

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

July 6, 2020

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for June 1, 2020

Approval of Findings of Fact for June 1, 2020

Additional Business

Board of Adjustment Annual Reorganization

Old Business

Case No. 12433 – Donna M. Sulecki & Brenda L. Blackburn seek variances from the front yard setback and side yard setback requirements for existing structures (Sections 115-41, 115-182, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Rose Lane within the Orchard Manor subdivision. 911 Address: 28337 Rose Lane, Millsboro. Zoning District: GR. Tax Parcel: 234-34.08-28.00

Case No. 12428 – Sun Leisure Point Resort, LLC seeks variances from the separation distance requirement for proposed structures (Section 155-172 of the Sussex County Zoning Code) The property is location on the southwest side of Diplomat Street, approximately 440 ft. southeast of Radie Kay Lane. 911 Address: N/A. Zoning District: AR-1. Tax Parcel: 234-24.00-39.02 and 39.06

Consideration of Request for Rehearing for case 12416 – Lands of Jessica F. Peake.

Consideration of Request for Rehearing for case 12427 – Lands of Robert Barkey & Janet Hynes.



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

Public Hearings

Case No. 12440 – Lockwood Design & Construction Co., Inc. seek a special use exception for an off-premises electronic message center. (Sections 115-80, 115-81, 115-159.5, 115-161.1 & 115-210 of the Sussex County Zoning Code). The property is located on the southeast side of Broadkill Road (Rt. 16) approximately 380 ft. northeast of Reynolds Road. 911 Address: 26412 Broadkill Road, Milton. Zoning District: C-1. Tax Parcel: 235-15.00-24.00

Case No. 12441 – James & Amy Owens seek variances from the rear yard setback requirements and from the minimum aggregate front yard and rear yard requirements for proposed structures (Sections 115-34, 115-183 and 115-188 of the Sussex County Zoning Code). The property is located on the northeast corner of Tower Place and Ashlyn Road within The Overlook subdivision. 911 Address: 30563 Tower Place, Selbyville. Zoning District: MR. Tax Parcel: 533-20.00-88.00

Case No. 12442 – Richard Johnson & Joyce Flanagan seek variances from the front yard setback requirement for proposed structures (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the southeast side of Rogers Avenue within the Ann Acres subdivision. 911 Address: 21001 Rogers Avenue, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-20.13-56.00

Case No. 12443 – Bay Shore Community Church seeks a special use exception to operate a day care center (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the east side of London Avenue approximately 513 ft. southwest of Lighthouse Road (Rt. 54). 911 Address: 38288 London Avenue, Unit 6, Selbyville. Zoning District: AR-1. Tax Parcel: 533-18.00-61.01

Case No. 12444 – Jane L. Hawkins seeks variances from the front yard setback and side yard setback requirements for proposed and existing structures (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Daisey Road approximately 287 ft. southeast of Honeysuckle Road. 911 Address: 34517 Daisey Road, Frankford. Zoning District: AR-1. Tax Parcel: 134-18.00-46.01

Case No. 12446 – Dorzet Short seeks a special use exception to operate a day care center (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the north side of Old Furnace Road approximately 0.68 mile west of Rementer Road. 911 Address: 14181 Old Furnace Road, Georgetown. Zoning District: AR-1. Tax Parcel: 231-14.00-24.03



**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 June 29, 2020 at 4:10 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://sussexcountyde.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://sussexcountyde.gov/>

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**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 # 12440
Hearing Date 202002240

RECEIVED

FEB 26 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:

26412 Broadkill Road, Route 16, Milton Delaware 19968

Variance/Special Use Exception/Appeal Requested:

Off-Premise Sign | ARTICLE XI: Section 115-80 C. Off-premise sign subject to the provisions of 115--159.5 B. (1) (2) (4) & (5) and Electronic Message Center 115-161.1 B. (1) & (3).

Tax Map #: 235-15.00-24.00

Property Zoning: C-1

Applicant Information

Applicant Name: Lynn Rogers - Rogers Sign Company
Applicant Address: 8585 Silver Mist Run
City Milton State DE Zip: 19968
Applicant Phone #: (302) 684-8338 Applicant e-mail: lynn@rogerssign.com

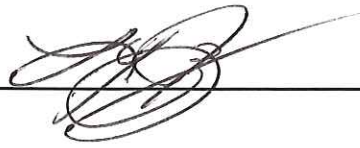
Owner Information

Owner Name: Lockwood Design & Construction Co., Inc.
Owner Address: 26412 Broadkill Road
City MILTON State DE Zip: 19968 Purchase Date: 10-01-86
Owner Phone #: (302) 684-4844 Owner e-mail: dal@lockwooddesigns.com

Agent/Attorney Information

Agent/Attorney Name: Mark H Davidson | PENNONI
Agent/Attorney Address: 18072 Davidson Drive
City Milton State DE Zip: 19968
Agent/Attorney Phone #: 302 684 6207 Agent/Attorney e-mail: mdavidson@pennoni.com

Signature of Owner/Agent/Attorney



Date: 02/25/2020



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.

THE PROPERTIES ON THE EAST AND SOUTH ARE FARM FIELDS AND THE PROPERTIES TO THE NORTH ARE COMMERCIAL. CURRENTLY THERE ARE 2 OFF-PREMISE SIGNS THAT WILL BE REMOVED AS A PART OF THIS APPLICATION TO BE REPLACED WITH ONE OFF-PREMISES ELECTRONIC MESSAGING CENTER. THE SIGN IS BEING PLACED IN ORDER TO MEET ALL THE SETBACKS OF THE ORDINANCE. SUCH EXCEPTION WILL NOT SUBSTANTIALLY INCREASE THE HAZARD FROM FIRE OR OTHER DANGERS TO SAID AND NEIGHBORING PROPERTIES; OTHERWISE IMPAIR THE PUBLIC HEALTH, SAFETY, COMFORT, MORALS OR GENERAL WELFARE OF THE PUBLIC; DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD; UNDULY INCREASE TRAFFIC CONGESTION ON THE PUBLIC HIGHWAYS; WILL CREATE A PUBLIC NUISANCE; OR RESULT IN AN INCREASE IN PUBLIC EXPENDITURES.

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)



State of Delaware

Department of Transportation

23697 DuPont Boulevard

Georgetown, DE 19947

Jennifer Cohan

Secretary

February 14, 2020

Lockwood Design & Construction Co., Inc.
26412 Broadkill Road
Milton, DE 19968

Dear Mr. Lockwood:

The Roadside Control Section of the Department of Transportation is charged with the responsibility of enforcing statutory regulations pertaining to Outdoor Advertising as set forth under Title 17, Chapter 11, of the Delaware Code.

The Department has received your outdoor advertising application for a new off premise VMS (variable message sign) to be situated on the property belonging to a Lockwood Design & Construction Company with a (tax parcel #: 235-15.00-24.00) located on SCR 016 / (Broadkill Rd) in Sussex County.

I have reviewed the proposed site plan that was submitted as well as the application. As long as the sign is constructed per the specifications submitted and the required building permits are obtained by the local land use authority, the Department has no objection to the proposed sign application. It is the responsibility of the sign owner to seek approval from the local authority before installation of the sign.

This letter serves as a letter of no objection to assist with your application to the Board of Adjustment. This letter **does not** grant permission to construct the sign. Should the Board of Adjustment approval be granted for this sign structure, you must notify the Department in writing and provide all necessary documentation, including the Board of Adjustment findings and any revisions to the sign structure that may have occurred. Once the Department has received all necessary documentation and verified that conditions for approval have been met, a Notice to Proceed letter will be issued to allow for the construction of the sign.



Mr. Lockwood
Page 2
February 14, 2020

This letter of no objection is provided to you as a courtesy to assist you in securing approval from the appropriate entities prior to construction of the sign structure. **This letter is not a permit.**

Should you have any questions or concerns, or to schedule your pre-construction or final inspection, please contact me at (302) 853-1327.

Sincerely,

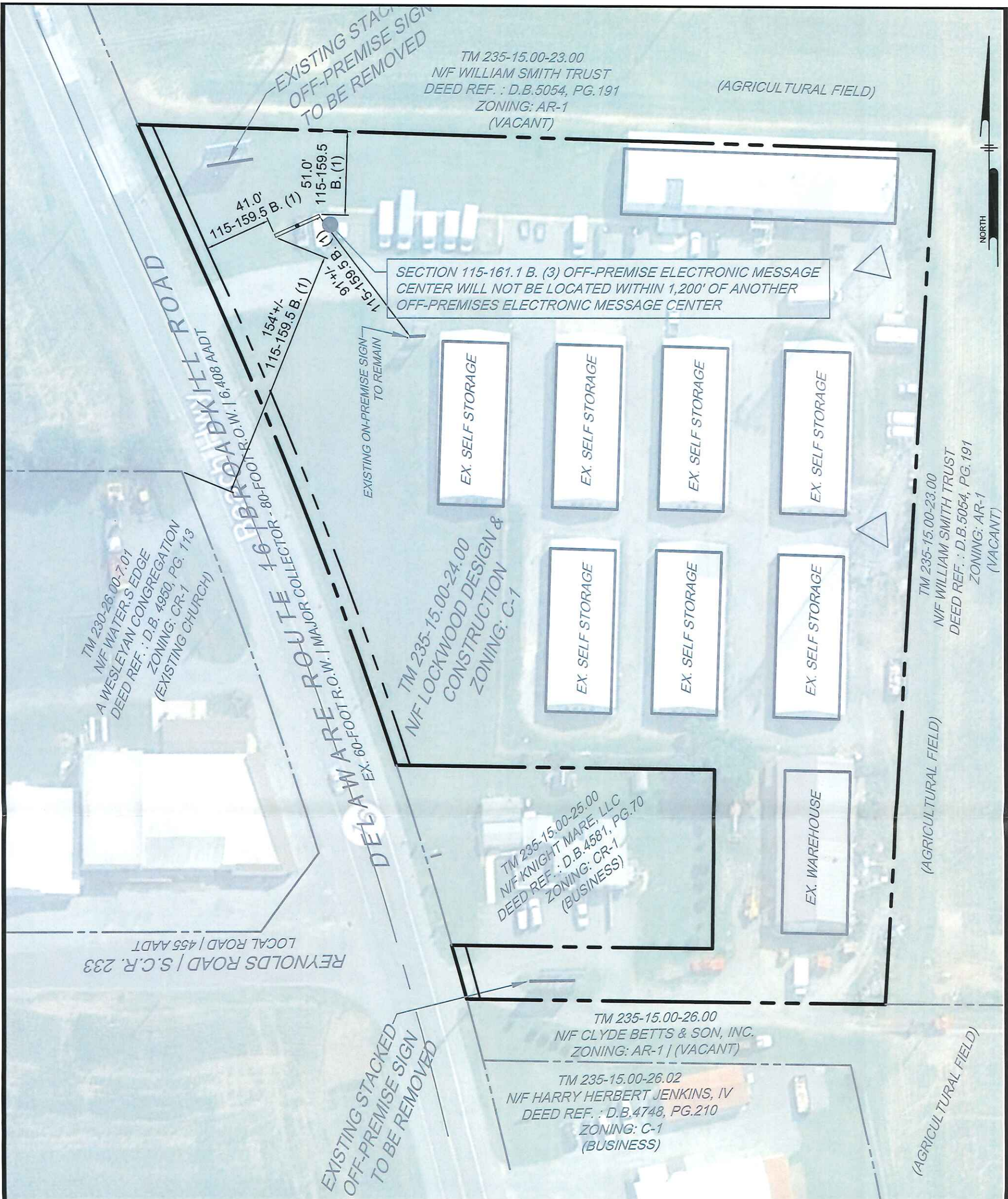
A handwritten signature in blue ink, appearing to read "Jay Sammons", with a stylized flourish at the end.

Jay Sammons
Investigator 1
South District / DOT

JWS/js

By certified mail

Cc: LaTonya Gilliam, P.E., North District Engineer
Christopher King, Roadside Control Manager

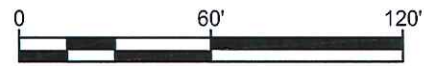


SITE DATA

1. TAX MAP 235-15.00 PARCEL 24.00
2. AREA | 3.95± ACRES
3. ZONED | C-1
4. EXISTING USE | OFFICE | SELF STORAGE
5. NO WETLANDS ON SITE
6. FLOOD ZONE | ZONE X
7. BOUNDARY SURVEY AND EXISTING CONDITIONS BASED ON PUBLIC RECORD DOCUMENTS AND MILLER LEWIS, INC (01/19/2018) | NO SURVEY HAS BEEN DONE BY PENNONI.
8. SECTION 115-159.5 OFF-PREMISE SIGN PERMITTED IN C-1 GENERAL COMMERCIAL DISTRICT
 SECTION 115-159.5 B. (1) FRONT YARD SETBACK = 40'
 SIDE YARD SETBACK = 50'
 REAR YARD SETBACK = 30' FOR C-1 ZONING DWELLING, CHURCH, SCHOOL, PUBLIC LANDS SETBACK = 150'
 ON-PREMISES SIGN SETBACK = 50'
9. SECTION 115-159.5 B. (3) PROPERTIES ADJACENT TO ROADS WHICH HAVE LESS THAN FOUR TRAVEL LANES
 (a) SETBACK TO ADJACENT OFF-PREMISES SIGNS ON SAME SIDE OF ROAD = 600'
 (b) MAXIMUM SIGN HEIGHT = 25'
 (c) MAXIMUM SIGN AREA = 600 SQ. FT. (300 SQ.FT. EACH SIDE)
10. SECTION 115-159.5 B. (2) A SINGLE OFF-PREMISES SIGN STRUCTURE SHALL SUPPORT NO MORE THAN ONE SIGN PER SIDE AND NO MORE THAN TWO SIGNS IN TOTAL. SIGNS WHICH ARE STACKED OR SIDE-BY-SIDE ON AN OFF-PREMISES SIGN STRUCTURE ARE PROHIBITED.
11. SECTION 115-161.1 B. (3) - THERE ARE NO ELECTRONIC MESSAGE CENTERS WITHIN 1,200 FEET OF THE PROPOSED OFF-PREMISE ELECTRONIC MESSAGE CENTER.



PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054



ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

26412 BROADKILL ROAD
 TM# 235-15.00-24.00
 BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE
OFF-PREMISE SIGN PLAN | SECTION
115-159.5 B. (3) | 115-161.1 B. (3)
 LOCKWOOD DESIGN & CONSTRUCTION CO., INC.
 26412 BROADKILL ROAD
 MILTON, DE 19968

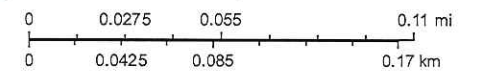
PROJECT	RGERS20000
DATE	2020-07-30
DRAWING SCALE	1" = 60'
DRAWN BY	MHD
APPROVED BY	MHD
CS1001	
SHEET	1 OF 1



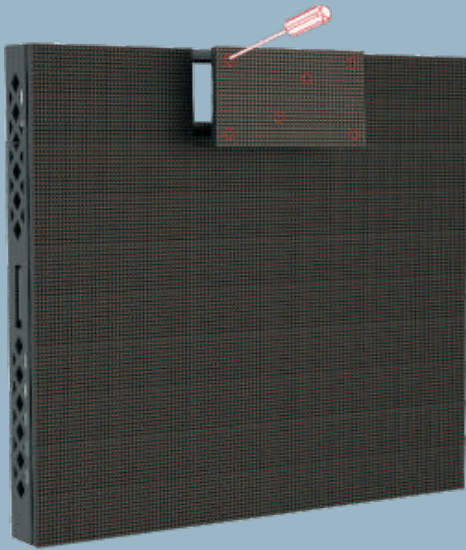
PIN:	235-15.00-24.00
Owner Name	LOCKWOOD DESIGN & CONSTRUCTION CO INC
Book	0
Mailing Address	26412 BROADKILL ROAD
City	MILTON
State	DE
Description	RD MILTON TO
Description 2	BROADKILN BCH
Description 3	N/A
Land Code	

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

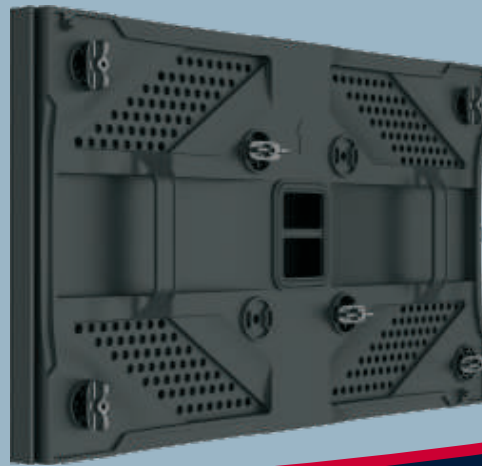
1:2,257



HDX-16 Outdoor Direct-View LED Wall



Your Light and Slim-Line,
Fixed Installation, Outdoor
LED Display Solution!



- Exceptionally Bright
- Class-Leading Contrast Ratio
- Ultra Slim at only 5 Inches Deep
- Ultra Light at only 110 lbs per Four Foot Square Panel

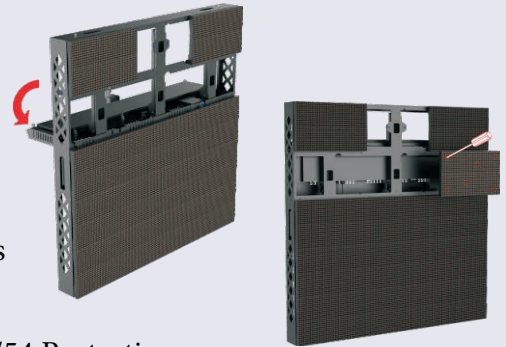


Manufacturing quality LED display solutions in the United States for over 35 years.



Product Features

- Front and Rear Maintenance Accessible Panels
- Rear Handle design makes Panels easy to Lift
- Light-Blocking design means less light leakage to Front of Panels
- Great Heat Dissipation and IP65/54 Protection



Functional and Physical Specifications			Functional and Physical Specifications		
LED Spacing (Pitch)	16	mm	Module Dimension	15.75(W) x 9.45(H)	Inches
Pixel Density	3,906	Pixels/m2	Module Resolution	25 X 15	Pixels
Viewing Angle	140 (Horiz.), 75 (Vertical)	Degrees	Panel Dimension	47.24(W) x 47.24(H) x 5.12(D)	Inches
Grey Level	14	Bit	Panel Resolution	75 X 75	Pixels
Refresh Rate	>1920	Hz	Panel Case Material	Aluminum Alloy	
Frame Rate	60	Hz	Panel Weight	<50	Kg
Brightness Adjustment	Manual/Auto/Programmable		Serviceability	Front and Rear Accessible	
LED Composition	DIP 1R1G1B		Life of Service	50,000+	Hours

Operational and Power Specifications		
Voltage	100-240	Volts AC
Avg. Power Consumption	155	Watts/M2
Max. Power Consumption	490	Watts/M2
Protection Grade	IP65/IP54	Front/Rear
Case Material:	Aluminum Alloy	
Storage Temp. Range	40-60/0-90	Degrees C/% Relative Humidity
Operating Temp. Range	20-45/10-90	Degrees C/% Relative Humidity
Compliance Stds.	ETL,CE,RoHS,FCC	
Video Source Compatibility	RF, S-Video, RGB, RGBHV, YUV, YC, Composition, HDMI, DVI-D	
Limited Warranty	Two Years	
Manual	Available online: http://support.adaptivedisplays.com/Documentation	
Technical Support	Phone and On-Line from Adaptive Technical Support Team	

Controllers and Configuration Software		
Software Included	Message and Content Creation	Adaptive Ooh!Media and LED STUDIO
File Capabilities	Static and Dynamic Video Files	.gifs, .jpeg, .bmp, .png, .avi, .mpg, wmv
Controllers and Processing Cards	NovaStar	

Brightness: 7000 Nits+

Agency Approvals: ETL, CE, FCC



LOCKWOOD DESIGN & CONSTRUCTION CO., INC.

SPECIAL USE EXCEPTION

CASE NO. 12440

OWNER/DEVELOPER:

Lockwood Design & Construction Co., Inc.
 26412 Broadkill Road
 Milton, DE 19968

APPLICANT:

Lynn Rogers
 Rogers Sign Company, Inc.
 8585 Silver Mist Run
 Milton, DE 19968

PLANNER/ENGINEER/SURVEYOR:

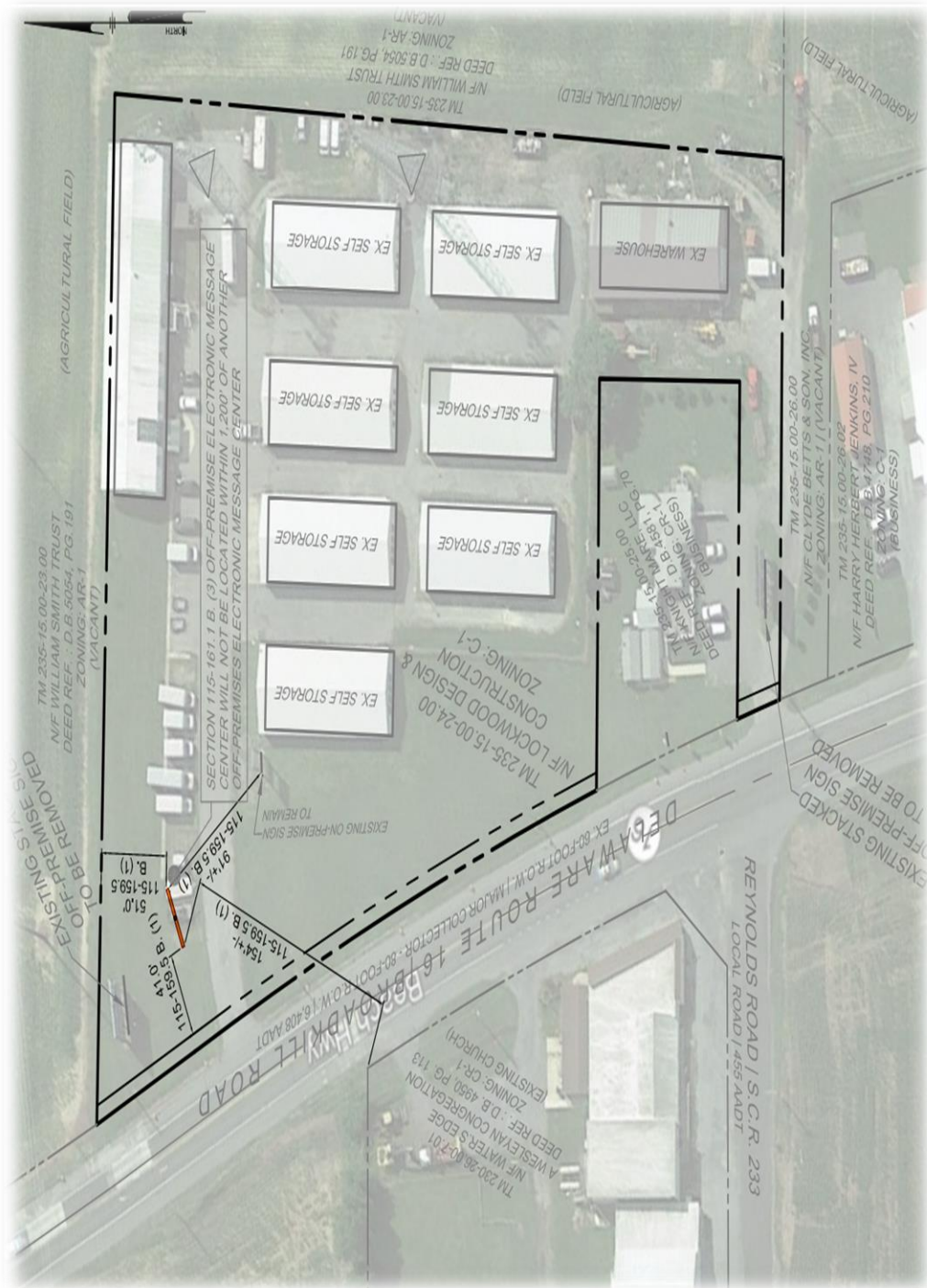
PENNONI
 18072 DAVIDSON DRIVE
 MILTON, DE 19968
 MARK H. DAVIDSON, PRINCIPAL LAND
 PLANNER
 ALAN DECKTOR, PE., ENV SP
 JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
 WILLIAM J. GANGLOFF, PhD. PROFESSIONAL
 SOIL SCIENTIST

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b.	OA APPLICATION 2020



Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He is currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.



**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 # _____
Hearing Date _____

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:

26412 Broadkill Road, Route 16, Milton Delaware 19968

Variance/Special Use Exception/Appeal Requested:

Off-Premise Sign | ARTICLE XI: Section 115-80 C. Off-premise sign subject to the provisions of 115--159.5 B. (1) (2) (4) & (5) and Electronic Message Center 115-161.1 B. (1) & (3).

Tax Map #: Property Zoning:

Applicant Information

Applicant Name:
Applicant Address:
City State Zip:
Applicant Phone #: Applicant e-mail:

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



Date: 02/25/2020



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.

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.

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.

THE PROPERTIES ON THE EAST AND SOUTH ARE FARM FIELDS AND THE PROPERTIES TO THE NORTH ARE COMMERCIAL. CURRENTLY THERE ARE 2 OFF-PREMISE SIGNS THAT WILL BE REMOVED AS A PART OF THIS APPLICATION TO BE REPLACED WITH ONE OFF-PREMISES ELECTRONIC MESSAGING CENTER. THE SIGN IS BEING PLACED IN ORDER TO MEET ALL THE SETBACKS OF THE ORDINANCE. SUCH EXCEPTION WILL NOT SUBSTANTIALLY INCREASE THE HAZARD FROM FIRE OR OTHER DANGERS TO SAID AND NEIGHBORING PROPERTIES; OTHERWISE IMPAIR THE PUBLIC HEALTH, SAFETY, COMFORT, MORALS OR GENERAL WELFARE OF THE PUBLIC; DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD; UNDULY INCREASE TRAFFIC CONGESTION ON THE PUBLIC HIGHWAYS; WILL CREATE A PUBLIC NUISANCE; OR RESULT IN AN INCREASE IN PUBLIC EXPENDITURES.

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)

Check List for Applications

The following shall be submitted with the application

- **Completed Application**
- **Provide a survey of the property** (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- **Provide a Site Plan or survey of the property** (Special Use Exception)
- **Provide Fee \$400.00**
- **Provide written response to criteria for Variance or Special Use Exception** (may be on a separate document if not enough room on the form)
- **Copy of Receipt (staff)**
- **Optional - Additional information for the Board to consider** (ex. photos, letters from neighbors, etc.)
- **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.**

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appelliant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney



Date: _____

For office use o

Date Submitted: _____ Fee: \$400.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

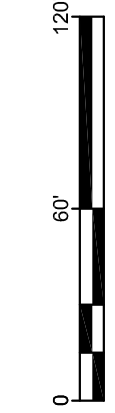
Subdivision: _____ Lot#: _____ Block#: _____

Date of Hearing: _____ Decision of Board: _____



SITE DATA

1. TAX MAP 235-15.00 PARCEL 24.00
2. AREA | 3.95± ACRES
3. ZONED | C-1
4. EXISTING USE | OFFICE | SELF STORAGE
5. NO WETLANDS ON SITE
6. FLOOD ZONE | ZONE X
7. BOUNDARY SURVEY AND EXISTING CONDITIONS BASED ON PUBLIC RECORD DOCUMENTS AND MILLER LEWIS, INC (01/19/2018) | NO SURVEY HAS BEEN DONE BY PENNONI.
8. SECTION 115-159.5 OFF-PREMISE SIGN PERMITTED IN C-1 GENERAL COMMERCIAL DISTRICT
 - SECTION 115-159.5 B. (1) FRONT YARD SETBACK = 40' SIDE YARD SETBACK = 50' REAR YARD SETBACK = 30' FOR C-1 ZONING ON-PREMISES SIGN SETBACK = 150'
 - DWELLING, CHURCH, SCHOOL, PUBLIC LANDS SETBACK = 150'
 - ON-PREMISES SIGN SETBACK = 50'
9. SECTION 115-159.5 B. (3) PROPERTIES ADJACENT TO ROADS WHICH HAVE LESS THAN FOUR TRAVEL LANES
 - (a) SETBACK TO ADJACENT OFF-PREMISES SIGNS ON SAME SIDE OF ROAD = 600'
 - (b) MAXIMUM SIGN HEIGHT = 25'
 - (c) MAXIMUM SIGN AREA = 600 SQ. FT. (300 SQ.FT. EACH SIDE)
10. SECTION 115-159.5 B. (2) A SINGLE OFF-PREMISES SIGN STRUCTURE SHALL SUPPORT NO MORE THAN ONE SIGN PER SIDE AND NO MORE THAN TWO SIGNS IN TOTAL. SIGNS WHICH ARE STACKED OR SIDE-BY-SIDE ON AN OFF-PREMISES SIGN STRUCTURE ARE PROHIBITED.
11. SECTION 115-161.1 B. (3) - THERE ARE NO ELECTRONIC MESSAGE CENTERS WITHIN 1,200 FEET OF THE PROPOSED OFF-PREMISE ELECTRONIC MESSAGE CENTER.



PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

PROJECT	RGERS20000
DATE	2020-07-30
DRAWING SCALE	1" = 60'

DRAWN BY	MHD
APPROVED BY	MHD

CS1001
 SHEET 1 OF 1

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

26412 BROADKILL ROAD
 TM# 235-15.00-24.00
 BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE
OFF-PREMISE SIGN PLAN | SECTION
115-159.5 B. (3) | 115-161.1 B. (3)
 LOCKWOOD DESIGN & CONSTRUCTION CO., INC.
 26412 BROADKILL ROAD
 MILTON, DE 19968

018917

BOOK 1445 PAGE 71

This Deed, made this

15th day of October in the year of

our LORD one thousand nine hundred and eighty-six

BETWEEN, THE DMV FIRE EQUIPMENT CORPORATION, a Corporation of the State of Maryland, c/o Neil W. Chamberlain, of P.O. Box 206, Washington Corssing, Pennsylvania 18977, party of the first part,

- and -

LOCKWOOD DESIGN & CONSTRUCTION CO., INC., a Corporation of the State of Delaware, of 117 Broadkill Road, Milton, Delaware 19968, party of the second part,

Witnesseth, That the said part y of the first part, for and in consideration of the sum of SIXTY EIGHT THOUSAND DOLLARS (\$68,000.00) lawful money and other valuable considerations of the United States of America, the receipt whereof is hereby acknowledges, hereby grant and convey unto the said part y of the second part,

ALL

THAT CERTAIN lot, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, State of Delaware, which is more particularly described as follows, to wit:

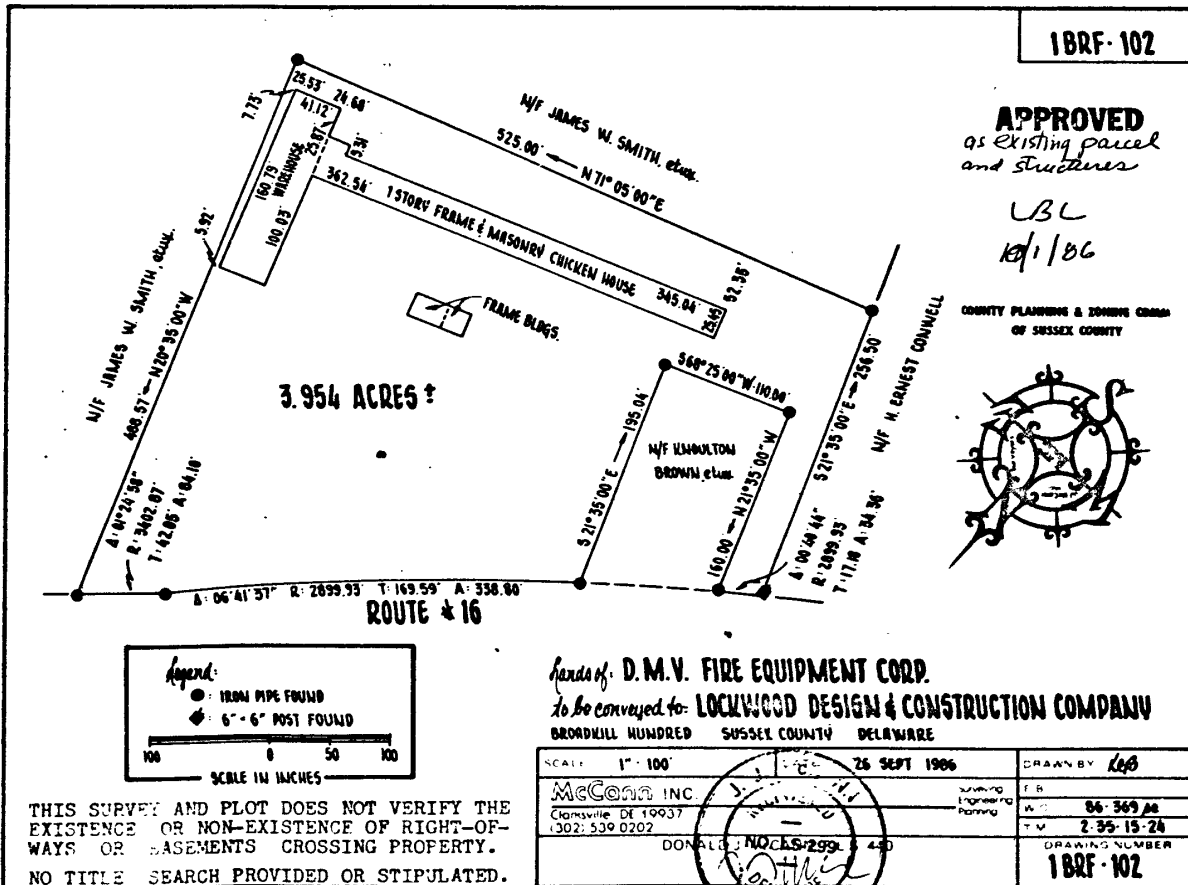
BEGINNING at a found iron pipe lying on the Southeasterly side of Route #16, said pipe being a corner for these lands and lands now or formerly of James W. Smith, et ux.; thence along these lands and the Southeasterly side of Route #16 along a curve having a radius of 3402.87 feet, an arc distance of 84.10 feet to an iron pipe, the chord bearing South 01° 24' 58" West a distance of 42.05 feet to an iron pipe; thence continuing along these lands and the Southeasterly side of Route #16 along a curve having a radius of 2899.93 feet, an arc distance of 338.80 feet to an iron pipe, the chord bearing South 06° 41' 37" West a distance of 169.59 feet to an iron pipe, said iron pipe lying on the Southeasterly side of Route 16 and being a corner for these lands and lands now or formerly of Knoulton Brown, et ux; thence along these lands and lands now or formerly of Knoulton Brown, et ux. the following three (3) courses and distances: (1) South 21° 35' 00" East 195.04 feet to an iron pipe; thence (2) South 68° 25' 00" West 110.00 feet to an iron pipe; thence (3) North 21° 35' 00" West 160.00 feet to an iron pipe, said iron pipe being a corner for these lands and lands now or formerly of Knoulton Brown, et ux; thence along these lands and the Southeasterly side of Route #16 along a curve having a radius of 2899.93 feet, an arc distance of 34.36 feet to a found post, the chord bearing South 00° 40' 44" West for a distance of 17.18 feet to a found post, said post being a corner for these lands and lands now or formerly of Ernest Conwell; thence along these lands and lands now or formerly of Ernest Conwell South 21° 35' 00"

Law Offices of
J. Everett Moore, Jr., P.A.
Attorneys at Law
P.O. Box 554
Georgetown, Delaware 19847

East 256.50 feet to an iron pipe, said iron pipe being a corner for these lands and lands now or formerly of James W. Smith, et ux.; thence along these lands and lands now or formerly of James W. Smith, et ux., North 71° 05' 00" East 525.00 feet to an iron pipe, said iron pipe being a corner for these lands; thence continuing along these lands and lands of James W. Smith, et ux. North 20° 35' 00" West 488.57 feet home to the point and place of BEGINNING, said to contain 3.954 acres of land, be the same, more or less, as will more fully and at large appear upon reference to a survey prepared by McCann, Inc., Registered Surveyor, dated September 26, 1986, a copy of which is attached hereto and made a part hereof.

BEING the same lands conveyed unto The DMV Fire Equipment Corporation, a Maryland Corporation by Deed of William T. Jones and Dorothy A. Jones, his wife, dated December 12, 1974 and recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 740, page 896.

Law Office of
J. Everett Moore, Jr., P.A.
P.O. Box 524
Georgetown, Delaware 19947

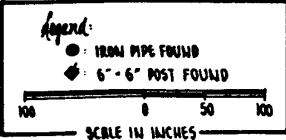
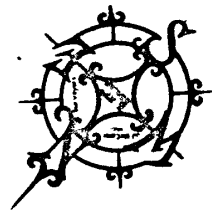


1BRF-102

APPROVED
as existing parcel
and structures

UBL
10/1/06

COUNTY PLANNING & ZONING COM.
OF SUSSEX COUNTY



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

held by: **D.M.V. FIRE EQUIPMENT CORP.**
to be conveyed to: **LOCKWOOD DESIGN & CONSTRUCTION COMPANY**
BROADKILL HUNDRED SUSSEX COUNTY DELAWARE

SCALE: 1" = 100'	DATE: 26 SEPT 1906	DRAWN BY: <i>LeB</i>
McConn INC. Clarksville, DE 19037 302-539-0202	Professional Engineer No. 10000	F.B. W.C. 86-369 AS T.V. 2-35-15-24
DONALD R. NOCKS 299-440 DELAWARE LAND SURVEYOR	DRAWING NUMBER 1BRF-102	

IN WITNESS WHEREOF, THE said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

Signed, sealed, and delivered in the presence of:

[Handwritten signature]

THE DMV FIRE EQUIPMENT CORPORATION
A Corporation of the State of Delaware

By *[Handwritten signature]*
President

Attest *[Handwritten signature]*
Secretary, Treas.

148577
State of Delaware
STATE TAX DEPT. SUSSEX
OCT-86 REALTY TRANSFER TAX 680.00



148588
State of Delaware
STATE TAX DEPT. SUSSEX
OCT-86 REALTY TRANSFER TAX 680.00

STATE OF DELAWARE }
COUNTY OF SUSSEX } SS.

BE IT REMEMBERED, That on this 15th day of October 19 86, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, Mary W. Chamberlain, President of The DMV FIRE EQUIPMENT CORPORATION, a corporation of the State of Maryland, party of this indenture, known to me personally to be such, and acknowledged this indenture to be his act and deed, and the act and the deed of the said corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

GIVEN under my hand and seal of office, the day and year aforesaid.

PURCHASERS REPORT MADE
DAY OF October 1986
ASSESSMENT DIVISION OF SUSSEX COUNTY

[Handwritten signature]
Notary Public

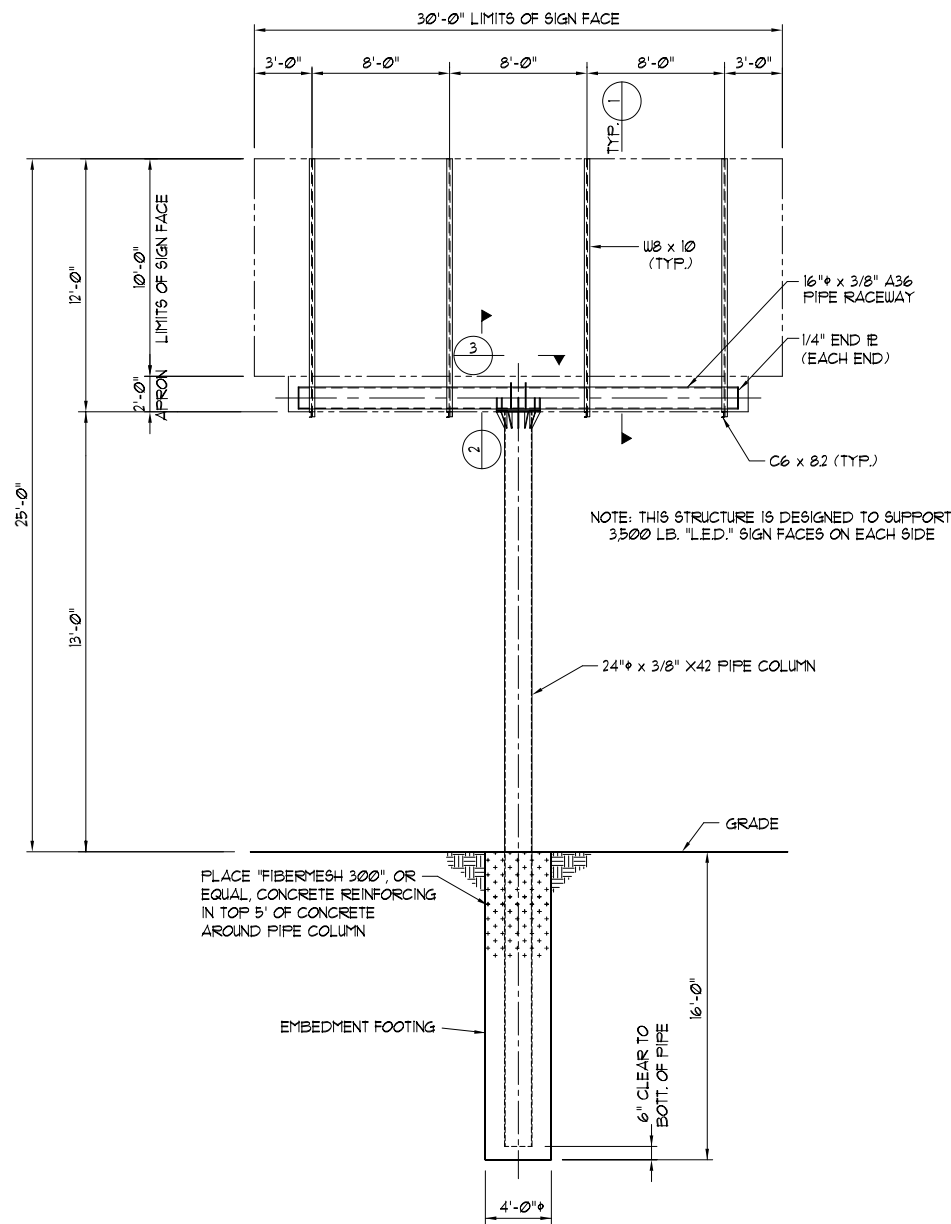


RECEIVED
MAY 19 1986
1985 OCT -6 PM 2:43
OFFICE OF DEPT. OF REVENUE
SUSSEX COUNTY

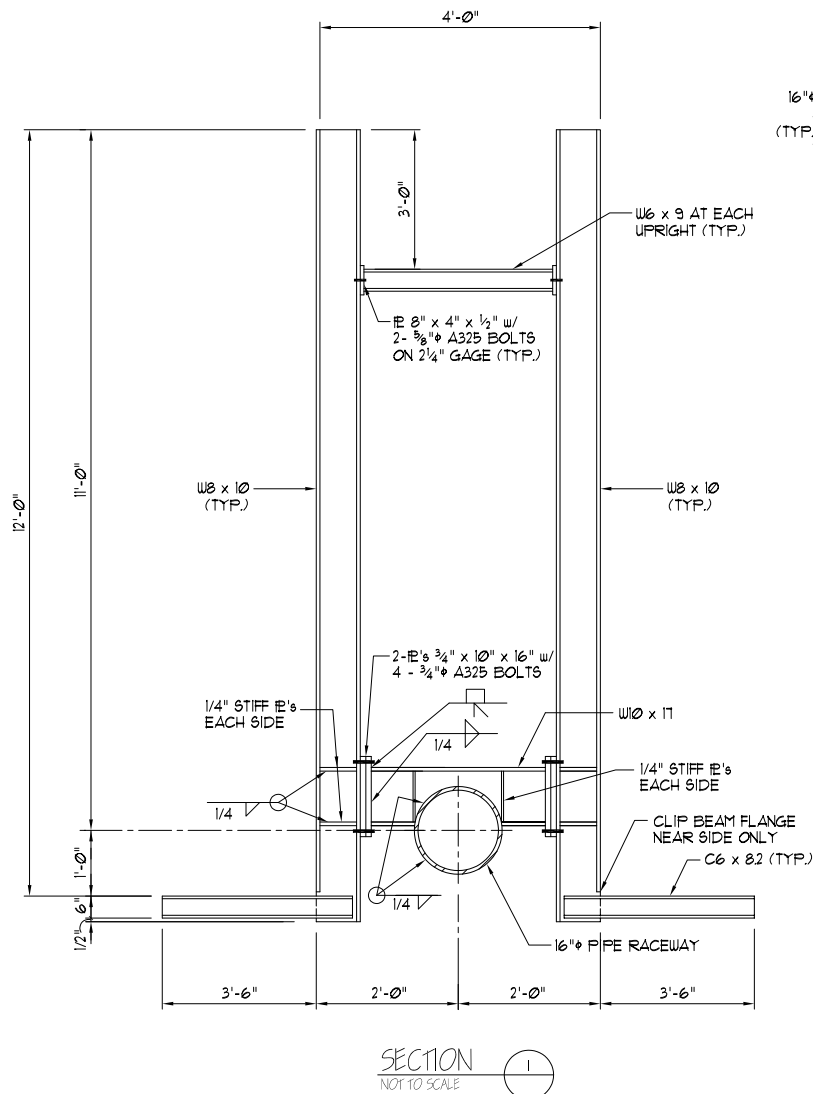
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Law Offices of
J. Everett Moore, Jr., P.A.
Attorneys at Law
P.O. Box 554
Georgetown, Delaware 19947

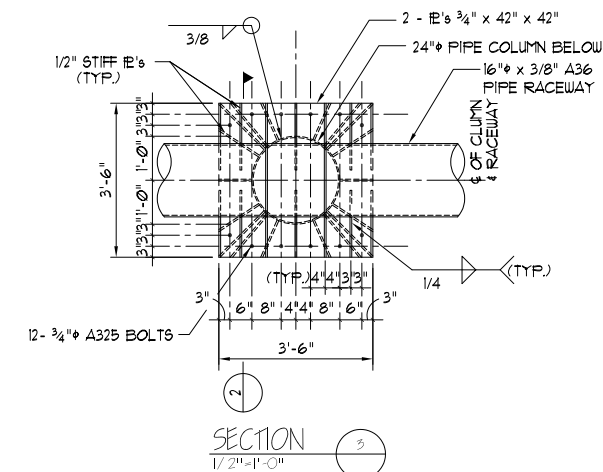
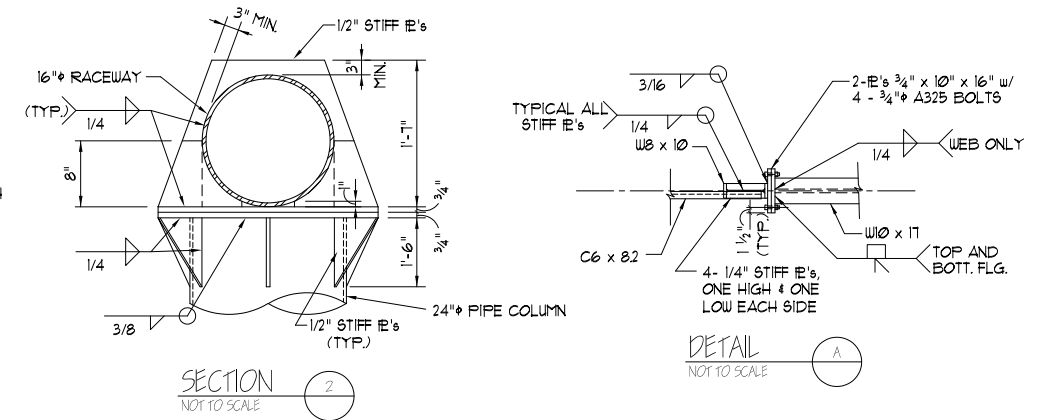
*J. Everett Moore, Atty
10-15-86*



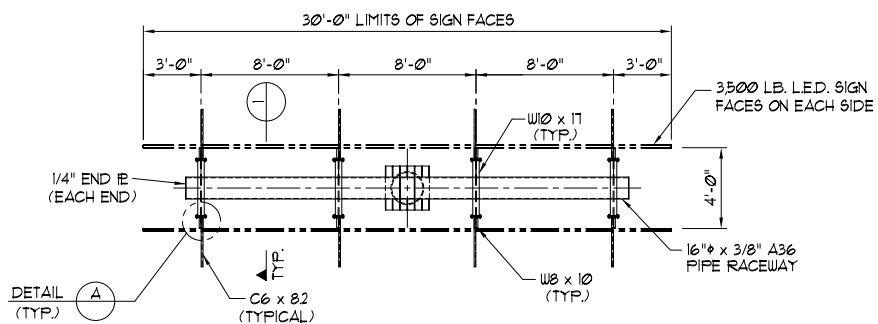
SIGN FRAME ELEVATION
NOT TO SCALE



SECTION 1
NOT TO SCALE



SECTION 3
1/2"-1'-0"

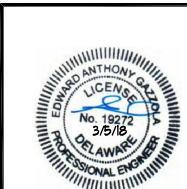


PLAN OF SIGN FRAME
NOT TO SCALE (BACK/BACK SIGN FACES)

NOTES:

1. ALL BOLTS 3/4" A325 GALVANIZED UNO.
2. CONCRETE STANDARD WEIGHT 3000 P.S.I. @ 28 DAYS COMPRESSIVE STRENGTH.
3. DESIGN WIND LOAD 110 M.P.H. EXPOSURE "C" PER 2012 INTERNATIONAL BUILDING CODE.
4. ALL STEEL SHALL BE ASTM A36 UNLESS NOTED. (WIDE FLANGES SHALL BE A992-50).
5. MAXIMUM SIGN FACE AREA 300 SQUARE FEET. MAXIMUM APRON FACE AREA 60 SQUARE FEET.
6. ALL WELDS SHALL BE MADE BY AN AWS. CERTIFIED WELDER USING E70 FILLER MATERIAL.
7. MINIMUM LATERAL PASSIVE SOIL BEARING CAPACITY SHALL BE 400 P.S.F. PER FOOT OF DEPTH.

B & P JOB NO. 18500028



OUTDOOR SPECIALIST, INC.
Augusta, Georgia

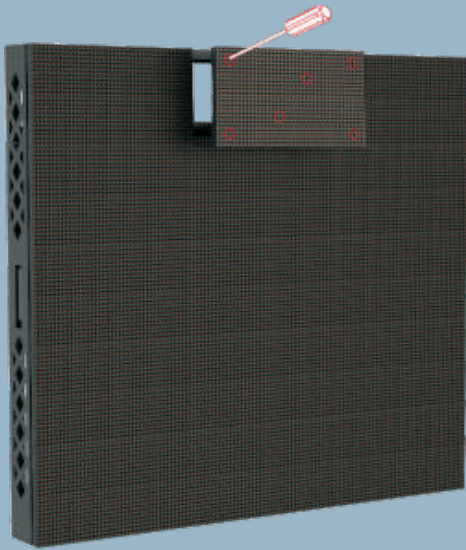
FOR PERMITTING ONLY

scale	revisions	by	date
NOTED			
date			3/5/18
drawn		TED	
ckd.		T.F.I.	

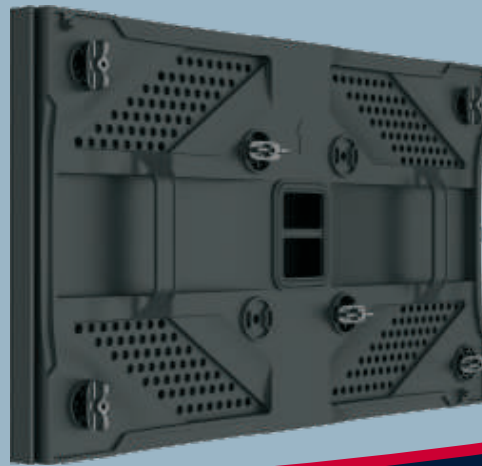
SIGN FRAME #3460-051

E5-2538
OK 5/20/22

HDX-16 Outdoor Direct-View LED Wall



Your Light and Slim-Line,
Fixed Installation, Outdoor
LED Display Solution!



- Exceptionally Bright
- Class-Leading Contrast Ratio
- Ultra Slim at only 5 Inches Deep
- Ultra Light at only 110 lbs per Four Foot Square Panel

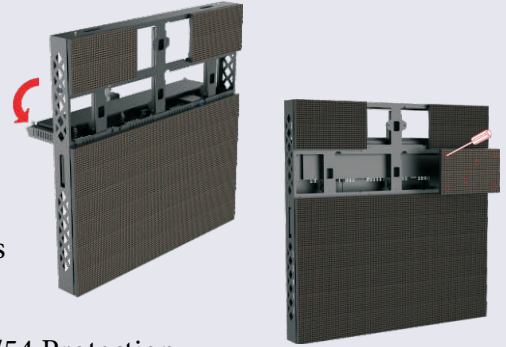


Manufacturing quality LED display solutions in the United States for over 35 years.



Product Features

- Front and Rear Maintenance Accessible Panels
- Rear Handle design makes Panels easy to Lift
- Light-Blocking design means less light leakage to Front of Panels
- Great Heat Dissipation and IP65/54 Protection



Functional and Physical Specifications			Functional and Physical Specifications		
LED Spacing (Pitch)	16	mm	Module Dimension	15.75(W) x 9.45(H)	Inches
Pixel Density	3,906	Pixels/m2	Module Resolution	25 X 15	Pixels
Viewing Angle	140 (Horiz.), 75 (Vertical)	Degrees	Panel Dimension	47.24(W) x 47.24(H) x 5.12(D)	Inches
Grey Level	14	Bit	Panel Resolution	75 X 75	Pixels
Refresh Rate	>1920	Hz	Panel Case Material	Aluminum Alloy	
Frame Rate	60	Hz	Panel Weight	<50	Kg
Brightness Adjustment	Manual/Auto/Programmable		Serviceability	Front and Rear Accessible	
LED Composition	DIP 1R1G1B		Life of Service	50,000+	Hours

Operational and Power Specifications		
Voltage	100-240	Volts AC
Avg. Power Consumption	155	Watts/M2
Max. Power Consumption	490	Watts/M2
Protection Grade	IP65/IP54	Front/Rear
Case Material:	Aluminum Alloy	
Storage Temp. Range	40-60/0-90	Degrees C/% Relative Humidity
Operating Temp. Range	20-45/10-90	Degrees C/% Relative Humidity
Compliance Stds.	ETL,CE,RoHS,FCC	
Video Source Compatibility	RF, S-Video, RGB, RGBHV, YUV, YC, Composition, HDMI, DVI-D	
Limited Warranty	Two Years	
Manual	Available online: http://support.adaptivedisplays.com/Documentation	
Technical Support	Phone and On-Line from Adaptive Technical Support Team	

Controllers and Configuration Software		
Software Included	Message and Content Creation	Adaptive Ooh!Media and LED STUDIO
File Capabilities	Static and Dynamic Video Files	.gifs, .jpeg, .bmp, .png, .avi, .mpg, wmv
Controllers and Processing Cards	NovaStar	

Brightness: 7000 Nits+

Agency Approvals: ETL, CE, FCC



AERIAL MAP

LOCKWOOD DESIGN & CONSTRUCTION CO, INC.
TAX MAP 235-15.00-24.00

Legend



Google Earth

© 2020 Google



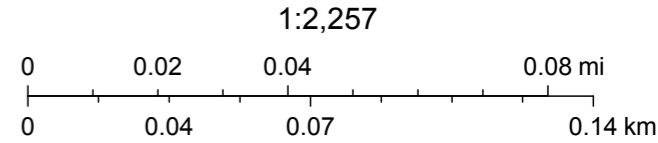
600 ft

Sussex County



June 18, 2020

Override 1	Zoning	High Density Residential - HR-2	General Commercial - C-3	Limited Industrial - LI-1
Override 1	Agricultural Residential - AR-1	Vacation, Retire, Resident - VRP	General Commercial - C-4	Limited Industrial - LI-2
Tax Parcels	Agricultural Residential - AR-2	Neighborhood Business - B-1	General Commercial - C-5	Heavy Industrial - HI-1
911 Address	Medium Residential - MR	Neighborhood Business - B-2	Commercial Residential - CR-1	County Boundaries
Streets	General Residential - GR	General Commercial - C-1	Institutional - I-1	
	High Density Residential - HR-1	General Commercial - C-2	Marine - M	



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

**§115-80 C. SPECIAL USE EXCEPTION
TAX MAP 235-15.00 PARCEL 24.00
AREA | 3.95± ACRES
ZONED | C-1**

**OFF-PREMISE SIGN | ARTICLE XI: §115-80 C. OFF-PREMISE SIGN
SUBJECT TO THE PROVISIONS OF 115--159.5 B. (1) (2) (4) & (5) AND
ELECTRONIC MESSAGE CENTER 115-161.1 B. (1) & (3).**

EXISTING USE | OFFICE & SELF-STORAGE
NO WETLANDS ON SITE
FLOOD ZONE | ZONE X

§ 115-159.5 B. | OFF-PREMISE SIGN PERMITTED IN C-1 GENERAL COMMERCIAL DISTRICT

§ 115-159.5 B. (1)

FRONT YARD SETBACK = 40'

PROPOSED = 41'

SIDE YARD SETBACK = 50'

PROPOSED = 51.0'

REAR YARD SETBACK = BRL FOR C-1 ZONING

DWELLING, CHURCH, SCHOOL, PUBLIC LANDS SETBACK = 150' |

PROPOSED = 154'+/-

ON-PREMISES SIGN SETBACK = 50'

PROPOSED = 91'+/-

§ 115-159.5 B. (3) | PROPERTIES ADJACENT TO ROADS WHICH HAVE LESS THAN FOUR TRAVEL LANES...

(a) SETBACK TO ADJACENT OFF-PREMISES SIGNS ON SAME SIDE OF ROAD = 600'
PROPOSED = < 1 MILE'

(b) MAXIMUM SIGN HEIGHT = 25' **PROPOSED = 25'**

(c) MAXIMUM SIGN AREA = 600 SQ. FT. (300 SQ.FT. EACH SIDE)
PROPOSED = 600 SQ.FT. (300 SQ.FT. EACH SIDE)

§ 115-159.5 B. (2) | A SINGLE OFF-PREMISES SIGN STRUCTURE SHALL SUPPORT NO MORE THAN ONE SIGN PER SIDE AND NO MORE THAN TWO SIGNS IN TOTAL. **THE PROPOSED OFF-PREMISE SIGN WILL BE INSTALLED BACK-TO-BACK ON A SINGLE STEEL POLE.**

§ 115-161.1 ELECTRONIC MESSAGING CENTERS

§ 115-161.1 B. OFF-PREMISES ELECTRONIC MESSAGE CENTERS

- (1) IN THE C-1 (GENERAL COMMERCIAL) DISTRICT, AN OFF-PREMISES SIGN MAY BE AN ELECTRONIC MESSAGE CENTER, PROVIDED THAT THE OWNER OBTAINS A SPECIAL USE EXCEPTION PURSUANT TO § 115-80C AND COMPLIES WITH THE REGULATIONS FOR OFF-PREMISES SIGNS PURSUANT TO § 115-159.5.

(3) FOR ALL OFF-PREMISES ELECTRONIC MESSAGE CENTERS WHICH ARE LOCATED ON PROPERTIES ADJACENT TO ROADS WHICH HAVE LESS THAN FOUR TRAVEL LANES (EXCLUDING TURN LANES), AN OFF-PREMISES ELECTRONIC MESSAGE CENTER SHALL NOT BE ERECTED WITHIN 1,200 FEET OF ANOTHER OFF-PREMISES ELECTRONIC MESSAGE CENTER. THIS SEPARATION DISTANCE SHALL BE MEASURED FROM THE EDGE OF THE OFF-PREMISES ELECTRONIC MESSAGE CENTER AND SHALL APPLY ONLY TO SIGNS WHICH ARE LOCATED ON THE SAME SIDE OF THE ROAD. **NO OTHER ELECTRONIC MESSAGING SIGN IS LOCATED WITHIN 1-MILE OF THIS APPLICATION.**

(5) OFF-PREMISES ELECTRONIC MESSAGE CENTERS SHALL BE PROHIBITED FROM USING DISPLAY FEATURES AND FUNCTIONS OF THE SIGNS, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING: ANIMATION, FLASHING, STREAMING OR REAL-TIME VIDEO, FADING, DISSOLVING, CONTINUOUS SCROLLING AND/OR TRAVELING, SPINNING, ROTATING, AND SIMILAR MOVING EFFECTS, AND ALL DYNAMIC FRAME EFFECTS OR PATTERNS OF ILLUSIONARY MOVEMENT OR SIMULATING MOVEMENT. FOR OFF-PREMISES ELECTRONIC MESSAGE CENTERS, THE TRANSITION TIME BETWEEN MESSAGES OR MESSAGE FRAMES IS LIMITED TO ONE SECOND

§ 115-161.1 C. ELECTRONIC MESSAGE CENTERS | THE FOLLOWING REGULATIONS SHALL APPLY TO ALL ELECTRONIC MESSAGE CENTERS.

(1) AN ELECTRONIC MESSAGE CENTER MAY BE CHANGED AT INTERVALS BY ELECTRONIC OR MECHANICAL PROCESS OR REMOTE CONTROL, PROVIDED THAT:

(A) ON AN OFF-PREMISES ELECTRONIC MESSAGE CENTER, EACH MESSAGE REMAINS FIXED FOR A MINIMUM OF AT LEAST 10 SECONDS.

(B) ON AN OFF-PREMISES ELECTRONIC MESSAGE CENTER, WHEN THE MESSAGE IS CHANGED, THE CHANGE MUST BE ACCOMPLISHED IN ONE SECOND OR LESS, WITH ALL MOVING PARTS OR ILLUMINATION CHANGING SIMULTANEOUSLY AND IN UNISON.

(C) AN ELECTRONIC MESSAGE CENTER SHALL CONTAIN A DEFAULT DESIGN THAT WILL FREEZE THE SIGN IN ONE POSITION, SHUT DOWN, OR SHOW A FULL BLACK IMAGE ON THE DISPLAY IF A MALFUNCTION OCCURS THAT AFFECTS AT LEAST 50% OF THE SIGN FACE.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, AN ELECTRONIC MESSAGE CENTER MAY NOT CONTAIN OR DISPLAY ANY LIGHTS, EFFECTS, OR MESSAGES THAT FLASH, MOVE, APPEAR TO BE ANIMATED OR TO MOVE, SCROLL, OR CHANGE IN INTENSITY DURING THE FIXED DISPLAY PERIOD.

(E) AN ELECTRONIC MESSAGE CENTER SHALL APPROPRIATELY ADJUST DISPLAY BRIGHTNESS AS AMBIENT LIGHT LEVELS CHANGE AND SHALL HAVE AUTOMATIC DIMMING CONTROLS, EITHER BY PHOTOCCELL, HARDWARE, OR SOFTWARE SETTINGS, IN ORDER TO BRING THE LIGHTING LEVEL AT NIGHT INTO COMPLIANCE WITH SIGN ILLUMINATION STANDARDS SET FORTH IN THIS ARTICLE.

(F) AN OWNER WHO SEEKS A BUILDING PERMIT OR A SPECIAL USE EXCEPTION FOR AN ELECTRONIC MESSAGE CENTER SHALL PROVIDE DOCUMENTATION AT THE TIME OF APPLICATION WHICH DEMONSTRATES THAT THE SIGN SHALL APPROPRIATELY ADJUST DISPLAY BRIGHTNESS AS AMBIENT LIGHT LEVELS CHANGE AND SHALL HAVE AUTOMATIC DIMMING CONTROLS, EITHER BY PHOTOCCELL, HARDWIRE, OR SOFTWARE SETTINGS, DESIGNED TO BRING THE LIGHTING LEVEL AT NIGHT INTO COMPLIANCE WITH SIGN ILLUMINATION STANDARDS SET FORTH IN THIS ARTICLE.

(G) A SIGN THAT ATTEMPTS OR APPEARS TO ATTEMPT TO DIRECT THE MOVEMENT OF TRAFFIC OR WHICH CONTAINS WORDING, COLOR, SHAPES, OR LIKENESS OF OFFICIAL TRAFFIC CONTROL DEVICES IS PROHIBITED.

(H) NO ELECTRONIC MESSAGE CENTER SHALL EMIT ANY AUDIO OR VERBAL ANNOUNCEMENT OR NOISES OF ANY KIND.

CRITERIA FOR A SPECIAL USE EXCEPTION:

1. SUCH EXCEPTION WILL NOT SUBSTANTIALLY AFFECT ADVERSELY THE USES OF ADJACENT AND NEIGHBORING PROPERTY.

THE PROPERTIES ON THE EAST AND SOUTH ARE FARM FIELDS AND THE PROPERTIES TO THE NORTH ARE COMMERCIAL. CURRENTLY THERE ARE 2 OFF-PREMISE SIGNS THAT WILL BE REMOVED AS A PART OF THIS APPLICATION TO BE REPLACED WITH ONE OFF-PREMISE ELECTRONIC MESSAGING CENTER. THE SIGN IS BEING PLACED IN ORDER TO MEET ALL THE SETBACKS OF THE ORDINANCE. SUCH EXCEPTION WILL NOT SUBSTANTIALLY INCREASE THE HAZARD FROM FIRE OR OTHER DANGERS TO SAID AND NEIGHBORING PROPERTIES; OTHERWISE IMPAIR THE PUBLIC HEALTH, SAFETY, COMFORT, MORALS OR GENERAL WELFARE OF THE PUBLIC; DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD; UNDULY INCREASE TRAFFIC CONGESTION ON THE PUBLIC HIGHWAYS; WILL CREATE A PUBLIC NUISANCE; OR RESULT IN AN INCREASE IN PUBLIC EXPENDITURES.



State of Delaware

Department of Transportation

23697 DuPont Boulevard

Georgetown, DE 19947

Jennifer Cohan

Secretary

February 14, 2020

Lockwood Design & Construction Co., Inc.
26412 Broadkill Road
Milton, DE 19968

Dear Mr. Lockwood:

The Roadside Control Section of the Department of Transportation is charged with the responsibility of enforcing statutory regulations pertaining to Outdoor Advertising as set forth under Title 17, Chapter 11, of the Delaware Code.

The Department has received your outdoor advertising application for a new off premise VMS (variable message sign) to be situated on the property belonging to a Lockwood Design & Construction Company with a (tax parcel #: 235-15.00-24.00) located on SCR 016 / (Broadkill Rd) in Sussex County.

I have reviewed the proposed site plan that was submitted as well as the application. As long as the sign is constructed per the specifications submitted and the required building permits are obtained by the local land use authority, the Department has no objection to the proposed sign application. It is the responsibility of the sign owner to seek approval from the local authority before installation of the sign.

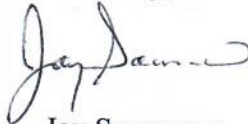
This letter serves as a letter of no objection to assist with your application to the Board of Adjustment. This letter **does not** grant permission to construct the sign. Should the Board of Adjustment approval be granted for this sign structure, you must notify the Department in writing and provide all necessary documentation, including the Board of Adjustment findings and any revisions to the sign structure that may have occurred. Once the Department has received all necessary documentation and verified that conditions for approval have been met, a Notice to Proceed letter will be issued to allow for the construction of the sign.

Mr. Lockwood
Page 2
February 14, 2020

This letter of no objection is provided to you as a courtesy to assist you in securing approval from the appropriate entities prior to construction of the sign structure. **This letter is not a permit.**

Should you have any questions or concerns, or to schedule your pre-construction or final inspection, please contact me at (302) 853-1327.

Sincerely,



Jay Sammons
Investigator 1
South District / DOT

JWS/js

By certified mail

Cc: LaTonya Gilliam, P.E., North District Engineer
Christopher King, Roadside Control Manager

SQUARE FOOTAGE / PERMIT FEE

SIZE OF SIGN (sq. ft.)	ANNUAL FEE (per panel)
0 to 30	\$5
31 - 100	\$10
101 - 300	\$15
> 300	\$20

**Application
for
Outdoor Advertising Permit**



**Delaware
Department of Transportation**

OFFICE USE ONLY

Date received: _____
 Time received: _____
 Received by: _____
 Check No.: _____
 Amount Paid: _____
 Date Approved: _____
 GPS Coord: _____
 Owner ID: _____
 Structure ID: _____

Sign will be attached to a building or other structure that is not specifically a free standing sign structure (check if yes)
 Application is for a public service / school bus shelter sign (check if yes and attach State Department of Education permission)

Sign Owner (individual or company responsible for billing): Lockwood Design & Construction Co., Inc.

Address (for billing & legal notices): 26412 Broadkill Road

City / State / Zip: Milton, DE 19968

Telephone #: 302-684-4844 **E-Mail:** info@lockwooddesigns.com

If Sign Owner is a foreign national, non-resident alien or non-Delaware Corporation, institution or agency, bond may be required (check if yes)

Property Owner (if different than above): Lockwood Design & construction Co., Inc.

Mailing Address: 26412 Broadkill Road

City / State / Zip: Milton DE 19968 **Telephone #:** _____

Sign Installer: Rogers Sign Company, INC. **E-Mail:** lynn@rogerssign.com **Telephone #:** 302-684-8338

The complete footprint of the sign (supports and both outside edges of the advertising area) as well as the Right of Way must be staked in the field prior to approval being granted. Is the sign site completely marked? Yes No

If no, date site will be marked: _____

Sign location (physical street address): 26412 Broadkill Road, Route 16, Milton Delaware 19968 **Tax Parcel ID:** 235-15.00-24.00

Within city/town limits? Yes No **If yes, name of municipality:** N/A (Sussex) **Zoning:** C-1

Is zoning conditional? Yes No **Setback** (distance from r-o-w to edge of sign nearest r-o-w) 41-Feet ft.

(if yes, explain on back of form)

Number of Sign Facings		Number of Panels per Face	
<input type="checkbox"/> One <input checked="" type="checkbox"/> Two		<input checked="" type="checkbox"/> One <input type="checkbox"/> Two	
Face One	Panel One	Area: <u>300</u> sq. ft.	Length: <u>30</u> ft. Height: <u>10</u> ft.
	Panel Two	Area: _____ sq. ft.	Length: _____ ft. Height: _____ ft.
Face Two	Panel One	Area: <u>300</u> sq. ft.	Length: <u>30</u> ft. Height: <u>10</u> ft.
	Panel Two	Area: _____ sq. ft.	Length: _____ ft. Height: _____ ft.

Total Annual Fee (example: # panel(s) x \$/panel): \$ _____

Surface Treatment Poster Painted LED Other **Support Type** Wood Metal Monument

Will the sign be illuminated? Yes No **Premise** On-premise Off-premise

Type of Display 1. Back-to-Back 2. Side-by-Side 3. Single Face 4. V-Type 5. Stacked

Clearance (bottom of sign to ground) 14 ft. **Electronic Variable Message** Yes No

A plot plan showing the location of the proposed sign structure (on the Tax ID / Map Number noted) as well as a diagram of the proposed sign structure (with dimensions) must accompany this application.

State of Delaware Outdoor Advertising Permits are **NOT** building permits!

You **MUST** have a county or municipal building permit, a letter of permission, or a letter of no objection to legally maintain any type or form of outdoor advertising sign, display, or device. If you erect a sign, display, or device without obtaining local permission or approval, your State Outdoor Advertising permission will be revoked and the sign, display, or device will be required to be REMOVED. Should the sign, display, or device fall into a state of disrepair, the Department reserves the right to revoke any permits issued after 30 days written notice. CONSTRUCTION MUST BEGIN WITHIN 6 MONTHS AND COMPLETED WITHIN 1 YEAR OF THE DATE OF THE APPROVAL LETTER.

Use this space to provide details if the signs location is conditionally zoned, or to provide any other necessary explanations or further details about any of the answers given on the front of this form, or to give any additional information that may be useful to the approval process for the sign, display, or device. (If necessary, attach additional sheets).

Off-Premise Sign | ARTICLE XI: Section 115-80 C. Off-premise sign subject to the provisions of 115-159.5 B. (1) (2) (3) & (5) and Electronic Message Center 115-161.1 B. (1) & (3).

By my signature below, I agree to all terms, conditions, definitions and regulations for Outdoor Advertising as specified in and by this form and its attendant instructions, definitions and advisories, and as further specified in and by the laws of the State of Delaware and in and by the regulations of its Department of Transportation. I further attest by my signature below that the information provided by me and / or my representatives or agents pertaining to this application (including related documents), is true, accurate, and complete to the best of my knowledge.

Signature (must be owner of sign): [Handwritten Signature]
print name here: Don A. Lockwood

Date: 2/7/2020

AFFIDAVIT (of property owner)

This form must be notarized **ONLY** if the advertising sign, display, or device is to be erected on **PRIVATE** property that is **NOT** owned by the same person(s) or entity that will be the owner(s) of the advertising sign, display, or device.

State of Delaware County of Sussex

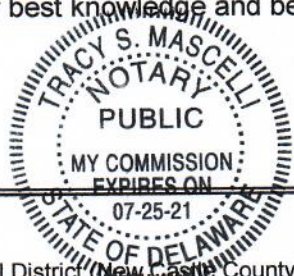
On this 7th day of the month of February in the year 2020, before me

personally appeared Don A. Lockwood, who being duly sworn according to law doth depose and say that the information given herein and in accompanying documents is true to his / her best knowledge and belief.

Property Owners Signature: [Handwritten Signature]

Notary's Signature: [Handwritten Signature]

commission expires July 25, 2021

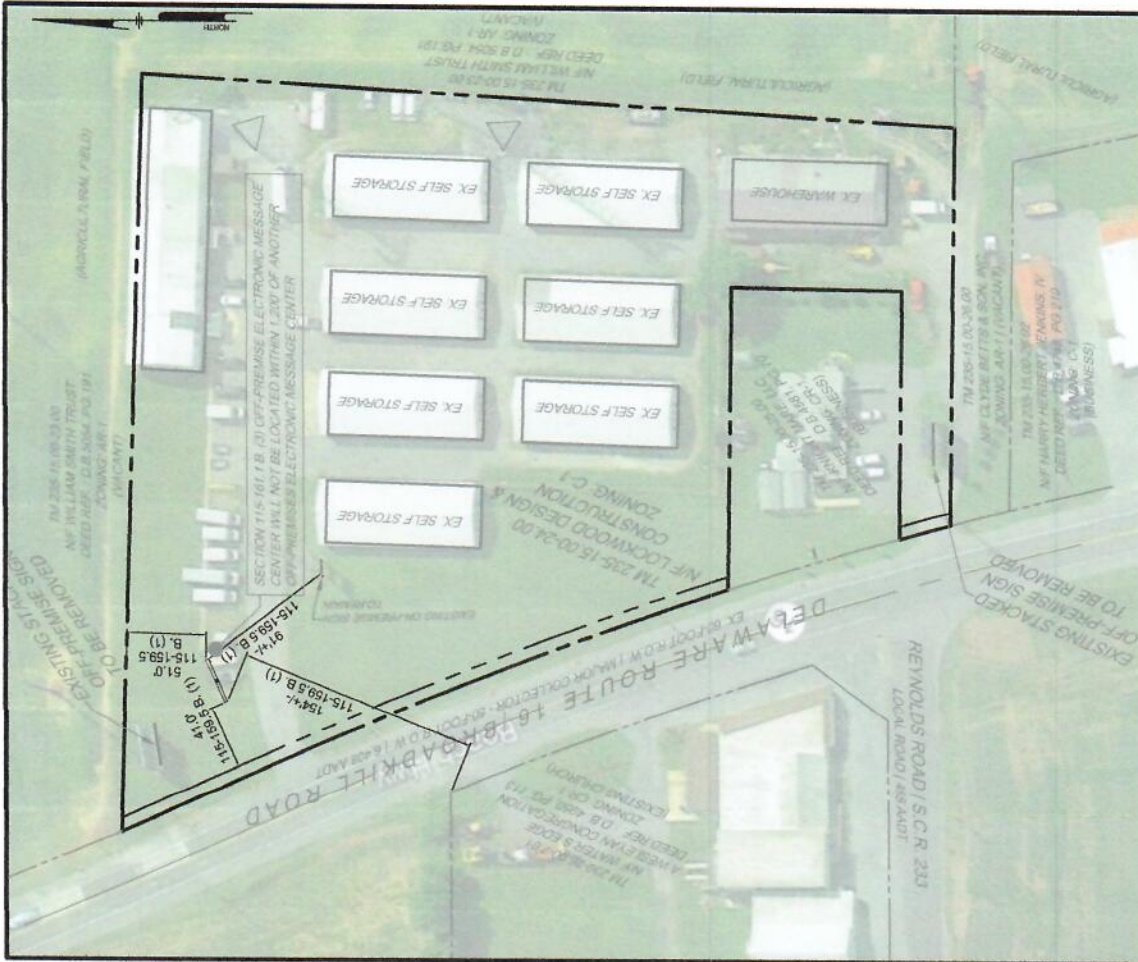


DeIDOT CONTACTS

North / Canal District (New Castle County)
Outdoor Advertising Agent, Public Works Section
250 Bear Christiana Road Bear, DE 19701 (302) 326-4688

Central District (Kent County)
Outdoor Advertising Agent, Public Works Section
930 Public Safety Blvd. Dover, DE 19901 (302) 760-2443

South District (Sussex County)
Outdoor Advertising Agent, Public Works Section
23697 DuPont Blvd. Georgetown, DE 19947 (302) 853-1327



SITE DATA

1. TAX MAP 235-15-00 PARCEL 24.00
2. AREA 3.95± ACRES
3. ZONED C-1
4. EXISTING USE OFFICE | SELF STORAGE
5. OFF-PREMISE SIGN
6. FLOOD ZONE NONE
7. BOUNDARY SURVEY AND EXISTING CONDITIONS BASED ON PUBLIC RECORD DOCUMENTS AND MILLER LEWIS, INC. (01192018) | NO SURVEY HAS BEEN DONE BY PENNONI
8. OFF-PREMISE SIGN PERMITTED IN C-1 GENERAL COMMERCIAL DISTRICT
9. SECTION 115-159.5 B. (1) FRONT YARD SETBACK = 42' SIDE YARD SETBACK = 57' REAR YARD SETBACK FOR C-1 ZONING = 180'
10. ON-PREMISES SIGN SETBACK = 180'
11. SECTION 115-159.5 B. (3) PROPERTIES ADJACENT TO ROADS WHICH HAVE LESS THAN FOUR TRAVEL LANES (A) SETBACK TO ADJACENT OFF-PREMISES SIGNS ON SAME SIDE OF ROAD = 800' (B) MAXIMUM SIGN HEIGHT = 25' (C) MAXIMUM SIGN AREA = 600 SQ. FT. (200 SQ. FT. EACH SIDE) (D) SECTION 115-159.5 B. (3) MAXIMUM SIGN STRUCTURE HEIGHT SHALL BE NO MORE THAN ONE SIGN PER SIDE AND NO MORE THAN TWO SIGNS IN TOTAL SIGNS WHICH ARE STACKED OR SIDE-BY-SIDE ON AN OFF-PREMISES SIGN STRUCTURE ARE PROHIBITED.
12. SECTION 115-161.1 B. (3) - THERE ARE NO ELECTRONIC MESSAGE CENTER SIGNS ADJACENT TO THE PROPOSED OFF-PREMISE ELECTRONIC MESSAGE CENTER.



PENNONI ASSOCIATES INC.
 18172 DIRECTION DRIVE
 MILWAUKEE, WI 53227
 T 300.664.8000 F 300.664.8004

PROJECT RGRS20000
DATE 2020-07-30
DRAWING SCALE 1" = 60'

DRAWN BY MHD
APPROVED BY MHD
CS1001
SHEET 1 OF 1

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTED FOR RECORD IN ACCORDANCE WITH THE REQUIREMENTS OF THE WISCONSIN STATUTES. ANY REVISIONS TO THIS PLAN SHALL BE MADE BY PENNONI ASSOCIATES. PENNONI ASSOCIATES SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN. PENNONI ASSOCIATES SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN. PENNONI ASSOCIATES SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN.

28412 BROADHILL ROAD
 SECTION 115-159.5 B. (3) | 115-161.1 B. (3)
 LOCKWOOD DESIGN & CONSTRUCTION CO., INC.
 28412 BROADHILL ROAD
 MILWAUKEE, WI 53227

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 # 12442
Hearing Date 202002770

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:

21001 Rogers Ave Rehoboth DE

Variance/Special Use Exception/Appeal Requested:

Variance requested for front yard setback.

Tax Map #: 3-34-20.13-56.00

Property Zoning: _____

Applicant Information

Applicant Name: Insight Homes (Bryen Elliott)

Applicant Address: 16255 Sussex Hwy.

City Bridgetown State DE Zip: 19933

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

Owner Information

Owner Name: Richard Johnson & Joyce Flanagan

Owner Address: 25 Deerborne Trail

City Newark State DE Zip: 19702-2052 Purchase Date: _____

Owner Phone #: 302-545-0253 Owner e-mail: richjohnson52@gmail.com

302-528-2232
joycefl67@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Same as Applicant

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Bryen Elliott

Date: 3-2-20



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

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

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

1. Uniqueness of property:

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

The lot is narrow & at the same time shallow.

The lot consists of only 5,000 sq. ft.

2. Cannot otherwise be developed:

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

The property can not otherwise be developed, and a variance is necessary to afford reasonable use of the property.

It is reasonable to allow a small space in the rear yard for maintenance of the HVAC unit & steps.

The rear steps & mechanical must go off the rear of home.

3. Not created by the applicant:

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

The difficulty has not been created by the applicant. The old existing home is actually in the front setback now.

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

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

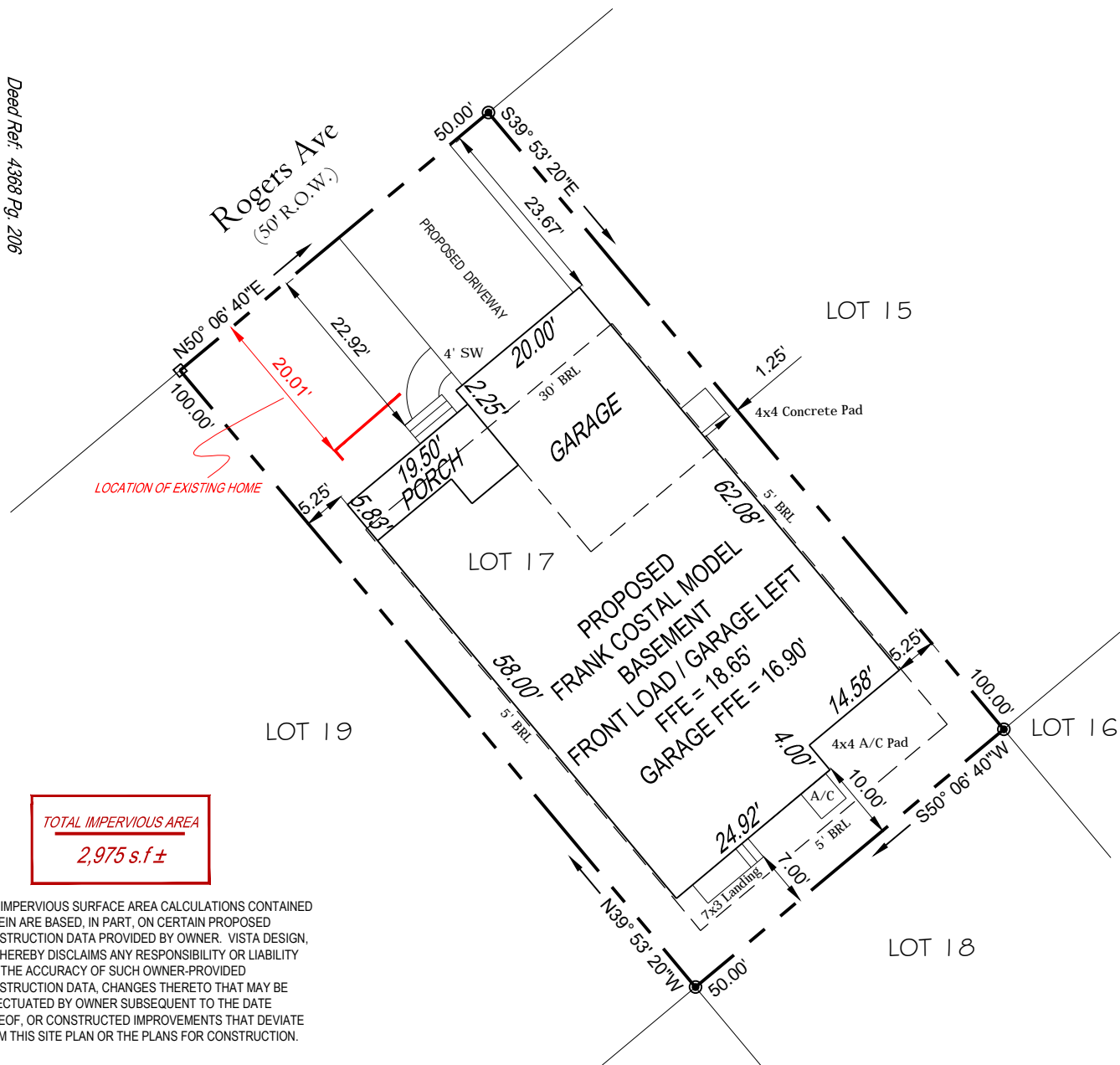
A variance will not alter the essential character of the neighborhood but rather enhance it.

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 variance to afford relief and allow reasonable use of the property as there are rear steps & the outdoor HVAC unit that must go off the rear & be accessible for

Deed Ref: 4388 Pg. 206



TOTAL IMPERVIOUS AREA
2,975 s.f.±

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

GENERAL NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY, COVENANTS AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
2. THIS SURVEY IS BASED ON THE FINAL SITE PLAN OF ANN ACRES DATED 11/06/51, AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED. BEARING SYSTEM REFERENCED TO PLAT BOOK 2 PAGES 38
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 "X" UNSHADED PER FEMA MAP #10005C0345 K DATED 03/16/15)

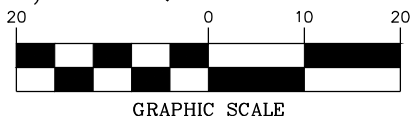
LEGEND

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

REVISED VARIANCE SITE PLAN EXHIBIT

PREPARED FOR - ZZ-112

**LOT 17, BLOCK "B", ANN ACRES SUBDIVISION
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP# 3-34-20.13 PARCEL 56.00
AREA: 5,000 ± SQ.FT. OR 0.11478 ± ACRES**



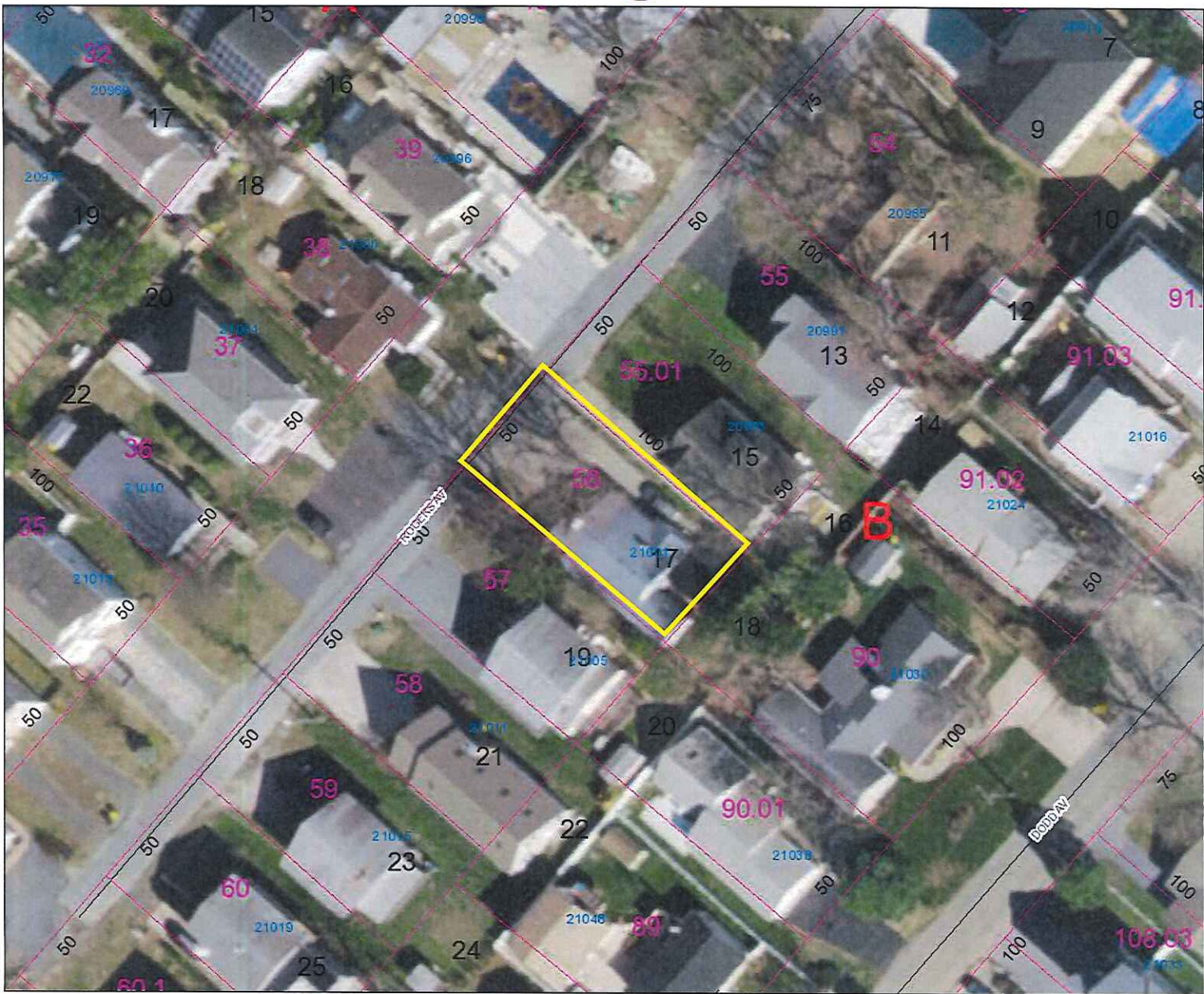
VISTA DESIGN INC.
Landscape Architects, Land Planning Consultants and Engineers
11634 Worcester Hwy, Showell, MD 21862
ph. 410-352-5604 fax 410-352-3875 email vista@vistadesigninc.com

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# 20-026-17
DRAWN BY: VD	DATE: 06/10/20	SHEET 1 OF 1
CHECKED BY: DLA	SCALE: AS SHOWN	



Sussex County



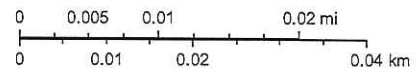
PIN:	334-20.13-56.00
Owner Name	JOHNSON RICHARD P
Book	4368
Mailing Address	25 DEERBORNE TRAIL
City	NEWARK
State	DE
Description	ANN ACRESROGERS
Description 2	AVE LOT 17 BLK B
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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

1:564



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

2020.02.06.15

12441

RECEIVED

MAR 06 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: 30563 Tower Place
Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested: The existing raised patio
in back of house is 9.92' from the property line.
Request variance to cover patio w/ screen porch
Request variance of the required 15' set-back

Tax Map #: 5-33-20.00-88.00 Property Zoning: Res.

Applicant Information

Applicant Name: JAMES & Amy Owens
Applicant Address: 2254 Phillips Mill Rd
City, State, Zip: Forest Hill MD 21050
Applicant Phone #: 443-463-2270 Applicant e-mail: james.owens@whiting-turner.com

Owner Information

Owner Name: JAMES & Amy Owens
Owner Address: 2254 Phillips Mill Rd Forest Hill MD 21050
City, State, Zip: _____ Purchase Date: _____
Owner Phone #: 443-463-2270 Owner e-mail: james.owens@whiting-turner.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

[Signature] Date: 2/20/20



~~RECEIVED
FEB 24 2020
SUSSEX COUNTY
PLANNING & ZONING~~

Applicant Information

Applicant Name: JAMES & Amy OWENS
Applicant Address: 2254 Phillips Mill Rd
City: Forest Hill State: MD Zip: 21050
Phone #: 443-463-2270 E-mail: james.owens@whiting-turner.com

Owner Information

Owner Name: JAMES & Amy OWENS
Owner Address: 2254 Phillips Mill Rd
City: Forest Hill State: MD Zip: 21050
Phone #: 443-463-2270 E-mail: james.owens@whiting-turner.com

Engineer/Surveyor Information

Engineer/Surveyor Name: SOLUTIONS Integrated Planning Engineering & Mgmt. LLC
Engineer/Surveyor Address: 303 N. Beaufort Street
City: Georgetown State: DE Zip: 19947
Phone #: 302-297-9215 E-mail: _____

Agent/Attorney Information

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

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____



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 existing patio is 9.92' from property line because of a 4" wide ditch (see photo 1). This is an existing condition when we purchase home in 2018.

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.

Patio is not overly large. Reducing depth of patio by 5.08' would make not functional ($15 - 9.92 = 5.08$). Do not believe property line could be moved because of drainage ditch.

3. Not created by the applicant:

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

We purchased home in 2018. Patio was existing. Would like to screen-in 1/2 of patio. We did not create the 9.92' set-back.

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.

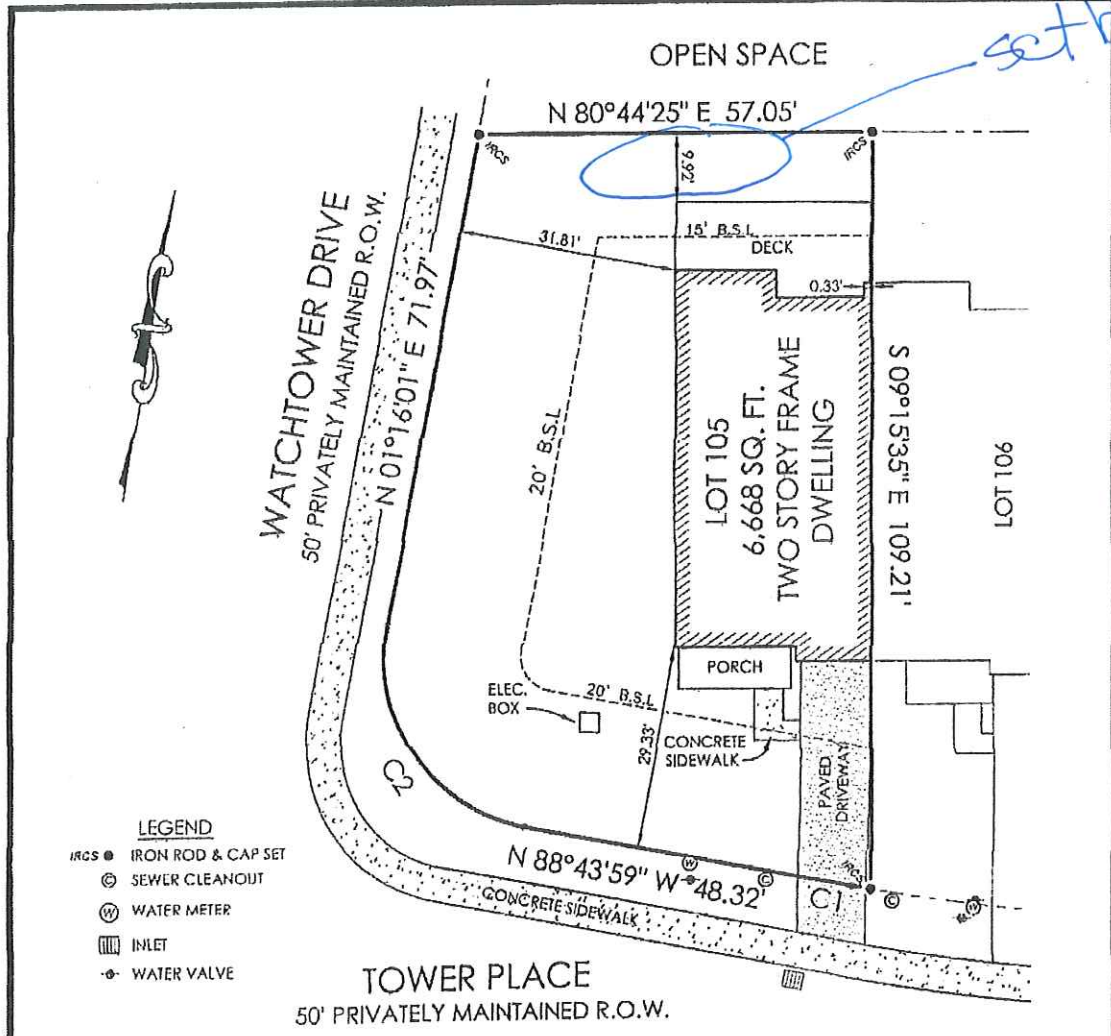
Do not believe so. Many homes in the Overlook community already have screen porches over their patios. See photos 3 thru 8. Screen porch will not go beyond edge of existing patio leaving the 9.92' set-back in-place.

5. Minimum variance:

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

Yes the porch over the patio will not extend past. This will leave the 9.92' set-back that is currently in place from edge of patio to property line.

set back



- LEGEND**
- IRCS ● IRON ROD & CAP SET
 - ⊙ SEWER CLEANOUT
 - ⊙ WATER METER
 - ▭ INLET
 - ⊙ WATER VALVE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	2.72'	275.00'	0°33'58"	N 89°00'58" W	2.72'
C2	39.27'	25.00'	00°00'00"	N 43°43'59" W	35.35'

- SITE DATA:**
1. OWNER: BAYVILLE COMMUNITIES, LLC
506 MAIN STREET SUITE 300
GAITHERSBURG, MD 20878
 2. TAX ID: 5-33-20.00-88.00
 3. DEED: BOOK 4203, PG. 183, 218
 4. PLAT: BOOK 206 / PG. 39
 5. SETBACKS: 20' MIN. FRONT
20' MIN. SIDE
15' MIN. REAR
 6. OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY OR EASEMENTS ON THIS PROPERTY.
 7. NO TITLE SEARCH WAS REQUESTED OR STIPULATED.
 8. BASED UPON F.E.M.A FLOOD INSURANCE RATE MAP 100D5C0652K, PANEL 652 OF 660, WITH AN EFFECTIVE DATE OF MARCH 16, 2015, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE (ELEV 4), BASE FLOOD ELEVATIONS DETERMINED.



SURVEYOR'S STATEMENT

I, BARRY M. HALL, HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS FOR A SUBURBAN CLASS SURVEY AND THAT THE MONUMENTS AND MARKERS SHOWN HEREON AS EXISTING ACTUALLY EXIST AND THAT THEIR POSITIONS ARE ACCURATELY SHOWN.

SOLUTIONS IPEM, LLC
By BARRY M. HALL, AGFNI

solutions
Integrated Planning
Engineering & Management, LLC

303 N. Bedford Street
Georgetown, DE 19947
T. 302.297.9215
www.solutionsipem.com
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Fuller Hall
& ASSOCIATES, INC.
A Wholly Owned Subsidiary

**BOUNDARY SURVEY PLAN &
FINAL ASBUILT BUILDING LOCATION**

LOT 105

THE OVERLOOK, PHASE 2A

BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

Drawn by: MRB
Job No.: 13051
Scale: 1" = 20'
Date: 10/22/2015
Sheet 1 of 1

Robert J. Grasso
30567 Tower Place
Selbyville, DE 19975
March 3, 2020

Mr. James Owens
30563 Tower Place
Selbyville, DE 19975

Dear Jim:

Thank you for your call. It was a pleasure to hear from you. I have no objections to and fully support your plans to create a screened-in area on the patio of your Overlook home. If I can help in any way, please let me know. Good luck with your project.

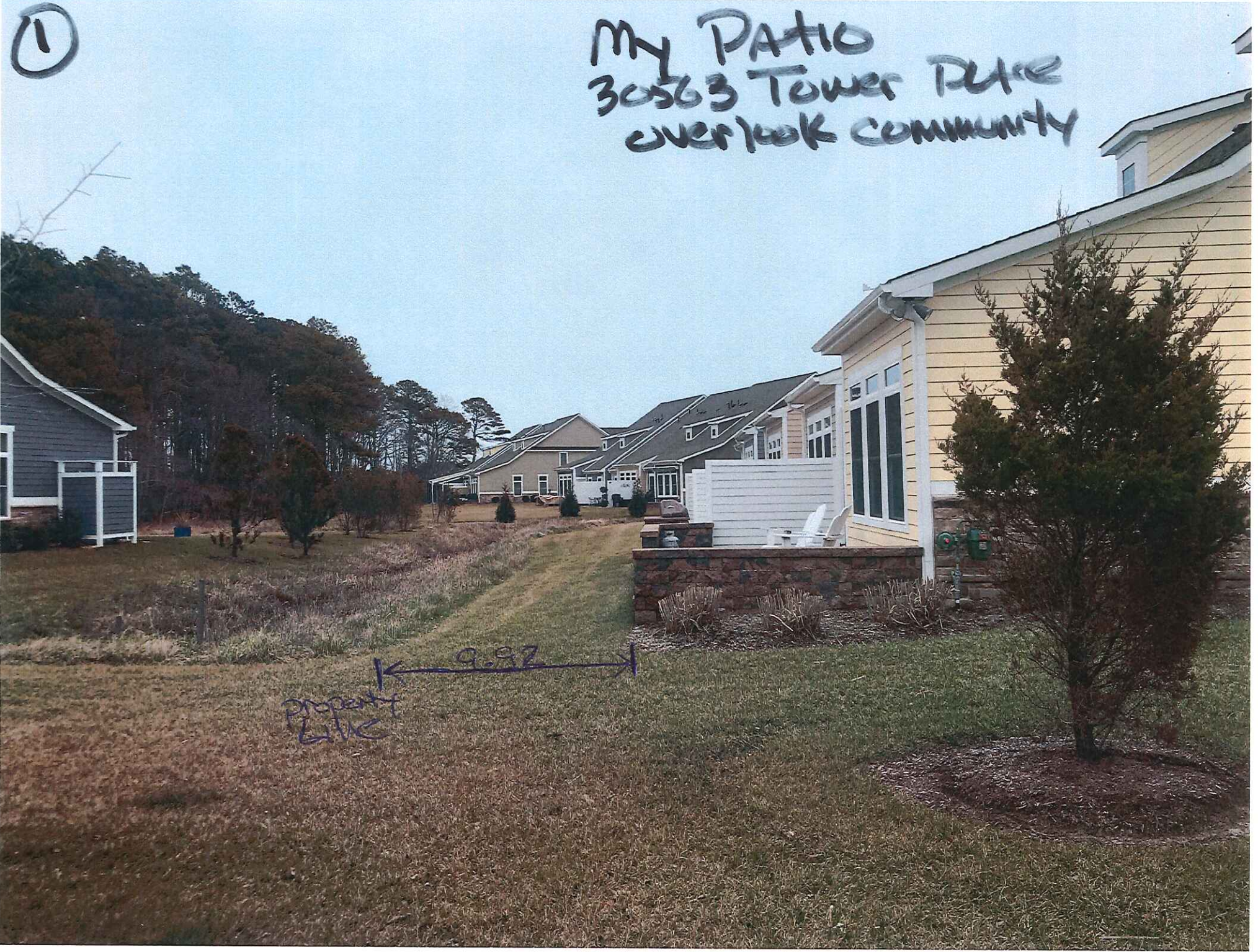
Regards,

Robert J. Grasso

①

MY PATIO
30563 Tower Duke
overlook community

9.92
Property
Line

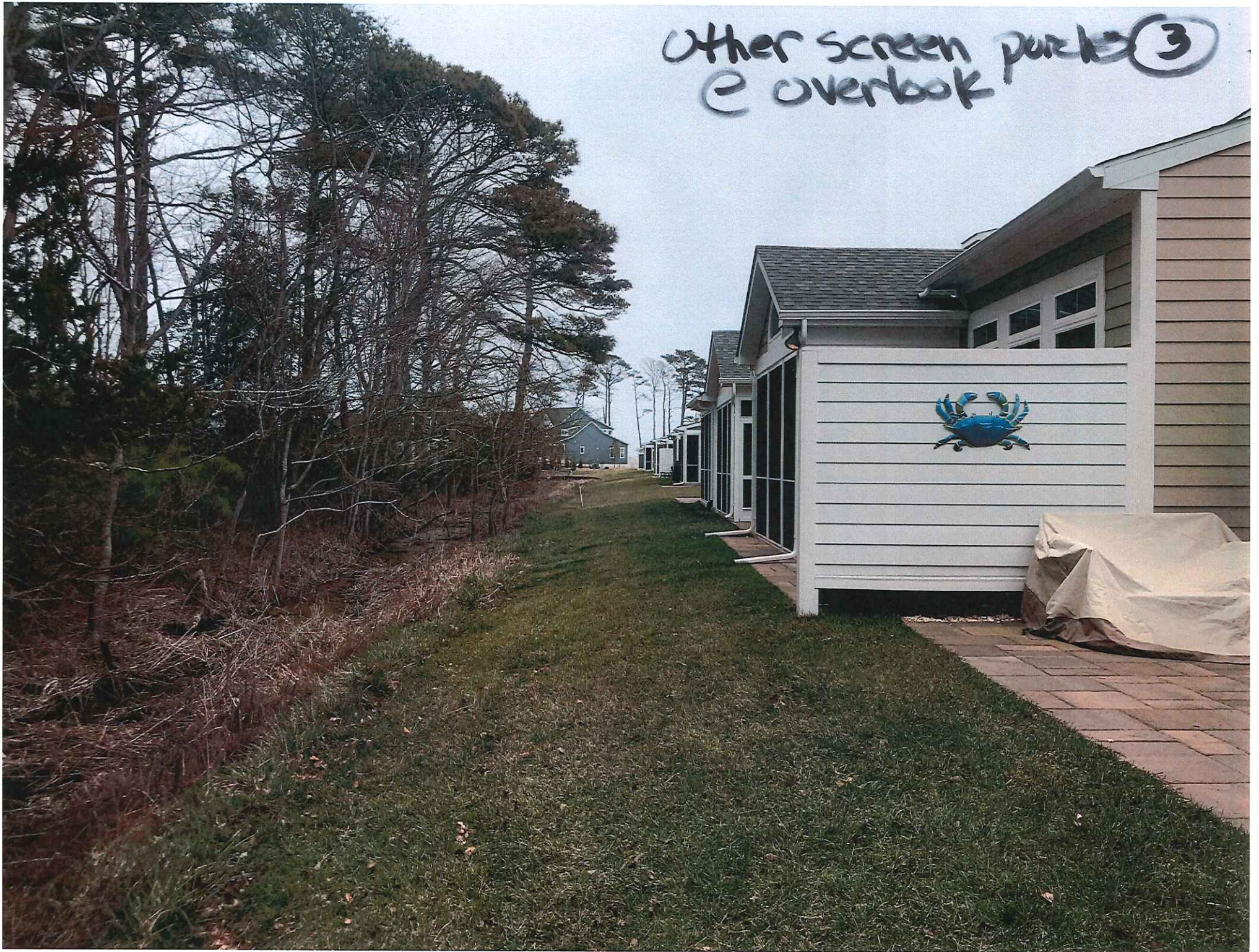


②

My PATIO
30563 Tower PLike
Overlook Comm.



Other screen porch (3)
@ overlook



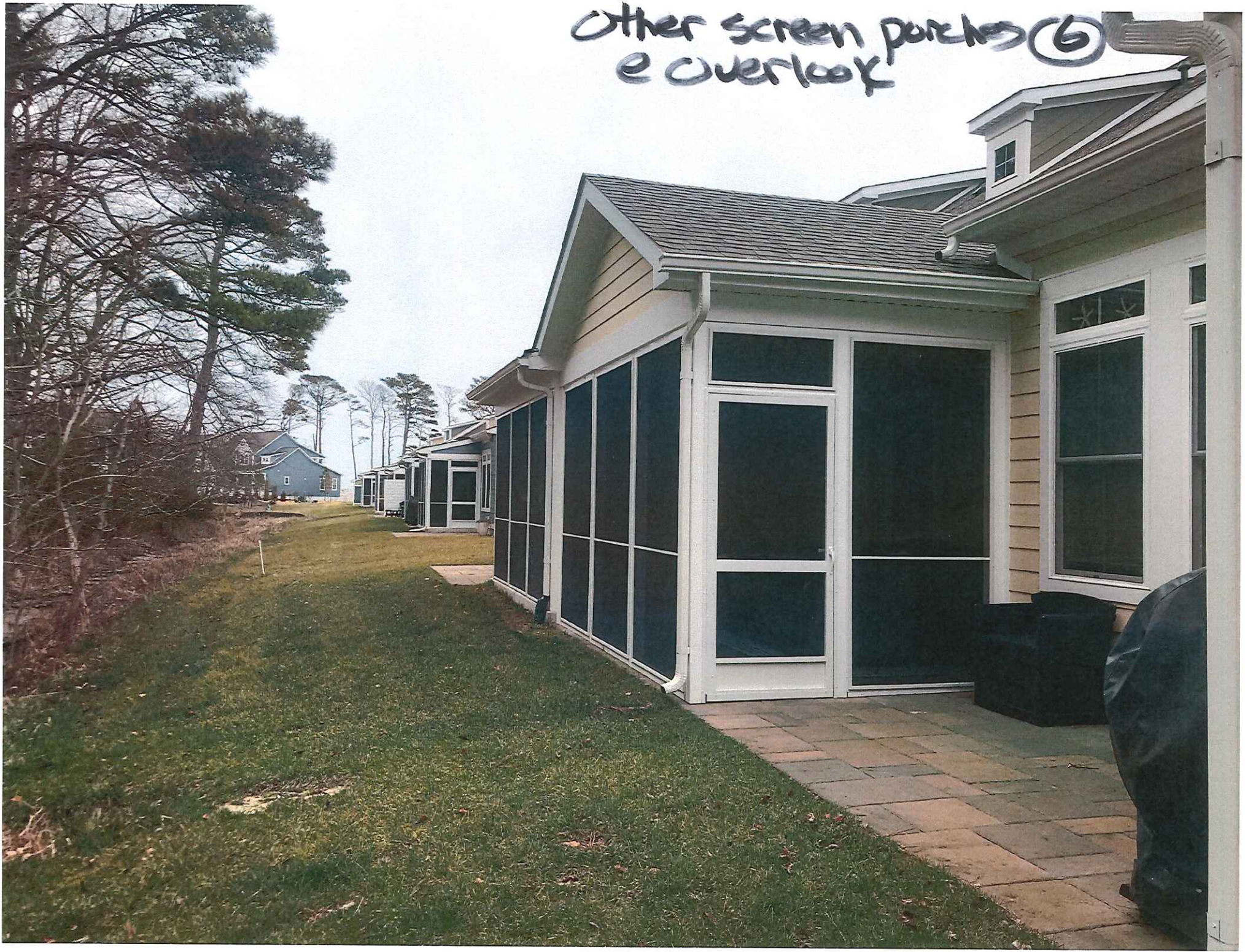
Other screen porch
& overlook



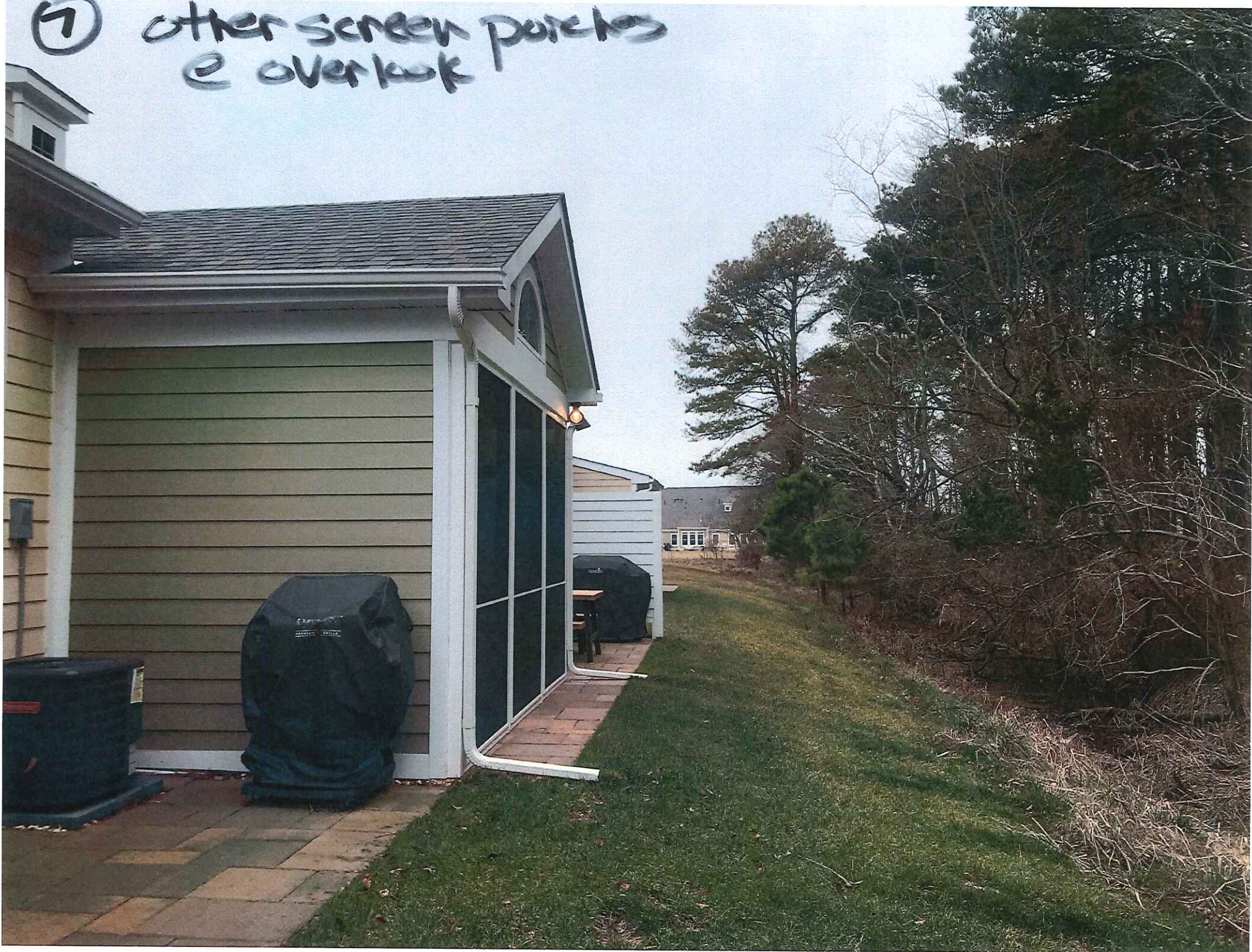
Other screen panels (5)
e overbook



Other screen porches & overlook



⑦ other screen patches
& overlook



⑧ Other screen panels
& overlook



March 3, 2020

Board of Adjustments
Sussex County Delaware
PO Box 417
Georgetown DE 19947

RE: Variance 30563 Tower Place, Selbyville DE 19975

Enclosed please find my resubmission of our application for a variance to build a screen porch over our existing patio. The patio edge is currently 9.92' (not 15' as required) from the rear property line because of a drainage ditch on the back-side of my property.

Enclosed if

- Application
- Boundary Survey Plan & Final Asbuilt Building Location
- Letter of support from our next door neighbor
- Picture of existing Patio. Pictures 1 & 2
- Picture of similar screen porch at another unit in development (Overlook). Pictures 3 - 8
- \$400 check as required

Thanks and please let me know if you have any questions.



James Owens
443-463-2270
james.owens@whiting-turner.com

RECEIVED
MAR 06 2020
SUSSEX COUNTY
PLANNING & ZONING

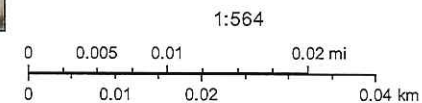


Sussex County



PIN:	533-20.00-88.00
Owner Name	OWENS JAMES G
Book	4989
Mailing Address	2254 PHILLIPS MILL RD
City	FOREST HILL
State	MD
Description	THE OVERLOOK
Description 2	LOT 105
Description 3	
Land Code	

- polygonLayer
 - Override 1
 - polygonLayer
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - Map Index
 - County Boundaries
 - Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way



March 18, 2020

12443
Case # 202003006
Hearing Date

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

RECEIVED

MAR 13 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:

38288 London Ave. Unit #6 Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

Bay Shore Community Church is leasing the property listed below and wishes to establish a 55 max. preschool and aftercare program

Tax Map #: 533 - 18.00 - 61.01

Property Zoning: AR-1

Applicant Information

Applicant Name: Bay Shore Community Church
Applicant Address: 36759 Millsboro Hwy.
City Millsboro State DE Zip: 19966
Applicant Phone #: 302-238-7370 Applicant e-mail: info@bayshorecc.org

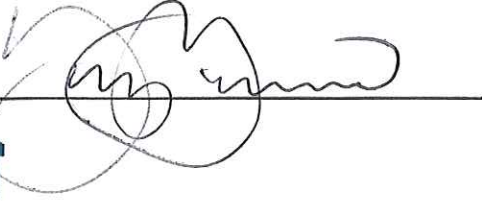
Owner Information

Owner Name: Williams Industrial Park
Owner Address: 38292 London Ave
City Selbyville State DE Zip: 19975 Purchase Date: 1999
Owner Phone #: 302 519 2553 Owner e-mail: rickstucker80@yahoo.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



Date: 2-10-20



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.

No, the property has its own parking and has storage areas in close proximity.

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)

No

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

Bay Shore Community Church desires to provide the Fenwick and surrounding areas with a quality preschool and school age programming.

N/F of
Galvagna
2158/51
5-33-18-60

N 29°15'00" E 211.66'

Ex. Building

Lands of
Richard E. Tucker
Deed Ref. 2124/301
Tax Map No. 5-33-18-61.02

Ex. Septic
Tank Lid

Ex. Building

N 25°39'20" E 126.62'

175.5'

Ex. Rip-Rap at
End of Swale

Ex. Sign

65'

S 61°25'37" E 185.00'

(70' r.o.w.)

S 68°40'54" E

130.44'

10

N 71°46'41" E 194.28'

64.1' Ex. Building to Remin

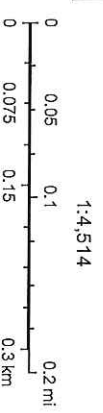
36.3'

S 61°25'37" E



PIN:	533-18,00-61.01
Owner Name	RT 54 HOOK & SLICE GOLF DRIVING
Book	2124
Mailing Address	38288 LONDON AVE UNIT 1
City	SELBYVILLE
State	DE
Description	SW/RT 54 APPORX
Description 2	204'1NW/RD 389
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries



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

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

Case # 12446
Hearing Date 202003125

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:

14181 Old Furnace Rd, Georgetown, DE 19947

Variance/Special Use Exception/Appeal Requested:

To be allowed to serve 12 children within my childcare.
Tax Map #: 231-14.00-24.03 Property Zoning: AR-1 Agricultural/Residential

Applicant Information

Applicant Name: Dorzet Short
Applicant Address: 14181 Old Furnace Rd
City Georgetown State DE Zip: 19947
Applicant Phone #: (302) 493-9454 Applicant e-mail: rainbowofhopechildcare@yahoo.com

Owner Information

Owner Name: Dorzet Short
Owner Address: 14181 Old Furnace Rd
City Georgetown State DE Zip: 19947 Purchase Date: 3/27/2018
Owner Phone #: (302) 493-9454 Owner e-mail: dorzetshort@yahoo.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Dorzet Short

Date: 3/9/2020



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.

There will be no traffic issue because parking is available in my drive way. There will be no noise ordinance because the children will only be in my care during the hours of 6AM-6PM. I currently have 6 children which make up 3 families. I asking to be able to add 6 more children over time. Of the 6 children currently, one is my own. I have a nice area and enough room, that the children will have available.

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)

ELECTRICAL INSPECTIONS
by
FIRST STATE INSPECTION
AGENCY, INC.
800-468-7338

APPROVED FOR

Type of Inspection Survey

Date 10/30/18 Inspector Bevan

Comments _____

FSIA 1

Well write
302
739
4944

www.petadada.com
doglicensing



DELAWARE STATE FIRE MARSHAL'S OFFICE
TECHNICAL SERVICES



SFMO APPROVAL SHEET

DATE: 01/25/2019

PROJECT NAME: Rainbow of hope daycare PROJECT TYPE: OCC

PROJECT ADDRESS: 14181 Old Furnace Rd. PLAN DATE: 11/30/2018

CITY: Georgetown TAX ID# 231-14.00-24.03-55760

PROJECT DESCRIPTION : Proposed group home daycare for up to 12 clients

The accompanying application has been accepted for Contingency Construction Start and is authorized only for the work as indicated below with the following restrictions. The owner assumes personal risk and responsibility to correct any deficiencies noted in the Fire Marshal's Plan Review or Inspection Process.

Preliminary Approval

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

FP Specialists FM# and Signature: n/a Date: _____

Plan Review Approval

The owner understands that plan submittals for this project are approved. If annotated below, a Progress Review will be required. No close in or concealment of any kind shall be permitted until a progress inspection is performed by the State Fire Marshal's Office. (A minimum of five days notice is needed when scheduling for a progress visit or final inspection by the State Fire Marshal's Office)

FP Specialists FM# and Signature: [Signature] Date: 1/25/19
Comments:

PROGRESS REVIEW REQUIRED

PROGRESS REVIEW NOT

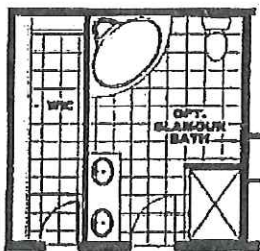
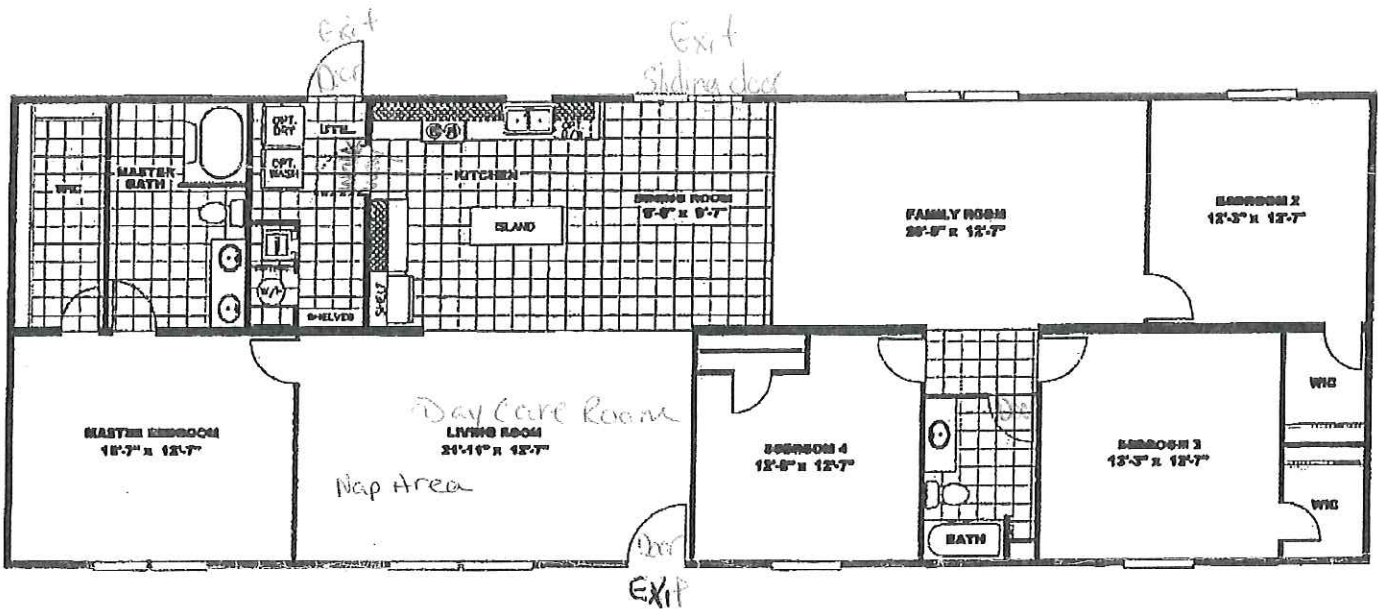
REQUIRED

Final Approval

The Office of the State Fire Marshal recognizes that this project meets the minimum requirements of the Delaware State Fire Prevention Regulation. This recognition does not relieve the owner, designer, contractor, or designated representative from their responsibility to comply with the applicable provisions of the Delaware State Fire Prevention Regulation.

FP Specialists FM# and Signature: [Signature] Date: 1/31/19
Comments:

THE HARRINGTON



Popular Options Available
 Lot Model Additional Features
 See more details on back!

28x76 (2,004 sq. ft.) 4 Bedroom Option Available

RT. 13 North • Delmar, Delaware • 302.846.9100

www.ClaytonHomesOfDelmar.com



State of Delaware

*The Department of Services for
Children, Youth and Their
Families*

License Number: 1358481

Type: Annual Renewal

Capacity: 006

REGULATED SERVICES

Level I

FAMILY CHILD CARE LICENSE

The Department of Services for Children, Youth and Their Families pursuant to Title 31 Chapter 3
of the Delaware Code hereby certifies that:

DORZET SHORT DBA RAINBOW OF HOPE CHILDCARE LLC

14181 OLD FURNACE RD GEORGETOWN, DELAWARE 19947-4553

is hereby granted a license to operate a
licensed Family Child Care Home
for the period:

November 1, 2019 to April 30, 2020

unless revoked for cause.

NOTE: This license shall be posted.

Director

LICENSE NO. 2019605084 DORBL

STATE OF DELAWARE

VALID

POST CONSPICUOUSLY

DIVISION OF REVENUE

01/01/20 - 12/31/20
NOT TRANSFERABLE

DLN: 19 92682 42 BUSINESS CODE 007
GROUP CODE

LICENSED PROFESSIONAL AND/OR PERSONAL SERVICES
ACTIVITY

DATE ISSUED: 12/09/19

VALIDATED

2020

LICENSE FEE: \$ 75.00

MAILING ADDRESS

BUSINESS LICENSE

BUSINESS LOCATION

RAINBOW OF HOPE CHILDCARE LLC
14181 OLD FURNACE RD
GEORGETOWN DE 19947-4553



RAINBOW OF HOPE CHILDCARE LLC
14181 OLD FURNACE RD
GEORGETOWN DE 19947-4553

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.

JENNIFER R. HUDSON

DIRECTOR OF REVENUE

IMPORTANT - TEAR AT ABOVE PERFORATION AND DISPLAY IN A PUBLIC LOCATION

Federal E.I. No. or Social Security Number B11630654112 001

Business Code 007
Group Code

Licensed PROFESSIONAL AND/OR PERSONAL SERVICES
Activity

The State of Delaware Business License printed above must be posted in a public area at the location address listed. If you have any questions regarding this license, please call (302) 577-8778.

REPLACEMENT LICENSES

Keep this portion of your license separate, in case you need a replacement for any lost, stolen or destroyed license. A \$15 fee will be charged for the replacement of a license. Send the \$15 along with a copy of this form or provide your Federal Employer Identification Number, or Social Security Number, suffix, Business Code, Business Name and address to Delaware Division of Revenue, Attn.: Business Master File, PO Box 8750, Wilmington, DE 19899-8750. You will receive your replacement license within three to four weeks.

OTHER IMPORTANT INFORMATION

Most licensees are also required to pay either gross receipts or excise taxes in addition to the license fee. You can file these taxes online or obtain a paper form from our website at www.revenue.delaware.gov. You must submit all business tax returns filed with the Division of Revenue under the same identification number. If you are a sole-proprietor, and have a federal employer identification number, use the employer identification number, not your social security number. Only sole proprietors with no employees are allowed to file under their social security number. Inquiries regarding your coupon booklets to pay withholding, corporate tentative, and Sub Chapter "S" estimated taxes, or to make changes to your name, address, or identification number, should be directed to the Business Master File Unit at (302) 577-8778.

INTERNET SITE

The Division of Revenue web address is: www.revenue.delaware.gov. Visit our web site for tax tips, links to telephone numbers, forms that you can download, links to other State agencies, the Delaware Code, the publication "Delaware Guide for Small Business" and lots more. Internet filing of personal income tax returns via the Division of Revenue's website is available. Internet filing for Withholding, Gross Receipts and Corporate Tentative payments is also available.

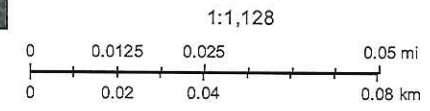


PIN:	231-14.00-24.03
Owner Name	SHORT DERRICK L JR
Book	4862
Mailing Address	14181 OLD FURNACE RD
City	GEORGETOWN
State	DE
Description	LOT 2
Description 2	N/OLD FURNACE RD
Description 3	W/REMENTER RD
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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



June 10, 2020

To the Zoning and Planning Committee:

We, the undersigned, pledge our confidence and support of the creation of a childcare facility at 38288 London Ave. Unit 6 Selbyville, DE 19975. SPLASH Day School has positively impacted the Millsboro community and its surrounding areas by providing a quality, education-based program for the last 16 years. The school exists to provide an environment to support children's social, emotional, intellectual, physical, and spiritual development and give children a foundation for future success. We wish to take our success and mission to the greater Selbyville community.

The greater Selbyville and Fenwick Island areas have seen large population growth over the last 15 years. Currently, there are no licensed centers within 7 miles of the proposed site. There is a need for childcare in the area to help the workforce of the growing community. Thank you for your consideration of helping provide a quality care program for Selbyville Delawareans and beyond.

Name

Address

1. Sarah + Dawn Howard 36570 Millsboro Hwy
2. Eleni Morox 18730 Little Lane Delmar DE 19940
3. Faith Waples 180 Mill Chase Circle Apt 34 Millsboro DE 19966
4. Genia Bush 34222 Sassafas Rd Millsboro DE 19966
5. Amber Carbone 105 Shamrock drive Salisbury MD 21804
6. Audray-anna Austin 2796 woodland Ferry Rd Seaford DE 19973
7. Abigail Dundon 28751 Seaford Rd. Laurel, DE 19956
8. Christina Welsh 31411 Millsboro Hwy Millsboro DE 19966
9. Bethany Burns 33115 Nelson Rd. Delmar, MD. 21875
10. Kayla Clark 30400 West Beach Rd Daysboro, DE 19939
11. Suzanne Little 74116 Millsboro Hwy Frankford, DE 19945

12. Nick Brittingham & Brock Brittingham Millsboro Hwy 19966
13. James and Laura Fosky Cobbs Hill Road willards maryland.
14. Joel & Stacy Tice 724 Foxtail Dr. Bethany Beach 19933
15. Amanda + Sammie Schfer 30902 Pusey's Rd Millsboro DE 19966
16. Scott & Kim Zielinski 21367 Treeview Ln Millsboro, DE 19966
17. Dara Callaway 23071 Cypress Rd Frankford, DE 19945
18. Lynette Crothers 36728 Brittingham Rd. Delmar, DE 19940
19. Karen Riley 10771 Avelly Rd. Laurel DE 19954
20. Nathan Klahr 25169 Lumberton Dr. Millsboro DE 19966
21. Blair Hall 34281 Omar Rd. Frankford, DE 19966
22. Curt Stephens 19174 Little Hill RD Frankford DE, 19945
23. Lauren farrell 9471 Whitesville Rd Parsonsburg, MD 21849
24. Nearli Holston 20635 Skull Station Rd. Frankford, DE 19945
25. Katelyn Reppur 28095 Seaford Rd. Laurel, DE 19956
26. Lizabeth Navarro 16871 Whitesilk Rd Delmar DE 19940
27. Kimberlin Marell 20507 Charlotte Blvd W DE 19966
28. Ernce Anne Boyes 36016 Barbage Rd. Frankford, DE 19945
29. Elizabeth Jones 31005 Iron Branch Rd Jagsboro DE 19939
30. Jackie Popovich 24909 Rivers Edge Rd. Millsboro, DE 19966
31. Stefanie Bartfield 7731 pittville Road pittville MD 21850
32. Tyler Stalup 25210 Lumberton Drive Millsboro DE 19966

33. Brandon Snyder 38377 Cooper Rd. Millsboro, DE 19966
34. Lou Ortiz 21061 Brunswick Ln Millsboro, DE 19966
35. Crystal Giesey 32626 Old Ocean City Rd Parsonsburg,
36. Danielle Juster 20381 Wesley Church Rd Seaford, ^{MD} DE 19923
37. Aimee Parker 22949 Dennis Lane, Millsboro, DE 19966
38. Pamela Pinsky 34907 Lynch Rd 19966
39. Keith Hitchens 21932 Westwoods Rd Millsboro DE 19966
40. Caroline Sherman 36882 Millsboro Hwy Millsboro DE 19966
41. Laura Dye 20521 Cypress Rd, Selbyville, DE 19971
42. Keri Hignott 20914 Camp Rd Bridgeville DE 19933
43. Michelle Mitchell 30340 Gum Road Frankford, DE 19945
44. Tracy Passwaters 38254 Millsboro Hwy Millsboro 19966
45. Justin Gillette 16459 Line Rd Delmar, DE 19940
46. Jessica Frey 100 Dewey St., Unit 107, Laurel, DE 19950
47. Stefanie Cardillo 107 Chesapeake Dr Rehoboth Beach DE 19971
48. Dayna Rickards 29826 Millsboro Hwy. Millsboro, DE 19966
49. Lindsay Heller 201 Wharton St. Millsboro, DE 19966
50. Kathy Weckert 30231 Piney Neck road dogsboro DE 19939
51. Brooke Ryan 36861 robinhood rd Delmar de 19940
52. Allison Coffin 38749 Cooper Rd Millsboro DE 19966
53. Michelle Macra 8661 Whitesville Road, Pottsville, MD 21850

54. Mallori Roy 22763 Phillip Hill Rd, Millsboro DE 19966
55. Kimberly Pagan Ferruccio 8368 Hilda Drive Salisbury, MD 21804
56. Alexis Absher 35225 Seagrass Plantation Ln. Dagsboro, DE 19939
57. Kristen Cordrey 25325 Morris Mill Rd Millsboro, DE 19966
58. Cotter Johnston 745 My Oak Dr Fritland, MD 21820
59. Jen Williams 102 Yellow Finch Ln. Ocean View, DE 19970
60. Nate Williams 102 Yellow Finch Ln Ocean View, DE 19970
61. Ryszard 30637 Beaver Dam Branch RD Laurel, DE 19956
62. Godi Menros 31226 Hickory Hill Rd Millsboro DE 19966
63. Jeff Hudson 23677 Saulsbury Lane Georgetown, DE 19947
64. RJ Howatt 1001 Granite Ct. Salisbury, MD 21804
65. Shane Barger 30927 Puseys Rd Millsboro DE 19966
66. _____
67. _____
68. _____
69. _____
70. _____
71. _____
72. _____
73. _____
74. _____

**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 # 12444
Hearing Date 202003062

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:

34517 Daisy Rd. Frankford DE. 19945

Variance/Special Use Exception/Appeal Requested:

*5ft variance from the required
15ft side yard setback*

Tax Map #: 1-34 18,00 46.01

Property Zoning: AR-1

Applicant Information

Applicant Name: Jane L Hawkins

Applicant Address: 34517 Daisy Rd

City Frankford

State DE

Zip: 19945

Applicant Phone #: (302) 381-6567

Applicant e-mail: jane.hawkins7@gmail.com

Owner Information

Owner Name: Jane L Hawkins

Owner Address: 34517 Daisy Rd

City Frankford

State DE

Zip: 19945

Purchase Date: 4/19/1990

Owner Phone #: (302) 381-6567

Owner e-mail: jane.hawkins7@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

Jane L Hawkins

Date: 3/16/20



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

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

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

1. Uniqueness of property:

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

Tax ditch across back of property

See attached Site Plan which will show unique shape

2. Cannot otherwise be developed:

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

There is a septic system between house and proposed garage

3. Not created by the applicant:

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

Did not determine placement of Septic

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

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

This will not change the character of the neighborhood
Received letter from Charles + Elaine Parsons stating they
have no objections to my placing a 2 car garage on property

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.

Asking for 5 ft Variance

11/25/2019

Sussex County Planning & Zoning Department
PO Box 417
Georgetown, DE. 19947

RE: Jane L Hawkins - 34517 Daisey Rd. Frankford, DE. 19945 /Variance Request

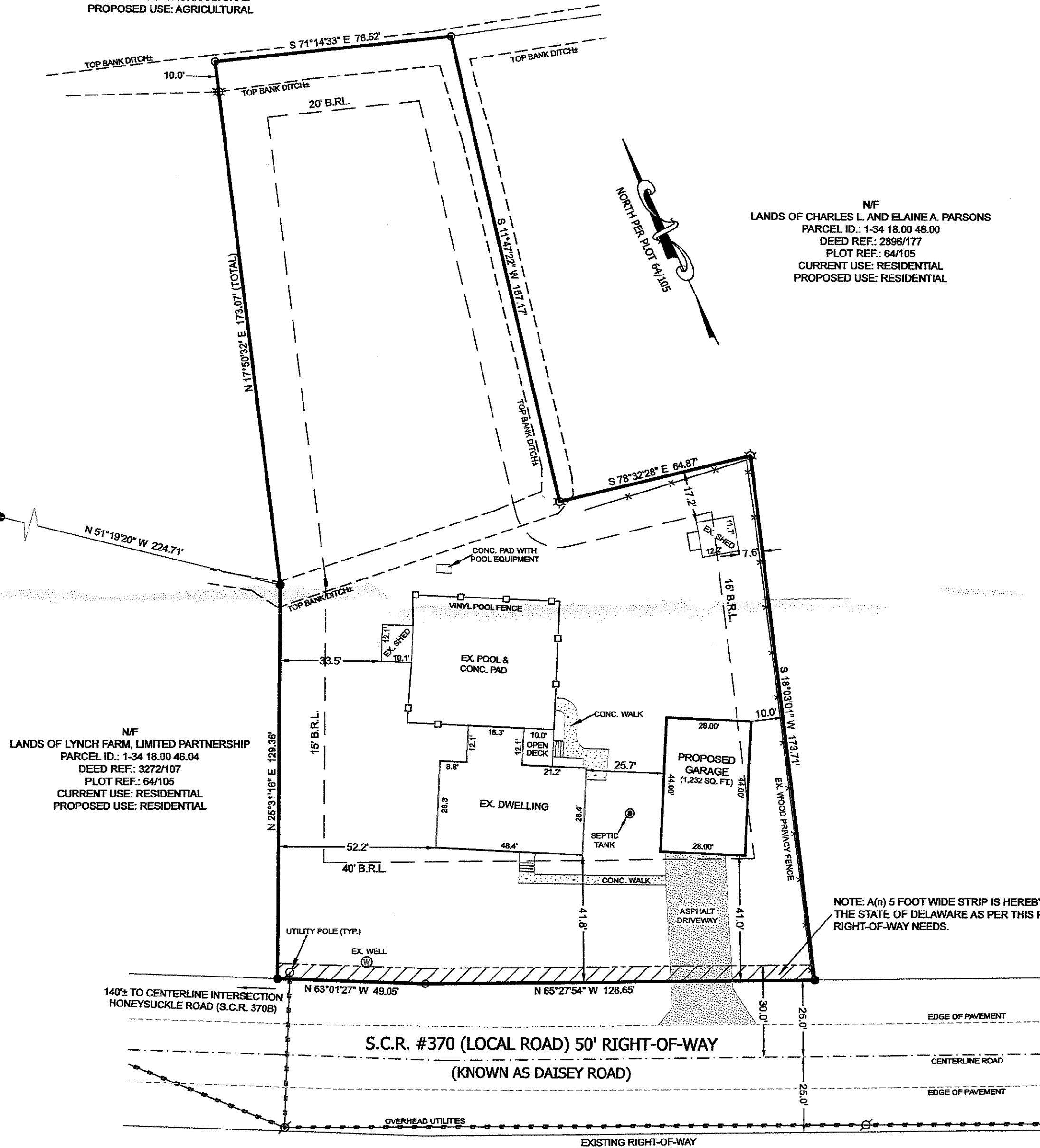
We do not have any objection to our neighbor, Jane L Hawkins, requesting a variance from our adjoining property line, to construct a pole building garage on her property.

Charles Parsons - Charles L. Parsons Date 11-26-19
Elaine Parsons - Elaine A. Parsons Date 11-26-19

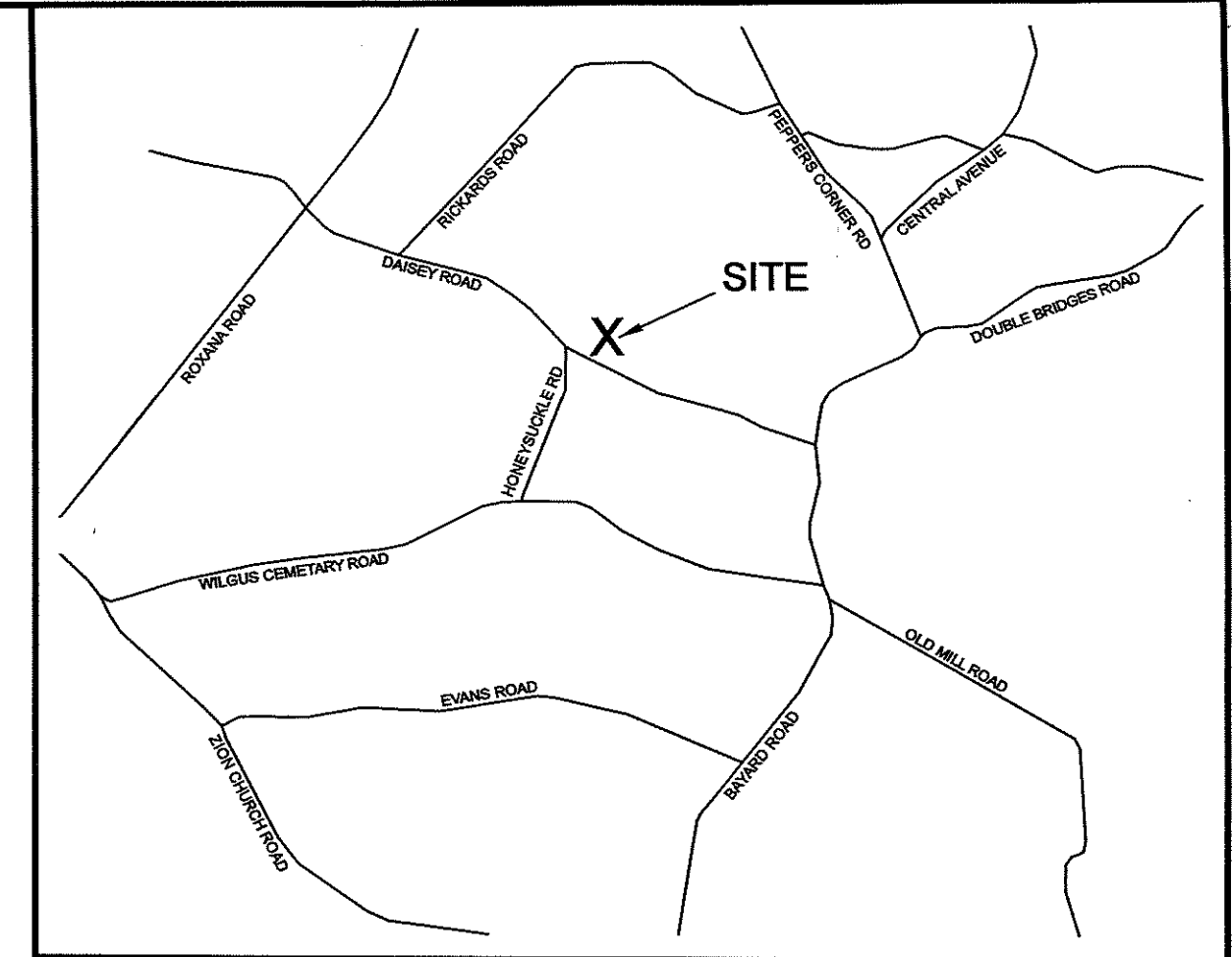
NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY, WETLANDS, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.

N/F
LANDS OF LYNCH FARM, LIMITED PARTNERSHIP
PARCEL ID.: 1-34 18.00 46.00
DEED REF.: 3272/107
PLOT REF.: 64/105
CURRENT USE: AGRICULTURAL
PROPOSED USE: AGRICULTURAL

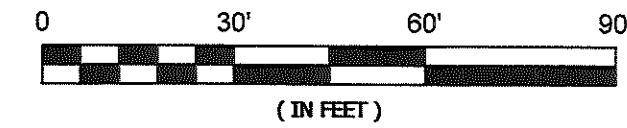
N/F
LANDS OF CHARLES L. AND ELAINE A. PARSONS
PARCEL ID.: 1-34 18.00 48.00
DEED REF.: 2896/177
PLOT REF.: 64/105
CURRENT USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL



NOTE:
IF ANY OF THE EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM), AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (R.O.W.) WITHOUT A DELDOT PERMIT.



VICINITY MAP (N.T.S.)



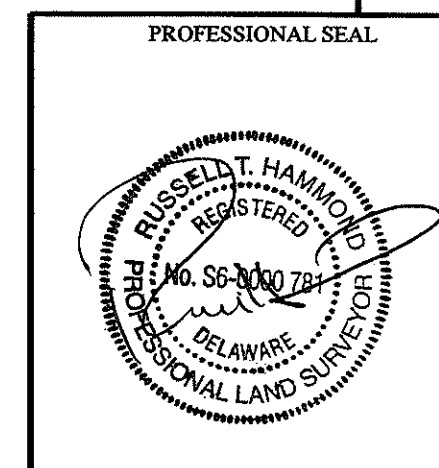
LEGEND
THESE ARE STANDARD SYMBOLS
WILL BE FOUND ON THIS DRAWING

- DENOTES IRON PIPE FOUND
- DENOTES UNMARKED POINT
- ☆ DENOTES IRON ROD SET

GENERAL NOTES:
ADDRESS: 34517 DAISEY ROAD
TAX ID.: 1-34 18.00 46.01
DEED REF.: 2405/225
PLOT REF.: 64/105
EX. ZONING: AR-1 (AGRICULTURAL - RESIDENTIAL)
SUSSEX COUNTY ZONING SETBACKS:
FRONT: 40', SIDES: 15', REAR: 20'
FLOOD ZONE: X
PER FIRM NO. 100029 0325 K
DATED MARCH 16, 2015.
CLASS "B" SUBURBAN SURVEY
THERE WILL BE NO NEW ENTRANCE OR ACCESS TO
S.C.R. #370 (DAISEY ROAD) CREATED PER THIS PLOT.
N/F LANDS OF JANE L. HAWKINS, IS BEING
SERVED WITH ON SITE WELL AND SEPTIC.
POSTED SPEED LIMIT = 35 MPH
TOTAL NUMBER OF EXISTING LOTS = 2
TOTAL NUMBER OF PROPOSED LOTS = 2

NOTE:
A VARIANCE FROM THE BOARD OF ADJUSTMENTS WILL BE REQUIRED FOR THE PROPOSED GARAGE LOCATION AS SHOWN.

SITE PLAN FOR PROPOSED GARAGE
LANDS OF JANE L. HAWKINS AND
LYNCH FARM, LIMITED PARTNERSHIP
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE



RUSSELL T. HAMMOND
Surveying, LLC

SURVEYING - LAND PLANNING
10310 Hotel Road Bishopville, MD 21813
(410) 352-5674 - (410) 726-8076

DESIGNED BY	N/A	SURVEYED BY	RS/JR	FILE #	2018-2119
DRAWN BY	R. SAVAGE/ RT HAMMOND	DATE	10/31/2019	SHEET 1 OF 1	
CHECKED BY	R.T.Hammond	SCALE	1" = 30'		

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PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF DELAWARE LICENSE NO. 86 000784, EXPIRATION DATE 09/30/2018.



Sussex County



PIN:	134-18.00-46.01
Owner Name	HAWKINS JANE L
Book	4986
Mailing Address	34517 DAISEY RD
City	FRANKFORD
State	DE
Description	NE/ DAISEY RD
Description 2	NE/ HONEYSUCKLE RD
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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

