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**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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



7. In my opinion, the Subject Property is unique as it is a small, narrow lot, 40' x 100', which abuts a lagoon in the Swann Keys Subdivision. The exceptional practical difficulty is due to the uniqueness of the Subject Property and not due to circumstances or conditions generally created by the provisions of the Zoning Code.

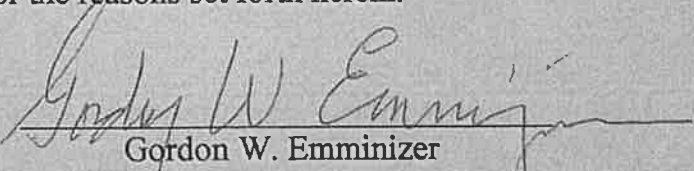
8. In my opinion, there is no possibility that the Subject Property can be developed in strict conformity with the provisions of the Zoning Code at this time. It would be necessary to remove the Shed, which is wired for electricity through an underground cable and junction box, and has been in its current locations for more than thirty-four (34) years. A variance is therefore necessary to enable the reasonable use of the Subject Property.

9. My wife and I did not create the exceptional practical difficulty, nor did the current owner, Braun. It was my belief until receipt of the Survey that all improvements were placed and constructed in compliance with the applicable zoning laws, which belief was supported by the issuance of the variance by Sussex County in 2004.

10. In my opinion, the variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. It is my understanding that there have been numerous other variances granted in Swann Keys due to the size of the lots. In addition, the Shed has been in its current location for more than thirty-four (34) years. I have never received any complaints about the location of the Shed on the Subject Property.

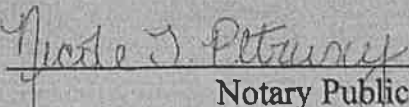
11. We are seeking a variance sufficient to bring the existing Shed into compliance with the Zoning Code, and nothing more. Thus, it is my opinion that the variance represents the minimum variance that will afford relief and represents the least modification possible of the regulation in issue.

12. Unfortunately, I am unable to attend the variance hearing scheduled for December 12, 2022 at 6:00 p.m. as I reside in New Freedom, Pennsylvania. As a result, I hereby authorize Shannon Carmean Burton, Esquire to appear on my behalf at the variance hearing. In addition, I submit this Affidavit to the Board of Adjustment for its consideration and respectfully request that the Board approve the requested variance for the reasons set forth herein.

  
Gordon W. Emminizer

SWORN TO AND SUBSCRIBED before me, the day and year aforesaid.

Commonwealth of Pennsylvania - Notary Seal  
Nicole T. Petruny, Notary Public  
York County  
My commission expires February 23, 2025  
Commission number 1305741  
Member, Pennsylvania Association of Notaries

  
Notary Public

# EXHIBIT “1”

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GORDON AND LYNNE EMMINIZER

Case No. 8509 – 2004

A hearing was held after due notice on March 8, 2004. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements South of Route 54, East of Laws Point Road, Lot 34, Block E, Swann Keys. The Applicant was requesting a 4 foot variance from the required 10 foot side yard setback for a proposed sunroom. After a hearing, the Board made the following findings of fact:

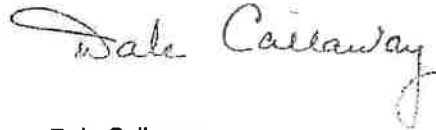
1. The Applicant has an existing deck measuring 16 feet by 16 feet. The Applicant wishes to extend the deck, and construct a sunroom on a portion of it.
2. Numerous variances have been granted in Swann Keys, as lots are small making improvement to properties difficult.
3. The Application will not alter the essential character of the neighborhood.
4. No parties 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 May 12, 2004

# EXHIBIT “2”







7. In my opinion, the Subject Property is unique as it is a small, narrow lot, 40' x 100', which abuts a lagoon in the Swann Keys Subdivision. The exceptional practical difficulty is due to the uniqueness of the Subject Property and not due to circumstances or conditions generally created by the provisions of the Zoning Code.

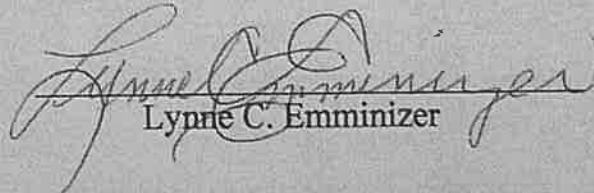
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Lynne C. Emminizer

SWORN TO AND SUBSCRIBED before me, the day and year aforesaid.

Commonwealth of Pennsylvania - Notary Seal  
Nicole T. Petruny, Notary Public  
York County  
My commission expires February 23, 2025  
Commission number 1305741  
Member, Pennsylvania Association of Notaries

  
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BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Dale Callaway  
Chairman

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Date May 12, 2004

# EXHIBIT “2”

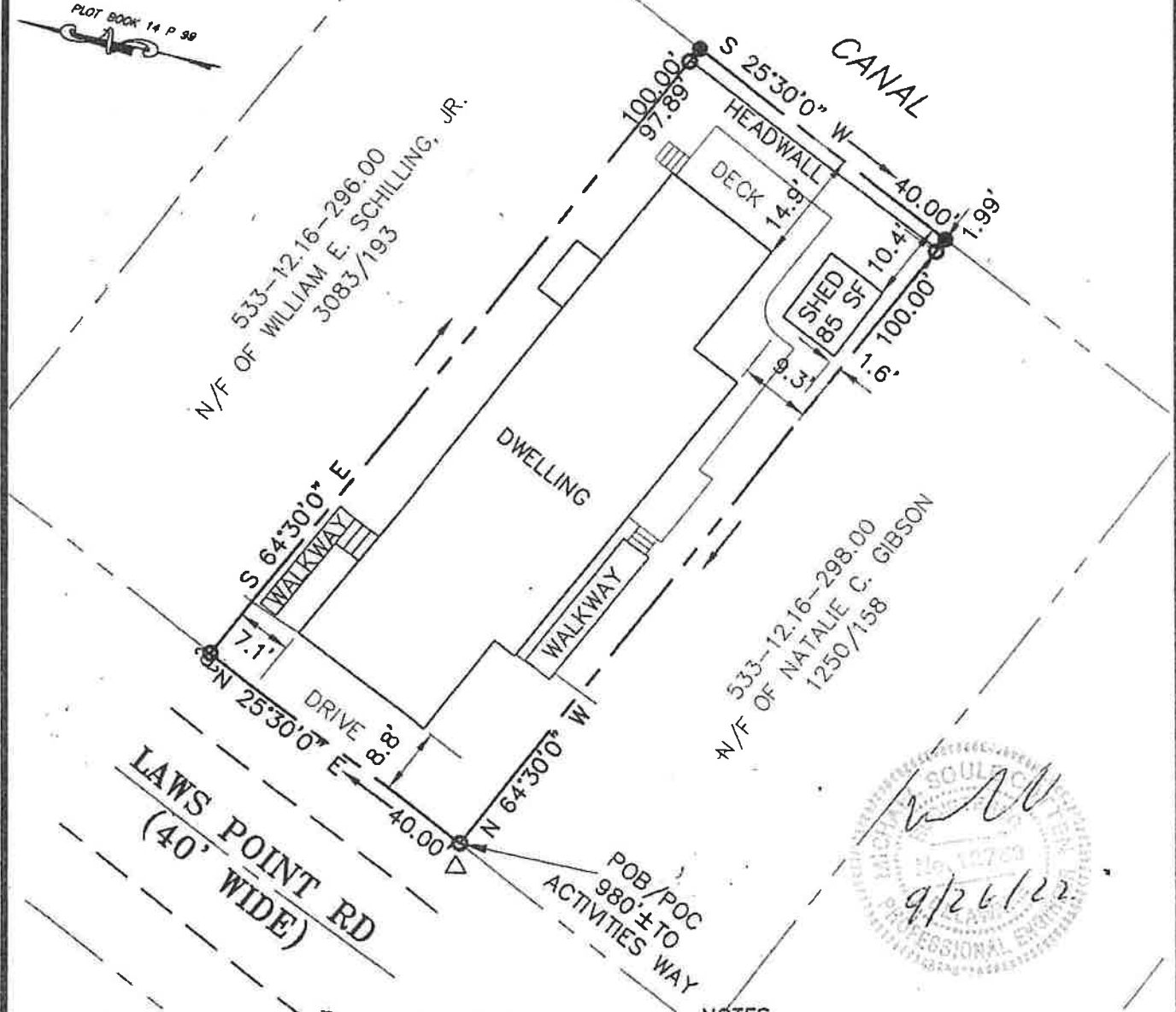
**LEGEND**

- MAGNAIL FOUND
- POINT

PROPERTY LINE

PLOT BOOK 14 P 39

I, MICHAEL S. COTTEN, REGISTERED AS A PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



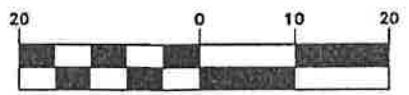
**NOTES**

1. TITLE REFERENCED TO DEED BOOK 1586, PAGE 191.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
4. THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS AFFECTING THIS PROPERTY.
5. FEMA FLOOD ZONE AE (EL 4), PANEL 10005C0652K (3/18/2015)

**BOUNDARY SURVEY**  
 FOR GILBERT L. & JEANNINE L. BRAUN  
 OF LANDS N/F OF GORDON W. & LYNNE C.  
 EMMINIZER  
 LOT 34, BLOCK E, SWANN KEYS  
 36990 LAWS POINT ROAD  
 SELBYVILLE, DE 19975  
 BALTIMORE HUNDRED  
 SUSSEX COUNTY, DELAWARE  
 TAX MAP #533-12.16-297.00  
 AREA: 4,000±SF / 0.092±ACRES

**COTTEN ENGINEERING LLC**

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



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DESIGNED BY: CE	REV:	JOB # 22-510
DRAWN BY: TDH	DATE: 09/28/2022	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: AS-SHOWN	

BOA CASE 12769



BOA CASE 12769

30835  
Horne's on Lagoon



30835  
Horne s on Lagoon

BOA CASE 12769





BOACASE 12169



Ben Case 11769

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✕ BOA CASE 12769 ↩️ ✓

Distance ⓘ

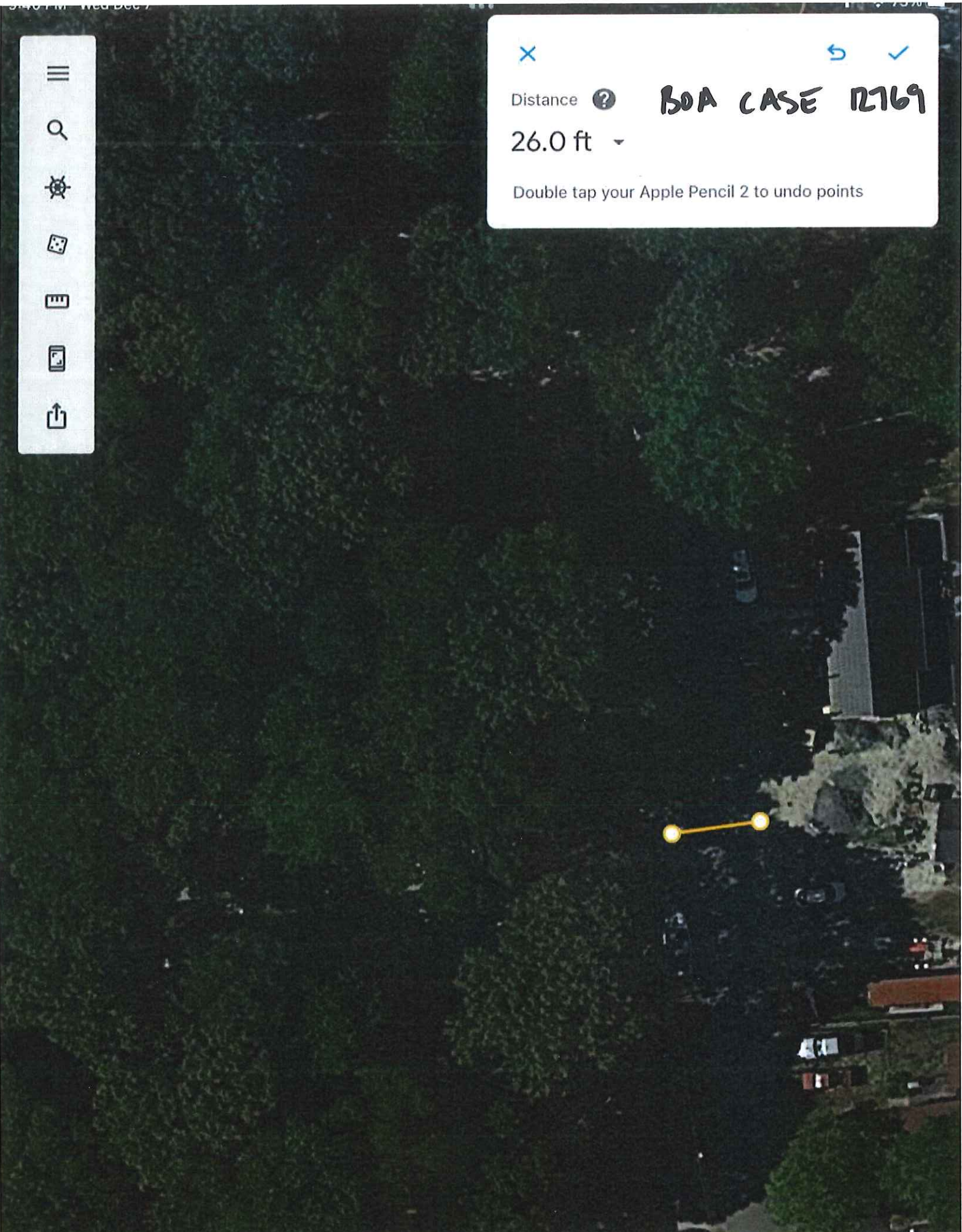
23.1 ft ▾

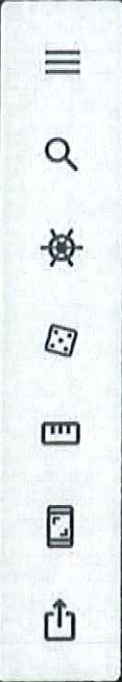
Double tap your Apple Pencil 2 to undo points





✕ ↶ ✓  
 Distance ? **BOA CASE 12769**  
 26.0 ft ▾  
 Double tap your Apple Pencil 2 to undo points



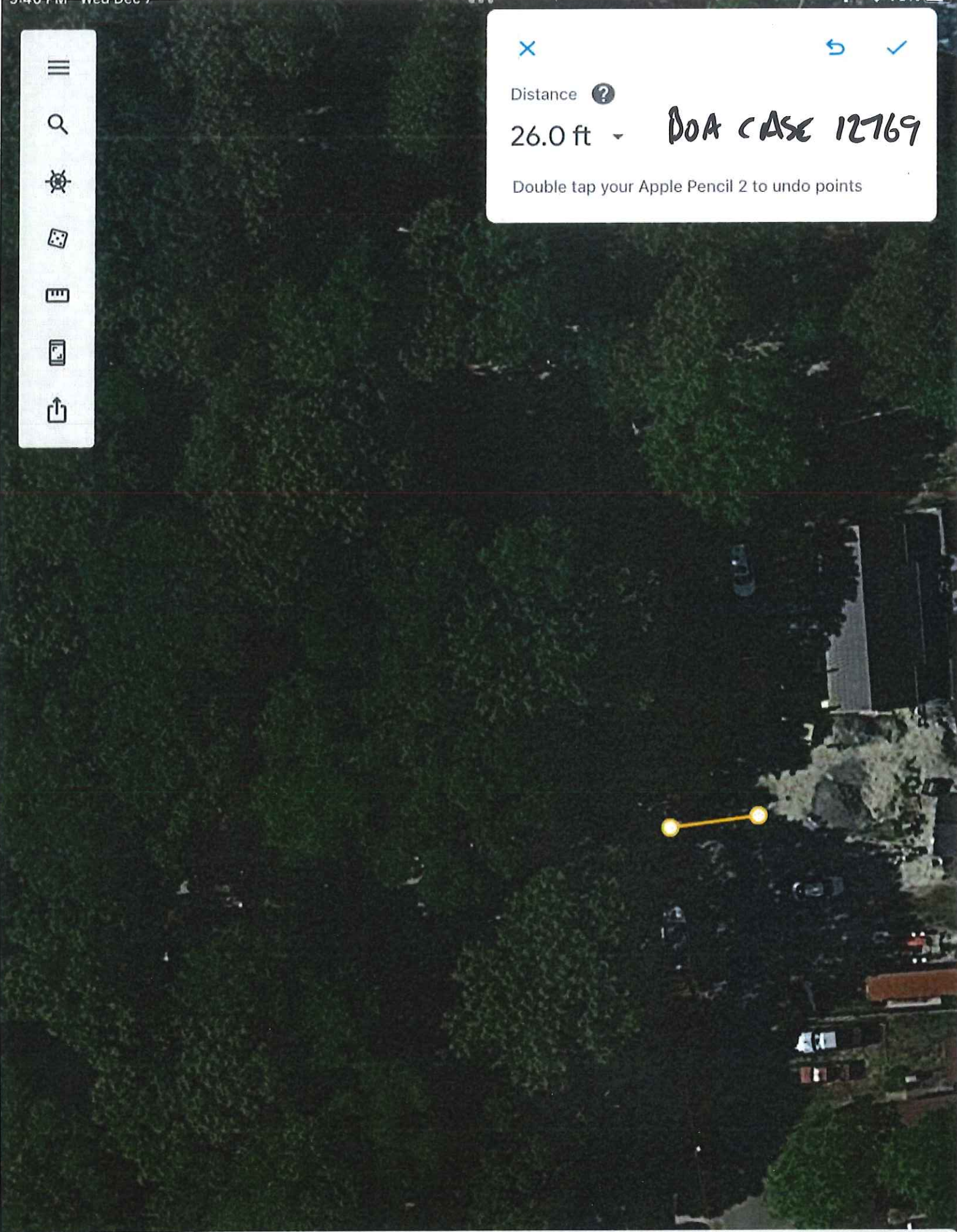


✕ ↶ ✓

Distance ?

26.0 ft ▾ **DOA CASE 12769**

Double tap your Apple Pencil 2 to undo points



## Elliott Young

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**From:** william collins jr <billsfc@embarqmail.com>  
**Sent:** Tuesday, December 6, 2022 7:17 PM  
**To:** Elliott Young  
**Subject:** Board of Adjustment public hearing 12/12/2022  
**Attachments:** 20221121\_103244.jpg; 20221121\_103313.jpg; 20221121\_103326.jpg

**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.

Regarding: Case No. 12769- Cortney Horne Tax parcel: 134-6.00-123.00

Hearing: 12/12/2022 6:00P.M.

Elliott,

Thank you for taking the time to explain the variance that is being requested in case no. 12769.

I would like to add a few comments in regard to the property listed in the variance. This property already has a house which is closer to the road than many properties in the area. Allowing an addition even closer to the road will affect how/where the residents park their vehicles - guessing the vehicles will be on the road even more.

Another concern/issue with this property is the "shipping container" which was to be converted to a shed over a year ago. This has not been done and now that the resident is building a garage on the property the "shed" has been moved out close to the road (if the container doors are open they are on the road) and just over 3 feet from the fence. (We had talked to the resident prior to them setting the shipping container and advised them the side setback was 5 feet and they still moved it closer) The problem with this is a safety issue. As you can see from the pictures provided when we are in our parking area there is no sight line to pull out. There are children playing on the road constantly and if they would be riding bikes or running it would not be possible to see them or if another vehicle would be coming in/down the road when we are trying to pull out the results could be disastrous.... this really needs to be addressed.

Another concern is the amount of sand which is slowly shifting from this property over to ours. They had built up the sand on their side and it now washes onto our side into our yard. You can see evidence of this if you look at the fence they installed after removing all the trees, shrubs and old fencing that was the border line without even contacting us.

I am not sure if any of this is of importance but we would like to be heard as things just seem to keep happening without consideration of others in the area.

Thank you for your time.

Bill and Sharon Collins

