

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

DRAFT AGENDA

November 18, 2019

6:00 P.M.

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for September 9, 2019

Approval of Findings of Fact for September 9, 2019

Old Business

Public Hearings

Case No. 12383 – Thomas F. & Bettie J. Dunkin seek variances from front yard setback and corner front yard setback requirements for a proposed pool and a proposed structure, a variance from the fence height requirement for a proposed fence. (Sections 115-34, 115-182 and 115-185 of the Sussex County Zoning Code). The property located on the northeast corner of Arrow Dr. and Trails End Dr. within the Blackwater Village subdivision. 911 Address: 34023 Arrow Drive, Dagsboro. Zoning District: MR. Tax Parcel: 134-11.00-263.00

Case No. 12384 – Isabella, LLC seeks a variance from front yard setback requirements for an existing building (Section 115-77.1 of the Sussex County Zoning Code). The property is located on the east side of Old Stage Rd. approximately 280 ft. north of Line Rd. 911 Address: 36858 Red Berry Rd., Delmar. Zoning District: AR-1/C-1. Tax Parcel: 532-20.00-107.00

Case No. 12385 – Gerald Workman (Peggy Bowden White) seek variances from the road frontage requirement for proposed lots (Section 115-42 of the Sussex County Zoning Code). The property is located on the east side of Brittingham Rd. approximately 543 ft. south of Pepperbox Rd. 911 Address: N/A. Zoning District: GR. Tax Parcel: 532-15.00-45.00

Case No. 12386 – Sun Home Services, Inc. seeks variances from the side yard setback and separation distance requirements for a proposed shed (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southeast side of Center Ave.



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

approximately 238 ft. west of Skyview St. in the Sea Air Village Manufactured Home Park.
911 Address: 19929 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel:
334-13.00-310.00 unit 48951

Additional Business

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on **July 26, 2019 at 9:00 a.m., and at least seven (7) days in advance of the meeting.**

**This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.
Agenda items listed may be considered out of sequence.**

####



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

Case # 12383
Hearing Date 11/18

201911106

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:

34023 Arrow Drive, Blackwater Village, Dagsboro, DE 19939

Variance/Special Use Exception/Appeal Requested:

- Fence Height Variance- requesting 72 inch high security, privacy fence approximately 24 feet in length to compliment surrounding pool fencing.
- Pool Placement Variance-intrude 18feet into property setback

Tax Map #: 134-11.00-263.00

Property Zoning: MR

Applicant Information

Applicant Name: Thomas F & Bettie J Dunkin

Applicant Address: 34023 Arrow Drive

City Dagsboro

State DE

Zip: _____

Applicant Phone #: _____

Applicant e-mail: 19939

Owner Information

Owner Name: Thomas F & Bettie J Dunkin

Owner Address: 34023 Arrow Drive

City Dagsboro

State DE

Zip: 19939

Purchase Date: 4/15/14

Owner Phone #: (302) 364-2060

Owner e-mail: tfdunkin@gmail.com

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____

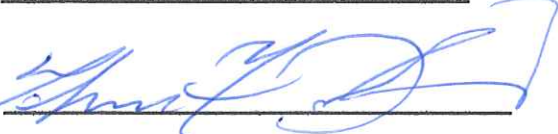
State _____

Zip: _____

Agent/Attorney Phone #: _____

Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney



Date: 9-27-2019



Tom & Bettie Dunkin
34023 Arrow Drive
Dagsboro, DE 19939
September 26, 2019

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.

- No back yard behind home
- Narrow lot
- Last house in Blackwater Village on 2 dead end roads
- Low lying, draining area to back of Lot 2
- Set backs were changed to 30 feet after lots were combined
- Need to have space to access garage and work area

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.

- Corner Lot was purchased with intent to build pool and then setbacks were changed
- Grove of trees on corner

3. Not created by the applicant:

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

- Prior to combining the lots, setback was 15 feet on Arrow Drive; 30 feet setback on Trail's End
- When lots were combined, the approved survey by Sussex County, did not show setback lines. Plans for pool fence improvements were based on the original setbacks.

Tom & Bettie Dunkin
34023 Arrow Drive
Dagsboro, DE 19939
September 26, 2019

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.

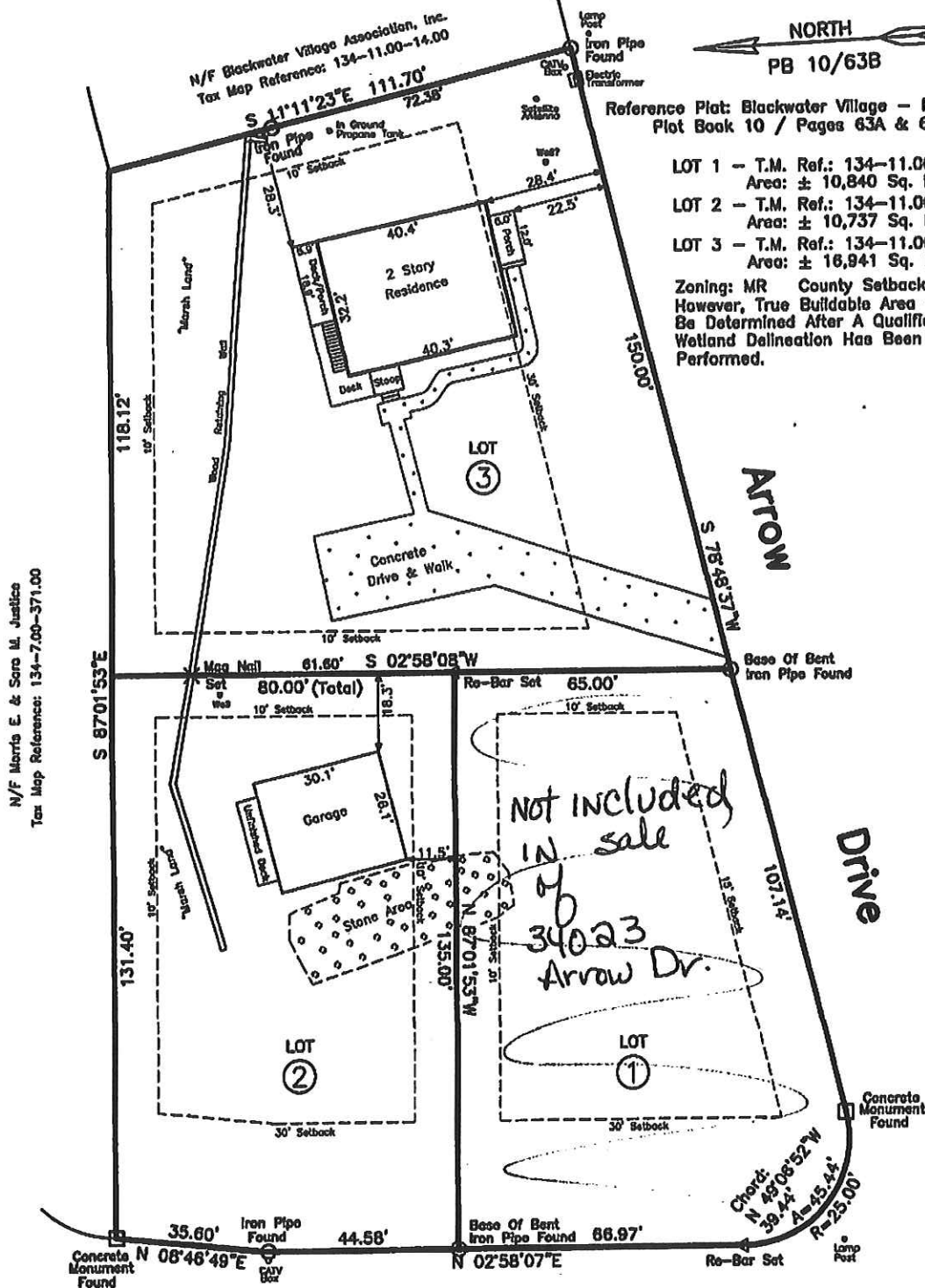
- Property is the very last lot/ home in the neighborhood, on the corner of 2 bisecting dead end roads.
- Blackwater Village is a very wooded community, with fines assessed for needlessly cutting mature trees. Our plan does not require any cutting / removal of trees
- Pool & fence plans have been approved by HOA President, past President and the Architectural Committee
- Nothing proposed will create a traffic view obstruction

5. Minimum variance:

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

- The pool location and height of fence will provide the least noise and greatest privacy for the neighbors.

**Location Survey: Lots 1, 2 & 3, Block Q, Blackwater Village
Baltimore Hundred Sussex County Delaware [BOUNDARY SURVEY PLAN]**



Reference Plat: Blackwater Village - Filing Two
Plot Book 10 / Pages 63A & 63B

LOT 1 - T.M. Ref.: 134-11.00-264.00
Area: \pm 10,840 Sq. Feet

LOT 2 - T.M. Ref.: 134-11.00-262.00
Area: \pm 10,737 Sq. Feet

LOT 3 - T.M. Ref.: 134-11.00-263.00
Area: \pm 16,941 Sq. Feet

Zoning: MR County Setbacks Shown. However, True Buildable Area Can Only Be Determined After A Qualified Wetland Delineation Has Been Performed.

N/F Morris E. & Sara M. Justice
Tax Map Reference: 134-7.00-371.00

NOT INCLUDED
IN sale
of
34023
Arrow Dr.

Class B Survey Location Detail: Suburban
November 20, 2013



Lawrence R. Long
LAWRENCE R. LONG (Multi-Record Only)
 Professional Land Surveyor
 DELAWARE #543 MARYLAND #10807

THIS DRAWING DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF
RIGHT-OF-WAYS, OR EASEMENTS IN
REFERENCE TO THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR STIPULATED.

LAWRENCE R. LONG
Professional Land Surveyor, L.L.C.

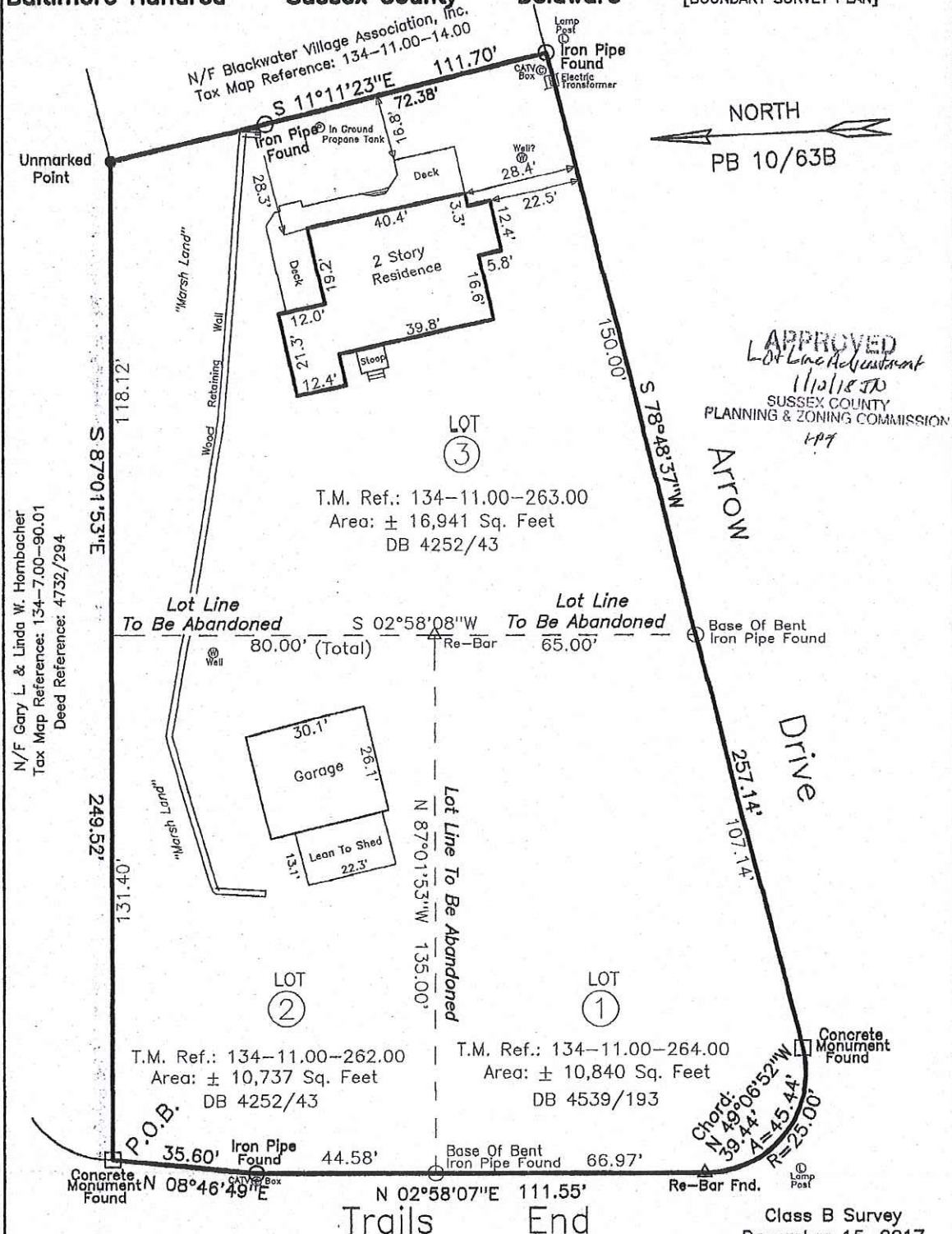
3607B Bayard Road
Frankford, DE 19945
PHONE: 302-438-5215

Land Surveying Services
DELAWARE / MARYLAND

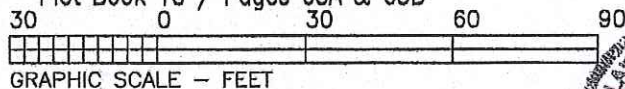
PRIOR SURVEY

**Survey: Lands Of Thomas F. Dunkin & Bettie J. Dunkin (Husband & Wife)
To Consolidate Lots 1, 2 & 3, Block Q, Blackwater Village Into One Parcel**
Baltimore Hundred Sussex County Delaware

[BOUNDARY SURVEY PLAN]



Total Area Of Survey: ± 38,518 Sq. Feet
Reference Plat: Blackwater Village - Filing Two
Plot Book 10 / Pages 63A & 63B



Lawrence R. Long
LAWRENCE R. LONG (Valid in Reg. Jur. Only)
Professional Land Surveyor
DELAWARE #543 MARYLAND #10961

THIS DRAWING DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF
RIGHT-OF-WAY OR EASEMENTS IN
REFERENCE TO THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR INSURED.

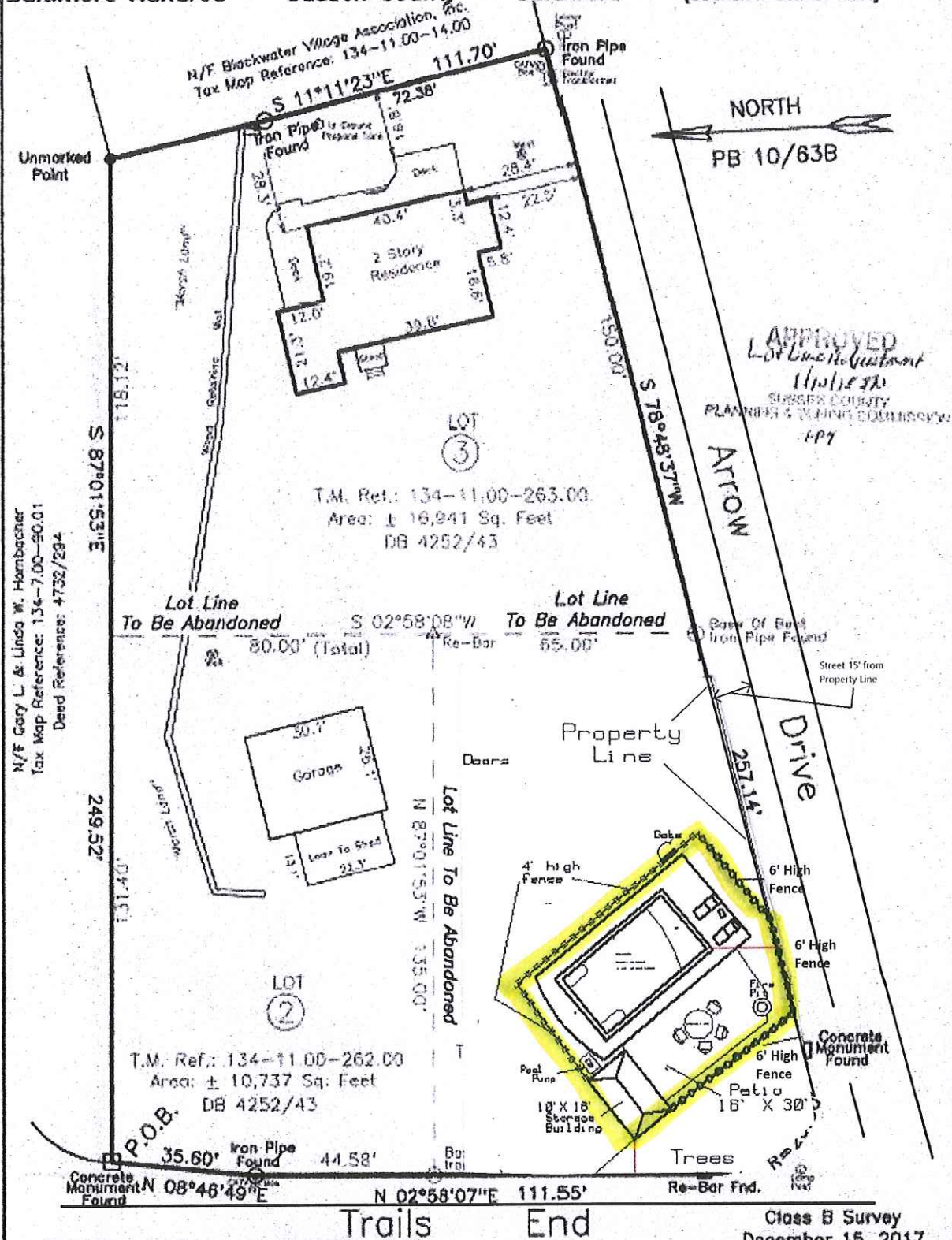
Class B Survey
December 15, 2017

LAWRENCE R. LONG
Professional Land Surveyor, L.L.O.

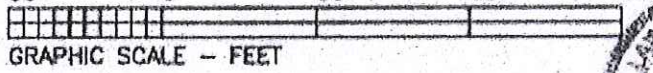
36079 Bayard Road
Frankford, DE 19945
PHONE: 302-436-5215

Land Surveying Services
DELAWARE / MARYLAND

**Survey: Lands Of Thomas F. Dunkin & Bettie J. Dunkin (Husband & Wife)
To Consolidate Lots 1, 2 & 3, Block Q, Blackwater Village Into One Parcel
Baltimore Hundred Sussex County Delaware** [BOUNDARY SURVEY PLAN]



Total Area Of Survey: ± 38,518 Sq. Feet
Reference Plat: Blackwater Village - Filing Two
Plot Book 10 / Pages 63A & 63B

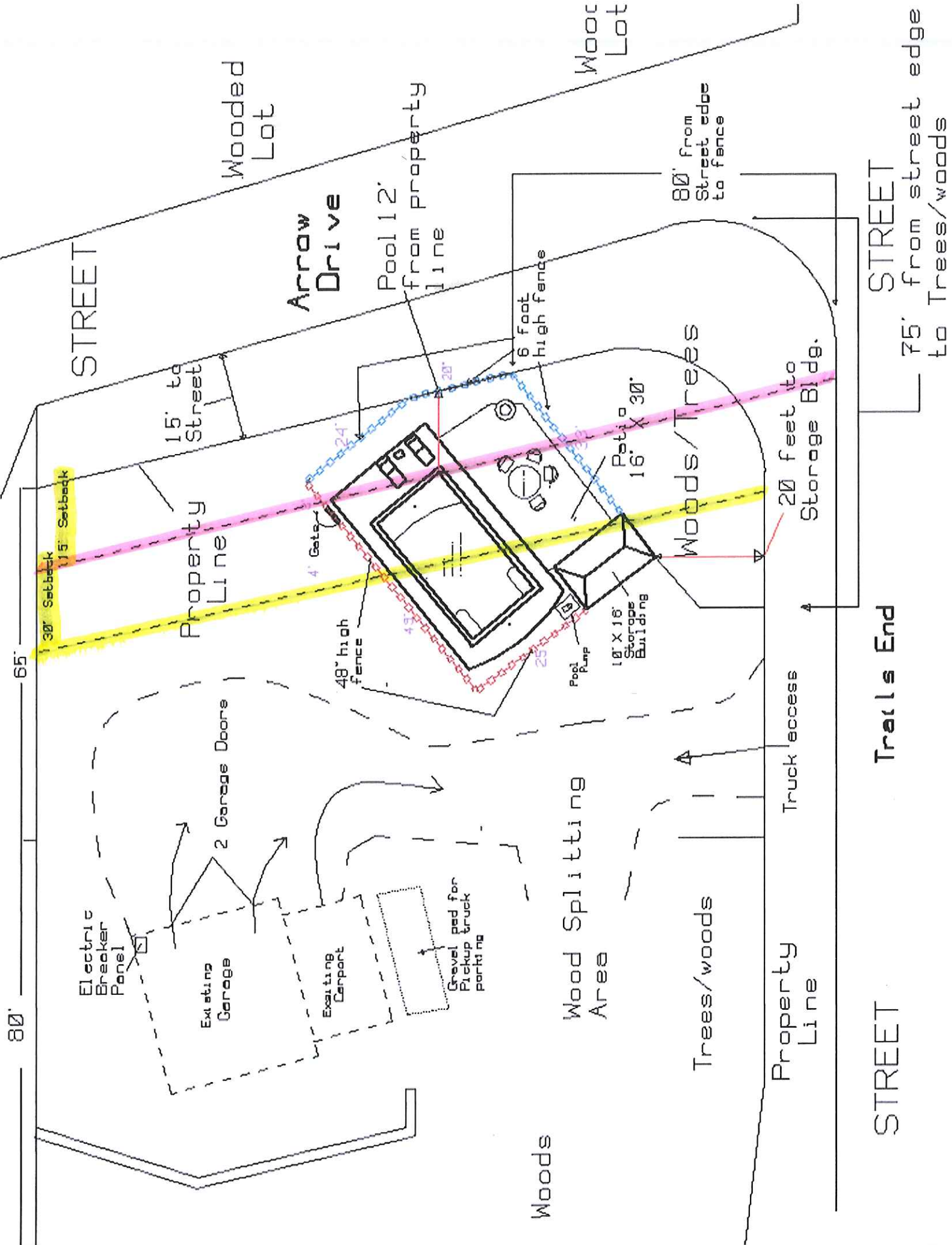


Lawrence R. Long
LAWRENCE R. LONG (Seal in background)
Professional Land Surveyor
DELAWARE H543 MARYLAND H10961

THIS DRAWING DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF
RIGHT-OF-WAY OR EASEMENTS IN
REFERENCE TO THIS PROPERTY.
NO TITLE SEARCH REQUIRED OR OBTAINED.

LAWRENCE R. LONG
Professional Land Surveyor, LLC
3607B Bayard Road
Frankford, DE 19945
PHONE: 302-436-5215
Land Surveying Services
DELAWARE / MARYLAND

PROPOSED PLACEMENT



We have reviewed the plans submitted to Blackwater Village community for the placement of a pool on the property of Thomas and Bettie Dunkin, 34023 Arrow Drive, Dagsboro, DE 19939. We approve of the submitted plans including the pool and fence location along with the height of the fence.

Dale Emge Blackwater Village HOA President

Dale Emge 9/27/2019

Gary Hornbacher Blackwater Village Past HOA President

Gary L. Hornbacher 9/26/2019

John Shaffer Blackwater Village Architectural Committee President

John Shaffer 9/27/2019







PIN:	134-11.00-263.00
Owner Name	DUNKIN THOMAS F
Book	4831
Mailing Address	34023 ARROW DR
City	DAGSBORO
State	DE
Description	BLACKWATER VILLAGE
Description 2	LOT 3 BLK Q
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

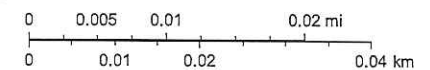
☐ Tax Parcels

911 Address

☐ Streets

☐ County Boundaries

1:564



**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 # 12384
Hearing Date 11/18/19
2019 11 254
RECEIVED

OCT 01 2019

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

SUSSEX COUNTY
PLANNING & ZONING
Existing Condition ☒
Proposed ☐
Code Reference (office use only)
115-77.1

Site Address of Variance/Special Use Exception:

36858 Red Berry Road, Delmar

Variance/Special Use Exception/Appeal Requested:

Variance from front yard building setback. A pre-existing 1 story warehouse building on the subject property is believed to have been non-conforming under a lot line configuration that existed from November, 2009 (ROD Book 139, Page 68) until 2019, and the applicant now seeks a variance for that same warehouse building under a modified lot line configuration.

Tax Map #: 5-32-20.00-107.00

Property Zoning: AR-1/C-1

Applicant Information

Applicant Name: Isabella, LLC
Applicant Address: 36858 Red Berry Rd.
City Delmar State DE Zip: 19940
Applicant Phone #: _____ Applicant e-mail: vdiakos@comcast.net

Owner Information

Owner Name: Isabella, LLC
Owner Address: 36858 Red Berry Rd.
City Delmar State DE Zip: 19940 Purchase Date: 11/1/17
Owner Phone #: _____ Owner e-mail: vdiakos@comcast.net

Agent/Attorney Information

Agent/Attorney Name: Michael R. Smith, Esq. (The Smith Firm, LLC)
Agent/Attorney Address: 8866 Riverside Dr.
City Seaford State DE Zip: 19973
Agent/Attorney Phone #: (302) 875-5595 Agent/Attorney e-mail: smith@vslegal.net

Signature of Owner/Agent/Attorney

Date: 10/1/19

Michael R. Smith, Esq. (4916)



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.

Access to the subject property has been historically limited to a 50' ingress/egress easement. On or about April 26, 2019, the applicant consolidated an adjoining .873 acre parcel into the property subject hereto. The property is long and narrow, with the narrowest width being at the road frontage. Applicant seeks to divide the property back into 2 parcels, with the warehouse building remaining in its existing location.

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 narrow and long configuration of the subject property, with the narrowest point being at the properties road frontage, makes it impossible to develop the property in strict conformity with the provisions of the Code. Prior to the April 26, 2019 lot line revision plat, the property was configured in 2 separate parcels, with the existing warehouse building being in the same location that it is today.

3. Not created by the applicant:

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

The Applicant did not construct the 1 story warehouse building at issue herein, nor did the Applicant create any non-conformance that may have existed with respect to such building prior to April 26, 2019 when the property was divided into 2 parcels.

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

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

The front portion of the subject property is zoned C-1, is close to the Rt. 13 Highway, and is in an area that has had significant development and growth. The variance will not alter the character of the neighborhood or district, and will not impair the appropriate use or development of adjacent properties.

5. Minimum variance:

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

The 1 story warehouse building subject to this application is located more than 350' from a State maintained road, and the variance requested is the minimum necessary to afford relief.

THE SMITH FIRM, LLC

ATTORNEYS AT LAW

MICHAEL R. SMITH
smith@vslegal.net

CHAD R. LINGENFELDER*
lingenfelder@vslegal.net

*ADMITTED IN DE & MD

8866 RIVERSIDE DR.
P.O. BOX 1587
SEAFORD, DELAWARE 19973
PHONE: (302) 875-5595
FAX: (302) 280-6592

BLAKE W. CAREY
carey@vslegal.net

October 1, 2019

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

**Re: Variance Application from Front Yard Building Setback;
TM: 5-32-20.00-107.00**

Dear Board Members:

In addition to the variance application of Isabella, LLC (the "Applicant") that is enclosed herewith, the Applicant provides the following information for the consideration of the Board:

- (1) Draft Subdivision Plan for Parcel 106, 107.00 and 107.08;
- (2) April 26, 2019 Lot Consolidation Plan for Parcel 107.00 and 107.08
(Book 283, Page 29);
- (3) November 25, 2009 Minor Subdivision for the Lands of K.E.B. Properties, LLC
(Book 139, Page 68).

Thank you for your time and attention to this matter.

Best Regards,
THE SMITH FIRM, LLC



Michael R. Smith, Esq.

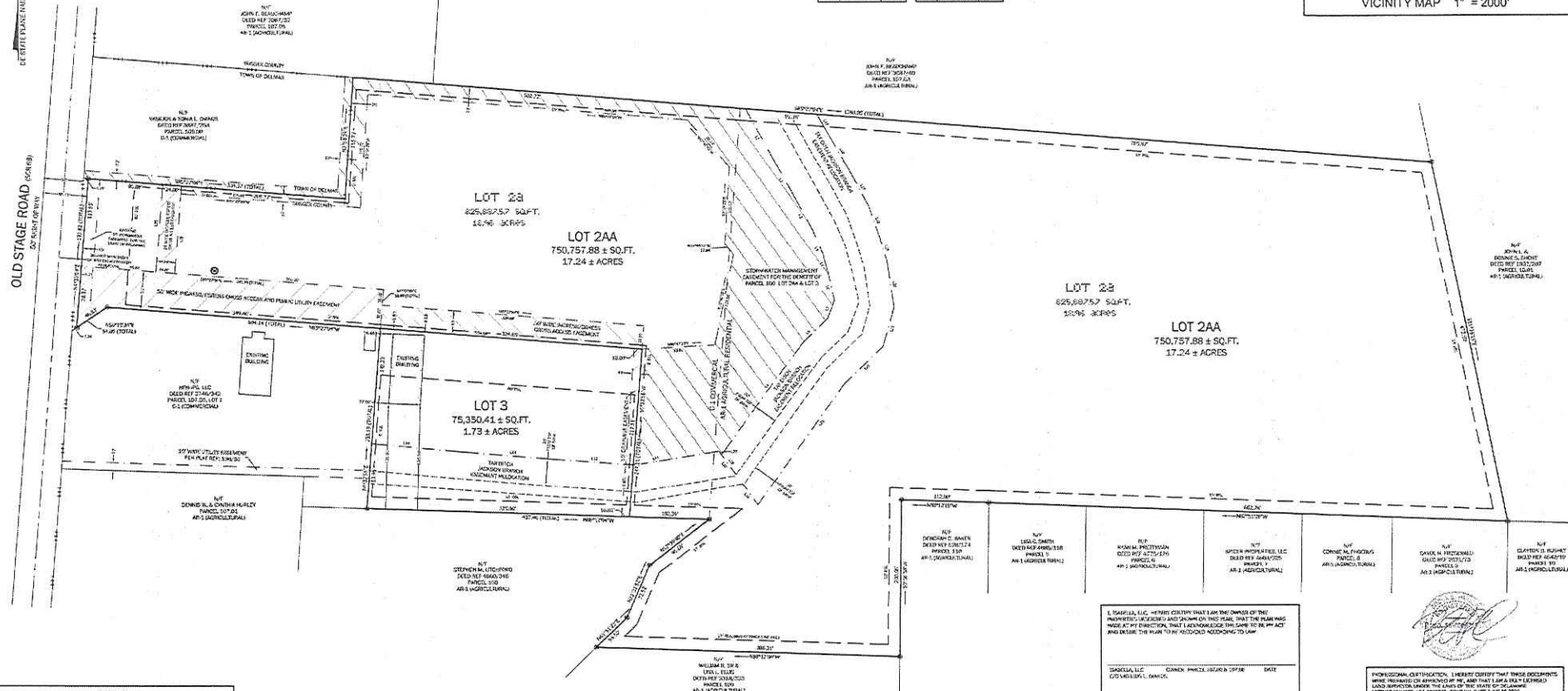
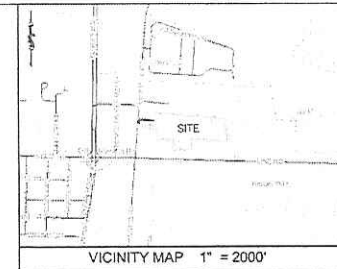
Enclosures

DE STATE PLANT INDUSTRY



LEGEND

- IRON ROD FOUND
- CONCRETE FOUND
- IRON ROD WITH CAP FOUND
- ⊙ IRON PIPE WITH CAP SET
- EXISTING WELL TO BE REMOVED
- BUILDING SETBACK LINE (SBL)
- EXISTING CONCRETE LIMIT LINE
- TAIL DETON CABLE



1. THE PROPERTY SHOWN HEREON IS OWNED BY:
 PARCEL 257 & 267-08
 MARIELLA LEE
 SHARON LEE BERRYHUGH
 DELMAR, DE 21604
 PARCEL 201
 LINDA & SCOTT L. EVANS
 73055 NEED-HAMMY ROAD
 DELMAR, DE 19804
 2. GROSS BLDG: 475/211 4744/5423 3803/2033
 3. PLAT REF: 256-00
 4. TOTAL EXISTING AREA OF PROPERTY = 62,027
 5. TOTAL EXISTING AREA OF LOT 257A = 42,944.57 SQ. FT.
 6. TOTAL NUMBER OF PROPOSED LOTS = 2
 7. TOTAL PROPOSED AREA OF LOT 256A = 21,082.52
 8. TOTAL PROPOSED AREA OF LOT 257B = 21,044.45
 9. THE PROPERTY IS SHOWN FOR A L.A.M. COMMUNITY
 USE AS INDICATED BY THE ZONING MAP. LOTS 256A AND 257B
 WILL BE PLANNED FOR
 10. THE PROPOSED LOTS IN THE PROPOSED BLOCK
 ARE SUBJECT TO ALL APPLICABLE ZONING LAWS.

- NOTES**
CREATED PER PLAT REF: 106,640 TO BE PARALLEL
OF LOT 1, 1/4-SECTION HEREON, THE 1/4" WIDE
THE BENCHMARK DOT X
AS LOCATED FROM THE SURVEY VIA THE CHAINS
NEEDLESS CASCADING AS SHOWN ON THE LOT LINE
HEREON WAS DERIVED FROM THE LAND RECORD
WAS SUPPORTED BY EVIDENTARY MEASUREMENTS
IN OUR SURVEY.
HARDWARE FOR THE REGIONAL ZONING LINE SHOWN
ON THE PLAT REF: 106,640, AND THE INTER-
SECTION AND ZONING CODE NUMBER 1401, 1401, 1401
AND WITHOUT THE ELEMENT OF A TALLY REPORT AND
C, B, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
RECALLED BY A THOROUGH TITLE SEARCH
TO DEVELOP DEVELOPMENT COORDINATION
SUBJECT TO ITS APPROVAL
BY THE POWER OF DEED
WAS CARRIED BY THE

- [illegible]

REVISED BY	DATE	REASON
03/29/2019	MAH	
06/04/2019	MAH	
03/13/2019	MAH	
07/25/2011	MAH	

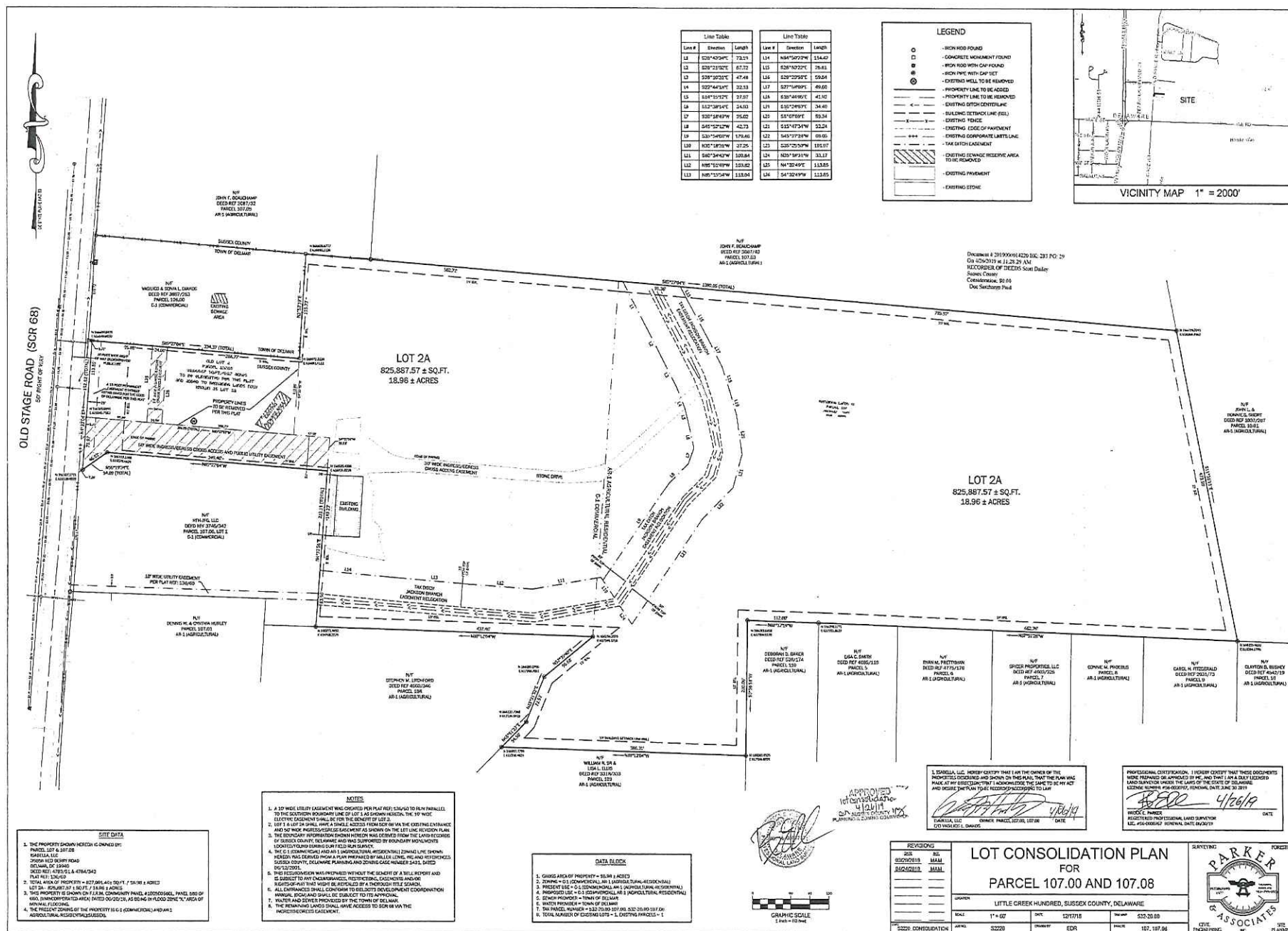
SUBDIVISION PLAN

FOR

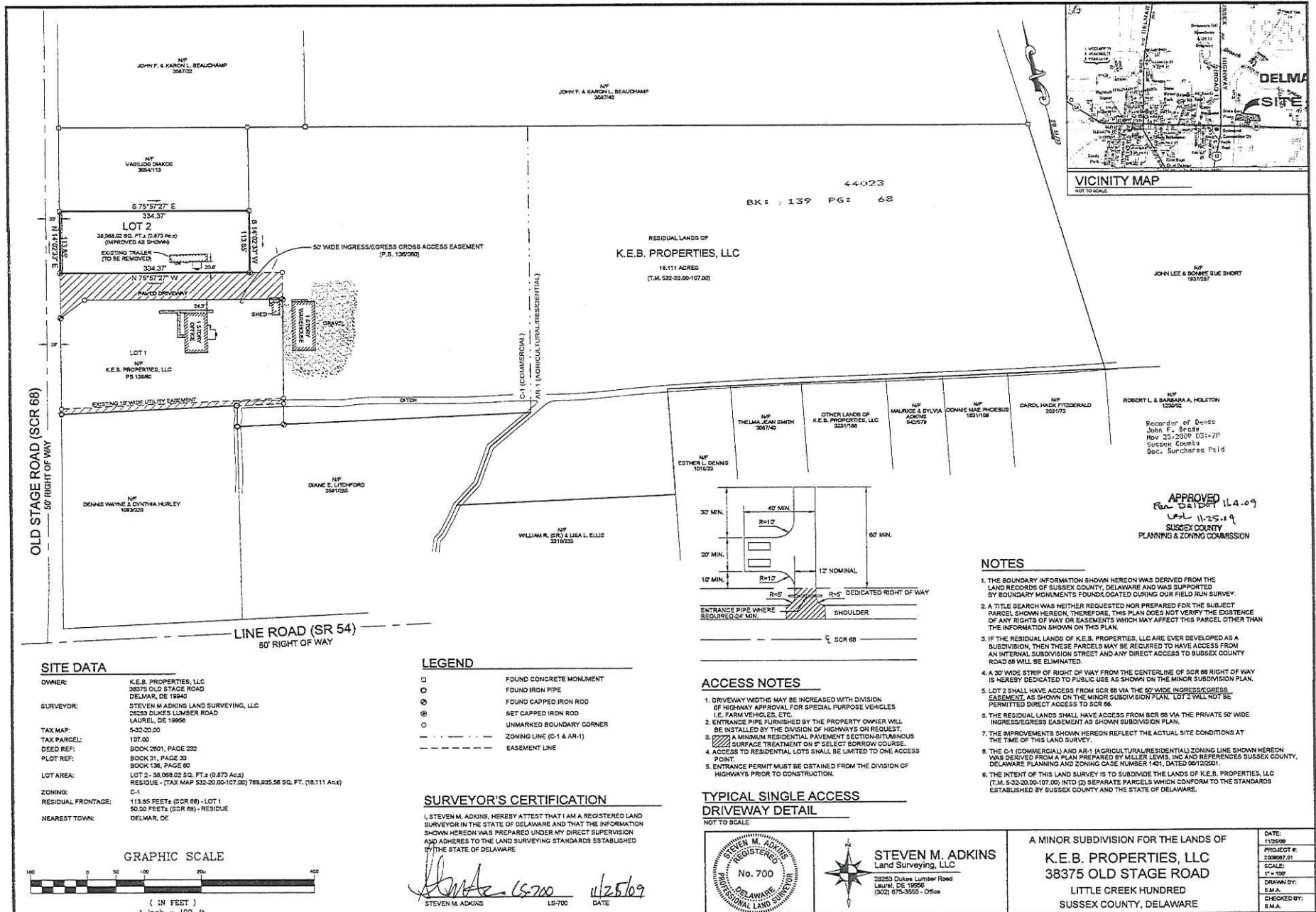
PARCEL 106, 107.00 AND 107.08

LOT/BLK	LITTLE CREEK HUNDRED, SUSSEX COUNTY, DELAWARE		
ACRES	1.4 = 422	0.011	0.227919
SECTION	22220	00000	EDR
PARCEL	106, 107.00	107.08	

(2) April 26, 2019 Lot Consolidation Plan



(3) November 25, 2009 Minor Subdivision Plan








PIN:	532-20.00-107.00
Owner Name	ISABELLA LLC
Book	4793
Mailing Address	36858 RED BERRY ROAD
City	DELMAR
State	DE
Description	SE/RT 68
Description 2	608'NE/RT 54
Description 3	N/A
Land Code	

polygonLayer

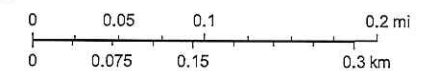
Override 1

polygonLayer

Override 1

-  Tax Parcels
-  Streets
-  County Boundaries

1:4,514



**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 # 12386
Hearing Date Dec 2, 2019 11/18
2019 11965

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-25 115-172

Site Address of Variance/Special Use Exception:

19929 Center Avenue, Site D65, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

6' from the left side - where the proposed shed is to go for this home

Tax Map #: 334-13.00-310.00 -- 48951

Property Zoning: AR-1 C-1

Applicant Information

Applicant Name: Kaylie Bush

Applicant Address: 19837 Sea Air Avenue

City Rehoboth Beach **State** DE **Zip:** 19971

Applicant Phone #: (302) 227-8118 **Applicant e-mail:** kbush@suncommunities.com

Owner Information

Owner Name: Sun Home Services, Inc.

Owner Address: 19929 Center Avenue

City Rehoboth Beach **State** DE **Zip:** 19971 **Purchase Date:** 11/20/19

Owner Phone #: (302) 227-8118 **Owner e-mail:** kbush@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Kaylie Bush

Agent/Attorney Address: 19837 Sea Air Avnue

City Rehoboth Beach **State** DE **Zip:** 19971

Agent/Attorney Phone #: (302) 227-8118 **Agent/Attorney e-mail:** kbush@suncommunities.com

Signature of Owner/Agent/Attorney

Kaylie Bush

Date: 10/16/19



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

*You shall demonstrate to the Board of Adjustment that the property meets **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 uniqueness of the property allows for a challenge when trying to place a storage shed on the lot. The left side of the proposed home is where both doors will be located for the home. We would like to place the storage shed on the left side of the home to show uniformity for this site. Anywhere we place this shed on the lot would require a variance.

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.

No matter where the shed is placed it will not be able to be developed in strict conformity with the Sussex County Zoning Code. The variance is necessary in order to place the shed on the Property to enable reasonable use.

+

3. Not created by the applicant:

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

The property is quite narrow which greatly limits usable space on the site. The need for the storage shed has been created by the applicant but the narrowness of the lot and surrounding area was due to the lots being laid out in the 1930s and 1940s.

+

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

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

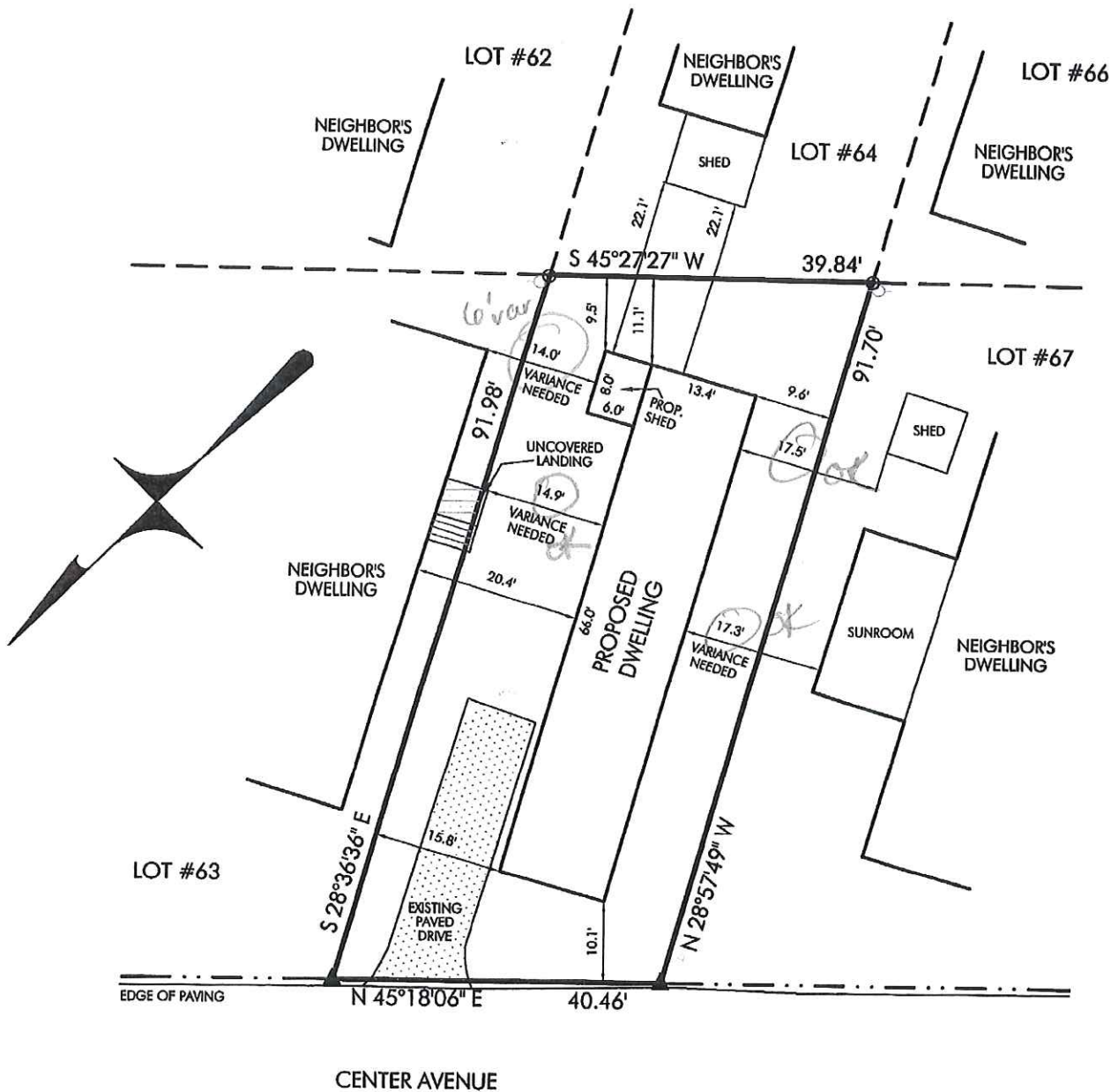
The proposed shed placed on this property will not alter the essential character of the neighborhood. I am seeking the variance so that it will make the home and site uniform, therefore, it would be improving the characteristics if the neighborhood.

+

5. Minimum variance:

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

The shed placed on the left side will not be the minimum variance. If placed in the back it would shorten the variance by 2.1'. I am seeking approval for the left side due to staying in uniform with the site and proposed home.



PROPOSED CONDITIONS & LOCATION PLAN FOR **19929 CENTER AVENUE**

TOTAL AREA: 3,547 SQ. FT.

LOT #65 BLOCK D OF "SEA AIR VILLAGE" PARK
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

JUNE 7, 2019* SCALE: 1" = 20'

LEGEND:

- ▲ IRON ROD (FOUND)
- POINT AT BASE OF UTILITY POLE

NOTES:

ALL SETBACKS MUST BE VERIFIED
BY THE HOME OWNER AND/OR
GENERAL CONTRACTOR.

*PROPOSED CONDITIONS REVISED ON
9/27/2019.

THIS DRAWING DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF
WETLANDS, UTILITIES, RIGHT-OF-WAYS
OR EASEMENTS IN REFERENCE TO OR
LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

N 27° 27'

99

S 28° 36' 36"

S

N 27° 27'

27'

42.51'

39.27'

38.80'

5'

W

91.90'

40.78'

40.46'

79

S 28° 57' 49" E

N 28° 36' 36" W

S 28° 53' 29" E

67

65

63

91.70'

91.98'

91.96'

41.89'

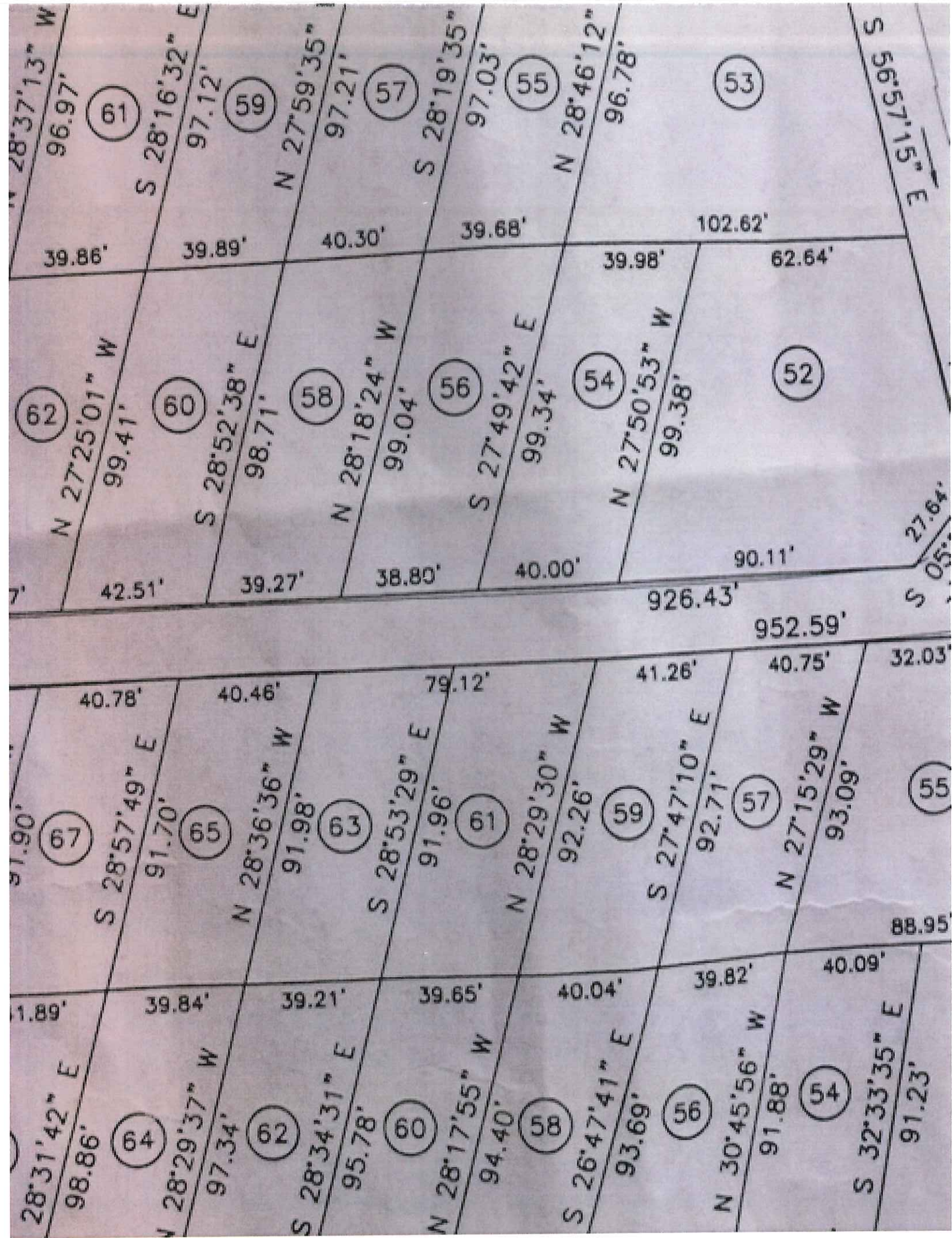
39.84'

39.21'

39

W

E













BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILBUR ROWE AND CAROL ROWE

(Case No. 11261)

A hearing was held after due notice on September 9, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the separation requirement between units in a mobile home park.

Findings of Fact

The Board found that the Applicants were seeking a variance of 6.9 feet from the twenty (20) feet separation requirement between units in a mobile home park, and a 6.7 feet variance from the twenty (20) feet separation requirement between units in a mobile home park for a proposed sunroom. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property southeast of Route One, being southeast of Center Avenue, 250 feet south of Skyview Street, and being Lot 67 Block D within Sea Air Village, a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-310.00 Unit 47008. After a hearing, the Board made the following findings of fact:

1. Ronald Simmons was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Simmons testified that he is a contractor for the Applicants.
3. The Board found that Mr. Simmons testified that the proposed sunroom will measure twelve (12) feet by twenty (20) feet and will be located on the front of the dwelling.
4. The Board found that Mr. Simmons testified that the lots are narrow in the park and that there is no other location on the lot for the proposed sunroom, which creates a difficulty.
5. The Board found that Mr. Simmons testified that the variances will enable reasonable use of the Property.
6. The Board found that Mr. Simmons testified that the variances will not alter the character of the neighborhood.
7. The Board found that Mr. Simmons testified that the park has multiple styles and mixed style additions.
8. The Board found that Mr. Simmons testified that the difficulty was not created by the Applicants.
9. The Board found that Mr. Simmons testified that the Applicants plan to make this their permanent residence and they need more space because the dwelling is small.
10. The Board found that Mr. Simmons testified that the variances will not be detrimental to public welfare.
11. The Board found that Mr. Simmons testified that addition should raise the values of homes in the neighborhood.
12. The Board found that Mr. Simmons testified that the variances do not impair the uses of adjacent and neighboring properties.
13. The Board found that Mr. Simmons testified that the variances sought are the minimum variances to afford relief and that the sunroom needs to be at least twelve (12) feet wide to allow for adequate use of the space.
14. The Board found that three (3) parties appeared in support of the Application.

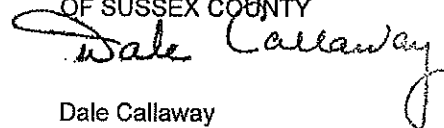
15. The Board found that no parties appeared in opposition to the Application.
16. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique in shape and size. The Property is only forty (40) feet wide. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood as the use is similar to other uses in the neighborhood. The variances sought are the minimum variances necessary to afford relief.

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

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Dale Callaway
Chairman

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

Date October 22, 2013

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 # 12385
Hearing Date _____

2019 11466

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-42

Site Address of Variance/Special Use Exception:

Brittingham Road Delmar, DE 19940

Variance/Special Use Exception/Appeal Requested:

Farm trying to sell two lots and leave me a 50 foot driveway to still get back to the farm

Tax Map #: 532-15.00-45.00

Property Zoning: GR

Applicant Information

Applicant Name: Peggy Bowden White

Applicant Address: 14147 Line Road

City Delmar State DE Zip: 19940

Applicant Phone #: 410-251-7847 Applicant e-mail: peggy@pegbowwhite.com

Owner Information

Owner Name: Gerald Workman

Owner Address: 15090 Pepperbox Road

City Delmar State DE Zip: 19940 Purchase Date: 06/16/97

Owner Phone #: 4436694472 Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Haller and Hudson

Agent/Attorney Address: 101 S Bedford Street

City Georgetown State DE Zip: 19947

Agent/Attorney Phone #: 3028564525 Agent/Attorney e-mail: stephanie@hallerandhudson.com

Signature of Owner/Agent/Attorney

Gerald P. Workman

Date: 9/30/19



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

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

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

1. Uniqueness of property:

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

Parcel 45 does not meet the 150 foot road frontage requirement

Parcel 45 is farm land with mechanical irrigation in place but no other improvements

Parcels A and B and adjoining lots are of like size, width and depth

Irrigation has been placed to conform with current lot dimensions and relocating is cost prohibitive

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.

Parcel 45 is farm land and has been farmed in excess of 60 years

There is no other available entrance to the farm

Irrigation is in place and would be cost prohibitive to relocate

3. Not created by the applicant:

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

Adjacent lot configuration was created years ago

Parcel 45 has been farmed for many years

Irrigation has been in place for years and was placed in normal farming practices

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.

Parcels A and B size and shape are in harmony with existing lots

Future dwellings can be constructed in harmony with those in the nearby neighborhood

Agricultural character of the community will be continued

Existing farm entrance approved by Delaware Department of Transportation (Del.D.O.T)

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.

Farmer rights will remain

Minimum to continue community balance

Minimum to improve Parcels A and B with dwellings in harmony with the community

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.

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)

PERMIT FOR ENTRANCE CONSTRUCTION

PERMIT NO.: SC-0008-19AG



STATE OF DELAWARE
DEPARTMENT OF
TRANSPORTATION

DIVISION OF
MAINTENANCE &
OPERATIONS

23697 Dupont Blvd
Georgetown, DE 19947

DISTRICT Sussex AREA 1 PERMIT NO. SC-0008-19AG DATE 05/22/2019
Type Of Access : **Agricultural** Bonding Company : _____
Maintenance Road No.: 455 Delaware Grid Coordinate : 38D9, 38D10
Issue To : Gerald Workman Phone No.: 4102517847
(Owner)
Address : 15090 Pepperbox Road, Delmar, DE 19940
Type Of Security Furnished : _____ Amount : _____
(150% of cost)
Estimated Construction Cost : _____ Expiration Date : 11/22/2019
PARCEL ID NO. 532-15.00-45.00

DESCRIPTION OF CONSTRUCTION

Agricultural Entrance Permit

Entrance Location: On SCR 455 between SCR 66 and SCR 455A

Results of Inspection: Permit applicant is granted permission to construct one agricultural access only at the above location conforming to the Division of Highways Operation's specifications. No pipe is needed at the entrance. Entrance must be a minimum of 5' from adjacent property.

No structures or obstructions which the State considers a hazard such as driveways that are hot mixed, concrete, etc. or headwalls higher than the pavement surface, mail/paper boxes on wooden posts greater than 4" x 4" or 4 1/2" in diameter, or mailboxes on metal posts greater than 2 in. in diameter will be permitted.

It is hereby agreed by the owner of the property affected, and all heirs, assigns, and/or successors in interest, that all construction covered by this permit shall be performed in accordance with the approved construction plan and the current Standard Specifications published by the Department of Transportation. The plan and specifications are incorporated herein by reference, and made part of this permit. Work is to begin within 90 days of the date of this permit, and it is to be completed on or before the above completion date. Requests for an extension of this permit shall be submitted in writing to the Permit Section 30 days prior to expiration.

The Owner agrees not to sell, lease, or change the use of the property to significantly alter the flow and/or volume of traffic and/or drainage as determined within the sole discretion of the Division, and/or transfer his/her interest in the property without obtaining a new permit from the Division of Maintenance & Operations. Such failure automatically voids this permit.

The holder of this permit shall indemnify and save harmless the Division of Maintenance & Operations and its officers, employees, and/or agents from suits and damages arising from, or on account of the above described construction herein permitted on State rights-of-way, or the Division's acceptance thereof consistent with Section 107.14 of the Standard Specifications and all amendments thereto, incorporated herein by reference.

Traffic Control and utility alterations shall be in accordance with current The Division of Maintenance & Operations "Traffic Controls for Streets and Highway Construction Manual" and the "Utilities Policy and Procedure Manual," incorporated herein by reference.

Permittee shall call the Division of Maintenance & Operations Permit Section, (Canal District: 326-4679, Central District: 760-2433, South District: 853-1342) and Miss Utility (1-800-282-8555) prior to any construction on State rights-of-way.

The Division of Maintenance & Operations may require revisions to the approved plans as required by field conditions.

The permittee shall request the Division of Maintenance & Operations make final inspection of the construction when work is completed, and all work must be completed to the satisfaction of said Division of Maintenance & Operations.

This permit shall be wholly conditional upon the satisfactory completion of all provisions set forth herein. If, upon expiration of this permit, work is incomplete or not performed according to the aforesaid plan and specifications, and no extension is applied for and issued, this permit shall become null and void for all legal purposes and the entrance shall be considered illegal with reference to 17 Del.C. §146.

William Kirsch

Authorized Representative of Division of Maintenance &
Operations

Gerald Workman

Property Owner

Gerald P. Workman

Property Owner Signature



Sussex County



PIN:	532-15.00-45.00
Owner Name	WORKMAN GERALD P & SHELLEY V
Book	1979
Mailing Address	15090 PEPPERBOX RD
City	DELMAR
State	DE
Description	E/RD 455
Description 2	490' S/RD 66
Description 3	
Land Code	

polygonLayer

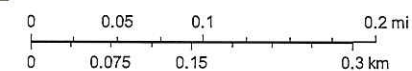
Override 1

polygonLayer

Override 1

-  Tax Parcels
-  Streets
-  County Boundaries

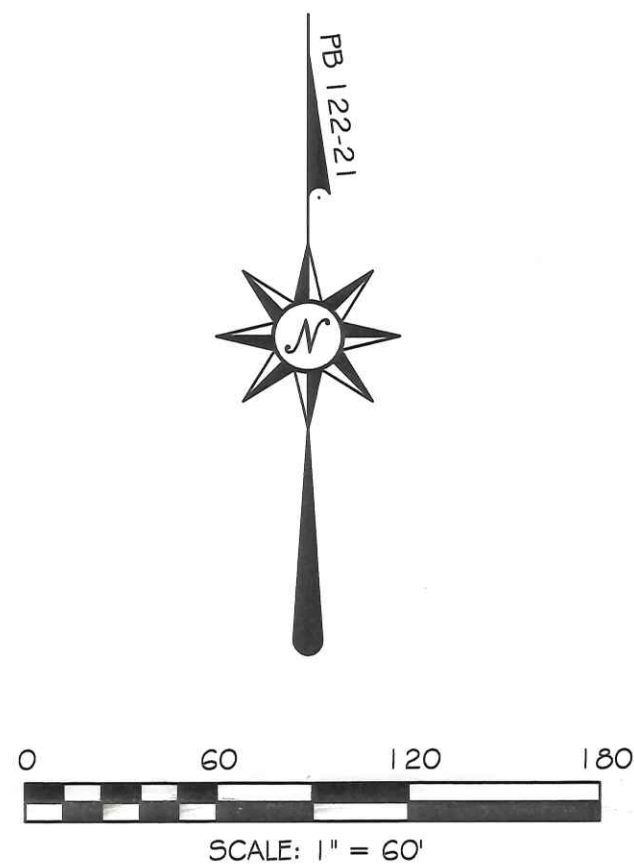
1:4,514




October 22, 2019


SPEED LIMIT ON BLACKBIRD RD. IS 50MPH (UNPOSTED)

CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE
WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.



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


STEPHEN M. SELLERS, PLS 566


DATE

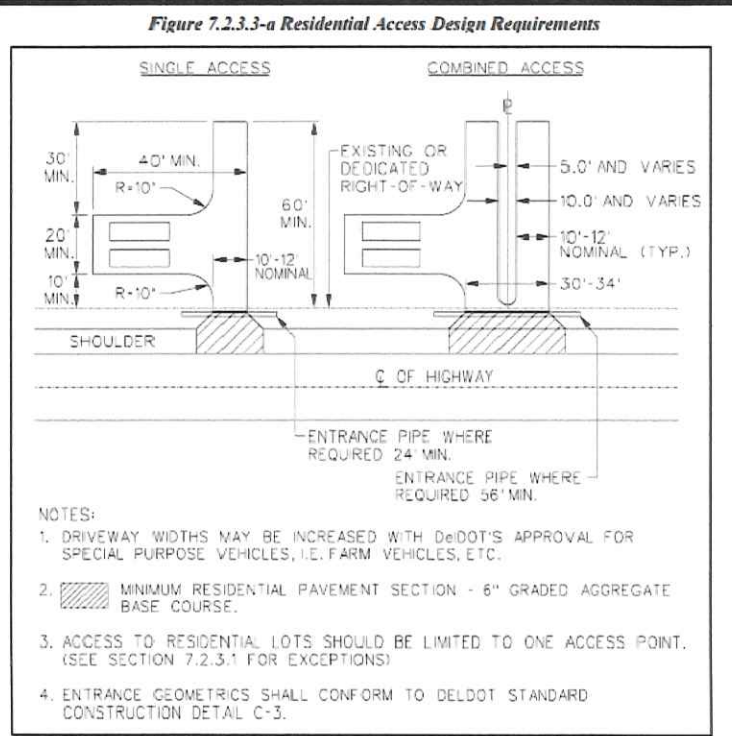
WE, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

OWNER NAME	DATE
OWNER NAME	DATE

REQUEST VARIANCE OF FRONTAGE T.M. 532-15.00-45.00
LANDS OF

GERALD P. & SHELLY V. WORKMAN





ADDRESS: 15090 PEPPERBOX ROAD, DELMAR, DE 19940
Ph; 410-251-7847



MOMUMENTATION:

- CONC. MON. (FD)
- IRON ROD (FD)
- ⊙ IRON PIPE (TO BE SET)
- POINT

SYMBOLS:

-  UTILITY POLE
-  EXISTING ENTRANCE
-  PROPOSED ENTRANCE
-  PROPOSED AG. ENTRANCE

LEGEND:

	EXISTING RIGHT-OF-WAY LINE
	PROPOSED RIGHT-OF-WAY LINE
	PROPERTY LINE
	PROPOSED LOT LINE
	CENTERLINE
	NEXT PROPERTY LINE
	INGRESS & EGRESS EASEMENT
	SIGHT DISTANCE LINE

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

<i>DATE</i>	<i>REVISION</i>

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

SEPTEMBER 5, 2019

HUNDRED	COUNTY
LITTLE CREEK	SUSSEX
STATE	DRAWN BY
DELAWARE	SMS
REF.	DWG. FILE
DB 1979-207	WORKMAN 532-15-45