BOARD OF ADJUSTMENT

ELLEN MAGEE, CHAIR KEVIN E. CARSON JEFF CHORMAN JOHN WILLIAMSON E. BRENT WORKMAN



Sussex County

DELAWARE sussexcountyde.gov

(302) 855-7878 T (302) 845-5079 F

AGENDA

December 16, 2019

6:00 P.M.

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for October 21, 2019

Approval of Findings of Fact for October 21, 2019

Old Business

Case No. 12337 – Ariel Gonzalez seek variances from the front yard setback and side yard setback requirements for proposed and existing structures (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is a landlocked parcel on the northside of Saw Mill Rd. approximately 0.47 miles from Pine Rd. 911 Address: 20116 Saw Mill Rd. Georgetown. Zoning District: AR-1. Tax Parcel: 135-4.00-11.01

Case No. 12387 – William & Katherine Eager seek variances from front yard setback requirements for a proposed pool and proposed structures, and a variance from the fence height requirement for a proposed fence. (Sections 115-34, 115-182 and 115-185 of the Sussex County Zoning Code). The property is a through lot fronting on Porpoise Way and Camelsback Dr. in the Retreat subdivision. 911 Address: 31495 Purpoise Way, Bethany Beach. Zoning District: MR. Tax Parcel: 134-13.00-1701.00

Public Hearings

Case No. 12390 – Mary Lou Dickson (Noelle Rose Calzone) seeks a special use exception to operate a day care center (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the east side of John J. Williams Hwy. (Rt. 24) approximately 0.22 miles south of Angola Rd. 911 Address: 22467 John J. Williams Hwy., Lewes. Zoning District: AR-1. Tax Parcel: 234-11.00-56.01

Case No. 12391 – Beachfire Brewing Company, LLC seeks a variance from the front yard and corner front yard setback requirements for a proposed structure, a special use exception



to place a tent for more than three days, and a variance from the number of required parking spaces. (Sections 115-80, 115-82, 115-162, 115-182 & 115-210 of the Sussex County Zoning Code). The property is located on the northeast corner of Central Ave. and Johnston St. within the Shockley subdivision. 911 Address: 19841 Central Ave., Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.20-24.00

Case No. 12392 – John M. Cosgrove seeks a variance from the rear yard setback requirements for proposed structures (Sections 115-172 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Dodd Ave. approximately 127 ft. south of Ocean View Ave. in the Sea Air Manufactured Home Park. Address: 19974 Dodd Ave. Rehoboth Beach. Zoning District: AR-1 & C-1. Tax Parcel: 334-13.00-310.00-54148

Case No. 12394 – William J. Smith, Jr. seeks variances from the side yard setback requirements for existing structures (Sections 115-42, 115-181 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of the north end of Pintail Dr. within the Swann Keys subdivision. 911 Address: 37057 Pintail Dr., Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-32.00

Case No. 12395 – Milton & Kathleen Roberson seek a variance from the fence height requirement for a proposed fence. (Sections 115-34, 115-184 and 115-185 of the Sussex County Zoning Code). The property is located on the northwest corner of Double Bridges Rd. and Neptune Dr. 911 Address: 1 Neptune Dr., Frankford. Zoning District: MR. Tax Parcel: 134-17.00-545.00

Case No. 12396 – Sam Trusik seeks a variance from the fence height requirement for a proposed fence. (Sections 115-25, 115-184 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Angola Rd. approximately 0.30 miles west of Camp Arrowhead Rd. 911 Address: 33005 Angola Rd., Lewes. Zoning District: AR-1. Tax Parcel: 234-12.00-13.06

Additional Business

Board of Adjustment meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 5, 2019 at 9:00 a.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.



Board of Adjustment Application Sussex County, Delaware

Case # 12390 Hearing Date 121619 2019 12489

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 Code Reference (office use only) Appeal
	Site Address of Variance/Special Use Exception: 225107 John J. Williams Huy, Lews, JE 19958 Variance/Special Use Exception/Appeal Requested:
	FOR A Daycoure (180 Children)
	Tax Map #:
	Applicant Information
	Applicant Name: Applicant Address: City Lews State DE Zip: 19958 Applicant Phone #: 302-804-7450 Applicant e-mail: Noelle Oves god a Jahod. Con
	Owner Information
	Owner Name: Mary Lou Dickson Owner Address: 22567 John J. Williams Huy, Lews, DE 19958 City Lews State DE Zip: 1958 Purchase Date: Owner Phone #: 302-200-0260 Owner e-mail: Diance
-	Agent/Attorney Information
	Agent/Attorney Name: Agent/Attorney Address: Agent/Attorney Address: City Lehobeth Buckstate Agent/Attorney Phone #: 302-519-4566 Agent/Attorney e-mail: Agent/Attorney Phone #: 302-519-4566 Agent/Attorney e-mail:
	Signature of Owner/Agent/Attorney
	X Seller EMalale Date: 10/29/19

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.

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Land 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)



234-11.00-56.01

22467 JOHN J WILLIAMS HWY, LEWES, DE, 19958



To print this file, please use "Print as PDF" in the viewer.

On ruesday-vvednesday

22467 John J Williams Hwy, Lewes, DE 19958

Active

Residential

13 \$334,900



MLS #: Tax ID #: DESU132250 234-11.00-56.01

Ownership Interest: Structure Type:

Fee Simple Detached

Levels/Stories: Waterfront:

1 No Yes

No

Location

Garage:

County:

Sussex, DE

In City Limits: MLS Area:

Indian River Hundred - Sussex, DE

County (31008)

Legal Subdivision:

Subdiv / Neigh:

LEWES None Available

Taxes and Assessment

Tax Annual Amt / Year: \$1,234 / 2018

School Tax:

\$1,109 \$125 / Annually

County Tax:

Clean Green Assess:

No Zoning: Α

Rooms

Great Room: Kitchen:

Main

Dining Room:

Main Main

Sun/Florida Room: Master Bedroom:

Main

Master Bathroom:

Main Main

Bedroom:

Main

Bedroom: Full Bath: Main Main

Bedroom:

Main

Full Bath: Laundry:

Main Main

Building Info

Above Grade Fin SQFT: 1,736 / Assessor Total Fin SQFT:

1,736 / Assessor

1,736

Tax Total Fin SQFT: Total SQFT:

1,736 / Assessor

Basement Type:

Full, Interior Access, Outside Entrance

Lot

Lot Acres / SQFT:

0.81a / 35,249sf / Assessor

Interior Features

Interior Features:

Combination Kitchen/Dining, Crown Moldings, Entry Level Bedroom, Exposed Beams, Master Bath(s), Pantry, WhirlPool/HotTub, Window Treatments, 1 Fireplace(s), Gas/Propane, Insert, Built-In Microwave, Dishwasher,

Construction Materials:

Flooring Type:

Roof:

Rd 277 Lochwood Angola by the Bay Angola **Coords** Map data @2019 Google

Beds: Baths: 3

Above Grade Fin SQFT:

1,736 / Assessor

Price / Sq Ft:

192.91 1987

Year Built: Style:

Ranch/Rambler

Central Air: Basement:

Yes Yes

School District: Sussex DE Quadrants: Cape Henlopen Between Rt 1 & 113

Main

Bed **Bath**

3 Full

Frame, Stick Built, Vinyl Siding

Architectural Shingle

Carpet, Ceramic Tile, Laminated, Slate

Disposal, Dryer, Extra Refrigerator/Freezer, Oven/Range-Electric, Refrigerator, Washer, Water Heater, Accessibility Features: 2+ Access Exits, Main Floor Laundry

Exterior Features

Exterior Features: Outbuilding(s), Outside Shower, Play Equipment, Patio(s)

Parking

Attached Garage, Driveway Parking, 2 Attached Garage Spaces, Garage - Side Entry, 2 Total Non-Garage Parking:

Parking Spaces, 4 Total Garage and Parking Spaces, Paved Driveway

Utilities

Central A/C, Cooling Fuel: Electric, Heating: Forced Air, Heat Pump(s), Heating Fuel: Electric, Geo-thermal, Utilities:

Hot Water: Electric, Water Source: Well, Sewer: On Site Septic

Remarks

Inclusions: sheds

Wagon Wheel light in foyer, to be replaced with new fixture Exclusions:

Do not let cat out when showing! As Is Condition. Questions and offers directed to co-list agent Diana Agent:

Harbert 302-519-4456. Adjacent 17.6 acre parcel for sale MLS DESU134238 and and 13.23 acre parcel for

sale MLS DESU134248

Energy efficient ranch home on more than 3/4 acre! This 4 bedroom 3 full bath home features a geothermal Public:

system in the house and a heat pump for the spacious sun room. Open floor plan for easy entertaining, the kitchen with large pantry flows to the great room which is highlighted by a gas fireplace. Enjoy relaxing in the sunporch with wet bar, vaulted ceiling, exposed beams and wide open views. Owners suite with whirlpool tub, double vanity and shower. Three additional bedrooms and two full baths and laundry room. Full basement is accessible from both interior and outside and provides unlimited possibilities to create a

Previous List Price:

\$339,900

personal oasis. No HOA fees!

Listing Office

Dustin Oldfather (3257685) (Lic# RS-0017091 - DE) (302) 227-6767 Listing Agent:

dustin@theoldfathergroup.com Listing Agent Email:

JUSTIN HEALY (3258612) (Lic# RB-0003444 - DE) Broker of Record:

OCEAN ATLANTIC SOTHEBY'S INTL REALTY (OAA204) (Lic# RM-0000219) Listing Office:

18949 Coastal Hwy, Rehoboth Beach, DE 19971-6216

(302) 227-6349 (302) 227-6767 Office Fax: Office Phone:

DIANA HARBERT (3257566) Lic# RS-0019323 (302) 227-6767 Co-Listing Agent:

Co-Listing Agent Email: diana@theoldfathergroup.com

Showing

 Schedule a showing Appointment Phone: (302) 227-6767

Showing Contact: Agent Lock Box Type:

SentriLock Contact Name: List Office

Showing Requirements: Appointment Only, Lockbox-Sentrilock,

Schedule Online

Route 24, home is across from Dorman Rd. Directions:

Compensation

Sub Agency Comp: 2,5% Of Gross 0% Of Gross

Buyer Agency Comp:

Dual/Var Comm: No

Listing Details Original Price:

Listing Agrmnt Type:

252 / 848 DOM / CDOM: Vacation Rental: No As is Condition Listing Terms: **Exclusive Right**

Original MLS Name: **BRIGHT** Prospects Excluded: No Full Service

Listing Service Type: Dual Agency: Yes

\$345,900

Standard Sale Type: Listing Term Begins: 02/16/2019 Listing Entry Date: 02/16/2019

Possession: Settlement Acceptable Financing: Cash, Conventional

Federal Flood Zone:

Buried Fuel Tanks, Lead Based Paint -Disclosures:

Federal, Prop Disclosure, Radon



PIN:	234-11.00-56.01
Owner Name	DICKSON MARY LOU
Book	2236
Mailing Address	22467 JOHN J WILLIAMS H
City	LEWES
State	DE
Description	E/RT 24
Description 2	1162'SE/RT 277
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

- Streets

County Boundaries

0.0125

0.02

1:1,128 0.025 0.05 mi 0.04

0.08 km

November 15, 2019

Board of Adjustment Application Sussex County, Delaware

Case # 12391 Hearing Date 121619 2019 12656

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	on:			
19841 Central Avenue, Rehoboth Beach, DE 199	971			
Variance/Special Use Exception/Appeal Requ	ested:			
(1) Variance from parking requirements of Code §115-162 and §115-165; (2) .3 foot variance if front yard setback is determined to be 30 feet, or in the alternative, a 30.3 foot variance from the 60 foot front yard setback as per §115-82(B); and (3) Special Use Exception § 115-80 to allow for "Tents for special purposes for a period exceeding three days."				
Tax Map #: 334-13.20-24.00	Property Zoning: C-1			
Applicant Information Applicant Name: Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company Applicant Address: 19841 Central Avenue City Rehoboth Beach State DE Zip: 19971 Applicant Phone #: (302) 540-9254 Applicant e-mail: bnelson@revbeer.com; harry@revbeer.com				
Owner Information				
Owner Name: EKC Brewery LLC Owner Address: 35846 Black Marlin Drive City Lewes State DE	Zip: 19958 Purchase Date:			
Owner Phone #: (302) 381-0471 Ov	wner e-mail: cleanbeaches@icloud.com			
Agent/Attorney Information				
Agent/Attorney Name: Taylor E. Trapp, Esq.				
Agent/Attorney Address: 323E Rehoboth Avenu	e			
City Rehoboth Beach State DE Agent/Attorney Phone #: (302) 227-1314 Ag	Zip: 19971 ent/Attorney e-mail: taylor@tunnellraysor.com; mackenzie@tunnellraysor.com			
Signature of Owner/Agent/Attorney				

Date: 10/31/19





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.

See Attached.

2. Cannot otherwise be developed:

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

See Attached.

3. Not created by the applicant:

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

See Attached.

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.

See Attached.

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.

See Attached.

Re: Revelation Craft Brewery — Variance Application for Front Yard and Parking Variances The Applicant seeks a front yard set back variance and parking variance for the installation of a 15' x 30' (450S.F.) Tent in connection with Applicant's application for a Special Use Exception to install the tent.

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.

Front Yard Setback Variance: This lot is narrow at 50 feet wide and shallow at 100 feet wide with an existing Warehouse/Pole Building occupying most of the lot's surface area. The Applicant seeks a front yard variance of .3 feet if it is determined that the average front yard setback is 30 feet for this lot, or in the alternative, a front yard variance of 30.3 feet if it is determined that the front yard setback is 60 feet for this lot.

Parking Variance: Code § 115-162 requires one (1) parking space for each 50 square feet assigned for patron use, plus 1 per 2 employees on the largest shift. The shallowness and narrowness of the lot with the existing Warehouse/Pole Barn does not allow for the Code's required number of onsite parking spaces. The required number of spaces for this Application is nine (9) spaces plus one parking space per two employees on the largest shift. The Applicant proposes to provide ample parking on nearby lots, as shown in Exhibit C.

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.

Front Yard Setback Variance: The Applicant does not seek to develop the existing property. The Applicant seeks this front yard variance to install a tent to allow for additional patron space for the Microbrewery.

Parking Variance: The Applicant seeks a variance from the parking requirements of: (1) § 115-162 that requires one (1) parking space for each 50 square feet assigned for patron use, plus 1 per 2 employees on the largest shift; and (2) §115-165 that requires parking spaces to be located on the same lot with the building or use served. The shallowness and narrowness of the lot with the existing Warehouse/Pole Barn does not allow for the Code's required onsite parking. The Applicant will provide ample parking on adjacent lots, as shown in Exhibit C.

3. Not created by the applicant:

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

Front Yard Setback Variance: The property's shape and narrowness existed prior to the Applicant's leasing of the property and owner's purchase of the property.

Parking Variance: The property's shape and narrowness existed prior to the Applicant's leasing of the property and owner's purchase of the property.

Re: Revelation Craft Brewery - Variance Application for Front Yard and Parking Variances

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.

Front Yard Setback Variance: The property is zoned C-1 General Commercial and the surrounding lots are also zoned C-1 General Commercial in a region where there are like-kind C-1 businesses. The property has operated as a Microbrewery since 2016 and will continue to embrace rather than harm the essential character of the neighborhood. The tent is also temporary, as the Applicant is relocating its business to another lot in 2020 subject to Applicant acquiring necessary approvals.

Parking Variance: The property is zoned C-1 General Commercial and the surrounding lots are also zoned C-1 General Commercial in a region where there are like-kind C-1 businesses. The property has operated as a Microbrewery since 2016 and will continue to embrace rather than harm the essential character of the neighborhood. The tent is also temporary, as the Applicant is relocating its business to another lot in 2020 subject to Applicant acquiring necessary approvals. Off-site parking will not harm the essential character of the neighborhood, as there are other commercial businesses with similar parking arrangements.

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.

Front Yard Setback Variance: The Applicant proposes to locate a small, 15' x 30' tent parallel to the existing Warehouse/Pole Building on the lot, as shown in Exhibit B, rather than a larger tent that runs perpendicular to the Warehouse/Pole Building. The variance request, if approved, is also limited in time, as the Applicant is relocating its business to another lot in 2020 subject to the necessary approvals.

Parking Variance: The Applicant propose to locate a small, 15' x 30' tent parallel to the existing Warehouse/Pole Building on the lot, as shown in Exhibit B, rather than a larger tent that runs perpendicular to the Warehouse/Pole Building. The variance request, if approved, is also minimal in time, as the Applicant is relocating its business to another lot in 2020 subject to the necessary approvals.

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 placement of a small, 15' x 30' tent will not substantially or adversely affect the uses of the adjacent and neighboring properties. The lot is zoned C-1 and the placement of this small, 15' x 30' tent will not alter the character of the district. The tent is proposed to provide more patron space for the growing Revelation Brewing Company business. The Applicants desire to have the tent to provide rain coverage and warmth for their patrons being served by the Microbrewery. See Exhibit B.

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

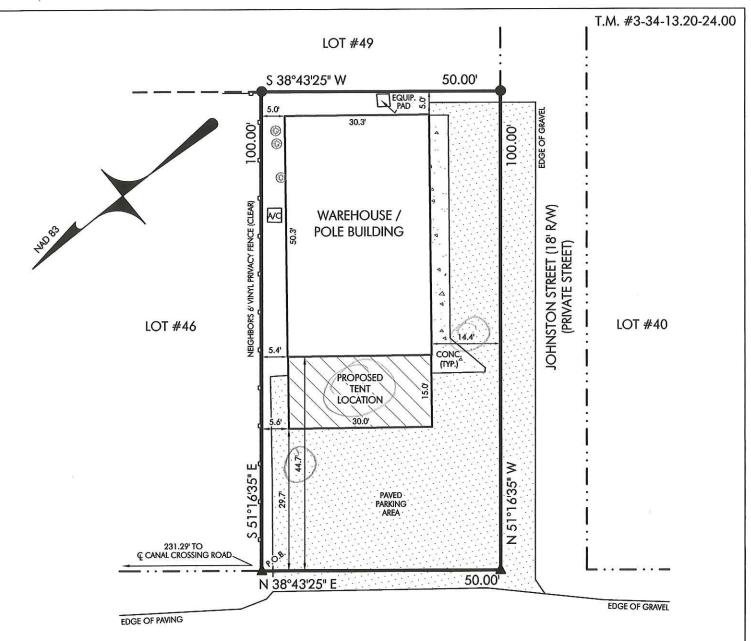
The Applicant will provide for ample parking on nearby lots.

The tent is temporary, as the Applicants plan to relocate to another lot to operate their business in 2020 pending necessary and required approvals.

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

Survey

TUNNELL &RAYSOR, P.A.



CENTRAL AVENUE (25' R/W - PRIVATE STREET)

Y S. 11

LEGEND:

- IRON PIPE (FOUND)
- **IRON ROD (SET)**
- 0 ABOVE GROUND PROPANE
- 0 CO2 TANK

NOTES:

*REVISED 10/22/2019 TO SHOW PROPOSED CONDITIONS.

ALL RESTRICTIONS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR, AND/OR THE DESIGNER, PLEASE CONTACT SUSSEX COUNTY TO VERIFY (302-855-7720).

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN

PROPOSED CONDITIONS **BOUNDARY SURVEY PLAN FOR**

REVELATION CRAFT BREWING CO

TOTAL AREA: 5,000 SQ. FT.

DEED REFERENCE: BOOK 3776 PAGE 295 19841 CENTRAL AVENUE, REHOBOTH BEACH

LOT #45 BLOCK 4 OF "GEORGE E. SHOCKLEY" SUBDIVISION

LEWES & REHOBOTH HUNDRED

STATE OF DELAWARE

SCALE: 1'' = 20'SEPTEMBER 9, 2019*

FORESIGHT Services

Surveying & Precision Measurement

SUSSEX COUNTY

302 226 2229 phone

302 226 2239 fox

2103A Coastal Highway

Dewey Beach, DE 19971

EXHIBIT A Relevant and Applicable Sussex County Code Sections



étracks, any type, including horses, stock cars or drag strip

decreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-79 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks Swimming or tennis clubs, private, nonprofit or commercially operated

§ 115-80 Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment and in accordance with the provisions of Article XXVII of this chapter and may include:

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board for the following uses:

Archery ranges

Asphalt batching plants or concrete batching plants

Commercial dog kennels

Driving ranges[1]

Outdoor display or promotional activities at shopping centers or elsewhere

Pony rings

Raising for sale of birds, bees, rabbits and other small animals, fish and other creatures

Riding academies, public stables or private stables

Rifle or pistol ranges, trap or skeet shooting

Sawmills for cutting timber grown on the premises

Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision

Tents for special purposes for a period exceeding three days. The Director may, without requiring an application for a special use exception, grant approval for a tent for a special purpose (revival, reception, tent sale as an accessory to a business or commercial use, or other similar activities). If approved by the Director, a tent for special purposes may be utilized on a parcel no more than three times in a calendar year.

[Added 11-10-1992 by Ord. No. 863]

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

[Amended 10-12-1999 by Ord. No. 1346; 10-12-2010 by Ord. No. 2152]

Use of a manufactured-home-type structure for any business, commercial or industrial use [Amended 10-12-2010 by Ord. No. 2152]

Article XXI, § 115-159.5, for signs permitted in the C-1 District and other regulations relating to signs.

§ 115-82 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100
Other	10,000	, 75 T	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

[Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

[Added 7-15-1997 by Ord. No. 1157]

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

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	(5*)	65*
Multifamily-type structure	(See Table II, included at th	e end of this chapter.)	

^{*}NOTE: See also the table of district regulations at the end of this chapter.

C. Maximum height requirements. Maximum height requirements shall be as follows: [Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

§ 115-83 Reference to additional regulations.

A. The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXIV, Conditional Uses

Article XXV, Supplementary Regulations

^{**}NOTE: See also § 115-194.1.

§ 115-182 Front yards.

- A. On through lots, the required front yard shall be provided on each street.
- B. There shall be a front yard of at least 15 feet on the side street of a corner lot in any district.
- On a street or road with existing buildings having a front yard setback that is less than that required in the district, any building may have a front yard setback that is equal to the average setback of those existing buildings located on the same side of the street or road and being with 300 feet of the building. Any vacant lot shall be calculated as having the required setback for the district. No front yard setback reduced pursuant to this subsection shall be reduced to less than five feet. The provision of this subsection shall not apply to any lot in a cluster subdivision, Coastal Area cluster subdivision or residential planned community.

 [Amended 3-20-2018 by Ord. No. 2557; 5-21-2019 by Ord. No. 2656]
- D. Open unenclosed decks, porches, platforms or steps not covered by a roof or canopy and which do not extend above the level of the first floor of the building may extend or project into the front yard not more than five feet. This provision does not apply to manufactured home parks or campgrounds.

 [Added 11-29-1989 by Ord. No. 639; amended 2-1-2005 by Ord. No. 1748; 10-12-2010 by Ord. No. 2152]

§ 115-183 Side and rear yards.

- A. Where a building in a commercial district is subject to the height, area and bulk requirements applicable to residential development under § 115-178 of this article, the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than 25% of its area used for dwelling. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.
- B. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.
- C. Open unenclosed decks, porches, platforms or steps not covered by a roof or canopy and which do not extend above the first floor of the building may be constructed in a side or rear yard no closer than five feet from a side lot line and five feet from a rear lot line. This provision does not apply to manufactured home parks or campgrounds.

[Amended 11-28-1989 by Ord. No. 639; 2-1-2005 by Ord. No. 1748; 10-12-2010 by Ord. No. 2152; 3-20-2018 by Ord. No. 2562]

D. For any existing approved lot that is less than 10,000 square feet in size, the side yard setbacks shall be reduced to five feet and the rear yard setback shall be reduced by five feet. For any lot with side or rear setbacks reduced by operation of this § 115-183D, no structures shall extend or project closer than five feet from the lot line. The provision of this subsection shall not apply to any lot in a cluster subdivision, Coastal Area cluster subdivision or residential planned community.

[Added 3-20-2018 by Ord. No. 2557; amended 5-21-2019 by Ord. No. 2656]

§ 115-184 Corner visibility.

No sign, fence or wall extending to a height in excess of three feet above the established street grade shall be erected or maintained with the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 25 feet distant from the intersection of the street lines.

§ 115-185 Accessory buildings and structures.

A. Except as herein provided, no accessory building shall project beyond a required yard line along any street.

Sussex County, DE Tuesday, September 24, 2019

Chapter 115. Zoning

Article XXII. Off-Street Parking

Tent: 15' x30' = 4505. F.

§ 115-162. Requirements.

A. When any building or structure is hereafter erected or structurally altered or any building or structure is converted for any use listed below, accessory off-street parking spaces shall be provided as follows:

Use	Parking Spaces Required
Single-family dwellings, single-family manufactured homes and apartments [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 5-2-2000 by Ord. No. 1371; 10-12-2010 by Ord. No. 2152]	2 per family unit
Multifamily dwellings and townhouses [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 8-15-2006 by Ord. No. 1869]	See Subsection B.
Rooming, boarding- or tourist houses	1 per rental room, plus 2 for the resident owner or manager
Hotels, motels or lodging inns	1 1/2 per rental room or suite, plus 1 per 3 employees. If a restaurant open to the public is operated in connection with such use, additional off-street parking space meeting the minimum requirements for a restaurant must be provided
Eating places, taverns, bars and nightclubs	1 for each 50 square feet assigned for patron
	use, plus 1 per 2 employees on the largest shift
Indoor commercial recreation	1 per 150 square feet of floor area or 1 per 4 seats for patron use, whichever is applicable to the particular use
Offices, office buildings, banks or other financial offices	1 per 200 square feet of floor area, exclusive of basement, if not used for office or customer service purposes
Retail stores or supermarkets	1 per 200 square feet of floor area used for sales or display of merchandise purposes, plus 1 for each 2 employees on the largest shift
Beauty and barber shops or other personal services	1 per 200 square feet of floor area
Observations and the second second	5 per 1,000 square feet of gross leasable area
Shopping centers	o per 1,000 square reet of gross leadable area

- I. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need under the requirements of this Article for an increase in parking spaces of 10% or more than those required before the change or enlargement, such additional space shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than 10% of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of 10% or more.
- J. The parking requirement, if any, for a home occupation or home office shall be determined by the Director, subject to review by the Board of Adjustment. In any event, the front yard shall not be used for the required parking spaces, and parking spaces shall not be less than five feet from any property line.

§ 115-164. Modification of requirements.

Where, in the judgment of the Planning and Zoning Commission, the parking requirements listed in § 115-162 are clearly excessive and unreasonable, the Commission may modify the requirements.

§ 115-165. Joint use and off-site facilities.

X.

All parking spaces required herein shall be located on the same lot with the building or use served.



Shared parking. The Planning and Zoning Commission may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another with a maximum distance from the farthest parking space (or in the case of a parking garage, the pedestrian entrance to the garage) of 600 feet to the public entrances or a lighted, semi-weather-proofed covered walkway leading to the public entrances for commercial uses and with a maximum distance of 600 feet (or in the case of a parking garage, the pedestrian entrance to the garage) to the residential entrances that are being considered in the shared uses and, which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

[Amended 2-14-2006 by Ord. No. 1826^[1]]

- (1) Location. All uses that participate in a single shared parking plan shall be located on the same lot or on lots that <u>share a common boundary</u>. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.
- (2) Shared parking study. A shared parking study signed and sealed by a Delaware licensed professional engineer in a form acceptable to the Planning Director shall be submitted which clearly establishes those uses that will utilize the shared spaces at different times of the day, week, month and year, including seasonal or mode adjustment factors. The study shall:
 - (a) Be based on the most current Urban Land Institute's shared parking study methodology or other generally accepted methodology;
 - (b) Address the size and type of activities, the composition of occupants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;
 - (c) Provide for a reduction by not more than 50% of the combined parking required for each use;
 - (d) Provide for no reduction in the number of spaces reserved for persons with disabilities;
 - (e) Provide a plan to convert the reserved area to parking area if it is ever required; and

- (f) Be reviewed and approved by the Planning Director and the Planning and Zoning Commission.
- (3) Agreement for shared parking plan. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Planning Director who shall forward a copy to the County Attorney for review and approval. Proof of recordation of the agreement shall be presented to the Planning Director prior to issuance of a certificate of occupancy. The agreement shall:
 - (a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (b) Provide a legal description of the land;
 - (c) Include a site plan showing the area of the parking parcel and the open space reserved area which would provide for future parking and any required stormwater management facilities;
 - (d) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - (e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - (f) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
 - (g) Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
 - (h) Incorporate the shared parking study by reference; and
 - (i) Describe the method by which the covenant shall, if necessary, be revised.
- (4) Change in use. Should any of the shared parking uses be changed, or should the Planning Director find that any of the conditions described in the approved shared parking study or agreement no longer exist or if the Planning Director and Planning and Zoning Commission determine that insufficient parking is an issue, the owner shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection or of providing the number of spaces required for each use as if computed separately. If the Planning Director determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces are provided.
- (5) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this Code and shall specifically be cause for revocation of a certificate of occupancy.
- [1] Editor's Note: This ordinance also repealed former Subsection C, which immediately followed and provided for the establishment of shared parking spaces by covenant or agreement.

§ 115-166. Design standards.

A. Minimum area.[Amended 3-14-2006 by Ord. No. 1831]

EXHIBIT B

TUNNELL &RAYSOR, P.A.

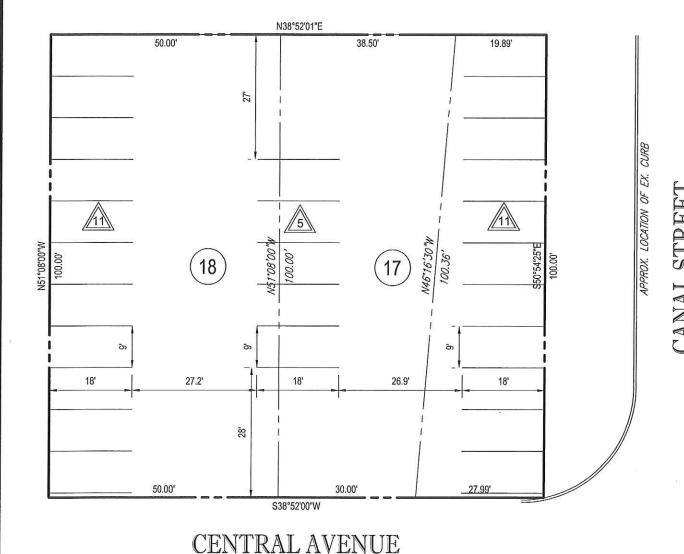


EXHIBIT B 15' x 30' West Coast Frame Tent



EXHIBIT C

TUNNELL &RAYSOR, P.A.



CHACONAS LOT NOS. 17&18

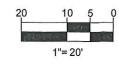


18958 COASTAL HIGHWAY SUITE D, REHOBOTH BEACH, DE 19971 PHONE: (302) 644-1155 FAX: (302) 703-3173

THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPED OR USED FOR ANY PURPOSE WITHOUT FRIOR WRITTEN AUTHORIZATION FROM BOHLER ENGINEERING, ONLY APPROVED, SIGNED AND SHALL DE HUTLED FOR CONSTRUCTION PURPOSES. © BOHLER ENGINEERING, 2018

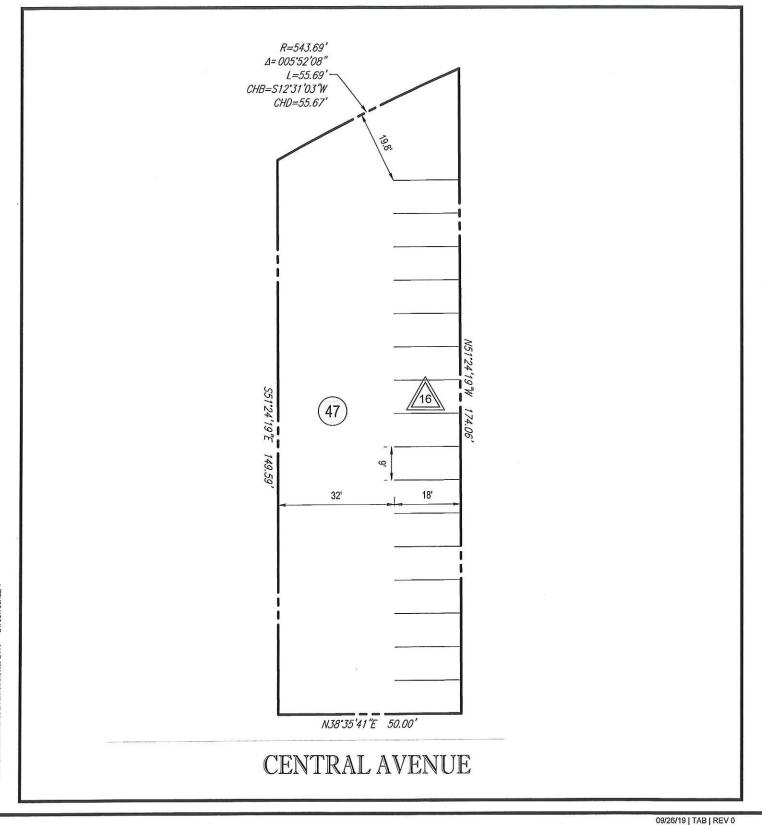
OVERFLOW PARKING SKETCH PLAN





9/19/19 | JSW | REV 1

SUSSEX COUNTY, DE TM# 334-13.20-21.00



HAROLD E. DUKES JR. & ANTHONY CRIVELLA



OVERFLOW PARKING SKETCH PLAN

SUSSEX COUNTY, DE

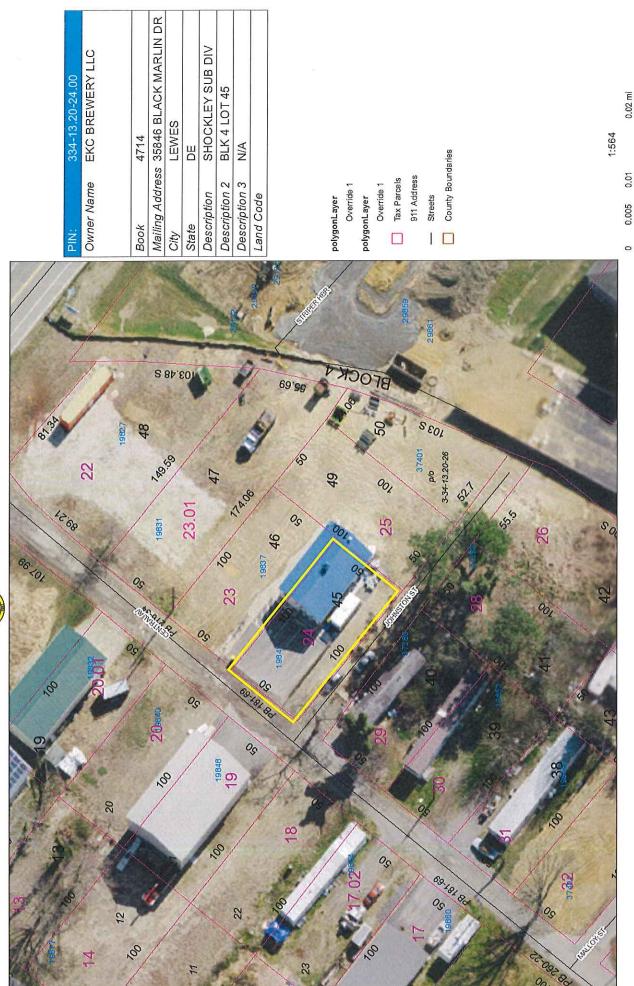




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TM# 334-13.20-21.00





November 15, 2019

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0.01 0.005

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0.02 mi

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 #	12394
	ate Dec. 16,2019
201912	2902
[RECEIVED

NOV 0 5 2019

Type of Application: (please check all applicable)	SUSSEX COUNTY
Variance	PLANNING & ZONING
Variance Special Use Exception	Existing Condition
Administrative Variance	Proposed
Appeal Appeal	Code Reference (office use only)
Арреа [115-183
Site Address of Variance/Special Use Exception: 37057 Pintail Drive, Selbyville DE 19975	
Variance/Special Use Exception/Appeal Requested:	
Variance requested on the 5 foot setback from property line and HVAC unit that is 2 foot into the 5 foot setback on one home.	
Tax Map #: 533-12.16-32.00	Property Zoning:
Applicant Information	
Applicant Name: William J Smith Jr	
Applicant Address: 939 Lombardee Circle	
City Glen Burnie State MD Zip: 21	060
Applicant Phone #: (410) 371-6308 Applicant e-ma	ail: 213bsmith@gmail.com
Owner Information	
Owner Name: William and Karen Smith	
Owner Address: 939 Lombardee Circle	* * * * * * * * * * * * * * * * * * * *
City Glen Burnie State MD Zip: 21	060 Purchase Date:
Owner Phone #: (410) 371-6308 Owner e-mail:	213bsmith@gmail.com
Agent/Attorney Information	
Agent/Attorney Name: N/A	
Agent/Attorney Address:	
City State Zip:	
Agent/Attorney Phone #: Agent/Attorne	y e-mail:
Signature of Owner/Agent/Attorney	
Willen Built	Date: 10/31/19





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.

Property is a pie shape lot and surrounded by water on 2 sides

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 limited space of the lot and the placement of the home from all sides a varience is necessary to enable a reasonable use of the property

3. Not created by the applicant:

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

With the odd shape of the lot and the community turn around imposing on the available space to build the placement of the home was difficult

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

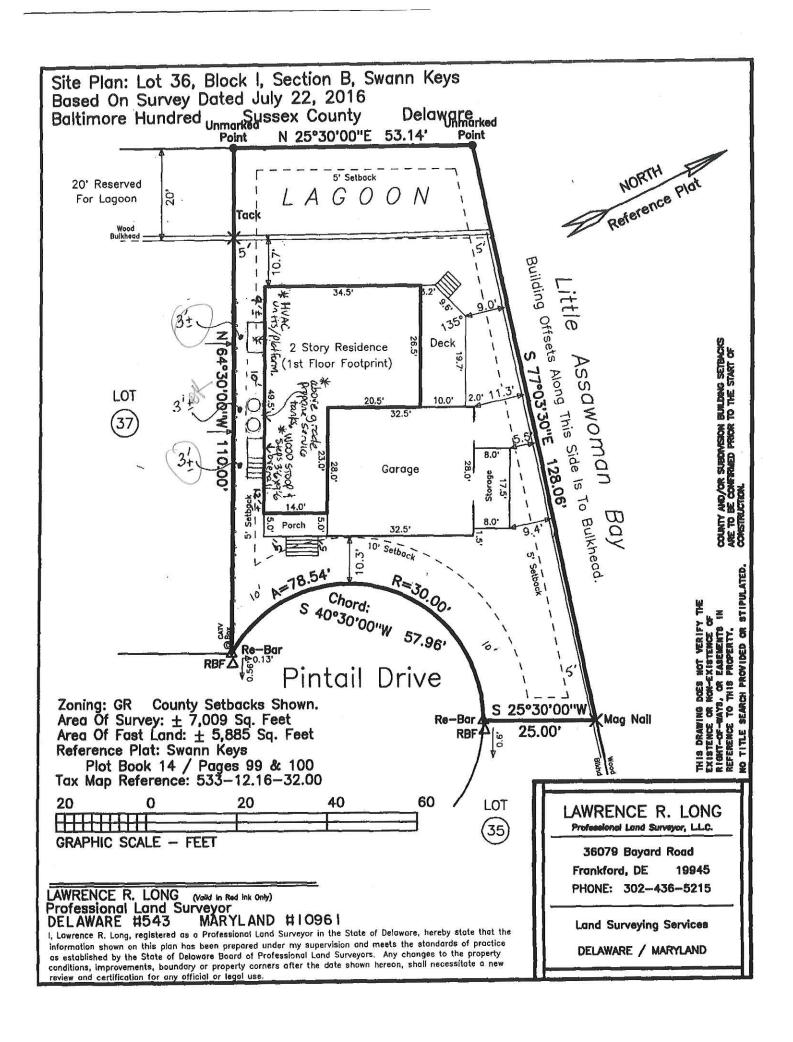
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

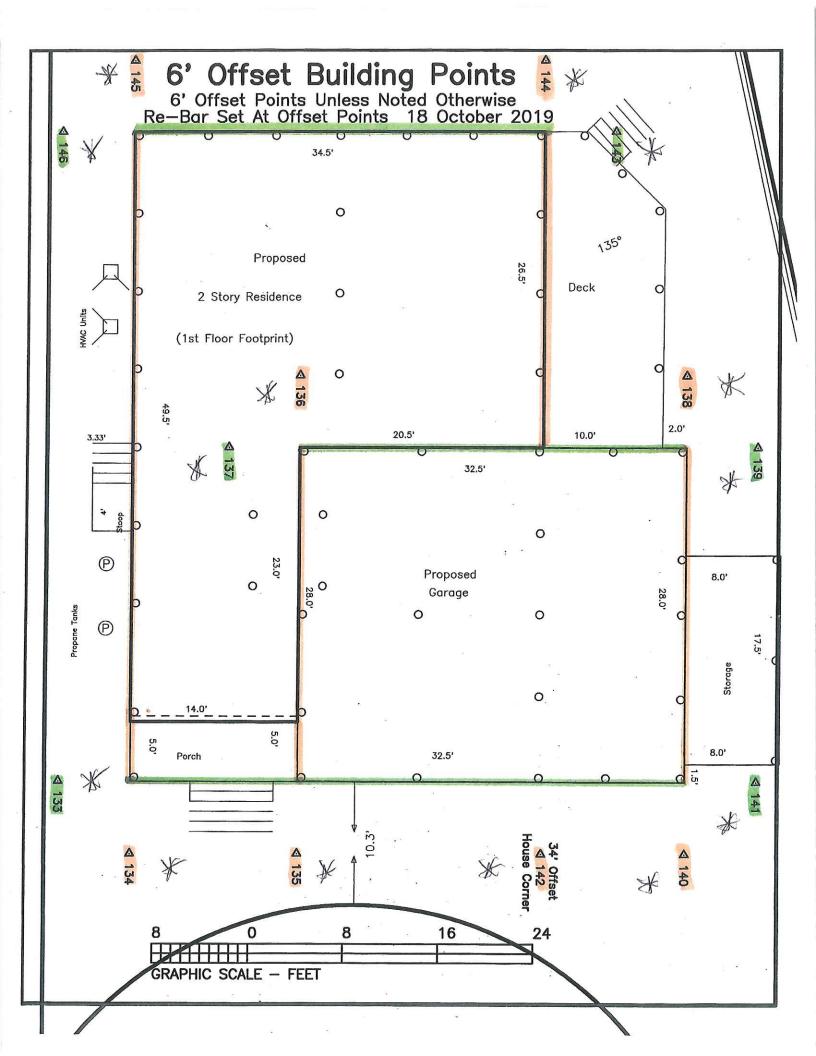
Definately will not alter the character of the neighborhood in fact almost every home including the home adjacent to this property has some level of encroachment into the setback criteria (see photos)

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.

All that is required is a 2 foot encroachment into the 5 foot setback and will not impead on the adjacent property



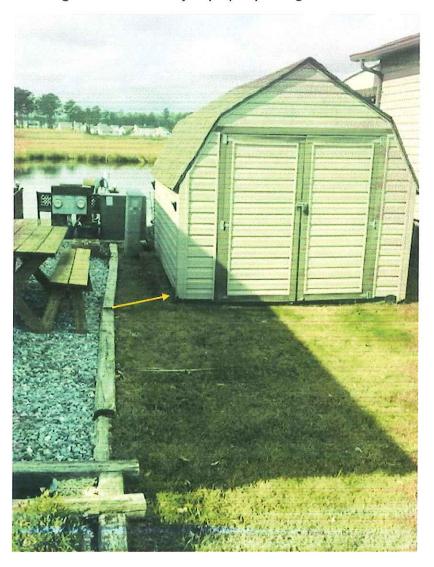


The following pictures are support for the Variance at

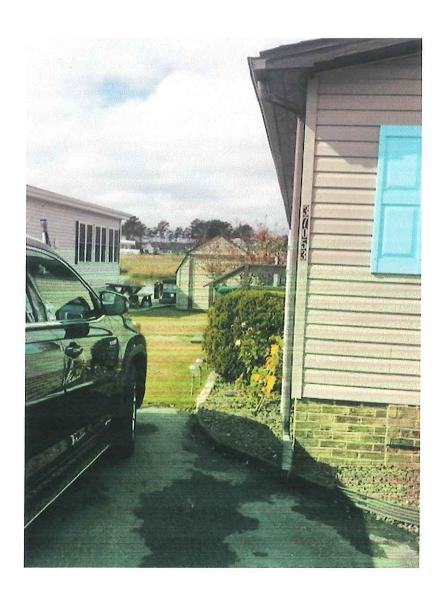
37057 Pintail Drive Selbyville DE 19975

All pictures below are from the same street, Pintail Drive, and all are adjacent to or within a few homes of the subject home. The below examples are just a few of the several hundred homes in the Swan Keys neighborhood with the same variance. Many more can be provided if needed

Home right next door to subject property.... neighbor first:



37053 Pintail Drive

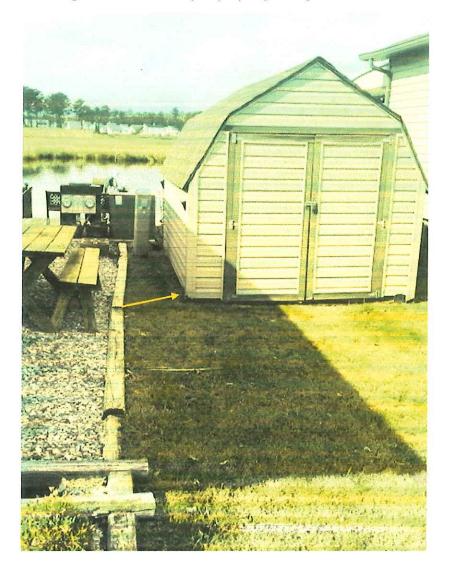


The following pictures are support for the Variance at

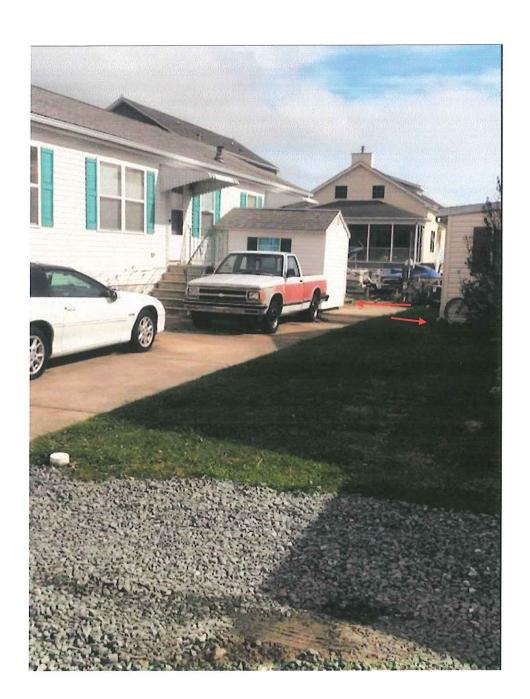
37057 Pintail Drive Selbyville DE 19975

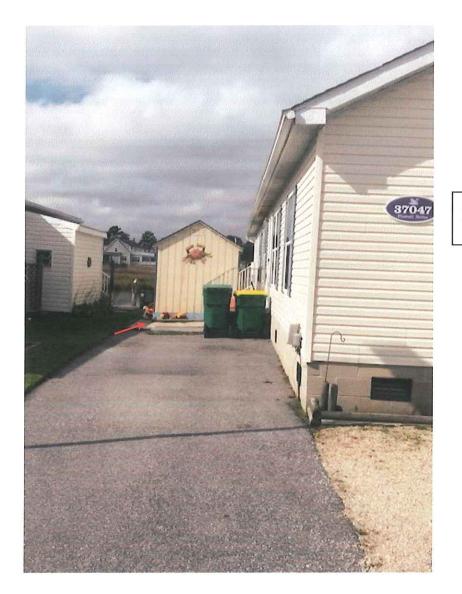
All pictures below are from the same street, Pintail Drive, and all are adjacent to or within a few nomes of the subject home. The below examples are just a few of the several hundred homes in the Swan Keys neighborhood with the same variance. Many more can be provided if needed

Home right next door to subject property.... neighbor first:



37053 Pintail Drive

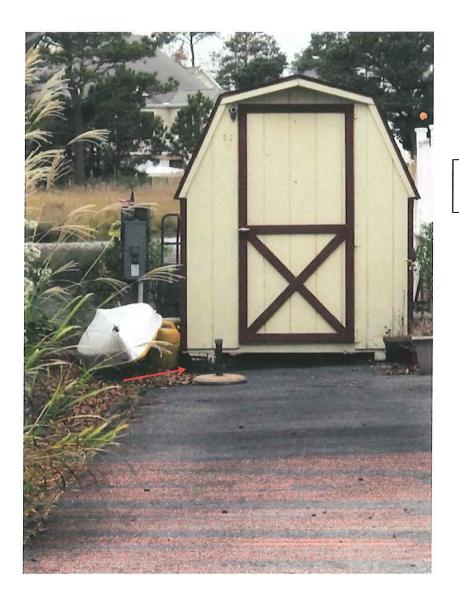




37047 Pintail Drive



37007 Pintail... this is a brand-new garage that was just built in the last 5 months on Pintail that received a building permit and variance



37031 Pintail Drive



37040 Pintail Drive





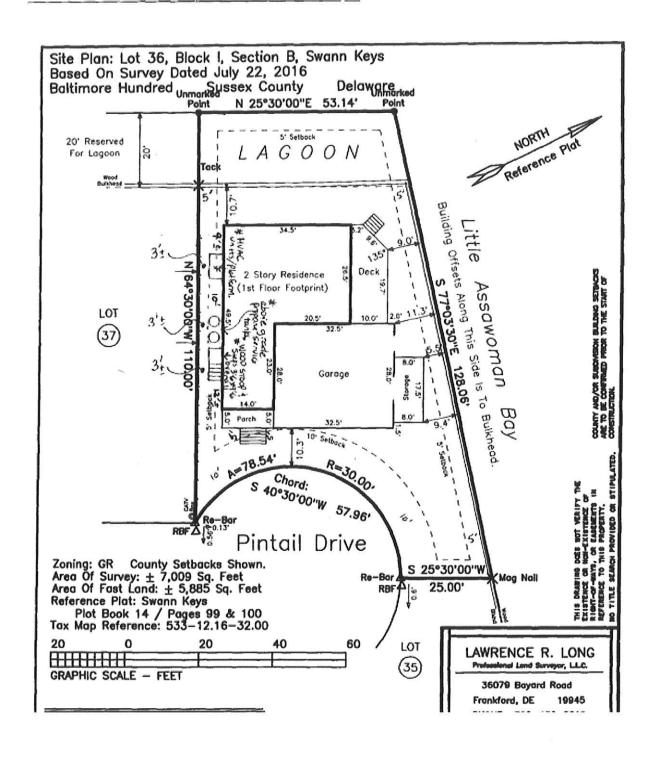
From: Dino lacchetta dino@iacchettabuilders.com

Subject: ~OTQ7EII001F.PDF

Date: Oct 31, 2019 at 3:10:46 PM

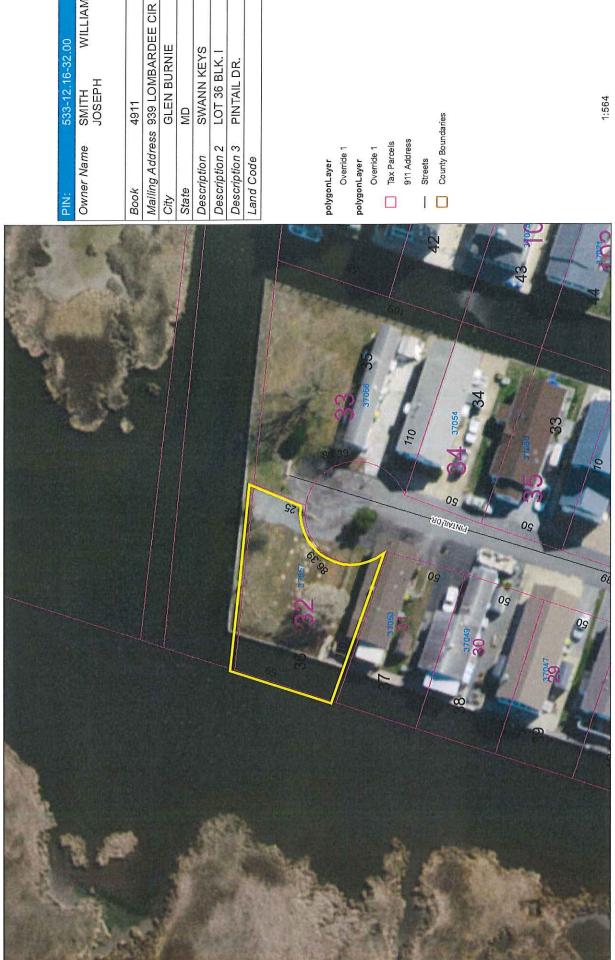
To: Karen klsmith7554@gmail.com, Billy Smith

bsmith@nbis.com



WILLIAM





0.04 km 0.02 mi 0.01 0.0 0.005 $^{\circ}$

November 15, 2019

Case # ___/2392 Hearing Date _____12-16-19 2019 12 813

Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable) Variance 🔽 Existing Condition Special Use Exception Proposed Y Administrative Variance Code Reference (office use only) Appeal Site Address of Variance/Special Use Exception: Rehoboth Del. 19971 Variance/Special Use Exception/Appeal Requested: Respectfully request a 3'ft variance from the 5'ft variance that is now permitted, allowing me to build a 30'z"x 8'7" enclosed porch that will be attached to my home in the rear of the dwelling. Property Zoning: AR Tax Map #: 334-13.00-310.00, 54148 **Applicant Information** Applicant Name: Applicant Address: City Rehobott Applicant e-mail: John cosgrove 301e gmail.com Applicant Phone #:410 **Owner Information** Owner Address: Owner Phone #: 410-5 Owner e-mail: Agent/Attorney Information Agent/Attorney Name: Agent/Attorney Address: Zip: Agent/Attorney e-mail: Agent/Attorney Phone #: Signature of Owner/Agent/Attorney





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 angle of the property line at the rear of the house prevents building a true triangle shape addition. Without the variance approval, the screened porch would be smaller and pie shaped.

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 shape of the property lot, there are no other options that would allow this screened in porch without a variance at the rear of the dwelling.

3. Not created by the applicant:

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

The owner (applicant) did not create the shape of the lot or place the home on the lot.

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

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

the variance would not after the character of the neighbor hood or impede the operations of any emergency responding vehicles

5. Minimum variance:

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

The variance requested represents the minimum variance to afford relief due to the uniqueness of the property

To whom it may concern: 10-9-2019 The names and addresses listed below are the neighbors of John + Martina Cosgrore of 19974 Dodd Ave. in Sea Air Village and we have no objections to the proposed addition of said property. 1. Name: HAROLD SHAW Address: 19988 DOOD AVE / RB 19971 2. Name: DAUCE SpitTLE Address: 19979 NODD AVE/RB 19971 IVAN Bolyard DR 3. Name: Address: 20000 Dodd Loc 1997 Flaulie John Don 4. Name: 19991 Dodd Luc 19971 Address. Willy Bloom 1997/ 5. Name: 19963 DODD AVÍ REHOBOTH BEACH Address. Dalle-6. Name: Address: 19957 DODD AVE 7. Name: Address

October 10, 2019

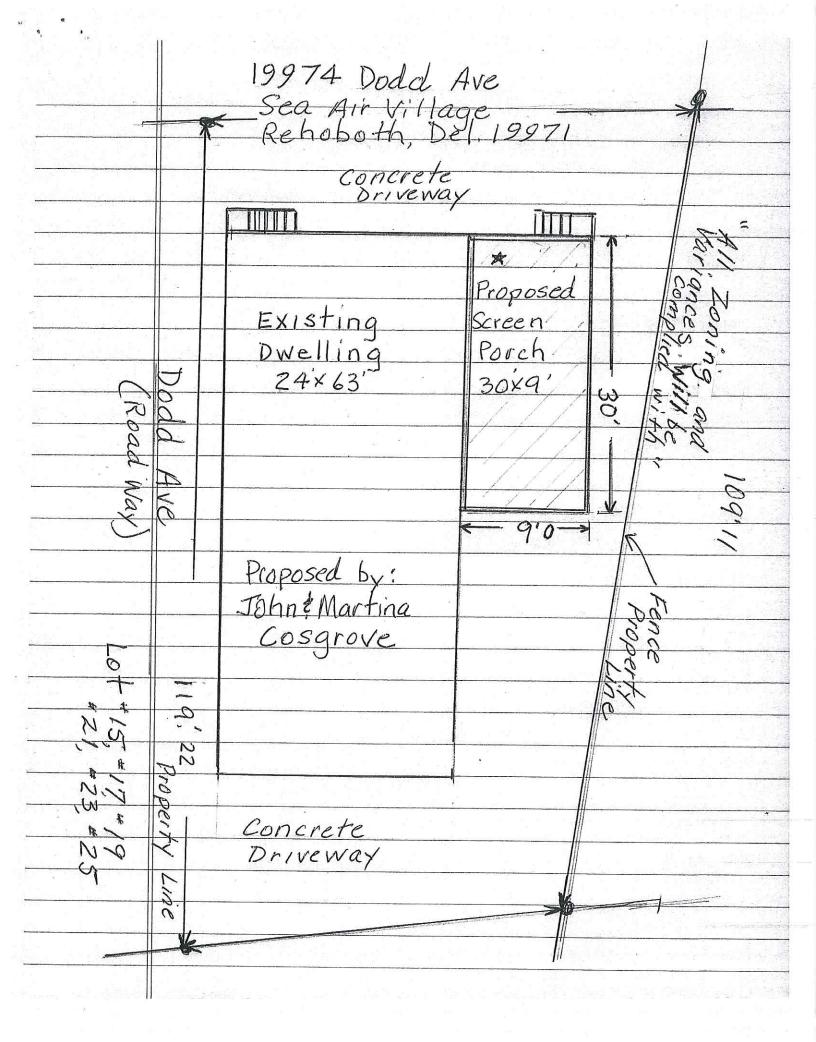
TO WHOM IT MAY CONCERN

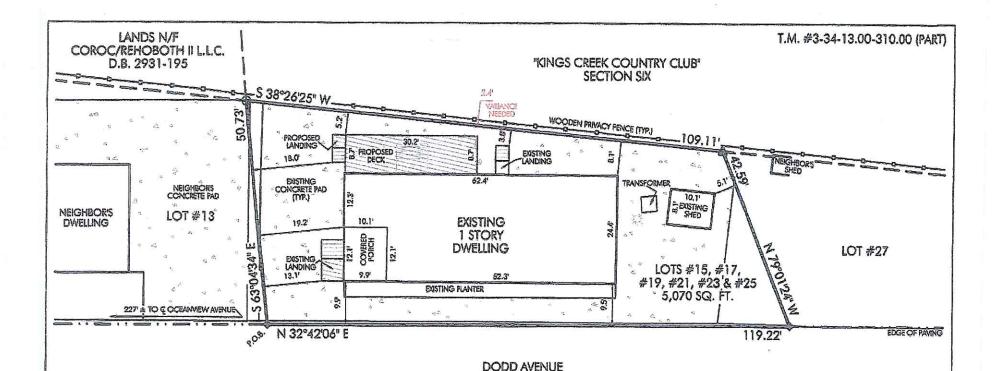
I GEORGE W. McALEER JR. LIVING AT 19984 DODD AVE,
IS THE IMMEDIATE NEIGHBOR OF JOHN M. COSGROVE AND
SHARING THE SAME PROPERTY LINE. I HAVE NO OBJECTIONS TO
THE PROPOSED REAR ADDITION IN THE REAR OF 19974 DODD AVE,

(OWNER) JOHN M. COSGROVE.

Leorge W. M. Calley

E	KIERIOR	IMPROV	EMENT RE	QUEST	
410-971-626	AVC. I RESS 65 410 -	H-15 599-15/3			2019 2019 N DATE
associated structures, or si secure any and all permits re Description of Alteration:	ite. Approval by	the Community	Management does	not waive Reside	nt's responsibility to
Description of Alteration.		-171176	21 ra		
Upon review of the abo Resident will obtain a If Resident hires an in Upon review of the abo DISTRICT MANAGER/O	ny and all permit dependent contr	is necessary to detector, it is recorded it is not within the	construct improver nmended that they	nent, be licensed and	insured.
USE SPA			ONS AND LOCATION O	N YOUR HOME SITE.	
				2 0) ×
€					
		FOLLOW-UP IN	SPECTION		
Management reserves the ri	ght to inspect the	alterations descri	ibed above upon co	mpletion.	
DISTRICT MANAGER/O	COMMUNITY MANAGE	ER		DATE	





LEGEND:

- MAG NAIL (FOUND)
- IRON ROD (SET)
- POINT IN CONCRETE PAD

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER AND/OR GENERAL CONTRACTOR. THIS DRAWING DOES NOT VEREY THE EXISTENCE OR NON-BUSTIENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.



19974 DODD AVENUE, REHOBOTH BEACH LOT #15, #17, #19, #21, #23 & #25 BLOCK H, OF "SEA AIR VILLAGE" PARK LEWES & REHOBOTH HUNDRED SUSSEX COUNTY STATE OF DELAWARE SEPTEMBER 6, 2019 SCALE: 1" = 20'

Propored by:

FORESIGHTServices

Surveying & Precision Measurement

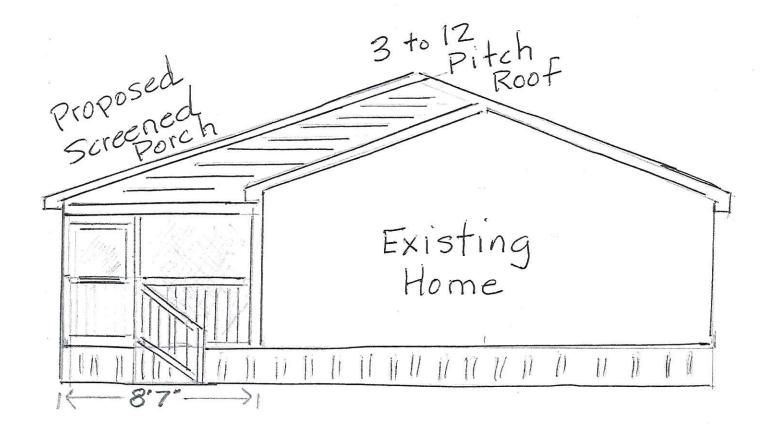
302 225 2229 phone 302 226 2239 fex

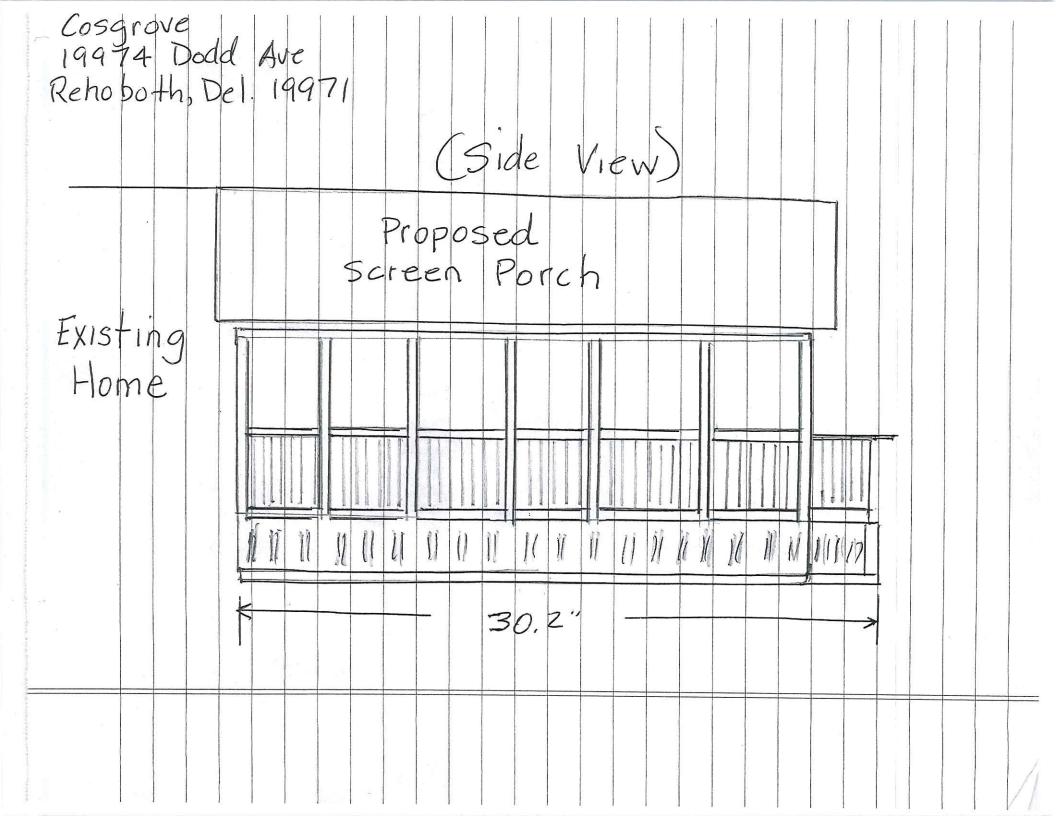
2103A Coastal Highway

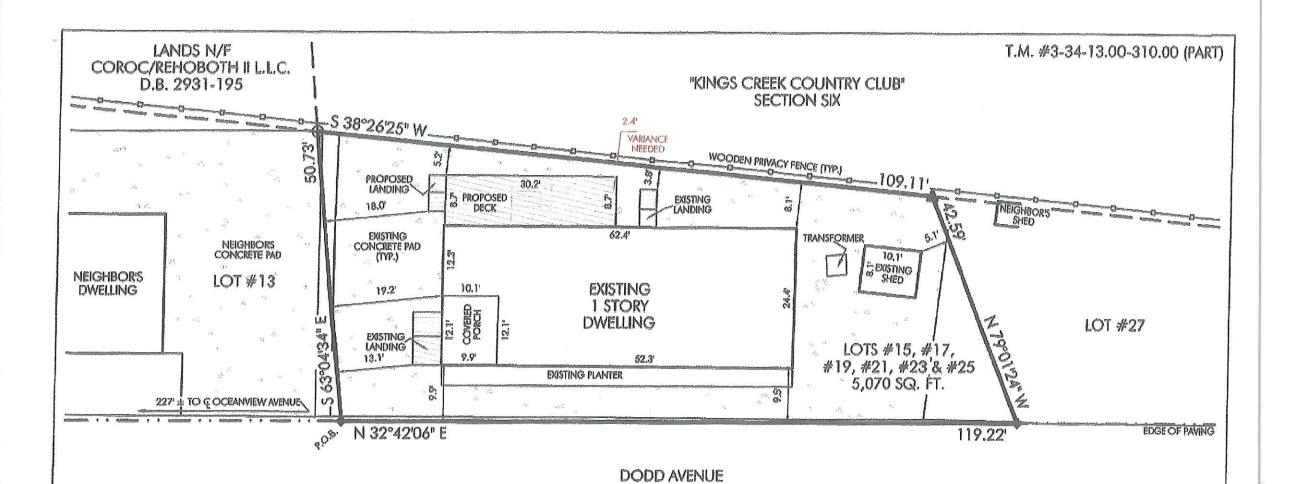
Dowey Gooch, DE 19971

Cosgrove 19974 Dodd Ave. Rehoboth, Del. 19971

Front View









- MAG NAIL (FOUND)
- IRON ROD (SET)
- POINT IN CONCRETE PAD

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER AND/OR GENERAL CONTRACTOR. THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

PROPOSED CONDITIONS LOCATION PLAN FOR

OTTINGER SERVICES

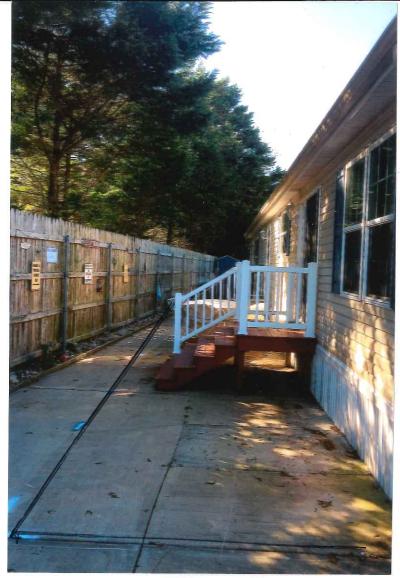
19974 DODD AVENUE, REHOBOTH BEACH LOT #15, #17, #19, #21, #23 & #25 BLOCK H, OF "SEA AIR VILLAGE" PARK LEWES & REHOBOTH HUNDRED SUSSEX COUNTY STATE OF DELAWARE SEPTEMBER 6, 2019 SCALE: 1" = 20'

FORESIGHT Services

Surveying & Precision Measurement

302 225 2229 phone 302 226 2239 fax

2103A Ceastal Highway Dewey Beach, DE 19971







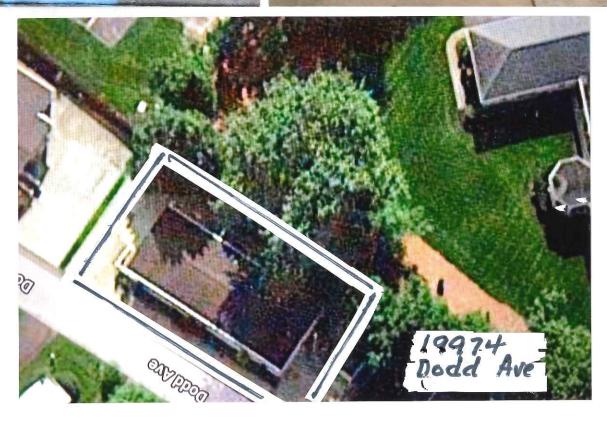
Next door house Proposed similar Screen porch.









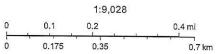




334-13.00-310.00
SEA BREEZE LP
0
27777 FRANKLIN RD
SOUTHFIELD
MI
GIS TIEBACK
DUMMY ACCOUNT
N/A

Override 1 polygonLayer Override 1 Tax Parcels - Streets

County Boundaries



Case # <u>20/9/3</u>000 Hearing Date <u>/2-/6</u> **123** 95

Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all a	oplicable)
Variance ✓ Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office use only)
Site Address of Variance/Special Use Ex	
1 Neptune Drive, Frankford, DE 19945	
Variance/Special Use Exception/Appeal	Requested:
Six foot high fence to be installed two fe Bridges Road to act as a privacy panel.	eet from property line along side of house on Double
Tax Map #: #1-34 17.00 545.00	Property Zoning: MR
Applicant Information Applicant Name: Milton & Kathleen Roll Applicant Address: 3600 Tarkington Lane City Silver Spring State MD	berson Zip: 20906
Applicant Phone #: (301) 933-8072	Applicant e-mail: milt.roberson@gmail.com
Owner Information	
Owner Name: Milton & Kathleen Robers Owner Address: 1 Neptune Drive	
City Frankford State DE Owner Phone #: (240) 893-3398	Zip: 19945 Purchase Date: 10/4/04 Owner e-mail: milt.roberson@gmail.com
Owner Phone #: (240) 893-3398	Owner e-mail: milt.roberson@gmail.com
Agent/Attorney Information	
Agent/Attorney Name: None Agent/Attorney Address:	71
City State Agent/Attorney Phone #:	Zip: Agent/Attorney e-mail:
Signature of Owner/Agent/Attorney	

Kuthleen L R Ohuson

Date: 11-6-2019





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.

SEE ATTACHED

2. Cannot otherwise be developed:

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

SEE ATTACHED

3. Not created by the applicant:

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

As stated in number one, the traffic safety issue is not the cause of the applicant but due to the enormous increase in home development and heavy use of Double Bridges Road.

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

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

A 6 ft fence will provide privacy, safety for the tenants, some noise reduction, and a safer view for motorists moving onto Double Bridges Road. If trees are replanted, they will obstruct the view of oncoming traffic. A fence will alleviate the need to trim trees and aid motorists in an unencumbered view of oncoming traffic. A fence will not adversely affect any neighboring property and will actually contribute to public welfare.

5. Minimum variance:

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

Placing a 6 foot high fence two feet from our property line will allow motorists to clearly and safely see oncoming traffic before traveling onto Double Bridges Road.

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.

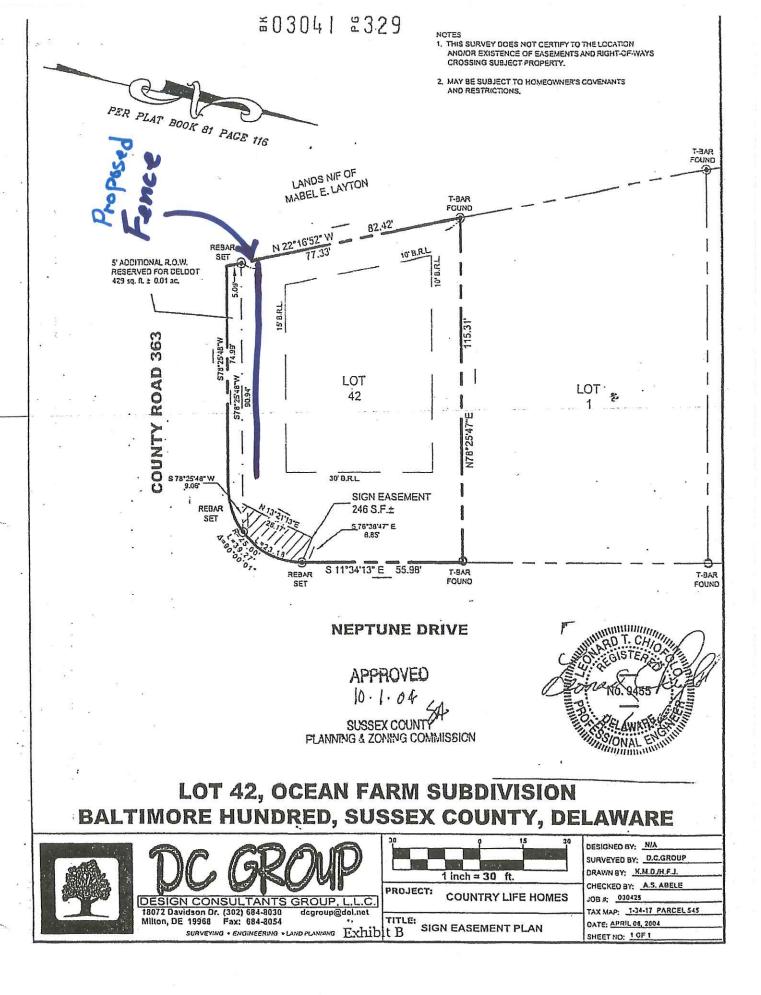
We are asking for approval of a 6 foot high fence between our house and Double Bridges Road on Lot 42 at 1 Neptune Drive, Frankford, DE 19945. Lot 42 was NOT originally planned by Stephens Management Company to be used as a dwelling site; it was designated as a utility lot. As such, its dimensions are different than other properties in the Ocean Farm community allowing only minimum clearance between the road and the home structure (28 feet). Other homes along Double Bridges Road are set back approximately 92 feet from the road (Picture 1 & 2). It is our understanding that Stephens Management Company, in the next phase of development, gave Lot 42 to Country Life Homes for development. When we purchased the home, we were not informed that our lot was to be used for all future utility installations, nor were we informed that there would be any restrictions on partitioning from Double Bridges Road.

Originally, Country Life Homes planted three large Leyland Cypress trees directly on our property line which have now outgrown their boundary and encroached on the DelDot easement. Our HOA landscapers have trimmed the trees so that motorists have a safer view of oncoming traffic on Double Bridges Road but the trees are irreparably damaged (Picture 5). The trees still provide some partition between the very busy road and our home in the short term, but need to be removed soon. We are proposing a 6 foot fence to provide safety for our grandchildren, privacy, noise reduction and safe exit onto Double Bridges Road. If trees are replanted, we will face the same encroachment issue in the future—motorists will not be able to safely exit the development (Picture 3 & 4). We are asking for a variance because if we erect a 6 foot high fence 15 feet from our property line (current requirement), it would leave very little side yard and would be aesthetically asymmetrical (Picture 1). We are requesting approval of a 6 foot fence two feet from our property line. This would give us accessibility, safety, privacy and allow motorists to exit safely (Picture 3 & 4). We are currently working with Sussex Fence and are grateful for their assistance in researching requirements with the Sussex County Planning and Zoning Department. We would like to install the Caroline model of white 7/8" x 6" tongue & groove privacy picket fence (see attachment).

2. Cannot otherwise be developed:

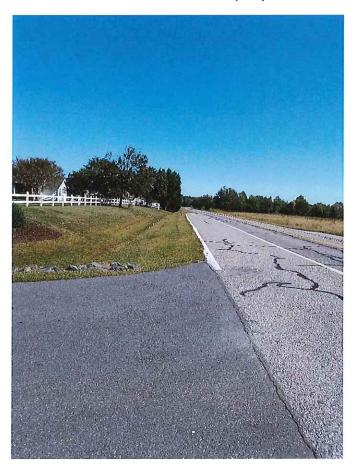
That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Without a reasonable 6 foot high fence to act as a sound and privacy barrier, and a safety partition, it is doubtful that our property could be sold even for its original purchase price. At settlement, we were informed that there would be minimal development immediately behind us, but we were not told that Double Bridges Road would likely become a main traffic thoroughfare. Because of the major building explosion in our area, the traffic has become a huge issue (Picture 6) and creates noise, unsafe conditions for family and motorists trying to exit Neptune Drive onto Double Bridges Road.

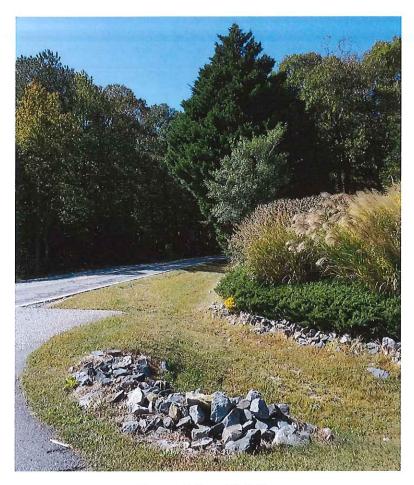




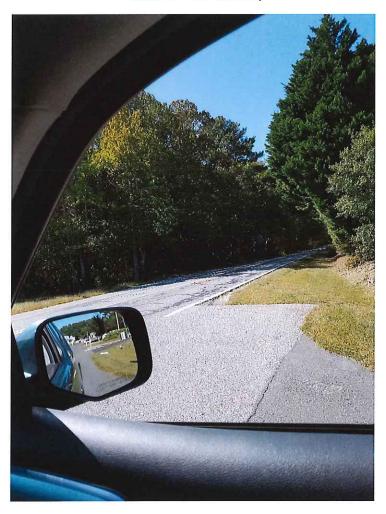
Picture 1 Side Yard – 28 Feet From Property Line to House



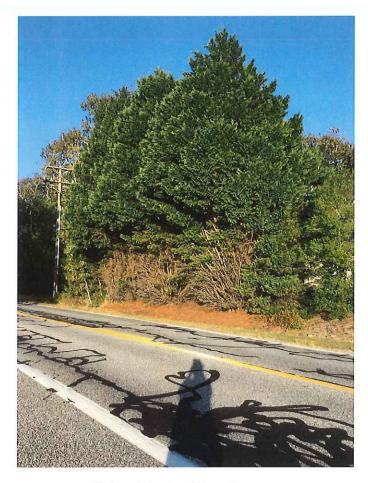
Picture 2 Ocean Farm Community Road Offset (92 feet)



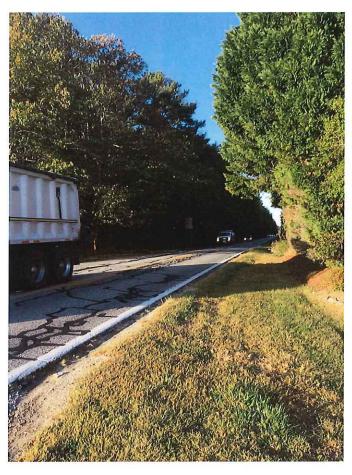
Picture 3 Poor Visibility



Picture 4 Exiting Neptune onto Double Bridges



Picture 5 Leyland Tree Damage



Picture 6 Traffic

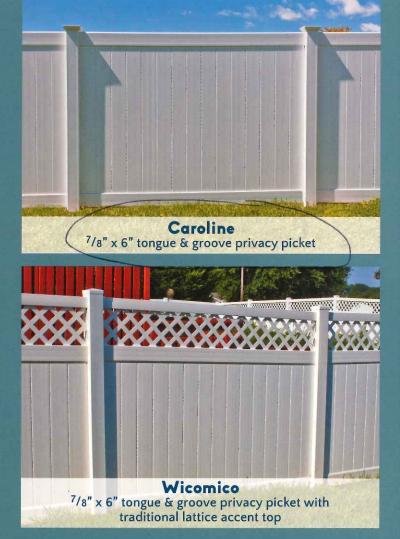
SUGSEX SHORELINE VINYL SYSTEMS, INC.

Ivene Hags 302-470-0389

- · Made in the U.S.A.
- · All Fencing Systems are 100% Vinyl
- · Won't rust, rot, crack or peel
- · Low maintenance, never needs painting!
- · In-design rackability for sloping yards
- Aluminum-Reinforced Bottom Rails OR 2x6 Ribbed Bottom Rails for additional strength
- · Formulated with UV inhibitors for added sunblock
- · Gates available in Welded Frames and Pocket Style
- Coated with non-chalking, Titanium Dioxide (TiO₂) for a superior finish to retain luster and provide weatherability
- Routed posts are consistent and sized with close tolerances, providing a great fit and quality appearance
- Coextruded technology for strength and durability providing impact resistance to enhance the life of your investment







Available Colors

White

Almond

Khaki

NOTE: Actual colors may vary slightly

Quality Products From Our Family To Yours - Shoreline Vinyl Systems, Inc.

Shoreline Vinyl Systems, Inc. is a family owned and operated vinyl fabrication company. We offer a broad selection of products to meet ANY unique fencing project. As a wholesaler, we stand committed to working closely with your authorized retailer to deliver the best quality fencing products in a timely manner for you to enjoy for a lifetime!





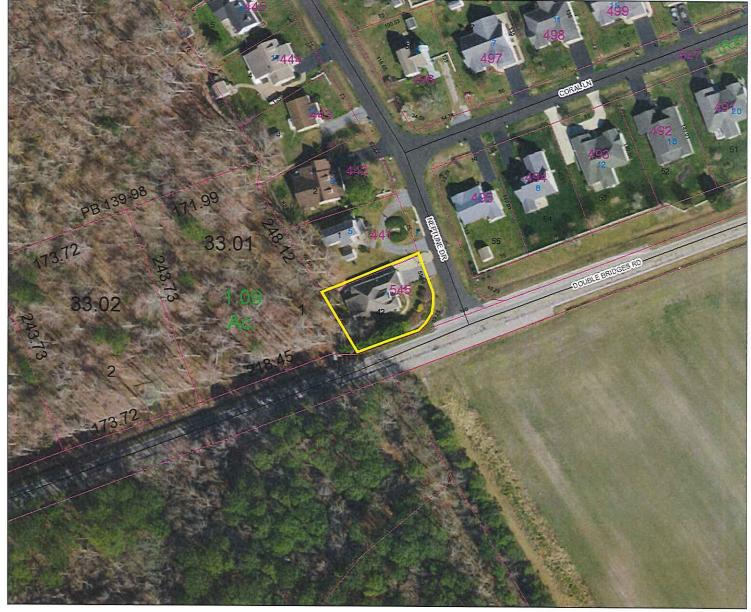












PIN:	134-17.00-545.00
Owner Name	ROBERSON MILTON H TTEE
Book	4884
Mailing Address	3600 TARKINGTON LN #75
City	SILVER SPRING
State	MD
Description	OCEAN FARM
Description 2	LOT 42
Description 3	PHASE 1A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

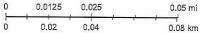
Tax Parcels

911 Address

— Streets

County Boundaries

1:1,128



Case #_201913056 Hearing Date 12/16/2019

Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Type of the	Candition
Variance	Existing Condition 🖊
Special Use Exception	Proposed
Special Use Exception	Code Reference (office use only
Administrative Variance	115-25 115-183
Appeal	112-169
	15)10 15
Variance/Special Use Exception/Appeal Requeste	d: 3' Fence Additional
	10' TOTAL HEIGHT
Tax Map #: 234-12.00-13.06 (0	Property Zoning: AR-1
Applicant Information	
Applicant Name: SAM TRUSK	
A light Address: ICONS HAUGIA 16 DAD	
City, State, Zip: LEIVES DE 19958	12.
Applicant Phone #: 1-215-350-2161 Applic	ant e-mail: Sam trusilles de gmail. Lom
Applicant i none in a series and a series an	a = ***
Owner Information	
Owner Name: Sam Trusk	
Owner Address: SCOOS MANGULA KUAD	
1 Line Collection	Fulcilase Duce.
Owner Phone #: 1-215-350-2161 Owner e	-mail: samtrusikesol e generil, com
Owner Phone #. 1 - 6 - 7	
Agent/Attorney Information	
Agent/Actorney informacion	
Agent/Attorney Name:	and the second s
Agent/Attorney Address:	
City, Ctata 7in:	
Agent/Attorney Phone #:A	gent/Attorney e-mail:
ABCITYTOOTHOY	
Signature of Owner/Agent/Attorney	
	9-25-19
	Date:



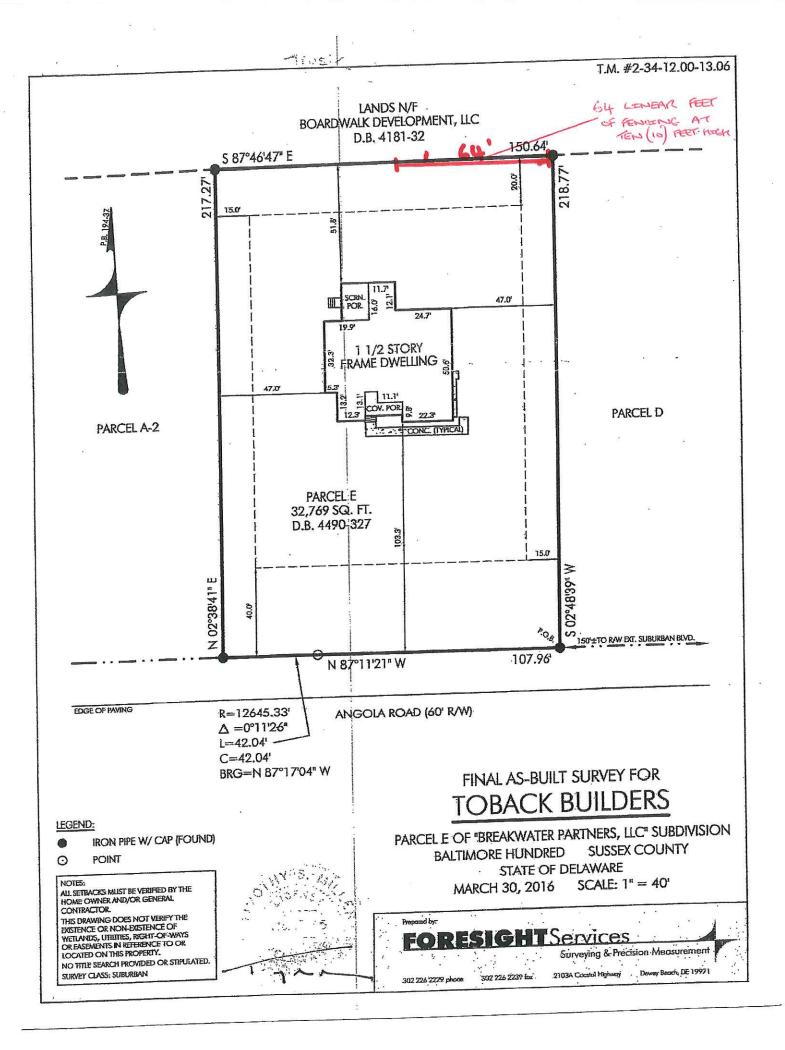


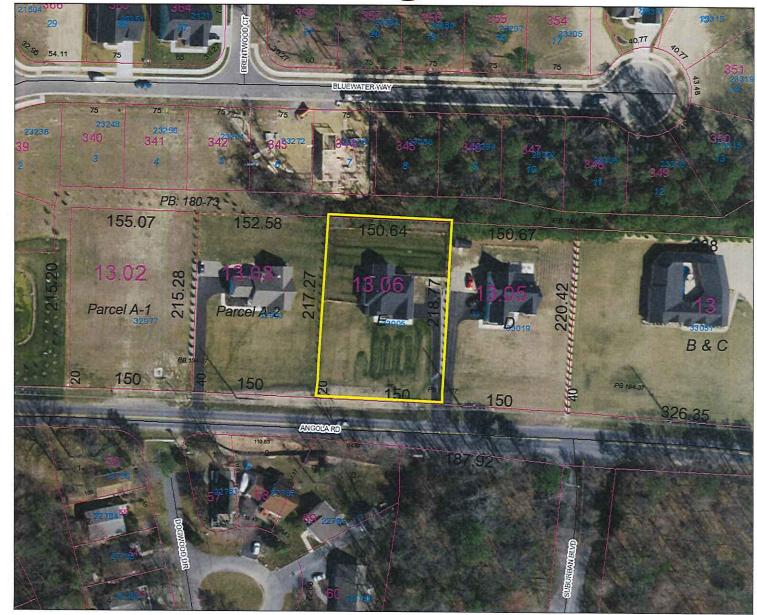
Criteria for a Variance:	Please provide a written statement i	regarding each criteria).
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2. Cannot otherwise be developed: That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. There is buffer zone and swail seems
3. Not created by the applicant: That such exceptional practical difficulty has not been created by the appellant. கொள்ள சிற்றோவுக்கு
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. Fence should not affect adjacent properties as there is existing foliage
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.
Mariance requested is 3 feet of height





PIN:	234-12.00-13.06
Owner Name	TRUSIK SAMUELA
Book	4531
Mailing Address	2808 OAK RIDGE CIRCLE
City	NORRISTOWN
State	PA
Description	PARCEL E
Description 2	N/A
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

- Streets

County Boundaries

1:1,128

