

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

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

AGENDA

July 20, 2020

6:00 P.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

Call to Order

Pledge of Allegiance

Approval of Agenda

Old Business - None

Public Hearings

Case No. 12447 – David & Constance Luetzgen seek variances from the side yard setback requirement and separation distance requirement between units for proposed and existing structures (Sections 115-25, 115-172 and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of Center Avenue within the Sea Air Village manufactured home park. 911 Address: 19942 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-55797

Case No. 12448 – Steve Joseph Baird, Jr. seeks a special use exception to operate a rifle or pistol range (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the southwest side of Staytonville Road approximately 330 ft. southeast of Gum Branch Lane. 911 Address: 16344 Staytonville Road, Lincoln. Zoning District: AR-1 Tax Parcel: 230-25.00-4.05

Case No. 12449 – Lloyd Harrison seeks a variance from the front yard setback and maximum fence height requirement for a proposed swimming pool and fence (Sections 115-34, 115-182 and 115-185 of the Sussex County Zoning Code). The property is a through lot located on the southeast side of Robinsons Drive approximately 620 ft. southwest of Silver Lake Drive. 911 Address: 38254 Robinsons Drive, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-20.09-36.00

Case No. 12450 – Ronnie & Debbie Gaines seek variances from the minimum lot width requirement and the minimum lot size requirement for a proposed subdivision (Sections



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

115-25 of the Sussex County Zoning Code). The property is located on the west side of Bi-State Boulevard (Rt. 13A) approximately 0.25 mile south of Dickerson Road. 911 Address: 34052, 34062 and 34072 Bi-State Boulevard, Laurel. Zoning District: AR-1. Tax Parcel: 332-3.00-58.00

Case No. 12451 – David & Gloria Prezioso seeks variances from the corner front yard setback requirement for a proposed dwelling (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the north east corner of Salty Way East and Salty Way Drive within the Keen-Wik West Subdivision. 911 Address: N/A. Zoning District: MR. Tax Parcel: 533-19.07-58.00

Case No. 12452 – Dawn Nanz seeks a variance from the front yard and side yard setback requirement for proposed structures (Sections 115-82, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Colonial Lane within the Colonial East manufactured home park. 911 Address: 19 Colonial Lane, Rehoboth Beach Zoning District: C-1. Tax Parcel: 334-6.00-335.01-7543

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 July 13, 2020 at 4:45 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.**



-MEETING INSTRUCTIONS-

**** The Sussex County Board of Adjustment is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.**

The public is encouraged to view the meeting on-line. Any person attending in person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited, and seating assignments will be enforced.

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

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. Note, the on-line stream experiences a 30-second delay. Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via phone, please dial:

Conference Number: 800-988-0494

Passcode: 1695792

The Board of Adjustment meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountye.gov/>

####



**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 # 12447
Hearing Date 202003184

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 334-13.00-310.00-55797

19942 CENTER AVE, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

- Add 10' x 20' DECK (No roof), 37" Elevation from Grade with steps and connecting Platform to Existing Platform at Front Door.
- Correct (Existing and/or New-Proposed) to Front Door Platform Access to Home to increase safety
- ~~INSTALL~~ / Build outdoor Shower and change Room at Rear of House

Tax Map #: 334-13.00-310.00-55797

Property Zoning: _____

310 53.32 Ac

Applicant Information

Applicant Name: DAVID V. + Constance (Connie) F. Luetttgen
Applicant Address: 19942 CENTER AVE, Rehoboth Beach, DE 19971
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: 267-638-8793 Applicant e-mail: ATGUY@LIVE.COM
856-878-8697

Owner Information

Owner Name: Same (DAVID V. + Constance F. Luetttgen)
Owner Address: _____
City _____ State _____ Zip: _____ Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: NONE
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

David Luetttgen

Date: 03/11/2020



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.

- My particular lot is not as wide as other surrounding lots which have had the opportunity to set or remodel to essentially have a double wide Manufactured home. My home is one of the few which is only single wide and will forever stay single wide.

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.

- Although original plans were for an enclosed and roofed deck, a more reasonable variance request is now being made for an open deck with no hope of gaining year-round use of the deck since it will be much more open to weather conditions.

3. Not created by the applicant:

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

In essence the present conditions evolved many years prior to my 2018 purchase of this Manufactured Home which was set by the Community (Park) ownership and created by a long row of the other Home owners installing Additions & Sunrooms using up property on my street

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.

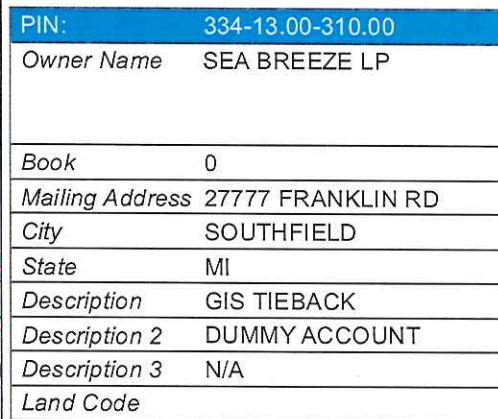
I have spent time both in my Park and others assessing appropriate structures and how they will become and augment essential character / characteristics of the neighborhood.

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.

If the Variance would be granted it would be the minimum Variance that would afford a close knit and effective use of the lot as it has been presented to me.

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971



polygonLayer
 Override 1
 polygonLayer
 Override 1
 Tax Parcels
 Streets
 County Boundaries

A horizontal number line with two scales. The top scale is labeled in miles (mi) and has major tick marks at 0, 0.05, 0.1, and 0.2. The bottom scale is labeled in kilometers (km) and has major tick marks at 0, 0.075, 0.15, and 0.3. Vertical lines connect the corresponding values on the two scales: 0 mi to 0 km, 0.05 mi to 0.075 km, 0.1 mi to 0.15 km, and 0.2 mi to 0.3 km.

EXTERIOR IMPROVEMENT REQUEST

DAVID V. and Connie Luetfgen
 RESIDENT NAME
 19942 CENTER AVE Rehoboth Beach 19971
 ADDRESS
 856 878 8697 / 267 638 8793
 TELEPHONE NUMBER

SEAHIR Village
 COMMUNITY NAME
 02/11/2020
 DATE OF REQUEST
 (Sum of 2020) JUNE 30, 2020
 PROPOSED COMPLETION DATE

The above named Resident requests approval to build, add-on, or otherwise alter his/her manufactured home, its associated structures, or site. Approval by the Community Management does not waive Resident's responsibility to secure any and all permits required by the governing municipality whose name and telephone number is:

SUSSEX County 2 the Circle Georgetown 302 855 7720

Description of Alteration: ① Correct Steps Access to Front door by Making Platform Wider & Steps to Lawn Area ② Add 10' x 20' Deck (no Roof) ③ Add Outdoor Shower w/ Change Room

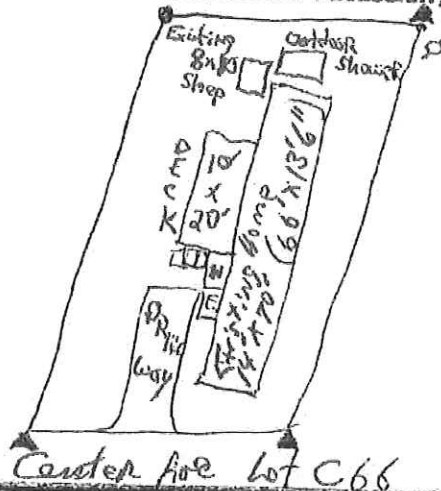
✓ Upon review of the above request, we find it is within our guidelines.
 Resident will obtain any and all permits necessary to construct improvement.
 If Resident hires an independent contractor, it is recommended that they be licensed and insured.

___ Upon review of the above request, we find it is not within our guidelines.

Kayrie Bush
 DISTRICT MANAGER/COMMUNITY MANAGER

2/11/2020
 DATE

USE SPACE BELOW TO SKETCH THE ALTERATIONS AND LOCATION ON YOUR HOME SITE.
 (ATTACH SEPARATE SHEET IF NECESSARY)



Outdoor Shower 8' x 10'

N New Steps Platform
 E Existing Steps Platform

FOLLOW-UP INSPECTION

Management reserves the right to inspect the alterations described above upon completion.

DISTRICT MANAGER/COMMUNITY MANAGER

DATE

WHITE Community Flag YELLOW - Resident

S12 ER 2/03

2020.pdf

EXTERNAL EMAIL - Verify sender before opening links or attachments!

EXTERIOR IMPROVEMENT REQUEST	
DAVID V. and Connie Luetgen RESIDENT NAME	SEATR Village COMMUNITY NAME
19942 CENTER AVE Rehoboth Beach 19871 ADDRESS	02/11/2020 DATE OF REQUEST
856 878 8697 / 267 638 8793 TELEPHONE NUMBER	(Sum of 2020) JUNE 30, 2020 PROPOSED COMPLETION DATE
The above named Resident requests approval to build, add-on, or otherwise alter his/her manufactured home, its associated structures, or site. Approval by the Community Management does not waive Resident's responsibility to secure any and all permits required by the governing municipality whose name and telephone number is:	
SusSEX County 2 The Circle Georgetown 302 855 7720	
Description of Alteration: ① Correct Steps Access to Front door by Making Platform Wider + Steps to Lawn Area ② Add 10' x 20' Deck (no roof) ③ Add Outdoor Shower w/ Change Room	
<input checked="" type="checkbox"/> Upon review of the above request, we find it is within our guidelines. Resident will obtain any and all permits necessary to construct improvement. If Resident hires an independent contractor, it is recommended that they be licensed and insured.	
<input type="checkbox"/> Upon review of the above request, we find it is not within our guidelines.	
Kayrie Bush DISTRICT MANAGER/COMMUNITY MANAGER	2/11/2020 DATE
USE SPACE BELOW TO SKETCH THE ALTERATIONS AND LOCATION ON YOUR HOME SITE. (ATTACH SEPARATE SHEET IF NECESSARY)	
<p>Outdoor shower 8' x 10'</p>	



Center Ave Lot C66

N New Shop Platform
& Existing Shop Platform

FOLLOW-UP INSPECTION

Management reserves the right to inspect the alterations described above upon completion.

DISTRICT MANAGER/COMMUNITY MANAGER

DATE

WHITE - Community File, YELLOW - Resident

S12 BR 2405

SUSSEX COUNTY
DELAWARE

Permits and Inspections

Application Information

[Return to permits and inspections](#)

General

Application reference	201906137
Status	ACTIVE / OPEN
Application Received Date	5/28/2019
Applicant Name	LUETTGEN DAVID V
Owner Name	LUETTGEN DAVID V
Owner ID	172267
Location	19942 CENTER MANUF REHOBOTH BEACH
Parcel ID	334-13.00-310.00-55797
Lot number	C66

Project Details

Project/Activity	ACC STRUCT<400'
Project Description	8X10 DTT SHEDPARK APPROVAL AND SURVEY ATTACHED
Zoning	AGRICULTURAL RESIDENTIAL
Existing Use	MOBILE HOME IN PARK
Proposed Use	MOBILE HOME IN PARK
Estimated Cost	\$1,000.00

Attachments

Document No attachments were found for this application

©2020 Tyler Technologies, Inc.

SUSSEX COUNTY
DELAWARE

Real Estate Property Detail

Parcel ID	334-13.00-310.00-55797
Alternate Parcel ID	33413003100055797
Location	IMP ON LOT C-66
Legal Description	IMP ON LOT C-66 SEA AIR
Owner as of July 1	LUETTGEN DAVID V
Customer ID	172267
Jurisdiction	CAPE HEN
Assessed Value	\$6,350.00
Exemptions Value	\$0.00
<u>2019 Charges</u>	\$298.56

©2020 Tyler Technologies, Inc.



Option 2, patio 8 inch above grade, steps from 37 inch down to patio

With your deck design in hand, talk to a Lowe's project specialist to start your build. You can reach us in store, online or over the phone.

In Store

Take this document or your project ID number to the customer service desk and talk to a project specialist.

Online

Go to [Lowes.com/deckinstall](https://www.lowes.com/deckinstall) and schedule an in-home consultation.

Phone

Call 1-800-GO-LOWES and schedule an in-home consultation.

YOUR DECK DESIGN PROJECT ID: 215400390

This number lets you or your project specialist retrieve your deck design.

PLAN OVERVIEW



Estimated materials cost with your
custom selections:

\$4,835

Overview

Number of Levels: 2
Total Square Feet: 209
Footer Depth: 30"
Live Load: 40psf
Dead Load: 10psf

Does not include state and local taxes.

Decking Type:	Trex
Decking Size:	5/4 x 6
Decking Color:	Clam Shell
Railing Material:	Metal
Railing Style:	ALX Classic Preassembled
Railing Color:	Satin Black
Joist Spacing:	16
Joist Wood Type:	Pressure Treated
Joist Size:	2 x 10
Beam Size:	2 x 10
Post Wood Type:	Pressure Treated
Post Size:	6 x 6

A detailed list can be found starting on page 5.

Note: Estimates are based on representative costs of materials in your geographic area. Actual, current material costs may vary.

Please contact your local Lowe's associate for pricing and installation details.

Pricing accurate as of Mar-15-2020

Created on Mar-15-2020

All rights reserved copyright ©2020 MiTek

Project ID: 215400390

Product availability based on Store#: 0658

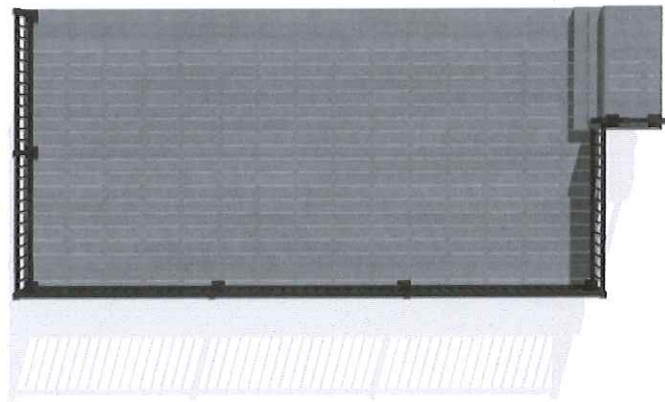
DECK LAYOUT



Birds Eye View

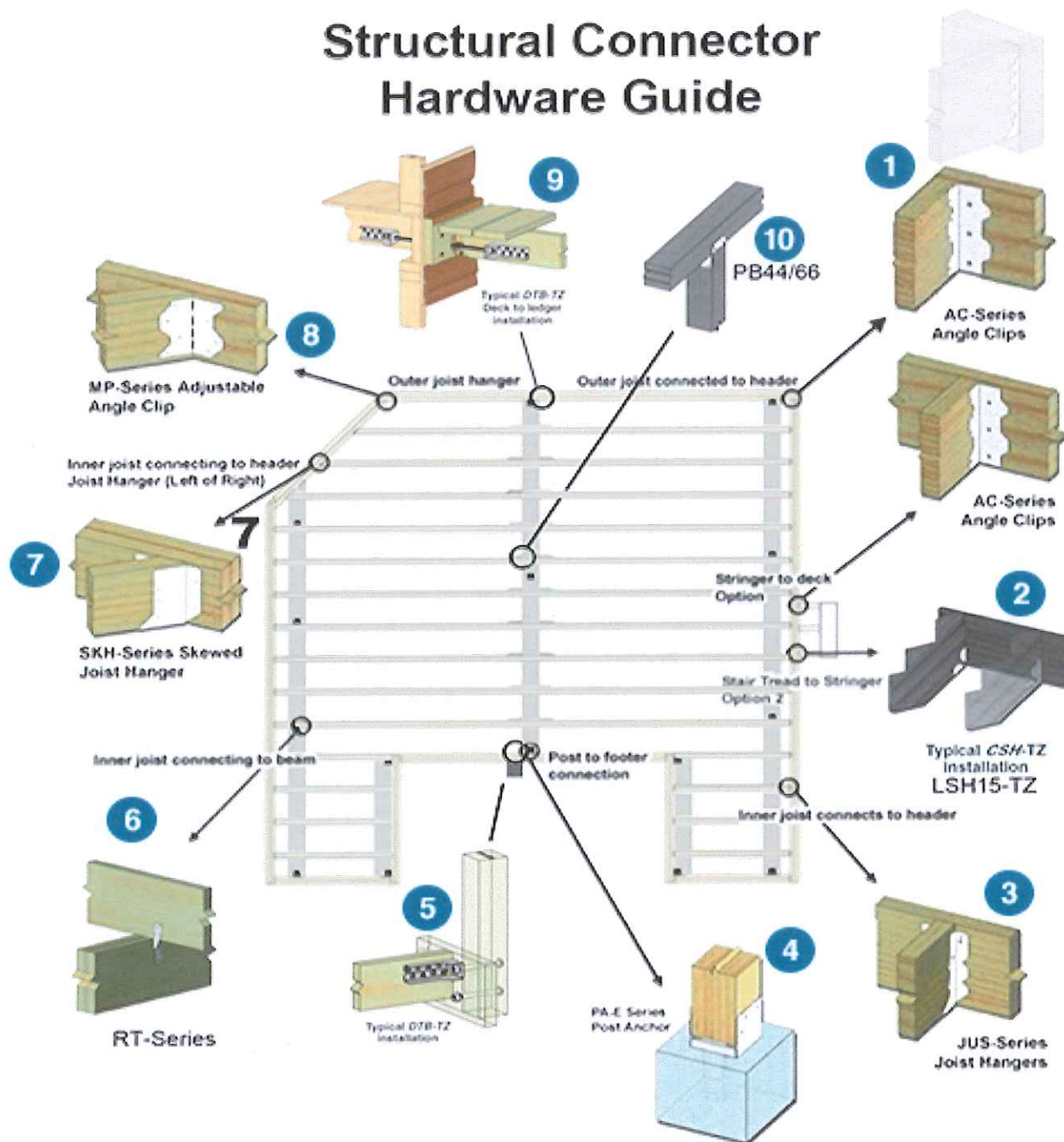


Bottom View

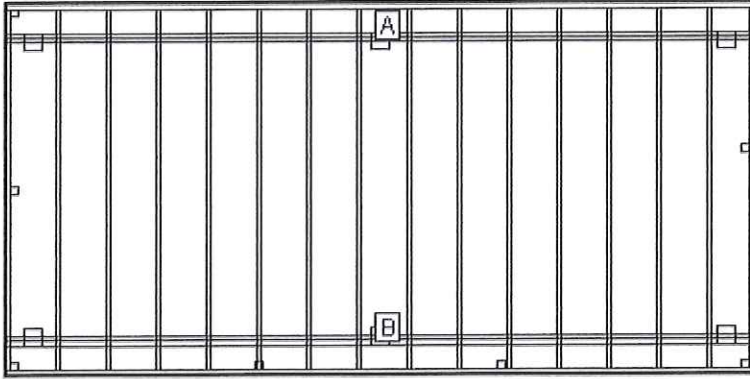


Top View with Planks

Structural Connector Hardware Guide



ANALYSIS LEVEL 1



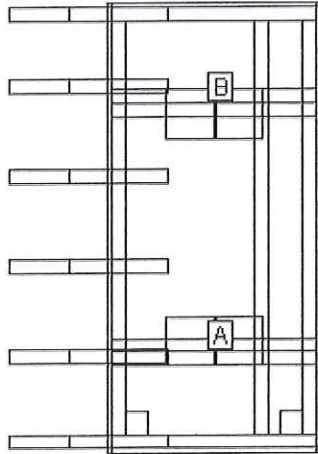
Deck and Post Height:

You selected a height of 24" from the top of the decking to the ground level. The top of the deck support posts will therefore be 4" above ground level.

Joists:

Set joists on top of beams, 16"; center to center.

ANALYSIS LEVEL 2



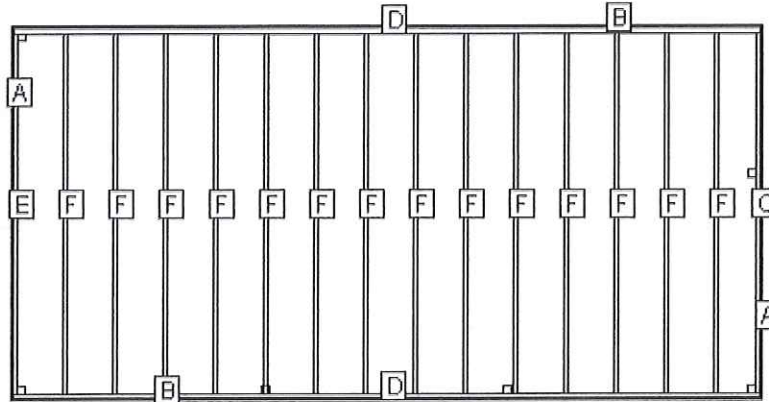
Deck and Post Height:

You selected a height of 38" from the top of the decking to the ground level. The top of the deck support posts will therefore be 18" above ground level.

Joists:

Set joists on top of beams, 16"; center to center.

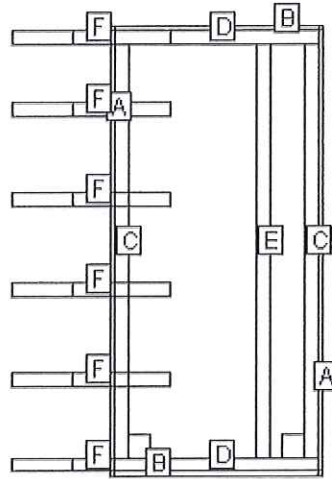
MATERIALS CUT LIST: LEVEL 1



Label	Name	Quantity	Length	Bevels
A	Fascia	2	9' 11 1/2"	45,45
B	Fascia	2	20'	45,45
C	Outer Joist	1	9' 7 1/2"	
D	Header	2	19' 11"	
E	Outer Joist	1	9' 7 1/2"	
F	Internal Joist	14	9' 7 1/2"	

Cut Angles: L=Left, R=Right, F=Front, S=Side

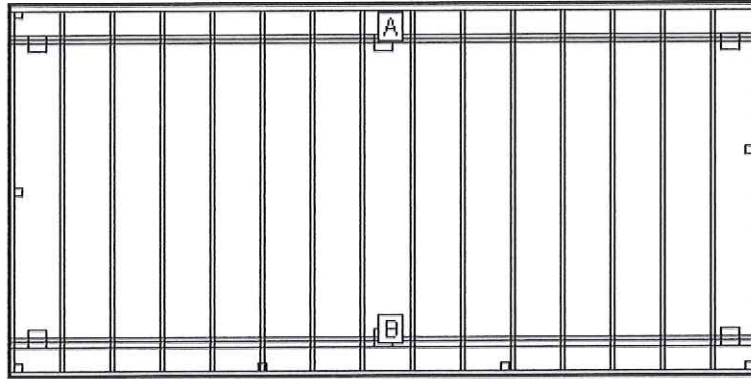
MATERIALS CUT LIST: LEVEL 2



Label	Name	Quantity	Length	Bevels
A	Fascia	2	4' 2 3/4"	45,45
B	Fascia	2	2'	45,45
C	Outer Joist	2	3' 10 1/2"	
D	Header	2	1' 11"	
E	Internal Joist	1	3' 10 1/2"	
F	Stringer	6	1' 1 1/2"	

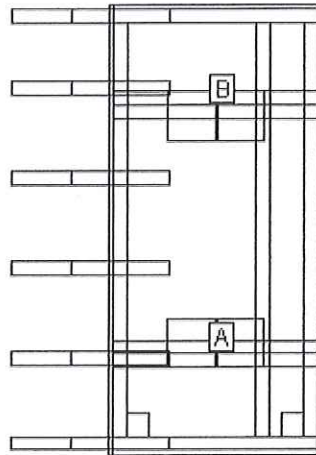
Cut Angles: L=Left, R=Right, F=Front, S=Side

BEAM LAYOUT LEVEL 1



Label	Beam Length	Post Count	Post Spacing
A	19' 11"	3	9' 2 3/4"
B	19' 11"	3	9' 2 3/4"

BEAM LAYOUT LEVEL 2



Label	Beam Length	Post Count	Post Spacing
A	1' 11"	2	5 1/2"
B	1' 11"	2	5 1/2"

Manufactured Homes in AR-1 and AR-2 Zoning District

- Lot with no previous manufactured home:
 - Minimum lot size is $\frac{3}{4}$ ac. (32,670 SF)
 - Multi-sectional only (double wide)
 - Home can not to be more than 5 years old
- Lot with existing manufactured home:
 - May replace manufactured home with a new manufactured home per the following:
 - Single wide to single wide - OK
 - Single wide to double wide - OK
 - Double wide to double wide - OK
 - Double wide to single wide - NO
 - Home shall be newer than the existing home (ex. 1980 replaced with 1981)
- Minimum size of manufactured home is 450 SF

Manufactured Homes in Park

- Minimum size of manufactured home is 450 SF
- 20 ft. separation distance between other dwellings and accessory structures (includes decks and porches)
- Maximum lot coverage is 35%
- Setback is 10 ft. if newer park – see planning
- Setback is 5 ft. if older park – see planning

- Accessory structures may be 5 ft. from lot lines; however, shall still comply with 20 ft. separation distance

Board of Adjustment

- Application for a variance to the County Zoning Code or a special use exception can be made to the Board of Adjustment through the Planning and Zoning Office

SUSSEX COUNTY
DELAWARE



PLANNING AND ZONING

Reference Guide

A reference for citizens seeking information on Building Permits. For specific information, please contact the Planning and Zoning Department at (302) 855-7878.

Planning and Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947

Phone: (302) 855-7878
Fax: (302) 854-5079
sussexcountytde.gov

Revised 7/2018

This reference guide provides information for many commonly asked Building Permit questions:

Setback (definition)

A minimum distance which a building or other structure must be set back from a lot line

Decks and Porches

- Unenclosed decks, steps, porches, platforms, etc. may encroach 5 ft. into the front yard setback and 5 ft. from rear and side property line. If it has a roof, awning (ex. portico), or is enclosed, it shall not encroach into the setbacks.
- Patios under 6 inches in height may go to the property line
- 2nd floor and higher decks shall comply with the setbacks that apply to the house

Accessory Structures

Sheds, detached garages, pole buildings, etc.

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

Fences, Walls & Signs - Residential

- Fences may go on the property line
- Maximum height in the front yard setback is 3 ½ ft.
- Maximum height in the side and rear yards is 7 ft.
- Maximum height for corner visibility is 3 ½ ft.

Fences, Walls & Signs – Commercial, Industrial or Agricultural

- Fences may go on the property line
- Maximum height at a corner is 3 ½ ft.
- Planning Director may approve height over 7 ft.

Swimming Pools

- Shall be 10 ft. from side property line
- Shall be 6 ft. from rear property line
- Shall have a 3 ft. walk space between wall of pool and fence or barrier wall
- Shall have a 4 ft. safety fence or barrier wall
- Aboveground decks may be 5 ft. from side and rear property lines

Other Encroachments into Setbacks

- AC units may encroach into the setbacks a maximum of 3 ft.
- Sills, belt courses, chimneys, cornices and ornamental features may encroach into the setbacks a maximum of 2 ft.

Small Lots

- Lots less than 10, 000 SF that are not part of a cluster subdivision, ESDDOZ subdivision or RPC
 - Average front yard setback, not less than 5 ft.
 - 5 ft. side yard setback
 - Rear yard setback reduced 5 ft.
- Accessory structures shall comply with 5 ft. setback (ex. HVAC, chimneys, decks, etc.)

Animals – Private (Personal Use)

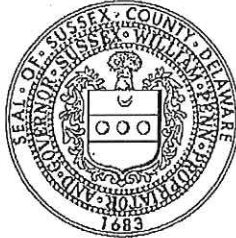
- On a farm of less than 5 acres
 - Less than 4 cows, 8 sheep, 8 goats and 8 hogs
 - Less than 99 chickens
- Stable for horses
 - Private – 4 or fewer horses or mules

Animals – Public (Commercial Use)

- On a farm of 5 acres or more
 - More than 4 cows, 8 sheep, 8 goats and 8 hogs
 - 100 + chickens
- Stable for horses
 - Public - more than 4 horses or mules

Permits Required for:

- Single and multi-family dwellings, manufactured housing (including replacement), commercial construction
- Accessory structures (garages, sheds, gazebos, carports, playhouses, pole buildings, agricultural buildings, pools, solar panels, retaining walls)
- Additions and renovations (porches, sunrooms, decks, fireplace, siding, structural roofing, interior/exterior renovations, finished basements, patios, fences)



Sussex County

Certificate of Occupancy/Compliance

CERTIFICATE NUMBER: 102341

PARCEL ID: 334-13.00-310.00-55797

LOCATION: 19942 CENTER MANUF.

DESCRIPTION: IMP ON LOT C-66 SEA AIR

OWNER: SUN HOMES

PROJECT DESCRIPTION: MANUFACTURED

NEW MH PLACEMENT 2018 SKYLINE 70X14

VARIANCE # 12011 APPROVED 8/21/17

Issued Date: 12/17/2018

Expiration Date:

This certifies that the (structure) (premises) describe in Application #201802944 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.

Spencer M. Cornwell

Zoning Official

Anche Adijit

Building Code Officer



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SUN HOMES

(Case No. 12011)

A hearing was held after due notice on August 21, 2017. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the separation requirements.

Findings of Fact

The Board found that the Applicant is seeking a variance of 1.0 feet from the twenty (20) feet separation requirement from the dwelling on Lot 68 and a variance of 5.1 feet from the twenty (20) feet separation requirement from the dwelling on Lot 64 for a proposed dwelling. This application pertains to certain real property located at the north side of Center Avenue approximately 364 feet southwest of Skyview Street (911 Address: 19942 Center Avenue, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-310.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, drawings, a plan for the community, pictures, an aerial photograph of the Property, and a survey dated May 4, 2017.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Rich Shipley was sworn in to testify about the Application.
4. The Board found that Mr. Shipley testified that he is the community manager of Sea Air Village and that he is employed by Sun Homes who will be placing the manufactured home on the lot. This request is for variances to allow for the placement of that home.
5. The Board found that Mr. Shipley testified that the lots in the community were laid out in the 1930s or 1940s and the lots in the community are too small to accommodate the smallest manufactured homes available on the market.
6. The Board found that Mr. Shipley testified that the Property is unique because it is too narrow to fit the smallest 14 feet wide manufactured home that is available for purchase today.
7. The Board found that Mr. Shipley testified that the variance will not alter the essential character of the neighborhood.
8. The Board found that Mr. Shipley testified that this home is the 15th new home placed in the community over the last three years in Sea Air Village and this request is the first variance request.
9. The Board found that Mr. Shipley testified that the previous dwelling was a 1967 model that measured approximately 11 feet wide. A 14 feet wide home is the narrowest model available.
10. The Board found that Mr. Shipley testified that the Property cannot be developed in strict conformity without a variance and the variances are necessary to enable the reasonable use of the Property.
11. The Board found that Mr. Shipley testified that the exceptional practical difficulty has not been created by the Applicant.
12. The Board found that Mr. Shipley testified that, without the variances, the lot will be rendered useless.

13. The Board found that no parties appeared in support of or in opposition to the Application
14. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is unique as it is narrow and shaped at an angle. The lot was laid out with others in the community in the 1930s or 1940s and the lots are small in comparison with the size of modern-sized manufactured homes. The Applicant has located the narrowest available home on the market but is still unable to place the home on the lot due to the location of the homes on neighboring lots (Lots 64 and 68). Notably, the home on Lot 68 is very close to the property line and its HVAC unit actually encroaches onto the Property. The narrow shape of the lot has created an exceptional practical difficulty for the Applicant who seeks to place a new manufactured home on the Property consistent with others in the neighborhood but cannot do so in compliance with the Sussex County Zoning Code.
 - b. Due to the uniqueness of the Property and the placement of the manufactured home on a neighboring lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicant proposes to place a reasonably sized manufactured dwelling consistent with other homes in the neighborhood but is unable to do so without violating the separation distance requirements between mobile homes. The variances are thus necessary to enable reasonable use of the Property. The Board is convinced that the shape and location of the dwelling are also reasonable (which is confirmed when reviewing the survey). Furthermore, the Board notes that the Applicant is replacing a small, 1967 model home with a newer model that will be approximately 3 feet wider than the previous home. The Board is convinced that the Applicant was unable to locate a newer model home that was a similar size to the previous home on the lot.
 - c. The exceptional practical difficulty was not created by the Applicant. The Property is quite narrow which greatly limits the buildable area thereof. The buildable area is further restrained by the location of homes on adjacent lots. It appears impossible for a home to be placed on the Property without violating the separation distance requirements. This exceptional practical difficulty was created by the unique conditions of the Property and the development of adjacent lots.
 - d. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the home will not have a negative impact on the neighborhood. The un rebutted testimony confirms that there are other similar homes in the neighborhood and the proposed home is consistent with those homes. No evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare.
 - e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant place a reasonably sized

manufactured home on the Property. The home is one of the narrowest models available and minimizes the need for a variance on the Property.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date October 17, 2017

**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 # 12448
Hearing Date 20200317

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:

16344 STAYTONVILLE RD LINCOLN, DE 19960

Variance/Special Use Exception/Appeal Requested:

*Private Pistol Range /
ON the Back of my Property*

Tax Map #: 230-25.00-4.05

Property Zoning: AR-1

Applicant Information

Applicant Name: STEVE JOSEPH BAIRD JR

Applicant Address: 16344 STAYTONVILLE RD

City LINCOLN **State** DE **Zip:** 19960

Applicant Phone #: (302) 339-2594 **Applicant e-mail:** STEVEBAIRDJR@GMAIL.COM

Owner Information

Owner Name: SHAUNA BAIRD

Owner Address: 16344 STAYTONVILLE RD

City LINCOLN **State** DE **Zip:** 19960 **Purchase Date:** 12/1/04

Owner Phone #: (302) 745-5777 **Owner e-mail:** SHAUNABAIRD7@GMAIL.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

Shauna Baird

Date: 3/18/20



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

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

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

I WOULD LIKE TO PUT A PRIVATE PISTOL RANGE AT THE BACK OF MY PROPERTY . IT WILL NOT AFFECT MY NEIGHBORS . OR CHANGE TRAFFIC PATTERNS . I WILL BE 100 YARDS AWAY FROM MY DWELLING OR ANY OTHER HABITATED DWELLING . I WILL MAKE SURE TO HAVE PROPER BACKSTOP AND ABIDE BY ANY AND ALL COUNTY STATE AND FEDERAL LAWS . THANK YOU FOR YOUR CONSIDERATION

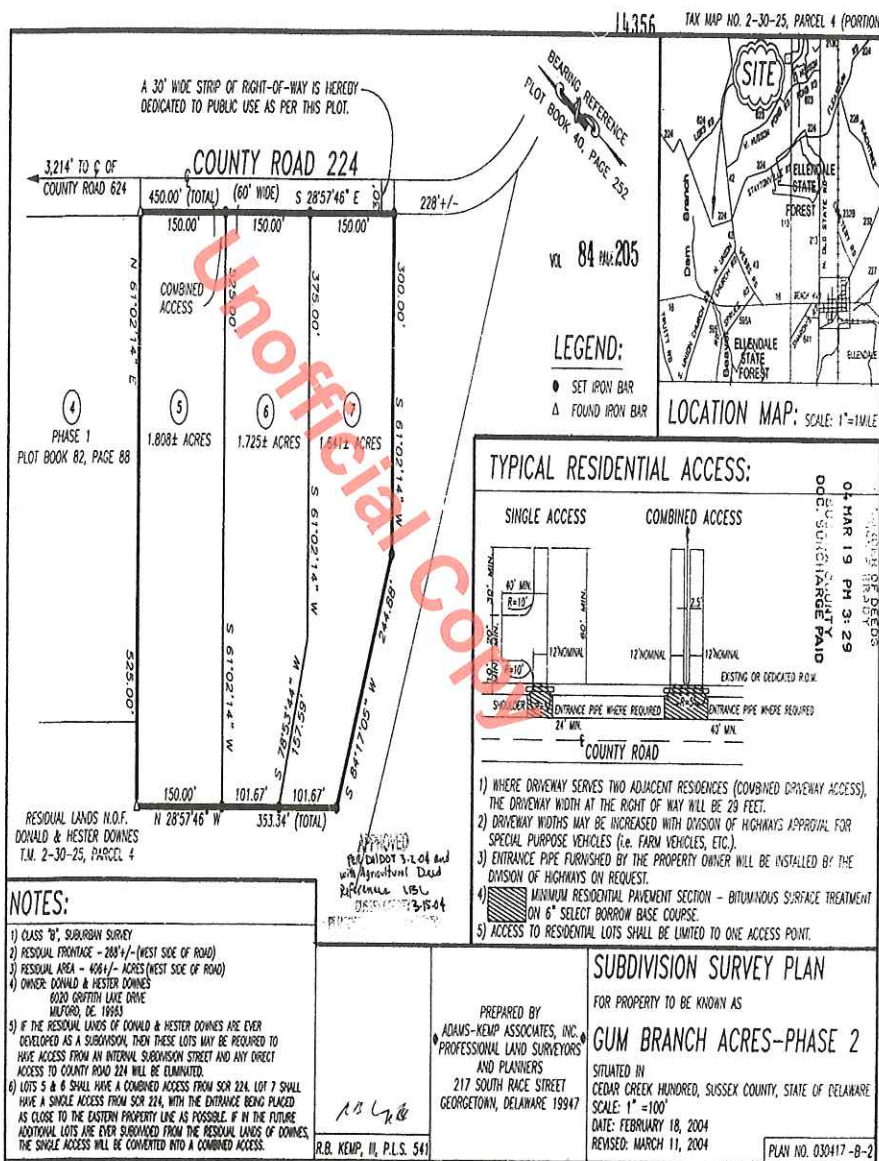
-
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

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

Dear Board of Adjustment ,

We are neighbors of Steve and Shauna Baird and we have no objection to him putting a private pistol range at the back of his property . He is a USCCA certified instructor and will be teaching basic firearm and home defense training on the back of the property . Mr baird will be the required 100 yds from all occupied dwellings and it wont affect our way of living or traffic flow on our road .

Dean Elliott 16324 Staytonville RD Lincoln, DE 19960
D. Elliott





Addresses / Parcels

TaxParcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE Vo Tech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance

Flood Hazard

A

AE

AO

Open Water

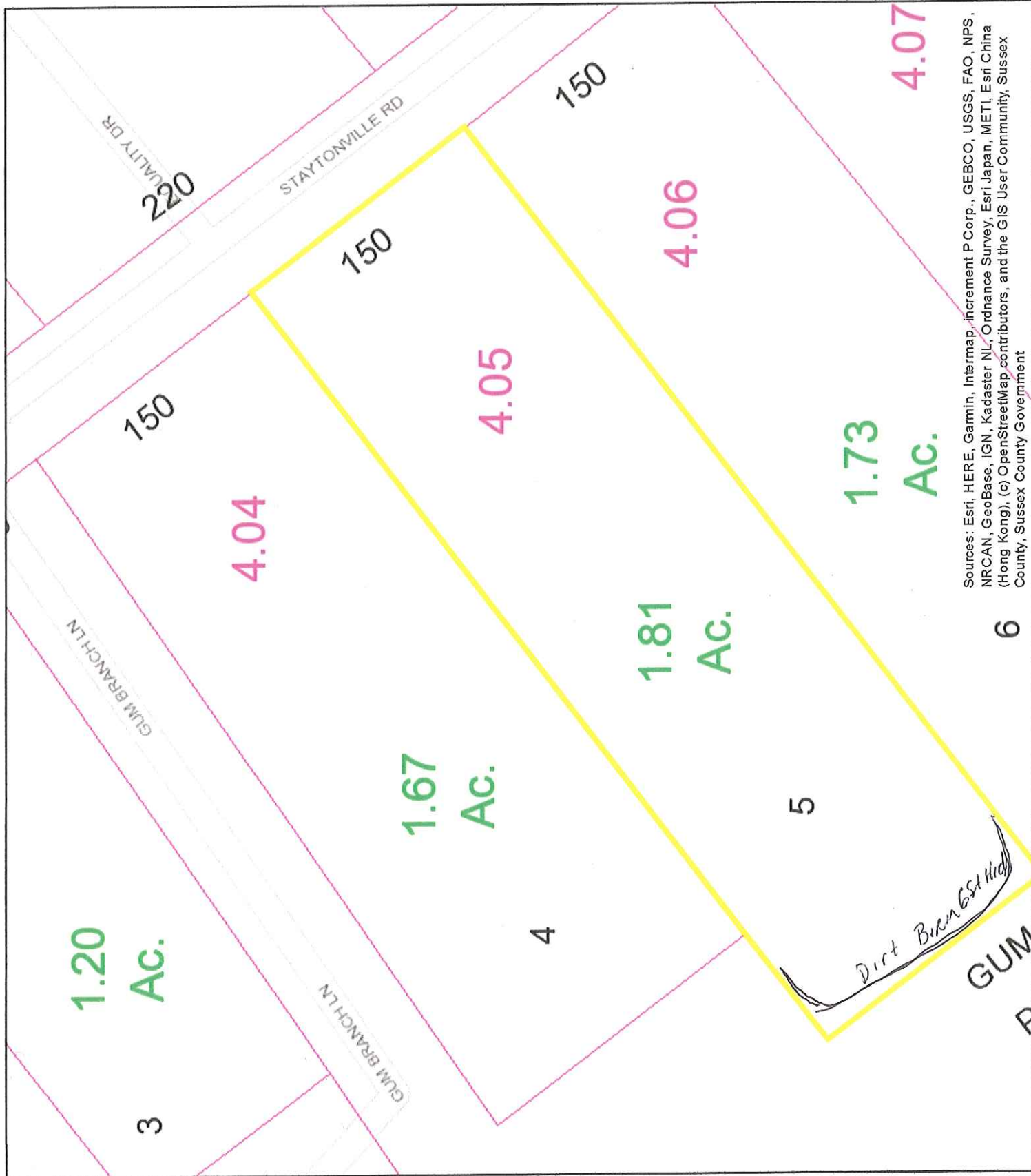
VE

Public Protected Lands

Municipalities

Communities

Boundaries State County



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



Sussex County Map



Dear Board of Adjustment ,

We are neighbors of Steve and Shauna Baird and we have no objection to him putting a private pistol range at the back of his property . He is a USCCA certified instructor and will be teaching basic firearm and home defense training on the back of the property . Mr baird will be the required 100 yds from all occupied dwellings and it wont affect our way of living or traffic flow on our road .

16363 Staytonville Rd. Lincoln Ne.



Derek Pinkstaff

Dear Board of Adjustment ,

We are neighbors of Steve and Shauna Baird and we have no objection to him putting a private pistol range at the back of his property . He is a USCCA certified instructor and will be teaching basic firearm and home defense training on the back of the property . Mr baird will be the required 100 yds from all occupied dwellings and it wont affect our way of living or traffic flow on our road .


Donald D Downes JR
12443 Gum Branch Lane
Lincoln, DE
19960

Donald D Downes

Dear Board of Adjustment ,

We are neighbors of Steve and Shauna Baird and we have no objection to him putting a private pistol range at the back of his property . He is a USCCA certified instructor and will be teaching basic firearm and home defense training on the back of the property . Mr baird will be the required 100 yds from all occupied dwellings and it wont affect our way of living or traffic flow on our road .

16360 Staytonville Rd
Lincoln DE 19960


Jennifer Johnson

TO WHOM IT MAY CONCERN ,

MY NAME IS STEVE JOSEPH BAIRD JR . AND I'M THE OWNER OF BAIRDS GUNS AND AMMO IN LINCOLN DELAWARE . I AM WRITING YOU TO INFORM YOU THAT IM SEEKING A SPECIAL USAGE PERMIT TO OPERATE A PRIVATE PISTOL RANGE ON MY PROPERTY AT 16344 STAYTONVILLE RD IN LINCOLN, DE.

I WILL BE TEACHING SELF DEFENSE AND FIREARMS TRAINING FOR CONCEALED CARRY IN THE STATE OF DELAWARE . I HAVE SPENT WEEKS GETTING PREPARED FOR THIS HEARING AND DOING ALL RESEARCH TO MAKE SURE THAT WHEN I OPEN I AM COMPLYING WITH A LOCAL AND STATE LAWS . PLEASE UNDERSTAND THAT I WILL BE SIFTING LEAD SHOT WEEKLY AND STORING IN CLEARLY LABELED DRUM TO MELT DOWN FOR FISHING WEIGHTS . I WILL HAVE FIRST AID STATION ON RANGE AND NO ONE WILL BE SHOOTING WITHOUT MY SUPERVISION .. MY RANGE IS CONSTRUCTED ON BACK 50FT OF MY PROPERTY . I HAVE A FILLED 10 FEET HIGH BERM CONSTRUCTED THAT NO BULLET 22LR TO 45 CALIBER BULLET CAN PASS THROUGH . THERE IS 414 ACRES OF PROPERTY THAT IS OWNED BY MY UNCLE, DONALD G. DOWNES SR. BEHIND MY BERM. I ALSO HAVE HIS PERMISSION TO PUT UP MY RANGE . PROPER SAFETY MEASURES ARE GOING IN PLACE TO INSURE EVERYONES SAFETY . I UNDERSTAND THAT I MUST PROPERLY DISPOSE OF LEAD FRAGMENTS AND THAT SOIL SAMPLES MUST BE TAKEN BEFORE THE SOIL IS EVER REMOVED FROM MY PROPERTY.

BMP for Lead at Outdoor Shooting Ranges

The greatest concerns of all the articles I've read was about large area of lead shot from shotguns as opposed to bullets confined in a small area that are easily reclaimed and recycled.

How is Lead Shot Regulated Under RCRA?

Lead shot is not considered a hazardous waste subject to RCRA at the time it is discharged from a firearm because it is used for its intended purpose. As such, shooting lead shot (or bullets) is not regulated nor is a RCRA permit required to operate a shooting range. However, spent lead shot (or bullets), left in the environment, is subject to the broader definition of solid waste written by Congress and used in sections 7002 and 7003 of the RCRA statute.

With reference to reclaiming and recycling lead shot, the following points should serve as guidance in understanding RCRA and how it applies to your range. (A more detailed discussion of the underlying RCRA rules applicable to lead shot removal at ranges is included in Appendix D)

- **Removal contractors or re-claimers should apply standard best management practices, to separate the lead from soil. The soil, if then placed back on the range, is exempt from RCRA. However, if the soil is to be removed off-site, then it would require testing to determine if it is a RCRA hazardous waste.**

- **Lead, if recycled or reused, is considered a scrap metal and is, therefore, excluded from RCRA.**

- **Collected lead shot and bullets are excluded from RCRA regulation, and need not have a manifest, nor does a range need to obtain a RCRA generator number (i.e., the range is not a hazardous waste "generator"), provided that the lead is recycled or re-used.**

- **Lead removal will allow the range to: avoid contamination of the site and potential impacts to human health and the environment; reduce liability with regard to potential government agency or citizen suit action; and, possibly, benefit economically from the recycling of lead.**

Bullet Containment

Knowing where spent lead is allows the appropriate BMP to be used. The single most effective BMP for managing lead in these areas is by bullet containment. Owners/operators should employ a containment system that allows for the maximum containment of lead on-site.

Vegetative Ground Cover

Planting vegetative ground cover (such as grass) is an important and easy erosion control method. Vegetation provides several benefits by minimizing the amount of lead that will run off the land surface during heavy rainfall. It is important to use a mixture of grass seeds to ensure that the cover will last into the future (i.e., annual rye grass lasts one year and dies and perennial rye grass lasts three to four years, then dies off). Fescue grasses form useful mats that are effective in controlling erosion

Hand Raking and Sifting

A simple BMP that can be done by club members, particularly at small ranges, is raking and/or sifting bullet fragments from the soil. Sifting and raking activities should be concentrated at the surface layer. This is a low technology and low-cost management alternative for lead reclamation. Once collected, the lead must be taken to a recycler or reused.

Concentrating the lead shot in a smaller area by modifying the shooting direction facilitates lead management by providing a smaller and more dense area of lead to both manage in-place and reclaim, thereby making the management and reclamation process simpler and more effective

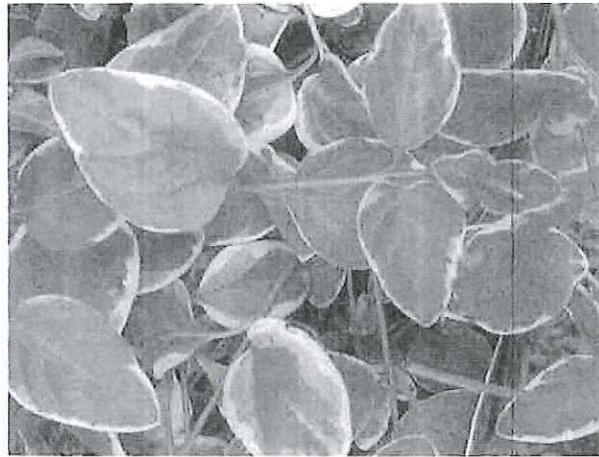
OUR PLAN: Reuse lead in the manufacturing of fishing weights, decoy weights, and bullet heads for reloading. We will recover the lead by hand raking and sifting and prevent erosion by planting grasses and Green & White Variegated Vinca Ground Cover Vine. I will be hand raking and sifting lead every sunday to remove lead bullets and storing the lead in sealed container to melt down for fishing sinkers .

Action Plan:

WE HAVE INSTITUTED

Vegetate the backstop berm to minimize erosion.

**By planting grasses and Green & White Variegated Vinca
Groundcover Vine**



Apply lime to the berm and foreground if pH test determines it is necessary. pH of Groundwater - Although other factors influence solubility of lead in water, a good rule of thumb is that lead will precipitate out of solution when the pH or alkalinity of water is greater than about 7.5.

These BMPs create a four step approach - lead Management

Step 1 -

Control and contain lead bullets and bullet fragments

Step 2 -

Prevent migration of lead to the subsurface and surrounding surface water bodies -6.8

Step 3 -

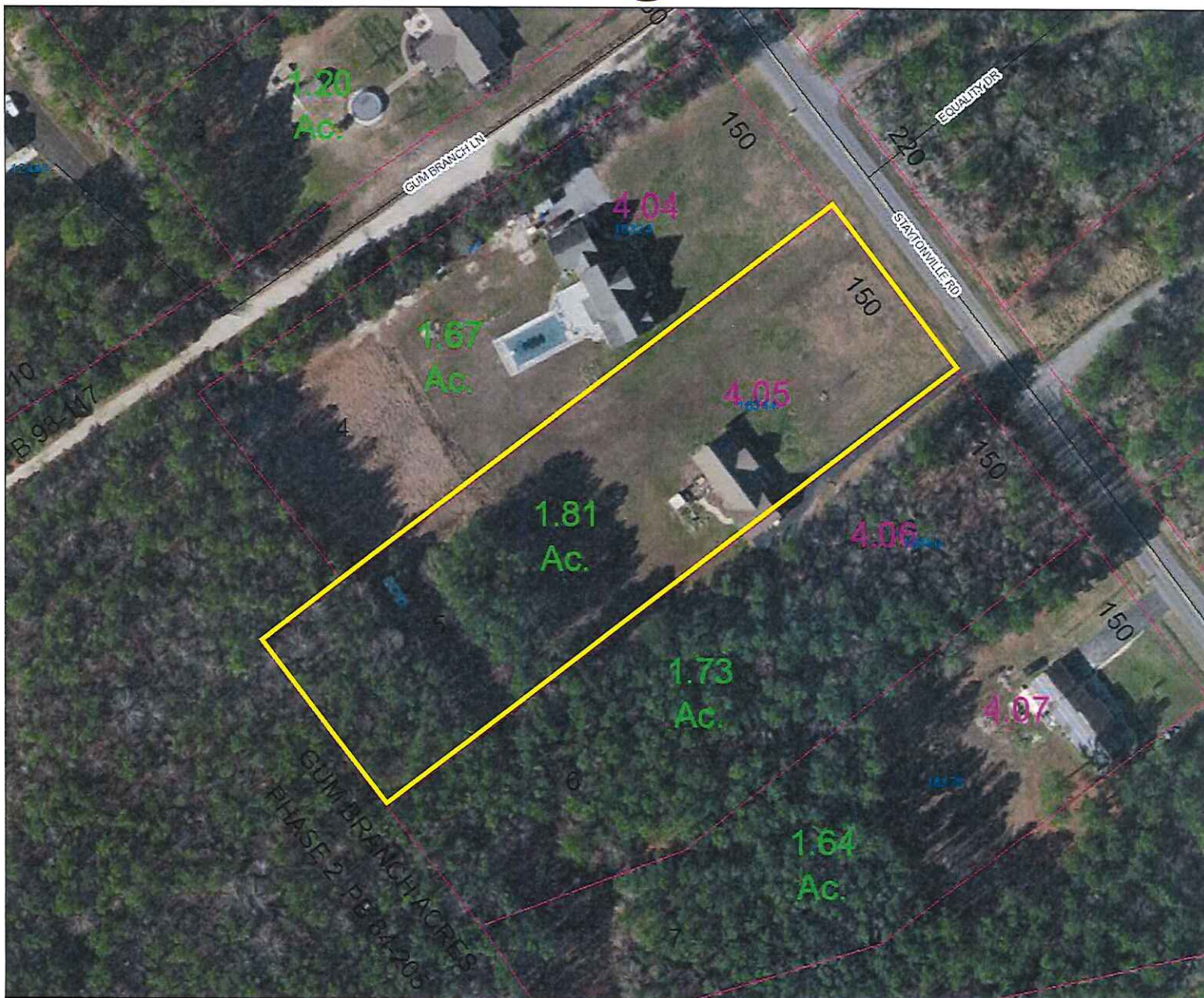
Remove the lead from the range and recycle

Step 4 -

Documenting activities and keeping records

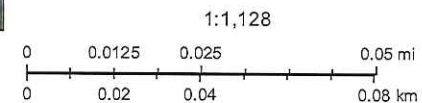


Sussex County



PIN:	230-25.00-4.05
Owner Name	TEED SHAUNA M
Book	3083
Mailing Address	16344 STAYTONSVILLE RD
City	LINCOLN
State	DE
Description	GUM BRANCH ACRES
Description 2	LOT 5 PHASE 2
Description 3	SW/RD 224
Land Code	



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



Letters of Support Exhibit
Case No. 12448 Lands of Steve Joseph Baird, Jr
230-25.00-4.05



Legend

-  Subject Property
-  Letters of Support

**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 # 12449
Hearing Date _____

RECEIVED 202003409

MAR 25 2020

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

#8, (911) 38254 ROBINSONS DRIVE, REHOBOTH BEACH, DE 19971

Variance/Special Use Exception/Appeal Requested:

Tax Map #: 3-34-20.09-36.00

Property Zoning: MR

Applicant Information

Applicant Name: LLOYD HARRISON

Applicant Address: 1221 ALGONQUIN ROAD,

City CROWNSVILLE State MD Zip: 21032

Applicant Phone #: 410-353-8826 Applicant e-mail: LLOYD@HARRISON.NET

Owner Information

Owner Name: LLOYD HARRISON

Owner Address: 1221 ALGONQUIN ROAD

City CROWNSVILLE State MD Zip: 21032 Purchase Date: _____

Owner Phone #: 410-353-8826 Owner e-mail: LLOYD@HARRISON.NET

Agent/Attorney Information

Agent/Attorney Name: N/A

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Lloyd Harrison

Date: MARCH 23, 2020



Supplemental sheets for the Variance request of Lloyd and Judith A Harrison to construct a swimming pool within the rear yard setback at 38254 Robinson's Drive, Rehoboth Beach, Delaware.

Variance /Special Use Exception/ Appeal Requested:

We request a 16-foot variance from the 30 foot in the rear yard to construct an in-ground swimming pool.

Our Robinson's Drive property is a through-lot with the rear portion of the lot bordering on Anna B Street, a dead-end road. The normal setback for a swimming pool is 6 feet from the rear property line. However, for a through-lot, the rear property line setback is increased to 30 feet. We are asking to be allowed to construct the in-ground swimming pool 16 feet into the through-lot 30-foot set back. All other setbacks will be met. The variance, if permitted, will result in the pool being setback 14 feet from the rear property line/ fence and 23 feet from the pavement of the rear dead-end road.

Page 2, item 1. Uniqueness of property:

The lot has limited space for a swimming pool. The road in front of the house, Robinson's Drive, crosses the lot at an oblique angle shortening one side of the lot by 9.07 feet. This oblique angle of the road forces the house to setback further into the lot. The concrete steps on rear of the house end 43 feet from the rear property line. The lot is 50 feet wide. There is a garage in the backyard of the house (rear end of the lot), built prior to 1950. It is 21.9 feet wide and is located within 11.2 feet from the rear property line and 3.9 feet from the east side property line. On the opposite side property line, the geothermal heating /cooling system well-field is buried within a 10-foot-wide dedicated area. Without any variance, the pool be 5 feet by 10 feet and block the rear stairs to the house. With the variance, the pool can be 10 feet wide and 20 feet long fitting in architecturally along and within the garage masonry wall.

Page 2, Item 2: Cannot otherwise be developed:

If the 30 foot through-lot setback zoning code is strictly enforced it would result in the pool being 5 feet long located within 3 feet from the rear house stairs and partially blocking the rear exit from the house. On the far side of the pool there would likely be a concrete apron spanning 30 feet to the rear lot line. This compliance would result in the pool being a physical obstruction to using the rear yard. The variance is necessary to enable architecturally proper and reasonable use of the property by siting a small size pool centered along the garage wall with concrete aprons/walkways extending to each end of the garage. The actual pool would be 14 feet from the rear property line and 23 feet from the rear,

dead ended, road pavement. It should be noted that the rear road is a dead end road, ending a 100 feet to the east. Both lots and houses have pools in their rear yards with high fences on their rear lot lines.

Page 2. Item 3: **Not created by the applicant:**

As was pointed out in item 2 above, the garage was sited on the lot prior to 1950, at least 40 years prior to the current owners. The geothermal heating/cooling system well field was selected years ago along the side property line opposite the garage because it is buried would provide open space to the adjacent undeveloped lot

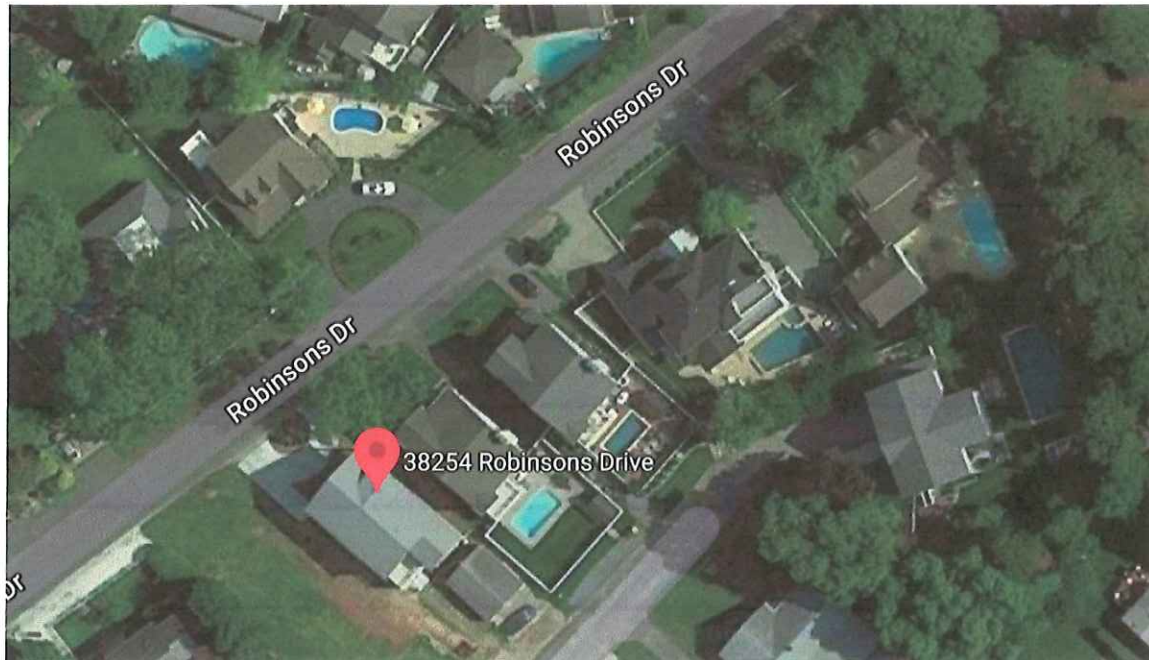
The narrow width of the lot, angular intersection with the front road and the zoning criteria were created by others prior to our arrival.

Page 2. Item 4: **Will not alter the essential character of the neighborhood.**

The addition of a backyard in-ground pool will not alter the essential character of the neighborhood. it will be in line with it. The adjacent lot to the southwest is a vacant undeveloped lot slightly longer than our current lot. The adjacent five Robinson Road lots to the northeast all have swimming pools in their rear lots with high fences on the property lines. The first two lots have their pools sited across their lots. Those lots are shorter and had no structures or encumbrances in their rear lots. The pools in both of these properties are also within the 30 foot through-lot setback. The pool at 38256 Robinsons Drive is 22 feet from the rear property line and the pool at 38258 is 16 foot 7 inches from the rear property line. The rear road, Anna "B" Street, dead- ends after these two 50 foot lots. The next two adjacent lots on Robinsons Road have their rear yard pools, but no rear road. The fifth adjacent lot is at the dead-end of Anna "B" Street and their rear lot pool meets the 6 foot rear property line criteria.

Across Robinsons drive from our property to the northeast, the pool and pool fence is sited to the side and slightly in front of their house. The property next to that one has their pool sited to close the side lot line but bordering on Robinson Drive.

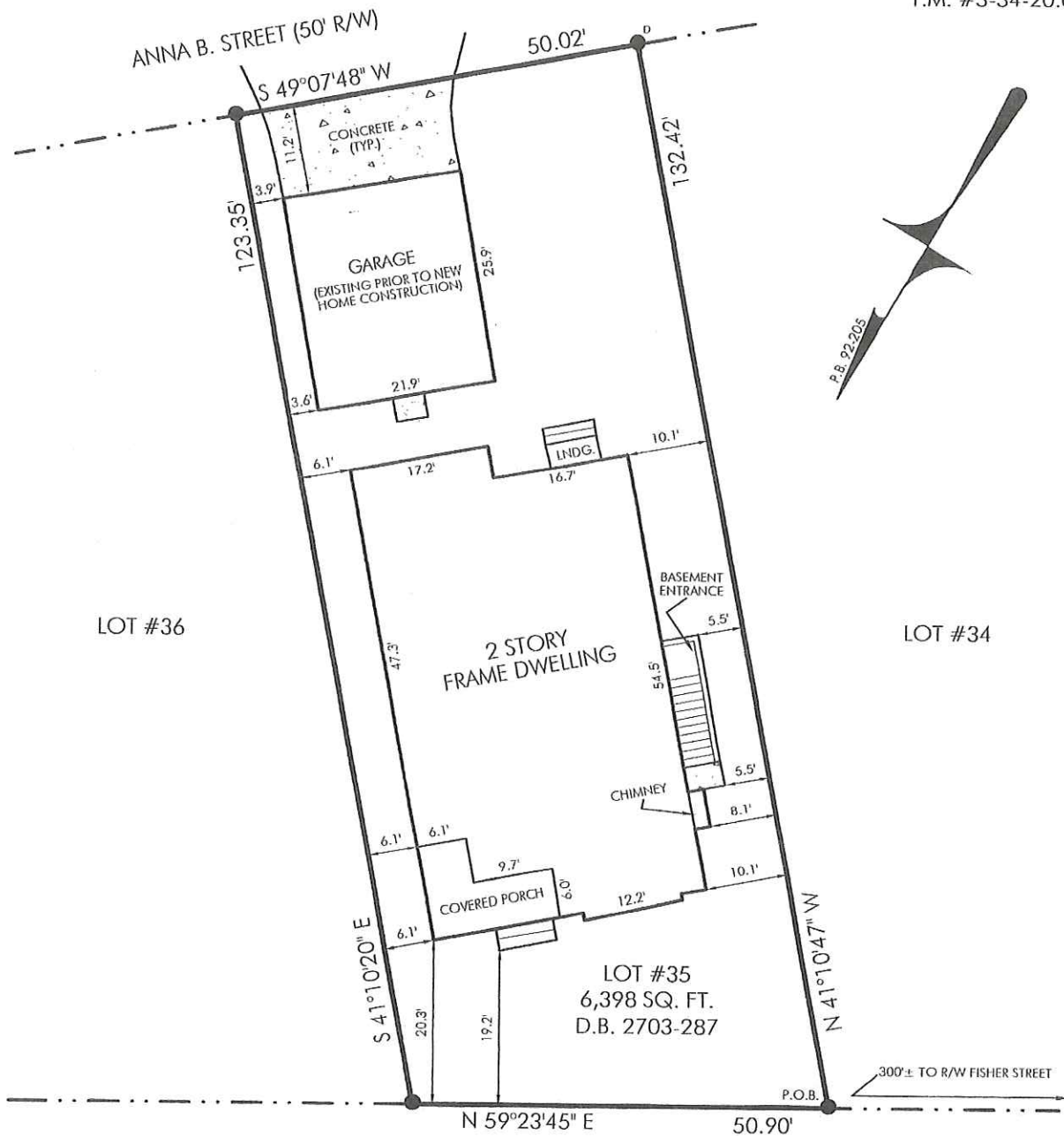
There are several other pools in close proximity to our property. The purpose of pointing out the above is to show that a rear lot pool is in character with the neighborhood. Both of these through- lots were sited within the 30 foot setback and have their pool/back yard fences on the rear property line along Anna "B" Street



Page 2., Item 5: **Minimum variance:**

We are asking for the minimum variance that will result in the most architecturally sound siting for the pool. To crowd a abbreviated pool 3 feet from the rear door of the house while the rear of the lot stands vacant and enclosed in a fence, does not support good practice and planning.





ROBINSON'S DRIVE (50' R/W)

EDGE OF PAVING

LEGEND:

- IRON PIPE (FOUND)
- DISTURBED IRON PIPE (FOUND)

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL SUSSEX CO. (302-855-7878) AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES). THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN

DWELLING FINAL AS-BUILT SURVEY FOR
LLOYD HARRISON

38254 ROBINSON'S DRIVE, REHOBOTH BEACH

LOT #35 BLOCK F OF "DODD'S ADDITION TO REHOBOTH" SUBDIVISION

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

APRIL 3, 2018 SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

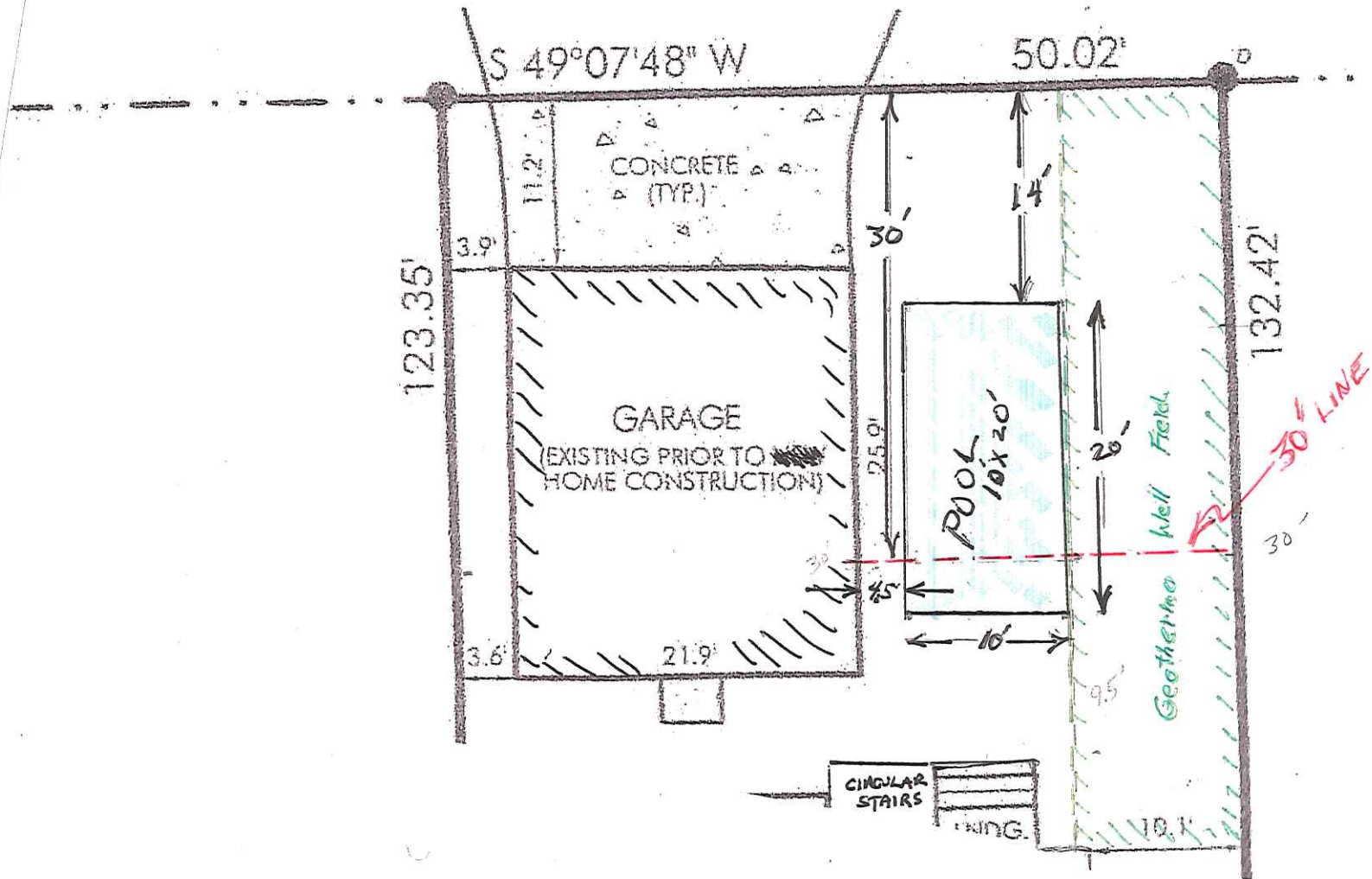
302 226 2279 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

ANNA B. STREET (50' R/W)



Swimming Pool Variance Request

38254 ROBINSONS DRIVE
19971

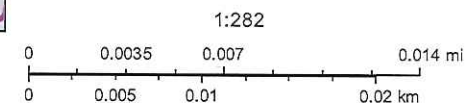


Sussex County



PIN:	334-20.09-36.00	
Owner Name	HARRISON	LLOYD
	JUDITH ANN	
Book	2703	
Mailing Address	1221 ALGONQUIN RD	
City	CROWNSVILLE	
State	MD	
Description	DODD'S ADDITION	
Description 2	LOT 35 BLK F	
Description 3	ANNA B ST	
Land Code		

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



VARIANCE REQUEST

C/V #12449

for

38254 Robinsons Drive

Sussex County Jurisdiction

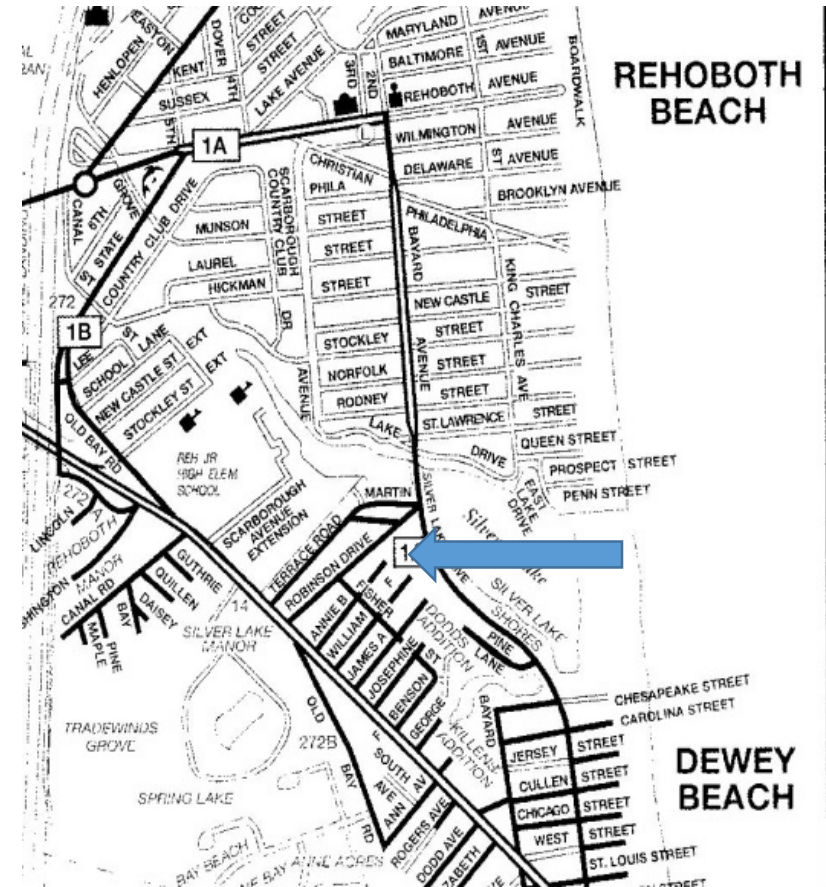
Post Office address:

Rehoboth Beach, DE 19971



LOCATION

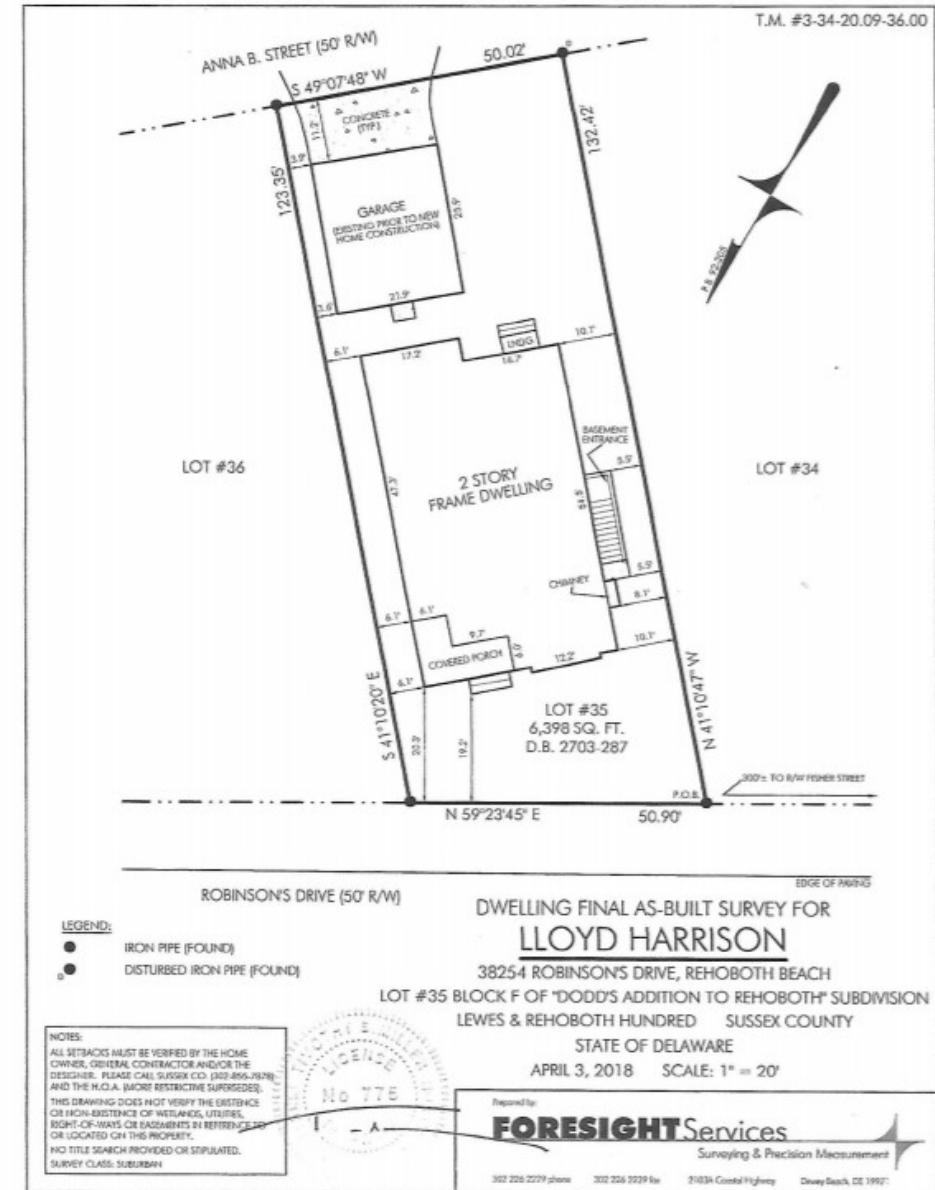
- Located in the “Forgotten mile” in Sussex County ,next to, but outside the incorporated limits of Rehoboth and Dewey Beach.
- Property #8 Robinsons Drive. In 2003 changed to “911” address # 38254.
- Robinsons Drive is a major shortcut to route 1 for traffic in South Rehoboth. The remaining local streets from South Rehoboth to route 1 are dead ended.



THE LOT

Property Survey : Pg 4

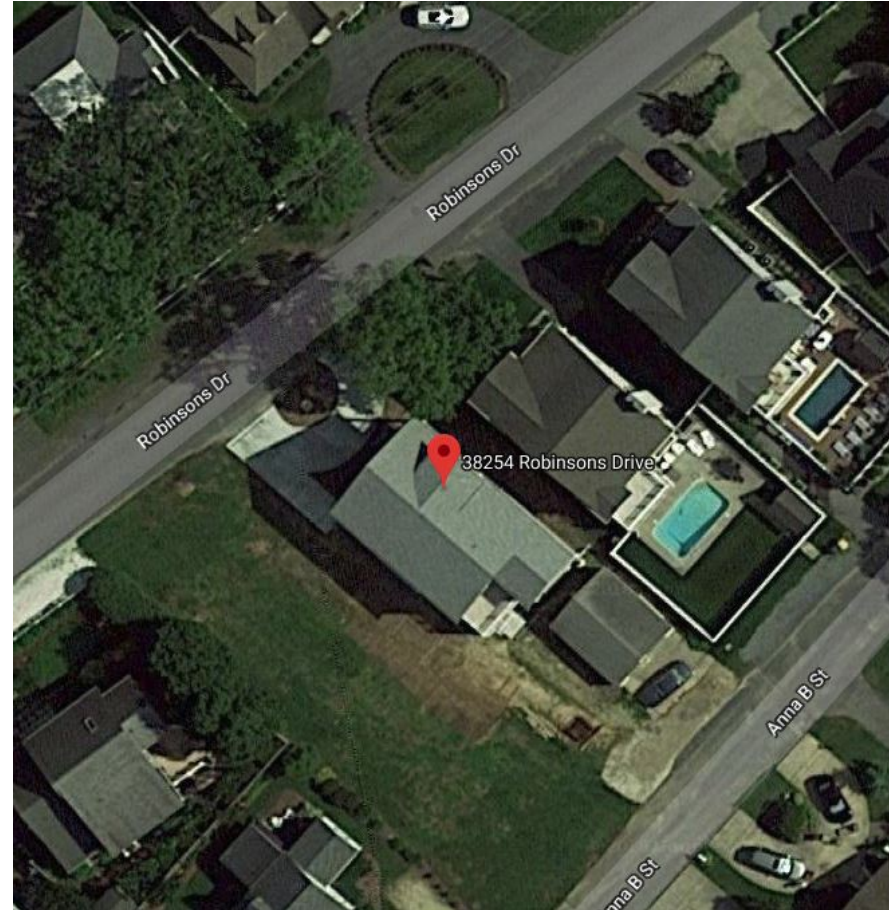
- Robinsons Drive, crosses the front of the lot at an angle of 100 degrees:
 - Houses run parallel to the side lot lines,
 - House fronts “step” down the street.
 - East lot line is 9.07 feet shorter than the west side



PROPERTIES NEXT DOOR

38254 Robinsons Drive borders a:

- Vacant lot (#34) on the west side
- Dead end street in the rear.
- 2 through lots to the East side.



THE SITE



Garage Rear setback to Anne “B” Street is 26.5 feet from garage to pavement. And 11’2” to the rear property line. Anna B Street is dead ended 94’7” away.

The yard has only 24.2’ available from the garage to the side property line. The 10’ geothermo well field and 4’ garage stand off leave only 10’2” .



ANNA B ST: DEAD END ROAD



VARIANCE REQUESTED:

Pg 1 Para 2

Swimming Pool Setback:

- A 17-foot variance from the 30 foot through lot setback in the rear of the Robinsons Drive property to construct an in-ground swimming pool. All other setbacks will be met.
 - Resulting setback from the lot line will be 13',
 - Existing garage set back is only 11'2".
 - Resulting setback from asphalt road edge will be 26.5 feet

Fence Height:

- A variance from "maximum height at corner of 3 ½ ' "(or 4' required for pool) to construct a 6' safety/barrier fence for the pool in the rear of the property.
 - This height matches the fence heights of the neighbors' rear lot pools.

UNIQUENESS OF THE PROPERTY :

Pg 2 Para 1

The uniqueness of the Robinson's Drive property warrants this request.

- The property is one of 3 adjacent through lots with the house fronts and addresses on Robinson Drive.
- The adjacent 2 properties have swimming pools in the rear of their rear through lots which border on Anna B, a dead end road.
- The road in front of the house, Robinson's Drive, crosses the lots at an oblique angle shortening one side of each property by 9.07 feet
- The road in the rear, Anna "B" Street, dead ends after these next two 50 foot lots some 94.7 ' away.
- These three properties all have their driveways to park their cars on Robinsons Drive.
- Our rear lot includes a 26' x 22' double car garage on the east side which has a driveway onto the dead-end road. This garage extends 25.8' accross the yard from the east property line.
- Our house geothermal heating /cooling system well-field extends from the rear property line to the house and from the east property line 10 feet into the yard.

CANNOT OTHERWISE BE DEVELOPED:

Pg 2 Para 3

- Without a variance, the pool can not be constructed.
- The rear 50' wide lot is encumbered:
 - On the east side, by a garage with a driveway/parking apron. This garage was built in the 1950s. It has a current variance. The side wall of the garage extends 25 .8 feet on to the lot. The front of the garage is 11.2 feet from the rear property line.
 - On the opposite side of the rear lot, there is a buried 10 foot wide geothermal heating /cooling system well-field.
 - With the garage and geothermal well field, as well as a required four foot setback from the garage wall, there is only a maximum of 10 feet in which to construct an in-ground pool.
- The above encumbrances mandate that the 10' by 22' pool can only be located in rectangular area parallel to the garage wall.
- The pool would end 13 feet from the rear property line and 27.5 feet off the rear road pavement.

NOT CREATED BY THE APPLICANT:

Pg 2 Para 3

- The garage was constructed on the lot prior to 1950, many years prior to the current ownership.
- The geothermal heating/cooling system well field was constructed by the contractor several years ago along the side property line.
- The existing garage, geo-thermal well field , narrow available width of the lot, angular intersection with the front road, and through lot zoning criteria were created by others.
- The pools in the rear yards of the 2 other through lots at this end of the dead-end road also had to be built within the 30' set back.

WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD

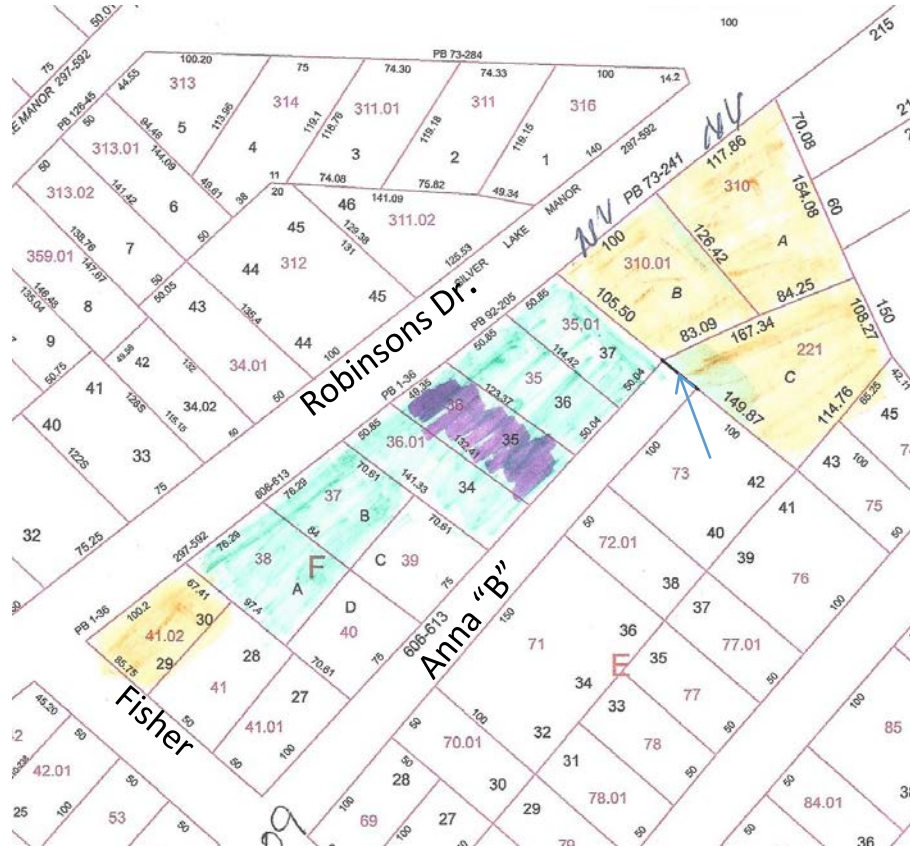
Pg 2 Para 4

- My backyard pool and fence is consistent with the essential character of the neighborhood.
- The adjacent five Robinsons Road properties all have swimming pools in their rear lots with 6' pool fences on their property lines.
 - Two adjacent "Anna B" lots both have pools and high fences.
 - One pool is 22' and the other is 16' 7" from the rear property lines, both within the 30' setback.
 - The next two adjacent lots on Robinsons Road have their rear yard pools, but are sited after Anna B street has dead ended.
 - The fifth lot is at the very dead-end of Anna "B" Street.
- Across Robinsons drive to the northeast, the pool and pool fence is sited to the side and slightly in front of their house. The next property has their pool sited on the side lot line very close to Robinson Drive.
- The purpose of above, as well as, many other neighborhood pools in close proximity is to show that a rear yard pool is in character with the neighborhood.

THE NEIGHBORHOOD: MULTIPLE POOLS



A CLOSER LOOK AT THE CHARACTER OF THE NEIGHBORHOOD:



- Considering this grouping of adjacent, through lots, their average swimming pool setback is 19 feet.
- The distance from the rear property line to Anna B street pavement is 15' 2".
- The rear of my property is 94.7' from the dead end of the Anna B Street..

THE NEIGHBORHOOD

(CONTINUED)

- The pools in the two adjacent Robinson lots are within the 30 ft through lot set back.
 - The closest is 22 ' 'and the second is 16.3' from the rear property lines.
- Both of these pools are sited perpendicular to the side lot lines
- If the pools were built parallel with the side property line, as my proposed pool has to be, those pools :
 - The closest would be 10 ' from the rear property line.
 - And the next would be 6' 4" from the rear property line.
- My proposed pool siting is in character with the neighborhood. as well as, the variances granted to both of the two through lots next to my property.

NEIGHBORHOOD FENCE



- The neighborhood pools have 6' rear yard pool safety fences.



MINIMUM VARIANCE:

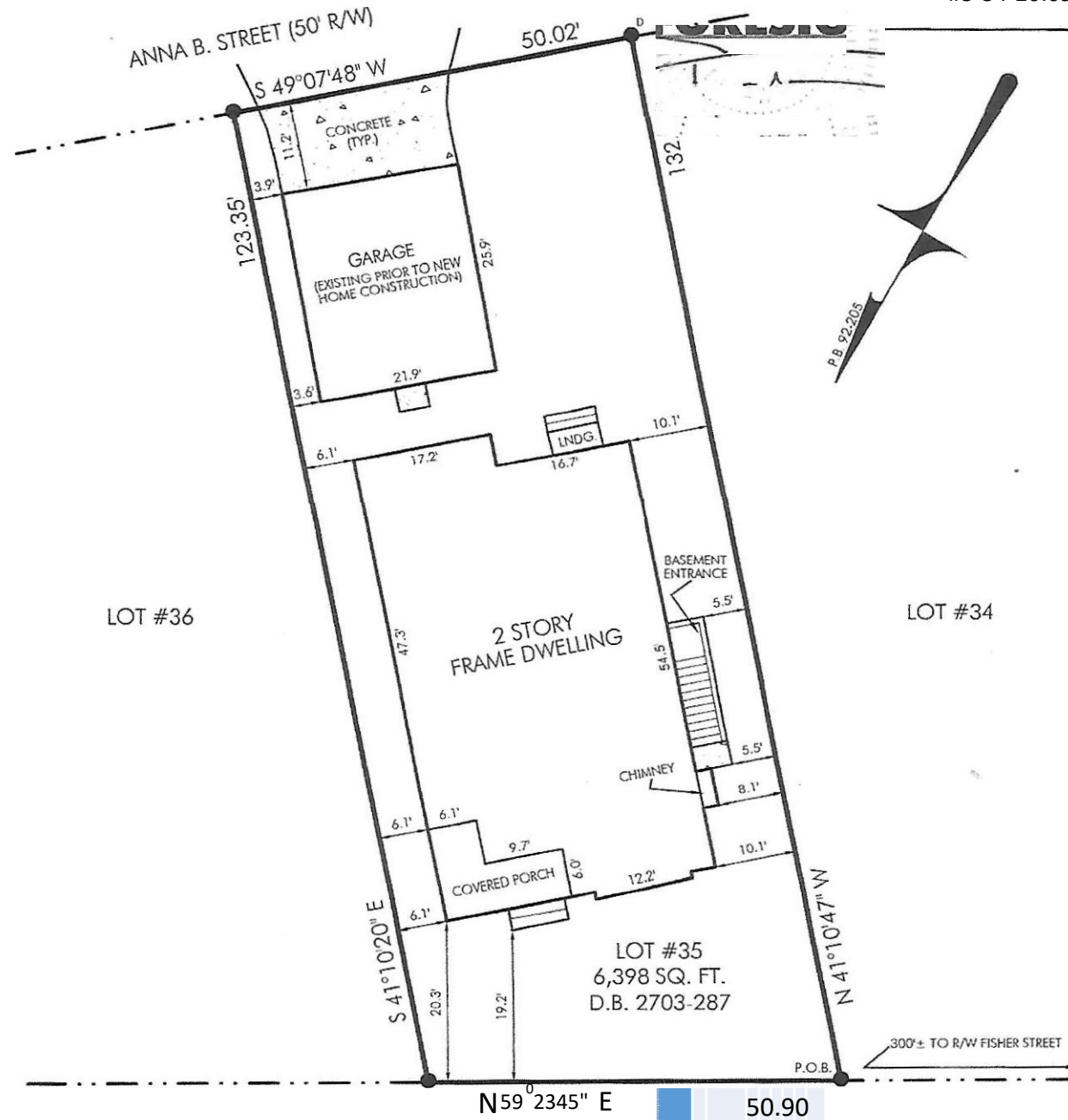
Pg 2 Para 5

- We are asking for the minimum variance that will result in the safest and most architecturally sound siting for the pool without :
 - hazarding the garage foundation nor
 - the geo-thermal wells and piping or
 - blocking the rear stairs of the house.
- Strict enforcement of the through-lot setback criteria would result in a tiny pool close to the rear house stairs and partially blocking the rear exit from the house. The pool would become a physical obstruction when using the rear yard.
- The variance is necessary to enable architecturally proper and reasonable use of the property by siting a small size pool centered along the garage wall .

SUMMARY:

- Property uniqueness: Due to the existing garage and geothermal well field, the only orientation for this pool is in the narrow slice in the center of the rear yard.
- Can not be otherwise developed: There is no other area available in the yard.
- Not created by the applicant: The old garage was constructed and the geothermal well field was sited and built by others.
- Will not alter the essential character of the neighborhood: The pool and the fence are totally consistent with the character of the neighborhood.
- Minimum variance: The variance will position the narrow pool 2 feet shorter than the end existing garage and will not to unduly crowd the existing house rear stairs.

QUESTIONS



**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 # 202003377
Hearing Date _____

12450

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:

34052, 34062, 34072 Bi-State Boulevard

Variance/Special Use Exception/Appeal Requested:

Lot frontage (100 feet requested; 150 feet required)

Lot area (0.46 acres requested; 0.75 acres required)

Tax Map #: 332-3.00-58.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Ronnie & Debbie Gaines

Applicant Address: 6466 Pleasant Drive

City Laurel State DE Zip: 19956

Applicant Phone #: (302) 383-2676 Applicant e-mail: jsweats26@gmail.com

Owner Information

Owner Name: Ronnie & Debbie Gaines

Owner Address: 6466 Pleasant Drive

City Laurel State DE Zip: 19956 Purchase Date: _____

Owner Phone #: (302) 383-2676 Owner e-mail: jsweats26@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Cotten Engineering, LLC.

Agent/Attorney Address: 10087 Concord Road

City Seaford State DE Zip: 19973

Agent/Attorney Phone #: (302) 628-9164 Agent/Attorney e-mail: mcotten_eng@yahoo.com

Signature of Owner/Agent/Attorney

Ronnie Gaines

Date: 3/24/2020



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.

The existing property is a single parcel upon which 3 residential homes are constructed and permitted.

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.

N/A- No development proposed.

3. Not created by the applicant:

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

All homes were constructed and permitted prior to the applicant owning the parcel in question.

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.

If authorized, the 3 parcels will for all intents and purposes exist in the same manner in which the singular parcel exists now. All entrances and structures are existing.

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 area and frontage is evenly split between the three parcels and done so to ensure each parcel is minimally nonconforming and such that each structure still conforms to required setbacks and other relevant zoning codes.



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

March 17, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Lands of Debbie Gaines
Tax Parcel # 332-3.00-58.00
SCR013-BI STATE BOULEVARD
Little Creek (Sussex) Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated January 14, 2020 (last revised March 12, 2020), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's Development Coordination Manual and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction



Lands of Debbie Gaines
Mr. Jamie Whitehouse
Page 2
March 17, 2020

to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,

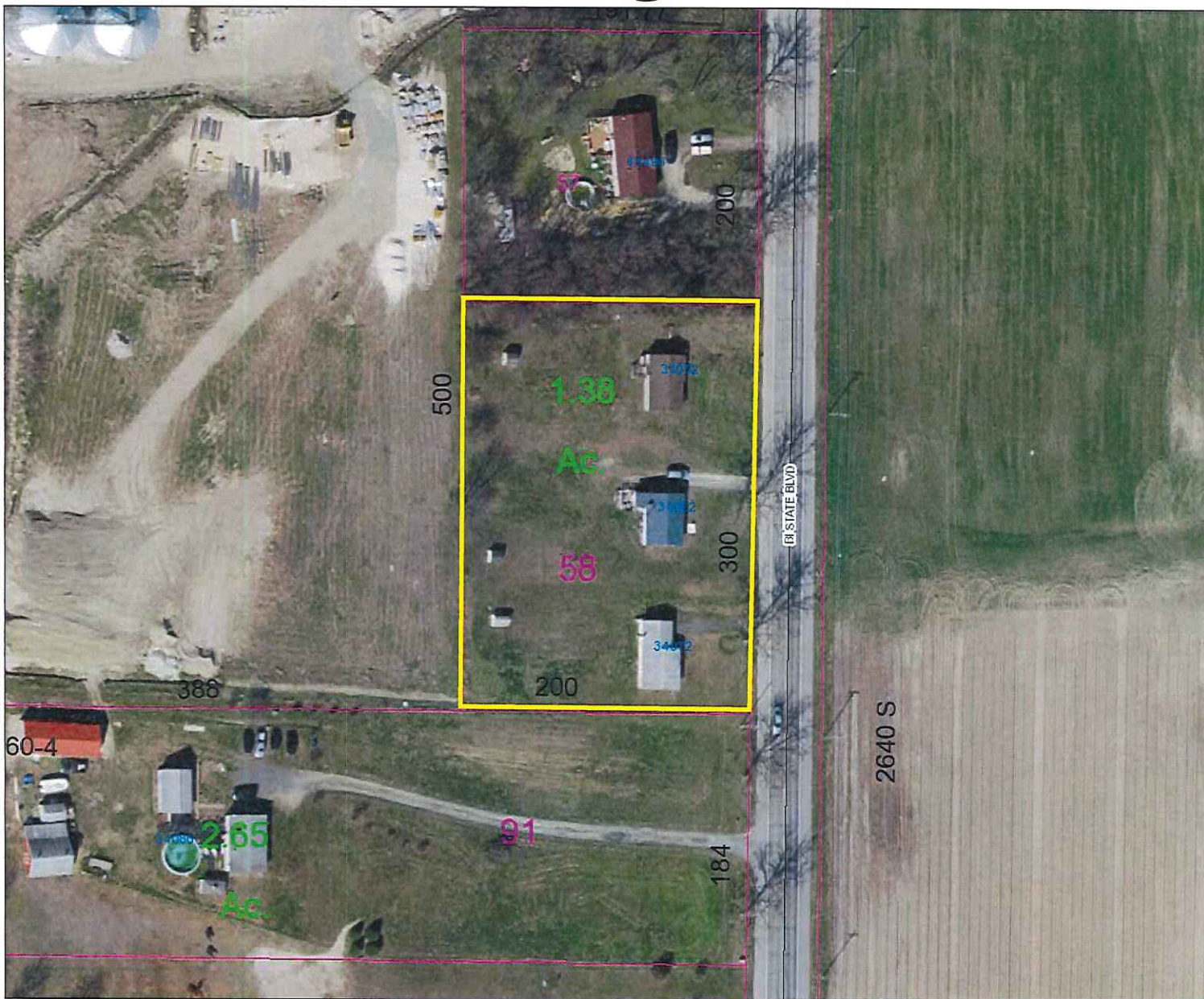
A handwritten signature in dark ink, appearing to read "Stephen Wright", is written above the typed name.

Stephen Wright
Kent County Review Coordinator
Development Coordination

cc: Michael Cotten, Cotten Engineering, LLC
Rusty Warrington, Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
James Argo, South District Project Reviewer
William Kirsch, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Todd Sammons, Subdivision Engineer
John Andrescavage, Sussex County Reviewer



Sussex County



PIN:	332-3.00-58.00	
Owner Name	GAINES TRUSTEE	RONNIE
Book	453	
Mailing Address	7 BISBEE RD	
City	NEWARK	
State	DE	
Description	W SIDE HWY 13A	
Description 2	LAUREL TO DELMAR	
Description 3	1.38 AC	
Land Code		

polygonLayer

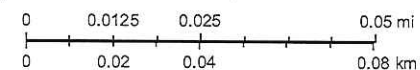
Override 1

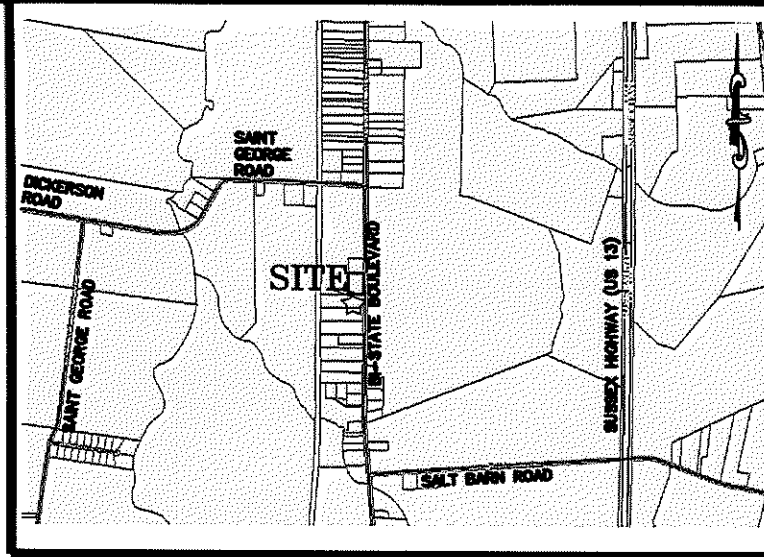
polygonLayer

Override 1

- ☐ Tax Parcels
- ☐ 911 Address
- ☐ Streets
- ☐ County Boundaries
- ☐ Municipal Boundaries

1:1,128





LOCATION MAP
1" = 1/2 MILE

- LEGEND**
- ⊙ CAPPED REBAR TO BE SET
 - CONCRETE MONUMENT FOUND
 - EXISTING PROPERTY LINE / EXISTING R.O.W. LINE
 - - - ADJACENT PROPERTY LINE
 - - - EXISTING EDGE OF PAVEMENT
 - - - EXISTING ROAD CENTERLINE
 - - - EXISTING GRAVEL DRIVE
 - - - EASEMENT/PROPOSED RIGHT OF WAY LINE
 - UTILITY POLE

- NOTES**
1. TITLE REFERENCED TO DEED BOOK 453, PAGE 205.
 2. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE.

- SITE DATA**
- | | |
|---|---|
| 1. CURRENT ZONING: | AR-1 |
| 2. TOTAL AREA: | 60,095 ± s.f. 1.380 ± Acres |
| 3. USE: | PRESENT: RESIDENTIAL
PROPOSED: RESIDENTIAL |
| 4. STREETS: | TO REMAIN PRIVATE |
| 5. ACCESS: | STREETS TO BE MAINTAINED BY OWNER |
| 6. MAINTENANCE: | AND/OR HOMEOWNERS ASSOCIATION |
| 7. SETBACKS: | FRONT: 40', SIDE: 15', REAR: 20' |
| 8. SPEED LIMIT: | 50 MPH (BI-STATE BLVD) |
| 9. SEWER: | PRIVATE ON-SITE |
| 10. WATER: | PRIVATE ON-SITE |
| 11. EXISTING LOTS: | 3 |
| 12. PROXIMITY TO NEAREST T.I.D. (HENLOPEN): | 23± MILES |

- GENERAL PROJECT**
- | | |
|--|---|
| 1. Developer:
RONNIE & DEBBIE GAINES
6466 PLEASANT DRIVE
LAUREL, DE 19959
302-383-2676 | 2. Civil/Site Engineer:
COTTEN ENGINEERING LLC
10087 CONCORD RD
SEAFORD, DELAWARE 19973
Phone/Fax: (302) 628-9164
c/o: Michael S. Cotten, P.E. |
| 3. Surveyor:
COTTEN ENGINEERING LLC
10087 CONCORD RD
SEAFORD, DELAWARE 19973
Phone/Fax: (302) 628-9164
c/o: Michael S. Cotten, P.E. | |
| 4. The project is located on the west side of Bi State Boulevard (US Alt 113, major collector, 60' wide). | |
| 5. Class "C" Survey | |
| 6. This Survey does not certify to the location and/or existence of easements and Right-of-Ways crossing subject property other than those shown, as no title search was provided. | |

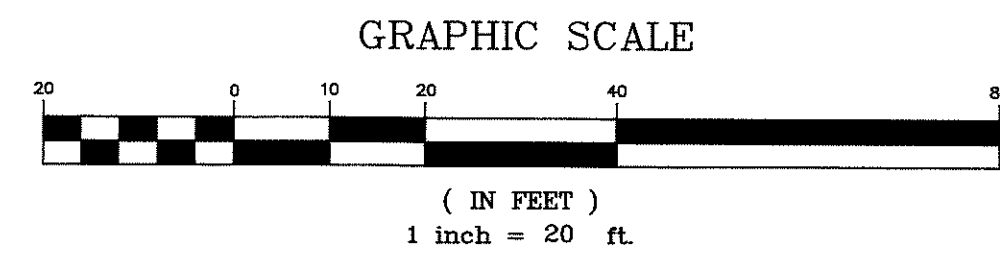
I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DISCRETION, AND THAT I ACKNOWLEDGE THE SAME TO BE OUR ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

Ronnie & Debbie Gaines 03/03/2020
RONNIE GAINES, OWNER DATE

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN MADE UNDER MY SUPERVISION AND COMPLIES WITH THE LAWS OF SUSSEX COUNTY AND THE STATE OF DELAWARE.

DESIGNER/ENGINEER SIGNATURE: *Michael S. Cotten* 3/23/20
MICHAEL S. COTTEN, P.E. DATE

APPROVED BY SUSSEX COUNTY PLANNING AND ZONING

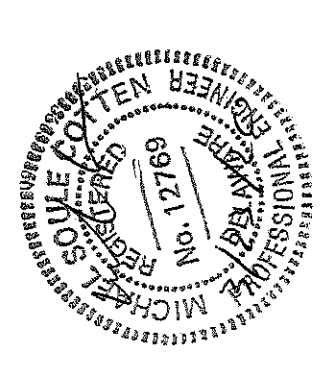


- PRIOR TO ANY CONSTRUCTION ACTIVITIES, PERMITS AND/OR APPROVALS MAY BE REQUIRED FROM:
- | | |
|--|----------------|
| A) SUSSEX CONSERVATION DISTRICT..... | (302) 856-7219 |
| B) FIRE MARSHAL..... | (302) 856-5298 |
| C) SUSSEX COUNTY UTILITY CONSTRUCTION DIVISION..... | (302) 855-7717 |
| D) DELAWARE HEALTH & SOCIAL SERVICES-DIVISION OF HEALTH..... | (302) 739-7431 |
| E) SUSSEX COUNTY ASSESSMENT OFFICE..... | (302) 855-7824 |
| F) SUSSEX COUNTY PLANNING AND ZONING..... | (302) 855-7878 |
| G) DELDOT..... | (302) 853-1340 |
| H) DNREC | (302) 739-5931 |

- MINOR SUBDIVISION PLAN NOTES**
1. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
 2. SHRUBBERY, PLANTINGS, SIGNS AND/OR VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
 3. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.

#	1.	2.	3.	4.	5.
1.	INITIAL SUBMISSION	RESPONSE TO COMMENTS DATED 1/24/2020	REQUEST FOR FINAL SUBMISSION / SIGNATURE		
2.					
3.					
4.					
5.					

MINOR SUBDIVISION OF LANDS OF RONNIE GAINES, TRUSTEE OF COTTEN ENGINEERING LLC
COTTEN ENGINEERING LLC
CWL ENGINEERING, SURVEYING, ENVIRONMENTAL PLANNING CONSULTANTS



MINOR SUBDIVISION PLAN
OF LANDS N/F OF
RONNIE GAINES, TRUSTEE
34062, 34072 BI-STATE BOULEVARD
LAUREL, DE 19966
LITTLE CREEK HUNDRED
SUSSEX COUNTY, DELAWARE

SCALE: AS SHOWN
DESIGNED: CE
PLANNED: CE
DRAWN: JCD
APPROVED: MC
JOB: 19-446

**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 # 12451
Hearing Date 20200319
RECEIVED

MAR 25 2020

**SUSSEX COUNTY
PLANNING & ZONING**

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

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

Site Address of Variance/Special Use Exception:

Salty Way East (Fenwick West) Selbyville, DE
Variance/Special Use Exception/Appeal Requested:

Tax Map #: 5-33-19.07-58.00

Property Zoning: _____

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: belliotte@insightde.com

Owner Information

Owner Name: David & Gloria Prezioso
Owner Address: 111 St. Augustine Ct.
City Middletown State DE Zip: 19709 Purchase Date: Nov. 2019
Owner Phone #: 302-379-2038 Owner e-mail: daveocmoleverizon.net

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: 3-25-20



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 property is unique. The lot is small & irregular in shape. The lot narrows to the front which reduces the BRL. It is also a corner lot. It is also on a canal with the HOA setback being greater than county.

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.

We can't otherwise build. A variance is necessary for relief.

3. Not created by the applicant:

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

This exceptional practical difficulty has not been created by the applicant.

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

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

The variance will not alter the essential characteristic of the neighbor, but will enhance it.

We believe a precedence has already been set with variances in the community.

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.

We are requesting the minimum variance to afford relief.

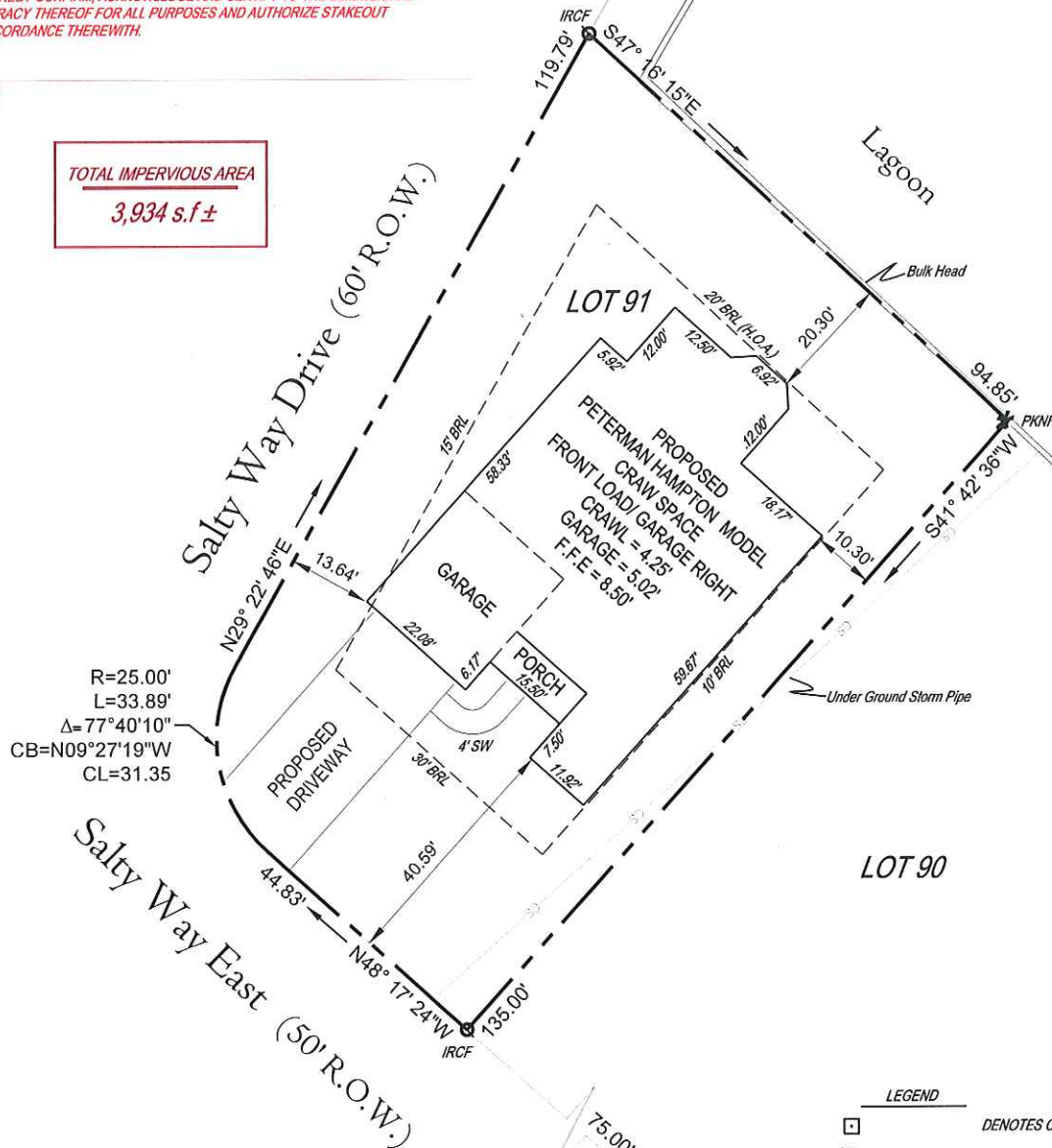
APPROVED FOR STAKEOUT

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

TOTAL IMPERVIOUS AREA

3,934 s.f. ±



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 KEEN-WIK WEST DATED 08/22/75, AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED. BEARING SYSTEM REFERENCED TO PLAT BOOK 10 PAGES 16
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. (FLOOD ZONE "AE" 4.0, PER FEMA MAP #10005C0651K, DATED 03/16/15)

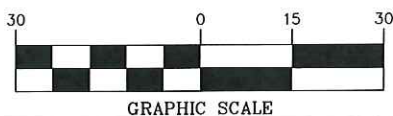
LEGEND

- DENOTES CONCRETE MON
- DENOTES IRON REBAR
- DENOTES IRON PIPE
- * DENOTES PK NAIL SET
- DENOTES POINT
- DENOTES PROPERTY LINE
- DENOTES B.R.L.

VARIANCE SITE PLAN EXHIBIT

PREPARED FOR

**LOT 91, KEEN-WIK WEST - ZZ-120
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 5-33-19.07 PARCEL 58.00
AREA: 10,761 ± SQ.FT. OR 0.24 ± ACRES**



GRAPHIC SCALE

**VISTA
DESIGN INC.**

Landscape Architects, Land Planning Consultants and Engineers

11634 Worcester Hwy, Showell, MD 21862

ph. 410-352-5604

fax 410-352-3875

email vista@vistadesigninc.com

This drawing, specifications, and work produced by Vista Design, Inc. (VDSI) for this project are instruments of service for this project only, and remains the copyrighted property of VDSI. Reuse or reproduction of any of the instruments of service of VDSI by the Client or assignees without the written permission of VDSI will be at the Client's risk and be a violation of the copyright laws of the United States of America and the respective state within which the work was completed.

DESIGNED BY: VD	FIELD BOOK#	PAGE#	JOB# 20-041-091
DRAWN BY: VD	DATE:	03/18/20	
CHECKED BY: DLA	SCALE:	AS SHOWN	SHEET 1 OF 1



Sussex County Government COVID-19 Intake Form

Contact Name:

Nea Smith

Address:

16255 Sussex Hwy. Bridgetown

Contact Phone Number:

302-396-2506

Email Address:

nsmith@insightde.com

For (Person or Department):

Planning + zoning

Date:

3/25/20

Time:

1:20

What is being dropped off?

Variance App.

Comments:

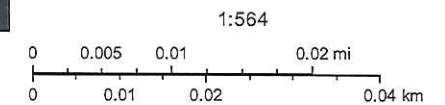


Sussex County



PIN:	533-19.07-58.00
Owner Name	PREZIUSO DAVID A
Book	5163
Mailing Address	111 SAINT AUGUSTINE CT
City	MIDDLETOWN
State	DE
Description	KEEN WIK WEST
Description 2	SALTY WAY EAST
Description 3	LOT 91
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
 - Municipal 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 # 12452
Hearing Date _____

202003569

RECEIVED

MAR 19 2020

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☒ SUSSEX COUNTY
Proposed ☒ PLANNING & ZONING
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

19 COLONIAL LN REHOBOTH DE 19971

Variance/Special Use Exception/Appeal Requested:

I WOULD LIKE TO ENCLOSE MY EXISTING DECK MAKING AN
8' X 14' SCREENED IN PORCH. MY DECK IS CURRENTLY 4'2" FROM
MY PROPERTY LINE 4'0" PER SURVEY

Tax Map #: 3-34-6.00 -335.00 (PORTION) -7543 Property Zoning: C1-RESIDENTIAL USE

Applicant Information

Applicant Name: DAWN NANTZ
Applicant Address: 19 COLONIAL LN
City REHOBOTH State DE Zip: 19971
Applicant Phone #: 302-644-3606 Applicant e-mail: na3777 @ aol.com

Owner Information

Owner Name: AS ABOVE
Owner Address: _____
City _____ State _____ Zip: _____ Purchase Date: 1999
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: NA
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Dawn Nantz

Date: 3/14/2020



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.

I live in a mobile home community with small lots. I put on a deck years ago & fenced in my back yard which ties into the deck. If I don't use the original deck to screen in the

2. Cannot otherwise be developed:

2 Structures will have a gap between them.

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.

Living in a mobile home community there will be no other dwellings built between the existing lots. My fence ties into the deck.

3. Not created by the applicant:

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

I would be in compliance but since the setbacks have changed I am no longer. I would be 4'2" from the property line using my existing deck to screen in.

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.

I will not be impacting my neighbors by using the original structure to screen in. It will continue to look good by keeping a uniform flow between the screened in porch and the fenced in back yard.

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.

I am currently 4'2" from the property line. This is merely 10". I am not asking to enlarge the distance - just keep it the same as it is.

3/13/2020

To whom it may concern,

My neighbor at 19 Colonial Ln is applying for a variance to screen in the existing deck.

I do not have any problems with this being done.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith A. Ryan".

58 COLONIAL LN

3/13/2020

To whom it may concern,

My neighbor at 19 Colonial Ln is applying for a variance to screen in the existing deck.

I do not have any problems with this being done.

Sincerely,

Donna L Stour
21 Colonial Lane

3/13/2020

To whom it may concern,

My neighbor at 19 Colonial Ln is applying for a variance to screen in the existing deck.

I do not have any problems with this being done.

Sincerely,

Phillip Fuller
17 colonial ln

3/13/2020

To whom it may concern,

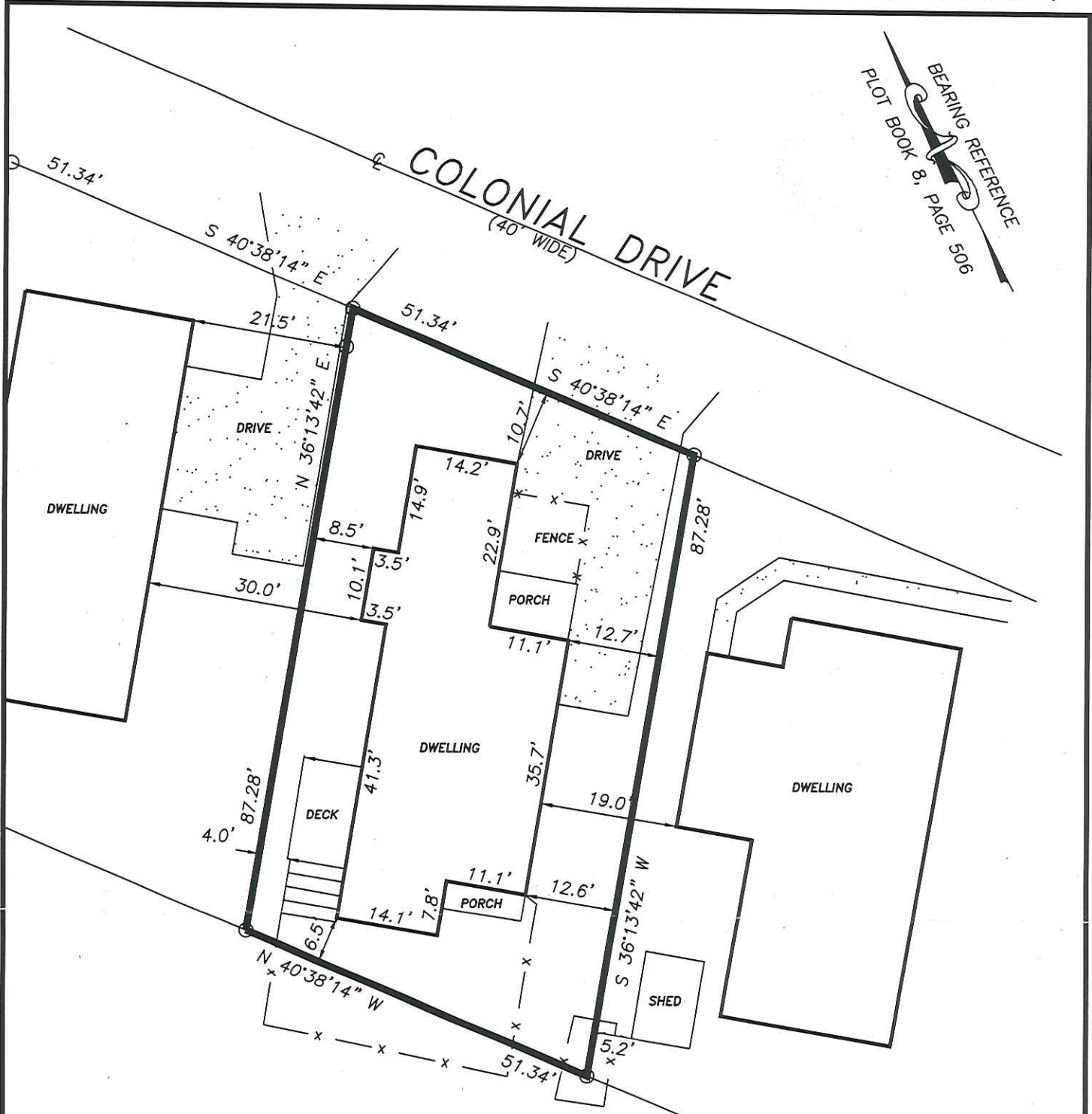
My neighbor at 19 Colonial Ln is applying for a variance to screen in the existing deck.

I do not have any problems with this being done.

Sincerely,

Burt Hill

56 COLONIAL LANE



BEARING REFERENCE
PLOT BOOK 8, PAGE 506

NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 4263, PAGE 285
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITIES, PRIOR TO CONSTRUCTION.

BOUNDARY SURVEY PLAN

WITH EXISTING IMPROVEMENTS
PREPARED FOR

DAWN NANZ

FOR PROPERTY KNOWN AS
19 COLONIAL DRIVE
COLONIAL PARK EAST
PLOT BOOK 8, PAGE 506
TAX MAP NO. 3-34-6.00-335.01(PORTION)
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY
STATE OF DELAWARE
AREA: 4,364± SQUARE FEET
SCALE: 1" = 20'
DATE: FEBRUARY 28, 2020

LEGEND:

○ FOUND IRON PIPE

Prepared By
♦ ADAMS-KEMP ASSOCIATES, INC. ♦
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
WWW.ADAMSKEMP.COM

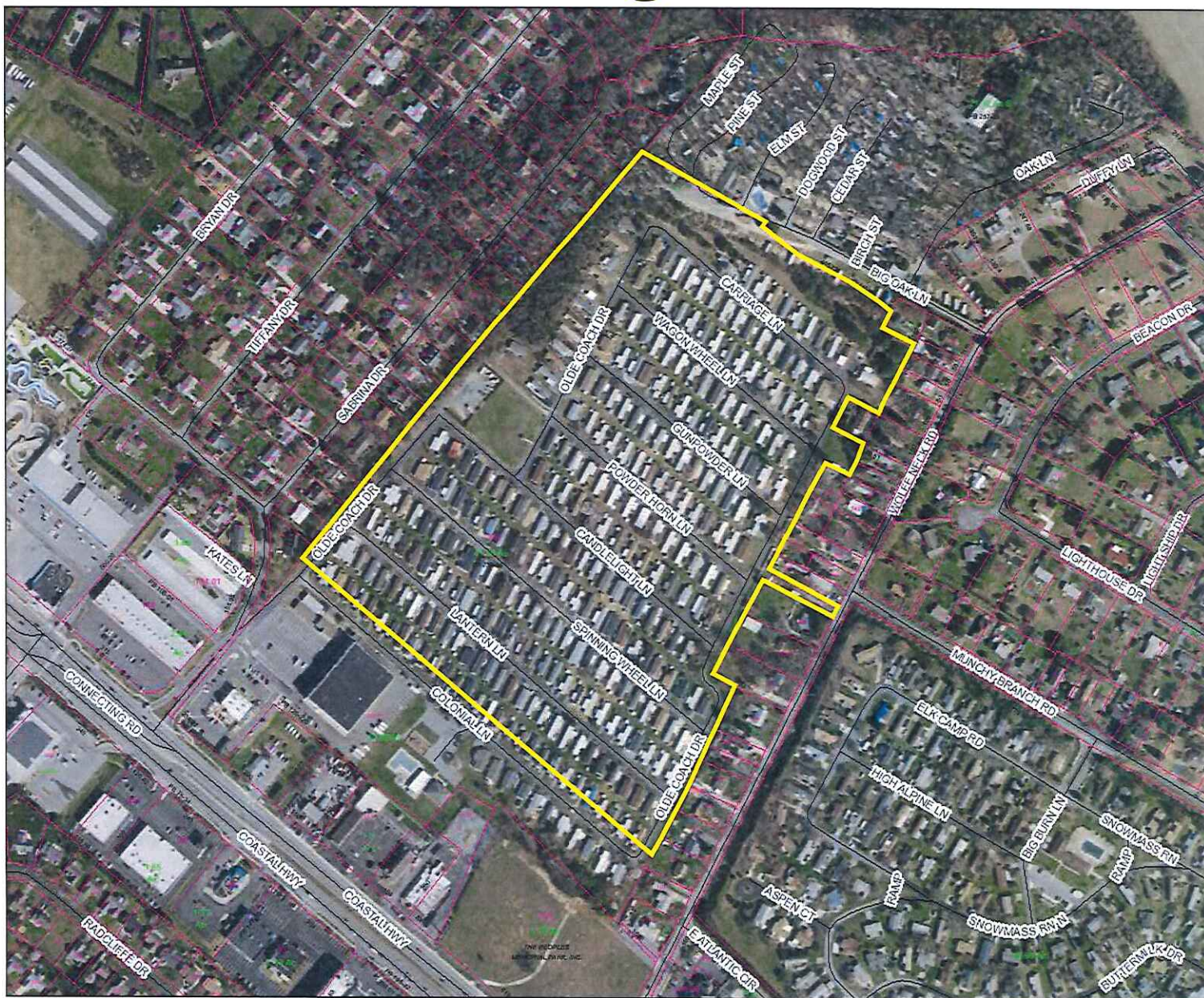
I, CHARLES E. ADAMS, JR.,
REGISTERED AS A PROFESSIONAL LAND
SURVEYOR IN THE STATE OF DELAWARE,
HEREBY STATE THAT THE INFORMATION
SHOWN ON THIS PLAN HAS BEEN
PREPARED UNDER MY SUPERVISION AND
MEETS THE STANDARDS OF PRACTICE AS
ESTABLISHED BY THE STATE OF
DELAWARE BOARD OF PROFESSIONAL
LAND SURVEYORS. ANY CHANGES TO
THE 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.



CHARLES E. ADAMS, JR., P.L.S. 506



Sussex County



PIN:	334-6.00-335.00	
Owner Name	COLONIAL	EAST COMMUNITY LLC
Book	0	
Mailing Address	14 MANOR HOUSE LN	
City	LEWES	
State	DE	
Description	GIS TIEBACK	
Description 2	DUMMY ACCOUNT	
Description 3	N/A	
Land Code		

- polyLayer
Override 1
- polyLayer
Override 1
- Tax Parcels
 - Streets
 - County Boundaries
 - Municipal Boundaries

1:4,514

