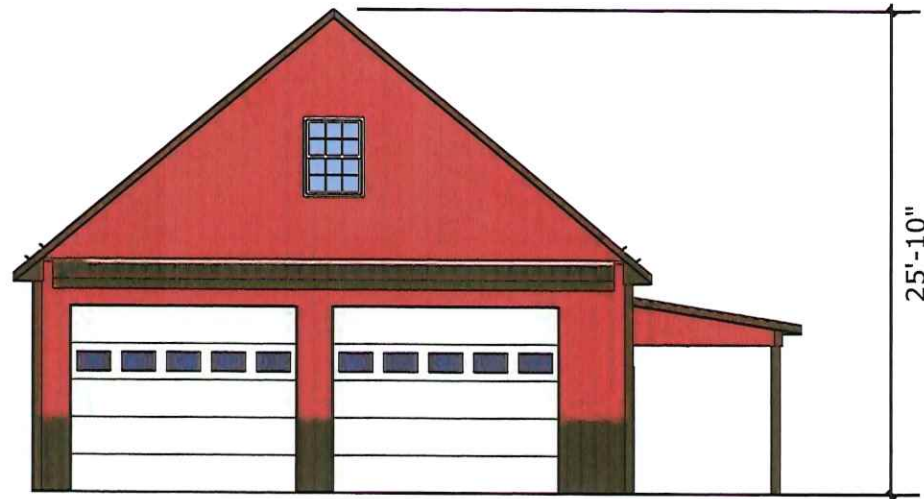
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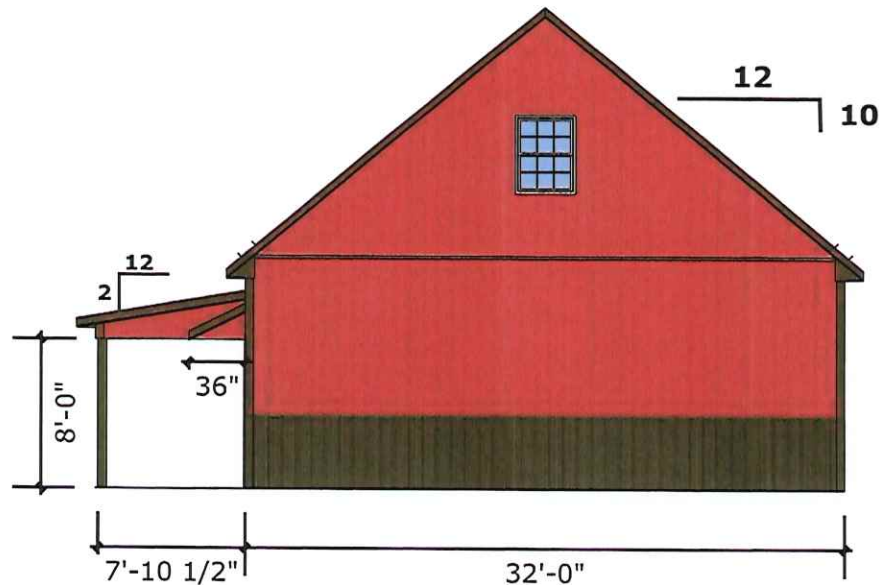
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Gable 1



Gable 2



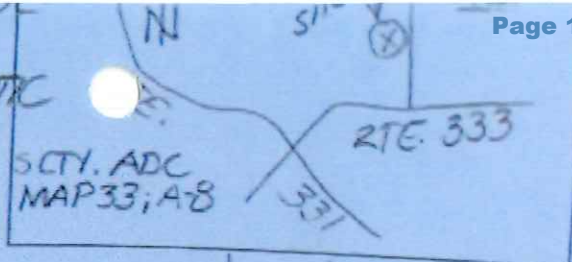
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Elevation Views

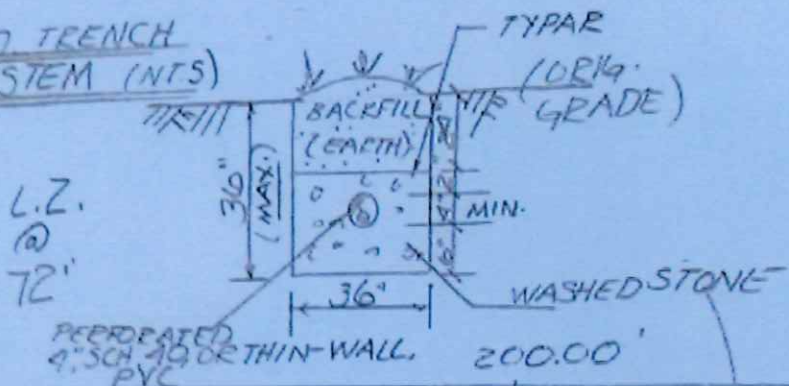
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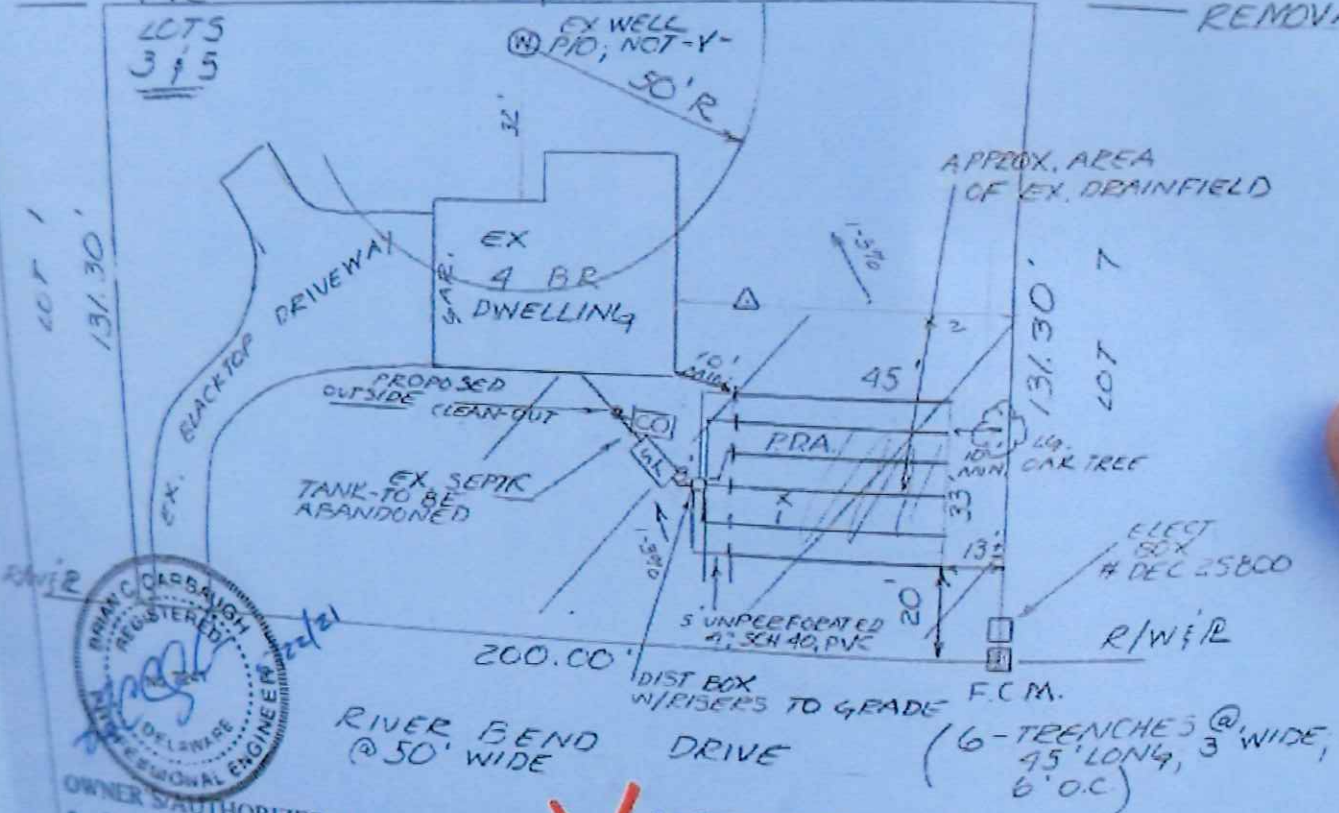
- A DELTA TREATMENT UNIT; RISES TO 4' 10"
- *-INSTALLER TO SAND LINE TO CLEAN SOILS WHERE ENCOUNTERED OLD SEPTIC
- *- A TREE WAIVER MAY BE REQUIRED NO WELLS TO BE 50' WITHIN P.D.A.
- ALT. DRAINFIELD ~ UPGRADE



STD. TRENCH SYSTEM (NTS)



- BURIED PROPA NE TANK - TO BE RELOCATED, PER OWNER
- TREE - NOT ALL TREES ARE DEPICTED - USE DNREC LOT CLEARING GUIDELINES ON TREE REMOVAL



OWNER AUTHORIZED AGENT SIGNATURE: (SEE SEPARATE SIGNATURE PAGE) DATE: _____
 A copy of this page must be submitted with both septic system and well construction report(s)
 (THIS IS NOT A SURVEY)

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 # 13063
Hearing Date 5-5-25
202502827

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

27514 South Nicklaus Ave Millsboro De 19966

Variance/Special Use Exception/Appeal Requested:

2'6"

Tax Map #: 2-34-30.00 - 304-03-48

Property Zoning: Residential

Applicant Information

Applicant Name: JMC Builders Inc

Applicant Address: 30449 Piney Neck Rd

City Dagsboro State De Zip: 19939

Applicant Phone #: 302.448.1913 Applicant e-mail: jcimarron2@gmail.com

Owner Information

Owner Name: Dr. Peter & Maria Passero

Owner Address: 27514 South Nicklaus Ave

City Millsboro State De Zip: 19939 Purchase Date: 7/2/2019

Owner Phone #: 203.408.3514 Owner e-mail: bikerdoc1@verizon.net

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

[Signature]

Date: 03-02-25



Check List for Applications

The following shall be submitted with the application

- ☒ • Completed Application
- ☒ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- ☐ • Provide a Site Plan or survey of the property (Special Use Exception)
- ☐ • Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- ☒ • Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- ☐ • Copy of Receipt (staff)
- ☒ • Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- ☒ • Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney



Date: 03-22-25

For office use only:

Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____

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 has a pie shape element angle to the property and would give an unusual shape to the 12x16 porch proposed. A porch smaller would not accommodate the family and grandchildren to sit at the table for games and meals for together time. The proposed screen porch would be within the limited common element. The survey company stated using the 2'6" of the property would still be within the property lines. Due to the 40' space between the home, no where else in the community has this requirement and the surveyor sees no reason that the

2. Cannot otherwise be developed: Porch should not proceed to be built.

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.

with the 40' home separation on this property which is very unique to the community. Since being pie shape the porch to be built for the family since it will be their fulltime residence of 4 married adult children and Grand children when visiting. Anything smaller would not accommodate them at the table. The 12x16 room being less than 12' would not accommodate the family and table to use the room together as a family

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant. because of the odd and unusual placement that the builder constructed the home the current homeowners had no input. The builder Insight home already built this on the property, taking the existing rear deck shown because of the style cannot be covered to achieve the same result to make it year round room.

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 porch will be hidden from the road with giant Arborvitae already planted on the neighbors property and thereon property and make it not seen from the road or community view

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 porch needs the 2'6" variance since it can't be shifted forward due to the flight path of the errant golf ball and safety of the family and property

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

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

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

NA

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

NA

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

NA

THE PENINSULA COMMUNITY ASSOCIATION, INC.

27525 Sterling Boulevard
Millsboro, DE 19966

Main Phone (302) 947-2036 Fax (302) 947-4763
ejett@legumnorman.com

Date: 1/13/2025 1:22:58 PM

Project Ref: 27514 South Nicklaus Ave

Peter & Marie Passero
27514 South Nicklaus Ave
Millsboro DE 19966

Dear Peter & Marie Passero,

I am pleased to inform you that the Peninsula Community Association Architectural Review Committee has approved your application for the listed project item(s):

Screened Porch

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction. This approval will expire if the project is not commenced within 180 days of the date of this approval letter or completed by within one (1) year of the date of this approval letter.

Please note that an ARC approval is not confirmation of code compliance or its enforcement.

The approval is based on notification of your project with neighbors with connecting property lines.

Once the project is completed, please notify the Peninsula Community Association Architectural Review Committee in writing. Please include a picture or pictures of your completed project.

If the contractor causes damage or drainage issues to any common areas, adjacent homes or other property not owned by the applicant, the applicant/homeowner will be held liable for all costs of repair. Approval is contingent on tying in landscaping and drainage to existing storm water facilities and may include some work off the home site. The owner/builder will be responsible to repair any standing water issues on or off the lot, if the source of said water originates from their lot.

We appreciate your cooperation and understanding during our review process. We feel this improvement will make a fine addition to The Peninsula and look forward to its completion. If you have any questions, please feel free to contact our office at 302-947-2036 or via email at ejett@legumnorman.com

Sincerely,

The Peninsula Community Association Architectural Review Committee

The Peninsula Community Association Board of Directors

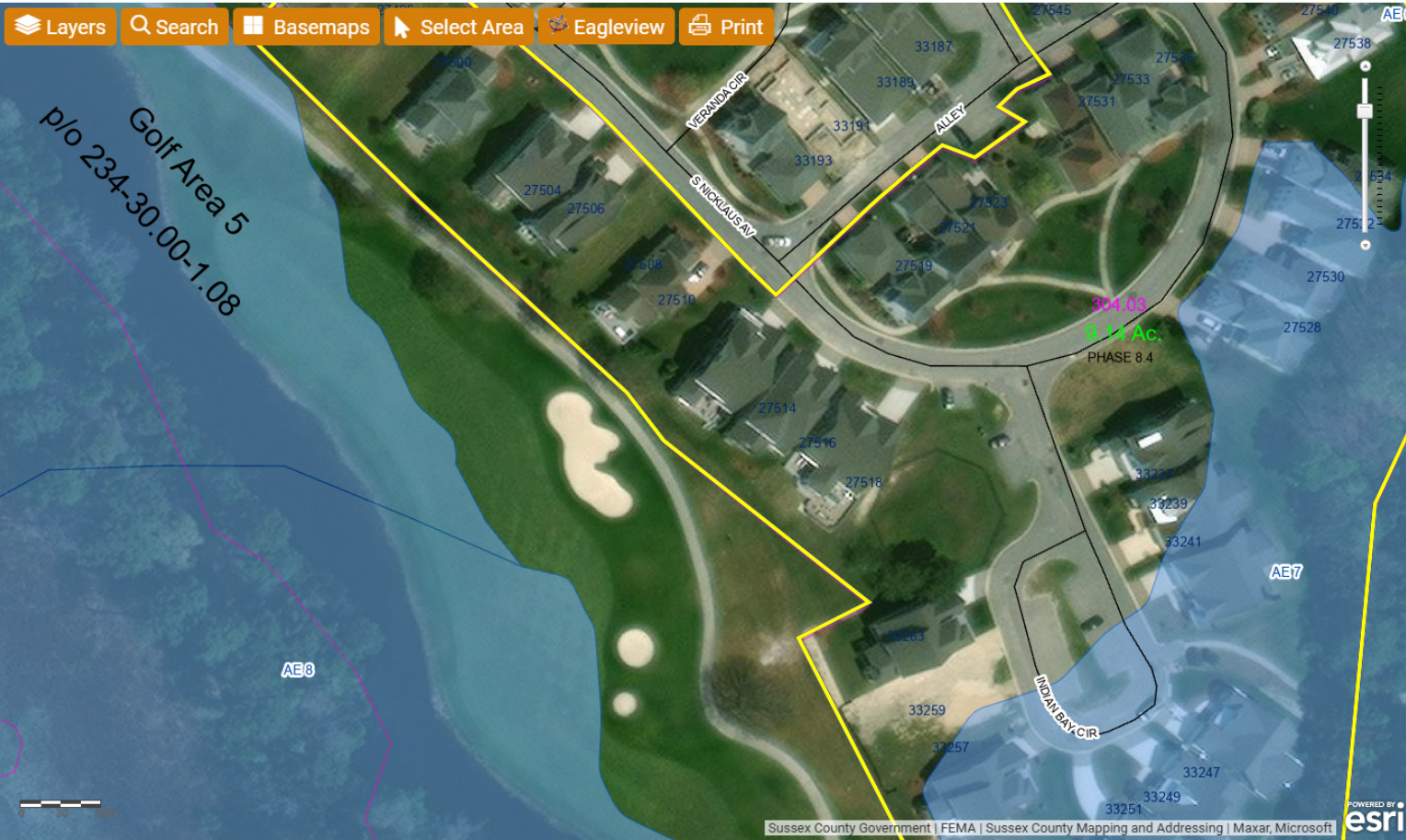
Lot 49 house view
from 48



Eagleview	Search Results
Selected Features:	
Parcels (47)	
▶ 31) 234-30.00-304.03-44	Zoom
▶ 32) 234-30.00-304.03-45	Zoom
▶ 33) 234-30.00-304.03-46	Zoom
▶ 34) 234-30.00-304.03-47	Zoom
▼ 35) 234-30.00-304.03-48	Zoom
BOOK	5392
PAGE	147
FULLNAME	PASSERO MARY LENA TTEE
Second_Owner_Name	PETER L PASSERO TTEE LIV TR
MAILINGADDRESS	11108 POTOMAC VIEW DR
CITY	POTOMAC
STATE	MD
a_account	08-05-304.3-48
DESCRIPTION	THE PENINSULA
DESCRIPTION2	VERANDA UNIT 48
DESCRIPTION3	PHASE 8.4
LUC	105
SCHOOL	1
MUNI	00
CAP	0

Selected Features (31 - 35 of 47)

Clear Selected



Eagleview Search Results

Selected Features: Parcels (47)

[31\) 234-30.00-304.03-44](#) [Zoom](#)
[32\) 234-30.00-304.03-45](#) [Zoom](#)
[33\) 234-30.00-304.03-46](#) [Zoom](#)
[34\) 234-30.00-304.03-47](#) [Zoom](#)
35) 234-30.00-304.03-48 [Zoom](#)

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[First](#)
[Previous](#)
[Up](#)
[Down](#)
[Next](#)
[Last](#)

Selected Features (31 - 35 of 47)

Clear Selected



**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 # 13064
Hearing Date 5-5-25
202502927

Type of Application: (please check all applicable)Variance ☐Special Use Exception ☒Administrative Variance ☐Appeal ☐Existing Condition ☒Proposed ☒

Code Reference (office use only)

Site Address of Variance/Special Use Exception:12613 Hunters Cove Road, Greenwood, DE 19950**Variance/Special Use Exception/Appeal Requested:**

To allow the property to continue to be used as a public shooting facility including expanding the shooting range to include a rifle/pistol range.

Tax Map #: 430-9.00-19.00Property Zoning: AR-1**Applicant Information**Applicant Name: Craig RhoadsApplicant Address: 89 Kings HighwayCity DoverState DEZip: 19901Applicant Phone #: (302) 739-9912Applicant e-mail: craig.rhoads@delaware.gov**Owner Information**Owner Name: State of Delaware; Division of Fish & WildlifeOwner Address: 89 Kings HighwayCity DoverState DEZip: 19901Purchase Date: 11/4/13Owner Phone #: (302) 739-9912Owner e-mail: craig.rhoads@delaware.gov**Agent/Attorney Information**

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____

State _____

Zip: _____

Agent/Attorney Phone #: _____

Agent/Attorney e-mail: _____

Signature of Owner/Agent/AttorneyDate: 3/4/25

Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Sussex County, DE - BOA Application

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

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

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

This property has been actively utilized as a public shooting range for over 25 years so continuing this use will not adversely affect adjacent and neighboring properties. The proposed rifle/pistol range construction will be done to completely contain and prevent any projectiles from being able to leave the range and will be operated during the same hours as the existing range so should not have any additional adverse affect to neighboring properties.

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

Sussex County Code requires this Special Use Exception to be renewed and approved every 5 years.

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

Check List for Applications

The following shall be submitted with the application

- ☐ • Completed Application
- ☐ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- ☐ • Provide a Site Plan or survey of the property (Special Use Exception)
- ☐ • Provide Fee
- ☐ • Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- ☐ • Copy of Receipt (staff)
- ☐ • Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- ☐ • Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney

Date: 3/4/2025

For office use only:

Date Submitted: _____

Fee: \$400.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

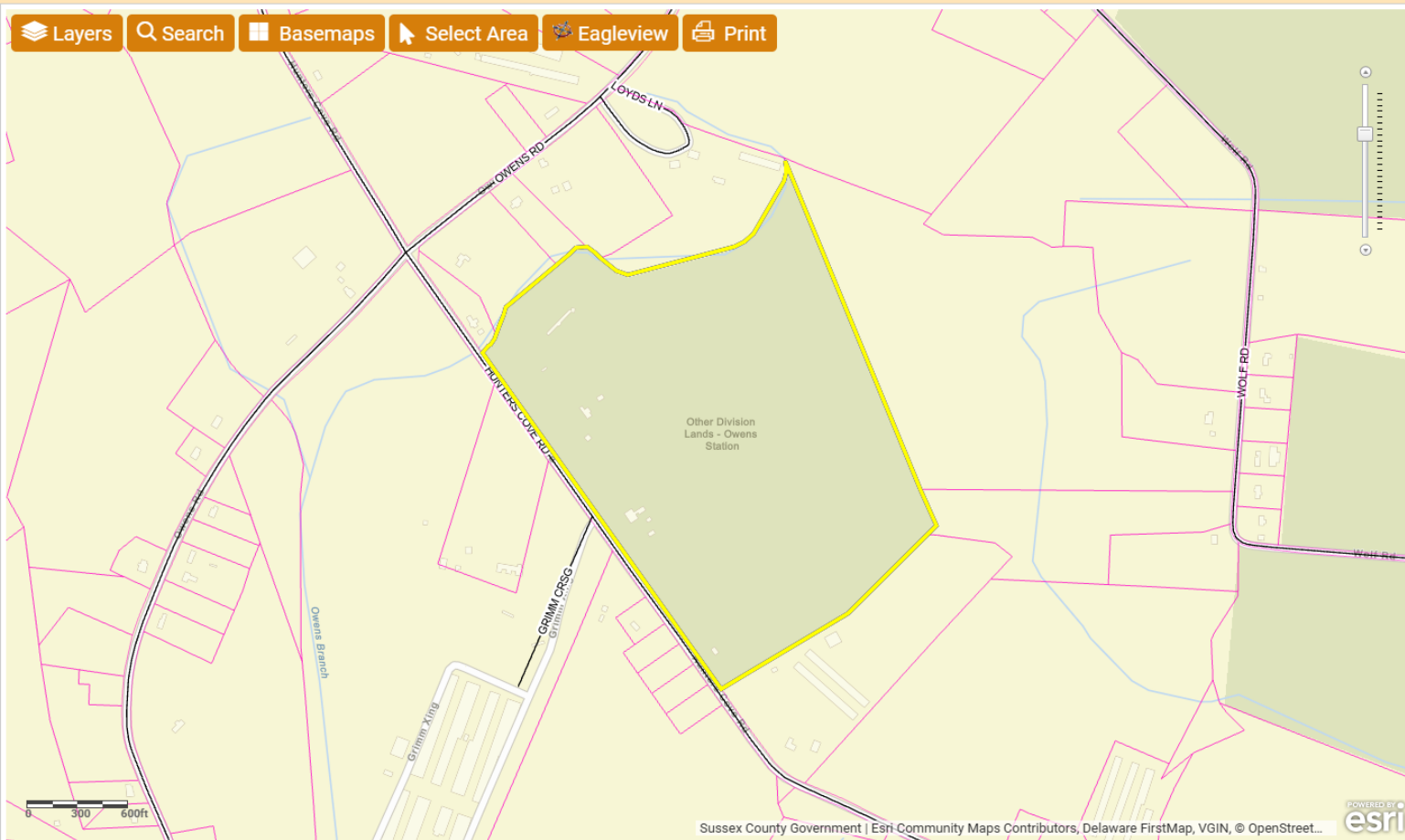
Location of property: _____

Subdivision: _____

Lot#: _____ Block#: _____

Date of Hearing: _____

Decision of Board: _____



Eagleview

Search Results

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Selected Features:

Parcels (2)

▼

▼ 1) 430-9.00-19.00

Zoom

BOOK	4192
PAGE	234
FULLNAME	STATE OF DELAWARE DEPT OF NATURAL RESOU
Second_Owner_Name	& ENVIRNMENTAL CONTROL
MAILINGADDRESS	DIVISION OF FISH & WILDLIFE
CITY	DOVER
STATE	DE
a_account	
DESCRIPTION	NE/RD 602
DESCRIPTION2	73P'SE/RT 611
DESCRIPTION3	FX
LUC	803
SCHOOL	5
MUNI	00
CAP	0
APRBLDG	484600
APRLAND	528400

▶ 2) 430-9.00-19.00-43883

Zoom

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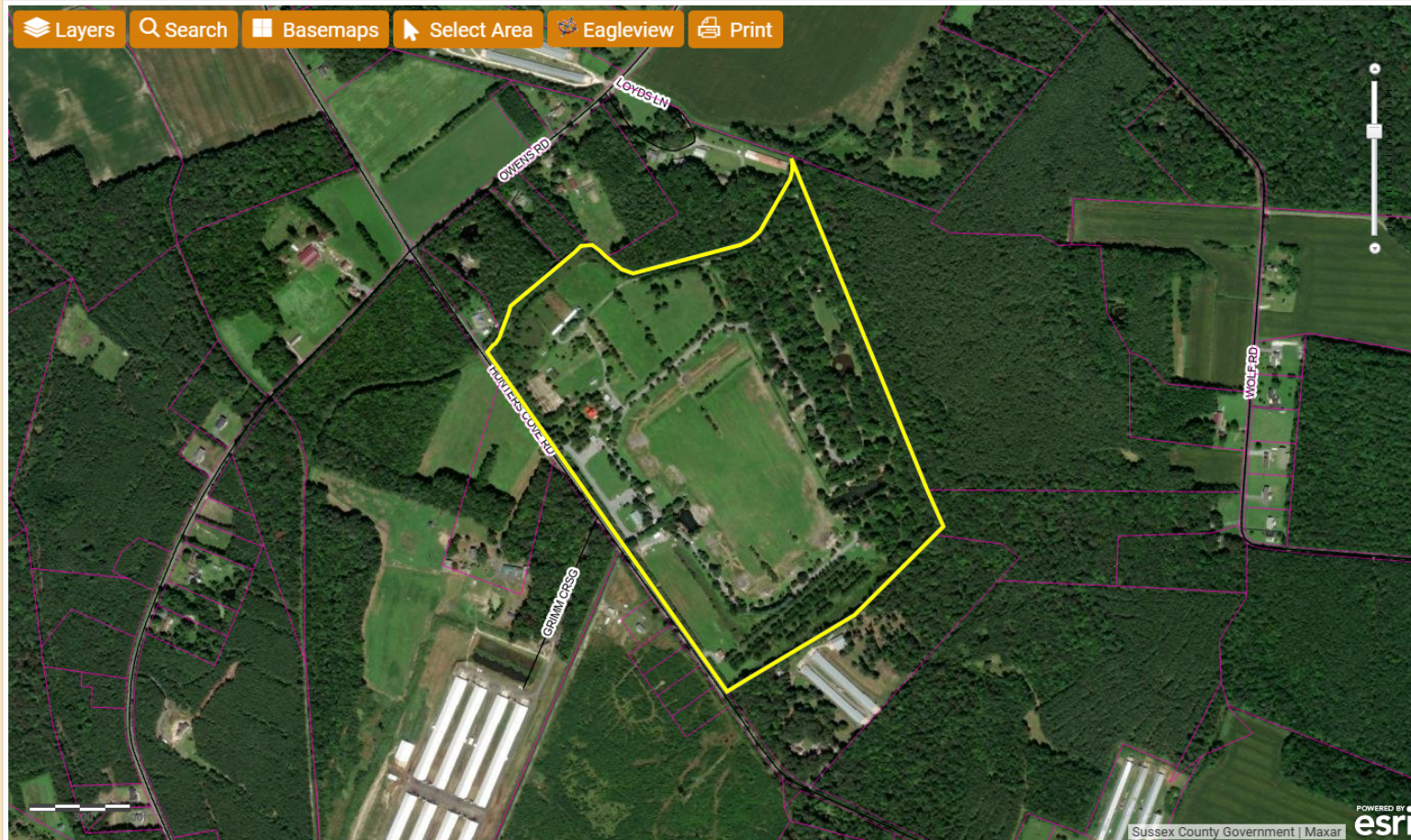
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Selected Features (2)

Clear Selected



Eagleview Search Results

Selected Features: Parcels (2)

▼ 1) 430-9.00-19.00 [Zoom](#)

BOOK	4192
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APRBLDG	484600
APRLAND	528400

► 2) 430-9.00-19.00-43883 [Zoom](#)

Selected Features (2)

[Clear Selected](#)



Workspaces



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: STATE OF DELAWARE, DIVISION OF FISH & WILDLIFE

(Case No. 12389)

A hearing was held after due notice on December 2, 2019. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a rifle or pistol range.

Findings of Fact

The Board found that the Applicant is seeking a special use to operate a rifle or pistol range. This application pertains to certain real property on the northeast side of Hunters Cove Road approximately 736 feet south of Owens Road (911 Address: 12613 Hunters Cove Road, Greenwood) said property being identified as Sussex County Tax Map Parcel Number 4-30-9.00-19.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated September 5, 2013, minutes of Case No. 6265, a letter from the Planning & Zoning Office dated April 4, 2016, and an aerial photograph of the Property.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that the Office of Planning & Zoning noted that the most recent special use exception expired on May 12, 2002 and was not renewed.
4. The Board found that Craig Rhoads of the State of Delaware Department of Fish and Wildlife was sworn in to testify about the Application.
5. The Board found that Mr. Rhoads testified that the State operated the Whiskey Ridge Shooting Preserve since 1990 under a lease with the owner and was licensed to do so through the State of Delaware Natural Resources – Division of Fish and Wildlife.
6. The Board found that Mr. Rhoads testified that the State has never had any complaints from neighbors and that there are very few residential dwellings in the area.
7. The Board found that Mr. Rhoads testified that the trap shooting range will remain the same.
8. The Board found that Mr. Rhoads testified that the State recently purchased the property from the owner and seeks to install a new pistol range. The property will continue to be leased to the private vendor, Chuck Norton, who has operated the property for numerous years. The lease is for 20 years and is currently in year 4 or 5.
9. The Board found that Mr. Rhoads testified that the State uses the range to educate kids on the use of guns.
10. The Board found that Mrs. Rhoads testified that the pistol range is constructed down into the ground. The range is surrounded by a 300 yard berm that ensures no errant rounds leave the range.
11. The Board found that Mr. Rhoads testified that he did not have a final site plan because it still needed to be reviewed by the Planning and Zoning Commission.
12. The Board found that Mr. Rhoads testified that the surrounding properties are all farmland except for the property nearest to the pistol range. This property owner operates a chicken farm. The shooting in the pistol range will be perpendicular to the chicken farm to the southeast of the property.

13. The Board found that Mr. Rhoades testified that a landscape buffer was planned between the property and the adjacent property with the chicken farm.
14. The Board found that Samuel Thorpe was sworn in to give testimony in opposition to the Application. Mr. Thorpe owns 180 acres located across the road from the shooting range and previously worked for the operator at the range.
15. The Board found that Mr. Thorpe had questions about the direction that the pistol range was to be aimed because he takes handicapped children bird shooting on the farmland around the range.
16. The Board found that no parties appeared in support of the Application and that one party appeared in opposition to the Application.
17. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application met the standards for granting a special use exception subject to certain conditions. The findings below further support the Board's decision to approve the Application for the special use exception with conditions.
 - a. The Property has been used for over 20 years as a rifle range and no complaints about use were noted in the record.
 - b. The site is significantly isolated due to farmland which largely surrounds the site. This isolation provides a significant sound and safety barrier.
 - c. The site is a significant distance from neighboring residential properties and there was no evidence that the range has had or will have a substantial adverse effect on those properties. The only residential property is located to the southeast where a chicken farm is operated but is a distance away from the proposed pistol range.
 - d. The range and the adjacent properties, including the property to the southeast, will be buffered by landscaping and a fence to prevent people from inadvertently entering the property.
 - e. The pistol lanes are aimed into the ground and surrounded by a berm to avoid rounds from leaving the range.
 - f. The pistol lanes all run perpendicular to the residential property located to the southeast.
 - g. No evidence was presented which would demonstrate that the facility would substantially affect adversely the uses of adjacent and neighboring properties.
 - h. There was no evidence, particularly expert testimony, reports, or studies, presented by the opposition that the facility would have a substantial adverse effect on property values in the neighborhood.
 - i. There was no evidence that the pistol range will have a substantial adverse effect on traffic, emissions, or noise.
 - j. The special use exception was approved for a period of five (5) years subject to the following conditions:
 - i. The hours of operation are limited to 9 am to 6 pm Tuesday through Sunday;
 - ii. There shall be no Monday hours of operation; and
 - iii. The Applicant shall construct a berm or fencing along the southeast side of the property to insulate the range from neighboring properties.

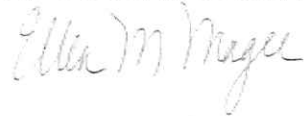
The Board granted the special use exception application for a period of five (5) years subject to conditions finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved with conditions for a period of five (5) years. The Board Members in favor of

the Motion to approve with conditions were Mr. Brent Workman, Mr. John Williamson, Dr. Kevin Carson, Mr. Jeff Chorman and Ms. Ellen Magee. No Board Member voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

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

Date February 4, 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 # 13065
Hearing Date May 5, 2025
202503128

Type of Application: (please check all applicable)

Variance ☐Special Use Exception ☒Administrative Variance ☐Appeal ☐Existing Condition ☐Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

35808 Wolfe Neck Road
Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Special Use Exception for a dog kennel

Tax Map #: 334-7.00-16.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Melony Messina

Applicant Address: 35808 Wolfe Neck Road

City Rehoboth

State DE

Zip: 19971

Applicant Phone #: 249-3424

Applicant e-mail: mclmessina070321@gmail.com

Owner Information

Owner Name: Mark James Thompson TIE

Owner Address: 35780 Wolfe Neck Road

City Rehoboth

State DE

Zip: 19971

Purchase Date: 1/7/14

Owner Phone #: 228-5964

Owner e-mail: melsdad@verizon.net

Agent/Attorney Information

Agent/Attorney Name:

Agent/Attorney Address:

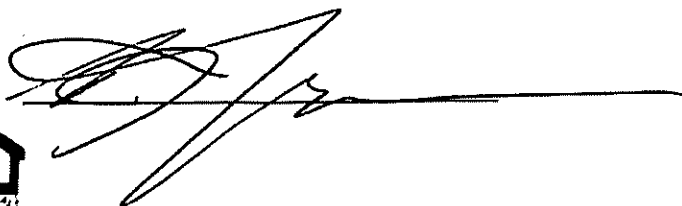
City

State

Zip:

Agent/Attorney Phone #:

Agent/Attorney e-mail:

Signature of Owner/Agent/Attorney

Date: 3-11-25



Sussex County, DE - BOA Application

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

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

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

Dog Kennel will not substantially affect adversely the uses of adjacent and neighboring property

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

5 years

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

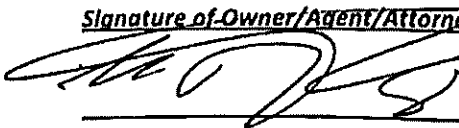
- ☐ • Completed Application
- ☐ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- ☐ • Provide a Site Plan or survey of the property (Special Use Exception)
- ☐ • Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- ☐ • Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- ☐ • Copy of Receipt (staff)
- ☐ • Optional - Additional Information for the Board to consider (ex. photos, letters from neighbors, etc.)
- ☐ • Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

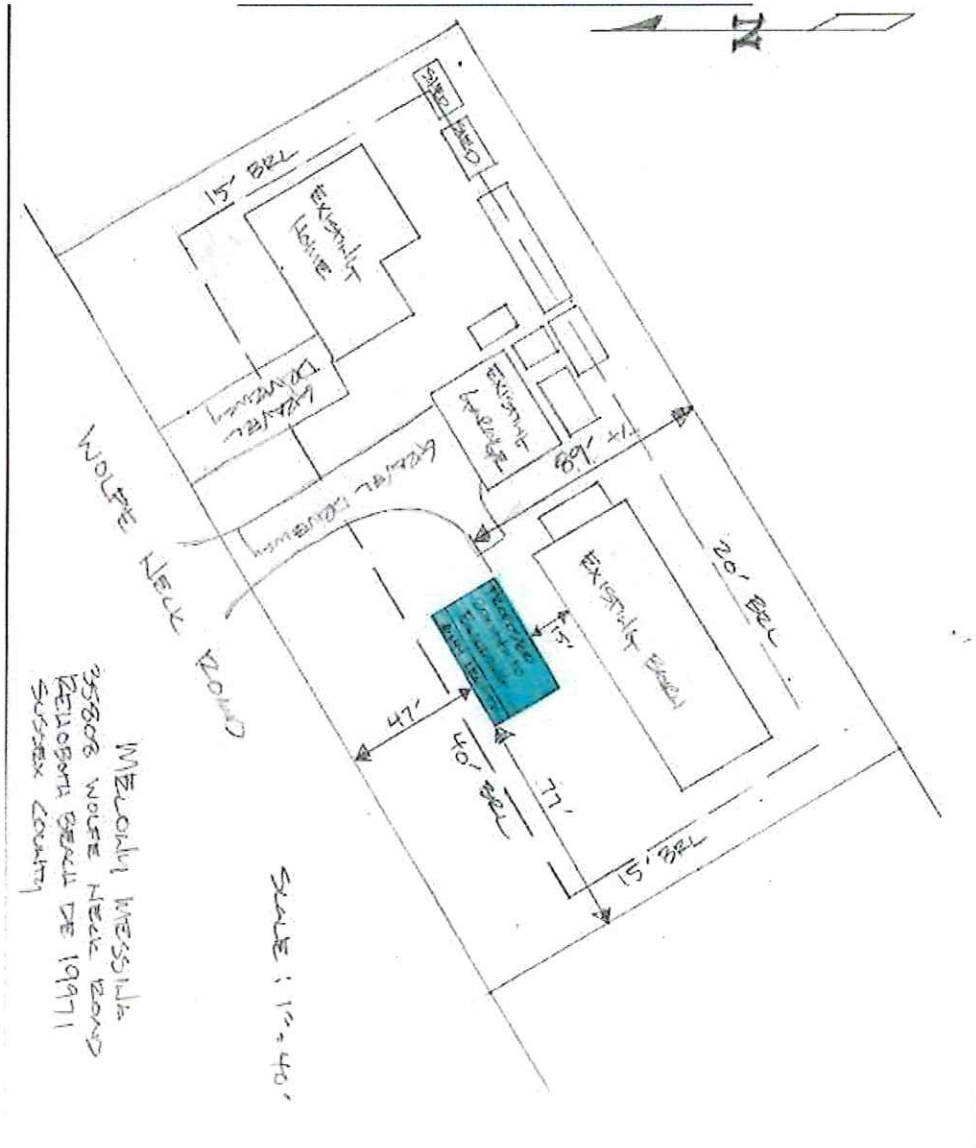
Signature of Owner/Agent/Attorney

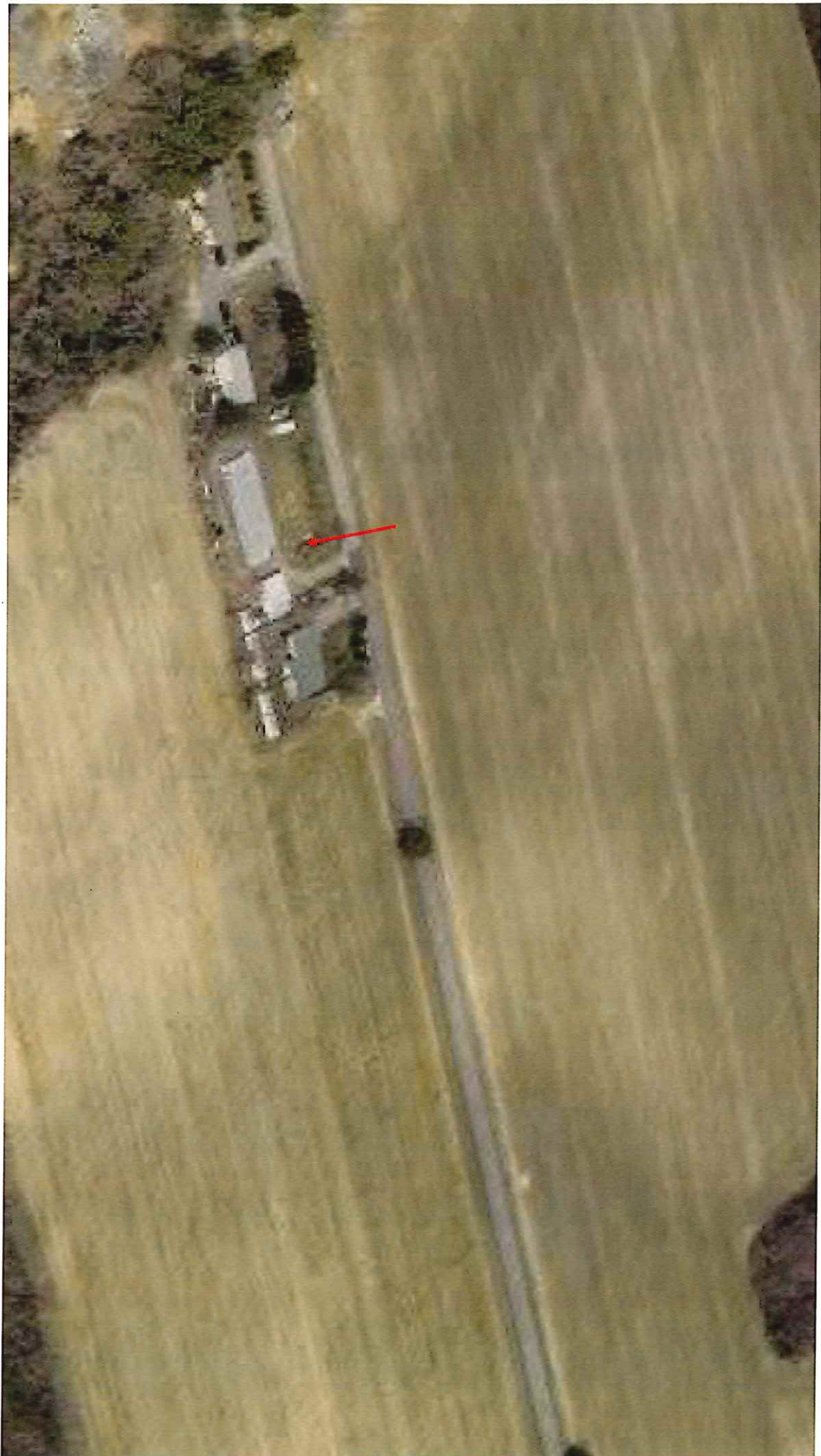


Date: 3-11-25

For office use only:

Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____
 Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____







Layers

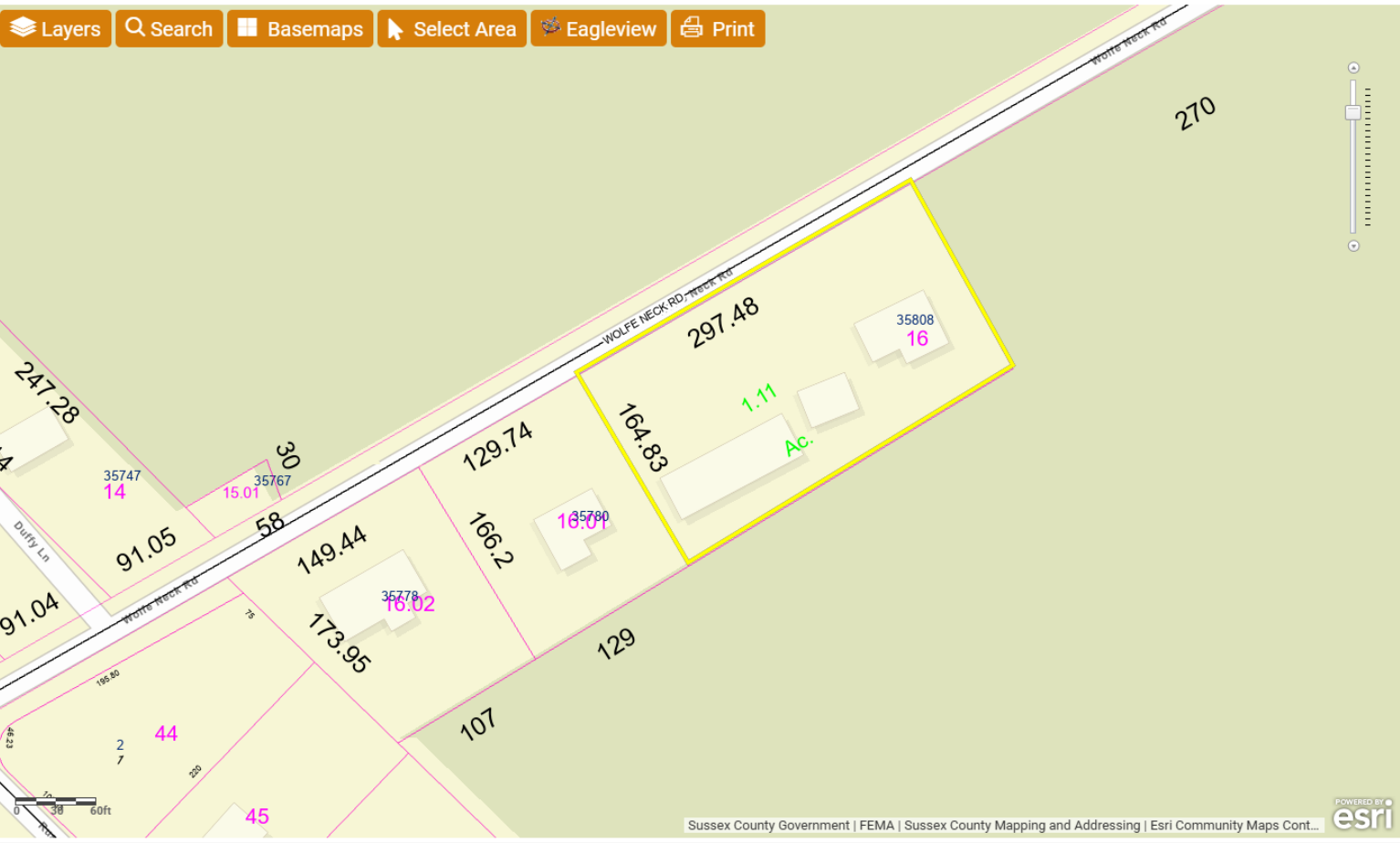
Search

Basemaps

Select Area

Eagleview

Print



Eagleview

Search Results

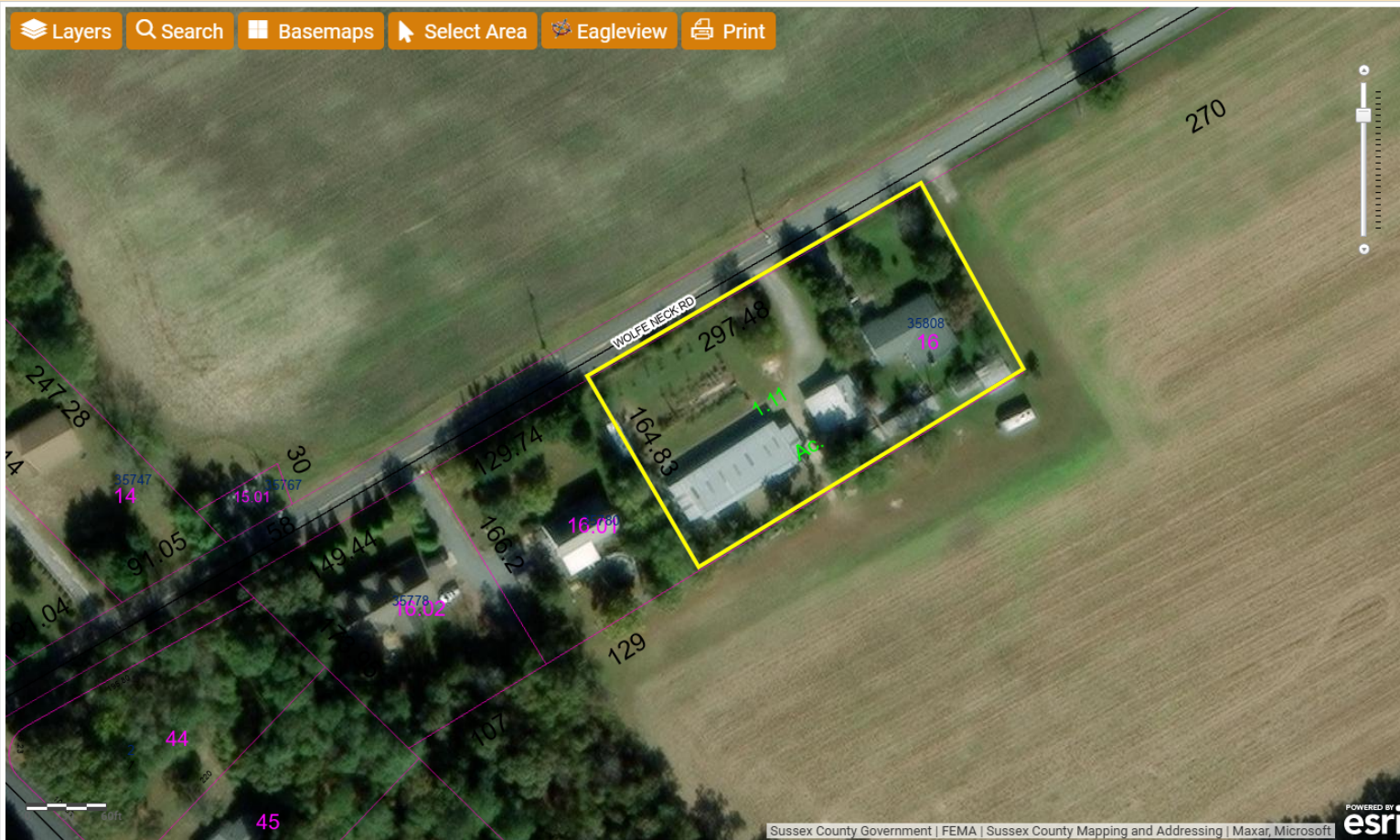
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CITY	REHOBOTH BEACH	
STATE	DE	
a_account	10-06-016	
DESCRIPTION	RD 270	
DESCRIPTION2		
DESCRIPTION3		
LUC	101	
SCHOOL	6	
MUNI	00	
CAP		
APRBLDG	329400	
APRLAND	132500	
PINWASSEMENTUNIT	334-7.00-16.00	

Selected Features (1)

Clear Selected



Eagleview

Search Results

X

Selected Features:

Parcels (1)

▼ 1) 334-7.00-16.00

Zoom

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Second_Owner_Name	MATTIE KATHRYN THOMPSON TTEE REV TR
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CITY	REHOBOTH BEACH
STATE	DE
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DESCRIPTION	RD 270
DESCRIPTION2	
DESCRIPTION3	
LUC	101
SCHOOL	6
MUNI	00
CAP	
APRBLDG	329400
APRLAND	132500
PINWASSEMENTUNIT	334-7.00-16.00



Selected Features (1)



Search

Search by SUSSEXPARELS

334-7.00-16.00

334-7.00-16.00

Search results (1) Options

334-7.00-16.00



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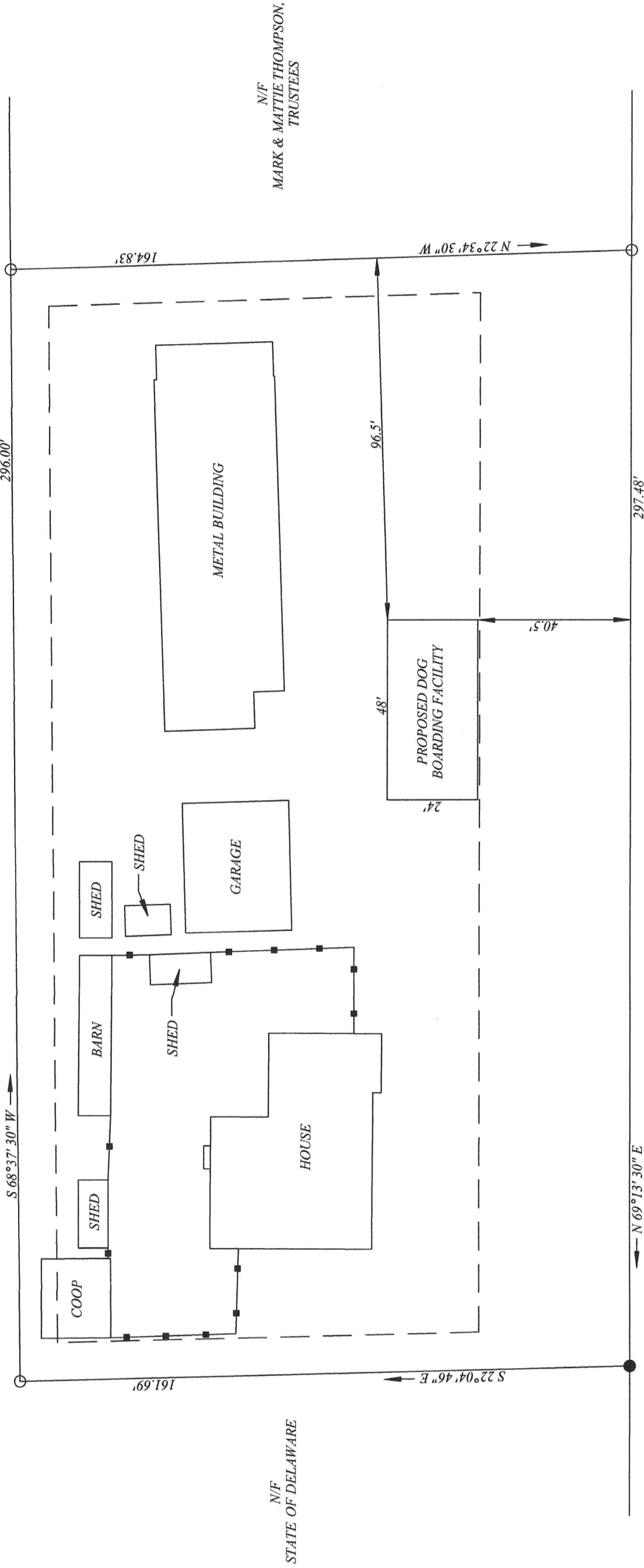
50 ft
10 m

BUILDING SETBACKS:

FRONT - 40'

SIDE - 10'

REAR - 10'



COUNTY ROAD 270
(WOLFE NECK ROAD)

LEGEND

- FOUND IRON PIPE
- SEWER MANHOLE
- WOOD FENCE
- BUILDING SETBACK

ADDRESS: 35808 WOLFE NECK ROAD

TAX PARCEL #: 334-7.00-16.00

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

Richard K. Vetter
RICHARD K. VETTER, P.E. #10329

SURVEY BASED ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD AND THE CALL OF DEED BOOK 4810, PAGE 27.



SURVEY PLAN

LANDS OF MARK J. AND
MATTIE K. THOMPSON, TRUSTEES

LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

RICHARD K. VETTER, P.E.
307 BAYBERRY DRIVE
LEWES, DE 19958

SCALE: 1" = 30'

MARCH 23, 2025

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 #

Hearing Date

13066
5-5-25
202502983

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☒

Appeal ☐

Existing Condition ☒

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

35414 Lagoon Lane, Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

Variance for a permitted porce

Tax Map #: 234-25.00-4.00-56380

Property Zoning: VRP

Applicant Information

Applicant Name: James Nichols

Applicant Address: 35414 Lagoon Lane

City Millsboro

State DE

Zip: 19966

Applicant Phone #: (415) 756-9299

Applicant e-mail: nicholsroofing@gmail.com

Owner Information

Owner Name: Same as above

Owner Address:

City

State

Zip:

Purchase Date:

Owner Phone #:

Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name: N/A

Agent/Attorney Address:

City

State

Zip:

Agent/Attorney Phone #:

Agent/Attorney e-mail:

Signature of Owner/Agent/Attorney

Date: 2/26/20



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Sussex County, DE - BOA Application

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

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

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

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

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

- ☐ • Completed Application
- ☐ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- ☐ • Provide a Site Plan or survey of the property (Special Use Exception)
- ☐ • Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- ☐ • Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- ☐ • Copy of Receipt (staff)
- ☐ • Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- ☐ • Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

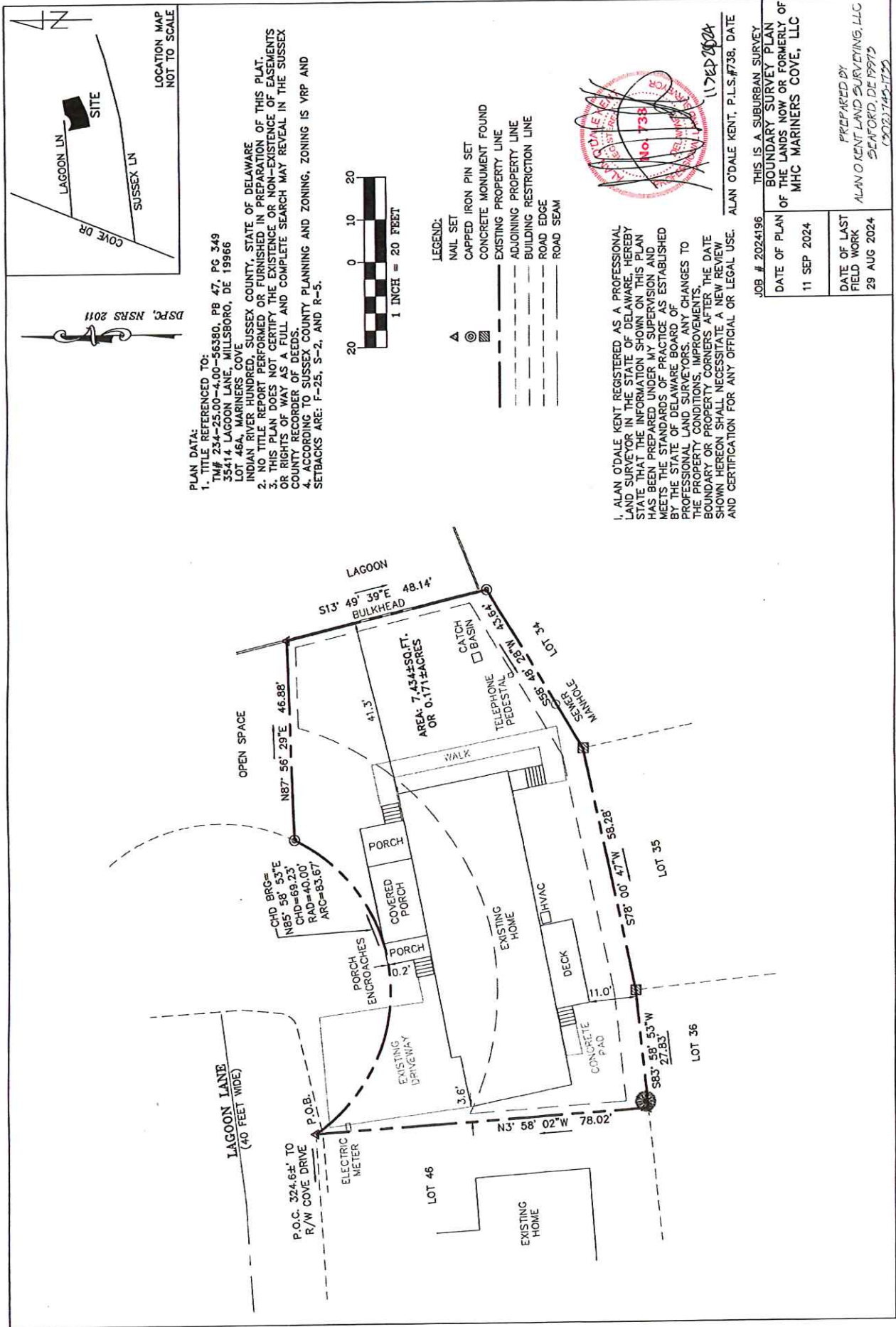
Signature of Owner/Agent/Attorney

Date: _____

For office use only:

Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____



James Nichiols

35414 Lagoon Lane
Millsboro, DE 199
(415) 756-9299
nicholsroofing@gmail.com

February 26, 2025

Sussex County Board of Adjustment

Sussex County Planning & Zoning Department
2 The Circle Georgetown, DE 19947

Criteria for a Variance,**1. Uniqueness of property:**

There is a non-existent cul de sac on paper at the end Lagoon Lane. The property would be too narrow for the existing building let alone a porch addition.

2. Cannot otherwise be developed:

The property has an existing home purchased in August of 2023, The middle of this home is beyond the set back. This Variance request is for just the existing, permitted, front porch.

3. Not created by the applicant:

These property lines were unknown by the applicant until the survey was completed after the porch was permitted and built.

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

The porch addition is only 0.02 feet (about 2.5 inches into the cul de sac, and on property that is currently maintained by the applicant at the applicants expense. This addition does not block any view it is not hindering access to any property, public or private.

5. Minimum Variance:

The porch and driveways are built and will not be altered beyond the existing structure.

James Nichiols

35414 Lagoon Lane
Millsboro, DE 199
(415) 756-9299
nicholsroofing@gmail.com

February 26, 2025

Sussex County Board of Adjustment

Sussex County Planning & Zoning Department
2 The Circle Georgetown, DE 19947

To Whom it May Concern,

A variance is requested for 35414 Lagoon Lane Millsboro DE, for a permitted and existing porch at that address. The county granted a permit for an addition of a porch structure, the Mariners Cove Management agreed that the porch could be built. After the porch was completed and the final inspection of the structure was done, a zoning officer notified us that the porch structure was over the allowed set back of 25 feet from the front property line. We were told by the zoning agent to complete a survey of the property and request a variance from the Board of Adjustment

After the survey was completed (at a cost of \$750.00) it was discovered that there is a cul de sac on paper that was never constructed at the end of Lagoon Lane, and that cul de sac would have been into our driveway and front yard and the required setbacks would have been in the middle of the house, meaning that the existing house we purchased in August of 2023 should never have been built

It appears that the front property line was assumed (by both Mariners Cove and by Sussex County Zoning and Planning) to be continuous from the shoulder of Lagoon Lane to the canal bulkhead and therefore the main house would not have been encroaching on the setbacks.

In our case, we relied on our contractor, Mariners Cove Management, and Sussex County to ensure that we were compliant with all laws, regulations and codes prior to the construction of the front porch addition. Unfortunately our contractor, who pulled the permit, left in the middle of the job and we had to hire someone else to finish the project. Mariners Cove was unaware that we did not meet the initial setback and Sussex County was not aware of a cul de sac at all.

Our porch is consistent with nearby houses, It does not block any views or access to any private or public property. We maintain the front yard and

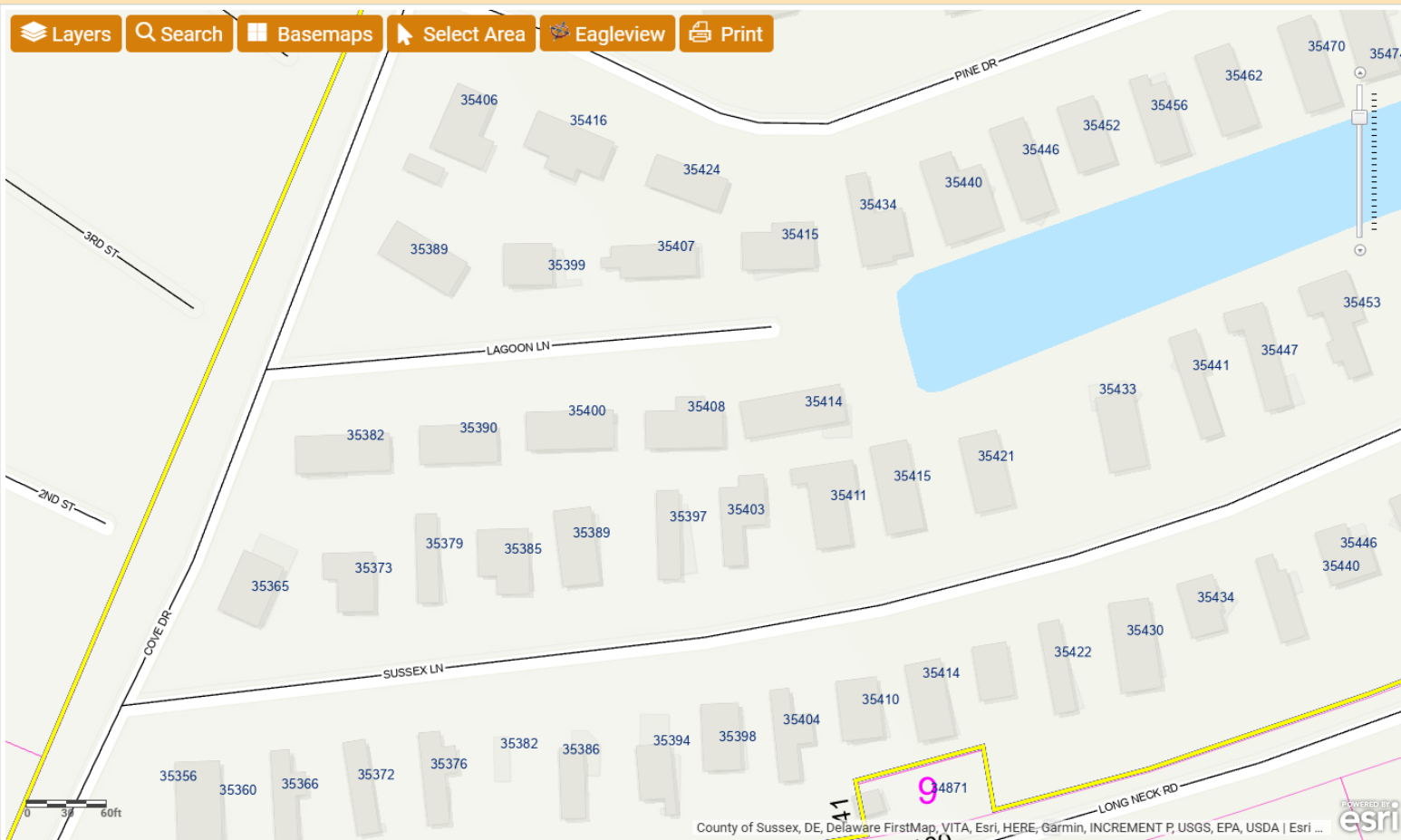
driveway that are "in the cul de sac" at our expense. There have been no complaints from neighbors or management since we started the porch addition last spring nor since completion in June of 2024.

Footnote: (Respectfully) I have been a licensed and bonded specialty contractor in another state since 1996, I have been involved with hundreds of construction projects from a few hundred bucks to multimillion dollar commercial, industrial, state and federal projects, I have never experienced another situation where the project is permitted, inspected for footings, inspected for framing and final inspected per code by the building department, and then, after the fact had a setback issue with the county.

Please see the attached pages for answers to the questions on the application.

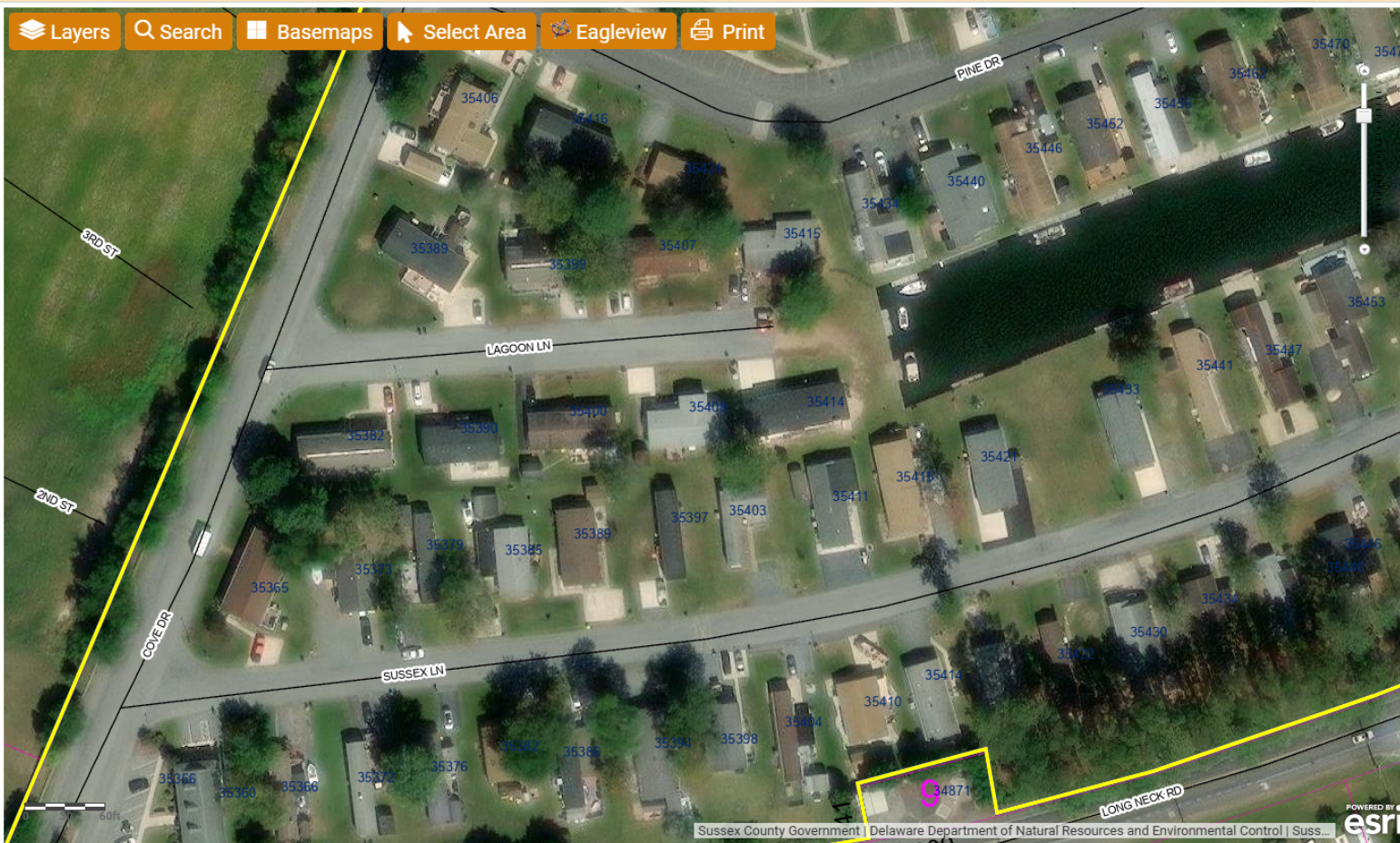
Sincerely,

James Nichiols



Eagleview	Search Results	×
Selected Features: Parcels (387)		
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BOOK	0	
PAGE	0	
FULLNAME	MHC MARINERS COVE LLC	
Second_Owner_Name		
MAILINGADDRESS	35502 PINE DRIVE LOT 67	
CITY	MILLSBORO	
STATE	DE	
a_account		
DESCRIPTION	GIS TIEBACK	
DESCRIPTION2	DUMMY ACCOUNT	
DESCRIPTION3		
LUC	612	
SCHOOL	1	
MUNI	00	
CAP	0	
▶ 2) 234-25.00-4.00-11508 Zoom		
▶ 3) 234-25.00-4.00-11509 Zoom		
▶ 4) 234-25.00-4.00-11510 Zoom		
▶ 5) 234-25.00-4.00-11511 Zoom		
⏪ ⏩ ⬆ ⬇ ⬆ ⬇		
Selected Features (1 - 5 of 387)		
Clear Selected		

[Layers](#)
[Search](#)
[Basemaps](#)
[Select Area](#)
[Eagleview](#)
[Print](#)



Eagleview Search Results

Selected Features: [Parcels \(387\)](#)

▼ 1) 234-25.00-4.00 [Zoom](#)

BOOK	0
PAGE	0
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Second_Owner_Name	
MAILINGADDRESS	35502 PINE DRIVE LOT 67
CITY	MILLSBORO
STATE	DE
a_account	
DESCRIPTION	GIS TIEBACK
DESCRIPTION2	DUMMY ACCOUNT
DESCRIPTION3	
LUC	612
SCHOOL	1
MUNI	00
CAP	0

► 2) 234-25.00-4.00-11508 [Zoom](#)

► 3) 234-25.00-4.00-11509 [Zoom](#)

► 4) 234-25.00-4.00-11510 [Zoom](#)

► 5) 234-25.00-4.00-11511 [Zoom](#)

[First](#)
[Previous](#)
[Up](#)
[Down](#)
[Next](#)
[Last](#)

Selected Features (1 - 5 of 387)

[Clear Selected](#)



Search

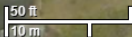
Search by SUSSEXPARELS -

234-25.00-4.00

Search results (1) Options ▾

▶ 234-25.00-4.00

Workspaces ▾



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 # 13067
Hearing Date 5-5-25
202503226
RECEIVED

MAR 14 2025

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

27280 18th Blvd. Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

Requesting 14 foot variance with a 30 foot rear yard setback to accomodate the constrcution of a Sunroom.

Tax Map #: 2-34-30.00-478.00

Property Zoning: MR

Applicant Information

Applicant Name: Joseph and Susan Sparmo

Applicant Address: 9911 Aldersgate Rd

City Rockville State MD Zip: 20850

Applicant Phone #: 301-404-8578 Applicant e-mail: sparmo@verizon.net

Owner Information

Owner Name: Joseph and Susan Sparmo

Owner Address: 9911 Aldersgate Rd

City Rockville State MD Zip: 20858 Purchase Date: Nov 2022

Owner Phone #: 301-404-8578 Owner e-mail: sparmo@verizon.net

Agent/Attorney Information

Agent/Attorney Name: Tim Willard

Agent/Attorney Address: FUQUA, WILLARD & SCHAB, P.A.

City _____ State _____ Zip: _____

Agent/Attorney Phone #: 302.856.7777 Agent/Attorney e-mail: tim@fwsdelaw.com

Signature of Owner/Agent/Attorney

Tim Willard

Date: 3-13-25



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

Property, in an MR-RPC, with 30 foot rear setback and the town homes built directly on the setback line. The rear yards also have a 15 foot irrigation, utility and open space easement that runs over 15 feet of the end of the 30 foot setback. So, there is no space to develop any outdoor indoor improvement. So the 15 foot easement acts as a 15 foot setback on the applicants lot.

2. Cannot otherwise be developed:

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

Because of the unusually wide restriction 30 feet and the build built to that line the only option for outdoor living space is a patio. Sunrooms or enclosed porches should offer a reasonable extension especially since these properties back yards face storm water pond.

3. Not created by the applicant:

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

The Mr RPC design was not created by the applicant including the setbacks. Now, the HOA has no objection to this variance request.

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.

Several neighbors have either patios, screened in porches, and/or sun rooms which are within the rear setback and should not substantially or permanently impair the appropriate use of development of 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 approved there will still remain 16 foot open space setback on the parcel. after that there remains significant open common space between this parcel and the storm water pond.

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

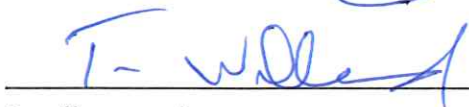
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- ☒ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- ☐ • Provide a Site Plan or survey of the property (Special Use Exception)
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- ☒ • Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- ☒ • Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

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**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney



Date: 3-13-25

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Subdivision: _____

Lot#: _____ Block#: _____

Date of Hearing: _____

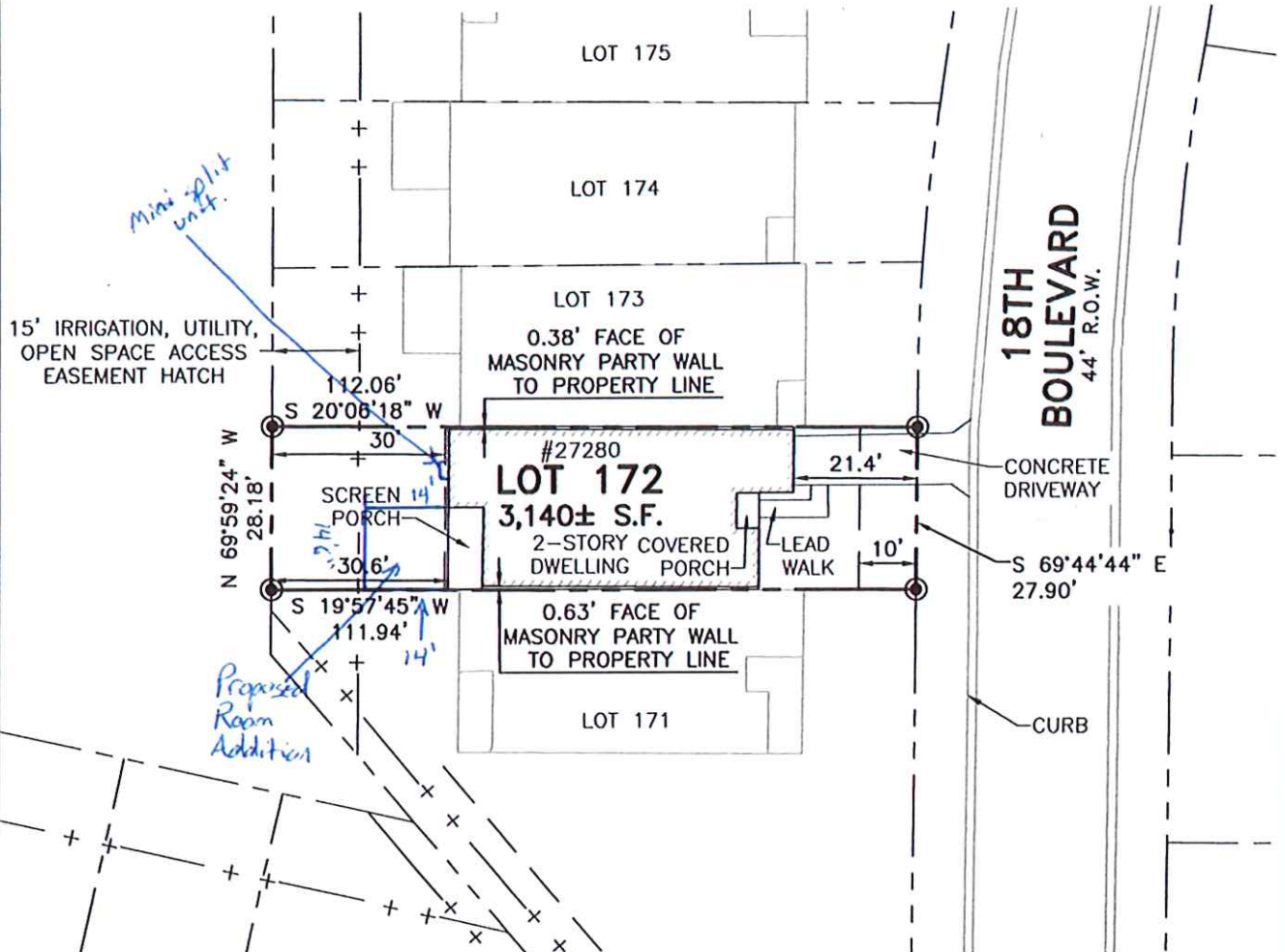
Decision of Board: _____

LEGEND:

COMPUTED POINT

— — — — — BUILDING SETBACK LINE

PB 382, PAGE 59



TAX PARCEL 2-34-30.00-478.00

I, CHRISTOPHER D. WATERS 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 STANDARD 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.

CHRISTOPHER D. WATERS, DE PLS

DATE: 11-18-22



DAVIS,
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

BOUNDARY SURVEY PLAN
LOT 172
THE PENINSULA ON INDIAN RIVER BAY
PART OF PHASE 6.B — AREA 10
"EIGHTEENTH ON THE BAY"
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date: 11/14/22 Scale: 1"=30' Drawn by: JDR Proj.No.: 1759A006.A01

S:\0700\0700A037-18TH ON THE BAY\House Locations\1759A006-LOT 172 FINAL.dwg Nov 17, 2022 - 9:32pm

THE PENINSULA COMMUNITY ASSOCIATION, INC.

27525 Sterling Boulevard
Millsboro, DE 19966

Main Phone (302) 947-2036 Fax (302) 947-4763
ejett@legumnorman.com

Date: 7/31/2024 9:24:37 AM

Project Ref: 33471 Marina Bay Cir

Steven & Kimberly Scheinder
33471 Marina Bay Cir
Millsboro DE 19966

Dear Steven & Kimberly Scheinder,

I am pleased to inform you that the Peninsula Community Association Architectural Review Committee has approved your application for the listed project item(s):

Sunroom

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction. This approval will expire if the project is not commenced within 180 days of the date of this approval letter or completed by within one (1) year of the date of this approval letter.

Please note that an ARC approval is not confirmation of code compliance or its enforcement.

The approval is based on notification of your project with neighbors with connecting property lines.

Once the project is completed, please notify the Peninsula Community Association Architectural Review Committee in writing. Please include a picture or pictures of your completed project.

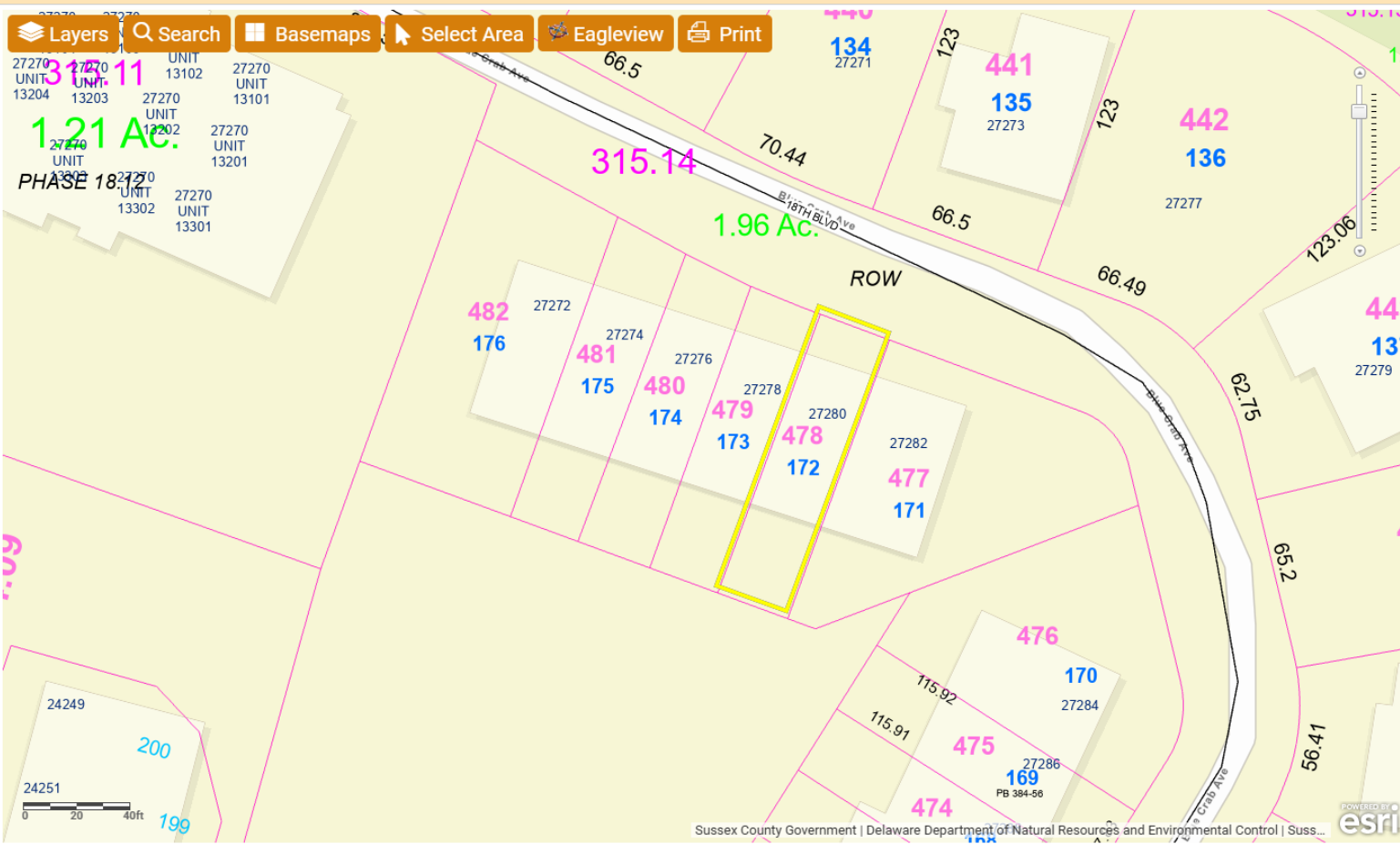
If the contractor causes damage or drainage issues to any common areas, adjacent homes or other property not owned by the applicant, the applicant/homeowner will be held liable for all costs of repair. Approval is contingent on tying in landscaping and drainage to existing storm water facilities and may include some work off the home site. The owner/builder will be responsible to repair any standing water issues on or off the lot, if the source of said water originates from their lot.

We appreciate your cooperation and understanding during our review process. We feel this improvement will make a fine addition to The Peninsula and look forward to its completion. If you have any questions, please feel free to contact our office at 302-947-2036 or via email at ejett@legumnorman.com

Sincerely,

The Peninsula Community Association Architectural Review Committee

The Peninsula Community Association Board of Directors



Eagleview Search Results

Selected Features:

Parcels (1)

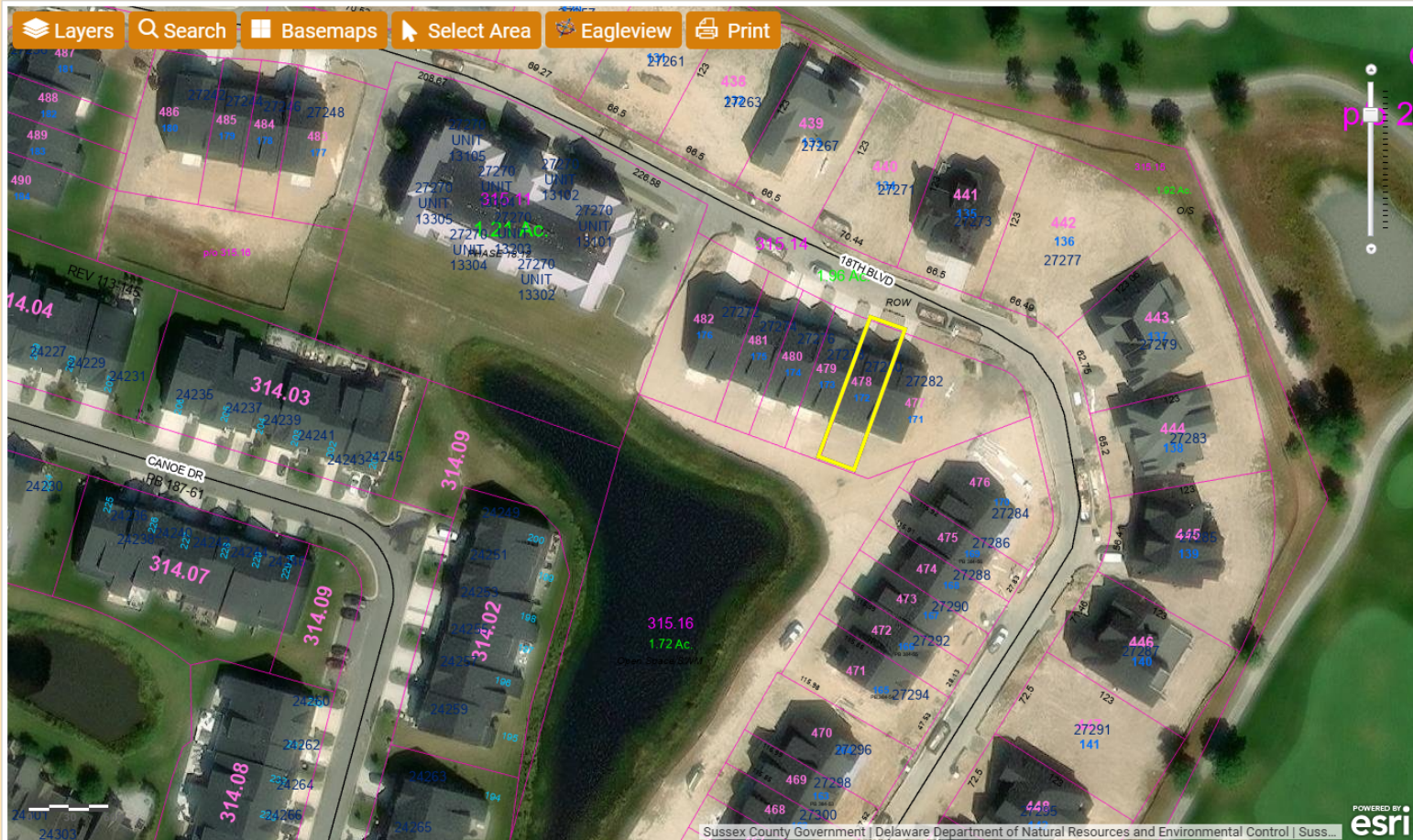
1) 234-30.00-478.00

Zoom

BOOK	5813
PAGE	198
FULLNAME	SPARMO JOSEPH RICHARD
Second_Owner_Name	SUSAN ELIZABETH SPARMO
MAILINGADDRESS	9911 ALDERSGATE RD
CITY	ROCKVILLE
STATE	MD
a_account	08-05-478
DESCRIPTION	THE PENINSULA
DESCRIPTION2	18TH ON THE BAY
DESCRIPTION3	LOT 172
LUC	101
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	340900
APRLAND	100500
PINWASSEMENTUNIT	234-30.00-478.00
PIN	234-30.00-478.00

Selected Features (1)

Clear Selected



Eagleview

Search Results

Selected Features:

Parcels (1)

▼ 1) 234-30.00-478.00

Zoom

BOOK	5813
PAGE	198
FULLNAME	SPARMO JOSEPH RICHARD
Second_Owner_Name	SUSAN ELIZABETH SPARMO
MAILINGADDRESS	9911 ALDRSGATE RD
CITY	ROCKVILLE
STATE	MD
a_account	08-05-478
DESCRIPTION	THE PENINSULA
DESCRIPTION2	18TH ON THE BAY
DESCRIPTION3	LOT 172
LUC	101
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	340900
APRLAND	100500
PINWASSEMENTUNIT	234-30.00-478.00
PIN	234-30.00-478.00

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Selected Features (1)

Clear Selected



Search

Search by Address

27280 18th boulevard, millsboro

27280 18th boulevard, millsboro

Search results (2)

Options

27280 18th Blvd, Millsboro, DE 19966

27280 18th Blvd, Millsboro, Sussex Count...