

## BOARD OF ADJUSTMENT

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



# Sussex County

DELAWARE  
sussexcountye.gov

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

### DRAFT AGENDA

February 17, 2020

6:00 P.M.

#### Call to Order

#### Pledge of Allegiance

#### Approval of Agenda

#### Old Business

#### Public Hearings

**Case No. 12411 – Cyril H. Price & Doris Davis Price** seek variances from the road frontage requirement for proposed lots (Section 115-25 of the Sussex County Zoning Code). The property is located on the south side of Mount Joy Rd. (Rt. 5) approximately 0.32 mile northwest of John J. Williams Hwy. (Rt. 24). 911 Address: 30692 & 30882 Mount Joy Rd., Millsboro. Zoning District: AR-1. Tax Parcel: 234-29.00-31.00

**Case No. 12412 – Patrick F. & Lauri M. FitzGerald** seek variances from the front yard, side yard and rear yard setback requirements for proposed and existing structures (Sections 115-34, 115-182, 115-183 & 115-185 of the Sussex County Zoning Code). The property is located on the northwest side of Anna B St. within the Silver Lake Manor subdivision. 911 Address: 38291 Anna B St., Rehoboth Beach. Zoning District: MR. Tax Parcels: 334-20.09-39.00

**Case No. 12413 – Peggy Greenwell** seek a variance from the side yard setback requirements for an existing structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northwest side of Jetty Ln. within the Marina at Peppers Creek subdivision. 911 Address: 38141 Jetty Ln., Dagsboro. Zoning District: AR-1. Tax Parcel: 233-7.00-245.00

**Case No. 12414 – Carroll W. Brasure, Trustee** seeks a variance from the rear yard setback requirements for an existing structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Dickerson Rd. approximately 340 ft. north of Lighthouse Rd. (Rt. 54). 911 Address: 38187 Dickerson Rd., Selbyville. Zoning District: AR-1. Tax Parcel: 533-18.00-24.00



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

**Case No. 12415 – Mary C. Harry-Wolf** seek variances from the rear yard setback and side yard setback requirements for existing and proposed structures (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northwest side of Anchor Watch Loop within the Marina at Peppers Creek subdivision. 911 Address: 31192 Anchor Watch Loop, Dagsboro. Zoning District: AR-1. Tax Parcel: 233-7.00-228.00

**Case No. 12416 – Jessica F. Peake** seeks variances from the front yard setback requirements for proposed structures, the landscape buffer requirement in the Combined Highway Corridor Overlay Zone (CHCOZ), and from the number of required parking spaces. (Sections 115-82, 115-162, 115-182 and 115-194.1 of the Sussex County Zoning Code). The property is located on the east side of Coastal Hwy. (Rt. 1) approximately 300 ft. south of Jefferson Bridge Rd. 911 Address: 32967 Coastal Highway, Bethany Beach. Zoning District: C-1. Tax Parcel: 134-17.11-40.00

**Case No. 12417– Wilkinson Development, LLC** seeks a variance from the side yard setback requirements for a proposed dwelling (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the east corner of Arbor Cir. and Woodridge Dr. within the Woodbridge subdivision. 911 Address: 22144 Arbor Cir., Milton. Zoning District: AR-1. Tax Parcel: 234-10.00-327.00

### **Additional Business**

Discussion regarding the time Board of Adjustment meetings will begin.

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

\*\*\*\*\*

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 # 12411  
Hearing Date Feb. 17, 2020  
202000207

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

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-25

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

30692 MOUNT JOY ROAD

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

REQUEST VARIANCE FOR FRONTAGE ON PARCEL "A" FROM 150' TO 127.44' (22.56')  
REQUEST VARIANCE FOR FRONTAGE ON PARCEL "B" FROM 150' TO 95.51' (54.49')

Tax Map #: 234-29.00-31.00

Property Zoning: AR-1

**Applicant Information**

Applicant Name: CYRIL H. PRICE & DORIS DAVIS PRICE

Applicant Address: 30692 MOUNT JOY ROAD

City: MILLSBORO State: DE Zip: 19966

Applicant Phone #: 302-945-8751 Applicant e-mail: ap02138@gmail.com

**Owner Information**

Owner Name: SAME AS ABOVE

Owner Address:

City: State: Zip: Purchase Date: 1974

Owner Phone #: Owner e-mail:

**Agent/Attorney Information**

Agent/Attorney Name: MILLER-LEWIS, INC.

Agent/Attorney Address: 1560 MIDDLEFORD ROAD

City: SEAFORD State: DE Zip: 19973

Agent/Attorney Phone #: 302-629-9895 Agent/Attorney e-mail: stevesellers@millerlewisinc.com

**Signature of Owner/Agent/Attorney**

*Cyril H. Price & Doris Davis Price*

Date: 12/27/19



**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.

THE PROPERTY HAS TWO DWELLINGS ON ONE PARCEL.

**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 NOT ENOUGH FRONTAGE ON THE EXISTING PARCEL TO ALLOW FOR 150' OF FRONTAGE ON THE PROPOSED PARCELS.

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

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

The parcel had two dwellings (with separate septic systems) prior to appellant's purchase of the property.

**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.

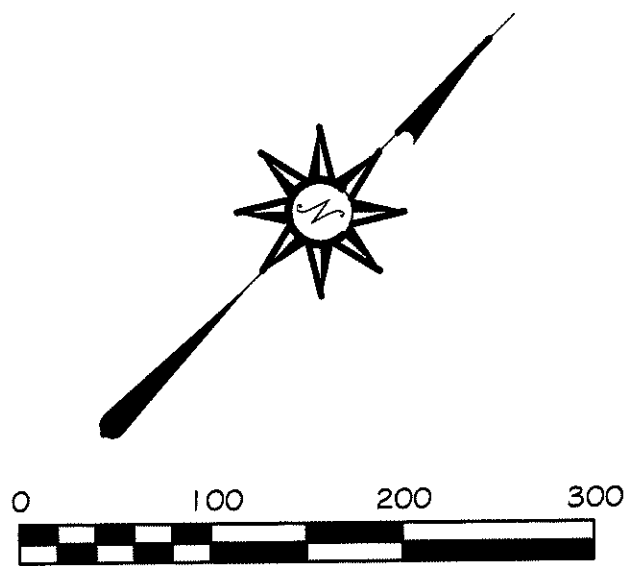
THIS SUBDIVISION WILL BE CONSISTENT WITH SURROUNDING PARCELS AND DWELLINGS.

**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.

YES. This represents the least modification possible.





NF  
NANTICOKE INDIAN ASSOCIATION, INC.  
D.B. 3233-306  
T.M. 234-29.00-35.00

NF  
DAWSON BROS. ENTERPRISES, LLC  
D.B. 4457-54  
T.M. 234-29.00-39.00

PARCEL "A"  
15.332 Acres +/-

NF  
MARK SAMMONS  
D.B. 4597-51  
T.M. 234-29.00-29.02

NF  
CRYSTAL N. CARMEAN & RAY B. CARMEAN  
D.B. 4769-70  
T.M. 234-29.00-30.00

NF  
TARA SAMMONS-DOUGHTY & STERLING A. DOUGHTY  
D.B. 4597-54  
T.M. 234-29.00-29.00

NF  
RICARDO GOMEZ  
D.B. 4310-293  
T.M. 234-29.00-33.00

PARCEL "B"  
0.961 Acres +/-

1 STY. FRAME  
DWELLING

1 STY. FRAME  
DWELLING

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MONUMENTATION

- IRON PIPE (FOUND)
- IRON PIPE (SET)
- CONCRETE MONUMENT (FOUND)
- ▲ IRON ROD (FOUND)
- POINT

REQUEST FOR VARIANCE OF LOT FRONTAGE  
LANDS OF  
CYRIL H. & DORIS DAVIS PRICE

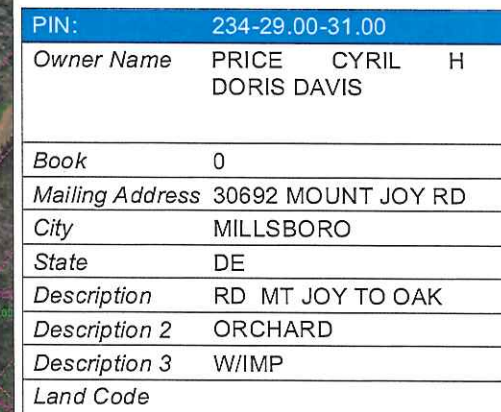
30692 MOUNT JOY ROAD, MILLSBORO, DE. 19966  
16.293 Acres +/-

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

DATE	REVISION

**MILLER  
LEWIS, INC.**  
LAND SURVEYING  
1560 MIDDLEFORD RD.  
SEAFORD, DELAWARE 19973  
PH: 302-629-9895 FAX: 302-629-2391

HUNDRED INDIAN RIVER	COUNTY SUSSEX
STATE DELAWARE	DRAWN BY SMS
REF. 734-859	FILE NO. PRICE 234-39-31



Override 1

-  Tax Parcels  
 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 # 12412  
Hearing Date 2/17/2020  
202000433

RECEIVED

JAN 13 2020

**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  
115-183 & 115-185

SUSSEX COUNTY  
PLANNING & ZONING

**Site Address of Variance/Special Use Exception:**  
38291 Anna B Street, Rehoboth Beach, DE 19971

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

We would like to request a variance to build a front porch and a 142 sf addition to our home to add another bathroom and closets.

*1.7' from 20' front for proposed porch & bathroom addition*

Tax Map #: *334-3724*-20.09-39.00

Property Zoning: *GR MR* Resident

**Applicant Information**

Applicant Name: Patrick F & Lauri M FitzGerald  
Applicant Address: 38291 Anna B Street  
City Rehoboth Beach State DE Zip: 19971  
Applicant Phone #: 443-838-4095 Applicant e-mail: pfitzgerald@comcast.net

**Owner Information**

Owner Name: Patrick F & Lauri M FitzGerald  
Owner Address: 38291 Anna B Street  
City Rehoboth Beach State DE Zip: 19971 Purchase Date: 05/20/05  
Owner Phone #: 443-838-4095 Owner e-mail: pfitzgerald@comcast.net

**Agent/Attorney Information**

Agent/Attorney Name: N/A  
Agent/Attorney Address:  
City State  
Agent/Attorney Phone #:

**Signature of Owner/Agent/Attorney**

*Lauri M. FitzGerald*

Date: *Jan 7, 2020*

*Existing shed is in the side yard setback & rear yard setback. Does shed have a CO?*

*This is a 5,295 sq ft lot. side yard is 5', so side yard variance not required. Might be better to include this.*



**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. Our property has an unusual shape and is almost a square (70' x 75'). The lot's shallowness has made it difficult to add to the property, in this case a small bathroom and porch, without extending beyond the current setbacks.

**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 irregularity of the lot, this small addition is the only reasonable way we can add the closets and bath to our home. We have made the spaces as small as possible to meet codes and tie in with the existing facade. The other option we considered would be to remove the existing roof and expand the second story, which is not a financially viable option. This Cape is also a great example of a mid century style and we would like to keep the architecture as original as possible.

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

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

We have worked hard to enhance our cottage and have added storage and interior living space as much as possible. We have six in our family and find it challenging to accommodate everyone. We believe the practical difficulty is not created by us, but rather from the house's existing shape and lot size.

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

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

We have brought back the classic style of a 1960s cottage and feel the new porch and small addition for a bathroom will be in keeping with the neighboring homes. We are designing these spaces so that they will not be a detriment to our adjacent neighbors and friends, but rather continue to improve our property and neighborhood.

**5. Minimum variance:**

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

Our proposed addition and porch only extend beyond the current setback by 1'8.5" and 1'8.5" on the side. We feel that these are the least modifications of the regulations in issue that can provide enough room for our family.





Requested porch  
addition

Bath  
Addition



Requested  
BATH ADDITION -







PIN:	334-20.09-39.00
Owner Name	FITZGERALD PATRICK F & LAURI M
Book	3135
Mailing Address	5516 KEMPER RD
City	BALTIMORE
State	MD
Description	DODDS ADDANNA B ST
Description 2	LOT C BLK F
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

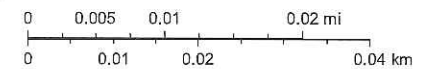
Tax Parcels

911 Address

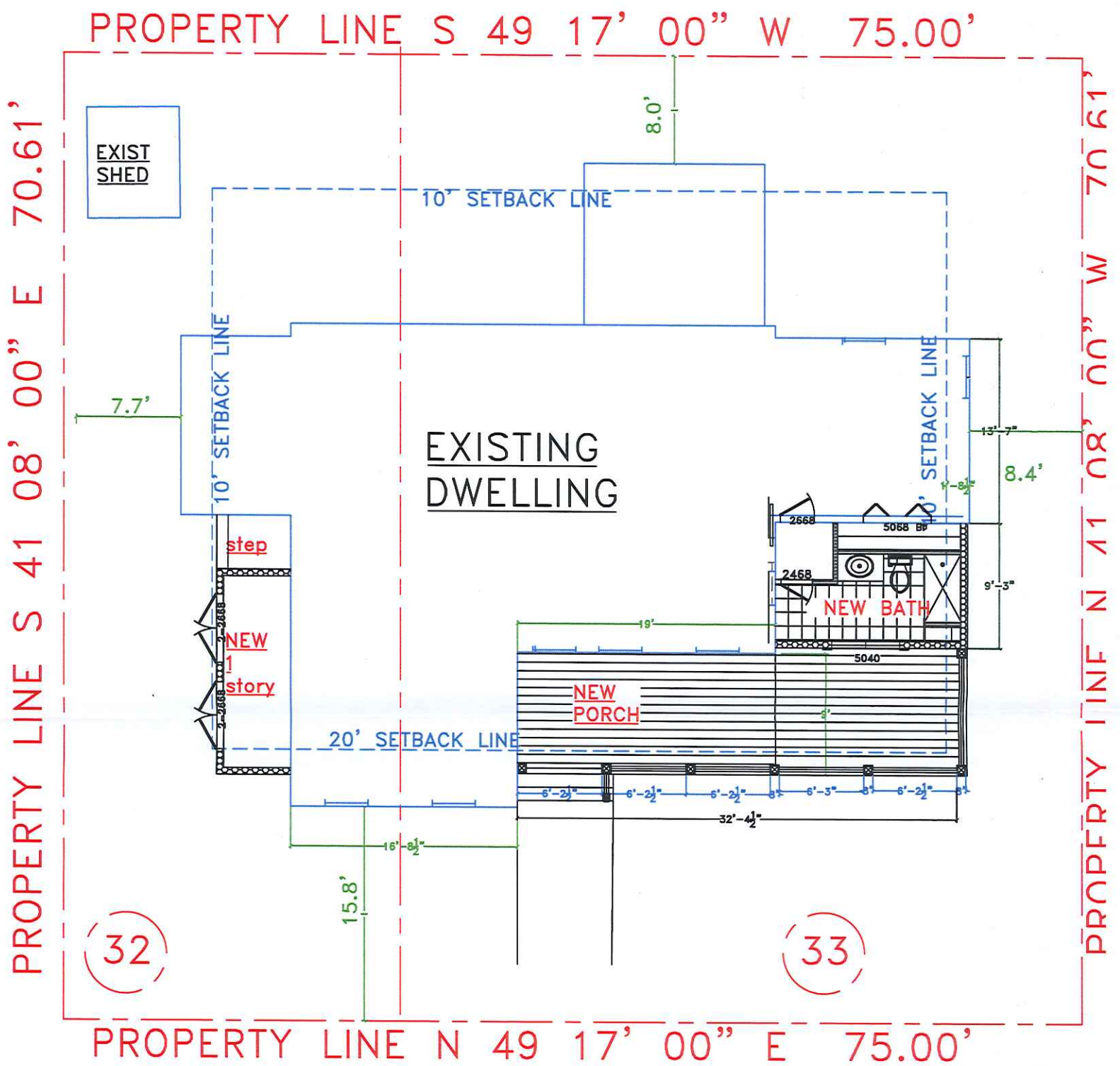
Streets

County Boundaries

1:564





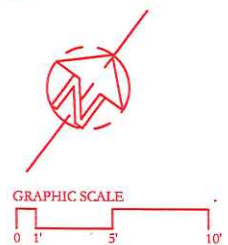


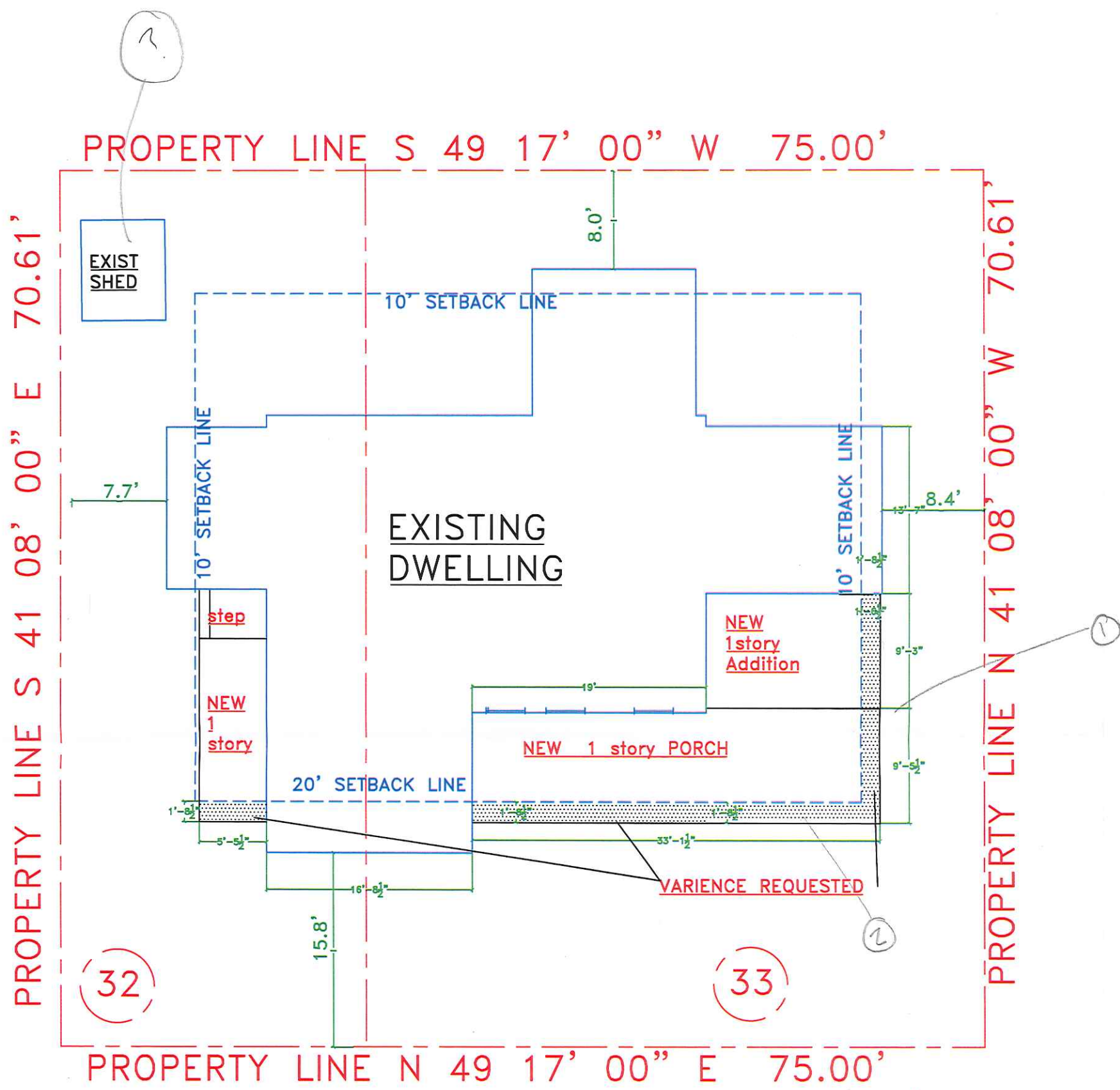
ANNA B. STREET

PARCEL C, BLOCK "F"

BEING PART OF LOTS 33 & 32, BLOCK F

SUSSEX COUNTY TAX MAP 3-34-20.09-39.00



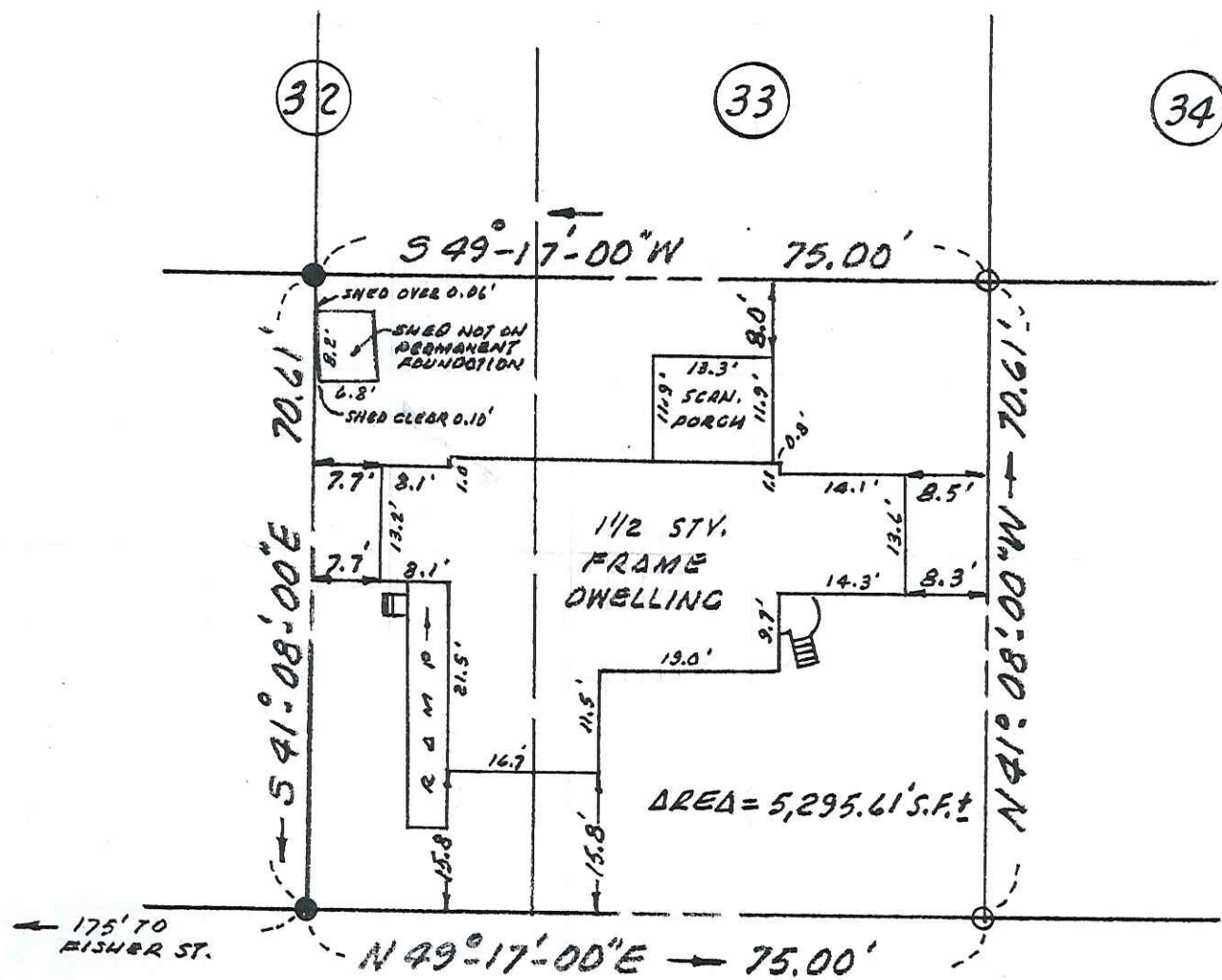


ANNA B. STREET

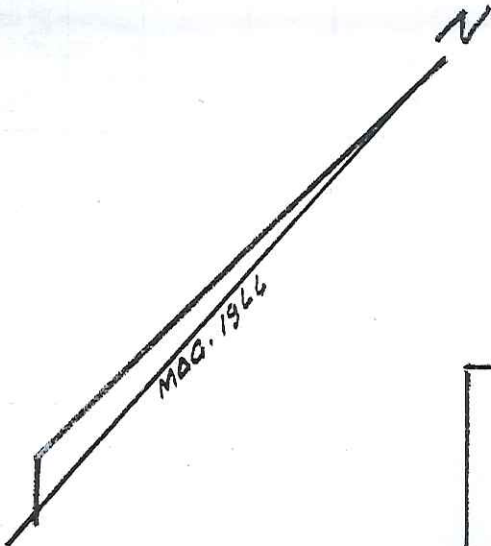
PARCEL C, BLOCK "F"  
BEING PART OF LOTS 33 & 32, BLOCK F

SUSSEX COUNTY TAX MAP 3-34-20.09-39.00





ANNA B. STREET



- = FOUND 3/4" PIPE
- = FOUND 1" PIPE

SUBURBAN SURVEY

PROPERTY & LOCATION SURVEY  
prepared for  
PATRICK & LAURIE FITZGERALD

PARCEL C, BLOCK "F",  
BEING PART OF LOTS 33 & 32, BLOCK F,  
(K/A 38291 ANNA B. STREET)  
DODD'S ADDITION TO REHOBOTH,  
LEWES & REHOBOTH HUNDRED, SUSSEX CO., DE

WINGATE & ESCHENBACH, LLC, REGISTERED SURVEYORS  
P.O BOX 142, REHOBOTH BEACH, DE 19971

SCALE: 1" = 20' 18 APRIL 2005

LS 521 4/18/05

**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 # 12414  
Hearing Date 2/17/20  
202000267

**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:**

38187 Dickerson Road Selbyville DE 19975

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

Applicant is requesting a 7.9 foot rear yard variance. The setback is <sup>20</sup>29 feet. A shed extends 12.1 feet into the setback. The shed was built to store a tractor. See attached survey and aerial view.

**Tax Map #:** 533-18.00-24.00

**Property Zoning:** AR-1

**Applicant Information**

Applicant Name: Carroll W. Brasure, Trustee

Applicant Address: P.O. Box 204

City Selbyville

State DE

Zip: 19944 19975

Applicant Phone #:

Applicant e-mail:

**Owner Information**

Owner Name: same

Owner Address:

City

State

Zip:

Purchase Date:

Owner Phone #:

Owner e-mail:

**Agent/Attorney Information**

Agent/Attorney Name: Tim Willard

Agent/Attorney Address: 26 The Circle

City Georgetown

State DE

Zip: 19947

Agent/Attorney Phone #: (302) 856-7777

Agent/Attorney e-mail: tim@fwsslaw.com

**Signature of Owner/Agent/Attorney**

X T. Willard

Date:

1/7/20





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

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

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

**1. Uniqueness of property:**

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

The lot is oddly shaped with an Lshaped building covering most of the rear lot line at the setback line.

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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.

Access to the rear of the proeprty is limited; so storage shed for the tractor could not reasonably be provided in the front.

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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 exceptional practical difficulty, the shape of the lot and the elongated existing building.

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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 surrounding area is wooded and the shed already exists and has not has a detrimental effect on neighboring properties.

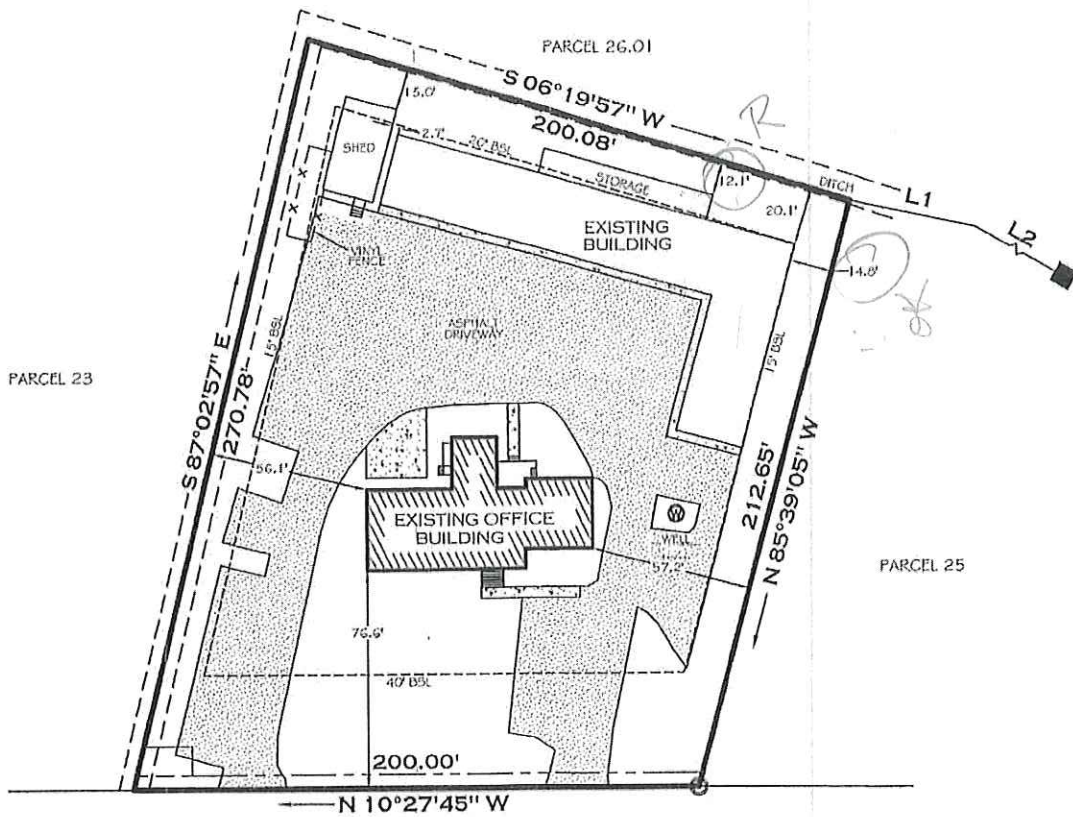
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**5. Minimum variance:**

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 variance is minimal to shed the tractor.

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**DICKERSON ROAD**  
50' RIGHT OF WAY

**NOTES**

1. CLASSIFICATION OF SURVEY: RURAL

2. BUILDING RESTRICTION LINES (B.R.L.)

(PER SUSSEX COUNTY)

FRONT = 40'  
SIDES = 15'  
REAR = 20'

3. 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. ALL INTERIOR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN FOOT DRAINAGE AND/OR UTILITY EASEMENT. ALL INTERIOR PERIMETER LOT LINES AND BOUNDARY LINES SHALL HAVE A TEN FOOT DRAINAGE AND/OR UTILITY EASEMENT.

LINE	BEARING	DISTANCE
L1	S 01°29'54" W	45.49'
L2	S 18°49'05" W	104.77'

I, BRADLEY A. ABSHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY COMMONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

BRADLEY A. ABSHER, DE PLS # 735  
DATE 12-13-17

**LEGEND**

- IRON PIPE FOUND
- CONCRETE MONUMENT FOUND

TAX MAP	5-33 - 18.00 - 24.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	1.09 ± ACRES
DEED REF.	2275 / 181
PLAT REF.	16 / 56
DRAWN BY	BAA / JJZ / MCS
DATE	12 / 13 / 19
SCALE	1" = 50'
SURVEY #	DE - 00616

**BOUNDARY SURVEY  
PLAN**

**OF THE LANDS OF**

CARROLL W. & DIANE B. BRASURE  
TRUSTEE

38187 DICKERSON ROAD, SELBYVILLE, DE 19975

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
OCEAN VIEW, DE 19070  
DE 302-530-2488  
MD: 410-430-2092



75856

02275 2181

Tax Parcel # 5-33 18.00 24.00  
 Prepared By: Raymond E. Tomassetti, Jr.  
 1209 Coastal Highway  
 Fenwick Island, Delaware 19944

**DEED**

THIS DEED, made this 11<sup>th</sup> day of December in the year of our LORD one thousand nine hundred and ninety-seven,

BETWEEN, CARROLL W. BRASURE and DIANE BRASURE, husband and wife of P.O. Box 204, Selbyville, Delaware 19975, parties of the first part,

-AND-

CARROLL W. BRASURE and DIANE BRASURE, TRUSTEES OF THE CARROLL W. AND DIANE BRASURE REVOCABLE LIVING TRUST DATED June 3, 1997, of P.O. Box 204, Selbyville, Delaware 19975, parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said parties of the second part, their heirs and/or assigns,

ALL that certain tract, piece or parcel of land, situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware, and lying on the Easterly side of Johnson Road and being more particularly described as follows, to-wit:

BEGINNING at a monument in the Easterly right of way line of Johnson Road; thence by and with the Easterly right of way line of Johnson Road, North 13 degrees 14 minutes 40 seconds West 200 feet to a monument; thence turning and running South 89 degrees 50 minutes 20 seconds East 270.875 feet to a monument; thence turning and running South 03 degrees 33 minutes 07 seconds West 200.08 feet to a monument; thence turning and running South 88 degrees 26 minutes East 212.65 feet to a monument in the Easterly right of way line of Johnson Road, the point and place of BEGINNING, containing 1.092 acres of land, be the same more or less, as surveyed and plotted by C. Kenneth Carter and Associates, in the month of June, 1972.

Consideration : \$ 0.00 Exempt Code: A

County	State	Total
0.00	0.00	0.00
comter	Date: 03/30/1998	

*DLM*

BK 02275 &amp; 182

**TO HAVE AND TO HOLD** the same in fee simple forever and the grantors hereby covenants with said grantees that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land; that they hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

Said Trustee shall have and hold the herein described property in fee simple and with full power and authority in said Trustees to sell, contract, exchange, convey, mortgage, encumber, lease, subdivided or otherwise dispose of and deal with said property.

No party dealing with the Trustees in relation to said property in any manner whatsoever shall be obligated to (a) see to the application of any purchase money, rent or money borrowed or otherwise advanced on the property, (b) to see that the terms of this trust have been complied with, (c) to inquire into the authority, necessity or expediency of any act of the Trustees, or (d) be privileged to inquire into any of the terms of the trust agreement.

Every deed, mortgage, lease, or trust or other instrument executed by the Trustees in relation to the property shall be conclusive evidence in favor of every person claiming right, title or interest thereunder (a) that at the time of the delivery thereof, this deed was in full force and effect, (b) that such instrument was executed in accordance with the trust, terms and conditions thereof and of the trust agreement and is binding upon all beneficiaries thereunder, (c) that the Trustees were duly authorized and empowered to execute and deliver every such instrument, and (d) if such conveyance has been made by a successor or successors in trust, or a Trustee or Trustees have been substituted that such successor or successors have been properly and are fully vested with all the right, title, estate, powers and duties of his or her predecessor in trust. The Trustees shall have no individual liability or obligation whatsoever arising from their ownership as Trustee of the legal title to said property or with respect to any act done or contract entered into or indebtedness incurred by their dealing with said property or in otherwise acting as such Trustees except only so far as said trust property and any trust funds in actual possession of the Trustee shall be applicable to the payment and discharge thereof.

**BEING** the same land which Myrtle G. Lynch, widow, and Ramona G. Collins and Ira L. Collins, husband and wife, by a Deed dated August 3, 1972 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 687, Pages 427 did grant and convey to Carroll W. Brasure and Diane Brasure, his wife, as tenants by the entirety.



BK 02275 &amp; 183

IN THE WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year aforesaid.

SEALED, AND DELIVERED  
IN THE PRESENCE OF:

  
WITNESS

A30 670  
WITNESS

 (SEAL)  
CARROLL W. BRASURE

 (SEAL)  
DIANE BRASURE

NO TITLE EXAMINATION PERFORMED OR REQUESTED

NO TITLE CERTIFICATE OR TITLE INSURANCE ISSUED

NO SURVEY PERFORMED OR REQUESTED

BK 02275 &amp; 184

STATE OF DELAWARE )  
 ) SS.  
 SUSSEX COUNTY )

BE IT REMEMBERED, That on this 11<sup>th</sup> day of December, 1997,  
 personally came before me, The Subscriber, a Notary Public for the State and County  
 aforesaid, CARROLL W. BRASURE and DIANE BRASURE, parties to this Indenture,  
 known to me personally to be such, and acknowledged this Indenture to be their act  
 and deed.

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

  
 NOTARY PUBLIC  
 NOTARY PRINT NAME:  
 MY COMMISSION EXPIRES: \_\_\_\_\_

RAYMOND E. TOMASETTI, JR.  
 Attorney-At-Law  
 Admitted DE 1980

REC'D DEEDS

NOV 30 AM 9:50

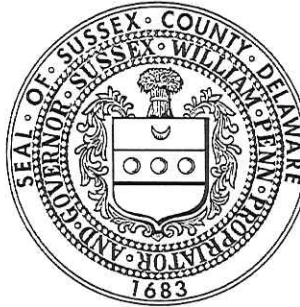
SUSSEX COUNTY  
 DOC. REC. DIV.

Received

MAR 31 1998

ASSESSMENT DIVISION  
 OF SUSSEX CTY

*Carroll Brasure 5/6/98  
 400 Bay 204  
 Selbyville, DE 19975*



# Certificate of Occupancy/Compliance

Sussex County

CERTIFICATE NUMBER: 8305

APPLICATION NUMBER: 201300545

DATE: 07/22/2013

Parcel ID: 533-18.00-24.00

Zone: AR-1 - AGRICULTURAL RESIDENTIAL

Subdivision:

Description: NEW POLE BUILDING 30X164, PORCH 4X10, PORCH 4X10

Lot Number:

Location: 38187 DICKERSON ROAD  
SELBYVILLE, DE 19975

Construction - Occupancy: WF -

Building Use Code: C001 - COMMERCIAL

Owner: BRASURE, CARROLL W TRUSTEE  
DIANE B TRUSTEE  
PO BOX 204

This certifies that the (structure) (premises) described in the Application Number above, conforms to and complies with the requirements of Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County, Delaware and may be occupied as of the above date.

*Janelle M. Cornuelle*

Zoning Official

*Andy Adair*

Building Code Officer





PIN:	533-18.00-24.00
Owner Name	BRASURE CARROLL W TRUSTEE
Book	2275
Mailing Address	PO BOX 204
City	SELBYVILLE
State	DE
Description	RD 389
Description 2	N/A
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

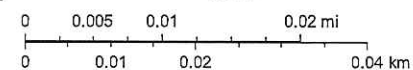
☐ Tax Parcels

911 Address

☐ Streets

☐ County Boundaries

1:564



Case # 12413  
Hearing Date 2/7

202000334

## 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 X  
Special Use Exception \_\_\_\_\_  
Administrative Variance \_\_\_\_\_  
Appeal \_\_\_\_\_

Existing Condition ✓  
Proposed \_\_\_\_\_  
Code Reference (office use only) \_\_\_\_\_

Site Address of Variance/Special Use Exception: 38141 Jetty Lane  
Dagsboro, DE 19939

Variance/Special Use Exception/Appeal Requested: asked for Variance of 3ft from Side Yard Setback

Tax Map #: 233-7.00-245.00 Property Zoning: AR-1

### Applicant Information

Applicant Name: Peggy Greenwell  
Applicant Address: 38141 Jetty Lane  
City, State, Zip: Dagsboro, DE 19939  
Applicant Phone #: 410-390-2428 Applicant e-mail: bcgreenwell@gmail.com

### Owner Information

Owner Name: Sam  
Owner Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Purchaser \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

9' wall shown  
in fly setback.  
needs a Variance.

### Agent/Attorney Information

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

### Signature of Owner/Agent/Attorney

Peggy Greenwell

Date: 1-10-2020





**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.

Swale in back yard plus hill Drainage in whole back yard hill slopes down and causing flooding is out in back yard would flood and goes wishes away. HOA told us where to place 2nd from house 2nd from property line

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.

because of flooding & drainage issue, unable to put on other side of house due to flooding & hill

3. Not created by the applicant:

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

we did not create this issue, the Developer built the house up cause a swale in the back yard, HOA told us to put shed here and 2nd from house & 2nd from property line

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.

no - everyone majority of homeowners have sheds

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.

it is the minimum where it is there been there since March 2019 was approved by (PAC - Seascope)



Lot 28

Lot 29

Lot 39

Lot 37

Lot 38

JETTY LANE  
(50' R.O.W.)

**GENERAL NOTES:**

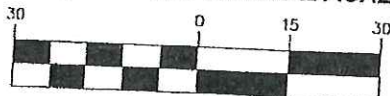
1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY, COVENANTS AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
2. THIS SURVEY IS BASED ON THE FINAL SITE PLAN OF THE MARINA AT PEPPERS CREEK DATED 07/15/15, AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED, BEARING SYSTEM REFERENCED TO PLAT BOOK 216 PAGES 82.
3. THIS SURVEY SHOWS ONLY VISIBLE ABOVE GROUND IMPROVEMENTS AND DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED.
4. THE INFORMATION SHOWN HEREDIN IS BASED ON THE PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF SUSSEX COUNTY, DELAWARE AND A FIELD RUN SURVEY, ZONE "X" UN-SHADED PER FEMA FLOOD MAP 10005C04790K DATED 03/16/15

**LEGEND**

- DENOTES CONCRETE MON
- DENOTES IRON REBAR
- DENOTES IRON PIPE
- DENOTES POINT
- DENOTES PROPERTY LINE
- DENOTES B.R.L.

**LOCATION SURVEY**

PREPARED FOR  
**INSIGHT HOMES**  
**LOT 38 THE MARINA AT PEPPERS CREEK**  
**DAGSBORO HUNDRED**  
**SUSSEX COUNTY, DELAWARE**  
**TAX MAP 2-33-7.00 PARCEL 245.00**  
**AREA: 7,844 ± S.F. OR 0.18 ± ACRES**



GRAPHIC SCALE

**VISTA**  
**DESIGN INC.**

Engineers, Surveyors, Landscape Architects,  
Land Planning Consultants and GIS Specialists

11634 Worcester Hwy., Shrewsbury, MA 01545  
ph 410.352.5004 fax 410.352.3875 email vista@vistadesigninc.com

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DESIGNED BY: VD	FIELD BOOK #75 PAGE #14	JOB# 17-105-038
DRAWN BY: VD	DATE: 10/05/18	
CHECKED BY: DLA	SCALE: AS SHOWN	SHEET 1 OF 1



Creekside Plaza  
32566 Doc's Place  
Suite 5  
Millville, DE 19967  
302.539.3600

Nassau Commons  
17563 Nassau Commons Blvd  
Suite 3  
Lewes, DE 19958  
302.645.2222

March 12, 2019

James Greenwell  
38141 Jetty Lane  
Dagsboro, DE 19939

RE: The Marina at Pepper's Creek HOA– Architectural Application

Dear Pepper's Creek Homeowner,

Thank you for your submission to the Pepper's Creek Homeowners Association Architectural Review Board. On behalf of the Board and your fellow owners, we thank you for your cooperation and adherence to the Association By-Laws and Declaration of Covenants.

The Pepper's Creek ARB has **APPROVED** your plans as revised and submitted for:

**INSTALL A TRASH ENCLOSURE, SIDE DRIVEWAY, SHED, AND SCREEN FOR GARAGE.**

The plans demonstrate that the project's specifications meet the requirements set forth in the community Covenants. Any change to your plans requires a resubmission to the committee for review.

This approval completes the review of the Pepper's Creek ARB. Other requirements you may be subject to include county, state and federal, local regulations and permits. The HOA approval does not guarantee your construction meeting any other regulation or permit requirement. **Owner needs to obtain any required permits.**

Please keep this letter for your records as proof of approval. We wish you the best of luck with your project, if you have any questions, please do not hesitate to contact our office.

Morin Stegall, Property Manager  
The Marina at Pepper's Creek HOA  
[mstegall@scascapepm.com](mailto:mstegall@scascapepm.com)





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Cindy Faust Seascope <cfaust@seascopepm.com>

Fri, Mar 7, 2014, 4:04 PM

Good Afternoon Peggy,

The ARC has reviewed your application and offer the following comments and recommended changes:

**Shed:**

The ARC is not in favor of the lean-to shed style and request that it be either fully tied into the house, or moved back clear of the house and changed to an A-Frame roof style to be consistent with the rest of the community. Additionally, the picture submitted of the shed shows T-111 siding and the ARC wants to make sure that the siding used for the shed will be vinyl that matches the house.

**Trash Corral:**

The ARC prefers to see the trash enclosure be more consistent with what is installed through the community. The pre-fabricated enclosure you propose to install is known to not be able to withstand the winds that are experienced in the community and is frequently found lying on the ground. The pre-fabricated enclosure, if installed, will be required to be anchored into the ground.

Please respond with any comments or concerns you may have regarding the recommended changes above. Any changes to the application must be resubmitted for the ARC to review.

Thank you,

**Cindy Faust**

-----

Email: cfaust@seascopepm.com

Phone: 302-645-2222

Fax: 302-645-1292

Mailing Address: P.O. Box 1761, Millsboro, DE 19966

Delivery Address: 17563 Nassau Commons Blvd., Suite 3, Lewes, DE 19958

**The Marina at Peppers Creek**

**ARC Approval Permit**

Date Issued: March 12, 2019

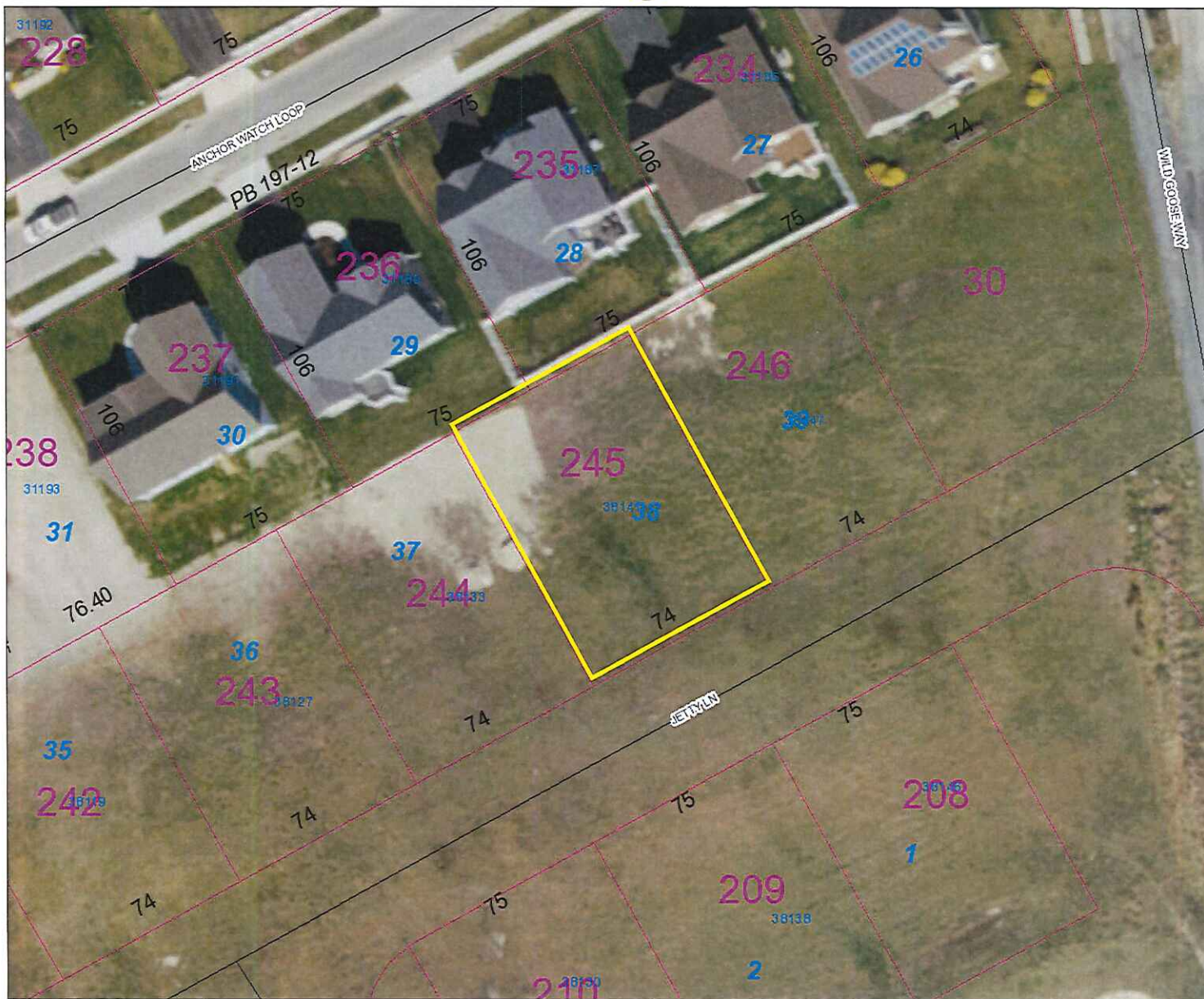
Approved By: The Marina at Peppers Creek

Address: 38141 Jetty Lane

Modifications:

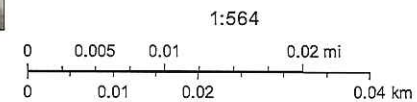
**INSTALL A TRASH ENCLOSURE, SIDE DRIVEWAY, SHED,  
AND SCREEN FOR GARAGE.**





PIN:	233-7.00-245.00
Owner Name	GREENWELL JAMES T JR
Book	4973
Mailing Address	38141 JETTY LN
City	DAGSBORO
State	DE
Description	THE MARINA AT
Description 2	PEPPERS CREEK
Description 3	LOT 38
Land Code	

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



202000251

Case # 12415  
Hearing Date 02/17/20

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

Type of Application: (please check all applicable)

Variance ☒  
 Special Use Exception ☐  
 Administrative Variance ☐  
 Appeal ☐

Existing Condition ☒  
 Proposed ☒  
 Code Reference (office use only)  
 \_\_\_\_\_  
 \_\_\_\_\_

Site Address of Variance/Special Use Exception:

31192 Anchor Watch Loop

Variance/Special Use Exception/Appeal Requested:

SHED ON PROPERTY LINE: 5' VARIANCE, AND NEED TO  
MOVE ADDITIONAL SHED TO SIDE TO MAKE ROOM FOR NEW  
SUN ROOM. WILL NEED 0.7' VARIANCE FOR SHED AND A 2.0' VAR. FOR SUN ROOM.

Tax Map #: 233-7.00-228.00

Property Zoning: \_\_\_\_\_

**Applicant Information**

Applicant Name: MARY C HARRY-WOLF  
 Applicant Address: 31192 Anchor Watch Loop  
 City LAGSBORO State DE Zip: 19939  
 Applicant Phone #: 443-929-1622 Applicant e-mail: \_\_\_\_\_

**Owner Information**

Owner Name: MARY C HARRY-WOLF  
 Owner Address: 31192 Anchor Watch Loop  
 City LAGSBORO State DE Zip: 19939 Purchase Date: SEPT. 2014  
 Owner Phone #: 443-929-1622 Owner e-mail: M.HARRYWOLF1239@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**Mary C Harry-WolfDate: 1/4/2020



**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.

A small lot, setback minimal houses where Built to just fit within setbacks.

Yes - Built Behind Residence

**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.

If moved shed would be inaccessible.  
THE NEW SUNROOM WILL NEED A VARIANCE due to size of lot.

NO CANNOT BE MOVED BECAUSE OF JUNK & WATER

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

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

WAS NOT CREATED BY APPLICANT CREATED BY DEVELOPER, NO DRAINAGE BACK YARD STAYS WET.

NO

**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.

No -

**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.

Yes -

**The Marina at Peppers Creek**

**ARC Approval Permit**

**Date Issued:** January 4, 2019

**Approved By:** The Marina at Peppers Creek

**Address:** 31192 Anchor Watch Loop

**Modifications:**

**Install a 12' x 14' shed.**





Creekside Plaza  
32566 Doc's Place  
Suite 5  
Millville, DE 19967  
302.539.3600

Nassau Commons  
17563 Nassau Commons Blvd  
Suite 3  
Lewes, DE 19958  
302.645.2222

---

January 4, 2019

Mary C. Harry-Wolf  
31192 Anchor Watch Loop  
Dagsboro, DE 19939

**RE: The Marina at Pepper's Creek HOA— Architectural Application**

Dear Pepper's Creek Homeowner,

Thank you for your submission to the Pepper's Creek Homeowners Association Architectural Review Board. On behalf of the Board and your fellow owners, we thank you for your cooperation and adherence to the Association By-Laws and Declaration of Covenants.

The Pepper's Creek ARB has **APPROVED\*** your plans as submitted for:

**INSTALL A 12' X 14' SHED**

**\*Application is approved subject to the homeowner securing a shed permit from Sussex County.**

The plans demonstrate that the project's specifications meet the requirements set forth in the community Covenants. Any changes to your plans require a resubmission to the committee for review.

This approval completes the review of the Pepper's Creek ARB. Other requirements you may be subject to include county, state and federal, local regulations and permits. The HOA approval does not guarantee your construction meeting any other regulation or permit requirement.

Please keep this letter for your records as proof of approval. We wish you the best of luck with your project, if you have any questions, please do not hesitate to contact our office.

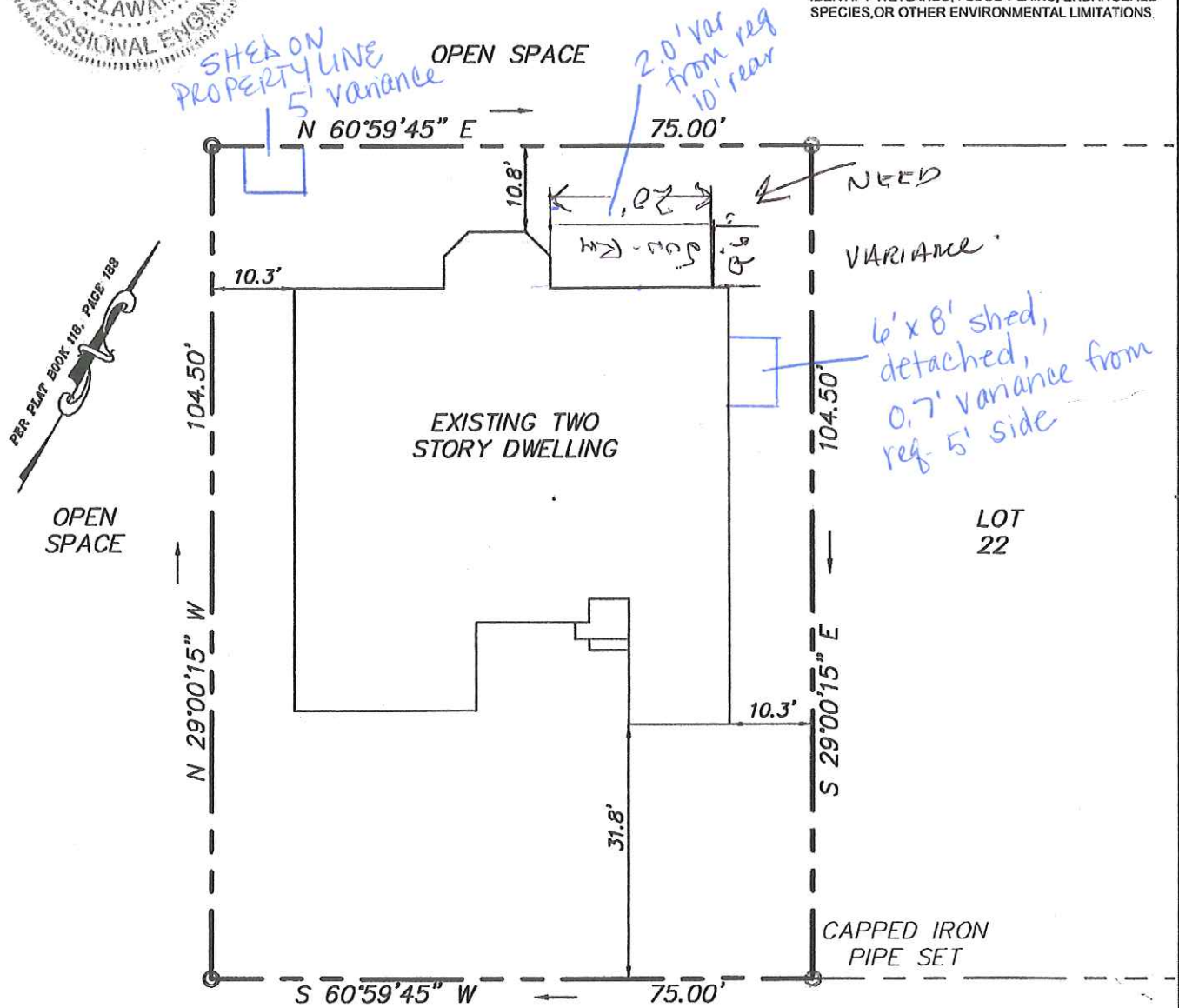
Doug Nichols, Property Manager  
The Marina at Pepper's Creek HOA



LETTER OF EXPLANATION  
ENCLOSED.

#### NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 118, PAGE 183 AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC.
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.



ANCHOR WATCH LOOP

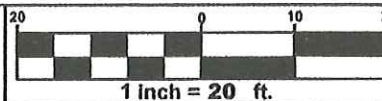
**FINAL LOCATION: LOT 21, THE MARINA AT PEPPERS CREEK,  
DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE**

**Pennoni**

**PENNONI ASSOCIATES, INC.**

18072 Davidson Dr. (302) 684-8030 www.pennoni.com  
Milton, DE 19968 Fax: 684-8054

CONSULTING ENGINEERS



CLASS "B" SURVEY

LOT AREA: 7,838 sq.ft.± (0.18 ac.±)

PLAT REF.: PLAT BOOK 118, PAGE 183

PREPARED FOR: INSIGHT HOMES

DESIGNED BY: N/A

SURVEYED BY: JS

DRAWN BY: K.M. DAVIDSON

CHECKED BY: CRS

JOB #: INSH139021

TAX MAP: 233-7.00-228.00

DATE: SEPTEMBER 5, 2014

SHEET NO: 1 OF 1



To: Board Of License and Permits

January 4 , 2020

To Whom It May Concern:

The shed in question which is a 12x14 is 2 ft inside West side property line. The shed from the Back property line is in fault. I filed a ARC Form with the H.O.A. and was passed ( Copy Included ) and was seen by the Architectural Committee, no problem. At the time we purchased the shed we were told that we didn't need a permit under 400 Sq.ft. This is one of the reasons we did not purchase one. After a year gone by, we have a ego seeking maniac going around looking at everyones property, of which my shed and I understand several others, became questionable.

The common area in the rear of property is a Large burm which comes to bottom out at my property line. On the West side commom area there is a 12 ft easement between lot 's 20 & 21 . We have had no problem up until now. With the restricted amount of space that the contractor left everyone in our community with , it's hard to do much of anything. Included are a few photo's showing the property and shed in question. I hope that you will take this situation and hopefully find a closure. Waiting your decision.

Sincerely;

Mary C.Harry-Wolf

To: Board Of License and Permits  
Sussex County Delaware

From : Mary C Harry-Wolf  
31192 Anchor Watch Loop  
Dagsboro , DE 19939  
Lot # 21

January 4, 2020

To Whom It May Concern ,

I am applying for 3 different variances of which one shed is in violation because of the size of our yard. Because of the contractor , he has left almost everyone with not very much space to do much of anything. I have tried to utilize every square inch that I have. Because of this situation this variance is much needed. Secondly , I am applying for a Variance to locate shed to the East side of residence to make room for a Sun Porch . Thirdly , I have contracted Better Living Contractor's to build a Sun Room of which I don't really know if I need a Variance or not. You should be getting a request for a permit from them very shortly. They want to start sometime in March . Enclosed are three different request's .

I would very much like to comment on the shed which is in violation. I purchased this shed to house a Golf cart ,and riding Lawn Mower , to keep out of the weather My Husband is 85 years young and has a very difficult time walking. He has a Colostomy ,and Rheumatoid Arthritis in back and both hips. I know that this has no bearing on the outcome of your decision , but any consideration would be greatly appreciated .

Sincerely ,

Mary C Harry-Wolf



Variance for New Construction

Letter of Explanation

January 4 , 2020

Concerning the variance for contruction of a New Sun Room. I have contracted Better Living to build a New Sun Room on my Residence. The Room will be 20 ft in length & 9.6 ft wide. According to the measurments the room will be 8 ft off of the rear property and 12 ft off of the side property line . If I so need this I would like to apply with this variance if possible. Better Living should be applying for a permit shortly or maybe have already done so. Thank you for your indulgence.

Mary C Harry-Wolf

To: Board Of License and Permit's

January 4, 2020

To Whom It May Concern ;

I am asking for a varience to relocate my 6x8 shed to the East side of residence to be able to add a Sun Room to rear of my home. It will be 4 ft from the end of existing residence but will be only 4 ft off of property line.

Sincerely ,

Mary C.Harry -Wolf



January 6, 2020

Sussex County Board of Adjustment  
Planning and Zoning Office  
Georgetown, Delaware 19947

RE: Location of existing shed on property of Al and Mary Wolf  
31192 Anchor Watch Loop  
Dagsboro, Delaware 19939

Marina at Peppers Creek Lot 21

We share a side property line with Al and Mary Wolf; this letter is a statement on record that the location of their existing shed is NOT a problem or concern for us. Due to the location of the Wolf family's house, the shed is not visible to any houses other than the direct nextdoor neighbors – we are one of those neighbors. Additionally, there is a substantial raised berm behind the Wolf family property, so the shed location does not impact any property or neighbors behind the house.

Sincerely,



Claudia and Chris Luxenberger  
31190 Anchor Watch Loop  
Dagsboro, DE 19939

Marina at Peppers Creek Lot 22

















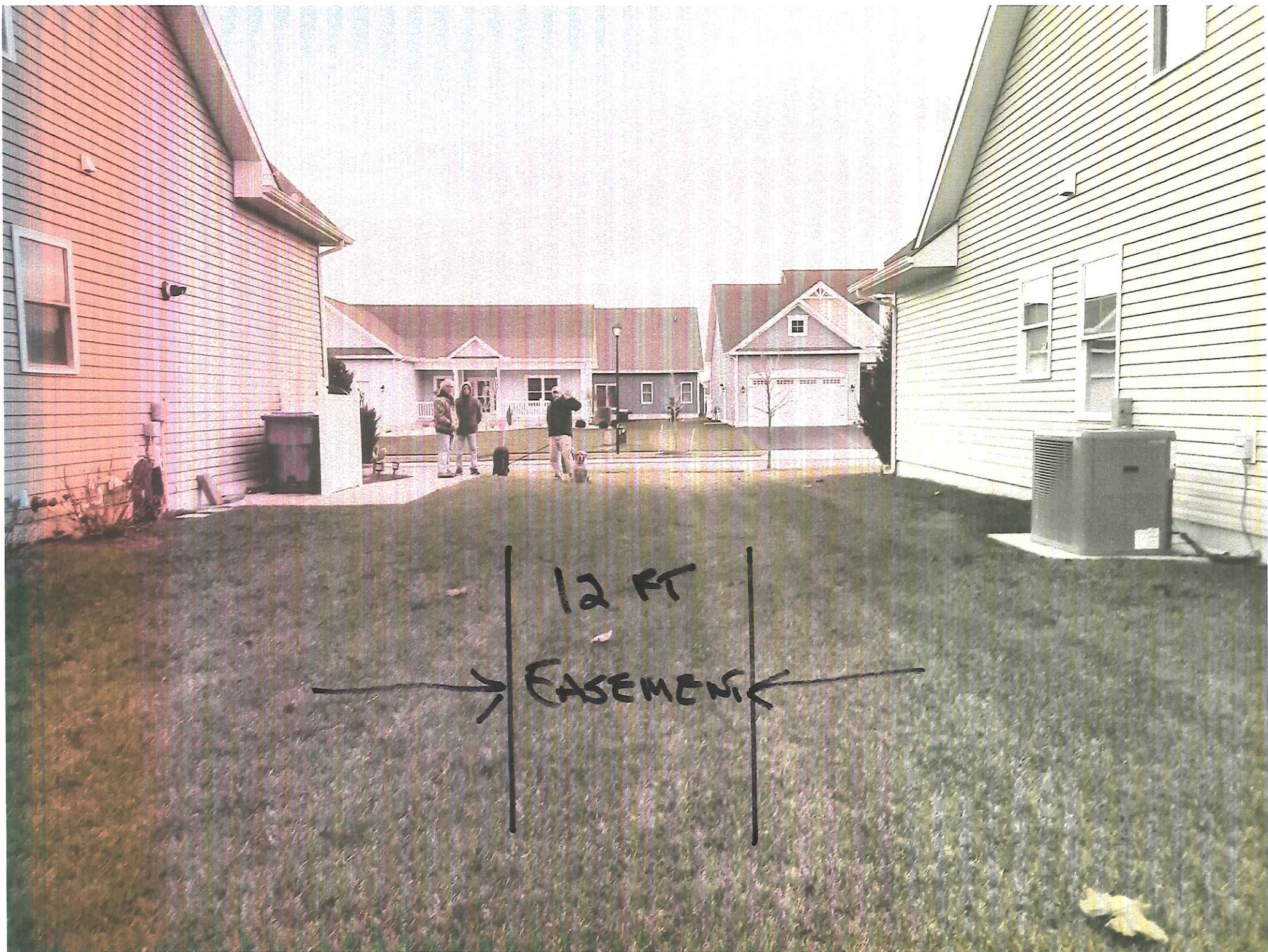














To: Board Of License and Permits

January 4 , 2020

To Whom It May Concern :

I Mary C Harry-Wolf to herby give my Husband Albert H. Wolf authorization to act as my agent to do whatever is needed , at his discretion to implement any and all papers , monies , etc to procure any and all permits and variences to bring closure to this matter . Your cooperation would be greatly appreciated. I work in a very busy surgeons office , of which getting time off is almost impossible , needless to say we are forbidden use of our cell phones.

Sincerely ,

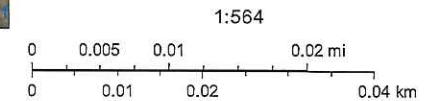
*Mary C Harry-Wolf*  
Mary C Harry-Wolf





PIN:	233-7.00-228.00		
Owner Name	WOLF	MARY	C
	HARRY-		
Book	4313		
Mailing Address	31192 ANCHOR WATCH LO		
City	DAGSBORO		
State	DE		
Description	THE MARINA AT		
Description 2	PEPPERS CREEK		
Description 3	LOT 21		
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 # 12416  
Hearing Date 2/17  
202000588

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:

32967 Coastal Highway, Bethany Beach, DE 19930

Variance/Special Use Exception/Appeal Requested:

Applicant seeks a fifty-five foot (55') front yard variance from the sixty foot (60') front yard setback required in C-1 (see Code Section 115-81) and a fifteen foot (15') variance from the twenty foot (20') buffer required in CHCOZ (see Code Section 115-194.1) to locate an 18-hole miniature golf course on the Site.

Tax Map #: 134-17.11-40.00

Property Zoning: C-1

**Applicant Information**

Applicant Name: Nick Geracimos

Applicant Address: 13001 Riggin Ridge

City Ocean City State MD Zip: 21842

Applicant Phone #: \_\_\_\_\_ Applicant e-mail: geracimos17@gmail.com; ccelosson@bwdc.com

**Owner Information**

Owner Name: Jessica F. Peake (See Exhibit C)

Owner Address: 21 Ocean Drive, Apt. 707

City Rehoboth Beach State DE Zip: 19971 Purchase Date: \_\_\_\_\_

Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: Mackenzie M. Peet, Esq., Tunnell & Raysor, P.A.

Agent/Attorney Address: 323E Rehoboth Avenue

City Rehoboth Beach State DE Zip: 19971

Agent/Attorney Phone #: (302) 227-1314 Agent/Attorney e-mail: mackenzie@tunnellraysor.com

**Signature of Owner/Agent/Attorney**

Mackenzie M. Peet

Date: 1/14/20





**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.

---

**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: Geracimos– Variance Application for Front Yard Variances**

The Applicant seeks two variances for the development of an 18-hole miniature golf course.

### **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 and Buffer Variance:* The lot is unique with an irregular shape; the lot is shallow and narrow to the South and wider to the North. The property is also located along the Route 1 corridor within a tear-drop shaped commercial area bordered on the East by Route One, bordered on the West by South Pennsylvania Avenue, and bordered to the North by Jefferson Bridge Road.

### **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 and Buffer Variance:* The unique shaped lot with an irregular shape, being narrow and shallow to the South and wider to the North does not allow the 18-hole miniature golf course to be built within the front yard setbacks of the C-1 or CHCOZ Districts.

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

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

*Front Yard Setback Variance and Buffer Variance:* The practical difficulty has not been created by the Applicant; the irregularly shaped lot shallow and narrow to the South and wider to the North existed prior to the Applicant's proposed lease of the property.

### **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 and Buffer Variance:* The property is zoned C-1 General Commercial and the surrounding lots are also zoned C-1 General Commercial with the exception of one adjacent lot being zoned MR Medium Density Residential. The proposed use will provide recreation to greater Bethany Beach area residents as well as vacationing tourists during the summer season. Vegetative areas will remain where feasible during construction and post construction. Additional landscaping with landscape plantings indigenous to local areas will be included in the landscape plan for the proposed development of the golf course in compliance with Section 115-194.1.



## **Re: Geracimos– Variance Application for Front Yard Variances**

### **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:*** To allow for the development of an 18-hole miniature golf course, the golf course design requires relief only from the front yard setback while maintaining the rear yard and side yard setbacks required in the C-1 District.

***Buffer Variance:*** Vegetative areas will remain where feasible during construction and post construction if the variances are granted. Additional landscaping will be provided on the miniature golf course with landscape plantings indigenous to local areas, as shown in the landscape plan, and in compliance with Section 115-194.1.

## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: Nick Geracimos  
Applicant Address: 13001 Riggan Ridge  
City: Ocean City State: MD Zip: 21842  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Owner Information

Owner Name: Jessica F. Peake (See Exhibit C)  
Owner Address: 21 Ocean Drive, Apt. 707  
City: Rehoboth Beach State: DE Zip: 19971  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Engineer/Surveyor Information

Engineer/Surveyor Name: MAD Designing Group, Inc./Greer Groves  
Engineer/Surveyor Address: PO Box 82  
City: Ocean City State: MD Zip: 21843  
Phone #: (443) 373-7385 E-mail: \_\_\_\_\_

### Agent/Attorney Information

Agent/Attorney/Name: Mackenzie M. Peet, Esq., Tunnell & Raysor, P.A.  
Agent/Attorney/Address: 323E Rehoboth Avenue  
City: Rehoboth Beach State: DE Zip: 19971  
Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com

### Other

Name: McCrone Engineering/Robert Kane (Landscape Plan Contact)  
Address: 119 W. Naylor Mill Road, Suite 6  
City: Salisbury State: MD Zip: 21801  
Phone #: (410) 548-1492 E-mail: \_\_\_\_\_





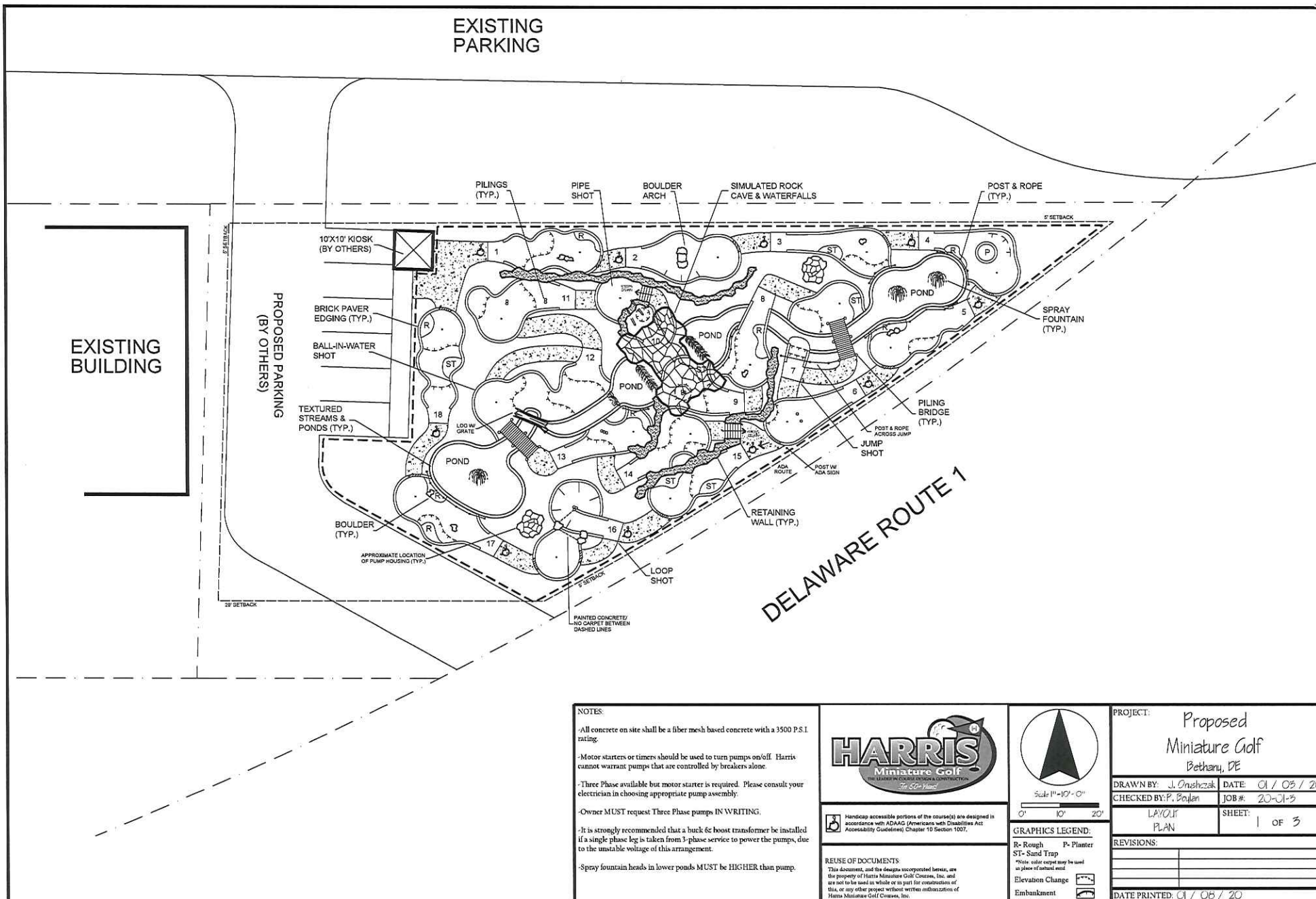
# EXHIBIT A

## Site Plan

LAW OFFICES

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**T**UNNELL  
& **R**AYSOR, P.A.



# NOTES:

- All concrete on site shall be a fiber mesh based concrete with a 3500 P.S.I. rating.
- Motor starters or timers should be used to turn pumps on/off. Harris cannot warrant pumps that are controlled by breakers alone.
- Three Phase available but motor starter is required. Please consult your electrician in choosing appropriate pump assembly.
- Owner MUST request Three Phase pumps IN WRITING.
- It is strongly recommended that a buck 60 boost transformer be installed if a single phase leg is taken from 3-phase service to power the pumps, due to the unstable voltage of this arrangement.
- Spray fountain heads in lower ponds MUST be HIGHER than pump.



Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) Chapter 10 Section 1007.

**REUSE OF DOCUMENTS:**  
This document, and the designs incorporated herein, are the property of Harris Miniature Golf Courses, Inc. and are not to be used in whole or in part for construction of this, or any other project without written authorization of Harris Miniature Golf Courses, Inc.



0' 10' 20'

## GRAPHICS LEGEND:

- R- Rough P- Planter
- ST- Sand Trap
- \*Note: color except may be used as place of natural sand
- Elevation Change
- Embarkment

PROJECT: Proposed Miniature Golf Bethany, DE	
DRAWN BY: J. Onyszczak	DATE: 01 / 03 / 20
CHECKED BY: P. Boylen	JOB #: 20-01-3
LAYOUT PLAN	SHEET: 1 OF 3
REVISIONS:	
DATE PRINTED: 01 / 03 / 20	



EXISTING  
PARKING

PROPOSED  
CONTOUR  
(TYP.)

10'X10' KIOSK  
(BY OTHERS)

PROPOSED PARKING  
(BY OTHERS)

EXISTING  
BUILDING

DELAWARE ROUTE 1

NOTES:

-Elevations shown on this grading plan represent proposed rough grades. Fine grading for holes, walkways, and water systems will be done in the field.

-When bringing in fill, Harris recommends using a granular, self draining, compactable fill. Fill should be ROLLED and COMPACTED in 6" - 12" lifts to reduce SETTLING. Harris also recommends having additional fill available for the shaping and contouring of the golf holes, walks, and water systems.

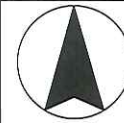
-Elevations must be CLEARLY MARKED with GRADE STAKES to ENSURE and VERIFY that the grading plan has been done properly and to the specifications of this plan provided by Harris Miniature Golf Courses, Inc.



Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) Chapter 10 Section 1007.

REUSE OF DOCUMENTS

This document, and the design incorporated herein, are the property of Harris Miniature Golf Courses, Inc. and are not to be used in whole or in part for construction of this, or any other project without written authorization of Harris Miniature Golf Courses, Inc.



Scale 1"=10'-0"

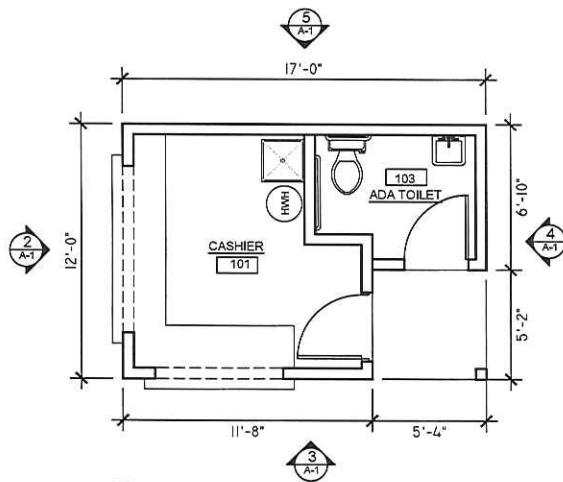
GRAPHICS LEGEND:

- R- Rough
- ST- Sand Trap
- \*Note: color gravel may be used in place of natural sand
- Elevation Change
- Embankment

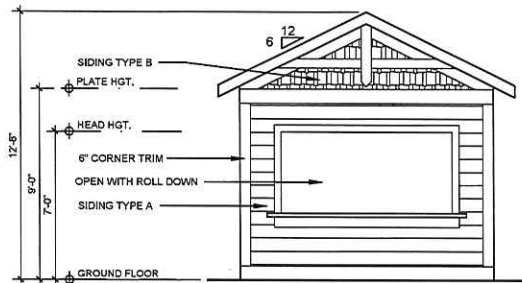
PROJECT: Proposed Miniature Golf Bethany, DE	
DRAWN BY: J. Dmochowski	DATE: 01 / 03 / 20
CHECKED BY: P. Boylan	JOB #: 20-C1-3
LAYOUT & GRADING PLAN	SHEET: 2 OF 3
REVISIONS:	
DATE PRINTED: 01 / 03 / 20	



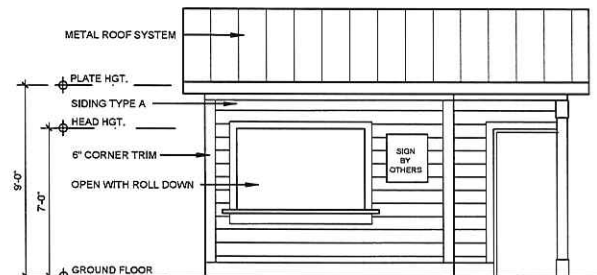
**DESIGN GROUP, INC.**  
ARCHITECTURAL & ENGINEERING SOLUTIONS  
P.O. Box 802  
Ocean City, MD 21843  
P. 410-280-1859 F. 410-208-1234  
www.maddesigngroup-ae.com



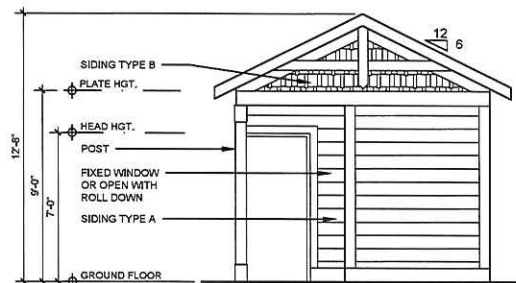
**1 FLOOR PLAN**  
A-1 1/4" = 1'-0"



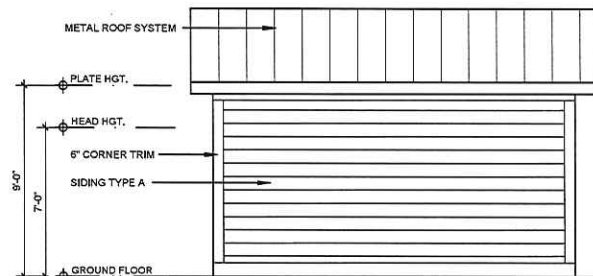
**2 NORTH ELEVATION**  
A-1 1/4" = 1'-0"



**3 WEST ELEVATION**  
A-1 1/4" = 1'-0"



**4 SOUTH ELEVATION**  
A-1 1/4" = 1'-0"



**5 EAST ELEVATION**  
A-1 1/4" = 1'-0"

**NICK'S MINI GOLF  
ROUTE 1  
BETHANY BEACH, DE**

DATE	ISSUED FOR / DELTA
1-9-2020	SCHEMATIC DESIGN

DRAWN BY: GWG JOB NO: 20-010

SHEET TITLE:  
**PLAN & ELEVATIONS**

SHEET NO:

**A-1**

COPYRIGHT 2020



# EXHIBIT B

## Current Use

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.

**NOTES:**

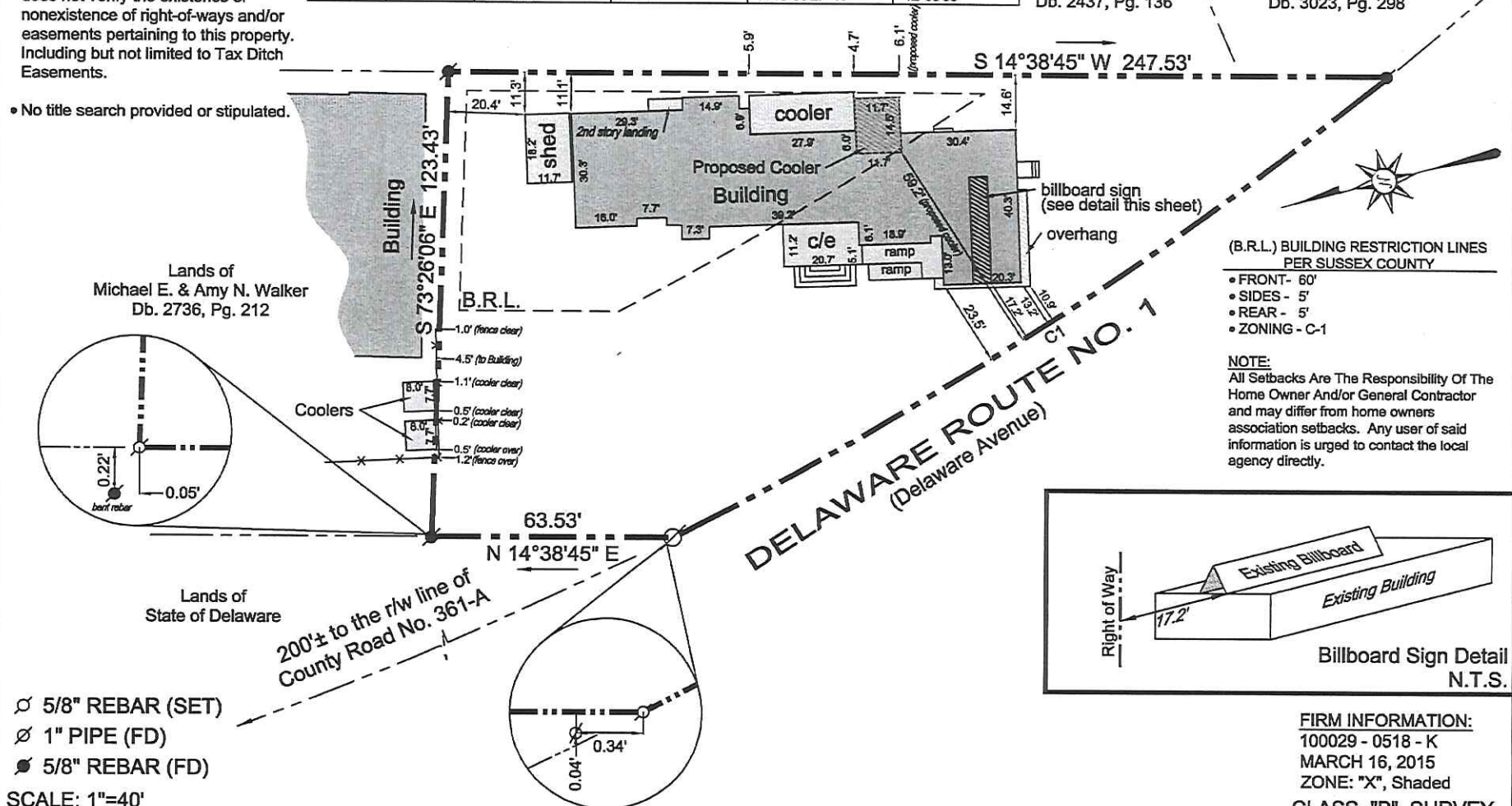
- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.

- No title search provided or stipulated.

PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1070.75'	225.39'	224.97'	N 18°36'27" W	12°03'38"

Lands of  
Express Hotels, Inc.  
Db. 2437, Pg. 136

Lands of  
Bethany HHMO Center, LLC  
Db. 3023, Pg. 298



- Ø 5/8" REBAR (SET)  
 Ø 1" PIPE (FD)  
 Ø 5/8" REBAR (FD)

SCALE: 1"=40'

AREA: 20,076 SQ. FT.

TAX MAP NO. 1-34-17.11-40

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 06/02/2016

**DRAWN BY: MICHAEL LOVELAND**

Lands of JESSICA F. PEAKE.

Revised: 03/20/2017, Billboard location and detail.

Billboard Sign Detail  
N.T.S.

**FIRM INFORMATION:**

100029 - 0518 - K

MARCH 16, 2015

ZONE: "X", Shaded

### CLASS "B" SURVEY

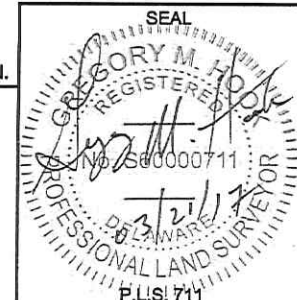


**SIMPLER  
SURVEYING  
& ASSOCIATE, INC.**

32486 POWELL FARM ROAD, FRANKFORD, DE 19945

[www.delawaresurveyor.com](http://www.delawaresurveyor.com)

**PHONE:** (302) 539-7873 **FAX:** (302) 539-4336





## EXHIBIT C

### Deed and Property Owner Information

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.

PARID: 134-17.11-40.00  
PEAKE JESSICA F TRUSTEE

ROLL: RP  
32967 COASTAL HWY

## Property Information

Property Location: 32967 COASTAL HWY  
Unit:  
City: BETHANY BEACH  
State: DE  
Zip: 19930  
  
Class: COM-Commercial  
Use Code (LUC): CO-COMMERCIAL  
Town: 00-None  
Tax District: 134 - BALTIMORE  
School District: 1 - INDIAN RIVER  
Council District: 4-Hudson  
Fire District: 70-Bethany Beach  
Deeded Acres: .0001  
Frontage: 225  
Depth: 247.000  
Irr Lot: 1  
Zoning 1: C-1-GENERAL BUSINESS  
Zoning 2: -  
Plot Book Page: 245 34/PB  
  
100% Land Value: \$20,000  
100% Improvement Value: \$74,700  
100% Total Value: \$94,700

## Legal

Legal Description: DELAWARE AVE LOT

## Owners

Owner	Co-owner	Address	City	State	Zip
PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958

## Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2019	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2018	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2017	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2017	PEAKE JESSICA F TRUSTEE		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	4710/176
2017	PEAKE JESSICA F		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	1982/242
2006	PEAKE JESSICA F		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	1982/242
1900	PEAKE JESSICA F					0	0/0
1900	PEAKE C REX JR/JESSICA F					0	851/318
1900	RESORT HOMES INC					0	657/428
1900	PEAKE C REX JR/JESSICA F					0	1982/242
1900	BEACH PACKAGE STORE L L C					0	1937/201

## Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	COM	CO	225	247	.0001	

## Land Summary

Line	1
100% Land Value	20,000



## 100% Values

100% Land Value	100% Improv Value	100% Total Value
\$20,000	\$74,700	\$94,700

## 50% Values

50% Land Value	50% Improv Value	50% Total Value
\$10,000	\$37,350	\$47,350

## Permit Details

Permit Date:	Permit #:	Amount:	Note 1
13-JUN-2016	201604698	\$20,000	BEER COOLER EXTENSION 12X15 - BEACH LIQUORS
16-NOV-2012	201200308	\$0	
16-MAR-2010	19461-7	\$0	DIGITAL SIGN-DELAWARE AVE LOT
28-FEB-2005	19461-6	\$0	WALL SIGN-DELAWARE AVE
02-DEC-2004	19461-5	\$200,000	TENANT FIT UP-DELAWARE AVE
17-NOV-1999	19461-4	\$0	GROUND SIGN-E/RT1 125' S/RD361A
06-JUN-1995	19461-3	\$3,200	DECKSTORAGE AREA-DELAWARE AVE.
30-SEP-1994	19461-2	\$22,000	EXT. REMODELING-DELAWARE AVE
07-MAY-1985	19461-1	\$6,000	STORAGE ADD.TO STORE-E/1 200' S/361A

18877

BK: 4710 PG: 176

Tax Number: 1-34 17.11 40.00  
PREPARED BY & RETURN TO:  
Tunnell & Raysor, P.A.  
30 E. Pine Street  
Georgetown, DE 19947  
File No. DO2820/CCE

NO TITLE SEARCH REQUESTED  
NO TITLE SEARCH PERFORMED  
NO TITLE GUARANTEE  
DEED PREPARATION ONLY

THIS DEED, made this 12<sup>th</sup> day of May, 2017,

- BETWEEN -

JESSICA F. PEAKE, of 21 Ocean Drive, Apt. #707, Rehoboth Beach, Delaware 19971, party of the first part,

- AND -

JESSICA F. PEAKE, TRUSTEE, OF THE JESSICA F. PEAKE REVOCABLE TRUST, DATED MAY 12<sup>TH</sup>, 2017, AND ANY AMENDMENTS THERETO, of 21 Ocean Drive, Apt. #707, Rehoboth Beach, DE 19971, as sole owner, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL THAT certain lot, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware, and being more particularly described as follows, to wit:

TUNNELL  
RAYSOR, P.A.  
Georgetown, Delaware



BK: 4710 PG: 177

BEGINNING at an iron pipe set in the Eastern right-of-way line of Delaware Route #14, said iron pipe marking a corner for these lands and lands now or formerly of George Knox; thence along and with the division line between these lands and lands now or formerly of George Knox North 14 degrees 38 minutes 45 seconds East for a distance of 247.53 feet to an iron pipe, said iron pipe marking a corner for these lands, lands now or formerly of George Knox and lands now or formerly of J.M. Loftus; thence along and with the division line between these lands and lands now or formerly of J.M. Loftus North 73 degrees 35 minutes 15 seconds West for a distance of 123.44 feet to an iron pipe, said iron pipe marking a corner for these lands, lands now or formerly of J.M. Loftus and lands now or formerly of the State of Delaware; thence along and with the division line between these lands and the lands now or formerly of the State of Delaware South 14 degrees 38 minutes 45 seconds West for a distance of 63.53 feet to an iron pipe set in the Eastern right-of-way line of Delaware Route #14; thence along and with the Eastern right-of-way line of Delaware Route #14 in a Southeasterly direction along the arc of a curve having a radius of 1070.63 feet for an arc distance of 225.11 feet to the first iron pipe, the point and place of beginning, said to contain 0.46 acres of land, more or less, together with all improvements thereon.

BEING the same lands conveyed to C. Rex Peake, Jr., and Jessica F. Peake, his wife from Beach Package Store, L.L.C., a Delaware limited liability company, by Deed dated March 10, 1994, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on June 1, 1994, in Deed Book 1982, Page 242.

THE SAID, C. Rex Peake, Jr. also known as Cornelius Rex Peake, Jr., departed this life on or about June 18<sup>th</sup>, 1996. His interest in the above property passed to his surviving spouse, Jessica F. Peake, by rights of survivorship.

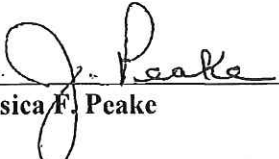
SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

BK: 4710 PG: 178

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

Signed, Sealed and Delivered  
in the presence of:

  
Witness

 (SEAL)  
Jessica F. Peake

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on May 12<sup>th</sup>, 2017, personally came before me, the subscriber, Jessica F. Peake, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

CHRISTOPHE CLARK EMMERT  
ATTORNEY AT LAW WITH  
POWER TO ACT AS NOTARY PUBLIC  
PER 29 DEL. C SEC 4323 (A) 3

  
Notary Public  
My Commission Expires: N/A

Consideration: .00

County	.00
State	.00
Town	.00
Total	.00

Received: Margaret P May 19, 2017

Recorder of Deeds  
Scott Dailey  
May 19, 2017 10:39A  
Sussex County  
Doc. Surcharge Paid

RECEIVED  
May 19, 2017  
ASSESSMENT DIVISION  
OF SUSSEX COUNTY



# EXHIBIT D

## Parking

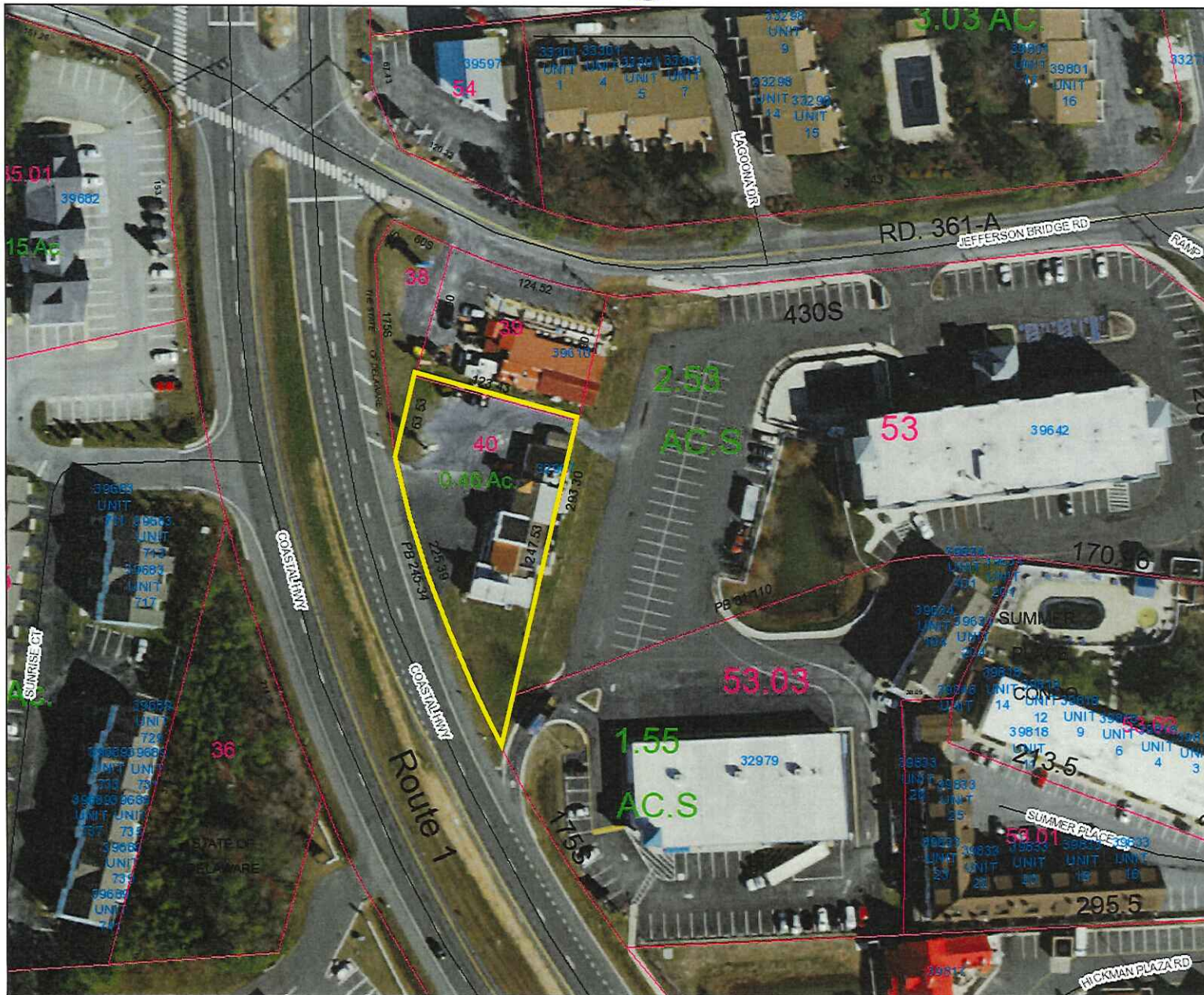
LAW OFFICES

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**T**UNNELL  
& **R**AYSOR, P.A.

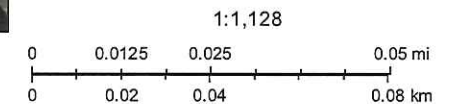


# Sussex County



PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR N
City	LEWES
State	DE
Description	DELAWARE AVE LOT
Description 2	N/A
Description 3	N/A
Land Code	

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





# EXHIBIT E

## Sussex County Code

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.

# Sussex County

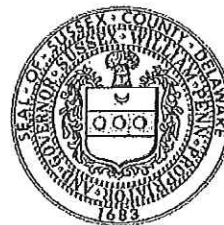
DELAWARE  
PLANNING & ZONING DEPARTMENT

[sussexcountysde.gov](http://sussexcountysde.gov)

302-855-7878 T

302-854-5079 F

JANELLE M. CORNWELL, AICP  
DIRECTOR



## SETBACK INFORMATION REQUEST

Date of Request 1/3/2020 Zoning District C-1

Customer Name TUNNELL & RAYSOR P.A.

Customer Contact mackenzie@tunnellraysor.com

Tax Parcel ID 134-17.11-40.00 Lot/Unit Number N/A

Parcel Address 32967 COASTAL HIGHWAY

Front Yard Setback 60'

Side Yard Setback 5' & 20' TO WEST ADJONING TO MR

Rear Yard Setback 5'

Corner Front Yard Setback N/A

Maximum Height 42'

☐ The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

### Additional Notes:

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

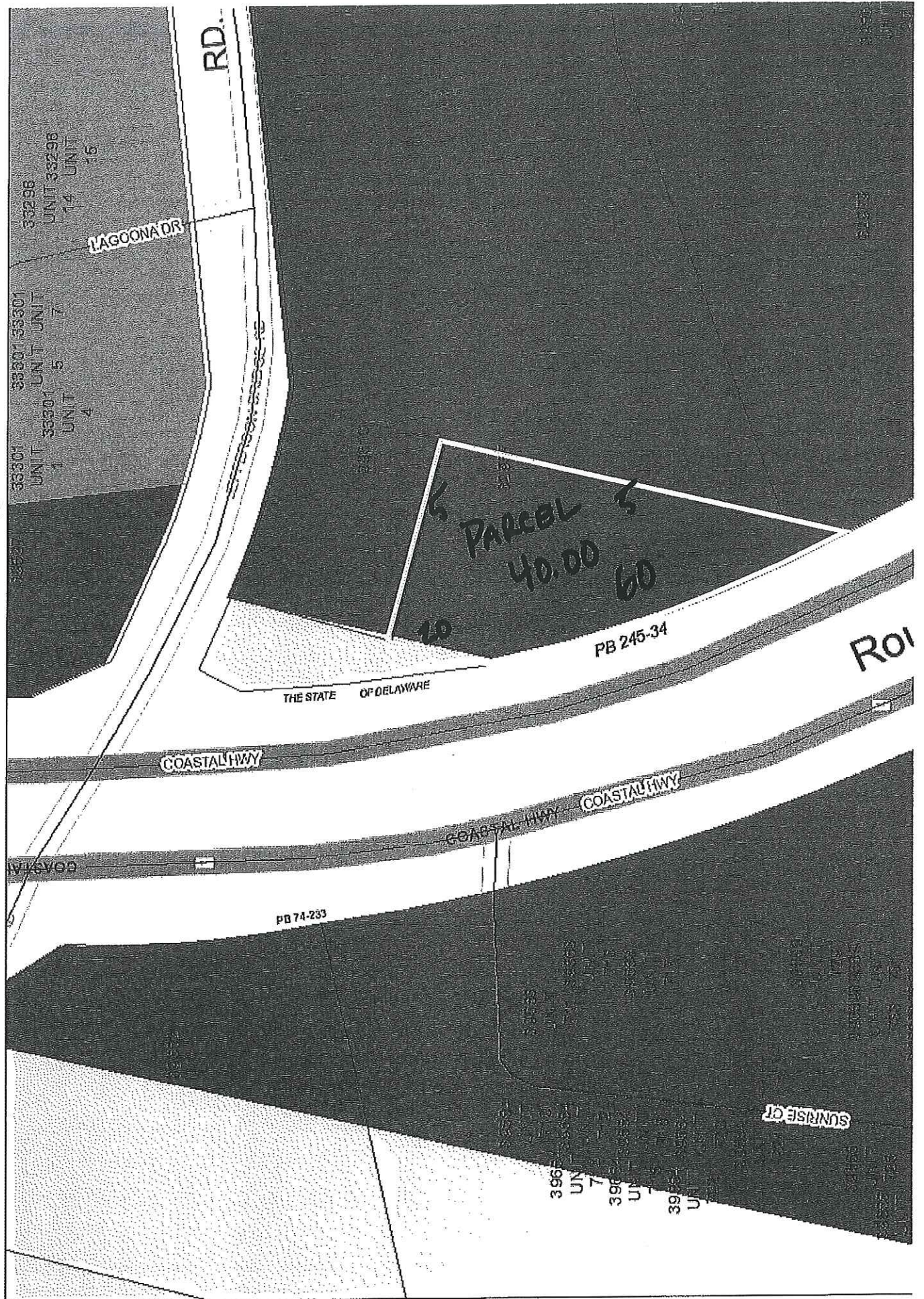
Name of Staff Member RUSTY

Checked By JMC





# Sussex County





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

## § 115-82. 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	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*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

\*NOTE: See also the table of district regulations at the end of this chapter.

\*\*NOTE: See also § 115-194.1.

### 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:



Permits issued under a conditional use approval may be revoked by the Director for failure to comply with conditions of approval or applicable regulations.

## Article XXV. Supplementary Regulations

### § 115-194.1. Combined Highway Corridor Overlay Zone (CHCOZ).

[Added 1-30-1996 by Ord. No. 1072; amended 8-3-2004 by Ord. No. 1711]

- A. Purpose. The Combined Highway Corridor Overlay Zoning District - (CHCOZ District) is hereby established to provide for the continued and efficient use of existing roadways and Emergency Evacuation Routes, to preserve and enhance the aesthetic and visual character of land uses contiguous to those roadways and to provide for orderly development in Sussex County. The requirements and guidelines contained in the chapter are to encourage a positive visual experience of development of lands along the corridors and provide safe access and turning movements for vehicular and pedestrian traffic, especially during an emergency evacuation. Development within the CHCOZ District shall conform to the minimum standards in this chapter; provided, however, that variances to the provisions of this section will be considered by the Board of Adjustment, as permitted pursuant to Article **XXVII**, Board of Adjustment.
- B. Delineation of the zoning district. The CHCOZ District shall be established along the major north south corridors (Routes 1, 13, and 113). They are more particularly described below.

(1) The Route 1 Corridor:

- (a) The Highway Corridor Overlay Zoning District - Route 1 shall include all unincorporated lands within 600 feet on each side of State Route 1, between Kent County, Delaware and Fenwick Island, Delaware.
- (b) The six-hundred-foot zone will be measured from the existing road right-of-way line.

(2) The Route 13 Corridor:

- (a) The Highway Corridor Overlay Zoning District - Route 13 shall include all unincorporated lands within 600 feet on each side of State Route 13, between Kent County, Delaware and Delmar, Delaware.
- (b) The six-hundred-foot zone will be measured from the existing road right-of-way line.

(3) The Route 113 Corridor:

- (a) The Highway Corridor Overlay Zoning District - Route 113 shall include all unincorporated lands within 600 feet on each side of State Route 113 between Milford, Delaware and Selbyville, Delaware.
- (b) The six-hundred-foot zone will be measured from the existing road right-of-way line.

C. Permitted uses.

(1) The overlay zone.

- (a) The CHCOZ District establishes procedures, guidelines and standards in which development and access should occur. The overlay zone is established to promote orderly development within the underlying zoning district. Uses permitted within the CHCOZ District will be those permitted by the underlying zoning category, except as modified by this section of the Zoning Ordinance.

(b) Uses prohibited in the underlying zone are also prohibited in the overlay zone.

(2) The underlying zone.

(a) Established development densities in underlying zoning districts shall be maintained; however buffer and building setbacks will be required in the CHCOZ District.

(b) Existing buildings and structures that do not meet the requirements of this section shall be a nonconforming use and shall continue subject to the provisions of § 115-195 of the Zoning Ordinance.

(3) Exemptions from the requirements of the CHCOZ District include:

(a) Existing homes and businesses.

(b) Commercial and industrial developments and subdivisions that have obtained site plan approval prior to the adoption of this section.

(c) Land in agricultural use.

(d) Historic properties that are listed on the National Register of Historic Places.

D. Permitted accessory uses.

(1) Permitted accessory uses in the CHCOZ District shall be the same as in the underlying zoning district, except as modified by this section of the Zoning Ordinance.

(2) Prohibited accessory uses in the underlying district shall be prohibited in the overlay zoning district.

E. Minimum buffer and setback requirements.

(1) For the purposes of this section, a "buffer" is defined as the area landscaped with native vegetative species, as provided for in Subsection E(6) below, between the road right-of-way line of the relevant corridor and the edge of paving and/or area of disturbance. The buffer is a part of and is included in the required setback.

(2) A "building setback" is defined as the minimum distance from the road right-of-way line of the relevant corridor to the nearest building edge. For purposes of this section of the Zoning Ordinance, the setback shall be measured as described in Table 1, Note 7, in the General Table of Height, Area and Bulk Requirements.<sup>[1]</sup>

[1] *Editor's Note: Table 1 is included at the end of this chapter.*

(3) Setbacks and buffers will be required for all developments in the CHCOZ District in accordance with the following table:

[Amended 6-19-2012 by Ord. No. 2263; 2-27-2018 by Ord. No. 2550]

District	Setback (feet)	Buffer (feet)
AR-1 Agricultural Residential	40	20
AR-2 Agricultural Residential	40	20
MR Medium Density Residential	40	20
GR General Residential	40	20
HR-1 High-Density Residential	60	20
HR-2 High Density Residential	60	20
B-1 Neighborhood Business	60	20



<b>District</b>	<b>Setback (feet)</b>	<b>Buffer (feet)</b>
B-2 Business Community	60	20
B-3 Business Research	60	20
C-1 General Commercial	60	20
CR-1 Commercial Residential	60	20
C-2 Medium Commercial	60	20
C-3 Heavy Commercial	60	20
C-4 Planned Commercial	60	20
C-5 Service/Limited Manufacturing	60	20
I-1 Institutional	60	20
M Marine	60	20
LI-1 Limited Industrial	60	20
LI-2 Light Industrial	60	20
HI-1 Heavy Industrial	60	20

(4) Permitted uses within the required buffer include:

- (a) Driveway access.
  - (b) Transit-oriented uses, including bus stops and shelters.
  - (c) Utility lines.
  - (d) Pedestrian and bike paths.
  - (e) Lighting fixtures.
  - (f) Signs.
  - (g) Clearing and grading for sight distance.
  - (h) Benches and other streetscape furniture.
  - (i) Water features, but not including storm water management structures.
  - (j) Pathways.
- (5) Permitted uses in the setback, outside of the buffer, are those uses permitted in the underlying zone, including but not limited to lawns, parking areas, driveways and stormwater management structures.

(6) Landscape requirements.

- (a) A landscape plan for the buffer and the site shall be submitted and approved with each site plan. Buffers shall retain existing native vegetated areas to the maximum extent possible. In areas where vegetation does not exist, additional landscaping shall be provided utilizing earth mounds and/or plant material. Landscape plantings should be indigenous to local areas and should provide a soft visual buffer between the roadway, the proposed development and contiguous land uses.
- (b) For each 100 linear feet of buffer yard required, the number of plantings required shall be not less than 22. The plantings shall include, on average, a canopy forest of at least 12 deciduous or evergreen/conifer trees and 10 shrubs. The buffer yard shall be seeded

with grass or planted with ivy unless natural ground cover is established. In areas where a ten-foot paved path is provided, the landscaping requirement can be reduced by 50%.

F. Access standards from arterial roadways. The intent of the CHCOZ District is to minimize the number of access points and left turning movements along the designated corridor. Access and circulation to the designated corridor shall comply with the following standards:

- (1) Access from the designated corridor shall be subject to the approval of the Delaware Department of Transportation.
- (2) Access drives and service roads should be designed to minimize queuing of entering or exiting vehicles.
- (3) Shared driveways shall be used where feasible.
- (4) Access driveways should accommodate pedestrian traffic through the use of depressed curbs.
- (5) When properties are bound by two or more roadways, access shall be obtained from the lower roadway classification unless a traffic study, approved by DelDOT, determines that the operation or safety of an adjacent intersection is degraded.

G. Additional requirements.

- (1) The following improvements shall be shown on the site plan:
  - (a) Transit accommodations shall be provided for sites containing structures of 75,000 gross square feet or greater, at the discretion of the Planning and Zoning Commission and DelDOT.
  - (b) Pedestrian movement must be accommodated throughout the site to provide safe connections to transit stops, parking areas and sidewalks.
  - (c) Cross access easements and interconnections shall be provided between adjoining sites for vehicular and pedestrian traffic.
  - (d) Service roads shall be provided where required by DelDOT.

## Article XXVII. Board of Adjustment

### § 115-207. Establishment membership; officers; meetings.

- A. A Board of Adjustment is hereby created, which shall hereafter be referred to as the "Board."
- B. The Board shall consist of five members, whose selection, terms and qualifications shall be as indicated in 9 Del. C. § 6803(c), and any subsequent amendments thereto.
- C. The Board shall select a Chairman from its membership, shall appoint a Secretary and shall prescribe rules for the conduct of its affairs. The Chairman or, in his absence, the Acting Chairman shall have the power to issue subpoenas for the attendance of witnesses and the production of records and may administer oaths and take testimony.
- D. For the conduct of any hearing, a quorum shall not be less than three members, and an affirmative vote of three members of the Board shall be required to overrule any decision, ruling or determination of the official charged with enforcement of this chapter or to approve any special exception or variance.



## EXHIBIT E

### Harris Miniature Golf Course Information

LAW OFFICES

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**T**UNNELL  
& **R**AYSOR, P.A.



# ABOUT HARRIS

# THE PIONEER OF MINI GOLF

# PROFITABILITY



Rich Lahey, *President*



**R**ich Lahey purchased Harris Miniature Golf Courses Inc. in 1988 with a vision for changing the industry.

Back then, miniature golf courses were mostly portable plywood tracks dominated by windmills and clown faces. Sales were dismal. Miniature golf, which hadn't changed much for decades, had lost its appeal.

Rich believed beautiful landscaped courses with dramatic features, lots of curb appeal and plenty of challenge – not by putting windmills or barns in the way, but by building banked, undulating greens and holes with risks and rewards – would revive interest in miniature golf and bring profitability back to the industry.

“I could see it,” Rich recalls. “I’d drive by these flat plywood courses with the usual array of wooden obstacles, and there would be no one playing. Miniature golf is a really fun family game, but the courses were old and boring. I knew if we built more appealing and challenging courses, people of all ages would come.”

And come they did.

Over the ensuing decade, Rich’s vision led a revolution in miniature golf, leading the industry to build more elaborate courses than ever before and causing profits to soar. Now, instead of charging \$2 a game, course owners could charge \$4 or \$5 and people would pay it. Today, the average price of a round of miniature golf is \$8. Rich was hailed by *The New York*



*Times* as the man who reinvented miniature golf. Today, the industry boasts more than \$1 billion in annual revenues, and has minted more than its share of millionaire course owners.

Based on Rich's vision and decades of experience building courses around the world, Harris relies on water features and beautiful landscaping to create

*I'd drive by these flat plywood courses with the usual array of wooden obstacles, and there would be no one playing. Miniature golf is a really fun family game, but the courses were old and boring. I knew if we built more appealing and challenging courses, people of all ages would come.*

– Rich Lahey, President,  
Harris Miniature Golf Inc.

fun and inviting spaces. The delicate contours, slopes and undulations of our greens reward players for a good putt while not overly penalizing a poor effort. At Harris, we believe the key to success is building courses that are interesting and fun to play with just enough challenge to make players want to come back and play again.

Rich and the team at Harris also pioneered the concept of the 36-hole course. Having two 18-hole courses can be key to promoting repeat business and profitability. Two courses not only create more choices and challenges for players, they provide the capacity necessary to accommodate large crowds

on summer evenings and weekends. Long lines at overcrowded single courses can reduce profits and drive customers away. Having a second course also allows owners to host groups without having to turn away walk-in customers – a key to midweek profitability.

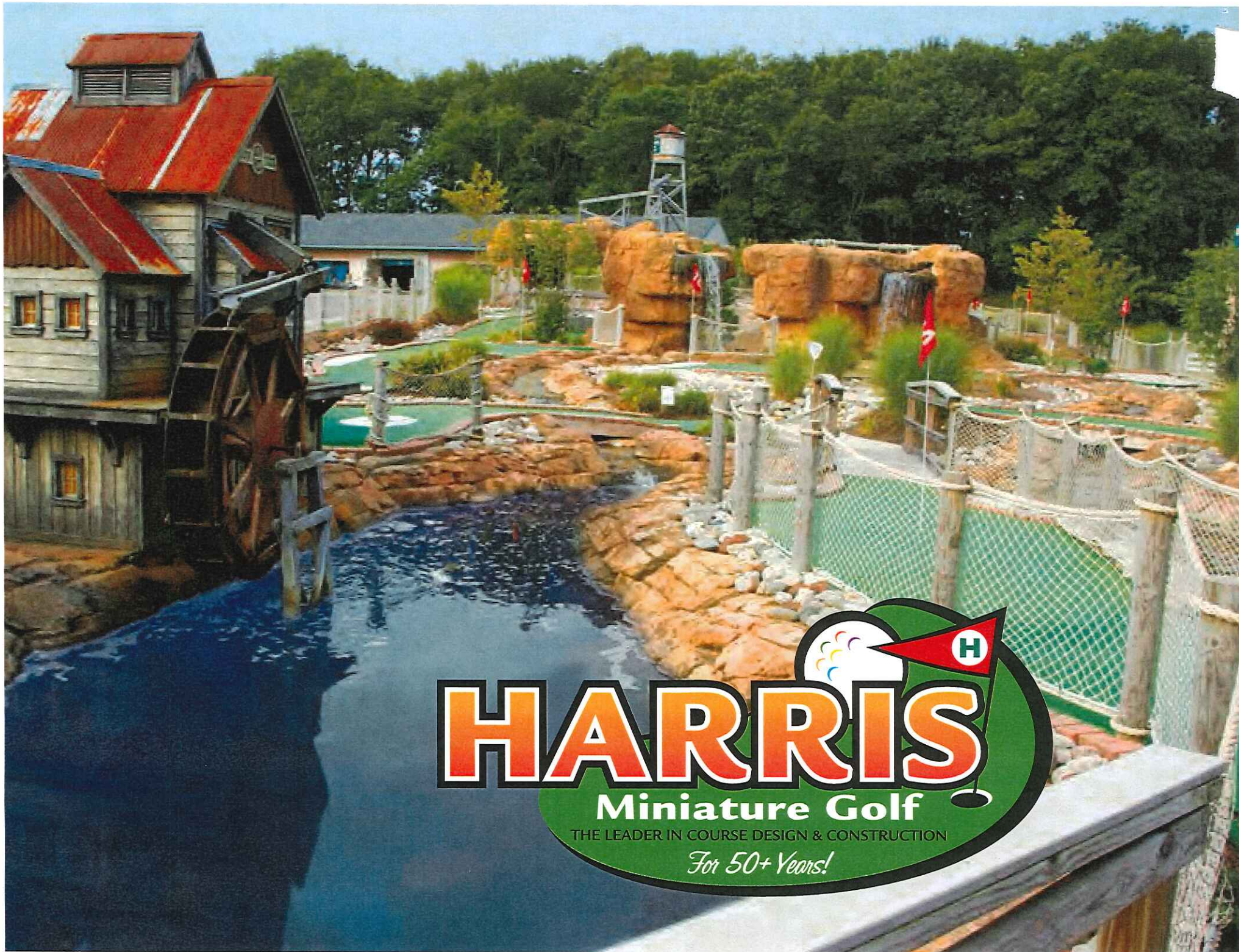
At Harris, we know that a well-designed and well-built course will produce repeat business year after year. A poorly designed course will quickly become boring and frustrating, and repeat business will drop off. We also know that some of the best design ideas occur during construction, as the course is taking shape. All on-site changes are made with the customer's approval and without additional charge.

All of our projects are covered by the Harris 110% Guarantee, which means Rich and the team will always go the extra mile to make sure your project is as good as it can possibly be.

"At Harris Miniature Golf, we always give our customers the full measure of our talents," Rich says. "We feel it is the little things that make the difference between a good job and a great job. The courses we build not only meet but exceed customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it."







THE LEADER IN COURSE DESIGN & CONSTRUCTION

*For 50+ Years!*



# THE HARRIS GUARANTEE



*At Harris Miniature Golf, we always give our customers the full measure of our talents. We feel it is the little things that make the difference between a good job and a GREAT job. The courses we build not only meet, but exceed, customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it.*

*- Rich Lahey, President, Harris Miniature Golf Courses, Inc.*

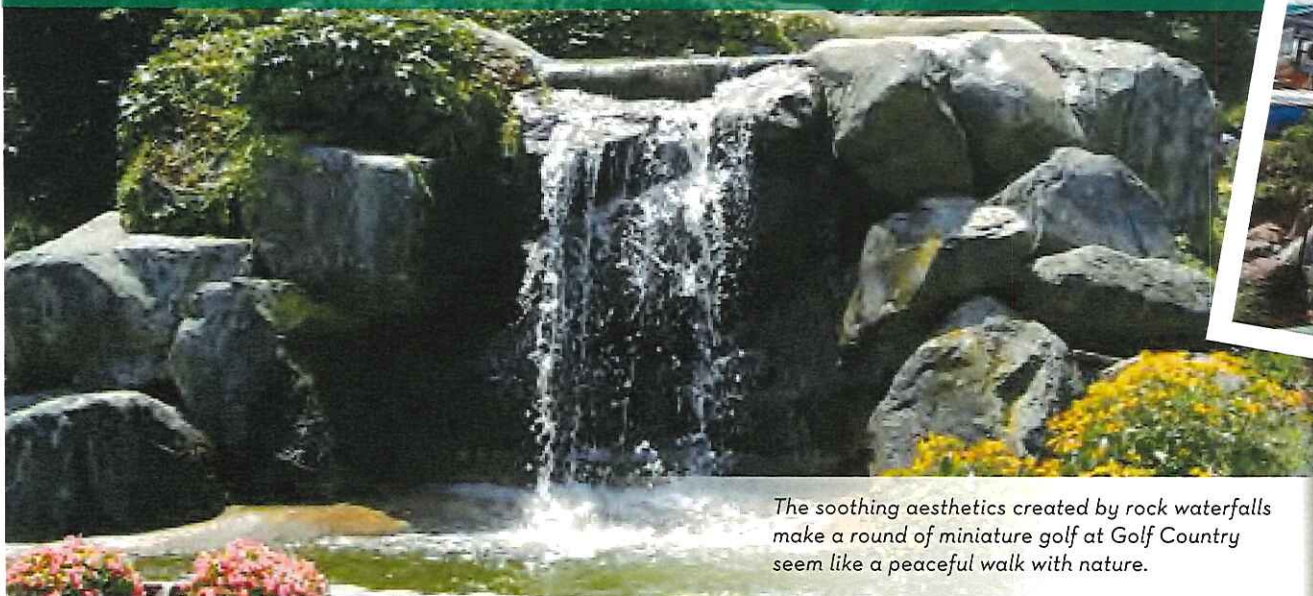


COVER: With waterfalls, caverns, an island green and waterwheel, Twin Brook Golf Center is widely considered one of New Jersey's most beautiful miniature golf courses.

Multi-level shots are great fun! On this hole, the ball drops through a pipe and reappears next to the cup.



# WHY MINIATURE GOLF?



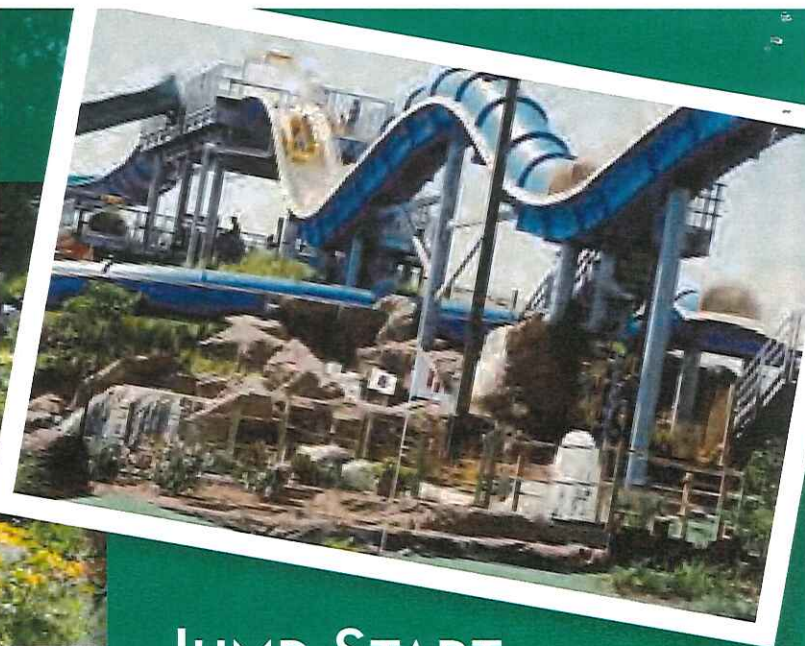
*The soothing aesthetics created by rock waterfalls make a round of miniature golf at Golf Country seem like a peaceful walk with nature.*

Longtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Seasonal business
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of one or two people)
- Low equipment cost for putters and balls
- No inventory (only scorecards)
- Minimal liability exposure

*Adding miniature golf to our 50-year-old family business, which includes a dairy farm and ice cream shop, was the best decision we could have made. The golf course is consistently busy and we have seen an increase of more than 40 percent in our ice cream sales.*

**- Tom Kerber  
Kerber Dairy**



## JUMP-START YOUR EXISTING BUSINESS

Turn your amusement park, driving range, ice cream stand, restaurant or other business into a moneymaking machine with a miniature golf course by Harris. Many of our customers say revenue generated by their miniature golf courses far surpasses anything else they do. "We have seven attractions and miniature golf is, by far, the most profitable," says Mark Blasko, owner of Chuckster's. "I wish I had built a miniature golf course first and stopped."





## ON-SITE DESIGN IMPROVEMENTS

During construction, our project foremen are always looking for ways to improve a course's design, playability and visual appeal. That might involve changing the angle of a waterfall to increase roadside visibility or moving a stream to bring it into play on another hole, and we do it all at no additional cost to the owner/developer.

*It was fun to watch the guys work and bring the course to life. The crew was always looking to improve the design whenever possible. They really wanted it to be as good as it could be!*

- Gary Papa  
Wildwood Mini Golf



At Harris, we use a state-of-the-art computer-aided design system to render our course designs.



## HARRIS – THE RIGHT CHOICE FOR YOU

Harris Miniature Golf has been designing and building picturesque and profitable miniature golf courses for more than 50 years. To date, we have designed and built more than 800 courses across the United States. We believe it speaks volumes about the quality of our work that the majority of our new customers are referred to us by our existing customers.

- Recognized as a national leader in design and construction
- More than 50 years of experience
- More than 800 courses built
- Every course custom-designed to meet customer's needs and expectations
- Fixed price guarantee
- State-of-the-art color CAD design
- Promotional / marketing support





*The beauty and challenge of a well-designed course like Woodstone Mini Golf keeps customers coming back again and again.*

*It was incredible working with the team at Harris. I never saw a group of guys work so hard in my life. No matter what issues they encountered on site, they just made it all happen.*

*- Rusty Bertholet  
Logs of Fun*





## DESIGNING FOR PROFIT

At Harris, we believe great design is the key to sustaining profitability year after year. Gone are the days of windmills and clown faces. By creating inviting and intriguing spaces, and challenging holes that test a golfer's skills, Harris designs courses that keep customers coming back. Ninety percent of Harris-built courses are in non-resort areas where repeat business is critical to profitability. By designing courses with soothing waterfalls, dramatic landscapes and other features that capture the imagination, Harris creates destinations that customers will want to visit again and again.

## DESIGNING FOR FUN

Miniature golf is no longer child's play. Whether you're young or simply young at heart, miniature golf is all about the FUN!!! Our waterfalls, splash fountains, ponds, streams and undulating greens create thrills and laughs for golfers of all ages. Our water hazards create lots of awesome fun for kids. We use floating balls and even have a hole design where the ball goes into the water hazard and is returned back to the green near the cup!





# MORE IS BETTER: THE CASE FOR 36 HOLES



Gunite waterfalls make Putt'n Around a soothing, inviting space that keeps golfers coming back for more.

*I chose to build 36 holes because you are more likely to keep customers for a second round or get them to come back. It's also great for parties, fundraisers, groups and other special events. Building 36 holes was the best decision I could have made.*

– Elise Johnson  
Putt'n Around

Having two 18-hole courses can be key to promoting repeat business and profitability for your facility. Two courses not only create more choices and challenges for players, they provide the capacity necessary to accommodate large crowds on summer evenings and weekends. Long lines at overcrowded single courses will reduce profits and drive customers away, maybe for good. Having a second course also allows you to host groups without having to turn away walk-in customers – a key to midweek profitability.

- More challenges and choices for golfers
- Promotes repeat customers
- Increases capacity for group sales
- Can accommodate groups and walk-in customers simultaneously
- Boosts midweek sales and profitability

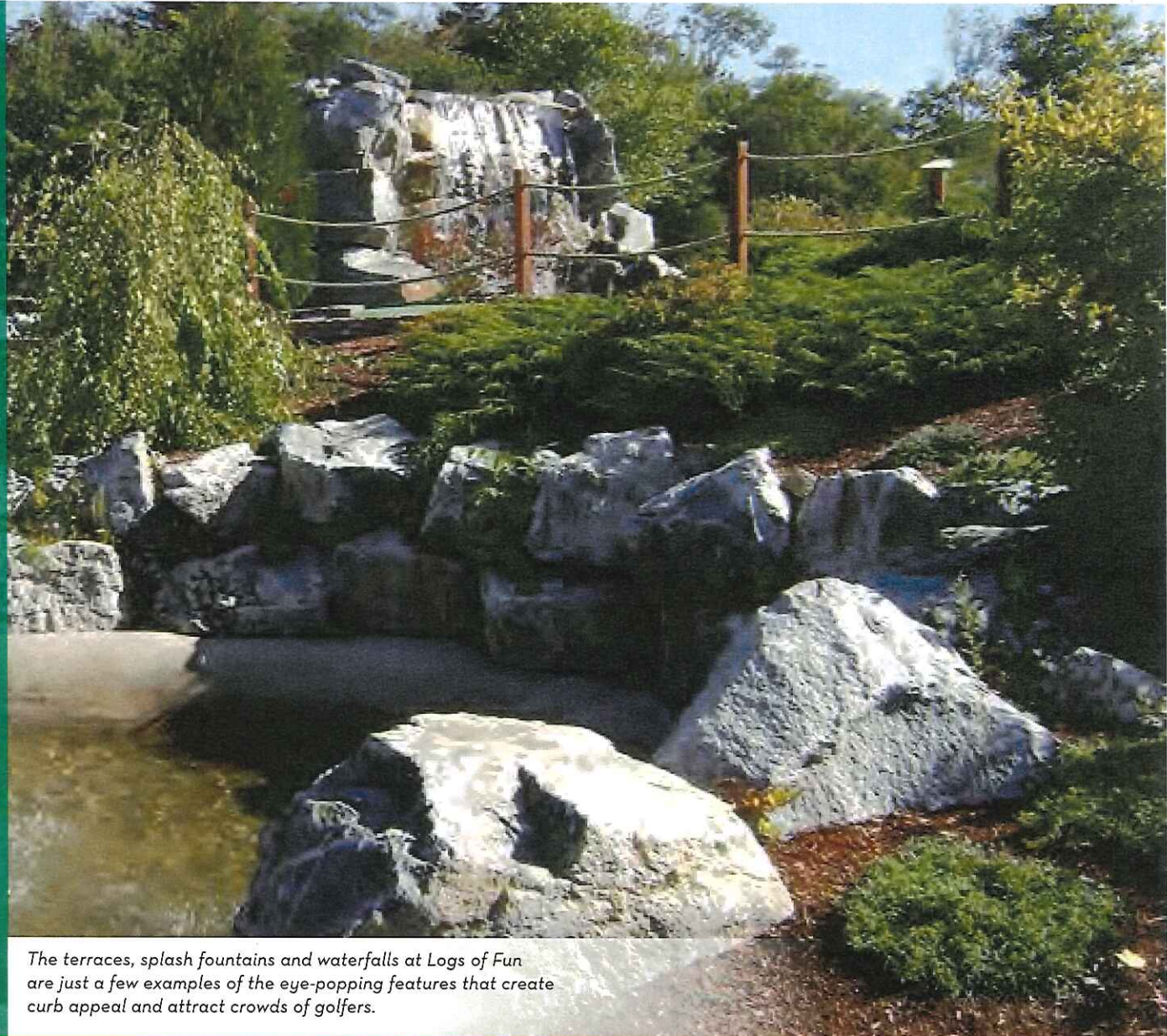


# IF YOU CAN DREAM IT, WE CAN BUILD IT

At Harris, we have more than 50 years of experience building all types of courses on all kinds of terrain. Our in-house designers start by looking at your property and designing a course that makes optimum use of your land's natural features.

## LANDSCAPED COURSES

The team at Harris specializes in designing and building courses with stunning beauty and lots of curb appeal by combining terraced layouts with eye-catching water features like falls, splash fountains, ponds and streams. We use extensive masonry, rock and gunite throughout our designs to create tiers, terraces, walls and borders, while providing long-term durability and easy maintenance. Landscaped courses provide a soothing outdoor space for adults and lots of fascinating fun for kids – all to keep your customers coming back.

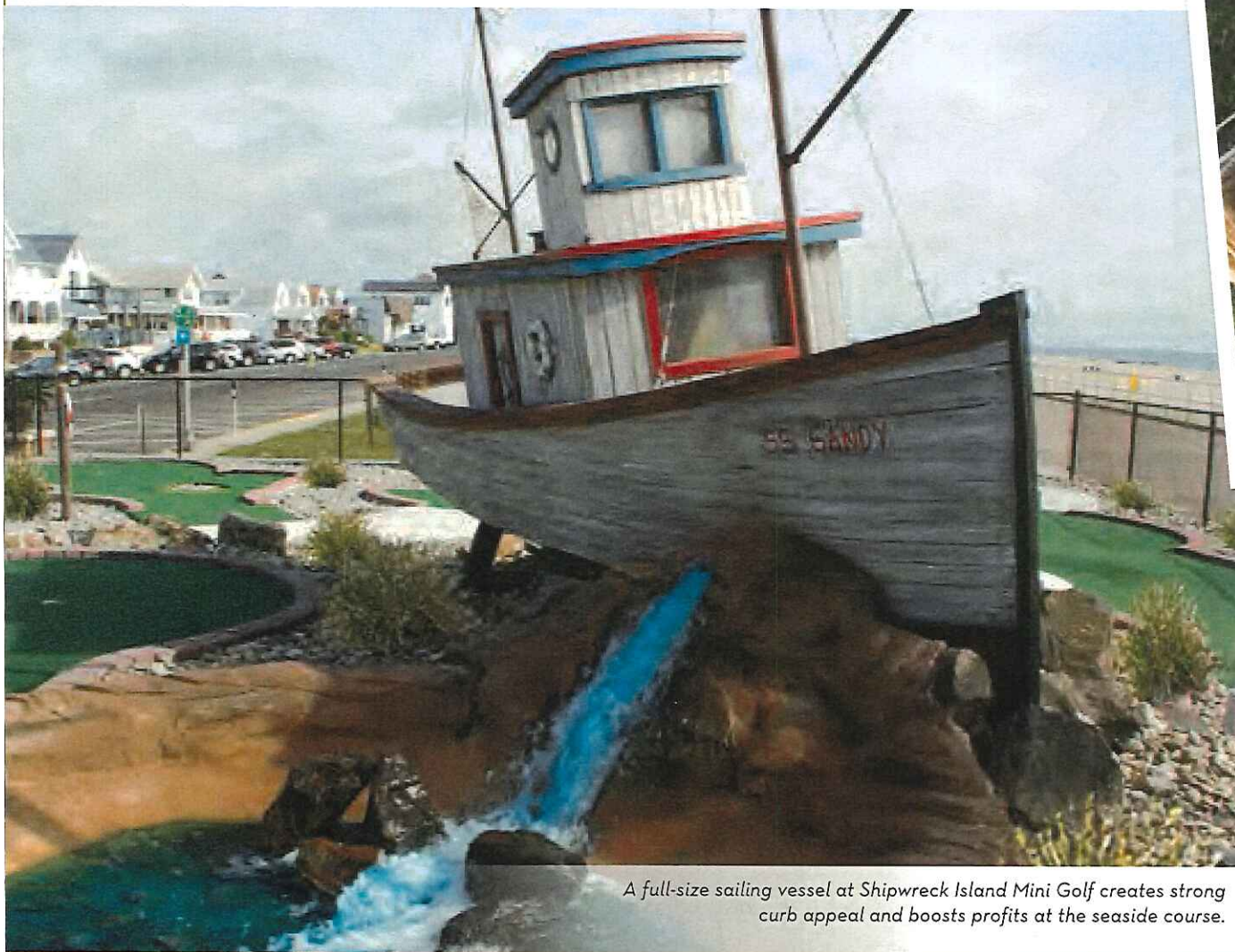


*The terraces, splash fountains and waterfalls at Logs of Fun are just a few examples of the eye-popping features that create curb appeal and attract crowds of golfers.*

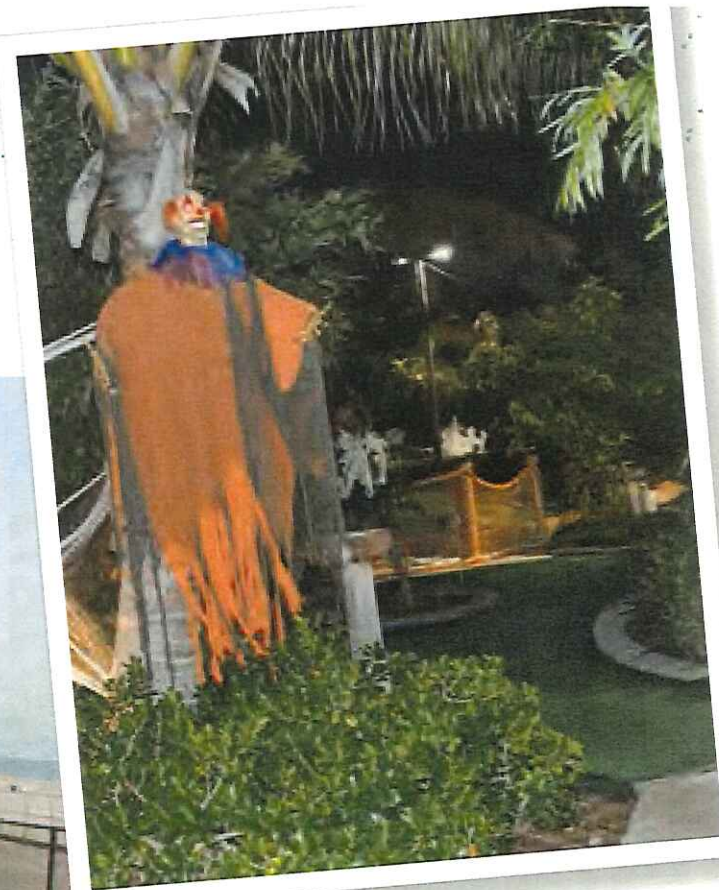


## THEMED COURSES

Whether it's a prehistoric world full of dinosaurs or a deserted island with shipwrecks and jungle creatures, Harris builds themed courses that give resort-area owners the edge over their competitors. Our themed courses feature eye-popping curb appeal that will have your tourist customers lining up to play.



*A full-size sailing vessel at Shipwreck Island Mini Golf creates strong curb appeal and boosts profits at the seaside course.*



## CHANGEABLE THEMED COURSES

Harris courses are designed for owners who want to change themes periodically – during major holidays, for instance – or just want the option to add their own touches to the course. We start with a landscaped course design and provide areas between holes where owners can set up different types of themed or holiday-oriented props.



# EYE CANDY

## CURB APPEAL MEANS BIGGER CROWDS, HIGHER PROFITS









# A GOOD WORD GOES A LONG WAY

## READ WHAT HARRIS CUSTOMERS HAVE TO SAY



*I knew Harris had a good reputation and everyone I met there was very friendly and very professional. I saw a lot of their courses and they always looked nice. The Harris folks clearly wanted me to succeed. They let me incorporate a lot of my unique ideas into the design and the process was very collaborative. The end result - three unique courses that consistently get rave reviews.*

- Mark Blasko, Chuckster's



*Working with Harris was fantastic from day one! When you are going into a new business, it's important to have trust. Harris helped us make decisions and steered us in the right direction. They treated us like family and still do.*

- Elise Johnson, Putt'n Around



*I wanted a miniature golf course that adults and teenagers could enjoy - not just little kids. I wanted something spectacular, different. Harris built us a beautiful course that's fair, but challenging - the perfect mix. The kids like it and so do the adults.*

*Rich and the team at Harris are outstanding!*

*Anything you want, they'll do it.*

- Dennis Mekosh  
Caln Miniature Golf





*It's unbelievable the job Harris did on our small 90-by-100-foot piece of property. They built two large stone waterfalls, two streams and a pond with a small waterfall. The course plays beautifully. I never thought they could do such a wonderful job on such a small piece of property.*

- Charlie Hook  
Tropical Island

*The people at Harris were efficient, effective and flexible. I was on site every day during construction and the guys were always asking me for my input. They would take what I suggested and make it happen. They were on time and on budget, which was an absolute delight! Best of all, I've made a ton of money in the miniature golf business.*

- Randy Bloch, Putt U



*I have had 11,000 customers pass through my doors in the past 35 days and every single person takes not just a minute, but sometimes five, 10 or 20 minutes, to tell me how much they love the course. If they are down for a week's vacation, they come back three or four times because the kids love it so much. Everyone says it's the nicest course they have ever played.*

- Stephanie Bennett, Island Miniature Golf





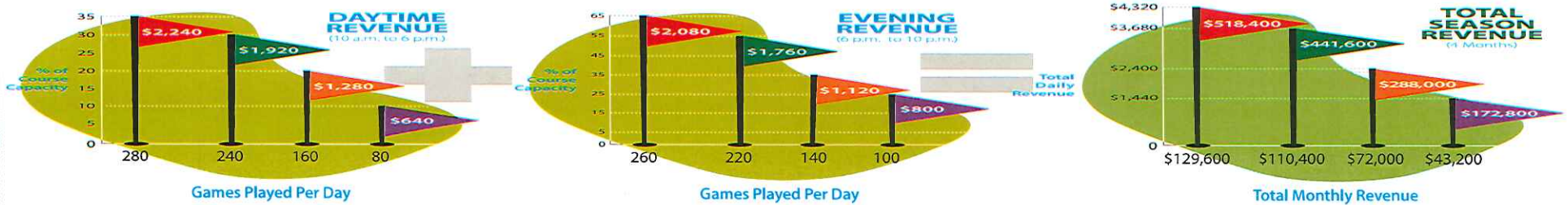
# RUNNING THE NUMBERS

Miniature golf course owners are doing a tremendous business. In a typical season, Harris-built courses gross \$250,000 to \$500,000. An 18-hole course can accommodate about 100 players an hour. With an average playing fee of \$8 per round, that means income of \$800 an hour. In the summer, many of our courses have waiting lines and capacity crowds most of the night.

## INCOME PROJECTIONS

The income projections below are based on a northern miniature golf course, which operates from about May 15 to Sept. 15. As you go farther south, the season becomes longer and income increases.

The illustration below shows that a reasonably busy course in a northern location can produce exceptional profits. Many Harris-built courses return their capital investment in the first year.





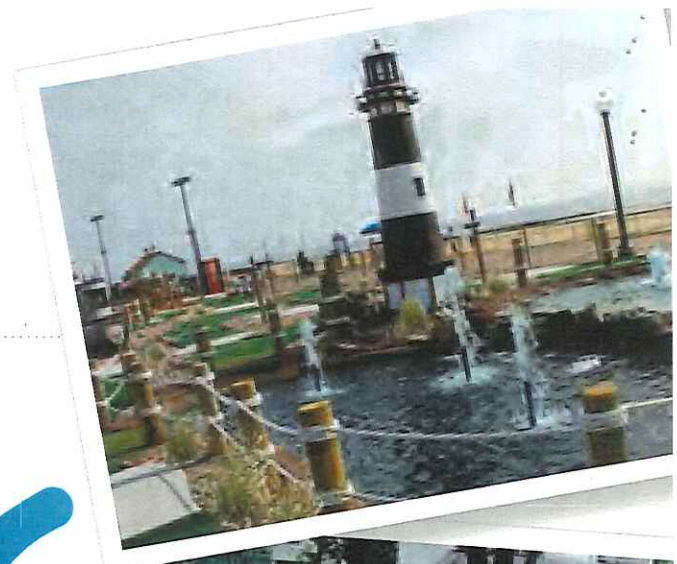
# MAKE MONEY AND HAVE FUN DOING IT!!!

JOIN THE FAMILY OF HARRIS OWNERS



*I love being a miniature golf owner  
and I am so grateful to Harris for making it  
happen. My course is so beautiful and my business is  
so rewarding. I love coming to work every day.  
I have never been happier in my life!*

- Stephanie Bennett  
Island Miniature Golf



(888) 294-6530 | [www.harrisminigolf.com](http://www.harrisminigolf.com)





141 West Burk Avenue  
Wildwood, NJ 08260  
(888) 294-6530  
[www.harrisminigolf.com](http://www.harrisminigolf.com)





# FAQs

# TYPICAL CUSTOMER QUESTIONS



## What is included in your price?

At Harris, we understand that your miniature golf course is much more than a construction project. We pride ourselves on providing our customers with the essential tools to both build and operate a miniature golf business.

We start by providing expert consultation during the pre-construction phase. Our highly experienced staff works with clients to develop a one-of-a-kind plan, individually created to maximize location and the natural beauty of the land. Full-color renderings are provided to facilitate and positively influence meetings with local planning boards and financial institutions.

Once the design is complete and a commitment to move forward has been accomplished, Harris provides a Marketing & Promotions Manual and Operations & Maintenance Manual to assist in the successful day-to-day operation and maintenance of the facility. Both manuals are based upon 50 years of experience, contain a wealth of knowledge and will support a successful outcome for your business.

Each Harris construction team is led by a foreman with more than 10 years' experience in building miniature golf courses. The team leader is customer-focused, keenly aware that it is in the best interest of owners not only to build a high-quality miniature



golf course, but also to expeditiously complete the job, enabling the business to begin operations. To this end, owner involvement is encouraged, and they should expect to be apprised of progress on a regular basis.

A typical project includes 18 or 36 playing holes with connecting concrete walkways, water systems and bridges. In addition, a full golf supply package containing the basic startup necessities is provided for each project.

## Why invest in miniature golf?

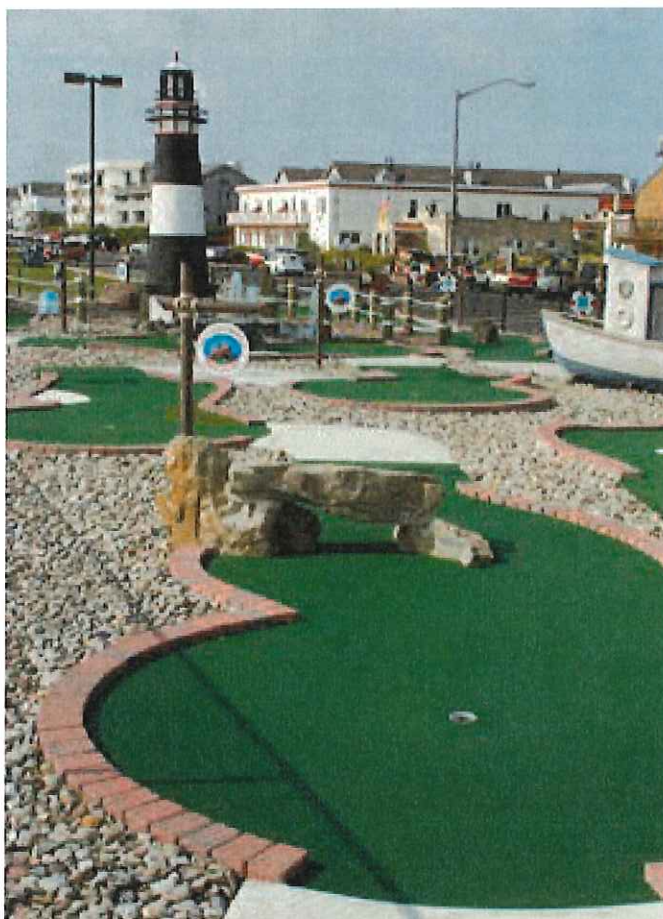
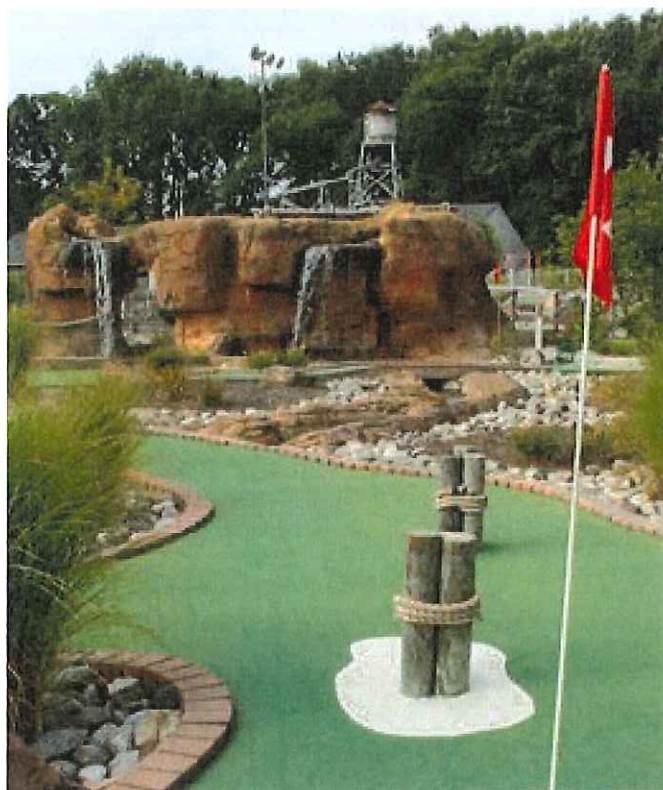
Longtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of 1 or 2 people)
- Low equipment cost (balls and putters)
- Minimal liability exposure

## What support do you provide after the project is complete?

In many ways, Harris thinks of its customers as members of our extended family. When questions arise or assistance is required, Harris will always be available to lend a helping hand. We speak with our clients on a regular basis, continually sharing ideas on ways to improve and grow the business of miniature golf.

A full-year, no-cost warranty on materials and workmanship is extended to each owner of a Harris-built miniature golf course. If a construction issue does arise and repairs are needed, the problem will be satisfactorily corrected. Remember, even after the first year, help is no more than a phone call away.







## How much land is needed for an 18-hole course?

The recommendation for an 18-hole miniature golf course is between 15,000 and 22,000 square feet for the playing surface. However, a site as small as 9,000 square feet can be accommodated. The clubhouse and parking areas are additional to the playing surface. Call (888) 294-6530 and a Harris expert will be happy to discuss your land needs.

## How much money will I make?

Many of our customers tell us that their investment is returned in one to two years. The amount of money that a particular business will generate is dependent upon varying factors.

Marketing and promotion is very important, and the Harris Marketing & Promotions Manual provides some great advice. Does the facility have a good visible location? How much is charged for a round of golf? Is there competition within a short traveling distance? Try our online Revenue Calculator to get a quick estimate.

## Is it expensive to operate a miniature golf course?

Compared with other family entertainment options, operating a miniature golf course is very economical. Annual operating expenses include one or two low-wage employees per shift, electric and water utilities, reasonable liability and worker's compensation insurances, taxes and Internet service. Scorecards are the only daily consumable supply.

## What are the typical ongoing maintenance items?

Typical course maintenance includes landscape maintenance and watering, draining and cleaning of ponds and streams, carpet vacuuming and winterization. However, part of the advantage of utilizing the services of Harris Miniature Golf is that an Operations & Maintenance Manual is provided to each course owner. The manual covers most daily and weekly operational items and includes a detailed description on how to winterize a mini golf course at season's end.



## Where has Harris built miniature golf courses?

The greatest percentage of our miniature golf courses are located in small towns throughout the United States either as standalone facilities or in conjunction with existing family-run businesses. As the world's largest builder of miniature golf courses, Harris has thrived in the U.S. market. However, our company is actively expanding to overseas markets, having built courses on five of the seven continents worldwide.

## What is the typical clubhouse size?

The right size clubhouse is unique to each owner's vision. A small building of 80 to 120 square feet will satisfy the needs of a business that offers strictly mini golf. Businesses that offer food service, party rooms, arcades or other additional future attractions obviously require more space and should be sized accordingly.

Harris Miniature Golf principals are not only highly experienced in the design and construction of miniature golf courses, but they are also well-versed in the operations of personally owned facilities. Contact a Harris Miniature Golf expert at (888) 294-6530 if you have more questions.


## How long does it take to construct an 18-hole course?

Harris Miniature Golf construction crews are highly skilled. Our many years of expertise have enabled us to develop a process to complete construction within a four-week period. Knowledgeable in our craft, our foremen and staff have the ability to overcome all obstacles that might be encountered during construction. Harris will dispatch a construction team to your location once the site has been prepared according to the design specifications noted on your plan. Work will begin immediately. The playing surface and water systems will be completed in three weeks, leaving the remaining week for turf installation by our carpet installers.





# THE 10-STEP PROCESS OF BUILDING A MINIATURE GOLF COURSE

THE STEPS	HOW YOU CAN DO IT	HOW HARRIS CAN HELP
 <b>1</b> <b>YOU'RE CONSIDERING MINI GOLF AS A BUSINESS</b>	<p>Miniature golf is a very profitable, cash business with low overhead, reusable inventory and a small number of employees, which is fun to own and easy to operate.</p> <p>Miniature golf is a \$1 billion market with more than 130 million golfers per year.</p> <p>Miniature golf courses have demonstrated that they will increase the revenue of your existing business 20% to 50%.</p>	<p>Consult with our team. With more than 800 courses built nationwide, the professionals at Harris can help guide you through the initial feasibility process.</p>
 <b>2</b> <b>SITE SELECTION</b>	<p>Choose a site with a minimum 10,000 square feet. A typical 18-hole course takes up 15,000 to 20,000 square feet, plus additional space for your clubhouse and parking.</p>	<p>We know from experience what locations are best suited for mini golf.</p>
 <b>3</b> <b>ROUGH SITE LAYOUT</b>	<p>Obtain a topographical drawing of the site. Sketch out a block diagram of the layout with the area for the golf course, clubhouse, parking and/or other attractions.</p>	<p>With a topographical drawing of your site, our designer can lay out your 9-, 18- or 36-hole mini golf course, which will start the discussion process about building the perfect course for your location.</p>
 <b>4</b> <b>COURSE DESIGN</b>	<p>Visit Harris headquarters in Wildwood, N.J., where you can meet our team and visit some of the several courses we've built within a short drive of our office. Decide if you want a beautiful landscaped garden or a themed miniature golf course.</p>	<p>More than 65 percent of our existing customers visited our headquarters, and each one said it was well worth their time. The Harris design team will collaborate with you to turn your rough course design into a feature-rich layout that will meet your project budget and help make you a successful mini golf owner.</p>
 <b>5</b> <b>PROJECT FINANCING</b>	<p>Make sure you are creditworthy and capable of securing financing for your project; seek financing through local lending institutions; explore loans through the Small Business Administration; and negotiate a lease agreement, where necessary.</p>	<p>Harris will provide detailed design documents and a full-color rendering that will give you credibility with lenders and help you secure financing.</p>





## THE 10-STEP PROCESS ... continued



THE STEPS	HOW YOU CAN DO IT	HOW HARRIS CAN HELP
<b>6</b> <b>PERMITS AND APPROVALS</b>	<p>Hold preliminary meetings with local zoning and/or planning officials to understand the requirements for approval of your project. Hire a local engineering firm to provide a drawing of the final site layout and assist you in the approval process.</p>	<p>Harris will provide a full-color rendering, lighting plan and detailed drawing for the local review and approval process. If something needs to be changed to meet municipal requirements, our team will create a new drawing using our state-of-the-art CAD system.</p>
<b>7</b> <b>PRE-CONSTRUCTION</b>	<p>A signed construction agreement and small financial commitment will reserve time for your project on our construction schedule.</p>	<p>We will schedule a pre-construction meeting – a key component of the Harris Construction Methodology – to bring together everyone involved in your project to review all aspects of your project and make sure everyone understands and meets their commitments. We will also order all long lead-time items for the construction of your course.</p>
<b>8</b> <b>CONSTRUCTION</b>	<p>You should visit the construction site to check the progress and confer with the Harris crew. Your input is always welcome during construction.</p>	<p>Harris has developed standard practices and procedures that enable us to build high-quality courses in a very efficient manner. We meet with you frequently during construction to discuss your project and make sure everyone's expectations are being met. Our construction foremen are master craftsmen who typically will have suggestions for course improvements. Any improvements suggested by you or us during the construction phase are normally done at no additional cost. As always, you have our 110% satisfaction guarantee.</p>
<b>9</b> <b>STAFFING AND OPERATION</b>	<p>Interview and hire staff. Set up your web site and social media channels, such as your course's Facebook page. Put together a marketing plan and budget for your course launch and ongoing promotion. Set up your operational budget and payroll system.</p>	<p>The team at Harris will share our experience operating multiple miniature golf courses to help you transition from construction to operation as smoothly as possible. As part of your project package, we will provide you with an initial supply of clubs and floating balls to get you started. We will also provide you with our Maintenance &amp; Operations Manual, which gives you step-by-step instructions on how to maintain the beauty of your course throughout the season and winterize it after the season ends.</p>
<b>10</b> <b>GRAND OPENING</b>	<p><i>Grand Opening!</i></p> <p>Plan a grand opening celebration with advertising and media splash in your market.</p>	<p>Harris will provide you with our Marketing &amp; Promotions Guide, which will give you a roadmap on how to market and promote your course. We combined our knowledge with the collective genius of more than 100 existing Harris course owners to create a treasure trove of marketing and promotional ideas for you.</p> 



MINI-GOLF PRODUCT FEATURE

# Advice for Choosing a Miniature Golf Construction Company

By Bob Lahey

A mistake will cost you money.

Whether you are an entrepreneur looking to get started in the family entertainment business or a seasoned veteran who has decided a new miniature golf course is the right investment, the path from idea to reality is complex.



*Research is the cornerstone of remodeling or constructing a successful miniature golf course.*



*This article appeared in the April/May 2014 edition of Tourist Attractions & Parks. It is reprinted by permission.*

New business owners have to analyze the revenue potential and the operating cost, which by the way is very low, next purchase or lease a great piece of land with excellent visibility and secure the financing for the project. Now it is time to select a construction company. Unfortunately, selecting the right company is like picking the right bottle of wine. The right bottle is the perfect accompaniment to your evening. The wrong bottle leaves you with bad taste in your mouth and a headache the next morning.

Here are a few suggestions that will make the selection taste like the best bottle of wine imaginable.



## MINI-GOLF PRODUCT FEATURE

### Do Your Research

Get out and visit as many miniature golf courses as possible. Play the courses and watch others play. Are the holes fun and interesting? Is the course crowded? Is everyone enjoying themselves or are they frustrated because the course is too hard? Maybe they are bored because it was too easy. Talk with the owner or course manager. Ask questions about the pace of play. Solicit feedback from the players. Determine how long it typically takes to play the course. Make note of what you like and make sure to discuss it with the course designer.

### Selecting the Right Company

Building a miniature golf course is part construction project and part art form. Therefore, work with a company that specializes in miniature golf construction. The fact that a contractor can pour concrete is no indication he can build a miniature golf course. A well-constructed miniature golf course has lots of contouring, multi-level shots, elevation changes and water to enhance the beauty and playability of the course. It will entice customers to return again and again.

Experience matters, the more courses built, the better the result. Ask each company how many years they have been in business and the number of miniature golf courses built. An experienced construction crew has at one time or another worked through most of the obstacles that can come up during construction. And yes, there will be obstacles to overcome!

**“Building a miniature golf course is part construction project and part art form. Therefore, work with a company that specializes in miniature golf construction.”**

Customer testimonials are a good source in helping to select the perfect construction company. An experienced builder should be able to provide customer references and sites. Call the references. Inquire about expectations of the builder and how the builder performed against their expectations. Always ask about the construction process. Did the contractor confront adversity? How did he handle the problem? A lot can be learned about a construction company by finding out how they deal with on the job issues. Did they do a quality job? Did they finish by the date promised? This may well be the best 30 minutes spent investigating your construction company.

A good company employs in-house designers that work exclusively on designing miniature



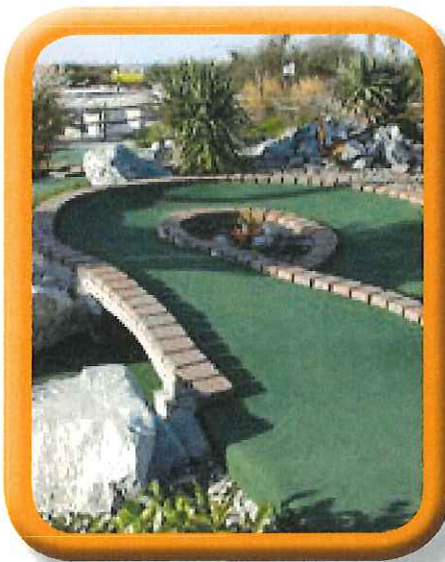
## MINI-GOLF PRODUCT FEATURE

golf courses. A seasoned designer understands how to incorporate different elevations to enhance the curb appeal of the course and still stay within Americans with Disabilities Act (ADA) requirements. He knows how to design a course that is fun for the entire family, with the right mix of challenging and easier holes. A good design rewards a good putt with a hole in one and does not heavily penalize a poor putt. No one wants to be frustrated when they are enjoying a family night out! A quality plan allows for the “flow” of the game and minimizes bottlenecks and stoppage of play throughout the entire course. Lastly, in-house designers work closely with their construction crews on a

regular basis. This working relationship provides continuity between design and construction.

Miniature golf construction is a seasonal business. Work

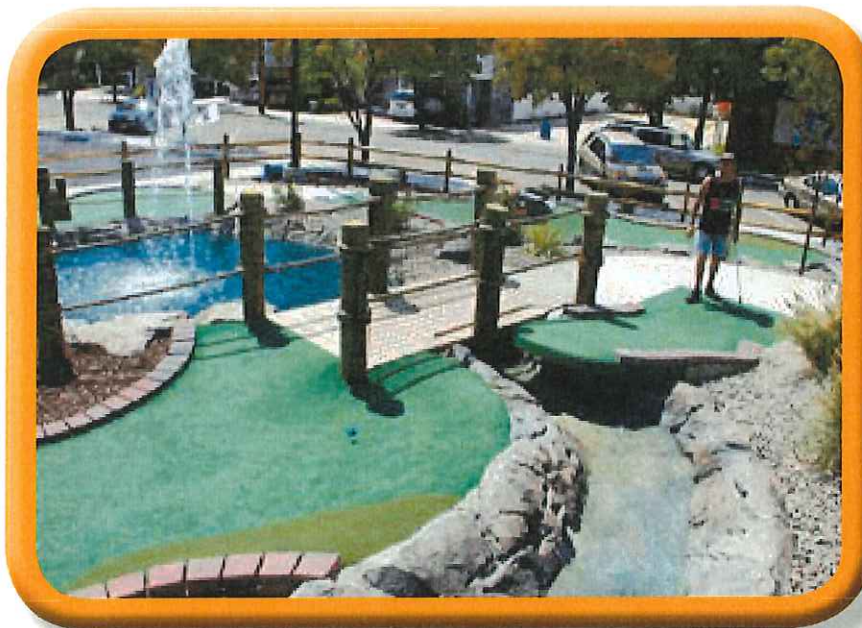
with a company that has construction crews available during the peak spring and early summer construction seasons. Every day waiting for



*Choosing the right company to design and build your mini golf course is critical.*

a construction crew to become available, is another day that you are not making money. Work with a company that assigns construction crews exclusively to its customers until the project is complete.

Another huge consideration is state licensing for construction contractors. Each state's requirements differ. Does your state require the licensing of contractors? Does your contractor hold a license in your state? In most instances, a licensed contractor must demonstrate



*Building a miniature golf course is part construction project and part art form.*



## MINI-GOLF PRODUCT FEATURE

**“Customer testimonials are a good source in helping to select the perfect construction company. An experienced builder should be able to provide customer references and sites. Call the references.”**

4 not only functional competence, but also the financial capability to perform. Licensed contractors are required to have workers compensation and liability insurance. Competent contractors will gladly provide proof of such insurance before work begins. If someone is injured during the construction project you may be liable if the contractor is not insured.


In the end, hiring a non-licensed contractor in a state that requires licensing may limit your legal recourse against a claim for nonperformance and may result in fines and other penalties.

### Marketing

Every business needs a robust marketing plan to ensure success. It is well recognized that today's operators must compete for their share of the market. The successful owner must rise above his competition. Don't expect that just because you built it they will come.

However, a beautiful, well designed and constructed miniature golf course will ensure that they will come back!

Ask the contractor for ideas on how to market your business. A good builder understands what customers want and can provide good marketing guidance. Does the builder have a marketing manual as part of the project bundle?

Selecting the right miniature golf construction company has a direct impact on your long-term success. Follow the guidance provided here. Do the research. Select a construction company that is most capable of meeting your needs. And aggressively market the business. 

*Bob Lahey is general manager of Harris Miniature Golf. Reach him by calling 609-522- 4200 or emailing [bob@harrisminigolf.com](mailto:bob@harrisminigolf.com).*



*After opening your miniature golf course, aggressive marketing is key to success.*



## A Solid Course of Action

### Adding Miniature Golf to a Family Entertainment Center

By Patrick Boylan

Twenty years ago the experts and consultants exalted the virtues of building the Big 5: go-karts, batting cages, arcades, bumper boats and miniature golf. It was also a time when the economy was starting to boom and money was there for the asking. All a bank needed to know was that Walmart was planning to build in your town. Sounded like a rock solid business plan! What could go wrong?

Just like day trading, house flipping, investing in .com companies, multi-level marketing and a host of other ventures, the Big 5 worked for many savvy operators. For others, not so much.

It is critical to have the right combination, and even more critical to be able to

manage the right combination. All of the attractions can turn a profit by appealing to the right demographic at the right time. If the FEC mix mostly appeals to 15-24-year-old males, the potential profit pie shrinks. Too many trained employ-

ees required to operate an attraction will cut into the net profit pie. Insurance, taxes, general maintenance, specialized maintenance, government regulation, parts inventory, advertis-

ing, marketing and utilities will also like a slice of the net profit pie. There is nothing more discouraging than a hungry entrepreneur looking at crumbs. A high-grossing business is nothing without a strong net profit. Due to some kind of Jedi mind trick, blinders or rose



*The Island Mini Golf in Wildwood, N.J. Miniature golf is highly accessible, appealing to a broad demographic.*



colored glasses, a business can keep its doors open months, sometimes even years, before it becomes evident the business is actually losing money.

2 Miniature golf is one of those activities that appeals to a very large market. Anyone can play mini-golf. Young, old, handicapped, athletic, not athletic, singles, groups and couples on dates can enjoy mini-golf. Corporate events, birthday parties, school trips, tournaments and charity fundraisers are all ideal activities that can include mini-golf. The appeal of mini-golf is widespread. When was the last time you saw a grandparent, parent, teenager and child engage in an activity where everyone had fun and nobody got embarrassed? The last time you watched a movie with a teenager there was probably a scene that



*A course at South of the Border in Hamer, S.C. With its varied design shapes, miniature golf holes can be built to fit any location.*

made for a very awkward moment that nobody really wanted to acknowledge. Embarrassment in mini-golf comes from a missed putt inches from the cup. On a date, miniature golf is not the only game being played. Interaction is crucial for a successful memorable experience.

A family can go to an FEC and have an absolute blast riding karts, hitting balls and playing video games and blow through a small fortune in a short period of time. By extending the visit another



30-40 minutes, a sense of added value is added to the trip. All of a sudden a brief costly burst of fun became an evening out. For a few dollars more, a family will perceive the FEC as a good deal and will become frequent fliers. Miniature golf is the perfect fit to add value.

Miniature golfers are an adventure-some bunch. While they may not set out to hit balls in a cage, drive balls at a range, ride karts, or play video games, they will do all of this while knocking down an ice-cream cone, and never break a sweat. Fast forward 20 years and the Big 5 has



*Miniature golf is a perfect way to add value and fun to a family entertainment visit. Shown is the course at Chuckster's in Vestal, N.Y.*



*Tournaments and group events can bring a large number of guests to family entertainment centers. Shown above, Twin Brook Golf Center, Tinton Falls, N.J.*

expanded to laser tag, bowling, ropes courses, mazes and zip lines, and miniature golfers are up for all of it!

Miniature golf expands the market pie and the synergy it creates increases revenue for other attractions, often by 15-30 percent or more. That's good. What about on the operation side of the business? Typically one employee can handle day hours during the week. A second employee can be added during evening hours and on weekends to keep things flowing smoothly. Hand out a ball and putter, take in money, and say thank you. Not super technical. A daily maintenance schedule will keep the course looking fresh.



Does your FEC have any land not being used? Miniature golf can be built in squares, rectangles, circles and whatever other shapes that have been long since forgotten from high school geometry. Take a trip down memory lane to that geometry class to see your site in another perspective. The land is already owned or leased.

Maybe your FEC consists of all indoor activities. People who drive by see a parking lot, a building and if the town allows it, an eye-catching sign. Miniature golf can be that sign! A cool waterfall, some fountains and beautiful landscaping make a great billboard. Imagine a billboard that attracts new business and makes money! A savvy operator will turn that real estate into revenue!

**By Patrick Boylan**

Vice President Sales

Harris Miniature Golf

141 West Burk Avenue, Wildwood, NJ 08260

[www.harrisminigolf.com](http://www.harrisminigolf.com)



*Shipwreck Island Mini Golf in Bradley Beach, N.J. A high-quality miniature golf course is an ideal way to capture the attention of customers as they drive by a family entertainment center.*



*This article appeared in the June 2014 edition of Tourist Attractions & Parks. It is reprinted by permission.*



# Special Expanded Entertainment Center Report

## Vendor Perspective

# Adding Mini Golf Can Rejuvenate Your Business

*By Rich Lahey*

**N**eed to attract more customers to your business and breathe new life into your bottom line? Miniature golf might be just the ticket.

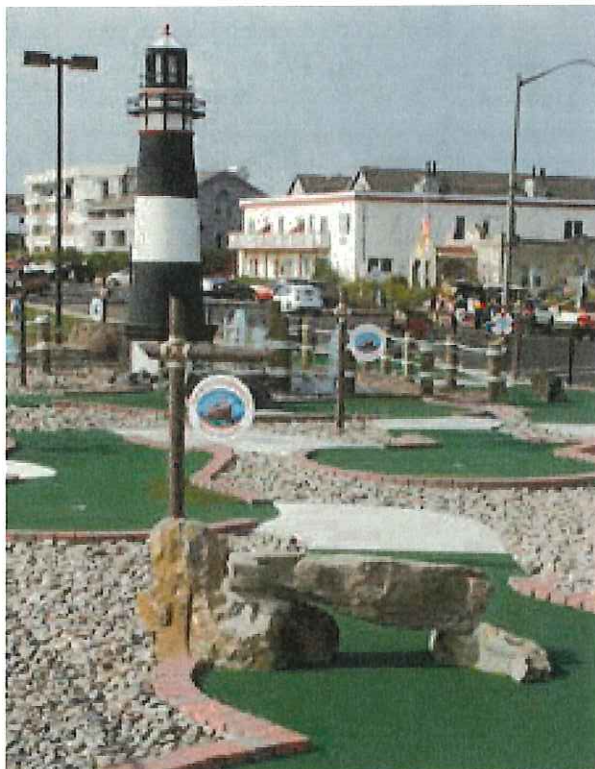
For many businesses, adding a mini golf course can help drive traffic to your door and rejuvenate your bottom line. At Harris Miniature Golf Courses, Inc., we have seen mini golf revitalize all kinds of businesses, from traditional family attractions like ice cream stands, campgrounds and driving ranges to restaurants, car washes and even a furniture store. In fact, more than half the courses we design and build are add-ons to existing attractions and businesses.



A beautifully designed mini golf course creates curb appeal and draws attention to your existing business. Curb appeal means more walk-in traffic, and more walk-in traffic means more sales. For businesses that rely heavily on group sales, such as bowling alleys and skating rinks, a mini golf course can be a







2

huge boost. It also creates buzz in your community, demonstrates that you are reinvesting in your business and gives people more reasons to come.

In the case of campgrounds, for instance, a mini golf course is the second most requested amenity behind a swimming pool, so customers will always choose a campground that has mini golf over one that doesn't. For a family restaurant, a mini golf course means families can enjoy a whole evening of family fun in one place.



Without exception, our customers' businesses have benefited by the addition of a mini golf course. One of our customers, Tom Kerber, owner of Kerber Dairy, saw a 40 percent jump in ice cream sales by adding a mini golf course, and the course paid for itself within two years. "Adding miniature golf to our 50-year-old family business was the best decision we could have made," he said.

## Mini Golf Profits Often Trump Existing Business

Many of our customers say profits from their mini golf courses far surpass profits from other areas of their businesses. "We have seven attractions and miniature golf is, by far, the most profitable," said Mark Blasko, owner of Chuckster's. "I wish I had built a miniature golf course first and stopped."

Mini golf is a natural add-on for many family recreation businesses. We have designed and built courses for campgrounds, family parks, go-cart tracks, bowling alleys, batting cages, driving ranges, roller rinks and arcades, to name a few. But we have also added them to family-owned grocery stores, strip malls, pizza parlors, car washes and even a furniture store.

The feedback from customers who have added mini golf to their existing businesses has been overwhelmingly positive. Most





of them said the addition of mini golf was a worthwhile investment, and found that the course paid for itself in a year or two. Our furniture store owner, who was nearing retirement, told us he wished he had built his mini golf course earlier because the business was so much fun to operate and so profitable.

## Existing Businesses Have a Leg Up

In contrast to miniature golf course start-ups, existing business owners have a leg up. They have an existing customer base and already own land that is zoned for commercial purposes. They have existing infrastructure like buildings, parking lots, utilities and lighting, existing staff and established channels for marketing and promotion.

If you own an existing attraction or business and are interested in adding a mini golf course, we recommend a minimum of 15,000 to 22,000 square feet of property for an 18-hole course. While prices may vary depending on the developer, the average total investment for one of our beautifully designed courses is between \$200,000 and \$300,000.

## Why Mini Golf?

While there are lots of family business opportunities out there, few are as profitable as miniature golf. More than 130 million people play mini golf every year with industry revenues in excess of \$1 billion annually. From small children to senior citizens, mini golf appeals to players of all ages.

Depending on location, mini golf can be a seasonal business. It also carries low overhead (usually one minimum-wage staff person to collect fees) and requires a small inventory of clubs, balls and scorecards. In addition, liability insurance is relatively inexpensive. While payback time varies depending on the course design, location and project scope, many of our customers recoup their initial invest-





ment within the first 18 months of operation. However, it is important to note that the most successful courses are in good locations, well-run and marketed aggressively.

## Choosing the Right Developer

As we always say, mistakes cost money. Choosing the right developer for your mini golf course is critical to your project's long-term success. Just because a contractor can pour concrete doesn't mean he can build a miniature golf course. Make sure the company has designers who are experts at designing miniature golf courses, not just general architects and/or engineers. A course that is visually attractive and fun to play will keep customers coming back. In many areas, contractors won't have construction crews available during the peak spring and early summer construction seasons when you will be building your course. Every day waiting for a construction crew is another day you aren't making money.

Make sure your developer is fully licensed, bonded and insured. Hiring an unlicensed contractor may limit your legal recourse in a claim for nonperformance, and may result in fines and other penalties. Make sure your developer will meet all of your state's licensing requirements, is financially capable of completing your project, and will assume all liability in the event someone on

the construction crew gets hurt during the building process.

Your developer should also make sure your project complies with local zoning and land-use regulations. If a problem arises and something in the course design needs to be changed, you need a developer that can turn around a revised blueprint within 24 hours, so your project stays on time and on budget.

## Consider Miniature Golf

If you are in the family entertainment industry, and even if you're not, there's a good chance that mini golf can breathe new life into your business. If you are interested in exploring miniature golf opportunities further, seek out additional information from a professional developer like Harris. Take a long, hard look at your existing business, run the numbers and see if mini golf makes sense for you.

**Rich Lahey**

President

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# TESTIMONIALS

## A GOOD WORD GOES A LONG WAY



*The great thing about Harris Miniature Golf is the years of experience they bring to course design. From first design to the crew working on site, I can honestly say that working with Harris has been one of the best business decisions I have ever made. The nearly 40,000 visitors we had during the first year proves that a well-designed mini golf course will bring people to your attraction.*

*- Michael McAdam  
Movie House Cinemas  
Northern Ireland*



*Working with Harris was fantastic from day one! When you are going into a new business, it's important to have trust. Harris helped us make decisions and steered us in the right direction. They treated us like family and still do.*

*- Elise Johnson  
Putt'n Around*

*From your first response to my email inquiry to the final day of your stay in the Kingdom, your team has been exemplary role models of efficiency, professionalism and good old-fashioned hard work. Undertaking a first of its kind task like this in Saudi Arabia is no easy feat, but your determination, research, creativity, and enthusiasm brought it all together. I am truly so pleased that I found Harris Miniature Golf to help make our vision for a high-end, luxury miniature golf course here at our beautiful resort a reality! I would recommend Harris without reservation.*

*- Frederick Petry  
Al Faisaliah Resort  
Riyadh, Saudi Arabia*

*Adding miniature golf to our 50-year-old family business, which includes a dairy farm and ice cream shop, was the best decision we could have made. The golf course is consistently busy and we have seen an increase of more than 40 percent in our ice cream sales.*

*- Tom Kerber  
Kerber Dairy*

*It's unbelievable the job Harris did on our small 90-by-100-foot piece of property. They built two large stone waterfalls, two streams and a pond with a small waterfall. The course plays beautifully. I never thought they could do such a wonderful job on such a small piece of property.*

*- Charlie Hook  
Tropical Island*

*It was incredible working with the team at Harris. I never saw a group of guys work so hard in my life. No matter what issues they encountered on site, they just made it all happen.*

*- Rusty Bertholet  
Logs of Fun*



# TESTIMONIALS A GOOD WORD GOES A LONG WAY



*The people at Harris were efficient, effective and flexible. I was on site every day during construction and the guys were always asking me for my input. They would take what I suggested and make it happen. They were on time and on budget, which was an absolute delight! Best of all, I've made a ton of money in the miniature golf business."*

- Randy Bloch  
Putt U

*Our experience with the team from Harris has been nothing short of stellar. From the opening sales dialogue, to the on-site sales meetings, to working with the design teams, the construction crew, office staff, and marketing support, all showed a level of professionalism seldom found concentrated in one organization. We have already, and we will be happy to continue recommending Harris to anyone considering building a high-quality miniature golf facility.*

- Richard and Dawn Lussier  
Mulligan's Miniature Golf



*The Harris folks clearly wanted me to succeed. They let me incorporate a lot of my unique ideas into the design and the process was very collaborative. The end result - three unique courses that consistently get rave reviews.*

- Mark Blasko  
Chuckster's

*We are extremely pleased with our course and would recommend Harris to anyone that is considering construction of a new course. The course is attractive, entertaining and challenging. We have a tremendous amount of repeat business. Our customers are highly complimentary of the course. Many have said I the best they have ever played.*

- Stan and Denise Capps  
Dalton Falls Golf

*I wanted a miniature golf course that adults and teenagers could enjoy - not just little kids. I wanted something spectacular, different. Harris built us a beautiful course that's fair, but challenging - the perfect mix. The kids like it and so do the adults. Rich and the team at Harris are outstanding! Anything you want, they'll do it.*

- Dennis Mekosh  
Caln Miniature Golf

*When Jodie and I decided that Harris would be our builder we expected delays, surprise cost and to deal with some less-than-friendly employees. During the construction of our building we dealt with these problems, and much more. We thought it was only natural that we would have to deal with similar problems from the Harris crew, but to our surprise there were no delays, no surprise cost and the employees were on time and very friendly.*

- Tony and Jodie McCoy  
Just Swing'n It



## WHY MINI GOLF?

# A FUN & PROFITABLE FAMILY BUSINESS



**L**ongtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Seasonal business
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of one or two people)
- Low equipment cost for putters and balls
- No inventory (only scorecards)
- Low liability insurance costs

Every year, more than 130 million people of all ages play miniature golf, producing revenues in excess of \$1 billion annually for course owners.



## Jump-Start Your Existing Business

Turn your amusement park, driving range, ice cream stand, restaurant or other business into a moneymaking machine with a miniature golf course by Harris. Many of our customers say revenue generated by their miniature golf courses far surpasses anything else they do.

## More Is Better: The Case for 36 Holes

Having two 18-hole courses can be key to promoting repeat business and profitability for your facility. Two courses not only create more choices and challenges for players, they provide the capacity to accommodate large crowds on summer evenings and weekends. Long lines at overcrowded single courses will reduce profits and drive customers away. Having a second course also allows you to host groups without having to turn away walk-in customers – a key to midweek profitability.



(888) 294-6530 | [www.harrisminigolf.com](http://www.harrisminigolf.com)







## WHY HARRIS?

# THE NATION'S LEADER IN COURSE DESIGN & CONSTRUCTION



**H**arris Miniature Golf has been designing and building picturesque and profitable miniature golf courses for more than 50 years. To date, we have designed and built more than 800 courses worldwide. We believe it speaks volumes about the quality of our work that the majority of our new customers are referred to us by our existing customers.

- Recognized as a national leader in design and construction
- More than 50 years of experience
- More than 800 courses built
- Every course custom-designed to meet customer's needs and expectations
- Fixed price guarantee
- State-of-the-art color CAD design
- Promotional / marketing support

Harris  
Miniature Golf  
Courses Inc.  
has designed  
and built  
more than  
800 courses  
worldwide over  
the past 50-  
plus years.

(888) 294-6530 | [www.harrisminigolf.com](http://www.harrisminigolf.com)



## Designing for Fun

Miniature golf is no longer child's play. Whether you're young or simply young at heart, miniature golf is all about the FUN!!! Our waterfalls, splash fountains, ponds, streams and undulating greens create thrills and laughs for golfers of all ages. Our water hazards create lots of awesome fun for kids. We use floating balls and even have a hole design where the ball goes into the water hazard and is returned back to the green near the cup!

## Designing for Profit

At Harris, we believe great design is the key to sustaining profitability year after year. Gone are the days of windmills and clown faces. By creating inviting and intriguing spaces, and challenging holes that test a golfer's skills, Harris designs courses that keep customers coming back. Ninety percent of Harris-built courses are in non-resort areas where repeat business is critical to profitability. By designing courses with soothing waterfalls, dramatic landscapes

and other features that capture the imagination, Harris creates destinations that customers will want to visit again and again.

## On-Site Design Improvements

During construction, our project foremen are always looking for ways to improve a course's design, playability and visual appeal. That might involve changing the angle of a waterfall to increase roadside visibility or moving a stream to bring it into play on another hole, and we do it all at no additional cost to the owner/developer.

## The Harris Guarantee

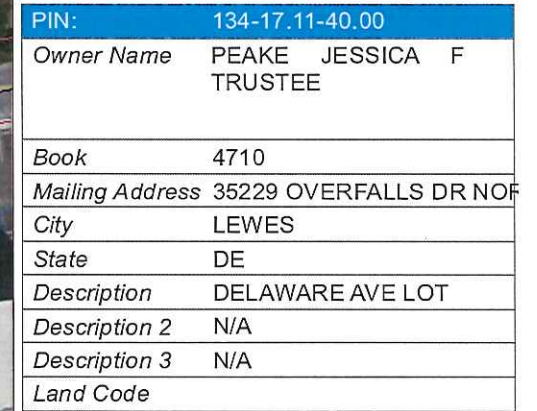
At Harris Miniature Golf, we always give our customers the full measure of our talents. We feel it is the little things that make the difference between a good job and a GREAT job. The courses we build not only meet, but exceed customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it.




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 County Boundaries

A number line with two scales. The top scale is labeled in miles (mi) with major tick marks at 0, 0.0125, 0.025, and 0.05. The bottom scale is labeled in kilometers (km) with major tick marks at 0, 0.02, 0.04, and 0.08. The scales are aligned such that 0.0125 mi corresponds to 0.02 km, 0.025 mi corresponds to 0.04 km, and 0.05 mi corresponds to 0.08 km.



**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 # 12417  
Hearing Date 2/17/2020  
2020 00583

**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:**

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

1.5' from 10' req. side yard for proposed dwelling

Tax Map #: 2-34-10.00 - 327.00

Property Zoning: AR-1

**Applicant Information**

Applicant Name: Insight Homes (Bryan Elliott)

Applicant Address: 16255 Sussex Hwy.

City Bridgeville State DE Zip: 19933

Applicant Phone #: 302-604-0693 Applicant e-mail: belliott@insightde.com

**Owner Information**

Owner Name: Wilkinson Development LLC (Steve Wilkinson)

Owner Address: 3828 Kennett Pike

City Wilmington State DE Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_

Owner Phone #: 302-218-1526 Owner e-mail: steve@wilkinsonproperties.com

**Agent/Attorney Information**

Agent/Attorney Name: Same As Applicant

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

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

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

**Signature of Owner/Agent/Attorney**

Bryan Elliott

Date: 1-16-20



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

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

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

**1. Uniqueness of property:**

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

*The lot is unique in that it is small & narrows front to back which - further reduces the building envelope.*

**2. Cannot otherwise be developed:**

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

*The lot can not be otherwise developed without relief due to the narrowness of the lot towards the rear.*

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

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

*The practical difficulty has not been created by the applicant but rather by the unique building envelope of the lot.*

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

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

*The variance would enhance the neighborhood & not alter the essential character of the neighborhood.*

**5. Minimum variance:**

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

*The request is for the minimum area to afford relief.*



PLAT DATUM PB 283 PG 17

R=275.00'  
L=103.54'  
 $\Delta=21^{\circ}34'24''$   
CB=N06°08'25"E  
CL=102.93

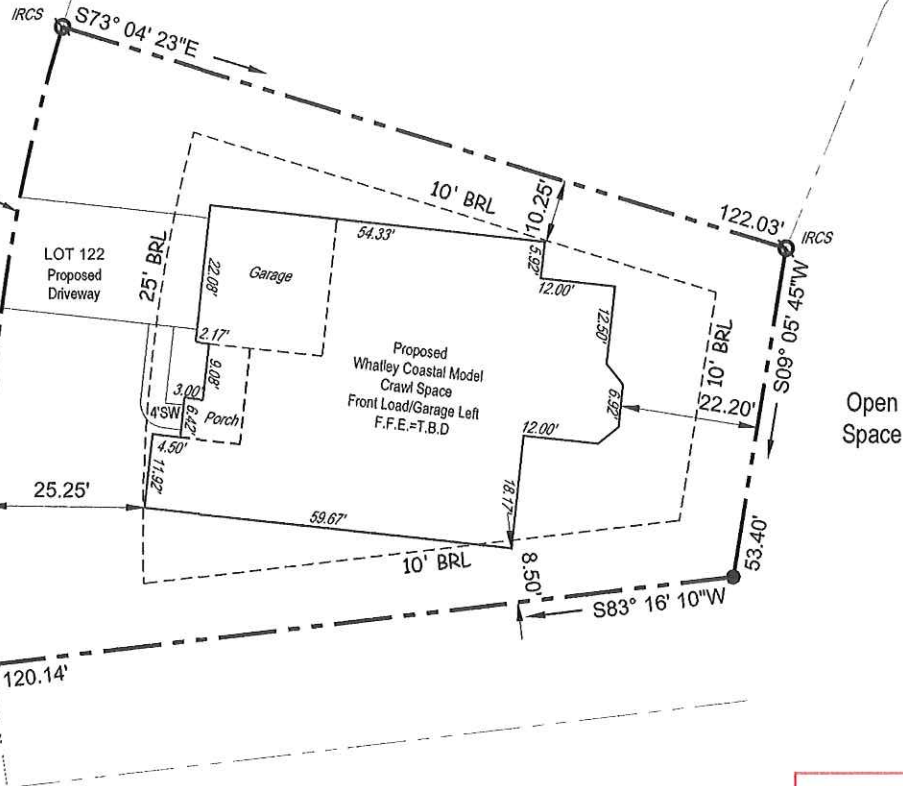
Arbor Circle  
(50' R.O.W.)

## APPROVED FOR STAKEOUT

I, THE UNDERSIGNED, HAVING THOROUGHLY REVIEWED THIS PLAN,  
DO HEREBY CONFIRM, ACKNOWLEDGE AND CERTIFY TO THE DIMENSIONAL  
ACCURACY THEREOF FOR ALL PURPOSES AND AUTHORIZE STAKEOUT  
IN ACCORDANCE THEREWITH.

INITIAL

LOT 123



TOTAL IMPERVIOUS AREA  
**3,777 s.f. ±**

THE IMPERVIOUS SURFACE AREA CALCULATIONS CONTAINED HEREIN ARE BASED, IN PART, ON CERTAIN PROPOSED CONSTRUCTION DATA PROVIDED BY OWNER. VISTA DESIGN, INC. HEREBY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF SUCH OWNER-PROVIDED CONSTRUCTION DATA. CHANGES THERETO THAT MAY BE EFFECTUATED BY OWNER SUBSEQUENT TO THE DATE HEREOF, OR CONSTRUCTED IMPROVEMENTS THAT DEVIATE FROM THIS SITE PLAN OR THE PLANS FOR CONSTRUCTION.

## GENERAL NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY, COVENANTS AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
2. THIS SURVEY IS BASED ON THE FINAL SITE PLAN OF WOODRIDGE SUBDIVISION DATED 04/25/19, AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED. BEARING SYSTEM REFERENCED TO PLAT BOOK 283 PAGES 17.
3. THIS SURVEY SHOWS ONLY VISIBLE ABOVE GROUND IMPROVEMENTS AND DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED.
4. THE INFORMATION SHOWN HEREON IS BASED ON THE PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF SUSSEX COUNTY, DELAWARE AND A FIELD RUN SURVEY. ZONE "X" UN-SHADED PER FEMA FLOOD MAP 10005C04790K DATED 03/16/15

## LEGEND

- DENOTES CONCRETE MON
- DENOTES IRON REBAR
- DENOTES IRON PIPE
- DENOTES POINT
- DENOTES PROPERTY LINE
- DENOTES B.R.L.

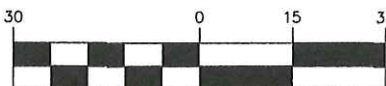
## SITE PLAN

PREPARED FOR  
INSIGHT HOMES

LOT 122 WOODRIDGE  
INDIAN RIVER HUNDRED

SUSSEX COUNTY, DELAWARE

TAX MAP 2-34-10.00 PARCEL 327.00  
AREA: 9,590 ± S.F. OR 0.22 ± ACRES



GRAPHIC SCALE

**VISTA**  
DESIGN INC.

Engineers, Surveyors, Landscape Architects,  
Land Planning Consultants and GIS Specialists

11634 Worcester Hwy, Showell, MD 21862

ph. 410-352-3874

fax 410-352-3875

email [vista@vistadesigninc.com](mailto:vista@vistadesigninc.com)

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DESIGNED BY: VD	FIELD BOOK# PAGE#	JOB# 19-003-122
DRAWN BY: VD	DATE: 01/08/20	
CHECKED BY: DLA	SCALE: AS SHOWN	SHEET 1 OF 1



PIN:	234-10.00-327.00
Owner Name	WILKINSON DEVELOPMENT LLC
Book	4415
Mailing Address	3828 KENNETT PIKE
City	WILMINGTON
State	DE
Description	WOODRIDGE
Description 2	LOT 122
Description 3	N/A
Land Code	

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

