

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

September 19, 2022

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Hearings

Case No. 12737– Brian Vincent seeks variances from the front yard setback requirement and maximum fence height requirement for a proposed fence around a pool (Sections 115-25, 115-182, and 115-185 of the Sussex County Zoning Code). The property is a through lot located on the northeast side of Springwood Drive within the Lakewood Estates Subdivision. 911 Address: 29727 Springwood Drive, Millsboro. Zoning District: AR-1. Tax Parcel: 133-19.00-355.00

Case No. 12739– Terry Harmon seeks a variance from the minimum lot width requirement (Section 115-42 of the Sussex County Zoning Code). The property is located on the south side of Frankford School Road approximately 0.56 miles from Thatcher Street. 911 Address: 30410 Frankford School Road, Frankford. Zoning District: GR. Tax Parcel: 533-1.00-21.00

Case No. 12740– David J. Burke seeks variances from the front yard, side yard, and rear yard setback requirements for existing and proposed structures (Sections 115-42, 115-182, and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of South Bay Shore Drive within the Broadkill Beach Subdivision. 911 Address: 1406 South Bay Shore Drive, Milton. Zoning District: GR. Tax Parcel: 235-4.18-4.00

Case No. 12741– Tori and Greg Leech seek variances from the corner front yard setback requirement and minimum fence height requirement for a proposed fence around a pool (Sections 115-34, 115-182, and 115-185 of the Sussex County Zoning Code). The property is a corner lot located at the corner of Burbage Lane and Cedar Neck Road within the Pine Shores Acres Subdivision. 911 Address: 38656 Burbage Lane, Ocean View. Zoning District: MR. Tax Parcel: 134-5.00-215.01



Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 12, 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, September 15, 2022.

####



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 # 12737
Hearing Date _____
202208319

RECEIVED

JUN 08 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)

replacement

115-25 115-182

Site Address of Variance/Special Use Exception:

29727 Springwood Dr, Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

I am requesting a variance of the rear yard setback in the replacement of an existing fence. The current fence is between two to four feet inside the rear property line. I am requesting to maintain the fence location when replacing the deteriorated wooden fence, with new vinyl fencing. With an exception to the back left corner where the fence will be brought back onto property line. Second, is to request variance of the rear fence height to be seven foot.

Tax Map #: 133-19.00-355.00

Property Zoning: AR1

Applicant Information

Applicant Name: Brian Vincent
Applicant Address: 29727 Springwood Dr
City Millsboro State De Zip: 19966
Applicant Phone #: (919) 921-6521 Applicant e-mail: leahvincent77@gmail.com

Owner Information

Owner Name: Brian Vincent
Owner Address: 29727 Springwood Dr
City Millsboro State De Zip: 19966 Purchase Date: 12/19/14
Owner Phone #: (919) 921-6521 Owner e-mail: leahvincent77@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

Brian Vincent

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 property is a through lot and the home is set back in the property. A forty foot set back would put the fence at the edge of the pool, not allowing for the required 3 foot egress from pool. The rear yard elevation is approximately three foot lower than the road behind the lot. The current six foot fence doesn't provide adequate privacy from road traffic that has increased due to increasing development of the area.

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 pool on the property is at the forty foot setback with an eight foot concrete walk space around it. twelve feet from that is the property's well. Between the concrete walk and the current fence are mature trees. Replacing the fence at its current location will protect well from damage and conserve trees. Code requires a minimum four foot fence around pool for safety, but due to the yard elevation, this height would only be one foot above the elevation of the road way.

3. Not created by the applicant:

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

When property was purchased in 2014, a six foot wooden fence was in place, approximately two to four feet inside of rear property line. The home was a foreclosure and vacant for approximately five years which led to deterioration of the wood, requiring replacement.

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 fence location will be the same as current and only one foot taller than current. The deteriorated wooden fence will be replaced with vinyl, enhancing the character of the neighborhood. The current fence is not on a road corner and in no way affects road way visibility.

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.

Due to the yard uniqueness, the request to maintain the current fence location and increase the height to seven foot represents the minimum variance to afford, safety, privacy and fence improvement.

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.

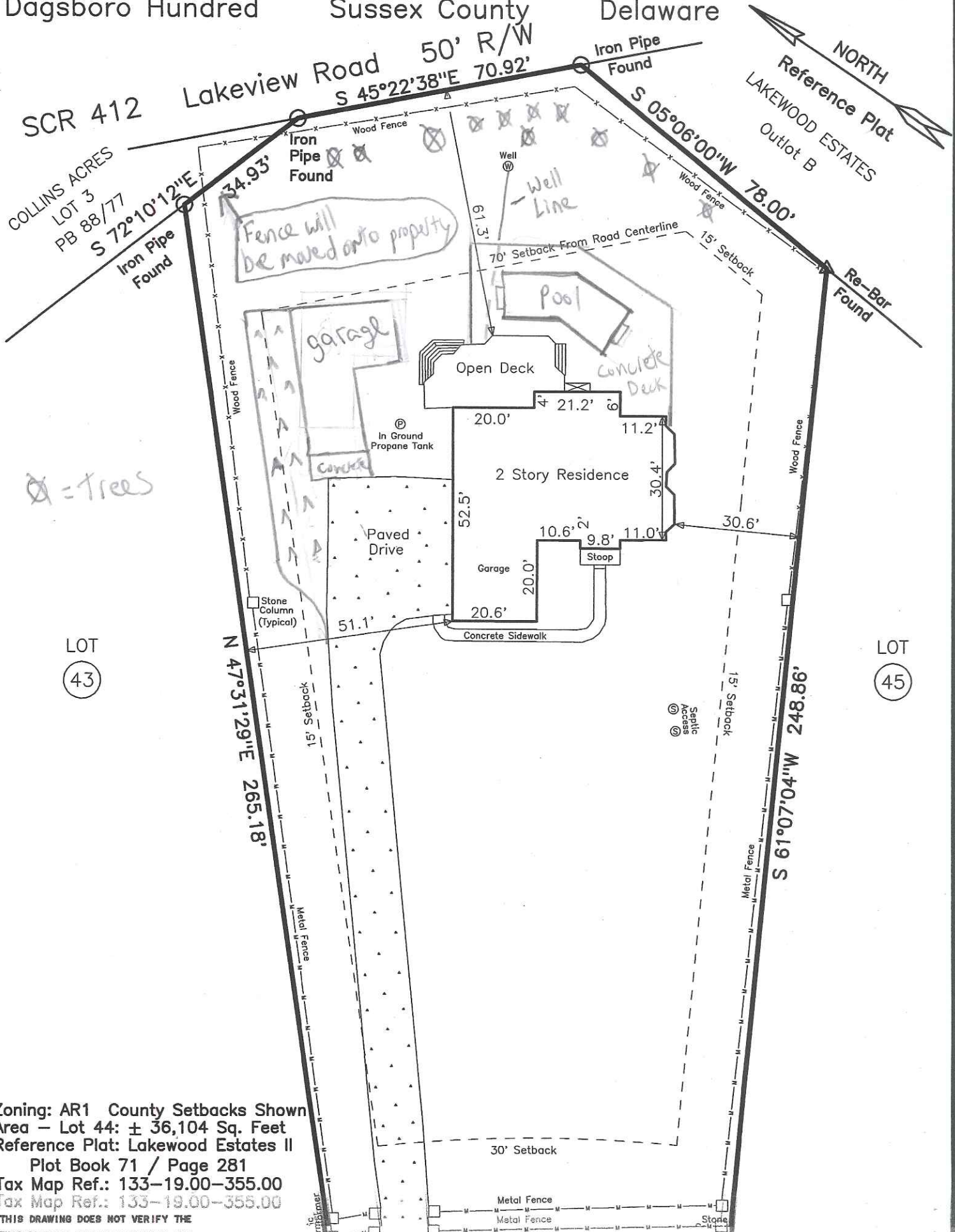
1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

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)

Location Survey: Lot 44, Lakewood Estates II
 Dagsboro Hundred Sussex County Delaware

[BOUNDARY SURVEY PLAN]

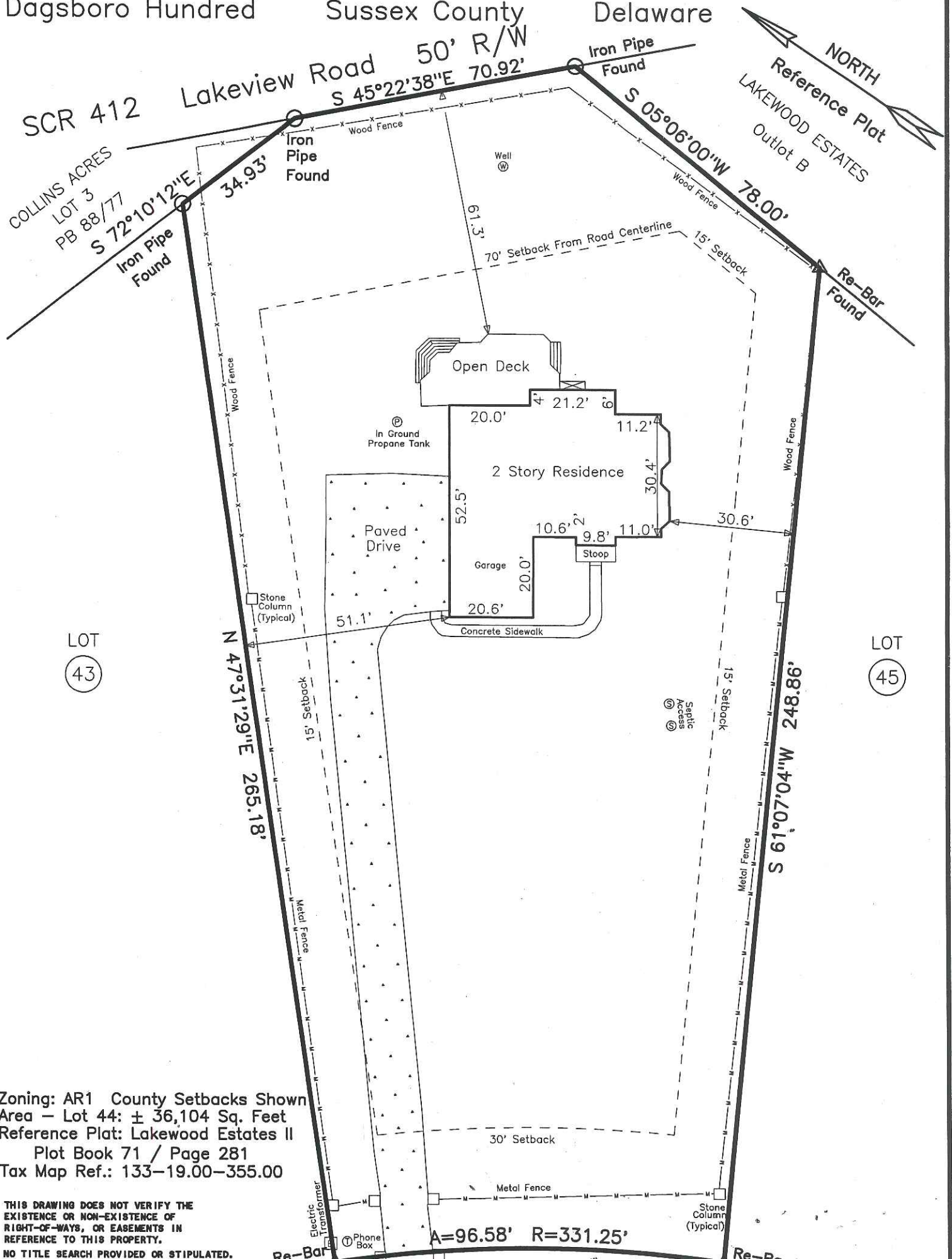


Zoning: AR1 County Setbacks Shown
 Area - Lot 44: ± 36,104 Sq. Feet
 Reference Plat: Lakewood Estates II
 Plot Book 71 / Page 281
 Tax Map Ref.: 133-19.00-355.00
 Tax Map Ref.: 133-19.00-355.00

THIS DRAWING DOES NOT VERIFY THE
 THIS DRAWING DOES NOT VERIFY THE

Location Survey: Lot 44, Lakewood Estates II
 Dagsboro Hundred Sussex County Delaware

[BOUNDARY SURVEY PLAN]



Zoning: AR1 County Setbacks Shown
 Area - Lot 44: ± 36,104 Sq. Feet
 Reference Plat: Lakewood Estates II
 Plot Book 71 / Page 281
 Tax Map Ref.: 133-19.00-355.00

THIS DRAWING DOES NOT VERIFY THE
 EXISTENCE OR NON-EXISTENCE OF
 RIGHT-OF-WAYS, OR EASEMENTS IN
 REFERENCE TO THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.

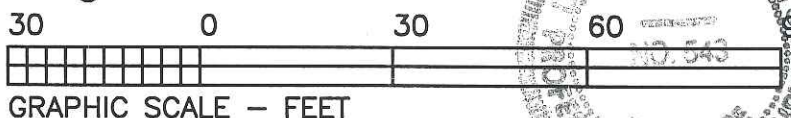
LAWRENCE R. LONG
 Professional Land Surveyor, L.L.C.

36079 Bayard Road
 Frankford, DE 19945
 PHONE: 302-436-5215

Land Surveying Services
 DELAWARE / MARYLAND

Chord: N 34°28'35"W 96.24' P.O.B.

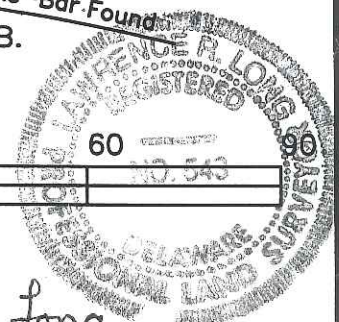
Springwood Drive



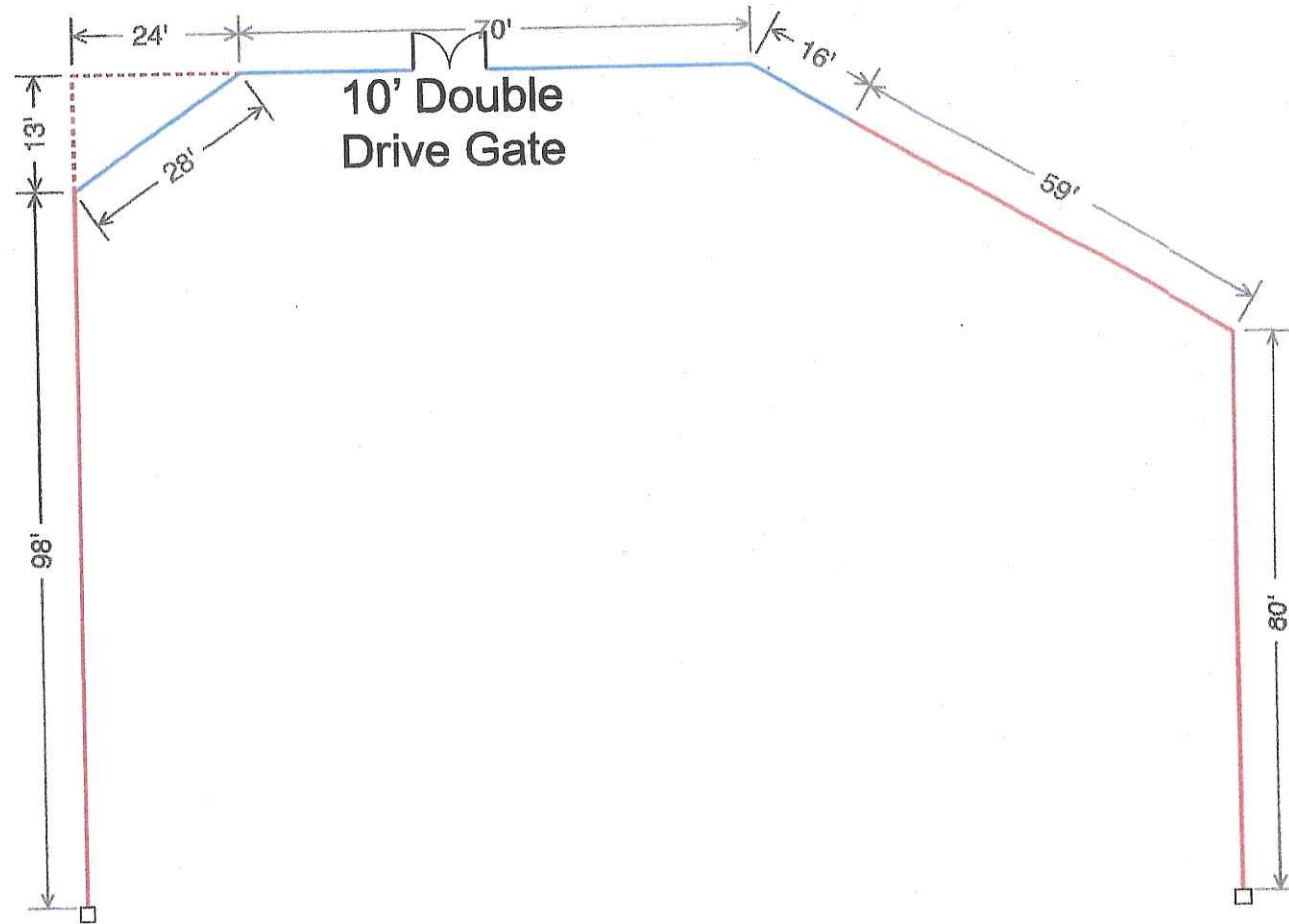
GRAPHIC SCALE - FEET

Location Detail: Suburban
 Class B Survey
 December 15, 2014

Lawrence R. Long
LAWRENCE R. LONG
 Professional Land Surveyor
 DELAWARE #543 MARYLAND #10961

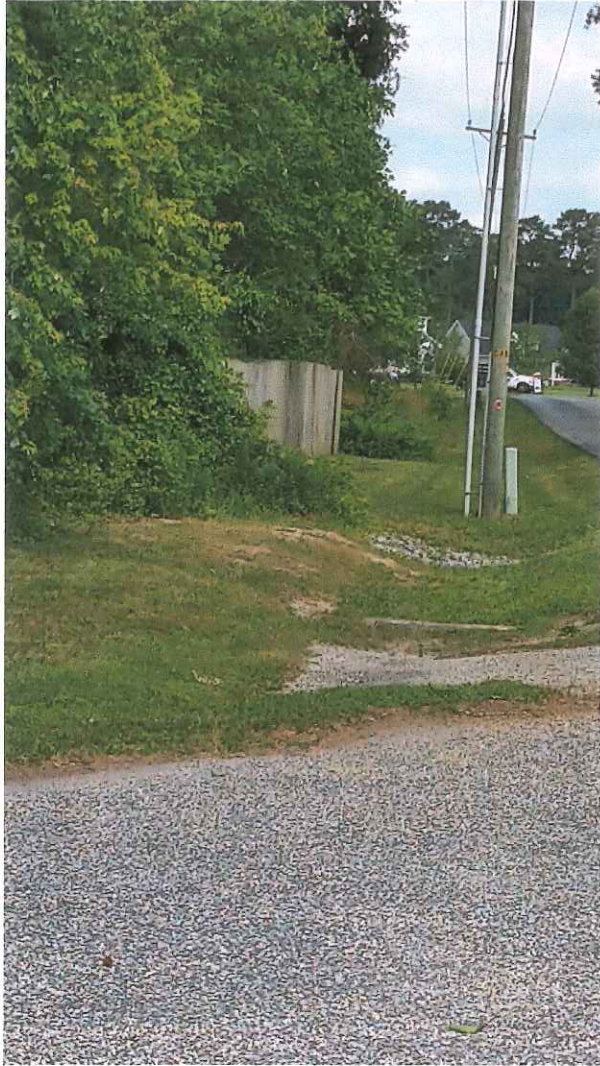


Vincent
29727 Springwood Dr
Millsboro DE 19966
Option #2
237' of 6' Hatteras &
104' of 7' Hatteras Style
White Vinyl Privacy Fence
Tare Out and Haul Away
360' Of Existing Wood Fence



Red = 6'

Blue = 7'







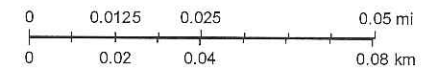
Sussex County



| | |
|------------------------|-----------------------|
| PIN: | 133-19.00-355.00 |
| Owner Name | VINCENT BRIAN |
| Book | 4351 |
| Mailing Address | 29727 SPRINGWOOD DRIV |
| City | MILLSBORO |
| State | DE |
| Description | LAKE WOOD ESTATES |
| Description 2 | LOT 44 |
| Description 3 | N/A |
| Land Code | |

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

1:1,128



Case # 12739

Hearing Date 10/5

2022 08608

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

Site Address of Variance/Special Use Exception:

30410 Frankford School Road, Frankford, Delaware

Variance/Special Use Exception/Appeal Requested:

Lot width variance

Tax Map #: 533-1.00-21.00

Property Zoning: GR

Applicant Information

Applicant Name: Terry A. Harmon

Applicant Address: 30410 Frankford School Rd

City Frankford State Del Zip: 19945

Applicant Phone #: 302-490-2052 Applicant e-mail: _____

Owner Information

Owner Name: Terry A. Harmon Tony A. Harmon Dale Harmon Sherry Harmon

Owner Address: 1 Sinderly way

City Georgetown State Del Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Tony A. Harmon

Agent/Attorney Address: #4 Sinderly way Georgetown Del: 19947

City Georgetown State Del Zip: _____

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

Signature of Owner/Agent/Attorney

Tony A. Harmon

Date: 6/5/22



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 proposed lot is unique in that it is the result of a long history of out conveyances from this, the parent tract to other family members, during the history of the family's ownership.

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 proposed lot is the "next to last" access to the public road, not contiguous to and saving the last access as the access to Parcel 533-1.00-21.00. The lot width and subsequent road frontage can not be adjusted to conform to the Zoning Code due to prior out conveyances of which the proposed lot is the residual road frontage

3. Not created by the applicant:

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

The situation of the proposed lot has developed due to the settling of Mrs. Catherine Harmon's estate (Owner of Parcel 533-1.00-21.00) and not the applicant.

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

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

Review of the tax map, aerial photography of the area and/or a site visit would show that the proposed lot will not alter the essential character of the neighborhood.

5. Minimum variance:

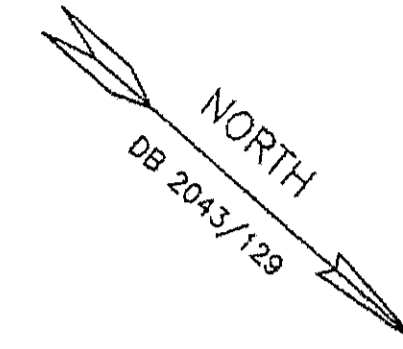
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The variance that is applied for is for the minimum amount that will afford relief of the minimum road frontage requirement.

Survey – Site Plan: Application For A Variance From The Minimum Lot Width A Part Of The Lands Of The Catherine E. Harmon Estate Baltimore Hundred Sussex County Delaware

"Agricultural Use"

Estate Of Catherine E. Harmon
Deed Reference: 2701/197
Tax Map Ref.: 533-1.00-21.00
± 23 Acres Remaining (By Tax Map)



Zoning: GR County Setbacks Shown.
Address: 30410 Frankford School Road
Class B Survey
Location Detail: Suburban

N/F
Michelle D. Cannon
Deed Ref.: 2043/129
Tax Map Ref.: 533-1.00-21.03

"Existing Residence"

N/F
Fernando Severo et ux.
Deed Ref.: 4472/300
Tax Map Ref.: 533-1.00-21.01

"Existing Residence"

Proposed Lot
± 1.000 Acre

Existing Garage

Ex. Shed

Mobile Home

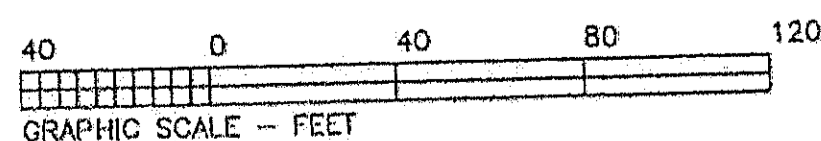
N/F
Fernando Servo et ux.
Deed Ref.: 3323/31
T.M. Ref.: 533-1.00-23.00

"Existing Mobile Home"

N/F
Estate Of Catherine E. Harmon
Deed Reference: 2701/197
Tax Map Ref.: 533-1.00-24.00

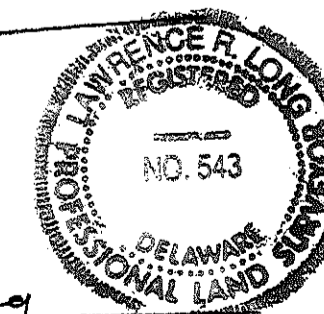
± 249' (By Tax Map) To Existing ± 85' Wide Road Access
For Tax Parcel 533-1.00-21.00.

Road 92 "Frankford School Road" 50' R/W



April 2022

I, Lawrence R. Long, 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.



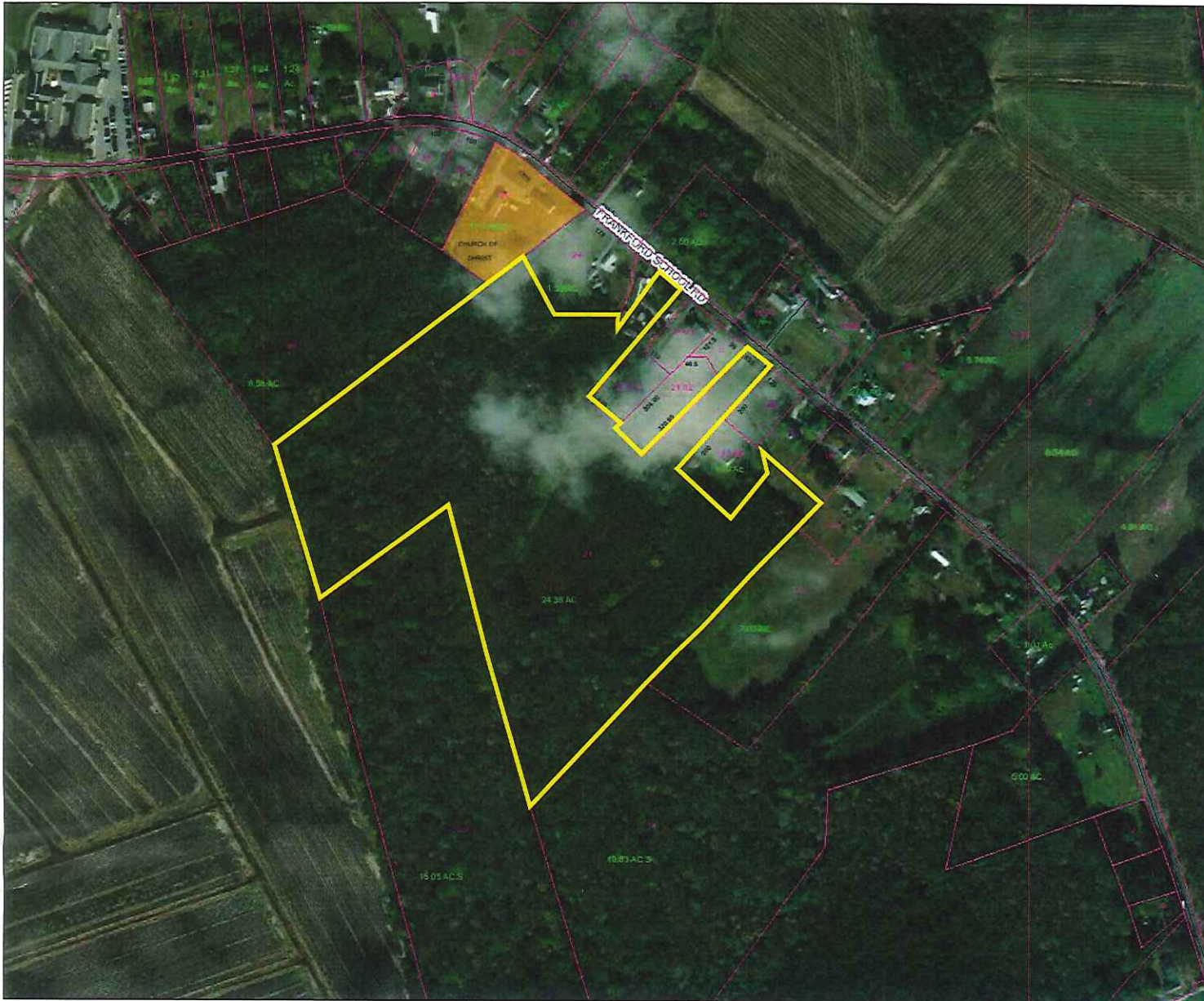
Lawrence R. Long
LAWRENCE R. LONG (Seal in Red Ink Only)
Professional Land Surveyor
DELAWARE H543 MARYLAND #10961

THIS DRAWING DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF
RIGHT-OF-WAYS, OR EASEMENTS IN
REFERENCE TO THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR STIPULATED.

LAWRENCE R. LONG
Professional Land Surveyor, L.L.C.
36079 Bayard Road
Frankford, DE 19945
PHONE: 302-436-5215
Land Surveying Services
DELAWARE / MARYLAND



Sussex County



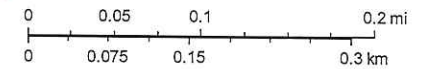
| | |
|------------------------|-------------------------------------|
| PIN: | 533-1.00-21.00 |
| Owner Name | HARMON ANTHONY D SR TERRY HARMON |
| Book | 2701 |
| Mailing Address | 4 CINDER WAY |
| City | GEORGETOWN |
| State | DE |
| Description | SW/RT 92 |
| Description 2 | 3400' NW/RT 375 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries
- Conditional Use

1:4,514



Case # 12740
Hearing Date _____
202209049

**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)
115-42 115-182 115-183

Site Address of Variance/Special Use Exception:

Variance/Special Use Exception/Appeal Requested:

Tax Map #:

Property Zoning:

Applicant Information

Applicant Name:
Applicant Address:
City State Zip:
Applicant Phone #: Applicant e-mail:

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



Date:



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.

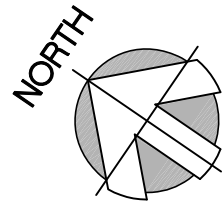
Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

*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)

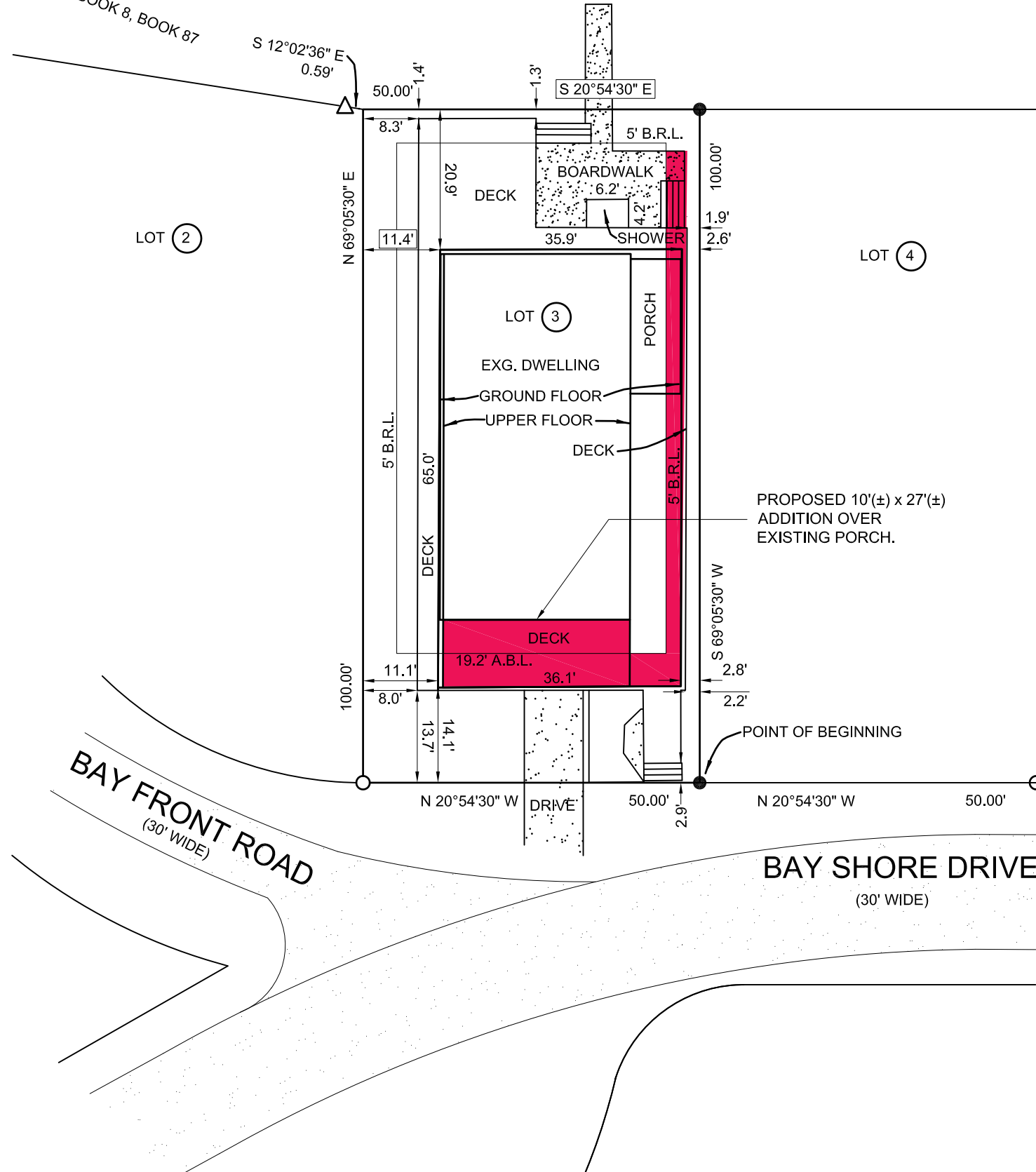
Basis for Appeal: (Please provide a written statement regarding reason for appeal)



DELAWARE BAY

TAX MAP NO. 235-4.18-4.00

BEARING REFERENCE
PLOT BOOK 8, BOOK 87



All designs, concepts, ideas and arrangements depicted on these drawings are the property of Moonlight Architecture, Inc. and are intended to be used in connection with this specific project only and shall not be used in whole or in part for any other purpose whatsoever without the written consent of Moonlight Architecture, Inc. No changes or deviations shall be allowed without the written consent of Moonlight Architecture, Inc.

CONSTRUCTION DOCUMENTS FOR THE:
BURKE RESIDENCE
ADDITION
1406 S BAY SHORE DRIVE
MILTON, SUSSEX COUNTY,
DELAWARE

SCALE:
1" = 20'-0"
DRAWING DATE:
06/21/2021
SHEET TITLE:
SITE PLAN

© COPYRIGHT 2021 MOONLIGHT ARCHITECTURE, INC.
PROJECT NUMBER:
22032

SHEET #:
VE-01



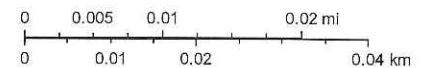
Sussex County



| | |
|------------------------|---------------------------------|
| PIN: | 235-4.18-4.00 |
| Owner Name | BURKE DAVID J & ILENE BONNIE |
| Book | 3065 |
| Mailing Address | 1756 LANIER PL |
| City | WASHINGTON |
| State | DC |
| Description | BRDKILN BCH |
| Description 2 | ON DELAWARE BAY LOT |
| Description 3 | 3 SEC 1 BLK A |
| Land Code | |

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

1:564



Case # 12741

Hearing Date _____

202209585

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)

115-34 115-182 115-185

Site Address of Variance/Special Use Exception:

38656 Burbage Lane, Ocean View, DE 19970

Variance/Special Use Exception/Appeal Requested:

County Code requires having a fence around our inground pool and because the height for a fence for the front/side corner is 3 1/2 ft high, we need a 1/2 foot variance for a 4 ft fence. No homes will be affected.

Tax Map #: 134-5.00-215.01

Property Zoning: MR

Applicant Information

Applicant Name: Tori & Greg Leech

Applicant Address: 38656 Burbage Lane

City Ocean View State DE Zip: 19970

Applicant Phone #: 410-456-8605 Applicant e-mail: tori.leech@yahoo.com

Owner Information

Owner Name: Tori & Greg Leech

Owner Address: 38656 Burbage Lane

City Ocean View State DE Zip: 19970 Purchase Date: _____

Owner Phone #: 410-456-8605 Owner e-mail: tori.leech@yahoo.com

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Tori Leech

Date: 6/16/2022



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.

Property is irregular and curves. It is considered a corner lot with front & side being a front. It is narrower in the back than the front. The side the variance is for, is not across from any homes, just the entrance to Quillans Point neighborhood.

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 corner front of the property where the fence for the pool is needed cannot be developed with a fence of the height required for a pool under County Code.

3. Not created by the applicant:

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

We the homeowners did not create the irregularity of the lot, we did not subdivide the lot and the house was there when we bought it.

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 for a 4ft fence inside the property line does not alter or impair Pine Shore Acre residents or adjacent properties because of where the fence will be located and because the fence will be attractive.

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.

By law we have to have a fence around our pool and so we are asking for a 1/2 foot variance for a 4 foot fence. Minimum required by law for a pool is 4ft.

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

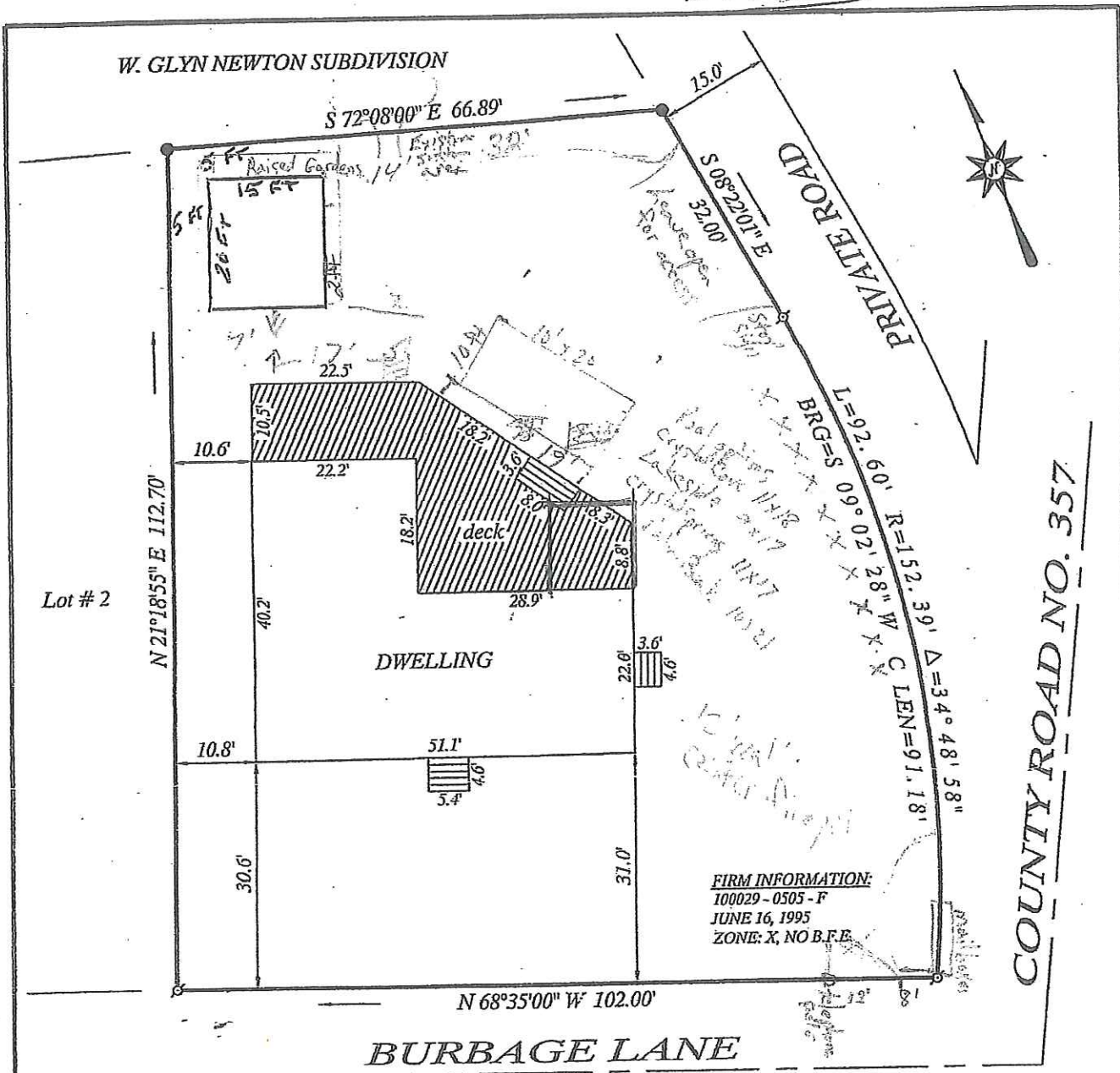
You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Special Use Exception to be granted.

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)

Gregory 8K BUYERS



COUNTY ROAD NO. 357

FIRM INFORMATION:
100029 - 0505 - F
JUNE 16, 1995
ZONE: X, NO B.F.E.

NOTE:
This plot and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property.

○ 5/8" RE-BAR (SET) Lands of DEREK W. PINKSTAFF to be conveyed to JAMIE S. HOFFMAN. Being known as LOT NO. 1, PINE SHORE ACRES. Ref: plat book 1, page 427.
● 3/4" PIPE (FD)

AREA: 10,584 SQ. FT.
TAX MAP NO. 1-34-05-215.01

SCALE: 1"=20' CLASS "B" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE: 01/20/04
DRAWN BY: P. ARNOLD

SIMPLER SURVEYING & ASSOCIATE
RD. 1 BOX 98E, FRANKFORD, DE 19945
www.delawaresurveyor.com
PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL
[Signature]
1/20/04
P.L.S. 289

June 15, 2022

To Whom It May Concern:

We are writing to voice our non-objection to the application for a variance on the property of Tori and Greg Leech at 39656 Burbage Lane, Ocean View, DE 19970.

We live on Cedar Neck Road, directly across the road from the Leech's property. The variance for the fence placement which they have requested will not negatively affect us or our property. In fact, we support their plans for the placement of the fence around their pool.

Sincerely,

Donna Swain Scott Swain

Donna and Scott Swain
29329 Cedar Neck Road
Ocean View, DE 19970

302-563-2183

June 17, 2022

To Whom it May Concern:

We do not have any issues with the height of a fence variance our neighbors, Greg and Tori Leach, are requesting.

Sincerely,
Kevin and Kathy Friel
38666 Burbage Lane
Ocean View, DE 19970.

June 19, 2022

Reference: Mr. and Mrs. Gregory Leech's variance request for a 6 ft. fence inside their property line along Cedar Neck Road, Ocean View, DE

To whom it may concern,

We reside two houses down from the Leech family on Burbage Lane and we have no issues with their variance request to put up a 6 ft. fence as requesting. Their fence will have no impact on us and will only enhance the beauty and provide an extra safety net being 6 ft instead of 4 ft. to their pool area in their back yard.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick and Marion Nickerson". The signature is written in a cursive style with a large, sweeping flourish at the end.

Nick and Marion Nickerson

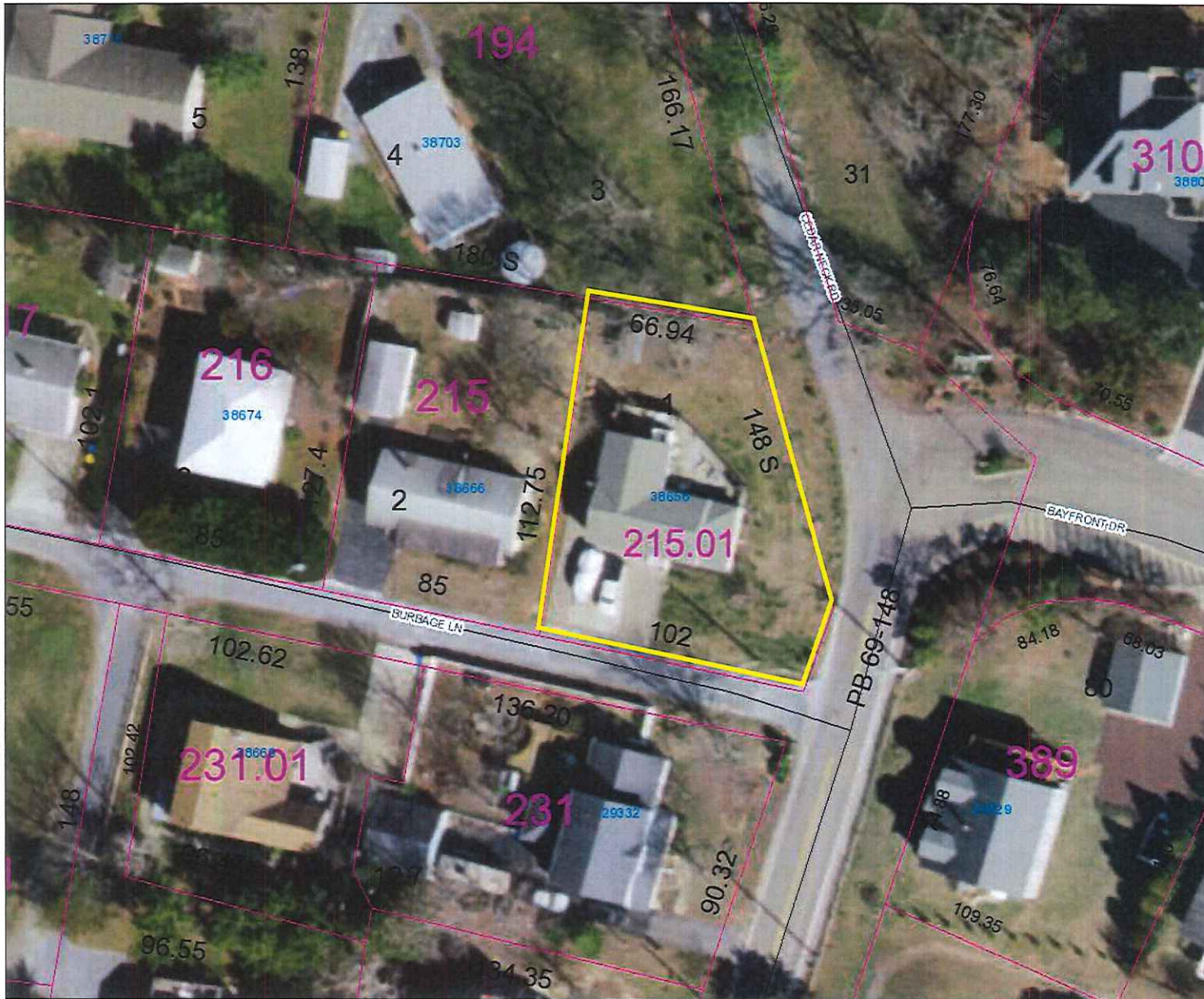
38674 Burbage Lane
Ocean View, DE 19970





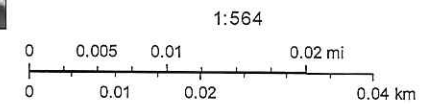


Sussex County



| | |
|------------------------|-----------------------------|
| PIN: | 134-5.00-215.01 |
| Owner Name | LEECH GREGORY TORI LEECH |
| Book | 3691 |
| Mailing Address | 38656 BURBAGE LN |
| City | OCEAN VIEW |
| State | DE |
| Description | PINE SHORES ACRES |
| Description 2 | LOT 1 |
| Description 3 | N/A |
| Land Code | |

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



Amy Hollis

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, September 6, 2022 10:29 AM
To: Jamie Whitehouse
Subject: Submission from: Board of Adjustment contact form

RECIPIENTS: Ann Lepore, Jamie Whitehouse

Submitted on Tuesday, September 6, 2022 - 10:28am

Opposition
Exhibit

Name: Jean Lujan
Email address: jeanglujan@hotmail.com
Phone number: 202-365-9168
Subject: Case 12741

Message:

September 6, 2022

Sussex County Board of Adjustment Planning and Zoning Office PO Box 417 Georgetown, DE 19947

Re: Notice of Public Hearing Case 12741

Variations for corner front yard setback and minimum fence height requirement for an inground pool Dear Sir/Madam:
I am the property owner of the house at 36890 Burbage Lane, Ocean View DE 19970. opposed to the granting of a variance to the front yard setback sought by Tori and Greg Leech who reside at the corner of Burbage Lane and Cedar Neck Road in Ocean View, DE 19970.

Burbage Lane is a narrow road leading from Cedar Neck Road to the Indian River Inlet bay. Several houses are located on this road. The road has gotten narrower due to the fact that the Leeches have chosen to extend their landscaping beyond the 20' setback requirement. Consequently, it cannot safely accommodate the cars, walkers, bicyclists who routinely use the road to reach their homes or visit their friends. Moreover, the landscaping on the Leech property at the corner of Burbage Lane and Cedar Neck Road obstructs the view for cars turning onto Cedar Neck Road from Burbage Lane. It is no longer possible to see whether cars are coming down Cedar Neck Road from the north where the VFW is located without pulling out onto Cedar Neck Road before turning.

For the above reasons, I request that the variance for the front yard setback be denied. Sincerely, Jean Lujan
38690 Burbage Lane Ocean View, DE 19970 202-365-9168

Amy Hollis

From: Jamie Whitehouse
Sent: Tuesday, September 6, 2022 8:38 AM
To: Amy Hollis
Subject: FW: Submission from: Board of Adjustment contact form

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

From: webmaster@sussexcountycle.gov <webmaster@sussexcountycle.gov>
Sent: Tuesday, September 6, 2022 12:04 AM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountycle.gov>
Subject: Submission from: Board of Adjustment contact form

RECIPIENTS: Ann Lepore, Jamie Whitehouse

Submitted on Tuesday, September 6, 2022 - 12:03am

Name: Mary Perkins and Kenneth Hooker
Email address: mppkrh@verizon.net
Phone number: 302-537-7552
Subject: Notice of Public Hearing Case 12741 Variance Request
Message:
September 5, 2022

Sussex County Board of Adjustment
Planning and Zoning Office
PO Box 47
Georgetown, DE 19947

Re: Notice of Public Hearing
Case 12741
Variances for corner front yard setback and minimum fence height requirement for an
inground pool

Dear Sirs,

My husband and I live at 29332 Cedar Neck Rd, Ocean View, DE 19970. We are directly south, across Burbage Lane, from Tori and Greg Leech's property

We have been away much of the summer and we were not aware that Tori and Greg Leech were installing an inground pool in their yard. I am not sure that I understand why a variance for the yard setback wasn't required prior to the installation?

We are more concerned, however, with the request for a variance on the fence height. We feel strongly that the Board should not grant a variance on the required fence height for the pool. Numerous families in the vicinity have children or grandchildren who visit especially during the summer. Drowning is a leading cause of death for children ages 1 to 4. For

children and adolescents ages 5-19, drowning is the third leading cause of unintentional death. The Leech's inground pool is in a very visible and accessible location to anyone traveling on Cedar Neck Rd into Quillen's Point, down River Rd toward VFW Post 7234, or on Burbage Lane or living in this area.

We thank the Board for taking our comments into consideration.

Respectfully,

Mary Perkins
Kenneth Hooker
PO Box 1017
Ocean View, DE 19970

302-537-7552

Amy Hollis

From: Ann Lepore
Sent: Thursday, September 8, 2022 12:59 PM
To: Amy Hollis
Subject: FW: Submission from: Board of Adjustment contact form

Opposition
Exhibit

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

From: webmaster@sussexcountyde.gov <webmaster@sussexcountyde.gov>
Sent: Thursday, September 8, 2022 12:24 PM
To: Ann Lepore <ann.lepore@sussexcountyde.gov>
Subject: Submission from: Board of Adjustment contact form

RECIPIENTS: Ann Lepore, Jamie Whitehouse

Submitted on Thursday, September 8, 2022 - 12:24pm

Name: Nick and Andrea Caggiano
Email address: abc681@mchsi.com
Phone number: 3022456988
Subject: Case # 12741 Tori and Greg Leech
Message:
Sussex County Board of Adjustments
Planning and Zoning
PO Box 417
Georgetown, De. 19947

Re: Case # 12741 Tori and Greg Leech

Dear Board Members,

We are homeowners in Pine Shore Acres and have received the public hearing notice for case # 12741 Tori and Greg Leech concerning changes to set backs and pool fence.

We are asking the Board to NOT grant either.

We have several concerns.

This property is located on a 3 way intersection and borders the entrance of two communities. Newton Acres and Pine Shore Acres.

Newton Acres consists of approx 21 homes. And is home to the VFW post #7234, which currently has 3,500 members, staff, plus open to the public days, and several 18 wheel semi-trucks that frequently deliver supplies to the VFW Canteen according to the Head Master of the VFW.

Recently, the Leeches raised this area of their yard with mounds of mulch, planted bushes, and trees along this property line. As well as placing piling in Cedar Neck Road. Some piling further out than the stop sign causing cars

coming from Newton Acres to either collide with piling or swing wide into intersection. And with the new growth on shrubs and trees they have already started to affect the sights of on coming traffic. Allowing any changes to the fence height on this property line would further block views for this busy intersection.

Pine Shore acres consists of 13 homes and the subject property. Due to the newly planted mulch mounds, bushes, and trees the motorist, kids on bicycles, cyclists, and walkers sights of oncoming traffic is blocked. And a higher fence would further block the sights of on coming traffic and semi trucks to pedestrians and motorist.

Also, on Burbage Lane (Pine Shore Acres community entrance) and directly across Cedar Neck Rd (Quillens Point community entrance) are our children's bus stops. Elementary, Middle, and High school busses pick up children from 6:15 am to 8am, and drop off 3:00 pm to 4:00 pm. Children waiting, walking to and from the bus stop. With motorist not being able to see around this area is very dangerous.

Therefor, safety and State requirements on pool fencing height is also very important and needs to be followed.

The pool was completed, filled with water, and has been used by the owners for the last month. The building permit issued was to follow State requirements for this project and would have resolved any concerns before completion and use.

Their survey would have shown any upcoming issues before the building permit was issued.

How do we know if they are not encroaching onto Cedar Neck road with the mulch mound and piling? These plantings and piling alone have prevented walkers, kids on bicycles, cyclists, and motorist from clear sights of traffic. The residents of 3 communities, VFW members, employees, volunteers, public days, busses, and semi-trucks delivering deserve the smooth flow and clear sights of on coming traffic -which they had had until recently.

These concerns should be reviewed by Planning and Zoning and Deldot. The owners should have a survey of the property performed before any decisions are made.

We vote NO to any changes in setbacks. Vote NO to change maximum 3.5' fence height required for corner lot front yard on a main road. and vote NO to changes of a 4' security pool fence height.

Sincerely,
Nick Caggiano and Andrea Caggiano
38669 Burbage Lane
Ocean View, De 19970
302-245-6988

Amy Hollis

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Friday, September 9, 2022 9:22 AM
To: Amy Hollis
Subject: Submission from: Board of Adjustment contact form

RECIPIENTS: Ann Lepore, Jamie Whitehouse, Amy Hollis, Ashley Paugh

Submitted on Friday, September 9, 2022 - 9:22am

Opposition
Exhibit

Name: Ann Marie Savina
Email address: allgirlde@aol.com
Phone number: 302-229-2290
Subject: Case # 12741 Tori and Greg Leech
Message:
September 9, 2022

Sussex County Board of Adjustments
Planning and Zoning
2 The Circle, PO Box 417
Georgetown, De. 19947

Re: Case # 12741 Tori and Greg Leech

Dear Board Members,

I am VFW member and live on Cedar Neck Rd. and have seen the public hearing notice for case # 12741 Tori and Greg Leech concerning changes to set backs and pool fence.

I am asking the Board to NOT grant either.

I have several concerns.

This corner property is located on a 3-way intersection on a major road and borders the entrance of two communities Pine Shore Acres and Newton Acres and directly across from Quillens Point.

VFW post #7234, which currently has 3,500 members, staff, plus open to the public on Sunday's and holidays has to use Cedar Neck Road which wraps around her corner lot onto Marshy Hope Rd. in the neighborhood called Newton Acres. Large trucks and cars have to pass her corner lot which she has already extended to the road which makes the vehicles turn wide. Her yard has already been raised and she has already planted trees that are growing larger than 15 feet on her corner lot at the edge of the county road. Her trees and bushes are already growing in front of a stop sign. There is already a two-foot-high wooden barrier that is wrapping around her yard that is extend to the street. As you can tell by my photos the 4-foot-high construction fence is as tall as the stop sign. This corner lot is already a hazard and no variances should be granted because if they are they will cause many accidents.

Blocking views on this hazardous corner lot could result in children's deaths and vehicle collisions. You will not be able to see cars bicycles or walker coming out of Burbage Lane or from Cedar Neck Rd. Large trucks and buses coming from Newton Acres will be blind to oncoming and side traffic. Burbage Lane will also be blinded to all oncoming traffic coming from Marshy Hope Rd which the VFW is at the end of this road.

There are also school bus stops here where the children have to walk to their homes around this corner lot and sometimes after school buses at dusk or in the morning dawn when it is still dark in the winter which can make this a serious problem if no one can see.

These variances were put in place for the safety of the neighborhoods, bicycles lanes and the children walking. This is very important for our area to stick to these standards on this already hazards corner lot because if this is allowed, we may be calling it a deadly corner lot with sadness in our hearts.

I'm sure the survey and any building permits from Planning and Zoning for this project would also support the requirements and resolve any issues of her use of land if she has them. I don't believe this a hardship case. If this passes, I'm sure every corner lot in Ocean View will be trying to change their variances as well and it will create nothing but issues for everyone.

I ask the Board to NOT allow changes to setbacks, max height requirements for this corner lot front yard, and side yard and minimum pool fence height.

Sincerely,
Ann Marie Savina
30619 Cedar Neck Rd
Ocean View, DE 19970