#### **BOARD OF ADJUSTMENT**

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



# Sussex County

DELAWARE sussexcountyde.gov

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

**AGENDA** 

February 3, 2020

6:00 P.M.

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for December 2, 2019

**Approval of Findings of Fact for December 2, 2019** 

#### **Old Business**

Case No. 12397 – Kelly Hales seeks variances from the front yard setback and side yard setback requirements for existing structures (Sections 115-42, 115-182, & 115-185 of the Sussex County Zoning Code). The property is located on the west side of East Lagoon Rd., approximately 511 ft. north of Falling Point Rd. 911 Address: 30835 & 30843 East Lagoon Rd., Dagsboro. Zoning District: GR. Tax Parcels: 134-6.00-123.00 & 134-6.00-124.00

#### **Public Hearings**

Case No. 12404 – Douglas Bates seeks variances from the side yard setback and rear yard setback requirements for a proposed and existing structures (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Robinhood Loop within the Sherwood Forest North subdivision. 911 Address: 32342 Robinhood Loop, Millsboro. Zoning District: GR. Tax Parcel: 234-23.00-198.00

Case No. 12407 – Coleman Revocable Trust seeks variances from the side yard setback requirements for a proposed structure (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located on the southeast corner of Jefferson Bridge Rd. and Coleman Gale Ln. 911 Address: 39548 Jefferson Bridge Rd. Bethany Beach. Zoning District: MR. Tax Parcel: 134-17.11-29.00

Case No. 12408 – Robert L. & Stella R. Reed 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 east side of Blanchard Rd. approximately 740 ft. north of McDowell



Board of Adjustment February 3, 2020 Page 2 of 2

Ln. and on the north side of Deer Meadows Rd. approximately 0.46 mile west of Blanchard Rd. 911 Address: 12249 Blanchard Rd., Greenwood. Zoning District: AR-1. Tax Parcel: 530-8.00-10.00

Case No. 12409 – Louis W. & Janet C. Melton seek a variance from the rear yard setback requirements for existing structures (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northwest corner of Old Mill Rd. and Railway Rd. 911 Address: 36328 Old Mill Rd., Ocean View. Zoning District: GR. Tax Parcel: 134-12.00-73.01

Case No. 12410 – Jose Rodriguez-Sanchez seeks variances from the front yard setback requirements for existing structures (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the east side of Hollyville Rd. approximately 0.75 miles south of Mount Joy Rd. 911 Address: 26543 Hollyville Rd., Millsboro. Zoning District: AR-1. Tax Parcel: 234-27.00-36.01

#### **Additional Business**

\*\*\*\*\*\*\*\*\*\*

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

\*\*\*\*\*\*\*\*\*\*

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 27, 2020 at 3:00 p.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.

####



Hearing Date 127

# Board of Adjustment Application 2019 1 460 4

To the following reflection of the successful to the successful that the successful th

Sussex County Planning & Zoning Department

2 The Circle (P.O. Box 417) Georgetown, DE 19947

302-855-7878 ph. 302-854-5079 fax

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Type of Application: (please check all applicable) A second of sometimes of the post of the second second of the s
Variance Existing Condition exenoupling
Special Use Execution Proposed
Special Use Exception Proposed Code Reference (office use only
Administrative Variance Code Reference (office use only
Appearing to survive and survive Automatical superported to sometime to some and survive and survive some and survive survive some and survive
Site Address of Variance/Special Use Exception: 32342 Robinhood Loop
Mills hore DE 19966
Variance/Special Use Exception/Appeal Requested:
Build new Garage closer to property boarders and
dew to Size of property. bandhard administration to the
and from let use Aide for Droposed arrage
O40 from 10 reg Dide for proposed garage
Tax Map #: 234 -23.00 - 198.00 Property Zoning:
Tax wap #.
Applicant Information
Applicant Name: Dunles Bestes
Applicant Name: Douglas Betes
Applicant Name: 1) edgras Debrica Read  Applicant Address: 1680 Greenbrica Read  City, State, Zip: York P4 17400 desiligas of the bettern told
Applicant Phone #: 217 586 1268 Applicant e-mail: drodshopa@acl. Con
Applicant Phone #. 277 386 1860 Applicant e-mail. 31 30 30 30 30 30 30 30 30 30 30 30 30 30
Owner Information
Owner Name: Douglas Bates
Owner Address: Same
City, State, Zip: Purchase Date: 2016
Owner Phone #: ami vitaganages to viletta Owner e-mail: Almol at vitagana and dainly at restable
appropriate use of development of adjacent property, nor be destinental to the public wellare.
Agent/Attorney Information
Agent/Attorney Name:
Agent/Attorney Address:
City, State, Zip:
Agent/Attorney Phone #: Agent/Attorney e-mail:
will represent the least monification possible of the regulation in issue.  Signature of Owner/Agent/Attorney
Signature of Owner/Agent/Attorney
Date: 12/19





#### Criteria for a Variance

## 1. Uniqueness of property:

The property is small in size with quite alot of trees. Some of the trees will have to removed leaving the roots as a area of problems. The area of construction is more of a clear area.

Constructing the building to the zoning code would be to close to the existing building and in the middle off the back yard. This it self would look odd.

### 2. Cannot other wise be developed:

Having the building constructed to zoning code would possibly interfer with septic drain feild.

Also treestump and root removal would be exspenceive and deem the project to costly.

## 3. Not created by the applicant:

Due to the piticulars of the zoned location there would be no other place to contruct.

# 4. Will not alter the essential characters of the neighborhood:

Building the garage in the variance location will make it even with the other structure and fit in nicely.

The other building in the boarding properties are also at the same or close to the said location as to be built.

The garage be hind our property is a 2 story building and would be the same characteristics.

#### 5. Minimum variance:

Due to the surroundings in the area the variance would not be noticable by most. Also spoke to the neighbors next to my property and none had any concerns.





## Board member for adjustments

Board Members,

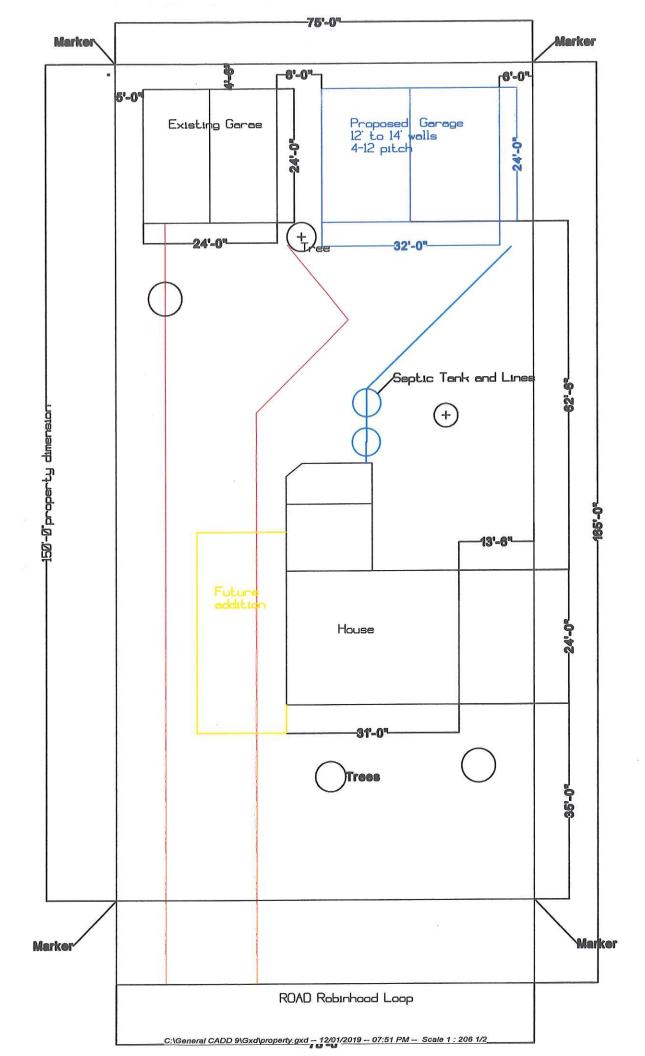
In the up coming mounths We have plans to relocate to our Delaware home for a perminate resident.

We like the neighborhood and area that we are in and do not really want to leave but the home is small and space for storage of our belongings is minimal. I have a collection of cars that need to be stored and wood and metal working machines that I use as a hobbyist.

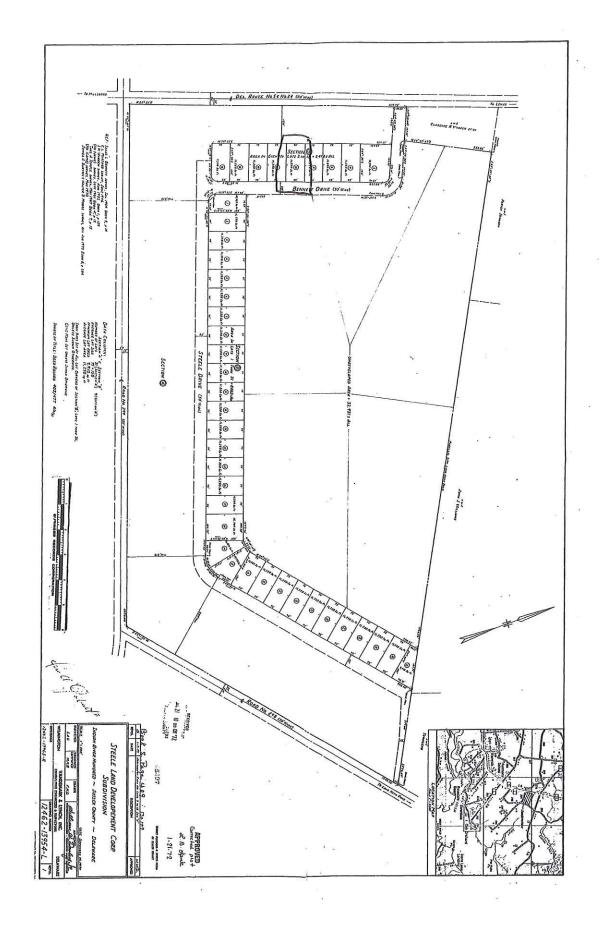
Our home is also small and have plans to add to it to make it more adequate. Again do to the size of the property we may have a zoning issue to make things fit and look appealing. That will be another time and possibly not be needed. My inclosed drawing has a area of the future structure to the house also. If this draws any flags, it would greatly be appreiated if you could share them with me.

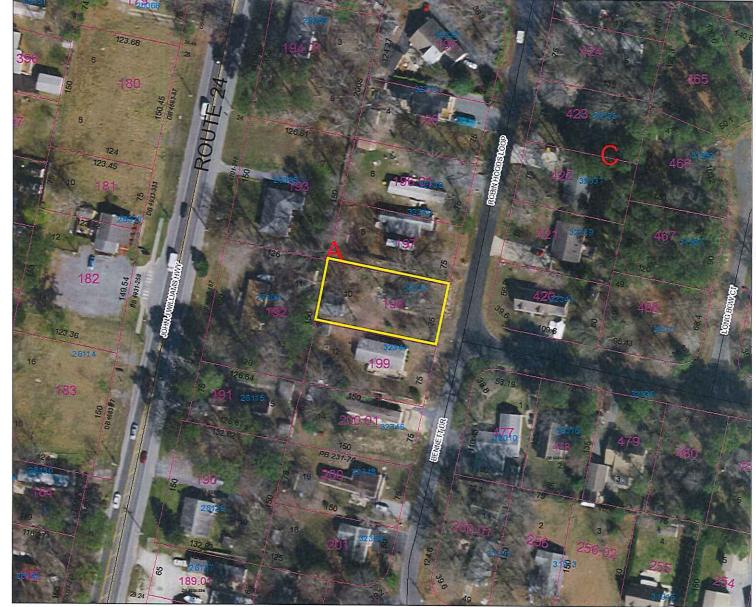
Enclosed you will find picture of the surroundings and mentioned trees. I have had Merestone Consultants survey for corner staking to insure proper measurements of the existing location and future.

Thank you for your help.









PIN:	234-23.00-198.00
Owner Name	BATES DOUGLAS
Book	4504
Mailing Address	1680 GREEN BRIAR RD
City	YORK
State	PA
Description	SHERWOOD FOREST
Description 2	LOT 10 BLK A
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

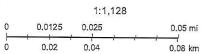
Override 1

Tax Parcels

911 Address

— Streets

County Boundaries



# **Board of Adjustment Application Sussex County, Delaware**

Case # 12 407
Hearing Date Feb 3, 2021
2019 14503

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 appli	icable)
Variance  Special Use Exception  Administrative Variance  Appeal	Proposed Code Reference (office use only)
Site Address of Variance/Special Use Excep	otion:
39548 Jefferson Bridge Road, Bethany Beach	n, DE 19930
Variance/Special Use Exception/Appeal Re	equested:
Side yard setbacks reduced from 10' to 8'	e:
<u> </u>	5
<b>Tax Map #:</b> 134-17.11-29.00	Property Zoning: MR
Applicant Information	
Applicant Name: By The Beach, LLC - C/O	Michael Daniels
Applicant Address: 33309 Kent Avenue	
City Bethany Beach State DE	Zip: 19930
Applicant Phone #: (301) 928-6519	Applicant e-mail: msdmeris@gmail.com
Owner Information	
Owner Name: Coleman Revocable Trust	
Owner Address: 33375 Coleman Gale	-
City Bethany Beach State DE	Zip: 19930 Purchase Date:
Owner Phone #: (302) 249-5200	Owner e-mail:
Agent/Attorney Information	
Agent/Attorney Name: Axiom Engineering	g, LLC - Kenneth R. Christenbury, P.E.
Agent/Attorney Address: 18 Chestnut Street	
City Georgetown State DE	Zip: <sub>19947</sub>
Agent/Attorney Phone #: (302) 855-0810	Agent/Attorney e-mail: ken@axeng.com
Signature of Owner/Agent/Attorney	
M	Date: 12/18/19

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

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

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

#### 1. Uniqueness of property:

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

SEE ATTACHED COVER LETTER FOR VARIANCE APPLICABILITY STATEMENTS

#### 2. Cannot otherwise be developed:

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

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

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

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

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

#### 5. Minimum variance:

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



### **Axiom Engineering**

18 Chestnut Street

Georgetown, DE 19947 Phone: (302) 855-0810

Fax: (302) 855-0812

E-mail: axiom@axeng.com

#### CONFIDENTIAL LETTER OF TRANSMITTAL

	TO:	Ann Lepore	FROM	1: Kenneth R. Christenbury, P.E.
	COMPANY: Sussex County Board of Adjustment DATE: 12/18/2019		12/18/2019	
	ADDRESS:	2 The Circle	CC	1
		Georgetown DE 19947		
	RE:	0431-1901 Geroge Coleman Lot Re-Sul	odivision	
	For Review For Your Use For Approval As Requested Please Return	n When Finished		Shipped Via: Hand Delivery Overnight US Postal Service
Quantity	Date	Description	n	
1	Company of the Charles of the Company of the Compan	Cover Letter		
1		Variance Exhibits (Including Land Surv	ey)	
1	12/18/2019	Variance Application		
				3
	. 12			
1	12/17/2019	S400 Check No. 682 to Sussex County	Council	

#### NOTES / COMMENTS:

Please advise me if any additional information is required for this application. I will e-mail a DROPBOX link for the digital copy of the exhibits.

Thanks,

Signature:



18 Chestnut Street Georgetown, DE 19947 www.axeng.com Phone: 302 855-0810 Fax: 302 855-0812 E-mail: <u>axiom@axeng.com</u>

December 18, 2019

Sussex County Board of Adjustment 2 The Circle Georgetown, DE 19947

Attn: Ms. Janelle Cornwell, AICP, Director of Planning and Zoning

RE: George Coleman Lot Subdivision- Lot 1- Sussex County Tax Map 134-17.11-29.00

Dear Ms. Cornwell:

On April 29, 1968, the Lots of George M. Coleman were recorded in Plot Book 8, Page 17 (copy attached). Both Lots 1 and 2 have water service connections (maintained by Artesian Water Company) and sanitary sewer laterals (maintained by Sussex County) Lots 1 and 2 were combined since the original recordation, and a single structure was constructed across the lot line. The structure is to be removed, and on December 4, 2019, the original geometry for this lot was reinstated from the 1960's subdivision plan and recorded in Plot Book 297, Page 78 (copy attached). At the time of the original subdivision, 5' side yard setbacks were allowed for lots under 10,000 sq. ft. Upon reinstatement of the lot line, the current MR side yard setbacks of 10' were applied to the property. At this time, it appears that Lots 2 and 3 will not require variances for home construction, however, Lot 1 is only 44.6' wide, leaving only a 24.6' building envelope. The applicant is requesting a side yard setback variance to allow for 8' side yards, permitting a 28.6' wide building envelope in keeping with current housing styles.

We hereby request a variance for the following reasons:

1. Uniqueness of property

- a. The narrow lot width does not meet current building demand. Most current zoning codes allow for a 40' wide building envelope. When the lot was created on PB 8, PG 17, it had a building envelope of 34' in width that has since been reduced to 24'.
- 2. Cannot otherwise be developed
  - a. The current 24' building envelope is narrower than the other lots in the subdivision, and is narrow enough that a modern home cannot fit on the property.



- 3. Not created by the applicant
  - a. The property encumbrances are/were created by the change in County Code regarding 5' vs. 10' setbacks for lots under 10,000 sq. ft.
- 4. Will not alter the essential character of the neighborhood
  - a. The current 24' building envelope is narrower than the other lots in the subdivision. Other lots are 50' wide with 5' setbacks, allowing for a 40' building envelope. Granting this variance will allow construction on this lot to be closer to the essential character of the other homes in the subdivision.

#### 5. Minimum Variance

a. Although the original setbacks were only 5', the 8' side setbacks requested are adequate to establish a buildable lot.

Please advise if any additional data is required to schedule this application for the Board of Adjustment. If you have any comments or questions, do not hesitate to contact me at the number in the letterhead or by e-mail: <a href="mailto:ken@axeng.com">ken@axeng.com</a>

Sincerely,

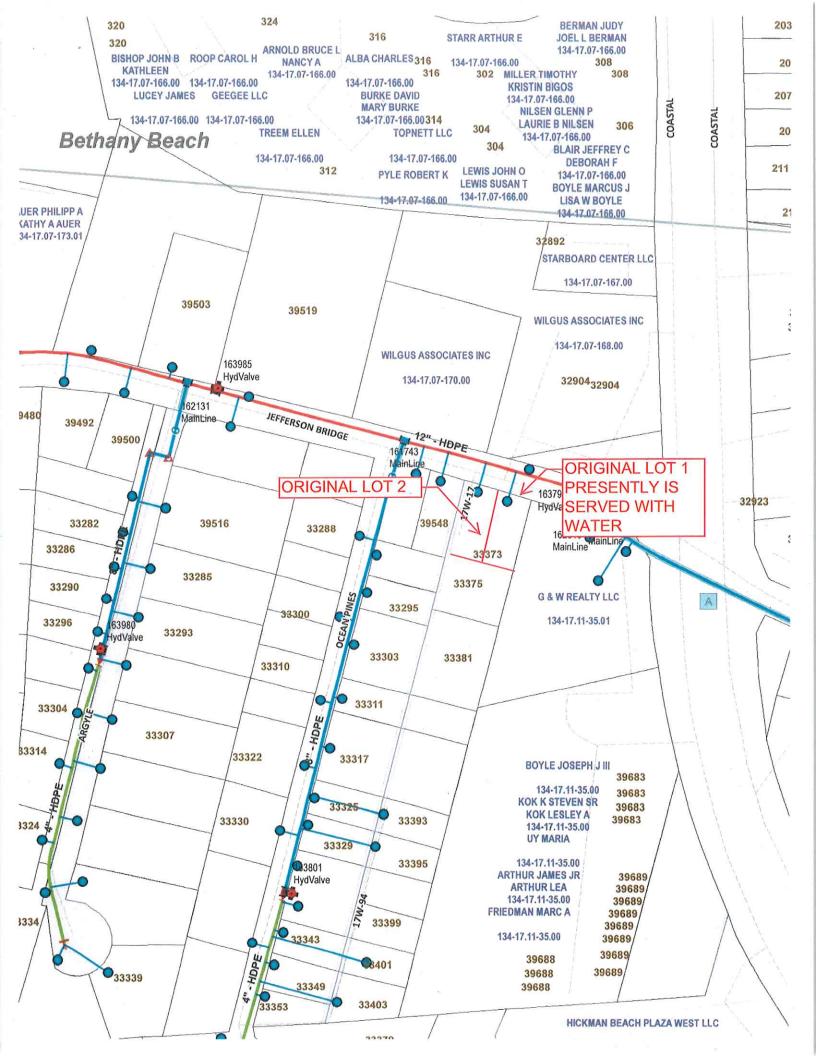
Kenneth R. Christenbury, P.E. - President, Axiom Engineering, LLC

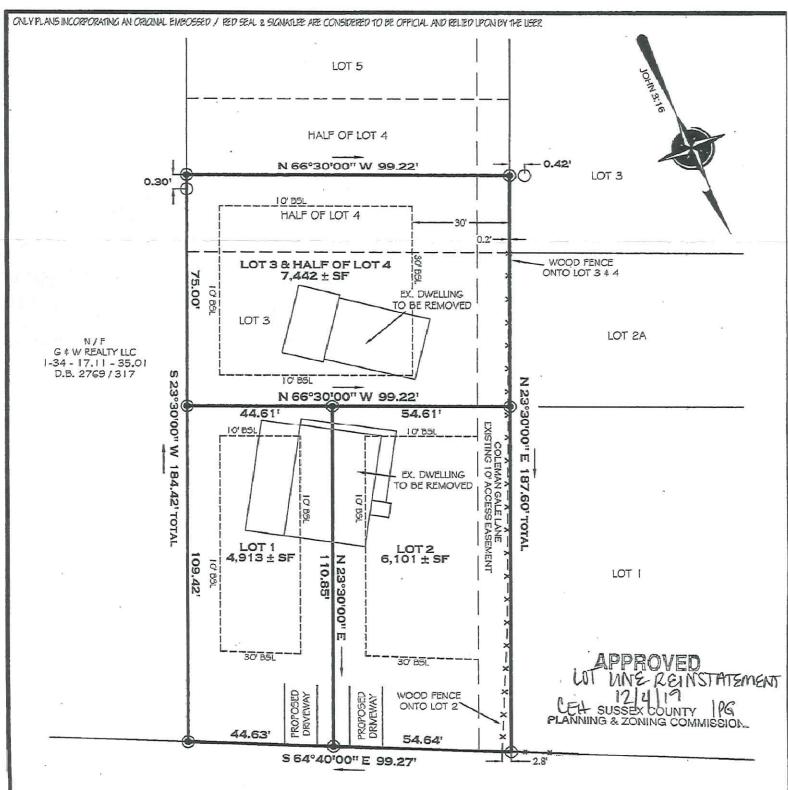
CC: By The Beach, LLC - Michael Daniels

#### Attachments:

- 1. Plot Book 8 Page 17 4/29/1968 Lots of George M. Coleman
- 2. Plot Book 297 PG 78 12/4/2019 Partition Plan Lots 1, 2 3 and Half of Lot 4 George Coleman Lot Subdivision
- 3. Artesian Water infrastructure as-built
- 4. Sussex County Engineering sewer as-built







# JEFFERSON BRIDGE ROAD

NOTE
THE PURPOSE OF THIS PLAT IS TO PARTITION THE PARCEL INTO ITS ORIGINAL LOTS PER PLAT 8 / 17

### NOTES

- 1. CLASSIFICATION OF SURVEY: SUBURBAN
- 2. ZONE: MR
- 3. BUILDING SETBACK LINES (BSL) FRONT

10'

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

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

5. FLOOD ZONE: AE - 6' PER FEMA FIRM MAP 10005 C 0518 L

TAX MAP 1-	-34 - 17.11 - 29.00		
STATE	- DELAWARE	PARTITION PLAN	
COUNTY	SUSSEX		
HUNDRED	BALTIMORE		
TOWN		LOTS 1, 2, 3 # HALF OF LOT 4	
AREA 18,4	56 ± 9Q. FT. (TOTAL)		
DEED REF.	2215/28	GEORGE COLEMAN LOT SUBDIVISION	
PLATREF.	8/17	GEORGE COLLMAN EO 1 SOBDIVISIO	
DRAWN BY	MC5 € CJP	FOR GEORGE M. # MARGARET B. COLEMAI	
DATE	10/29/19		
SCALE	1" = 30'	GLOIGE W. VIVIAINGARET B. COLLIVIAIN	
SURVEY#	DE - 05230	COLEMAN GALE LANE, BETHANY BEACH, DE. 19930	

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 PROPAGED UNDER MY. SUPERVISIONAND MEGTS, THE STANDARDS OF PRACTICE AS ESTSHASHED BY THE STATE OF DELAWARE BOARD OF TO PROFESSIONAL LAND-SURVED OR SUBJECT OF THE PROPESSIONAL LAND-SURVED OR SUBJECT OR THE OFFICE SHOWS HERE THE LATE SHOWS DEFIT OR THE DATE SHOWS DEFIT OR THE LATE SHOWS DEFICE OR THE LATE SHOWS DEFICED. CORNERS AFTER THE DATE SHOWS THEREON SHALL NECESSIFATE A NEW REFUEW AND CERTIFICATION FOR WAYS FERTAL OR LEGAL OSE

LEGEND

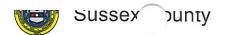
O IRON ROD FOUND IRON ROD W/ CAP SET



LAND SURVEYING

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







PIN:	134-17.11-29.00
Owner Name	COLEMAN GEORGE M MARGARET B
Book	0
Mailing Address	429 CRESCENT LN
City	VESTAL
State	NY
Description	JEFFERSON BR CO RD
Description 2	TO OCEAN HWY LOTS
Description 3	123 N 1/2 OF 4
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

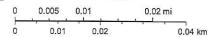
Tax Parcels

911 Address

— Streets

County Boundaries

1:564



Board of Adjustment Application

Sussex County, Delaware

Case # 12 4 09
Hearing Date 21320

ROLOGO II

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 app	licable)
Variance  Special Use Exception  Administrative Variance  Appeal	Existing Condition  Proposed  Code Reference (office use only)
Site Address of Variance/Special Use Exce 36328 Old Mill Road, Ocean View, Delaw	2
Variance/Special Use Exception/Appeal R Request a variance for a 1.5' porch/overhan address.	equested: ng encroachment onto 10ft setback at above stated
Tax Map #: 134-12-73.01	Property Zoning: GR
Applicant Information	
Applicant Name: Louis W and Janet C M Applicant Address: 22476 Grebe Ln City Ocean View State DE Applicant Phone #: (410) 660-9387	Zip: 19970 Applicant e-mail: Louis.McIton@gmail.com
Owner Information	
Owner Name: Louis W Melton  Owner Address: 22476 Grebe Ln  City Ocean View State DE  Owner Phone #: (410) 660-9387	Zip: 19970 Purchase Date: 1/4/20 Owner e-mail: Louis.McIton@gmail.com
Agent/Attorney Information	
Agent/Attorney Name: None Agent/Attorney Address: State Agent/Attorney Phone #:	Zip: Agent/Attorney e-mail:
Signature of Owner/Agent/Attorney	Date: /2 / 2 / 3





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

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

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

#### 1. Uniqueness of property:

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

I constructed a combination apartment/garage on an odd-sized triangular corner lot. My desire was to ensure that the property was parallel with Old Mill Rd, and not parallel with the angular rear 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.

As constructed, it would require a substantial renovation of the lean-to that covers the porch that encroaches on the property setback line. Granting a variance to permit the corner of the porch/lean-to encroach 1.6' into the property setback preserves the architectural integrity of the building and makes for a more pleasing looking structure for my neighbors on the other side of my rear property line.

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

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

There were two sets of drawings of the spotting of the structure on the property. One set showed the building and lean-to that was clearly within the setback requirement. A second set, showing only the building and not the porch lean-to was mistakenly used by the contractor to actually stake the spotting of the new structure.

#### 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 1.6' corner encroachment will not alter the essential character of my neighbors' property, nor does it alter the essential character of my own property. With the existence of a fence, the encroachment will not be at all visible to any of the neighbors.

#### 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.

If this variance is authorized, it will represent no modification to the existing structure and will be the least intrusive to all concerned.

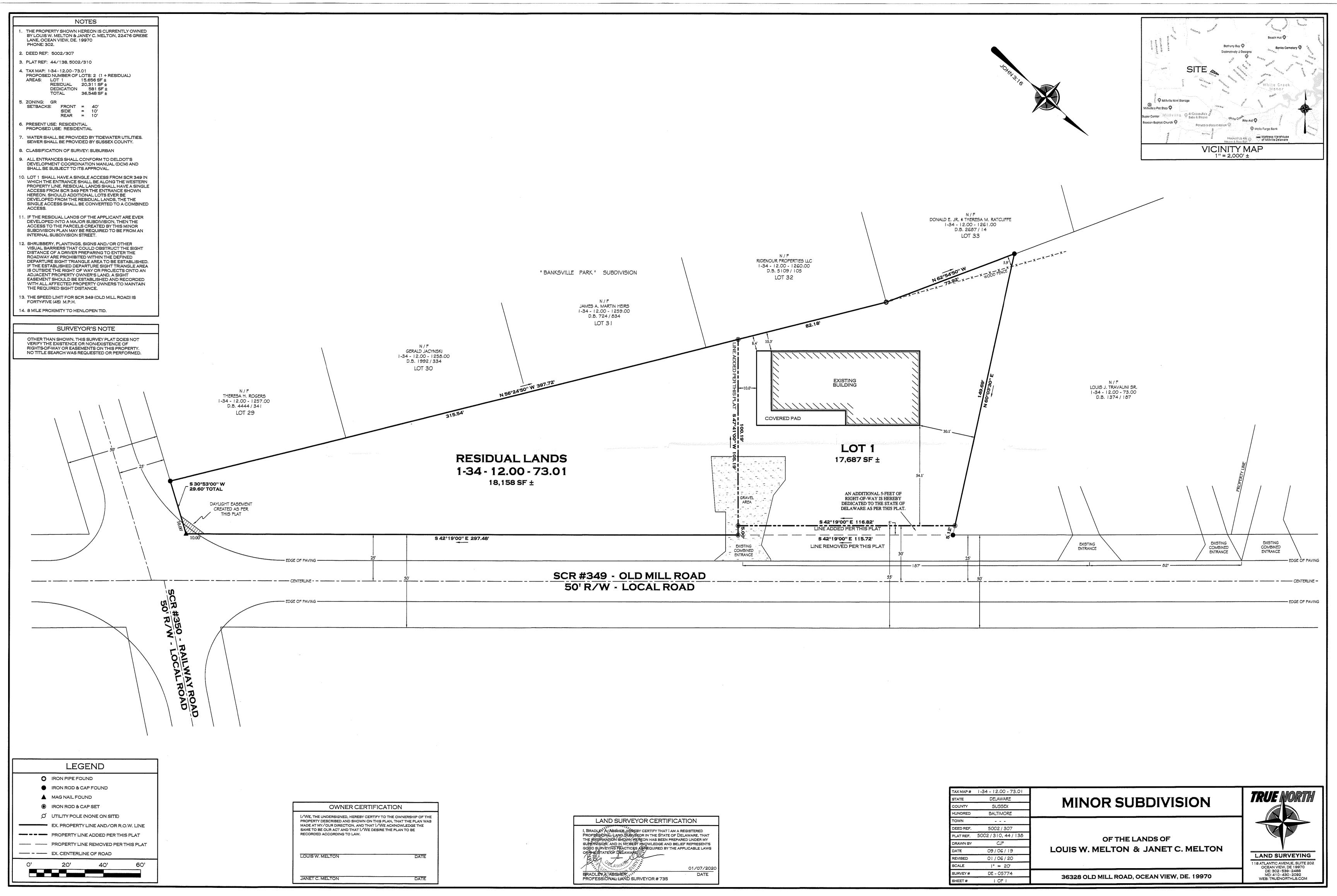


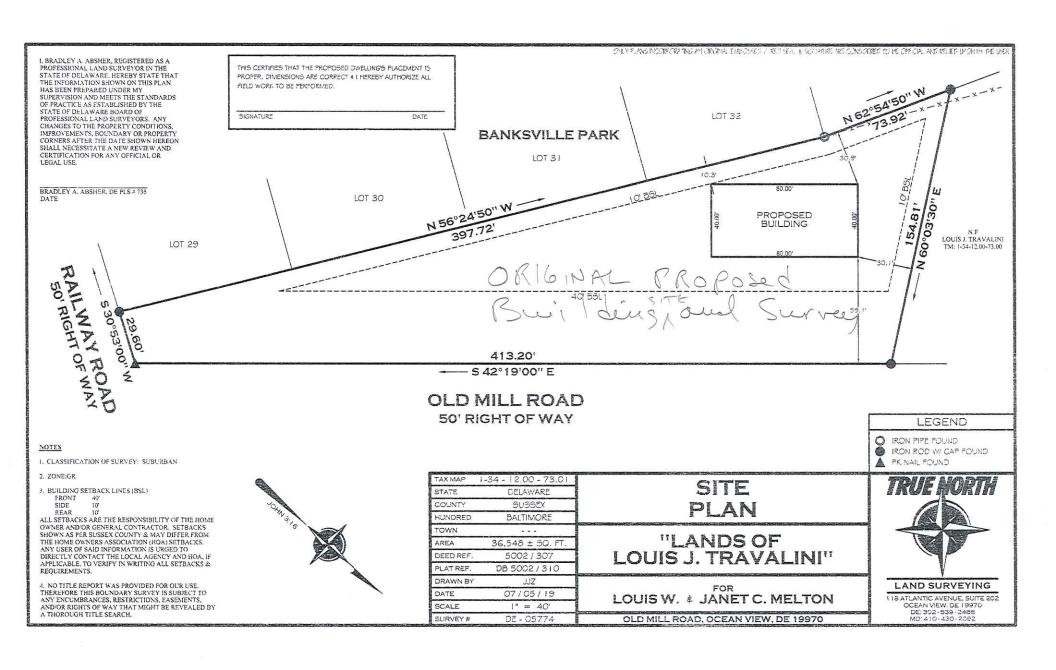
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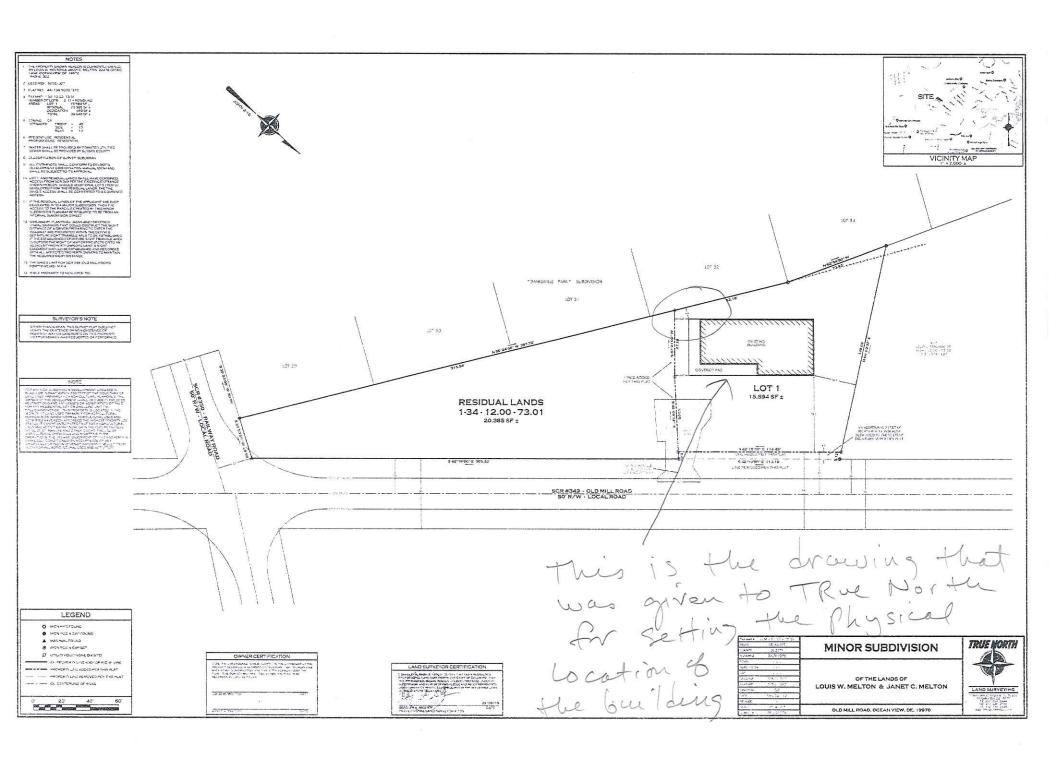
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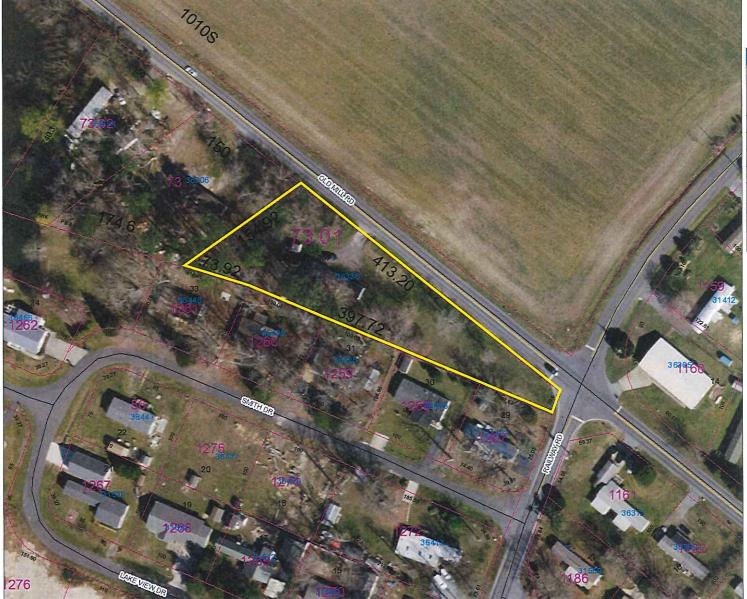
. . .

18









134-12.00-73.01
MELTON LOUIS W
5002
22476 GREBE LN
OCEAN VIEW
DE
SOUTH OF RT 349
WEST OF RT 350
N/A

polygonLayer

Override 1

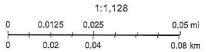
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Override 1

Tax Parcels
911 Address

— Streets

County Boundaries



# **Board of Adjustment Application Sussex County, Delaware**

Case # 12408 Hearing Date 23/20 2019 1449 2

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	Existing Condition Proposed Code Reference (office use only)
Appeal	115-25
Site Address of Variance/Special Use Exception:	
Variance/Special Use Exception/Appeal Requeste	
REQUEST VARIANCE FROM REQUIRED 150' OF FRONTA	GE ON A COUNTY ROAD TO 30°.
120' variance	
Тах Мар #: 530-8.00-10.00	Property Zoning: AR-1
Applicant Information	
Applicant Name: ROBERT L. & STELLA R. RE	ED
Applicant Address: 12249 BLANCHARD ROAD	
City GREENWOOD State DE	Zip: 19950
Applicant Phone #: 302-542-0077 Application	ant e-mail: missstellacharter@gmail.com
Owner Information	
Owner Name: SAME AS ABOVE	
Owner Address:	
City State	Zip: Purchase Date: 2-1985
Owner Phone #: Owner	e-mail:
Agent/Attorney Information	
Agent/Attorney Name: MILLER-LEWIS, INC.	
Agent/Attorney Address: 1560 MIDDLEFORD Re	OAD
City SEAFORD State DE	Zip: 19973
Agent/Attorney Phone #: 302-629-9895 Agent/	Attorney e-mail: stevesellers@millerlewisinc.com
Signature of Owner/Agent/Attorney	

12/2/11/

Date: 12-16-19





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

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

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

#### 1. Uniqueness of property:

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

Prior to 3-30-1987 parcel 10 consisted of two parcels. Parcels 10 and 13 were combined into one parcel. The current owner would like to return them back to two parcels.

#### 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 VARIAGE IS NOT GRANTED THEN PARCEL CAN NOT BE SEPARATED,

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

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

THE APPLICANT DID REQUEST THE PARCELS COMBINED TOR TAX REASONS.

#### 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.

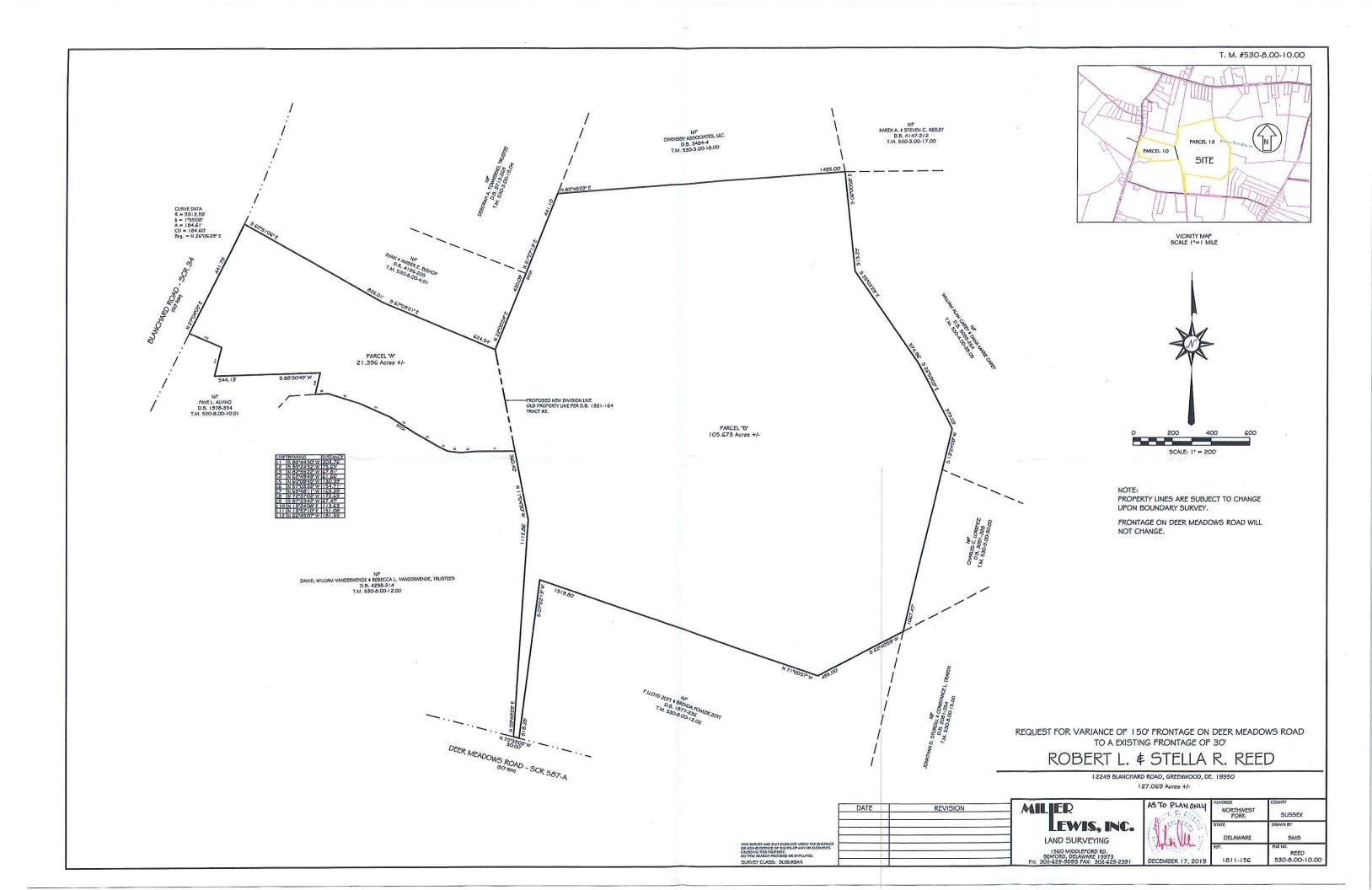
There is an existing dirt road which did access the original farm house. This road has existed since before 1975

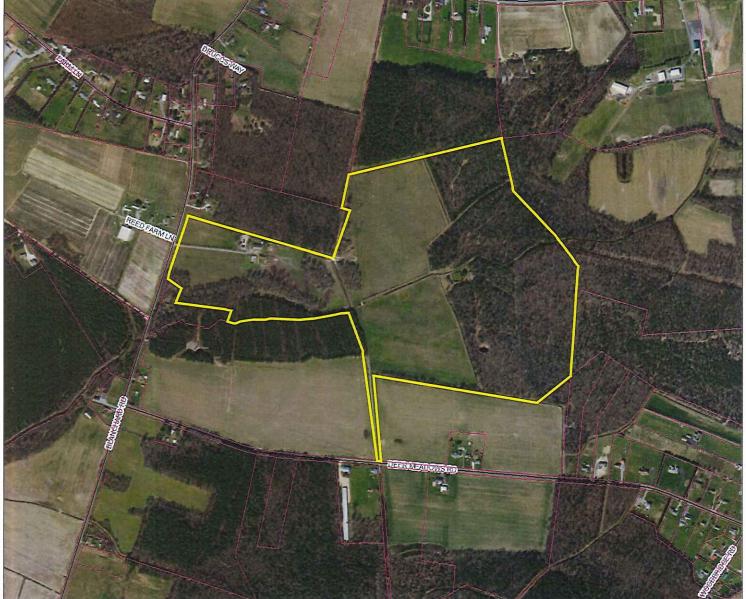
#### 5. Minimum variance:

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.

#

THIS IS THE MINIMUM FRONTAGE WHICH IS PART OF THE TRACT.





PIN:	530-8.00-10.00
Owner Name	REED ROBERT L & STELLAR
Book	1811
Mailing Address	12249 BLANCHARD RD
City	GREENWOOD
State	DE
Description	E/RT 34
Description 2	900'S/RT 581
Description 3	FX
Land Code	

polygonLayer

Override 1

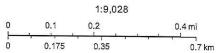
polygonLayer

Override 1

Tax Parcels

Streets

County Boundaries



Case # 12410
Hearing Date 2/3
202000118

# **Board of Adjustment Application Sussex County, Delaware**

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

Type of Application: (please check all applicable)	
Variance	Existing Condition
Special Use Exception	Proposed
Administrative Variance	Code Reference (office use only
Appeal	115-25 - 115-182
Site Address of Variance/Special Use Exception: 263	5000 1 De 19966
Variance/Special Use Exception/Appeal Requested:	9 45.0 from 40 Front
Tax Map #: 234 - 27.00 - 36.01	Property Zoning: AR-1
Applicant Information	
Applicant Name: Jose Rodrígue 7 Applicant Address: 30914 mimosa City, State, Zip: mills boco De 19 Applicant Phone #:(302) 4309793 Applicant e-mi	- Sanchez Ln 1966 ail: rodríguezíde 1971
Owner Information	'dgmailroom
Owner Name: Same as above Owner Address:	
	Purchase Date:
Owner Phone #: Owner e-mail:	
Agent/Attorney Information	
Agent/Attorney Name:Agent/Attorney Address:City, State, Zip:	
Agent/Attorney Phone #: Agent/Atto	orney e-man
Signature of Owner/Agent/Attorney  Date:	1/03/20





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

You shall demonstrate to the Board of Adjustment that the property meets  $\underline{all}$  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.

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.
Lock, wents on Left corner
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.  When was from house and door,
3. Not created by the applicant:  That such exceptional practical difficulty has not been created by the appellant.  Live to put pack house forward becouse drawn (seed of the book)
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.
here pred
ther this house is been there for new house too years. with almost some poof, put in sum
100 years. with almost some poof, put in sam
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.
5.1 from front back
What is request is the minimum -

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.

No title search provided or stipulated.

Lands of 5300 Shirley McCabe Harper, Trustee Db. 3696, Pg. 267



S 13°42'21" W 165.99' S 13°37'15" W 165.87' (deed) shed (10.0' x 12.3') Lands of La Costa Construction, LLC. 5.1'-Lands of Db. 4827, Pg. 274 5.4 Agnes B, Caldwell shed (6.2' x 8.2') Db. 4710, Pg. 249 18.5% 28.4 70.9 Dwelling 28,4 49.4 1,167'± to the r/w line of Indian Meadows Drive 164.29' (deed) 17°32'25" E 164.35

● 3/4" PIPE (FD)

Lands of LA COSTA CONSTRUCTION, LLC.

HOLLYVILLE ROAD (County Road No. 305)

SCALE: 1"=50'

AREA: 35,443 SQ. FT.

TAX MAP NO. 2-34-27-36.01

TAX IVIAP NO. 2-34-21-30.0

HUNDRED: INDIAN RIVER

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 02-19-2019

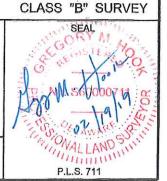
DRAWN BY: MICHAEL LOVELAND

SIMPLER SURVEYING & ASSOCIATE, INC.

32486 POWELL FARM ROAD, FRANKFORD, DE 19945 www.delawaresurveyor.com

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

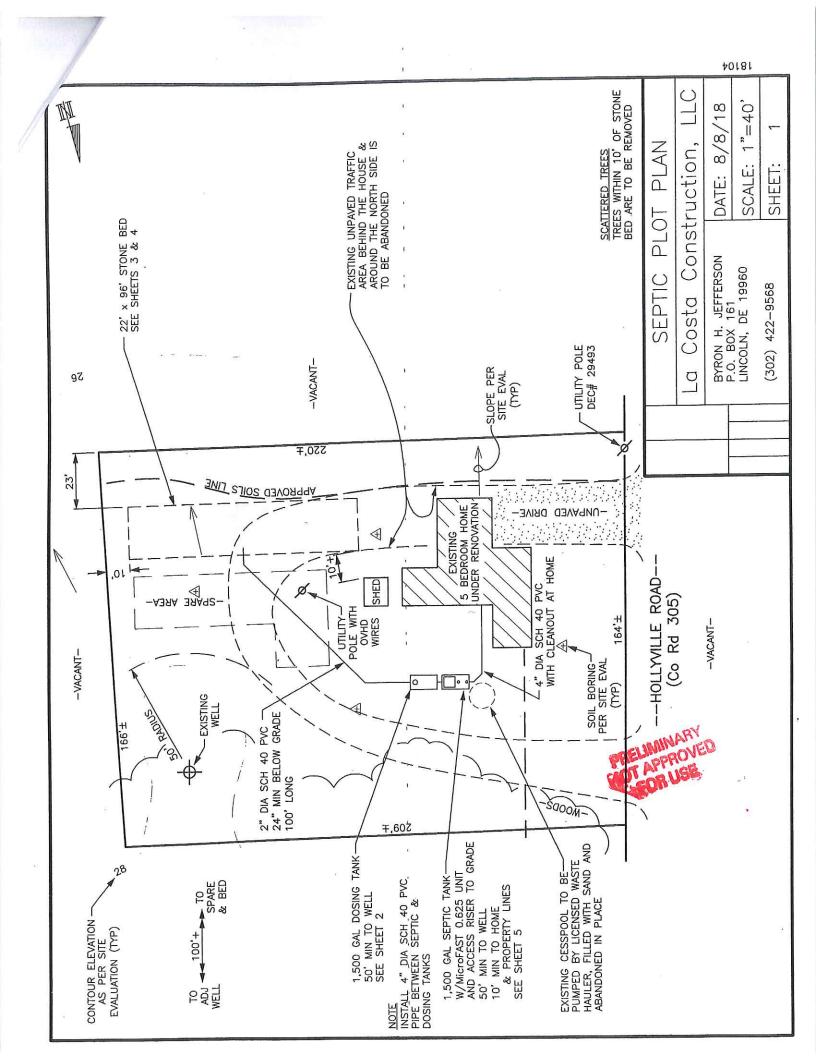
I, Gregory M. Hook, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.



FIRM INFORMATION:

ZONE: "X", Non-Shaded

100029 - 0457 - K MARCH 16, 2015





1:2,257 0 0.0275 0.055 0.11 mi 0 0.0425 0.085 0.17 km

January 3, 2020