BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE sussexcountyde.gov

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

AGENDA

September 21, 2020

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for July 20, 2020

Approval of Findings of Fact for July 20, 2020

Old Business

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

Public Hearings

Case No. 12470 – Troy & Alice Rohrbaugh seeks variances from the rear yard setback requirements for proposed structures (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of Owens Court within The Curves subdivision. 911 Address: 40116 Owens Court, Fenwick Island. Zoning District: MR. Tax Parcel: 134-22.00-7.05

Case No. 12471 – Daniel Ostinvil seeks variances from the rear yard setback requirement for existing structures. (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of North Poplar Street at the intersection of Old Sailor Road. 911 Address: 31016 N. Poplar Street, Laurel. Zoning District: AR-1. Tax Parcel: 232-12.18-51.00



Case No. 12472 – Stephens Rentals, LLC (Cellco Partnership d/b/a Verizon Wireless) seeks a special use exception to place a telecommunications tower and a variance from the height requirements for a telecommunications tower (Sections 115-50, 115-179, 115-194.2 and 115-210 of the Sussex County Zoning Code). The property is located on the south side of Old Racetrack Road opposite Brick Manor Road. 911 Address: N/A Zoning District: HI-1. Tax Parcel: 532-20.00-14.02

Case No. 12473 – Equity Trust Co. (Kenda West) seek variances from the front yard setback requirements for a proposed structure (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the south side of Pine Grove Road within the Hollywoods Park subdivision. 911 Address: 32622 Pine Grove Road, Laurel. Zoning District: MR. Tax Parcel: 432-8.00-124.00

Case No. 12477 – Iris Moore, Danny L Moore, Jr., & Darren E. Moore seek a variance from the minimum lot width requirement for a proposed lot (Section 115-25 of the Sussex County Zoning Code). The property is located on the northwest side of Shingle Point Road approximately 150 ft. northeast of Waldwick Way. 911 Address: N/A. Zoning District: AR-1. Tax Parcel: 135-11.00-2.03

Case No. 12479 – Sports at the Beach seeks a special use exception for an outdoor display or promotional activity (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the southeast side of Lewes Georgetown Highway (Route 9), approximately 0.43 mile west of Park Avenue. 911 Address: 22518 Lewes Georgetown Highway, Georgetown. Zoning District: CR-1/AR-1. Tax Map: 135-15.00-82.00

Additional Business

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 14, 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 https://sussexcountyde.gov/council-chamber-broadcast

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

To join the meeting via phone, please dial:

Conference Number: 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.

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 pandz@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Thursday, September 17, 2020

####



RECEIVED

JUN 0 3 2020

SUSSEX COUNTY PLANNING & ZONING

Board of Adjustment Application Sussex County, Delaware

Case # 12467 Hearing Date <u>54</u>47 年 20205679

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 applica	ble)
Variance ☐ Special Use Exception ☐ Administrative Variance ☑ Appeal ☐	Existing Condition Proposed Code Reference (office use only)
Site Address of Variance/Special Use Exception	on:
18852 Riverwalk Dr., Milton, Delaware 19968	
Variance/Special Use Exception/Appeal Requ	uested:
Raising an existing patio to deck level, (not to approximately four feet from our rear property	
Tax Map #: 2-35-30 (P. 24.06) 637-00	Property Zoning: Redntl AR-1
Applicant Information	
Applicant Name: Paula and Jeffrey Horn	
Applicant Address: 18852 Riverwalk Dr.	
City Milton State DE	Zip: 19968
Applicant Phone #: (917) 885-4969 A	pplicant e-mail: jeffhorn72@gmail.com
Owner Information	
Owner Name: Paula Horn	
Owner Address: 18852 Riverwalk Dr.	
City Milton State DE	Zip: 19968 Purchase Date: 6/5/18
Owner Phone #: (646) 242-3231 O	wner e-mail: phorn392@gmail.com
Agent/Attorney Information	*
A series (Assert	
Agent/Attorney Name:	
Agent/Attorney Address:	77
City State	Zip:
Agent/Attorney Phone #: Ag	gent/Attorney e-mail:
Signature of Owner/Agent/Attorney	
Paula Hand	Date: 5/30/20

EQUAL HOUSING OPPORTUNITY

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

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 "fighbout" setting

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

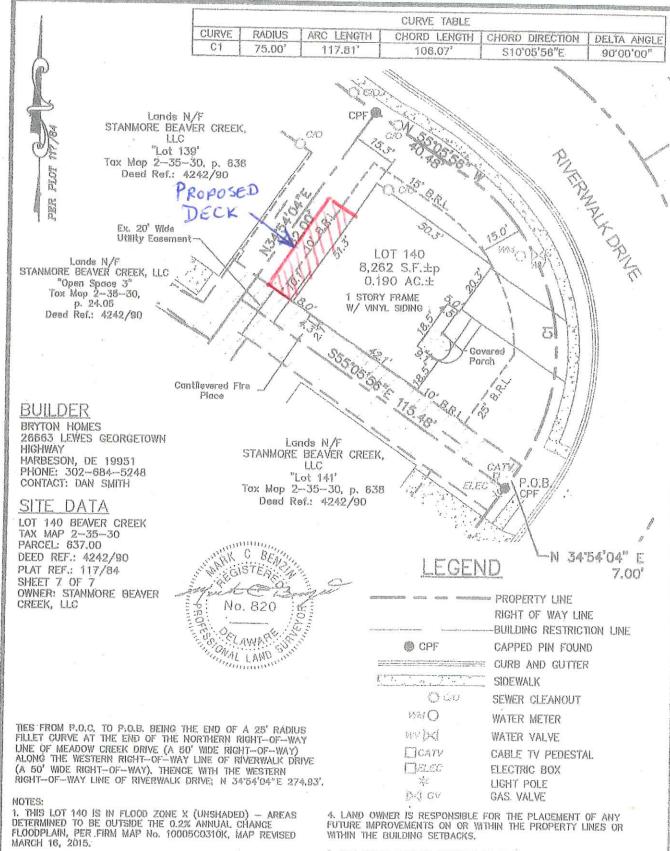
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

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.

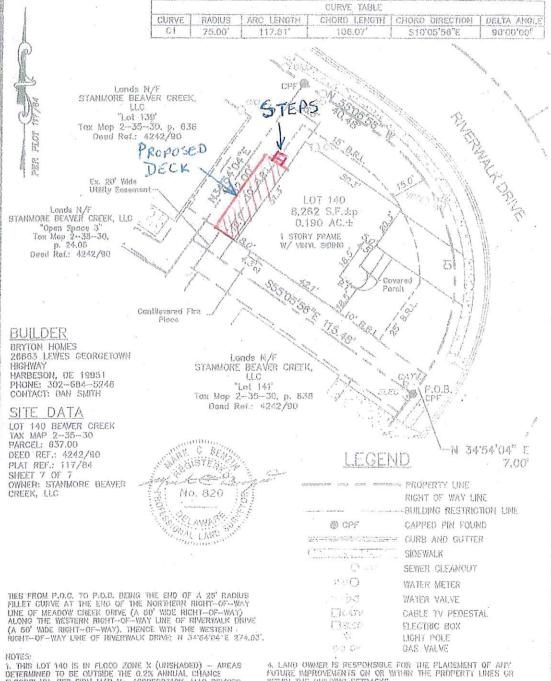
The variance we are requesting is the minimum practical variance possible as it uses an existing patio for size and scope of construction.



2. THIS IS A SUBURBAN CLASS BOUNDARY SURVEY.

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

5. FOR EASEMENTS OR ENCUMBRANCES ON THE PARCEL OF LAND SHOWN HEREON, SEE SUBDIVISION "FINAL SUBDIVISION, BEAVER CREEK", DATED JUNE 19, 2007 AND FILED FOR RECORD IN THE OFFICE OF RECORDER OF DEEDS IN SUSSEX COUNTY, DELAWARE IN PLOT VOLUME 117 PAGES 84 THRU 90.



1. THIS LOT 140 IS IN FLOCO ZONE X (UNSHADED) — AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANGE FLOODPLAN, PER FIRM MAP No. 10005C0310K, MAP REVISED MARCH 16, 2015.

2. THIS IS A SUBURBAN CLASS BOUNDARY SURVEY.

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

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 EASEMENTS OR ENGLARGRANCES ON THE PARCEL OF LAND SHOWN HEREON, SEE SUBDIVISION "FINAL SUBDIVISION, BEAVER CREEK", DATED JUNE 19, 2007 AND FILED FOR RECORD IN THE OFFICE OF RECORDER OF SEEDS IN SUSSEX COUNTY, GELAWARE OF PLOT VOLUME 117 PAGES 84 THRU 90.



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

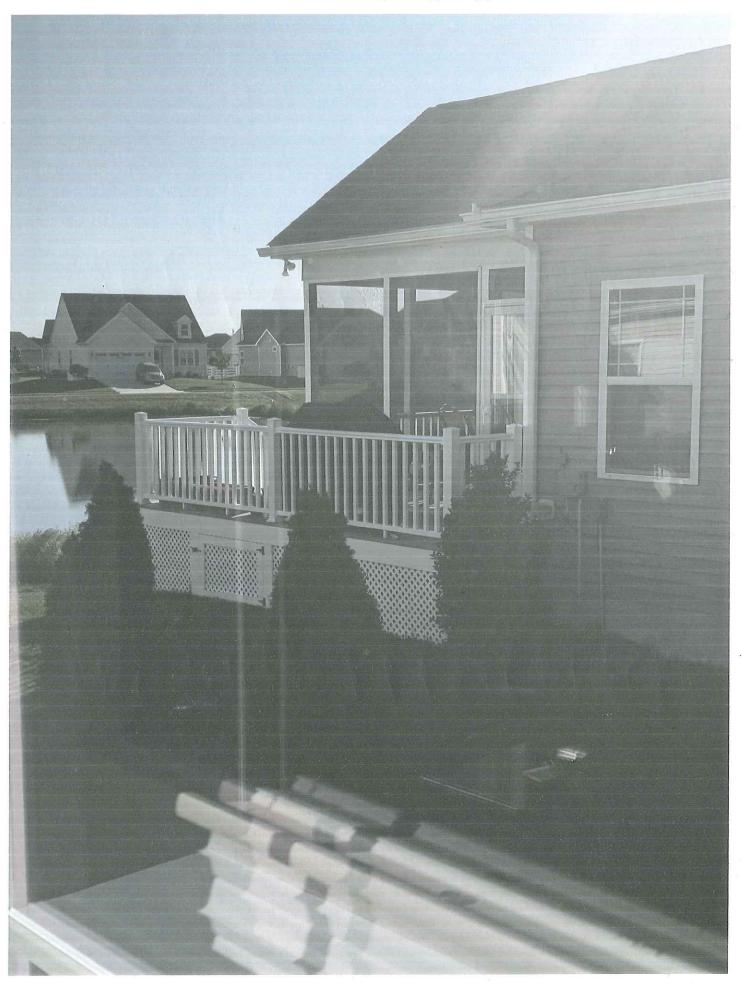


5/30/2020 output.jpg





1/1



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



PIN:	235-30.00-637.00
Owner Name	HORN PAULA
Book	4900
Mailing Address	392 CENTRAL PARK WEST
City	NEW YORK
State	NY
Description	BEAVER CREEK
Description 2	LOT 140 PHASE 3
Description 3	×
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

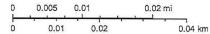
Tax Parcels

911 Address

Streets

County Boundaries

1:564



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 14, 2020

RE: BOA Case No. 12467

Attached to this memo is the permit information for the property at 18848 Riverwalk Drive as requested by the Board.

The addition is in compliance with County Code and has received a Certificate of Occupancy.



BUILDING CODE

MAIN OFFICE (FAX)

(302) 855-7860 (302) 855-7821

INSPECTION SCHEDULING INSPECTIONS (FAX)

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

PLAN REVIEW (FAX)

(302) 855-7860 (302) 855-7869



Sussex County

DELAWARE sussexcountyde.gov

ANDY WRIGHT CHIEF OF BUILDING CODE

SINGLE FAMILY INSPECTION REQUIREMENTS

Application # 201906926

FOOTING INSPECTION-

- Prior to pouring concrete
- Minimum of 24" inches below finished grade
- Pole buildings must be a minimum 36" inches below grade
- Re-bar and reinforcement tied and in place (when required)
- · Footings free of debris, organic material and water
- Concrete shall not be placed on frozen soil

2. PRE-SLAB INSPECTION-

- Required for conditioned areas on slab on grade for "Pole Building" style dwellings or dwellings with "turndown" slabs.
- Perimeter insulation installed prior to pouring slab

3. TRACK INSPECTION-

- Required for pre-engineered sunrooms
- Track installed for floor and/or roof panels

HOUSEWRAP/FRAMING INSPECTION-

- Hosusewrap inspection may be scheduled before the framing inspection as a separate inspection.
- Building is weather tight (roof covering & housewrap)
- · Electrical and plumbing inspected with stickers on site
- Mechanical ducts and boots installed and sealed
- Draft stopping and fire blocking completed
- Basement waterproofing complete and certification provided
- · Certifications for pre-engineered products on site
- Framing inspection before exterior covering is installed.
- No insulation is to be installed before framing inspection
- Pole buildings require a header inspection prior to any exterior or interior wall covering is installed
- Plant built portions of modular homes do not require framing inspection, but are required a "Close-In" inspection after the units are set and before mating wall have exterior covering installed.
- Site built portions of a modular home project are still required a framing inspection.

5. ENERGY INSPECTIONS (DWELLINGS ONLY)-

- Energy compliance form ("Res-Check") must be on site.
- Building envelope sealed from all air drafts
- All insulation properly installed.
- Thermal stickers for doors and windows must be in place.
- Modular homes to have all air gaps in mating walls sealed and site-built portion such as: finished cape cods, rooms over garages, additional living spaces...etc.) certification and a permanent certificate must be completed and posted in or around the electric box before final inspection.

FINAL INSPECTION-

- Work is completed
- Electrical and plumbing have been inspected with stickers on site.
- Blower door/energy certification posted in or around electric panel
- Duct blaster certification ONLY if any of duct work is in unconditioned space
- Rough grade for proper drainage away from structure
- Gutters and downspouts installed
- 911 addresses must be posted
- Attic and crawlspace insulation installed
- · Must provide access to attic areas
- 7. County approved plans must be kept on job site for inspectors' review to receive an inspection.
- 8. Additional inspections after 5 inspections (Except Modular Home Projects without site-built additions) shall be charged \$40.00 per trip and to be paid before the issuance of the certificate of occupancy. Modular Home projects will be charged \$40.00 per trip after 4 inspections.



All inspections can now be viewed on the County's website using the "Self Service Portal." To access this feature, please visit: www.sussexcountyde.gov. Click on the "Building Code" link in the Business section under Building and Construction. Once you are in the Building Code section, click on the "Inspections and Scheduling" tab on the left-hand side of the screen. Look for the "Self Service Portal" link at the top center next to picture. You will need to enter your Parcel ID or Application reference number to view all inspection results. Both numbers can be found on your building permit.

Before requesting any inspection, all "third party" reports such as; engineered footing reports, piling blow counts, water proofing certificates, stamped truss repairs, and energy certificate reports must be emailed to our Inspection Office at buildinginspections@sussexcountyde.gov. Application number must be included.

Any requested inspection failing to provide any of the above-mentioned reports, will not be scheduled.

TO SCHEDULE INSPECTIONS:

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

SIGNATURE

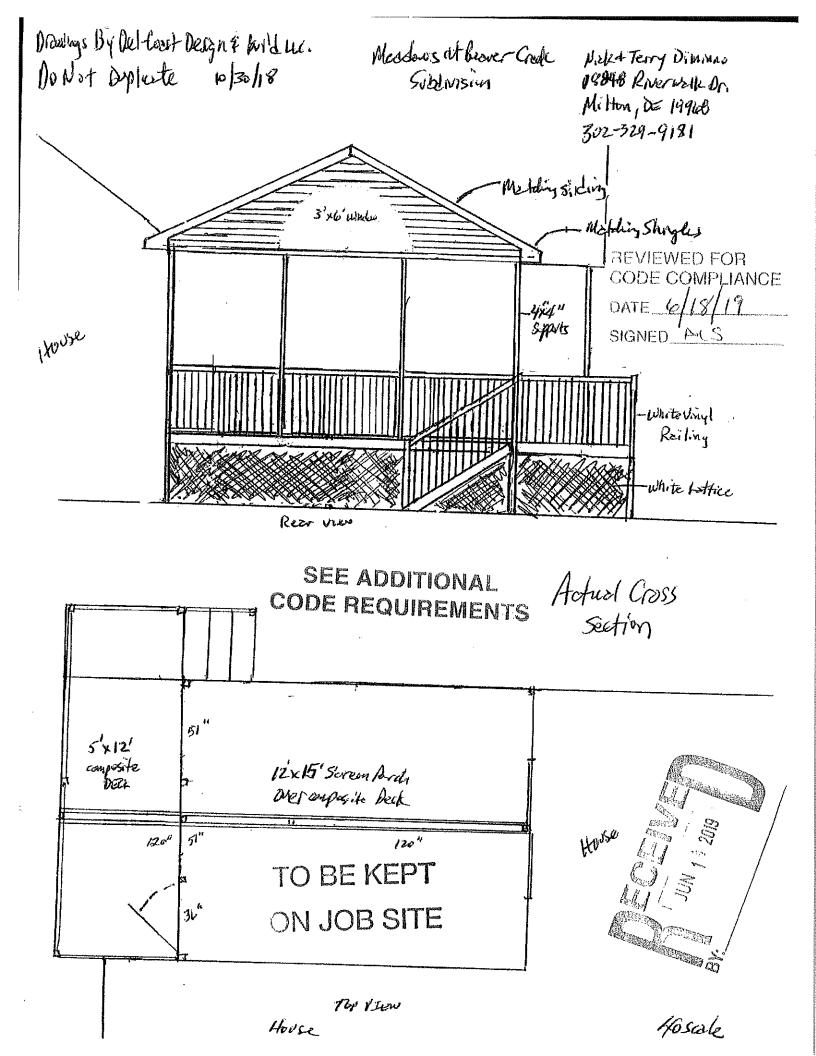
DATE

PRINT NAME

OWNER or CONTRACTOR
Circle one:

PHONE #

1604-9615





Permit Number

BP-112375

Sussex County Building Permit

P.O. Box 589 Georgetown, DE 19947 302-855-7720

D LID Address

Application Number

201906926

Issue Date: 06/19/2019 Expire Date: 06/18/2020

\$ 19.80

TOTAL FEES:

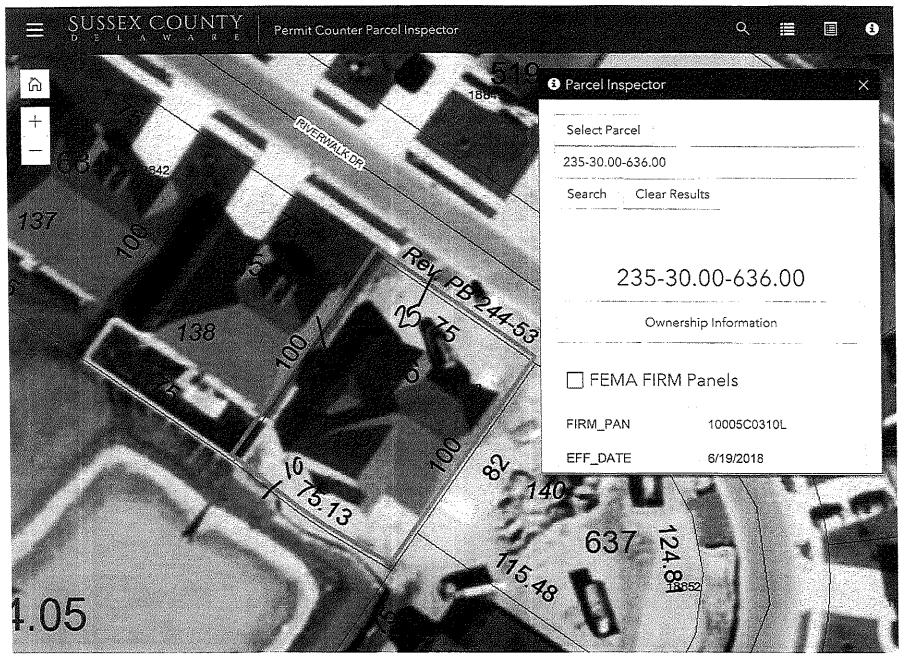
Permit Type:

RES. ADDITION OUT OF TOWN

235-30.00-636.00	18848 RIVERWALK DRIVE AR-1			
Owner Information	Applicant Information			
Name: DIMINNO NICHOLAS M SR Phone:	Name: DEL-COAST DESIGN & BUILT Phone: 302-947-4436	D .		
Contractor Information				
Name: DIMINNO NICHOLAS M SR CID: 135056 Phone:	License Number: License Exp. Date: Insurance Exp. Date:			
Proposed Use: PORCH W/ROOF Construction Type: Estimated Cost of Construction: \$ 2,520 Cannot Occupy More than of Total Distance from any Dwelling of other Owne Distance from any other Mobile Home or A	rship:			
Property Information				
Measurements taken from Property Lines Front Setback: J				
Project Description: RES ADD W/ BC				
Scope of Work: 12x15 SCREEN PORCH Permit Details:				
Signature of Approving Official	Signature of Owner/Confractor I fully understand the Zoning Requirement	s of this permit.		
construction of which this PERMIT is granted, or within a	e one (1) year from the date of Issue. Permit may be renewed if construction is ner than those beyond the permit-holder's control. Grading or surface-shaping eved prior to expiration date. RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The sament, Planning and Zoning and Building Code Officials to enter upon-said a reasonable time thereafter, for the purposes of assessing and inspecting satisfactions. The property of the purposes of the purposes of assessing and inspecting satisfactions. The property of the purposes of the purposes of assessing and inspecting satisfactions. The property of the purposes of the purposes of assessing and inspecting satisfactions. The property of the purposes of the purposes of assessing and inspecting satisfactions.	has begun and continued g of the site shall not be ne owner or owners of premises during the ild property, said consent		

Building Description					
Total Bedrooms:		Heat Type:			
Full Baths:	Half Baths:	Roofing:			
Total Rooms:		Exterior Walls:			
Basement:		Foundation Type:			
Interior Walls:		Fireplace Type:			
Flooring:		Air Conditioning: N			
	Additional Requirement	/Restrictions			
Fences Fence may only be 3.5' tall around the front and back sides until 40'/30'. Thereafter, fence may be a maximum of 7' tall. On corner properties, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may go on property line.					
Above-Ground Pools Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool					
In-Ground Pools A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.					
Pools or Guest Homes No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.					
Campgrounds Must conform to the location approved by the park.					
	900 Square Feet or Greater permitted in structure without a Pl	anning & Zoning Hearing.			
Agricultural Storage Storage only. NO LIVESTOCK F					
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.					

Not to Scale



Application Entry (Sussex County, DE) ⁽⁰⁾ 4 Q ŧa. 3 ٥ П ٥ \equiv Back Browse Update Outout Print PDF Excel Display Save Word Mag Attach Overview Quick Find Menu Application Department 112 - Assessment Ë Owner 135055 ... Project/Activity * --- RES ADD W/ BC * Active DIMINNO NICHOLAS M SR. Application * DEL-COAST DESIGN & BUILD Contractor Status ACTIVE Business 12x15 SCREEN PORCH Description 1 Status code Description 2 Status memo PAM 302-604-9675 C - CONTRACTOR Applicant Estimated cost 2,520 Fees effective Assigned to Permit MULTIPLE PROPERTY/USE LEGAL DESC DATES/MISC PROJECT TRACKING PERMITS GENERAL USER DEFINED Parcel 235-30.00-636.00 0 ŝ Location 18848 RIVERWALK DRIVE Existing use RESIDENTIAL SINGLE FAMILY UNKNOWN DE 19968 zoning AR-1 - AGRICULTURAL RESIDENTIAL 2 ... NNKNOWN Municipality memo Subdivision BEAVER CREEK PHASE 3 flood zone Lot/Section/Phase Proposed use RESIDENTIAL SINGLE FAMILY Between zonina AR-1 - AGRICULTURAL RESIDENTIAL æ and Project Name Location desc BEAVER CREEK LOT 139 PHASE 3 flood zone Impervious surface ☼ Inspections ☑ Contractors 😂 Open Items ☐ Browse History Septic Hazard/Restr Dept/Bd Reviews D Names **⊘** Warnings € Find Related Buffering Plan Reviews □ Violations Œ Text Special Conditions Find by Parcel Parcel IDs

Paid

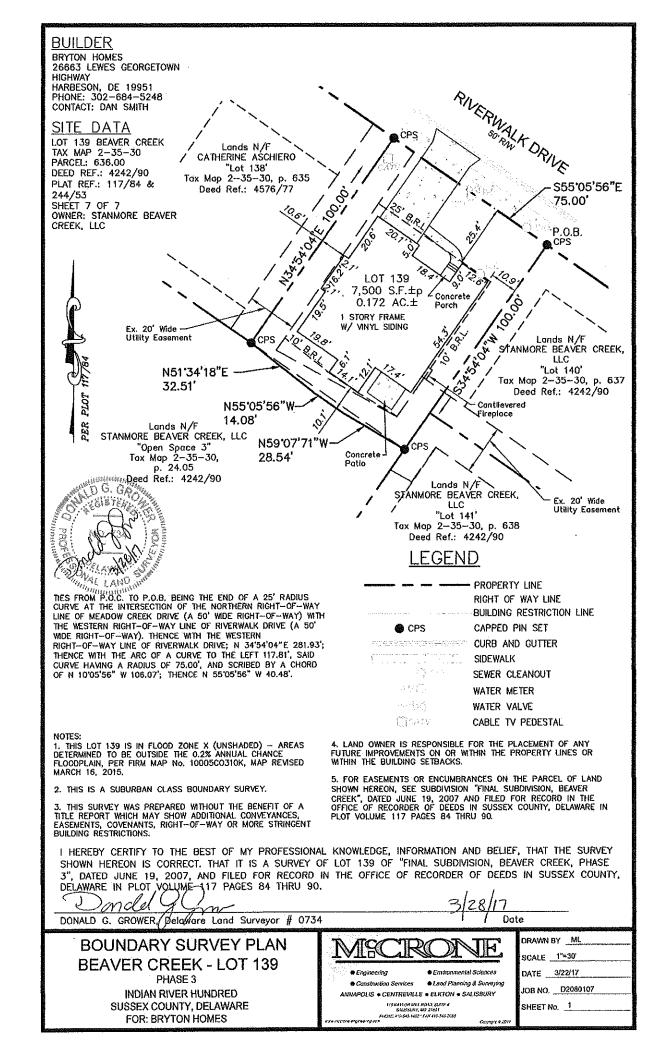
Called 6/19

1 of 1

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Record(s) updated.



RECEIVED

September 3, 2020

SEP 09 2020

Sussex County Board of Adjustment 2 The Circle, PO Box 417 Georgetown, DE. 19947 SUSSEX COUNTY
PLANNING & ZONING

Dear Members of the Board of Adjustment,

The Board of Directors of the Meadows of Beaver Creek is opposed to the variance request made by Jeff and Paula Horn, Case # 12467. The proposed variance would be in conflict with the community's Covenants, Conditions, and Restrictions Article VI, Section 10, B which states, "Each side yard setback line of any lot shall be ten feet (10') from the respective side line of such lot" and Section 10, D which states "No main building or accessary building shall be erected on any Lot nearer than ten feet (10') to the rear Lot line

As we understand what the Board of Adjustment is considering is to approve a variance which would be in direct opposition to our governing documents and as such we feel that the Board of Adjustment should deny such request.

Thank you for your consideration,

For the Meadows of Beaver Creek Board of Directors

William Klunk

President, MBC Board of Directors

Board of Adjustment Application Sussex County, Delaware

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

Case # 12 570
Hearing Date 9114/20
Application #202006533

Type of Application: (please check all applicable) Variance 🗸 Existing Condition Special Use Exception Proposed | Administrative Variance Code Reference (office use only) Appeal 115-34 115-183 Site Address of Variance/Special Use Exception: 40116 Owens Ct. Fenwick Island, DE 19944 Variance/Special Use Exception/Appeal Requested: Extend upper deck 2' past the BRL. Lower deck extends up to 5' past BRL. Tax Map #: | 134-22.00-7.05 Property Zoning: Res MR **Applicant Information** GR Campbell Construction, LLC Applicant Name: Applicant Address: PO Box 900 City Greenwood Zip: 19950 State DE Applicant Phone #: 302-715-1644 Applicant e-mail: greampbellconstruction@gmail.con **Owner Information** Mr & Mrs Rohrbaugh Owner Name: Owner Address: 40116 (40114) Owens Ct City Fenwick Island State DE Zip: 19944 Purchase Date: 8.29.06 Owner Phone #: 917-921-8567 Owner e-mail: alrohrbaugh@msn.com Agent/Attorney Information GR Campbell Construction Agent/Attorney Name: Agent/Attorney Address: City (Tree) WOOD Agent/Attorney Phone #: 302.715.1644 Agent/Attorney e-mail: grampbell Signature of Owner/Agent/Attorney

EGUAL HOUSING OPPORTUNITY

Date: 6.15.20



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

You shall demonstrate to the Board of Adjustment that the property meets <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.

Beachfront property deck extension request to slightly mirror aesthetics of allowable lower deck extension.

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.

Reasonable use of the property with maximized deck area is necessary to accommodate aging family members.

3. Not created by the applicant:

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

Confirmed- The survey shows the East decks on the property built to the BRL. Accessibility and convenience for all requires additional space for essential, inclusive navigation.

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

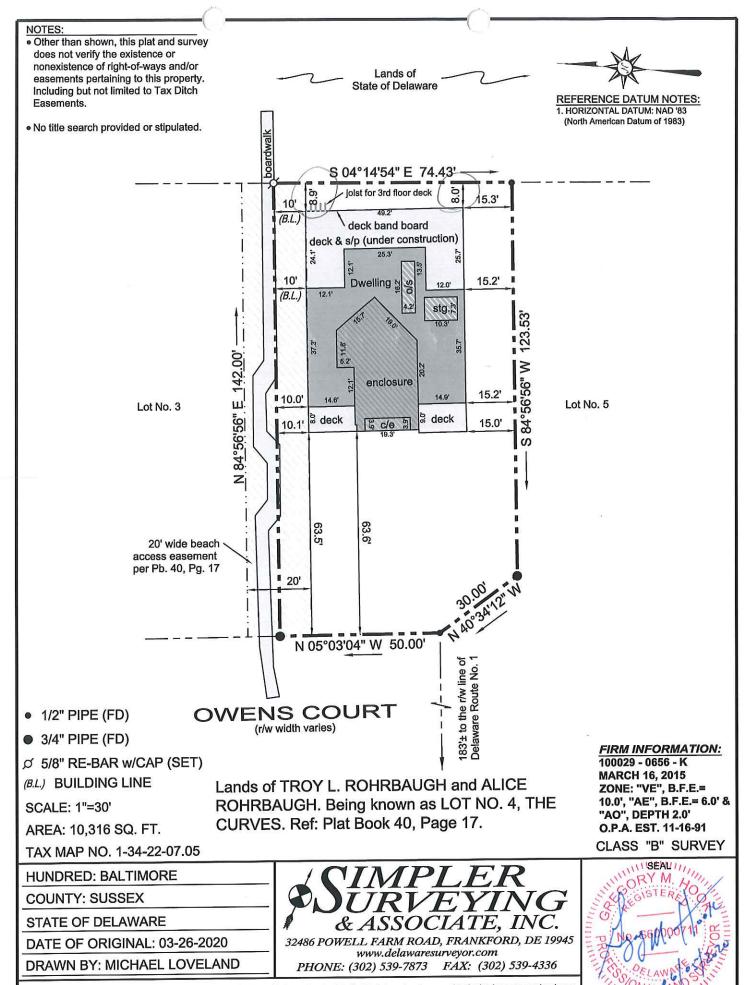
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

Confirmed- The requested extension cannot be viewed from the street and/or the entrance to the 6 property cut-de-sac neighborhood of The Curves.

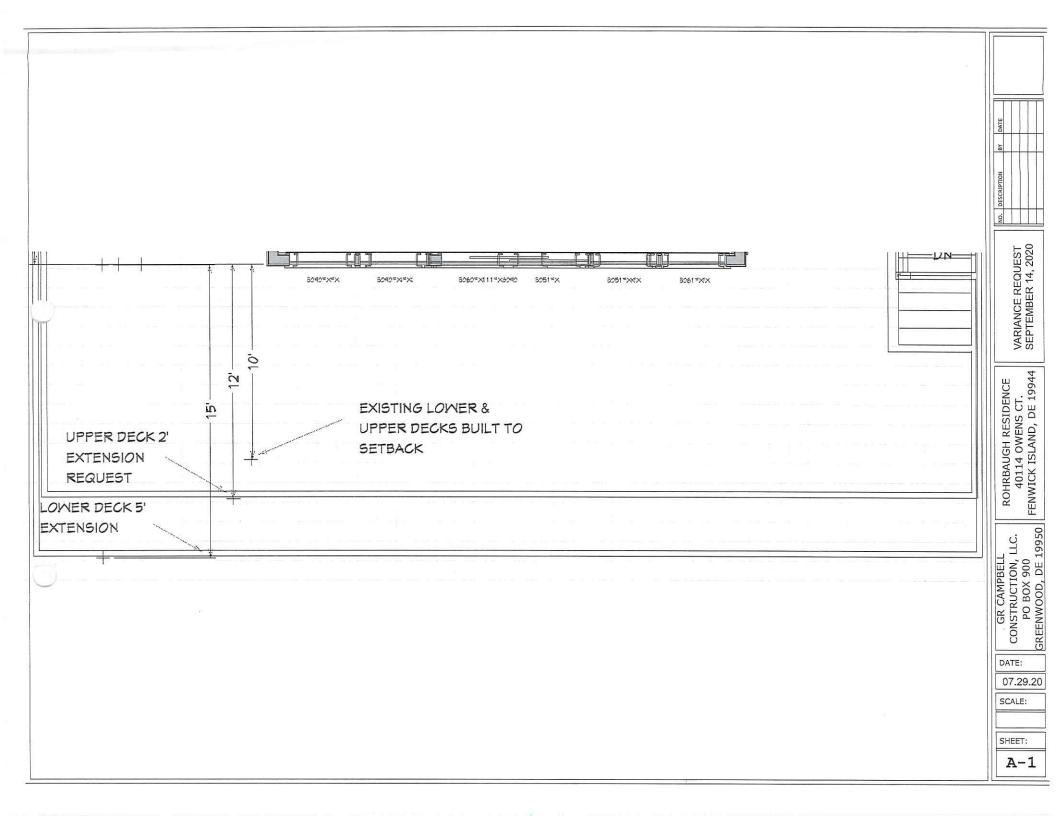
5. Minimum variance:

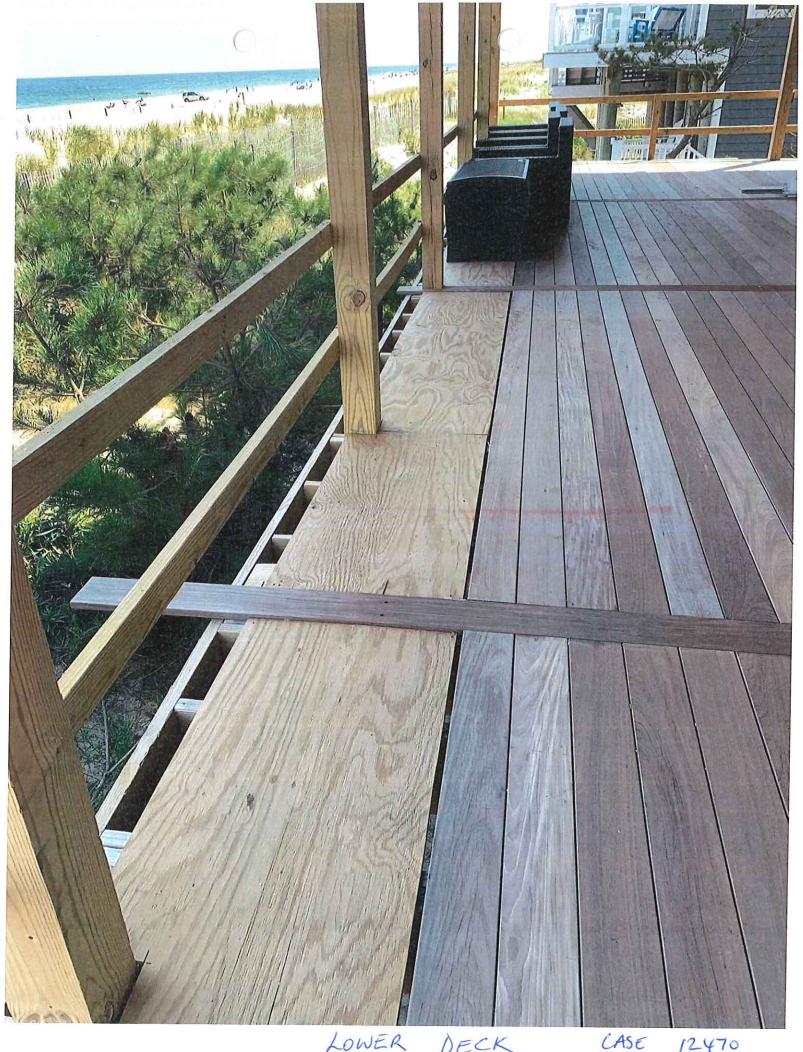
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Confirmed- The property owner requests only a 2' extension on the upper deck, as opposed to mirroring the full 5' extension allowable on the lower deck. This request will allow full navigation and reasonable use of the outdoor space.

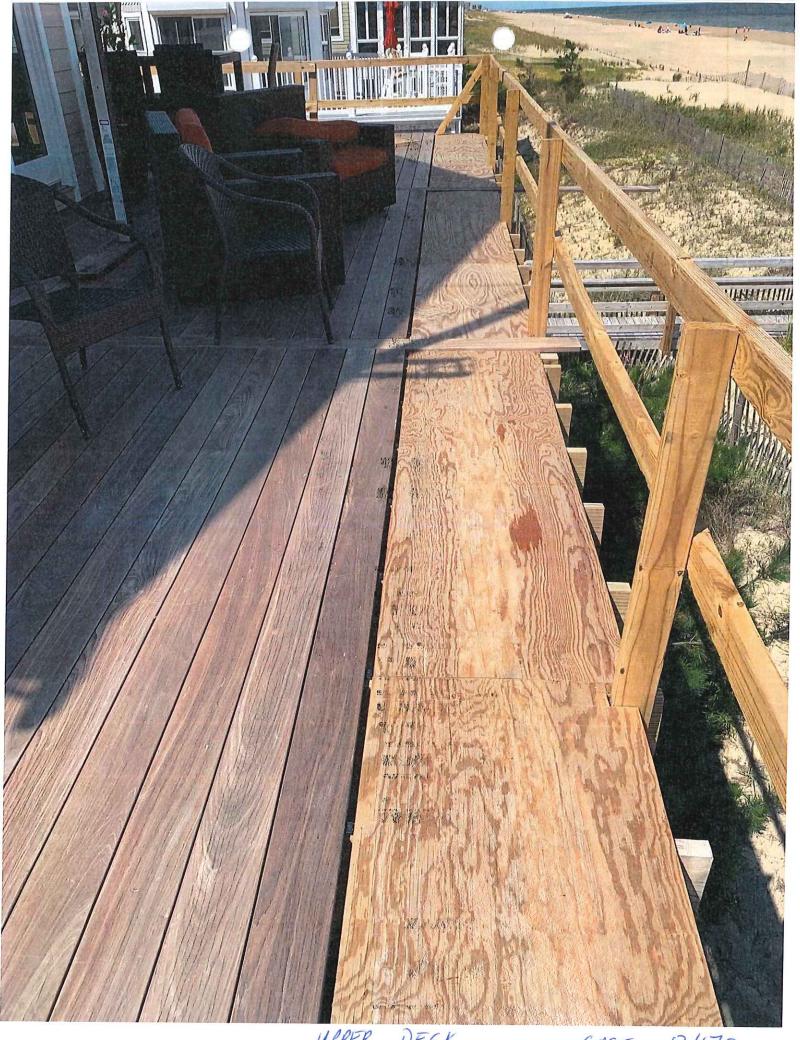


I, Gregory M. Hook, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.





LOWER



UPPER DECK



PIN:	134-22.00-7.05
Owner Name	ROHRBAUGH TROY L & ALICE ROHRBAUGH
Book	3353
Mailing Address	65 EAST 90TH ST
City	NEW YORK
State	NY
Description	THE CURVES
Description 2	LOT 4
Description 3	OWENS COURT
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

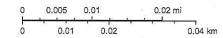
Tax Parcels

911 Address

— Streets

County Boundaries

1:564



Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (plea	se check all app	olicable)	· ·		region to
Variance Special Use Exception Administrative Variance Appeal Site Address of Variance/S	· .		Existing Condition [Proposed Code Reference (off	ice use only)	tan.
3/016 N	Poplar S	+		·	
Variance/Special Use Exce		<u>-</u>			
Rear yard.	setback	Variant	es (e) 13	3.9 ft n 15 f	+ requirement
Tax Map #: 232-12	19-51-00	>	Property Zoning:	AR-I	
Applicant Information					
Applicant Name: Danie Applicant Address: 529 City Laurel Applicant Phone #: 302	State De	ST Zip: _\	995 (o ail: Jostinvil Egm	all com	· · · · · · · · · · · · · · · · · · ·
Owner Information					
Owner Name: Doniel Owner Address: 31016 City Laurel Owner Phone #: 302-	State De	Zip:	9956 Purchase		
Agent/Attorney Information	<u>on</u>		·	·	
Agent/Attorney Name: _ Agent/Attorney Address:			· · · · · · · · · · · · · · · · · · ·		·
City	State	Zip:			
Agent/Attorney Phone #: _		Agent/Attorne	y e-mail:		
Signature of Owner/Agent	/Attorney	p.	the angles of	H _e is	
			Date:		





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

You shall demonstrate to the Board of Adjustment that the property meets <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	of property:
------------------	--------------

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

This property is I P. Regulate Sign in shape That This bot is considered Small but Because is content

2. Cannot otherwise be developed: USS Than 10,000 ft

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. That the Soptic is located on the Scime Side of the property

3.	Not	created	by the	applicant:
----	-----	---------	--------	------------

That such exceptional practical difficulty has not been created by the appellant. I'm not the original property owner Because the nouse it when there perfore I moved their, before Wovember 2018.

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

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

I've been leaving at the property for almost 2 years

I've not received any complants, the addition will not

allter their essential restdential enaracter of the

heigh purhood.

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 proposed of the vorteince is their minimum voirioner that WIII afford relief

RAY B. SISK 10178 Marvil Drive Laurel, Delaware 19956

June 17, 2020

To Whom it may concern;

RE: Tax Map Parcel 232-12.18-51.00

31016 North Poplar Street, Laurel, Delaware 19956

Present owner: Daniel Ostinvil

I purchased the above property in the fall of 2002. The building was under construction by Joseph Ferrell a builder who I purchased the property from. Shortly after I purchased the property, Milford Fertilizer put a six-foot chain-link fence up which borders two sides of my property along with Sailor Road. That there is a rental unit on the South side of the property. I have since sold the property to Daniel Ostinvil.

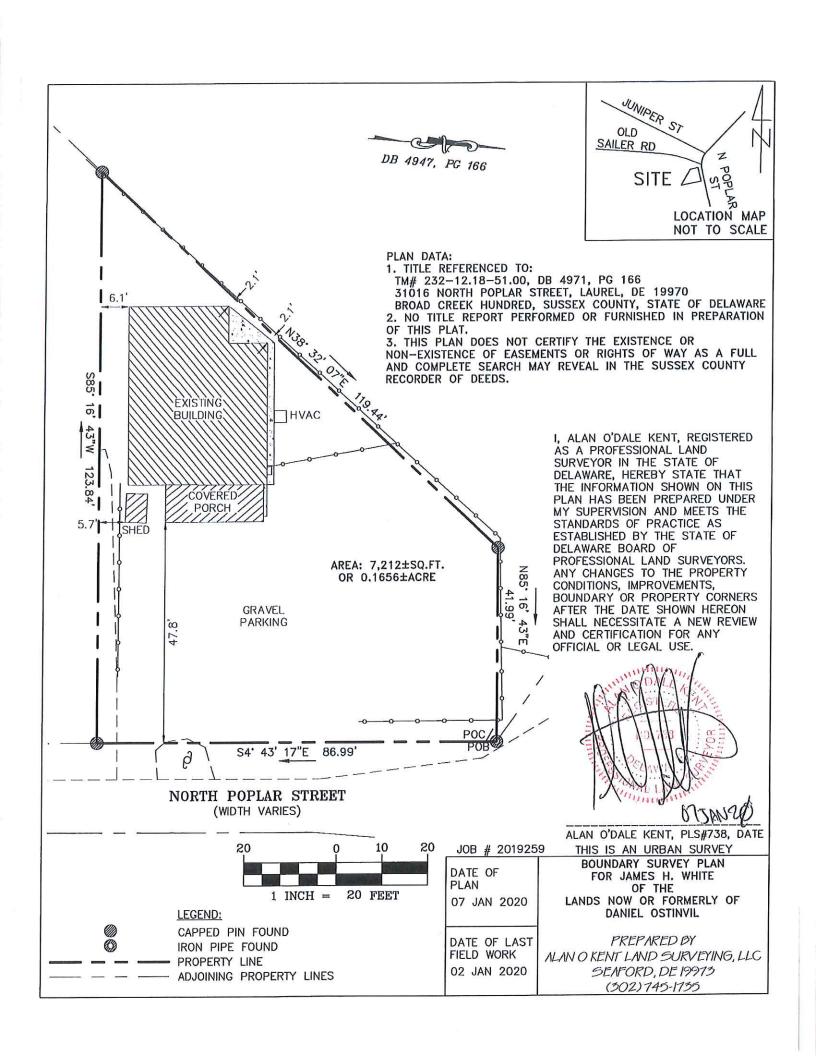
That since I purchased the property which is an odd shape parcel, I never had a complaint from my neighbors. The property sets on the corner of North Poplar and Sailor Road and Laurel has a large water tower on the property across the street. Milford Fertilizer has no building near this property.

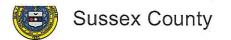
Should anyone have any questions, please do not hesitate to contact me.

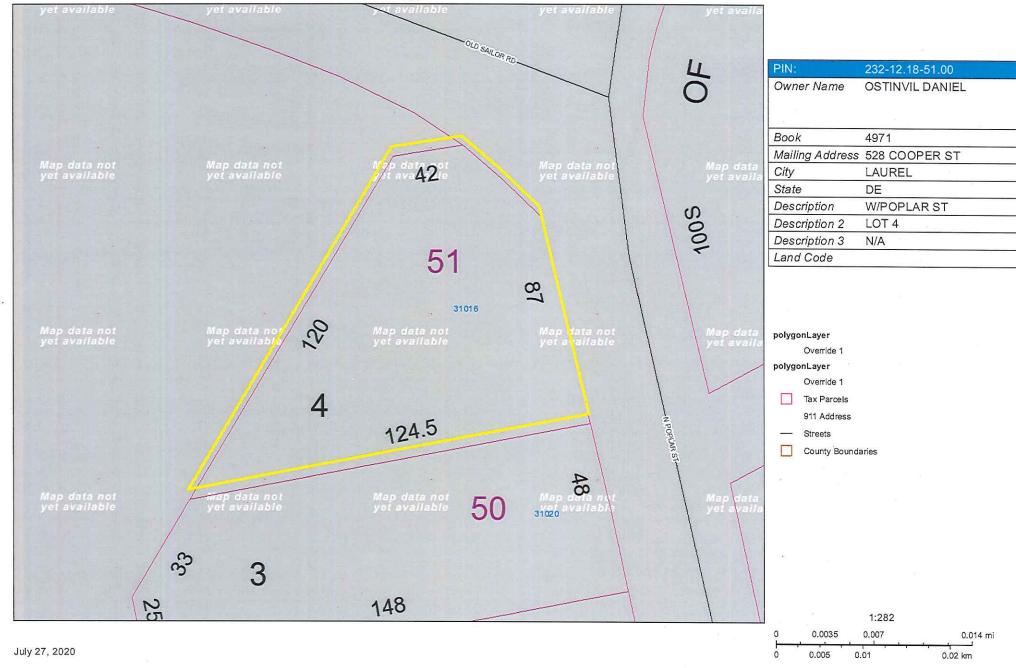
Respectfully,

Ray B. Sisk

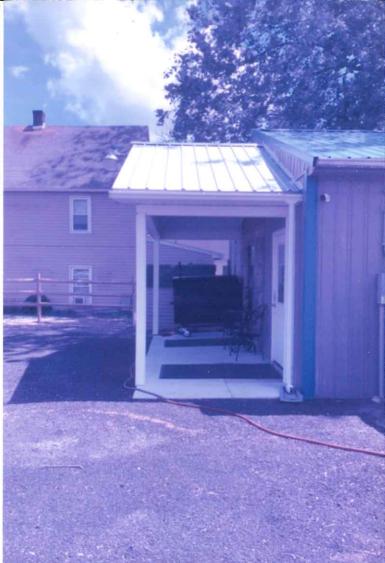
Ray Blik 06/27/20













PLANNING & ZONING

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



Sussex County

DELAWARE sussexcountyde.gov

November 14, 2019

Daniel Ostinvil 528 Cooper St. Laurel, DE 19956

RE: Notice of Decision Letter for Conditional Use (CU 2187) for Daniel Ostinvil for Motor Vehicle Sales to be located at 31016 N Poplar St., Laurel.

Tax Parcel: 232-12.18-51.00

Dear Mr. Ostinvil:

At their meeting of November 12, 2019, the Sussex County Council approved the Conditional Use application for motor vehicle sales with eight (8) 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 motor vehicle sales. The following are the conditions:

- A. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
- C. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
- D. The site shall be subject to all DelDOT entrance and roadway requirements.
- E. The cars shall be parked within fenced area, and the fence and parking area shall be shown on the Final Site Plan.
- F. The automotive sales hours shall only be from 9:00 am through 3:30 pm, Monday through Friday, and 9:00 am until 2:30 pm on Saturdays. There shall not be any Sunday hours.
- G. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- H. The Final Site Plan shall be subject to the review and approval of the 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,

Janelle M. Cornwell, AICP

Director of Planning and Zoning

Janule M Cornwell

CC: E.F. Quillen, Zoning Inspector Mike Brady, Public Works Andy Wright, Building Code John Ashman, Engineering

CU 2187 file

	그는 그는 그는 그는 그들은	NTY, DELAWARE PERMIT NO. 301976
NEEDS TOWN PERMIT:	ΛD DNREC #	S&W Div. of Rev
(1) 11 () last 11	(N) (S) (E) (W) Side:	(ft.) (miles (N) (S) (E) (W) of
Route Dide Toplan	(N) (S) (E) (W) Since:	Lot No. 4 Section or Block
Subdiv. or TP:	Street	Section of Block
Town		21
District No.	Map No. AR A Paice	A No. 5 / MANU. HOME #
Frontage:	Depth;	Acresge:
ASSES	SMENT	ZONING
A LIYEEOÈ	MPROVEMENT	TYPE OF USE
Cost of Improvements 5400	Stories	Existing Use Charallers
New Building	Size	Proposed Use Chracked full Blag
Addition Bitached	sole Blds	Single Family Commercial Other
Relocation	T	
Accessory Structure	30130	SETBACKS
Sign	The Hall	Front Yard 30 Side Yard 15 Rear Yard 20
Remodeling		Side yard on side street on corner tot
Other		From any dwelling of other ownership
IL INTERIOR	YI. FOUNDATION	From any other unit in a manufactured homepark Cannot occupy more than % of total lot a
No. of Bedrooms	Pad 🖸 Brick 🗇	Height (/2)
No. of Nativoons	Piling G Conc. Blk. [7]	Board of Adjustment Case No.
No. of Rooms	Other	Conditional Use Case No.
Basement \	VIL FIRE PLACE Yes D No D	Approved by Planning & Zoning
Electric Gas C	MASONARY C Meial C	ELOOD
Heat Pump FHA	VIII. ROOFING	Flood Zone XP 418
Air Conditioned 🔾	Built-Up 🔲 Metal 🔘	Elevation Required above Mean sea level
IV. EXTERIOR WAIXS	Asphalt Shingle	To be measured to:
Vinyl	Wood Shingle	1. Finished first floor
Alum Siding D Brick D	Other	2. Lowest structural member
a to the province of	IX. FLOORING	Elevation Certification Height Certification
V. INTERIOR WALLS	Earth Wood	Breakaway Walls
Dry Wall	Carpet 🗆 Vinyl 🗎	Placement Survey
Paneling \	Concrete U(!	ADDITIONAL REQUIREMENTS & COMMENTS
Other	Other	
OWNERS IDENTIFICATION:		Name & Address of secipient of Certificate of Compliance (Builder):
Name Tastico Ja	rnet E	
	runl Kd'	Name:
Address: 14714 XC	Do son	
City: facual	_ State: <u>P</u>	Address:
On Lands Of: 14 . 1		
		City: State: Zip:
The owner of this building or land and the undersigned forerumental A genties or Compliance with private de		ty Regulations and to apply for certificate of Compliance at Completion. This does not amply approval of o
ran marianta ang maria at Sangaran d	V Charles	Phone No. 302-875-9454
Signature of Applicant:	5 (2 2 3/ 4)	A STATE OF THE PARTY OF THE PAR
Permit Fee: Of 10	3,50 = 36,00	Date Issued: // -5 O /

ASSESSORS AND INSPECTORS RIGHT TO GO ON PERMISES TO ASSESS AND INSPECT PROPERTY: The content or sevent of their permises do having postable to the Board of Americans and Plausing and Zoning Ageing and Plausing and Plausing and John Services of Ministry of the Report of Instances and Plausing and Inspecting Flowers of Instances and Plausing and Inspecting Flowers of Instances and Plausing Instances and Plausing Instances and Plausing Instances and Instances and



Sussex County **Building Permit**

P.O. Box 589 Georgetown, DE 19947 302-855-7720

Application Number

201903994

Issue Date: 04/11/2019 Expire Date: 04/10/2020

Permit Type:

ACCESSORY STRUCTURE OUT OFTOWN

Parcel ID	Address	Zone Code
232-12.18-51.00	31016 NORTH POPLAR STREET, LAUREL	AR-1
Owner Information	Applicant Information	
Name: OSTINVIL DANIEL	Name:	
Phone:	Phone:	
Contractor Information		
Name: OSTINVIL DANIEL	License Number:	
CID: 265944	License Exp. Date:	
Phone:	Insurance Exp. Date:	
Building Information		
Proposed Use: ADDITIONAL ROOMS		
Construction Type:		
Estimated Cost of Construction: \$ 10,216		
Cannot Occupy More than of Total	ai Lot Area	
Distance from any Dwelling of other Owne	rship:	
Distance from any other Mobile Home or A	Accessory Structure:	
Property Information		
Measurements taken from Property Line	es .	
Front Setback: 40.00 /	Rear Setback: 15.00 /	
Side Setback: 15.00 /	Corner Setback:/	
Maximum Building Height: 42FT	Location Description:	
FLOOD ZONE	W/POPLAR ST LOT 4	
Flood Zone: XP 412L		
If Initialed, See Attached Flood Plan	n Construction Review Coastal and Flood-Prone Area Building	g Requirements.
Project Description: ACC STRUCT<40	00'	
Scope of Work:		
8X21 ADDITION TO EXISTING DTT GARA	AGE	
EYEBROW OVER GARAGE DOOR		

Signature of Approving Official

Signature of Owner/Contractor

Building Permit Application:

Permit Details:

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 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.

BP-108278 **Permit Number**

TOTAL FEES:

\$ 63.04

	Building Descri	otion	
Total Bedrooms:	1	Heat Type:	
Full Baths:	Half Baths:	Roofing:	
Total Rooms:		Exterior Walls:	
Basement:		Foundation Type:	
Interior Walls:		Fireplace Type:	
Flooring:		Air Conditioning:	N
	Additional Requirement/	Restrictions	
Fences Fence may only be 3.5' tall around 7' tall. On corner properties, the fe property lines. Fence may go on p	ence may only be 3' tall along t	40'/30'. Thereafter, fen he corner fronts and 25	ce may be a maximum of ' from the intersection of
Above-Ground Pools Must have ladder up and locked a required around perimeter of pool	at all times when not in use. Po	ol must be 4' high above	e grade. If not, a fence is
In-Ground Pools A minimum 4' tall fence must be a pool and fence. Gate must be lock	around the perimeter of the pook ked at all times when the pool is	l. A minimum 3' walkwa s not in use.	y must be between the
Pools or Guest Home No Cooking facilities of any kind a		o separate electrical me	eters are permitted.
Campgrounds Must conform to the location appr	oved by the park.		
Accessory Building 90 No more than four (4) vehicles per	00 Square Feet or Greater rmitted in structure without a Pl	anning & Zoning Hearir	ng.
Agricultural Storage S Storage only. NO LIVESTOCK PE			
Farm-Use Permits Prior to issuance of the Certificate only. Otherwise, the permit will be	of Occupancy, it must be conf voided and plans must be sub	irmed that the building v mitted to the Building C	will be used for farm use ode Department.

Case # 12412 Hearing Date 9 24

Board of Adjustment Application Sussex County, Delaware

202005819

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 🗸	Existing Condition
Special Use Exception	Proposed
Administrative Variance	Code Reference (office use only)
Appeal	118-30 113-614-5
Site Address of Variance/Special Use Exception:	
9283 Old Racetrack Road, Delmar, DE 19940	
Variance/Special Use Exception/Appeal Requested:	
A Variance from the 150' maximum, height limitation for	commercial communications towers
to permit the construction of a 158' tall telecommunication	ns monopole.
Tax Map #: 532-20.00-14.02	Property Zoning: HI-I
	Lancing Control of the Control of th
Applicant Information	
Applicant Name: Cellco Partnership d/b/a Verizon Wireless	
Application 14 in C.	2 · 2
Applicant Address: 512 Township Line Road, Building 2, Floc City Blue Bell State PA Zip: 1	
,	1ail: smanchel@watinc.net
7. pp. 100 10 10 10 10 10 10 10 10 10 10 10 10	
Owner Information	
Owner Name Stephens Rentals, LLC	
Owner Name: Stephens Rentals, LLC Owner Address: 9283 Old Racetrack Road	
City Delmar State DE Zip: 1	9940 Purchase Date: 12/11/07
Owner Phone #: Owner e-mail	
Agent/Attorney Information	
Agent/Attorney Name: John E. Tracey	
Agent/Attorney Address: 1000 N. King Street City Wilmington State DE Zip: 19	2001
	ey e-mail: jtracey@ycst.com
Agent/Attorney Phone #: (302) 571-6740 Agent/Attorn	Juracey@yest.com
Signature of Owner/Agent/Attorney	
and the state of t	
	Date: 7/28/20





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

You shall demonstrate to the Board of Adjustment that the property meets \underline{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. U	Iniqueness	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.

B 2. 2. 2. 2. 1. the helpotinood	of district in which the property is located.
See previously submitted materials	
see previously submitted materials	

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Sussex County, DE - BOA Application

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

You shall demonstrate to the Board of Adjustment that the property meets <u>all</u> of the following criteria for a Special Use Exception to be granted. 1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property. See attached correspondence and reports 2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations - 5 year maximum) Basis for Appeal: (Please provide a written statement regarding reason for appeal)



Attorneys at Law

WILMINGTON
GEORGETOWN
MIDDLETOWN
NEW YORK

John E. Tracey

P 302,571,6740 F 302,576,3382 JTRACEY@YCST.COM

August 14, 2020

VIA E-MAIL

Ms. Ann Lepore, Clerk III Sussex County Department of Planning 2 The Circle P.O. Box 589 Georgetown, DE 19947

Re:

Cellco Partnership d/b/a Verizon Wireless; Tax Parcel No. 532-20.00-

14.02 (DOV Hydra)

Dear Ms. Lepore:

I write to follow-up our email discussion on the above-referenced matter to further expand on the rationale in support of our request for a variance from the 150 foot height limitation for telecommunications towers to permit a 158 foot tall telecommunications monopole (to the top of lightning rod) on the above-reference property. As you aware, the applicant for such relief must demonstrate that its request is the result of the uniqueness of the property which prevents it from being otherwise developed, that the complication has not been caused by the applicant, and that the variance, which is the minimum relief sought, will not alter the essential character of the community. We believe that this application meets all five of these criteria.

Cell tower applications, as the Board and the Department are aware, are somewhat unique in the context of land use approvals as they (in almost every case) locate on property that is being used for another, primary purpose. Because these facilities generally occupy less than 3,000 square feet of property and generate little interaction with the property or the property owner after construction, they are an ideal companion use for a variety of property uses. Moreover, because of the nature of telecommunication services, these facilities do not have the luxury to be located wherever land is available but instead must find a suitable property within a designated, technologically feasible ring of properties. Thus, there is usually a very limited pool of properties upon which these facilities can be located.

Thus, with regard to the first criterion, the uniqueness of the property, the uniqueness is more in the use proposed. As this variance is a height variance, it is not tied specifically to the property but more toward the radio-frequency needs to meet Verizon's FCC requirements to provide reliable service in this area of Sussex County. As has been demonstrated in the previously submitted design reports, a tower of this height is necessary to adequately bridge the

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Ms. Ann Lepore, Clerk III August 14, 2020 Page 2

gap in coverage and capacity in this area. Any decrease in the desired height, as noted in page 4 of the design report, "will decrease [the facility's] offload area and diminish the effectiveness of the proposed site." Likewise, while the facility can be developed, it "cannot otherwise be developed" to the degree necessary to fulfill Verizon's obligations to the FCC without the grant of this variance.

With regard to the remaining three criteria, all are easily met by this application. The variance requested, 8 feet, is the minimum necessary for this request. As the plans submitted with the application show, five of the eight feet of this request is subsumed by the lightning rod to be attached to the facility, meaning only three feet of this request is related to the tower itself. While small, this minimal increase is sufficient to allow this facility to fulfill its designed intent. This minimal increase will also not alter the essential character of the neighborhood as the change would be imperceptible to those viewing the tower from near or far. Lastly, this minimal variance request has not been created by the applicant but is instead the result of a combination of FCC requirements for reliable service and the location of a property within the designated search area to host this facility. Those to factors combined to dictate the height of this tower.

I trust that this letter satisfies the Department's questions regarding this request, however, should you need any further information or have any questions, please feel free to contact me at (302) 571-6740.

Sincerely yours,

John B. Tracey, Esq.



Attorneys at Law

WILMINGTON
GEORGETOWN
MIDDLETOWN
NEW YORK

John E. Tracey

P 302.571.6740 F 302.576.3382 JTRACEY@YCST.COM

June 3, 2020

VIA HAND DELIVERY

Mr. Jamie Whitehouse, Director Sussex County Department of Planning 2 The Circle P.O. Box 589 Georgetown, DE 19947

Re: Cellco Partnership d/b/a Verizon Wireless; Tax Parcel No. 532-20.00-

14.02 (DOV Hydra)

Dear Mr. Whitehouse:

Enclosed please find the completed "Board of Adjustment Application" and \$400.00 application fee on behalf of Cellco Partnership d/b/a Verizon Wireless ("Cellco"). Cellco is seeking to locate a new 158-foot tall telecommunications tower, including a 5-foot tall lightning rod, south of Old Racetrack Road, northwest of Delmar. In addition to establishing better coverage for Verizon Wireless in this area, the tower would be designed to accommodate at least two (2) additional carriers as required by the Sussex County Code.

In order to construct this tower in the desired location I understand that Cellco requires a special use exception from the County's Board of Adjustment. The tower will comply with all standard requirements of the Sussex County zoning code, including the Code-mandated lighting and is designed to meet all required setbacks and will not exceed the mandated height for this zoning district.

Along with the application, enclosed are five copies of the site plan, the standard RF reports, and the necessary site plan. As you will note, the RF Reports include the before and after coverage maps for the area, as well as the availability (or lack thereof) of tall structures within two (2) miles of the proposed location.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Mr. Jamie Whitehouse, Director June 3, 2020 Page 2

As always, should you need any further information or have any questions, please feel free to contact me at (302) 571-6740.

Sincerely yours,

John E. Tracey, Esq.



PIN:	532-20.00-14.02	
Owner Name	STEPHENS RENTALS LLC	
Book	3533	
Mailing Address	9283 OLD RACETRACK RO	
City	DELMAR	
State	DE	
Description	S/RT. 502	
Description 2	W/PENN CENTRAL	
Description 3	N/A	
Land Code	4	

polygonLayer

Override 1

polygonLayer

Override 1

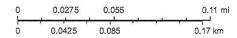
Tax Parcels

911 Address

— Streets

County Boundaries

1:2,257



PO Box 165

Fairview Village, PA 19409

Phone: 610.304.2024 Fax: 610.584.5387 info@dBmEng.com



April 28, 2020 Sue Manchel Site Acquisition Verizon Wireless 512 East Township Line Road Blue Bell, PA 19422

Subject:

Radio Frequency Design Analysis

"DOV - HYDRA"

9283 OLD RACETRACK ROAD

DELMAR, DE 19940

Latitude:

N 38° 27' 46.6" (NAD 83)

Longitude:

W 75° 34' 47.6" (NAD 83)

49.8' AMSL

Ms. Manchel:

I have received and executed the request that I perform an independent evaluation and design review for the Verizon Wireless telecommunications facility proposed at the above referenced address. The intention of this study is to provide an objective, professional opinion regarding the proposed facility from a Radio Frequency design perspective. Specifically, how the site complements the existing network and what coverage and capacity objectives it fulfills. As a registered Professional Engineer, I am bound by a code of ethics to hold paramount the safety, health, and welfare of the public. All statements and calculations offered herein are made in an objective and truthful manner pursuant to that code.

Summary of Findings

In my professional opinion, the proposed facility is extremely well suited to provide enhanced wireless service to the targeted portions of southwest Sussex County that currently suffer from inadequate capacity and in-building coverage. Currently, the capacity resources of the existing facilities are being overrun by the growing volume of data traffic demand from the Verizon Wireless subscribers in the geography surrounding the proposed site. The design, location, and proposed antenna height is the least intrusive means of providing adequate service for Verizon Wireless subscribers in the targeted geography. The proposed antenna height is the absolute minimum acceptable in order to achieve a high percentage of the site's design goals.

Sincerely,

Andrew M. Petersohn, P.E.

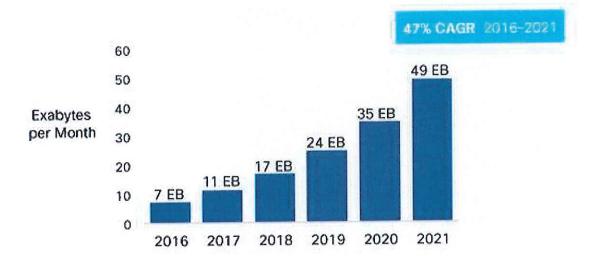
Registered Professional Engineer

Delaware license number 14438

No. 14438

Network Capacity

The Verizon Wireless facilities currently serving the areas surrounding the proposed facility are approaching their data capacity upper-limit "ceiling". Spurred on by smart-phones, tablets, data cards, and the various applications and content available, an exponential growth in data use over the past few years has left providers, equipment manufacturers, and the FCC looking for solutions and radio spectrum to address the demand. As illustrated below, Cisco has recently predicted a 47% compound annual growth rate for global mobile data traffic between 2016 and 2021 resulting in an anticipated seven (7) fold increase in traffic during that time frame. Because Verizon Wireless can only broadcast and receive in the bands for which they are licensed, there is a finite amount of data throughput that can be supported even using the most modern equipment offered by base-station manufacturers. The traffic demand in the area has already begun to overrun the available resources particularly during peak times of day. Without proper action, the data growth trend will result in a significant degradation in customer experience including services that affect public safety.



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Existing Verizon Wireless Service

Currently, Verizon has two (2) existing sites in the area immediately surrounding the proposed facility. These sites would be the first-tier neighbors for the proposed facility and the on-air facilities currently have sectors that have reached a state of capacity exhaustion thus requiring traffic offloading. Particularly, the southwesterly facing sector of the "Delmar" site.

Name	Structure	Antenna Centerline (ft)	Street Address
DELMAR	Lattice	168	Route 13
South Delmar	Monopole	137	9156 Ocean Hwy

The best-server coverage footprint areas from the above on-air facilities are illustrated below in figure 1. Highlighted with a black ring are the targeted areas in which the proposed facility is designed to provide capacity offload and enhanced in-building coverage. Specifically, these areas include the majority of Delmar.



Figure 1 - Existing Coverage

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Proposed Verizon Wireless Capacity Upgrade

The existing sites detailed above are currently under-serving Delmar from a capacity perspective. Experience dictates that to effectively provide adequate service in a capacity starved area a telecommunications facility must be located as close to the subscriber density as possible. Following this tenet ensures the two most important design criteria for this environment are met: First, that there is signal dominance in the congested area and second that there is adequate signal strength to penetrate the often-dense building materials typically found in an area of high subscriber density. As illustrated by the proposed site's dominant service area (figure 2 below), the new facility will provide an effective capacity offload while providing in-building coverage to the general area. Verizon Wireless mobile devices in the newly shaded coverage area will be served by the proposed facility when engaged in data-activity allowing the reduction of the data traffic load on the nearby sites. Any decrease in the height of the proposed facility will decrease its offload area and diminish the effectiveness of the proposed site.

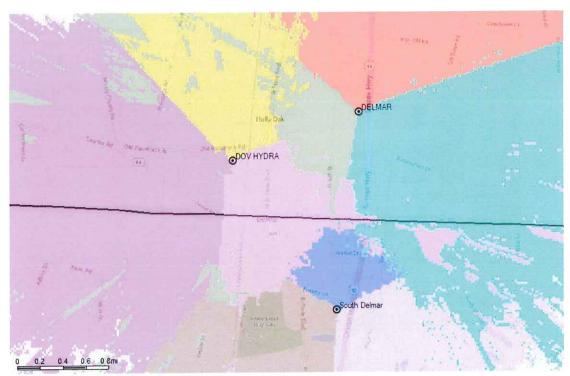


Figure 2 - Proposed Capacity Offload

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Alternate Candidate Discussion

It is Verizon Wireless policy and overwhelming preference to utilize existing tall structures as antenna support platforms whenever possible to address their network requirements. This option is almost always less costly, faster to market, and less burdensome from a permitting perspective than the construction of a new tower. Unfortunately, there were no viable opportunities congruent with the network needs in this case. As illustrated in figure 3, the closest tall structure is an existing water tower owned by Delmar approximately 400 yards from the proposed monopole. Unfortunately, the Delmar Department of Public Works was not interested in leasing space on the tank. The other Delmar water tank, 1.1 miles south of the proposed monopole, is too close to the existing "South Delmar" site and to effectively offload the Verizon traffic in the targeted portions of Delmar. Use of this facility would also result in overly redundant coverage and little overall network capacity gain. The other nearby monopoles are too distant from the traffic density to provide the server dominance required to effectively offload the Verizon traffic.

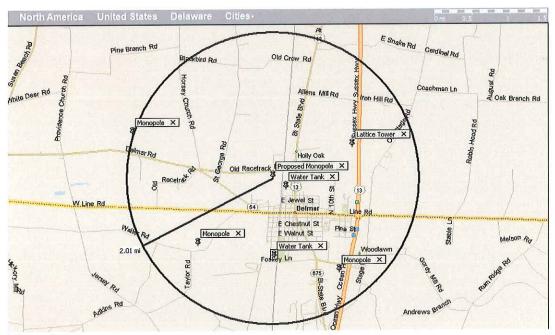


Figure 3

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Reliable Service

The term "reliable" is used to describe areas where a Verizon Wireless subscriber has the ability to place, receive, and maintain a phone call. Additionally, the concept of reliable service extends beyond just voice communication; access to the data network with a high probability of success and adequate throughput is now a pre-requisite to reliable service. Without adequate capacity, there cannot be reliable service as users attempting to access the network through an overburdened facility will be rejected until such time that resources become available. When the network is not dimensioned properly, delays in network availability become as detrimental to the user experience as coverage gaps as both will result in a denial of service to the customer. Reliable service provided from a facility is affected by many factors including surrounding topography, clutter types, foliage, and subscriber loading during the site's hour of heaviest use, its "busy hour". Because the network must maintain reliability under all conditions, these factors are taken into consideration when designing a new facility. Currently, busy hour exhaustion of the sites serving the area targeted for improvement represents a potential for voice and data service interruptions that may impact public safety. If left unaddressed, the busy hour exhaustion will become increasingly prevalent as subscriber demand continues to increase resulting in exhaustion for greater periods of the day. Eventually, the network resources in the area will be in a state of chronic exhaustion with subscribers consistently experiencing call blocks, data session rejections, and unacceptable data throughput rates. This includes 911 emergency calls and public safety related data requests such as an officer's ability to process a license plate or driving record during a traffic stop.

Wireless Substitution

According to the CDC¹ greater than one-half of American homes (57.1%) had only wireless telephones (also known as cellular telephones, cell phones, or mobile phones) during the second half of 2018. This represents an increase of over three percentage points since the second half of 2017. More than three in four adults aged 25-34 (76.5%), and a similar percentage of adults renting their homes (75.5%), were living in wireless only households. As wireless substitution continues to spread, availability of in-building wireless service, both data and voice, becomes increasingly important.

Emergency Services Implications

Wireless devices are widely used by municipal emergency services for voice and data services including those that impact public safety. Additionally enhanced 911 (E911) services, which allow a mobile caller to be located by the dispatch center, are dependent on an adequate service level to provide help in an emergency. It is estimated that approximately 70% of 911 calls originate from mobile devices². In the service challenged areas, an unreliable level of wireless service could, in many cases, negatively affect the ability of an individual in need of emergency services who is dialing 911.

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¹ http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201906.pdf

² https://transition.fcc.gov/cgb/consumerfacts/wireless911srvc.pdf

Technical Parameters of Consideration

According to the configuration information furnished by its representatives, Verizon Wireless plans to install up to twelve (12) new panel-style antennas at an antenna centerline height of 150'above grade on the new tower. The antennas will be organized in three (3) arrays of up to four (4) antennas per array with sector azimuths evenly spaced in the horizontal plane with respect to true north. Transmitting through these antennas will be up to four (4) LTE channels in the 700 MHz band (per sector) at a cumulative maximum of 160 watts, up to four (4) LTE channels in the 1900 MHz band (per sector) at a cumulative maximum of 160 watts, up to four (4) LTE channels in the 850 MHz band (per sector) at a cumulative maximum of 160 watts and up to four (4) LTE channels in the 2100 MHz band (per sector) at a cumulative maximum of 160 watts.



DECLARATION OF ENGINEER

Andrew M. Petersohn, P.E., hereby states that he is a graduate telecommunications consulting engineer possessing Master and Bachelor Degrees in Electrical Engineering from Lehigh University (2005 and 1999, respectively). His corporation, dBm Engineering, P.C., has been retained by representatives of Verizon Wireless to perform a radio frequency design analysis for a proposed telecommunications facility.

Mr. Petersohn also asserts that the calculations and/or measurements described in this report were made personally and in a truthful and objective manner. Mr. Petersohn is a Registered Professional Engineer licensed in Pennsylvania, Delaware, Maryland, Virginia, New York, Florida and New Jersey. He has over two decades of engineering experience in the field of wireless communications. Mr. Petersohn is an active member of the National Society of Professional Engineers (NSPE) and the Pennsylvania Society of Professional Engineers (PSPE). Mr. Petersohn further states that all facts and statements contained in the foregoing document are true and accurate to the best of his knowledge. He believes, under penalty of perjury, the foregoing to be correct.

Andrew M. Petersohn, P.E.

Registered Professional Engineer Pennsylvania license number 073239

PROFESSIONAL

ANDREW M. PETERSON

Executed this the 28th day of April, 2020.

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PO Box 165

Fairview Village, PA 19409

Phone: 610.304.2024 Fax: 610.584.5387 info@dBmEng.com



April 24, 2020 Sue Manchel Site Acquisition Verizon Wireless 5175 Campus Drive Plymouth Meeting, PA 19462

Subject:

FAA Notice Criteria Tool Screening

Proposed Verizon Wireless Facility:

"DOV - HYDRA"

9283 OLD RACETRACK ROAD

DELMAR, DE 19940-

Latitude:

N 38° 27' 46.6" (NAD 83)

Longitude:

W 75° 34' 47.6" (NAD 83)

49.8' AMSL

Ms. Manchel:

I have received and executed the request that I perform an independent screening analysis of the proposed telecommunications facility at the above referenced coordinates. The intention of this study is to verify compliance with Federal Aviation Administration's (hereafter "FAA") guidelines for notice requirement as per Federal Aviation Regulation. As a registered Professional Engineer, I am bound by a code of ethics to hold paramount the safety, health, and welfare of the public. All statements and calculations offered herein are made in an objective and truthful manner pursuant to that code.

Summary of Findings

Based on the coordinates, ground elevation, and total structure height supplied by representatives of Verizon Wireless, this proposed facility will not exceed any standard of subpart C of 14 CFR Part 77 so **lighting and / or marking of the facility will not be required.** Filing with the FAA of form 7460-1 "Notice of Proposed Construction" is not required. The FAA Criteria Notice Tool results are attached.

Sincerely,

Andrew M. Petersohn, P.E.

Registered Professional Engineer

Delaware license number 14438

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference CFR Title 14 Part 77.9.

You must file with the FAA at least 45 days prior to construction if.

your structure will exceed 200ft above ground level

- your structure will exceed 200ft above ground level.
 your structure will be in proximity to an airport and will exceed the slope ratio.
 your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b).
 your structure will emit frequencies; and does not meet the conditions of the FAA Co-location Policy.
 your structure will be in an instrument approach area and might exceed part 77 Subpart C.
 your proposed structure will be in proximity to a navigation facility and may impact the assurance of pavigation signal recention.

navigation signal reception

your structure will be on an airport or heliport
 filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the Air Traffic Areas of Responsibility map for Off Airport construction, or contact the FAA Airports Region / District Office for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

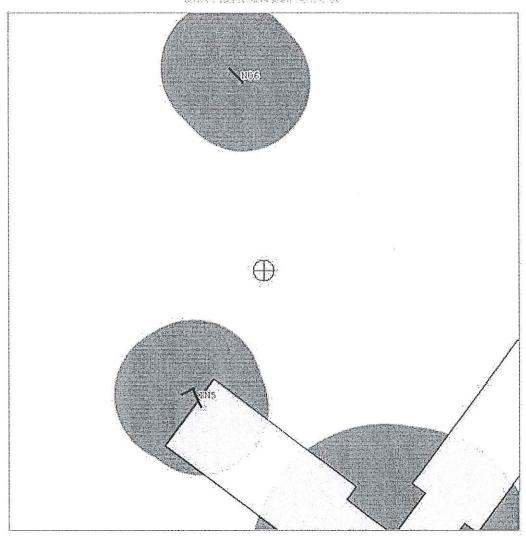
Latitude:	38 Deg 27 M 46.6 S N ✓
Longitude:	75 Deg. 34 M. 47.6 S. W V
Horizontal Datum:	NAD83 V
Site Elevation (SE):	50 (nearest foot)
Structure Height :	158 (nearest foot)
Traverseway;	No Traverseway (Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway
Is structure on airport:	No. No.
	O Yes
	Submit

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Results
You do not exceed Notice Criteria.



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DECLARATION OF ENGINEER

Andrew M. Petersohn, P.E., hereby states that he is a graduate telecommunications consulting engineer possessing Master and Bachelor Degrees in Electrical Engineering from Lehigh University (2005 and 1999, respectively). His corporation, dBm Engineering, P.C., has been retained by representatives of Verizon Wireless to perform a Federal Aviation Administration screening analysis for a proposed telecommunications facility.

Mr. Petersohn also asserts that the calculations and/or measurements described in this report were made personally and in a truthful and objective manner. Mr. Petersohn is a Registered Professional Engineer licensed in Pennsylvania, Delaware, Maryland, Virginia, New York, Florida and New Jersey. He has over two decades of engineering experience in the field of wireless communications. Mr. Petersohn is an active member of the National Society of Professional Engineers (NSPE) and the Pennsylvania Society of Professional Engineers (PSPE). Mr. Petersohn further states that all facts and statements contained in the foregoing document are true and accurate to the best of his knowledge. He believes, under penalty of perjury, the foregoing to be correct.

Andrew M. Retersohn, P.E. Registered Professional Engineer

Delaware lidense number 14438

Executed this the 24th day of April, 2020

ENGINEERING, P

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Fairview Village, PA 19409

Phone: 610.304.2024 Fax: 610.584.5387 info@dBmEng.com



April 24, 2020 Sue Manchel Site Acquisition Verizon Wireless 5175 Campus Drive Plymouth Meeting, PA 19462

Subject:

Interference Analysis

Proposed Telecommunications Facility:

"DOV - HYDRA"

9283 OLD RACETRACK ROAD

DELMAR, DE 19940

Latitude:

N 38° 27' 46.6" (NAD 83)

Longitude: W 75° 34' 47.6" (NAD 83)

49.8' AMSL

Ms. Manchel:

I have received and executed the request that I perform an independent evaluation of the potential for harmful interference generated by the proposed Verizon Wireless telecommunications facility at the location referenced above. The intention of this study is to determine if the manifestation of harmful interference is a viable concern through the close examination of the radio frequency (hereafter RF) parameters of the installation. As a registered professional engineer, I am bound by a code of ethics to hold paramount the safety, health, and welfare of the public. All statements and calculations offered herein are made in an objective and truthful manner pursuant to that code.

Summary of Findings

After close examination of the details of this proposal, it is my professional opinion that **no potential exists for the manifestation of harmful interference** as a result of the proposed Verizon Wireless telecommunications facility. My findings indicate that Verizon Wireless will be operating in full compliance with all applicable standards as outlined in their Federal Communications Commission licensure.

Sincerely,

Andrew M. Petersohn, P.E.

Registered Professional Engineer

Delaware license number 14438

Licensure Discussion

Verizon Wireless is bound by its Federal Communications Commission (hereafter FCC) licensure to transmit only the specific frequencies and power levels for which they are licensed. In Sussex County, Delaware these licenses include the 'B' Cellular Band, the 'E' and 'F' PCS band, the 'A', 'B', and 'J' AWS bands, and the upper 'C' 700 MHz band. Other communication facilities and services such as emergency responders, television broadcasting, AM/FM broadcasting, mobile to mobile radios, and home electronics operate at different frequencies, once again, allocated by the FCC. For this reason, the manifestation of direct, harmful interference is precluded by virtue of Verizon Wireless being the only entity licensed to utilize these specifically defined portions of the RF spectrum. As such, there will be no direct, significant radio frequency emissions that fall into any band other than that for which Verizon Wireless is licensed. However, when nonlinear elements (such as amplifiers) are introduced in the RF path the possibility exists for indirect interference caused by harmonic and inter-modulated frequency emissions that may fall outside the licensed spectrum. Due to the fact that the harmonic and intermodulated output of Cellular and PCS transmitters is extremely low (as required by FCC type approval), this only becomes a concern when there are multiple telecommunication installations in close proximity to one another. This problem is easily avoided by insuring adequate vertical separation (roughly 10') when service providers co-locate on a structure. In this specific installation, the 10' rule of thumb will be strictly adhered to. unlikely event that future radio frequency interference is reported, it is Verizon Wireless policy to identify and mitigate any interference issues as quickly as possible.

Facility Discussion

According to the information supplied by representatives of Verizon Wireless the proposed design for this facility includes a total of up to twelve (12) panel style antennas arranged in three sectors with azimuths (direction of main pattern lobes) evenly spaced in the horizontal plane with respect to true north. The antenna centerline height above ground level is planned at 150°. Transmitting through these antennas will be up to four (4) LTE channels in the 700 MHz band (per sector) at a cumulative maximum of 160 watts, up to four (4) LTE channels in the 1900 MHz band (per sector) at a cumulative maximum of 160 watts and up to four (4) LTE channels in the 2100 MHz band (per sector) at a cumulative maximum of 160 watts.

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Additional Remarks

The radio frequency emission levels from Verizon Wireless and other PCS and Cellular communications base stations are similar to that of other two-way communications systems such as those used by police, fire and ambulance personnel. In contrast, commercial broadcast systems such as television and radio often transmit at power levels ten times greater or more than the systems discussed above. Due to the relatively low power output, the potential for harmful interference is greatly reduced as the harmonic and intermodulated emissions are typically in the noise floor of most receivers when only a few hundred feet away.

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DECLARATION OF ENGINEER

Andrew M. Petersohn, P.E., hereby states that he is a graduate telecommunications consulting engineer possessing Master and Bachelor Degrees in Electrical Engineering from Lehigh University (2005 and 1999, respectively). His corporation, dBm Engineering, P.C., has been retained by representatives of Verizon Wireless to perform an interference analysis for a proposed telecommunications facility.

Mr. Petersohn also asserts that the calculations and/or measurements described in this report were made personally and in a truthful and objective manner. Mr. Petersohn is a Registered Professional Engineer licensed in Pennsylvania, Delaware, Maryland, Virginia, New York, Florida and New Jersey. He has over two decades of engineering experience in the field of wireless communications. Mr. Petersohn is an active member of the National Society of Professional Engineers (NSPE) and the Pennsylvania Society of Professional Engineers (PSPE). Mr. Petersohn further states that all facts and statements contained in the foregoing document are true and accurate to the best of his knowledge. He believes, under penalty of perjury, the foregoing to be correct.

Andrew M. Petersohn, P.E. Registered Professional Engineer

Delaware license number 14438

Executed this the 24th day of April, 2020.

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Fax: 610.584.5387 info@dBmEng.com



April 23, 2020 Sue Manchel Site Acquisition Verizon Wireless 512 East Township Line Road Blue Bell, PA 19422

Subject:

Electromagnetic Exposure Analysis

"DOV - HYDRA"

9283 OLD RACETRACK ROAD

DELMAR, DE 19940

Latitude:

N 38° 27' 46.6" (NAD 83)

Longitude: W 75° 34' 47.6" (NAD 83)

49.8' AMSL

Ms. Manchel:

I have received and executed your request that I perform an independent evaluation and certification of the anticipated radio-frequency exposure levels for the Verizon Wireless telecommunications facility on the structure proposed at the above referenced coordinates. The intention of this study is to verify compliance with Federal Communications Commission (hereafter "FCC") guidelines for human exposure limits to radio-frequency electromagnetic fields as per FCC Code of Federal Regulation 47 CFR 1.1307 and 1.1310. As a registered Professional Engineer, I am bound by a code of ethics to hold paramount the safety, health, and welfare of the public. All statements and calculations offered herein are made in an objective and truthful manner pursuant to that code.

Summary of Findings

The maximum exposure to radio-frequency emissions from the proposed Verizon Wireless facility will be far below FCC exposure limits. Using upper limit assumptions for the Verizon Wireless equipment configuration, the cumulative radio-frequency exposure levels would be less than 1.3% of the applicable FCC standard at all locations of public access. The following charts specifically illustrate the anticipated exposure levels in areas surrounding the facility. All exposure levels have been calculated using the methods prescribed in FCC Office of Engineering and Technology (OET) Bulletin 65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio-frequency Electromagnetic Fields". These upper-limit conditions include maximum traffic loading, significant antenna down-tilt, maximum pattern gain, and constructive interference from ground reflection. Additionally, signal attenuation due to environmental clutter such as buildings, trees, and roadways has been ignored which will overestimate actual power densities.

Applicability of the National Telecommunications Act of 1996

This Act states that "no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio-frequency emissions to the extent that such facilities comply with the (Federal Communications) Commission's regulations concerning such emissions". As indicated above, this proposed facility will be in full compliance with the FCC's emissions standards and as such is beyond regulation in that regard.

Technical Parameters of Consideration

The calculation results presented are based on the equipment configuration information furnished by representatives of Verizon Wireless. Specifically, for this installation, Verizon Wireless plans to install up to twelve (12) panel style antennas arranged in three sectors with azimuths evenly spaced in the horizontal plane with respect to true north. The antenna centerline height is planned at 150' above ground level. Transmitting through these antennas will be up to four (4) LTE channels in the 700 MHz band (per sector) at a cumulative maximum of 160 watts, up to four (4) LTE channels in the 1900 MHz band (per sector) at a cumulative maximum of 160 watts, up to four (4) LTE channels in the 850 MHz band (per sector) at a cumulative maximum of 160 watts, and up to four (4) LTE channels in the 2100 MHz AWS band (per sector) at a cumulative maximum of 160 watts.

Co-location of Other Wireless Providers

In an attempt to halt the proliferation of telecommunications structures and preserve as much of their natural landscape as possible many municipalities have adopted telecommunications ordinances that specifically require new structures to accommodate additional wireless providers from a structural standpoint. From the standpoint of radiofrequency exposure, the installation of the proposed Verizon Wireless equipment would in no way preclude the use of this facility by other providers.

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Background Information

In 1985, the FCC first adopted guidelines to be used for evaluating human exposure to RF emissions. The FCC revised and updated these guidelines on August 1, 1996, as a result of a rule-making proceeding initiated in 1993. The new guidelines incorporate limits for Maximum Permissible Exposure (MPE) in terms of electric and magnetic field strength and power density for transmitters operating at frequencies between 300 kHz and 100 GHz.

The FCC's MPE limits are based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits were developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC's limits, and the NCRP and ANSI/IEEE limits on which they are based, are derived from exposure criteria quantified in terms of specific absorption rate (SAR). The basis for these limits is a whole-body averaged SAR threshold level of 4 watts per kilogram (4 W/kg), as averaged over the entire mass of the body, above which expert organizations have determined that potentially hazardous exposures may occur. The MPE limits are derived by incorporating safety factors that lead, in some cases, to limits that are more conservative than the limits originally adopted by the FCC in 1985. Where more conservative limits exist, they do not arise from a fundamental change in the RF safety criteria for whole-body averaged SAR, but from a precautionary desire to protect subgroups of the general population who, potentially, may be more at risk.

The FCC exposure limits are also based on data showing that the human body absorbs RF energy at some frequencies more efficiently than at others. The most restrictive limits occur in the frequency range of 30-300 MHz where whole-body absorption of RF energy by human beings is most efficient. At other frequencies, whole-body absorption is less efficient, and consequently, the MPE limits are less restrictive.

MPE limits are defined in terms of power density (units of milliwatts per centimeter squared: mW/cm²), electric field strength (units of volts per meter: V/m) and magnetic field strength (units of amperes per meter: A/m). The far-field of a transmitting antenna is where the electric field vector (E), the magnetic field vector (H), and the direction of propagation can be considered to be all mutually orthogonal ("plane-wave" conditions).

Occupational / controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels

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may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General population / uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area. In the case of this study, the general population exposure limits have been applied as they are the more conservative set of standards.

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Additional Remarks

The radio-frequency emission levels from Verizon Wireless and other communications base stations are similar to that of other two-way communications systems like those used by police, fire and ambulance personnel. In contrast, commercial broadcast systems like television and radio often transmit at power levels ten times greater or more than the systems discussed above. The FCC exposure limits already include a significant margin of safety. Continuous exposure at 100% of FCC limit is considered by the scientific community to be just as safe as continuous exposure at 1% of FCC limit.

The biological effects on humans of non-ionizing radio-frequency exposure have been studied extensively now for decades. There have been thousands of reports produced by government agencies, universities, and private research groups that support the standards adopted by the FCC. To date, there have been no credible studies conducted whose results showed evidence of any adverse health effects at the applicable FCC exposure limits.

Sincerely,

Andrew M. Petersohn, P.E. Registered Professional Engineer

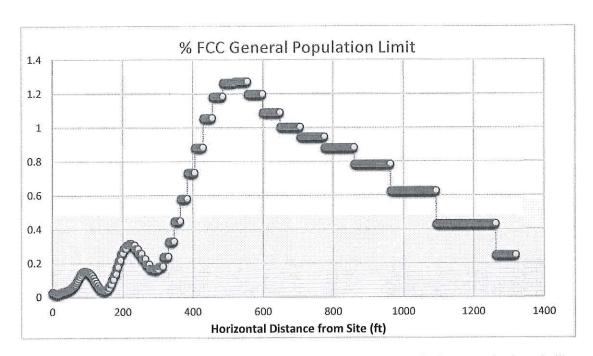
Delaware license number, 14438

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 $Figure -1 - calculated \ cumulative \ exposure \ level \ surrounding \ the \ proposed \ telecommunications \ facility \ expressed in percentage of the applicable FCC standard at ground level$

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Horizontal Distance from	Relative Height Above		Maximum Power Density μW/cm2 (micro-watts per square centimeter)						% of FCC Limit					Cumulative % of FCC limit across all bands	
Facility (Ft.)	Ground (Ft.)	150 MHz	700 MHz	850 MHz	1900 MHz	2100 MHz	2600 MHz	150 MHz	700 MHz	850 MHz	1900 MHz	2100 MHz	2600 MHz	Cumulative	
0	6	N/A	0.14	0	0.02	0	N/A	N/A	0.03	0	0.002	0	N/A	0.032	
300	6	N/A	0.23	0.62	0	0.08	N/A	N/A	0.05	0.11	0	0.008	N/A	0.168	
600	6	N/A	2.85	2.61	0.19	0.07	N/A	N/A	0.61	0.46	0.019	0.007	N/A	1.096	
1320 (1/4 mi.)	6	N/A	0.23	0.28	0.69	0.79	N/A	N/A	0.05	0.05	0.069	0.079	N/A	0.248	
for Gene	FCC Exposure Limits for General Population			567 μW/cm²	1000 μW/cm²	1000 μW/cm²	1000 μW/cm²								

Figure-2 – sample calculated exposure levels near the proposed telecommunications facility

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DECLARATION OF ENGINEER

Andrew M. Petersohn, P.E., hereby states that he is a graduate telecommunications consulting engineer possessing Master and Bachelor Degrees in Electrical Engineering from Lehigh University (2005 and 1999, respectively). His corporation, dBm Engineering, P.C., has been retained by representatives of Verizon Wireless to perform an electromagnetic emissions analysis for a proposed telecommunications facility.

Mr. Petersohn also asserts that the calculations and/or measurements described in this report were made personally and in a truthful and objective manner. Mr. Petersohn is a Registered Professional Engineer licensed in Pennsylvania, Delaware, Maryland, Virginia, New York, Florida and New Jersey. He has over two decades of engineering experience in the field of wireless communications. Mr. Petersohn is an active member of the National Society of Professional Engineers (NSPE) and the Pennsylvania Society of Professional Engineers (PSPE). Mr. Petersohn further states that all facts and statements contained in the foregoing document are true and accurate to the best of his knowledge. He believes, under penalty of perjury, the foregoing to be correct.

Andrew Madetersohn, P.E. Registered Professional Engineer

Defaware lieense number 14438

Executed this the 23rd day of April, 2020.

PO Box 165 Fairview Village, PA 19409 Phone: 610.304.2024 Fax: 610.584.5387

info@dBmEng.com



PROJECT NOTES

- SITE INFORMATION OBTAINED FROM THE FOLLOWING:
- A. A TOPOGRAPHIC SURVEY ENTITLED "DOV HYDRA CELL SITE SURVEY", PREPARED FOR CELLCO PARTNERSHIP, BY MASER CONSULTING P.A. OF MT. LAUREL, NJ LAST DATED
- LIMITED FIELD OBSERVATION BY MASER CONSULTING ON 09/12/19.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITY COMPANIES OR OTHER PUBLIC/GOVERNING AUTHORITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
- THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE AS A RESULT OF CONSTRUCTION OF THIS FACILITY AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF
- THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING THE BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND CONSTRUCTION DRAWINGS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING ANY WORK. ALL DIMENSIONS OF EXISTING CONSTRUCTION SHOWN ON THESE DRAWINGS MUST BE VERIFIED. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.
- SINCE THE CELL SITE MAY BE ACTIVE, ALL SAFETY PRECAUTIONS MUST BE TAKEN WHEN WORKING AROUND HIGH LEVELS OF ELECTROMAGNETIC RADIATION. EQUIPMENT SHOULD BE SHUTDOWN PRIOR TO PERFORMING ANY WORK THAT COULD EXPOSE THE WORKERS TO DANGER. PERSONAL RF EXPOSURE MONITORS ARE REQUIRED TO BE WORN TO ALERT OF ANY POTENTIALLY DANGEROUS EXPOSURE LEVELS.
- THE PROPOSED FACILITY WILL CAUSE AN INSIGNIFICANT OR "DE-MINIMUS" INCREASE IN STORM WATER RUNOFF, THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
- NO NOISE, SMOKE, DUST OR ODOR WILL RESULT FROM THIS FACILITY AS TO CAUSE A NUISANCE.
- 12. THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION (NO HANDICAP ACCESS IS REQUIRED).
- 13. THE FACILITY DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
- 4. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTHS WITH RF ENGINEERING PRIOR TO INSTALLATION.
- 15. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
- 6. CONTRACTOR MUST FIELD LOCATE ALL EXISTING UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.
- CONSTRUCTION SHALL NOT COMMENCE UNTIL COMPLETION OF A PASSING STRUCTURAL ANALYSIS CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER. THE STRUCTURAL ANALYSIS IS TO BE PERFORMED BY OTHERS.

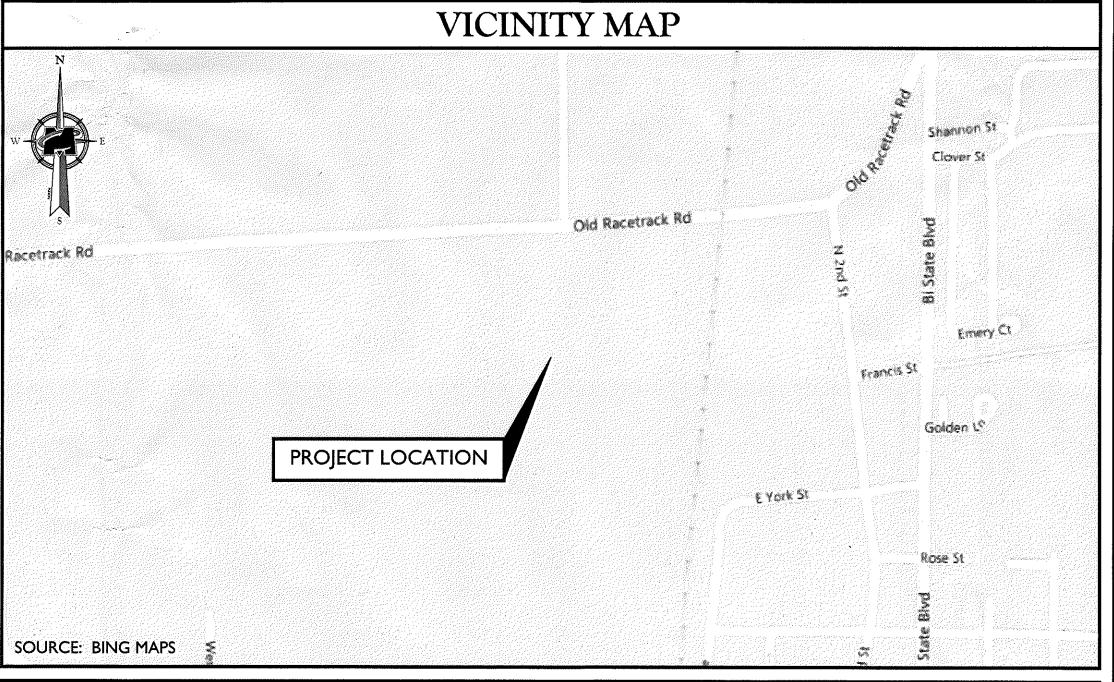
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SITE NAME: DOV HYDRA

9283 OLD RACETRACK ROAD DELMAR, DE 19940 SUSSEX COUNTY



CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 1. 2012 INTERNATIONAL BUILDING CODE
- 2. NFPA 70, NATIONAL ELECTRICAL CODE, 2014
- 3. DELAWARE STATE FIRE PREVENTION REGULATIONS 2015
- 4. AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- 5. AMERICAN CONCRETE INSTITUTE
- 6. TIA-222-H
- 7. TIA 607 FOR GROUNDING

- 8. INSTITUTE FOR ELECTRICAL AND ELECTRONICS
- **ENGINEERS 81 IEEE C2 LATEST EDITION**
- 9 TELCORDIA GR-1275
- 10. ANSI T1.311
- 11. PROPOSED USE: UNMANNED TELECOM FACILITY
- 12. HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.
- 13. CONSTRUCTION TYPE: IIB
- 14. USE GROUP: U

PROJECT INFORMATION

LATITUDE: GROUND ELEVATION: 49.8'± AMSL (NAVD 88) JURISDICTION: **ZONING DISTRICT:**

N38° 27' 46.6" (NAD 83) W75° 34' 47.6" (NAD 83) SUSSEX COUNTY SUSSEX COUNTY HI-I - HEAVY INDUSTRIAL 532-20.00-14.02

PROPERTY RECORD: DEED BOOK 3533, PAGE 29

APPLICANT

COMPANY: **ADDRESS:**

CELLCO PARTNERSHIP d/b/a **VERIZON WIRELESS** 512 TOWNSHIP LINE ROAD **BUILDING 2, FLOOR 3**

BLUE BELL, PA 19422

CITY, STATE, ZIP:

SITE ACQUISITION

COMPANY: CONTACT:

PHONE:

WIRELESS ACCESS TECHNOLOGIES, INC.

SUE MANCHEL (267) 257-2762

CONSTRUCTION MANAGER

COMPANY: **ADDRESS:**

CONTACT:

PHONE:

CELLCO PARTNERSHIP d/b/a **VERIZON WIRELESS** 512 TOWNSHIP LINE ROAD **BUILDING 2, FLOOR 3** BLUE BELL, PA 19422 MARK LYNCH (215) 648-2404

ENGINEER

CITY, STATE, ZIP:

COMPANY: **ADDRESS:** CITY, STATE, ZIP: **CONTACT:** PHONE: E-MAIL:

MASER CONSULTING P.A. 2000 MIDLANTIC DRIVE, SUITE 100 MT. LAUREL, NJ 08054 MATT GRAUBART, P.E. (856) 797-0412 MGRAUBART@MASERCONSULTING.COM

LOCATION INFORMATION

POWER PROVIDER:

NAME: PHONE:

DELMARVA POWER 네-(800) 232-5460

(410) 896-3131

TELEPHONE PROVIDER:

NAME:

VERIZON

PHONE: 1-(800) VERIZON

POLICE:

NAME: ADDRESS: CITY, STATE, ZIP:

DELMAR POLICE DEPARTMENT 102 S PENNSYLVANIA AVENUE DELMAR, MD 21875

DELMAR VOLUNTEER FIRE DEPARTMENT

FIRE:

PHONE:

NAME: ADDRESS:

310 E GROVE STREET CITY, STATE, ZIP: DELMAR, DE 19940 NAMES: (302) 846-2530

IN CASE OF EMERGENCY, CALL 9-1-1

SHEET INDEX

HEET	DESCRIPTION	
T-1	TITLE SHEET	
Z-1	ZONING INFORMATION	
Z-2	SITE PLAN AND SITE NOTES	
Z -3	COMPOUND PLAN AND ELEVATION VIEW	
A-I	CONSTRUCTION DETAILS	
A-2	CONSTRUCTION DETAILS	
A-3	CONSTRUCTION DETAILS	
A-4	CONSTRUCTION DETAILS	
A-5	CONSTRUCTION DETAILS	
A-6	CONSTRUCTION DETAILS	



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■ FLORIDA ■ TENNESSEE ■ NORTH CAROLINA ■ COLORADO

State of D.E. C.O.A.: 2840

CELLCO PARTNERSHIP d/b/a **VERIZON WIRELESS** 512 TOWNSHIP LINE ROAD **BUILDING 2, FLOOR 3** BLUE BELL, PA 19422



FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT AS SHOWN

05/20/20 ISSUED FOR ZONING A 03/19/20 ISSUED FOR LEASING DRAWN CHECKED BY BY DATE DESCRIPTION



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SITE NAME:

DOV HYDRA

9283 OLD RACETRACK ROAD **DELMAR, DE 19940** SUSSEX COUNTY

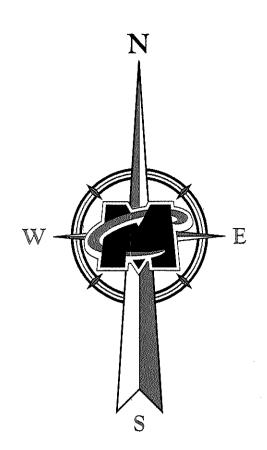


Suite 100 Mount Laurel, NJ 08054 Phone: 856.797.0412

TITLE SHEET

T-I

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION





LEGEND

Agricultural Residential - AR-1 Agricultural Residential - AR-2 Commercial Residential - CR-

General Commercial - C-1 General Commercial - C-2 General Commercial - C-3 General Commercial - C-4

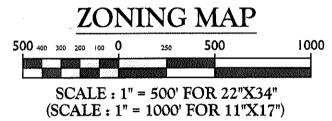
General Commercial - C-5 General Residential - GR Meavy Industrial - HI-1 High Density Residential -

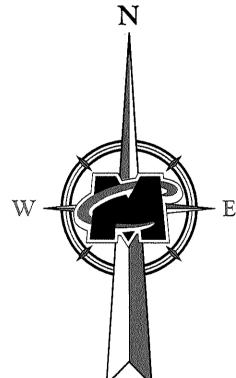
High Density Residential -HR-2 Institutional - I-1

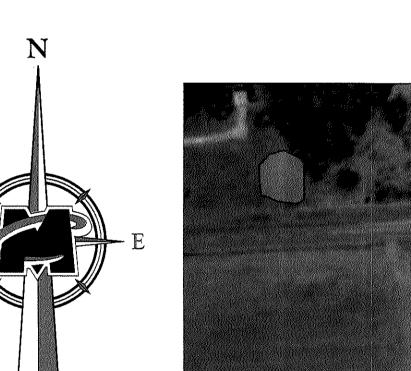
Limited Industrial - LI-1 Limited Industrial - LI-2 Marine - M Medium Residential - MR

Neighborhood Business - B-1 Neighborhood Business - E-2

Wacation, Retire, Resident -







LAN ALT.

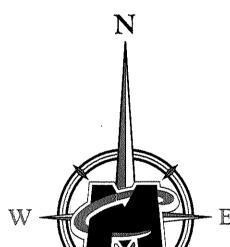


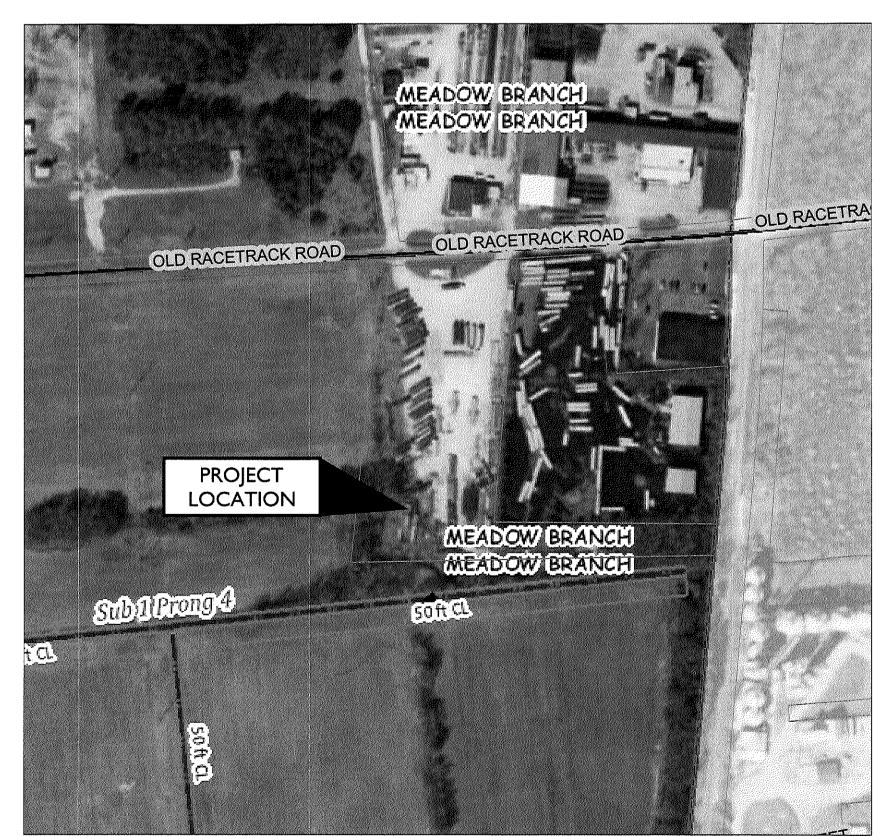
TAX MAP

SCALE: 1" = 200' FOR 22"X34" (SCALE: 1" = 400' FOR 11"X17")

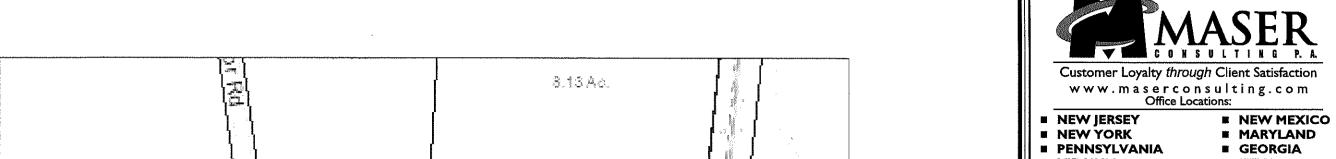
WETLANDS MAP

SCALE: 1" = 200' FOR 22"X34" (SCALE: 1" = 400' FOR 11"X17")





TAX DITCH MAP



474.TB

14.01

4.88 Ac.

7<u>08</u>,72

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29 <u>9</u> 82

14.02

5.00 Ac.

50 M

LOCATION

RD. 502

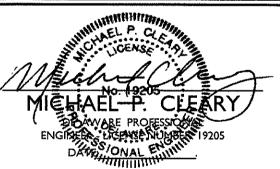
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CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS 512 TOWNSHIP LINE ROAD BUILDING 2, FLOOR 3 BLUE BELL, PA 19422



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SITE NAME:

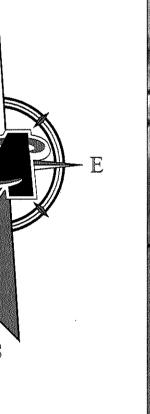
DOV HYDRA 9283 OLD RACETRACK ROAD DELMAR, DE 19940 SUSSEX COUNTY

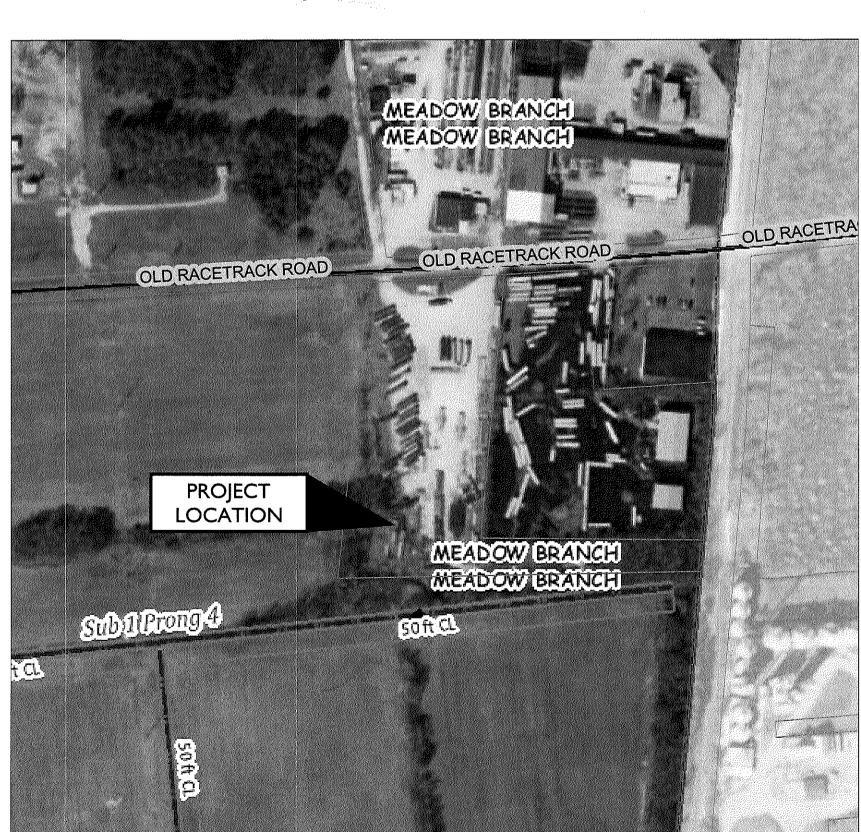


Mount Laurel, NJ 08054 Phone: 856.797.0412 Fax: 856.722.1120

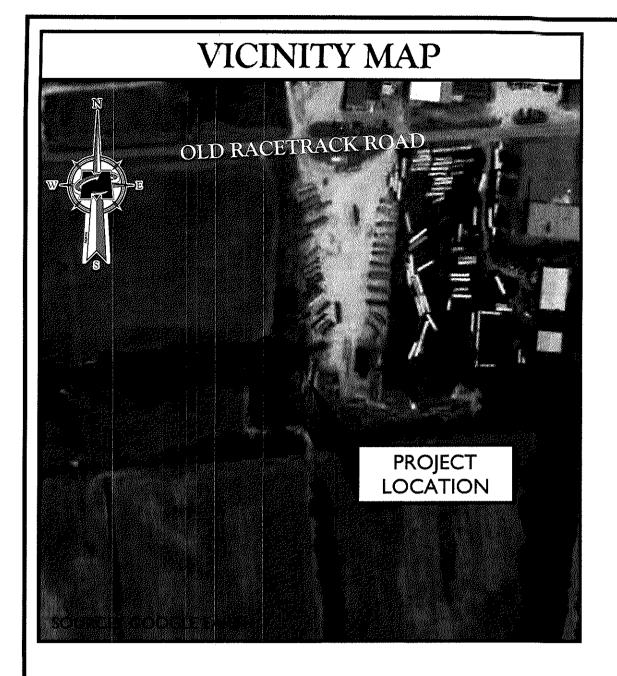
ZONING INFORMATION

Z-I NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION



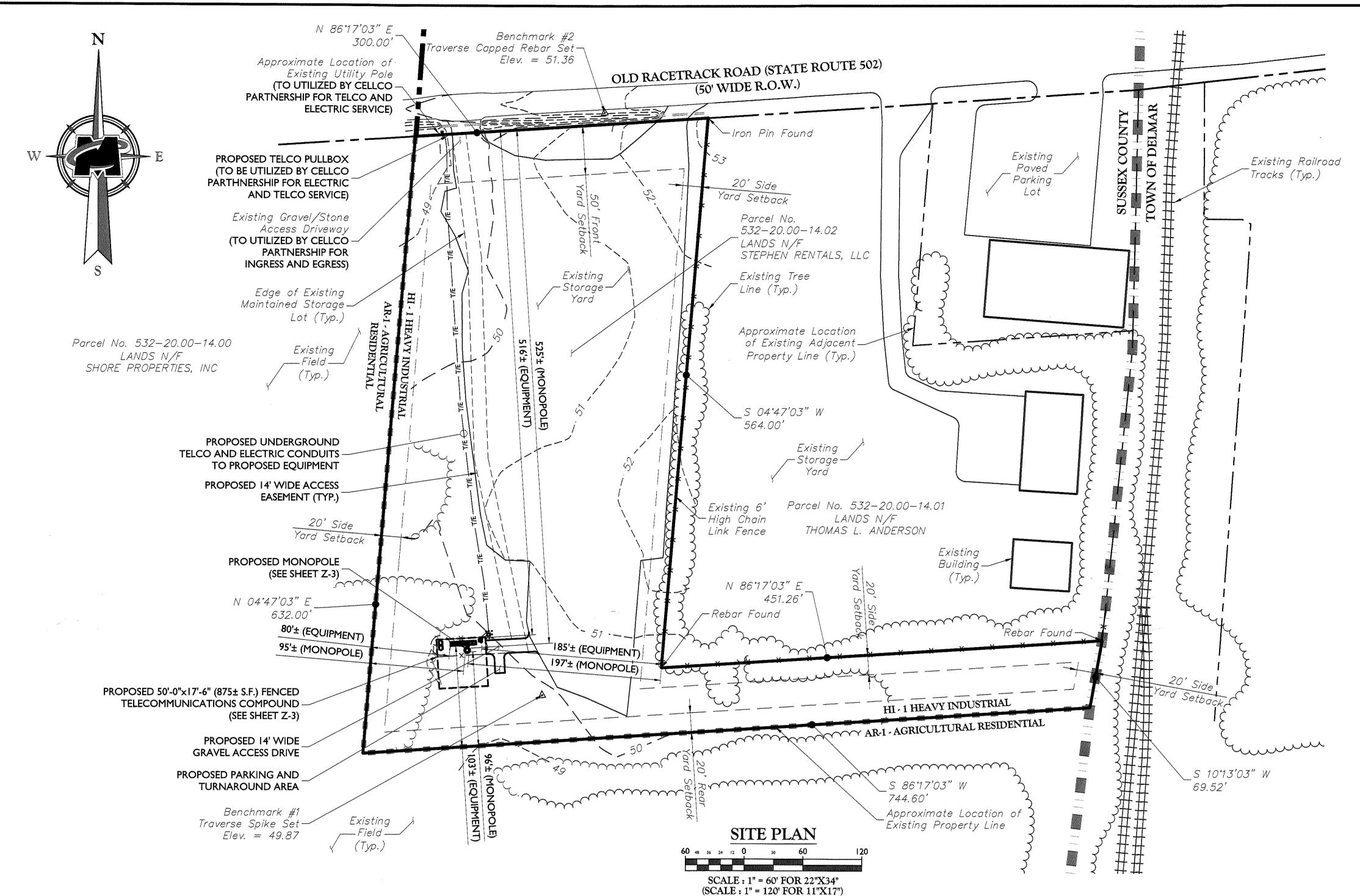


SCALE: 1" = 200' FOR 22"X34" (SCALE: 1" = 400' FOR 11"X17")



SITE NOTES

- THIS PROPOSAL IS FOR AN UNMANNED
 TELECOMMUNICATIONS FACILITY CONSISTING OF THE
 PLACEMENT OF PANEL ANTENNAS ON A PROPOSED
 MONOPOLE AND EQUIPMENT CABINETS ON A PROPOSED
 CONCRETE PAD, AN OUTDOOR STANDBY GENERATOR,
 AND ASSOCIATED APPURTENANCES WITHIN A PROPOSED
 FENCED COMPOUND.
- EXTERIOR SIGNS ARE NOT PROPOSED EXCEPT AS REQUIRED BY THE FCC.
- 3. TOTAL AREA OF DISTURBANCE UNDER THIS PROPOSAL: 4,200± S.F.
- 4. RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
- 5. CONTRACTOR SHALL CONTACT STATE SPECIFIC ONE CALL SYSTEM THREE WORKING DAYS PRIOR TO ANY EARTH MOVING ACTIVITIES.
- 6. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.
- 7. SUBCONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS & INSPECTIONS REQUIRED FOR CONSTRUCTION.
- 8. SUBCONTRACTOR SHALL DETERMINE EXACT ROUTE OF ANY UNDERGROUND CONDUIT, IF REQUIRED.
- THIS PROJECT WILL NOT REQUIRE STREETS OR PROPERTY
 TO BE DEDICATED FOR PUBLIC USE.
- 10. THIS PROJECT WILL NOT REQUIRE PERMANENT MONUMENTS.
- 11. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAPS OF SUSSEX COUNTY, DE (ALL JURISDICTIONS), PANEL 575 OF 660, MAP 10005C0575L DATED 06/20/18, ALL PROPOSED IMPROVEMENTS ARE LOCATED WITHIN ZONE X AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.
- 12. THE PROPOSED INSTALLATION WILL GENERATE ONE (I)
 VEHICLE TRIP FOR ROUTINE MAINTENANCE EVERY FOUR (4)
 TO SIX (6) WEEKS.



	Existing	Jurisdiction Boundary
	Existing	Zoning Boundary
	Existing	Subject Property Line
	Existing	Subject Property Setback Line
	Existing	Adjoining/Adjacent Property Line
	Existing	Edge of Pavement/Road
Cultivation of the Control of the Co	Existing	Structure
.~~~~.	Existing	Tree Line
OHW	Existing	Overhead Wires
	Existing	Features

	Existing Easement
	PROPOSED ROAD
x	PROPOSED CHAIN LINK FENCE

LEGEND

PROPOSED FEATURES

PROPOSED UNDERGROUND ELECTRIC/TELCO UTILITY LINES

	,			,		
E	BULK STANDARDS FO	OR HI-1	HEAVY IN	NDUSTRIAI	L DISTRICT	
DESCRIPTION	REQUIRED	EXIS	TING	PRO	DPOSED	REMARKS
MINIMUM LOT AREA	2 ACRES	5.0± A	ACRES	NO CHANGE		CONFORMING
MINIMUM LOT WIDTH	200 FEET	300±	FEET	NO (CHANGE	CONFORMING
MINIMUM LOT DEPTH	200 FEET	625±	FEET	NO (CHANGE	CONFORMING
				EQUIPMENT	MONOPOLE	
MINIMUM FRONT YARD SETBACK	50 FEET	N	/A	516± FEET	525± FEET	CONFORMING
MINIMUM SIDE YARD SETBACK	20 FEET	N	/A	80± FEET	95± FEET	CONFORMING
MINIMUM REAR YARD SETBACK	20 FEET	N	/A	103± FEET	96± FEET	CONFORMING
MAXIMUM BUILDING HEIGHT	125 FEET	N	/A	l2± F	EET (GPS)	CONFORMING
BULK STANDA	ARDS FOR COMMERCIAL CO	OMMUNIC	ATIONS TOV	VERS AND AN	TENNAS (SECTION 115-1	94.2)
DESCRIPTION	REQUIRE	D	EXISTIN	G	PROPOSED	REMARKS
DISTANCE TO RESIDENTIALLY ZONED LOT	500 FEET		N/A		95± FEET	REQUIRES S.E.*
SETBACK FROM PROPERTY LINE	52.6 FEET	**	N/A		95± FEET	CONFORMING
MINIMUM FENCE HEIGHT	6 FEET		N/A	6 FEET	W/ I FOOT BARBED WI	RE CONFORMING

* ANY NEW FREESTANDING COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA OR MONOPOLE IS TO BE ERECTED WITHIN 500 FEET OF ANY RESIDENTIALLY ZONED LOT, IMPROVED OR WHICH CAN BE IMPROVED WITH A RESIDENTIAL DWELLING UNIT, A SPECIAL USE EXCEPTION SHALL BE REQUIRED.

** TOWER SETBACK TO EQUAL I/3 OF TOWER HEIGHT. (158'/3 = 52.6')

NOTE:

EXISTING MATERIAL AND EQUIPMENT WITHIN THE LIMITS OF THE PROPOSED LEASE AREA TO BE REMOVED BY THE PROPERTY OWNER.

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verizon√

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS
512 TOWNSHIP LINE ROAD
BUILDING 2, FLOOR 3
BLUE BELL, PA 19422

PROTECT YOURSELF
ALL STATES REQUIRE NOTIFICATION OF
EXCAVATORS, DESIGNERS, OR ANY PERSON
PREPARING TO DISTURB THE EARTH'S SURFACE
ANYWHERE IN ANY STATE

Know what's below.
Call before you dig.



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ENGINEER, TO ALTER THIS DOCUMENT.

SITE NAME:

DOV HYDRA

9283 OLD RACETRACK ROAD DELMAR, DE 19940 SUSSEX COUNTY



MT. LAUREL OFFICE
2000 Midlantic Drive
Suite 100
Mount Laurel, NJ 08054
Phone: 856.797.0412
Fax: 856.722.1120

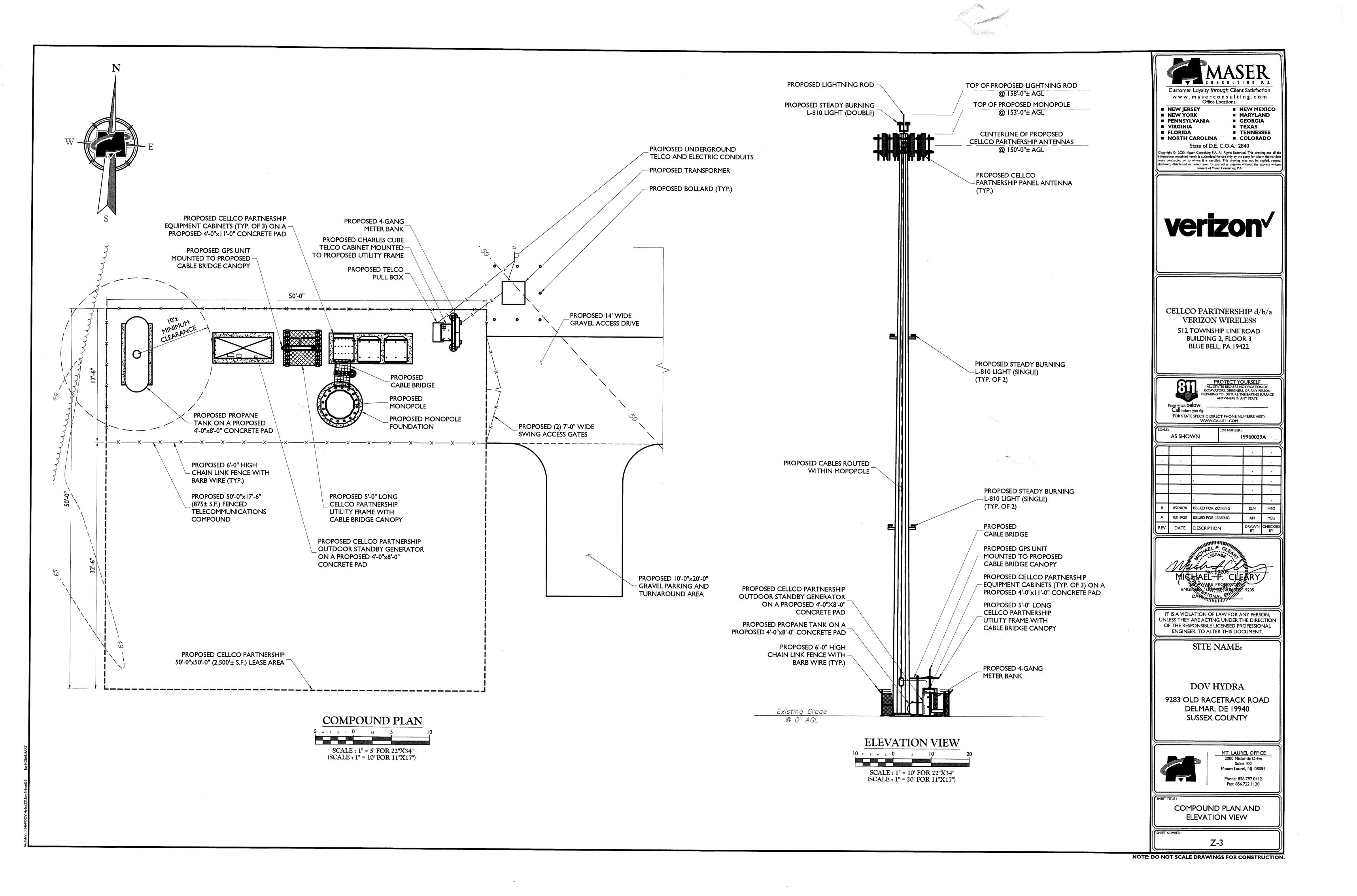
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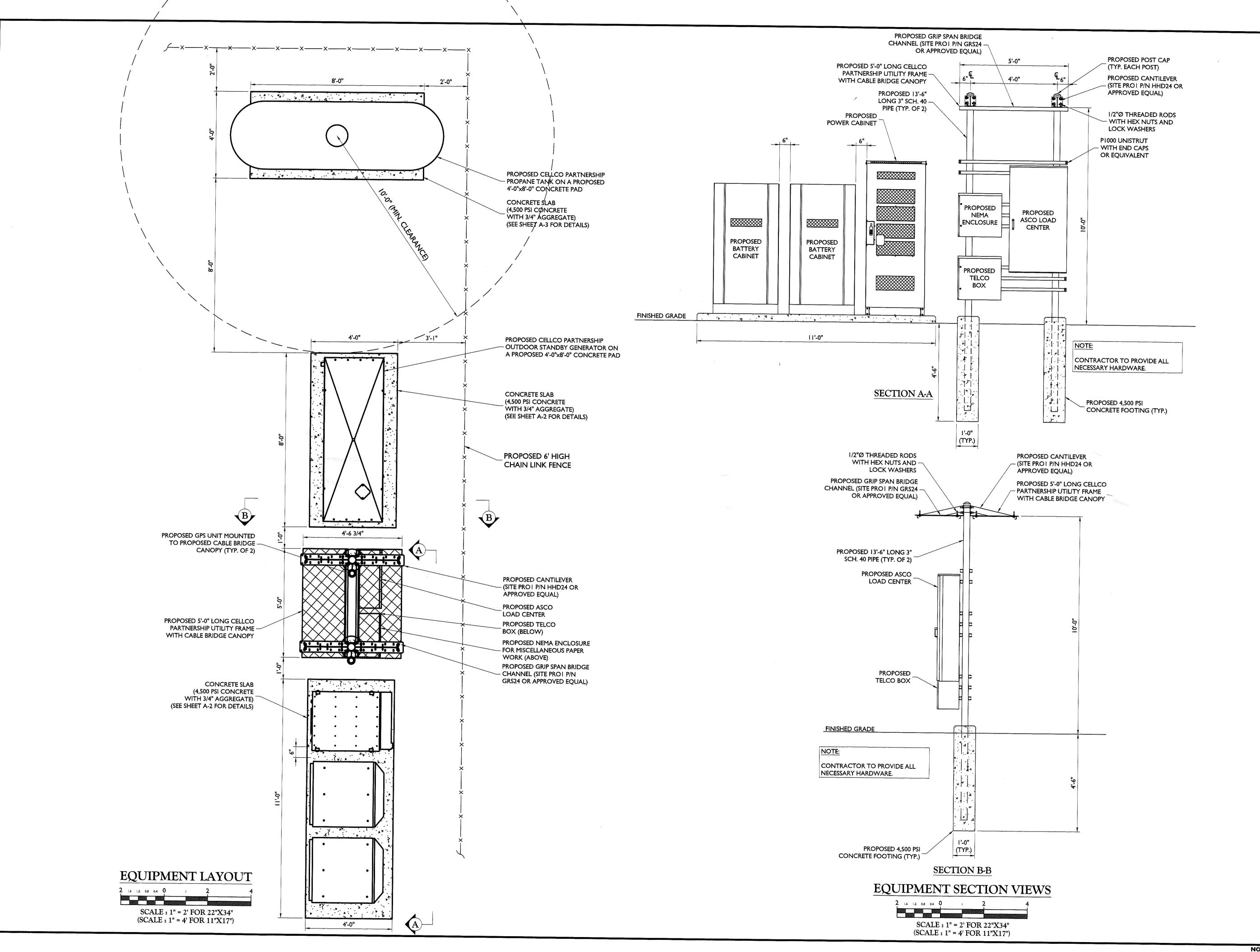
SITE PLAN

SHEET NUMBER :

Z-2

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■ TEXAS

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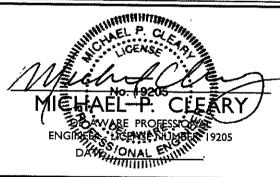
CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS
512 TOWNSHIP LINE ROAD

BUILDING 2, FLOOR 3 BLUE BELL, PA 19422



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DATE DESCRIPTION



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DELMAR, DE 19940
SUSSEX COUNTY



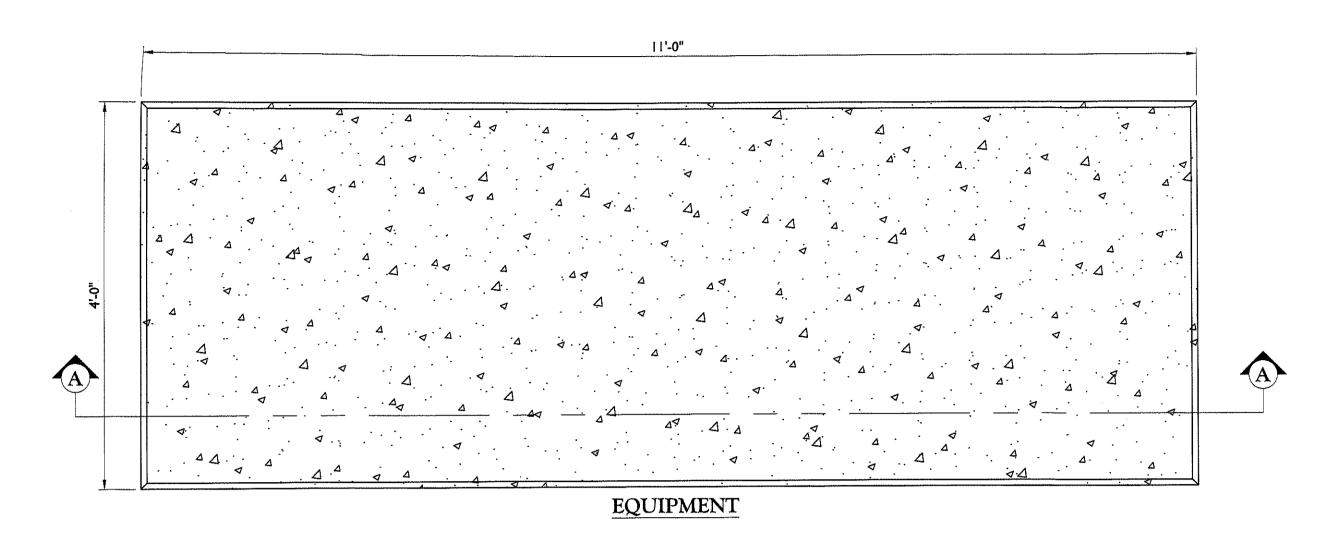
MT. LAUREL OFFICE
2000 Midlantic Drive
Suite 100
Mount Laurel, NJ 08054
Phone: 856.797.0412
Fax: 856.722.1120

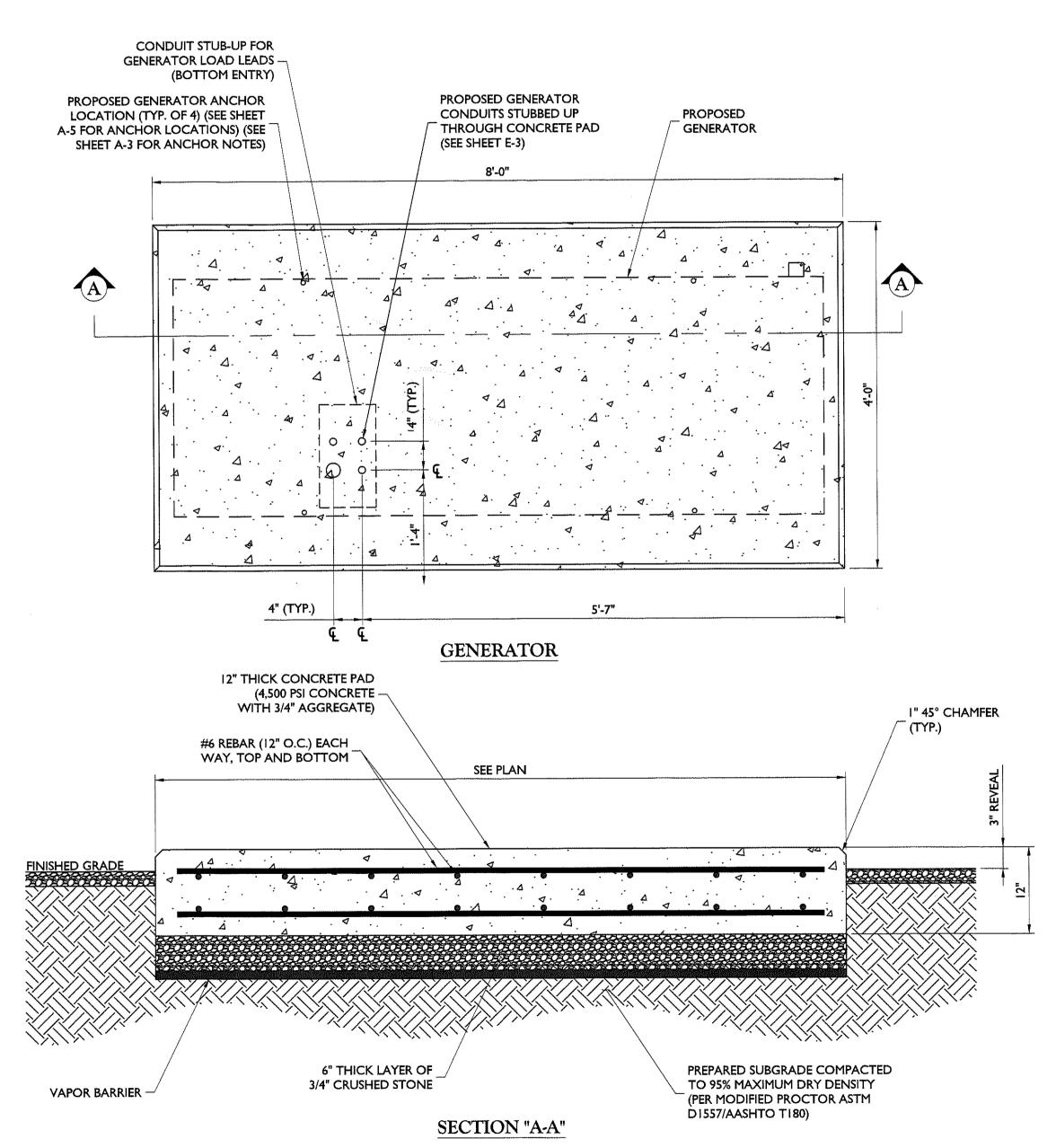
TITLE:

CONSTRUCTION DETAILS

A-1

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION





CONCRETE EQUIPMENT PAD DETAILS NOT TO SCALE

CONCRETE NOTES:

DESIGN INFORMATION:

- I. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336A, ASTM A184, ASTM A185 AND THE DESIGN & CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.
- 2. THE DESIGN SHALL CONFORM TO THE INTERNATIONAL BUILDING CODE AS SHOWN ON SHEET T-1.

EARTHWORK:

- I. FOUNDATIONS HAVE BEEN DESIGNED TO BEAR ON (UNDISTURBED RESIDUAL SOILS/COMPACTED STRUCTURAL FILL), CAPABLE OF SAFELY SUPPORTING AN ALLOWABLE BEARING PRESSURE OF 1,500 PSF. IF FOUNDATION CONDITIONS PROVE UNACCEPTABLE AT ELEVATIONS SHOWN, EXCAVATION SHALL BE CARRIED DEEPER AND SHALL BE BACKFILLED WITH LEAN CONCRETE TO PLAN FOOTING BOTTOM, OR REDISIGN OF FOUNDATIONS WILL BE REQUIRED AT THE DIRECTION OF THE ENGINEER.
- 2. DESIGN FURNISH AND INSTALL TEMPORARY SHEETING, SHORING, AND DRAINAGE TO MAINTAIN THE EXCAVATION AND PROTECT SURROUNDING STRUCTURES AND UTILITIES.
- 3. THOROUGHLY COMPACT ALL BOTTOM OF FOOTINGS PRIOR TO PLACING ANY CONCRETE.

CONCRETE:

FORMWORK

- I.a. CONCRETE CONSTRUCTION SHALL CONFORM TO "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS." (ACI 301-89).
- 1.b. FORMWORK SHALL CONFORM TO ACI 301 "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS"

2. REINFORCEMENT

- 2.a. REINFORCING STEEL ASTM A615, GRADE 60. WELDED WIRE ASTM A185 (FLAT SHEET). LAPS 40 BAR DIAMETERS UNLESS NOTED. BARS SHALL BE SECURELY HELD IN ACCURATE POSITION BY SUITABLE ACCESSORIES, TIE BARS, SUPPORT BARS, ETC. HOOK LENGTHS SHALL BE 12 BAR DIAMETERS.
- 2.b. CONCRETE COVER FOR REINFORCING BARS SHALL BE AS FOLLOWS, UNLESS OTHERWISE NOTED.

 CO14C	TELE COVER OF THE STATE OF THE SERVICE OF THE SERVI	
2.b.1.	FOOTINGS AND SLABS CAST AGAINST GROUND	3"
2.b.2.	CONCRETE TO BE IN CONTACT WITH GROUND OR WEATHER AT BARS GREATER THAN 5"	2"
2.b.3.	AT BARS #5 OR LESS	1 1/2"
2.b.4.	CONCRETE NOT TO BE EXPOSED TO GROUND OR WEATHER BEAMS, GIRDERS, AND COLUMNS	1 1/2"
2.b.5.	SLABS AND WALLS	3/4"

2.c. CAST IN PLACE CONCRETE

MINIMUM 28 DAY CYLINDER STRENGTH AND MAXIMUM SLUMP, PRIOR TO ADDITION F SUPER

۲	ASTICIZERS, AS FOLLOVVS:			
2.c.l	I. CLASS I FOOTINGS	3000	PSI	3"
2.c.1	2. CLASS III INTERIOR ELEVATED SLABS AND WALLS	4000	PSI	4"
2.c.l	3. CLASS V OTHER WORK	4000	PSI	4"
2.c.1	4. CLASS VI LEAN CONCRETE FOR OVEREXCAVATION OF FOUNDATIONS	2000	PSI	N/A

- MIX DESIGN TO BE IN ACCORDANCE WITH ACI 318, CHAPTER 5. NO CALCIUM CHLORIDE ADMIXTURE CONTAINING CHLORIDES SHALL BE USED IN ANY CONCRETE
- 2.c.3. COARSE AGGREGATE FOR NORMAL WIEGHT CONCRETE SHALL CONFORM TO ASTM C33 SIZE #57. COARSE AGGREGATE FOR LIGHTWEIGHT CONCRETE SHALL CONFORM TO ASTM C330 GRADED 3/4" TO
- 2.c.4. COLD WEATHER PLACEMENT SHALL COMPLY WITH ACI 306.1
- 2.c.5. HOT WEATHER PLACEMENT SHALL COMPLY WITH ACI 305 R.
- 2.c.6. CHAMFER ALL EXPOSED EDGES 3/4"
- 2.c.7. THE MAXIMUM TEMPERATURE OF ALL CONCRETE AT DELIVERY TO THE SITE SHALL BE 85°F
- 2.c.8. TOTAL DELIVERY TIME SHALL BE LESS THAN 75 MINUTES.

ANCHOR NOTES:

- I. CONTRACTOR SHALL VERIFY CONSTRUCTION AND CONDITION OF EXISTING STRUCTURE PRIOR TO INSTALLATION OF ANCHORS. IF ANCHORS ARE UNABLE TO BE INSTALLED AS SHOWN OR DESCRIBED BELOW, OR THE EXISTING STRUCTURE IS CRACKED, DETERIORATED OR MISSING BASE MATERIAL SECTIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
- 2. ANCHORS SHALL BE INSTALLED PER MANUFACTURE'S WRITTEN SPECIFICATIONS.
- 3. ANCHORS SHALL NOT BE INSTALLED WITHIN OR NEAR MORTAR AREAS. ANCHORS SHALL BE INSTALLED IN THE CENTER OF BRICK.
- 4. THROUGH BOLTING, IF POSSIBLE, SHALL BE UTILIZED AS THE PRIMARY ANCHORING METHOD:
- 5/8"Ø A36/A307 THREADED ROD W/ NUTS AND OVERSIZED WASHERS
- 5. ADHESIVE ANCHORS/FASTENERS REQUIREMENTS:
 - CONCRETE o (MINIMUM CONCRETE THICKNESS = 7 3/8"):
 - HILTI HY200 WITH 5/8"Ø HIT-Z(-R) RODS AND OVERSIZED WASHER MASONRY
 - GROUT FILLED CMU:
 - 5/8" Ø THREADED ROD WITH HILTI HIT-HY 270 ADHESIVE 5-5/8" EFFECTIVE EMBEDMENT
 - 4" MINIMUM SPACING BETWEEN ANCHORS 4" MINIMUM EDGE DISTANCE
 - o HOLLOW CMU:
 - HIT-IC I/2X2 INSERT WITH HIT-HY 270 ADHESIVE AND OVERSIZED WASHER 2" EFFECTIVE EMBEDMENT
 - 4" MINIMUM SPACING BETWEEN ANCHORS, MAXIMUM TWO (2) ANCHORS PER HOLLOW CELL
 - 4" MINIMUM EDGE DISTANCE
 - o HOLLOW BRICK: ■ HIT-IC I/2X3-3/16 INSERT WITH HIT-HY 270 ADHESIVE AND OVERSIZED WASHER
 - 3-1/8" EFFECTIVE EMBEDMENT 8" MINIMUM SPACING BETWEEN ANCHORS, MAXIMUM ONE (I) ANCHOR PER BRICK

 - 8" MINIMUM EDGE DISTANCE o MULTI-WYTHE SOLID BRICK (MINIMUM 13" THICK WALL OR REPRESENTING 3 WYTHES OF BRICK):
 - 5/8"Ø THREADED ROD WITH HILTI HIT-HY 270 WITH OVERSIZED WASHER
 - 6" MINIMUM EMBEDMENT
 - * 16" MINIMUM SPACING BETWEEN ANCHORS, MAXIMUM ONE (I) ANCHOR PER BRICK

 - 16" MINIMUM EDGE DISTANCE



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A 03/19/20 ISSUED FOR	٧N	19960039A						
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SITE NAME:

DOV HYDRA

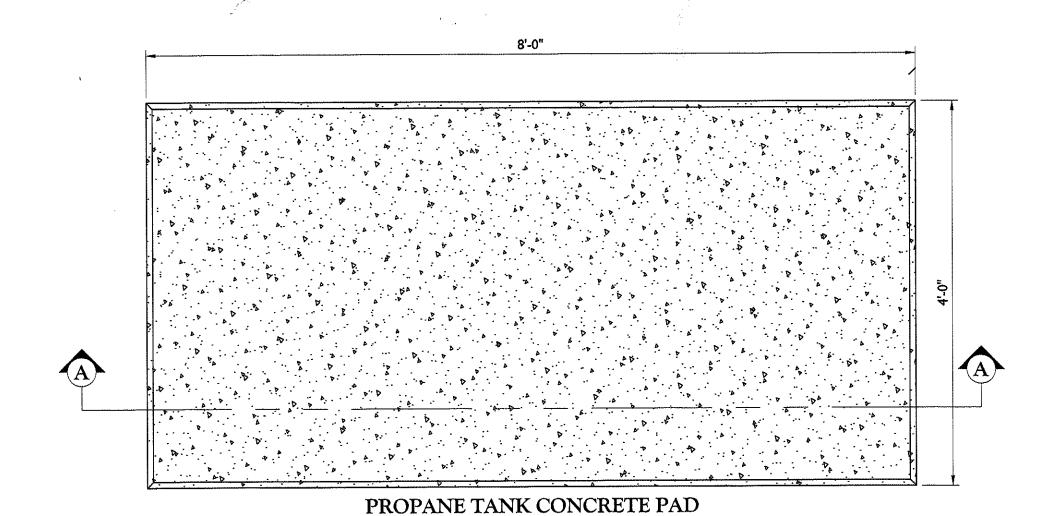
9283 OLD RACETRACK ROAD DELMAR, DE 19940 SUSSEX COUNTY

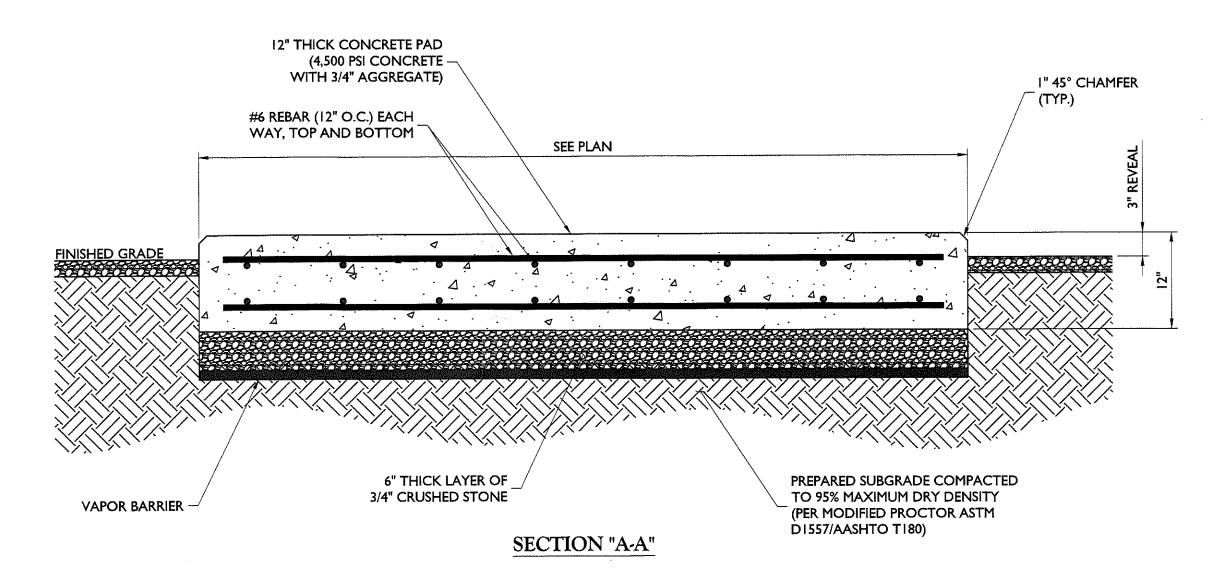


Mount Laurel, NJ 08054 Phone: 856.797.0412 Fax: 856.722.1120

CONSTRUCTION DETAILS

A-2 NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION





PROPANE TANK CONCRETE PAD DETAILS NOT TO SCALE

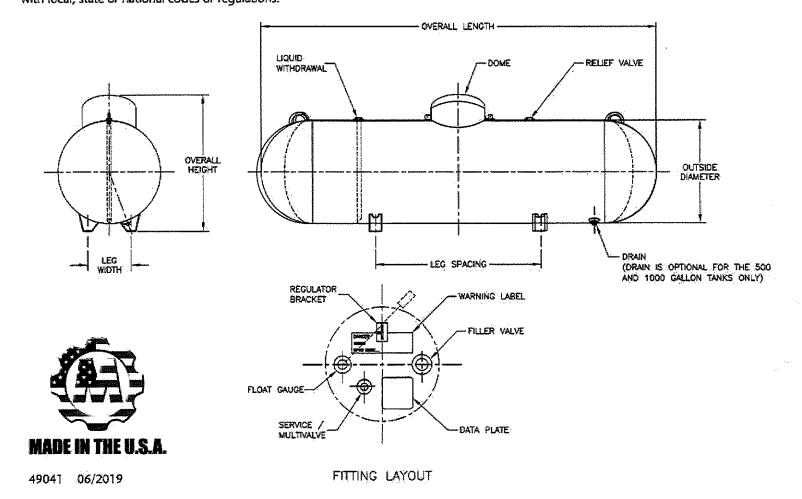


ABOVEGROUND PROPANE STORAGE TANKS 120 - 1000 Gallons

ABOVEGROUND VESSEL DIMENSIONS & SPECIFICATIONS (All Vessel Dimensions are Approximate)

Part Number	Description	Water Capacity Gal/l	Outside Diameter In/mm	Head Type	Overall Length In/mm	Overall Height In/mm	Leg Width In/mm	Leg Spacing In/mm	Weight Lbs/kg	Qua Full Load	ntity Per Stack
68268**	120 Gallon Aboveground Storage Tank	120 454.2	24" 609.6	Ellip	5′ 8″ 1727.2	2' 10 1/4" 870	10 1/8" 257.2	3′ 0″ 914.4	310 140.6	96	12
68270**	250 Gallon Aboveground Storage Tank	250 946.3	30" 762	Hemi	7′.10" 2387.6	3′ 4 3/16″ 1020,8	12-3/4" 323.9	3′ 6″ 1066.8	471 213.6	54	9.
68272**	320 Gallon Aboveground Storage Tank	320 1211.3	30″ 762.0	Hemi	9′ 7″ 2921	3′ 4 3/16″ 1020.8	12 3/4" 323.9	4′ 0 1/4″ 1225.6	566 256.7	45	9.
68274** 68303*	500 Gallon Aboveground Storage Tank	500 1892.7	37.5" 952.5	Hemi	9' 10" 2997.2	3' 11 1/2" 1206.5	15″ 381	5' 0" 1524	920 417.3	30	6
68276** 68304*	1000 Gallon Aboveground	1000 3785.4	41" 1041.4	Hemi	15′ 11″ 4851 4	4' 2 15/16" 1293 8	16 1/4" 417.8	9′ 0″ 2743.2	1737 787.9	15	5

Federal, state or local regulations may contain specific applicable requirements for protective coatings and cathodic protection. The purchaser and installer are responsible for compliance with such federal, state, local and NFPA industry regulations, including, but not limited to, proper purging prior to putting into service. Coating (s) must be continuous, uninterrupted and must comply with local, state or national codes or regulations.



PROPANE TANK DETAIL

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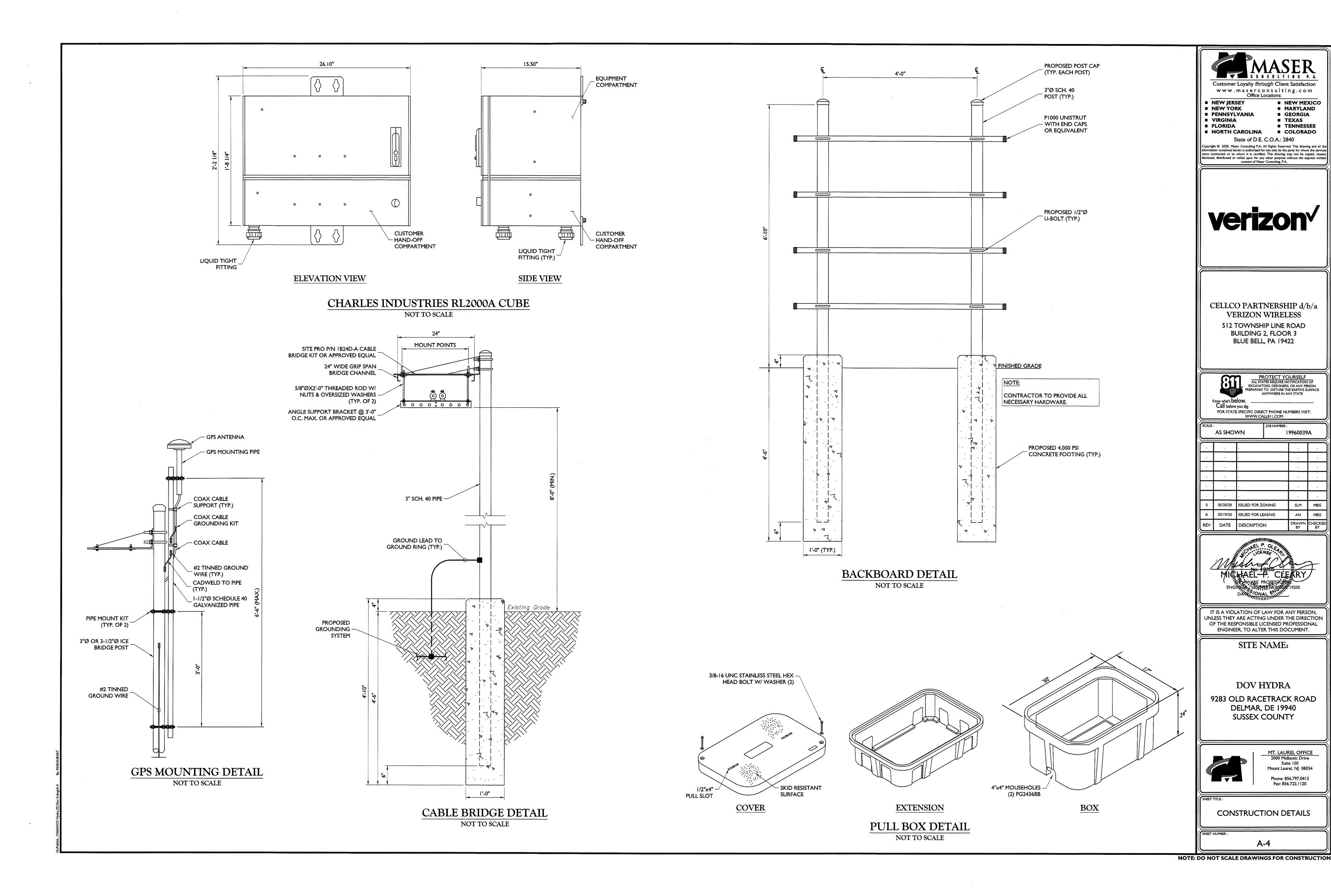


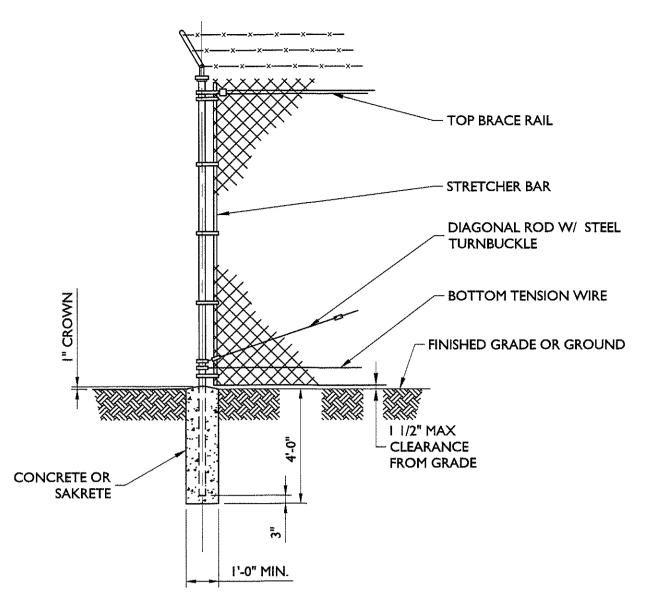
Mount Laurel, NJ 08054

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CONSTRUCTION DETAILS

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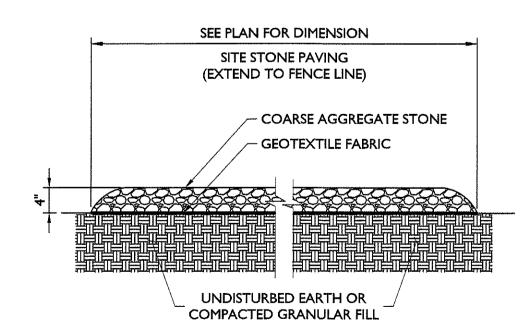




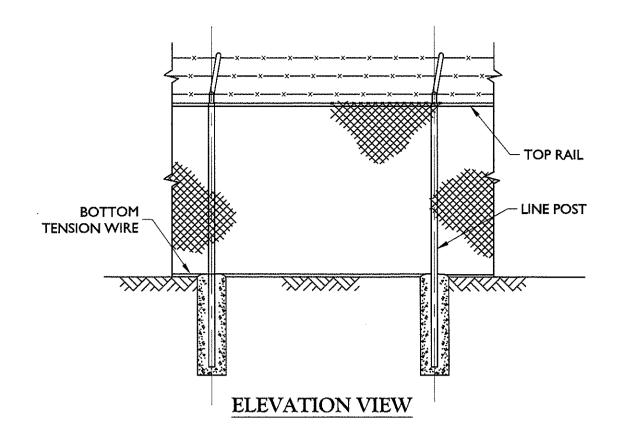
WOVEN WIRE CORNER, GATE, END, OR PULL POST NOT TO SCALE

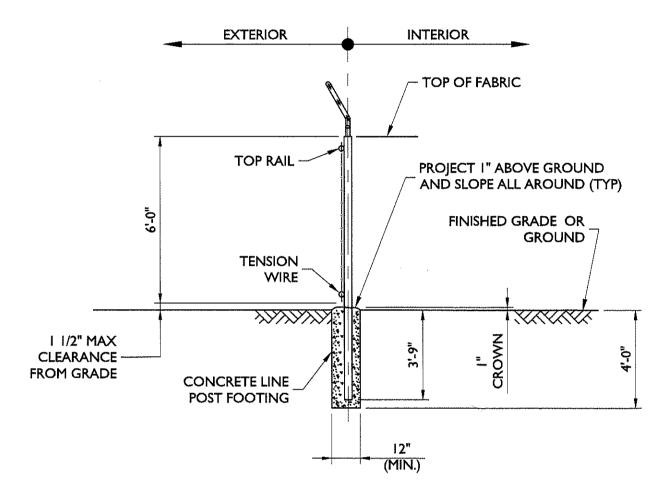
FENCE NOTES:

- 1. GATE POST, CORNER, TERMINAL OR PULL POST SHALL BE 3"Ø SCHEDULE 40 FOR GATE WIDTHS UP THROUGH 7 FEET OR 14 FEET FOR DOUBLE SWING GATE PER ASTM-F1083.
- 2. LINE POST: 2-3/8"Ø SCHEDULE 40 PIPE PER ASTM-F1083.
- 3. GATE FRAME: 1 1/2"Ø SCHEDULE 40 PIPE PER ASTM-F1083.
- 4. TOP RAIL & BRACE RAIL: 1 1/4"Ø SCHEDULE 40 PIPE PER ASTM-F1083.
- 5. FABRIC: 9 GA. CORE WIRE SIZE 2" MESH, CONFORMING TO ASTM-A392 CLASS 1.
- 6. TIE WIRE: MINIMUM I I GA GALVANIZED STEEL INSTALL A SINGLE WRAP TIE WIRE AT POSTS AND RAILS AT MAX. 24" INTERVALS. INSTALL HOG RINGS ON TENSION WIRE AT 24" INTERVALS.
- 7. TENSION WIRE: 7 GA. GALVANIZED STEEL.
- 8. BARBED WIRE: 3 STRANDS OF DOUBLE STRANDED 12-1/2 GAUGE TWISTED WIRE, 4 PT. BARBS SPACED ON APPROXIMATELY 5" CENTERS.
- 9. GATE LATCH: 1-3/8" O.D. PLUNGER ROD W/ MUSHROOM TYPE CATCH AND LOCK.
- 10. LOCAL ORDINANCE FOR BARBED WIRE PERMIT SHALL GOVERN INSTALLATION.
- 11. HEIGHT = 6'-0" VERTICAL DIMENSION WITH 1'-0" BARBED WIRE.
- 12. ALL WORK SHALL CONFORM WITH THE PROJECT SPECIFICATIONS.



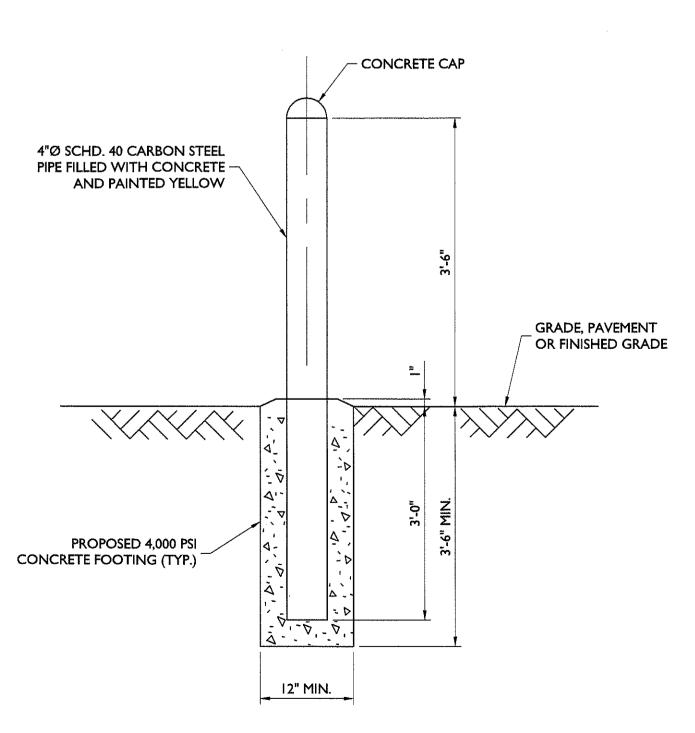
GRAVEL SURFACING NOT TO SCALE



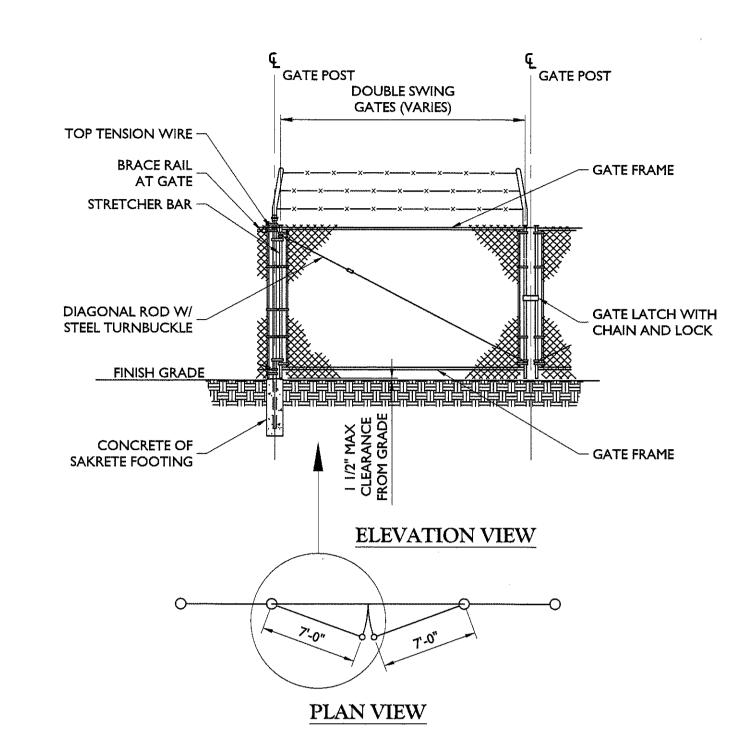


SECTION VIEW

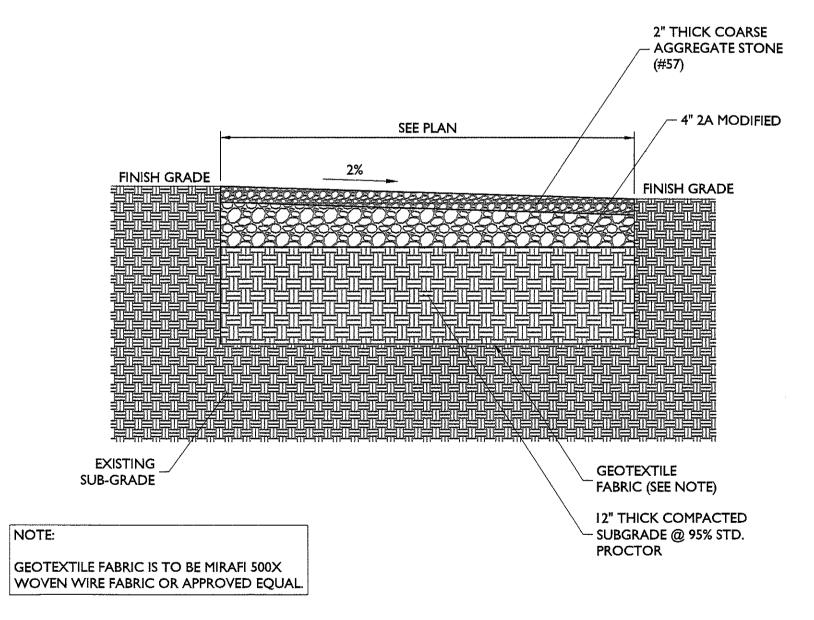
WOVEN WIRE FENCE DETAIL NOT TO SCALE



BOLLARD DETAIL NOT TO SCALE



WOVEN WIRE SWING GATE, DOUBLE NOT TO SCALE



GRAVEL DRIVEWAY SURFACING NOT TO SCALE



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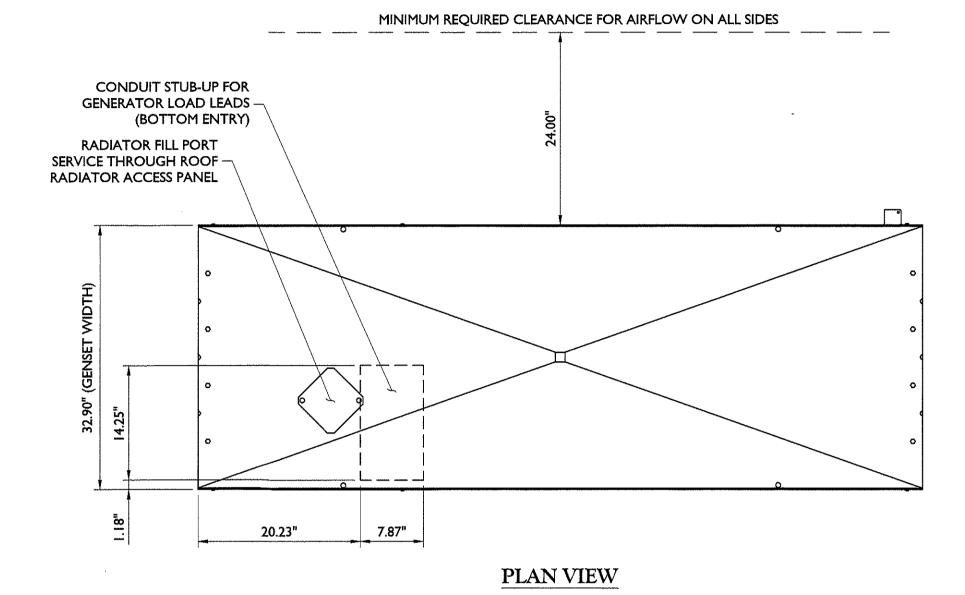


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CONSTRUCTION DETAILS

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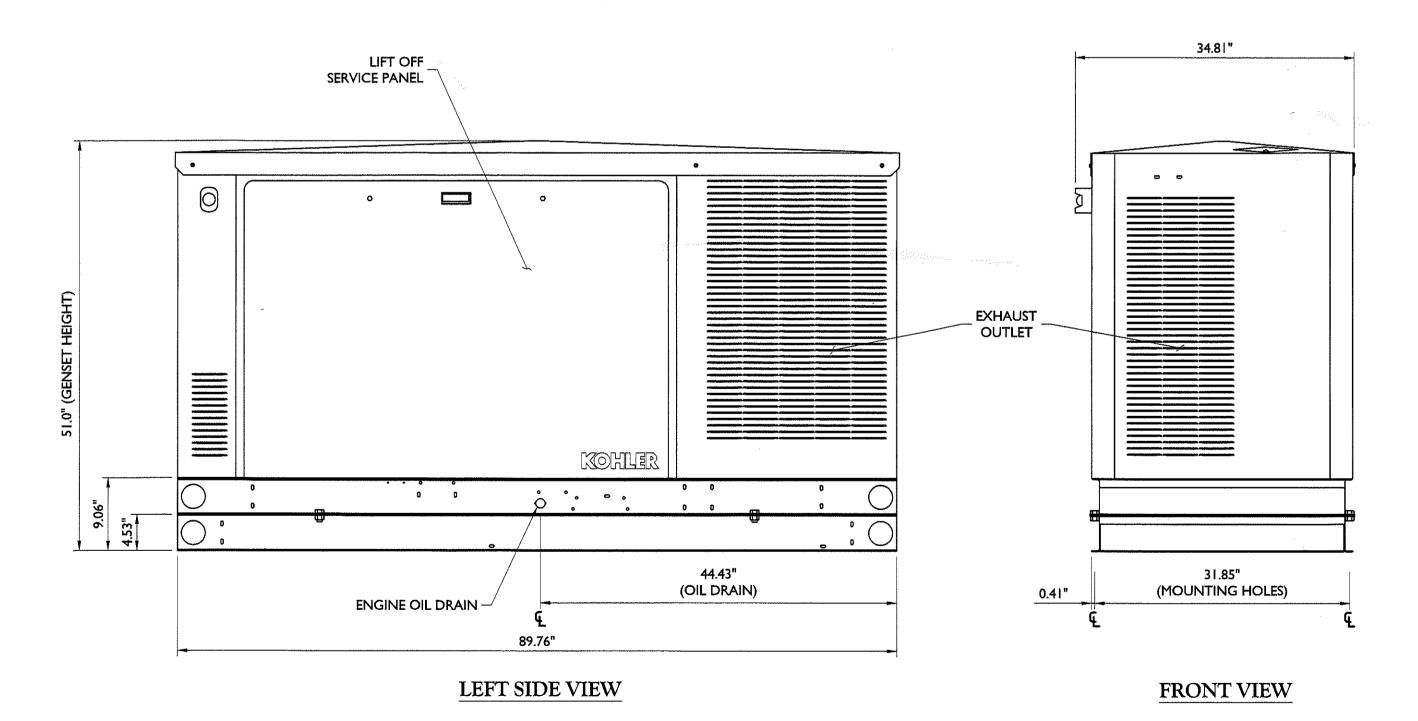


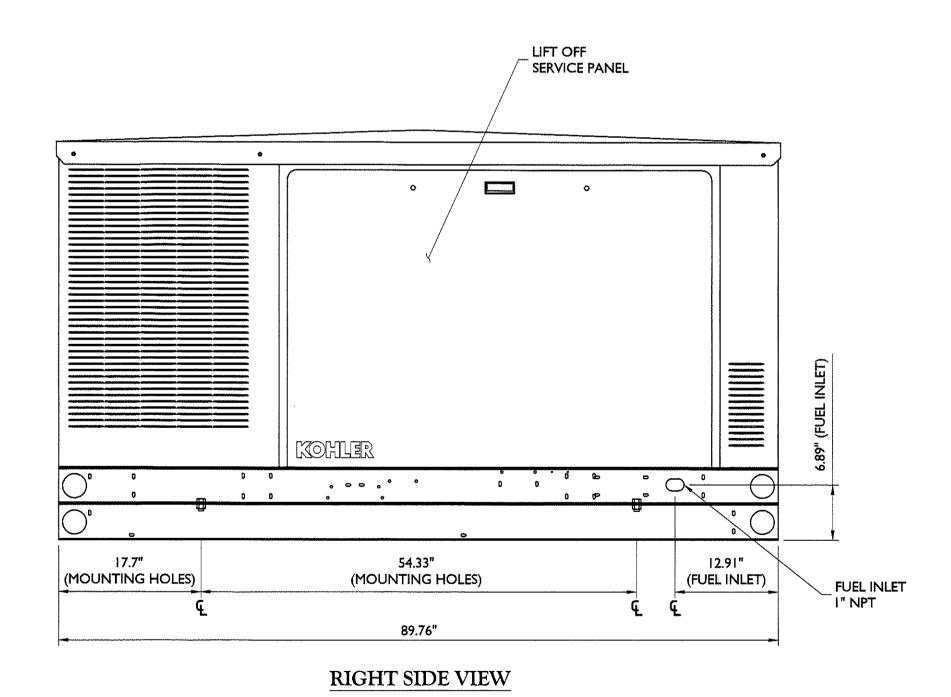
MODEL	ALTERNATOR	GENSET MAXIMUM WEIGHT
25/30CCL	4D/E	1,600 LBS
25/30CCL	4P/Q	1,630 LBS

NOTES:

- BOTH SIDES OF THE GENERATOR IS SERVICE ACCESSIBLE WITH EASY ACCESS SERVICE PANELS.
- 10 AMP BATTERY CHARGER.
 120VAC ENGINE BLOCK HEATER.
- GENERATOR MUST BE GROUNDED.
- SOUND ATTENUATED ENCLOSURE STANDARD WITH GENERATOR.
 MUST ALLOW FREE FLOW OF DISCHARGE AIR AND EXHAUST.
- 7. MUST ALLOW FREE FLOW OF AIR INTAKE.
- 8. IT IS THE RESPONSIBILITY OF THE INSTALLATION TECHNICIAN TO ENSURE THAT THE GENERATOR INSTALLATION
- COMPLIES WITH ALL APPLICABLE CODES, STANDARDS AND REGULATIONS.

 9. GENERATOR TO BE ANCHORED WITH 1 1/16"Ø A325 BOLTS. INSTALLED AND SIZE PER KOHLER RECOMMENDATIONS.
- 10. GENERATOR TO BE ANCHORED WITH 11/16 & A325 BOLTS. INSTALLED AND SIZE PER R





KOHLER NATURAL GAS
GENERATOR DETAIL
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VERIZON WIRELESS
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BUILDING 2, FLOOR 3

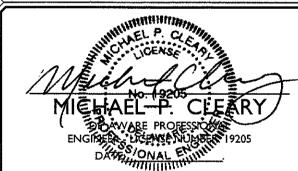
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DELMAR, DE 19940
SUSSEX COUNTY



MT. LAUREL OFFICE
2000 Midlantic Drive
Suite 100
Mount Laurel, NJ 08054

Phone: 856.797.0412 Fax: 856.722.1120

CONSTRUCTION DETAILS

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SHEET NUMBER :

A-0

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JUL 09 2020

SUSSEX COUNTY PLANNING & ZONING

Type of Application: (please check all applicable)

Board of Adjustment Application Sussex County, Delaware

Sussex County Planning & Zoning Department 2 The Circle (P.O. Box 417) Georgetown, DE 19947 302-855-7878 ph. 302-854-5079 fax Case # 12473
Hearing Date 9/21

The second of th			
Variance Special Use Exception Administrative Variance Appeal	Existing Condition Proposed Code Reference (office use only)		
Site Address of Variance/Special Use Exception: Parcel ID 432-8.00-124.00 32622 Pine Grove Rd, Laurel	, DE 19956 Hollywood Park		
Variance/Special Use Exception/Appeal Requested: Varriance of House location on lot- request allowance of 5 feet. Rather than 30 feet set back from the property line, requesting 25 feet from property line.			
Tax Map #: 4-32-8-124	Property Zoning: Resident		
Applicant Information			
Applicant Name: Klay West Applicant Address: 32519 LAUREL DR. City LAUREL State DE Zip: 1 Applicant Phone #: (302) 236-6130 Applicant e-r	19956 mail: klaywest80@gmail.com		
Owner Information	8		
Owner Name: Equity Trust Co Kenda West Owner Address: 1139 Old Highway 99			
City Columbia State TN Zip: 3	2958 Purchase Date: 7/18/20		
Owner Phone #: (301) 775-5045 Owner e-mai	l: kendawest@gmail.com		
Agent/Attorney Information			
Agent/Attorney Name: N/A			
Agent/Attorney Address:			
City State Zip:	4		
Agent/Attorney Phone #: Agent/Attorn	ney e-mail:		
Signature of Owner/Agent/Attorney			

Date: 7/6/20





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

You shall demonstrate to the Board of Adjustment that the property meets <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.

Lot is not deep enough for set backs, septic drainfield and house dimensions.

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 garage plan would not be possible with a 30 feet set back from the property line. The house is unable to be moved back due to the septic placement on the property.

3. Not created by the applicant:

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

Because of septic design, house plan and set backs from property line rather than footage from street, a variance is needed.

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

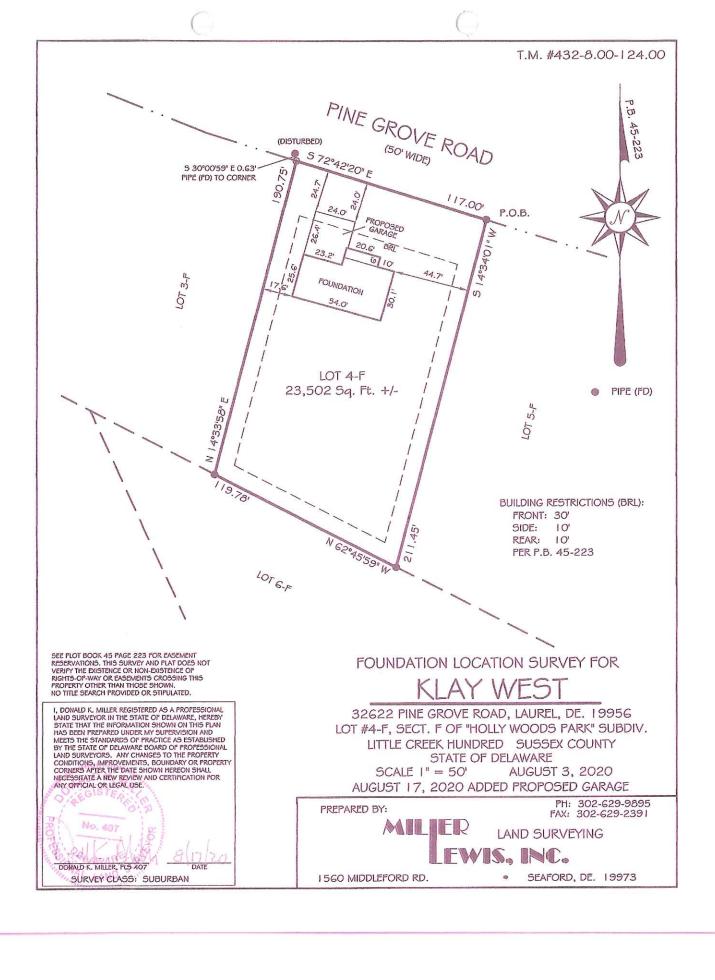
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

Essential character of neighborhood will not be impaired and adjacent properties will not be affected because of this variance.

5. Minimum variance:

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

If granted, the garage would only be 5 feet over the 30 feet set back required. Set back would then be 25 feet rather than 30 feet.





Sussex County Building Permit

P.O. Box 589 Georgetown, DE 19947 302-855-7720

Application Number 202002012

Issue Date: 04/14/2020 Expire Date: 04/14/2021

Permit Type:

DWELLING OUT OF TOWN

Parcel ID	Design of the later	Ac	Idress		Zone Code
432-8.00-124.00	99999 UNKNOWN		MR		
Owner Information		Applica	nt Information		
Name: EQUITY TRUST COMPANY CU Phone:	STODIAN	Name: Phone:	EQUITY TRUST CO,	CUSTOE	DIAN FOR KENDA
Contractor Information					
Name: EQUITY TRUST CO, CUSTOR CID: 1077826 Phone:	DIAN FOR KENDA		License Number: License Exp. Date: Insurance Exp. Date:		
Building Information	And the state of t				
Proposed Use: DWELLING RESIDENTAL Construction Type: Estimated Cost of Construction: \$ 97,070 Cannot Occupy More than of Total Lot Area Distance from any Dwelling of other Ownership: Distance from any other Mobile Home or Accessory Structure:					
Property Information	all tall a following				
Measurements taken from Property Line Front Setback: 30.00 /30-ft / P Side Setback: 10.00 /10-ft Maximum Building Height: 42-ft FLOOD ZONE Flood Zone: XP412L If Initialed, See Attached Flood Plan	Location D HOLLYWO	Corner Se escription: OOD PARK	etback: 10,00 (LOT 4F S/PINE GRO		n Requirements.
Project Description: DWELLING					

Scope of Work:

1 ST DW 30X54, ATT GAR 23X26, POR 6X20

DECK 6X8

Permit Details:

CO-19 SPECIAL OPS

Signature of Approving Official

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date 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. I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right 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.

THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL OF THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number

BP-129876

TOTAL FEES:

W

\$ 541.18



Building Description

Total	Bedrooms:	3
1 Otal	Dedibollis.	3

Full Baths:

Heat Type:

HEAT PUMP

2

Half Baths:

Roofing:

SHINGLE

Total Rooms:

Exterior Walls:

VINYL

BLOCK

Basement:

Interior Walls:

Foundation Type:

DRYWALL

Fireplace Type:

Flooring:

CARPET, TILE,, VINYL, HARDWOOD

Air Conditioning:

Additional Requirement/Restrictions
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.
Campgrounds Must conform to the location approved by the park.
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.
Fences Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.
Parcel Setbacks All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

Pools (Above-Ground)

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

Pools (In-Ground)

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.

Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.



EQUITY COMPANY CUSTODIAN

TRUST

5113

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WESTLAKE

S/PINE GROVE RD

LOT 4F

HOLLYWOOD PARK







12477 Case # 202008157 Hearing Date 9/21/2010

Board of Adjustment Application Sussex County, Delaware

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

JUL 16 2020

Type of Application: (please check all applicable)	
Variance Special Use Exception Administrative Variance Appeal	PLANNING & ZONING Existing Condition Proposed Code Reference (office use only)
Site Address of Variance/Special Use Exception:	
Shingle Point Rd., Georgetown, DE 19947	
Variance/Special Use Exception/Appeal Requeste	ed:
A 100-foot frontage variance is requested for access.	
See attached.	
Tax Map #: 135-11.00-2.03	Property Zoning:
Applicant Information	
I i M. D. I M.	
Applicant Address	
Applicant Address: Iris Moore-35512 Lighthouse Rd, Selbyville Danny L. Moore City Selbyville State DE	e,Jr38078 Sound Church Rd., Selbyville Darren Moore-34667 Wilgus Cemetery Rd., Frankford
	Zip: 19975 cant e-mail: Kcarpen810@gmail.com
	remperoro@gman.com
Owner Information	
Owner Name: Iris Moore, Danny L. Moore, Jr., Darr	en E. Moore
Owner Address: Iris Moore-35512 Lighthouse Rd., Selbyville Danny L. Moore, Jr	38078 Sound Church Rd., Selbyville Darren Moore-34667 Wilgus Cemetery Rd., Frankford
City Selbyville/Frankford State DE	Zip: 19975 Purchase Date:
Owner Phone #: (302) 339-5883 Owner	r e-mail: Kcarpen810@gmail.com
Agent/Attorney Information	
Agent/Attorney Name:Timothy G. Willard, Esq.	
Agent/Attorney Address: 26 the Circle	
City Georgetown State DE	Zip: 19947
Agent/Attorney Phone #: (302) 856-9024 Agent/	Attorney e-mail: Tim@Fwsslaw.com
Signature of Owner/Agent/Attorney	
	Date: 7-16-7/





Moore

Shingle Point

Tax Map #135-11.00-2.03

Variance Request

Two applicants, Danny L. Moore, Jr. and Darren E. Moore, inherited parcel 2.03, approximately 17 acres with 226.48 feet of frontage on Shingle Point Road. Their mother, Iris L. Moore, has a life estate in the property. Iris desires to abandon her life estate so that her sons can divide the parcel for their families. Therefore, they have proposed the attached minor subdivision which requires a variance for access. Rather than requesting two frontage variances for the 150 foot frontage requirement, they are only requesting one variance to access the proposed rear parcel. They have proposed a 50-foot entrance for right-of-way which would require a 100 ft.

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 parcel is unique because it contains 17 acres but only has 226 feet of frontage. It also has no preexisting farm road access.

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.

A reasonable use is for both heirs to partition the property. The only way to partition the property is to obtain a variance for access.

3. Not created by the applicant:

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

The applicants did not create the need for the variance which ultimately became necessary by virtue of settling their father's estate.

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 surrounding area is agricultural and residential. Creating two 8 acre parcels would not alter the essential character of the neighborhood.

5. Minimum variance:

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

	The request is minimum - one variance instead of 2.
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PLAN NO. 200408-D R.B. KEMP, III, P.L.S. 541 DVMAK FEE MOOBE DARREN MOORE 3TAG 37AO SITPLED IN COORDES OF DELEMBRE OF DELAMBRE ON DELAMBRE ON THE OF THE OF DELAMBRE ON THE OF THE MMM-YOVHZKEND-COM

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ACCESS TO RESOCUTING LOS CHAIRED TO ONE ACCESS POWER 2CALE: 1"-50" F. FELL BACE COLASE.

BACE COLASE. :DETAIL: SPECIAL PLANOSC VEHICLES, IE. FORM VEHICLES, ETC. BEGINEED PRIMAL BACKET --PEGUNED 24. WA ENTRANCE PROT BHERE BOOTDES -2C-DC-HALD TVINION 53 WO ANGE NIN CT OF SESSON DOWNWOOD DESIGN REQUIREMENT: RESIDENTIAL ACCESS ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DOM) AND SHALL BE SUBJECT TO ITS APPROVAL. DELDOT NOTES: NOLIVIJOGSYMIL V MHJUM THA JOH DOLING JURAPADUM H Hends Limit Qalas Qalas olisot Hends Limit Qalas Qalas ol Jalas no Salam (Tulkagas Alama) (1998) 1994 Najara olisot Qalama Tulkagas Alama (1998) 1994 Najara olisot Qalama (Tulkagas Alama) 1994 Najara olisot Qalama (1994) 1994 Najara olisot Qalam EXISTING COMBINED-RESIDENTAL ENTRAN ANDS N.O.F. AN CABRIEL TERLEMEZIAN 1-35-11,00-2.02 CURRENT ZONING: AR-1 CUBRENT ZONING: AR-1 VAN CABRIEL TERLEMEZIAN 1-35-11.00-2.03 1-35-11.00-2.03 CANDS N.O.F. IANDS N.O.F. IAN'OR DUILLEN 1-35-11.00-2.0+ CURRENT ZONING: AR-1 3) BESONOM WASH NOONE TO CHORUNG THE HOOSE OF THE HOOSE O SIGHT TRIMNECE EXISTING RICHT-OF-WAY LINE CURRENT ZONING: AR-1
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CURRENT ZOWING, AR-1
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EXISTING 12' MIDE INGRAM BRANCH
— CENTER OF MICHAUS WITH THE DATA COLUMN: -03000M \$20. \$10E: 12, \$10E: 12, \$200MIX SELBNCKS: \$200MIX SELBNCKS: PARCEL B-2 PARCEL B-1 LICE SHOPE SELLA EL PROCED BY WELLANDS

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TO SOUTH THE SELLAND BY SELLAND BY SHORE OWNER, TO SO SELLAND BY CURRENT ZONING: AR-1
2-35-29:00-1:00
COFFIN & SHELLY J. COFFIN
LANDS N.O.F. DIVES OF SUPERANCE OF SUPERANCES.

ORDINATION THE REPORT AND SUPERANCES.

ORDINATION THE REPORT ,95,558 3 .10,ES.02 N 1616.60 629.90° (TOTAL) 3 .10,23,01 N SCALE: 1"-1 MILE ZACK E, SIEBER & REBECCA M, SIEBER 1-35-11,00-2.00 CURRENT ZONNE: 88-1 HE CONTROLLED WITH SUBJECT OF THE CONTROLLED WITH CONTROLLED W AGRICULTURAL USE PROTECTIONS:



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

June 29, 2020

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

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation

Iris Moore, Darren Moore & Danny Lee Moore, Jr.

Tax Parcel # 135-11.00-2.03 SCR249-SHINGLE POINT ROAD Georgetown Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated May 22, 2020 (signed by the owners on June 20, 2020), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of <u>five (5) years</u>. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

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

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



Iris Moore, Darren Moore & Danny Lee Moore, Jr. Mr. Jamie Whitehouse Page 2 June 29, 2020

There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

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

Sincerely,

Susanne K. Laws

Sussex County Review Coordinator

Development Coordination

cc: R.B. Kemp, III, Adams Kemp Associates, Inc.
Rusty Warrington, Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
James Argo, South District Project Reviewer
William Kirsch, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Todd Sammons, Assistant Director
Derek Sapp, Subdivision Manager, Development Coordination

ADAMS-KEMP ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS 217 SOUTH RACE STREET, GEORGETOWN, DELAWARE 19947 302-856-6699 302-856-7350 (FAX)

JUNE 15, 2020

RE: SUSSEX COUNTY TAX MAP NO. 1-35-11.00-2.03 (PORTION)
PARCEL B-1

ALL THAT CERTAIN LOT, PIECE AND PARCEL OF LAND, LYING AND BEING SITUATED IN
GEORGETOWN HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE, BEING DESIGNATED AS
PARCEL B-1, "SUBDIVISION SURVEY PLAN PREPARED FOR IRIS MOORE, DARREN MOORE &
DANNY LEE MOORE, JR.", PREPARED BY ADAMS-KEMP ASSOCIATES, INC., PROFESSIONAL LAND
SURVEYORS AS PER SURVEY PLAN NO. 200408-D, DATED MAY 22, 2020 AND RECORDED IN
PLOT BOOK, PAGE IN THE OFFICE OF THE RECORDER OF DEEDS IN
AND FOR SUSSEX COUNTY IN THE COUNTY ADMINISTRATION BUILDING IN GEORGETOWN,
DELAWARE, MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT A SET IRON BAR ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 249 (A.K.A. SHINGLE POINT ROAD AT 35 FEET FROM THE CENTERLINE THEREOF); SAID SET IRON BAR BEING LOCATED 0.60 MILES MORE OR LESS IN A NORTHEASTERLY DIRECTION FROM COUNTY ROAD 253; THENCE FROM SAID SET IRON BAR, NORTH 51° 09' 59" WEST A DISTANCE OF 242.91 FEET ALONG WALDWICK WAY (AT 50' WIDE) TO A SET IRON BAR; THENCE CONTINUING IN PART WITH WALDWICK WAY AND LANDS NOW OR FORMERLY OF VAN GABRIEL TERLEMEZIAN, SOUTH 71° 29' 55" WEST A DISTANCE OF 859.02 FEET TO A SET IRON BAR AT A CORNER OF THIS PARCEL AND PARCEL B-2; THENCE ALONG THE LINES OF PARCEL B-2 THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1) NORTH 18° 30' 05" WEST A DISTANCE OF 355.62 FEET TO A SET IRON BAR;
- 2) NORTH 70° 53' 01" EAST A DISTANCE OF 835.56 FEET TO A SET IRON BAR:
- 3) SOUTH 51° 06' 54" EAST A DISTANCE OF 557.82 FEET TO A SET IRON BAR ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 249 (AT 40 FEET FROM THE CENTERLINE THEREOF);

THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 249:

- 1) SOUTH 38° 55' 46" WEST A DISTANCE OF 48.42 FEET TO A SET IRON BAR;
- 2) SOUTH 51° 04' 14" EAST A DISTANCE OF 5.00 FEET TO A SET IRON BAR AT 35 FEET FROM THE CENTERLINE THEREOF;

3) SOUTH 38° 55' 46" WEST A DISTANCE OF 128.06 FEET TO A THE POINT AND PLACE OF BEGINNING.

CONTAINING WITHIN DESCRIBED METES AND BOUNDS 8.634 ACRES OF LAND BE THE SAME MORE OR LESS.

ADAMS-KEMP ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS 217 SOUTH RACE STREET, GEORGETOWN, DELAWARE 19947 302-856-6699 302-856-7350 (FAX)

JUNE 15, 2020

RE: SUSSEX COUNTY TAX MAP NO. 1-35-11.00-2.03 (PORTION)
PARCEL B-2

ALL THAT CERTAIN LOT, PIECE AND PARCEL OF LAND, LYING AND BEING SITUATED IN
GEORGETOWN HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE, BEING DESIGNATED AS
PARCEL B-2, "SUBDIVISION SURVEY PLAN PREPARED FOR IRIS MOORE, DARREN MOORE &
DANNY LEE MOORE, JR.", PREPARED BY ADAMS-KEMP ASSOCIATES, INC., PROFESSIONAL LAND
SURVEYORS AS PER SURVEY PLAN NO. 200408-D, DATED MAY 22, 2020 AND RECORDED IN
PLOT BOOK, PAGE IN THE OFFICE OF THE RECORDER OF DEEDS IN
AND FOR SUSSEX COUNTY IN THE COUNTY ADMINISTRATION BUILDING IN GEORGETOWN,
DELAWARE, MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT A SET IRON BAR ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 249 (A.K.A. SHINGLE POINT ROAD AT 40 FEET FROM THE CENTERLINE THEREOF); SAID SET IRON BAR BEING LOCATED 0.81 MILES MORE OR LESS IN A SOUTHWESTERLY DIRECTION FROM COUNTY ROAD 248; THENCE FROM SAID SET IRON BAR, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 249, SOUTH 38° 55' 46" WEST A DISTANCE OF 50.00 FEET TO A SET IRON BAR AT A CORNER FOR THIS PARCEL AND PARCEL B-1; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG PARCEL B-1:

- 1) NORTH 51° 06' 54" WEST A DISTANCE OF 557.82 FEET TO A SET IRON BAR;
- 2) SOUTH 70° 53' 01" WEST A DISTANCE OF 835.56 FEET TO A SET IRON BAR;
- SOUTH 18° 30' 05" EAST A DISTANCE OF 355.62 FEET TO A SET IRON BAR AT A CORNER OF THIS PARCEL AND LANDS NOW OR FORMERLY OF VAN GABRIEL TERLEMEZIAN;

THENCE ALONG THE LINE OF LANDS NOW OR FORMERLY OF VAN GABRIEL TERLEMEZIAN, SOUTH 71° 29' 55" WEST A DISTANCE OF 857.02 FEET TO A SET IRON BAR IN THE CENTERLINE OF INGRAM BRANCH; THENCE THE FOLLOWING NINE (9) COURSES AND DISTANCES ALONG THE CENTERLINE OF INGRAM BRANCH:

- 1) NORTH 21° 28' 10" EAST A DISTANCE OF 28.17 FEET;
- 2) NORTH 32° 18' 16" EAST A DISTANCE OF 88.50 FEET;
- 3) NORTH 07° 56' 40" WEST A DISTANCE OF 63.50 FEET;

- 4) NORTH 02° 53' 44" WEST A DISTANCE OF 44.30 FEET;
- 5) NORTH 14° 40' 36" WEST A DISTANCE OF 35.78 FEET;
- 6) NORTH 31° 06' 38" WEST A DISTANCE OF 32.71 FEET;
- 7) NORTH 15° 41' 23" EAST A DISTANCE OF 77.64 FEET;
- 8) NORTH 56° 55' 05" WEST A DISTANCE OF 76.49 FEET;
- 9) NORTH 45° 22' 45" WEST A DISTANCE OF 25.80 FEET;

THENCE ALONG THE LINE OF LANDS NOW OR FORMERLY OF ZACK E. SIEBER AND REBECCA M. SIEBER THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) NORTH 70° 53' 01" EAST A DISTANCE OF 1629.90 FEET TO A FOUND IRON BAR, PASSING OVER A FOUND IRON BAR AT 13.30 FEET FROM THE BEGINNING OF THIS LINE:
- 2) SOUTH 51° 06' 54" EAST A DISTANCE OF 585.58 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING WITHIN DESCRIBED METES AND BOUNDS 8.634 ACRES OF LAND BE THE SAME MORE OR LESS.

Sussex County, DE Treasury P.O. Box 601 Georgetown, DE 19947 Welcome

33017500-0061 Dina M. 07/16/2020 03:16PM

PERMITS / INSPECTIONS
BOARD OF ADJUSTMENTS -

FEE 2020

Item: 202008157 | Z020

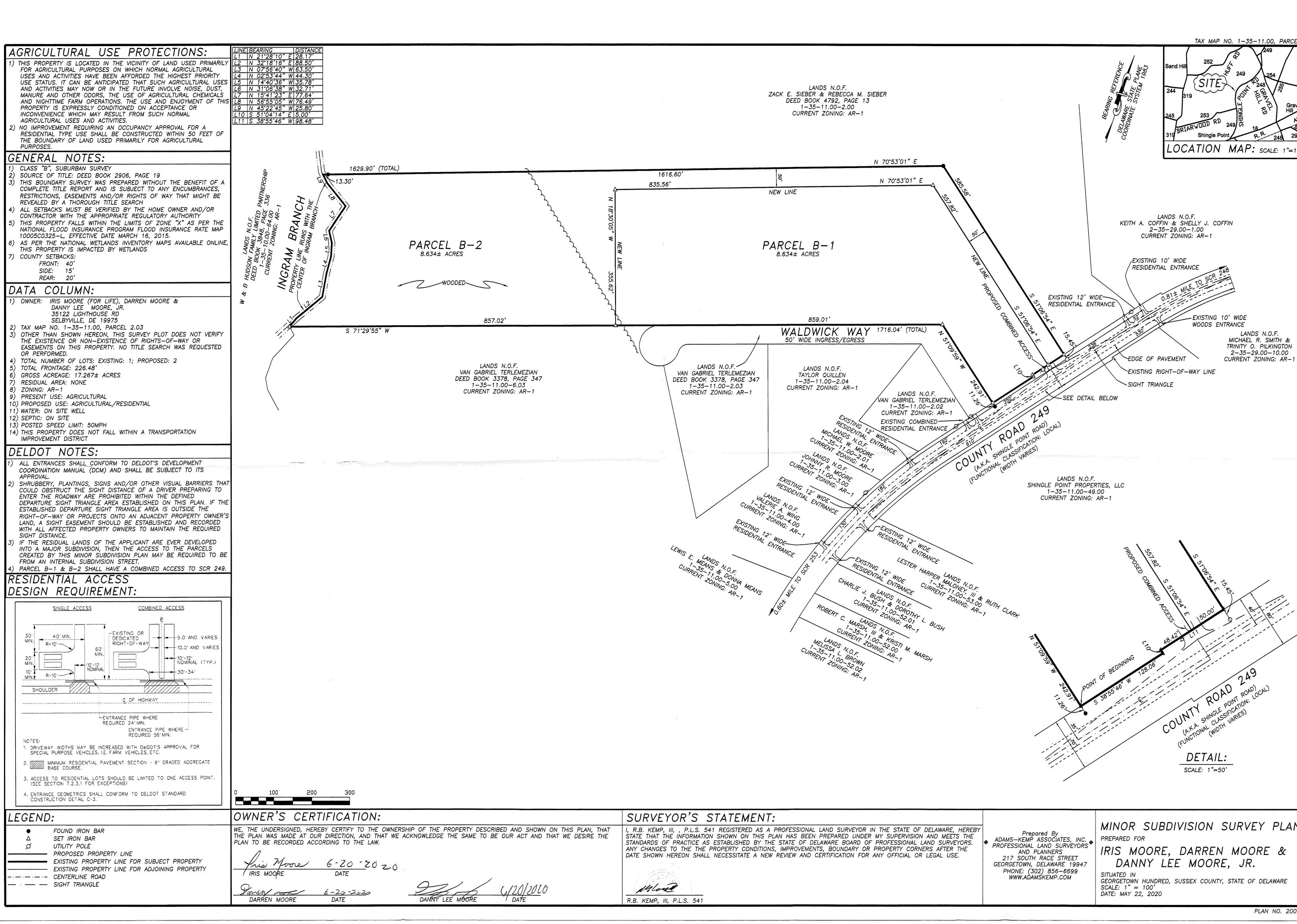
400.00

Subtotal 400.00
Total 400.00
CASH 400.00
Change due 0.00

Paid by: IRIS MOORE

Thank you for your payment

Sando (legit lipilis) Sand (legit vitylis)





PIN:	135-11.00-2.03
Owner Name	MOORE IRIS FOR LIFE THEN TO
Book	2906
Mailing Address	35122 LIGHTHOUSE RD
City	SELBYVILLE
State	DE
Description	NW/RD 249
Description 2	PARCEL B
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1 Tax Parcels

Streets

1:4,514 0.2 mi 0.075 0.15 0.3 km

August 11, 2020

Board of Adjustment Application Sussex County, Delaware

Case # 12479
Hearing Date 9121
202009524

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

Type of Application: (please check all applicable)	
Variance ☐ Special Use Exception ✓ Administrative Variance ☐ Appeal ☐	Existing Condition Proposed Code Reference (office use only)
Site Address of Variance/Special Use Exception:	
22518 Lewes Georgetown Hwy Georgetown, DE 199	47
Variance/Special Use Exception/Appeal Requested:	
Requesting a special use exception for an outdoor dis-	play and promotional activity
Tax Map #: 135 15.00 82.00	Property Zoning: AR 1
Tax total and	AKT
Applicant Information	
Applicant Name: Sports at the Beach	
Applicant Name: Sports at the Beach Applicant Address: 22518 Lewes Georgetown Hwy	
•	p: 19947
Applicant Phone #: 302-856-7400 Applicant	ce-mail: info@sportsatthebeach.com
Owner Information	
D = T	
Owner Name: Pete Townsend	The state of the s
Owner Address: 22518 Lewes Georgetown Hwy City Georgetown State DE Zi	n: 10047 Durchase Date: 200
City Georgetown State DE Zi Owner Phone #: 302-245-6676 Owner e-	p: 19947 Purchase Date: 2001 Purchase Date: 2001 Purchase Date: 2001
502-243-0070 OWNER C	titameani99@aoi.com
Agent/Attorney Information	
Agent/Attorney Name: The Smith Firm-Chad Ligenfelder	
Agent/Attorney Address: 8866 Riverside	
City Seaford State De Zi	p: ₁₉₉₄₇
Agent/Attorney Phone #: 302 875 5595 Agent/At	torney e-mail:
Signature of Owner/Agent/Attorney	



Date: 8-14-20



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

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

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

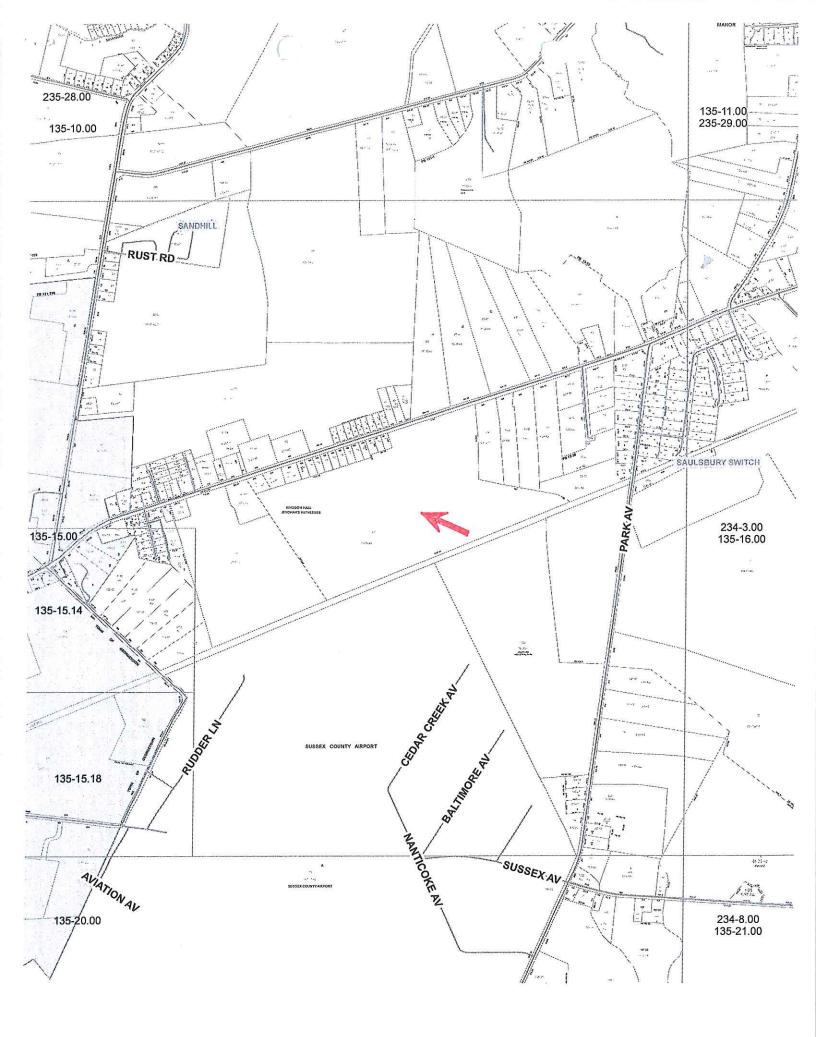
The history of use for the past 8-9 years on this location is a good indicator that this location is appropriate for the Special Use Exception.

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)

I do not have other requirements at this time.

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

This has been a good source of entertainment in the past for the community and everyone involved.





PIN:	135-15.00-82.00
Owner Name	SOFTBALL WORLD LLC
Book	4939
Mailing Address	22518 LEWES GEORGETO
City	GEORGETOWN
State	DE
Description	RD GEO TO LEWES
Description 2	S/RT 18 2300'
Description 3	W/RT 321FX
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

— Streets

County Boundaries

1:4,514 0.1 0.2

0 0.05 0.1 0.2 mi 0 0.075 0.15 0.3 km

August 27, 2020

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SPORTS AT THE BEACH

(Case No. 11567)

A hearing was held after due notice on May 4, 2015. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for an outdoor display or promotional activity.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for an outdoor display or promotional activity. This application pertains to certain real property located south of Route 18 (Lewes Georgetown Highway), approximately 2,300 feet west of Route 321 (Park Avenue) (911 Address: 22518 Lewes Georgetown Highway, Georgetown); said property being identified as Sussex County Tax Map Parcel Number 1-35-15.00-82.00. After a hearing, the Board made the following findings of fact:

- The Board was given copies of the Application, a letter dated March 2, 2015, from Lawrence Lank to the Applicant, a portion of the tax map of the area, and a portion of the Sussex County Zoning Code.
- 2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
- 3. The Board found that Pete Townsend was sworn in and testified regarding the Application.
- The Board found that Mr. Townsend testified that he is seeking a renewal of the original special use exception that was approved five (5) years ago.
- 5. The Board found that Mr. Townsend testified that an annual Halloween event is held on this property and he seeks approval to continue this use. The original special use exception included a Christmas light display but the Christmas light display was never executed and will not be included in this request.
- 6. The Board found that Mr. Townsend testified that he has received no complaints about the Halloween event.
- 7. The Board found that Mr. Townsend testified that the annual Halloween event is held for fifteen (15) days during the Halloween season as approved by the State on weekends.
- 8. The Board found that Mr. Townsend testified that the existing village is used during baseball season from March to November.
- 9. The Board found that Mr. Townsend testified that the use has not adversely affected the surrounding and adjacent properties.
- 10. The Board found that Mr. Townsend testified that he is seeking approval for five (5) years.
- 11. The Board found that Margaret Alves was sworn in and testified that the Property is well-kept and that children play baseball there. She has no objection to the Application.
- 12. The Board found that no parties appeared in support of or in opposition to the Application.
- 13. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and unrebutted, the Board determined that the application met the standards for granting a special use exception because the proposed outdoor display or

promotional activity will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Property is located outside of Georgetown along Georgetown-Lewes Highway and is used for baseball fields during the months of March through November. The Applicant maintains a village on the Property for use by baseball teams. The tax map provided to the Board demonstrates that the Property is very large.
- b. In 2010, the Applicant received approval for a special use exception to use the Property for an annual Halloween event and Christmas light display which use the village area. The Halloween event has been used for approximately 15 days per Halloween season; primarily on weekends. The Christmas display was never used.
- c. The Applicant has demonstrated that the Halloween event has not substantially affected adversely the uses of neighboring and adjacent properties. The Applicant testified that he has not received any complaints about the event and no evidence was presented which would demonstrate that the event has had a substantial adverse effect on neighboring and adjacent properties. Ms. Alves testified that the Property is well-kept and that she does not object to the Application.
- d. Per the Applicant's request, the Board approved the special use exception for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) years finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved for a period of five (5) years. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT OF SUSSEX COUNTY

Dale Callaway Chairman

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

Date June 9, 2014