BOARD OF ADJUSTMENT

DR. LAUREN A. HITCHENS NATHAN KINGREE SHAWN LOVENGUTH JOHN WILLIAMSON





AGENDA

August 18, 2025

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Hearings

Case No. 13101 – John and Sharon Troiani

seek variances from the rear and front yard setback requirements for existing structures (115-25, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Gull Drive within the Joy Beach Subdivision. 911 Address: 8 Gull Drive, Lewes. Zoning District: AR-1. Tax Map: 234-12.00-115.00

Case No. 13104 – Kelly and Philip Brady

seeks variances from the side and rear yard setback requirements for a proposed structures (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of Turtle Dove Drive within the Dove Knoll Subdivision. 911 Address: 19 Turtle Dove Drive, Rehoboth Beach. Zoning District: AR-1. Tax Map: 334-6.00-1087.00

Case No. 13105 – Joseph and Angela Raccomandato

seeks a variances from the side yard setback requirements for proposed structures (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Heartleaf Road within the Sweetbay Subdivision. 911 Address: 24191 Heartleaf Road, Frankford. Zoning District: AR-1. Tax Map: 533-11.00-787.00

Case No. 13106 – Richard West

seeks variances from the front and rear yard setback requirements for an existing and proposed structures (Section 115-42, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the northeast side of Wilmington Street within the Banks Acres Subdivision. 911 Address: 31579 Wilmington Street, Ocean View. Zoning District: GR. Tax Map: 134-12.00-1184.00

Case No. 13107 - Lou Ann Quigley

seeks a special use exception and variance for an accessory dwelling unit with a floor area greater than 1,000 sq ft or 50% of the floor area of the single-family dwelling located on the same lot and from the front yard setback requirement for an existing structure. (Sections 115-20 A(15)(c), 115-23, 115-182 of the Sussex County Zoning Code). The property is located at the intersection of Honeysuckle Road and Daisey Road. 911 Address: 34514 Daisey Road, Frankford. Zoning District: AR-1. Tax Map: 533-6.00-123.00

Case No. 13108 – EVG – UDC Ventures, LLC / The Evergreene Companies

seeks variances from the landscape buffer requirement in the Combined Highway Corridor Overlay Zone (CHCOZ) and from the fence height requirement for a proposed fence (Sections 115-82, 115-194.1, and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Coastal Highway approximately 405 feet northwest of Ann Avenue. 911 Address: 20902 Coastal Highway, Rehoboth Beach. Zoning District: C-1. Tax Map: 334-20.09-189.00

Case No. 13109 - Jennifar and Doug Hamilton

seeks variances from the side and rear yard setback requirements for a proposed structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of Larch Lane within the Piney Glade Subdivision. 911 Address: 36375 Larch Lane, Rehoboth Beach. Zoning District: GR. Tax Map: 334-13.00-750.00

Additional Business

<u>Case No. 12834 – TREW R2, LLC and Newton Farms, LLC</u> Time Extension Request

-MEETING DETAILS-

In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on August 11, 2025, at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

The Board of Adjustment meeting materials, including the "packet" are electronically accessible on the County's website at: https://sussexcountyde.gov/.

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, August 14, 2025.

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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

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Type of Application: (please check all applicable)	
Variance Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office use only)
Site Address of Variance/Special Use Exception:	The state of the s
Variance/Special Use Exception/Appeal Requested: Distance encrouches on 3! Attempting to traineentire h flooding Raising in Pane J Tax Map #: 2-34-12 Panel 115	h Lewes DE 19958 2 It on the 20 St setback one due to avoid extremently is, Property Zoning: AR-1
Applicant Information	
Applicant Name: John 1 Sharon Troi Applicant Address: 3 Pheasant Land City Newark State DE Zip: Applicant Phone #: 302416-0990 Applicant e-m	19712
Owner Information	
Owner Name: John & Showon Troian Owner Address: 3 Pheasant Lane City New arte State DE Zip: Owner Phone #: 302 416-0990 Owner e-mail: Agent/Attorney Information NA	19113 Purchase Date: 1995
Agent/Attorney Name:	
Agent/Attorney Address: City State Zip: Agent/Attorney Phone #: Agent/Attorne	ey e-mail:
Signature of Owner/Agent/Attorney	Date: 4 20 2025

Sussex County, DE - BOA Application

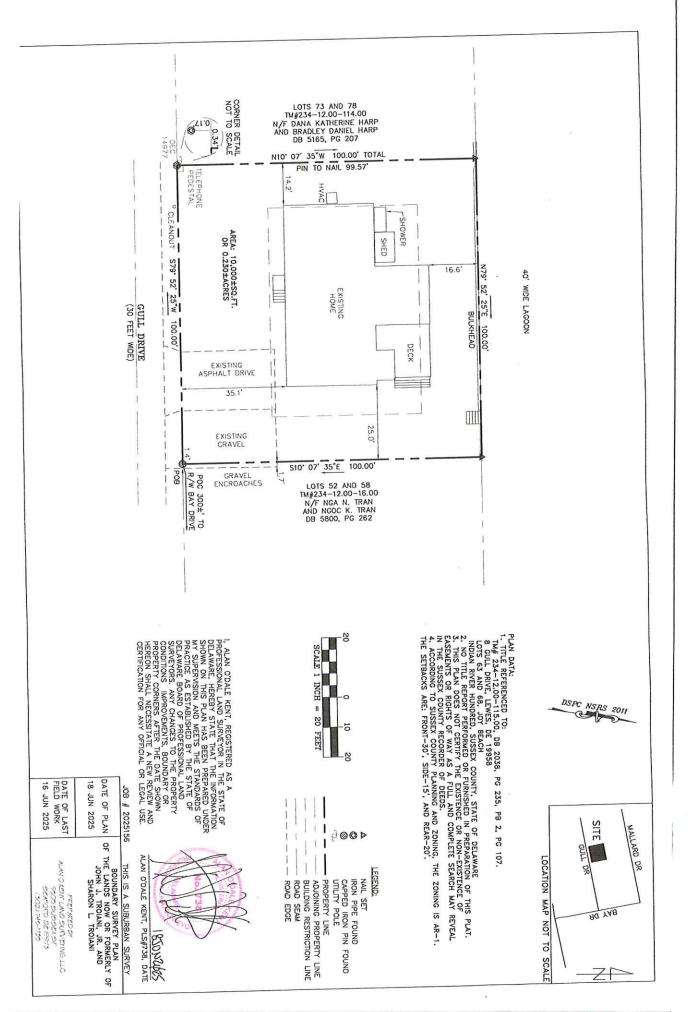
Criteria for a Variance: (Please provide a written statement regarding each criteria).

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

In granting any variance the Board may attach such reasonable conditions and safeguards as it may

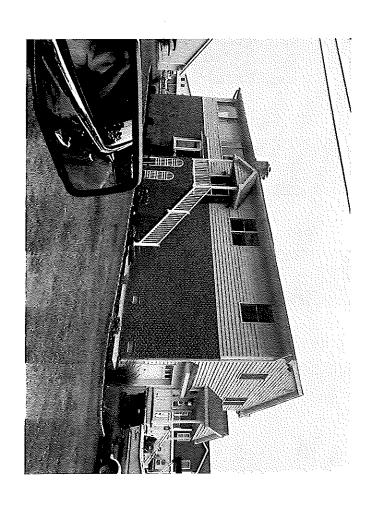
deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.
1. Uniqueness of property: That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located. We have lived here 40 years and paradiarid ded by the when we moved here. Was permitted by Ausrey Country at 1654 from lugarin.
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
we are not asking to more any closer to the lagson than we currently are 16/2 ft. We are
only asking to go straight up due to flooding.
3. Not created by the applicant:
Parch and sech is on the plat plan and was not been created by the appellant. Parch and sech is on the plat plan and was not been when we personned property. all had been personted.
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.
We currently have a one story house. The block first story we would like to add will conform.
With Auser Evde heights . Pix of home in neighborhov. 5. Minimum variance: attached.
That the variance, if authorized, will represent the minimum variance that will afford relief and
We will have have fout print as now but will have have tout print as now but will have house to to fit to avoid high
tides, and passible flording

| 2 Last updated 7/1/2022

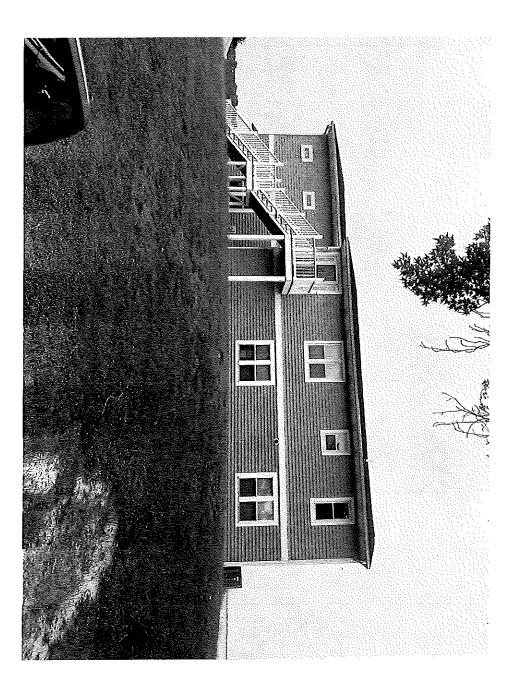


the temperature of tem

home owner paised 21 Start Old Dr

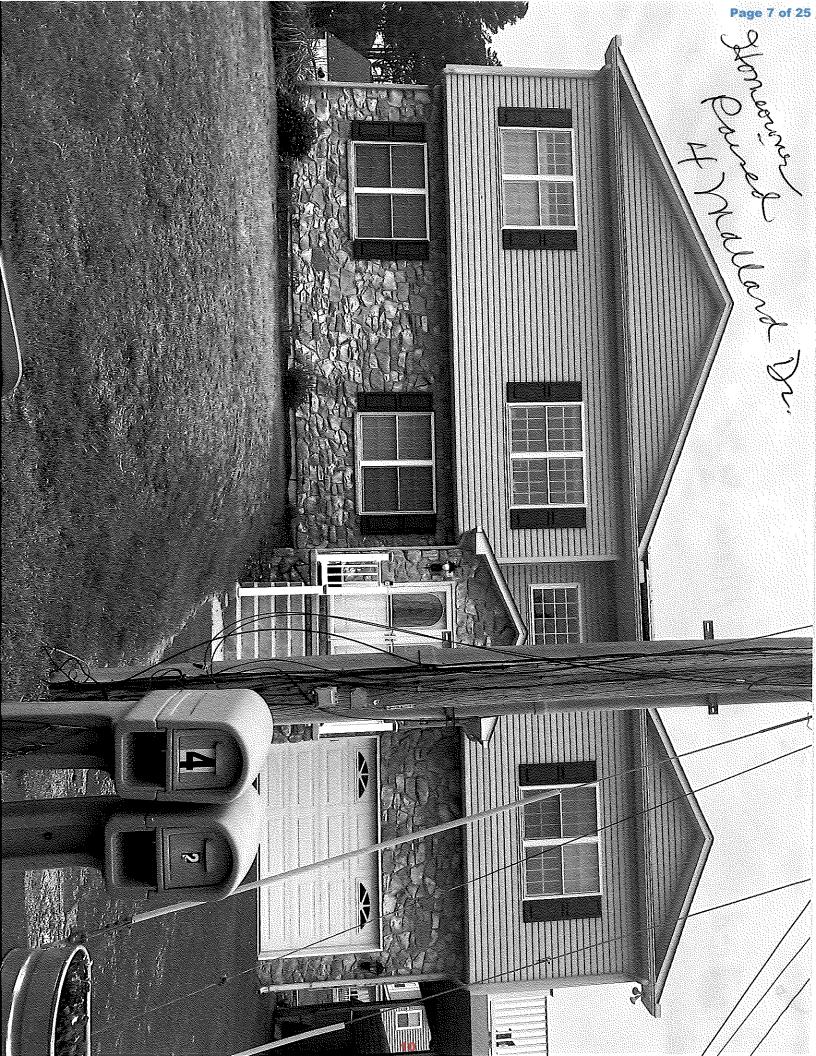


Stonecomme Rensed 8 Bay Dr.

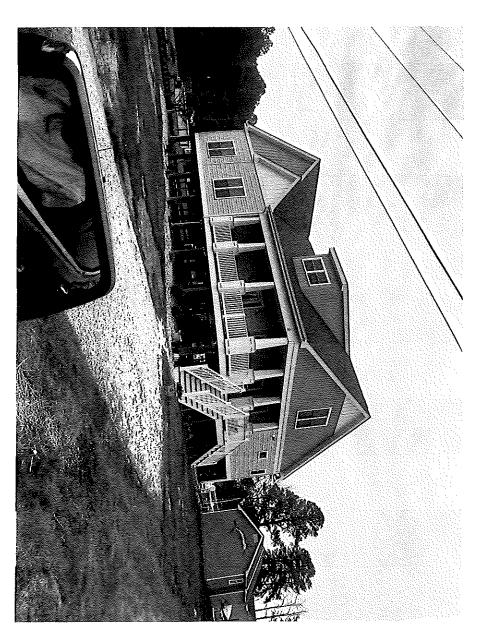


2 Mollard Dr





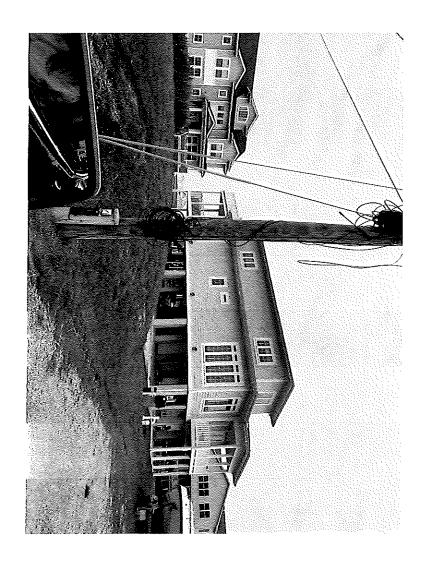
Stomeonner Tore Down & Built Up.

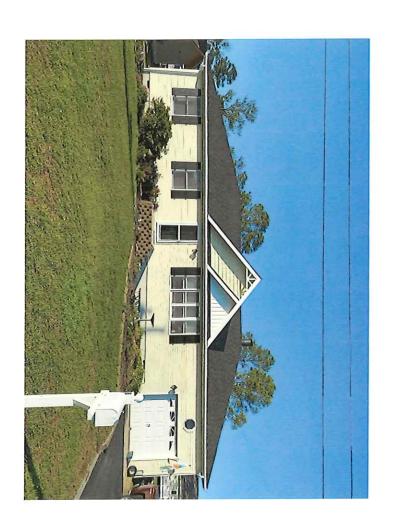


Honour Toudon +
Built Up & Malland ?



Stomeowner Taredown & Rebuilt Wy 25 Stent Class.

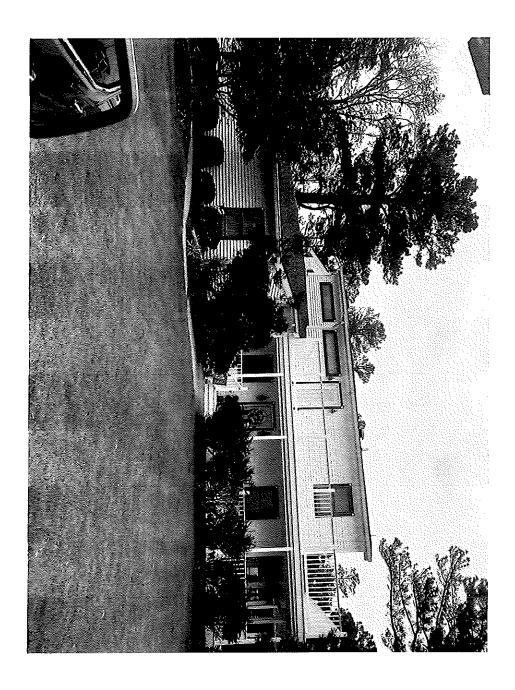


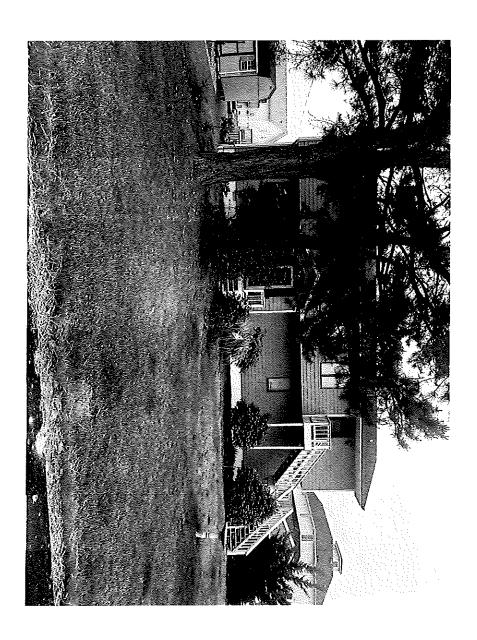


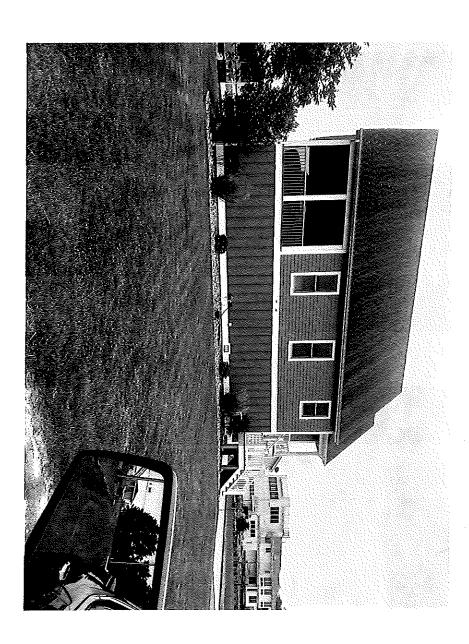
our home 8 Auce Drive. (Doppfuly to be ruised,

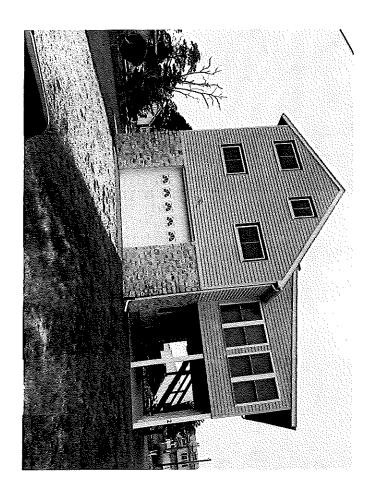
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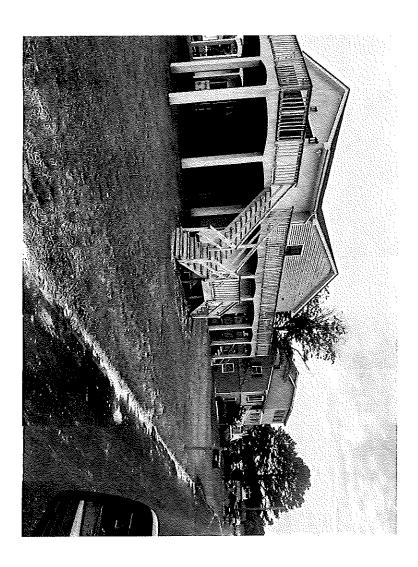




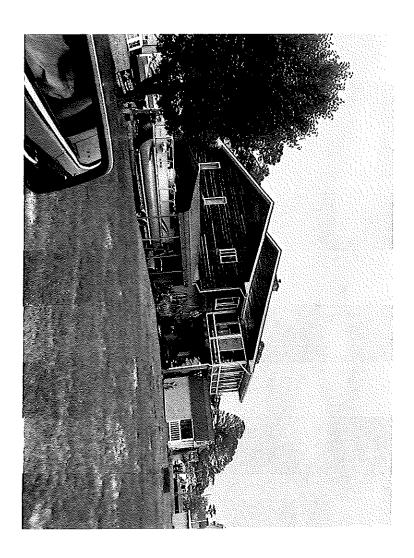










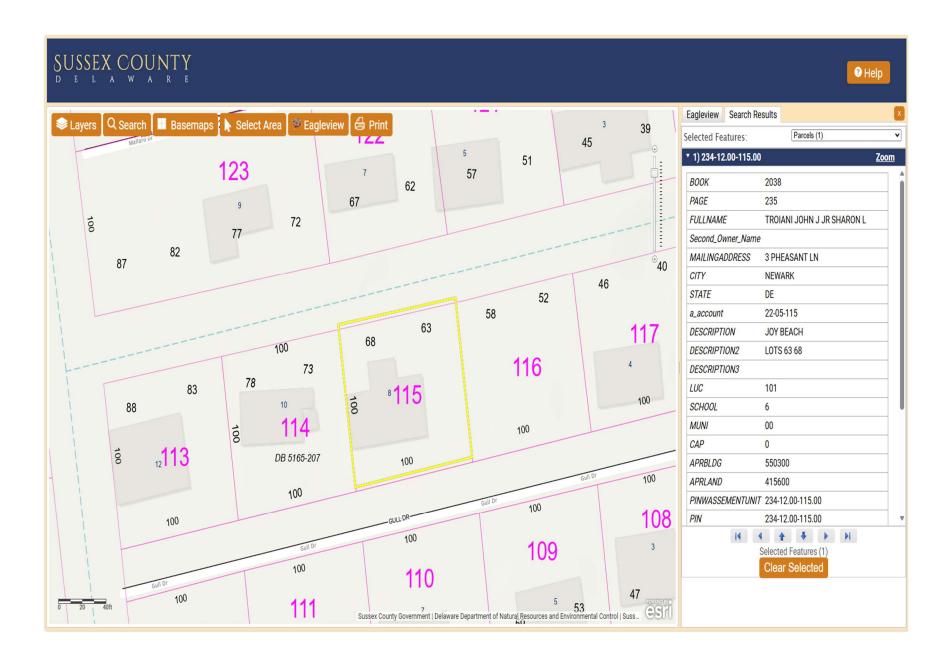


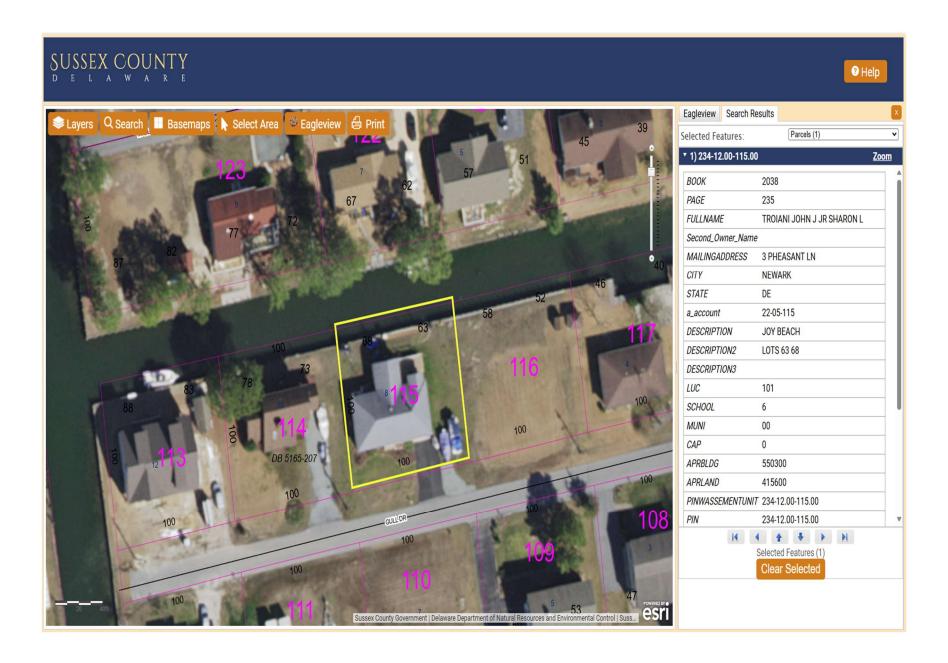




Check List for Applications
The following shall be submitted with the application

•	Completed Application	
□•	Provide a survey of the property (Variance) O Survey shall show the location of building(s), building setbacks, stairs, deck, etc. O Survey shall show distances from property lines to buildings, stairs, deck, etc. O Survey shall be signed and sealed by a Licensed Surveyor.	
•	Provide a Site Plan or survey of the property (Special Use Exception)	
□•	Provide relevant Application Fee (please refer to fees effective July 1, 2022)	
□ •	Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)	
·	Copy of Receipt (staff)	
 Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.) 		
 Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application. 		
*Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.		
*Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.		
The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.		
Signature of Owner/Agent/Attorney		
Joh	Date: June 9, 2025	
For office use		
Staff acception	ng application: Application & Case #:	
	Lot#: Block#: ing: Decision of Board:	







Board of Adjustment Application Sussex County, Delaware

Case # 13104 Hearing Date 8-18-25

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)	
Site Address of Variance/Special Use Exception: 19 Turtle Dove Dr. Rehoboth, DE. 19 Variance/Special Use Exception/Appeal Requested: 5' off back 10' off add for pole barn	9971	
Tax Map #: 3-34-6.00-1087.00	Property Zoning: Residential	
Applicant Information	AR-1	
Applicant Name: Retry - Philip Brady Applicant Address: 19 Tuffe box D/ City Roholoth State DE Zip: 19 Applicant Phone #: 300 544 2238 Applicant e-m	ail: Kalbang comrast. net	
Owner Information		
Owner Name: Kelly + Philip Brady Owner Address: 470 Blackbird Landing Rd City Townsend State 12 Zip: Owner Phone #: 302-544-2238 Owner e-mail:	Purchase Date: Kalban@comcast.net	
Agent/Attorney Information		
Agent/Attorney Name:		
Agent/Attorney Address: City State Zip:		
Agent/Attorney Phone #: Agent/Attorne	y e-mail:	
Signature of Owner/Agent/Attorney		
Kely Brody	Date: 6/20125	





Sussex County, DE - BOA Application

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

You shall demonstrate to the Board of Adjustment that the property meets <u>all</u> 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 to well and location of pool / orlor side is where all will the come in and a pond and that wants driveway same side

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.

Need Size For boat to Fit as well as a driveway to it

3. Not created by the applicant:

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

Bought property a fear ago as its seen

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.

Hoa allows pole barns and there are bigger, closer to property then mine.

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.

Basically we need the size listed to be able to fit posts trailer as well as other things. N Sussex County, DE - BOA Application

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

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

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

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

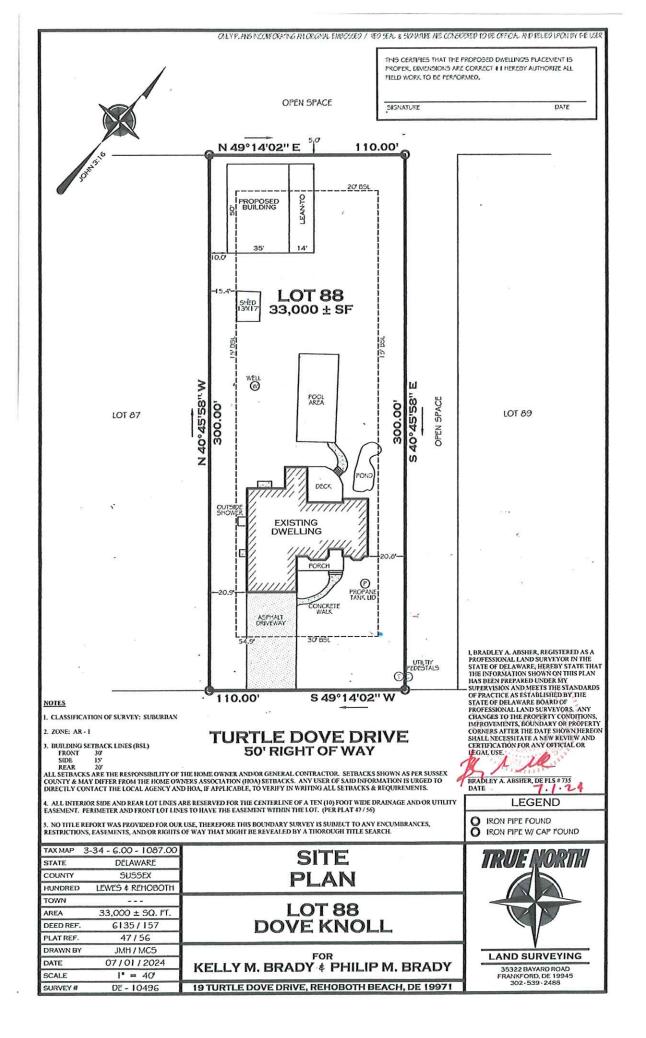
Basis for Appeal: (Please provide a written statement regarding reason for appeal)



Check List for Applications

The following shall be submitted with the application

✓ •	Completed Application	
•	Provide a survey of the property (Variance) O Survey shall show the location of building(s), building setbacks, stairs, deck, etc. O Survey shall show distances from property lines to buildings, stairs, deck, etc. O Survey shall be signed and sealed by a Licensed Surveyor.	
✓ •	Provide a Site Plan or survey of the property (Special Use Exception)	
•	Provide relevant Application Fee (please refer to fees effective July 1, 2022)	
•	Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)	
·	Copy of Receipt (staff)	
✓ •	Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)	
 Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application. 		
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The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.		
Signature o	f Owner/Agent/Attorney	
R	en Brol Date: 6/70/25	
For office use	e only:	
Date Submit	ted: Fee: Check #:	
	ng application: Application & Case #:	
Location of p	property:	
Subdivision:	Lot#: Block#: ing: Decision of Board:	
Date of Hear	ing: Decision of Board:	



To whom it may concern,

We live in Dove Knoll, a community that has an HOA that allows pole barns. We have been in touch with the HOA to get permission to set closer to the set backs in the back yard as we have a pool and a well that would be in the way, creating a hardship that would prevent us from safely backing in or turning around with a trailer if we go by the actual county setbacks. They have agreed to the 5' off of the back due to an open field that is not being built on with no neighbors directly behind us. They did not agree to the 10' we were asking on the side but said they would consider if county approved. We can not place on other side of yard due to the utilities that come in that side of property as well as pond on that side. We would greatly appreciate your help in this matter as we would not be able to turn around without the variance approval. I have attached pictures as well as email from George Giles, head of HOA and emails from neighbors on both sides of property.

Thank you for your time.

Keley Bros

Kelly Brady

From: pipepros@comcast.net

Subject: Fwd: Pole Building

Date: Jun 20, 2025 at 10:30:54 AM

To: pipepros7@icloud.com

Kelly Brady
Office Manager
302-828-1072

Begin forwarded message:

From: John Melasecca < melsbox3@gmail.com >

Date: June 20, 2025 at 10:16:24 AM EDT

To: pipepros@comcast.net

Subject: Pole Building

Phil and Kelly, thank you for sharing the plans for your pole building at 19 Turtle Dove. We have no objections to the proposed location of the building.

Kind regards,

John and Angela Melasecca 17 Turtle Dove Dr Rehoboth Beach, DE 19971 302-293-9517 From: Anthony Scafidi antnees13@gmail.com

Subject: Regarding 19 Turtle Dove Dr Date: Jun 20, 2025 at 9:40:54 AM

To: Kalban@comcast.net

We are the owners of the property at 21 Turtle Dove Dr, Rehoboth Beach. Our neighbors Phil and Kelly Brady are looking to construct a structure on their property. The structure requires a variance allowing them to set the structure five feet off the back and ten feet off the side. We have no problem with location and size of this structure. If you have any questions please call me. 3019089504.

Sincerely,

Anthony and Miriam Scafidi



202508511

Case # 13105 Hearing Date 8-18-25

RECEIVED

SUSSEX COUNTY

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

Board of Adjustment Application

JUN 2 4 2025

Type of Application: (please check all applicable)	SUSSEX COUNTY PLANNING & ZONING
Variance Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office use only)
	H Frankford DE
Variance/Special Use Exception/Appeal Requested: 4x6 shed attached to nouse. Stone garden equiptment. (per Hone house someeds variance due to lot S Tax Map #: 533-11.000 - 787.00	(no electric) Used to shedneeds to be attached to hape Same Setback as garbag Property Zoning: <u>Pesidential</u> enclosur
Applicant Information	AR-1
Applicant Name: JOSEPH ON ANAPOL Applicant Address: 24191 Heart leaf 18 City Frankford State DE Zip:	a Raccomandato 20ad 19945 ail: <u>angelar 2911 e gmail</u> .com
Owner Information Owner Name: JOSEDH ONG AVARIA Owner Address: 24191 Heart leaf RO City WANGORD State DE Zip: Owner Phone #: 302675 9220 Owner e-mail: Agent/Attorney Information	9945 Purchase Date: 6 2024
Agent/Attorney Name: Agent/Attorney Address: City State Zip: Agent/Attorney Phone #: Agent/Attorne	y e-mail:
Signature of Owner/Agent/Attorney	Date: <u>6/17/2025</u>

Sussex County, DE - BOA Application

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

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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 variance requested is due to narrowness of the lot. ne Shed (structure) for variance is to be connected to house as per HOA gurdelines however is the same set back as the garbage enclosure and 2. Cannot otherwise be developed: Shower For which no Variance is required. 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

The shed cannot be built withouthe variance Also the shed as to be constructed will conform to the same as the garbage enclosure already existing.

3. Not created by the applicant:

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

Applicant has not done anything to create this difficulty.

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 after the character of 21 ghborhood and conforms to the HOA Rules + guidelines.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and

This variance allows + represents the minimum required to afford relief and as the other structures afford the

Same set back there will be not be any issue in aesthetics of house, neighborhood.

Last updated 7/1/2022

Sussex County, DE - BOA Application

\$500

Check List for Applications

The following shall be submitted with the application **Completed Application** Provide a survey of the property (Variance) Survey shall show the location of building(s), building setbacks, stairs, deck, etc. Survey shall show distances from property lines to buildings, stairs, deck, etc. o Survey shall be signed and sealed by a Licensed Surveyor. Provide a Site Plan or survey of the property (Special Use Exception) Provide relevant Application Fee (please refer to fees effective July 1, 2022) Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form) Copy of Receipt (staff) Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.) Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application. *Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision. *Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied. Signature of Owner/Agent/Attorne 6/17/25 Date: For office use only: Check #: Fee: Date Submitted: Application & Case #:__ Staff accepting application: _ Location of property: _ Block#: Subdivision: Lot#: Decision of Board: _ Date of Hearing: ___

Page | 4

Last updated 7/1/2022

Sussex County Government Treasury 2 The Circle, PO Box 601 Georgetown, DE 19947

06/24/2025 04:00PM Megan D. 33029787-0093 001203068

PERMITS / INSPECTIONS 2025 202508511[2020

\$500,00

\$500.00

Subtotal Total \$500.00 \$500.00

CHECK

\$500.00

Check Number0307

Change due

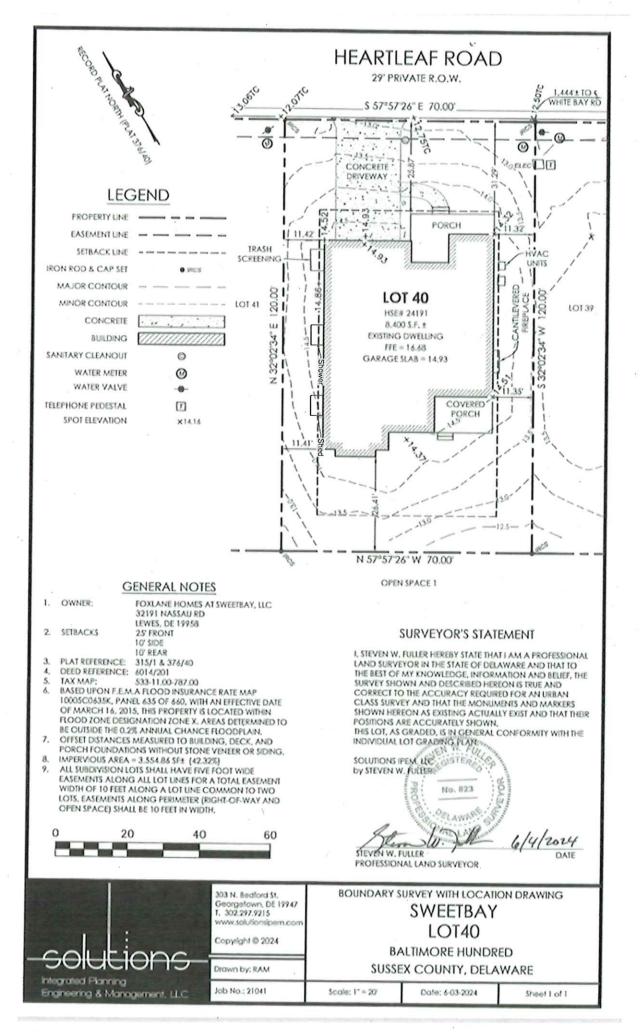
\$0.00

Paid by: ANGELA RACCOMANDATO



Thank you for your payment.

Sussex County Government COPY DUPLICATE RECEIPT





Front elevation

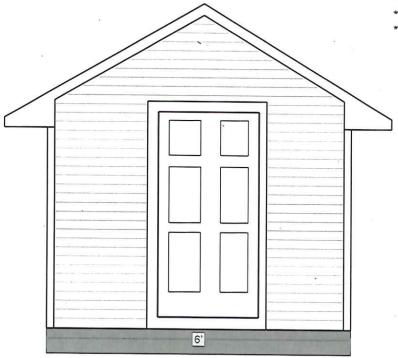
Side elevation

*Add a 4'x6' shed over a existing concrete pad

*shed to be attached on the house wall

- *add vinyl siding at the exterior to match with the existing siding
 * siding and shingles to be matching with the existing
 * add 2x4 walls 6' tall

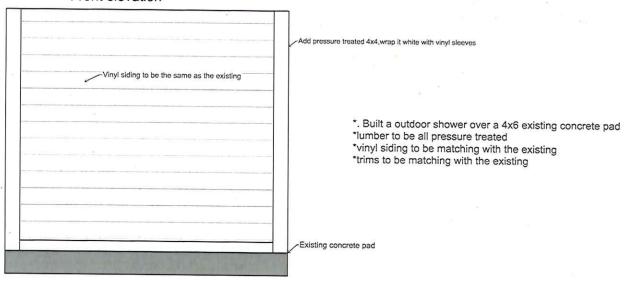
- * add 2x6 rafters
- * add a built in door



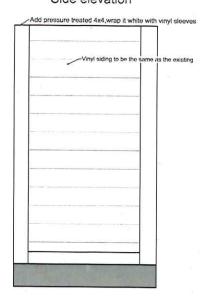
Side elevation

Outdoor shower

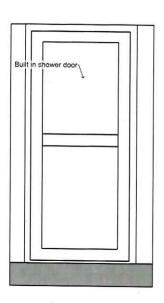
Front elevation



Side elevation



Side elevation



STATE OF DELAWARE

Department of Finance Division of Revenue

ACTIVE BUSINESS LICENSE 2015101157

EFFECTIVE

01/01/2025 - 12/31/2027

ISSUED TO

BM CONSTRUCTION LLC 104 PADDOCK DR FRUITLAND MD 21826-2104

LOCATION

BM CONSTRUCTION LLC

104 PADDOCK DR FRUITLAND, MD 21826-2104

TRADE, BUSINESS, OR PROFESSIONAL ACTIVITY

NON-RESIDENT CONTRACTOR

2027

704.1776.1

ISSUED: 12/06/2024 FEE PAID: \$225.00 Is hereby licensed to practice, conduct, or engage in the occupation or business activity indicated above in accordance with the license application duly filed pursuant to Title 30, Delaware Code.

POST CONSPICUOUSLY - NOT TRANSFERABLE







CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/06/2025 THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). PRODUCER PHONE (A/C, No, Ext): E-MAIL Mann and Gray (410) 546-5575 (410) 742-2473 100 S. CAMDEN AVE. ADDRESS: INSURER(S) AFFORDING COVERAGE NAIC # Fruitland INSURER A: Clear Blue Specialty Insurance Company MD 21826 INSURED INSURER B: Agency Insurance Co of Maryland 35173 Barros, Moises Gomes, DBA: BM Construction LLC Pennsylvania's Manufacturer's Assoc Inc INSURER C: 104 Paddock Dr INSURER D INSURER E: Fruitland MD 21826 INSURER F: COVERAGES CL255605857 CERTIFICATE NUMBER: **REVISION NUMBER:** THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDL SUBR TYPE OF INSURANCE POLICY NUMBER LIMITS COMMERCIAL GENERAL LIABILITY 1,000,000 EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) CLAIMS-MADE 100,000 5,000 MED EXP (Any one person) AR01-RS-2406796-01 09/30/2024 09/30/2025 1,000,000 PERSONAL & ADV INJURY GEN'L AGGREGATE LIMIT APPLIES PER: 2,000,000 GENERAL AGGREGATE PRO-JECT POLICY 2,000,000 PRODUCTS - COMP/OP AGG OTHER: AUTOMOBILE LIABILITY COMBINED SINGLE LIMIT s 1,000,000 **ANY AUTO** BODILY INJURY (Per person) OWNED AUTOS ONLY HIRED SCHEDULED AUTOS В CA 0032267 04/28/2025 04/28/2026 BODILY INJURY (Per accident) NON-OWNED AUTOS ONLY PROPERTY DAMAGE **AUTOS ONLY** Uninsured motorist \$ 1,000,000 UMBRELLA LIAB OCCUR EACH OCCURRENCE **EXCESSION** CLAIMS-MADE AGGREGATE RETENTION \$ DED WORKERS COMPENSATION ➤ PER STATUTE AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE 500,000 E.L. EACH ACCIDENT C WCDE000010204 04/28/2025 04/28/2026 OFFICER/MEMBER EXCLUDED? (Mandatory in NH) 500,000 E.L. DISEASE - EA EMPLOYEE If yes, describe under DESCRIPTION OF OPERATIONS below 500,000 E.L. DISEASE - POLICY LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFIC	CATE H	OLDER
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CANCELLATION

Sweetbay HOA - Joseph Raccomandato 24191 Heart Leaf Rd

DE 19945

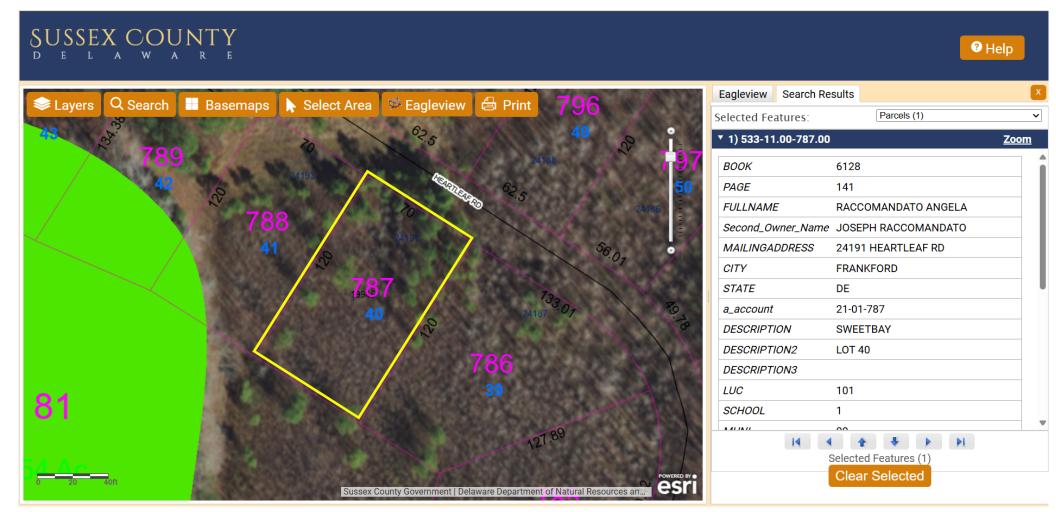
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Frankford.

auher Stuffen

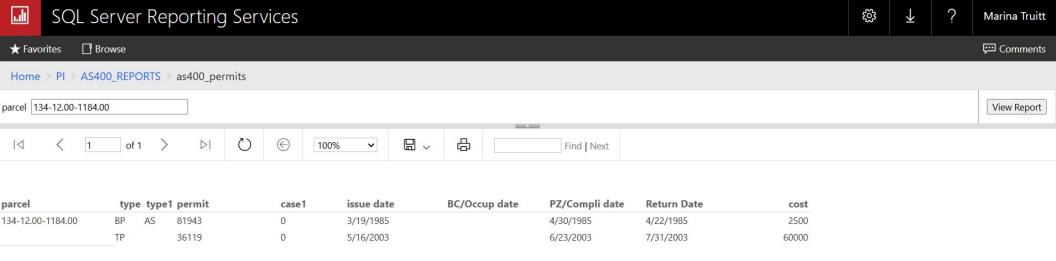
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Case No. 13106 – Richard West Page 1 of 9



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Map 12 1184 T11149

BOARD OF ASSESSMENT OF SUSSEX COUNTY

GEORGETOWN, DELAWARE

TRAILER REGISTRATION

TELEPHONE NO. DATE DATE 1977
NAME MR. Les get to Bouser ADDRESS 14 Wilmington ave
NAME MRS. Esther Source Millville Der 19
ELECTION DIST. REP. DIST. SCHOOL DIST.
LOCATION PROPERTY AND ROAD NO.
NAME OF TRAILER PARK AND LOT NO. 14- See, 5. Banks/ actes
DESCRIPTION OF VEHICLE MAKE Burlington YEAR 1976 MODEL NO. SERIAL NO. 3457 NEW USED DATE OF PURCHASE
WIDTH 24 HEIGHT LENGTH 60 COLOR White
NO. ROOMS — NO. BATHS //2 VALUE 32, 550 PREVIOUS OWNER — Dealer — PREVIOUS OWNER — NO. BATHS — NO. BA
PREVIOUS LOCATION IF TRAILER IS SOLD, TRADED OR MOVED, NOTIFY BOARD OF ASSESSMENT GEORGETOWN, DEL. 19947, BOX 386 AS TO THE NEW OWNER HIS ADDRESS AND NEW LOCATION.
NEW OWNER
ADDRESS —
NEW LOCATION
REMARKS:
SIGNATURE OF OWNER SIGNATURE

15-840

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: Joy 6/4/85

DISTRICT: 1-34 MAP: 12 PARCEL: 1/84 TRL/UNIT:

NAME: Bowsey

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE: 23500

LAND VALUE: 4500

IMP. VALUE: 20800

TOTAL VALUE: 25300 10 P

ACTION REASON: BP 81943 for garage added

BILLING: 86

Jon 1.185

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: Jay 9/10/80

DISTRICT: 1-34

MAP: 12 PARCEL: 1/84

TRL/UNIT: '

NAME: BOWSER, George C & Esther 7.

ADDRESS: 14 Wilmington Que Millville, DE 19967

PROPERTY DESCRIPTION: 3 W/imp

TRANSFER: 178820

NEW VALUE: 23500

OLD VALUE: 4500

ACTION REASON: 6 YOUND OWNER - also true added to prop.

BILLING: 8/

REASSESSMENT DIVISION

ACT. CODE:

DIST: 1-34

MAP: 12,00 PAR: 1184,00 TRL/UNIT

OLD VALUE:

NAME: Banks Dev. Inc.

ADDRESS: Millville, De. 19967

PROP. DESC.: Banks Acres Lot 14 Sec. E

TRANSFER:

NEW VALUE: 2200

ACTION REASON: Left of book

BILLING: QB 100%

7/0	7/03 Pe-	C-5ml JUL 31	UL 3 1 APRISCATION S	ON FOR MANUFACTURED HOME PLACENIENT SUSSEX COUNTY, DELAWARE	RED HOME PLA	ACEMENT DIRECESOUS 855 Permit Stoff 9
LOCATION: Route	Route		(N) (S) (E)	(W) side,		(ft) (miles) (N) (S) (E) (W) of
Subdivision or	Subdivision or Manufactured Home Park	Home Park		•		Lot No. 14 Section of Block
District No.	134		Map No	(3)		Parcel No. 11 F 4 Trailer No. 50967
Street Name	Ba	Santa Agrass	4/14	Mounted (1110)	Gree 1	Hundred
				•		The second secon
Sizè of Lot: Frontage_	rontage		Depth	Acreage	age.	Size of Manufactured Home 28 X 6 0 Cost 60,000,00

On Farm Manufactured Home for		
IDENTIFICATION: Gerny L. Bowsonii a	ZONING:	FLOOD ZONE INFORMATION;
Name Boryson , Danger CH & Lyane A. Bon Day	Existing Use Quality Of Cond Zone YP 5//	Flood Zone XP 5/1
Address //4 (odlans mare Ad.	Proposed Use 771 H	Elevation Required above Mean Sea Level
Lands of Outungs Mell, MD, 31117	Zoning District $\mathcal{A}h$	the state of the s
Make 04K (1) 0001 Year 2003	Front Yard Setback	To be measured to:
Serial No. 7010 978 AB	Side Yard Setback /0	1) Finished First Floor
Width ART Length (00 Color angul Trim wilder	Rear Yard Setback /0 /	2) Lowest Horizontal Structural Member
Central Air 100) Fireplace YLY Tip-Out YW Bedrooms 3	Side Yard Setback on Corner Lot	(Check Requirements Needed)
Previous Owner of the M.H. AHK WOOO	Distance from any other M.H. or accessory building	Elevation Certificate
Previous Location Daloo Oot	in a M.H. park	Placement Survey
Has this lot ever been occupied by a M.H.?	Cannot occupy more than % of total lot area	reignt certification
If so, where did this M.H. go?	Board of Adjustment Case No.	Comments:
Have you ever owned a M.H. in Sussex County?	Planning and Zoning Approval	
7	# 3095/25 , on Cash	
Comments:	1 1000	
	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 COVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE."	PROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE SITAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE:
The owner of this manufactured home and the influence at comply to all applicable Federal, State, and County regulations and to apply for a certificate of compliance at completion. This does not imply	state, and County regulations and to apply for a certificate of	compliance at completion. This does not imply

form must be obtained from the Sussex County Assessment Division. approval of other Governmental/Agencies/Priet to transfer of Title of above mentioned manufactured home a tax release. Signature of Applicant

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. 5-16-03 Approved by Assessment Division. Date Issued_ Permit Fee_

THIS PERMIT DOES NOT COVER ANY STRUCTURE BUILT OR MOVED TO LOT MANUFACTURED HOME IS PLACED UPON. A BUILDING PERMIT IS NEEDED FOR THESE STRUCTURES.

PLEASE CALL 855-7720 TO REPORT ANY INFORMATION NEEDED FOR ANY CIRCLED BLANKS.

Page 9 of 9

AOU - 25-31

Accessory Dwelling Unit Approval 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 # _ 13107 202508512 Hearing Date ____

(where applicable)

RECEIVED

JUN 2 3 2025

Accessory Dwell	: (please check all appli ling Unit - Detached ling Unit - Attached	icable)	Existing Structure: Proposed Structure: Code Reference (office	SUSSEX COUNTY PLANNING & ZONING ce use only)
Site Address: 34514 Daisey Road Frankford DE 19945				c .
Description of Requ				
Approval to maintain garage addition. Faile	what is now considered a ed P&Z inspection due to s	garage studio apa separate utility pa	artment in a newly cons in, which was already in	tructed 2nd floor n existence.
Tax Map #: 533-6.	00-123.00	· · · · · · · · · · · · · · · · · · ·	Property Zoning: A	IR-1
Applicant Informati	ion			
Applicant Name:	Garth Enterprises LTD			
Applicant Address:	37428 Dirickson Creek Ro	oad		
City: Frankford	State DE	Zip: 19	945	
Applicant Phone #:	(973) 865-4946	Applicant e-m	ail: frank@garthenterpris	es.com
		_		
Owner Information	<u>!</u>			
Owner Name: Lor	u Ann Quigley			
Owner Address: 345	514 Daisey Road			
City: Frankford	State DE	Zip: 19	945 Purchase	e Date:
Owner Phone #:		Owner e-mail		
				¥
Agent/Attorney De	tails			
Agent/Attorney Nar				
Agent/Attorney Add	ress:			
City:	State	Zip:		
Agent/Attorney Pho	one #:	Agent/Attorne	ey e-mail:	
Signature of Owner	Agent Attorney			
Feekfal	In am		Date: 6/20/2	5

Criteria for Accessory Dwelling Units

The following shall be answered for Code Compliance

1.	Total lot area of property:
	2.23 acres
2.	Total area of existing dwelling (in square feet):
	2,242 sq.ft.
3.	Total area of proposed Accessory Dwelling Unit (in square feet):
	1,484 sq.ft.
5.	Is the property located within a subdivision? Yes No If so, have you obtained approval from the Homeowners Associaton? Yes No
4.	Please confirm the ADU is NOT a RV, Camper, Motor Home, etc. Please note: No property is permitted to be occupied with a RV, Camper, Motor Home, etc unless located within a RV Park.
	Criteria for a Special Use Exception (where applicable): (Please provide a written statement regarding each criteria)
	Applicant's must demonstrate that the property meets ALL of the criteria for a Special Use Exception to be granted.
	1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property:
	Approval is sought to maintain what is now considered a garage studio apartment in a newly constructed 2nd floor garage addition as it does not substantially adversely affect the uses of adjacent and neighboring properties.
	Approval is also being sought to maintain the separate utility pan as it was an existing garage with an existing, separate utility pan since 1994.

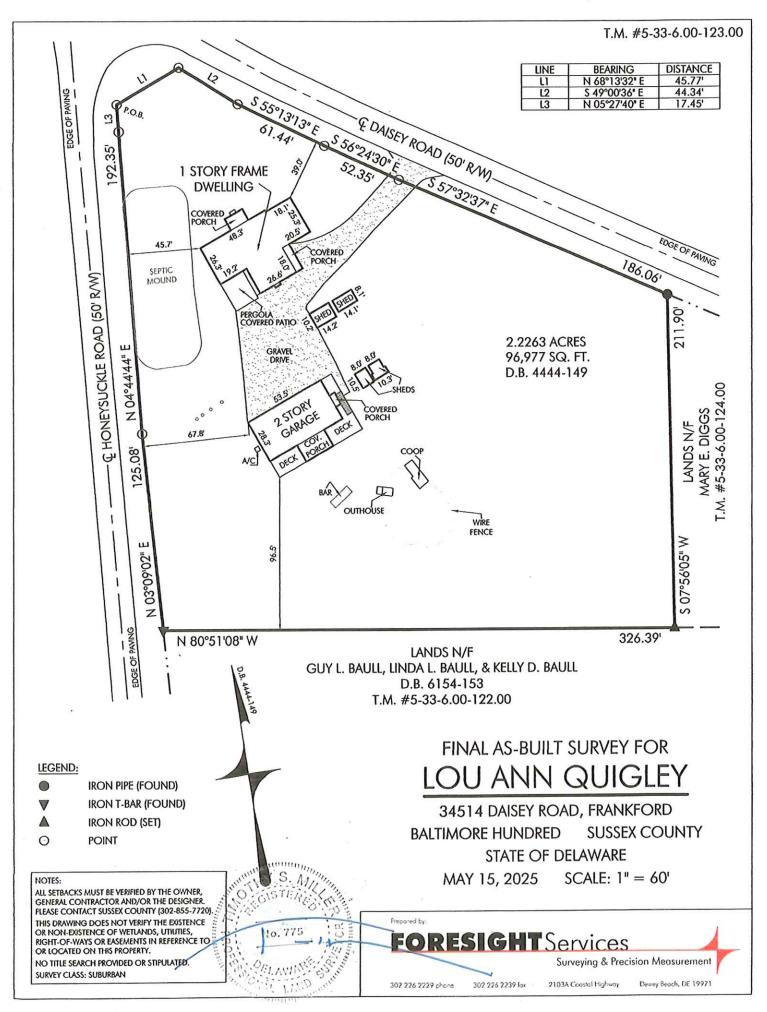
Sussex County, DE - Application for Accessory Dwelling Unit Approval

Check List for Applications

The following shall be submitted with the application

✓ •	Completed Application		
✓.	Provide a Site Plan or survey of the	e property along with a l	ayout/building plans of the ADU
✓.	Provide Fee \$500.00		
✓ •	Provide written response to criteri a separate document if not enough	a for Special Use Except room on the form)	ion (where applicable, may be on
✓ •	Copy of Receipt (staff)		
✓ •	Optional - Additional information to similar structures, letters from neighbors.		notos of site, photos of
· ·	Please be aware that an Accessory unit that is secondary to the princiliving facilities, such as a separate to, or detached from the primary cinterior space such as a finished baccessory dwelling units do not in recreational vehicles or guest hom	ipal dwelling unit on a p entrance and kitchen. T dwelling on the property asement that is converto clude duplexes, tourist l	roperty and includes independent he dwelling unit may be attached y and it may also include existing ed into a separate dwelling unit.
✓ •	Please be aware that the applicati of Adjustment if the dimensional i met. Staff will place a sign on the application. The Applicant, or a re hearing is scheduled.	site stating the date and	r a public hearing before the Board 115A(15(c), (d) and (e)) are not I time of the Public Hearing for the licant must be present if a public
written de decision h decision i	e advised that the decision of the Di ecision is filed with the Board of Ac nas been filed, you may call the Plan is generally completed within thirty on. Please include the case number	ljustment's secretary. To nning & Zoning Departm (30) to sixty (60) days j	o determine whether the written ent at 302-855-7878. The written following the Board's vote on the
	e advised that any action taken in re the written decision and the expirat Prope		
appellant personal Exception Signature	signed acknowledges that that he o / applicant is unable to convince the have been met, the application will of Owner Agent/Attorney	Director/Board that th	
fry	In Von a	Date: 6/2	20/25
State of a section of the present of the section of		Fee: \$500.00 Check #: _	
8	:	Lot#:	Block#:
	aring:	Decision of Board:	success regulated

Page | 3 Last updated 7/24/2024



Special Use Exception – Lou Ann Quigley, 34514 Daisey Road, Frankford DE 19945

- 1. The building permit was approved 04/22/2024 for a 28' x 53' (1,484 sq.ft.) 2nd floor garage addition (bedroom, study, rec room, pantry & bathrooms) with a wet bar. The wet bar shown on the plans ended up having a stove, and we are now told the inspection failed due to the cooking ability when all passed except P&Z *final due to* what's deemed as a separate utility pan (see #3 below) without mention of the cooking ability or floor area. We now recognize due diligence was not given at the time and administrative approval should have been sought. We are seeking approval to maintain the cooking ability as it creates no adverse effect to uses of adjacent and neighboring properties.
- 2. We maintain the non-conversion agreement (signed by the Owner) is an inaccurate and misleading reference to the permitted structure that it would not be used "... as a habitable living space or dwelling." How is this even a legitimate statement when a permit was approved recognizing bedroom, study, rec room, pantry, bathrooms? Is this not habitable space?
- 3. All inspections passed except for P&Z final failed "... P&Z for garage studio apartment due to separate utility pan on the garage." There's no reference that it failed also because of the cooking ability. Which code reference applies to this permit since Ordinance 3027 was adopted June 2024 and after the permit was approved. We've been given references to both. The setbacks passed without a proposed location survey as the addition was built atop of an existing garage. An existing garage with an existing, separate utility pan since 1994. The pan was existing and only relocated because of the lower-level garage addition. P&Z also noted the need for a final septic CO for adding a bedroom, which was received and submitted to P&Z.
- 4. If we are to adhere to the adopted Ordinance 3027, it allows for a self-contained accessory dwelling unit (including "... independent living facilities, such as a separate entrance, bathroom and kitchen..."). We have now been made aware the floor area shall not be greater than 1,000 square feet, so we must also seek approval to maintain the additional 484 sq.ft. of floor area which also creates no adverse effect to uses of adjacent and neighboring properties.

Sussex County Planning & Zoning Department

Subject:

Accessory Dwelling Unit on 34514 Daisey Road, Frankford DE 19945

Owner: Lou Ann Quigley

As a neighbor of Lou Ann Quigley, I am aware of the 2nd floor garage addition recently constructed on her property. It is my understanding, Mrs. Quigley passed her Sussex County Building Code final inspection; however, she failed Sussex County Planning and Zoning final inspection "for garage studio apartment due to separate utility pan on the garage."

It is further my understanding, Mrs. Quigley desires for her son and daughter-in-law to occupy what Sussex County now deems as a garage studio apartment to live and be near her for assistance. The intended use is an extension of her family home and will not be used as a rental property, commercial space or any other intended use that would be a hinderance to the neighborhood.

It is my opinion, this addition does not substantially and adversely affect the uses of adjacent and neighboring properties and that Mrs. Quigley should be granted her Planning and Zoning final approval. Further, this 2nd floor garage addition was constructed to fit into our neighborhood and is a well-maintained and respectful structure.

Thank you for your time and consideration.
Neighbor(s) Jane Wawkins Jan Han
Address 34517 Daisey Rd Frankbard DE 19945
Phone Number 300-245-6185 Email jone hawkins 70 gmail. Com
Date 6.3-25

Sussex County Planning & Zoning Department

Subject:

Accessory Dwelling Unit on 34514 Daisey Road, Frankford DE 19945

Owner: Lou Ann Quigley

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Thank you for your time and consideration.	
Neighbor(s) Cindy D. Wimbrow	
Address 35288 Honeysuckle Rd	Frankford DE 19945
302-381-1743. Phone Number 302-381-5149	howardwim browspa @gmail.com Email cdwimbrowagmail.com
Date /1/3/25	

Sussex County Planning & Zoning Department

Subject:

Accessory Dwelling Unit on 34514 Daisey Road, Frankford DE 19945

Owner: Lou Ann Quigley

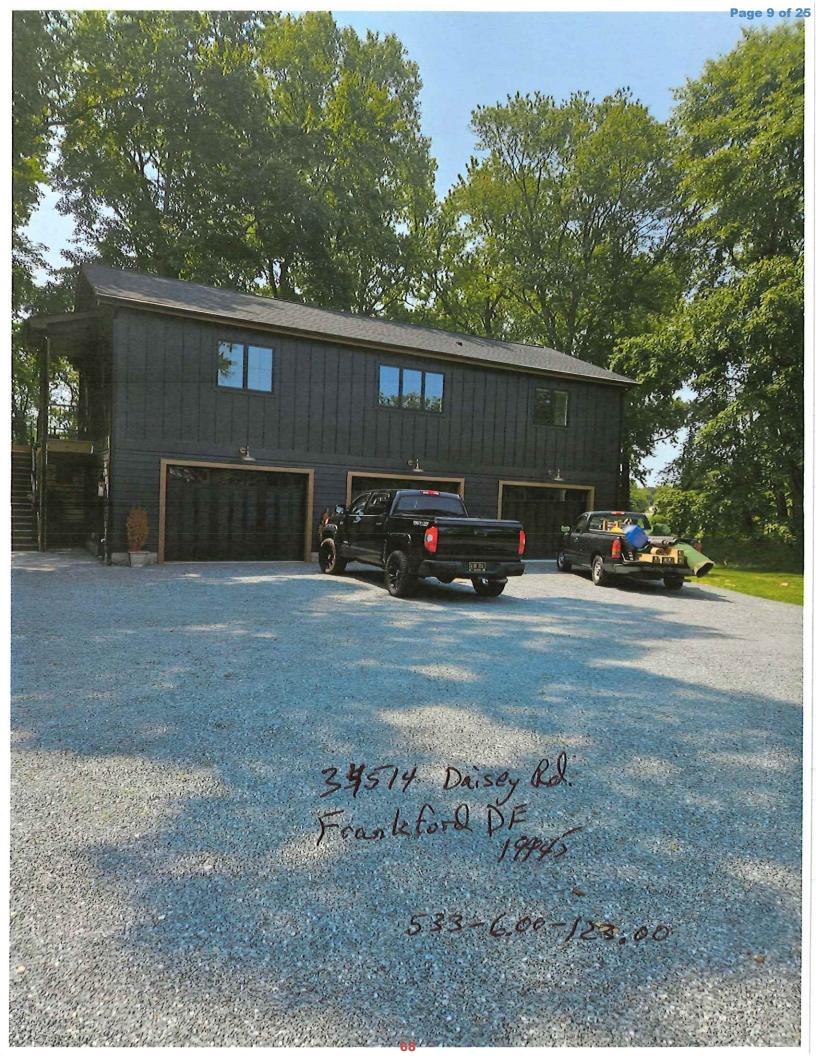
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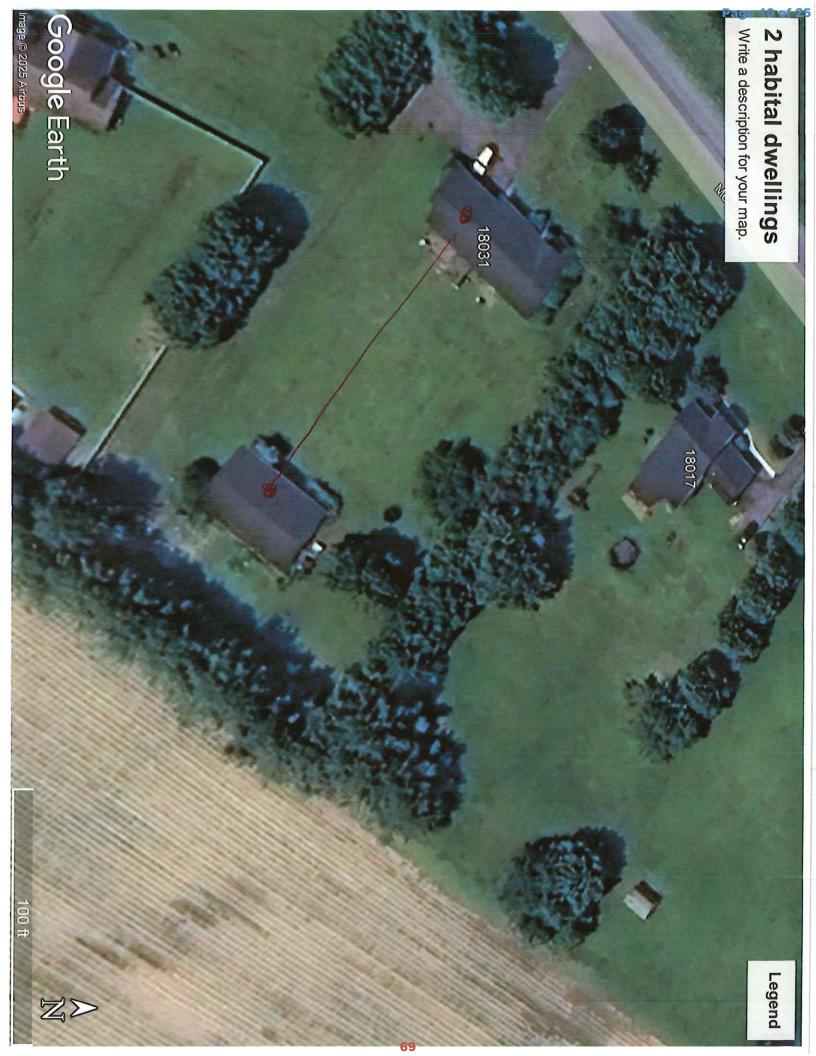
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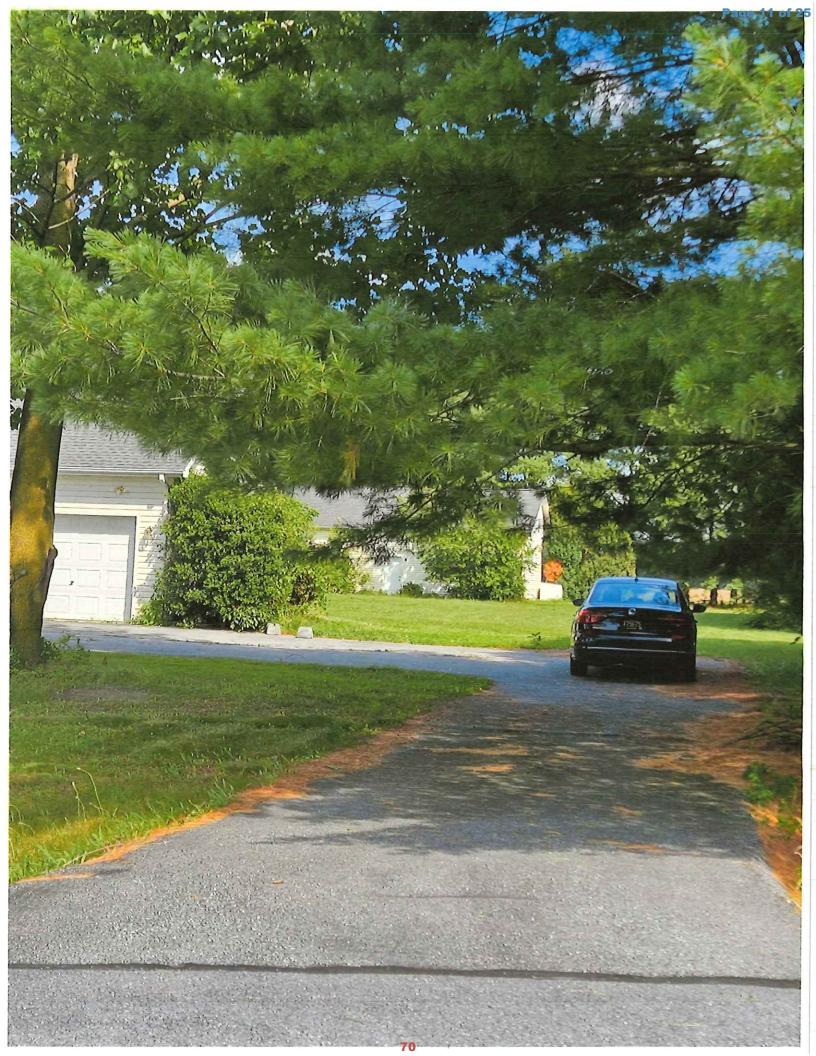
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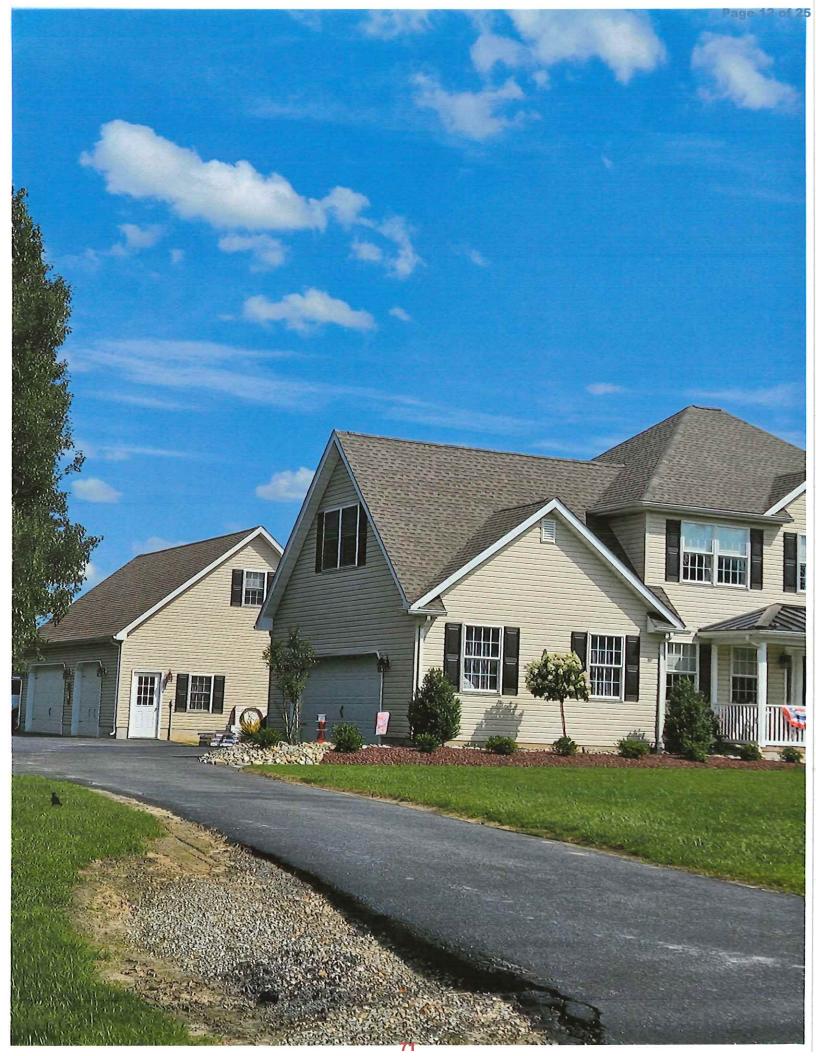
Thank you for your time and consideration.

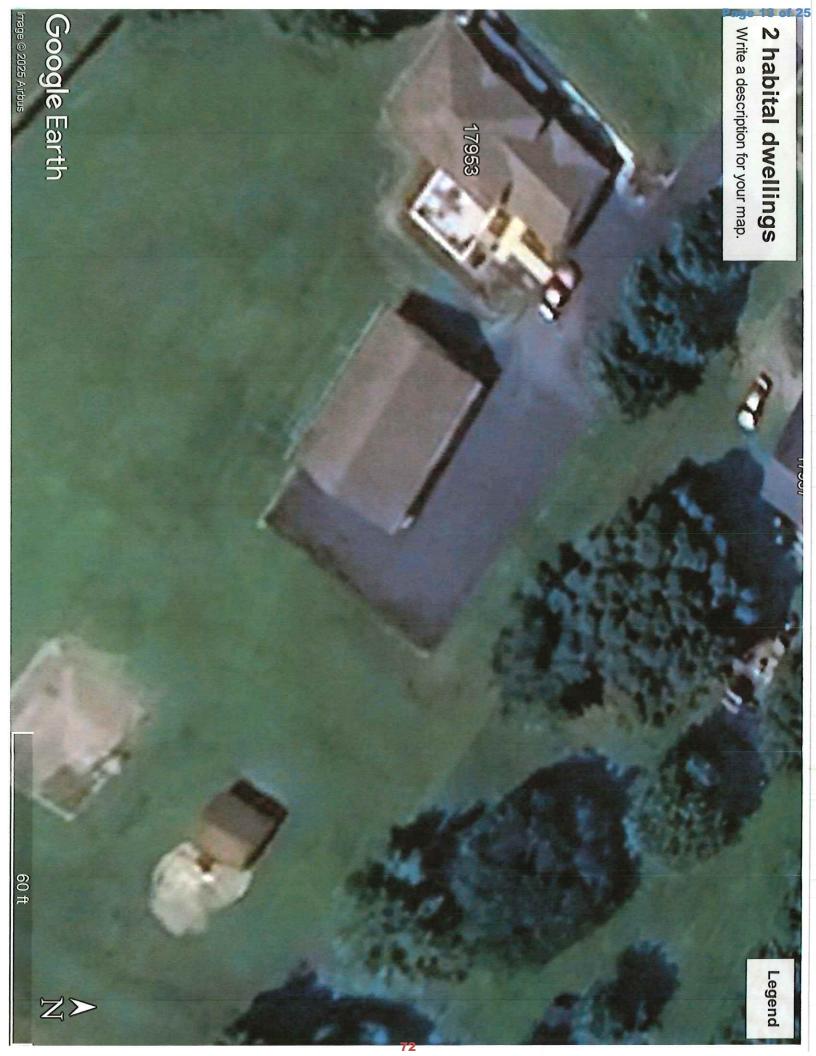
Neighbor(s) Charles L. Parsons Elaina & Parsons
Address 34541 Daisey Rd, Frankford, De 19945
Phone Number 302 - 245 - 0620 Email
Date 10-3-25











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ENE: Cropper, Ella M. + Daniel E

MODESS: RD & BOX 201A Framkford, Oo 19945

PROPERTY DESCRIPTION: 2.23 Acy southpide Rt 370, Corneveast pide Rt 370B

ACREAGE: 2.23

TRANSPER: 247291

LAND CLASS:

OLD VALUE: 0000

LAND VALUE:

IMP VALUE:

TOTAL VALUE:

Namo Cha + acroago lovinol por new dood Novolus Cha ACTION REASON:

BILLING:



Sussex County Building Permit

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

Application Number

202405327

Issue Date: 04/22/2024 Expire Date: 04/22/2025

Permit Type:

RES. ADDITION OUT OF TOWN

Parcel ID	Address	Zone Code
533-6.00-123.00	34514 DAISEY ROAD	AR-1
Owner Information	Applicant Information	
Name: QUIGLEY LOU ANN	Name: GARTH ENTERPRISE	
Phone:	Phone:	1011
Contractor Information		
Name: QUIGLEY LOU ANN	License Number:	
CID: 99539	License Exp. Date: Insurance Exp. Date:	
Phone:	Instrance Exp. Date.	
Building Information		
Proposed Use: ADDITIONAL ROOMS		
Construction Type: Estimated Cost of Construction: \$ 93,184		
Cannot Occupy More than of Total Lo	t Area	
Distance from any Dwelling of other Ownershi		
Distance from any other Mobile Home or Acce	ssory Structure:	
Property Information		
Measurements taken from Property Lines		
Front Setback: 40.00 /DAISEY R		VOLICIVI E DD
Side Setback: 15.00 / Maximum Building Height: 42' MAX	Location Description:	YSUCKLE RD
FLOOD ZONE	S/RT.370 CORNER E/RT.370B W/IMP.	
Flood Zone: XP495K		
If Initialed, See Attached Flood Plan Co	nstruction Review Coastal and Flood-Prone Area Building	g Requirements.
Project Description: RES ADD W/ BC		
Scope of Work:		
GAR EXT 17X28, ADDING 2ND FLR 28X58 (I	EDMR, STUDY, REC RM,	
PANTRY, BATHS), POR 12X20, DECK 12X20), DECK 12X22	
Permit Details: FOR SETBACKS: SEE ATTACHED MAR		
1 OKOLIBAGIO: GLE ATTAGILED IMAI		
// V V / / I	10 TO 11 0-	
	() fight on	
Signature of Apprexing Official	Signature of Owner/Contractor Lifully understand the Zoning Requirement	s of this permit.
Building Permit Acknowledgement: I/we the undersigned, acknowledge I/we have read and accept the		10.70
This permit shall expire one (1) year from the date of issue. This perm not discontinued for reasons other than those beyond the permit hold.	terms of this Building Permit and shall comply with the rules and restrictions related may be renewed prior to its expiration date if construction has begun and continuer's control. Grading or surface-shaping of the site shall not be considered as actual to the site of	ued in a normal manner and pal construction.
time further acknowledge, ASSESSORS AND INSPECTORS HAVe owner or owners of these premises do hereby consent to Sussex Cou a reasonable time thereafter for the purposes of assessing and been	IE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSP Intly Officials' right to enter upon said premises during the construction of which this iting said property.	s permit is granted, or within
THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS O	ting said property. NLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS OVERDIMENTAL ACENCY WHICH MAY PERTAIN TO THIS SITE. AND FIRST	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.

\$ 519.46 TOTAL FEES: **Permit Number** BP-229458

		Building Descri	otion	
Total Bedrooms:	1	a	Heat Type:	
Full Baths:	2	Half Baths:	Roofing:	SHINGLE
Total Rooms:			Exterior Walls:	
Basement:			Foundation Type:	POST, BLOCK
Interior Walls:	DRYWALL		Fireplace Type:	
Flooring:			Air Conditioning:	Υ
CARPET, TILE, VI	NYL			
		Additional Requirement	/Restrictions	
) Square Feet or Greater rmitted in structure without a F	lanning & Zoning Hearin	g.
Agricultu Storage only. NO L	ural Storage Str LIVESTOCK PE			
Campgr Must conform to th		oved by the park.		
Prior to issuance o	se Permits f the Certificate e permit will be	of Occupancy, it must be con voided and plans must be sub	firmed that the building vomitted to the Building Co	vill be used for farm use ode Department.
setback. Thereafte	er, fence may b	the front property line and fron e a maximum of 7' tall. On co rsection of property lines. Fer	mer lots, the fence may	only be 3' tall along the
All building structur	ussex County Z	ements shall comply with the p coning Ordinance. Failure to c	arcel setback measuren omply with the parcel set	nent requirements as tback measurement
Pools (A Must have ladder u required around pe		t all times when not in use. Po	ol must be 4' high above	grade. If not, a fence is
A minimum 4' tall f	n-Ground) ence must be a ate must be lock	round the perimeter of the pool is	ol. A minimum 3' walkway s not in use.	y must be between the
Pools or No Cooking facilities	Guest Homes es of any kind a	re permitted in the structure. N	lo separate electrical me	ters are permitted.
Tax Ditc Property records in with the rules and r	idicate a State	regulated tax ditch appears on elated to State regulated tax di	this property. All buildin	g activity shall comply tax ditch easements.

Application Entry [State Application Entry [State Application Entry [State Application Entry [State Application 112 - Assessme Application 112 - Assessme Application 202405327 Status A ACT Description GAR EXT 17X28 Des	See County, DE See County, DE I would be considered by the considered by the considered by the county, DE I would be considered by the considered by	ATINGTAL AND DOMESTICAL COMMING OF STATE OF STAT	Beactionic Manua Manua
Prerequisites Inspections	Inspections Contractors Co	146,46	3/2/10

BUILDING CODE

MAIN OFFICE MAIN OFFICE (FAX)

(302) 855-7860 (302) 855-7821

INSPECTION SCHEDULING INSPECTIONS (FAX)

(302) 858-5500 (302) 855-7821

PLAN REVIEW PLAN REVIEW (FAX)

(302) 855-7860 (302) 855-7869



Sussex County

DELAWARE sussexcountyde.gov

ANDY WRIGHT CHIEF OF BUILDING CODE

NON-CONVERSION AGREEMENT

		1101	CONTER	olol (rol	DEME			
Property Location	on	34514	Paisey	Road	fren	Kford D	E	
Tax District		533	Map 1	6.00		Parcel	133.00	
Permit #						Date		
A permit has been	n is:	sued to cons	truct a	28 X S	T.	pe of Accessory	d Garage	
for: ag	gric	ultural purpo			1 y	pe of Accessory	Structure	
The permitted stru	ıctı	re will NO	be used for	any commo	ercial b	usiness nor as a	habitable liv	ing
space or dwelling								
As a condition shall NOT tak	0	noil	NON	·COM	IRS	sion to)	re
Planning & Z		Miko	la.	war	ner	0		ty
agencies.		SUSSI	XCOM	Hyde	. 0	101		
Signature of Pr								
Printed Name		berwi	it 20	5240	532)		
Signature of Prop	erty	Owner		,	-	Date		
Printed Name								
		G	OUNTY ADMINIS 2 THE CIRCLE	STRATIVE OFF				



GEORGETOWN, DELAWARE 19947

BUILDING CODE

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

buildingcodeInfo@sussexcountyde.gov

INSPECTION OFFICE (302) 858-5500 buildinginspections@sussexcountyde.gov



Sussex County

DELAWARE sussexcountyde.gov

ANDY WRIGHT CHIEF OF BUILDING CODE

SINGLE FAMILY INSPECTION REQUIREMENTS

Application # 2024 0 5327

FOOTING INSPECTION-

- · Prior to pouring concrete
- · Minimum of 24" inches below finished grade
- Pole buildings must be a minimum 36" inches below grade
- · Re-bar and reinforcement tied and in place (when required)
- Footings free of debris, organic material, and water
- · Concrete shall not be placed on frozen soil

*Building Code automatically checks the building setbacks when we perform a footing inspection. However, in some cases, a third-party engineering company may perform a footing inspection. When a third party does the footing inspection you must request a separate "Setback Inspection" from us OR you may provide a sealed foundation as-built survey to the Building Inspection Office before a framing inspection can be scheduled.

PRE-SLAB INSPECTION-

- · Required for conditioned areas built on slab on grade
- · Perimeter insulation installed prior to pouring slab
- · Proof of DE State plumbing inspection MUST be on site

TRACK INSPECTION-

Required for pre-engineered sunrooms

Track installed for floor and/or roof panels

HOUSEWRAP/FRAMING INSPECTION-

- Housewrap inspection may be scheduled before the framing inspection as a separate inspection.
- Building is weather tight (roof covering, housewrap, flashing, windows & doors must be installed)
- · Blectrical and plumbing inspected with stickers on site
- · Mechanical ducts and boots installed and sealed
- · Draft stopping and fire blocking completed
- Basement waterproofing complete and certification provided
- Certifications for pre-engineered products on site
- Framing inspection before exterior covering is installed
- No insulation is to be installed before framing inspection

- Pole buildings require a header inspection prior to any exterior or interior wall covering is installed
- Plant built portions of modular homes do not require framing inspection but are required a "Close-In" inspection after the units are set and before mating wall have exterior covering installed.
- Site built portions of a modular home project are still required a framing inspection.

ENERGY INSPECTION (DWELLINGS, CONDITIONED ADDITIONS & ACCESSORY STRUCTURES)-

- 2018 Energy compliance ("Res-Check") must be on site.
- Building envelope sealed from all air drafts
- All insulation properly installed.
- Thermal stickers for doors and windows must be in place.
- Modular homes to have all air gaps in mating walls sealed and site-built portion such as: finished cape cods, rooms over garages, additional living spaces...etc.) certification and a permanent certificate must be completed and posted
 in or around the electric box before final inspection.

FINAL INSPECTION-

- The following items must be on file with Building Inspections BEFORE scheduling final inspection:
 - On-site wastewater/septic completion report (with red stamp) from DNREC
 - DelDOT entrance permit when required on new construction
 - > Final elevation certificate (when in flood zone)
- · Work is completed
- Electrical and plumbing have been inspected with stickers on site.
- Blower door/energy certification posted in or around electric panel
- Duct blaster certification ONLY if any of duct work is in unconditioned space
- · Rough grade for proper drainage away from structure
- Gutters and downspouts installed
- · 911 addresses must be posted
- Attic and crawlspace insulation installed
- · Must provide access to attic areas



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

SETBACK INSPECTION-

- Automatically generated when you pass final inspection
- Not required if a Final Survey is provided

CERTIFICATE OF OCCUPANCY-

Issued when the above documents are received, and Sussex County field inspections are completed. It may take up to 48 hours to process. Please take this into consideration when scheduling your closings.

County approved plans must be kept on job site for inspectors' review to receive an inspection.

Additional inspections after 5 inspections (Except Modular Home Projects without site-built additions) shall be charged \$40.00 per trip and to be paid before the issuance of the certificate of occupancy. Modular Home projects will be charged \$40.00 per trip after 4 inspections.

Before requesting any inspection, all "third party" reports such as; engineered footing reports, piling blow counts, water proofing certificates, stamped truss repairs, and energy certificate reports must be emailed to our Inspection Office at buildinginspections@sussexcountyde.gov. Application number must be included.

Any requested inspection failing to provide any of the above-mentioned reports, will not be scheduled.

TO SCHEDULE INSPECTIONS:

PLEASE CALL 302-858-5500 BETWEEN 7:30 a.m. & 3:00 p.m. OR USE THE "INSPECTION REQUEST" WEBFORM, FOUND AT THE BOTTOM OF:

sussexcountyde.gov

MUST HAVE APPLICATION NUMBER TO SCHEDULE INSPECTIONS.

All inspections can now be viewed on the County's website using the "Self Service Portal." To access this feature, please visit: sussexcountyde.gov and click on the "Self Service Portal" link at the bottom of the page. You will need to enter your Parcel ID or Application reference number to view all inspection results. Both numbers can be found on your building permit.

OWNER or CONTRACTOR

Circle one:

11/14/2022

Sussex County

DELAWARE PLANNING & ZONING DEPARTMENT

<u>www.sussexcountyde.gov</u> 302-855-7878 T JAMIE WHITEHOUSE, AICP MRTPI DIRECTOR



STAFF REVIEW OF BUILDING PERMIT APPLICATION

 Date of Review:
 4/19/2024

 Parcel Address:
 34514 Daisey Road

 Tax Parcel ID:
 533-6.00-123.00

 Permit Number:
 202405327

TO BE KEPT

ON JOB SITE

-Zoning District - AR-1

-Setbacks -

Front - 40' (Daisey Road)

Side – 15'

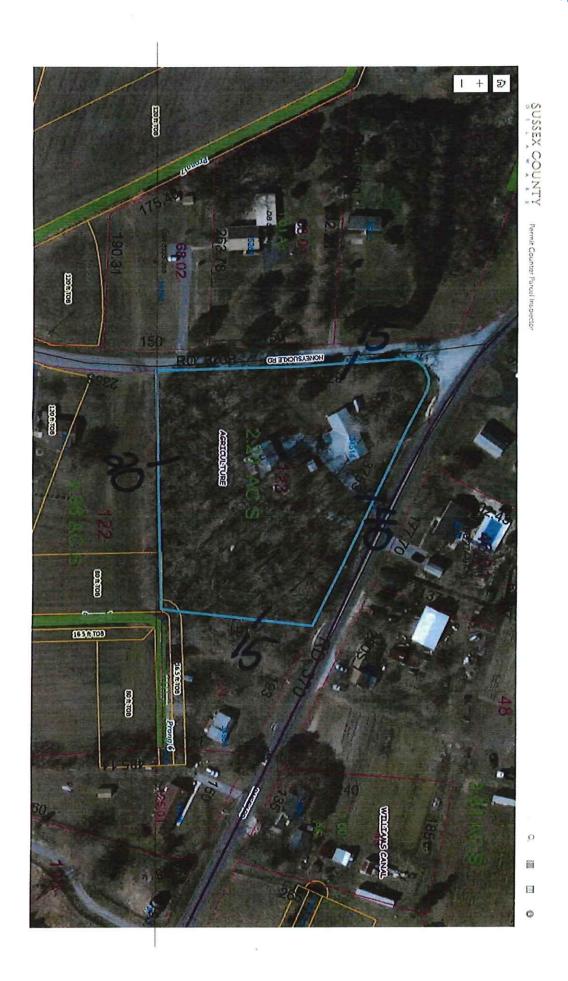
Rear - 20'

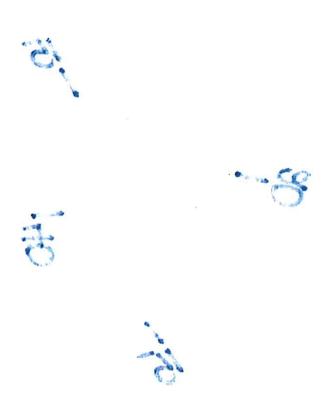
Corner Front - 15' (Honeysuckle Road)

- -Maximum Height 42'
- -Flood Zone X
- -No proposed location survey submitted, addition appears to be able to comply with setbacks.
- No cooking facilities permitted, this would require an administrative approval for garage/studio apartment and be limited to 800 sq.ft.
- Cannot be on a separate utility meter otherwise it disqualifies as a guest house.

Name of Staff Member

Amy Hollis, Planning Technician





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 # 13108
Hearing Date
202509040
RECEIVED

JUL 0 2 2025

Type of Application: (please check all applicable)	SUSSEX COUNTY PLANNING & ZONING
Variance Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office use only)
Site Address of Variance/Special Use Exception: 20902 Coastal Highway, Rehoboth Beach, DE 19971	
Variance/Special Use Exception/Appeal Requested:	
A. Request a 7.76-foot variance from the provisions of Section 115 Overlay Zone for the 20-foot landscaped buffer. A 7.76-foot buffer B. Request a variance of 3.5 feet from the 3.5 feet maximum fence have required by DelDOT.	variance to 12.24 feet is requested.
Tax Map #: 334-20.09-189.00	Property Zoning: C-1
Applicant Information	
Applicant Name: EVG - UDC Ventures, LLC / The Evergreene C	Companies
Applicant Address: 33176 Coastal Highway, Unit 3	Mary MAX
City Bethany Beach State DE Zip:	
Applicant Phone #: (443) 669-3987 Applicant e-	mail: rwilkins@evergreenehomes.com
Owner Information	
THE VIDEN AND	
Owner Name: EVG - UDC Ventures, LLC	
Owner Address: 3684 Centerview Drive, suite 120	
	20151 Purchase Date: 7/8/24
Owner Phone #: (443) 669-3987 Owner e-ma	RWilkens@evergreenehomes.com
Agent/Attorney Information	
Agent/Attorney Name: Pennoni Associates Inc.	
Agent/Attorney Address: 18072 Davidson Drive	
City Milton State DE Zip:	19968
	ney e-mail: mdavidson@pennoni.com
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 <u>all</u> 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's narrow depth of approximately 100 feet, give this property a unique circumstance with the existing parking lot up against the ROW line. The CHCOZ requires a 20-foot buffer within the required front setback and the reduction of 7.76- feet will allow the existing 2.8'+/- buffer to increase by 9.43 resulting in a 12.24 wide buffer and by adding a fence will enhance the buffer with more privacy as well as not further restrict the land from being able to make possible the reasonable use of the land.

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.

Reasonable use of the property while conforming to the Zoning Ordinance and the regulations of the State of Delaware limits the area and bulk requirements for this property when considering the permitted use of multiple single family detached dwellings for the property. The use of the existing access off Coastal Highway forces safe access to and from the internal drive aisle along the front of the property that further restricts the size of each dwelling unit. The fence will provide privacy and enhance the CHCOZ buffer and provide for a sound barrier as required by DelDOT.

3. Not created by the applicant:

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

The limited depth of the property and narrow building area along with a 24' wide drive aisle for traffic flow from the existing entrance which was not created by the applicant. in addition, SCD requires that the existing sand filters remain as installed which adds to the exceptional practical difficulty for th redevelopment of the property. The privacy fence to help with noise reduction from Coastal Highway is being required by DelDOT.

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 Variation would not alter the essential character of the neighborhood. We are proposing a substantial increase (minimum required 115-194.1 E. (6) (b)) to the landscaping in the location of the CHCOZ buffer along with a privacy fence that will emulate traditional neighborhood design and enhance local surroundings. Landscaping will provide a soft visual buffer between the road, the proposed dwellings, and contiguous land uses. It would not impair any development of adjacent property.

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 request in the buffer reduction and proposed privacy fence within the CHCOZ is the minimum needed for proper development of the property as the buffer is a part of and is included in the required setback - 115-194.1 E. (1). As shown in the accompanying plan, if granted, the variance request provides adequate space for dwelling units, safe pedestrian movements, and safe vehicular movements. It does not otherwise impair the public heath, safety, comfort, morals or general welfare, create a nuisance, diminish or impair property values within the neighborhood.

Page | 2 Last updated 7/1/2022

Sussex County, DE - BOA Appli .on
Sussex County, DE - BOA Appli .on
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 <u>all</u> of the following criteria for a Special Use Exception to be granted.
1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)
Basis for Appeal: (Please provide a written statement regarding reason for appeal)

Check List for Applications
The following shall be submitted with the application

✓ •	Completed Application
✓ •	Provide a survey of the property (Variance) O Survey shall show the location of building(s), building setbacks, stairs, deck, etc. O Survey shall show distances from property lines to buildings, stairs, deck, etc. O Survey shall be signed and sealed by a Licensed Surveyor.
•	Provide a Site Plan or survey of the property (Special Use Exception)
✓ •	Provide relevant Application Fee (please refer to fees effective July 1, 2022)
✓ •	Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
•	Copy of Receipt (staff)
✓•	Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
✓.	Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.
is filed with call the Pla	advised that the decision of the Board of Adjustment is only final when the written decision have the Board's secretary. To determine whether the written decision has been filed, you may anning & Zoning Department at 302-855-7878. The written decision is generally completed irty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.
	e advised that any action taken in reliance of the Board's decision prior to the filing of the cision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.
appellant /	igned acknowledges that that he or she has read the application completely and that if the applicant is unable to convince the Board that the standards for granting relief have been peal / application will be denied.
Signature of	Owner/Agent/Attorney
Xouse	elleukus Date: P/1/25 -

Page | 4 Last updated 7/1/2022

Sussex County Government Treasury 2 The Circle, PO Box 601 Georgetown, DE 19947

07/08/2025 11:09AM Megan D. 33029871-0021 001206999

PERMITS / INSPECTIONS 2025 202509040 [7020]

\$500.00

\$500.00

Subtotal Total

\$500.00 \$500.00

CHECK

\$500.00

Check Number002759

Change due

\$0.00

Paid by: THE EVERGREENE COMPANTES



Thank you for your payment.

Sussex County Government COPY
DUPLICATE RECEIPT

Sussex County

DELAWARE PLANNING & ZONING DEPARTMENT

sussexcountyde.gov 302-855-7878 T 302-854-5079 F JAMIE WHITEHOUSE, AICP, MRTPI DIRECTOR



SETBACK INFORMATION REQUEST

Date of Request	4/2	5/2025	Zoning District	C-1
Customer Name				<
Customer Contact				
Tax Parcel ID	334	-20.09-189.00	Lot/Unit Number	
Parcel Address	209	02 Coastal Hwy, F	Rehoboth Bea	ach
Front Yard Setback		60' Commercial	40' Resider	ntial
Side Yard Setback		5' Commercial	10' Resider	ntial
Rear Yard Setback		5' Commercial	10' Resider	ntial
Corner Front Yard Se	etback	N/A		
Maximum Height		42'		
setbacks provid nature of the pr	led may	ided general zoning setbacks, as a sp not be for a specific parcel. The setba	ecific parcel was not ident acks could be different bas	ified. Therefore, the sed on the specific
Additional Notes:				
Deed Book 5524,	Page	182 Plot Book 1, Page 1	165 "Walker Lots"	
Per Section 115-1 requirements app	194.1 (ly.	Combined Highway Corrido	or Overlay Zone (Cl	HCOZ)
Name of Staff Membe	er Ar	ny Hollis		,

Revised 11/8/2019



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

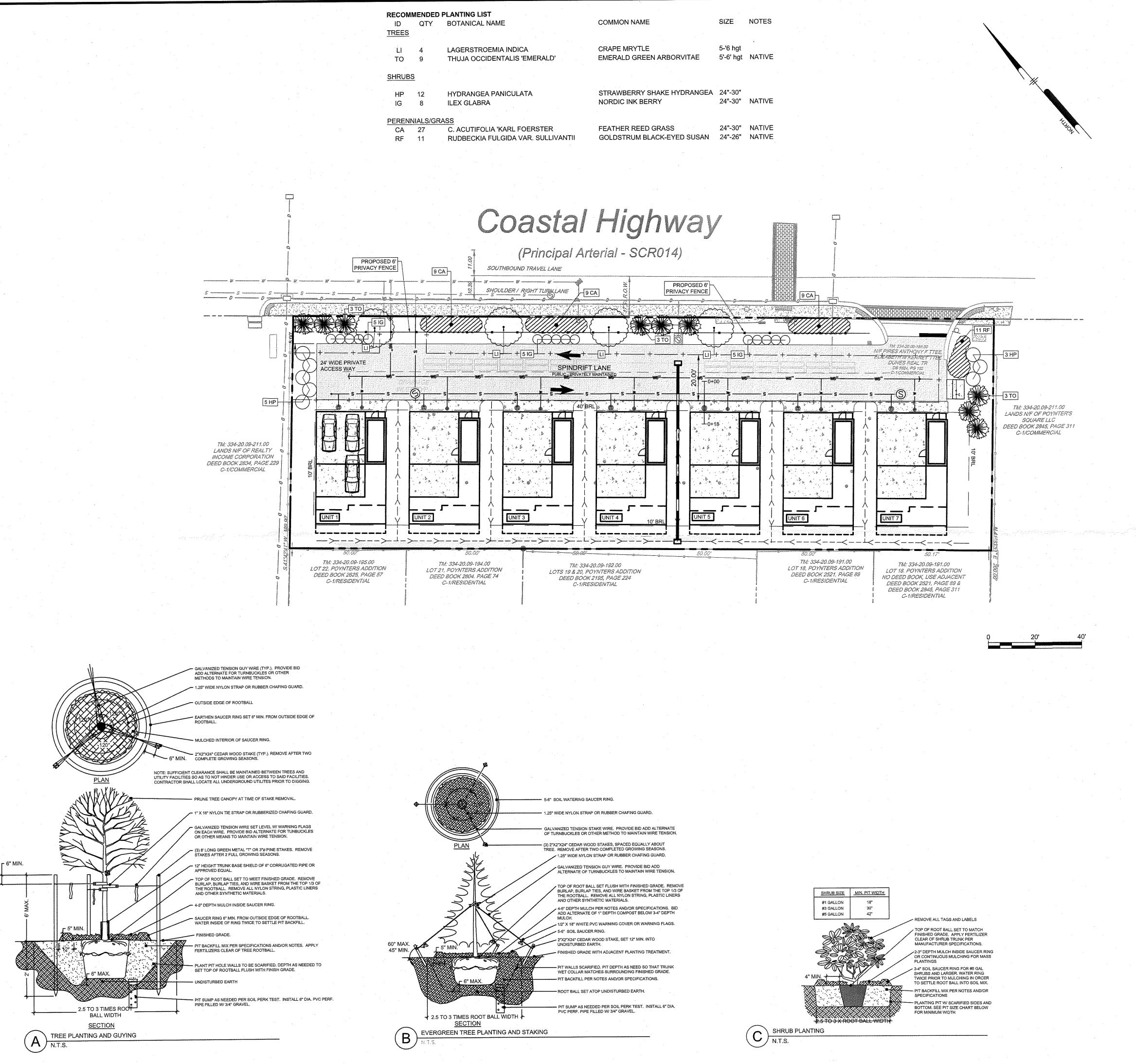
LETTER OF TOANSMITTAL

TO:

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

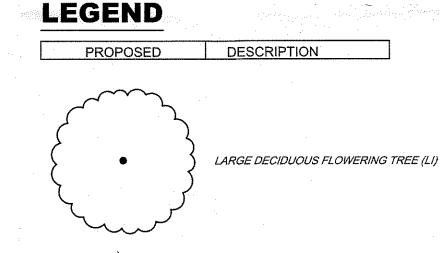
			DATE:	July 2,	2025		JOB NO.	EGCOX25001
			ATTEN	TION:	MR. JA	MIE WHI	TEHOUSE	
			RE:	THE DUN	IES 334	-20.09-18	9.00	
WE ARE SEN	DING YOU	☐ Attached	☐ Unde	r separate c	over via	HAND DEL	IVER	the following items:
☐ SI	nop Drawings	☐ Prints		☐ Plan	s	□s	amples	☐ Specifications
☐ Co	opy of Letter	☐ Change	e Order	□ BC	ARD OF AD	JUSTMENT	SUBMISSION	
LIST OF IT	TEMS TRAI	VSMITTED						
COPIES	DATE	NO:	DESCR	IPTION				
1		1	PRELIM	IINARY P	LAN SET	- THE D	UNES	
1		2	LANDS	CAPE PL	AN – TH	E DUNES		
1		3	ZONING	SETBA	CKS 334-	20.09-18	9.00	
1		4	SUSSEX	COUNT	Y BOA A	PPLICAT	ION	
1		5	CHECK	#2759 \$	500.00			
							DE	CEIVED
W/USB								
			•				JU	L 0 2 2025
							SUS	SEX COUNTY
							PLANI	NING & ZONING
THESE ARE TRAN	SMITTED as ch	ecked below:						
☐ Fo	r approval		☐ Approve		ed	☐ Resul	200 0000000	copies for approval
	r your use		Approve			Subm		copies for distribution
	requested		Returned	for correcti	ons	☐ Retur	n	corrected prints
W	r review and co	mment	□					
-	R BIDS DUE					☐ PRINTS	S RETURNED A	FTER LOAN TO US
REMARKS:	Any que	stions pleas	e contact	, Mr. Alar	n Deckto	adeckto	r@pennoni	<u>.com</u>
	Thank yo	ou: Katherine	e E Davids	son <u>keda</u>	vidson@	pennoni.c	com PENN	ONI Associates
COPY TO:	_EGC	OX25001 D	EL PZ BO	A 2025-0	7-01 BO	A APPLIC	ATION	
				SIGN	IED: K	atherine E	E Davidson,	/file

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



GENERAL LANDSCAPE NOTES:

- 1. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN INSURANCE REQUIRED BY THE OWNER OR GENERAL CONTRACTOR. IF NOT SPECIFICALLY CALLED OUT, THE CONTRACTOR SHALL ALSO HAVE "BUILDER'S RISK" INSURANCE TO COVER LOSSES DURING CONSTRUCTION AND PLANT INSTALLATION AND THROUGH THE MAINTENANCE PERIOD UP TO SUBSTANTIAL COMPLETION. COVERAGE MINIMUM SHALL BE 200% OF CONTRACT VALUE.
- 2. ALL UNDERGROUND UTILITIES SHALL BE VERIFIED IN THE FIELD WITH THE OWNER OR GENERAL CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY DIGGING OPERATIONS. IN THE EVENT THEY ARE UNCOVERED, THE LANDSCAPE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ALL DAMAGE TO UTILITIES AND SUCH DAMAGE SHALL NOT RESULT IN ANY ADDITIONAL EXPENSES TO THE OWNER.
- 3. EVERY POSSIBLE SAFEGUARD SHALL BE TAKEN TO PROTECT BUILDING SURFACES, EQUIPMENT, AND FURNISHING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSONNEL OR PROPERTY WHICH MAY OCCUR AS A RESULT OF HIS NEGLIGENCE IN THE EXECUTION OF THE WORK.
- 4. IN THE EVENT OF VARIATION BETWEEN QUANTITIES SHOWN ON THE PLANT LIST AND THE PLANS, THE PLANS SHALL CONTROL. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL PLANT QUANTITIES PRIOR TO THE COMMENCEMENT OF WORK. SOD QUANTITY TAKE-OFFS ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL FURNISH PLANT MATERIAL IN SIZES AS SPECIFIED IN PLANT LIST.
- 5. PLANTS SHALL CONFORM TO CURRENT "AMERICAN STANDARDS FOR NURSERY STOCK" BY AMERICAN ASSOCIATION OF NURSERYMAN (AAN), PARTICULARLY WITH REGARD TO SIZE, GROWTH, SIZE OF BALL, AND DENSITY OF BRANCH STRUCTURE. REFERENCE "ANS1Z60.1-2004 (OR MOST CURRENT DOCUMENT AVAILABLE AT WWW.ANLA.ORG).
- 6. ALL PLANTS (B&B OR CONTAINER) SHALL BE PROPERLY IDENTIFIED BY WEATHER-PROOF LABELS, SECURELY ATTACHED THERETO BEFORE DELIVERY TO PROTECT SITE. LABELS SHALL IDENTIFY PLANTS BY NAME, SPECIES, AND SIZE. LABELS SHALL NOT BE REMOVED UNTIL THE FINAL INSPECTION BY THE OWNER.
 7. ANY MATERIAL AND/OR WORK MAY BY REJECTED BY THE LANDSCAPE
- ARCHITECT OR OWNER IF IT DOES NOT MEET THE REQUIREMENTS OF THE SPECIFICATIONS. ALL REJECTED MATERIALS SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.
- 8. NO SUBSTITUTIONS SHALL BE MADE WITHOUT WRITTEN CONSENT OF THE OWNER OR LANDSCAPE ARCHITECT.
 9. NO INVASIVE SPECIES ALLOWED, NATIVE SPECIES PREFERRED.
- 10. THE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR STABILITY AND CONDITIONS OF ALL TREES AND SHRUBS AND SHALL BE LEGALLY LIABLE FOR ANY DAMAGE CAUSED BY INSTABILITY OF ANY PLANT MATERIALS.
- 11. ALL PLANTING BEDS SHALL BE MULCHED WITH HARDWOOD MULCH AS SPECIFIED, EXCEPT WHERE NOTED ON PLANS.
- 12. UPON COMPLETION OF ALL LANDSCAPING FOR EACH PHASE OF WORK, AN INSPECTION OF THE WORK SHALL BE HELD. THE CONTRACTOR SHALL NOTIFY THE OWNER FOR SCHEDULING THE INSPECTION AT LEAST SEVEN (7) DAYS PRIOR TO THE ANTICIPATED INSPECTION DATE.
 13. ALL PLANT MATERIAL SHALL BE GUARANTEED FOR TWELVE MONTHS FROM THE
- 13. ALL PLANT MATERIAL SHALL BE GUARANTEED FOR TWELVE MONTHS FROM THE DATE OF ACCEPTANCE. WATERING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR DURING CONSTRUCTION. UPON COMPLETION, THE CONTRACTOR SHALL INFORM THE OWNER OF WATERING REQUIREMENTS AND GENERAL MAINTENANCE OF THE INSTALLED LANDSCAPING IN ORDER TO REALIZE HIGHER ESTABLISHMENT RATES.
- 14. PLANTING BEDS AND TREE PITS SHALL BE AMENDED AND TILLED TO A MINIMUM 6 INCH DEPTH. ALL PLANTING BEDS SHALL BE $\frac{1}{3}$ PARENT MATERIAL, $\frac{1}{3}$ ORGANIC MATERIAL, AND $\frac{1}{3}$ TOP SOIL, FREE OF DEBRIS AND STONES LARGER THAN $\frac{1}{2}$ " DIA.



MEDIUM/LARGE CONIFEROUS TREE (TO)



LANDSCAPE CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY
SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH
THE APPLICABLE REGULATIONS AND LAWS OF THE STATE OF
DELAWARE.

ERIC W. WAHL, (DE# S1-0000409)
PENNONI ASSOCIATES INC.
18072 DAVIDSON DRIVE MILTON, DE 19968

Penno

AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

LANDSCAPING PLAN

EVG - UDC VENTURES, LLC

ALL DOCUMENTS PRÉPARED BY PENNONI ASSOCIATES
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON
THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS

EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT

EGCOX25001

DATE

2025-06-20

RAWN BY KRML
PPROVED BY EWW

RAWING SCALE

DATE

HEET 5: OF 11

SITE DATA: TAX MAP: OWNER INFO: SITE ADDRESS GROSS AREA: NUMBER OF LOTS: PROPOSED ZONING PRESENT USE: PROPOSED USE: DWELLING UNIT CALCULATIONS GROSS AREA: MIN. LOT AREA/UNITS: PERMITTED DENSITY (CHAPTER 115 ATTACHMENT 2 - TABLE II): REQUIRED LOT AREAS: MINIMUM LOT WIDTH MINIMUM LOT DEPTH MINIMUM LOT AREA WATER PROVIDER: SOURCE WATER PROTECTION: SEWER PROVIDER: 4. POSTED SPEED LIMIT 16. 2020 STATE INVESTMENT AREA: FUTURE LAND USE MAP (2019): . MAXIMUM BUILDING HEIGHT (115-34 C.) PROPOSED HEIGHT: PROPOSED PARKING: REQUIREMENTS: TOTAL REQUIRED TOTAL PROPOSED: 20. SITE AREA AND ACREAGE: PROPOSED 21. FORESTED AREA: 22. WATERSHED: 23. FLOOD ZONE: 4. FEDERALLY REGULATED NONTIDAL WETLAND AREA: FEDERALLY REGULATED NONTIDAL WETLAND AREA IMPACTED: 5. PROPOSED DISCHARGE LOCATION FOR DISTURBED AREAS: 26. DATUM: 27. LONGITUDE AND LATITUDE: 28. HENLOPEN TID: 29. STATE TAX DITCH AREAS AND RIGHT OF WAY LIMITS: 30. LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE APPROVAL: TRAFFIC GENERATION - COASTAL HIGHWAY (SCR 014) (RIGHT IN / RIGHT OUT ONLY MOVEMENT)

334-20.09-189.00

DEED BOOK 5524, PG 182

CHANTILLY, VA 20151

20902 COASTAL HWY,

29,742 SF (0.68 AC)

29,742 SF (0.68 AC.)

SIDE -REAR -

C-1 (115-82:A)

PUBLIC: SUSSEX COUNTY

WELL HEAD PROTECTION AREA

40 MPH (COASTAL HIGHWAY)

PRIVATE (99-18 D & E)

COASTAL AREA

40' (3-STORIES)

21 SPACES

21 SPACES

10,000 SF

1 EXISTING, 1 PROPOSED

C-1, GENERAL COMMERCIAL

C-1, GENERAL COMMERCIAL

7 SINGLE-FAMILY DETACHED CONDOMINIUM UNITS

C-1 ZONING MINIMUM AREA: 3,630 SF PER DWELLING UNIT

C-1 ZONING MAXIMUM DENSITY: 12 UNIT/ ACRE (8 UNITS)

7 SINGLE FAMILY DETACHED UNITS: 10.29± UNITS/ ACRE

A. SUBJECT PROPERTY IS WITHIN A "POOR AND FAIR"

B. SUBJECT PROPERTY IS NOT LOCATED IN A

CODE §115-162 B.1 [9 X 18 SPACES]

THREE SPACES PER UNIT (21 SPACES)

LEWES-REHOBOTH CANAL

THIS PROPERTY IS LOCATED IN FEMA

INSURANCE RATE MAP NUMBER 10005C0354K,

MAP REVISED MARCH 16, 2015. WITH IN ZONE X

WHICH IS AN AREA LOCATED OUTSIDE THE 500

THIS PROJECT IS ON DELAWARE STATE PLANE

COORDINATE SYSTEM (NAD83/2011) AND NAVD88

SITE BENCHMARK - ROAD MEDIAN NEAR NW CORNER OF SITE

HUC 8 - 02040303

HUC 10 - 0204030301

YEAR FLOOD PLAN.

ONSITE = $0.68 \pm AC$.

LATITUDE: 38.7022714° LONGITUDE: -75.0823559°

NOT INCLUDED

NOT INCLUDED

SUSSEX COUNTY

 $0.00 \pm AC.$

2 SPACES PER DWELLING UNIT PLUS 0.5 SPACE FOR EACH

BEDROOM OVER THREE BEDROOMS WITH A MAXIMUM OF

IMPERVIOUS - DWELLING: 4,517 ± SF 0.10 ± AC (15.19%) IMPERVIOUS - SURFACE: 21.071 ± SF 0.48 ± AC (70.85%)

IMPERVIOUS - DWELLING: 9,625 ± SF 0.22± AC (32.36%)

IMPERVIOUS - SURFACE: 10,992 ± SF 0.25± AC (37.11%)

25,588 ± SF 0.59 ± AC (86.03%)

20.617 ± SF 0.47± AC (69.47%) 9,125 ± SF 0.21± AC (30.53%)

0.00 ± AC

EVG - UDC VENTURES, LLC

REHOBOTH BEACH, DE 19971 LEWES AND REHOBOTH HUNDRED

3684 CENTERVIEW DRIVE, SUITE 120

THE DUNES PRELIMINARY PLAN

TM: 334-20.09-189.00

20902 COSTAL HWY, REHOBOTH BEACH

LEWES AND REHOBOTH HUNDERED, SUSSEX COUNTY

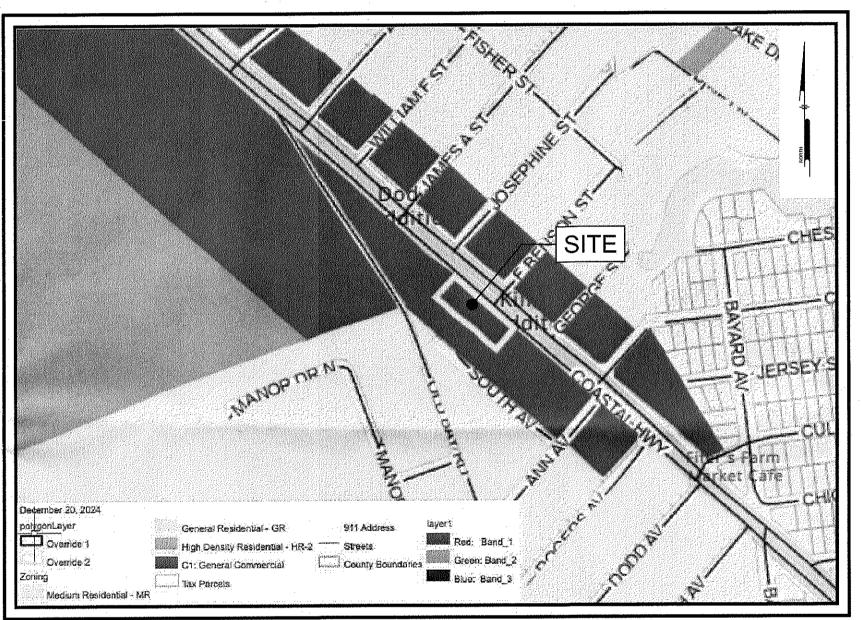
PREPARED FOR:

OWNER/DEVELOPER

EVG - UDC VENTURES, LLC

33176 COSTAL HIGHWAY, UNIT 3 **BETHANY BEACH, DE 19930**

(443) 669-3987





LOCATION MAP

CALL BEFORE YOU DIG

Call Miss Utility of Delmarva

800-282-8555

Ticket Number(s): 250900990

OWNER EVG - UDC VENTURES, LLC 33176 COSTAL HIGHWAY, SUITE 3 BETHANY BEACH, DE 19930 18072 DAVIDSON DRIVE MILTON, DE 19968 SURVEYOR PENNONI ASSOCIATES, INC LANDSCAPE ARCHITECT PENNONI ASSOCIATES, INC SCHOOL DISTRICT FIRE DISTRICT REHOBOTH BEACH SEWER UTILITY SUSSEX COUNTY

		LEGEND	•
	EXISTING	PROPOSED	DESCRIPTION
			CURB
	•		EDGE OF PAVEMENT
•			PAVEMENT
	Telephonistic accentrations unconsensations assumptions 440-e-0000		EDGE OF GRAVEL
	emanimum of annumentation of annument	++	EASEMENT
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			PROPERTY LINE/ RIGHT OF WAY
			BUILDING RESTRICTION LINE
	•	•	PROPERTY, CORNER FOUND
			PROPERTY, ADJOINING LINED
			SITE, MAIL BOX
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	Ò	Ď.	POWER, UTILITY POLE
	\Q	Q	STREET LIGHT
			LANDSCAPE BUFFER
			ROADWAY CENTERLINE
			CONCRETE SIDEWALK

· .	Sheet	List Table
Sheet Number	Sheet Description	Sheet Title
1	PP1001	COVER SHEET
2	PP1002	PRELIMINARY SITE PLAN & NOTES
	S	OILS

DESCRIPTION

GREENWICH-URBAN LAND COMPLEX, 0 TO 5

PERCENT SLOPES

GuB

HYDROLOGIC

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE

PROJECT. THEY ARE NOT INTENDED OR REPRESENTE TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS OF THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER

PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE

SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL

XPOSURE TO PENNONI ASSOCIATE; AND OWNER SHAL

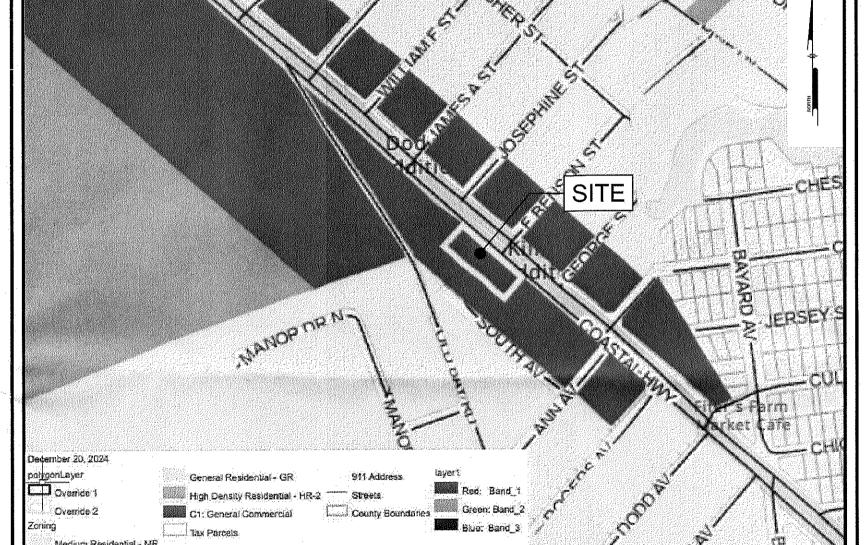
NDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATE:

EGCOX25001

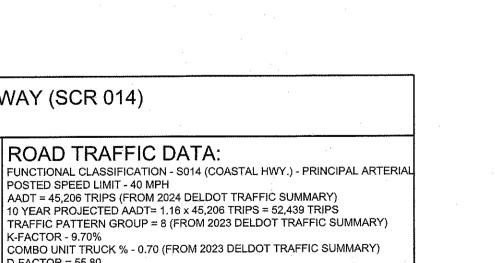
FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

DRAWING SCALE

RAWN BY



ZONING MAP



COASTAL HWY. (S014) 45,206 (ROADWAY ADT)

DESIGN VEHICLE: SU-30 / WB-40

TRAFFIC GENERATION DIAGRAM ADT (A.M. PEAK HOUR) [P.M. PEAK HOUR] {DISTRIBUTION}

L 44 (2) [5] {100%}

10 YEAR PROJECTED AADT= 1.16 x 45,206 TRIPS = 52,439 TRIPS TRAFFIC PATTERN GROUP = 8 (FROM 2023 DELDOT TRAFFIC SUMMARY) COMBO UNIT TRUCK % - 0.70 (FROM 2023 DELDOT TRAFFIC SUMMARY) D-FACTOR = 55.80 SITE TRAFFIC DATA: SOURCE: ITE TRIP GENERATION MANUAL 11TH EDITION EXISTING LAND USE: 36 ROOM MOTEL- MOTEL (ITE 320) T=3.62(X)-29.43= 101 TRIPS (WEEKDAY) (50 ENTER / 51 EXIT) PEAK HOUR OF ADJACENT STREET TRAFFIC: F=0.28(X) +7.85 = 18 TRIPS (WEEKDAY) [37% / 63%] (7 / 11)

ROAD TRAFFIC DATA:

r=0.24(X) +11.16 = 20 TRIPS (WEEKDAY) [54% / 46%] (11 / 9) PROPOSED LAND USE:
7 DWELLINGS - SINGLE FAMILY DETACHED HOUSING (ITE 210) n(T)=0.92 Ln(X) +2.68 = 87 TRIPS (WEEKDAY) (44 ENTER / 43 EXIT) PEAK HOUR OF ADJACENT STREET TRAFFIC:

PM: Ln(T)=0.94Ln(X)+0.27 = 8 TRIPS (WEEKDAY) [63% / 37%] (5 / 3) <u>DIRECTIONAL DISTRIBUTION:</u> 00% FROM THE NORTH (44 TRIPS) (2)[5] ENTER 100% TO THE SOUTH (43 TRIPS) (5)[3] EXIT TOTAL NEW TRIPS = 87 ADT (14 TRIPS DECREASED)

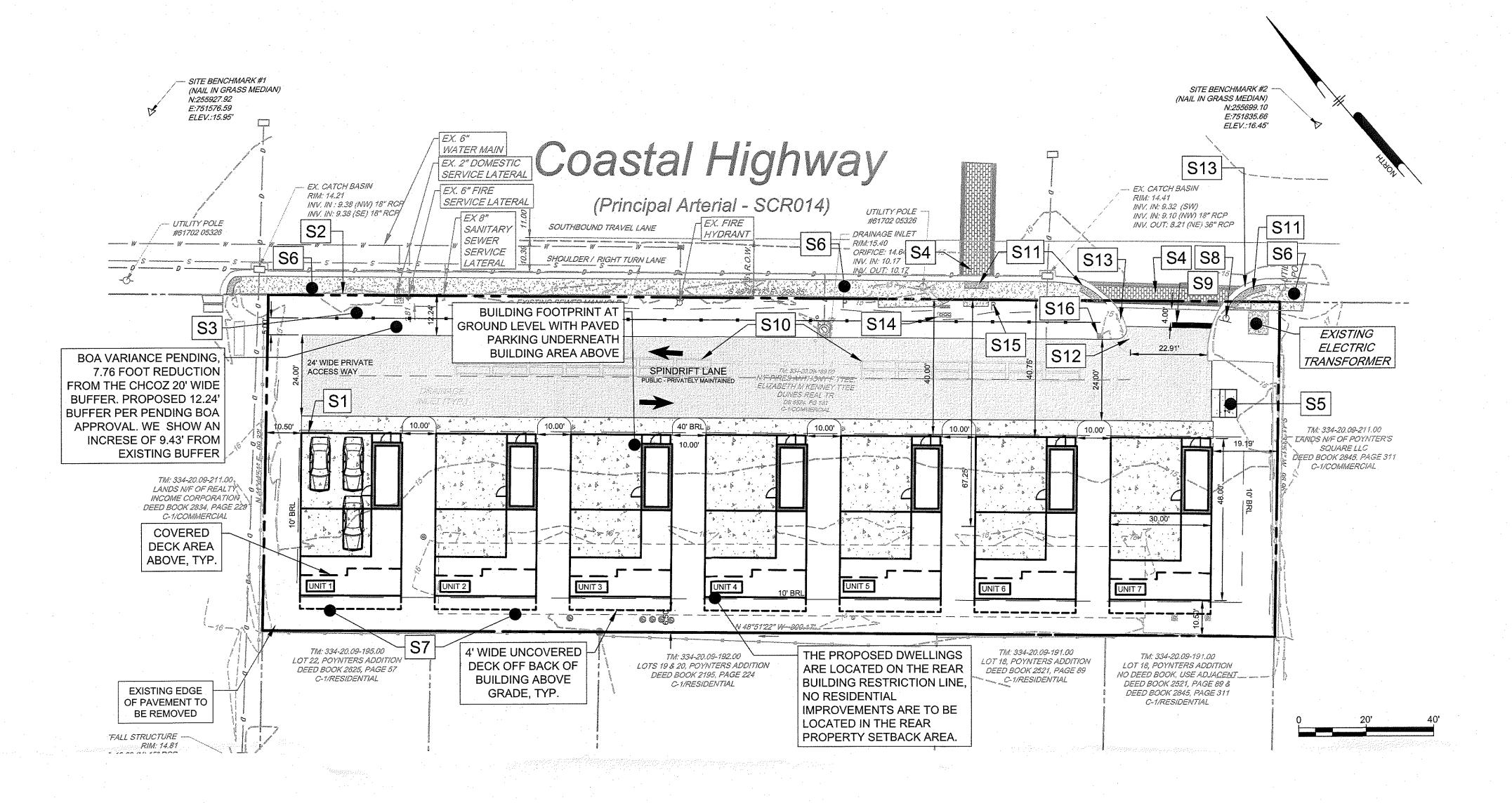
AM: Ln(T)=0.91Ln(X)+0.12 = 7 TRIPS (WEEKDAY) [25% / 75%] (2 / 5)

SITE TRUCK TRAFFIC = 4 TRIPS (5%) TOTAL ADT - 101 TO 87, DECREASE OF 14 TRIPS AM PEAK - 18 TO 7, DECREASE OF 11 TRIPS PM PEAK - 20 TO 8, DECREASE OF 122 TRIPS

WNER/DEVELOPER CERTIFICATION: I IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

EVG - UDC VENTURES, LLC C/O RONALD WILKENS, REGIONAL PRODUCTION MANAGER 33176 COSTAL HIGHWAY, UNIT 3 BETHANY BEACH, DE 19930 RWILKENS@EVERGREENEHOMES.COM (443) 669-3987

<u>ENGINEER CERTIFICATION:</u> T IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE ALAN M DECKTOR/PE, FINGS PENNONI ASSOCIATES. 18072 DAVIDSON DRIVE MILTON, DE 19968 ADECKTOR@PENNONI.COM (302)-684-8030



SITE KEYED NOTES

PROPOSED SINGLE-FAMILY (3-STORY) DETACHED UNITS, TYP.

PROPOSED 6' HIGH PRIVACY FENCE

PROPOSED CHCOZ BUFFER PLANTINGS

EXISTING CROSSWALK TO BE MAINTAINED

PROPOSED CLUSTER MAILBOXES EXISTING CONCRETE SIDEWALK TO BE MAINTAINED

EXISTING STRUCTURE TO BE REMOVED S8 PROPOSED STOP SIGN

PROPOSED STOP BAR

EXISTING SAND FILTER STORMWATER SYSTEM TO BE MAINTAINED

EXISTING ADA RAMP TO REMAIN AT ENTRANCE

12 EXISTING ENTRANCE CURBING TO BE CUT BACK EXISTING CURB TO REMAIN

S14 EXISTING ELECTRIC METER PANEL TO BE MAINTAINED

S15 EXISTING PEDESTRIAN CROSSING SIGN AND PUSH BUTTON \$16 EXISTING BUSINESS SIGN TO BE UPDATED FOR PROPOSED COMMUNITY

DELDOT RECORD/SITE PLAN NOTES (REVISED 3/21/2019):

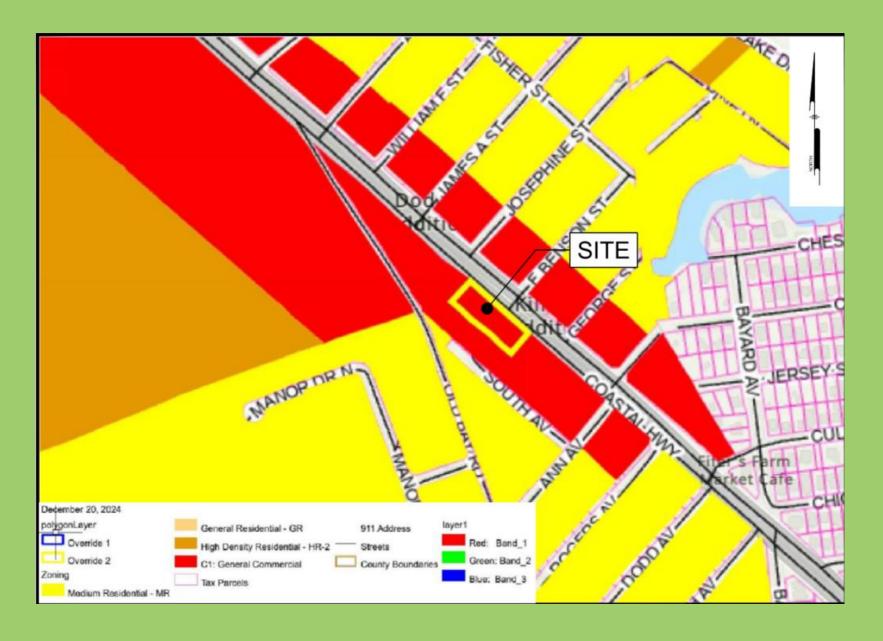
- 1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- 2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
- 7. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- 8. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLARENCE.
- 10. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL
- 11. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- 12. THIS PARCEL HAS DIRECT FRONTAGE ALONG DE ROUTE 1 COASTAL HWY (SUSSEX COUNTY ROAD 014), WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPAL ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM): IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT, FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION. ROADWAYS WITH THIS CLASSIFICATION AND AADT CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS, A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3-A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATIONS CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR RESIDENTIAL USES AS SHOWN IN ACTIVITY CATEGORY B IN DCM FIGURE 3.6.3-A. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS. AT A MINIMUM, THE DEVELOPER AGREES TO INSTALL A 6' HEIGHT SOLID WOOD OR VINYL FENCING IN THE LANDSCAPE BUFFER ACROSS THE SITE'S DE ROUTE 1 FRONTAGE. ALSO INSTALL A ROW OF EVERGREEN/DECIDUOUS AND SHRUB PLANTINGS (PER SUSSEX COUNTY CHCOZ REQUIREMENTS AND BOA APPROVAL) WITH A MATURE HEIGHT GREATER THAN 6' AND SPACED NO FURTHER THAN 6" APART, IN THE LANDSCAPE BUFFER ACROSS THE SITE'S DE ROUTE 1 FRONTAGE. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR HOA OR BOTH.

GENERAL NOTES:

- 1. ALL PROPOSED ROADS SHOWN ARE PRIVATE AND ARE TO BE MAINTAINED BY THE DEVELOPER. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS. THIS PROPERTY IS LOCATED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBERS 10005C0354K, MAPS REVISED MARCH 16, 2015.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY. ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED. 5. THE PROPOSED ENTRANCES/EXITS ARE PROPOSED ONLY, AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION
- BEFORE A CONSTRUCTION PERMIT IS ISSUED. A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION. ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS RESPONSIBILITY, AND SHALL FOLLOW THE GUIDELINES SHOWN IN LATEST EDITION OF "DELAWARE
- TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY, AND EMERGENCY OPERATIONS." DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE LATEST VERSION OF THE DE MUTCD.
- 10. NO BUILDING PERMIT SHALL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE PERMIT WILL BE ISSUED IN A MANNER ACCEPTABLE BY THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT. 11. ALL PROPOSED LANDSCAPING BUFFERS ARE TO BE MAINTAINED BY THE DEVELOPER, UNTIL SUCH TIME IT IS TURNED OVER TO THE HOA.
- 12. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION
- 13. ALL HOMES TO BE WOOD FRAME CONSTRUCTION WITH A MAXIMUM BUILDING HEIGHT OF THREE STORIES, NOT TO EXCEED 42'.
- 14. COMMON AREA: AN AREA OWNED AND USED IN COMMON BY THE DEVELOPER FOR RECREATION, LANDSCAPING AND STORM WATER MANAGEMENT 15. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTORS EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA.
- 16. ALL EASEMENTS SHOWN ON THESE PLANS WERE FOUND OR PROVIDED THROUGH LOCAL RESEARCH AND INFORMATION PROVIDED TO US BY THEIR RESPECTIVE OWNERS, NO TITLE SEARCH WAS PROVIDED TO PENNONI AND NO TITLE SURVEY WAS PERFORMED. THE EXTENT OF FURTHER EASEMENTS BURDENING THE PROPERTY IS THE RESPONSIBILITY OF THE LANDOWNERS AND WOULD NEED TO BE PRESENTED TO THE CONTRACTOR, DESIGN ENGINEER, SURVEYOR AND LOCAL AGENCIES PRIOR TO BEGINNING CONSTRUCTION. PLANS MAY NEED TO BE ADJUSTED FOR FURTHER APPROVAL IF EASEMENTS BURDENING THE PROPERTY ARE FOUND. 17. THE PROPOSED SIGN IS NOT APPROVED AS PART OF THIS SITE PLAN. A SEPARATE SUSSEX COUNTY PERMIT IS REQUIRED.
- 18. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- 19. ALL OPEN SPACE AREAS ON SITE ARE INTENDED FOR LANDSCAPE, RECREATION AND STORMWATER MANAGEMENT PRACTICES AND ARE THE RESPONSIBILITY OF THE DEVELOPER UNTIL SUCH TIME IT IS TURNED OVER TO THE HOA.
- 20. THIS PROJECT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA PER CHAPTER 89 "SOURCE WATER PROTECTION" OF SUSSEX COUNTY CODE (89-6) 21. SECURITY LIGHTING (IF NECESSARY) SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- 22. BUILDING LIGHTING TO BE PROVIDED WITH BUILDING PLANS. REFER TO SITE LIGHTING PLAN, CS2201. 23. THE PROPOSED SIGN IS NOT APPROVED AS PART OF THIS SITE PLAN. A SEPARATE SUSSEX COUNTY PERMIT IS REQUIRED.
- 24. THE CONTRACTOR SHALL PROVIDE TEMPORARY SEED AND MULCH FOR ALL AREAS WHERE SOIL IS EXPOSED AND SILT FENCE IS NOT SPECIFIED, BY THE CLOSE OF EACH BUSINESS DAY.
- 25. THE CONTRACTOR SHALL MAINTAIN PUBLIC ROADS AND STREETS IN A BROOM SWEPT CONDITION AT ALL TIMES. 26. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL
- ACTION REQUIRED IS THE RESPONSIBILITY OF THE CONTRACTOR. 27. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATION SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATE ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENT TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS (THE EXTENSIONS OF THE PROJECT OR ON ANY OTHE PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNON! SSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AN EXPENSES ARISING OUT OF OR RESULTING THEREFROM EGCOX25001 2025-05-09 DRAWING SCALE 1"=20' VPL

THE DUNES- CASE NO. 13108



- The property is currently zoned C-1 on Tax Parcel 334-20.09-189.00
- The property is located west of Coastal Highway, south of Old Bay Road, and north of Ann Avenue.



THE DUNES- CASE NO. 13108





THE DUNES- CASE NO. 13108 Criteria for Variance

- 1. <u>Uniqueness of Property:</u> The property's narrow depth of approximately 100 feet, give this property a unique circumstance with the existing parking lot up against the ROW line. The CHCOZ requires a 20-foot buffer within the required front setback and the reduction of 7.76- feet will allow the existing 2.8'+/- buffer to increase by 9.43 resulting in a 12.24 wide buffer and by adding a fence will enhance the buffer with more privacy as well as not further restrict the land from being able to make possible the reasonable use of the land.
- 2. <u>Cannot be otherwise developed:</u> Reasonable use of the property while conforming to the Zoning Ordinance and the regulations of the State of Delaware limits the area and bulk requirements for this property when considering the permitted use of multiple single family detached dwellings for the property. The use of the existing access off Coastal Highway forces safe access to and from the internal drive aisle along the front of the property that further restricts the size of each dwelling unit. The fence will provide privacy and enhance the CHCOZ buffer and provide for a sound barrier as required by DelDOT.
- 3. Not created by the Applicant: The limited depth of the property and narrow building area along with a 24' wide drive aisle for traffic flow from the existing entrance which was not created by the applicant. In addition, SCD requires that the existing sand filters remain as installed which adds to the exceptional practical difficulty for th redevelopment of the property. The privacy fence to help with noise reduction from Coastal Highway is being required by DelDOT.
- 4. <u>Will not alter the essential character of the neighborhood:</u> The Variation would not alter the essential character of the neighborhood. We are proposing a substantial increase (minimum required 115-194.1 E. (6) (b)) to the landscaping in the location of the CHCOZ buffer along with a privacy fence that will emulate traditional neighborhood design and enhance local surroundings. Landscaping will provide a soft visual buffer between the road, the proposed dwellings, and contiguous land uses. It would not impair any development of adjacent property.



5. <u>Minimum Variance</u>: The request in the buffer reduction and proposed privacy fence within the CHCOZ is the minimum needed for proper development of the property as the buffer is a part of and is included in the required setback - 115-194.1 E. (1). As shown in the accompanying plan, if granted, the variance request provides adequate space for dwelling units, safe pedestrian movements, and safe vehicular movements. it does not otherwise impair the public heath, safety, comfort, morals or general welfare, create a nuisance, diminish or impair property values within the neighborhood.



THE DUNES- CASE NO. 13108 Criteria for Variance

4. Will not alter the essential character of the neighborhood: The Variation would not alter the essential character of the neighborhood. We are proposing a substantial increase (minimum required 115-194.1 E. (6) (b)) to the landscaping in the location of the CHCOZ buffer along with a privacy fence that will emulate traditional neighborhood design and enhance local surroundings. Landscaping will provide a soft visual buffer between the road, the proposed dwellings, and contiguous land uses. It would not impair any development of adjacent property.

In addition, the fence and height proposed is being required by DelDOT as was required and approved for property nearby along Coastal Highway, as well as the recently approved variance for Even Tide, a sister community across Coastal Highway.



FENCE LOCATED AT PROPERTY
NEARBY ALONG COASTAL
HIGHWAY, AS REQUIRED BY
DELDOT AND APPROVED BY
SUSSEX COUNTY.



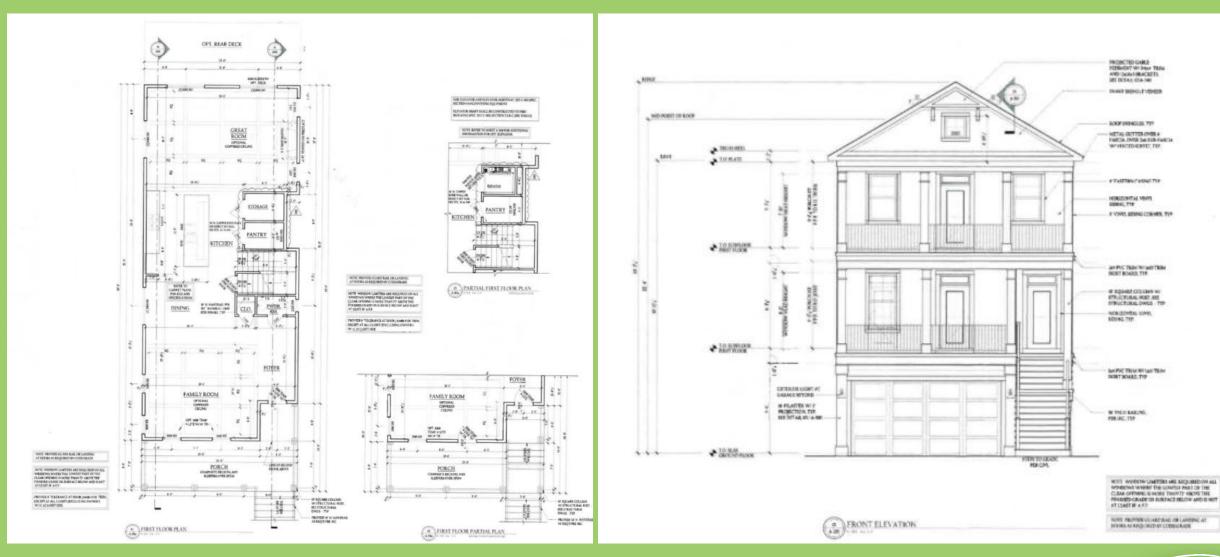
THE DUNES- CASE NO. 13108 Criteria for Variance

4. Will not alter the essential character of the neighborhood: The Variation would not alter the essential character of the neighborhood. We are proposing a substantial increase (minimum required 115-194.1 E. (6) (b)) to the landscaping in the location of the CHCOZ buffer along with a privacy fence that will emulate traditional neighborhood design and enhance local surroundings. Landscaping will provide a soft visual buffer between the road, the proposed dwellings, and contiguous land uses. It would not impair any development of adjacent property.

In addition, the fence and height proposed is being required by DelDOT as was required and approved for property nearby along Coastal Highway, as well as the recently approved variance for Even Tide, a sister community across Coastal Highway.



THE DUNES - CASE NO. 13108





General house plan and elevation for this product home size.

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 # 13109 Hearing Date 9-8-25
202509067
RECEIVED

JUL 08 2025

Type of Application: (please check all applicable)		SUSSEX COUNTY
Variance ✓ Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office u	PLANNING & ZONING use only)
Site Address of Variance/Special Use Exception: 36375 Larch Lane Rehoboth Beach, DE		
Variance/Special Use Exception/Appeal Requested: We are requesting a reduction of the current 10-foot side ar minimal as allowable. Due to the existing trailer on the prochallenging to accommodate a new two-car garage. The set proper placement of the garage behind the trailer.	perty, space is limited, n	naking it
Tax Map #: 334-13.00-750.00	Property Zoning: GR	ē.
Applicant Information		
Applicant Name: Daniel Coblentz on behalf of Titan Buil	ldings LLC	
Applicant Address: 1203 College Park Dr Suite 120		
City Dover State DE Zip: 19	904	
Applicant Phone #: (302) 722-6327 Applicant e-ma	ail: daniel@buildatitan.com	
Owner Information		
Owner Name: Jennifar and Doug Hamilton		
Owner Address: 36375 Larch Lane Rehoboth Beach, DE		
City Rehoboth Beach State DE Zip: 199	Purchase Da	ate:
Owner Phone #: (516) 668-2396 Owner e-mail:	jennifarh588@gmail.com	
Agent/Attorney Information		
Agent/Attorney Name: Same 39 Applicant Agent/Attorney Address:		
City State Zip:		
Agent/Attorney Phone #: Agent/Attorne	y e-mail:	
Signature of Owner/Agent/Attorney		
Daniel Coblentz	Date: <u>5/9/25</u>	





Sussex County, DE - BOA Application

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

You shall demonstrate to the Board of Adjustment that the property meets <u>all</u> 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 current 10' setbacks prevent the addition of a two-car garage that aligns with the existing driveway. Due to the trailer's location, there isn't sufficient space for the garage without needing to relocate the trailer.

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.

Due to the existing 10' setbacks and the presence of the trailer, there is no feasible way to construct a two-car garage in conformity with the current Zoning Ordinance without relocating the trailer, which is not practical given the layout of the property. Therefore, a variance is necessary to enable reasonable use of the property by allowing the garage to be built in alignment with the existing driveway.

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 appellant, as the limitations are due to the existing 10' setbacks combined with the current placement of the trailer on the property. These conditions were established prior to the appellant's request and are not a result of any actions taken 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.

Granting the variance will not alter the essential character of the neighborhood, as the proposed two-car garage is consistent with typical residential development in the area. It will not impair the use or development of adjacent properties, nor will it negatively impact public welfare. The adjustment simply allows for reasonable use of the property without disrupting the neighborhood's appearance or functionality.

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.

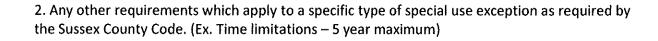
The requested variance represents the minimum necessary to allow for the construction of a two-car garage that aligns with the existing driveway. Reducing the setbacks only to the extent required ensures the least modification of the existing zoning regulations while still enabling practical use of the property.

Sussex County, DE - BOA Application

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

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

 Such excepti property. 	on will not substa	antially affect ac	lversely the uses	of adjacent and	d neighboring



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

Page | 3 Last updated 7/1/2022 Sussex County, DE - BOA Application

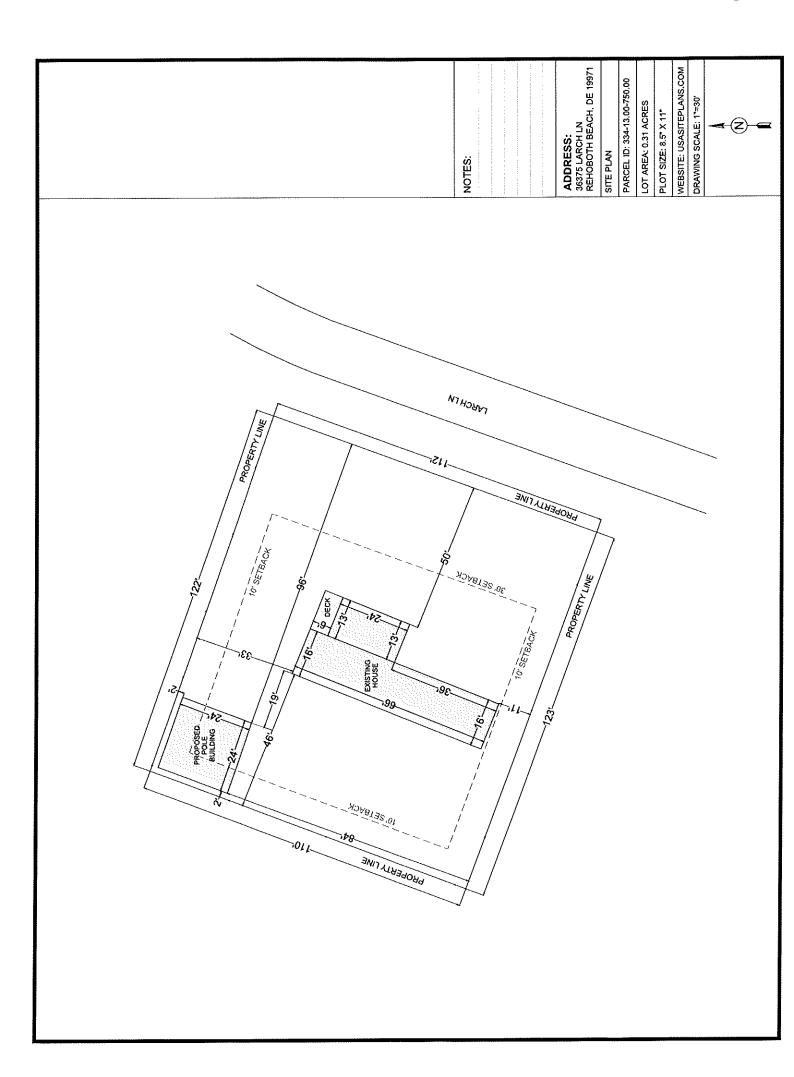
Check List for Applications

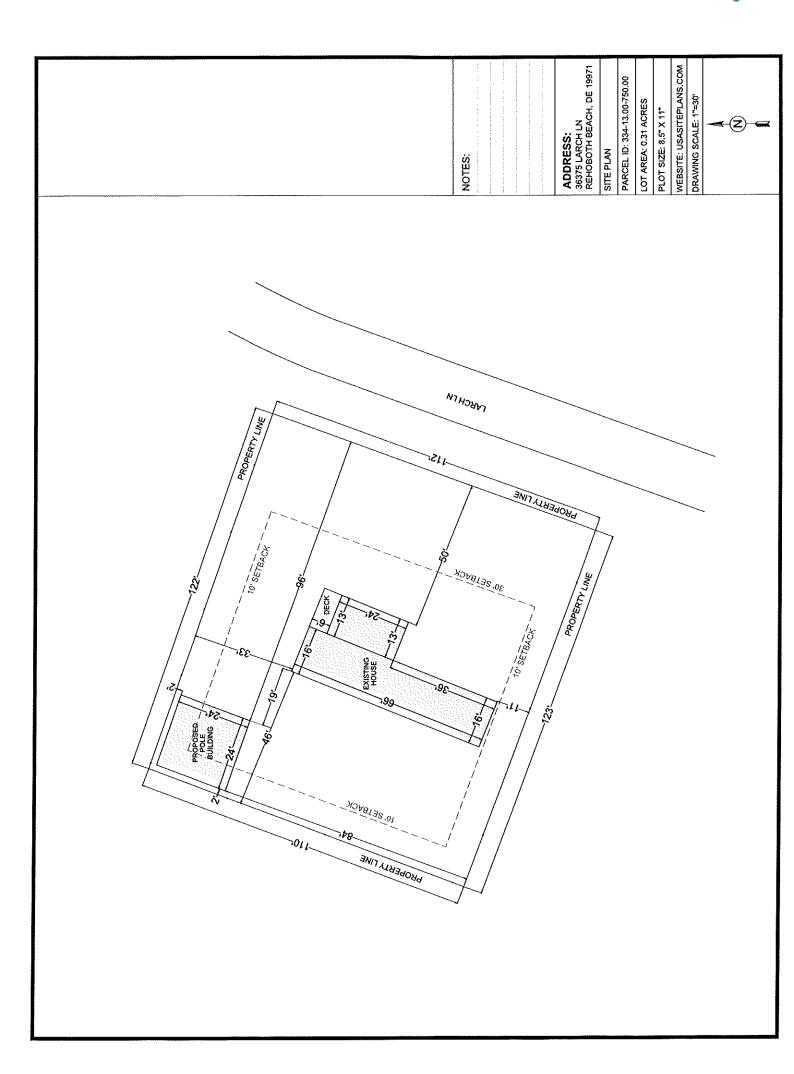
The following shall be submitted with the application

✓ •	Completed Application			
.	 Survey shall show distance 	(Variance) Ition of building(s), building setbacks, stairs, deck, etc. es from property lines to buildings, stairs, deck, etc. I sealed by a Licensed Surveyor.		
•	Provide a Site Plan or survey of th	ne property (Special Use Exception)		
7.	Provide relevant Application Fee (please refer to fees effective July 1, 2022)			
<u> </u>	Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)			
_ •	Copy of Receipt (staff)			
•	Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)			
_ •	Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.			
*Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.				
*Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.				
The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.				
<u>Signature o</u>	f Owner/Agent/Attorney			
Dan	iisl Coblentz	Date: 5/9/25		
For office use Date Submitt Staff acception	e only: ted: ng application:	Fee: Check #: Application & Case #:		
Subdivision:		Lot#: Block#:		
Date of Hear	ing:	Decision of Board:		

Page | 4

Last updated 7/1/2022





Sussex County Government Treasury 2 The Circle, PO Box 601 Georgetown, DF 19947

07/08/2025 01:55PM Catherine 33029870-0034 001207111

PERMITS / INSPECTIONS 2025 202509067/2020

\$500.00

\$500.00

Subtota) Total

\$500.00 \$500.00

CHECK

\$500.00

Check Number001895 Change due

\$0.00

Paid by: IITAN BUILDINGS LLC



Thank you for your payment.

CUSTOMER COPY

RECEIVED

APR 2 1 2023

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 #	12834
Hearing	Date
20	2305527

Type of Application: (please check all applicable)				
Variance ☐ Special Use Exception ✓ Administrative Variance ☐ Appeal ☐	Existing Condition Proposed Code Reference (office use only) 115-111 115-210			
Site Address of Variance/Special Use Exception:				
Sussex Highway (Rt. 13) and E. Newton Rd. (S.C.R. 584);	Bridgeville, DE 19933			
Variance/Special Use Exception/Appeal Requested:				
A special use exception is requested to authorize a feed and pursuant to Sussex County Code Sections 115-111 and 115				
Tax Map #: 530-16.00-11.00&12.0	Property Zoning: HI-1			
Applicant Information				
Applicant Name: KAR Farming Company, LLC, a subsidiary	of Mountaire Farms of Delaware, Inc.			
Applicant Address: P.O. Box 1320				
City Millsboro State DE Zip: 199	966			
Applicant Phone #: (302) 934-3466 Applicant e-mail: sthompson@mountaire.com				
Owner Information				
Owner Name: TREW R2, LLC and Newton Farms, LLC				
Owner Address: P.O. Box 397				
City Bridgeville State DE Zip: 199	933 Purchase Date: 6/12/14			
Owner Phone #: (302) 377-3731 Owner e-mail:	rob.riderjr@oanewton.com			
Agent/Attorney Information				
Agent/Attorney Name: David C. Hutt, Esquire Morris Jam	es LLP			
Agent/Attorney Address: 107 W. Market St P.O. Box 690				
City Georgetown State DE Zip: 19947				
Agent/Attorney Phone #: (302) 856-0018 Agent/Attorney	e-mail: dhutt@morrisjames.com			
Signature of Owner/Agent/Attorney				
Du 1	Date: 4/21/2023			





Sussex County, DE - BOA Application

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

You shall demonstrate to the Board of Adjustment that the property meets <u>all</u> 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 proposed use of the property is a feed mill with grain packaging, blending and storage. Feed and grain packaging, blending and storage are permitted uses in the HI-1 Zoning District (see Section 115-110.C). Pursuant to Section 115-111, feed and grain milling are a potentially hazardous use requiring review by the Board. [CONTINUED BELOW]

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

Not applicable.

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

Not applicable.

Continued from above:

The public health, safety, morals and general welfare will not be endangered by this proposed use and further protection will be afforded surrounding property and persons through the agency approval process that will be necessary for the feed mill to be constructed and operate. By way of example, the following agencies will be involved in the review and permitting of the proposed feed mill:

- 1) Sussex County Planning & Zoning (Site Plan);
- 2) Sussex County Building Code;
- 3) Sussex County Conservation District;
- 4) Office of the State Fire Marshal (Site Plan and Building);
- 5) Delaware Department of Natural Resources and Environmental Control;
- 6) Delaware Health Department;
- 7) Delaware Department of Transportation; and
- 8) Federal Aviation Administration.

The review and permitting required by these agencies, in several cases involving multiple reviews and approvals, will ensure appropriate protection of the surrounding properties and persons.

The proposed feed mill use will not substantially affect the uses of neighboring and adjacent properties for numerous reasons, but primarily for two reasons. First, many of the adjacent properties are zoned for industrial and commercial uses as reflected in the County's vision for this area shown on the Future Land Use Map of the Sussex County Comprehensive Plan. Second, there is an existing feed mill south of the property that has operated without adversely affecting the use of neighboring and adjacent properties for many years.

Page | 3

Last updated 7/1/2022

Morris James LLP

David C. Hutt 302.856.0018 dhutt@morrisjames.com

April 21, 2023

BY HAND DELIVERY

Jamie Whitehouse, Director Sussex County Planning & Zoning Office 2 The Circle, P.O. Box 417 Georgetown, DE 19947

> RE: Board of Adjustment Application – Special Use Exception KAR Farming Company, LLC, a subsidiary of Mountaire Farms of Delaware, Inc. SCTP Nos. 530-16.00-11.00 & 12.00

Dear Mr. Whitehouse:

Kindly find the enclosed Board of Adjustment application (Special Use Exception) for the above-referenced properties. We have enclosed the following:

- Application for Special Use Exception with \$500 fee; and
- Site Plan.

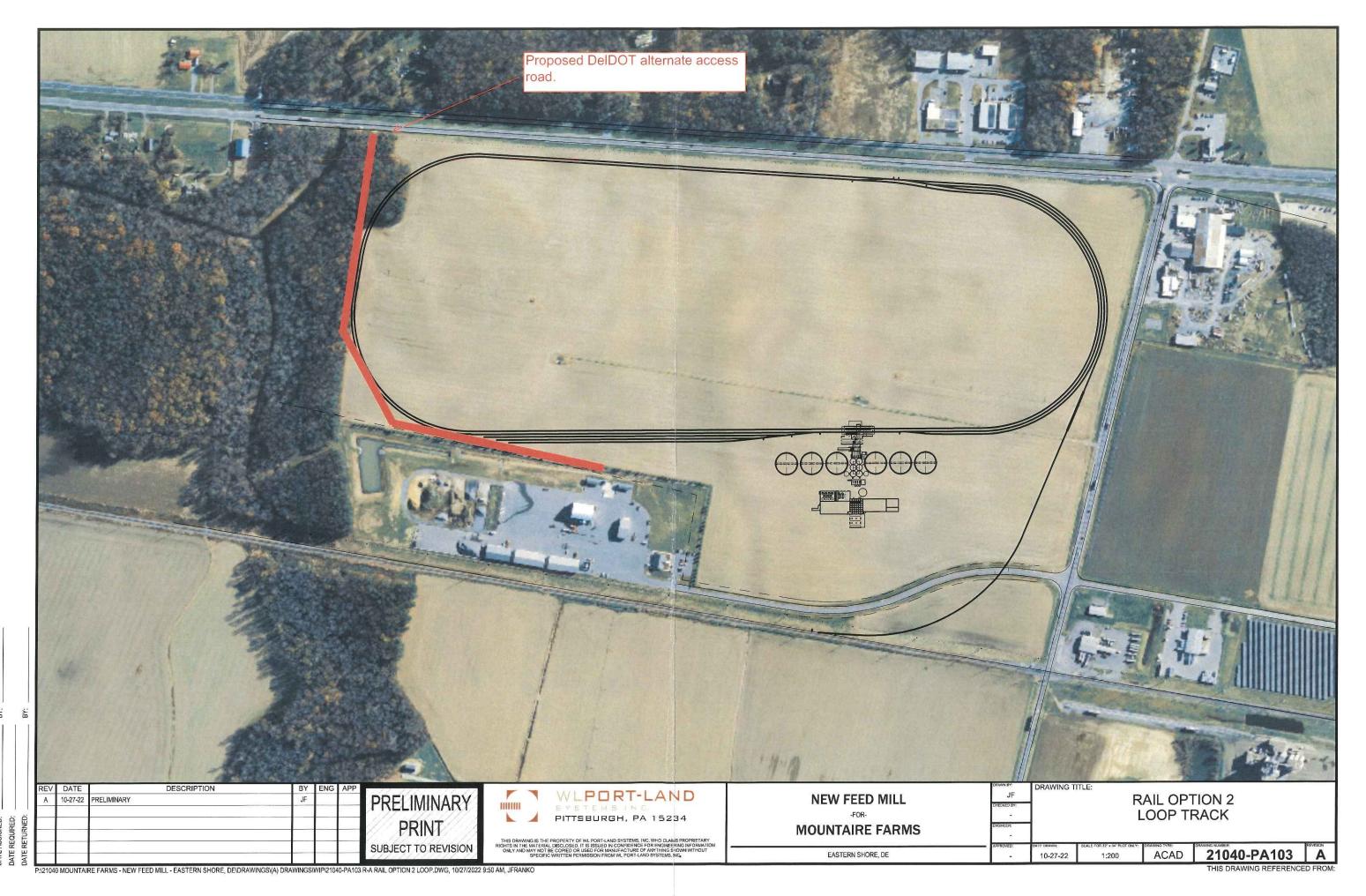
In addition to the paper copies being filed today, an electronic file will also be emailed. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

MORRIS JAMES LLP

David C. Hutt, Esquire

Enclosures







PIN:	530-16.00-11.00
Owner Name	TREW R2 LLC
2	1000
Book	4057
Mailing Address	16356 SUSSEX HWY
City	BRIDGEVILLE
State	DE
Description	NW/RT13
Description 2	1971' NE/RT404
Description 3	
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

: Tax Parcels

- Streets

County Boundaries

Municipal Boundaries

1:18,056 0 0.225 0.45 0.9 mi 0 0.35 0.7 1.4 km

April 27, 2023



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TREW R2, LLC and NEWTON FARMS, LLC.

(Case No. 12834)

A hearing was held after due notice on June 5, 2023. The Board members present were: Mr. Jeffrey Chorman, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for a special use exception to operate a potentially hazardous use.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to operate a potentially hazardous use of a feed and grain mill. This application pertains to certain real properties are located on the southwest side of Sussex Highway at the corner of East Newton Road (911 Address: Sussex Highway and East Newton Road, Bridgeville.); said property being identified as Sussex County Tax Map Parcel Number 530-16.00-11.00 & 12.00 ("the Property"). After a public hearing, the Board made the following findings of fact:

- 1. The Board was given copies of the Application, a letter from the Applicant, memorandum to Technical Advisory Committee members, correspondence from Delaware Electric Cooperative, the State Fire Marshal, and the Woodbridge Agriscience Department, Ordinance No. 2917, deeds to the Property, a survey of the Property, a legal description for the Property, a DelDOT service level request, various maps, a 2020 Delaware State Strategies excerpt, FEMA Map No. 10005C0115K, Google Earth aerial imagery, literature on the feed mill process, a conceptual plan, photographs, correspondence, an aerial photograph of the Property, and a portion of the tax map of the area.
- 2. The Board found that the Office of Planning & Zoning received four (4) letters in support of the Application and no correspondence in opposition to the Application.
- 3. The Board found that Scott Thompson was sworn in to give testimony about the Application. David Hutt, Esquire, appeared on behalf of the Applicant.
- 4. The Board found that Mr. Hutt stated that the Property is zoned HI-1, which is the County's Heavy Industrial Zoning classification but the proposed use is found on the list of special hazardous uses found in Section 115-111 of the County Zoning Code so a special use exception is needed.
- 5. The Board found that Mr. Hutt stated that the proposed feed mill that will produce 30,000 tons per week.
- 6. The Board found that Mr. Hutt stated that Property consists of 2 parcels totaling 167 acres and that the Property was the recent subject of a change of zone application, CZ 2003, which was approved by County Council as Ordinance 2917 on March 28, 2023. Ordinance 2917 changed the designation of the Property from AR-1 (Agricultural Residential) to HI-1 (Heavy Industrial).
- 7. The Board found that Mr. Hutt stated that the question for the Board is whether the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of water areas or surrounding property and persons.
- 8. The Board found that Mr. Hutt stated that agribusiness is an important part of Sussex County, particularly through agricultural uses and forestry, and the Application is one that supports agribusiness at a number of levels, from providing farmers with another location for their grain to be processed, to providing poultry growers with a source of feed for their poultry.

- 9. The Board found that Mr. Hutt stated that the proposed feed mill use in this location makes sense due to a number of factors and that those factors point to this being the right location. He noted that the grain or milling operation in this location is appropriate and tracks with the County's guidance that you find in its Zoning Code, comprehensive plan, and other land use planning tools that the County has at its disposal, as well as the surrounding uses that already exist at the location. The Property borders Route 113 from north to south of the Property and Route 404 or East Newton Road on the southern bounder. According to Mr. Hutt, Route 113 and Route 404 are recognized as major arterial roadways in the Sussex County Code and that DelDOT refers to them as principal.
- 10. The Property's western boundary is the Delmarva Railroad and the DelDOT Bridgeville maintenance yard. According to Mr. Hutt, the western boundary of the Property is the railway and was a key reason as to why the site was chosen for the proposed use. He notes that the Delmarva Central Railroad Company endorses the Application and proposed use.
- 11. The Board found that Mr. Hutt stated that, consistent with the readily available transportation methodologies, the state strategies maps that are promulgated by the Office of State Planning Coordination show this area, and site, as being within a Level 2 and Level 3 area. He noted that the Level 2 area indicates area where the State of Delaware anticipates growth in the near term and are areas where the State investments and policy should support and encourage a wide range of uses and are also listed as a priority for job creation and retention.
- 12. The Board found that Mr. Hutt stated that the future land use map shows this area as an industrial area which supports this use and is consistent with the Application before the Board and that the industrial area is described as being comprised of lands devoted to concentrations of larger industrial uses, including heavy industrial, light industrial, warehousing and flex space, that large, more intensive standalone industrial uses should also be directed to these areas. He also stated that the comprehensive plan has a theme of promoting farming and preserving agricultural land values and agribusiness, which of course would all occur with the approval of this special use exception request.
- 13. The Board found that Mr. Hutt stated that the Economic Development chapter, Chapter 9 of the comprehensive plan, talks in Goal 9.3 that part of the economic development of Sussex County is to preserve and encourage the expansion of the agricultural industry, forestry industry and other similar industries in the County.
- 14. The Board found that Mr. Hutt stated that the Application also touches on the mobility element of the comprehensive plan where Chapter 13 talks about exploring incentives for businesses to switch from truck to rail freight, which can reduce freight costs and road traffic congestion, and encourages working with railroad partners to aid in the strategic planning efforts to help identify potential rail customers.
- 15. The Board found that Mr. Hutt stated that all of the above speak to the general welfare of the County and how it is benefited by this Application.
- 16. The Board found that Mr. Hutt stated that the zoning map shows the mix of industrial sites adjacent to the Property. He noted that the property to the south on the opposite side of Route 404 was part of a change of zone request in 2020, Change of Zone 1919 and that rezoning application consisted of rezoning the 23.7 acre parcel from C-1 to LI-2. He noted that the first 8 acres of that parcel is already under construction as the new home of Miller Metal Fabrication.
- 17. The Board found that Mr. Hutt stated that Woodbridge High School Campus is nearby and has an agricultural program.
- 18. The Board found that Mr. Hutt stated that across the street from the Property is Insight Homes and C. Schultz and, on the same side of the highway as the Property is O.A. Newton and Son Farm Ranch Hardware and Irrigation, the Lindenmere Store, and Miller Metal Fabrication.

- 19. The Board found that Mr. Hutt stated that, if you turn down Emma Jean Lane, you will find The News Print Shop, Old Dominion Freight Line, Eastern Shore Natural Gas' compressor station system, and a solar field.
- 20. The Board found that Mr. Hutt stated that, while there are no outdoor activities or outdoor storage of materials, which most would assume makes this a light industrial use, the HI-1 zoning is the only zoning that mentions milling and mentions it as pertaining to a potentially hazardous use.
- 21. The Board found that Mr. Hutt stated that the Code states the purpose of the HI-1 Heavy Industrial district as being to provide for a variety of industrial operations to preserve the land in the district for industrial use and to exclude new residential or commercial development, except for certain uses deemed appropriate adjuncts to industrial and the purpose talks about the exclusion of new residential or commercial development and part of the special use exception consideration is the impact on persons and property that are adjacent to the site and one of the reasons why the rezoning was sought because it excluded new residential uses from coming. He noted that the surrounding properties are not residential uses but are commercial or industrial uses and that there are not a lot of residential uses in the area.
- 22. The Board found that Mr. Hutt stated that the feed mill operation can be explained in 5 steps as shown in the materials. He noted that ingredients are brought in both by highway and railway, those ingredients are blended into the right recipe for poultry and then made into pellets, those pellets are then stored on the site in feed bins, and then ultimately loaded onto trucks and taken out to various poultry farmers who will use the pellets.
- 23. The Board found that Mr. Hutt stated that addressing the public health, safety, morals and general welfare, these types of considerations are often looked at as what are typically considered nuisance factors like noise, vibrations, odors, smoke, toxic gases, and other. He noted that these factors are not associated with the milling operation.
- 24. The Board found that Mr. Hutt stated that one nuisance factor that could be associated with milling would be dust but, as noted, there is no outside storage or production of materials, making it more of an internal or facility safety issue.
- 25. The Board found that Mr. Hutt stated that the second part of the Board's consideration is what protections might be necessary for the protection of the surrounding properties and persons, including water areas. He noted that are no pollutants generated by this milling operation meaning that there are no additional protections or safeguards necessary.
- 26. The Board found that Mr. Hutt stated that there are a number of departments within the County as well as other agencies that will have to continue to review of this ensuring that it is properly constructed and those departments and agencies include the Planning and Zoning Commission, the Building Code department, Sussex Conservation District, the Office of State Fire Marshal, DNREC, the Department of Health, and the FAA. The Applicant argues that those agencies provide sufficient safeguards to make sure that surrounding persons and properties are protected.
- 27. The Board found that Mr. Hutt stated that the site plan submitted is conceptual for the proposed mill but shown on the plan is some storage area for the rail cars and loops around the site and there is a proposed consideration between DelDOT, the property owner and Mountaire regarding changing how DelDOT access the Bridgeville maintenance yard.
- 28. The Board found that Mr. Hutt stated that Mountaire has similar facilities very similar to what is being proposed at other locations and that one of those is the feed mill in Scotland County, North Carolina, which is very similar to what is being proposed. He noted that Mountaire won 2022 integrator feed facility of the year from the American Feed Industry Association for the facility in North Carolina.

- 29. The Board found that Mr. Hutt stated that the letters of support were submitted by Senator David Wilson, Representative Jesse Vanderwende, the Delmarva Chicken Association, and the Woodbridge School District Agriscience Department Ms. Karen Breeding. He argued that the letters of support demonstrate that Mountaire has a positive impact on the community
- 30. The Board found that Mr. Hutt stated that the construction of a feed mill will provide a local site for the work based learning opportunities for students who are enrolled in a Delaware pathways program of study and that Mountaire is an exceptional partner in educating and enforcing the importance of being responsible, respectful, prideful, and diligent in the workforce.
- 31. The Board found that Mr. Hutt stated that the Applicant has a track record of properly running facilities and benefiting the public.
- 32. The Board found that Mr. Hutt stated that the location is appropriate for the reasons set forth in County Council's adoption of Ordinance 2917.
- 33. The Board found that Mr. Hutt stated that a number of State Agencies and County Departments will continue to review numerous facets of this project should it be approved and constructed.
- 34. The Board found that Mr. Hutt stated that the proposed feed mill is one of the least intensive uses found in the list of potentially hazardous uses and that this use already exists in the immediate area.
- 35. The Board found that Mr. Hutt stated that the feed mill projects to produce 30,000 tons of feed every week with a 3,000,000 bushel storage capacity and it goes from there and there is a capacity as the conceptual site plan is to hold 100 rail cars. He believes that up to 500 jobs will be created during the construction of this and that the potential people impacted would be farmers, small businesses, mechanics, growers, and many more.
- 36. The Board found that Mr. Hutt stated that the entrance will likely be off Route 404 rather than Route 113 and, if the center of the rail car track is not used for the feed mill or an office building, it will be agriculturally related.
- 37. The Board found that Mr. Hutt stated that, within the project book materials, is a service level evaluation request filed with DelDOT and its response which anticipated a minor impact on the local area roadways which is less than 200 vehicle trips in any peak house and less than 2,000 vehicle trips per day, and does not require a traffic impact study as a major impact would. He noted that the Applicant will still have to complete entrance improvements and there may be other off-site improvements they have to contribute to but otherwise have been deemed a minor impact.
- 38. The Board found that Mr. Thompson testified that their plan is a concept but they will stay below the height as required. He noted that the Applicant must see what approvals they can get from DelDOT.
- 39. The Board found that Mr. Thompson testified that Mr. Hutt's presentation was true and correct to the best of his knowledge.
- 40. The Board found that Mr. Thompson testified that there is potential to move the feed mill operation inside of the rail track or potentially an office building and that they would not allow that area to become overgrown.
- 41. The Board found that Mr. Thompson testified that there would be 24 / 7 operation but mainly the production on site would be 5 and ½ days to 6 days at most and that they project to employ 84 employees.
- 42. The Board found that Mr. Thompson testified that, pending approvals they would anticipate to have building permits within a year after securing their site plans.
- 43. The Board found that Mr. Thompson testified that they have done some preliminary engineering but have not done a complete site plan yet.
- 44. The Board found that Mr. Thompson testified that there will be an internal dust collection system and that they have to comply with the dust hazard regulations and their system would be designed to comply with those.

- 45. The Board found that Robert Rider was sworn in to give testimony in support of the Application.
- 46. The Board found that Mr. Rider testified that he is present on behalf of the property owners as well as multiple neighboring properties who support the Application.
- 47. The Board found that Mr. Rider testified that they have been working with Mountaire for a long time now and part of their history is in this industry and they intend to be neighbors of the Property for a long time to come.
- 48. The Board found that Mr. Rider testified that they are very confident that Mountaire can execute this operation and do it in a safe fashion.
- 49. The Board found that Mr. Rider testified that he remembers when the Property was used as a landing strip.
- 50. The Board found that Mr. Rider testified that he owns neighboring properties to the south at the corner of Newton Road.
- 51. The Board found that Mr. Rider testified that the Property had been in their family for 70-100 years and they did not take this decision lightly to sell it.
- 52. The Board found that one (1) person appeared in support of and no one appeared in opposition to the Application.
- 53. 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 special use exception because the potentially hazardous use of a feed and grain mill will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. Pursuant to Section 115-111 of the Code, the Board shall review the plans and statements and shall not permit such buildings, structures or uses until it has been shown that the public health, safety, morals and general welfare will be properly protected and that necessary safeguards will be provided for the protection of water areas or surrounding property and persons. The Board, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety and shall pay particular attention to protection of the county and its waterways from the harmful effects of air or water pollution of any type.
 - b. The proposed use is for a feed and grain mill in a heavy industrial area.
 - c. There are other industrial and commercial facilities in the neighborhood including a metal fabrication business, agribusinesses, and businesses. The Property is not located in a residential area.
 - d. The Property is adjacent to a railroad and the Applicant has consulted with the Delmarva Railroad Company regarding access to the railroad to accept and send deliveries. The use of the railroad should reduce vehicular traffic from the site.
 - e. The Applicant has demonstrated that it will implement and / or follow necessary safeguards to protect the public health, safety, morals, and general welfare.
 - f. Fire:
 - i. The Delaware State Fire Marshal submitted a letter of no objection to the request and stated that the Applicant will have to submit a stie plan to that agency. The Delaware State Fire Marshal shall ensure that the Fire Prevention Regulations are met.
 - g. Explosion:
 - i. There was no evidence that the proposed use presents any risk of explosion.
 - h. Pursuant to the Applicant's application and presentation, the Applicant will address noise from the facility as follows:

- i. The use will be predominantly located inside a building.
- ii. There will be no outside storage of materials.
- i. The Applicant addressed the handling of dust and odor from the proposed use as follows:
 - Site work including dust control will be conducted in accordance regulations promulgated by the State of Delaware. DNREC will ensure that these regulations are followed.

i. Emissions:

i. The site must meet Delaware stormwater regulations

k. Traffic:

- i. The site is located in an industrial area near Route 404 and Route 13, which are major roads. The entrance will be located off Route 404 to minimize the impact on Route 13.
- The access and use of the adjacent railroad should minimize traffic impact since loads can be sent and delivered using rail rather than vehicles.
- iii. A service level evaluation request filed with DelDOT anticipates a minor impact on local roadways and would not require a traffic impact study.
- iv. There was no evidence from a traffic engineer as to any negative impact the application would have on traffic in the neighborhood.
- v. DelDOT will ultimately have jurisdiction over the traffic impact of the plant.

I. Lighting:

i. There was no evidence of adverse lighting impact from the proposed use.

m. The Neighborhood:

- i. The evidence shows that this area is a commercial, agricultural, and industrial area and has been that way for many years.
- ii. The neighboring properties include other businesses and agriculture and there was evidence from neighbors supporting the request.
- iii. There was no evidence from a realtor or appraiser as to substantial adverse effect to real estate values due to the proposed use.
- n. The Board solicited comments on the Application from agencies who are on the Technical Advisory Committee including the Delaware Department of Natural Resources and Environmental Control, the Delaware Department of Transportation, the Delaware Office of the Fire Marshal, and the Division of Health and Social Services. These agencies were created for the promotion of public health and safety.
- o. The Board received comments from some agencies which indicated that they had no objection to the request.
- p. The Applicant has noted to the Board that, in order to use the feed mill, Applicant will need to obtain the permits and approvals from state agencies including DNREC. Those agencies were created for the promotion of public health and safety. DNREC, through its rules and regulations, will have jurisdiction to protect the county and its waterways from the harmful effects of air and water pollution of any type. DNREC's extensive involvement in the permitting process as testified to by the Applicant will make sure that the public health, safety, morals and general welfare will be properly protected and that necessary safeguards will be provided for the protection of water areas or surrounding property and persons.
- q. Based on the record, the Applicant has demonstrated that the proposed use set forth in the Application will not substantially affect adversely the uses of neighboring and adjacent properties. Furthermore, the Applicant has

demonstrated that the public health, safety, morals, and general welfare will be properly protected and that necessary safeguards will be provided for the protection of water areas or surrounding property and persons.

The Board granted the special use exception application for potentially hazardous use finding that it met the standards for granting a special use exception for a potentially hazardous use.

Decision of the Board

Upon motion duly made and seconded, the special use exception application for a potentially hazardous use was approved. The Board Members in favor were Mr. Jeffrey Chorman, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception for a potentially hazardous use application. Dr. Kevin Carson and Mr. Travis Hastings did not participate in the discussion or vote on this application.

BOARD OF ADJUSTMENT OF SUSSEX COUNTY

Jeffrey a. Choun

Jeffrey Chorman Chair

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

Date Augu

Morris James LLP

David C. Hutt 302.856.0018 dhutt@morrisjames.com

August 6, 2025

RECEIVED

VIA: Hand Delivery

AUG 0 7 2025

Sussex County Board of Adjustment Jamie Whitehouse, AICP, MRTPI, Director Sussex County Planning & Zoning Department 2 The Circle, P.O. Box 417 Georgetown, DE 19947 SUSSEX COUNTY PLANNING & ZONING

RE: Time Extension Request

Case No. 12834 Mountaire Farms of Delaware, Inc. Special Use Exception SCTP Nos. 530-16.00-11.00 & 12.00

Dear Mr. Whitehouse:

This firm represents Mountaire Farms of Delaware, Inc. ("Mountaire"), the current owner of the above-referenced properties and the applicant for the above-referenced Special Use Exception. Please accept this letter as Mountaire's request for a time extension pursuant to Section 115-213 of the Sussex County Code. Specifically, the request is for an additional one (1) year for the substantial construction or change of use to occur. The Special Use Exception was granted by the Board on August 7, 2023.

By way of quick background, Mountaire successfully obtained a special use exception for a potentially hazardous use of a feed and grain mill on the above-referenced properties on August 7, 2023. As the Board will likely recall, the Special Use Exception was considered after County Council adopted Ordinance No. 2917 changing the designation of these properties on the County's Zoning Map from AR-1 (Agricultural Residential District) to HI-1 (Heavy Industrial District).

Since the conclusion of the three public hearings in Sussex County before the Planning Commission, County Council and the Board, Mountaire has been busy completing a land swap with DelDOT for the entrance to DelDOT's Bridgeville Maintenance Yard. In addition, Mountaire has been actively seeking the required agency approvals for the project. By way of example, there is a pending Air Permit for the mill. During the public hearing as reflected in the Board's decision, there was reference to the number of agencies that would be involved in reviewing this project including specifically "DNREC's extensive involvement in the permitting process." (Board's Decision, Section 53.p.)

Morris James LLP

Jamie Whitehouse, AICP, MRTPI, Director Sussex County Planning & Zoning Department August 6, 2025 Page 2

In short, the "good cause" that is required by Section 115-213 for a time extension is that the number of approvals needed from various agencies has taken longer than anticipated. Those approvals are actively being obtained and with the requested one (1) year time extension, Mountaire is confident that the change of use will be under way.

For all of these reasons, Mountaire respectfully requests that the Board grant the requested time extension for this Special Use Exception. Please let me know if there are any other questions or information that is needed. Thank you in advance for your cooperation and assistance in this matter.

Very Truly Yours,

MORRIS JAMES LLP

David C. Hutt

cc: Mountaire Farms of Delaware, Inc.