

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





DELAWARE sussexcountyde.gov

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

AGENDA

September 14, 2020

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

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Old Business

Case No. 12443 – Bay Shore Community Church seeks a special use exception to operate a day care center and a variance from the maximum fence height requirement (Sections 115-23, 115-182, 115-185 and 115-210 of the Sussex County Zoning Code). The property is located on the west side of London Avenue approximately 167 ft. southwest of Lighthouse Road (Rt. 54). 911 Address: 38288 London Avenue, Unit 6, Selbyville. Zoning District: AR-1. Tax Parcel: 533-18.00-61.02

Case No. 12453 – Paul Antonio seeks variances from the front yard, rear yard and corner front yard setback requirements for proposed structures (Sections 115-25, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Garfield Avenue within the Edgewater Acres subdivision. 911 Address: 39176 Garfield Avenue, Selbyville. Zoning District: AR-1. Tax Parcel: 533-20.18-187.00 (Continuation of Public Hearing)

Case No. 12461 – Matthew E. Brobst seeks a variance from the front yard setback requirements for an existing structure (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the west side of Maple Lane within the Keenwick subdivision. 911 Address: 38320 Maple Lane, Selbyville. Zoning District: MR. Tax Parcel: 533-19.12-112.00

(Continuation of Public Hearing)

Case No. 12462 – Barbara J. Bainum, Trustee seeks a variance from the front yard and side yard setback requirements for an existing structure (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the east side of Windswept Way



within the Ocean Breezes subdivision. 911 Address: 39701 Windswept Way, Bethany Beach. Zoning District: MR. Tax Parcel: 134-9.00-535.00 (Continuation of Public Hearing)

Case No. 12463 – Joyce Ferguson seeks variances from the side yard, rear yard setback and separation distance requirements between units for a proposed shed (Sections 115-25, 115-172 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Delaware Avenue within the Sea Air Village Manufactured Home Park. 911 Address: 20043 Delaware Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-50594

(Continuation of Public Hearing)

Case No. 12465 – Lia & Vera Lehenbauer seek variances from the side yard setback and rear yard setback requirements for a proposed garage (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of Shockley Road approximately 516 ft. northwest of Cedar Neck Road. 911 Address: 22134 Shockley Road, Milford. Zoning District: AR-1. Tax Parcel: 330-8.00-17.10 (Continuation of Public Hearing)

Case No. 12466 – Jerry & Carole Stewart seek a variance from the front yard setback requirement for a proposed dwelling (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the east side of Bayberry Lane within the Keenwick subdivision. 911 Address: 38261 Bayberry Lane, Selbyville. Zoning District: MR. Tax Parcel: 533-20.09-106.00

(Continuation of Public Hearing)

Public Hearings

Case No. 12467 – Paula & Jeffrey Horn seek variances from the side yard setback requirements for proposed structures (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Riverwalk Drive within the Beaver Creek subdivision. 911 Address: 18852 Riverwalk Drive, Milton. Zoning District: AR-1. Tax Parcel: 235-30.00-637.00

Case No. 12468 – Donovan's Painting & Drywall (Jose Sandoval) seeks a variance from the front yard setback requirements for a proposed structure (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the southwest side of Lewes Georgetown Highway (Rt. 9) approximately 135 ft. west of Waples Street. 911 Address: 32454 Lewes Georgetown Highway, Lewes and N/A. Zoning District: AR-1. Tax Parcel: 334-5.00-205.01 & 208

Case No. 12469 – William & Kimberle Chipman seek variances from the front yard and side yard setback requirements for proposed structures (Sections 115-34, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the south side of Carla Avenue within the Seabreeze subdivision. 911 Address: 306 Carla Avenue, Rehoboth Beach.



Zoning District: MR. Tax Parcel: 334-20.13-220.00

Additional Business

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 September 4, 2020 at 4:00 p.m., and at least seven (7) days in advance of the meeting.

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

-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 <u>https://sussexcountyde.gov/council-chamber-broadcast</u>

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: 1 302 394 5036

Conference Code: 570176

Member of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items under public hearings on this agenda.



Board of Adjustment September 14, 2020 Page **4** of **4**

The Board of Adjustment meeting materials, including the "packet", are electronically accessible on the County's website at: https://sussexcountyde.gov/

If any member of the public would like to submit comments electronically, these may be sent to <u>pandz@sussexcountyde.gov</u>. All comments shall be submitted by 4:30 P.M. on Thursday, September 10, 2020

####



BOARD OF ADJUSTMENT

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





DELAWARE sussexcountyde.gov (302) 855-7878 T (302) 845-5079 F

MEMO

TO: Jamie Whitehouse

FROM: Ann Lepore

DATE: August 10, 2020

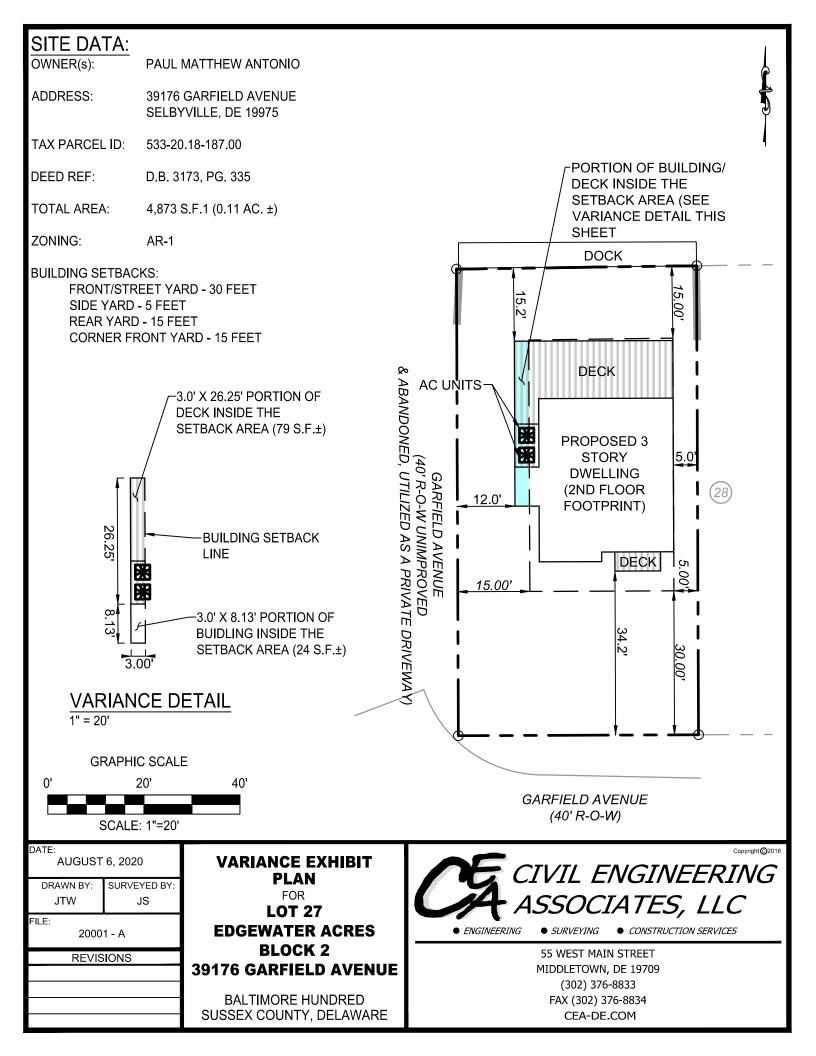
RE: BOA Case No. 12453

At the hearing of August 3, 2020, the Board required that this hearing remain open and be

continued on August 17, 2020. The Applicant has provided an updated survey.

Please see the attached survey.





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 Co	ondition 🗌
Proposed	
Code Refe	rence (office use only)
1137	34 115-182

Site Address of Variance/Special Use Exception:

38320 Maple Lane Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

Would like a variance for the second story porch.

Tax Map #: 5-33-19.12-112

Property Zoning: Resident MA

Applicant Information

Appl	icant Name:	Matthew E. Bru	obst		-	
Applicant Address:		5909 Summit B	ridge	Road		
City	Townsend	State	DE	Zip:	1973	14
Appl	icant Phone #:	302-275-3549	CONTRACTOR OF STREET	Applicant e-	mail:	brobsthomeimprovements@gmail.com

Owner Information

Own	er Name:	Matthew E. E	Brobs	t					
Owner Address:		5909 Summit	t Brid	ige Roa	ıd				
	Townsend		tate		Zip:	197.	34	Purchase Date: 6/7/2019	
Owner Phone #:		302-275-3549			Owner e-mail:		brohsthomeimprovements@gmail.com		

Agent/Attorney Information

State	Zip:	
	Agent/Attorney e-mail:	
	State	the second s

Signature of Owner/Agent/Attorney

Mattin Brbis

Date: 5/13/2020





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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.

The property in Keenwik on the Bay is narrow so the contractor utilized the existing footprint and built up with the third story addition that included a front porch.

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 in the Keenwik on the Bay is narrow which is why the approved plans included the third story addition and a front porch.

3. Not created by the applicant:

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

The contractor/homeowner, in looking at the land survey, used the property set back from the road to the structure and not the structure to the actual property line. The contractor thought the road was the actual property line.

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

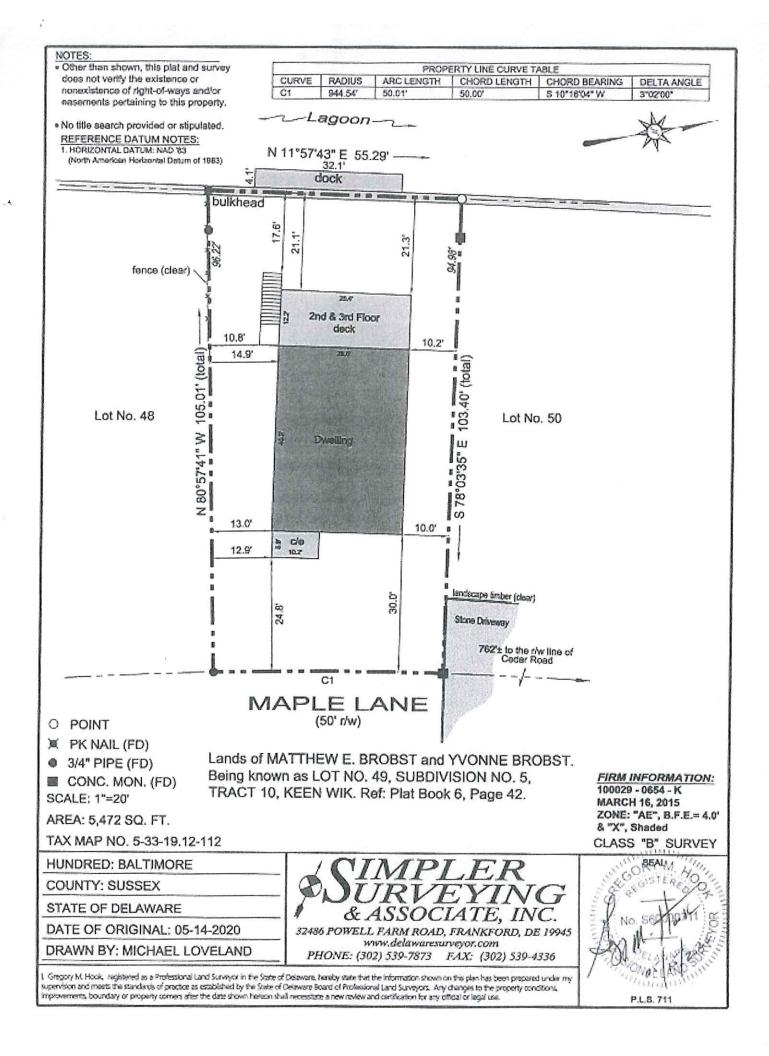
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The front porch adds character to the house and gives the house additional curb appeal. The structure does not permanently impair the use of development of any adjacent property, nor is it 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.

The minimum allowance of variance requested is 5.2 feet to accomodate the front porch structure.

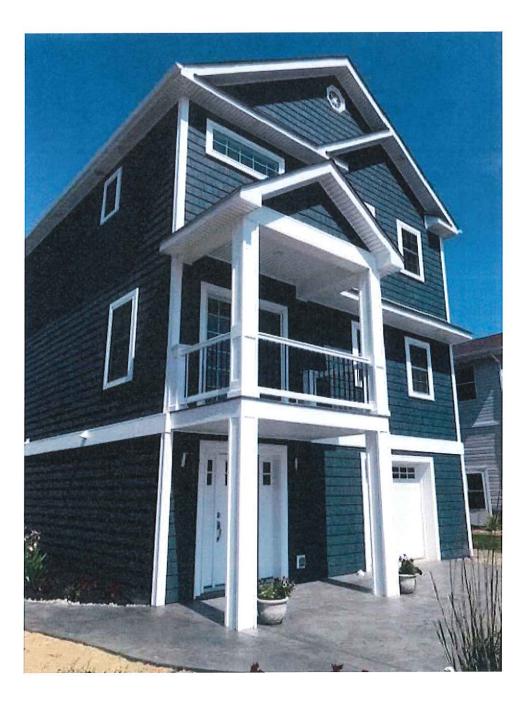




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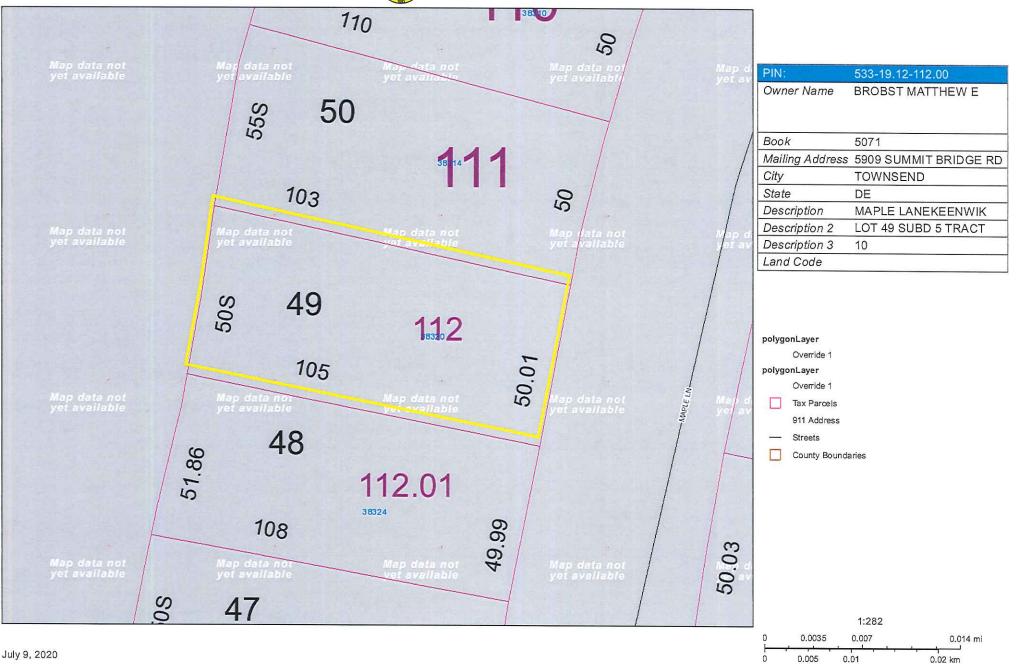
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Sussex County



BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE sussexcountyde.gov (302) 855-7878 T (302) 845-5079 F

MEMO

TO: Jamie Whitehouse FROM: Ann Lepore DATE: September 3, 2020 RE: BOA Case No. 12461

Attached to this memo are the scheduled inspections for the Brobst property requested by the Board at the hearing of august 17, 2020.

Also, attached is a letter of support from the property owner at 38325 Maple Lane.

The temporary certificate of occupancy has been extended to September 14, 2020



Case 12461 - Brobst

🀝 Inspection Scheduling - Permit A 🗙 🕂

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🔢 Apps 🞯 New Tab

S Inspection Scheduling - Permit Application: 201910264

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Inspection Scheduling - Permit Application: 201910264 ~ 10 Q n la 23 × 6 0 6 E G E Ø Mass Add Multiple Field Sheet App Profile Contractor Eack Accept Search Add Update Delete Schedule Exclude Calendar View List View Schedule Completed Schedule Schedule Dept Requested 01/13/2020 113 **Building** C Comment --- Contractor ID 216623 0 E020 ENERGY Scheduled 01/13/2020 Type ... S Text ERIC 275-3549 Inspector JVI Parformed 01/13/2020 10:24:21 Phone 300 Results PASS Level Priority Balance Due Permit 1 Expires Fax --- Contractor Dept 113 Building C Requested 05/04/2020 ---Comment D 215582 0 Туре 6025 BC FINAL Scheduled 05/04/2020 ••• 5 Text Inspector JVJ Performed 05/04/2020 08:08:23 - Phone Level 400 Results FAIL Priority Balance Due Permit 1 Expires Fax Requested 05/07/2020 244521 Dept 113 ... **Building** C Comment --- Contractor ID [0 ... E025 BC FINAL Scheduled 05/07/2020 Ē Туре ••• S Text eric 275-3549 Created from inspection 215582 on 05/04/2020 by junior.vazquez - Phone Inspector IVI Performed 05/07/2020 08:54:14 ... Level 400 Results FAIL Priority **Balance** Due -Permit Expires Fax Dept 113 Requested 05/12/2020 ... Building C Comment --- Contractor 0 ... ID 245064 B025 Scheduled 05/12/2020 D S Type BC FINAL Text Created from inspection 244521 on 05/07/2020 by junior.vazquez --eric 275-3549 .vazquez - Phone Inspector JVI Performed 05/12/2020 08:30:48 ... Level 400 Results FAIL Priority Balance Due Permit Expires 1 Fax · Dept 113 Requested 05/18/2020 **Building** C Comment Eric: 275-3549 ID 245586 ------ Contractor 0 Type Created from inspection 245064 on 05/12/2020 by junior.vazquez B025 ---BC FINAL Scheduled 05/18/2020 🗂 S Text wazquez - Phone Inspector JVI Performed 05/18/2020 D 01:11 PM 400 aval Results PASS Priority Balance Due Permit Expires 1 Fax 113 Dept Requested 05/12/2020 ---**Building** C Comment Doesn't meet front setbacks, needs survey and variance appli ... Contractor 0 ID 245430 Type Z035 Scheduled 05/12/2020 PLANNING & 🗂 S Text Eric 275-3549 Inspector JW Performed 05/12/2020 09:49:40 · Phone Level 400 Results FAIL Priority Balance Due Permit Expires Fax 113 Dept Building C Requested Comment Doesn't meet front setbacks, needs survey and variance appli ... Contractor 0 ... ID 245612 Type Z035 PLANNING & Scheduled ... Text Created from inspection 245430 on 05/12/2020 by jeffrey.whaley -Inspector JW Performed 1 Eric 275-3549 - Phone ...

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Russell Warrington

From: Sent: To: Subject: Sue <wollards@yahoo.com> Thursday, September 3, 2020 12:51 PM Russell Warrington Variance Hearing Case 12461

Hello,

I am a property owner at 38325 Maple Lane in Keen-wik on the Bay and would like to respond to the notice I received regarding the variance on 38320 Maple Lane, which is across the street diagonally from my property. The porch adds curb appeal to the property which also increases the value of my home and other surrounding properties.

The porch provides coverage for the front entry and does not appear to hinder or obstruct the view from any other home that is near.

1

I do not oppose the variance for the front porch at 38320 Maple Lane.

Regards, Sue C. Wollard 38325 Maple Lane

Sent from Mail for Windows 10

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	Ī
Appeal	

Existing Condition 🗸
Proposed
Code Reference (office use only)
115-34 115-182

Site Address of Variance/Special Use Exception:

39701 Windswept Way, Bethany Beach, DE 19930

Variance/Special Use Exception/Appeal Requested:

The dwelling meets the front setback per final survey provided on site but the front steps extend nine (9) feet in front of the dwelling projecting towards the front property line, making the steps encroach four (4) feet into the allowable setback for steps. Per county code, chapter 115 zoning, article XXV supplementary regulations, section 182 front yards, subsection D

Tax Map #: 1.34-9.00-535.00

Property Zoning: MR

Applicant Information

Applicant Name:	Winchester Construction	Co., Inc. (Andrew G. Smith)
Applicant Address	: 1114 Benfield Blvd., Sui	te L
City Millersville	State MD	Zip: 21108
Applicant Phone #	: (410) 987-5905	Applicant e-mail: andrew@winchesterinc.com
Owner Informatio	<u>on</u>	
Owner Name: B	Barbara J. Bainum, Trustee	
Owner Address: 6	415 Shadow Road	=
City Chevy Chase	State MD	Zip: 20815 Purchase Date:
Owner Phone #:	(301) 656-2035	Owner e-mail: stillmanent@gmail.com
Agent/Attorney Ir	nformation	
Agent/Attorney Na	ame:	
Agent/Attorney Ad	ddress:	
City	State	Zip:
Agent/Attorney Ph	none #:	Agent/Attorney e-mail:
Signature of Owne	er/Agent/Attorney	
12/		
111		Date: 5/20/20



11/ hr



Case # 12462 Hearing Date <u>Aug 17</u>

202005297

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 pecullar 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 BFE and DNREC elevation and setback requirements dictate the house location and finished floor elevations in such a manner that the only way to safely traverse from the driveway grade elevation to the first finished floor is to extend the entry stairs toward the the front yard, which results in an encroachment on the allowable setback for steps

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.

This is an As-Built condition and cannot be further developed. The new home has been constructed per approved permit documentation, which also shows the entry stair extending into the front yard. The stair layout is the most sensible and safe means of egress for the home.

3. Not created by the applicant:

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

The home has been constructed per the approved permit documentation, which also shows the entry stairs extending towards the front yard as built. At the time of permit approval, no mention of a Variance or change in design was mentioned and thus the home was constructed as designed and permitted.

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

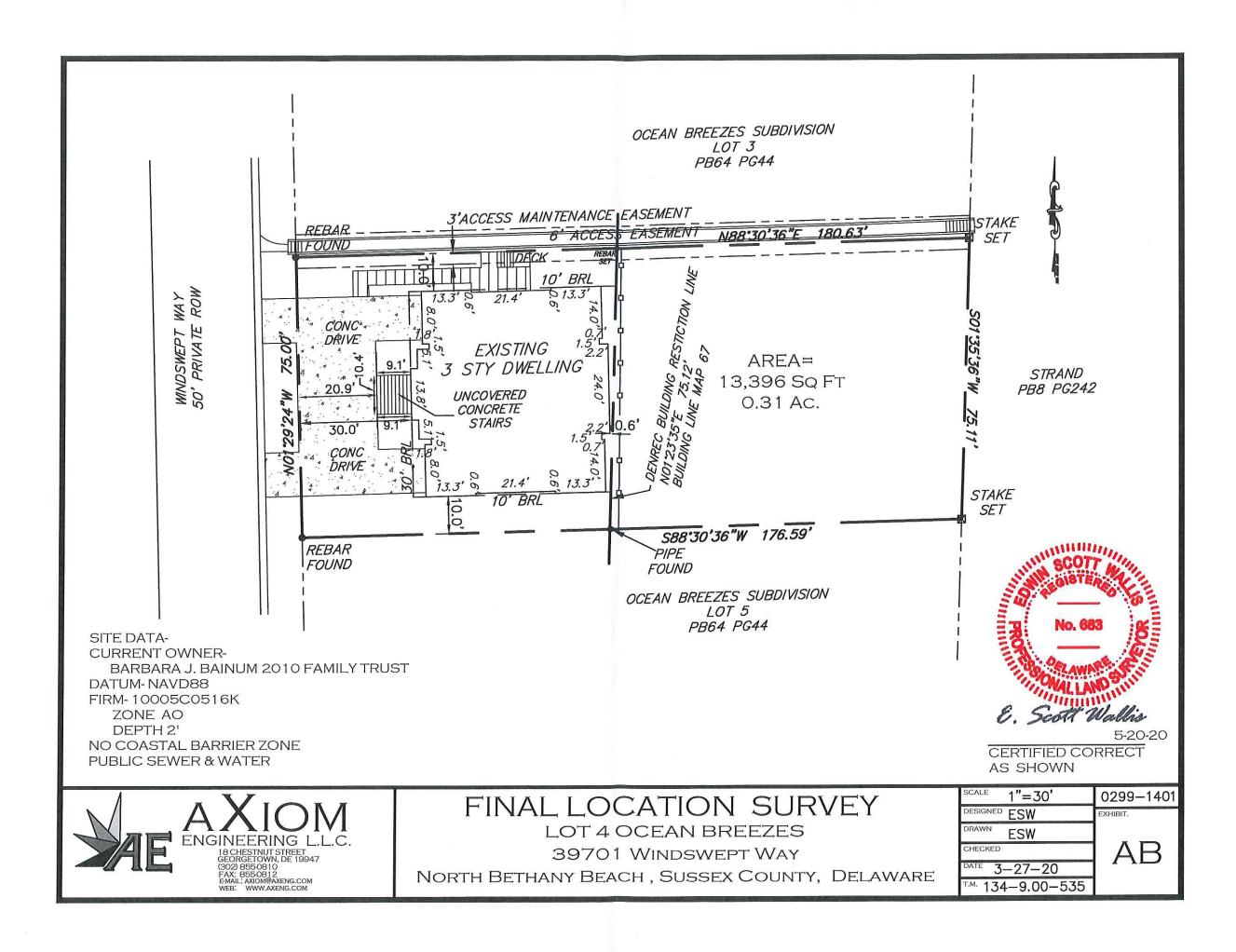
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

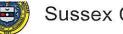
The front entry stairs do not impair use or development of adjacent properties. This condition appears to be similar to other neighboring homes within the community.

5. Minimum variance:

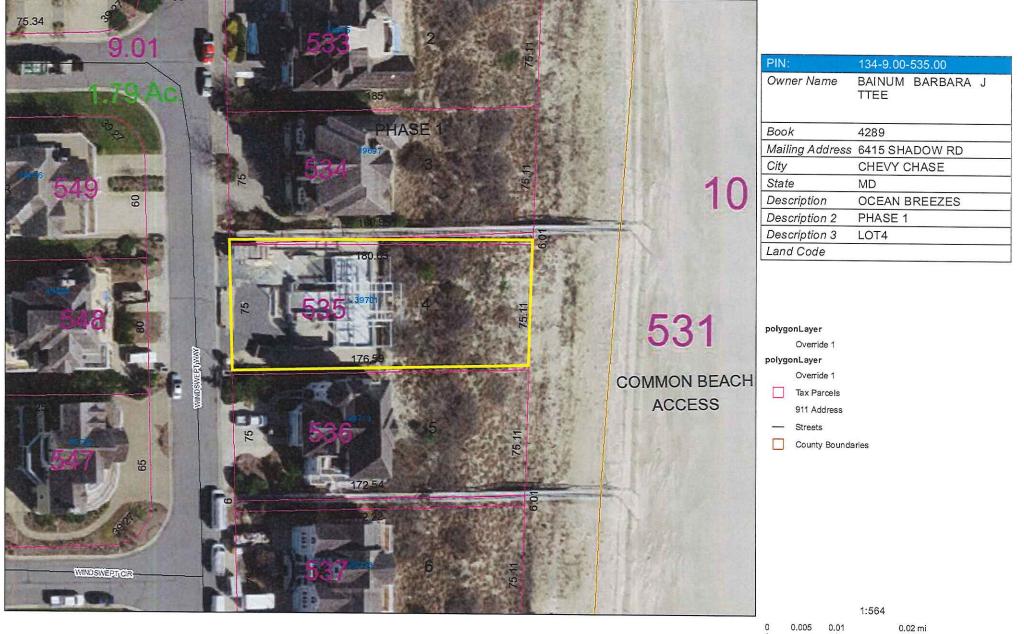
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

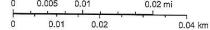
Variance request is being submitted to address an As-Built condition and as documented on the enclosed plat plan. This represents the full extent of the needed variance and no further relief is requested, nor anticipated as a result.





Sussex County





July 9, 2020

Barbara J. Bainum, Trustee

Board of Adjustment Case No. 12462

Barbara J. Bainum Trustee 39701 Windswept Way Bethany Beach, Delaware SCTP No. 134-9.00-535.00

David C. Hutt, Esquire Morris James LLP Public Hearing

08/17/2020

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- 2. Title to Property: Deed: Dated July 13, 2018, Deed Book 4920, Page 34
- 3. Final Location Survey, 03/27/2020
- 4. Original Building Permit, 10/21/2015
- 5. Renewal (and Revised) Building Permit, 09/19/2016
- 6. Building Permit Plan Set, 10/02/2015
- 7. DNREC, Approval of Application No. BP5095, 10/08/2015
- 8. DNREC, Approval of Application No. BP5584, 03/26/2019
- 9. Certificate of Occupancy/Compliance, 05/21/2020
- 10. Pictures of Home

TAB "1"

	Case #
Board of Ac	djustment Application Hearing Date
Sussex County 2 The Circle (P.O	County, Delaware Planning & Zoning Department 9. Box 417) Georgetown, DE 19947 7878 ph. 302-854-5079 fax
Type of Application: (please check all ap	plicable)
Variance 🗹 Special Use Exception 🗌 Administrative Variance 🔲 Appeal 🗍	Existing Condition 🗹 Proposed 🛄 Code Reference (office use only)
Site Address of Variance/Special Use Exe	ception:
39701 Windswept Way, Bethany Beach, D	DE 19930
Variance/Special Use Exception/Appeal	Requested:
feet in front of the dwelling projecting toward	al survey provided on site but the front steps extend nine (9) ds the front property line, making the steps encroach four (4) county code, chapter 115 zoning, article XXV yards, subsection D
Tax Map #: 1.34-9.00-535.00	Property Zoning: MR
Applicant Information Applicant Name: Winchester Constructio	on Co., Inc. (Andrew G. Smith)
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Applicant Information Applicant Name: Winchester Construction Applicant Address: 1114 Benfield Blvd., Su City Millersville State Applicant Phone #: (410) 987-5905 Owner Information	on Co., Inc. (Andrew G. Smith) nite L Zip: 21108 Applicant e-mail: andrew@winchesterinc.com
Applicant Address: 1114 Benfield Blvd., Su City Millersville State MD Applicant Phone #: (410) 987-5905 Owner Information Owner Name: Barbara J. Bainum, Trustee	on Co., Inc. (Andrew G. Smith) nite L Zip: 21108 Applicant e-mail: andrew@winchesterinc.com
Applicant Information Applicant Name: Winchester Construction Applicant Address: 1114 Benfield Blvd., Su City Millersville State MD Applicant Phone #: (410) 987-5905 Owner Information Owner Name: Barbara J. Bainum, Trustee Owner Address: 6415 Shadow Road State MD City Chevy Chase State MD	on Co., Inc. (Andrew G. Smith) uite L Zip: <u>21108</u> Applicant e-mail: <u>andrew@winchesterinc.com</u> Zip: <u>20815</u> Purchase Date:
Applicant Information Applicant Name: Winchester Construction Applicant Address: 1114 Benfield Blvd., Su City Millersville State MD Applicant Phone #: (410) 987-5905 Owner Information Owner Name: Barbara J. Bainum, Trustee Owner Address: 6415 Shadow Road State MD City Chevy Chase State MD	on Co., Inc. (Andrew G. Smith) nite L Zip: 21108 Applicant e-mail: andrew@winchesterinc.com
Applicant Information Applicant Name: Winchester Construction Applicant Address: 1114 Benfield Blvd., Su City Millersville State Applicant Phone #: (410) 987-5905 Owner Information Owner Name: Barbara J. Bainum, Trustee Owner Address: 6415 Shadow Road City Chevy Chase State Owner Phone #: (301) 656-2035	on Co., Inc. (Andrew G. Smith) uite L Zip: <u>21108</u> Applicant e-mail: <u>andrew@winchesterinc.com</u> Zip: <u>20815</u> Purchase Date:
Applicant Information Applicant Name: Winchester Construction Applicant Address: 1114 Benfield Blvd., Set City Millersville State MD Applicant Phone #: (410) 987-5905 Owner Information Owner Name: Barbara J. Bainum, Trustee Owner Address: 6415 Shadow Road City Chevy Chase State Owner Phone #: (301) 656-2035 Agent/Attorney Information	on Co., Inc. (Andrew G. Smith) uite L Zip: <u>21108</u> Applicant e-mail: <u>andrew@winchesterinc.com</u> Zip: <u>20815</u> Purchase Date:
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Applicant Information Applicant Name: Winchester Construction Applicant Address: 1114 Benfield Blvd., Suiter City Millersville State Applicant Phone #: (410) 987-5905 Owner Information Owner Name: Barbara J. Bainum, Trustee Owner Address: 6415 Shadow Road City Chevy Chase State Owner Phone #: (301) 656-2035 Agent/Attorney Name: Agent/Attorney Address: City State	on Co., Inc. (Andrew G. Smith) nite L Zip: 21108 Applicant e-mail: andrew@winchesterinc.com Zip: 20815 Purchase Date: Owner e-mail: stillmanent@gmail.com
Applicant Information Applicant Name: Winchester Construction Applicant Address: 1114 Benfield Blvd., Successful State MD City Millersville State MD Applicant Phone #: (410) 987-5905 Owner Information Owner Name: Barbara J. Bainum, Trustee Owner Address: 6415 Shadow Road City Chevy Chase State MD Owner Phone #: (301) 656-2035 Agent/Attorney Name: Agent/Attorney Address:	on Co., Inc. (Andrew G. Smith) nite L Zip: 21108 Applicant e-mail: andrew@winchesterinc.com Zip: 20815 Purchase Date: Owner e-mail: stillmanent@gmail.com





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.

The BFE and DNREC elevation and setback requirements dictate the house location and finished floor elevations in such a manner that the only way to safely traverse from the driveway grade elevation to the first finished floor is to extend the entry stairs toward the the front yard, which results in an encroachment on the allowable setback for steps

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.

This is an As-Built condition and cannot be further developed. The new home has been constructed per approved permit documentation, which also shows the entry stair extending into the front yard. The stair layout is the most sensible and safe means of egress for the home.

3. Not created by the applicant:

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

The home has been constructed per the approved permit documentation, which also shows the entry stairs extending towards the front yard as built. At the time of permit approval, no mention of a Variance or change in design was mentioned and thus the home was constructed as designed and permitted.

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 entry stairs do not impair use or development of adjacent properties. This condition appears to be similar to other neighboring homes within the community.

5. Minimum variance:

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

Variance request is being submitted to address an As-Built condition and as documented on the enclosed plat plan. This represents the full extent of the needed variance and no further relief is requested, nor anticipated as a result.

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.

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)

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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.					
s filed wit call the Pla	advised that the decision of the Board of Adjustment is only final when the written decision h the Board's secretary. To determine whether the written decision has been filed, you may anning & Zoning Department at 302-855-7878. The written decision is generally completed irty (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 appellant / 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:

Block#:

For office use only: Date Submitted: ______ Staff accepting application: _____ Location of property: ______

Fee: \$400.00) Check #:
Application 8	& Case #:

Subdivision: _____ Date of Hearing: ____

Lot#: _____ Decision of Board: _

P a g e | 4 Last updated 3/17/2015

TAB "2"

TAX MAP NO. 1-34-9.00-535.00 PREPARED BY/RETURN TO: Scott and Shuman, P.A. 33292 Coastal Highway, Suite 3 Bethany Beach, DE 19930 File No. 14-6159/SW

DEED

THIS DEED is made as of the $\underline{a5}$ day of July, 2014, between, **Stewart**

W. Bainum, Jr., Trustee of the Barbara J. Bainum 2010 Family Trust Dated April 9, 2010, of 6415 Shadow Road, Chevy Chase, MD 20815, party of the first part, and Barbara J. Bainum, Trustee of the Barbara J. Bainum Declaration of Trust Dated December 20, 1996, of 6415 Shadow Road,

Chevy Chase, MD 20815, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its heirs and assigns, in fee simple, the following-described lands, situate, lying and being in **Sussex County**, State of Delaware:

ALL THAT certain lot, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County, State of Delaware, being known and designated as **LOT NO. FOUR (4), OCEAN BREEZES SUBDIVISION,** as more particularly bounded and described on a Plot of Ocean Breezes Subdivision, prepared by Soule and Associates, P.C., of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 61, Page 44, &c., as follows, to wit:

BEGINNING at an iron rod found in the Eastern line of Windswept Way at 50 feet wide, said rod being a corner with Lot 5 to the South; thence with the Eastern line of Windswept Way, North 01 degrees 33 minutes 35 seconds West, 75.00 feet to an iron rod found, a corner with a 6 foot wide public beach access; thence with said public beach access, North 88 degrees 26 minutes 25 seconds East, 180.63 feet to a point in the line of Strand; thence with Strand, South 01 degrees 31 minutes 38 seconds West, 75.11 feet to a point, a corner with Lot 5 to the South; thence with Lot 5, South 88 degrees 26 minutes 25 seconds West, 176.59 feet to the point and place of beginning containing 13,395.75 square feet of land more or less, as surveyed by Charles L. Coffman, II, Land Surveyor, dated February 7, 2007. **SUBJECT TO** the Ocean Breezes Declaration of Covenants, Conditions and Restrictions of record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 2281, Page 336, &c.

THE ROADS in **OCEAN BREEZES SUBDIVISION** are private, and maintenance of the roads within **OCEAN BREEZES SUBDIVISION** is the responsibility of the developer and/or Homeowner's Association and is not the responsibility of the State of Delaware or Sussex County.

BEING the same property conveyed to Barbara J. Bainum 2010 Family Trust Dated April 9, 2010 by Deed dated March 28, 2011, of Stillman Enterprises, LLC, a Delaware limited liability company, as filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 3880 at page 27.

THIS CONVEYANCE IS FURTHER SUBJECT TO any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK SIGNATURE PAGE TO IMMEDIATELY FOLLOW **IN WITNESS WHEREOF**, the said party of the first part has hereunto set its Hand and Seal the $\underline{33}$ day of July, 2014.

WITNESS:

Barbara J. Bainum 2010 Family Trust Dated April 9, 2010

(SEAL) Stewart W. Bainum, Trustee

STATE OF Manyland : : SS.

My commission expires: $3 \cdot 3 - 20 \cdot 7$

BE IT REMEMBERED, that on this $2^{3^{D}}$ day of July, 2014, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Stewart W. Bainum, Trustee of Barbara J. Bainum 2010 Family Trust Dated April 9, 2010, party to this Deed, known to me personally to be such, and acknowledged this Deed to be his act and deed and the act and deed of the Trust.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

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Total

Received: Faith D Jul 30,2014

Consideration 2

County State

Town

[Notary Seal]

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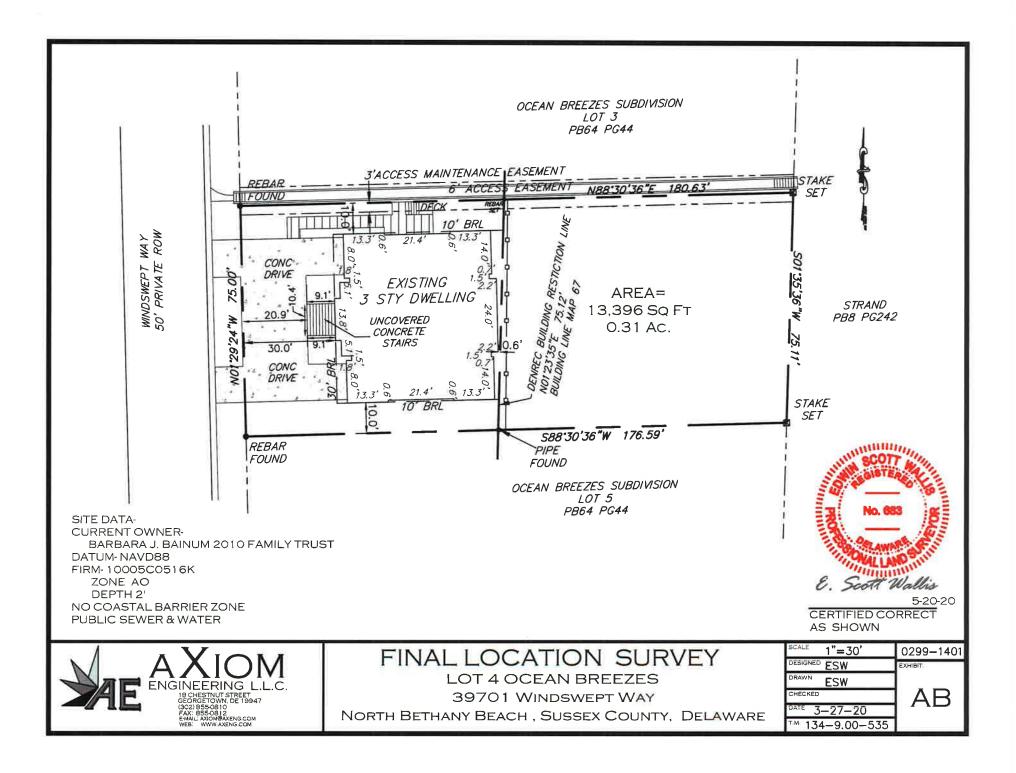
JUL 3 0 2014

ASSESSMENT DIVISION OF SUSSEX COUNTY Recorder of Deeds Scott Dailey Jul 30,2014 09:22A Sussex County Doc. Surcharse Paid

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Page 3 of 3

TAB "3"



TAB "4"



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

Application Number

201507280

Issue Date: 10/21/2015 Expire Date: 10/20/2016

Permit Type: DWELLING OUT OF T	OWN			
Parcel ID		Addres	S	Zone Code
134-9.00-535.00	39701 WIND:	39701 WINDSWEPT WAY, BETHANY BEACH		
Owner Information		Applicant Inf	formation	
Name: BAINUM, BARBARA J TRUSTE Phone:	E	Name: BAI Phone:	NUM, BARBARA J TRU	STEE
Contractor Information				
Name: BAINUM, BARBARA J TRUST CID: 1024490 Phone:	EE	Lice	ense Number: ense Exp. Date: urance Exp. Date:	
Building Information				
Proposed Use: DWELLING RESIDENTAL Construction Type: Estimated Cost of Construction: \$ 306,790 Cannot Occupy More than of Tota Distance from any Dwelling of other Owner Distance from any other Mobile Home or A Property Information Facing Property from Road Front Setback:/ Side Setback:/ Maximum Building Height: 42'	I Lot Area rship: ccessory Structure	Rear Setback: Corner Setbacl	<:/	
FLOOD ZONE Flood Zone: AO/VE P 516 K See Attached Flood Plan Construction Rev	OCEAN BE	REEZES PHASI		
Project Description: DWELLING Scope of Work: 2 ST DWELLING 55X52 GARAGE 26X20X PORCH 24X6 Permit Details: BP# 5095				
Signature of Approving Official	(Jen	Signature of Owner/Contractor	Y

Building Permit Application:

OI fully understand the Zoning Requirements of this permit.

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 manner 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-41492	TOTAL FEES:	\$ 1,692,48	
			+ 1,002110	\$99,76,779

Building Description						
Total Bedrooms	: 4		Heat Type:	ELECTRIC		
Full Baths:	4	Half Baths:	Roofing:	SHINGLE		
Total Rooms:	9		Exterior Walls:	VINYL		
Basement:	NO		Foundation Type:	SLAB		
Interior Walls:	DRYWALL		Fireplace Type:	GAS FIREPLACE		
Flooring:			Air Conditioning:	Y		
CARPET VINYL	TILE HARDWO	OD				

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.

TAB "5"

Permit Type: RENEWAL PERMIT	Sussex Building P.O. Bo Georgetown 302-855	1 Permit ox 589 1, DE 19947	Issue I	201507280 201507280 Date: 09/19/2016 Date: 09/19/2017 Zone Code
Parcel ID 134-9.00-535.00	39701 WINDS	SWEPT WAY, BETHANY	BEACH	MR
Owner Information	19 16	Applicant Information		I control all
Name: BAINUM, BARBARA J TRUSTEE Phone:			RBARA J TRUS	TEE
Contractor Information	- #90.49			A STATE
Name:BAINUM, BARBARA J TRUSTEECID:1024490Phone:		License Num License Exp. Insurance Ex	Date:	
Building Information	181 ¹ 85			
Proposed Use: DWELLING RESIDENTAL Construction Type: Estimated Cost of Construction: \$ 306,790 Cannot Occupy More than of Total Lot Distance from any Dwelling of other Ownership Distance from any other Mobile Home or Access	:	·		
Property Information		19		
Facing Property from Road Front Setback: / Side Setback: /		Rear Setback:	<u>/</u>	
Maximum Building Height: <u>42'</u> FLOOD ZONE Flood Zone: AO/VE P 516 K	Location D			

Scope of Work:

2 ST DWELLING 55X52 GARAGE 26X20X2 PORCH 22X55 PORCH 24X6

Permit Details:

Signature of Approving Official

Signature of Owner/Contractor

Building Permit Application:

I fully understand the Zoning Requirements of this permit.

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 manner 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 upor 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-58718	TOTAL FEES:	\$ 7.50	
				_ orrestuner



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

Application Number

201507280

Issue Date: 10/21/2015 Expire Date: 10/20/2016

DWELLING OUT OF TOWN Permit Type:

Parcel ID	Address	Zone Code
134-9.00-535.00	39701 WINDSWEPT WAY, BETHANY BEAC	CH MR
Owner Information	Applicant Information	inger in Pupplety
Name: BAINUM, BARBARA J TRUSTE Phone:	E Name: BAINUM, BARBARA Phone:	A J TRUSTEE
Contractor Information		
Name: BAINUM, BARBARA J TRUST CID: 1024490 Phone:	EE License Number: License Exp. Date: Insurance Exp. Date	ə:
Building Information		
Proposed Use: DWELLING RESIDENTAL Construction Type: Estimated Cost of Construction: \$ 306,790 Cannot Occupy More than of Tota Distance from any Dwelling of other Owner Distance from any other Mobile Home or A	I Lot Area rship:	
Property Information		the second with the
Facing Property from Road Front Setback: / Side Setback: / Maximum Building Height: 42' FLOOD ZONE Flood Zone: AO/VE P 516 K See Attached Flood Plan Construction Rev	Rear Setback: Corner Setback: Location Description: OCEAN BREEZES PHASE 1 LOT4 iew Coastal and Flood-Prone Area Building Requir	1 1 rements.
Project Description: DWELLING		
Scope of Work: 2 ST DWELLING 55X52 GARAGE 26X20X PORCH 24X6 Permit Details: BP# 5095 BRENDA CAME IN ON 9/15/16 WITH NEW		

Signature of Approving Official

Signature of Owner-Contractor I fully understand the Zoning Requirements of this permit.

Building Permit 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 manner 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.

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Permit Number	BP-41492	J	TOTAL FEES:	\$ 1,692.48	393.7	

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Property/Use	Legal D	esc Da	ates/Misc	Proje	ct Tracking) Permi	ts U	ser Defined							
Parcel	134-9	00-535.00)			Seq	(3							
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TAB "6"



A NEW OCEAN FRONT BEACH HOUSE FOR WIL BUSSE & BARBARA BAINUM

> LOT #4 WINDSWEPT WAY IN THE COMMUNITY OF

OCEAN BREEZES

Permit Set





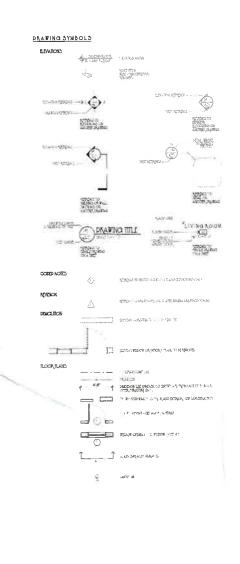
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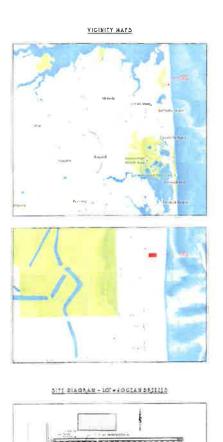


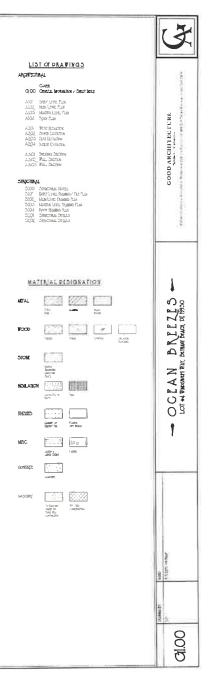


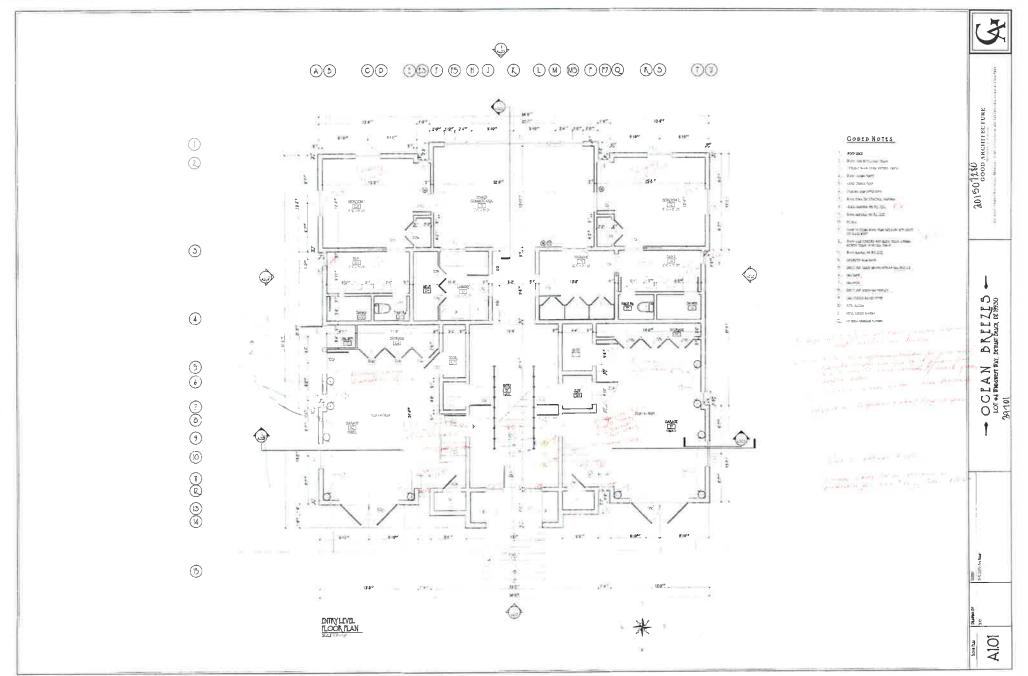
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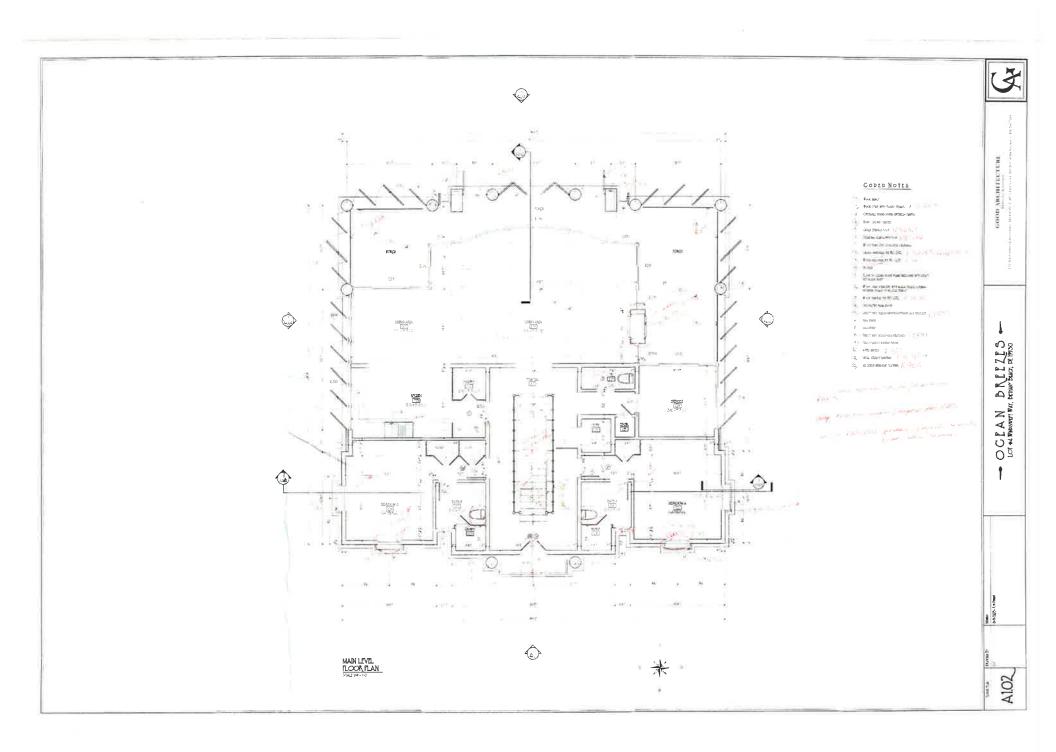


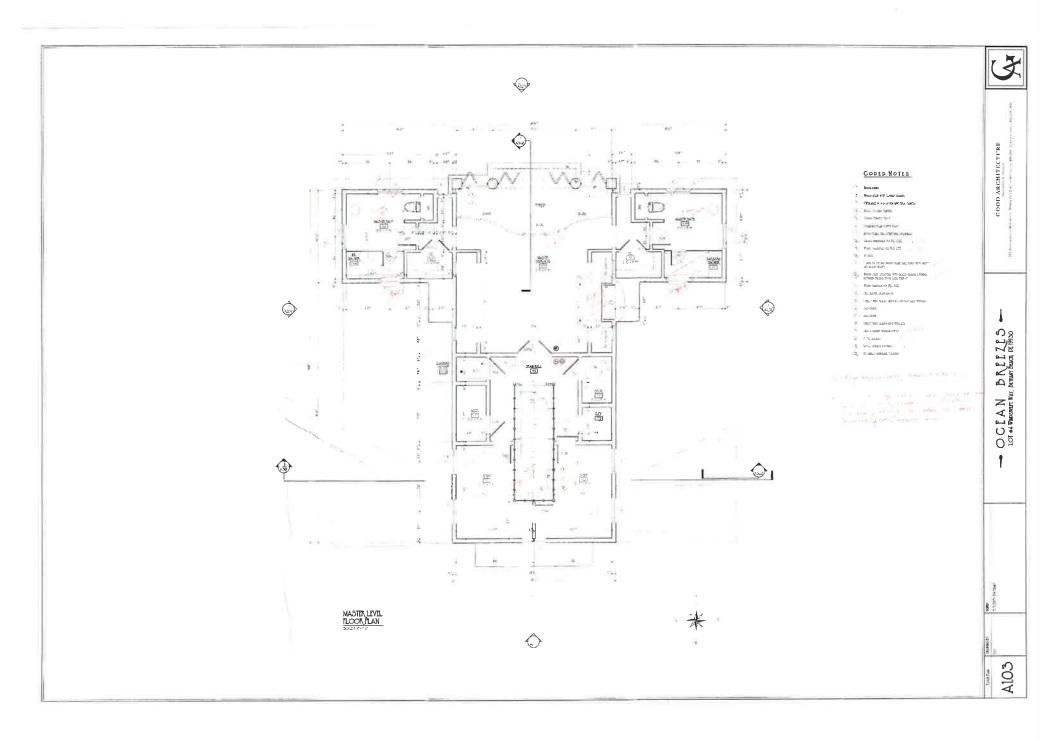


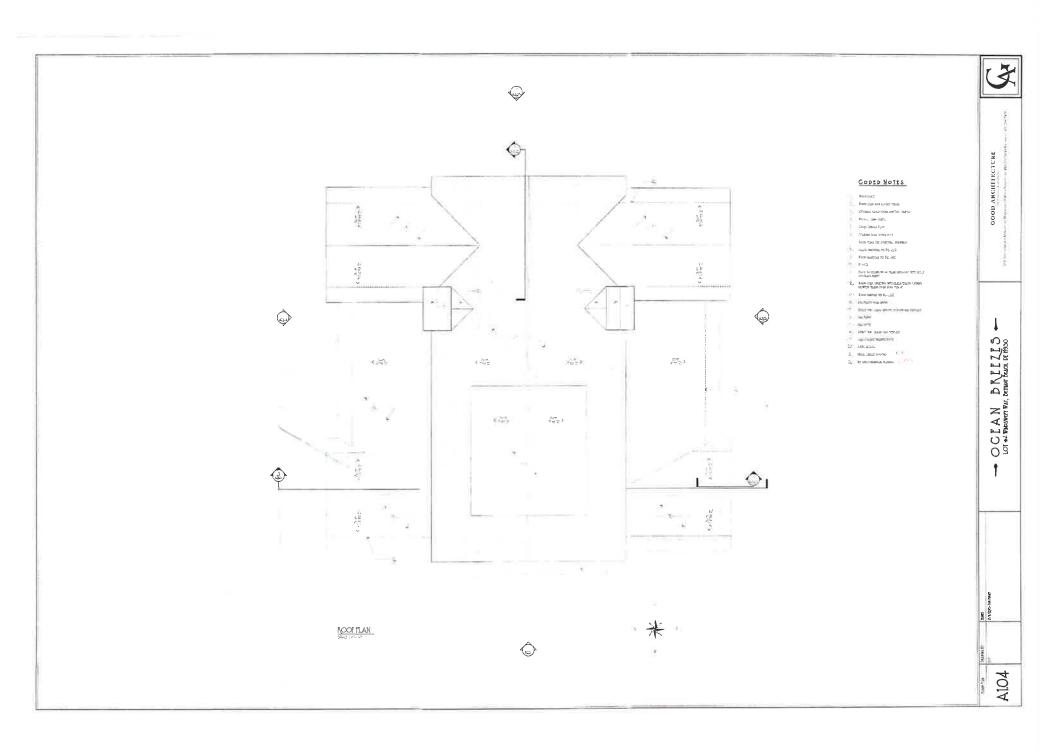




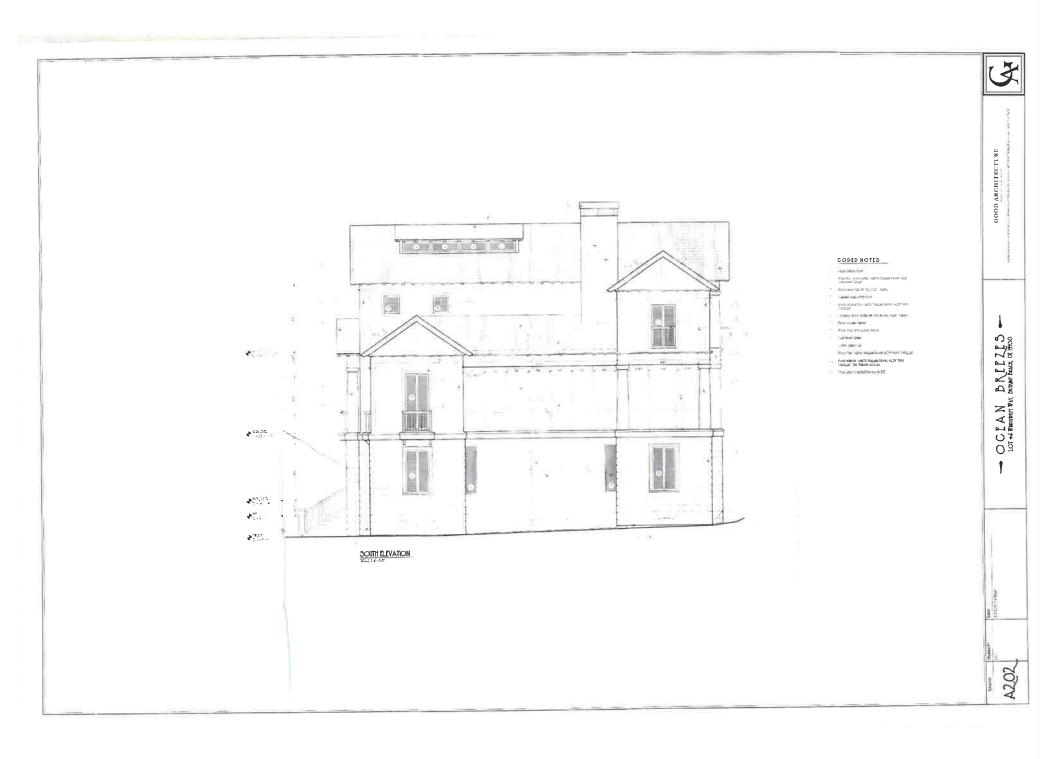




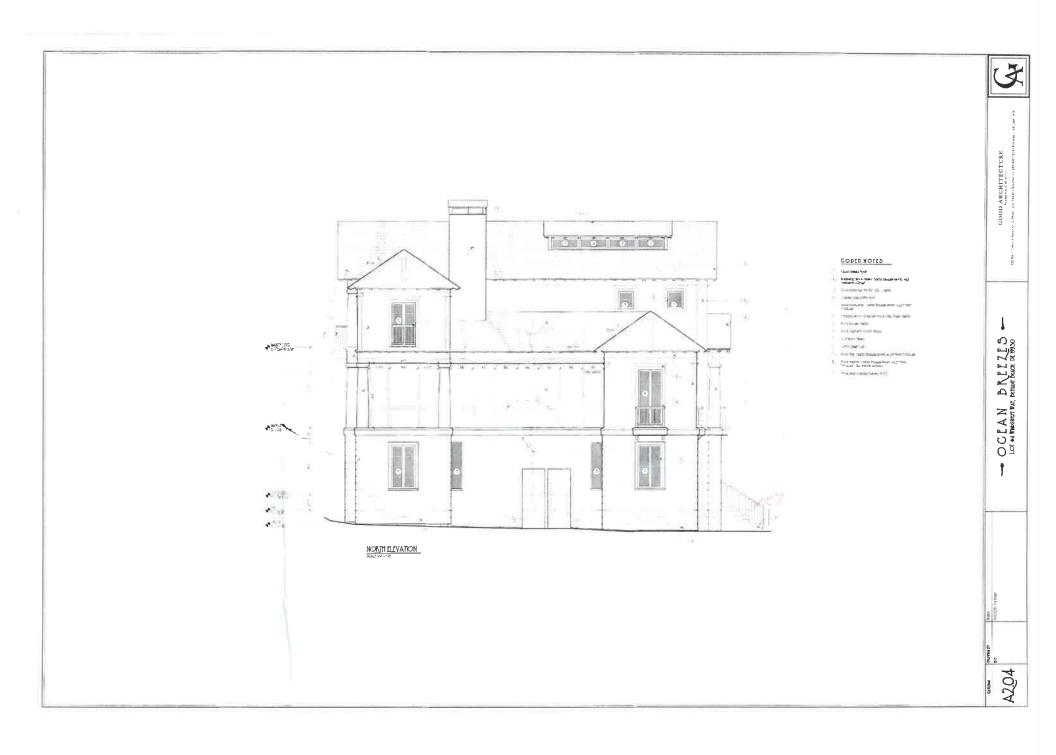


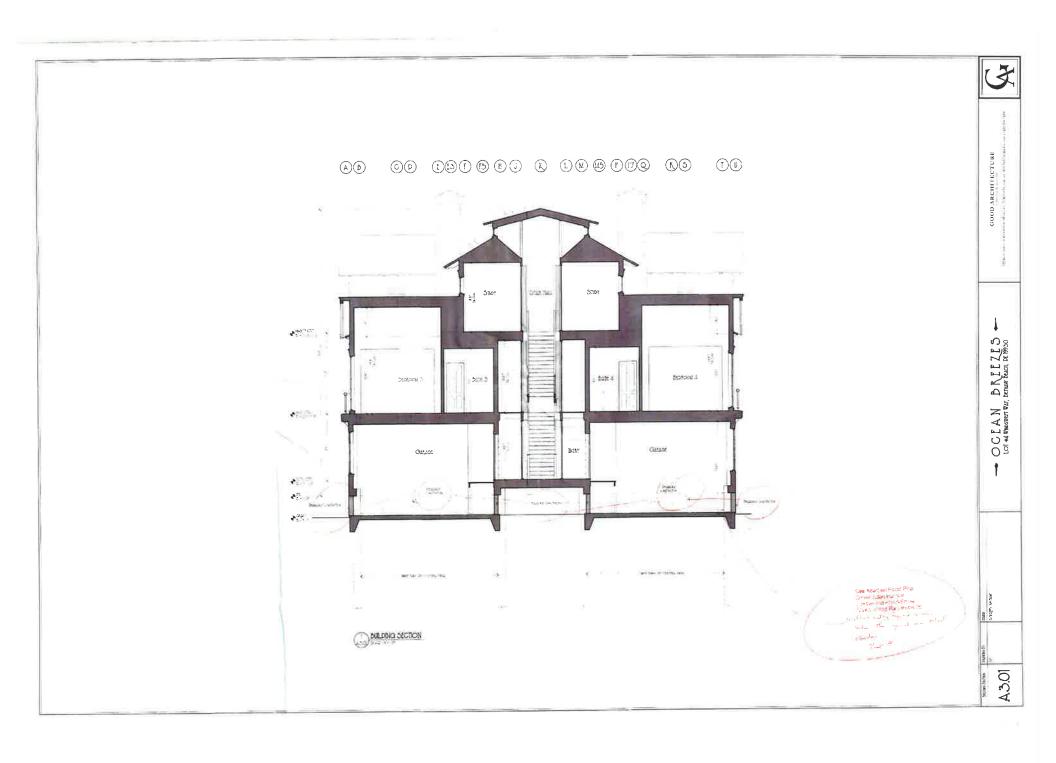


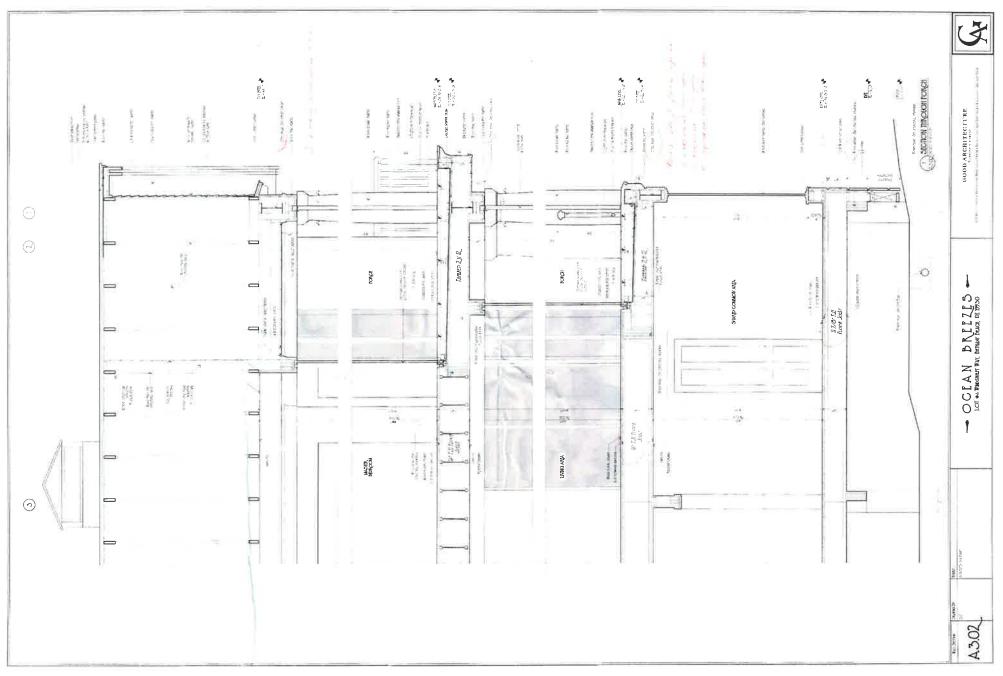


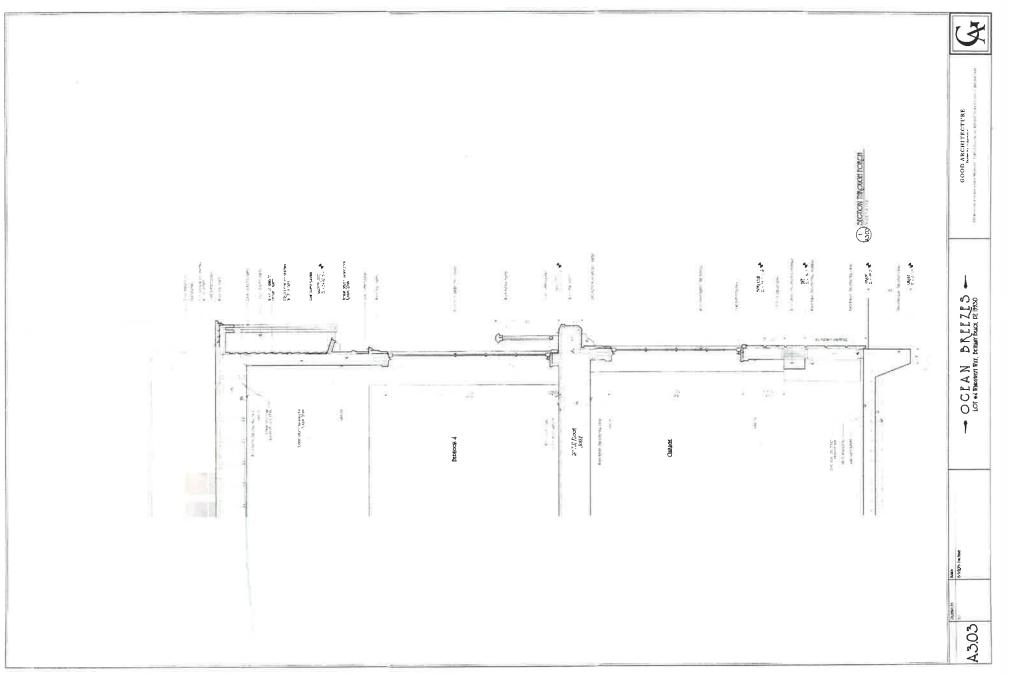












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DOOR SCHEDULE

DOOR SCHEDULE (CONT)

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GOOD ARCHITECT URF

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ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE (LATEST EDITION) PLUS ALL LOCAL BUILDING CODES AND ORDINANCES

INTERNAL PRESSURE CONTEN 5 FLOOD AREAS FLOOD 20NE BASE FLOOD ELEV Æ.

OUTCOME MATTER

DESIGN LOADS

- FOR DIHENGIONG NOT SHOWN REFER TO ARCHITECTURAL DRAWINGS
- 2 Existing conditions and measurements shown or these dramings are approximate. Yestep conditions and diversions from to initiation of more if existing conditions differ from those shown, notify only impediately
- ontractor (S RESPONSIBLE For All temporary smoking and protection Equired to Stabilize and protect existing construction throughout the (ARE OF THE PROPERT
- 4. CANTRACTOR TO COORDINATE FINISH FLOOR ELEVATION TO COMPLY NITH PEDERAL DEDRENCY NANAGEDRIT ASSOCIATION (F.E.K.A.) RESULATIONS, R.US ALL LOCAL BUILDING CODES NO GOLINALES, CONTRACTOR TO PROVIDE ONNER NITH AN ELEVATION CODES INFO GOLINALES, CONTRACTOR TO PROVIDE ONNER NITH AN ELEVATION CODES INFO GOLINALES, CONTRACTOR TO PROVIDE ONNER NITH AN
- 5 THESE STANDARD DETAILS ARE GENERIC IN NATURE AND NAY REQUIRE SOME HINGR INTERPRETATION BY THE CONTRACTOR CONTACT BARBY, INSEAM I ASSOCIATES MITH MY CAREFLORE OR DISCREPANCIES
- 6 ALL DETAILS MAY OR MAY NOT BE INDICATED ON THE FLAN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE AND APPLY THE DETAIL AS APPROPRIATE.
- STRUTURE DEVICE SHELL RE LEE IN LAND LINE TO THE THE STRUTURE STRUCTURE TRANSMISSION AND ADDRESS OF STRUCTURE THE STRUCTURE ADDRESS THE THE STRUCTURE ADDRESS OF STRUCTURE STRUCTURE DESCRITT, THE RETWING FOR LAITING HE DE DIBESSION OF STRUKS, OWERD AD STRUTURE, JANUARIS ALL DIFESSION, AND OTHER RETAILS NOT SHARE AD STRUCTURE, JANUARIS ALL DIFESSION, ADD OTHER RETAILS NOT SHARE AD STRUCTURE, JANUARIS ALL DIFESSION AD ADDRESSION OF THE STRUCTURE STRUCTURE, JANUARIS ALL DIFESSION AD ADDRESSION OF THE STRUCTURE STRUCTURE FILDU AND INSERVICES SHALL RE STRUCTURE OF THE ADDRESSION FORMER STRUCTURE STRUCTURE ADDRESSION AD THE STRUCTURE STRUCTURE STRUCTURE STRUCTURE ADDRESSION ADDRESSION AD STRUCTURE STRUCTURE ADDRESSION AD ADDRESSION AD ADDRESSION AD STRUCTURE ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION AD ADDRESSION ADDRESSION AD ADDRESSION ADDRESSION AD ADD
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- 4. SECTIONS AND DETAILS SHOWN ON ANY STRUCTURAL DRAWINGS SHALL BE CONSIDERED TYPICAL FOR SIMILAR CONDITIONS.
- 10. ALL APPLICABLE FEDERAL, STATE AND MUNICIPAL REBULATIONS SHALL BE FOLLOWED, INCLUDING THE PEDERAL DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ACT...
- I ANY AND ALL HODIFICATIONS TO THE STRUCTURAL ELEMENTS (NOICATED ON THESE RAMINGS MUST BE APPROVED IN ADVANCE BY BAKER, INSBAM I ASSOCIATES

- NOOD PILLES
- Suthern Yellon Pine Class & Piling Heeting Redukedents of Asth DS. Pressure Infreguents Nith Orbothed Corper Researce (COA) in Accordiage Nith Area (Coa) Cooperserves Secolation (MPA) Stranding Ca) Nith A Ninnan Retention of 1,0 Les Per Cubic Foot of Timber
- 2. THE MINISCH DEPTH OF PERENATION SHALL BE 3" OF NO. OF THE SUPPORT. 3. DRIVE PILES TO 12 TONS SAFE BEARING CAPACITY.
- 4. PROVIDE PLUE LENGTHS TO ADJESSE A REVIEWE DESCRIPTION OF 35', OF A REVIEWE TO PLENATION OF -15' HEAR SEA LENGL (MALL), REVAR DATE IS SEATER.
- CONTRACTOR TO CONTACT THE ONNERVARCHITECT/DIGINEER IF ANY OF THE ABOVE REQUIREMENTS CANNOT BE NET. CONTRACTOR TO HAINTAIN DRIVING LOOS OF ALL DRIVEN PILES.
- a. VIDENTOR' HAREPS AND LETTING NOT PERMITTED.
- THE CONTRACTOR SHALL DRIVE A HINIMA OF ONE (1) TEST PILE PER SITE IN ORDER TO VERIEV PROJUCTION PILE DISTINGT THE TEST PILE LENSTIN SHALL BE AT LENST FIVE FIET LONGER THAN THE LENSTING THAT PROJUCTION PILES, IF AFTER DRIVING THE REPROJUCTION PILES), IT IS DETERMINED THAT THIS CRITERIA HIS NOT SEEN HET. DRIVE ADDITIONAL TEST PILES AS REQUIRED
- 6. All test and production piles hust be driven in the presence of a generative driven an edge include pile inspector, not hust confign the shee berniks capacity of each pile utilizing an accestrate pile driving formla such as drivened in body record.
- IN INSTANCES INFERE THE PESION CAPACITY CANNOT BE NET NITHIN THE PRODUCTION PILE LENGTHS, ADDITIONAL PILES NILL BE REQUIRED FOR DIRECTION OF THE STRUCTURAL ENGINEER.
- 10. SPACE ADDITIONAL PILES NO CLOSER THAN 2.5 PILE DIAMETERS CENTER TO CENTER ANYT FROM AN ADJACENT PILE
- II CONTRACTOR TO PROVIDE NITH HIS BID A UNIT COST OF ADDITIONAL PILE LENGTHS
- CONCRETE
- I COMPLY NOTH AMERICAN CONCRETE INSTITUTE ACT 301 "SPECIFICATION FOR STRUCTURAL CONCRETE FOR BUILDINGS" (LATEST EDITION)
- 2 CONVESSION STRENGT + 20 DATS FILE CAPS \$000 PSI FOOT(1666 3000 PSI SLABS 4000 PSI
- 3 AIR BATRAINNENT: ASTH (260 AIR BATRAIN ALL EXTERIOR CONGRETE
- 4. REINFORCING STEEL, ASTH AGIS, 60 KSI DEFORMED BARS.
- 5. HELDED NERE FACELO AGEN AT 85
- 6. SLAB CARTRAL JOINTS, SAY CUT OR FORM TO 1/3 SLAB DEPTH, FROVIDE JOINTS ON BOOND SUPPORTED SLABS IN A RESTANCIAR CARFIGARATION, NITH THE LACKER SLAB IN ORDER TWAY GREWAR OPER-MUST THESE LEVEN OF THE SUPRICE STREES SACE CARREN, DISTANCE AND REST TANK TO FEET APART, DISCARTING HELDED NIKE FASILIA T CARREN, DISTANCE AND REST APART, DISCARTING HELDED NIKE FASILIA T CARREN, DISTANCE AND REST APART, DISCARTING HELDED NIKE FASILIA T CARREN, DISTANCE AND REST APART, DISCARTING HELDED NIKE FASILIA T CARREN, DISTANCE AND REST APART, DISCARTING HELDED NIKE FASILIA T CARREN, DISTANCE AND REST APART, DISCARTING HELDED NIKE FASILIA T CARREN, DISTANCE AND REST APART, DISCARTING HELDED NIKE FASILIA T CARRENCE AND REST APART AND REST APART AND REST APART APART AND REST APART AND REST APART APART AND REST APART APART
- T_ SLAB ISOLATION JOINTS, PRE-MOLDED JOINT FILLER, USE AROUND ALL PILING, PIERS AND AT FOUNDATION ANLIS
- 5. TURN DOWN PERIMETER OF ALL SLABS ON GRADE TO 24" BELON FINISHED GRADE 4. VAPOR RETARDER (VAPOR BARRIER) ... UNLESS NOTED OTHERNISE PROVIDE
- VAPOR BARRIER DURECILY UNDER SLAB COMPLYING HIT To the varies barrier directle varies sense competition and Asthe E-1745 Class & Placed over Minimum 4* Thick consoloopated Layter of Grandlar Fill (#ST store valles) and other integrated - place Protect and repair sheet variar retainder according to Asth E-1643 AND HANDFACTURER'S IRRITTEN INSTRUCTIONS LAP JOINTS 6" AND SEAL NITH HANDFACTURER'S RECOMMENDED TAME
- CONCRETE HASONAY
- I COMPLY WITH AMERICAN CONCRETE INSTITUTE ACL 531 UL "SPECIFICATION FOR CONCRETE MASONRY CONSTRUCTION" (LATEST EDITION)
- 2 HOLLON LOND BEARING (H.L.B.) ASTH CHO GRADE N, TYPE I UNITS
- 3 COMPRESSIVE STRENGTHIN For a 1500 PS1 HUNINUM
- 4 MORTAR ASTH CITIO TYPE'S FOR FOUNDATION AND RETAINING MALLS ASTN CITIO, TITLE N FOR AGAVE KANDE, LOND REARING MALLS PROVIDE RULLY BEDDED JOINTS
- 5 GROUT. ASTIN CA16 OR 3000 P51 CONCRETE NITH PEA GRAVEL PER CONCRETE SPECIFICATIONS
- 6 HORIZONTAL JOINT REINFORCING: ASTM A02, GALVANIZED PROVIDE TRUES DESIGN HITH § SIDE RODS AND & GALGE CROSS TILES. PROVIDE AT 16' D.C. UNLESS OTHERNISE NOTED TEXNINATE AT WALL CONTROL JOINTS. 1 REINFORCING STEEL: ASTH A615, 60 KSI DEFORMED BARS
- & CONTROL JOINTS PREFORMED NEORRENE OR POLITVINTL CHLORIDE

I. COMPLY NITH MERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC) "SPECIFICATION FOR THE DESIGN, FARRICATION NO EXECTION OF STRUCTURAL STEEL FOR BUILDINGS" (LATEST EDITION 2. STRUCTURAL STEEL HE SHARES . KIT HARD 3 OTHER STRUCTURE STEEL SHAPES. ASTH ASE, U.H.O. 4. STEEL BARS, ANGLES & PLATES ASTH A36, U.N.O. 5 SQUARE OR RECTANGULAR TUBING: ASTH ASOO, GRADE B B. CASTINERS: ADDI ATZMI 7. ANCINE DO. 15- 467H 4001 A. PRIMER PAINT: FARRICATORS STANDARD RAT INHIBITING PRIMER.

STRUCTURAL STEEL

- 9 FULL DEPTH CONNECTIONS ARE TO BE USED ON ALL GIRDER AND BEAN CONNECTIONS TO COLUMNS, BOLTS TO BE AT 3" O C, VERTICAL
- 10. PROVIDE A MINIMUM & THICK FULL DEPTH THRU-PLATE FOR ALL PIPE AND TUBE
- 11. DESTAN CONNECTIONS FOR THE MINIHUM SHEAR CAPACITIES NOTED IN THE AISO BEAM TABLES OR FOR THE REACTIONS SHOWN ON THE DRAWINGS, MILLONEVER IS GREATER
- 12 GALVANIZE, ASTA AL23 FOR SWAPES AND ASSEMELIES. ASTA AL53 FOR FASTENERS USE GALVANIZED FASTENERS MEDI CONNECTING GALVANIZED MEMBERS SEE FLAN FOR MEMBERS TO BE GALVANIZED.
- 15. HELES COMPLY NOT AND US .. I "STRUCTURE HELPING COOP"
- 14. GROUT FOR BAGE PLATES. NON-SHRINK, HIGH EARLY STRENGTH
- IS. PUNCH HOLES IN ALL STEEL BEAMS (BOTH FLANGES AND NEEL) FOR BOTTINK OF MOOD BLOCKING (\$* DIA. HOLES AT 24* 0.0 STAGGERED PLUS (2) AT 3* FROM EACH END)
- 16 UNLESS NOTED OTHERNISE, PROVIDE A 444 OR 5x6 NOOD FOST UNDER EACH END OF EACH STEEL BEAN ("NATCH NULL THICKNESS). CONNECT STEEL TO FOST NITH (2) \$ DIANETUR BOLTS AND NELLED STEEL PLATES AS NECLESSART.
- IT. SUBHIT STEEL SHOP DRAMINES FOR APPROVAL PRIOR TO FABRICATION
- I COMPLY NITH THE NATIONAL POREST PRODUCTS ASSOCIATION (NEPA) "NATIONAL DESIGN SPECIFICATION FOR HOOD CONSTRUCTION" (LATEST EDITION)
- 2. HOO TRAKING #2.5-P-F OR LETTER
- 3, STRUCTURA, SHEATHING, GROUP I APA RATED SHEATHING, MINIMA SPAN RATING OF 32/16, NIINIMAN 4 R.Y. SPROJERE I, USE 4' NORMAL THROADEG FOR FLOOR 9' POR ROPE, NO 3' PR PRIVILLE J. MULLED FOR HILD FOR HOUSE, USE RUTHOOD CLIPS A LA LIMPARTER BITL DIES.

NOTO TRUSSES

- 1, CONFLY ALTH TRESS PLATE (NOTITUTE (1771) "DESIGN SPECIFICATIONS FOR HETAL PLATE CONNECTED NOOD TRUSSES" (LATEST EDITION).
- ROP TRUES LAYOUT SHOWN IS CONCEPTUAL NO NUST BE VERIFIED BY THE TRUES INVERSITIZER AND SHOW ON SHOP ROWINGS FOR AFFRONAL. ANY REVISIONS TO " TRUES LAYOUT MY AFFECT OTHER FRAMING AND THEREFORE MST BE AFFROND BY BACER, INSPAN & ASSOCIATES
- 5 CONNECTOR PLATES ASTH A446, GRADE A, GALVANIZE PER ASTH A525 660
- 4 ALL TRUSSES SHALL BE ERECTED AND INSTALLED IN ACCROANCE WITH THE MANUFACTUREN'S SERVICE HERE AND AS RECOMBINED BY "HIB-41, HANDLING, INSTALLING AND BRACHING HERE LAPLE CONSERVED ROOD TRUSSES BY TH!
- 5 CONTRACTOR TO SUBHIT SEALED SHOP TRANING FOR ALL TRUGG TYPES FOR BIGINEER'S APPROVAL PRIOR TO HANJFACTURING.
- 6. INSTALL ROOF SHEATHING ON ALL TRUSSES FRIOR TO INSTALLATION OF OVERFRANING EACH END OF EACH TRUES SHALL BE ATTACHED TO SUPPORTING HENERE NITH (4) 120 TOE WALLS PLUS 64/WAIZED STEEL HURRICARE ANCHES (SIMPLON TS-16) OR EQUIVALENT, USE TWO AT EACH END FALL GIRRER TRUESES
- 8 PROVIDE MINIMUM OF (3) STUDS UNDER EACH BAD OF EACH GIADER TRUSS UNLESS OTHERNISE NOTED.
- 4. 18,55 INVERSITIAGE TO PROVIDE ALL TRUSS TO TRUSS CONCERNS.
- 10. ALL VERTICAL WEBS OF GABLE END TRUSSES TO BE BRACED TO FLOOR OR ROOF SO THAT THE HAXIMUM VERTICAL UNBRACED HEIGHT OF EACH MEB 15.4 -0"
- 11. KOP TRUG KININUM DESIGN KED HTS. FLOOR TRUGG HININUM DESIGN RED HTS
- TOP CHORED LIVE LOND 30 PSF TOP CHORED LIVE LOND 40 PSF

TOP CHORD DEAD LOAD	10 FF	TOP CHORD DEAD LOAD	10 PSF
BOTTON CHORD LIVE LOAD	0 PSF	BOTTOM CHORD LIVE LOAD	0 PSF
BOTTOH CHORD DEAD LOAD	10 PSF	BOTTOM CHORD DEAD LOAD	10 PSF
HAX TOTAL LOAD DEFLECTION:	L/240	HAX TOTAL LOAD DEFLECTION	⊥/360
NAX LIVE LOAD DEFLECTION.	L/360	HAX LIVE LOAD DEFLECTION.	∟/480



ENGINEERED JOIST

I HANDERCTURE AND INSTALL IN ACCORDANCE NITH WRITTEN SPECIFICATIONS BY TRUS JOIST HACHILLAN, GEORGIA-PACIFIC OR EQUIVALENT

- BIGINETRED REAKS
- Handfacture and install in accordance nith rritten specifications by trus Joist Nichillan or Equivalent, minimum design streeges; PD: 7400 PSI FV: 285 PSI E 2,000,000 PSI
- HANDFACTURER TO FROMIDE AND DESIGN ALL BEAM TO BEAM AND BEAM TO COLUMN CONNECTIONS (U.N.O.).
- 3. ALL MULTI-HLT BEAMS SHALL BE BOLTED RITH IT DIA, BOLTS AT 16" 0.C., STAGGERED (U.N.O.)
- 4. ALL PSL'S EXPOSED TO THE ENVIRONMENT OR AS NOTED SHALL BE HOLINANIZED TO THE APPECERIATE LEVEL. CAP PLASH INVEST INTER MILL COME IN CONTACT WITH THE STARK.

FRAMING NOTES

- NAIL IN ACCORDANCE AITH RECOMPONED NOOP FASTENING SCHEDULE IN APPLICABLE BUILDING CORE (MIGH MIRO RESOLDE) PROVIDE BLOCKING, BRIDGING, AND BRACING PRE SAME CORE AT A MINIAM, DRAVIDE BRIDGING AT BACH BOY CARE RAN OF SOLLD BRIDGING AT MIDGEWIN FOR JOISTS IN OR REPATE IN SPAN REVOLTES SOLLD BRIDGING BLOCKING, AN ALL IMTERIOR BROKING PARTITION
- 2. ALL FILE GROODS TO BE TREATED FOR HOM HOTSTURE CONDITIONS.
- 3. PISTIPES. DIST INVERSE. INFRICATE ALLIS. ROT BASS, MO THE TRAVIS SPECIALTIS AND TO RE AS INVERSITES IT SITES, ROT BASS, MO THE TO RE LOSS ON AT IN TRICK ACCOUNCE, INTI INVERSITES SITE IN SPECIFIC TO RE RECORDERING ALL POSTBER TO RE IS SUME INTUM STREPT AND AND RECORDERING ALL POSTBER TO RESIDENT AND ADDRESS AND
- 4 JOIST HANGERS, HININUM 16 GALGE SIZE AND PROFILE TO SUIT APPLICATION (UNLESS OTHERNISE NOTED) PROVIDE HANGERS FOR ALL FLUSH FRAMED JOISTS.
- All columns in interior nalls to be (3) 2x4 unless othernise noted in Exch face of each stud to adjucent stud nith (2) ica nalls at 6° 0.c. 1 Spectrims to Exch sever of each first of the they of built-typ column to 6° 0.c. Vertice statistics to exch several first of the theory of the table of table of the table of tabl
- ALL CALLANG IN EXTERIOR WALLS TO BE (3) 2x5 UNLESS OTHERNISE NOTED NAIL EXCH FACE OF EXCH STID TO ADJACENT STUD NITH (2) TOO MAILS AT 6* 0.6. NAIL SHEATHING TO EXCH EDGE OF EXCH PLY OF BUILT-UP CALLAN AT 6* 0.6. VERTICALL
- FROVIDE KNEE BRACES ON DECKS INFORE SHOWN, LET KNEE BRACE INTO BEAN I" AND REVIDE [2] §" DIAMETER LNG BOLTS. LET KNEE BRACE INTO COLLIMN AND PROVIDE §" DIAMETER THRU BOLT.

KEY

- WALL DELON

POST ABOVE

STEP DOWN

STEEL COLUMN BELOW

- PIRECTION OF JOIST SPAN

- LODE OF JUST STW

12" TINEER PILE

BUSSE-BAINUM BEACH HOUSE

1

SAIL CK-IT-15

SCALL AS NOTED

1 01 7

BAKEN, INGHAM, & ASSOCIATES STRUCTURAL ENGINEERS 100 Ear Net Net 2, or for Net Person Diver, Delaware Development Delaware Net Person Delaware Net Person Net Person

POST BELOW. (5 STUD HIN.)

NALL ABOVE

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OCEAN BREEZES

DESCORT #1: IDM.

CHECKED BY. JAM

textime and the

2 5910m T min 57.00

LOT #4 WINDSHEPT WAY BETHANY BEACH, DE CLIENT: GOOD ARCHITECTURE

LINTEL

RUSH BEAH

- 6. PROVIDE SOLID BLOCKING BELOW ALL COLUMNS, TO TRANSFER LOND DIRECTLY TO FRANING
- 4. HROVIDE DOUBLE JOIST UNDER ALL PARTITIONS PARALLEL TO JOIST SPAN
- 10. FROMIDE DOUBLE JOIST AROUND ALL FLOOR AND ROOF OPENINGS (U.N.O.) 11. ALL KULTI-PLY BEINS SHALL BE NAILED KITH 3 RONS OF 100 NAILS AT 8" 0 C. STACCORED. BEINS LONGED ON ONE FACE ONLY SHALL BE BOLTED RITH 4" FIA BOLTS AT 16" O.C. STACCORED (VIA 0).
- 12. BALLOON FRAME ALL END HALLS WITH CATHEDRAL CEILINGS (U.N.O.)
- 13. FASTEN GABLE END HALL STUDS TO CEILING DIAPHRAGH BY FASTENING NAILER TO EACH STUD AND BY FASTENING CEILING TO NAILER NITH & NAILS AT 5' C C
- 14. BATHE "LORD" NOP IS TO BE SHARED PROF TO INSTALLINE OUDERWINE ALL FLUSH FRAMED PSL BEAM TO PSL BEAM CONNECTIONS TO BE FASTBHED NI IH BEAM HANGERS TO BE DESIGNED AND PROVIDED BY PSL HANDFACTURER, UNLESS & SPECIFIC CONNECTOR 15 CALLED FOR.

18. LINDE SOEDLE UNERS OTHERUSE HOTOP ON PLAN.

8	DUGH OPENING		LINTEL
2mb NALLS	4 -0' 6 -0' >6'-0'	(5)	200 NUTH 2 LAYERS OF 3" PLTHOOD 2010 NUTH 2 LAYERS OF 3" PLTHOOD 2012 NUTH 2 LAYERS OF 3" PLYHOOD
2x4 NALLS	4 -0* 6 -0* >6'-0*	(2)	2x0 NITH I LATER OF \$* PLTHOOD 2x10 NITH I LATER OF \$* PLTHOOD 2x12 NITH I LATER OF \$* PLTHOOD

- III GUNRO RAIL DETAILS AND COMPETIONE TO STRUCTURE ARE SPELIFICALLY NOT INDICATED ON THESE DRAMINES DUE TO THE INDE VARIETY OF RAILING THESE MO ROMING CONDITIONS. ALL GUNRO RAILS MUST HEET CERTAIN MINIMUM LOADS AS REQUIRED OF CODE COMPRACTOR SWILL COMPACT ARCHITEST/DENINERY FOR RETAILS CONTRACTOR'S OPTION



PERMIT SUBMISSION

AUGUST 11. 2015

DESIGN LONDS ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE (EATEST EDITION) PLUS ALL LOCAL BUILDING CODES AND ORDINANCES 3 DESCENTINE LONDS 30 PSF HUN. · ORIFT

40 PSF

- ALLOW HLOOK BEDROOMS DECKS 30 PSF 40 PSF 3 SHOW LOADING IS BASED ON THE FOLLOWING DRIFTING OR SLIDING SHOW LOADS HAVE BEEN CONSIDERED INFORM ANTICATION. GROUND SNOT LEVEL 20 ASF 14 PSF
- SCOTTO SHAFT LEVEL FLAT-ROOF SHORT LOAD SHORT DEPOSITE FACTOR SHORT THERMAL FACTOR SHORT LOAD THERMAL FACTOR 10 4. HIND LOKTING 15 SHEEP ON THE FOLLOWING-
- 125 MPH (ULTINATE) 47 MPH (NOHINAL) SAGE HING SPEED EXPLISING CATEGORY d 1.0 Simple Diaphragh, Lon-Rise, Enclosed Risio Structure IMPORTANCE FACTOR BUILDING CATEGORY INTERNAL PRESSURE CORP. 10.18 5 FLOOD AREAS FLOOD ZONE BASE FLOOD ELEV

GENERAL NOTES

- I FOR DINENGIONS NOT SHOWN, REFER TO ARCHITECTURAL DRAWINGS
- 2 Delotine continues no resusciente Siene de tress sontines ante articultural, deplin continues ne presidence resultante la bitalitation de sont la contene continue content actor incor sont, notific nelles infoldante."
- CONTRACTOR IS RESPONDED FOR ALL TEMPORARY SHORING AND PROTECTION REQUIRED TO STABILIZE AND PROTECT EXISTING CONSTRUCTION THROUGHOUT THE CONFER OF THE PROJECT.
- 4 CONTRACTOR TO GOORDINATE FINISH FLOOR ELEVATION TO COMPLY WITH FEDERAL INFERIENCY XNAMEMENT ASSOCIATION (F.E.H.A.) RESULATIONS, PLUS ALL LOCAL DERIGNAT NUMBERENT ASSOCIATION (F.E.M.A.) REGULATIONS, PLUS ALL L BUILDING CODES AND ORDINANCES CONTRACTOR TO PROVIDE ONNER WITH AN ELEVATION CERTIFICATE
- 5 THESE STANDARD DETAILS ARE SENERIC. IN NATURE AND NAY REQUIRE SOME HINDR INTEGRATION BY THE CONTRACTOR. CONTACT BACER, INFORM I ASSOCIATES WITH MY QUESTIONS OR DISCREPANCIES. 6 ALL DETAILS HAY OR HAY NOT BE INDICATED ON THE PLAN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE AND APPLY THE DETAIL AS APPROPRIATE.
- Souchas, beines well at 100 H ADACTION IN THE SHEPTIATION we well them. Reveals, a clothar, human we site benefits, labots, classes, souch a clothar, human we site benefits, labots, classes, souch and the source of classes well as reads, and classes well as the source of the source of reads, we classes well as each of the source of the the stree exception in the effect David of the source of the source source well as the source of the source of the source of the stree exception in the effect David of the source of the source source of the source exception in the effect David of the source of the source of the source exception in the effect David of the source of the source of the source exception in the effect David of the source of the source of the source exception in the effect David of the source of the source of the source exception in the effect David of the source of the source
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- 9. SECTIONS AND DETAILS SHOWN ON ANY STRUCTURAL DRAWINGS SHALL BE CONSIDERED TYPICAL FOR SIMILAR CONDITIONS.
- 10. ALL APPLICABLE FEDERAL, STATE AND MUNICIPAL RESULTIONS SHALL BE FOLLOWED INCLUSING THE PEDERAL SUPARTIENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ACT.
- ANY AND ALL HODIFICATIONS TO THE STRUCTURAL ELEMENTS INDICATED ON THESE DRAHINGS HUST BE APPROVED IN ADVANCE BY BAKER, INGRAM & RESOCTATES

- HOD PILES
 - SUIT-LEN TILLEN FINE CLASS & FILTHS RECEIVERENTS OF AGIN 025 INSCIME INSTANCE ALLEN AND AND ALLEN ACCOUNT (ALLEN IN ACCOUNTS ALLEN ADDITION ADDITION ALLEN ALLEN AND ALLEN IN A ALLEN ALLEN ALLEN ADDITION INTERNATION ADDITION OF LO LES FER AGINE ADDITION THREAD (2), ALTER A INTERNATION ADDITION OF LO LES FER AGINE ADDITION THREAD (2) ALLEN ADDITION OF LO LES FER AGINE ADDITION THREAD (2) ALLEN ADDITION OF LO LES FER AGINE ADDITION THREAD (2) ALLEN ADDITION OF LO LES FER AGINE ADDITION THREAD (2) ALLEN ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION (2) ALLEN ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION (2) ALLEN ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION (2) ALLEN ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION (2) ALLEN ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION ADDITION (2) ALLEN ADDITION ADDITIONAL ADDITION ADDITIONAL ADDITION ADDITIONAL ADDITICONAL ADDITIONAL A
- 2. RE HINGHIM OFFIC OF FEDERATION SHALL BE 3" OF HOLOF THE SAMOUD 3 DRIVE PILES TO 12 TONS SAFE BEARING CAPACITY
- PROVIDE PILE LENGTHS TO ACHIEVE & HININUM EMBEDMENT DEPTH OF 35', OR & HININUM TIP ELEVATION OF -15' HEAN SEA LEVEL (HSU), WHICH EVER 15 GREATER
- 5 CONTRACTOR TO CONTACT THE ONNER/ARCHITECT/ENGINEER IP ANY OF THE ABOVE REQUIREMENTS CANNOT BE HET, CONTRACTOR TO MAINTAIN DRIVING LOSS OF ALL DRIVEN FILES.
- a visitator weeks the ETTING for PORCITED.
- 7. De CONTRECTOR (HWL, BRINE & HENDER OF ORE (1) TEST FILE PRE MITE IN SEQRE TO VERIEN REQUESTION FILE HENDER. DE TEST FILE PRE MITE IN LESS FILE HEIL LONGE DWE HENDER OF REQUESTION FILE HENDER DRIVEN DE REQUESTION FILEFUL, TI 5 REFERENCE DANS DE SOCIENTA HEI NOT EREMINE TRIVE ADDITIONAL TEST FILES OF REQUESTION FILEFUL NOT EREMINE TRIVE ADDITIONAL TEST FILES OF REQUESTION.
- ALL TEST AND PRODUCTION PILES MUST BE ORIVEN IN THE PRESENCE OF A CODEDWICH, BASINES OR AN EXPREMENCE PILE INSPECTOR, NO MUST CORFIGN THE SAME BASING CAPACITY OF BACK PILE COLLIZING AN ACCEPTABLE PILE ORIVING FORMULA SUCH AS DIGINEERING NOG RECORD.
- 9. IN INSTANCES INFERE THE DESIGN CAPACITY CANNOT BE HET WITHIN THE PRODUCTION PILE LENGTHS, COLITIONAL PILES MILL BE REGULTED PER DIRECTION OF THE STRUCTURE DESIDER.
- 10 SPACE ADDITIONAL PILES NO CLOSER THAN 2 5 PILE DIAMETERS CENTER TO CENTER ANALY FROM AN ADJACENT PILE.
- IT. CONTRACTOR TO PROVIDE WITH HE'S \$10 A UNIT COST OF ADULTIONAL PILE LONGING CONCRETE
- CONFLY WITH AMERICAN CONCRETE INSTITUTE ACT 301 "SPECIFICATION FOR STRUCTURAL CONCRETE FOR BUILDINGS" (LATEST EDITION
- CONNESSIVE STRENGTH # 20 PARS P(LE CAPS - 3000 P5) F00T(Ne6 - 3000 P5) 5LA85 - 4000 P5)
- A AIR DATIONNENT. AS'N CRO. AIR BATRADA ALL EXTERIOR CONCRETE.
- 4. CONTRACTOR STOLL, ADDI AGIO, 60 KS: DEFORED DAID.
- 5 NELDED NIRE FABRIC ASTH AIDS
- b. Such control, Johnson Mark, and Rei Tohn To (7) Such 20th, Incoder Johnson Supported Such as a discharged control supported Such as a discharged and control supported supported Such as a discharged and the support term of the discharged and the support term of the discharged support support support and the support term of the discharged support support support and the support suppo
- SLAB ISOLATION LOINTS. PRE-HOLDED LOINT FILLER, USE ANOMU ALL PILLING. PIERS AND AT POUNDATION NALLS.
- D TURN DOWN PERIMETER OF ALL SLABS ON GRADE TO 24" BELOW FINISHED GRADE 4. VARIAL RETAKTOR (VARIAL DARIER) - UNLESS WITTER OTHERWISE PROVIDE
- What is taken where provides in users in the university investigation of the second se
- CONCRETE INVSOINT
- L CONFLY HETH AMERICAN CONCRETE INSTITUTE ACT 591.11 "SPECIFICATION FOR CONCRETE INSOMEY CONSTRUCTION" (LATEST EDITION).
- 2 HOLLON LOAD BEARING (H. L. B.). ASTH CAO GRADE N, TYPE I UNITS.
- 2. COMPRESSIONE STREAM IN: HIS + ISOO PSI HIMINAN
- MORTAR: ASTM C210, TYPE 5 FOR FOUNDATION AND RETAINING MALLS ASTM C210, TYPE N FOR A2006 GRADE, LOND BEARING MALLS PROVIDE FULLY GEDDED, JOINTS
- S. SROUT, ASTA CATAS OR 3000 PSI CONCRETE NUTH PEA GRAVEL PER CONCRETE SPECIFICATIONS
- 1. REINFORCING STEEL ASTH AGIS, 60 KSI DEFORMED BARS & LANKE JUNTS HERBEST HEARING OF PRINTING GLORIDE.

- STRUCTURAL STEEL COMPLY WITH AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC) "SPECIFICATION FOR THE DESIGN, FABRICATION AND EXECTION OF STRUCTURAL STEEL FOR BUILDINGS"
 - (LATEST EDITION) ASTH A99.2
 - 2. STRACTURE STEEL OF SHARES 3. OTHER STRUCTURAL STEEL SIMPES: ASTH A36, U.N.O.
 - A STREE MAN, MARLES & PLATES, ASTN A36, U.N.O.
 - 5 SQUARE OR RECTANGULAR TUBING: ASTH ASOO, GRADE B
- A FASTENERS, ASTN #325N
- 1. INCOME MAINT. PARTICATORS STANDARD ROLT INCOLTING PROPER.
- 5 FULL DEPTH CONNECTIONS ARE TO BE USED ON ALL STREET AND BEAM CONNECTIONS TO COLUMNS BOLTS TO BE AT 3' 0 C YERTICAL
- 4. PROVIDE A HINIMON & THICK FULL DEPTH THRU-PLATE FOR ALL PIPE AND TUBE COLUMN CONNECTIONS.
- 10. TESIGN CONNECTIONS FOR THE MIN(HUM SHEAR CAPACITIES NOTED IN THE ALSO BEAM TABLES OR FOR THE REACTIONS SHOWN ON THE DRAWINGS. INICHEVER IS GREATER
- GALVANIZE: ASTM A123 FOR SHAPES AND ASSEMBLIES, ASTM A153 FOR FASTBARS, VER GALVANIZED FASTBARS, MEDI CONNECTING GALVANIZED MOMBERS, SEE PLAN FOR MOMBERS TO BE GALVANIZED.
- 12 HELDI- GOMAN HERE AND DE I "STRUCTURE HELDING GOD!"
- PLINCH HOLES IN ALL STEEL SEAMS (BOTH HUNGES AND HER) FOR BOLITING OF HODO BLOCKLING (1) DIA HOLES AT 24" C.C. STAGGERED FLUS (2) AT 3" FROM EACH BND).
- 14. UNLESS NOTED OTHERNISE, PROVIDE A 444 OR 646 MOOD POST LADER EVAL END OF DATI STEEL BEAR (WITCH INLL THICKNESS), CONNECT STEEL TO POST MITH (2) (* DIAMETER BOLTS AND MELDED STEEL PLATES AS NECESSAN'
- IS, SUBST VIED, WOF DOWING FOR APPROVE, MILLIP TO FRAFLOATION
- 1_ COMPLY NUTH THE NATIONAL FOREST PROJUCTS ASSOCIATION (NFPA) "NATIONAL DESIGN SPECIFICATION FOR MOOD CONSTRUCTION" (LATEST EDITION _
- 2 HOLD FRAMING #2 5-P-F OR SETTER
- 3 SIZUTANI, GERNINI, IROF I NA KOTO SEDIDIO, MINUMI SIN KALINI DI 2016, MINUMI AT, DIRUME LI VE L'ADIMA, TRODOS DA RUDA J'ADRI KOT, ME J'ADIMA, MUSO MINUMI ALTA DI ADIMA, MU TOMA, NO ADDR TATO MUSO MUSO MALLO, NOT KAT, ME RUTKOR CLIPS AT ALL INCENTER BUT, 20175.
- 4. noto Evivação to the EnvironBiri, noto Baltier to Concette da Naciona Nacional Nacional Statutes and St
- NOOD TRUSSES
- I. COMPLY AUTH TRUSS PLATE INSTITUTE (191) "DESIGN SPECIFICATIONS FOR METAL PLATE CONNECTED MOOD TRUSSES" (LATEST EDITION
- ROOF TRUES LAYOUT SHOWN IS CONCEPTIAN, AND HUST BE VERIFIED BY THE TRUES HALE-CLARER IN SHOWN ON SHOP DAVINGE FOR APPROVAL, MY REVISIONS TO 7 TRUES LAYOUT HAY APPECT OTHER FRANING AND THEREFORE HUST BE APPROVED BY BALLES INFORM IN ASSOCIATES
- 3 CONNECTOR PLATES, ASTH A446 GRADE & GALVANIZE FOR ASTH ASIZ 600 4 ALL TRUGGES SHALL BE DECIDE AND INSTALLED IN ACCROACE HITH THE INVERTIGATION SPECIFICATIONS AND AS ACCOMPLETE IN HIGHT: HARDLING INSTALLING AND SPECIFIC METRIC PARTICIPANCE RESISTS' BY TP: .
- S. CONTRACTOR TO SUBHIT SEALED SHOP DRAMING FOR ALL TRUSS TYPES FOR BALINGER'S APPROVAL PRIOR TO HANDFACTURING
- ALL INSTALL ROOF SHEADHINE ON ALL TRUSSES PRIOR TO INSTALLATION OF OVERFRAMING
- Each Bud of Each TRUSS SHALL BE ATTACHED TO SUFFORTING HENGER HITH (4) 124 TOE MULES RUES AUXIMIZED STEEL MORILARY ANCHAR (SIMPSON TS-16 OR EQUIVALENT). USE THO AT SACH END OF ALL GIRDER TRUSSES.
- 6 PROVIDE MINIMUM OF (3) STUDS UNDER EACH END OF EACH GIRDER TRUSS UNLESS OTHERNISE NOTED.
- 4 TRUST MALFACTURES 10 PROVIDE ALL TRUSS TO TRUSS CONECTORS
- ALL VERTICAL MEDS OF SAULE BND TRUSSES TO BE BRACED TO FLOOR OR ROOF SO THAT THE MAXIMUM VERTICAL UNBRACED HEIGHT OF EACH MED 15 4'-0".
 - 11 POT TRAN KINDER DEALS 400'775-
- TOP CHORD LIVE LOAD TOP CHORD DEAD LOAD BOTTOM CHORD LIVE LOAD BOTTOM CHORD DEAD LOAD 30 P5+ 10 P5+ 0 P5+ 10 P5+
- HAX 10TAL LOAD DEPLESTION: L/240 MAX LIVE LOAD DEPLESTION: L/240 12. SEMERAL CONTRACTOR TO COORDINATE NECHANICAL EQUIPHENT LOADS AND LOCATIONS WITH THE TRUSS HANDFACTURER AS REQUIRED.

- THE NEED LOIST
- I. HANUFACTURE AND INSTALL IN ACCORDANCE HITH NRITTEN SPECIFICATIONS BY TRUS JOIST MACHILLAN, SECRETA-PACIFIC OR EQUIVALENT

BIGINETERS REAKS

- NANUFACTURE AND INSTALL IN ACCORDANCE HITH ARITION SPECIFICATIONS BY TRUS LOIST MICHILLAN OR EQUIVALENT. HININUM DESIGN STRESSES; PS., 2400 PSI, FV., 225 PSI, E., 2,000,000 PSI.
- 2. HANDFACTURER TO FROMIDE AND DESIGN ALL BEAM TO BEAM AND BEAM TO COLUMN CONNECTIONS (U.N.O.)
- ALL RULFL-PLT BEARS SHALL BE BOLTED KITH §" DIA. BOLTS AT 16" D.C. STASSEED (U.N.C.).
- ALL PS & ENDING TO THE UNIT OF AS NOTED SHALL BE NOLHANIZED TO THE APPROPRIATE LEVEL OF A AN HERE MATER HILL COME IN CONTACT WITH THE

FRAMING NOTES

NATE. IN ACCORDANCE AITH RECOMBINGS MODI PROTEINING SCHEDULE IN APPLICABLE BUILDING COTE I MEH NING RESIDAU, PROVIDE BLOCKING, BRIDING, AND BUCING PRE SWE COTE, AT A MINITUR, PROVIDE BRIDING AND FOCH BOD OTIST. NO CAE RAM OF SOLID BRIDING AT HIDDENN FOCK JOIST IO OR SPORTER IN SPAN. REVIDE SOLID BRIDING ADDENL, JUTRICH REVENDER PARTITIONE REVIDES SOLID BRIDING AT HIDDENN FOCK JOIST.

- 2 ALL FILE GROUPS TO BE TREATED FOR HIGH HOLSTIRE CONDITIONS
- 3 Prompes, John Weiker, Narkowe Liffs, Post Sees, No Onen Revisito Straki Teo, Bor Se As Weikerkeiter Dir Singen, USP Al Bauk, NM Ale To Beilden and Strahe Strahe Strahe Strahe Strahe Strahe Strahe To Beilden Strahe Strahe Strahe Strahe Strahe Strahe Mentonic And Strahe Strahe Strahe Strahe Strahe Strahe Mentonic And Description (Revise Strahe Strahe Strahe Mentonic And Description (Revise Strahe Strahe Strahe Description (Linge Gala C) Province Strate Revise Strahe (Lingen Strahe Strahe Strahe Strahe Strahe Strahe Strahe Strahe Strahe (Lingen Strahe St
- 4 JOIST HANGERS, MINIHUM IS SAUCE SLIZE AND FROFILE TO SUIT APPLICATION (UNLESS OTHERNISE NOTED), PROVIDE HANGERS FOR ALL FLUST FRAMED JOISTS.
- ALL COLLING IN INTERIOR WALLS TO BE (3) 244 UNLESS OTHERNISE NOTED, NAIL EACH FACE OF EACH STUD TO ACAMENT STUD NITH (2) TO ACAMENT STUD NITH (2)
- T. PROVIDE SOLID BLOCKING BELOW ALL COLUMNS. TO TRANSFER LOAD DIRECTLY TO FRANING.
- B. HROVIDE DOUBLE JOIST UNDER ALL PARTITIONS PARALLEL TO JOIST SPAN.
- 4. PROVIDE DOUBLE LOIST AROUND ALL PLOOP AND ROOF OPENINGS (U.N.O.)
- 10. ALL HALTI-FLY BOARS SHALL BE SALLED HITH 3 ROHE OF ICO NAILS AT 8" 0 C STAGGERED, BEARS LOAND AN ONE FACE ON "SHALL BE BOLTED HITH 3" DIA BOLTS AT 16" 0 C STAGGERE (UN 0)

KEY

NALL ABOVE

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____ STEP DOWN

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OCEAN BREEZES LOT #4 WINDSWEPT WAY

DESIGNED BE IDV

DASKN BT. 4.3C

CHECKED BY LICE DERENAL NOT ST. DO

BETHANY BEACH, DE

CLIENT: GOOD ARCHITECTURE

Darkaster, renneywania Dover, Delawarc hewark, Delawarc Haddon Heights, Rev Jersey

CT TO THE LINEL

- — Б. RUSH ВЕАН

INT. BELOW

FOST ABOVE

STEEL COLUMN BELOW

DIRECTION OF JOIST SPAN

· ECENT OF JUST STAN

12"# TORON PILE

BUSSE-BAINUM BEACH HOUSE

BAKER, INGRAM, & ASSOCIATES STRUCTURA, ENGINEERS

Project Number C8966

fatt: 08-09-16

SCALE AT NOTES \$6.0. SE140.00

SHEER: DOM: 0

410 158.2689 Ph 302.734 7502 Faa

POST BELON. (3 STUD KIN J

IT BALLOON FRAME ALL END NALLS KITH CATHEURAL CEILINGS (U.N.O.)

IS LINTEL SCHERULE UNLESS OTHERNISE NOTED ON PLAN

ROUGH OPENING

2.6 WALLS 4'-0" 6'-0" >6'-0"

241 WLLS 4'-0" 6'-0'

16

TO BE KEPT

ON JOB SITE

TRUCTION DESCRIPT OF ENDER CONTRACT AND INCOMENTS OF ADDRESS OF ADDRESS

- 12. FASTEN GABLE END HALL STUDS TO CEILING DIAPHRAGH BY FASTENING NAILER TO EACH STUD AND BY FASTENING GEILING TO NAILER HITH BU NAILS AT 6' 0 C 13. BITTLE "LONG" NOR 15 TO BE SHARDED PRICE TO DISTRICTION ONESTIMATION
- 14. ALL PLUSH FRAMED PSL BEIN TO PSL BEIN CONNECTIONS TO BE FASTENED WITH BEAM INVERSES TO BE DESIGNED IND PROVIDED BY PSL MANUFACTURER, UNLESS A SPECIFIC CONNECTOR IS CALLED FOR.

LINTE.

II. QUINE MILL DIVISION OF CONCUMENT OF DISTOLUTIES OF STATISTICS, AND CONCUMENT OF THE STATISTICS OF STATISTIC

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(2) 2×0 MITH I LATER OF \$" PLYNOOD (2) 2×10 MITH I LATER OF \$" PLYNOOD (2) 2×12 MITH I LATER OF \$" PLYNOOD

STENSE

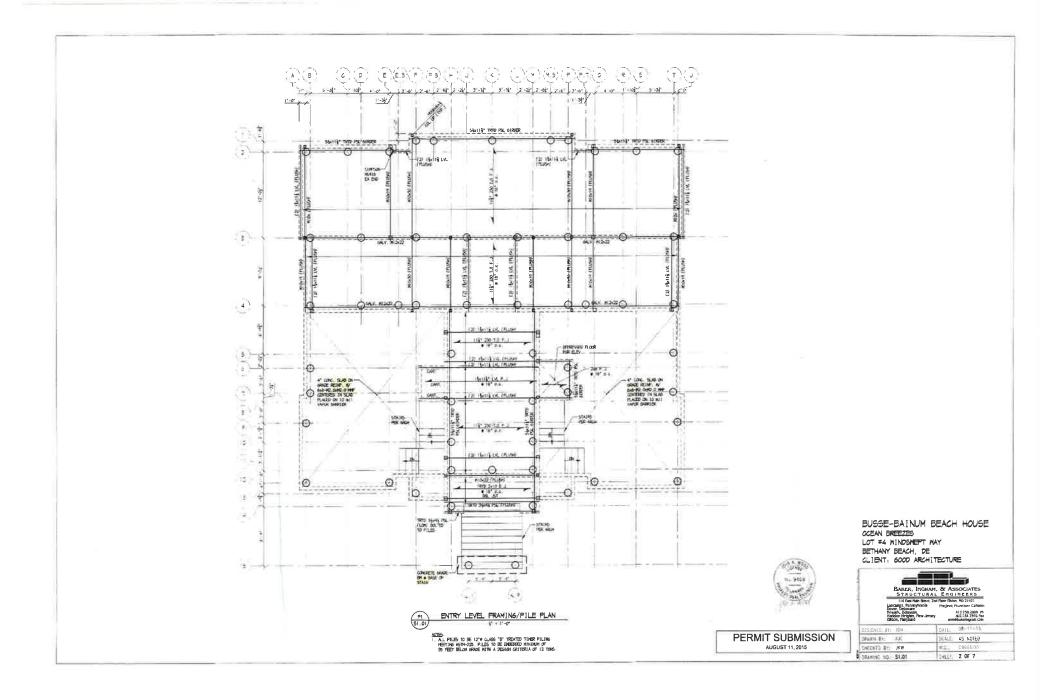
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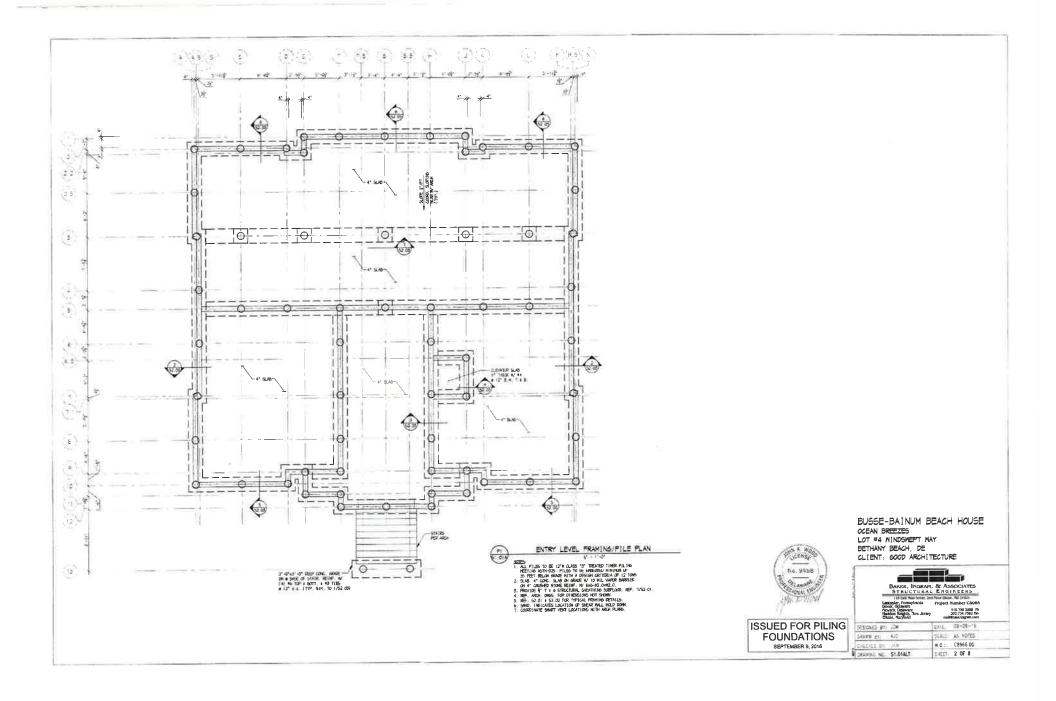
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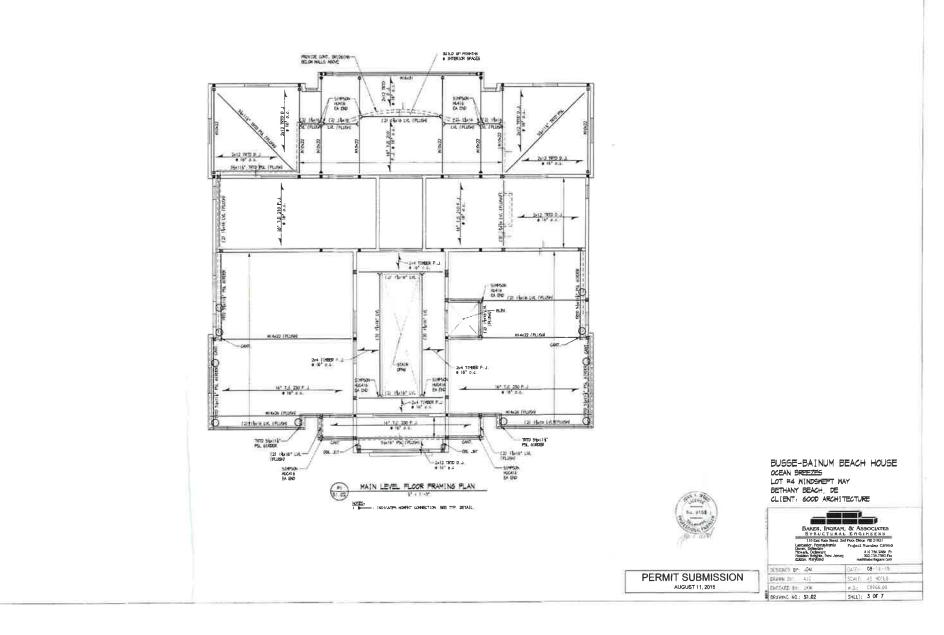
FOUNDATIONS

SEPTEMBER 9, 2016

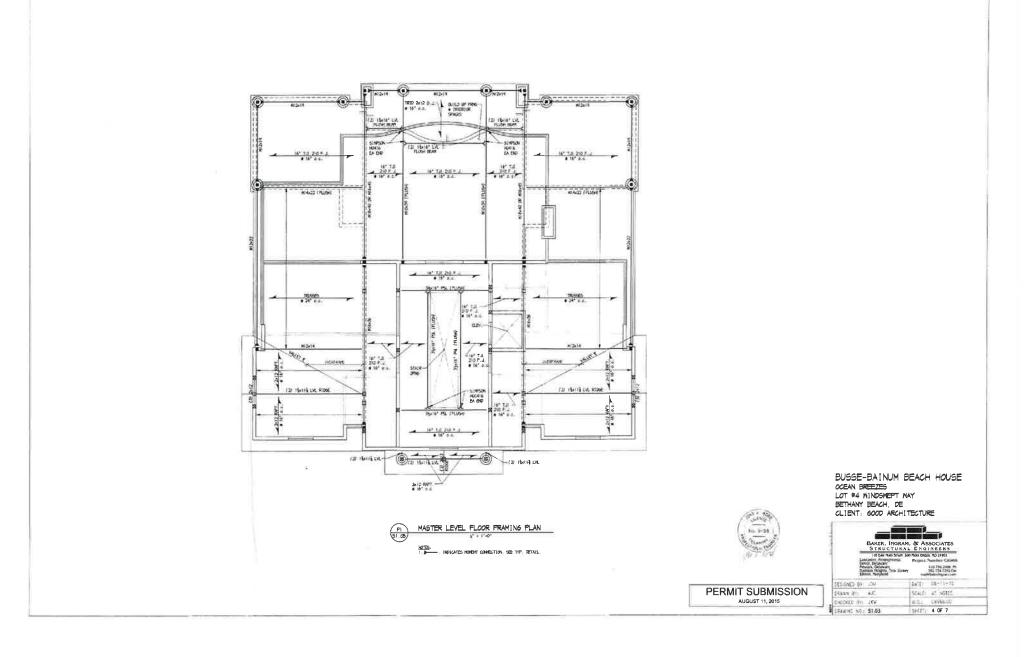
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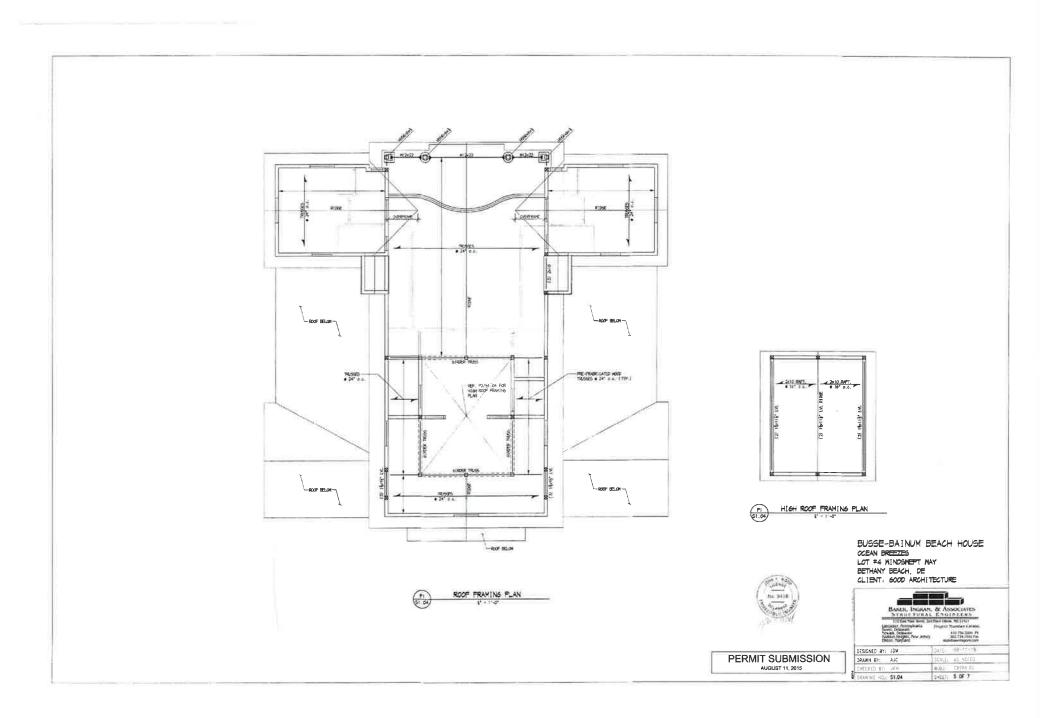


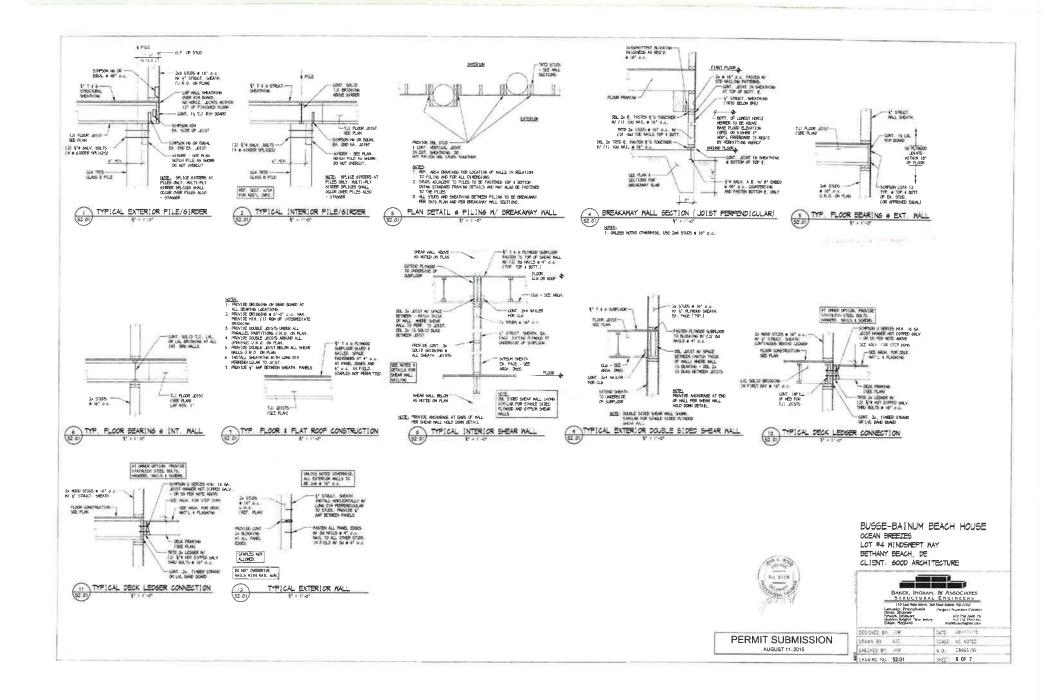


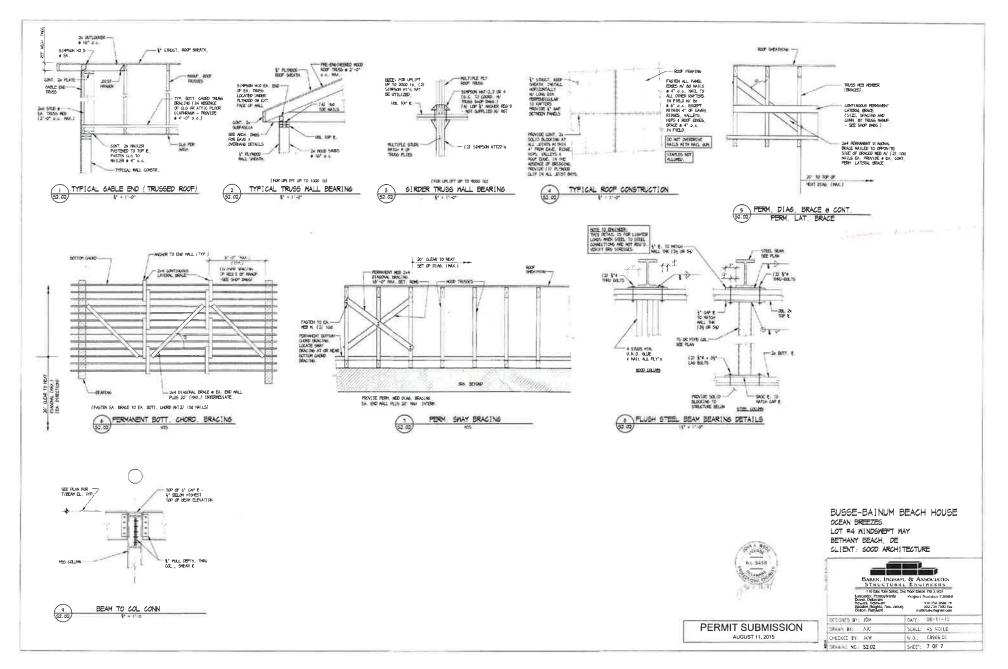


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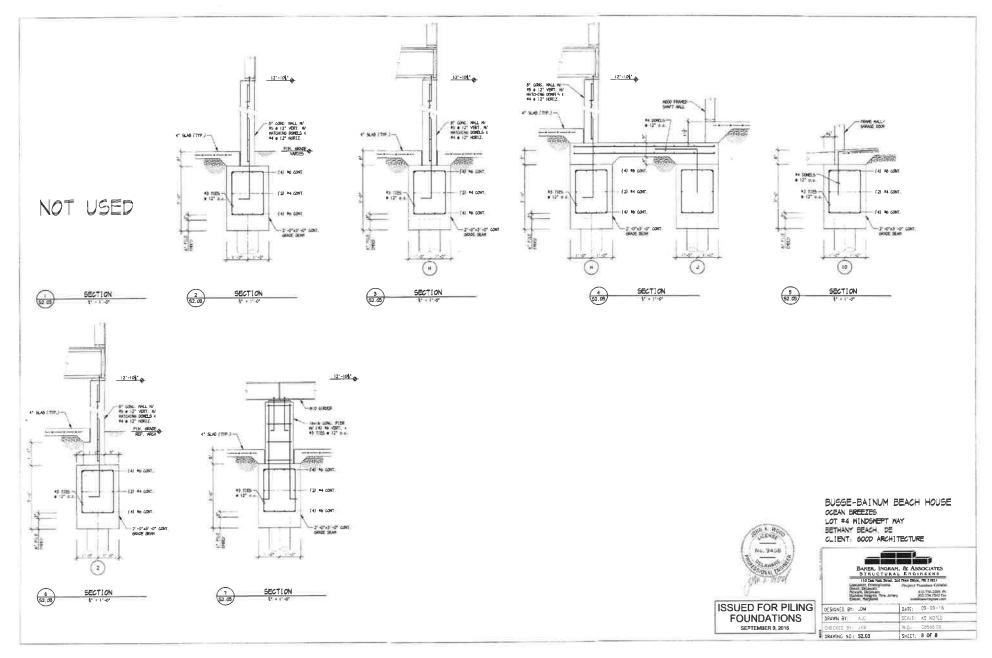








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TAB "7"



STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF WATERSHED STEWARDSHIP 89 Kings Highway Dover, DELAWARE 19901

OFFICE OF THE DIRECTOR

PHONE: (302) 739-9921 FAX: (302) 739-6724

October 8, 2015

Ms. Barbara J. Bainum 6415 Shadow Road Chevy Chase, MD 20815

RE: Tax Map # 134-9.00-535.00

Dear Ms. Bainum:

Application No. BP5095 - To construct a single family dwelling on Lot 4, Ocean Breezes, Sussex County, Delaware.

This is to advise you that this Division has reviewed your plans for coastal construction work with regard to its material physical effects on coastal conditions and natural shore processes with particular reference to the extent that it may induce or aggravate beach erosion, storm damage, flooding, etc., or may otherwise have a detrimental effect on the shore or adjacent property.

By this letter, please be informed that the aforementioned work, as shown upon the plans dated <u>September 9, 2015</u> submitted by you, or on your behalf, through application received on <u>September 4, 2015</u> has been approved. This letter of approval pertains only to compliance with the "Regulations Governing Beach Protection and the Use of Beaches" (effective December 27, 1983) and is not to be construed as an all-inclusive approval for any other activities or requirements of the Department of Natural Resources and Environmental Control or any other governmental agency which may pertain to this site, including local flood hazard zoning ordinances.

Any unauthorized additions or modifications of the final permitted construction plans will be considered a violation of this letter of approval and the Regulations and are therefore subject to penalties provided in the Beach Preservation Act and the Regulations. Major modifications or subsequent additions involving horizontal expansion of the initial construction must be entered as a new application subject to conditions for construction outlined in the Regulations Governing Beach Protection and the Use of Beaches. Copies of the Regulations are available upon request from the Shoreline and Waterway Management Section.

Structures prohibited seaward of the Building Line include: hard landscaping such as railroad ties, flower boxes, brick and cement patio blocks, fences other than sand/snow fencing, retaining walls, and other modifications which impede the natural function and flexibility of the dune and have been found to cause considerable damage to properties during storm events.

Delaware's good nature depends on you!

Ms. Barbara J. Bainum BP5095 Page Two October 8, 2015

Absolutely no quantity of sand or sedimentary material may be removed from the site which is the subject of this approval without prior inspection by a Shoreline and Waterway Management Section representative. Any quantity of material which is to be removed from the site and is suitable beach material as determined by the Section representative shall be placed on the beach at the nearest suitable location.

You are required to notify the Division of Watershed Stewardship at (302) 739-9921 at least one week prior to the initiation of on-site construction, to schedule a meeting between a Shoreline and Waterway Management Section representative, the contractor, the property owner and or their authorized agent and any other parties involved in the proposed construction activities. Construction may not commence until this meeting has occurred and all parties have signed the attached Pre-Construction Agreement form. If it is found that construction has begun without this meeting, construction will be stopped until the meeting is held. You are also required to notify the Division when construction is completed.

An "as-built" survey showing completed construction, in relation to the DNREC Building Line, must be submitted within (30) thirty days of completion of construction.

This approval is void if on-site construction has not been initiated on or before one year and completed on or before two years from the date of this approval.

This approval in no way affects, or rules upon, ownership of the subject lands.

If you should have any questions concerning this approval, please do not hesitate to contact the Shoreline and Waterway Management Section of this Division at (302) 739-9921.

Sincerely,

My In 18 Revel

Michael S. Powell Program Manager Shoreline and Waterway Management Section

Cf.: Jeff Shockley, Sussex County Planning and Zoning

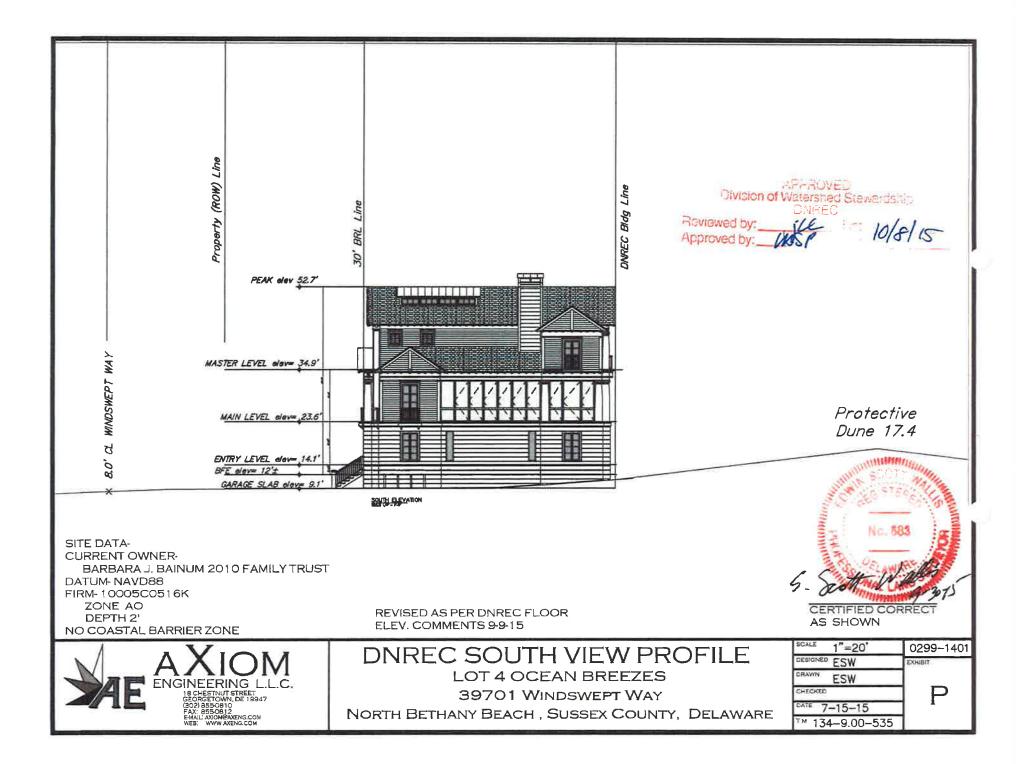
Pre-Construction Agreement

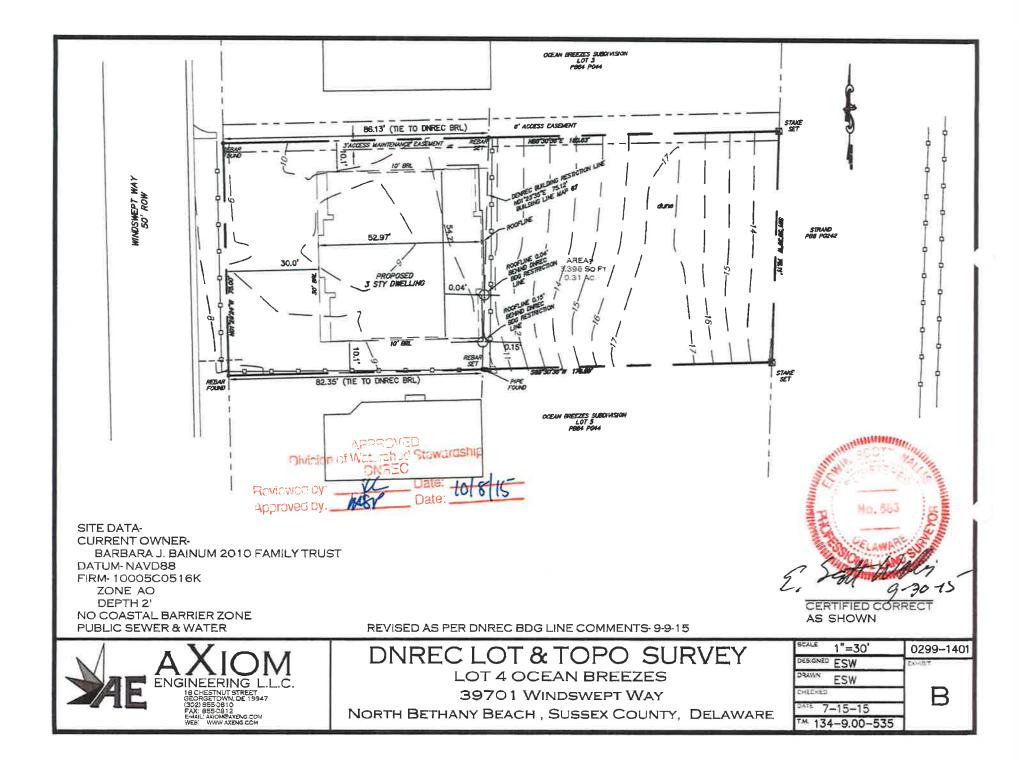
BP5095
Lot 4
Ocean Breezes

Specific conditions that must be followed during construction:

- 1. All construction equipment, supplies, and personnel must remain to the west of the Building Line as marked by stakes (sand fence)
- 2. Sand may not be removed from the site without prior approval from the Shoreline and Waterway Management Section

3. other		
Property Owner		
Printed Name	Signature	Date
Authorized Agent		
Printed Name	Signature	Date
Contractor		
Printed Name	Signature	Date
Shoreline and Waterway Management		
Printed Name	Signature	Date







STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF WATERSHED STEWARDSHIP 89 Kings Highway DOVER, DELAWARE 19901

OFFICE OF THE DIRECTOR

PHONE: (302) 739-9921 FAX: (302) 739-6724

October 8, 2015

Ms. Barbara J. Bainum 6415 Shadow Road Chevy Chase, MD 20815

Dear Ms. Bainum:

Enclosed, please find the Letter of Approval BP5095 **To construct a single family dwelling** on Lot 4, Ocean Breezes. The 2nd paragraph of the second page of the approval states: You or your agent are required to notify the Division of Watershed Stewardship at (302) 739-9921 at least one week prior to the initiation of on-site construction, to schedule a meeting including yourself or your authorized agent, a Shoreline and Waterway Management Section representative, the contractor, and any other parties involved in the proposed construction activities. Construction may not commence until this meeting has occurred and all parties have signed the attached Pre-Construction Agreement form. If it is found that construction has begun without this meeting, construction will be stopped until a meeting is held. You are also required to notify the Division when construction is completed.

The purpose of this requirement is for the Division to meet with those who will be conducting the work to ensure that they are aware of the conditions of the approval and that they understand the importance of keeping all activities confined to the approved construction area. This meeting is required because it has become apparent, during our field inspections, that many property owners and contractors do not understand the environment in which they are working and the importance of protecting the dune, your "first line of defense", against coastal storms. Recent inspections have found that this natural resource is being taken advantage of and destroyed during construction along the oceanfront and bayfront.

It is the charge of the Shoreline and Waterway Management Section to preserve, protect and enhance the dunes and beach as natural resources. We intend to fulfill that charge by examining each oceanfront and bayfront project on a case by case basis, so that specific limits are recognized for each individual property at the time when work will be conducted. Please be sure to adhere to the new requirement, so that we can continue to work together to preserve Delaware Coastal areas. Thank you in advance for your cooperation.

Delaware's good nature depends on you!

Ms. Barbara J. Bainum Page Two October 8, 2015

Also, as required by the 4th paragraph of the 3rd page, an "**as-built**" **survey** showing completed construction, in relation to the DNREC Building Line must be submitted within thirty (30) days of completion of construction. Please be sure to adhere to this requirement. If you have any questions, please give me a call at (302) 739-9921 or send me e-mail at Jennifer.Luoma@state.de.us.

Sincerely,

Jehnifer L. Luoma Environmental Scientist Shoreline and Waterway Management Section

MEMORANDUM

TO: Michael S. Powell

FROM: Jennifer L. Luoma

RE: Letter of Approval BP5095, to construct a dwelling for Ms. Barbara J. Bainum

DATE: October 8, 2015

LOCATION: Lot 4, Ocean Breezes

ACTIVITY: To construct a single family dwelling

Attached for your signature, please find a Letter of Approval for the above activity. I have reviewed the application and found the proposed activity to be in compliance with the <u>Regulations</u> <u>Governing Beach Protection and the Use of Beaches</u>.

Based on my review of the application, I recommend that this Letter of Approval be approved.

State of Delaware Department of Natural Resources & Environmental Control Division of Watershed Stewardship

Office of the Director 89 Kings Highway Dover, Delaware 19901

Telephone: (302) 739-9921 Fax: (302) 739-6724

APPLICATION FOR CONSTRUCTION LETTER OF APPROVAL

This application form is provided for construction activities within the defined beach area and landward of the DNREC Building Line as shown on maps prepared by the Shoreline & Waterway Management Section, and for construction activities requiring a Letter of Approval, as outlined in Part 4 of the <u>Regulations Governing Beach Protection and the Use of Beaches</u>. Copies of individual Building Line Maps are available for planning by request to the Shoreline & Waterway Management Section.

Please answer all questions thoroughly and provide the applicable drawings on 11" x 17" or smaller paper. Incomplete applications will be returned.

Name of Property Owner: Barbara J. Bainum, Trustee	
Mailing Address: 6415 Shadow Road,	
Chevy Chase, MD 20815	
E-Mail Address:	
Telephone Numbers: A/C ()Residence A/C ()	Office
Name of Authorized Agent: Evelyn M. Maurmeyer	
Mailing Address: CER, Inc., PO Box 674	
Lewes, DE 19958	
E-Mail Address: maurmeye@udel.edu	
Telephone Numbers: A/C () Residence A/C (30) 645-9610	_Office
Location of proposed work:	
Lot(s) Number: Block Number:	
Street address: 39701 Windswept Way, Bethany Beach DE 19930	
Subdivision/Community: Ocean Breezes (north Bethany Beach)	
Tax Map #: 1-34-9.00-535.00	

Type of work proposed: (i.e., Construction of a dwelling, commercial building, subdivision, addition, deck, dune crossover, septic system, shore protection structure, storage facility, placement of utilities, placement of fill or hardscaping (placement of a driveway, retaining wall, pavers, fence) etc.)

Applicant proposes to construct a dwelling. See attached Project Description for details.

Please submit the following information with the application

Surveys must be originals signed and sealed by a professional surveyor licensed in the State of Delaware

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- 1) Copy of deed, lease, sales contract or County certificate showing ownership or legal interest in the property. Attached at end of application.
 - 2) Four copies of a Topographic Survey of the lot (at one foot intervals) which includes the following information: See Figure 10; four signed, sealed copies enclosed
 - a. The location and dimensions of the proposed structure, modifications and/or additions drawn to scale, including but not limited to: the dwelling, decks, porches, stairs, septic systems and tanks, roof lines, heat/air condition systems, walkways and driveways.
 - b. Distance to the DNREC Building Line and the DNREC Easement Line (if applicable) from the landward property boundary.
 - c. Setback distances from front, back and side lot boundaries required by local municipalities, subdivisions or the County.
 - ✓ d. The area of disturbance. This area must be limited to the area located landward of the DNREC Building Line and/or landward of the DNREC Easement Line (if applicable).
 - e. The location of existing and proposed septic systems including seepage bed, tanks and dosing chamber. New construction must meet all the isolation distances from the septic system required by the <u>Regulations Governing the Design</u>, <u>Installation and Operation of On-Site</u> <u>Wastewater Treatment and Disposal Systems</u>. (not applicable--public sewer)
 - V f. A profile view of the proposed construction (include area below first living floor) showing proposed foundation, Base Flood Elevation existing and proposed grade, first floor elevation, elevation of lowest horizontal member, roof line, and all amenities including showers, heat pumps, steps, fences, walkways, etc. See Figure 11; four signed, sealed copies enclosed.

- 3) Applications for construction of a cantilevered deck which extends seaward of the DNREC Building Line must include the following information on the survey: Not applicable
 - a. The location of the building or deck of a similar nature on the adjacent property to which the deck is being cantilevered out to must be located on the survey. The distance from the landward property boundary of the adjacent deck must be clearly indicated on the survey.
 - b. Deck construction plans certified by an Architect or Engineer registered in the State of Delaware. All structural support for the cantilevered deck must be above Base Flood Elevation if located seaward of the DNREC Building Line and all space below the deck must remain open and free of obstruction.

Please address all questions

Site Work: Placement or Removal of sand from the site is prohibited without prior approval

Will there be any lot clearing or excavation at the site? <u>Vegetation cleared</u>; site graded If so, will any sand be removed from the site? <u>Yes</u> Where will the sand be taken? <u>Neighborhood association has expressed</u> interest in sand for dune restoration projects in neighborhood. Will sand or fill be added to the site? <u>no</u> How much? <u>--</u>

What will be the source of the material? _____

Indicate on the plans where the fill will be placed.

Will there be any landscaping? <u>Yes</u> If so, will you be bringing in top soil?<u>no</u> Are there any structures included in your landscape design? <u>no</u> See Figure 14 for landscaping design. **Please indicate their location on the plans.** Are all of the plants native to the beach and dune environment? <u>Yes</u> See Tables 1 and 2 for list of plants.

Activities Seaward of the Building Line are restricted

Placement of construction equipment or materials or disturbance of the area seaward of the DNREC Building Line is prohibited. The Building Line must be staked prior to initiation of construction. Erection of sand fencing will be required to mark the Building Line to prevent disturbance and damage to the dune or vegetation during construction.

Flood Zone Requirement/Construction Below Base Flood Elevation: See Figure 9 for FIRM map.

Construction Seaward of the Building Line must be located above Base Flood Elevation.

(no construction proposed seaward of Building Line) What NFIP Flood Zone is the property located in (e.g. V, A, B, etc.)? <u>VE; AO</u> What is the Base Flood Elevation (NAVD88)? <u>BFE = 12'</u> in <u>VE; depth = 2'</u> in <u>AO</u>

What is the effective/revised date of the FIRM panel used for flood zone determination? <u>3/16/20</u>15 This information can be obtained from the applicable Town or County.

Please verify that all local Flood Zone requirements and ordinances are being met.

Flood Zone Requirement/Construction Below Base Flood Elevation (continued):

Will any enclosures, such as entrances, storage areas, elevators, showers, skirting, utilities etc., be constructed below the first living floor? <u>yes</u> If so, indicate their location on the plans. These structures must be located landward of the Building Line or elevated above Base Flood

Elevation. All construction will be landward of Building Line.

Will any concrete, brick or asphalt be used for flooring, driveways, side walks, etc.? <u>yes</u> Indicate their location on the plans. These structures must be located landward of the Building Line. All structures will be landward of Building Line.

Additional Information:

Are there any wetlands on this lot? <u>no</u> Please indicate their location on the plans. If you propose to construct in wetlands, please include copies of written approvals from the Division of Water Resources - Subaqueous Lands Section and/or the U. S. Army Corps of Engineers.

Is there an existing septic system on the lot? <u>no</u> Please indicate the location of the septic tank, dosing chamber and drain field on the plans. If you are connecting to an existing system, please provide written approval from the Division of Water Resources. New construction must meet all the isolation distances from the septic system required by the <u>Regulations Governing the Design</u>, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems.

(Public sewer available)

(4)

SIGNATURE PAGE

As legal property owner, I (we) accept the legally binding nature of the Construction Letter of Approval application and enclosed plans for construction and acknowledge the ultimate responsibility of the owner in executing the conditions of the approval. I (we) also understand that any unauthorized additions or modifications of the final approved construction plans will be considered a violation of the Construction Letter of Approval and the Regulations and are therefore subject to penalties found in the Beach Preservation Act and the Regulations. I (we) also understand that submission of an application does not signify that I (we) have approval to begin construction or that an approval is guaranteed.

Signature of Property Owner(s)	Date

Signature of Property Owner(s)

Date

Statement of Agent Authorization Interest designate and authorize __Evelyn Maurmeyer, CER, Inc.. to act in my behalf as my agent in the processing of this Construction Letter of Approval application and to furnish, as requested, supplemental in support of this application. As legal property owner, I (we) accept the legally binding nature of this Construction Letter of Approval application and enclosed plans for construction and acknowledge the ultimate responsibility of the owner in executing the conditions of the approval. I also understand that this authorization does not transfer ultimate responsibility for this approval to the agent Major modifications or subsequent additions involving horizontal or vertical expansion of the initial construction must be entered as a new application subject to conditions for construction outlined in the Regulations. Copies of the Regulations are available upon request from the Shoreline and Waterway Management Section. Mayor Management Section. Date Signature of Property Owner(s) Date

Application is hereby made for a beach construction Letter of Approval in the State of Delaware. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge; such information is correct and complete. I further certify that I am authorized to undertake the proposed activities or I am acting as the duly authorized agent for the applicant.

8/26/2015 Signature of Authorized Agent Date

(5)



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex P.O. Box 674 Lewes, Delaware 19958 302-645-9610

August, 2015

PROJECT DESCRIPTION: BAINUM-BUSSE RESIDENCE, OCEAN BREEZES, NORTH BETHANY BEACH, DE

Applicant

Barbara Bainum, Trustee 6415 Shadow Road Chevy Chase, MD 20815

Project Location

The proposed project site is 39701 Windswept Way (Lot 4), Ocean Breezes Subdivision, Bethany Beach, Sussex County, Delaware (Tax Map Parcel #1-34-9.00-535.00). See Figures 1, 2, 3, and 4 for location maps. The site is depicted on the U.S.G.S. topographic map, Bethany Beach, Delaware quadrangle (see Figure 5), and is adjacent to Atlantic Ocean coastline. The site is depicted on DNREC Building Line Map (sheet 17 of 35, south to north, Ocean Village, Bethany Village, Ocean Breezes, Bethany Dunes; date of photograph = August 31, 1979), see Figure 6. The site is a vacant lot, 13,396 sq. ft. (0.31 acre) in size, on which the applicant proposes to construct a residence. See Figure 7 for GoogleEarth® aerial photograph of site, and Figure 8 for ground-level photograph. The site is depicted on FIRM Map 10005CO516K (see Figure 9). Seaward portion of parcel is located in Zones VE, BFE = 12'. Landward portion of parcel (where home is to be built) is located in Zone AO, depth 2'.

Proposed Residence

The applicant proposes to build a 3-story single-family residence on the lot. See Figure 10 for plan view survey (prepared by Axiom Engineering, L.L.C.) showing "footprint" of proposed dwelling, topographic contours at 1' intervals, and DNREC Building Line. Entire structure will be located landward of Building Line. Front setback (from roadway) will be 30'; side setbacks will be 10.1'. A profile view (prepared by Axiom Engineering, L.L.C.) is shown in Figure 11. A plan view (prepared by Lila Frederick, Landscape Architecture and Garden Design) showing the proposed layout of structures/activities are presented in Figure 12.

In addition to the proposed house, the following structures/activities (all landward of the Building Line) are also proposed (see Figure 12):

- A driveway system consisting of two (2) 10' 0" wide aprons, leading to a 20' x 51' parking court. The driveway materials will be aggregate paving with a banding of either bluestone or cobblestone. Two paved areas 10' x 12' will lead into the two garage spaces. HVAC units will be located on the SW corner of the house.
- A stone walkway will lead around the north side of the house to an outdoor shower area. Another path will allow the owners to leave the house from the north garage and access the community walkway (dune crossover), located along the north property line. Steps, a landing, and gate access to the walkway are proposed (see Figure 13 for details). A main path extends to the rear of the house and stops at the NE corner of the house.
- The front and sides of the house will be graded, which may involve some sand excavation (landward of the Building Line). The neighborhood association has expressed interest in the sand for dune restoration projects elsewhere in the neighborhood.

Landscaping Activities

Landscaping activities both landward and seaward of the Building Line are proposed, as follows (see Figure 14, prepared by Lila Frederick, Landscape Architecture and Garden Design):

Landward of Building Line. Prior to construction, existing vegetation landward of the Building Line will be removed. Vegetation to be removed includes pine saplings (4" diameter); bayberry shrubs; shore juniper; beach heather; and other grasses. After completion of the dwelling, native shrubs and grasses will be planted, including eastern redbud; hummingbird clethra; inkberry; wax myrtle; bayberry; American beach grass; dwarf panic grass; dwarf fountain grass; blue wood sedge; beach panic grass; and bearberry. See Table 1 (prepared by Lila Frederick, Landscape Architecture and Garden Design) for listing of botanical and common names; size/spacing/ and notes.

Seaward of Building Line. Most of the existing vegetation (bayberry; beach heather; American beach grass) will remain in place. Two small (6' high x 10' wide) pines will be transplanted. Two bayberry shrubs will be pruned, and one existing bayberry will be selectively removed to allow for proposed plantings. Native vegetation to be planted on the applicant's property seaward of the Building Line include beach plum; inkberry; beach heather; sea lavender; American beach grass; beach panic grass; and marsh elder. See Table 2 (prepared by Lila Frederick, Landscape Architecture and Garden Design) for listing of botanical and common names; size/spacing/ and notes.

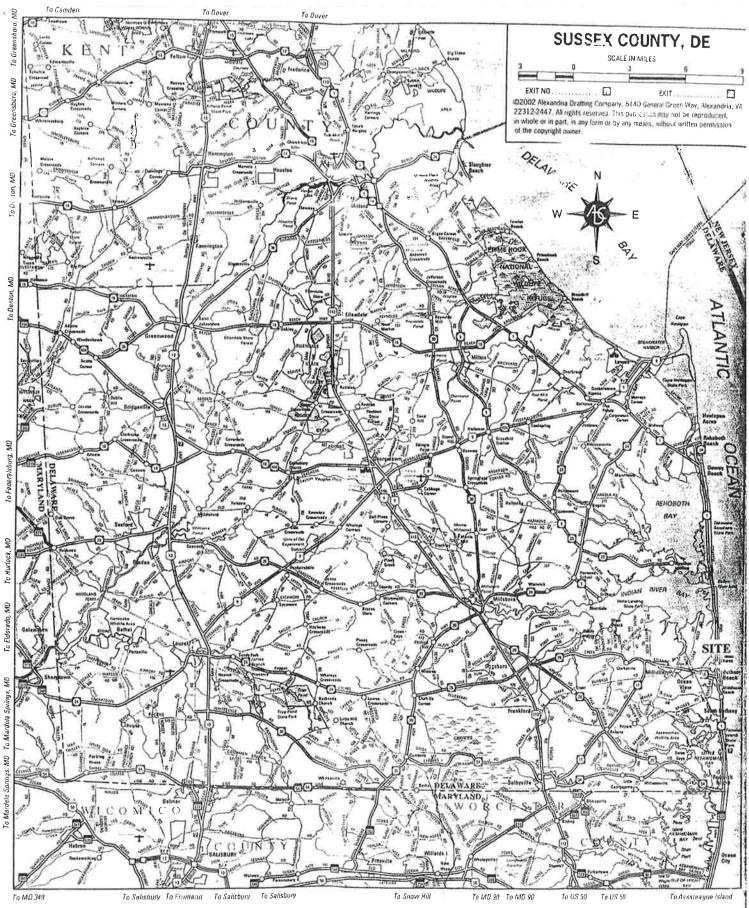


Figure 1. Map of Sussex County, Delaware showing site location, north Bethany Beach.

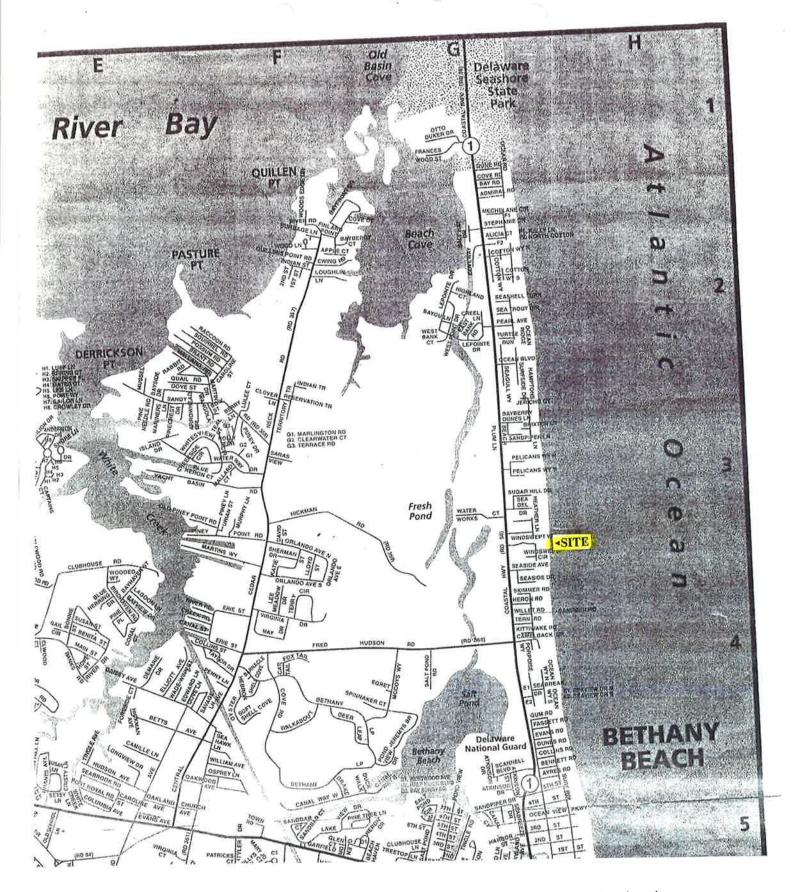


Figure 2. Map of Bethany Beach and vicinity, Sussex County, Delaware, showing site location, Windswept Way.

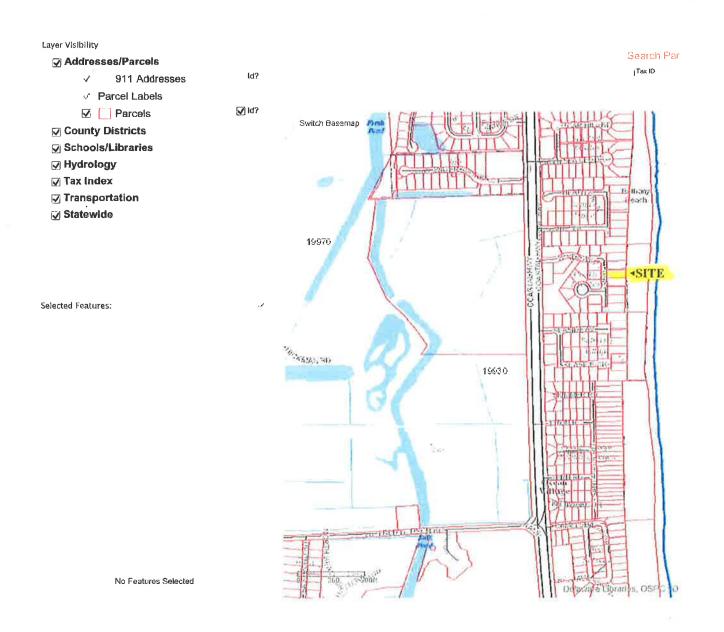


Figure 3. Site location, Windswept Way, Ocean Breezes Subdivision (north Bethany Beach, Sussex County, DE).

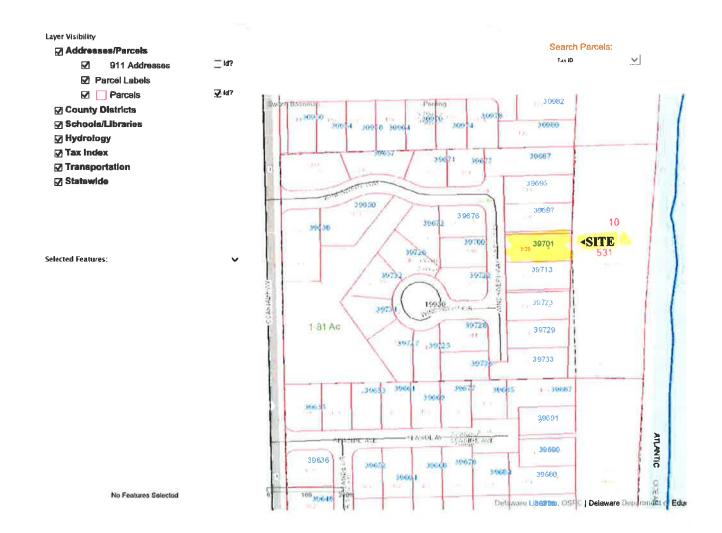
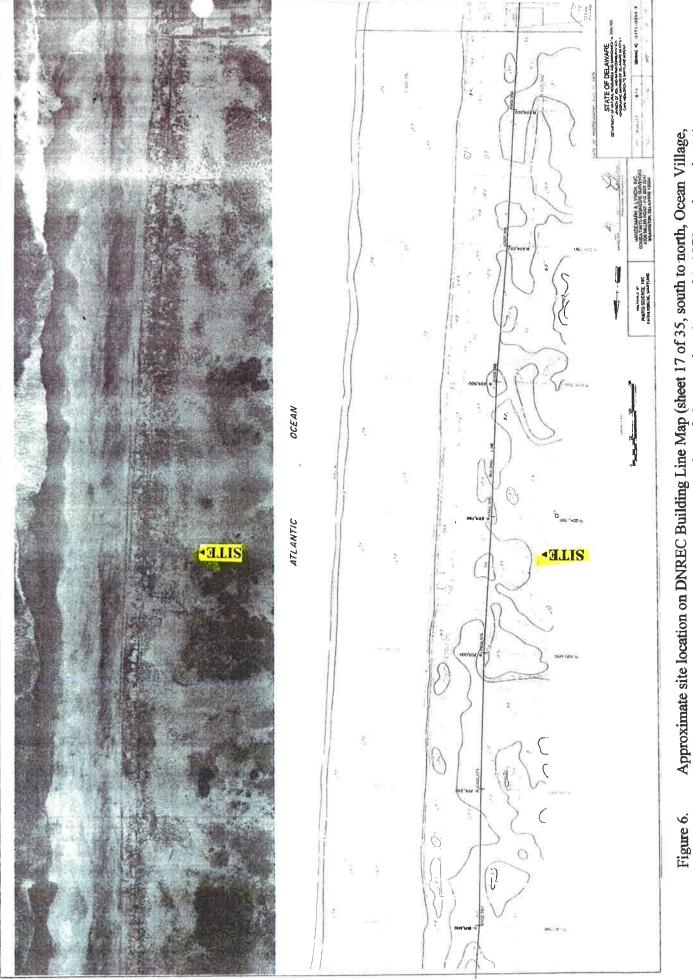


Figure 4. Site location, 39701 Windswept Way (Lot 4), Ocean Breezes Subdivision, Bethany Beach, Sussex County, Delaware (Tax Map Parcel #1-34-9.00-535.00).



Figure 5. Site location on U.S.G.S. topographic map, Bethany Beach, Delaware quadrangle. Site is adjacent to Atlantic Ocean coastline.



Approximate site location on DNREC Building Line Map (sheet 17 of 35, south to north, Ocean Village, Bethany Village, Ocean Breezes, Bethany Dunes; date of photograph = August 31, 1979; scale as shown).



Figure 7. GoogleEarth® 2010 aerial photograph of site, 39701 Windswept Way (Lot 4), Ocean Breezes Subdivision, Bethany Beach, Sussex County, Delaware (Tax Map Parcel #1-34-9.00-535.00). Site is a vacant parcel along the Atlantic Ocean coastline.



Figure 8.Photograph of site, 39701 Windswept Way (Lot 4), Ocean Breezes Subdivision,
Bethany Beach, Sussex County, Delaware (Tax Map Parcel #1-34-9.00-535.00).
View toward east. Site is a vacant parcel, 13,396 sq. ft. (0.31 acre) in size, on
which the applicant proposes to construct a 3-story, single-family residence.

39701 Windswept Way, Bethany Beach

Riskmap3.com/DE/SussexCo/



Figure 9. Site location on FIRM Map 10005CO516K (dated 3/16/2015). Seaward portion of parcel is located in Zone VE Special Flood Hazard Area inundated by the 100-year flood, coastal floods with velocity hazards/wave action), Base Flood Elevation (BFE) = 12'. Landward portion of parcel (where home is to be constructed) is located Zone AO (Special Flood Hazard Area inundated by the 100-year flood, with average flood depth of 2'.

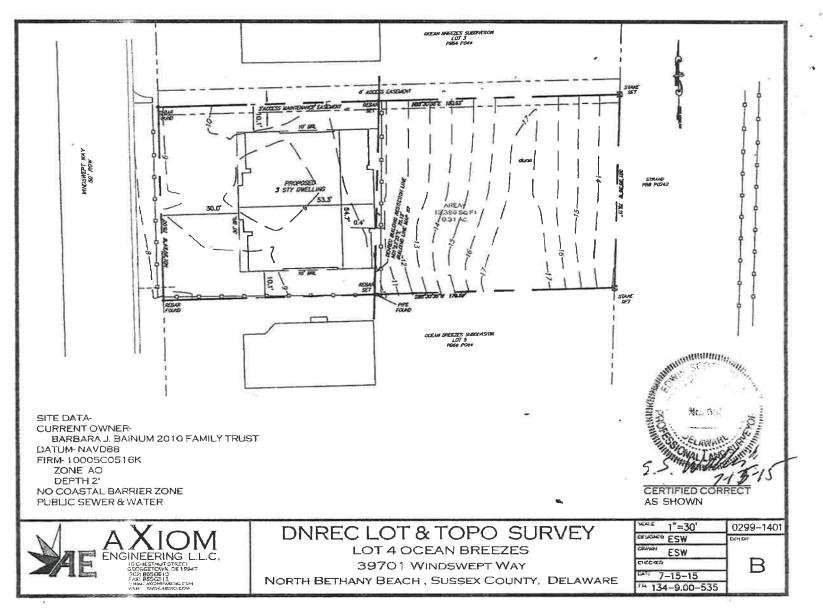


Figure 10. Plan view survey (prepared by Axiom Engineering, L.L.C.) showing "footprint" of proposed dwelling, topographic contours at 1' intervals, and DNREC Building Line. Entire structure will be located landward of Building Line.

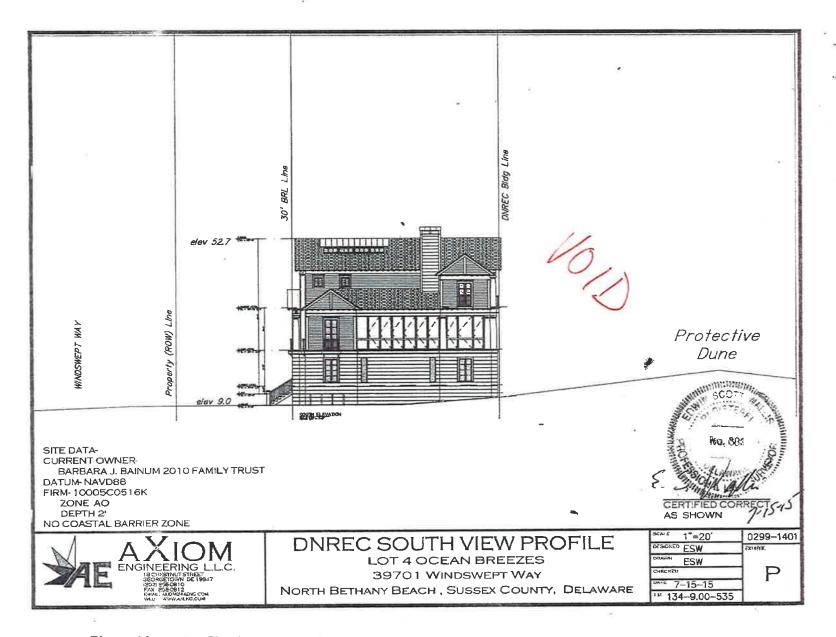


Figure 11. Profile view (prepared by Axiom Engineering, L.L.C.) of proposed residence.

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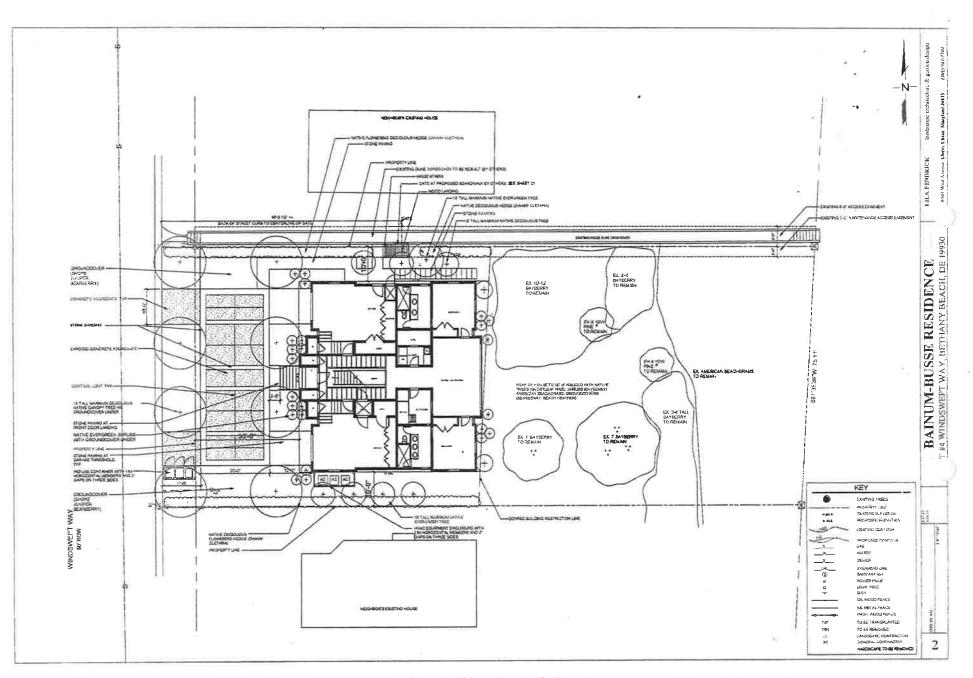


Figure 12. Proposed layout of structures/activities (prepared by Lila Frederick, Landscape Architecture and Garden Design).

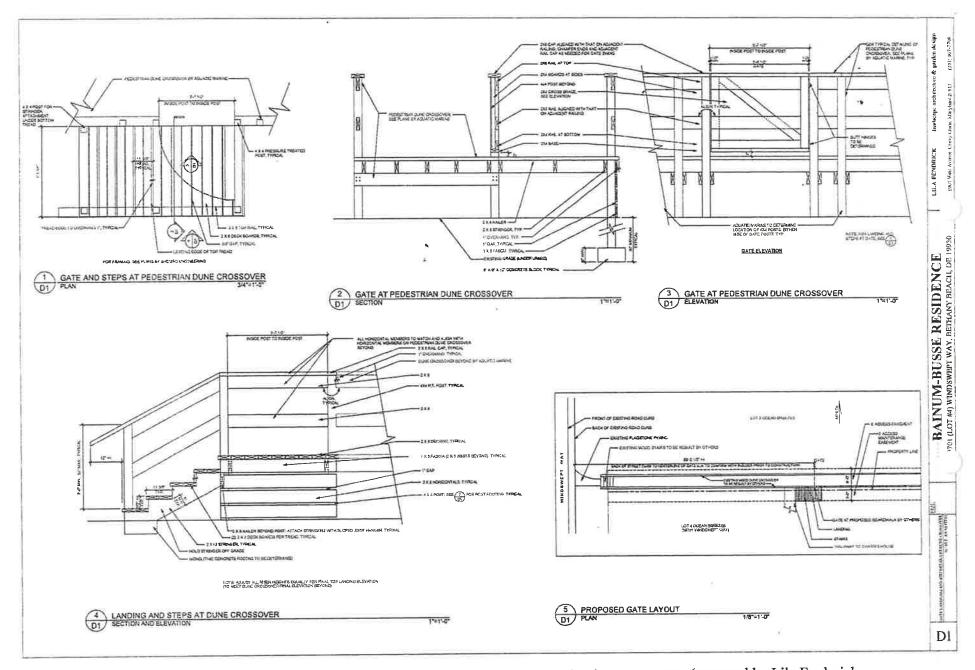


Figure 13. Proposed steps, landing, and gate for access to community dune crossover (prepared by Lila Frederick, Landscape Architecture and Garden Design).

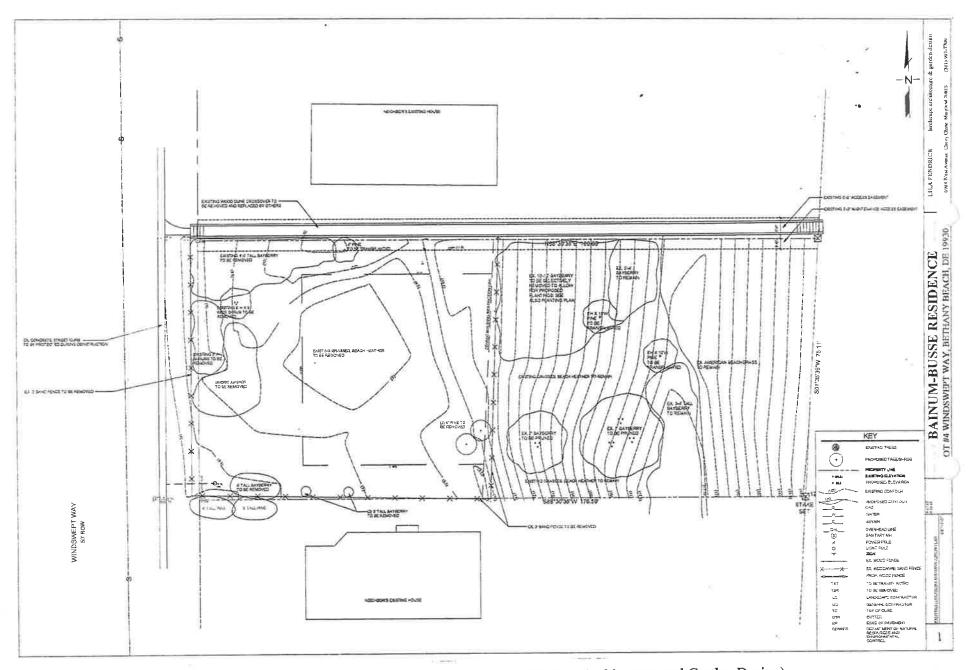


Figure 14. Landscaping plan (prepared by Lila Frederick, Landscape Architecture and Garden Design).

Bainum Busse Plant List

Landward of DENREC Line

	KEY	QTY	* BOTANICAL NAME	COMMON NAME	SIZE/SPACING	NOTES
	TREES				96	
	CC.	8	Cercis canadensis	Eastern Redbud	11-12-0"	single stem, branching @ 4'-5'-0", matching specimer
	SHRUB	5				
	САН	54	Clethra antfolia 'Hummingbird'	Hummingbird Clethra	6 gal,	
	IGD	16	llex glabra 'Densa'	Densa Inkberry	30"-36"	full, low branching
	мс	8	Morella cerifera	Wax Myrtle	4'-5'-0"	
n:	MP	a	Myrica pennsylvanica	Bayberry	4'-5'-0"	
	GRASS					
	AB	246	Ammophila breviligulata	American Beach Grass	1 qt. @ 24"o.c.	
r	PVD	248	Panicum virgatum 'Dwarf'	Dwart Panic Grass	1 qt, @ 24" o.c,	
r	PAH	248	Pennisetum alopecuroides 'Hamein'	Dwarf Fountain Grass	1 qt. @ 24" o.c.	
	CFG	315	Carex flaccosperma var. gleucodea	Blue Wood Sedge	1 qt. @ 9" o.c.	
	PA	50	Panicum amaroides	Beach Panic Grass	1 qt. @ 24"o.c.	
	GROUN	DCOV	ER .			
	AU	110	Arctostaphydos uva-ursi	Bearberry ·	1 cal @ 24" o.c.	(*)

Table 1.List of vegetation to be planted landward of Building Line (prepared by Lila
Frederick, Landscape Architecture and Garden Design).

Bainum Busse Plant List

Seaward of DENREC Line

KEY	QTY	POTANICAL NAME	COMMON NAME	SIZE/SPACING	PHASE/NOTES
TREE					
PM	8	Prunus maritima	Beach Plum	B'-10'-0"	
SHRL	BS	· ·			\$
IGC	8	llex glabra 'Compacta'	Compact Inkberry	5 gal.	full, low branching
IGD	2	llex giabra 'Densa'	Densa Inkberry	5 gal.	full, low branching
PERE	NNIAL				
нт	TBD	Hudsonia tomentosa	Wooly Beachheather	1 get.	
LP	TED	Limonium perezii	Sea Lavender	1 gal	
GRAS	SES				
AB	TBD	Ammophila breviligulata	American Beach Grass	1 ql. @ 24"o.c.	
PA	TBD	Panicum amaroldes	Beach Panic Grass	1 qt. @ 24"o.c.	
10	TBD	Iva imbricala	Dune Marsh-elder	1 qt. @ 24" o.c.	

Table 2.List of vegetation to be planted seaward of Building Line (prepared by Lila
Frederick, Landscape Architecture and Garden Design).

2.28557

24.0 4232 168 122

TAX MAP NO. 1-34-9.00-535.00 PREPARED BY/RETURN TO: Scott and Shuman, P.A. 33292 Coastal Highway, Suite 3 Bethany Beach, DE 19930 File No. 14-6159/SW

DEED

THIS DEED is made as of the $\frac{35}{2}$ day of July, 2014, between, **Stewart**

W. Bainum, Jr., Trustee of the Barbara J. Bainum 2010 Family Trust Dated April 9, 2010, of 6415 Shadow Road, Chevy Chase, MD 20815, party of the first part, and Barbara J. Bainum, Trustee of the Barbara J. Bainum Declaration of Trust Dated December 20, 1996, of 6415 Shadow Road, Chevy Chase, MD 20815, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its heirs and assigns, in fee simple, the following-described lands, situate, lying and being in **Sussex County**, State of Delaware:

ALL THAT certain lot, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County, State of Delaware, being known and designated as **LOT NO. FOUR (4), OCEAN BREEZES SUBDIVISION,** as more particularly bounded and described on a Plot of Ocean Breezes Subdivision, prepared by Soule and Associates, P.C., of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 61, Page 44, &c., as follows, to wit:

BEGINNING at an iron rod found in the Eastern line of Windswept Way at 50 feet wide, said rod being a corner with Lot 5 to the South; thence with the Eastern line of Windswept Way, North 01 degrees 33 minutes 35 seconds West, 75.00 feet to an iron rod found, a corner with a 6 foot wide public beach access; thence with said public beach access, North 88 degrees 26 minutes 25 seconds East, 180.63 feet to a point in the line of Strand; thence with Strand, South 01 degrees 31 minutes 38 seconds West, 75.11 feet to a point, a corner with Lot 5 to the South; thence with Lot 5, South 88 degrees 26 minutes 25 seconds West, 176.59 feet to the point and place of beginning containing 13,395.75 square feet of land more or less, as surveyed by Charles L. Coffman, II, Land Surveyor, dated February 7, 2007.

Ass

8K: 3880 PG: 27

100

RETURN TO: Barbara J. Bainum 6415 Shadow Road Chevy Chase, MD 20815

5 N. K.

1-34-9.00-535.00 PREPARED BY: FUQUA, YORI & WILLARD, P.A. P. O. Box 250 Georgetown, DE 19947

5+

DEED

of (M(k)), A. D. 2011, day

BETWEEN

STILLMAN ENTERPRISES, LLC, a Delaware limited liability company, of 6415 Shadow Road, Chevy Chase Maryland 20815, party of the first part, hereinafter referred to as the "Grantor",

- A N D -

BARBARA J. BAINUM 2010 FAMILY TRUST DATED APRIL 9, 2010, of 6415 Shadow Road, Chevy Chase, Maryland 20815, party of the second part, hereinafter referred to as the "Grantee",

WITNESSETH:

That the Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00), current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the Grantee, its successors and assigns forever,

ALL THAT certain lot, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County, State of Delaware, being known and designated as LOT NO. FOUR (4), OCEAN BREEZES SUBDIVISION, as more particularly bounded and described on a Plot of Ocean Breezes Subdivision, prepared by Soule and Associates, P.C., of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 61, Page 44, &c., as follows, to wit: BEGINNING at an iron rod found in the eastern line of Windswept Way at 50' wide, said rod being a corner with Lot 5 to the south; thence with the eastern line of Windswept Way N 01-33-35 W, 75.00' to an iron rod found, a corner with a 6' wide public beach access; thence with said public beach access N 88-26-25 E, 180.63 to a point in the line of Strand; thence with Strand S 01-31-38 W, 75.11' to a point, a corner with Lot 5 to the south; thence with Lot 5, S 88-26-25 W, 176.59' to the point and place of beginning containing 13,395.75 square feet of land more or less, as surveyed by Charles L. Coffman, II, Land Surveyor, dated February 7, 2007.

SUBJECT TO the Ocean Breezes Declaration of Covenants, Conditions and Restrictions of record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 2281, Page 336, &c.

THE ROADS in OCEAN BREEZES SUBDIVISION are private, and maintenance of the roads within OCEAN BREEZES SUBDIVISION is the responsibility of the developer and/or Homeowner's Association and is not the responsibility of the State of Delaware or Sussex County.

BEING the same lands and premises heretofore conveyed unto Stillman Enterprises, LLC, a Delaware Limited Liability Company, by Deed of Raymond A. Mason, dated February 15, 2007, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 3417, Page 82, &c.

2

BK# 5880--PG: 29

IN WITNESS WHEREOF, the said party of the first part has hereunto its Hand and Seal, the day and year first abovewritten.

> STILLMAN ENTERPRISES, LLC, a Delaware Limited Liability Company

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By: Bachara aquam.

Barbara J. Bainum, Member

Consideration:

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STATE OF MARYLAND

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SS. COUNTY OF HOWARD

BE IT REMEMBERED, That on this 2ζ day of Maah, A. D. 2011, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, BARBARA J. BAINUM, Sole Member of STILLMAN ENTERPRISES, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of the said limited liability company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

MARGIT J. STRIETER NOTARY PUBLIC STATE OF MARYLAND County of Howard My Commission Expires March 5, 2015

Notary Name: She My Commission Expires:

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APR 0.5 2011

ASSESSMENT DIVISION OF SUSSEX COUNTY

3

Recorder of Deeds Scott Dailey Apr 05,2011 11:44A Sussex County Doc. Surcharge Paid



SIGNATURE PAGE

As legal property owner, I (we) accept the legally binding nature of the Construction Letter of Approval application and enclosed plans for construction and acknowledge the ultimate responsibility of the owner in executing the conditions of the approval. I (we) also understand that any unauthorized additions or modifications of the final approved construction plans will be considered a violation of the Construction Letter of Approval and the Regulations and are therefore subject to penalties found in the Beach Preservation Act and the Regulations. I (we) also understand that submission of an application does not signify that I (we) have approval to begin construction or that an approval is guaranteed.

gnature of Property Owner(s)	Date
Company to Mar -	ka in ite

Statement of Agent A	Authorization	
I hereby designate and authorizeEvelyn Mau	rmeyer, CER, Inc.	
to act in my behalf as my agent in the processing of application and to furnish, as requested, suppleme	f this Construction Letter of Approval	
As legal property owner, I (we) accept the legally Approval application and enclosed plans for const responsibility of the owner in executing the condi- authorization does not transfer ultimate responsibility	nuction and acknowledge the ultimate ions of the approval. I also understand that this	
Major modifications or subsequent additions invo initial construction must be entered as a new appli	lying horizontal or vertical expansion of the	
outlined in the Regulations. Copies of the Regula Shoreline and Waterway Management Section.	tions are available upon request from the	
outlined in the Regulations. Copies of the Regula	tions are available upon request from the $\frac{2-27-15}{Date}$	

Application is hereby made for a beach construction Letter of Approval in the State of Delawarc. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge; such information is correct and complete. I further certify that I am authorized to undertake the proposed activities or I am acting as the duly authorized agent for the applicant.

8/26/2015 Signature of Authorized Agent Date



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex P.O. Box 674 Lewes, Delaware 19958 302-645-9610

October 5, 2015

Jennifer Luoma DNREC, Division of Watershed Stewardship Shoreline and Waterway Management Section 89 Kings Highway Dover, DE 19901

Dear Jennifer:

Enclosed as you requested in your email dated September 15, 2015 are hard copies (8 $\frac{1}{2}$ " x 11") of the (revised) plan view and profile (cross-section) for the Application for Construction Letter of Approval for Barbara J. Bainum, Trustee, for construction of a single-family dwelling at 39701 Windswept Way (Lot 4), Ocean Breezes Subdivision, Bethany Beach, Sussex County, Delaware (Tax Map Parcel #1-34-9.00-535.00).

Sincerely,

Unup

Evelyn M. Maurmeyer, Ph. D.

Enclosures

cc: Barbara Bainum and Wil Busse Doug Stookey, Lila Frederick Landscape Architecture and Garden Design Betsy Schuncke, Good Architecture, PC



COASTAL & ESTUARINE RESEARCH, INC. Marine Studies Complex P.O. Box 674 Lewes, Delaware 19958 302-645-9610

August 26, 2015

1.

Jennifer Luoma DNREC, Division of Watershed Stewardship Shoreline and Waterway Management Section 89 Kings Highway Dover, DE 19901

Dear Jennifer:

Enclosed is an Application for Construction Letter of Approval, submitted on behalf of Barbara J. Bainum, Trustee, for construction of a single-family dwelling at 39701 Windswept Way (Lot 4), Ocean Breezes Subdivision, Bethany Beach, Sussex County, Delaware (Tax Map Parcel #1-34-9.00-535.00). The project will also include a driveway; walkways/paths; steps, a landing, and gate for access to a community dune crossover; minor grading; and landscaping, as described in the enclosed Project Description and depicted on the project plans. All structures and grading will be located landward of the Building Line. Some landscaping will take place seaward of the Building Line, on the applicant's property.

Please feel free to contact me if you have any questions, or if you need additional information to issue the Construction Letter of Approval.

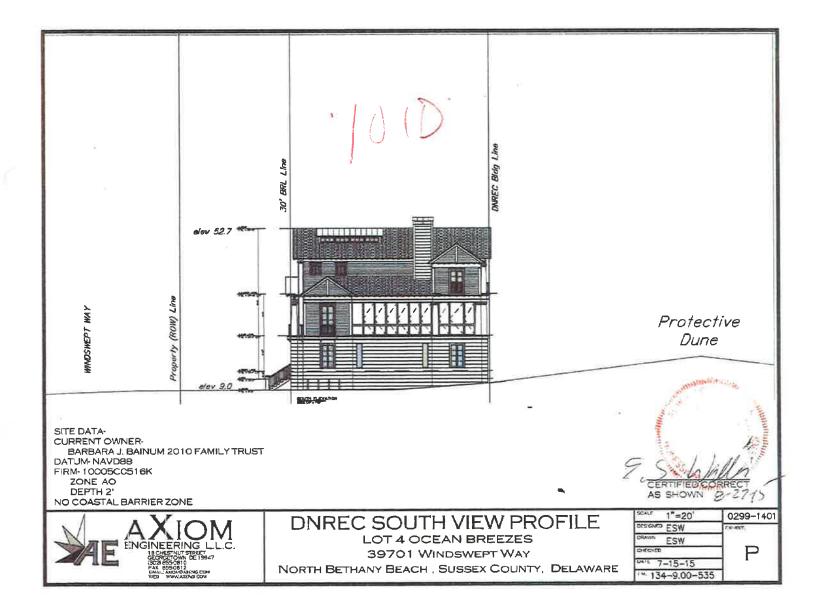
Sincerely,

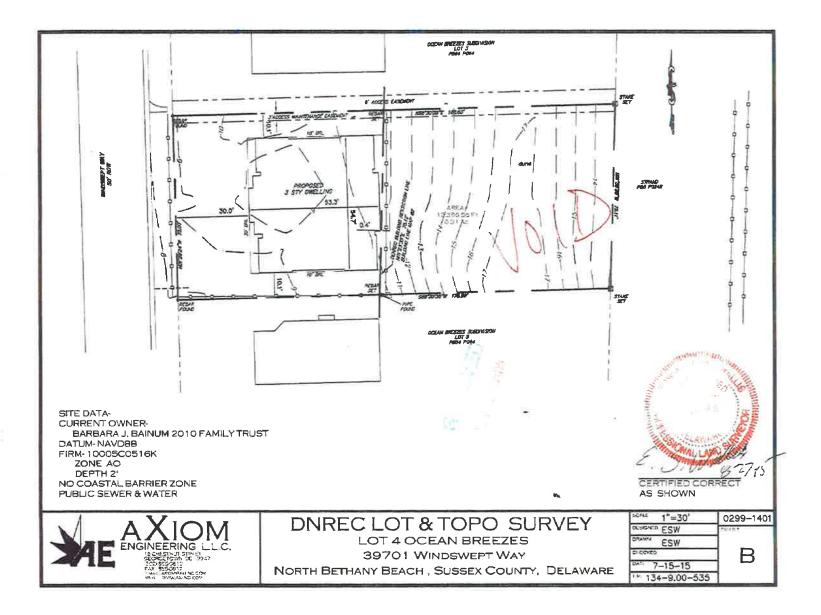
Unmege

Evelyn M. Maurmeyer, Ph. D.

Enclosures

cc: Barbara Bainum and Wil Busse Doug Stookey, Lila Frederick Landscape Architecture and Garden Design Betsy Schuncke, Good Architecture, PC





TAB "8"



STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF WATERSHED STEWARDSHIP 89 Kings Highway DOVER, DELAWARE 19901

OFFICE OF THE DIRECTOR PHONE: (302) 739-9921 FAX: (302) 739-6724

March 26, 2019

Ms. Barbara J. Bainum, Trustee 6415 Shadow Road Chevy Chase, MD 20815

Re: Tax Map #134-9.00-535.00

Dear Ms. Bainum:

Enclosed, please find the Letter of Approval BP5584 – To construct a boardwalk and crossover access stairs/landing on the north side, install an aggregate driveway/border and trash receptacle on west side, and plant native vegetation on the back dune east of the existing dwelling on Lot 4, Ocean Breezes, Sussex County, Delaware.

As stated in the Letter of Approval: You or your agent are required to notify the Division of Watershed Stewardship at (302) 739-9921 at least three days prior to the initiation of on-site construction, and when it is completed.

Please be sure to read your approval thoroughly and understand the terms contained within it. If you should have any questions please do not hesitate to contact me at (302) 739-9921 or email <u>david.warga@state.de.us</u>.

Sincerely,

David J. Warga Environmental Scientist Shoreline and Waterway Management Section

Delaware's good nature depends on you!



STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF WATERSHED STEWARDSHIP 89 Kings Highway DOVER, DELAWARE 19901

OFFICE OF THE DIRECTOR PHONE: (302) 739-9921 FAX: (302) 739-6724

March 26, 2019

Ms. Barbara J. Bainum, Trustee 6415 Shadow Road Chevy Chase, MD 20815

Re: Tax Map #134-9.00-535.00

Dear Ms. Bainum:

Application No. BP5584 – To construct a boardwalk and crossover access stairs/landing on the north side, install an aggregate driveway/border and trash receptacle on west side, and plant native vegetation on the back dune east of the existing dwelling on Lot 4, Ocean Breezes, Sussex County, Delaware.

The Division of Watershed Stewardship has reviewed your plans for coastal construction with regard to the Beach Preservation Act and the "Regulations Governing Beach Protection and the Use of Beaches" (effective August 11, 2016). In doing so, the Division considered what material physical effects the proposed construction may have on coastal conditions and natural shore processes with particular reference to beach erosion, storm damage, flooding, or any detrimental effect it may have on the shore or adjacent property.

By this letter, please be informed that the aforementioned work, as shown upon the plans submitted by you, or on your behalf, through application received on <u>March 19, 2019</u> has been approved. This letter of approval pertains only to compliance with the "Regulations Governing Beach Protection and the Use of Beaches" (effective August 11, 2016) and is not to be construed as an all-inclusive approval for any other activities or requirements of the Department of Natural Resources and Environmental Control or any other governmental agency which may pertain to this site, including local flood hazard zoning ordinances.

Any unauthorized additions or modifications of the final permitted construction plans will be considered a violation of this letter of approval and the Regulations and are therefore subject to penalties provided in the Beach Preservation Act and the Regulations. Major modifications or subsequent additions involving horizontal expansion of the initial construction must be entered as a new application subject to conditions for construction outlined in the Regulations Governing Beach Protection and the Use of Beaches. Copies of the Regulations are available upon request from the Shoreline and Waterway Management Section.

Delaware's good nature depends on you!

Ms. Barbara J. Bainum, Trustee BP5584 Page Two March 26, 2019

Structures prohibited seaward of the Building Line include: hard landscaping such as railroad ties, flower boxes, brick and cement patio blocks, fences other than sand/snow fencing, retaining walls, and other modifications that impede the natural function and flexibility of the dune and have been found to cause considerable damage to properties during storm events.

Absolutely no quantity of sand or sedimentary material may be removed from the site which is the subject of this approval without prior inspection by a Shoreline and Waterway Management Section representative. Any quantity of material that is to be removed from the site and is suitable beach material as determined by the Section representative shall be placed on the beach at the nearest suitable location.

This approval is void if on-site construction has not been initiated on or before one year and completed on or before two years from the date of this approval.

This approval in no way affects, or rules upon, ownership of the subject lands.

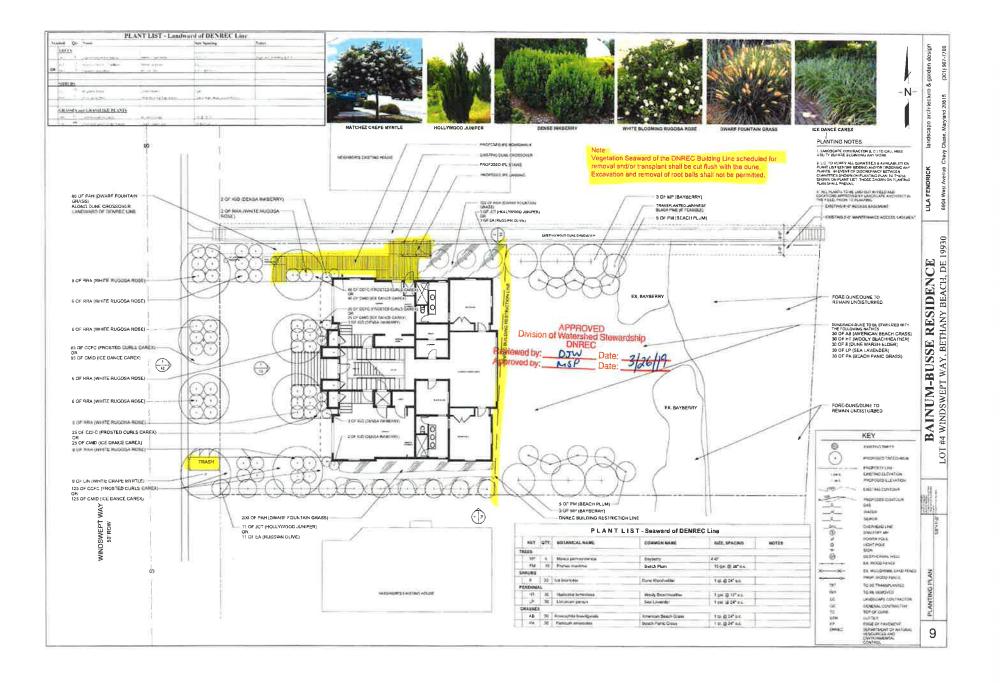
You are required to notify the Division of Watershed Stewardship at (302)739-9921 at least one week prior to the initiation of on-site construction and when it is completed.

If you should have any questions concerning this approval, please do not hesitate to contact the Shoreline and Waterway Management Section of this Division at (302) 739-9921.

Sincerely,

Michael S. Powell Administrator Shoreline and Waterway Management Section

Cf: Sussex County Planning and Zoning Andrew Smith, Winchester Construction Co., Inc.



TAB "9"



Sussex County

Certificate of Occupancy/Compliance

CERTIFICATE NUMBER: 132161 PARCEL ID: 134-9.00-535.00 LOCATION: 39701 WINDSWEPT WAY DESCRIPTION: OCEAN BREEZES PHASE 1 LOT4 OWNER: BAINUM BARBARA J TRUSTEE PROJECT DESCRIPTION: DWELLING 2 ST DWELLING 55X52 GARAGE 26X20X2 PORCH 22X55 PORCH 24X6
 Issued Date:
 05/21/2020

 Expiration Date:
 08/24/2020

This certifies that the (structure) (premises) describe in Application #201507280 conforms to and complies with the requirements of Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County, Delaware and may be occupied as of the above date.

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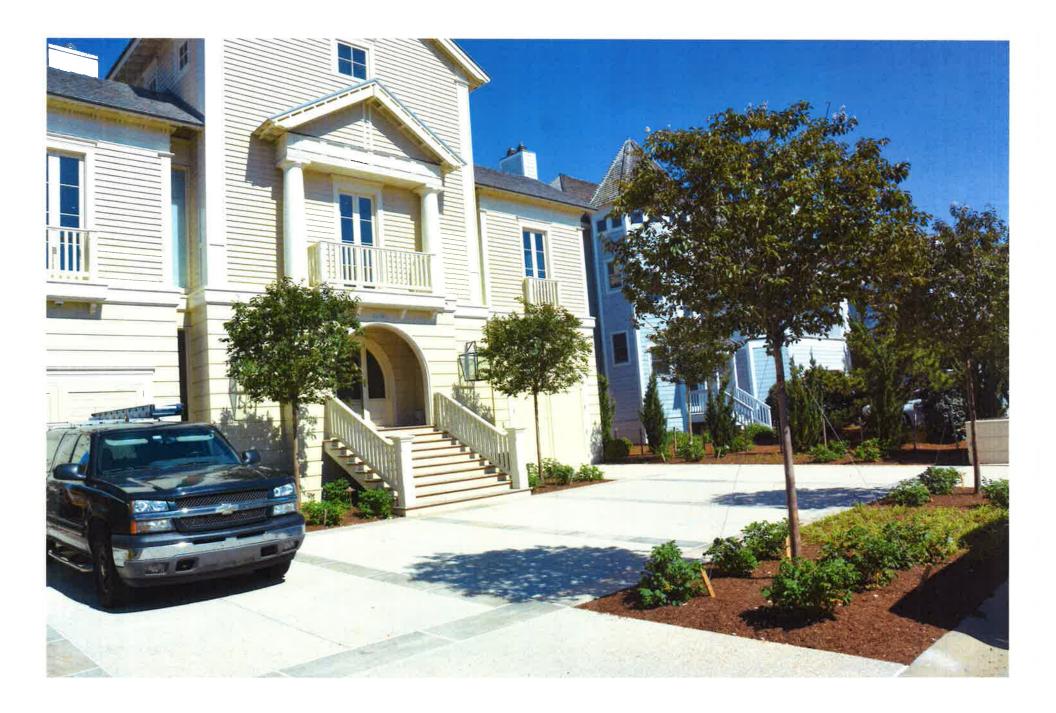


Building Code Office

TAB "10"



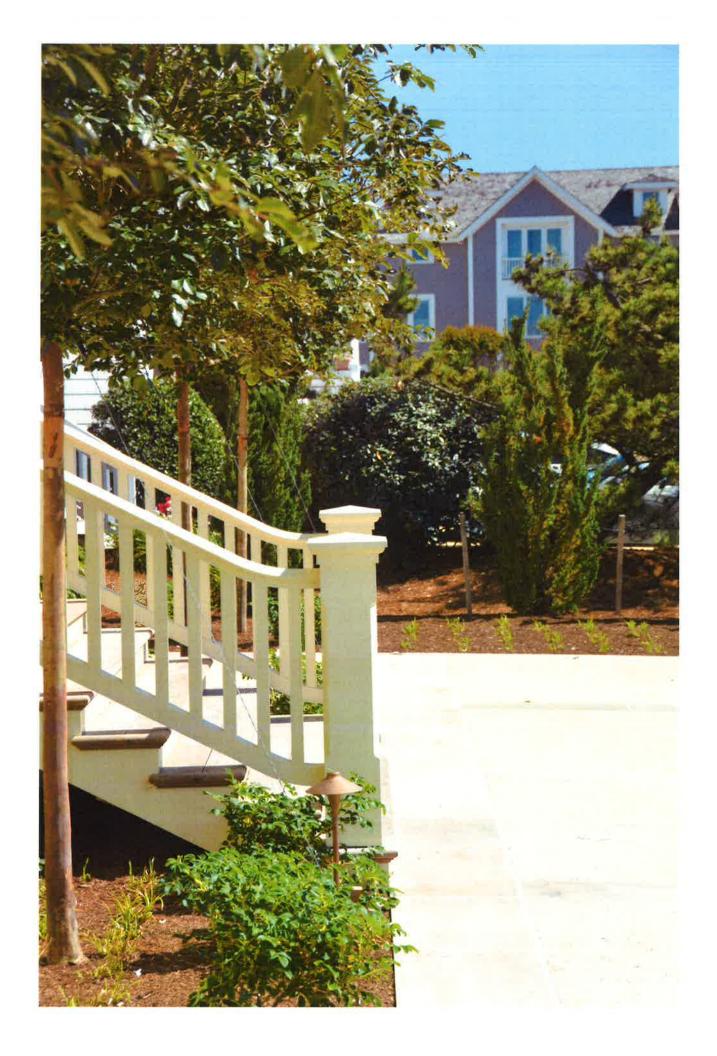












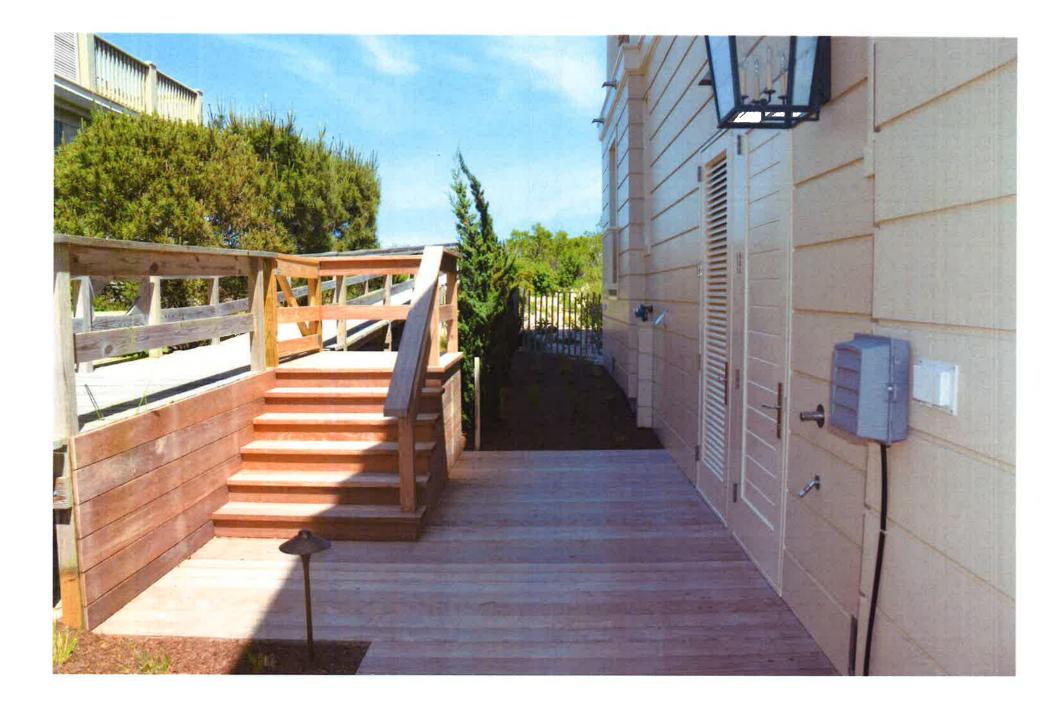












BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE sussexcountyde.gov (302) 855-7878 T (302) 845-5079 F

MEMO

TO: Jamie Whitehouse

FROM: Ann Lepore

DATE: September 3, 2020

RE: BOA Case No. 12462 - Barbara J. Bainum, Trustee

Attached to this memo are the scheduled inspections for the Bainum property requested by the Board at the hearing of August 17, 2020.

The temporary certificate of occupancy has been extended to September 14, 2020.



🐝 Inspection Scheduling - Permit - 🗙 🕂 5 3 C A munisapp.sussexcountyde.gov/gaswaprod/ua/r/mugwc/piappent 📰 Apps 🕝 New Tab 4 Inspection Scheduling - Permit Application: 201507280 Q 0 0 0 Ε 0 ۲ 6 V +× G 1 F Back Accept Search Add Update Delete Schedule Mass Add Multiple Field Sheet App Profile Contractor Entionie Calendar View List View Schedule Schedule Completed Schedule 172202 Dept 113 Building C Requested 09/19/2018 1 Comment ... Contractor 1024490 ... ID. CONSULT Scheduled 09/19/2018 🛱 S BAINUM BARBARA J TRUSTEE Text Туре B004 rick 410-533-8846 need consultation call from steve to switch to louie schedule_CDUKES 9-19-18 @10:53 Performed 09/19/2018 🗂 11:57 Phone LHW Inspector ---Results PASS 0 Priority Level Permit 1 Fax Balance Due Expires ID 71138 Requested 12/16/2016 ŝ Comment gta footer report on fie; 11/21/2016 ... Contractor 1024490 ... Dept 113 ... Building C Scheduled 12/16/2016 Text BAINUM, BARBARA J TRUSTEE B005 FOOTER 1 Type Performed 11/21/2016 1 Phone Inspector EFR ... 100 Results PASS Priority Level Expires 10/20/2016 DW OUT/TWN - BP41492 Balance Due Permit Fax Requested 03/24/2017 Ê 1024490 ... ID 120274 Building C Comment ... Contractor Dept 113 B005 FOOTER Scheduled 03/24/2017 -Text BAINUM, BARBARA J TRUSTEE Type GTA rec'v 3/24/2017 ... Done on 2/23/2017 Slab and Turn Down Performed 02/23/2017 1 Phone EFR Inspector ... Results PASS Level 100 Priority DW OUT/TWN - BP41492 Expires 10/20/2016 🛗 Balance Due Permit Fax 1024490 ID 152466 Dept 113 Building C Requested 03/21/2018 1 Comment footer inspection was not needed for garage slabs I did cons ... Contractor BAINUM BARBARA J TRUSTEE 🗂 S Type B005 FOOTER Scheduled 03/21/2018 Text Garage slab/ Consultation on Framing ... Performed 03/21/2018 11:34 Phone LHW Inspector ---Results PASS Priority Level 100 DW OUT/TWN - BP41492 Expires 10/20/2016 🛗 Permit Fax Balance Due Dept Building C Requested 09/19/2018 Comment ... Contractor 1024490 ... ID 172342 113 ŝ BAINUM BARBARA J TRUSTEE Type B010 HOUSEWRAP Scheduled 09/19/2018 🖆 s Text Performed 09/19/2018 Phone LHW Ê Inspector Results PASS Priority Level 200 Expires 10/20/2016 Permit DW OUT/TWN - BP41492 Fax Balance Due Sort by

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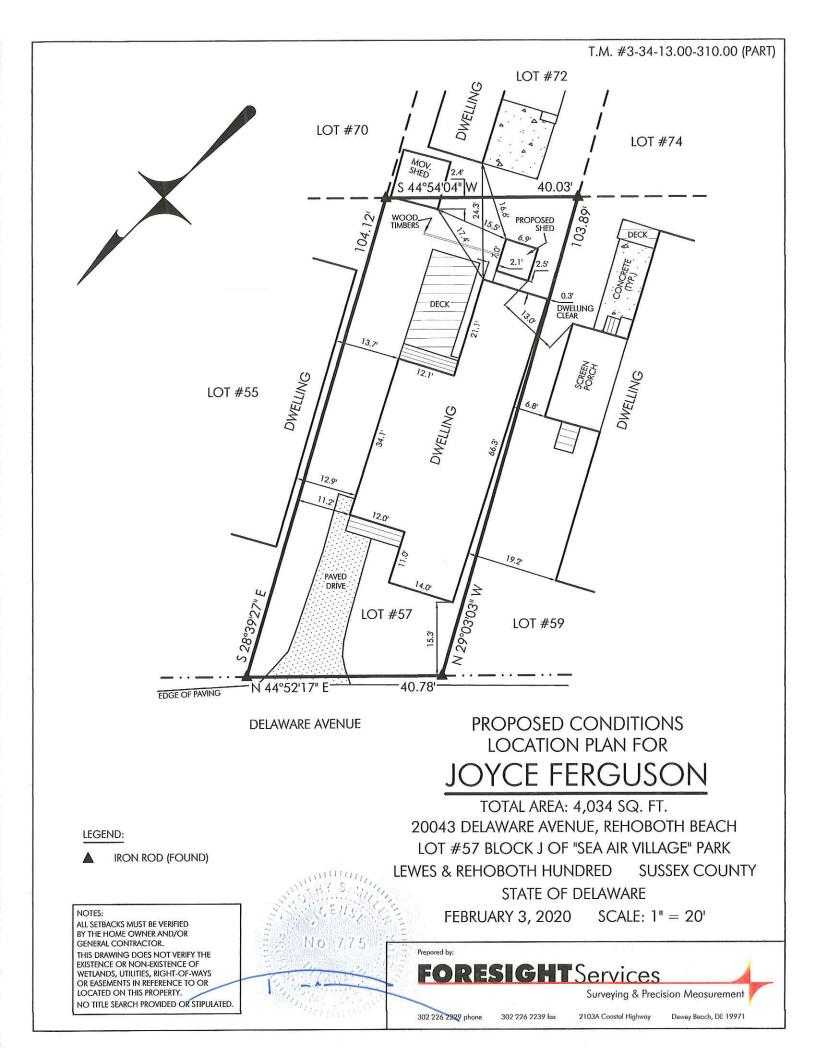
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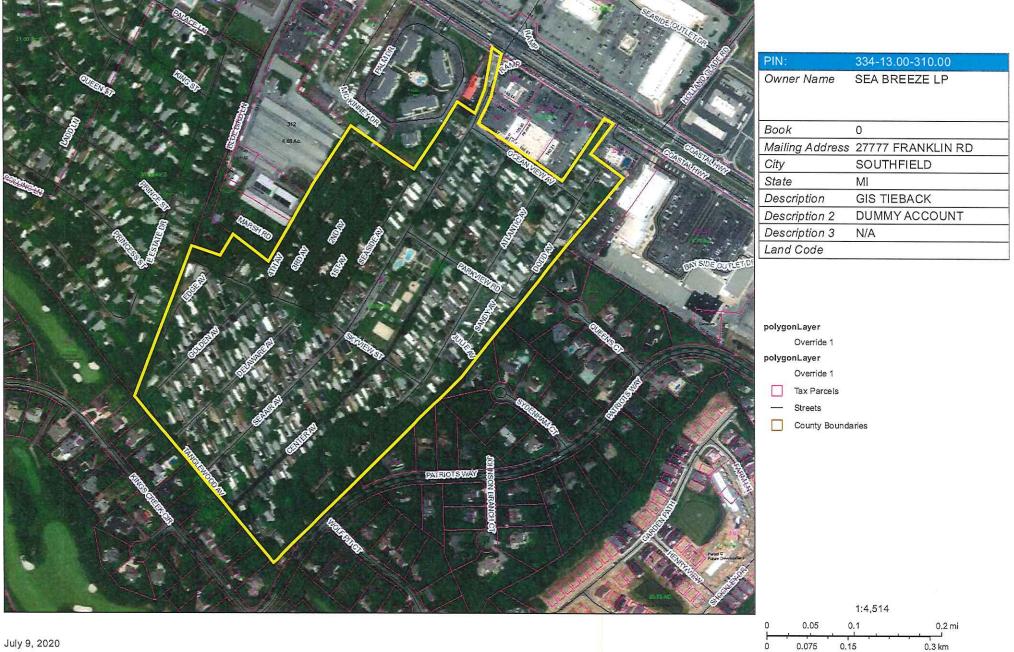
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Type of Application. (please check an applicable)		SUSSEX COUNTY						
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Owner Information								
Owner Name: Joyce Ferguson Owner Address: 20043 DELAWARE AVE City <u>REHOBORTH BEACH</u> State DE Zip: 19971 Purchase Date: 11/26/19 Owner Phone #: 302-507-2554 Owner e-mail: JErguson 0465 Dicloup.								
Agent/Attorney Information		<i>u</i>						
Agent/Attorney Name: Agent/Attorney Address: City State Zip: Agent/Attorney Phone #: Agent/Attorn	ey e-mail:							
Signature of Owner/Agent/Attorney								
Jane Ferguson	Date: 5/10	3/20						
	,							





EXTERIOR IMPROVEMENT REQUEST								
Joyce Fergyson RESIDENT NAME J57, 20043 Delaware AVE. ADDRESS 302-507-2554 TELEPHONE NUMBER	Sea Air Village COMMUNITY NAME 1/29/2020 DATE OF REQUEST 3/1/2020 PROPOSED COMPLETION DATE							
The above named Resident requests approval to build, add-on, or otherwise alter his/her manufactured home, its associated structures, or site. Approval by the Community Management does not waive Resident's responsibility to secure any and all permits required by the governing municipality whose name and telephone number is:								
Description of Alteration: Place 7x7 rubber	maid shed in back of home							
Upon review of the above request, we find it is within our guidelines. Resident will obtain any and all permits necessary to construct improvement. If Resident hires an independent contractor, it is recommended that they be licensed and insured. Upon review of the above request, we find it is not within our guidelines. May May Bay 112912020 DISTRICTMANAGER/COMMUNITY MANAGER								
USE SPACE BELOW TO SKETCH THE ALTERATIONS AND LOCATION ON YOUR HOME SITE. (ATTACH SEPARATE SHEET IF NECESSARY)								
2 2 2								
FOLLOW-UP I	NSPECTION							
Management reserves the right to inspect the alterations described above upon completion.								
WHITE - Community Files	YELLOW - Resident S12 EIR 2003							

Sussex County



July 9, 2020

My dream was always to move to the beach when Suchers retired, Finally at Deventy two years of age I was able to make it Rappen & move to Sea an because I dedn't want to be out too far since I would be here all year long by mipely. My children he coming every once in a while to visit ... Medicolly I have a maximum hernia repair both pres are bad and a bad back. The shed is a necessity for me because I can't have a roll cart so I can store things in the shed. That I cout carry in the house. I also need the storage room. Coming in so it was hard for application but it is very emportant to me

During this time please stay safe -Dhank you June Ferguson myself , Mr. ch press for the second & the verit it is being company



RECEIVED

AUG 06 2020

SUSSEX COUNTY PLANNING & ZONING

Annual Home Site Inspections

Community: <u>Sea Air Village</u> Inspection Date: <u>06/26/2020</u>

Site Number: <u>J57</u>

_{Dear} Joyce Ferguson

Thank you for maintaining your home and site to the highest standards!

We recently completed our Annual Home Site Inspection. During this inspection, we reviewed the condition of several items on your home site, including the yard, home (skirting, roofing, etc.), steps, and add-ons such as the deck and/or shed.

You have a Blue Ribbon Home, which means that all the items we reviewed are in excellent condition. Thank you for helping us keep our community beautiful. We are glad that you're part of our Sun Community, and are proud to have you as a resident!

Sincerely,

Kaylie Bush



DEYCE FERGUSON CASE = 12463 QUESTION ONVARIANCE. RECEIVED

AUG 06 2020

SUSSEX COUNTY PLANNING & ZONING

TO THEM COUNTY BOARD OF ADD JETMENT, MANE READ THE SEPARATON BETWEEN THE VAITS. IN QUESTION AND SEE NOREASON IT SHOULD NOT BEACCEPTED, ACTUALLY IF ANTITUTED THE SHED MAKES THE REAR OF THE HOUSE MORE TLENSERG.

JUST MY TWO CRATS BILL GERDON 20036 DELAWHREATER (AND SHES A GREATNEIGHBER)

August 3 2020

To whom it may concern

I william R Widdows Located AT 20039 Delaware AUE Rehoboth Beach Delaware 19971 Sea Air Willage Lot ISS give permission to Locate an outside dwelling to my Neighbor Joyce Anywhere She wants on her Lot. The shed will not bother me in Anyway.

RECEIVED

12463 is the case number

AUG 0 6 2020

SUSSEX COUNTY PLANNING & ZONING

William R Widdes

William R widdoes

RECEIVED

AUG 0 6 2020

August 3, 2020

SUSSEX COUNTY PLANNING & ZONING

RE: Sussex Courty Board of Adjustment Case # 12463 Applicant : Joyce Ferguson

To whom it may concern, As neighbors of this property we have no issue of prolem with the variance Request for the sted structure located in Sea Ain Village on Lot IST 20043 Delawore Ovenue, Reposoth Beach, DE/9971,

Sincerelin, Betty & Richard Stupley 199081 SEa an avenue Rehobota Bloch, DE 19971

RECEIVED AUG 0 6 2020 8/5/20 U CHARANG & DUING my nechbo reh nep c had a n 0, E 6 2 w with him por 2 . e wo plur ere in the 00 -u de shed i ermid, A w en h ue may no K im 10. . I spo witch him x 0hig f then his. ash el shed with m ily quies m X Ken re loops very hi far KNOW een abert el they a Gl 20 in teir lett 1 to provid Odiscussed a milter cliene his nome is to e •--ho



telephone pole is telephone pole is back properly line the trees are overgrown from the boch neighbors the boch neighbors the boch neighbors yord which give both of us privary. 0-lelleve

RECEIVED

AUG 0 6 2020

SUSSEX COUNTY PLANNING & ZONING



Back of shed neighbors with pore neft door told me they were kapp with shed " They said it looks great & gives them privary. Bill the neighbor told me he had no problem with it what soever & that I could tell you quip that been he may not be here when the latters come



phed to neighbors hous They are happy with it because they like the privacy & it look great They said.

RECEIVED AUG 0 6 2020 SUSSEX COUNTY PLANNING & ZONING



House to the right of the house directly in back of me. view from shed

RECEIVED AUG 0 6 211-11 SUSSEX COUNTY PLANNING & ZONING



trailee disectly in back of me view from shed

RECEIVED

AUG 0 6 2020 SUSSEX COUNTY PLANNING & ZONING

Case # 12465 Hearing Date _____Aug 17. 2020 5471

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	٦
Appeal	

Existing Condition Proposed Code Reference (office use only)

Site Address of Variance/Special Use Exception:

22134 SHOCKLEY ROAD - MILFORD, DE 19963 Variance/Special Use Exception/Appeal Requested:

Tax Map #: 3-30 08.00 17.10 Property Zoning: AR

Applicant Information

Applicant Name:	A LE	EHENBAU	ER	
Applicant Address: 22				AD
City MILFORD	State	DE Zip	1996	63
Applicant Phone # (101)	333 - 6	482 Applicant	e-mail: /ia	lehenbauerp gmail.com
Owner Information				U
Owner Name:A			the second s	IER
Owner Address: 2213	34 SH	OCKLEY	road	2
City MILFORD	State	DE Zip	19963	Purchase Date: 8/25/2015
Owner Phone #(201) 33	3-64	92 Owner e-n	nail: <u>lia k</u>	Purchase Date: 8/25/2015 Chensauere gmail.com
Agent/Attorney Informati				D
Agent/Attorney Name:				
Agent/Attorney Address:				
City	State	Zip		
Agent/Attorney Phone #:		Agent/Atto	orney e-mail:	
Signature of Owner/Agen	t/Attorne	V		

hia behaver Vena Sekenbauer

Date: 05/27/2020

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.

Please see attached.

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.

Please see attached.

3. Not created by the applicant:

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

Please see attached.

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.

Please see attached.

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.

Please see attached.

P a g e | 2 Last updated 3/17/2015 **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.

Please see attached.

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)

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

Basis Tor Appeal: (Please provide a written statement regarding reason for appeal) Wish to build canage. Property set back requirements would not allow for safe cak maneuver.

Page | 3 Last updated 3/17/2015 May 27, 2020

Sussex County Planning & Zoning Department 2 The Circle Georgetown, DE 19947

Sirs,

Having moved to Delaware two years ago, we decided the time has come to build a garage.

After hiring a Contractor, we had a Surveyor come to establish the property lines and determine where the garage should be placed.

To our amazement, we were informed that the area where we are allowed to build is a lot closer to the house than we expected.

The purpose of our request for a variance of a minimum of 10 feet setback from the back/rear (N/W) of the property line and advance 7 feet setback on the South/East is to provide relief needed for the best placement of the garage. This will still leave several feet of open space at both sides.

As you may notice from attached photos, there are no buildings or other structures close by, and at the back of the property there is farm land. We have informed (verbally) the neighbors that touch our property of our intentions to build the garage and they seemed to have no objections.

Should our request be negated, we will not be able to build the garage, as the space to maneuver the cars in and out of the garage will expose us to unnecessary safety risks since the building will be too close to our house.

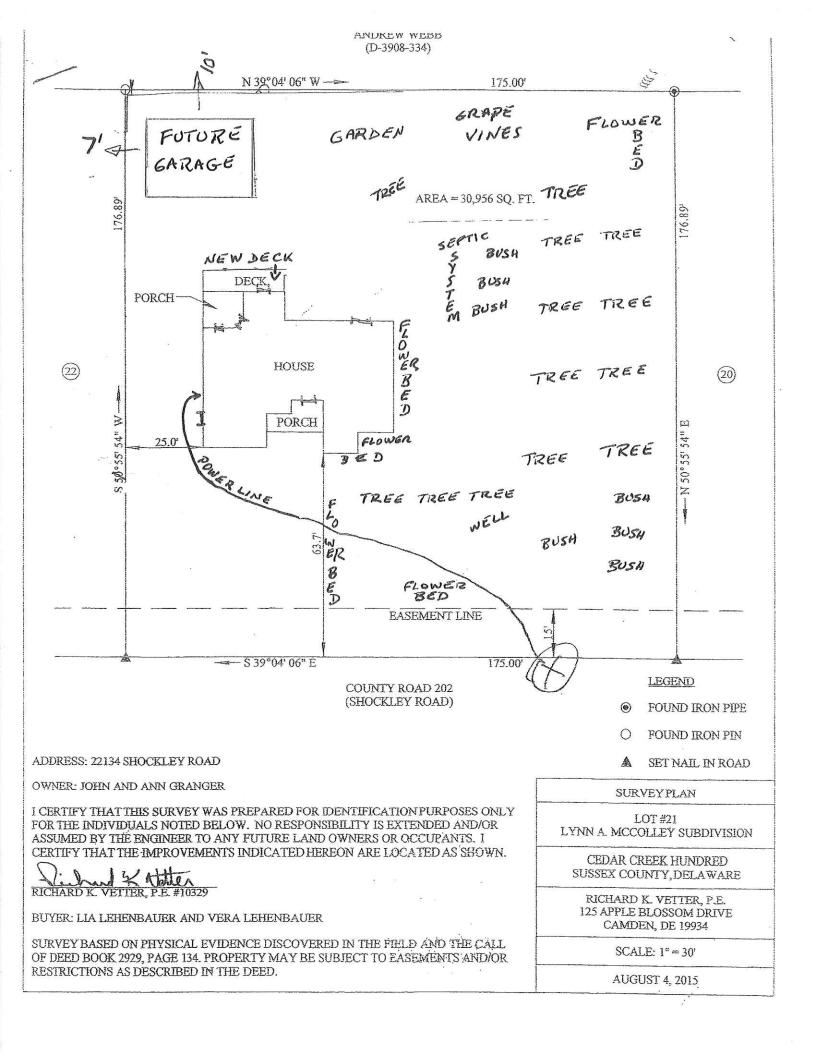
We also would like to mention that if the variance is not granted, we will have a lot more of the property to take care of, as the land where the garage would be, the back and side area of it will have to be planted with grass or other kind of greenery. It is our intention to develop our backyard to our liking. That is the reason we have the shed, swimming pool and old deck removed. If the garage is built without the variance, a sizable piece of land in back and side will be totally useless to us as we will not see or enjoy it because it will be hidden behind the garage.

If the garage should be built compliant with zoning requirements, it would look like it was pushed there (crammed in place) and that would alter the character of the neighborhood, which we have been striving very hard to preserve.

By building our garage where we would like it to be, we would not alter the essential character of the neighborhood, which we greatly enjoy and was one of the reasons we moved here in the first place.

Respectfully,

Vera Lehenbauer Vera Schenbauer Lia Lehenbauer high beheubauer





Front of one property from Shockley Road buards back - bake ground shows where shed was.



Back of our home, neighbors homes and (night) bare ground where shed was.

May 2020

May 2020

May 2020



Photo from back of our property towards street.



Photo from back porch towards Southeast cornen marker, showing farming property (back of our property)?



May 2020

Shows next door neighbor shed and part of his home.

South east corner marken photo shows adjacent properties.



May 2020 Southeast connen marken and set back marken.

May 2020 South east corner towards front of property.





May 2020 View from front of property towards back.

View from Southeast corner towards front of property (bare ground shows area where shed was removed)

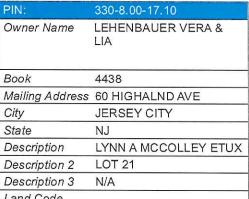


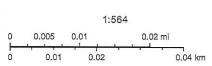
May 2020



Sussex County







July 9, 2020

Board of Adjustment A Sussex County, Del Sussex County Planning & Zoning 2 The Circle (P.O. Box 417) Georget 302-855-7878 ph. 302-854-5	aWare Department own, DE 19947	Case # <u>12466</u> Hearing Date <u>Aug</u> 17 Application # 2020 05666 RECEIVED
Type of Application: (please check all applicable)		JUN 0 3 2020
Variance 🔀 Special Use Exception 🗌 Administrative Variance 🔲 Appeal 🔄	Proposed 🔄	ion SUSSEX COUNTY PLANNING & ZONING (office use only)
Site Address of Variance/Special Use Exception:	1. 1.1000 R 933 R 943 R	
38261 BAYDERRY LAWE	SELBYU	ille De 19975
Variance/Special Use Exception/Appeal Requested:		
5ft from required 30f.	t front y	ard setback
Tax Map #: <u>5-33-20,09-106</u>	Property Zonin	g: AR-1
Applicant Information		
Applicant Name: <u>TERRY + CAROLE</u> Applicant Address: <u>144 W. TNSEPENSEN</u> City <u>New Castle</u> State <u>DE</u> Zip: Applicant Phone #: <u>302-757-0767</u> Applicant e-	E BLVQ 19720	
Owner Information		pet
Owner Name: <u>SAME AS ABOVE</u> Owner Address: City State Zip: Owner Phone #: Owner e-ma	the state of the s	chase Date:
Agent/Attorney Information Agent/Attorney Name: Agent/Attorney Address: City State Agent/Attorney Phone #: Agent/Attorney	ney e-mail:	
Signature of Owner/Agent/Attorney		
Carl Alwart Jery Stewart	Date: 0/1	120



1

1.00

12

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. SIZE OF OUR home IS A STET BACK OF 3% -4' WHERE THE COCK WAS INSET ON THE PROPERTY because LAGOON IS SHALL. THE 42' DECK, ADDED R GOOD LOOK WITTL FLOWERS (ASSOLTED) TO A Welcoming BEATER.

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.

Due TO THE BULKHEAD, WE CANNOT PUSH BACK ANY FURTHUR, WE NEED ADDITIONAL 5' GUT FRONT TO MAKE THE HOUSE APPEALING TO NEIGHBORHOOD

3. Not created by the applicant:

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

BECAUSE OF BULKHEAD, WE NEED THE FIVE FOOT VARIANCE OUT FRONT THERE ARE SOME HOUSES IN KEENWICK THAT HAVE THE 25' SETBACK IN FRONT OF HOUSE

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. ONLY ASKING FOR 5 IVARIANCE FOR FRONT, THIS WILL ENHANCE THE NEIGHBORHOOD WITH NEW CONSTRUCTION FIND INCREASE THE VALUE OF OTHERS ARAMB US.

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 VARIANCE WILL Allow US 1ST FLOOR LIVING with NO STAIRS TO CLIMB, SO WE CAN Age IN PLACE IN OUR RETIRED YEARS.

JERRY + CAROLE STEWART 38261 BAY berry LANE SELBYVILLE De. 19975

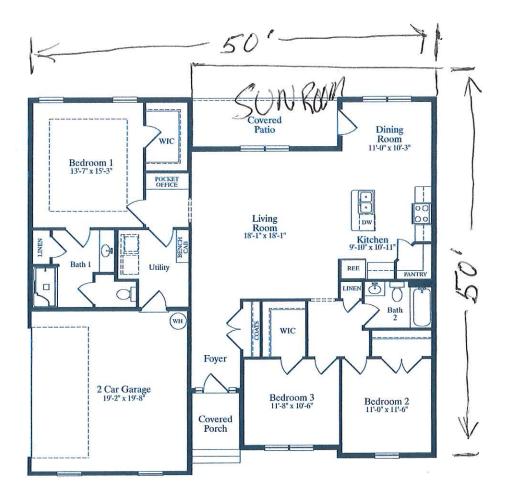
TO Whom it MAY CONCERN, We Need the FRONT VARIANCE TO CONSTRUCT OUR New home . We WILL be TEAKing down the OID house TO MARE ROOM FOR NEW PLANS. They CONSIST OF A PLAN 50' X50'. (ENCLOSED) IF YOU REQUIRE MORE INFORMATION, PLEASE CALL JERRY @ 302-757-0762.

Sincerely Demy Stewart / Curale Steward

Bay To Beach

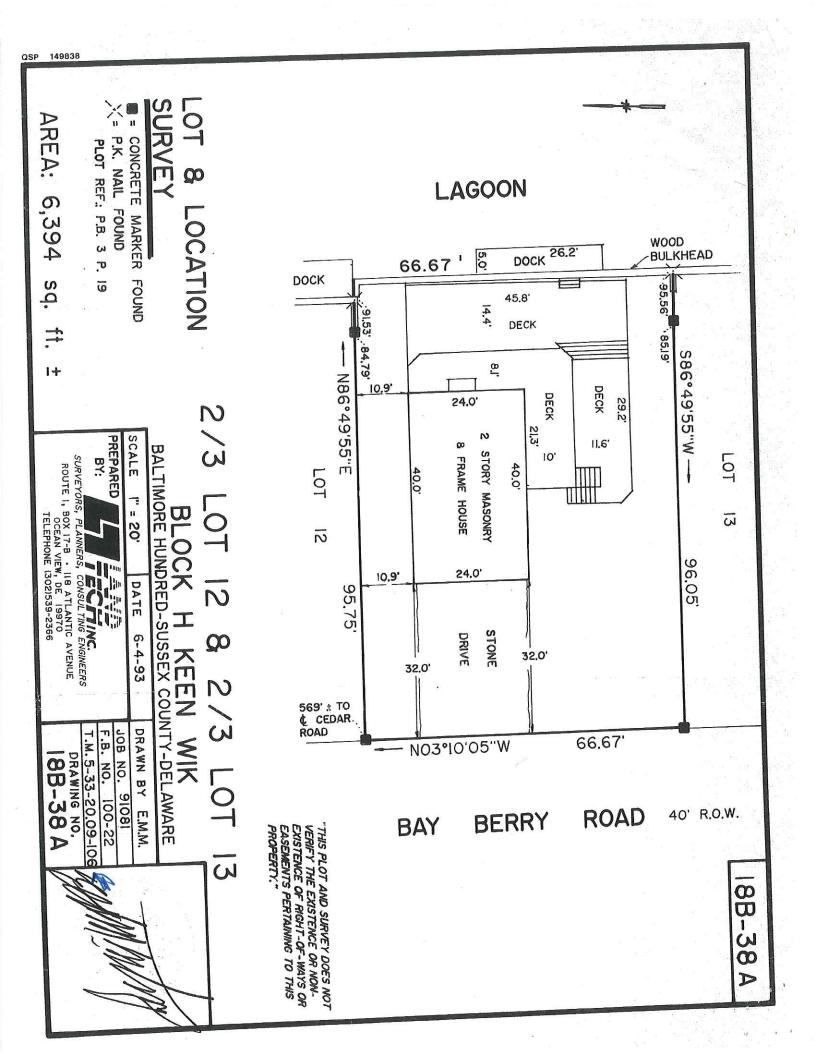
First Floor

 \mathbf{k}



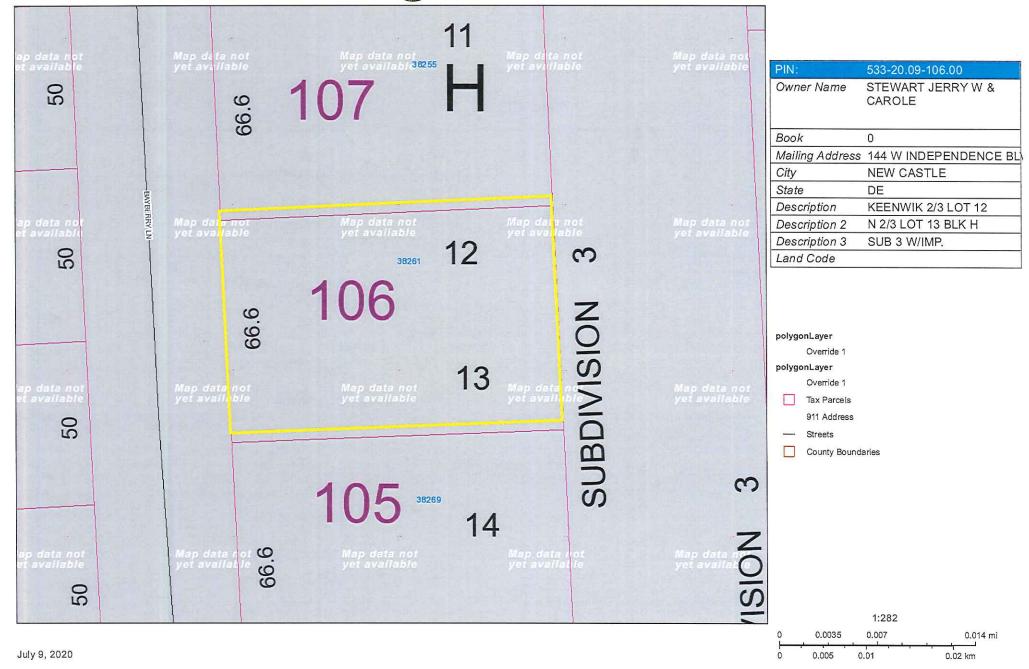
PLANS FOR NEW house 50'X50'

http://baytobeachbuilders.com/ Copyright 2019. Bay To Beach. All Rights Reserved.





Sussex County



BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE sussexcountyde.gov (302) 855-7878 T (302) 845-5079 F

MEMO

TO: Jamie Whitehouse

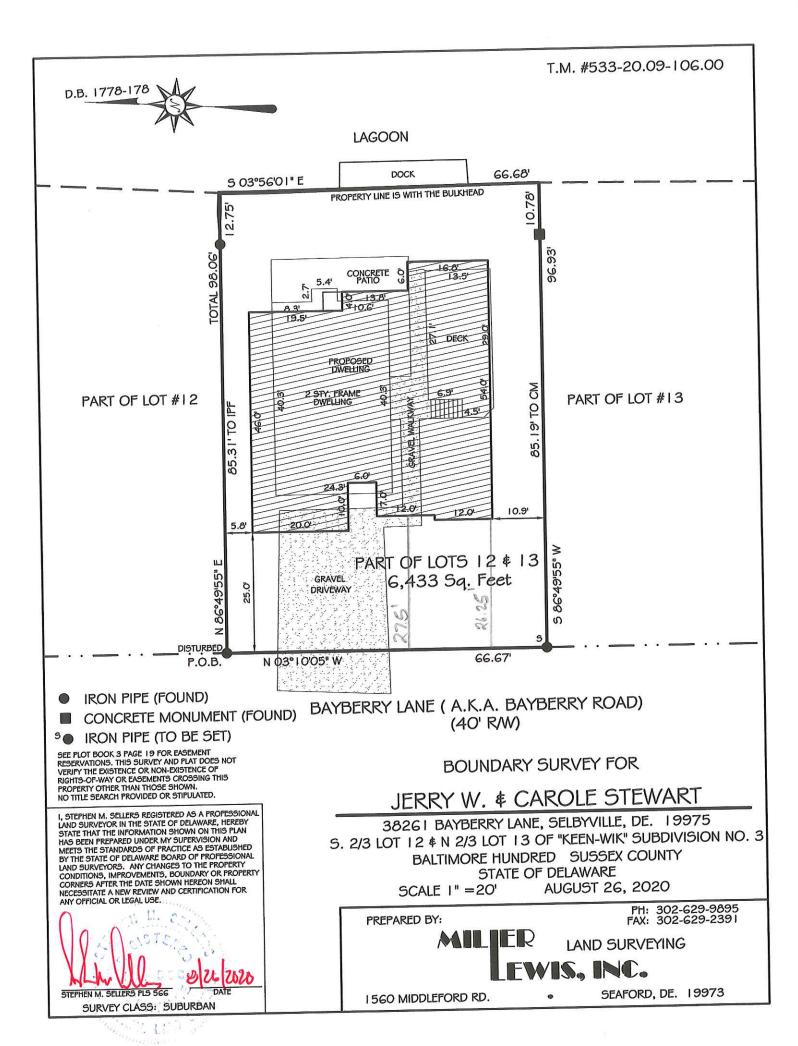
FROM: Ann Lepore

DATE: September 3, 2020

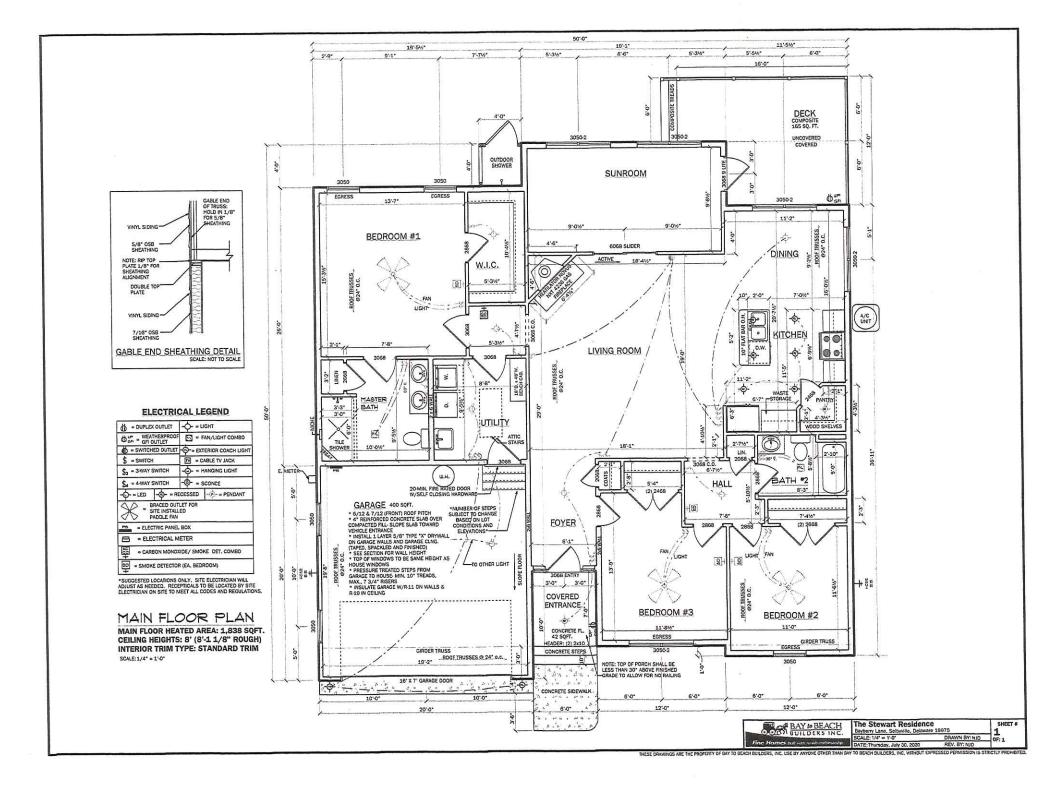
RE: BOA Case No. 12466 - Jerry & Carole Stewart

Attached to this memo is the updated survey provided by the Applicant.









RECEIVED

JUN 0 3 2020

SUSSEX COUNTY PLANNING & ZONING

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	V
Appeal	

Ten Blan H. 2 25 20 (D 240()

Existing Condition		
Proposed 🗸		
Code Reference (office us	se onl	y)
115-75 118-	102	

n an ann a' suis a

Case # 124.67 Hearing Date Sept 14

app# 202005679.

Site Address of Variance/Special Use Exception:

18852 Riverwalk Dr., Milton, Delaware 19968

Variance/Special Use Exception/Appeal Requested:

Raising an existing patio to deck level, (not to exceed 32".) Patio currently extends to approximately four feet from our rear property line.

Tax Iviap #: 2-35-30	(E.21.00) 63	1-00	Property Zoning:	Ksuntl	HK-1
Applicant Informat	ion	6			
Applicant Name:	Paula and Jeffrey	Horn			
Applicant Addross	10050 Diversille	D	10 Th The The The The The The The The The	2.50	and the same free states of a first state

 Applicant Address:
 18852 Riverwalk Dr.

 City
 Milton
 State
 DE
 Zip:
 19968

 Applicant Phone #:
 (917) 885-4969
 Applicant e-mail:
 jeffhorn72@gmail.com

Owner Information

Owner Name:	Paula Horn		341		
Owner Address:	18852 River	rwalk Dr.			
City Milton		State DE	Zip: 19	968	Purchase Date: 6/5/18
Owner Phone #:	(646) 242-3	3231	Owner e-mail:	phorn	392@gmail.com

Agent/Attorney Information

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

Date:

Signature of Owner/Agent/Attorney

Paula Horn

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 **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 unique physical setting of our situation is illustrated in the accompanying photograph. Our back yard abuts the neighbor's side yard.

2. Cannot otherwise be developed:

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

As the patio was already existing when we bought the property and due to the unique configuration of the lots there is no alternative construction that affords the relief we are seeking,

3. Not created by the applicant:

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

The reason we are seeking to raise the level of the existing patio is that work performed by the resident of 19948 Riverwalk resulted in an impediment to our unobstructed view of a pond area, for which we paid a \$5,000 premium. We are seeking to mitigate the impediment and to gain 2 - 3 hours of sunlight on summer evenings, and to raise our functional space equal to the level of the neighboring construction, i.e., the work at 18848 Riverwalk currently places us in a "fieldbowd" cetting

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

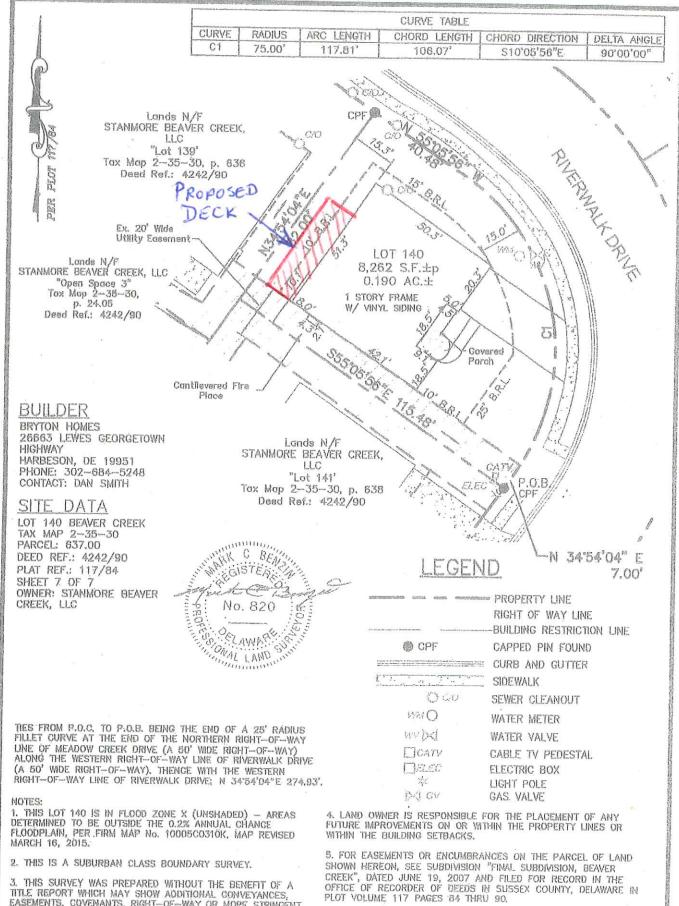
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The essential character, aesthetic harmony, etc. of the neighborhood will not be impacted as the construction will take place in our back yard, at the rear of the house and will only be visible from a small area of the street.

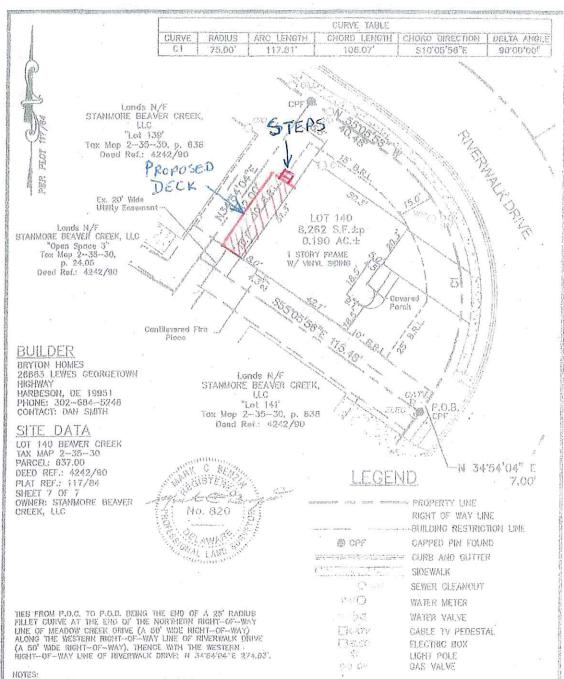
5. Minimum variance:

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 we are requesting is the minimum practical variance possible as it uses an existing patio for size and scope of construction.



TILE REPORT WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT-OF-WAY OR MORE STRINGENT BUILDING RESTRICTIONS.



TATIES INT 140 IS IN FLOOD ZONE X (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODFLAN, PER FIRM MAP No. 10005C0310K, MAP REVISED MARCH 18, 2015.

2. THIS IS A SUBURBAN CLASS BOUNDARY SURVEY.

3. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH LAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT-OF-WAY OR MORE STRUCTORS, BUILDING RESTRUCTIONS,

4. LAND OWNER IS RESPONSIBLE FOR THE PLACEMENT OF ANY FUTURE IMPROVEMENTS ON OR WITHIN THE PROPERTY LINES OR WITHIN THE BUILDING SETBACKS.

5. FOR CASEMENTS OR ENGLARBRANCES ON THE PARCEL OF LAND SHOWN HEREON, SEE SUBDIVISION "FINAL SUBDIVISION, BEAVER CREEK", DATED JUNE 19, 2007 AND FUED FOR RECORD IN THE OFFICE OF RECORDER OF DEED IN SUSSEX COUNTY, OFLAWARE IN PLOT VOLUME 117 PAGES 84 THRU 20.

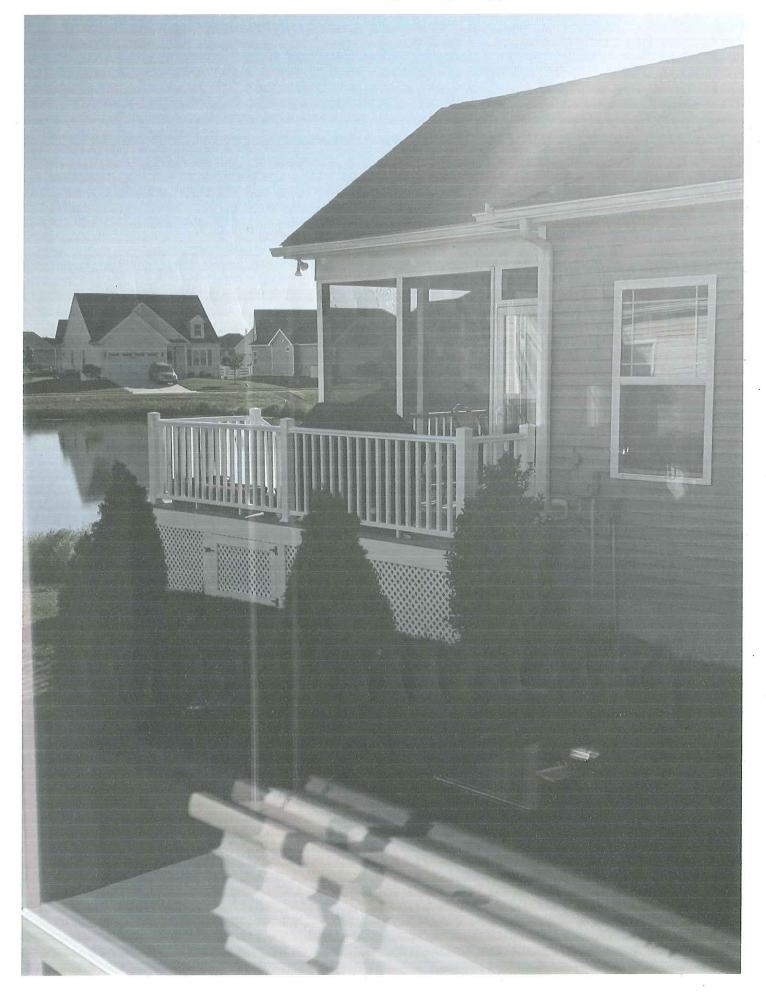


* SITE OF NEIGHBORS CONSTRUCTION. WORK WAS PERFORMED 6/19, SUBSEQUENT TO THIS OURRENT GOOGLE MAPS PHOTO









Paula and Jeffrey Horn 18852 Riverwalk Drive Milton, Delaware 19968

May 30, 2020

Board of Adjustment Sussex County, Delaware Sussex County Planning and Zoning 2 The Circle (PO Box417) Georgetown, DE 19947

Re: Variance Application

To Whom It May Concern:

Enclosed please find our application for a variance relating to a renovation we wish to perform on our property in the Meadows of Beaver Creek housing development.

Specifically we wish to install a deck 32" above our existing patio. The primary reason we wish to do so is that as the result of a major construction project performed by our neighbor at 18848 Riverwalk, in 2019, we lost what we paid a \$5000 premium to Bryton Homes, (from whom we bought the house,) for an unobstructed view of a pond adjacent to our property. As you will see from the accompanying photos our view is no longer unobstructed and when using the patio we are acutely aware of being literally, looked down on from above, as opposed to simply our patios still being side by side. Raising the deck to this level would restore some of the view we lost due to the construction next door. The configuration of the lots is unique, (our back yard abuts the neighbor's side yard,) and obtaining a variance is the only means by which we can obtain relief.

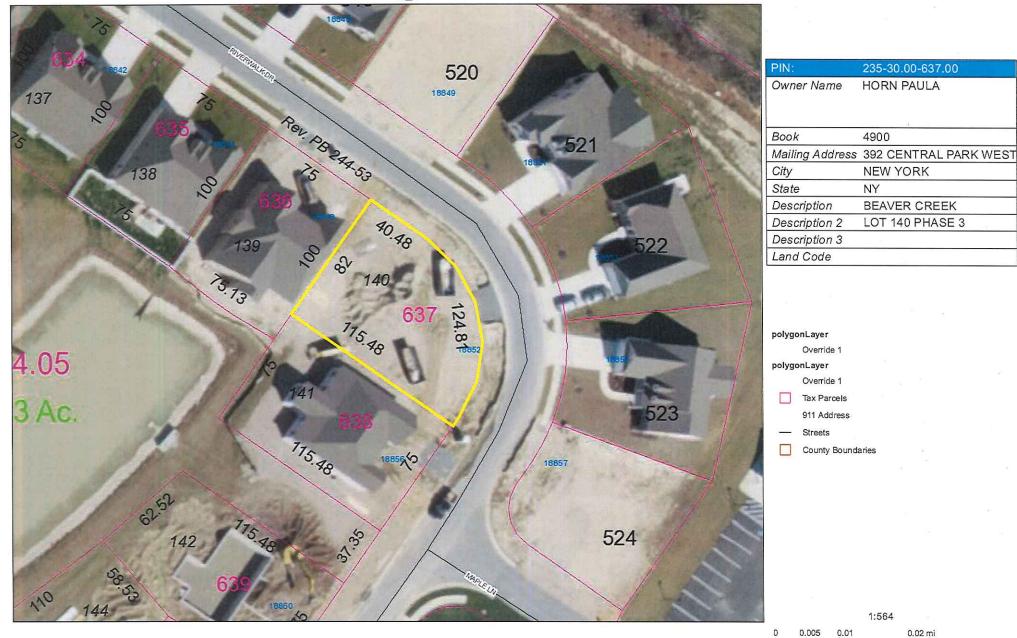
In addition to the application, please find enclosed a plat of our property indicating the location of the proposed deck and several photos illustrating the above-referenced construction while in progress and the end result.

We are not certain and wish to enquire as to whether we might be eligible for an administrative variance, which we believe to be lest costly. Please clarify this point for us. We are available to provide any additional information you may require. Thank you.

Yours truly, Jeffrey Horn 917-885-4969

Encl: BOA Application, \$400 check, Plat 18852 Riverwalk Dr., Five (5) site photographs

Sussex County



0.04 km

July 27, 2020

e		202006/100 594 Case #
Board of Adjustment Ag	nlication	Case # 12472 Hearing Date 9-14-20
Sussex County, Dela Sussex County Planning & Zoning E	iware	RECEIVED
2 The Circle (P.O. Box 417) Georgeto 302-855-7878 ph. 302-854-50	wn, DE 19947	JUN 1 8 2020
Type of Application: (please check all applicable)	P	SUSSEX COUNTY LANNING & ZONING
Variance 🔽 Special Use Exception 🗌 Administrative Variance 🔲 Appeal 🔄	Existing Cond Proposed √ Code Referen	
Site Address of Variance/Special Use Exception:		
32454 Lewes-Georgetown Highway	······································	*
Variance/Special Use Exception/Appeal Requested: Relief from front setback requirements. Reduce front setb	back from 40' to	30'.
Tax Map #: 334-5.00-205.01&208	Property Zoni	ng AD 1/CU
Applicant Information	Troperty 2011	AK-1/CU
Applicant Name: Jose Sandoval Applicant Address: P.O. Box 255		а.
City Rehoboth Beach State DE Zip: 19		
	ail: donovanpaint	ting@hotmail.com
Owner Information		
Owner Name: Same		
Owner Address: City State Zip:	Di	urchase Date:
Owner Phone #: Owner e-mail		
Agent/Attorney Information		
Agent/Attorney Name: Axiom Engineering, LLC - Kenneth	n R. Christenbury	, P.E.
Agent/Attorney Address:18 Chestnut StreetCityGeorgetownStateDEZip: 19	047	
	ey e-mail: _{ken@}	- axeng.com
Signature of Owner/Agent/Attorney		3
72	Date: 6/	18/20





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.

See attached

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.

See attached

3. Not created by the applicant:

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

See attached

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.

See attached

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.

See attached



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

RECEIVED

June 18, 2020

Sussex County Board of Adjustment 2 The Circle Georgetown, DE 19947 JUN 1 8 2020

SUSSEX COUNTY PLANNING & ZONING

Attn: Ms. Ann Lepore, Clerk II

RE: Donovan's Painting & Drywall, LLC - Sussex County TM 334-5.00-205.01 & 208

Dear Ms. Lepore:

On October 29, 2019, Sussex County Council unanimously approved Conditional Use 2188, approving the construction of a contractor office and a storage building for Donovan's Painting & Drywall, LLC. (Exhibit A) Jose Sandoval is the owner/operator of Donovan's Painting & Drywall, LLC and is the owner of the subject properties. The conditional use site plan (Exhibit B) indicated a 10' dedication to the State of Delaware and a 40' front setback. The post-dedication Right-of-Way line is located 40' from the centerline of Lewes-Georgetown Highway, and the proposed office building is shown 80' from the road centerline.

At our December 9, 2019 meeting with the Delaware Department of Transportation, DELDOT staff indicated a R.O.W. dedication is required to extend 50' from the centerline of the road. In addition to the dedication, a 15' permanent easement is required for the installation of sidewalk. The resulting taking encumbers the front 35' of a property that is only 0.7 acre (Exhibit C). As recently as December 2016, Axiom Engineering recorded a commercial site plan indicating DELDOT's R.O.W. dedication extending 40' from the centerline of Route 9, located 1/4 mile west of the subject property. (Exhibit D - Plot Book 239 - Page 53). We hereby request a variance reducing the front setback from 40' to 30' for the following reasons:

1. Uniqueness of property

a. The subject property is located in an area that is served by Sussex County Sanitary Sewer, but does not have central water. As such, this property and the adjacent properties are served by private wells. The Delaware Sediment and stormwater regulations require a 100' isolation distance from a water supply well to proposed stormwater management facilities. The infiltration basin proposed for this project is located at the rear of the project to provide that isolation distance. This prevents relocating the proposed office building further to the rear of the site.

EXCELLENCE IN ENGINEERING



- 2. Cannot otherwise be developed
 - a. The proposed office is approximately 2,600 sq. ft. Removing 10' from the front of the building would create a hardship in the operations of Conditional Use 2188.
- 3. Not created by the applicant
 - a. The 20' R.O.W. Dedication and 15' permanent easement is not being acquired by DelDOT to complete construction of planned improvements. It is being required by the State for future, potential improvements. Improvements constructed in this additional R.O.W. would not be adversely affected by the office building being constructed at a 30' setback.
- 4. Will not alter the essential character of the neighborhood
 - a. Exhibit E is a 2017 Google Earth Satellite Photograph of the subject property and surrounding area. Only 1 of the 6 structures shown on the photograph meet the setback required after the DelDOT dedication.
- 5. Minimum Variance
 - a. Exhibit E shows that the 10' variance would still have the proposed construction further from Route 9 than all 5 of the buildings on the surrounding lots.

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

Sincerely,

2

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

CC: Jose Sandoval, Donovan's Painting & Drywall, LLC

Exhibits:

- A. 11/14/2020 County Council Approval Letter for CU 2188
- B. 9/10/2019 Conditional Use Site Plan
- C. 6/11/2020 Final Site Plan
- D. 12/16/2016 Plot Book 239 Pg 53
- E. 4/2017 Google Earth Satellite Image Overlay Exhibit



EXHIBIT A 11/14/2019 COUNTY COUNCIL APPROVAL OF CZ 2188

RECEIVED

JUN 1 8 2020

SUSSEX COUNTY PLANNING & ZONING

PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR (302) 855-7878 T (302) 854-5079 F





November 14, 2019

Jose Sandoval P.O. Box 255 Rehoboth Beach, DE 19971

RE: Notice of Decision Letter for Conditional Use (CU 2188) Donovan's Painting and Drywall, LLC. for a contractor's office and storage to be located at 32454 Lewes Georgetown Hwy., Lewes.

Tax Parcel: 334-5.00-205.01 & 208.00

Dear Mr. Sandoval:

At their meeting of October 29, 2019, the Sussex County Council approved the Conditional Use application for a contractor's office and storage with twelve (12) conditions. The Conditional Use shall be substantially underway within three (3) years of the County Council approval otherwise the Conditional Use shall expire. A Site Plan showing the conditions of approval shall be reviewed and approved by the Planning Commission prior to commencement of the use of the contractor's office and storage. The following are the draft conditions:

- A. The use shall be limited to a contracting office with storage.
- B. There shall not be any outside storage of paint or other materials associated with the use.
- C. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- D. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.
- E. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
- F. The hours of operation shall be Monday through Friday from 7:00 a.m. until 7:00 p.m., and from 7:00 am through 1:00 pm on Saturdays. There shall not be any Sunday hours.
- G. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet per side.
- H. The parking shall comply with the County Parking Requirements. All vehicle parking and large equipment storage areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself. All vehicles must only be parked within the designated areas.
- I. The existing vegetation on the sides and rear of the site shall remain in place to act as a screen from neighboring properties. The Final Site Plan shall confirm the existence and location of this vegetation.
- J. The applicant shall comply with all requirements of the Sussex Conservation District regarding stormwater management on the site.



- K. Failure to comply with any of these conditions shall be grounds for the termination of the Conditional Use approval.
- L. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Final Site Plan shall be prepared by a licensed Delaware Surveyor or Engineer and shall contain the conditions of approval on the plan. The Final Site Plan shall be approved prior to the commencement of the use on the property. The Site Plan shall be reviewed and approved by the Planning Commission. Agency approvals include, but are not limited to: DelDOT, Sussex Conservation District, the Office of the State Fire Marshal.

Please submit a minimum of two (2) full size paper copies and an electronic copy (PDF) of the Preliminary Site Plan to the Planning and Zoning Office a minimum of twenty (20) days prior to a Planning Commission meeting.

An approved copy of the Ordinance granting approval of the Conditional Use will be sent to you from the Clerk of Council.

Please feel free to contact me with any questions during business hours 8:30 am to 4:30 pm, Monday through Friday, at (302)855-7878.

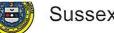
Sincerely,

Jonulu M Cornwell

Janelle M. Cornwell, AICP Director of Planning and Zoning

CC: Ken Christenbury, P.E. Kelly Passwaters, Zoning Inspector Mike Brady, Public Works Andy Wright, Building Code John Ashman, Engineering CU 2188 file

EXHIBIT B 9/10/2019 CONDITIONAL USE SITE PLAN

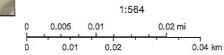


Sussex County

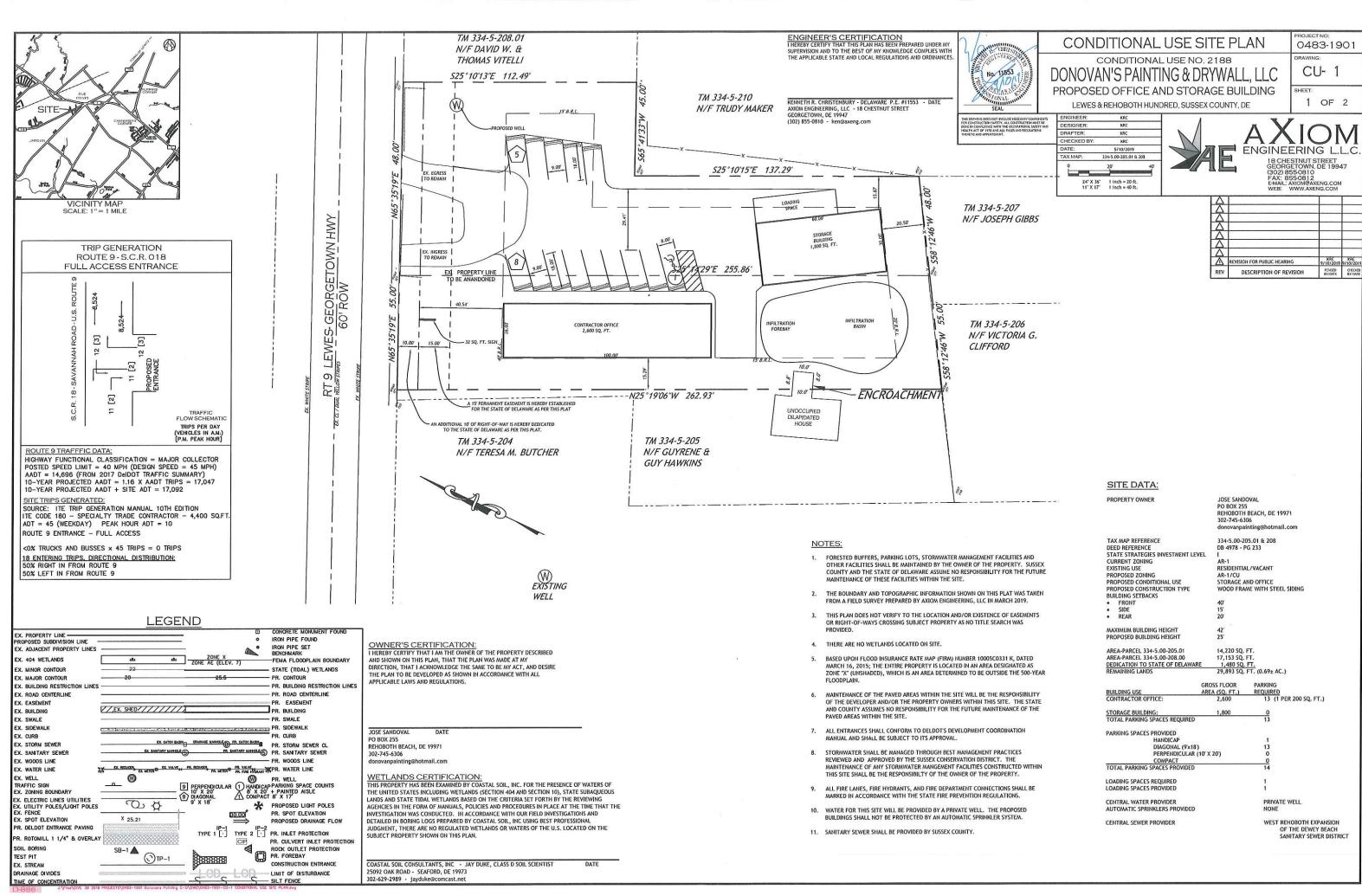


PIN:	334-5.00-205.01
Owner Name	SANDOVAL JOSE
Book	4978
Mailing Address	PO BOX 255
City	REHOBOTH BEACH
State	DE
Description	S/OF RT 18 APPROX
Description 2	258' W OF AN UNNAMED
Description 3	ST
Land Code	

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



July 27, 2020



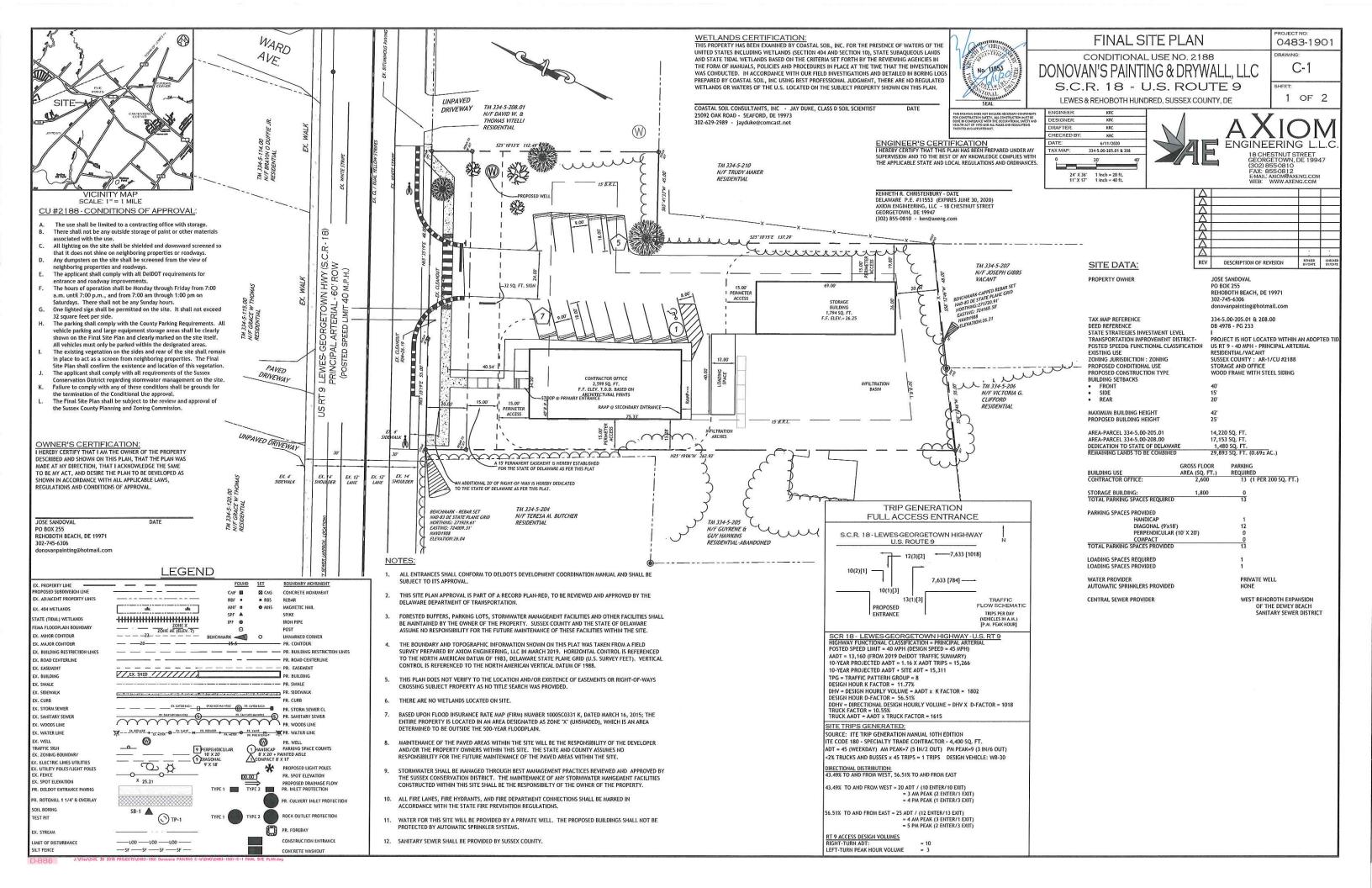
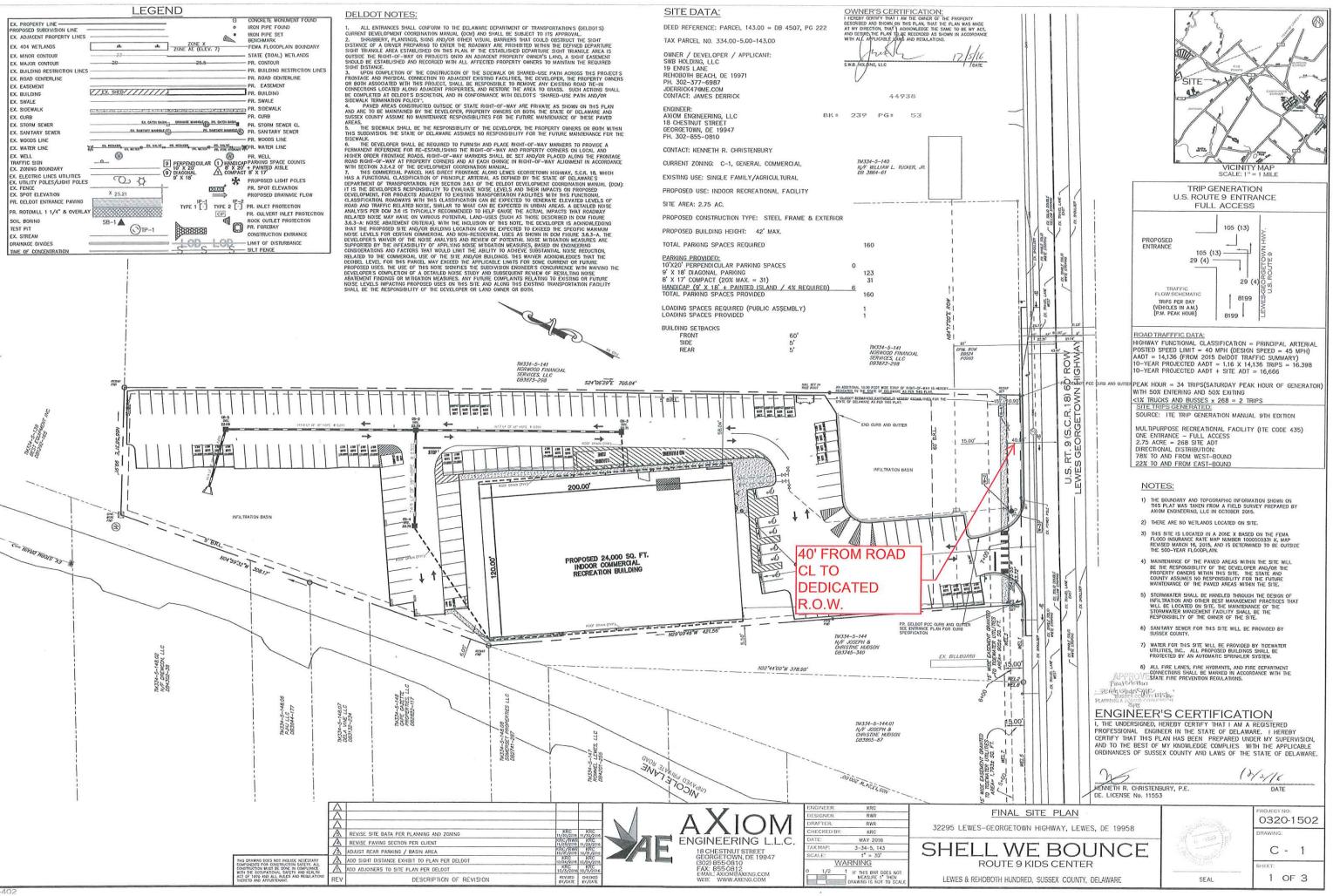
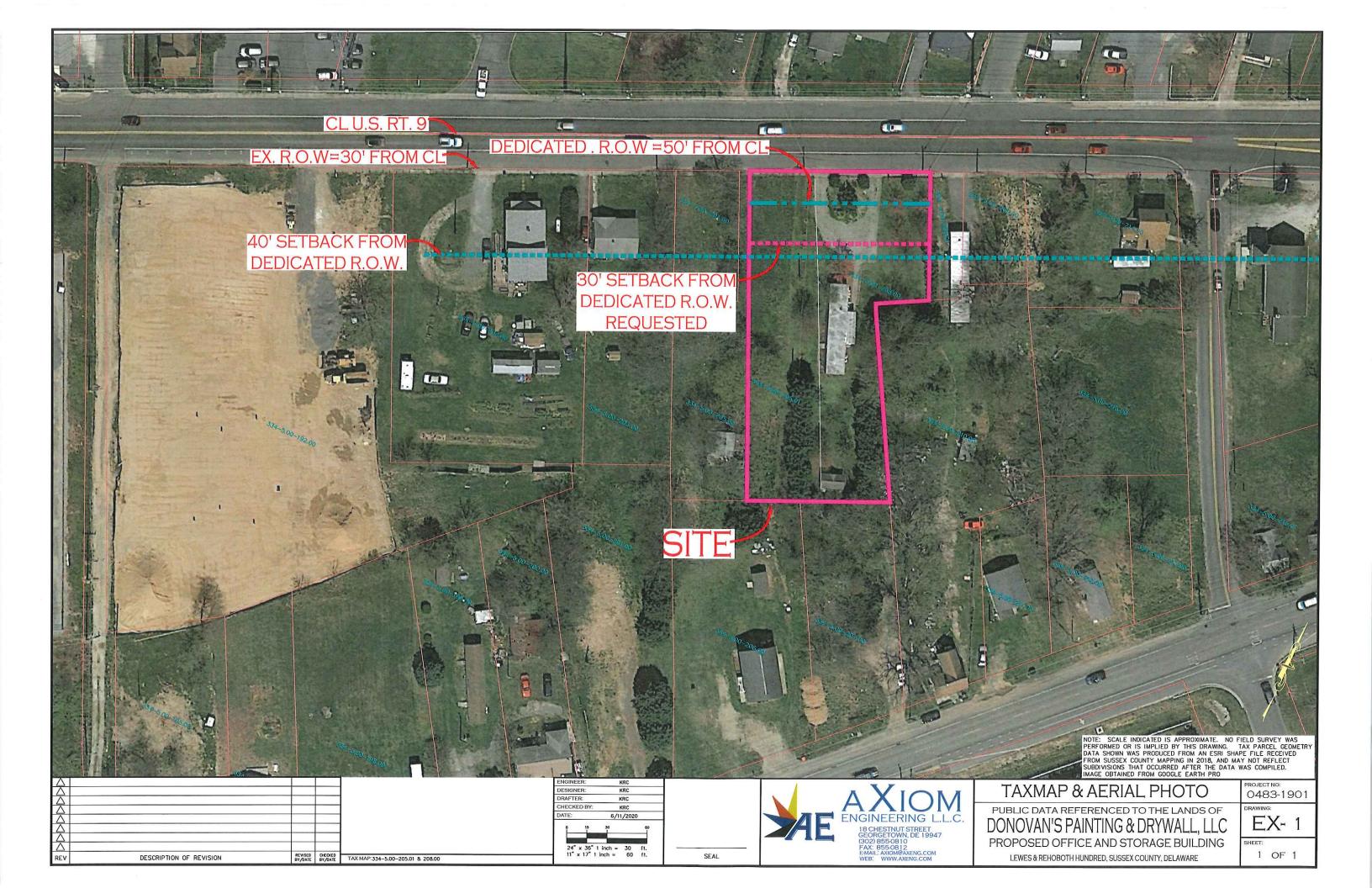


EXHIBIT D 12/16/2016 PLOT BOOK 239 - PG 53



m _D-402

EXHIBIT E 4/2017 GOOGLE EARTH SATELLITE IMAGE OVERLAY



Board of Adjustment Application

Case # 12469 Hearing Date <u>3cp+1</u>4 202006347

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) 115-34 115-182 115-183

Site Address of Variance/Special Use Exception: 306 Carla Avenue, Reboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Variance from Sussex County's side and front set-back lines as set forth in the Plans and as described in the attachment.

Тах Мар #: 3-34-20.13-220.00	Property Zoning: RM R
Applicant Information	
Applicant Name: William and Kimberle	Chipman
Applicant Address: <u>306 Carla Avenue</u>	
City Reboboth Beach State DE	Zip: 19971
Applicant Phone #: (302) 521-9169	Applicant e-mail: chipman@chipmanbrown.com
Owner Information	
Owner Name: William and Kimberle Chi	pman
Owner Address: 306 Carla Avenue	
City Rehoboth Beach State DE	Zip: 19971 Purchase Date: 7/31/05
Owner Phone #: (302) 521-9169	Owner e-mail: chipman@chipmanbrown.com
Agent/Attorney Information	
Agent/Attorney Name: <u>N/A</u>	
Agent/Attorney Address:	
City State	Zip:
Agent/Attorney Phone #:	Agent/Attorney e-mail:
Signature of Owner/Agent/Attorney	
A	Date: 6-15-2020
	Care and Car

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. See Attached

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.

See Attached

3. Not created by the applicant:

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

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. See Attached

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.

See Attached

Board of Adjustment Application 306 Carla Avenue Rehoboth Beach, DE 19971

1. The property is subject to historical community set-back lines originating in the 1950's and reaffirmed in August of 2003. See Covenants attached hereto as <u>Exhibit A</u>. The historical set-back lines pre-date Sussex County's set-back lines and are covenants that run with the land. Several homes in the neighborhood are already constructed using these historical set-back lines. The proposed renovation uses the existing foundation and footprint – see building plans attached hereto as <u>Exhibit B</u> (the "<u>Plans</u>"). Appellant's Plans utilize the historical side set-back lines of 9' feet versus the County's set back line of 10' to stay consistent with the neighborhood covenants (the "<u>Side Set-Back Variance</u>"). Additionally, the property has an existing variance for a front porch from the front set-back line. The Plans have the existing renovated porch connecting to a side porch. In order to allow for the two porches to connect, the existing variance would need to be extended, as set forth in the Plans by approximately 5'8" (the "<u>Extended Porch Variance</u>"). Appellant's immediate neighbors to the property support the requested variances.

2. Without the Extended Porch Variance, the existing front porch would not connect to the proposed side porch, creating an unsafe gap between the two porches. Connecting the two porches would allow for a continuous level and safe connection between both porches for the continued reasonable use of the property in a safe manner. Additionally, the Plans were designed to meet the 9' historical set-back lines and are a mere 8 inches over the 10' County side set-back line. Strict conformity with the county side set-back line would preclude the development of the property as set forth in the Plans.

3. The subtle differences between the historical set-back lines and Sussex County's set-back lines were not created by the Appellant. Appellant's architect followed the covenants and historical set-back lines when designing the renovations to the property. With regard to connecting the existing front porch to the new side porch, the Appellant believes a variance is warranted to connect both porches for not only safety reasons but for the use and enjoyment of the side porch.

4. If authorized, the Side Set-Back Variance and the Extended Porch Variance, will not alter the essential character of the neighborhood in which the property is located. Nor will either variance substantially or permanently impair the appropriate use of development of any adjacent property nor be detrimental to the public welfare. To the contrary, the proposed renovations comply with and are in harmony with the historical set-back lines implemented throughout the neighborhood. Additionally, the proposed renovations will have a positive effect on the neighborhood, improving the character of the neighborhood and increasing property values for all residents.

5. As set forth in the Plans, the Side Set-Back Variance and the Extended Porch 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 Plans only exceed the 10' County side set-back line by 8 inches and are in full compliance with the historical side set-back line. Additionally the Extended Porch Variance merely seeks to connect the existing front porch to the side porch and is a minimal additional variance to the front set-back line.

Sussex County, DE - BOA Application

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.
0	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.
call the Pla	advised that the decision of the Board of Adjustment is only final when the written decision In the Board's secretary. To determine whether the written decision has been filed, you may Inning & Zoning Department at 302-855-7878. The written decision is generally completed irty (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 written de	e advised that any action taken in reliance of the Board's decision prior to the filing of the cision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.
sponding /	gned acknowledges that that he or she has read the application completely and that if the applicant is unable to convince the Board that the standards for granting relief have been been been application will be denied.
<u>Signature of</u> 	Owner/Agent/Attorney

For office use only: Date Submitted: _____ 6-15-2020 Staff accepting application: AL

Date: 6-15-2020

Location of property:

Fee: \$400.00 Check #: __ Application & Case #: 202006347

Subdivision: Lot#: Date of Hearing: Decision of Board:

Block#:

Page | 4 Last updated 3/17/2015

Exhibit A

Parcel: 3-34-20.13-76 through 85 (inclusive); 3-34-20.13-160; 3-34-20.13-161; 3-34-20.13-163 through 240 (inclusive); 3-34- 20.17-1 through 15 (inclusive); 3-34-20.17-18 through 22 (inclusive) and 3-34-20.17-25 through 32 (inclusive) Prepared by and return to Wilson, Halbrook & Bayard P.O. Box 690 Georgetown, DE 19947

RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY

THIS RESTATEMENT AND AMENDMENT TO THE RESTRICTIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT ("Seabreeze"), A RESIDENTIAL COMMUNITY IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY DELAWARE, is made this 25 day of July 2003, by the Committee of landowners (known as Seabreeze Homeowners Association, Inc., a corporation of the State of Delaware,) together with the affirmative vote on the amendment of no less than sixty percent (60%) of the owners of all numbered lots in Seabreeze, in conformity with all of the Restrictions, Conditions, Covenants, Agreements, Easements, Reservations, Charges, etc. for Seabreeze recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

The Committee is making this amendment after having mailed a written ballot dated September 13, 2002 to each of the owners of lots in Seabreeze and upon receipt of written ballots affirmatively approving the changes described below representing at least sixty percent (60%) of the owners of the lots in Seabreeze.

\$\8\03 2869/180

SEABREEZE RESTRICTIONS

1. USES. No lot or given land area embraced in the aforesaid development shall be used for other than single family residence purposes. There shall not exist on any lot or given land area at any time more than one single, detached dwelling house or residence. No temporary structure or shelter (excepting structures or shelters used in connection with or while construction work is being carried out on a given lot) and no guest house, tent, trailer, shack, barn or other outbuildings shall be erected or placed upon any property within the DEVELOPMENT. No garage shall be erected or placed upon any property within this DEVELOPMENT, except as an integral part of the residence it is intended to serve. No residence or dwelling shall be erected or maintained in this DEVELOPMENT excepting either one-story or one and one-half story residences and dwellings. Two or more story residences or dwellings are hereby expressly prohibited. PROVIDED that no residence or dwelling shall exceed the height of twenty-two feet six inches (22' 6") measured between the mean ground level of the lot upon which it is situate and the highest point of the roof thereof, exclusive of chimneys, weather vanes, aerials, and the like. Any lots located within the DEVELOPMENT, as shown upon the plot thereof, shall not hereafter be resubdivided, sold, or otherwise aliened in a lesser or smaller parcel, excepting in accordance with a Supplemental Plot Plan thereof bearing the approval of the Subdividers, who are these grantors, their heirs or assigns and recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware.

2. SIZE OF BUILDINGS. A land area of not less than one full lot, as shown on the aforesaid Plot, shall be provided for each dwelling house or residence erected, altered, or used in this DEVELOPMENT. No residential building or dwelling shall be erected on any lot or land area in this DEVELOPMENT, the square footage of the first floor of which is less than nine hundred fifty (950) square feet, exclusive of all porches, breezeways, carports, garages, terraces, stoops and the like and in the case of Rehoboth Bay water-front lots, the square footage of the first floor thereof, as aforesaid, shall be not less than one thousand one hundred fifty (1,150) square feet.

3. SET BACK LINES. The following building set-back lines are hereby established for this DEVELOPMENT, and front yards, side yards, and rear yards of each lot shall be maintained free of any building or structure, or part thereof, in accordance therewith, excepting as hereinafter provided:

(a) Upon that side of any lot which fronts upon Rehoboth Bay, the building set-back line shall be fifty (50) feet from the water's edge of said Bay.

(b) Upon that side of any lot upon a canal, the building set-back line shall be thirty (30) feet from the water's edge of such canal.

(c) Upon that side of any lot which fronts on Salisbury St., Swedes St., Dutch Road, Bayview Ave., Carla Ave., Dodd Ave., Draper Drive and Venetian Drive, the building set-back line shall be twenty (20) feet from the adjacent street line; PROVIDED, HOWEVER, that in cases of corner lots, the building set-back from the adjacent side street line shall be twenty (20) feet.

(d) In all cases where a given lot or land area has but one interior side line, the side yard building set-back line thereof shall be nine (9) feet. In all cases where a given lot or land area has two interior side lines, both of the side yards thereof, together, shall be no less than twenty-thee (23) feet neither of which shall be less than nine (9) feet, as aforesaid. In every case where a lot has an interior rear line, the rear yard building set-back line thereof shall be nine (9) feet.

(e) Whenever two or more lots are acquired as a single building site, the side yard building set-back line or lines thereof shall refer only to the lot lines bordering the adjoining property owners.

APPROVAL OF PLANS. 4 For the purpose of further insuring the development of the lands comprehended within this DEVELOPMENT as a residential area of high standards, the Subdividers, their heirs and assigns, reserve the power to control the buildings, structures or improvements placed on each lot or given land area. Whether or not provision therefor is specifically stated in any conveyance of a lot made by the Subdividers, their heirs or assigns, the owner or occupier of each and every lot, by acceptance of title thereto, or by taking possession thereof, covenants and agrees that no building, wall or other structure shall be placed upon such lot unless and until the plans and specifications therefor and the plot plan have been approved in writing by the committee. Each such building, wall or structure shall be placed on the premises only in accordance with the plans and specifications and plot plan so approved. Refusal of approval of such plans and specifications by such Committee may be based on any grounds, including purely aesthetic grounds which in the sole and uncontrolled discretion of the Committee shall seem sufficient. No alteration in the exterior appearance of the buildings or structures shall be made without like approval. If no Committee exists or if the Committee of the Development shall fail to disapprove the plans or specifications within thirty (30) days after written request therefor, then such approval shall no be required; PROVIDED, HOWEVER, that no building or other structure shall be erected which violates any covenants, reservations and restrictions herein contained.

5. COMMITTEE. The Subdividers, their heirs and assigns, shall appoint the Committee herein referred to, consisting of not less than three (3) or more than five (5) members, as well as the respective successors upon said committee. At any time after January 1, 1964, or after the Subdividers, their heirs and assigns, have sold not less than sixty (60%) percentum of all the lots in this Development (whichever event first occurs) then and in such event, all privileges, powers, rights and authority shall be exercised by and vested in a Committee to be selected by the owners of a majority of the lots in this DEVELOPMENT.

6. SEAWALLS. No seawall shall be erected or constructed by any lot owner except pursuant to a common plan approved in writing by the Committee. The Subdividers, their heirs and assigns, reserve the right and option, however, to construct a seawall along the lot lines on any and/or all canals and bays, and upon the completion of any such seawall on any canals or bays the actual cost of such seawall shall be paid pro rata by each and every lot owner bordering on said canals or bays, and upon the completion of the construction by the said Subdividers, their heirs and assigns, of any such seawall a lien shall arise and is hereby created in favor of the Subdividers, their heirs and assigns, and against each and every abutting lot owner for the full amount chargeable to each lot, and the amount payable by each abutting lot owner shall be due upon the completion of such seawall.

7. BOATHOUSES, BOATS, DOCKS, SIDEWALKS, FUEL TANKS, ETC. Boat landings, docks, piers and mooring posts shall be constructed only in accordance with plans and specifications therefor approved in writing by the Committee. Docks or piers shall not be constructed so as to extend beyond a distance of four (4) feet from lot line. No boathouse shall be constructed on or adjacent to any of the waterfront lots in the subdivision nor shall any boat canal be dug or excavated into any of the water front lots without the same being approved by the Committee as to location, design, height, et cetera, and the Committee shall have the express right to refuse the construction thereof. No vessel or boat shall be anchored off shore in any of the water-ways adjacent to the subdivision so that the same shall in any wise interfere with navigation. No public sidewalks shall be constructed or maintained upon any lot, or any part of any lot, in this DEVELOPMENT. All public sidewalks shall be constructed and maintained within the right-of-way lines of the Streets, Roads and Avenues thereof, according to plan, grade, courses and specifications first approved in writing by the Committee, and in accordance with the applicable law. No fuel or other storage tank shall be maintained upon any lot so as to be exposed to public view. Any such tank shall either be buried below the surface of the ground, or housed in a basement area of, or

a shed or addition to, the dwelling or residence served thereby; and any such shed or addition shall be of the same design, material and type of construction as such dwelling or residence.

8. FILLING IN. No lot or parcel shall be increased in size by filling in the waters on which it abuts except in accordance with plans and specifications approved by the Committee. The elevation of a lot will not be changed so as to materially affect the surface grade of the surrounding lots.

9. SANITATION. No toilet, sewerage disposal system, or cesspool shall be maintained or used upon any lot or land area located in this Development, excepting where the same is used in combination with a septic tank, and all septic tanks shall be constructed and maintained in accordance with the rules and regulations established by those public health authorities having jurisdiction over this Development. Whenever public sewer mains are made available to any lot or land area located within this Development, all premises adjacent to such public sewer mains shall thereupon be connected therewith at the expense of the owner of such premises.

10. NUISANCES. Nothing shall be done on any lot or any waterway which may be or become an annoyance or nuisance to the neighborhood. No horses, cattle, swine, goats, poultry or fowl shall be kept on any lot. No signs or any character shall be displayed, except that the owner may display on his premises a "For Sale" or "For Rent" sign, referring only to the premises on which displayed; PROVIDED, HOWEVER, the form and size of such sign be first approved in writing by the Committee. Once the construction or demolition of any building has been started, such construction or demolition thereof shall proceed without delay until the same is completed, unless such delay is attributable to a cause or causes beyond the control of the owner, builder or contractor, as the case may be. Cessation of work upon the construction or demolition of any building once started and before completion thereof for a continuous period of thirty (30) days shall be prima facie evidence of an intent to abandon the same in its partially completed or demolished state and shall be deemed a public nuisance.

11. WALLS. No boundary wall shall be constructed with a height of more than five (5) feet and no boundary line hedge or shrubbery shall be permitted with a height of more than five (5) feet. Water front walls of solid construction or solid water front hedges shall not be permitted in excess of three (3) feet in height, such wall or hedges where partially open will be permitted to a height of not more than four (4) feet. No wall of any height shall be constructed on any lot until after the

height, type, design and approximate location thereof shall have been approved in writing by the Committee. The heights or elevations of any wall shall be measured from the existing elevations of the property at or along the applicable points or lines. Any questions as to such heights may be conclusively determined by the Committee. No trees will be planted on any lot that will block the surrounding lot owner or owners, from a clear view of a waterway without the written consent of the Committee.

12. OPTION. Before the grantees, or their heirs, shall convey the lot or lots hereinbefore described, or any part thereof, or any interest therein, to any subsequent party, they shall first submit in writing the name of the prospective grantee, or grantees, together with his or their address or addresses and the amount of any bona fide sale price offered, to the Subdividers, being the parties of the first part hereto, their heirs and assigns, and if the said Subdividers, their heirs and assigns, should not approve such prospective grantee or grantees as the owner or owners of the property or an interest in property in this Development, the said Subdividers, their heirs and assigns, shall have the option of exercising the right to purchase said property or interest therein so proposed to be conveyed at the same price offered by such prospective grantee or grantees, upon condition, nevertheless, that if such option to purchase is not exercised by the Subdividers, their heirs and assigns, in writing within thirty (30) days after the delivery of such notice the hereinbefore named grantee, or their heirs, shall then have the right and power to sell said property or interest to said prospective purchaser or purchasers at the price offered by him or them, and this condition or restriction shall be a covenant running with the land and the lot or lots hereby conveyed, and the same shall apply to the grantee or grantees named herein, their heirs and assigns, as well as to any future owner or owners of said lot or lots herein and hereby conveyed.

13. DURATION. The foregoing restrictive covenants and reservations shall run with the land, and the title thereto as herein and hereby conveyed, and the same shall be binding upon all parties hereto and upon all parties hereunder as well as their respective heirs, successors, and assigns, as the case may be, in perpetuity; SUBJECT, HOWEVER, TO THE PROVISO that the Committee, by and with the vote or written consent of no less than sixty per cent (60%) of the then owners of all the lots in this DEVELOPMENT shall have the power to waive, abandon, terminate, modify, alter, change, amend, or add to these Restrictive Covenants and Reservations or any of them, at any time hereafter. Any such waiver, abandonment, termination, modification, alteration, change, amendment or addition shall take effect when a copy thereof, executed and acknowledged by the Committee or a majority thereof, together with the written consents of the requisite

number of lot owners, or a Certificate by the Committee or a majority thereof, verified under oath, setting forth the time, manner and result of the taking of the vote of all the lot owners in this DEVELOPMENT, have been filed for record in the Office of the Recorder of Deeds of Delaware in and for Sussex County; and the same shall thereafter remain in effect, in perpetuity, unless and until the same should thereafter be waived, abandoned, terminated, modified, altered, changed, amended, or added to, as the case may be. In taking any such vote, or obtaining any such written consent, of the lot owners of this DEVELOPMENT, each owner shall have as many votes or consents as he, she, it or they may own lots situate in this DEVELOPMENT.

14. REMEDIES. In the event any party hereto, or his, her or its heirs, successors or assigns, shall violate or attempt to violate any of the foregoing restrictive covenants or reservations while the same remain in force and effect then and in such event, it shall be lawful for any other person or persons owning a legal interest in any lot located in this Development to bring any proceeding or take any action, either in law or in equity against such violator of any of the foregoing restrictive covenants or reservations as may be appropriate to prevent or abate the violation thereof or to recover damages resulting from any such violation or attempted violation thereof.

The invalidating of any one of the foregoing restrictive covenants, reservations, or any provisions thereof, by any Court of competent jurisdiction shall in no wise affect or impair the full force and effect of all other restrictive covenants, reservations and provisions hereinbefore set forth, and in any such event all such other restrictive covenants, reservations and provisions as are not expressly invalidated thereby shall remain in full force and effect.

In the event any party owning a legal interest in any lot located in this DEVELOPMENT desires to make a complaint of an alleged violation of any of these Reservations or Restrictive Covenants unto the Committee, or to propose unto the Committee any waiver, abandonment, termination, modification, alteration, change, amendment or addition of, in, or to these Reservations and Restrictive Covenants or any of them, such complaint or proposal, as the case may be, must first be reduced to writing and signed by the complaining party or proposer, as the case may be, before it will be given consideration by the Committee.

15.

UTILITIES EASEMENTS. This Development is subject to all those prior easements and rights-of-way heretofore granted by the Subdividers unto Delaware Power & Light Co. and The Diamond State Telephone Company, in and by their certain deed of easement, dated April 10, 1954, and now of record in the

Office of the Recorder of Deeds, aforesaid, in Deed Book #430, Page 337, &c., as reference thereunto being had will more fully and at large appear.

16. NON-CONFORMING USE. The lawful use of any lot or land area, or of any building, structure, or improvement thereon or thereto existing May 31, 1958, in conformity to the Reservations and Restrictive covenants then applicable to this DEVELOPMENT, may be continued even though such use, building, structure or other improvement does not conform to the present provisions of the above and foregoing Reservations and Restrictive Covenants.

The above restrictions of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, are hereby amended by adding the following as the next section, Section 17:

17. PURPOSE & USE OF RESIDENCES: All lots shall be used for residential purposes only, and as further provided hereinbelow, no commercial, industrial, recreational or professional business shall be carried on in any property at any time.

Lot owners shall have the right to lease or sublease their respective properties for residential purposes, subject to the restrictions hereafter set forth.

1. No property shall be leased or subleased for boardinghouse, tourist home, or transient purposes or to occupants who are furnished customary hotel services in connection with such rental, and

2. All leases shall be made subject to the Reservations & Restrictive Covenants, including but not limited to the restriction found at "Section (1) Uses" that any property leased shall be used for residential purposes exclusively and shall be used only as a single-family dwelling as required by "Section (1) Uses."

3, Family as defined by the Sussex County Zoning Code, allows a single person, or two or more persons related by blood or marriage or adopting occupying a dwelling unit, or not more than four unrelated persons to be considered a family. Domestic employees shall be considered family.

IN WITNESS WHEREOF, pursuant to the affirmative vote of no less than sixty percent (60%) of all lot owners in Seabreeze Development in favor of the changes set forth herein, the Committee hereby makes and files this Amendment to the Restrictions, Conditions, Covenants, Agreements, Easements, Reservations, Charges, Etc. for Seabreeze Development, Lewes and Rehoboth Hundred, Sussex County, Delaware, restated herein pursuant to and as authorized by the affirmative vote of no less than sixty percent (60%) of the owners of all lots in Seabreeze Development on this <u>26</u> day of July, 2003.

SEABREEZE HOMEOWNERS

Angelo M. Caputo President

(SEAL)

ASSOCIATION, INC.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

STATE OF DELAWARE : SS COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 2.6 day of . A.D. 2003, personally came before me, a Notary Public for the State and County aforesaid, Angelo M. Caputo, President of Seabreeze Homeowners Association, Inc., a corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation, that the signature of the President thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

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



Notary Public

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CORDER OF DEEDS JOHM F. BRADY 03 AUG -8 PH 3-45 SUSSEX COUNTY COC. SURCHAREF PAIN

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BK: 4413 PG: 99

Tax Map Parcels: 3-34-20.13-76 through 85 (inclusive); 3-34-20.13-160; 3-34-20.13-161; 3-34-20.13-163 through 240 (inclusive); 3-34-20.17-1 through 15 (inclusive); 3-34-20.17-18 through 22 (inclusive); and 3-34-20.17-25 through 32 (inclusive) Prepared by/return to: Hudson, Jones, Jaywork, & Fisher (RBJ) 309 Rehoboth Avenue Rehoboth Beach, DE 19971

AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY

THIS AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY is made this $\underline{\xi'}$ day of $\underline{f_{\rm MNN}}$, 2015, by the Committee of the Seabreeze Homeowners Association, Inc., a Delaware corporation (hereinafter referred to as "Declarant").

WHEREAS, the current development restrictions for the Seabreeze Development were recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on August 8, 2003 in Book D, Volume 2869, Page 180 (hereinafter "Restrictions");

WHEREAS, pursuant to section 13 of the Restrictions, Declarant has authority to amend Restrictions when authorized to do so by at least 60% of the lot owners in the Seabreeze Development;

WHEREAS, the Declarant proposed two amendments to the Restrictions, and after due notice of the same to the Seabreeze lot owners, by written ballot the proposed amendment to Section 1 "Uses" of the Restrictions was approved by 87 of the 124 lot owners, and the proposed amendment to Section 7 "Boathouses, Boats, Docks, Sidewalks, Fuel Tanks, Etc." of the Restrictions was approved by 97 of the 124 lot owners.

NOW THEREFORE, the proposed amendments to the Restrictions having been approved by more than 60% of the lot owners in the Scabreeze Development, the Declarant hereby amends the Restrictions as follows:

Section 1. Paragraph 1 "Uses" of the Restrictions is hereby amended by making insertions as shown by underline as follows:

1. USES. No lot or given land area embraced in the aforesaid development shall be used for other than single family residence purposes. There shall not exist on any lot or given land area at any time more than one single, detached dwelling house or residence. No temporary structure or shelter (excepting structures or shelters used in connection with or while construction work is

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being carried out on a given lot) and no guest house, tent, trailer, shack, barn or other outbuildings shall be erected or placed upon any property within the DEVELOPMENT. NO garage shall be erected or placed upon any property within this DEVELOPMENT, except as an integral part of the residence it is intended to serve. No residence or dwelling shall be erected or maintained in this DEVELOPMENT excepting either on-story or one and one-half story residences and dwellings. Two or more story residences or dwellings are hereby expressly prohibited. PROVIDED that no residence or dwelling shall exceed the height of twenty-two feet six inches (22'6") measured between the mean ground level of the lot upon which it is situate and the highest point of the roof thereof, exclusive of chimneys, weather vanes, aerials, and the like: except that the height of residences or dwellings in an identified flood zone shall be measured from the base flood elevation established by the FEMA flood zone map (FIRM) or higher if required by county code, to the highest point of the roof thereof, exclusive of chimneys, weather vanes, aerials, and the like. Any lots located within the DEVELOPMENT, as shown upon the plot thereof, shall not hereafter be resubdivided, sold, or otherwise aliened in a lesser or smaller parcel, excepting in accordance with a Supplement Plot Plan thereof bearing the approval of the Subdividers, who are these grantors, their heirs or assigns and recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware.

Section 2. Paragraph 7 "Boathouses, Boats, Docks, Sidewalks, Fuel Tanks, Etc." of the Restrictions is hereby amended by making insertions as shown by underline as follows:

7. Boat landings, docks, piers and mooring posts shall be constructed only in accordance with the plans and specifications therefor approved in writing by the Committee. Docks or piers shall not be constructed in or adjacent to canals so as to extend beyond a distance of four (4) feet from the lot line. No boathouse shall be constructed on or adjacent to any of the waterfront lots in the subdivision nor shall any boat canal be dug or excavated into any of the water front lots without the same being approved by the Committee as to location, design, height, et cetera, and the Committee shall have the express right to refuse the construction thereof. No vessel or boat shall be anchored off shore in any of the water-ways adjacent to the subdivision so that the same shall in any wise interfere with navigation. No public sidewalks shall be constructed or maintained upon any lot, or any part of any lot, in this DEVELOPMENT. All public sidewalks shall be constructed and maintained within the right-of-way lines of the Streets, Roads and Avenues thereof, according to plan, grade, courses and specifications first approved in writing by the Committee, and in accordance with the applicable law. No fuel or other storage tank shall be maintained upon any lot so as to be exposed to public view. Any such tank shall either be buried below the surface of the ground, or housed in a basement area of, or a shed or addition to, the dwelling or residence served thereby; and any such shed or addition shall be of the same design, material and type of construction as such dwelling or residence.

IN WITNESS WHEREOF, the undersigned Declarant hereby certifies as required in Section 13 of the Restrictions that ballots were mailed to all lot owners in the Seabreeze Development on approximately October 1, 2014, pursuant to which more than 60% of the lot owners in the Seabreeze Development approved in writing the aforementioned amendments to the Restrictions, and the Declarant has executed this Declaration to amend the Restrictions on this ______, 2015.

PAGE 11 Page number added Not part of original document

BK: 4413 PG: 101

SIGNATURE PAGE FOR THE AMENDMENT TO THE SEABREEZE DEVELOPMENT RESTRICTIONS

Signed, Sealed, and Delivered In the Presence of: SEABREEZE HOMEOWNERS ASSOCIATION, INC.

ORIS

(SEAL) BY: Ann Shapler, Committee President

STATE OF DELAWARE

COUNTY OF SUSSEX

BE IT REMEMBERED, that on this <u>Month</u> day of <u>JUNE</u>, A.D. 2015, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, ANN SIMPLER, President of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and she acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

NOTARY PUBLIC LORI S. GRASING

NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES 03-04-2018

> PAGE 12 Page number added Not part of original document

SIGNATURE PAGE FOR THE AMENDMENT TO THE SEABREEZE DEVELOPMENT RESTRICTIONS

Signed, Sealed, and Delivered In the Presence of:

BY: (SEAL) Jim Brown, Committee Secretary

SEABREEZE HOMEOWNERS ASSOCIATION, INC.

Maryland STATE OF BELAWARE :

COUNTY OF Baltimore

BE IT REMEMBERED, that on this <u>f</u> day of <u>fune</u>, A.D. 2015, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JIM BROWN, Secretary of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

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NOTARY PUBLIC

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SIGNATURE PAGE FOR THE AMENDMENT TO THE SEABREEZE DEVELOPMENT RESTRICTIONS

Signed, Sealed, and Delivered In the Presence of:

SEABREEZE HOMEOWNERS ASSOCIATION, INC.

Grace Anne Smith

BY: (SEAL) Russ Mullen, Committee Member

STATE OF DELAWARE

: \$\$ COUNTY OF SUSSER :

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8 day of June BE IT REMEMBERED, that on this _ , A.D. 2015, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, RUSS MULLEN, member of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

NOTARY PUBLIC

GRACE ANNE BMITH NOTARY PUBLIC STATE OF DELAWARE My Commission Expires 08-07-2015

> PAGE 14 Page number added Not part of original document

SIGNATURE PAGE FOR THE AMENDMENT TO THE SEABREEZE DEVELOPMENT RESTRICTIONS

Signed, Sealed, and Delivered In the Presence of:

SEABREEZE HOMEOWNERS ASSOCIATION, INC.

Lezenski Notary Public

BY: (SEAL) Jeffer Stickle, Committee Member

STATE OF DELAWARE : : SS COUNTY OF Sussey :

BE IT REMEMBERED, that on this <u>11/4</u> day of ______, A.D. 2015, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JEFFERY R. STICKLE, member of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

JENNIFER ANN ZEZENSKO MOTARY PUBLIC, STATE OF DELAWARE MY COMMISSION EXPIRES FEBRUARY 18, 2017

RECEIVED

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Assessment Divisity Of Sussex County

> Recorder of Deeds Scott Dailes Jun 26,2015 12:56P Sussex Counts Doc. Surcharse Paid

PAGE 15 Page number added Not part of original document 19146 BK: 4553 PG: 243

Tax Map Parcels: 3-34-20.13-76 through 85 (inclusive); 3-34-20.13-160; 3-34-20.13-161; 3-34-20.13-163 through 240 (inclusive); 3-34-20.17-1 through 15 (inclusive); 3-34-20.17-18 through 22 (inclusive); and 3-34-20.17-25 through 32 (inclusive) Prepared by/return to: Hudson, Jones, Jaywork, & Fisher (RBJ) 309 Rehoboth Avenue Rehoboth Beach, DE 19971

AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY

THIS AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY is made this 2.8 day of May, 2016, by the Committee of the Seabreeze Homeowners Association, Inc., a Delaware corporation (hereinafter referred to as "Declarant").

WHEREAS, the current development restrictions for the Seabreeze Development were recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on August 8, 2003 in Book D, Volume 2869, Page 180, subsequent to which an amendment thereto was recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on June 26, 2015 in Book 4413, page 104 (hereinafter "Restrictions");

WHEREAS, pursuant to section 13 of the Restrictions, Declarant has authority to amend Restrictions when authorized to do so by at least 60% of the lot owners in the Seabreeze Development;

WHEREAS, the Declarant proposed various amendments to the Restrictions, and after due notice of the same to the Seabreeze lot owners, at least 60% of the Seabreeze lot owners approved by written ballot certain amendments to the Restrictions.

NOW THEREFORE, the following amendments to the Restrictions having been approved by more than 60% of the lot owners in the Scabreeze Development, the Declarant hereby amends the Restrictions as follows:

Section 1. Paragraph 1 "Uses" of the Restrictions is hereby amended by making insertions as shown by underline and deletions as shown by strike through as follows:

1. USES. No lot or given land area embraced in the aforesaid development shall be used for other than single family residence purposes. There shall not exist on any lot or given land area at any time more than one single, detached dwelling house or residence. No temporary structure or shelter (excepting structures or shelters used in connection with or while construction work is

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being carried out on a given lot) and no guest house, tent, trailer, shack, barn or other outbuildings shall be erected or placed upon any property within the DEVELOPMENT. Anything herein to the contrary notwithstanding, one (1) shed per lot is permitted provided that it does not exceed eighty (80) square feet in area and does not exceed nine (9) feet in height. Any such shed shall be located in the rear yard and shall be at least five (5) feet from the rear yard and side yard property boundaries. No garage shall be erected or placed upon any property within this DEVELOPMENT, except as an integral part of the residence it is intended to serve. No residence or dwelling shall be erected or maintained in this DEVELOPMENT excepting either one-story or one and one-half story residences and dwellings. Two or more story residences or dwellings are hereby expressly prohibited. PROVIDED that no residence or dwelling shall exceed the height of twenty-two feet six inches (22'6") thirty-two (32) feet measured between the mean ground level of the lot upon which it is situate and the highest point of the roof thereof, exclusive of chimneys, weather vanes, aerials, and the like; except that the height of residences or dwellings in an identified flood zone shall be measured from the base flood elevation established by the FEMA flood zone map (FIRM) or higher if required by county code, to the highest point of the roof thereof, exclusive of chimneys, weather vanes, aerials, and the like. Any lots located within the DEVELOPMENT, as shown upon the plot thereof, shall not hereafter be resubdivided, sold, or otherwise aliened in a lesser or smaller parcel, excepting in accordance with a Supplement Plot Plan thereof bearing the approval of the Subdividers, who are these grantors, their heirs or assigns and recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware.

Section 2. Paragraph 3 "Setback lines" of the Restrictions is hereby amended by making insertions as shown by underline and deletions as shown by strike through as follows:

3. SET BACK LINES. The following building set-back lines are hereby established for this DEVELOPMENT, and front yards, side yards, and rear yards of each lot shall be maintained free of any building or structure, or part thereof, in accordance therewith, excepting as hereinafter provided:

(a) Upon that side of any lot which fronts upon Rehoboth Bay, the building set-back line shall be fifty (50) feet from the water's edge of said Bay.

(b) Upon that side of any lot upon a canal, the building set-back line shall be thirty (30) feet from the water's edge of such canal.

(c) Upon that side of any lot which fronts on Salisbury St., Swedes St., Dutch Road, Bayview Ave., Carla Ave., Dodd Ave., Draper Drive and Venetian Drive, the building set-back line shall be twenty (20) feet from the adjacent street line; PROVIDED, HOWEVER, that in cases of corner lots, the building set-back from the adjacent side street line shall be twenty (20) feet.

(d) In all cases where a given lot or land area has but one interior side line, the side yard building set-back line thereof shall be nine (9) feet. In all cases where a given lot or land area has two interior side lines, both of the side yards thereof, together, shall be no less than twenty-three (23) feet neither of which shall be less than nine (9) feet, as aforesaid. In every case where a lot has an interior rear line, the rear yard building set-back line thereof shall be nine (9) feet.

(e) Whenever two or more lots are acquired as a single building site, the side yard building set-back line or lines thereof shall refer only to the lot lines bordering the adjoining property owners.

(f) Swimming pools are permitted so long as they adhere to Sussex County Zoning and Building Codes.

Section 3. Paragraph 11 "Walls" of the Restrictions is hereby amended by making insertions as shown by underline and deletions as shown by strike through as follows:

11. WALLS. No boundary wall shall be constructed with a height of more than five (5) feet and no boundary line hedge or shrubbery shall be permitted with a height of more than five (5) feet. Water front walls of solid construction or solid water front hedges shall not be permitted in excess of three (3) feet in height, such wall or hedges where partially open will be permitted to a height of not more than four (4) feet. Boundary walls up to six (6) feet in height are permitted in the back yard and side yards of a property provided such walls do not extend beyond the point within the side yard that is aligned with the front corner of the house. Boundary walls extending beyond the point within the side yard aligned with the front corner of the house shall be no more than four (4) feet in height and may extend across the front property line. No wall of any height shall be constructed on any lot until after the height, type, design and approximate location thereof shall have been approved in writing by the Committee. The heights or elevations of any wall shall be measured from the existing elevations of the property at or along the applicable points or lines. Any questions as to such heights may be conclusively determined by the Committee. No trees will be planted on any lot that will block the surrounding lot owner or owners, from a clear view of the waterway without the written consent of the Committee.

Section 4. Paragraph 12 "Option" of the Restrictions is hereby amended by making insertions as shown by underline and deletions as shown by strike through as follows:

12. RESERVED, 12. OPTION. Before the grantees, or their heirs, shall convey the lot or lots hereinbefore described, or any part thereof, or any interest therein, to any subsequent party, they shall first submit in writing the name of the prospective grantee, or grantees, together with his or their address or addresses and the amount of any bona fide sale price offered, to the Subdividers, being the parties of the first part hereto, their heirs and assigns, and if the said Subdividers, their heirs and assigns, should not approve such prospective grantee or grantees as the owner or owners of the property or an interest in property in this Development, the said Subdividers, their heirs and assigns, shall have the option of exercising the right to purchase said property or interest therein so proposed to be conveyed at the same price offered by such prospective grantee or grantees, upon condition, nevertheless, that if such option to purchase is not exercised by the Subdividers, their beirs and assigns, in writing within thirty (30) days after the delivery of such notice-the hereinbefore named grantee, or their heirs, shall then have the right and power to sell said property or interest to said prospective purchaser or purchasers at the price offered by him or them, and this condition or restriction shall be a covenant running with the land and the lot or lots hereby conveyed, and the same shall apply to the grantee or grantees named herein, their heirs and assigns, as well as to any future owner or owners of said lot or lots herein and hereby conveyed.

Section 5. Paragraph 17 "Purpose & Use of Residences" of the Restrictions is hereby amended by making insertions as shown by underline and deletions as shown by strike through as follows:

17. PURPOSE & USE OF RESIDENCES: All lots shall be used for residential purposes only, and as further provided hereinbelow, no commercial, industrial, recreational or professional business shall be carried on in any property at any time.

Lot owners shall have the right to lease or sublease their respective properties for residential purposes, subject to the restrictions hereafter set forth.

1. No property shall be leased or subleased for boardinghouse, tourist home, or transient purposes or to occupants who are furnished customary hotel services in connection with such rental, and

2. All leases shall be made subject to the Reservations & Restrictive Covenants, including but not limited to the restriction found at "Section (1) Uses" that any property leased shall be used for residential purposes exclusively and shall be used only as a single-family dwelling as required by "Section (1) Uses."

3. Family as defined by the Sussex County Zoning Code, allows a single person, or two or more persons related by blood or marriage or adopting occupying a dwelling unit, or not more than four unrelated persons to be considered a family. Domestic employees shall be considered family.

4. Noxious, offensive or illegal activity shall not be conducted on any lot, nor shall anything be done within Seabreeze which constitutes an annoyance, nuisance, illegal activity or otherwise deprives any owner or resident of the quiet enjoyment of his or her property. The volume of music and noise must be limited to a level which cannot be reasonably heard by nearby property owners.

IN WITNESS WHEREOF, the undersigned Declarant hereby certifies as required in Section 13 of the Restrictions that ballots were mailed to all lot owners in the Seabreeze Development on approximately February 1, 2016, pursuant to which more than 60% of the lot owners in the Seabreeze Development approved in writing the aforementioned amendments to the Restrictions.

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Tax Map Parcels: 3-34-20.13-76 through 85 (inclusive); 3-34-20.13-160; 3-34-20.13-161; 3-34-20.13-163 through 240 (inclusive); 3-34-20.17-1 through 15 (inclusive); 3-34-20.17-18 through 22 (inclusive); and 3-34-20.17-25 through 32 (inclusive) Prepared by/return to: Hudson, Jones, Jaywork, & Fisher (RBJ) 309 Rehoboth Avenue Rehoboth Beach, DE 19971

AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY

THIS AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY is made this 24 day of 4, 2016, by the Committee of the Seabreeze Homeowners Association, Inc., a Delaware corporation (hereinafter referred to as "Declarant").

WHEREAS, the current development restrictions for the Seabreeze Development were recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on August 8, 2003 in Book D, Volume 2869, Page 180, subsequent to which an amendment thereto was recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on June 26, 2015 in Book 4413, page 104 (hereinafter "Restrictions");

WHEREAS, pursuant to section 13 of the Restrictions, Declarant has authority to amend Restrictions when authorized to do so by at least 60% of the lot owners in the Seabreeze Development;

WHEREAS, the Declarant proposed various amendments to the Restrictions on a ballot mailed to all lot owners in the Seabreeze Development on approximately February 1, 2016, and at least 60% of the Seabreeze lot owners approved by written ballot certain amendments to the Restrictions;

WHEREAS, those amendments were reflected in an amendment to the Restrictions recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on June 9, 2016 in Book D, Volume 4553, Page, 243 ("June 9, 2016 Amendment"); and

WHEREAS, one of the amendments to the Restrictions approved by at least 60% of the Seabreeze lot owners was inadvertently omitted from the June 9, 2016 Amendment and needs to be incorporated into the Restrictions.

NOW THEREFORE, the following amendments to the Restrictions having been approved by more than 60% of the lot owners in the Seabreeze Development, the Declarant hereby amends the Restrictions as follows:

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Section 1. Paragraph 1 "Uses" of the Restrictions is hereby amended by making insertions as shown by <u>underline</u> and deletions as shown by strike through as follows:

1. USES. No lot or given land area embraced in the aforesaid development shall be used for other than single family residence purposes. There shall not exist on any lot or given land area at any time more than one single, detached dwelling house or residence. No temporary structure or shelter (excepting structures or shelters used in connection with or while construction work is being carried out on a given lot) and no guest house, tent, trailer, shack, barn or other outbuildings shall be erected or placed upon any property within the DEVELOPMENT. Anything herein to the contrary notwithstanding, one (1) shed per lot is permitted provided that it does not exceed eighty (80) square feet in area and does not exceed nine (9) feet in height. Any such shed shall be located in the rear yard and shall be at least five (5) feet from the rear yard and side yard property boundaries. No garage shall be erected or placed upon any property within this DEVELOPMENT, except as an integral part of the residence it is intended to serve. No residence or dwelling shall be erected or maintained in this DEVELOPMENT excepting either one-story or one-and-one-half story residences and dwellings. Two or more story residences or dwellings are hereby expressly prohibited. There shall be no limitation on the number of stories for each residence or dwelling. PROVIDED that no residence or dwelling shall exceed the height of thirty-two (32) feet measured between the mean ground level of the lot upon which it is situate and the highest point of the roof thereof, exclusive of chimneys, weather vanes, aerials, and the like; except that the height of residences or dwellings in an identified flood zone shall be measured from the base flood elevation established by the FEMA flood zone map (FIRM) or higher if required by county code, to the highest point of the roof thereof, exclusive of chimneys, weather vanes, aerials, and the like. Any lots located within the DEVELOPMENT, as shown upon the plot thereof, shall not hereafter be resubdivided, sold, or otherwise aliened in a lesser or smaller parcel, excepting in accordance with a Supplement Plot Plan thereof bearing the approval of the Subdividers, who are these grantors, their heirs or assigns and recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware.

IN WITNESS WHEREOF, the undersigned Declarant hereby certifies as required in Section 13 of the Restrictions that ballots were mailed to all lot owners in the Seabrecze Development on approximately February 1, 2016, pursuant to which more than 60% of the lot owners in the Seabreeze Development approved in writing the aforementioned amendments to the Restrictions.

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Tax Map Parcels: 3-34-20.13-76 through 85 (inclusive); 3-34-20.13-160; 3-34-20.13-161; 3-34-20.13-163 through 240 (inclusive); 3-34-20.17-1 through 15 (inclusive); 3-34-20.17-18 through 22 (inclusive); and 3-34-20.17-25 through 32 (inclusive) Prepared by/return to: Hudson, Jones, Jaywork, & Fisher (DBE) 309 Rehoboth Avenue Rehoboth Beach, DE 19971

AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY

THIS AMENDMENT TO THE RESTATEMENT OF AND AMENDMENT TO THE RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, EASEMENTS, RESERVATIONS, CHARGES, ETC. FOR SEABREEZE DEVELOPMENT, A RESIDENTIAL COMMUNITY is made this and this and the seabreeze homeowners Association, Inc., a Delaware corporation (hereinafter referred to as "Declarant").

WHEREAS, the current development restrictions for the Seabreeze Development were recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on August 8, 2003 in Book D, Volume 2869, Page 180, subsequent to which an amendment thereto was recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on June 26, 2015 in Book 4413, page 104 (hereinafter "Restrictions");

WHEREAS, pursuant to section 13 of the Restrictions, Declarant has authority to amend Restrictions when authorized to do so by at least 60% of the lot owners in the Seabreeze Development;

WHEREAS, the Declarant proposed various amendments to the Restrictions on a ballot mailed to all lot owners in the Seabreeze Development on approximately February 1, 2016 ("February 1, 2016 Ballot"), and at least 60% of the Seabreeze lot owners approved by written ballot certain amendments to the Restrictions;

WHEREAS, those amendments were reflected in an amendment to the Restrictions recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on June 9, 2016 in Book D, Volume 4553, Page, 243 ("June 9, 2016 Amendment"); and

WHEREAS, one of the amendments to the Restrictions approved by at least 60% of the Seabreeze lot owners on the February 1, 2016 Ballot was incorrectly reflected in the June 9, 2016 Amendment and needs to be accurately incorporated into the Restrictions.

Sp

NOW THEREFORE, the following amendments to the Restrictions having been approved by more than 60% of the lot owners in the Seabreeze Development, the Declarant hereby amends the Restrictions as follows:

Section 1. Paragraph 11 "Walls" of the Restrictions is hereby amended by making insertions as shown by underline and deletions as shown by strike through as follows:

11. WALLS. No boundary wall shall be constructed with a height of more than five (5) feet and no boundary line hedge or shrubbery shall be permitted with a height of more than five (5) feet. Boundary walls up to six (6) feet in height are permitted in the back yard and side yards of a property provided such walls do not extend beyond the point within the side yard that is aligned with the front corner of the house. Boundary walls extending beyond the point within the side yard aligned with the front corner of the house shall be no more than four (4) feet in height and may extend across the front property line. Water front walls of solid construction or solid water front hedges shall not be permitted in excess of three (3) four (4) feet in height, such wall or hedges where partially open will be permitted to a height of not more than four (4) feet. No wall of any height shall be constructed on any lot until after the height, type, design and approximate location thereof shall have been approved in writing by the Committee. The heights or elevations of any wall shall be measured from the existing elevations of the property at or along the applicable points or lines. Any questions as to such heights may be conclusively determined by the Committee. No trees will be planted on any lot that will block the surrounding lot owner or owners, from a clear view of the waterway without the written consent of the Committee.

IN WITNESS WHEREOF, the undersigned Declarant hereby certifies as required in Section 13 of the Restrictions that ballots were mailed to all lot owners in the Seabreeze Development on approximately February 1, 2016, pursuant to which more than 60% of the lot owners in the Seabreeze Development approved in writing the aforementioned amendments to the Restrictions.

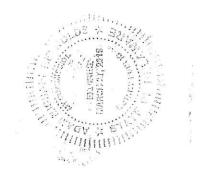
[INTENTIONALLY LEFT BLANK; SIGNATURE PAGES TO FOLLOW]

Signed, Sealed, and Delivered	SEABREEZE HOMEOWNERS ASSOCIATION, INC.
in the Presence of:	CAR TO
Adam Michael Reynoids	BY:(SEAL)
STATE OF DELAWARE :	
COUNTY OF <u>SUSSER</u> : ss	

BE IT REMEMBERED, that on this 244 day of August, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JEFFREY STICKLE, President of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

NOTARY PUBLIC

ADAM MICHAEL REYNOLDS Notary Public STATE OF DELAWARE My Commission Expires March 27, 2019



Signed, Sealed. and Delivered In the Presence of:

SEABREEZE HOMEOWNERS ASSOCIATION, INC.

Kato Fridman

BY: (SEAL) Timarie Thompson, Committee Vice President

STATE OF DELAWARE

COUNTY OF <u>SUSSEX</u>: ss

BE IT REMEMBERED, that on this 33^{γ} day of <u>AUGUSF</u>, A.D. 2017. personally came before me. the Subscriber. a Notary Public for the State and County aforesaid, TIMARIE THOMPSON. Vice President of the governing Committee of the Seabreeze Homeowners Association. Inc., known to me personally to be such, and she acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association. Inc.

JESTIGAWAANNS NOTAREAUBLIC STAFE OF DELAVAGE My Commission Skiving 8-2018 ling yors 111213333365 Sec. 1

SEABREEZE HOMEOWNERS ASSOCIATION, INC. Signed, Sealed, and Delivered In the Presence of: BY: (SEAL) Rita Poore, Committee Secretary

STATE OF DELAWARE : COUNTY OF <u>Sussey</u> :

BE IT REMEMBERED, that on this 24 day of <u>fugure</u>, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, RITA POORE, Secretary of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and she acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc., Inc.



olarina lowerc NOTARY PUBLIC

MARINA TOWNSEND Notary Public STATE OF DELAWARE My Commission Expires January 9, 2021

Signed, Sealed, and Delivered In the Presence of:

SEABREEZE HOMEOWNERS ASSOCIATION, INC.

lisine

Albert Falatko, Committee Treasurer BY: (SEAL)

STATE OF DELAWARE : : ss COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this $\underline{\mathcal{A}^{TH}}$ day of \underline{AUGUGT} , A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, ALBERT FALATKO, Treasurer of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

LORI S. GRASING NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES 03-04-2018

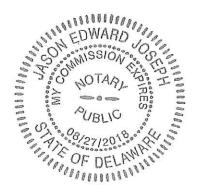
Signed, Sealed, and Delivered In the Presence of:

SEABREEZE HOMEOWNERS ASSOCIATION, INC.

BY: (SEAL) Glenn Cox, Committee Member

STATE OF DELAWARE : COUNTY OF SUSSEX : SS

BE IT REMEMBERED, that on this 2010 day of ______, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, GLENN COX, member of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc., Inc.



HURN AMES

Signed, Sealed, and Delivered In the Presence of: SEABREEZE HOMEOWNERS ASSOCIATION, INC.

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BKURG	Mer	ma	lan	(SEAL)
Mike	Harrington	, Committ	ee Member	(5)

STATE OF DELAWARE : COUNTY OF Kent : ss

BE IT REMEMBERED, that on this A day of <u>August</u>, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, MIKE HARRINGTON, member of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

Julia a. Cottuli

EXPIRES ON June 30, 2019 C. NOTARY PUB

Signed, Sealed, and Delivered	SEABREEZE HOMEOWNERS ASSOCIATION, I	NC.
In the Presence of:	$ \sum $	
Jori Strasing	BY: DAINO CAMPO Kenneth Simpler, Committee Member	SEAL)

STATE OF DELAWARE : : ss COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 23° day of <u>AUGUST</u>, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, KENNETH SIMPLER, member of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

NOTARY PUBLIC LORI S. GRASING NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES 03-04-2018 minum 641 184

Signed, Sealed, and Delivered In the Presence of:	SEABREEZE HOMEOWNERS ASSOCIATION, IN	NC.
Sig Grasing	BY: <u>Man Jun Co</u> (S Ann Simpler, Committee Member	SEAL)

STATE OF DELAWARE : : ss COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 23^{-62} day of <u>Aucust</u>, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, ANN SIMPLER, member of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and she acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

NOTARY PUBLIC LORI S. GRASING NOTARY PUBLIC STATE OF DELAWARE **MY COMMISSION EXPIRES 03-04** (2000)10132219530 Sec. 1

Signed, Sealed, and Delivered In the Presence of:

SEABREEZE HOMEOWNERS ASSOCIATION, INC.

Janesh P. Ramirez

BY: Nonathan Jones, Committee Member

STATE OF DELAWARE : : ss COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this <u>O1</u> day of <u>September</u>, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JONATHAN JONES, member of the governing Committee of the Seabreeze Homeowners Association, Inc., known to me personally to be such, and he acknowledged all the information in this instrument to be true and correct and to be the Act and Deed of the Seabreeze Homeowners Association, Inc.

NOTARY PUBLIC

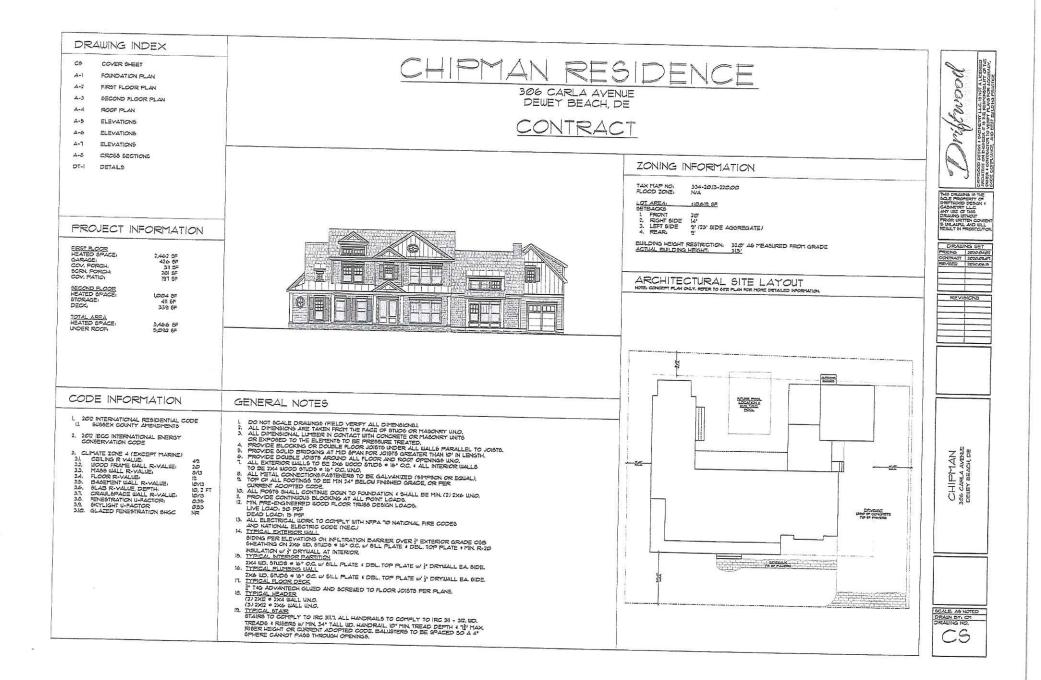
YANETH P. RAMIREZ NOTARY PUBLIC STATE OF DELAWARE WAYSSION EXPIRES 04-27-2017 OH-18-2019

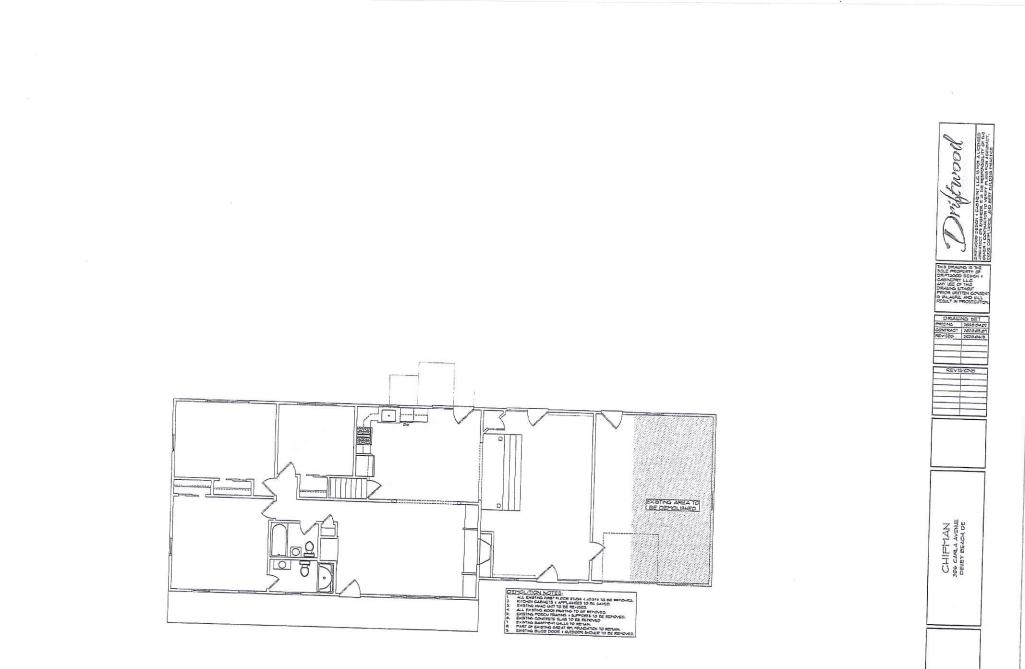
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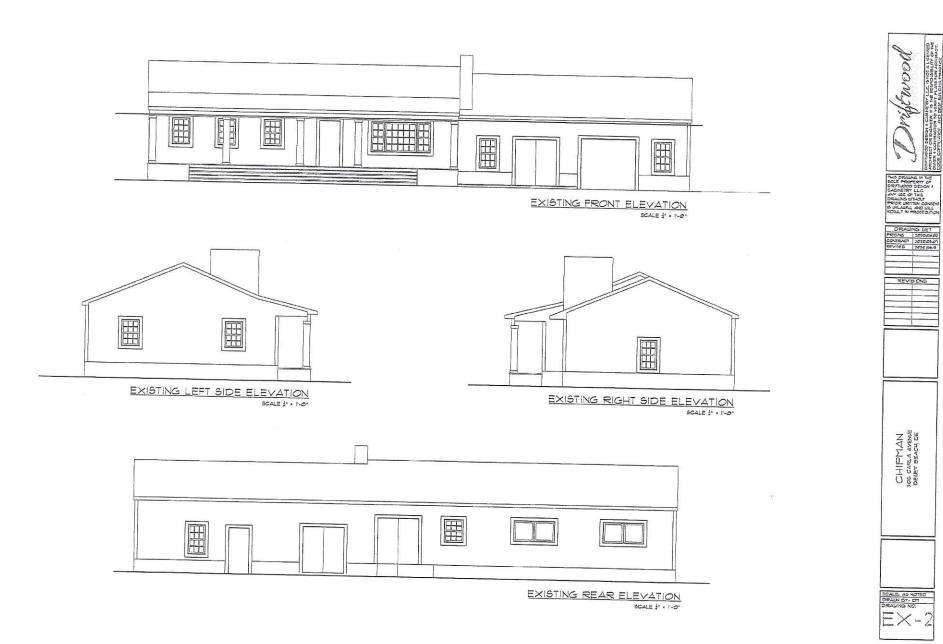
Exhibit B

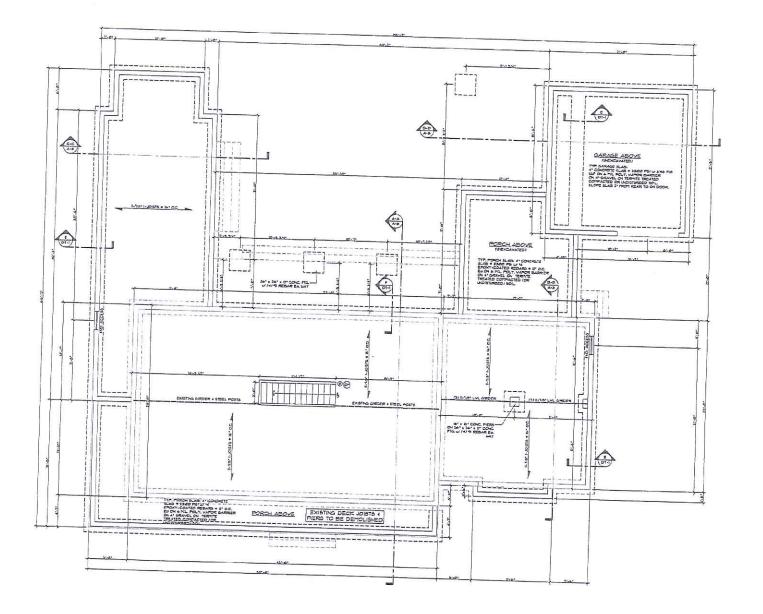




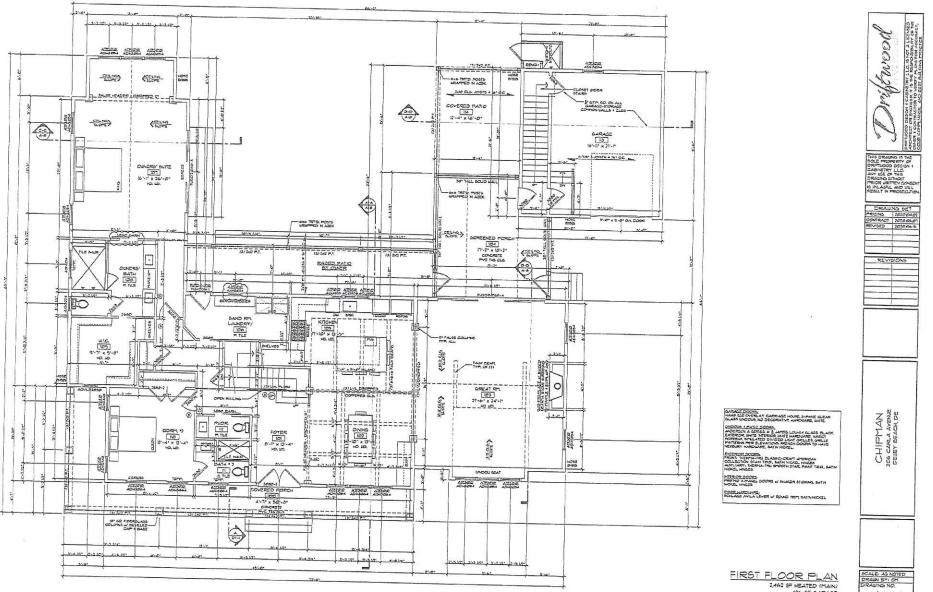


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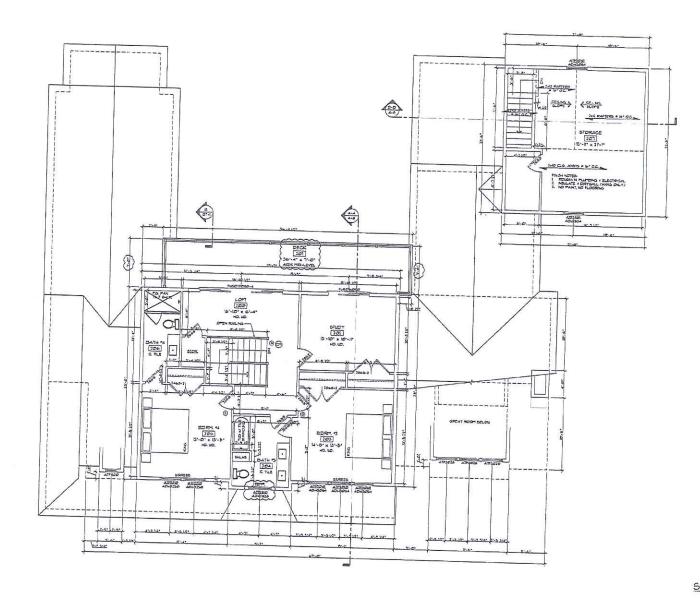
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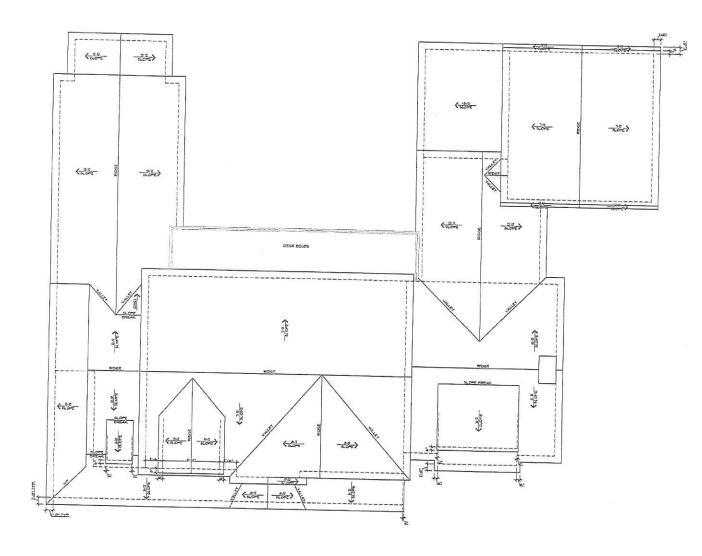
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REVISIONS

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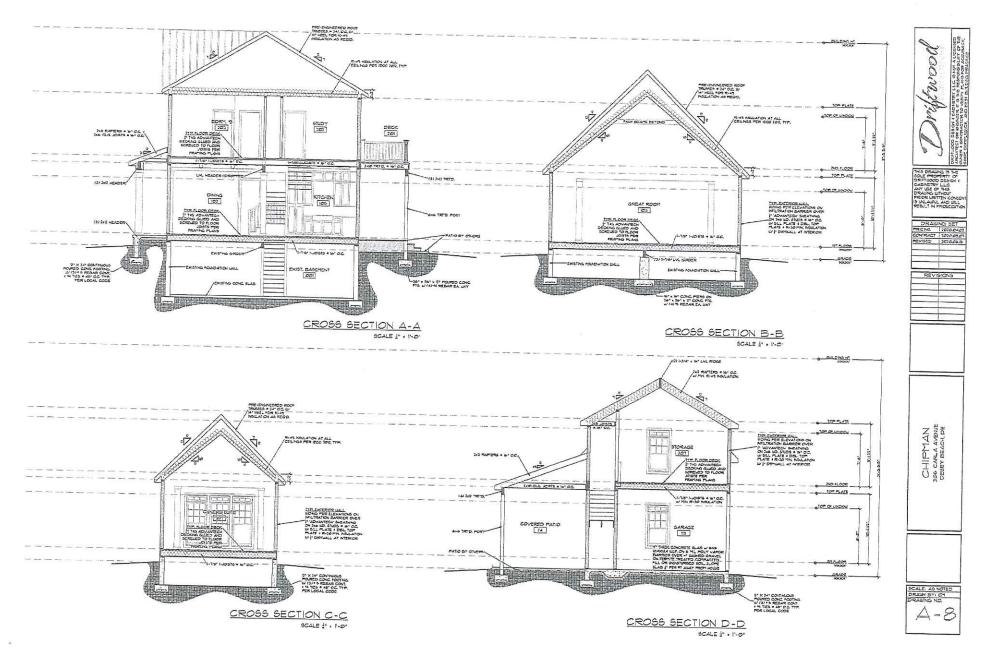


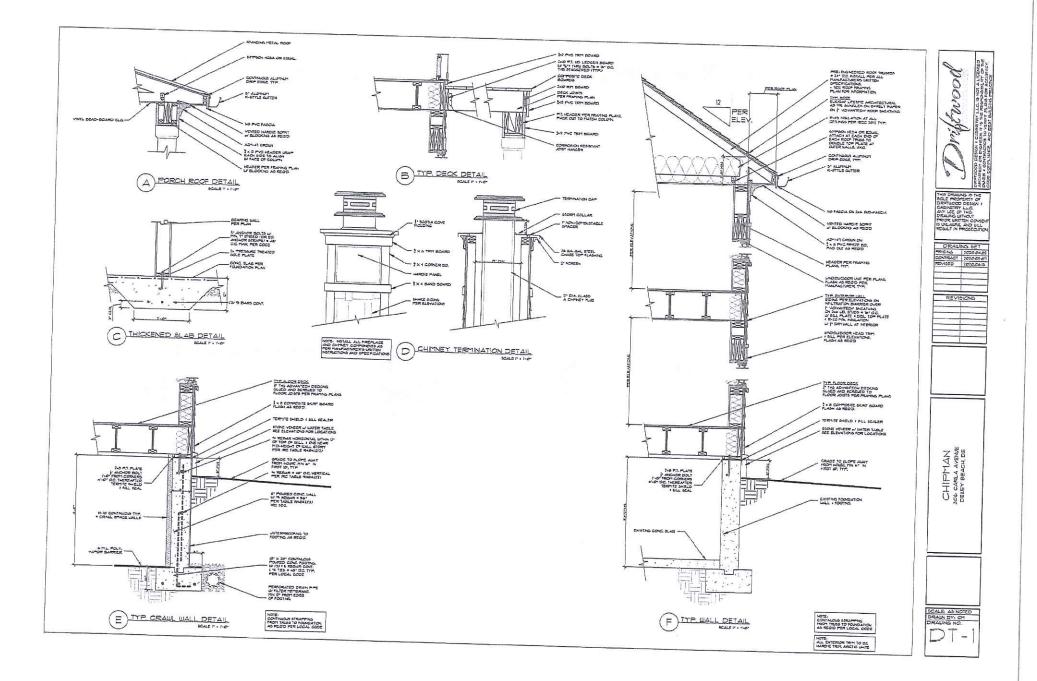
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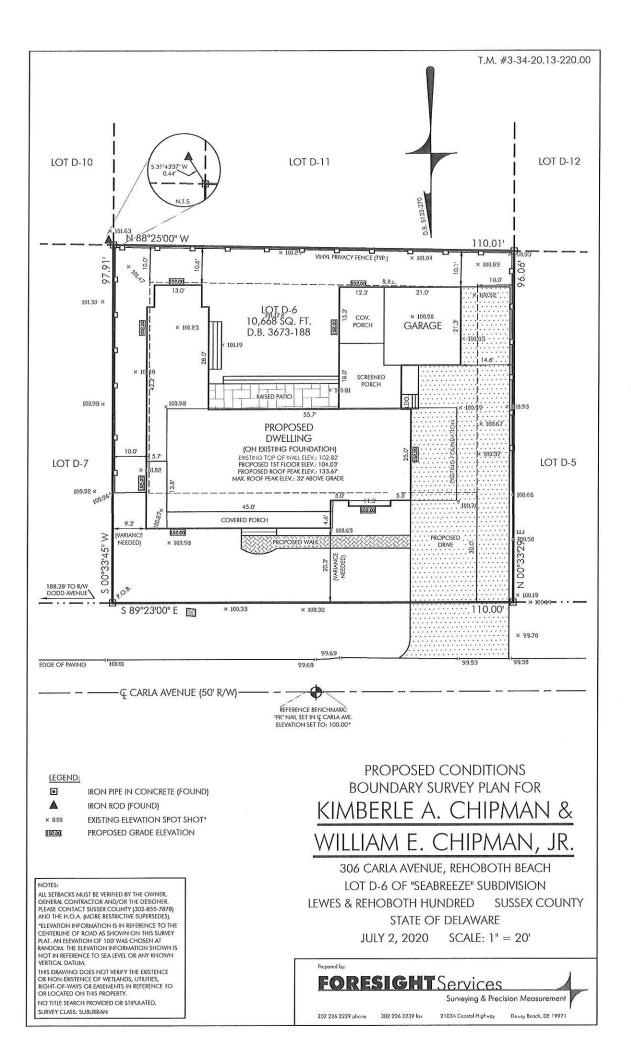




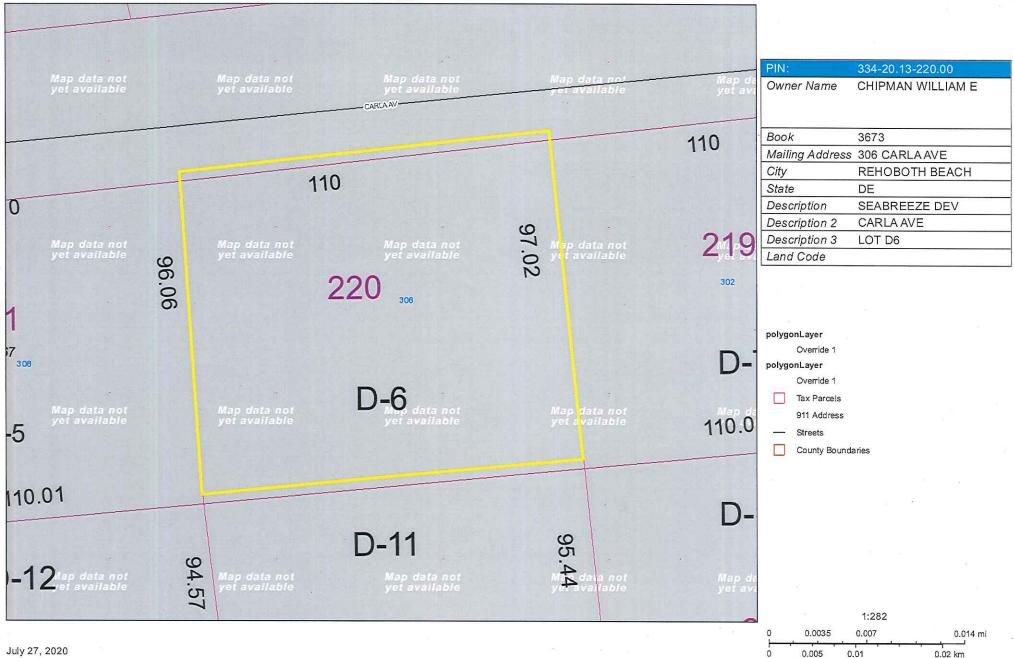
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Sussex County



y 21, 2020