

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



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

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

AGENDA

December 12, 2022

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes October 3, 2022

Approval of Finding of Facts for October 3, 2022

Old Business

Case No. 12738–Gwendolyn and Jeffrey Smith seek variances from the side yard setback requirement for existing structures (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of Russell Street within the Delaware Oyster Farms Subdivision, Lot 54. 911 Address: 28272 Russell Street, Millsboro. Zoning District: GR. Tax Parcel: 234-35.05-70.00

Public Hearings

Case No. 12765– Curt and Michelle Snyder seek a variance from the minimum lot width requirement for two proposed lots (Sections 115-25 of the Sussex County Zoning Code). The property is located on the southwest side of Dirickson Creek Road across from Jan Mar Lane. 911 Address: N/A. Zoning District: AR-1. Tax Parcel: 134-21.00-14.02

Case No. 12766–Robert and Cathrine Debes seek a variance from the rear yard setback requirement for a proposed structure (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of Plover Lane within the Estuary Subdivision. 911 Address: 24062 Plover Lane, Frankford. Zoning District: AR-1. Tax Parcel: 134-19.00-812.00



Case No. 12767– Thomas and Lisa Kiracofe seek variances from the maximum fence height requirement for an existing fence (Section 115-25, and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of West Mint Place within the Mulberry Knoll Subdivision. 911 Address: 34810 West Mint Place, Lewes. Zoning District: AR-2. Tax Parcel: 334-18.00-146.00

Case No. 12768–Gordon W. and Lynne C. Emminizer seek a variance from the side yard setback requirement for an existing structure (Sections 115-42, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Laws Point Road within the Swann Keys Subdivision. 911 Address: 36990 Laws Point Road, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-297.00

Case No. 12769–Cortney Horne seeks a variance from the front yard setback requirement for an existing and proposed structure (Sections 115-42, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on the west side of East Lagoon Road within the Dogwood Acres Subdivision. 911 Address: 30835 East Lagoon Road, Dagsboro. Zoning District: GR. Tax Parcel: 134-6.00-123.00

Case No. 12770– Christopher and Lisa Smith seek a variance from the front yard setback requirements for a proposed addition (Sections 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of South Seaview Drive within the Seabreak Subdivision. 911 Address: 31719 South Seaview Drive, Bethany Beach. Zoning District: MR-RPC. Tax Parcel: 134-13.00-1143.00

Additional Business



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 5, 2022, 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 County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

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

To join the meeting via telephone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, December 8, 2022.

####



Case # 12738
Hearing Date _____

**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

Application: 202208478

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

28272 Russell St., Millsboro, Delaware 19966

Variance/Special Use Exception/Appeal Requested:

Variance is being requested for setback requirement.

Tax Map #: 234-35.05-70.00 Property Zoning: R GR

Applicant Information

Applicant Name: Gwendolyn and Jeffrey Smith
Applicant Address: 28272 Russell St.
City Millsboro State De Zip: 19966
Applicant Phone #: 302.542.3719 Applicant e-mail: gwenk1239@gmail.com

Owner Information

Owner Name: Gwendolyn and Jeffrey Smith
Owner Address: 28272 Russell Street
City Millsboro State De Zip: 19966 Purchase Date: 12/2007
Owner Phone #: 302.542.3719 Owner e-mail: gwenk1239@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Date: 06/08/2022



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 lot in question is located in Oak Orchard and is the typical 50' X 90' lot. The home has narrow street frontage. The dimensions of the home is 27.6' x 48' with a resulting square foot of 1226. The stairs erected originally were 3' wide.

2. Cannot otherwise be developed:

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

The lot is small and narrow in size (50' wide x 90' depth) and the homes width (27.8') there is only 11.1 feet between the home and the property line. With the 5' setback requirement, this makes having a staircase leading to the home facing the front of the property for entry/exit, and having an established permanent area for outdoor family gatherings pretty much impossible.

3. Not created by the applicant:

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

This issue was created due to the narrowness of the lot.

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

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

The area is in the process of changing with modern homes being built in the area. The adjacent property will not permanently/substantially impair the owners. Despite the deck/stairs being proposed they will be short of the property line. There will be a 6' privacy fence erected to ensure the changes will not be seen from the street.

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 lower deck measures 8' x 10' 6". By building the lower deck in such a way, it will allow the lower steps to extend toward the front of the house. This will leave space at the rear of the home to erect a temporary pool each summer. This pool takes the space between the lower deck and the existing shed. There is an existing variance for this shed for the setback requirements.

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 adjacent property will not be effected. A 6' Vinyl fence will be erected at the completion of the construction around the perimeter of the property. This updates the broken fence that the neighbor has allowed to fall on the opposite side of the property. The deck and steps that impinge the property line will not be visible from the adjacent property on ground level.

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)

The additional steps will also be constructed to face the front of the property to meet egress requirements. These steps will measure 4' wide. By constructing 4' wide steps it allows easier access to bring large items into the home i.e. furniture and appliances.

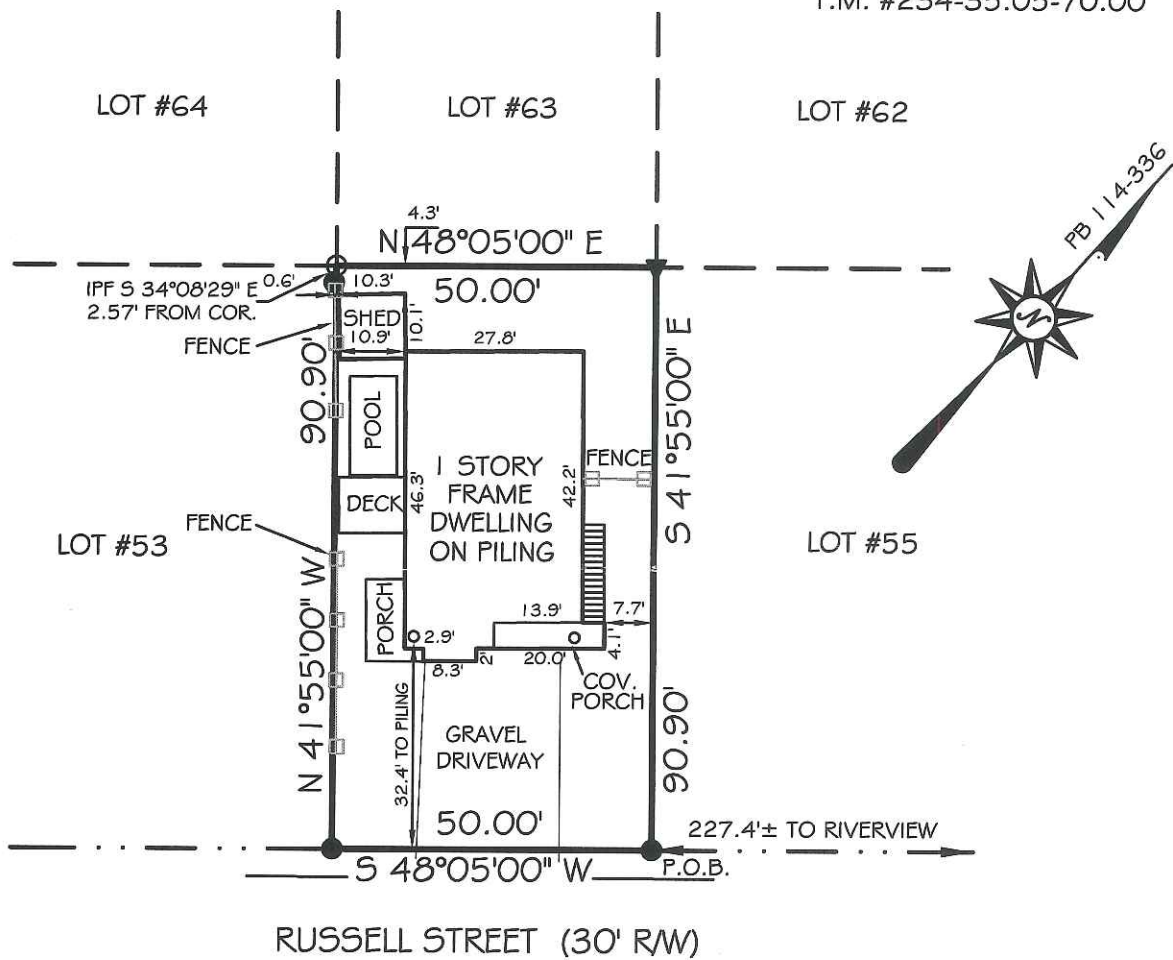
Basis for Appeal: (Please provide a written statement regarding reason for appeal)

The original deck and steps that were erected at the construction of the house met minimum standards. The steps were not constructed well from the start but met occupancy requirements by the county inspector. The deck and steps are positioned in such a way that the sun shines on them all day and this caused the structure to become unstable. The railing was able to actually wobble significantly with any light force. ***Please refer to addendum***

The decision was made to remove the dangerous structure as it was unsafe for visitors, the children and the animals. The original deck and stairs on the East side of the house are also getting to be dangerous and will eventually need to be replaced for the safety of the occupants of the home. The intent was to rebuild a new deck and stairs to ensure the safety of all occupants. An Intex metal supported pool is erected. The pool is temporary but it stays in place every winter. The steps lead from the upper deck to a lower deck for access to the pool. The lower deck gives this family a very pleasant place to gather for family time, participate in small outdoor meals and a general area to relax on deck chairs. There will be a lower set of stairs with a 4' width erected leading to the front of the home for proper egress and ease of moving large items into and out of the home. These stairs will also not meet the 5' setbacks required by the county so it is being requested permission to build them. To finish off the construction, a 6' white vinyl fence will be erected around the perimeter of the property. This will actually improve the appearance at the street level as the neighbor at the East of the property has a fence that has fallen and with permission, the panels were discarded by this applicant at our cost.

Gwendolyn Smith
2022 June 9

T.M. #234-35.05-70.00



- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- POINT

THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN.
NO TITLE SEARCH PROVIDED OR STIPULATED.

I, DONALD K. MILLER 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.

DONALD K. MILLER
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 407
Donald K. Miller
DATE: 5/2/22
DONALD K. MILLER, PLS 407
SURVEY CLASS: SUBURBAN

BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966
LOT #54 OF "OYSTER FARMS" SUBDIV.
INDIAN RIVER HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30' APRIL 22, 2022

PREPARED BY:

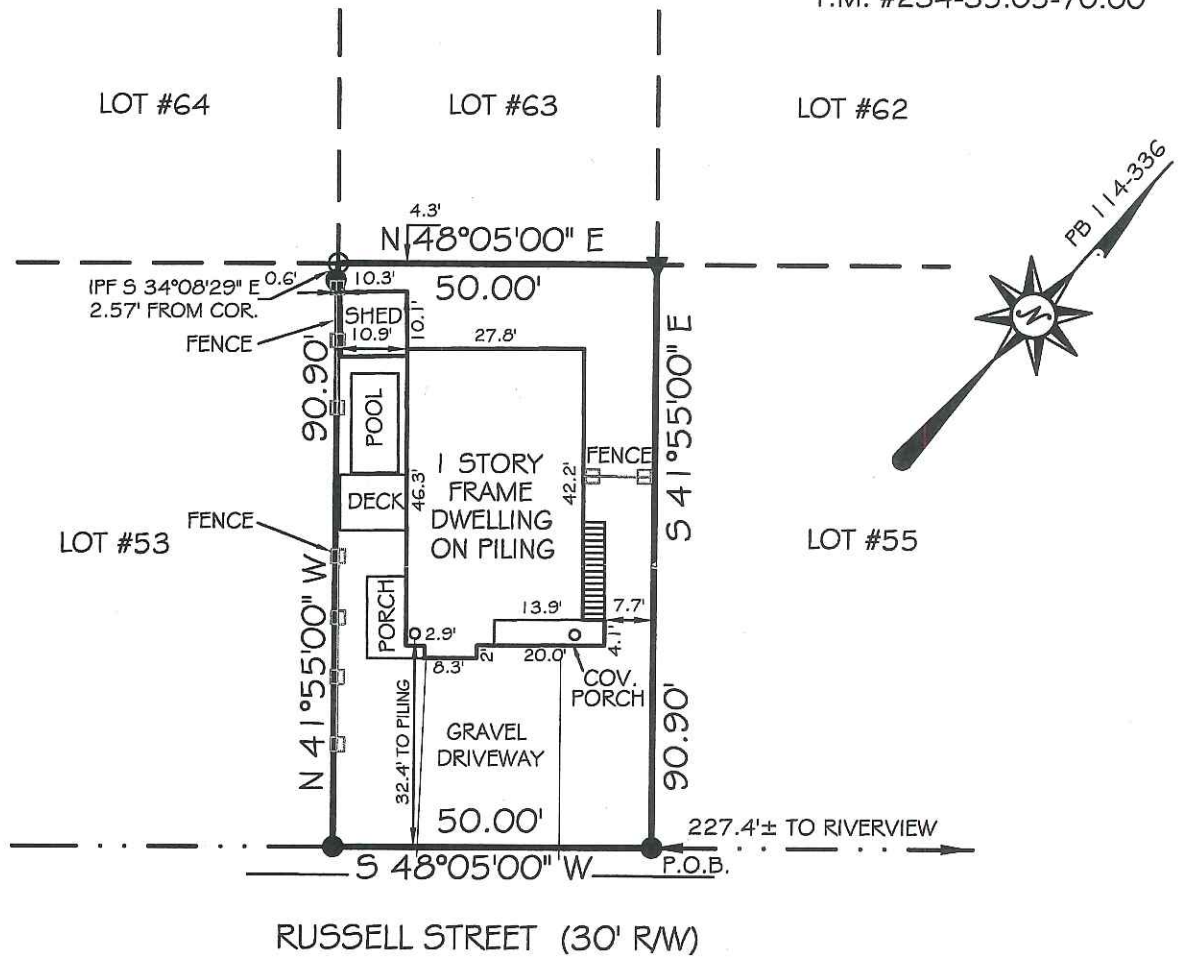
PH: 302-629-9895
FAX: 302-629-2391

MILLER
LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973

T.M. #234-35.05-70.00



CO's for Deck, Shed + Decks

BOA 10315 - App 12/15/08

BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

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LOT #54 OF "OYSTER FARMS" SUBDIV.

INDIAN RIVER HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

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APRIL 22, 2022

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Donald K. Miller
 DONALD K. MILLER, PLS 407
 SURVEY CLASS: SUBURBAN

5/2/22
DATE

PREPARED BY:

MILLER
LEWIS, INC.
LAND SURVEYING

PH: 302-629-9895
FAX: 302-629-2391

1560 MIDDLEFORD RD.

SEAFOORD, DE. 19973

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GWENDOLYN L. KARPIN

CASE NO. 10315 – 2009

A hearing was held after due notice on December 15, 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 side yard and rear yard setback requirements.

Finding of Facts

- The Board found that the Applicant was seeking a variance from side yard and rear yard setback requirements north of Road 297A, north of Russell Avenue, Lot 54, Delaware Oyster Farms. The Applicant was requesting a 4.4 foot variance from the required 5 foot rear yard setback for a shed, and a 4.4 foot variance from the 5 foot side yard setback for a shed. After a hearing, the Board made the following findings of fact:

1. The Applicant's lot measures 50 feet by 90 feet, which is too narrow for most construction.
2. The Applicant's shed measures 10 feet by 10 feet, and the dwelling itself is on pilings. The shed will be placed against a fence.
3. The Board determined that the variance is the minimum necessary to afford relief, particularly with the narrowness of the lot involved.
4. No persons appeared in opposition.

The Board granted the requested variances.

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

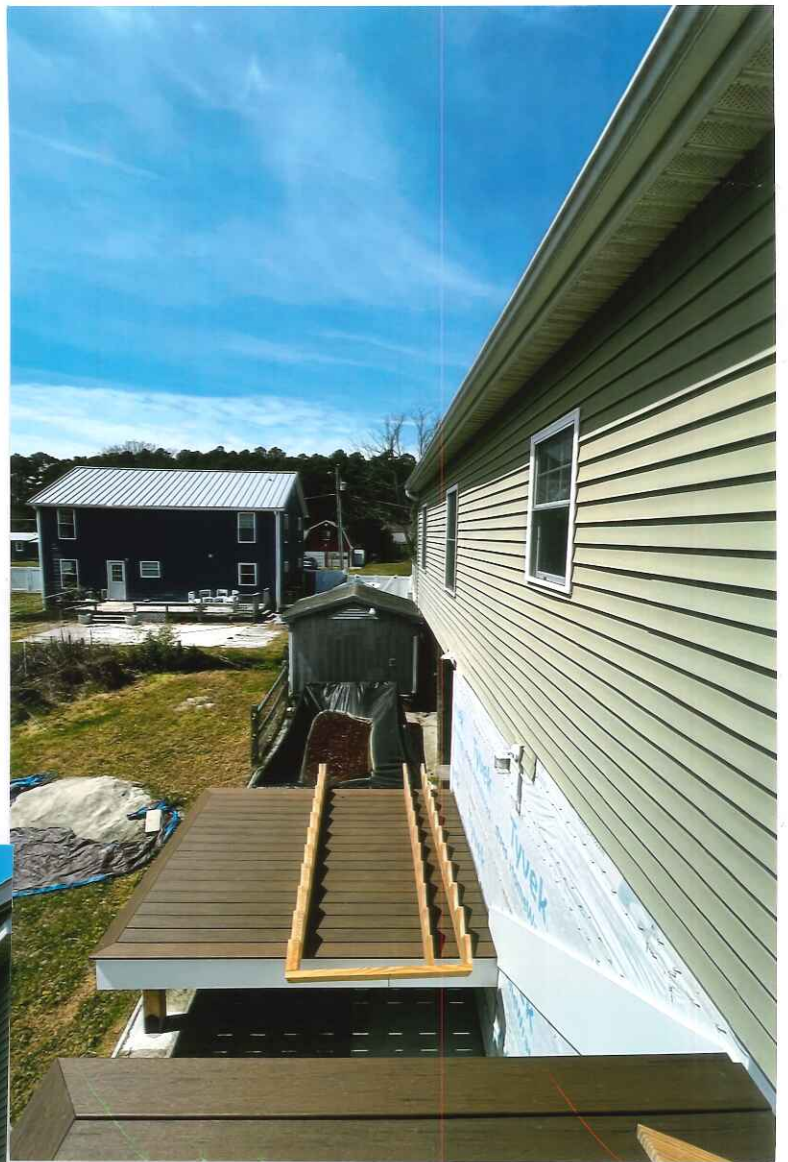
Dale Callaway
Chairman

Copy Only

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

Date _____

View from upper
deck.



At property line.
After fence is
installed, this will
not be visible.

View of shed, pool and deck



8' lower deck for pool access and entertainment area



Jennifer Norwood

From: Gwendolyn Karpin <gwenk1239@gmail.com>
Sent: Tuesday, August 16, 2022 3:22 PM
To: Jennifer Norwood
Cc: Jeffrey Smith
Subject: Re: Variance Application
Attachments: 234-35.05-70.00.pdf

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.

Dear Ms. Norwood

After speaking with you today, we have decided to withdraw our application for variance on our property. We have decided to purchase Lot 53 and add it to our lot 54 parcel. I will have my real estate attorney take care of this when we close on the sale of lot 53.

Thank you for your time,

Gwendolyn Smith

On Aug 16, 2022, at 3:00 PM, Gwendolyn Karpin <gwenk1239@gmail.com> wrote:

Good afternoon,

The pool is not permanent. It is an Intex Metal pole and vinyl soft sided temporary pool.

I will talk to the survey company and forward what you are telling me.

Also be advised that we are closing on the property next door on August 29 and will be scheduling a survey to combine the two lots.

Gwen Smith

On Aug 16, 2022, at 2:49 PM, Jennifer Norwood <jnorwood@sussexcountyde.gov> wrote:

Ms. Smith,

I am reviewing your application for the variances you are seeking, the survey submitted with the application does not show the variances needed. The survey needs to show the distance any existing and proposed structures will be or are from the property line.

According to our records, the existing shed, decks, and dwellings were permitted and issued Certificates of Compliance.

The existing pool does not have a record of a permit and will need to be included in your variance request, a pool shall be 10-ft from a side yard property line.

The proposed fence cannot exceed 3.5-ft in height for the first 30-ft from the front property line, if the proposed fence will exceed this height within that 30-ft we will need to include that portion of fence in the request.

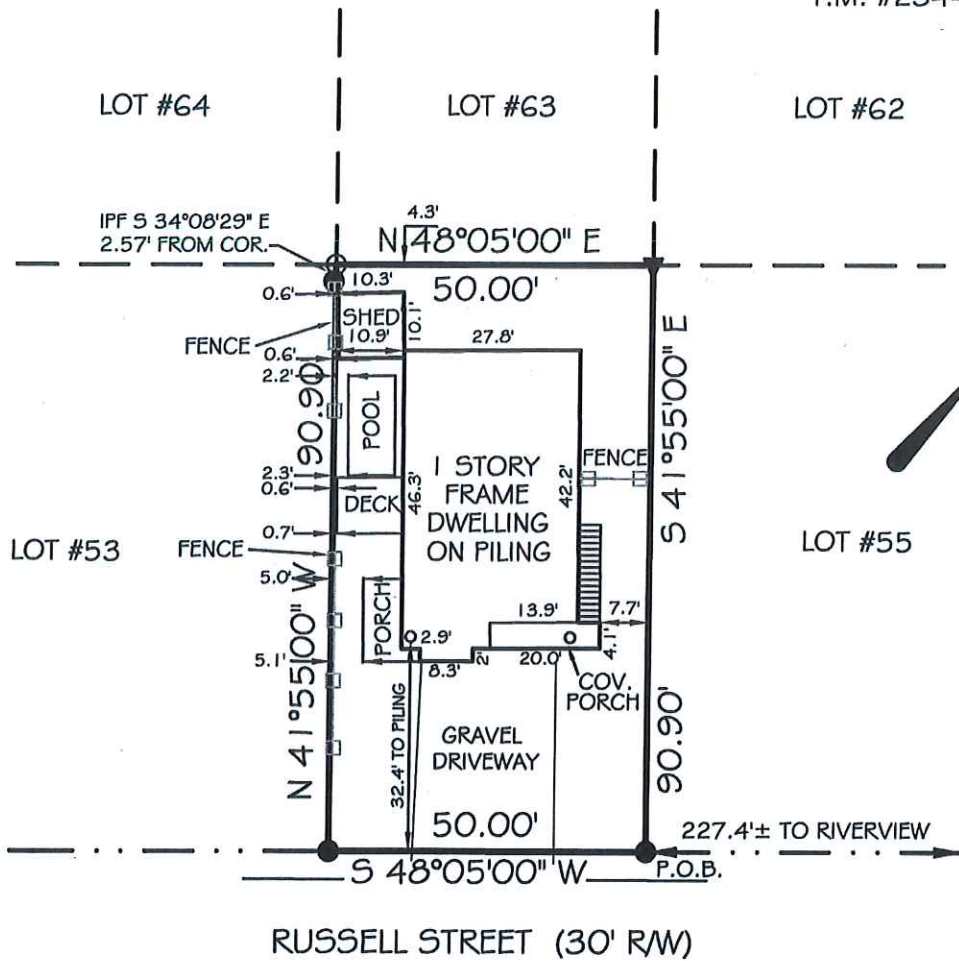
Please have the additional information added to the survey as soon as possible. Please call or email with any additional questions you may have.

Thanks,
Jenny

Jennifer Norwood

Planning Manager
Planning and Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947
Office Phone (302)855-7878
Direct Line (302)858-5501
jnorwood@sussexcountyde.gov

T.M. #234-35.05-70.00



- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- POINT

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Donald K. Miller
 DONALD K. MILLER, PLS 407
 SURVEY CLASS: SUBURBAN
 9/16/22
 DATE

BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966
 LOT #54 OF "OYSTER FARMS" SUBDIV.
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30'

SEPTEMBER 16, 2022

PREPARED BY:

PH: 302-629-9895
 FAX: 302-629-2391

MILLER
LEWIS, INC.
 LAND SURVEYING

1560 MIDDLEFORD RD.

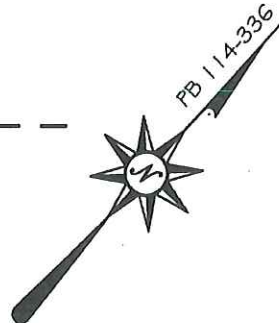
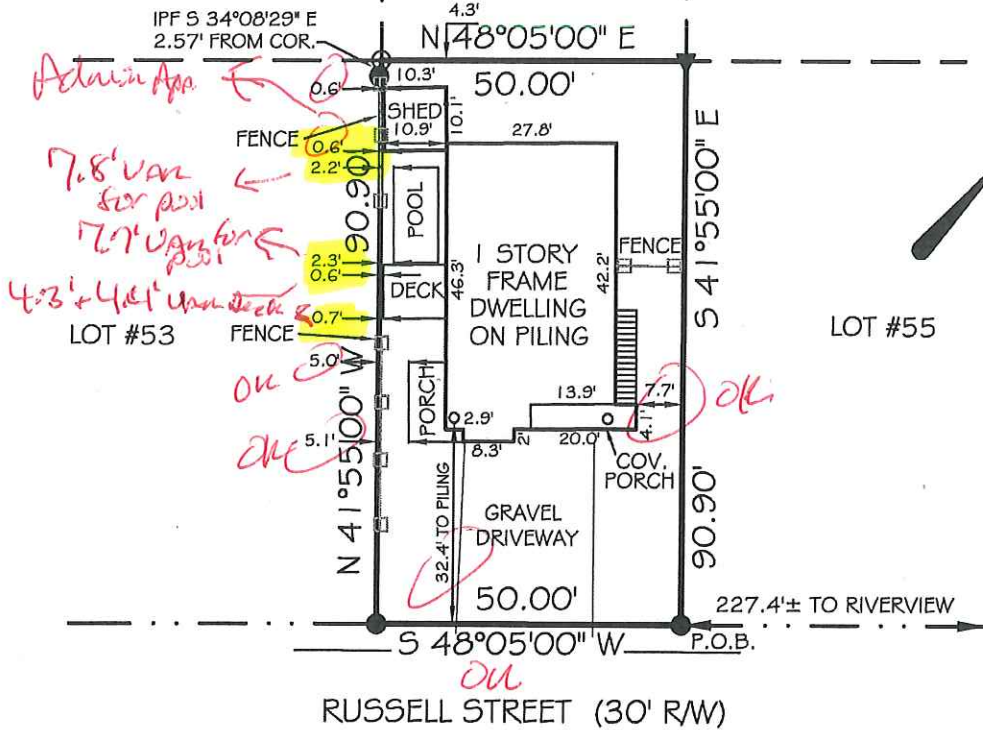
SEAFORD, DE. 19973

T.M. #234-35.05-70.00

LOT #64

LOT #63

LOT #62



- IRON PIPE (FOUND)
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DONALD K. MILLER, PLS 407
 DATE 9/16/22
 SURVEY CLASS: SUBURBAN

BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966

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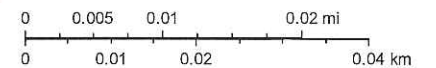
Sussex County



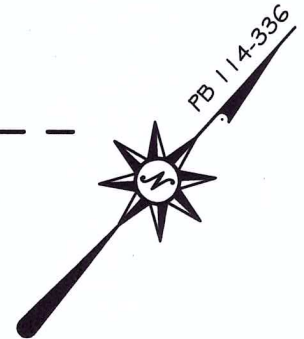
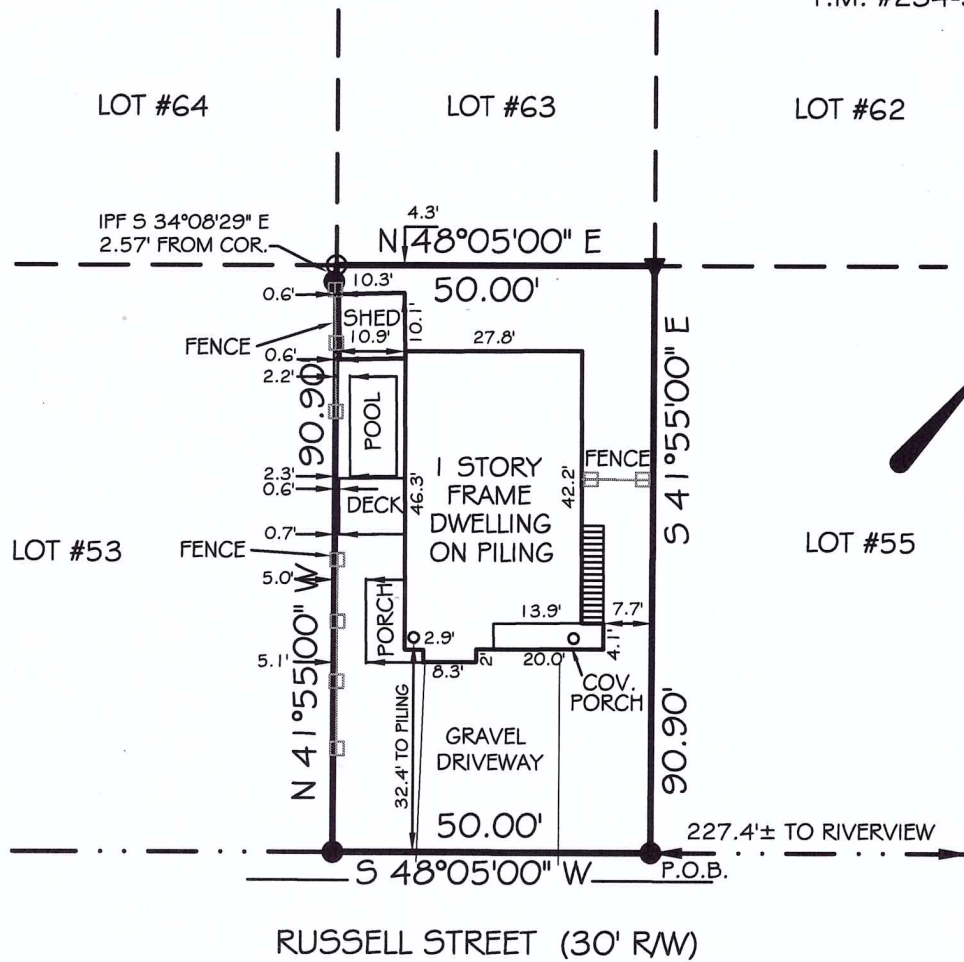
PIN:	234-35.05-70.00
Owner Name	SMITH GWENDOLYN LEA
Book	5573
Mailing Address	28272 RUSSELL ST
City	MILLSBORO
State	DE
Description	DELAWARE OYSTER FARM
Description 2	LOT 54
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1 Special Access ROW
 - Override 1 Municipal Boundaries
- polygonLayer**
 - Override 1 Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - DeIDOT Maintained
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature

1:564



T.M. #234-35.05-70.00



- IRON PIPE (FOUND)
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- POINT

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BOUNDARY SURVEY FOR
GWENDOLYN & JEFFERY SMITH
 28272 RUSSELL ST., MILLSBORO, DE 19966
 LOT #54 OF "OYSTER FARMS" SUBDIV.
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30' SEPTEMBER 16, 2022

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PH: 302-629-9895
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MILLER
 LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973

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DONALD K. MILLER
 REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 407

 DONALD K. MILLER, PLS 407
 9/16/22
 DATE

SURVEY CLASS: SUBURBAN

Case # 12765
Hearing Date 12/12 Tentative
2022 14201

**Board of Adjustment Application
Sussex County, Delaware**

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

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

SW/RD 364B Lot A (Dirickson Creek Road) Plot boog page 18- 76/PB

Variance/Special Use Exception/Appeal Requested:

Variance to subdivide current lot into two parcels.

Tax Map #: 134-21.00-14.02

Property Zoning: R/RI AR-1

Applicant Information

Applicant Name: Curt & Michelle Snyder
Applicant Address: 37168 Lord Baltimore Lane
City Ocean View State DE Zip: 19970
Applicant Phone #: (302) 245-9353 Applicant e-mail: m1shelle@aol.com

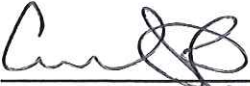
Owner Information

Owner Name: Curt & Michelle Snyder
Owner Address: 37168 Lord Baltimore Lane
City Ocean View State DE Zip: 19970 Purchase Date: 5/24/20
Owner Phone #: (302) 745-3009 Owner e-mail: troop281chair@gmail.com

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


Michelle Snyder

Date: 9/16/2022
9/16/2022



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.

Prior to our purchase of the property in 2012, the eastern front corner of the property had 117.0 frontage for a designated septic area. The purchaser of the adjacent lot did not need the area for septic and this corner was deeded to our property. Hence, our lot has two areas that are designated septic field areas.

2. Cannot otherwise be developed:

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

We are requesting a variance for two properties. One would have road frontage of 150.0 feet and the other with 132.50 feet.

3. Not created by the applicant:

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

No modifications have been made.

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 will not alter the regulations of the neighborhood as all other regulations as far as type of homes and use will apply. There is a cluster of homes across the street that have less than 0.5 acres per lot, each of ours will be over 2 acres.

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 request is asking only for a road frontage variance if the lot is able to be divided into two parcels.

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.

n/a

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)

n/a

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

n/a

PARID: 134-21.00-14.02
SNYDER CURT

ROLL: RP

Property Information

Property Location:

Unit:
City:
State:
Zip:

Class:	RES-Residential
Use Code (LUC):	RI-RESIDENTIAL IMPROVEMENT
Town:	00-None
Tax District:	134 - BALTIMORE
School District:	1 - INDIAN RIVER
Fire District:	90-Roxana
Decoded Acres:	5.1500
Frontage:	0
Depth:	.000
Irr Lot:	
Plot Book Page:	180 76/PB
100% Land Value:	\$18,200
100% Improvement Value:	\$5,800
100% Total Value:	\$24,000

Legal

Legal Description	SWRD 364B LOT A
-------------------	--------------------

Owners

Owner	Co-owner	Address	City	State	Zip
SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970

PARID: 134-21.00-14.02
 SNYDER CURT

ROLL: RP

Property Information

Property Location:

Unit:
 City:
 State:
 Zip:

Class: RES-Residential
 Use Code (LUC): RI-RESIDENTIAL IMPROVEMENT
 Town: 00-Nene
 Tax District: 134 - BALTIMORE
 School District: 1 - INDIAN RIVER
 Fire District: 90-Roxana
 Deceded Acres: 5.1500
 Frontage: 0
 Depth: .000
 Irr Lot:
 Plot Book Page: 180 76/PB
 100% Land Value: \$18,200
 100% Improvement Value: \$5,800
 100% Total Value: \$24,000

Legal

Legal Description: SW/RD 384B
 LOT A

Owners

Owner	Co-owner	Address	City	State	Zip
SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
05/24/2012	4002/208	\$160,000.00	\$2,400.00	1	
05/16/1990	/	\$1.00	\$3,200.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2021	SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2020	SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2019	SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2018	SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2017	SNYDER CURT	MICHELLE SNYDER	37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2013	SNYDER CURT		MICHELLE SNYDER 37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2012	SNYDER CURT		MICHELLE SNYDER 37168 LORD BALTIMORE LN	OCEAN VIEW	DE	19970	4002/208
2011	GEIB TIMOTHY J CAROLYN		SANTELLA PETER GEIB 114 CEDAR RIDGE TER	GLASTONBURY	CT	6033	3597/23
2009	GEIB TIMOTHY J CAROLYN		SANTELLA PETER GEIB 114 CEDAR RIDGE TER	GLASTONBURY	CT	6033	3597/23
2006	BEHNETT G DELMAR TIMOTHY GEIB		CAROLYN GEIB SANTELLO 2043 BERKS RD	LANSDALE	CT	6071	2472/4
2000	BENNETT G DELMAR TIMOTHY GEIB		CAROLYN GEIB SANTELLO 6223 W VALLEY GREEN RD	FLOURTOWN	PA	19031	2472/4
1900	BECK SUSAN ELIZABETH HOMAN					0	1676/249

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Aq
1	RES	RI	0	0	5.1500	

Land Summary

Line	1
100% Land Value	18,200

100% Values

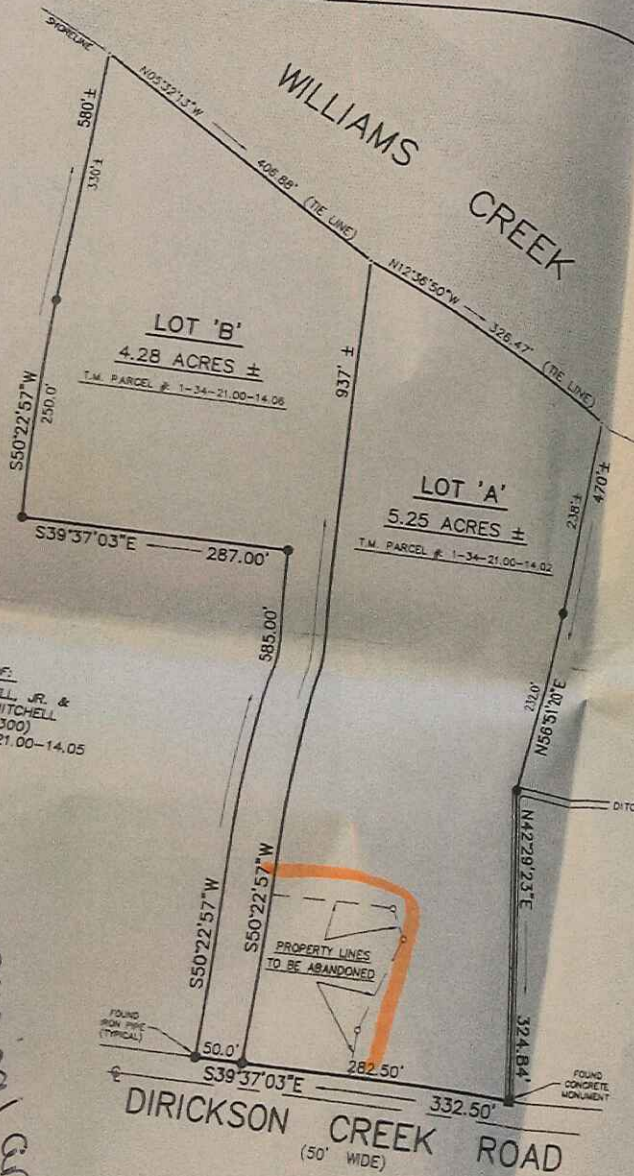
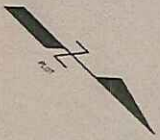
100% Land Value	100% Improv Value	100% Total Value
\$18,200	\$5,800	\$24,000

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$9,100	\$2,900	\$12,000

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
23-SEP-1993	21334-1	\$1,360	PIER-N/A

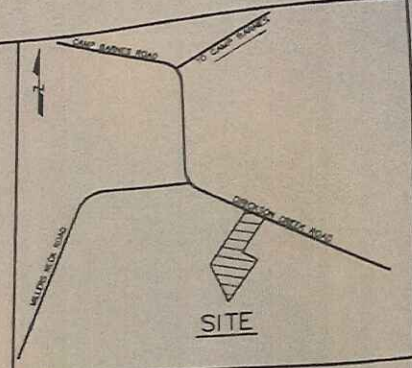
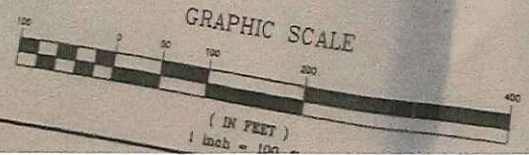


LANDS OF:
 WALTER B. MITCHELL, JR. &
 JENIFER ADAMS-MITCHELL
 (D.B. 3814, P. 300)
 T.M. PARCEL # 1-34-21.00-14.05

NOTE:
 PROPERTY LINE IS BY AND WITH
 THE MEANDERINGS OF THE EASTERLY
 SHORELINE OF WILLIAMS CREEK

LANDS OF:
 MICHAEL W. TYRE
 (D.B. 3826, P. 166)
 T.M. PARCEL # 1-34-21.00-14.03

*Original area
 from Lot B for
 Sept 11*



LOCATION MAP

DATA COLUMN

OWNERS: TIMOTHY J. GEIB, CAROLYN SANTELLA,
 PETER GEIB, STEPHEN GEIB,
 ANDREW GEIB & GEORGIA O'WEARA
 114 CEDAR RIDGE TERRACE
 GLASTONBURY, CT. 06033
 DEED REFERENCE: D.B. 3597, P. 23 AND
 D.B. 3597, P. 27
 PLOT REFERENCE: P.B. 17, P. 115 &
 P.B. 130, P. 83
 TAX MAP PARCEL #: 1-34-21.00-14.02 &
 1-34-21.00-14.06
 AREA: AS NOTED
 ZONING: AR-1

NOTES:

- 1.) THE PURPOSE OF THIS PLAN IS TO RESTORE LOT 'A' & LOT 'B' TO THEIR ORIGINAL CONFIGURATION PRIOR TO THE MAY 8, 2009 PROPERTY LINE REVISION PLAN DONE BY CHARLES L. COFFMAN SURVEYING AND RECORDED IN PLOT BOOK 130, PAGE 83.
- 2.) THIS PLAN SUPERCEDES THE PLAN RECORDED IN PLOT BOOK 130, PAGE 83 DATED MAY 8, 2009.

REVISIONS	BY

REVISED & REASSEMBLED PLAN

LANDS OF:
 TIMOTHY J. GEIB, CAROLYN SANTELLA, PETER GEIB,
 STEPHEN GEIB, ANDREW GEIB & GEORGIA O'WEARA
 BALTIMORE HUNDRED * SUSSEX COUNTY * DELAWARE

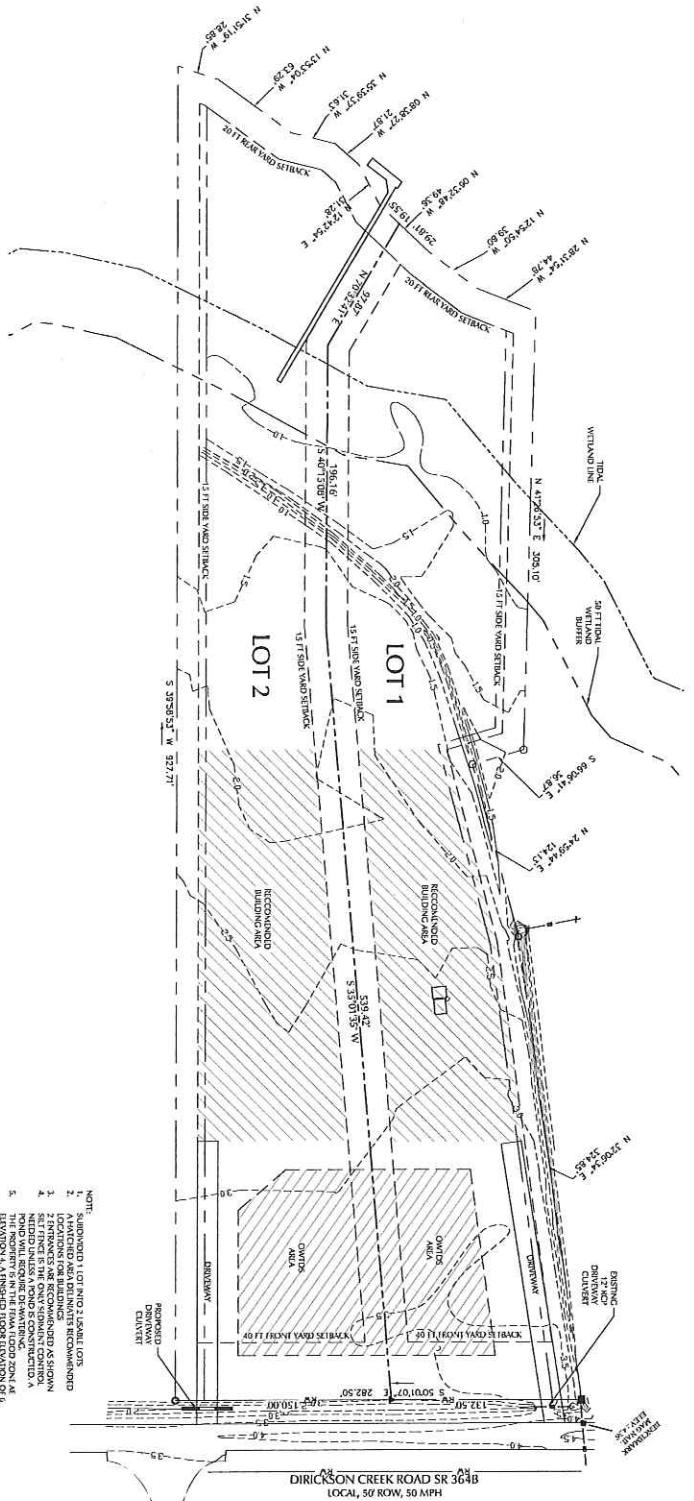
Delaware Surveying Services

Surveying * Design * Consulting
 P.O. Box 1121 * Ocean View, DE. * 19970
 Phone & Fax: (302) 537-7094

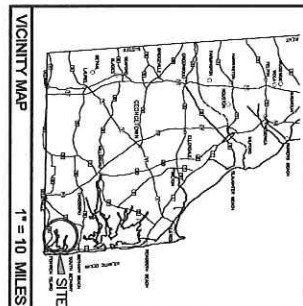
Proposed subdivision of our lot



10/11/2022 11:58 AM C:\Users\jason\Desktop\Projects\SP1.0\SP1.0.dwg 1:2000 5/28/2022 11:58 AM



EXISTING	LEGEND	PROPOSED
—	PROPERTY LINE	—
—	RIGHT OF WAY	—
—	WIND SETBACKS	—
—	WETLANDS	—
—	TELLELINE	—
—	CONTOURS	—
○	PROPERTY MONUMENT	○
○	IRON PILE FOUND	○
○	MONUMENT FOUND	○
○	ELECTRIC WATER	○
○	UTILITY POLE	○
○	SPRINKLER	○
○	CLEANOUT	○
○	WATERWAVE	○
○	WIND PROBANT UTILITY BOX	○
○	IRON ROD AND CAP TO BE SET	○
○	NEW MONUMENT TO BE SET	○
○	UTILITY	○
○	OBSTACLE	○
○	WATERLINE	○
○	SEWERLINE	○
○	FENCELINE	○
○	STATION PILE	○



- NOTE:**
1. ALL MONUMENTS TO BE SET BY THE ENGINEER.
 2. LOCATIONS FOR BUILDINGS AND SETBACKS TO BE DETERMINED BY THE ENGINEER.
 3. ALL UTILITIES TO BE LOCATED BY THE ENGINEER.
 4. THE PROPERTY IS IN THE FLOOD HAZARD ZONE AS RECOMMENDED.



SP1.0

DATE: AUG 11, 2022
 SCALE: 1" = 40'
 DRAWN BY: BMS
 PROJECT NO: CDM1-02

COASTAL SHORES SUBDIVISION
 INDIAN RIVER BAY WATERSHED, INDIAN RIVER HUNDRED,
 SUXSEX COUNTY, DELAWARE
 TAX MAP # 134-21.00-14.02

DIRICKSON CREEK ROAD.

SITE PLAN

Revision: _____ By: _____ Date: _____

PRELIMINARY
 NOT FOR CONSTRUCTION

BEACON ENGINEERING LLC

2318 Cedar Lane | Georgetown | Delaware | 19947
 302.654.8255 | info@beacon-engineering.com

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PROPERTY RECORD CARD

RESIDENTIAL/TRLR.

DIST. 1-34 MAP 21 PARCEL 14.2 CONTROL NO.

LAND IDENTIFICATION	OWNERSHIP RECORD			
	DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE
1-34 21.00 14.02 BENNETT G DELMAR, TIMOTHY GEIB, CAROLYN GEIB SANTELLO & 6223 W VALLEY GREEN RD FLOURTOWN PA 19031 * TAXABLE * PETER GEIB S/W RD RD 364-B 5 ACRES 5.25 AC. 5.20 AC. 4.50 acres lot A				

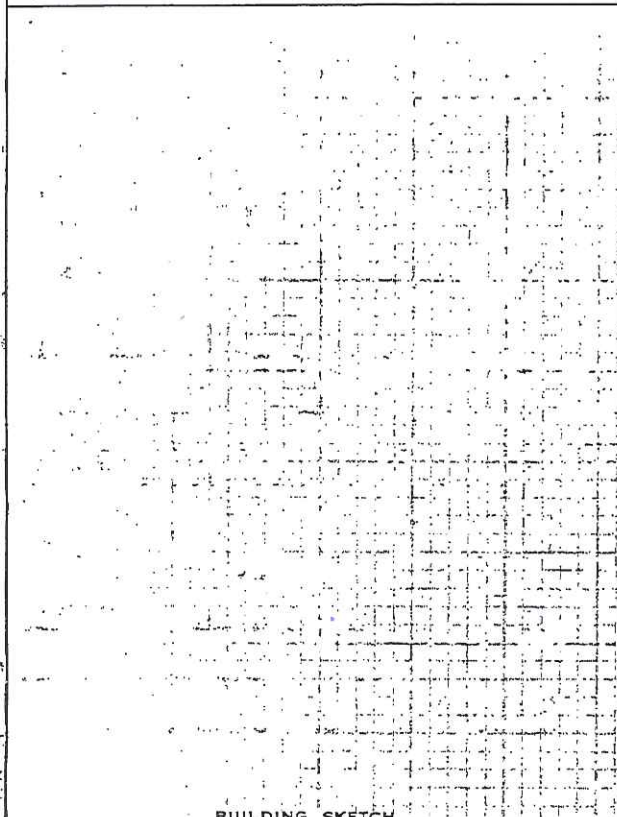

LAND RECORD AND VALUATION SUMMARY


PROPERTY FACTORS				LAND COMPUTATION					BUILDING PERMIT RECORD				
IMPROVEMENTS		STREET OR ROAD		DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE	DATE	NUMBER	AMOUNT
CITY WATER	PAVED	FRONT	DEPTH			DEPTH	OTHER						
SEWER	SEMI-IMPROVED	572	@	3500					1750				
GAS	UNIMPROVED	4.50	@	3500					15,750				
ELECTRICITY	OTHER	5.25	@	3500					18,275				
ALL UTILITIES	SIDEWALK	5.20	@	3500					18,200				

ASSESSMENT RECORD				SUMMARY OF VALUES		TOTAL LAND	
LAND \$	LAND \$						\$ 18,200
BLDG. \$	BLDG. \$						\$ 5,800
TOTAL \$	TOTAL \$						\$ 24,000



NOTES: BP for zone added 5/24/94 OV 17500 2894
 P/o this parcel added to 14.06 per PB 130/83 OV 23,300 5/14/09
 5-7-12 Rev. acre by PB 170-68 / P/o 14.06 re-comb here OV 21600
 6-20-13 Rev. acreage / P/o added to 14.03 by PB 180-96 + deed OV 24200

DIST	MAP	PARCEL															
CONTROL NO 			TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST				
			 H. L. YOH CO. PHILA., PA.			X											
						X											
						X											
						X											
						X											
TOTAL GROUND AREA						TOTAL BASE COST \$											
PRINCIPAL BUILDING DESCRIPTION												M/C	± %	± PTS			
MASONRY-1			PIER-2			SLAB-3			FOUNDATION								
NONE-0			1/4-1	1/2-2	3/4-3	FULL-4			BASEMENT								
NONE-0			REC AREA-1		APT-2		% OF BASEMENT			SQ. FT.		BSMT FINISH					
NONE-0			PIPELESS GHA-1		ELECTRIC-2		FHA-3		STM-HW-4			HEAT SYS					
3-FIXT BATH			2-FIXT BATH			SG FIX		TOTAL FIXT			FIRE PLACE						
NONE-0			1/2-1	1-2	1 1/2-3	2-4	2 1/2-5	3-6	4-7	5-8		PLUMBING					
1ST FLOOR				2ND FLOOR				3RD FLOOR				INT FINISH					
NONE	PL	WB	WP	NONE	PL	WB	WP	NONE	PL	WB	WP	WLS-CLG					
DIRT		CONC	HW	SW	HW		SW	HW		SW		FLOORS					
NONE-0			HOME POWER UNIT-2			PUBLIC-3						ELECTRICITY					
NONE-0			ONE CAR-1		TWO CAR-2						BLT-IN GAR						
WOOD-1	SHGL-2		ALUM-3	BLK-4	BRK OR STN-5		STUCCO-6	COMP-7		EXT WALLS							
HIP-1	GABLE-2		FLAT-3	MANSARD-4		GAMBREL-5			ROOF TYPE								
WD-COMP-SHGL-1		SLATE-2	METAL-3	TILE-4	ROLL-5	T & G-6		ROOFING									
AREA				SQ. FT.				INDICATE QTY				PORCH-OPEN					
AREA				SQ. FT.				INDICATE QTY				PORCH-GLZD					
NONE-0			CENTRAL-1									AIR-COND					
NONE-0			1 CAR-1		2 CAR-2					SQ FT		ATT GAR/CP					
									SQ FT			UTILITY					
												OTHER					
												OTHER					
BASE COST \$												± INDEX % \$	± INDEX PTS \$	X GRADE FACTOR	INDEX TOTALS	%	
ACTUAL AGE		YRS	EFF AGE	YRS	PHYS. COND	GOOD	FAIR	POOR	PER CENT GOOD		%		= REPLACEMENT COST	\$			
OBsolescence: FUNC		%	OV'RIMP	%	UND RIMP	%	OTHER ECON.	%	NET COND	%	DEPRECIATED BLDG VALUE		\$				
ACCESSORY BUILDINGS																	
CODE	BUILDING NAME			EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
	<i>Pier</i>							<i>158</i>	<i>3</i>				<i>31.25</i>	<i>1437</i>		<i>98</i>	<i>4838</i>
	<i>Pier</i>							<i>27</i>	<i>6</i>				<i>37.50</i>	<i>1012</i>		<i>98</i>	<i>992</i>
TRAILERS																	
OCCUPANCY TRAILER	NAME		YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL	PHYS DEPR	SOUND VAL							
										TOTAL TRAILERS VALUE		\$					
INSPECTED BY										CHECKED BY		APPROVED BY					
												TOTAL ACCESSORY BLDGS VALUE		\$ <i>5830</i>			
												TOTAL BLDGS VALUE			\$		

DIST.		MAP		PARCEL		CONTROL NO.		ACREAGE RECORD & VALUE													
1-34		21		14.2				CLASS	ACRES	UNIT VAL	GRADE	ADJ.	ADJ'D UNIT VAL	VALUE							
OWNERSHIP & MAILING ADDRESS								DATE	DEED BOOK	PAGE	SALE PRICE										
<div style="border: 1px solid black; padding: 5px;"> 1-34-21.00 14.02 BECK HARRY R. 91 ARTIS DR. DOVER DE 19901 SCH-1 EDIT-P TR1-153187 S/W R/W RD 364-B 5 ACRES </div>																					
								TOTAL ACRES			SITE VALUE			grade							
								 H. L. YOH COMPANY DIVISION OF DAY AND ZIMMERMANN, INC. PHILA., PA.						TIMBER-ADD							
														CLASS	ACRES	UNIT VAL.					
								PROPERTY ADDRESS								NOTES					
								LEGAL DESCRIPTION													
								LAND DESCRIPTION								DUMMILY					
								STREET OR ROAD: HWY _____ PAVED _____ GRAVEL _____ DIRT _____ NO ACCESS _____ WATER: CITY _____ WELL _____ OTHER _____ UTILITIES: ELECT. _____ GAS _____ PHONE _____ TOPOGRAPHY: LEVEL _____ HIGH _____ LOW _____ ROLLING _____ STEEP _____													
BUILDING PERMIT RECORD								OTHER COMPUTATIONS													
DATE	PERMIT NO.	COST	DESCRIPTION																		
								5 @ 3500													
								TOTAL LAND VALUE						17,500							
								TOTAL IMPROVEMENTS VALUE						0							
								TOTAL APPRAISED VALUE						17,500							

DIST			MAP			PARCEL			CONTROL NO		TYPE		OC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST																							
<p>H. L. YOH CO. PHILA., PA.</p>																							X																						
																							X																						
																							X																						
																							X																						
																							X																						
TOTAL GROUND AREA												TOTAL BASE COST \$																																	
PRINCIPAL BUILDING DESCRIPTION																				M/C	± %	± PTS																							
MASONRY-1				PIER-2				SLAB-3				FOUNDATION																																	
NONE-0				1/4-1		1/2-2		3/4-3		FULL-4				BASEMENT																															
NONE-0				REC. AREA-1				APT-2				% OF BASEMENT SQ FT				BSMT FINISH																													
NONE-0				PIPELESS GHA-1				ELECTRIC-2				FHA-3				STM-HW-4				HEAT SYS																									
3-FIXT BATH						2-FIXT BATH						SG FIX				TOTAL FIXT				FIRE PLACE																									
NONE-0				1/2-1		1-2		1 1/2-3		2-4		2 1/2-5		3-6		4-7		5-8		PLUMBING																									
1ST FLOOR				2ND FLOOR				3RD FLOOR				INT. FINISH																																	
NONE				PL		WB		WP		NONE		PL		WB		WP		NONE		PL		WB		WP		WLS-CLG																			
DIRT				CONC		HW		SW		HW		SW		HW		SW		FLOORS																											
NONE-0				HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY																																	
NONE-0				ONE CAR-1				TWO CAR-2				BLT-IN GAR																																	
WOOD-1		SHGL-2		ALUM-3		BLK-4		BRK OR STN-5		STUCCO-6		COMP-7		EXT WALLS																															
HIP-1		GABLE-2		FLAT-3		MANSARD-4		GAMBREL-5				ROOF TYPE																																	
WD-COMP-SHGL-1		SLATE-2		METAL-3		TILE-4		ROLL-5		T & G-6		ROOFING																																	
AREA				SQ FT				INDICATE QTY				PORCH-OPEN																																	
AREA				SQ FT				INDICATE QTY				PORCH-GLZD																																	
NONE-0				CENTRAL-1				AIR-COND																																					
NONE-0				1 CAR-1		2 CAR-2		SQ FT				ATT GAR/CP																																	
								SQ FT				UTILITY																																	
												OTHER																																	
												OTHER																																	
NOTES:																			INDEX TOTALS		%																								
BASE COST \$																			± INDEX % \$		± INDEX PTS \$		GRADE FACTOR		REPLACEMENT COST				\$																
ACTUAL AGE				YRS		EFF AGE		YRS		PHYS. COND		GOOD		FAIR		POOR		PER CENT GOOD				%																							
OBsolescence				FUNC.		%		OV'RIMP		%		UND'RIMP		%		OTHER ECON.		%		NET COND		%		DEPRECIATED BLDG VALUE		\$																			
ACCESSORY BUILDINGS																																													
CODE	BUILDING NAME				EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE																											
INSPECTED BY															CHECKED BY					APPROVED BY			TOTAL ACCESSORY BLDGS VALUE \$																						
																							TOTAL BLDGS VALUE \$																						

COUNTY TAX MAP DIVISION WORK REQUEST

DISTRICT: 1-34 MAP: 21.00 PARCEL: 14.02 FIRE DISTRICT: _____

OWNER&ADDRESS: Curt + Michelle Snyder

DESCRIPTION OF PROPERTY CHANGE: *Revise Parcel Size: (14.02);
Sq: 5.20 AC
Date: SW/Rd. 364B
Lot A.

SURVEY INFORMATION:

DISTRICT: *1-34 MAP: 21.00 PARCEL: 14.03 FIRE DISTRICT: _____
IS PROPERTY SURVEYED: Yes *Rev: 8-30, 9-10, 10-16-2012 DATE OF SURVEY: 7-29-2011
SURVEYORS NAME: Simpler Surveying + Assoc PLOT BOOK: 180 PAGE: 76
DEED BOOK: 405 PAGE: 174+176

REMARKS:

*Revise Parcel Size: 14.03
Sq: ~~2.96~~ AC 2.97 AC
Date: SW/Rd 364B
370' SE / M. Hs. Neck Rd

INFO TAKEN BY: Mari Hill DATE: 4-9-2013

COUNTY TAX MAP DIVISION WORK REQUEST

DISTRICT: 1-34 MAP: 21.00 PARCEL: 14.06 FIRE DISTRICT: _____

OWNER&ADDRESS: Timothy J. Geib ETAL

DESCRIPTION OF PROPERTY CHANGE: * Revise Parcel Size: (14.06)
Size: 4.28 AC
Desc: SW/ Rd 364 B
Lot "B"

SURVEY INFORMATION:

DISTRICT: * 1-34 MAP: 21.00 PARCEL: 14.07 FIRE DISTRICT: _____

IS PROPERTY SURVEYED: Yes DATE OF SURVEY: 4-18-2012

SURVEYORS NAME: Delaware Surveying Services PLOT BOOK: 170 PAGE: 108
DEED BOOK: No Deed PAGE: Some None

REMARKS:

* Revise Parcel Size: 14.07
Size: 5.25 AC
Desc: SW/ Rd 364 B
Lot "B"

INFO TAKEN BY: Mari Reed DATE: 5-3-12

SUSSEX COUNTY TAX MAP DIVISION WORK REQUEST

DISTRICT: 1-34 MAP: 21.00 PARCEL: 14.02 FIRE DIST: _____

Owner & Address: TIMOTHY J. GEIB ; CAROLYN SANTELLA ; PETER GEIB ;
STEPHEN GEIB ; ANDREW GEIB + GEORGIA O'MEARA

Description of Property Change: REVISE SIZE/DESC OF PARCEL 14.02 BY PLOT BK 130/83

SIZE: 4.50 AC.

LOC: SW/RD 364B
LOT A

SURVEY INFORMATION

DISTRICT: _____ MAP: _____ PARCEL: _____ FIRE DIST: _____

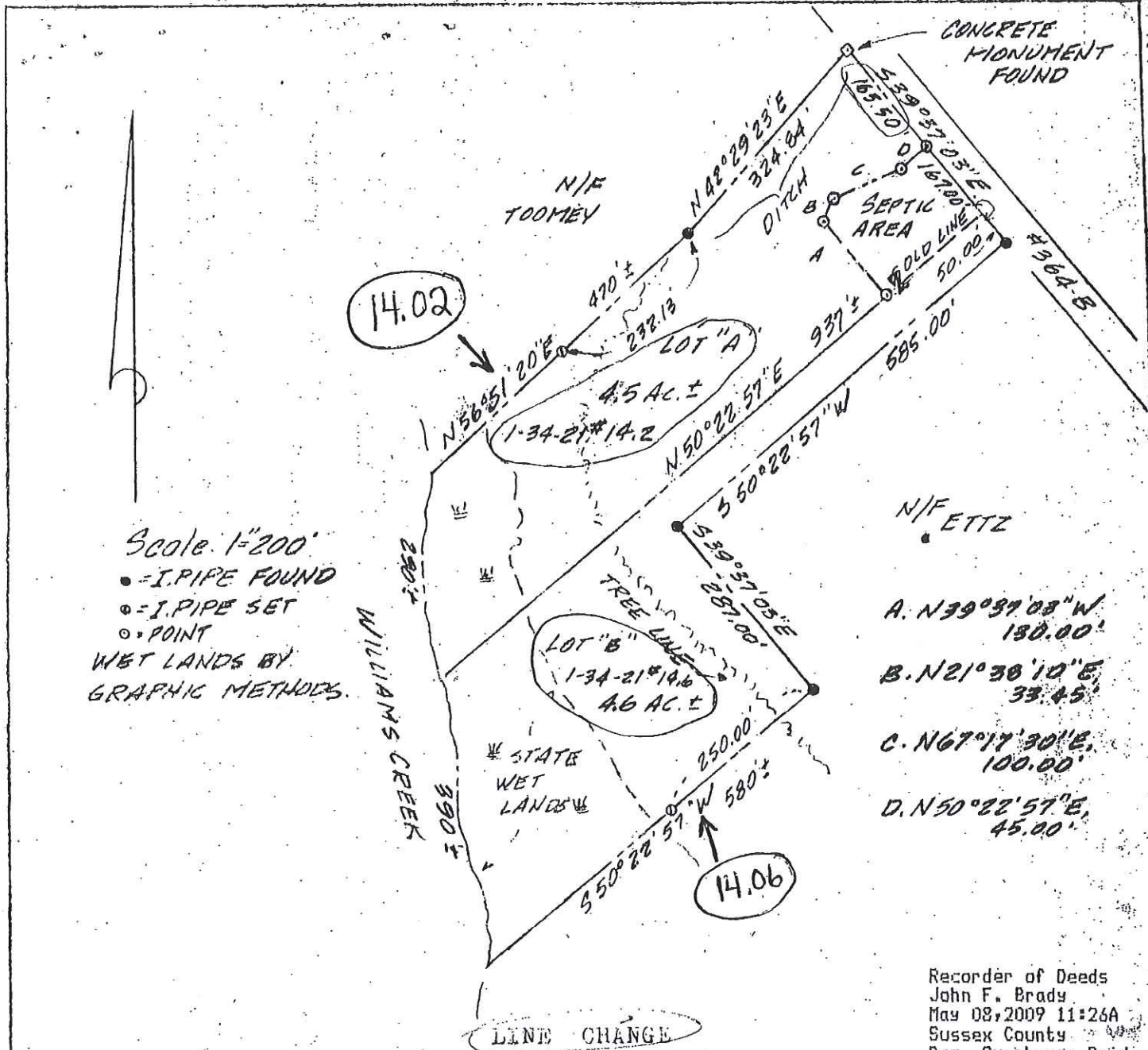
Is Property Surveyed: YES Date of Survey: 5/8/09

Surveyors Name: CHARLES L. COFFMAN, II Plot Book: 130 Page: 83

REMARKS:

PART OF THIS PARCEL ADDED TO PARCEL 14.06

Info Taken By: *gail* Date: 5/14/09



Scale: 1"=200'
 ● = I.P.I.PE FOUND
 ○ = I.P.I.PE SET
 ○ = POINT
 WET LANDS BY GRAPHIC METHODS.

- N/F ETTZ
- A. N39°37'03"W 130.00'
 - B. N21°38'10"E 33.45'
 - C. N67°17'30"E 100.00'
 - D. N50°22'57"E 45.00'

Baltimore Hundred, Sussex County, Delaware
 Prepared for
 Andrew Geib et al

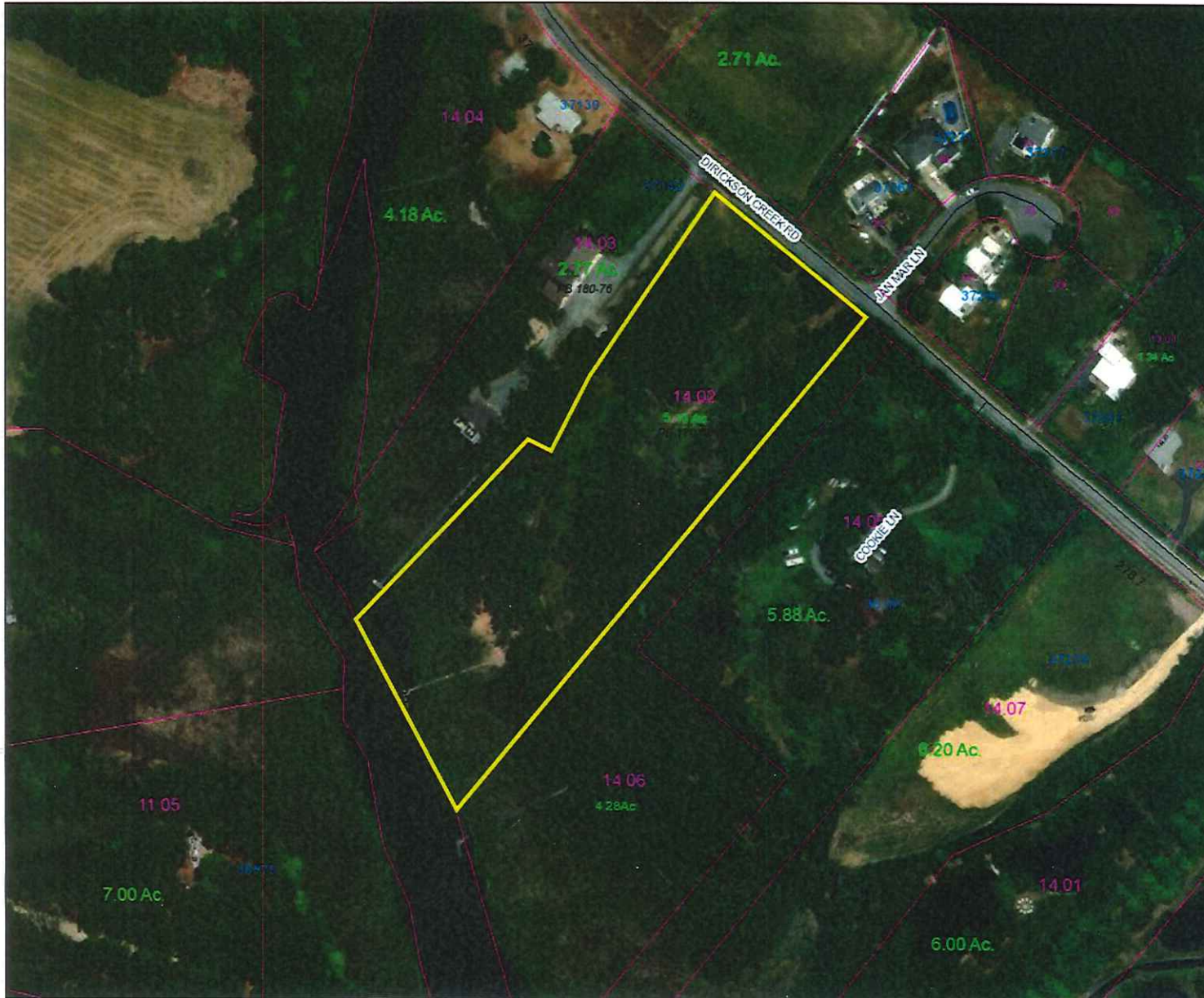
APPROVED
 Lots A and B as revised
 and reassembled
 WSL 5-8.09
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION

CHARLES L. COFFMAN II
 SURVEYING ————— PLANNING
 P.O. BOX 1060, BETHANY BEACH, DE 19830
 302-537-1000
 0904-01
 0010-01

[Signature] 5/8/09
 CHARLES L. COFFMAN II, DE P.L.S. #505

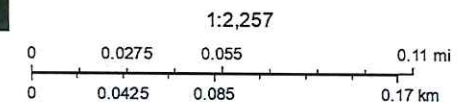


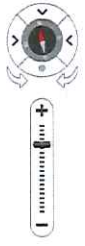
Sussex County



PIN:	134-21.00-14.02
Owner Name	SNYDER CURT
Book	4002
Mailing Address	37168 LORD BALTIMORE L
City	OCEAN VIEW
State	DE
Description	SW/RD 364B
Description 2	LOT A
Description 3	N/A
Land Code	

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





Search

Search by SUSSEXPARCELS -

134-21.00-14.02

Search results (1) Options -

name: 134-21.00-14.02

Workspaces



Amy Hollis

From: Planning and Zoning
Sent: Tuesday, November 29, 2022 4:12 PM
To: Amy Hollis
Subject: FW: Case 12765

Amy,

Please see below.

Thank you,
Christin Scott
Christin Scott
Planner II
Department of Planning & Zoning
2 the Circle
Georgetown, DE 19947
(302) 855-7878
8:30AM – 4:30PM

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

-----Original Message-----

From: Carol Greitner <csgtds@yahoo.com>
Sent: Tuesday, November 29, 2022 3:16 PM
To: Planning and Zoning <pandz@sussexcountyde.gov>
Subject: Case 12765

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

This is to state my opposition to allowing variances from existing lot sizes on Dirickson Creek Road. This road is not on public sewer and water lines. Adding more wells increases the risk of existing wells going dry during droughts. Adding more septic systems increases the risk of contaminating the soil near sensitive wetlands. More development raises the risk of flooding existing homes on Dirickson Creek Road. Please reject case 12765 and all other similar requests for variances.

Sincerely, Carol S. Greitner, PhD
37453 Dirickson Creek Road
Frankford DE 19945
410-303-2618

Sent from my iPhone

12766

Case #

Hearing Date 12-12

202214436

Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-25 115-183

Site Address of Variance/Special Use Exception:

24062 Plover Ln Frankford, De 19975 (The Estuary)

Variance/Special Use Exception/Appeal Requested:

Existing Back Porch to small to accommodate Wheel Chair Comfortable. We need to enlarge the back porch and make existing porch 18" x14" which the 14" will extend into the rear set back by 2'. See plans provided that will explain the existing difficulties for the wheel chair accessibility.

Tax Map #: 134-19.00-812.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Robert & Cathrine Debes
Applicant Address: 24062 Plover Ln.
City Frankford State De Zip: 19975
Applicant Phone #: 718-702-5662 Applicant e-mail: rkpd83@aol.com

Owner Information

Owner Name: Robert & Cathrine Debes
Owner Address: 24062 Plover Ln
City Frankford State De Zip: 19975 Purchase Date:
Owner Phone #: Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name: JRJ Design & Remodeling Group LLC/ Jim Raymond/Agent
Agent/Attorney Address: 19287 Miller Rd unit 4
City Rehoboth Beach State De Zip: 19971
Agent/Attorney Phone #: 245-4860 (302) Agent/Attorney e-mail: jimrjr@outlook.com

Signature of Owner/Agent/Attorney

Date: 10/4/22



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.

Back porch is 2' from set back and does not allow enough space to enlarge the porch to accommodate a wheel chair comfortable.

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.

CANNOT

3. Not created by the applicant:

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

HAS NOT

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.

WILL NOT

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.

MINIMUM

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.

WILL NOT

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)

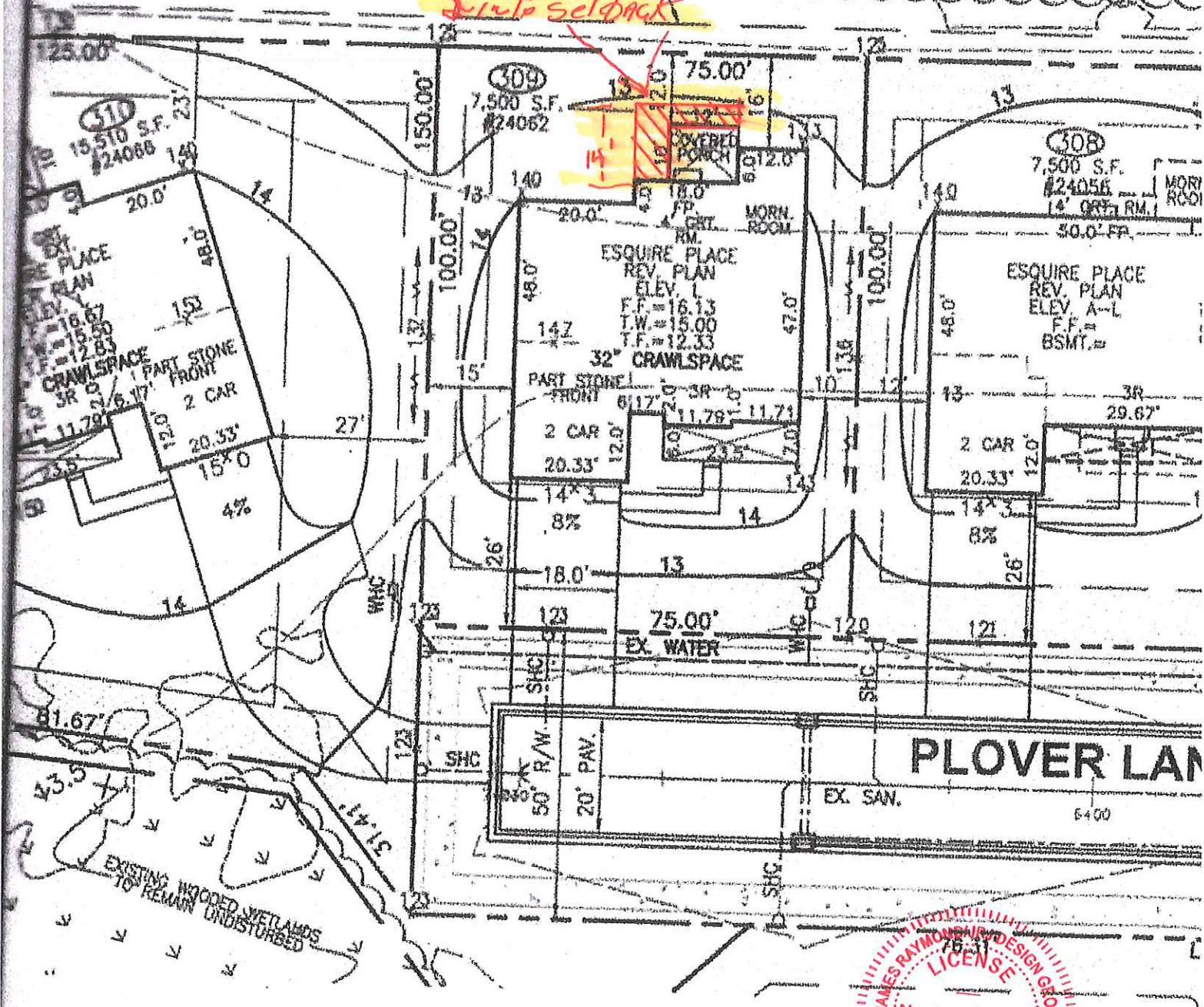
*To provide adequate use of Back Porch
For our daughter who is wheel chair
bound.*

OPEN SPACE

30' AGRICULTURAL WOODED BUFFER

Proposed Extension into setback

APPROX. TREELINE



NOTE: ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT. A 10' WIDE DRAINAGE OR UTILITY EASEMENT IS RESERVED ON EACH LOT ALONG THE FRONT AND REAR PROPERTY LINES. A 5' WIDE ACCESS EASEMENT IS ALSO RESERVED ALONG THE FRONT PROPERTY LINES.

□ DENOTES DRAINAGE AND UTILITY EASEMENT

SETBACKS: AR-1
 FRONT: 25' MIN.
 SIDE: 10' MIN. (15' FOR CORNER LOTS)
 REAR: 10' MIN.

AREA CALCULATIONS	
DRIVEWAY	504 SF
LEADWALK	70 SF
PUBLIC WALK	263 SF
SEED	-- SF
SOD	4,288 SF
R/W SOD	384 SF
WHC	33 LF
SHC	45 LF
HSE FACING	S. WEST

JAMES RAYMOND, INC.
 PROFESSIONAL ENGINEERING DESIGN GROUP
 LICENSE
 No. 2020703957
 DELAWARE
 BUILDER

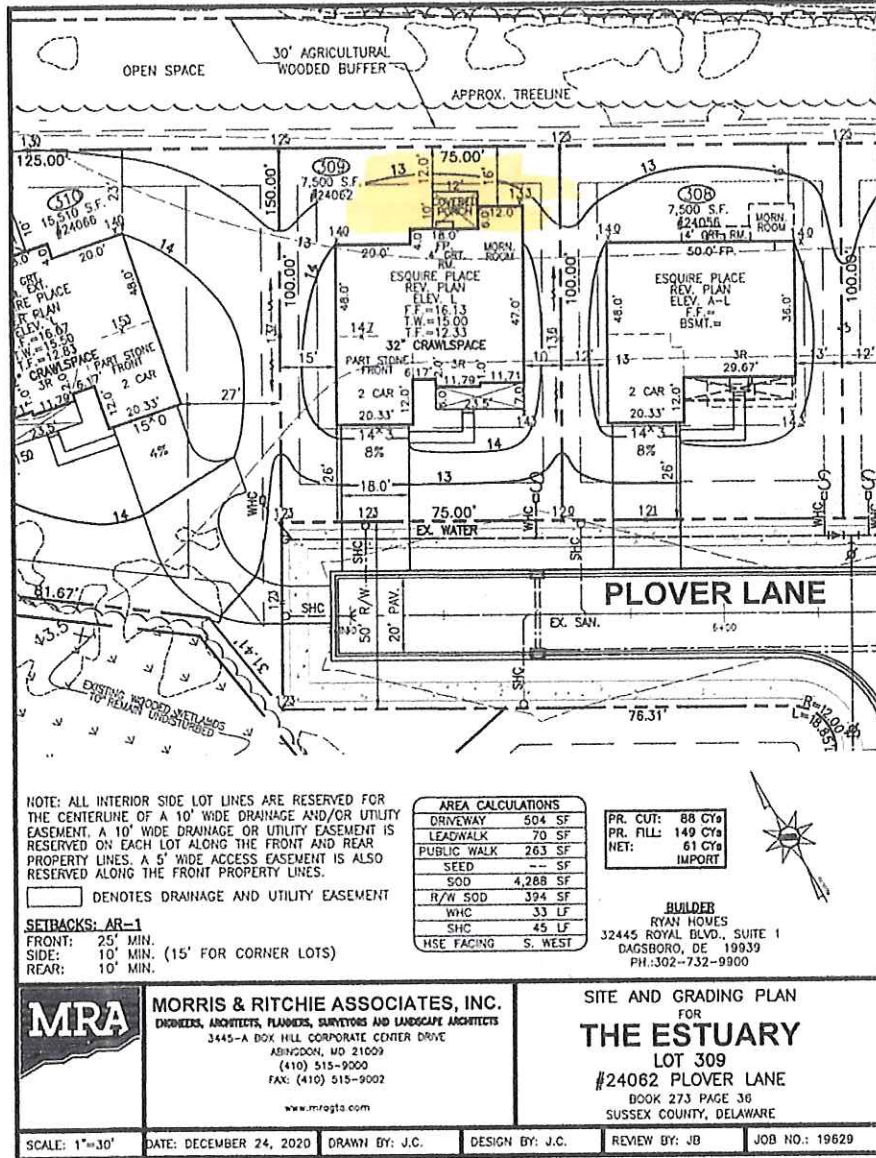
PR. FILL: 88 CYs
 PR. FILL: 149 CYs
 NET: 61 CYs
 IMPORT

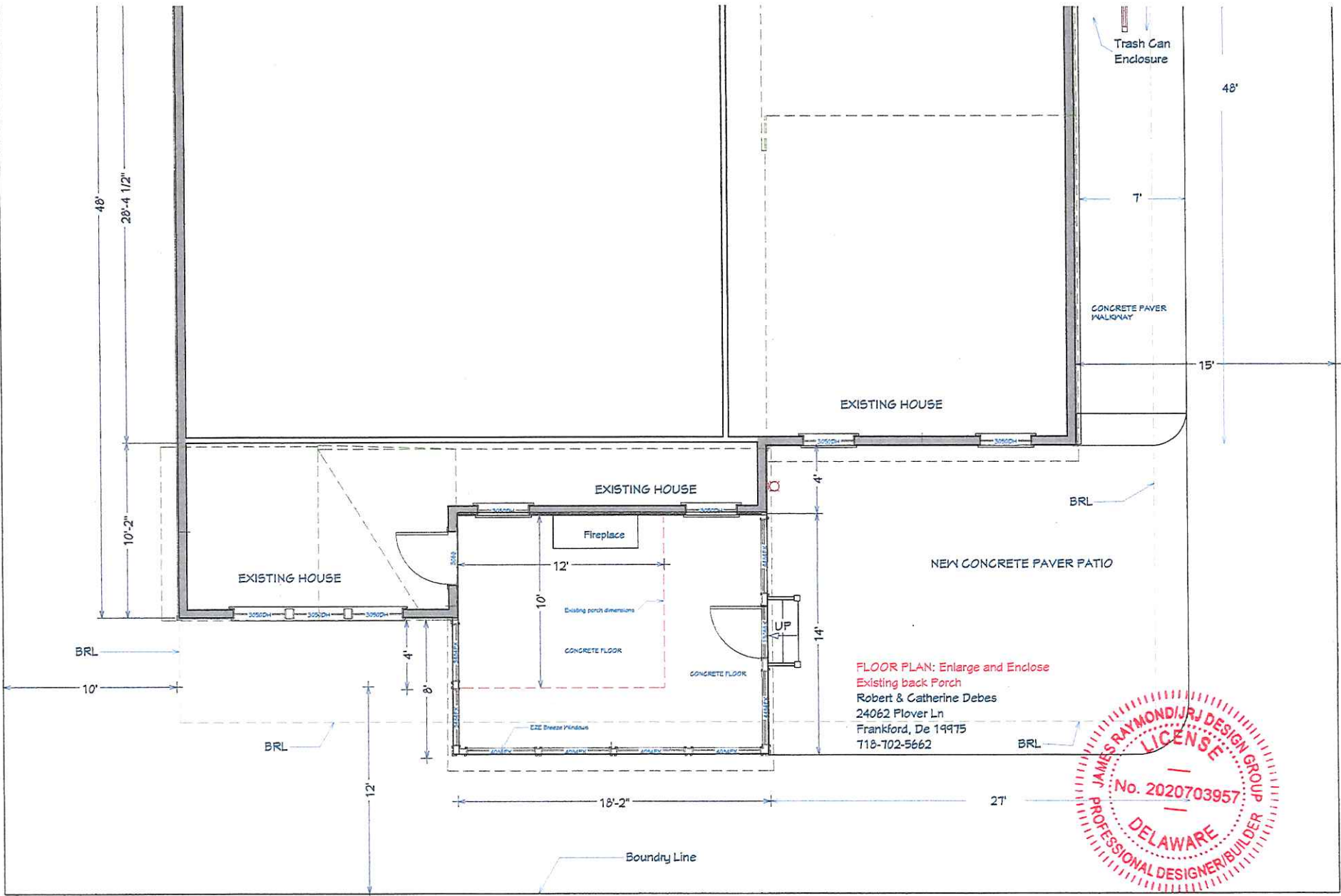
BUILDER
 RYAN HOMES
 32445 ROYAL BLVD., SUITE 1
 Dagsboro, DE 19939
 PH.: 302-732-9800



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 3445-A BOX HILL CORPORATE CENTER

SITE AND GRADING PLAN
 FOR





FLOOR PLAN: Enlarge and Enclose
 Existing back Porch
 Robert & Catherine Debes
 24062 Flover Ln
 Frankford, De 19975
 718-702-5662







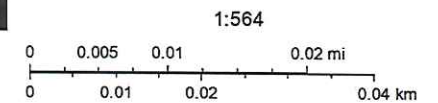


Sussex County



PIN:	134-19.00-812.00
Owner Name	DEBES CATHERINE
Book	5469
Mailing Address	72 GOFF AVE
City	STATEN ISLAND
State	NY
Description	THE ESTUARY
Description 2	LOT 309
Description 3	PHASE 2
Land Code	

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





Search

Search by SUSSEXPARCELS -

134-19.00-812.00

Search results (1) Options -

name: 134-19.00-812.00



RECEIVED

OCT 10 2022

SUSSEX COUNTY
PLANNING & ZONING

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 # 12767

Hearing Date _____

202214755

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-25 115-183

Site Address of Variance/Special Use Exception:

34810 West Mint Place, Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

2 1/2 foot variance from 3 1/2 foot fence height restriction in front setback.

Tax Map #: 334-18.00-146.00

Property Zoning: AR-2

Applicant Information

Applicant Name: Thomas and Lisa Kiracofe

Applicant Address: 34810 West Mint Place

City Lewes State DE Zip: 19958

Applicant Phone #: (302) 379-2745 Applicant e-mail: TKIRACO@GMAIL.COM

Owner Information

Owner Name: Thomas and Lisa Kiracofe

Owner Address: 34810 West Mint Place

City Lewes State DE Zip: 19958 Purchase Date: 9/8/10

Owner Phone #: (302) 379-2745 Owner e-mail: TKIRACO@GMAIL.COM

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

J.E. Kiracofe
Lisa Kiracofe

Date: 10/10/22



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 lots in Mulberry Knoll/Bayshore Hills are small. The back yard of our neighbors, George and Mary Ann Bell (Lot 11), abuts our side yard. The current length and height of the fence has afforded both the Bells and the applicants more privacy. (Please see attached letter of support from the Bells.)

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 arrangement of the lots and houses cannot be altered. The fence, as installed allows for privacy between the Bells and the applicants.

3. Not created by the applicant:

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

Building permit was not clearly understood by the applicant. Side setback as written, (____/Line) caused applicant to believe 6' height to front corner was acceptable.

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.

Mulberry Knoll Bayshore Hills is a small community of about 65 homes. West Mint Place has four homes on it and is a dead end street. The fence, as installed, has no adverse effect to the community or the homes on our street. In fact, the privacy afforded to both the Bells and ourselves has been a positive improvement for both properties.

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.

Reducing the height of the fence to 48" for the entire 30 foot setback, will result in the loss of privacy currently enjoyed by both the adjacent neighbor, George and Mary Ann Bell and the applicant.

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.

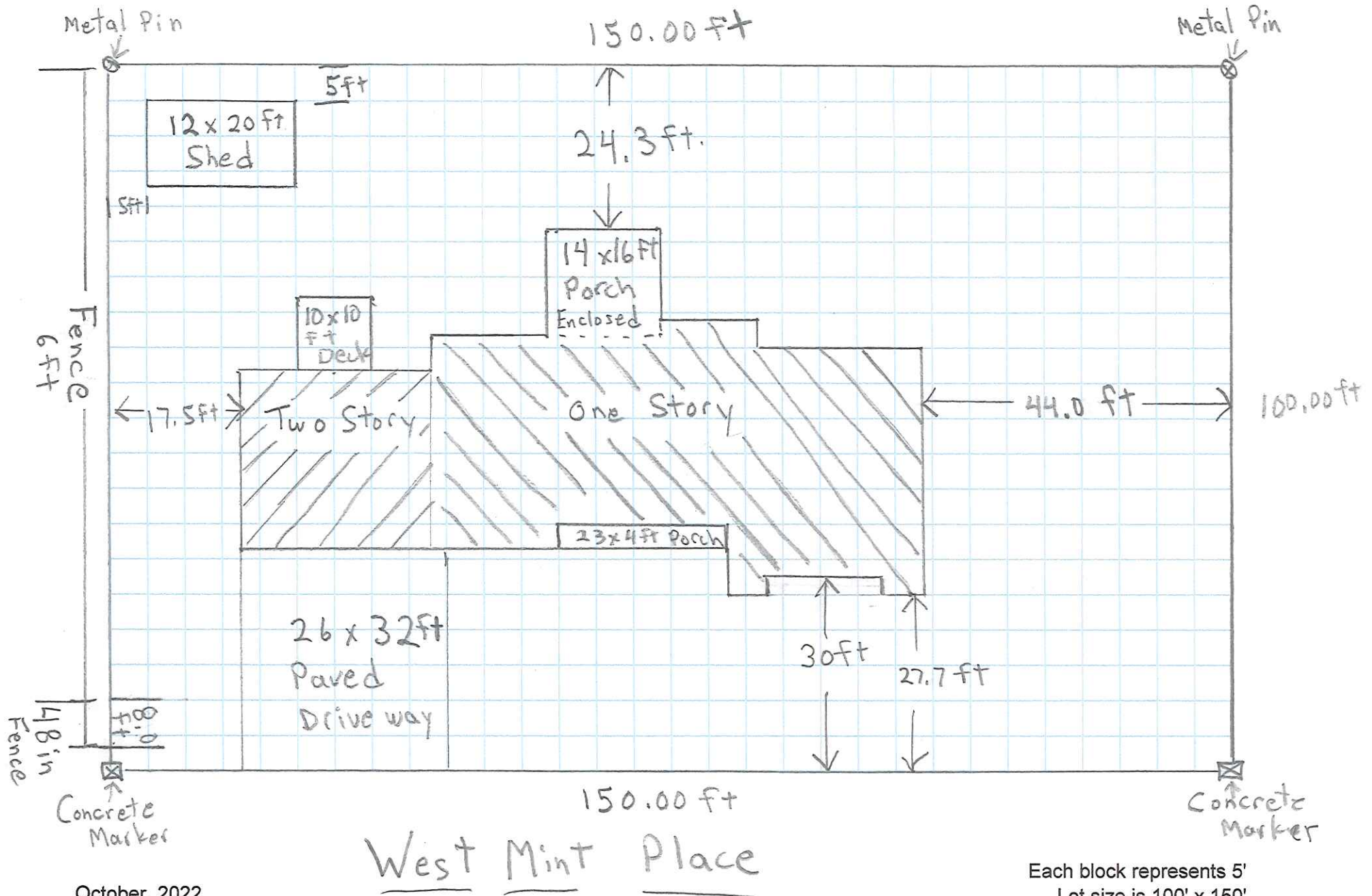
1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

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)

Thomas and Lisa Kiracofe
Tax Map No. 334-18.00-146.00, Lot 63

34810 W Mint Place
Lewes, DE 19958



West Mint Place

Each block represents 5'
Lot size is 100' x 150'
1 inch = 18 ft

October, 2022



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

Application Number
202205905
Issue Date: 04/25/2022
Expire Date: 04/25/2023

Permit Type: MISC. OUT OF TOWN

Parcel ID	Address	Zone Code
334-18.00-146.00	34810 WEST MINT PLACE	AR-2

Owner Information	Applicant Information
Name: KIRACOFE THOMAS E LISA F Phone:	Name: KIRACOFE THOMAS E LISA F Phone:

Contractor Information	
Name: KIRACOFE THOMAS E LISA F CID: 97342 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: MISC COST Construction Type: Estimated Cost of Construction: \$ 2,300 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: _____ /30 Side Setback: _____ /LINE Maximum Building Height: 7' 3.5 Location Description: _____ FLOOD ZONE Flood Zone: XP 334 K _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.
Rear Setback: _____ /LINE Corner Setback: _____ / MULBERRY KNOLL LOT 63


Project Description: MISC

Scope of Work:
88 LIN FT FENCE

Permit Details:



Signature of Approving Official

 302 379 2745

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

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

Permit Number	BP-180403	TOTAL FEES:	\$ 19.25
----------------------	-----------	--------------------	----------



Building Description

Total Bedrooms:

Full Baths:

Half Baths:

Total Rooms:

Basement:

Interior Walls:

Flooring:

Heat Type:

Roofing:

Exterior Walls:

Foundation Type:

Fireplace Type:

Air Conditioning: N

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater

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

_____ Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds

Must conform to the location approved by the park.

_____ Farm-Use Permits

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

_____ Fences

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

_____ Parcel Setbacks

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

_____ Pools (Above-Ground)

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

_____ Pools (In-Ground)

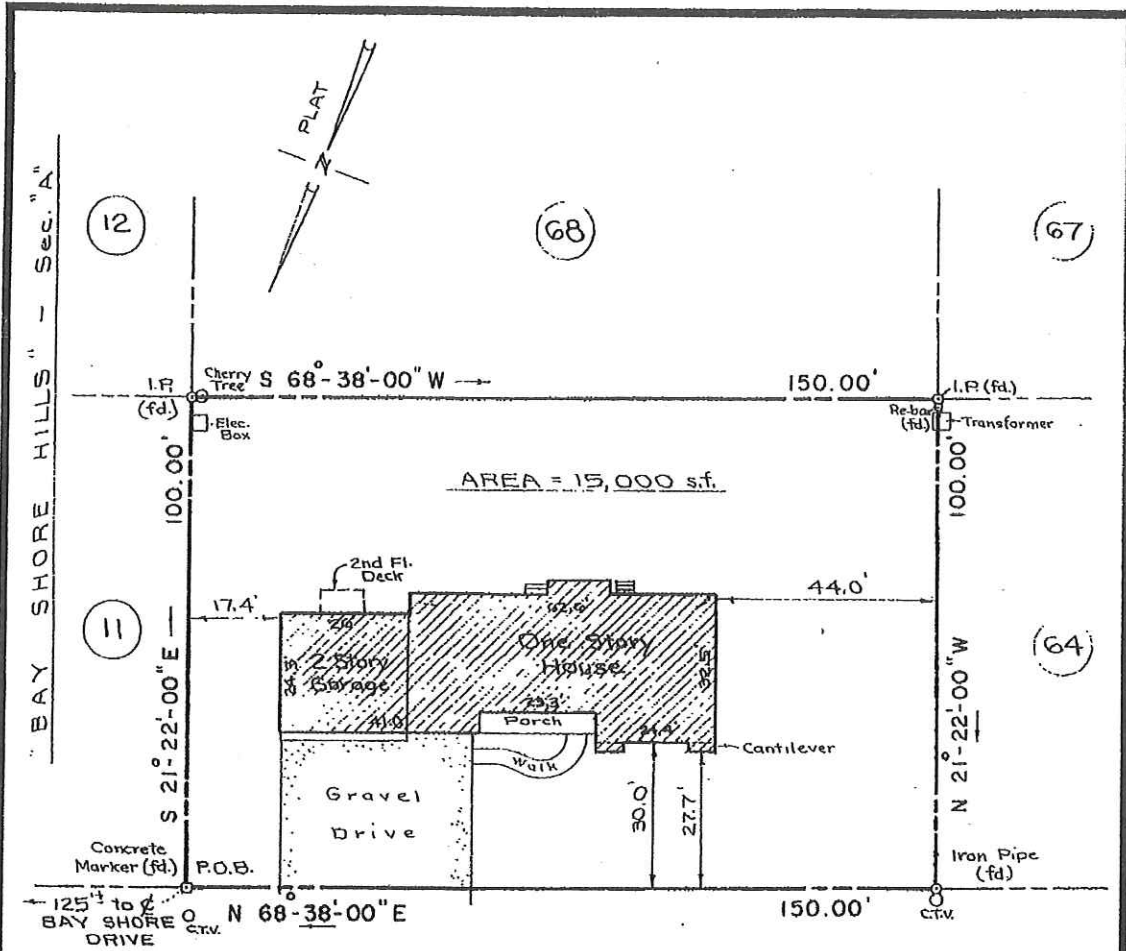
A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

_____ Pools or Guest Homes

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

_____ Tax Ditch

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



WEST MINT PLACE
(50' R/W)

Class "B" Survey

NOTE: Setbacks are to foundation.

LOT # 63
"MULBERRY KNOLL"

Prepared for

ANDREW & KATHERINE LEARY

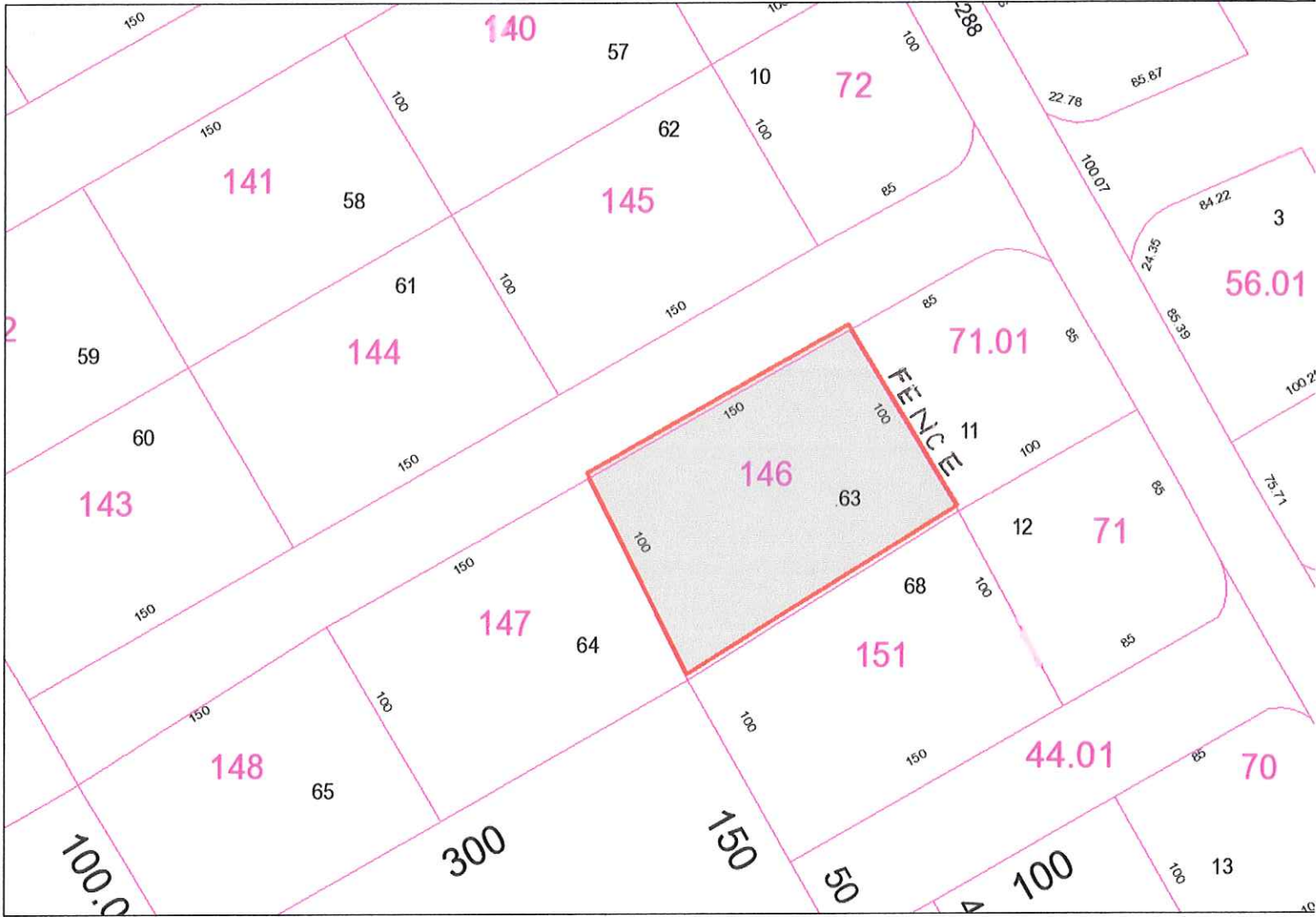
Located in
LEWES & REHOBOTH HUNDRED - SUSSEX CO. - DELAWARE
Scale: 1" = 30'
Aug. 26, 2003

William F. Carey

COAST SURVEY, INC.
Land Surveying & Planning
P.O. BOX 117
NASSAU, DE 19969
(302) 645-7184

334-18.00-146.00

34810 W MINT PL, LEWES, DE, 19



October 5, 2022

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe
38410 West Mint Place, Lewes, DE 19958
Tax Map No. 334-18.00-146.00, Lot 63

Date: October 10, 2022

We understand that Thomas and Lisa Kiracofe are seeking a variance that will allow their existing fence to remain in place as it is currently installed. We support their application because the existing encroachment is minor and the addition of the fence benefits all property in the area. More specifically, our back yard abuts the Kiracofe's side yard. Their fence sits between our two properties. We supported and agreed to the installation of the fence as it is currently installed. Since the properties in our community are small, we have also enjoyed the privacy afforded our family by having the six foot fence continue most the length of our property. We fully support retaining the fence as it is currently installed. Thank you!


Signature


Signature

Name: George and Mary Ann Bell

Local address:

20656 Mulberry Knoll Road
Lewes, DE 19958

RECEIVED
OCT 10 2022
SUSSEX COUNTY
PLANNING & ZONING

TO: Sussex County Board of Adjustment
Georgetown, Delaware

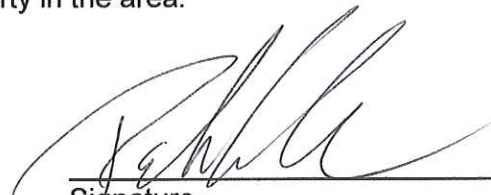
RE: Variance Application of Thomas and Lisa Kiracofe
38410 West Mint Place, Lewes, DE 19958
Tax Map No. 334-18.00-146.00, Lot 63

Date: October 10, 2022

I/We own property near 34810 West Mint Place. I/We understand that Thomas and Lisa Kiracofe are seeking a variance that will allow their existing fence to remain in place as it is currently installed. I/We support their application because the existing encroachment is minor and the addition of the fence benefits all property in the area.



Signature



Signature

Name: *Susan Dounce & Paul Kroncke*

Local address:

*34881 W. Sands St.
Lewes, DE 19958*

RECEIVED
OCT 10 2022
SUSSEX COUNTY
PLANNING & ZONING


TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe
38410 West Mint Place, Lewes, DE 19958
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Signature


Signature

Name: Mr. + Mrs. Flowers

Local address: 20607 MULBERRY KNOLL RD,
LEWES, DE 19958

RECEIVED

OCT 10 2022

SUSSEX COUNTY
PLANNING & ZONING

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe
38410 West Mint Place, Lewes, DE 19958
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Signature


Signature

Name: Richard + Patricia Masten

Local address: 20657 Mulberry Knoll Road
Lewes, DE 19958

RECEIVED

OCT 10 2022

SUSSEX COUNTY
PLANNING & ZONING

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe
38410 West Mint Place, Lewes, DE 19958
Tax Map No. 334-18.00-146.00, Lot 63

Date: October 10, 2022

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Fred Thomsen
Signature

Signature

Name: Fred Thomsen

Local address:

34742 Frontier Road
Lewes DE 19958

RECEIVED
OCT 10 2022
SUSSEX COUNTY
PLANNING & ZONING

TO: Sussex County Board of Adjustment

Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe

38410 West Mint Place, Lewes, DE 19958

Tax Map No. 334-18.00-146.00, Lot 63

Date: October 10, 2022

I/We own property near 34810 West Mint Place. I/We understand that Thomas and Lisa Kiracofe are seeking a variance that will allow their existing fence to remain in place as it is currently installed. I/We support their application because the existing encroachment is minor and the addition of the fence benefits all property in the area.



Signature



Signature

Name: LARRY SANDRIDGE

KORIE SANDRIDGE

Local address:

34743 FRONTIER ROAD
LEWES DE 19958

RECEIVED
OCT 10 2022
SUSSEX COUNTY
PLANNING & ZONING

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kracofe
38410 West Mint Place, Lewes, DE 19958
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Signature

Signature

Name Anna Biggs and John Seiffert

Local address 20690 Mulberry Knoll Road
Lewes De19958

RECEIVED
OCT 10 2022
SUSSEX COUNTY
PLANNING & ZONING

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RECEIVED

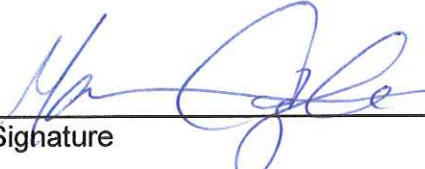
NOV 1 2022

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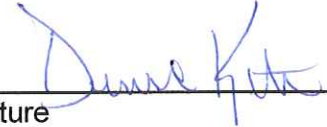
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Signature



Signature

Name: *Maureen Coyle*

Denise Kitts

Local address:
34809 W. Mint Place
Lewes, DE 19958

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RECEIVED

RE: Variance Application of Thomas and Lisa Kiracofe
38410 West Mint Place, Lewes, DE 19958
Tax Map No. 334-18.00-146.00, Lot 63

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SUSSEX COUNTY
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Leshi Skulley
Signature

Scott Schoenfeld
Signature

Name: Leshi Skulley

Scott Schoenfeld

Local address:

20683 Mulberry Knoll Rd
Lewes De 19958

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe
34810 West Mint Place, Lewes, DE 19958
Tax Map No. 334-18.00-146.00, Lot 63

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Signature

Signature

Name:

DALE KLAMPFOTA

Local address:

*34797 W MINT R.
LEWES DE
19958*

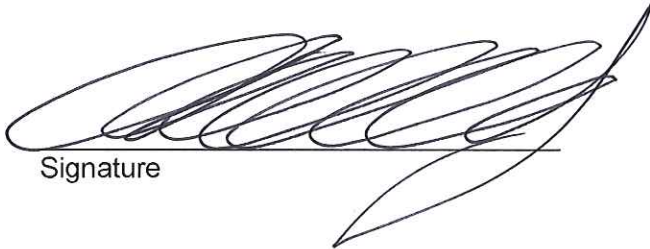
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Signature

Name:

Charles W. Clark

Local address:

34977 Concerto Ln
Lewes, DE
19958



Signature

Jane A Cannon


TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe
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Signature


Signature

Name: Damask Petrick
Steve Petrick

Local address:

34798 West Mint Place
Lewes, DE 19958

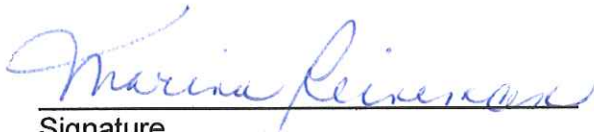
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Signature


Signature

Name: Marina and Jack Reineman

Local address:

20668 Mulberry Knoll Rd
Lewes De 19958

TO: Sussex County Board of Adjustment
Georgetown, Delaware


RE: Variance Application of Thomas and Lisa Kiracofe
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Tax Map No. 334-18.00-146.00, Lot 63

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Signature


Signature

Name:
Gregory + Charlene Merk

Local address:
20682 Mulberry Knoll Rd
Lewes DE 19958

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RE: Variance Application of Thomas and Lisa Kiracofe
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Jayne Fetterman
Signature

Rose Mary Porter Fetterman
Signature

Name: Jayne + Rose Mary Porter Fetterman

Local address:

34722 Riviera Dr
Lewes DE 19958

TO: Sussex County Board of Adjustment
Georgetown, Delaware

RECEIVED

NOV 1 2022

RE: Variance Application of Thomas and Lisa Kiracofe
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PLANNING & ZONING

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Signature

Signature

Name: *MARK HEINER*

Local address: *20640 Mulberry Knoll Lewes De 19958*
across the street from above location.

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THOMAS AND LISA KIRACOFÉ

Case No. 10722 – 2010

A hearing was held after due notice on November 1, 2010. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the Proceedings

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

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard setback requirements east of Bay Shore Drive, south of West Mint Place, Lot 63, Mulberry Knoll. The Applicant was requesting a 2.3' variance from the required 30' front yard setback for an existing dwelling. After a hearing, the Board made the following findings of fact:

1. The existing cantilevers on the dwelling in question encroach into the front yard setback.
2. The property was recently sold at a Sheriff's Sale to a foreclosing bank, and subsequently to the Applicant. As a result, the difficulty was not created by the Applicant.
3. A survey from 2003 showed the encroachment, which has apparently been overlooked until recently. The dwelling itself was constructed in 1981.
4. The Board determined that the variance would not alter the essential character of the neighborhood as it has existed for many years, and that it 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. 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 _____.

COPY

Amy Hollis

From: Jennifer Norwood
Sent: Thursday, November 3, 2022 2:46 PM
To: Amy Hollis
Subject: FW: Board of Adjustment Case

Amy,

Can we add this to Mr. Kiracofe's application.

Thanks,
Jenny

From: tkiraco <tkiraco@gmail.com>
Sent: Thursday, November 3, 2022 2:21 PM
To: Jennifer Norwood <jnorwood@sussexcountyde.gov>
Subject: Re: Board of Adjustment Case

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.

Ms. Norwood,

Thanks for calling yesterday about my fence height variance request.

After measuring again, I can confirm that low section of fence at the front is in fact 48 inches high. Thanks for noticing that this must be included.

My fence begins 3 feet back from the front corner marker. The attached photos show a red pole which is the front corner marker. The front marker is about 14 feet from the paved road. So the fence begins about 17 feet from the paved road. (When paving is completed after sewer installation.)

Hope these photos help.

On Wed, Nov 2, 2022 at 2:50 PM Jennifer Norwood <jnorwood@sussexcountyde.gov> wrote:

Mr. Kiracofe,

I am following up with an email so that you can send additional information regarding your application.

Please feel free to ask any additional questions or concerns that you may have during this process.

You may upload photos and the additional information regarding the height of the fence we discussed and the distance your property line is from W Mint Place paving.

Thanks,

Jenny

Jennifer Norwood

Planning Manager

Planning and Zoning Department

2 The Circle

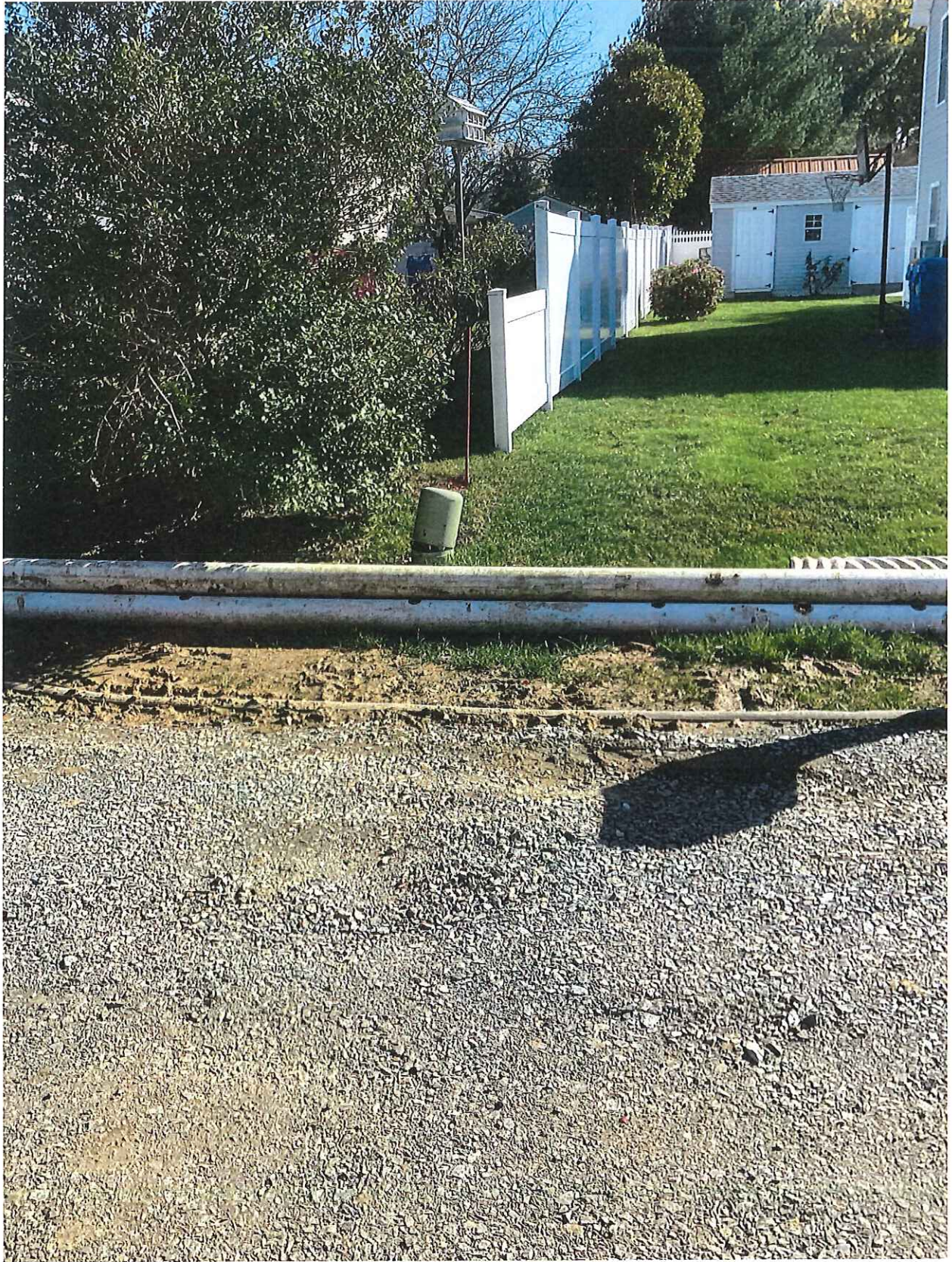
PO Box 417

Georgetown, DE 19947

Office Phone (302)855-7878

Direct Line (302)858-5501

jnorwood@sussexcountyde.gov







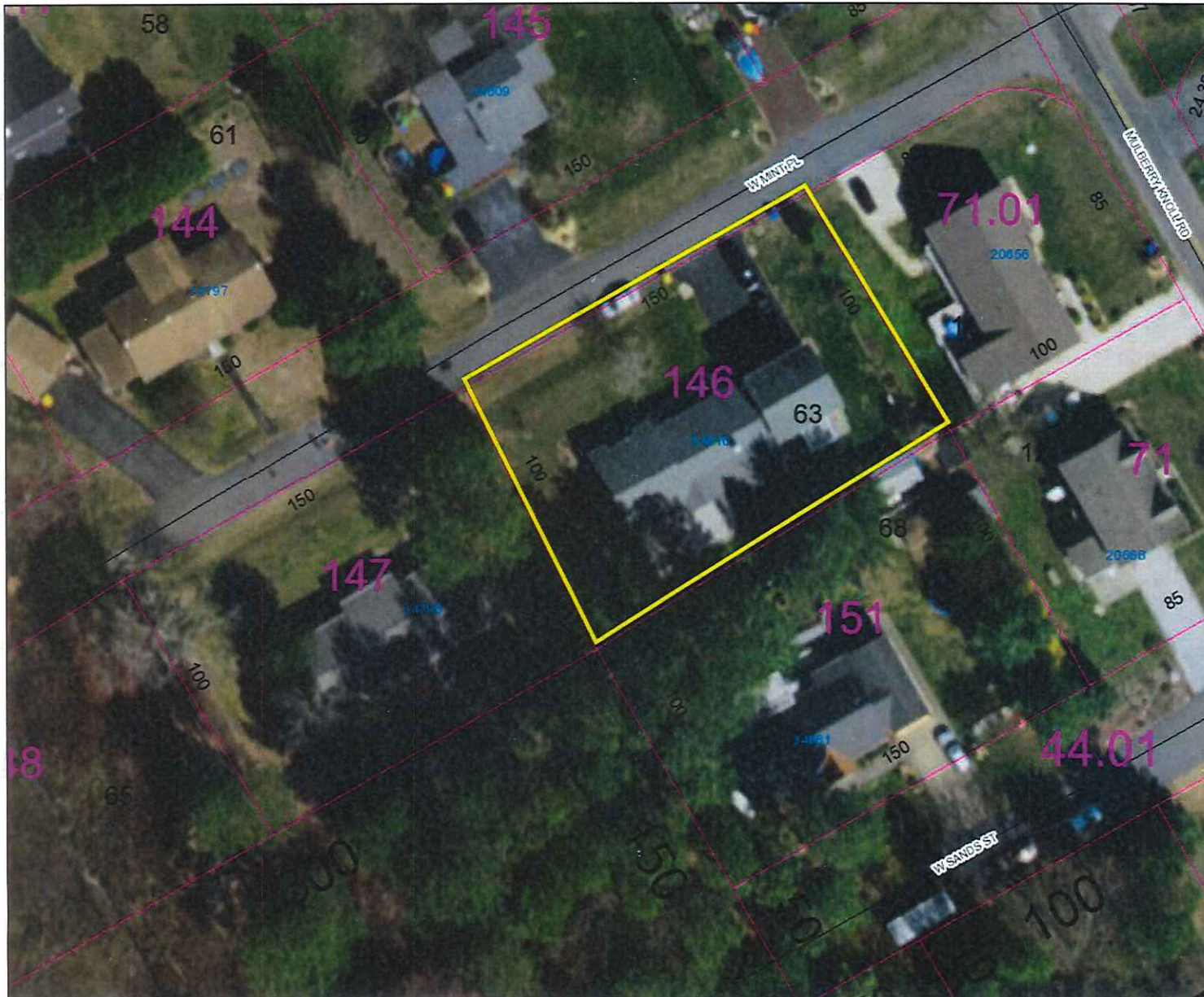








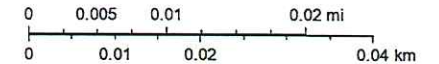
Sussex County



PIN:	334-18.00-146.00
Owner Name	KIRACOFE THOMAS E LISA F
Book	3889
Mailing Address	34810 W MINT PL
City	LEWES
State	DE
Description	MULBERRY KNOLL
Description 2	LOT 63
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ::: Tax Parcels
- 911 Address
- Streets
- ::: County Boundaries
- === Municipal Boundaries

1:564





Workspaces ▾

Search

Search by SUSSEXPARCELS -

334-18.00-146.00

Search results (1) Options ▾

name: 334-18.00-146.00



© 2022 EagleView



Case # 12768
Hearing Date _____
202214851

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

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-183 115-185

Site Address of Variance/Special Use Exception:

36990 Laws Point Road, Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

Applicants request a 3.4' variance from the side yard setback requirement for an existing shed. The shed has been on the property in its current location for more than 34 years and was not placed on the property by the Applicants. Although the Applicants obtained a variance from the side yard setback in 2004 for a proposed sunroom on an existing deck (Case No. 8509) the Applicants were unaware that the shed encroached into the side yard until they received a copy of a recent survey which disclosed the encroachment.

Tax Map #: 533-12.16-297.00 Property Zoning: GR

Applicant Information

Applicant Name: Gordon W. and Lynne C. Emminizer
Applicant Address: 9 Penny Lane
City New Freedom State PA Zip: 17349
Applicant Phone #: (410) 428-3405 Applicant e-mail: popandbub@hotmail.com

Owner Information

Owner Name: Gilbert Louis Braun and Jeannine Louise Braun
Owner Address: 4304 Kilbourne Dr.
City Fairfax State VA Zip: 22032 Purchase Date: 9/26/22
Owner Phone #: (571) 214-0441 Owner e-mail: thebraunsbusiness@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Shannon Carmean Burton, Esquire
Agent/Attorney Address: 25 Chestnut St.
City Georgetown State DE Zip: 19947
Agent/Attorney Phone #: (302) 855-1260 Agent/Attorney e-mail: shannonb@sussexattorney.com

Signature of Owner/Agent/Attorney

Shannon Carmean Burton, Esquire
Digitally signed by Shannon Carmean Burton, Esquire
Date: 2022.09.29 13:51:34 -04'00'

Date: _____



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

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

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

1. Uniqueness of property:

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

The Property is unique as it is a long and narrow lot consisting of 4,000 square feet of land which abuts a lagoon in the Swann Keys Subdivision. The Applicants purchased the Property in 1988 with the existing 85 sq. ft. shed. The exceptional practical difficulty is due to the uniqueness of the Property and not due to circumstances or conditions generally created by the provisions of the Zoning Code.

2. Cannot otherwise be developed:

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

Although the shed has been on the Property for over 34 years, the encroachment was discovered by a survey obtained for the sale of the Property. There is no possibility that the Property can be developed in strict conformity with the Code as it would be necessary to remove the shed. A variance is necessary to enable the reasonable use of the Property.

3. Not created by the applicant:

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

The exceptional practical difficulty has not been created by the Applicants. The Applicants purchased the Property with the existing shed and were unaware that the Property was not in compliance with the Zoning Code until the survey was obtained for the sale of the Property. Upon learning of the zoning violation, the Applicants promptly filed for a variance.

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

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

The variance will not alter the essential character of the neighborhood in which the Property is located. It will not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The shed has been in its current location for more than 34 years and no complaints have been received as a result of its location.

5. Minimum variance:

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

The variance represents the minimum variance that will afford relief and represents the least modification possible of the regulation in issue. The Applicant seeks only the minimum variance necessary to bring the Property into compliance with the Zoning Code.

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)

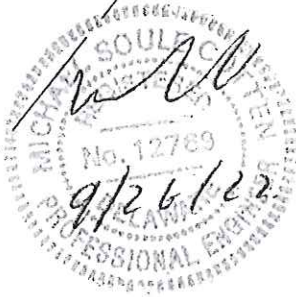
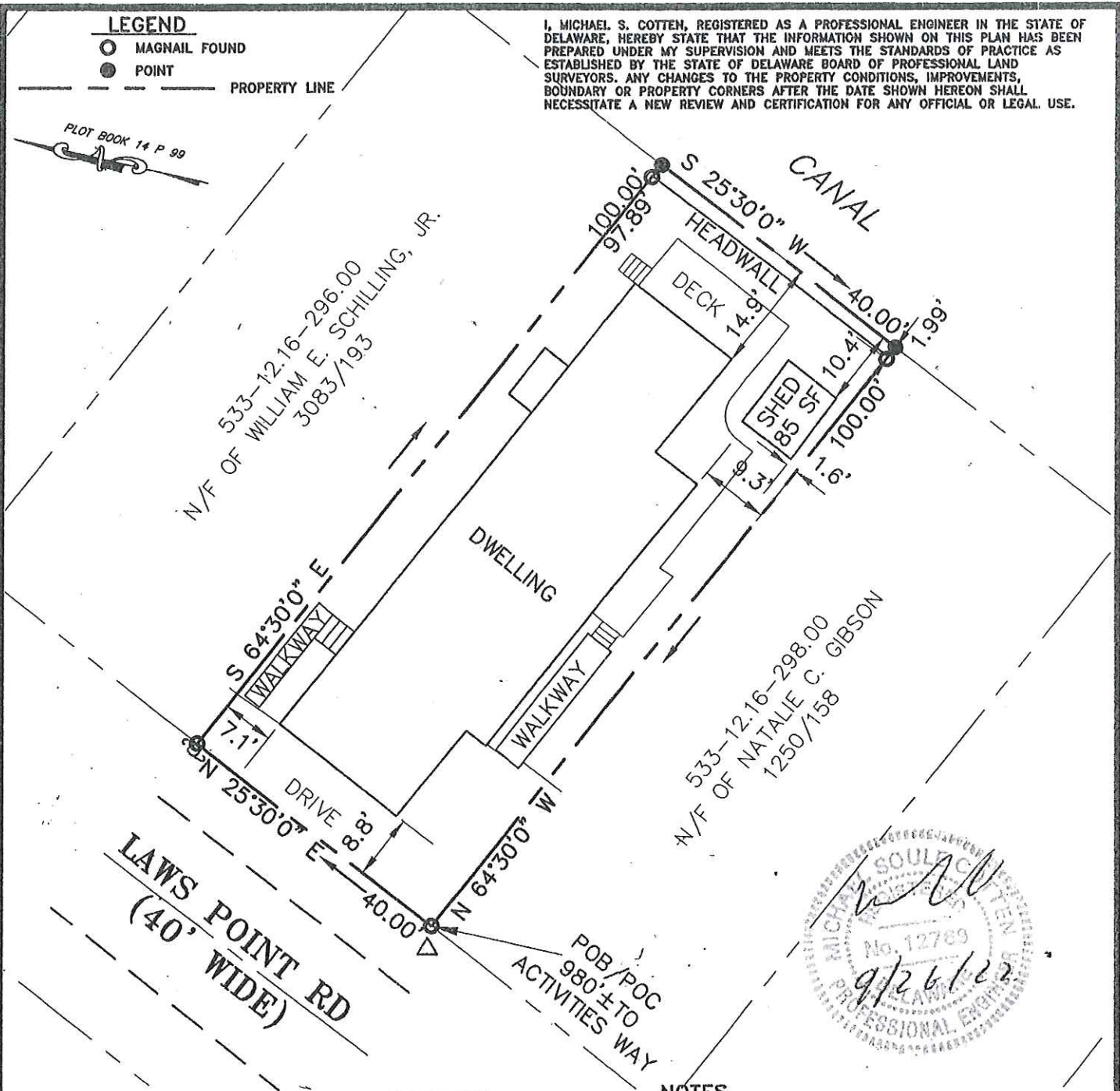
LEGEND

- MAGNAIL FOUND
- POINT

----- PROPERTY LINE

PLOT BOOK 14 P 99

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

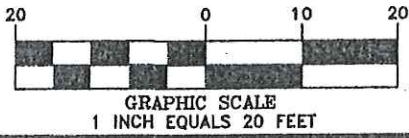
1. TITLE REFERENCED TO DEED BOOK 1566, PAGE 191.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
4. THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS AFFECTING THIS PROPERTY.
5. FEMA FLOOD ZONE AE (EL 4), PANEL 10005C0852K (3/16/2015)

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

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



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

PROPERTY RECORD CARD

CARD 1 OF 1

DIST. **5-33** MAP **12.16** PARCEL **297** CONTROL NO.

ADDRESS **LOT 34 E**

LAND IDENTIFICATION

5-33 12.16 297.00
EMMINIZER
GORDON W & LYNNE C
128 EMBLETON RD
OWINGS MILLS MD 21117 TR1- 234845

SCH-1
EDIT-P

SWAN KEYS LOT 34
BLK E W/IMP
#T19445\$

3/09/89

RK

OWNERSHIP RECORD

DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE
8-6-79	R. Thomas Vahlbia Jr	969/48 172592	
	Reese F. Cropper Jr		

LAND RECORD AND VALUATION SUMMARY

PROPERTY FACTORS				LAND COMPUTATION				BUILDING PERMIT RECORD			
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE	DATE	NUMBER	AMOUNT
		FRONT	DEPTH		DEPTH	OTHER					
CITY WATER	PAVED								8-15-83	14997	6000
SEWER	SEMI-IMPROVED							8000	5-16-88	101564	15,000
GAS	UNIMPROVED										
ELECTRICITY	OTHER										
ALL UTILITIES	SIDEWALK										

ASSESSMENT RECORD				SUMMARY OF VALUES		TOTAL LAND		TOTAL IMPROVEMENTS		TOTAL APPRAISED VALUE	
LAND \$	LAND \$					\$	8000				
BLDG. \$	BLDG. \$					\$	24900				
TOTAL \$	TOTAL \$					\$	32900				

NOTES B.P.# 101564 Addition porch addition and window 14,400 2-27-89

Bulkhead added old value 15100 3-11-92

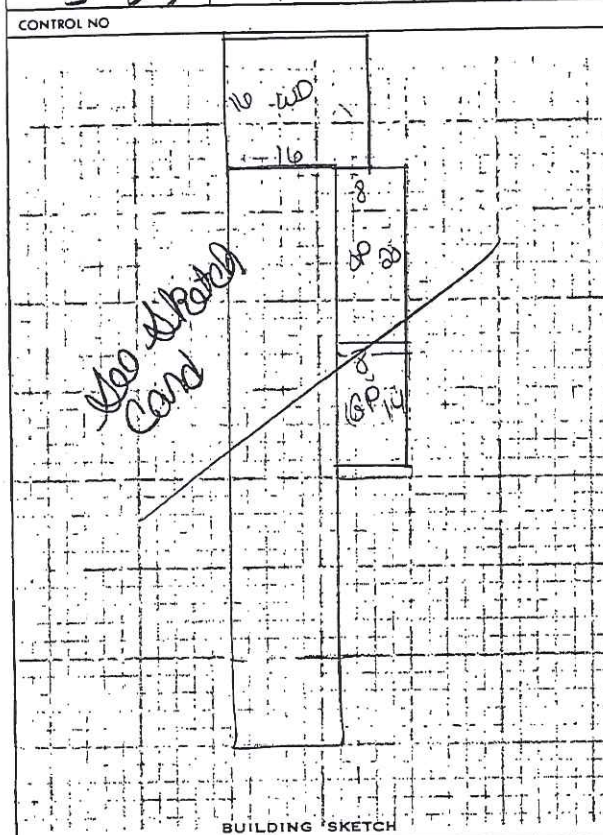
RD# 178984 wood deck, open porch shadows 15900 12-1-99

B.P.# 220128 Addition to walk + repairs driveway 17700 12-10-04

1-5-05 final C-Grade letter sent

11-19-04 1st C-Grade letter sent

DIST 5-33 MAP 12.12 PARCEL 297



TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
		C	X	599					14.17	221057
			X							
			X							
			X							
			X							
H. L. YOH CO. PHILA., PA.										
TOTAL GROUND AREA									TOTAL BASE COST \$ <u>221057</u>	

PRINCIPAL BUILDING DESCRIPTION										M/C	± %	± PTS								
MASONRY-1		PIER-2		SLAB-3		FOUNDATION				1										
NONE-0		1/4-1		1/2-2		3/4-3		FULL-4		BASEMENT										
NONE-0		REC AREA -1		APT -2		% OF BASEMENT SQ FT				BSMT FINISH										
NONE-0		PIPELESS GHA-1		ELECTRIC-2		FHA-3		STM-HW-4		HEAT SYS										
INDICATE QTY										FIRE PLACE										
3-FIXT BATH		2-FIXT BATH		SG FIX		TOTAL FIXT				PLUMBING										
NONE-0		1/2-1		1-2		1 1/2-3		2-4		2 1/2-5		3-6		4-7		5-8		CER TILE		
NONE		PL		WB		WP		NONE		PL		WB		WP		INT FINISH				
DIRT		CONC		HW		SW		HW		SW		HW		SW		FLOORS				
NONE-0		HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY										
NONE-0		ONE CAR-1		TWO CAR-2				BLT-IN GAR												
WOOD-1		SHGL-2		ALUM-3		BLK-4		BRK DR STN-5		STUCCO-6		COMP-7		EXT WALLS						
HIP-1		GABLE-2		FLAT-3		MANSARD-4		GAMBREL-5				ROOF TYPE								
WD-COMP-SHGL-1		SLATE-2		METAL-3		TILE-4		ROLL-5		T & G-6			ROOFING							
AREA		SQ FT		INDICATE QTY				PORCH-OPEN												
AREA		SQ FT		INDICATE QTY				PORCH-GLZD												
NONE-0		CENTRAL-1				AIR-COND														
NONE-0		1 CAR-1		2 CAR-2		SQ FT				ATT GAR/CP										
										SQ FT			UTILITY							
										868			OTHER WOOD							
										0			14.7							
										0			OTHER							
NOTES:										INDEX TOTALS			100% 1810							

BASE COST \$ <u>221057</u>	± INDEX % \$ <u>221057</u>	± INDEX PTS \$ <u>24517</u>	X GRADE FACTOR <u>100</u>	= REPLACEMENT COST \$ <u>24517</u>			
ACTUAL AGE YRS	EFF AGE YRS	PHYS. COND	GOOD	FAIR	POOR	PER CENT GOOD <u>98</u> %	DEPRECIATED BLDG VALUE \$ <u>24026</u>
OBSOLESCENCE: FUNC %	OV'RIMP %	UND'RIMP %	OTHER ECON.	%	NET COND %		

CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
	Bulkhead							40			21.50	860		98	842
	Shed	W	C	W	1	10	8	80							nc

TRAILERS									
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL	PHYS. DEPR	SOUND VAL
14997	Belvedere	1971	12x65	yellow		B-1265449	8580	25	0425
						3			

INSPECTED BY	CHECKED BY	APPROVED BY	TOTAL TRAILERS VALUE \$ <u>1100</u>	TOTAL ACCESSORY BLDGS VALUE \$ <u>842</u>	TOTAL BLDGS VALUE \$ <u>24868</u>
--------------	------------	-------------	-------------------------------------	---	-----------------------------------

MAP _____

DIST. _____

BLOCK _____

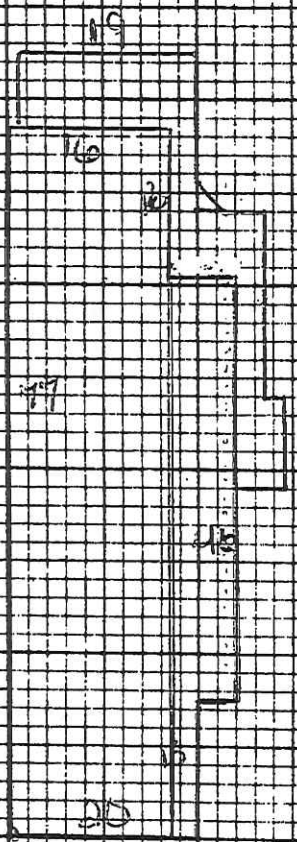
PARCEL _____

COMM./SKETCH _____

PROPERTY ADDRESS _____

BLDG. NO. _____

A-23



**APPLICATION FOR TRAILER PLACEMENT
SUSSEX COUNTY, DELAWARE**

PERMIT NO. 14997

LOCATION: Route _____ (N) (S) (E) (W) side, _____ (ft) (miles) (N) (S) (E) (W) of _____
 Subdivision or Trailer Park Subura Keys Lot No. 34 E Section or Block _____
 District No. 5-33 Map No. 1216 Parcel No. 297 Trailer No. 19445
 Street Name Texas Point Hundred Baltimore
 Size of Lot: Frontage _____ Depth _____ Acreage _____ Size of Mobile Home 12x05 Cost 6,000
 _____ On Farm Mobile Home for _____

IDENTIFICATION:

Name Reese Creppon III Furnished
 Address Rt. 4 Box 327
Berlin, MD. 21811 B. McElrath
 Lands of owns land 8/22/83
 Make Bolwedner Year 1971 Serial No. B-1265449
 Model No. _____ New _____ Used _____ Date of purchase 8-12-83
 Width 12 Length incl hitch 65 Color: main yellow trim green
 Central Air NO Tip-out or expando NO
 Previous owner of this trailer: Robert Bernhard
 Previous Location: Cape Windsor Lot 16 5-33-2018-146
 Has this lot ever been occupied by a mobile home? NO
 If so, where did this mobile home go? _____
 Have you ever owned a mobile home in Sussex County? NO
 If so, where? _____

TYPE OF USE

Existing Use Vacant
 Proposed Use Mobile Home

ZONING

Zoning District GR
 Front yard setback 5
 Side yard setback 5
 Rear yard setback 3
 Side yard setback on side street of corner lot 5

Distance from any dwelling of other ownership NA
 Distance from any other trailer in a trailer park 20

Cannot occupy more than 35 % of total lot area
 Board of Adjustment Case No. NA
 Approved by Planning & Zoning EL

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.

The owner of this mobile home and the undersigned agree to comply to all applicable Federal, State, and County regulations and to apply for a certificate of occupancy at completion. This does not imply approval of other Governmental Agencies.

Signature of Applicant [Signature] Address _____ Date _____
 Permit Fee 2.00 Date Issued 8-15-83 Approved by Assessment Division OC

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 Assessment Division and Planning and Zoning Agents, to enter upon said premises for the purpose of assessing and inspecting said property within a reasonable time after issue of permit; said consent being given on signing of this permit.

THIS PERMIT DOES NOT COVER ANY STRUCTURE BUILT OR MOVED TO LOT TRAILER IS PLACED UPON. A BUILDING PERMIT IS NEEDED FOR THESE STRUCTURES. PLEASE CALL 856-7701 ext 223 TO REPORT ANY INFORMATION NEEDED FOR ANY CIRCLED BLANKS.

0 Top Auto
0 Central Auto
B. Mc Cube

BOARD OF ASSESSMENT OF SUSSEX COUNTY

GEORGETOWN, DELAWARE

TRAILER PLACEMENT

TELEPHONE NO. _____ DATE Aug 15 1983
NAME MR. Reese Propper III ADDRESS Rt # 4 Box 327
NAME MRS. _____ Berlin, Md 21811
DIST: - MAP _____ PARCEL NO. _____ TRLR NO. _____
LOCATION PROPERTY AND ROAD NO. Laws point Rd.
NAME OF TRAILER PARK AND LOT NO. Swan Keys Mobile Home Park lot 34E

DESCRIPTION OF VEHICLE

MAKE Beldene YEAR 71 MODEL NO. _____ SERIAL NO. B-12654493
NEW _____ USED DATE OF PURCHASE 8/12/83
WIDTH 12 LGTH INCL HITCH 65 COLOR: MAIN yellow TRIM Green
CENT. AIR MA TIP-OUT OR COMPANION SIZE MA x _____ TOT PRICE \$6,950⁰⁰
PREVIOUS OWNER Robert A. Bernhard
PREVIOUS LOCATION 16 Wilson Ave. Cape Windsor, Selbyville, De 19925

NOTE: A PERMIT MUST BE APPLIED FOR AND ISSUED FOR THE PLACEMENT OR CONSTRUCTION OF ADDITIONS SUCH AS DECKS, OPEN PORCHES, CLOSED PORCHES, CARPORTS, ETC., & 9 FT. x 9 FT. OR LARGER SHEDS TO ABOVE TRAILER PROPERTY. IF TRAILER IS SOLD, TRADED OR MOVED, NOTIFY BOARD OF ASSESSMENT, GEORGETOWN, DELAWARE 19947, BOX 386, AS TO THE NEW OWNER, HIS ADDRESS AND NEW LOCATION.

NEW OWNER _____
ADDRESS _____
NEW LOCATION _____
REMARKS: _____

SIGNATURE OF OWNER _____

AROLD L. CARMEAN
DIRECTOR OF ASSESSMENTS



302-855-7720

ASSESSMENT DIVISION
OF SUSSEX COUNTY

GEORGETOWN, DELAWARE

19947

NEEDS PLACEMENT

YES _____

NO _____

THIS IS TO VERIFY THAT AS OF THIS DATE, OUR RECORDS INDICATE THAT THERE ARE NO OUTSTANDING TAXES DUE ON THE FOLLOWING MANUFACTURED HOME.

MAKE: BEL

YEAR: 1971

SIZE: 12' x 65'

SERIAL NUMBER: B12654493

PREVIOUS OWNER: REESE F. CROPPER, III

NEW OWNER: GORDON W. EMMINIZER & LYNNE C. EMMINIZER

NEW OWNER'S ADDRESS: 128 Embleton Road, Owings Mills, MD 21117

NEW OWNER'S PHONE NUMBER: 301-356-5794 *taxes paid 10/8/87*

PLACE COMING FROM: staying on lot - Lot 34-E, Swann Keys

PLACE GOING TO: n/a

STAYING ON SAME LOT: YES X NO

(IF NO)
ARE YOU REPLACING THIS MANUFACTURED HOME WITH ANOTHER MANUFACTURED HOME?

YES

NO

IF SO, YOU NEED A PLACEMENT PERMIT FOR THE NEW HOME.

ARE YOU BUYING THIS LOT? YES X NO

DATE: May 16, 1988

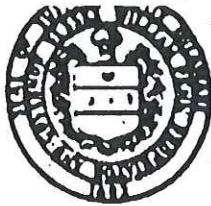
ASSESSMENT CLERK: Pat Harmon

NAME OF PERSON OBTAINING TAX RELEASE: Regina Conaway of Maul & Maul

PHONE NUMBER TO BE REACHED 8:30 TO 4:30: 856-7393

DOB 3/16/82 JTC

HAROLD L. CARMEAN
DIRECTOR OF ASSESSMENTS



302-855-7720

ASSESSMENT DIVISION
OF SUSSEX COUNTY

GEORGETOWN, DELAWARE

19947

NEEDS PLACEMENT

YES _____

NO _____

THIS IS TO VERIFY THAT AS OF THIS DATE, OUR RECORDS INDICATE THAT THERE ARE NO OUTSTANDING TAXES DUE ON THE FOLLOWING MANUFACTURED HOME.

MAKE: Bel

YEAR: 1971

SIZE: 12x65

SERIAL NUMBER: B12654493

PREVIOUS OWNER: Robert A. Bernhard

NEW OWNER: Reese F. Cropper, III

NEW OWNER'S ADDRESS: 2817 Bayshore Drive
Ocean City Md, 21842

Lot
34-E

NEW OWNER'S PHONE NUMBER: _____

PLACE COMING FROM: S-33-12.16-297-1944S

PLACE GOING TO: _____

STAYING ON SAME LOT: YES NO

(IF NO)
ARE YOU REPLACING THIS MANUFACTURED HOME WITH ANOTHER MANUFACTURED HOME?

YES

NO

IF SO, YOU NEED A PLACEMENT PERMIT FOR THE NEW HOME.

ARE YOU BUYING THIS LOT? YES NO

DATE: 4/26/88

ASSESSMENT CLERK: K. Kruger

NAME OF PERSON OBTAINING TAX RELEASE: Reese Cropper

PHONE NUMBER TO BE REACHED 8:30 TO 4:30: _____

J. Quill
pd

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: J.P. 9-6-83

DISTRICT: 5.33

MAP: 12.16

PARCEL: 297

TRL/UNIT:

NAME: Cropper

ADDRESS:

PROPERTY DESCRIPTION: # 19445

ACREAGE:

TRANSFER:

LAND CLASS: rt

OLD VALUE: 8000

LAND VALUE: 8000

IMP. VALUE: 6400

TOTAL VALUE: 14400

ACTION REASON: new placement

BILLING: ~~1983~~ 1984 ~~O.P. gov. the difference~~

9-783

J.P.
9/20/83
Labels

AFFIDAVIT

Gordon W. and Lynne C. Emminizer

Gilbert L. and Jeannine L. Braun

Name of Applicants

Petition No.

The below listed persons are the true and lawful owners of all lands lying within two hundred (200) feet of all the boundaries of the property which is the subject of the above-mentioned petitioner. I do solemnly swear that the names and addresses are true and correct and represent a complete listing of all owners of lands within two hundred (200) feet of the subject property which is the subject of this petition.

Name: Yan Chai

Address: 36372 Day Lily Parkway,

Selbyville, DE 19975

SCTM: 533-12.16-204.00

Name: Timothy B. Collins

Address: 37022 Blue Bill Dr.

Selbyville, DE 19975

SCTM: 533-12.16-203.00

Name: Lawrence R. Hynson Heirs

Address: 18118 Rolling Meadow Way

Olney, MD 20832

SCTM: 533-12.16-202.00

Name: Deborah & Kurt Willem

Address: 3116 Harford Road

Hydes, MD 21082

SCTM: 533-12.16-201.00

Name: Thomas W. & Regina M. Welsh

& Michelle Schliecher

Address: 419 Hornel St., Baltimore, MD 21224

SCTM: 533-12.16-200.00

Name: Alan Scott Walter, Jr.

Address: 1404 Prospect Mill Road

Bel Air, MD 21015

SCTM: 533-12.16-199.00

Name: James A. & Debra O. Stark

Address: 1945 Snyder Ave.

Baltimore, MD 21222

SCTM: 533-12.16-198.00

Name: Deron L. & Karen M. Cox

Address: 2107 Red Lion Road

Bear, DE 19701

SCTM: 533-12.16-238.00

Name: Paul W., Jr. & Patricia W. Neal
Address: 36977 Laws Point Road
Selbyville, DE 19975
SCTM: 533-12.16-239.00

Name: Lisa Marie Libonate
Address: 36981 Laws Point Road
Selbyville, DE 19975
SCTM: 533-12.16-240.00

Name: Daniel & Catherine Cavanaugh
Address: 36983 Laws Point Road, Q12
Selbyville, DE 19975
SCTM: 533-12.16-241.00

Name: Lindale Semans
Address: 18859 Oak Road
Bridgeville, DE 19975
SCTM: 533-12.16-242.00

Name: Qiulin Wang
Address: 11944 8th Ave.
College Point, NY 11366
SCTM: 533-12.16-243.00

Name: Michael & Alison Demartin
Address: 1101 Broadway
Lutherville Timonium, MD 21093
SCTM: 533-12.16-244.00

Name: The Eric Madden & Margareth Legaspi Joint
Revocable Trust dated 11/1/19
Address: 36993 Laws Point Road
Selbyville, DE 19975
SCTM: 533-12.16-245.00

Name: William E. Jr. & Cathy L. Schroeder
Address: 13 Mill Road
Norristown, PA 19401
SCTM: 533-12.16-246.00

Name: Melvin L. & Barbara Heavel
Address: 25590 Paradise Found Lane
Millsboro, DE 19966
SCTM: 533-12.16-247.00

Name: Michael A. Yeager & Karen L. Zaiko, Trustees
of the Mary A. Yeager Irrevocable Trust dated 1/25/18
Address: 36976 Laws Point Road
Selbyville, DE 19975
SCTM: 533-12.16-303.00

Name: Roy G. Shifflett & Geoffrey Lyn Shifflett
Address: 7803 Seaside Road
Baltimore, MD 21222
SCTM: 533-12.16-302.00

Name: Anne M. & John Larry Kalinoski
Address: 1604 Havre De Grace Dr.
Edgewater, MD 21037
SCTM: 533-12.16-301.00

Name: Amir Zolfaghari & Parisa Omoumi
Address: 12255 Longleaf Lane
Dunkirk, MD 20754
SCTM: 533-12.16-300.00

Name: James P. III & Laurie E. Sheaf
Address: 1592 Hametown Road
Glen Rock, PA 17327
SCTM: 533-12.16-299.00

Name: Natalie C. Gibson
Address: 36986 Laws Point Road
Selbyville, DE 19975
SCTM: 533-12.16-298.00

Name: William E. Schilling, Jr.
Address: 664 Cherry Hill Road
Street, MD 21154
SCTM: 533-12.16-296.00

Name: Paula M. Long-Simmons, Trustee
Of the Paula M. Long-Simmons Living Trust dated 2/26/15
Address: 3127 Kempton Church Road
Monrovia, MD 21770
SCTM: 533-12.16-295.00

Name: Daria G. Lepisko
Address: 601 Wilkes St., Apt. 203
Alexandria, VA 22314
SCTM: 533-12.16-294.00

Name: John E. & Sherry L. Caudle
Address: 37000 Laws Point Road
Selbyville, DE 19975
SCTM: 533-12.16-293.00

Name: Johnny B. Bryne, Sandra A. Barstow & Donna L. Mueller
Address: 2014 Phillips Mill Road
Forest Hill, MD 21050
SCTM: 533-12.16-292.00

Name: Lawrence A. Krawczyk, Trustee
of the Lawrence A. Krawczyk Living Trust dated 5/30/19
Address: 37004 Laws Point Road
Selbyville, DE 19975
SCTM: 533-12.16-291.00

Name: Nolan S. Pase, Trustee
of the Nolan S. Pase Revocable Trust dated 9/20/94
Address: 764 S. Division St.
Salisbury, MD 21804
SCTM: 533-12.16-338.00

Name: Henry J. Muir, Jr. & Cindy A. Vacek-Muir
Address: 7855 Bellhaven Ave.
Pasadena, MD 21122
SCTM: 533-12.16-339.00

Name: Paul E. Fahey
Address: 402 Mayfield Lane
Townsend, DE 19734
SCTM: 533-12.16-340.00

Name: Suzanne I. Campbell
Address: 2261 Chesapeake City Road
Bear, DE 19701
SCTM: 533-12.16-341.00

Name: David L. & Harriet A. Jarvis
Address: 61 Magnolia Ave.
Denville, NJ 07834
SCTM: 533-12.16-342.00

Name: Carl L. Harper
Address: 37023 Canvasback Road
Selbyville, DE 19975
SCTM: 533-12.16-343.00

Name: Wayne E. Huffer & Doris Jacquelyn Huffer, Trustees
of the Huffer Family Revocable Living Trust Agreement dated 7/23/10
Address: 5916 Picnic Woods Road
Jefferson, MD 21755
SCTM: 533-12.16-344.00

Name: Mark & Annette Irvello
Address: 714 Crum Creek Road
Broomall, PA 19008
SCTM: 533-12.16-345.00

Name: Andres W. & Diane Steiminger
Address: 215 Third Street
McDonald, PA 15057
SCTM: 533-12.16-346.00

Name: Gail Ceianti
Address: 136 Merlin Road
Phoenixville, PA 19460
SCTM: 533-12.16-347.00

Name: Jesse C. Jr. & Elleanor R. Flohr
Address: 37037 Canvasback Road
Selbyville, DE 19975
SCTM: 533-12.16-348.00

Name: Betty Lou Day
Address: 10623 Eastwood Ave.
Silver Spring, MD 20901
SCTM: 533-12.16-349.00

Name: Elinor J. Achaj
Address: 2059 Village Circle East
York, PA 17404
SCTM: 533-12.16-393.00

Name: Charles E. & Susan E. Wienhold
Address: 37018 Canvasback Road
Selbyville, DE 19975
SCTM: 533-12.16-392.00

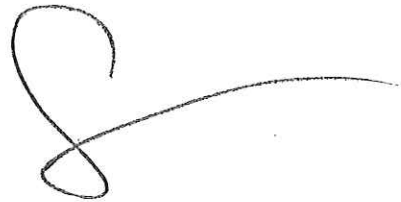
Name: Geoffrey W. & Kathleen S. Manns
Address: 37020 Canvasback Road
Selbyville, DE 19975
SCTM: 533-12.16-391.00

Name: Peggi Anne Landis
Address: 18973 Gemmill Road
Stewartstown, PA 17363
SCTM: 533-12.16-390.00

Name: Jason D. & Claire M. Hearn
Address: 6 Marjorie Court
Bear, DE 19701
SCTM: 533-12.16-389.00


Name: John N. Jr. & Patricia N. McCamant
Address: 37028 Canvasback Road
Selbyville, DE 19975
SCTM: 533-12.16-388.00

Name: Bruce R. Hoover & Janet L. Hoover, Trustees
of The Hoover Vacation Home Trust, By Agreement
dated 3/2/06
Address: 6018 Union Tunnell Road
Harrisburg, PA 17111
SCTM: 533-12.16-387.00



Shannon Carmean Burton, Esquire
Signature of Authorized Agent

SWORN to and subscribed before me this 11 day of October, 2022.


Notary Public



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

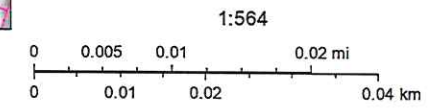


Sussex County



PIN:	533-12.16-297.00	
Owner Name	BRAUN LOUIS	GILBERT
Book	5782	
Mailing Address	4304 KILBOURNE AVE	
City	FAIRFAX	
State	VA	
Description	SWANN KEYS	
Description 2	LOT 34	
Description 3	BLK E CT19445	
Land Code		

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





Search

Search by SUSSEXPARCELS -

533-12.16-297.00

Search results (1) Options -

name: 533-12.16-297.00

Workspaces

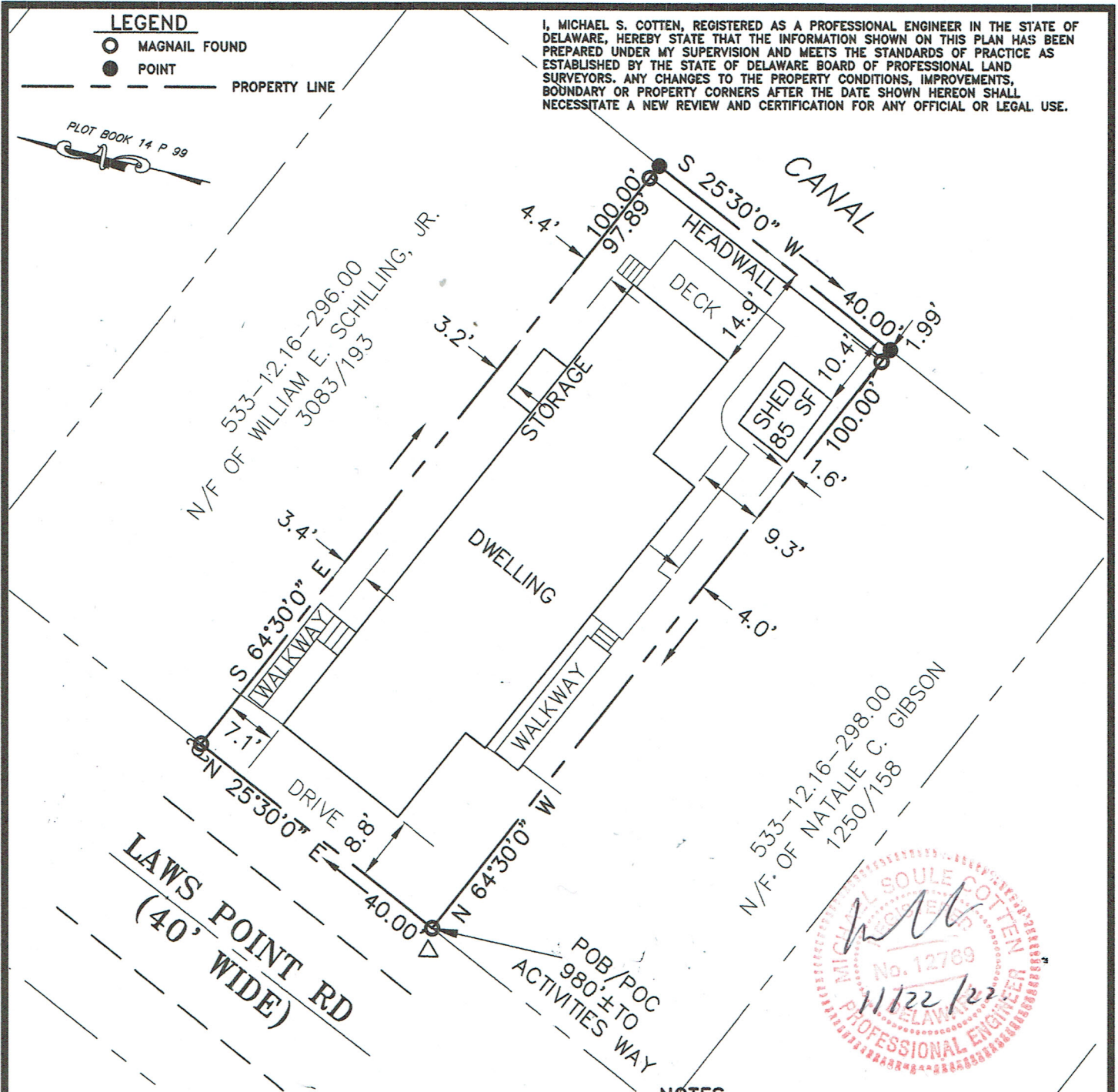
LEGEND

- MAGNAIL FOUND
- POINT

PROPERTY LINE

PLOT BOOK 14 P 99

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.



N/F. OF NATALIE C. GIBSON
533-12.16-298.00
1250/158



NOTES

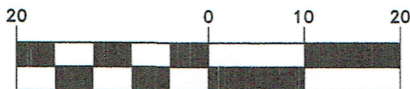
1. TITLE REFERENCED TO DEED BOOK 1566, PAGE 191.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
4. THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS AFFECTING THIS PROPERTY.
5. FEMA FLOOD ZONE AE (EL 4), PANEL 10005C0652K (3/16/2015)

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

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



GRAPHIC SCALE
1 INCH EQUALS 20 FEET

DESIGNED BY: CE	REV: 1	JOB # 22-510
DRAWN BY: TDH	DATE: 11/22/2022	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: AS-SHOWN	

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 # 12769
Hearing Date _____

202215003

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-182 115-185

Site Address of Variance/Special Use Exception:

30835 E. Lagoon Rd; Dagsboro Del 19939

Variance/Special Use Exception/Appeal Requested:

5.8' variance from the 17.8' average front yard setback

Tax Map #: 134-6.00-123.00 Property Zoning: GR

Applicant Information

Applicant Name: Cortney Horne
Applicant Address: 30835 E. Lagoon Rd Dagsboro Del 19939
City Dagsboro State Del Zip: 19939
Applicant Phone #: 484-256-4145 Applicant e-mail: ccandj@comcast.net

Owner Information

Owner Name: Cortney Horne
Owner Address: 30835 E Lagoon Rd
City Dagsboro State Del Zip: 19939 Purchase Date: 01/29/2021
Owner Phone #: 484-256-4145 Owner e-mail: ccandj@comcast.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Cortney Horne

Date: 10-12-22



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 corner property lines are out further than the center of the property.

2. Cannot otherwise be developed:

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

The current building is already non conforming.

3. Not created by the applicant:

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

The current building was built non conforming by the previous owners.

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 property between the road and the property line is all grass and has been always maintained by the previous and the current owner of the 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.

Building addition will be 12 feet from property line.

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)



// Show Prospects
Line and Grass
Pass that I have
I must maintain
BE FORIE THE
ROAD stands

PROPERTY 2 DOORS
DOWN Closer to the
street than my property



Stow Property
Line and GRASS
Pass that. That
I must maintain
BE FORE THE
ROAD starts



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KELLY HALES

(Case No. 12211)

A hearing was held after due notice on October 1, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard and side yard setback requirements for existing structures.

Findings of Fact

The Board found that the Applicant is seeking a variance of 8.6 feet from the 17.6 feet average front yard setback requirement for the existing pump house, a variance of 3.6 feet from the 17.6 feet average front yard setback requirement for the existing dwelling, a variance of 8.1 feet from the ten (10) feet side yard setback requirement on the north side of Lot 10 for an existing guesthouse, and a variance of 1.1 feet from the five (5) feet side yard setback requirement on the north side of Lot 11 for an existing shed. This application pertains to certain real property on the west side of East Lagoon Road, approximately 511 feet north of Falling Point Road (911 Address: 30835 & 30843 East Lagoon Road, Dagsboro.) said property being identified as Sussex County Tax Map Parcel Numbers 1-34-6.00-123.00 & 1-34-6.00-124.00.

1. The Board was given copies of the Application, an aerial photograph of the Property, a survey of the Property dated September 2, 2016, a survey of the Property dated July 31, 2018, and a portion of the tax map of the area.
2. The Board found that the Property consists of 2 parcels. Sussex County Tax Map Parcel No. 1-34-6.00-123.00 contains Lots 9 and 10 and Sussex County Tax Map Parcel No. 1-34-6.00-124.00 contains Lot 11 (collectively "the Property").
3. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
4. The Board found that Kelly Hales was sworn in to testify about the Application. Ms. Hales submitted exhibits to the Board to review.
5. The Board found that Ms. Hales testified that the Property is in Dogwood Acres and consists of three lots each measuring 50 feet wide. Neighboring homes are located close to the road.
6. The Board found that Ms. Hales testified that Planning & Zoning approved the proposed location of the home and the location was staked out. She hired a contractor for the dwelling and the contractor pulled the stakes prior to placing the dwelling. The builder did not place the home in compliance with the stakes. She has since sued the builder.
7. The Board found that Ms. Hales testified that the Property is unique because it is in a flood zone. The Property slopes towards the rear yard.
8. The Board found that Ms. Hales testified that the Property has a water pumphouse.
9. The Board found that Ms. Hales testified that she wants to keep the home where it sits. The house is parallel to the retaining wall but not the front yard.
10. The Board found that Ms. Hales testified that the Property cannot be otherwise developed as the home is already in place.
11. The Board found that Ms. Hales testified that the need for the variances was not created by the Applicant but by the builder who placed the home in the wrong location.

12. The Board found that Ms. Hales testified that the variances will not alter the character of the neighborhood as other homes in the area also sit close to the front of the Property.
13. The Board found that Ms. Hales testified that the septic system is located in front of the guest house and the drain field is located where the shed is located.
14. The Board found that Ms. Hales testified that the only improvement that she has made is placing the house on the lot.
15. The Board found that Ms. Hales testified that this variance request is the least variance to allow for the home to remain in the current location.
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. The Board tabled the Application until October 15, 2018, at which time the Board voted on the Application.
18. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application for the variances for the pumphouse, shed, and guesthouse met the standards for granting a variance. The findings below further support the Board's decision to approve the Application for the variances for those structures.
 - a. The Property is unique due to its size and shape. The Property, though consisting of 3 lots, is wide but not deep. Furthermore, a significant portion of the rear yard is considered to be in the flood zone. The Applicant testified that the Property slopes towards the rear yard. These unique characteristics of this Property limit the buildable area available to the Applicant and have created an exceptional practical difficulty for the Applicant who seeks to retain existing structures on the lot.
 - b. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique size and the buildable area thereof is limited due to its size, shape, and physical conditions. The Applicant seeks to retain an existing pump house, shed, and guest house on the lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow reasonably sized, existing pump house, shed, and guest house to remain on the lot. The Board is convinced that the shape and location of these structures are also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
 - c. The exceptional practical difficulty was not created by the Applicant. The Applicant did not create the unusual size, shape, and physical conditions of the Property. These conditions have resulted in a limited building envelope on the Property and the small building envelope has created the exceptional practical difficulty. The difficulty caused by the small size of the lot is exacerbated due to the fact that a portion of the rear yard is located in a flood zone. The unique characteristics of the Property are clear when reviewing the survey. The Board is convinced that the exceptional practical difficulty was not created by the Applicant but was created by the lot's unique characteristics. The Board also notes that the shed, pumphouse, and guesthouse were located on the Property by a prior owner and appear to have been located on the Property for many years.
 - d. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the existing pump house, shed, and guest house will have no effect on the character of the neighborhood. These structures have been

on the Property for quite some time without noted complaints in the record. No evidence was presented that the variances would somehow alter the essential character of the neighborhood. The lack of evidence is telling since, if these structures had somehow altered the essential character of the neighborhood, the Board would expect some evidence thereof. The Board also notes that the variance for the guesthouse is likely unnoticeable since the guesthouse is located near the center of the Property but close to the lot line separating Lots 10 and 11 and all three lots are essentially treated as one collective property.

- e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to retain existing pump house, shed, and guest house. No additions or modifications to those structures are proposed.

19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application for the variance for the dwelling failed to meet the standards for granting a variance. The findings below further support the Board's decision to deny the Application for the variance for that structure.

- a. The Applicant failed to prove that the dwelling could not be built in strict conformity with the Sussex County Zoning Code. The dwelling was only recently located on the Property and there was no evidence that the Applicant could not move the home into compliance. Rather, the Applicant testified that the dwelling could fit within the building envelope. For these reasons, the Board finds that the dwelling could be developed in strict conformity with the Code and that the variance is not necessary to enable reasonable use of the Property.
- b. Prior to placing the dwelling on the lot, the Applicant was aware of the front yard setback requirement for a new dwelling. Notably, the front yard setback requirement is lesser than normal for lots because the Applicant benefited from the averaging of other lots in the neighborhood. Despite this reduced setback and clear evidence as to the front yard setback requirement, the Applicant contracted for the placement of the home and the home was placed in the front yard setback area. While the Applicant claims that this was due to builder error, the Applicant did not convince the Board that this error was unavoidable or that the mistake could not be remedied. The exceptional practical difficulty with regard to the dwelling appears to have nothing to do with some unique physical characteristic of the Property and, instead, appears to be created by the Applicant or her agents.
- c. The Applicant also failed to convince the Board that the variance for the dwelling is the minimum variance necessary to afford relief. As noted in Paragraph 19(a) above, the Applicant could place the dwelling in compliance with the Code. As such, the variance for the dwelling is not the minimum variance necessary to afford relief.

The Board approved the variance application for the shed, pumphouse, and guesthouse finding that it met the standards for granting a variance but the Board denied the variance application for the dwelling finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved in part and denied in part. The Board Members in favor of the motion to approve in part and deny in part were Mr. Dale Callaway, Mr. Bruce Mears, and Mr. John Mills. Ms. Ellen Magee and Mr. Brent Workman voted against the Motion to approve the variance application for the shed, pumphouse, and guesthouse but to deny the application for the dwelling.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

John Mills
Chairman

COPY

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

Date _____

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KELLY HALES

(Case No. 12397)

Hearings were held after due notice on January 6, 2020 and on February 3, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the front yard setback requirement for an existing structure.

Findings of Fact

The Board found that the Applicant is requesting a variance of 3.6 feet from the 17.6 feet average front yard setback requirement for an existing dwelling. This application pertains to certain real property that is located on the west side of East Lagoon Road, approximately 511 feet north of Falling Point Road (911 Address: 30835 & 30843 East Lagoon Road, Dagsboro) said property being identified as Sussex County Tax Map Parcel Number 1-34-6.00-123.00 & 1-34-6.00-124.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, findings of fact for Case No. 12211; a survey of the property dated July 31, 2018, an older survey of the property, a survey of other lots in the area, an aerial photograph of the property, photographs, an affidavit of Blake Carey, Esquire, and a portion of the tax map of the area.
2. The Board finds that the Applicant had a previous application – Case No. 12211 which had a public hearing before the Board on October 1, 2018, and that the original Application was granted in part and denied in part. The portion of the previous application which was denied is the subject of this request. The Board finds that, before the Board can determine the merits of the variance, the Board must first determine if a substantial change of conditions has occurred or other considerations materially affecting the merits of the request have intervened. If there has not been a change in conditions, the Board cannot vacate the original decision and cannot entertain the merits of this application.
3. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
4. The Board found that Kelly Hales was sworn in to give testimony about the Application.
5. The Board found that Ms. Hales testified that the variance is for an existing dwelling which was placed on the property by her contractor. She alleged that her contractor admitted in Court to moving the stakes.
6. The Board found that Ms. Hales testified that the dwelling cannot otherwise be developed as the dwelling is existing and it would be a financial burden to move the home. She would have to tear down the house in order to comply with the Code.
7. The Board found that Ms. Hales testified that the exceptional practical difficulty was not caused by the Applicant but by the contractor who moved the stakes.
8. The Board found that Ms. Hales testified that plumbing and electrical work is found under the pad and the walls are in the concrete.
9. The Board found that Ms. Hales testified that the Property is unique as it has a retaining wall behind the house and the house could not be placed farther back as it would cause the retaining wall to collapse.

10. The Board found that Ms. Hales testified that, since the prior application, she learned that she cannot move the house closer to the rear yard due to the structure of the retaining wall.
11. The Board found that Ms. Hales testified that the variance will not alter the essential character of the neighborhood and that it is farther back on the Property than the previous home.
12. The Board found that Ms. Hales testified that the variance requested is a minimum variance to afford relief and that the variance is only for one corner of the home.
13. The Board found that no one appeared in support of or in opposition to the Application.
14. The Board voted to keep the public hearing open and to reschedule a second hearing on this application for February 3, 2020. At that meeting, Ms. Hales appeared and was sworn in. She also came with her attorney Blake Carey, Esquire. Mr. Carey submitted exhibits for the Board to review.
15. The Board found that Mr. Carey stated that the letter from Matt Dunn states that moving the home into compliance would compromise the bulkhead and may result in destroying the bulkhead and the dwelling. Mr. Dunn opined that moving the house back 3.6 feet would cause significant load on the retaining wall and would collapse the wall, the house, or both. According to Mr. Dunn's letter, moving the house back would place 361,000 pounds of weight on the retaining wall.
16. The Board found that Mr. Carey stated that the Applicant did not have that information regarding the retaining wall until after the original request for a variance was denied and she sought information about moving the dwelling. The Board previously found that the house could be moved.
17. The Board found that Mr. Carey stated that a material change in the merits has occurred since the Applicant learned that the house cannot be moved.
18. The Board found that Mr. Carey stated that the Property has a significant slope in the rear yard.
19. The Board found that Mr. Carey stated that the retaining wall was there prior to the house.
20. The Board found that Mr. Carey stated that house was unilaterally placed on the lot by the builder as the Property was staked but the builder moved the stakes. The Applicant was subsequently engaged in litigation with the builder.
21. The Board found that Mr. Carey stated that that this information shows that there is a substantial change affecting the property.
22. The Board found that Mr. Carey stated that, if the house was moved closer to the retaining wall, the Applicant and neighbors would be put at risk and that the house would also be uninsurable if moved.
23. The Board found that Mr. Carey stated that the Property is unique as it abuts a canal and has a wedge shape.
24. The Board found that Mr. Carey stated that a significant part of the building envelope is unbuildable.
25. The Board found that Mr. Carey stated that the exceptional practical difficulty is created by the retaining wall; which was placed by a prior owner.
26. The Board found that Mr. Carey stated that, if the variance is not approved, the Property will likely be subject to foreclosure.
27. The Board found that Mr. Carey stated that the manufactured house on the lot previously was closer to the road than this house.
28. The Board found that Mr. Carey stated that the Property cannot be developed in strict conformity with the Sussex County Zoning Code.
29. The Board found that Mr. Carey stated that there is a known risk if the house is moved closer to the retaining wall.
30. The Board found that Mr. Carey stated that the retaining wall is not parallel to the roadway and, due to its placement, the building portion of the Property is very narrow.

31. The Board found that Mr. Carey stated that the dwelling is already in place and to move it closer to the retaining wall could compromise both the retaining wall and the dwelling.
32. The Board found that Mr. Carey stated that this exceptional practical difficulty lies in the issues with regard to the retaining wall and not caused by the Applicant.
33. The Board found that Mr. Carey stated that the Property has a steep decline in the rear yard and the topography was not created by the Applicant.
34. The Board found that Mr. Carey stated that the variance will not alter the essential character of the neighborhood as the dwelling is farther back from the property line than the previous dwelling and is a newer home that is aesthetically more pleasing than the home that was on the lot previously.
35. The Board found that Mr. Carey stated that, if the dwelling was moved into compliance and the retaining wall was to collapse, it would cause damage to the entire neighborhood.
36. The Board found that Mr. Carey stated that the variance requested is the minimum variance to allow the home to remain in its current location.
37. The Board found that Mr. Carey stated that the Applicant is in litigation with the builder over negligence claims.
38. The Board found that Ms. Hales testified that she purchased the Property 10-12 years ago and the retaining wall was on the property at that time.
39. The Board found that Ms. Hales testified that the rear yard floods up to the retaining wall.
40. The Board found that Ms. Hales testified that there is a gap between the edge of paving of the road and the front property line. According to Ms. Hales, the house is at least 17.6 feet from the edge of paving.
41. The Board found that Ms. Hales testified that they have not been able to occupy the house due to this issue but they have received no complaints about the location of the house.
42. The Board found that Ms. Hales affirmed the statements made by Mr. Carey as true and correct.
43. The Board found that no one appeared in support of or in opposition to the Application.
44. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that there has been a substantial change of conditions or other conditions which materially affect the merits of the request have intervened.
 - a. The Board previously denied this variance request in the decision rendered in Case No. 12211 on grounds that the dwelling could be placed in strict conformity with the Sussex County Zoning Code. The Board also found that, since the house could be placed in strict conformity with the Code, the variance requested was not the minimum variance to afford relief. The Board also found that the exceptional practical difficulty was created by the Applicant since the house was placed in the wrong location.
 - b. Since that decision was rendered, the Applicant has consulted with professionals and determined that moving the house into compliance with the Code is not advisable due to the impact on the retaining wall.
 - c. The Property is developed with a retaining wall which separates the lower portions of the rear of the lot from the higher ground near the front of the lot. Notably, the survey indicates that the rear of the Property is in a flood zone. After the Board rendered its decision, the Applicant engaged in litigation with its builder and retained other professionals to investigate whether the house could be moved into compliance. The report rendered by Mr. Dunn was particularly insightful as it evidences that moving the house closer to

the retaining wall would threaten the integrity of both the wall and the house as it would place an added 361,423 pounds of pressure on the wall. Mr. Dunn also opined that the location of the house as it currently sits is safer than the location if moved. The Board also notes that the house, if moved, would likely be uninsurable. These issues were not known at the time of the prior hearing. Since these issues are now known, the reasons for denial may be fairly reconsidered.

- d. These findings confirm that there has been a substantial change in conditions or other considerations affecting the merits of the application have intervened.
45. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and unrebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
- a. The Property is unique due to its size, shape, and topography. The Property, though consisting of 3 lots, is wide but not deep. Furthermore, a significant portion of the rear yard is considered to be in the flood zone as is shown on the survey. The Applicant testified that the Property slopes significantly towards the rear yard and floods up to the retaining wall. These unique characteristics of this Property limit the buildable area available to the Applicant and have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to retain an existing dwelling on the lot. The Property is also unique because the retaining wall which separates the high ground in the front from the low ground in the rear is not parallel with the road thereby limiting an already shallow building envelope.
 - b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
 - c. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique size and the buildable area thereof is limited due to its size, shape, and physical conditions. The Applicant seeks to retain an existing dwelling on the lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variance is necessary to enable the reasonable use of the Property as the variance will allow reasonably sized, existing dwelling to remain on the lot. The Board is convinced that the shape and location of this structure are also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
 - d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. The Applicant did not create the unusual size, shape, and physical conditions of the Property. These conditions have resulted in a limited building envelope on the Property and the small building envelope has created the exceptional practical difficulty. The difficulty caused by the small size of the lot is exacerbated due to the fact that a portion of the rear yard is located in a flood zone and floods. The unique characteristics of the Property are clear when reviewing the survey. The Board is convinced that the unnecessary hardship and exceptional practical difficulty were not created by the Applicant but were created by the lot's unique characteristics. The Board also notes that the retaining wall, which limits the location of the house, was located on the Property by a prior owner and appears to have been located on the Property for many years.
 - e. 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. The Board is convinced that the existing dwelling will have no effect on the character of the neighborhood. The dwelling has been on the Property for quite some time without noted complaints in the record. No evidence was presented that the variance would somehow alter the essential character of the neighborhood. The lack of evidence is telling since, if the dwelling had somehow altered the essential character of the neighborhood, the Board would expect some evidence thereof. The Board also notes that only a corner of the dwelling encroaches into the setback area. The dwelling is also farther from the road than the prior house on the lot and there is a gap between the edge of paving of the road and the front property line so the encroachment is likely not as noticeable as it otherwise would be.

- f. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification possible of the regulation at issue. The Applicant has demonstrated that the variance sought will allow her to retain a dwelling on the Property. No additions or modifications to the dwelling are proposed. The dwelling cannot be moved closer to the rear due to the flood zone and the retaining wall as previously noted.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

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

Decision of the Board

Upon motion duly made and seconded, the Board found that there has been a substantial change of conditions or other conditions which materially affect the merits of the request have intervened. The Board Members in favor of the Motion to make this finding were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. Brent Workman, and Mr. John Williamson. No Board Member voted against the Motion finding that there has been a substantial change of conditions or other conditions which materially affect the merits of the request have intervened.

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Brent Workman, and Mr. John Williamson. Ms. Ellen Magee voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

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

Date _____

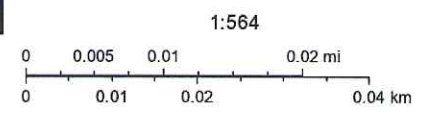


Sussex County



PIN:	134-6.00-123.00
Owner Name	HORNE CORTNEY
Book	5401
Mailing Address	5661 MOUNT PLEASANT RD
City	BERNVILLE
State	PA
Description	DOGWOOD ACRES
Description 2	LOTS 9 10 11
Description 3	N/A
Land Code	

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





Search

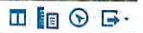
Search by SUSSEXPARELS -

134-6.00-123.00

Search results (1) Options -

name: 134 6 00 123 00

Workspaces



**Board of Adjustment Application
Sussex County, Delaware**

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

Case # 12770

Hearing Date _____

202214880

RECEIVED

OCT 12 2022

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)
115-25 115-183 115-185

Site Address of Variance/Special Use Exception:

31719 S. Seaview Dr., Sea Break, Bethany Beach, DE 19930

Variance/Special Use Exception/Appeal Requested

10 foot variance from 30 foot front yard setback

Tax Map #: 134-13.00-1143.00

Property Zoning: MR-RPC

Applicant Information

Applicant Name: Christopher and Lisa Smith
Applicant Address: 1100 New Jersey Ave., S.E., Suite 1000
City Washington State DC Zip: 20003
Applicant Phone #: _____ Applicant e-mail: _____

Owner Information

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

Agent/Attorney Information

XXXXX/Agent/Attorney Name: James A. Fuqua, Jr.
XXXXX/Agent/Attorney Address: 26 The Circle
City Georgetown State DE Zip: 19947
XXXXX/Agent/Attorney Phone #: 227-7727 Agent/Attorney e-mail: jimf@fwsdelaw.com

Signature of Owner/Agent/Attorney

James A. Fuqua, Jr.

Date: October 7, 2022



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.

EXHIBIT

1. Applicant is requesting a 10 foot front yard variance for a proposed 16x14 foot addition to an existing residence. Lot has a unique and unusual physical condition in that it fronts on a cul de sac that is rectangular rather than curved as is a typical cul de sac.
2. An addition can not be constructed on the lot without the requested variance due to the rectangular shape of the cul de sac. The rectangular shape of cul de sac impacts the dimensions of the front yard setback. Although the actual paved cul de sac is physically circular in size similar to typical cul de sacs.
3. The condition was not created by the applicant but was created by the cul de sac design as shown on the original Development Plan.
4. The variance will not alter the essential character of the neighborhood, nor substantially or permanently impair the adjacent properties, nor be detrimental to the public or community welfare. The variance will permit an addition with a physical front setback similar to the front setback of the adjacent home and other homes in the community. The Seabreak Homeowners Association, Inc. approved a similar variance from the 30 foot front setback requirement of the Seabreak Declaration of Restrictions, a copy of which is attached.
5. The requested variance represents the minimum variance needed for the reasonable use of the property.

TPN:134 13.00 1143.00

Prepared By and Return To:
Robert V. Witsil, Jr., Esquire
Robert V. Witsil, Jr., P.A.
P. O. Box 247
Rehoboth Beach, DE 19971
302-855-0120

**CERTIFICATION OF APPROVAL OF VARIANCE BY
THE SEABREAK HOMEOWNERS ASSOCIATION, INC.
ON LANDS OF W. CHRISTOPHER SMITH AND LISA F. SMITH**

THIS CERTIFICATION OF APPROVAL OF VARIANCE is issued this 23rd day of September, 2022 by the Seabreak Homeowners Association, Inc. to memorialize the granting of an approximate ten (10) foot variance for an encroachment into the thirty (30) foot front yard setback, indicated as "Proposed Addition" upon the attached diagram, for lands of **W. CHRISTOPHER SMITH AND LISA F. SMITH**, ("Smith") 31719 S. Seaview Drive, Bethany Beach, DE 19930, also being Lot 44, Seabreak Subdivision, Sussex County Tax Parcel No. 134-13.00-1143.00.

WHEREAS, Article VI, Section 24 of Amendments To The Declaration of Covenants, Conditions and Restrictions of the Seabreak Homeowners Association, Inc. ("Declaration") as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on August 29, 2022, in Deed Book 5764, Page 144 et seq., provides for certain waivers and variances from the regulations of the Declaration; and

WHEREAS, the Board of Directors of the Seabreak Homeowners Association received a request by Smith for an approximate ten (10) foot variance from the thirty (30) foot front yard setback provision of the Declaration for a proposed addition to the existing dwelling for reasons that the front yard is uniquely situated on a platted right angle cul de sac of South Seaview Drive whereas the physically existing cul de sac is laid in a circular form which is different and less intrusive than the platted cul de sac boundary; and

WHEREAS, the Board of Directors of the Seabreak Homeowners Association met on September 1, 2022 to hear and determine the above-referenced request by Smith for a variance from the thirty (30) foot front yard setback provision, at which meeting Paul Fischer, Architectural Review Committee Chairman, described the reasons for the variance as more fully set forth in the Minutes of the meeting and submitted a copy of a Bradley A. Abshur, PLS diagram;

NOW THEREFORE, in consideration of the evidence submitted at the Board's meeting the Board grants the variance of approximately ten feet (10") indicated as the area of the "Proposed Addition" upon the attached diagram based upon the following Findings of Fact:

The Board finds that this is a case that strict compliance with the requirements of the Restrictive Covenants would result in extraordinary hardship to the owner because of unusual setback and street cul de sac conditions which are not self-imposed by the owner and are not conditions of financial hardship and that the granting of a variance will not have the effect of nullifying or adversely affecting the goals, intents and purposes of the Restrictive Covenants. It is likely that the Smiths' situation will be the subject of a variance application by Sussex County. In making its determination, the Board considered the benefit to the applicant if the variance is granted, as weighed against the detriment to the neighboring properties, the neighborhood and the community by such grant. In making such determination the Board also determined that:

- (1) An undesirable change will not be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the variance. The addition is in keeping with the high quality of the neighborhood. It does not cause the front of the addition to be out of line with the other residences to the north.
- (2) The benefit sought by the applicant cannot be achieved by some other feasible method other than variance. The location of the addition provides the minimum issue with the current setback.
- (3) The requested variance is technically substantial due to the squared off cul de sac design of Seabreak's plat, however, it will not be noticeable as all setbacks to the actual road pavement are still met.
- (4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Notice was duly provided to all adjacent homeowners. No persons complained or objected to the request.
- (5) Although the owners seek an improvement within the setback area, the difficulty caused by the right angle cul de sac of South Seaview Drives was not self-created by the owners.
- (6) The proposed change could not be made on another portion of the lot without recourse to a variance.

DIAGRAM AND CERTIFICATION ON FOLLOWING PAGES

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE DEER

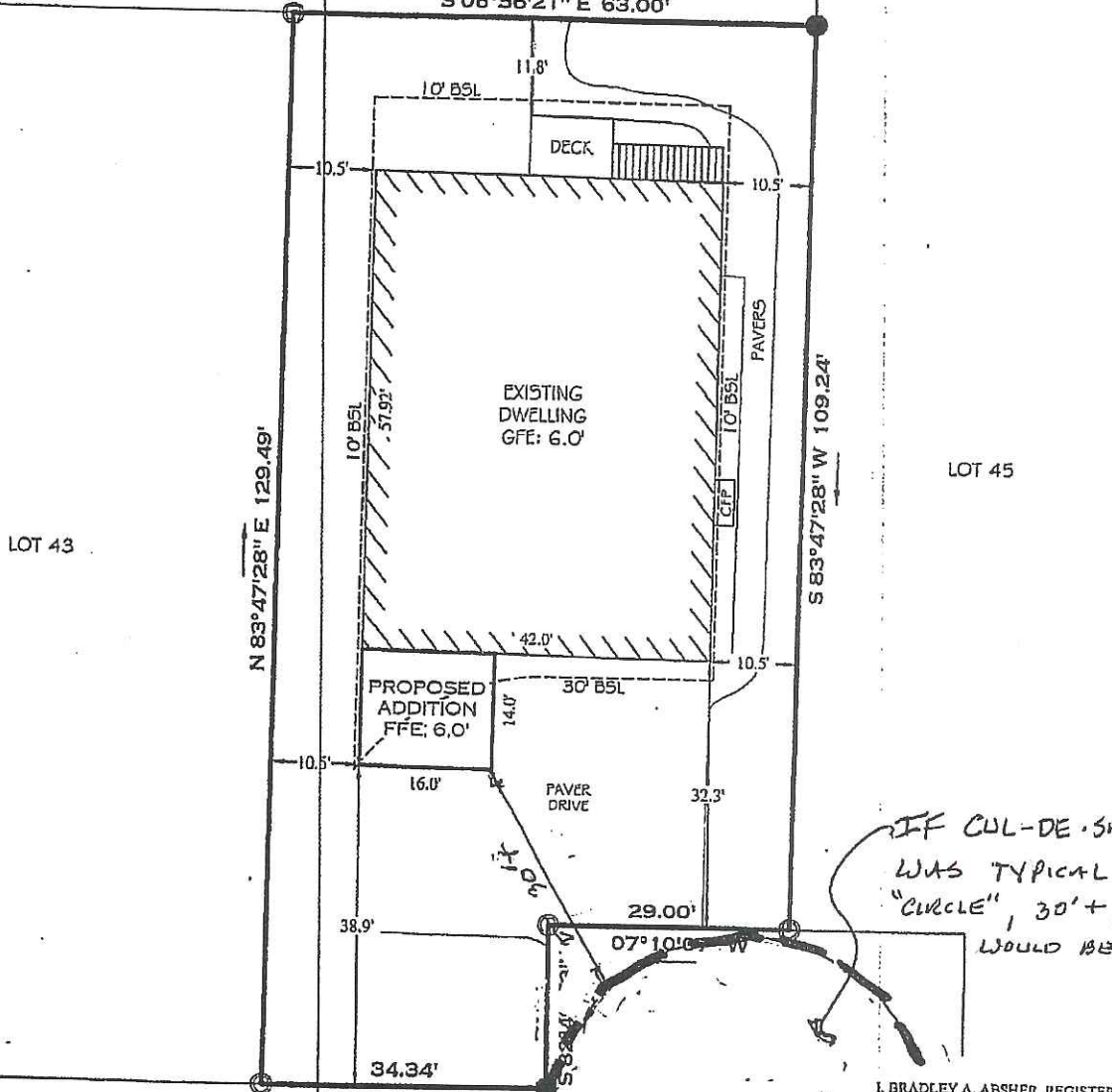
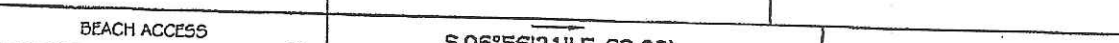


LOT 16

LOT 17

BEACH ACCESS

S 06°56'21" E 63.00'



LOT 43

N 83°47'28" E 129.49'

S 83°47'28" W 109.24'

LOT 45

N 07°10'07" W

**S. SEAVIEW DRIVE
50' RIGHT OF WAY**

*IF CUL-DE-SAC
WAS TYPICAL
"CIRCLE", 30'+ SETBACK
WOULD BE MET!*

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: MR-RPC
3. BUILDING SETBACK LINES (BSL)
FRONT 30'
SIDE 10'
REAR 10'

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4. NO TITLE REPORT WAS PROVIDED FOR OUR USE. THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES,


I, BRADLEY A. ABSHER, 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.

[Signature]
BRADLEY A. ABSHER, DE PLS # 715
DATE

4.21.22

CERTIFICATION

I, Susan Chamberlain, hereby certify that on September 1, 2022, at a meeting duly noticed, by a unanimous vote of 8 Boardmembers of the Seabreak Homeowners Association, Inc., the Board approved the above-mentioned application for an approximate ten (10) foot variance for an encroachment into the thirty (30) foot front yard setback for lands of **W. CHRISTOPHER SMITH AND LISA F. SMITH**, ("Smith") 31719 S. Seaview Drive, Bethany Beach, DE 19930, also being Lot 44, Seabreak Subdivision, Sussex County Tax Parcel No. 134-13.00-1143.00.



(SEAL)

Susan Chamberlain, President
Seabreak Homeowners Association, Inc.

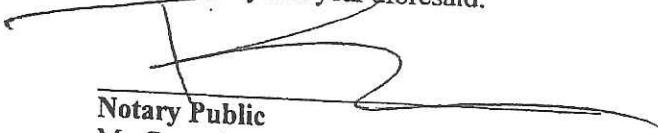
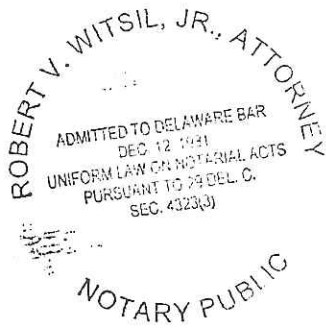
STATE OF DELAWARE

:
: SS
:

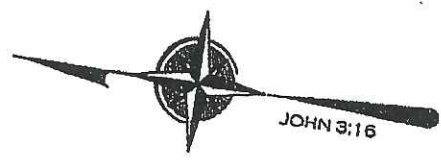
COUNTY OF SUSSEX

BE IT REMEMBERED, that on this 23rd day of September, 2022 personally came before me, a Notary Public for the State and County aforesaid, Susan Chamberlain, President of Seabreak Homeowners Association, Inc., a non-profit corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be the act and deed of said association, that the signature of the President thereto is in her own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that her act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of said corporation.

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


Notary Public
My Commission Expires: _____

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



LOT 18

LOT 17

BEACH ACCESS

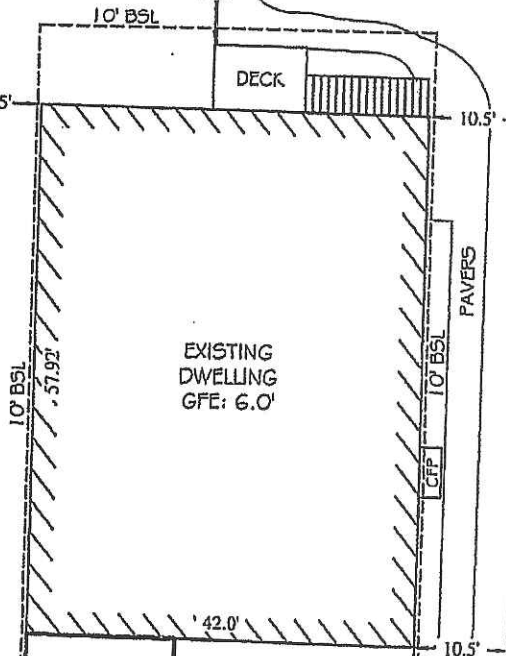
S 06°56'21" E 63.00'

N 83°47'28" E 129.49'

S 83°47'28" W 109.24'

LOT 43

LOT 45



PROPOSED ADDITION
FFE: 6.0'

PAVER DRIVE

IF CUL-DE-SAC WAS TYPICAL "CIRCLE", 30'+ SETBACK WOULD BE MET!

**S. SEAVIEW DRIVE
50' RIGHT OF WAY**

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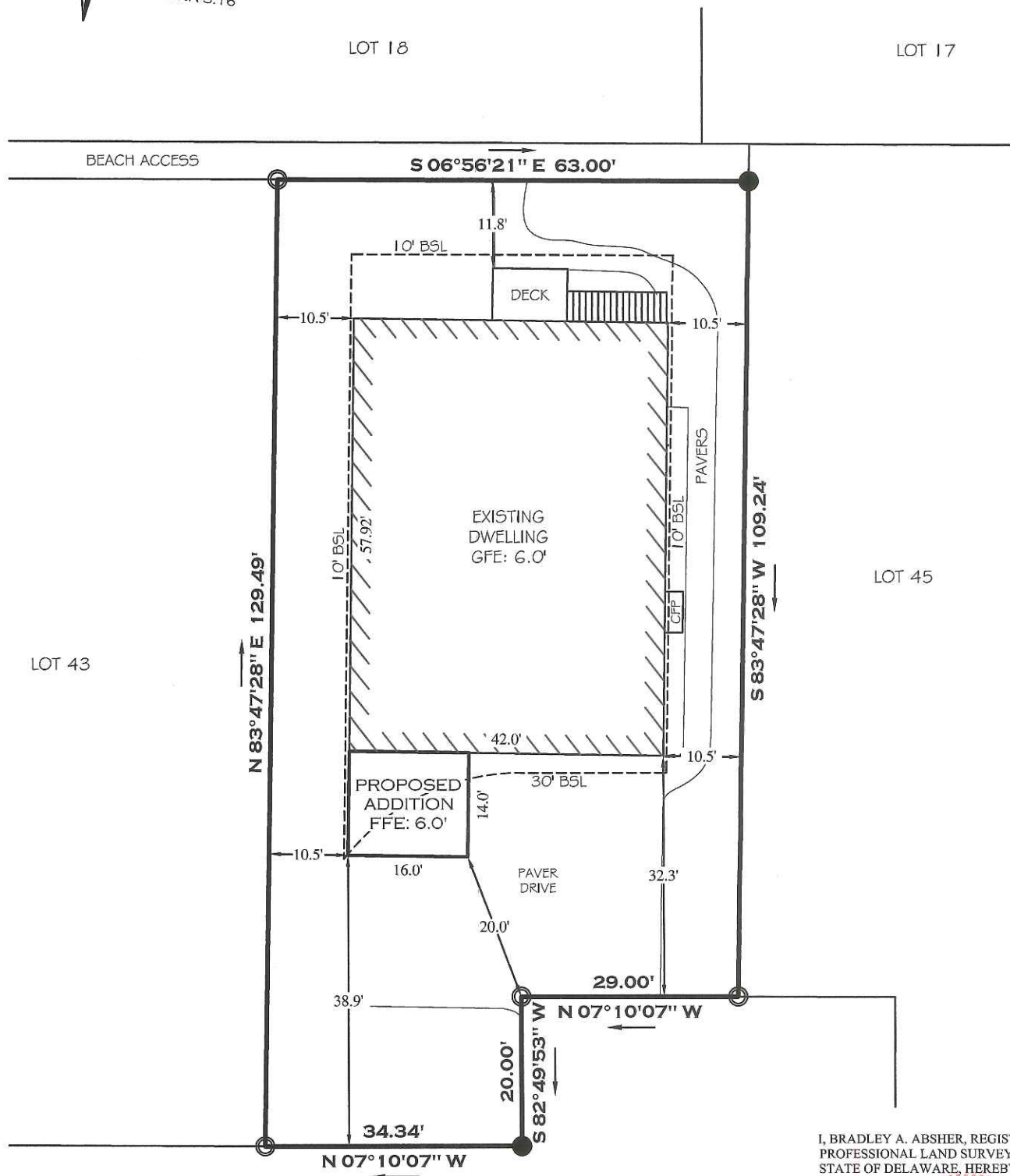
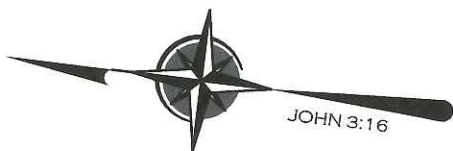
[Signature]
BRADLEY A. ABSHER, DE PLS # 735
DATE

4.21.22

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ZONE: MR-RPC
BUILDING SETBACK LINES (BSL)
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6. FLOOD ZONE: AE - 6 FEET, PER FEMA MAP 10005C0516K, EFFECTIVE DATE 03/16/2015.

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50' RIGHT OF WAY**

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[Signature]
 BRADLEY A. ABSHER, DE PLS # 735
 DATE 4.21.22

LEGEND

- IRON PIPE FOUND
- IRON ROD W/ CAP FOUND
EX. ELEVATION (NAVD 88)

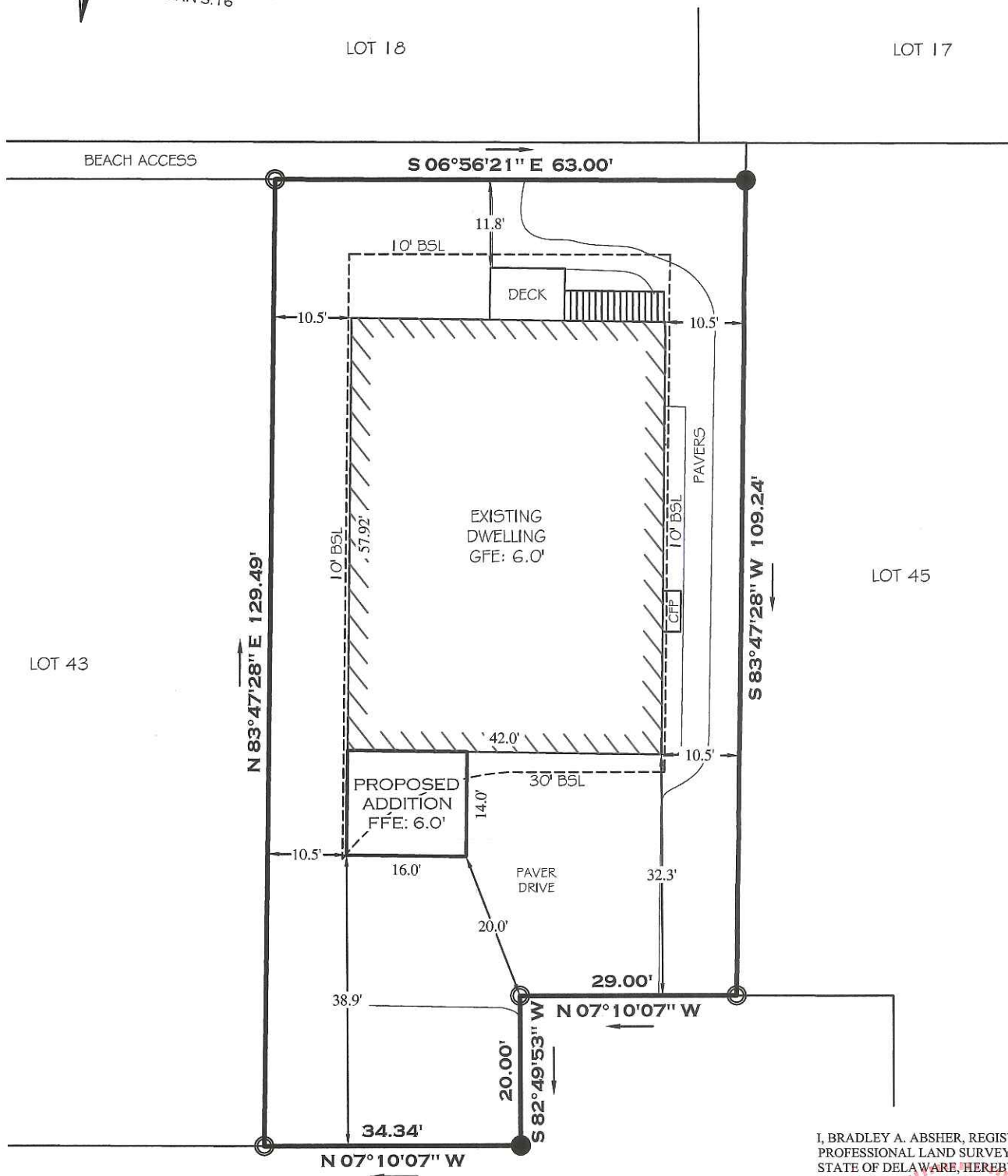
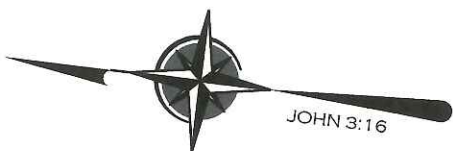
TAX MAP	1-34 - 13.00 - 1143.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	7,573 ± SQ. FT.
DEED REF.	4260 / 287
PLAT REF.	31 / 155
DRAWN BY	CJP
DATE	04 / 21 / 2022
SCALE	1" = 20'
SURVEY #	DE - 01867

**BOUNDARY SURVEY
PLAN
LOT 44
SEABREAK**

FOR
CHRISTOPHER W. JR. & LISA F. SMITH
 31719 S. SEAVIEW DRIVE, BETHANY BEACH, DE 19930

TRUE NORTH

LAND SURVEYING
 35380 ATLANTIC AVENUE
 MILLVILLE, DE 19967
 302-539-2488



NOTES

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6. FLOOD ZONE: AE - 6 FEET, PER FEMA MAP 10005C0516K, EFFECTIVE DATE 03/16/2015.

**S. SEAVIEW DRIVE
50' RIGHT OF WAY**

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[Signature]
 BRADLEY A. ABSHER, DE PLS # 735
 DATE 4.21.22

LEGEND

- IRON PIPE FOUND
- IRON ROD W/ CAP FOUND
EX. ELEVATION (NAVD 88)

TAX MAP	1-34 - 13.00 - 1143.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	7,573 ± SQ. FT.
DEED REF.	4260 / 287
PLAT REF.	31 / 155
DRAWN BY	CJP
DATE	04 / 21 / 2022
SCALE	1" = 20'
SURVEY #	DE - 01867

**BOUNDARY SURVEY
PLAN**

**LOT 44
SEABREAK**

FOR
CHRISTOPHER W. JR. & LISA F. SMITH
 31719 S. SEAVIEW DRIVE, BETHANY BEACH, DE 19930

TRUE NORTH



LAND SURVEYING

35380 ATLANTIC AVENUE
 MILLVILLE, DE 19967
 302-539-2488

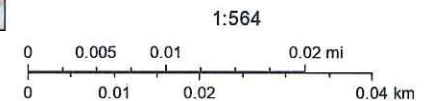


Sussex County



PIN:	134-13.00-1143.00	
Owner Name	SMITH	W
	CHRISTOPHER JR	
Book	4260	
Mailing Address	198 KING GEORGE ST	
City	ANNAPOLIS	
State	MD	
Description	SEABREAK	
Description 2	LOT 44	
Description 3	N/A	
Land Code		

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





Search

Search by SUSSEXPARELS -

134-13.00-1143.00

Search results (1) Options

name: 134-13.00-1143.00

Workspaces

© 2022, EagleView

map: Auto (Oblique) Feb 2022 - Mar 2022 Image 1 of 11 03/01/2022



BOARD OF ADJUSTMENT CASE NO. 12770

CHRISTOPHER AND LISA SMITH

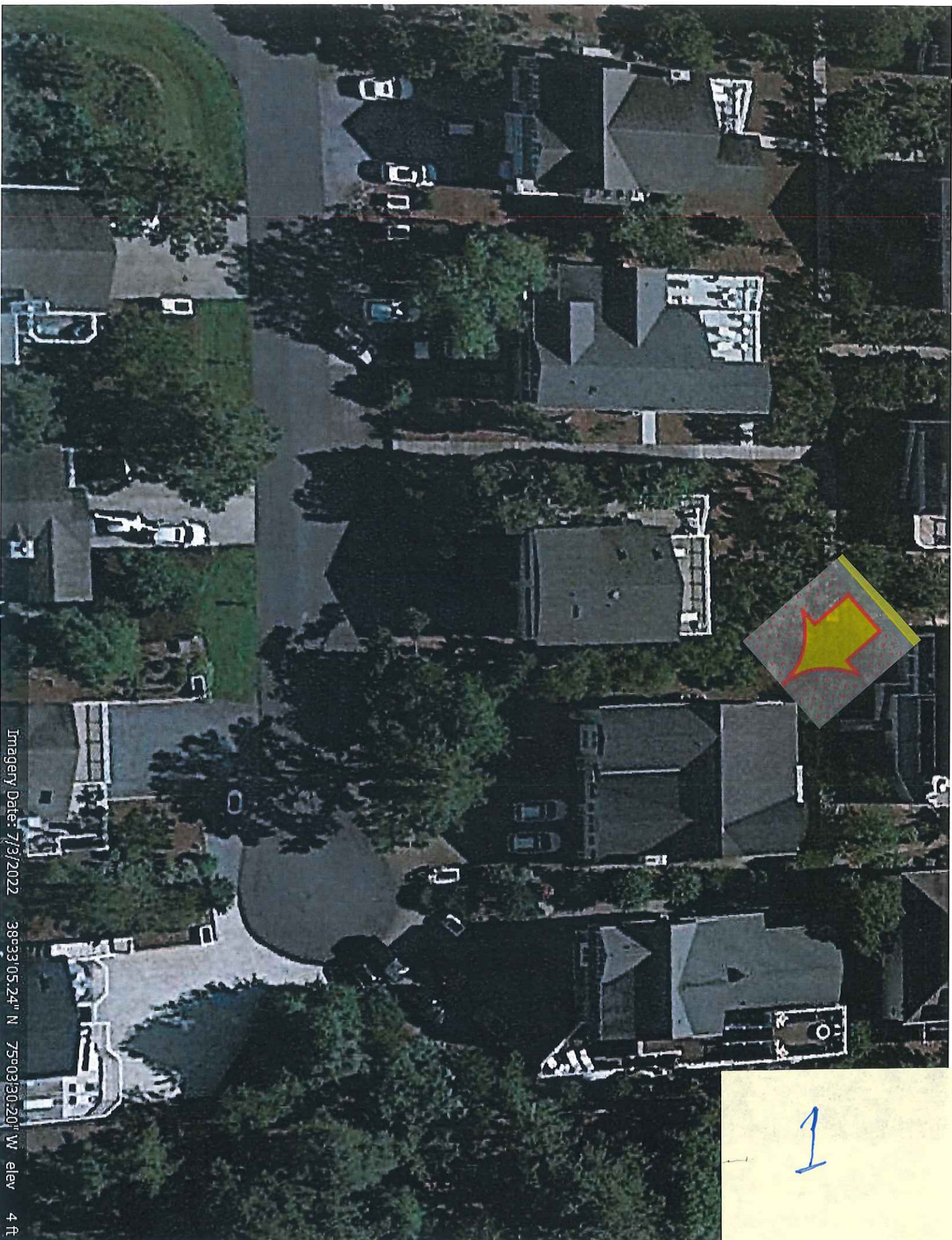
EXHIBITS

1. Google Earth Photo
2. Tax Map
3. Survey, Lot 44 Dwelling and Proposed Addition
4. Survey, with typical circular cul de sac
5. Variance approval by the Seabreak Homeowners Association, Inc.

RECEIVED

DEC 01 2022

SUSSEX COUNTY
PLANNING & ZONING



Imagery Date: 7/3/2022 38°33'05.24" N 75°03'30.20" W elev 4 ft

1

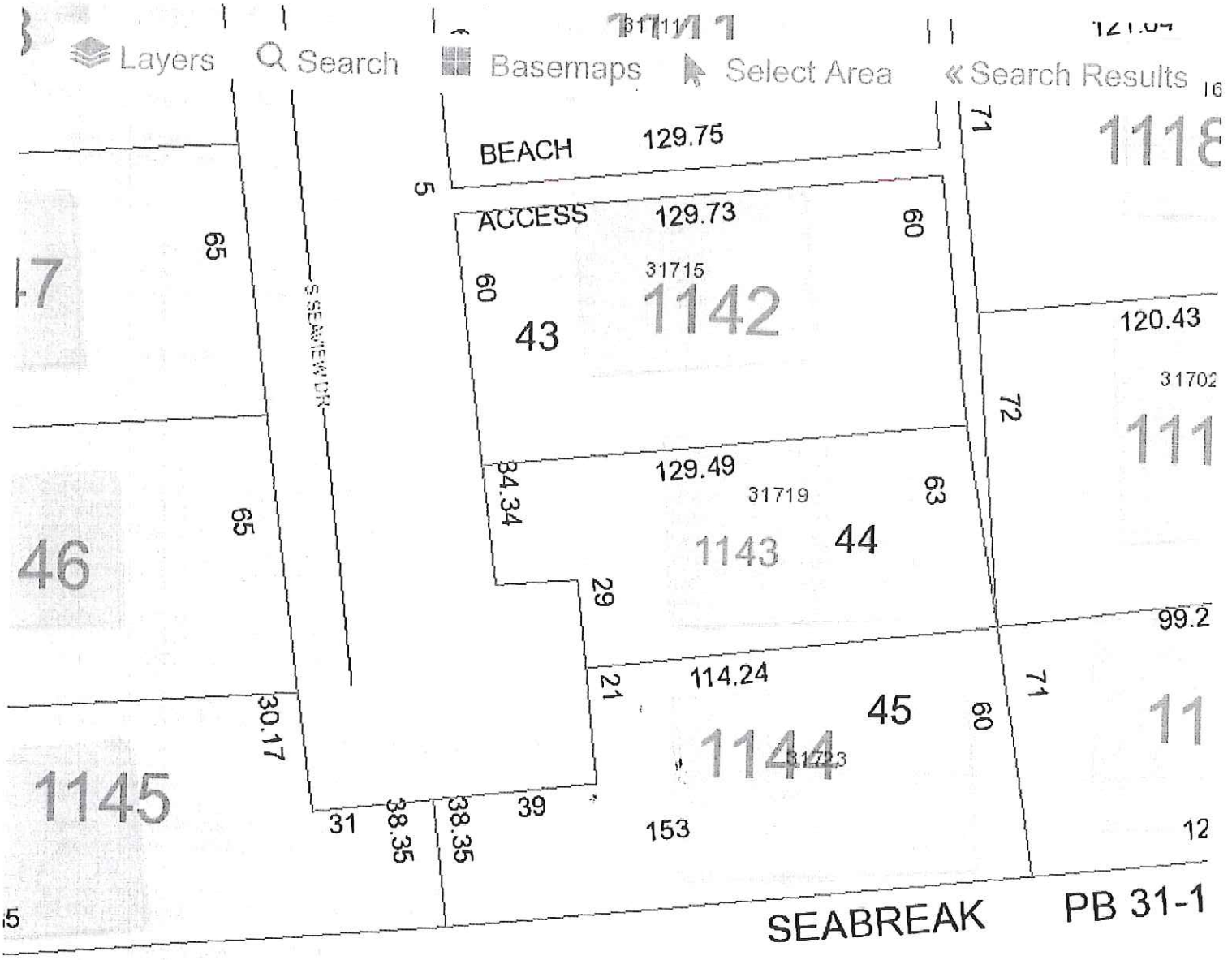
Layers

Search

Basemaps

Select Area

Search Results 16



111E

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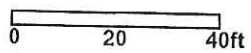
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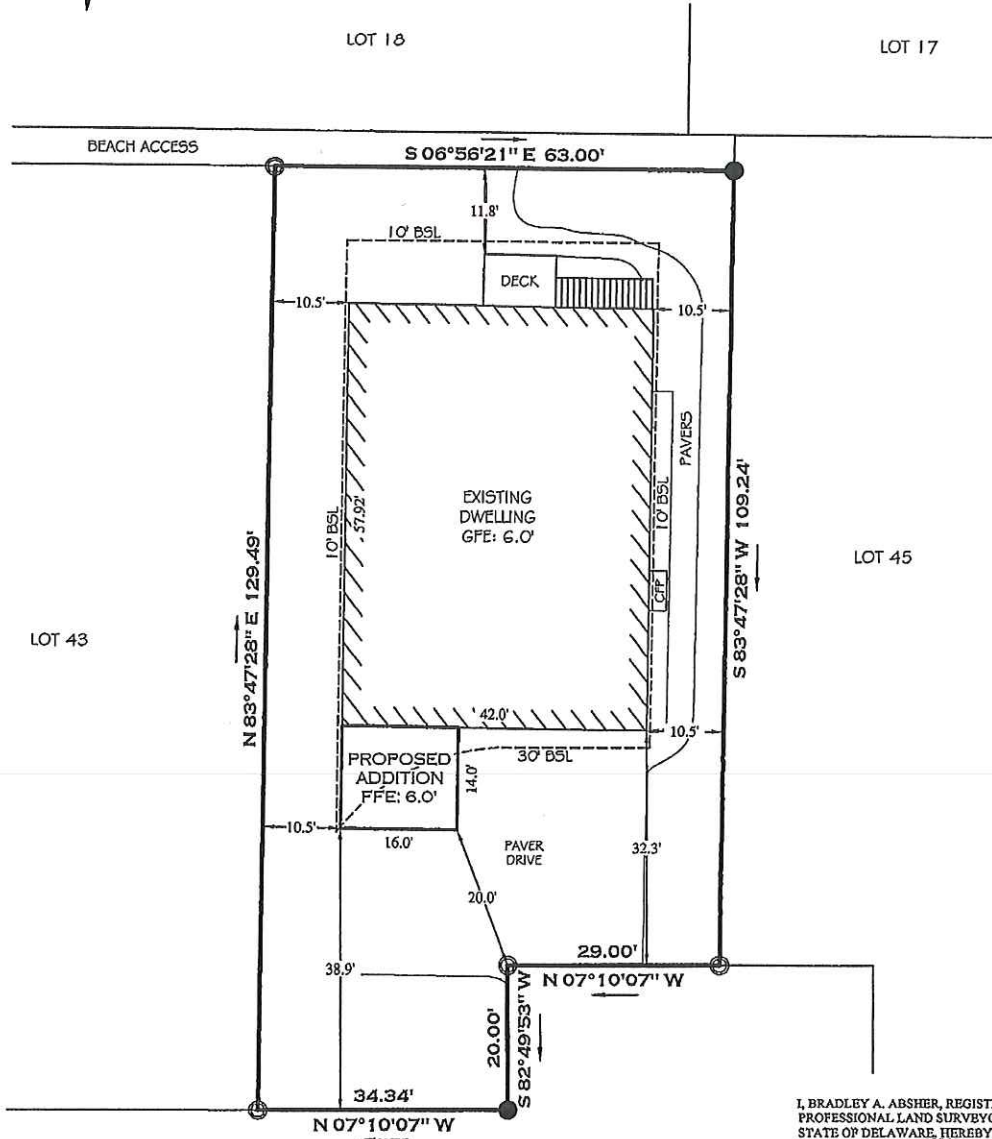
11

SEABREAK PB 31-1

1.06
Ac.

2





NOTES

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50' RIGHT OF WAY**

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Bradley A. Absher
 BRADLEY A. ABSHER, DE PLS # 735
 DATE 4-21-22

LEGEND

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- EX. ELEVATION (NAVD 88)

TAX MAP	1-34 - 13.00 - 1143.00
STATE	DELAWARE
COUNTY	SUSSEX
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TOWN	---
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DRAWN BY	CJP
DATE	04 / 21 / 2022
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SURVEY #	DE - 01867

**BOUNDARY SURVEY
PLAN**

**LOT 44
SEABREAK**

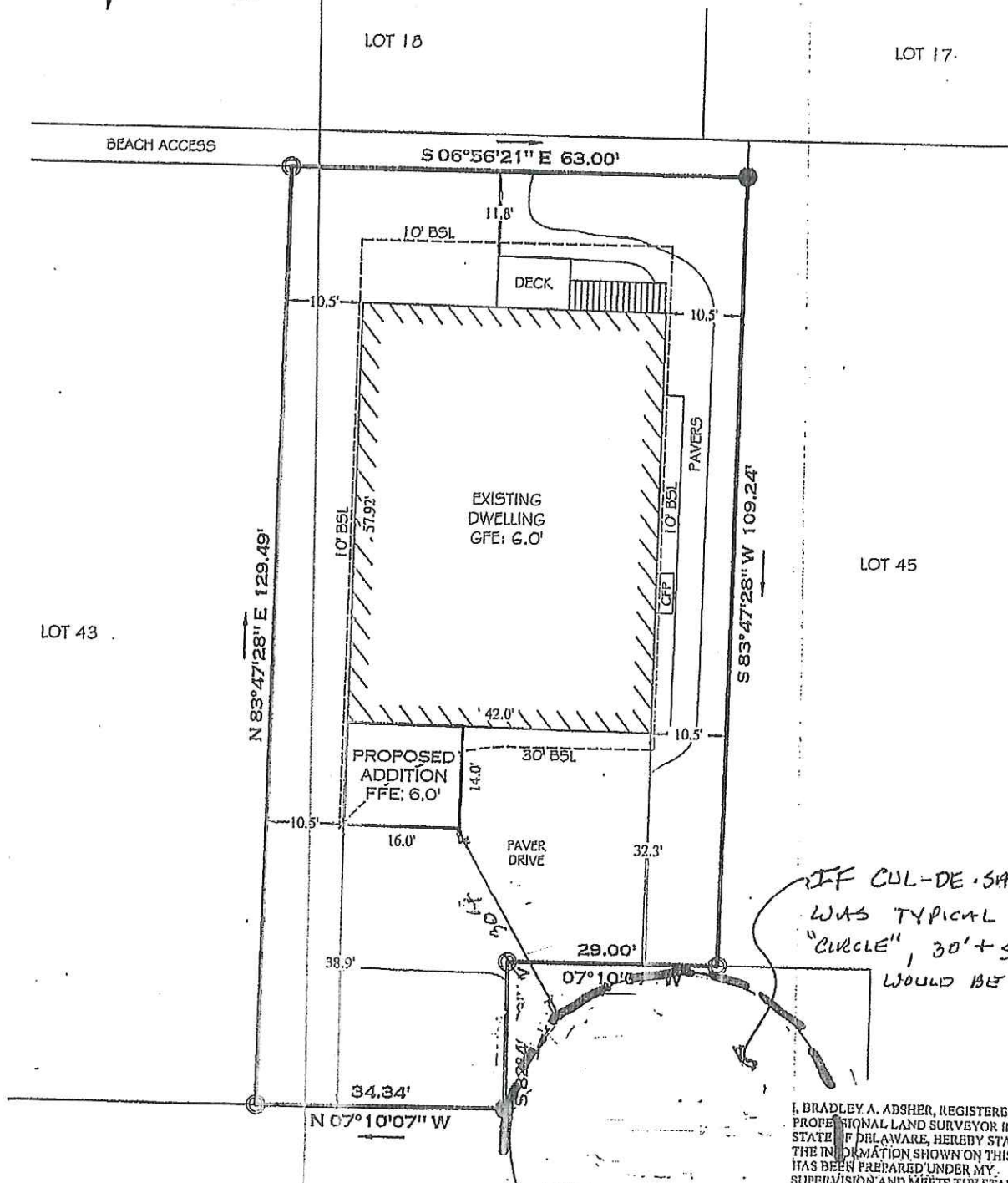
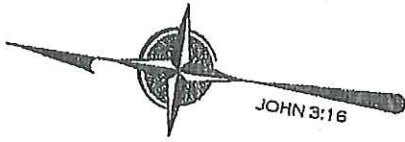
FOR
CHRISTOPHER W. JR. & LISA F. SMITH

31719 S. SEAVIEW DRIVE, BETHANY BEACH, DE 19930



1
| L | 3

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Handwritten numbers '9' and '4'.

TPN:134 13.00 1143.00

Prepared By and Return To:
Robert V. Witsil, Jr., Esquire
Robert V. Witsil, Jr., P.A.
P. O. Box 247
Rehoboth Beach, DE 19971
302-855-0120

**CERTIFICATION OF APPROVAL OF VARIANCE BY
THE SEABREAK HOMEOWNERS ASSOCIATION, INC.
ON LANDS OF W. CHRISTOPHER SMITH AND LISA F. SMITH**

THIS CERTIFICATION OF APPROVAL OF VARIANCE is issued this 23rd day of September, 2022 by the Seabreak Homeowners Association, Inc. to memorialize the granting of an approximate ten (10) foot variance for an encroachment into the thirty (30) foot front yard setback, indicated as "Proposed Addition" upon the attached diagram, for lands of **W. CHRISTOPHER SMITH AND LISA F. SMITH**, ("Smith") 31719 S. Seaview Drive, Bethany Beach, DE 19930, also being Lot 44, Seabreak Subdivision, Sussex County Tax Parcel No. 134-13.00-1143.00.

WHEREAS, Article VI, Section 24 of Amendments To The Declaration of Covenants, Conditions and Restrictions of the Seabreak Homeowners Association, Inc. ("Declaration") as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on August 29, 2022, in Deed Book 5764, Page 144 et seq., provides for certain waivers and variances from the regulations of the Declaration; and

WHEREAS, the Board of Directors of the Seabreak Homeowners Association received a request by Smith for an approximate ten (10) foot variance from the thirty (30) foot front yard setback provision of the Declaration for a proposed addition to the existing dwelling for reasons that the front yard is uniquely situated on a platted right angle cul de sac of South Seaview Drive whereas the physically existing cul de sac is laid in a circular form which is different and less intrusive than the platted cul de sac boundary; and

WHEREAS, the Board of Directors of the Seabreak Homeowners Association met on September 1, 2022 to hear and determine the above-referenced request by Smith for a variance from the thirty (30) foot front yard setback provision, at which meeting Paul Fischer, Architectural Review Committee Chairman, described the reasons for the variance as more fully set forth in the Minutes of the meeting and submitted a copy of a Bradley A. Abshur, PLS diagram;

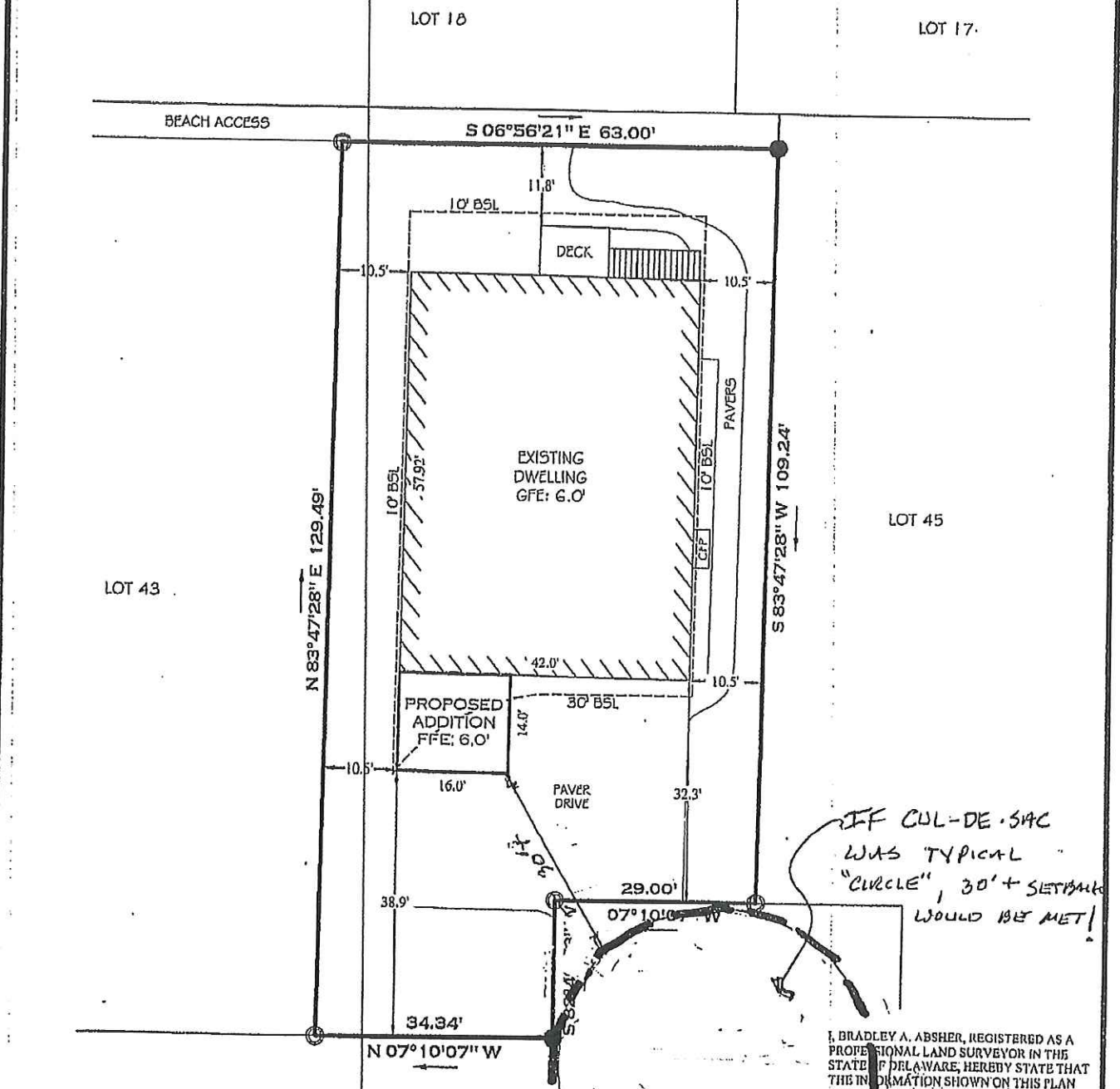
NOW THEREFORE, in consideration of the evidence submitted at the Board's meeting the Board grants the variance of approximately ten feet (10") indicated as the area of the "Proposed Addition" upon the attached diagram based upon the following Findings of Fact:

The Board finds that this is a case that strict compliance with the requirements of the Restrictive Covenants would result in extraordinary hardship to the owner because of unusual setback and street cul de sac conditions which are not self-imposed by the owner and are not conditions of financial hardship and that the granting of a variance will not have the effect of nullifying or adversely affecting the goals, intents and purposes of the Restrictive Covenants. It is likely that the Smiths' situation will be the subject of a variance application by Sussex County. In making its determination, the Board considered the benefit to the applicant if the variance is granted, as weighed against the detriment to the neighboring properties, the neighborhood and the community by such grant. In making such determination the Board also determined that:

- (1) An undesirable change will not be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the variance. The addition is in keeping with the high quality of the neighborhood. It does not cause the front of the addition to be out of line with the other residences to the north.
- (2) The benefit sought by the applicant cannot be achieved by some other feasible method other than variance. The location of the addition provides the minimum issue with the current setback.
- (3) The requested variance is technically substantial due to the squared off cul de sac design of Seabreak's plat, however, it will not be noticeable as all setbacks to the actual road pavement are still met.
- (4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Notice was duly provided to all adjacent homeowners. No persons complained or objected to the request.
- (5) Although the owners seek an improvement within the setback area, the difficulty caused by the right angle cul de sac of South Seaview Drives was not self-created by the owners.
- (6) The proposed change could not be made on another portion of the lot without recourse to a variance.

DIAGRAM AND CERTIFICATION ON FOLLOWING PAGES

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



IF CUL-DE-SAC WAS TYPICAL "CIRCLE", 30'+ SETBACK WOULD BE MET!

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: MR-RPC
3. BUILDING SETBACK LINES (BSL)
 - FRONT 30'
 - SIDE 10'
 - REAR 10'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES.

**S. SEAVIEW DRIVE
50' RIGHT OF WAY**

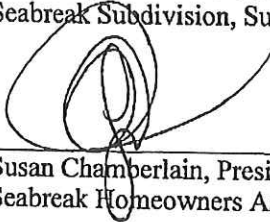
I, BRADLEY A. ABSHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY 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.

[Signature]
BRADLEY A. ABSHER, DE PLS # 735
DATE

4.21.22

CERTIFICATION

I, Susan Chamberlain, hereby certify that on September 1, 2022, at a meeting duly noticed, by a unanimous vote of 8 Boardmembers of the Seabreak Homeowners Association, Inc., the Board approved the above-mentioned application for an approximate ten (10) foot variance for an encroachment into the thirty (30) foot front yard setback for lands of **W. CHRISTOPHER SMITH AND LISA F. SMITH**, ("Smith") 31719 S. Seaview Drive, Bethany Beach, DE 19930, also being Lot 44, Seabreak Subdivision, Sussex County Tax Parcel No. 134-13.00-1143.00.



(SEAL)

Susan Chamberlain, President
Seabreak Homeowners Association, Inc.

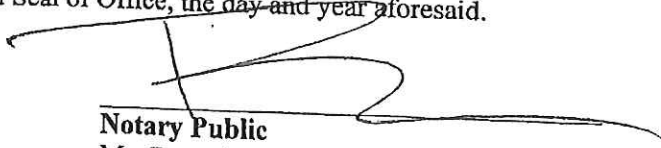
STATE OF DELAWARE

:
: SS

COUNTY OF SUSSEX

BE IT REMEMBERED, that on this 23rd day of September, 2022 personally came before me, a Notary Public for the State and County aforesaid, Susan Chamberlain, President of Seabreak Homeowners Association, Inc., a non-profit corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be the act and deed of said association, that the signature of the President thereto is in her own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that her act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of said corporation.

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



Notary Public
My Commission Expires: _____

