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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

October 3, 2022

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 the Minutes for August 15, 2022

### Approval of the Findings of Fact for August 15, 2022

### Public Hearings

**Case No. 12742– Joshua E. Mueller** seeks variances from the maximum fence height requirement for an existing fence and front yard setback requirement for existing structures (Sections 115-25, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Peppers Corner Road at the corner of Beaver Dam Road. 911 Address: 34215 Peppers Corner Road, Dagsboro. Zoning District: AR-1. Tax Parcel: 134-15.00-124.00

**Case No. 12743– David and Lisa Moore** seek variances from the side yard and rear yard setback requirements for a proposed commercial dog kennel and its runs, cages or kennels (Section 115-20 of the Sussex County Zoning Code). The property is a through lot located on the northeast side of Springwood Drive within the Lakewood Estates Subdivision. 911 Address: 11025 Iron Hill Road, Delmar. Zoning District: AR-1. Tax Parcel: 532-14.00-6.03

**Case No. 12744– Tida Keedy and Richard Weibling** seek variances from the side yard setback and separation distance requirements for proposed and existing structures (Sections 115-25, 115-172, and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of Center Avenue within the Sea Air Village Manufactured Home Park. 911 Address: 19923 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-31384



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

**Case No. 12745– Michael and Diane Schiappa** seek variances from the separation distance requirements and the maximum lot coverage requirement within a manufactured home park (Sections 115-42 and 115-172 of the Sussex County Zoning Code). The property is located on the. 911 Address: 38144 Brant Road, Ocean View. Zoning District: GR. Tax Parcel: 134-9.00-94.01

**Case No. 12746– Chad A. Rubin** seeks a special use exception and a variance to the maximum square footage for a proposed garage/studio apartment (Sections 115-23, 115-25, and 115-210 of the Sussex County Zoning Code). The property is a corner lot located on the corner of Old Landing Road and Dry Brooke Drive. 911 Address: 35526 Dry Brook Drive, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-12.00-191.00

### **Additional Business**

2023 Board of Adjustment Meeting Schedule

\*\*\*\*\*



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 26, 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](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, September 29, 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 # **12742**  
Hearing Date 10/3  
2022/10/29

**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:**

34215 Peppers Corner Road

**Variance/Special Use Exception/Appeal Requested:**

Variance for existing wire fencing in front setback.

**Tax Map #:** 134-15.00-124.00

**Property Zoning:** AR-1 C.U

**Applicant Information**

Applicant Name: Joshua E. Mueller

Applicant Address: 34215 Peppers Corner Road

City Frankford State DE Zip: 19945

Applicant Phone #: \_\_\_\_\_ Applicant e-mail: j.mueller@barnhillpreserve.com

**Owner Information**

Owner Name: Joshua E. Mueller

Owner Address: 34215 Peppers Corner Road

City Frankford State DE Zip: 19945 Purchase Date: \_\_\_\_\_

Owner Phone #: \_\_\_\_\_ Owner e-mail: j.mueller@barnhillpreserve.com

**Agent/Attorney Information**

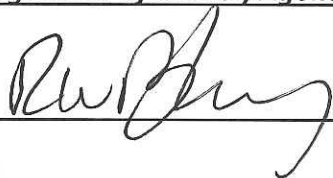
Agent/Attorney Name: Plitko LLC (Agent contact: Ray Blakeney)

Agent/Attorney Address: Oak Square, Suite 3, 53 Atlantic Avenue

City Ocean View State DE Zip: 19970

Agent/Attorney Phone #: (302) 537-1919 Agent/Attorney e-mail: rblakeney@plitko.com

**Signature of Owner/Agent/Attorney**



Date: 7/6/22



**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 SHEET FOR VARIANCE CRITERIA RESPONSES.

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**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.

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

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

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**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.

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**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.

# **Barnhill Preserve**

Variance Request for Existing 8' Wire Fence in Front Setback  
July 5, 2022

## **Criteria For Variance**

### 1. Uniqueness of Property

The site of the Barnhill Preserve has an existing tax ditch bisecting the property and makes it difficult to access a large portion of the property north of the ditch. Given this, the owner has planned the preserve to be as efficient as possible on the south side of the ditch while still providing the space that each of the animals require.

### 2. Cannot Otherwise Be Developed

The property is being used as an educational animal sanctuary and requires the largest area possible for the animals on site. The existing fence helps to prevent the animals from leaving the site and define areas of pedestrian and vehicular circulation. Reducing the fence area would negatively impact the operations of the preserve.

### 3. Not Created by The Applicant

Given the restriction of usable area due to the existing tax ditch, the owner as a result has developed the preserve as efficiently as possible while still providing the maximum area for each of the animals in the preserve.

### 4. Will Not Alter The Essential Character Of the Neighborhood

The existing wire fence is open and in keeping with the agricultural character of the surrounding area. As stated, the fence helps provide security for the animals on site without being a visual nuisance to the neighbors.

### 5. Minimum Variance

The existing fence encroaches approximately 20' into a portion of the front setback. The variance for the existing fence will allow the business to maintain its existing vehicular circulation and maximize the areas dedicated to the animals. The variance will help the business continue to grow and provide a unique educational attraction for southern Sussex County without negatively impacting the surrounding neighborhood.

# **Barnhill Preserve**

Variance Request for Existing 8' Wire Fence, Existing Residence (house corner and porch/ steps), Existing Small Animal Pen (portion), and Existing Owl Pen (portion) in Front Setback

July 5, 2022; Revised September 2, 2022

## **Criteria For Variance**

### 1. Uniqueness of Property

The site of the Barnhill Preserve has an existing tax ditch bisecting the property and makes it difficult to access a large portion of the property north of the ditch. Given this, the owner has planned the preserve to be as efficient as possible on the south side of the ditch while still providing the space that each of the animals require.

### 2. Cannot Otherwise Be Developed

The property is being used as an educational animal sanctuary and requires the largest area possible for the animals on site. The existing fence helps to prevent the animals from leaving the site and define areas of pedestrian and vehicular circulation. Reducing the fence area would compress the elements of the preserve closer together or force the owner to remove some of the wildlife attractions. Either would negatively impact the operations of the preserve.

### 3. Not Created by The Applicant

Given the restriction of usable area due to the existing tax ditch, the owner as a result has developed the preserve as efficiently as possible while still providing the maximum area for each of the animals in the preserve. The existing residence has been there for many years.

### 4. Will Not Alter The Essential Character Of the Neighborhood

The existing wire fence is open and in keeping with the agricultural character of the surrounding area. As stated, the fence helps provide security for the animals on site without being a visual nuisance to the neighbors. Likewise, the existing house conforms to the character of the neighborhood as does the existing small animal pen along the Beaver Dam Road frontage.

### 5. Minimum Variance

The existing fence encroaches approximately 20' into a portion of the 40' front setback along Peppers Corner and Beaver Dam Roads. The variance for the existing fence will allow the business to maintain its existing vehicular circulation and maximize the areas dedicated to the animals. The variance will help the business continue to grow and provide a unique educational attraction for southern Sussex County without negatively impacting the surrounding neighborhood.







DIST.		MAP		PARCEL		CONTROL NO.				ACREAGE RECORD & VALUE						
OWNERSHIP & MAILING ADDRESS						DATE	DEED BOOK	PAGE	SALE PRICE	CLASS	ACRES	UNIT VAL	GRADE	ADJ.	ADJ'D UNIT VAL	VALUE
1-34 15-00 124.00										4/3	1.0	2000				2000
MUELLER										I	3	247	B			741
GERALD K & LINDA J										III	2	44				88
PO BOX 1202 CLACK BAY											6	1500				9000
BETHANY BEACH DE 19930 TR1- 303244										I	124	247	B			306
* DITCHES *																
95																
N. SD CO ROAD BAYARD																
TO ABIES & WAMP																
12/20/96																
6.00 AC																
72402																
H.C. 505																
A.H.																
PROPERTY ADDRESS						NOTES				H. L. YOH COMPANY						
LEGAL DESCRIPTION						LOT RECORD & VALUE				TIMBER-ADD						
LAND DESCRIPTION						DIMENSIONS				CLASS ACRES UNIT VAL.						
STREET OR ROAD: HWY _____ PAVED _____ GRAVEL _____						UNIT VALUE				FACTORS DEPTH OTHER ADJ'D UNIT VAL.						
WATER: CITY _____ WELL _____ OTHER _____						X				New Timber & acreage						
UTILITIES: ELECT. _____ GAS _____ PHONE _____						X				removed per 12/27/94/51						
TOPOGRAPHY: LEVEL _____ HIGH _____ LOW _____						X				OV 31200 10/24/92						
ROLLING _____ STEEP _____						X										
BUILDING PERMIT RECORD						OTHER COMPUTATIONS										
DATE	PERMIT NO.	COST	DESCRIPTION													
8/19/81	64063	2000	Porch + ut, Lity Rm. 2/22/82													
			AC, op into 1/2 +													
			WD added 12/12/99													
			OV 29600													
TOTAL LAND VALUE										3100						
TOTAL IMPROVEMENTS VALUE										28400						
TOTAL APPRAISED VALUE										31500						

del value 60400  
11/21/92 7200



DIST		MAP		PARCEL		CARD NO. 1																																																											
<div style="border: 1px solid black; padding: 5px;"> </div>						TYPE		OCC		GRADE		DIMENSIONS		AREA		WALLS		STORY HT		1/2 STY		ATTIC		UNIT COST		BASE COST																																							
								X		C		X		780		1		2A		=		Wing		210.210		20482																																							
								X				104		1		1		=				16.41		15706																																									
								X				168		1		1		=				16.41		2756																																									
								X																																																									
H. L. YOH CO.		PHILA. PA.																																																															
						TOTAL GROUND AREA 1052														TOTAL BASE COST \$ 24944																																													
PRINCIPAL BUILDING DESCRIPTION																																																																	
MASONRY-1						PIER-2						SLAB-3						FOUNDATION						M/C	± %	± PTS																																							
NONE-0						1/4-1						1/2-2						3/4-3						FULL-4						BASEMENT						0	-	-																											
NONE-0						REC AREA-1						APT-2						% OF BASEMENT						SQ FT						BSMT FINISH						0	-	-																											
NONE-0						PIPELESS GHA-1						ELECTRIC-2						FHA-3						STM-HW-4						HEAT SYS						3	-	-																											
INDICATE QTY																																																																	
3-FIXT BATH						2						2-FIXT BATH						SG FIX						TOTAL FIXT						6						FIRE PLACE						1	-	8.0																					
NONE-0						1/2-1						1-2						1 1/2-3						2-4						2 1/2-5						3-6						4-7						5-8						PLUMBING						6	-	3.9			
1ST FLOOR						2ND FLOOR						3RD FLOOR						INT FINISH																																															
NONE						PL						WB						WP						NONE						PL						WB						WP						WLS-CLG																	
DIRT						CONC						HW						SW						HW						SW						HW						SW						FLOORS																	
NONE-0						HOME POWER UNIT-2						PUBLIC-3						ELECTRICITY						3																																									
NONE-0						ONE CAR-1						TWO CAR-2						BLT-IN GAR						0																																									
WOOD-1						SHGL-2						ALUM-3						BLK-4						BRK OR STN-5						STUCCO-6						COMP-7						EXT WALLS						3																	
HIP-1						GABLE-2						FLAT-3						MANSARD-4						GAMBREL-5						ROOF TYPE						1																													
WD-COMP						SHGL-1						SLATE-2						METAL-3						TILE-4						ROLL-5						T & G-6						ROOFING						1																	
AREA						126						SQ FT						INDICATE QTY																																															
AREA						160						SQ FT						INDICATE QTY																																															
NONE-0						CENTRAL-1						AIR-COND						7						76																																									
NONE-0						1 CAR-1						2 CAR-2						SQ FT						ATT GAR/CP						0																																			
																		SQ FT						UTILITY						0																																			
																								OTHER						1																																			
																								OTHER						0																																			
NOTES:																																																																	
BASE COST \$ 24944 ± INDEX % \$ 26444 ± INDEX PTS 30561 X GRADE FACTOR 95 = REPLACEMENT COST ACTUAL AGE 40 YRS EFF AGE YRS PHYS. COND GOOD <input checked="" type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> PER CENT GOOD 80% OBsolescence: FUNC. % OV'RIMP % UND'RIMP % OTHER ECON. % NET COND % DEPRECIATED BLDG VALUE \$ 29233																																																																	
ACCESSORY BUILDINGS																																																																	
CODE	BUILDING NAME					EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE																																														
E1	Off. bldg shed					WD	C	DC	1	16	10	160			1.28	204	F	40	8760																																														
E14	Pondy flom					WD	C	DR1	1	160	10	2560			.79	1232	F	60	9400																																														
E14	"					WD	C	DR1	1	155	14	2170			.19	1714	F	60	1030																																														
E14	"					WD	C	DR1	1	160	16	2560			.79	1232	F	60	9400																																														
E14	"					WD	C																																																										


SD



DIST.		MAP		PARCEL		CONTROL NO.				ACREAGE RECORD & VALUE								
1-34		15		124						CLASS	ACRES	UNIT VAL	GRADE	ADJ.	ADJ'D UNIT VAL	VALUE		
OWNERSHIP & MAILING ADDRESS  1-34 15 124 Murray, Robert C. & Elaine B. Rd. 2, Box 191. Frankford, De., 19945						DATE	DEED BOOK	PAGE	SALE PRICE									
PROPERTY ADDRESS						NOTES				TOTAL ACRES								
										SITE VALUE — grade								
										TIMBER—ADD								
										CLASS	ACRES	UNIT VAL.						
LEGAL DESCRIPTION						H. L. YOH COMPANY DIVISION OF DAY AND ZIMMERMANN, INC. PHILA., PA.				LOT RECORD & VALUE								
										DIMENSIONS		UNIT VALUE	FACTORS		ADJ'D UNIT VAL.			
													DEPTH	OTHER				
										X								
										X								
LAND DESCRIPTION										OTHER COMPUTATIONS								
STREET OR ROAD: HWY _____ PAVED _____ GRAVEL _____ DIRT _____ NO ACCESS _____ WATER: CITY _____ WELL _____ OTHER _____ UTILITIES: ELECT. _____ GAS _____ PHONE _____ TOPOGRAPHY: LEVEL _____ HIGH _____ LOW _____ ROLLING _____ STEEP _____										TOTAL LAND VALUE								
BUILDING PERMIT RECORD										TOTAL IMPROVEMENTS VALUE								
DATE	PERMIT NO.	COST	DESCRIPTION							TOTAL APPRAISED VALUE								



TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
1	1	E	x	4 31	1	1 1/2	F.V	→	2597	11,193
			x							
			x							
			x							
			x							

  
 H. L. YOH CO.  
 PHILA., PA.

TOTAL BASE COST \$ 11,193

M/C	± %	± PTS
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MASONRY-1				PIER-2				SLAB-3				FOUNDATION				2	-	-				
NONE-0		1/4-1		1/2-2		3/4-3		FULL-4		BASEMENT				0	-	-						
NONE-0		REC AREA -1		APT -2		% OF BASEMENT				SQ FT		BSMT FINISH		0	-	-						
NONE-0		PIPELESS GHA-1		ELECTRIC-2		FHA-3		STM-HW-4		HEAT SYS				0	-6	-						
INDICATE QTY												FIRE PLACE		0	-	-						
3-FIXT BATH				2-FIXT BATH				SG FIX		TOTAL FIXT		PLUMBING		0	-	3.9						
NONE-0		1/2-1		1-2		1 1/2-3		2-4		2 1/2-5		3-6		4-7		5-8		CER TILE		0	-	-
1ST FLOOR				2ND FLOOR				3RD FLOOR				INT FINISH										
NONE		PL		WB		WP		NONE		PL		WB		WP		WLS-CLG						
DIRT		CONC		HW		SW		HW		SW		HW		SW		FLOORS						
NONE-0		HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY		2	-	-								
NONE-0		ONE CAR-1				TWO CAR-2				BLT-IN GAR		0	-	-								
WOOD-1		SHGL-2		ALUM-3		BLK-4		BRK OR STN-5		STUCCO-6		COMP-7		EXT WALLS		1	-	-				
HIP-1		GABLE-2		FLAT-3		MANSARD-4		GAMBREL-5				ROOF TYPE		2	-	-						
WD-COMP-SHGL-1		SLATE-2		METAL-3		TILE-4		ROLL-5		T & G-6		ROOFING		1	-	-						
AREA 96 SQ FT				INDICATE QTY				1				PORCH-OPEN		1	-	4.9						
AREA SQ FT				INDICATE QTY								PORCH-GLZD		0	-	-						
NONE-0		CENTRAL-1								AIR-COND		0	-	-								
NONE-0		1 CAR-1				2 CAR-2				SQ FT		ATT GAR/CP		0	-	-						
												SQ FT		UTILITY		0	-	-				
														OTHER		0	-	-				
														OTHER		0	-	-				

INDEX TOTALS

94%	1.0	+
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BASE COST \$ 11,193      ± INDEX % \$ 10,521      ± INDEX PTS \$ 10,621      X GRADE FACTOR 60 = REPLACEMENT COST

ACTUAL AGE	60	YRS	EFF AGE	YRS	PHYS. COND	50	GOOD		FAIR		POOR	<input checked="" type="checkbox"/>	PER CENT GOOD	50 %
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OBSOLESCENCE; FUNC.	%	OV'RIMP	%	UND'RIMP	%	OTHER ECON.	%	NET COND	50	%	DEPRECIATED BLDG VALUE
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## ACCESSORY BUILDINGS

[illegible]

TOTAL ACCESSORY BLDGS VALUE

TOTAL BLDGS VALUE

INSURED BY

CHECKED BY

APPROVED BY

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: Jay 12/16/85

DISTRICT: 134

MAP: 15

PARCEL: 124

TRL/UNIT:

NAME: Murray,

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS: AH

OLD VALUE: 66600

LAND VALUE: 2800

IMP. VALUE: 57600

TOTAL VALUE: 60400

ACTION REASON: land value changed to original  
until further review

BILLING: 91.

1/21/86



REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: Jay 6/24/85

DISTRICT: 1-34

MAP: 15

PARCEL: 124

TRL/UNIT:

NAME: Murray

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS: RS

OLD VALUE: 60400

LAND VALUE: 9000

IMP. VALUE: 57600

TOTAL VALUE: 66600

ACTION REASON: land value chg per farm land assess act

BILLING: 86

JM  
11/15/85

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: Joy 1/6/82

DISTRICT: 134

MAP: 15

PARCEL: 124

TRL/UNIT:

NAME: Murray,

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE: 58950

LAND VALUE: 2800

IMP. VALUE: ~~51600~~ 57600

TOTAL VALUE: ~~58950~~ 60400

ACTION REASON: value was incorrect - should have been rounded off - BP 64063 also added for utility + op

BILLING: 82

1-34 15-124

Just purchased last  
year. Imps gone for  
at least 3 years. Allow  
what ever imp CS  
marks off card.

Joyce  
7/21/92

CR2

RT 365

7/15/92

8:15

Nancy Genet

537-2807

~~Call~~ 7/22/92  
as soon as I  
know how much  
1-34-15-124 bill is

large I piped this  
See if anything  
qualifies for exception  
All know

also take copy of prop. card  
and discuss with her.





SD



DIST.		MAP		PARCEL		CONTROL NO.				ACREAGE RECORD & VALUE						
1-34		15		124						CLASS	ACRES	UNIT VAL	GRADE	ADJ.	ADJ'D UNIT VAL	VALUE
<b>OWNERSHIP &amp; MAILING ADDRESS</b>  1-34 15 124 Murray, Robert C. & Elaine B. Rd. 2, Box 191 Frankford, De., 19945 1						DATE	DEED BOOK	PAGE	SALE PRICE							
<b>PROPERTY ADDRESS</b>						<b>NOTES</b>				<b>ACREAGE RECORD &amp; VALUE</b> TOTAL ACRES SITE VALUE grade						
										<b>TIMBER-ADD</b> CLASS ACRES UNIT VAL						
<b>LEGAL DESCRIPTION</b>										<b>LOT RECORD &amp; VALUE</b> DIMENSIONS UNIT VALUE FACTORS DEPTH OTHER ADJ'D UNIT VAL						
<b>LAND DESCRIPTION</b>										<b>OTHER COMPUTATIONS</b>						
<b>STREET OR ROAD:</b> HWY _____ PAVED _____ GRAVEL _____ DIRT _____ NO ACCESS _____ <b>WATER:</b> CITY _____ WELL _____ OTHER _____ <b>UTILITIES:</b> ELECT. _____ GAS _____ PHONE _____ <b>TOPOGRAPHY:</b> LEVEL _____ HIGH _____ LOW _____ ROLLING _____ STEEP _____										<b>BUILDING PERMIT RECORD</b> DATE PERMIT NO. COST DESCRIPTION						
										<b>TOTAL LAND VALUE</b>						
										<b>TOTAL IMPROVEMENTS VALUE</b>						
										<b>TOTAL APPRAISED VALUE</b>						





ASSESSMENT WORK SHEET

ACTION:

DISTRICT: 1-34 MAP: 15 PARCEL: 124 Trailer/Unit: \_\_\_\_\_

Owner & Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Property Change: Revise size of Parcel 124  
as per Deedbook 2744/51.  
Size: 7.24 AC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Acreage: \_\_\_\_\_

Land Class: \_\_\_\_\_

Transfer: \_\_\_\_\_

Old Value: \_\_\_\_\_

Land Class: \_\_\_\_\_

Improvement Value: \_\_\_\_\_

Total Value: \_\_\_\_\_

Action Reason: \_\_\_\_\_

Billing: \_\_\_\_\_

Info Taken By: Joni Date: 10/16/02

## INSPECTIONS TEXT

Created from inspection 366407 on 07/06/2022 by alan.shields

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\*\*10-30-20 I arrived on location to find that there is an illegal business being run on the property at this time. I met Joshua Mueller on site and I explained the violation. Joshua advised me that he has looked up our County Codes and did not see that he could not have this exotic animal preserve. I again explained that running a illegal business with employees and events here is no different then someone that is running a repair shop out of there garage and he will need to contact P&Z to find out if this would be permitted in some way via CU or Special Exemption. Joshua said he has been working on this for five years and he hopes that he is permitted to do this. I recommended that it would likely be best to arrange a meeting on site with P&Z and the Chief Constable to help guide Joshua on what is permitted for what he intends on doing here on the property. Joshua seemed very interested in handling this the right way and was fully cooperative. I asked if anyone from County Government has been on site before me and he said no. If this not permitted and needs to be shut down Joshua will need to be advised. I gave Joshua my contact information, our office , and P&Z's contact information and told him to ask for Jammie. Then I hand delivered the NOV for illegal business to Joshua Mueller. There is multiple vehicles in the drive way with Maryland, New Jersey, and Delaware tags along with employees working around the property. With me going on vacation and my lack of experience in something like this I will forward this case to the Chief for a more thorough review and possibly arrange meeting on site. Pictures taken.

Email on 10/30/20:

Alan,  
Thank you for visiting the site. This business will most likely require a Conditional Use. A violation should prompt Mr. Mueller to get in contact with our department soon. If the Constables Office has anyone questions, anyone could reach out to either Jamie or myself. Thank you.

Chase Phillips  
Planner I

\*\*11-17-20 I contacted Chase Phillips in P&Z and he informed me that Mr. Mueller has sent in the SLER so I will follow up on the progress of the CU at the end of the month.

\*\*12-02-20 I arrived on location to find that there still remains to be a illegal business violation on the property at this time. I met a female on site by the name of Sam who called the owner Josh Mueller and had him on speaker phone as he was out of town. I explained that I have not heard from him and that I was here to follow up on the illegal business violation. I told Josh that I have spoken to both Jamie and Chase from P&Z and all I can see is that there has been a variance applied for 100' set back. But that nothing has been done to date for reaching compliance. Josh said he would like to meet with Jamie and our office because he believes that this property falls under



"Agritourism" and should be exempt with it being more than five acres. I told Josh I would again speak with Chase and attempt to arrange a meeting. I then spoke to Chase who said Josh has not submitted the SLER form and he would email it directly to Josh. Chase also mentioned that he will ask Josh via email if he wants to meet with them they would be glad to. At this point the illegal business still exist with employees walking around the property and signs indicating "Christmas Trees and Kangaroos" on the property. Pictures taken.

[2020-12-08 09:01:43 lester.shaffer]: After conducting some research I believe Mr. Mueller must be required to obtain a CU for his business. He wants to claim "Agritourism" but this does not fit the description. This is what I found from an agriculture website: What is Agritourism? Have you ever heard of agritourism? What exactly does it mean? Agritourism is where agriculture and tourism meet to provide you with an amazing educational experience, whether it be a tour of a farm or ranch, a festival or cheese-making class. Farmers, ranchers and wineries turn their land into a destination and open their doors to the public in order to teach more about what they do.

I then researched Delaware Department of Agriculture webpage and found the animals Mr. Mueller has require a special permit: Any Delaware resident wishing to own an exotic animal must apply to the Delaware Department of Agriculture's Poultry and Animal Health Section for an exotic animal permit. I further found on the webpage that the state allows each county to have their own requirements for exotic animals and clearly states to contact Sussex County Planning & Zoning.

Myself and Jamie then met with Mr. Mueller about his property and asked him why he thought it should be agritourism. He thought because it fit the description of a petting zoo because his animals are tame enough for people to interact with. I then explained that I researched agritourism and agribusiness and he does not fit either because of the exotic animals. I further explained that Delaware Department of Agriculture clearly states that possessing exotic animals may have other restrictions according to their code and should be contacted. Jamie then explained the research he conducted and advised a CU is required. Mr. Muller understood and advised he would start the CU process. The Del Dot Service Level was already submitted for another issue so the application is all that he needed.

\*\*12-30-20 After checking with P&Z on the SLER there has been no change at this time.

\*\*01-27-21 After checking with P&Z on the SLER there has been no change at this time.

\*\*03-25-21 After checking with P&Z on the SLER there has been no change at this time. P&Z has no information back yet from the SLER. I then called and spoke to the owner Mr. Mueller who said he hasn't heard from the SLER and he keeps asking the County about it. I explained that this is through Del Dot and that's who he should be asking then once approved he then has to apply and pay for the CU with P&Z and a hearing date will follow all of which has been explained before. Mr. Mueller also mentioned that he still thinks this would be "Agrotourism" and that he has talked to Jamie from P&Z about it and thinks they should meet once again. I advised Mr. Mueller that this has gone on since September and he has had more than enough time to figure this all out. I mentioned that the only time he seems to want to do something is after I have called him. I advised Mr. Mueller that I could have submitted this case for court a long time ago based on the lack of cooperation to reach compliance with the County Government but have not as of yet and that it is important that he continue trying to reach compliance and keep our office informed as he is the one in violation. I will forward this information on to the Chief Constable and Jamie. I will follow up in a month.

[2021-03-26 12:45:26 lester.shaffer]: P&Z advised they contacted Del Dot about the SLER and advised they never received one from Mr. Mueller. I called Mueller and asked why he never submitted his SLER and he said he thought he did.



I advised him Del Dot has not received anything from him and he needs to submit it asap.

[2021-04-13 07:19:39 lester.shaffer]: SLER received from P&Z and attached to the complaint.

\*\*04-28-21 I confirmed with P&Z that the owner has not yet applied for the CU.

\*\*06-03-21 I contacted P&Z and spoke to Chase who then spoke to Jamie Whitehouse about this complaint. Chase said that Jamie informed him that we the County are now consulting with our Lawyers because the owner still feels that he does not need a CU for exotic animals and that it should be considered "Agritourism" I have not heard from the at all except when I called in the past to be sure he was applying for the CU which he still has not to date. I then spoke to the Chief Constable about this case and he said that if we take court action after P&Z consults with our Lawyers then we will pursue the illegal business that was issued. I will follow up in a month. I also put the hold back on for permits that was removed on 02-11-21 for some reason. No pictures.

\*\*07-08-21 I called P&Z to check on the status if the owner has applied for the CU yet and spoke to Chase who said Mr. Muller has not applied and that Jamie Whitehouse the Director of P&Z and Lester Shaffer the Chief Constable will need to discuss and go forward with court action. Chase said he is no longer involved with this case. I then called the Chief Constable Shaffer and I explained that it has been another month and Chase said that Jamie and himself will need to discuss and seek court action. Les said it is on Jamie not him and for me to just push the case out until Jamie contacts him about this case. I have gone back and fourth arranged a meeting with them both along with the owner at the beginning of the case on 12-08-20 I have been told the owner is going through the CU process only to find he hasn't even started the SLER but eventually did then three months ago the owner was going to apply and pay for the CU only to find that hasn't happened and the case continues to sit idle. This case started with it in violation for an illegal business which was hand delivered to Mr. Muller on 10-30-20 and this case is nearly a year at this time.  
\*\*08-05-21 The owner has applied and paid for the CU to be started. Now I will wait until a hearing date has been set.

[2021-10-29 12:51:38 eric.jenkins]: I received a message from Alberta at the permit counter to remove a hold on this property. I removed the hold since the C/U has been submitted.

\*\*11-18-21 I called P&Z and spoke to Christin and she informed me that Jamie has said they have reviewed this CU to make sure of what to advertise but will be getting it out for posting likely by the first of the year. I have noticed during this process that the hold has been lifted multiple time to allow the owner to obtain permits for new construction to take place on the property and the hold was off when I entered my narrative so I put the hold back on. I will push this out once again till the first of the year.

\*\*01-13-22 I arrived on location to post the hearing sign as the hearing date has been set to 03-22-22. I will follow up after the hearing.

\*\*03-23-22 I listened to hearing and found that the CU 2305 was approved and the next step for Mr. Mueller is to apply with the BOA for the fence. I spoke to Mr. Mueller advised that he is working on that at this time and will contact our office once applied for. I will follow up in a month with P&Z.

\*\*04-25-22 I contacted P&Z and spoke to Ashely who said they have not yet received a variance application from Mr. Muller for the fence height on the property. I then reached out to Mr. Muller who said he has "Tom" working on this and he should have already applied and will contact him now. Tom is the land preparer and helped represent Mr. Muller during the CU hearing. I asked that they contact P&Z asap as they have just lost a month and have not applied yet. I advised Mr. Muller to call P&Z. No pictures.

\*\*05-25-22 I checked with P&Z on the variance and they have had no correspondence with the owner and no application has been filed to date. I also called the owner Joshua Muller and got no answer and his voice mail was full. I will attempt a site visit.

\*\*05-27-22 I called the owner Joshua Muller who said he is out of the country but assumed the company working on this has done it. I told him that no one has contacted P&Z since his hearing and this is something that needs to be taken care ASAP as it has now been a few months. Joshua said he will email the company right now and visit them on Tuesday. I told him to get into contact with P&Z soon or we will be forced to seek court action.

\*\*06-30-22 I called P&Z and spoke to Ashely who said they have not yet received anything from Mr. Muller for the fence variance. The BOA approval for the exotic animals was back in March and we are now in July and still no variance for the fence. I will forward this information on the the Chief Constable to determine the path forward.

\*\*07-06-22 I arrived on location to meet with the owner Joshua Mueller and hand delivered the two letters prepared by P&Z for the owner to either be compliant or court action. One letter was for the owner to comply by the stipulations approved within 30 days of this hand delivered letter and the other is to apply and pay for the variance for the 8' fence on the property within 60 days of receiving this letter. Mr. Mueller took both letters and said he thought it has been applied for and I told him that's why I am handing him these letters. I will follow up after the 60 days.



**ORDINANCE NO. 2843**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A ZOOLOGICAL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.24 ACRES, MORE OR LESS**

WHEREAS, on the 5<sup>th</sup> day of August 2021, a conditional use application, denominated Conditional Use No. 2305 was filed on behalf of Barnhill Preserve of Delaware, LLC and

WHEREAS, on the 10<sup>th</sup> day of March 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2305 be approved; and

WHEREAS, on the 22<sup>nd</sup> day of March 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2305 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Peppers Corner Road (S.C.R. 365) approximately 0.61 mile southeast of Roxana Road (Route 17) and being more particularly described in the attached legal description prepared by Scott and Shuman, P.A., said parcel containing 7.24 acres, more or less.


This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.



This Ordinance was adopted subject to the following conditions:

- A. The use shall be limited to a Zoological Park.
- B. There shall not be any parking located within the setbacks. All parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.
- C. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
- D. The Zoological Park shall only be open to the public between the hours of 6:30 a.m. until 9:00 p.m.
- E. The Applicant has stated that the Zoological Park must have 8-foot-tall fencing. This will require a variance from the Sussex County Board of Adjustment.
- F. All lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- G. The location of the Tax Ditch and Tax Ditch Right of Way shall be shown on the Final Site Plan. No fencing or structures shall be located within the Tax Ditch Right of Way.
- H. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- I. The use shall comply with all DelDOT entrance and roadway improvement requirements.
- J. Any expansion of the Zoological Park into the area designated on the Preliminary Site Plan as "Area Reserved for Future Expansion" north of the Beaver Dam Canal Tax Ditch require another public hearing.
- K. All locations for the temporary storage of animal waste shall be fully enclosed and centrally located on the site. These locations and the method of enclosure shall be clearly shown on the Final Site Plan.
- L. Any outdoor entertainment and music or the use of outdoor speakers shall end at 9:00 p.m. each night. All outdoor entertainment and music or outdoor speakers shall be oriented away from the residential properties adjacent to the site.
- M. The failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2843 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22<sup>ND</sup> DAY OF 2022.

  
TRACY N. TORBERT  
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Barnhill Preserve of Delaware, LLC for a Conditional Use in an AR-1 Agricultural Residential District for a zoological park to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 7.24 acres, more or less (property lying on the northeast side of Peppers Corner Road [S.C.R. 365], approximately 0.61 mile southeast of Roxana Road [Route 17]). (911 Address: 34215 Peppers Corner Road, Frankford) (Tax Parcel: 134-15.00-124.00).
- B. Based on testimony before the Sussex County Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Tom Ford with Land Design, Inc, was present on behalf of the Application, together with Mr. Joshua Mueller; that the Application is a wildlife education center; that the owner, Mr. Mueller, grew up and currently resides on the property; that the land was



originally owned by his parents; that he is seeking a Conditional Use across the entire site; that the site plan shows a two phase development; that Phase 1 is straight forward on the site plan; that the Applicant is aware a site plan review will be necessary for Phase 2 prior to proceeding into development; that the property is 7.25-acres; that the property has setbacks of 40 feet from the front, 15 feet from the side and 20 feet from the rear; that the property is also encumbered with tax ditch ROW buffer of 50 feet; that guest attendance is by reservation only; that the maximum number of guests is 25 people at one time; that in Phase 1 they have proposed 20 parking spaces; that it is rare that each guest attends individually; that typically guest arrive as two to three people per vehicle; that there are an additional six spaces for employee parking; that the 20 parking spaces allow for transition of one group not quite leaving and another group arriving; and that they feel they have proposed adequate parking for facility.

- C. Council also found that the site has existing features, including the owner's residence, a garage, and multiple accessory structures which act as the wildlife habitats, appropriately sized paddocks for adequate movement, exercise and recreation of the wildlife; that stormwater, which is not presently engineered, will be required; that they have an outfall readily available in the tax ditch running through the property; that the Applicant will seek DelDOT entry approvals; that no TIS was required for the Application; that State regulations require an 8-foot perimeter fence for this type of operation; that in addition to the paddocks for individual animals, which have different height criteria and openings, an 8-foot perimeter fence is required to be placed around the access points for the wildlife; that a section of the front yard has been proposed as an area fenced off for the operation; and that the 8-foot fence is see-through.
- D. Council also found that Mr. Joshua Mueller is the owner of Barnhill Preserve of Delaware, LLC; that he has always had a strong passion to work with animals; that this drove him to get his degree in wildlife ecology at LSU; that while attending college he had the opportunity to work at Barn Hill Preserve, at its original location in Ethel, Louisiana, with Mr. John Ligon; that Mr. Ligon is his business partner for the Delaware location; that he felt the preserve would be a great addition to Sussex County; that growing up in the area, there were no options to attend zoos, other than the Salisbury Zoo and Brandywine Zoo, which are a far distance to travel; that there was little opportunity to learn about the wildlife around the world; that the main mission at Barn Hill Preserve is to educate youth and adults about the conservation and multiple animals on the planet; that the Barn Hill Preserve mobile unit visits schools all over the Northeast; that they generally educate about 300,000 children every year; that they educate an average of 8,000 children per week; that they have three crews; that each crew goes to a different state; that he currently has employee crews in Ohio and Pennsylvania; that these education programs are free for the schools; that they strive to provide everyone access to learning about the animals; that the current facility has provided the chance to educate the local community, as well as inspire people to take action in helping the animals; that some of the animals he cares for are listed as threatened or endangered in the wild; and that they can offer breeding programs to help increase the population, which help prolong the species.
- E. Council further found that they worked hard to receive the highest level of licensing provided by the United States Department of Agriculture; that Barn Hill Preserve is considered a Class C Exhibitor; that this license allows them to be at the same level as every zoo in the nation; that they are randomly inspected annually; that the past year they were awarded a three year inspection; that this reflects the trust they have in Barn Hill to not require an inspection for three years from their last inspection in October 2021; that he worked with the State of Delaware to receive an exhibitor license; that this permits him to be able to exhibit in the State of Delaware; that he also has exhibitor licenses in Florida, Kentucky, New Jersey, Maryland and Georgia; and that they do exhibit in other states, which do not require a license.
- F. Council found that all of his animals are registered; that they started the zoological process for accreditation with the Zoological Association of America (ZAA); that within the Code for Delaware, Association of Zoos and Aquariums (AZA) is the requirement; that they have worked with the State of Delaware and the Department of Agriculture to include ZAA as an exception, as it meets more of their specific needs and beliefs with the animals; that the animals still have a very high level of care

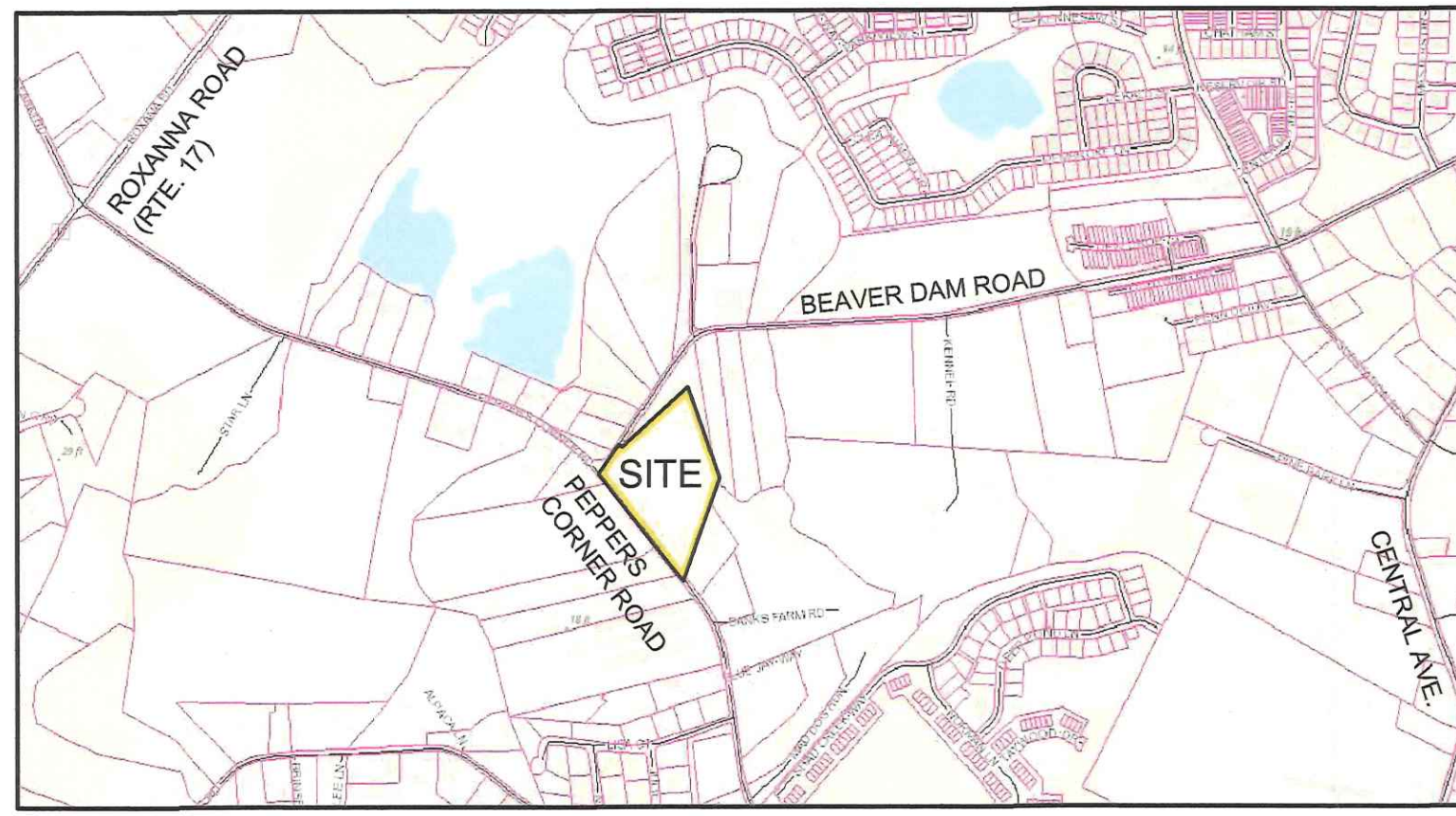


required; that in this high level of care, they require the eight foot fence; that the United States Department of Agriculture (USDA) recommends it to ensure the safety of the community and animals; that animals of high risk, such as their Eurasian Lynx, are required to have roof enclosures to ensure the animal cannot escape; that their first priority is the well-being of the animals; that they do have a zoological vet who visits the site monthly; that the vet performs a full inspection of every animal to ensure every animal is healthy; that they also work very closely with Dr. Michael Metzler, who provides any treatments required when their zoological vet is out of the state; that their zoological vet is available by phone 24/7 to provide assistance or instruction to Dr. Metzler; and that Dr. Metzler does not have expertise in the zoological field, but does have the background and supplies to provide care to the animals.

- G. Council also found that they have a zoological nutritionist; that diets are tailored to the particular species, as well as, to the specific animal's weight, preferred foods and activity level; that they have continued to update and improve the animal enclosures to provide optimal chances of enrichment; that all of his staff have degrees in biology or have comparable experience; that 11 professionals on the team have received extensive training to ensure they are equipped to work with the animals at Barn Hill Preserve; that with a combined 16 years of experience, between Mr. John Ligon and himself, they have developed protocols to make it easier and safer to care for their animals; that he has worked with Delaware regarding the Nutrient Waste Management Plan; that due to not exceeding 8,000-lbs in animals, they are not required to have a plan in place; that they chose to match the Georgetown SPCA protocols; that they bag animals waste and dispose of the waste with a locally approved waste management service; that they have proposed a manure barn in the case they should exceed the 8,000-lb. requirement in the future; and that they desire to already have a plan in place.
- H. Council further found that, because Mr. Mueller lives on the property, he is available 24/7 for emergencies or should his staff need assistance; that visitors from the area, as well as visitors from out of state have benefitted from Barn Hill Preserve in the short amount of time it has been open to the public; that Barn Hill Preserve has received multiple positive reviews; that Mr. Bryan Jones is a neighbor located across the street from Barn Hill Preserve who wrote a letter in support of this application; that he has no intention to build a massive zoo; that they are developing a program to allow schools to visit the facility for field trips; that they are designing a Junior Keeper program, allowing kids to shadow the animal caretakers during the summer time; that the animals are no more vocal than any other traditional agricultural animal; that they are open from April until Christmas, with limited hours in the colder seasons; that the first Kangaroo yoga session begins at 7:00 a.m. and is a very quiet and peaceful event; that tours of the facility begin at 10:00 a.m. and the last tour ending at 7:00 p.m.; and that they have hosted later events in the summer, but never exceeded 9:00 p.m. to avoid any light pollution or creating a nuisance to the neighbors.
- I. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (8a. – n.), Council found that:
1. The property is zoned AR-1 Agricultural Residential, which anticipates the keeping of live animals in certain situations. This use is similar to the types of uses that are expected within the AR-1 Zoning District. The Sussex County Zoning Code allows the keeping of various types of animals for personal use and larger farming operations on properties greater than five acres.
  2. The property is in the Coastal Area according to the Sussex County Comprehensive Plan. The Plan does not prohibit this type of small business use in this Area.
  3. The Applicant has stated that the use as a Zoological Park is intended to be educational and it will be visited by school-aged children from all over Sussex County.
  4. The use, with the conditions and limitations placed upon it, will not have an adverse impact upon neighboring properties, roadways, or the community in general.

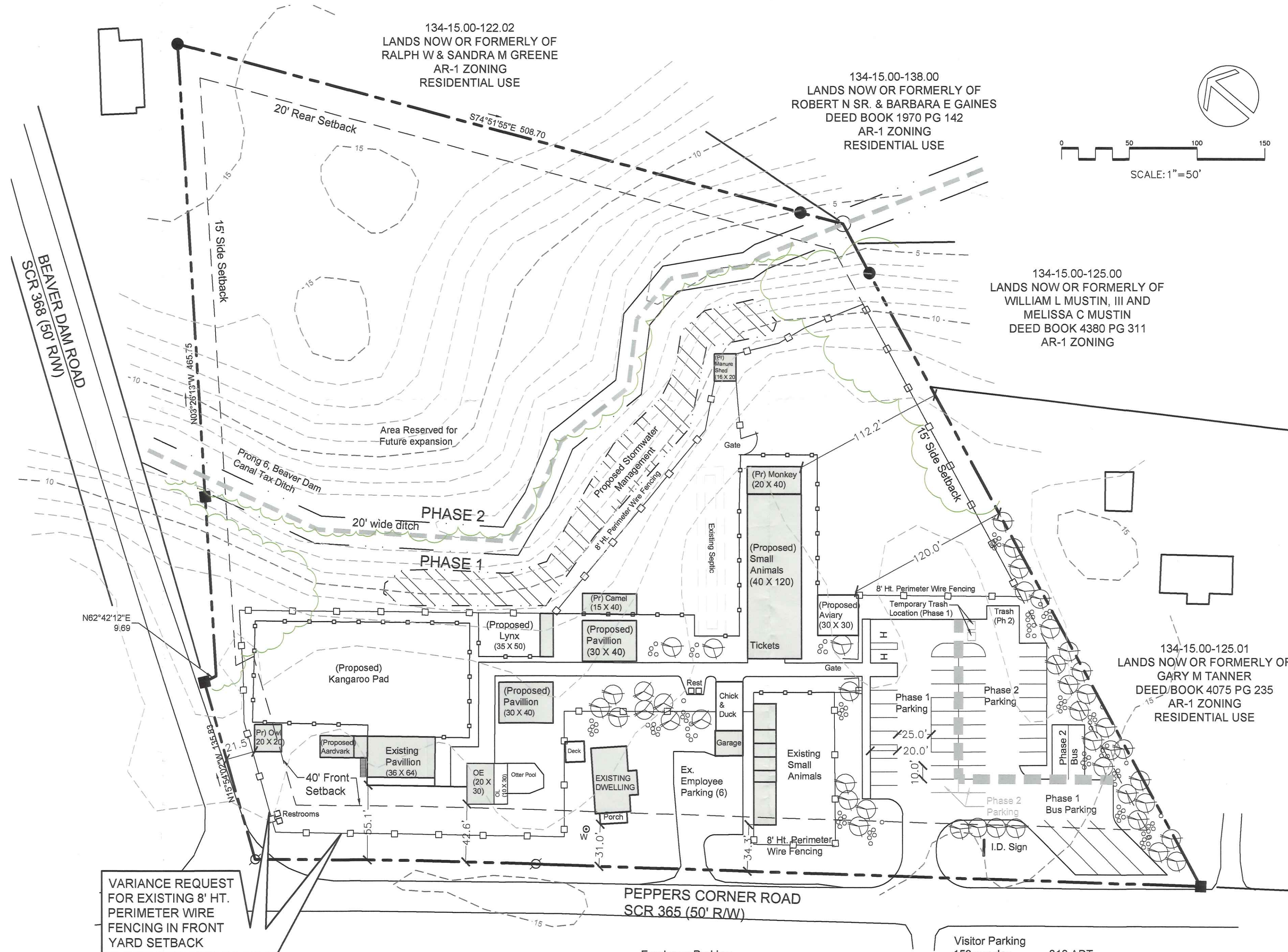
5. The use is regulated by the United States Department of Agriculture with regular inspections, and it is licensed by the State of Delaware.
6. The use will be connected to Sussex County sewer when available.
7. The use, as a small Zoological Park, will be a benefit to residents and visitors of Sussex County by providing a nearby location for residents, visitors, and schoolchildren to learn about the animals kept in the park without having to otherwise travel to Wilmington, Salisbury, or other out-of-state locations for such an educational experience.
8. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to the following fourteen (14) conditions (a. – n.), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.





VICINITY MAP  
SCALE: 1"=1000'

- LEGEND:**
- PARCEL BOUNDARY
  - BUILDING SETBACK LINE
  - EXISTING TOPOGRAPHY
  - EXISTING TREE LINE
  - EXISTING WELL LOCATION
  - PROPOSED 8' PERIMETER FENCE LINE
  - PROPOSED ANIMAL ENCLOSURE FENCE LINE
  - PROPOSED PHASE LINE
  - PROPOSED LANDSCAPE PLANTINGS
  - PROPOSED STORMWATER MANAGEMENT (TO BE ENGINEERED)



**SITE DATA:**

- TAX PARCEL: 134-15.00-124.00  
PARCEL AREA: ±7.24 AC.  
LOCATION: 34215 PEPPERS CORNER ROAD  
FRANKFORD, DE 19945
- OWNER: JOSHUA E. MUELLER  
34215 PEPPERS CORNER ROAD  
FRANKFORD, DE 19945  
DEVELOPER: BARNHILL PRESERVE OF  
DELAWARE, LLC  
34215 PEPPERS CORNER ROAD  
FRANKFORD, DE 19945
- PRESENT ZONING: AR-1  
PRESENT LAND USE: RESIDENTIAL/ WILDLIFE  
EDUCATION CENTER
- SEWER PROVIDER: ON-SITE SEPTIC  
WATER PROVIDER: ON-SITE WELL
- STATE INVESTMENT LEVEL: LEVEL 3

**PROPOSED:**

- PROPOSED ZONING: AR-1 CONDITIONAL USE  
PROPOSED LAND USE: ZOOLOGICAL PARK  
PROPOSED BUILDINGS: AS SHOWN
- BUILDING SETBACKS:  
FRONT YARD: 40'  
SIDE YARD: 15'  
REAR YARD: 20'  
MAX. BUILDING HEIGHT: 42'
- PARKING: AS SHOWN  
EXISTING: 6 EMPLOYEE SPACES  
PHASE 1: 20 SPACES, 4 BUS SPACES  
PHASE 2: 20 SPACES, 2 BUS SPACES

**NOTES:**

- BOUNDARY SURVEY SOURCE: SIMPLER SURVEYING & ASSOCIATE FROM A DRAWING TITLED "LANDS OF GERALD K MUELLER & RUIHUA MUELLER", DATED AUGUST 4, 2005.
- PRELIMINARY TOPOGRAPHY FROM SUSSEX COUNTY MAPPING WEBSITE. A TOPOGRAPHIC SURVEY WILL BE PERFORMED ON THE SITE AS THE PROJECT PROGRESSES.
- THERE ARE NO FEDERAL 404 LANDS ON PHASE 1. THERE ARE NO STATE TIDAL WETLANDS ON PHASE 1. PHASE 2 TO BE EVALUATED FOR WETLANDS AT LATER DATE.
- SITE IS IN FLOOD ZONE X (UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0495K DATED MARCH 16, 2015.

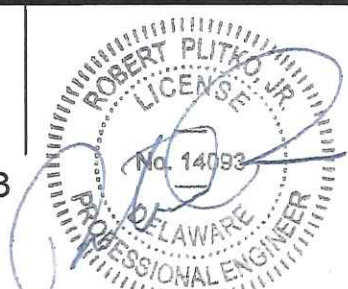
**OWNER'S PLAN DEVELOPMENT APPROVAL:**

I, as owner of the project shown, hereby approve these plans for development as shown or otherwise noted.

Josh Mueller  
Joshua Mueller  
Barnhill Preserve of Delaware, LLC  
Date

**PREPARED BY**

PLITKO, L.L.C.  
53 ATLANTIC AVE., STE 3  
OCEAN VIEW, DE 19970  
PH: 302-537-1919



Robert Plitko, Jr., PE DE#14093  
DATE

APPROVED PRELIMINARY PLAN

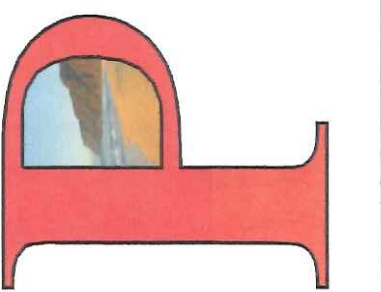
**REVISIONS**

9/1/21 - P&Z COMMENTS

**LAND DESIGN**  
Surveying / Landscape Architecture  
53 Atlantic Ave., Ste 3  
Ocean View, DE 19970  
302-537-1919 / landdesign@plitko.com

PLITKO, LLC

53 ATLANTIC AVE., STE 3  
OCEAN VIEW, DE 19970  
Phone (302)-222-2075



PRELIMINARY PLAN  
**BARNHILL PRESERVE**  
34215 PEPPERS CORNER ROAD  
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF  
DRAWING: RWB  
REVIEW: SLF  
SHEET

DATE  
8/4/21

1  
OF 1 SHEETS



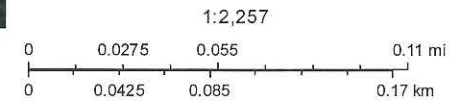


# Sussex County



PIN:	134-15.00-124.00
Owner Name	MUELLER JOSHUA E
Book	5051
Mailing Address	32415 PEPPERS CORNER
City	FRANKFORD
State	DE
Description	N/CO RD BAYARD
Description 2	TO ABIES
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 # 12743  
Hearing Date 10/3  
202210088

RECEIVED

JUL 11 2022

SUSSEX COUNTY  
PLANNING & ZONING

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

Variance ☒  
Special Use Exception ☐  
Administrative Variance ☐  
Appeal ☐

Existing Condition ☐  
Proposed ☒  
Code Reference (office use only)  
115-20

### Site Address of Variance/Special Use Exception:

11025 Iron Hill Road, Delmar, DE 19940

### Variance/Special Use Exception/Appeal Requested:

Variances are sought from the 200' setback for a commercial dog kennel and its runs, cages or kennels as follows: (1) 36.9' (side); (2) 90.4' (side); (3) 85.9' (side); (4) 101.7' (rear); (5) 117.5' (rear); (6) 69.1' (rear); and (7) 11.6' (side).

Tax Map #: 532-14.00-6.03

Property Zoning: AR-1

### Applicant Information

Applicant Name: David L. and Lisa D. Moore  
Applicant Address: 11025 Iron Hill Road  
City Delmar State DE Zip: 19940  
Applicant Phone #: (302) 841-1423 Applicant e-mail: d1m7781@yahoo.com

### Owner Information

Owner Name: same as applicant  
Owner Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

### Agent/Attorney Information

Agent/Attorney Name: David C. Hutt, Esq. | Morris James LLP  
Agent/Attorney Address: 107 West Market Street  
City Georgetown State DE Zip: 19947  
Agent/Attorney Phone #: (302) 856-0018 Agent/Attorney e-mail: dhutt@morrisjames.com

### Signature of Owner/Agent/Attorney

David L. and Lisa D. Moore

Date: 7-8-22





**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.

The property is unique because it ranges from 340' wide to 420' wide which narrowness means that it would be exceptionally difficult to locate (center) a dog kennel or run 200' from the adjacent property lines. If the property did not have this condition, i.e., if the property had a greater width, the 200' setback could be met.

---

**2. Cannot otherwise be developed:**

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

Due to the narrowness of the property, there is no possibility that these dog kennels and runs could be placed 200' from all surrounding boundary lines.

---

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

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

The applicant did not create the dimensions of the lot, nor did they build the existing home and outbuildings. The applicants are requesting this variance to arrange the dog kennel using the existing width of the property and building locations.

---

**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.

If the variance is authorized, it will not alter the essential character of the neighborhood as the proposed dog kennel will use existing buildings, including the existing equestrian facilities (barn and track area). In addition, the use will not impair the use or development of adjacent properties as there are other commercial uses within the immediate vicinity of the property and the neighboring lots are large parcels.

---

**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 dog kennels and runs were designed to utilize the existing buildings on the property and stay within the area on the property previously used as an equestrian facility (barn, track and pasture). The location of the dog kennels and runs represents the minimum variances that will afford the requested relief and allow the use of the property for a commercial dog kennel.

---



## 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: 11025 Iron Hill Road, Delmar, DE 19940

Parcel #: 532-14.00-6.03

Site Address:

Parcel #:

Applicant Name: David L. and Lisa D. Moore

Owner Name: David L. and Lisa D. Moore

### Type of Application:

Conditional Use: \_\_\_\_\_

Change of Zone: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Board of Adjustment: ☒ \_\_\_\_\_

Date Submitted: July 11, 2022

### For office use only:

Date of Public Hearing: \_\_\_\_\_

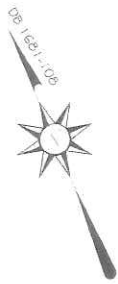
File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

List created by: \_\_\_\_\_

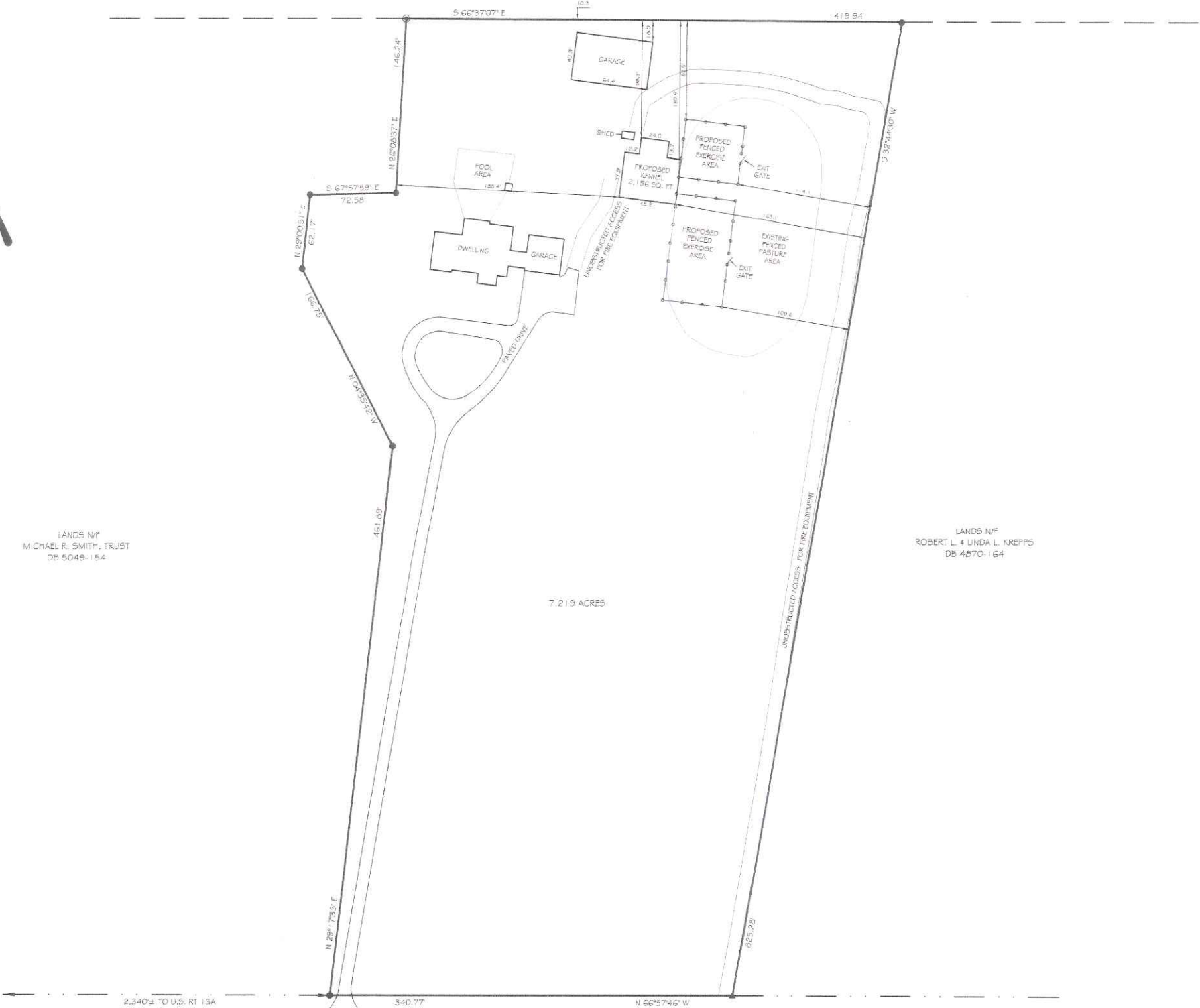
Letters sent by: \_\_\_\_\_



LANDS N/F  
MICHAEL R. SMITH, TRUST  
DB 5049-154

LANDS N/F  
MICHAEL R. SMITH  
DB 4947-348

LANDS N/F  
ROBERT L & LINDA L. KREPPS  
DB 4870-164



IRON HILL ROAD (50' R/W) SCR #454A

SITE & VARIANCE PLAN FOR

DAVID L. & LISA D. MOORE

11025 IRON HILL ROAD, DELMAR, DE 19940



- MONUMENTATION
- IRON PIPE (FOUND)
  - ⊙ IRON PIPE (SET)
  - ▲ IRON ROD (FOUND)

I, DONALD K. MILLER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL REQUIRE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE. OTHER THAN SHOWN, THIS SURVEY AND PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY OR EASEMENTS CROSSING THIS PROPERTY. NO TITLE SEARCH PROVIDED OR OBTAINED.  
SURVEY CLASS: SUBURBAN

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



RENDERED	COUNTY
LITTLE CREEK	SUSSEX
STATE	DRAWN BY:
DELAWARE	D. K. MILLER
REF	FILE
DB 5489-127	5-32-14-6.03



Home (browse/) > PI (browse/PI) > AS400\_REPORTS (browse/PI/AS400\_REPORTS) > as400\_permits

parcel 532-14.00-6.03		★ Favorites (favorites)	<input type="checkbox"/> Browse (browse/)
		<input type="button" value="View Report"/>	

◀	<	1 of 1	>	▶	↺	↻	100% ▼	▼		<input type="text"/> Find   Next
---	---	--------	---	---	---	---	--------	---	--	----------------------------------

parcel	type	type1	permit	case1	issue date	BC/Occup date	PZ/Compli date	Return
532-14.00-6.03	BP	DW	112038	0	1/29/1990		6/12/1990	7/23/19
	BP	RA	169572	0	1/29/1998		6/26/1998	6/4/199
	BP	FB	139920	0	11/30/1993		12/7/1995	3/14/19
	BP	FB	111478	0	12/1/1989		6/12/1990	7/23/19
	BP	SP	122023	0	6/7/1991		6/28/1994	8/19/19
	BP	FB	252481	0	8/11/2006		12/5/2008	11/14/2

8/24/2022 1:30:51 PM

NEEDS TOWN PERMIT \_\_\_\_\_  
MANU. HOME # \_\_\_\_\_

District # \_\_\_\_\_ PERMIT NO. 111421  
S.E. W. \_\_\_\_\_

**BUILDING PERMIT APPLICATION**  
Sussex County, Delaware

LOCATION: Route 454A (N) (S) (E) (W) Side 116.5 (N) (S) (E) (W) of Rt 68

Subdivision or Trailer Park \_\_\_\_\_ Lot No. \_\_\_\_\_ Section or Block \_\_\_\_\_

Town \_\_\_\_\_ Street \_\_\_\_\_

District No. 5-92 Map No. 14-50 Parcel No. 4-03 (116) Hundred 40th Ave

Size of Lot: Frontage 740.83 Depth \_\_\_\_\_ Acreage 16.76

Size of Building 30x36 Stories \_\_\_\_\_ Height \_\_\_\_\_ Cost of Improvements \$2500

30x36 (per drawing) 1480

<b>I. TYPE OF IMPROVEMENT</b>		<b>TYPE OF USE</b>	
New Building <u>Barn</u>	Other _____	Existing Use <u>Farm</u>	Proposed Use <u>Barn 132</u>
Address _____		Single Family _____	Commercial _____
Relocation _____		Other _____	Number of Units _____
Accessory Structure _____			To be measured to:
Sign _____			1. Finished first floor
Remodeling _____			2. Lowest structural member
Other _____			
<b>II. INTERIOR WALLS</b>		<b>Zoning</b>	
Dry Wall _____		Zoning District <u>RR-1</u>	
Plastering _____		Front yard setback <u>50</u>	
Other _____		Side yard setback <u>50</u>	
<b>III. FOUNDATION</b>		Rear yard setback <u>50</u>	
Conc. Blk. _____		Side yard setback on side street on corner lot _____	
Foot _____		Distance from any dwelling of other ownership <u>100</u>	
Block _____		Distance from any other improvement in a manufactured home park _____	
Piling _____		Can not occupy more than _____ % of total lot area	
Other <u>8d</u>		Board of Adjustment Case No. _____	
<b>IV. FIRE PLACE</b>		Conditional Use Case No. _____	
Yes <input type="checkbox"/> No <input type="checkbox"/>		Approved by Planning & Zoning <u>BTP 12-137</u>	
<b>V. ROOFING</b>		Site Plan Review Fee _____	
Shed _____		<b>ADDITIONAL REQUIREMENTS &amp; COMMENTS</b>	
Asphalt Shingle _____			
Wood Shingle _____			
Metal _____			
Other _____			
<b>VI. FLOORING</b>			
Concrete Floor _____			
Earth Floor _____			
Wood Floor _____			
Carpet _____			
Other _____			
<b>IV. EXTERIOR WALLS</b>			
Asph. Siding _____			
Wood _____			
Other _____			

Does Application apply to Building Code? Yes \_\_\_\_\_ No \_\_\_\_\_ Plans Reviewed by \_\_\_\_\_

Plan Included with Application Yes \_\_\_\_\_ No \_\_\_\_\_

**IDENTIFICATION**  
Name Michael P. Cordray + Sharon J.  
Address 730 S. Sussex Ave. Seaford, DE 19973  
On Land of \_\_\_\_\_

The owner of this building or land and the undersigned agree to comply to all applicable Federal, State and County regulations and to apply for certificate of Compliance as Compulsory. This does not imply approval of other Governmental Agencies.

Signature of Applicant [Signature] Date 2-1-89  
Permit Fee 13.50 Approved by Assessors Division [Signature]

SEALING AND BUILDING PERMIT will expire one (1) year from date of issue unless actual construction shall have begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit holder's control. Trading or subleasing of the lot shall not be considered as "actual construction".  
ASSESSORS AND INSPECTORS RIGHT TO GO ON PREMISES TO MEASURE AND INSPECT PROPERTY. The owner or person in whose premises do hereby consent to the Board of Assessment and Planning and Zoning Agents, in order to carry out premises during the construction for which this PERMIT is granted in a reasonable time thereafter. For the purpose of assessing and inspecting said property and measure same, given on the signing of this permit.  
THE SUSSEX COUNTY PLANNING AND ZONING DEPARTMENT APPROVES OF THIS PERMIT APPLICATION PERMITTING ONLY TO COMPLY WITH SUSSEX COUNTY REGULATIONS BUT NOT TO BE CONSIDERED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH ARE PERTAIN TO THIS SITE.



BUILDING CODE REQUIRED: \_\_\_\_\_ BUILDING PERMIT APPLICATION PERMIT NO 252481

BLDG CODE NUMBER: \_\_\_\_\_

## SUSSEX COUNTY, DELAWARE

NEEDS TOWN PERMIT: \_\_\_\_\_ DNREC # \_\_\_\_\_ S&amp;W \_\_\_\_\_ Div of Rev \_\_\_\_\_

Route: <b>N/RD 454A</b>	(N)(S)(E)(W) Side: _____	(ft) (miles)(N)(S)(E)(W): _____
Subdiv or TP <b>1065' W/RD 68</b>	Lot No. _____	Section or Block _____
Town _____	Street _____	
District No. <b>532</b>	Map No. <b>14.00</b>	Parcel No. <b>6.03</b>
Frontage _____	Depth _____	Acreage <b>15.7</b>
MANU. HOME # _____		

## ASSESSMENT

## I. TYPE OF IMPROVEMENT

Cost of Improvements **\$5,928.00** Stories \_\_\_\_\_

New Build. \_\_\_\_\_ Size \_\_\_\_\_

Addition: **EXTENTION TO EXISTING** Size \_\_\_\_\_

Relocation: **BARN** Size **12'x38'**

A. Sturcture: \_\_\_\_\_ Size \_\_\_\_\_

Sign: **5 HORSES** Size \_\_\_\_\_

Remodeling: \_\_\_\_\_ Size \_\_\_\_\_

Other: \_\_\_\_\_ Size \_\_\_\_\_

## II. INTERIOR

No. of Bedrooms \_\_\_\_\_

No of Bathrooms \_\_\_\_\_

No of Rooms \_\_\_\_\_

Basement \_\_\_\_\_

## VI. FOUNDATION

Pad: ☐ Brick: ☐

Piling: ☐ Conc.Blk: ☐

Poured: ☐ Slab: ☐

Other \_\_\_\_\_

## III. HEATING.

Electric ☐ Gas: ☐

Heat Pump: ☐ FHA: ☐

Air Condition ☐

## VII. FIRE PLACE

Yes: ☐ No: ☐

Massonary: ☐ Metal: ☐

# FP: \_\_\_\_\_

## IV. EXTERIOR WALLS

Vinyl: ☐ Wood: ☐

Alum. Siding ☐ Brick: ☐

Stone: ☐

## VII. ROOFING

Build-up ☐ Metal: ☐

Asp Shingle: ☒ Wd Single ☐

Other \_\_\_\_\_

Other **METAL**

## V. INTERIOR WALLS

Dry Wall: ☐

Paneling ☐

Other \_\_\_\_\_

## IX FLOORING

Earth: ☒ Vinyl: ☐

Carpet: ☐ Tile: ☐

Concrete: ☒ Wood ☐

Other \_\_\_\_\_

Contract Price: \_\_\_\_\_ For Transfer Tax Only

## ZONING

## TYPE OF USE

Existing Use \_\_\_\_\_

Proposed Use **EXTENTION TO EXISTING, BARN, 5 HORSES**

Single Family \_\_\_\_\_ Commercial \_\_\_\_\_ Other \_\_\_\_\_

Zoning District **AR1** Number of Units \_\_\_\_\_

## SETBACKS

Front Yd **50'** Side Yd **50'** Rear Yd **50'**

FY \_\_\_\_\_ RYN \_\_\_\_\_

Side yd on side st. or corner lot \_\_\_\_\_

From any dwelling of other ownership **200'**

From any unit or Assessor's Structure \_\_\_\_\_

Cannot occupy more than \_\_\_\_\_ % of total lot area

Height **42' MAX**

Board of Adjustment Case No. \_\_\_\_\_

Conditional Use Case No. \_\_\_\_\_

Approved by Planning and Zoning: **Holly PflegerPAULINE HUGHES**

## FLOOD

Flood Zone **XP**

To be measured to.

1. Finished first floor
2. Lowest Structural member

Elevation Certification: ☐

Breakaway Walls: ☐

Placement Survey: ☐

Height Certification ☐

Venting- Flood: ☐

Slab: ☐

I fully understand the Zoning Requirements of this Permit

ADDITIONAL REQUIREMENTS COMMENTS

## OWNERS IDENTIFICATION

Name: **CORDREY, MICHAEL P & SHARON L**

Address **11025 IRON HILL RD**

City **DELMAR** State **DE** Zip **19940**

Fire Station **STA 74**

Name &amp; Address of recipient of Certificate of Compliance (Builders)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

The owner of this building or land and the undersigned agree to all applicable Federal, State and County Regulations and to apply for Compliance at Completion. This does not imply Approval of other Governmental Agencies or Compliance with private deed restrictions.

Signature of Applicant: \_\_\_\_\_ Name Printed: \_\_\_\_\_ Phone No: \_\_\_\_\_

Permit Fee **14.82+14.82=\$ 37.32** **\$37.32** Payment Type: **CHECK** Date Issued: **8/11/2006**

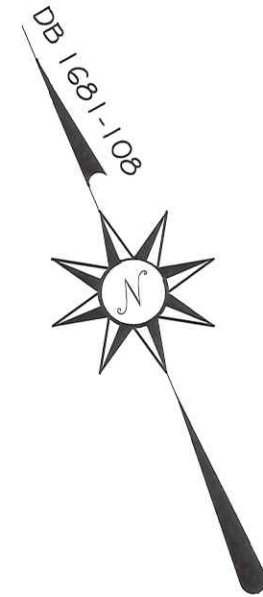
BP Fee + Fire Station Fee + Disc Fee + Viol Fee + Mail Fee + Other Fees = Total Permit Fee

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading on surface-shaping of the site shall not be considered as "actual construction" Permit must be renewed prior to expiration date

ASSESORS AND INSPECTORS RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment and Planning and Zoning Agents and Building Code Officials to enter upon said premises during the construction for which this PERMIT is granted, or within a reasonable time thereafter, for the purposes of assessing and inspection said property, said consent being giving on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES IT





LANDS N/F  
MICHAEL R. SMITH, TRUST  
DB 5049-154

LANDS N/F  
MICHAEL R. SMITH  
DB 4947-348

LANDS N/F  
ROBERT L. & LINDA L. KREPPS  
DB 4870-164

7.219 ACRES

**FIRE MARSHAL NOTES:**

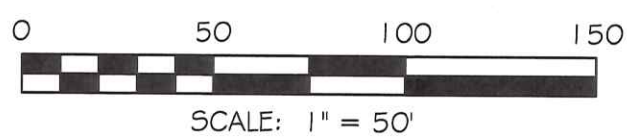
1. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTION SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
2. MAXIMUM HEIGHT: 2 STORY NOT TO EXCEED 32'.
3. A REMODELED EXISTING STRUCTURE IS PROPOSED.
4. BUILDING CONSTRUCTION TYPE: NFPA TYPE V WOOD FRAME, CATEGORY I, CLASS B DOG & CAT BOARDING FACILITY THAT WILL BE STAFFED 24/7.
5. THE BUILDING WILL NOT REQUIRE A FIRE SUPPRESSION SYSTEM. (STAFFED 24/7)
6. WATER IS SUPPLIED FROM PRIVATE 4" WELL.

**VARIANCE REQUESTS:**

1. A 36.9 FT. SIDEYARD VARIANCE FROM THE 200 FT. SETBACK REQUIREMENT FOR A DOG KENNEL.
2. A 90.4 FT. SIDEYARD VARIANCE FROM THE 200 FT. SETBACK REQUIREMENT FOR A DOG RUN.
3. A 65.9 FT. SIDEYARD VARIANCE FROM THE 200 FT. SETBACK REQUIREMENT FOR A DOG RUN.
4. A 101.7 FT. REARYARD VARIANCE FROM THE 200 FT. SETBACK REQUIREMENT FOR A DOG KENNEL.
5. A 117.5 FT. REARYARD VARIANCE FROM THE 200 FT. SETBACK REQUIREMENT FOR A DOG RUN.
6. A 69.1 FT. REARYARD VARIANCE FROM THE 200 FT. SETBACK REQUIREMENT FOR A DOG RUN.
7. A 11.6 FT. WEST SIDEYARD VARIANCE FROM THE 200 FT. SETBACK REQUIREMENT FOR A DOG KENNEL.
8. A 9.7 FT. REARYARD VARIANCE FROM THE 20 FT. SETBACK REQUIREMENT FOR AN ACCESSORY BUILDING (GARAGE) EXCEEDING 600 SQ. FT.

SITE & VARIANCE PLAN FOR  
**DAVID L. & LISA D. MOORE**

11025 IRON HILL ROAD, DELMAR, DE 19940



**MONUMENTATION**

- IRON PIPE (FOUND)
- ⊙ IRON PIPE (SET)
- ▲ IRON ROD (FOUND)

I, DONALD K. MILLER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE. OTHER THAN SHOWN, THIS SURVEY AND PLAN DOES NOT VERIFY THE DISTANCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED.  
SURVEY CLASS: SUBURBAN

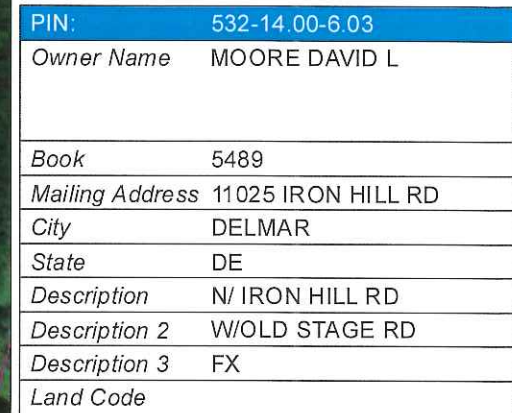
**MILLER  
LEWIS, INC.**  
LAND SURVEYING

1560 MIDDLEFORD RD.  
SEAFORD, DELAWARE 19973  
PH: 302-629-9895 FAX: 302-629-2391



HUNDRED	COUNTY
LITTLE CREEK	SUSSEX
STATE	DRAWN BY
DELAWARE	D. K. MILLER
REF.	FILE
DB 5489-127	SMITH 5-32-14-6.03





Override 1

Override 1

911 Address

County

0.2 PCT ANNUAL C

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

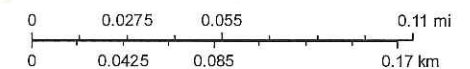
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AC

VE


**Mu**

1:2,257



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 # 12744  
Hearing Date 10/3/2022  
202210021

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

115-25 115-172 115-183

Site Address of Variance/Special Use Exception:

19923 CENTER AVE REHOBOTH DE 19971

Variance/Special Use Exception/Appeal Requested:

SIDE + REAR YARD VARIANCE FOR PROPOSED SHED

Tax Map #: 3-34-13,00-310.00

Property Zoning: AR-1

Applicant Information

Applicant Name:

TIDA KEEDY / RICHARD WEIBLING

Applicant Address:

19923 CENTER AVE

City REHOBOTH

State DE

Zip: 19971

Applicant Phone #:

302-200-2004

Applicant e-mail:

RWEIBLING@COMCAST.NET

Owner Information

Owner Name:

TIDA KEEDY

Owner Address:

19923 CENTER AVE

City REHOBOTH

State DE

Zip: 19971

Purchase Date: 1999

Owner Phone #:

302-200-2004

Owner e-mail:

RWEIBLING@COMCAST.NET

Agent/Attorney Information

Agent/Attorney Name:

Agent/Attorney Address:

City

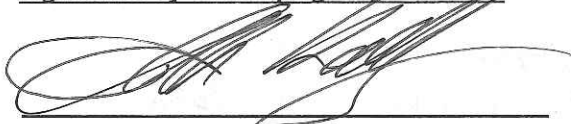
State

Zip:

Agent/Attorney Phone #:

Agent/Attorney e-mail:

Signature of Owner/Agent/Attorney



Date: 7-11-2022





**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.

LOTS ARE VERY NARROW AND NO MATTER WHAT THE MEASUREMENTS WILL NOT WORK. TRAILER PARK WAS MADE BEFORE THESE RULES,

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.

WITH THE LOTS BEING SO NARROW AND SHORT IT IS IMPOSSIBLE FOR ANY CONSTRUCTION OF ANY SIZE PERIOD.

3. Not created by the applicant:

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

THE REASON FOR THIS IS BECAUSE OF NARROW LOTS, NO MATTER WHAT SIZE OR PLACEMENT OF THE SHED ON THESE LOTS A VARIANCE WILL BE NEEDED, LOTS WERE CREATED A LONG TIME AGO.

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.

THIS SHED WILL BE NO DIFFERENT THAN OTHER SHEDS ON EVERY OTHER LOT, IT WILL BE PLACED AT OLD SHED LOCATION. NO IMPACT ON ANY NEIGHBOR SITE.

5. Minimum variance:

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

THE SHED WILL BE GOING WHERE THE OLD 8 x 10 SHED WAS LOCATED. ALL EXTRA MEASUREMENTS HAVE BEEN PUSHED INTO MY PROPERTY FROM THE BACK AND BY PARK REGULATION SIDEWAYS. THIS IS AS MINIMAL VARIANCE AS POSSIBLE.

PROPOSED CONDITIONS  
LOCATION PLAN  
RICHARD WEIBLING

19923 CENTER AVENUE, REHOBOTH BEACH  
LOT #61, BLOCK D OF "SEA AIR VILLAGE" PARK  
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE

302 226 2229 phone      302 226 2239 fax      2103A Coastal Highway      Dewey Beach, DE 19971



PROPOSED CONDITIONS  
LOCATION PLAN  
RICHARD WEIBLING

19923 CENTER AVENUE, REHOBOTH BEACH  
LOT #61, BLOCK D OF "SEA AIR VILLAGE" PARK  
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE

302 226 2229 phone    302 226 2239 fax    2103A Coastal Highway    Dewey Beach, DE 19971

# EXTERIOR IMPROVEMENT REQUEST

TIDA KEEDY / RICHARD WEIBLING

RESIDENT NAME

19923 CENTER AVE D61

ADDRESS

302-200-2004

TELEPHONE NUMBER

SEA AIR

COMMUNITY NAME

July 5th 2022

DATE OF REQUEST

6 months

PROPOSED COMPLETION DATE

The above named Resident requests approval to build, add-on, or otherwise alter his/her manufactured home, its associated structures, or site. Approval by the Community Management does not waive Resident's responsibility to secure any and all permits required by the governing municipality whose name and telephone number is:

SUSSEX COUNTY 302-855-7720

Description of Alteration: NEW 10x10 SHED TO REPLACE TORN DOWN 8x10 SHED.

NEW SHED WILL BE ALL WOOD T11 SHINGLE BUILT ON SITE.

WILL BE PAINTED EXACT AS THE NEW HOUSE COLORS COBALT BLUE / WHITE.  
PER ATTACHED PLAN

☒ Upon review of the above request, we find it is within our guidelines.  
Resident will obtain any and all permits necessary to construct improvement.  
If Resident hires an independent contractor, it is recommended that they be licensed and insured.

☐ Upon review of the above request, we find it is not within our guidelines.

Shirley Bennett

DISTRICT MANAGER/COMMUNITY MANAGER

7/5/2022

DATE

USE SPACE BELOW TO SKETCH THE ALTERATIONS AND LOCATION ON YOUR HOME SITE.  
(ATTACH SEPARATE SHEET IF NECESSARY)



## FOLLOW-UP INSPECTION

Management reserves the right to inspect the alterations described above upon completion.

DISTRICT MANAGER/COMMUNITY MANAGER

DATE



**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: MICHELLE BENSON**

**(Case No. 11258)**

Lot 59D  
Copy only

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

Nature of the Proceedings

This is an application for variances from the separation requirement between units in a mobile home park and the maximum allowable lot coverage in a mobile home park.

Findings of Fact

The Board found that the Applicant was seeking a variance of four (4) feet from the twenty (20) feet separation requirement between units for a proposed shed, a variance of 5.6 feet from the twenty (20) feet separation requirement between units for a proposed deck, and a variance of forty-one (41) square feet from the maximum thirty five percent (35%) lot coverage requirement in a mobile home park. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property southeast of Route One, southeast of Center Avenue, and 90 feet south of Skyview Street, being Lot 59 Block D within Sea Air Village, a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-310.00 Unit 19813. After a hearing, the Board made the following findings of fact:

1. Dana Hanson was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Hanson testified that the proposed deck will measure twelve (12) feet by twenty four (24) feet.
3. The Board found that Mr. Hanson testified that the shed and the deck have not yet been placed on the Property.
4. The Board found that Mr. Hanson testified that he would like more time to prepare his case.
5. The Board found that there were no parties present in support of or in opposition to this Application.
6. The Board voted to leave the record open so that the Applicant so as to allow the Applicant more time to prepare its case.
7. On September 23, 2013, The Board heard additional testimony about the Application.
8. Judith Benson and William Benson were sworn in to testify about the Application.
9. The Board found that Ms. Benson testified that the Applicants previously had a deck and shed on the Property with their old mobile home.
10. The Board found that Ms. Benson testified that the older mobile home has been replaced.
11. The Board found that Ms. Benson testified that the deck and shed would be consistent with the prior use.
12. The Board found that Ms. Benson testified that the use will not alter the character of the neighborhood.
13. The Board found that Ms. Benson testified that the neighbors on one side have a covered porch and the neighbors on the other side have a gazebo and patio.
14. The Board found that Ms. Benson testified that they have permission from the Sea Air for the deck.
15. The Board found that Ms. Benson testified that the proposed deck will be 14.4 feet from the neighboring dwelling.

16. The Board found that Ms. Benson testified that the contractor only needs six (6) feet to build the deck.
17. The Board found that Ms. Benson testified that there is plenty of space between the units.
18. The Board found that Ms. Benson testified that their neighbors have outdoor living space.
19. The Board found that Ms. Benson testified that the variances will not be detrimental to the public welfare.
20. The Board found that Ms. Benson testified that the variances represent the least modifications of the regulations at issue.
21. The Board found that Ms. Benson testified that the variances are necessary to afford relief.
22. The Board found that Ms. Benson testified that the new unit measure twelve (12) feet wide.
23. The Board found that Ms. Benson testified that the proposed deck and shed will enhance the Property.
24. The Board found that Ms. Benson testified that they plan to retire and live here permanently.
25. The Board found that Ms. Benson testified that the difficulty was not created by the Applicant.
26. The Board found that Ms. Benson testified that the variances will not impair the uses of adjacent and neighboring properties.
27. The Board found that Ms. Benson testified that the shed will provide the only storage available on the lot.
28. The Board found that Ms. Benson testified that the neighbor has no objection to the Application.
29. The Board found that no parties appeared in support of or in opposition to the Application.
30. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application.
31. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The shape of the Property is unique. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.

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



Decision of the Board

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

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

Dale Callaway  
Chairman

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

Date\_\_\_\_\_.

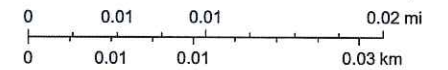
# Sussex County



July 18, 2022

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

1:564



State of Delaware, Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing



**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 # **12745**  
Hearing Date 10/17  
**202210252**

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

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

115-42 115-172

**Site Address of Variance/Special Use Exception:**

38144 Brant Rd, Lot 255, Bayshore Mobile Home Park, Ocean View DE 19970

**Variance/Special Use Exception/Appeal Requested:**

We are seeking a 2 ft variance to the 20 foot separation rule required & a 5% Variance to the 35% maximum coverage rule for manufactured homes to have an 8 ft by 38 ft deck constructed

**Tax Map #:** 1-34 9.00 94.01

**Property Zoning:** GR

**Applicant Information**

Applicant Name: Michael & Diane Schiappa

Applicant Address: 38144 Brant Rd, Bayshore Mobile Home Park

City Ocean View State DE Zip: 19970

Applicant Phone #: (302) 561-5488 Applicant e-mail: dmschiappa@hotmail.com

**Owner Information**

Owner Name: Michael & Diane Schiappa

Owner Address: 38144 Brant Rd, Bayshore Mobile Home Park

City Ocean View State DE Zip: 19970 Purchase Date: 9/10/15

Owner Phone #: (302) 561-5488 Owner e-mail: dmschiappa@hotmail.com

**Agent/Attorney Information**

Agent/Attorney Name: \_\_\_\_\_

Agent/Attorney Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**

Diane Schiappa  
Michael Schiappa

Date: 7-14-22

7-14-22



**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.

THE LOTS ON BRANT RD HAVE A NARROW CONFIGURATION (see attached survey)  
Bayshore Trailer Park was built in the 1960s. Manufactured Homes were not as large as they are today.

---

**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.

WE ARE LOOKING TO HAVE AN 8 BY 38 FT DECK BUILT TO PROVIDE MORE SPACE FOR USE AND ENJOYMENT OF THE PROPERTY. We cannot have an 8 foot wide deck built without a 2 ft variance.

---

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

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

THE PLACEMENT OF THE MOBILE HOME ON THE LOT EXISTED 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.

8 FT WIDE DECKS ARE TYPICAL TO BAYSHORE MOBILE HOME PARK. WE HAVE INCLUDED PHOTOS OF TWO MOBILE HOMES ON OUR STREET WITH 8 FT WIDE DECKS THAT REQUIRED A VARIANCE TO THE 20 FT SEPARATION RULE (see attached photos)

---

**5. Minimum variance:**

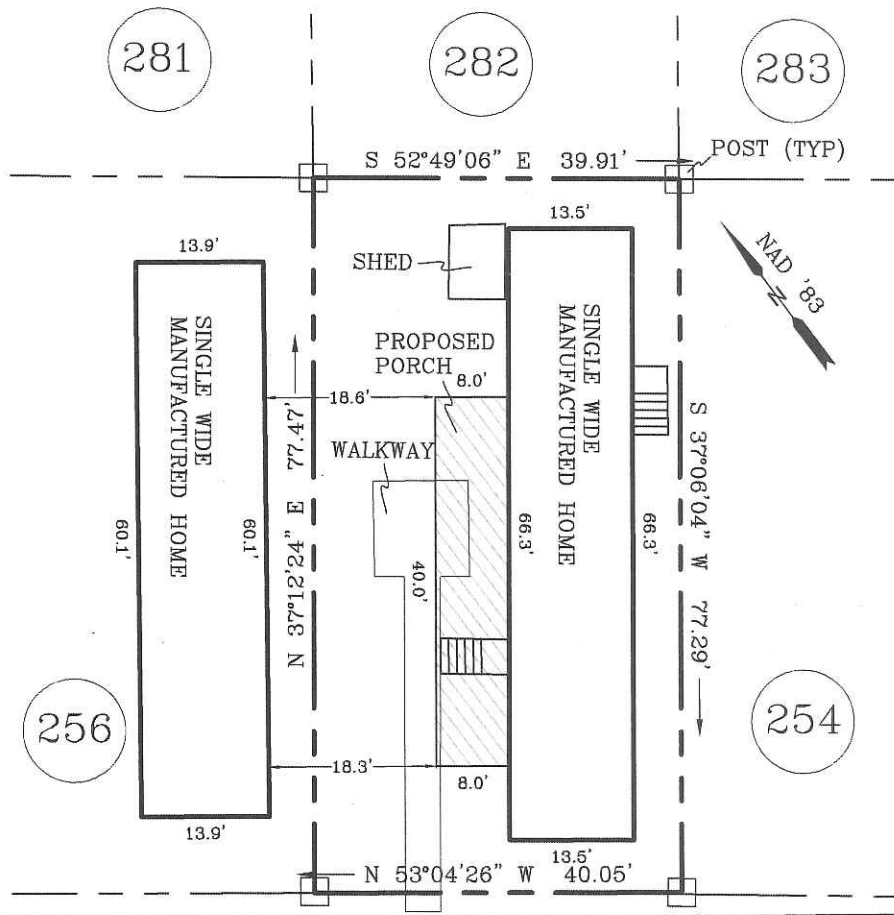
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

WE ARE ASKING FOR A 2 FT VARIANCE TO THE 20 FT SEPARATION RULE & A 5% VARIANCE TO THE 35% MAXIMUM COVERAGE RULE FOR MANUFACTURED HOMES. We need the 2 foot variance because building a 6 ft wide deck would not be practical for use.



LOCATION PLAN FOR PROPOSED PORCH  
LANDS OF "MIKE AND DIANNE SCHIAPPA"

ALSO KNOWN AS: "38144 BRANDT ROAD, OCEAN VIEW, DE"  
LOT 255 BAYSHORE MOBILE HOME PARK  
SITUATE IN: "BALTIMORE HUNDRED"  
SUSSEX COUNTY \* STATE OF DELAWARE  
TAX MAP #: 134-9.00-94.01



B R A N D T R O A D

NOTES

1. UNLESS THIS PLAT HAS AN EMBOSSED SEAL WITH AN ORIGINAL SIGNATURE OF ENGINEER, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
2. THE SURVEY DOES NOT VERIFY THE EXISTENCE OF OR NONEXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS.



22184 MELSON ROAD  
GEORGETOWN, DELAWARE 19947  
PHONE NO. 302-856-1565

DRAWN BY: JBR

DATE: 07-02-2022

SCALE: 1"=20'

SHEET 1/1

PROFESSIONAL ENGINEER

*[Handwritten signature in red ink]*

# ≈ **BAYSHORE, INC.**

## **CAMPSITES ♦ MOBILE HOME PARK & MARINA ♦**

**30145 Bayshore Road, OCEAN VIEW, DE 19970 ♦ (302) 539-7200**

**NORMAL OFFICE HOURS Tuesday thru Saturday 9:00 AM to 4:00 PM**

**Sunday & Monday 9:00 AM to 3:00 PM**

**Closed Sundays in Dec, Jan, & Feb**

To Whom it May Concern,

In reference to:

Diane & Michael Schiappa

38144 Brant Road

Ocean View, DE 19970

302-561-5488

Bayshore does grant permission for Diane & Michael Schiappa to build an 8 foot deck on their lot situated on 38144 Brant Road Lot 255. Bayshore is in favor of obtaining a variance in order for Mr. & Mrs. Schiappa to enjoy a deck on their lot.

If you have any questions, please contact the office at 302-539-7200.

Respectfully,



Brett M. Cox, Manager  
Bayshore, Inc.



**38156 Brant Rd**

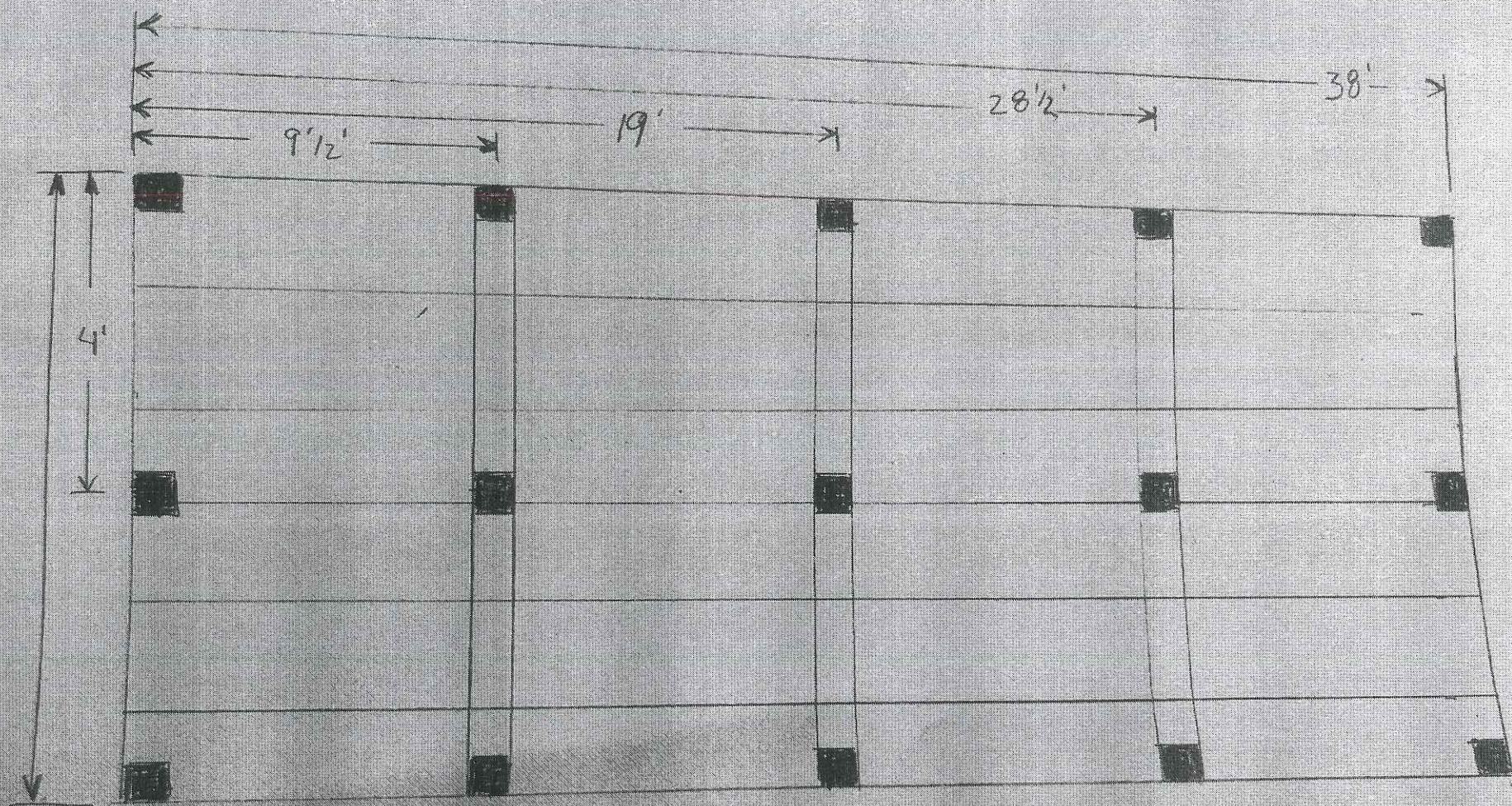




**38160 Brant Rd.**

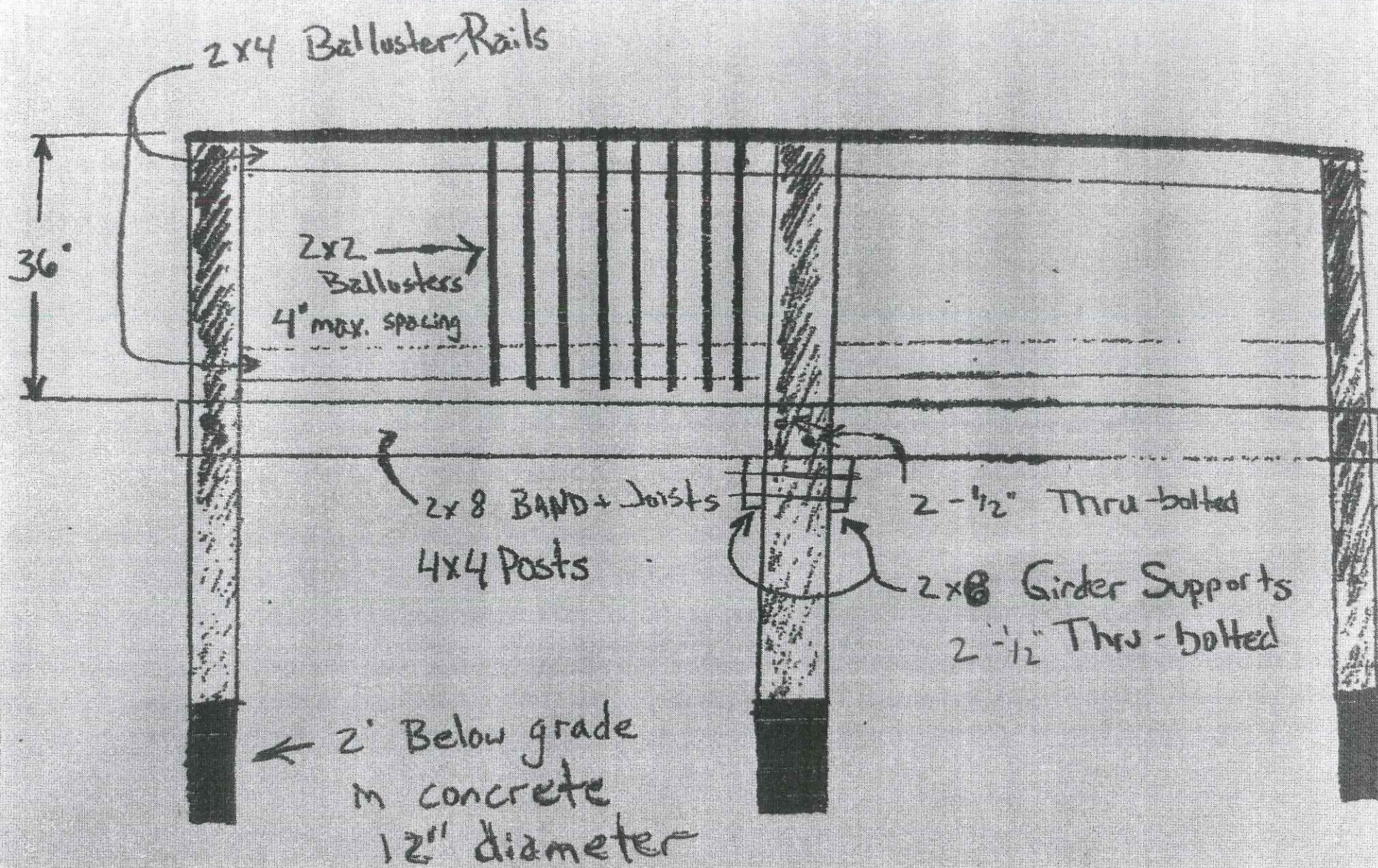






Free Standing  
8x38 deck  
2x8 BAND, JOISTS AND Girder Supports  
16" O.C with hangers  
4x4 posts







**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: RICHARD AND ANN GILPIN**

**Case No. 8841 – 2004**

A hearing was held after due notice on November 15, 2004. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson.

**Nature of the Proceedings**

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

**Finding of Facts**

The Board found that the Applicant was seeking a variance from the required separation distance between units in a mobile home park North of Road 358, West of Shad Street, Lot 256, Bayshore Mobile Home Park. The Applicant was requesting a 2.5 foot variance from the required 20 foot separation distance between units in a mobile home park. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to construct an enclosed porch measuring 8 feet by 25 feet.
2. There are similar porches in the park, and other variances have been granted.
3. The park is in support of the Application.
4. No persons appeared in opposition.

The Board granted the requested variance.

**Decision of the Board**

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY**

Dale Callaway  
Chairman

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



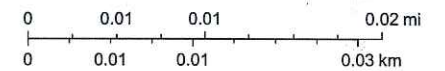
# Sussex County



July 18, 2022

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

1:564



State of Delaware, Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing



**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 # **12746**

Hearing Date \_\_\_\_\_

*202210312*

RECEIVED

JUL 18 2022

SUSSEX COUNTY  
PLANNING & ZONING

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

Variance ☒

Special Use Exception ☒

Administrative Variance ☐

Appeal ☐

Existing Condition ☒

Proposed ☐

Code Reference (office use only)

115-23 115-25 115-210

**Site Address of Variance/Special Use Exception:**

35526 Dry Brook Drive, Rehoboth Beach, DE 19971

**Variance/Special Use Exception/Appeal Requested:**

Applicant seeks a special use exception for a Garage/Studio Apartment and a variance in the amount of 208 square feet from the maximum square footage for a Garage/Studio Apartment for an existing detached garage (28 x 36) and apartment above (28 x 36).

**Tax Map #:** 334-12.00-191.00

**Property Zoning:** AR-1

**Applicant Information**

Applicant Name: Chad A. Rubin

Applicant Address: 608 Belgian Way

City Lititz State PA Zip: 17543

Applicant Phone #: (717) 799-4407 Applicant e-mail: chadarubin@gmail.com

**Owner Information**

Owner Name: Chad A. Rubin

Owner Address: 608 Belgian Way

City Lititz State PA Zip: 17543 Purchase Date: 7/6/22

Owner Phone #: (717) 799-4407 Owner e-mail: chadarubin@gmail.com

**Agent/Attorney Information**

Agent/Attorney Name: Baird Mandalas Brockstedt Federico & Cardea, LLC c/o Mackenzie 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: 07/12/2022





**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 existing garage/apartment creates a unique circumstance on the property, as it is located in the center of the rear yard of the property and is the only existing dwelling on site. The existing structure creates an exceptional practical difficulty for the Applicant to construct a single-family dwelling.

---

**2. Cannot otherwise be developed:**

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

As a result of the existing garage/apartment, the Applicant cannot construct a single-family dwelling without designating the existing structure as an accessory structure. Designating this structure as a Garage/Studio Apartment is necessary for the Applicant to construct a single-family dwelling, a reasonable use of the property.

---

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

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

The previous owner constructed the existing garage apartment in 2016. As the building permit suggests, it was the intention of the previous owner to construct a single-family dwelling on the lot, but that structure was never constructed.

---

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

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

The existing structure is located in an agricultural/residential area on a property that consists of 25,690 square feet, more or less. There is space to improve the lot with a single-family dwelling. The existing structure is designed to fit with the character of the neighborhood, and nearby properties have primary and accessory structures on one lot.

---

**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 requested represents the minimum variance that will afford relief to permit the existing garage/apartment as a Garage/Studio Apartment, as defined in Zoning Ordinance.

---



**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.

The existing structure is a 28 x 36 detached garage with a 28 x 36 apartment above the garage. The existing structure is located in an agricultural/residential area on a property that consists of 25,690 square feet, more or less. There is space to improve the lot with a single-family dwelling. The existing structure is designed to fit with the character of the neighborhood with the garage and apartment space and deck. One designated parking space for the resident of the apartment is provided.

---

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)

N/A

---



## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: Chad A. Rubin  
Applicant Address: 608 Belgian Way  
City: Lititz State: PA Zip: 17543  
Phone #: (717) 799-4407 E-mail: chadarubin@gmail.com

### Owner Information

Owner Name: Chad A. Rubin  
Owner Address: 608 Belgian Way  
City: Lititz State: PA Zip: 17543  
Phone #: (717) 799-4407 E-mail: Chad A. Rubin

### Engineer/Surveyor Information

Engineer/Surveyor Name: Foresight Services  
Engineer/Surveyor Address: 2103A Coastal Highway  
City: Dewey Beach State: DE Zip: 19971  
Phone #: (302) 226-2229 E-mail: stephen@foresightservices.com

### Agent/Attorney Information

Agent/Attorney/Name: Baird Mandalas Brockstedt Federico & Cardea, LLC c/o Mackenzie Peet, Esq.  
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: \_\_\_\_\_





## 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: 35226 Dry Brook Drive  
Rehoboth Beach, DE 19971

Parcel #: 334-12.00-191.00

Site Address: See Above

Parcel #:

Applicant Name: Chad A. Rubin

Owner Name: Chad A. Rubin

### 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:

Exhibit A

Property and Deed Information



RETURN TO:  
Chad Rubin  
608 Belgian Way  
Lititz, PA 17543

**THIS DEED**, made this 6th day of July, 2022,

- BETWEEN -

MARK R. BIANCO, of 35526 Dry Brook Drive, Rehoboth Beach, DE 19971, party of the first part,

- AND -

CHAD RUBIN, of 608 Belgian Way, Lititz, PA 17543, as sole owner, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, lawful money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and his 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 and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, more particularly described in a Plot of the Subdivision of a portion of the lands of George M. Howard, which plot was prepared by Wingate & Eschenach, Registered Surveyors, dated April 7, 1982, of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 26 at Page 306. Said lot consisting of approximately 25,691.394 square feet of land, and being designated as Lot 3 on said plot.

The above lands and premises are conveyed subject to covenants, conditions and restrictions of record, if any; such state of facts as an accurate survey and/or inspection of the lands and premises will disclose; the operation and effect of any zoning laws, and building restrictions imposed by public authority; and easements and public utility grants of record

**BEING** the same property conveyed to Mark R. Bianco from George M. Howard, by Deed dated September 11, 2015, and recorded on September 18, 2015, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 4447, Page 167.

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



PARID: 334-12.00-191.00  
BIANCO MARK R

ROLL: RP  
35526 DRY BROOK DR

#### Property Information

Property Location:	35526 DRY BROOK DR
Unit:	
City:	REHOBOTH BEACH
Zip:	19971
State:	DE
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town:	00-None
Tax District:	334 - LEWES REHOBOTH
School District:	6 - CAPE HENLOPEN
Council District:	4-Hudson
Fire District:	86-Rehoboth
Deeded Acres:	.5589
Frontage:	97
Depth:	251.000
Irr Lot:	
Plot Book Page:	/PB
100% Land Value:	\$6,000
100% Improvement Value	\$35,000
100% Total Value	\$41,000

#### Legal

Legal Description	E SD RD 274 LOT 3
-------------------	----------------------

#### Owners

Owner	Co-owner	Address	City	State	Zip
BIANCO MARK R		35526 DRY BROOK DRIVE	REHOBOTH BEACH	DE	19971

#### Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
09/18/2015	4447/167	\$145,000.00	\$2,175.00	1	

#### Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2021	BIANCO MARK R		35526 DRY BROOK DRIVE	REHOBOTH BEACH	DE	19971	4447/167
2020	BIANCO MARK R		35526 DRY BROOK DRIVE	REHOBOTH BEACH	DE	19971	4447/167
2019	BIANCO MARK R		35526 DRY BROOK DRIVE	REHOBOTH BEACH	DE	19971	4447/167
2018	BIANCO MARK R		35526 DRY BROOK DRIVE	REHOBOTH BEACH	DE	19971	4447/167
2017	BIANCO MARK R		35526 DRY BROOK DRIVE	REHOBOTH BEACH	DE	19971	4447/167
2016	BIANCO MARK R		30 INTERNATIONAL BLVD	RANCHO MIRAGE	CA	92270	4447/167
2003	HOWARD GEORGE M		18682 MUNCHY BRANCH RD	REHOBOTH BEACH	DE	19971	280/84
1900	HOWARD GEORGE M					0	280/84

#### Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	97	251	.5589	

#### Land Summary

Line	1
100% Land Value	6,000

#### Residential

Class	Residential
Style	Single Family
Year Built	2016
Occupancy	1
Stories	2.00
Basement	0-None
Total Fixtures	7
Heating	53 - Heat - Forced Hot Air
Air Condition	DT - A/C Central
Electricity	3-Public
Foundation	31 - Foundation - Masonry
Exterior Wall	1-Frame or Block
Siding	3-Aluminum/Vinyl
Roof Type	2-Gable
Roofing	21 - Roofing - Wood
Elevator	-
Width	
Depth/Length	
Color	
Description	
MH Skirting	
MH Permit #	
MH Serial #	

#### Additions

Card #	Addition #	Area
1	0	0
1	1	144
1	2	1,008

#### Addition Details

1 of 3

Card #	1
Addition #	0
Lower	-
First	-
Second	-
Third	-
Area	0
Year Built	2016

#### Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	UA2-UTILITY AVG 101-200	10	12		120

#### 100% Values

100% Land Value	100% Improv Value	100% Total Value
\$6,000	\$35,000	\$41,000

#### 50% Values

50% Land Value	50% Improv Value	50% Total Value
\$3,000	\$17,500	\$20,500

#### Permit Details

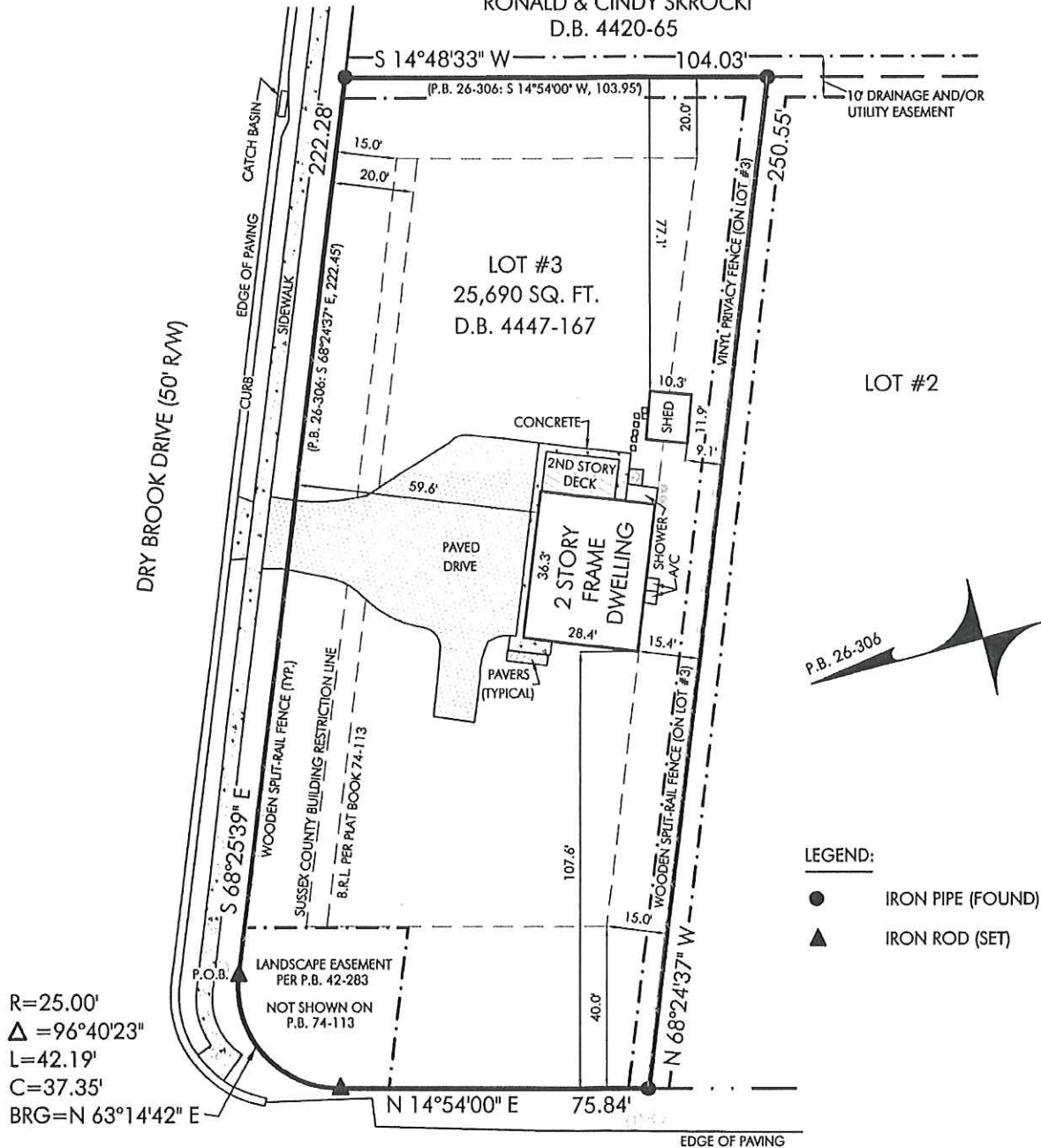
Permit Date:	Permit #:	Amount:	Note 1
28-FEB-2022	202202751	\$8,802	REPLACING WINDOWS
19-AUG-2021	202112426	\$16,000	18 ROOF MOUNT SOLAR PANEL
12-AUG-2020	202009431	\$2,250	250' OF 3 RAIL SPLIT RAIL FENCE
08-SEP-2016	201609511	\$1,920	10' X 12" DET. SHED
21-APR-2016	201604293	\$0	WR 13191
09-FEB-2016	201601220	\$68,464	DET GARAGE 28X36 WITH APARTMENT ABOVE 28X36



# Exhibit B

## Survey

LANDS N/F  
RONALD & CINDY SKROCKI  
D.B. 4420-65



- LEGEND:
- IRON PIPE (FOUND)
  - ▲ IRON ROD (SET)

OLD LANDING ROAD / SUSSEX COUNTY ROAD 274  
(R/W VARIES)

## BOUNDARY SURVEY PLAN FOR CHAD RUBIN

35526 DRY BROOK ROAD, REHOBOTH BEACH  
LOT #3 OF "GEORGE H. HOWARD" SUBDIVISION  
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE

MAY 17, 2022 SCALE: 1" = 40'

### NOTES:

ALL RESTRICTIONS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7720) AND THE A.R.C. (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

Prepared by:

**FORESIGHT** Services

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971



# Exhibit C

## Zoning Code

## **Section 115-4 Definitions and Word Usage.**

### **GARAGE/STUDIO APARTMENT**

A building or use designed and used as a single apartment unit containing not more than 800 square feet of total floor area and accessory to the single-family dwelling. Garage/studio apartments do not include duplexes, tourist homes, servant quarters, or guest homes. Prior to use, a garage/studio apartment shall obtain a special use exception under the provisions of Article XXVII, Board of Adjustment, and all necessary state and local permits.

[Added 3-18-2008 by Ord. No. 1959]



## Chapter 115. Zoning

### Article IV. AR-1 and AR-2 Agricultural Residential Districts

#### § 115-20. Permitted uses.

A. A building or land shall be used only for the following purposes:

- (1) Detached single-family dwellings on individual lots. A manufactured home may be used as a detached single-family dwelling on an individual lot, provided that it conforms to the following restrictions:

[Amended 7-8-1997 by Ord. No. 1153; 5-18-1999 by Ord. No. 1308; 10-12-2010 by Ord. No. 2152; 10-8-2019 by Ord. No. 2682]

- (a) The lot is not within a major subdivision created prior to the effective date of this section.
- (b) There is a minimum width along any exterior front, side or rear elevation of 24 linear feet, exclusive of any garage area or other attached accessory structures .
- (c) It is permanently mounted on a solid foundation or pier foundation system and anchored and, in each case, in accordance with the manufacturer's installation instructions.
- (d) All wheels, axles, transportation lights and removable towing apparatus, if any, shall be removed from the manufactured home when it is placed on the foundation in accordance with Subsection **A(1)(c)** above.
- (e) All utilities shall be permanently connected in accordance with applicable Sussex County Code provisions.
- (f) The siding of all manufactured homes shall be continuous so as to enclose any joining of two or more sections.
- (g) It complies with all pertinent provisions of the Housing Code of Sussex County and the Fire and Health Codes of the State of Delaware.
- (h) All multisectional manufactured homes, initially placed pursuant to the provisions of this section, shall be not more than 10 years old. All replacement multisectional manufactured homes shall not be of an older model than the manufactured home being replaced and shall conform to this section. Any other manufactured home which, at the effective date of this section, does not conform to the requirements of this section, may be replaced with a manufactured home which is not of an older or smaller model than the manufactured home being replaced. A single section manufactured home may be replaced by a single section manufactured home; a single section manufactured home may be replaced by a multisectional manufactured home; a multisectional manufactured home may be replaced by a multisectional manufactured home; a multisectional manufactured home shall not be replaced by a single section manufactured home.
- (i) In addition to the requirements herein, a manufactured home shall comply in all respects with the design and technical requirements of § **115-187**.

- (2) On a property of less than five acres, any farm, truck garden, orchard or nursery uses.
- (3) Temporary removable stands for not over six months' use per year, for seasonal sales of products raised on the premises and products raised on other lands in Sussex County owned or leased by the owner of the premises on which the stand is located, and no business office or store is to be permanently maintained on the premises, except as provided in § 115-22 regarding stores or shops for sale of farm products, farm supplies, groceries, beverages, drugs, food and similar stores and shops.  
[Amended 11-30-2004 by Ord. No. 1729]
- (4) Churches, rectories, parish houses, convents and monasteries, temples and synagogues.
- (5) Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf pro shop, locker room and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least 75 acres.
- (6) Public parks, public and private forests, wildlife reservations and similar conservation projects.
- (7) Recreational uses such as tennis courts, swimming pools and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure or accessory use is located closer than 50 feet to any adjoining property line, unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.
- (8) Stable structures or feed lots, private, or keeping and feeding of horses, ponies, cattle, sheep, goats, hogs or poultry for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 50 feet from any lot lines and 100 feet from any dwelling not on the premises.
- (9) Greenhouses, commercial, provided that the lot area shall be five acres or more.
- (10) Swimming pools, game courts, picnic grounds, boat basins, lakes or similar activities in a development or subdivision when such facilities are situated on a separate lot or parcel within said development or subdivision for use of the residents and their guests and not commercially operated, may be on less than two acres. Such facilities will be subject to a site plan review, and setbacks will be determined by the Commission.
- (11) Transmission lines and their supporting elements.
- (12) Open space as defined in § 115-4.  
[Added 12-16-2008 by Ord. No. 2022<sup>[1]</sup>  
[1] *Editor's Note: This ordinance also provided that it shall apply to applications filed after 1-1-2009.*
- (13) Special events.  
[Added 9-18-2018 by Ord. No. 2599]
  - (a) Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the Zoning Ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities and educational institutions are



permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.

- (b) No more than three special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one calendar day, not including reasonable set up and removal time when the event is not otherwise underway.
  - (c) In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:
    - [1] The estimated number of attendees;
    - [2] The size of the parcel where the special event is to be located;
    - [3] The parking requirements of the special event;
    - [4] Roads and traffic patterns providing access to the special event;
    - [5] Prior events conducted by the applicant;
    - [6] Noise, light, odor, and dust generated by the special event;
    - [7] Proposed hours of operation and number of consecutive days; and
    - [8] Such other considerations that may be applicable to the requested event.
  - (d) The Director or his or her designee may impose conditions upon an administrative approval.
  - (e) All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event and Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event and Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.
  - (f) Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.
- (14) Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee and subject to the following:  
[Added 10-22-2019 by Ord. No. 2684]
- (a) The applicant must provide an affidavit from a doctor confirming the existence of the emergency or hardship situation.
  - (b) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
  - (c) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the proposed manufactured home.
  - (d) The Director shall give written notice to adjacent property owners of the requested manufactured home and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
  - (e) The Director shall consider factors, including whether the manufactured home will have a substantially adverse effect on neighboring properties.

- (f) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured home or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.
- (g) Such an approval shall not exceed two years. The Director may grant an extension for an emergency or hardship situation upon receipt of a subsequent affidavit from a doctor stating that the emergency or hardship situation still exists. Such an extension may be granted annually as long as the emergency or hardship still exists.

~~14~~ (15) Garage/studio apartment with at least one parking space for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the following:  
[Added 10-22-2019 by Ord. No. 2684]

- (a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
- (b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the garage/studio apartment.
- (c) The Director shall give written notice to adjacent property owners of the requested garage/studio apartment and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
- (d) The Director shall consider factors including whether the garage/studio apartment will have a substantially adverse effect on neighboring properties.
- (e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the garage/studio apartment or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.

(16) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the following:  
[Added 10-22-2019 by Ord. No. 2684]

- (a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
- (b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the manufactured-home-type structure.
- (c) The Director shall give written notice to adjacent property owners of the requested manufactured-home-type structure and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
- (d) The Director shall consider factors including whether the manufactured-home-type structure will have a substantially adverse effect on neighboring properties.
- (e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured-home-type structure or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.

B. On a farm of five acres or more, a building or land may be used for the following additional purposes:



- (1) Agriculture, including horticultural, hydroponic, chemical or general farming, truck gardens, cultivating of field crops, orchards, groves or nurseries for growing or propagation of plants, trees and shrubs, forest use (tree farming), including use of heavy cultivating machinery, spray planes or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds or poultry and including structures for processing and sale of products raised on the premises, provided that:

[Amended 11-26-1991 by Ord. No. 806; 6-15-1993 by Ord. No. 894]

- (a) Any commercial grain drier shall be located at least 300 feet from any boundary of the premises on which such use is located, and any noncommercial drier shall be located at least 100 feet from any boundary.

- (b) Any feed lot or structure used for the commercial feeding and housing of cattle, sheep and hogs or structure for storage of animal manure or animal waste composting shall be located at least 100 feet from all boundary lines of the premises on which such use is located and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.

[Amended 2-1-1994 by Ord. No. 953]

- (c) Structures for commercial poultry raising, structures for storage of poultry manure and structures for poultry product composting shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.

[Amended 2-1-1994 by Ord. No. 953]

- (d) Commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep or goats shall not be conducted on the premises.

- (e) Structures for commercial aquaculture, fish and frog farming, structures for storage of fish or frog waste and structures for fish or frog product composting shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises. Farm ponds utilized for aquaculture, fish or frog farming shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.

[Amended 2-2-1999 by Ord. No. 1287]

- (2) Dog kennels, commercial, provided that any open pens, runs, cages or kennels shall be located at least 200 feet from any lot lines.

- (3) Grain storage structures.

- (4) Hospitals or clinics for large or small animals, provided that all buildings, structures, pens or open kennels shall be located at least 200 feet from any lot lines.

- (5) Stables, public, provided that any building for keeping of animals shall be located at least 200 feet from any lot lines.

## § 115-21. Permitted accessory uses.

### A. Permitted accessory uses on a farm of five acres or more are as follows:

- (1) Accessory structures for sale or processing of farm products raised on the premises.
- (2) Accessory open or enclosed storage of farm materials, products or equipment.
- (3) Accessory farm buildings, including but not limited to barns, cribs, stable sheds, tool rooms, shops, bins, tanks and silos.
- (4) Dwellings for persons permanently employed on the premises.

- (5) With respect to a farm of 10 acres or more, one manufactured home for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm, in addition to the main dwelling structure on the premises. One additional manufactured home may be permitted on a farm of 50 acres or more for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm. Additional manufactured homes may be permitted on a farm of 10 acres or more as a special use exception for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm, pursuant to § **115-210A(3)(n)**.

[Amended 3-5-1991 by Ord. No. 750; 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]

- (6) All accessory farm buildings shall have the same setbacks as those which are required for a dwelling, except as stated elsewhere in this chapter.

- (7) A wind turbine which meets § **115-194.4** as a permitted use.

[Amended 9-13-2011 by Ord. No. 2213]

- (8) Farm ponds, subject to § **115-219**.

B. Other permitted accessory uses are as follows:

[Amended 10-8-2019 by Ord. No. 2683]

Accessory off-street parking and loading spaces

Boat docks and boathouses

Domestic storage in the main building or in an accessory building

Garages, private

Guest houses

Home barbecue grills

Home occupations in a main building or accessory building

Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use and not as a business

Playhouses, without plumbing, limited in floor area to 150 square feet and headroom limited to five feet

Servants' quarters

Storage of a boat trailer or camp trailer or a boat, but not in a front yard, provided that it is not used for living purposes while so parked or stored

Swimming pools and game courts, lighted or unlighted, for the use of the occupants or their guests

Temporary buildings, including manufactured home-type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of two years of the time of erection of such temporary buildings, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period



# Exhibit D

## Aerial Maps



## Addresses / Parcels

□ TaxParcels

## Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

## Schools/Libraries

□ School Buildings (Various)

□ School Library

□ Public Library

□ Special Library

□ DOE School Districts

□ DOE VoTech School Districts

## Hydrology

□ Streams / Rivers

□ Lakes, Ponds, Bays

## Flood Zones

□ 0.2% Annual Chance Flood Hazard

□ A

□ AE

□ AO

□ Open Water

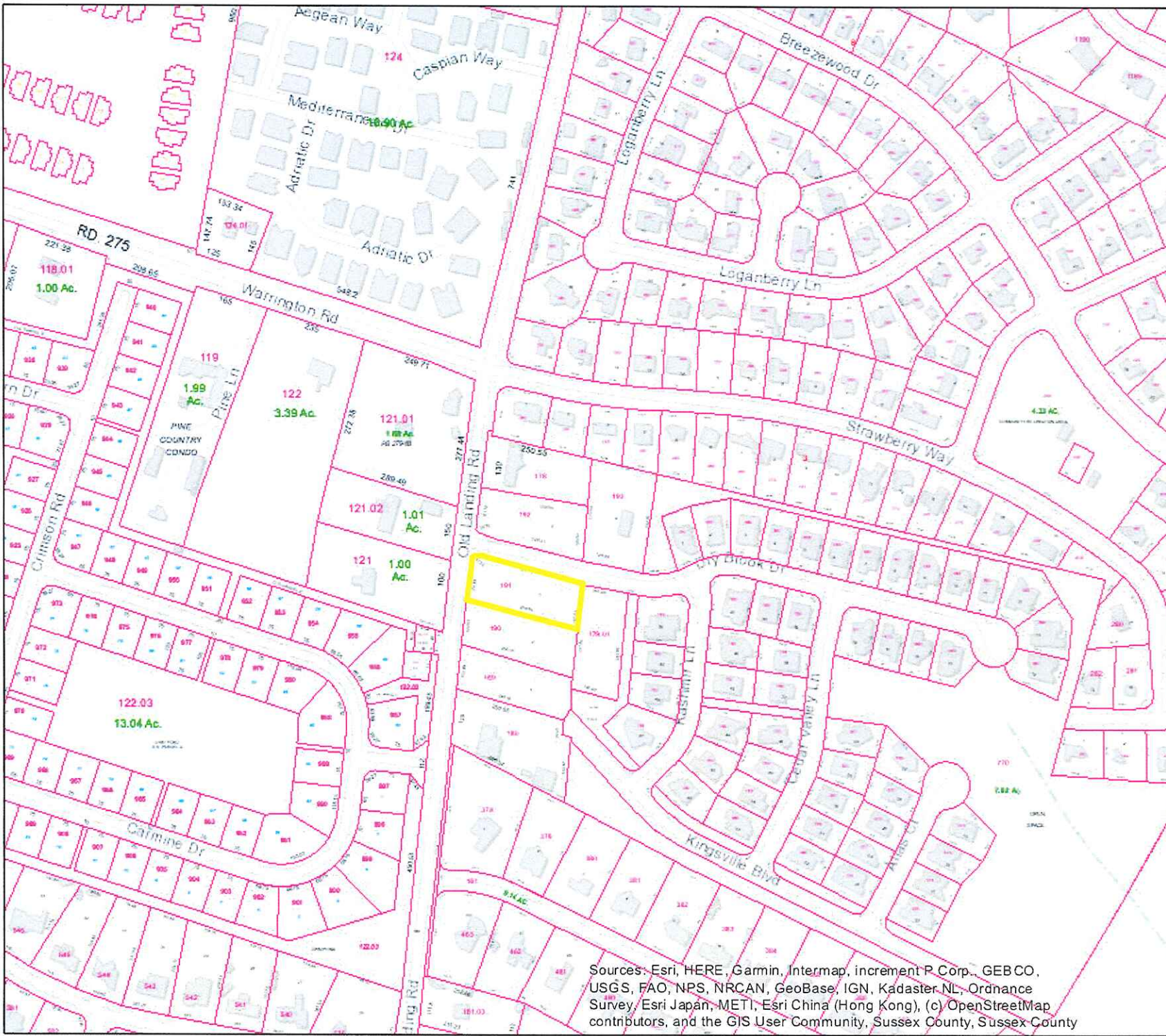
□ VE

□ Public Protected Lands

□ Municipalities

□ Communities

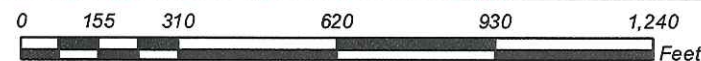
□ Boundaries State County



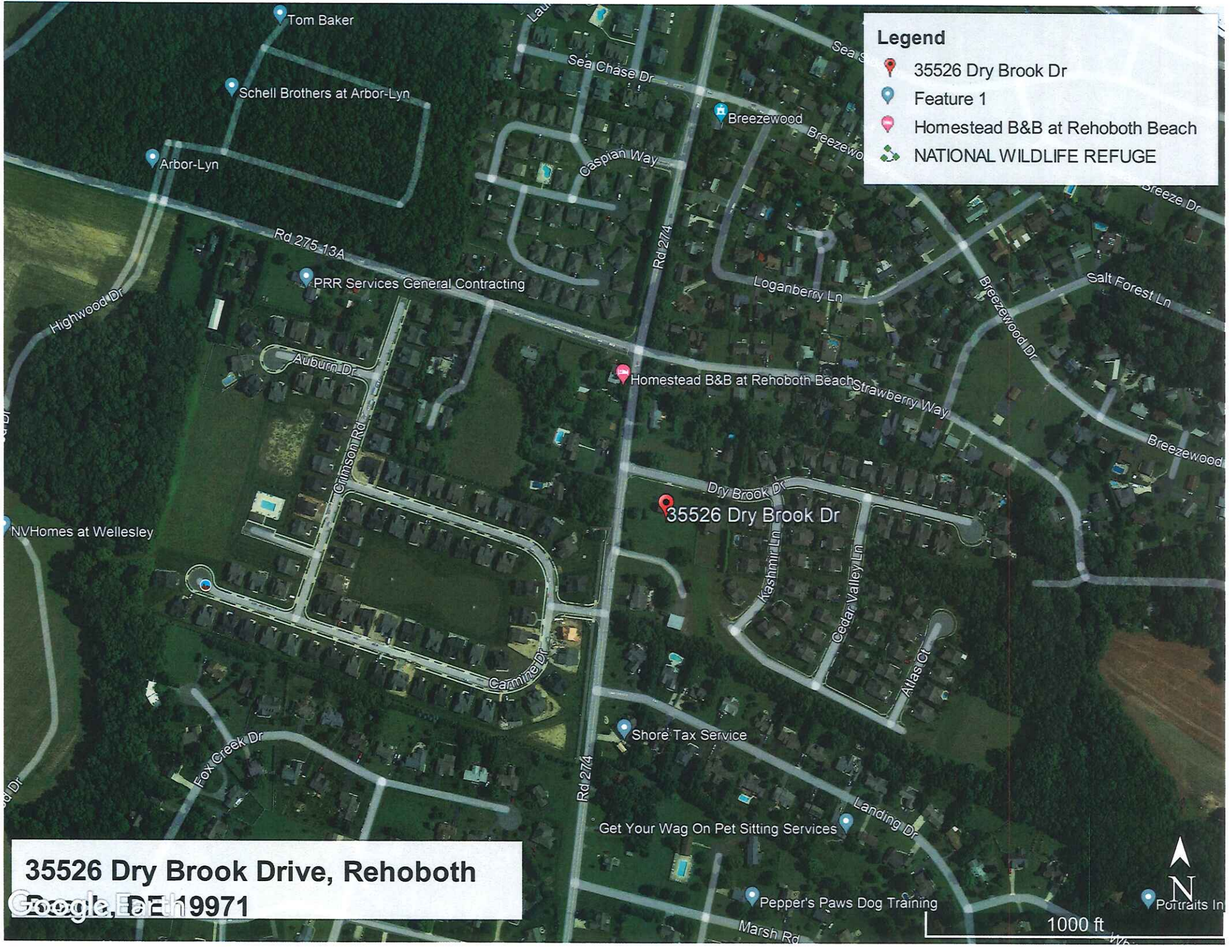
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**Sussex County Map**







**Legend**

-  35526 Dry Brook Dr
-  Feature 1
-  Homestead B&B at Rehoboth Beach
-  NATIONAL WILDLIFE REFUGE

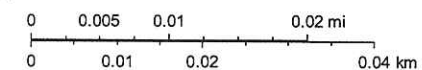
**35526 Dry Brook Drive, Rehoboth**  
Google Earth 19971

1000 ft

  
N

 Potraits In







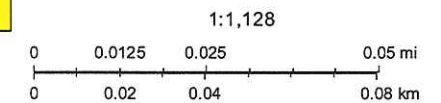


# Sussex County



PIN:	334-12.00-191.00
Owner Name	BIANCO MARK R
Book	4447
Mailing Address	35526 DRY BROOK DRIVE
City	REHOBOTH BEACH
State	DE
Description	E SD RD 274
Description 2	LOT 3
Description 3	N/A
Land Code	

polygonLayer  
Override 1  
polygonLayer  
Override 1  
Tax Parcels  
911 Address  
Streets







# Sussex County



PIN:	334-12.00-191.00
Owner Name	BIANCO MARK R
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Mailing Address	35526 DRY BROOK DRIVE
City	REHOBOTH BEACH
State	DE
Description	E SD RD 274
Description 2	LOT 3
Description 3	N/A
Land Code	

- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
  - Conditional Use



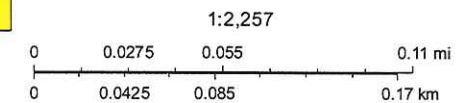


# Sussex County



PIN:	334-12.00-191.00
Owner Name	BIANCO MARK R
Book	4447
Mailing Address	35526 DRY BROOK DRIVE
City	REHOBOTH BEACH
State	DE
Description	E SD RD 274
Description 2	LOT 3
Description 3	N/A
Land Code	

- 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
- Town Center







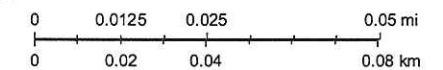
# Sussex County



PIN:	334-12.00-191.00
Owner Name	BIANCO MARK R
Book	4447
Mailing Address	35526 DRY BROOK DRIVE
City	REHOBOTH BEACH
State	DE
Description	E SD RD 274
Description 2	LOT 3
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
  - Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
- Sewer Tiers**
- Tier 1 - Sussex County Unified Sanitary Sewer District
  - Tier 2 - Sussex County Planning Area
  - Tier 3 - Coordinated CPCN Areas
  - Tier 4 - System Optional Areas
  - Tier 5 - Regulated On-site Area

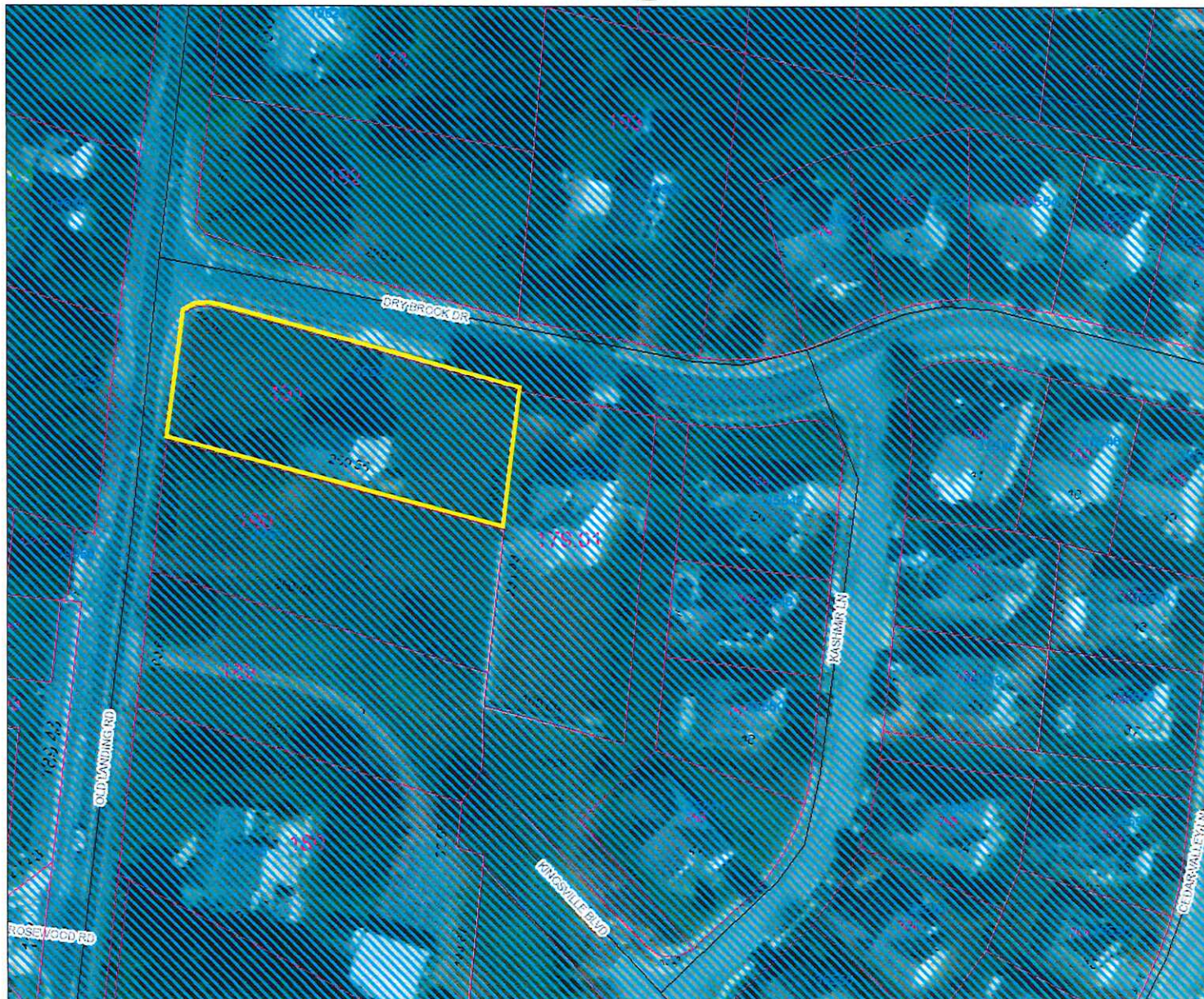
1:1,128





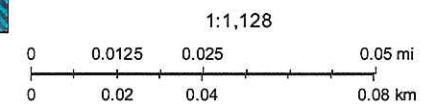


# Sussex County



PIN:	334-12.00-191.00
Owner Name	BIANCO MARK R
Book	4447
Mailing Address	35526 DRY BROOK DRIVE
City	REHOBOTH BEACH
State	DE
Description	E SD RD 274
Description 2	LOT 3
Description 3	N/A
Land Code	

- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
  - Water CPCN

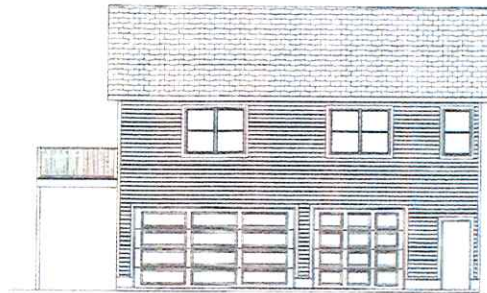




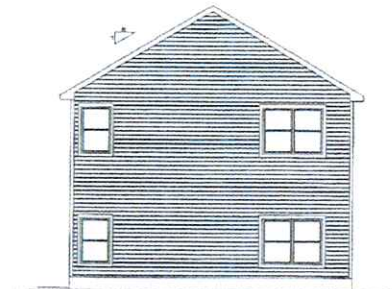
# EXHIBIT E

## Plans

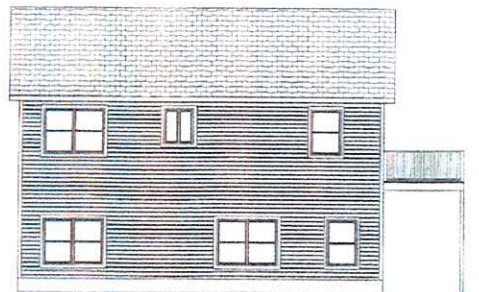




FRONT ELEVATION



RIGHT ELEVATION



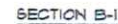
BACK ELEVATION



LEFT ELEVATION



<b>M.R. Designs, Inc.</b> <small>ARCHITECTURAL &amp; INTERIOR DESIGN</small> <small>1000 W. 10TH STREET, SUITE 100, DEALE, MD 20628</small> <small>TEL: 410-326-1000 FAX: 410-326-1001</small>		<small>NOTE: THE FOLLOWING OVERLOOK AND SHOWN ON ACD 100</small> <b>PARK BLANCO</b> <small>LOT #1 OLD LANDING ROAD</small> <small>DEALE, MD 20628</small>	
<small>DESIGNED BY: M. R. DESIGNS, INC.</small> <small>DATE: 04/11/17</small> <small>SCALE: 1/4" = 1'-0"</small> <small>DATE: 04/11/17</small>		<small>PROJECT NO. 1000000000</small> <small>DATE: 04/11/17</small> <small>SCALE: 1/4" = 1'-0"</small> <small>DATE: 04/11/17</small>	
<small>1000 W. 10TH STREET, SUITE 100, DEALE, MD 20628</small> <small>TEL: 410-326-1000 FAX: 410-326-1001</small>		<small>1000 W. 10TH STREET, SUITE 100, DEALE, MD 20628</small> <small>TEL: 410-326-1000 FAX: 410-326-1001</small>	

[illegible][illegible]

NOTE: THE FOLLOWING SERVICES ARE BASED ON THE 2010 AND



**M.R. Designs, Inc.** 

John Deere, Inc., 500 North Dearborn Street, Moline, IL 61201-0001  
www.deere.com

MARK BLANCO  
LOT #5 OLD LANSING ROAD

Reference Number	
Issue No. of Certificate	
Issue No. of Bill	

---

PAGE  
2



[illegible]

SECTION B-1

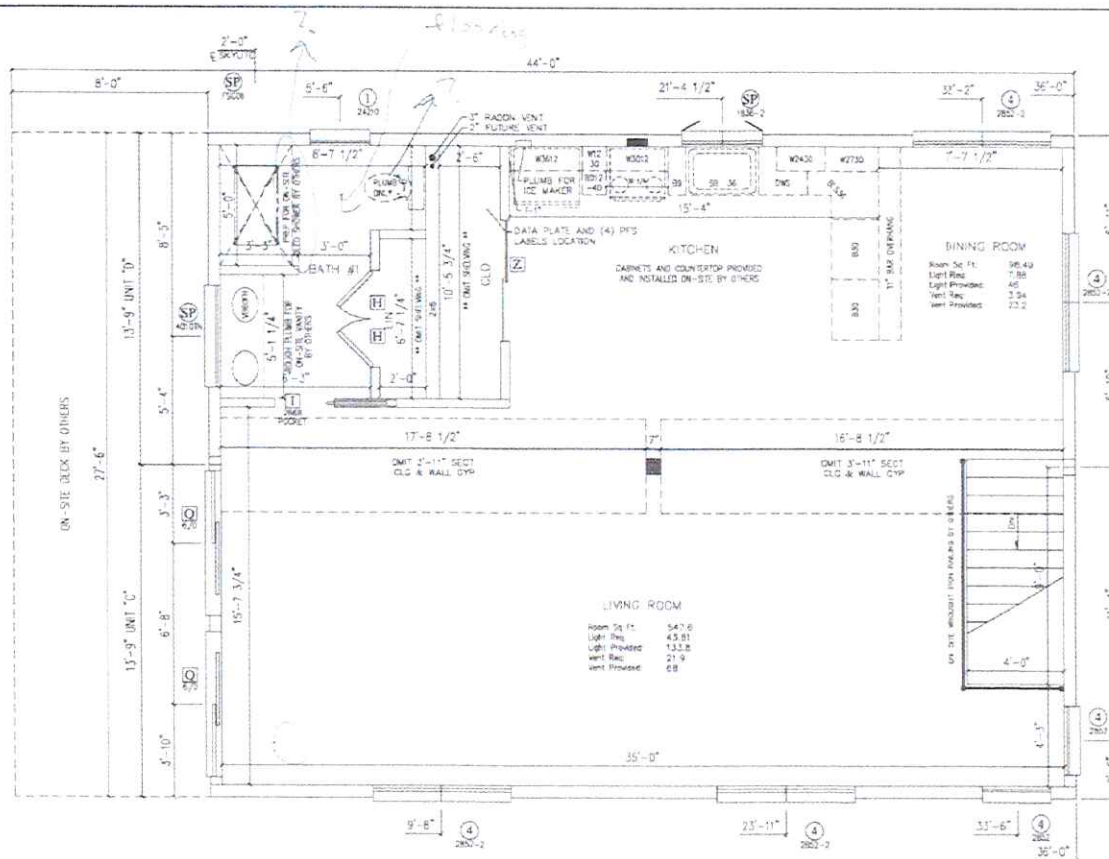
NOTE: THE FOLLOWING STANDARDS ARE BASED ON 200 HZ



**M.R. Designs, Inc.**  
10000 WILLOWDALE, IL 60075, TEL: (708) 551-1000  
www.mrdesigns.com www.digitalsigns.com

MARSH BLANCO  
LOT #3 OLD LANDING ROAD  
Kearneys Beach

PAGE  
2  
PAGE & SECTION



NOTES: 1. \* DENOTES ADDITIONAL COLUMN IN BASEMENT  
 2. 2X6 EXTERIOR WALLS 16\"/>

5. FLR GIRDER UNDER UNIT "C"/"D" TO BE: 4-1 1/2\"/>

9.  
 10.  
 11.  
 12.

UNOKING™ 10/27/2015 at 5:12:50 AM

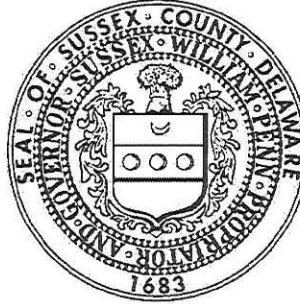
PAGE	DATE	DRAWN BY	STATUS	2836-CUSTOM TWO STORY 2nd STORY FLOOR PLAN				PROJECT			
	10/27/2015	TM	PENDING					HENDERSON HOMES LLC			
								LEWIS			
								SUSSER			
								3 SECOND GUEST			
								20			
								65547			
								65547/750			

3.2



EXHIBIT F

Building Permit &  
Certificate of Occupancy



**Sussex County**

# ***Certificate of Occupancy/Compliance***

**CERTIFICATE NUMBER:** 55913

**PARCEL ID:** 334-12.00-191.00

**LOCATION:** 35526 DRY BROOK DRIVE

**DESCRIPTION:** E SD RD 274 LOT 3

**OWNER:** BIANCO, MARK R

**PROJECT DESCRIPTION:** DWELLING

DET GARAGE 28X36 WITH APARTMENT ABOVE 28X36  
DECK 8X18

**Issued Date:** 07/26/2016

**Expiration Date:**

**This certifies that the (structure) (premises) describe in Application #201601220 conforms to and complies with the requirements of Chapter 52 (Building Code) and Chapter 115 (Zoning Code) for Sussex County, Delaware and may be occupied as of the above date.**

*Lawrence B. Rank*  
\_\_\_\_\_  
Zoning Official

*Andy Wright*  
\_\_\_\_\_  
Building Code Officer







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

**Application Number**

**201601220**

Issue Date: 02/09/2016

Expire Date: 02/08/2017

**Permit Type:** DWELLING OUT OF TOWN

Parcel ID	Address	Zone Code
334-12.00-191.00	99999 UNKNOWN UNKNOWN, UNKNOWN	AR-1

Owner Information	Applicant Information
Name: BIANCO, MARK R Phone:	Name: HENLOPEN HOMES Phone:

Contractor Information		
Name:	HENLOPEN HOMES	License Number:
CID:	784	License Exp. Date:
Phone:		Insurance Exp. Date:

Building Information
Proposed Use: DWELLING RESIDENTAL Construction Type: Estimated Cost of Construction: \$ 68,464 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	
<b>Facing Property from Road</b>	
Front Setback: 40.00 /	Rear Setback: 20.00 /
Side Setback: 15.00 /	Corner Setback: 15.00 /
Maximum Building Height: 42 MAX	Location Description:
<b>FLOOD ZONE</b>	E SD RD 274 LOT 3
Flood Zone: XP 334 K	
See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.	

**Project Description:** DWELLING

**Scope of Work:**

DET GARAGE 28X36 WITH APARTMENT ABOVE 28X36  
DECK 8X18

**Permit Details:**

DW WILL BE BUILT IN FUTURE AND KITCHEN/  
COOKING WILL BE REMOVED. SPACE WILL  
BECOME GAME RM/MAN CAVE

Signature of Approving Official

Signature of Owner/Contractor

**Building Permit Application:**

I fully understand the Zoning Requirements of this permit.

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as "actual construction". Permit must be renewed prior to expiration date.

ASSESSORS AND INSPECTORS HAVE A RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment, Planning and Zoning and Building Code Officials to enter upon said premises during the construction of which this PERMIT is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property, said consent being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

**Permit Number**

BP-46554

**TOTAL FEES:**

\$ 382.66



## Building Description

**Total Bedrooms:**

**Full Baths:** 2

**Half Baths:**

**Total Rooms:** 1

**Basement:**

**Interior Walls:** DRYWALL

**Flooring:**

CARPET VINYL TILE HARDWOOD

**Heat Type:** HEAT PUMP

**Roofing:** SHINGLES

**Exterior Walls:** VINYL

**Foundation Type:** BLOCK

**Fireplace Type:**

**Air Conditioning:** Y

## Additional Requirement/Restrictions

### **Fences**

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

### **Above-Ground Pools**

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

### **In-Ground Pools**

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

### **Pools or Guest Homes**

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

### **Campgrounds**

Must conform to the location approved by the park.

### **Accessory Building 900 Square Feet or Greater**

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

### **Agricultural Storage Structures**

Storage only. NO LIVESTOCK PERMITTED.

### **Farm-Use Permits**

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





## Permits and Inspections





Application reference 201601220

[3 Permits](#) | [6 Inspections](#)







Status	COMPLETE / COMPLETED
Project/Activity	DWELLING
Location	35526 DRY BROOK DRIVE UNKNOWN
Owner Name	BIANCO, MARK R
Parcel ID	334-12.00-191.00

[View Application Information](#) | [View Issue Alerts](#)

### Permits (3 found)

	Permit Type	Status	Permit Number	Total Fees	Balance Due	Details
 Pay	DW OUT/TWN	COMPLETED	46554	\$382.66	\$0.00	<a href="#">Details</a>
 Pay	PLN RVW RS	FEE		\$205.00	\$0.00	<a href="#">Details</a>
 Pay	COO	COMPLETED	55913	\$0.00	\$0.00	<a href="#">Details</a>

### Inspections (6 found)

	Inspection Type	Owner/Contractor	Scheduled	Result	Fee	Balance Due	Details
 Pay	BUILDING CODE FINAL	BIANCO, MARK R / HENLOPEN HOMES	7/22/2016	PASS	\$0.00	\$0.00	<a href="#">Details</a>   <a href="#">Alert</a>
 Pay	PLANNING & ZONING FINAL	BIANCO, MARK R	7/25/2016	PASS	\$0.00	\$0.00	<a href="#">Details</a>   <a href="#">Alert</a>
 Pay	FOOTER	BIANCO, MARK R / HENLOPEN HOMES	2/17/2016	PASS	\$0.00	\$0.00	<a href="#">Details</a>   <a href="#">Alert</a>
 Pay	ENERGY	BIANCO, MARK R / HENLOPEN HOMES	5/5/2016	PASS	\$0.00	\$0.00	<a href="#">Details</a>   <a href="#">Alert</a>
 Pay	HOUSEWRAP	BIANCO, MARK R / HENLOPEN HOMES	4/19/2016	PASS	\$0.00	\$0.00	<a href="#">Details</a>   <a href="#">Alert</a>



Pay

FRAMING

BIANCO, MARK R / HENLOPEN HOMES

5/2/2016

FAIL

\$0.00

\$0.00

[Details](#) | [Alert](#)

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\* Indicates pending web payments exist that are not reflected in the Payments/Credits amount at this time.  
Additional payments cannot be made until pending payments have been processed.

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# Sussex County



PIN:	334-12.00-191.00
Owner Name	BIANCO MARK R
Book	4447
Mailing Address	35526 DRY BROOK DRIVE
City	REHOBOTH BEACH
State	DE
Description	E SD RD 274
Description 2	LOT 3
Description 3	N/A
Land Code	

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

