

**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**

**February 19, 2024**

**6:00 PM**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of the Minutes for December 11, 2023**

**Approval of the Findings of Fact for December 11, 2023**

**Old Business**

**Case No. 12892 - Ariel Gonzalez**

seeks variances from the side and rear yard setback requirements for existing structures (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the northwest side of Saw Mill Road approximately 2461 ft. west of Pine Road. 911 Address: 20116 Saw Mill Road, Milton. Zoning District: AR-1. Tax Parcel: 135-4.00-11.01

**Public Hearings**

**Case No. 12906 – Gregory J. and M. Charlene Merk**

seek variances from the front and rear yard setback requirements for existing and proposed structures (Sections 115-25, 115-182, and 115-183 of the Sussex County Zoning Code). The property is located on the corner of Mulberry Knoll Road and W. Sands Street within the Bay Shore Hills Subdivision. 911 Address: 20682 Mulberry Knoll Road, Lewes. Zoning District: AR-1. Tax Parcel: 334-18.00-70.00

**Case No. 12907 – Brooke and Brittanie Hudson**

seek variances from the maximum fence height and front yard setback requirement for existing and proposed structures (Section 115-25, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on northwest side of Red Berry Road within the Holly Ridge Subdivision. 911 Address: 36815 Red Berry Road, Delmar. Zoning District: AR-1. Tax Parcel: 532-14.00-146.00

**Case No. 12908 – Ralph Page**

**seeks variances from the corner front, front, and rear yard setback requirements for existing and proposed structures (Sections 115-25, 115-182, and 115-183 of the Sussex County Zoning Code). The property is located on the corner of Lincoln Drive and Grant Avenue within the Cape Windsor Subdivision. 911 Address: 38723 Grant Avenue, Selbyville. Zoning District: AR-1. Tax Parcel: 533-20.14-31.00**

**Case No. 12909 – Andrew and Gladys Bellamah**

**seek variances from the front and side yard setback requirements for a proposed structure (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the northwest side of Wilson Walk within the Bay View Park Subdivision. 911 Address: 39538 Wilson Walk, Bethany Beach. Zoning District: MR. Tax Map: 134-20.11-85.00**

**Additional Business**

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**-MEETING DETAILS-**

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 12, 2024, 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 Board of Adjustment meeting materials, including the “packet” are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>.

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, February 15, 2024.

####

Case # 12892  
Hearing Date 202315878

### 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)  
\_\_\_\_\_  
\_\_\_\_\_

Site Address of Variance/Special Use Exception:

2016 SAW Mill Road Milton, DE → 2016 SAW Mill Road Milton, DE

Variance/Special Use Exception/Appeal Requested:

Variance for house and shed - 4 ft variance from 5 ft required setback (side) <sup>for shed</sup> and a variance of approximately 6 ft from 20 ft required setback (rear) for dwelling

Tax Map #: 135-4.00-11.01 Property Zoning: AR1

#### Applicant Information

Applicant Name: Ariel Gonzalez  
Applicant Address: 21745 SAW Mill Road  
City Milton State DE Zip: 19968  
Applicant Phone #: 302-858-2381 Applicant e-mail: ariel.gonzalez10@aol.com

#### Owner Information

Owner Name: Ariel Gonzalez  
Owner Address: 21745 SAW Mill Road Milton, DE 19968  
City Milton State DE Zip: 19968 Purchase Date: ~~2014~~ 2017  
Owner Phone #: 302-858-2381 Owner e-mail: ariel.gonzalez10@aol.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

[Signature]

Date: 10-11-23



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

Lot is very small. Well and Septic take up much room out front  
Addition to house already in place

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.

Lot is very small. Can't develop

3. Not created by the applicant:

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

Shed is already in place and wired in - has Cert. of occupancy. Built too close to Property line which was not marked. House addition also already in place @ 15' from line.

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

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

not changing anything. In existence for some time. No neighbor complaints

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.

Shed 5 Feet from 5 feet Required side & rear.  
House 15 Feet from line. 20 is Required.

NOTES

- 1 THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEED BOOK 2963, PAGE 138 AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC.
- 2 MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS
- 3 IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS
- 4 NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS PLAN

TM: 135-4.00-16.00  
LANDS N/F OF  
STATE OF DELAWARE  
DEED BOOK 3860, PAGE 365

TM: 135-4.00-11.00  
LANDS N/F OF ARIEL A.  
GONZALES-GUTIERREZ  
DEED BOOK 5044, PAGE 101  
AREA = 11,291 sq.ft.

TM: 135-4.00-12.00  
LANDS N/F OF  
PATRICIA MURPHY

TM: 135-4.00-13.00  
LANDS N/F OF  
CAMP MERGER, LLC.  
DEED BOOK 3514, PAGE 333

TM: 135-4.00-10.00  
LANDS N/F OF  
DEBORAH L. KLINE

TM: 135-4.00-16.00  
LANDS N/F OF  
STATE OF DELAWARE  
DEED BOOK 3860, PAGE 365

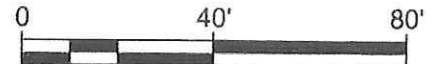


SAW MILL ROAD

SURVEY CLASSIFICATION: SUBURBAN

LOT AREA: 11,856 sq.ft.± (0.27 ac.±) FOR PARCEL 11.01

PLAT REF.: DEED BOOK 2963, PAGE 138



**PENNONI ASSOCIATES INC.**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LANDS N/F OF ARIEL A. GONZALES-GUTIERREZ  
GEORGETOWN HUNDRED  
SUSSEX COUNTY, DELAWARE

BOUNDARY/ LOCATION SURVEY PLAN

TM: 135-4.00-11.00 & 11.01

ARIEL GONZALES  
20116 SAW MILL ROAD  
GEORGETOWN, DELAWARE 19947

PROJECT	AGONZ19001
DATE	2019-05-23
DRAWING SCALE	1"=40'
DRAWN BY	KMD
APPROVED BY	AMD

SHEET 1 OF 1

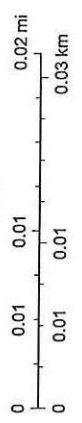
# Sussex County



November 27, 2023

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

1:564



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency, Delaware Geological Survey, U.S. Geological Survey, Delaware Public Service Commission, FEMA, State of Delaware, Maxar, Microsoft, DNREC, Division of Watershed Stewardship, Drainage



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

**IN RE: ARIEL GONZALEZ**

**(Case No. 12337)**

A hearing was held after due notice on July 15, 2019, and a written decision was rendered by the Board on September 9, 2019. A Motion for Rehearing was submitted and the Board discussed the Motion at its meeting on October 7, 2019. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is a motion for a rehearing of Case No. 12225 pursuant to Board of Adjustment Rule 18.

Findings of Fact

The Board found that the Applicant in Case No. 12337 requested a variance of 9 feet from the fifteen (15) feet side yard setback on the east side for proposed and existing structures. This application pertains to property that is a landlocked parcel on the northside of Saw Mill Road approximately 0.47 miles from Pine Road (911 Address: 20116 Saw Mill Road, Georgetown); said property being identified as Sussex County Tax Map Parcel Number 1-35-4.00-11.01.

1. On September 9, 2019, the Board issued a decision regarding Case No. 12337 – Ariel Gonzalez – which denied the variance application due to a lack of representation.
2. The Board received a timely Motion for Rehearing filed by the Applicant pursuant to Board Rule 18.
3. Pursuant to Board Rule 18.2, the Board “shall determine the motion upon written application, any responses thereto, and accompanying affidavits, if any.” Accordingly, no oral argument was presented to the Board and the motion was determined based on the written record.
4. In the Motion, the Applicant alleged that her son had a medical emergency and, as such, she could not attend the hearing.
5. Pursuant to Board Rule 18.1, The Board of Adjustment may rehear a matter for the following reasons: a) Mistake, inadvertent surprise or excusable neglect; b) Newly discovered evidence which by due diligence could not have been discovered at the time of the original hearing, or c) Fraud, misrepresentation or other misconduct of an adverse party.
6. After a review of the Motion, the Board granted the Motion for Rehearing for the following reasons.
7. Excusable neglect is neglect which might have been the act of a reasonably prudent person under the circumstances. See Cohen v. Brandywine Raceway Ass’n, 238 A.2d 320 (Del. Super. Ct. 1968).
8. The Applicant’s failure to attend the hearing was the basis for the denial of the Application and the Applicant has demonstrated that her failure to attend the hearing was due to excusable neglect. More specifically, the Applicant failed to attend the hearing due to a medical emergency for her son. The Board finds that this reason meets the standards for excusable neglect and the documentation provided by the Applicant supports this argument. The Board, however, takes no position on the merits of the Applicant’s request. A hearing on the merits shall be scheduled.

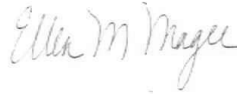


The Board granted the Motion for Rehearing for the reasons as set forth above.

Decision of the Board

Upon motion duly made and seconded, the Motion for Rehearing was granted. The Board Members in favor of the Motion to grant the relief requested were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to rehear the variance application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Ellen M. Magee  
Chair

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

Date December 3, 2019

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

**IN RE: ARIEL GONZALEZ**

**(Case No. 12337)**

A hearing was held after due notice on December 2, 2019. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances the front yard setback and side yard setback requirements for proposed and existing structures.

Findings of Fact

The Board found that the Applicant is requesting a variance of 9 feet from the fifteen (15) feet side yard setback requirement on the east side for an existing porch. This application pertains to certain real property that is a landlocked parcel on the northside of Saw Mill Road approximately 0.47 miles from Pine Road (911 Address: 20116 Saw Mill Road Georgetown) said property being identified as Sussex County Tax Map Parcel Number 1-35-4.00-11.01. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the property dated May 23, 2019, an aerial photograph of the property, property record information, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Ariel Gonzalez and Paul Tennell were sworn in to give testimony about the Application.
4. The Board found that Mr. Tennell testified that the home is unique due to the size of the lot and the location of the septic tank.
5. The Board found that Mr. Tennell testified that there is no other location to place the covered porch because the entrance to the dwelling is on the east side of the property.
6. The Board found that Mr. Tennell testified that there is exceptional practical difficulty because the situation was not created by the owner. The property was purchased with the non-conforming dwelling in the current location.
7. The Board found that Mr. Tennell testified that the variance will not alter the essential character of the neighborhood and that the lot to the east is vacant and is owned by the Applicant.
8. The Board found that Mr. Tennell testified that the variance requested is the minimum variance necessary to afford relief.
9. The Board found that Mr. Gonzalez testified that he did not understand the setbacks as noted on the permit when the porch was built.
10. The Board found that Paul Reiger was sworn in and testified against the Application because he thought that the setbacks were supposed to be checked when the footings were inspected to avoid the need for this type of variance request. The porch, however, was built prior to the new inspection procedures.
11. The Board tabled the Application until December 16, 2019, at which time the Board discussed and voted on the Application.
12. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application met the standards for granting a

variance. The findings below further support the Board's decision to approve the Application.

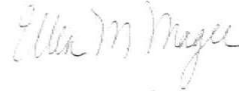
- a. The Property is unique as it is a smaller lot consisting of 11,856 square feet. The Property is also unique because it is serviced by an easement and has a unique building envelope due to this easement. The dwelling was constructed in the setback by a prior owner but its non-conformity is grandfathered. The Applicant purchased the Property with the dwelling in its current location and sought to make a reasonable addition thereto. The Property is further restricted by a septic tank on the Property. The unique conditions limit the buildable area available to the Applicant who seeks to retain an existing porch on the lot. The porch is needed to provide cover to the entrance of the Property. The exceptional practical difficulty and unnecessary hardship were created by the Property's unique conditions.
- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has unique physical characteristics and the buildable area thereof is limited due to those characteristics. The Applicant seeks to retain an existing porch on the lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variance is necessary to enable the reasonable use of the Property as the variance will allow a reasonably sized porch to remain on the Property. The Board is convinced that the shape and location of the porch are also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
- d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. The Applicant did not create the unusual size of the Property, place the home on the lot, or install the septic tank. The unique size of the Property is clear when reviewing the survey. The Board is convinced that the unnecessary hardship and exceptional practical difficulty were not created by the Applicant but was created by the lot's unique characteristics.
- e. The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the porch will have no effect on the character of the neighborhood. There is no evidence that the location of the porch in the side yard setback area would somehow affect the neighborhood and no evidence was presented that the variance would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. There are few residential properties in the area and Applicant owns the adjacent property which is most affected by the encroachment.
- f. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification possible of the regulation at issue. The Applicant has demonstrated that the variance sought will allow him to retain a porch on the Property. No additions or modifications to the porch are proposed.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

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

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Mr. Jeffrey Chorman, Mr. Brent Workman and Mr. John Williamson. Dr. Kevin Carson and Ms. Ellen Magee voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Ellen M. Magee  
Chair

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

Date February 18, 2020

17782

BK 02963 P. 0 138

Return to:  
Grantee Address:

Parcel #1-35-4-11.00 & 11.01  
Easement across 1-35-4-13.00  
Prepared by:  
Schab & Barnett, P.A.  
PO Box 755, 9 Chestnut Street  
Georgetown, DE 19947  
File No. 040009CH

**Joseph W. Robinson**  
25159 Lewes-Georgetown Highway  
Georgetown, DE 19947

**This Deed** is made this 10<sup>th</sup> day of April, 2004, between Paul S. Strencejewski and Carol L. Strencejewski, parties of the first part, of 35745 Elk Camp Road, Rehoboth Beach, DE 19971, and Joseph W. Robinson and Kirsten K. Robinson, parties of the second part, of 25159 Lewes-Georgetown Highway, Georgetown, DE 19947, as tenants by the entirety.

**WITNESSETH:** That the parties of the first part, for and in consideration of the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, the following described lands, situate, lying and being in Sussex County, State of Delaware;

**Tract One:**

ALL that certain lot, piece and parcel of land situate, lying and being in Georgetown Hundred, Sussex County, Delaware, designated on the Sussex County tax map as #1-35-4-11.01, located North 28 degrees 45 minutes 00 seconds East 106.82 feet from a concrete monument found on the north side of County Road 238; and being more particularly described according to a survey prepared by Adams-Kemp Associates, Inc., Registered Surveyors, dated January 21, 2004, plan no. 040108-A, as follows, to wit:

BEGINNING at an iron bar with cap set at a corner for this lot and for lands now or formerly of Patricia Murphy and on line of lands now or formerly of Deborah L. Kline, said iron bar being situate North 28 degrees 45 minutes 00 seconds East 106.82 feet from a concrete monument found on the north side of County Road 238; then, from this point of beginning running with the line of lands now or formerly of Deborah L. Kline, North 28 degrees 45 minutes 00 seconds East 112.91 feet to a concrete monument found; then, turning and running with the line of lands now or formerly of The Glatfelter Pulpwood Co., South 61 degrees 15 minutes 00 seconds East 105.00 feet to an iron bar with cap set; then, turning and running with the line between this tract and Tract Two herein, South 28 degrees 45 minutes 00 seconds West 112.91 feet to an iron bar with cap set; then, turning and running with the line of lands now or formerly of Patricia Murphy, North 61 degrees 15 minutes 00 seconds West 105.00 feet to the iron bar set at the point and place of beginning, said to contain 11,856 square feet of land, more or less, together with any and all improvements located thereon.

TOGETHER with the right of ingress, egress and regress to and from County Road 238 across Tract Two herein and across other lands of Paul Strencejewski, as more fully shown on the Adams-Kemp survey referred to herein, these other lands being parcel 13.00 on Sussex County Tax Map 1-35-4.00.

Consideration:	\$100000.00	Exempt Code: A
<hr/>		
County	State	Total
1500.00	1500.00	3000.00
counter	Date: 04/07/2004	

*JD*

02963 2139

BEING the same land conveyed unto **Paul S. Strencejewski and Carol L. Strencejewski**, by Deed of **Jeremiah L. & Ella B. Robinson**, dated 03/19/93 and recorded 03/19/93, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Book **1903**, Page **79**.

**Tract Two:**

**ALL** that certain lot, piece and parcel of land situate, lying and being in Georgetown Hundred, Sussex County, Delaware, designated on the Sussex County tax map as #1-35-4-11.00, located North 28 degrees 45 minutes 00 seconds East 106.82 feet from a concrete monument found on the north side of County Road 238; and being more particularly described according to a survey prepared by Adams-Kemp Associates, Inc., Registered Surveyors, dated January 21, 2004, plan no. 040108-A, as follows, to wit:

**BEGINNING** at an iron bar with cap set at a corner for this tract, for Tract One herein, for lands now or formerly of Paul Strencejewski and for lands now or formerly of Patricia Murphy; then, from this point of beginning running with Tract One herein, North 28 degrees 45 minutes 00 seconds East 112.91 feet to an iron bar with cap set; then, turning and running with the line of lands now or formerly of The Glatfelter Pulpwood Co., South 61 degrees 15 minutes 00 seconds East 100.00 feet to an iron bar with cap set; then, turning and running with the line of lands now or formerly of Paul Strencejewski: 1) South 28 degrees 45 minutes 00 seconds West 112.91 feet to an iron bar with cap set; and 2) North 61 degrees 15 minutes 00 seconds West 100.00 feet to the iron bar with cap set at the point and place of beginning, said to contain 11,291 square feet of land, more or less, together with any and all improvements located thereon.

**TOGETHER** with the right of ingress, egress and regress to and from County Road 238 across other lands of Paul Strencejewski, as more fully shown on the Adams-Kemp survey described herein, these other lands being parcel 13.00 on Sussex County Tax Map 1-35-4.00.

**SUBJECT** to the right of Tract One to ingress, egress and regress to and from County Road 238 across this Tract Two, as more fully shown on the Adams-Kemp survey described herein..

BEING the same land conveyed unto **Paul S. Strencejewski**, by Deed of **Jeremiah L. & Ella B. Robinson**, dated 10/02/89 and recorded 10/02/89, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Book **1675**, Page **208**.

TRACTS ONE AND TWO PRESENTLY ARE SERVED BY A COMMON WELL WHICH IS LOCATED ON TRACT ONE AS NOTED ON THE ATTACHED SURVEY. WHEN EITHER TRACT IS SOLD, THE DEED OF CONVEYANCE MUST CONTAIN EASEMENTS RELATING TO THE EXISTENCE, USE AND MAINTENANCE OF THE WELL.

02963 2140

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

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

**Signed, Sealed and Delivered  
in the presence of:**

E.R. Walter  
Witness

Patricia Bounds  
Witness

Paul S. Strencejewski {SEAL}  
Paul S. Strencejewski

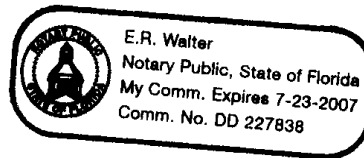
Carol L. Strencejewski {SEAL}  
Carol L. Strencejewski

State of Florida        )  
                                  :  
County of St. Lucie    S.S.

BE IT REMEMBERED, that on April 4, 2004, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, **Paul S. Strencejewski and Carol L. Strencejewski**, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

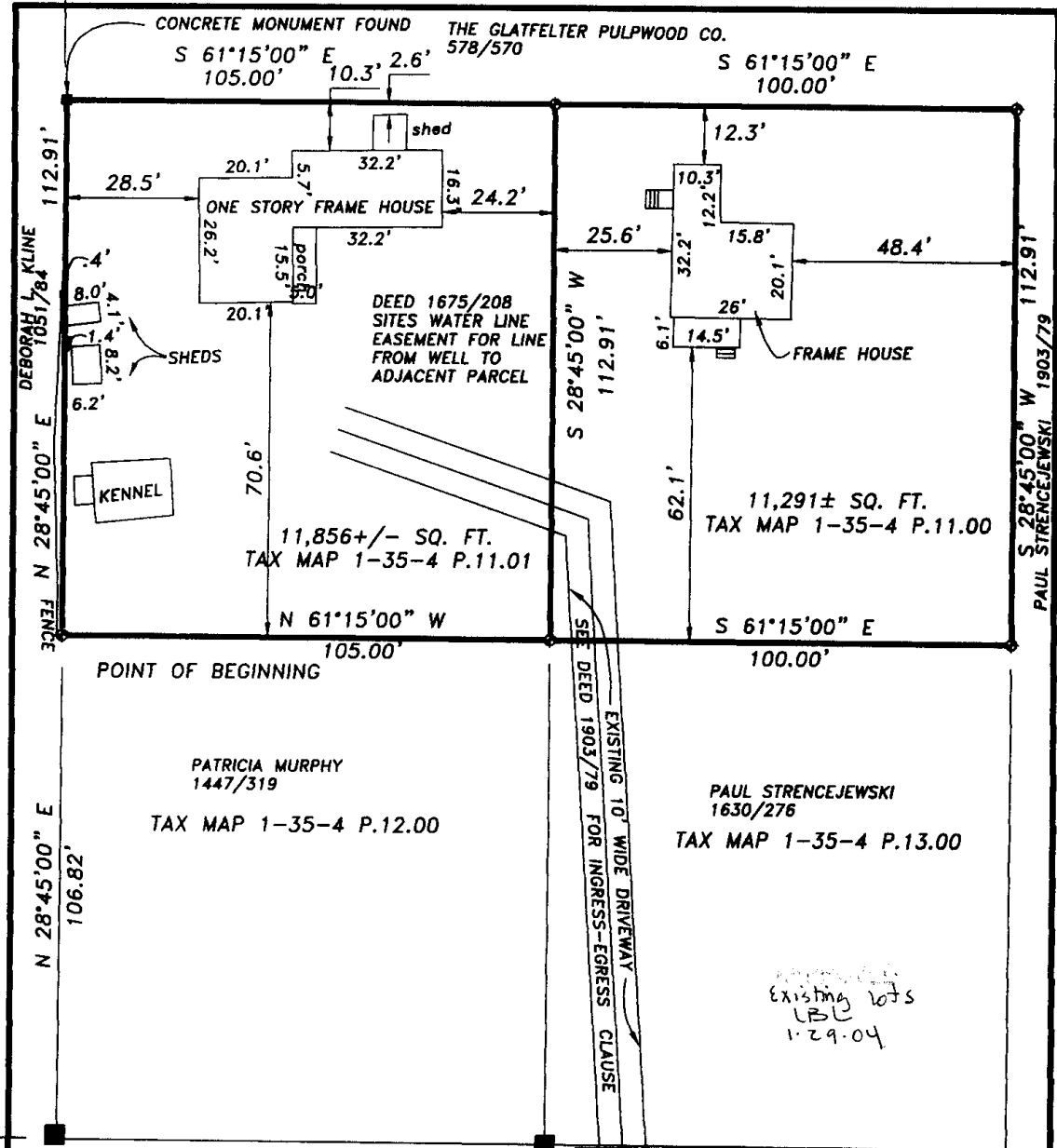
Given under my Hand and Seal of Office the day and year aforesaid.

E.R. Walter  
Notary Public  
Printed Name: ER WALTER  
My Commission Expires: 7-23-07



BK 02963 PG 141

TAX MAP NO. 1-35-4 PARCEL 11.00 & 11.01



COUNTY ROAD 238 (50' WIDE)

Received

APR 08 2004

ASSESSMENT DIVISION OF SUSSEX CTY

LOT & LOCATION SURVEY PLAN

PREPARED FOR

JOSEPH W. ROBINSON  
KIRSTEN K ROBINSON

FOR PROPERTY KNOWN AS  
TAX MAP 1-35-4 PARCEL 11.00 & 11.01  
RD 4 BOX 373  
GEORGETOWN, DELAWARE  
GEORGETOWN HUNDRED  
SUSSEX COUNTY  
STATE OF DELAWARE

RECORDED IN ORDER OF DEEDS  
APR 7 2004

SUSSEX COUNTY  
DOC. SURCHARGE PAID

LEGEND:

- ◆ IRON BAR/CAP SET
- CONC. MON. FOUND

Prepared By  
ADAMS-KEMP ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
217 SOUTH RACE STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699

1" = 30'  
1-21-2004

CHARLES E. ADAMS, JR., P.L.S. 506

PLAN NO. 040108-A



Case # 12337  
Hearing Date July 15, 2019  
201906104

### 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 X Existing Condition \_\_\_\_\_  
Special Use Exception \_\_\_\_\_ Proposed \_\_\_\_\_  
Administrative Variance \_\_\_\_\_ Code Reference (office use only)  
Appeal \_\_\_\_\_ 115-25 115-183

Site Address of Variance/Special Use Exception: 20116 SAW MILL ROAD  
Georgetown, DE. 19947

Variance/Special Use Exception/Appeal Requested: A 9'0" VARIANCE FROM  
THE REQUIRED 15' SIDE YARD SETBACK. THE ORIGINAL  
HOME IS NON-CONFORMING.

Tax Map #: 135-400-11.01 Property Zoning: AR-1

**Applicant Information**

Applicant Name: ARIEL GONZALEZ  
Applicant Address: 20116 SAW MILL RD.  
City, State, Zip: Georgetown, DE. 19947  
Applicant Phone #: 302-858-2381 Applicant e-mail: \_\_\_\_\_

**Owner Information**

Owner Name: SAME  
Owner Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

[Signature] Date: 5/28/2019



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

DUE TO SIZE OF LOT AND HOME ALL READY EXISTING  
AND SEPTIC LOCATED IN FRONT YARD, COVERED SIDE  
ENTRANCE NEEDED TO BE ON SIDE.

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 SIZE of lot the property could not be  
DEVELOPED IN CONFORMITY WITH ZONING ORDINANCE.

3. Not created by the applicant:

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

PRACTICAL DIFFICULTY WAS NOT CREATED BY APPLICANT DO TO  
THE ORIGINAL LOCATION OF HOME ON 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.

THIS IS A SMALL AREA IN THE COUNTRY WITH NO NEIGHBORS  
AND THE LOT TO THE RIGHT OF THIS PROPERTY IS ALSO OWNED BY  
MYSELF. THIS WILL NOT AFFECT THE CHARACTERISTICS OF  
ANY NEIGHBORING PROPERTIES

5. Minimum variance:

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

THE VARIANCE REQUESTED IS THE LEAST ALLOWED FOR THE MINIMUM  
VARIANCE ALLOWED.

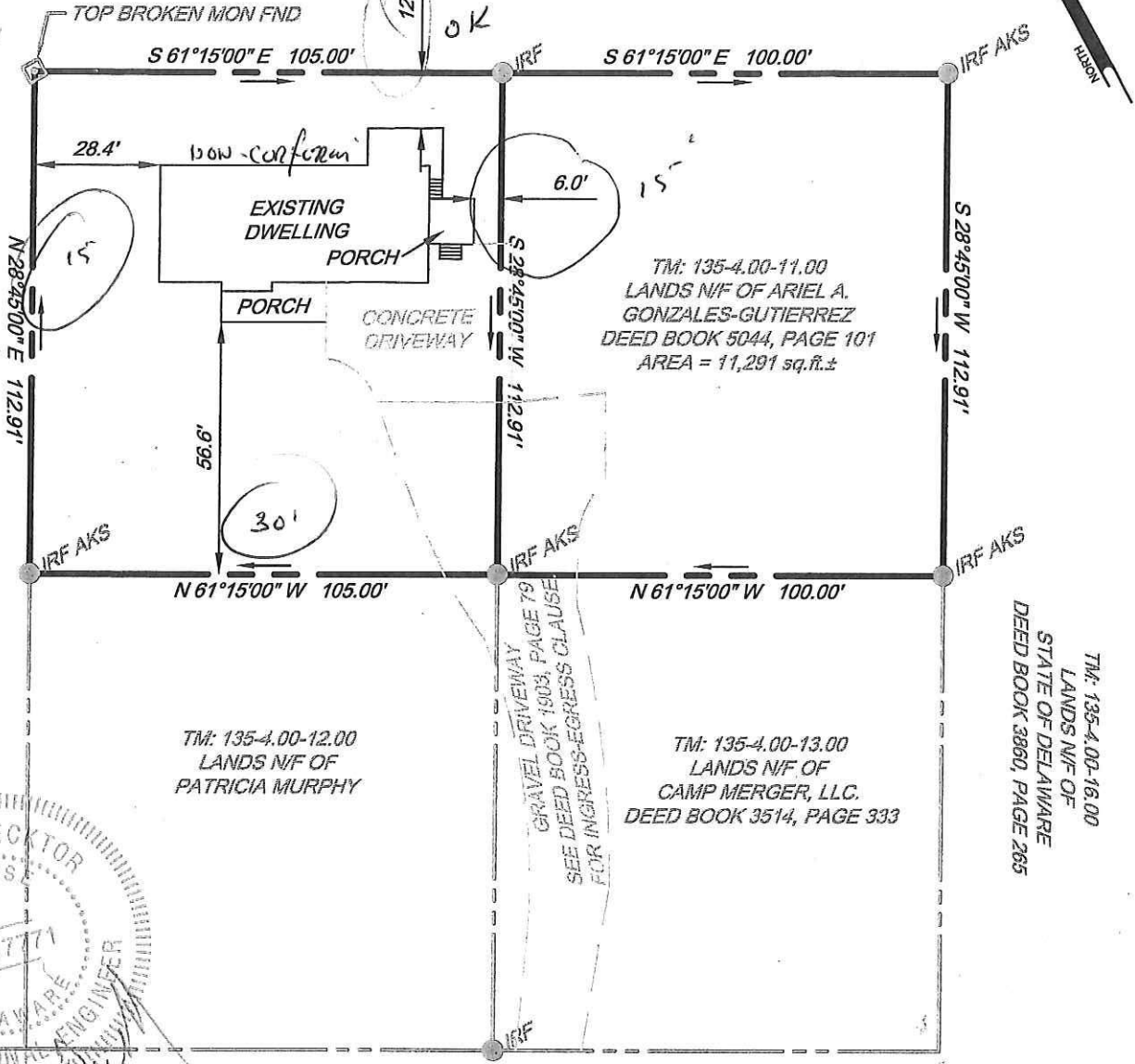
AR-1-30' Front

15' SIDES  
20 Rear

NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEED BOOK 2963, PAGE 138 AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC..
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS PLAN.

Non-Confirm  
Curt  
TM: 135-4.00-16.00  
LANDS N/F OF  
STATE OF DELAWARE  
DEED BOOK 3860, PAGE 265



TM: 135-4.00-10.00  
LANDS N/F OF  
DEBORAH L. KLINE

TM: 135-4.00-12.00  
LANDS N/F OF  
PATRICIA MURPHY

TM: 135-4.00-11.00  
LANDS N/F OF ARIEL A.  
GONZALES-GUTIERREZ  
DEED BOOK 5044, PAGE 101  
AREA = 11,291 sq.ft.±

TM: 135-4.00-13.00  
LANDS N/F OF  
CAMP MERGER, LLC.  
DEED BOOK 3514, PAGE 333

TM: 135-4.00-16.00  
LANDS N/F OF  
STATE OF DELAWARE  
DEED BOOK 3860, PAGE 265



SAW MILL ROAD

SETBACKS:  
FRONT - 30'  
SIDE - 10'  
REAR - 20'

SURVEY CLASSIFICATION: SUBURBAN  
LOT AREA: 11,856 sq.ft.± (0.27 ac.±) FOR PARCEL 11.01  
PLAT REF.: DEED BOOK 2963, PAGE 138



**PENNONI ASSOCIATES INC.**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LANDS N/F OF ARIEL A. GONZALES-GUTIERREZ  
GEORGETOWN HUNDRED  
SUSSEX COUNTY, DELAWARE  
**BOUNDARY/ LOCATION SURVEY PLAN**  
TM: 135-4.00-11.00 & 11.01

ARIEL GONZALES  
20116 SAW MILL ROAD  
GEORGETOWN, DELAWARE 19947

PROJECT	AGONZ19001
DATE	2019-05-23
DRAWING SCALE	1"=40'
DRAWN BY	KMD
APPROVED BY	AMD

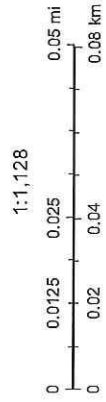
SHEET 1 OF 1

U:\ACCUJN1\8\AGONZ\AGONZ19001 - 2019 SAW MILL ROAD\DESIGN\AGONZ19001-V-SP.DWG PLOTTED: 5/24/2019 11:07:52 AM, BY: KEITH DAVIDSON PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: —



<b>PIN:</b>	135-4.00-11.01
<b>Owner Name</b>	GONZALEZ ARIEL
<b>Book</b>	4821
<b>Mailing Address</b>	21745 SAW MILL RD
<b>City</b>	MILTON
<b>State</b>	DE
<b>Description 1</b>	100' N/RT.238 2500'
<b>Description 2</b>	W/RT.239
<b>Description 3</b>	RD.MILTONROBBINS
<b>Land Code</b>	

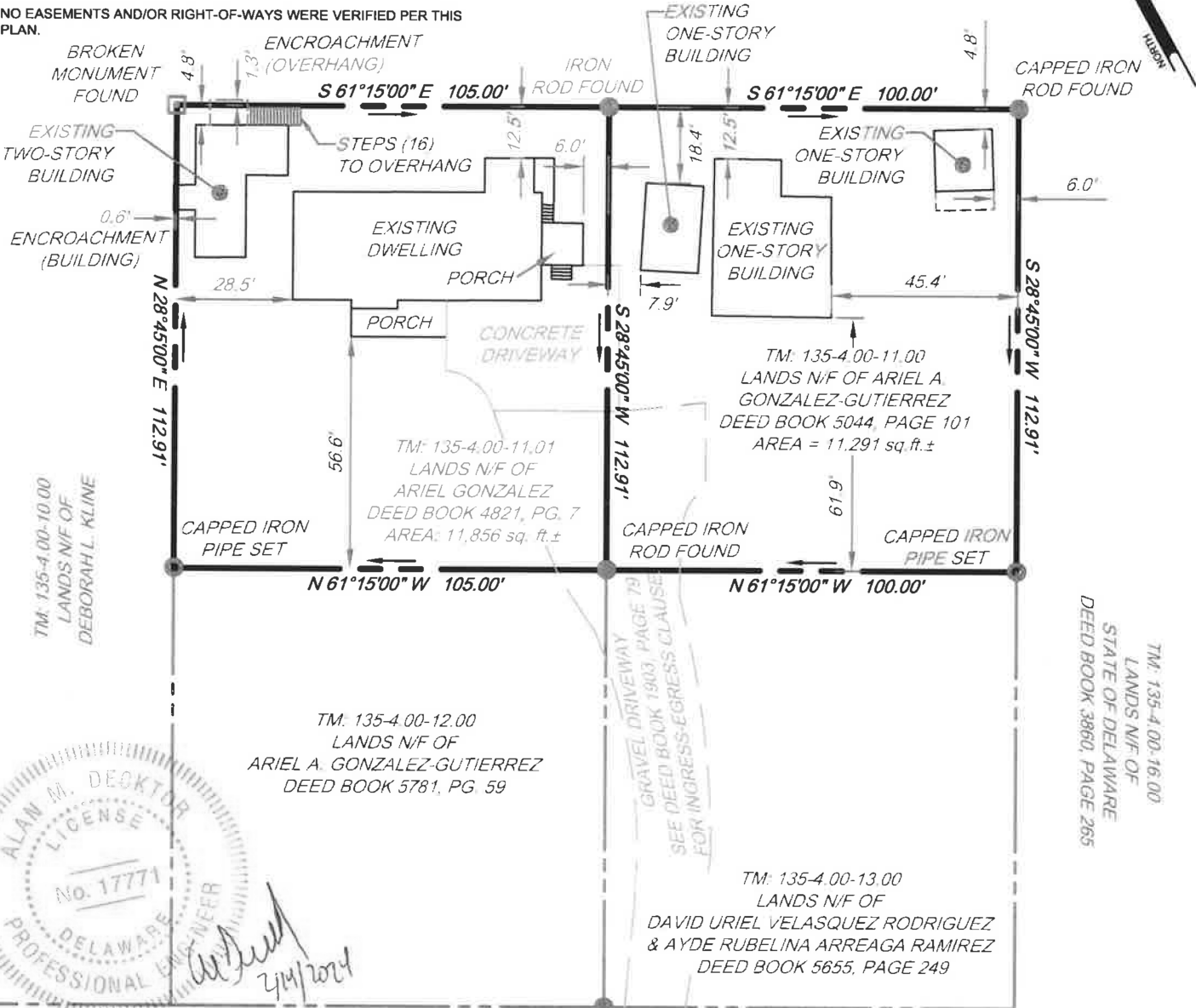
- |                          |                   |
|--------------------------|-------------------|
| <b>polygonLayer</b>      | Override 1        |
| <b>polygonLayer</b>      | Override 1        |
| <input type="checkbox"/> | Tax Parcels       |
| <input type="checkbox"/> | 911 Address       |
| <input type="checkbox"/> | Streets           |
| <input type="checkbox"/> | County Boundaries |



**NOTES**

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEED BOOK 4821, PAGE 7 & DEED BOOK 5044, PAGE 101 AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC. PERFORMED ON JANUARY 22, 2024.
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS PLAN.

TM: 135-4 00-16.00  
LANDS N/F OF  
STATE OF DELAWARE  
DEED BOOK 3860, PAGE 265



*Alan M. Decktor*  
2/14/2024

**SURVEY CLASSIFICATION:** SUBURBAN

**LOT AREA:** 11,856 sq.ft.± (0.27 ac.±) FOR PARCEL 11.01  
11,291 sq.ft.± (0.26 ac.±) FOR PARCEL 11.00

**DEED REF.:** DEED BOOK 4821, PAGE 7 FOR PARCEL 11.01  
DEED BOOK 5044, PAGE 101 FOR PARCEL 11.00

**SAW MILL ROAD**

**SETBACKS:**  
FRONT - 30'  
SIDE - 10'  
REAR - 20'



**PENNONI ASSOCIATES INC.**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LANDS N/F OF ARIEL A. GONZALEZ-GUTIERREZ  
GEORGETOWN HUNDRED  
SUSSEX COUNTY, DELAWARE  
**BOUNDARY/ LOCATION SURVEY PLAN**  
TM: 135-4.00-11.00 & 11.01

ARIEL GONZALEZ  
20116 SAW MILL ROAD  
GEORGETOWN, DELAWARE 19947

PROJECT	<b>AGONZ23001</b>
DATE	2024-02-13
DRAWING SCALE	1"=40'
DRAWN BY	MW
APPROVED BY	AMD

SHEET 1 OF 1

ORIGINAL

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 # 12906
Hearing Date 2-19-24
202316010

Type of Application: (please check all applicable)

Variance [checked]
Special Use Exception [ ]
Administrative Variance [ ]
Appeal [ ]

Existing Condition [checked]
Proposed [checked]
Code Reference (office use only)

Site Address of Variance/Special Use Exception:
20682 Mulberry Knoll Road, Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:
--See Attached

Tax Map #: 334-18.00-70.00
Property Zoning: AR-1

Applicant Information

Applicant Name: Gregory J. and M. Charlene Merk
Applicant Address: 20682 Mulberry Knoll Road
City Lewes State DE Zip: 19958
Applicant Phone #: (267) 718-2691 Applicant e-mail: gregmerk2@gmail.com

Owner Information

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

Agent/Attorney Information

Agent/Attorney Name: William Schab, Esq.
Agent/Attorney Address: 16698 Kings Highway, Suite B
City Lewes State DE Zip: 19958
Agent/Attorney Phone #: (302) 645-6626 Agent/Attorney e-mail: bill@fwsdelaw.com

Signature of Owner/Agent/Attorney

[Handwritten Signature]

Date: 11/15/23



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

--See Attached

---

2. Cannot otherwise be developed:

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

--See Attached

---

3. Not created by the applicant:

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

--See Attached

---

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

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

--See Attached

---

5. Minimum variance:

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

--See Attached

---

Sussex County, DE - BOA Application

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

*You shall demonstrate to the Board of Adjustment that the property meets 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)

---



## OVERVIEW

Mr. & Mrs. Merk (the applicants) bought this improved property on May 6, 2016. They had a survey done in preparation for their settlement but the existing front setback violation for the garage, which is one of the reasons for this application, was not disclosed to them. Since the garage portion of the home is already too close to the front property line, they would like to enlarge their kitchen (which is in the front of their home) by extending it into the front setback, in line with that portion of the home (the garage) which already encroaches. The property was initially their second home but it is now their primary home. Mr. Merk is an avid woodworker and his previous home contained a heated and cooled space where he could work year-round and which contained his many large pieces of woodworking equipment. The Mulberry Knoll property does not have such a space, so they would like to add one, which is another reason for this application.

In Mulberry Knoll, the front setback is 40', the rear is 15', the one side is 5', and the side facing West Sands Street is 15'. As shown on the attached survey, the existing home presently meets the side and rear setbacks, but a portion of the front is 30.3' rather than 40' from the front property line.

The variances being requested are:

1. A 9.7' variance for that portion of the front of the home which encroaches into the 40' setback.
2. A 9.7' variance for the 18' long proposed kitchen expansion which would be in line with that portion of the home which presently encroaches into the 40' front setback.
3. A 5' variance from the rear setback to allow them to add a 20' long woodshop onto the left rear of the home.

1) Uniqueness of the property:

As for the existing front setback encroachment, the applicants cannot explain how the person who built their home was allowed to build it 10' too close to Mulberry Knoll Road (unless the front setback was 30' at the time). Regardless of the reason, a significant portion of the home (the garage) is 10' too close and there is nothing realistic that can be done to correct the

encroachment. Also, although this could only be confirmed with surveys, the applicants believe that most of the homes on their same side of Mulberry Knoll Road are 30', not 40', from that road.

As for the requested variance for the kitchen expansion, the property is unique in that the existing kitchen is in the front of the home facing Mulberry Knoll Road, so there is no place to expand to except into the 40' setback. As the attached pictures show, the front of this very attractive home presently contains a front portion which has a concrete patio which is bordered by a brick wall. The kitchen expansion will just completely enclose this partially enclosed area.

As for the requested 5' variance for the addition of the woodshop, there are several unique features. First is the fact that the woodworking equipment is too big to fit into a space which is only 10' rather than the requested 15' wide. Also, for the shop to be convenient and useable year-round, it must be attached to the home so it may be heated and cooled. Last, what makes this really unique is that the applicants could build a detached woodshop which is larger than their proposed addition and which could be only 5' rather than 10' from the rear property line and no variance would be needed.

2) Cannot otherwise be developed:

Assuming that the home was not built in conformity with the existing setback requirements, there is nothing realistic or practical that the applicants can do about the fact that the garage presently encroaches 10' into the front 40' setback.

While the home could continue to be used without the kitchen being expanded, the variance needed for the expansion hardly will change the appearance of the front of the home but it will enable the Merks to make reasonable use of the home as a primary residence.

Obviously the applicants do not have to have an attached woodshop. However, as noted above, they could have a much larger one which is even closer to the rear property line than the proposed one without the need for a variance if it were not attached. As also noted above, they need the woodshop to be attached so it may be cooled and heated and used just like the rest of their home. As a practical matter, an attached woodshop is much easier to maintain than a detached structure of the same or greater size. They cannot have a functional, attached woodshop without a variance.

3) Not created by the applicants:

The location of the garage in the front setback was not created by the applicants because they did not build the home. Likewise, they had nothing to do with locating the kitchen in the front of the home, thus making any expansion of the kitchen dependent upon a variance. The exceptional practical difficulty encountered by the applicants vis a vis their proposed woodshop was also not created by them – they need a woodshop which may be used year-round, the size of the equipment dictates its size, and there is no other place on the property to put one.

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

As the attached pictures confirm, the applicants' home and property are very attractive. Enclosing the semi-enclosed portion of the front of their home and adding a woodshop to back of their home will not make it less attractive. As with most homes, the cost of adding on to a home is so high that sensible people will only do work which makes their property more, not less, attractive. Additions such as those being sought here will also increase the value of the property, which is beneficial, not detrimental, to the neighborhood as a whole. Given the variances being sought, the granting of them is not going to have a detrimental effect on any adjacent properties or the neighborhood as a whole.

5) Minimum variances:

The variances being requested are the minimum variances that will afford relief to the applicants and will represent the least modification possible of the setback requirements. The home already encroaches by 10', the kitchen expansion will be in line with that encroachment and is really just enclosing an already semi-enclosed area, and attaching the woodshop to the home rather than having a detached woodshop which can be 5' closer to the rear line means that attaching it has less of an impact on the property than detaching it.

**BUILDING SETBACKS:**

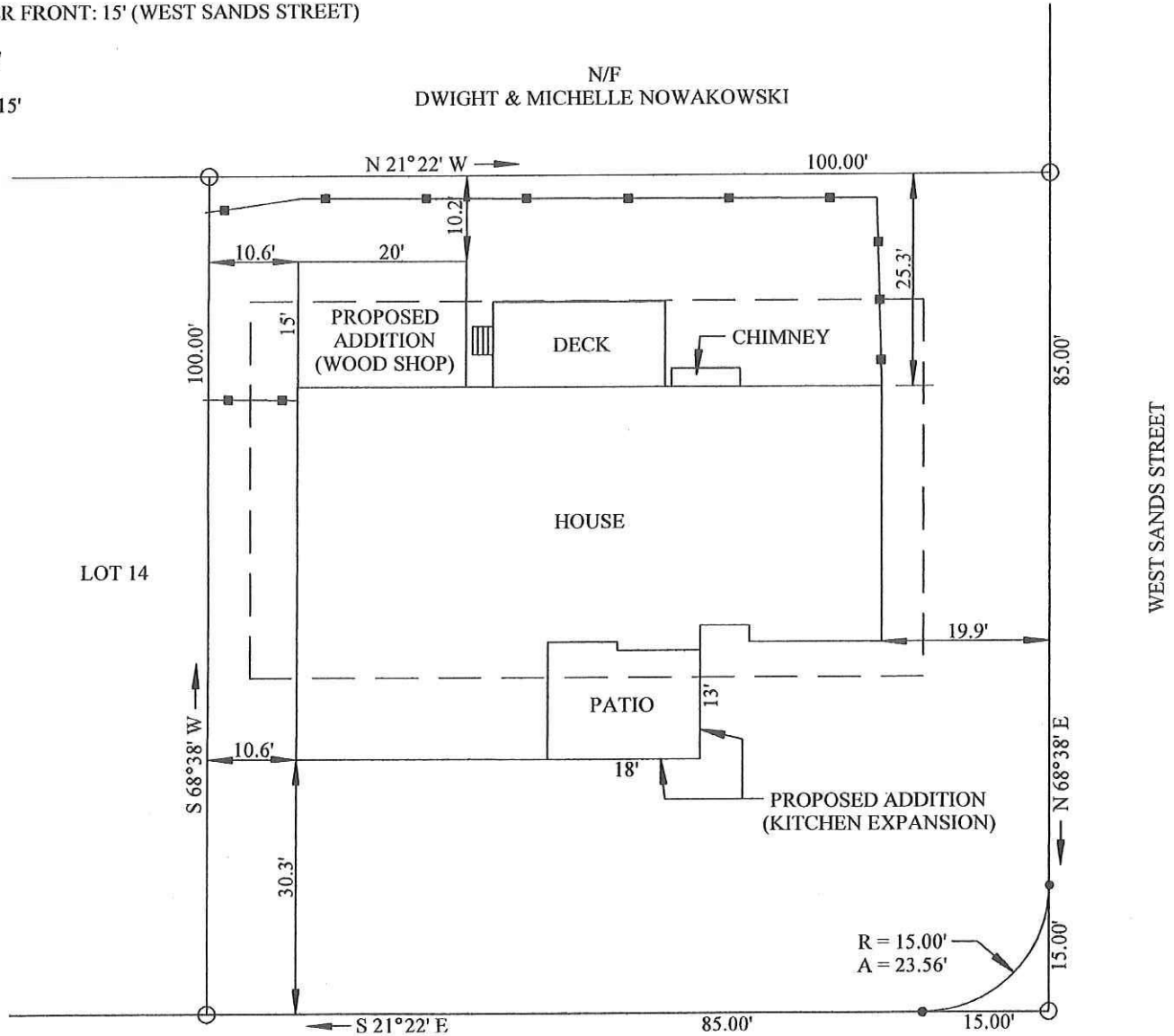
FRONT: 40' (MULBERRY KNOLL ROAD)

CORNER FRONT: 15' (WEST SANDS STREET)

SIDE: 5'

REAR: 15'

N/F  
DWIGHT & MICHELLE NOWAKOWSKI



COUNTY ROAD 284  
(MULBERRY KNOLL ROAD)

AREA = 9,952 SQ. FT. +/-

ADDRESS: 20682 MULBERRY KNOLL ROAD

TAX PARCEL #: 334-18.00-70.00

OWNER: GREGORY J. AND M. CHARLENE MERK

I CERTIFY THAT THIS SURVEY WAS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE INDIVIDUALS NOTED ABOVE. NO RESPONSIBILITY IS EXTENDED AND/OR ASSUMED BY THE ENGINEER TO ANY FUTURE LAND OWNERS. I CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN.

*Richard K. Vetter*  
RICHARD K. VETTER, P.E. #10329

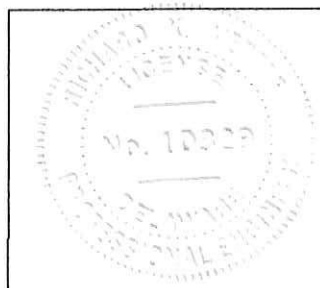
SURVEY BASED ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD AND THE CALL OF DEED BOOK 4539, PAGE 297.

**LEGEND**

- FOUND IRON PIPE
- SPLIT RAIL FENCE

--- BUILDING SETBACK

SURVEY PLAN
LOT 13 - BAY SHORE HILLS
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE
RICHARD K. VETTER, P.E. 17398 TARAMINO PLACE LEWES, DE 19958
SCALE: 1" = 20'
SEPTEMBER 16, 2023

















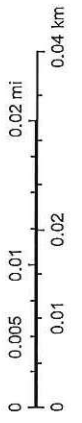
# Sussex County



<b>PIN:</b>	334-18.00-70.00
<b>Owner Name</b>	MERK GREGORY J
<b>Book</b>	4539
<b>Mailing Address</b>	2 WOODBRIAR DR
<b>City</b>	MEDIA
<b>State</b>	PA
<b>Description</b>	BAY SHORE HILLS
<b>Description 2</b>	LOT 13
<b>Description 3</b>	
<b>Land Code</b>	

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- FEMA Flood Maps
  - A
  - AE
  - AE, FLOODWAY
  - AO
  - VE
- X.0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Tax Ditch Segments
  - Tax Ditch Channel
  - DelDOT Maintained
  - HOA Maintained
  - Pipe - DelDOT
  - Pipe - Tax Ditch
  - Pipe - Private
  - Pond Feature
  - Special Access ROW

1:564







Case # 12907  
Hearing Date 2-19-2024  
202400064

### 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)  
\_\_\_\_\_

Site Address of Variance/Special Use Exception:

36815 Red Berry Rd. Delmar - DE 19940

Variance/Special Use Exception/Appeal Requested:

Irregularly shaped property. Requesting change of setback on side on property, which is owner's backyard.

Tax Map #: 532-14.00-146.00

Property Zoning: Residential AR-1

#### Applicant Information

Applicant Name: Brooke and Brittanie Hudson  
 Applicant Address: 36815 Red Berry Rd.  
 City Delmar State DE Zip: 19940  
 Applicant Phone #: 410.251.6666 Applicant e-mail: brooke.hudson16@gmail.com

#### Owner Information

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

#### Agent/Attorney Information

Agent/Attorney Name: None  
 Agent/Attorney Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_  
 Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

#### Signature of Owner/Agent/Attorney

[Handwritten Signature]

Date: 1/2/24



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

---

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.

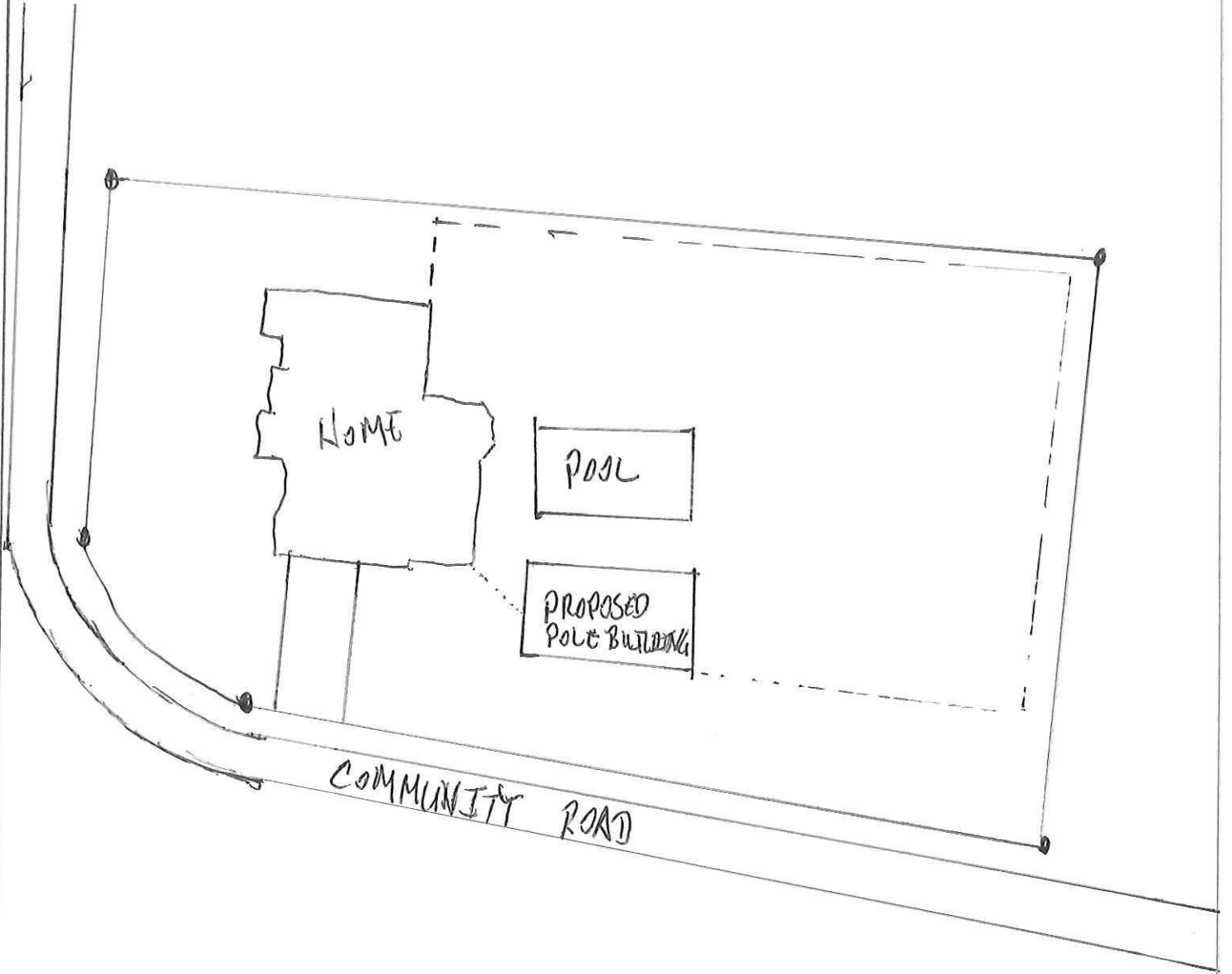
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*See attached document*

### Criteria for a Variance

1. Uniqueness of property: This parcel is irregular shaped due to narrowness and narrowing from back to front with road frontage on both west and south sides of parcel.
2. Cannot otherwise be developed: The property cannot otherwise be developed due to increased setbacks from original developer of neighborhood.
3. Not created by the applicant: I bought the lot as is with the original intent to build a pool and a pole building in rear of home. When purchasing lot, to my ignorance, I was unaware of increased setbacks within community.
- 4: Will not alter the essential character of the neighborhood: This pole building will not alter the character of the neighborhood. Holly Ridge Estates is comprised of single family dwelling, which 37 homes have a large shed or pole buildings. 8 of the 37 buildings are pole buildings. HOA has already approved pole buildings for our community.
5. Minimum Variance: EXCLUDING 16 FEET FROM ROAD EDGE OF COMMON AREA. Side of property variance requiring construction of pole building on parcel 532-14.00-146.00 would be 21 feet and 2 inches from property line on south west corner and 25'feet 10 inches from property line on south east corner, thus showing irregular shape of property.

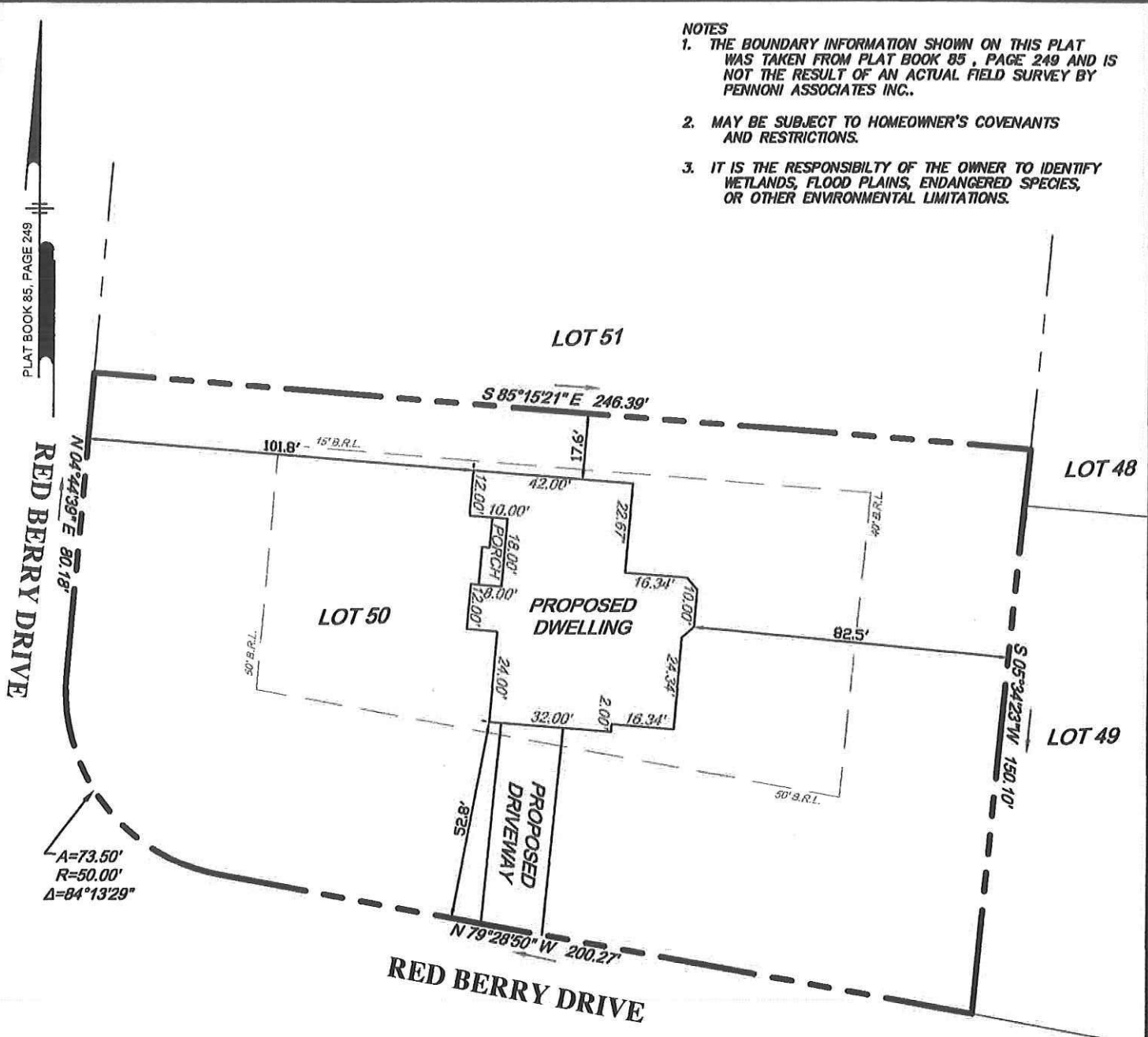
Per Permit Criteria when viewing it, the least maximum width looked to be 11' wide, not 12'. If so, southwest would be 22 feet 2 inches and south east corner would be 26' 10" from property line.



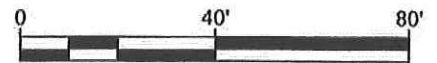


**NOTES**

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 85, PAGE 249 AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC..
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.



LOT AREA: 33,447 sq.ft.± 0.76 ac.±)  
 PLAT REF.: PLAT BOOK 85, PAGE 249.



**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LOT 50-HOLLY RIDGE  
 RED BERRY ROAD  
 LITTLE CREEK HUNDRED, SUSSEX COUNTY, DELAWARE

**SITE PLAN**  
 TAX MAP: 532-14.00-146.00

INSIGHT HOMES  
 16255 SUSSEX HIGHWAY  
 BRIDGEVILLE, DELAWARE 19933

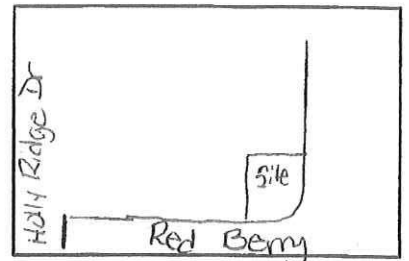
PROJECT	INSH195050
DATE	2015-04-07
DRAWING SCALE	1"=40'
DRAWN BY	DTE
APPROVED BY	DTE

SHEET 1 OF 1

PLOTTED: 4/7/2015 3:16:41 PM, BY: DAVID EVANS PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: --

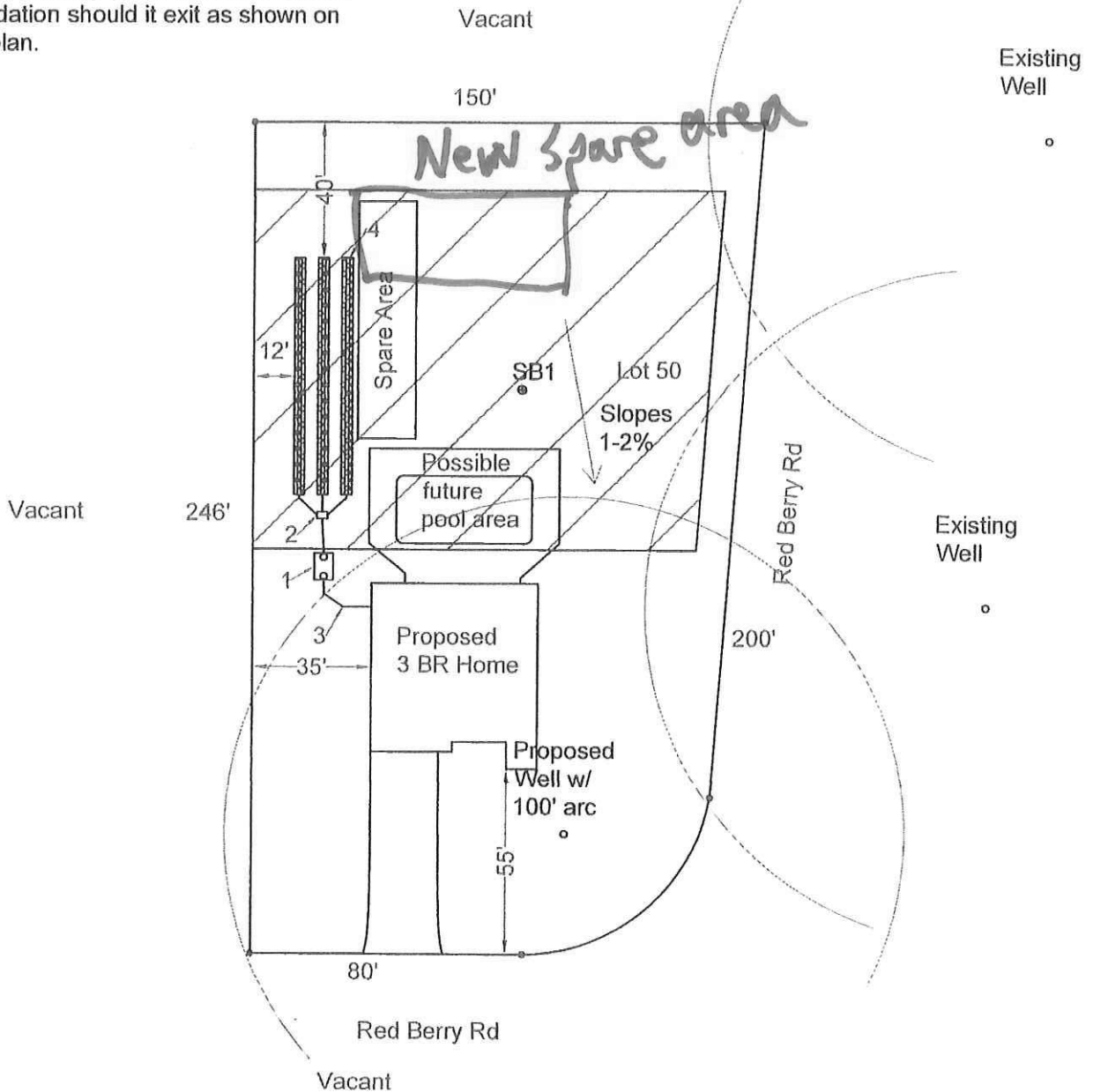
Notes:

1. 1000 Gallon Septic Tank with risers to grade and secure lids. Approved Effluent Filter on outlet pipe.
2. "D" Box with risers to grade and secure lid. D box to be 5' from aggregate.
3. Sewer to be 4" with c/o at home
4. 3 Laterals of 1203 EZ Flow 70' long 7' OC.  
Install per manufacturers requirements.
5. Home placement should be within 15' as shown. If placement exceeds 15' please contact designer first.
6. Home elevation is important as this is a Cap and Fill Septic. The top of the sewer will need to be around 2-3" above existing grade where it exits the foundation should it exit as shown on the plan.



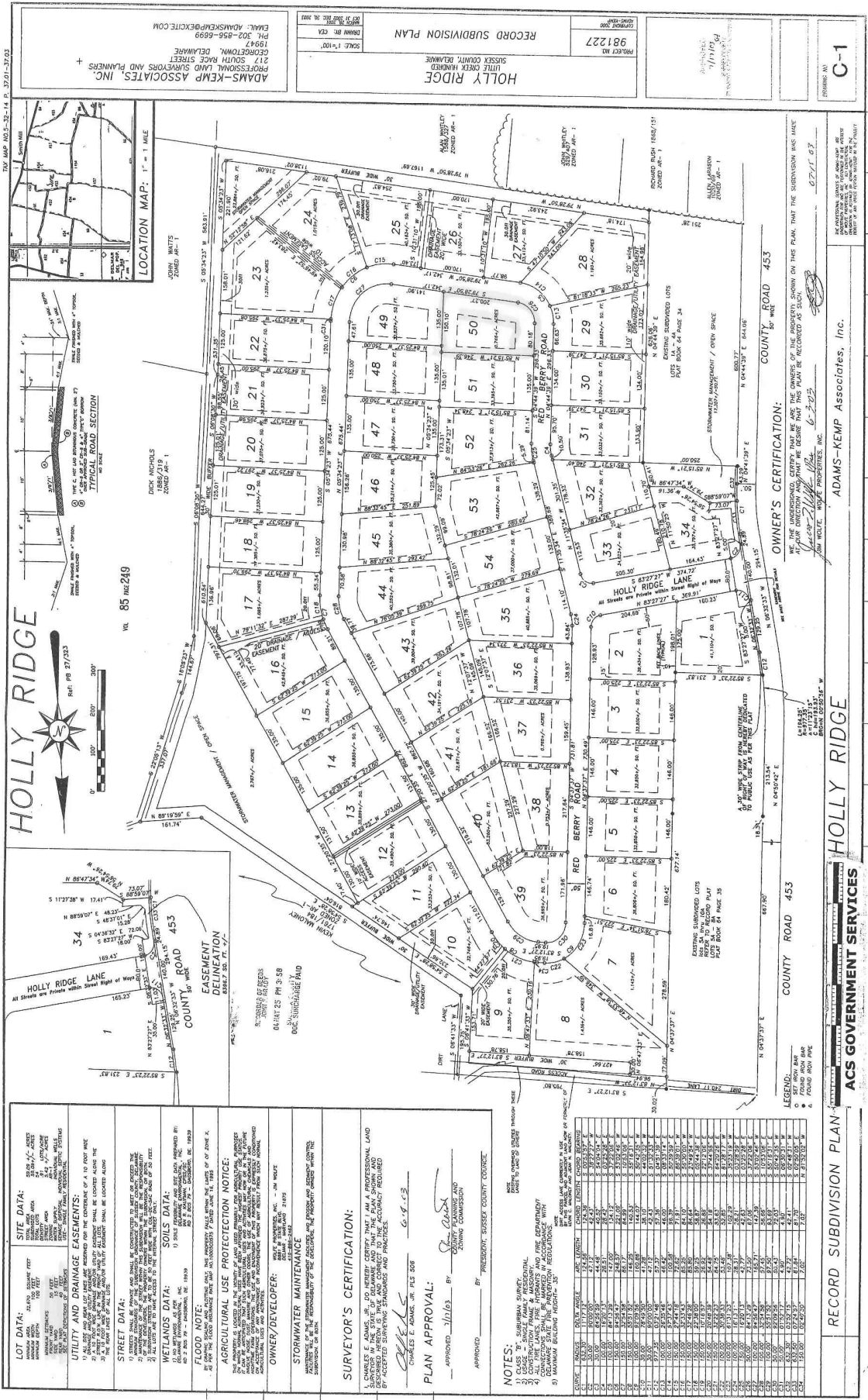
Scale: 1" = 50'

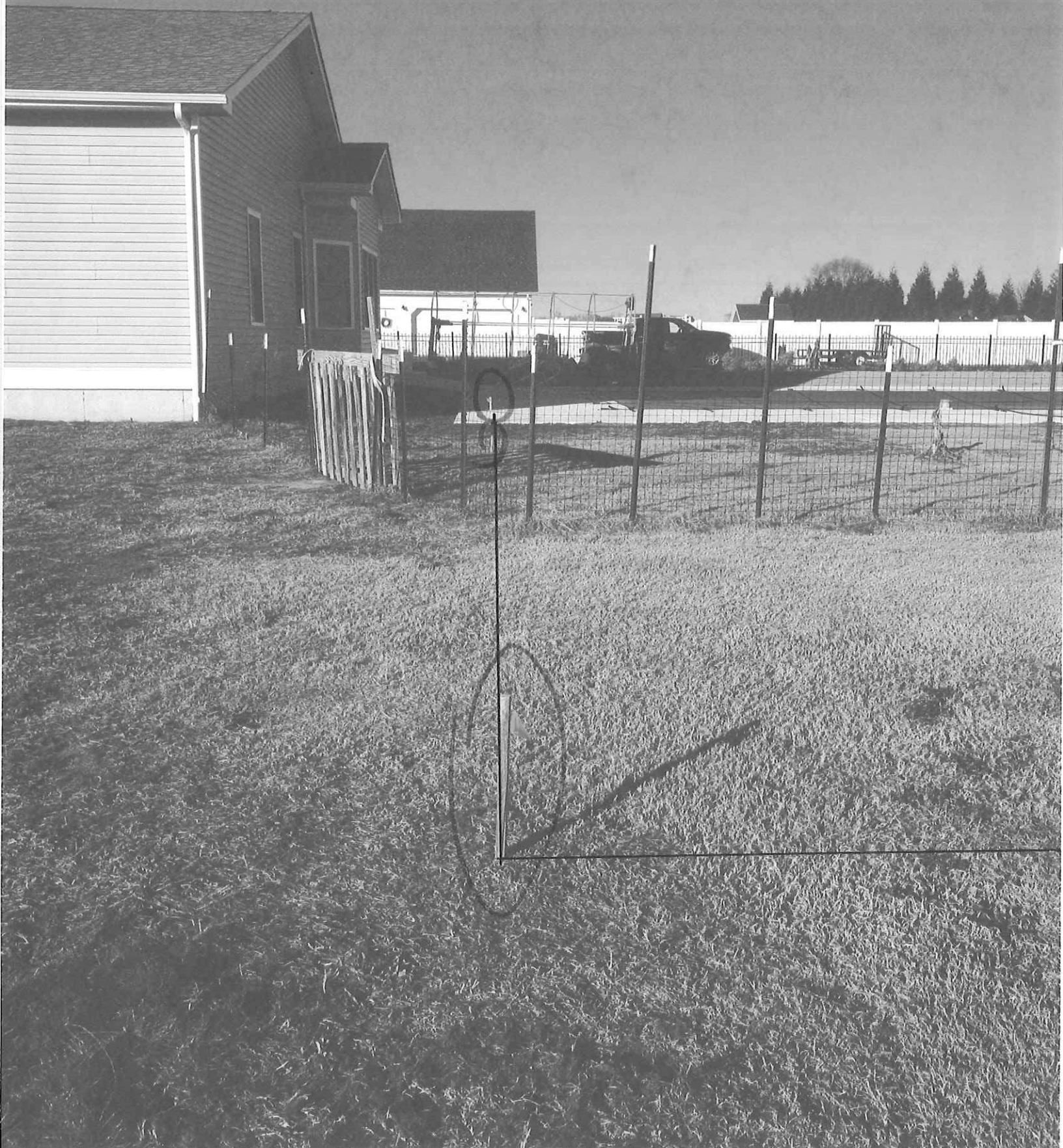
N Arrow:



OWNER'S / AUTHORIZED AGENT SIGNATURE: \_\_\_\_\_

\* A copy of this page must be submitted with both septic and well construction reports











Property marked

14'

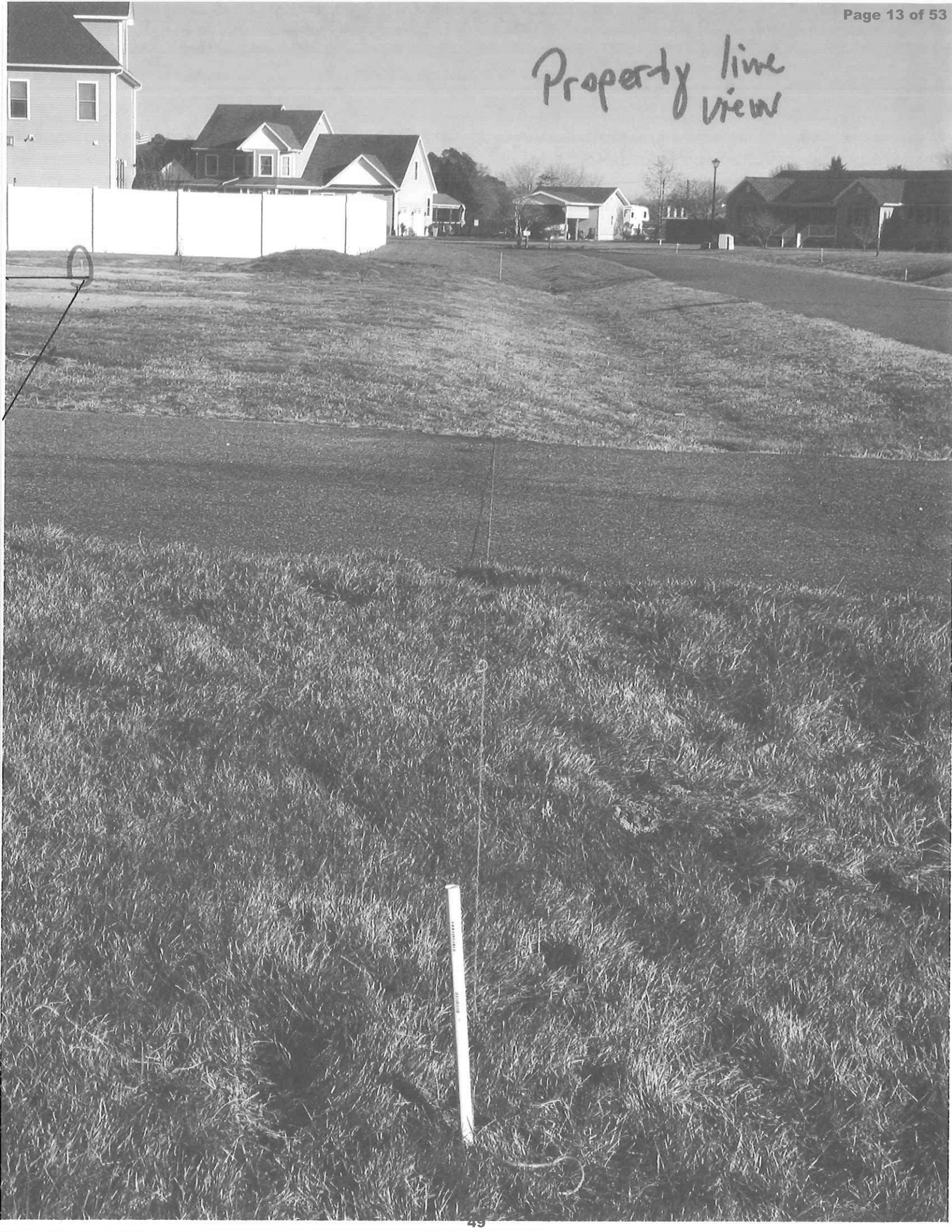
South end

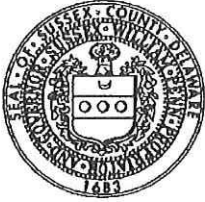
Small parcel





Property line view





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

<b>Application Number</b>
201505921
Issue Date: 07/10/2015
Expire Date: 07/09/2016

**Permit Type:** DWELLING OUT OF TOWN

Parcel ID	Address	Zone Code
532-14.00-146.00	36815 RED BERRY ROAD, DELMAR	AR-1

Owner Information	Applicant Information
Name: HUDSON, BROOKE E Phone:	Name: INSIGHT HOMES Phone: 302-258-5543

Contractor Information	
Name: INSIGHT HOMES CID: 474 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: DWELLING RESIDENTAL Construction Type: Estimated Cost of Construction: \$ 143,447 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
<b>Facing Property from Road</b> Front Setback: 50.00 / _____ Rear Setback: 40.00 / _____ Side Setback: 15.00 / _____ Corner Setback: 50.00 / _____ Maximum Building Height: 42' Location Description: _____ <b>FLOOD ZONE</b> HOLLY RIDGE LOT 50 Flood Zone: XP 460 K See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

**Project Description:** DWELLING  
**Scope of Work:**  
1 ST DWELLING 66X58, ATT GARAGE 22X23, FRONT PORCH 18X4

**Permit Details:**  
SEPTIC PERMIT 229580  
MODEL - ELAINE

*CO issued  
Admin Correction  
Needed for Acty*

Signature of Approving Official

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

**Building Permit Application:**

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction. Permit must be renewed prior to expiration date.  
ASSESSORS AND INSPECTORS HAVE A RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment, Planning and Zoning and Building Code Officials to enter upon said premises during the construction of which this PERMIT is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property, said consent being given on the signing of this permit.  
THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

<b>Permit Number:</b> BP-36605	<b>TOTAL FEES:</b> \$ 795.12
--------------------------------	------------------------------



<b>Building Description</b>	
<p><b>Total Bedrooms:</b> 3</p> <p><b>Full Baths:</b> 2                    <b>Half Baths:</b></p> <p><b>Total Rooms:</b> 10</p> <p><b>Basement:</b> NO</p> <p><b>Interior Walls:</b> DRYWALL</p> <p><b>Flooring:</b></p> <p>CARPET VINYL TILE HARDWOOD</p>	<p><b>Heat Type:</b> DUAL FUEL</p> <p><b>Roofing:</b> SHINGLE</p> <p><b>Exterior Walls:</b> VINYL</p> <p><b>Foundation Type:</b> POURED CONCRETE</p> <p><b>Fireplace Type:</b></p> <p><b>Air Conditioning:</b> Y</p>

<b>Additional Requirement/Restrictions</b>
<p><b>Fences</b></p> <p>Fence may only be 3.5' tall around the front and back sides until 40 /30 . Thereafter, fence may be a maximum of 7' tall. On corner properties, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may go on property line.</p> <p><b>Above-Ground Pools</b></p> <p>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</p> <p><b>In-Ground Pools</b></p> <p>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.</p> <p><b>Pools or Guest Homes</b></p> <p>No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.</p> <p><b>Campgrounds</b></p> <p>Must conform to the location approved by the park.</p> <p><b>Accessory Building 900 Square Feet or Greater</b></p> <p>No more than four (4) vehicles permitted in structure without a Planning &amp; Zoning Hearing.</p> <p><b>Agricultural Storage Structures</b></p> <p>Storage only. NO LIVESTOCK PERMITTED.</p> <p><b>Farm-Use Permits</b></p> <p>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.</p>



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

[PROVIDE ALL APPLICABLE INFORMATION FOR SUBMITTAL]

Tax Map & Parcel ID: 532-14-146 Lot #: 50 Development: Holly Ridge

Modular: YES |  NO Model Name Elaine Stories 1

Area	Square Feet	Dimensions
Heated Living Space	<u>2484</u>	Dimensions <u>66</u> x <u>58</u>
Garage	<u>547</u>	Dimensions <u>24</u> x <u>22'8"</u>
Basement	<u>N/A</u>	Dimensions _____ x _____
Finished:	YES   NO	
Sunroom	_____	Dimensions _____ x _____
<i>Front</i> Porch 1	<u>72</u>	Dimensions <u>18</u> x <u>4</u>
Porch 2	_____	Dimensions _____ x _____
Deck 1	_____	Dimensions _____ x _____
Deck 2	_____	Dimensions _____ x _____
Other	_____	Dimensions _____ x _____
Total Square Feet	<u>3103</u>	

Area	Number	Materials
Bedrooms	<u>3</u>	Foundation Type <u>Poured</u>
Baths -- Full	<u>2</u>	Siding Type <u>Vinyl</u>
Baths -- Half	<u>0</u>	Roof Type <u>Shingle</u>
Total Rooms	<u>10</u>	Heat Type <u>Dual Fuel</u>
Fireplace	<u>0</u>	Fireplace Type <u>N/A</u>

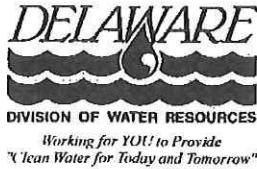
Flooring Type (circle all that apply):  Carpet  Vinyl  Wood  Tile | Concrete | Other \_\_\_\_\_

Contact Name Brian Cummings Phone No. 302-362-2096

Contractor's Name Insight Homes Address 16255 Sussex Hwy. Bridgeton, DE 19933

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





**PERMIT  
229580**



Tax Parcel Number: 5-32-14.00-0146.00 Lot Number: 50

Site Evaluation Number: 551936

Pursuant to provisions of Title 7, Delaware Code, Chapter 60, permission is hereby granted to:

**Hudson, Brooke**

**PO Box 287, Delmar, DE 19940 US**

to construct, operate and maintain an onsite wastewater system.

Construction must be completed on or before 03/26/2017 , two years from permit issuance date. Construction must be performed by a person duly licensed by Delaware DNREC for such activity.

All current regulations governing wastewater system installation shall be followed.

All attached permit conditions shall be complied with.

The applicant is responsible for obtaining all additionally required permits and approvals.

**DNREC APPROVED  
See Permit Conditions**

*Floyd R. [Signature]* 3/26/2015  
 AUTHORIZED SIGNATURE Date

229580



APPLICATION - PERMIT  
ON-SITE WATSEWER SYSTEM



(Please Type or Print Legibly)

OWNER'S NAME ~~Inslight Homes~~ Brooke Hudson  
ADDRESS ~~16255 Sussey Highway Bridgeville, DE~~ PO Box 287  
Delmar, DE 19940

PHONE (302) 337-9610

PROJECT LOCATION 36815 Red Berry Rd Delmar, DE  
Lot 50 Holly Ridge

TAX/MAP #: 5-32-14-146

APPLICATION PREPARER: Willey & Co Inc

DNREC LICENSE 4148

PREPARER'S ADDRESS P O Box 60 Seaford DE 19973

PHONE (302) 629-3327

I herby affirm that the information provided on this document is accurate and complete

Preparer's Signature

Date:

-SEPTIC DESIGN CRITERIA

(Please check all boxes that apply)

System Type: (CF = Cap Fill / FD = Full Depth)  
Gravity (CF)

Type of Construction  
New Construction

Trench

Authorization to Use Existing System

E Z Flow

Permit #

Present Condition

Sand-Lined NO

Structure to be connected:  
Single Family Dwelling

Existing System Malfunctioning N/A

# of Bedrooms: 3

Pre-Treatment Units

Avg. Percolation Rate: 40

Septic Tank

Gallons Per Day Flow: 360

Central Water Available NO

Minimum Sq. Ft. Req'd 564

(If yes, please state Utility Name:

) Sq. Ft. Proposed 630

25% Reduction

Revised 02/22/00

03-25-15 4CL3984 DF14 50.00

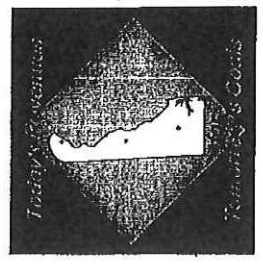
PAGE 4 OF 6 PAGES

State Of Delaware  
Division Of Revenue

Transaction Date: 07/10/2015  
Time Printed: 15:05:03  
Page: 1

Itemized Transaction Receipt

Transaction # 300000000116716



Customer:

Customer Number: 5340319173  
BROOKE E HUDSON  
114 EVERGREEN DR  
LAUREL, DE 19956

Entry Number	Tax Year	Revenue Code	Subtype Code	Tax Period End Date
1	2015	0050	05	12/31/2015

Customer Name  
BROOKE E HUDSON

DLN	Business Code	Document Amount
-	-	\$2,919.71
	Purchase Amount:	\$2,919.71
	Payment Amount:	\$2,919.71

Payment made with Check.

Official Receipt for Recording In:

Sussex County Recorder of Deeds  
PO Box 827  
GEORGETOWN, DE 19947

Issued To:  
36 BUILDERS INC  
MINDOM  
302-721-4901

Recording Fees

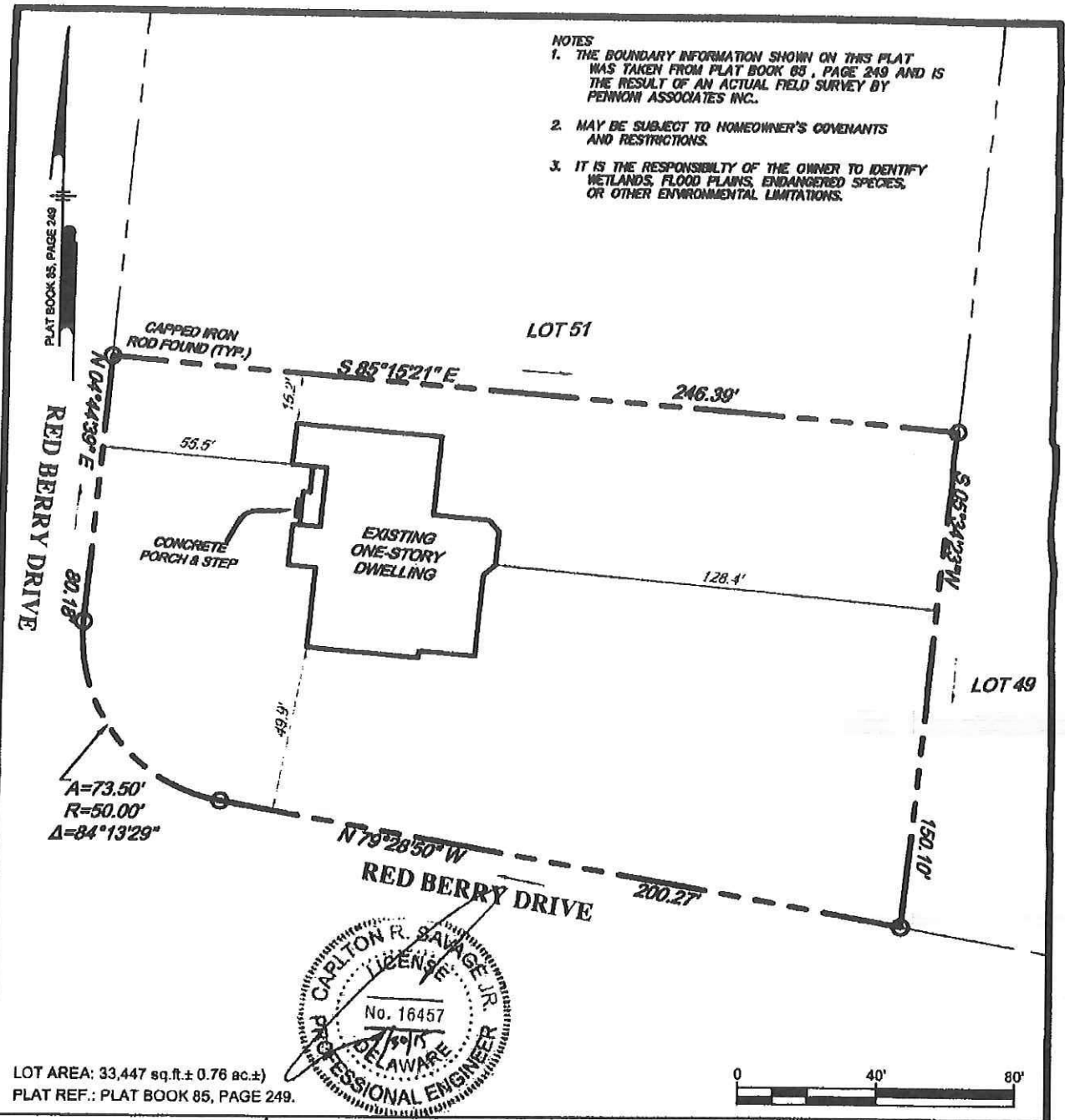
Filing Type	Recording Amount	Number	Volm	Page	Time
SC Transfer Tax	.00				03:29:31p
Realty Tax	4,379.57				03:30:03p
-----					
Collected Amounts	4,379.57				
Payment Type	Amount				
1-County Tax Check	20754	4,379.57			
-----					
Total Received:	4,379.57				
Less Total Recordings:	4,379.57				
-----					
Change Due	.00				

Thank You  
SCOTT DAILEY - Recorder of Deeds

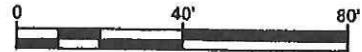
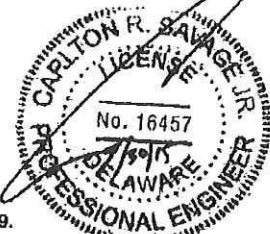
By - Kara S

Receipt# 0487103 Date 07/10/2015 Time 03:30p

- NOTES
1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 85, PAGE 249 AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC.
  2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
  3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.



LOT AREA: 33,447 sq. ft. ± 0.76 ac. ±  
 PLAT REF.: PLAT BOOK 85, PAGE 249.



S:\PROJECTS\INSH195050\01\_50 HOLLY RIDGE\SURVEY\INSH195050.DWG  
 PLOTTED 02/28/15 12:08:14 PM BY: MATT WALLS PLOTTED BY: PENNONI ASSOCIATES, PROJECT STATUS: --

**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LOT 50, HOLLY RIDGE  
 RED BERRY ROAD  
 LITTLE CREEK HUNDRED, SUSSEX COUNTY, DELAWARE

**FINAL LOCATION SURVEY**  
 TAX MAP: 532-14.00-146.00

INSIGHT HOMES  
 18255 SUSSEX HIGHWAY  
 BRIDGEVILLE, DELAWARE 19933

PROJECT	INSH195050
DATE	2015-09-28
DRAWING SCALE	1"=40'
DRAWN BY	MW
APPROVED BY	CRS
SHEET 1 OF 1	





Sussex County

# Certificate of Occupancy/Compliance

**CERTIFICATE NUMBER:** 40617  
**PARCEL ID:** 532-14.00-146.00  
**LOCATION:** 36815 RED BERRY ROAD  
**DESCRIPTION:** HOLLY RIDGE LOT 50  
**OWNER:** HUDSON, BROOKE E  
**PROJECT DESCRIPTION:** DWELLING  
 1 ST DWELLING 66X58, ATT GARAGE 22X23, FRONT PORCH 18X4

**Issued Date:** 10/02/2015  
**Expiration Date:**

This certifies that the (structure) (premises) describe in Application #201505921 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.

  
 \_\_\_\_\_  
 Zoning Official

  
 \_\_\_\_\_  
 Building Code Officer





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

<b>Application Number</b>
202202296
Issue Date: 02/22/2022
Expire Date: 02/22/2023

Permit Type: **FENCE OUT OF TOWN**

Parcel ID	Address	Zone Code
532-14.00-146.00	36815 RED BERRY ROAD	AR-1
Owner Information		Applicant Information
Name: HUDSON BROOKE E Phone:		Name: HUDSON BROOKE E Phone:
Contractor Information		
Name: HUDSON BROOKE E CID: 290402 Phone:		License Number: License Exp. Date: Insurance Exp. Date:
Building Information		
Proposed Use: FENCES Construction Type: Estimated Cost of Construction: \$ 7,800 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____		
Property Information		
<b>Measurements taken from Property Lines</b>		
Front Setback: 30.00	/RED BERRY RD (SHORT SIDE)	Rear Setback: _____ /LINE
Side Setback: _____	/LINE	Corner Setback: 15.00 /RED BERRY RD (LONG)
Maximum Building Height: 7' MAX	Location Description: HOLLY RIDGE LOT 50	
<b>FLOOD ZONE</b>		
Flood Zone: XP560L		
_____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.		

**Project Description:** RESIDENTIAL FENCE OUT OF TOWN  
**Scope of Work:**  
 379 sq ft residential fence for backyard

*Errors in setback + Height req  
 Admin Correction + or  
 Variance needed*

**Permit Details:**  
 3.5' MAX IN FIRST 30'

*[Handwritten Signature]*  
 Signature of Approving Official

*[Handwritten Signature]* 302-519-4705  
 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.

<b>Permit Number</b>	BP-175813	<b>TOTAL FEES:</b>	\$ 48.00
----------------------	-----------	--------------------	----------



### Building Description

**Total Bedrooms:**

**Full Baths:**

**Total Rooms:**

**Basement:**

**Interior Walls:**

**Flooring:**

**Half Baths:**

**Heat Type:**

**Roofing:**

**Exterior Walls:**

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

Application Number
202209702
Issue Date: 07/05/2022
Expire Date: 07/05/2023

Permit Type: MISC. OUT OF TOWN

Parcel ID	Address	Zone Code
532-14.00-146.00	36815 RED BERRY ROAD	AR-1

Owner Information	Applicant Information
Name: HUDSON BROOKE E Phone:	Name: SAFARI SERVICES Phone:

Contractor Information	
Name: HUDSON BROOKE E CID: 290402 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: SWIMMING POOL Construction Type: Estimated Cost of Construction: \$ 22,000 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
<b>Measurements taken from Property Lines</b> Front Setback: <u>50.00</u> / _____ Rear Setback: <u>6.00</u> / _____ Side Setback: <u>10.00</u> / _____ Corner Setback: <u>50.00</u> / _____ Maximum Building Height: <u>GROUND LEVEL</u> Location Description: _____ <b>FLOOD ZONE</b> HOLLY RIDGE LOT 50 Flood Zone: XP 560L _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.


Project Description: SWIMMING POOL

Scope of Work:  
18 X 36 INGROUND POOL

Permit Details:

*CO leading completion of Admin App.  
Fence + lot variance for Fence*

  
Signature of Approving Official

 302-228-7718  
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-185660	TOTAL FEES:	\$ 125.50
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## Building Description

<p><b>Total Bedrooms:</b></p> <p><b>Full Baths:</b>                      <b>Half Baths:</b></p> <p><b>Total Rooms:</b></p> <p><b>Basement:</b></p> <p><b>Interior Walls:</b></p> <p><b>Flooring:</b></p>	<p><b>Heat Type:</b></p> <p><b>Roofing:</b></p> <p><b>Exterior Walls:</b></p> <p><b>Foundation Type:</b></p> <p><b>Fireplace Type:</b></p> <p><b>Air Conditioning:</b>    N</p>
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## Additional Requirement/Restrictions

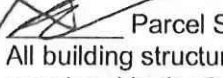
\_\_\_\_\_ Accessory Building 900 Square Feet or Greater  
No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

\_\_\_\_\_ Agricultural Storage Structures  
Storage only. NO LIVESTOCK PERMITTED.

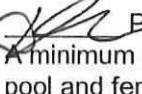
\_\_\_\_\_ Campgrounds  
Must conform to the location approved by the park.

\_\_\_\_\_ 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  
Building Permit**

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

<b>Application Number</b>
<b>202317186</b>
Issue Date: 01/02/2024
Expire Date: 01/01/2025

**Permit Type: ACCESSORY STRUCTURE OUT OF TOWN**

Parcel ID	Address	Zone Code
532-14.00-146.00	36815 RED BERRY ROAD	AR-1

Owner Information	Applicant Information
Name: HUDSON BROOKE E Phone:	Name: HUDSON BROOKE E Phone:

Contractor Information	
Name: HUDSON BROOKE E CID: 290402 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: DETACHED GARAGE Construction Type: Estimated Cost of Construction: \$ 22,176 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
<b>Measurements taken from Property Lines</b> Front Setback: <u>50.00</u> / <u>RED BERRY RD</u> Rear Setback: <u>40.00</u> / Side Setback: <u>15.00</u> /      Corner Setback: <u>50.00</u> / <u>RED BERRY RD</u> Maximum Building Height: <u>42'</u> Location Description: <b>FLOOD ZONE</b> <u>HOLLY RIDGE LOT 50</u> Flood Zone: X560L _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

**Project Description:** ACC STRUCT 400'+  
**Scope of Work:**  
30X48 DET GARAGE (POLE BUILDING) 12X48 LEAN TO

*On hold pending variance*

**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.

<b>Permit Number</b>	BP-221719	<b>TOTAL FEES:</b>	\$ 128.94
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## Building Description

**Total Bedrooms:**

**Full Baths:**

**Half Baths:**

**Total Rooms:**

**Basement:**

**Interior Walls:** METAL

**Flooring:**

CONC

**Heat Type:**

**Roofing:** METAL

**Exterior Walls:** METAL

**Foundation Type:** CONC

**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.

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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.

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**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 # 202317186

 **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



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

**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](mailto: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](http://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](http://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.

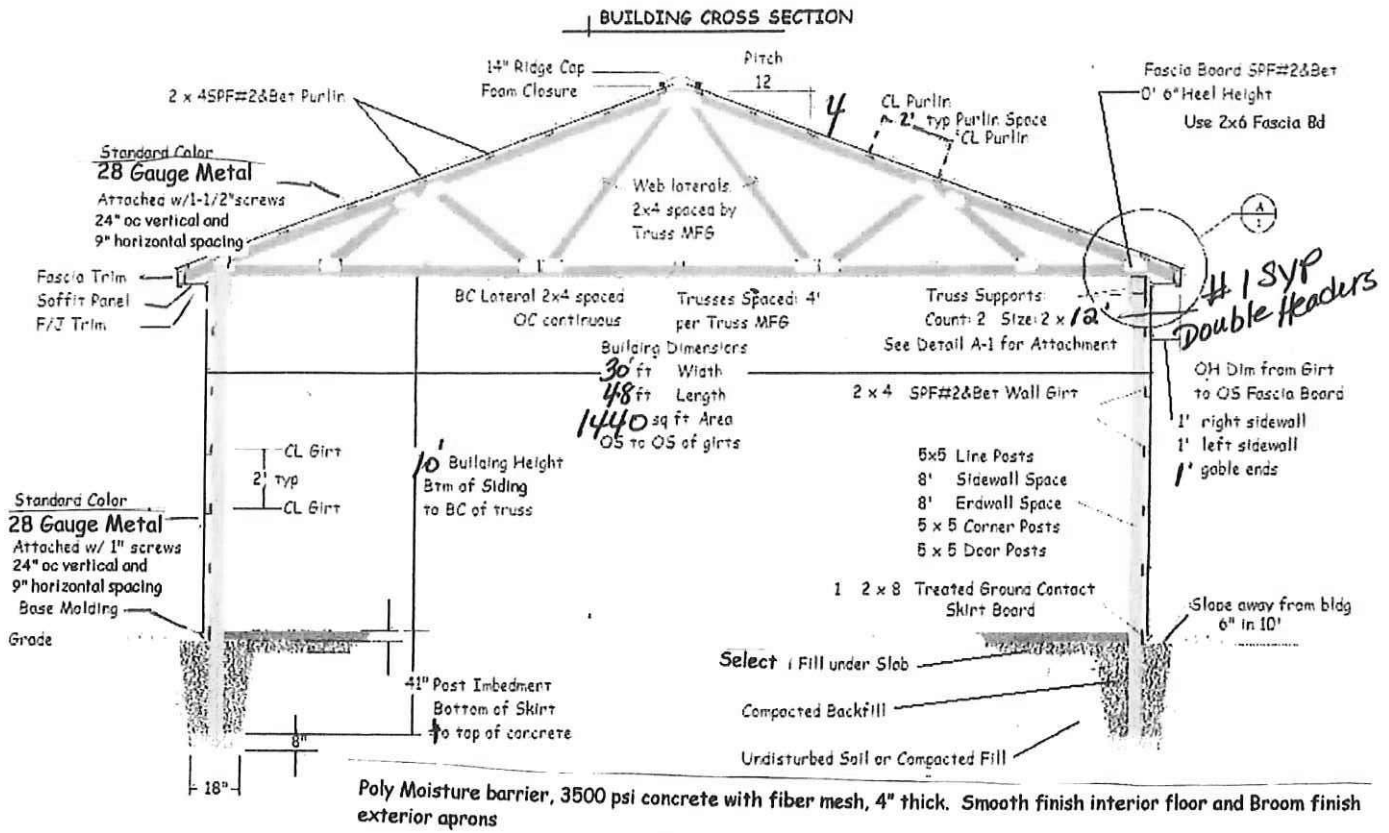
SIGNATURE  DATE 11/10/23

PRINT NAME Brooke Hudson **OWNER** or CONTRACTOR  
 Circle one:

PHONE # 410-251-6666

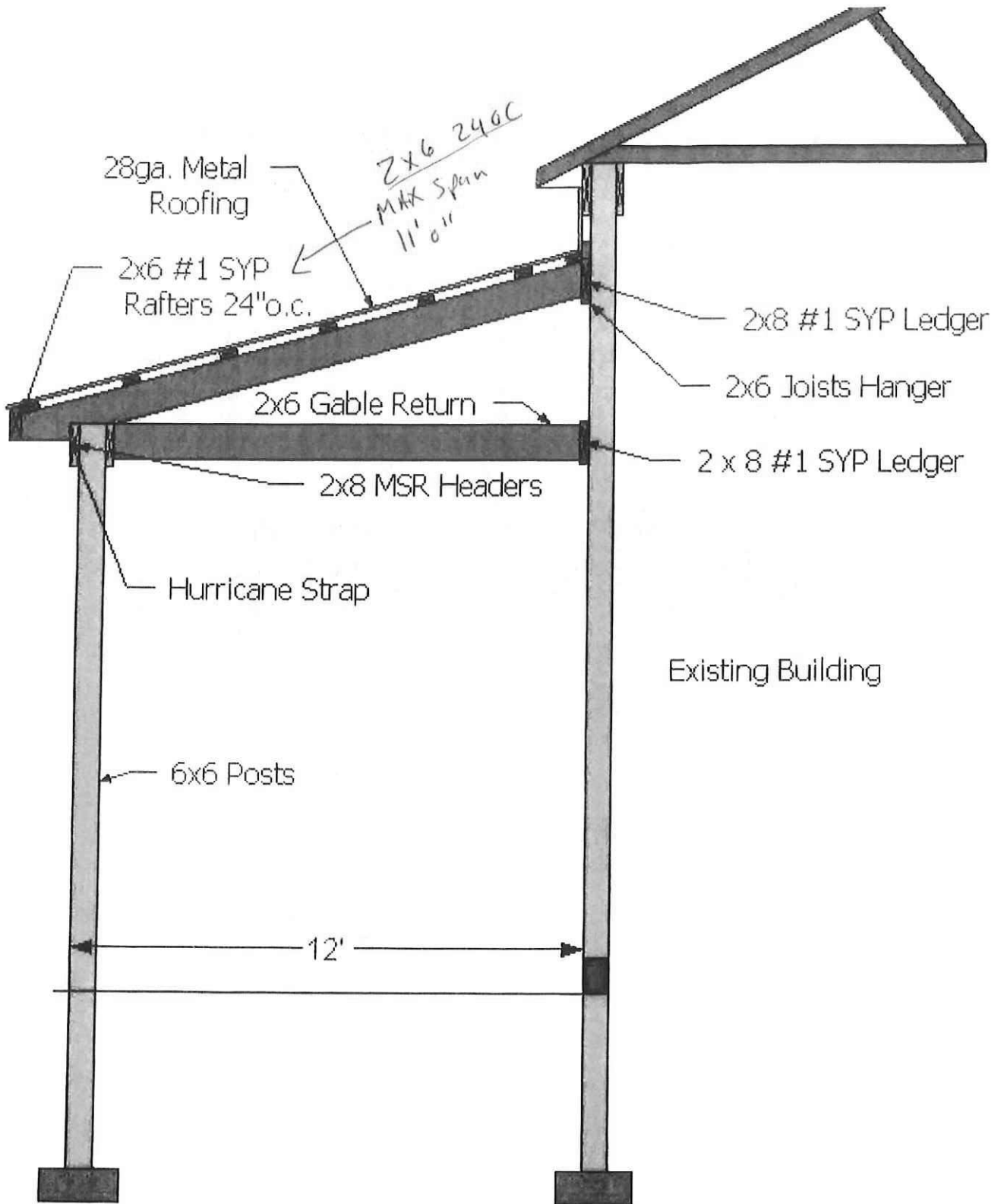
EMAIL brooke.hudson16@gmail.com

Hurricane Straps & Carriage Bolts Included



Garage Door Headers: (3) 2 x 12 with Eave side doors and/or 2 x 6's with Gable side doors



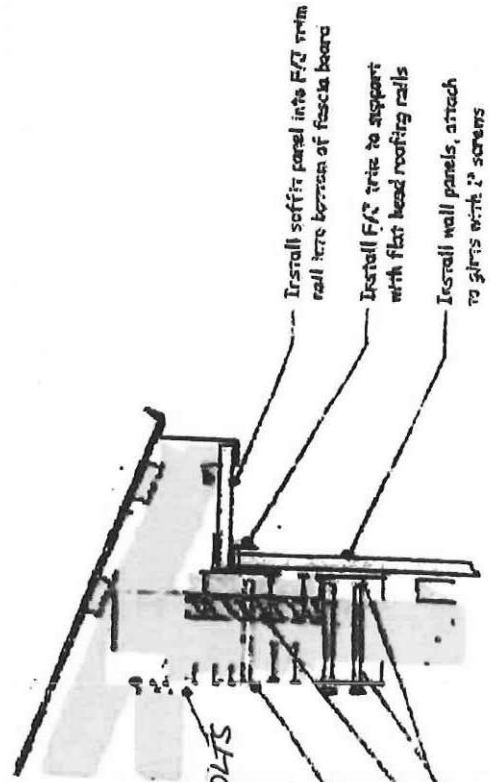


**A TRUSS TO SUPPORT CONNECTION DETAILS**

Connection at Post Locations

Substituting (4) # GRK | . Screws is used per every previous (1) 5/8" x 10" Carriage Bolt |  
*(2) 5/8" x 10" CARRIAGE BOLTS*  
Simpson Hurricane truss tie at each truss to support connection. Fasten as per info specifications.

(4) GRK | . Screws |  
Optimal location of third support if required. Match tie to post as shown and fasten as noted above  
Inside & Out @ 8" o/c posts

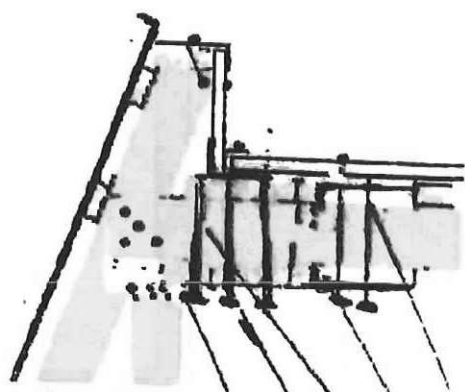


Fastener Schedule:

(6) 10 D Nails per Header, (2) per Connection (B615-6)

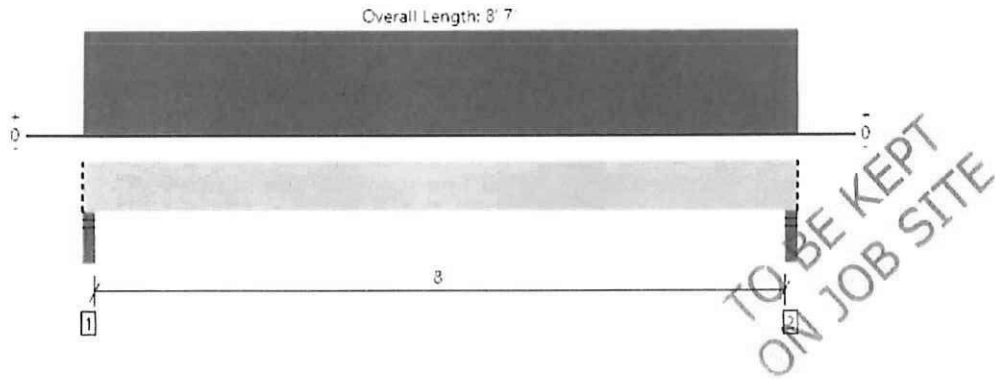
Connection at intermediate truss

Simpson Hurricane truss tie @ each truss to support connection. Fasten as per info specifications.  
GRK | .  
Zinsco 18" truss connection tie installed between supports



2 x 4 x 12 Ledger Block

Level, Floor: Drop Beam  
 2 piece(s) 2 x 12 M-12 Framer Series™ Lumber



All locations are measured from the outside face of left support (or left cantilever end). All dimensions are horizontal.

Design Results	Actual @ Location	Allowed	Result	LDF	Load: Combination (Pattern)
Member Reaction (lbs)	251 @ 2"	4463 (3.50")	Passed (6%)	--	1.0 D + 1.0 L (All Spans)
Shear (lbs)	179 @ 1' 2 3/4"	3938	Passed (5%)	1.00	1.0 D + 1.0 L (All Spans)
Moment (Ft-lbs)	498 @ 4' 3 1/2"	8438	Passed (6%)	1.00	1.0 D + 1.0 L (All Spans)
Live Load Defl. (in)	0.007 @ 4' 3 1/2"	0.206	Passed (L/999+)	--	1.0 D + 1.0 L (All Spans)
Total Load Defl. (in)	0.011 @ 4' 3 1/2"	0.412	Passed (L/999+)	--	1.0 D + 1.0 L (All Spans)

System : Floor  
 Member Type : Drop Beam  
 Building Use : Residential  
 Building Code : IBC 2021  
 Design Methodology : ASD

- Deflection criteria: LL (L/480) and TL (L/240).
- Allowed moment does not reflect the adjustment for the beam stability factor.
- Applicable calculations are based on NDS.

Supports	Bearing Length			Loads to Supports (lbs)			Accessories
	Total	Available	Required	Dead	Floor Live	Factored	
1 - Stud wall - SPF	3.50"	3.50"	1.50"	80	172	251	Blocking
2 - Stud wall - SPF	3.50"	3.50"	1.50"	80	172	251	Blocking

• Blocking Panels are assumed to carry no loads applied directly above them and the full load is applied to the member being designed.

Lateral Bracing	Bracing Intervals	Comments
Top Edge (Lu)	8' 7" o/c	
Bottom Edge (Lu)	8' 7" o/c	

•Maximum allowable bracing intervals based on applied load.

Vertical Loads	Location (Side)	Tributary Width	Dead (0.90)	Floor Live (1.00)	Comments
0 - Self Weight (PLF)	0 to 8' 7"	N/A	8.6	--	
1 - Uniform (PSF)	0 to 8' 7" (Front)	1'	10.0	40.0	Default Load

**Weyerhaeuser Notes**

Weyerhaeuser warrants that the sizing of its products will be in accordance with Weyerhaeuser product design criteria and published design values. Weyerhaeuser expressly disclaims any other warranties related to the software. Use of this software is not intended to circumvent the need for a design professional as determined by the authority having jurisdiction. The designer of record, builder or framer is responsible to assure that this calculation is compatible with the overall project. Accessories (Rim Board, Blocking Panels and Squash Blocks) are not designed by this software. Products manufactured at Weyerhaeuser facilities are third-party certified to sustainable forestry standards. Weyerhaeuser Engineered Lumber Products have been evaluated by ICC-ES under evaluation reports ESR-1153 and ESR-1387 and/or tested in accordance with applicable ASTM standards. For current code evaluation reports, Weyerhaeuser product literature and installation details refer to [www.weyerhaeuser.com/woodproducts/document-library](http://www.weyerhaeuser.com/woodproducts/document-library).

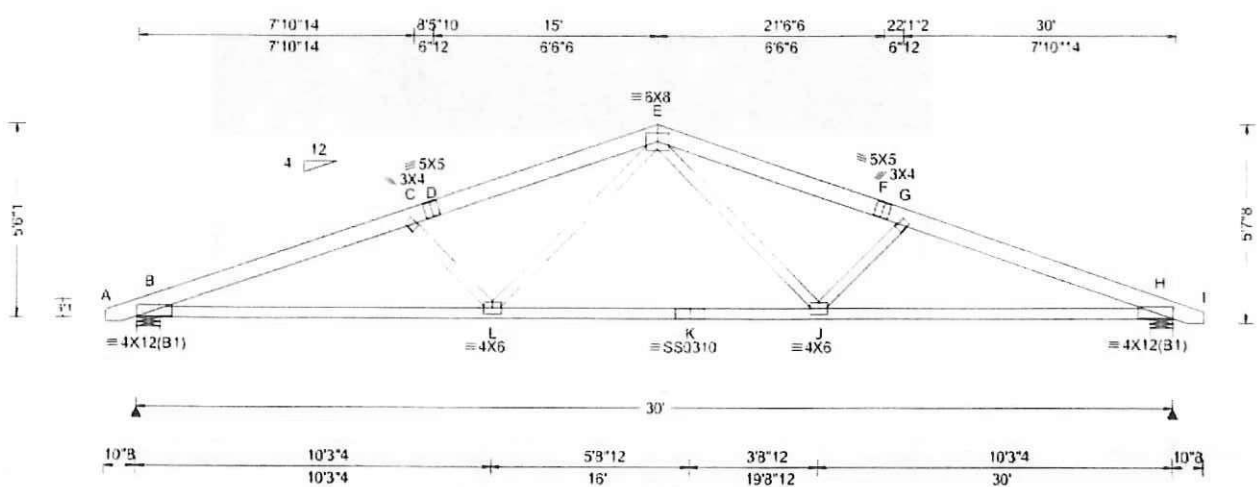
The product application, input design loads, dimensions and support information have been provided by ForteWEB Software Operator

ForteWEB Software Operator	Job Notes
Tyler Burns New Holland Supply (717) 354-4794 tyler@newhollandsupply.com	Hudson, Brooke 36815 Red Berry Rd. DELMAR, DE 19940



11/9/2023 4:25:25 PM UTC  
 ForteWEB v3.6, Engine: V8.3.1.5, Data: V8.1.4.1  
 File Name: Hudson, Brooke

SEGN 71484 COMN Ply 1 Job Number: js-1 Cust R 6697 J Ref: 1XM966970016 T3  
 FROM Qty 30 js-1 js-1 DrwNo 011 23.1340.35180 / BAF 01/11/2023  
 Truss Label: 35Ags/Com/30/412-DE



<b>Loading Criteria (psf)</b> TCLL: 35.00 TCDL: 5.00 BCLL: 0.00 BCDL: 5.00 Des Ld: 45.00 NCBCLL: 10.00 Soffit: 2.00 Load Duration: 1.15 Spacing: 48.0 *	<b>Wind Criteria</b> Wind Std: ASCE 7-16 Speed: 120 mph Enclosure: Closed Risk Category: II EXP: C Kzt: NA Mean Height: 15.00 ft TCDL: 3.0 psf BCDL: 3.0 psf MWFRS Parallel Dist: 0 to hr2 C&C Dist a: 3.00 ft Loc. from endwall: Any GCpi: 0.18 Wind Duration: 1.60	<b>Snow Criteria (Pg. Pf in PSF)</b> Pg: 35.0 Ct: 1.2 CAT: II Pf: 29.4 Ce: 1.0 Lu: - Cs: 1.00 Snow Duration: 1.15 Building Code: IBC 2021 TPI Std: 2014 Rep Fac: No FT/RT/PT: 2(2)/2(2)/2(0) Plate Type(s): WAVE, 18SS	<b>Def/CSI Criteria</b> PP Deflection in loc L/defl L/# VERT(LL): 0.374 J 954 360 VERT(CL): 0.482 J 740 240 HORZ(LL): 0.147 H - - HORZ(TL): 0.190 H - - Creep Factor: 2.0 Max TC CSI: 0.605 Max BC CSI: 0.995 Max Web CSI: 0.672 VIEW Ver: 22.02.00.0914.12	<b>Maximum Reactions (lbs)</b> <table border="1"> <thead> <tr> <th rowspan="2">Loc</th> <th colspan="2">Gravity</th> <th colspan="2">Non-Gravity</th> </tr> <tr> <th>R+</th> <th>/R-</th> <th>/Rh</th> <th>/U /RL</th> </tr> </thead> <tbody> <tr> <td>B</td> <td>2865</td> <td>-</td> <td>-</td> <td>1682 /562 /159</td> </tr> <tr> <td>H</td> <td>2865</td> <td>-</td> <td>-</td> <td>1682 /562 -</td> </tr> </tbody> </table> Wind reactions based on MWFRS B Brg Wid = 8.0 Min Req = 3.6 (Truss) H Brg Wid = 8.0 Min Req = 3.6 (Truss) Bearings B & H are a rigid surface. Members not listed have forces less than 375# <b>Maximum Top Chord Forces Per Ply (lbs)</b> <table border="1"> <thead> <tr> <th>Chords</th> <th>Tens.Comp.</th> <th>Chords</th> <th>Tens. Comp.</th> </tr> </thead> <tbody> <tr> <td>B - C</td> <td>2000 -6236</td> <td>E - F</td> <td>1816 -5384</td> </tr> <tr> <td>C - D</td> <td>1791 -5416</td> <td>F - G</td> <td>1790 -5416</td> </tr> <tr> <td>D - E</td> <td>1817 -5384</td> <td>G - H</td> <td>2001 -6236</td> </tr> </tbody> </table>	Loc	Gravity		Non-Gravity		R+	/R-	/Rh	/U /RL	B	2865	-	-	1682 /562 /159	H	2865	-	-	1682 /562 -	Chords	Tens.Comp.	Chords	Tens. Comp.	B - C	2000 -6236	E - F	1816 -5384	C - D	1791 -5416	F - G	1790 -5416	D - E	1817 -5384	G - H	2001 -6236
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**Lumber**  
 Top chord: 2x6 SP SS Dense;  
 Bot chord: 2x4 SPF 2100F-1 8E;  
 Webs: 2x4 SPF Stud;

**Purlins**  
 In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:  

Chord	Spacing(in oc)	Start(ft)	End(ft)
TC	24	-0.88	15.00
TC	24	15.00	30.88
BC	85	0.15	29.85

 Apply purlins to any chords above or below fillers at 24" OC unless shown otherwise above.

**Loading**  
 Bottom chord checked for 10.00 psf non-concurrent live load.  
 Truss designed for unbalanced snow loads.

**Wind**  
 Wind loads based on MWFRS with additional C&C member design.  
 Wind loading based on both gable and hip roof types.

TO BE KEPT ON JOB SITE



01.11/2023

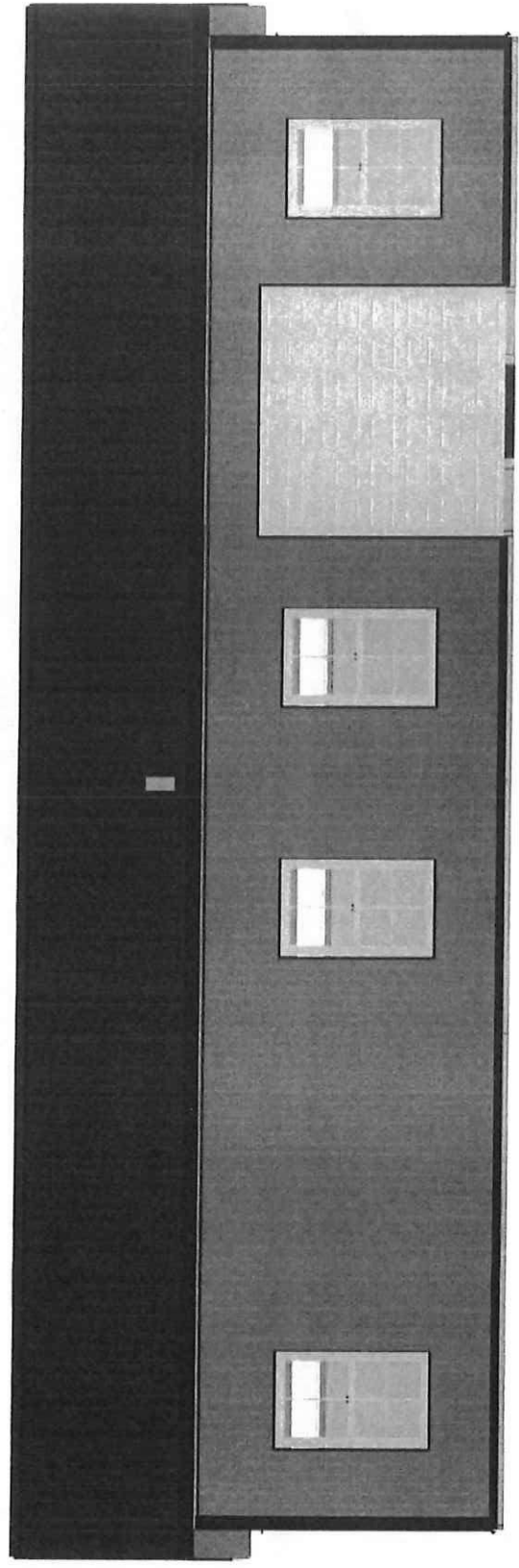
**\*\*WARNING\*\* READ AND FOLLOW ALL NOTES ON THIS DRAWING!**  
**\*\*IMPORTANT\*\* FURNISH THIS DRAWING TO ALL CONTRACTORS INCLUDING THE INSTALLERS**  
 Trusses require extreme care in fabricating, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety Information, by TPI and SBCA) for safety practices prior to performing these functions. Installers shall provide temporary bracing per BCSI. Unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly attached rigid ceiling. Locations shown for permanent lateral restraint of webs shall have bracing installed per BCSI sections B3, B7, or B10, as applicable. Apply plates to each face of truss and position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 160A-Z for standard plate positions. Refer to job's General Notes page for additional information.  
 Alpine, a division of ITW Building Components Group Inc. shall not be responsible for any deviation from this drawing, any failure to build the truss in conformance with ANSI/TPI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page listing this drawing, indicates acceptance of professional engineering responsibility solely for the design shown. The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSI/TPI 1 Sec.2.  
 For more information see these web sites: Alpine: alpineitw.com; TPI: tpinst.org; SBCA: sbcaccomponents.com; ICC: iccsafe.org; AWC: awc.org





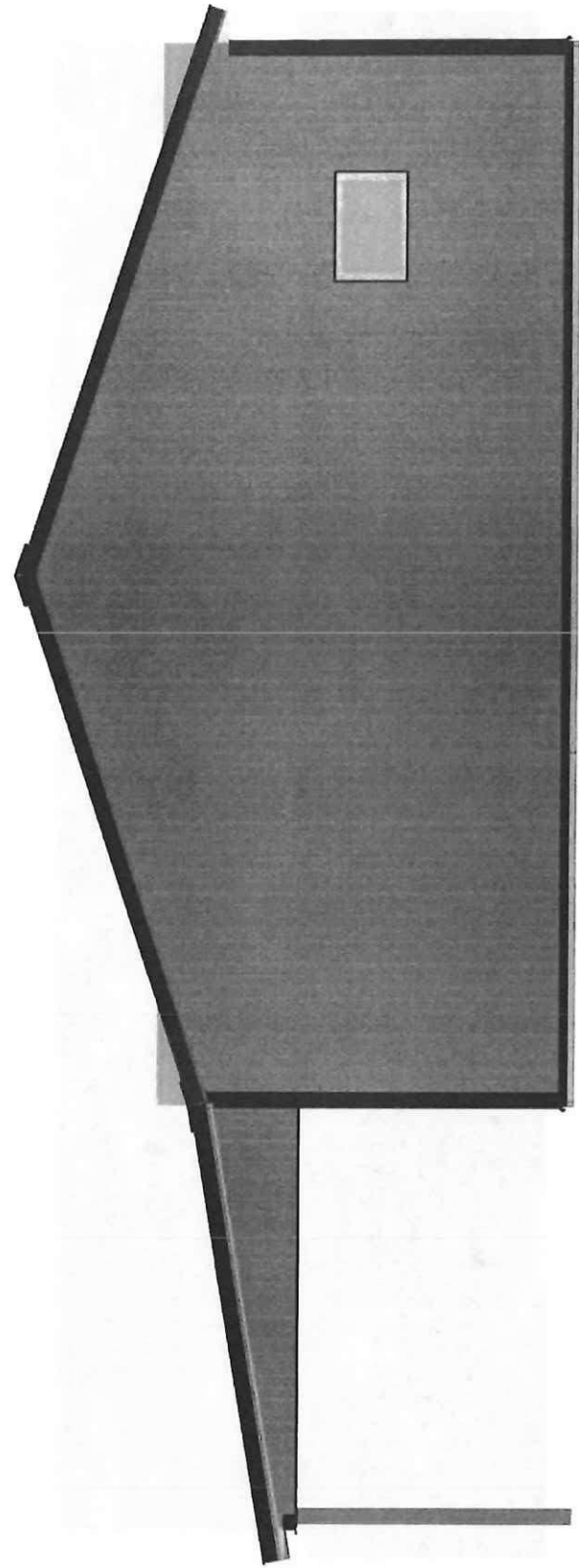
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Date: 11/8/2023  
Time: 5:05 AM

### Left Elevation



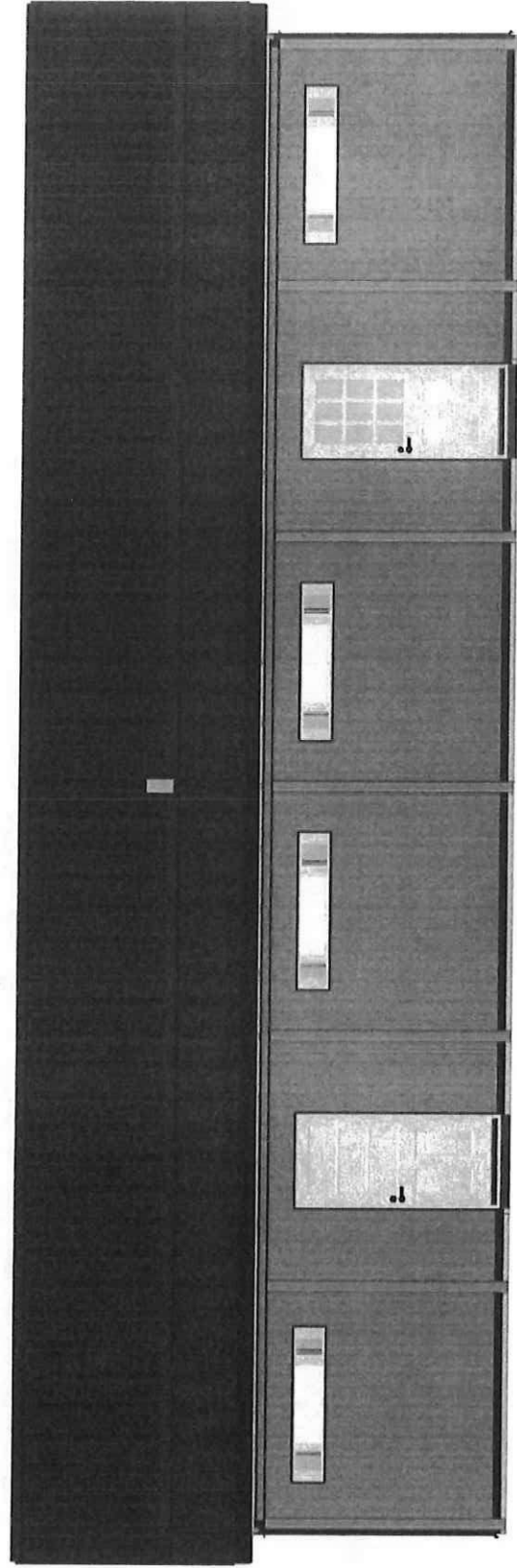
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Date: 11/8/2023  
Time: 5:05 AM

### Front Elevation



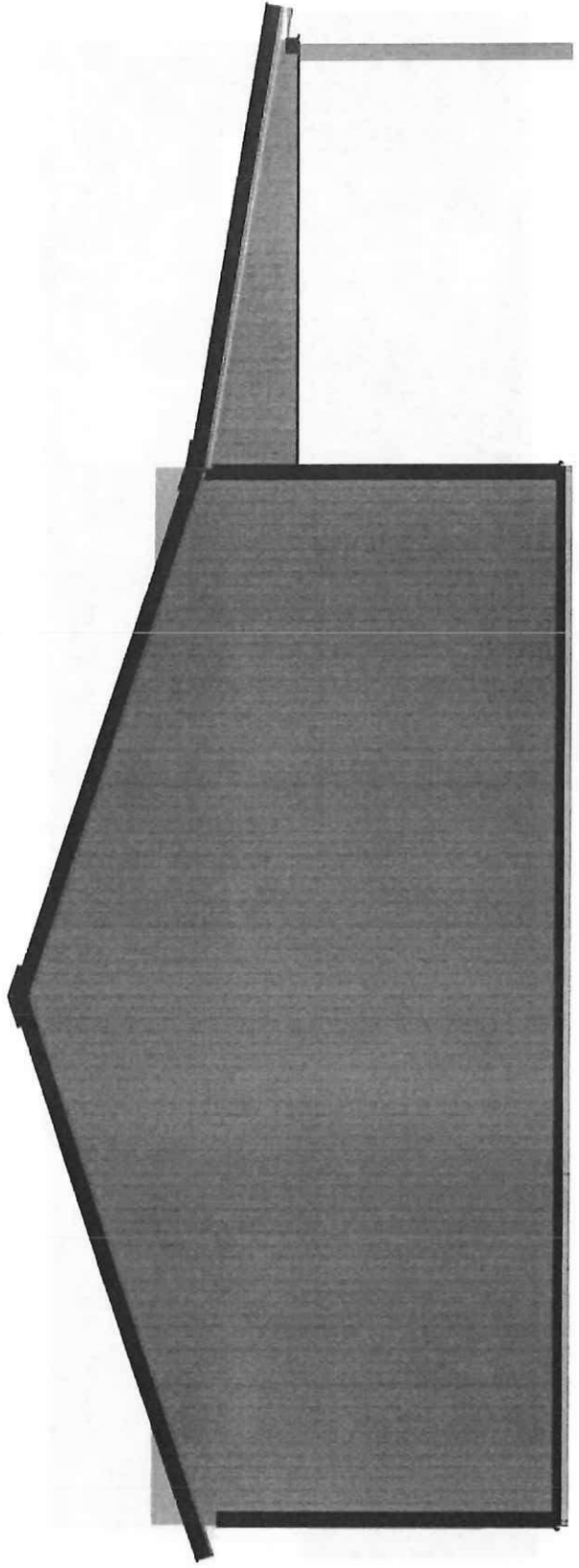
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Date: 11/8/2023  
Time: 5:05 AM

### Right Elevation



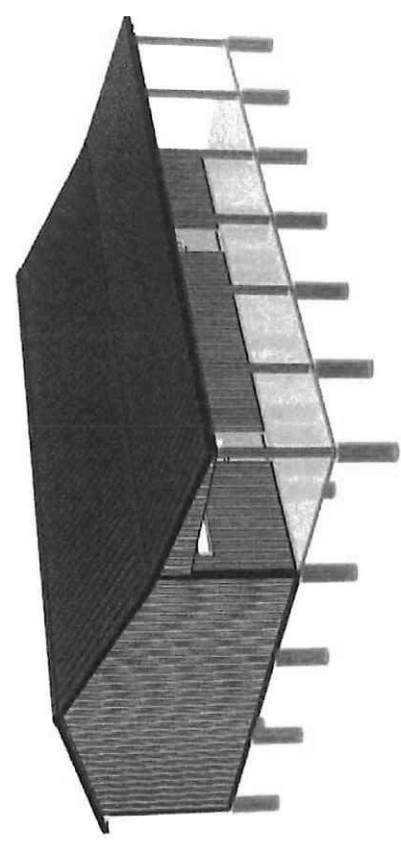
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Time: 5:05 AM

**Back Elevation**



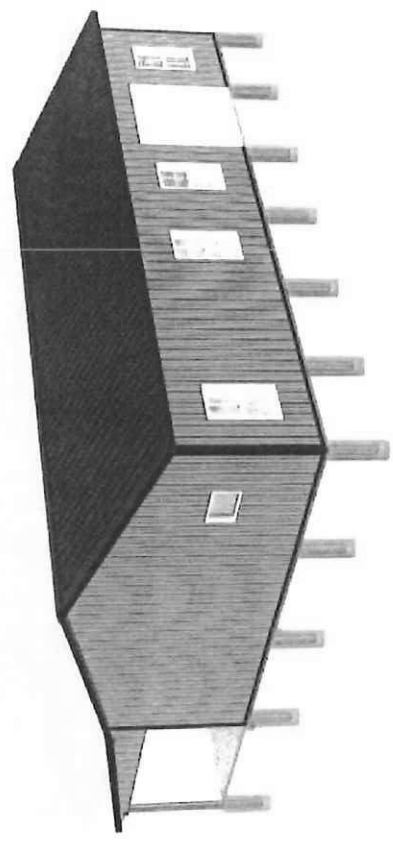
JOB: PA1 - HUDSON 4.50 X 4.5 X 1.0 - 1.2 X 4.5 X 0.0 L I  
Date: 11/8/2023  
Time: 5:05 AM

Iso 2



JOB: 141 - HUDSON 4 30 X 40 X 10 - 12 X 40 X 8 U/L  
Date: 11/8/2023  
Time: 5:05 AM

**ISO 1**



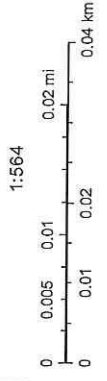


# Sussex County



<b>PIN:</b>	532-14.00-146.00
<b>Owner Name</b>	HUDSON BROOKE E
<b>Book</b>	5303
<b>Mailing Address</b>	36815 RED BARRY RD
<b>City</b>	DELMAR
<b>State</b>	DE
<b>Description</b>	HOLLY RIDGE
<b>Description 2</b>	LOT 50
<b>Description 3</b>	N/A
<b>Land Code</b>	

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- FEMA Flood Maps
  - A
  - AE
  - AE, FLOODWAY
  - AO
  - VE
- X: 0.2 PCT ANNUAL CHANGE FLOOD HAZARD
- Tax Ditch Segments
  - Tax Ditch Channel
  - De/IDOT Maintained
  - HOA Maintained
  - Pipe - De/IDOT
  - Pipe - Tax Ditch
  - Pipe - Private
  - Pond Feature
  - Special Access ROW



January 9, 2024

CONNECTEXPLORER

Search

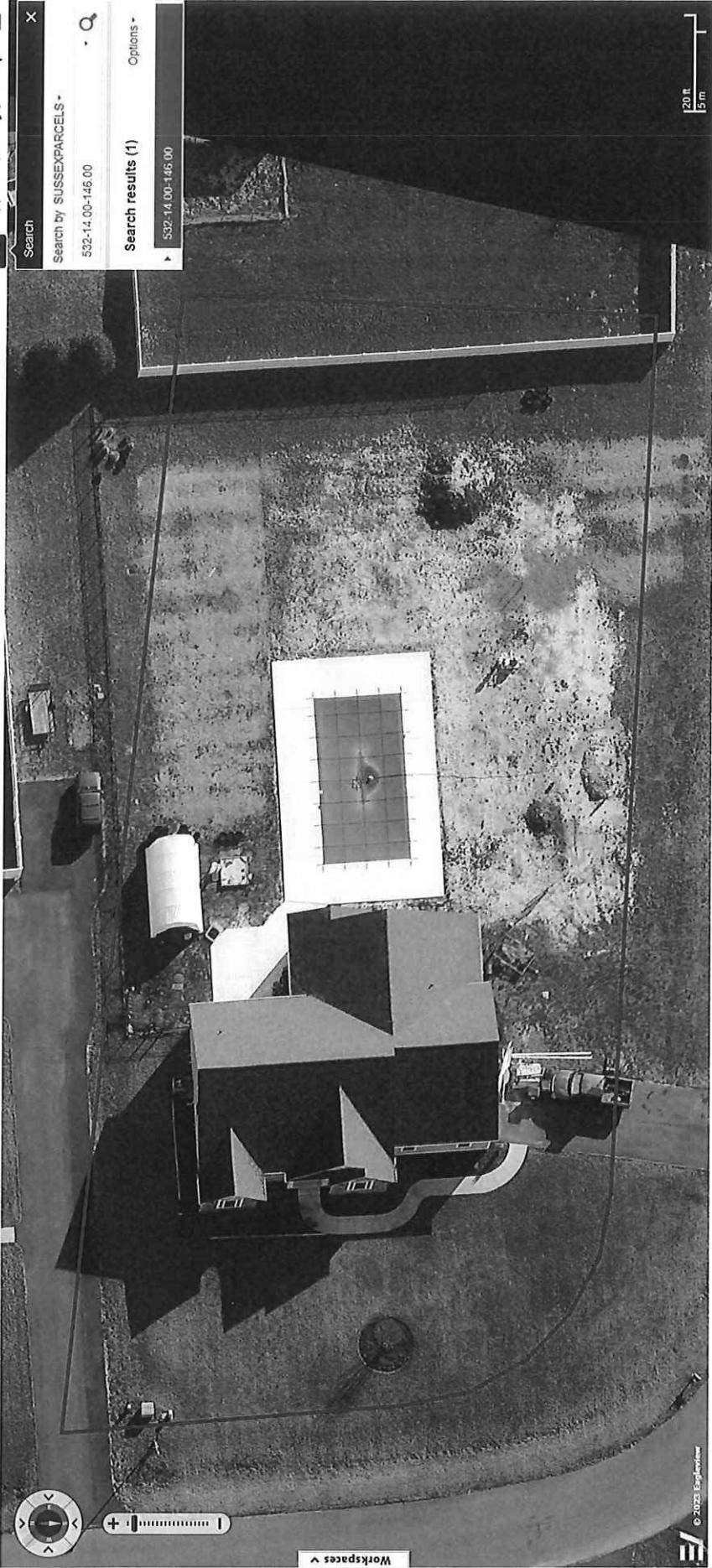
Search by SUSSEXPARCELS

532-14-00-146.00

Search results (1)

Options

532-14-00-146.00



© 2023 Esri/Inverness

map: Auto (Ortho) Dates: Latest < Image 1 of 5 > 02/27/2023

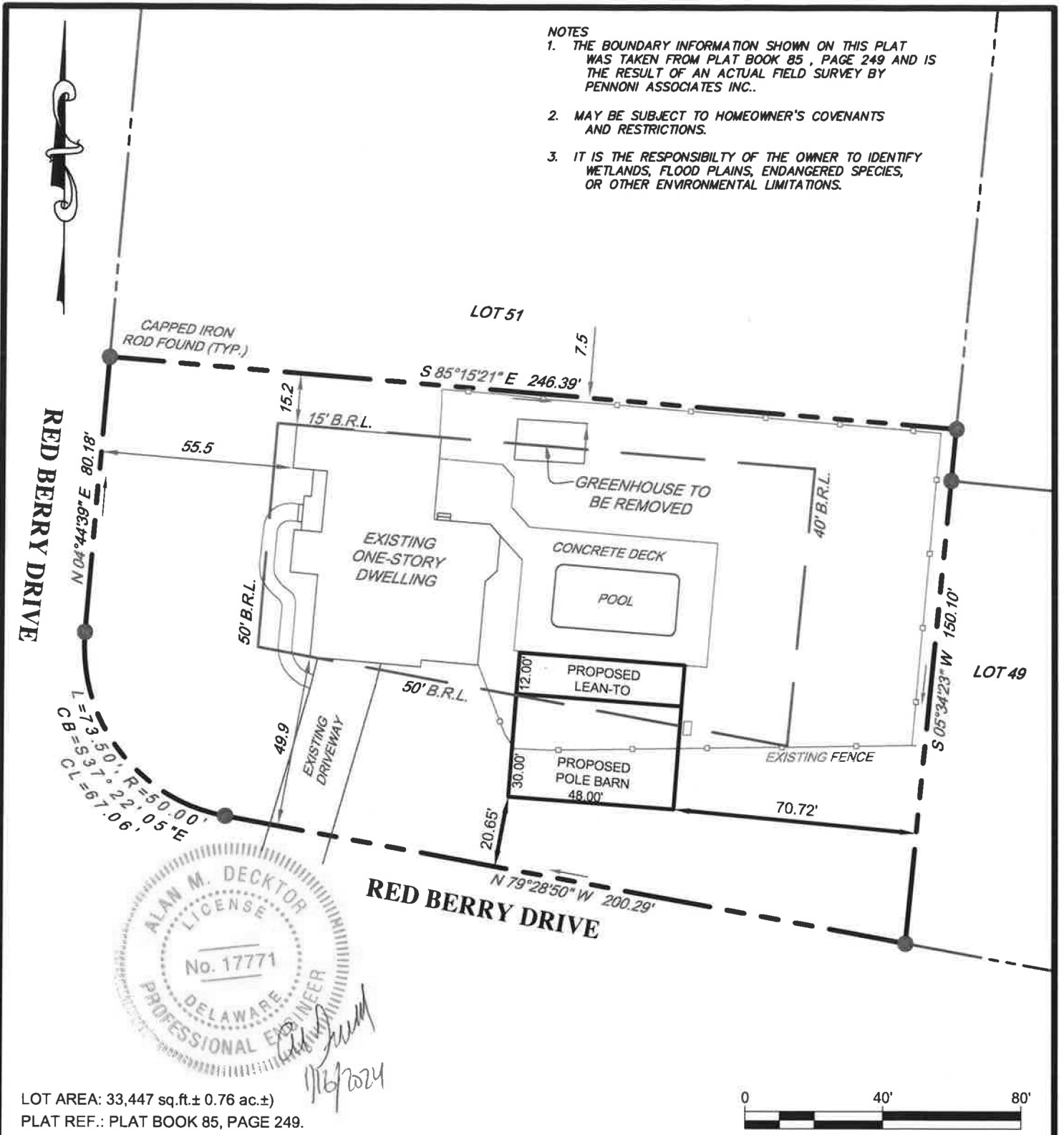
20 ft  
5 m





**NOTES**

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 85 , PAGE 249 AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC..
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
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U:\ACOUNTS\BHUDS\BHUDS24001 - LOT 50 HOLLY RIDGE\DESIGN\BHUDS24001-1-SP.DWG  
 PLOTTED: 1/16/2024 3:14:49 PM. BY: KEITH DAVIDSON PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: ---



**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATE; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LOT 50, HOLLY RIDGE  
 RED BERRY ROAD  
 LITTLE CREEK HUNDRED, SUSSEX COUNTY, DELAWARE

**SITE PLAN**  
 TAX MAP: 532-14.00-146.00

BROOKE HUDSON  
 36815 RED BERRY ROAD  
 DELMAR, DELAWARE 19940

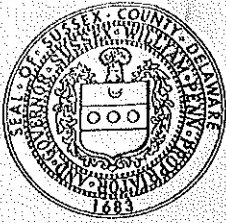
PROJECT	<b>BHUDS24001</b>
DATE	<b>2024-01-16</b>
DRAWING SCALE	<b>1"=40'</b>
DRAWN BY	<b>KMD</b>
APPROVED BY	<b>AMD</b>

**SHEET 1 OF 1**

### Criteria for a Variance

1. Uniqueness of property: This parcel is irregular shaped due to narrowness and narrowing from back to front with road frontage on both west and south sides of parcel.
2. Cannot otherwise be developed: The property cannot otherwise be developed due to increased setbacks from original developer of neighborhood.
3. Not created by the applicant: I bought the lot as is with the original intent to build a pool and a pole building in rear of home. When purchasing lot, to my ignorance, I was unaware of increased setbacks within community.
4. Will not alter the essential character of the neighborhood: This pole building will not alter the character of the neighborhood. Holly Ridge Estates is comprised of single family dwelling, which 37 homes have a large shed or pole buildings. 8 of the 37 buildings are pole buildings. HOA has already approved pole buildings for our community.
5. Minimum Variance: EXCLUDING 16 FEET FROM ROAD EDGE OF COMMON AREA. Side of property variance requiring construction of pole building on parcel 532-14.00-146.00 would be 21 feet and 2 inches from property line on south west corner and 25'feet 10 inches from property line on south east corner, thus showing irregular shape of property.

Pole barn size is required for future green energy solar project for property to fit solar array on south facing roof. HOA does not want solar arrays on fronts of homes.



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

Application Number
202202296
Issue Date: 02/22/2022
Expire Date: 02/22/2023

Permit Type: **FENCE OUT OF TOWN**

Parcel ID	Address	Zone Code
532-14.00-146.00	36815 RED BERRY ROAD	AR-1

Owner Information	Applicant Information
Name: HUDSON BROOKE E Phone:	Name: HUDSON BROOKE E Phone:

Contractor Information	
Name: HUDSON BROOKE E CID: 290402 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: FENCES Construction Type: Estimated Cost of Construction: \$ 7,800 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure:

Property Information
<b>Measurements taken from Property Lines</b> Front Setback: 30.00 /RED BERRY RD (SHORT SIDE) /LINE Side Setback: /LINE Corner Setback: 15.00 /RED BERRY RD (LONG SIDE) Maximum Building Height: 7' MAX Location Description: HOLLY RIDGE LOT 50 <b>FLOOD ZONE</b> Flood Zone: XP560L _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

**Project Description:** RESIDENTIAL FENCE OUT OF TOWN

**Scope of Work:**  
379 sq ft residential fence for backyard

**Permit Details:**  
3.5' MAX IN FIRST 30'

*[Handwritten Signature]*  
Signature of Approving Official

*[Handwritten Signature]* 302-519-4705  
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-175813	TOTAL FEES:	\$ 48.00
---------------	-----------	-------------	----------



Letter to Holly Ridge Home Owners Association

I am writing this letter to notify and request approval from the Home Owner's Association of my plans to construct a pole building on my property (lot #50).

I have attached the proposal of the project (1) and the current survey (2), which includes plot map with proposed position of my pole building. The building is 3 colors with siding, roof, and trim all matching the colors of my home. Since the pole building is facing the road in my backyard, I paid extra to have 4 egress windows installed on the south side and had 1 foot overhangs on all sides to make it more appealing in our community, and similar to construction of my home.

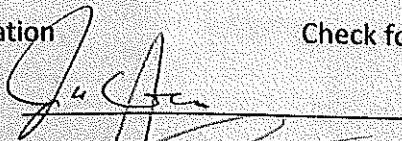
My positioning of the building was determined by available space in my backyard, which 50% of my property is along Red Berry Road in our community. The area north of my pool is my current septic drain fields. The land to the east of my pool is the spare area for my septic in the event that I would need a new one in the future. This leaves the only the proposed position on the plot map.

I have to attend a variance hearing on February 19th 2024, with Sussex County Planning and Zoning, due to my property having road frontage along my backyard, which is considered front yard and must have a 50 feet setback. I am requesting a variance to be allowed to build closer than 50 feet to edge of my property line. This distance excludes the 16 feet of land between my property line and road edge.

Officers of Home Owner's Association

Check for Approval of project

Jason Coco (President)



Jonathan Layton (Architectural) (VP)



Ericka McCray Sample (Treasurer)

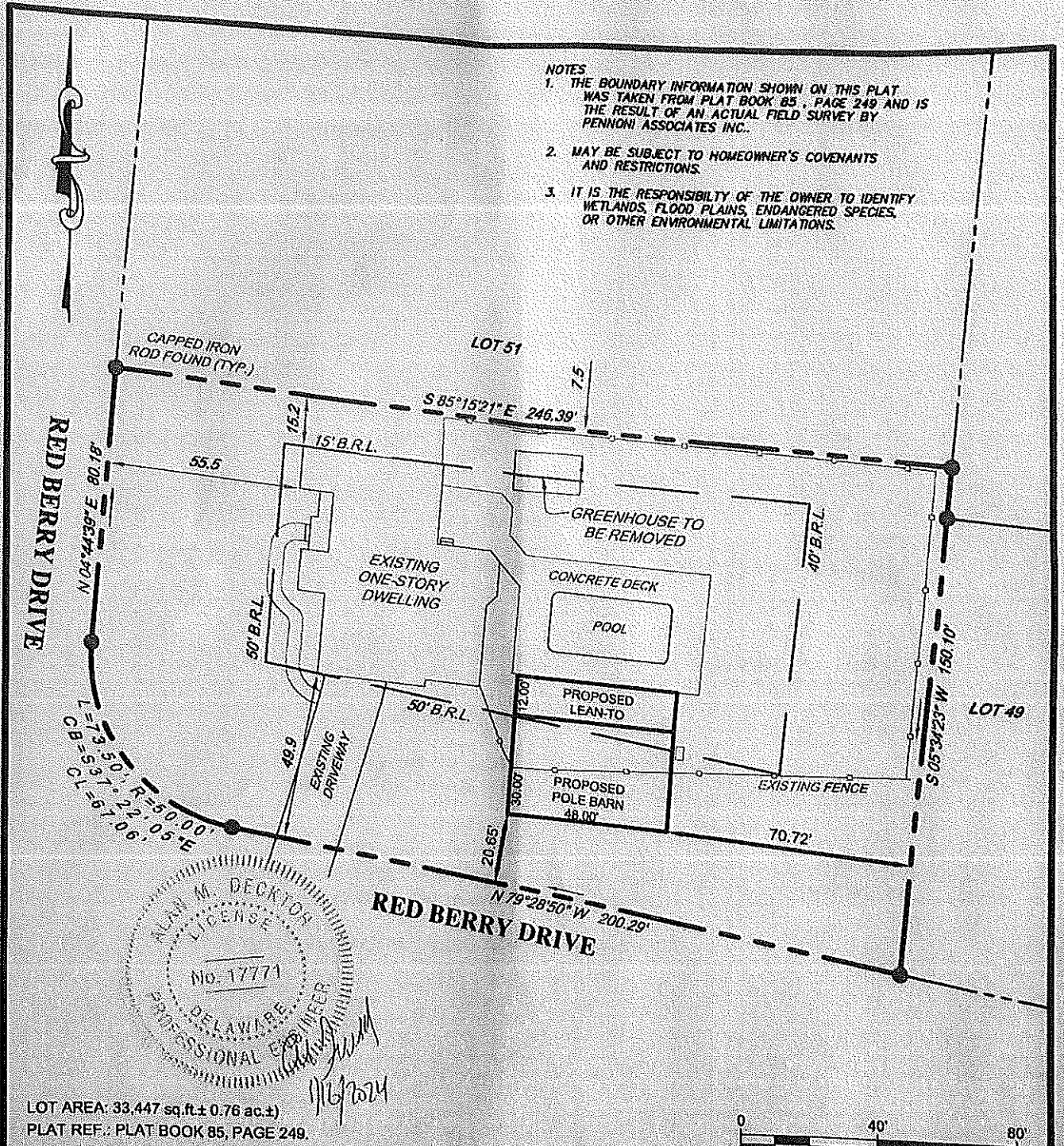
\_\_\_\_\_

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James Jacko (Secretary)



- NOTES**
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LOT AREA: 33,447 sq.ft. ± 0.76 ac. ±  
 PLAT REF.: PLAT BOOK 85, PAGE 249.



U:\ACCOUNTS\BH\UDS24001 - LOT 50, HOLLY RIDGE DESIGN\B\UDS24001-A-SP.DWG  
 PLOTTED: 1/16/2024 3:14:48 PM BY: KEITH DAVIDSON - PLOT STYLE: PENNONI\_NCS.STR, PROJECT STATUS: ---

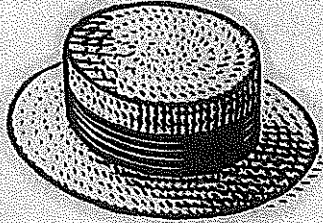


**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
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 T 302.684.8030 F 302.684.8054

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**LOT 50, HOLLY RIDGE**  
 RED BERRY ROAD  
 LITTLE CREEK HUNDRED, SUSSEX COUNTY, DELAWARE  
**SITE PLAN**  
 TAX MAP: 532-14.00-146.00  
**BROOKE HUDSON**  
 38816 RED BERRY ROAD  
 DELMAR, DELAWARE 19940

PROJECT	BHUDS24001
DATE	2024-01-16
DRAWING SCALE	1"=40'
DRAWN BY	KMD
APPROVED BY	AMD
SHEET 1 OF 1	



**THE AMISH TRADESMEN**  
 26673 Sussex Highway  
 Seaford, DE 19973  
 302-349-5550

February 6, 2024

TO: Sussex County Planning & Zoning Commission  
 FROM: Tradesmen Alliance, LLC dba. The Amish Tradesmen

SUBJECT: Pole Building Variance for Brooke E. Hudson (PARID: 532-14.00-146.00)

To whom it may concern:

On November 10, 2023, Brooke Hudson (Buyer) entered into a contract with Tradesmen Alliance, LLC dba. The Amish Tradesmen (Seller) for construction of a 30' x 48' x 10' post-framed residential accessory structure on his property located at 36815 Red Berry Road, Delmar, DE 19940 (Parcel # 532-14.00-146.00) in Sussex County, Delaware.

Mr. Hudson has paid the agreed upon purchase price of \$55,000.00 in advance in order to have his building be constructed in a timely manner and avoid potential increases in material costs.

After having submitted the proper building documentation to Sussex County Building Code and Sussex County Planning & Zoning, we are requesting that the Commission approves this variance for Mr. Hudson so that construction may begin.

We thank you for your time and consideration in this matter.

Carter Harman, Member  
 Tradesmen Alliance, LLC

Letter to Holly Ridge Home Owners Association

I am writing this letter to notify and request approval from the Home Owner's Association of my plans to construct a pole building on my property (lot #50).

I have attached the proposal of the project (1) and the current survey (2), which includes plot map with proposed position of my pole building. The building is 3 colors with siding, roof, and trim all matching the colors of my home. Since the pole building is facing the road in my backyard, I paid extra to have 4 egress windows installed on the south side and had 1 foot overhangs on all sides to make it more appealing in our community, and similar to construction of my home.

My positioning of the building was determined by available space in my backyard, which 50% of my property is along Red Berry Road in our community. The area north of my pool is my current septic drain fields. The land to the east of my pool is the spare area for my septic in the event that I would need a new one in the future. This leaves the only the proposed position on the plot map.

I have to attend a variance hearing on February 19th 2024, with Sussex County Planning and Zoning, due to my property having road frontage along my backyard, which is considered front yard and must have a 50 feet setback. I am requesting a variance to be allowed to build closer than 50 feet to edge of my property line. This distance excludes the 16 feet of land between my property line and road edge.

Officers of Home Owner's Association

Check for Approval of project

Jason Coco (President)

\_\_\_\_\_

Jonathan Layton (Architectural) (VP)

\_\_\_\_\_

Ericka McCray Sample (Treasurer)

*Ericka McCray Sample* ✓

James Jacko (Secretary)

\_\_\_\_\_



BROOKE HUDSON  
BRITTANIE L TRUITT  
36815 RED BERRY RD  
DELMAR, DE 19940

[Account] 15407600  
[Control No.] 1970178

RE: Confirmation of Application for Electric Distribution and Supply Service and Membership with Delaware Electric Cooperative, Inc.

Dear Member:

Thank you for applying for new service with Delaware Electric Cooperative on **08/16/2022**. Please review the information you provided to the Cooperative and make sure it is correct.

**36815 RED BERRY RD**  
(Service Address)

**POLE BARN**  
(Service Classification)

**HOLLY RIDGE**  
(Development Name)  
Block  
Lot No. 50

**SRD E/S 453 N 454B**  
(Road No./Road Name)

**36815 RED BERRY RD DELMAR, DE 19940**  
(Billing address - Address your bill will be mailed to when meter is activated)

**(410) 251-6666**  
(Home Tel. No.)

**(302) 519-4705**  
(Work Tel. No.)

**Not on file**  
(Cell Tel. No.)

**brookehudson16@gmail.com**  
(E-mail Address)

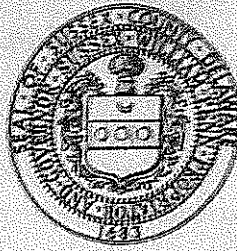
**If any of the above information is incorrect, please call us immediately at 855-332-9090 ext. 258. If the information is accurate, please fill out the attached load sheet and return the form to Delaware Electric Cooperative, P.O. Box 600 Greenwood, DE 19950. We look forward to working with you.**

**Your application for and receipt of service shall constitute a Contract between those Member(s) named above and the Cooperative.**



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

jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
 SUSSEXCOUNTYDE.GOV

January 26, 2024

Brooke and Brittanie Hudson  
 36815 Reb Berry Rd.  
 Delmar, DE 19940

Dear Brooke and Brittanie Hudson:

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

**Case No. 12907 – Brooke and Brittanie Hudson** seek variances from the maximum fence height and front yard setback requirement for existing and proposed structures (Section 115-25, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on northwest side of Red Berry Road within the Holly Ridge Subdivision. 911 Address: 36815 Red Berry Road, Delmar. Zoning District: AR-1. Tax Parcel: 532-14.00-146.00

The Board of Adjustment will hold a Public Hearing on **Monday, February 19, 2024, 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 the 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](http://sussexcountyde.gov). The County operates an electronic document management system whereby the public and Applicants can review documents and public comments online. The Land Use Application Docket can be found at [sussexcountyde.gov/planning-zoning](http://sussexcountyde.gov/planning-zoning).

Sincerely,  
 Planning and Zoning Department



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

Case # 12908  
Hearing Date 2/19/24  
202317685

### 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)  
\_\_\_\_\_  
\_\_\_\_\_

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

South of Route 54, east of Grant Avenue, being Lot 1, Block 6 within Cape Windsor development.

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

Requesting a 5 foot variance from Rear Yard setback. The Drawings attached details a proposed addition with a point 10 feet from the current property line.

Tax Map #: 533-20.14-31.00 Property Zoning: AR-1

**Applicant Information**

Applicant Name: Ralph Page  
Applicant Address: 38723 Grant Ave, (Cape Windsor)  
City Selbyville State DE Zip: 19975  
Applicant Phone #: 302-893-5801 Applicant e-mail: rp@cmdfab.com

**Owner Information**

Owner Name: Ralph Page  
Owner Address: 38723 Grant Ave, (Cape Windsor)  
City Selbyville State DE Zip: 19975 Purchase Date: 2010  
Owner Phone #: 302-893-5801 Owner e-mail: rp@cmdfab.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: December 27, 2023  
update 01/3/24



P1



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

This lot is a very irregular shape and size, and is a corner lot. In particular the rear yard is very narrow, and the property line is not perpendicular to Lincoln, or parallel to the lagoon and represents a narrow acute angle.

---

2. Cannot otherwise be developed:

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

Due to the narrowness and acute angle it's not possible to develop the property that will enable reasonable use of the property and allow an improvement over the exiting end structure and shed.

---

3. Not created by the applicant:

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

These difficulties were in place at time of purchase and have 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.

The variance, if authorized will not alter the essential character of the neighborhood, nor impair the use of adjacent property, nor be detrimental to public welfare. The outline plans have been approved by Cape Windsor Homeowners Association.

---

5. Minimum variance:

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

The variance, if authorized represents the minimum variance that will afford relief, and represent the least modification possible of the regulation.

---

Sussex County, DE - BOA Application

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

*You shall demonstrate to the Board of Adjustment that the property meets **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)

---

# Sussex County

DELAWARE  
PLANNING & ZONING DEPARTMENT

[sussexcountyde.gov](http://sussexcountyde.gov)

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR



## SETBACK INFORMATION REQUEST

Date of Request 1/2/2024 Zoning District AR-1

Customer Name Ralph Page

Customer Contact rp@cmdfab.com, 302-893-5801

Tax Parcel ID 533-20.14-31.00 Lot/Unit Number Lot 1, Blk 6

Parcel Address 38723 Grand Ave, Selbyville (Cape Windsor)

Front Yard Setback 5' (from the property line along Grant Ave)

Side Yard Setback 5'

Rear Yard Setback 15'

Corner Front Yard Setback 15' (from the property line along Lincoln Dr)

Maximum Height 42'

The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

Additional Notes:

Online Deeds: Book: 3770. Page: 324  
 Record Cape Windsor Plot Plan: Book: 6, Page: 44

Sussex County does not regulate the rules/restrictions of an HOA. If applicable, it is recommended to contact the HOA to ensure their rules/regulations are not more restrictive than Sussex County Code requirements.

Name of Staff Member Ashley Paugh - Planning Technician

Checked By Christin Scott - Planner II

Approved by R. H. [unclear] 00 Board, [unclear]  
April 14 23

**Construction Information:**

Start Date of Demolition: 04/01/2023

**Contractor's Information:**

Name:	<u>Ralph Page (SELF)</u>	Note Demolition will be Self, plus either Craig Long and / or Scott Pantall. This work was due to start in 2022.
Address:	<u>165 Wedgemont Drive</u>	Delays have meant I don't have firm quotes yet, but I need to get approvals and permits in place before the year has gone.
Phone:	<u>Elkton, MD 21921</u>	
Email:	<u>302 893 5801</u>	

**Proposed Property Improvement (please be specific):**

~~Replace covered front porch with up to 25x24 foot addition. This will be front entrance and dining room~~

~~Extend screened area at rear of property. This is to clean up the shed and end of the house.~~

~~Remove existing stand-alone shed and replace with shed, added to the extended screen area at rear of property. Note the new shed will be at the same setback as the existing shed.~~

**Further Comments:**

~~I have attached the following drawings: A surveyors drawing, a zoomed version, 2 pictures of the existing buildings, and 2 pictures showing the improvements.~~

~~Once Builders have been identified, I can provide updated building package with contractors insurances.~~

**You must attach a copy of the site plans, and the contractor(s)' Certificate of Insurance.**

You are reminded that you must comply with any applicable Sussex County Comprehensive Zoning Ordinances for an AR-1; i.e., Agricultural Residential Single-Family Dwelling District, as well as any State or Federal Agency requirements in order to obtain demolition and/or construction permits. Permits will also be required from DNREC for boat lifts, docks, and bulkheads.

Signature - Property Owner

Signature - Property Owner

Ralph Page

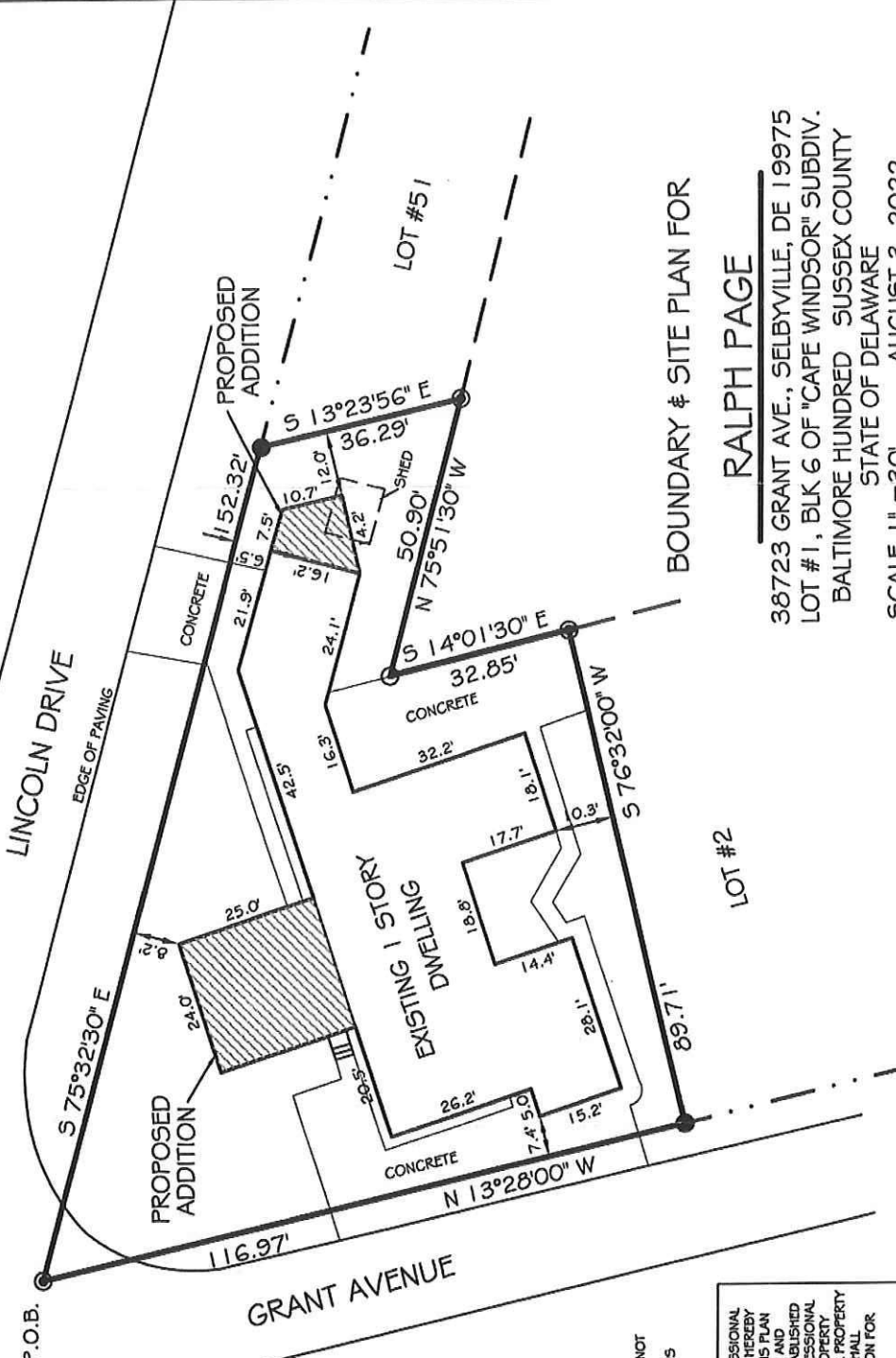
Printed Name - Property Owner

Printed Name - Property Owner

Cape Windsor: "A great place to live."

[capewindsorhelp@gmail.com](mailto:capewindsorhelp@gmail.com)

T.M. #5333-20.14-31.00



BOUNDARY & SITE PLAN FOR

RALPH PAGE

38723 GRANT AVE., SELBYVILLE, DE 19975  
 LOT #1, BLK G OF "CAPE WINDSOR" SUBDIV.  
 BALTIMORE HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE

SCALE 1" = 30' AUGUST 3, 2022

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

PREPARED BY:

**MILLER** LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD. SEAFORD, DE. 19973

LOT AREA: 9,997 S.F. ±

- IRON PIPE (FOUND)
- ⊙ "FK" NAIL (FOUND)
- POINT

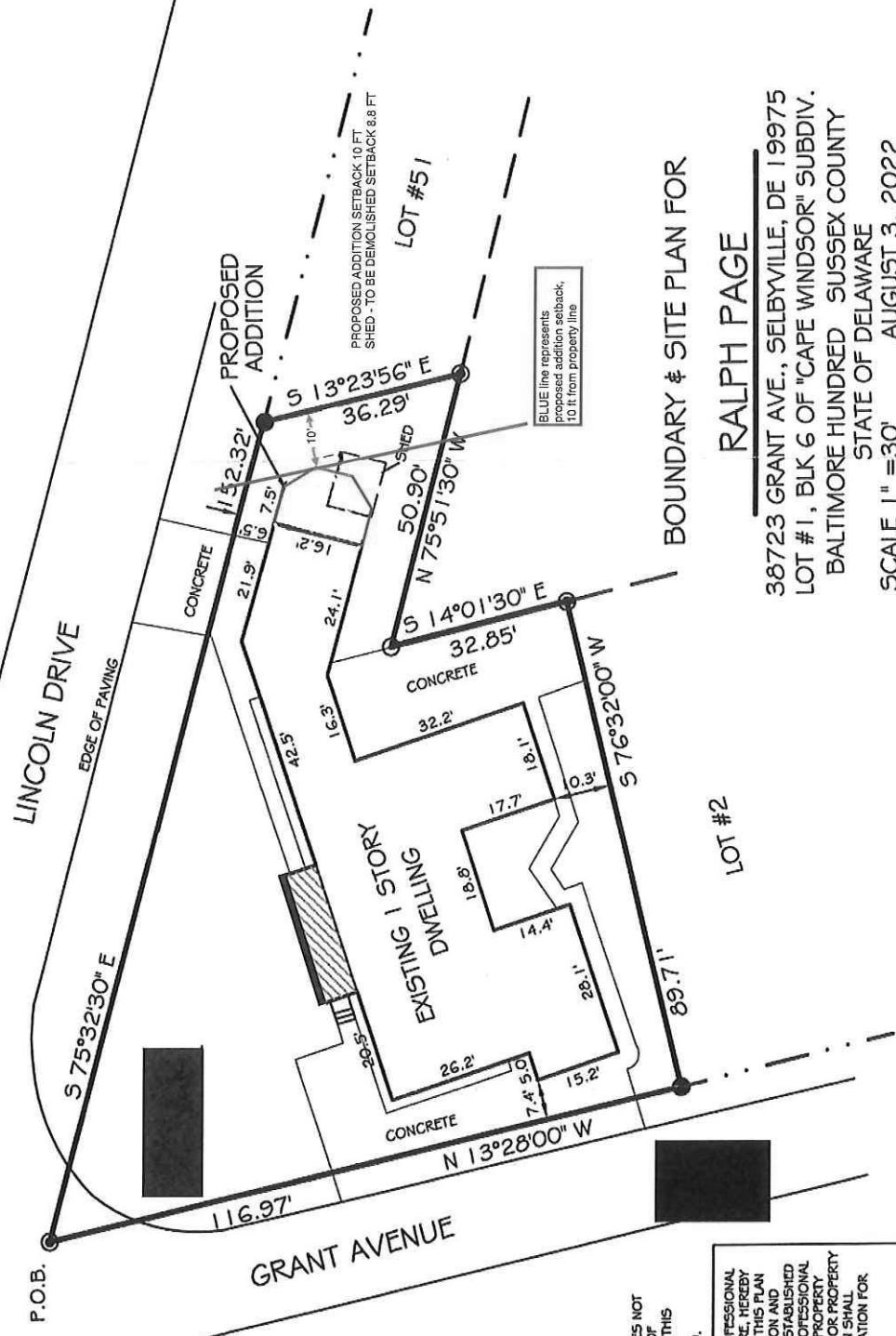
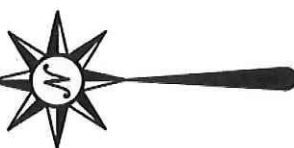
SEE PLOT BOOK 6 PAGE 44 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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  
 DATE 8/14/22  
 SURVEY CLASS: SUBURBAN

T.M. #533-20.14-31.00

DB 3770-324



BOUNDARY & SITE PLAN FOR

RALPH PAGE

38723 GRANT AVE., SELBYVILLE, DE 19975  
 LOT #1, BLK 6 OF "CAPE WINDSOR" SUBDIV.  
 BALTIMORE HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE

SCALE 1" = 30' AUGUST 3, 2022

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

PREPARED BY:

**MILLER** LAND SURVEYING  
**LEWIS, INC.**

SEAFORD, DE. 19973

1560 MIDDLEFORD RD.

LOT AREA: 9,997 S.F. ±

- IRON PIPE (FOUND)
- ⊙ "PK" NAIL (FOUND)
- POINT

SEE PLOT BOOK & PAGE 44 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAN 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.

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*Donald K. Miller*  
 DONALD K. MILLER, PLS 407  
 DATE 8/19/22  
 SURVEY CLASS: SUBURBAN



T.M. #533-20.14-31.00



P.O.B.

GRANT AVENUE

LINCOLN DRIVE

EDGE OF PAVING

$S 75^{\circ}32'30'' E$

$N 13^{\circ}26'00'' W$

$89.71'$

$S 76^{\circ}32'00'' W$

CONCRETE

CONCRETE

CONCRETE

CONCRETE

EXISTING 1 STORY DWELLING

PROPOSED ADDITION

LOT #51

LOT #2

BOUNDARY & SITE PLAN FOR

RALPH PAGE

38723 GRANT AVE., SELBYVILLE, DE 19975  
 LOT #1, BLK 6 OF 'CAPE WINDSOR' SUBDIV.  
 BALTIMORE HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE  
 SCALE 1" = 30'      AUGUST 3, 2022

SEE PLOT BOOK, C PAGE 44 FOR EASEMENT RESERVATIONS. 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.

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*Donald K. Miller* 8/4/22  
 DONALD K. MILLER, PLS 407      DATE  
 SURVEY CLASS: SUBURBAN

LOT AREA: 9,997 S.F. ±

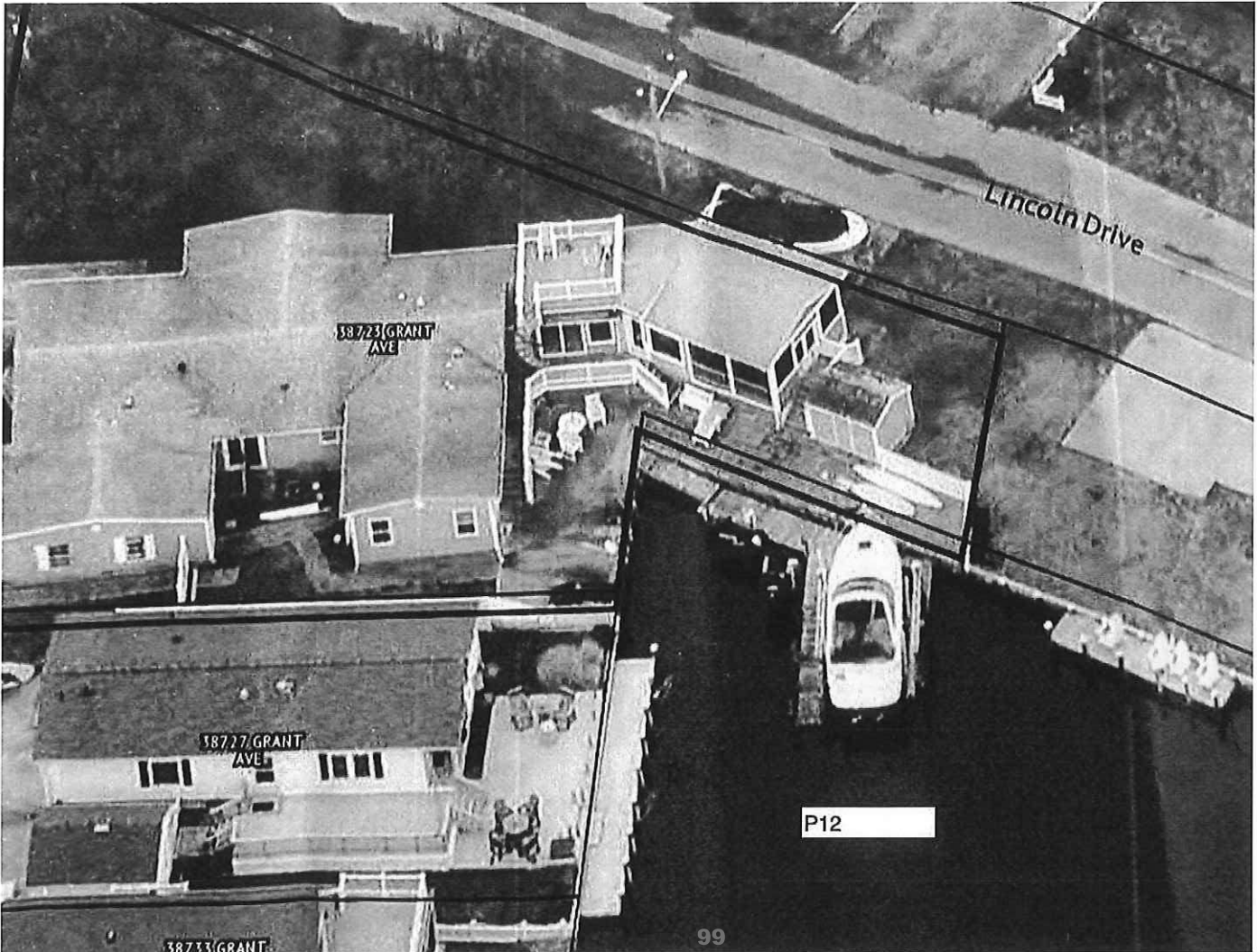
- IRON PIPE (FOUND)
- ⊙ 'FK' NAIL (FOUND)
- POINT

P10

PREPARED BY: **MILLER LAND SURVEYING LEWIS, INC.**  
 PH: 302-629-9895  
 FAX: 302-629-2391  
 1560 MIDDLEFORD RD.      SEAFORD, DE. 19973

P 11



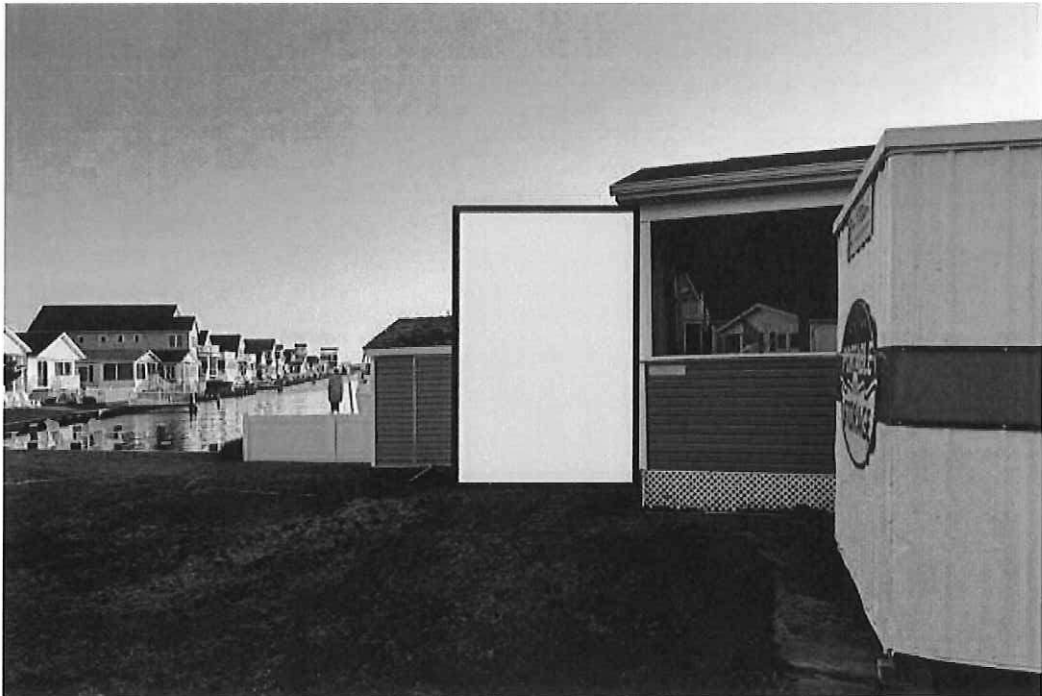


View from Lincoln, moving EAST



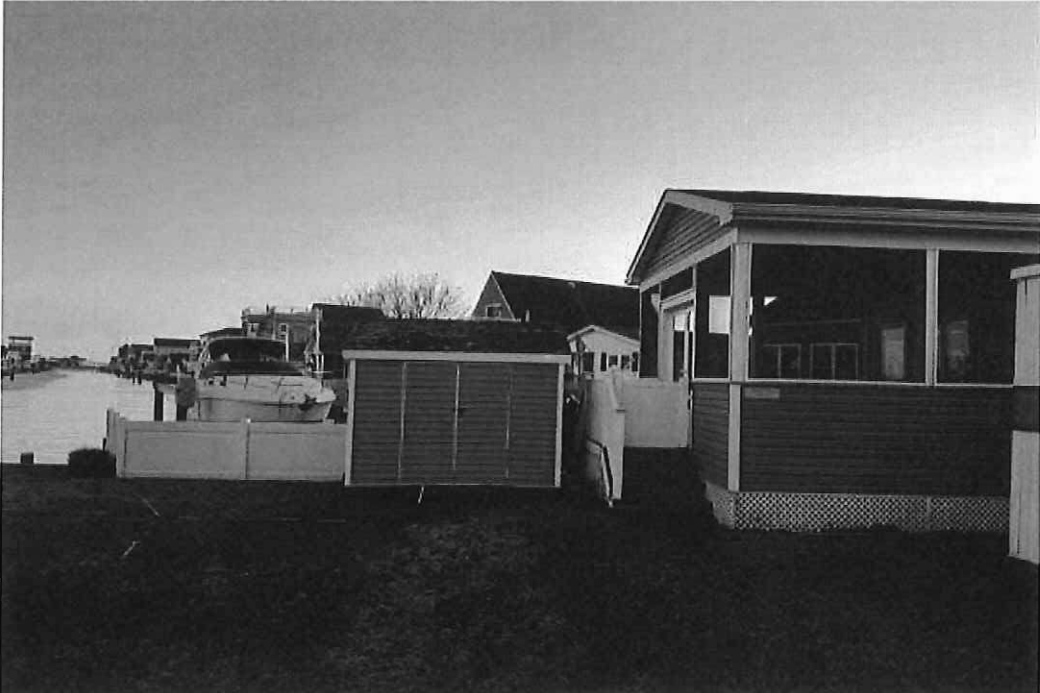
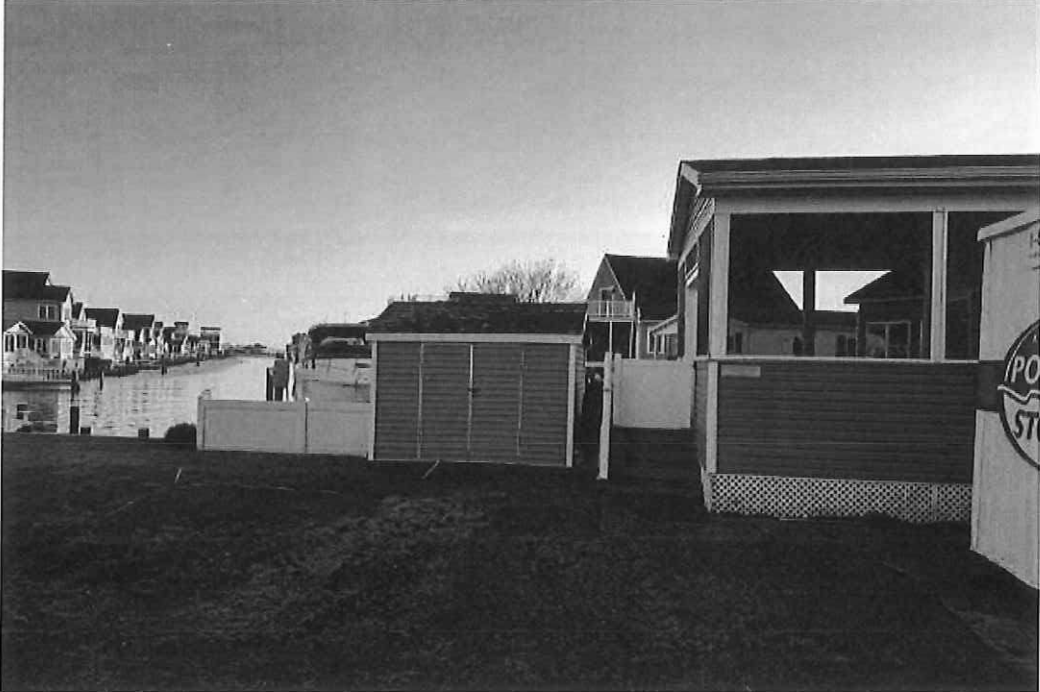
P13

View from Lincoln, moving EAST



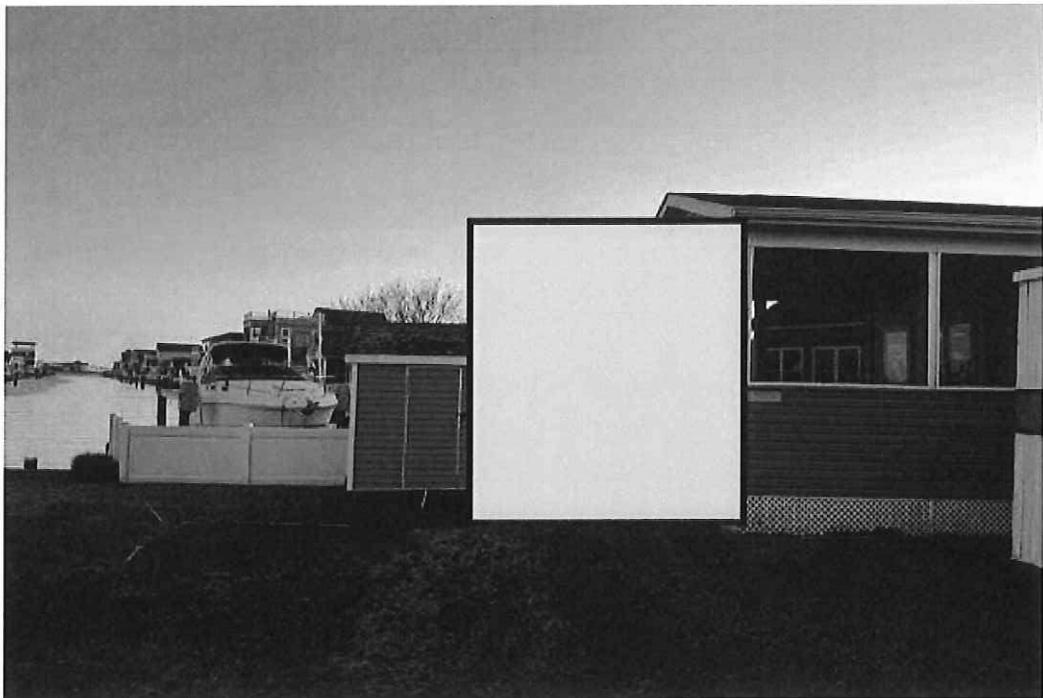
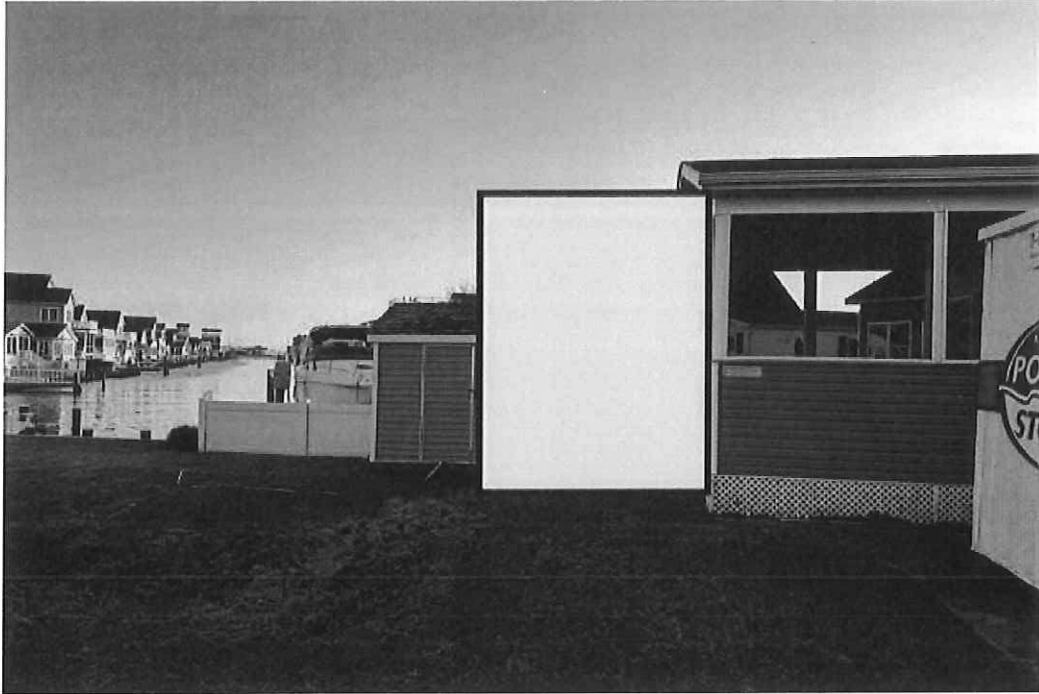
P14

View from Lincoln, moving EAST



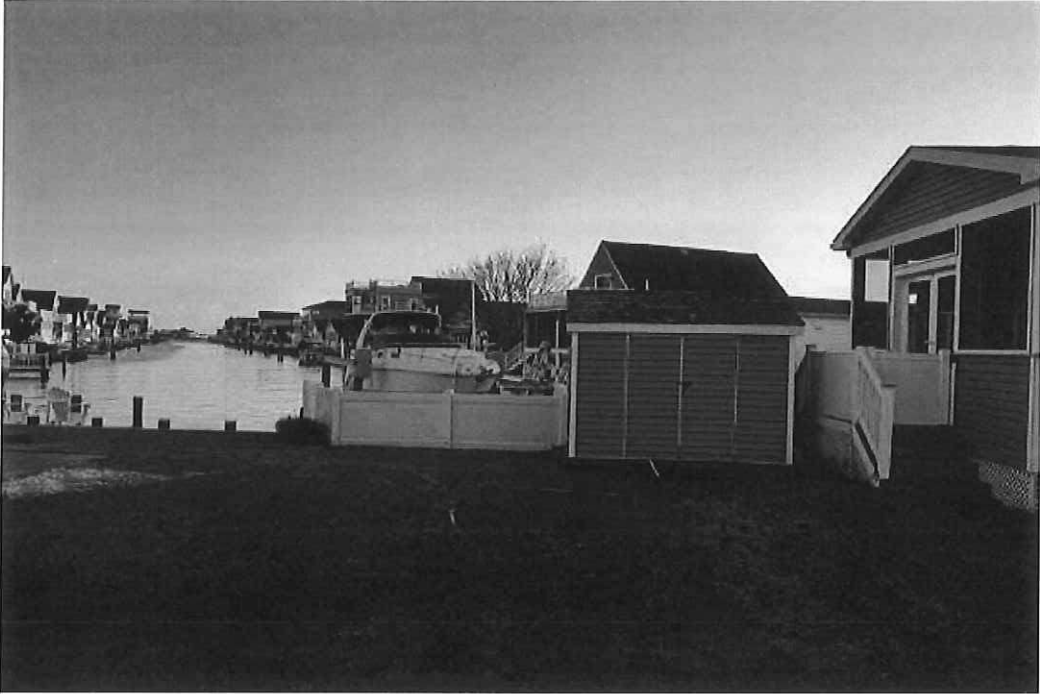
P15

View from Lincoln, moving EAST



P16

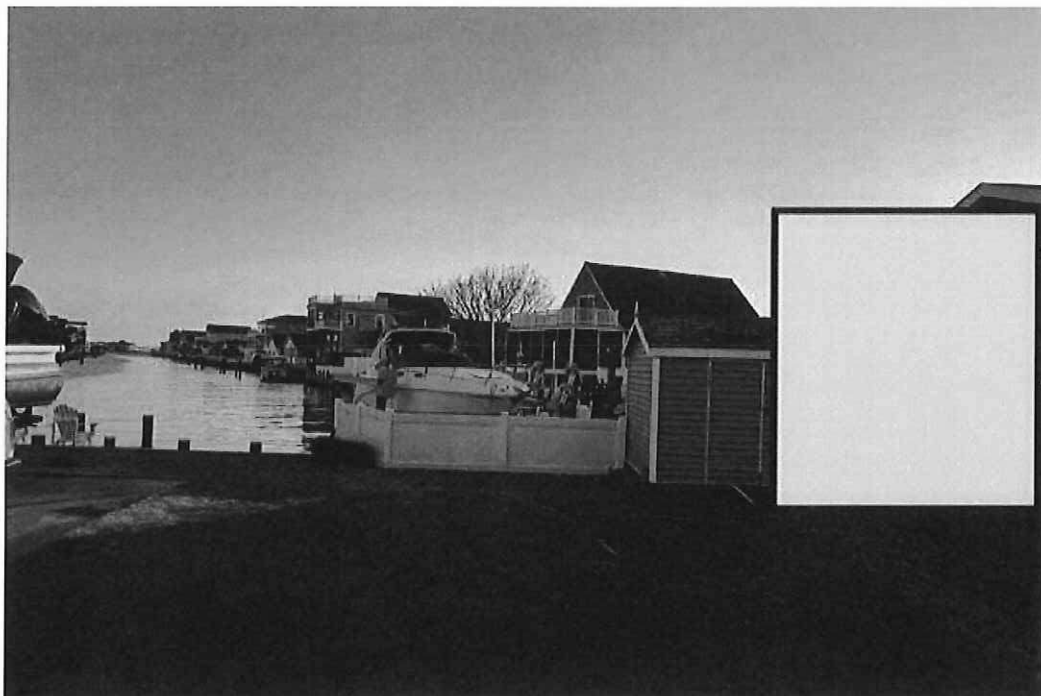
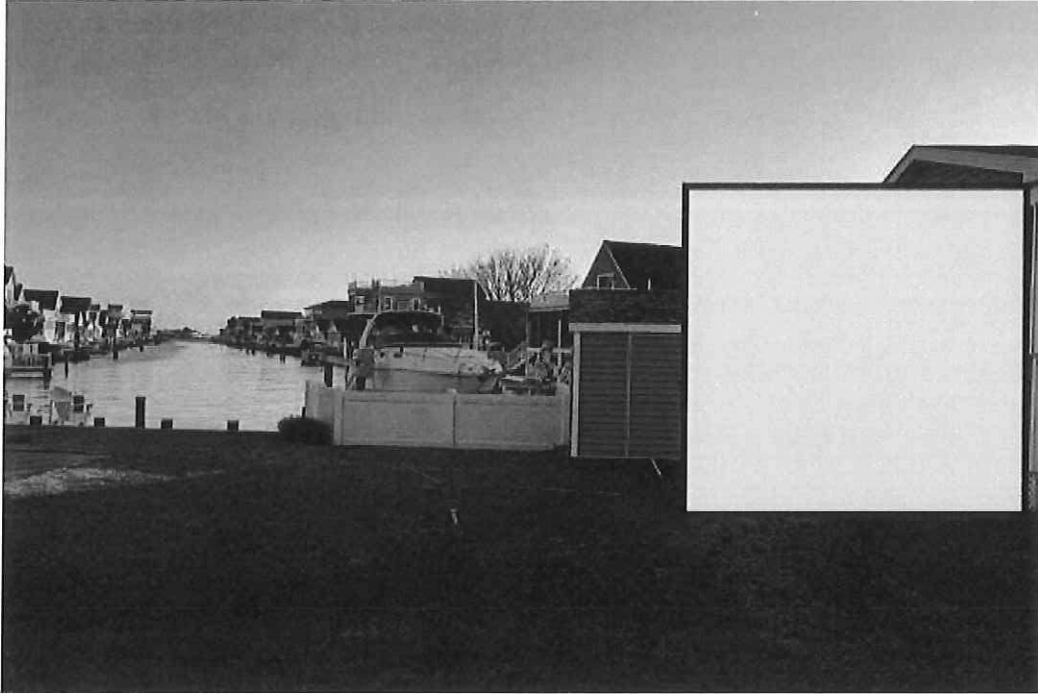
View from Lincoln, moving EAST



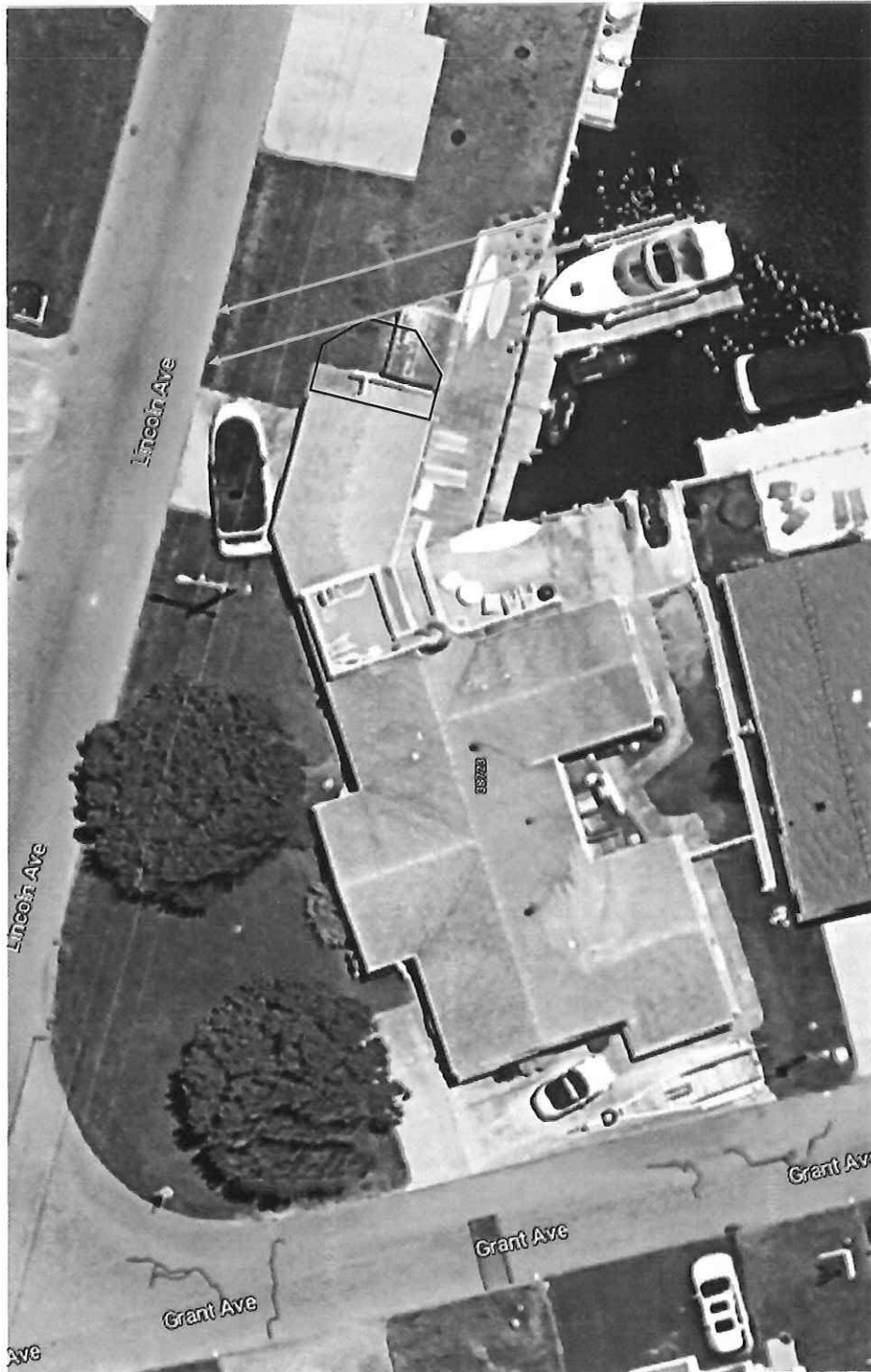
P17



View from Lincoln, moving EAST



P18



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

*Copy only*

**IN RE: RALPH PAGE**

**Case No. 10808 – 2011**

A hearing was held after due notice on June 20, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

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

Finding of Facts

The Board found that the Applicant was seeking a variance from corner-side yard and side yard setback requirements south of Route 54, east of Grant Avenue, Lot 1, Block 6, Cape Windsor. The Applicant was requesting an 8.5' variance from the required 15' side yard setback and a 1.8' variance from the required 10' side yard setback for a proposed porch. After a hearing, the Board made the following findings of fact:

1. A number of variances were granted to the property when the Applicant purchased it in 2010, as a result of the previous owner having built improvements without permits and in violation of setback requirements.
2. The lot is extremely odd in shape, with a significant portion essentially unusable without variances.
3. The Applicant's proposed porch will take advantage of a large unused portion of the property, but cannot be built without a variance. It will not alter the essential character of the neighborhood, and will be a minimal intrusion.
4. The Owners' Association does not object to the application, and no persons appeared in opposition.
5. The Board determined that the application generally met the standards for granting a variance.

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. 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 \_\_\_\_\_.

copy only

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

**IN RE: RALPH PAGE**

**CASE NO. 10617 – 2010**

A hearing was held after due notice on May 17, 2010. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the 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 several variances for a property south of Route 54, east of Grant Avenue, Lot 1, Block 6, Cape Windsor. The Applicant was requesting a 3' variance from the required 15' side yard corner setback for an existing dwelling, a 4.1' variance from the required 20' rear yard setback for an existing dwelling, a 3' variance from the required 20' rear yard setback for a deck, and a .2' variance from the required 15' side yard corner setback for a shed. After a hearing, the Board made the following findings of fact:

1. The Applicant's property is oddly shaped.
2. The existing encroachments were discovered only recently when a survey was completed for a transfer.
3. All of the encroachments existed when the current Applicant purchased the property. The prior owners had obtained building permits and had received certificates of occupancy, except for the shed.
4. Because the property is a corner lot, there are slightly larger setbacks, further limiting available building space.
5. The Board determined that the variances would not alter the essential character of the neighborhood since they have apparently been in existence for some time.
6. 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. 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 \_\_\_\_\_



# Sussex County



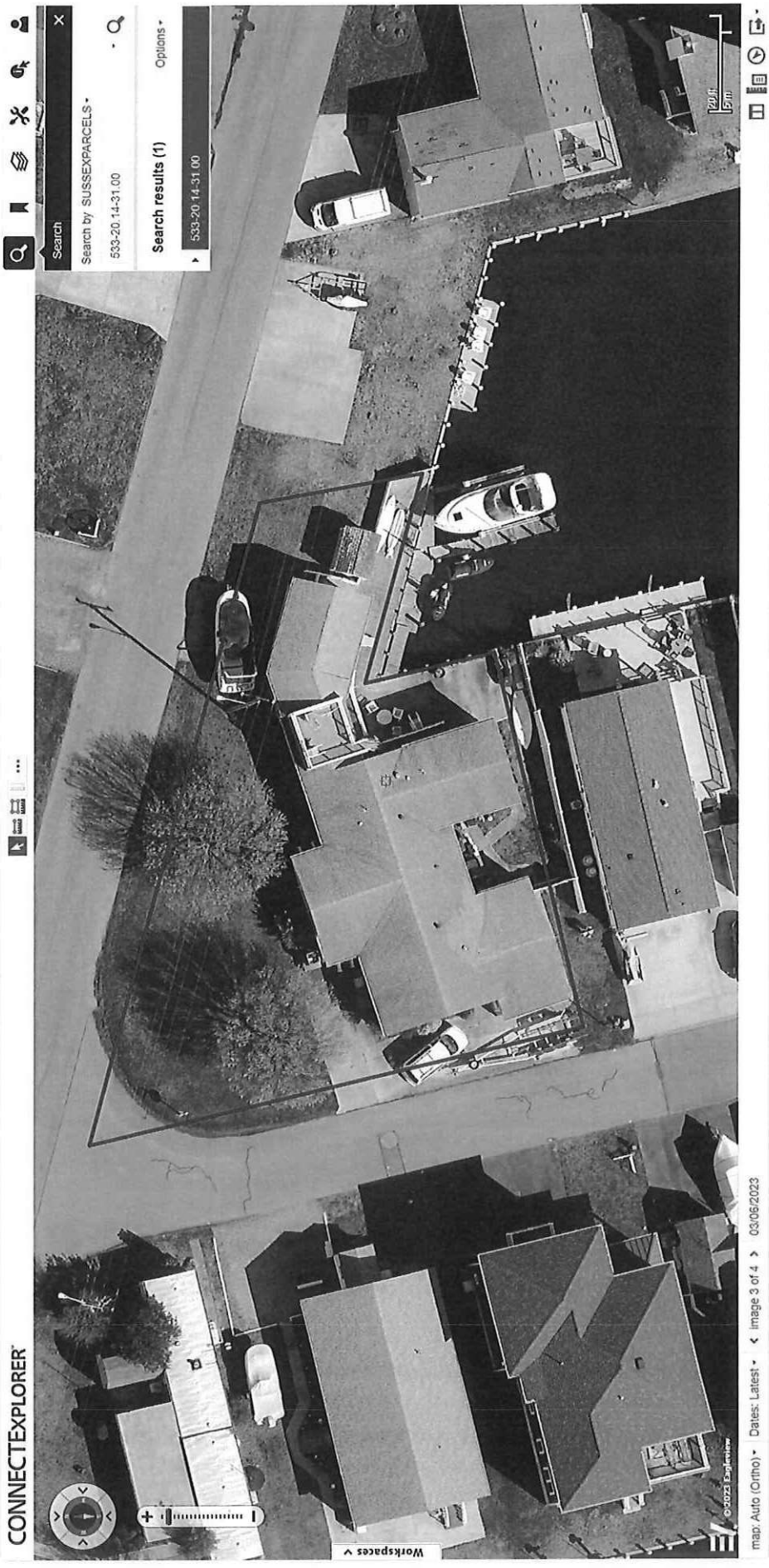
<b>PIN:</b>	533-20.14-31.00
<b>Owner Name</b>	PAGE RALPH
<b>Book</b>	3770
<b>Mailing Address</b>	165 WEDGEMONT DR
<b>City</b>	ELKTON
<b>State</b>	MD
<b>Description</b>	CAPE WINDSOR
<b>Description 2</b>	LOT 1
<b>Description 3</b>	BLK 6 CT7818
<b>Land Code</b>	

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 15cm Resolution Metadata



January 9, 2024

CONNECTEXPLORER



Mail to: Planning and Zoning  
P. O. Box 417  
Georgetown, DE 19947

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 10617 Date 3/31/10 Fee \$ 400.00

Name  Raymond E. Tomasetti, Jr. Phone 302-539-3041

Mailing Address 1209 Coastal Highway, Fenwick Island, DE 19944  
(Attorney for Applicant)

Interest in Property  
Owner: (Indicate if different than above)

Name  Ralph Page Phone 302-893-5801

Address 165 Wedgemont Dr., Elkton, MD 21921

Location: Road RT. 54 (N) (S) (E) (W) side, with in Cape Windsor (ft.)  
or (miles) (N) (S) (E) (W) of Grant Ave

District No. 5-33 Map No. 20.14 Parcel No. 31.00

Subdivision Cape Windsor Lot No. 1 Bk 6 Zone AR1

Hundred Baltimore Frontage 116.97' Depth 152.32' Acres N/A

Request for a special use exception as provided by: (or)  
Request for a variance from the provisions of:

Chapter 115 Article IV/XXV Subsection 115-23 Item C

Date property was acquired 3/27/10

Plot plan or drawing attached:  Yes  No

State specifically your request and the reason for this request.  
SEE EXHIBIT "A", "B", "C", "D"

- 1. 3' VARIANCE from rear 15' side yard (corner) for dwelling (existing)
- 2. 4' VARIANCE from rear 20' rear yard for dwelling.
- 3. 3' VARIANCE from rear 20' rear yard for Deck (Deck encroaches 5')
- 4. 0.5' VARIANCE from rear 15' side yard (corner) for a shed

Signature of Applicant

FOR BOARD USE ONLY:

Date of Notice \_\_\_\_\_ Date of Hearing May 17, 2010

Fee Receipt No. 316063

Decision of Board 517.10

Date of Decision Approved

Stacie Rogers  
Person Accepting Application

*need permit for shed*

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RALPH PAGE

CASE NO. 10617 – 2010

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3. All of the encroachments existed when the current Applicant purchased the property. The prior owners had obtained building permits and had received certificates of occupancy, except for the shed.
4. Because the property is a corner lot, there are slightly larger setbacks, further limiting available building space.
5. The Board determined that the variances would not alter the essential character of the neighborhood since they have apparently been in existence for some time.
6. 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. 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 June 28, 2010



Mail to: Planning and Zoning  
P. O. Box 417  
Georgetown, DE 19947



NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 10808 Date 5-3-2011 Fee \$ 400.00

Name Jenelys Home Repair + Renovations Phone 302-436-4835

Mailing Address 38836 Lincoln Dr., Selbyville, De, 19975

Interest in Property  
Owner: (Indicate if different than above) Dog 302-436-4835

Name Ralph Page Phone 302-893-5801

Address 38723 Grant Ave Selbyville De, 19975

Location: Road 54 (N) (S) (E) side, W Cape Windsor Ct.  
or (miles) X (S) (E) (W) of Grant Ave

District No. 533 Map No. 20.14 Parcel No. 31

Subdivision CAPE WINDSOR Lot No. #1 B1K8 Zone AR1

Hundred Baltimore Frontage 114.97 Depth 152.32 Acres 9.997

Request for a special use exception as provided by: (or) 9,997.56 sq feet

Request for a variance from the provisions of:

Chapter 115 Article IV Subsection 115-25 Item C

Date property was acquired 2009

Plot plan or drawing attached: Yes  No

State specifically your request and the reason for this request.

PORCH ~~BE~~ to be built will be over the setback  
Requesting 2.5 variance from required 15 foot <sup>CORNER</sup> side set back  
Requesting 1.8 variance from required 10 foot side set back

Jenelys Dog Tenly  
Signature of Applicant

FOR BOARD USE ONLY:

Date of Notice \_\_\_\_\_ Date of Hearing June 20, 2011

Fee Receipt No. 317340

Decision of Board \_\_\_\_\_

Date of Decision \_\_\_\_\_

Russell Warrington  
Person Accepting Application

BOA 10617 5/17/10

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RALPH PAGE

Case No. 10808 – 2011

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4. The Owners' Association does not object to the application, and no persons appeared in opposition.
5. The Board determined that the application generally met the standards for granting a variance.

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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 20, 2011

RECEIVED

FEB 15 2024

ORIGINAL 2011 APPROVED DRAWING, the second story was not constructed at that time

SUSSEX COUNTY PLANNING & ZONING

DESIGN DREAMS

(302) 237-7786 TELEPHONE AND FAX  
4 SOUTH LAKE TERRACE  
REHOBOTH BEACH, DELAWARE 19971

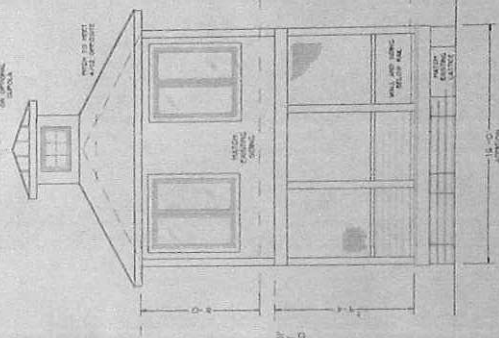
PLEASE PRINT NAME AND ADDRESS OF CLIENT  
PROJECT NO. DATE  
DRAWN BY DATE  
CHECKED BY DATE  
DATE OF REVISIONS  
DATE OF REVISIONS  
DATE OF REVISIONS  
DATE OF REVISIONS

*Devon Design*



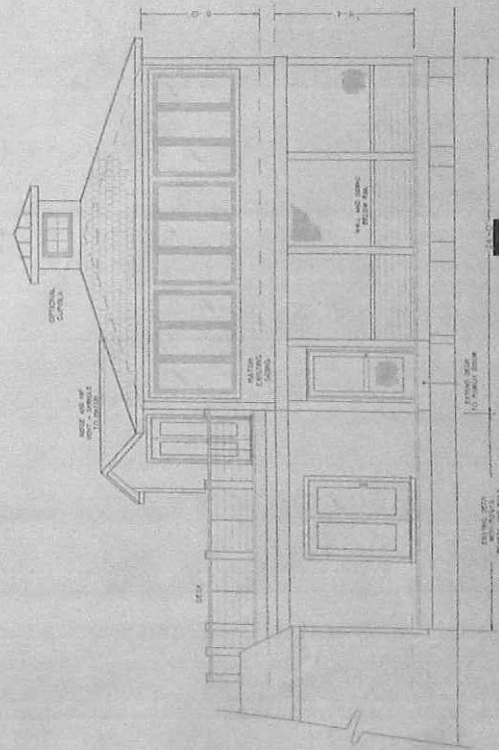
LINCOLN DRIVE ELEVATION

SCALE: 1/4" = 1'



EAST SIDE

SCALE: 1/4" = 1'



SOUTH SIDE

SCALE: 1/4" = 1'

PAGE RESIDENCE  
1 GRANT AVENUE, CAPE WINDSOR  
SELBYVILLE, DELAWARE

SCALE 1/4" = 1'  
DATE 02/15/24  
BY DEVON DESIGN  
SHEET 2

DEVON DESIGN & DRAFTING  
P.O. BOX 1587 OCEAN VIEW DE 19970-1577  
TELEPHONE (302) 538-8840  
FAX (302) 538-7002

DESIGN DREAM

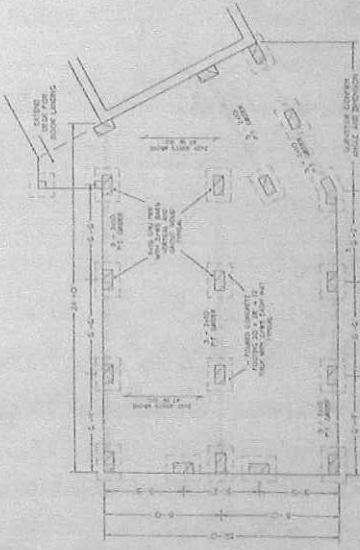
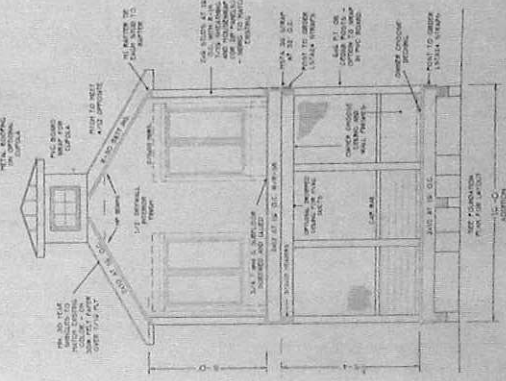
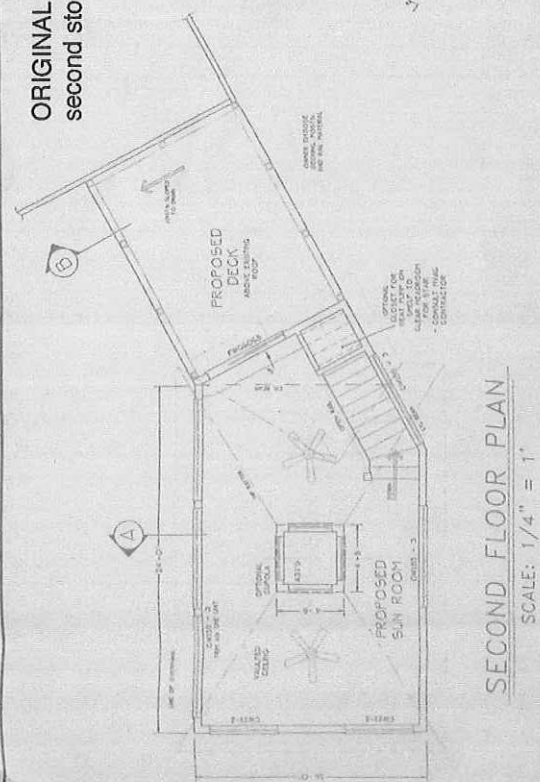
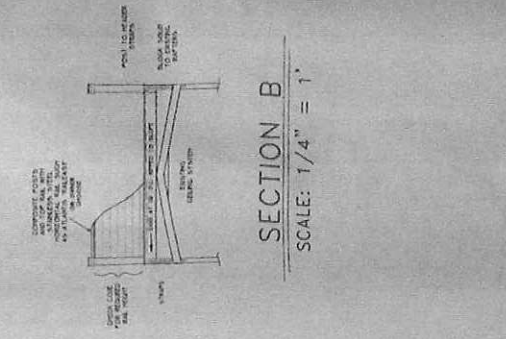
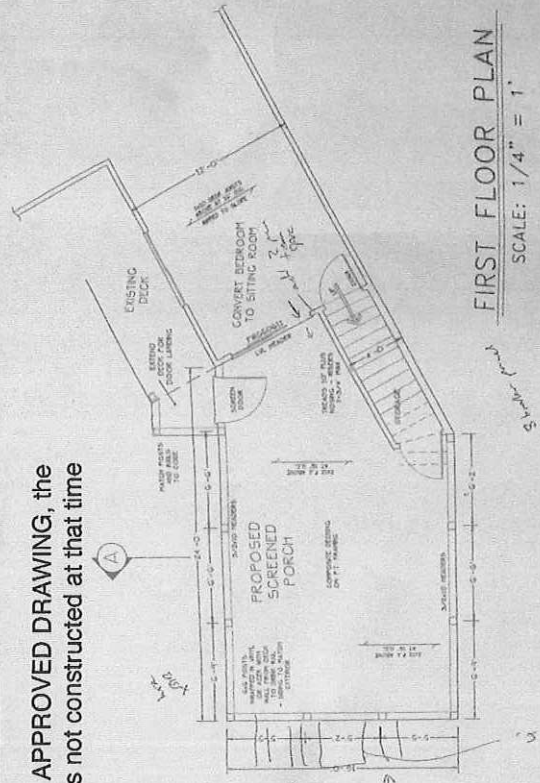
(302) 227-7772  
TELEPHONE AND FAX  
4 SOUTH LAKE TER  
REHOBOTH BEACH  
DELAWARE  
19877

East Coast Architects

PAGE RESIDENCE  
1 GRANT AVENUE, CAPE WINDSOR  
SELBYVILLE, DELAWARE

SCALE	1/4" = 1'
SHEET NO.	27
TOTAL SHEETS	30
DATE	08/20/11
BY	DEVON
CHECKED BY	DEVON
DATE	
PROJECT	
NO.	

ORIGINAL 2011 APPROVED DRAWING, the second story was not constructed at that time



DEVON DESIGN & DRAFTING  
P.O. BOX 1567 OCEAN VIEW DE 18878-1567  
TELEPHONE (302) 886-8648  
FAX (302) 838-7067

DESIGN DREAM

(302) 227-7171  
TELEPHONE AND FAX  
4 SOUTH LAKE TERRACE  
REHOBOTH BEACH, DELAWARE  
19771

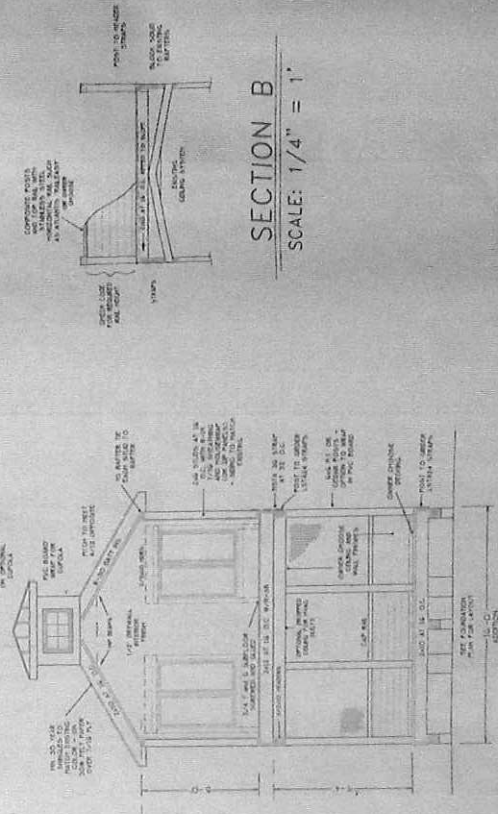
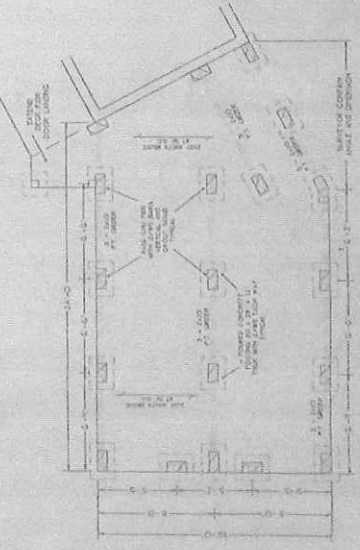
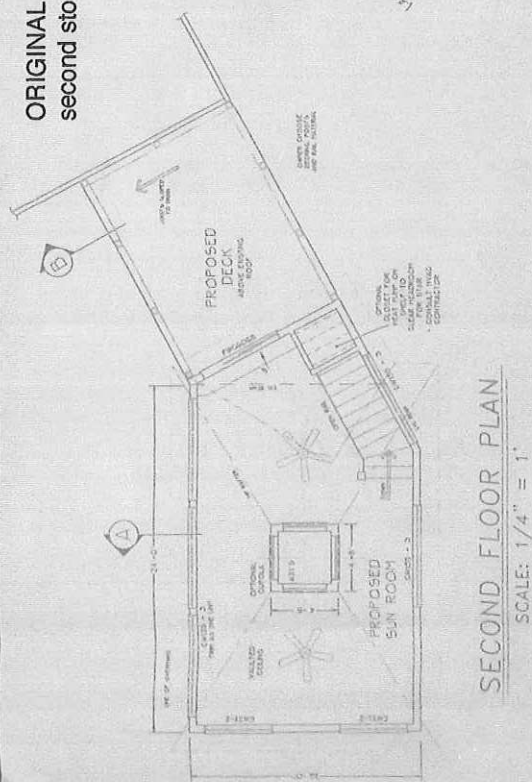
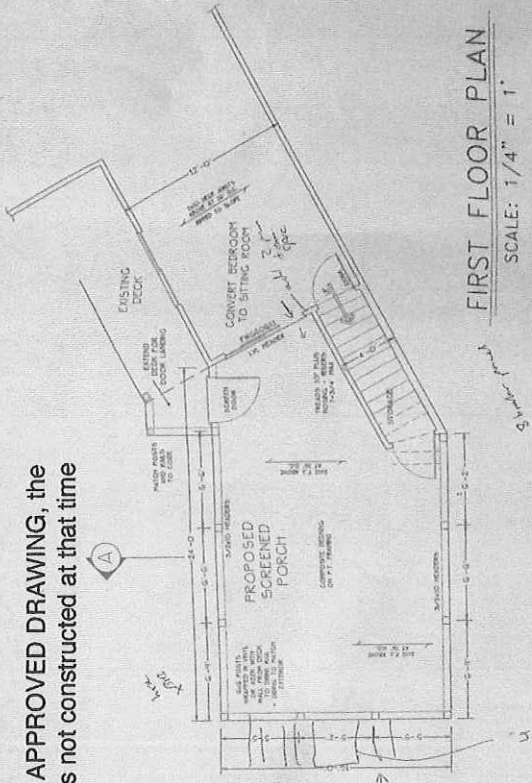
NO.	DATE	DESCRIPTION

# PAGE RESIDENCE

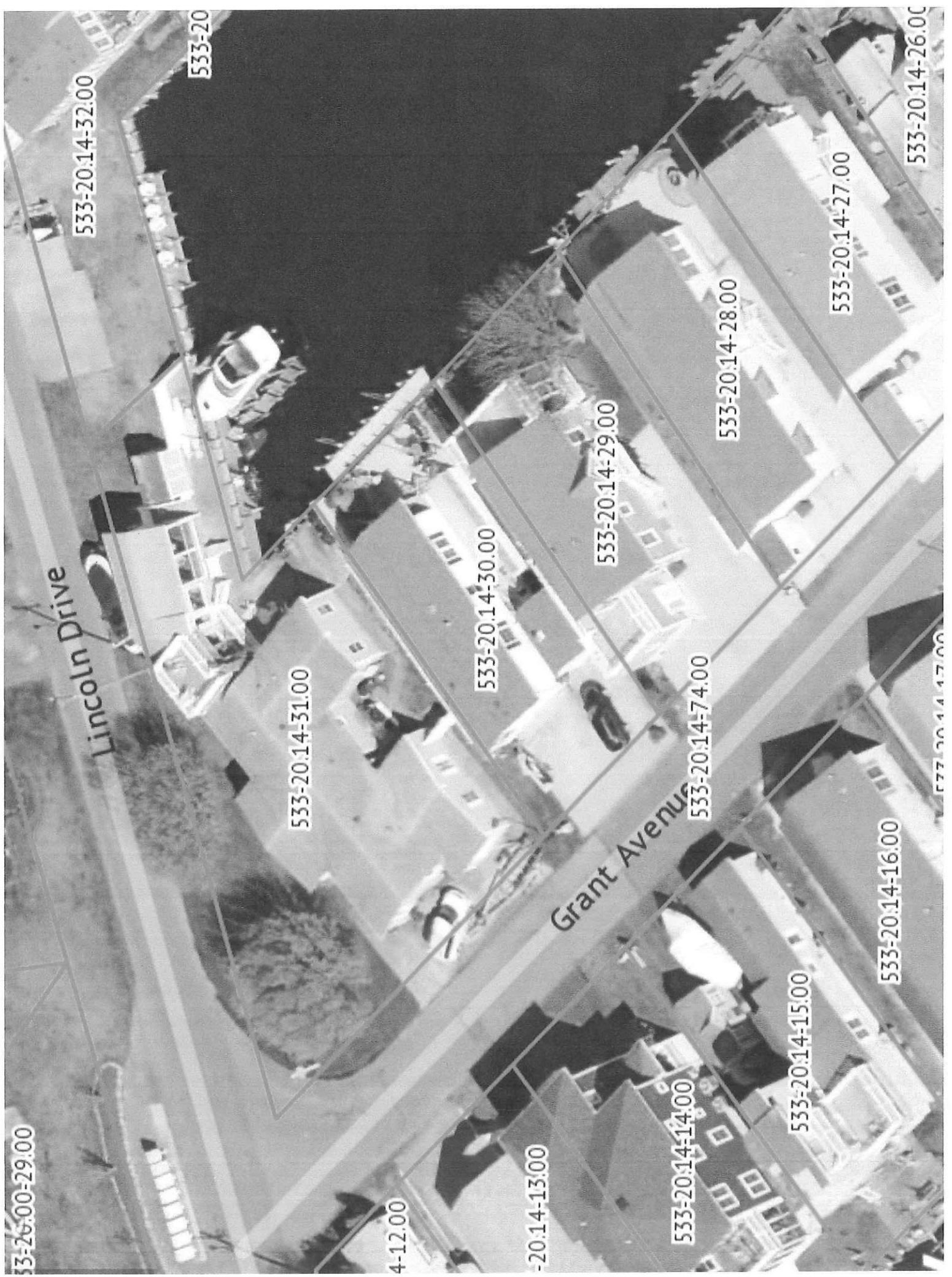
1 GRANT AVENUE, CAPE WINDSOR  
SELBYVILLE, DELAWARE

SCALE	1/4" = 1'
SHEET	1
DATE	1-20-11
BY	B. HARRINGTON
CHECKED	
DATE	

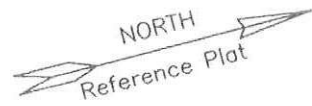
ORIGINAL 2011 APPROVED DRAWING, the second story was not constructed at that time



DEVON DESIGN & DRAFTING  
P.O. BOX 1547, OCEAN VIEW DE 18775-1579  
TELEPHONE (302) 228-4646  
FAX (302) 228-7282



Stakeout Sketch: Lot 1, Block 6, Cape Windsor  
Baltimore Hundred Sussex County Delaware

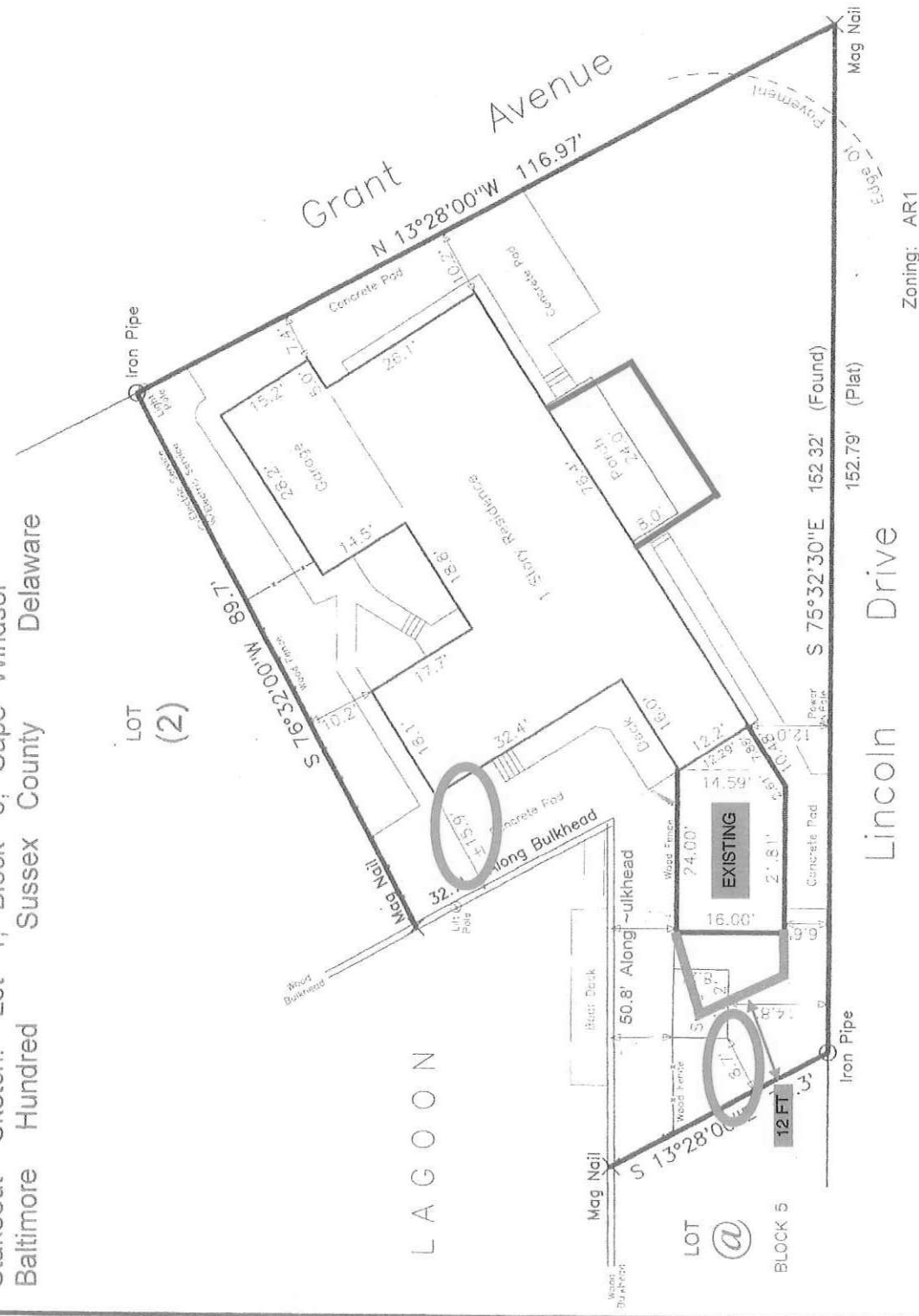


LOT (2)

LAGOON

LOT @

BLOCK 6



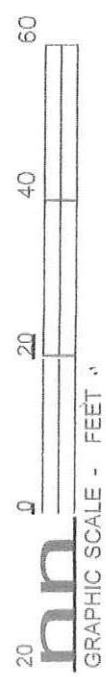
THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY, OR EASEMENTS IN REFERENCE TO THIS PROPERTY. NO TITLE SEARCH PROVIDED OR ESTIPULATED.

**LAWRENCE R. LONG**  
Professional Land Surveyor, LLC.

36079 Bayard Road  
Frankford DE 19945  
PHONE 302-436-8361

Land Surveying Services  
DELAWARE / MARYLAND

Zoning: AR1  
Area Of Survey: ± 9,997 Sq Feet  
Reference Plat: Cape Windsor  
Plat Book 6 / Page 44  
Tax Map Reference: 5-33-20 14-31



### CAPE WINDSOR COMMUNITY ASSOCIATION

#### Acknowledgment of Demolition and Construction Regulations

I acknowledge that I have received a copy of these regulations and accept and will comply with these regulations. I acknowledge that it is my responsibility to ensure that subcontractors, suppliers and all workers comply with these regulations. I also acknowledge that I will be subject of a stop work order issued by the Board of Directors of the Cape Windsor Community Association should these regulations be violated.

**12/12/2023**

Date



**R Page**

Signature - Property Owner

Date

Signature - Property Owner

Date

Signature - Contractor

Cape Windsor: "A great place to live."

[capewindsorhelp@gmail.com](mailto:capewindsorhelp@gmail.com)



**CAPE WINDSOR COMMUNITY ASSOCIATION**  
**Applications for Demolition and/or Construction Project**

Date Submitted: 03/16/2023

**Applicant Mailing Address:** Ralph Page

165 Wedgemont Drive

Elkton, MD 21921

Phone: 302 893 5801

Email: rp@cmdfab.com

**Applicant CWCA Mailing Address:**

38723 Grant Ave

Delaware, 19975

Phone: 302 893 5801

**Physical Location {Property (Street & Lot No.):**

38723 Grant Ave

LOT 1 BLOCK 6

**Demolition Information:**

Start Date of Demolition: 12/14/2023

**Contractor's Information:**

Name: Craig Long

Address: \_\_\_\_\_

Phone: (302) 535-4076

Email: \_\_\_\_\_

Cape Windsor: "A great place to live."

[capewindsorhelp@gmail.com](mailto:capewindsorhelp@gmail.com)

**Construction Information:**

Start Date of Demolition: 12/12/2023

**Contractor's Information:**

Name: Craig Long

Address: \_\_\_\_\_

Phone: (302) 535-4076

Email: \_\_\_\_\_

**Proposed Property Improvement (please be specific):**

The proposed improvement concerns the Lincoln Ave side section of the property)

Add a second story originally approved 2011, but was not built.

Remove existing stand-alone shed.

Extend two stories over part of where the current shed was located..

The proposed two story addition may extend up to the 5 foot setback..

**Further Comments:**

I have attached the following drawings: A surveyors drawing, original two story plans, modified two story plans, a picture of the rear of existing building with shed.

**You must attach a copy of the site plans, and the contractor(s)' Certificate of Insurance.**

You are reminded that you must comply with any applicable Sussex County Comprehensive Zoning Ordinances for an AR-1; i.e., Agricultural Residential Single-Family Dwelling District, as well as any State or Federal Agency requirements in order to obtain demolition and/or construction permits. Permits will also be required from DNREC for boat lifts, docks, and bulkheads.



\_\_\_\_\_  
Signature - Property Owner

Ralph Page

\_\_\_\_\_  
Printed Name - Property Owner

\_\_\_\_\_  
Signature - Property Owner

\_\_\_\_\_  
Printed Name - Property Owner

**Cape Windsor: "A great place to live."**

[capewindsorhelp@gmail.com](mailto:capewindsorhelp@gmail.com)





DESIGN DREAMS

(302) 227-7786  
TELEPHONE AND FAX  
4 SOUTH LAKE TERRACE  
REHOBOTH BEACH,  
DELAWARE  
19971

PLEASE SEE ABOUT THE  
PROJECTS AND THE  
ARCHITECTURE OF THE  
PROJECTS IN THE  
PROJECTS IN THE  
PROJECTS IN THE

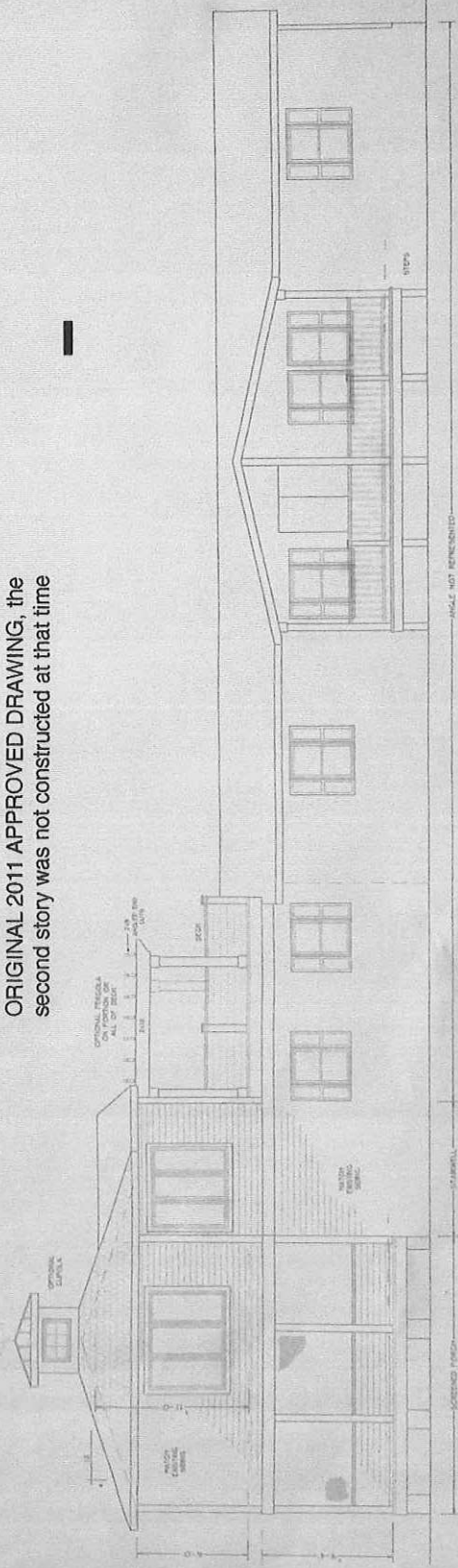
Barbara Johnson

NO.	DATE

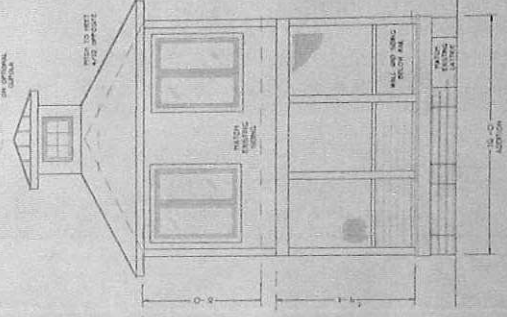
PAGE RESIDENCE  
1 GRANT AVENUE, CAPE WINDSOR  
SELBYVILLE, DELAWARE

SCALE	1/4" = 1'
DATE	02/11/2011
PROJECT	1 GRANT AVENUE
SHEET	2

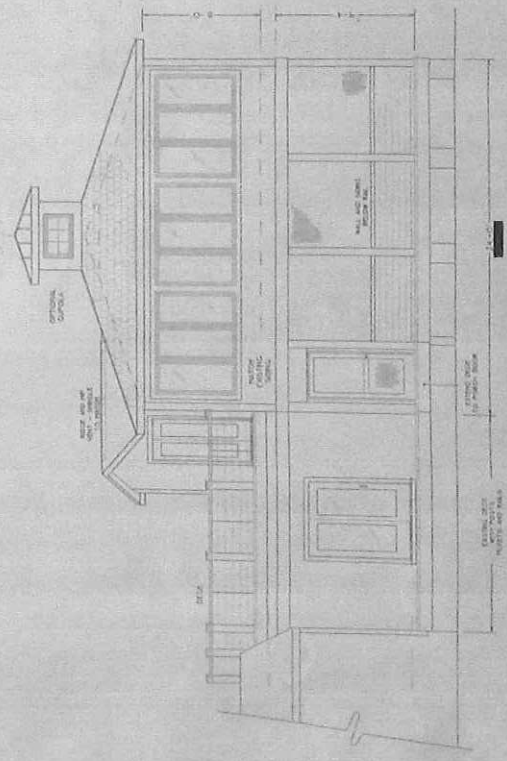
ORIGINAL 2011 APPROVED DRAWING, the  
second story was not constructed at that time



LINCOLN DRIVE ELEVATION  
SCALE: 1/4" = 1'



EAST SIDE  
SCALE: 1/4" = 1'



SOUTH SIDE  
SCALE: 1/4" = 1'

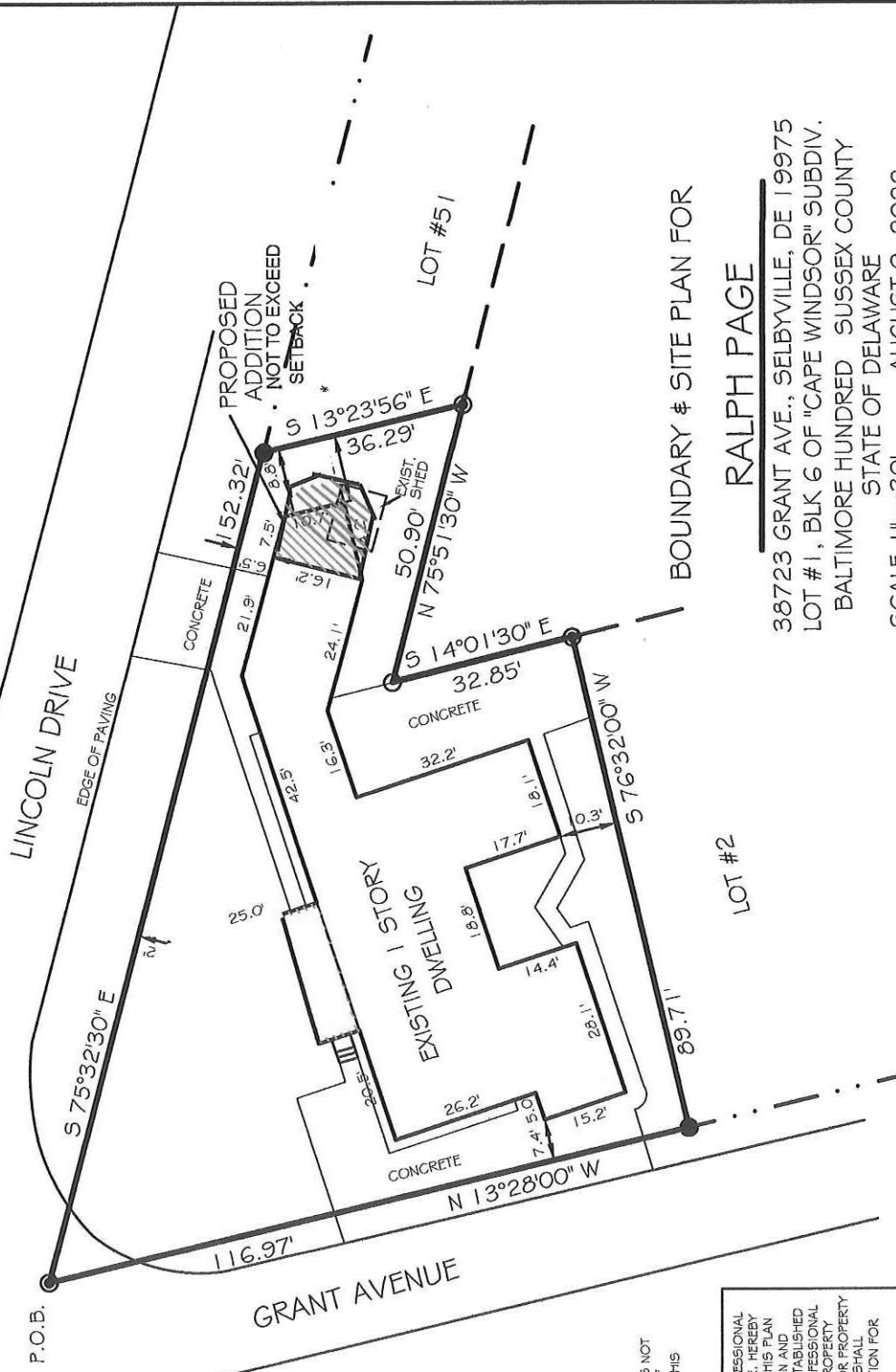
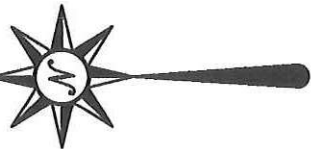
DEVON DESIGN  
& DRAFTING  
P.O. BOX 1587, OCEAN VIEW DE 19970-1587  
TELEPHONE: (302) 355-8640  
FAX: (302) 358-7025





T.M. #5333-20.14-31.00

DB 3770-324



SEE PLOT BOOK 6 PAGE 44 FOR EASEMENT RESERVATIONS. 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, PLS 407 DATE  
SURVEY CLASS: SUBURBAN

BOUNDARY & SITE PLAN FOR

RALPH PAGE

38723 GRANT AVE., SELBYVILLE, DE 19975  
LOT #1, BLK 6 OF "CAPE WINDSOR" SUBDIV.  
BALTIMORE HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
AUGUST 9, 2022  
SCALE 1" = 30'

PREPARED BY:

MILLER LAND SURVEYING  
LEWIS, INC.

1560 MIDDLEFORD RD. SEAFORD, DE. 19973

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

LOT AREA: 9,997 S.F. ±

- IRON PIPE (FOUND)
- ⊙ "PK" NAIL (FOUND)
- ⊙ POINT



Addition and Shed - Current  
(12/12/2023)



## DEED RESTRICTION COVENANTS AND CONDITIONS

The following are restriction covenants and conditions as set forth in original recorded Deeds of Edgewater Acres, Inc., dated May 13, 1966, recorded in Deed Book 604, Page 88; and Bessie A. Bennett, widow, dated July 7, 1967, recorded in Deed Book 621, Page 1069:

"The said lands are conveyed subject to the following restrictive covenants and conditions which shall run with the land:

1. Restrictions set out in the aforesaid deed of Edgewater Acres, Inc., which was dated May 13, 1966, and which is of record in Deed Book 604 at page 88.
2. That no improvement or mobile home or structure of any kind shall be placed within five (5) feet of the side yard line or ten (10) feet of the street, nor within fifteen (15) feet of the bulkhead, nor shall any dock or structure be extended more than fifteen (15) beyond the bulkhead.
3. That the Purchaser may not place any mobile home on a lot until the site plan has been approved by the grantor, its successors or assigns, and no mobile home which is less than 50' x 12' shall be placed on any lot; that mobile homes when placed on purchaser's lot must have the underside completely enclosed; that individual gas bottles and oil tanks will be buried when possible.
4. That all mobile homes to be placed on a lot must be in reasonably good physical condition and must be previously approved by the grantor, its successors or assigns, and such approval shall not be unreasonably withheld.
5. That no additions or any building of any kind, either temporary or permanent, or bulkhead or piers, or boat docks or the or any change in grade may be constructed on, moved onto or accomplished, as the case may be, without the prior written approval of the grantors, its successors or assigns.
6. That the Purchaser will keep and use his property in a careful manner so as not to unreasonably interfere with his neighbors and to keep his lot and home in a reasonably good condition.
7. That trash and garbage cans shall be placed only in accordance which shield them from view from the street and adjoining properties, which structure shall have been approved by the grantor, its successors or assigns.
8. That no television antennas shall be erected without prior written approval of the grantor, its successors or assigns. EASEMENT IS RESERVED FOR TELEPHONE, ELECTRIC AND CATV LINES.
9. That only umbrella type wash lines shall be used and no wash shall be hung in public view on Sundays and holidays, nor afternoon or Saturdays.
10. That travel trailers, boat trailers, and like vehicles shall be parked only in designated dead storage areas.
11. That no commercial activity of any type shall be conducted on the residential lots plotted in of Cape Windsor.
12. Each property owner agrees to pay his pro-rata share upon assessment by a nonprofit corporation which shall operate the utilities and maintain the streets, pool, park, and other common areas of the development. Each property owner shall have (1) vote per lot, and each property owner grants unto the said non-profit corporation perpetual easement to enter upon its property to maintain sewer and water lines and to make such repairs to the utilities as the manager of the non-profit corporation deems to be necessary.
13. That these restrictions shall be enforceable by appropriate suit in the Court of Chancery of the State of Delaware by the grantor, its successors or assigns, or any property owner in said development."

**Cape Windsor: "A great place to live."**

**C. Violation of Common Grounds Usage**

Description of Fine	Fine
1. Violation of boat & trailer seasonal parking (Apr 1 <sup>st</sup> thru Nov 1 <sup>st</sup> ).	Fined and/or towed
2. No resident's address on trailer tongue. No parking permit submitted.	Fined and/or towed
3. Watercraft parked without a trailer.	Removed/Towed
4. Failure to trim grass under your trailer.	\$50.00 per week
5. Violation of wrecked vehicle rule.	Towed
6. No boat or trailer parking on public space other than Lincoln Dr lot.	Towed

**D. Violation of Community Rules and/or Property**

Description of Fine	Fine
1. Trash/Recycle not maintained properly in waste receptacle, on ground	Starts w/\$100 @ day
2. Damage caused to Cape Windsor's community property	Fined & Replace cost
3. Failure to maintain grass and growth on homeowner's property	Starts w/\$100 @ day
4. Failure to inform guest of Cape Windsor's rules	Starts w/\$100 @ day

***Pursuant to said requirements, you are hereby required to correct said violation(s) within ten (10) days after the date of this notification. Uncorrected or repeated violations will incur fines.***

***Cape Windsor Board***

***Contact at: 302.988.1739 or email [capewindsorhelp@gmail.com](mailto:capewindsorhelp@gmail.com)***

Property Owner acknowledges receipt of this notice on, 16 day, of March, 2023



\_\_\_\_\_  
Signature - Property Owner

**Ralph Page**

\_\_\_\_\_  
Printed Name - Property Owner

\_\_\_\_\_  
Signature - Property Owner

\_\_\_\_\_  
Printed Name - Property Owner

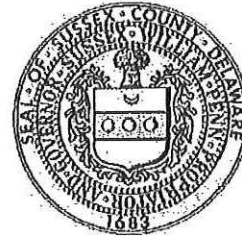
Cape Windsor: "A great place to live."

[capewindsorhelp@gmail.com](mailto:capewindsorhelp@gmail.com)

# Sussex County

DELAWARE  
**PLANNING & ZONING DEPARTMENT**

[sussexcountyde.gov](http://sussexcountyde.gov)  
 302-855-7878 T  
 302-854-5079 F  
 JAMIE WHITEHOUSE, AICP, MRTPI  
 DIRECTOR



## SETBACK INFORMATION REQUEST

Date of Request 7/11/22 Zoning District AR-1  
 Customer Name Ralph Page  
 Customer Contact rp@cmdfab.com, 302-893-5801  
 Tax Parcel ID 533-20.14-31.00 Lot/Unit Number Lot 1, Blk 6  
 Parcel Address 38723 Grand Ave, Selbyville (Cape Windsor)  
 Front Yard Setback 5' (from the property line on Grant Ave)  
 Side Yard Setback 10' This note from Cape Windsor HOA:  
 Rear Yard Setback 15'? 20' "...in March of 2018, Sussex County changed their ordinance regarding property line setbacks. They now mirror ours, as outlined in our deed restrictions, and are as follows: front yard 5', side yard 5', rear yard 15'."  
 Corner Front Yard Setback 15' (from the property line on Lincoln Dr)  
 Maximum Height 42'

The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

**Additional Notes:**

Online Deeds: Book: 3770, Page: 324  
 Plot Plan: Book: 6, Page: 44

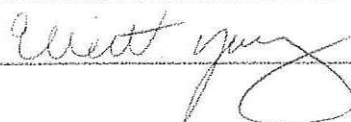
The property is located within the AE Flood Zone

The property is considered a Corner Front property - therefore subject to a Front Yard and Corner Front Yard setback requirements

Sussex County does not regulate the rules/restrictions of an HOA, however, HOA rules/regulations must be adhered to if found to be more restrictive than Sussex County Code.

Sussex County Building Permit Dept: 302-855-7720

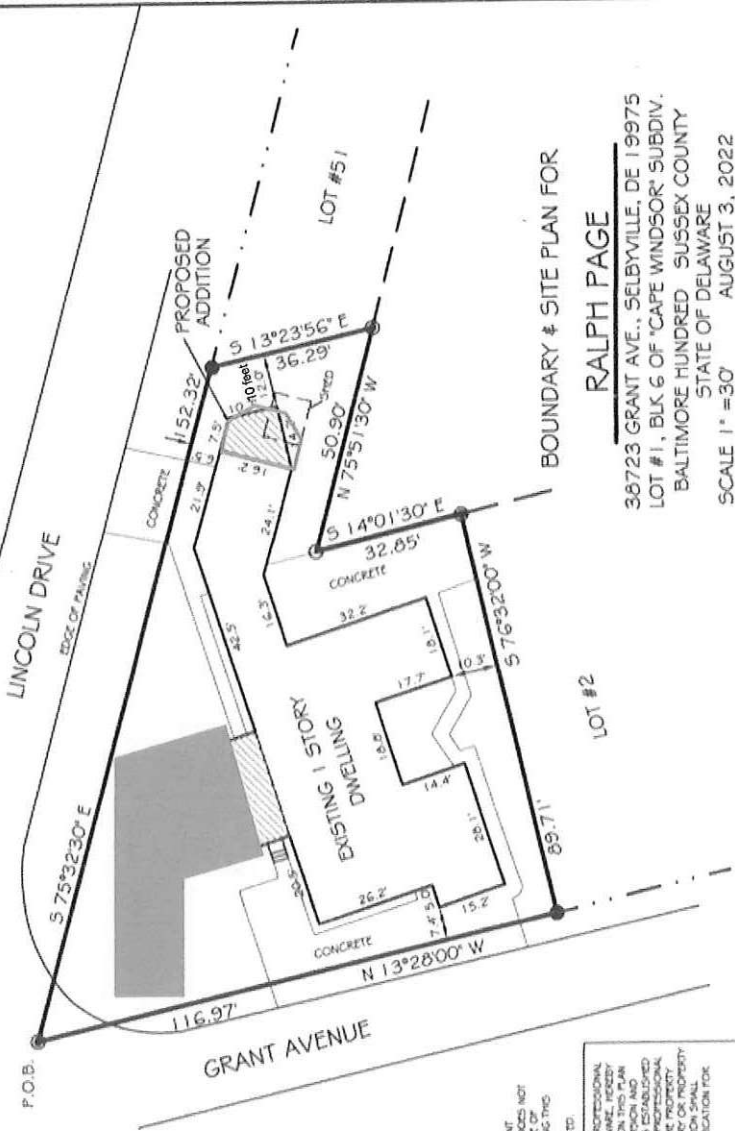
Name of Staff Member Ashley Paugh

Checked By 





T.M. #533-20.14-31.00



BOUNDARY & SITE PLAN FOR

RALPH PAGE

38723 GRANT AVE., SELBYVILLE, DE 19975  
 LOT #1, BLK G OF 'CAPE WINDSOR' SUBDIV.  
 BALTIMORE HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE  
 SCALE 1" = 30' AUGUST 3, 2022

PREPARED BY:  
**MILLER** LAND SURVEYING  
**LEWIS, INC.**  
 1560 MIDDLEFORD RD. SEAFORD, DE. 19973  
 PH: 302-629-9895  
 FAX: 302-629-2391

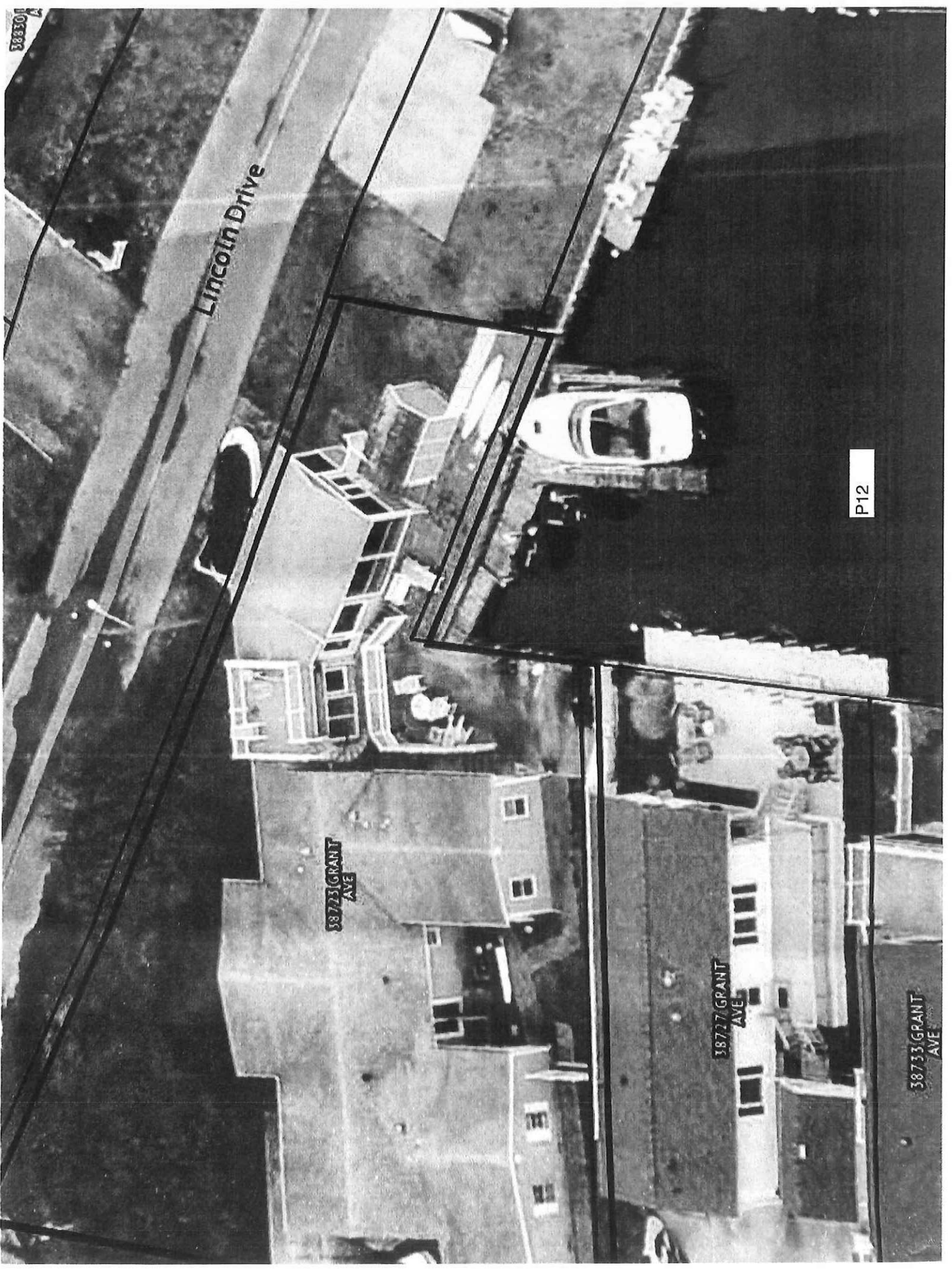
LOT AREA: 9,997 5. F. ±

- IRON PIPE (FOUND)
- ⊙ "PK" NAIL (FOUND)
- POINT

SEE PLOT BOOK, C PAGE 44 FOR EXHIBIT  
 THIS PLAN IS A REPRODUCTION OF THE ORIGINAL  
 WHICH THE EXISTENCE OR NON-EXISTENCE OF  
 RIGHTS OF WAY OR EASEMENTS CROSSING THIS  
 PROPERTY OTHER THAN THOSE SHOWN.  
 NO TITLE SEARCH PROVIDED OR GUARANTEED.

I, DONALD K. MILLER, REGISTERED AS A PROFESSIONAL  
 LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY  
 STATE THAT THE INFORMATION SHOWN ON THIS PLAN  
 WAS OBTAINED FROM A REASONABLE AND CAREFUL  
 REVIEW OF THE RECORDS OF THE STATE OF DELAWARE  
 MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED  
 BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL  
 LAND SURVEYORS. ANY CHANGES TO THE PROPERTY  
 SHOWN HEREON SINCE THE DATE OF THIS SURVEY  
 CONDUCTED UNDER THE DATE SHOWN HEREON SHALL  
 BE THE RESPONSIBILITY OF THE CLIENT. A PROPERTY  
 REVISION IS NOT NECESSARY FOR A NEW REVIEW AND CERTIFICATION FOR  
 ANY OTHER DELAWARE USE.

*Donald K. Miller*  
 DONALD K. MILLER, PLS 4077  
 DATE: 8/1/22  
 SURVEY CLASS: SUBURBAN



P12



### 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 # 12909  
Hearing Date 2-19-2024

202400095  
**RECEIVED**

**JAN 03 2024**

**SUSSEX COUNTY  
PLANNING & ZONING**

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

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)

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

39538 Wilson Walk, Bethany Beach De. 19930

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

Rebuild house to meet FEMA requirements and keep the existing footprint that was allowable when the structure was built.

**Tax Map #:** 1-34-20.11-85.00

**Property Zoning:** MR

**Applicant Information**

Applicant Name: Andrew & Gladys Bellamah  
Applicant Address: 8730 Georgia Ave. #500  
City Silver Spring State Md Zip: 20910  
Applicant Phone #: (301) 602-2039 Applicant e-mail: ab@bnbinc.com

**Owner Information**

Owner Name: Andrew & Gladys Bellamah  
Owner Address: 8730 Georgia Ave. #500  
City Silver Spring State Md Zip: 20910 Purchase Date: 3/3/98  
Owner Phone #: (301) 602-2039 Owner e-mail: ab@bnbinc.com

**Agent/Attorney Information**

Agent/Attorney Name: Mike Wheedleton - Architect - Davis Bowen & Friedel  
Agent/Attorney Address: 601 E Main St Suite 100  
City Salisbury State MD Zip: 21804  
Agent/Attorney Phone #: (302) 542-6438 Agent/Attorney e-mail: mwh@dbfinc.com

**Signature of Owner/Agent/Attorney**

Michael  
Wheedleton

Digitally signed by Michael  
Wheedleton  
Date: 2023.12.22 13:14:05 -05'00'

Date: 12/22/23



Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

At the time this residence was built the Building setback on the west side was 5 feet. With the irregularity of this line, creating a 15' setback on this side makes reconstruction of the house extremely difficult.

---

**2. Cannot otherwise be developed:**

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

As stated above, recreating the geometry of the house involves putting the house in a new location and creating disturbance through excavation that would not be necessary with using the existing footprint. The irregular geometry of this site does make it very difficult to create a similar functional floor plan if this setback is moved to 15' +

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

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

The irregularity was not created by the homeowner. As stated, when the original house was constructed this setback was 5' and was later changed to 15'. Moving the house to the east does bring it uncomfortably close to one of the neighbors +

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

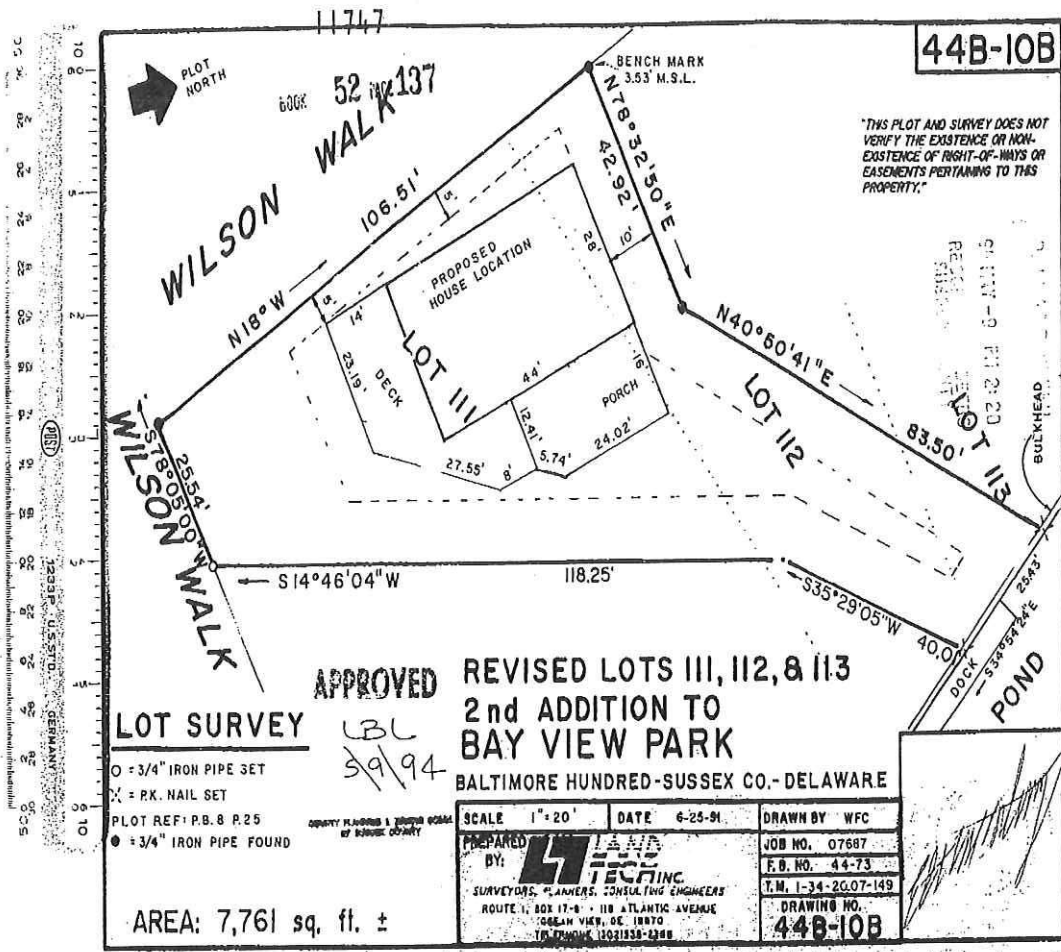
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

Using the same footprint will not alter the character of the neighborhood, it will remain very much the same. +

**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.

Using the same footprint will not alter the character of the neighborhood, it will remain very much the same.



**44B-10B**

"THIS PLOT AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY."

**LOT SURVEY**

**APPROVED**

**REVISED LOTS III, II2, & II3  
2nd ADDITION TO  
BAY VIEW PARK**

**BALTIMORE HUNDRED-SUSSEX CO.-DELAWARE**

- = 3/4" IRON PIPE SET
- ✕ = PK. NAIL SET
- PLOT REF: P.B. 8 P.25
- = 3/4" IRON PIPE FOUND

LBL  
5/9/94

COUNTY PLANNING & ZONING BOARD  
OF SUSSEX COUNTY

SCALE	1" = 20'	DATE	6-25-91	DRAWN BY	WFC
PREPARED BY:				JOB NO.	07687
				F.O. NO.	44-73
				T.M.	1-34-2007-149
		DRAWING NO.	<b>44B-10B</b>		

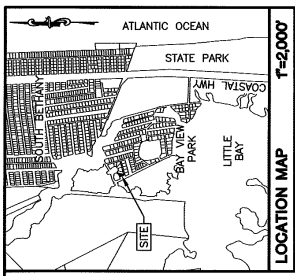
AREA: 7,761 sq. ft. ±

420461 15.00



**TOPOGRAPHIC SURVEY PLAN**  
of the Lands of  
**ANDREW B. & GLADIS E. BELLAMAH**  
19358 WILSON WALK, BETHESDA, MICHIGAN  
DATE: 12/01/2020  
SCALE: 1"=20'  
DRAWN BY: PAB  
PROJECT NO.: 3648A0  
DWG. NO.:

Date: 12/01/2020  
Scale: 1"=20'  
Drawn By: PAB  
Proj. No.: 3648A0  
Dwg. No.:



**SITE DATA**

**CURRENT OWNER:**  
ANDREW B. BELLAMAH  
19358 WILSON WALK  
9730 GEORGIA AVE  
SUITE 500  
SILVER SPRING, MD 20910  
1-34-20.11-85.00

**TAX PARCEL NO.:** 2347/239, 3531/01

**DEED REF.:** 7,781 S.F.

**SITE AREA:** 7,781 S.F.

**SETBACKS:** FRONT: 30' (1/4" CORNER SIDE)  
SIDE: 10' (5' IF LOT SIZE > 10,000 S.F.)  
REAR: 10' (5' IF LOT SIZE < 10,000 S.F.)

**MAX. BLDG. HEIGHT:** 42' ABOVE BASE FLOOD ELEVATION

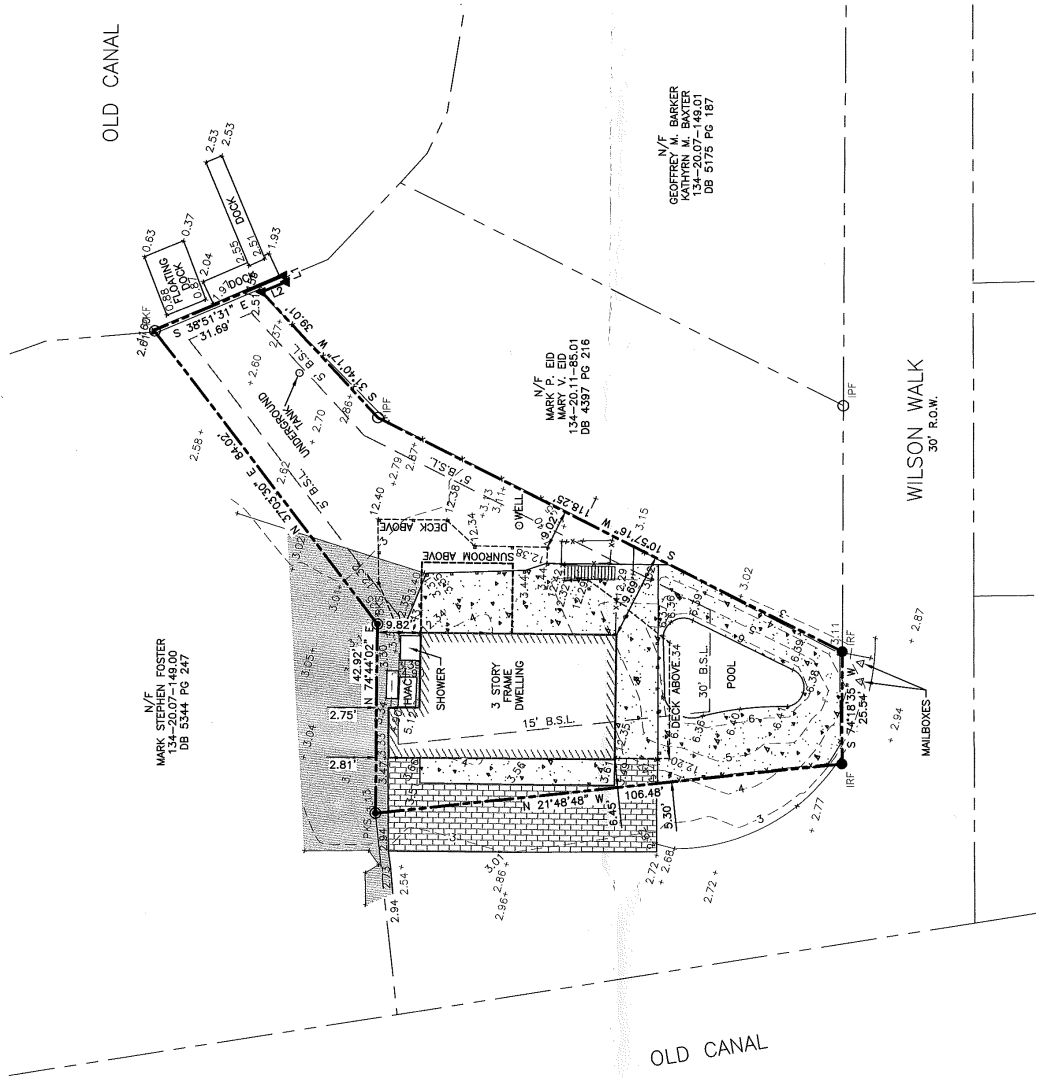
**FLOOD ZONE:** ZONE AE - ELEVATION 6

**F.I.R.M. No.:** 10005C 0514K & 10005C 0518K

**EFFECTIVE DATE:** MARCH 16, 2015

**LEGEND**

- ⊙ RCF "PK" NAIL FOUND
- ⊙ PKS "PK" NAIL SET
- IFF IRON PIPE FOUND
- IRF IRON ROD FOUND
- ▲ UNMARKED POINT
- - - PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - BUILDING SETBACK LINE
- - - FENCE
- [Pattern] CONCRETE
- [Pattern] BRICK PAVERS
- [Pattern] PAVEMENT



**ENGINEER'S STATEMENT**

I, JOSHUA J. TAYLOR, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE. THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND CONTROL AND THAT I AM AWARE OF THE APPLICABLE LAWS OF THE STATE OF DELAWARE, THAT THE PARCELS CLOSE AS DESCRIBED AND THAT THERE ARE NO OVERLAPS OR GAPS.



*Joshua J. Taylor*  
JOSHUA J. TAYLOR, P.E., AGENT  
DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DELAWARE, 19963

12/11/2020  
DATE

LINE TABLE

LINE BEARING	DISTANCE
1. S. 51°47'01" W. 11.53'	
2. N. 38°12'59" W. 15.88'	



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 May 1, 2000  
 Page 5

Case No. 7134 – Johnny C. Barnes – north of Road 42, 1,200 feet west of Road 609.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Johnny C. Barnes was sworn in and Barbara O’Leary, Attorney, present on behalf of the applicant, and testified requesting a 2.8-foot variance from the required 40-foot front yard setback requirement for a dwelling; that the home was built in the late 1970’s or early 1980’s; that he bought the property in February 2000; and that he has moved the accessory buildings to comply with the current setback requirements.

Anna L. Patterson was sworn in and testified that she is in favor of the application; and that they discovered the violation problem when they went to settlement.

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

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

Case No. 7135 – Andrew Bellamah – west of Route 14, north of Wilson Walk, Lot 111, 112, and 113, within Bayview Park Subdivision.

A variance from the side yard setback requirement.

Mr. Oates presented the case. John Binnis, Contractor, was sworn in on behalf of the applicant and testified requesting a 4-foot variance from the required 10-foot side yard setback requirement for a deck; that the variance problem was a mistake made by him; and that the Homeowner’s Association is in favor of the application.

Mr. Rickard stated that there has been variances granted in that area before.

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

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

Case No. 7136 – Glenn A. Jones – south of Route One, 170 feet northwest of Road 271, Lot D-79, within Sea Air Village Mobile Home Park.

Minutes  
July 10, 2000  
Page 4

Case No. 7189 – Andrew Bellamah – west of Route 14, north of Wilson Park, Lots 111, 112, and 113, within Bayview Park Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Andrew and Gladys Bellamah were sworn in and testified requesting a 20-foot variance from the required 30-foot front yard setback for an in-ground swimming pool; that they submitted a picture of the proposed pool and a letter from Donald and Jeanne O'Connor; that the pool area will be professionally landscaped; that they bought their home from O'Connor's; that the O'Connor's built a home next to them; that they plan to erect a wrought iron fence around the pool, if the Board approves the variance; that multiple variances have been granted in the area; and that there are no restrictions in the covenant concerning swimming pools.

Donald O'Connor was sworn in and stated that he is in favor of the application; that he sold a home to the Bellamah's; that he has lived in Bayview Park for 20 years; that he and his wife have served on the Homeowner's Association for Bayview Park; and that the Bellamah's live on the furthest street in the park and that the pool would not affect the community.

By a show of hands 20 parties were in opposition to the application.

Mr. Oates noted to the Board, that Planning and Zoning received 6 letters in opposition to the application.

Margaret Gassinger was sworn in and stated that she is in opposition to the application; that she submitted a petition with 78 signatures, 2 letters, pictures and a survey of the area to the Board; that the neighboring property owners would be affected the most by the swimming pool; and that it would set a precedent in the community if the variance is approved.

Benard Kelly was sworn in and stated that he is in opposition to the application; that he lives one block away from the Bellamah's; and that he has lived there since 1984.

John Hendrickson was sworn in and stated that he is in opposition to the application; that he has been a member of the Homeowner's Association since 1988; that he is now the President of the Homeowner's Association; that the swimming pool should go on the rear of the property; and that Bayview Park has small lots and is approaching full capacity.

Minutes  
July 10, 2000  
Page 5

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be granted because it is an irregular shaped lot and that it does not adversely affect the area due to the number of variances granted in the Subdivision. Vote carried 5 – 0.

Case No. 7190 – David Sully Accurate Sky Diving – intersection of Route 24 and Road 494.

A special use exception to place a manufactured home for a temporary sales office.

Mr. Oates presented the case. David Sully was sworn in and testified requesting to place a manufactured home for a temporary sales office; that he submitted a brochure containing a FAA Certificate, survey of the area, and a floor plan of the sale office; that Laurel Airport is in conjunction with Accurate Sky Diving; that every 120 days their parachutes must be inspected; that he needs a sales office to be able to comply with the FAA; that the sales office will not have water or sewer connections; and that the sales office will be anchored down.

By a show of hands 9 parties were in favor of the application.

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

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the special use exception be granted for a period of 5 years. Vote carried 5 – 0.

Case No. 7191 – Ed and June Gavenas – east of River Run, north of West Stoney Road, Lot 217, within Keenwick Sound Subdivision.

A variance from the west side yard setback requirement.

Mr. Oates presented the case. Ed Gavenas was sworn in and testified requesting a 4-foot variance from the required 10-foot east side yard setback instead of the west side yard for an outside shower; that the Homeowner's Association approved the site plan, but noted to him that a variance was needed; and that his neighbors are in favor of the application.

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February 5, 2001  
Page 2

24x36 detached garage; that the garage is already built; that his father-in-law lives next door and is in favor of the application; that the neighbor on the west side of him is also in favor of the application; that the permit states the correct setbacks; and that Carlton Whaley, Contractor, built the garage.

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

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

Case No. 7360 – Mike Purnell – north of Route 404, .9 miles east of U.S. Route 13.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Mike Purnell was sworn in and testified requesting a 5-foot variance from the required 40-foot front yard setback, instead of a 6-foot variance, for a covered porch; that the porch existed with the main dwelling; that the dwelling was 75 years old; that he demolished the existing dwelling and replaced it with a new home in the same footprint.

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

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

Case No. 7361 – Andrew R. Bellamah – west of Route One, northeast side of Wilson Ave., Lots 111, 112, 113, within Bayview Park Subdivision.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Mike Milligan, Planning and Zoning Inspector 3, was sworn in and stated that he has been employed with the County for 7 years; that he has been to the site at least 20 times; that the variance that is needed was a mistake made by the County; that a certificate of compliance was issued; that it is an older subdivision; and that a lot of averages and variances have been given in the area.

Mr. Rickard stated that he has also been to the site at least 3 times.

Andrew Bellamah was sworn in and testified requesting a 5-foot variance from the required 15-foot side yard setback requirement for a deck and home only; that the home and deck was built a decade ago; that the deck existed when he purchased the



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February 5, 2001  
Page 3

home; that there has been a certificate of compliance issued for the home; that the lot is irregular; that he has had 2 variances granted for a pool and deck on the east side of property; that John Bennix, Seashore Contracting, built the deck; that an attached shed also existed when he purchased the home; that the shed is in violation; that he also needs a 5-foot variance from the required 15-foot corner side yard for the pool, but was under the impression that it was included in the variance that was already granted; that construction of the pool has already started and that the money cannot be refunded; that he submitted pictures to the Board; and that his neighbors on both sides of him are in favor of the application

By a show of hands, 12 parties were in opposition to the application.

John Hendrickson, President of the Home Owner's Association, and Marge Gassinger were sworn in and testified that they are in opposition to the application; that they have no objections to the variance needed for the deck; that they understand that the deck existed when Mr. Bellamah purchased the home; that they have concerns with the setbacks for the pool; that no other variances should be granted for the pool; that there is enough room on the property to place the pool without needing a variance.

Mr. Rickard noted that he received 13 letters in opposition to the application.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the variance be **granted for the deck and home only**. Vote carried 5 – 0.

Case No. Mark Iplenski – east of U.S. Route 113, 2,000 feet south of Road 407, Lot 51.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Mark Iplenski was sworn in and testified requesting a 0.6-foot variance from the required 40-foot front yard setback; that he purchased the home 5 years ago; that he is in the process of the selling home; and that when a survey was completed it was found that the home was in violation.

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

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

Case No. 7363 – Sandra R. Piper-Waters – intersection of Route 213 and Willow Street, within the Town of Ellendale, Lot 331, and 332.

A special use exception to operate a day care facility.

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 April 2, 2001  
 Page 5

Mr. Rickard read a letter from Wynona Dawson in favor of the application.

By a show of hands, 5 parties were in opposition to the application.

John Hendrickson, President of the Home Owner's Association, was sworn in and testified that he is in opposition to the application; that there is no hardship; that the applicant can build the sunroom to fit the lot; and submitted a letter from William and Dana Feher in opposition to the application.

Mr. Mills stated to the applicant that he only needs a 2-foot variance instead of a 9-foot variance; and that if he builds an 8'x18' sunroom a variance would not be necessary.

Motion by Mr. McCabe, seconded by Mr. Wheatley, and carried unanimously that the variance be **tabled until April 16, 2001**. Vote carried 5 – 0.

Case No. 7409 – Joan Clark – south of Route 26, 300 feet west of Road 341.

A special use exception to place a manufactured home type structure for business purposes.

Mr. Rickard presented the case. Joan Clark was sworn in and testified requesting a special use exception to place a manufactured home type structure for business purposes; that she submitted pictures; that the size of the structure is a 6'x14'; that she has been in business for 4 years; that a coffee business exists; that she will utilize the existing structure as a vegetable stand; and that she will meet the setback requirements.

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

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the special use exception be **granted**. Vote carried 5 – 0.

Case No. 7410 – Andrew Bellamah – north of Route 14, north of Wilson Walk, Lots 111, 112, and 113, within Bay View Park Subdivision.

A variance from the corner side yard and rear yard setback requirements.

Mr. Rickard presented the case. Andrew Bellamah was sworn in and testified requesting a 5-foot variance from the required 15-foot corner side yard setback requirement for a pool and a 3-foot variance from the required 10-foot rear yard setback requirement for an attached shed; that he submitted a picture of his home; that the shed

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 April 2, 2001  
 Page 6

has been there for 10 years; that he purchased the home in 1998; that the lot is oddly shaped; that 4 out of 5 immediate neighbors do not opposed the variance for the pool; that he submitted letters in favor of the application; and that he read a letter from Dorothy Ireton in favor the application.

Jean O'Connor was sworn in and testified that she is in favor of the application; that formerly she was the President of the Home Owner's Association; and that the applicant is at the dead end of the street.

By a show of hands, 2 parties were in favor of the application.

By a show of hands, 15 parties were in opposition to the application.

John Hendrickson, President of the Home Owner's Association was sworn in and testified that he is in opposition to the application; that he has no objection to the shed; that a hardship does not exist for the pool; that the pool can be relocated; and that he submitted letters in opposition to the application.

Marge Gassinger was sworn in and testified that she is in opposition to the application; that she lives across the street; and that she read a letter from B.A. Nelson, Sr., Realtor, that it was an inappropriate location for a pool.

Dana Feher was sworn in and testified that she is in opposition to the application; that she has concerns with safety and noise problems; and that if the variance is granted for the pool it could set a precedent.

Mr. Rickard read 6 letters not opposed to the shed, but in opposition to the pool.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance for the shed be **granted** and that the variance for the pool be **denied because a hardship does not exist**. Vote carried 5 – 0.

Case No. 7411 – Anthony and Karen Milan – southwest of Route 54, south side of Garfield Avenue, Lot 20, within Edgewater Acres Subdivision.

A variance from the west side yard setback requirement.

Mr. Rickard presented the case. Anthony Milan was sworn in and testified

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Page 5

Mr. Oates presented the case. Juvenal and Olivia Fernandez were sworn in and testified requesting a special use exception to place a 1973 24'x56' manufactured home on a medical hardship basis; that they previously applied for a special use exception to store the manufactured home on the property until renovations could be made to the home; that he has no use of his right arm and one leg was severely broken and has minimal use of it; that friends will help make the repairs to the home; and that once the farmer cuts the crops they will move the home into position and will need 6 to 7 months to make repairs.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be **denied**. Vote carried 4 – 0.

**Case No. 7937 – Delmarva Clergy United in Social Action, Inc.** – west of Road 213, west of Northwood Acres Subdivision.

A special use exception to operate a day care facility.

Mr. Oates presented the case. Helena Gibbs and Alicia Galman were sworn in and testified requesting a special use exception to operate a day care facility; that they will use an existing church building for the day care; that they will care for 50 to 75 children from newborn to 10 years old; that the hours of operation will be 24-hours a day, Monday through Friday; that the reason for 24-hours is to help parents who work shift work and take classes provided by the Clergy; and that they have all approvals through the State.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the special use exception be **granted**. Vote carried 4 – 0.

**Case No. 7938 – Andrew R. Bellamah** – west of Route One, north of Wilson Walk, Lots 111, 112, and 113 within Bay View Park Subdivision.

A variance from the side yard setback requirement.

Mr. Oates presented the case. Andrew R. Bellamah was sworn in and testified a 15-foot variance from the required 15-foot side yard setback requirement for an existing gazebo; that he did not realize a building permit was needed to place the gazebo on his

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September 23, 2002  
Page 6

property; that the gazebo is screened in and provides shelter for the pool area and is behind an existing fence; and that the neighbors are in favor of the variance.

John B. Hendrickson was sworn in and testified in opposition to the application; that he is the President of the Association; that the lots in the development are small and are overcrowded; that other variances have been granted for the Applicant and he feels that this request is just a matter of convenience; and that the use is not a hardship and can be placed elsewhere on the property.

Mr. Oates stated that 14 letters were submitted in favor of the application, that 4 letters were submitted in opposition to the application, and that 1 letter was submitted with no clear opinion to the application.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the application be **tabled until October 7, 2002**. Vote carried 4 – 0.

**Case No. 7939 – Robert and Ellen Smith** – east of Route 16, northwest of Virginia Avenue, Lot 5, Block E, within Broadkilm Beach Development.

A variance from the front yard, rear yard, and east and west side yard setback requirements.

Mr. Oates presented the case. Robert Smith was sworn in and testified requesting a 7-foot variance from the required 10-foot west side yard setback requirement, and a 3-foot variance from the required 10-foot east side yard setback requirement, and a 5.1-foot variance from the required 10-foot rear yard setback requirement for an existing detached garage, and a 23-foot variance from the required 30-foot front yard requirement for a proposed deck; that all improvements have been torn down except for the existing detached garage; that he proposes to build a dwelling on the parcel and would like to keep the dwelling in line with the existing garage; and that he has the approval of his neighbors.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variances be **granted**. Vote carried 4 – 0.

**Case No. 7940 – Frances Patterson** – south of Route 54, north of Roosevelt Avenue, Lot 14, within Cape Windsor Subdivision.

A variance from the rear yard setback requirement.

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 October 7, 2002  
 Page 8

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

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the special use exception be **granted**. Vote carried 4 – 0.

### OLD BUSINESS

Case No. 7923 – Jeffery C. and Patricia L. Wells – west of Route 5, 1 mile north of Route 9.

A special use exception to operate a family health resource center.

The Board discussed the case.

**The Chairman and members of the Board agreed to table the special use exception until November 4, 2002.**

Case No. 7938 – Andrew R. Bellamah – west of Route One, north of Wilson Walk, Lots 111, 112, and 113, within Bay View Park Subdivision.

A variance from the side yard setback requirement.

The Board discussed the case.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variance be **denied**. Vote carried 4 – 0.

Case No. 7940 – Frances Patterson – south of Route 54, north of Roosevelt Avenue, Lot 14, within Cape Windsor Subdivision.

A variance from the rear yard setback requirement.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be **granted**. Vote carried 4 – 0.

Case No. 7900 – Melvin L. Joseph Sand & Gravel Co., Inc. – north of Road 322, 3,216 feet east of Road 321.

A special use exception to operate a concrete plant.



# Sussex County



<b>PIN:</b>	134-20.11-85.00
<b>Owner Name</b>	BELLAMAH ANDREW B
<b>Book</b>	3531
<b>Mailing Address</b>	8730 GEORGIA AVE STE 50
<b>City</b>	SILVER SPRING
<b>State</b>	MD
<b>Description</b>	BAY VIEW PARK
<b>Description 2</b>	P/O LOTS 111, 112, 113
<b>Description 3</b>	N/A
<b>Land Code</b>	

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 15cm Resolution Metadata



January 9, 2024

CONNECTEXPLORER

The image shows an aerial view of a residential neighborhood with several houses and a road. A search overlay is visible in the top right corner, displaying the following information:

- Search:** Search by SUSSEXPARCELS
- Search Results:** 134-20 11-85 00
- Search Results (1):** 134-20 11-85 00
- Options:** (dropdown menu)

Navigation and map controls are located in the top left and bottom right corners. The bottom right corner includes a scale bar (150 ft, 10 m), a copyright notice (© 2023 Esri/View), and a map type selector (map: Auto (Ortho)). The bottom left corner features a compass and a zoom slider.



**Amy Hollis**

---

**From:** Mike Wheedleton <mwh@dbfinc.com>  
**Sent:** Thursday, January 18, 2024 11:06 AM  
**To:** Amy Hollis  
**Subject:** FW: Variance for Bellamah

**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 Amy,

As requested, below is the information sent to Jenny last week.

Thank you, please confirm receipt

**Mike Wheedleton, AIA, LEED GA, NCARB**

Principal/Sr. Architect

**Davis, Bowen & Friedel, Inc.**

Office: 410-543-9091 | Fax: 410-543-4172

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**From:** Mike Wheedleton  
**Sent:** Thursday, January 11, 2024 3:25 PM  
**To:** Jennifer Norwood <jnorwood@sussexcountyde.gov>  
**Subject:** RE: Variance for Bellamah

Jenny,

According to our survey, the farthest encroachment point from the corner of the 5 ' BSL to the deck above is 1.46 feet and it decreases on each side as you can see.

I hope this helps, if you need any additional information, please let me know, best way to reach me is 302-542-6438 or by email.

Thank you

**Mike Wheedleton, AIA, LEED GA, NCARB**

Principal/Sr. Architect

**Davis, Bowen & Friedel, Inc.**

Office: 410-543-9091 | Fax: 410-543-4172

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**From:** Jennifer Norwood <jnorwood@sussexcountyde.gov>  
**Sent:** Thursday, January 11, 2024 9:33 AM  
**To:** Mike Wheedleton <mwh@dbfinc.com>  
**Subject:** Variance for Bellamah

Good Morning Mike,

I am reviewing the application for the Bellamah property, the survey shows a deck above the sunroom and the dashed line appears to ever so slightly go beyond the 5-f setback line back by the shower. I don't see a measurement from that encroachment to the property line, can you provide that if in fact there is an additional encroachment or if the deck will comply?

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](mailto:jnorwood@sussexcountyde.gov)

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

AGENT Application No. 7/35 Date 3/23/2000 Fee \$ 150.00  
Name Sea Shore Court LLC Phone 302-539-8863  
Mailing Address 218 Belle Rd. Bethany DE 19930

Interest in Property

Owner: (Indicate if different than above)

Name Andrew Bellamah Phone 202-737-2700

Address 29 Wilson Walk Bayview Park, Bethany, DE 19930

Location: Road 14 (N) (S) (E) (W) side, <sup>WETNEY</sup> Bay View Park (ft.)  
or (miles) (N) (S) (E) (W) of Wilson Walk

District No. 1-34 Map No. 20.11 Parcel No. 85

Subdivision Bayview Park Lot No. 1128113 Zone MR

Hundred BALTIMORE Frontage 108 Depth 42 Acres

Request for a special use exception as provided by: (or)

Request for a variance from the provisions of:

Chapter 115 Article V Subsection 115-34 Item B

Date property was acquired 1998

Plot plan or drawing attached: Yes T No

State specifically your request and the reason for this request.

Deck Built within 10' side yard set back by mistake.  
Request variance ~~for 41' side yard set back.~~ 41' side yard set back.  
From side yard requirement of 10ft

Wendy Binnies  
Signature of Applicant

FOR BOARD USE ONLY:

Date of Notice \_\_\_\_\_ Date of Hearing 5-1-00

Fee Receipt No. 29211

Decision of Board APPROVED

Date of Decision 5-1-00

Norman Oates  
Person Accepting Application

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

**IN RE:           ANDREW BELLAMAH**

**Case No. 7135 – 2000**

A hearing was held after due notice on May 1, 2000. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills and Mr. Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from the side yard setback requirements west of Route 14, north of Wilson Walk, Lots 111, 112, and 113 within Bayview Park Subdivision. The Applicant was requesting a 4 foot variance from the required 10 foot side yard setback requirement. After a hearing, the Board made the following findings of fact:

1. The Applicant's contractor, John Binnis, appeared and acknowledged an error on his part which lead to the violation.
2. The violation stems from construction of deck above ground level.
3. Similar variances have been granted in the subdivision on prior occasions.
4. The Homeowner's Association favors the application.
5. 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. Wheatley, Mr. Mills and Mr. Hudson; voting against - none.

**BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY**

*Dale Callaway*

Dale Callaway  
Chairman

Date June 16, 2000

29 WILSON WALK  
BAYVIEW PARK BOTANICAL BEACH  
19930

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 7189 Date 5/22/00 Fee \$ 150

Name ANDREW BELLAMAN Phone 202-737-2700-207

Mailing Address 12209 GROVE PARK COURT POTOMAC, MD 20854

Interest in Property

Owner: (Indicate if different than above)

Name James Phone \_\_\_\_\_

Address \_\_\_\_\_

Location: Road Wilson Walk (N) (S)  (W) side, \_\_\_\_\_ (ft.)

or (miles) (N) (S) (E) (W) of Wilson Walk

District No. 134 Map No. 20-11 Parcel No. 0085-00

Subdivision BAYVIEW PARK Lot No. 11128-13 Zone MR

Hundred BALTIMORE Frontage 70' Depth 42' Acres .2

Request for a special use exception as provided by: (or)

Request for a variance from the provisions of:

Chapter 115 Article V Subsection 115-34 Item B

Date property was acquired 12/1998

Plot plan or drawing attached: Yes  No \_\_\_\_\_

State specifically your request and the reason for this request.

REDUCE THE EXISTING FRONT YARD BUILDING RESTRICTION LINE FROM 30' TO 10'. LOT SHAPE IS IRREGULAR THE FRONT OF THE HOUSE FACES WEST. PROPOSAL TO CONSTRUCT IN-GROUND SWIMMING POOL IN FRONT YARD

Andrew Bellaman

Signature of Applicant

FOR BOARD USE ONLY:

Date of Notice \_\_\_\_\_ Date of Hearing 7/10/00

Fee Receipt No. 21370

Decision of Board APPEAL APPROVED (FENCE TELLING)

Date of Decision 7-10-00

Cheryl

Person Accepting Application

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANDREW BELLAMAH

Case No. 7189 – 2000

A hearing was held after due notice on July 10, 2000. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills and Mr. Hudson.

Nature of the Proceedings

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

Finding of Facts

The Board found that the Applicant was seeking a variance from the front yard setback requirements west of Route 14, north of Wilson Park, Lots 111 through 113, Bayview Park. The Applicant was requesting a 20 foot variance from the required 30 foot front yard setback. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to construct an in-ground swimming pool, which would encroach upon the front yard setback.
2. The pool area will be professionally landscaped, with a wrought iron fence surrounding it.
3. The immediate affected neighbor, who originally sold the property to the Applicant, is in favor of the application. The Applicant's property is also located at the end of the development, so that the only individuals who pass the property are the immediate neighbors, who favor the application.
4. Numerous variances have been granted in the subdivision.
5. There are no restrictive covenants in Bayview Park addressing swimming pools.
6. Because the pool would be in-ground, it is not similar to a "structure", and it would be no different visually than other forms of landscaping, and will not block the views of any other individuals.
7. The Applicant's lots are unique since the pool would be located in what is technically the front yard, but which is actually the side yard, resulting in less buildable area.
8. Although a number of individuals objected to the variance, the rationale for doing so was that it would set a precedent because no other pools had been built. Those objections, however, address the use of the property for a swimming pool and not factors concerning variances, and failed to recognize the existence of numerous other variances in Bayview Park.

The Board granted the requested variance for an in-ground pool.

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. Wheatley, Mr. Mills and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY**



Dale Callaway  
Chairman

Date August 18, 2000

Aug-28-00 08:39P

P. 02

NOTICE OF APPEAL AND REQUEST FOR VARIANCE OR SPECIAL USE EXCEPTION COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 7361 Date 12-15-00 Fee \$ WAIVED

Name ANDREW R. BELLAMAH Phone 301-602-2039

Mailing Address 12209 GROVE PARK COURT, POTOMAC MD. 20854

Interest in Property Owner: (Indicate if different than above)

Name ANDREW R. BELLAMAH Phone 301-602-2039

Address 29 WILSON WALK BAYVIEW PARK S. BETHANY BEACH

Location: Road R-1 (N) (S) (E) (W) side, WITH 110 ft. or (miles) (N) (S) (E) (W) of Wilson Park

District No. 134 Map No. 20.11 Parcel No. 85

Subdivision BAYVIEW PARK Lot No. 11, 12, 13 Zone MR

Hundred PARTIAL Frontage 108 Depth 42 Acres .2

Request for a special use exception as provided by: (or)

Request for a variance from the provisions of:

Chapter 115 Article 1 Subsection 115-134 Item B

Date property was acquired 12-1998

Plot plan or drawing attached: Yes No

State specifically your request and the reason for this request.

Request a variance of 25' on 30' front setback need 30' has 5' (Planning and zoning issued C.O.)

Signature of Applicant [Handwritten Signature]

FOR BOARD USE ONLY:

Date of Notice Date of Hearing 2-5-01

Fee Receipt No. WAIVED

Decision of Board

Date of Decision

Person Accepting Application [Handwritten Signature]

Box 7135 - signed (Appal) Box 7189 - Pool (Appal)

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

**IN RE:           ANDREW R. BELLAMAH**

**Case No. 7361 – 2001**

A hearing was held after due notice on February 5, 2001. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills and Mr. Hudson.

Nature of the Proceedings

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

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard setback requirements west of Rt 1, northeast side of Wilson Ave., Lots 111, 112 and 113, Bayview Park Subdivision. The Applicant was requesting a 5 foot variance from the required 15 foot west side yard setback. After a hearing, the Board made the following findings of fact:

1. The County erred in issuing a certificate of compliance some fifteen years ago with respect to the dwelling on the property, which intrudes into the setback. Because Bayview Park is an older subdivision, there have been a number of variances granted to structures for similar violations in the past.
2. The dwelling, as well as a deck built more than a decade ago, were present when the Applicant purchased the property.
3. The lot is somewhat irregular, and as a result two previous variances have been granted for a pool and a deck.
4. Sea Shore Contracting (John Bennix) apparently built the deck. An attached shed also existed at the time the dwelling was purchased, and is in apparent violation.
5. The application was also directed to a pool, which was already under construction. The Applicant believed that a previous variance allowed for construction of the pool; however, the building permit clearly noted a 15 foot setback.
6. Other property owners, including the homeowner's association, indicated that there was no opposition to the variance being granted with respect to the deck and the house, since both existed when the Applicant purchased them.
7. The homeowner's association and several other individuals objected to a variance with respect to the pool.
8. It would be a significant hardship for the applicant to remove a portion of the dwelling, as well as a portion of the deck, particularly since those structures were in place when the Applicant purchased the property.
9. No evidence was presented with respect to a similar hardship or exceptional practical difficulty relating to the pool. An in ground swimming pool is not considered necessary to a single family dwelling, and any hardship or practical difficulty in connection with the pool will have been created by the Applicant.

The Board granted variances for the deck and dwelling, but denied the request for a variance for the pool.

Decision of the Board

Upon motion duly made and seconded, the application was granted for the deck and dwelling, but denied the request for the pool. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY**

*Dale Callaway*  
Dale Callaway  
Chairman

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

Date April 3, 2001



29 WILSON WALK  
BAYVIEW PARK BETHANY BEACH  
19930

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 7410 Date 3/13/01 Fee \$ 150  
Name ANDREW BELLAMAN Phone 202-737-2700-207  
Mailing Address 12209 GROVE PARK COURT POTOMAC, MD. 20854

Interest in Property  
Owner: (Indicate if different than above)

Name Andrew Phone \_\_\_\_\_  
Address \_\_\_\_\_

Location: Road WILSON WALK (N) (S)  (W) side, \_\_\_\_\_ (ft.)  
or (miles)  (N) (S) (E) (W) of Wilson Walk

District No. 134 Map No. 20-11 Parcel No. 0085-00

Subdivision BAYVIEW PARK Lot No. 111, 112, 113 zone MR

Hundred BALTIMORE Frontage 70.8 Depth 42 Acres .2

Request for a special use exception as provided by: (or)  
 Request for a variance from the provisions of:

Chapter 115 Article 115-34 Subsection 115-34 Item B  
Date property was acquired 12/1998 115-182 B

Plot plan or drawing attached: Yes  No \_\_\_\_\_  
State specifically your request and the reason for this request.

REDUCE THE EXISTING SIDE YARD BUILDING RESTRICTION  
LINE FROM 15' TO 10'. LOT SHAPE IS IRREGULAR.  
THE FRONT OF THE HOUSE FACES WEST. REQUEST  
7' REAR LINE VARIANCE FOR EXISTING ATTACHED SHED.

Requesting a 3 ft rear  
variance from yard  
for attached shed  
ALL 2000 X  
Signature of Applicant

FOR BOARD USE ONLY:

Date of Notice \_\_\_\_\_ Date of Hearing 4/2/01

Fee Receipt No. 099999

Decision of Board 15 SHOW UP HANDS IN OPPOSITION

Date of Decision \_\_\_\_\_

Request for 3 ft rear variance

15 HANDS IN OPP  
APRIL 2 2001  
Pool - DENIED  
SHEV - APPROVED

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

**IN RE:           ANDREW BELLAMAH**

**Case No. 7410 -2001**

A hearing was held after due notice on April 2, 2001. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills and Mr. Hudson.

Nature of the Proceedings

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

Finding of Facts

The Board found that the Applicant was seeking a variance from the corner side yard and rear yard setback requirements north of Rt. 14, north of Wilson Walk, Lots 111, 112 and 113, Bayview Park. The Applicant was requesting a 5 foot variance from the required 15 foot corner side yard setback, and a 3 foot variance from the required 10 foot rear yard setback. After a hearing, the Board made the following findings of fact:

1. The Board initially determined that this was a substantially different application in that the Applicant was requesting a 5 foot variance as opposed to a 10 foot variance.
2. The smaller 3 foot variance request was with respect to an attached shed which has apparently been part of the property for at least the 10 years that the Applicant has owned it. The larger variance would be to allow for the construction of a pool.
3. The property owners association objected to the application, as it has several times before in connection with the pool.
4. It would appear that the pool can be relocated so as not to require the issuance of a variance. Other objections were raised with respect to safety and noise problems, and the fact that a precedent would be set.
5. Although the property is somewhat oddly shaped, there is presently a dwelling located on the property, and it is clear that the property can be developed in a reasonable fashion without the need for a variance.
6. No hardship or practical difficulty was shown to exist so as to require the issuance of a variance for the pool.

The variance request for the shed was granted, and the variance request for the pool was denied.

Decision of the Board

Upon motion duly made and seconded, the application was granted for the shed, and the variance request for the pool was denied. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills and Mr. Hudson; voting against - none.

**BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY**

*Dale Callaway*

Dale Callaway  
Chairman

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

Date May 31, 2001

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 7938 Date 7/12/02 Fee \$ 1150.00  
Name ANDREW R. BELLAMAH Phone 301-562-7300  
Mailing Address 12209 GROVE PARK COURT, POTOMAC Md. 20854

Interest in Property  
Owner: (Indicate if different than above)

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address 29 WILSON WALK S. BETHANY BEACH, DE. 19930

Location: Road W 1 (N) (S) (E) (W) side, WIN PAW VIEW PARK

or (miles) (N) (S) (E) (W) of WILSON WALK

\* District No. 134 Map No. 20.11 Parcel No. 85

Subdivision PAN VIEW PARK Lot No. 11, 12, 13 Zone MR

Hundred BALTIMORE Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Acres \_\_\_\_\_

Request for a special use exception as provided by: (or)

Request for a variance from the provisions of:

Chapter 115 Article V Subsection 115-34 Item B

Date property was acquired 12/98

Plot plan or drawing attached: Yes No \_\_\_\_\_

State specifically your request and the reason for this request.

REQUESTING A VARIANCE OF \* 15' FROM THE  
REQUIRED \* SIDE YARD 15' SETBACK  
FOR A \* GAZEBO (ALREADY THERE)

4-opposed LETTERS  
1-? 1-opposition  
14 LETTERS FAVOR  
FOR BOARD USE ONLY:

\* [Signature]  
Signature of Applicant

Date of Notice \_\_\_\_\_ Date of Hearing SEPT 23, 2002

Fee Receipt No. 31422

Decision of Board TABLED - OCT. 7, 2002 DENIED

Date of Decision 9-23-02

[Signature]  
Person Accepting Application





