

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7878

AGENDA

June 2, 2025

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of the Minutes for April 7, 2025

Approval of the Findings of Fact for April 7, 2025

Old Business

Case No. 13060 – Trinity Commercial Holdings, LLC

seeks a special use exception to operate a potentially hazardous use (Construction and Demolition Debris Recycling) (Sections 115-111 and 115-210 of the Sussex County Zoning Code). The properties are located on the South side of Fleatown Road and East of North Old State Road. 911 Address: 11663 Windmill Lane, Lincoln. Zoning District: HI-1/ GR. Tax Parcel: 230-19.00-111.00

Public Hearings

Case No. 13069 – Blue Strategy, LLC

seeks variances from the front and side yard setback requirements for an existing structure (Section 115-82, 115-182, and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Harbeson Road. 911 Address: 18473 Harbeson Road, Milton. Zoning District: C-1. Tax Map: 235-30.00-22.00

Case No. 13074 – Jayne Tamburello

seeks variances from the side yard setback requirements for a proposed structure (Section 115-183, 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Coventry Drive within the Red Mill Farms Subdivision. 911 Address: 31490 Coventry Drive, Lewes. Zoning District: AR-1. Tax Map: 334-5.00-45.00

Case No. 13075 – Michael Mocion

seeks variances from the separation distance requirements for proposed structures (Sections 115-50, 115-182, 115-183, and 115-188 of the Sussex County Zoning Code).

The property is located on the south side of Sandy Point Road within the Bahamas Beach Subdivision. 911 Address: 632 Sandy Point Road, Bethany Beach. Zoning District: HR-2. Tax Map: 134-17.00-44.00-26

Case No. 13076 – Michael Harrell

seeks a variance from the rear yard setback requirement for an existing structure (Section 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the northwest side of Chartres Street. 911 Address: 19129 Chartres Street, Lewes. Zoning District: AR-1. Tax Map: 334-12.00-1011.00

Case No. 13077 – Ernest Messick

seeks a variance from the side yard setback requirement for an existing structure and a special use exception for an accessory dwelling unit with a floor area greater than 1,000 sq ft or 50% of the floor area of the single-family dwelling located on the same lot (Section 115-20A(15)(c) 115-23, 115-25, and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Hearn's Pond Road. 911 Address: 8415 Hearn's Pond Road, Seaford. Zoning District: AR-1. Tax Map: 331-3.00-104.00

Case No. 13078 – Handley Orr

seeks variances from the side yard setback requirements for an existing garage and shed (Section 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the corner of Linn Woods Lane and Peppers Creek Road within the Linn Woods Subdivision. 911 Address: 32196 Linn Woods Lane, Dagsboro. Zoning District: AR-1. Tax Map: 134-6.00-265.00

Case No. 13079 – Arnold & Eleanor Smith

seeks a special use exception for an accessory dwelling unit with a floor area greater than 1,000 sq ft or 50% of the floor area of the single-family dwelling located on the same lot. (Section 115-20A (15)(c) and 115-32 of the Sussex County Zoning Code. The property is located on the northwest side of Asbury Road, Georgetown. 911 Address: 24708 Asbury Road, Georgetown. Zoning District: AR-1. Tax Map: 231-15.00-22.06

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 26, 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 May 29, 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 # 13060
Hearing Date 4-28-25
202502440

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:

11663 Windmill Lane, Lincoln, DE 19960 - S. Side of Fleatown Road 72'+/- E. N. Old ST RD.

Variance/Special Use Exception/Appeal Requested:

115-210 (3) (h) - 115-111 Concrete Crushing (Minerals and earths, including sand and gravel, quarrying, extracting, grinding, crushing and processing)

Tax Map #: 230-19.00-111.00

Property Zoning: HI-1

Applicant Information

Applicant Name: Trinity Commercial Holdings, LLC - Tim Hoover

Applicant Address: 3415 Wrangle Hill Road, suite 1

City Bear State DE Zip: 19701

Applicant Phone #: (302) 393-3189 Applicant e-mail: hoover@jthoover.com

Owner Information

Owner Name: Trinity Commercial Holdings, LLC

Owner Address: 3415 Wrangle Hill Road, Suite 1

City Bear State DE Zip: 19701 Purchase Date: 6/10/19

Owner Phone #: (302) 393-3189 Owner e-mail: hoover@jthoover.com

Agent/Attorney Information

Agent/Attorney Name: Pennoni - Mark H. Davidson

Agent/Attorney Address: 18072 Davidson Drive

City Milton State DE Zip: 19968

Agent/Attorney Phone #: (302) 684-6207 Agent/Attorney e-mail: mdavidson@pennoni.com

Signature of Owner/Agent/Attorney



Date: 2.25.25



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.

See Below

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)

None

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

The exception is within a Heavy Industrial zoned property that has been Zoned HI-1 since 1973. The exception and the HI-1 property is surrounded by properties owned by the applicant. There are very few places in the county that allows for this type of operation to occur. This operation on this site will help reduce transportation costs and traffic by minimizing the need to haul materials long distances as it is proposed to be on the same property as the Chaney concrete mixing and proportioning plant. A positive economic benefit of a concrete crushing operation is that it allows for the reuse of waste concrete, significantly reducing the cost of construction projects by providing a cheaper alternative to virgin aggregate, while also minimizing landfill fees by diverting concrete debris from dump sites, ultimately saving money on transportation and disposal costs. Concrete crushing operation creates jobs in the recycling and construction industries, supporting local economies. One of the ways to reduce acute environmental problems is by recycling concrete waste. As concrete waste forms the major source of construction solid waste, which contributes to about 50 % of the total construction waste, recycling concrete waste is the best option to mitigate quantities of construction waste.

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: _____



18072 Davidson Drive
Milton, DE 19968
(302) 684-8030
www.pennoni.com

LETTER OF TRANSMITTAL

TO:

Sussex County Administrative Offices
2 The Circle, P.O. Box 589
Georgetown, DE 19947

DATE: February 25, 2025 **JOB NO.** TRNTY24001

ATTENTION: MR. JAMIE WHITEHOUSE

RE: Trinity Commercial Holdings, LLC -Tim Hoover | 230-19.00-111.00

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via HAND DELIVER the following items:

- ☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of Letter ☐ Change Order ☐ HI-1-LINCOLN CONCRETE

LIST OF ITEMS TRANSMITTED			
COPIES	DATE	NO:	DESCRIPTION
1		1	Board of Adjustment Application
1		2	Check #1160 \$500.00
2		3	Special Exception Site Plan
1		4	PB334 PG89 Minor Sub
1		5	DB5077 PG9 230-19.00-111.00 & 109.00

RECEIVED
FEB 25 2025
SUSSEX COUNTY
PLANNING & ZONING

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Any questions please contact, Mr. Mark H Davidson mdavidson@pennoni.com

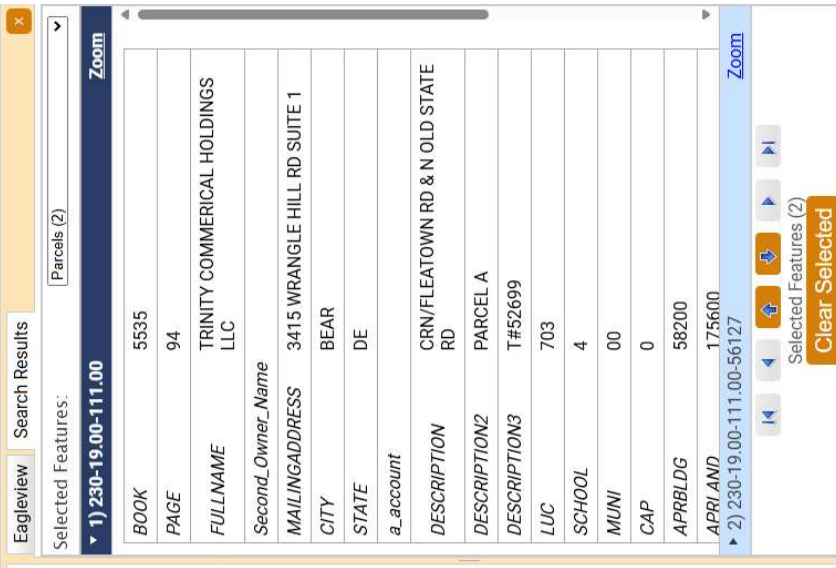
Thank you: Katherine E Davidson kedavidson@pennoni.com PENNONI Associates

COPY TO: TRNTY24001 Del:
Sussex County, BOA

SIGNED: Katherine E Davidson/file

If enclosures are not as noted, kindly notify us at once.

TR101 - 09/2023





Eagleview	Search Results	Selected Features: 1) 230-19.00-111.00	Zoom
BOOK	5535		
PAGE	94		
FULLNAME	TRINITY COMMERCIAL HOLDINGS LLC		
Second_Owner_Name			
MAILINGADDRESS	3415 WRANGLE HILL RD SUITE 1		
CITY	BEAR		
STATE	DE		
a_account			
DESCRIPTION	CRN/FLEATOWN RD & N OLD STATE RD		
DESCRIPTION2	PARCEL A		
DESCRIPTION3	T#52699		
LUC	703		
SCHOOL	4		
MUNI	00		
CAP	0		
APRBLDG	58200		
APRI AND	175600		
	2) 230-19.00-111.00-56127		

Selected Features (2)
Clear Selected



Workspaces



Search

Search by SUSSEXPARCELS

230-19.00-111.00

Search results (1)

230-19.00-111.00

Layers

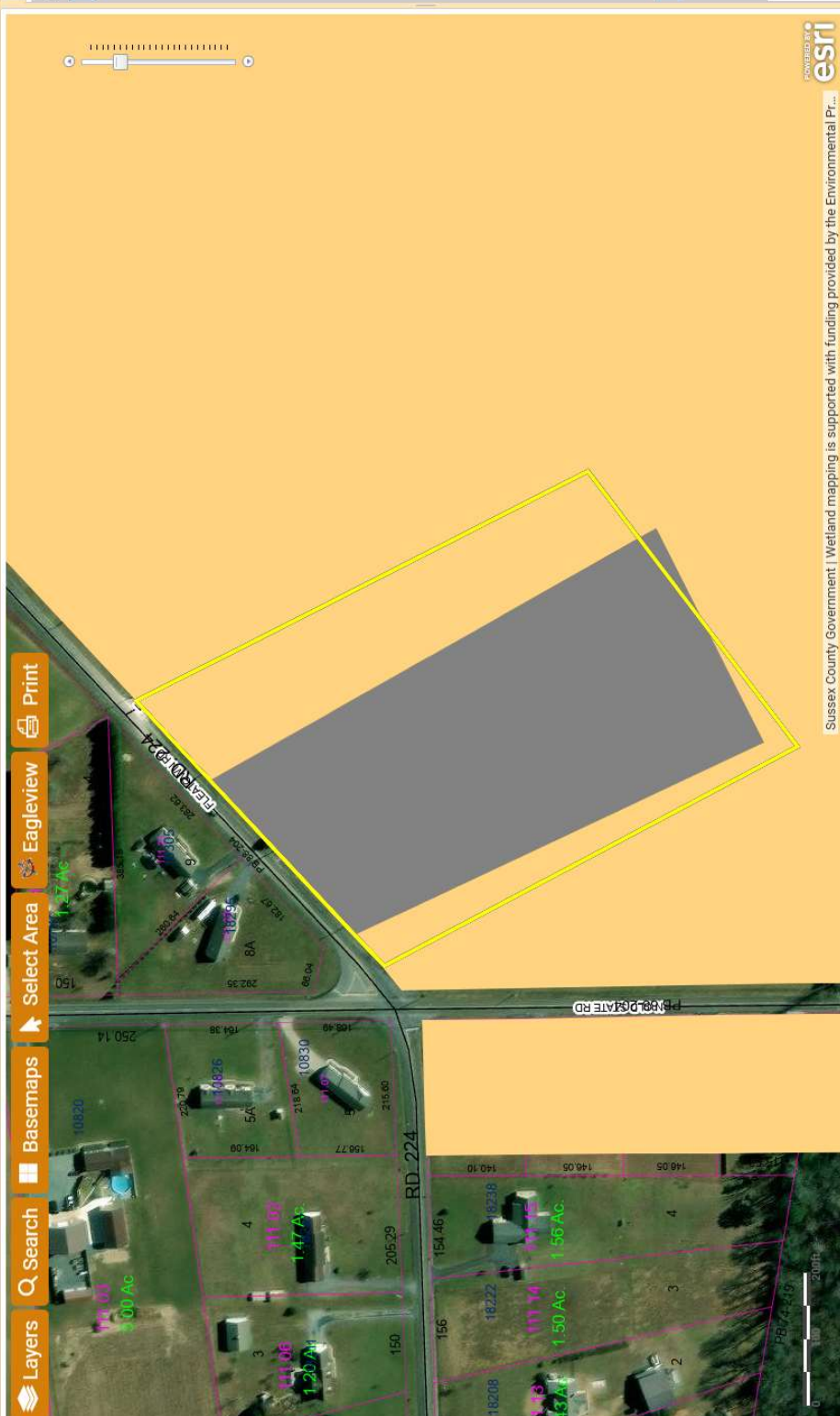
Q Search

Basemaps

Select Area

Eagleview

Print



Sussex County Government | Wetland mapping is supported with funding provided by the Environmental Protection Agency

Eagleview

Search Results

Selected Features: 1) 230-19.00-111.00

Zoom

BOOK	5535
PAGE	94
FULLNAME	TRINITY COMMERCIAL HOLDINGS LLC
Second_Owner_Name	
MAILINGADDRESS	3415 WRANGLE HILL RD SUITE 1
CITY	BEAR
STATE	DE
a_account	
DESCRIPTION	CRN/FLEATOWN RD & N OLD STATE RD
DESCRIPTION2	PARCEL A
DESCRIPTION3	T#52699
LUC	703
SCHOOL	4
MUNI	00
CAP	0
APRBLDG	58200
APRI AND	175600
	2) 230-19.00-111.00-56127

Zoom

Selected Features (2)

Clear Selected

TRINITY COMMERCIAL HOLDINGS, LLC
CASE #13060

TAX ID 230-19.00-111.00

11663 WINDMILL LANE, LINCOLN, DE

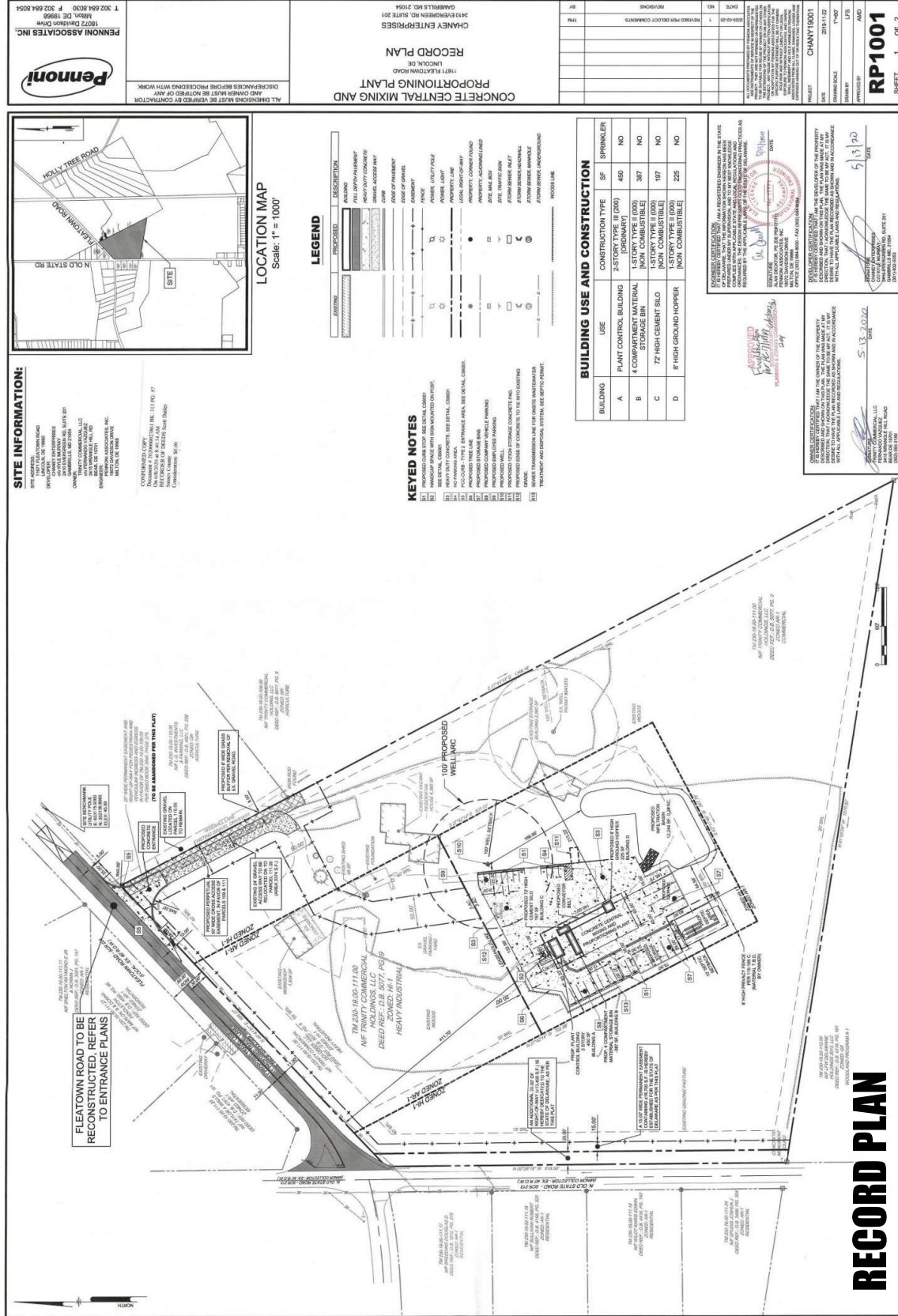
APPLICANT IS SEEKING A SPECIAL USE
EXCEPTION TO OPERATE A
CONSTRUCTION AND DEMOLITION
DEBRIS RECYCLING PLANT (CONCRETE
CRUSHING)

ZONING: HI-1/GR



SUSSEX ZONING MAP



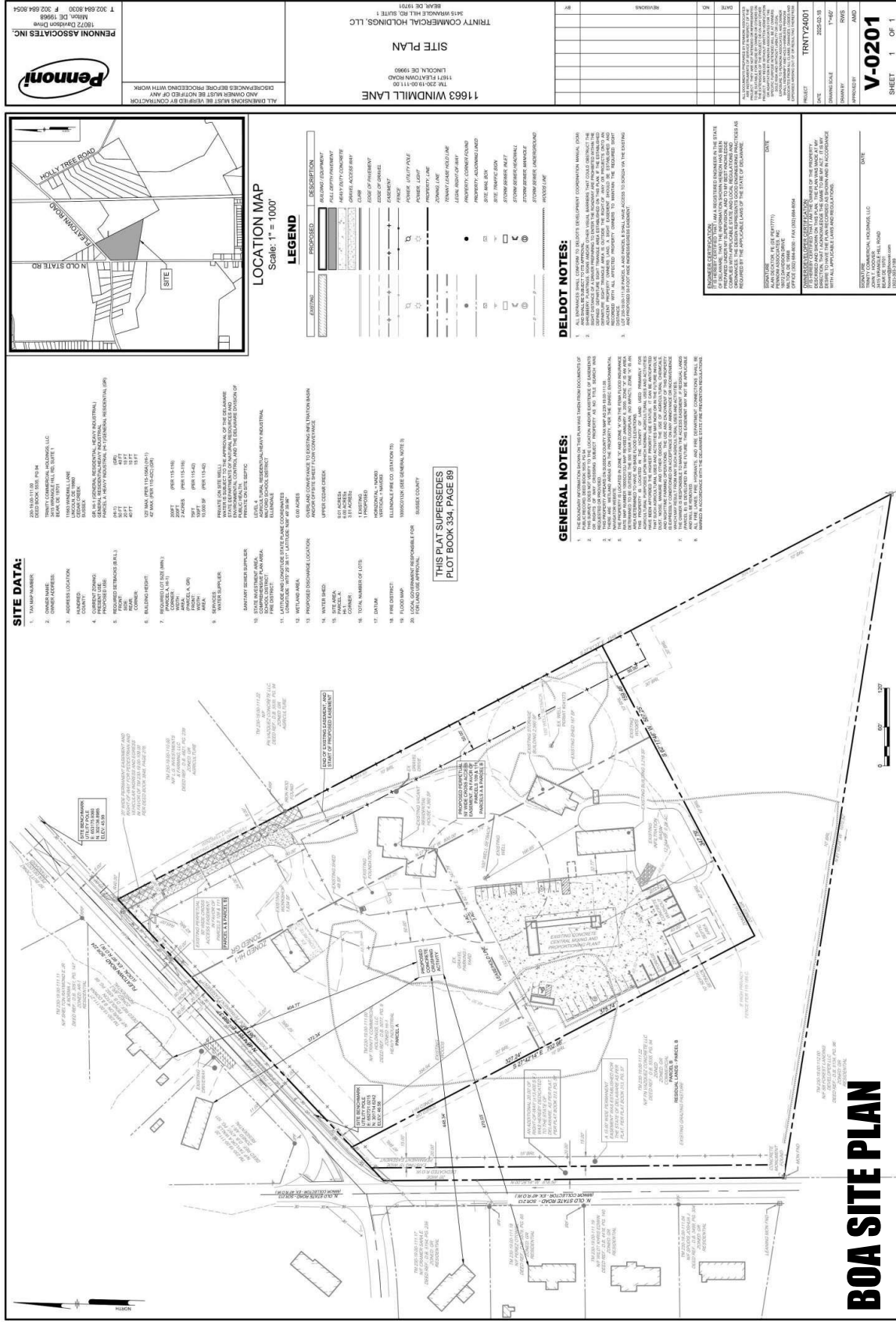


TRINITY COMMERCIAL HOLDINGS, LLC CASE #13060



COUNTY MAP SHOWING OTHER CRUSHING OPERATIONS





Electronically Recorded Document# 2019000021485 BK: 5077 PG: 9
 Recorder of Deeds, Scott Dailey On 6/18/2019 at 10:36:36 AM Sussex County, DE
 Consideration: \$855,000.00 County/Town: \$12,825.00 State: \$12,825.00 Total: \$25,650.00
 Doc Surcharge Paid Town: SUSSEX COUNTY

TRNTY24001
 230-19.00-111.00
 230-19.00-109.00
 DB5077 PG9

RETURN TO GRANTEE's ADDRESS:

Trinity Commercial Holdings, LLC
 3415 Wrangle Hill Road Suite 1
 Bear, DE 19701

TAX PARCEL #

230-19.00-111.00, 230-19.00-109.00

PREPARED BY :

Brian P. Glancy, Esq.
 The Ridgway Law Group, LLC
 227 E. Main Street
 Middletown, DE 19709

File No. DE-39816

THIS DEED, made this 16th day of June, 2019,

- BETWEEN -

DOUGLAS D. BREEDING AND JUDITH K. BREEDING, of Sussex County,
 Delaware, parties of the first part,

- AND -

TRINITY COMMERCIAL HOLDINGS, LLC, of New Castle County, Delaware,
 party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **TEN DOLLARS (\$10.00)** lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant(s) and Conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

1. Tax Parcel No. 230-19.00-111.00

ALL that certain tract, piece and parcel of land, situate, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, known as 1163 Windmill Lane, Lincoln, Delaware and consisting of 17.19 +/- acres and being a part of the lands shown as "Residual Lands of Douglas D. & Judith K. Breeding" on a plot as prepared by Charles D. Murphy, Jr., Professional Land

Document# 2019000021485 BK: 5077 PG: 10
 Recorder of Deeds, Scott Dailey On 6/18/2019 at 10:36:36 AM Sussex County, DE
 Doc Surcharge Paid

Surveyor, dated March 15, 2002 , and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Plot Book 74 at Page 219.

2. Tax Parcel No. 230-19.00-109.00

PARCEL A:

ALL that certain tract, piece and parcel of land, situate, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, comprising all of Parcel A on a plot as prepared by Charles D. Murphy, Jr., Professional Land Surveyor, dated 11 April 1990, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Plot Book 44 at Page 78, fronting on the westerly right-of-way line of Conrail, adjoining and being made an addition to Parcel B, also adjoining lands now or formerly of Glatfelter Pulpwood Company, of Irene V. Houseman, and lands of Douglas D. Breeding et ux, and being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of Conrail, thirty (30) feet from the centerline line thereon, being the northeasterly corner for lands of Glatfelter Pulpwood Company, distance South 65 degrees 19 minutes 02 seconds West 0.05 feet from a found iron pipe; thence proceeding with said lands of Glatfelter Pulpwood Company, South 65 degrees 19 minutes 02 seconds West 308.42 feet to a found concrete monument; thence continuing with lands of Glatfelter Pulpwood Company and also with lands of Douglas D. Breeding, North 22 degrees 33 minutes 47 seconds West 1,266.24 feet to a found concrete monument at a corner for Parcel B; thence running in part with Parcel B and partly with lands now or formerly of Irene V. Houseman, North 66 degrees 41 minutes 13 seconds East, passing over an iron pipe in the centerline of a ditch at 461.38 feet, a total of 939.72 feet to an iron pipe on the aforementioned westerly right-of-way line of Conrail; thence finally running with said right-of-way line, South 03 degrees 55 minutes 29 seconds West 1,415.74 feet to the place of Beginning, containing 18.0572 acres of land, more or less.

PARCEL B:

ALL that certain tract, piece and parcel of land, situate, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, comprising all of Parcel B on a plot as prepared by Charles D. Murphy, Jr., Professional Land Surveyor, dated 11 April 1990, lying southerly off Route 224, adjoining Parcel A, lands now or formerly of Irene Houseman, and lands of Douglas D. Breeding, et ux, being more particularly described as follows:

Beginning at a concrete monument on line for lands of Douglas D. Breeding, being the northwesterly corner for Parcel A; thence proceeding with said Breeding lands, North 22 degrees 33 minutes 47 seconds West 320.10 feet to a set iron pipe at a corner for lands now or formerly of Irene V. Houseman; thence running with said Houseman lands, North 57 degrees 01 minutes 13 seconds East 307.79 feet to a set iron pipe in the centerline of a ditch; thence continuing with said Houseman lands, and the centerline of said ditch, the following two (2) courses and

Document# 2019000021485 BK: 5077 PG: 11

Recorder of Deeds, Scott Dailey On 6/18/2019 at 10:36:36 AM Sussex County, DE

Doc Surcharge Paid

distances: (1) South 36 degrees 22 minutes 47 seconds East 159.64 feet to a set iron pipe, and (2) South 51 degrees 51 minutes 59 seconds East 246.20 feet to a new set iron on line for Parcel A; thence running with said Parcel A, South 66 degrees 41 minutes 13 seconds West 461.38 feet to the place of Beginning, containing 2.9606 acres of land, more or less.

TOGETHER with an easement for Ingress & Egress as described in a Deed of Easement dated 12/06/10 which is of record in the Office of the Recorder of Deed aforesaid in Book 3848, Page 276.

As to Parcel 1:

BEING the same property conveyed to Douglas D. Breeding and Judith K. Breeding, by deed from Fox & Breeding, Inc., dated December 6, 2010 and recorded December 9, 2010 among the land records of Sussex County, DE, in Book 3848, Page 281 as Instrument No. .

As to Parcel 2:

ALSO BEING the same property conveyed to Douglas D. Breeding and Judith K. Breeding, by deed from Fox & Breeding, Inc., dated August 17, 1987 and recorded August 17, 1987 among the land records of Sussex County, DE, Book 1512, Page 279 .

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Lincoln, Sussex County, Delaware, including but not limited to those set forth herein.

1. Easement Agreement to State Highway Department as set forth in Deed Record 471, Page 588, Deed Record 471, Page 590 and Deed Record 471, Page 589.
2. Right of Way Agreement to Delaware Electric Cooperative, Inc. as set forth in Deed Record 1353, Page 341.
3. Right of Way Agreement to Delmarva Power & Light Company as set forth in Deed Record 1411, Page 72.
4. Right of Way Agreement to Delaware Electric Cooperative, Inc. as set forth in Deed Record 2039, Page 186 .
5. Deed of Easement as set forth in Deed Record 3848, Page 276.
6. Notes, Easements and Restrictions as set forth in Plot Book 44, Page 78, and Plot Book 74 Page 219.

Document# 2019000021485 BK: 5077 PG: 12

Recorder of Deeds, Scott Dailey On 6/18/2019 at 10:36:36 AM Sussex County, DE

Doc Surcharge Paid

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand(s) and seal(s) the day and year first above written.

Signed, Sealed and Delivered
In the presence of:

Douglas D. Breeding (SEAL)
Douglas D. Breeding

Judith K. Breeding (SEAL)
Judith K. Breeding

STATE OF Delaware

COUNTY OF Sussex

BE IT REMEMBERED, that on this 10th day of June, 2019, personally came before me, the subscriber, Douglas D. Breeding and Judith K. Breeding 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.

Notary Public

My Commission Expires: mt

BRIAN P. GLANCY, ATTORNEY AT LAW
NOTARIAL OFFICER IN THE STATE OF DELAWARE
PURSUANT TO TITLE 29, DELAWARE CODE
SECTION 4323 (a)(3)

SITE DATA:

- [illegible]

LOCATION MAP

Scale: 1" = 1000'

LEGEND

[illegible]

GENERAL NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, AND FROM THE BUREAU OF REVENUE, U.S. DEPARTMENT OF THE TREASURY. THE BUREAU OF LAND MANAGEMENT HAS CONDUCTED A VISUAL CHECK OF THIS PLAN FOR DISCREPANCIES AND FOR THE PRESENCE OF ANY CHANGING SURFACE PROPERTY. AS NO TITLE SEARCH HAS BEEN CONDUCTED, THE BUREAU OF LAND MANAGEMENT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN. THE BUREAU OF LAND MANAGEMENT DOES NOT WARRANT OR REPRESENT THAT THE INFORMATION SHOWN ON THIS PLAN IS COMPLETE, CORRECT, OR CURRENT. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ANY ADDITIONAL INFORMATION NECESSARY TO DETERMINE THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN. THE BUREAU OF LAND MANAGEMENT DOES NOT WARRANT OR REPRESENT THAT THE INFORMATION SHOWN ON THIS PLAN IS COMPLETE, CORRECT, OR CURRENT. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ANY ADDITIONAL INFORMATION NECESSARY TO DETERMINE THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN.

DELDOT NOTES:

- ALL ENTRANCES SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- ALL SENS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE VIEW OF THE ROADWAY OR THE PROPERTIES WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA, ESTABLISHED BY THE DEFINED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS OUTSIDE ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNER TO MAINTAIN THE REQUIRED SIGHT TRIANGLE AREA.
- LOT 205 TO 10.00/11.00 PARCELS, A AND PARCELS B SHALL HAVE ACCESS TO THE EXISTING LOT 205 TO 10.00/11.00 PARCELS, A AND PARCELS B VIA THE EXISTING LOT 205 TO 10.00/11.00 PARCELS, A AND PARCELS B DRIVE.

ENGINEER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE. THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE COMPLIES WITH ALL APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE SIGNATURE INDICATES GOOD ENGINEERING PRACTICES AS REQUIRED BY THE BOARD OF ENGINEERS OF THE STATE OF DELAWARE.

SIGNATURE: *[Signature]* NO. 1771
ALAN DECHERNOFF, P.E.
PENNSYLVANIA PROFESSIONAL ENGINEER
18072 DAVIDSON ROAD
MILTON, DE 19966
OFFICE (302) 684-8030 • FAX (302) 684-8064

OWNER/DEVELOPER CERTIFICATION: I AM THE OWNER OF THE PROJECT DESCRIBED AND SHOWN ON THIS PLAN. TO THE BEST OF MY KNOWLEDGE AND BELIEF, I AM PROVIDING THE INFORMATION IN THIS APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT. I DESIRE TO HAVE THE PLAN RECORDED AS SUCH AND TO HAVE THE PLAN RECORDED AS SUCH WITH ALL APPLICABLE LAWS AND REGULATIONS.

[Signature]
 SIGNATURE
 COMMUNITY COMMERCIAL HOLDINGS, LLC

V-0201

1

SHEET 1 OF 1

10

JAMIE WHITEHOUSE, AICP
 PLANNING & ZONING DIRECTOR
 (302) 855-7878
 pandz@sussexcountye.gov



Sussex County
 DELAWARE
 sussexcountye.gov

Memorandum

To: Technical Advisory Committee Members, and Others

From: Jamie Whitehouse, AICP, Director of Planning and Zoning

CC: Ms. Hannah Wyatt, Recording Secretary, Sussex County Board of Adjustment

Date: March 13, 2025

RE: Special Use Exception for 11663 Windmill Lane, Lincoln, DE 19960.
 Tax Parcel ID: 230-19.00-111.00

The Sussex County Board of Adjustment has received an application from Trinity Commercial Holdings, LLC, for a Special Use Exception for the operation of a concrete crusher to support the manufacturing and recycling associated with a concrete batch plant on the property. The site is located in a HI-1 Heavy Industrial Zoning District.

Case No. 13060 – Trinity Commercial Holdings, LLC seeks a special use exception to operate a potentially hazardous use (Construction and Demolition Debris Recycling) (Sections 115-111 and 115-210 of the Sussex County Zoning Code). The properties are located on the South side of Fleatown Road and East of North Old State Road. 911 Address: 11663 Windmill Lane, Lincoln. Zoning District: HI-1. Tax Parcel: 230-19.00-111.00

This matter is tentatively scheduled for April 28, 2025, at 6:00 pm. Prior to the notice of this meeting, the Planning and Zoning Department is writing to Agencies with a potential interest in the application. If you have any comments or observations regarding this proposal, please could I ask that they are submitted no later than **April 25, 2025**.

Please feel free to contact me with any questions during business hours 8:30 am – 4:30 pm Monday through Friday at 302-855-7878 or via email at PANDZ@sussexcountye.gov.

Sincerely,

Jamie Whitehouse, AICP
 Director, Planning and Zoning Department
 Enc. Copy of the application form and support documents.



ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Date: **April 7, 2025**

REF: **T. A. C. COMMENTS**
SPECIAL USE EXCEPTION FOR 11663 WINDMILL LANE, LINCOLN
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
230-19.00-111.00
AGREEMENT NO.N/A

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County Street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
2. This project **is not** located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography, and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North Arrow required to identify northern direction and viewport should be best fit for the project.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50' or less.

The plans shall show and address the following items at minimum:



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.
8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the following:
 - a. Delaware Professional Engineer or Delaware Land Surveyor.
 - b. Owner or Representative of the Owner.
 - c. Professional Wetlands Delineator.
10. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
11. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.
12. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
13. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase and shall be recorded prior to being issued a notice to proceed.
14. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets. Sussex County Mapping & Addressing will have final say on proposed street names.
15. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 21305 Berlin Road, Suite 2, Georgetown, DE

19947. Phone number 302-856-4561 subject to mass grading operations for documented approval.

16. Provide the limits and elevations of the 100-year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.
17. False berms shall not be utilized to create roadside drainage swale back slopes.
18. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way, or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
19. Provide and show the locations and details of all ADA pedestrian connections.
20. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
21. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
22. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
23. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
24. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
25. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
26. When special studies or investigations pertain to a regulatory program of another public agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

SEWER SPECIFIC COMMENTS

LOCATION: **Lying on the south side of Fleatown Road and east of North Old State Road.**

NO. OF UNITS: **Operation of a concrete crusher.**

GROSS ACREAGE: **9.01 +/-**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes ☐ No ☒
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? N/A If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7370 / option 2.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **No**

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **Choose an item.** at **302-855-7719** for additional information on charges.
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The Special Use Exemption for Trinity Commercial Holdings, LLC is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer and/or water.**
- (9). Is a Sewer System Concept Evaluation required? **N/A**
- (10). Is a Use of Existing Infrastructure Agreement Required? **N/A**

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.

Sussex County, Delaware
Technical Advisory Committee

Comment Sheet



DATE OF REVIEW: March 17, 2025

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **William C. Kelly II, CFI, Asst. Chief Technical Services**
Desiree B. McCall, CFI, CFPE, Sr. Fire Protection Specialist
John A. Colpo, Sr. Fire Protection Specialist
Daniel E. Louder, Fire Protection Specialist
Walter L. Johnson, Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: Case 13060 Lands of Trinity Commercial Holdings, LLC

The reasons and conditions applied to this project and their sources are itemized below:

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

a. **Fire Protection Water Requirements:**

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

b. **Fire Protection Features:**

- For commercial buildings greater than 5000 sqft, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sqft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sqft. or less
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

c. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Fleatown Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL’S OFFICE



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
 ENVIRONMENTAL CONTROL**

DIVISION OF WATERSHED STEWARDSHIP
 21309 BERLIN RD
 UNIT #6
 GEORGETOWN, DE 19947

PHONE: (302) 855-1930
 FAX: (302) 670-7059

DRAINAGE PROGRAM

March 13, 2025

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

RE: Parcel # 230-19.00-111.00; Trinity Commercial Holdings, LLC

The Delaware Department of Natural Resources and Environmental Control (DNREC), Drainage Program has reviewed the preliminary plans submitted by Pennoni Associates, Inc for the above noted property.

The Drainage Program has performed a preliminary review and offers the following guidance:

1. This project is not within a Tax Ditch Watershed
2. All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
3. Environmental permit or exemption coverage may be necessary from the County Conservation District (Erosion & Sediment Control Approval), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
4. This area has no previous documented drainage concerns in our DNREC drainage concern database.

If you have any questions or concerns, please contact the Drainage Program at (302) 855-1930.

Sincerely,

Karyssa Gortz

Karyssa Gortz

Environmental Scientist II

cc: Melissa Hubert, Tax Ditch Program Manager

Hannah Wyatt

From: Savage, Lisa A:(DPL) <Lisa.Savage@delmarva.com>
Sent: Tuesday, March 18, 2025 8:58 AM
To: Planning and Zoning
Subject: RE: TAC Comment

Categories: Hannah

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



Case 13060 Lands of Trinity Commercial Holdings, LLC – No comments. 😊

Lisa A. Savage
 Sr. Real Estate Representative



Delmarva Power & Light Company
 2530 N. Salisbury Boulevard
 Salisbury, MD 21801
 T 667-313-2682
lisa.savage@delmarva.com | delmarva.com

From: Planning and Zoning <pandz@sussexcountyde.gov>
Sent: Monday, March 17, 2025 8:47 AM
To: Savage, Lisa A:(DPL) <Lisa.Savage@delmarva.com>
Cc: Planning and Zoning <pandz@sussexcountyde.gov>
Subject: RE: TAC Comment

Good Morning Lisa,

My apologies for the inconvenience, but could you please confirm as to which application your comments below are in reference to?

Sincere Thanks,

Ashley Paugh

Planning Technician
Sussex County Council
Planning & Zoning Dept.
2 The Circle (PO Box 417)
Georgetown, DE 19947
(302)-855-7878

From: Savage, Lisa A:(DPL) <Lisa.Savage@delmarva.com>

Sent: Thursday, March 13, 2025 3:06 PM

To: Planning and Zoning <pandz@sussexcountyde.gov>

Subject:

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

No comments.

Lisa A. Savage

Sr. Real Estate Representative



Delmarva Power & Light Company
2530 N. Salisbury Boulevard
Salisbury, MD 21801
T 667-313-2682
lisa.savage@delmarva.com | delmarva.com

This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Exelon Corporation or its affiliates ("Exelon"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete

this Email and any copies. Exelon policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. Exelon will not accept any liability in respect of such communications. -EXCIP



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
 ENVIRONMENTAL CONTROL**
 DIVISION OF AIR QUALITY
 STATE STREET COMMONS
 100 W. WATER STREET, SUITE 6A
 DOVER, DELAWARE 19904

PLANNING
 SECTION

PHONE
 (302) 739-9402

MEMORANDUM

To: Sussex County Technical Advisory Committee

Through: Valerie A. Gray

Pamela Keeney *PK* 03/28/2025

From: Tina Merrill *TM* 3/28/2025

Subject: Special Use Exception for 11663 Windmill Lane, Lincoln, DE 19960; tax Parcel ID: 230-19.00-111.00

Date: March 26, 2025

The Division of Air Quality (AQ) appreciates the opportunity to comment on the air quality impacts of Special Use Exception for 11663 Windmill Lane, Lincoln, DE 19960; tax Parcel ID: 230-19.00-111.00 as provided by Sussex County Technical Advisory Committee (TAC), dated March 13, 2025.

The Sussex County Board of Adjustment has received an application from Trinity Commercial Holdings, LLC, for a Special Use Exception to operate a concrete crusher. The crusher will support manufacturing and recycling activities associated with a concrete batch plant, including the processing of minerals and earth materials such as sand and gravel. The site is located in an HI-1 Heavy Industrial Zoning District, on the south side of Fleetown Road and east of North Old State Road.

According to the information submitted, the air quality emissions from the concrete crusher cannot currently be quantified, making it difficult to determine the air quality impacts of the

project. For this reason, permits may be required to address potential air quality or emission concerns. Project managers are advised to seek out and to comply with all Delaware Air Quality Regulations to not exceed air quality emission thresholds. To reduce emissions associated with the construction phase of the project, for example, AQ recommends retrofitted on road and non-road diesel engines be used. This includes equipment used on-site, as well as equipment used to transport materials to and from the site. AQ also advises project managers to minimize air emissions from engines and power equipment by avoiding unnecessary engine idling and ensuring the use of fuels that meet quality standards, such as ultra-low sulfur diesel (ULSD), whenever possible, throughout the duration of the concrete crushers use. Trinity Commercial Holdings, LLC is encouraged to make every reasonable effort to construct all operations in a manner which minimizes any adverse impacts on existing air quality. Applicants are encouraged to comply with all current Delaware regulations throughout the project timeline. Before starting the project, applicants should contact the Division of Air Quality's Engineering and Compliance Section to confirm whether a permit is required.

Please note the following regulations in Table 1 – Potential Regulatory Requirements may apply:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1105 – Particulate Emissions from Industrial Process Operations	<ul style="list-style-type: none"> • Particulate matter emissions from industrial process equipment must be controlled to comply with ambient air quality standards. • Particulate emissions from a hot mix asphalt batching plant must not exceed the limits specified in Table 3-1 of this regulation.
7 DE Admin. Code 1106 – Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement, and use of unpaved roads. • Use covers on trucks transporting material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibit the burning of land clearing debris, trash, or building materials/debris.
7 DE Admin. Code 1121 – Emission Standards for Hazardous Air Pollutants	<ul style="list-style-type: none"> • Require an inspection for asbestos prior to any demolition/renovation. • Requires a notification to the Environmental Protection Agency (EPA) 10-days prior to the demolition of any asbestos containing material.
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> • Use structural/ paint coatings low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (see section 3.2). • Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy-Duty Vehicles	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website: <http://regulations.delaware.gov/AdminCode/title7/1000/1100/index.shtml>. Should the applicant have any questions or comments, please contact DNREC Division of Air Quality staff in the Dover office at (302) 739-9402.

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 _____

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:

18473 Harbeson Road, Milton, DE 19968

Variance/Special Use Exception/Appeal Requested:

115-82 B. (Table 1) XI (3) - 5.81-foot Variance from the side yard setback of 20-feet on the side of the lot adjoining a residential district and 115-82 B. (Table 1) XI (7) - 7.45-foot Variance from the 60-foot front yard setback for an existing building being converted from residential storage to commercial storage on C-1 General Commercial lands.

Tax Map #: 135-14.00-32.00

Property Zoning: C-1

Applicant Information

Applicant Name: Blue Strategy, LLC - William Hall

Applicant Address: 18473 Harbeson Road

City Milton State DE Zip: 19968

Applicant Phone #: (302) 228-3335 Applicant e-mail: will@slsde.com

Owner Information

Owner Name: Blue Strategy, LLC

Owner Address: 18473 Harbeson Road

City Milton State DE Zip: 19968 Purchase Date: 6/18/18

Owner Phone #: (302) 228-3335 Owner e-mail: will@slsde.com

Agent/Attorney Information

Agent/Attorney Name: Pennoni - Mark H. Davidson

Agent/Attorney Address: 18072 Davidson Drive

City Milton State DE Zip: 19968

Agent/Attorney Phone #: (302) 684-6207 Agent/Attorney e-mail: m davidson@pennoni.com

Signature of Owner/Agent/Attorney

Date: 4/13/2025



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 given its zoning classification of C-1 General Commercial having Permitted Uses of both Residential and Commercial creating an exceptional practical difficulty given the conflicts with existing regulations to ensure compatibility of the existing infrastructure on the property with the surrounding properties.

2. Cannot otherwise be developed:

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

The existing building can not be used for business activities as defined by the zoning laws.

3. Not created by the applicant:

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

The applicant purchased the property with the C-1 zoning classification and constructed the storage building for personal storage prior to constructing another storage building at their personal residence and therefore intend to use the property for permitted uses allowed under the current C-1 zoning district. When converting the use of the property from residential to commercial, DeDOT will require the applicant to dedicate an additional 10-foot lot to meet the current Highway Functional Classification of the Road.

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 purpose of the existing building will remain the same and used for storage. The character of the neighborhood is both residential and commercial. Side Yard screening and general landscaping from the adjacent property can be added to ensure that the use of the building will not impair the essential character and appropriate use of 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.

The Variance requested is for this existing building only and is the minimum variance based on the surveys performed. New buildings will meet the minimum code required setbacks.

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)

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: _____

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Eagleview

Search Results

Selected Features:

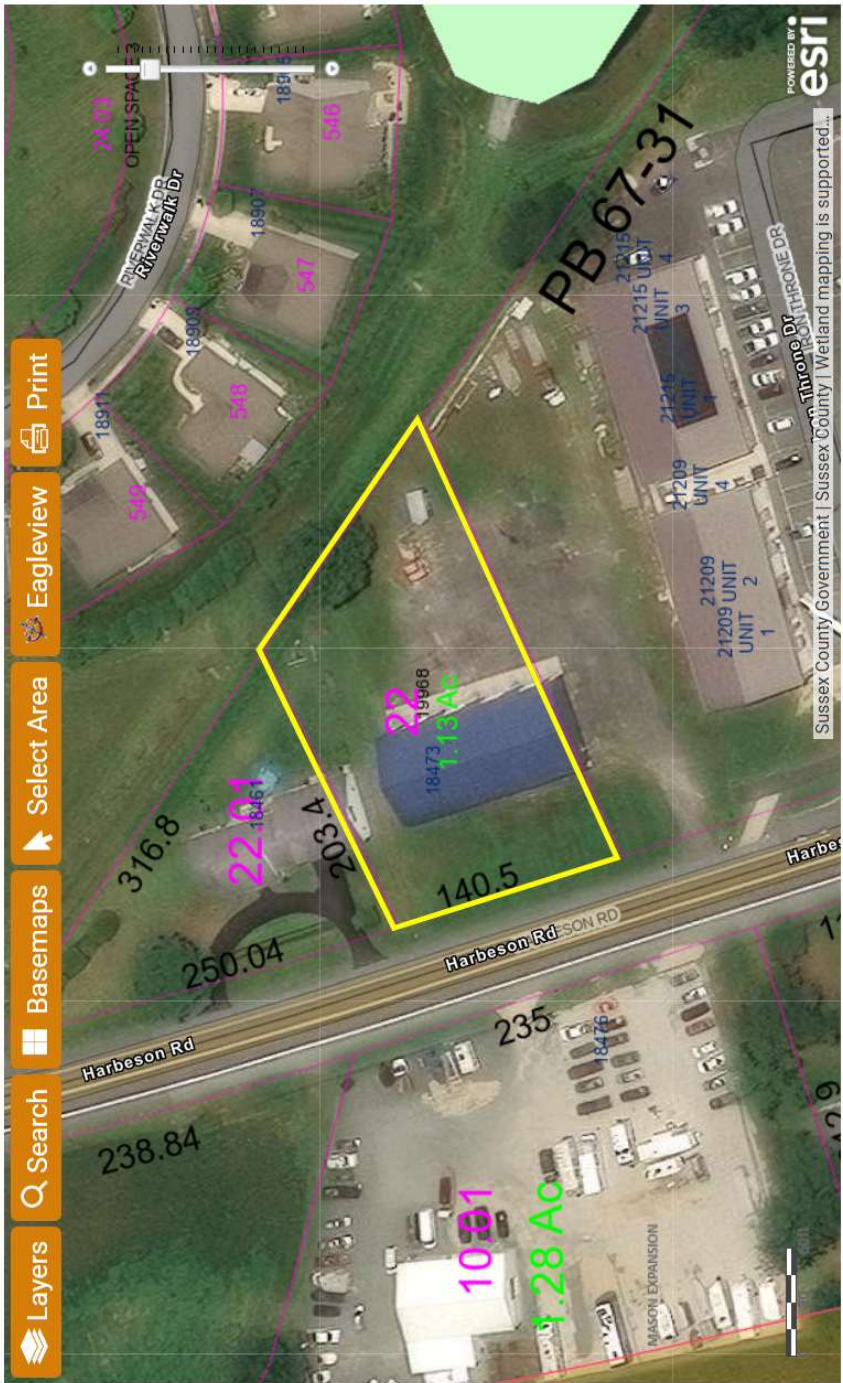
Parcels (1)

1) 235-30.00-22.00

BOOK	4904
PAGE	145
FULLNAME	BLUE STRATEGY LLC
Second_Owner_Name	
MAILINGADDRESS	18473 HARBESON RD
CITY	MILTON
STATE	DE
a_account	
DESCRIPTION	E/RT 5
DESCRIPTION2	1300'N/RT 18
DESCRIPTION3	
LUC	708
SCHOOL	1

Selected Features (1)

Clear Selected





Q Search



Select Area



Print



Eagleview

Search Results

Selected Features:

Parcels (1)

1) 235-30.00-22.00

Zoom

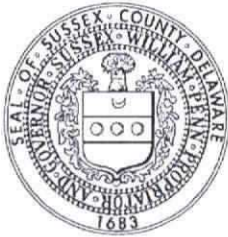
BOOK	4904
PAGE	145
FULLNAME	BLUE STRATEGY LLC
Second_Owner_Name	
MAILINGADDRESS	18473 HARBESON RD
CITY	MILTON
STATE	DE
a_account	
DESCRIPTION	E/RT 5
DESCRIPTION2	1300N/RT 18
DESCRIPTION3	
LUC	708
SCHOOL	1



Selected Features (1)

Clear Selected





Sussex County Building Permit

P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number

201813286

Issue Date: 02/20/2019
Expire Date: 02/20/2020

Permit Type: **ACCESSORY STRUCTURE OUT OF TOWN**

Parcel ID	Address	Zone Code
235-30.00-22.00	99999 UNKNOWN, UNKNOWN	C-1

Owner Information	Applicant Information
Name: BLUE STRATEGY LLC Phone:	Name: BLUE STRATEGY LLC Phone:

Contractor Information		
Name:	BLUE STRATEGY LLC	License Number:
CID:	71097	License Exp. Date:
Phone:		Insurance Exp. Date:

Building Information
Proposed Use: DETACHED GARAGE Construction Type: Estimated Cost of Construction: \$ 65,000 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: 10.00 / _____ Side Setback: 10.00 / _____ Corner Setback: _____ / _____ Maximum Building Height: 42 Location Description: _____ FLOOD ZONE E/RT 5 1300'N/RT 18 <i>ICN</i> Flood Zone: XP 310L _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT 400'+

Scope of Work:

50 X 100 DTT GAR (POLE BARN) PER CUSTOMER PERSONAL USE ONLY

Permit Details:

DW PERMIT WAS BE PULLED AND THE DW UNDR
CONSTR WITHIN 6 MONTHS FROM THE DATE OF
CONSTR OF THE ACCESSORY STRUCTURE

Signature of Approving Official

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Application:

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and 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 expiration date.

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

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

Permit Number	BP-105320	TOTAL FEES:	\$ 362.00
---------------	-----------	-------------	-----------



Building Description

Total Bedrooms:

Heat Type:

Full Baths:

Half Baths:

Roofing: METAL

Total Rooms:

Exterior Walls: METAL

Basement:

Foundation Type: POST

Interior Walls:

Fireplace Type:

Flooring:

Air Conditioning: N

CONCRETE

Additional Requirement/Restrictions

Fences

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

Above-Ground Pools

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

In-Ground Pools

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

Pools or Guest Homes

No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

Campgrounds

Must conform to the location approved by the park.

ICN Accessory Building 900 Square Feet or Greater

No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

Farm-Use Permits

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

Give to DANIELLE

0 ? x

Application Entry - Munis [Sussex County, DE]

HOME

Accept Cancel Search

Query Builder Add Update Delete Global Duplicate

Browse

Print

Text file PDF Excel Preview

Attach

Word Email Schedule Office

Notes Notify Alerts

Audit Maplink

Detail Overview Quick Find

Collect Update Status More...

Return

Application: 201813286

Status: A ACTIVE

Department: 112 - Assessment

Project/Activity: A027 ACC STRUCT 400+

Description 1: 50 X 100 DTT GAR (POLE BARN) PER CUSTOMER PERSONAL USE

Description 2: ONLY

Applicant: O - OWNER

Estimated cost: 65,000

Fees effective: 12/19/2018

Owner: 71097 BLUE STRATEGY LLC

Contractor: BLUE STRATEGY LLC

Business: O - OPEN

Status code: WILLIAM 302-228-3335

Assigned to: MULTIPLE

Permit: MULTIPLE

Property/Use	Legal Desc	Dates/Misc	Project Tracking	Permits	General User Defined
Parcel	235-30.00-22.00			Seq 0	
Location	99999 UNKNOWN				
	UNKNOWN DE 99999				
Municipality	UK				
Subdivision	UNKNOWN				
Lot/Section/Phase					
Between and					
Location desc	E/RT 5 1300N/RT 18				

Existing use	Proposed use	flood zone	Impervious surface
zoning	zoning		
memo	memo		
RV	RV		
C-1 - GENERAL COMMERCIAL DIST	C-1 - GENERAL COMMERCIAL DIST		
RESIDENTIAL VACANT	RESIDENTIAL VACANT		

Prerequisites	Inspections	Contractors	Open Items	Browse History	Bonds	Septic	Parking
Hazard/Restr	Dept/Bd Reviews	Names	Warnings	Find Related	Locations	Well	Buffering
Plan Reviews	Violations	Text	Special Conditions	Find by Parcel	Parcel IDs		

have customer
initial back of
permit regarding
000 sq ft
pd in full

have customer
sign inspection
sheet & non conversion
(scan in)

waiting to
hear from Jamie
regarding setbacks
a bw/owner
note



SUSSEX CONSERVATION DISTRICT
23818 SHORTLY ROAD
GEORGETOWN, DE 19947

APPLICATION FOR RESIDENTIAL STANDARD PLAN APPROVAL

How Much Land Will You Be Disturbing? (Select one)

Less than one acre ☒

Greater than or equal to one acre ☐

Provide the Following Parcel Information

Site Location: RT 5

(911 Address or road name with distance to nearest intersection)

Tax Parcel Number: 235-30-0-220 Parcel Total Acres: 1.0 (to nearest 0.1 acre)

Subdivision Name: _____ Lot Number: _____

Provide the Following Construction Information

Total area to be disturbed: _____ (to nearest 0.1 acre)

Proposed Impervious surface area: 1500 (square feet)

(Include all buildings, driveways and sidewalks)

Will woods be removed? YES If yes, how much? _____ (to nearest 0.1 acre)

Applicant Information

Owner: B. S. S. S.

Mailing Address: _____

Street Address

Georgetown, DE
City, State, Zip

Owner Phone: 302-222-3335

Owner Email: _____

Builder: _____

Mailing Address: _____

Street Address

Georgetown, DE
City, State, Zip

Builder Phone: _____

Builder Email: _____

Applicant Certification

I, the undersigned, certify that the information supplied on this Application for Standard Plan Approval is accurate, the proposed land disturbing activity meets the criteria established, and all conditions of this Standard Plan Approval will be met by the applicant, builder, contractor, and owner during construction and post construction.

Applicant Signature: _____ Date: 2/1

Applicant Printed Name: B. S. S. S. Title: _____

Approval Information (for office use only)

Approval # _____ Fee Paid: \$ _____

Approved by: _____ Approval Date: _____

Title: _____ Expiration Date: _____

Danielle L. Lones

From: Jamie Whitehouse
Sent: Thursday, February 14, 2019 3:07 PM
To: Danielle L. Lones
Subject: RE: 235-30.00-22.00

Danielle,

Please could you add this email to the building permit documentation:

I have discussed the proposed pole building with the applicant this week. I am informed that the proposed building is to be an accessory storage building in connection with a dwelling. Storage would be for personal items owned by the applicant with no commercial storage. Setbacks for the parcel are therefore 40' front (and not 60' as they would be for commercial), 10' side and 10' rear. If the lot adjoins residential districts, then the sides are 20' and the rear are 30' instead of 10.

The future dwelling is not shown on the plan and will be submitted through a separate building permit application. The permit must be pulled and the dwelling must be under construction within six months from the date of construction of the accessory structure. This is outlined within 115-14 of the Sussex County Code.

The applicant is aware that, should the proposals for the dwelling not materialize within the required time frame, then the accessory structure could potentially be considered as an accessory storage structure. However, the setback from the front yard would be 60' instead of 50, and a commercial site plan would be required, which requires a more detailed survey to be submitted than that currently available.

I trust that this is of assistance,

Thanks,

Mr. Jamie Whitehouse, AICP, MRTPI
 Planning & Zoning Manager, Department of Planning & Zoning
 Sussex County
 2 The Circle, P.O. Box 417, Georgetown, DE, 19947
 Tel: 302-855-7878, Fax: 302-854-5079

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:
<https://sussexplan.com/>

From: Danielle L. Lones
Sent: Thursday, February 14, 2019 2:56 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: 235-30.00-22.00

Jamie,

This was the pole building that was 50X100 on commercially zoned property. You were going to note regarding the dwelling permit within 6 months. Did you get a chance to do that? Also, what setbacks would I put?

Thanks,

Danielle Lones

Permit Coordinator

Assessment Department

Sussex County Government

P.O. Box 589

Georgetown, DE 19947

(302) 855-7720 Office

(302) 853-5874 Fax

danielle.lones@sussexcountyde.gov

Danielle L. Lones

From: Jamie Whitehouse
Sent: Thursday, February 14, 2019 3:07 PM
To: Danielle L. Lones
Subject: RE: 235-30.00-22.00

Danielle,

Please could you add this email to the building permit documentation:

I have discussed the proposed pole building with the applicant this week. I am informed that the proposed building is to be an accessory storage building in connection with a dwelling. Storage would be for personal items owned by the applicant with no commercial storage. Setbacks for the parcel are therefore 40' front (and not 60' as they would be for commercial), 10' side and 10' rear. If the lot adjoins residential districts, then the sides are 20' and the rear are 30' instead of 10.

The future dwelling is not shown on the plan and will be submitted through a separate building permit application. The permit must be pulled and the dwelling must be under construction within six months from the date of construction of the accessory structure. This is outlined within 115-14 of the Sussex County Code.

The applicant is aware that, should the proposals for the dwelling not materialize within the required time frame, then the accessory structure could potentially be considered as an accessory storage structure. However, the setback from the front yard would be 60' instead of 50, and a commercial site plan would be required, which requires a more detailed survey to be submitted than that currently available.

I trust that this is of assistance,

Thanks,

Mr. Jamie Whitehouse, AICP, MRTPI
 Planning & Zoning Manager, Department of Planning & Zoning
 Sussex County
 2 The Circle, P.O. Box 417, Georgetown, DE, 19947
 Tel: 302-855-7878, Fax: 302-854-5079

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountycode.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:
<https://sussexplan.com/>

From: Danielle L. Lones
Sent: Thursday, February 14, 2019 2:56 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountycode.gov>
Subject: 235-30.00-22.00

Jamie,

This was the pole building that was 50X100 on commercially zoned property. You were going to note regarding the dwelling permit within 6 months. Did you get a chance to do that? Also, what setbacks would I put?

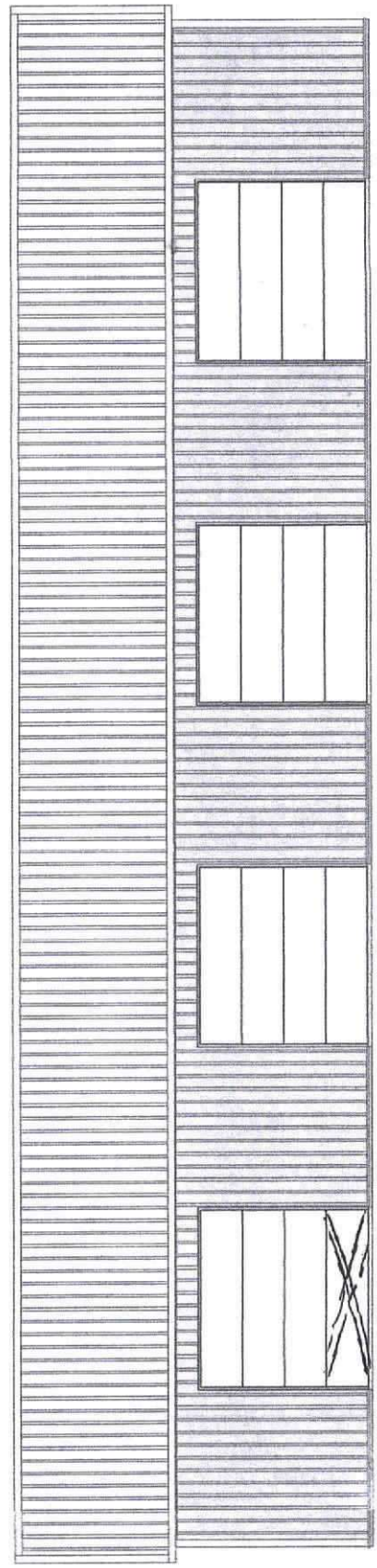
SEE ADDITIONAL
CODE REQUIREMENTS

REVIEWED FOR
CODE COMPLIANCE
DATE 2/14/19
SIGNED ALS

MAESTRO
ARCHITECTURAL

SOUTH SIDE-EAVE SIDE 1 ELEVATION

MAESTRO
ARCHITECTURAL

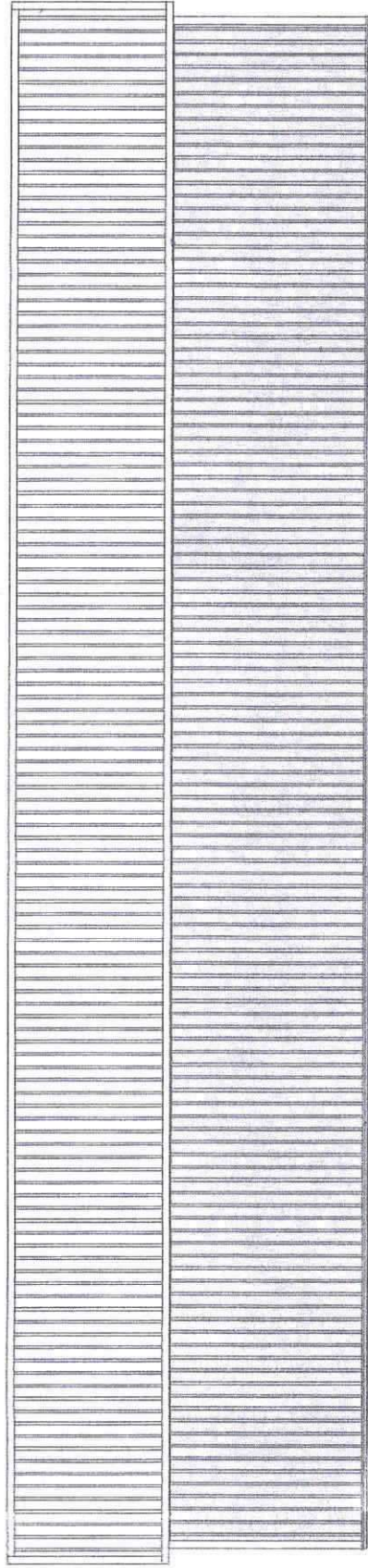


TO BE KEPT
ON JOB SITE

100%
BUILT-UP

NORTH SIDE-EAVE SIDE 2 ELEVATION

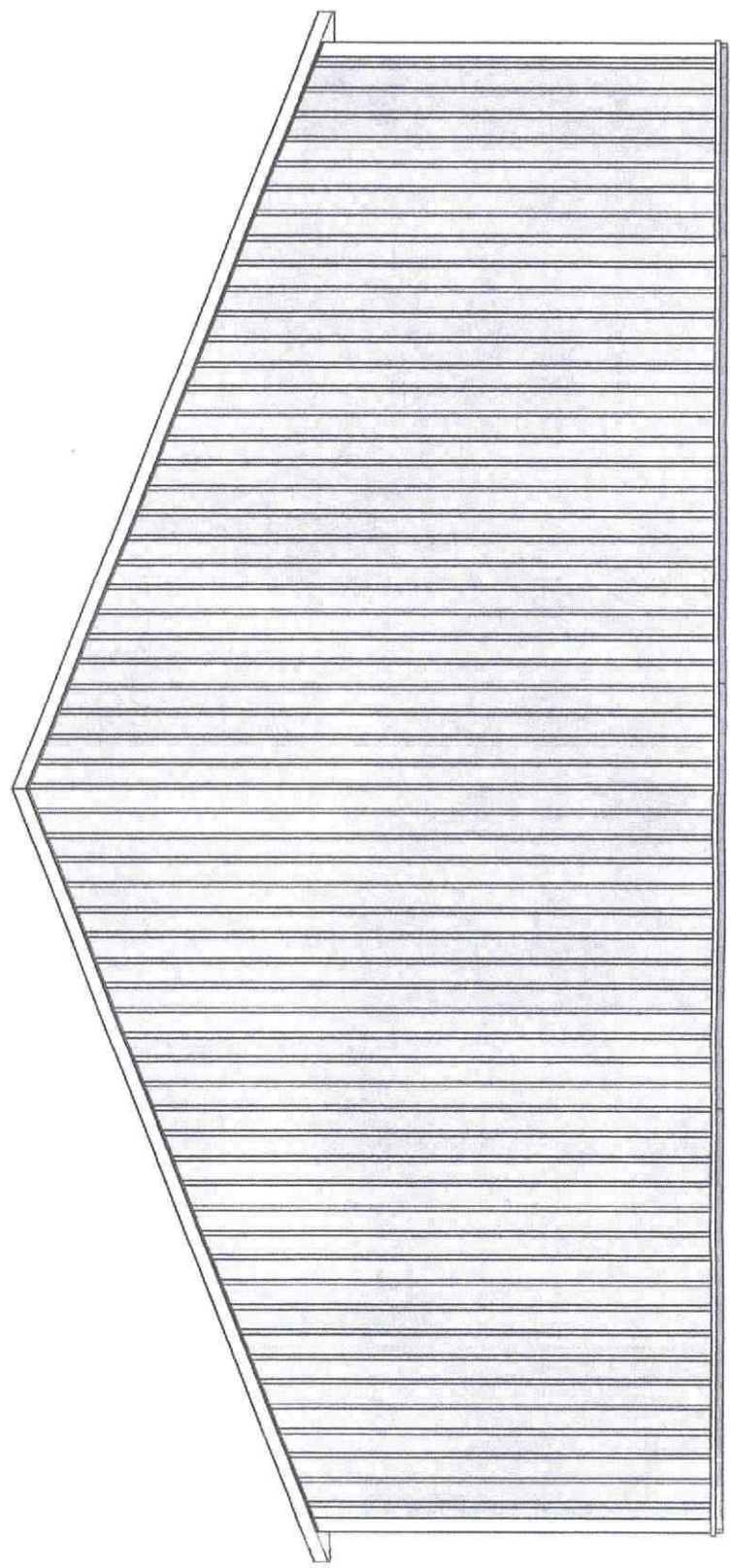
Maestro
ARCHITECTS



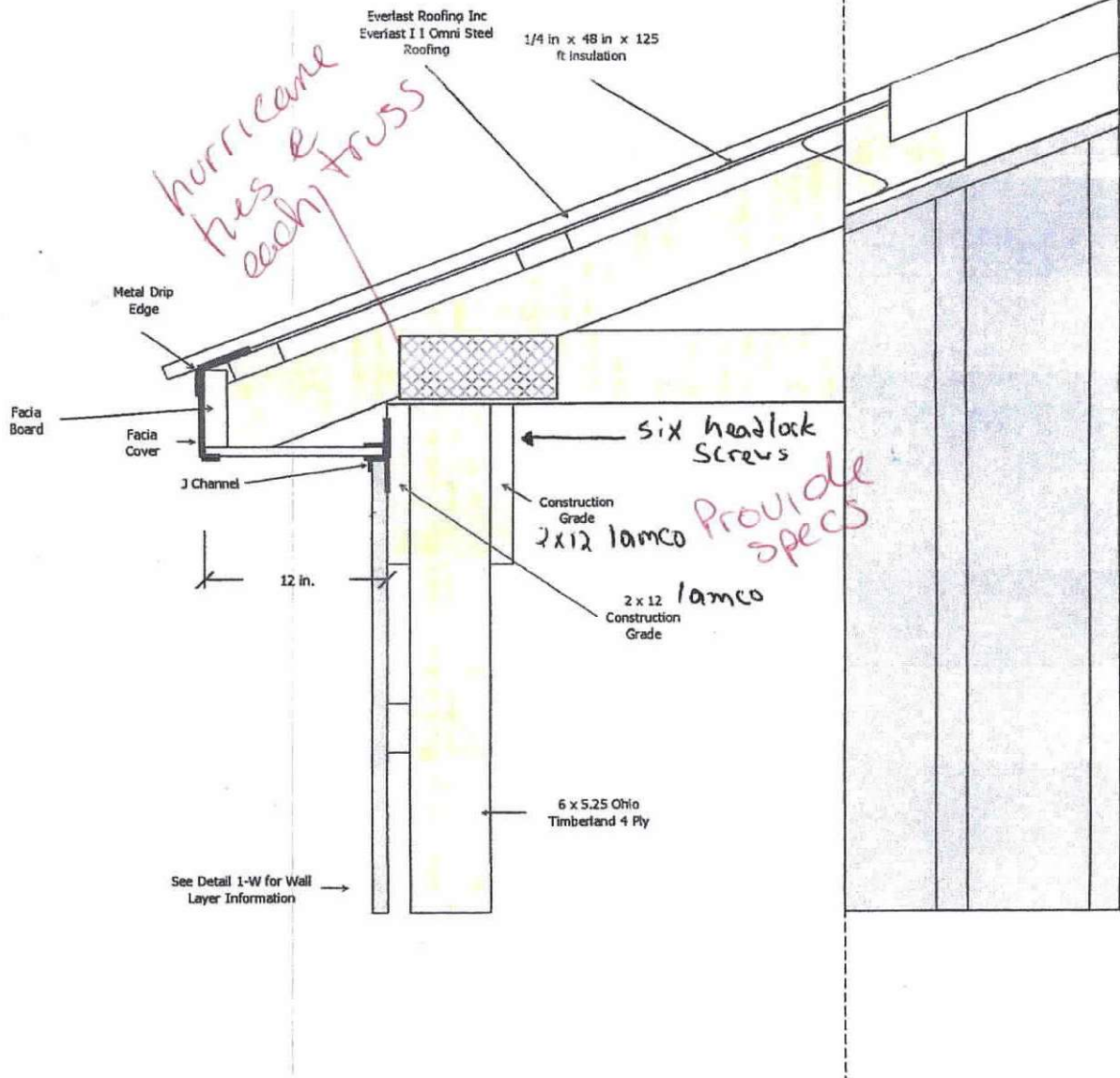
YOUR LOGO
HERE

EAST SIDE-GABLE SIDE 1 ELEVATION

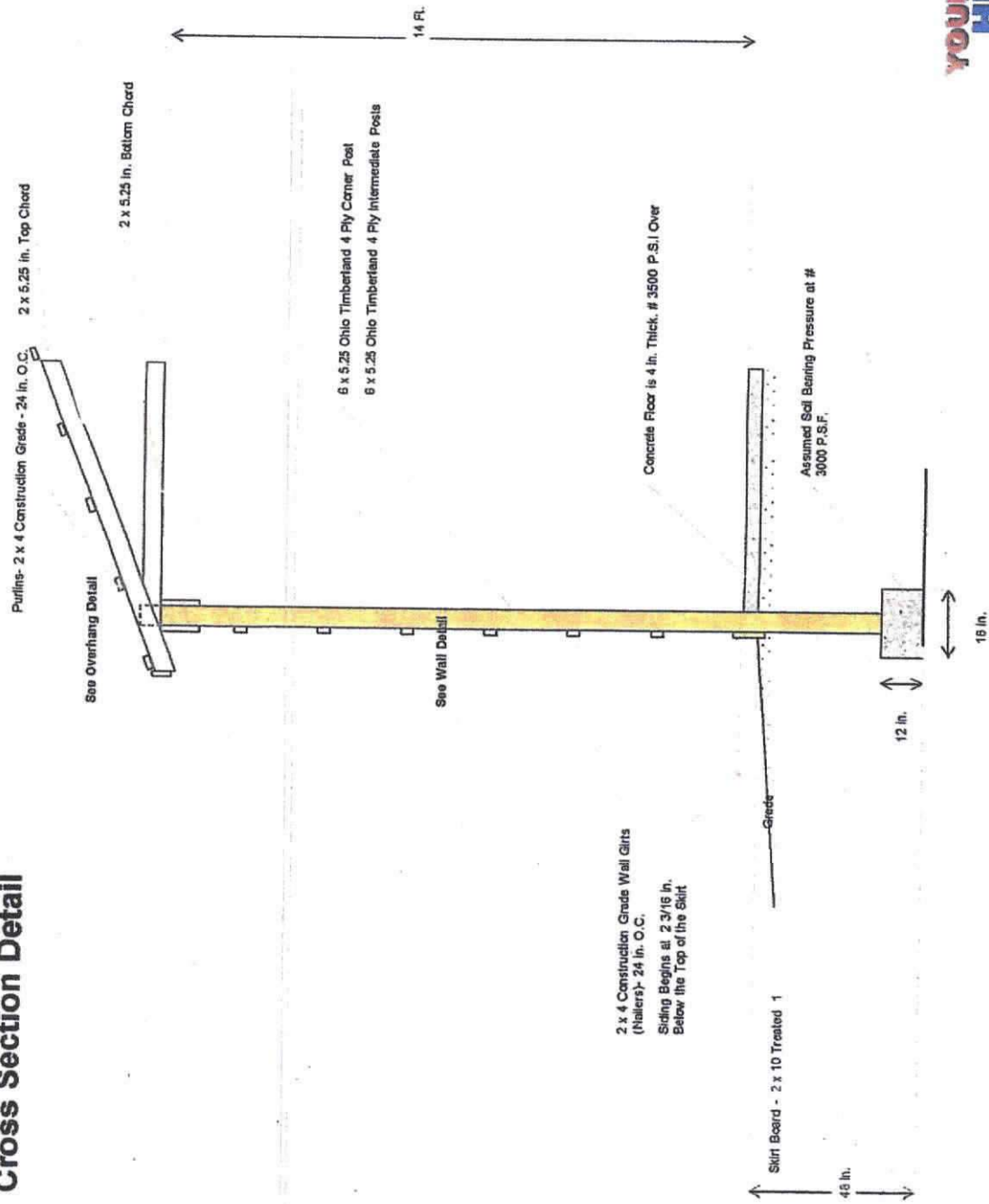
Construction
Maestro
Architectural
Firm Three Design & Build



Overhang Detail



Cross Section Detail



YOUR LOGO
HERE

BUILDING CODE

MAIN OFFICE (302) 855-7860
 MAIN OFFICE (FAX) (302) 855-7821

INSPECTION SCHEDULING (302) 858-5500
 INSPECTIONS (FAX) (302) 855-7821

PLAN REVIEW (302) 855-7860
 PLAN REVIEW (FAX) (302) 855-7869

**Sussex County**

DELAWARE
 sussexcountype.gov

ANDY WRIGHT
 CHIEF OF BUILDING CODE

SINGLE FAMILY INSPECTION REQUIREMENTSApplication # 2018/3286**1. FOOTING INSPECTION-*****

To be made prior to placing concrete in all forms, trenches, piers, post holes, structural slabs, etc. Bottom of all footings must be a minimum of 24" inches below finished grade and a minimum 12" inches below original grade, (pole buildings must be a minimum 36" inches below grade) unless designed by a Delaware architect or engineer. Any re-bar and reinforcement must be tied and in place before placement of concrete. Re-bar is recommended, but not required, unless designed by a Delaware architect or engineer. All footings must be free of debris, organic material and water. Concrete shall not be placed on frozen soil. *** **A separate Inspection for perimeter or under slab insulation board for "Pole Building" style Dwellings or Dwellings with a Monolithic turn down slab or slab on grade foundation is required.**

2. HOUSEWRAP/FRAMING INSPECTION-

To be made after building is weather tight and after all electrical and plumbing work has been installed and inspected. All mechanical ducts and boots must be installed and sealed. All draft stopping and fire blocking around pipes, vents, wiring, chimneys, etc., must be completed. Framing inspection to be conducted before exterior covering is installed. **A separate hosewrap/flashing inspection may be scheduled before the framing inspection.** No insulation is to be installed before framing inspection passes. Basement waterproofing must be complete and certification must be provided to the Building Code Office, prior to scheduling the inspection. All pre-engineered products and building components, including but not limited to: wood trusses, I-joists, structural composite lumber & steel beams, must have certification from manufacturer and be on site for inspectors' review. Pole buildings require a framing inspection for header connectors prior to any exterior or interior wall covering is installed. Plant built portions of modular homes do not require a framing inspection, but are required a "Close-In" inspection after the units are set and before mating walls have exterior covering installed. Any site built portions of a modular home project are still required a framing inspection.

3. ENERGY INSPECTIONS (DWELLINGS ONLY)-

Copy of the energy compliance form ("Res-Check") must be on site. Before any drywall is installed, the building envelope must be sealed from all air drafts and all insulation properly installed. All thermal stickers for doors and windows must be in place. (Modular homes to have all air gaps in mating walls sealed up and any site built portion such as: finished cape cods, rooms over garages, additional living spaces...etc.) As of 11/11/2014, all new homes must have a blower door/duct blast test certification and a permanent certificate must be completed and posted in or around the electric box before final inspection.

4. FINAL INSPECTION-

To be made after ALL work is completed and electrical and plumbing have been inspected. Site work must be completed to have proper drainage away from structure. (Seeding and landscaping not required.) Gutters and downspouts must be installed. 911 addresses must be posted. (Builder or owner must provide ladders to gain access to attic areas, if applicable.)

5. County approved plans must be kept on job site for inspectors' review to receive an inspection.**6. Any additional inspections after 5 inspections (Except Modular Home Projects without site built additions) shall be charged \$40.00 per trip and to be paid before the issuance of the certificate of occupancy. Modular Home projects will be charged \$40.00 per trip after 4 inspections.****TO SCHEDULE INSPECTIONS:**

**PLEASE CALL 24 HOURS IN ADVANCE AT 302-858-5500 BETWEEN 7:30 a.m. & 3:00 p.m.
 MUST HAVE APPLICATION NUMBER TO SCHEDULE INSPECTIONS.**

SIGNATURE Antonia Yacumy DATE 2/20/2019PRINT NAME Blue Strategy LLC OWNER or CONTRACTOR
Circle one:

PHONE # _____



COUNTY ADMINISTRATIVE OFFICES
 2 THE CIRCLE | PO BOX 589
 GEORGETOWN, DELAWARE 19947

BUILDING CODE

MAIN OFFICE	(302) 855-7860
MAIN OFFICE (FAX)	(302) 855-7821
INSPECTION SCHEDULING	(302) 858-5500
INSPECTIONS (FAX)	(302) 855-7821
PLAN REVIEW	(302) 855-7860
PLAN REVIEW (FAX)	(302) 855-7869



Sussex County

DELAWARE
sussexcountysde.gov

ANDY WRIGHT
CHIEF OF BUILDING CODE

NON-CONVERSION AGREEMENT

Property Location					
Tax District	235	Map	30.00	Parcel	22.00
Permit #	201813286			Date	2-20-19

A permit has been issued to construct a 50x100 Detached Garage
Size Type of Accessory Structure

for: _____ agricultural purposes or

☒ personal use and personal storage

The permitted structure will NOT be used for any commercial business nor as a habitable living space or dwelling.

As a condition of a Certificate of Occupancy, any change in the permitted use of this structure shall NOT take place before a new application and approval is granted from Sussex County Planning & Zoning, Sussex County Building Code and any other related County or State agencies.

Signature of Property Owner

2/20/2019
Date

Blue Strategy LLC

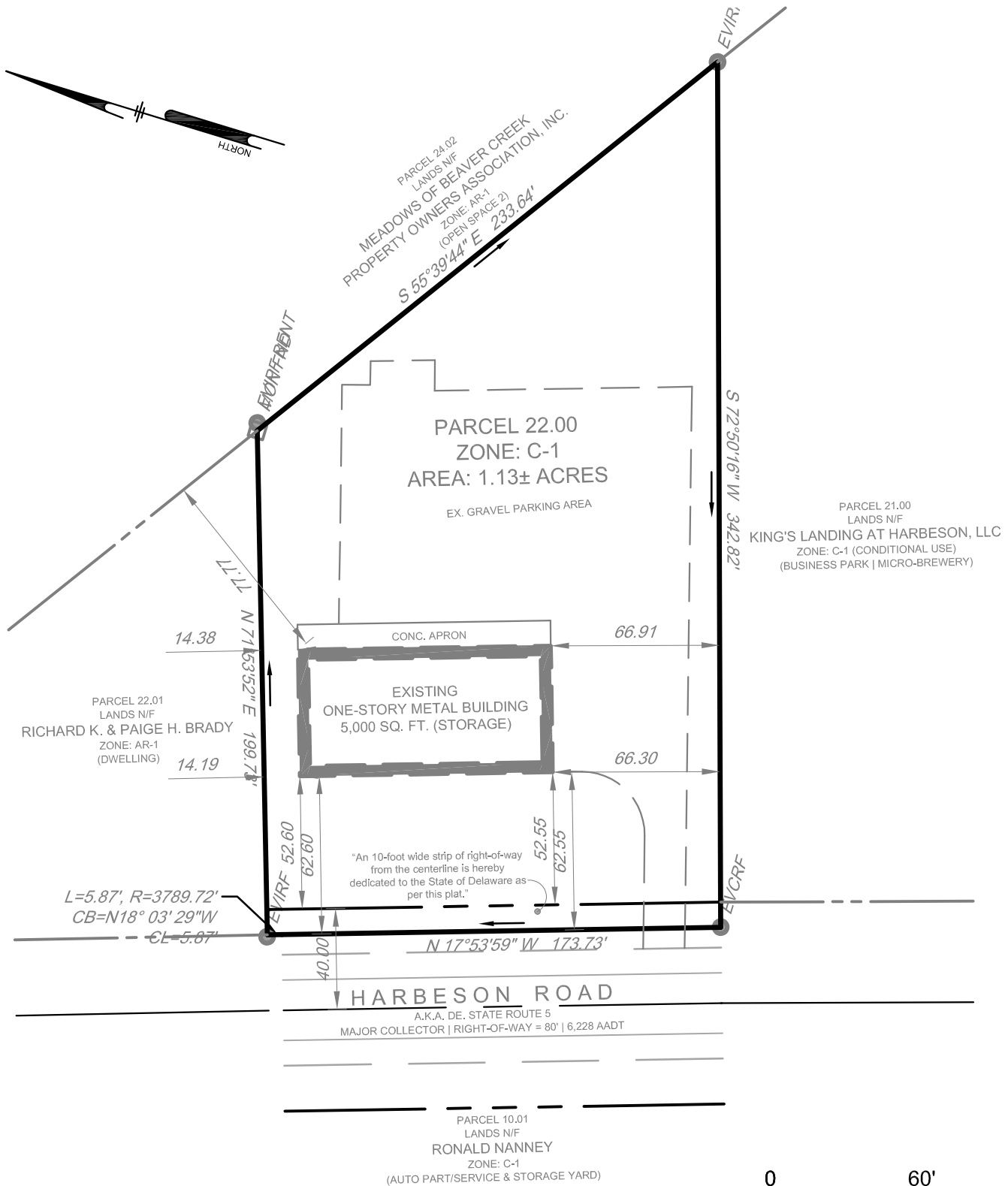
Signature of Property Owner

Date _____

Printed Name _____



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947



PENNONI ASSOCIATES INC.

18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

C-1 GENERAL COMMERCIAL
BROADKILL HUNDRED,
SUSSEX COUNTY, DELAWARE
TM: 235-30.00-22.00
SURVEY AND VARIANCE PLAN
BLUE STRATEGY, LLC
18473 HARBESON ROAD
HARBESON, DELAWARE 19968

PROJECT **SLSDE25001**

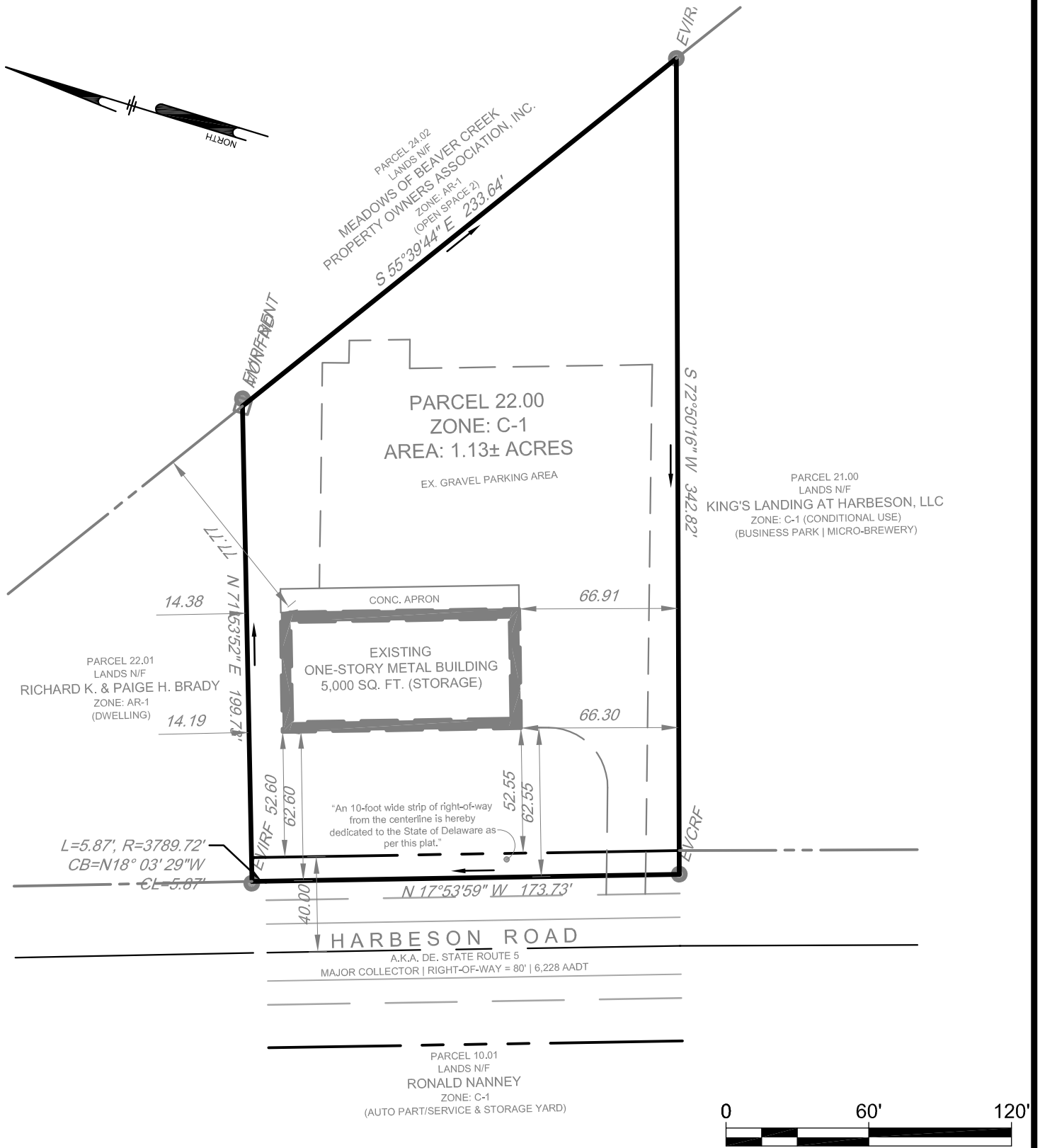
DATE **2025-03-13**

DRAWING SCALE **1"=60'**

DRAWN BY **MHD**

APPROVED BY **AMD/MHD**

SHEET **1** OF **1**



PENNONI ASSOCIATES INC.

18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

C-1 GENERAL COMMERCIAL
BROADKILL HUNDRED,
SUSSEX COUNTY, DELAWARE
TM: 235-30.00-22.00
SURVEY AND VARIANCE PLAN
BLUE STRATEGY, LLC
18473 HARBESON ROAD
HARBESON, DELAWARE 19968

PROJECT **SLSDE25001**

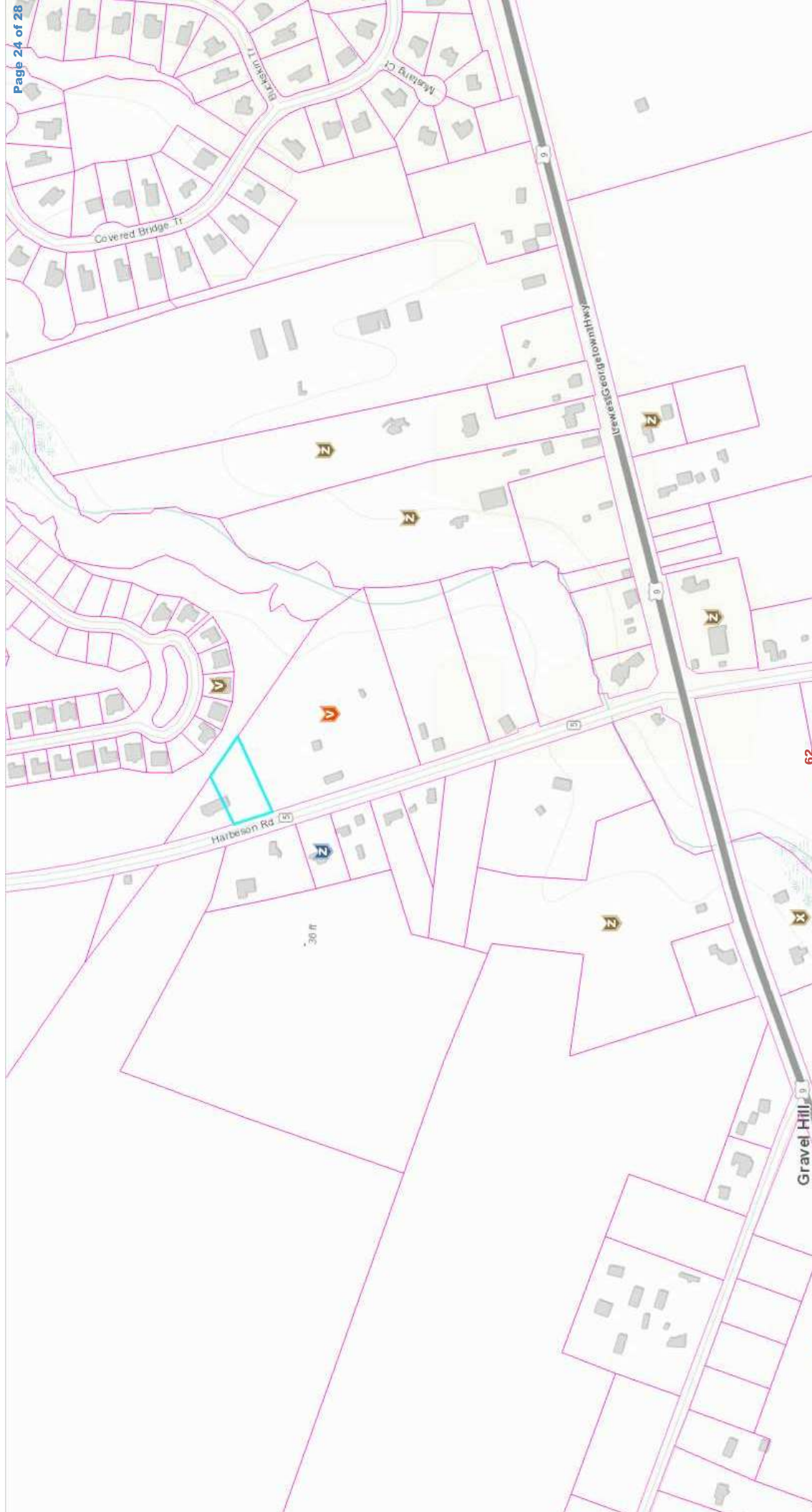
DATE **2025-03-13**

DRAWING SCALE **1"=60'**

DRAWN BY **MHD**

APPROVED BY **AMD/MHD**

SHEET **1** OF **1**



BLUE STRATEGY, LLC CASE NO. 13069

VARIANCE:

115-82 B. (Table 1) XI (3) - 5.81-foot Variance from the side yard setback of 20-feet on the side of the lot adjoining a residential district and 115-82 B. (Table 1) XI (7) - 7.45-foot Variance from the 60-foot front yard setback for an existing building being converted from residential storage to commercial storage on C-1 General Commercial lands.



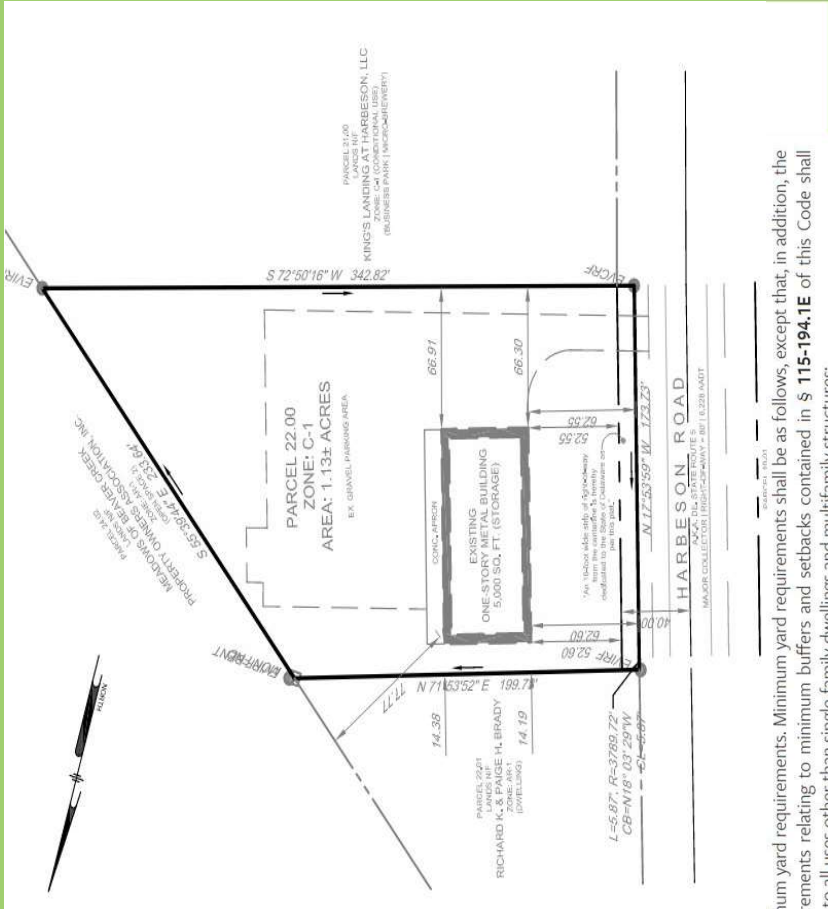
▼ 1) 235-30.00-22.00	
BOOK	4904
PAGE	145
FULLNAME	BLUE STRATEGY LLC
MAILINGADDRESS	18473 HARBESON RD
CITY	MILTON
STATE	DE
DESCRIPTION	E/RT 5
DESCRIPTION2	1300N/RT 18
LUC	708

Selected Features (1)



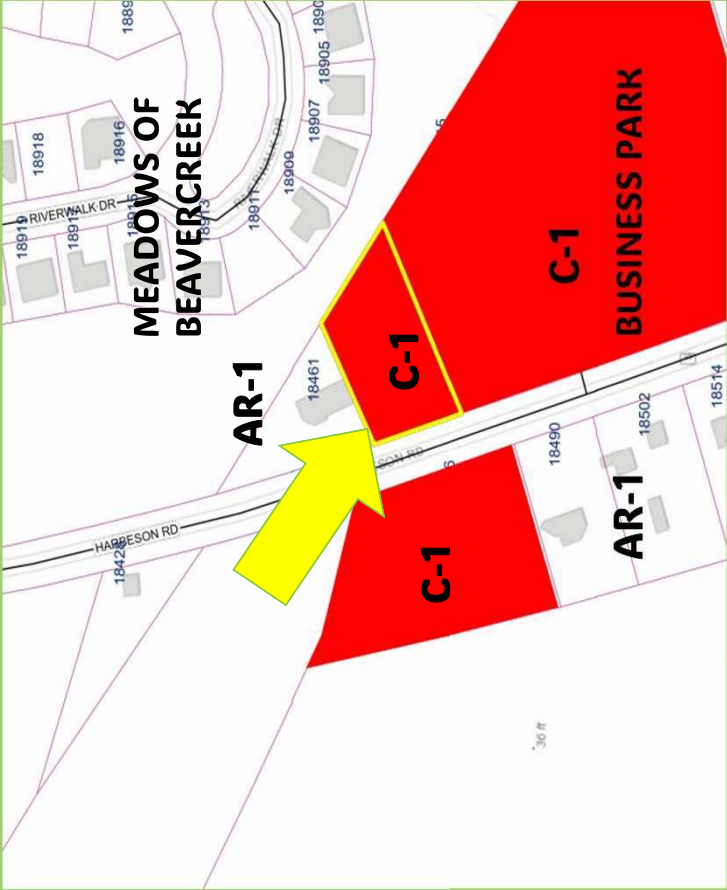
PARCEL 22.00 ZONED TO C-1 ON JULY 30, 1991

PARID: 235-30.00-22.00	18473 HARBESON RD
BLUE STRATEGY LLC	
Permit Details	
Permit Date:	Permit #:
20-FEB-2019	201813286
Amount:	Note 1
\$65,000	50 X 100 DTT GAR (POLE BARN) PER CUSTOMER PERSONAL USE



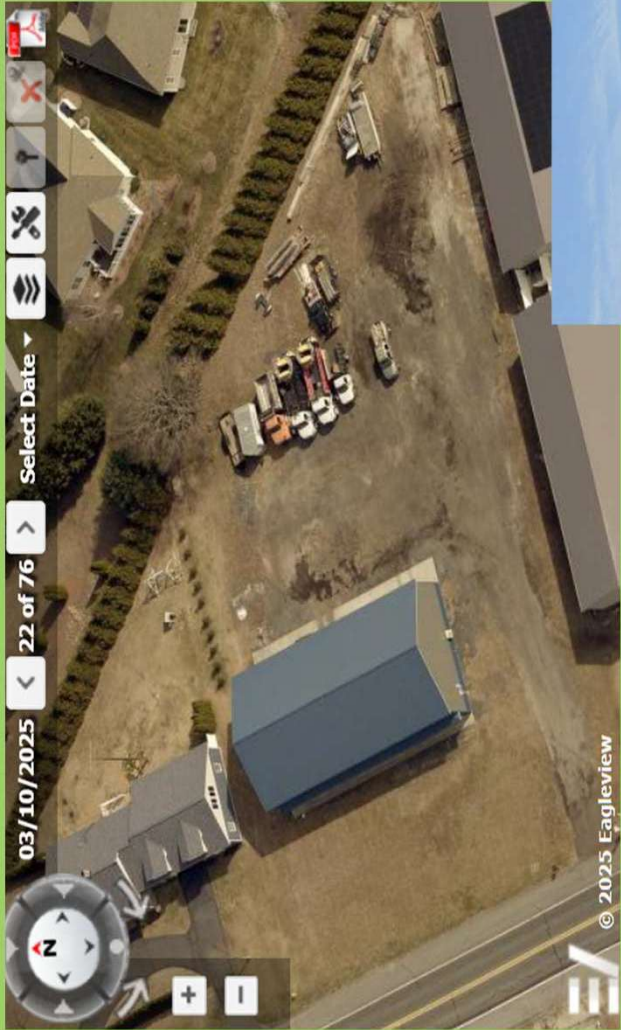
B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		



XI (9)(6)	C-1 District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (10)	100	40 (7)(8)	10	10
		42 (12)	-- (12)	Other 10,000 (14)	75 (10)	100	60 (7)(8)(15)	5 (3)	5 (3)

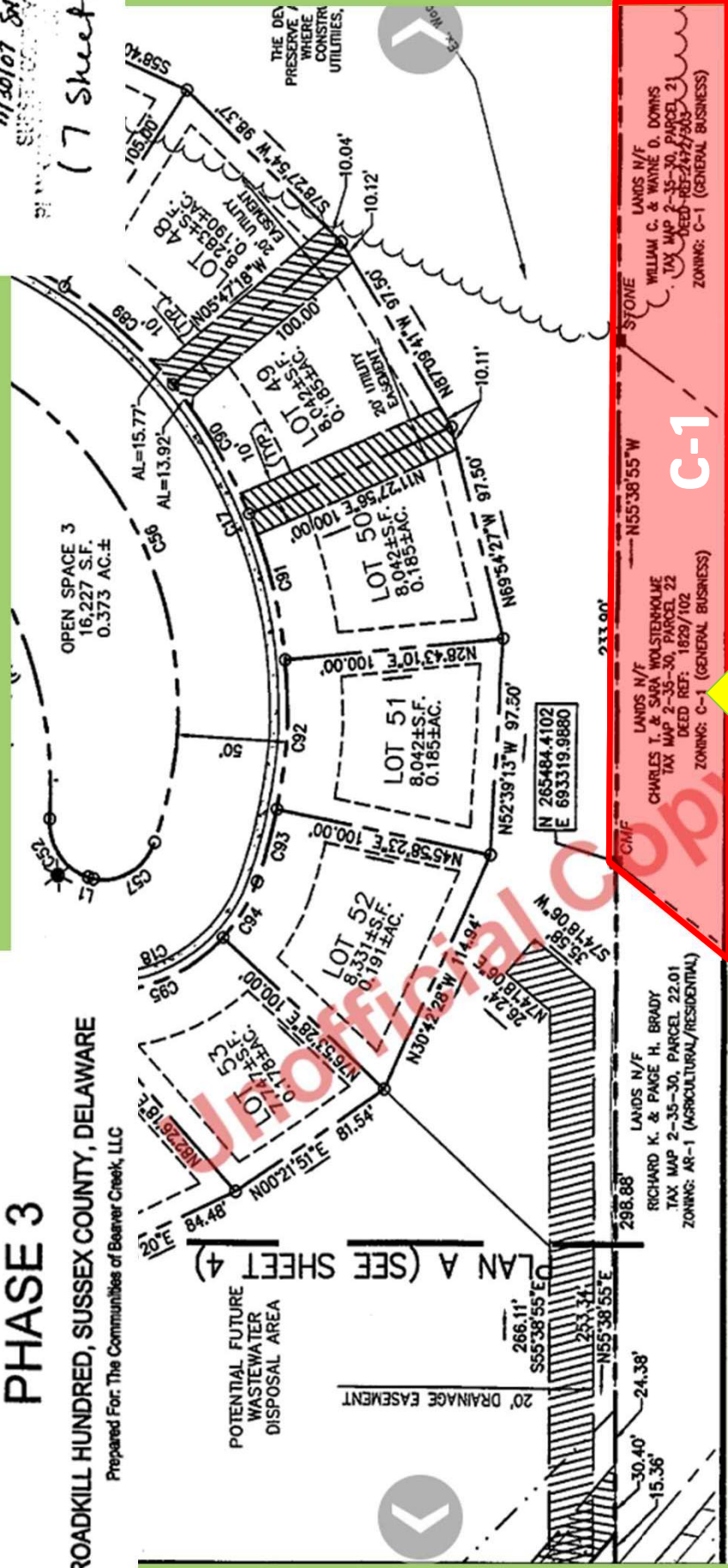
(3) None is required when there is a party wall to an adjoining building, except that there shall be a side yard not less than 20 feet in width on the side of a lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.



Pennoni

FOR
**BEAVER CREEK
PHASE 3**
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE
Prepared For: The Communities of Beaver Creek, LLC

APPROVED
as per all @ PLZ Co 10/17/07
11/30/07 SM
(7 Sheets)



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 # 13074
Hearing Date 6-2-2025
202503933

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:

31490 Coventry Dr, LEWES DE 19958

Variance/Special Use Exception/Appeal Requested:

ADDITION OF A CAR POSET

Tax Map #: 3-34-5,00-45,00

Property Zoning: A1

Applicant Information

Applicant Name: Jayne Stevlingsoy Tamburello

Applicant Address: 31490 Coventry Dr.

City LEWES State DE Zip: 19958

Applicant Phone #: 302-217-0691 Applicant e-mail: JMSTEVLING@gmail.com

Owner Information

Owner Name: SAME AS ABOVE

Owner Address:

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Date: 3/25/25



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.

As per survey, the driveway is very tight and the irregular shape of lot makes putting in a garage impossible. We need to put in a car port to protect our cars from the sun.

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 other place to put a car port

3. Not created by the applicant:

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

I bought the property as it is with it being an irregular lot and a very tight driveway. Driveway + house + neighbor's fence were already there

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.

It will not alter the character of 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.

We are requesting that the car port allowed to come within two feet of our neighbor's fence.

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.

It will not. It's on the other side of his fence.

-
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)

Because no garage will fit, and because we need to protect our cars from the hot sun, we need to install a carport. We chose this design to go with the character of the neighborhood, the house & the fence.

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.

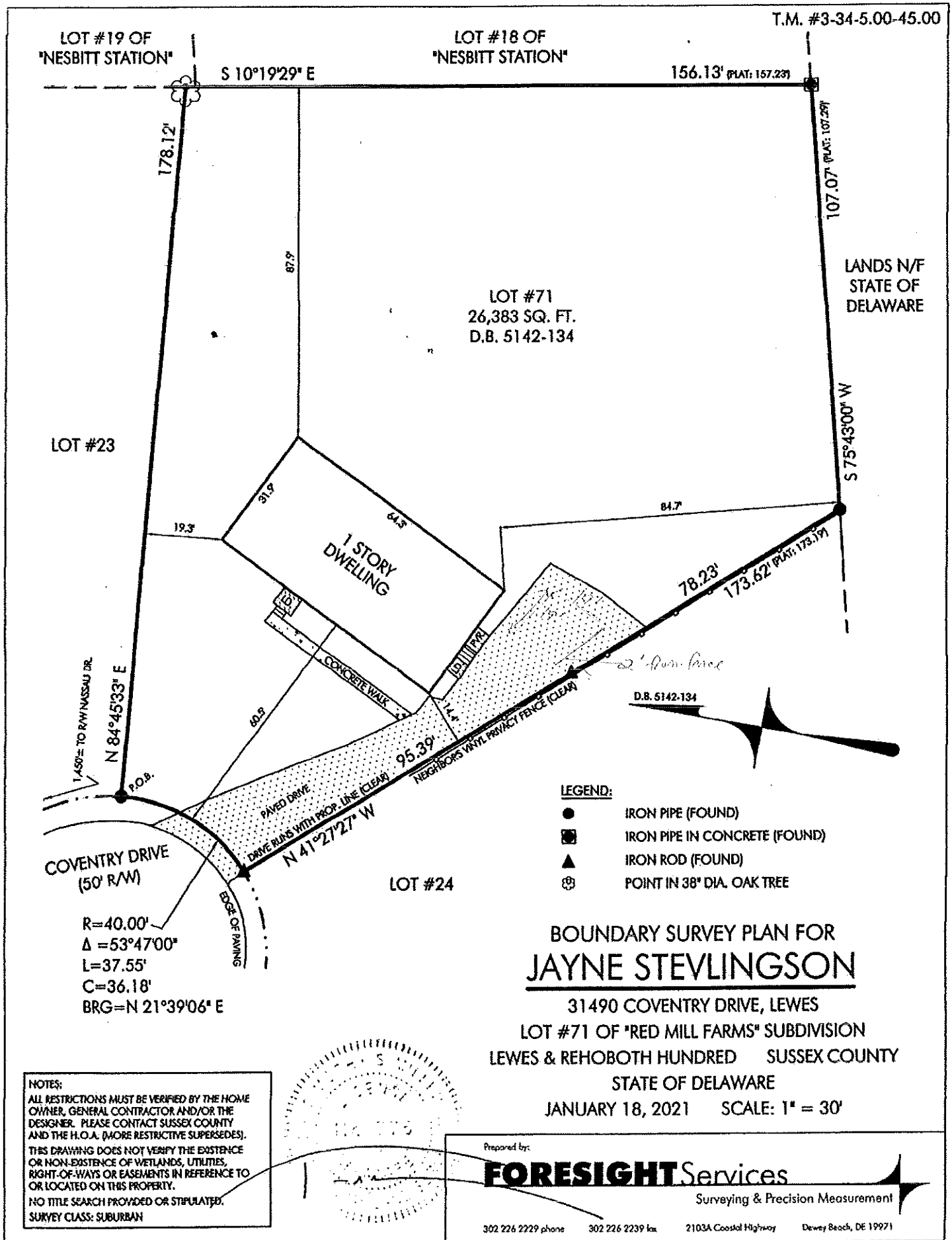
Signature of Owner/Agent/Attorney

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: _____





Wide Angle Lens,
measurement is
19' L x 19' W
This would leave
2 feet from the
neighbor's fence
and 2 feet from my
side fence and 2
feet from the back
fence.



back fence

This is a side view of the carport which would be facing the fence. The cars would be facing my back fence. The back fence of my driveway is hardly visible from the cul-de-sac that I live on.

Contractor doing
the work.

ESTIMATE

Dream Renovations LLC
31490 Sea Waye Ln
Millsboro, DE 19966

medel@son@yahoo.com
+1 (336) 681-3029



Bill to
Jayne Stevlingson
31490 Coventry Dr
Lewes
DE
19958
USA

Ship to
Jayne Stevlingson
31490 Coventry Dr
Lewes
DE
19958
USA

Estimate details

Estimate no.: 1035

Estimate date: 03/25/2025

#	Date	Product or service	Description	Qty	Rate	Amount
1.		Carport	19ft x 19ft angled metal flat roof wooden carport for 2 cars including all hardware.	1	\$4,600.00	\$4,600.00
2.		Framing/Roofing Labor	Attach structure to driveway, build/frame out everything. install metal roof.	1	\$2,800.00	\$2,800.00
Total						\$7,400.00

Note to customer

All trash disposal is included in price.

License and insurance will be provided if needed.

Any other unforeseen work will be extra charge on a time and
material basis.

We propose hereby to furnish material and labor complete in the
coordinates with the above specifications for the total amount listed.

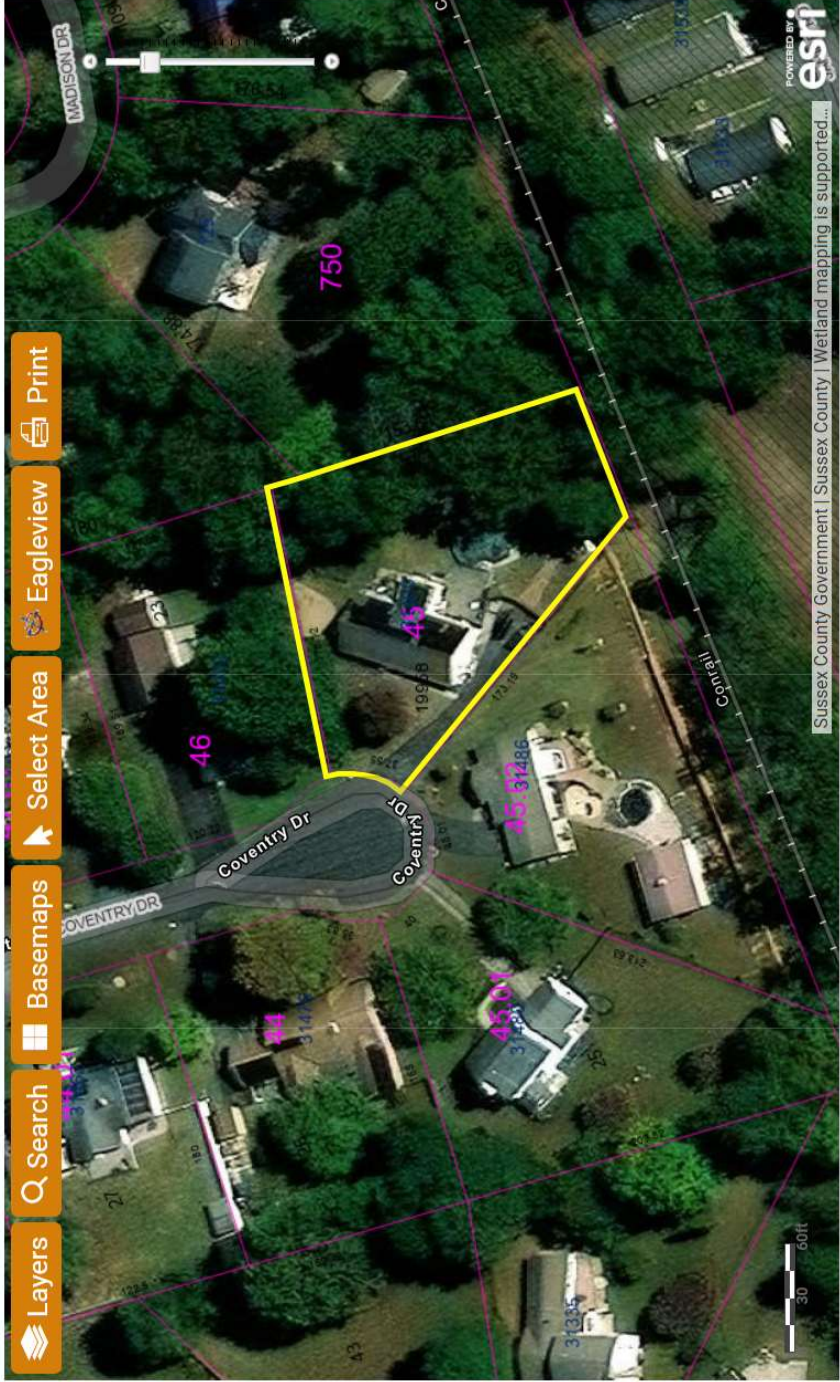
If client agrees with this estimate, we would require a 50% deposit to
be placed on our schedule.

Thank you for your business. We look forward to working with you.

- Imer Delson (owner of Dream Renovations LLC)

Accepted date

Accepted by



- Layers
- Q Search
- Basemaps
- Select Area
- Eagleview
- Print

Eagleview

Search Results

Selected Features:

[Parcels (1)]

1) 334-5.00-45.00

Zoom

BOOK	5883
PAGE	146
FULLNAME	TAMBURELLO JAYNE S TTEE REV TR
Second_Owner_Name	
MAILINGADDRESS	31490 COVENTRY DR
CITY	LEWES
STATE	DE
a_account	10-04-045
DESCRIPTION	RED MILL FARMS
DESCRIPTION2	LOT 71
DESCRIPTION3	
LUC	101
SCHOOL	6
MAILING	



Selected Features (1)

Clear Selected



Eagleview

Search Results

Selected Features:

Parcels (1)

1) 334-5.00-45.00

Zoom

BOOK	5883
PAGE	146
FULLNAME	TAMBURELLO JAYNE S TTEE REV TR
Second_Owner_Name	
MAILINGADDRESS	31490 COVENTRY DR
CITY	LEWES
STATE	DE
a_account	10-04-045
DESCRIPTION	RED MILL FARMS
DESCRIPTION2	LOT 71
DESCRIPTION3	
LUC	101
SCHOOL	6
APPLICANT	



Selected Features (1)

Clear Selected



Sussex County Government | Sussex County | Wetland mapping is supported.



BUILDING CODE Yes
REQUIRER: YesBUILDING PERMIT APPLICATION
SUSSEX COUNTY, DELAWAREPERMIT NO. 200141NEEDS TOWN PERMIT: _____ DNREC # _____ S & W OK Div. of Rev. Spec
LOCATION: _____Route _____ (N) (S) (E) (W) Side: _____ (ft.) (miles) (N) (S) (E) (W) of _____
Subdiv. or TP: Red mill Farms Lot No. 71 Section or Block _____
Town _____ Street Conventry Drive
District No. 334 Map No. 5.0 Parcel No. 43.00 MANU. HOME # _____
Frontage: _____ Depth: _____ Acreage: _____

ASSESSMENT

I. TYPE OF IMPROVEMENT

Cost of Improvements 124,376 Stories _____
New Building _____ Size _____
Addition _____
Relocation DW-31x64
Accessory Structure Unfin-Basement-31x64
Sign _____
Remodeling _____
Other _____

II. INTERIOR

No. of Bedrooms 3
No. of Bathrooms 2
No. of Rooms 8
Basement yes

III. HEATING

Electric ☐ Gas ☒
Heat Pump ☐ FHA ☐
Air Conditioned ☐

IV. EXTERIOR WALLS

Vinyl ☒ Wood ☐
Alum. Siding ☐ Brick ☐
Other _____

V. INTERIOR WALLS

Dry Wall ☒
Paneling ☐
Other _____

VI. FOUNDATION

Pad ☐ Brick ☐
Piling ☐ Conc. Blk. ☒
Other _____

VII. FIRE PLACE

Yes ☐ No ☒MASONARY ☐ Metal ☐

VIII. ROOFING

Built-Up ☐ Metal ☐
Asphalt Shingle ☒
Wood Shingle ☐
Other _____

IX. FLOORING

Earth ☐ Wood ☐
Carpet ☒ Vinyl ☒
Concrete ☐
Other _____

ZONING

TYPE OF USE

Existing Use Vacant
Proposed Use DW/Basement
Single Family _____ Commercial _____ Other _____
Zoning District ART Number of Units _____

SETBACKS

Front Yard 30' Side Yard 15' Rear Yard 20'
Side yard on side street on corner lot _____
From any dwelling of other ownership _____
From any other unit in a manufactured home park _____
Cannot occupy more than _____ % of total lot area
Height 42' max
Board of Adjustment Case No. _____
Conditional Use Case No. _____
Approved by Planning & Zoning AD

FLOOD

Flood Zone XP 330
Elevation Required above Mean sea level _____
To be measured to:
1. Finished first floor _____
2. Lowest structural member _____
Elevation Certification ☐ Height Certification ☐
Breakaway Walls ☐ Venting ☐
Placement Survey ☐
ADDITIONAL REQUIREMENTS & COMMENTS _____

OWNERS IDENTIFICATION:

Name: Gael Robinson
Address: 111 Maple Dr.
City: Lewes State: De Zip: 19958
On Lands Of: Sta 82

Name & Address of recipient of Certificate of Compliance (Builder):

Name: Pick up
Address: _____
City: _____ State: _____ Zip: _____

The owner of this building or land and the undersigned agree to comply 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] Phone No. 644-7668
Permit Fee: 379.50 + 310.94 = 690.44 Date Issued: 8/20/01

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 expiration 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 Agents and Building Code Officials to enter upon 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 ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

ENGINEER

REV 025794

SINGLE FAMILY ☒COMMERCIAL ☐MULTI FAMILY ☐MISC ☐

REVIEW RECEIPT NO:

PERMIT NO: 334 5 45

PLAN REVIEW REPORT

NAME: Robinson, JoelADDRESS: 111 Maple Dr Red Mill FarmsCITY: Lewes STATE: DE ZIP: 19958 Lot 71DWELLING: 2016 SQUARE FEET DESCRIPTION: PBS ModADDITIONS: 2016 SQUARE FEET DESCRIPTION: Unfinished Basement

ACCESSORY STRUCTURES: _____ SQUARE FEET DESCRIPTION: _____

THE PLANS SUBMITTED FOR ABOVE PROJECT HAVE BEEN "REVIEWED FOR CODE COMPLIANCE" OF THE STANDARD BUILDING CODE OR CABO ONE & TWO FAMILY DWELLING CODE ON 8-20-01

DATE

PLEASE CONTACT THE FIRST STATE INSPECTION AGENCY AT (302) 856-3517 FOR ALL INSPECTIONS. (FOOTER, FRAMING, INSULATION, AND FINAL).

FEE INCLUDES: PLAN REVIEW & 5 INSPECTIONS (STICK BUILT) 4 INSPECTIONS (MODULAR). ANY ADDITIONAL INSPECTIONS WILL BE CHARGED \$40.00 PER VISIT.

PLAN REVIEW AND INSPECTION FEE: \$ 120.00 DATE: 8/20/01 CLERK: Dev
(PAID WHEN PLANS WERE SUBMITTED)

APPROVED BY: Greg Hill

* A 48 HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS *

CONTACT PERSON: Karl Thomas PHONE: 644-7688

PLEASE PRINT

SIGNATURE: [Signature]



GENERAL SEDIMENT AND STORMWATER MANAGEMENT PERMIT
(NOT VALID UNTIL APPROVED BY THE APPROPRIATE PLAN APPROVAL AGENCY)

LOCATION

Subdivision (if applicable) 334-5.00-45.00 Lot # 74
or Tax Map-Block-Parcel _____ or Road# _____

Property Joel Robinson 111 Maple Dr. Leeds 19958
(number) (street) (city) (state) (zip)

Property Owner Joel Robinson Phone _____

Address _____

Developer/Builder _____ Phone _____

Address _____

Total Lot Area 37 x 178 Total Disturbed Area 2016 sq. ft.

☒ Single Family Dwelling _____ Other (describe) _____

Building Permit Applied For ☒ Yes ☐ No Permit # 200141

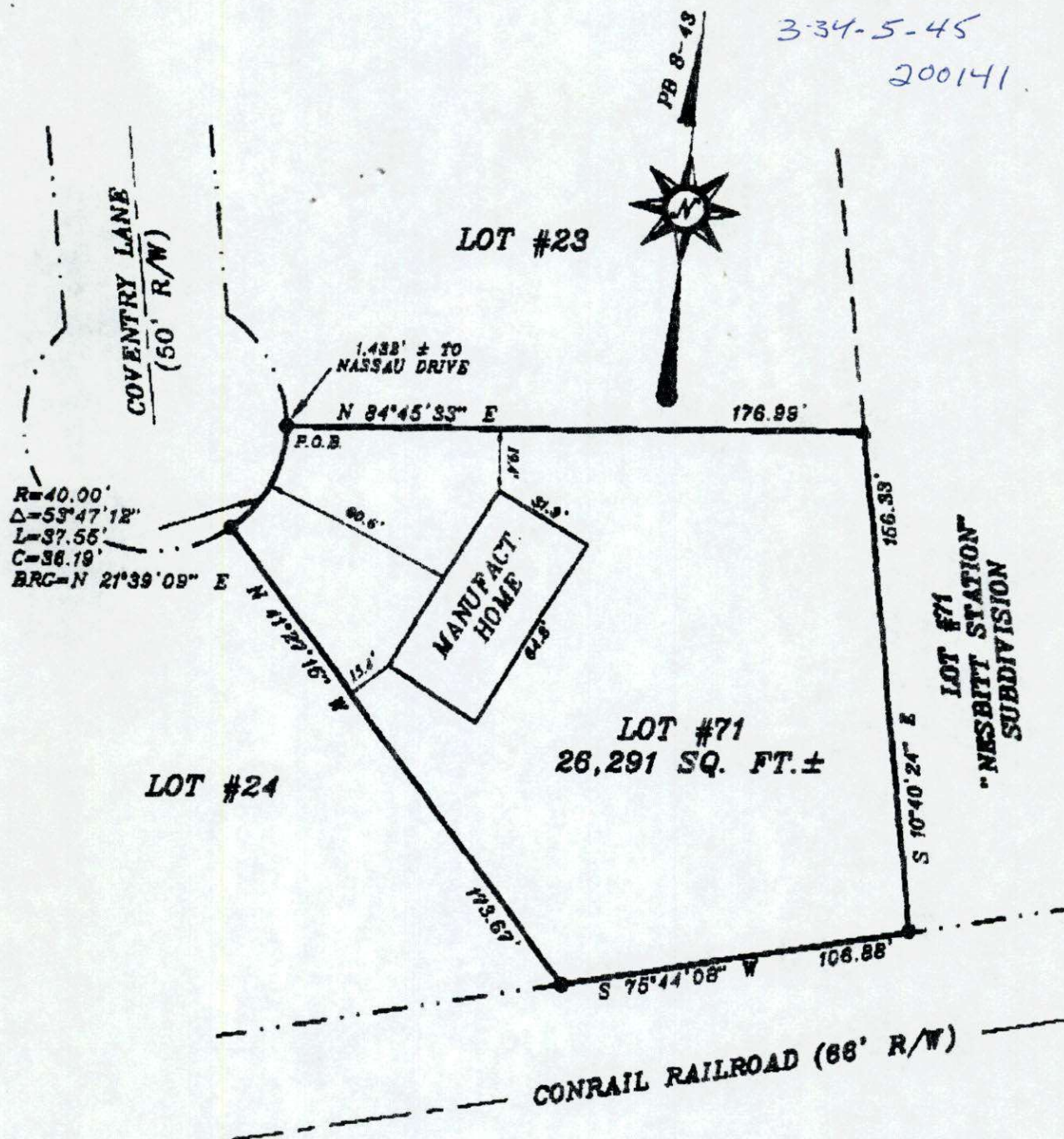
CONDITIONS OF APPROVAL

- This General Sediment and Stormwater Management Permit Application may be submitted instead of a designed plan when the General Permit Criteria of Section 11 of the Delaware Sediment and Stormwater Regulations are met.
- Owner/Developer is not the same owner/developer of two or more contiguous lots being developed concurrently.
- The approval of this permit does not relieve the applicant from complying with any and all Federal, State, County or Municipal laws and regulations.
- In the event the applicant fails to provide adequate sediment control under the provisions of this permit, the Sussex Conservation District reserves the right to require additional control measures as necessary OR require the preparation and implementation of a site specific plan.
- The applicant shall notify the delegated inspection agency at least five days prior to beginning construction.
- Access to this site shall be made available at all times for inspection by the Sussex Conservation District.
- I/We certify that I/We have the authority to make this application; that I/We have read and understand the above conditions; and that I/We have the ability to meet all the limitations and conditions set forth by this agreement.

APPLICANTS SIGNATURE [Signature]

APPLICANTS TITLE Builder DATE 8/20/01

APPROVED _____ DATE _____



- IRON PIPE (FOUND)
- ▲ "PK" NAIL (FOUND)
IN 86" OAK

LOCATION SURVEY FOR JOEL ROBINSON

LOT #71 OF "RED MILL FARMS" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SURVEYED/PREPARED BY: MILLER-LEWIS, INC.
NOVEMBER 8, 2001 109C SOUTH DUAL HWY.
SCALE: 1" = 100' SEAFORD, DE 19973

CLASS "B" SURVEY



AUTHORIZATION FOR BUILDING/PLACEMENT PERMIT ISSUANCE

TO: ASSESSMENT DIVISION

FROM: PLANNING & PERMITS DIVISION

DISTRICT 334 MAP 5.00 PARCEL 4500 UNIT _____SUBDIVISION/STREET Red Mill FarmsLOT 71. BLOCK _____

EXISTING USE

Vacant

ISSUE A

BUILDING

/

PLACEMENT

PERMIT FOR (TYPE OF IMPROVEMENT):

SPDFEES PAID: YES Y NO _____ NOT APPLICABLE _____APPROVED BY: Betty Littleton DATE: 8/20/01

(WHITE/ASSESSMENT DIVISION)

(GREEN/PROPERTY OWNER)

(YELLOW/ENGINEERING DEPARTMENT)



CERTIFICATE OF COMPLIANCE AND/OR OCCUPANCY
PER
BUILDING CODE DEPARTMENT AND/OR
PLANNING & ZONING DEPARTMENT
SUSSEX COUNTY, DELAWARE

Date of Issue Jan. 16, 2002 1/14/02 Expiration Date _____ Tax Map & Parcel 3.34 5.45
(Temporary Permit)

This certifies that the (structure) (premises) described in Permit Number 200141 conforms to and complies with the requirements of Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County, Delaware, and may be occupied as of the above date.

Approved Use Dwelling

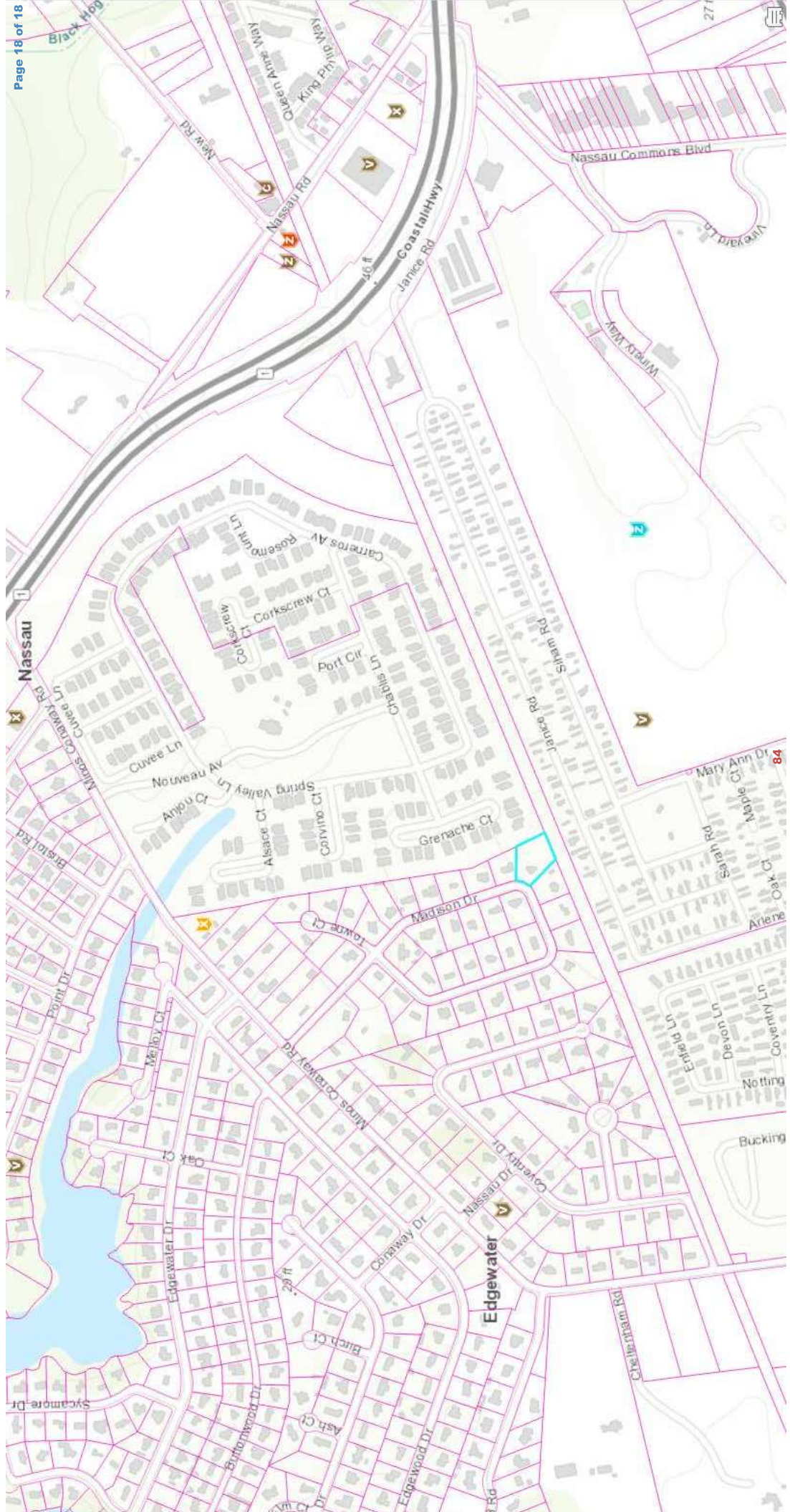
Applicant's Name Joel Robinson
Address 111 Maple Drive
Lewes, DE 19958

Approved By Van Milligan
Building Code Department for
Certificate of Occupancy

Approved By Franklin Bentley
Planning & Zoning Department per placement survey
for Certificate of Compliance

N/A: Non-Applicable

Robinson lot 71



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 It 13075
Hearing Date _____

202504036

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:

632 Sandy Point Road, Bethany Beach, Delaware 19930

Variance/Special Use Exception/Appeal Requested;

21.6ft variance for the addition from the 40 foot space requirement between buildings outlined in Sussex County Code 115-188E.(2)

Tax Map #: 1-34-17-44 Lot 26

Property Zoning: HR-2

Applicant Information

Applicant Name: Michael Mocion

Applicant Address: 9 Pinewood Drive

City Laflin State pa Zip: 18792

Applicant Phone #: _____ Applicant e-mail: _____

Owner Information

Owner Name: Same as above

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone#: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: James D. Churchman

Agent/Attorney Address: 26 The Circle

City Georgetown State de Zip: 19947

Agent/Attorney Phone #: (302) 856-7777 Agent/Attorney e-mail: james@fwsdelaw.com

Signature of Owner/Agent/Attorney



Date: 5/6/05



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.

See attached

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

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: 5/6/25

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: _____

Variance Criteria

1. Uniqueness of the property

This property is unique. The applicant's "lot" is relatively a square shape with a number of abnormalities due to it partially bordering a curved section of Sandy Point Road. This irregularity leads to the western boundary of the lot going straight then curving in towards the lot as it meets the road. Further, the unit is located right up against the shared border with unit number 25.

2. Cannot otherwise be developed

The physical circumstances of this lot paired with the restrictions in place create no possibility that the property can be developed in strict conformity with the applicable zoning code.

3. Not created by the applicant

The exceptional practical difficulty was not created by the applicant. The applicant purchased this unit with these impractical restrictions already in place. He did not choose the location of the unit nor had any choice in the other unit locations.

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

This variance will not alter the essential character of the neighborhood nor will it substantially or permanently impair the appropriate use of development of the adjacent property. The color scheme and overall look of the addition stays within the spirit of the community. Multiple variances have been granted in this community for proposed additions on the units. There is already HOA approval.

5. Minimum Variance

The applicant is requesting a 21.6' and a variance from the 40' distance between building requirement. These variances are the minimum variances that will afford relief and will represent the least modification possible.

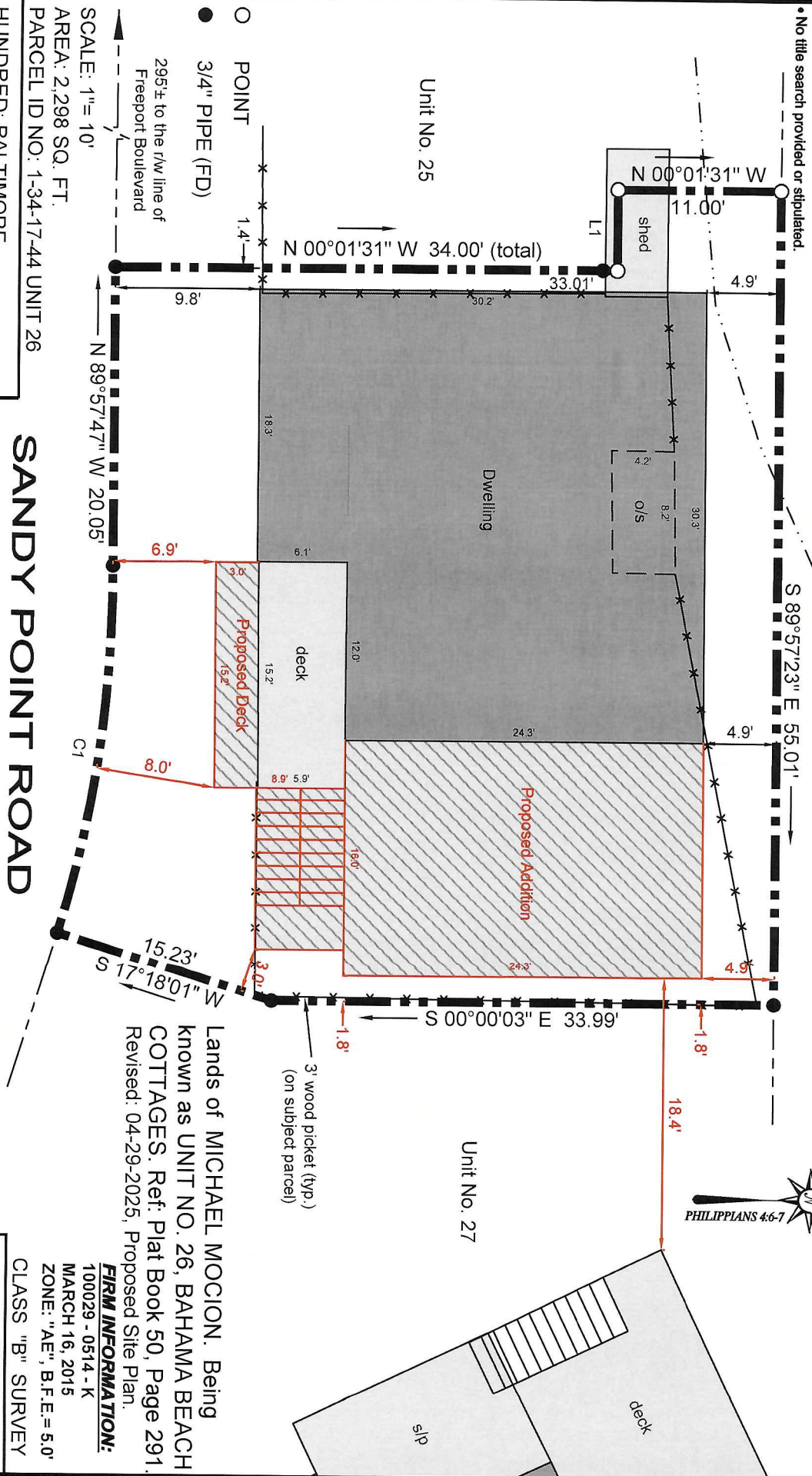
NOTES:

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property, including but not limited to Tax Ditch Easements.
- No title search provided or stipulated.

PROPERTY LINE CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	82.50'	25.26'	25.16'	N 81°52'00" W	17°32'34"

LINE	BEARING	DISTANCE
L1	S 89°58'29" W	5.50'



SANDY POINT ROAD

SIMPLER
SURVEYING
& ASSOCIATE, INC.

32486 POWELL FARM ROAD, FRANKFORD, DE 19945

www.delawaresurveyor.com

PHONE: (302) 539-7873

I, Gregory M. Hook, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.



FUQUA, WILLARD & SCHAB, P.A.

James A. Fuqua, Jr.
William Schab
Timothy G. Willard
James D. Churchman

Phone: 302-856-7777
Fax: 302-856-2128
www.fwsdelaw.com

Paynter House
26 The Circle
Georgetown, Delaware 19947

March 27, 2025

Planning and Zoning Office
Attn: Jamie Whitehouse, Director
2 The Circle
PO Box 417
Georgetown, DE 19947

RE: Michael Mocion Board of Adjustment Variance Application
Property: 632 Sandy Point Road, Bethany Beach, DE 19930

Dear Director Whitehouse:

I represent Michael Mocion, property owner of 632 Sandy Point Road, Bethany Beach, DE 19930.

Mr. Mocion is seeking a 16' variance from the 40' distance requirement between buildings for a proposed addition. Please find enclosed a copy of Mr. Mocion's Board of Adjustment Application and a check for the application fee.

Please do not hesitate to reach out to me directly should the Planning and Zoning Office have any questions or need additional information.

RECEIVED

MAR 28 2025

SUSSEX COUNTY
PLANNING & ZONING

Best,
FUQUA, WILLARD & SCHAB P.A.

BY: /s/ James D. Churchman
James D. Churchman, Esquire

Enclosure

INDEX

Exhibit A. Deed and Parcel Information

Exhibit B. Photos

Exhibit C. HOA Approval, Survey, Proposed Plans

Exhibit D. Previous Neighbor Hearings:

1. April 14, 2014, Case No. 11365, In. Re: Susan Thompson

2. March 15, 2021, Case No. 12514, In Re: Steven Staniszewski

Exhibit A

Document# 2020000034733 BK: 5286 PG: 37

Recorder of Deeds, Scott Dailey On 8/5/2020 at 3:41:53 PM Sussex County, DE

Consideration: \$312,500.00 County/Town: \$4,687.50 State: \$7,812.50 Total: \$12,500.00

Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP AND PARCEL #: 1-34 17.00

44.00 Unit 26

PREPARED BY:

Hudson, Jones, Jaywork & Fisher

309 Rehoboth Avenue

Rehoboth Beach, DE 19971

File No. MOCION-P-20/DPM

RETURN TO:

Michael Mocion

9 Pinewood Dr.

Laflin, PA 18702

THIS DEED, made this 3rd day of August, 2020,

- BETWEEN -

JAMES G. WINTERS and JULIANNE P. WINTERS, of 431 Paradise Ave.,
Catonsville, MD 21228-5215, parties of the first part,

- AND -

MICHAEL MOCION, of 9 Pinewood Dr., Laflin, PA 18702, 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 TEN DOLLARS (\$10.00), 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 his heirs and assigns, in fee simple, the following described
lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain Unit known as UNIT NO. 26, PHASE XVI, in the Condominium
known as BAHAMAS BEACH COTTAGES, a condominium, situate, lying and being in
Baltimore Hundred, Sussex County, Delaware, being more particularly bounded and described in
the Declaration of Gulfstream Development Corporation, a Delaware corporation, dated August
28, 1992, as filed for record in the Office of the Recorder of Deeds, in and for Sussex County at
Georgetown, Delaware, in Deed Book 1865, Page 299, (the "Declaration"); as amended by the
First Amendment to Declaration dated September 28, 1992, as filed for record in the Office

Document# 2020000034733 BK: 5286 PG: 38

Recorder of Deeds, Scott Dailey On 8/5/2020 at 3:41:53 PM Sussex County, DE

Doc Surcharge Paid

aforesaid, in Deed Book 1873, Page 258; as amended by the Second Amendment to Declaration dated November 6, 1992, as filed for record in the Office aforesaid, in Deed Book 1879, Page 49; as amended by the Third Amendment to Declaration dated November 13, 1992, as filed for record in the Office aforesaid, in Deed Book 1880, Page 210; as amended by the Fourth Amendment to Declaration dated December 9, 1992, as filed for record in the Office aforesaid, in Deed Book 1885, Page 308; as amended by the Fifth Amendment to Declaration dated December 28, 1992, as filed for record in the Office aforesaid, in Deed Book 1888, Page 176; as amended by the Sixth Amendment to Declaration, dated January 27, 1993, as filed for record in the Office aforesaid, in Deed Book 1894, Page 230; as amended by the Seventh Amendment to Declaration, dated February 10, 1993, as filed for record in the Office aforesaid, in Deed Book 1897, Page 157; as amended by the Eighth Amendment to Declaration, dated February 24, 1993, as filed for record in the Office aforesaid in Deed Book 1899, Page 312; as amended by the Ninth Amendment to Declaration, dated March 4, 1993, as filed for record in the Office aforesaid in Deed Book 1901, Page 35; as amended by the Tenth Amendment to Declaration, dated April 30, 1993, as filed for record in the Office aforesaid in Deed Book 1909, Page 344; as amended by the Eleventh Amendment to Declaration, dated May 14, 1993, as filed for record in the Office aforesaid in Deed Book 1912, Page 161; as amended by the Twelfth Amendment to Declaration, dated May 19, 1993, as filed for record in the Office aforesaid in Deed Book 1913, Page 108; as amended by the Thirteenth Amendment to Declaration, dated June 15, 1993, as filed for record in the Office aforesaid in Deed Book 1917, Page 135; as amended by the Fourteenth Amendment to Declaration, dated June 25, 1993, as filed for record in the Office aforesaid in Deed Book 1919, Page 208; as amended by the Fifteenth Amendment to Declaration, dated July 26, 1993, as filed for record in the Office aforesaid in Deed Book 1924, Page 281; as amended by the Sixteenth Amendment to Declaration, dated August 19, 1993, as filed for record in the Office aforesaid in Deed Book 1931, Page 51; as amended by the Seventeenth Amendment to Declaration, dated September 10, 1993, as filed for record in the Office aforesaid in Deed Book 1935, Page 63; as amended by the Eighteenth Amendment to Declaration, dated September 16, 1993, as filed for record in the Office aforesaid in Deed Book 1937, Page 49; as amended by the Nineteenth Amendment to Declaration, dated October 7, 1993, as filed for record in the Office aforesaid in Deed Book 1942, Page 221; as amended by the Twentieth Amendment to Declaration, dated October 22, 1993, as filed for record in the Office aforesaid in Deed Book 1943, Page 41; as amended by the Twenty-first Amendment to Declaration, dated November 18, 1993, as filed for record in the Office aforesaid in Deed Book 1946, Page 206; as amended by the Twenty-second Amendment to Declaration for Subdivision, recorded December 23, 1993, in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 1953, Page 121; as amended by the Twenty-third Amendment to Declaration recorded January 14, 1994, in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 1957, Page 27; as amended by the Twenty-fourth Amendment to Declaration recorded March 7, 1994, in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 1965, Page 71; as amended by the Twenty-fifth Amendment to Declaration for Subdivision, recorded March 16, 1994, in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 1966, Page 329; as amended by the Twenty-sixth Amendment to Declaration recorded December 16, 2013, in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 4207, Page 267; and in the Declaration Plan of BAHAMAS BEACH COTTAGES prepared by Land Tech Inc., Registered Surveyors, dated August 27, 1992, as filed for record in the Office of the Recorder of Deeds aforesaid, in Plot Book 48, Page

Document# 2020000034733 BK: 5286 PG: 39

Recorder of Deeds, Scott Dailey On 8/5/2020 at 3:41:53 PM Sussex County, DE

Doc Surcharge Paid

331, (the "Declaration Plan" Phase I); and in the First Amendment to Declaration Plan dated September, 1992, as filed for record in the Office aforesaid, in Plot Book 49, Page 47; and in the Second Amendment to Declaration Plan dated November 3, 1992, as filed for record in the Office aforesaid, in Plot Book 49, Page 114; and in the Third Amendment to Declaration Plan dated November 11, 1992, as filed for record in the Office aforesaid, in Plot Book 49, Page 127; and in the Fourth Amendment to Declaration Plan dated December 9, 1992, as filed for record in the Office aforesaid, in Plot Book 49, Page 173; and in the Fifth Amendment to Declaration Plan dated December 28, 1992, as filed for record in the Office aforesaid, in Plot Book 49, Page 225; and in the Sixth Amendment to Declaration Plan dated January 25, 1993, as filed for record in the Office aforesaid, in Plot Book 49, Page 279; and in the Seventh Amendment to Declaration Plan, dated February 9, 1993, as filed for record in the Office aforesaid in Plot Book 49, Page 312; and in the Eighth Amendment to Declaration Plan, dated February 19, 1993, as filed for record in the Office aforesaid in Plot Book 49, Page 335; and in the Ninth Amendment to Declaration Plan, dated March 3, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 2; and in the Tenth Amendment to Declaration Plan, dated April 30, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 112; and in the Eleventh Amendment to Declaration Plan, dated May 12, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 157; and in the Twelfth Amendment to Declaration Plan, dated May 19, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 172; and in the Thirteenth Amendment to Declaration Plan, dated June 10, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 217; and in the Fourteenth Amendment to Declaration Plan, dated June 23, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 242; and in the Fifteenth Amendment to Declaration Plan, dated July 22, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 288; and in the Sixteenth Amendment to Declaration Plan, dated August 18, 1993, as filed for record in the Office aforesaid in Plot Book 50, Page 336; and in the Seventeenth Amendment to Declaration Plan, dated September 8, 1993, as filed for record in the Office aforesaid in Plot Book 51, Page 29; and in the Eighteenth Amendment to Declaration Plan, dated September 15, 1993, as filed for record in the Office aforesaid in Plot Book 51, Page 62; and in the Nineteenth Amendment to Declaration Plan, dated October 6, 1993, as filed for record in the Office aforesaid in Plot Book 51, Page 122; and in the Twentieth Amendment to Declaration Plan, dated October 21, 1993, as filed for record in the Office aforesaid in Plot Book 51, Page 130; and in the Twenty-first Amendment to Declaration Plan, dated November 17, 1993, as filed for record in the Office aforesaid in Plot Book 51, Page 159; and in the Amendment to Declaration Plan dated December 6, 1993, as filed for record in the Office aforesaid, in Plot Book 51, Page 240; and in the Amendment to Declaration Plan dated January, 1994, as filed for record in the Office aforesaid, in Plot Book 51, Page 273; and in the Amendment to Declaration Plan dated February, 1994, and filed for record in the Office aforesaid, in Plot Book 51, Page 341; and in the Amendment to Declaration Plan dated March, 1994, as filed for record in the Office aforesaid, in Plot Book 52, Page 10, all pursuant to the provisions of the Unit Property Act of the State of Delaware, Title 25, Section 2201, et. seq. of the Delaware Code, said property being subject to a Code of Regulations recorded August 28, 1992, in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1865, Page 324, (the "Code of Regulations"); as amended by the Amended and Restated Code of Regulations recorded December 16, 2013, in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 4207, Page 232.

TOGETHER WITH a proportionate undivided interest totaling 1.35% subject to decrease to a lesser percentage calculated by the formula set forth in Schedule B of the Declaration, in all of the

Document# 2020000034733 BK: 5286 PG: 40

Recorder of Deeds, Scott Dailey On 8/5/2020 at 3:41:53 PM Sussex County, DE

Doc Surcharge Paid

Common Elements of the said BAHAMAS BEACH COTTAGES as said Common Elements are more particularly bounded and described in the aforesaid Declaration and Declaration Plan.

AND TOGETHER WITH all other rights, title, interest and privileges provided for or created by the said Unit Property Act (25 Del. C. Sec. 2201, et. seq.), for and in the Owners of property made subject to the provisions of the Act.

AND TOGETHER WITH the license, right and privilege in common with all other present and future owners of all units in the BAHAMAS BEACH COTTAGES to use the roadways or rights-of-way delineated on the Declaration Plan of BAHAMAS BEACH COTTAGES as well as all future roadways or rights-of-way submitted by any supplement, amendment, modification or revision to the Declaration and Declaration Plan or as such be amended.

AND TOGETHER WITH the easements, licenses, rights and privileges, which shall be perpetual and run with the Unit described above, subject to the rights of others in and to the use thereof: (i) easements in common with the owners of all of the other units in the condominium as set forth and granted in the Declaration, specifically including, but not limited to those easements specified in Sections 13, 14 and 15 thereof; (ii) as set forth in the Declaration and Code of Regulations hereinabove mentioned; and (iii) subject to the reservations of the Developer under Sections 5 and 6 of the Declaration appearing in Deed Book 1865 at Page 299.

SUBJECT TO AND WITH, the following restrictions, covenants or conditions:

1. The Grantee, for and on behalf of the Grantee and the Grantee's heirs, personal representatives, successors and assigns, by the acceptance of this Deed, covenants and agrees to pay such charges for the maintenance of, repairs to, replacement of and expenses in connection with the common elements as may be assessed from time to time by the Council in accordance with the Unit Property Act of Delaware (Chapter 22 of Title 25 of the Delaware Code) and further covenants and agrees that the Unit conveyed by this Deed shall be subject to a charge for all amounts so assessed; and that except insofar as Section 2236 and 2237 of Title 25 of the Delaware Code may relieve a subsequent unit owner of liability for prior unpaid assessments, this covenant shall run with and bind the land and/or Unit hereby conveyed and all subsequent owners thereof.
2. All the rules, regulations, restrictions, covenants or conditions duly imposed upon the property by the Declaration recorded in Deed Book 1865 at Page 1865 at Page 299, and the Code of Regulations recorded in Deed Book 1865 at Page 324, as the same may be, from time to time, amended.
3. The Grantee, for and on behalf of the Grantee and the Grantee's heirs, personal representatives, successors and assigns, by acceptance of this Deed, covenants and agrees to pay such charges as may be assessed to Grantee's Unit or Grantee by the Condominium Council of BAHAMAS BEACH COTTAGES.

Unless the context shall indicate otherwise or unless otherwise defined, the terms used herein shall have the meanings ascribed to them in the Declaration, the Code of Regulations or

Document# 2020000034733 BK: 5286 PG: 41

Recorder of Deeds, Scott Dailey On 8/5/2020 at 3:41:53 PM Sussex County, DE

Doc Surcharge Paid

this Indenture. However, if such definition should be in conflict with the definition of such terms in the Unit Property Act, then the definition contained in the Unit Property Act shall control.

BEING the same property conveyed to James G. Winters and Julianne P. Winters from David A. Killian and Janet T. Killian, by Deed dated January 17, 2003, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on February 6, 2003, in Deed Book 2800, Page 286.

SUBJECT to any and all applicable 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:

Amanda Winters

James G. Winters
James G. Winters

Amanda Winters

Julianne P. Winters
Julianne P. Winters

STATE OF MARYLAND, COUNTY OF Howard : to-wit

BE IT REMEMBERED, that on July 24, 2020, personally came before me, the subscriber, James G. Winters and Julianne P. Winters, 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.

Sharon C. Ross
Notary Public

My Commission Expires: November 30, 2022

Home Property Records Search ▾

Profile
Sales
Owners
Land
Agriculture
Residential
Outbuildings
Values
Permits
Sketch
Map
Documents

PARID: 134-17.00-44.00-26
MOCION MICHAEL

632 SANDY POINT RD

1 of 1

[Return to Search Results](#)**Property Information**

Property Location: 632 SANDY POINT RD
Unit:
City: BETHANY BEACH
State: DE
Zip: 19930

Class: R-Residential
Use Code (LUC): 105-Residential - Condo
Town: 00-None
Tax District: 134 - BALTIMORE
School District: 1 - INDIAN RIVER
Fire District: 70-Bethany Beach
Deeded Acres: .1535
Frontage: 0
Depth: .000
Irr Lot:
Plot Book Page: /PB

100% Land Value: \$62,800
100% Improvement Value: \$294,700
100% Total Value: \$357,500

Actions

[Printable Summary](#)
[Printable Version](#)

Legal

Legal Description BAHAMAS BEACH
 COTTAGES
 UNIT 26

Owners

Owner	Co-owner	Address	City	State	Zip
MOCION MICHAEL		9 PINEWOOD DR	LAFLIN	PA	18702

Sussex County
 Administrative Office Building
 PO Box 589, 2 The Circle
 Georgetown, DE 19947

Contact Us
 Phone: (302) 855-7824
 Fax: (302) 855-7828
 Email: assessment@sussexcountyde.gov
 Hours: Monday-Friday 8:30am-4:30pm

[Location](#) [Google Map](#)[Search Disclaimer](#)

Home Property Records Search ▼

Profile
Sales
Owners
Land
Agriculture
Residential
Outbuildings
Values
Permits
Sketch
Map
Documents

PARID: 134-17.00-44.00-26

MOCION MICHAEL

632 SANDY POINT RD

1 of 1

[Return to Search Results](#)**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2024	MOCION MICHAEL		9 PINWOOD DR	LAFLIN	PA	18702	5286/37
2023	MOCION MICHAEL		9 PINWOOD DR	LAFLIN	PA	18702	5286/37
2022	MOCION MICHAEL		9 PINWOOD DR	LAFLIN	PA	18702	5286/37
2021	MOCION MICHAEL		9 PINWOOD DR	LAFLIN	PA	18702	5286/37
2021	MOCION MICHAEL		9 PINWOOD DR	LAFLIN	PA	18702	5286/37
2020	MOCION MICHAEL		9 PINWOOD DR	LAFLIN	PA	18702	5286/37
2020	WINTERS JAMES G & WINTERS JULIANNE P		431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2020	WINTERS JAMES G	JULIANNE P WINTERS	431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2019	WINTERS JAMES G & WINTERS JULIANNE P		431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2018	WINTERS JAMES G & WINTERS JULIANNE P		431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2017	WINTERS JAMES G & WINTERS JULIANNE P		431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2006	WINTERS JAMES G	JULIANNE P	WINTERS 431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2004	WINTERS JAMES G	JULIANNE P	WINTERS 431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2004	WINTERS JAMES G	JULIANNE P	WINTERS 431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
2003	WINTERS JAMES G	JULIANNE P	WINTERS 431 S PARADISE AVE	CATONSVILLE MD		21228	2800/286
1900	GULFSTREAM DEVELOPMENT CORPORATION					0	2350/307
1900	SEBASTIAN RUBEN S CAROLE J					0	2350/307
1900	GULFSTREAM DEVELOPMENT CORPORATION					0	1924/281

Actions

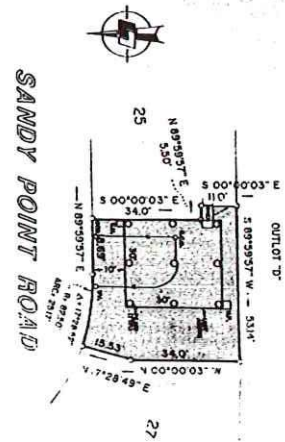
- Printable Summary
- Printable Version

Sussex County
Administrative Office Building
PO Box 589, 2 The Circle
Georgetown, DE 19947

Contact Us
Phone: (302) 855-7824
Fax: (302) 855-7828
Email: assessment@sussexcountyde.gov
Hours: Monday-Friday 8:30am-4:30pm

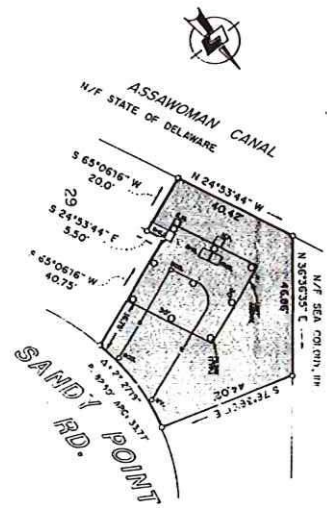
Location [Google Map](#)

[Search Disclaimer](#)



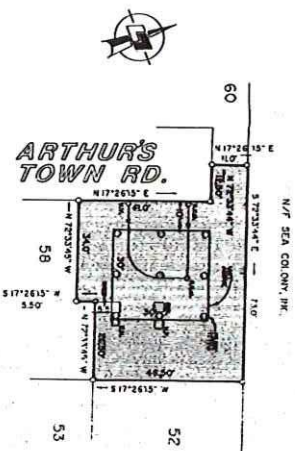
BAHAMAS BEACH COTTAGES

LOCATION OF UNIT 26
WITHIN THE LIMITED COMMON
ELEMENT FOR UNIT 26



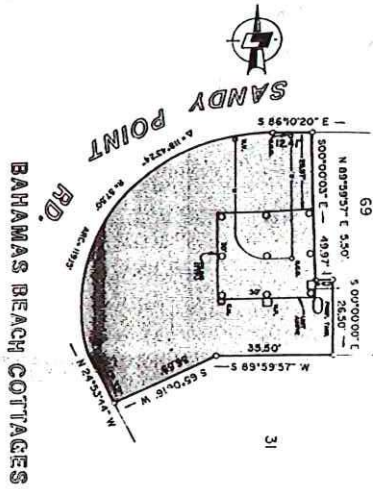
BAHAMAS BEACH COTTAGES

LOCATION OF UNIT 30
WITHIN THE LIMITED COMMON
ELEMENT FOR UNIT 30



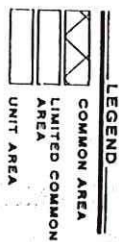
BAHAMAS BEACH COTTAGES

LOCATION OF UNIT 59
WITHIN THE LIMITED COMMON
ELEMENT FOR UNIT 59



BAHAMAS BEACH COTTAGES

LOCATION OF UNIT 70
WITHIN THE LIMITED COMMON
ELEMENT FOR UNIT 70



50' x 20'

NOTE:
THIS PLOT AND SURVEY DOES NOT VERIFY
THE EXISTENCE OF NON-EXISTENCE OF
RIGHT-OF-WAYS OR EASEMENTS PERTAINING TO
THIS PROPERTY.



SURVEYOR, PLANNERS, CONSULTING ENGINEERS

1001 S. 10th St. Suite 100
Miami Beach, Florida 33139-4400

BAHAMAS BEACH
COTTAGES

EXPANDING
CONDOMINIUM
UNIT & UTILITIES
LOCATION PLAN

91057

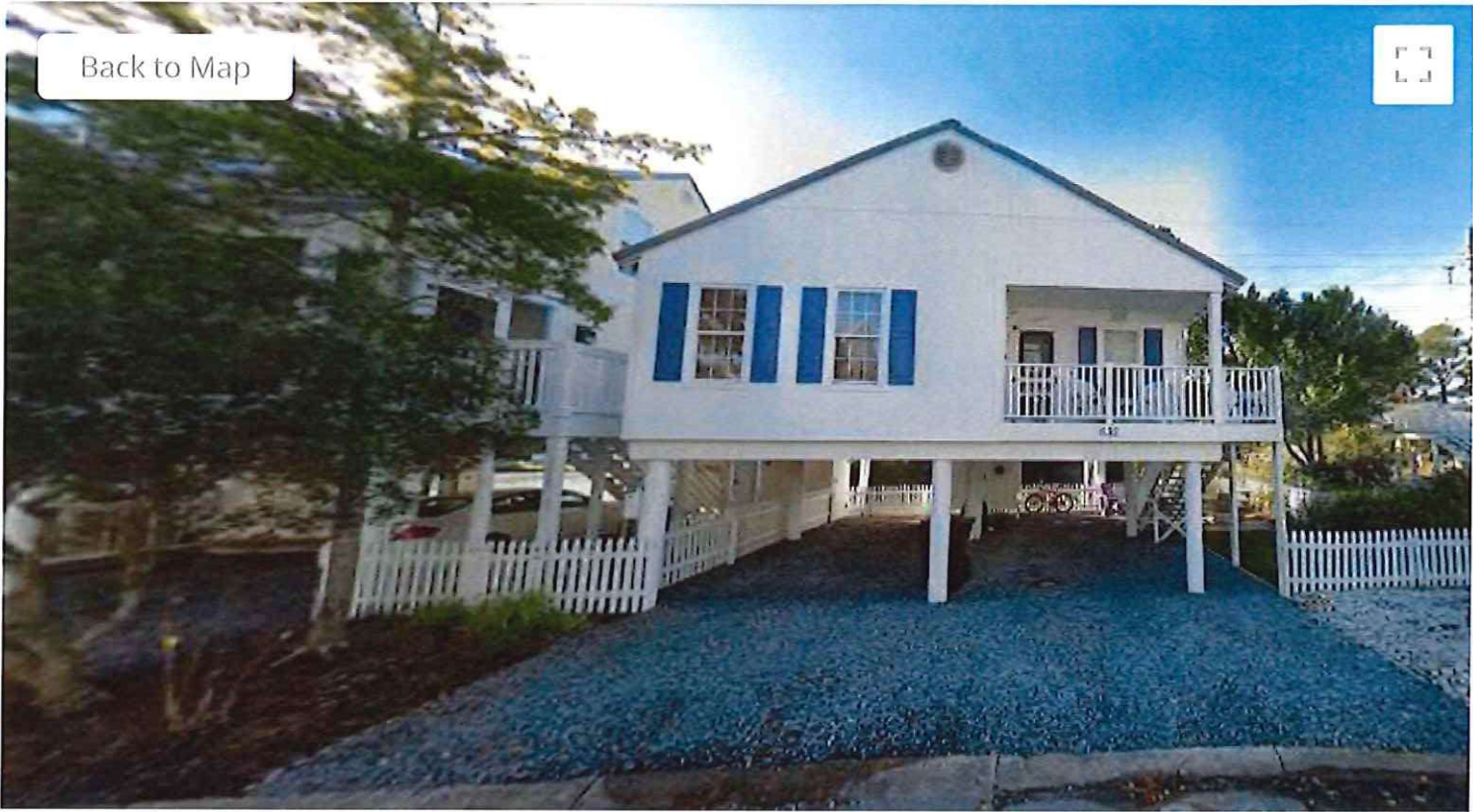
4 OF 8

B-324 DP

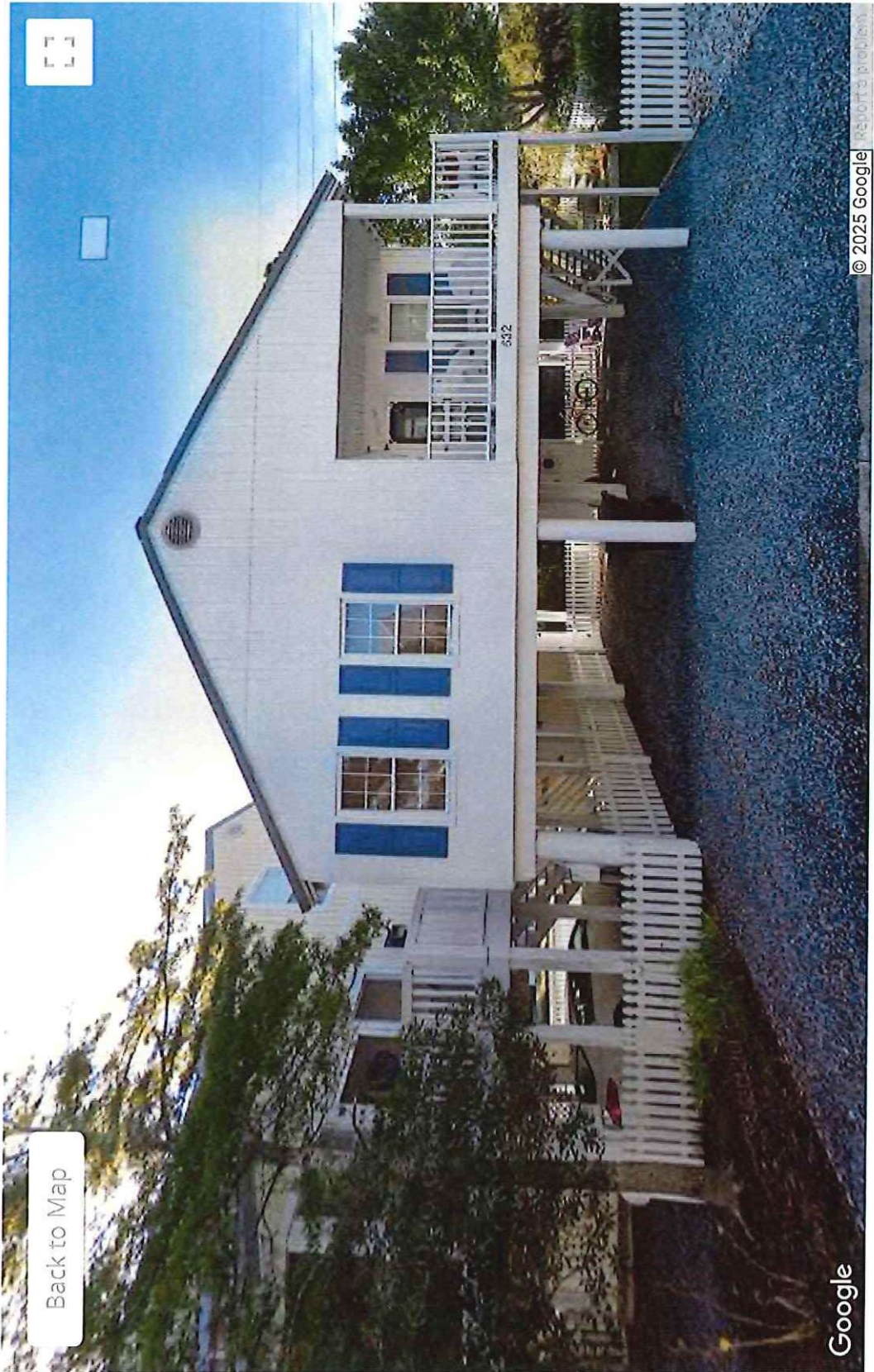
Exhibit B

Map Satellite Lot lines

Back to Map



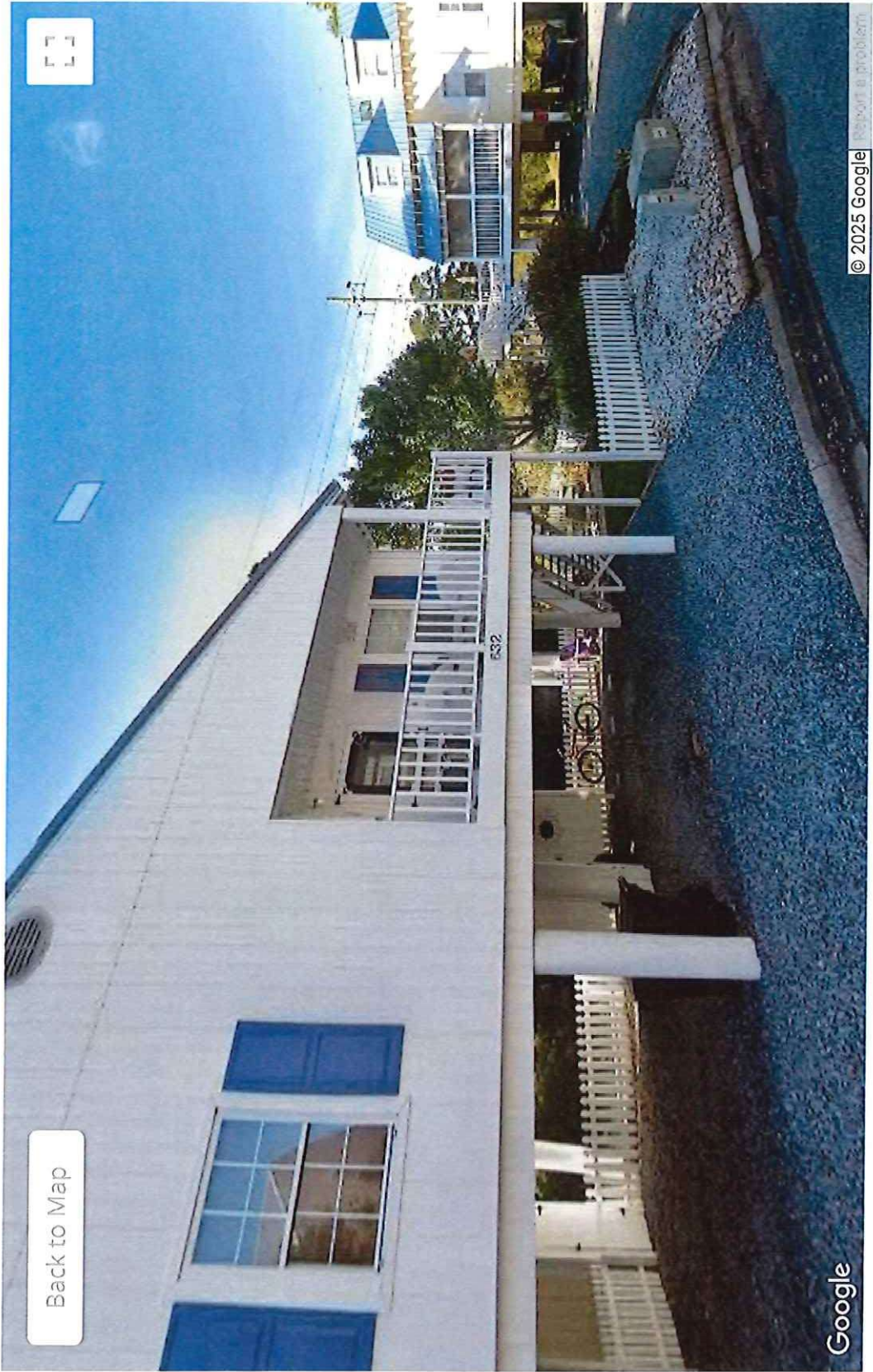
Directions Save Home Share



Directions Save Home Share



Directions Save Home Share



Back to Map

Google

© 2025 Google Report a problem

Exhibit C

Bahamas Beach Cottages

c/o Legum & Norman C4-Edgewater House Road Bethany Beach, DE 19930
Office: 302-537-9499 Fax: 302-539-1447

Date

Mr. Michael Mocion
9 Pinewood Dr
Laflin, PA 18702

RE: Addition - 632 Sandy Point Road - Bahamas Beach Cottages

Dear Mr. Mocion:

Thank you for requesting approval for the proposed addition to your unit at 632 Sandy Point Road.

Based on the information provided in your request, the BBC Council conditionally approves the proposed addition.

This approval is subject to the following conditions:

- You are responsible for conforming to pertinent zoning requirements and obtaining building or other applicable permits or approvals for your project. *Work may not start until you submit to the Council all permits and approvals, including copies of supporting materials submitted to Sussex County to obtain any permits and approvals. After the Council has reviewed these materials, it will provide you with written confirmation you may begin work. Submission of permits and supporting materials to the Council shall constitute your acceptance of the conditions specified herein.*
- The exterior must reasonably match the drawings provided with your request (enclosed). Pilings will be the same as the existing pilings in size and color. The exterior siding and roofing must match the existing siding and roofing. Windows shall be the same style as existing windows. Shutters will be installed on all windows facing the street and must match the existing shutters. If, during the project, you plan to make any exterior changes that substantially differ from the drawings you submitted to Council, you must obtain prior approval from the Council for any such changes.
- Work will be performed by licensed and bonded contractors. All contractors shall carry necessary liability insurance to indemnify the Bahamas Beach Cottages Association should the Association incur any expenses as a result of the contractor's work, otherwise, you will be held responsible.
- You must provide letters to the Council, signed by all contractors, including subcontractors, that indicate they know of and will adhere to conditions specified by the Council (example attached). Work may not start until you provide the Council with proof that this condition is met. If other contractors are later hired, such proof shall be provided before they start work.

- Hours of construction are permitted between 8:00 a.m., and 6:00 p.m. – Monday through Saturday. No work is permitted on Sundays or holidays, unless for extraordinary reasons you can demonstrate to the Council that such work needs to be performed on a Sunday or holiday. The Council reserves the right to grant or deny any request in its entirety, or impose certain conditions on such request.
- You must ensure all construction will be within the lot assigned to your unit, in particular, the proposed addition will not encroach on the lot line along the pond.
- Contractors shall ensure that no debris, construction materials or chemicals enter the pond. However, if necessary, construction workers can work along the pond and they must promptly repair any damage that may be caused as a result of such work.
- If it is absolutely necessary to trim trees or bushes originating outside your lot line, trimming must be kept to a minimum. If any vegetation trimmed as part of this work dies or is or clearly dying within a year of obtaining final use and occupancy approval, it will be assumed it was the result of the trimming for this project unless you can demonstrate otherwise. You will be responsible for replacing any dead/dying plants with comparable ones (replacing a mature tree with a sapling will not be considered comparable).
- The work site must be kept clean and orderly when the contractor(s) are not working at the site.
- Prior approval by the Council will be necessary before a dumpster can be placed in the street or elsewhere in the community.
- Improvements to your unit are not be covered under our Master Policy. Accordingly, you must obtain any additional insurance coverage necessitated by this addition.

As work on the addition you propose will likely be lengthy and have an impact on the community, please provide the Council with the expected start date of work and the expected completion date. If possible, Council asks that you try to schedule work “off season” to minimize the impact on the community. As projects such as this often deviate from the initial estimate, please keep the Council updated on any schedule changes.

Council reserves the right to withdraw or modify this conditional approval if work is not started within a year of the date on this letter.

Thank you for your co-operation.

Sincerely,

Donna Hemphill, Managing Agent
Legum & Norman

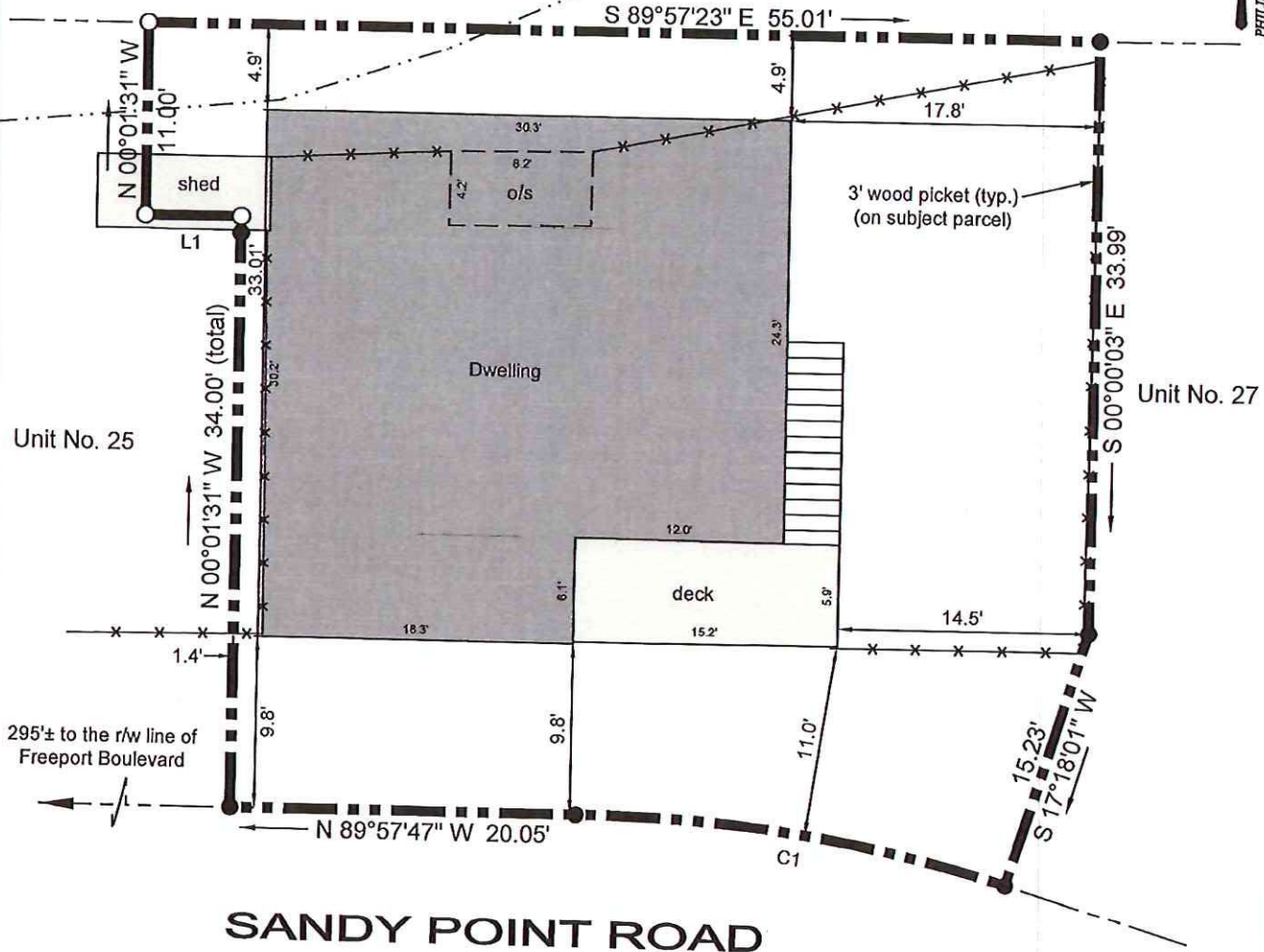
NOTES:

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.

- No title search provided or stipulated.

PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	82.60'	25.26'	25.16'	N 81°52'00" W	17°32'34"

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°58'29" W	6.50'



○ POINT

● 3/4" PIPE (FD)

SCALE: 1"= 10'

AREA: 2,298 SQ. FT.

PARCEL ID NO: 1-34-17-44 UNIT 26

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 04/11/2024

DRAWN BY: MATT LEVESQUE

REVIEWED BY: MICHAEL LOVELAND

Lands of MICHAEL MOCION. Being known as UNIT NO. 26, BAHAMA BEACH COTTAGES. Ref: Plat Book 50, Page 291.

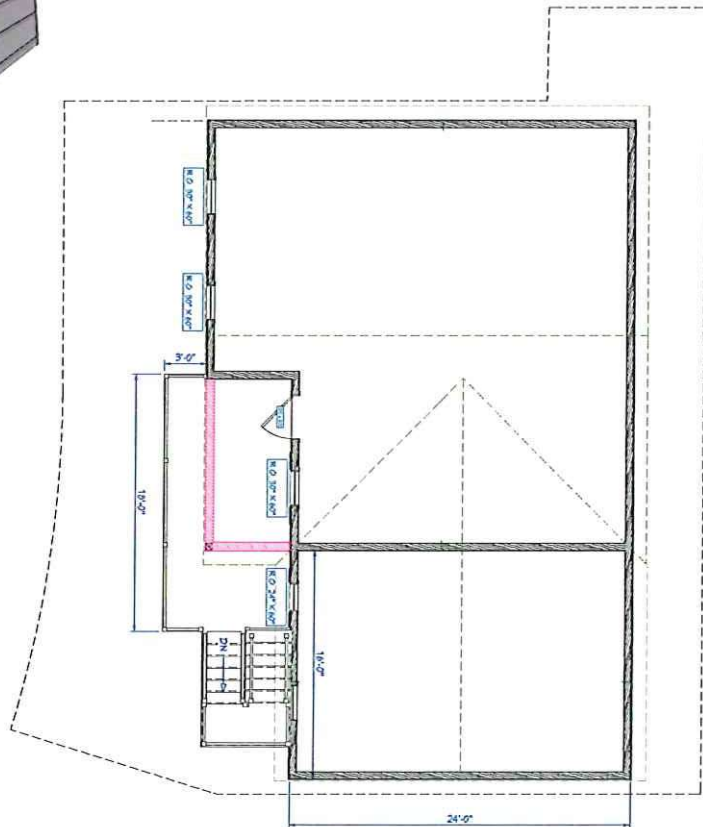
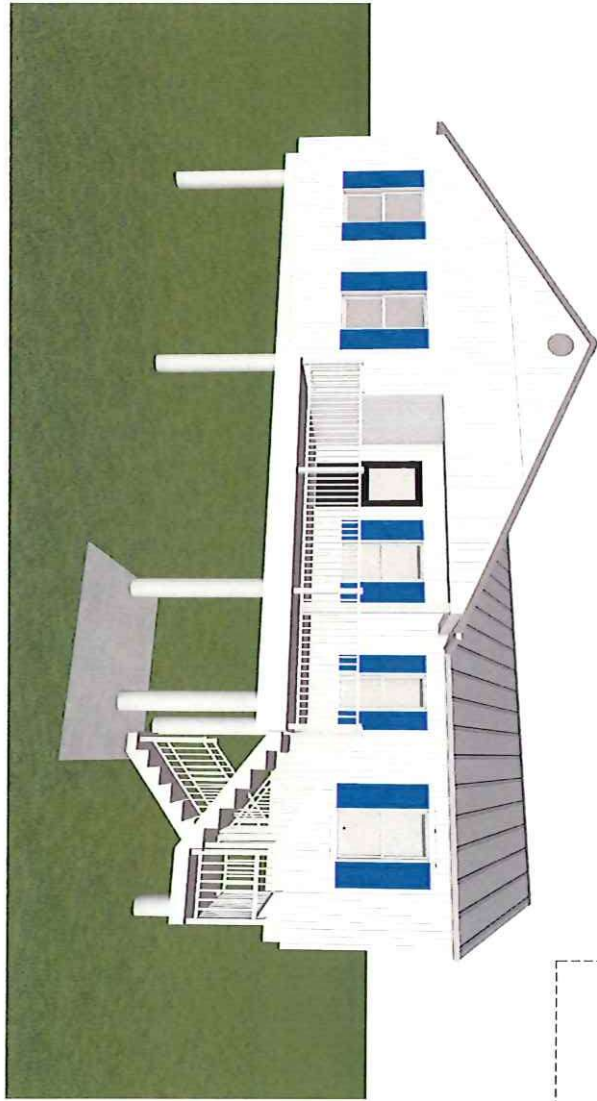
FIRM INFORMATION:

100029 - 0514 - K
MARCH 16, 2015
ZONE: "AE", B.F.E.= 5.0'
CLASS "B" SURVEY

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



I, Gregory M. Hook, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.



TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH OWNER'S AND/OR BUILDER'S SPECIFICATIONS AND ANY CHANGES MADE ON THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE OWNER'S AND/OR BUILDER'S EXPENSE AND RESPONSIBILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ENCLOSED DRAWINGS. DRAFTER IS NOT LIABLE FOR ERRORS ONCE CONSTRUCTION HAS BEGUN. WHILE EVERY EFFORT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE MAKER CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS PRIOR TO CONSTRUCTION AND BE SOLELY RESPONSIBLE THEREAFTER.



PAGE: A-0.2

6/21/2024
12:33:08 PM

COVER SHEET

DRAWING PROVIDED BY:
ERIC ROBERTS

SCALE:
PRINTED ON 24x36 (FULL SCALE)
PRINTED ON 12x18 (1/2 SCALE)

CORE DRAFTING

2181T 46th Avenue
Lemmon, SD 57054
Phone/Text (605) 310-0500



Exhibit D

The News Journal
The Wave

BALTIMORE HUNDRED
Case No. 11365

FEBRUARY 21, 2014

NOTICE OF PUBLIC HEARING

COUNTY BOARD OF ADJUSTMENT HEARING

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a variance as provided by: Chapter 115, Article XXV Subsection 115-188 Item E-2 of said ordinance of **SEAN & SUSAN THOMPSON** who are seeking a variance from the separation requirement between units, to be located north of Road 361 (Muddy Neck Road and Kent Avenue) and the Assawoman Canal being Unit 41 of Bahamas Beach Cottages on New Providence Road (Tax Map I.D. #1-34-17.00-44.00 Unit 41).

The hearing will be held in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware, on Monday evening, **MARCH 17, 2014**, at **7:00 P.M.**

All interested parties should attend and present their views. If unable to attend the public hearing, written comments will be accepted but must be received prior to public hearing.

For additional information, contact the Planning and Zoning Department at 302-855-7878.



MINUTES OF APRIL 14, 2014

The regular meeting of the Sussex County Board of Adjustment was held on Monday, April 14, 2014, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with James Sharp – Assistant County Attorney, and staff members, Ms. Melissa Thibodeau – Zoning Inspector II, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

Case No. 11356 – Dale E. Wetzel & Jean L. Wetzel – south of Road 312 (River Road) across from Pocohontas Avenue and approximately 0.4 mile east of Road 311 (Chief Road) and being Lot 14 in Riverdale Park. (Tax Map I.D. 2-34-34.12-49.00)

An application for a variance from the side yard setback requirement.

Ms. Thibodeau presented the case. Jean Wetzel was sworn in and testified requesting a variance of two (2) feet from the ten (10) feet side yard setback requirement for a proposed addition. Ms. Wetzel testified that her existing house has two (2) very small bedrooms and a very small bathroom; that the proposed addition will be an expansion of two (2) existing bedrooms and a bathroom; that both Applicants have balance issues; that Dale Wetzel recently underwent back surgery and uses a cane; that she also underwent recent surgery; that the extra space will allow the Applicants to maneuver around their home more easily; that the variance is necessary enable reasonable use of the Property; that the Property is unique in shape and narrows toward the rear of the Property; that the shape of the Property creates the need for the variance; that the difficulty was not created by the Applicants and arose due to the Applicants' medical problems; that their neighbors have no objection to the Application; that the variance sought is the minimum variance to afford relief; that the front of the yard abuts against Indian River; that the addition is six (6) feet; and that the proposed addition will run the length of the existing dwelling which will enhance the appearance of the existing dwelling.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11356 for the requested variance based on the record made at the public hearing and for the following reasons:

Minutes
 April 14, 2014
 Page 11

is constructed; that the surrounding properties are commercial properties; and that the use will not substantially adversely affect the uses of the surrounding and adjacent neighboring properties.

The Board found that no parties appeared in support of or in opposition to the Application.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the case be taken under advisement. Motion carried 5 – 0.

The vote by roll call; Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, Mr. Mills – yea, and Mr. Callaway – yea.

At the conclusion of the public hearings, the Chairman referred back to this case. Mr. Mills stated that he would move that the Board recommend approval of Special Use Exception Application No. 11364 for the requested special use exception for a period of one (1) year based on the record made at the public hearing because the use does not substantially affect adversely the uses of adjacent and neighboring properties.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the special use exception be **granted for a period of one (1) year for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11365 – Susan Thompson – north of Road 361 (Muddy Neck Road and Kent Avenue) and the Assawoman Canal being Unit 41 of Bahamas Beach Cottages on New Providence Road. (Tax Map I.D. 1-34-17.00-44.00-Unit 41)

An application for variances from the separation requirement between units.

Ms. Thibodeau presented the case. Susan Thompson and Rick Shafer were sworn in and testified requesting a variance of 2.5 feet from the forty (40) feet separation requirement between units for a proposed set of steps and a variance of three (3) feet from the forty (40) feet separation requirement between units for an existing screen porch. Ms. Thompson testified that she acquired the Property in 2000; that the screen porch existed at that time; that the existing dwelling is too small for her growing family; that the additional space will be a family room; that the steps need to be relocated in order to gain access to the dwelling; that parking is under the dwelling; that the proposed steps are in line with the existing screen porch; and that she was unaware the porch did not comply.

Mr. Shafer testified that he is the president of the homeowners association and that the homeowners association has no objection to the Application.

Minutes
April 14, 2014
Page 12

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11365 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique in shape;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Meeting Adjourned 10:15 p.m.

MINUTES OF MARCH 15, 2021

The regular meeting of the Sussex County Board of Adjustment was held on Monday, March 15, 2021, at 6:00 p.m. in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Chair John Williamson presiding. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Mr. John T. Hastings, Mr. John Williamson, and Mr. Brent Workman. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney, and staff members Mr. Jamie Whitehouse – Director of Planning and Zoning, Ms. Jennifer Norwood – Planning and Zoning Manager, Ms. Christin Scott – Planner I and Mr. Nicholas Torrance – Planner I.

The Pledge of Allegiance was led by Mr. Williamson.

Mr. Whitehouse announced that he had an update regarding Case No. 12535 – FDPN Management, LLC, and that a letter was received this afternoon requesting a withdrawal of the Application and that request will be considered after the scheduled recess.

Motion by Dr. Carson, seconded by Mr. Chorman, and carried unanimously to approve the agenda as presented. Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Williamson – yea, Dr. Carson – yea, Mr. Hastings – yea and Mr. Chorman - yea.

Motion by Mr. Chorman, seconded by Dr. Carson, and carried unanimously to approve the Minutes for the January 25, 2021, meeting. Motion carried 5 – 0.

The vote by roll call; Mr. Williamson – yea, Mr. Workman – yea, Dr. Carson – yea, Mr. Hastings – yea and Mr. Chorman - yea.

Motion by Mr. Hastings, seconded by Mr. Workman, and carried to approve the Findings of Facts for the January 25, 2021, meeting. Motion carried 5 – 0.

The vote by roll call; Mr. Williamson – yea, Mr. Workman – yea, Dr. Carson – yea, Mr. Hastings – yea and Mr. Chorman - yea.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

Case No. 12514 – Steven Staniszewski seeks a variance from the separation distance requirements for a proposed structure (Sections 115-50, 115-182, 115-183 and 115-188 of the Sussex County Code). The property is located on the east side of Arthurs Town Road within Bahamas Beach Cottages. 911 Address: 602 Arthurs Town Road, Bethany Beach. Zoning District:

Board of Adjustment Minutes
March 15, 2021
2 | Page

HR-2. Tax Parcel: 134-17.00-44.00-57

Mr. Whitehouse presented the case and stated that the Office of Planning and Zoning received two letters in support of and five letters in opposition to the Application and four mail returns. The Applicant is requesting a 10 ft. variance from the required 40 ft. separation distance between buildings.

Mr. Steven Staniszewski and Mr. Jim Brennan were sworn in to give testimony about the Application.

Mr. Staniszewski submitted an additional letter of support to the Board members.

Mr. Staniszewski testified that he wanted to build a deck at this home; that he applied for and received a building permit from the County; that, after completing the deck, he and his wife decided to increase the size of the deck; that, when applying for the second building permit, it was discovered that the original permit should not have been issued due to the separation distance between the buildings; that the original deck was approved; that he was advised that, if he wished to add to the deck, a variance would be necessary; that there are similar decks in the neighborhood and that other variances have been granted while others do not have variances; that, with his Application, he included previous cases approved by the Board; that he proposes to expand the length of the deck and add 3 feet; that the lot is unique; that the lot is an odd-shaped lot without a clear understanding of where the lot boundaries are; that it cannot otherwise be developed as it is the only area to use and build a deck; that this was not created by the Applicants but by how the lots and homes were originally created; that it will not alter the essential character of the neighborhood as there are similar decks in the area and will increase the use of this property; that the variance requested is the minimum request to afford relief; that he has spoken with neighbors and has submitted a letter in support of the Application from the adjacent neighbor; that the deck will not be enclosed; that this deck has also been approved by the HOA; that the size of the deck will be 10 feet wide by 30 feet long; that the home is served by public water and sewer; that there will be no steps to the rear as it will be connected to the existing deck; that an elevated deck is being requested because the applicant has health issues and found the issues increased by pests when at ground level; that the property is part of a condominium with limited common elements; that he purchased the property in 2002; that previously the house was as a rental unit but will be the permanent dwelling when the Applicant retires; that a smaller deck would not accommodate the entire family without the addition; that the deck went onto the neighboring lot and is being corrected with this proposal; and that there is no fence to the side yard.

Mr. Brennan testified that the insurance for the limited common elements is covered by homeowner's insurance and by the HOA master policy; that the association's master policy would not cover the deck; that the Applicant would have to get separate insurance for the deck; that he has a similar deck on his unit; that the Applicant wanted a 14 foot deck but that was denied; that he felt a 10 foot deck was fair; that homes are attached by sheds; and that this property has an odd lot line.

Board of Adjustment Minutes
 March 15, 2021
 3 | Page

The Board found that Mr. Brennan appeared in support of and no one appeared in opposition to the Application.

Mr. Williamson closed the public hearing.

Dr. Carson moved to approve Case No. 12514 for the requested variance for the following reasons: that the property has unique physical conditions; that the variance will not alter the essential character of the neighborhood; and that the variance represents the minimum variance necessary to afford relief.

Motion by Dr. Carson, seconded by Mr. Chorman, carried that the **variance be granted for the reasons stated.** Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Williamson – yea, Dr. Carson – yea, Mr. Hastings – yea and Mr. Chorman - yea.

Recess
 6:50 p.m. – 7:30 p.m.

Mr. Whitehouse thanked the Board members and members of the public for their patience for the elongated recess this evening. There is an issue with the live feed through the County website; that the teleconference system is working, and the meeting should continue in the next 5 – 10 minutes.

Case No. 12535 – FDPN Management, LLC seeks a special use exception for a potentially hazardous use (Concrete crusher to support the manufacturing and recycling associated with a concrete batch plant) (Sections 115-110, 115-111 and 115-210 of the Sussex County Zoning Code). The property is located on the west side of Sussex Highway (Rt. 13) approximately 0.33 mile north of Cannon Road. 911 Address: 20354 Sussex Highway, Seaford. Zoning District: HI-1. Tax Parcel: 131-19.00-5.00

Mr. Whitehouse stated that the Applicant submitted a letter this afternoon with a request to withdraw the Application; that letter has been distributed to members of the Board; and that the Applicant is here to respond to any questions that the Board may have about that request.

Mr. Sharp stated that, because the letter was not submitted more than two business days before the hearing, it is necessary for the Board to vote on the withdrawal request.

Mr. Mike Reiman stated that a letter was submitted on behalf of the Applicant to withdraw the Application; that the Applicant received a large amount of correspondence from the community on Friday; that the Applicant could not meet the deadline to withdraw as they did not have the

Board of Adjustment Minutes
March 15, 2021
4 | Page

information until after the deadline for a withdrawal; and that the Applicant would like to take the time to review all the correspondence and see how they can address the concerns of the area residents.

Motion by Dr. Carson, seconded by Mr. Chorman, carried unanimously to approve the request to withdraw the Application. Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Williamson – yea, Dr. Carson – yea, Mr. Hastings – yea and Mr. Chorman - yea.

ADDITIONAL BUSINESS

There was no additional business.

Meeting adjourned at 7:40p.m.

Board of Adjustment Application Sussex County, Delaware

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

Case # 12514
Hearing Date 1/25
2020/3/26

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☒
Code Reference (office use only)
115-50 115-102
115-103

Site Address of Variance/Special Use Exception:

602 Arthur's Town Road, Bethany

Variance/Special Use Exception/Appeal Requested:

I am requesting a 10' variance so that I can expand the current 7' deck to 10'. I would like to expand the length of the Deck from the current 16' to 31' which would run lengthwise of the house

10-Expand from 16' to 31' separation between units
Tax Map #: 1-34-17-44 Property Zoning: HR-2

Applicant Information

Applicant Name: Steven Staniszewski
Applicant Address: 800 Monroe Manor road
City Stevensville State MD Zip: _____
Applicant Phone #: _____ Applicant e-mail: 21666

Owner Information

Owner Name: Same as above
Owner Address: _____
City _____ State _____ Zip: _____ Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



Date: 12/7/20



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.

This property is unique in shape in that the property lines both jog to the left about 30' from the front of the house. The original developer of our community left many odd shape lots in our development. In other parts of our community we already have decks or structures that have been granted variances. Case No. 10282 Jack and Rebecca Orr the county granted a 10.7' variance from the required 40' separation

2. Cannot otherwise be developed:

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

The variance is necessary for us to enable reasonable use of the property This would allow us to be able to put on a larger deck so that we can enjoy our home more.

3. Not created by the applicant:

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

The difficulty of the our lot was not created by the applicant. This variance will enable us to fully use our home.

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

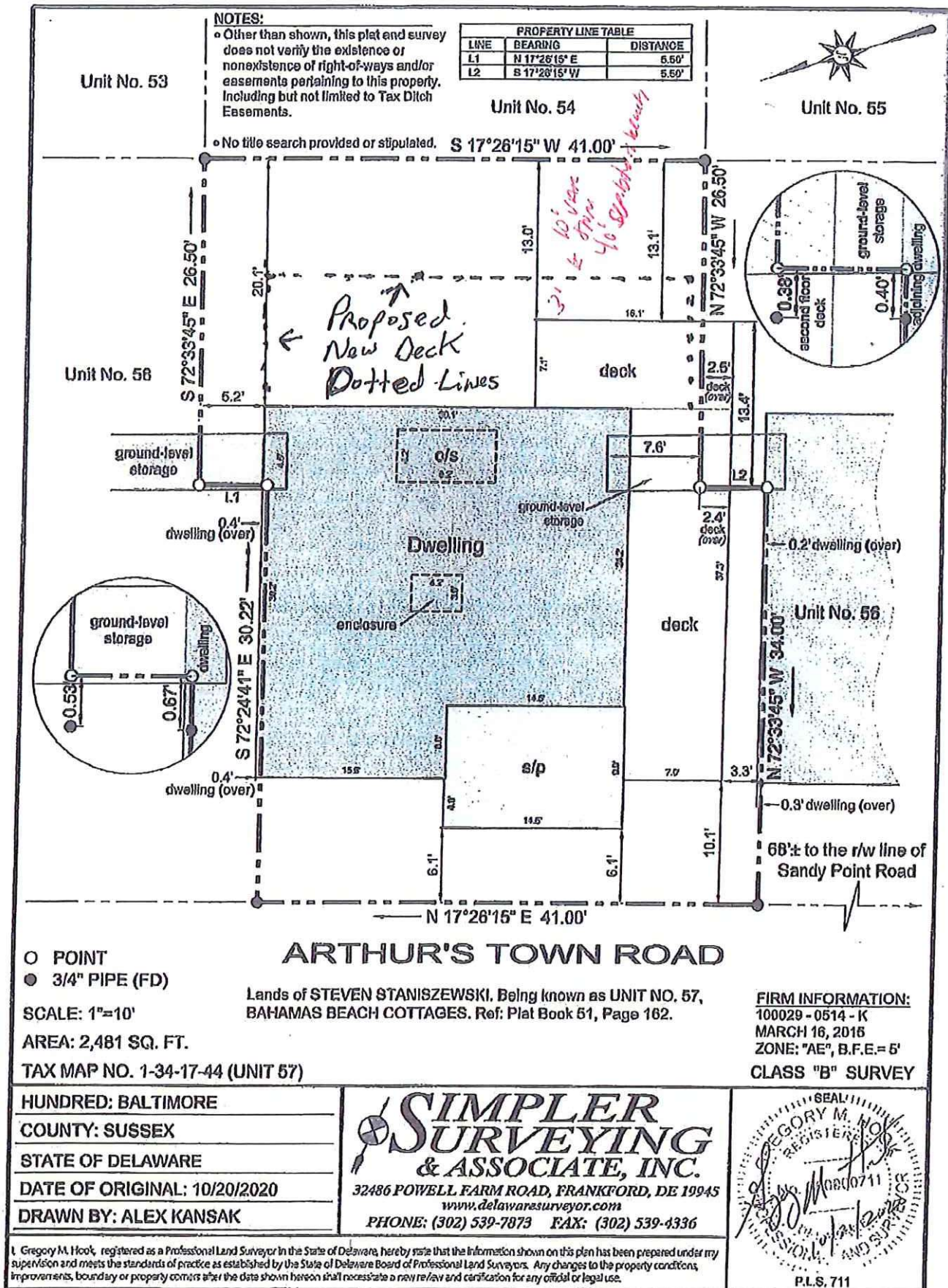
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The variance will not alter the essential character of the Bahama Beach Cottages. We have letters of support from two of our community board members (see inclosed letters). There has been four variances already approved by the county Case #10273, 10346, 10282 and 11365

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 sought of 10' is the minimum variance necessary to afford relief. This would allow us to move forward with the addition of our deck so that we can maximize the use and enjoyment of our home



James C. Brennan
 601 Cape Eleuthra Rd
 Bethany Beach, DE 19930

October 16, 2020

Subject: Board of Adjustment Application for Variance filed by Steven Staniszewski
property located at 602 Arthurs Town Rd, Bethany Beach, DE (Bahamas Beach Cottages)

Dear Sussex County Board of Adjustment:

In accordance with the "Check List for Applications" (page 4), I am writing to provide additional Information for the Board to consider, and to state my support for granting a variance under the circumstances.

In addition to being a neighbor, I am President of the Bahamas Beach Cottages Homeowners Association and, therefore, familiar with the approval process for structural additions such as decks within the community.

Under our governing bylaws, "No unit owner shall make any exterior and/or structural addition, alteration, or improvement" to his unit without the prior written consent thereto of the Council." Furthermore, "[a]ny application to any governmental authority for a permit to make an addition, alteration, repair, replacement, or improvement in or to any unit and/or the Limited Common Elements appurtenant thereto **shall be the responsibility of the unit owner . . .**" (emphasis added). Accordingly, when Council reviews an owner request to make a change, we review the request in terms of architectural appearance consistent with existing structures that were either built originally with the unit, or later approved by Council as consistent with the architectural intent and appearance of the community.

In Mr. Staniszewski's case, Council approved his request to build a deck on the rear of his unit, similar to other approved decks within the community. Such approval was based on the described dimensions, colors, material and overall appearance of the deck. As noted above, when such requests are approved by Council, owners are advised that it remains their responsibility to obtain all applicable permits and approvals from the County.

In this case, it is my understanding that Mr. Staniszewski followed the rules and applied and obtained the necessary building permit. Following the completion of the new deck, Mr. Staniszewski now hopes to expand his existing deck along the back of his unit and within his unit's limited common area boundary, the area designed to be for the exclusive use and

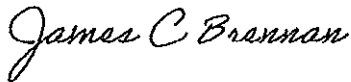
enjoyment of the owner. However, when he researched the follow-up process with the County, he learned that his current deck is less than the standard 40 ft., separation between buildings without having a variance approved. Fortunately, the County recognized that a mistake was made and advised Mr. Staniszewski that it would waive the variance requirement on his existing deck.

If Mr. Staniszewski moves forward with his deck expansion request and submits his request to BBC Council, we would review such request as we always have and consistent with our limited role. Based on my experience with his previous deck addition, along with other unit owners' similar requests, I see no reason why Mr. Staniszewski's new request would not be approved, subject to the usual provisos regarding owner responsibility to obtain the necessary permits from the County.

Lastly, on the issue of variances granted by the county, I am aware that a number of owners within the BBC Community have obtained variance to build large additions to their units, including decks that fall within the standard 40 ft. distance between buildings.

I hope this letter serves to provide relevant information for the County's review process and will be happy to answer any questions on this matter. I can be reached by cell at (302) 542-8028.

Respectfully,



James C. Brennan

Paul E. Dietze
603 Cape Eleuthra Rd
Bethany Beach, DE 19930

October 31, 2020

Re: Board of Adjustment Application for Variance filed by Steven Staniszewski
concerning property located in Bahamas Beach Cottages at
602 Arthurs Town Rd, Bethany Beach, DE 19930

Dear Sussex County Board of Adjustment:

In accordance with the "Check List for Applications" on the Board of Adjustment Application, Sussex County, DE (page 4), I am writing to provide "additional information for the Board to consider", concerning the above-identified matter. In particular, this letter is to show why I have no objection for granting a variance.

I am on the Council of Bahamas Beach Cottages ("BBC") Homeowners Association and, therefore, familiar with the approval process for structural additions such as the addition of decks to property within the community.

Under our governing bylaws state: "No unit owner shall make any exterior and/or structural addition, alteration, or improvement" to his unit without the prior written consent thereto of the Council." Accordingly, when an owner request to make a change to their property, Council reviews the request in terms of architectural appearance consistent with existing structures that were either built originally with the unit, or later approved by Council as consistent with the architectural intent and appearance of the community. When such requests are approved by Council, the property owner(s) is advised that it is their responsibility to obtain all applicable permits and approvals from the County.

Council had approved an earlier request by Mr. Staniszewski's to build a deck on the rear of his unit, similar to other approved decks within the community. Approval was based on the dimensions, colors, material, and overall appearance of the deck that was provided by Mr. Staniszewski. As I understand it, before building his deck, Mr. Staniszewski had applied for and obtained the necessary building permit to construct his deck.

Mr. Staniszewski would now like to expand his existing deck along the back of his unit and within his unit's limited common area boundary, the area designed to be for the exclusive use and enjoyment of the owner. It is my understanding that when he researched the procedure for expanding his deck with the County, he learned that his current deck is located beyond the standard 40 ft. separation between buildings and without having an approved variance. The County, however, recognized that a mistake had been made and advised Mr. Staniszewski that it would waive the variance requirement on his existing deck.

If Mr. Staniszewski moves forward with his request to expand his deck and submits his request to BBC Council, we would review such request as we always have and consistent with our limited role. As noted above, when Council reviews an owner request to make a change, we review the request in terms

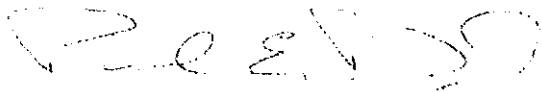
of architectural appearance consistent with existing structures that were either built originally with the unit, or later approved by Council as consistent with the architectural intent and appearance of the community. Based on my experience with his previous deck addition, along with similar requests from other unit owners, I see no reason why Mr. Stansizewski's new request would not be approved, subject to the usual provisos regarding owner responsibility to obtain the necessary permits from the County.

I see no reason to oppose Mr. Stansizewski's request for a variance.

Should you need any additional information or have any questions, please feel free to contact me. I can be reached by cell at (410) 302-1498 or email at dietze2@verizon.net.

Thank you.

Sincerely,

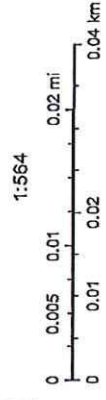
A handwritten signature in dark ink, appearing to read "P. E. Dietze", with a stylized flourish at the end.

Paul E. Dietze



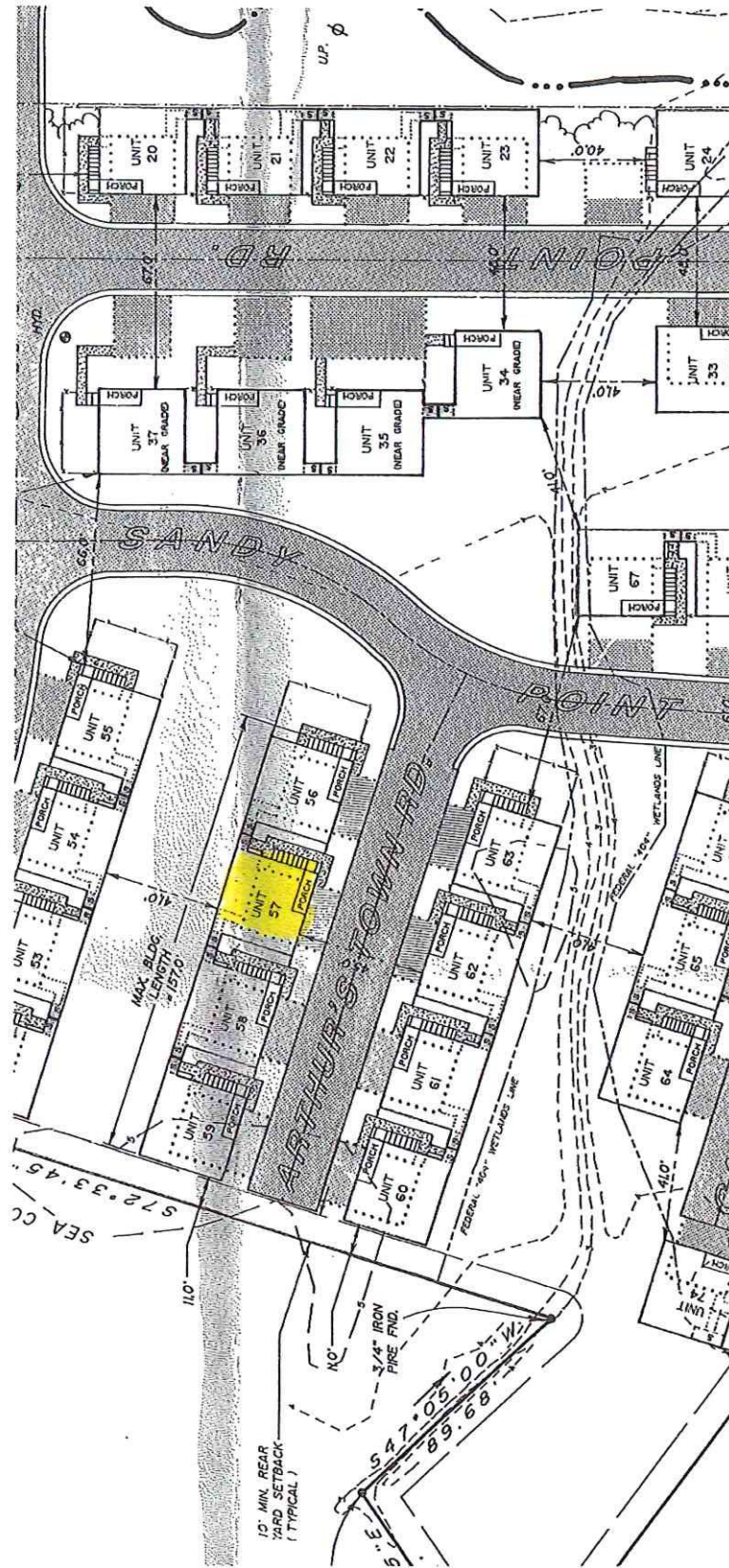
PIN:	134-17 00-44 00-12
Owner Name	BELL ARTHUR W TRUSTEE OF THE
Book	4444
Mailing Address	2515 BAYSIDE DR
City	BALTIMORE
State	MD
Description	BAHAMAS BEACH
Description 2	COTTAGES UNIT 12
Description 3	
Land Code	

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



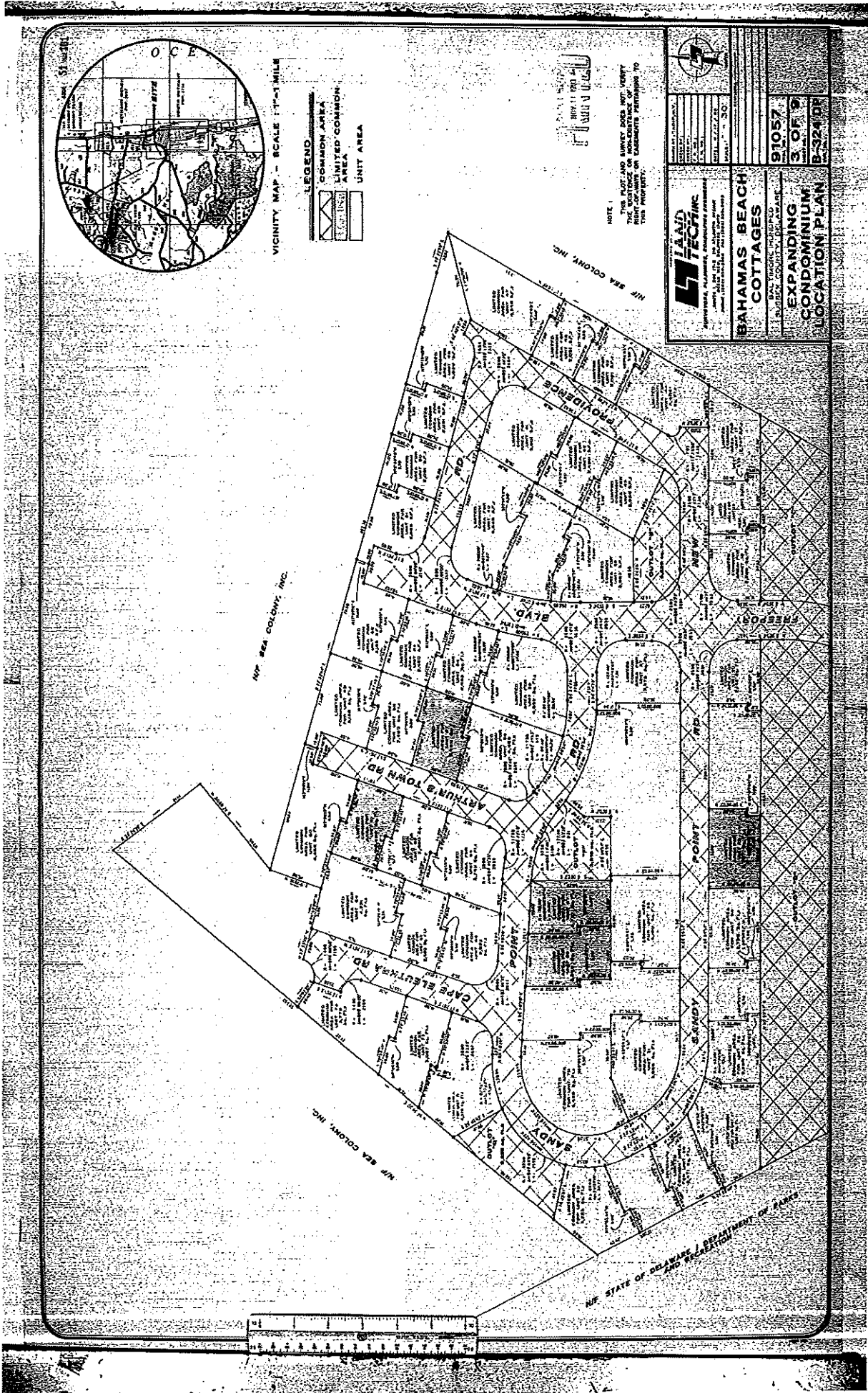
November 23, 2020

Case 12512 - Staniszewski



Landmark Web Official Records Search

12/17/2020



<https://goods.sussexcountysde.gov/landmarkWeb/searchIndex?theme=blue§ion=searchCriteriaName&quickSearchSelection=#>



26190

NO. 31-159

DECLARATION PLAN FOR :

BAHAMAS BEACH
COTTAGES

EXPANDING CONDOMINIUM

PHASE XXII

UNITS 23, 57, 61, 67, & 68

BALTIMORE - HUNDRED - SUSSEX COUNTY - DELAWARE
A CONDOMINIUM PROJECT UNDER DELAWARE UNIT PROPERTY ACT 25 DE. CODE 2201 ET SEQ.

APPROVED
As of 10/1/2020
By
Notary Public
for the State of Delaware



This is to certify that the above described
Declaration Plan was duly recorded in the
Public Records Office of the State of Delaware
on the 10th day of October, 2020, at the
City of Dover, Delaware, and that the same
is a true and correct copy of the original
as the same appears in the Public Records
Office of the State of Delaware.

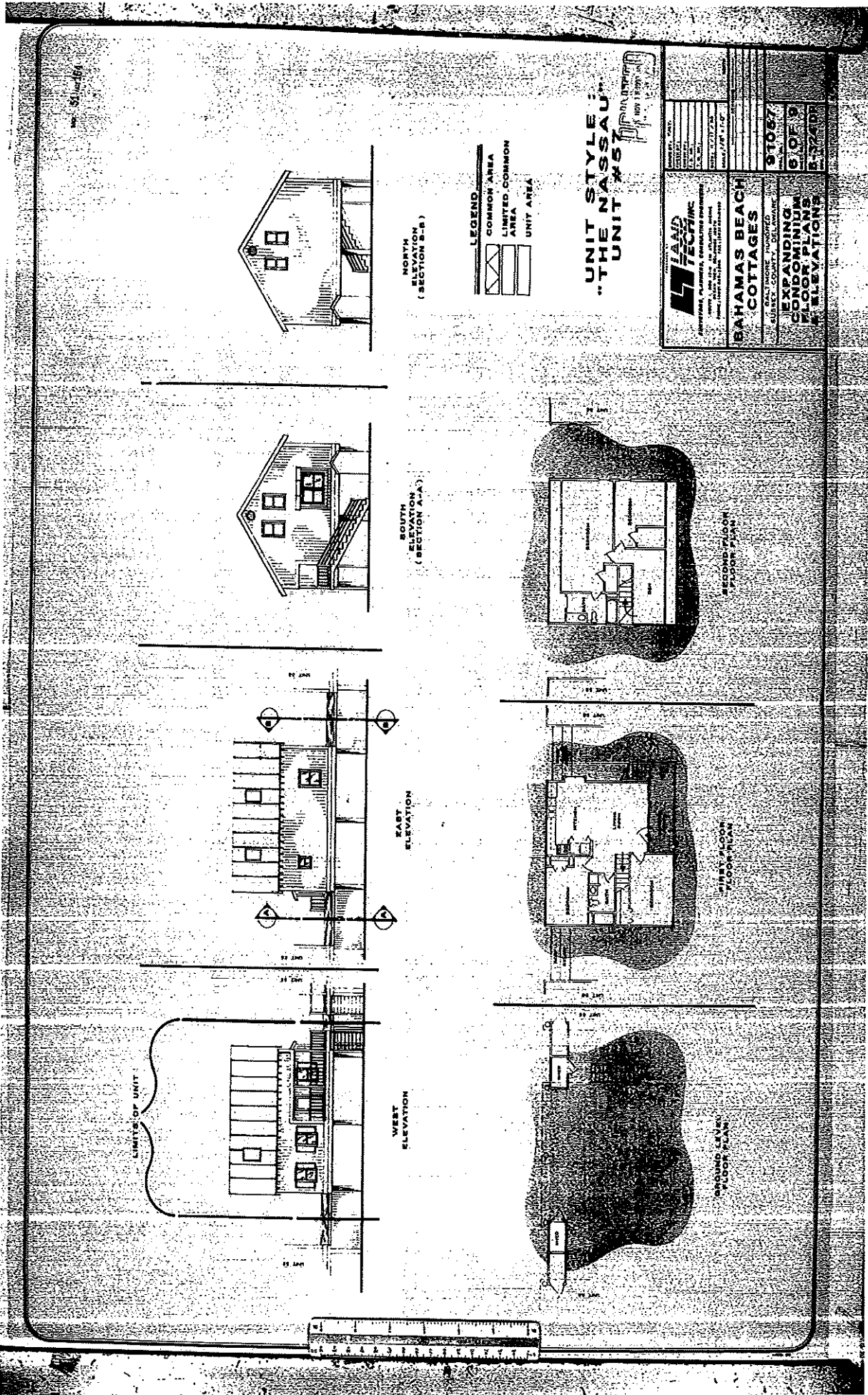
Notary Public
for the State of Delaware

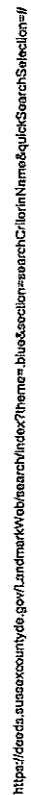


PRINTED
NOT RECORDED
2020 OCT 10

LAND FORT PROPERTY, PLANNING & CONSTRUCTION 1000 N. MARKET ST. SUITE 200 BALTIMORE, MD 21201 TEL: 410.528.1234		BAHAMAS BEACH COTTAGES BALTIMORE - HUNDRED SUSSEX COUNTY, DELAWARE	
EXPANDING CONDOMINIUM TITLE SHEET		91057	1 OF 9
		EXPAND	







BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KENNETH MILLS

CASE NO. 10273 – 2008

A hearing was held after due notice on October 20, 2008. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of Proceedings

This is an application for a variance from the separation requirement between multi-family structures.

Finding of Facts

The Board found that the Applicant was seeking a variance from the required separation distance between multi-family structures north of Road 361, 500 feet north of Road 363, Unit 7, Bahamas Beach Cottages. The Applicant was requesting a 9 foot variance from the required 40 foot separation distance between buildings. After a hearing, the Board made the following findings of fact:

1. The condominium buildings were constructed in 1993, and the Applicant purchased a unit in 1995.
2. The Applicant wishes to construct a deck and sun room, similar to other changes which are being made in the community. For example, the Applicant's neighbor has added a deck on the back of a unit. The Applicant has received approval from the owners' association for the changes.
3. The Board determined that the variance was the minimum necessary to afford relief and would not alter the essential character of the neighborhood.
4. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT
OF SUSSEX COUNTY**

Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date _____

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JACK AND REBECCA ORR

CASE NO. 10282 – 2008

A hearing was held after due notice on October 20, 2008. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of Proceedings

This is an application for a variance from the separation requirement between multi-family units.

Finding of Facts

The Board found that the Applicant was seeking a variance from the required separation distance between multi-family units north of Road 361, east of Freeport Boulevard, Unit 38, Bahamas Beach Cottages. The Applicant was requesting a 10.7 foot variance from the required 40 foot separation distance between units. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to construct a deck and screened porch on an existing unit.
2. Similar improvements are being made by other unit owners.
3. The Applicant has the support of the owners' association.
4. The Board determined that the properties were unique, and the requested variance is the minimum necessary to afford relief.
5. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT
OF SUSSEX COUNTY**

Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date _____.

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RICKY SHAFER

CASE NO. 10346 – 2009

Nature of the Proceedings

This is an application for a variance from the separation requirement between units.

Finding of Facts

The Board found that the Applicant was seeking a variance from the required separation distance between units, north of Road 361, 500 feet north of Road 363, and at the northeast corner of Arthur's Town Road and Sandy Point Road, Unit 56, Bahamas Beach Cottages. The Applicant was requesting a 2.33' variance from the required 40' separation distance between units. After a hearing, the Board made the following findings of fact:

1. The Applicant replaced a portion of Unit 56 with a larger addition, and found that the steps encroached into the setback.
2. Absent the stairs, the Applicant would have no access to or exit from the addition, which would be a safety hazard.
3. The addition was approved in error in 2004.
4. The Board has found from prior cases that the entire 40' separation is unnecessary in the event emergency vehicles are required.
5. The Board determined that the variance would not alter the essential character of the neighborhood and was the minimum necessary or afford relief.
6. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT
OF SUSSEX COUNTY**

Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date _____.

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SUSAN THOMPSON

(Case No. 11365)

A hearing was held after due notice on April 14, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the separation requirement between units.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.5 feet from the forty (40) feet separation requirement between units for a proposed set of steps and a variance of three (3) feet from the forty (40) feet separation requirement between units for an existing screen porch. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Road 361 (Muddy Neck Road and Kent Avenue) and the Assawoman Canal being Unit 41 of Bahamas Beach Cottages on New Providence Road; said property being identified as Sussex County Tax Map Parcel Number 1-34-17.00-44.00-Unit 41. After a hearing, the Board made the following findings of fact:

1. Susan Thompson and Rick Shafer were sworn in to testify on behalf of the Application.
2. The Board found that Ms. Thompson testified that she acquired the Property in 2000 and that the screen porch existed at that time.
3. The Board found that Ms. Thompson testified that the existing dwelling is too small for her growing family and the additional space will be a family room.
4. The Board found that Ms. Thompson testified that the steps need to be relocated in order to gain access to the dwelling because parking is under the dwelling.
5. The Board found that Ms. Thompson testified that the proposed steps are in line with the existing screen porch.
6. The Board found that Ms. Thompson testified that she was unaware the porch did not comply with the setback requirements.
7. The Board found that Mr. Shafer testified that he is the president of the homeowners association and that the homeowners association has no objection to the Application.
8. The Board found that no parties appeared in support of or in opposition to the Application.
9. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique in shape. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff

Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date_____

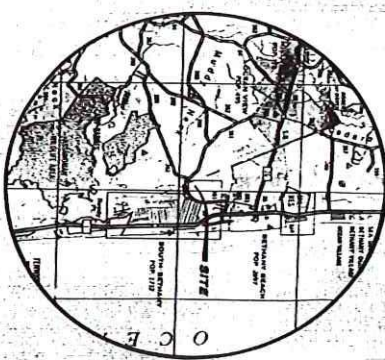
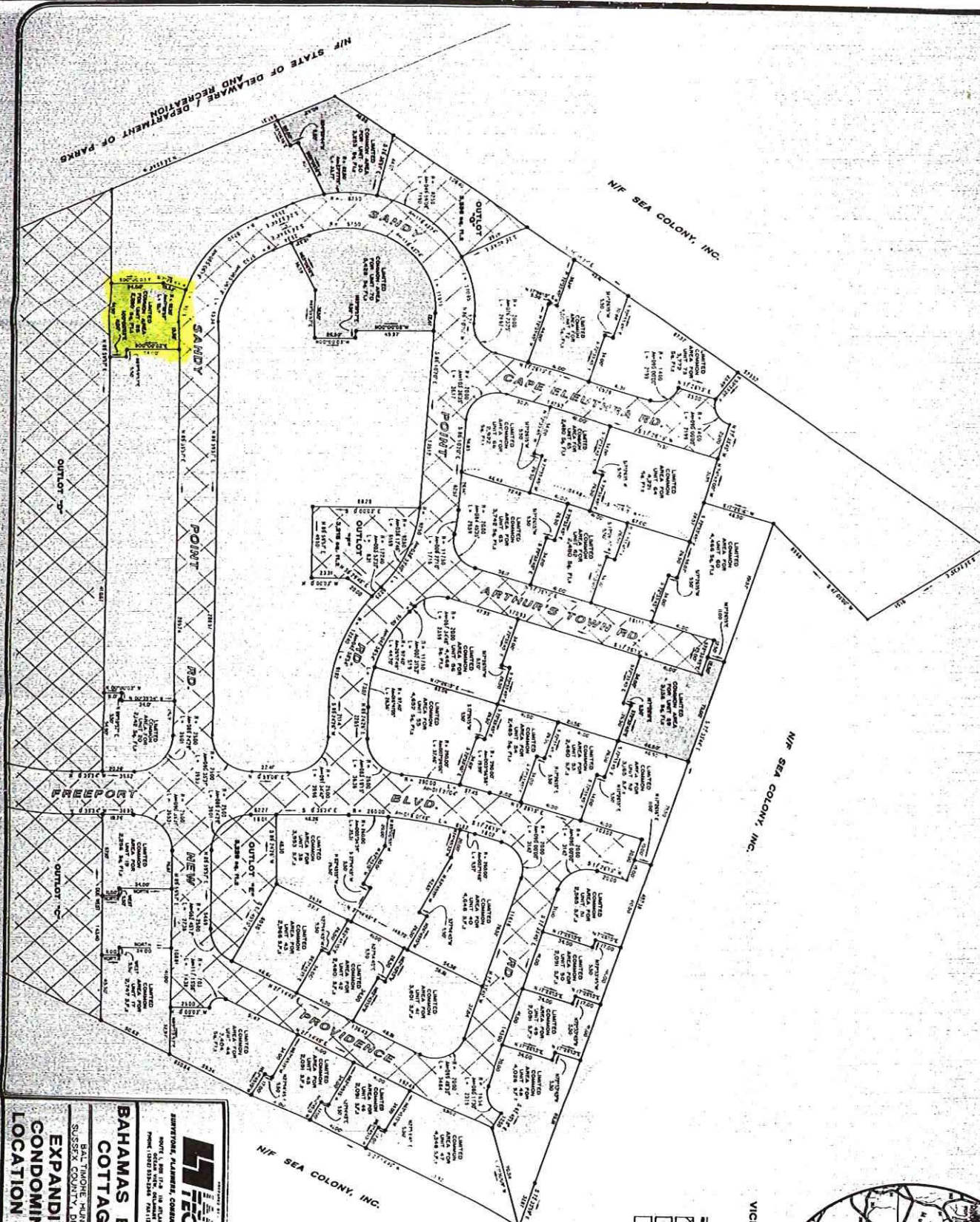
**Opposition
Exhibit****Nick Torrance**

From: David Hughes <noreply@forms.email>
Sent: Friday, February 26, 2021 4:17 PM
To: Jamie Whitehouse
Subject: Contact Form: Variance 12514

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

Name: David Hughes
Email: bahrain@mchsi.com
Phone: 3022284436
Subject: Variance 12514

Message: Variance 12514. This is a condominium and the subject unit is part of a building. The 4 units on that side of Arthurstown are one connected building. As a condominium there is a required 40 foot separation requirement between buildings for fire code. As the condo association maintains the fire insurance for the community if you allow a violation of the code you put the insurance coverage at risk. Therefore I oppose this variance as it has potential negative repercussions for the entire association
David Hughes



VICINITY MAP - SCALE : 1"=1 MILE



NOTE :
THIS PLAN AND SURVEY DOES NOT VARY
THE DISTANCE OR NON-DISTANCE OF
RIGHT-OF-WAY OR EASEMENTS PERTAINING TO
THIS PROJECT.

PM
22109

50' x 250'

BAHAMAS BEACH COTTAGES

EXPANDING CONDOMINIUM LOCATION PLAN

91057

3 OF 8

B-324 DP

HEAD

TECHNICAL

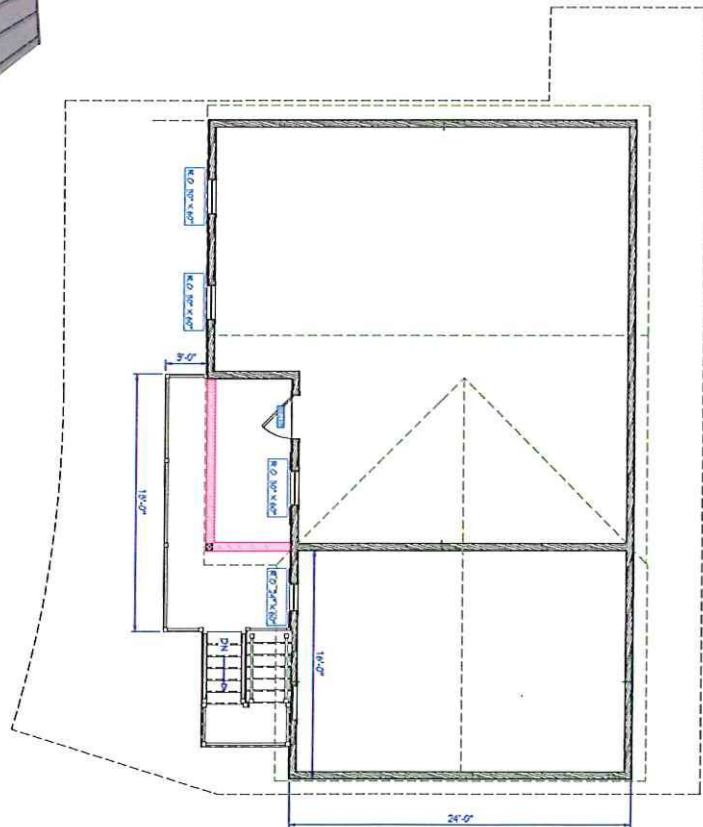
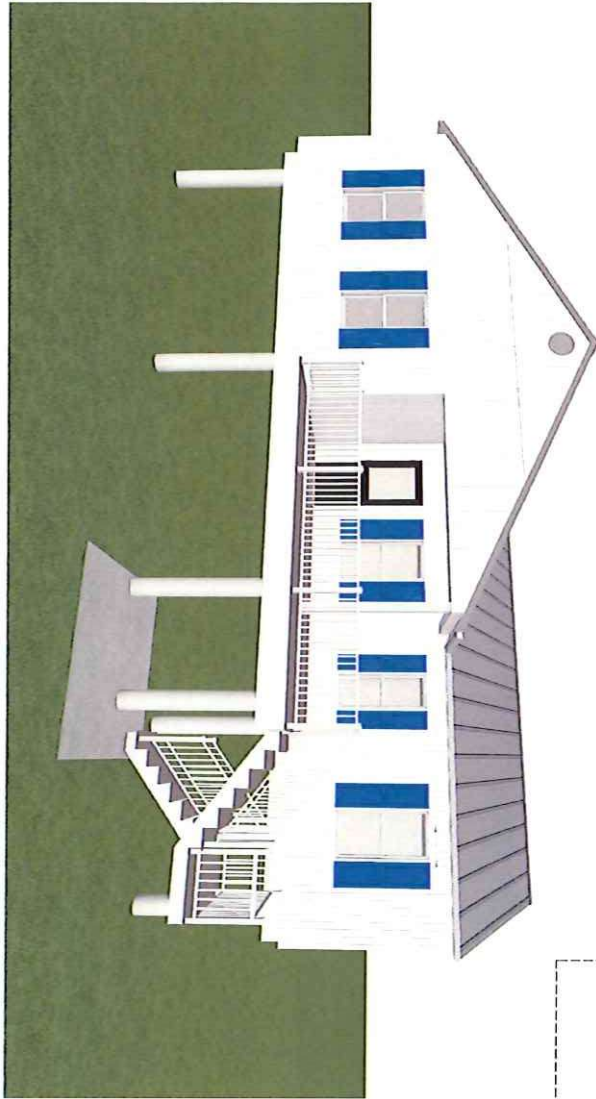
ARCHITECTURAL CONSULTING ENGINEERS

10001 W. 10th Ave., Suite 100, Fort Lauderdale, FL 33309

PHONE: (954) 581-1000 FAX: (954) 581-1001

DATE: 7/27/03

SCALE: 1" = 30'



TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH OWNER'S AND/OR BUILDER'S SPECIFICATIONS AND ANY CHANGES MADE ON THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE OWNER'S AND/OR BUILDER'S EXPENSE AND RESPONSIBILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ENCLOSED DRAWINGS. DRAFTER IS NOT LIABLE FOR ERRORS ONCE CONSTRUCTION HAS BEGUN. WHILE EVERY EFFORT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE MAKER CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS PRIOR TO CONSTRUCTION AND BE SOLELY RESPONSIBLE THEREAFTER.



PAGE: A-0.2

6/21/2024
12:30:08 PM

COVER SHEET

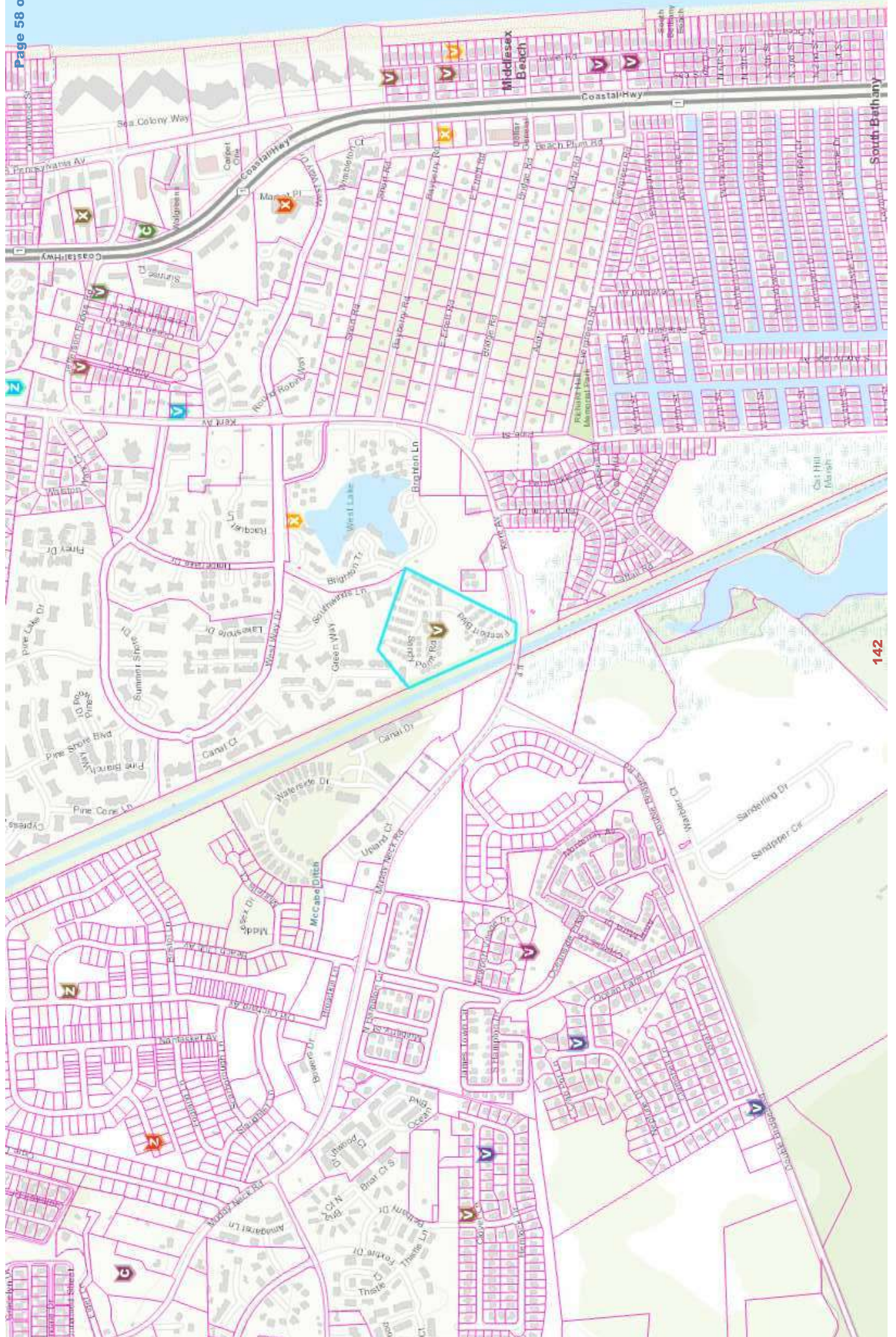
DRAWING PROVIDED BY:
ERIC ROBERTS

SCALE:
PRINTED ON 24x36 (FULL SCALE)
PRINTED ON 12x18 (1/2 SCALE)

CORE DRAFTING

21511 48th Avenue
Lennox, SD 57034
Phone/Text (605) 310-8500





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 # 13076
Hearing Date 6/2/25
20250600

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:

19129 Chartres Street. Lewes, DE. 19958

Variance/Special Use Exception/Appeal Requested:

Existing Deck encroaches into easement. Plans for new Patio also encroaches into the easement.

10' from the 10' rear yard setback

Tax Map #: 334-12.00-1011.00

Property Zoning: Resident

Applicant Information

Applicant Name: Michael Harrell

Applicant Address: 19129 Chartres Street

City Lewes State DE Zip: 19958

Applicant Phone #: 304-433-5711 Applicant e-mail: mgh121@icloud.com

Owner Information

Owner Name: Same

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

Michael Harrell

Date: 3/28/25



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.

Backyard is extremely small and shallow in the back (15' to 17'). There is also a slope (1' from house to property line) in the backyard which makes it difficult for Mobility Challenged people.

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.

Existing Deck with Accessibility Ramp was built in 2019 by an outside contractor. New Patio (on the sides of the deck) will make this project too small and inaccessible to family members without the variance.

3. Not created by the applicant:

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

Contractor did not complete permit for existing deck

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

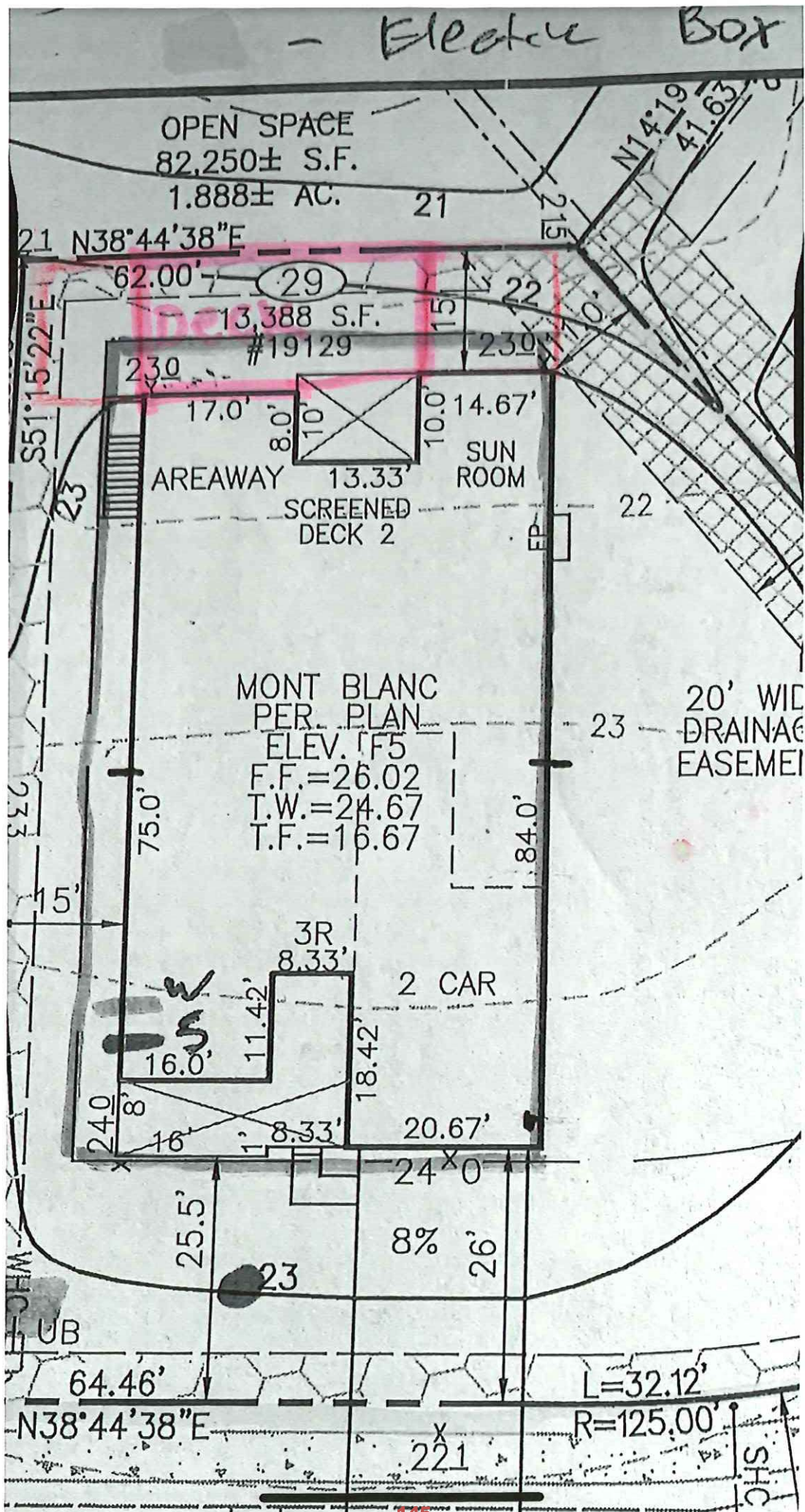
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

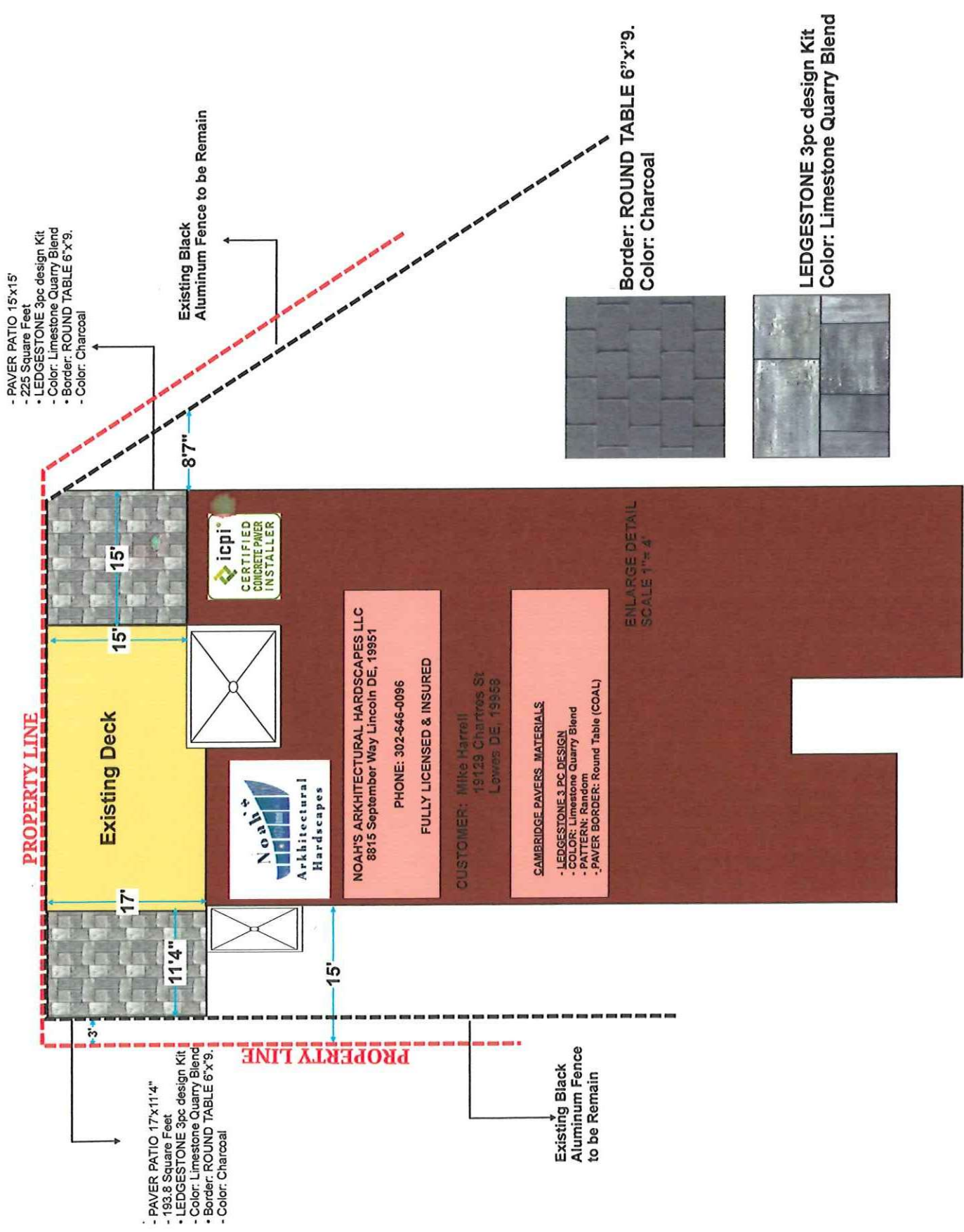
This is located behind the house out of view from the neighborhood. An HOA Architectural Request will be completed and approved before new addition.

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 need all 5' to incorporate existing deck & new patio





Check List for Applications

The following shall be submitted with the application

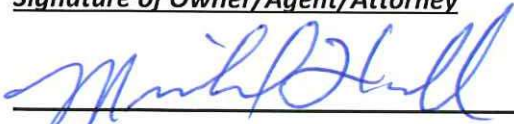
- ☒ • Completed Application
- ☒ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed 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: 3/27/2025

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____ Application & Case #: _____

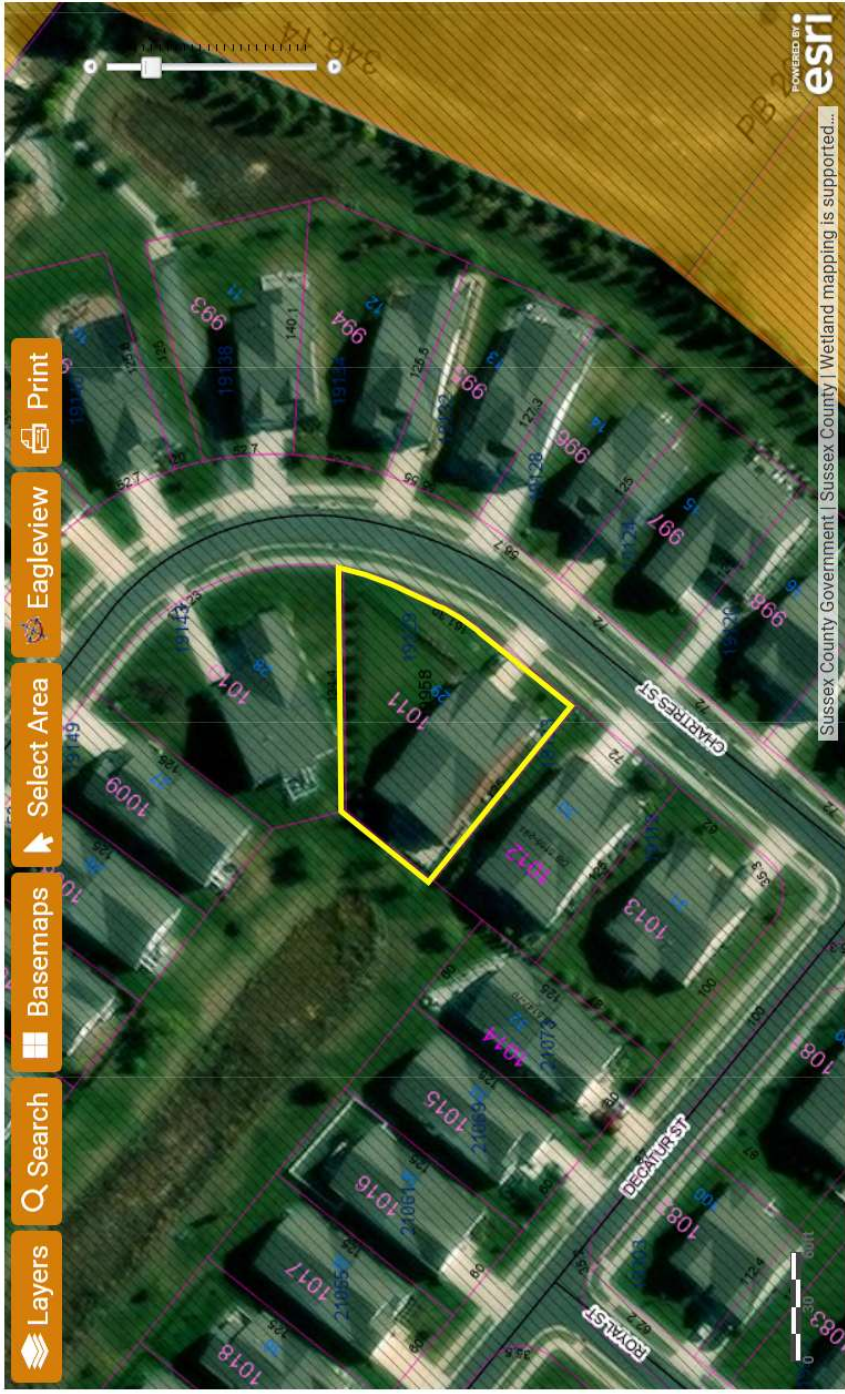
Location of property: _____

Subdivision: _____

Lot#: _____ Block#: _____

Date of Hearing: _____

Decision of Board: _____



Eagleview	Search Results	×
Selected Features:		Parcels (1)
1) 334-12.00-1011.00		Zoom
BOOK	5468	
PAGE	211	
FULLNAME	HARRELL MICHAEL TTEE LIV TR	
Second_Owner_Name	PETER SIPE TTEE LIV TR	
MAILINGADDRESS	19129 CHARTRES ST	
CITY	LEWES	
STATE	DE	
a_account	10-09-1011	
DESCRIPTION	FOUR SEASONS AT BELLE TERRE	
DESCRIPTION2	LOT 29	
DESCRIPTION3		
LUC	101	
SCHOOL	6	

Selected Features (1)

Clear Selected



Eagleview Search Results

Selected Features: Parcels (1)

1) 334-12.00-1011.00

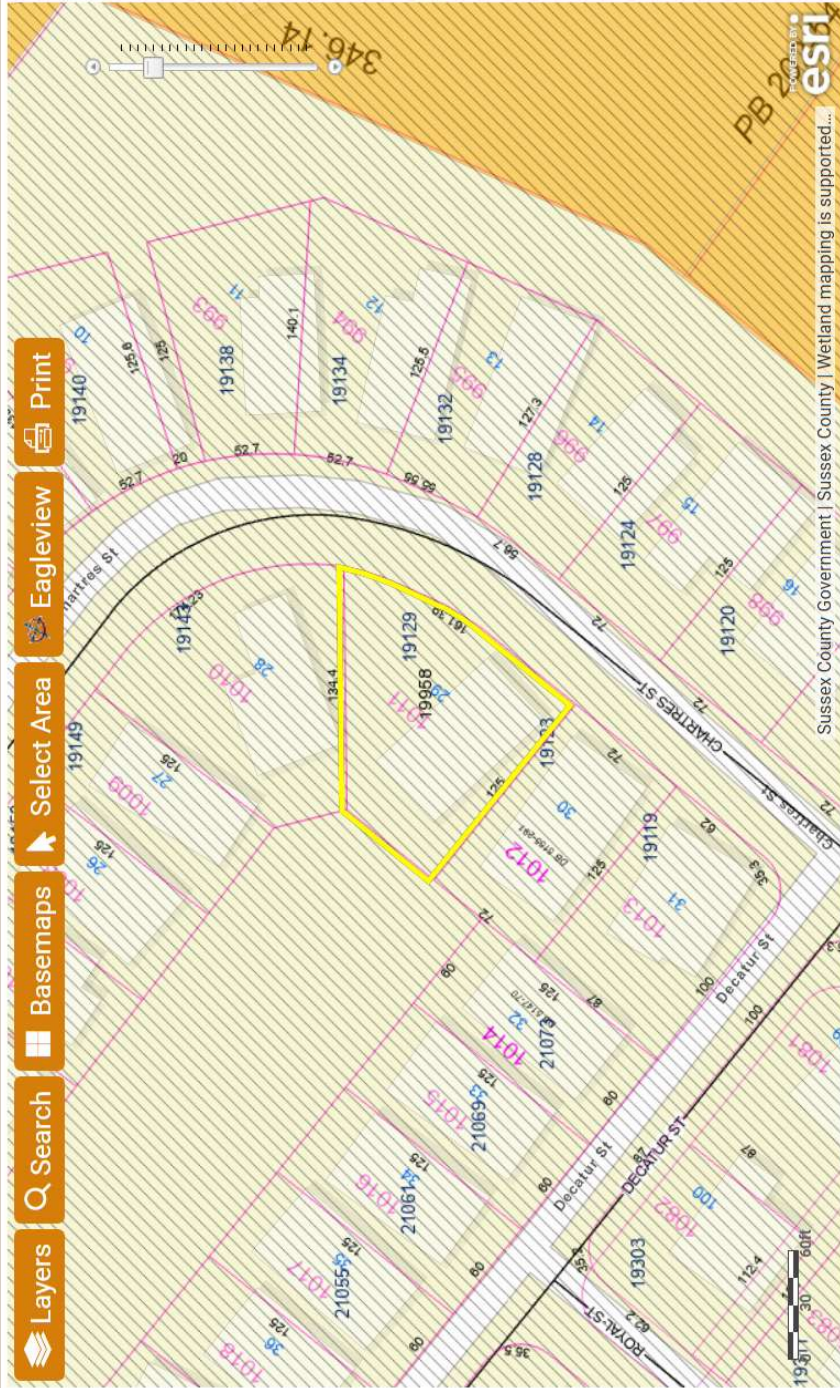
Zoom

BOOK	5468
PAGE	211
FULLNAME	HARRELL MICHAEL TTEE LIV TR
Second_Owner_Name	PETER SIPE TTEE LIV TR
MAILINGADDRESS	19129 CHARTRES ST
CITY	LEWES
STATE	DE
a_account	10-09-1011
DESCRIPTION	FOUR SEASONS AT BELLE TERRE
DESCRIPTION2	LOT 29
DESCRIPTION3	
LUC	101
SCHOOL	6

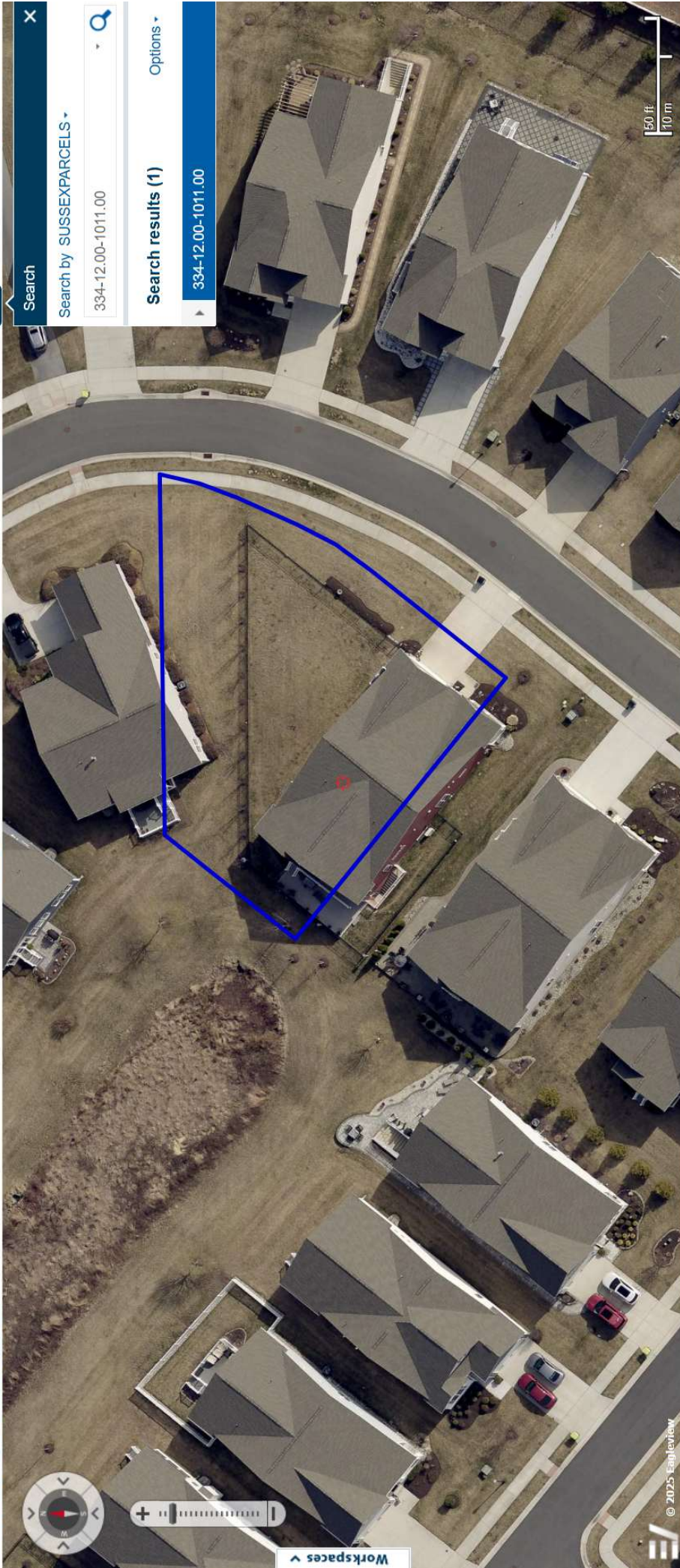


Selected Features (1)

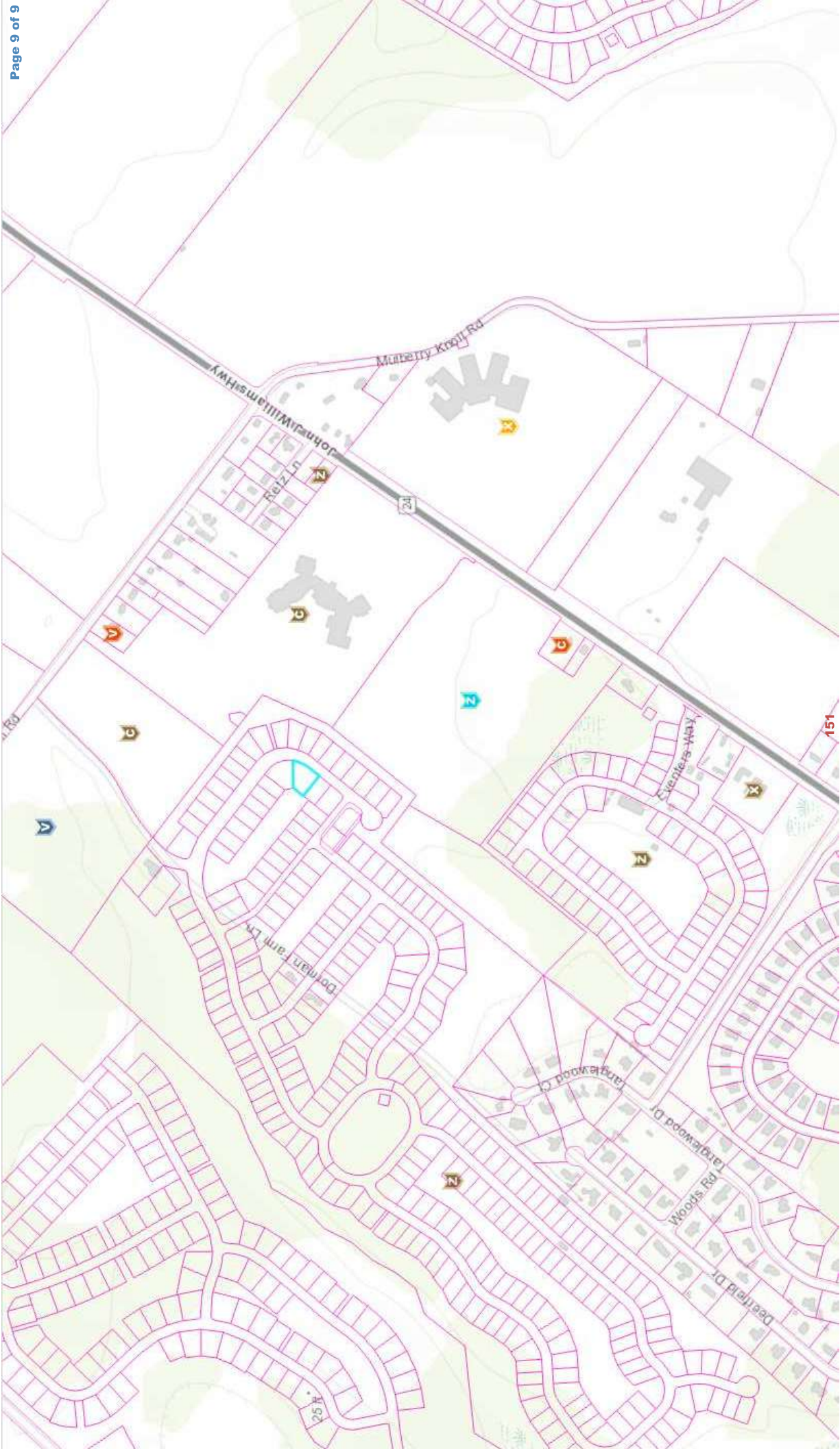
Clear Selected



Sussex County Government | Sussex County | Wetland mapping is supported...



© 2025 Esri/verity



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 # 13077
Hearing Date June 2, 2025
202504073

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:

8415 HEARNS POND ROAD SEAFORD DE 19973

Variance/Special Use Exception/Appeal Requested:

VARIANCE FROM SQUARE FOOTAGE FOR AN
ADU

Tax Map #: 331-3.00-104.00

Property Zoning: AR-1

Applicant Information

Applicant Name: ESTATE OF ERNEST S. MESSICK
Applicant Address: C/O MICHAEL F. MCROBERTY 110 N. PINE STREET
City SEAFORD State DE Zip: 19973
Applicant Phone #: 1-302-628-1000 Applicant e-mail: REALSTATE@MFMLAWOFFICE
.NET

Owner Information

Owner Name: ERNEST S. MESSICK & SUSAN B. MESSICK TRUST
Owner Address: C/O ERNEST S. MESSICK JR. 3905 BLACKBERRY LANE
City FREDERICKSBURG State VA Zip: 22407 Purchase Date: 03/25/1987
Owner Phone #: 1-540-455-3584 Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Michael F. McRoberty
Agent/Attorney Address: 110 N. PINE STREET
City SEAFORD State DE Zip: 19973
Agent/Attorney Phone #: 302-628-1000 Agent/Attorney e-mail: REALSTATE@MFMLAWOFFICE
.NET
Signature of Owner/Agent/Attorney

Michael F. McRoberty

Date: 3/27/2025



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.

SEE ATTACHED

2. Cannot otherwise be developed:

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

SEE ATTACHED

3. Not created by the applicant:

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

THE EXCEPTIONAL PRACTICAL DIFFICULTY WAS NOT CREATED BY THE APPLICANT

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.

IT WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD, THE BUILDING WILL NOT CHANGE THERE WILL BE NO NOTICEABLE DIFFERENCE

5. Minimum variance:

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

THIS IS THE MINIMUM VARIANCE THAT WILL AFFORD RELIEF

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.

THE CHANGE WILL NOT BE NOTICEABLE. THERE WILL BE NO CHANGE TO THE FOOT PRINT OF THE HOME. THERE IS ONLY ONE RESIDENCE BUT IT HAS 2 KITCHENS. THE DECEASED OWNER PARENTS LIVED WITH THE UNTIL THE PARENTS DIED

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)

THE ADU IS LIMITED TO 1,000 SQUARE FEET. THE ADU IS PART OF THE CURRENT HOME. THE VARIANCE IS NEEDED BECAUSE THE ADU EXCEEDS THE 1,000 SQUARE FEET BY 152 SQUARE FEET

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: 3/27/2025

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

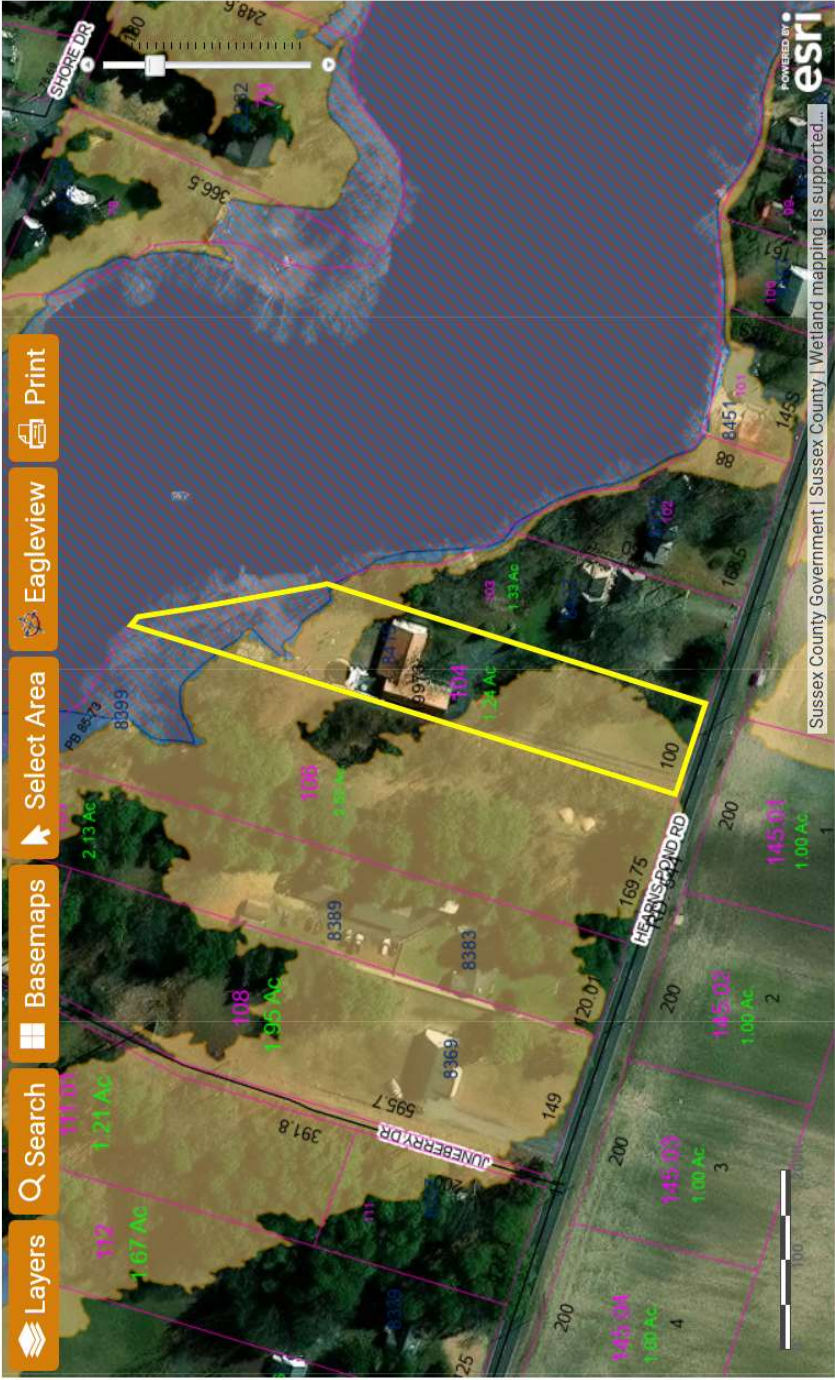
Subdivision: _____

Lot#: _____

Block#: _____

Date of Hearing: _____

Decision of Board: _____



Eagleview		Search Results	
Selected Features:		Parcels (1)	
▼ 1) 331-3.00-104.00		Zoom	
BOOK	4367		
PAGE	272		
FULLNAME	MESSICK ERNEST S		
Second_Owner_Name	SUSAN B MESSICK TRUSTEES		
MAILINGADDRESS	8415 HEARNS POND RD		
CITY	SEAFORD		
STATE	DE		
a_account			
DESCRIPTION	HEARN MILLWESLEY CH		
DESCRIPTION2	N/RT 544		
DESCRIPTION3	1900'W/RT 13A		
LUC	101		
SCHOOL	3		
MAILING			

Selected Features (1)

Clear Selected



LANDS OF WALTER V. CHAMBERLAIN TO BE CONVEYED
TO ERNEST S. MESSICK AND SURAN B. MESSICK, HIS WIFE,
SITUATED IN SEAFORD HUNDRED, SUSSEX
COUNTY, STATE OF DELAWARE. SURVEYED
BY: THOMAS A. TEMPLE, JR. DEL. P.L.S. NO. 242.

HARRY B. LOVE, ETUX (N/E)

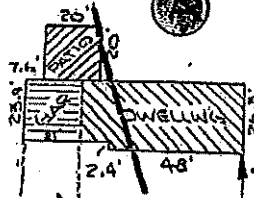
CONC. MON.
(FOUND)

ZONE
LINE

N 26° 18' 43" E - 625.43'

1.24 ACRES
(MORE OR LESS)

ZONE



addition

ZONE

CONC. MON.
(FOUND)

POINT
P.P.E.
(FOUND)

JAMES C. STOVER, ETUX

* REVISED TO SHOW
FIRM ZONE LINE.

REF: FIRM MAP

NO. 10005C0261 F
DATED JUNE 16, 1995.

COPY SHOWING
NEW CONSTRUCTION
SITE

167552

Thomas A. Temple, Jr.
DEL. P.L.S. NO. 242
NOVEMBER 10, 1997.



WATER LINE
HEARN POND
"TIE LINE" 9° 02' 31" 42" E - 207.12'

40'

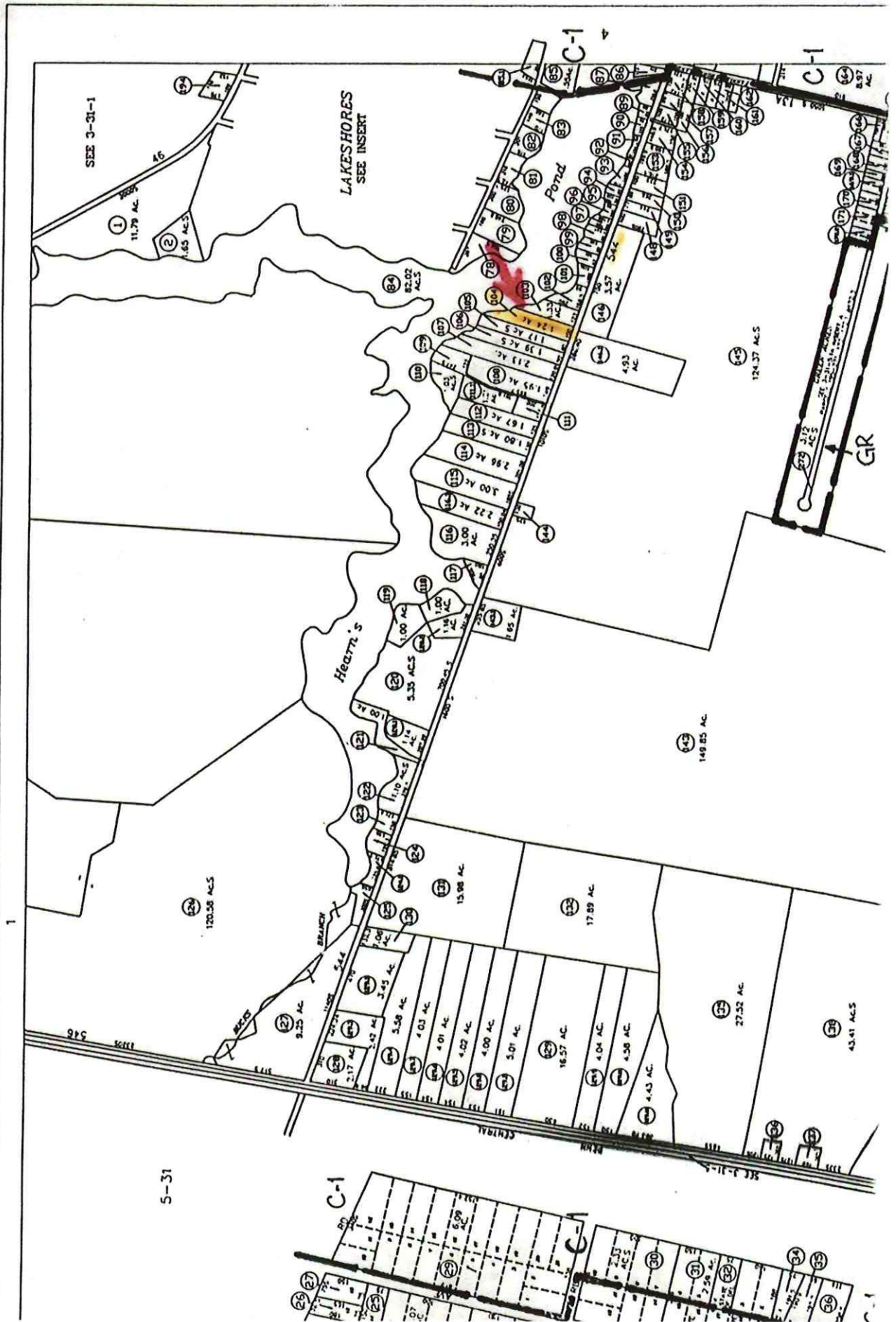
N 62° 30' 00" W

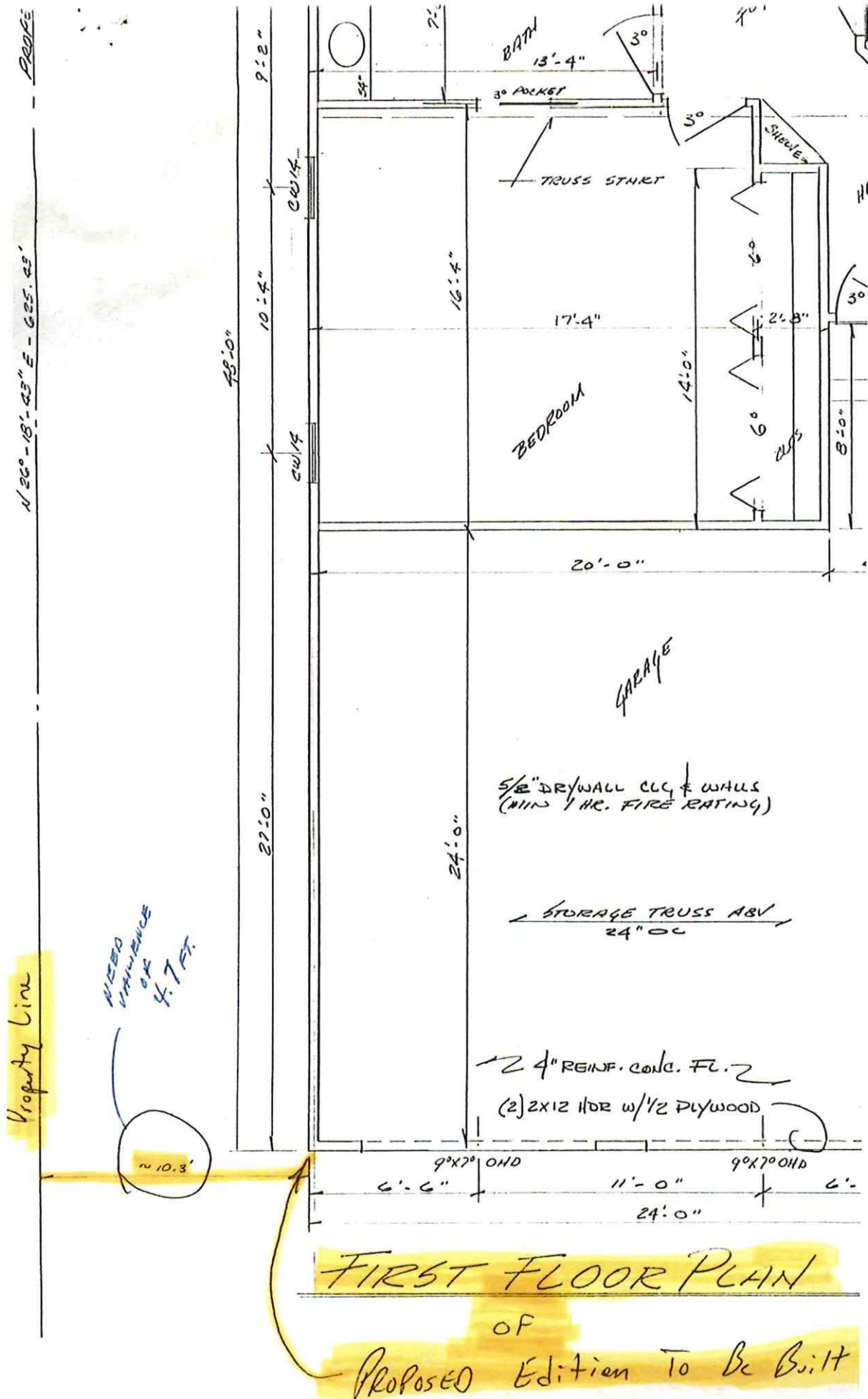
ROAD NO. 544

"HEARN MILL ROAD"

0.34 MI ± TO
ROUTE NO. 134

3-31-3-104





Page 8
Minutes
7/21/97

There were no parties present in opposition.

Mr. Rickard stated that no correspondence had been received pertaining to this case.

Motion was made by Mr. McCabe, seconded by Mr. Wheatley and carried unanimously that the variances be granted. Vote 5-0.

Case No. 6378--R R Bayside, Inc. - Northwest side of Route One,
at the intersection of Route 271.
A variance from the requirements for signs.

The case was presented by Mr. Rickard. Nancy A. Peterson was sworn in and testified representing R R Bayside, Inc., who requested a variance from the requirements for signs to have a second sign, 10'x 6', on the east side of their outlet store known as Lucia. They are presently allowed one sign. Ms. Peterson stated that the outlets have been renovated and the store is on the corner, which previously had pressed on lettering. They now have nothing. They need to be seen and the sign will be similar to other stores.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6379--Ernest & Susan Messick - North side of Route 544,
1,900 feet west of Route 13-A.
A variance from the side yard setback requirement.

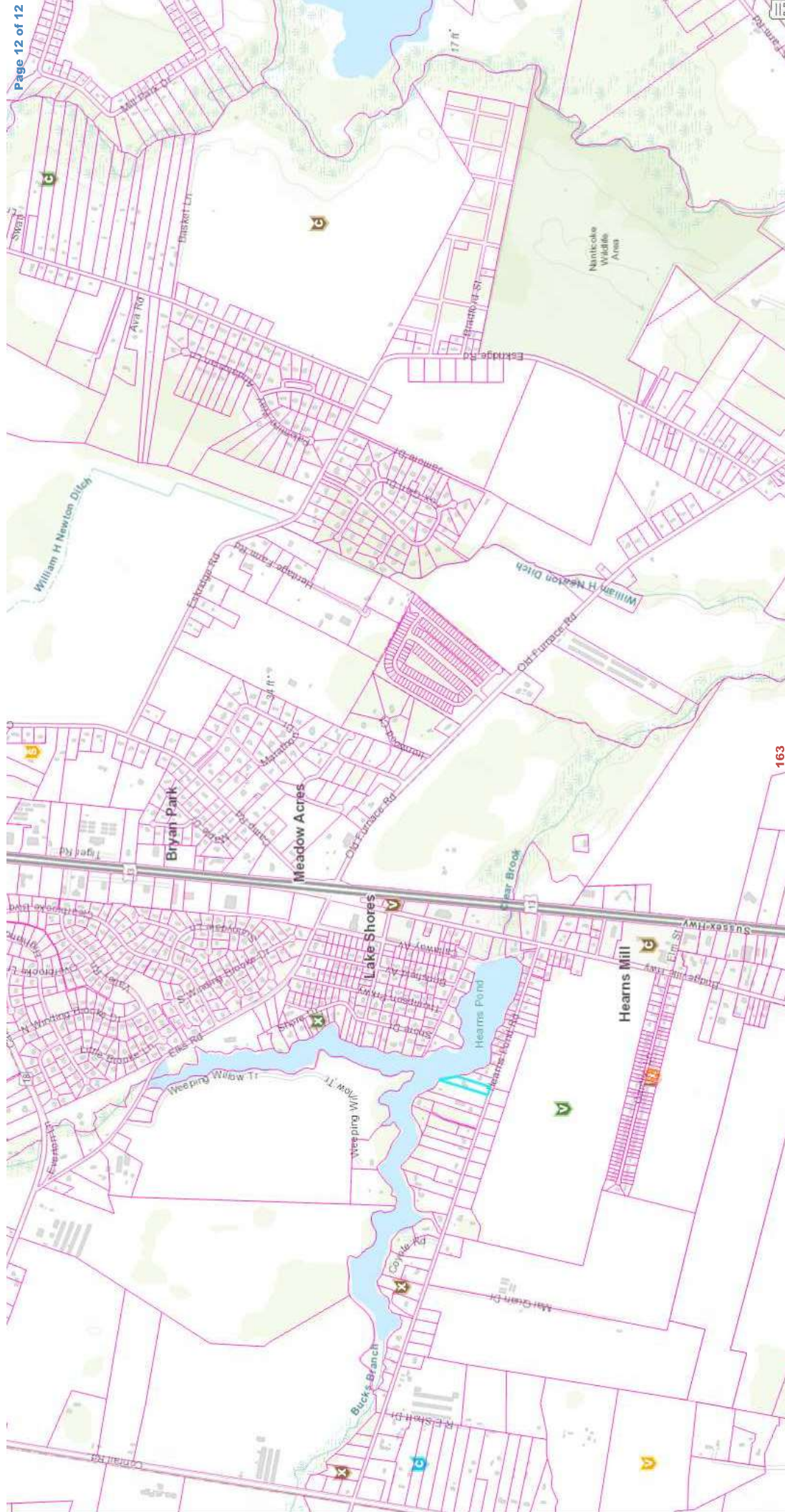
The case was presented by Mr. Rickard. Ernest & Susan Messick were sworn in and testified requesting a 4.7' variance from the 15' side yard setback requirement to be 10.3'. The applicants propose to build an addition to their home so Mrs. Messick's mother can live with them.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance be granted. Vote 5-0.

OLD BUSINESS

Case No. 6359 (cont'd.)--John Paluck - West side of Route One,
Lot 9, within Bayview Park.



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 # 13078
Hearing Date 6-2-2025
202504153

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:

32196 LINN WOODS LA DAVESBORO, DE 19939

Variance/Special Use Exception/Appeal Requested:

3.1' from 15' side yard setback Per existing garage.

Tax Map #: 134-6.00-265.00

Property Zoning: AR-1

Applicant Information

Applicant Name: HANDLEY ORR

Applicant Address: 32196 LINN WOODS LANE

City DAVESBORO

State DE

Zip: 19939

Applicant Phone #: 302-841-5668

Applicant e-mail: BPD916K@AOL.COM

BPD916K@AOL.COM

Owner Information

Owner Name: HANDLEY & ORR

Owner Address: 32196 LINN WOODS LN

City DAVESBORO

State DE

Zip: 19939

Purchase Date: 9/2015

Owner Phone #: 302-841-5668

Owner e-mail: Bpd9161@AOL.COM

Bpd9161@AOL.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

Handley Orr

Date: April 1, 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.

IRREGULAR SHAPE

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.

BUILDING ALREADY EXISTS

3. Not created by the applicant:

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

PURCHASED PROPERTY WITH 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.

BUILDING HAS BEEN IN PLACE SINCE 2005

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.

SMALLEST AMOUNT FOR BUILDING TO

REMAIN

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)

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.

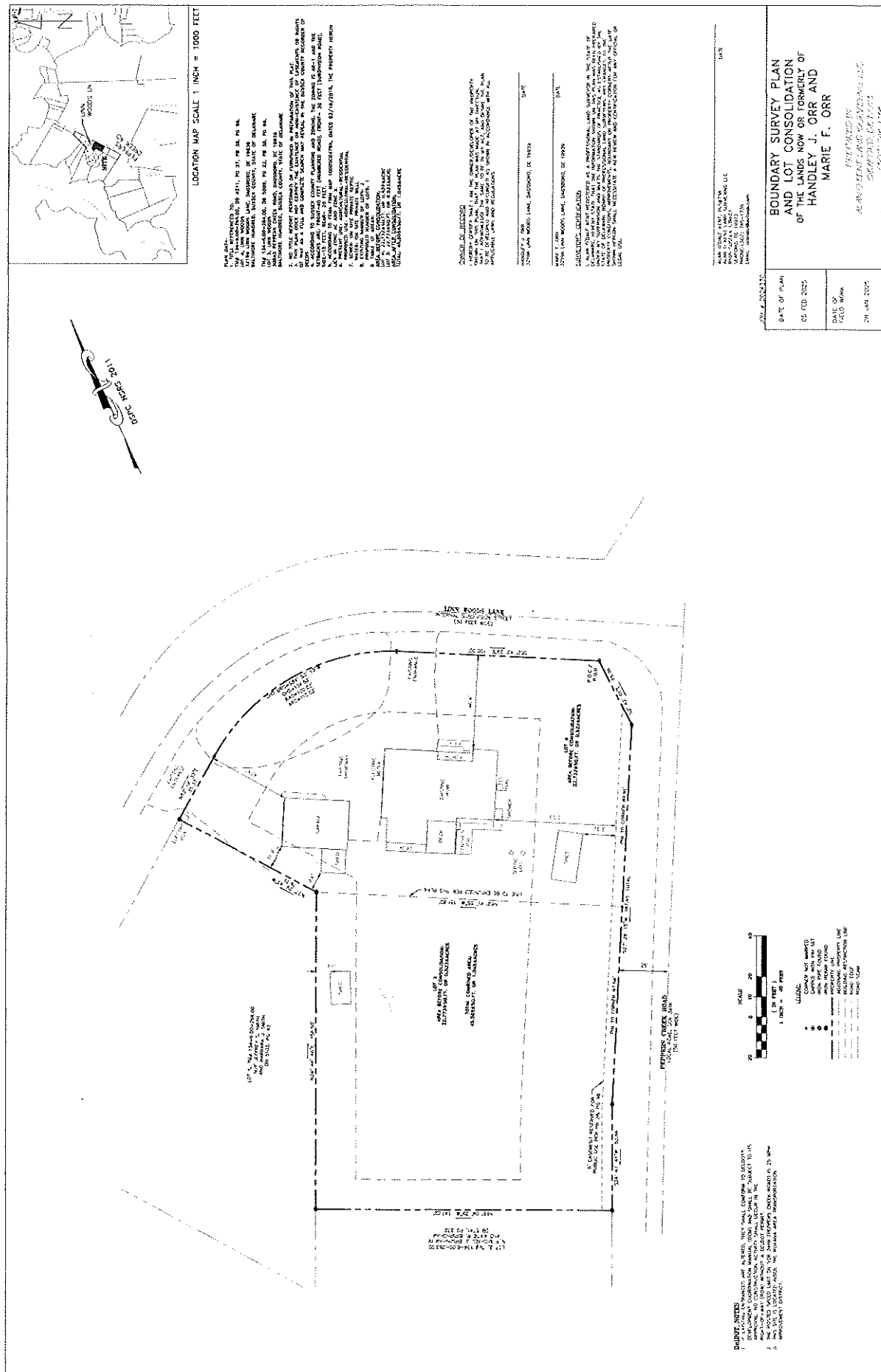
Signature of Owner/Agent/Attorney

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: _____



District No. 134 Map No. 6 Parcel No. 265 MANU. HOME # _____
 Frontage: 89 X 151 Depth: _____ Acreage: _____

ASSESSMENT**I. TYPE OF IMPROVEMENT**

Cost of Improvements 9984 Stones _____
 New Building _____ Size _____
 Addition Pole Barn 24x32
 Relocation _____
 Accessory Structure Storage ~~with~~ garage door
 Sign _____
 Remodeling _____
 Other _____

II. INTERIOR

No. of Bedrooms _____
 No. of Bathrooms _____
 No. of Rooms _____
 Basement _____

III. HEATING

Electric ☐ Gas ☐
 Heat Pump ☐ FHA ☐
 Air Conditioned ☐

IV. EXTERIOR WALLS

Vinyl ☒ Wood ☐
 Alum. Siding ☐ Brick ☐
 Other _____

V. INTERIOR WALLS

Dry Wall ☐
 Paneling ☐
 Other _____

VI. FOUNDATION

Pad ☐ Brick ☐
 Piling ☐ Conc. Blk. ☐
 Other Post/Timber

VII. FIRE PLACE

Yes ☐ No ☐
 MASONARY ☐ Metal ☐

VIII. ROOFING

Built-Up ☐ Metal ☒
 Asphalt Shingle ☐
 Wood Shingle ☐
 Other _____

IX. FLOORING

Earth ☐ Wood ☐
 Carpet ☐ Vinyl ☐
 Concrete ☒
 Other _____

ZONING**TYPE OF USE**

Existing Use Dwelling
 Proposed Use pole barn
 Single Family _____ Commercial _____ Other _____
 Zoning District AR1 Number of Units _____

SETBACKS

Front Yard 30 Side Yard 15 Rear Yard 20
 Side yard on side street on corner lot _____
 From any dwelling of other ownership _____
 From any other unit in a manufactured home park _____
 Cannot occupy more than _____ % of total lot area
 Height 42' max Above The Base Flood Elevation
 Board of Adjustment Case No. _____
 Conditional Use Case No. _____
 Approved by Planning & Zoning Pauline Hughes

FLOOD

Flood Zone AE - P/180-J 01-06-05
 Elevation Required above Mean sea level _____
 To be measured to:
 1. Finished first floor _____
 2. Lowest structural member _____
 Elevation Certification ☒ Height Certification ☐
 Breakaway Walls ☐ Venting (Flood) ☒
 Placement Survey ☐ (Below SFE)
 ADDITIONAL REQUIREMENTS & COMMENTS Flood Vents Begin
Electrical Must Be Located at or above

OWNERS IDENTIFICATION

Name: CATE PAUL R & Mary Ann
 Address: 32196 LINN WOODS LN
 City: Dagsboro State: DE Zip: 19939
 On Lands Of: Sda 84

Name & Address of recipient of Certificate of Compliance (Builder): The base
 Name: flood elevation req.
 Address: _____
 City: 19958 State: _____ Zip: _____

The owner of this building or land and the undersigned agree to comply 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: PAUL R CATE
 Permit Fee: 9984 + 24.96 = 59.46

Phone No. 732-3414
 Date Issued: 12-02-05

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 expiration 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 Agents and Building Code Officials to enter upon 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 ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

COMMERCIAL ☐MULTI FAMILY ☐MISC ☐

1-34 6.265.
Linn Woods
1014

PLAN REVIEW REPORT

NAME: Patte Paul R + Mary AnnADDRESS: 32194 Linn Woods LnCITY: DanversSTATE: DeZIP: 19435

DWELLING: _____ SQUARE FEET DESCRIPTION: _____

ADDITIONS: _____ SQUARE FEET DESCRIPTION: _____

ACCESSORY STRUCTURES: 768 SQUARE FEET DESCRIPTION: Pole Barn

THE PLANS SUBMITTED FOR ABOVE PROJECT HAVE BEEN "REVIEWED FOR CODE COMPLIANCE" OF THE INTERNATIONAL BUILDING CODE OR INTERNATIONAL RESIDENTIAL CODE 12-2-05

DATE

PLEASE CONTACT THE FIRST STATE INSPECTION AGENCY AT (302) 856-3517 FOR ALL INSPECTIONS. (FOOTER, FRAMING, INSULATION, AND FINAL).

FEE INCLUDES: PLAN REVIEW & 5 INSPECTIONS (STICK BUILT) 4 INSPECTIONS (MODULAR). ANY ADDITIONAL INSPECTIONS WILL BE CHARGED \$40.00 PER VISIT.

PLAN REVIEW AND INSPECTION FEE: \$ 175.00 DATE: 12/2/01 CLERK: TB
(PAID WHEN PLANS WERE SUBMITTED)

APPROVED BY: [Signature]

* A 48 HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS *

CONTACT PERSON: Paul R. Cate

PLEASE PRINT

PHONE: (302) 732-3414SIGNATURE: Paul R. Cate

(Temporary Permit)

This certifies that the (structure) (premises) described in Permit Number 211300 conforms to and complies with the requirements of Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County, Delaware, and may be occupied as of the above date.

Approved Use Shed

Applicant's Name Paul & Mary Ann Gato

Address 300 N Maryland Ave.
Wilmington, DE 19804

Approved By _____
Building Code Department for
Certificate of Occupancy

Approved By Sean W. May
Planning & Zoning Department
for Certificate of Compliance

N/A: Non-Applicable

Town _____ District No. 134 Map No. 6 Parcel No. 245 MANU. HOME # _____
 Frontage: _____ Depth: _____ Acreage: _____

ASSESSMENT**I. TYPE OF IMPROVEMENT**

Cost of Improvements 1440 Stories _____
 New Building _____ Size _____
 Addition _____
 Relocation _____
 Accessory Structure Shed. 12x20
 Sign _____
 Remodeling _____
 Other _____

II. INTERIOR

No. of Bedrooms _____
 No. of Bathrooms _____
 No. of Rooms _____
 Basement _____

III. HEATING

Electric ☐ Gas ☐
 Heat Pump ☐ FHA ☐
 Air Conditioned ☐

IV. EXTERIOR WALLS

Vinyl ☒ Wood ☐
 Alum. Siding ☐ Brick ☐
 Other _____

V. INTERIOR WALLS

Dry Wall ☐
 Paneling ☐
 Other _____

VI. FOUNDATION

Pad ☒ Brick ☐
 Piling ☐ Conc. Blk. ☐
 Other _____

VII. FIRE PLACE

Yes ☐ No ☐
 MASONARY ☐ Metal ☐

VIII. ROOFING

Built-Up ☐ Metal ☐
 Asphalt Shingle ☒
 Wood Shingle ☐
 Other _____

IX. FLOORING

Earth ☐ Wood ☒
 Carpet ☐ Vinyl ☐
 Concrete ☐
 Other _____

ZONING**TYPE OF USE**

Existing Use Dwelling
 Proposed Use Shed.
 Single Family _____ Commercial _____ Other _____
 Zoning District ARI Number of Units _____

R+341B SETBACKS

Front Yard 40 Side Yard 5' Rear Yard 5'
 Side yard on side street on corner lot 15' Ann Woodstone
 From any dwelling of other ownership _____
 From any other unit in a manufactured home park _____
 Cannot occupy more than _____ % of total lot area
 Height 42' max
 Board of Adjustment Case No. _____
 Conditional Use Case No. _____
 Approved by Planning & Zoning J. Hall

FLOOD

Flood Zone _____
 Elevation Required above Mean sea level _____
 To be measured to:
 1. Finished first floor _____
 2. Lowest structural member _____
 Elevation Certification ☐ Height Certification ☐
 Breakaway Walls ☐ Venting ☐
 Placement Survey ☒
 ADDITIONAL REQUIREMENTS & COMMENTS _____

OWNERS IDENTIFICATION:

Name: Paul + Mary Ann Cate.
 Address: 300 N. Maryland Ave.
 City: Wilmington State: De Zip: 19804
 On Lands Of: Slg 84

Name & Address of recipient of Certificate of Compliance (Builder):

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____

The owner of this building or land and the undersigned agree to comply 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: Paul R. Cate Phone No. _____
 Permit Fee: 10.50 + 3.60 = 14.10 Date Issued: 10-18-02 LMH

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 expiration 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 Agents and Building Code Officials to enter upon 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 ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

BUILDING CODE yes.
REQUIRER: NO
NEEDS TOWN PERMIT: NO
LOCATION: _____
Route _____ (N) (S) (E) (W) Side: _____ (ft.) (miles) (N) (S) (E) (W) of _____
Subdiv. or TP: Linn Woods Lot No. 4 Section or Block _____
Town _____ Street _____
District No. 1-34 Map No. C.00 Parcel No. 265.00 MANU. HOME # _____
Frontage: _____ Depth: _____ Acreage: _____

ASSESSMENT

I. TYPE OF IMPROVEMENT
Cost of Improvements \$111,374.00 Stories 2
New Building dwellings Size 56x13 1/2
Addition att garage 26x20
Relocation patio 20x12
Accessory Structure porch 17x6
Sign _____
Remodeling _____
Other _____

II. INTERIOR
No. of Bedrooms 3
No. of Bathrooms 2
No. of Rooms 8
Basement _____

III. HEATING
Electric ☐ Gas ☐
Heat Pump ☒ FHA ☐
Air Conditioned ☒

IV. EXTERIOR WALLS
Vinyl ☒ Wood ☐
Alum. Siding ☐ Brick ☐
Other _____

V. INTERIOR WALLS
Dry Wall ☒
Paneling ☐
Other _____

VI. FOUNDATION
Pad ☐ Brick ☐
Piling ☐ Conc. Blk. ☒
Other _____

VII. FIRE PLACE
Yes ☒ No ☐
MASONARY ☐ Metal ☒

VIII. ROOFING
Built-Up ☐ Metal ☐
Asphalt Shingle ☒
Wood Shingle ☐
Other _____

IX. FLOORING
Earth ☐ Wood ☒
Carpet ☐ Vinyl ☒
Concrete ☐
Other _____

ZONING

TYPE OF USE
Existing Use vacant
Proposed Use dwellings, att garage, patio
Single Family _____ Commercial _____ Other residential
Zoning District AR1 Number of Units _____

SETBACKS
Front Yard 40 Side Yard 15 Rear Yard 20
Side yard on side street on corner lot 15
From any dwelling of other ownership _____
From any other unit in a manufactured home park _____
Cannot occupy more than _____ % of total lot area
Height _____
Board of Adjustment Case No. _____
Conditional Use Case No. _____
Approved by Planning & Zoning _____

FLOOD
Flood Zone AE 480
Elevation Required above Mean sea level 121.8
To be measured to:
1. Finished first floor _____
2. Lowest structural member _____
Elevation Certification ☐ Height Certification ☐
Breakaway Walls ☐ Venting ☐
Placement Survey ☐
ADDITIONAL REQUIREMENTS & COMMENTS _____

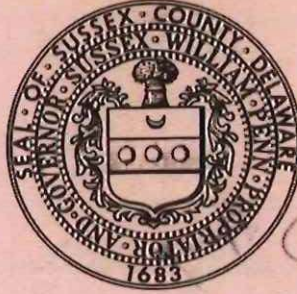
OWNERS IDENTIFICATION:
Name: Paul K + Mary Cate
Address: 300 N Maryland Ave
City: Wilmington State: De Zip: 19804
On Lands Of: sta 84

Name & Address of recipient of Certificate of Compliance (Builder):
Name: _____
Address: _____
City: _____ State: _____ Zip: _____

The owner of this building or land and the undersigned agree to comply 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: Carol K. Krumm Phone No. 302-735-4996
Permit Fee: 340.50 + 278.44 = \$618.94 Date Issued: 2-11-02

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 expiration 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 Agents and Building Code Officials to enter upon 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 ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

SINGLE FAMILY ☒COMMERCIAL ☐MULTI FAMILY ☐MISC ☐

No 027358

REVIEW RECEIPT NO:

PERMIT NO: _____

(Linn Woods)
L+4
1-34 0.00 265.00

PLAN REVIEW REPORT

NAME: Cate, Paul & MaryannADDRESS: 300 N. Maryland Ave.CITY: Wilmington STATE: Del. ZIP: 19804DWELLING: 1845 SQUARE FEET DESCRIPTION: 2 story DwellingADDITIONS: 1700 SQUARE FEET DESCRIPTION: Master Bedroom 77ACCESSORY STRUCTURES: 546 SQUARE FEET DESCRIPTION: Att garage

THE PLANS SUBMITTED FOR ABOVE PROJECT HAVE BEEN "REVIEWED FOR CODE COMPLIANCE" OF THE STANDARD BUILDING CODE OR CABO ONE & TWO FAMILY DWELLING CODE ON 2-8-02 DATE 55 Porch

PLEASE CONTACT THE FIRST STATE INSPECTION AGENCY AT (302) 856-3517 FOR ALL INSPECTIONS. (FOOTER, FRAMING, INSULATION, AND FINAL).

FEE INCLUDES: PLAN REVIEW & 5 INSPECTIONS (STICK BUILT) 4 INSPECTIONS (MODULAR). ANY ADDITIONAL INSPECTIONS WILL BE CHARGED \$40.00 PER VISIT.

PLAN REVIEW AND INSPECTION FEE: \$ 2000 DATE: 1/15/02 CLERK: JB
(PAID WHEN PLANS WERE SUBMITTED)

APPROVED BY: Greg Hill

Called 2-8-02
Left message

* A 48 HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS *

CONTACT PERSON: Carole Newman PHONE: 302-735-4996

PLEASE PRINT

SIGNATURE: Carole Newman

ARI- R+ 3-11B- 40 15' 20' 15' corner

SUSSEX COUNTY
CONSTRUCTION REVIEW - COASTAL AND FLOOD-PRONE AREA PROTECTION

*****PLEASE REVIEW BEFORE THE START OF CONSTRUCTION*****

NAME: Paul and Maryann Cate
CONTACT PERSON: Carole Newman, 302-735-4996

LOCATION: Linn Woods, Lot 4
TAX MAP #: 1.34-6.00-265.00
100-YEAR FLOOD ZONE: X and AE-8 per scaled FIRM.

This parcel is located within multiple flood hazard zone designations. Structure location, relative to flood zone designation, shall be determined by a Delaware licensed surveyor and shall be documented by Survey or Elevation Certificate. The following requirements shall apply if any portion of the structure is located within the AE-8 flood hazard zone (base flood elevation at eight (8) feet above mean sea level).

HEIGHT: Must not exceed forty-two (42) foot height from the base flood elevation to the highest point of the roof peak. The finished first floor, including basement (if proposed), must be at or above the base flood elevation.

****Construction plans show crawl space below the first floor.****

ENCLOSED AREA BELOW BASE FLOOD ELEVATION: Shall be used solely for parking, access, or storage. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on separate exterior walls by allowing for the entry and exit of floodwaters. A minimum of two permanent openings having a total net area of no less than one square inch for every square foot of each enclosed area below the base flood elevation must be provided. The bottom of all openings can be no higher than one foot above the outside finished grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the "AUTOMATIC" entry and exit of floodwaters.

***** Any other type of mechanical device to be used for flood venting can be installed with the certification of a Professional Engineer or Registered Architect prior to the Certificate of Occupancy issuance. The certification form will be issued with the building permit.*****

***** The standard foundation slide vent that can be manually opened and closed is not permitted in a Flood-Prone District, unless the slider device is removed to create a permanent screen opening.*****

COMMENTS: Elevation Certificate, height certification, and flood vent certification (if applicable) are required prior to Certificate of Compliance.

1) Electrical Systems

- a) All electric water heaters, furnaces, electrical outlets, plumbing, and other permanent electrical installations shall be permitted only at or above the 100-year base flood elevation requirement.
 - b) All electrical distribution panels and breaker boxes shall be elevated to at or above the level of the 100-year base flood elevation requirement.
 - c) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- 2) All air ducts (excluding mechanical components), large "service" pipes, and storage tanks can be located below the base flood elevation requirement and shall be firmly anchored to prevent movement, floatation, or collapse.
- 3) See Sussex County building permit for setback requirements.
- 4) Open unenclosed platforms, porches, or steps not covered by a roof or canopy and which do not extend above the level of the first floor of the building may extend or project into the front, side, or rear yard setback not more than five feet. Such extension or projection shall not be more than (11) feet above mean sea level in flood-prone districts.

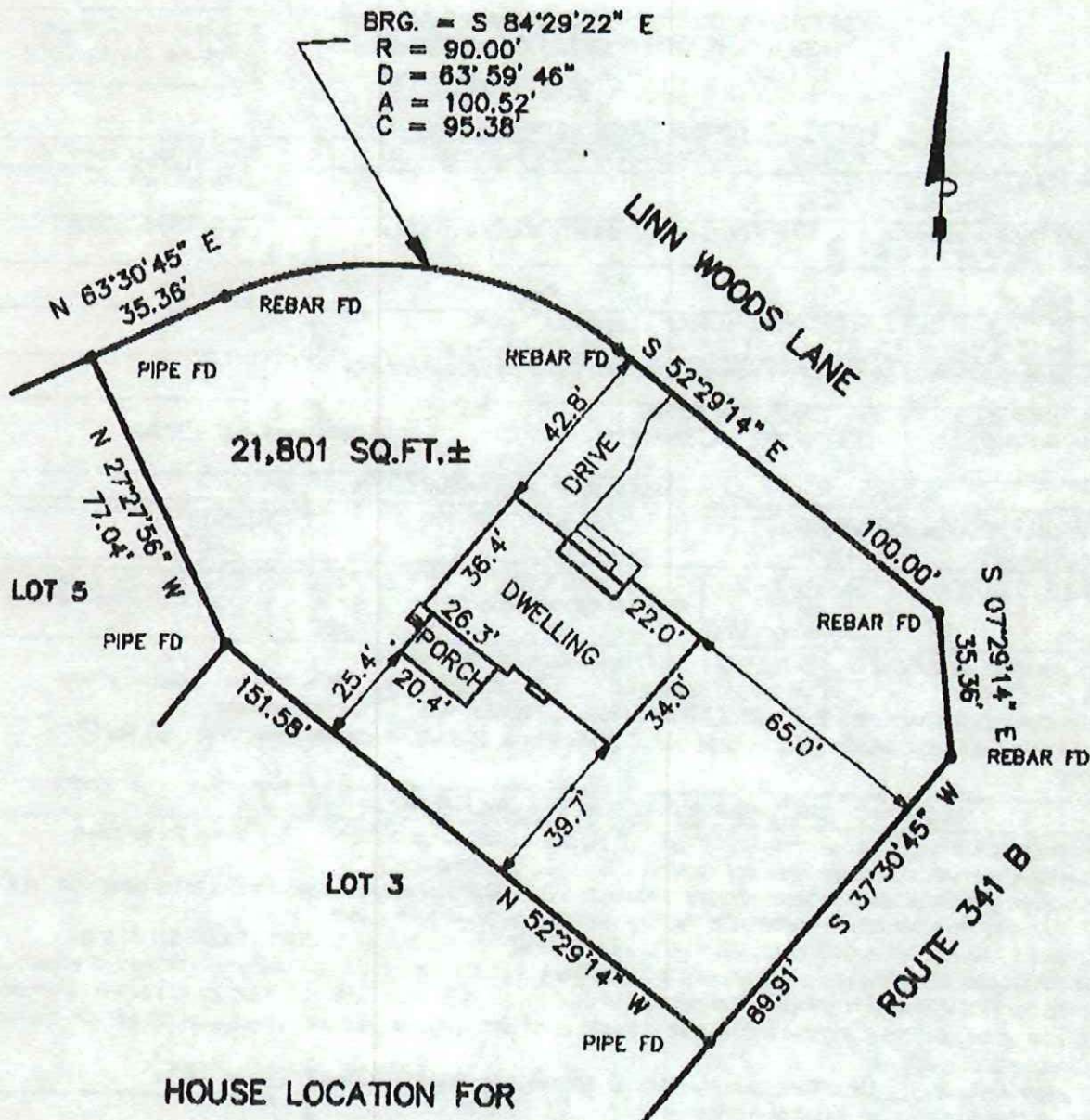
REVIEWED BY: JEFF SHOCKLEY 
SUSSEX COUNTY ENVIRONMENTAL PLANNER

February 8, 2002
Construction Review #1630

203976

1-34-8-265

PROPERTY IS LOCATED IN FLOOD ZONE AE 8
AS PER FIRM 100029-480-F JUNE 16, 1995
MAP #10005C0480F



HOUSE LOCATION FOR PAUL R. & MARY ANN CATE

LOT 4 OF "LINN WOODS SUBDIVISION"
BALTIMORE HUNDRED

SUSSEX COUNTY

STATE OF DELAWARE

SURVEYED BY: TEMPLE-SELLERS, INC.
SEAFORD, DELAWARE

DEED 2632-111

CLASS "B" SURVEY JULY 2, 2002

PLOTBOOK 38-96

SCALE: 1"=40'

O.M.B. No. 3067-0077
Expires July 31, 2002

Important: Read the instructions on pages 1-7.

SECTION A - PROPERTY OWNER INFORMATION		For Insurance Company Use:
BUILDING OWNER'S NAME PAUL CATE	Policy Number	
BUILDING STREET ADDRESS (including Apt. Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. LIINN WOODS LANE	Company NAIC Number	
CITY PAGE 8050	STATE DE	ZIP CODE 19939
PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) 1-34-6-365 LOT 4 - LIINN WOODS SUB.		
BUILDING USE (e.g., Residential, Non-residential, Addition, Accessory, etc. Use Comments section if necessary.)		
LATITUDE/LONGITUDE (OPTIONAL) (00° - 90° $00'00''$ or 00.00000°)	HORIZONTAL DATUM: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983	SOURCE: <input type="checkbox"/> GPS (Type: <input type="checkbox"/> USGS Quad Map <input type="checkbox"/> Other:

B1. FIRM COMMUNITY NAME & COMMUNITY NUMBER UNION CO. DISTRICT 100029		B2. COUNTY NAME SUSSEX		B3. STATE DE	
B4. MAIN PANEL NUMBER 1000 500497	B5. SUPPLY F	B6. FIRM INDEX DATE JUNE 16, 1995	B7. FIRM PANEL EFFECTIVE/REVISED DATE -	B8. FLOOD ZONE(S) AE	B9. BASE FLOOD ELEVATION(S) (Zone AE, use depth of flooding) 8

010. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in 009.

☐ FIS Profile ☐ FIRM ☐ Community Determined ☒ Other (Describe): Point on Boundary

B11. Indicate the elevation datum used for the BFE in 89: ☒ NAVD 1989 ☐ Other (Describe: _____)

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No

SECTION C - ELEVATION CERTIFICATE FOR CONSTRUCTION

C1. Building elevations are based on: ☐ Construction Drawings ☐ Building Under Construction ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Building Diagram Number 2 (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

C3. Elevations - Zones A1-A30, A1, A11, A (with SFE), V1, V1-V30, V (with SFE), AR, AR1A, AR1AE, AR1A1-A30, AR1A11, AR1AO
Complete items C3a-i below according to the building diagram specified in Item C2. State the datum used. If the datum is different from the datum used for the SFE in Section B, convert the datum to that used for the SFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.
Datum _____ Conversion/Comments _____

Elevation reference mark used _____ Does the elevation reference mark used appear on the FIRM? ☐ Yes ☒ No

<input type="checkbox"/> a) Top of bottom floor (including basement or enclosure)	<u>0</u> <u>2</u> ft.(m)
<input type="checkbox"/> b) Top of next higher floor	<u>12</u> <u>2</u> ft.(m)
<input type="checkbox"/> c) Bottom of lowest horizontal structural member (V zones only)	<u>-</u> <u>0</u> ft.(m)
<input type="checkbox"/> d) Attached garage (top of slab)	<u>11</u> <u>2</u> ft.(m)
<input type="checkbox"/> e) Lowest elevation of machinery and/or equipment servicing the building	<u>-</u> <u>0</u> ft.(m)
<input type="checkbox"/> f) Lowest adjacent grade (LAG)	<u>11</u> <u>1</u> ft.(m)
<input type="checkbox"/> g) Highest adjacent grade (HAG)	<u>11</u> <u>2</u> ft.(m)
<input type="checkbox"/> h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade	<u>10</u>
<input type="checkbox"/> i) Total area of all permanent openings (flood vents) in CSH <u>250</u> sq. ft. (sq. cm)	

License Number, Expiration Date, Signature and Date

Biedle Joh

This certification is to be signed and sealed by a land surveyor, engineer, or architect, authorized by law to certify elevation information. I certify that the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

BRAD A. TEMPLE

WORKING NUMBER 102- P.L.S 552

Professional Land Surveyor

COMPANY NAME Tremble - Sellers Inc.

29 P.O. 40K 447

CITY SAVANNAH STATE DE ZIP CODE 31473

SIGNATURE *Robert A. Doyle*

DATE 1-15-12 TELEPHONE 624-2475

ASSESSMENT

I. TYPE OF IMPROVEMENT

Cost of Improvements \$ **1,200.00** Stories _____
 New Building _____ Size _____
 Addition **ENCLOSE EXISTING SCREEN** Size _____
 Relocation **PORCH WITH WINDOWS** Size _____
 A. Structure _____ Size _____
 Sign _____ Size _____
 Remodeling _____ Size _____
 Other _____ Size _____

II. INTERIOR

No of Bedrooms _____
 No of Bathrooms _____
 No of Rooms _____
 Basement _____

VI. FOUNDATION

Pad ☐ Brick ☐
 Piling ☐ Conc Blk ☐
 Poured Concrete ☐ Slab ☐
 Other _____

III. HEATING

Electric ☐ Gas ☐
 Heat Pump ☐ FHA ☐
 Air Condition ☐

VII. FIRE PLACE

Yes ☐ No ☐
 Massonary ☐ Metal ☐

IV. EXTERIOR WALLS

Vinyl ☐ Wood ☐
 Alum Siding ☐ Brick ☐
 Other _____ Stone ☐

VIII. ROOFING

Built-Up ☐ Metal ☐
 Asph Shingle ☐
 Wood Shingle ☐
 Other _____

IV. INTERIOR WALLS

Dry Wall ☐
 Paneling ☐
 Other _____

IX. FLOORING

Earth ☐ Vinyl ☐
 Carpet ☐ Tile ☐
 Concrete ☐ Wood ☐
 Other _____

ZONING

TYPE OF USE

Existing Use **DWELLING**
 Proposed Use **ENCLOSE EXISTING SCREEN. PORCH WITH WINDOWS**
 Single Family ☒ Commercial _____ Other _____
 Zoning District **AR1** No of Units _____

SETBACKS

Front Yard **30'** Side Yard **15'** Rear Yard _____
 Rd Name - RY **INN WOODS LN - FR**
 Side yard on side street or corner Lot **40' PEPPER CREEK RD**
 From any dwelling or other ownership _____
 From any other unit in a mfg home park _____ of total lot area _____
 Height **42' MAX**
 Board of Adjustment Case No. _____
 Conditional Use Case No. _____
 Approved by Planning and Zoning **PAULINE HUGHES**

FLOOD

Flood Zone **AE 490 J 01/06/05**
 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 ☐
 ADDITIONAL REQUIREMENTS AND COMMENTS _____

OWNERS IDENTIFICATION

Name **CATE, PAUL R & MARY ANN**
 Address **32196 LINN WOODS LN**
 City: **DAGSBORO** ST **DE** Zip **19939**
 On Lands of **STA 84**

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 Paul Cate Name Printed Paul Cate Phone Number 275 3414
 Permit Fee **\$10.50 + \$3.00 + \$0.00 = \$13.50** Payment Type **CASH** Date Issued: **9/7/06**

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.

EDDY J. PARKER
DIRECTOR OF ASSESSMENTS

19947



was screened only
enclosed

55-7824
55-7828
INTV.NET

Petrie

Date September 1, 2006

Notice of Violation

This notice is to inform you that you are in violation of Sussex County Ordinance #653 for failure to obtain a Sussex County Building Permit for Construction on the below mentioned property.

Section 1 of the County Ordinance #653 states "No person shall construct or commence construction of a building or place a manufactured home, either in whole or in part, without first filing with the Sussex County Assessment Division an application in writing for such construction or placement and obtaining a permit therefore." Such application shall be made on forms prescribed by the Assessment Division and shall contain such information as the Assessment Division shall require. Responsibility for a violation at the time construction was commenced, or a manufactured home placed.

Any violation of this ordinance shall result in the imposition of a late charge, which shall be paid at the time of application for the building permit or manufactured home placement, but before issuance of the permit.

Application for permit may be obtained from the Assessment Division of the Sussex County Administration Building Monday through Friday, 8:30 AM to 4:30 PM. If any questions I am in the office on Thursday from 8:30am until noon, you can reach me at 302-855-7769.

If the above requirements have not been met appropriate legal proceedings shall be initiated.

Name of Owner Paul R. & Mary Ann Cate

Address 32196 Linn Woods Lane, Dagsboro, DE 1993

Property Linn Woods, Lot 4

Assessor CS Holder, Jr.

Building Permit Not Obtained enclosed porch

(* No Late Fee taken
was taken off Petrie)

DE 19939 0000
 AR1 Zoning Dist
 Fire: 84 00 00

TOWN 191 TRAILIC
 86U Enumeration Dist

15,000 Land v
 45,800 Improvement
 60,800 Total

Permit Num	Type(s)	Case#1	Case#2	NR CODE	Issued	Disposition	Value
BP 203976	DW				2/11/02	07/18/02	111,374
BP 211300	AS				10/18/02	03/11/03	1,440
BP 244727	AS				12/05/05		9,984

Bottom

BA CU CZ VIOLATION

F3=EXIT F13=NEW MAP#

F1=HELP

F4=SALES

F24=MORE KEYS F12=RETURN

F10=POP UPS

F9=911 F11=PD HISTORY

(temporary Permit)

This certifies that the (structure) (premises) described in Permit Number 253170 conforms to and complies with the requirements of the Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County, Delaware, and may be occupied as of the above date.

Approved Use Enclose Screen Porch

Approved By _____
Building Code Department for
Certificate of Occupancy

Applicant's Name Paul & Mary Ann Cate

Address 32190 Linn Woods Ln

Dagsboro, DE 19939

Approved By Sam W. [Signature]
Planning & Zoning Department
for Certificate of Compliance

N/A: Non-Applicable

7/18/02



CERTIFICATE OF COMPLIANCE AND/OR OCCUPANCY
PER
BUILDING CODE DEPARTMENT AND/OR
PLANNING & ZONING DEPARTMENT
SUSSEX COUNTY, DELAWARE

Date of Issue 7/5/02 Expiration Date _____ Tax Map & Parcel 1-34 6.00265
(Temporary Permit)

This certifies that the (structure) (premises) described in Permit Number 203976 conforms to
and complies with the requirements of Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County,
Delaware, and may be occupied as of the above date.

Approved Use Dwelling w/additions

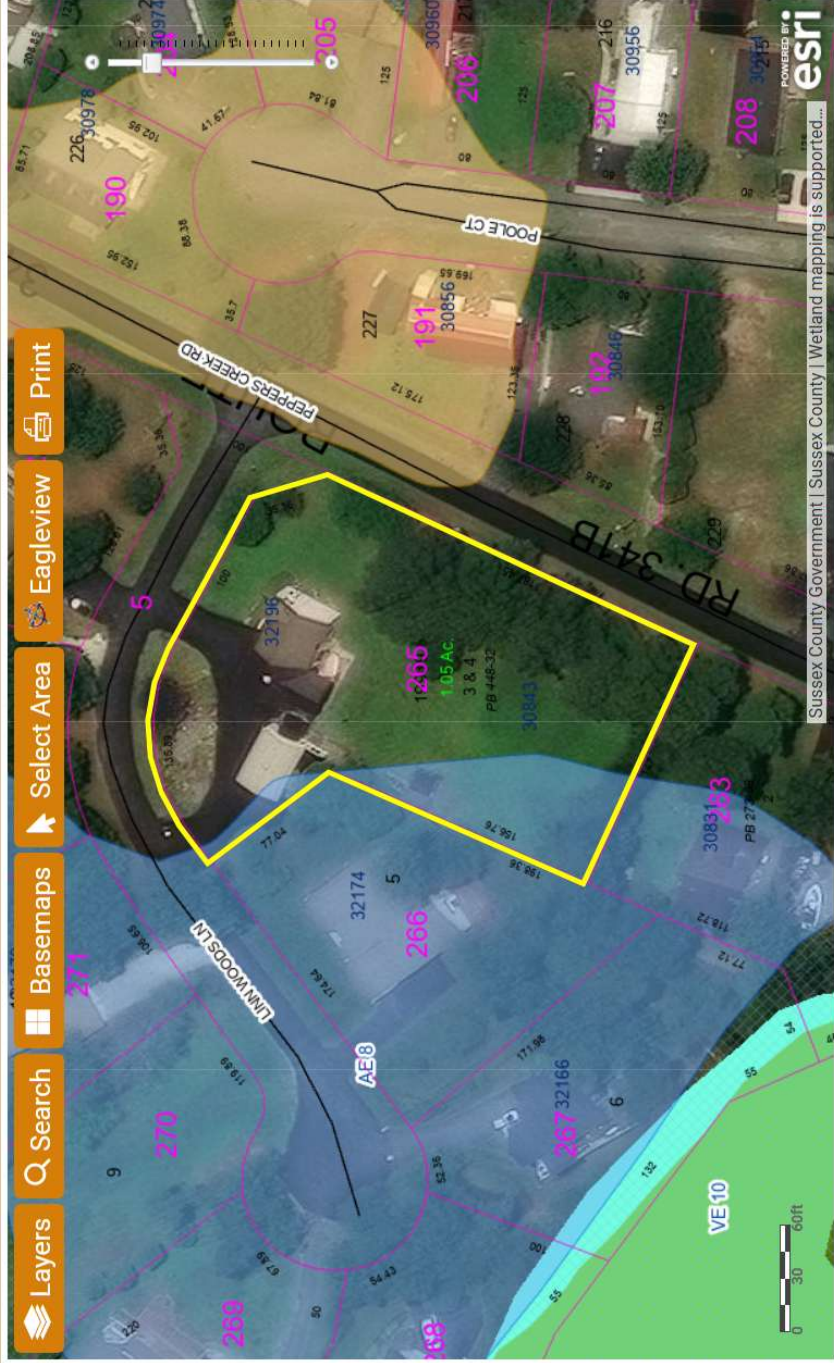
Approved By Van Millegri
Building Code Department for
Certificate of Occupancy

Applicant's Name Paul & Mary Cate

Approved By [Signature]
Planning & Zoning Department
for Certificate of Compliance

Address 300 N Maryland Ave.
Wilmington, DE 19804

N/A: Non-Applicable Cate



Eagleview	Search Results	Zoom
Selected Features:		
▼ 1) 134-6.00-265.00		
BOOK	4311	
PAGE	27	
FULLNAME	ORR HANDLEY J	
Second_Owner_Name	MARIE F ORR	
MAILINGADDRESS	32196 LINN WOODS LANE	
CITY	DAGSBORO	
STATE	DE	
a_account		
DESCRIPTION	LINN WOODS	
DESCRIPTION2	LOTS 3 & 4	
DESCRIPTION3		
LUC	101	
SCHOOL	1	
Selected Features (1)		
Clear Selected		



map: Auto (Ortho) ▾ | Dates: Latest ▾ | < image 1 of 3 > | 03/11/2025

Search

Search by SUSSEXPARCELS ▾

134-6.00-265.00

Search results (1)

Options ▾

134-6.00-265.00



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 # 13079
Hearing Date 6-2-25

RECEIVED

APR 04 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:

24708 Asbury Road, Georgetown, DE 19947

Variance/Special Use Exception/Appeal Requested:

Non-Conforming Accessory Dwelling Use - Permitted on 10/25/2002 for use by Arnold Littleton & Evelyn Mary Smith, parents of the current owners. The home was incorrectly permitted and placed on Parcel 22.00 instead of Parcel 22.06. 115-20 (15) (c) - 191-square foot Variance from 1,000 square foot maximum floor area for an ADU and a 2.82% Variance increase over the maximum 50% ADU floor area of the single-family dwelling located on the same lot.

Tax Map #: 231-15.00-22.00/22.06

Property Zoning: AR-1

Applicant Information

Applicant Name: Deanna S. Killen for Arnold & Eleanor Smith

Applicant Address: 16502 Old Furnace Road

City Georgetown

State DE

Zip: 19947

Applicant Phone #: (302) 841-3796

Applicant e-mail: deanna.s.killen@gmail.com

Owner Information

Owner Name: Arnold L. & Eleanor D. Smith, Jr.

Owner Address: 24678 Asbury Road

City Georgetown

State DE

Zip: 19947

Purchase Date: 6/25/54

Owner Phone #: (302) 841-3796

Owner e-mail: deanna.s.killen@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Mark H. Davidson - Pennoni

Agent/Attorney Address: 18072 Davidson Drive

City Milton

State DE

Zip: 19968

Agent/Attorney Phone #: (302) 684-6207

Agent/Attorney e-mail: mdavidson@pennoni.com

Signature of Owner/Agent/Attorney

Date: 4/3/2025



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.

The unique physical condition of the property could be attributable to its shape given that the permit granted was for an ADU to be associated with Parcel 22.06 BUT was placed on Parcel 22.00 when the building permit was issued and the Certificate of Occupancy was granted. This then became an ADU associated with the main dwelling on Parcel 22.00 when the intent of the ADU was for the main dwelling on Parcel 22.06.

2. Cannot otherwise be developed:

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

The utilities and access benefiting the ADU is burdening Parcel 22.06. The non-conforming ADU is already developed and was for the use with the main dwelling on Parcel 22.06 and could not be associated in strict conformity with Parcel 22.00 due to its existing location as shown on the attached plan.

3. Not created by the applicant:

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

The applicants placed the ADU for their parents to reside back in 2003 and had associated the ADU with the main dwelling on Parcel 22.06. Appellants were not aware that the ADU was on their adjacent Parcel 22.00 until Pennoni surveyed the property, 2025, for their family estate planning.

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 essential character of the neighborhood will remain the same, as has been previously approved, through building permits and certificate of occupancies for the Smith Family.

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 requested, is the minimum variance that will afford relief for the non-conforming ADU under the requirements of 115-20 (15).

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

- No** → ☒ • **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

Carol L. Smith

Date: 4/3/2025

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: _____



18072 Davidson Drive
Milton, DE 19968
(302) 684-8030
www.pennoni.com

LETTER OF TRANSMITTAL

TO:

Sussex County Administrative Offices
2 The Circle, P.O. Box 589
Georgetown, DE 19947

DATE:	April 4, 2025	JOB NO.	SMTHF24001
ATTENTION:	MR. JAMIE WHITEHOUSE		
RE:	231-15.00-22.00 and 231-15.00-22.06 Smith Family		

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via ☒ HAND DELIVER the following items:

- ☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
- ☐ Copy of Letter ☐ Change Order ☐

<i>LIST OF ITEMS TRANSMITTED</i>			
<i>COPIES</i>	<i>DATE</i>	<i>NO:</i>	<i>DESCRIPTION</i>
1		1	Application for Variance
1		2	Check #5259 \$500.00
1		3	Boundary & Location Survey
1		4	Lot Line Adjustment Plan
			RECEIVED
			APR 04 2025
			SUSSEX COUNTY PLANNING & ZONING

THESE ARE TRANSMITTED as checked below:

- | | | |
|---|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BIDS DUE | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

REMARKS: Any questions please contact, Mr. Mark H Davidson mdavidson@pennoni.com

Thank you: Katherine E Davidson kedavidson@pennoni.com PENNONI Associates

COPY SMTHF24001 DEL BOA 2025-04-04

TO:

SIGNED: Katherine E Davidson/file

If enclosures are not as noted, kindly notify us at once.

TR101 – 09/2023

BOOK	0
PAGE	0
FULLNAME	SMITH ARNOLD L JR
Second_Owner_Name	ELEANOR D SMITH
MAILINGADDRESS	24678 ASBURY RD
CITY	GEORGETOWN
STATE	DE
a_account	
DESCRIPTION	W/RD 446
DESCRIPTION2	PARCEL E
DESCRIPTION3	
LUC	101
SCHOOL	1
MUNI	00



Eagleview		Search Results	
Selected Features:		Parcels (1)	
▼ 1) 231-15.00-22.06		Zoom	
BOOK	0		
PAGE	0		
FULLNAME	SMITH ARNOLD L JR		
Second_Owner_Name	ELEANOR D SMITH		
MAILINGADDRESS	24678 ASBURY RD		
CITY	GEORGETOWN		
STATE	DE		
a_account			
DESCRIPTION	W/RD 446		
DESCRIPTION2	PARCEL E		
DESCRIPTION3			
LUC	101		
SCHOOL	1		
MAINT			

14

Selected Features (1)

Clear Selected



Workspaces



© 2025 Eagleview



map: Auto (Oblique) > Dates: Latest > < image 2 of 4 > 03/10/2025



Search

Search by SUSSEXPARCELS

231-15.00-22.06

Search results (1)

Options

231-15.00-22.06

