## **BOARD OF ADJUSTMENT**

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





DELAWARE sussexcountyde.gov

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

## DRAFT AGENDA

October 7, 2019

## <u>6:00 P.M.</u>

Call to Order

Pledge of Allegiance

Approval of Agenda

## **Old Business**

**Case No. 12357 – Shirley A. Perry** seeks variances from the front yard setback and side yard setback requirements for existing structures (Sections 115-42 and 115-185 of the Sussex County Zoning Code). The property is a through lot fronting on the north side of W. Springside Dr. and the south side of Fisher Rd. approximately 0.37 miles west of Martin Farm Rd. 911 Address: 28403 West Springside Dr., Milton. Zoning District: GR. Tax Parcel: 334-10.00-91.00

**Case No. 12355 – Charles F. & Sharon M. Schultz** seeks variances from the side yard setback requirements for proposed structures (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Canvasback Rd. approximately 0.40 miles north of Swann Dr. within the Swann Keys subdivision. 911 Address: 37082 Canvasback Rd., Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-369.00

## **Public Hearings**

**Case No. 12364 – Deborah Clements** seeks a variance from the front yard setback requirements for proposed structures (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the southwest corner of New Rd. and New Ln. 911 Address: 2 New Ln., Lewes. Zoning District: AR-1. Tax Parcel: 335-8.00-597.00

**Case No. 12365 – Frederick H. Gunther** seeks variances from the side yard setback requirements for proposed structures (Sections 115-25, 115-181 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Grant Ave. approximately 0.22 miles south of Lincoln Dr. within the Cape Windsor subdivision. 911 Address: 38828 Grant Ave., Selbyville. Zoning District: AR-1. Tax Parcel: 533-20.18-36.00



**Case No. 12366** – **Nancy Kaye Peterman** seeks a variance from the side yard setback requirements for an existing structure (Sections 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Quail Hollow Rd. approximately 500 ft. south of Tuckers Rd. within the Doe Run subdivision. 911 Address: 15609 Quail Hollow Rd., Greenwood. Zoning District: AR-1. Tax Parcel: 430-11.00-46.00

**Case No. 12368 – Suzanne Rosetti** seeks a variance from the side yard and rear yard setback requirements for existing structures (Sections 115-34 and 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of W. Pond Cir. approximately 135 ft. south of Breakwater Run within the Keenwick Sound subdivision. 911 Address: 36744 West Pond Cir., Selbyville. Zoning District: MR-RPC Tax Parcel: 533-19.00-495.00

**Case No. 12369 – Beebe Medical Center** seeks a special use exception to use a manufactured home type structure as a pharmacy (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the south side of John J. Williams Hwy. (Rt. 24) approximately 773 ft. east of Warrington Rd. 911 Address: 18941 John J. Williams Hwy., Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-12.00-57.00

## **Additional Business**

Consideration of Request for Rehearing for case 12337 – Lands of Ariel Gonzalez

### \*\*\*\*\*

Board of Adjustment meetings can be monitored on the internet at <u>www.sussexcountyde.gov</u>.

\*\*\*\*\*

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.

####



		Case # <u>12364</u> Hearing Date <u>6cF</u> 7, 2019	
Board of Adjustment A	200 (20)	201909343	
Sussex County, Del			
Sussex County Planning & Zoning 2 The Circle (P.O. Box 417) Georget 302-855-7878 ph. 302-854-5	Department own, DE 19947		
Type of Application: (please check all applicable)			
Variance Special Use Exception Administrative Variance Appeal Site Address of Variance/Special Use Exception:/	Existing Condition Proposed Code Reference (of <u>115-25</u>	fice use only	
		<u> </u>	
Variance/Special Use Exception/Appeal Requested: <u>6-7 ff from 30 ff front</u> proposed accented p Tax Map #: <u>335-8.00-597.00</u>	Property Zoning:	AR-1	
Applicant Information			
Applicant Name: WILLIAM FAY Applicant Address: 21250 NST City, State, Zip: <u>READBOTH BEACH</u> , DE	<u> 1997]</u> nail: <i>DE IAw Alleg</i> u	TTER PLOS Q GrAIL. (0)	3
Owner Information			
Owner Name:       DEboRAH       Clentwitz         Owner Address:       DE       NEW       LANE         City, State, Zip:       LEWES       DE       19958         Owner Phone #:       Owner e-mail:	Purchase Da		
Agent/Attorney Information			
Agent/Attorney Name: Agent/Attorney Address:			
City, State, Zip;			
Agent/Attorney Phone #: Agent/Att	orney e-mail:		
Signature of Owner/Agent/Attorney Willham Day Date:	* 8/14/19		



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Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

BECAUSE OF FRANT INAS 31760 owliter AN WORKING BRCAUSE ACORNER 1 CANNOT WE d 7 2. Cannot otherwise be developed: NoRTH 5100

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

use of the property, BECAUSE EXISTING CON STRICTFI BIK

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant. WR ALE WORKING Witte we HELK For REGUESTING

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.

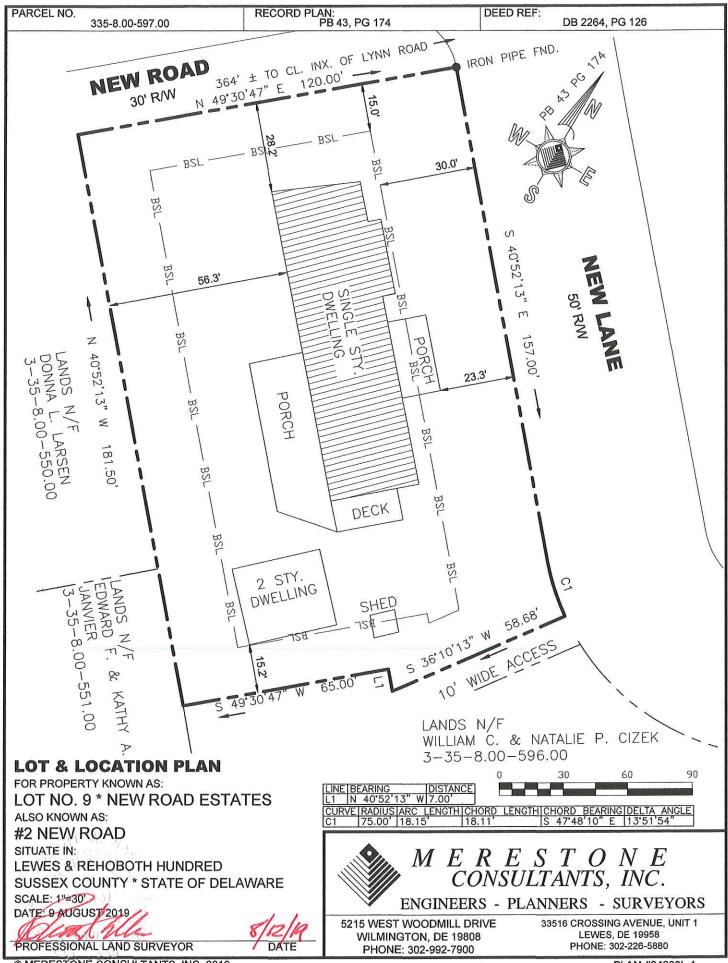
Wh ON WORKING RXISTIN LC AN

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.

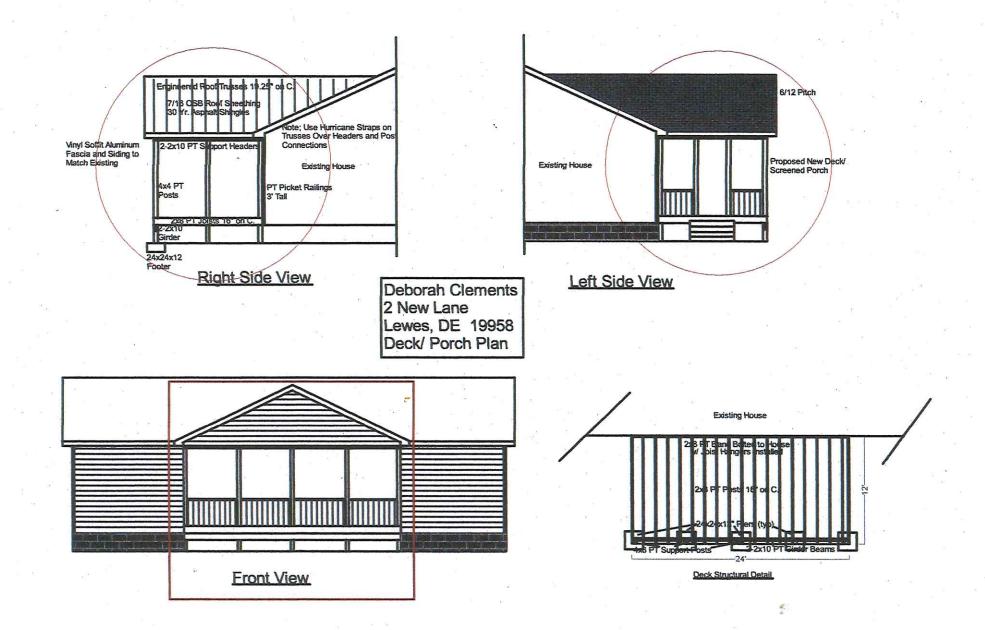
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Page | 2 Last updated 3/17/2015



© MERESTONE CONSULTANTS, INC. 2019

PLAN #24660L-1---



# Sussex County



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0.01

0.04 km

August 27, 2019

	Case #2365 Hearing Date OC+7,2019
Board of Adjustm	
Sussex County	••
Sussex County Planning & 2 The Circle (P.O. Box 417) 302-855-7878 ph. 30	& Zoning Department Georgetown, DE 19947
Type of Application: (please check all applicable)	
Variance	Existing Condition
Special Use Exception	Proposed
Administrative Variance	Code Reference (office use only
Appeal	11 5-25 115-18%
Site Address of Variance/Special Use Exception: _ CAPE WINDSOL, LOT 42	38828 GRANT AVE.
Variance/Special Use Exception/Appeal Requester 3,25' from [lg, 5'	ed:
35 175 From HVAC, Propane	Tanes,
Тах Мар #: <u>533 - 20.18 - 36.00</u>	Property Zoning: <u>AR-1</u>
Applicant Information	
Applicant Name: FREDERICK H GUNT	HER
Applicant Address: 38828 GRANT AUF	19975
City, State, Zip: SELBYVILLE, DE	ant e-mail: FHG DØ34@ConcAST.DET
Applicant Phone #: 410-377-6961 Applic	ant e-mail: FAS COST CONCINCTON
Owner Information	
Owner Name:	
Owner Address:	Durch see Data
City, State, Zip:	Purchase Date:
Owner Phone #: Owner e-	maii:
Agent/Attorney Information	
Agent/Attorney Name:	
Agent/Attorney Address:	
City, State, Zip:	
Agent/Attorney Phone #: Ag	ent/Attorney e-mail:
Signature of Owner/Agent/Attorney	
Rederice N. Senths	Date: 8-15-19



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

Zoning Ordinance or Code in the neighborhood or district in which the property is located. ot is smaller than 5,000 SQFT.

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. van Osla omen

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant. unilder and moo indical , unto was sal milled by gas tank, HURC laurment

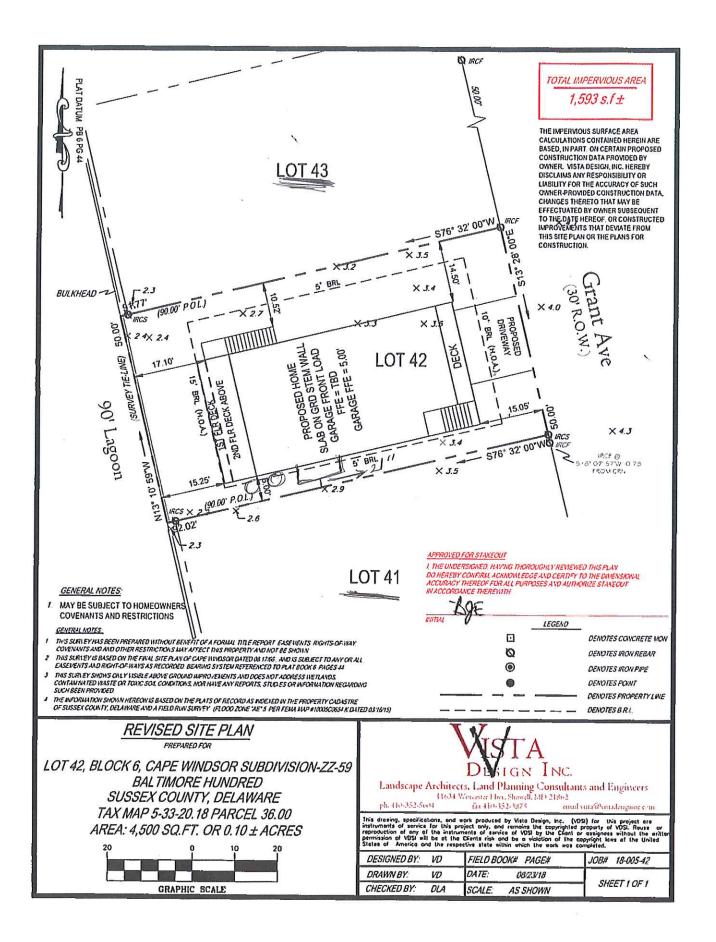
4. Will not alter the essential character of the neighborhood:

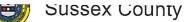
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the

appropriate use of development of adjacent property, nor be detrimental to the public we fare constiles he cape windson have, HUAC + Gestando

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.

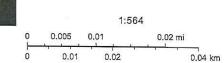






PIN:	533-20.18-36.00
Owner Name	GUNTHER FREDERICK H & WANDA M
Book	3089
Mailing Address	38828 GRANT AVE
City	SELBYVILLE
State	DE
Description	CAPE WINDSOR W/SD
Description 2	GRANT AVE LOT 42 BLK
Description 3	6 CT#17045
Land Code	

polygonLayer Override 1 polygonLayer Override 1 Tax Parcels 911 Address Streets



August 27, 2019

	Case #2368
<b>Board of Adjustment</b> <b>Sussex County, D</b> Sussex County Planning & Zon 2 The Circle (P.O. Box 417) Geor 302-855-7878 ph. 302-85	Hearing Date <u>0Ct</u> -7,2019 20190990Ce Delaware hing Department rgetown, DE 19947
Type of Application: (please check all applicable)	
Variance V Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office use only) 115-34 115-183
Site Address of Variance/Special Use Exception:	
36744 West Pond. Cir, Selbyn Variance/Special Use Exception/Appeal Requested:	
1.1' from reg. 10' side yard -	for existing addition dwelling
Тах Мар #: 533 - 19.00 - 495.00	Property Zoning: MR-RPC
Applicant Information	
Applicant Name: Suzanne Roset	ti
Applicant Address: 36744 Wist Pa City Selburlu State DE Zip	and Cir
Owner Information	O
Owner Name:Same Owner Address:	
City State Zip	
Owner Phone #: Owner e-r	mail:
Agent/Attorney Information	
Agent/Attorney Address:	•
City State Zip Agent/Attorney Phone #: Agent/Att	o: corney e-mail:
	Unicy c-mail.
Signature of Owner/Agent/Attorney	
	Date:





**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 fc 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.

This perperty is considered a smallet of 7879 59-Fr. narrow in the front and widens in the back. Dure and just 2 points (one a contilever) where the violation 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 orun options on adjacent pide of hat we would have made incidential modefication to plan bad we known it would be an issue

3. Not created by the applicant:

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

The applicants (home owners) were not envolved in ; process of the planning and construction of the addition - We trusted our Contractor Adistic Renovat

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

There have numerous variances approved in the commit, 1 of similar nature.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. The variance in question is a matter of 1'3"

Sussex County, DE - BOA Application

**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 <u>all</u> 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 addition is 8.9' bet back from property line, just 1'3" from full compliance. To correct this violation would be a tremedous hardhip - There are numerous properties with in our community that have been approved for similar variances, writh out issue, This pit bach is has hard consequence to 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) It is very improcied to make adjustments to this fired property. The home or oner was not involved in application of the building permit, the construction and the work of engineer and articles.

535 B	SEX: W	
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	10000	
	1683	

## UNUSUA UUNILY **Building Permit** P.O. Box 589 Georgetown, DE 19947 302-855-7720

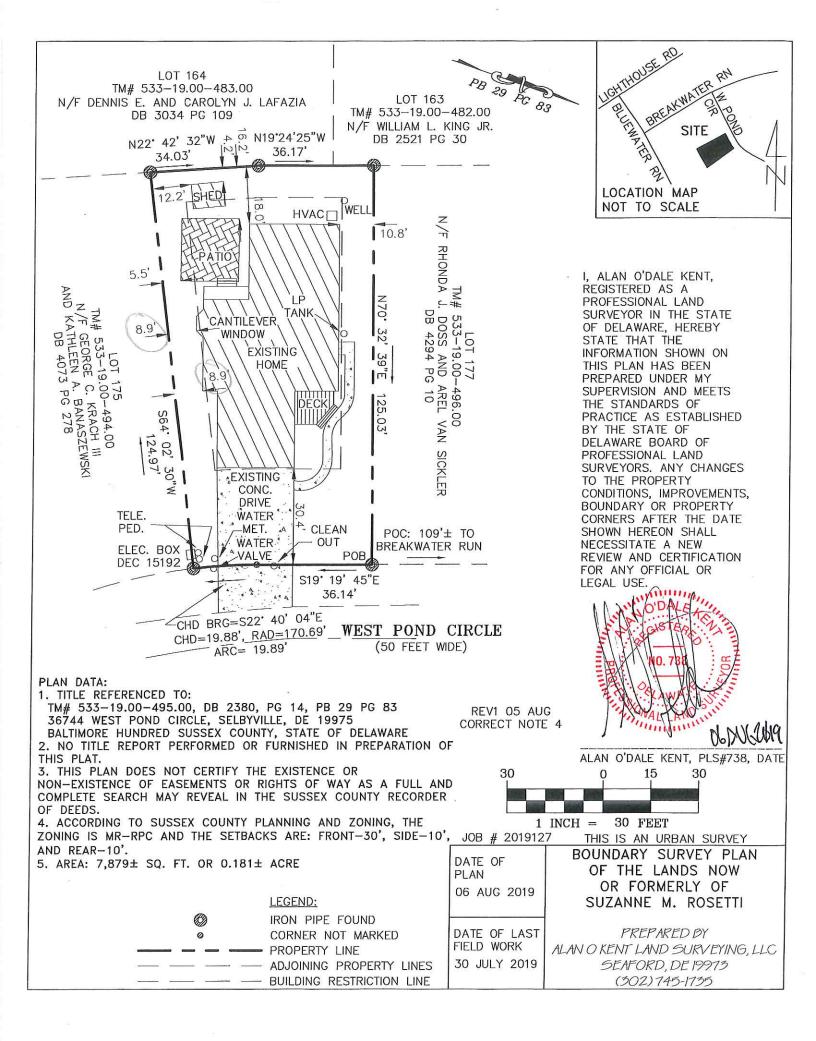
**Application Number** 

201809011

Issue Date: 10/03/2018 Expire Date: 10/03/2019

Permit Type: RES. ADDITION OUT	Γ OF TOWN	
Parcel ID	Address	Zone Code
533-19.00-495.00	36744 WEST POND CIRCLE, SELBYVILLE	MR
Owner Information	Applicant Information	
Name: ROSETTI SUZANNE M	Name: ARTISTIC RENOVATIONS	
Phone: 301-974-0598	Phone: 443.235.6249	
Contractor Information		
Name: ROSETTI SUZANNE M	License Number:	
CID: 1089606	License Exp. Date:	
Phone:	Insurance Exp. Date:	
Building Information		
Proposed Use: ADDITIONAL ROOMS		
Construction Type:		
Estimated Cost of Construction: \$ 13,440		
Cannot Occupy More than of To		
Distance from any Dwelling of other Owr		
Distance from any other Mobile Home or	Accessory Structure:	
Property Information		
Measurements taken from Property Li		
Front Setback: <u>30.00</u> /	Rear Setback: <u>10.00 /</u>	2
Side Setback: 10.00 / Corner Setback: /		
Maximum Building Height: 42FT	Location Description: KEENWICK SOUND PHASE II LOT 176 SW/W PON	DCRI
FLOOD ZONE Flood Zone: XP 651K		
	eview Coastal and Flood-Prone Area Building Requirements.	
roject Description: RES ADD W/ B		
Scope of Work:		
10X28 SUNROOM		
Remait Detailes		
Permit Details:		
andy Wright -	302-855-7860	
Signature of Approving Official	Signature of Owner/Contractor	
uilding Permit Application:	I fully understand the Zoning Requirement	as an anna a chuirte
ese premises do nereby consent to the Board of Ass instruction of which this PERMIT is granted, or within	pire one (1) year from the date of issue. Permit may be renewed if construction r reasons other than those beyond the permit-holder's control. Grading or surf it must be renewed prior to expiration date. A RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. Sessment, Planning and Zoning and Building Code Officials to enter upon said n a reasonable time thereafter, for the purposes of assessing and inspecting s	aid property, said
THE SUSSEX COUNTY PLANNING AND MPLIANCE WITH SUSSEX COUNTY ZONING OF COUREMENTS OF ANY OTHER GOVERNMENTA	ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PER RDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPR LAGENCIES, WHICH MAY PERTAIN TO THIS SITE.	AINS ONLY TO OVAL FOR THE

Permit Number RP\_98526



## **PLANNING & ZONING**

JANELLE M. CORNWELL, AICP DIRECTOR (302) 865-7878 T (302) 854-5079 F



Sussex County

DELAWARE sussexcountyde.gov

## SUSSEX COUNTY NOTICE OF VIOLATION

August 20, 2019

ROSETTI SUZANNE M 36744 WEST POND CIR SELBYVILLE, DE 19975

REFERENCE NUMBER: 3109 PARCEL: 533-19.00-495.00 PARCEL DESCRIPTION: KEENWICK SOUND PHASE II LOT 176 SW/W POND CRL LOCATION: 36744 WEST POND CIRCLE SELBYVILLE

Code Violation:	Article: V	Chapter: 115	Section: 34 B
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It has come to the attention of the Sussex County Planning and Zoning Department that the property described above is in violation of Sussex County Code.

The County Code requires a principal structure to comply with required setbacks from the property line. Based on a site visit conducted on August 20<sup>th</sup>, 2019, the placement of the principal structure is in violation of the required setback requirements.

You are hereby directed to cease the activity described above and conform to Chapter 115 of the County Code immediately upon receipt of this Notice unless otherwise directed. Failure to comply by the date specified will result in referral to the Sussex County Constable for enforcement action. Subsequently, the violation will be forwarded to the Justice of the Peace Court where you will be notified to appear. At which time, you may request a hearing on the matter.

Within **fifteen calendar (15) days** of the date of this letter the violation shall be corrected. If you have questions regarding the violation, please contact me to discuss the violation. If you have evidence, e.g., surveys, plats, or other documents that address this preliminary finding, please provide copies for our review.

The office is located in the County Administration Building, at #2 The Circle in Georgetown, Delaware. The office hours are 8:30 AM – 4:30 PM, Monday through Friday.

Sincerely, JEFF WHALEY 302-855-7878



# PLANNING & ZONING JANELLE M. CORNWELL, AICP

(302) 865-7878 T (302) 854-6079 F



Sussex County

DELAWARE sussexcountyde.gov

## SUSSEX COUNTY NOTICE OF VIOLATION

August 20, 2019

ROSETTI SUZANNE M 36744 WEST POND CIR SELBYVILLE, DE 19975

REFERENCE NUMBER: 3109 PARCEL: 533-19.00-495.00 PARCEL DESCRIPTION: KEENWICK SOUND PHASE II LOT 176 SW/W POND CRL LOCATION: 36744 WEST POND CIRCLE SELBYVILLE

Code Violation:	Article: XXV	Chapter: 115	Section: 185 F	
				1

It has come to the attention of the Sussex County Planning and Zoning Department that the property described above is in violation of Sussex County Code.

The County Code requires an accessory structure to comply with the required setback from the property line. Based on a site visit conducted on August 20<sup>th</sup>, 2019, the placement of the accessory structure is in violation of the setback requirements.

You are hereby directed to cease the activity described above and conform to Chapter 115 of the County Code immediately upon receipt of this Notice unless otherwise directed. Failure to comply by the date specified will result in referral to the Sussex County Constable for enforcement action. Subsequently, the violation will be forwarded to the Justice of the Peace Court where you will be notified to appear. At which time, you may request a hearing on the matter.

Within **fifteen calendar (15) days** of the date of this letter the violation shall be corrected. If you have questions regarding the violation, please contact me to discuss the violation. If you have evidence, e.g., surveys, plats, or other documents that address this preliminary finding, please provide copies for our review.

The office is located in the County Administration Building, at #2 The Circle in Georgetown, Delaware. The office hours are 8:30 AM – 4:30 PM, Monday through Friday.

Sincerely, JEFF WHALEY 302-855-7878





## Sussex County **Building Permit** P.O. Box 589 Georgetown, DE 19947 302-855-7720

**Application Number** 

201809011

Issue Date: 10/03/2018 Expire Date: 10/03/2019

#### **RES. ADDITION OUT OF TOWN** Permit Type:

	3744 WEST POND CIRCLE, SELBYVILLE	MR
Owner Information	Applicant Information	
Name: ROSETTI SUZANNE M	Name: ARTISTIC RENOVATIONS	
Phone: 301-974-0598	Phone: 443.235.6249	
Contractor Information		
Name: ROSETTI SUZANNE M	License Number:	
CID: 1089606	License Exp. Date:	
Phone:	Insurance Exp. Date:	
Building Information		
Proposed Use: ADDITIONAL ROOMS		
Construction Type:		
Estimated Cost of Construction: \$ 13,440		
Cannot Occupy More than of Total Lot Are	a	
Distance from any Dwelling of other Ownership:		
Distance from any other Mobile Home or Accessory	y Structure:	
Distance from any other Mobile Home or Accessory Property Information		
Property Information		
Property Information Measurements taken from Property Lines	en de la production de la construction de la construction de la construction de la construction de la construct La construction de la construction d	
Property Information         Measurements taken from Property Lines         Front Setback:       30.00       /         Side Setback:       10.00       /         Maximum Building Height:       42FT       L	Rear Setback: <u>10.00 /</u> Corner Setback: <u>/</u> ocation Description:	41)
Property Information         Measurements taken from Property Lines         Front Setback:       30.00       /         Side Setback:       10.00       /         Maximum Building Height:       42FT       L	Rear Setback: <u>10.00 /</u> Corner Setback: <u>/</u>	41)
Property Information         Measurements taken from Property Lines         Front Setback:       30.00       /         Side Setback:       10.00       /         Maximum Building Height:       42FT       L	Rear Setback: <u>10.00</u> / Corner Setback: / ocation Description: KEENWICK SOUND PHASE II LOT 176 SW/W PON	41)

10X28 SUNROOM

**Permit Details:** 

Signature of Approving Official

443-235-6249 allen Dena Signature of Owner/Contractor

\$ 80.10

I fully understand the Zoning Requirements of this permit.

Building Peripht Application:

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and continued in a normal mammer and not discontinued for reasons other than those beyond the permit-holder s control. Grading or surface-shaping of the site shall not be considered as actual construction . Permit must be renewed prior to expiration date. ASSESSORS AND INSPECTORS HAVE A RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment, Planning and Zoning and Building Code Officials to enter upon said premises during the construction of which this PERMIT is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property, said consent being given on the signing of this permit. THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

**Permit Number** BP-98526 TOTAL FEES:



Building Description			
Total Bedrooms:		Heat Type:	
Full Baths:	Half Baths:	Roofing:	
Total Rooms:		Exterior Walls:	
Basement:		Foundation Type:	
Interior Walls:		Fireplace Type:	
Flooring:		Air Conditioning: N	

**Additional Requirement/Restrictions** 

#### Fences

Fence may only be 3.5' tall around the front and back sides until 40 /30. Thereafter, fence may be a maximum of 7 tall. On corner properties, the fence may only be 3 tall along the corner fronts and 25 from the intersection of property lines. Fence may go on property line.

#### **Above-Ground Pools**

Must have ladder up and locked at all times when not in use. Pool must be 4 high above grade. If not, a fence is required around perimeter of pool

#### In-Ground Pools

A minimum 4 tall fence must be around the perimeter of the pool. A minimum 3 walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

#### **Pools or Guest Homes**

No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

#### Campgrounds

Must conform to the location approved by the park.

#### Accessory Building 900 Square Feet or Greater

No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

#### Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

#### **Farm-Use Permits**

Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

#### BUILDING CODE

MAIN OFFICE	(302) 855-7860
MAIN OFFICE (FAX)	(302) 855-7821
INSPECTION SCHEDULING	(302) 858-5500
INSPECTIONS (FAX)	(302) 855-7821

PLAN REVIEW PLAN REVIEW (FAX)

2) 858-5500 855-7821 (302) 855-7860

(302) 855-7869



# Sussex County

DELAWARE sussexcountyde.gov

ANDY WRIGHT CHIEF OF BUILDING CODE

Application #<u>20</u>[8090]

## SINGLE FAMILY INSPECTION REQUIREMENTS

#### FOOTING INSPECTION-\*\*\*

To be made prior to placing concrete in all forms, trenches, piers, post holes, structural slabs, etc. Bottom of all footings must be a minimum of 24" inches below finished grade and a minimum 12" inches below original grade, (pole buildings must be a minimum 36" inches below grade) unless designed by a Delaware architect or engineer. Any re-bar and reinforcement must be tied and in place before placement of concrete. Re-bar is recommended, but not required, unless designed by a Delaware architect or engineer. All footings must be free of debris, organic material and water. Concrete shall not be placed on frozen soil. \*\*\* A separate Inspection for perimeter or under slab insulation board for "Pole Building" style Dwellings or Dwellings with a Monolithic turn down slab or slab on grade foundation is required.

#### HOUSEWRAP/FRAMING INSPECTION-

To be made after building is weather tight and after all electrical and plumbing work has been installed and inspected. All mechanical ducts and boots must be installed and sealed. All draft stopping and fire blocking around pipes, vents, wiring, chimneys, etc., must be completed. Framing inspection to be conducted before exterior covering is installed. A separate hosusewrap/flashing inspection may be scheduled before the framing inspection. No insulation is to be installed before framing inspection passes. Basement waterproofing must be complete and certification must be provided to the Building Code Office, prior to scheduling the inspection. All pre-engineered products and building components, including but not limited to: wood trusses, I-joists, structural composite lumber & steel beams, must have certification from manufacturer and be on site for inspectors' review. Pole buildings require a framing inspection for header connectors prior to any exterior or interior wall covering is installed. Plant built portions of modular homes do not require a framing inspection, but are required a "Close-In" inspection after the units are set and before mating walls have exterior covering installed. Any site built portions of a modular home project are still required a framing inspection.

#### ENERGY INSPECTIONS (DWELLINGS ONLY)-3.

Copy of the energy compliance form ("Res-Check") must be on site. Before any drywall is installed, the building envelope must be sealed from all air drafts and all insulation properly installed. All thermal stickers for doors and windows must be in place. (Modular homes to have all air gaps in mating walls sealed up and any site built portion such as: finished cape cods, rooms over garages, additional living spaces...etc.) As of 11/11/2014, all new homes must have a blower door/duct blast test certification and a permanent certificate must be completed and posted in or around the electric box before final inspection.

#### FINAL INSPECTION-

4.

To be made after ALL work is completed and electrical and plumbing have been inspected. Site work must be completed to have proper drainage away from structure. (Seeding and landscaping not required.) Gutters and downspouts must be installed. 911 addresses must be posted. (Builder or owner must provide ladders to gain access to attic areas, if applicable.)

County approved plans must be kept on job site for inspectors' review to receive an inspection.

Any additional inspections after 5 inspections (Except Modular Home Projects without site built additions) shall be charged \$40.00 per trip and to be paid before the issuance of the certificate of occupancy. Modular Home projects will be charged \$40.00 per trip after 4 inspections.

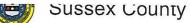
#### TO SCHEDULE INSPECTIONS:

PLEASE CALL 24 HOURS IN ADVANCE AT 302-858-5500 BETWEEN 7:30 a.m. & 3:00 p.m. **MUST HAVE APPLICATION NUMBER TO SCHEDULE INSPECTIONS.** 

SIGNATURE_ all Pul	DATE 8-24-18
PRINT NAME Allen Dennal	OWNER or CONTRACTOR
PHONE # 443-235-6249	Circle one:



COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 589 GEORGETOWN, DELAWARE 19947





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September 5, 2019

Case #\_\_\_\_\_\_\_\_ Hearing Date <u>OCF</u>7,2019 201909500

# **Board of Adjustment Application**

Sussex County, Delaware

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

# Type of Application: (please check all applicable)

	Variance Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office use only 			
	Site Address of Variance/Special Use Exception:				
	Variance/Special Use Exception/Appeal Requested:				
	12.5' from reg. 15' side for exis				
	Tax Map #: 430 - 11.00 - 46.00	Property Zoning:			
	Applicant Information				
Applicant Name: <u>NANCY KAYE PETERMAN</u> Applicant Address: <u>15609 Quail Hollow Ra</u> City, State, Zip: <u>Greenwood De 19950</u> Applicant Phone #: <u>724.344.8047</u> Applicant e-mail: <u>rick and, taye 2008 a ginail</u> . <u>Owner Information</u>					
	Owner Name:				
	Owner Address:	Paral Inc. Data			
	City, State, Zip: Owner e-mail:	Purchase Date:			
/	Agent/Attorney Information				
	Agent/Attorney Name: Agent/Attorney Address: City, State, Zip: Agent/Attorney Phone #: Agent/Atto				
	Signature of Owner/Agent/Attorney				
X	Mancy Ray Letonman Date:	aug 19, 2019			

Sussex County, DE - BOA Application

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

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

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

## 1. Uniqueness of property:

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

Followed existing driveway to make overhead. Covering for RV. The entire rest of back yd. is a slope.

Cannot otherwise be developed:

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

use of the property. Due to existing slope the structure cannot be moved to the

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant. his was created by John A. Turnbull my & husband!

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

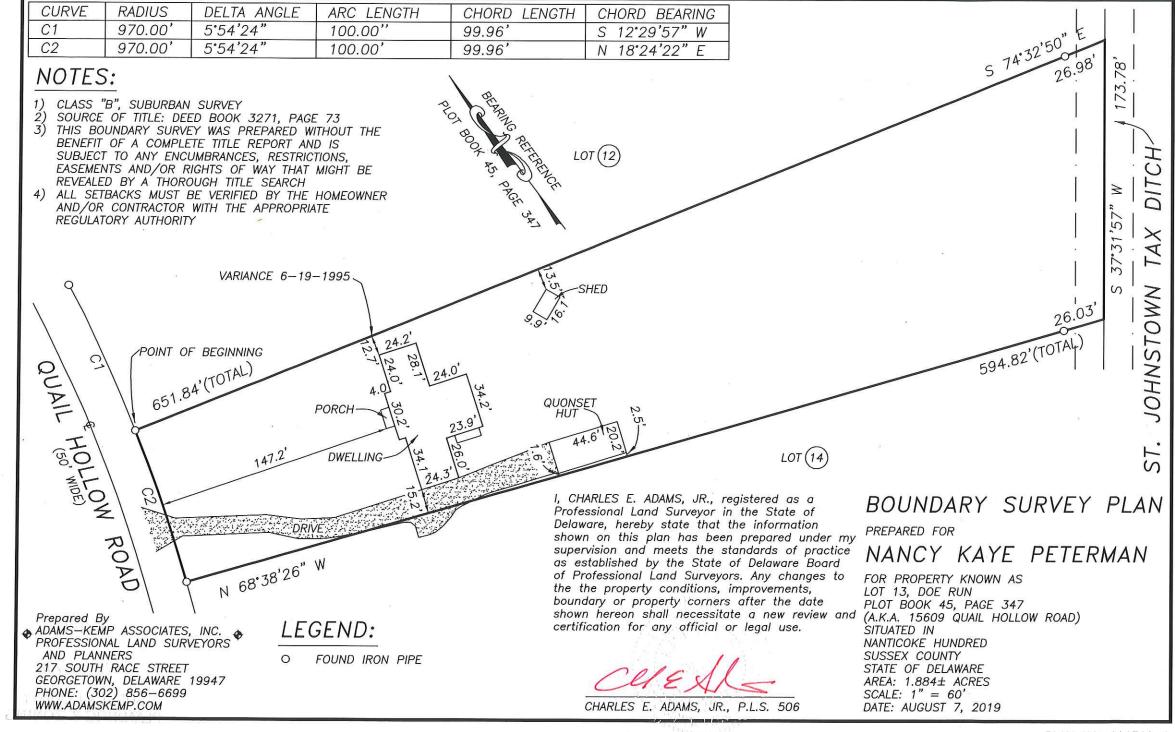
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

he structure has no affect on neighborhood nor objacent property

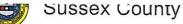
### 5. Minimum variance:

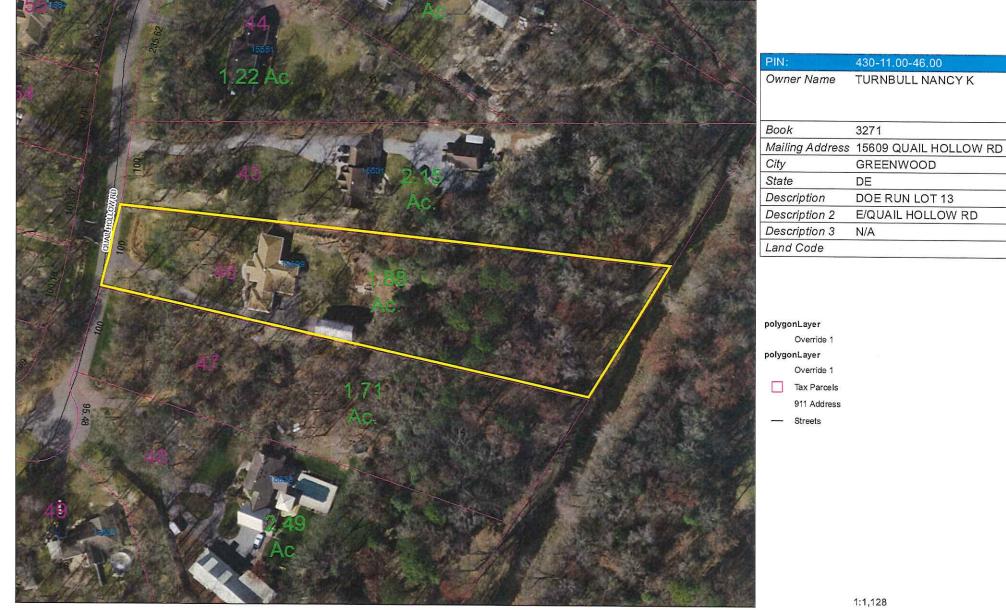
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. U.E. TO YORD Slope There ISN'T ANY Where TO MOVE Structure

#### TAX MAP NO. 4-30-11.00, PARCEL 46.00



PLAN NO. 190719-A





August 27, 2019

## **Board of Adjustment Application**

# Case # 12369 Hearing Date 10[7]19

201916041

## Sussex County, Delaware Sussex County Planning & Zoning Department

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

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

Variance 🔄	
Special Use Exception 🗸	
Administrative Variance	
Appeal	

Existing Condition 🔲
Proposed 🗸
Code Reference (office use only)
115-23
115-210

Property Zoning: AR-1

## Site Address of Variance/Special Use Exception:

18941 John J. Williams Highway (DE Route 24), Rehoboth Beach, DE 19971

## Variance/Special Use Exception/Appeal Requested:

To use a pre-fabricated pharmaceutical trailer as a temporary pharmacy while the Owner renovates their existing permanent pharmacy at the Tunnel Cancer Center. We believe this is considered a "Use of a manufactured-home-type structure for any business, commercial or industrial use" under Sussex County Code, Section 115-23 "Special use exceptions".

Tax Map #: 334-12.00-57.00

## **Applicant Information**

Applicant Name:	Beebe Medical Center, Inc.						
<b>Applicant Address:</b>	431 Savannah Rd						
City Lewes	State DE	Zip: 19958					
Applicant Phone #:	(302) 734-7950	Applicant e-mail:	mloukides@beebehealthcare.org				
Owner Information							
Owner Name: Be	ebe Medical Center, Inc.						
Owner Address: 431	l Savannah Rd						
City Lewes	State DE	Zip: 19958	Purchase Date: 4/18/00				
Owner Phone #: (	302) 645-3177	Owner e-mail:	nloukides@beebehealthcare.org				
Agent/Attorney Information							
Agent/Attorney Name: Becker Morgan Group, Inc. c/o Tyler Giffear, E.I.T.			E.I.T.				
Agent/Attorney Add	dress: 309 South Governors	Ave					
City Dover	State DE	Zip: 19904					
Agent/Attorney Pho	one #: (302) 734-7950	Agent/Attorney e	-mail: tgiffear@beckermorgan.com				
Signature of Owner/Agent/Attorney Date:							





Sussex County, DE - BOA Application

**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 <u>all</u> 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.

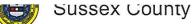
The project parcel is bordered primarily by AR-1 zoning, as well as CR-1 and MR zoning. The temporary pharmacy trailer is to be located to the rear of the existing Tunnel Cancer Center, where it will be approximately 200 feet from the closest inhabited residential property; which has existing landscape buffering along the property lines shared with the project parcel. The trailer is not expected to produce large amounts of noise or light pollution such that it would adversely impact the adjacent residential properties.

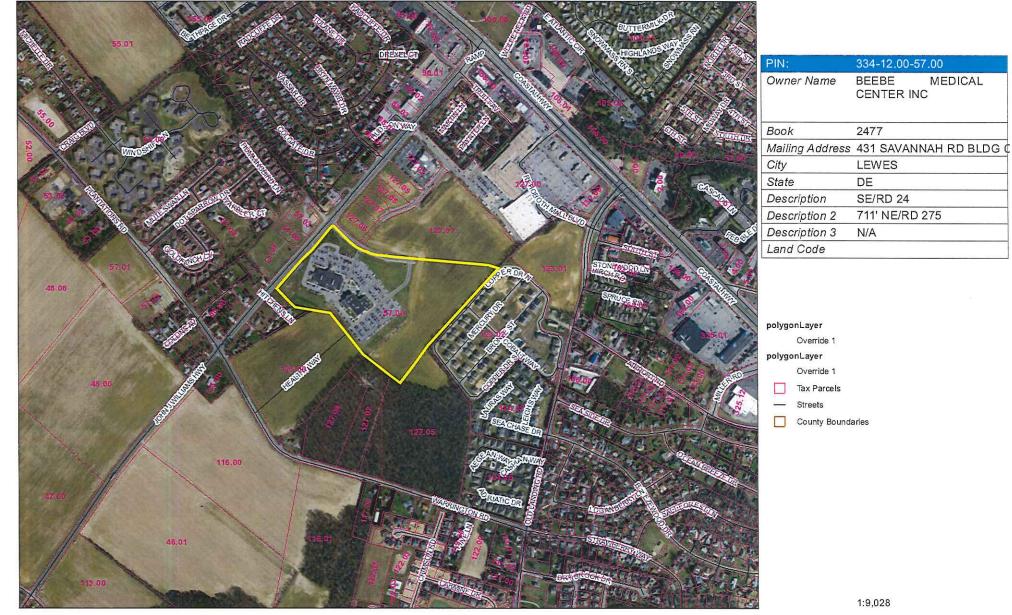
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

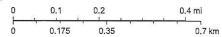
According to Sussex County Code, Section 115-23 "Special use exceptions", this use is eligible for a temporary permit for a period not to exceed five (5) years, for which we are requesting a special use exception for a maximum of 5 years.

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

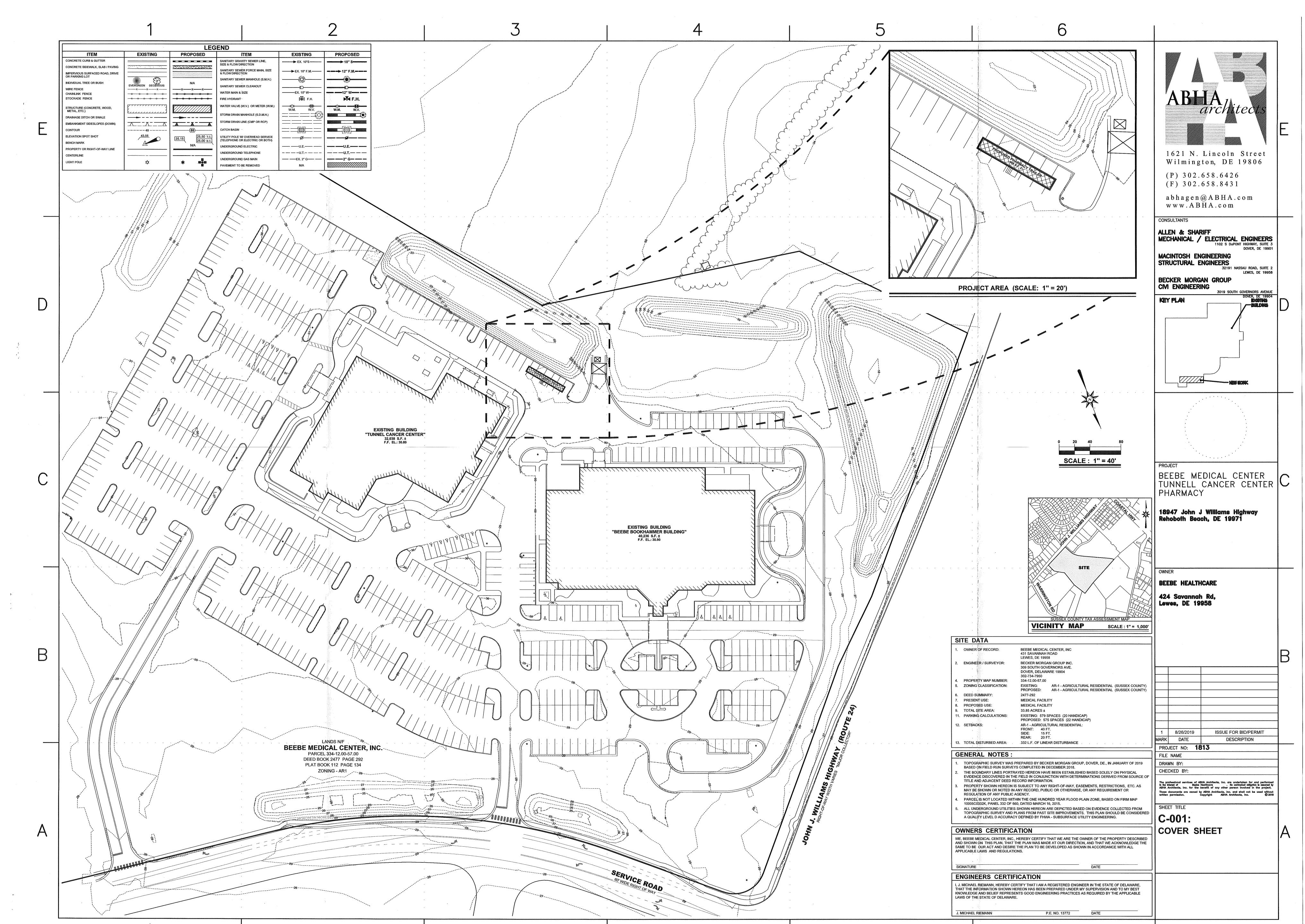
The Owner is currently performing renovations to their existing Pharmacy located in the Tunnel Cancer Center. In order to continue operations throughout the renovation process, the Owner would like to install a temporary pharmaceutical trailer in a parking area to the rear of the Tunnel Cancer Center, and provide necessary utility extensions and connections to serve the trailer.







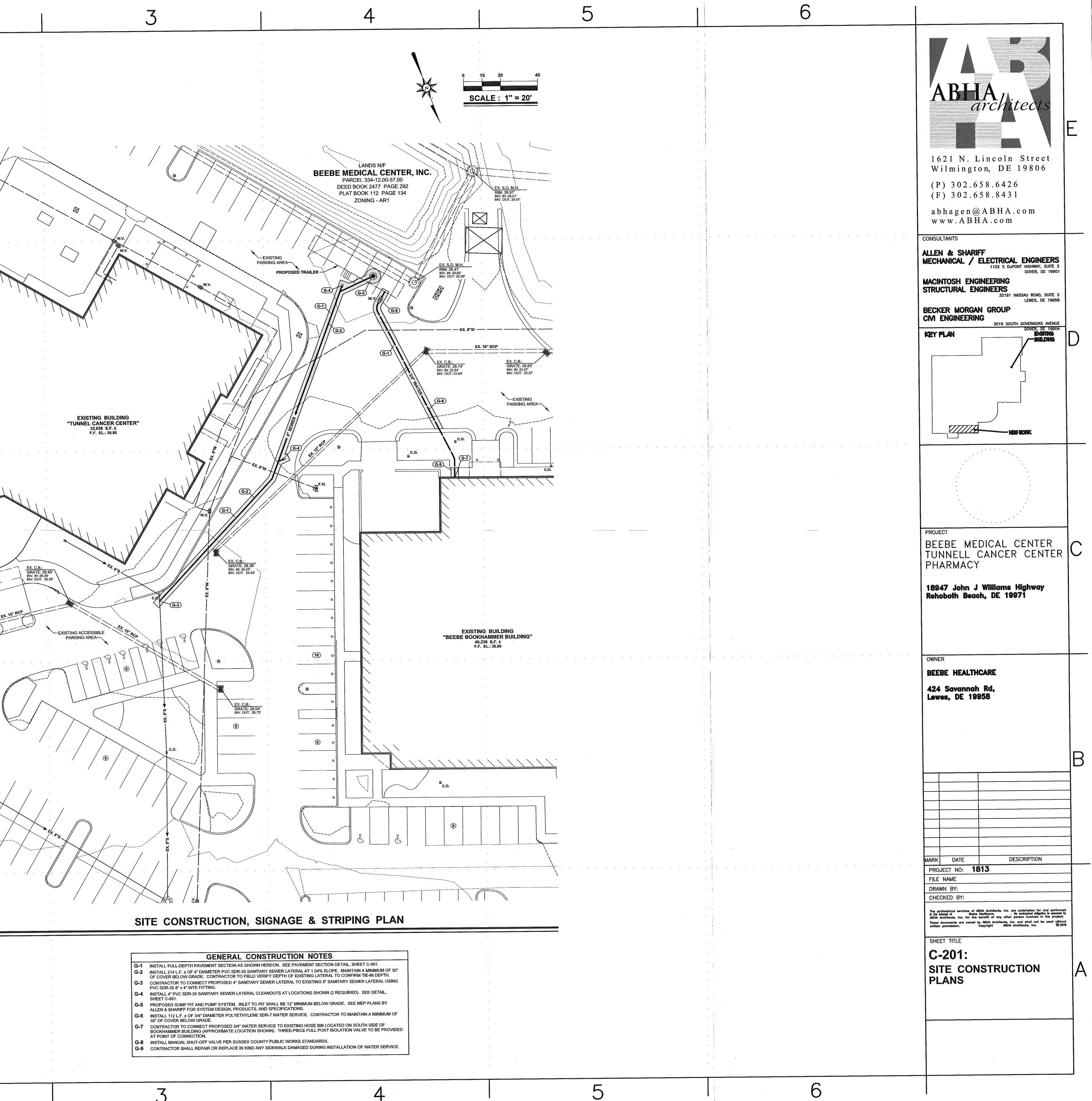
September 4, 2019

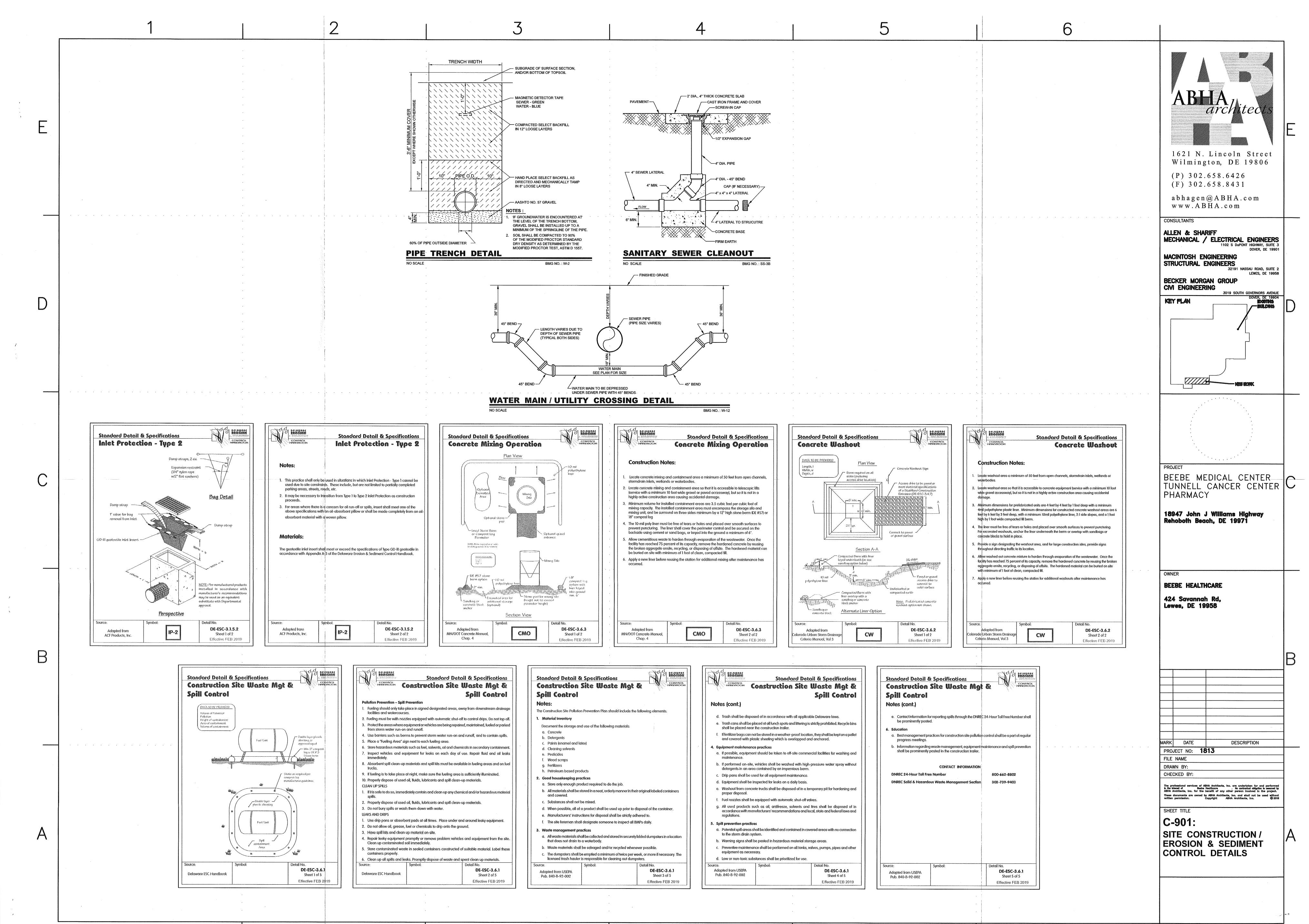




ABHA architecto 1621 N. Lincoln Street Wilmington, DE 19806 (P) 302.658.6426 (F) 302.658.8431 a b h a g e n @ A B H A . c o m w w w . A B H A . c o m CONSULTANTS ALLEN & SHARIFF MECHANICAL / ELECTRICAL ENGINEERS 1102 S DUPONT HIGHWAY, SUITE 3 DOVER, DE 19901 MACINTOSH ENGINEERING STRUCTURAL ENGINEERS 32191 NASSAU ROAD, SUITE 2 LEWES, DE 19958 BECKER MORGAN GROUP CIVI ENGINEERING 3019 SOUTH GOVERNORS AVENUE OVER, DE 19904 EXCITAS key flan PROJECT BEEBE MEDICAL CENTER TUNNELL CANCER CENTER PHARMACY 18947 John J Williams Highway Rehoboth Beach, DE 19971 OWNER BEEBE HEALTHCARE 424 Savannah Rd, Lewes, DE 19958 ADDENDA 2 8/20/2019 DESCRIPTION MARK DATE PROJECT NO: 1813 FILE NAME DRAWN BY: CHECKED BY: The professional services of ABHA Architects, inc. are undertaken for and performed in the interest of Beebe Healthcare . No controctual obligation is assumed by ABHA Architects, inc. for the benefit of any other person involved in the project. These documents are owned by ABHA Architects, inc. and shall not be used without written permission. Copyright ABHA Architects, inc. ③ 2018 SHEET TITLE C-101: EXISTING CONDITIONS & DEMOLITION / EROSION & SEDIMENT CONTROL **A** PLANS

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Tow Whom It May Concern,

My sincere apology for not making my appointment on July 15, 2019. Our family had every attention to come to this meeting as it is extremely important to us.

My son Alonso was injured and with this emergency we were unable to attend the meeting. My priority was for the health of my son.

We happy to report considering the emergency that he under the care of good hands at Nemours. Please see not from doctor.

We would appreciate your patience and kindly request a new appointment.

Respectfully, / Ariel Gonzalez -



NEMOURS DUPONT PEDIATRICS, WILMINGTON 1600 Rockland Road Wilmington DE 19803 Phone: 302-651-5913 Fax: 302-651-5951

July 18, 2019

To Whom It May Concern:

Alonso Gonzalez-Roblero was treated at our practice on 7/18/2019. Please excuse him from 7/15/2019 until 7/18/2019.

It was necessary for the parent/guardian to be present.

Please call our office at (302) 651-6521 if you have any questions.

Dr. Alfred Atanda, MD