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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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

BOARD OF ADJUSTMENT

JEFF CHORMAN, CHAIRMAN
KEVIN E. CARSON
JOHN WILLIAMSON
JOHN T. HASTINGS
JORDAN WARFEL



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

AGENDA

January 9, 2023

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 November 7, 2022

Approval of Finding of Facts for November 7, 2022

Public Hearings

Case No. 12777– John Bobeck seeks variances from the side yard and rear yard setback requirements for an existing garage (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of Hidden Acre Drive within the Hidden Acres Subdivision. 911 Address: 32113 Hidden Acre Drive, Frankford. Zoning District: MR. Tax Parcel: 134-11.00-76.00

Case No. 12778 – Jaymo Holdings LLC seeks variances from the front yard setback requirement for existing structures (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the north side of Teatown Road approximately 580 ft. east of Deep Grass Lane. 911 Address: 13941 Teatown Road, Lot 1, Greenwood. Zoning District: AR-1. Tax Parcel: 130-5.00-9.03

Case No. 12779 – Hugh Fuller seeks variances from the minimum lot width requirement for proposed lots (Sections 115-25 of the Sussex County Zoning Code). The property is located on the southeast side of Postal Lane across from Linden Lane. 911 Address: N/A. Zoning District: AR-1. Tax Map: 334-12.00-688.00



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

Case No. 12780 – Sea Air Village seeks variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the corner of Center Avenue and Tanglewood Avenue, Lot C94, within the Sea Air Village Manufactured Home Park. 911 Address: 19998 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3369

Case No. 12781– Sea Air Village seeks variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southeast side of Center Avenue, Lot D41, within the Sea Air Village Manufactured Home Park. 911 Address: 19883 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3375

Case No. 12782– Sea Air Village seeks variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the northwest side of Atlantic Avenue, Lot E74, within the Sea Air Village Manufactured Home Park. 911 Address: 20040 Atlantic Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3148

Additional Business



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 30, 2022 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

The Agenda was prepared by the Director of Planning and Zoning and is subject to change to include the additional or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

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 telephone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

Members 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/agendas-minutes/board-of-adjustment>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, January 5, 2023

####



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 # 12777

Hearing Date 8-15-22

Application # 202217105

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☒

Proposed ☐

Code Reference (office use only)

115-25 115-183

Site Address of Variance/Special Use Exception:

32113 Hidden Acre Dr. Frankford Delaware 19945

Variance/Special Use Exception/Appeal Requested:

Tax Map #: 1-34-11.00-76.00

Property Zoning: MR

Applicant Information

Applicant Name: John Bobeck

Applicant Address: 563 Lake Dr W.

City Smyrna

State De

Zip: 19977

Applicant Phone #: (302) 383-5133

Applicant e-mail: 563jack@gmail.com

Owner Information

Owner Name: same as above

Owner Address:

City

State

Zip:

Purchase Date:

Owner Phone #:

Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name:

Agent/Attorney Address:

City

State

Zip:

Agent/Attorney Phone #:

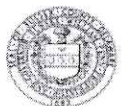
Agent/Attorney e-mail:

Signature of Owner/Agent/Attorney

John E Bobeck

Date:

6/3/2022



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

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

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

1. Uniqueness of property:

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

Due to size of the property it was determined that the Pole could be placed in one spot only because of underground services. Due to the inability of finding previous survey pins and no maps provided by the county my pole building location was based on the information of the original owner.

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.

Because of the property size, the Pole building was placed where it is because we thought we met the physical conditions of 10 foot set backs. All of which was provided to me by the original owner.

3. Not created by the applicant:

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

I had the understanding that I placed the pole Building in the only area that it would fit based on the information I received and the permit was approved by Sussex county.

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.

Behind the pole building is wild growth acting as a buffer zone for the farmer. The left side has wild growth and open field that can not be developed due to a lack of road availability. The property is boxed in on the left side of the Pole building.

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 will represent the minimum modification possible in order to provide relief for the builder and owner. The rear of the building is woods and may not be developed, but never say never. The left side is an extended lot that can't be developed unless access to Omar Rd is provided by the new owner.

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

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

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

N/A

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)

N/A

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

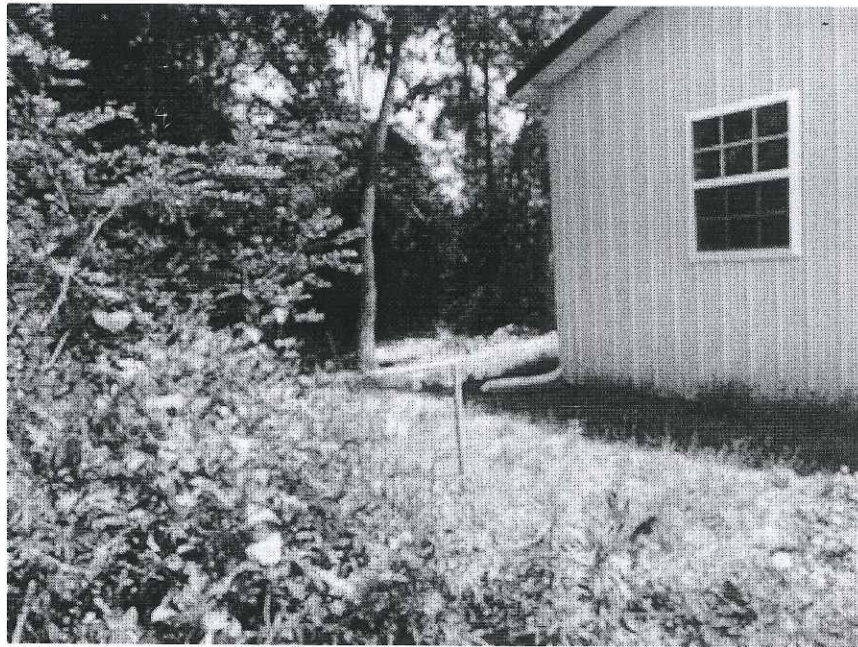
N/A



Right Side



Back side



LEFT side



FRONT

Inspections Text

A



Back



Output



Display



PDF

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Stamp Top

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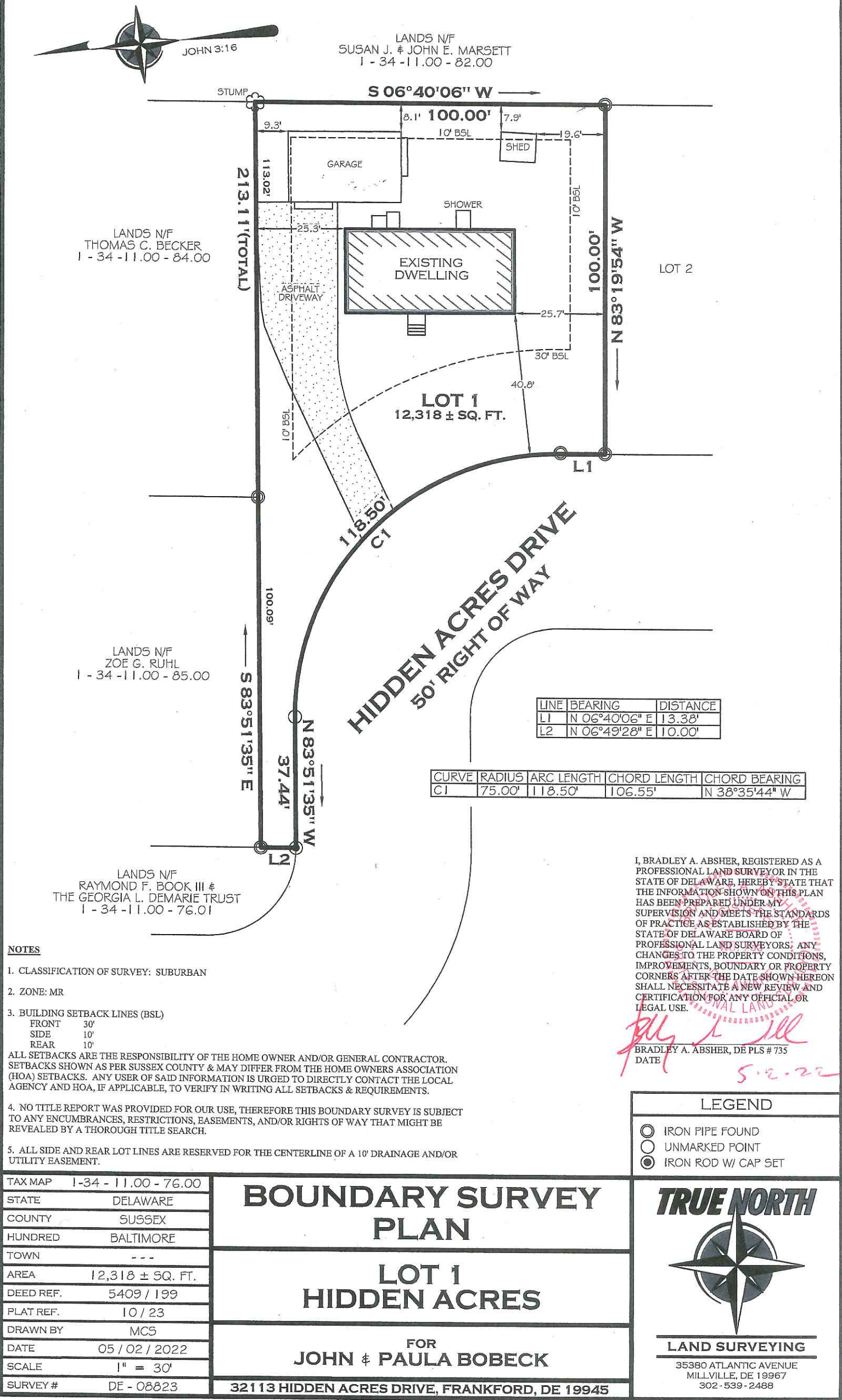
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Display
as HTML

From mobile - JEFF WHALEY - 02/24/2022 11:29:17

Measured 10th to rear, measured 9'6" to left side - need as-built survey to verify setbacks before inspection can be passed

Reinspection 347592 created on 02/24/2022 by jeffrey.whaley



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN BOBECK

(Case No. 12732)

A hearing was held after due notice on September 12, 2022. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the side yard and rear yard setback requirements for an existing garage

Findings of Fact

The Board found that the Applicant is requesting the following variances:

1. A variance of 0.7 feet from the ten (10) feet side yard setback requirement on the north side for an existing pole building; and
2. A variance of 1.9 feet from the ten (10) feet rear yard setback requirement for an existing pole building.

This application pertains to certain real property located on the southeast side of Hidden Acre Drive within the Hidden Acres Subdivision (911 Address: 32113 Hidden Acre Drive, Frankford); said property being identified as Sussex County Tax Map Parcel Number 134-11.00-76.00 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph of the Property, pictures of the Property, inspection notes, a survey of the Property dated May 2, 2022, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that John Bobeck was sworn in to testify about the Application.
4. The Board found that Mr. Bobeck testified that he purchased the Property in 2020 and that the seller told him that, when the house was built, the seller instructed the builder to center the home on the Property.
5. The Board found that Mr. Bobeck testified that they found pins in two (2) of the corners of the Property but were unable to locate one (1) pin because it was a tree and had since rotted.
6. The Board found that Mr. Bobeck testified that, since they believed the house to be centered on the lot, they did the math to based on the size of the Property and the placement of the house to determine where the property line was located. They used tape measures and string to mark out the Property and location for the pole building and they ran a line from the rear property corner to the other. According to Mr. Bobeck, they measured and believe the measurement to be accurate.
7. The Board found that Mr. Bobeck testified that he hired Delmarva Pole Building to install his pole building and the location of the pole building was formerly trees and shrubs but was cleared out to place his building.
8. The Board found that Mr. Bobeck testified that, after fighting with the contractor, he was able to get the County Inspector out to complete the required inspections and was failed for noncompliance with the setbacks and that he was instructed by Planning and Zoning staff to apply for the variance.
9. The Board found that Mr. Bobeck testified that he was shocked to find out that he only has 36 feet from the back of his house rather than the 38 feet that he thought

and he was also surprised to find that they did not complete any of the inspections for his building.

10. The Board found that Mr. Bobeck testified that it has been a constant fight on his end and he is here to ask for help with his building.
11. The Board found that Mr. Bobeck testified that he just wanted a workshop and a place to store his car.
12. The Board found that Mr. Bobeck testified that there have been no complaints about the pole barn and that he has received compliments on his improvements to the lot as he has done a lot of landscaping to improve the overall look of the Property.
13. The Board found that Mr. Bobeck testified that he installed his own electric for the pole barn.
14. The Board found that Mr. Bobeck testified that he obtained the necessary approvals for the driveway also.
15. The Board found that Mr. Bobeck testified that there is a buffer of trees behind the Property, which he thought was a tax ditch, and it is all farm land behind the Property.
16. The Board found that Mr. Bobeck testified that an engineer was brought in and he met with the County who approved everything except for the final inspection of the headers and setbacks.
17. The Board found that Mr. Bobeck testified that he believes that they put it where he staked it but they could have missed it or he could have been at fault. He noted that he will get a surveyor to stake out the property in the future.
18. The Board found that Mr. Bobeck testified that the Property is serviced by well and septic which limits his ability to place the building in another location.
19. The Board found that Mr. Bobeck testified that the garage measures 20 feet by 30 feet.
20. The Board found that Mr. Bobeck testified that the area on the survey coming off the structure is a concrete apron and that the bump outs off the house on the survey are steps.
21. The Board found that no one appeared in support of or in opposition to the Application.
22. 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 un rebutted, the Board determined that the application failed to meet the standards for granting a variance. The findings below further support the Board's decision to deny the Application.

- a. Based on the testimony by the Applicant and the measurements by Planning & Zoning staff of the building from the survey, the pole building measures 20 feet by 30 feet. Pursuant to § 115-185 of the Sussex County Zoning Code, an accessory structure that measures 600 square feet or less may be located 5 feet from a side yard and 5 feet from a rear yard lot line. As such, no variance is needed because this structure otherwise complies with the Sussex County Zoning Code and the variance is not needed to afford relief. This determination is subject to final field inspection of the pole building by County officials to confirm the actual size of the pole building.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was denied. The Board Members in favor of the Motion to deny were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to deny the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman
Chair

If the use is not established within two (2)
years from the date below the application
becomes void.

Date November 7, 2022.

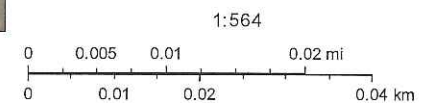


Sussex County



PIN:	134-11.00-76.00
Owner Name	BOBECK JOHN
Book	5409
Mailing Address	563 LAKE DR
City	SMYRNA
State	DE
Description	HIDDEN ACRES
Description 2	LOT 1
Description 3	N/A
Land Code	

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







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

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

Case # 12778
Hearing Date 1/9
2022 16000

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☒

Proposed ☐

Code Reference (office use only)
115-25 115-182

Site Address of Variance/Special Use Exception:

13941 Teatown Road, Lot 1, Greenwood, DE 19950

Variance/Special Use Exception/Appeal Requested:

Variance request in the amount of 4.2 feet from the front yard setback for an existing manufactured home.

Tax Map #: 130-5.00-9.03

Property Zoning: AR-1

Applicant Information

Applicant Name: Jaymo Holdings LLC

Applicant Address: 172 Arlington Avenue

City Lakewood State NJ Zip: 08701

Applicant Phone #: (347) 558-5826 Applicant e-mail: Jay@sonikki.com

Owner Information

Owner Name: Jaymo Holdings LLC

Owner Address: 172 Arlington Avenue

City Lakewood State NJ Zip: 08701 Purchase Date: _____

Owner Phone #: (347) 558-5826 Owner e-mail: Jay@sonikki.com

Agent/Attorney Information

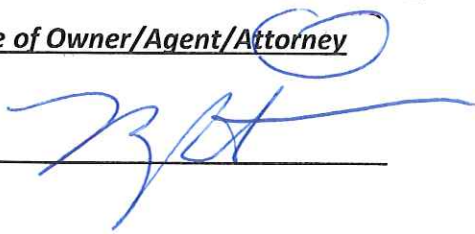
Agent/Attorney Name: Baird Mandalas Brockstedt Federico & Cardea LLC; Mackenzie M. Peet, Esq.

Agent/Attorney Address: 1413 Savannah Road, Suite 1

City Lewes State DE Zip: 19958

Agent/Attorney Phone #: (302) 645-2262 Agent/Attorney e-mail: mackenzie@bmbde.com

Signature of Owner/Agent/Attorney



Date: 11/1/2022



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

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

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

1. Uniqueness of property:

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

The property is a six-sided, uniquely-shaped property with a limited building envelope as the boundary runs in part with the center of Tantrough Branch. The presence of the branch restricts construction in the rear yard of the property.

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 authorization of a variance is necessary to remedy the construction of the manufactured home in the front yard setback.

3. Not created by the applicant:

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

The manufactured home contractor placed the manufactured home in the front yard setback.

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.

Prior to the installation of the new manufactured home, there was a previously existing manufactured home located in the front yard setback. See Exhibit A.

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.

4.2 feet is the minimum variance necessary to afford relief.

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 13941 Teatown Road, Lot 1
Greenwood, DE 19950
Parcel #: 130-5.00-9.03

Site Address: See Above

Parcel #:

Applicant Name: Jaymo Holdings LLC
Owner Name: Jaymo Holdings LLC

Type of Application:

Conditional Use: ☐
Change of Zone: ☐
Subdivision: ☐
Board of Adjustment: ☒

Date Submitted:

For office use only:

Date of Public Hearing:

File #:

Date list created:

Date letters mailed:

List created by:

Letters sent by:

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Jaymo Holdings LLC
Applicant Address: 172 Arlington Avenue
City: Lakewood State: NJ Zip: 08701
Phone #: (347) 558-5826 E-mail: Jay@sonikki.com

Owner Information

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

Engineer/Surveyor Information

Engineer/Surveyor Name: Merestone Consultants, Inc.
Engineer/Surveyor Address: 33516 Crossing Avenue, Unit 1
City: Lewes State: DE Zip: 19958
Phone #: (302) 226-5880 E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: Baird Mandalas Brockstedt Federico & Cardeo, LLC c/o Mackenzie Peet, Esquire
Agent/Attorney/Address: 1413 Savannah Road, Suite 1
City: Lewes State: DE Zip: 19958
Phone #: (302) 645-2262 E-mail: mackenzie@bmbde.com

Other

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



Exhibit A

Property and Deed Information

Property Information

Property Location:	13941 TEATOWN RD
Unit:	
City:	GREENWOOD
State:	DE
Zip:	19950
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	130 - CEDAR CREEK
School District:	4 - MILFORD
Fire District:	42-Carlisle
Deeded Acres:	.8680
Frontage:	190
Depth:	199.000
Irr Lot:	
Plot Book Page:	183 87/PB
100% Land Value:	\$2,000
100% Improvement Value	\$0
100% Total Value	\$2,000

Legal

Legal Description	N/RD616 630' E/RD 384 LOT 1
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Owners

Owner	Co-owner	Address	City	State	Zip
JAYMO HOLDINGS LLC		172 ARLINGTON AVE	LAKEWOOD	NJ	08701

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
08/23/2021	5535/326	\$22,500.00			JAYMO HOLDINGS LLC

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	JAYMO HOLDINGS LLC		172 ARLINGTON AVE	LAKEWOOD	NJ	08701	5535/326
2021	JAYMO HOLDINGS LLC		172 ARLINGTON AVE	LAKEWOOD	NJ	08701	5535/326
2020	FITZGERALD DEPUTY TEATOWN ROAD LLC		15910 VINYARD DR	MILFORD	DE	19963	3584/192
2019	FITZGERALD DEPUTY TEATOWN ROAD LLC		15910 VINYARD DR	MILFORD	DE	19963	3584/192
2018	FITZGERALD DEPUTY TEATOWN ROAD LLC		15910 VINYARD DR	MILFORD	DE	19963	3584/192
2017	FITZGERALD DEPUTY TEATOWN ROAD LLC		15910 VINYARD DR	MILFORD	DE	19963	3584/192
2013	FITZGERALD DEPUTY TEATOWN ROAD LLC		15910 VINYARD DR	MILFORD	DE	19963	3584/192

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RV	190	199	.8680	

Land Summary

Line	1
100% Land Value	2,000

100% Values

100% Land Value
\$2,000

100% Improv Value
\$0

100% Total Value
\$2,000

50% Values

50% Land Value
\$1,000

50% Improv Value
\$0

50% Total Value
\$1,000

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
03-NOV-2021	202114582	\$83,711	NEW PLACEMENT: 27X48 REDMAN/CHAMPION 2022

TAX MAP AND PARCEL #:
1-30-5.00-9.03

PREPARED BY & RETURN TO:
Bonnie M. Benson, P. A.
33718B Wescoats Road
Lewes, DE 19958
File No. 21-2294/TMG

THIS DEED, made this 20th day of August, 2021,

- BETWEEN -

FITZGERALD DEPUTY TEATOWN ROAD, LLC, a Delaware limited liability company, of 15910 Vinyard Drive, Milford, DE 19963, party of the first part,

- AND -

JAYMO HOLDINGS LLC, a New Jersey limited liability company, of 172 Arlington Avenue, Lakewood, NJ 08701, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Twenty-Two Thousand Five Hundred and 00/100 Dollars (\$22,500.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL THAT CERTAIN lot, piece or parcel of land depicted as Lot #1 on that certain Boundary Survey Plan of Fitzgerald Deputy Teatown Road, LLC, dated February 4, 2013, prepared by Bob Nash, registered surveyor, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Plot Book 183, Page 87.

BEING the same lands and premises which were conveyed unto Fitzgerald Deputy Teatown Road, L.L.C., by deed of Fitzgerald Deputy Teatown Road, L.L.C. dated June 9, 2021, and recorded in the Office of the Recorder of Deeds in and for Sussex County, DELAWARE, on June 10, 2021, in Deed Book 5485, Page 15.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the said Fitzgerald Deputy Teatown Road, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Kirby Fitzgerald, Managing Member of Fitzgerald Deputy Teatown Road, LLC, the day and year first above written.

**FITZGERALD DEPUTY TEATOWN ROAD,
LLC**

Kyle Snodden
Witness

By: [Signature] (SEAL)
Kirby Fitzgerald, Managing Member

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

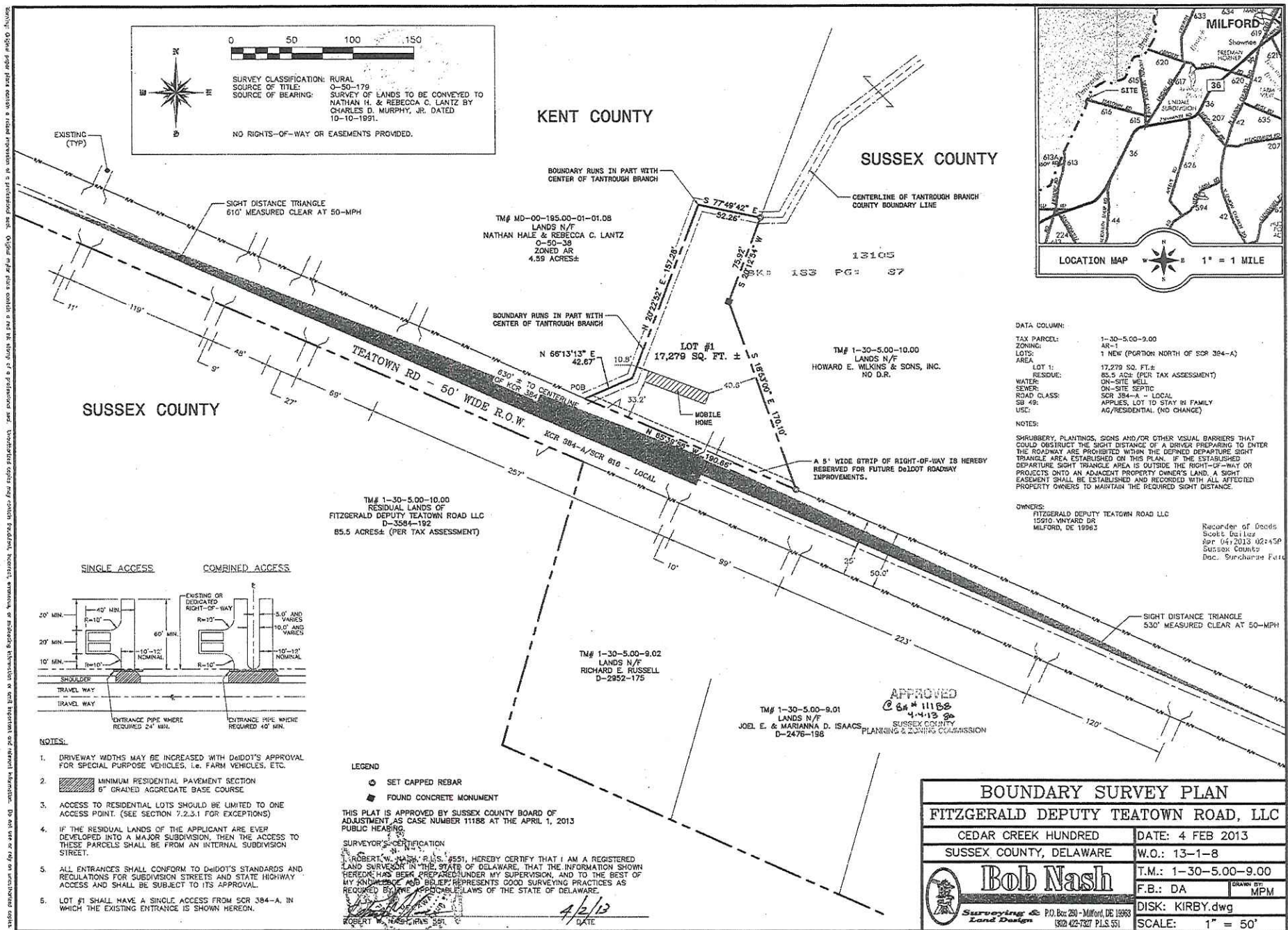
BE IT REMEMBERED, that on this ____ day of August, A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Kirby Fitzgerald, Managing Member of Fitzgerald Deputy Teatown Road, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Managing Member is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

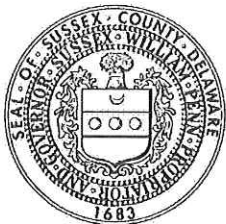
GIVEN under my Hand and Seal of Office the day and year aforesaid.

Billie Jo Richardson
Notary Public

My Commission Expires: 5-1-2022







Sussex County
Manufactured Home Placement Permit

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

Application Number

202114582

Issue Date: 11/03/2021

Expire Date: 11/03/2022

Permit Type: MANUFACTURED HOME OUT OF TOWN

Parcel ID	Address	Zone Code
130-5.00-9.03	13941 TEATOWN ROAD	AR-1

Owner Information	Applicant Information
Name: JAYMO HOLDINGS LLC Phone:	Name: DONALD BRODERICK Phone:

Manufactured Home Installer		
Name:	DONALD BRODERICK	License Number:
CID:	275770	License Exp. Date:
Phone:		Insurance Exp. Date:

Building Information
Proposed Use: MANUFACTURED HOME Construction Type: Estimated Cost of Construction: \$ 83,711 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
Measurements taken from Property Lines Front Setback: 40.00 / Side Setback: 15.00 / Maximum Building Height: 42' Rear Setback: 20.00 / Corner Setback: / Location Description: FLOOD ZONE N/RD616 630' E/RD 384 LOT 1 Flood Zone: XP19J ____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: MANUFACTURED

Scope of Work:

NEW PLACEMENT: 27X48 REDMAN/CHAMPION 2022

Permit Details:

OLD MH WAS REMOVED

Manufactured Home Detail

Year: 2022
Make: REDMAN/CHAMPION
Color: BEIGE
Trim: WHITE
Size: 27X48
Serial #: 122-000-H-A010354AB

Signature of Approving Official

Signature of Owner/Contractor

Building Permit Acknowledgement:

I fully understand the Zoning Requirements of this permit.

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 FOR 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 MH-169264

TOTAL FEES: \$ 1,213.61



Building Description

Total Bedrooms: 3

Full Baths: 2

Half Baths:

Total Rooms:

Basement: NO

Interior Walls: VINYL

Flooring:

CARPET TILE VINYL

Heat Type:

Roofing: SHINGLE

Exterior Walls: DRYWALL

Foundation Type:

Fireplace Type:

Air Conditioning: Y

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.

_____ Tax Ditch

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.

Exhibit B

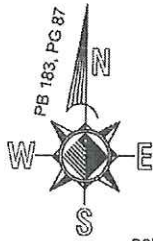
Survey

PLAN #25434L-130923

PARCEL NO.
1-30-5.00-9.00

RECORD PLAN:
PLOT BOOK 183, PAGE 87

DEED REF:
DEED BOOK 5535, PAGE 326



KENT COUNTY

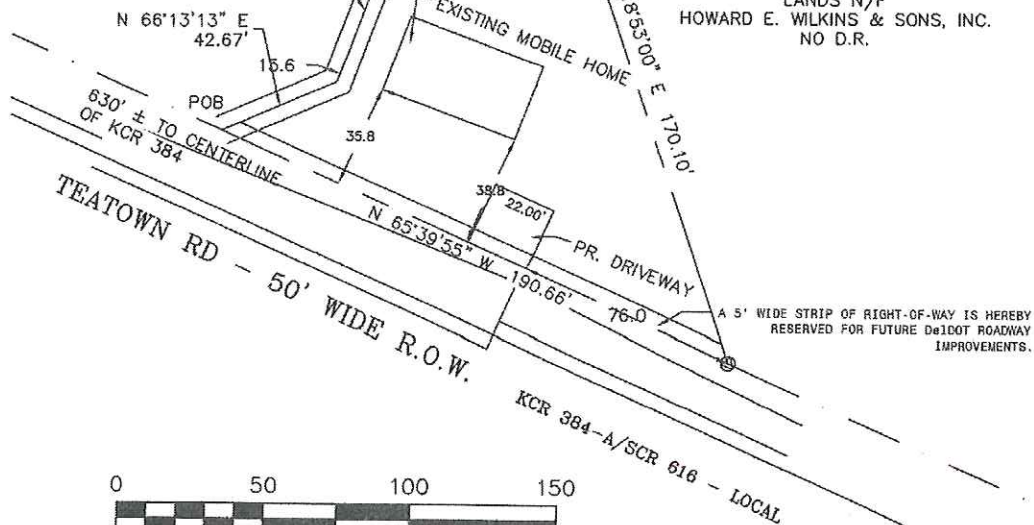
SUSSEX COUNTY

TM# MD-00-195.00-01-01.08
LANDS N/F
NATHAN HALE & REBECCA C. LANTZ
0-50-38
ZONED AR
4.59 ACRES±

BOUNDARY RUNS IN PART WITH
CENTER OF TANTROUGH BRANCH

LOT #1
17,279 SQ. FT. ±

TM# 1-30-5.00-10.00
LANDS N/F
HOWARD E. WILKINS & SONS, INC.
NO D.R.



SCALE: 1' = 50'

FINAL AS-BUILT SURVEY PLAN

PREPARED FOR:
JAYMO HOLDINGS, LLC.
FOR PROPERTY KNOWN AS:
LOT 1 * FITZGERALD DEPUTY TEATOWN ROAD, LLC
ALSO KNOWN AS:
13941 TEATOWN ROAD

SITUATE IN:
CEDAR CREEK HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE

SCALE: 1" = 50'
DATE: 19 SEPTEMBER 2022

NOTES:

1. THIS PLAN IS VALID ONLY WHEN SIGNED IN RED INK AND EMBOSSED WITH A RAISED IMPRESSION SEAL AND WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD OF ACCURACY FOR A SUBURBAN CLASSIFICATION.
2. NO EASEMENTS OTHER THAN SHOWN WERE PROVIDED.



MERESTONE

CONSULTANTS, INC.

ENGINEERS - PLANNERS - SURVEYORS
5215 WEST WOODMILL DRIVE 33516 CROSSING AVENUE, UNIT 1
WILMINGTON, DE 19808 FIVE POINTS SQUARE
PHONE: 302-992-7900 LEWES, DE 19958
PHONE: 302-226-5880



PROFESSIONAL LAND SURVEYOR
MERESTONE CONSULTANTS, INC. 2022

9/24/2022
DATE

PLAN #25434L-130923

Exhibit C

Zoning Code

ZONING

115 Attachment 1

Sussex County

TABLE I

General Table of Height, Area and Bulk Requirements
Sussex County
(See also § 115-156A)

Article of chapter	District or Use	Maximum Height		Lot Area (square feet)	Width of Lot (feet)	Depth of Lot (feet)	Depth of Front Yard (feet)	Width of Side Yard (2 required) (feet)	Depth of Rear Yard (feet)
		Feet	Stories						
IV (9)	AR-1 District	42 (12)	-- (12)	20,000 (14)	100 (10)	100	40 (7)(8)	15	20
IV (9)	AR-2 District	42 (12)	-- (12)	15,000 (14)	100 (10)	100	40 (7)(8)	15	20
V (9)(6)	MR District	42 (12)	-- (12)	10,000 (14)	75 (10)	100	40 (7)(8)	10	10
VI (9)(6)	GR District	42 (12)	-- (12)	10,000 (14)	75 (10)	100	40 (7)(8)	10	10
VII (6)(9)	Detached single-family dwelling in HR-1 District	52 (12)	-- (12)	7,500 (14)	60 (10)	100	40 (7)(8)	10	10
VII (6)(9)	Detached single-family dwelling in HR-2 District	52 (12)	-- (12)	7,500 (14)	60 (10)	100	40 (7)(8)	10	10
VIII (9)(6)	UR District	42 (12)	-- (12)	10,000 (14)	75 (11)	100	(2)	10	10
IX (9)(6)	UB District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (11)	100	40 (7)(8)	10	10
		42 (12)	-- (12)	Other 10,000 (14)	75 (11)	100	40 (7)(8)	5 (3)	5 (3)
X (9)(6)	B-1 District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (10)	100	40 (7)(8)	10	10
		42 (12)	-- (12)	Other 10,000 (14)	75 (10)	100	60 (7)(8)(15)	5 (3)	5 (3)
XI (9)(6)	C-1 District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (10)	100	40 (7)(8)	10	10
		42 (12)	-- (12)	Other 10,000 (14)	75 (10)	100	60 (7)(8)(15)	5 (3)	5 (3)
XII	M District	42 (12)	-- (12)	Dwellings 10,000 (14)	75 (10)	100	40	10	10
		45 (12)	-- (12)	Other 10,000 (14)	75 (10)	100	40	10 (5)	10 (5)
XIII	LI-1 District	42 (12)	-- (12)	43,560/1 acre (14)	150	200	50	20	20 (4)
XIV	LI-2 District	52 (12)	-- (12)	1 acre	150	200	50	20	20 (4)
XV	HI-1 District	125 (1)	--	2 acre	200	200	50	20	20 (4)
XVI	Manufactured home parks (13)	15	1	5,000	50	50	10	10	10

NOTES:

- (1) Grain elevators, industrial tanks or towers and other similar structures may exceed 125 feet in height, but whenever such use in the HI-1 District adjoins a residential district, such structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet).
- (2) See § 115-58.
- (3) None is required when there is a party wall to an adjoining building, except that there shall be a side yard not less than 20 feet in width on the side of a lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.
- (4) None is required, except that there shall be a rear yard not less than 40 feet in depth on the rear side of a lot adjoining a residential district.

SUSSEX COUNTY CODE

(NOTES cont'd):

- (5) No rear yard or side yard shall be required on that rear or side of a lot which adjoins a waterway.
- (6) See § 115-50 for tables covering townhouses and multifamily dwellings in HR-1 and HR-2 multifamily residential districts. See Table II for tables covering multifamily dwellings in MR, GR, UR, UB, B-1, M and C-1 Districts.
- (7) On property fronting on highways designated by the Delaware Department of Transportation as Principal Arterials or Minor Arterials, the setback shall be measured from a point not less than 50 feet from the center line of the right-of-way. On property fronting on highways designated by the Delaware Department of Transportation as Major or Minor Collectors, the setback shall be measured from a point not less than 40 feet from the center line of the right-of-way. On property fronting on all other local roads shown on the General Highway Map for Sussex County of 1964, as last revised, the setback shall be measured from a point not less than 30 feet from the center line of the right-of-way. If the existing right-of-way on any of these roads or highways is greater than the minimum dimension listed above, the setback shall be measured from the existing right-of-way line. **[Amended 8-3-2004 by Ord. No. 1711]**
- (8) Any lot fronting on a subdivision street and not fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised January 1979, shall have a setback of not less than 30 feet.
- (9) For buildings located on lots adjacent to waterways, golf courses and similar special situations, the front of such lots may be determined by the Commission. In the event that a Commission ruling makes a rear yard adjacent to the street line, an additional depth of rear yard may be required by the Commission, and an additional setback of accessory buildings from the street line may be required.
- (10) A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet. **[Added 11-7-1989 by Ord. No. 632]**
- (11) A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 90 feet. **[Added 11-7-1989 by Ord. No. 632]**
- (12) **[Amended 10-31-1995 by Ord. No. 1062]**
- (13) **[Amended 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]**
- (14) Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre. **[Added 7-15-1997 by Ord. No. 1157]**
- (15) **[Amended 7-20-1999 by Ord. No. 1328]**
- (16) For any existing approved lot which is not located in a cluster subdivision, Coastal Area cluster subdivision or residential planned community, and consists of less than 10,000 square feet, the following setbacks shall apply: the side yard setback shall be reduced to five feet and the rear yard setback shall be reduced by five feet. For any lot with side or rear yard setbacks reduced by operation of § 115-183D, no structures shall extend or project closer than five feet from the lot line. The front yard setback may be reduced to the average front yard setback of the existing buildings located on the same side of the street or road and being within 300 feet of the structure; provided, however, the front yard setback is not less than five feet. Any vacant lot within 300 feet of the structure shall be calculated as having the required setback for the district. **[Added 3-20-2018 by Ord. No. 2557; amended 5-21-2019 by Ord. No. 2656]**

Exhibit D

Aerial Maps



Sussex County



PIN:	130-5.00-9.03	
Owner Name	JAYMO LLC	HOLDINGS
Book	5535	
Mailing Address	172 ARLINGTON AVE	
City	LAKEWOOD	
State	NJ	
Description	N/RD616	
Description 2	630' E/RD 384	
Description 3	LOT 1	
Land Code		

polygonLayer

Override 1

polygonLayer

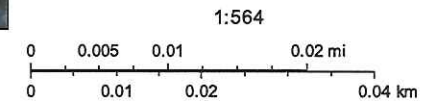
Override 1

--- Tax Parcels

911 Address

— Streets

October 25, 2022





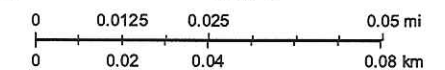
Sussex County



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- polygonLayer** Override 1
- polygonLayer** Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- 2019 Future Land Use**
- Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area
 - Industrial
 - Municipalities

1:1,128



October 25, 2022

Mr. Lank presented the case. Mr. Lank stated that the Office of Planning & Zoning did not receive any correspondence in reference to this case.

William Byler, Jr., and Steve Kern were sworn in and testified requesting a variance of 9 feet from the 20 feet side yard setback requirement for a proposed loading dock. Mr. Byler testified that the proposed loading dock is for the existing business; that the location of the existing building in relation to the property line creates a unique situation; that the ability to effectively use the site is greatly diminished without the proposed loading dock; that the adjacent property is owned by the Town of Millsboro and is improved by Little League Fields; that a railroad track is located to the rear of the Property; that the loading dock will have a roof over it but will not have sides to the cover; that the loading dock cannot be constructed without a variance; that they believe the trucks can be negotiated into the loading dock area while staying on the Property; that there is no fence between the Property and the adjacent property housing the Little League fields; and that the width of the dock is needed to maneuver forklifts and store pallets during the loading and unloading of products.

Mr. Kern testified that approximately eight (8) or nine (9) trucks a week will use the loading dock; that the Applicant is willing to erect a fence on the property line to prevent trucks from riding on to the adjacent properties; that the Applicant will install crush and run gravel in the loading area; that the loading dock will provide more options for loading and unloading supplies; and that the Applicant operates a paper and janitorial supply distribution business.

The Board found that no parties appeared in support of or in opposition to the Application.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the case be **tabled until April 15, 2013**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11188 – Fitzgerald Deputy Teatown Road LLC – south of Road 616 (Teatown Road) approximately 5,144.50 feet east of Road 615 (Hidden Meadow Lane). (Tax Map I.D. 1-30-5.00-9.00)

An application for a special use exception to retain a single wide manufactured home on less than ten (10) acres and a variance from the front yard setback requirement.

Mr. Lank presented the case. Mr. Lank stated that the parcel was already separate from the farm because the rest of the Property is located across the street.

Kirby Fitzgerald and Bob Nash were sworn in and testified requesting a special use exception to retain a single wide manufactured home on less than ten (10) acres and a variance of 6.8 feet from the 40 feet front yard setback requirement for an existing manufactured home. Mr. Nash testified that the manufactured home is on a small portion of land on an existing farm and the rest of the farm is located across the street; that the Applicant plans to sell the Property; that the Applicant wishes to subdivide this small portion of the Property which houses the existing manufactured home and use the existing unit for a long standing employee of the Applicant; that the Property will be sold to their tenant; that the unit has been on the lot since the 1970's; that the irregular lot creates a hardship; that the property line also runs with an existing ditch; that the Property cannot be built in strict conformity with the Sussex County Zoning Code; that the variance is necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicant; that use and variance will not alter the essential character of the neighborhood; that there are five (5) other manufactured homes in the area; that stick-built dwellings have been constructed since the existence of the manufactured home so those neighbors were aware of the existence of the manufactured home when they built their dwellings; that the dwelling is partially obstructed by woods; that the variance sought is the minimum variance to afford relief; and that the variance will have no adverse effect on property values.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Special Use Exception and Variance Application No. 11188 for the requested special use exception and the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique in shape and it is separated from the main property by an existing street;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood;
5. The variance sought is the minimum variance to afford relief.
6. The use does not substantially affect adversely the uses of the adjacent and neighboring properties.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the special use exception and variance be **granted for the reasons stated**. Motion carried 4 – 1.

The vote by roll call: Mr. Mills – nay, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

OLD BUSINESS

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FITZGERALD DEPUTY TEATOWN ROAD, LLC

(Case No. 11188)

A hearing was held after due notice on April 1, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for special use exception to retain a single wide manufactured home on less than ten (10) acres and a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to retain a single wide manufactured home on less than ten (10) acres and a variance of 6.8 feet from the 40 feet front yard setback requirement for an existing manufactured home. This application pertains to certain real property located south of Road 616 (Teatown Road) approximately 5,144.50 feet east of Road 615 (Hidden Meadow Lane); said property being identified as Sussex County Tax Map Parcel Number 1-30-5.00-9.00. After a hearing, the Board made the following findings of fact:

1. Kirby Fitzgerald and Bob Nash were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Nash testified that the manufactured home is on a small portion of land on an existing farm and the rest of the farm is located across the street.
3. The Board found that Mr. Nash testified that the Applicant plans to sell the Property.
4. The Board found that Mr. Nash testified that the Applicant wishes to subdivide this small portion of the Property which houses the existing manufactured home and use the existing unit for a long standing employee of the Applicant.
5. The Board found that Mr. Nash testified that the Property will be sold to their tenant.
6. The Board found that Mr. Nash testified that the unit has been on the lot since the 1970's.
7. The Board found that Mr. Nash testified that the irregular lot creates a hardship and that the property line also runs with an existing ditch.
8. The Board found that Mr. Nash testified that the Property cannot be built in strict conformity with the Sussex County Zoning Code.
9. The Board found that Mr. Nash testified that the variance is necessary to enable reasonable use of the Property.
10. The Board found that Mr. Nash testified that the difficulty was not created by the Applicant.
11. The Board found that Mr. Nash testified that use and variance will not alter the essential character of the neighborhood.
12. The Board found that Mr. Nash testified that there are five (5) other manufactured homes in the area.
13. The Board found that Mr. Nash testified that stick-built dwellings have been constructed since the existence of the manufactured home so those neighbors were aware of the existence of the manufactured home when they built their dwellings.

14. The Board found that Mr. Nash testified that the dwelling is partially obstructed by woods.
15. The Board found that Mr. Nash testified that the variance sought is the minimum variance to afford relief.
16. The Board found that Mr. Nash testified that the variance will have no adverse effect on property values.
17. The Board found that no parties appeared in support of or in opposition to the Application.
18. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use will not substantially affect adversely the uses of adjacent or neighboring properties. The Board also determined that the Application met the standards for granting a variance for the following reasons. The Property is unique in shape and it is separated from the main property by an existing street. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary to afford relief.

The Board granted the special use exception and variance application because the Applicant has met the standards for granting approval.

Decision of the Board

Upon motion duly made and seconded, the special use exception application and the variance application were approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman. Mr. John Mills voted against the Motion to approve the special use exception application and the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway

Dale Callaway
Chairman

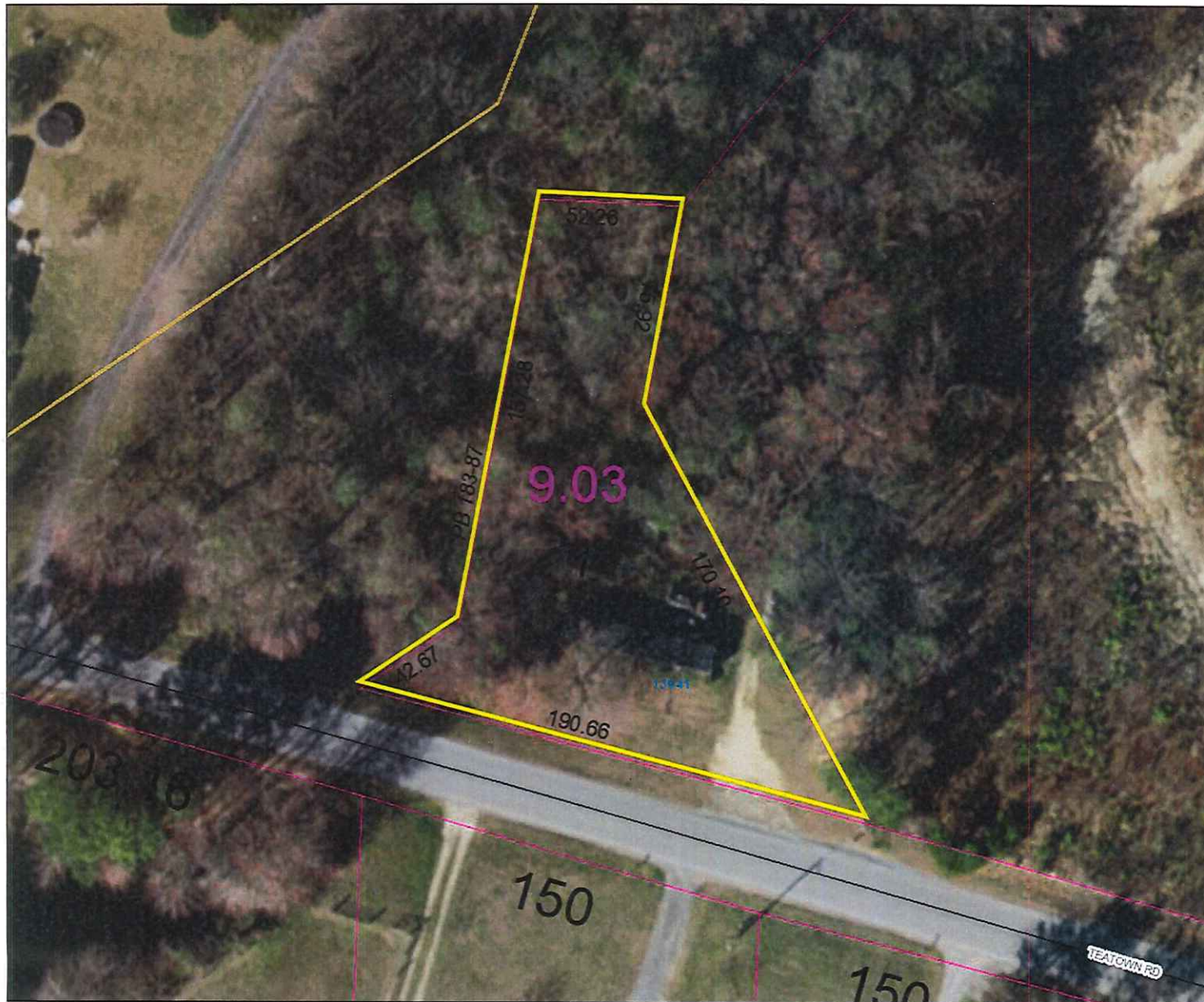
If the use is not established within one (1)
year from the date below the application
becomes void.

Date May 7, 2013





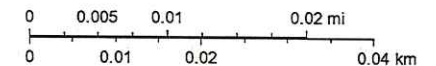
Sussex County



PIN:	130-5.00-9.03	
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City	LAKEWOOD	
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Description 2	630' E/RD 384	
Description 3	LOT 1	
Land Code		

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments
- Tax Ditch Channel
 - DeIDOT Maintained
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature
 - Special Access ROW
 - Well Head Protection Areas
 - 2007 Head of Tide Wetlands (not regulatory)
 - Municipal Boundaries

1:564





Search

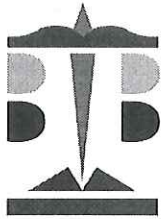
Search by Address -

13941 Teatown road, greenwood

Search results (1) Options -

13941 Teatown Rd, Greenwood, DE 1995...





BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA P.A.

Mackenzie M. Peet, Esquire
(302) 645-2262
mackenzie@bmbfclaw.com

November 2, 2022

VIA EMAIL AND FEDEX

Planning & Zoning Office
Attn: Jamie Whitehouse, Director
2 The Circle
PO Box 417
Georgetown, DE 19947

RE: Variance Request for 13941 Teatown Road, Lot 1, Greenwood, DE 19950
TMP: 130-5.00-9.03

Director Whitehouse,

We represent Jaymo Holdings LLC, property owner of 13941 Teatown Road, Lot 1, Greenwood, DE 19950.

Enclosed please find a copy of the Applicant's Board of Adjustment Application seeking a variance from the front yard setback.

Please contact my office should the Department have any questions or need any additional information.

Sincerely,

Mackenzie M. Peet, Esquire

MMP/mag

Enclosures

Cc: Jaymo Holdings LLC

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 # 12779
Hearing Date 1/9 - Tentative
202216526

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☒
Code Reference (office use only)
115-25

Site Address of Variance/Special Use Exception:

N/A OFF POSTAL LN

Variance/Special Use Exception/Appeal Requested:

2 Variances of 50' from the 150' LOT WIDTH Requirement

Tax Map #: 334-1200.688.00 Property Zoning: AR-1

Applicant Information

Applicant Name: Hugh Fuller
Applicant Address: 36794 OASIS CT
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: 302-7451866 Applicant e-mail: HughFuller@gmail.com

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Hugh Fuller

Date: 11/16/22



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

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

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

1. Uniqueness of property:

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

its larger than most of the lots in the area other than farm land

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.

Variance needed to create 2 lots

3. Not created by the applicant:

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

I did not create the size of the lots was not aware it needed variance to subdivide when purchased

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.

*can be connected to public sewer
NO septic Required*

5. Minimum variance:

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

asking for bare minimum to allow 2 lots of 1 1/2 acrs each which is still larger than most lots in immediate area.



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

August 18, 2022

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
fuller minor**
Tax Parcel # 334-12.00-688.00
SCR00283-POSTAL LANE
Lewes & Rehoboth Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated May 4, 2022 (last revised August 15, 2022), 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 **five (5) years**. 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 [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not 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. There may be other

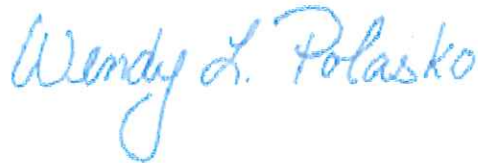


fuller minor
Mr. Jamie Whitehouse
Page 2
August 18, 2022

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 recorded Minor Subdivision Plan 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,



Wendy L. Polasko, P.E.
Subdivision Engineer
Development Coordination

cc: Robert Nash, Merestone Consultants, Inc
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Kevin Hickman, Sussex County Reviewer
Thomas Gagnon, Sussex County Reviewer

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
SR. MANAGER OF UTILITY PLANNING
& DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

November 16, 2022

Mr. Hugh V. Fuller
PO Box 627
Rehoboth Beach, DE 19971

REF: SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WEST REHOBOTH AREA)
SUSSEX COUNTY TAX MAP 334-12.00-688.00
FILE: OM-9.01

Dear Mr. Fuller:

This letter is provided at your request, in regard to the availability of central sewer service from Sussex County for the above noted parcel Postal Lane.

The above referenced parcel is within the boundaries of a sanitary sewer district. Infrastructure will have to be installed at the property owners' expense to connect to the sewer main in Postal Lane.

Should you have additional needs or questions, please do not hesitate to contact me at (302) 854-5088

Sincerely,

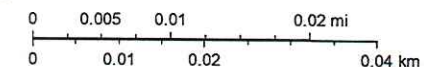
SUSSEX COUNTY ENGINEERING DEPARTMENT

Chris Calio
Planning Tech

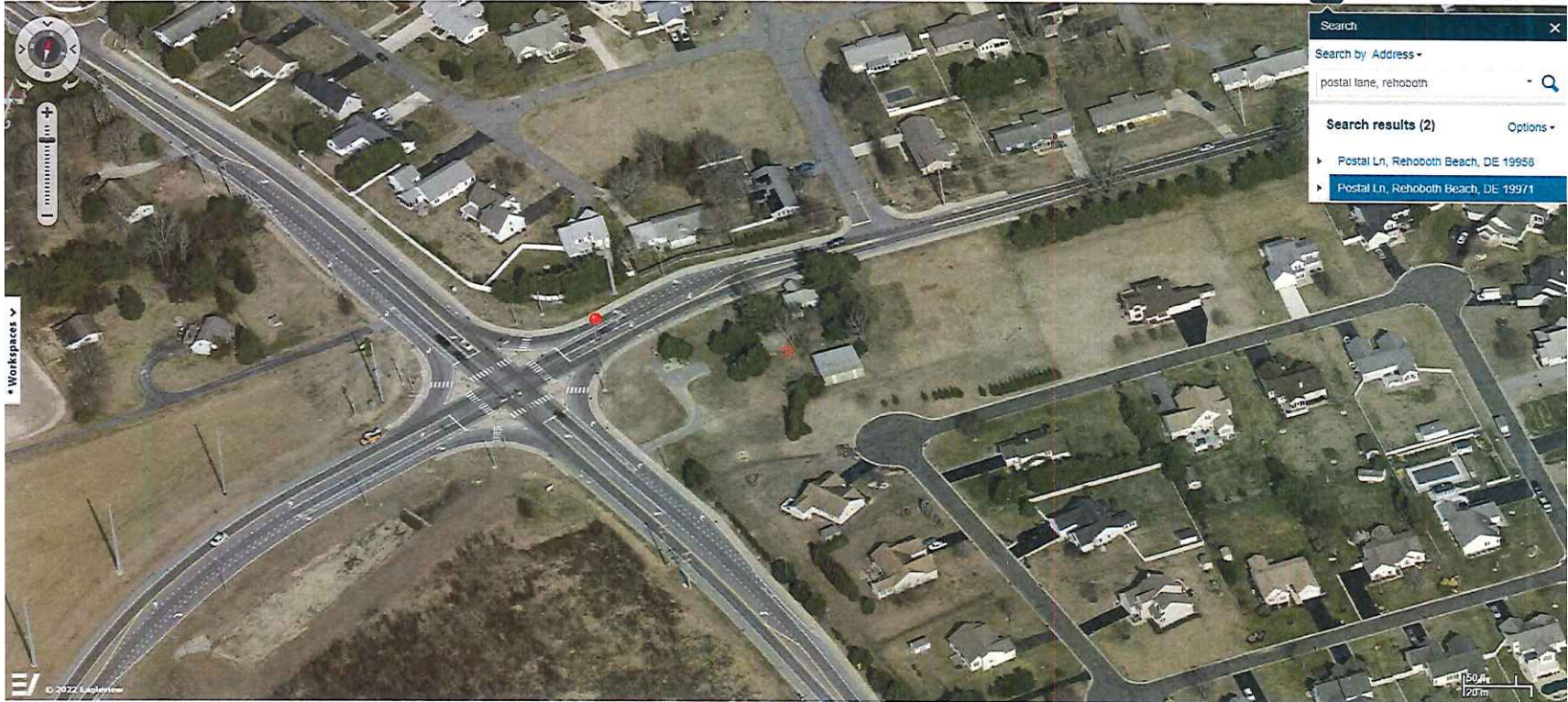
cc: Mr. Hans M. Medlarz, P.E.
Mr. John J. Ashman
Mrs. Christine Fletcher
Mr. Richard Jackson



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



November 23, 2022



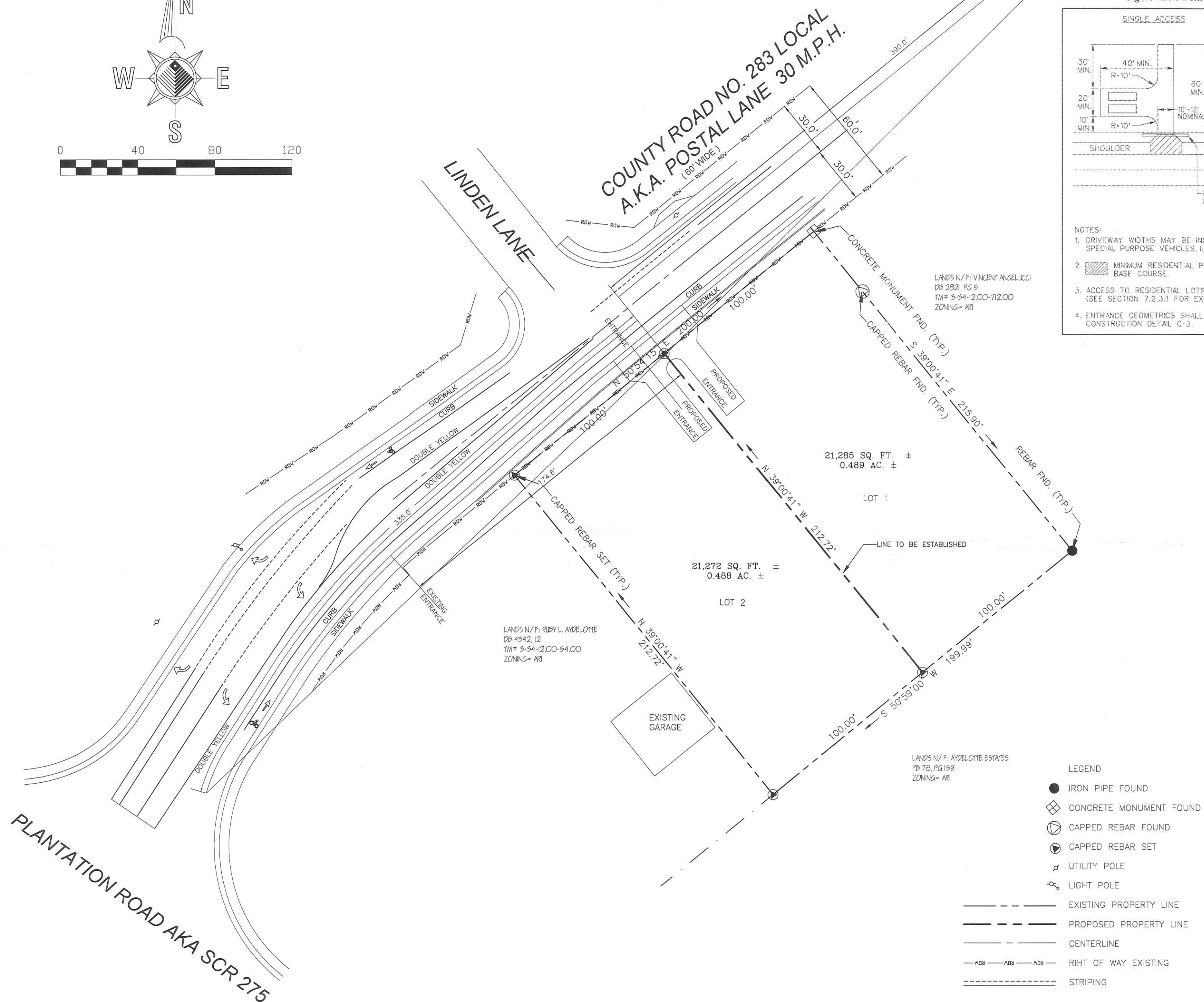
Search

Search by Address

postal lane, rehoboth

Search results (2) Options

- Postal Ln, Rehoboth Beach, DE 19958
- Postal Ln, Rehoboth Beach, DE 19971



I, ROBERT W. NASH, P.L.S. #551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

ROBERT W. NASH, PLS 551 11/14/2022
DATE

SIGNATURE [Signature] DATE 11/16/22

SINGLE ACCESS

30' MIN.

40' MIN.

R=10'

20' MIN.

10' MIN.

60' MIN.

10'-12' NOMINAL

SHOULDER

Q OF HIGHWAY

ENTRANCE PIPE WHERE REQUIRED 24' MIN.

COMBINED ACCESS

5.0' AND VARIES


10.0' AND VARIES

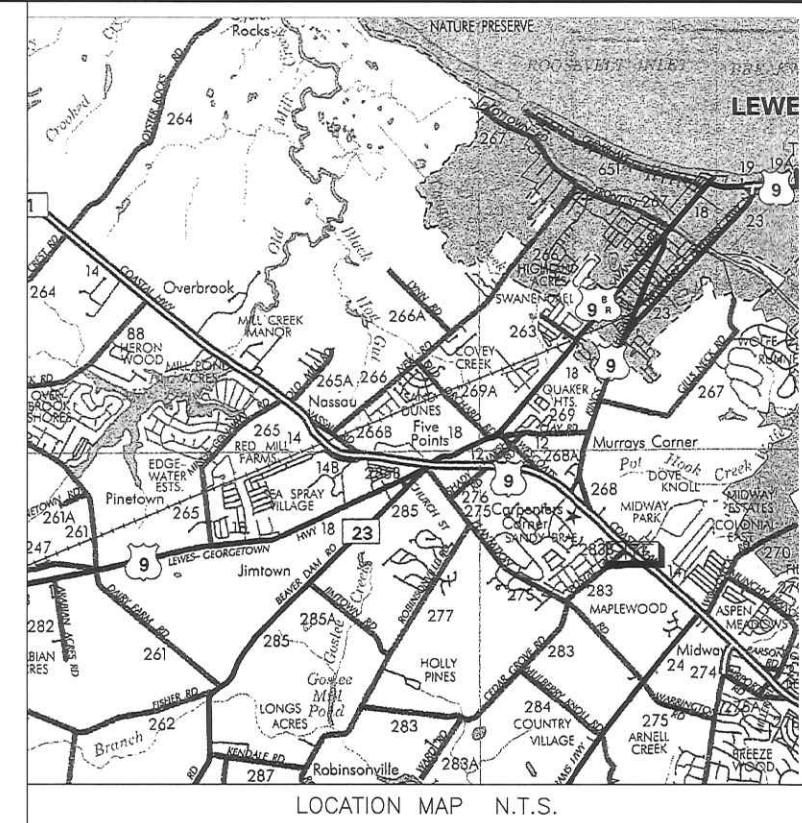
10'-12' NOMINAL (TYP.)

30'-34'

ENTRANCE PIPE WHERE REQUIRED 56' MIN.

NOTES:

1. DRIVEWAY WIDTHS MAY BE INCREASED WITH DELDOT'S APPROVAL FOR SPECIAL PURPOSE VEHICLES, I.E. FARM VEHICLES, ETC.
2.  MINIMUM RESIDENTIAL PAVEMENT SECTION - 6" GRADED AGGREGATE BASE COURSE.
3. ACCESS TO RESIDENTIAL LOTS SHOULD BE LIMITED TO ONE ACCESS POINT. (SEE SECTION 7.2.3.1 FOR EXCEPTIONS)
4. ENTRANCE GEOMETRICS SHALL CONFORM TO DELDOT STANDARD CONSTRUCTION DETAIL C-3.



• PARCELS:	4-34-12.00-688.00
• CURRENT OWNER	HUGH V. FULLER
• ADDRESS	PO BOX 627
•	REHOBOTH BEACH, DE 19971
•	PHONE 302-745-1866
• SOURCE OF TITLE	DEED BOOK 4342, PAGE 10
• RECORD PLAN	PLOT BOOK 71, PAGE 108
• AREA	
• GROSS AREA	0.977 AC±
• LOT 1	0.489 AC±
• RESIDUE	0.488 AC±
• No. EXISTING PARCELS	1 PARCELS
• No. PROPOSED PARCELS	2 PARCEL
• IMPERVIOUS COVERAGE	20.0%
• DENSITY	2.05 PARCEL PER ACRE
• MONUMENTS	5 FOUND, 2 PROPOSED
• EXISTING ZONING	AR-1 (AGRICULTURAL, RESIDENTIAL)
• EXISTING EASEMENTS	NONE EXIST, NONE LOCATED
• PRESENT USE	RESIDENTIAL
• PROPOSED USE	RESIDENTIAL
• GROWTH ZONE	OUTSIDE
• UTILITIES	ON-SITE SEPTIC, ON-SITE WATER
• FEMA FLOOD MAP	10001C0332K
• MAP REVISED	MARCH 3, 2015
• FLOOD ZONE	UNSHADED X
• ROAD NAME & CLASS	POSTAL LN (AKA SCR 283) LOCAL
• POSTED SPEED LIMIT	40 MPH
• PROXIMITY TO TID	HENLOP0EN TID

SHRUBBERY, PLANTINGS, SIGNS AND/ OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT DISTANCE TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE OF THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL THE AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

NO WETLANDS DELINEATED ON THIS SITE.

PREPARED FOR:
HUGH FULLER
FOR PROPERTY KNOWN AS:
34266 POSTAL LANE
SITUATE IN:
LEWES & REHOBOTH HUNDRED * SUSSEX
COUNTY
STATE OF DELAWARE
SCALE: 1"= 40'
DATE: 4 MAY 2022



ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE WILMINGTON, DE 19808 PHONE: 302-992-7900	33516 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958 PHONE: 302-226-5880
---	---

			 <div>MERESTONE CONSULTANTS, INC. ENGINEERS - PLANNERS - SURVEYORS</div>	
			5215 WEST WOODMILL DRIVE WILMINGTON, DE 19808 PHONE: 302-992-7900	33516 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958 PHONE: 302-226-5880
8/25/22	SCPZ COMMENTS	RWN		
8/15/22	PDCA COMMENTS	RWN		
7/26/22	PDCA COMMENTS	RWN		
DATE	REVISION	CHKD.		
DRAWN BY: TML			DATE: 4 MAY 2022	SHEET#: 1 OF 1

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 # 12780
Hearing Date _____
202215904

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)
115-25 115-172

Site Address of Variance/Special Use Exception:

19998 Center Ave, Rehoboth Beach DE 19971

Variance/Special Use Exception/Appeal Requested:

1) on the east side of the proposed home where the separation distance between the neighboring home is 15.1' and the 2) proposed stairs on the east side are 10.9' feet from the neighboring home on lot 92. 3) Where the rear corner of the proposed home is 14.0' from the neighboring shed to the north on lot 92. 4) Where the rear of the home is 16.1' from the neighboring shed on lot 93 and 5) 12.9' from the neighboring home on lot 93 6) Where the proposed shed is 9.3' from the neighboring shed to the west on lot 95. Where the proposed AC at the rear of the home is 7) x' from the neighboring shed on lot 93 and 8) x' from the neighboring home on lot 93.

Tax Map #: 334-13.00-310.00-3369

Property Zoning: AR-1

Applicant Information

Applicant Name: Sea Air Village- Agent: Aimee Bennett

Applicant Address: 19837 Sea Air Ave

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

Applicant Phone #: (302) 227-8118 **Applicant e-mail:** abennett2@suncommunities.com

Owner Information

Owner Name: Sea Breeze LP DBA Sea Air Village

Owner Address: 19837 Sea Air Ave

City Rehoboth Beach **State** DE **Zip:** 19971 **Purchase Date:** _____

Owner Phone #: (302) 227-8118 **Owner e-mail:** abennett2@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Aimee Bennett

Agent/Attorney Address: 19837 Sea Air Ave

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

Agent/Attorney Phone #: (302) 227-8118 **Agent/Attorney e-mail:** abennett2@suncommunities.com

Signature of Owner/Agent/Attorney

Aimee Bennett

Date: 10-27-22



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

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

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

1. Uniqueness of property:

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

See Attached

2. Cannot otherwise be developed:

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

See Attached

3. Not created by the applicant:

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

See Attached

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

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

See Attached

5. Minimum variance:

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

See Attached

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

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

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

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

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

1. Uniqueness of the 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 the 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.

- 1-8: While the lot that this manufactured home is being proposed for is a corner lot that is larger and more sizeable than other interior lots in the community, The uniquely narrow dimensions of the surrounding lots and the build out thereof create a challenge placing the manufactured home and maintaining minimum separation distance between the homes and their accessory structures. This lot was laid out with others in the community in the 1950's and 1960's. The lot sizes are small in comparison with the size of the modern manufactured home. I have selected a standard size floorplan that is consistent with similarly sized corner lots but I am still unable to place it on the lot while maintaining required setbacks. The narrow shape of the surrounding lots and the build out thereof makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood, while being in compliance with Sussex County Zoning Code.

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.

- 1-8: Due to the physical circumstances on both this lot and the adjoining lots, the property cannot be developed in strict conformity with the Sussex County Zoning Code. I propose to place a normal width sized manufactured home that is consistent with other new homes in the community and a standard size shed that is consistent with other new homes in the community but am unable to do so without violating the separation distance requirements between neighboring manufactured homes and accessory structures (ie, sheds, stairs, air conditioners, etc). The variances are necessary to enable reasonable use of the property. Changing placement within the lot will not eliminate the need for a variance.

3. Not created by the applicant:

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

- 1-8: The exceptional practical difficulty was not created by the applicant. The property itself is sufficient to contain the proposed home with limited accommodation; However, the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines/neighboring homes. It appears impossible for a home to be placed on the property without violating the separation distance requirements. The exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots. The existing home on the lot is failing and the existing homeowner seeks to replace the home with a new build.

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 or development of adjacent property, nor be detrimental to the public welfare.

- 1-8: The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare thereof. I am seeking this variance to replace a aging/failing home that currently exists on the lot, to add to the conformity of the community, and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community/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.

- 1-8: The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. As previously mentioned, while modifications to the placement of the home could be made, the overall need for an exception for separation distances cannot be entirely averted in any one scenario. The placement requested conforms with similar placements within the community which will help future placement needs of neighboring homes as they arise in years to come.

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

Case # _____
Hearing Date _____

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☒
Code Reference (office use only)

Site Address of Variance/Special Use Exception:
19998 Center Ave, Rehoboth Beach DE 19971

Variance/Special Use Exception/Appeal Requested:

1) on the east side of the proposed home where the separation distance between the neighboring home is 15.1' and the 2) proposed stairs on the east side are 10.9' feet from the neighboring home on lot 92. 3) Where the rear corner of the proposed home is 14.0' from the neighboring shed to the north on lot 92. 4) Where the rear of the home is 16.1' from the neighboring shed on lot 93 and 5) 12.9' from the neighboring home on lot 93 6) Where the proposed shed is 9.3' from the neighboring shed to the west on lot 95. Where the proposed AC at the rear of the home is 7) 13.2' from the neighboring shed on lot 93 and 8) 11.5' from the neighboring home on lot 93.

Tax Map #: 334-13.00-310.00-3369

Property Zoning: _____

Applicant Information

Applicant Name: Sea Air Village- Agent: Aimee Bennett
Applicant Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: (302) 227-8118 Applicant e-mail: abennett2@suncommunities.com

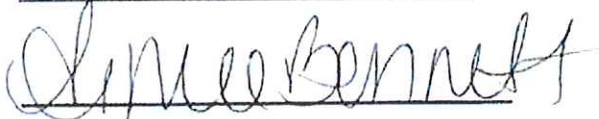
Owner Information

Owner Name: Sea Breeze LP DBA Sea Air Village
Owner Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____
Owner Phone #: (302) 227-8118 Owner e-mail: abennett2@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Aimee Bennett
Agent/Attorney Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Agent/Attorney Phone #: (302) 227-8118 Agent/Attorney e-mail: abennett2@suncommunities.com

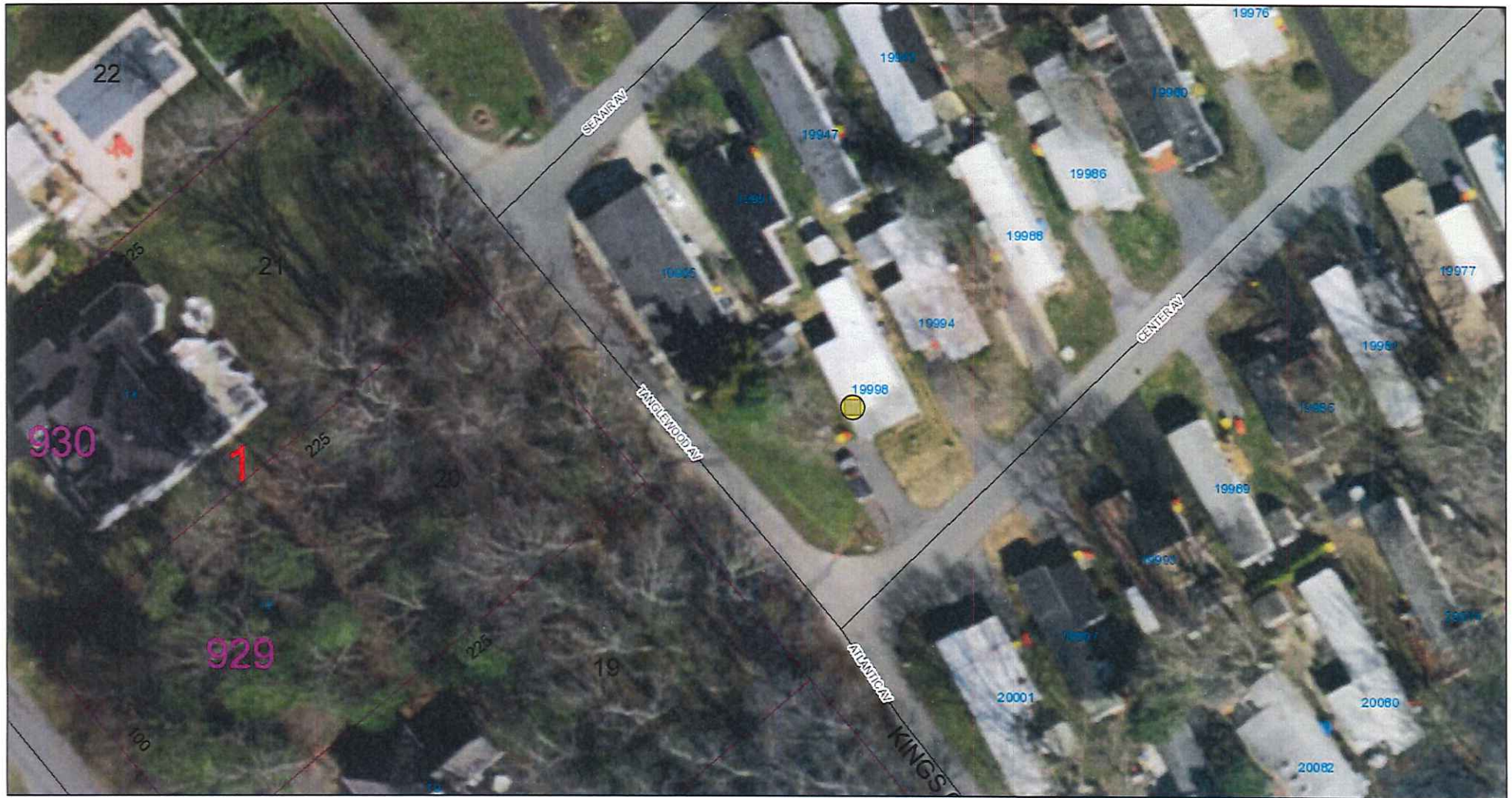
Signature of Owner/Agent/Attorney



Date: 10-27-22



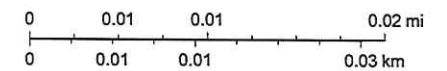
Sussex County



November 23, 2022

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

1:564



Wetland mapping is supported with funding provided by the Environmental Protection Agency., State of Delaware, Maxar, Microsoft, DNREC, Division of Watershed Stewardship, Drainage Program, john.jinkster@state.de.us, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Delaware



© 2022 EagleView

20 ft
5 m

map: Auto (Oblique) - Feb 2022 - Mar 2022 - < image 1 of 8 > 03/01/2022



**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 # 12781
Hearing Date 2022/6/5/50

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☐
Code Reference (office use only)
115-25 115-172

Site Address of Variance/Special Use Exception:
19883 Center Ave, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

1) on the West side of the proposed dwelling where the separation distance between the proposed dwelling and the screened porch on lot 43 is 19.6' 2) on the West side of the proposed dwelling where the separation distance between the proposed AC and the screened porch is 16.6'. At the rear of the home where separation between the proposed dwelling and the 3) neighboring shed(s) on lot 42 is 13.7' and 4) 6.4'. Where the separation distance between the proposed shed and 5) neighboring shed on lot 42 is 9.0' and 6) neighboring dwelling on lot 39 is 12.5'. 7) Where proposed landing #2 is 16.2' from the neighboring dwelling to the East on lot 39. 8) Where proposed landing #1 is 16.1' from the neighboring dwelling to the East on lot 39.

Tax Map #: 334-13.00-310.00-3375

Property Zoning: AR-1

Applicant Information

Applicant Name: Sea Air Village- Agent Aimee Bennett
Applicant Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: (302) 227-8118 Applicant e-mail: abennett2@suncommunities.com

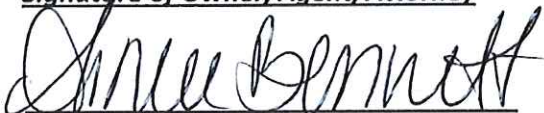
Owner Information

Owner Name: Sea Breeze LP DBA Sea Air Village
Owner Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____
Owner Phone #: (302) 227-8118 Owner e-mail: abennett2@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Aimee Bennett
Agent/Attorney Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Agent/Attorney Phone #: (302) 227-8118 Agent/Attorney e-mail: abennett2@suncommunities.com

Signature of Owner/Agent/Attorney



Date: 11/9/20



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

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

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1. Uniqueness of property:

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

See Attached

2. Cannot otherwise be developed:

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

See Attached

3. Not created by the applicant:

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

See Attached

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

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

See Attached

5. Minimum variance:

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

See Attached

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

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

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

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

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

1. Uniqueness of the 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 the 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.
- 1-8: The uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures. This lot was laid out with others in the community in the 1950's and 1960's prior to the current county requirements for separation distances. The lots sizes are small in comparison with the size of the modern manufactured home. I have selected a standard size floorplan for this home that is comparable to other new homes in the community, but I am still unable to place on the lot with the required setbacks. The narrow shape of the lot and the previous build out of the surrounding adjacent lots makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while maintaining compliance with Sussex County's current Zoning Code.

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.
- 1-8: Due to the uniqueness of the property, the property cannot be developed in strict conformity with the Sussex County Zoning Code. I propose to place a normal width sized manufactured home that is consistent with other new homes in the community and a standard size shed that is consistent with other new homes in the community but am unable to do so without violating the separation distance requirements between neighboring manufactured homes and accessory structures (ie, sheds). The variances are necessary to enable reasonable use of the property, without said variance the property cannot be developed.

3. Not created by the applicant:

- That such exceptional practical difficulty has not been created by the appellant.
- 1-8: The exceptional practical difficulty was not created by the applicant. The property is quite narrow which greatly limits the buildable area thereof. The neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines/neighboring homes. It appears impossible for a home to be placed on the property without violating the separation distance requirements. The exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots.

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.
 - 1-8: The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare thereof. I am seeking this variance to add to the conformity to the community & to modernize the homes within the community which will subsequently add value and improve the characteristics of the community/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.
 - 1-8: The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The home is the narrowest currently available and minimizes the need for variance on the property.

[illegible]

LOT #41, BLOCK "D" OF "SEA AIR" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
OCTOBER 24, 2022 SCALE: 1" = 20'

● IRON PIPE (FOUND)
 ▲ IRON ROD (FOUND)
 ○ UTILITY POLE
 ○ POINT

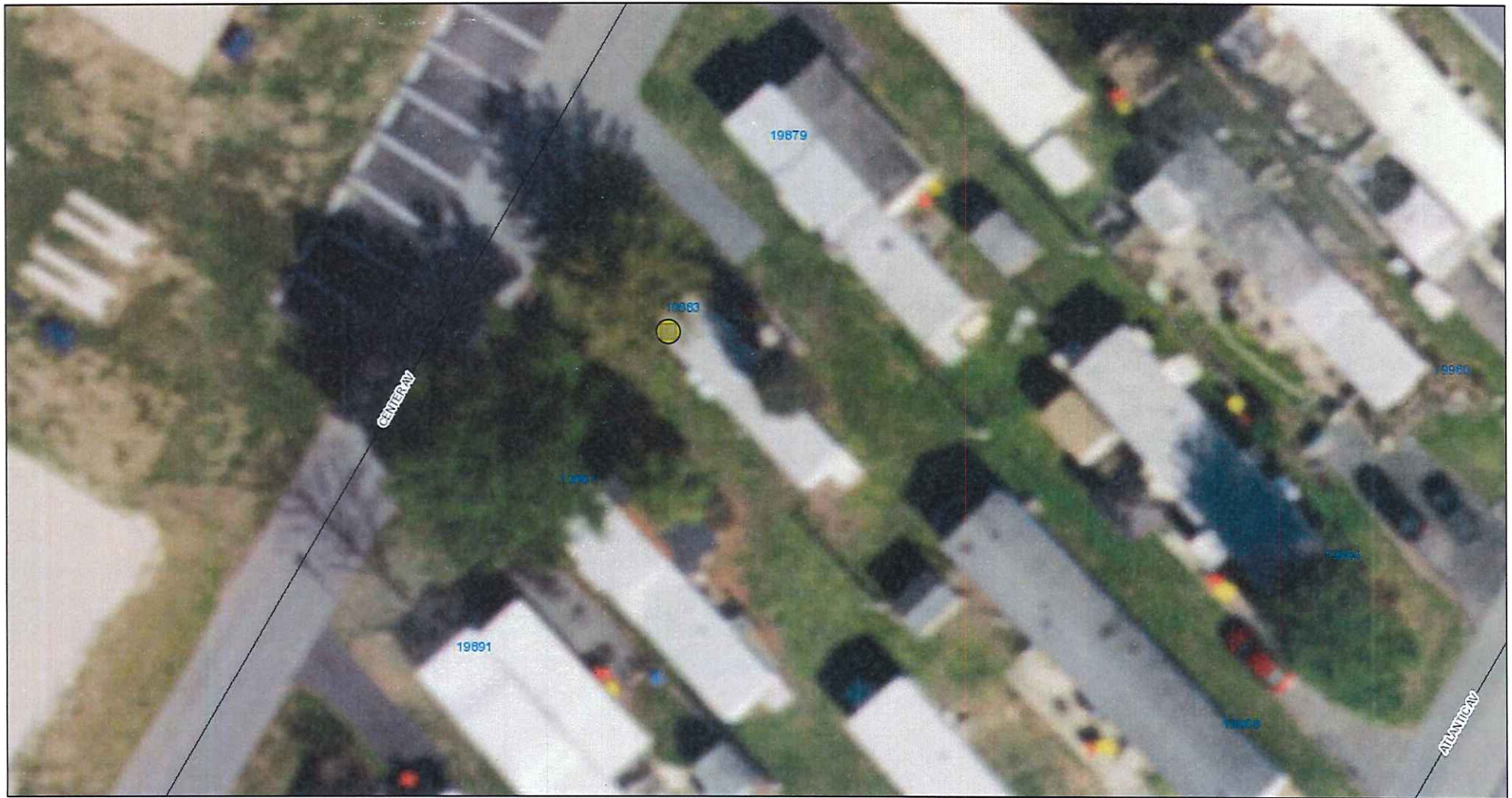
ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7878) AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES). THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN

FORESIGHTServices

Surveying & Precision Measurement

Dewey Beach, DE 19971

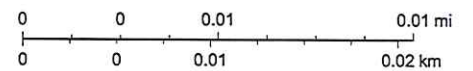
Sussex County



November 23, 2022

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

1:282



Wetland mapping is supported with funding provided by the Environmental Protection Agency, State of Delaware, Maxar, Microsoft, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Delaware



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

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

Case # 12782

Hearing Date _____

202216549

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

115-25 115-172

Site Address of Variance/Special Use Exception:

20040 Atlantic Ave, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

1) Where proposed AC is 13.5' from neighboring stairs to the East on lot 72. 2) Where separation distance between the proposed dwelling and the neighboring stairs to the East on lot 72 is 16.4'. 3) At the rear of the home where the proposed dwelling is 12.3' and 4) proposed shed is 16.0' from the neighboring dwelling north on lot 75. 5) Where proposed shed is 8.6' from neighboring shed to the Southwest on lot 76. 6) Where proposed dwelling is 17.9' from same shed and 7) 17.9' from neighboring dwelling on lot 76. 8) Where proposed landing #2 is 13.9' from neighboring dwelling on lot 76. 9) Where proposed landing #1 is 13.9' from neighboring dwelling and 10) 10.8' from neighboring AC on lot 76.

Tax Map #: 334-13.00-310.00-3148

Property Zoning: AR-1

Applicant Information

Applicant Name: Sea Air Village- Agent Aimee Bennett

Applicant Address: 19837 Sea Air Ave

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

Applicant Phone #: (302) 227-8118 **Applicant e-mail:** abennett2@suncommunities.com

Owner Information

Owner Name: Sea Breeze LP DBA Sea Air Village

Owner Address: 19837 Sea Air Ave

City Rehoboth Beach **State** DE **Zip:** 19971 **Purchase Date:** _____

Owner Phone #: (302) 227-8118 **Owner e-mail:** abennett2@suncommunities.com

Agent/Attorney Information

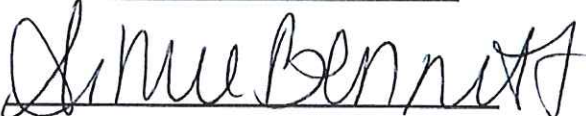
Agent/Attorney Name: Aimee Bennett

Agent/Attorney Address: 19837 Sea Air Ave

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

Agent/Attorney Phone #: (302) 227-8118 **Agent/Attorney e-mail:** abennett2@suncommunities.com

Signature of Owner/Agent/Attorney



Date: 11/9/20



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

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

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

1. Uniqueness of property:

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

See Attached

2. Cannot otherwise be developed:

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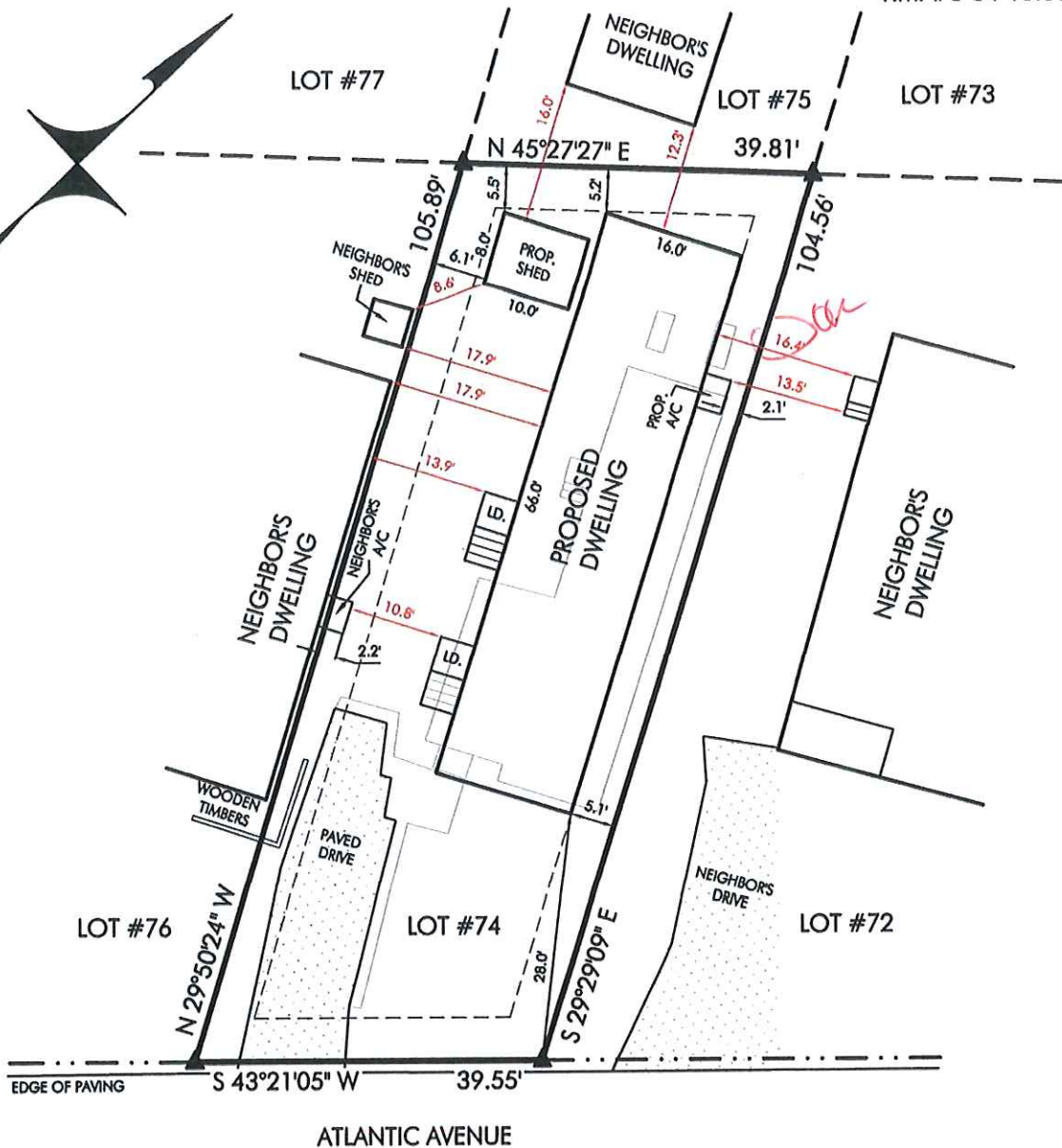
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LEGEND:



IRON ROD (FOUND)

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7878) AND THE PARK MANAGER.

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

NO TITLE SEARCH PROVIDED OR STIPULATED.

PROPOSED CONDITIONS & LOCATION PLAN FOR

20040 ATLANTIC AVENUE

LOT #74, BLOCK E OF "SEA AIR VILLAGE" PARK
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

OCTOBER 25, 2022 SCALE: 1" = 20'

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fox

2103A Coastal Highway

Dewey Beach, DE 19971

LOT D-75 OF "SEA AIR VILLAGE" PARK
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
APRIL 4, 2022 SCALE: 1" = 20'

▲ IRON ROD (FOUND)
○ POINT
⊙ UTILITY POLE

ALL SETBACKS MUST BE VERIFIED BY THE OWNER,
GENERAL CONTRACTOR AND/OR THE DESIGNER.
PLEASE CONTACT SUSSEX COUNTY (302-855-7878)
AND THE PARK MANAGER.

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

NO TITLE SEARCH PROVIDED OR STIPULATED.

~~Prepared by:~~

FORESIGHT Services

Surveying & Precision Measurement

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SEA AIR VILLAGE

(Case No. 12714)

A hearing was held after due notice on July 11, 2022. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the separation distance requirements for proposed structures.

Findings of Fact

The Board found that the Applicant is requesting the following variances:

1. A variance of 4.2 feet from the twenty (20) feet separation distance requirement for proposed manufactured home from the existing landing on Lot D-73;
2. A variance of 6.7 feet from the twenty (20) feet separation distance requirement for proposed landing from the existing manufactured home on Lot D-73; and
3. A variance of 2.9 feet from the twenty (20) feet separation distance requirement for proposed HVAC from the existing manufactured home on Lot D-77.

This application pertains to certain real property located on the southeast side of Center Avenue, Lot D75, within the Sea Air Village Manufactured Home Park (911 Address: 19949 Center Avenue, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number: 334-13.00-310.00-3379 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a memorandum from the Office of Planning & Zoning dated June 30, 2022, a memorandum from the David Baker dated May 30, 2007, a letter from Lawrence Lank dated November 2, 2007, an aerial map for Sea Air Village dated July 1, 2007, a memorandum from the Office of Planning & Zoning dated June 22, 2022, a site plan dated April 4, 2022, a manufactured home installer information sheet, a set pier beam spacing sheet, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Aimee Bennett was sworn in to testify about the Application.
4. The Board found that Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures.
5. The Board found that Ms. Bennett testified that this lot was laid out with others in the community in the 1960s.
6. The Board found that Ms. Bennett testified that the lot sizes are small in comparison with the size of the modern manufactured homes.
7. The Board found that Ms. Bennett testified that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but she is still unable to place it on the lot within the required setbacks.
8. The Board found that Ms. Bennett testified that the narrow shape of the lot makes it difficult to place a new manufactured home on the Property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code.

and related structures on the Property but cannot do so in compliance with the Sussex County Zoning Code. The situation is unique because neighboring homes have been placed on other lots and the Applicant has no control over the placement of those homes and structures.

- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to the uniqueness of the Property and the placement of the structures on a neighboring lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicant proposes to place a dwelling and related structures on the lot but is unable to do so without violating the separation distance requirements between structures in a mobile home park requirement. The variances are thus necessary to enable reasonable use of the Property. The Board is convinced that the shape and location of the dwelling and related structures are also reasonable (which is confirmed when reviewing the survey).
- d. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant. The Applicant did not create the size of the lot or place the structures on the neighboring property thereby restricting the building envelope on the Property. This building envelope is further limited due to the small size of the lot. The unique conditions of the Property and the development of the adjacent lot have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to place a reasonably sized home and related structures on the lot.
- e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the dwelling and related structures will not have a negative impact on the neighborhood. The Board notes that no complaints were noted in the record about the proposed dwelling and related structures and no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The Board also notes that the home will be located in a similar location as a prior home that was recently removed.
- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to construct a reasonably sized dwelling and related structures on the lot. The Board notes that the dwelling is a reasonably sized manufactured home. The Applicant has demonstrated that it has worked with its manufacturer to secure a home that minimizes the need for a variance.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

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

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member

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

Wetland mapping is supported with funding provided by the Environmental Protection Agency, State of Delaware, Maxar, Microsoft, DNREC, Division of Watershed Stewardship, Drainage Program, john.kinstler@state.de.us, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Delaware

