

## BOARD OF ADJUSTMENT

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



# Sussex County

DELAWARE  
sussexcountype.gov

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

### DRAFT AGENDA

December 2, 2019

**6:00 P.M.**

#### Call to Order

#### Pledge of Allegiance

#### Approval of Agenda

#### Old Business

#### Public Hearings

**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

**Case No. 12388 – Terry Black** seeks a variance from the corner front yard setback requirements for an existing shed. (Sections 115-34, 115-182 and 115-185 of the Sussex County Zoning Code). The property located on the northeast corner of Neptune Dr. and Ocean Farm Dr. in the Ocean Farm subdivision. 911 Address: 100 Ocean Farm Dr., Frankford. Zoning District: MR. Tax Parcel: 134-17.00-468.00

**Case No. 12389 – State of Delaware, Division of Fish & Wildlife** seeks a special use exception to operate a rifle or pistol range (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the northeast side of Hunters Cove Rd. approximately 736 ft. south of Owens Rd. 911 Address: 12613 Hunters Cove Rd., Greenwood. Zoning District: AR-1 Tax Parcel: 430-9.00-19.00



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

**Additional Business**

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**Board of Adjustment meetings can be monitored on the internet at  
[www.sussexcountyde.gov](http://www.sussexcountyde.gov).**

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**In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 26, 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**

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

Case # 12387  
Hearing Date 12/2  
2019/1/23

RECEIVED

OCT 11 2019

**Type of Application: (please check all applicable)**

Variance ☒  
Special Use Exception ☐  
Administrative Variance ☐  
Appeal ☐

Existing Condition ☐  
Proposed ☒  
Code Reference (office use only)

115-34 115-182  
115-185

SUSSEX COUNTY  
PLANNING & ZONING

**Site Address of Variance/Special Use Exception:**

31495 Porpoise Way Bethany Beach Delaware 19930

**Variance/Special Use Exception/Appeal Requested:**

The applicants lot is a "through lot" which means it has two fronts and two front setbacks of 30'. The designed front is on Porpoise Way which is its 911 address. So the Camelback Drive "front" is what considered the rear. The applicant is requesting a 20' variance to construct an in-ground pool to the side of the house. Also, the applicant is allowed a 3.5' foot fence around the pool but need 4'; so they are requesting a .5' variance for the height of the fence.

**Tax Map #:** 134-13.00-1701.00

**Property Zoning:** MR

**Applicant Information**

Applicant Name: William & Katherine Eager  
Applicant Address: 2067 Meriweather Court  
City Asburn State VA Zip: 20148  
Applicant Phone #: \_\_\_\_\_ Applicant e-mail: kateeager@gmail.com

**Owner Information**

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

**Agent/Attorney Information**

Agent/Attorney Name: Timothy G. Willard  
Agent/Attorney Address: 26 The Circle  
City Georgetown State DE Zip: 19947  
Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**

T. Willard

Date: 10/10/19



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

*You shall demonstrate to the Board of Adjustment that the property meets 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.

SEE ATTACHED

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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.

Reasonable use, an in ground pool in their backyard with appropriate fencing an space, would not be possible if strict conformity of the 30 foot setback rule were in posed. To shift their house from the rear and include would reduce the length of their home to approximately 45'.

+

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**3. Not created by the applicant:**

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

The applicant did not create the lot as a through lot nor did they create its narrow dimension

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**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 in ground pool will not alter the essential character of the neighborhood or district nor permanently impair the use of the development nor be detrimental to the public welfare. The aerial map attchaed shows that there is a similar pool in a through lot near by. In addition, the Association has approved the pool design. Attached.

+

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**5. Minimum variance:**

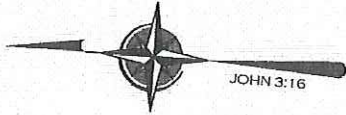
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The in ground pool design and fence proposed is the minimal necessary.

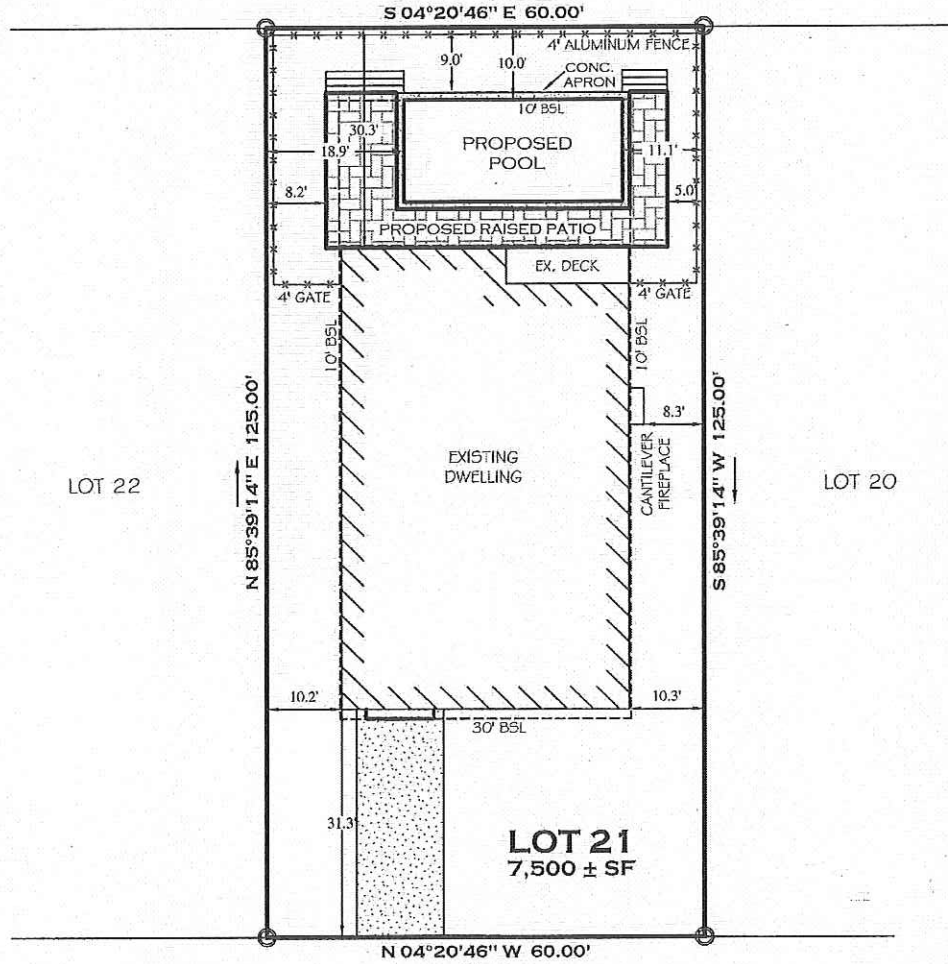
1. Uniqueness of Property.

The property is unique because it is a "through lot" and is also narrow, 60 feet. The Code defines a "through lot" as having a "frontage on two approximately parallel streets". The exceptional practical difficulty, not being able to install a reasonably sized in ground pool, is due to having two "frontages" which has been considered as two front yards with two front yard setbacks. However, the County Setback Table does not distinguish front yards setbacks from frontages. In other word, the Zoning Ordinance does not specifically address setbacks for pools on rear yards of through lots. The circumstance is unique, and, therefore consideration of a variance is appropriate.





# CAMELSBACK DRIVE 50' R/W



# PORPOISE WAY 50' R/W

## NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. ZONE: MR

3. BUILDING SETBACK LINES (BSL)

FRONT 30'  
SIDE 10'  
REAR 30'

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

4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

5. PER FEMA MAP # 10005C516K, EFFECTIVE DATE 03/16/2015, THIS PROPERTY IS LOCATED WITHIN ZONE AO, DEPT 112'.

TAX MAP 1-34 - 13.00 - 1701.00

STATE DELAWARE

COUNTY SUSSEX

HUNDRED BALTIMORE

TOWN ---

AREA 7,500 ± SQ. FT.

DEED REF. 3524 / 339

PLAT REF. 57 / 256

DRAWN BY CJP

DATE 09 / 27 / 19

SCALE 1" = 20'

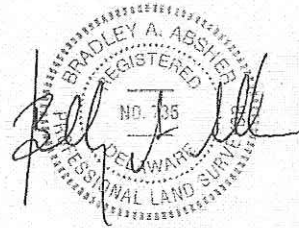
SURVEY # DE - 03393

## SITE PLAN

## LOT 21 THE RETREAT

FOR  
WILLIAM W. & KATHERINE B. EAGER

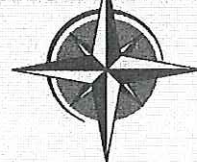
31495 PORPOISE WAY, BETHANY BEACH, DE 19930



## LEGEND

○ IRON PIPE FOUND

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
OCEAN VIEW, DE 19970  
DE: 302-539-2488  
MD: 410-430-2092

**THE RETREAT  
ARCHITECTURAL REVIEW COMMITTEE  
c/o Rock Spring Properties  
6500 Rock Spring Drive, Suite Five  
Bethesda, Maryland 20817**

May 29, 2018

**Via E-mail, and Regular Mail**

Bill and Katie Eager  
23067 Meriweather Court  
Ashburn, Virginia 20148

Re: The Retreat  
21 Porpoise Way

Dear Mr. and Mrs. Eager:

We have received the plans you submitted for a swimming pool at the above referenced house in Bethany Beach, Delaware and would like to inform you that such plans are hereby approved subject to the following:

- Proper permitting and approvals must be obtained from the Sussex County and the State of Delaware. All applicable regulations with respect to residential pools must be adhered to.
- The pool must be surrounded by a fence at least 4 feet in height with gates that close away from the pool, are self-closing and self-latching. Gate latches must be located on the pool side of the gates. The pool fence must meet all state and county code regulations for safety.

Sincerely,

  
Anne D. Camalier

Copy: Right Property Management



## MAPPING & ADDRESSING

MEGAN NEHRBAS  
MANAGER OF GEOGRAPHIC  
INFORMATION SYSTEMS (GIS)  
(302) 855-1176 T  
(302) 853-5889 F

NOVEMBER 22, 2017



## Sussex County

DELAWARE  
sussexcountype.gov

134-13.00-1701.00

LOT 21

THE RETREAT  
WILLIAM W & KATHERINE B  
EAGER

### IMPORTANT INFORMATION

The 911 system for Sussex County Delaware is being enhanced. Each home and business in the county will have a 911 address. Please begin using your new address when you receive this letter. Your new address for this location is:

**31495 PORPOISE WAY  
BETHANY BEACH, DE. 19930**

Rescue personnel need to locate you in an emergency and therefore Sussex County requires that your new address **31495** be displayed so it is readable from PORPOISE WAY. The numbers **MUST** be displayed on your mailbox and/or on your home or on a pole near your driveway. If this is a rental property then it becomes your responsibility to see that the owner or rental agency is contacted with this information. Everyone will have a house number and street name as an address. This will help rescue personnel find each structure in the County more efficiently.

It is also your responsibility to contact any persons, businesses, or establishments needing your new address. This list includes: Utility Companies (Gas, Electric and Water), Phone Companies, Post Offices, Credit Card Companies, Mortgage Companies, Subscription Services, Cable TV Companies, Drivers License, Voter Registration, Car/Boat Registration, friends and relatives. Individuals and businesses with printed checks and letterhead can wait to change address information upon reorder. Just make a note on your current checks and letterhead of your address change. Sussex County thanks all residents and businesses for their cooperation with this extremely important matter. If you have any questions please contact the Sussex County re-addressing office at 302-855-1176.

Sincerely,

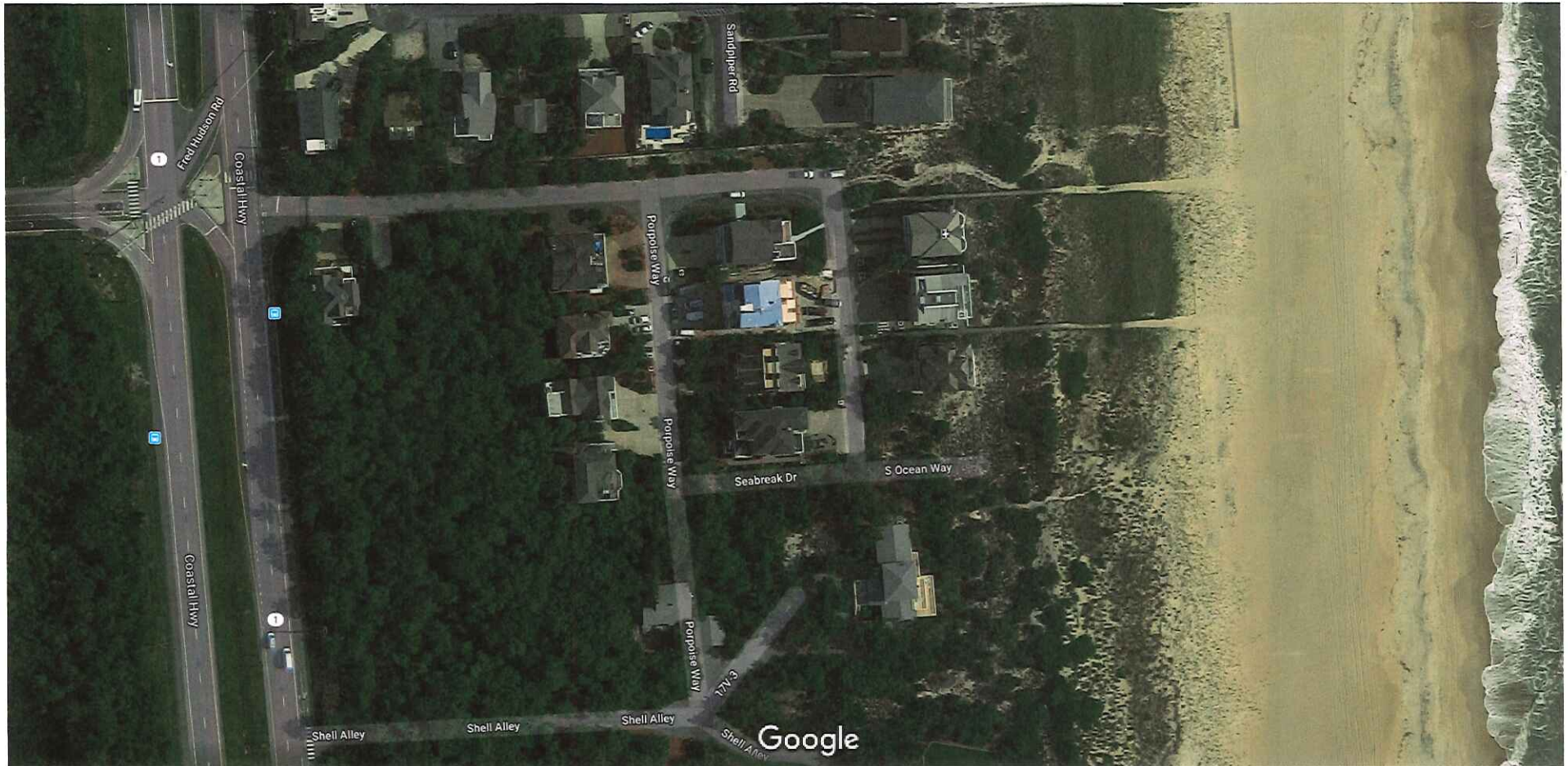
Todd Lawson, Sussex County Council

COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 586  
GEORGETOWN, DELAWARE 19047





Retreat Dr  
Eager Variance



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft

TAX MAP AND PARCEL #: 1-34 13.00 1701.00  
PREPARED BY & RETURN TO:  
Law Office of Susan Pittard Weidman, P.A.  
35589 Atlantic Avenue  
P.O. Box 1131  
Millville, DE 19970  
File No. 17370/CLJ

**THIS DEED**, made this 5th day of April, 2017,

- BETWEEN -

**GREG CAMALIER**, of 6500 Rock Spring Drive, Suite 5, Bethesda, MD 20817, party of the first part,

- AND -

**WILLIAM W. EAGER** and **KATHERINE B. EAGER**, of 23067 Meriweather Ct, Ashburn, VA 20148, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, parties of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **One and 00/100 Dollars (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece and parcel of land situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware, being known and designated as LOT NUMBER TWENTY-ONE (21), as shown on the final recorded plot of THE RETREAT, as surveyed by Land Tech, Inc., Registered Surveyors, filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Georgetown, Delaware, in Plot Book 54, Page 129 and revised in Plot Book 57, Page 256, reference thereto being had will more fully and at large appear.



SUBJECT TO the Superseding Declaration of Covenants, Conditions and Restrictions for The Retreat dated July 17, 1997 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 2217, Page 151.

THE GRANTEE by accepting this conveyance become a member of The Admiral's Point Homeowner's Association, Inc., now known as The Retreat Homeowner's Association, which has responsibility for maintaining and controlling the private streets which are shown on the plot of record for the Subdivision as filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 54, Page 129. The Grantee by accepting this Deed recognizes and understands that the road upon which the above property fronts is a private road and that the Grantee is responsible for his proportionate costs of maintenance for said private roads as assessments are levied for sure maintenance by the Owners Association.

BEING the same lands and premises which were conveyed unto Greg Camalier, by deed of The Retreat Inc. dated November 20, 2007, and recorded in the Office of the Recorder of Deeds in and for Sussex County, DELAWARE, on November 28, 2007, in Deed Book 3524, Page 339.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.



IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

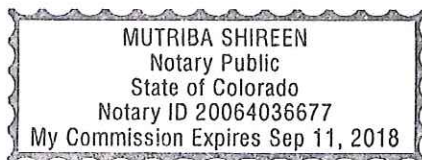
Signed, Sealed and Delivered  
in the presence of:

Harvey Nichols, P.L.D. Greg Camalier (SEAL)  
Greg Camalier

STATE OF COLORADO, COUNTY OF BOULDER, to-wit

BE IT REMEMBERED, that on April 5, 2017, personally came before me, the subscriber, Greg Camalier, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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



M. Shireen  
Notary Public

My Commission Expires: SEPT. 11, 2018

Consideration: 1,350,000.00

County	20,250.00
State	20,250.00
Town	Total 40,500.00
Received: Maria T Apr 12, 2017	

RECEIVED  
APR 12, 2017  
ASSESSMENT DIVISION  
OF SUSSEX COUNTY

Recorder of Deeds  
Scott Dailey  
Apr 12, 2017 12:57P  
Sussex County  
Doc. Surcharge Paid



# Sussex County



PIN:	134-13.00-1701.00
Owner Name	EAGER WILLIAM W
Book	4693
Mailing Address	23067 MERIWEATHER CT
City	ASHBURN
State	VA
Description	RT. 14
Description 2	THE RETREAT
Description 3	LOT 21
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

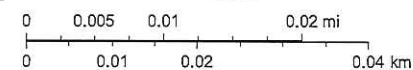
Tax Parcels

911 Address

Streets

County Boundaries

1:564



November 5, 2019



Case # 12388  
Hearing Date 12/2

201911747

## 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

RECEIVED

OCT 11 2019

SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☒  
Special Use Exception \_\_\_\_\_  
Administrative Variance \_\_\_\_\_  
Appeal \_\_\_\_\_

Existing Condition ☒  
Proposed \_\_\_\_\_  
Code Reference (office use only)  
115-34 115-182 115-185

Site Address of Variance/Special Use Exception: 100 OCEAN FARM DRIVE  
FRANKFORD DE 19945 (ORIGINALLY CALLED 100 NEPTUNE III DRIVE)

Variance/Special Use Exception/Appeal Requested:

Variance 3ft 7in from 15ft corner front  
for existing shed

Tax Map #: 134-17.00-468.00 Property Zoning: MR

#### Applicant Information

Applicant Name: TERRY BLACK  
Applicant Address: 100 OCEAN FARM DRIVE  
City, State, Zip: FRANKFORD DE 19945  
Applicant Phone #: (302) 234-4090 Applicant e-mail: OCEANFARMER@YAHOO.COM

#### Owner Information

Owner Name: TERRY BLACK  
Owner Address: 100 OCEAN FARM DRIVE  
City, State, Zip: FRANKFORD DE 19945 Purchase Date: 8/30/2004  
Owner Phone #: (302) 234-4090 Owner e-mail: OCEANFARMER@YAHOO.COM

#### Agent/Attorney Information

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

#### Signature of Owner/Agent/Attorney

X Terry M Black

Date: 11 OCT 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 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.

SEE ATTACHED SHEET

**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 SHEET

**3. Not created by the applicant:**

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

SEE ATTACHED SHEET

**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 SHEET

**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 SHEET

11 October 2019

1) Uniqueness of property:

Our house is situated on a street corner lot. As I have learned through the variance process the setback requirements appear to be greater than the 15 foot distance prescribed in Chapter 115 "Zoning", article XXV "Supplementary Regulations", Section 182 "Front Yards", Item B - There shall be a front yard of at least 15 feet on the side street of a corner lot in any direction."

The following is provided as an explanation, not an excuse for the current shed placement on my property. The Sussex County Delaware Planning and Zoning Reference Guide, which is available on the County's website includes the following text"

**Accessory Structures**

Sheds, detached garages, pole buildings, etc.

- If under 600 SF, they may be located 5 ft. from the side and rear property lines
- If 600 SF or over, they shall comply with the setbacks that apply to the house

Because we were planning on purchasing a 12 ft x 16 ft shed (192 SF) I thought that the Ocean Farm Maintenance Association Bylaws which specifies 10 feet from the lot line and a 15 foot radius from the back corner. I applied to the maintenance association and the plan for the shed's current location was approved. I also misinterpreted the Sussex County website's information that a plan review is only required for a shed greater than 400 SF as a building permit would not be required based on the square footage of my planned shed. I now know that not to be the case.

Jeff Whaley, Zoning Inspector, notified us by leaving his card in our front door. When my wife found that I called him immediately to understand his concern and to initiate resolution of the issue. At the time he was concerned about the 15 foot setback requirement, which led to a discussion with the agent at the County Building leading to information that the setback for my lot is greater than 15 feet.

In addition to the setback lines, which Kristin at the County Building explained is 30 feet for my property, we have other constraints that limit the physical

## Attachment 1

location where the shed can be placed on the property. These constraints are shown on the marked-up plat. They include:

- A large underground propane tank that is original to the house (15 years) and will eventually need to be removed and replaced. The original propane company recommended that a 6 foot radius around the center of the cap be maintained for the eventual removal. I am also assuming that heavy equipment will be required to dig up and remove the tank. The current shed placement allows 12 feet between the side and the utility boxes on the back property line for access.
- Water drainage in our development is a problem in general. The lots are surrounded by open swales which feed tax ditches. The North-East corner of my back yard floods every time there is a heavy rain. When we moved in, the builder addressed this condition by installing a small 4 inch drain and underground corrugated plastic pipe which is shown drawn on the plat. Last year, the drain was clogged with grass and the area flooded for some period of time. The evidence of that can still be seen as it killed grass and my neighbor's tree. Access to the drain and the risk of compromising the plastic pipe, which is only a few inches below grade in that area, would make shed placement there a risk to proper drainage.
- We have a patio with a surrounding flower planting area that occupies the area just behind the deck.

To comply with these physical constraints, I am requesting a variance for the shed in its current location as shown on the plat.

### 2) Cannot otherwise be developed:

Because of the unique setbacks and other constraints described above, the shed cannot be placed in another location in the yard without impacting propane tank removal or an increased risk of flooding.

### 3) Not created by the applicant

The unique setback requirements appear on the original documents on record for the property.

### 4) Will not alter the character of the neighborhood:

Sheds can be an eyesore. We spent a significant amount of money to ensure that the shed would be attractive, match the house, and meet the requirements of the Ocean Farm Maintenance Association. I have received nothing but compliments from our neighbors and I have attached emails from



## Attachment 1

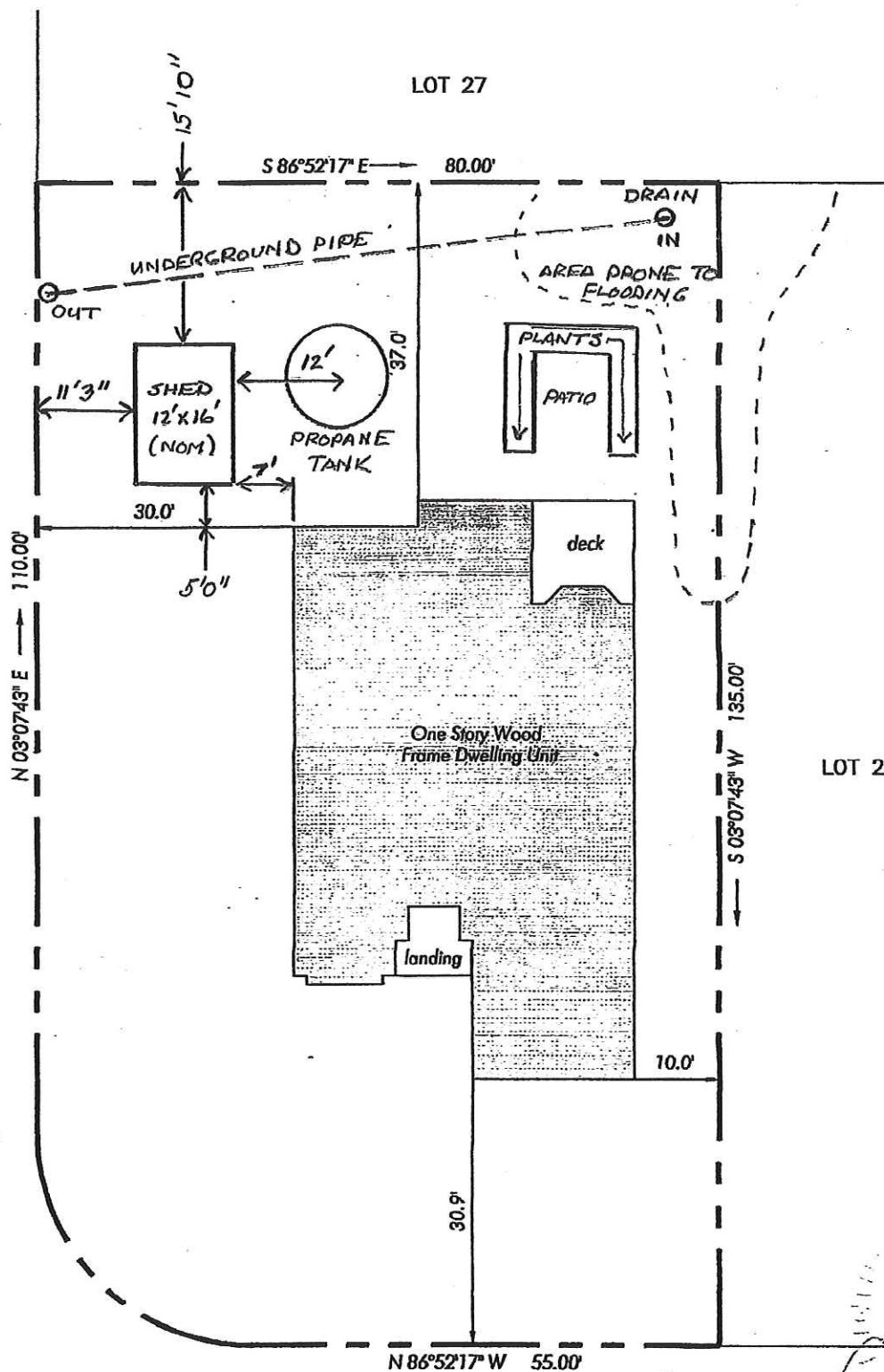
all of the adjacent neighbors indicating that they are happy with the shed in its current location.

### 5) Minimum Variance:

The current location was selected to meet the Maintenance Association requirements and to accommodate the physical constraints of the property.

Thank you for your review and consideration.

NEPTUNE II DRIVE



NEPTUNE III DRIVE

LOT 29



# LOCATION SURVEY: Lot 28, Ocean Farm Baltimore Hundred, Sussex County, Delaware

SCALE: 1"=20'  
CLASS "B" SURVEY  
SURVEYED FOR COUNTRY LIFE HOMES

The existence or non-existence of rights of way, easements or other encumbrances affecting these lands has not been verified by the surveyor in the preparation of this survey, nor has a title search been requested or provided herewith.

SURVEYED BY: H. LAMBROS  
DRAWN BY: P.E.L.  
CHECKED BY: M.W.  
JOB #: 030801C  
TAX MAP: N/A  
DATE: MARCH, 2004  
SHEET NO: 1 OF 1

To Whom it may Concern,

My name is Lena Vebares and I live at 87 Neptune Drive across the street from Terry and Theresa Black at 100 Ocean Farm Drive. I can see their shed from my porch and think it looks great! I think they should be granted permission to keep it at its current location.

Thank You,

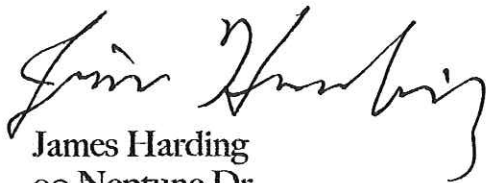
A handwritten signature in cursive script, appearing to read "Lena Vebares". The signature is fluid and written in dark ink.

Lena Vebares



I am the next door neighbor of Terry and Theresa Black of 100 Ocean Farm Drive Frankford, DE. I understand they are requesting a variance/waiver for the location of their shed. I am writing to state that I have no issue with their request. I have seen the shed and I think it looks fine where it is currently located.

Thank you,

A handwritten signature in cursive script, appearing to read "James Harding".

James Harding  
90 Neptune Dr.  
Frankford DE 19945

We are neighbors of Terry and Theresa Black and would like to express our support of them receiving a waiver/variance that would allow them to keep their shed in its current location. We think it looks great and enhances our neighborhood.

Regards,

A handwritten signature in cursive script that reads "Pat & Helen Simmons". The signature is written in dark ink and is positioned below the "Regards," text.

Pat and Helen Simmons

91 Neptune Drive

Frankford, DE

To Whom it May Concern,

I am writing to state that I think Terry and Theresa Black should be allowed to keep their shed at its current location. The shed blends in with the house and looks great in their yard. I support their request for a variance / waiver.

Thank You,

A handwritten signature in black ink, appearing to be 'Vincent Wierzbicki', written in a cursive style.

vincent wierzbicki

Vincent Wierzbicki

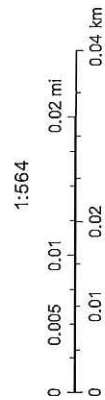
84 Neptune Drive





PIN:	134-17.00-468.00
Owner Name	BLACK TERRY M
Book	3028
Mailing Address	8 W PERIWINKLE LN
City	NEWARK
State	DE
Description	OCEAN FARM
Description 2	LOT 28
Description 3	N/A
Land Code	

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



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 # 12337  
Hearing Date July 15, 2019  
201906104

Type of Application: (please check all applicable)

Variance X

Special Use Exception \_\_\_\_\_

Administrative Variance \_\_\_\_\_

Appeal \_\_\_\_\_

Existing Condition \_\_\_\_\_

Proposed \_\_\_\_\_

Code Reference (office use only)

115-25 115-183

Site Address of Variance/Special Use Exception: 20116 SAW MILL ROAD  
Georgetown, DE. 19947

Variance/Special Use Exception/Appeal Requested: A 9'0" VARIANCE FROM  
THE REQUIRED 15' SIDE YARD SETBACK. THE ORIGINAL  
HOME IS NON-CONFORMING.

Tax Map #: 135-400-11.01

Property Zoning: AR-1

Applicant Information

Applicant Name: ARIEL GONZALEZ

Applicant Address: 20116 SAW MILL RD.

City, State, Zip: Georgetown, DE. 19947

Applicant Phone #: 302-858-2381

Applicant e-mail: \_\_\_\_\_

Owner Information

Owner Name: same

Owner Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Purchase Date: \_\_\_\_\_

Owner Phone #: \_\_\_\_\_

Owner e-mail: \_\_\_\_\_

Agent/Attorney Information

Agent/Attorney Name: N/A

Agent/Attorney Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Agent/Attorney Phone #: \_\_\_\_\_

Agent/Attorney e-mail: \_\_\_\_\_

Signature of Owner/Agent/Attorney

[Signature]

Date: 5/28/2019





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

You shall demonstrate to the Board of Adjustment that the property meets 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.

DUE TO SIZE OF LOT AND HOME ALL READY EXISTING  
AND SEPTIC LOCATED IN FRONT YARD, COVERED SIDE  
ENTRANCE NEEDED TO BE ON 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.

DUE TO SIZE of lot the property could not be  
developed in conformity with zoning ordinance.

3. Not created by the applicant:

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

Practical Difficulty was not created by Applicant DO to  
the ORIGINAL LOCATION of 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.

THIS IS A SMALL AREA IN the country with no neighbors  
AND the lot to the right of this property is also owned by  
myself. This will not affect the characteristics of  
any neighboring properties

5. Minimum variance:

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

the VARIANCE Requested is least allowed for the minimum  
VARIANCE allowed.



U:\ACQUIN\ISAGONZ\AGONZ19001 - 20116 SAW MILL ROAD\DESIGN\WAGONZ19001-V-SP.DWG  
PLOTTED: 5/24/2019 11:07:52 AM, BY: KEITH DAVIDSON PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: —





PIN:	135-4.00-11.01
Owner Name	GONZALEZ ARIEL
Book	4821
Mailing Address	21745 SAW MILL RD
City	MILTON
State	DE
Description	100' N/RT.238 2500'
Description 2	W/RT.239
Description 3	RD.MILTONROBBINS
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

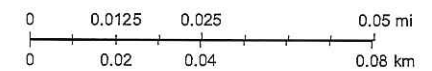
☐ Tax Parcels

911 Address

☐ Streets

☐ County Boundaries

1:1,128



# 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 # 12389  
Hearing Date \_\_\_\_\_

201911999

### Type of Application: (please check all applicable)

Variance ☐

Special Use Exception ☒

Administrative Variance ☐

Appeal ☐

Existing Condition ☒

Proposed ☒

Code Reference (office use only)

115-23 115-210

### Site Address of Variance/Special Use Exception:

12613 Hunters Cove Road, Greenwood, DE 19950

### Variance/Special Use Exception/Appeal Requested:

To allow the property to continue to be used as a public shooting facility including expanding the shooting range to include a rifle/pistol range.

Tax Map #: 430-9.00-19.00

Property Zoning: AR-1

### Applicant Information

Applicant Name: Craig Rhoads

Applicant Address: 89 Kings Highway

City Dover

State DE

Zip: 19901

Applicant Phone #: (302) 739-9912

Applicant e-mail: craig.rhoads@delaware.gov

### Owner Information

Owner Name: State of Delaware, Division of Fish & Wildlife

Owner Address: 89 Kings Highway

City Dover

+

State DE

Zip: 19901

Purchase Date: 11/4/13

Owner Phone #: (302) 739-9912

Owner e-mail: craig.rhoads@delaware.gov

### Agent/Attorney Information

Agent/Attorney Name: \_\_\_\_\_

Agent/Attorney Address: \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip: \_\_\_\_\_

Agent/Attorney Phone #: \_\_\_\_\_

Agent/Attorney e-mail: \_\_\_\_\_

### Signature of Owner/Agent/Attorney

Craig Rhoads

Digitally signed by Craig Rhoads  
Date: 2019.10.01 11:43:22 -04'00'

Date: 10/1/19





**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 all of the following criteria for a Special Use Exception to be granted.*

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

This property has been actively utilized as a public shooting range for over 25 years so continuing this use will not adversely affect adjacent and neighboring properties. The proposed rifle/pistol range construction will be done to completely contain and prevent any projectiles from being able to leave the range and will be operated during the same hours as the existing range so should not have any additional adverse affect to neighboring properties.

- 
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)

Sussex County Code requires this Special Use Exception to be renewed and approved every 5 years.

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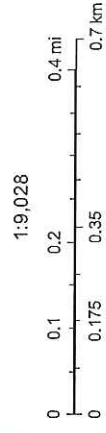
**Basis for Appeal:** (Please provide a written statement regarding reason for appeal)

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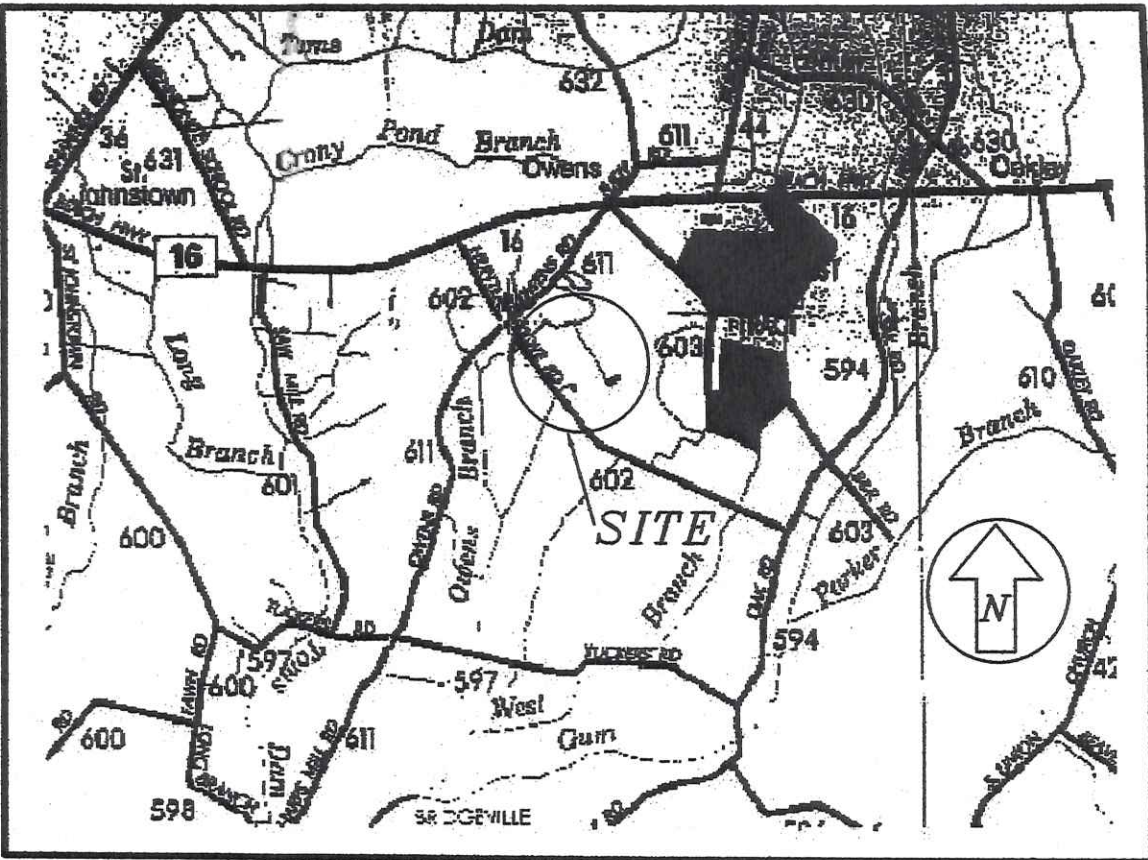


PIN:	430-9.00-19.00
Owner Name	STATE OF DELAWARE
	DEPT OF NATURAL
	RESOU
Book	4192
Mailing Address	DIVISION OF FISH & WILDL
City	DOVER
State	DE
Description	NE/RD 602
Description 2	73P'SE/RT 611
Description 3	FX
Land Code	

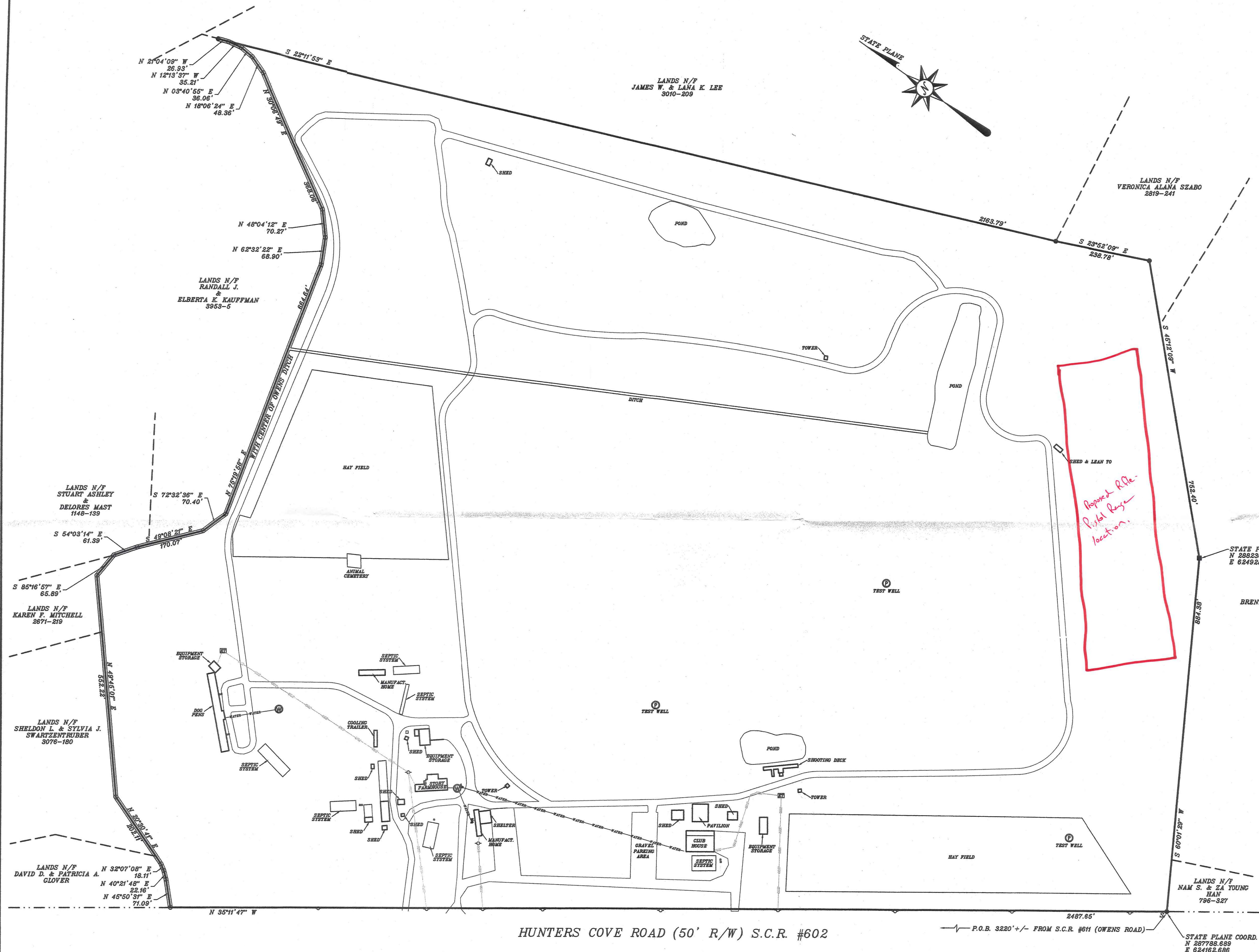
polygonLayer  
Override 1  
polygonLayer  
Override 1  
Tax Parcels  
Streets  
County Boundaries







VICINITY MAP  
SCALE 1"=1 MILE



- SYMBOLS:
- IRON PIPE (FOUND)
  - IRON PIPE (SET)
  - CONCRETE MONUMENT (FOUND)
  - ▲ IRON ROD (FOUND)
  - POINT
  - UTILITY POLE
  - ⊙ POTABLE WATER WELL
  - ⊙ TEST WELL
  - ⋈ WATER VALVE
  - ⊞ ELECTRIC TRANSFORMER
  - OVERHEAD ELECTRIC
  - WATER SUPPLY

SURVEY OF LANDS FOR  
**STATE OF DELAWARE**  
A.K.A. "OWENS STATION"  
12613 HUNTERS COVE ROAD  
GREENWOOD, DELAWARE

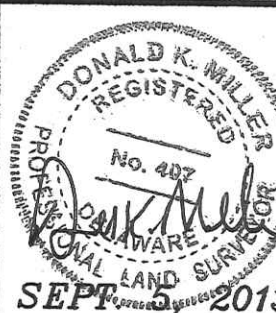
SCALE: 1" = 125'

104.337 ACRES

THIS SURVEY AND PLAT DOES NOT VERIFY  
THE EXISTENCE OR NON-EXISTENCE OF  
RIGHT-OF-WAYS OR EASEMENTS CROSSING  
THIS PROPERTY.  
NO TITLE SEARCH PROVIDED OR STIPULATED.  
SURVEY CLASS: SUBURBAN

DATE	REVISION

**MILNER  
LEWIS, INC.**  
LAND SURVEYING  
1580 MIDDLEFORD RD.  
SEAFORD, DELAWARE 19973  
PH: 302-629-9895 FAX: 302-629-2391



HUNDRED	COUNTY
NANTICOKE	SUSSEX
STATE	DRAWN BY
DELAWARE	D.K. MILLER
REF.	DWG. NO.
DB 1979-69	4-30-9-19