

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



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

November 21, 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 Minutes for September 19, 2022

Approval of Finding of Facts for September 19, 2022

Old Business

Case No. 12755–Megan Avalos and Rommel Avalos-Flores seek variances from the side yard and rear yard setback requirements for a proposed structure (Section 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Sand Hill Road approximately .39 miles from Huff Road. 911 Address: 18265 Sand Hill Road, Georgetown. Zoning District: AR-1. Tax Parcel: 135-7.00-13.02

Public Hearings

Case No. 12759– Howard Paul Landgraf III seeks variances from the maximum fence height requirement for a proposed fence, front yard, and side yard setback requirements for existing structures (Sections 115-42, 115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Pintail Drive within the Swann Keys Subdivision. 911 Address: 37036 Pintail Drive, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-39.00

Case No. 12760–Kristen Evans seeks a variance from the front yard setback requirement for an existing dwelling (Sections 115-42, and 115-182 of the Sussex County Zoning Code). The property is located on the southeast side of Lagoon Drive within the George Moore Subdivision. 911 Address: 34687 Lagoon Drive, Frankford. Zoning District: GR. Tax Parcel: 134-19.00-37.00



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

Case No. 12761–Donnie Bare and BJ Liebno-Bare seek variances from the front yard setback requirements for proposed structures and the maximum fence height requirement for existing and proposed fence (Section 115-34, and 115-182 of the Sussex County Zoning Code). The property is a through lot located on the north side of Breakwater Run within the Keenwick Sound Phase II Subdivision. 911 Address: 36725 Breakwater Run, Selbyville. Zoning District: MR. Tax Parcel: 533-19.00-472.00

Case No. 12738–Gwendolyn and Jeffrey Smith seek variances from the side yard setback requirement for existing structures (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of Russell Street within the Delaware Oyster Farms Subdivision, Lot 54. 911 Address: 28272 Russell Street, Millsboro. Zoning District: GR. Tax Parcel: 234-35.05-70.00

Case No. 12763–Lydia Dickerson seeks variances from the separation distance and front yard setback requirements for proposed structures (Sections 115-25, 115-172, and 115-182 of the Sussex County Zoning Code). The property is located on the southwest side of Capes Cove Lane within the Capes Cove Manufactured Home Park. 911 Address: 16306 Capes Cove Lane, Lewes. Zoning District: AR-1. Tax Parcel: 335-8.00-22.00-2388

Case No. 12764–Dennis and Amy Morris seek variances from the side yard and rear yard setback requirements for a proposed detached garage (Sections 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Hollyville Road approximately 0.26 miles from Hurdle Ditch Road. 911 Address: 23417 Hollyville Road, Harbeson. Zoning District: AR-1. Tax Parcel: 234-16.00-1.05

Additional Business



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 14, 2022 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

The Board of Adjustment meeting materials, including the “packet” are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/board-of-adjustment>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, November 17, 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 # _____
Hearing Date 11-21-2022
202211349

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

18265 Sand Hill Rd, Georgetown, DE 19947

Variance/Special Use Exception/Appeal Requested:

I am applying for a variance to build a detached garage 5 feet from the back and left side lines of my property.

Tax Map #: 135-7.00-13.02

Property Zoning: _____

Applicant Information

Applicant Name: Megan Avalos and Rommel Avalos-Flores

Applicant Address: 18265 Sand Hill Rd

City Georgetown State DE Zip: 19947

Applicant Phone #: (302) 448-0909 Applicant e-mail: rommel@avalosheatingandair.com

Owner Information

Owner Name: Megan Avalos and Rommel Avalos-Flores

Owner Address: 18265 Sand Hill Rd

City Georgetown State DE Zip: 19947 Purchase Date: _____

Owner Phone #: (302) 448-0909 Owner e-mail: rommel@avalosheatingandair.com

Agent/Attorney Information

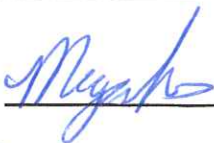
Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney



Date: 8-21-22



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.

If my detached garage was to be 20 feet of the back line and 15 feet off the left line of my property, that would be almost in the middle of my back yard. That would not give me enough space to do further improvements to my property in the future.

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.

I am unable to have the detached garage in the back right corner due to my septic being on that side of the yard.

3. Not created by the applicant:

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

In the future we are putting in a pool and a fire pit, we already have a swingset for our kids.

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.

My back yard is fenced in already. The road to the left of my property is a drive for my parents/in-laws. The road to the back of my property is a farm road that is used only by my family to travel back and forth from my parents/in-laws house and their business located to the south of my property. My parents/ in-laws own the property on all three sides of my property.

5. Minimum variance:

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

Having the detached garage 5 feet from the back line and the left line will allow me plenty of space for future home improvements. It will also allow my children enough space to play. I have plans to have an in ground pool to be placed in the back yard and also to have a fire pit to be built. Having the garage in that back left corner, 5 feet from both lines will allow me enough room to have both.

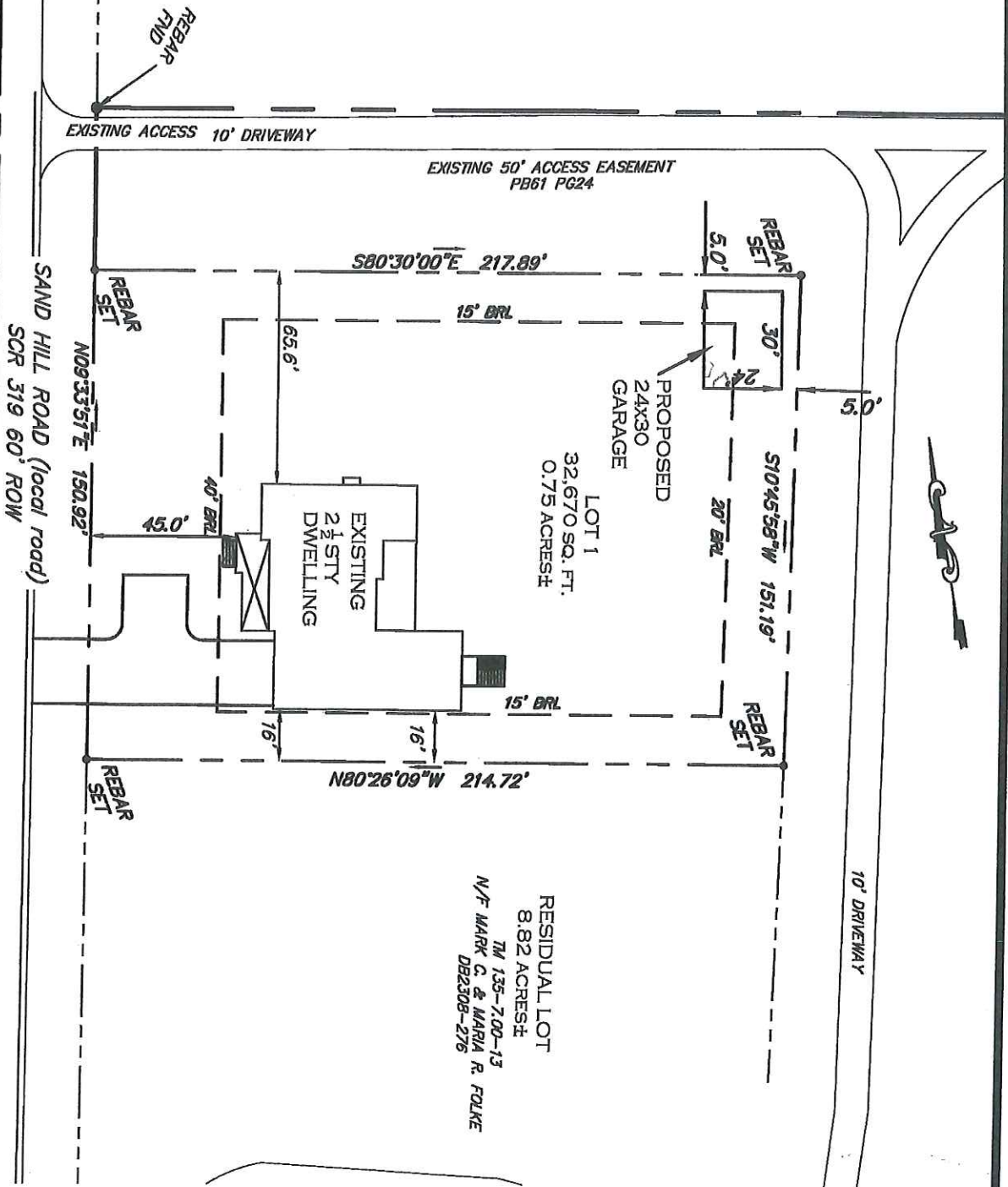


AXIOM
ENGINEERING L.L.C.

18 CHESTNUT STREET
GEORGETOWN, DE 19647
FAX: 855.981.12
EMAIL: AXIOM@AXIOMENG.COM
WEB: WWW.AXIOMENG.COM

PROPOSED GARAGE LAYOUT

1 8303 SAND HILL ROAD
GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE



NOTE:
THIS SURVEY DOES NOT
VERIFY THE EXISTENCE
OR NON-EXISTENCE OF
ANY EASEMENTS.

SITE DATA-
CURRENT OWNER-
MEGAN C. AVALOS &
ROMMEL F. AVALOS
DB4646 PG92
PB245 PG76 LOT 1

DATE OF SURVEY-
11-16-17

LOT AREA=0.75 ACRES



E. Scott Wallis
2/11/21
CERTIFIED CORRECT
AS SHOWN

SCALE	1"=50'	EXHIBIT	0355-1501X
DESIGNED	ESW		
DRAWN	ESW		
CHECKED			
DATE	2/11/21		
T.M.	135-7-13.02		

HS

Mark Folke
Maria Folke
18303 Sand Hill Road
Georgetown, DE 19947

February 5, 2021.

RE: Avalos shed placement

Planning and Zoning
Sussex County, Delaware

To Whom It May Concern:

Megan (our daughter) and Rommel Avalos would like to place a shed on their property located at 18265 Sand Hill Road, Georgetown, Delaware. We share common property boundaries on 3 sides of this property.

The proposed placement of the shed is 5 ft from two of the common boundaries. We have no objection to the shed being placed 5ft or even less from any of our boundary lines. The road that runs along the East side of the Avalos property is a farm lane. This lane connects to our drive. A shed would not create an issue by obstructing our view as far as driving on the farm lane and drive are concerned.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,



Maria Folke
302-542-5631
mcfolke@gmail.com

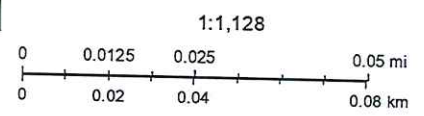


Sussex County



PIN:	135-7.00-13.02
Owner Name	AVALOS MEGAN C
Book	4646
Mailing Address	18303 SAND HILL RD
City	GEORGETOWN
State	DE
Description	EAST SIDE OF RD 319
Description 2	APPROX 1989 N OF
Description 3	RD 252 LOT 1
Land Code	

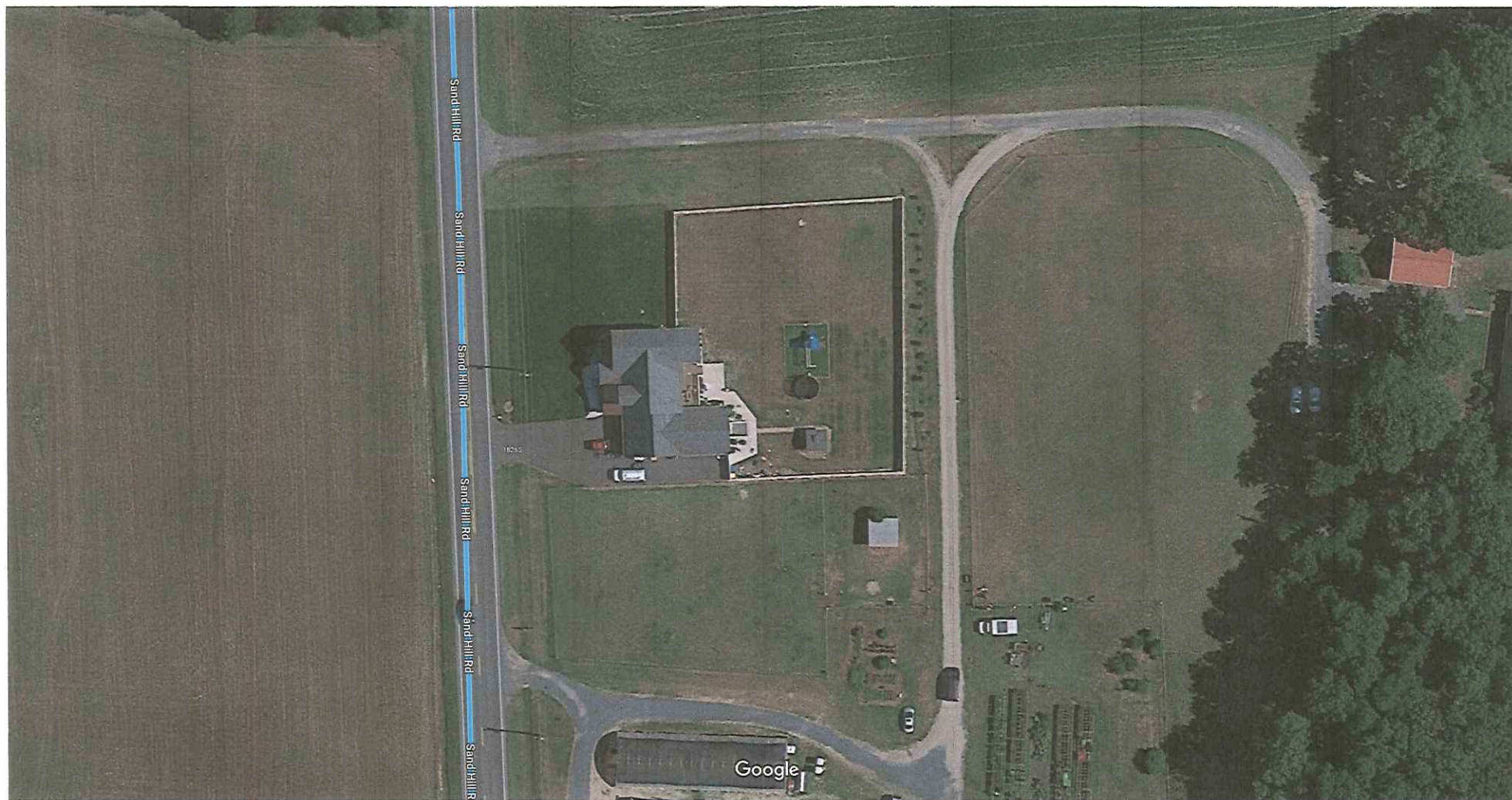
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋮ Tax Parcels
- 911 Address
- Streets
- ⋮ County Boundaries
- ⋮ Municipal Boundaries





Imagery ©2022 U.S. Geological Survey, Map data ©2022 20 ft

Applicant
Exhibit
12755



Imagery ©2022 U.S. Geological Survey, Map data ©2022 20 ft

Applicant
Exhibit

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

12759
Hearing Date 11/7 - tentative
2022 1239C

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-182 115-183
115-185

Site Address of Variance/Special Use Exception:

37036 Pintail Drive Selbyville De 19975

Variance/Special Use Exception/Appeal Requested:

- first section of 6' fence height to be allowed within ^{front/side} setback
- small section of fence on left to be allowed in front setback
- carport be allowed to extend into front & side setback.

Tax Map #: 533-12.16-39.00

Property Zoning: small lot 50'x110'
GR

Applicant Information

Applicant Name: Howard Paul Landgraf III
Applicant Address: 1511 Ryan Road
City Fallston State MD Zip: 21047
Applicant Phone #: 443683509 Applicant e-mail: EandPLand@verizon.net

Owner Information

Owner Name: Howard Paul Landgraf Jr Estate
Owner Address: 37036 Pintail Drive
City Selbyville State DE Zip: 19975 Purchase Date: 1980
Owner Phone #: Deceased Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: NONE
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Howard Paul Landgraf III Executor

Date: 8/31/22

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.

Lot is a small 50' x 110' Lot in a mobile home park developed in 1969.

2. Cannot otherwise be developed:

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

No other uses can be put into place within the proximity of the setbacks nor do we intend for there to be anymore. We are selling the property.

3. Not created by the applicant:

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

Owner used contractors for both the fence & the carport for the work & neither are returning calls.
Callaway & Backyard works

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.

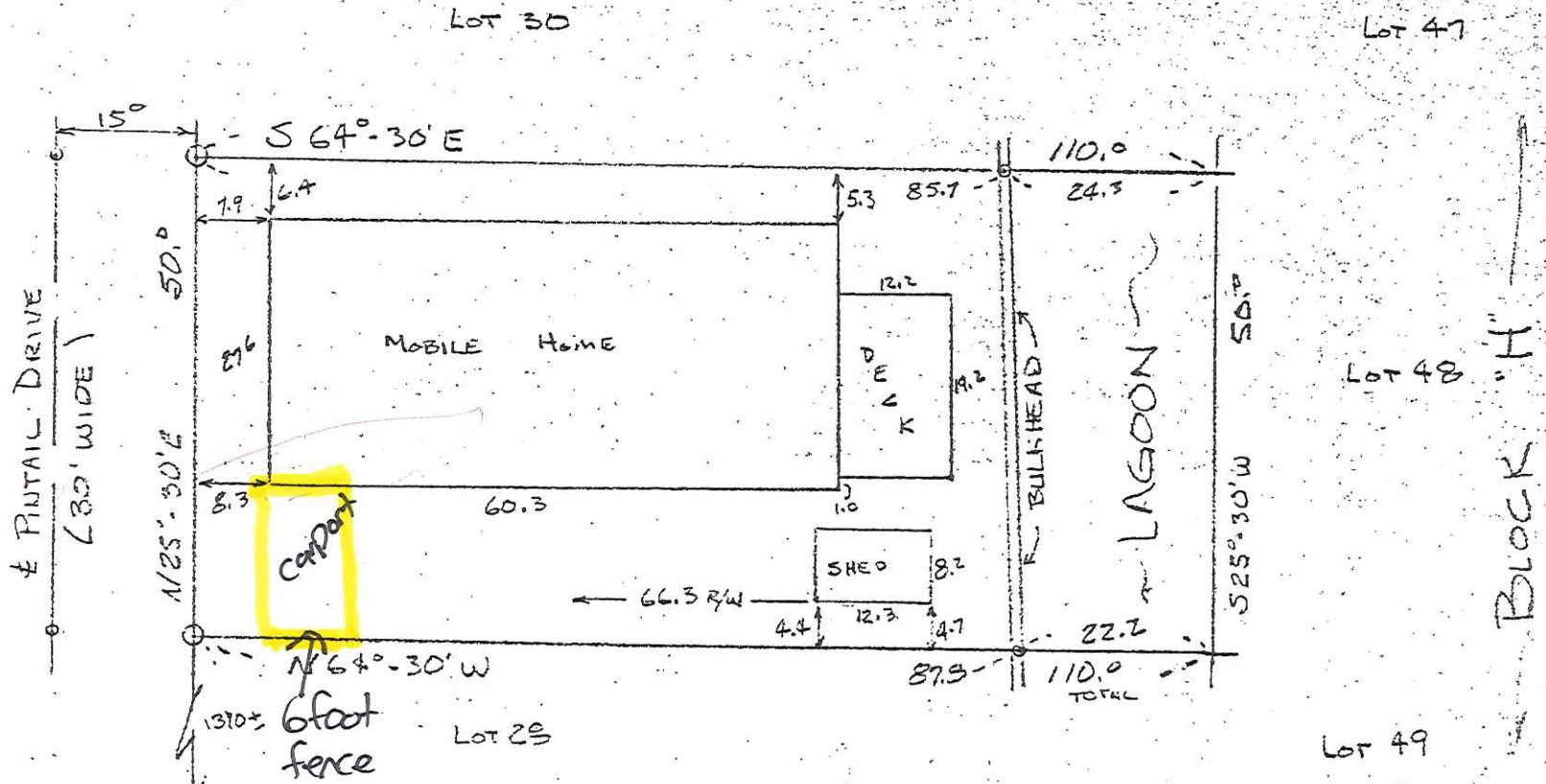
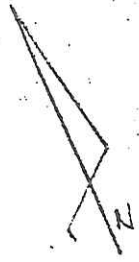
Licensed contractors performed the work.
Carport & fence are tastefully done will add value to the property & are aesthetically pleasing.
Neither will prohibit neighbors' use of their property

5. Minimum variance:

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

These items are already in place & no other future requests will be made.
They do not impede sight lines from houses nor driveways

Other units on this street have sheds along the road within the front setback



AREA - 5,500 sq. Ft.

- LEGEND**
- - IRON PIPE SET
 - - PINEAL

Michael D. Swain

LOT # LOCATION SURVEY FOR:

HOWARD P. JR. & JOYCE M. LANDGRAF	
LOT 29, BLOCK I, SECTION B, SWANNY KEYS	
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE	
Tax Map:	5-33-12-16-39
Date:	4-3-92
Scale:	1" = 20'
Job #:	90-050
F.B.:	13/11
Deed Reference:	1026/151
Plot Book	8 PAGE 235

AKS Associates, Inc.
 P.O. Box 123
 Johnson Ave.
 Lincoln, DE 19960
 Michael D. Swain P.L.S. 529

Landgraf, Paul {PEP}

From: EVA LANDGRAF <eandpland@verizon.net>
Sent: Wednesday, August 17, 2022 7:33 AM
To: Landgraf, Paul {PEP}
Subject: Carport/fence photos

WARNING: Email originated outside of PepsiCo.



photo showing
another home
on same side extends
to same distance
to street

Other homes
on same street
have sheds within
10 feet of ROAD

① 37035 Pintlil Dr

② 37050 Pintlil Dr



photo 2
of design and
where sited on
lot

37020 Green Dr

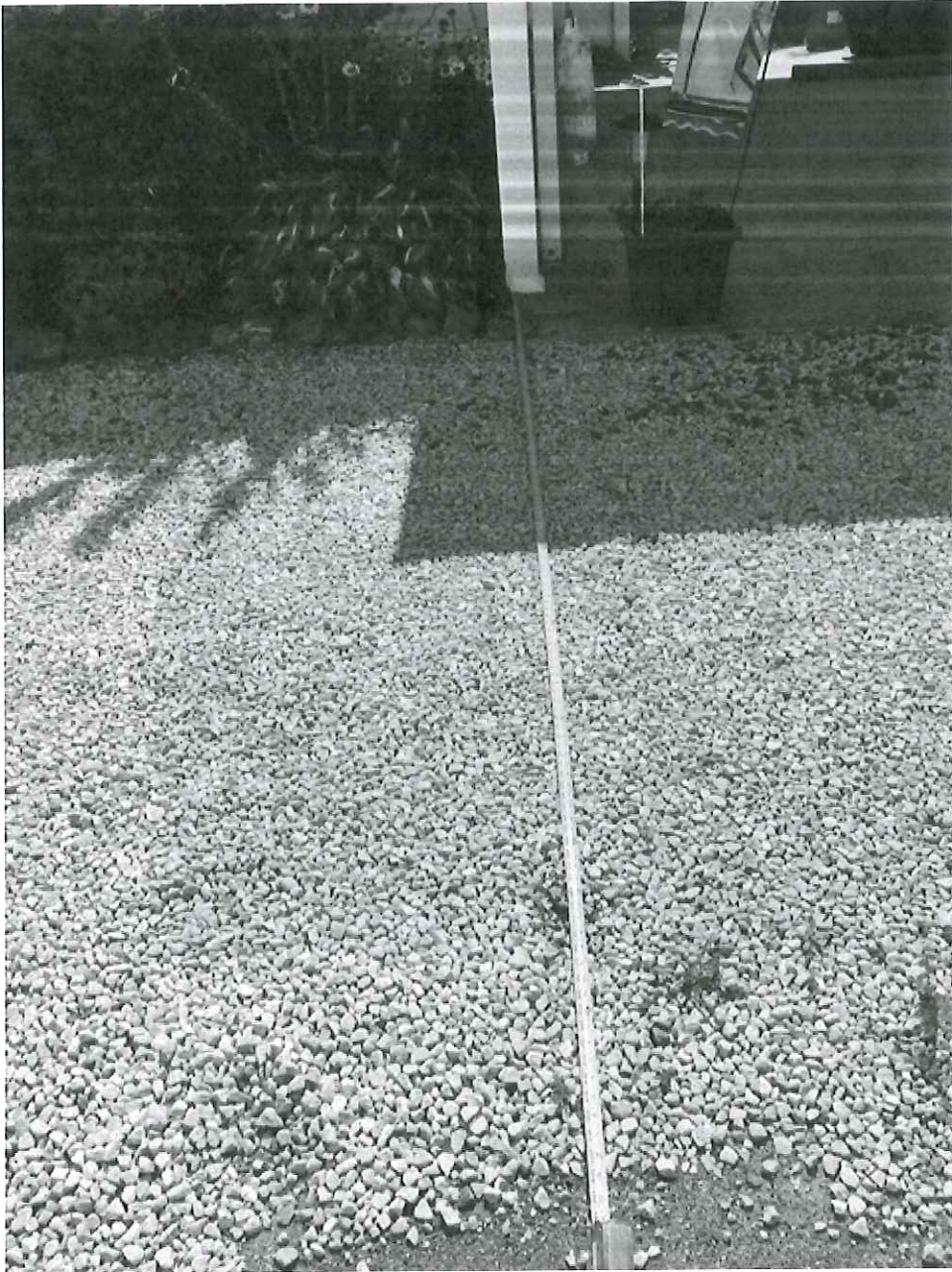
37020 Green Dr



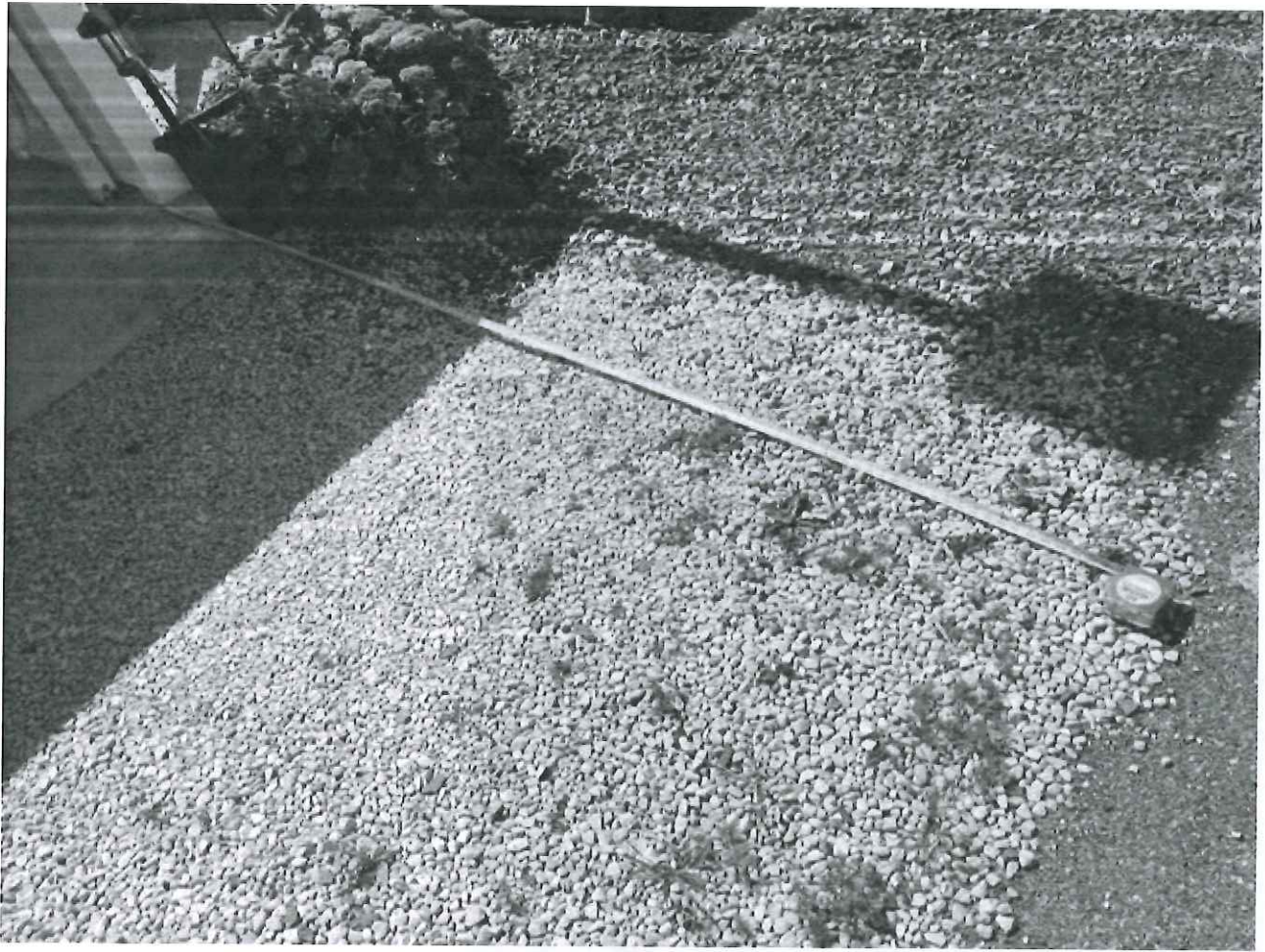
- Nice solid construction
- does not obstruct view down either side from traffic nor pulling into or out of the carport
- inset from front edge of parking pad



- posts are 10'6" off road edge
- a full car width plus



10'6"
off ROAD
edge





fence
on
line

Carport edge on line within 5'



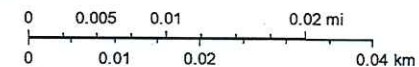
Sussex County



PIN:	533-12.16-39.00
Owner Name	LANDGRAF HOWARD P JR & JOYCE M
Book	0
Mailing Address	37036 PINTAIL DR
City	SELBYVILLE
State	DE
Description	SWANN KEYS
Description 2	LOT 29
Description 3	BLK I T15755
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ::: Tax Parcels
- 911 Address
- Streets
- ::: County Boundaries
- ::: Municipal Boundaries

1:564



P-2 Review

Case # ACP-22-36

Administrative Correction Process Sussex County, Delaware

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

Type of Application:

Permit/CO issued in Error

Site Address of Variance: 37036 Pintail Drive, Selbyville

Variance/Special Use Exception/Appeal Requested: Shed 4.4-ft & 4.7-ft off of side property line variance from 5-ft side yard setback requirement for the shed

Tax Map #: 533-12.16-39.00 **Property Zoning:** GR

Owner Information

Owner Name: Howard Paul Landgraf Jr. Estate c/o Howard Paul Landgraf, III
Owner Address: 37036 Pintail Drive
City, State, Zip: Selbyville, DE 19975 Purchase Date: _____
Owner Phone #: 443-618-3509 Owner e-mail: eandpland@verizon.net

Alternate Reference Information

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

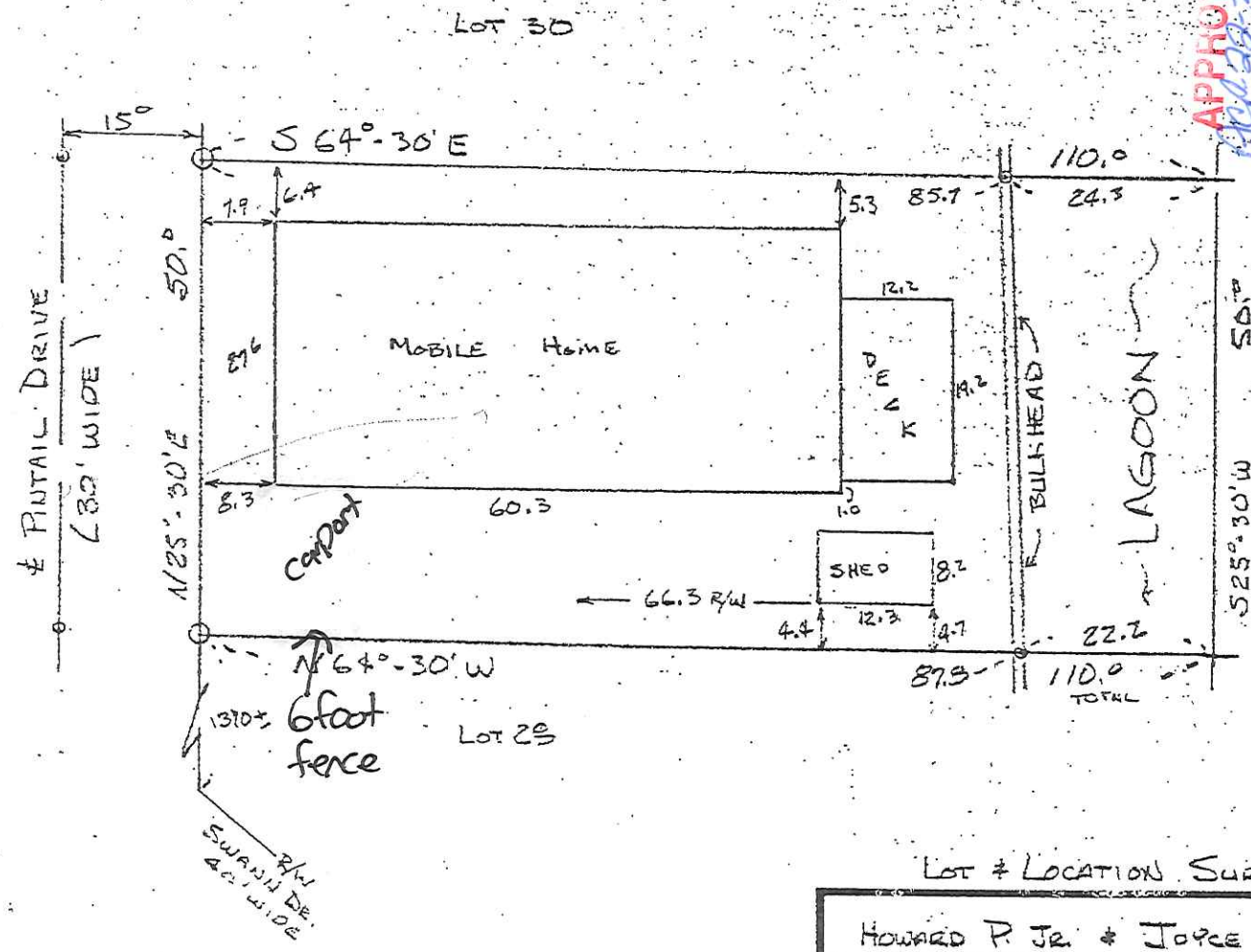
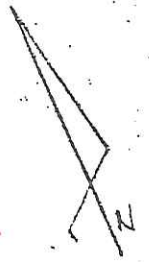
Signature of Director/Director Designee

Jennifer Norwood

Date: 10/6/2022



AT Review



APPROVED

APR 29 1992
FOR SUBMITTAL ONLY
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

AREA - 5,500 SQ. FT.

- LEGEND**
- ⊙ - IRON PIPE SET
 - ⊙ - PRIVATE

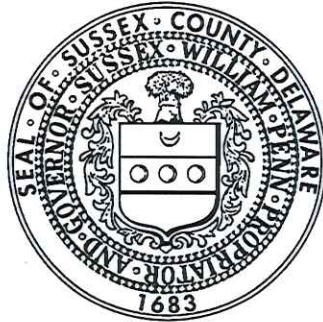
Michael D. Swain

LOT # LOCATION SURVEY FOR:

HOWARD P. JR. & JOYCE M. LANDGRAF	
LOT 29, BLOCK I, SECTION B, SWANN KEYS	
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE	
Tax Map:	5-33-12-14-39
Date:	4-3-92
Scale:	1" = 20'
Job #:	90-050
F.B.:	13/11
Deed Reference:	1026 / 151
PLOT BOOK 8 PAGE 235	

AKS Associates, Inc.
 P.O. Box 123
 Johnson Ave.
 Lincoln, DE 19960
 Michael D. Swain P.L.S. 529

Block "H"



Sussex County

Certificate of Occupancy/Compliance

CERTIFICATE NUMBER: 192223
PARCEL ID: 533-12.16-39.00
LOCATION: 37036 PINTAIL DRIVE
DESCRIPTION: SWANN KEYS LOT 29 BLK I CT 15755
OWNER: LANDGRAF HOWARD P JR & JOYCE M
PROJECT DESCRIPTION: HISTORICAL/CONVERSION
MHP-SWANN KEYS, LOT 29, BK. I

Issued Date: 10/06/2022
Expiration Date:

This certifies that the (structure) (premises) describe in Application #97493-4 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.



Building Code Officer



P-2 Review

From: EVA LANDGRAF <eandpland@verizon.net>
Sent: Monday, October 10, 2022 8:40 AM
To: Jennifer Norwood <jnorwood@sussexcountyde.gov>
Subject: Re: Administrative Documents

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hi there we took some more photos and received some signatures from neighbors on each side and across the street to help our request.
Can these be added to the file please?







October 7, 2022

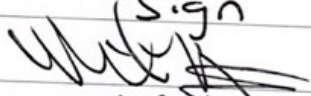
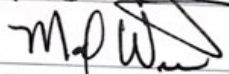
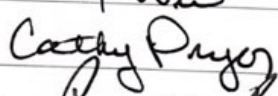
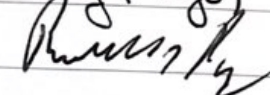
TO: Sussex County Zoning Committee

RE: Variance Request for Fence & Carport
@ 37036 P.intail Drive

Dear Committee,

With respect to this request and being members and owners of the Swann Keys Civic Association, we have no issues with you granting this request to keep the fence + carport as is without modifications.

Thank you.

<u>NAME</u>	<u>Sign</u>	<u>Address</u>
Mike Mjor		37040 Pintail Drive
Mark Weisman		37032 Pintail Drive
Cathy Pryor		37035 Pintail Drive
Russell Pryor		37035 Pintail Dr.

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 # 12760
Hearing Date _____
202213098

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-182

Site Address of Variance/Special Use Exception:

34687 Lagoon Drive, Frankford, DE 19945

Variance/Special Use Exception/Appeal Requested:

variance request

Tax Map #: 1-34-19.00-37.00

Property Zoning: CR

Applicant Information

Applicant Name: Kristen Evans
Applicant Address: 113 Strubel Road
City Strasburg State PA Zip: 17579
Applicant Phone #: 717-201-2697 Applicant e-mail: 113KEvans@gmail.com

Owner Information

Owner Name: Kristen Evans
Owner Address: 113 Strubel Road
City Strasburg State PA Zip: 17579 Purchase Date: inherited
Owner Phone #: 717-201-2697 Owner e-mail: 113KEvans@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Kristen Evans

Date: 09/06/2022



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.

small lot (5,000sqft) in older development.
canal at rear of property. in AE flood zone.

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.

property cannot be developed, because home cannot be moved because of permanent foundation, plumbing and HVAC. Because of health issues would need a wheelchair ramp.

3. Not created by the applicant:

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

property was inherited with issues unknown. Did not subdivide or improve.

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.

Variance will not alter character majority of lots are small and may potentially be noncompliant with setbacks. will do what's

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.

Trying to sell as well as comply. Seeking minimum variance for relief (front set back)

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

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

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

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

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

N/A

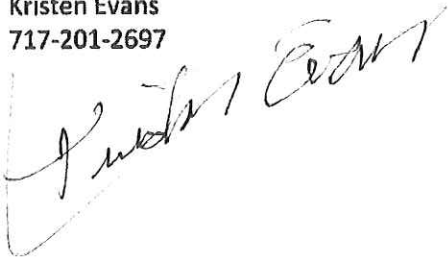
September 6, 2022

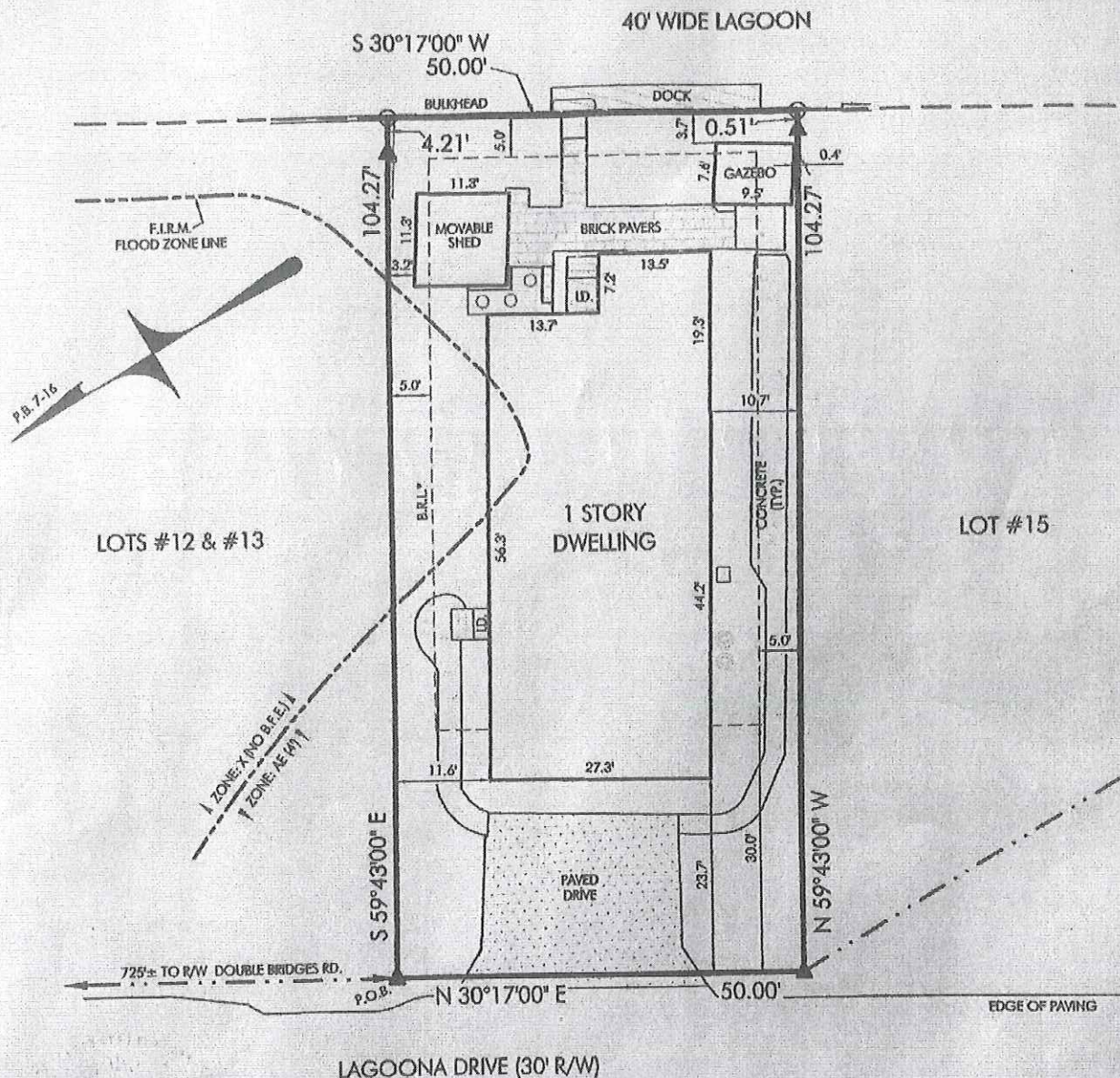
I inherited this property and was unaware of any setback issues or lack of permits for the shed or gazebo until prior to settlement. The home is on a permanent foundation and cannot be moved to comply with current setback. The home was listed as class "C" in January of 1996. The title was surrendered. Appropriate taxes have been assessed and paid on this since then. Cannot be sure the setback issue wasn't because of septic system on property as waste water/sewer was installed after this. Additionally, there appears to be an issue with the Certificate of Occupancy. I am unable to get a clear answer on this as apparently the microfilm this is on is out on "loan".

I am unable to physically attend the hearing but will have a representative there as well as personally be available by phone.

Thank you,

Kristen Evans
717-201-2697

A handwritten signature in cursive script, appearing to read "Kristen Evans", is written over the typed name and phone number.



BOUNDARY SURVEY PLAN FOR AMJAD MADANAT

TOTAL AREA: 5,214 SQ. FT.

34687 LAGOONA DRIVE, FRANKFORD

LOT #14 OF "GEORGE C. & GLADYS E. MOORE" SUBDIVISION
BALTIMORE HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

AUGUST 11, 2022 SCALE: 1" = 20'

LEGEND:

▲ IRON ROD (FOUND)

NOTES:

THIS PARCEL IS IN FLOOD ZONES: AE (4) & X (NO B.F.E.)
F.I.R.M. 10005C0513K, JUNE 20, 2018

*ALL SETBACKS MUST BE VERIFIED BY THE OWNER,
GENERAL CONTRACTOR AND/OR THE DESIGNER.
PLEASE CONTACT SUSSEX COUNTY (302-855-7878)
AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES).

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

NO TITLE SEARCH PROVIDED OR STIPULATED.
SURVEY CLASS: SUBURBAN

Prepared by:

FORESIGHT Services

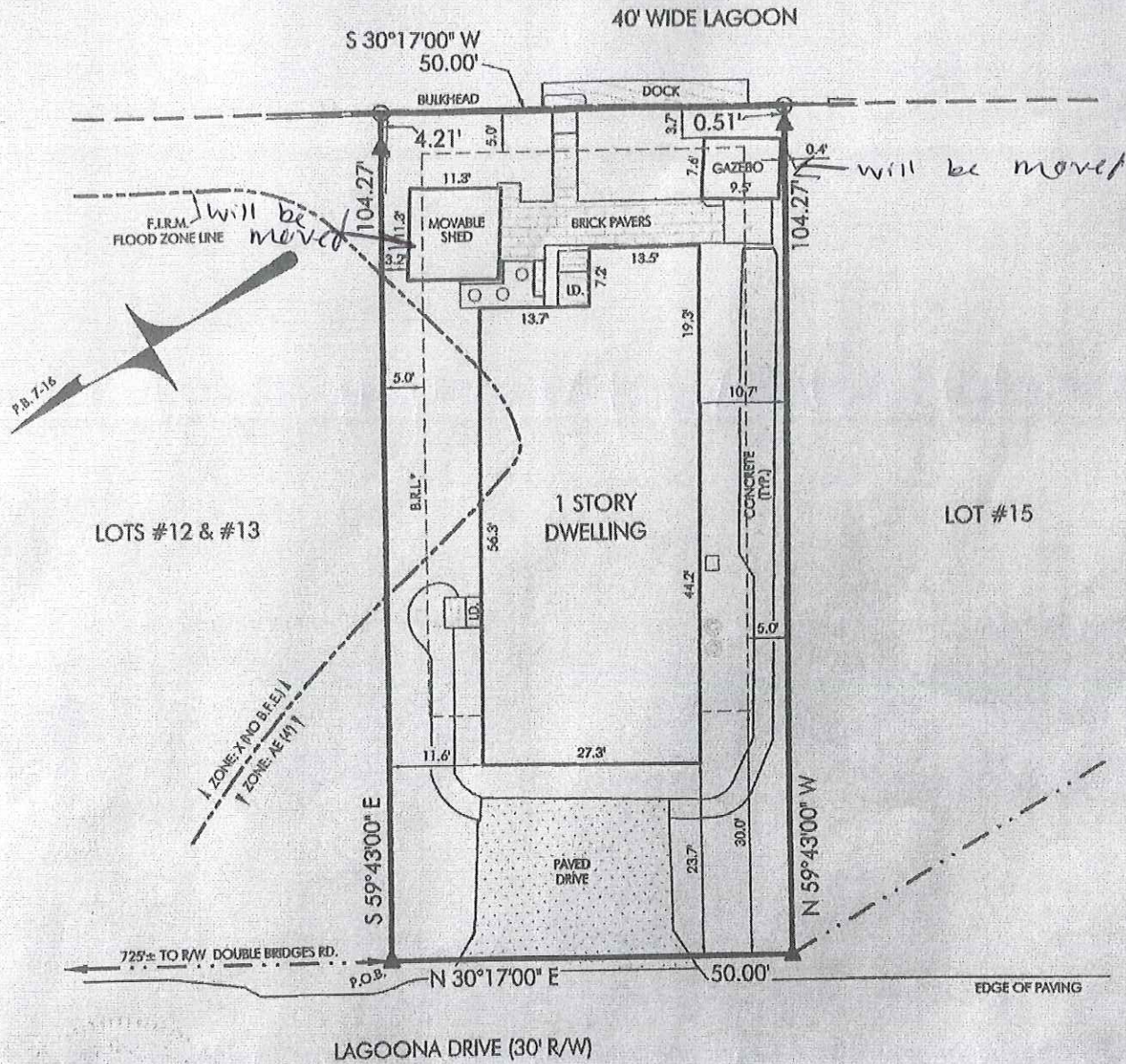
Surveying & Precision Measurement

302 226 2329 phone

302 226 2339 fax

2103A Conestoga Highway

Delaware Beach, DE 19921



BOUNDARY SURVEY PLAN FOR AMJAD MADANAT

TOTAL AREA: 5,214 SQ. FT.

34687 LAGOONA DRIVE, FRANKFORD

LOT #14 OF "GEORGE C. & GLADYS E. MOORE" SUBDIVISION

BALTIMORE HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

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 SURVEY CLASS: SUBURBAN

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement



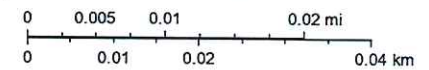
Sussex County



PIN:	134-19.00-37.00
Owner Name	EVANS KRISTEN L
Book	0
Mailing Address	113 STRUBEL RD
City	STRASBURG
State	PA
Description	GEORGE C MOORE SUBD
Description 2	LOT 14
Description 3	CT12010
Land Code	

- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Well Head Protection Areas
- Aglands Preservation Districts
 - Ag Easement
 - District
- Expansion
- Forestland Area
- Forestland Easement
- Young Farmer
- Municipal Boundaries
- TID
- Natural Areas
- Nature Preserves
- Public Protected Lands

1:564



Board of Adjustment Application
Sussex County, Delaware

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

Case # 12761
Hearing Date _____
20213562

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

36725 Breakwater Run, Selbyville, DE 19945

Variance/Special Use Exception/Appeal Requested:

10' variance from the 40' ~~rear~~ front setback

2.5' var from 3.5' max height requirement for fence - proposed
0.5' var from 3.5' for existing chain link down side property line

Tax Map #: 5-33-19-472

Property Zoning: MA

Applicant Information

Applicant Name: Donnie BARE & BJ Liebno-Bare
Applicant Address: 36725 Breakwater Run
City Selbyville State DE Zip: 19945
Applicant Phone #: 443-~~66~~699 Applicant e-mail: BJLIEBNOBARE@

9378 - Donnie's # Comcast.NET
443-858-2139 - BJ's #

Owner Name: DONNIE BARE & BJ LIEBNO-BARE

Owner Address: 2404 PERRY AVE
City EDGEWOOD State MD Zip: 21040 Purchase Date: 9-13-2013
Owner Phone #: 443-699- Owner e-mail: BJLIEBNOBARE@

9378 = Donnie's # Comcast.NET
443-858-2139 = BJ's #

Agent/Attorney Name: - NONE -

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

Signature of Owner/Agent/Attorney

N/A

Date: 9



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.

Unique circumstance includes that the property backs to a main highway/road (51) as there is no way to extend the property/build.

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.

property backs to a main road/highway that does not allow additional builds to conform to zoning codes/regulations.

3. Not created by the applicant:

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

As the owner of a home backing to a main road, this is a difficulty that has not been created by the applicant.

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.

Deck built out back not an eye sore for primary view of the home.

An additional deck build will not alter the look or character of the neighborhood but rather enhance the physical look/value of the property.

5. Minimum variance:

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

per regulation of 40ft variance setback, deck would only extend 10ft beyond regulation, not causing any visual or physical alterations affecting neighborhood view or impairment. please note, backyard of deck location is blocked by a tree barrier adding to no visual affect.

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 deck addition in question will NOT affect any yards or adjacent neighboring properties as it still remains within our personal property lines and cannot be viewed as a visual affect to anyone elses yard or property. Deck is for personal use.

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)

personal use to meet all contractor requirements based on code. Addtl deck build requires 10ft beyond regulation.

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

per ownership of the home, we require an addtl 10ft of decking beyond 4ft regulation. Decking is for personal use & will not create any issues for adjacent properties or neighbors. ~~All decking will be performed by a licensed & insured contractor upon approval.~~ Given the property backs to a main road/highway, does not allow any leeway to deck build within 4ft regulation, resulting in a variance request. Please note, shed on property already has an approved variance as it shows no interception of neighborhood or community impairment.

Please see all attached info photos that require & interfere w/ deck build requiring a variance request.

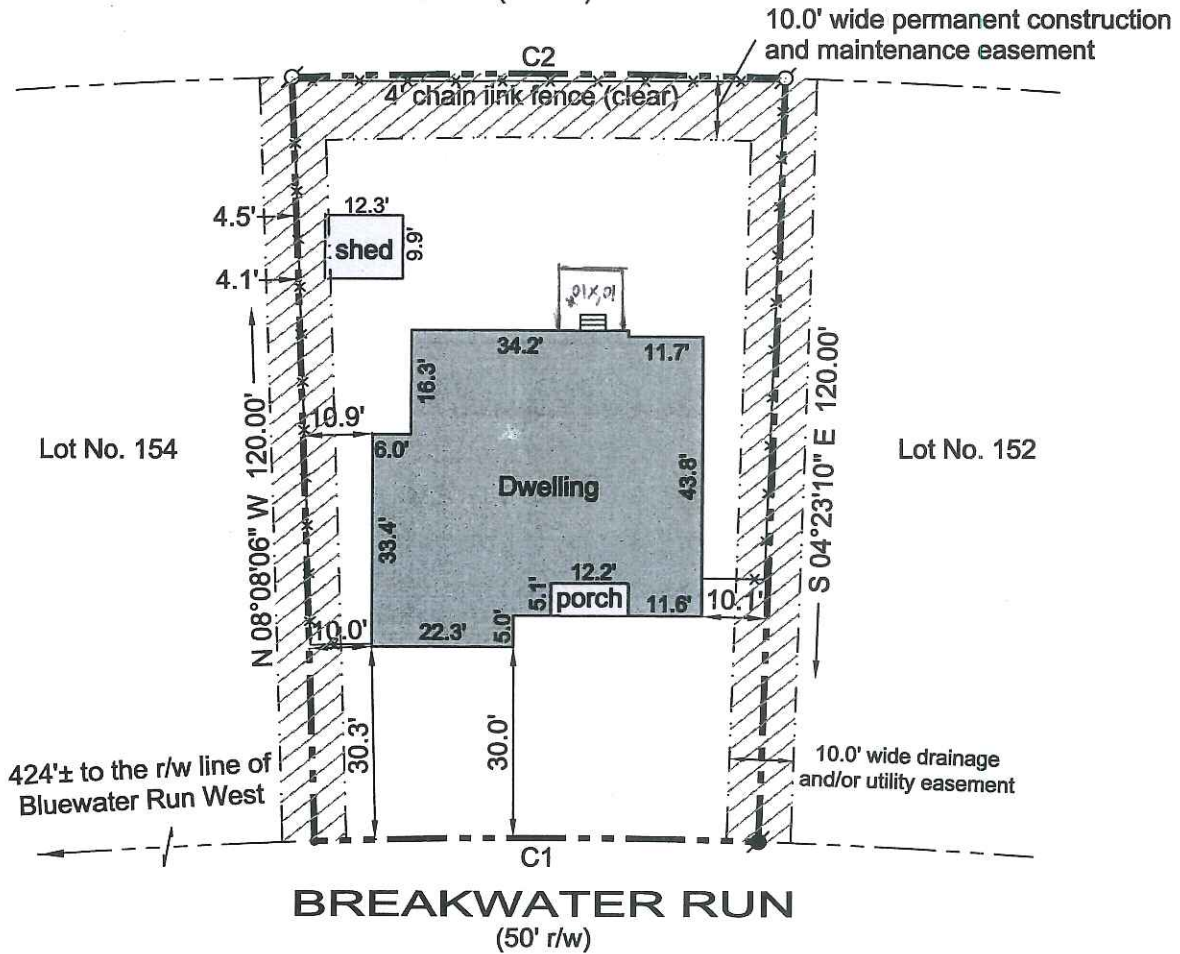
NOTES:

- This plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property.
- No title search provided or stipulated.



PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1065.25'	69.70'	69.69'	S 83°44'22" W	3°44'56"
C2	1185.25'	77.55'	77.54'	N 83°44'22" E	3°44'56"

STATE ROUTE 54
(70' r/w)



- 1/2" PIPE (FD)
- 5/8" REBAR (SET)
- 5/8" REBAR (FD)

SCALE: 1"=30'

AREA: 8,835 SQ. FT.

TAX MAP NO. 5-33-19-472

Lands of ANTHONY J. WICKE and STEPHANIE WICKE to be conveyed to DONNIE L. BARE and BJ LIEBNO-BARE. Being known as LOT NO 153, PHASE 2, KEENWICK SOUND. Ref: Plat book 32, Page 260.

FIRM INFORMATION:

100029 - 0655 - J
JANUARY 06, 2005
ZONE: "AE", B.F.E.= 5'
CLASS "B" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE OF ORIGINAL: 08/30/2013
DRAWN BY: MICHAEL LOVELAND

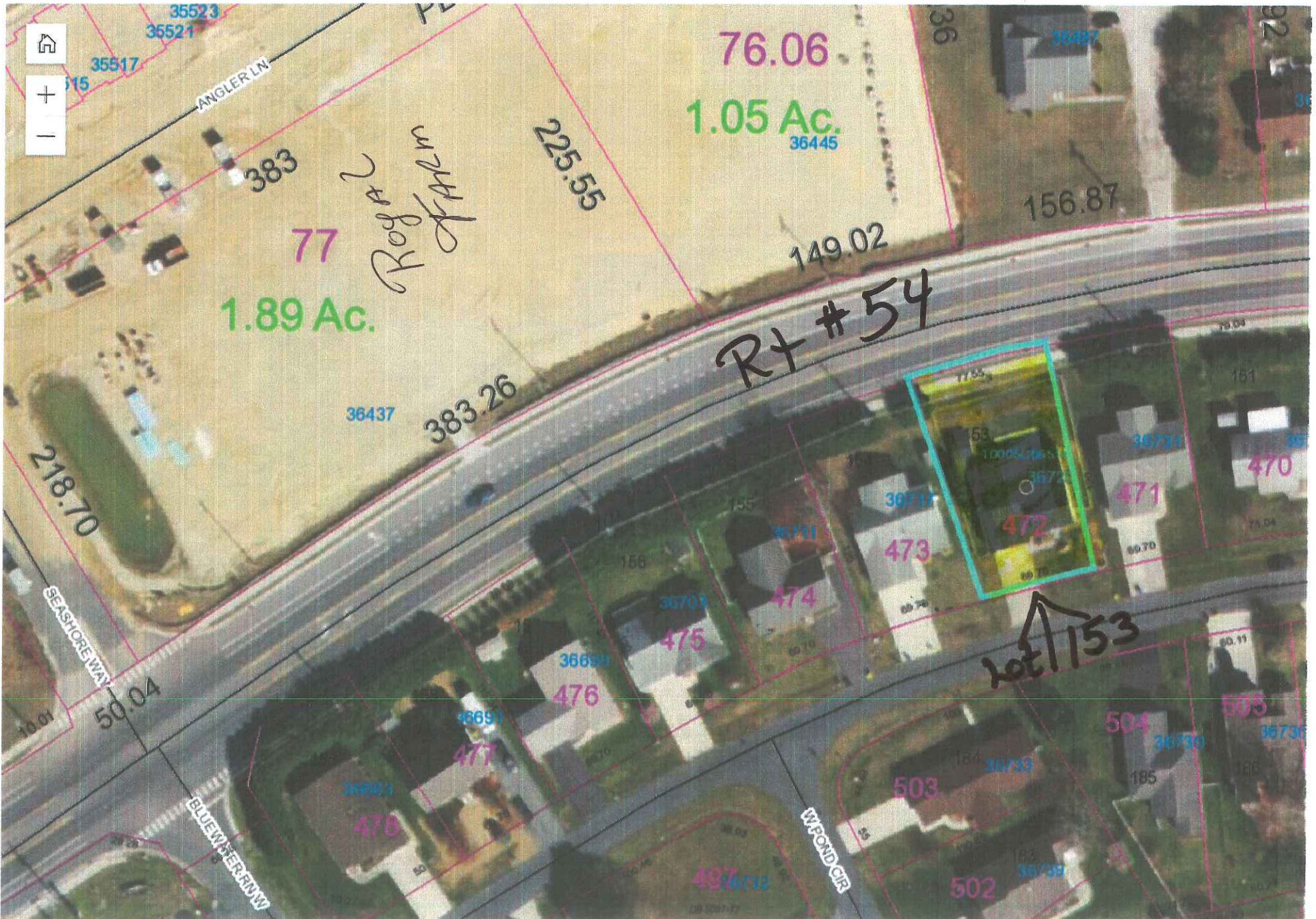
SIMPLER SURVEYING & ASSOCIATE, INC.
32486 POWELL FARM ROAD, FRANKFORD, DE 19945
www.delawaresurveyor.com
PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL

Steph M. Hata
08/30/13

P.L.S. 711

Site Plan



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

To whom this may concern,

We, (Donnie L. Bare & BJ Liebno-Bare) are asking for a 10-foot variance from Rt # 54 side of our property line to build a 10' x 10' deck.

The distance from our 10' x 10' deck to the Rt # 54 property line would be 30' with granting of the variance.

The variance would not interfere with the 10' wide permanent construction & maintenance easement.

The distance from Lot #152 property line to the 10' x 10' deck would be 23 feet.

The distance from the Lot # 154 property line to the 10' x 10' deck would be 41 feet.

The deck would be come out from the back side of the house at the 6' sliding door, 16 inch off the ground with railings on 2 sides and steps on the 3rd side.

Please see the enclosed pictures:

A - blue tape = to the 10' x 10' deck

B - 23 feet from Lot # 152 property line/fence

C - 30 feet from property line/fence with Rt # 54

D - 41 feet from Lot # 154 property line/fence

E - Picture of the 10' x 10' deck coming out from the sliding door, railing on the side of deck, & steps on one side.

We would really appreciate the approval of the variance if possible. We are looking to retire & move to Delaware within the next year.

Yours Truly,



Donnie Bare



BJ Liebno-Bare

Lot # 153

36725 Breakwater Run

Selbyville, DE 19975

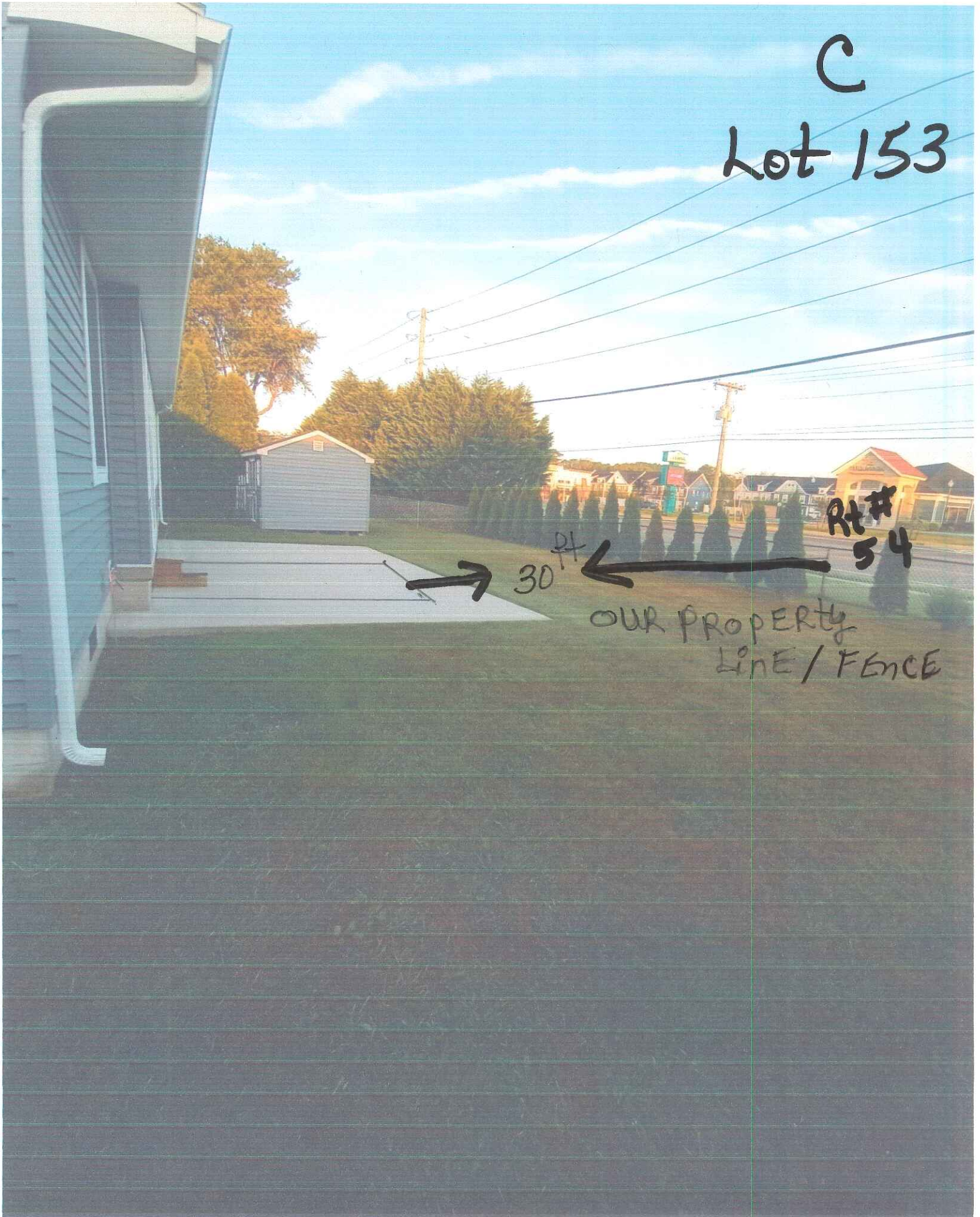
C

Lot 153

30^{ft}

Rt #
54

OUR PROPERTY
LINE / FENCE



D - Lot 153



41 ft

From Lot 154
OUR PROPERTY
LINE / FENCE



A

Lot 153



10 x 10 DECK

B

Lot 153

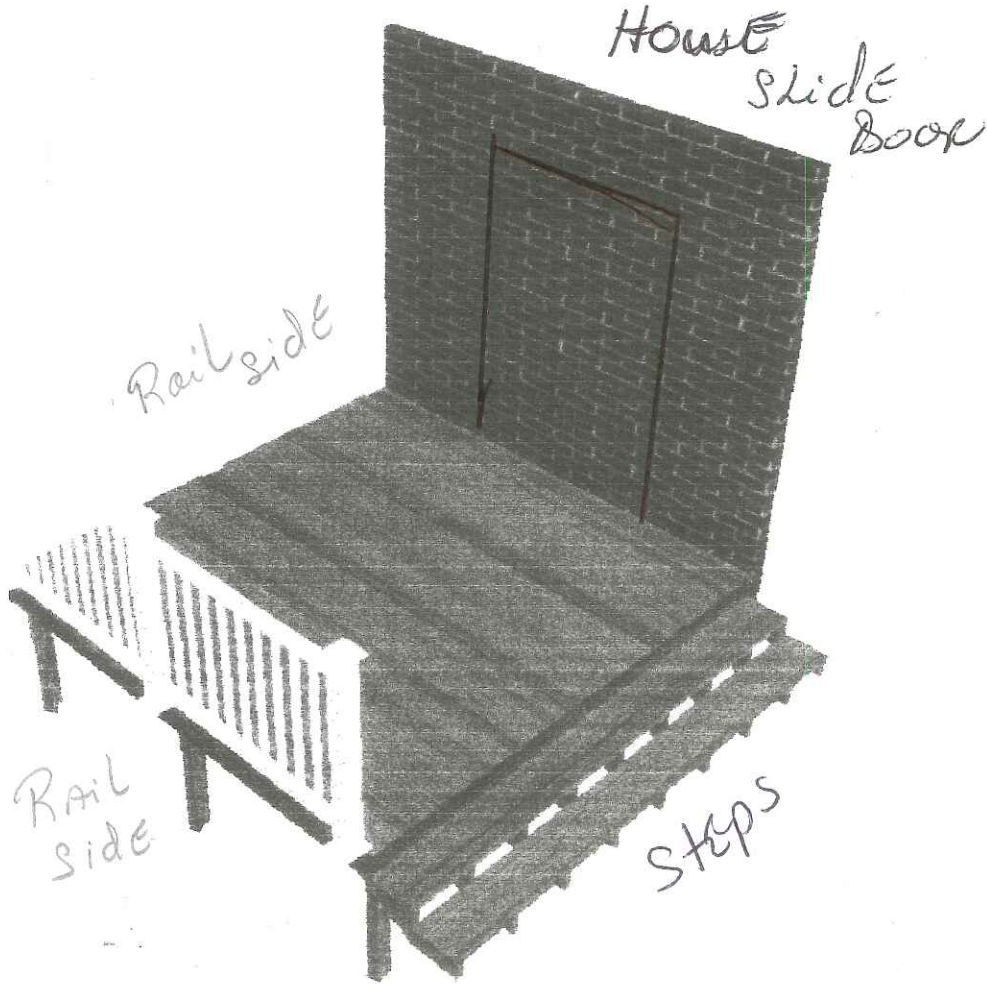


23 ft - From lot # 152

(OUR PROPERTY LINE) FENCE



E
Lot 153



Lot # 153
 36725 Breakwater Run
 Selbyville, DE 19975

Warning and Important Instructions: This is not a final design plan or estimate. Edgenet, LLC. assumes no responsibility for the correct use or output of this program. All information contained on this page is subject to the terms in the disclaimer located at the end of this document.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 8339 – Louis Foreacre – south of Route 54, north of Breakwater Run, being Lot 153 within Keenwick Sound Development.

A variance from the front yard setback requirement for a through lot.

Mr. Rickard presented the case. Louis Foreacre was sworn in and testified requesting a 21.6-foot variance from the required 40-foot front yard setback requirement for a through lot for a shed; that he purchased the property in 2000; that he obtained a building permit; that the permit was issued with the incorrect setback requirement; and that the shed has been on the lot for 3 years.

Donald Bill was sworn in and testified in opposition to the application; that the lots are oversized to compensate for the greater setback requirements; and that the Applicant was aware of the required setback.

Mr. Rickard stated that there have been other variances granted in the area.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to take the case under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the chairman referred back to this case. Motion by Mr. Workman, seconded by Mr. Mills, and carried unanimously that a 21.6-foot variance be granted. Vote carried 5 – 0.

Case No. 8340 – John T. and Teresa C. Handy – southeast of Road 336, 1,400 feet northeast of Road 336A.

A variance from the minimum lot width requirement for a parcel.

Mr. Rickard presented the case. John and Teresa Handy were sworn in and testified requesting a 50-foot variance from the required 150-foot lot width requirement for a parcel; that she wants to purchase the parcel from her parents; that they currently live in the manufactured home; that her brother lives in the non-conforming dwelling; that all improvements will meet the required setbacks; and that the Department of Transportation has no objection to the entrances that exist.

Mr. Rickard explained to the Board the surveyors coding on the survey.

By a show of hands 3 parties appeared in support of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Hudson, seconded by Mr. McCabe, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 8341 – Frank and Kathy Nichols – north of Road 496, 2,055 feet west of Road 493.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Frank Nichols was sworn in and testified requesting a 10-foot variance from the required 15-foot side yard setback requirement for a proposed detached garage; that the

PS Kierw

Case # ACP-22-37

**Administrative Correction Process
Sussex County, Delaware**

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

Type of Application:

Permit/CO issued in Error

Site Address of Variance: 36725 Breakwater Run

Variance/Special Use Exception/Appeal Requested: side & front yard variance

Shed issued a CO in 2003 - shed encroaches on 5-ft side yard requirement and 40-ft front yard requirement for a thru lot
4.5-ft & 4.1-ft from side yard
22-ft from front yard (thru lot)

Tax Map #: 533-19.00-472.00 **Property Zoning:** MR

Owner Information

Owner Name: Donnie Bare & BJ Liebno Bare
Owner Address: 36725 Breakwater Run
City, State, Zip: Selbyville, DE 19975 Purchase Date: _____
Owner Phone #: 443-699-9378 Owner e-mail: bjliebno Bare@comcast.net

Alternate Reference Information

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

Signature of Director/Director Designee

Jennifer Norwood

Date: 10/6/2022



Prz Review

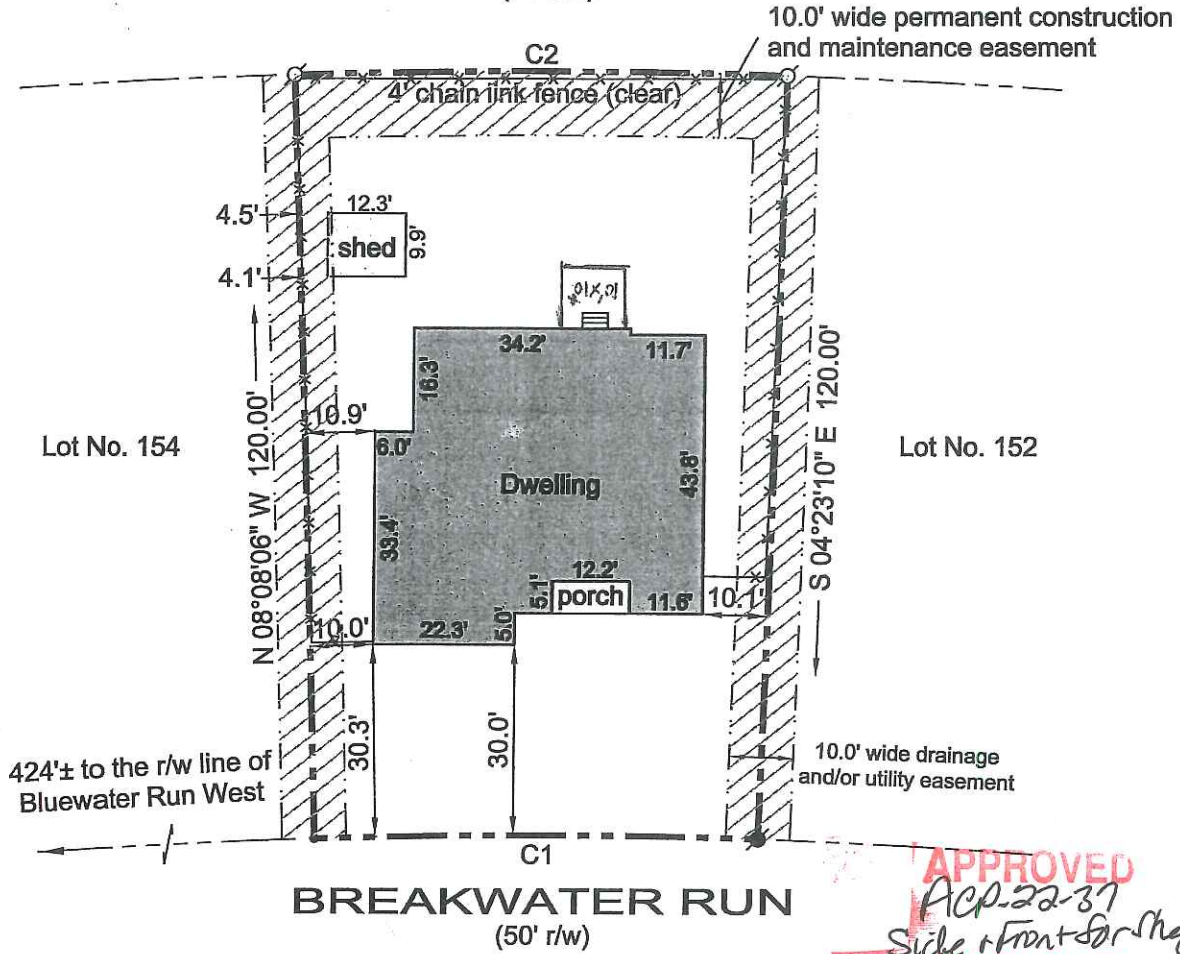
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- No title search provided or stipulated.



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STATE ROUTE 54
(70' r/w)



APPROVED
ACP-22-37
Side + Front + Shed only
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION
10/16/2012
JW

- 1/2" PIPE (FD)
- ∅ 5/8" REBAR (SET)
- ∅ 5/8" REBAR (FD)

SCALE: 1"=30'
 AREA: 8,835 SQ. FT.
 TAX MAP NO. 5-33-19-472

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FIRM INFORMATION:
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 JANUARY 06, 2005
 ZONE: "AE", B.F.E.= 5'
 CLASS "B" SURVEY

HUNDRED: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE
 DATE OF ORIGINAL: 08/30/2013
 DRAWN BY: MICHAEL LOVELAND

SIMPLER SURVEYING & ASSOCIATE, INC.
 32486 POWELL FARM ROAD, FRANKFORD, DE 19945
 www.delawaresurveyor.com
 PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL
Signy M. Hahn
08/30/13
 P.L.S. 711

PZ Renew

Home (browse/) > PI (browse/PI) > AS400_REPORTS (browse/PI/AS400_REPORTS) > as400_permits

parcel ★ Favorites (favorites) [Browse \(browse/\)](#)

Navigation bar with icons for back, forward, refresh, zoom (100%), save, print, and search (Find | Next).

parcel	type	type1	permit	case1	issue date	BC/Occup date	PZ/Compli date	Return
533-19.00-472.00	BP	RA	223034	0	12/22/2003	6/18/2004	6/23/2004	1/25/20
	BP	AS	189811	0	6/9/2000		11/18/2003	4/9/200
	BP	DW	182990	0	8/13/1999		5/22/2000	2/10/20

10/6/2022 1:15:53 PM

P&Z Review

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN D. WEINHOLD

Case No. 9087 – 2005

A hearing was held after due notice on June 6, 2005. 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 front yard setback requirement for a through lot.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard setback requirements for a through lot South of Route 54, North of Breakwater Run, Lot 154, Kenwick Sound Phase II. The Applicant was requesting a 9.8 foot variance from the required 40 foot front yard setback. After a hearing, the Board made the following findings of fact:

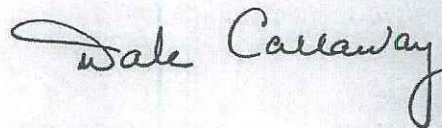
1. The Applicant purchased the property in 2004, and subsequently realized that greater setbacks would be required because the property is a through lot.
2. The Applicant wishes to add to a bedroom, and has the support of the homeowners association.
3. Similar variances have been granted in the development, and the variance will not alter the essential character of the neighborhood.
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 becomes void.

Date July 21, 2005

PZ Review

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN D. WEINHOLD

Case No. 8977 – 2005

A hearing was held after due notice on March 7, 2005. 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 front yard setback requirement for a through lot.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard setback requirements for a through lot south of route 54, North of Breakwater Run, Lot 154, Keenwick Sound Phase II. The Applicant was requesting an 18 foot variance from the required 40 foot front yard setback for a shed. After a hearing, the Board made the following findings of fact:

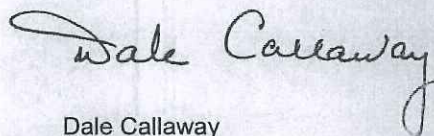
- 4. The Applicant desires a relatively modest shed measuring 8 feet by 8 feet to store a lawnmower and other lawn equipment. He wishes to move gasoline and the mowers out of his garage.
- 4. Because the property is a "through lot", there are two front yard setbacks which limit buildable area.
- 4. There are numerous variances in the area, and as such, this one will not alter the essential character of the neighborhood.
- 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 becomes void.

Date April 26, 2005

A. Z. Reeves

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOSEPH MACHOVEC (Case No. 11120)

A hearing was held after due notice on December 17, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 4.7 feet from the 30 feet front yard setback requirement for a proposed covered porch. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) north of Breakwater Run, being Lot 157 Phase II within Keenwick Sound development; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.00-476.00. After a hearing, the Board made the following findings of fact:

1. Joseph Machovec was sworn in and testified on behalf of the Application.
2. James Fuqua, Esquire, appeared and presented the Application on behalf of the Applicant.
3. The Board found that Mr. Fuqua stated that the Applicant is requesting a variance of 4.7 feet from the 30 feet front yard setback requirement for a proposed covered porch.
4. The Board found that Mr. Fuqua stated that the Property is located within Keenwick Sound development and that the lot is 116 feet deep.
5. The Board found that Mr. Fuqua stated that the Property is a through lot and has two (2) front yard setback requirements as the rear of the lot abuts Route 54 but has no access thereto.
6. The Board found that Mr. Fuqua stated that the existing dwelling was built within the building envelope.
7. The Board found that Mr. Fuqua stated that there have been similar variances granted on twelve (12) other lots in the development.
8. The Board found that Mr. Fuqua stated that the porch will enable reasonable use of the Property.
9. The Board found that Mr. Fuqua stated that the Property is a through lot which makes it unique.
10. The Board found that Mr. Fuqua stated that the variance will not alter the essential character of the neighborhood as there are similar porches in the neighborhood.
11. The Board found that Mr. Fuqua stated that the difficulty was not created by the Applicant as the Applicant did not create the lot.
12. The Board found that Mr. Fuqua stated that the variance is the minimum variance to afford relief.
13. The Board found that Mr. Fuqua submitted exhibits in support of the Application.
14. The Board found that Mr. Machovec, under oath, confirmed the statements by Mr. Fuqua.
15. The Board found that no parties appeared in support of or in opposition to the Application.
16. 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 Property is a through lot which makes it unique. The variance is necessary to enable reasonable use of the Property.

The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief. The variance represents the least modification of the regulation in issue.

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

COPY

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

Date _____



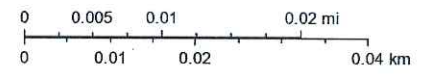
Sussex County



PIN:	533-19.00-472.00
Owner Name	BARE DONNIE L
Book	4173
Mailing Address	2404 PERRY AVE
City	EDGEWOOD
State	MD
Description	KEENWICK SOUND
Description 2	LOT 153
Description 3	PHASE II
Land Code	

- polygonLayer**
 - Override 1
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
 - Well Head Protection Areas
- Aglands Preservation Districts**
 - Ag Easement
 - District
- Expansion
- Forestland Area
- Forestland Easement
- Young Farmer
- Municipal Boundaries
- TID
- Natural Areas
- Nature Preserves
- Public Protected Lands

1:564



RECEIVED

OCT 27 2022

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Zoning & Planning

We would like to add, clear up, and make note of:

After talking to the folks in zoning & planning off & on for the last several months – it was brought to our attention. Questions about the fence, not being on the marked, made note of on/in the records. At this time, we would like to bring the property zoning & our lot up to date.

The fence was on the lot when we brought the property in 2013. (This shown on our survey platt) Current fence is a 3 ½ foot fence along route 54. Set back on our property about 1 foot from property line. The fence is on both sides for the property, on the property line up to the corner of the house in front, on each side.

We would also like to ask for a variance for a 6-foot privacy fence on the back side only, along route 54 of the property Lot 153 – 36725 Breakwater Run, Selbyville, DE. 19975. We would like to replace the 4-foot fence along the side & the 2 front gates with black chain link fence.

Concerns with the business and the home being built across from us on route 54. This 6-foot fence will add province and security to our property.

Within the past several months, we have had in our neighborhood – Keenwick Sound, along Route 54, the storage shields were/had been broken into. We do install some motion lights.

We are hopping, praying, out of side, out of mine. If people can't see into out yard, they will not break into our shed or home.

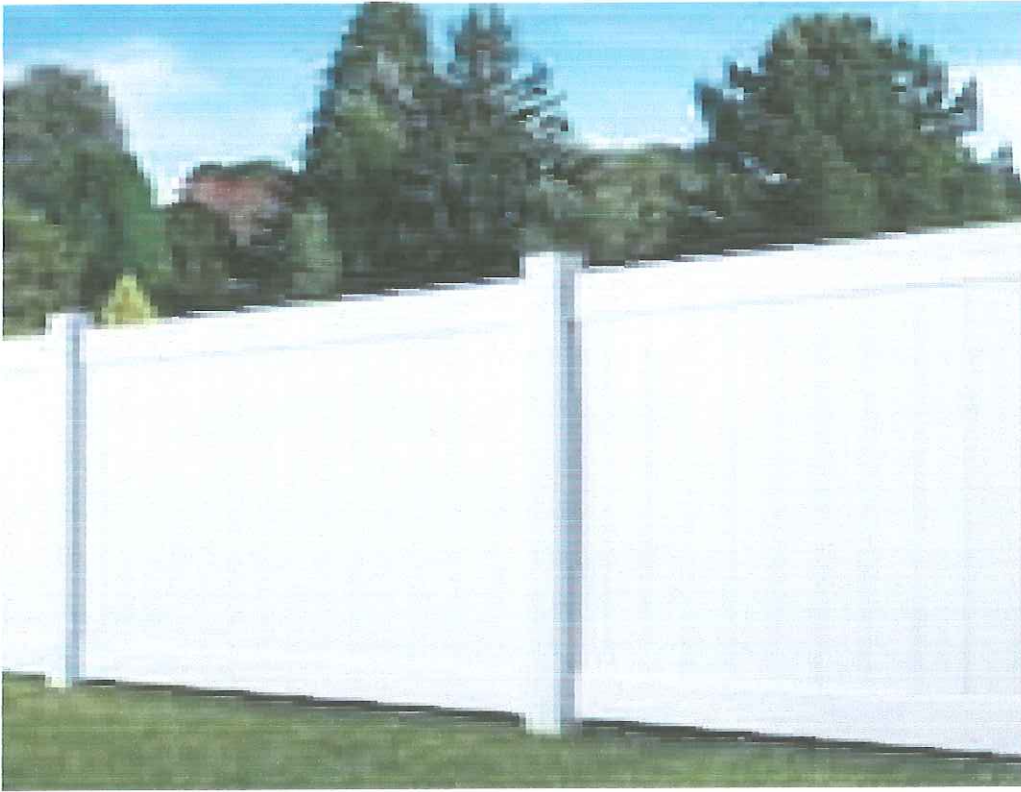
Sincerely,

Donnie L. Bare

443-699-9378

BJ Liebno-Bare

443-858-2139



RT # 54
White 6 ft
Vinyl



4 ft -
Black Chain
Link and Both
Sides

Case # 12738
Hearing Date _____

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

Application: 202208478

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-42 115-183

Site Address of Variance/Special Use Exception:

28272 Russell St., Millsboro, Delaware 19966

Variance/Special Use Exception/Appeal Requested:

Variance is being requested for setback requirement.

Tax Map #: 234-35.05-70.00 Property Zoning: R GR

Applicant Information

Applicant Name: Gwendolyn and Jeffrey Smith
Applicant Address: 28272 Russell St.
City Millsboro State De Zip: 19966
Applicant Phone #: 302.542.3719 Applicant e-mail: gwenk1239@gmail.com

Owner Information

Owner Name: Gwendolyn and Jeffrey Smith
Owner Address: 28272 Russell Street
City Millsboro State De Zip: 19966 Purchase Date: 12/2007
Owner Phone #: 302.542.3719 Owner e-mail: gwenk1239@gmail.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

Date: 06/08/2022



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 lot in question is located in Oak Orchard and is the typical 50' X 90' lot. The home has narrow street frontage. The dimensions of the home is 27.6' x 48' with a resulting square foot of 1226. The stairs erected originally were 3' wide.

2. Cannot otherwise be developed:

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

The lot is small and narrow in size (50' wide x 90' depth) and the homes width (27.8') there is only 11.1 feet between the home and the property line. With the 5' setback requirement, this makes having a staircase leading to the home facing the front of the property for entry/exit, and having an established permanent area for outdoor family gatherings pretty much impossible.

3. Not created by the applicant:

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

This issue was created due to the narrowness of the lot.

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 area is in the process of changing with modern homes being built in the area. The adjacent property will not permanently/substantially impair the owners. Despite the deck/stairs being proposed they will be short of the property line. There will be a 6' privacy fence erected to ensure the changes will not be seen from the street.

5. Minimum variance:

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

The lower deck measures 8' x 10' 6". By building the lower deck in such a way, it will allow the lower steps to extend toward the front of the house. This will leave space at the rear of the home to erect a temporary pool each summer. This pool takes the space between the lower deck and the existing shed. There is an existing variance for this shed for the setback requirements.

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 adjacent property will not be effected. A 6' Vinyl fence will be erected at the completion of the construction around the perimeter of the property. This updates the broken fence that the neighbor has allowed to fall on the opposite side of the property. The deck and steps that impinge the property line will not be visible from the adjacent property on ground level.

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)

The additional steps will also be constructed to face the front of the property to meet egress requirements. These steps will measure 4' wide. By constructing 4' wide steps it allows easier access to bring large items into the home i.e. furniture and appliances.

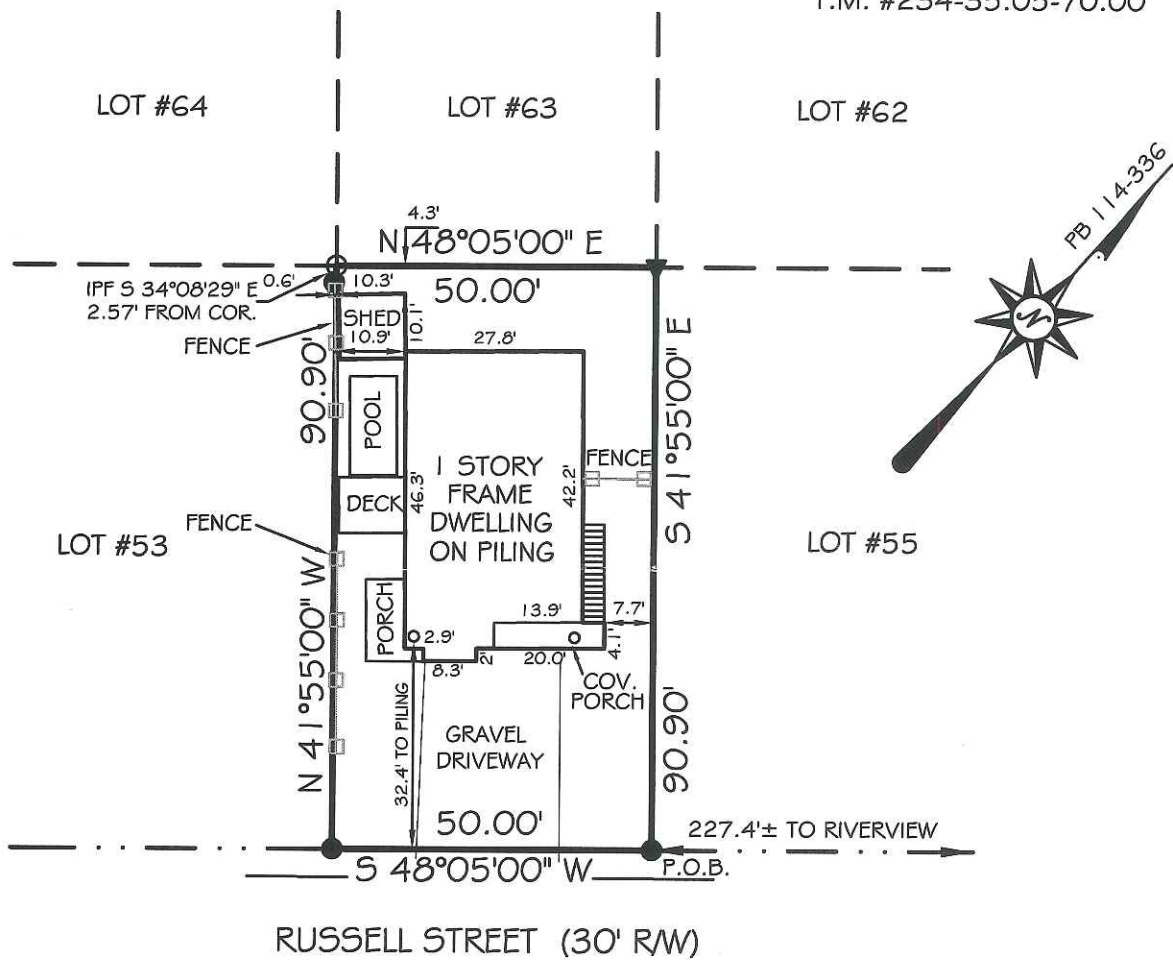
Basis for Appeal: (Please provide a written statement regarding reason for appeal)

The original deck and steps that were erected at the construction of the house met minimum standards. The steps were not constructed well from the start but met occupancy requirements by the county inspector. The deck and steps are positioned in such a way that the sun shines on them all day and this caused the structure to become unstable. The railing was able to actually wobble significantly with any light force. ***Please refer to addendum***

The decision was made to remove the dangerous structure as it was unsafe for visitors, the children and the animals. The original deck and stairs on the East side of the house are also getting to be dangerous and will eventually need to be replaced for the safety of the occupants of the home. The intent was to rebuild a new deck and stairs to ensure the safety of all occupants. An Intex metal supported pool is erected. The pool is temporary but it stays in place every winter. The steps lead from the upper deck to a lower deck for access to the pool. The lower deck gives this family a very pleasant place to gather for family time, participate in small outdoor meals and a general area to relax on deck chairs. There will be a lower set of stairs with a 4' width erected leading to the front of the home for proper egress and ease of moving large items into and out of the home. These stairs will also not meet the 5' setbacks required by the county so it is being requested permission to build them. To finish off the construction, a 6' white vinyl fence will be erected around the perimeter of the property. This will actually improve the appearance at the street level as the neighbor at the East of the property has a fence that has fallen and with permission, the panels were discarded by this applicant at our cost.

Gwendolyn Smith
2022 June 9

T.M. #234-35.05-70.00



BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966
 LOT #54 OF "OYSTER FARMS" SUBDIV.
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30' APRIL 22, 2022

PREPARED BY:

PH: 302-629-9895
 FAX: 302-629-2391

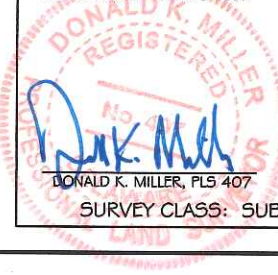
MILLER
 LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973

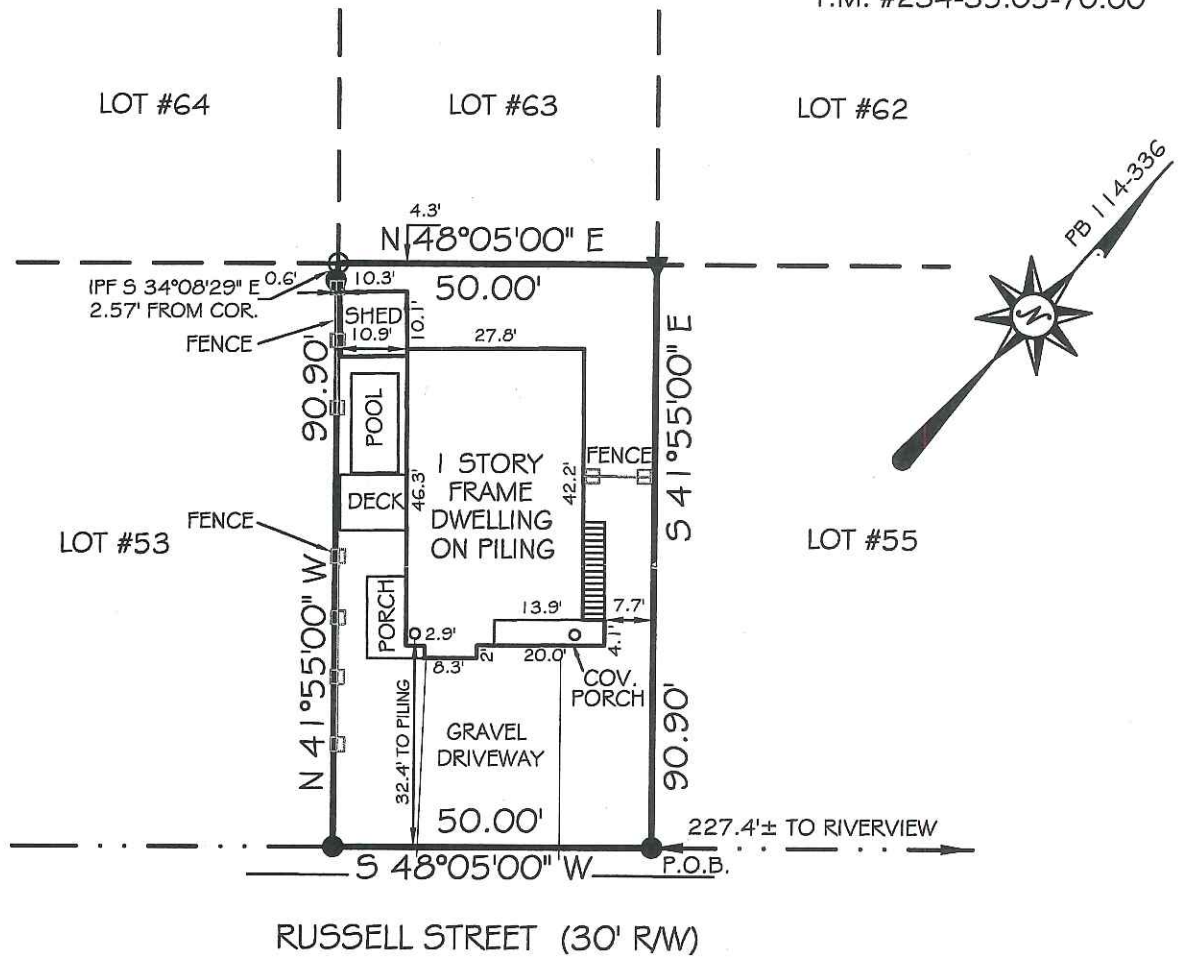
THIS SURVEY AND PLAT DOES NOT VERIFY THE
 EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY
 OR EASEMENTS CROSSING THIS PROPERTY OTHER
 THAN THOSE SHOWN.
 NO TITLE SEARCH PROVIDED OR STIPULATED.

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.



Donald K. Miller
 DONALD K. MILLER, PLS 407 5/2/22 DATE
 SURVEY CLASS: SUBURBAN

T.M. #234-35.05-70.00



CO's for Deck, Shed + Decks

BOA 10315 - App 12/15/08

BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966

LOT #54 OF "OYSTER FARMS" SUBDIV.

INDIAN RIVER HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30'

APRIL 22, 2022

- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- POINT

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Donald K. Miller
 DONALD K. MILLER, PLS 407
 SURVEY CLASS: SUBURBAN

5/2/22
DATE

PREPARED BY:

MILLER
LEWIS, INC.
LAND SURVEYING

PH: 302-629-9895
FAX: 302-629-2391

1560 MIDDLEFORD RD.

SEAFOORD, DE. 19973

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GWENDOLYN L. KARPIN

CASE NO. 10315 – 2009

A hearing was held after due notice on December 15, 2008. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of Proceedings

This is an application for a variance from the side yard and rear yard setback requirements.

Finding of Facts

- The Board found that the Applicant was seeking a variance from side yard and rear yard setback requirements north of Road 297A, north of Russell Avenue, Lot 54, Delaware Oyster Farms. The Applicant was requesting a 4.4 foot variance from the required 5 foot rear yard setback for a shed, and a 4.4 foot variance from the 5 foot side yard setback for a shed. After a hearing, the Board made the following findings of fact:

1. The Applicant's lot measures 50 feet by 90 feet, which is too narrow for most construction.
2. The Applicant's shed measures 10 feet by 10 feet, and the dwelling itself is on pilings. The shed will be placed against a fence.
3. The Board determined that the variance is the minimum necessary to afford relief, particularly with the narrowness of the lot involved.
4. No persons appeared in opposition.

The Board granted the requested variances.

Decision of the Board

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

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

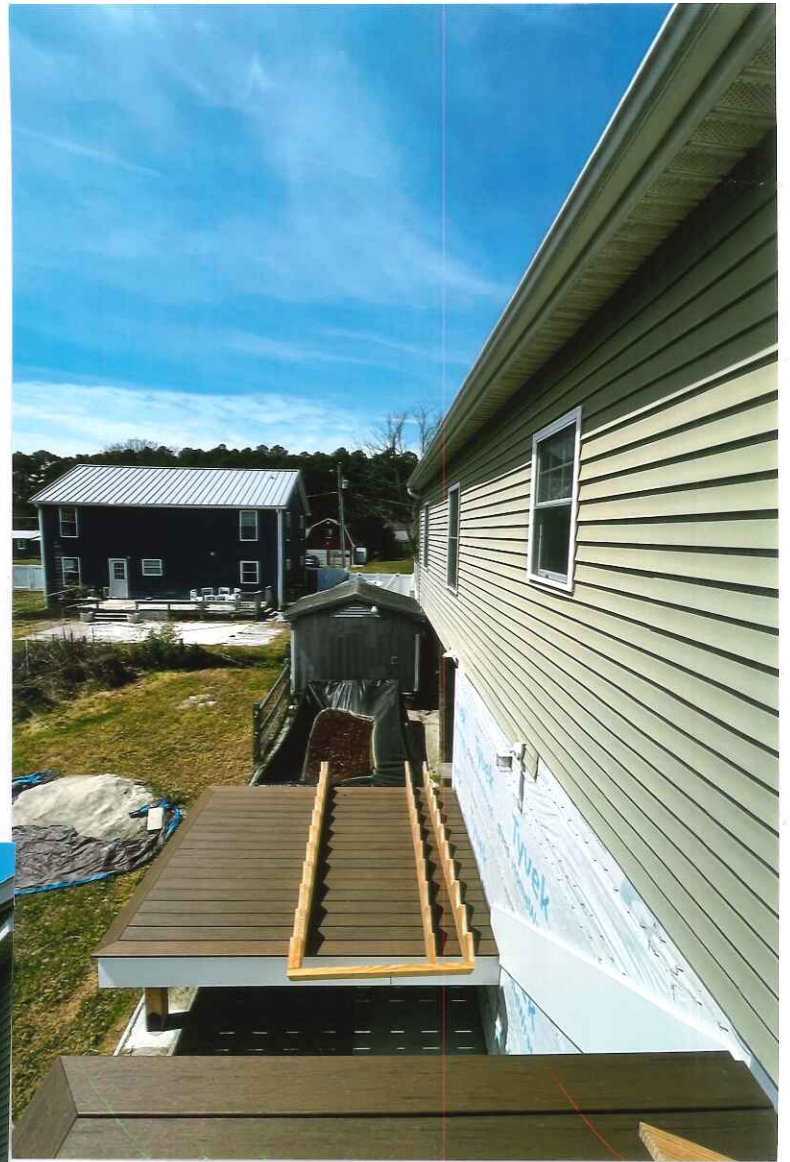
Dale Callaway
Chairman

Copy Only

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

Date _____

View from upper
deck.



At property line.
After fence is
installed, this will
not be visible.

View of shed, pool and deck



8' lower deck for pool access and entertainment area



Jennifer Norwood

From: Gwendolyn Karpin <gwenk1239@gmail.com>
Sent: Tuesday, August 16, 2022 3:22 PM
To: Jennifer Norwood
Cc: Jeffrey Smith
Subject: Re: Variance Application
Attachments: 234-35.05-70.00.pdf

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Ms. Norwood

After speaking with you today, we have decided to withdraw our application for variance on our property. We have decided to purchase Lot 53 and add it to our lot 54 parcel. I will have my real estate attorney take care of this when we close on the sale of lot 53.

Thank you for your time,

Gwendolyn Smith

On Aug 16, 2022, at 3:00 PM, Gwendolyn Karpin <gwenk1239@gmail.com> wrote:

Good afternoon,

The pool is not permanent. It is an Intex Metal pole and vinyl soft sided temporary pool.

I will talk to the survey company and forward what you are telling me.

Also be advised that we are closing on the property next door on August 29 and will be scheduling a survey to combine the two lots.

Gwen Smith

On Aug 16, 2022, at 2:49 PM, Jennifer Norwood <jnorwood@sussexcountyde.gov> wrote:

Ms. Smith,

I am reviewing your application for the variances you are seeking, the survey submitted with the application does not show the variances needed. The survey needs to show the distance any existing and proposed structures will be or are from the property line.

According to our records, the existing shed, decks, and dwellings were permitted and issued Certificates of Compliance.

The existing pool does not have a record of a permit and will need to be included in your variance request, a pool shall be 10-ft from a side yard property line.

The proposed fence cannot exceed 3.5-ft in height for the first 30-ft from the front property line, if the proposed fence will exceed this height within that 30-ft we will need to include that portion of fence in the request.

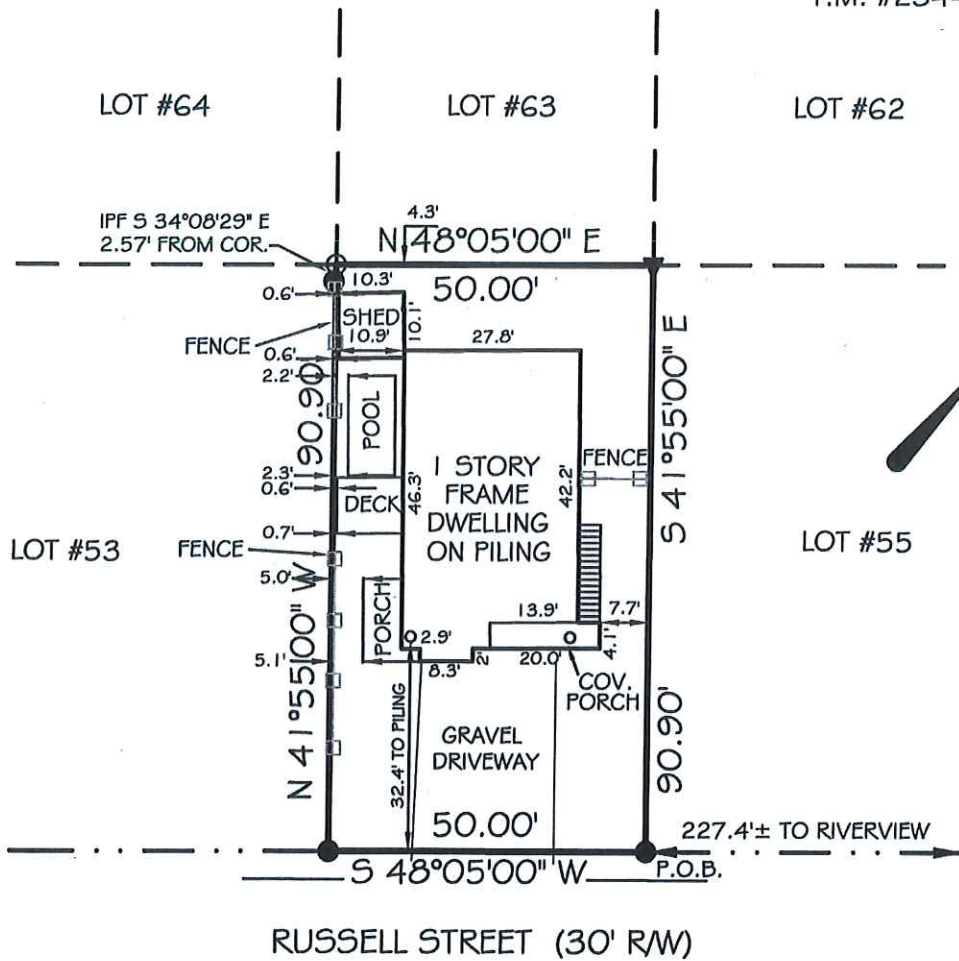
Please have the additional information added to the survey as soon as possible. Please call or email with any additional questions you may have.

Thanks,
Jenny

Jennifer Norwood

Planning Manager
Planning and Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947
Office Phone (302)855-7878
Direct Line (302)858-5501
jnorwood@sussexcountyde.gov

T.M. #234-35.05-70.00



- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- POINT

THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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.

Donald K. Miller
 DONALD K. MILLER, PLS 407
 SURVEY CLASS: SUBURBAN

9/16/22
 DATE

BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966
 LOT #54 OF "OYSTER FARMS" SUBDIV.
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30'

SEPTEMBER 16, 2022

PREPARED BY:

PH: 302-629-9895
 FAX: 302-629-2391

MILLER
LEWIS, INC.
 LAND SURVEYING

1560 MIDDLEFORD RD.

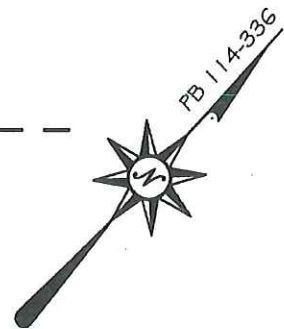
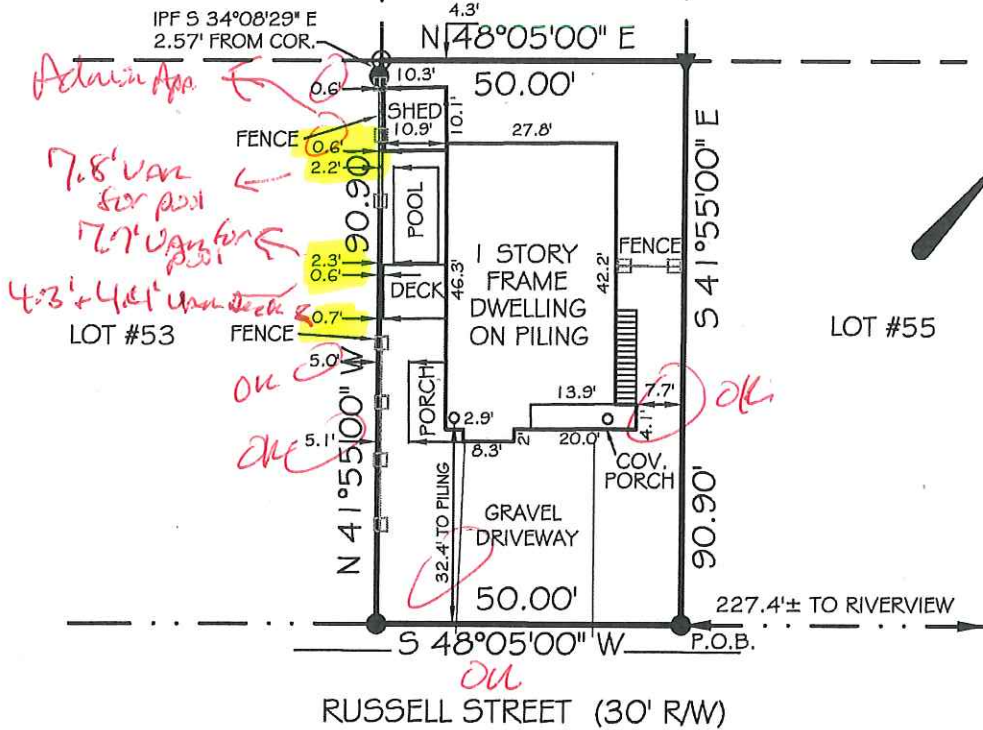
SEAFORD, DE. 19973

T.M. #234-35.05-70.00

LOT #64

LOT #63

LOT #62



- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- POINT

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Donald K. Miller
 DONALD K. MILLER, PLS 407
 SURVEY CLASS: SUBURBAN

9/16/22
 DATE

BOUNDARY SURVEY FOR

GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966

LOT #54 OF "OYSTER FARMS" SUBDIV.

INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30'

SEPTEMBER 16, 2022

PREPARED BY:

PH: 302-629-9895
 FAX: 302-629-2391

MILLER
LEWIS, INC. LAND SURVEYING

1560 MIDDLEFORD RD.

SEAFOOD, DE. 19973

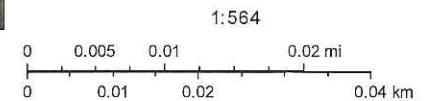


Sussex County

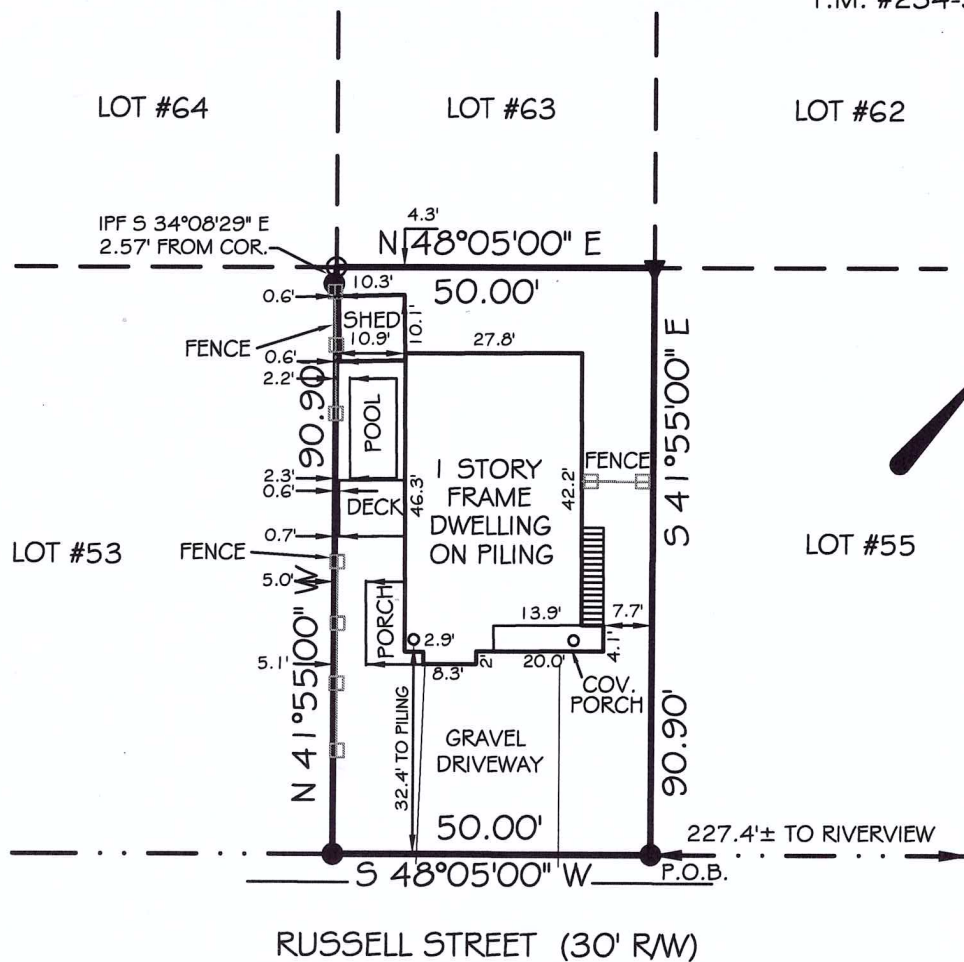


PIN:	234-35.05-70.00
Owner Name	SMITH GWENDOLYN LEA
Book	5573
Mailing Address	28272 RUSSELL ST
City	MILLSBORO
State	DE
Description	DELAWARE OYSTER FARM
Description 2	LOT 54
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1 Special Access ROW
 - Override 1 Municipal Boundaries
- polygonLayer**
 - Override 1 Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - DeIDOT Maintained
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature



T.M. #234-35.05-70.00



- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- POINT

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BOUNDARY SURVEY FOR
GWENDOLYN & JEFFERY SMITH

28272 RUSSELL ST., MILLSBORO, DE 19966
 LOT #54 OF "OYSTER FARMS" SUBDIV.
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

LOT AREA: 4,500 SQ. FT. REF: DB 5573-133

SCALE 1" = 30'

SEPTEMBER 16, 2022

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.

Donald K. Miller
 DONALD K. MILLER, PLS 407
 9/16/22
 DATE

SURVEY CLASS: SUBURBAN

PREPARED BY:

PH: 302-629-9895
 FAX: 302-629-2391

MILLER LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973

Case # 12763
Hearing Date 11/21
202214064

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

Type of Application: (please check all applicable)

Variance Existing Condition
Special Use Exception Proposed
Administrative Variance Code Reference (office use only)
Appeal 115-25 115-172 115-182

Site Address of Variance/Special Use Exception:

Capes Cove Tenant Association - Lot 2A - 16306 Capes Cove Lane, Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

Please see attached.

Tax Map #: 335-8.00-22.00-2388 Property Zoning: AR-1

Applicant Information

Applicant Name: Lydia Dickerson
Applicant Address: 2394 Sunset Lake Road
City Newark State DE Zip: 19702
Applicant Phone #: 302.218.5346 Applicant e-mail: miklydia@aol.com

Owner Information

Owner Name: Edward J. & Mary A. Street, Michael S. & Lydia A. Dickerson, Mary Louise Alexander
Owner Address: c/o 2394 Sunset Lake Road
City Newark State DE Zip: 19702 Purchase Date: 4/30/2007
Owner Phone #: 302.218.5346 Lydia Owner e-mail: miklydia@aol.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Lydia Dickerson

Date: 9/26/22



Site Address of Variance/Special Use Exception:

Capes Cove Tenant Association
Lot 2A - 16306 Capes Cove Lane, Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

1. Requesting a reduction of the 20' separation distance to 18' 5" to structure on Lot 3A.
2. Requesting a reduction of the 20' separation distance to 18' 5" to deck on Lot 1A.
3. Requesting a reduction of 16' separation distance to 14' 5" from structure on Lot 3A to steps on side of proposed home.
4. Requesting a reduction of 16' separation distance to 15' 7" from deck steps on Lot 1A to side of proposed home.
5. Requesting a reduction of 20' separation distance to 15' 10" from shed on Lot 1A to side of proposed home.
6. Requesting a reduction of 20' separation distance to 15' 10" from corner of shed on Lot 1A to A/C unit on side of proposed home.

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 uniquely narrow dimensions of this lot create a challenge placing the proposed manufactured double-wide home and maintaining separation between homes and accessory structures. The lot sizes are small in comparison with the size of the modern manufactured home. We have selected a standard size floorplan for this home that is comparable to other new homes in the community but we are still unable to place on the lot with the required setbacks. The relatively narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code.

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 uniqueness of the property, the property cannot be developed in strict conformity with the Sussex County Zoning Code. We propose to place a normal width sized double-wide manufactured home that is consistent with other new homes in the community but are unable to do so without violating the separation distance requirements between neighboring manufactured homes and accessory structures (i.e. deck, shed). The variances are necessary to enable reasonable use of the property.

3. Not created by the applicant:

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

The property is quite narrow which greatly limits the buildable area thereof. The neighboring lots are also narrow causing development of nearby lots to be nearer to neighboring homes. It appears impossible for a home to be placed on the property without violating the separation distance requirements. The exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots.

Page 2 - continued

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

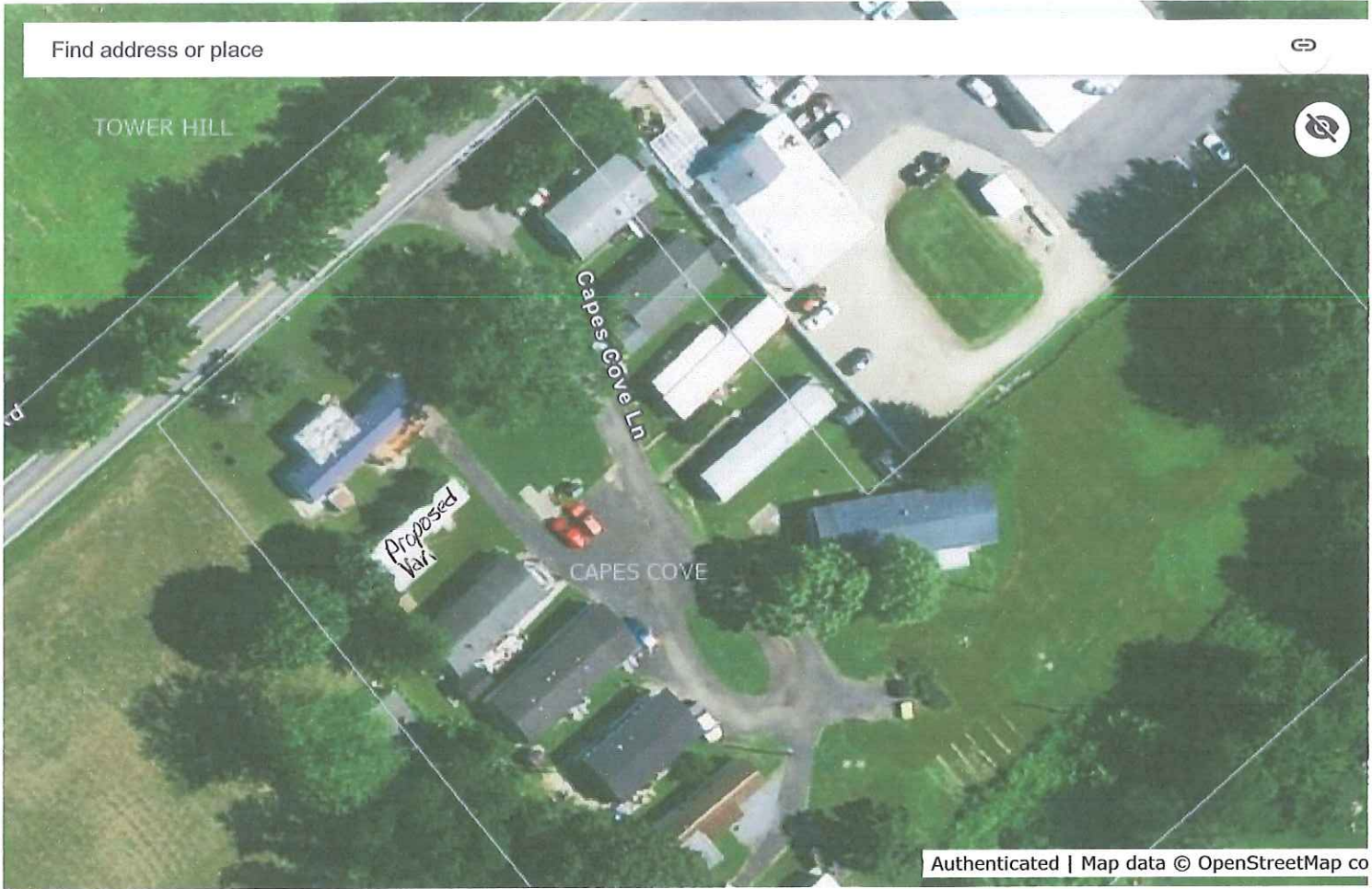
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare thereof. We are seeking this variance to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community/neighborhood.

5. Minimum variance:

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

The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The request for reduction of the separation distances is made with a request for a 6" margin of error for actual placement. This is to account for any variances in measuring, layout, and placement.



60ft

PZ Review

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANNA P. BAKER

Case No. 4622 - 1992

A hearing was held after due notice on January 13, 1992. The Board members present were: Mr. McCabe, Mr. Stuchlik, Mrs. Hudson, Mr. Carey and Mr. Wheatley.

Nature of the Proceedings

This is an application for a variance from the setback requirement between units in a park.

Finding of Facts

The Board found that the applicant was seeking a variance from the setback requirement between units in a park for a parcel located on the southeast side of Route 266, at Route 266A, Lot 3A, within Capes Cove. The Board found the applicant was requesting a 2 foot variance from the required 20 foot setback between units. The Board found the applicant wants to replace a single-wide manufactured home with a 22 foot by 48 foot double-wide manufactured home. 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. McCabe, Mr. Stuchlik, Mrs. Hudson, Mr. Carey and Mr. Wheatley; voting against--none.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

R. G. McCabe

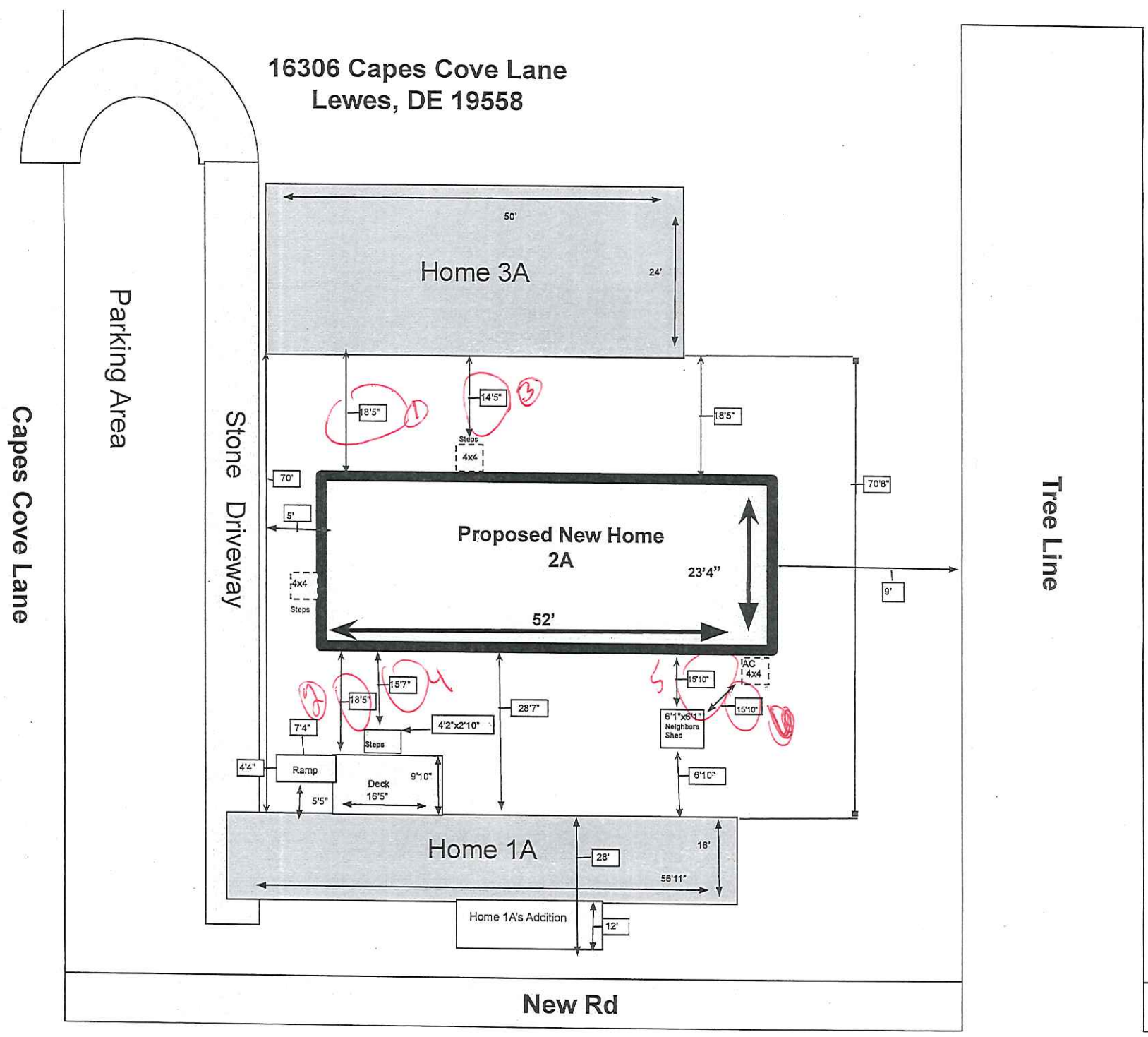
Ronald G. McCabe
Chairman

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

Date February 11, 1992

P+2 Copy
50'
Review

16306 Capes Cove Lane
Lewes, DE 19558



Parking Area

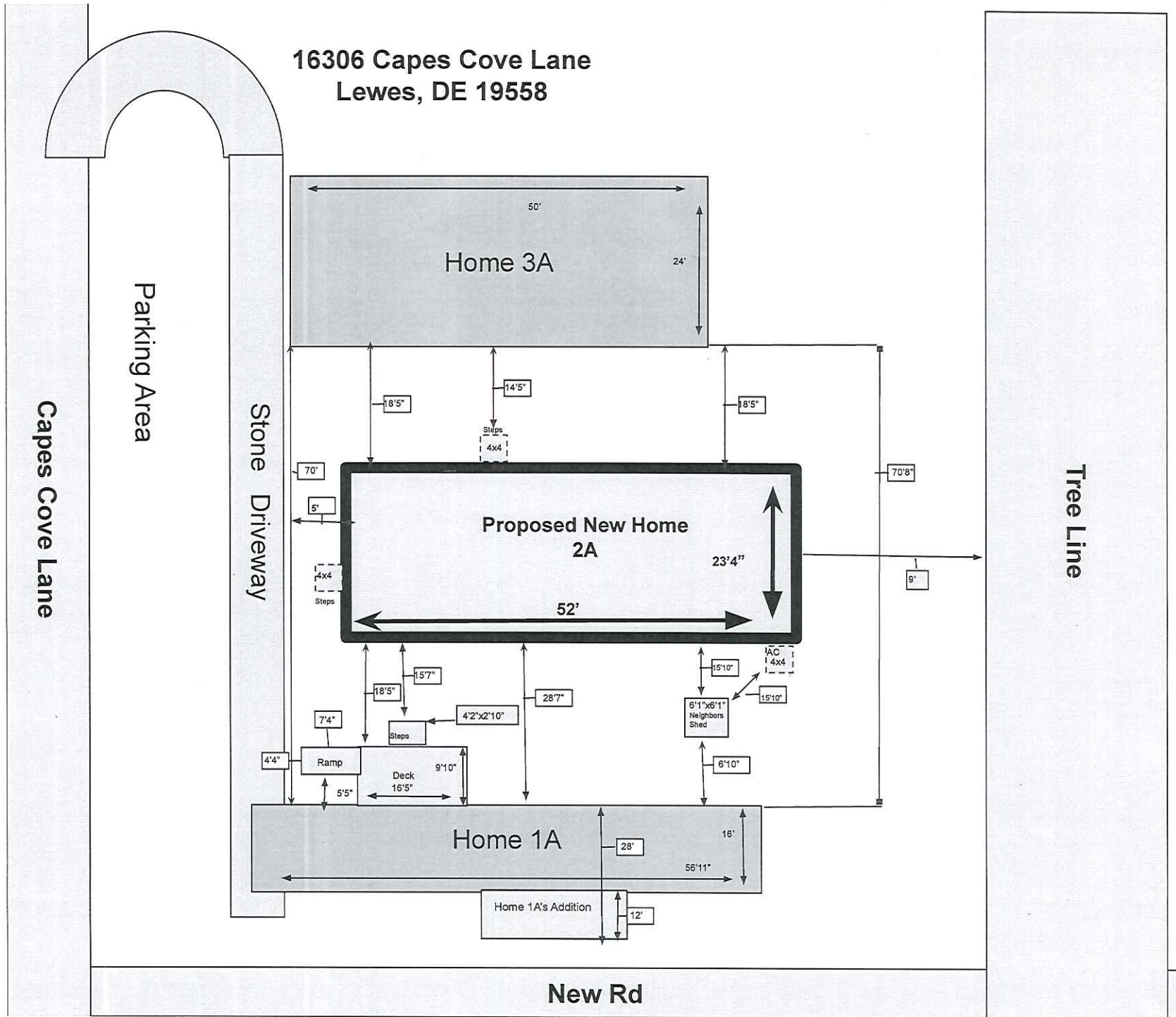
Capes Cove Lane

Stone Driveway

Tree Line

New Rd

16306 Capes Cove Lane
Lewes, DE 19558



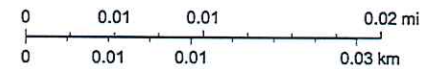
Sussex County



September 27, 2022

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

1:564



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

Site Address of Variance/Special Use Exception:

Capes Cove Tenant Association
Lot 2A - 16306 Capes Cove Lane, Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

1. Requesting a reduction of the 20' separation distance to 18.4' to structure on Lot 3A.
2. Requesting a reduction of the 20' separation distance to 18.8' to deck on Lot 1A.
3. Requesting a reduction of 16' separation distance to 14.4' from structure on Lot 3A to steps on side of proposed home.
4. Requesting a reduction of 20' separation distance to 15.8' from shed on Lot 1A to side of proposed home.
5. Requesting a reduction of 20' separation distance to 13.3' from corner of shed on Lot 1A to A/C unit on side of proposed home.
6. Requesting to place 4'x4' gable-end steps in 5' offset from gravel drive.

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 uniquely narrow dimensions of this lot create a challenge placing the proposed manufactured double-wide home and maintaining separation between homes and accessory structures. The lot sizes are small in comparison with the size of the modern manufactured home. We have selected a standard size floorplan for this home that is comparable to other new homes in the community but we are still unable to place on the lot with the required setbacks. The relatively narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code.

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 uniqueness of the property, the property cannot be developed in strict conformity with the Sussex County Zoning Code. We propose to place a normal width sized double-wide manufactured home that is consistent with other new homes in the community but are unable to do so without violating the separation distance requirements between neighboring manufactured homes and accessory structures (i.e. deck, shed). The variances are necessary to enable reasonable use of the property.

3. Not created by the applicant:

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

The property is quite narrow which greatly limits the buildable area thereof. The neighboring lots are also narrow causing development of nearby lots to be nearer to neighboring homes. It appears impossible for a home to be placed on the property without violating the separation distance requirements. The exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots.

Page 2 - continued

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 variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare thereof. We are seeking this variance to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community/neighborhood.

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The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The request for reduction of the separation distances is made with a request for a 6" margin of error for actual placement. This is to account for any variances in measuring, layout, and placement.

16298-Lot 1A

Sally Allsworth and Joe
Corey Peterson

16306-Lot 2A

Louise Alexander
Lydia Dickerson
Marv and Ed Street

16308-Lot 3A

Mary Jo Peabody
Treasurer
(302)519-9543

16310-Lot 4A

Pat Russler

16314-Lot 5A

Rich and Diana Irvine
Rich is Secretary
(302)381-0198

16315-Lot 6A

Barbara and Greg Fink
Barbara is President
(302)545-0276

16319-Lot 7

Rita Ward

16321-Lot 8

Alanna and
Mel Schucker

16299-Lot 1

Louella Richardson
Jodi Scurti

16301-Lot 2

Lorrie, Tim and Tim McCormick

16305-Lot 3

Kelly Jack and Gayle Smith

16309-Lot 4

Raelyn Thompson

16313-Lot 5

Holly Boote

Capes Cove Lane

CAPE COVE TENANTS ASSOCIATION (CCTA)
Members' Agreement for Manufactured Home Replacement

* * * Members Unable to Sign at Lot 2A Annual Assoc. Meeting 10/22/22

The Lessees / Shareholder (Alexander / Dickerson / Street Family) for Lot 2A as Members of the Capes Cove Tenants Association in Lewes, DE, who are in good standing with the Association have begun and are well into the process of replacing their old Manufactured Home with a new one.

- A Public Hearing has been scheduled with the Sussex County Board of Adjustment for November 11, 2022 at 6:00 pm in order to review the plan for the home, including special variance requests.
- Further details and specific guidance regarding the meeting are posted on a sign by Lot 2A.
- Please **sign below** next to your 911 Address **if you support the project**, provided that the Board of Adjustment Approval is granted.
- Should you object to a variance, you need not sign below and you are entitled to attend the 11/11/22 meeting in Georgetown, DE in order to express your concerns with the project.

I agree with the home replacement pending an Approved Variance by the County:

<u>911 Address / Lot #:</u>	<u>Printed Name / Signature:</u>	<u>Date Signed:</u>
** 16298 / Lot 1A		
16299 / Lot 1	See Seperate letter	11-1-22
** 16301 / Lot 2	See Seperate letter	11-1-22
16305 / Lot 3	Harold (Kelly) Jack Hill	10/22/22
** 16306 / Lot 2A	See Seperate letter	10-30-22
16308 / 3A	Error - Info on line above - 16306 is lot 2A family Requesting hearing	
16309 / Lot 4	Paul Thompson	10/22/22
** 16310 / Lot 4A	See Seperate Letter	11-1-22
16313 / Lot 5		
16314 / Lot 5A	King D. Irvine (Richard D. Irvine)	10-22-22

911 Address / Lot #:

Printed Name / Signature:

Date Signed:

16315 / Barbara Funk 10-22-22

16319 / Lot 7

** 16321 / Lot 8 See Seperate letter 10-30-22

CAPES COVE TENANTS ASSOCIATION (CCTA)
Individual Members' Agreement for Manufactured Home Variance Request

Lot 2A

Dear Capes Cove Tenants Association Member,

The Lessees / Shareholder (Alexander / Dickerson / Street Family) for Lot 2A of the Capes Cove Manufactured Home Community in Lewes, Delaware, as Members of the Capes Cove Tenants Association, who are in good standing with the Association have begun and are well into the process of replacing their old Manufactured Home with a new one. Placement of the new home shall require an approved Variance.

You have received along with this letter a copy of the proposed Lot/ New Home measurements and a description of the Variance Request.

Please Note:

- A Public Hearing has been scheduled with the Sussex County Board of Adjustment for November 21, 2022 at 6:00 pm in order to review the plan for the home, including special variance requests.
- Further details and specific guidance regarding the meeting are posted on a sign by Lot 2A.
- Please *sign below* next to your 911 Address *if you support the project*, provided that the Board of Adjustment Approval is granted.
- *Should you object to a variance*, you need not sign below and you are entitled to attend the 11/11/22 meeting in Georgetown, DE in order to express your concerns with the project.

I agree with the home replacement project on Lot 2A moving forward pending an Approved Variance by the Sussex County Board of Adjustment:

(Your Printed Name / Signature):

Laurel Dickerson

(Your 911 Address / Your Lot #):

#16299 Cape Cove Ln

(Date Signed):

11-1-2022

****Your signed letter shall be forwarded to the County Board of Adjustment along with the letters of all other members in agreement with the project.
A copy of your signed Letter shall be maintained in the CCTA Files***

CAPES COVE TENANTS ASSOCIATION (CCTA)
Individual Members' Agreement for Manufactured Home Variance Request

Lot 2A

Dear Capes Cove Tenants Association Member,


The Lessees / Shareholder (Alexander / Dickerson / Street Family) for Lot 2A of the Capes Cove Manufactured Home Community in Lewes, Delaware, as Members of the Capes Cove Tenants Association, who are in good standing with the Association have begun and are well into the process of replacing their old Manufactured Home with a new one. Placement of the new home shall require an approved Variance.

You have received along with this letter a copy of the proposed Lot/ New Home measurements and a description of the Variance Request.

Please Note:

- A Public Hearing has been scheduled with the Sussex County Board of Adjustment for November 21, 2022 at 6:00 pm in order to review the plan for the home, including special variance requests.
- Further details and specific guidance regarding the meeting are posted on a sign by Lot 2A.
- Please ***sign below*** next to your 911 Address ***if you support the project***, provided that the Board of Adjustment Approval is granted.
- ***Should you object to a variance***, you need not sign below and you are entitled to attend the 11/11/22 meeting in Georgetown, DE in order to express your concerns with the project.

I agree with the home replacement project on Lot 2A moving forward pending an Approved Variance by the Sussex County Board of Adjustment:

(Your Printed Name / Signature): LORRIE MCCORMICK 

(Your 911 Address / Your Lot #): 16301 Capes Cove Lane Lewes Del.
19958

(Date Signed): Nov. 1, 2022

****Your signed letter shall be forwarded to the County Board of Adjustment along with the letters of all other members in agreement with the project.***

A copy of your signed Letter shall be maintained in the CCTA Files

CAPES COVE TENANTS ASSOCIATION (CCTA)
Individual Members' Agreement for Manufactured Home Variance Request

Lot 2A

Dear Capes Cove Tenants Association Member,

The Lessees / Shareholder (Alexander / Dickerson / Street Family) for Lot 2A of the Capes Cove Manufactured Home Community in Lewes, Delaware, as Members of the Capes Cove Tenants Association, who are in good standing with the Association have begun and are well into the process of replacing their old Manufactured Home with a new one. Placement of the new home shall require an approved Variance.

You have received along with this letter a copy of the proposed Lot/ New Home measurements and a description of the Variance Request.

Please Note:

- A Public Hearing has been scheduled with the Sussex County Board of Adjustment for November 21, 2022 at 6:00 pm in order to review the plan for the home, including special variance requests.
- Further details and specific guidance regarding the meeting are posted on a sign by Lot 2A.
- Please *sign below* next to your 911 Address *if you support the project*, provided that the Board of Adjustment Approval is granted.
- *Should you object to a variance*, you need not sign below and you are entitled to attend the 11/21/22 meeting in Georgetown, DE in order to express your concerns with the project.

I agree with the home replacement project on Lot 2A moving forward pending an Approved Variance by the Sussex County Board of Adjustment:

(Your Printed Name / Signature): MARY JO PEABODY

(Your 911 Address / Your Lot #): Mary Jo Peabody LOT 3A

(Date Signed): 10/30/22

****Your signed letter shall be forwarded to the County Board of Adjustment along with the letters of all other members in agreement with the project.***

A copy of your signed Letter shall be maintained in the CCTA Files

CAPE COVE TENANTS ASSOCIATION (CCTA)
Individual Members' Agreement for Manufactured Home Variance Request

Lot 2A

Dear Capes Cove Tenants Association Member,

The Lessees / Shareholder (Alexander / Dickerson / Street Family) for Lot 2A of the Capes Cove Manufactured Home Community in Lewes, Delaware, as Members of the Capes Cove Tenants Association, who are in good standing with the Association have begun and are well into the process of replacing their old Manufactured Home with a new one. Placement of the new home shall require an approved Variance.

You have received along with this letter a copy of the proposed Lot/ New Home measurements and a description of the Variance Request.

Please Note:

- A Public Hearing has been scheduled with the Sussex County Board of Adjustment for November 21, 2022 at 6:00 pm in order to review the plan for the home, including special variance requests.
- Further details and specific guidance regarding the meeting are posted on a sign by Lot 2A.
- Please ***sign below*** next to your 911 Address ***if you support the project***, provided that the Board of Adjustment Approval is granted.
- ***Should you object to a variance***, you need not sign below and you are entitled to attend the 11/21/22 meeting in Georgetown, DE in order to express your concerns with the project.

I agree with the home replacement project on Lot 2A moving forward pending an Approved Variance by the Sussex County Board of Adjustment:

(Your Printed Name / Signature): A. SCHUCKER *A. Schucker*

(Your 911 Address / Your Lot #): 16321 Capes Cove Ln. LOT # 8

(Date Signed): Oct. 30, 2022

****Your signed letter shall be forwarded to the County Board of Adjustment along with the letters of all other members in agreement with the project.***

A copy of your signed Letter shall be maintained in the CCTA Files

CAPES COVE TENANTS ASSOCIATION (CCTA)
Individual Members' Agreement for Manufactured Home Variance Request

Lot 2A

Dear Capes Cove Tenants Association Member,

The Lessees / Shareholder (Alexander / Dickerson / Street Family) for Lot 2A of the Capes Cove Manufactured Home Community in Lewes, Delaware, as Members of the Capes Cove Tenants Association, who are in good standing with the Association have begun and are well into the process of replacing their old Manufactured Home with a new one. Placement of the new home shall require an approved Variance.

You have received along with this letter a copy of the proposed Lot/ New Home measurements and a description of the Variance Request.

Please Note:

- A Public Hearing has been scheduled with the Sussex County Board of Adjustment for November 21, 2022 at 6:00 pm in order to review the plan for the home, including special variance requests.
- Further details and specific guidance regarding the meeting are posted on a sign by Lot 2A.
- Please *sign below* next to your 911 Address *if you support the project*, provided that the Board of Adjustment Approval is granted.
- *Should you object to a variance*, you need not sign below and you are entitled to attend the 11/21/22 meeting in Georgetown, DE in order to express your concerns with the project.

I agree with the home replacement project on Lot 2A moving forward pending an Approved Variance by the Sussex County Board of Adjustment:

(Your Printed Name / Signature): Patricia Russler Patricia Russler

(Your 911 Address / Your Lot #): 4A 16310 Capes Cove Ln.
Lewes DE 19958

(Date Signed): Nov 1, 2022

****Your signed letter shall be forwarded to the County Board of Adjustment along with the letters of all other members in agreement with the project.
A copy of your signed Letter shall be maintained in the CCTA Files***

Capes Cove Tenants Association (CCTA)
C/o Richard D Irvine
(Secretary CCTA Board of Directors)
16314 Capes Cove Lane
Lewes, DE 19958

Sussex County Delaware
Board of Adjustments
Planning and Zoning Office
PO Box 417
Georgetown, DE 19947

Wednesday, November 9, 2022

CCTA Support of Requested Variance

Dear SC Board of Adjustments,

The purpose of this letter is to notify you in writing of the Capes Cove Tenants Association's Board of Directors and Members' agreement for and request to you for support of granting a variance to Sussex County's Current Zoning Regulations for "Setbacks." This request involves the placement of a new manufactured home to be placed on the Lot 2A which has been cleared and has an address of 16306 Capes Cove Lane.

As a Board, we recognize that such a request for a variance should not be taken lightly. Therefore, we reviewed the Variance Request with Members of the CCTA at our Annual Membership Meeting of October 22nd, 2022. Members who were in support of the project were able to sign a document noting their agreement at the Annual. Some Members wished to look further into the request. Therefore, the Board of the CCTA sent those Members Individual Letters to sign off on. We received 5 of the signed letters from families that had not signed at the meeting.

To date, we did not require a signed letter from the family making the request for a Variance. Therefore, we have 9 approvals from members outside of the requesting family. No written response has been received for the last 3 of our Members.

On behalf of the Volunteer Board of Directors of the Capes Cove Tenants Association, we thank you for your support and due consideration of this project.

Sincerely,

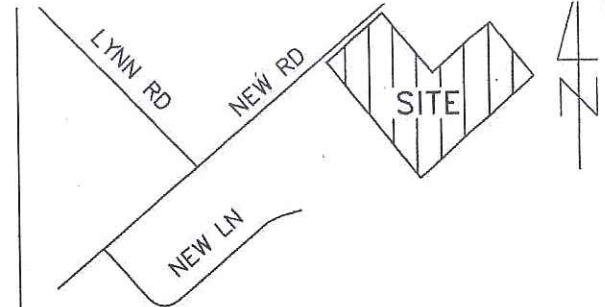
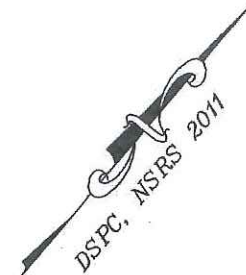

Richard D. Irvine - Secretary

Remaining two officers of Association in agreement with this request are; Mary Jo Peabody-Treasurer, and Barbara Fink- President, each of whom has signed either a letter or the sheet passed out at the 10-22-22 Annual Meeting.

Cc: File, Alexander / Dickerson / Street Family

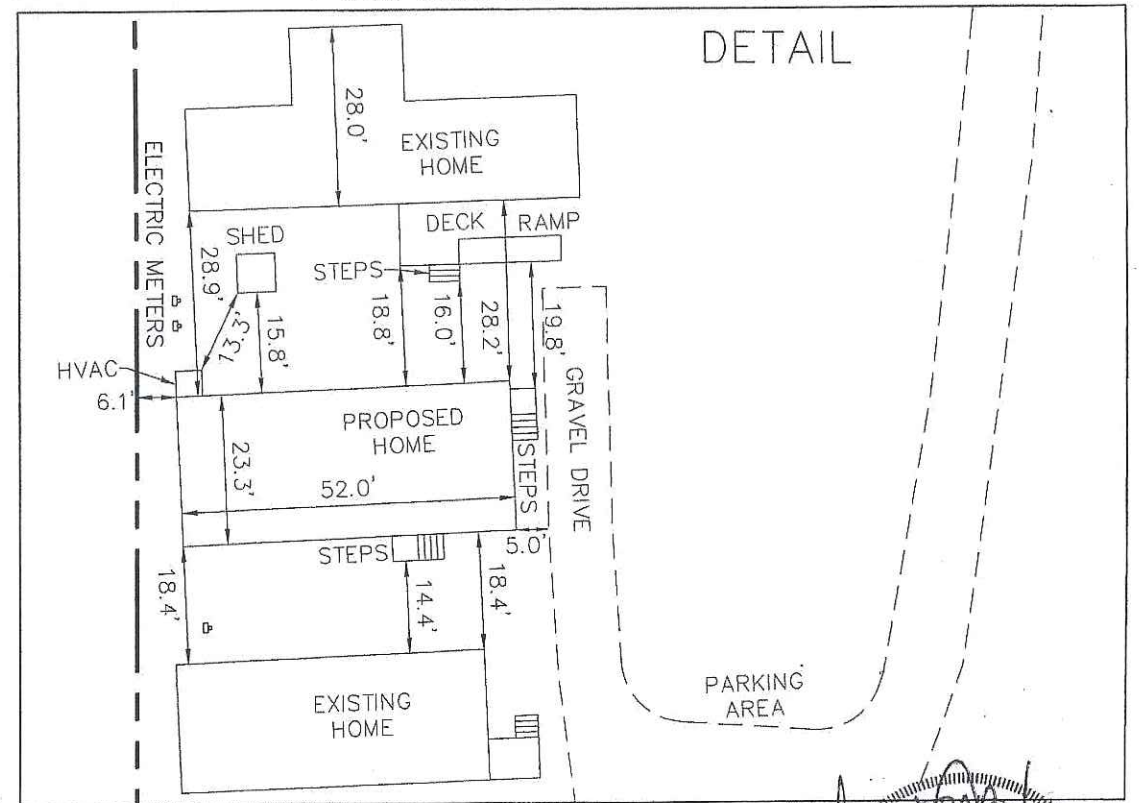
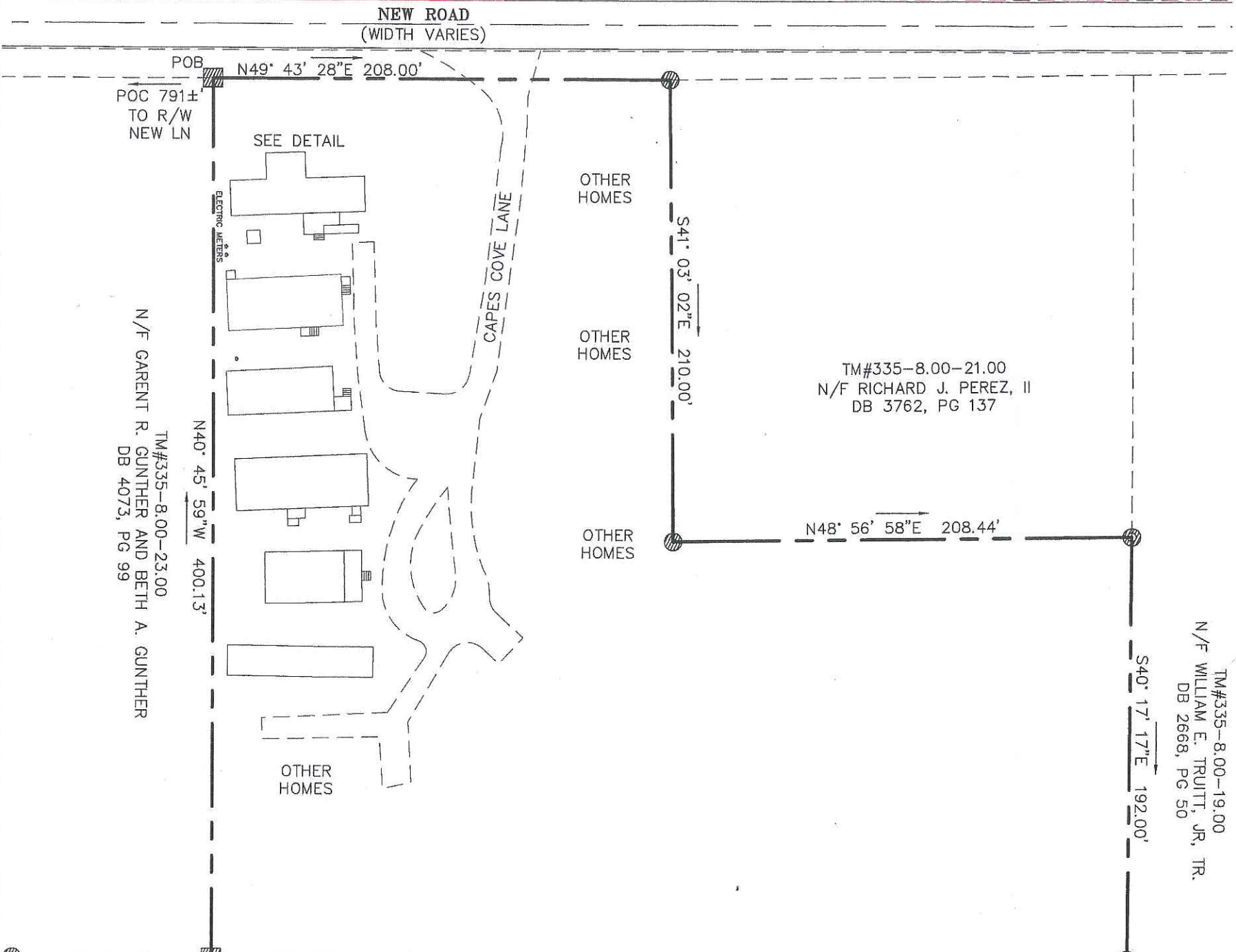
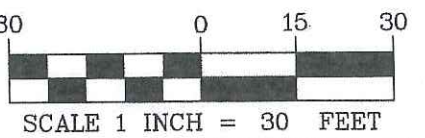
PLAN DATA:

- TITLE REFERENCED TO:
 TM# 335-8.00-22.00-2385, DB 1528, PG 263
 NEW ROAD LEWES, DE 19958
 LOT 5A, CAPES COVE MHP
 REHOBOTH HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
- NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
- THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
- ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR1 AND MHP SETBACKS ARE: F-5, S-5, AND R-5, 20 FEET REQUIRED BETWEEN HOUSES.

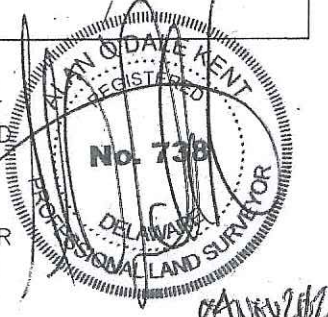


LEGEND:

- IRON PIPE FOUND
- CAPPED IRON PIN FOUND
- CONCRETE MONUMENT FOUND
- EXISTING PROPERTY LINE
- ADJOINING PROPERTY LINE
- BUILDING RESTRICTION LINE
- ROAD EDGE
- ROAD CENTERLINE



I, ALAN O'DALE KENT 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.



ALAN O'DALE KENT, P.L.S.#738, DATE THIS IS A SUBURBAN SURVEY

JOB # 2022186

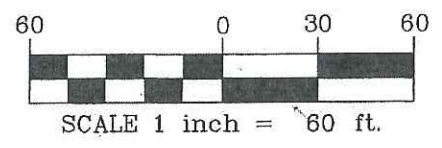
DATE OF PLAN
04 NOV 2022

DATE OF FIELD WORK
05 OCT 2022

BOUNDARY SURVEY PLAN AND SITE PLAN FOR LYDIA A. DICKERSON OF THE LANDS NOW OR FORMERLY OF CAPE COVE TENANT ASSOCIATION, INC.

PREPARED BY
ALAN O'KENT LAND SURVEYING, LLC
SEAFORD, DE 19913
(302) 745-1735

TM#335-8.00-563.00 N/F STEUART R. AND ROBIN R. COLEVAS, TTEE REV TR. DB 4925, PG 12	TM#335-8.00-564.00 N/F NICK AND VERONICA DIFEDINADO DB 2135, PG 85	TM#335-8.00-565.00 N/F JAMES J. AND MAUREEN MCLAUGHLIN DB 2759, PG 169	TM#335-8.00-566.00 N/F MARTY M. MCLAUGHLIN, JR DB 2070, PG 330	TM#335-8.00-567.00 N/F JILL MAGGS AND DAVID BALLANCE DB 5119, PG 142
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Case # **12764**
Hearing Date 10/21/22
202213956

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

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

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-25 115-183 115-185

Site Address of Variance/Special Use Exception:

23417 HOLLYVILLE RD HARBESON DE 19951

Variance/Special Use Exception/Appeal Requested:

12' rear setback variance
10' side setback variance

Tax Map #: 2.34-16.00-1.05

Property Zoning: AR1-RESIDENTIAL

Applicant Information

Applicant Name: DENNIS + AMY MORRIS
Applicant Address: 23417 HOLLYVILLE RD HARBESON, DE 19951
City _____ State _____ Zip: _____
Applicant Phone #: _____ Applicant e-mail: _____

Owner Information

Owner Name: DENNIS + AMY MORRIS
Owner Address: 23417 HOLLYVILLE RD
City HARBESON State DE Zip: 19951 Purchase Date: SEPT 2002
Owner Phone #: (302) 947-4542 Owner e-mail: GRAY@TRI15@YAHOO.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

Amy Morris

Date: 9/22/02



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.

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

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

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

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

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

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

STATEMENT OF CRITERIA FOR VARIANCE

1. UNIQUENESS OF PROPERTY

The proposed garage would be connected to the existing paved driveway which runs along the left side of the property. If the garage is required to be built per the current setback requirements, the garage would be offset from the current driveway and would be inaccessible to a vehicle due to the close proximity to the house.

2. CANNOT OTHERWISE BE DEVELOPED

If the proposed garage is required to be built per the current setback requirements, parts of the garage would be inaccessible to vehicles due to the close proximity to the current house and a large pine tree that is located near the back of the property.

3. NOT CREATED BY THE APPLICANT

A permit was obtained for this project by the builder, Coastal Builders, LLC on September 13, 2022. Permit number 202212831. It wasn't until the Masons arrived to stake off the garage foundation on September 21, 2022 did we learn of the setback requirements. Coastal Builders, LLC never disclosed this information to us even after discussing with us where we planned to put the proposed garage. This has since left us in a position to try to obtain a variance on our own. We attempted to get a current survey, but were unable to do so on such short notice. We did include the original survey from when we built our house with the proposed garage noted on the survey.

STATEMENT OF CRITERIA FOR VARIANCE CONTD.

4. WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD

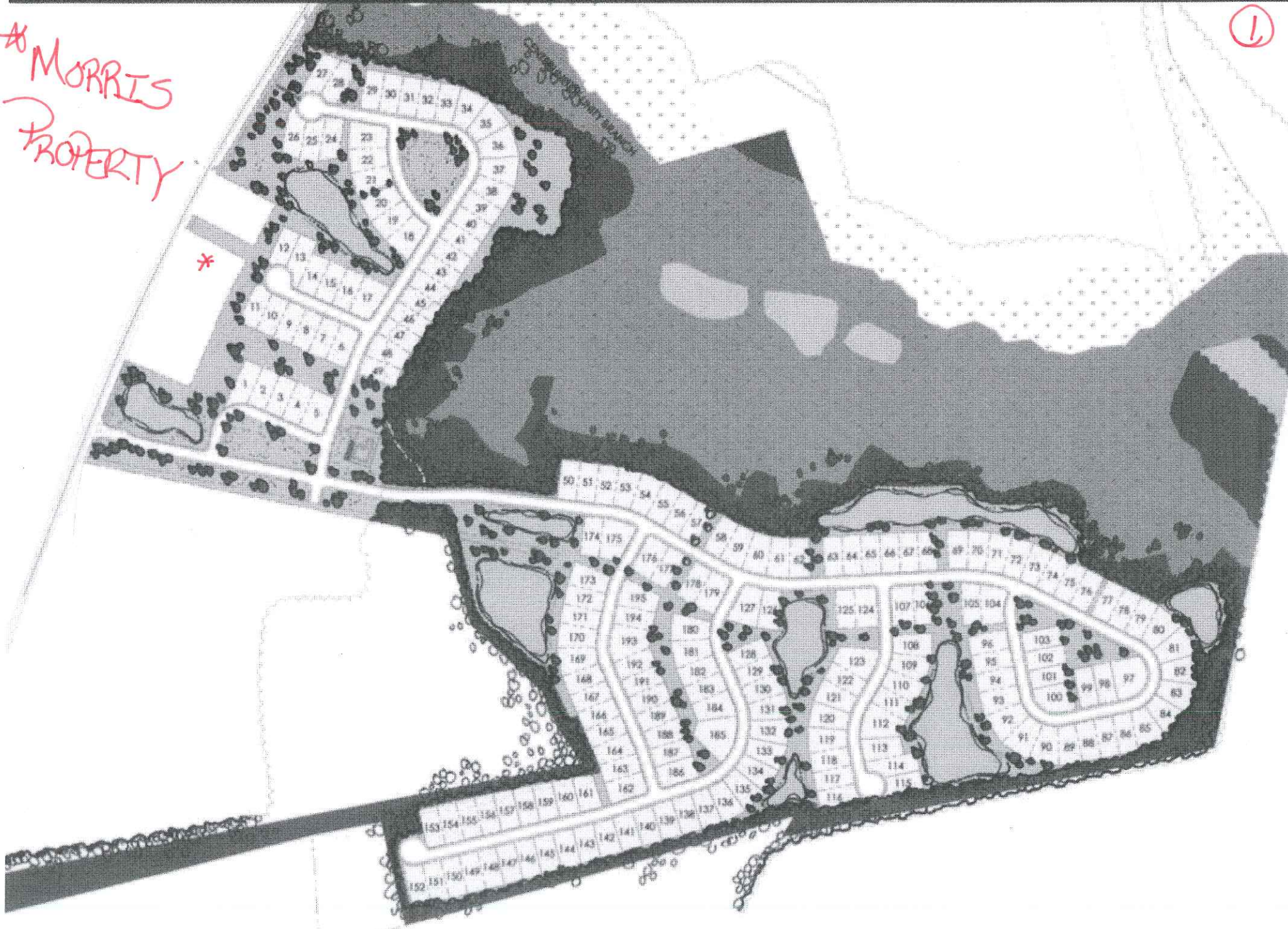
There is a proposed development called Turnberry that will be located directly adjacent to our property. There will be the required 30 ft of buffered trees directly along the back of our property line. The proposed development also includes a fifty foot wide area of land that is located directly to the left of our property. There are no roads or buildings of any kind currently located on the 50 ft parcel. The proposed Turnberry Development will not alter that piece of land and will leave it as open space. The 50ft. Parcel is an undeveloped piece of land located between our property and our next door neighbor. A copy of the proposed Turnberry development next to our property is attached for reference.

5. MINIMUM VARIANCE

The minimum variance requested for the new garage would be to have the setbacks located as follows: 8 feet from the back of the property line and 5 feet from the left side property line.

ENLARGED TURNBERRY DEVELOPMENT

* MORRIS PROPERTY



CLOSE UP OF TURNBERKY DEV.

* MORRIS
PROPERTY

2

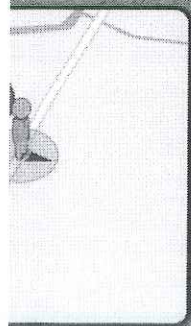
*



50 FT. UNUSED LAND NEXT TO DRIVEWAY

3

Rd 48
on, Delaware
oogle
Street View - Oct 2019



Google

VIEW OF DRIVEWAY / FRONT OF PROPERTY

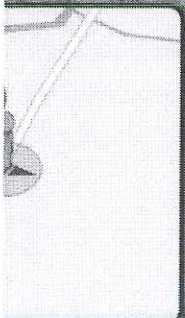
4

Rd 48

on, Delaware

oogle

Street View - Oct 2019



Google

Pr 2 Review





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

P&C Review

Application Number
202212831
Issue Date: 09/13/2022
Expire Date: 09/13/2023

Permit Type: ACCESSORY STRUCTURE OUT OF TOWN

Parcel ID	Address	Zone Code
234-16.00-1.05	23417 HOLLYVILLE ROAD	AR-1

Owner Information	Applicant Information
Name: MORRIS DENNIS L & AMY E MORRIS Phone:	Name: COASTAL BUILDERS LLC Phone:

Contractor Information	
Name: MORRIS DENNIS L & AMY E MORRIS CID: 578484 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

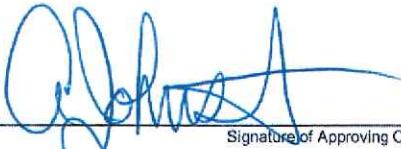
Building Information
Proposed Use: DETACHED GARAGE Construction Type: Estimated Cost of Construction: \$ 12,168 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: 40.00 / _____ Rear Setback: 20.00 / _____ Side Setback: 15.00 / _____ Corner Setback: _____ / _____ Maximum Building Height: 42' Location Description: E/RT 48 LOT A1 FLOOD ZONE Flood Zone: x340k _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.


Project Description: ACC STRUCT 400'+
Scope of Work:
26X36 DET GARAGE

**TO BE KEPT
ON JOB SITE**

Permit Details:



Signature of Approving Official



Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction.
I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.
THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number	BP-190488	TOTAL FEES:	\$ 73.92
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Building Description

Total Bedrooms:

Full Baths:

Half Baths:

Total Rooms:

Basement:

Interior Walls:

Flooring:

CONCRETE

Heat Type:

Roofing:

SHINGLE

Exterior Walls:

VINYL

Foundation Type:

Fireplace Type:

Air Conditioning: N

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater

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

_____ Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds

Must conform to the location approved by the park.

_____ Farm-Use Permits

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

_____ Fences

Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

 Parcel Setbacks

All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

_____ Pools (Above-Ground)

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

_____ Pools (In-Ground)

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

_____ Pools or Guest Homes

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

_____ Tax Ditch

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



**SUSSEX COUNTY
NEW CONSTRUCTION BUILDING CODE & PERMIT
SINGLE FAMILY WORKSHEET**

[PROVIDE ALL APPLICABLE INFORMATION FOR SUBMITTAL]

Tax Map & Parcel ID: 234-16.00-1.05 Lot/Unit #: N/A Development: N/A

Modular: Yes No Model Name: _____ Stories: 1

Waiving Plan Review: Yes No

Area	Square Feet	Dimension
Heated Living Space	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Garage	<u>936</u>	Dimensions <u>26'</u> x <u>36'</u>
Basement	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Finished:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Sunroom	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Porch 1	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Porch 2	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Deck 1	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Deck 2	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Outside Shower <i>(Do not include in total)</i>	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Unfinished Space	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Other	<u>0</u>	Dimensions <u>0</u> x <u>0</u>
Total Square Feet	<u>936</u>	

Area	Number	Materials
Bedrooms	<u>0</u>	Foundation Type <u>BLOCK</u>
Baths – Full	<u>0</u>	Siding Type <u>VINYL</u>
Baths – Half	<u>0</u>	Roof Type <u>ASPHALT</u>
Total Rooms	<u>0</u>	Heat Type <u>NO</u>
Fireplace	<u>0</u>	Fireplace Type <u>NO</u>
Elevator	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Flooring Type (check all that apply): Carpet Vinyl Wood Tile Concrete Other _____

Contact Name COASTAL BUILDERS Phone No. 302-542-4155

Contractor's Name RICHARD DOYLE Email address COASTALBUILDERS@COMCAST.NET

Address 400 MEGAN AVE SEAFORD, DE 19973

(IF ANY ADDITIONAL INFORMATION – PLEASE WRITE ON THE BACK OF THIS FORM)
(Any additional questions, please contact the Permit Office 302-855-7720)





SUSSEX COUNTY
NEW CONSTRUCTION BUILDING CODE & PERMIT
SINGLE FAMILY WORKSHEET

[PROVIDE ALL APPLICABLE INFORMATION FOR SUBMITTAL]

Tax Map & Parcel ID: 234-16.00-1.05 Lot/Unit #: N/A Development: N/A

Additional Information:

DENNIS & AMY MORRIS
23417 HOLLYVILLE ROAD
HARBESON, DE 19951

Contact Name COASTAL BUILDERS Phone No. 302-542-4155

Contractor's Name RICHARD DOYLE Email Address COASTALBUILDERS@COMCAST.NET

Address 400 MEGAN AVE SEAFORD, DE 19973

(Any additional questions, please contact the Permit Office 302-855-7720)





Sussex County Government COVID-19 Intake Form

Contact Name: Coastal Builders LLC
Address: 400 Megan Avenue Seaford, DE 19973
Contact Phone Number: RICHARD DOYLE (302) 542-4155
Email Address: coastalbuilders@comcast.net
For (Person or Department): _____
Date: 8-31-2022
Time: _____

What is being dropped off?

GARAGE PRINT - SINGLE FAMILY WORKSHEET

Comments:

Tax Map #234-16.00-1.05

DENNIS & AMY MORRIS
23417 HOLLYVILLE ROAD
HARBESON, DE 19951

BUILDING CODE

MAIN OFFICE (302) 855-7860
MAIN OFFICE (FAX) (302) 855-7821

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

PLAN REVIEW (302) 855-7860
PLAN REVIEW (FAX) (302) 855-7869



Sussex County

DELAWARE
sussexcountyde.gov

ANDY WRIGHT
CHIEF OF BUILDING CODE

SINGLE FAMILY INSPECTION REQUIREMENTS

Application # 202217831

FOOTING INSPECTION-

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

*Building Code automatically checks the building setbacks when we perform a footing inspection. However, in some cases, a third-party engineering company may perform a footing inspection. When a third party does the footing inspection you must request a separate "Setback Inspection" from us OR you may provide a sealed foundation as-built survey to the Building Inspection Office before a framing inspection can be scheduled.

PRE-SLAB INSPECTION-

- Required for conditioned areas built on slab on grade
- Perimeter insulation installed prior to pouring slab
- Proof of DE State plumbing inspection MUST be on site

TRACK INSPECTION-

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

HOUSEWRAP/FRAMING INSPECTION-

- Housewrap inspection may be scheduled before the framing inspection as a separate inspection.
- Building is weather tight (roof covering, housewrap, flashing, windows & doors must be installed)
- Electrical and plumbing inspected with stickers on site
- Mechanical ducts and boots installed and sealed
- Draft stopping and fire blocking completed
- Basement waterproofing complete and certification provided
- Certifications for pre-engineered products on site
- Framing inspection before exterior covering is installed
- No insulation is to be installed before framing inspection

- Pole buildings require a header inspection prior to any exterior or interior wall covering is installed
- Plant built portions of modular homes do not require framing inspection but are required a "Close-In" inspection after the units are set and before mating wall have exterior covering installed.
- Site built portions of a modular home project are still required a framing inspection.

ENERGY INSPECTION (DWELLINGS, CONDITIONED ADDITIONS & ACCESSORY STRUCTURES)-

- 2018 Energy compliance ("Res-Check") must be on site.
- Building envelope sealed from all air drafts
- All insulation properly installed.
- Thermal stickers for doors and windows must be in place.
- Modular homes to have all air gaps in mating walls sealed and site-built portion such as: finished cape cods, rooms over garages, additional living spaces...etc.) certification and a permanent certificate must be completed and posted in or around the electric box before final inspection.

FINAL INSPECTION-

- The following items must be on file with Building Inspections BEFORE scheduling final inspection:
 - On-site wastewater/septic completion report (with red stamp) from DNREC
 - DelDOT entrance permit when required on new construction
 - Final elevation certificate (when in flood zone)
- Work is completed
- Electrical and plumbing have been inspected with stickers on site.
- Blower door/energy certification posted in or around electric panel
- Duct blaster certification ONLY if any of duct work is in unconditioned space
- Rough grade for proper drainage away from structure
- Gutters and downspouts installed
- 911 addresses must be posted
- Attic and crawlspace insulation installed
- Must provide access to attic areas



SETBACK INSPECTION-

- Automatically generated when you pass final inspection
- Not required if a Final Survey is provided

CERTIFICATE OF OCCUPANCY-

- Issued when the above documents are received, and Sussex County field inspections are completed. It may take up to 48 hours to process. Please take this into consideration when scheduling your closings.

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

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

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

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

TO SCHEDULE INSPECTIONS:

PLEASE CALL 302-858-5500 BETWEEN 7:30 a.m. & 3:00 p.m.

OR USE THE "INSPECTION REQUEST" WEBFORM, FOUND AT THE BOTTOM OF:

sussexcountyde.gov

MUST HAVE APPLICATION NUMBER TO SCHEDULE INSPECTIONS.

All inspections can now be viewed on the County's website using the "Self Service Portal." To access this feature, please visit: sussexcountyde.gov and click on the "Self Service Portal" link at the bottom of the page. You will need to enter your Parcel ID or Application reference number to view all inspection results. Both numbers can be found on your building permit.

SIGNATURE Melissa L. Flynn

DATE 9-13-2022

PRINT NAME Melissa L. Flynn

OWNER or CONTRACTOR

Circle one:

PHONE # (302) 448-1496

EMAIL Coastalbuilders@comcast.net

Application Entry [Sussex County, DE]

9/1



- Back
- Search
- Browse
- Add
- Update
- Output
- Print
- Display
- PDF
- Save
- Excel
- Word
- Email
- Schedule
- Attach (0)
- Map
- Detail
- Overview
- Quick Find

Application

Department	112 - Assessment		Owner	578484 ...
Project/Activity *	A027 ... ACC STRUCT 400'+ *	Active	Contractor	MORRIS DENNIS L & AMY E MORRIS
Application *	202212831		Business	COASTAL BUILDERS LLC
Status	A ACTIVE		Status code	O - OPEN
Description 1	26X36 DET GARAGE		Status memo	RICHARD COASTALBUILDERS@COMCAST.NET 302-542-4155
Description 2			Assigned to	...
Applicant	C - CONTRACTOR		Permit	MULTIPLE
Estimated cost	12,168	Fees effective 09/01/2022		

PROPERTY/USE

LEGAL DESC DATES/MISC PROJECT TRACKING PERMITS GENERAL USER DEFINED

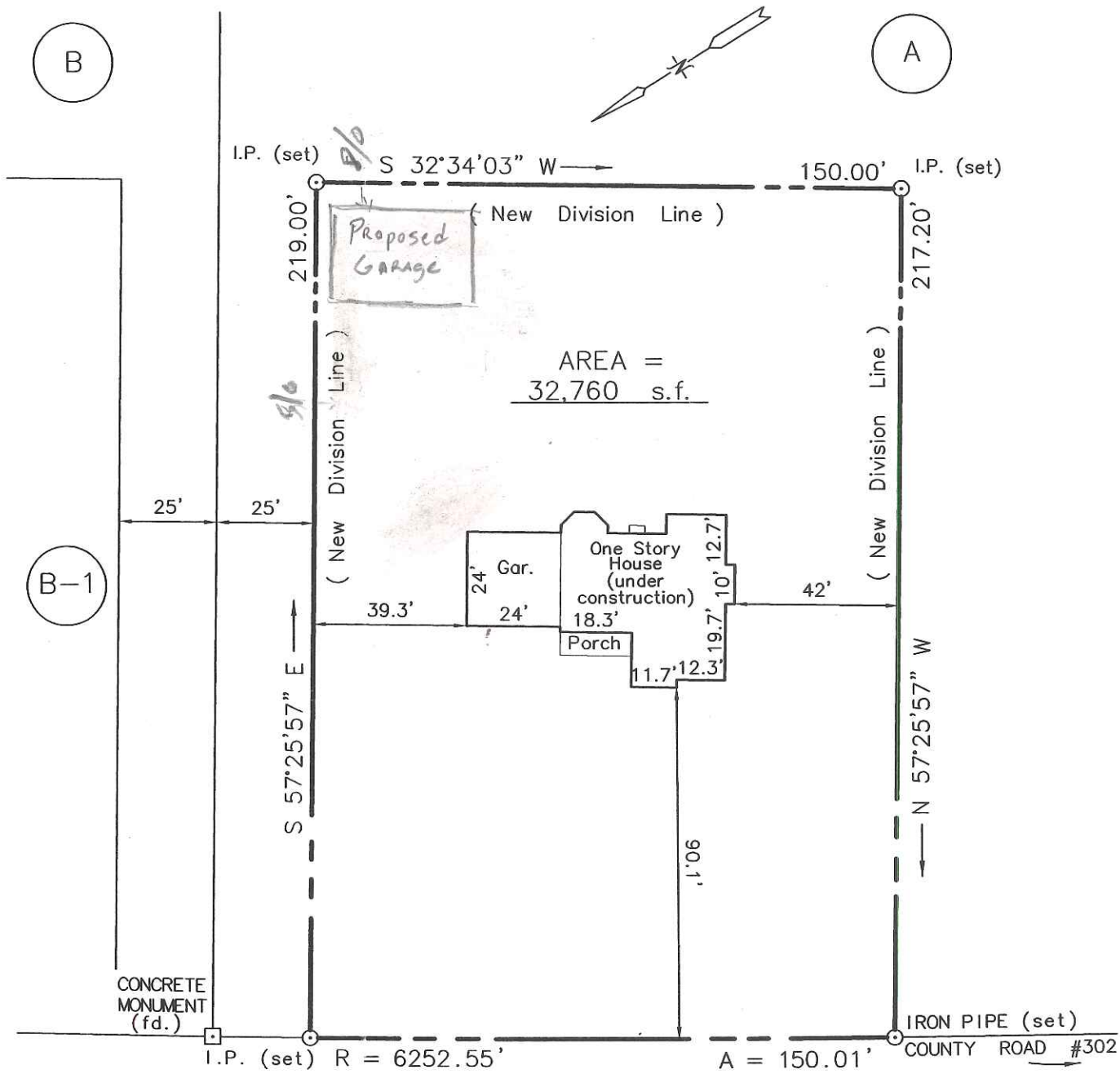
Parcel	234-16.00-1.05	Seq	0
Location	23417 HOLLYVILLE ROAD HARBESON DE 19951		
Municipality	HB ... HARBESON		
Subdivision	...		
Lot/Section/Phase	...		
Between and	...		
Location desc	E/RT 48 LOT A1		

\$278.92

emailed 9/18

Existing use zoning memo	RS ...
	AR-1 - AGRIC
flood zone	...
Proposed use zoning Project Name	RS ...
	AR-1 - AGRIC
flood zone Impervious surface	...

- Prerequisites
- Inspections
- Contractors
- Open Items
- Browse History
- Bonds
- Septic
- Parking
- Hazard/Restr
- Dept/Rd Reviews
- Names
- Warnings
- Find Related
- Locations
- Well
- Buffering



COUNTY ROAD #48

1,280' +/- to center of
COUNTY ROAD #290

Lot "A-1"
"WARREN JACKSON" Subdivision

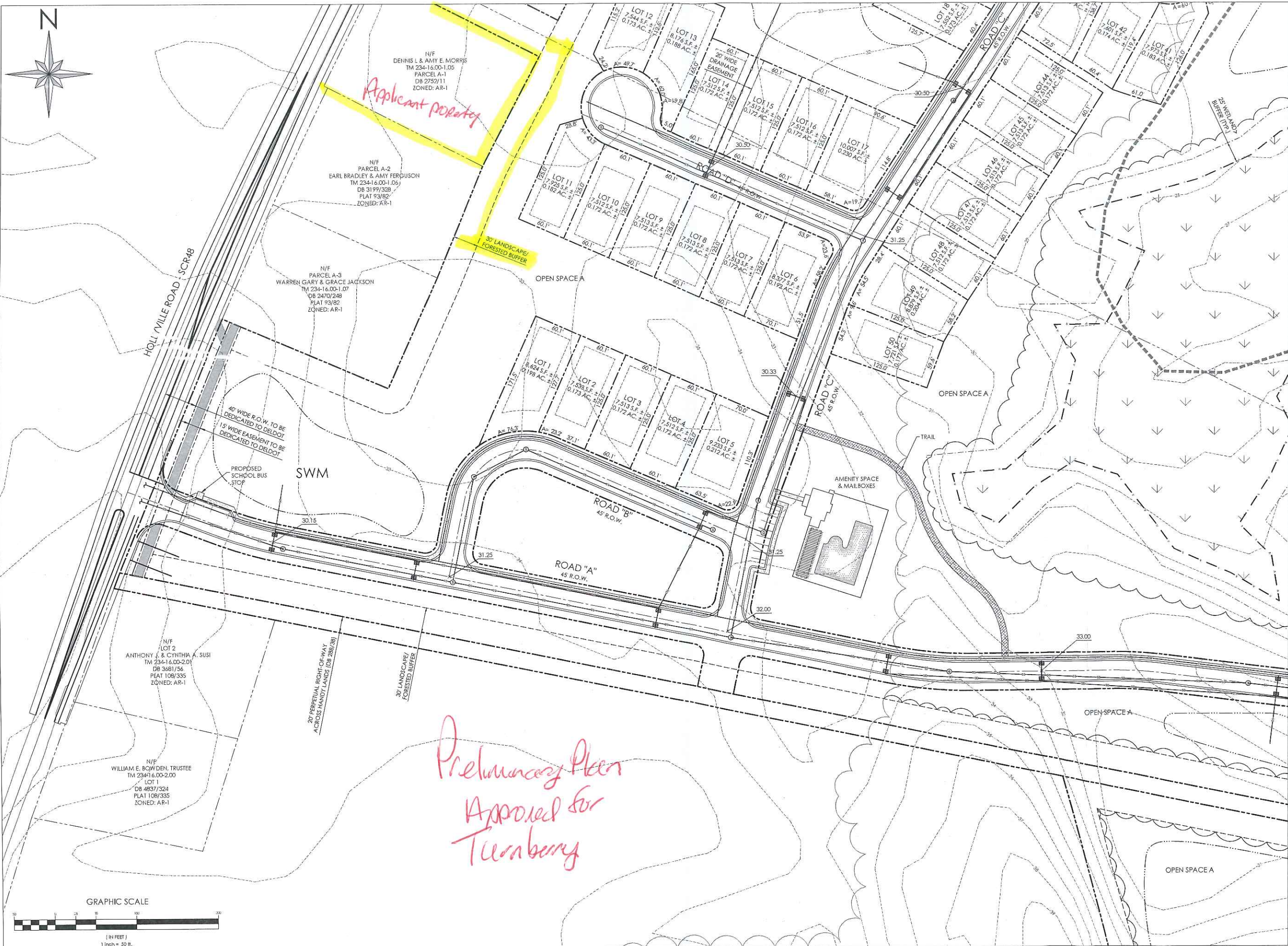
Prepared for
DENNIS & AMY MORRIS

Located in
INDIAN RIVER HUNDRED - SUSSEX COUNTY - DELAWARE
Scale: 1" = 40' Dec. 10, 2002


COAST SURVEY, INC.
 Land Surveying & Planning
 P.O. BOX 117
 NASSAU, DE 19969
 (302) 645-7184

William F. Carey, Jr.

Art Review



Applicant property

*Preliminary Plan
Approved for
Turnberry*

solutions

303 North Eastford Street
Georgetown, DE 19947
T. 302.297.9215

3003 Merritt Hill Road
Sellersville, MD 21084
T. 410.372.5833

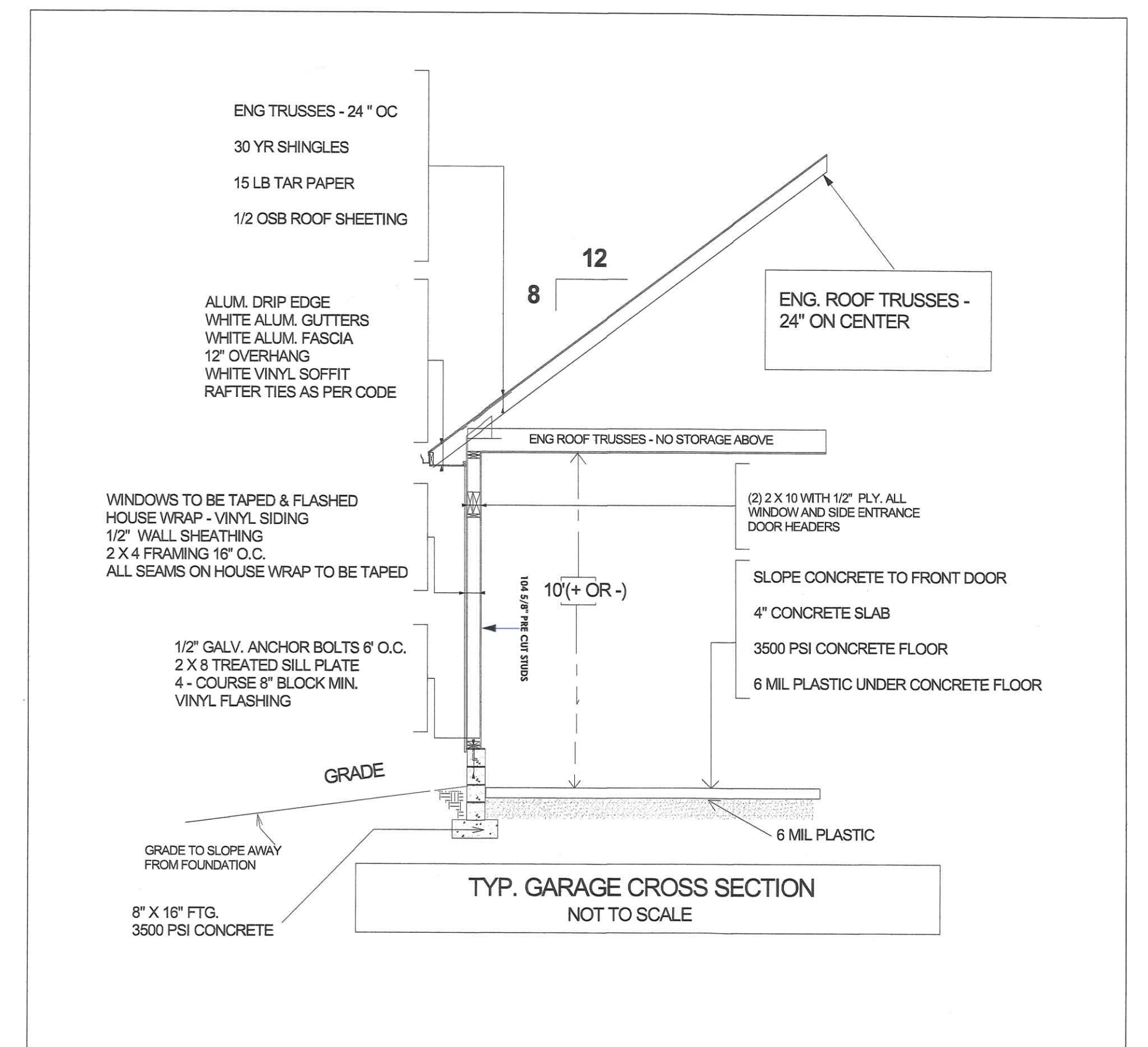
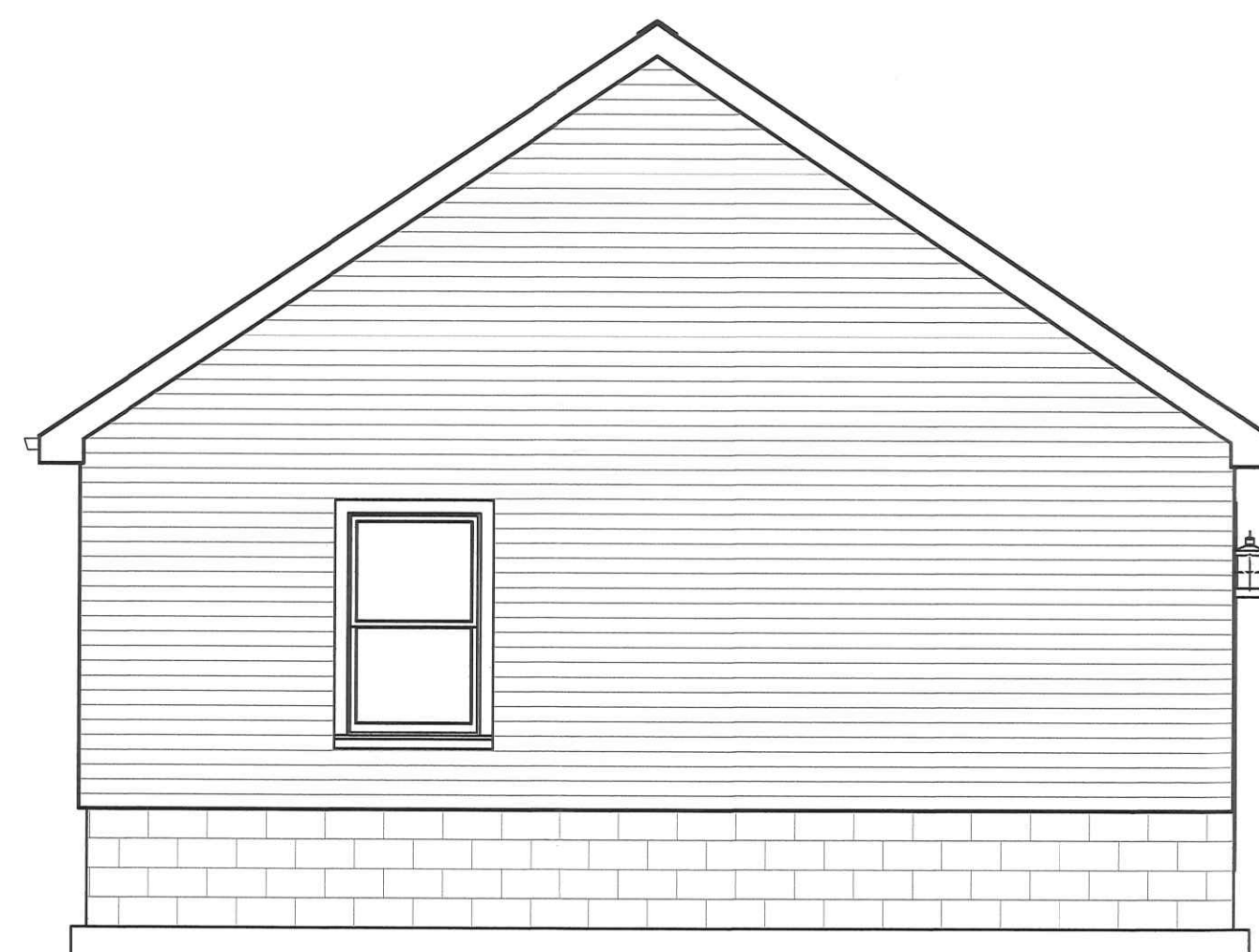
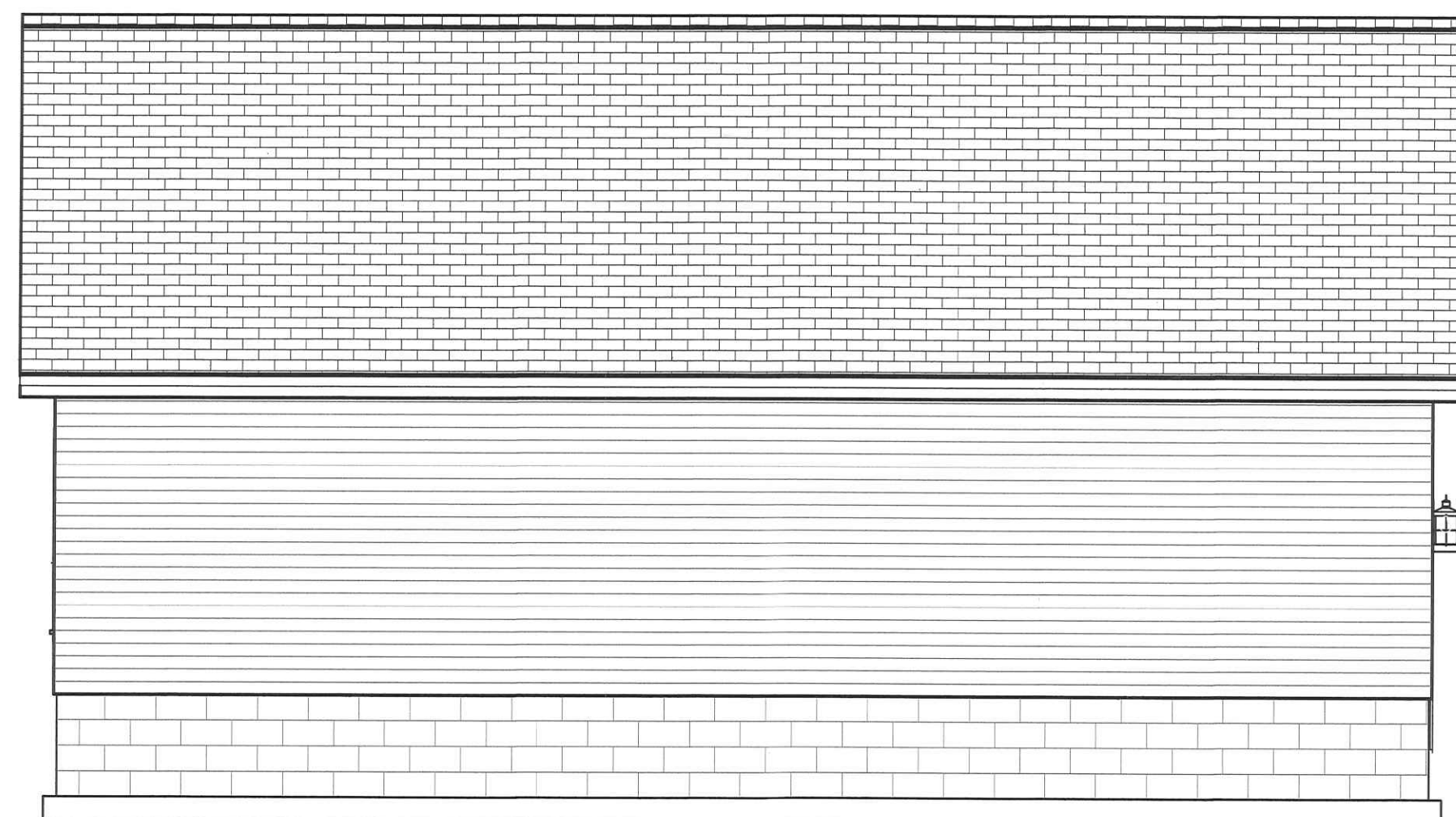
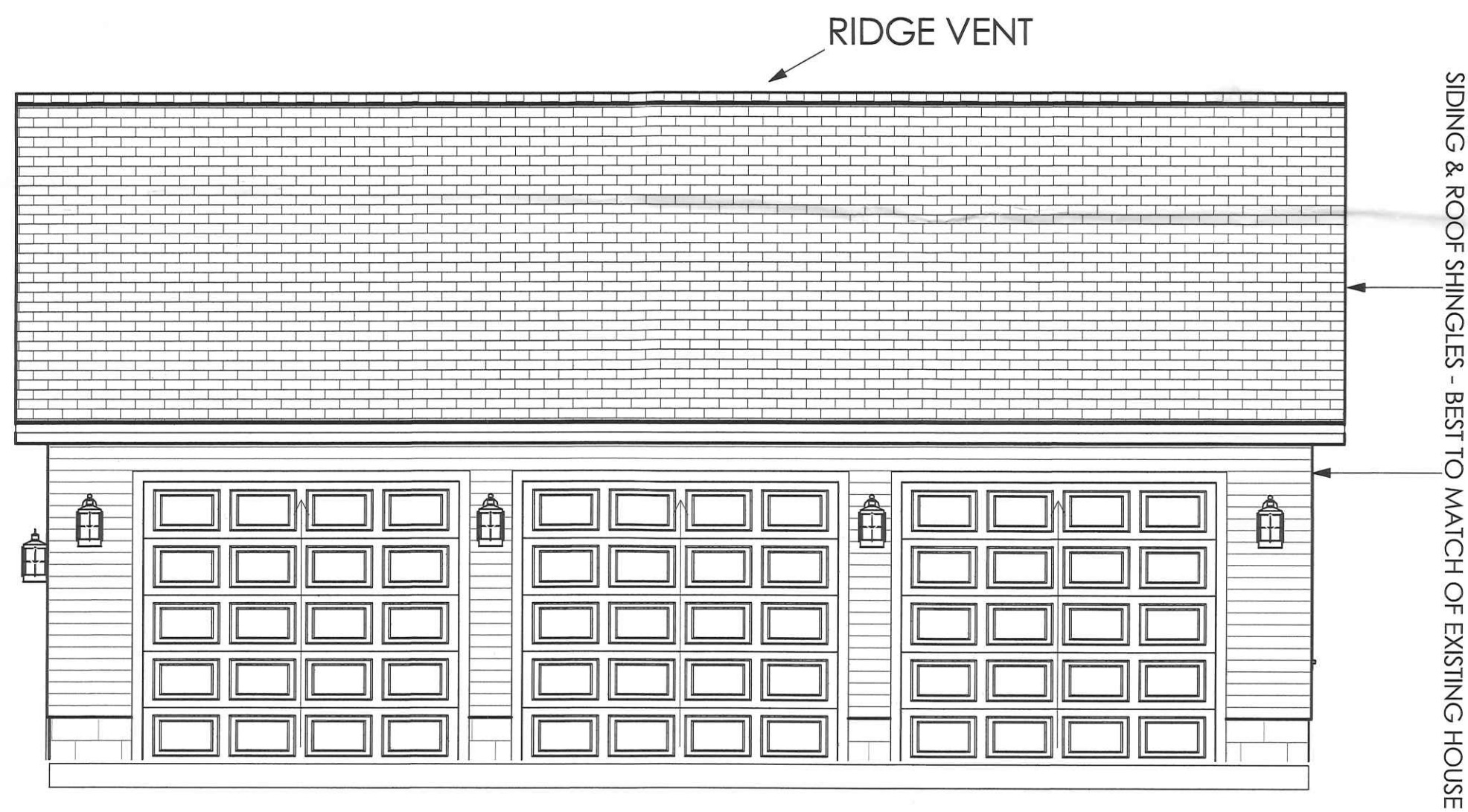
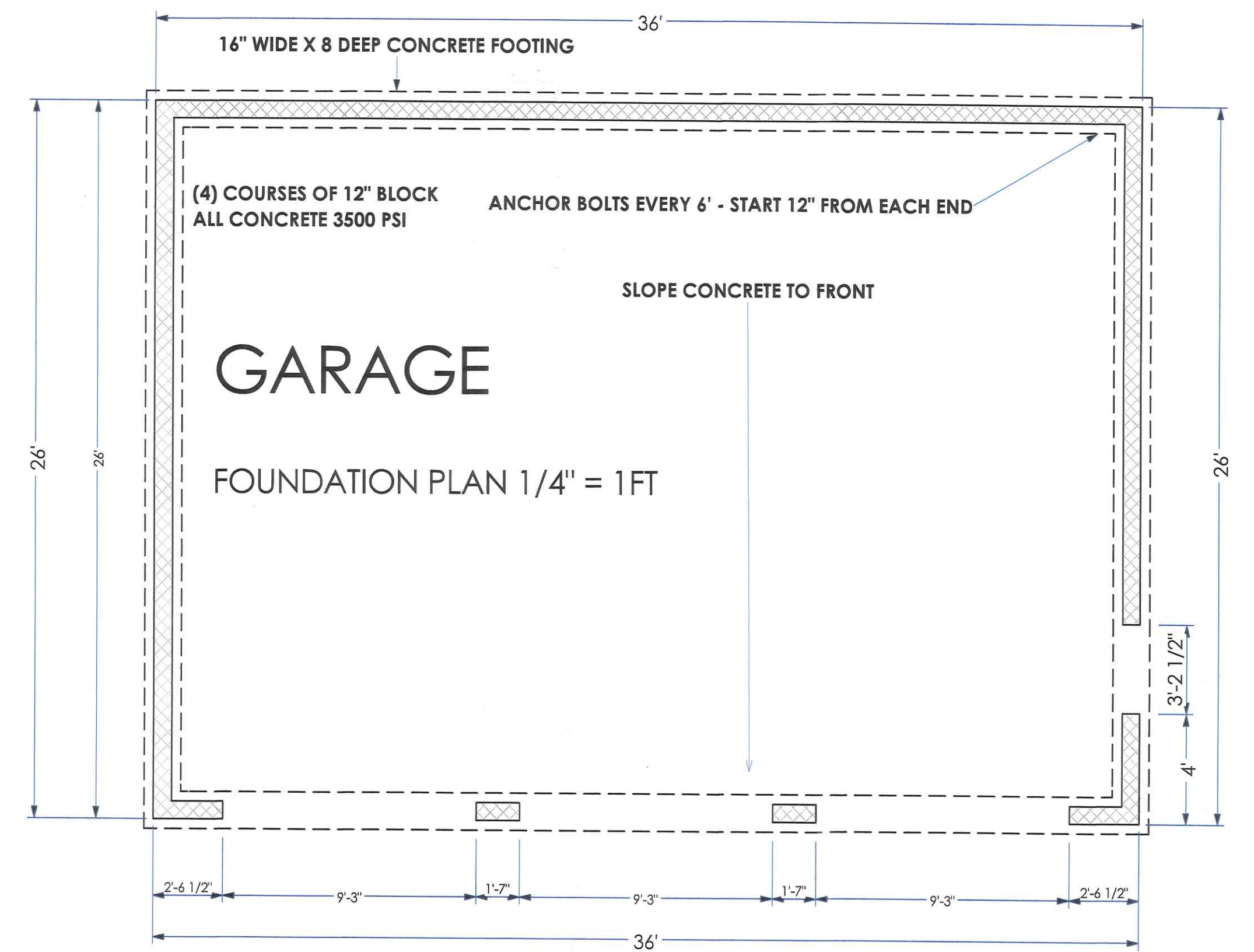
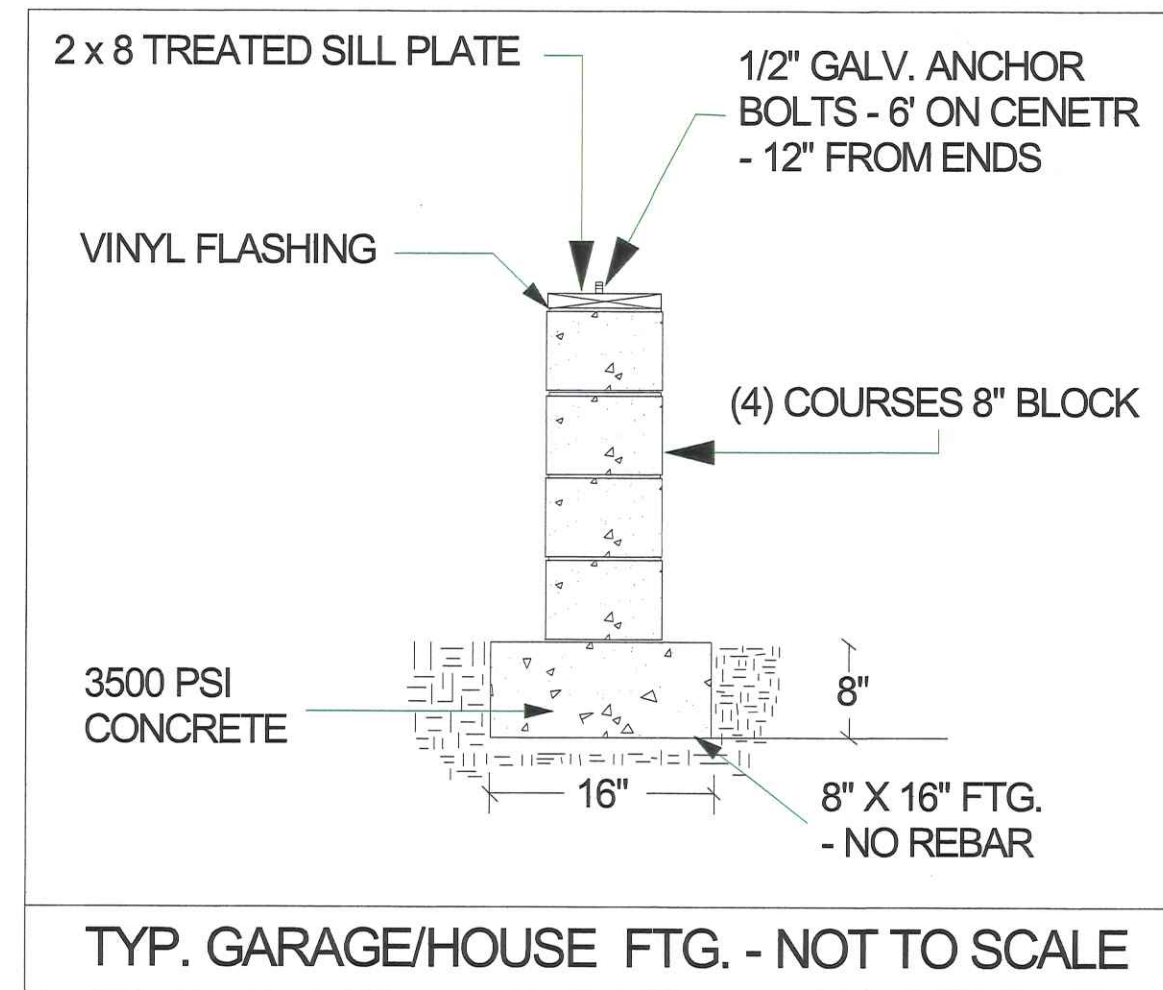
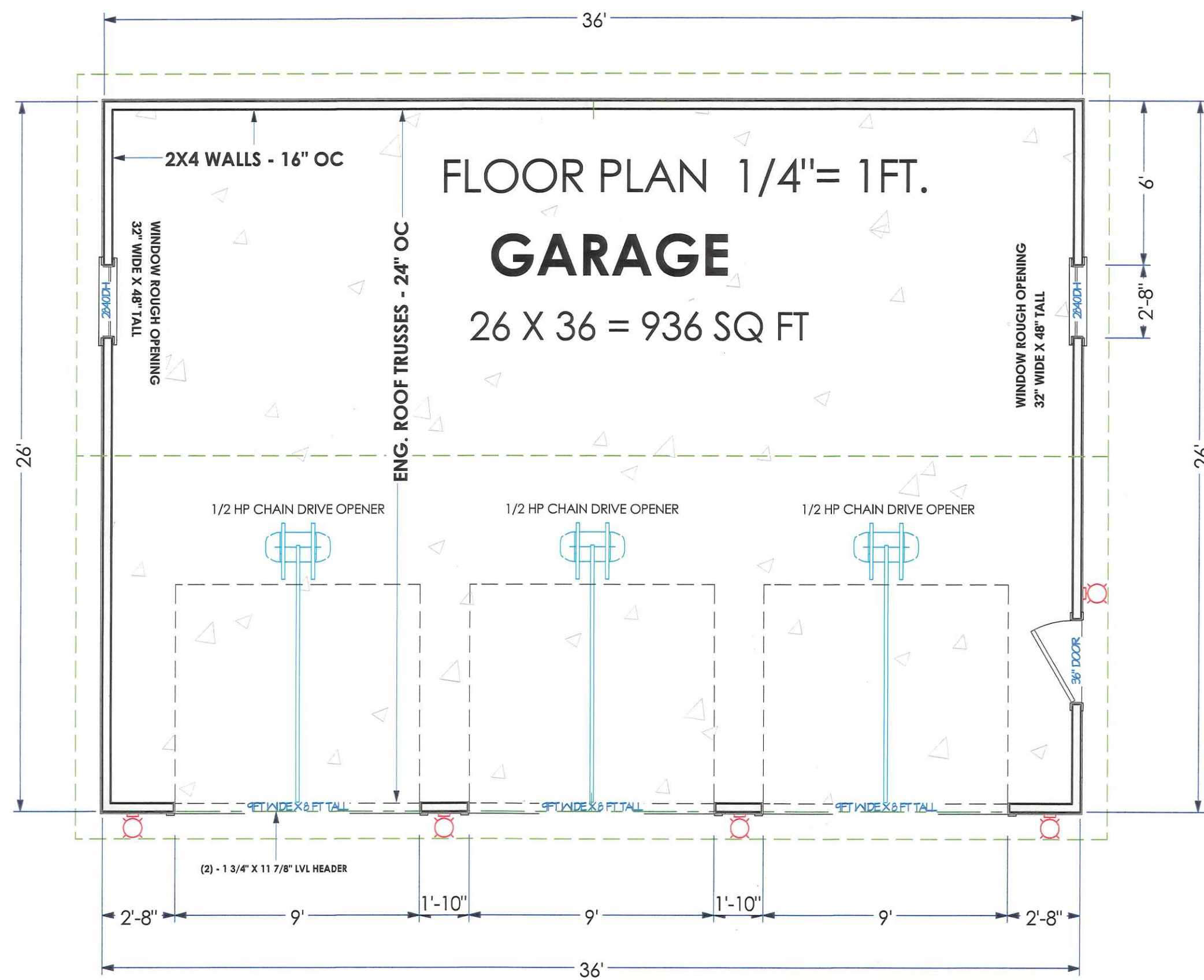
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NO.	DATE	DESCRIPTION
1	8/20/21	REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21
2	9/9/21	REMOVE PARCEL 234-16-00-199-00

PRELIMINARY PLAT B
for
TURNBERRY
SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

Date:	10-16-2020
Job Number:	20076
Scale:	1"=50'
Drawn By:	HHB
Designed By:	HHB
Approved By:	JR
Sheet No.:	4
File Name:	PP.dwg



MORRIS GARAGE

FIN
 PR

Coastal Builders LLC
 Richard Doyle 302-542-4155
 Michael Mahetta 302-236-1414

Sheet Title:
 FLOOR PLAN & FOUNDATION

Project Description:
 Dennis & Amy Morris
 22417 H...

DRAWINGS PROVIDED BY:
 Coastal Builders LLC

DATE:
 8/26/2

SCALE

SHEET

1

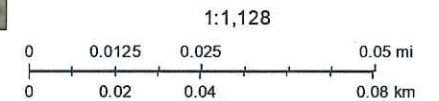


Sussex County



PIN:	234-16 00-1.05
Owner Name	MORRIS DENNIS L & AMY E MORRIS
Book	2752
Mailing Address	23417 HOLLYVILLE RD
City	HARBESON
State	DE
Description	E/RT 48
Description 2	LOT A1
Description 3	N/A
Land Code	

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



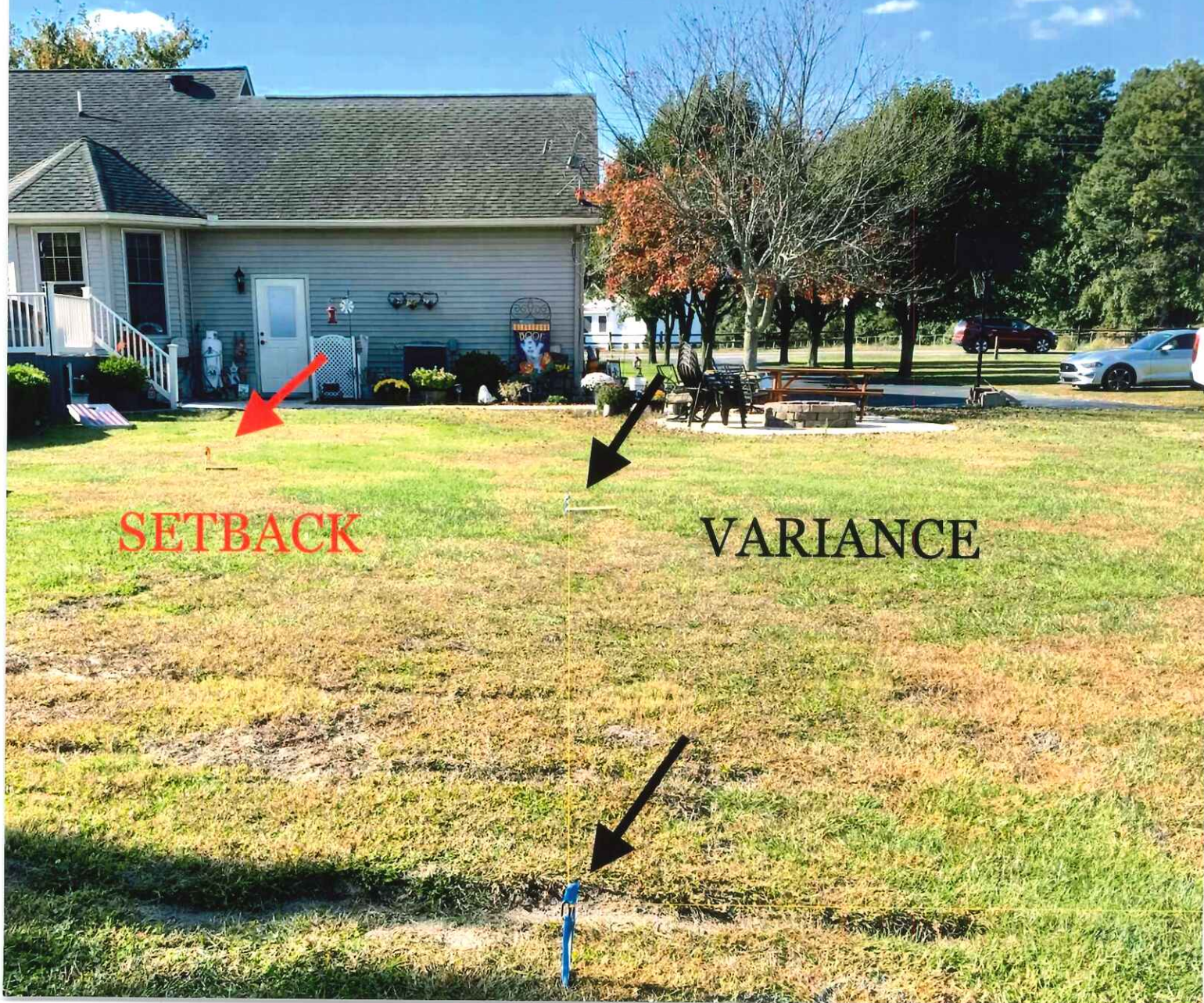
Proposed Garage Location With Variance



Proposed Garage Location with Current Setback Requirements



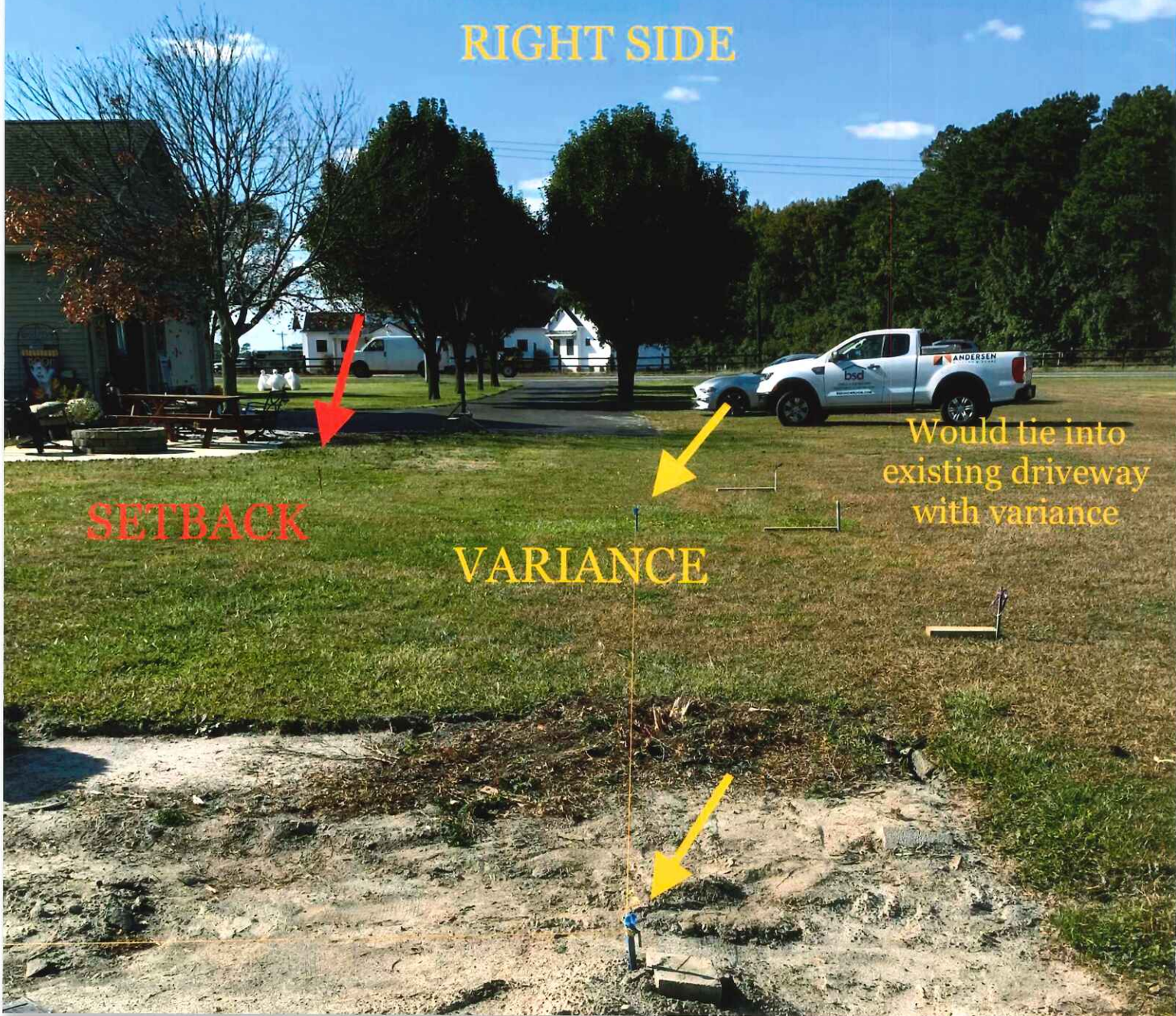
REAR VIEW OF SETBACK/VARIANCE LOCATIONS LEFT SIDE



SETBACK

VARIANCE

REAR VIEW OF SETBACK/VARIANCE LOCATIONS RIGHT SIDE

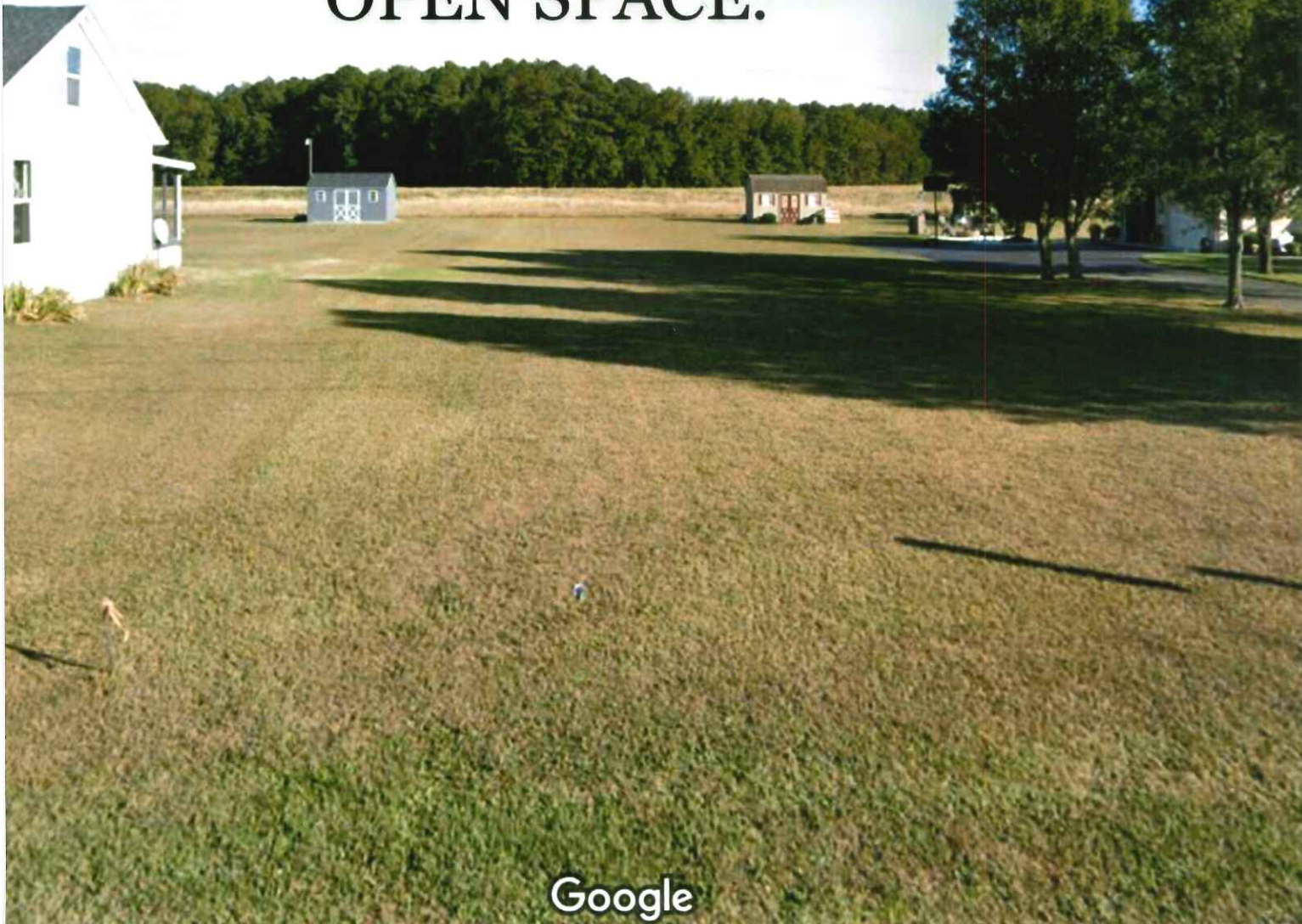


SETBACK

VARIANCE

Would tie into
existing driveway
with variance

**50 ft. WIDE AREA BETWEEN
HOMES. PART OF PROPOSED
TURNBERRY DEVELOPMENT &
SHALL REMAIN
OPEN SPACE.**



Our Property As
Outlined By
Proposed Turnberry
Development



11-08-22

To whom it may concern,

My name is Earl Brad Ferguson and I live with my wife Amy at 23433 Hollyville Rd Harbeson, De.

In reference to the variances that Amy and Dennis Morris are asking for to build their garage, we would like to state that we have no objection.

If you have any questions or concerns feel free to contact us at 302-945-0687.

Sincerely

Earl Brad Ferguson
Amy F. Ferguson

RECEIVED
NOV 09 2022
SUSSEX COUNTY
PLANNING & ZONING

11/5/22

PLANNING AND ZONING DEPT.
BOARD OF ADJUSTMENT
CASE NO. 12764 - DENNIS + AMY MORRIS

TO WHOM IT MAY CONCERN,

MY NAME IS WARREN JACKSON. I AM A
NEIGHBOR TO MR. + MRS. MORRIS AND WAS
SENT A LETTER REGARDING THE PUBLIC
HEARING FOR A VARIANCE. I DO NOT
OPPOSE THIS VARIANCE IN ANY WAY.

THANK YOU,

Warren C. Jackson

WARREN JACKSON
29344 UNITY BRANCH
HARRISON DE 19951

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NOV 09 2022

SUSSEX COUNTY
PLANNING & ZONING

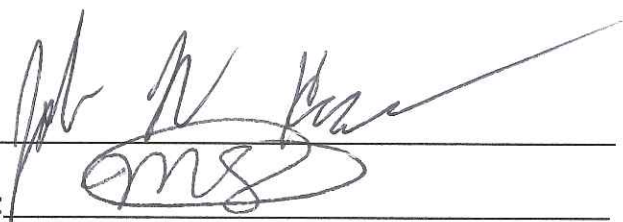
To whom it may concern,
Dennis and Amy have been our neighbors at 23397 Hollyville Rd.
Harbeson DE for over 3 years. We do not oppose the variance changes
they are requesting for their detached building. Thank you.

Sincerely,

John R Haas:

Miranda Shatzer:

Date:

Handwritten signatures of John R Haas and Miranda Shatzer. The signature for John R Haas is written above a horizontal line, and the signature for Miranda Shatzer is written below a horizontal line.

11-4-22

RECEIVED

NOV 09 2022

SUSSEX COUNTY
PLANNING & ZONING

JAMIE WHITEHOUSE, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878

jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

October 19, 2022

Dennis and Amy Morris
23417 Hollyville Road
Harbeson, DE 19951

RECEIVED

NOV 09 2022

SUSSEX COUNTY
PLANNING & ZONING

Dear Dennis and Amy Morris:

The public hearing to the Board of Adjustment has been scheduled for your following application:

Case No. 12764–Dennis and Amy Morris seek variances from the side yard and rear yard setback requirements for a proposed detached garage (Sections 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Hollyville Road approximately 0.26 miles from Hurdle Ditch Road. 911 Address: 23417 Hollyville Road, Harbeson. Zoning District: AR-1. Tax Parcel: 234-16.00-1.05

The Board of Adjustment will hold a Public Hearing on **Monday, November 21, 2022, at 6:00 pm** in the Sussex County Council Chambers located in the County Administrative Office, 2 The Circle Georgetown, DE, 19947.

It will be necessary for you, the applicant, to participate or be represented by an agent or attorney at the hearing before the Board. **The applicant shall provide evidence in the form of testimony and/or exhibits to support the application.** Exhibits must be submitted by the Thursday prior to hearing date. If you do not participate, the Board reserves the right to refuse to act on your application and to require that a new application be filed and fees paid at your expense after one year.

In case the applicant is to be represented by an attorney, or agent, it is your duty to notify them as to the date and time of the hearing as herein set forth, as the Board will not notify your counsel.

Further instructions describing the method of public participation and the manner of viewing the hearings will be contained within the Agenda that will be posted at least 7 days in advance of the meeting at sussexcountyde.gov.

Sincerely,
Planning and Zoning Department



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