

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

AGENDA

February 20, 2023

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for December 19, 2022

Approval of Finding of Facts for December 19, 2022

Old Business

Case No. 12773– Bay Shore Community Church, c/o Jeremy Ferruccio seeks a special use exception to operate a daycare (Section 115-23 of the Sussex County Zoning Code). The property is located on the west side of Old Landing Road approximately 0.12 miles from Betsy Ross Boulevard. 911 Address: 20376 Old Landing Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-18.00-78.00 & 78.01

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

Public Hearings

Case No. 12794 – Daniel A. Nedwick seeks a variance from the rear yard setback requirement for an existing structure (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Hayes Avenue within the Edgewater Acres Subdivision. 911 Address: 13028 Hayes Avenue, Selbyville. Zoning District: AR-1. Tax Map: 533-20.19-54.00



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

Case No. 12795 – Barry Dukes II seeks a special use exception to operate a rifle/pistol range not to exceed five (5) years (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located on the northeast side of Hammer and Chisel Drive approximately 1270 feet from Dukes Lumber Road. 911 Address: 29091 Hammer and Chisel Drive, Laurel. Zoning District: AR-1. Tax Map: 232-8.00-5.08

Case No. 12796 – Craig Forster seeks variances from the front yard and corner front yard setback requirements for proposed structures (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is a corner through lot located on the west side of 2nd Street within the Ann Acres Subdivision. 911 Address: 21206 2nd Street, Rehoboth Beach. Zoning District: AR-1. Tax Map: 334-20.13-159.00

Case No. 12797 – GP Lewes LLC seeks variances from the front yard setback requirements for existing and proposed structures (Sections 115-82 and 115-182 of the Sussex County Zoning Code). The property is located on the southeast side of Shady Road at Coastal Highway. 911 Address: 17467 Shady Road, Lewes. Zoning District: C-1. Tax Map: 334-6.00-525.00

Additional Business

Document Management System Training – Jennifer Norwood



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 13, 2023 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://sussexcountye.gov/council-chamber-broadcast>

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

To join the meeting via telephone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountye.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, February 16, 2023

####



Board of Adjustment Application

Sussex County, Delaware

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

Case # 12773
Hearing Date 12/19

20215705

Type of Application: (please check all applicable)

Variance ☐

Special Use Exception ☒

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-23

Site Address of Variance/Special Use Exception:

20376 Old Landing Road, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Special Use Exception pursuant to Section 115-23(c) of the Code for operation of a day nursery/childcare center.

Tax Map #: 334-18.00-78.00; 01

Property Zoning: AR-1

Applicant Information

Applicant Name: Bay Shore Community Church, c/o Jeremy Ferruccio

Applicant Address: 36759 Millsboro Highway

City Millsboro State DE Zip: 19966

Applicant Phone #: (302) 858-2086 Applicant e-mail: Jeremy@bayshorecc.org

Owner Information

Owner Name: Charles Litchford, Jr.

Owner Address: 26A Read Avenue

City Dewey Beach State DE Zip: 19971 Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

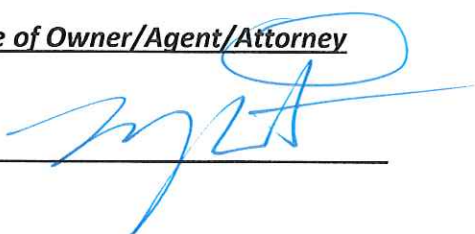
Agent/Attorney Name: Baird Mandalas Brockstedt Federico & Cardea LLC c/o Mackenzie Peet, Esq.

Agent/Attorney Address: 1413 Savannah Road, Suite 1

City Lewes State DE Zip: 19958

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

Signature of Owner/Agent/Attorney



Date: 10/25/2022



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

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

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

1. Uniqueness of property:

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

N/A

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.

N/A

3. Not created by the applicant:

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

N/A

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.

N/A

5. Minimum variance:

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

N/A

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

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

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

The proposed use is a day nursery/childcare center that will be located within a proposed church to be constructed on the properties. The properties are located in AR-1 where churches are permitted uses and day nurseries and childcare centers are permitted as special use exceptions. The use will be operated by the church entity and be doing business under the same entity name. The hours of operation will be from 6:30am-5:30pm, Monday through Friday.

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)

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 20376 Old Landing Road

Rehoboth Beach, Delaware 19971

Parcel #: 334-18.00-78.00

Site Address: _____

Parcel #: 334-18.00-78.01

Applicant Name: Bay Shore Community Church

Owner Name: Charles Litchford, Jr.

Type of Application:

Conditional Use: ☐

Change of Zone: ☐

Subdivision: ☐

Board of Adjustment: ☒

Date Submitted: _____

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Bay Shore Community Church/ Jeremy Ferruccio
Applicant Address: 36759 Millsboro Highway
City: Millsboro State: DE Zip: 19966
Phone #: (302) 858-2086 E-mail: jeremy@bayshorecc.org

Owner Information

Owner Name: Charles Litchford, Jr.
Owner Address: 26A Read Avenue
City: Dewey Beach State: DE Zip: 19971
Phone #: _____ E-mail: n/a

Engineer/Surveyor Information

Engineer/Surveyor Name: Solutions IPEM, LLC c/o Jason Palkewicz, PE
Engineer/Surveyor Address: 303 North Bedford Street
City: Georgetown State: DE Zip: 19947
Phone #: (302) 297-9215 E-mail: jpalkewicz@solutionsipem.com

Agent/Attorney Information

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

Other

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



Exhibit A

Property and Deed Information

PARID: 334-18.00-78.00
LITCHFORD CHARLES R JR

ROLL: RP
20376 OLD LANDING RD

Property Information

Property Location:	20376 OLD LANDING RD
Unit:	
City:	REHOBOTH BEACH
State:	DE
Zip:	19971
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town:	00-None
Tax District:	334 - LEWES REHOBOTH
School District:	6 - CAPE HENLOPEN
Fire District:	86-Rehoboth
Deeded Acres:	3.8000
Frontage:	0
Depth:	.000
Irr Lot:	
Plot Book Page:	/PB
100% Land Value:	\$15,200
100% Improvement Value:	\$0
100% Total Value:	\$15,200

Legal

Legal Description	W/S RD 274 506' N FAIRWAY DR
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Owners

Owner	Co-owner	Address	City	State	Zip
LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971	0/0
2021	LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971	0/0
2020	LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971	0/0
2019	LITCHFORD CHARLES R JR		20376 OLD LANDING RD	REHOBOTH BEACH	DE	19971	0/0
2018	DANIELS GEORGE H JR		20376 OLD LANDING RD	REHOBOTH BEACH	DE	19971	0/0
2017	DANIELS GEORGE H JR		20376 OLD LANDING RD	REHOBOTH BEACH	DE	19971	0/0
2006	DANIELS GEORGE H JR		20376 OLD LANDING RD	REHOBOTH BEACH	DE	19971	0/0
1900	UNKNOWN					0	1079/207

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RV	0	0	3.8000	

Land Summary

Line	1
100% Land Value	15,200

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$15,200	\$0	\$15,200

50% Values

50% Land Value	50% Improv Value	50% Total Value
----------------	------------------	-----------------

\$7,600

\$0

\$7,600

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
02-MAY-1991	73100-1	\$2,000	SHED-W/2741 MILE S/275

1188

11065

BOOK 1079 PAGE 207

This Deed, Made this

31st

day of

August,

in the year of

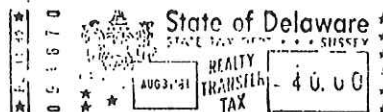
our LORD one thousand nine hundred and eighty-one,

BETWEEN, J. LEIGHTON JOSEPH, widower, of R.D., Box 328, Rehoboth Beach,

Delaware 19971, party of the first part,

A N DGEORGE H. DANIELS, JR., of Route 274, Box 141, Rehoboth Beach, Delaware 19971,

party of the second part,



Witnesseth,

That the said part y of the first part, for and in consideration of the sum of TWO THOUSAND DOLLARS (\$2,000.00),

lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant s and convey s unto the said part y of the second part, his heirs and assigns forever,

ALL THAT certain lot, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, which is more particularly described according to a survey attached hereto and made a part hereof by J. Curtis Fritchman, Registered Surveyor, dated June 30, 1981, viz: BEGINNING at an iron pipe set North 66° 35' West, 200.34 feet from a point along the Westerly right-of-way line of State Road No. 274, which forms a common corner of the lands of this Grantee and lands now or formerly of Hector LeMaire; thence, from said point of beginning South 16° 44' West, 237.81 feet to an iron pipe marking a common corner for this lot and other lands of this Grantee, thence, by and with other lands of this Grantee, South 77° 26' East, 15.13 feet to an iron pipe marking a common corner for this lot and lands now or formerly of Earl K. Poltz; thence, by and with lands now or formerly of Earl K. Poltz, South 37° 07' 39" West, 157.92 feet to an iron pipe marking a common corner for this lot,

LAW OFFICES

WILSON, HALBROOK, BAYARD,
BUNTING & MARSHALL
WEST MARKET STREET
GEORGETOWN, DELAWARE 19947

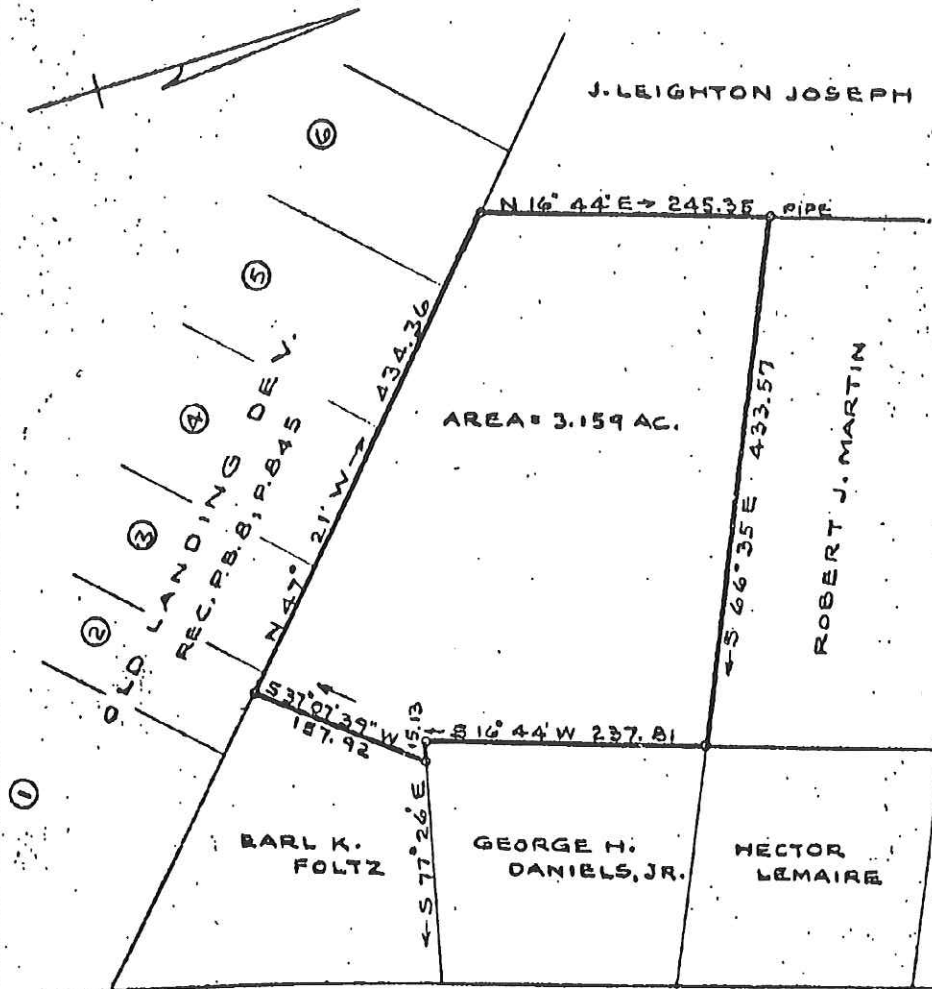
lands now or formerly of Earl K. Folts, and Old Landing Development; thence, by and with Old Landing Development, North 47° 21' West, 434.36 feet to an iron pipe marking a common corner for this lot, Old Landing Development, and lands now or formerly of this Grantor; thence, by and with lands now or formerly of this Grantor, North 16° 44' East, 245.35 feet to an iron pipe marking a common corner for this lot, lands now or formerly of this Grantor, and lands now or formerly of Robert J. Martin; thence, by and with lands now or formerly of Robert J. Martin, South 66° 35' East, 433.57 feet, home to the point and place of beginning, containing 3.139 acres of land, be the same more or less.

BEING a part of the same lands and premises heretofore conveyed unto J. Leighton Joseph and Helen T. Joseph, in equal shares, respectively, by J. Leighton Joseph and wife, in and by their two certain Deeds of Bargain and Sale, both dated July 21, 1976, and which are now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 800, Page 130, &c., and (2) in Deed Book 800, Page 134, &c., as reference thereto being had will more fully and at large appear.

AND THEREAFTER, the said Helen T. Joseph did depart this life, testate, on or about March 28, 1979, and in and by Item Fifth of her Last Will and Testament now of record in the Office of the Register of Wills, in and for Sussex County, at Georgetown, Delaware, in Will Book 92, Page 283, &c., did devise her interest in the said lands and premises unto J. Leighton Joseph, the present Grantor.

LAW OFFICES

WILSON, HALBROOK, BAYARD,
BUNTING & MARSHALL
WEST MARKET STREET
GEORGETOWN, DELAWARE 19947



NOTE:

THE ABOVE 3.159 AC. TRACT IS TO BE
CONSIDERED AS AN ADDITION TO OTHER
LAND OF GEORGE H. DANIELS, JR.
AND IS NOT TO BE CONSIDERED AS A
SEPARATE LOT.

STATE ROAD 274

APPROVED
as noted.

D.W.T.
8/17/81

3-34-18-76 EXT.
COUNTY PLANNING & ZONING BOARD
OF SUSSEX COUNTY



PLAN OF SURVEY
MADE FOR

GEORGE H. DANIELS, JR.

LEWES & REHOBOTH HUND., SUSSEX CO., DEL.
SCALE: 1" = 100' JUNE 30, 1981

J. Curtis Fritchman

J. CURTIS FRITCHMAN - REG. SURVEYOR
REHOBOTH BEACH, DEL.

14-45
16-56

In Witness Whereof, The said party of the first part ha hereunto
set his hand and seal, the day and year aforesaid.

SIGNED, SEALED AND DELIVERED
In the presence of

[Signature]

J. Leighton Joseph (Seal)
J. Leighton Joseph (Seal)

_____ (Seal)

State of Delaware,
SUSSEX

County, ss.

Be It Remembered, that on this 31st day of
August, in the year of our Lord one thousand nine hundred and
eighty-one, personally came before me, the Subscriber, a Notary Public for
the State and County aforesaid, J. LEIGHTON JOSEPH, widower,

PURCHASERS REPORT MADE
Drs 1 DAY OF Sept 1981
ASSESSMENT DIVISION OF SUSSEX COUNTY

Part y to this Indenture, known to me personally to be such, and he
acknowledge this Indenture to be his Deed.

Given under my hand and Seal of Office, the day and year aforesaid

RECEIVED
MARY ANN MCCABE
AUG 31 2 25 PM '81
RECORDER OF DEEDS
SUSSEX COUNTY

Katharine J. Cannon
Notary Public

LAW OFFICES

WILSON, HALBROOK, BAYARD,
BUNTING & MARSHALL
WEST MARKET STREET
GEORGETOWN, DELAWARE 19947

9.24.81
Wilson, Halbrook, Bayard, Bunting & Marshall

Property Information

Property Location:

Unit:

City:

State:

Zip:

Class: RES-Residential
Use Code (LUC): RT-RESIDENTIAL MH ON OWN LAND
Town: 00-None
Tax District: 334 - LEWES REHOBOTH
School District: 6 - CAPE HENLOPEN
Fire District: 86-Rehoboth
Deeded Acres: .0001
Frontage: 100
Depth: 149,000
Irr Lot: I
Plot Book Page: /PB

100% Land Value: \$5,000
100% Improvement Value: \$9,100
100% Total Value: \$14,100

Legal

Legal Description: W/S RD 274
406' N FAIRWAY DR
T3841

Owners

Owner	Co-owner	Address	City	State	Zip
LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971	665/845
2021	LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971	665/845
2020	LITCHFORD CHARLES R JR		26A READ AVE	DEWEY BEACH	DE	19971	665/845
2019	LITCHFORD CHARLES R JR		20376 OLD LANDING RD	REHOBOTH BEACH	DE	19971	665/845
2018	DANIELS GEORGE H JR		20376 OLD LANDING RD	REHOBOTH BEACH	DE	19971	665/845
2017	DANIELS GEORGE H JR		20376 OLD LANDING RD	REHOBOTH BEACH	DE	19971	665/845
1900	DANIELS GEORGE H JR					0	665/845

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RT	100	149	.0001	

Land Summary

Line: 1
100% Land Value: 5,000

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$5,000	\$9,100	\$14,100

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$2,500	\$4,550	\$7,050

05063

BOOK 665 PAGE 845

This Deed, Made this

9TH

day of *MARCH*

In the year of

our LORD one thousand nine hundred and seventy-one,

BETWEEN, J. LEIGHTON JOSEPH and HELEN T. JOSEPH, of Rural

Route 1, Rehoboth Beach, Delaware, parties of the first part,

and GEORGE H. DANIELS, JR., of 806 Haines Avenue, Gordon Heights,
Wilmington, Delaware 19809, party of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the
sum of TWO THOUSAND DOLLARS (\$2,000.00),

lawful money of the United States
of America, the receipt whereof is hereby acknowledged, hereby grant and convey
unto the said party of the second part, his heirs and assigns forever,

ATTN THAT certain lot, piece or
parcel of land, situate, lying and being in Lewes and Rehoboth
Hundred, Sussex County and State of Delaware, more particularly
bounded and described according to a survey made March 1, 1971,
by J. Curtis Fritchman, Registered Surveyor, as follows: BEGINNING
at an iron pipe set on the westerly right of way line of Delaware
State Highway Route #274, a corner for the lands herein and hereby
conveyed and lands to be conveyed by Howard H. Way, etux, to
George H. Daniels, Jr; thence, along and with the westerly boundary
line of Route #274, aforesaid, South 16 degrees 44 minutes West 100
feet to a point in the center of a division ditch between the lands
herein and hereby conveyed and other lands of J. Leighton Joseph,
one of these grantors; thence, by and with the centerline of such
division ditch between the lands herein and hereby conveyed and

LAW OFFICES
Houston Wilson
WILMINGTON TRUST BUILDING
1 WEST MARKET STREET
GEORGETOWN, DELAWARE
19341

other lands of J. Leighton Joseph, aforesaid, North 77 degrees 26 minutes West 149.37 feet to another iron pipe; thence by another division line between the lands herein and hereby conveyed and other lands of J. Leighton Joseph, North 16 degrees 44 minutes East 114.16 feet to another iron pipe, a corner for the lands herein and hereby conveyed, and lands to be conveyed by Howard H. Way, etux, to George H. Daniels, Jr.; thence, by and with the division line between the lands herein and hereby conveyed and lands to be conveyed by said Way to said Daniels, South 71 degrees 59 minutes 50 seconds East 149.03 feet to the point or place of BEGINNING, containing 0.37 acres of land, be the same more or less.

BEING a part of the same certain tract, piece or parcel of land heretofore devised unto J. Leighton Joseph, one of these grantors, by Margaret E. Joseph, in and by her Last Will and Testament, dated December 14, 1950, and now of record in the Office of the Register of Wills, in and for Sussex County, at Georgetown, Delaware, in Will Book 45, Page 295, &c.

BOOK 665 PAGE 847

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

SIGNED, SEALED AND DELIVERED
In the presence of

Raymond M. Kinnier
As to both

J. Leighton Joseph
Helen T. Joseph

(Seal)

(Seal)

(Seal)

(Seal)

State of Delaware

County, ss.

Be It Remembered, that on this 9TH day of MARCH in the year of our Lord one thousand nine hundred and seventy-one, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, J. LEIGHTON JOSEPH and HELEN T. JOSEPH, his wife,



Parties to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

GIVEN under my hand and Seal of Office, the day and year aforesaid

PURCHASERS REPORT MADE
This 18th day of March 1971
Board of Assessment of Sussex County

By *Simon Brach, Clerk*

RECEIVED
JAMES H. BAXTER JR.

MAR 16 11 28 AM '71

REC'D OF DEEDS
SUSSEX COUNTY

Raymond M. Kinnier
Notary Public.

RAYMOND M. KINNIER, NOTARY PUBLIC
My Commission Expires August 16, 1971

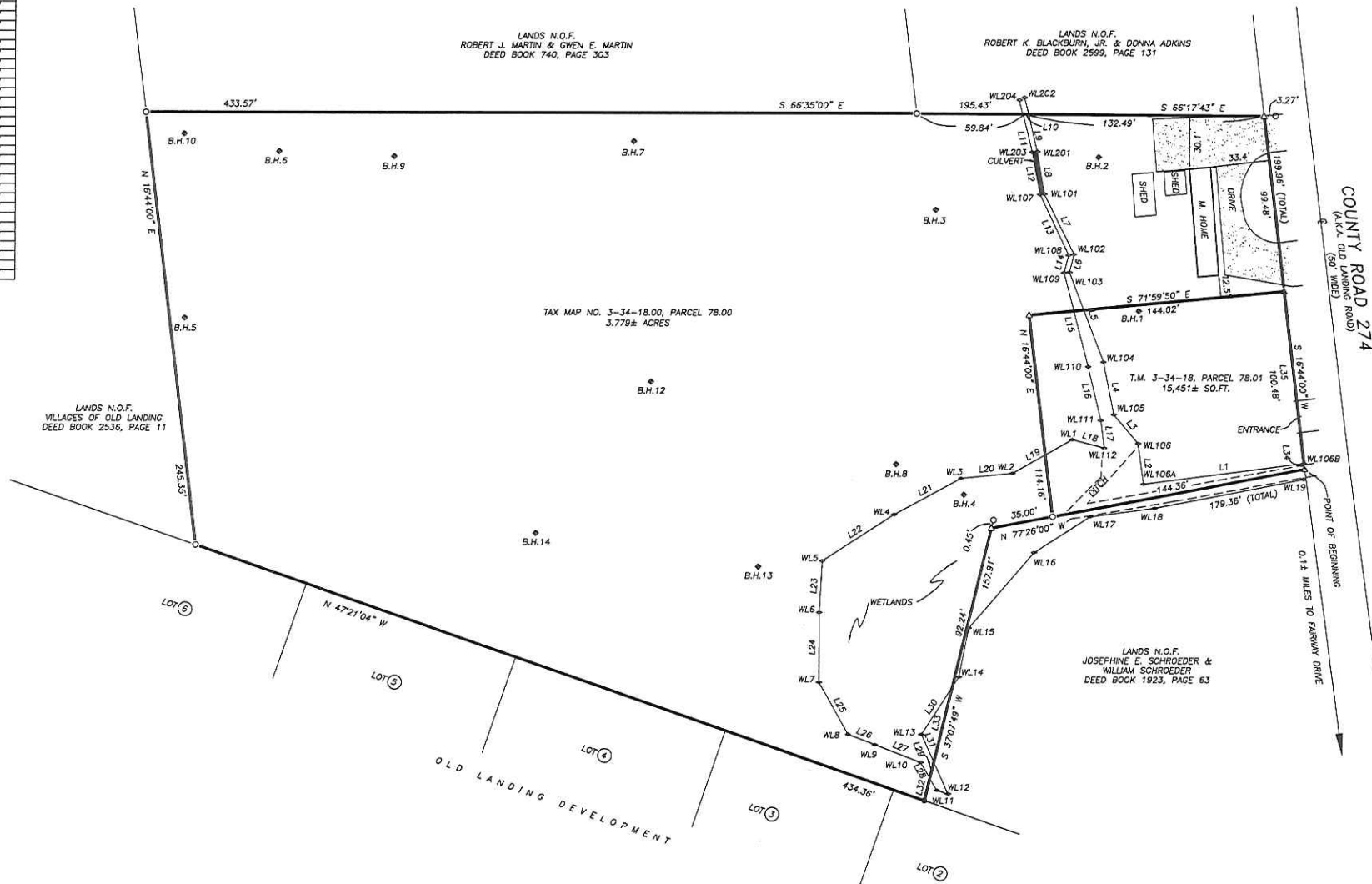
LAW OFFICES
Houston Wilson
WILMINGTON TRUST BUILDING
1 WEST MARKET STREET
GEORGETOWN, DELAWARE
19417

Exhibit B

Survey

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 74°09'20" W	91.08'
L2	N 15°46'48" E	22.98'
L3	N 16°24'30" W	21.36'
L4	N 12°12'29" E	29.94'
L5	N 02°30'07" E	53.94'
L6	N 37°13'17" E	10.37'
L7	N 02°53'03" W	37.89'
L8	N 1°59'45" E	24.29'
L9	N 10°02'23" E	21.92'
L10	N 66°35'00" E	3.10'
L11	S 09°36'52" W	22.33'
L12	S 13°05'23" W	24.30'
L13	S 02°03'38" E	37.20'
L14	S 37°53'03" W	10.27'
L15	S 08°47'32" W	54.49'
L16	S 10°07'26" W	30.99'
L17	S 16°23'48" W	15.84'
L18	N 51°42'21" W	18.63'
L19	S 03°42'48" W	38.54'
L20	N 72°10'32" W	28.16'
L21	S 84°45'19" W	42.75'
L22	S 80°12'23" W	48.17'
L23	S 26°55'04" W	28.96'
L24	S 23°28'18" W	39.41'
L25	S 05°50'51" E	33.50'
L26	S 45°28'00" E	16.11'
L27	S 48°58'53" E	27.56'
L28	S 06°49'23" E	10.32'
L29	N 37°07'49" E	9.20'
L30	S 36°11'44" W	31.77'
L31	S 00°52'40" E	17.14'
L32	N 37°07'49" E	13.00'
L33	N 37°07'49" E	43.47'
L34	N 16°44'00" E	13.24'
L35	S 16°44'00" W	97.24'



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 665, PAGE 645, DEED BOOK 665, PAGE 642, DEED BOOK 907, PAGE 347 & DEED BOOK 1078, PAGE 207
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) WETLANDS SHOWN HEREON FLAGGED BY EVELYN MAURMEYER.

LEGEND:

- FOUND IRON PIPE
- FOUND IRON BAR
- △ SET IRON BAR
- B.H.14 ◆ SOIL BORINGS
- WL204 ◆ WETLAND FLAG

Prepared By
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I, R.B. KEMP, III, 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.

R.B. KEMP, III, P.L.S. 541

BOUNDARY SURVEY PLAN

PREPARED FOR
GEORGE H. DANIELS, JR.

FOR PROPERTIES KNOWN AS
TAX MAP NO. 3-34-18.00, PARCELS 78.00 & 78.01
(A.K.A. 20376 OLD LANDING ROAD)
SITUATED IN
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
AREA: 4.159± ACRES (TOTAL)
SCALE: 1" = 40'
DATE: MARCH 8, 2019

Exhibit C

Zoning Code

Chapter 115. Zoning

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

§ 115-19. Purpose.

The purpose of these districts is to provide for a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses. They should also protect established agricultural operations and activities. These districts are also intended for protection of watersheds, water resources, forest areas and scenic values and, at the same time, to provide for low-density single-family residential development, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The AR regulations seek to prevent untimely scattering of more-dense urban uses, which should be confined to areas planned for efficient extension of public services.

§ 115-20. Permitted uses.

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

- (1) Detached single-family dwellings on individual lots. A manufactured home may be used as a detached single-family dwelling on an individual lot, provided that it conforms to the following restrictions:
[Amended 7-8-1997 by Ord. No. 1153; 5-18-1999 by Ord. No. 1308; 10-12-2010 by Ord. No. 2152; 10-8-2019 by Ord. No. 2682]
 - (a) The lot is not within a major subdivision created prior to the effective date of this section.
 - (b) There is a minimum width along any exterior front, side or rear elevation of 24 linear feet, exclusive of any garage area or other attached accessory structures .
 - (c) It is permanently mounted on a solid foundation or pier foundation system and anchored and, in each case, in accordance with the manufacturer's installation instructions.
 - (d) All wheels, axles, transportation lights and removable towing apparatus, if any, shall be removed from the manufactured home when it is placed on the foundation in accordance with Subsection A(1)(c) above.
 - (e) All utilities shall be permanently connected in accordance with applicable Sussex County Code provisions.
 - (f) The siding of all manufactured homes shall be continuous so as to enclose any joining of two or more sections.
 - (g) It complies with all pertinent provisions of the Housing Code of Sussex County and the Fire and Health Codes of the State of Delaware.
 - (h) All multisectional manufactured homes, initially placed pursuant to the provisions of this section, shall be not more than 10 years old. All replacement multisectional manufactured homes shall not be of an older model than the manufactured home being replaced and shall conform to this section. Any other manufactured home which, at the effective date of this section, does not conform to the requirements of this section, may be replaced with a manufactured home which is not of an older or smaller model than the manufactured home being replaced. A single section manufactured home may be replaced by a single section manufactured home; a single section manufactured home may be replaced by a multisectional manufactured home; a multisectional manufactured home may be replaced by a multisectional manufactured home; a multisectional manufactured home shall not be replaced by a single section manufactured home.
 - (i) In addition to the requirements herein, a manufactured home shall comply in all respects with the design and technical requirements of § 115-187.
- (2) On a property of less than five acres, any farm, truck garden, orchard or nursery uses.
- (3) Temporary removable stands for not over six months' use per year, for seasonal sales of products raised on the premises and products raised on other lands in Sussex County owned or leased by the owner of the premises on which the stand is located, and no business office or store is to be permanently maintained on the premises, except as provided in § 115-22 regarding stores or shops for sale of farm products, farm supplies, groceries, beverages, drugs, food and similar stores and shops.
[Amended 11-30-2004 by Ord. No. 1729]
- (4) Churches, rectories, parish houses, convents and monasteries, temples and synagogues.
- (5) Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf pro shop, locker room and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least 75 acres.
- (6) Public parks, public and private forests, wildlife reservations and similar conservation projects.
- (7) Recreational uses such as tennis courts, swimming pools and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure or accessory use is located closer than 50 feet to any adjoining property line, unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.
- (8) Stable structures or feed lots, private, or keeping and feeding of horses, ponies, cattle, sheep, goats, hogs or poultry for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 50 feet from any lot lines and 100 feet from any dwelling not on the premises.
- (9) Greenhouses, commercial, provided that the lot area shall be five acres or more.

- (10) Swimming pools, game courts, picnic grounds, boat basins, lakes or similar activities in a development or subdivision when such facilities are situated on a separate lot or parcel within said development or subdivision for use of the residents and their guests and not commercially operated, may be on less than two acres. Such facilities will be subject to a site plan review, and setbacks will be determined by the Commission.
- (11) Transmission lines and their supporting elements.
- (12) Open space as defined in § 115-4.
[Added 12-16-2008 by Ord. No. 2022^[1]]
[1] *Editor's Note: This ordinance also provided that it shall apply to applications filed after 1-1-2009.*
- (13) Special events.
[Added 9-18-2018 by Ord. No. 2599]
- (a) Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the Zoning Ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities and educational institutions are permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.
- (b) No more than three special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one calendar day, not including reasonable set up and removal time when the event is not otherwise underway.
- (c) In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:
- [1] The estimated number of attendees;
 - [2] The size of the parcel where the special event is to be located;
 - [3] The parking requirements of the special event;
 - [4] Roads and traffic patterns providing access to the special event;
 - [5] Prior events conducted by the applicant;
 - [6] Noise, light, odor, and dust generated by the special event;
 - [7] Proposed hours of operation and number of consecutive days; and
 - [8] Such other considerations that may be applicable to the requested event.
- (d) The Director or his or her designee may impose conditions upon an administrative approval.
- (e) All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event and Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event and Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.
- (f) Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.
- (14) Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee and subject to the following:
[Added 10-22-2019 by Ord. No. 2684]
- (a) The applicant must provide an affidavit from a doctor confirming the existence of the emergency or hardship situation.
- (b) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
- (c) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the proposed manufactured home.
- (d) The Director shall give written notice to adjacent property owners of the requested manufactured home and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
- (e) The Director shall consider factors, including whether the manufactured home will have a substantially adverse effect on neighboring properties.
- (f) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured home or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.
- (g) Such an approval shall not exceed two years. The Director may grant an extension for an emergency or hardship situation upon receipt of a subsequent affidavit from a doctor stating that the emergency or hardship situation still exists. Such an extension may be granted annually as long as the emergency or hardship still exists.
- (15) Garage/studio apartment with at least one parking space for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the following:
[Added 10-22-2019 by Ord. No. 2684]
- (a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
- (b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the garage/studio apartment.
- (c) The Director shall give written notice to adjacent property owners of the requested garage/studio apartment and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.

- (d) The Director shall consider factors including whether the garage/studio apartment will have a substantially adverse effect on neighboring properties.
 - (e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the garage/studio apartment or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.
- (16) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the following:
[Added 10-22-2019 by Ord. No. 2684]
- (a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
 - (b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the manufactured-home-type structure.
 - (c) The Director shall give written notice to adjacent property owners of the requested manufactured-home-type structure and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
 - (d) The Director shall consider factors including whether the manufactured-home-type structure will have a substantially adverse effect on neighboring properties.
 - (e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured-home-type structure or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.
- B. On a farm of five acres or more, a building or land may be used for the following additional purposes:

- (1) Agriculture, including horticultural, hydroponic, chemical or general farming, truck gardens, cultivating of field crops, orchards, groves or nurseries for growing or propagation of plants, trees and shrubs, forest use (tree farming), including use of heavy cultivating machinery, spray planes or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds or poultry and including structures for processing and sale of products raised on the premises, provided that:
[Amended 11-26-1991 by Ord. No. 806; 6-15-1993 by Ord. No. 894]
 - (a) Any commercial grain drier shall be located at least 300 feet from any boundary of the premises on which such use is located, and any noncommercial drier shall be located at least 100 feet from any boundary.
 - (b) Any feed lot or structure used for the commercial feeding and housing of cattle, sheep and hogs or structure for storage of animal manure or animal waste composting shall be located at least 100 feet from all boundary lines of the premises on which such use is located and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.
[Amended 2-1-1994 by Ord. No. 953]
 - (c) Structures for commercial poultry raising, structures for storage of poultry manure and structures for poultry product composting shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.
[Amended 2-1-1994 by Ord. No. 953]
 - (d) Commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep or goats shall not be conducted on the premises.
 - (e) Structures for commercial aquaculture, fish and frog farming, structures for storage of fish or frog waste and structures for fish or frog product composting shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises. Farm ponds utilized for aquaculture, fish or frog farming shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.
[Amended 2-2-1999 by Ord. No. 1287]
- (2) Dog kennels, commercial, provided that any open pens, runs, cages or kennels shall be located at least 200 feet from any lot lines.
- (3) Grain storage structures.
- (4) Hospitals or clinics for large or small animals, provided that all buildings, structures, pens or open kennels shall be located at least 200 feet from any lot lines.
- (5) Stables, public, provided that any building for keeping of animals shall be located at least 200 feet from any lot lines.

§ 115-21. Permitted accessory uses.

- A. Permitted accessory uses on a farm of five acres or more are as follows:
- (1) Accessory structures for sale or processing of farm products raised on the premises.
 - (2) Accessory open or enclosed storage of farm materials, products or equipment.
 - (3) Accessory farm buildings, including but not limited to barns, cribs, stable sheds, tool rooms, shops, bins, tanks and silos.
 - (4) Dwellings for persons permanently employed on the premises.
 - (5) With respect to a farm of 10 acres or more, one manufactured home for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm, in addition to the main dwelling structure on the premises. One additional manufactured home may be permitted on a farm of 50 acres or more for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm. Additional manufactured homes may be permitted on a farm of 10 acres or more as a special use exception for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm, pursuant to § 115-210A(3)(n).
[Amended 3-5-1991 by Ord. No. 750; 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]
 - (6) All accessory farm buildings shall have the same setbacks as those which are required for a dwelling, except as stated elsewhere in this chapter.

(7) A wind turbine which meets § 115-194.4 as a permitted use.
[Amended 9-13-2011 by Ord. No. 2213]

(8) Farm ponds, subject to § 115-219.

B. Other permitted accessory uses are as follows:
[Amended 10-8-2019 by Ord. No. 2683]

Accessory off-street parking and loading spaces

Boat docks and boathouses

Domestic storage in the main building or in an accessory building

Garages, private

Guest houses

Home barbecue grills

Home occupations in a main building or accessory building

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

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

Servants' quarters

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

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

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

§ 115-22. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment
[Added 1-27-2004 by Ord. No. 1658]

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.
[Added 1-27-2004 by Ord. No. 1659]

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § 115-172B.)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

Institutions, educational or philanthropic, including museums, art galleries and libraries

Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in

- the application, shall not exceed four dwelling units per gross acre, including land set aside for common open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
- (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
 - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
 - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
 - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
 - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
 - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
 - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as a conditional use under any other provision of this section which existed prior to the date of this amendment; and
- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

[Added 4-6-2004 by Ord. No. 1677^[1]]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-20 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] *Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.*

§ 115-23. Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

- A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:
[Amended 11-10-1992 by Ord. No. 863; 10-12-1999 by Ord. No. 1346; 10-12-2010 by Ord. No. 2152; 10-22-2019 by Ord. No. 2684]

Archery ranges

Asphalt batching plants or concrete batching plants

Commercial dog kennels

Miniature golf courses or driving ranges^[1]

Outdoor display or promotional activities at shopping centers or elsewhere

Pony rings

Raising for sale of birds, bees, rabbits and other small animals, fish and other creatures

Riding academies

Rifle or pistol ranges, trap or skeet shooting

Sawmills for cutting timber grown on the premises

Temporary buildings for use as a sales or rental office for an approval real estate development or subdivision

Tents for special purposes for a period exceeding three days. The Director may, without requiring an application for a special use exception, grant approval for a tent for a special purpose (revival, reception, tent sale as an accessory to a business or commercial use, or other similar activities). If approved by the Director, a tent for special purposes may be utilized on a parcel no more than three times in a calendar year.

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee

- [1] *Editor's Note: The former entry reading "Nonaccessory tents for special purposes," which immediately followed this entry, was repealed 11-10-1992 by Ord. No. 863. See now the entry beginning with "Tents."*

B. Exceptions to parking and loading requirements as follows:

- (1) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.
- (2) Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
- (3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.
- (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

C. Other special use exceptions as follows:

- (1) Private garages for more than four automobiles and with floor area of more than 900 square feet in a residential district.
- (2) Cemeteries for pets.
- (3) Commercial greenhouses, wholesale or retail.

- (4) [2] Day nurseries or child-care centers.

[2] *Editor's Note: Former Subsection C(4), Convalescent homes, nursing homes or homes for the aged, was repealed 4-16-2019 by Ord. No. 2645. Ordinance No. 2645 also redesignated former Subsection C(5) through (14) as Subsection C(4) through (13), respectively.*

- (5) Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.^[3]

[Added 3-18-2008 by Ord. No. 1959; amended 10-22-2019 by Ord. No. 2684]

[3] *Editor's Note: Former Subsection C(6), which listed frog or fish farms, was repealed 11-26-1991 by Ord. No. 806.*

- (6) Nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises.
- (7) Public telephone booths in residential areas.
- (8) Telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed building.

- (9) (Reserved)^[4]

[4] *Editor's Note: Former Subsection C(10), pertaining to mobile home use in AR District, was repealed 3-25-1997 by Ord. No. 1131.*

- (10) The alteration, extension or replacement of a nonconforming manufactured home, subject to the provisions of § 115-196.
[Amended 10-12-2010 by Ord. No. 2152]

- (11) More than one manufactured home may be permitted on a farm of 10 acres or more pursuant to § 115-21A(5), provided that all manufactured homes or dwellings on the property are the primary place of residence for persons employed on the premises or immediate members of the family owning or operating the farm, and provided that the granting of this exception will not adversely affect the values or uses of adjacent properties.

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

- (12) Farm ponds on less than five acres, subject to § 115-219.^[5]

[5] *Editor's Note: Former Subsection C(13), regarding windmills and wind-powered generators, was repealed 9-13-2011 by Ord. No. 2213. This ordinance also provided for the renumbering of the remainder of this Subsection C.*

- (13) Tourist homes (also referred to as bed-and-breakfast inns).
[Added 5-16-1989 by Ord. No. 585]

- (14) [6] Commercial communications towers and antennas.

[Added 4-24-2001 by Ord. No. 1445]

[6] *Editor's Note: Former Subsection C(14), (15), and (17), regarding manufactured homes, as amended, were repealed 10-8-2019 by Ord. No. 2682. This ordinance also renumbered former Subsection C(16) as Subsection C(14).*

§ 115-24. Permitted signs.

[Amended 10-3-1989 by Ord. No. 619; 9-11-1990 by Ord. No. 719; 12-2-2008 by Ord. No. 2008]

See Article XXI, § 115-159.1, for signs permitted in the AR-1 and AR-2 Districts and other regulations relating to signs.

§ 115-25. Height, area and bulk requirements.

[Amended 11-7-1989 by Ord. No. 632; 10-31-1995 by Ord. No. 1062; 7-15-1997 by Ord. No. 1157; 8-3-2004 by Ord. No. 1709]

A. Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.

(1) Standard lot option:

District (square feet)	Area (feet)	Width* (feet)	Depth
AR-1	32,670	100	100

NOTES:

A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

- (2) Cluster development option. The minimum lot size may be reduced to one-half acre (21,780 square feet) where soil conditions are suitable as approved by DNREC. The total number of lots allowed shall not exceed the number of lots that would be permitted under the standard lot option. The number of dwelling units permitted shall be determined by dividing the gross area by 32,670 square feet. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. However, if the proposed cluster development lies within a Low-Density Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, the total number of lots permitted shall be determined by first reducing the gross area by 25%.

[Amended 1-31-2006 by Ord. No. 1822; 12-4-2018 by Ord. No. 2618]

B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:

(1) Standard lot option:

District	Area** (square feet)	Width* (feet)	Depth (feet)
AR-1	20,000	100	100

- (2) Cluster development option (subject to § 115-25F):

[Amended 5-21-2019 by Ord. No. 2656]

Minimum Tract Size (acres)	Minimum Lot Size (square feet)	Required Open Space
10	7500	30%

NOTES:

* A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

** For lots located in the Coastal Area, the Development Districts or the Town Center Districts, the overlay ordinance for that district shall determine the minimum lot size.

- (3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. When a cluster development lies within a Town Center, a Developing Area, or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. The Sussex County Council prior to the signing of a contract to purchase, shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this act. All such approvals by the Council shall be by a four-fifths majority vote. It is understood that the County shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.

[Amended 1-31-2006 by Ord. No. 1822; 4-2-2006 by Ord. No. 1842; 12-4-2018 by Ord. No. 2618; 7-27-2021 by Ord. No. 2791]

C. Minimum yard requirements. Minimum yard requirements shall be as follows:

District	Depth of Front Yard (feet)	Width of Side Yard* (feet)	Depth of Rear Yard (feet)	Minimum Lot Width (feet)
AR-1 and AR-2 (Cluster with central sewer)	25	10	10	60
AR- and AR-2 (All others)	40(30)**	15	20	100

NOTES:

* A lot having an area of less than 20,000 square feet or having a width of less than 100 feet, which lot was legally recorded prior to January 1, 1971, shall be subject to the minimum side yard requirements applicable to an MR District rather than to the minimum side yard requirements of this district.

** See also the table of district regulations at the end of this chapter.

D. Maximum height requirements. Maximum height requirements shall be as follows:

District	Feet
----------	------

E. Design requirements for cluster development.

- (1) All development shall be in accordance with the latest amendment to the community design standards.
- (2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance.
- (3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area
- (4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.
 - (a) A planting strip at least 30 feet wide near the property line which shall include two canopy trees, four understory trees and 10 shrubs per 100 linear feet of buffer; or
 - (b) A landscaped rolling berm at least four feet in height; or
 - (c) A solid fence or wall a minimum of six feet in height designed with durable materials, texture and colors compatible with adjacent residential development.
- (5) No lots shall have direct access to any state-maintained roads.
- (6) All lots shall be configured to be contained completely outside of all wetlands.
- (7) Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance.

F. Review procedures for cluster development.

- (1) The developer shall submit an application for a cluster development in accordance with Chapter 99, Subdivision of Land, of the Sussex County Code and which shall include, at a minimum, a sketch plan showing the location and uses of all open spaces, the extent of existing wooded areas and wetlands and the location of any historical or cultural resources. The Director of Planning and Zoning may waive this requirement when the proposed development does not contain significant natural features or resources.
- (2) The information submitted shall include a plan for the management of all open space.
- (3) The Planning and Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be reviewed on an expedited basis.

[Amended 1-31-2006 by Ord. No. 1822; amended 4-2-2006 by Ord. No. 1842; 12-16-2008 by Ord. No. 2024^[1]; 12-4-2018 by Ord. No. 2618; 6-11-2019 by Ord. No. 2658]

 - (a) The cluster development sketch plan and the preliminary plan of the cluster subdivision provides for a total environment and design which are superior, in the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for the standard option. For the purposes of this subsection a proposed cluster subdivision which provides for a total environment and design which are superior to that allowed under the standard option subdivision is one which, in the reasonable judgment of the Planning Commission meets all of the following criteria:

[Amended 5-17-2022 by Ord. No. 2852]

 - [1] Homes shall be clustered on the environmentally suitable portions of the tract, specifically those portions of the tract least encumbered by sensitive environmental features, including but not limited to wetlands, mature woodlands, waterways and other water bodies. This does not inhibit the development of wooded parcels.
 - [2] (Reserved)
 - [3] Required open space shall comply with the following criteria:
 - [a] All required open space must meet the official definition of acceptable open space contained in § 115-4.
 - [b] Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.
 - [c] If one of the following physical conditions exists adjacent to the proposed cluster development tract, at least 30% of all required open space must be adjacent to:
 - [i] An existing or officially planned public park, land preserved by easement, or land preserved as open space and in municipal, County, state, or federal ownership.
 - [ii] Existing wetlands, waterways, wildlife corridors, or other ecology-sensitive land.
 - [iii] Existing farmland and/or woodlands.
 - [d] If more than one of these physical features exist on adjacent properties, then one of these features will be identified and utilized to satisfy this requirement.
 - [e] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners' association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.
 - [f] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.

- [4] The preliminary plan shall comply with the requirements of § 115-193.
- [5] Stormwater management shall be designed to promote groundwater recharge and protect groundwater quality. Natural drainage flows shall be maintained to the greatest extent possible. Drainage from rooftops shall be directed to vegetated areas or allow green technology. Stormwater detention and retention facilities should be designed to resemble natural ponds as referenced by DNREC in the National Resource Conservation Service's (NRCS) Pond Code 378, Visual Resource Design.
- [6] Removal of healthy mature trees shall be limited.
- [7] Scenic views that can be seen from within the tract should be preserved to the greatest extent possible.
- [8] The applicant for a cluster development shall illustrate that the following sequence and process was followed in the site design of the cluster project:
 - [a] Identify lands that should be preserved. First, areas worthy of preservation should be mapped, including wetlands, wooded areas, waterways, other water bodies, and natural drainage areas. Then, other features that are important should be mapped, such as tree lines, scenic views, historic buildings, and prime farmland. The areas with the fewest important natural, scenic and historic features should be considered the "potential development area."
 - [b] Identify developable areas. Next, the most appropriate locations for development should be chosen to minimize the impact to the most important features mapped in the first step.
 - [c] Locate roads and trails. After the developable areas are determined, a road system should be designed to serve those homes. A trail system that links homes to destinations outside of the tract should be designed.
 - [d] Locate lot lines. The last step is to configure lot lines and make necessary adjustments to satisfy the various reviewing agencies' comments.
- [9] Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.
- (b) The cluster development plan will preserve the natural environment and any historic or archeological resources.
- (c) All of the items in Ordinance Number 1152 (see § 99-9C) have been addressed and approval of the cluster option for the proposed development will not have an adverse effect on any of the items to be considered.^[2]
 - [2] *Editor's Note: Former Subsection F(3)(d), which immediately followed and required that the cluster development developer proffer a development fee to the County for the purpose of creating open space for preservation and/or active and/or passive recreation areas was repealed 7-27-2021 by Ord. No. 2791. For current provisions, see Subsection B(3).*
 - [1] *Editor's Note: This ordinance also provided that it shall apply to all cluster subdivision applications filed after 1-1-2009.*
- (4) The Sussex County Planning and Zoning Commission may add conditions to the approval of any cluster development to protect adjacent properties and the natural environment.

§ 115-26. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

Article I, § 115-4, Definitions and word usage
 Article XX, Tables of Height, Area and Bulk Requirements
 Article XXI, Signs
 Article XXII, Off-Street Parking
 Article XXIII, Off-Street Loading
 Article XXIV, Conditional Uses
 Article XXV, Supplementary Regulations
 Article XXVII, Board of Adjustment

§ 115-27. AR-2 to be closed district.

As of the date of adoption, the AR-2 District shall be considered a closed district and shall not be applied to any additional lands in Sussex County. The district and its various provisions and regulations shall continue to exist as they apply to AR-2 Districts legally established under the procedures of this chapter.

ZONING

115 Attachment 1

Sussex County

TABLE I

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

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

NOTES:

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

SUSSEX COUNTY CODE

(NOTES cont'd):

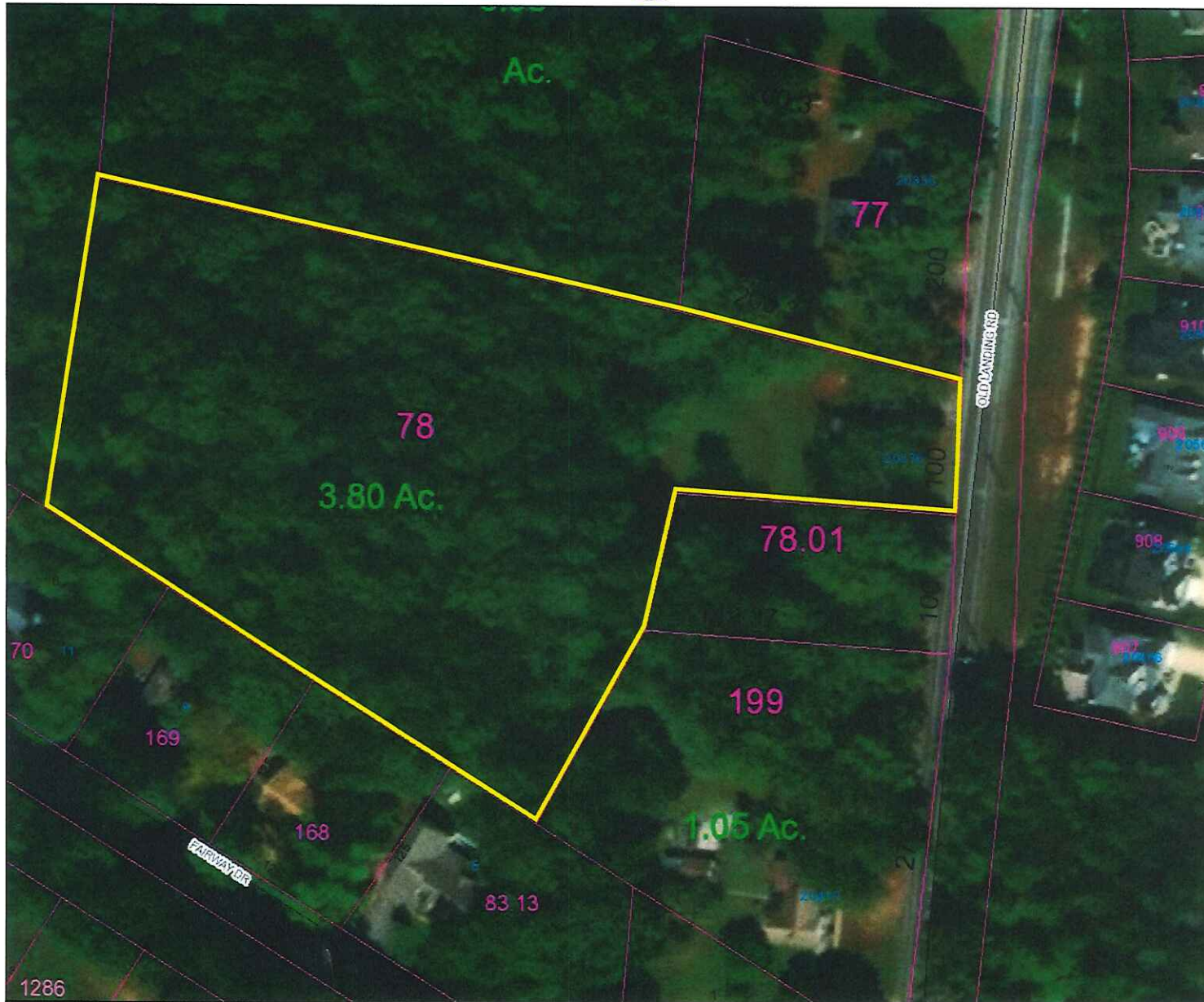
- (5) No rear yard or side yard shall be required on that rear or side of a lot which adjoins a waterway.
- (6) See § 115-50 for tables covering townhouses and multifamily dwellings in HR-1 and HR-2 multifamily residential districts. See Table II for tables covering multifamily dwellings in MR, GR, UR,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

Exhibit D

Aerial Maps

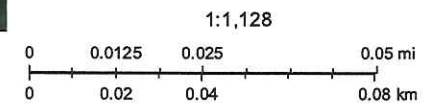


Sussex County



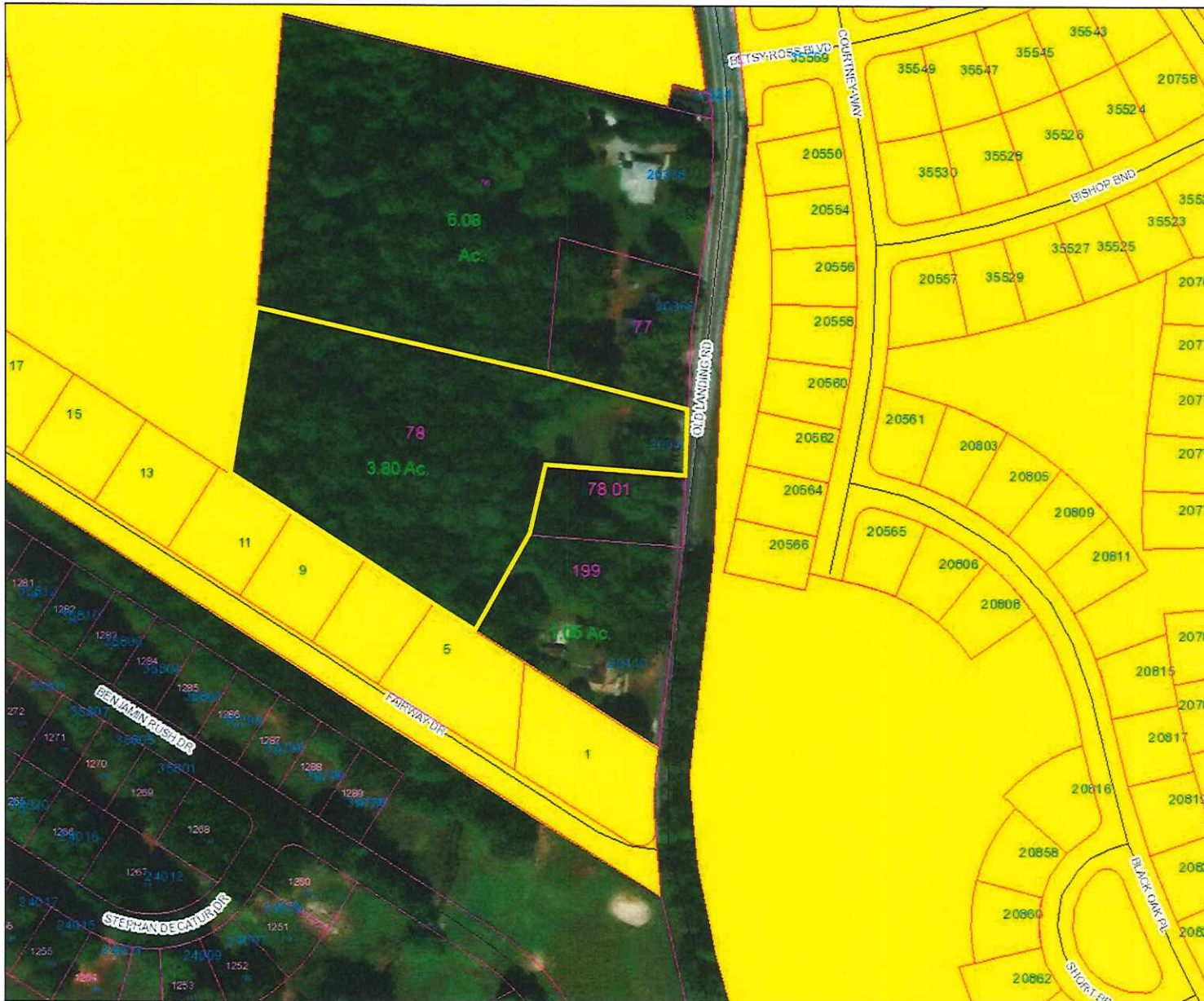
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State	DE
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Land Code	

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Override 1
Tax Parcels
911 Address
Streets
County Boundaries





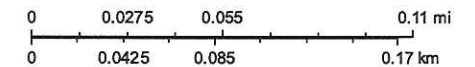
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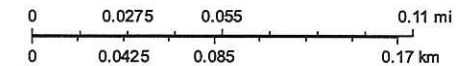
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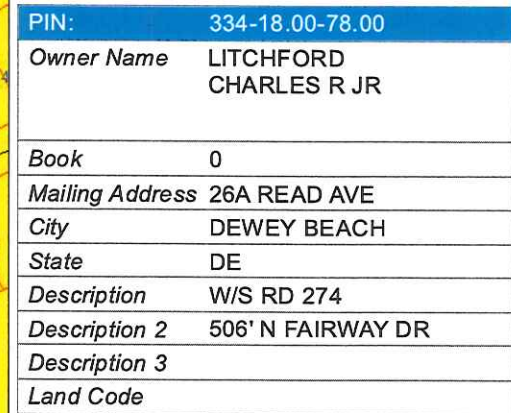




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State	DE
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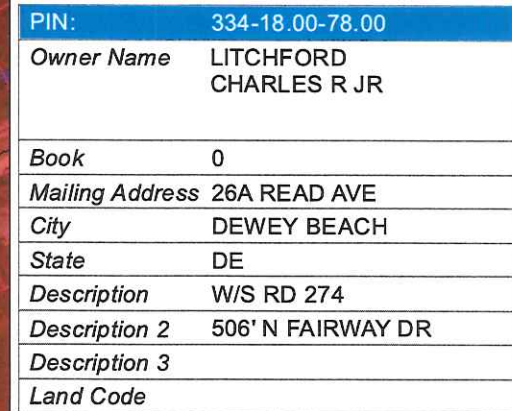
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 - Conditional Use

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|  Streets |  | Municipal Boundaries |
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| 2019 Future Land Use | | |
| Low Density | | |
|  Coastal Area | | |





Sussex County



PIN:	334-18.00-78.00
Owner Name	LITCHFORD CHARLES R JR
Book	0
Mailing Address	26A READ AVE
City	DEWEY BEACH
State	DE
Description	W/S RD 274
Description 2	506' N FAIRWAY DR
Description 3	
Land Code	

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Tax Parcels

911 Address

Streets

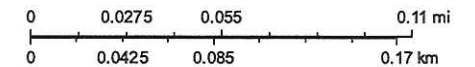
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Water CPCN

Municipal Boundaries

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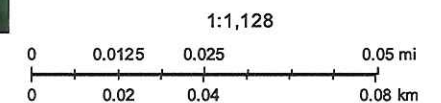


Sussex County



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State	DE
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County Boundaries



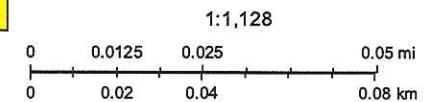


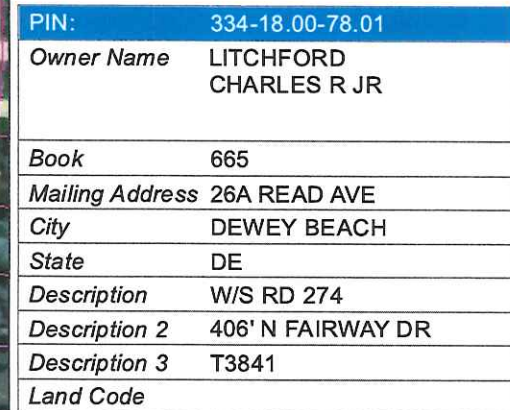
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Tax Parcels
911 Address
Streets





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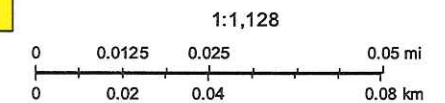


Sussex County



PIN:	334-18.00-78.01
Owner Name	LITCHFORD CHARLES R JR
Book	665
Mailing Address	26A READ AVE
City	DEWEY BEACH
State	DE
Description	W/S RD 274
Description 2	406' N FAIRWAY DR
Description 3	T3841
Land Code	

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





Sussex County



PIN:	334-18.00-78.01
Owner Name	LITCHFORD CHARLES R JR
Book	665
Mailing Address	26A READ AVE
City	DEWEY BEACH
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Description	W/S RD 274
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Description 3	T3841
Land Code	

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



Sussex County



PIN:	334-18.00-78.01
Owner Name	LITCHFORD CHARLES R JR
Book	665
Mailing Address	26A READ AVE
City	DEWEY BEACH
State	DE
Description	W/S RD 274
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Description 3	T3841
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

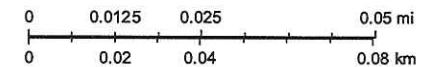
911 Address

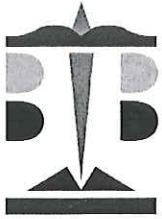
Streets

County Boundaries

Water CPCN

1:1,128





BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA LLC

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

October 25, 2022

VIA EMAIL AND REGULAR MAIL

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

RE: Special Use Exception for 20376 Old Landing Road, Rehoboth Beach, DE 19971
TMP: 334-18.00-78.00; 01

Director Whitehouse,

We represent Bay Shore Community Church. Enclosed please find a copy of Bay Shore Community Church's Board of Adjustment Application seeking a Special Use Exception pursuant to Section 115-23(c) of the Code of Operation of a day nursery/ childcare center.

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

Sincerely,

/s/Mackenzie M. Peet, Esq.

Mackenzie M. Peet, Esquire

MMP/mag

Enclosures

Cc: Bay Shore Community Church
Jeremy Ferruccio



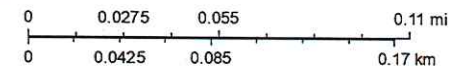
Sussex County



PIN:	334-18.00-78.00
Owner Name	LITCHFORD CHARLES R JR
Book	0
Mailing Address	26A READ AVE
City	DEWEY BEACH
State	DE
Description	W/S RD 274
Description 2	506' N FAIRWAY DR
Description 3	
Land Code	

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

1:2,257



November 1, 2022





Search

Search by SUSSEXPARELS

334-18.00-78.01

Search results (1) Options

name: 334-18.00-78.01

Workspaces

map: Auto (Oblique) - Feb 2022 - Mar 2022 - < Image 1 of 5 > 03/01/2022





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

NICOLE MAJESKI
SECRETARY

January 30, 2023

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Bay Shore Community Church** proposed land use application, which we received on January 4, 2023. This application is for an approximate 4.3- acre assemblage of parcels (Tax Parcels: 334-18.00-78.00, 78.01). The subject lands are located on the west side of Old Landing Road (Sussex Road 274) approximately 5,730 ft south of the intersection with Warrington Road (Sussex Road 275). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant seeks a conditional use approval to build a 400-seat church (Trip Generation Manual 11th edition, LUC 560) and 60 student daycare center (LUC 565).

Per the 2021 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Old Landing Road from Warrington Road to the end of the road, is 8,197 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. As agreed in the Memorandum of Understanding (MOU) between DelDOT and the County, an impact is Minor when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips in the weekly peak hour and fewer than 2,000 vehicle trips per day. As provided in the MOU for developments with Minor impact, DelDOT may require the developer to perform a Traffic Impact Study (TIS) for the subject application. If DelDOT does not require a TIS, the developer has the option to perform a TIS or to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-Wide Study Fee.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether a TIS is required.



Mr. Jamie Whitehouse

Page 2 of 2

January 30, 2023

Please contact Ms. Annamaria Fumato, at Annamaria.Fumato@delaware.gov, if you have questions concerning this correspondence.

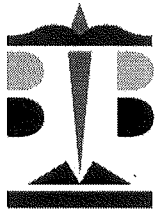
Sincerely,

A handwritten signature in blue ink, appearing to read "Sireen A. Muhtaseb".

Sireen Muhtaseb, PE
TIS Group Manager
Development Coordination

SM:afm

cc: Bay Shore Community Church, Applicant
Ann Lepore, Sussex County Planning & Zoning
Sussex Reviewer, Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Matt Schlitter, South District Public Works Engineer, Maintenance & Operations
James Argo, South District Project Reviewer, Maintenance & Operations
Todd Sammons, Assistant Director, Development Coordination
Olayiwola Okesola, CCPP Coordinator, Development Coordination
Kevin Hickman, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Reviewer, Development Coordination
Brian Yates, Subdivision Reviewer, Development Coordination
Thomas Gagnon, Subdivision Reviewer, Development Coordination
Claudy Joinville, TIS Group Project Engineer, Development Coordination
Philip Lindsey, TIS Group Project Engineer, Development Coordination
Annamaria Fumato, TIS Group Project Engineer, Development Coordination



BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA LLC

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

February 2, 2023

VIA EMAIL ONLY

Planning & Zoning Office
Attn: Board of Adjustment
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Bay Shore Community Church
Request to Withdraw Special Use Exception (Case No. 12733)
Property: 20376 Old Landing Road, Rehoboth Beach, DE 19971
TMP NOs: 3-34-18.00-78.00; 78.01

Dear Board Members:

We represent Bay Shore Community Church (the "Applicant"). On October 5, 2022, the Applicant submitted a Board of Adjustment Application seeking a Special Use Exception for operation of a daycare and childcare facility. Thereafter, on December 19, 2022, the Applicant appeared before the Board of Adjustment for its Public Hearing. The Public Hearing was continued to February 20, 2023 to allow the Applicant additional time to address comments in opposition to the Application.

On behalf of the Applicant, please accept this letter as the Applicant's request to withdraw its Special Use Exception to allow for additional time to review the proposed plan and engage with the public before moving forward with the daycare and childcare facility.

I will be present at the February 20, 2023 should the Board have any questions or need any additional information on the Applicant's request to withdraw.

Sincerely,

/s/ Mackenzie Peet

Mackenzie Peet, Esq.

MMP/mag

CC: Bay Shore Community Church
Jamie Sharp, Esquire

Amy Hollis

From: Donna Voigt <donna.sbod@gmail.com>
Sent: Thursday, February 2, 2023 5:01 PM
To: Planning and Zoning
Cc: Mark Schaeffer; Doug Hudson; Michael H. Vincent; Cynthia Green; jriely@sussexcountyde.gov; tony capone; Mark P; Wayne Ortner; Kenneth Jeske; Donna Voigt
Subject: Bayshore Church Project on Old Landing Road
Attachments: Sawgrass Community Opposition to the Proposed Bayshore Community Church and Commercial Daycare.pdf

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

On December 19, 2022 there was a public hearing before the Board of Adjustments regarding allowing a commercial daycare center on a site at the south end of Old Landing Road where Bayshore Community Church wishes to build a church. The surrounding communities presented compelling concerns against allowing this usage of the property. There is an intrinsic link between the church and commercial daycare – that has not been fully explored. Because something may be permitted under a type of zoning does not automatically determine that it should be built given the existing conditions of the site and surrounding area.

The Planning and Zoning Process in conjunction with state input, will determine the conditions under which any structures may be built upon this parcel. This is a smaller parcel and poses significant stormwater management concerns for all nearby/adjacent communities. There are a number of life/safety concerns associated with this application, as well. Why would the BOA approve a commercial daycare center, ahead of the P&Z determining whether to allow this type of construction first?

The proposed Church adds a tremendous amount of impervious surfaces to areas abutting wetlands and to which nearby communities drain.

Our attached letter outlines the Sawgrass Homeowner Associations concerns.

We respectfully request acknowledgment of our letter and concerns.

We also request that our letter be included in the record for the BOA Case 12773, presented on 12/19/2022.

Sent from Mail for Windows

Sincerely,

Sawgrass Homeowners Association
(Tony Capone, Mark Post, Donna Voigt, Ken Jeske, Wayne Ortne)

CASE AGAINST PROPOSED BAYSHORE COMMUNITY CHURCH AND DAYCARE CENTER

(Board Of Adjustment Case: 12773)

20376 Old Landing Road

Rehoboth Beach, Delaware 19971

**

Background

The owners of the Bay Shore Community Church, based in Millsboro, Delaware, have appealed to the Board of Adjustment, under the Planning and Zoning Department of Sussex County, to obtain a Special Use Exception under Section 115.23 of the Delaware Code, to establish the operation of a nursery/child care center within their proposed 400-person church to be located on the property (Tax Map #334-18.00-78.00;01) (herein referred to as 'the Property') sited at 20376 Old Landing Road, Rehoboth Beach, Delaware 19971. This approximately four (4) acre site is situated towards the south end of Old Landing Road directly across from the Sawgrass (MR-RPC), the Villages of Old Landing (MR), and the Old Landing Woods (MR) communities, and a couple of homes in an AR-1 zone. The Old Landing Road frontage, is situated between two (2) curves, and entrances to three (3) communities, and a couple of single-family homes. There are wetlands on the property that drains to Arnell Creek and other wetlands nearby which drain into this subject area as well.

The proposed church is an authorized use of the Property under AR-1 Zoning statutes of Sussex County. However, the proposed Nursery/Child Care Center to be established within the church **is not** -- and requires a Special Use Exception by the Board of Adjustment before its approval can move forward to final approval by the Planning and Zoning Commission, and ultimately, the Sussex County Council. In general, we are opposed to using the site for any commercial purposes or a large public structure. This project adds tremendous stormwater management concerns for this site and all adjacent sites by the sheer size of the proposed new impervious surfaces. In addition, this adds significant traffic on the narrow and curvy Old Landing Road -- which poses life/safety risks to existing residents as well as churchgoers/daycare clients. Specifically, we believe this application fails to meet the Criteria for Special Use Exception as described in Item 1 "Such exception will not substantially affect adversely the use of adjacent and neighboring property".

The dual purpose of this document is to make the case against both the siting of a 400-person church and 161 parking spot development at the Property; and against the proposed Nursery/Child Care Center that is the subject of the appeal of the owners of Bay Shore Community Church for a Special Use Exception. We believe that, in tandem, these two proposed uses of the Property should be rejected by the Board of Adjustment regarding the

Day Care Center, and that the church itself should be rejected by the Planning and Zoning Commission and the Sussex County Council, as an inappropriate entity to be located at the Property on Old Landing Road adjacent to the Sawgrass residential Community, and **other neighboring residential communities.**

Traffic

Opposition to both the church and its in-church nursery/day care center revolves around the significant amount of additional vehicular traffic that will be generated by this church/nursery day care establishment.

The two-lane Old Landing Road runs from the Bay all the way through two busy and often-congested intersections, all the way to Coastal Highway, Route 1. It also serves as the only arterial allowing the current 14 residential communities to access the main retail areas in the Coastal Highway corridor, and to escape to the main emergency egress routes in the case of a weather-related or man-made disaster evacuation. During the busy summer months when tourism is at its peak, Old Landing Road intersections with Warrington Road and Airport Road, become bottle necks of traffic trying to bypass the summer traffic backups on Coastal Highway or residents trying to get to their respective communities from Airport Road south to the Bay.

Adding to the significant traffic congestion along Old Landing Road is the emerging Osprey Point residential development adjacent to the Sawgrass residential community that will, when completed, create over 200 new single-family homes and the resultant increase in traffic emanating from this large neighborhood that is seeking a commercial marina, restaurant and boat launch, amidst much community opposition. Furthermore, the Old Landing Road corridor is already bracing for the historic traffic increase that the newly-established residential communities of Arbor Lyn and Wellesley on nearby Warrington/Plantation Road, will bring to Old Landing Road and the intersections along its path.

Add to this the increased daily traffic that a full-time nursery/day care center will bring into all of this traffic flow, from early in the morning during the drop off of children at the Center and the early evening pickup of children at the end of the Center daily operations.

The underlying church complex with its full range of services both on Sunday and throughout the work week will add even more traffic, including service and contractor trucks, providing supplies and services to this large facility less than 50 yards away from homes in the Sawgrass community.

In summary on this point, added to the existing and forthcoming dramatic increase in traffic along Old Landing Road and its two busiest intersections (Warrington Road and Airport Road) that is currently being triggered by the completion of Arbor Lyn and Wellesley on Warrington/Plantation Road and the accelerated construction of new homes at Osprey Point, the traffic to be generated by the church and its nursery/day care center will exacerbate an

already-problematic increase in vehicular traffic throughout the Old Landing Road to Coastal Highway corridor.

Safety

Concurrent with the significant increase in traffic along Old Landing Road, comes an increasing concern about **traffic-related safety** along this major road connecting residents from over a dozen communities from the Bay to Coastal Highway. Speeding along Old Landing Road has been a systemic threat to the safety of residents who walk, bicycle and drive from their neighborhoods to stores, other communities, and services throughout the Old Landing Road corridor area of Eastern Sussex County. Already, with lobbying from the residents along the corridor, the State has dropped the speed limit from 45 to 40 MPH largely because of historic concerns about speeding along Old Landing Road.

There has also been deepening concern among Old Landing Road communities, including Sawgrass, about the increase in accidents on Old Landing Road. Just in Sawgrass alone there has been a serious motorcycle accident; two cars that have crashed through the community perimeter fences into one of the major drainage ponds adjacent to Old Landing Road; and one driver who drove through a Sawgrass resident's fence, through their backyard and recklessly through the South part of Sawgrass before exiting the neighborhood at a high rate of speed. Added traffic also risks the ability of emergency services to quickly reach the south end of Old Landing Road, risking public welfare.

Now, with the proposed nursery/day care at Bay Shore, will come children playing on the church property, only yards from speeding cars on Old Landing Road; parents coming to pick up their children and the resultant specter of lines of those cars coming to the church at the start and end of the nursery/day care day; and a Sunday with 161 cars entering or exiting a narrow one-way-in and one-way-out single road onto Old Landing Road within a couple of hundred feet of a sharp blind curve.

Finally, the Site Plan for the Bay Shore Community Church proposal, shows that the only way in and out of the projected property is a narrow one lane road that cannot be widened due to the presence of wetlands and other parts of the property that are restricted for any construction. Needless to say, an emergency at the church or its nursery/day care center, requiring an emergency exit out or emergency vehicles to enter the premises, would be chaotic and endangering the children and staff at Bay Shore Community Church.

Storm Water Drainage Overload

Currently, the storm water runoff drainage network along the stretch of Old Landing Road, between the north gate of Sawgrass to the end of the new Osprey Point community, receives storm water from Sawgrass; Osprey Point; the neighborhood adjacent to the new Osprey Point community; and the existing homes directly adjacent to the proposed Bay Shore Community

Church-- all of which drains into the drainage system and into the creek on the backside of the Osprey Point development. If the proposed Bay Shore Community Church is approved, the significant water runoff from this multi-acre addition of impervious surfaced footprint will add significant, additional storm water runoff into the already-taxed storm water management network for these other communities. This in turn, risks impact on proper drainage from the adjacent communities resulting in malfunctions and back-ups into these neighborhoods. This overload is not sustainable and poses additional health and safety threats to the surrounding communities--- and to the church and those utilizing the church for a broad range of services.

Essential Character of the Neighborhood

Under the Criteria for Use Exception, Part 1 must be met by any entity seeking such Special Use Exception. It states:

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

We note with emphasis that the appellant’s response under this key Part, totally ignores whether or not the Special Use Exception, if granted, would ‘substantially affect adversely the uses of adjacent and neighboring property’ as required. They merely state what the project will be as proposed.

We strongly object to not only the proposed nursery/day care center but the church that houses the proposed day care center, in general, violates the Special Use Exception requirement contained under Part 1. A commercial enterprise along Old Landing Road would adversely affect the safety, security and safe use of residents in Sawgrass and the other residential communities adjoining the proposed Bay Shore Community Church project and its proposed nursery/day care center, for all of the reasons stated earlier in this document.

Furthermore, while the appellants are not seeking a “variance” and are not subject to the Criteria for a Variance under the Code, one of those criteria that is listed is that any project “will not alter the essential character of the neighborhood.”—a criteria that should be given consideration by Planning and Zoning in considering the Bay Shore Community Church and nursery/day care project. The appellants are subject to the criteria for a Special Use Exceptions that states “Such exception will not substantially affect the uses of adjacent neighboring property.”

Again, while not the focus of the Bay Shore appeal, the impact on the ‘essential character’ of the adjoining communities should be give serious consideration by the Board of Adjustment, Planning and Zoning and the Council. The narrative describing the intent of the “essential character of the neighborhood’ provision states very well another major reason why the Bay Shore Community church project should be rejected:

‘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.*”

We would argue that siting a 400-person church and parking lot for 161 parishioners immediately adjacent to a set of well-established single-family homes; immediately across the street from the Sawgrass community of over 500 single family and townhomes; and along a major arterial that has no comparable non-residential business enterprise, is detrimental to the public welfare and does adversely affect the uses of adjacent and neighboring property. It is precisely the wrong use of the Property.

And while the shortage of nursery/day care services is a regional challenge, the appropriate place for a community day care center is not on a narrow winding 2-lane country road connecting 14 communities largely comprised of single-family homes—a road that has a history of traffic safety issues and a dramatic increase in vehicular threats in the very near term.

For all of these reasons, we firmly believe that the establishment of the Bay Shore Community Church and its in-house nursery/day care center, though well intended, should not be located on a property surrounded by well-established and rapidly growing new residential communities or along a road overloaded with traffic and safety issues.

CONCLUSION

The Board of Adjustment should reject the appeal of Bay Shore Community Church for a Section 115.23 Special Use Exception for its proposed nursery/day care center; and Planning and Zoning and the Council should reject the application of the Church to site a 400-person church and 161 space parking facility at 20376 Old Landing Road Rehoboth Beach, Delaware 19971.

As stated earlier, traffic is already dramatically increasing due to a significant growth in residents throughout the Old Landing Road access area. This dramatic increase in traffic will be only worsened by the increased traffic forthcoming from the proposed Church and daycare center. In addition, the traffic-related safety issues that persist along Old Landing Road currently will pose a significant safety threat to the proposed church, its congregation and the staff and customers of the proposed nursery/day care Center. A church of this size and capacity should be on a major thoroughfare or highway, not a rural 2-lane road.

Storm water overload issues and the overarching inappropriate placement of a church and day care center in the immediate epicenter of 14 residential communities make an ironclad case for why this project will alter the essential character of well-established neighborhoods. For all of these reasons we implore the Board of Adjustment to deny the Special Use Exception for the nursery/day care center and the Planning and Zoning Commission and the Sussex County

Council to reject the underlying application for the establishment of the Bay Shore Community Church on the Property under review.

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

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

Case # 12778
Hearing Date 1/9
2022 16000

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☒

Proposed ☐

Code Reference (office use only)

115-25 115-182

Site Address of Variance/Special Use Exception:

13941 Teatown Road, Lot 1, Greenwood, DE 19950

Variance/Special Use Exception/Appeal Requested:

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

Tax Map #: 130-5.00-9.03

Property Zoning: AR-1

Applicant Information

Applicant Name: Jaymo Holdings LLC

Applicant Address: 172 Arlington Avenue

City Lakewood State NJ Zip: 08701

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

Owner Information

Owner Name: Jaymo Holdings LLC

Owner Address: 172 Arlington Avenue

City Lakewood State NJ Zip: 08701 Purchase Date: _____

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

Agent/Attorney Information

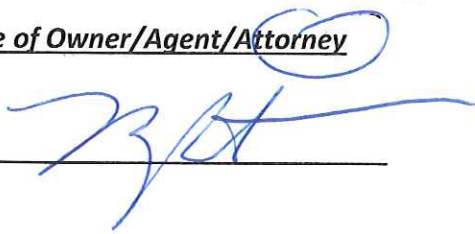
Agent/Attorney Name: Baird Mandalas Brockstedt Federico & Cardea LLC; Mackenzie M. Peet, Esq.

Agent/Attorney Address: 1413 Savannah Road, Suite 1

City Lewes State DE Zip: 19958

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

Signature of Owner/Agent/Attorney



Date: 11/1/2022



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

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

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

1. Uniqueness of property:

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

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

2. Cannot otherwise be developed:

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

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

3. Not created by the applicant:

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

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

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

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

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

5. Minimum variance:

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

4.2 feet is the minimum variance necessary to afford relief.

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

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

Site Address: See Above

Parcel #:

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

Type of Application:

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

Date Submitted:

For office use only:

Date of Public Hearing:

File #:

Date list created:

Date letters mailed:

List created by:

Letters sent by:

Planning & Zoning Project Contact List

Applicant Information

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

Owner Information

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

Engineer/Surveyor Information

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

Agent/Attorney Information

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

Other

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



Exhibit A

Property and Deed Information

Property Information

Property Location:	13941 TEATOWN RD
Unit:	
City:	GREENWOOD
State:	DE
Zip:	19950
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	130 - CEDAR CREEK
School District:	4 - MILFORD
Fire District:	42-Carlisle
Deeded Acres:	.8680
Frontage:	190
Depth:	199,000
Irr Lot:	
Plot Book Page:	183 87/PB
100% Land Value:	\$2,000
100% Improvement Value	\$0
100% Total Value	\$2,000

Legal

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

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

Sales

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

Owner History

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

Land

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

Land Summary

Line	1
100% Land Value	2,000

100% Values

100% Land Value
\$2,000

100% Improv Value
\$0

100% Total Value
\$2,000

50% Values

50% Land Value
\$1,000

50% Improv Value
\$0

50% Total Value
\$1,000

Permit Details

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

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

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

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

- BETWEEN -

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

- AND -

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

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

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

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

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

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

**FITZGERALD DEPUTY TEATOWN ROAD,
LLC**

Kyle Snodden
Witness

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

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

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

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

Billie Jo Richardson
Notary Public

My Commission Expires: 5-1-2022



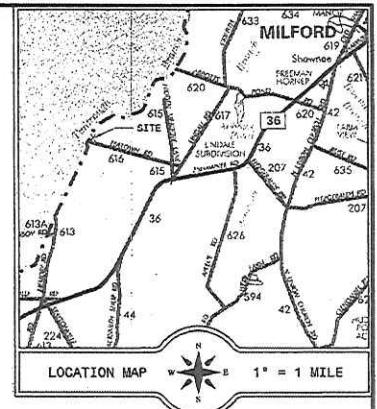
Warning: Original paper plans contain a raised impression of a professional seal. Original paper plans contain a red ink stamp of a professional seal. Unrecorded copies may contain fraudulent, incorrect, or misleading information in each document and cannot be relied upon for legal purposes.

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SURVEY CLASSIFICATION: RURAL
SOURCE OF TITLE: Q-50-179
SOURCE OF BEARING: SURVEY OF LANDS TO BE CONVEYED TO NATHAN H. & REBECCA C. LANTZ BY CHARLES D. MURPHY, JR. DATED 10-10-1991.
NO RIGHTS-OF-WAY OR EASEMENTS PROVIDED.

KENT COUNTY

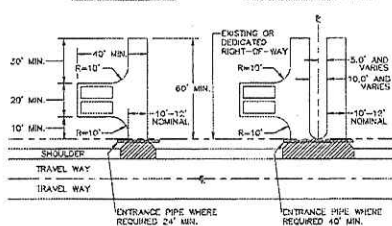
SUSSEX COUNTY



SUSSEX COUNTY

SINGLE ACCESS

COMBINED ACCESS



NOTES:

1. DRIVEWAY WIDTHS MAY BE INCREASED WITH DELDOT'S APPROVAL FOR SPECIAL PURPOSE VEHICLES, I.E. FARM VEHICLES, ETC.
2. MINIMUM RESIDENTIAL PAVEMENT SECTION 6" GRADED AGGREGATE BASE COURSE
3. ACCESS TO RESIDENTIAL LOTS SHOULD BE LIMITED TO ONE ACCESS POINT. (SEE SECTION 7.2.3.1 FOR EXCEPTIONS)
4. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THESE PARCELS SHALL BE FROM AN INTERNAL SUBDIVISION STREET.
5. ALL ENTRANCES SHALL CONFORM TO DELDOT'S STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
6. LOT #1 SHALL HAVE A SINGLE ACCESS FROM SCR 384-A, IN WHICH THE EXISTING ENTRANCE IS SHOWN HEREON.

LEGEND

- SET CAPPED REBAR
- FOUND CONCRETE MONUMENT

THIS PLAT IS APPROVED BY SUSSEX COUNTY BOARD OF ADJUSTMENT AS CASE NUMBER 11188 AT THE APRIL 1, 2013 PUBLIC HEARING.

SURVEYOR'S CERTIFICATION

ROBERT W. NASH, R.L.S., 5551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

ROBERT W. NASH, R.L.S.
DATE: 4/2/13

BOUNDARY RUNS IN PART WITH CENTER OF TANTROUGH BRANCH

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

BOUNDARY RUNS IN PART WITH CENTER OF TANTROUGH BRANCH

N 66°13'13" E
42.67'

POB

TO CENTERLINE OF KCR 384

17,279 SQ. FT. ±

LOT #1

MOBILE HOME

N 65°30'55" E 100.65'

KCR 384-A/SCR 610 - LOCAL

257'

10'

90'

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Sussex County
Manufactured Home Placement Permit

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

Application Number

202114582

Issue Date: 11/03/2021

Expire Date: 11/03/2022

Permit Type: MANUFACTURED HOME OUT OF TOWN

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

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

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

Building Information
Proposed Use: MANUFACTURED HOME Construction Type: Estimated Cost of Construction: \$ 83,711 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

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

Project Description: MANUFACTURED

Scope of Work:

NEW PLACEMENT: 27X48 REDMAN/CHAMPION 2022

Permit Details:

OLD MH WAS REMOVED

Manufactured Home Detail

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

Signature of Approving Official

Signature of Owner/Contractor

Building Permit Acknowledgement:

I fully understand the Zoning Requirements of this permit.

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction.

I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.

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

Permit Number MH-169264

TOTAL FEES: \$ 1,213.61



Building Description

Total Bedrooms: 3

Full Baths: 2

Half Baths:

Total Rooms:

Basement: NO

Interior Walls: VINYL

Flooring:

CARPET TILE VINYL

Heat Type:

Roofing: SHINGLE

Exterior Walls: DRYWALL

Foundation Type:

Fireplace Type:

Air Conditioning: Y

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater

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

_____ Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds

Must conform to the location approved by the park.

_____ Farm-Use Permits

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

_____ Fences

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

_____ Parcel Setbacks

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

_____ Pools (Above-Ground)

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

_____ Pools (In-Ground)

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

_____ Pools or Guest Homes

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

_____ Tax Ditch

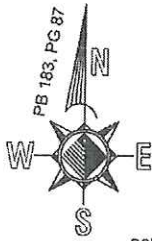
Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.

Exhibit B

Survey

PLAN #25434L-130923

PARCEL NO. 1-30-5.00-9.00	RECORD PLAN: PLOT BOOK 183, PAGE 87	DEED REF: DEED BOOK 5535, PAGE 326
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KENT COUNTY

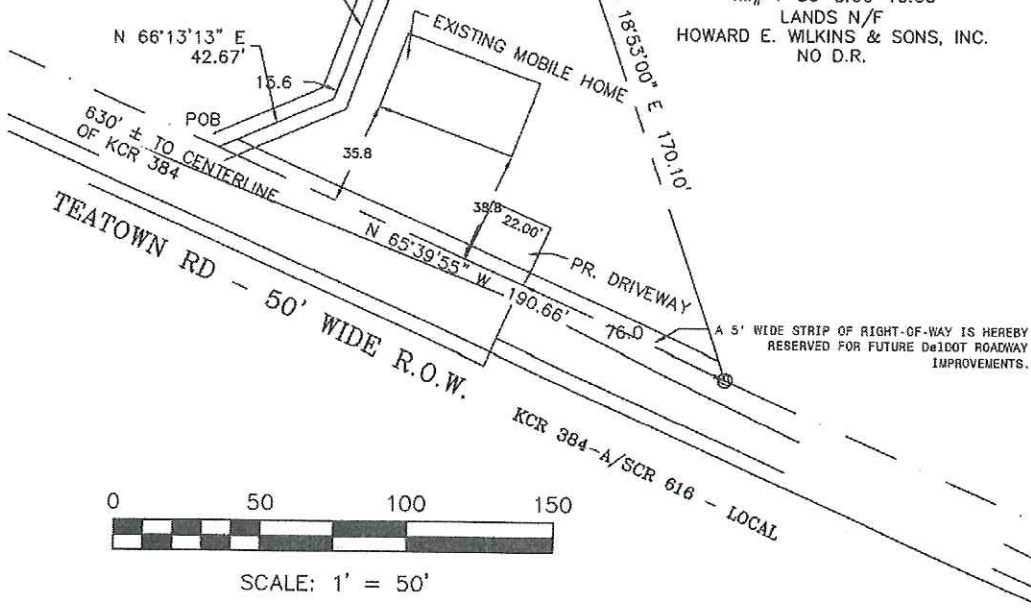
SUSSEX COUNTY

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

BOUNDARY RUNS IN PART WITH
CENTER OF TANTROUGH BRANCH

LOT #1
17,279 SQ. FT. ±

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



FINAL AS-BUILT SURVEY PLAN

PREPARED FOR:
JAYMO HOLDINGS, LLC.
FOR PROPERTY KNOWN AS:
LOT 1 * FITZGERALD DEPUTY TEATOWN ROAD, LLC
ALSO KNOWN AS:
13941 TEATOWN ROAD
SITUATE IN:
CEDAR CREEK HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
SCALE: 1" = 50'
DATE: 19 SEPTEMBER 2022

NOTES:

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



MERESTONE

CONSULTANTS, INC.

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



PROFESSIONAL LAND SURVEYOR
MERESTONE CONSULTANTS, INC. 2022

9/24/2022
DATE

PLAN #25434L-130923

Exhibit C

Zoning Code

ZONING

115 Attachment 1

Sussex County

TABLE I

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

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

NOTES:

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

SUSSEX COUNTY CODE

(NOTES cont'd):

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

Exhibit D

Aerial Maps



Sussex County



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

polygonLayer

Override 1

polygonLayer

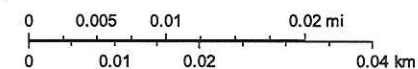
Override 1

--- Tax Parcels

911 Address

— Streets

1:564





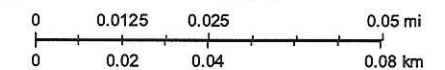
Sussex County



PIN:	130-5.00-9.03	
Owner Name	JAYMO LLC	HOLDINGS
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Mailing Address	172 ARLINGTON AVE	
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State	NJ	
Description	N/RD616	
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Description 3	LOT 1	
Land Code		

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

1:1,128



October 25, 2022

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FITZGERALD DEPUTY TEATOWN ROAD, LLC

(Case No. 11188)

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

Nature of the Proceedings

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

Findings of Fact

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

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

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

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

Decision of the Board

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

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway

Dale Callaway
Chairman

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

Date May 7, 2013





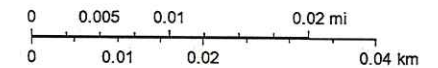
Sussex County



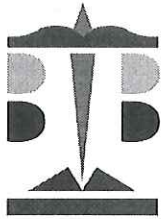
PIN:	130-5.00-9.03	
Owner Name	JAYMO LLC	HOLDINGS
Book	5535	
Mailing Address	172 ARLINGTON AVE	
City	LAKEWOOD	
State	NJ	
Description	N/RD616	
Description 2	630' E/RD 384	
Description 3	LOT 1	
Land Code		

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

1:564







BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA LLP

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

November 2, 2022

VIA EMAIL AND FEDEX

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

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

Director Whitehouse,

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

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

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

Sincerely,

Mackenzie M. Peet, Esquire

MMP/mag

Enclosures

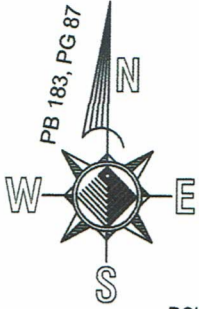
Cc: Jaymo Holdings LLC

PLAN #25434L-130923

PARCEL NO. 1-30-5.00-9.00

RECORD PLAN: PLOT BOOK 183, PAGE 87

DEED REF: DEED BOOK 5535, PAGE 326



KENT COUNTY

SUSSEX COUNTY

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

CENTERLINE OF TANROUGH BRANCH
COUNTY BOUNDARY LINE

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

BOUNDARY RUNS IN PART WITH
CENTER OF TANROUGH BRANCH

LOT #1
17,279 SQ. FT. ±

N 66°13'13" E
42.67'

POB
630' ± TO CENTERLINE
OF KCR 384

EXISTING MOBILE HOME
PR. STEPS
PR. DRIVEWAY

TEATOWN RD - 50' WIDE R.O.W.

KCR 384-A/SCR 616 - LOCAL

A 5' WIDE STRIP OF RIGHT-OF-WAY IS HEREBY
RESERVED FOR FUTURE DELDOT ROADWAY
IMPROVEMENTS.



SCALE: 1' = 50'

FINAL AS-BUILT SURVEY PLAN

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

13941 TEATOWN ROAD

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

SCALE: 1"= 50'

DATE: 19 SEPTEMBER 2022

REVISED: 16 DECEMBER 2022 - ADDED STEPS

NOTES:

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



MERESTONE

CONSULTANTS, INC.

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE
WILMINGTON, DE 19808
PHONE: 302-992-7900

33516 CROSSING AVENUE, UNIT 1
FIVE POINTS SQUARE
LEWES, DE 19958
PHONE: 302-226-5880

PROFESSIONAL LAND SURVEYOR

DATE

12/19/2022

MERESTONE CONSULTANTS, INC. 2022

PLAN #25434L-130923



BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA LLC

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

January 23, 2023

VIA EMAIL ONLY

Planning & Zoning Office
Attn: Board of Adjustment
2 The Circle (PO Box 417)
Georgetown, DE 19947

RE: Case No. 12788 – Jaymo Holdings LLC
Property: 13941 Teatown Road, Lot 1, Greenwood, DE 19950
TMP: 130-5.00-9.03

Dear Board Members:

We represent Jaymo Holdings LLC (the “Applicant”) seeking variances from the front yard setback requirements for existing structures.

The Applicant appeared before the Board of Adjustment on January 9, 2023. The hearing was continued to February 20, 2023 to allow for the submission of additional information concerning fill material, the septic system and well.

Please accept Exhibit A and Exhibit B attached. Exhibit A is a copy of the wetlands permit. Exhibit B is a copy of the requested septic system and well permitting and location information.

Our project team will be available to answer any additional questions at the February 20, 2023 Board of Adjustment Public Hearing.

Sincerely,

/s/ Mackenzie M. Peet

Mackenzie M. Peet, Esquire

Enclosures:

1. Exhibit “A” – Wetlands Permit
2. Exhibit “B” – Septic/Well Permit and Information

EXHIBIT A

Wetlands Permit



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
100 SOUTH INDEPENDENCE MALL WEST
PHILADELPHIA PA 19106-3400

December 1, 2022

Regulatory Branch

SUBJECT: Nationwide Permit 18 Verification NAP-2022-00475-92
13941 Teatown Road SX
Center coordinates (38.87701° N / -75.50858° W°)

Jay Roberts
172 Arlington Avenue
Lakewood, NJ 08701

Dear Mr. Roberts:

This letter is written in regard to your request for an After-The-Fact Department of the Army Permit for the discharge of fill material into 0.04 acre of waters of the United States at 13941 Teatown Road, State Parcel ID 1-30-5.00-9.03, Greenwood, Sussex County, Delaware. The stated purpose of the project is to construct a single-family home. Based upon our review of the information you have provided, it has been determined that the proposed work is authorized by Department of the Army Nationwide Permit (NWP)-18 Minor Discharges pursuant to Section 404 of the Clean Water Act (33 USC 1344).

This verification of authorization under *NWP-18*, described in the Federal Register at 86 FR 2744 and 86 FR 73522, is based on your agreement to comply with the general conditions, regional conditions and project specific special conditions listed in this letter. Copies of the NWP descriptions, NWP general conditions and the NWP regional conditions for Delaware can be found at:

2021 NWP Descriptions:

<https://www.nap.usace.army.mil/Portals/39/docs/regulatory/nwp/2021/2021-52-NWPs-Descriptions.pdf>

2021 NWP General Conditions:

<https://www.nap.usace.army.mil/Portals/39/docs/regulatory/nwp/2021/2021%20Nationwide%20Permit%20General%20Conditions.pdf>

2021 Delaware Regional Conditions:

<https://www.nap.usace.army.mil/Portals/39/docs/regulatory/nwp/2021/2021-DE-Reg-Cond-Final.pdf>

Federal permits require determination from the State that the activities are consistent with the State's coastal zone management (CZM) program if the activity is located within the State's coastal zone. The entire State of Delaware has been designated as a

Coastal Zone Management Area. Federal permits also require the State's certification of compliance with section 401 of the Clean Water Act through the receipt of a 401 Water Quality Certification (WQC) if the activity involves a Section 404 discharge. A general CZM consistency concurrence has been issued for this permit. Therefore, no further action is needed as part of the Federal review of your project, provided that you comply with all the terms and conditions of this NWP.

This verification of NWP authorization is valid until the 2021 Nationwide Permits expire on **March 14, 2026**, unless the NWP authorization is modified, suspended, or revoked prior to this date. In the event that the NWP authorization is modified during that time period, this expiration date will remain valid, provided the activity complies with any subsequent modification of the NWP authorization.

Activities which have commenced (i.e. are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

Special Conditions:

1. All work performed in association with the subject project shall be conducted in accordance with the enclosed project plans identified as "*Wetlands Delineation and Existing Conditions Plan*", sheet 1 of 1. prepared by Merestone Consultants, INC., on 31 May 2022, last revised on 17 June 2022.
2. Construction activities shall not result in the disturbance or alteration of greater than *0.04 acre* of waters of the United States.
3. Any deviation in construction methodology or project design from that shown on the enclosed project plans must be approved by this office, in writing, prior to performance of the work. All modifications to the enclosed project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
4. This office shall be notified prior to the commencement of authorized work by completing and signing the **enclosed** "Notification of Commencement" form. This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the **enclosed** "Notification of Completion" form. Notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your general permit.

Also **enclosed** with this NWP verification letter is a form seeking any comments, positive or otherwise, on the procedures, timeliness, fairness, etc. of the permit process. You may forward your comments along with the signed "Notification of Commencement" form or "Notification of Completion" form, following the directions provided on the form. If you should have any questions or concerns, please contact *Michael Reilly* at 215-518-8455 or *michael.j.reilly@usace.army.mil*.

Sincerely,

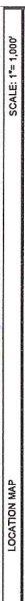
Michael
Reilly

Digitally signed by
Michael Reilly
Date: 2022.12.01
09:14:45 -05'00'

Michael Reilly
Surveillance and Enforcement Section

Enclosures

cc:
Mr. Ken Redinger
Wetlands and Subaqueous Lands Section, DDNREC
Delaware Coastal Management Program, DDNREC



SUSSEX COUNTY

TM# MD-00-195 00-01-01.08
LANDS N/F
NATHAN HALE & REBECCA C. LANTZ
O-50-38
ZONED AR
4.59 ACRES±

TM# 1-30-5 00-10-00
LANDS N/F
HOWARD E. WILKINS & SONS, INC.
NO D.R.

LOT #1
17,279 SQ. FT.

BOUNDARY RUNS IN PART WITH
CENTER OF TANTROUGH BRANCH

ON-SITE LIMIT OF
RESTORATION AREA
(AREA = 1,228 S.F.)

OFF-SITE LIMIT OF
RESTORATION AREA
(AREA = 305 S.F.)

UNAUTHORIZED AREA
OF FILL = 2,875 S.F.
PER 1-30-5

Wetland Line Table		
Line #	Direction	Length
L1	N85°30'30"E	3.89'
L2	N68°03'19"E	13.91'
L3	N65°37'58"E	12.45'
L4	S72°05'01"E	8.81'

	L5	N 62° 33' 02"E	14.32'
	L6	S 50° 55' 12"E	13.18'
	L7	S 84° 03' 00"E	7.00'
	L8	N 10° 41' 10"E	28.40'
	L9	N 29° 14' 53"E	19.62'

PROPOSED LIMITS OF FILL
(AFTER THE FACT) NMP 18

PROPOSED MODULAR ZONE

EXISTING WELL
(TO BE ABANDONED)

PROPOSED SEPTIC COMPONENTS
PER DUCTILE PUMP #203281

22' P.D. DRIVEWAY

OFFSET LIMIT OF
RESTORATION AREA
(AREA ~ 160 S.F.)

US 27

US 17

EXISTING TOPOGRAPHY
OF LOT 20

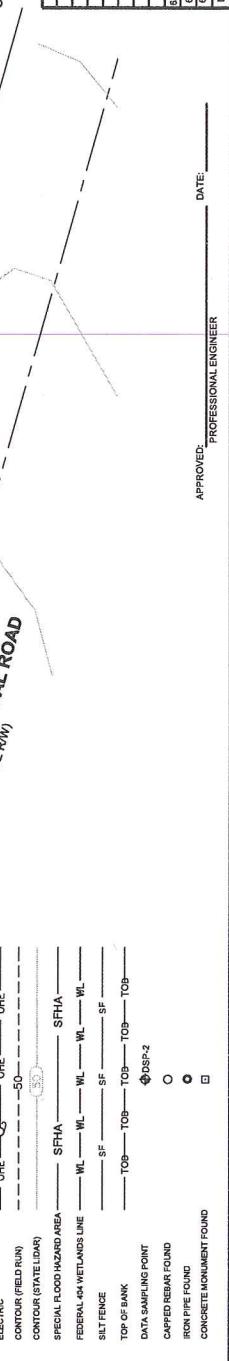
TEATOWN ROAD
KCR 3844/SCR 616 - LOCAL
(60' WIDE R.O.W.)

A 5' WIDE STRIP OF RIGHT-OF-WAY
IS HEREBY RESERVED FOR FUTURE
DOTTED ROADWAY IMPROVEMENTS.

170.10
174.85
15'
51'
50'
49'
60' WIDE R.O.W.

LEGEND

PROPERTY LINE	BUILDING SETBACK LINE	EASEMENT LINE	CENTERLINE	TREE LINE	STORM SEWER
Solid line	Dashed line	Dotted line	Long dashed line	Wavy line	Solid line with cross-hatches



© MERESTONE CONSULTANTS, INC. 2022



US Army Corps
of Engineers
Philadelphia District

NOTIFICATION OF COMMENCEMENT

Permittee Name:	File Number:	County, State:
Jay Roberts	NAP- 2022-00475-92	Sussex, DE
INSTRUCTIONS		
<p>Complete and sign this form and return it to PhiladelphiaDistrictRegulatory@usace.army.mil at least 10 days before commencement of the activity authorized by this permit. If you do not have the means to return this form electronically, you may print this document and mail it to:</p> <p>U.S. Army Corps of Engineers Philadelphia District Attn: CENAP-OPR 100 South Independence Mall West Philadelphia, PA 19106-3400</p> <p>Please Note: The permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. Failure to return this notification form or failure to perform work in compliance with the permit, may result in administrative, civil and/or criminal penalties, or the subject permit may be suspended or revoked.</p>		
CERTIFICATION		
<p>I have received authorization from the Philadelphia District Regulatory Branch to:</p> <p>Discharge of fill material into 0.04 acre of waters of the United States at 13941 Teatown Road, State Parcel ID 1-30-5.00-9.03, Greenwood, Sussex County, Delaware.</p>		
The authorized work will begin on or about:		
The company/name and address of the contractor completing the work is:		
I <u>hereby certify</u> that the work authorized by the above referenced permit shall be completed in accordance with all of the terms and conditions of the above noted permit.		
Permittee Signature:	Date:	Telephone Number:
Contractor Signature:	Date:	Telephone Number:



US Army Corps
of Engineers®
Philadelphia District

NOTIFICATION OF COMPLETION

Permittee Name:	File Number:	County, State:
Jay Roberts	NAP-2022-00475-92	Sussex, DE
INSTRUCTIONS		
<p>Complete and sign this form and return it to PhiladelphiaDistrictRegulatory@usace.army.mil within 10 days after completion of the activity authorized by this permit. If you do not have the means to return this form electronically, you may print this document and mail it to:</p> <p>U.S. Army Corps of Engineers Philadelphia District Attn: CENAP-OPR 100 South Independence Mall West Philadelphia, PA 19106-3400</p> <p>Please Note: The permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. Failure to return this notification form or failure to perform work in compliance with the permit, may result in administrative, civil and/or criminal penalties, or the subject permit may be suspended or revoked.</p>		
CERTIFICATION		
<p>I have received authorization from the Philadelphia District Regulatory Branch to:</p> <p>Discharge of fill material into 0.04 acre of waters of the United States at 13941 Teatown Road, State Parcel ID 1-30-5.00-9.03, Greenwood, Sussex County, Delaware.</p>		
The authorized work began on:		
The authorized work was completed on:		
The company/name and address of the contractor that completed the work is:		
I <u>hereby certify</u> that the work authorized by the above referenced permit has been completed in accordance with all of the terms and conditions of the above noted permit.		
Permittee Signature:	Date:	Telephone Number:
Contractor Signature:	Date:	Telephone Number:



**US Army Corps
of Engineers®**
Philadelphia District

We are soliciting your views and comments concerning the processing of your Department of the Army permit application request. Any input, positive or otherwise, on procedures, timeliness, fairness, etc., would be appreciated.

Please write your comments in the space provided below and return to the Philadelphia District Regulatory Branch at PhiladelphiaDistrictRegulatory@usace.army.mil or if you do not have the means to return this form electronically you may print this document and mail to:

U.S. Army Corps of Engineers Philadelphia District
Attn: CENAP-OPR
100 South Independence Mall West
Philadelphia, PA 19106-3400

FILE NUMBER: NAP-2022-00475-92

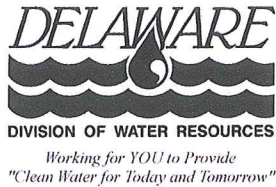
(Example NAP-2020-01234-56)

COMMENTS:

Thank you for taking the time to provide feedback which we can use to acknowledge great performance, correct problems and generally improve our business practices.

EXHIBIT B

Septic/Well Permit and
Information



**PERMIT
IA 245587**



Tax Parcel Number: 1-30-05.00-0009.03 Lot Number: 1

Site Evaluation Number: 560003

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

JAYMO HOLDINGS LLC

172 Arlington Avenue, Lakewood, NJ 08701 US

to construct, operate and maintain an onsite wastewater system.

Construction must be completed on or before 09/07/2023 , 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.

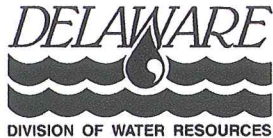
A handwritten signature in black ink, appearing to be "J. B. ...", written over a horizontal line.

AUTHORIZED SIGNATURE

9/7/2021

Date

**Mandatory
Operation & Maintenance
Requirement**



*Working for YOU to Provide
"Clean Water for Today and Tomorrow"*

PERMIT 245587



Tax Parcel Number: **1-30-05.00-0009.03 Lot Number: 1**

Site Evaluation Number: **560003**

Conditions for both Owner and Contractor

§ 1 This system **MUST** be installed/repared by a licensed Class E System Contractor. The Contractor must call the Ground Water Discharges Section (GWDS) at (302) 739-9947 in Kent and New Castle Counties and (302) 856-4561 in Sussex County for system construction start-up authorization. The Contractor must call the GWDS for this authorization 24 hours prior to system construction start for Standard and I/A Systems and 72 hrs. prior for Large Systems. The Contractor must have an DNREC-approved permit copy on site during construction of this system.

§ 5 Connections and/or additions to the system other than what are proposed on the approved plot plan (s) are prohibited without prior approval from the Ground Water Discharges Section (GWDS).

§ 6 Roof downspouts, foundation drains, storm sewers, combined sewers or appurtenances thereto, or any sewer or device carrying or discharging either storm, surface, ground or cooling water, oil or water softener discharge shall not be connected to the system.

§ 20 The average daily discharge of this system is restricted to 360 gallons per day. Changes to permitted system flow must be pre-approved by the GWDS and may require a new permit(s) to be issued.

§ 23 A Certificate of Satisfactory Completion must be issued by the GWDS for this system prior to its use. The system is **NOT** approved for operation and maintenance until the required certificate has been issued.

§ 70 If the approved disposal area is wooded, at the discretion of the Class E System Contractor, it is recommended that after tree-clearing the disposal area be checked again by a Class D Soil Scientist prior to system installation. Refer to the Regulations for lot clearing guidance and Exhibit FF for Lot Clearing/Disturbed Site Inspection Report.

§ 75 The advanced treatment unit shall be pumped at a minimum of once every three(3) years or more frequently as prescribed by the manufacturer's guidelines.

§ 79 The permittee must maintain a service contract with a certified service provider for the life of the system. A copy of the service contract must be submitted to the GWDS upon installation completion. A certificate of completion will not be granted until the service contract is submitted and approved by the GWDS.

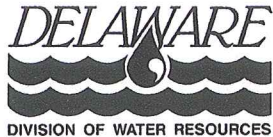
§ 80 The initial contract must be for a minimum of two(2) years and renewed annually at a minimum thereafter. The service contract must outline an inspection frequency of once every 12 months or as specified by the GWDS.

§ 81 The permittee must submit all updated contracts and inspection reports from the previous year by February 1st of each year to the GWDS. The GWDS will mail out reminders of this requirement.

§ 83 The GWDS reserves the right to collect and analyze wastewater samples from this system to ensure proper treatment levels and monitor system performance.

§ 90 It is the responsibility of the Class E System Contractor, with cooperation of the property owner, to establish and make visible all property corners that define the property boundaries prior to system installation/inspection. Failure to comply with this condition may necessitate additional Inspection(s) and delay subsequent site approval.

§ 94 The proposed/existing septic tank(s) must be upgraded with risers(2) for each compartment finished to above grade and a GWDS-approved outlet filter. The above-grade access covers shall be watertight and secure from vandalism. The outlet filter should be removed, inspected, cleaned and replaced per manufacturer's recommendations.



Working for YOU to Provide
 "Clean Water for Today and Tomorrow"

PERMIT 245587



Tax Parcel Number: 1-30-05.00-0009.03 Lot Number: 1

Site Evaluation Number: 560003

Conditions for Contractor

§ 2 The Class E System Contractor shall notify the Class C Design Engineer and GWDS for a dual inspection prior to installation cover. Approval from both must be given prior to covering. The Engineer shall provide As-Built drawings within ten (10) days after system inspection.

§ 7 The drainfield area, either above or below grade, must be installed according to the cross section in the permit design plan(s). Any changes to system depth/height will require pre-approval from the Class D Soil Scientist, the Class C Design Engineer (if applicable) and the GWDS.

§ 10 All electrical connections shall be waterproof, corrosion-resistant and explosion proof where applicable. All electrical connections and components utilized in an OWTDS, at a minimum, must comply with all National and Delaware Electrical Codes (Admin Code, Title 24, §1400) per Section 5.4.6.2.1.5 of the regulations.

§ 12 There shall be no soil disturbance within the primary and spare absorption areas except the minimum required for system/component installation and/or repair.

§ 13 The existing sewage disposal system drainfield and/or components shall be abandoned as required in Section 5.4.8 of the Regulations. Unless the existing tank(s), septic, dosing and/or lift, are incorporated into a replacement system design any tank(s), all cesspool(s)/seepage pit(s) and/or disposal areas as shown or indicated on the permit plot plan shall be located, pumped and either filled or removed/backfilled and an Abandonment Report (exhibit "Z") submitted.

§ 14 If the existing sewage disposal system is encountered during excavation and the proposed new system is not designed to be sand-lined, STOP construction and contact the Class B or C Designer/Engineer and the GWDS.

§ 24 It is the responsibility of the Class E System Contractor to verify that ALL isolation distances, as noted and approved in the permit, can be maintained. Furthermore, the contractor shall notify the Class B or C Designer/Engineer AND the GWDS if field conditions exist that prohibit the ability to maintain the approved isolation distances and/or requirements of the Regulations.

§ 30 The existing septic tank(s) must be replaced. The replacement tank(s) must have a minimum capacity of 1000 gallons and meet all requirements for septic tanks as set forth in the Regulations. The Class E System Contractor is required to abandon the existing septic tank in accordance with Section 5.4.8 of the DNREC Regulations and submit an Abandonment Report(exhibit "Z").

§ 33 This system must be pressure-tested by a Class C Engineer/Authorized Designee.

§ 48 Final Site Restoration must comply with Section 5.4.5.5 of the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems.

§ 66 A construction report must be prepared by the Class E System Contractor and submitted to the GWDS within ten (10) days of system completion. This is to include any changes that require a post-construction "As-Built" drawing. "As-Built drawings detailing changes to engineered(pressurized) systems must be submitted by the Class C Engineer.

§ 73 The advanced treatment unit shall be operated and maintained per the manufacturer's guidelines.

§ 74 This system shall be installed under the supervision of the advanced treatment unit manufacturer's representative or by a Class E System Contractor who has been certified by the manufacturer for this system type.

§ 77 The Class E System Contractor shall comply with all Occupational Safety and Health Act (OSHA) regulations. OSHA regulations can be found at the website www.osha.gov or by contacting the U.S. Department of Labor.

§ 86 Sand-lining is required. Sand-line to a depth of 20 inches below grade/ground surface. Reference permit cross-section for specific sand-lining instructions.



Working for YOU to Provide
"Clean Water for Today and Tomorrow"

PERMIT 245587



Tax Parcel Number:

1-30-05.00-0009.03 Lot Number: 1

Site Evaluation Number: **560003**

§ 91 All proposed changes to permit design **MUST** be submitted and approved in the form of a preconstruction "as-built" drawing prior to system installation. Contact the GWDS for guidance. Post-construction "as-built" drawings are subject to GWDS approval and **MUST** be submitted to the GWDS within ten(10) calendar days of system completion. All "as-built" drawings(pre or post) detailing changes to engineered systems **MUST** be generated by the Class C Design Engineer.

§ 92 This system type is classified as "mound" or "capping fill" and thus requires a second inspection to ensure sufficient soil "cap" or cover over the drainfield. The Class E System Contractor is to call the licensed Class C Engineer for a "cap" inspection within ten(10) calendar days after receiving a satisfactory pre-cover inspection, weather permitting.

Conditions for Owner

§ 17 The property owner shall connect to the county or municipal sewer system if and when such services become available and shall be in accordance with County and/or Municipal rules and regulations. At time of connection the existing septic disposal system shall be abandoned per DNREC Regulations and permit voided unless the GWDS approves continued operation.

§ 18 This system shall be maintained in such a manner as to prevent abnormal odors or surfacing, pooling and/or discharging of wastewater onto any surface waters.

§ 19 The sites of the initial and replacement absorption facilities shall not be covered by asphalt or concrete or subject to vehicular traffic or any activity or similar loadings that would adversely affect the soils. These sites shall be maintained so that they are free from encroachments by ancillary buildings and additions to main structures.

§ 21 The septic tank must be pumped by a licensed Class F Liquid Waste Hauler at a minimum of once every three (3) years. Septic tanks constructed of non-masonry materials should be pumped only when the seasonal water table is low to minimize possible flotation risk and must be immediately refilled by the owner.

§ 50 This system is considered "ALTERNATIVE" in accordance with Section 5.3.31 of the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems. Please be advised that it is based on documentation submitted by your designer and is not a standard type of system as per the Regulations.

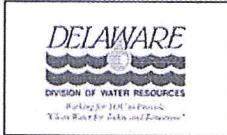
§ 76 The effluent filter, proposed or existing in either the outlet baffle of the septic tank, distribution box, septic tank lift station (Exhibit "V") or separate lift station vault, shall be cleaned and maintained as necessary to prevent clogging of the disposal system and can be performed by the property owner.

§ 85 Within 90 days after the transfer of the real property which utilizes an innovative/alternative system, the owner shall notify the Department. Transfer of the maintenance agreement must also be completed within this 90 day period.

§ 93 The site evaluation supporting this permit will expire five(5) years after site evaluation approval date. System replacement after this date will require a new site evaluation and subsequent GWDS approval.

Permit Number:

IA-245587



APPLICATION - PERMIT
ON-SITE WASTEWATER SYSTEM



(Please Type or Print Legibly)

OWNER'S NAME: JAYMO HOLDINGS LLC

PHONE: 347-558-5826

ADDRESS: 172 Arlington Ave., Lakewood, NJ 08701

EMAIL: jay@sonikki.com

PROJECT LOCATION: North side County Road 616, approximately 630 feet East of County Road 384, Lot 1

13941 Teatown Road, Greenwood, DE 19950

TAX/MAP #: 1-30-5.00-9.03

APPLICATION

PREPARER: Jeffrey S. Reed, P.E.

DNREC

LICENSE #: 2285

PREPARER'S ADDRESS: 17129 Webbs Road, Ellendale, DE 19941

PHONE: (302) 422-2574

RECEIVED

08/31/2021

GROUNDWATER

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

Preparer's Signature: *Jeffrey S. Reed*

Date: 8/31/21

By signing this permit application, the preparer further certifies they were physically present at the site.

SEPTIC DESIGN CRITERIA-

(Please check all boxes that apply)

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

- | | |
|---|--|
| <input type="checkbox"/> Gravity (FD) | <input type="checkbox"/> Permanent Holding Tank |
| <input type="checkbox"/> Gravity (CF) | <input type="checkbox"/> Elevated Sand Mound |
| <input type="checkbox"/> Pressure Dose (FD) | <input type="checkbox"/> Wisconsin At-Grade |
| <input type="checkbox"/> Pressure Dose (CF) | <input type="checkbox"/> Subsurface Micro Irrigation |
| <input type="checkbox"/> Low Pressure Pipe (FD) | <input checked="" type="checkbox"/> Peat Bio- Filter |
| <input type="checkbox"/> Low Pressure Pipe (CF) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Temporary Holding Tank | |

☒ Bed or ☐ Trench

☐ Gravelless Chamber ☒ Stone/Gravel ☐ Tire Chips

Sand-lined ☒ Yes ☐ No

Existing System Malfunctioning ☒ Yes ☐ No ☐ N/A

Pre-Treatment Units

☒ Septic Tank

☐ Other _____

DNREC Approved
Permit #245587
See Permit Conditions

Type of Construction:

- ☒ Replacement
☐ New Construction
☐ Component Replacement

Component: _____

☐ Repair to Existing System

Reason: _____

☐ Authorization to Use Existing System

Permit #: _____

Present Condition: _____

Structure to be connected: _____

of Bedrooms: 3

Avg. Percolation Rate: 40 MPI

Gallons Per Day Flow: 360

Minimum Sq. Ft. Req'd: 637

Sq. Ft. Proposed: 676

Central Water Available ☐ Yes ☒ No

(If yes, please state Utility Name: _____)

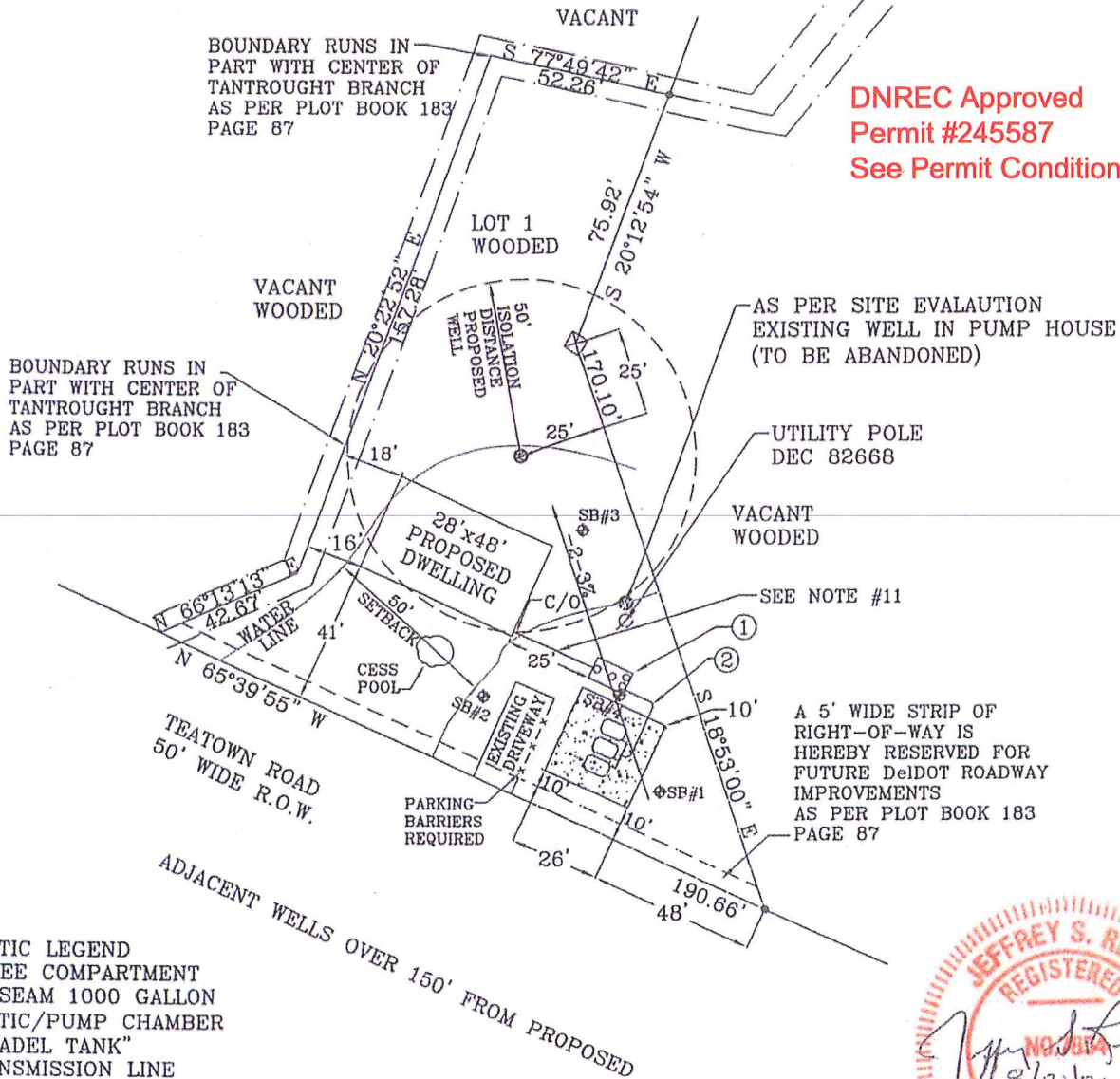
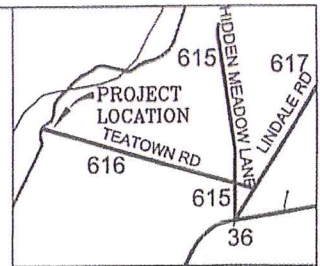
PAID

\$ 115.00 08/31/2021

Revised 09/02/09

NOTES:

1. SURVEY BY OTHERS.
2. SEPTIC PLOT PLAN IS NOT THE RESULT OF A FORMAL SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.
3. SOIL BORINGS, SLOPES AND LIMITS OF APPROVED SOILS AS PER SITE EVALUATION BY JAY DUKE
4. SPARE TO BE SAND-LINED UPGRADE IN SAME LOCATION AS INITIAL SYSTEM.
5. TREES WITHIN TEN FEET OF PROPOSED TO BE REMOVED AS PER DNREC REGULATIONS.
6. AS PER SITE EVALUATION, TO AVOID SOIL COMPACTION, THE AREA IN THE VICINITY OF THE PROPOSED DRAINFIELD SHOULD BE IDENTIFIED AND PROTECTED FROM ANY VEHICULAR TRAFFIC OR STOCKPILING OF ANY MATERIAL. IN ADDITION, ANY TREE REMOVAL IN THIS VICINITY SHOULD BE CONDUCTED ACCORDING TO DNREC STRICT GUIDELINES.
7. EXISTING SYSTEM TO BE ABANDONED AS PER DNREC REGULATIONS.
8. EXISTING WELL TO BE ABANDONED BY DNREC LICENSED WELL DRILLER.
9. WELL ABANDONMENT REPORT TO BE SUBMITTED TO ENGINEER PRIOR TO REQUESTING INSPECTION.
10. PARKING BARRIERS REQUIRED.
11. ALL SEWER LINES LESS THAN 36 INCHES IN DEPTH UNDER DRIVEWAYS OR OTHER AREAS SUBJECT TO VEHICULAR TRAFFIC SHALL ADHERE TO DNREC REGULATION 5.3.13.2.4.
12. BUILDING SETBACKS ARE THE RESPONSIBILITY OF THE OWNER &/OR BUILDER.



DNREC Approved
Permit #245587
See Permit Conditions

- SEPTIC LEGEND
- ① THREE COMPARTMENT TOPSEAM 1000 GALLON SEPTIC/PUMP CHAMBER "CITADEL TANK"
 - ② TRANSMISSION LINE 2" DIA, SCH 40 PVC 36" BELOW GRADE 28' TOTAL LENGTH

LEGEND (PER SURVEY)

- CAPPED REBAR
- ☒ CONCRETE MONUMENT

OWNER'S/AUTHORIZED AGENT SIGNATURE: _____

DocuSigned by:

Uchunda Roberts

DATE: 8/31/2021

*A copy of this page must be submitted with both the septic system and well construction report(s).

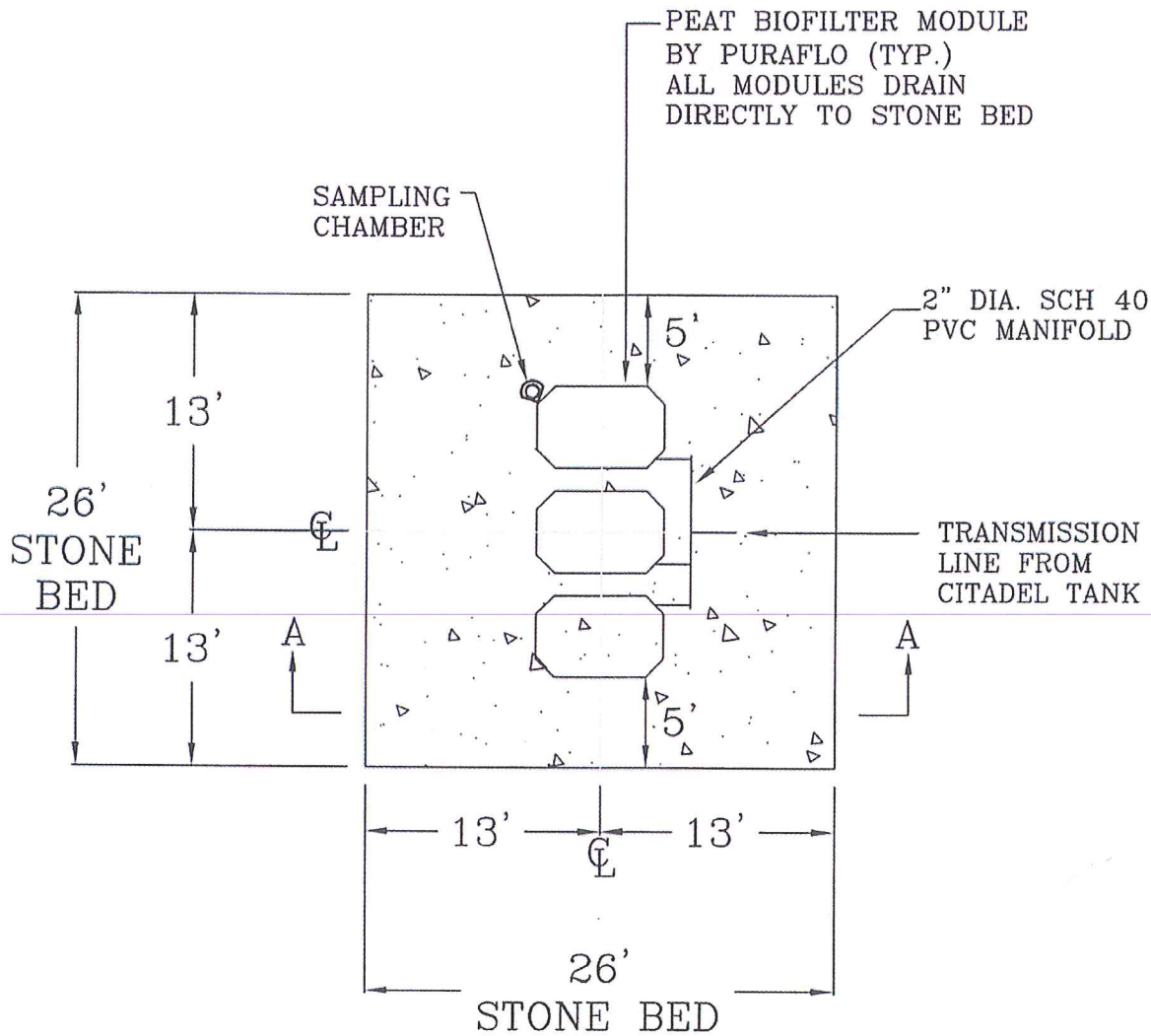
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 Sheet: N/A
 Date: 8-23-21
 Drawn by: JVR
 Client: JAYMO HOLDINGS
 Client #: 21130

SEPTIC PLOT PLAN

LOT 1

CITADEL
ENGINEERING, INC.

Jeffrey S. Reed, P.E.
 17129 Webbs Road
 Ellendale, DE 19941
 (302) 422-2574



Scale: 1"=10'
Sheet: N/A
Date : 8-23-21
Drawn by: JVR
Client: JAYMO
HOLDINGS
Client #: 21130

PLAN VIEW

CITADEL
ENGINEERING, INC.



Jeffrey S. Reed, P.E.
17129 Webbs Road
Ellendale, DE 19941
(302) 422-2574



DESIGN AND CONSTRUCTION NOTES FOR SITE PREPARATION AS PER DNREC REGULATIONS JANUARY 2014

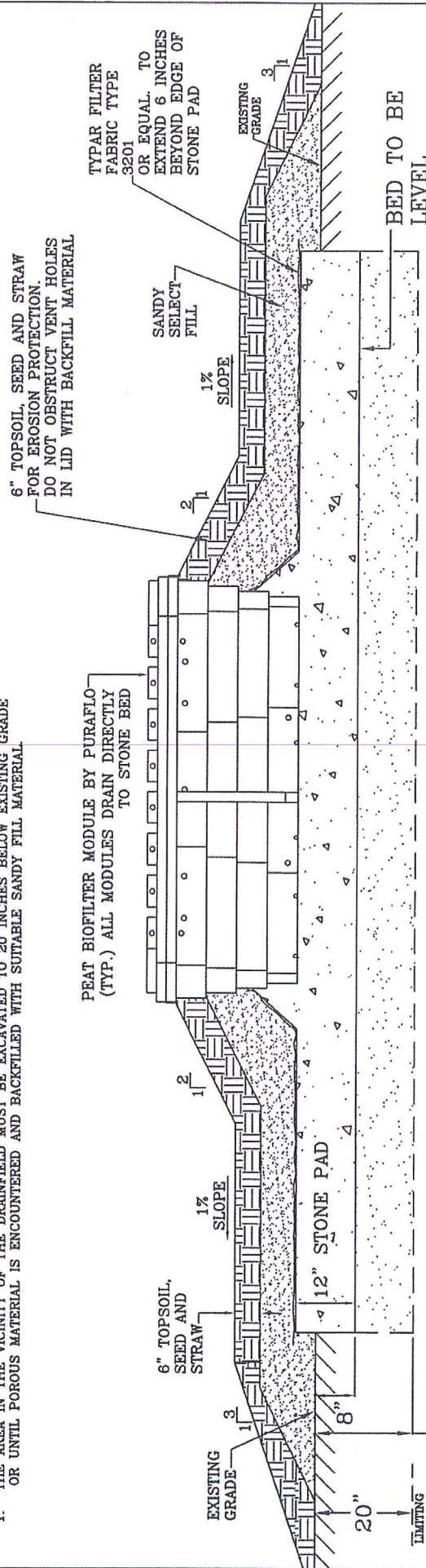
1. ROPE OFF PROPOSED DISPOSAL AREA.
2. PREPARE DISPOSAL AREA WHEN SOIL MOISTURE IS WITH A SATISFACTORY RANGE.
3. REMOVE VEGETATION --SOD, TOPSOIL, OR ROCK.
4. GRASS, SHRUBS, AND TREES MUST BE CUT AS CLASS TO THE GROUND SURFACE AS POSSIBLE AND REMOVED, PREFERABLY BY HAND FROM THE SITE.
5. FOR WOODED LOTS, WITH EXCESS LITTER, WE RECOMMEND THAT IT BE RAKED FROM SITE.
6. CHISEL PLOW DISPOSAL AREA 6-8" DEEP, OR AS PRESCRIBED BY SOIL SCIENTIST.
7. SEE PLAN VIEW FOR TRANSMISSION LINE, AND OTHER PIPING. NOT SHOWN FOR CLARITY.

PREFERRED METHODS

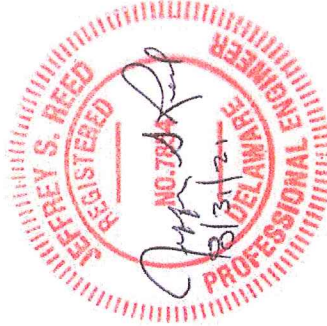
1. CHISEL TEETH MOUNTED ON A BACKHOE BUCKET AND PULLED THROUGH SURFACE.
2. CHISEL PLOW PULLED BEHIND A TRACTOR.
3. TO MAINTAIN POSITIVE DRAINAGE, ADDITIONAL COVER ON TOP MAY BE NECESSARY.

SAND-LINING REQUIREMENT AS PER SITE EVALUATION

1. THE AREA IN THE VICINITY OF THE DRAINFIELD MUST BE EXCAVATED TO 20 INCHES BELOW EXISTING GRADE OR UNTIL POROUS MATERIAL IS ENCOUNTERED AND BACKFILLED WITH SUITABLE SANDY FILL MATERIAL.



THE AREA IN THE VICINITY OF THE DRAINFIELD MUST BE EXCAVATED TO 20 INCHES BELOW THE EXISTING GRADE OR UNTIL POROUS MATERIAL IS ENCOUNTERED AND BACKFILLED WITH SUITABLE SANDY FILL MATERIAL. CONTRACTOR SHALL TAKE EXTREME CARE NOT TO COMPACT SOILS IN THE AREA OF THE DRAINFIELD.



Scale: 1"=30"

Sheet: N/A

Date : 8-23-21

Drawn by: JVR

Client: JAYMO HOLDINGS

Client #: 21130

CROSS SECTION A-A

CITADEL ENGINEERING, INC.
 Jeffrey S. Reed, P.E.
 17129 Webb's Road
 Ellendale, DE 19941
 (302) 422-2574

PLUMBING MATERIAL LIST:

2 - 4"x4"x4" DWV TEE	SEPTIC TANK
3' - 4" SCH40 PIPE	SEPTIC TANK
1 - EFFLUENT FILTER AS SPEC'D	FILTER
3' - 1/2" SCH40 PIPE	FILTER HANDLE
1 - 1/2" SCH40 TEE	FILTER HANDLE
1 - ORENCO PUMP MVP CONTROLLER	PUMP CONTROLLER SPEC'D
WITH FLOATS AND CONNECTORS	
1 - 2"x12"x24" TREATED BOARD	CONTROLLER BOARD
3' - 3" DIA SCH40 PIPE	VENT
2 - 3" DWV STREET 90 ELBOW	VENT
1 - 3" SCH40 CAP	VENT
1' - 1-1/2" SCH40 PIPE	FLOAT TREE
1 - 1-1/2" SCH40 PRESS TEE	FLOAT TREE
1 - 1-1/2" SCH40 FEMALE ADAPT	FLOAT TREE
1 - 1-1/2" SCH40 MALE ADAPTER	FLOAT TREE
1 - 1"x 1-1/2" SCH40 BUSHING	FLOAT TREE
4' - 1" SCH40 PIPE	FLOAT TREE
10 - 11" WIRE TIES	FLOAT TREE
1 - GOULDS PUMP	GOULD PUMP(S) AS SPEC'D
1 - 2" SCH40 MALE ADAPTER	PUMP(S) SET UP
1 - 2" SCH80 GATE VALVE(S)	PUMP(S) SET UP
6' - 2" SCH40 PIPE	PUMP(S) PIPING
1 - 2" SCH40 CHECK VALVE	PUMP(S) SET UP
1 - 2" SCH 80 UNION	PUMP(S) SET UP
2 - 2" SCH40 CAPS	NOT REQUIRED WITH DUPLEX
2 - 2"x8"x16" CONCRETE BLOCK	PUMP BLOCKING
1 - 5/16"x2" EYE BOLT(SS)	ROPE TIE OFF
2 - 5/16" WASHERS AND LOCKING NUT (SS)	ROPE TIE OFF
8' - 3/8" NYLON ROPE	PUMP ROPE

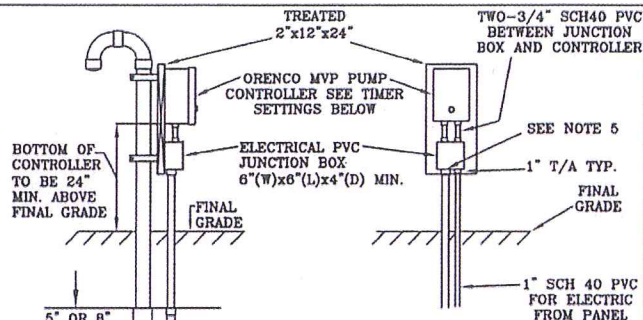
ELECTRIC MATERIAL LIST:

2 - 3" PIPE HANGERS (STEEL CITY #6H7B)	VENT/BOARD ATTACHMENT
2 - 3/8"x1-1/2" LAGS (SS)	HANGER/BOARD ATTACHMENT
1 - 1-1/2" SCH40 T/A W/ LOCKWASHER AND BUSHING	CONNECTION TO CONTROLLER
3' - 1-1/2" SCH40 ELEC CONDUIT	CONNECTION TO CONTROLLER
1 - 1" SCH40 T/A W/ LOCKWASHER AND BUSHING	INCOMING POWER
3' - 1" CONDUIT	INCOMING POWER
1 - MISC WIRE NUTS	CONTROLLER CONNECTIONS
9 - #10x1" (SS) PAN HEAD SCREWS	BOX CONNECTION
1 - 6"x6"x4"D JUNCTION BOX PVC	SPLICE BOX
4 - 3/4" SCH40 T/A's WITH LOCK WASHERS AND BUSHINGS	SPLICE BOX TO CONTROLLER
1' - 3/4" SCH40 ELEC CONDUIT	SPLICE BOX TO CONTROLLER
1 - SILICONE CAULK TUBE	VAPOR CONTROL
3 - ROLLS OF COLOR ELEC TAPE	ORANGE/BLUE/YELLOW

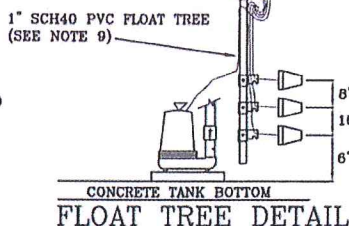
SPECIAL TOOLS NEEDED:

1 - 1-1/8" HOLE SAW	3/4" T/A CONNECTORS
1 - 1-3/8" HOLE SAW	1" T/A CONNECTORS
1 - 1-7/8" HOLE SAW	1-1/2" T/A CONNECTORS
1 - 1/4" DRILL BIT	25 ORIFICES IN VENT CAP
1 - 1/8" DRILL BIT	PILOT HOLE FOR HOLE SAWS
1 - MISC SCREW DRIVERS/PLIERS/TAPE MEASURES/WRENCHES/	
SOCKETS/ CUTTERS/AND SAWS	
1 - MISC ELECTRIC TOOLS	

CITADEL ENGINEERING, INC. HEREBY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS, IDEAS, AND DESIGNS. THESE PLANS, IDEAS, AND DESIGNS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM CITADEL ENGINEERING, INC. CONSISTENT THEREWITH, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM CITADEL ENGINEERING, INC., NO PERSON OTHER THAN CITADEL ENGINEERING, INC. MAY USE THESE PLANS, IDEAS, AND DESIGNS FOR ANY PURPOSE OTHER THAN IN CONNECTION WITH THIS SPECIFIC PROJECT. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS OF THE JOB AND CITADEL ENGINEERING, INC. MUST BE NOTIFIED IN WRITING OF ANY VARIATION FROM THESE DIMENSIONS, CONDITIONS, AND SPECIFICATIONS SHOWN BY THESE DRAWINGS. NO CONSTRUCTION SAFETY IS INCLUDED IN THIS DESIGN. MANUFACTURING AND CONSTRUCTION OF ANY PORTION, OR MORE, OF THESE PLANS, IDEAS, AND DESIGN MUST CONFORM TO OSHA (AND ANY OTHER GOVERNING AUTHORITY) STANDARDS AND REGULATIONS. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.



FRONT PANEL VIEW



FLOAT TREE DETAIL

CONTROLLER SETTINGS

HLA DLY	00:05 HH:MM
OFF TIME	02:00 HH:MM
ON TIME	00:55 MM:SS
OVR OFF	---:--HH:MM
OVR ON	---:--MM:SS
MIN OVR	06:05 HH:MM
MIN RUN	00:30 MM:SS
TIMEDOSEMODE	ON

NOTES:

- "CITADEL TANK" THREE COMPARTMENT TOP SEAM TANK FROM GILLESPIE LLC, GREENWOOD, DE, (302)349-5528. OR EQUALS MUST BE APPROVED BY ENGINEER PRIOR TO CONSTRUCTION.
- VENT CAP TO HAVE 25 1/4" DIA HOLES UNIFORMLY DRILLED AROUND BOTTOM OF PVC CAP.
- MATERIAL LIST BASED ON ONE 12" ADDITIONAL ACCESS RISER. MORE OR LESS RISERS WILL CHANGE SOME MATERIAL QUANTITIES. CONTRACTOR RESPONSIBLE FOR MATERIAL QUANTITY VARIATIONS. CONTRACTOR TO VERIFY ALL QUANTITIES AND MATERIALS. CONTRACTOR TO USE HIGH QUALITY MATERIALS AND WORKMANSHIP. ALL MODIFICATION REQUEST NEED TO BE OWNER APPROVED AND SUBMITTED IN WRITING TO THE ENGINEER PRIOR TO CONSTRUCTION.
- FILTER TO BE SECURED BY ONE STAINLESS STEEL (SS) #10x1" PAN HEAD SCREW.
- SILICONE VAPOR BARRIER IS REQUIRED AT THE 1-1/2" SCH40 PVC PIPE AND T/A LOCATED AT THE BOTTOM OF THE ELECTRICAL JUNCTION BOX. CLEAR SILICONE CAULK SHALL BE USED.
- ALL FLOAT WIRES TO BE CLEARLY MARKED/COORDINATED WITH CONTROLLER WITH COLORED ELECTRICAL TAPE AT EACH FLOAT, INSIDE JUNCTION BOX, AND INSIDE CONTROLLER BOX.
- FILTER TO BE AS SPECIFIED UNLESS APPROVED OTHERWISE. FILTER TO BE INSTALLED SO CARTRIDGE CAN BE REMOVED WITHOUT ANY CONFLICT FOR PERIODIC MAINTENANCE.
- FOR SIMPLEX SYSTEM, CONTRACTOR TO INSTALL SHORT SECTION OF 2" DIA. SCH40 PVC IN SECOND PUMP CHAMBER OUTLET AND GLUE AND CAP BOTH ENDS.
- FLOAT TREE TO BE REMOVABLE BY UNSCREWING THE 1-1/2" ADAPTERS WITH OUT CONFLICT FROM THE BOTTOM OF THE TANK OR OTHER CHAMBER COMPONENTS.
- CITADEL TANK SHALL BE PLACED ON FIRM AND STABLE SOILS. TANK AND CONSTRUCTION SHALL COMPLY WITH DNREC REGULATIONS.
- GOULDS PUMP SHALL BE MODEL NO. 3885/WE0311L CAPABLE OF PRODUCING 35 GPM AT 13.1 FEET OF HEAD.

Scale: 1"=40"
Sheet: N/A
Date: 8/23/21
Drawn by: JSR
Client: JAYMO
Client #: 21130

"CITADEL TANK"
THREE COMPARTMENT TOPSEAM TANK
1000 GALLON SEPTIC/PUMP CHAMBER DETAILS

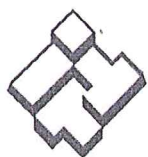
CITADEL
ENGINEERING, INC.

Jeffrey S. Reed, P.E.
17129 Webb's Road
Ellendale, DE 19941
(302) 422-2574

CITADEL ENGINEERING, INC
17129 Webbs Road
Ellendale, DE 19941
Office (302) 422-2574 Fax (302) 424-3600
citadelengineering@comcast.net

General Notes

- 1.) All construction shall comply to DNREC regulations and all applicable memorandums.
- 2.) If any unusual or unforeseen problems arise during construction, the engineer shall be notified immediately and construction shall cease until proper authorities have been notified. This shall include, but not limited to, site soil compaction, high water table, variations in design layout, and possible wetland conflicts.
- 3.) All adjacent wells and septic systems located on plot plan as of the field inspection on 8-19-21. Contractor shall verify all proposed improvements and existing adjacent property improvements prior to construction/installation of proposed improvements.
- 4.) Contractor shall comply with all Occupational Safety and Health Act (OSHA). Design does not include any construction safety. Contractor shall be responsible for all OSHA requirements during construction.
- 5.) Contractor shall verify that all building sewer lines have proper grade to allow gravity flow where required. Any deviations should be coordinated with engineer/owner/building contractor, or other, as required, prior to construction.
- 6.) Contractor shall contact Miss Utility prior to construction and coordinate/locate any utilities not covered by Miss Utility with the owner.
- 7.) Contractor shall submit location drawing for any field changes in septic plot plan.
- 8.) All component operation maintenance manuals are to be supplied to the owner by installer.
- 9.) Filter fabric to be Dupont, style 3201, or equal.
- 10.) All easements found are shown on plot plan.
- 11.) All sewer lines shall be sch. 40, 4 inch diameter unless noted otherwise.
- 12.) All sewer lines less than 36 inches in depth under driveways or other areas subject to vehicular traffic shall adhere to DNREC Regulation 5.3.13.2.4.
- 13.) The engineer shall be notified 24 hour's minimum prior requested inspection. Contractor shall verbally advise engineer of location and type of all component manufacture and model numbers. Items to be reported, but not limited to; pump (s), float (s), alarms, timers, control panels, etc.
- 14.) All septic tanks shall be equipped with any outlet effluent filter approved by the DNREC. The maintenance of these filters is the responsibility of the property owner and must remain in service for the life of the septic tank. This unit must be maintained in accordance with the manufacturer's service instructions.
- 15.) Each septic tank shall be constructed with a watertight access riser for each compartment and shall extend above grade. This riser and lid shall be made of concrete, masonry or an equivalent durable material approved by DNREC.
- 16.) Distribution box shall be accessible by means of a removable cover or access riser.
- 17.) Components used as "or equal" or equivalent is not authorized unless written approval by the engineer prior to construction. If the contractor uses other then specified components then the contractor bears complete and full responsibility for the entire construction.
- 18.) Building setbacks and other restrictions are not the responsibility of Citadel Engineering, Inc.
- 19.) Limits of approved area, slopes and soil borings as per site evaluation.
- 20.) The Septic Plot Plan is not the result of a formal survey and should not be construed as such.



ITT

B3885

Wastewater

Goulds Pumps

WE Series Model 3885

Submersible Effluent Pump

EXTENDED WARRANTY AVAILABLE FOR
RESIDENTIAL APPLICATIONS.



FEATURES

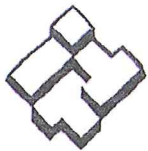
- **Impeller:** Cast iron, semi-open, non-clog with pump-out vanes for mechanical seal protection. Balanced for smooth operation. Silicon bronze impeller available as an option.
- **Casing:** Cast iron volute type for maximum efficiency. 2" NPT discharge.
- **Mechanical Seal:** Silicon Carbide vs. Silicon Carbide sealing faces. Stainless steel metal parts, BUNA-N elastomers.
- **Shaft:** Corrosion-resistant, stainless steel. Threaded design. Locknut on all models to guard against component damage on accidental reverse rotation.
- **Fasteners:** 300 series stainless steel.
- Capable of running dry without damage to components.
- Designed for continuous operation when fully submerged.



Goulds Pumps is a brand of ITT Corporation.

www.goulds.com

Engineered for life



ITT

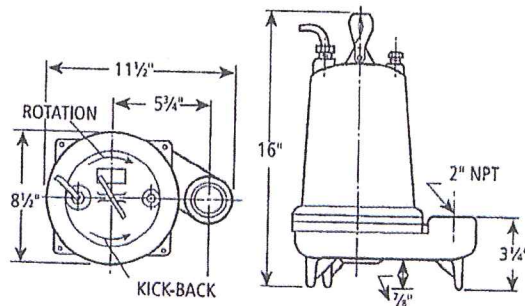
Wastewater

PERFORMANCE RATINGS (gallons per minute)

Order No.	WE03L	WE03M	WE03H	WE07H	WE10H	WE15H	WE05HH	WE15HH	WE20H
HP	1/2	1/2	1/2	3/4	1	1 1/2	1/2	1 1/2	2
RPM	1750	1750	3500	3500	3500	3500	3500	3500	3500
5	86	—	—	—	—	—	—	—	—
10	70	63	78	94	—	—	58	95	—
15	52	52	70	90	103	128	53	93	138
20	27	35	60	83	98	123	49	90	136
25	5	15	48	76	94	117	45	87	133
30	—	—	35	67	88	110	40	83	130
35	—	—	22	57	82	103	35	80	126
40	—	—	—	45	74	95	30	77	121
45	—	—	—	35	64	86	25	74	116
50	—	—	—	25	53	77	—	70	110
55	—	—	—	—	40	67	—	66	103
60	—	—	—	—	30	56	—	63	96
65	—	—	—	—	20	45	—	58	89
70	—	—	—	—	—	35	—	55	81
75	—	—	—	—	—	25	—	51	74
80	—	—	—	—	—	—	—	47	66
90	—	—	—	—	—	—	—	37	49
100	—	—	—	—	—	—	—	28	30

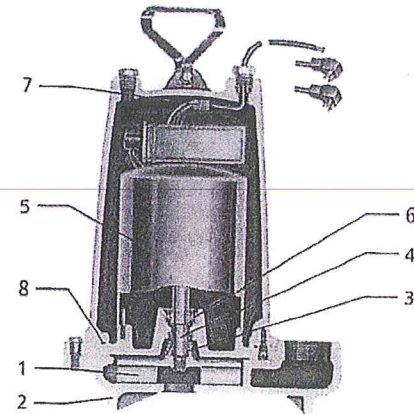
DIMENSIONS

(All dimensions are in inches. Do not use for construction purposes.)



COMPONENTS

Item No.	Description
1	Impeller
2	Casing
3	Mechanical Seal
4	Motor Shaft
5	Motor
6	Ball Bearings
7	Power Cable
8	Casing O-Ring



GOULDS PUMPS

Goulds Pumps and the ITT Engineered Blocks Symbol are registered trademarks and tradenames of ITT Corporation.

SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE.

B3885 June, 2009

© 2008 ITT Corporation

Engineered for life



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GOULDS PUMPS Wastewater

APPLICATIONS

Specifically designed for the following uses:

- Homes, Farms, Trailer Courts, Motels, Schools, Hospitals, Industry, Effluent Systems

SPECIFICATIONS

Pump

- Solids handling capabilities: $\frac{3}{4}$ " maximum.
- Discharge size: 2" NPT.
- Capacities: up to 140 GPM.
- Total heads: up to 128 feet TDH.
- Temperature:
104°F (40°C) continuous, 140°F (60°C) intermittent.
- See order numbers on reverse side for specific HP, voltage, phase and RPM's available.

MOTORS

- Fully submerged in high-grade turbine oil for lubrication and efficient heat transfer.
- Class B insulation on $\frac{1}{2}$ – 1 $\frac{1}{2}$ HP models.
- Class F insulation on 2 HP models.

Single phase (60 Hz):

- Capacitor start motors for maximum starting torque.
- Built-in overload with automatic reset.
- SITOW or STOW severe duty oil and water resistant power cords.

- $\frac{1}{2}$ – 1 HP models have NEMA three prong grounding plugs.

- 1 $\frac{1}{2}$ HP and larger units have bare lead cord ends.

Three phase (60 Hz):

- Class 10 overload protection must be provided in separately ordered starter unit.
- STOW power cords all have bare lead cord ends.

- **Designed for Continuous Operation:** Pump ratings are within the motor manufacturer's recommended working limits, can be operated continuously without damage when fully submerged.

- **Bearings:** Upper and lower heavy duty ball bearing construction.

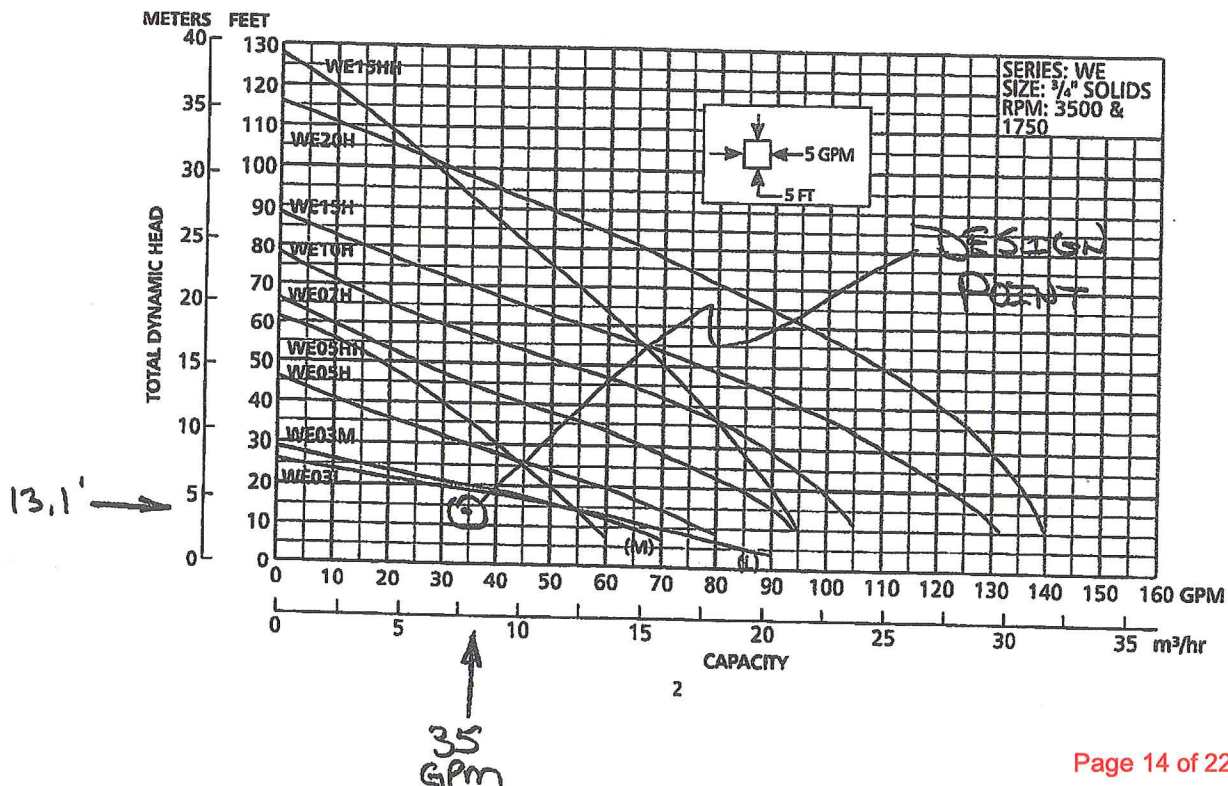
- **Power Cable:** Severe duty rated, oil and water resistant. Epoxy seal on motor end provides secondary moisture barrier in case of outer jacket damage and to prevent oil wicking. Standard cord is 20'. Optional lengths are available.

- **O-ring:** Assures positive sealing against contaminants and oil leakage.

AGENCY LISTINGS



Tested to UL 778 and CSA 22.2 108 Standards
By Canadian Standards Association File #LR38549
Goulds Pumps is ISO 9001 Registered.





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GOULDS PUMPS Wastewater

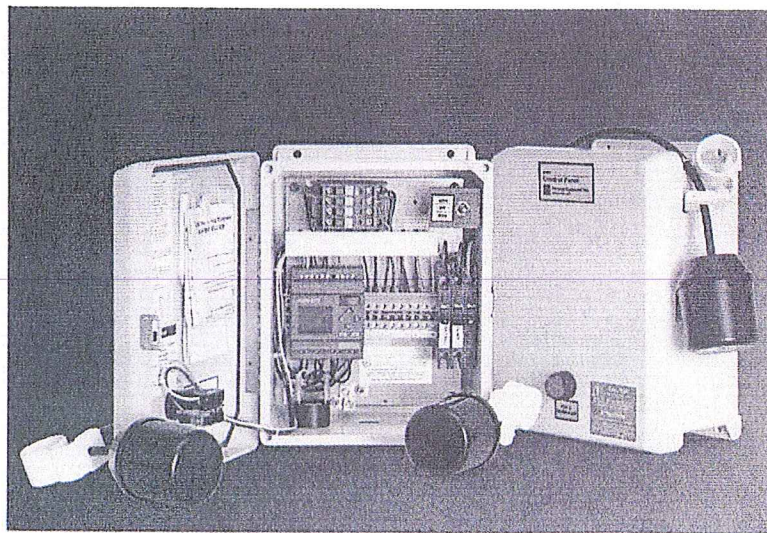
MODELS

Order Number	HP	Phase	Volts	RPM	Impeller Diameter (in.)	Maximum Amps	Locked Rotor Amps	KVA Code	Full Load Efficiency %	Resistance Start	Resistance Line-Line	Power Cable Size	Weight (lbs.)
WE0311L	0.33	1	115	1750	5.38	10.7	30.0	M	54	11.9	1.7	16/3	56
WE0318L			208			6.8	19.5	K	51	9.1	4.2		
WE0312L			230			4.9	14.1	L	53	14.5	8.0		
WE0311M			115			10.7	30.0	M	54	11.9	1.7		
WE0318M			208			6.8	19.5	K	51	9.1	4.2		
WE0312M			230			4.9	14.1	L	53	14.5	8.0		
WE0511H	0.5	1	115	3450	3.56	14.5	46.0	M	54	7.5	1.0	14/3	60
WE0518H			208			8.1	31.0	K	68	9.7	2.4	16/3	60
WE0512H			230			7.3	34.5	M	53	9.6	4.0	14/4	60
WE0538H		3	200			4.9	22.6	R	68	NA	3.8		
WE0532H			230			3.3	18.8	R	70	NA	5.8		
WE0534H			460			1.7	9.4	R	70	NA	23.2		
WE0537H		0.5	575			1.4	7.5	R	62	NA	35.3		
WE0511HH			115		3.88	14.5	46.0	M	54	7.5	1.0	14/3	60
WE0518HH			208			8.1	31.0	K	68	9.7	2.4	16/3	60
WE0512HH			230			7.3	34.5	M	53	9.6	4.0	14/4	60
WE0538HH	0.5	3	200			4.9	22.6	R	68	NA	3.8		
WE0532HH			230			3.6	18.8	R	70	NA	5.8		
WE0534HH			460			1.8	9.4	R	70	NA	23.2		
WE0537HH	0.75	1	575	3450	4.06	1.5	7.5	R	62	NA	35.3	14/3	70
WE0718H			208			11.0	31.0	K	68	9.7	2.4		
WE0712H			230			10.0	27.5	J	65	12.2	2.7		
WE0738H		3	200			6.2	20.6	L	64	NA	5.7	14/4	70
WE0732H			230			5.4	15.7	K	68	NA	8.6		
WE0734H			460			2.7	7.9	K	68	NA	34.2		
WE0737H		1	575		4.44	2.2	9.9	L	78	NA	26.5	14/3	70
WE1018H			208			14.0	59.0	K	68	9.3	1.1		
WE1012H			230			12.5	36.2	J	69	10.3	2.1		
WE1038H	1.5	1	200		4.56	8.1	37.6	M	77	NA	2.7	14/4	70
WE1032H			230			7.0	24.1	L	79	NA	4.1		
WE1034H			460			3.5	12.1	L	79	NA	16.2		
WE1037H		3	575			2.8	9.9	L	78	NA	26.5	14/3	80
WE1518H			208			17.5	59.0	K	68	9.3	1.1		
WE1512H			230			15.7	50.0	H	68	11.3	1.6		
WE1538H		3	200		5.50	10.6	40.6	K	79	NA	1.9	14/4	80
WE1532H			230			9.2	31.7	K	78	NA	2.9		
WE1534H			460			4.6	15.9	K	78	NA	11.4		
WE1537H	2	1	575	3450	5.38	3.7	13.1	K	75	NA	16.9	14/3	83
WE1518HH			208			17.5	59.0	K	68	9.3	1.1		
WE1512HH			230			15.7	50.0	H	68	11.3	1.6		
WE1538HH		3	200			10.6	40.6	K	79	NA	1.9	14/4	83
WE1532HH			230			9.2	31.7	K	78	NA	2.9		
WE1534HH			460			4.6	15.9	K	78	NA	11.4		
WE1537HH		1	575			3.7	13.1	K	75	NA	16.9	14/3	83
WE2012H			230			18.0	49.6	F	78	3.2	1.2		
WE2038H			200			12.0	42.4	K	78	NA	1.7		
WE2032H	2	3	230		5.38	11.6	42.4	K	78	NA	1.7	14/4	83
WE2034H			460			5.8	21.2	K	78	NA	6.6		
WE2037H			575			4.7	16.3	L	78	NA	10.5		

MVP-S1/2DM Simplex Control Panels and Kits

Applications

The MVP-S1/2DM (4-in-1) control panel is ideal for single-pump systems that might otherwise require several different types of panels. The controls circuit operates on 120 V power, the pump circuit is dual-rated for 120 V or 240 V power. In addition, the panel can be configured at the shop or in the field for timed- or demand-dosing applications. All MVPs include an easy-to-use, programmable logic unit that incorporates many timing and logic functions, such as multiple timing intervals to adjust for changing flow conditions and a built-in elapsed time meter and counter.



Versatile, flexible, one panel for multiple designs and applications. The MVP-S1/2DM "4-in-1" control panel brings affordable, intelligent control technology to the water and wastewater handling industries. The MVP-S1/2DM Control Panel is also available as a complete panel "Kit" (shown here) including floats and adjustable float collars.

To Order

Call your nearest Orenco Systems®, Inc. distributor.
For nearest distributor, call Orenco at 800-348-9843, or go to www.orenco.com.

APS-CP-MVP-4
Rev. 1.0 © 07/10
Orenco Systems®, Inc.



Orenco Systems®
Incorporated
*Changing the Way the
World Does Wastewater**
1-800-348-9843
www.orenco.com

Standard Features & Benefits

- Dual voltage-rated pump circuit, 120 V or 240 V
- Programmable for timed or on-demand dosing
- For timed dosing, multiple timer intervals (normal timer, override timer) can be set to accommodate varying flow conditions
- Eight inputs and four outputs
- Simple setting instructions are easy to remember; parameters have understandable abbreviations
- Large, backlit LCD display is easy to read
- Intervals as long as 99 hours can be set
- with an accuracy of $\pm 1\%$
- Adjustable high-level alarm delay
- Built-in programming keys allow reprogramming in the field without a portable computer
- Ability to use one model of float for all functions simplifies installation
- UL 508 listed in the United States and Canada
- Complete instructions and diagrams come with panel and are affixed to the inside, for reference in the field
- Three-year limited warranty

Standard Features for System Maintenance

- Totalized and resettable data for:
 - Elapsed pump run times
 - Pump cycle counts
 - Low-and high-level alarms
 - Overrides (in timed-dose mode)
 - Power failures
 - Different alarm/light signals for different alarm conditions; alarm screen activates when an alarm condition occurs and the alarm type, start time, and date are reported automatically
 - Automatic reactivation of silenced alarm (when problem is not corrected) prevents system failure
 - Float status screen with error notification and float position indication
 - Timed delays on float inputs prevent chattering and pump burnout
- (Optional features on back)*

Optional Features & Benefits

- Removable EEPROM card for reprogramming the panel in the shop or in the field
- UL698A (Intrinsically Safe listing) for use in hazardous locations
- Self-regulating anticondensation heater (radiates additional wattage as temperature drops)
- Current sensor to signal pump failures; ideal for recirculating filters
- Pump run light to indicate pumping activity

Standard Models

MVP-S1/2DM, MVP-S1/2DM-MF3A-KIT

Model Code for Ordering

MVP-S1/2 DM ☐

Panel options:
HT = heater
CS = current sensor
PRL = pump run light
IR = intrinsically safe control relays

Dual mode (timed- or demand-dosing)

Simplex, dual rated* (120 V or 240 V) pump circuit

MVP control panel

* Controls circuit requires 120 V

MVP-S1/2 DM ☐ **-MF3A-KIT**

Control panel kit

Three "A-type" mercury floats

Panel options:
HT = heater
CS = current sensor
PRL = pump run light
IR = intrinsically safe control relays

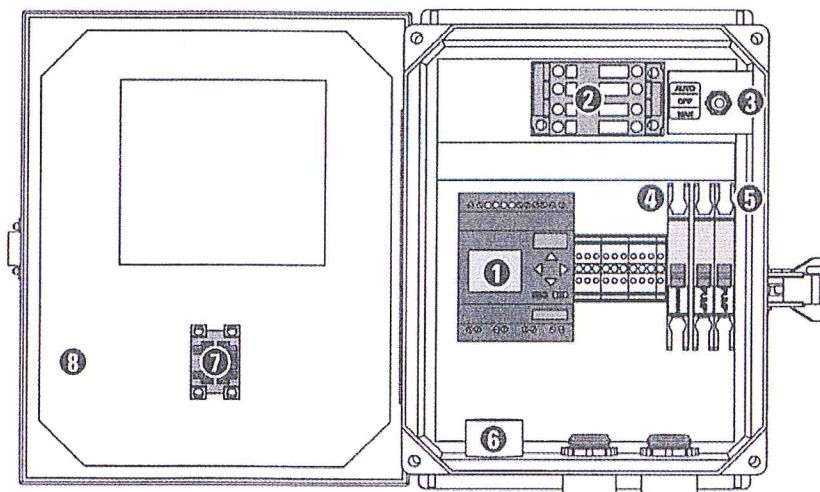
Dual mode (timed- or demand-dosing)

Simplex, dual rated* (120 V or 240 V) pump circuit

MVP control panel

* Controls circuit requires 120 V

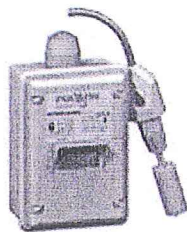
1. Programmable Logic Unit
2. Motor-Start Contactor
3. Toggle Switch
4. Controls Circuit Breaker
5. Pump Circuit Breaker
6. Audible Alarm
7. Visual Alarm
8. Panel Enclosure



Distributed By:

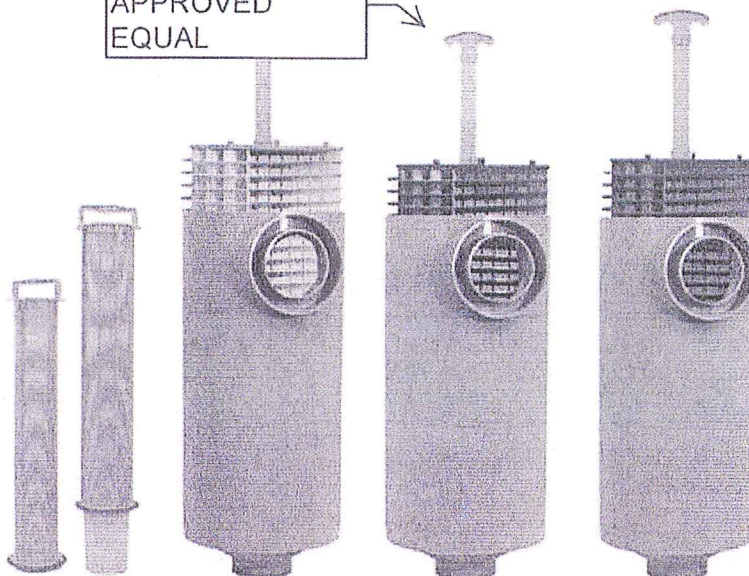


USE OR
APPROVED
EQUAL



**OutdoorSmart
Filter Alarm**

All Polylok/Zabel
filters accept the
SmartFilter®
switch and alarm.



A1800 Series

A100 Series

A300 Series

A600 Series

Features	A1800 Series	A100 Series	A300 Series	A600 Series
Filtration	1/16"	1/16"	1/32"	1/64"
Gallons Per Day	800	1200 - 6000	1200 - 6000	1200 - 6000
Linear Feet of Filtration	80	78 - 338	78 - 338	78 - 338
SmartFilter Switch and Alarm	Available	Available	Available	Standard
Available Filter Dimensions	4x18, 4x22	8x18, 8x26, 8x32 12x20, 12x28, 12x36	8x18, 8x26, 8x32 12x20, 12x28, 12x36	8x18, 8x26, 8x32 12x20, 12x28, 12x36
Disc Dam Technology		X	X	X
Extend & Lok Compatible	X	X	X	X
NSF Certification	X	X	X	
Installed in Multiples for Larger Flows		X	X	X
Applications				
Residential	X	X	X	
Residential Multi-Family	X	X	X	
Commercial		X	X	X
Grease Traps			X	X
High TSS Removal	X	X	X	X
Benefits				
Extends Life of Leaching Fields	X	X	X	X
Keeps Solids in Septic Tank	X	X	X	X
Polylok Comparable Filter	PL-68	PL-122	PL-525 or PL-625	PL-525 or PL-625

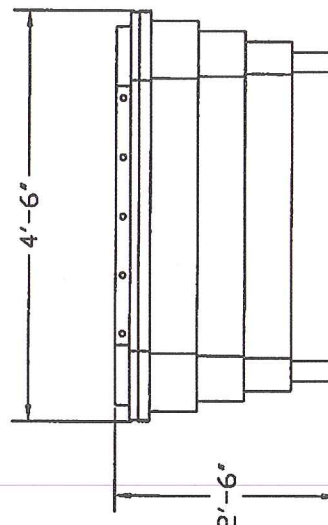


PLAN VIEW





**Sealed Modules
are without
Weep-holes**

ELEVATION VIEW

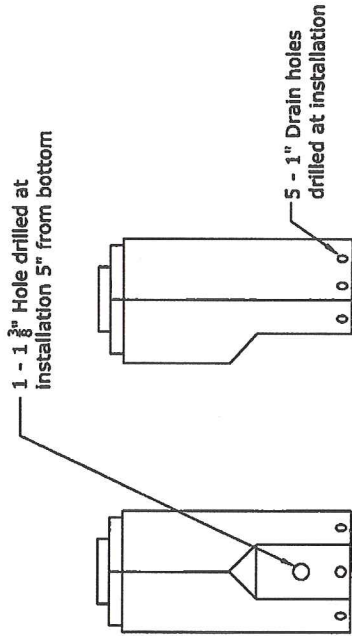
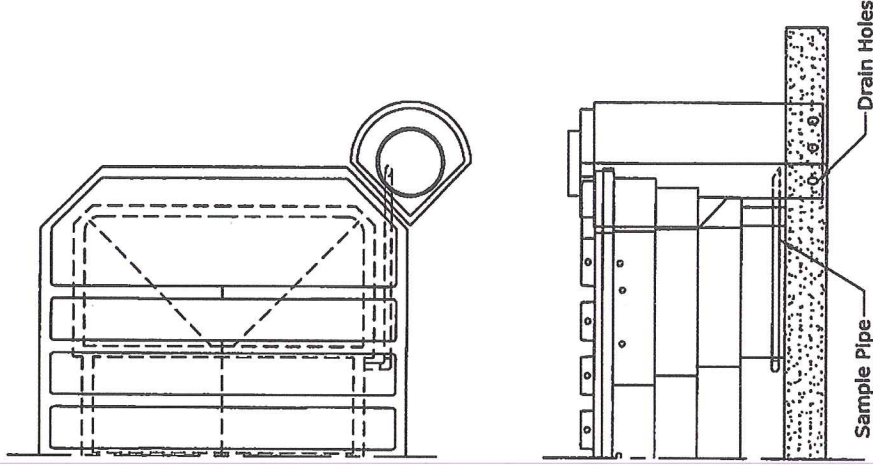


END VIEW

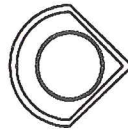
A	FIRST RELEASE	6/1/12
Rev.	DESCRIPTION	DATE
		
<p>4106 Battleground - Greensboro, NC 27407</p> <p>Phone 336-547-9338 Fax 336-547-9559</p> <p>WWW.ANUA-US.COM</p>		
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Project	PURAFLO PEAT FIBER BIOFILTER	
Client	CLIENT	
Drawing Title	ASSEMBLED MODULE DETAIL	
Date	6/1/12	
Drawn By	R/S	
Checked By	A/W	
Reviewed By	R/S	
Approved By	R/S	
Date Recd.	6/1/12	
Project Name	PURAFLO PEAT FIBER BIOFILTER	
Project Location	PURAFLO PEAT FIBER BIOFILTER	
Project Description	PURAFLO PEAT FIBER BIOFILTER	
Project Status	PURAFLO PEAT FIBER BIOFILTER	

Notes:
1) NO HOLES ON MODULES CONTAINING SAMPLE PIPE

ANUA



ELEVATION VIEW END VIEW



PLAN VIEW

A		FIRST RELEASE		6/1/12	
ANUA		4106 Borsau Avenue • Greensboro, NC 27407		Phone 336-547-9338 Fax 336-547-8559 www.anua-us.com	
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Project: PURARLO PEAT FIBER BIOFILTER					
Client: CLIENT					
Drawing Title: SAMPLE CHAMBER DETAIL					
Date:	Scale (A):	Drawn by:	Checked by:	Approved by:	
6/1/12	NYS	ANU	ANU	PJ	
Revised:	For Approval:	For Construction:	For Sale:	Drawn by:	
None	None	None	None	PURARLO-04	

Property Information

Property Location:	13941 TEATOWN RD
Unit:	
City:	GREENWOOD
State:	DE
Zip:	19950
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	130 – CEDAR CREEK
School District:	4 - MILFORD
Council District:	2-Green
Fire District:	42-Carlisle
Deeded Acres:	.8680
Frontage:	190
Depth:	199.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	183 87/PB
100% Land Value:	\$2,000
100% Improvement Value	\$0
100% Total Value	\$2,000

Legal

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

Owners

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

12794

Case #

Hearing Date 2-20-2023

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

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:

13028 Hayes Avenue, Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

Variance request in the amount of 4.7 feet from the rear yard setback for an existing second floor balcony and its supports to be located 10.3 feet from the rear yard property line.

Tax Map #: 533-20.19-54.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Daniel A. Nedwick

Applicant Address: 13028 Hayes Avenue

City Selbyville State DE Zip: 19975

Applicant Phone #: (443) 859-1487 Applicant e-mail: Dynamoesi@aol.com

Owner Information

Owner Name: Daniel A. Nedwick

Owner Address: 13028 Hayes Avenue

City Selbyville State DE Zip: 19975 Purchase Date: 3/20/96

Owner Phone #: (443) 859-1487 Owner e-mail: N/A

Agent/Attorney Information

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

Agent/Attorney Address: 1413 Savannah Road, Suite 1

City Lewes State DE Zip: 19958

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

Signature of Owner/Agent/Attorney

Daniel A Nedwick

Date: 1-3-2023



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

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

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

1. Uniqueness of property:

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

The Property is less than 10,000 S.F. with a lot area of +/- 4,954 S.F. and considered an existing non-conforming lot and neighborhood. The lot qualifies for reduced setbacks, allowing for first-floor decks to encroach an additional 5 feet into the rear yard setback area.

2. Cannot otherwise be developed:

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

The authorization of a variance is necessary to remedy the construction of a second-story balcony by the contractor in the rear yard setback. The variance is necessary to enable the reasonable use of the property, as the variances will allow the reasonably sized, existing balcony and its structures to remain in place. The balcony cannot be removed without substantial reconstruction.

3. Not created by the applicant:

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

The contractor placed the home in the rear yard setback not the applicant. The applicant relied on professionals to guide him through the planning and building process only to later discover the balcony encroachment into the rear yard setback.

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

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

The variance will not alter the essential character of the neighborhood. In fact, the Board granted a front yard and rear yard variance for existing structures at a nearby property identified as 13030 Hayes Avenue, Selbyville, DE (Case No. 12159). The record for that case confirmed there are 17-18 properties that encroach into the rear yard setback in the neighborhood.

5. Minimum variance:

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

The variance request is the minimum variance necessary to afford relief of the existing balcony.

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

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

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

N/A

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

N/A

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

N/A

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Daniel A. Nedwick
 Applicant Address: 13028 Hayes Avenue
 City: Selbyville State: DE Zip: 19975
 Phone #: (443) 859-1487 E-mail: Dynamosesi@aol.com

Owner Information

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

Engineer/Surveyor Information

Engineer/Surveyor Name: Russell T. Hammond Surveying, LLC
 Engineer/Surveyor Address: 10310 Hotel Road
 City: Bishopville State: MD Zip: 21813
 Phone #: (410) 352-5674 E-mail: russell@rthsurvey.com

Agent/Attorney Information

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

Other

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



Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 13028 Hayes Avenue
Selbyville, DE 19975
Parcel #: 533-20.19-54.00

Site Address: _____

Parcel #: _____

Applicant Name: Daniel A. Nedwick
Owner Name: Daniel A. Nedwick

Type of Application:

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

Date Submitted: _____

For office use only:

Date of Public Hearing: _____
File #: _____
Date list created: _____ List created by: _____
Date letters mailed: _____ Letters sent by: _____

Exhibit A

Property and Deed Information

Sussex County

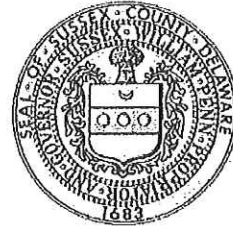
DELAWARE
PLANNING & ZONING DEPARTMENT

sussexcountysde.gov

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR



SETBACK INFORMATION REQUEST

Date of Request 8/9/21 Zoning District AR-1
Customer Name Russell Hammond
Customer Contact russell@rthsurvey.com 410-352-5674
Tax Parcel ID 533-20.19-54.00 Lot/Unit Number Lot 6
Parcel Address 13028 Hayes Ave Selbyville DE (Edgewater Acres)
Front Yard Setback 30'
Side Yard Setback 5'
Rear Yard Setback 15'
Corner Front Yard Setback N/A
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:

Book: 2114, Page: 255
AE Flood Zone
Per Section 115-183 D, lot qualifies for reduced setbacks due to less 10,000 sq. ft.

Name of Staff Member Ashley Paugh

Checked By

Sussex County

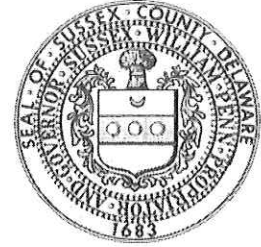
DELAWARE PLANNING & ZONING DEPARTMENT

www.sussexcountysde.gov

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP MRTPI
DIRECTOR



STAFF REVIEW OF BUILDING PERMIT APPLICATION

Date of Review:	07/08/2021
Parcel Address:	13028 Hayes Avenue
Tax Parcel ID:	533-20.19-54.00
Permit Number:	202109996

-Zoning District – AR-1

-Setbacks – 30-ft front

5-ft side

15-ft rear

-Maximum Height – 42-ft

-Lot is less than 10,000 sf the setbacks are reduced per 115-183 D

-Subdivision Name – Edgewater Acres Lot 6 Blk 1

-A survey was not submitted with this application to determine if the proposed dwelling meets the setback requirements. Dimensions suggest the lot should be large enough to accommodate the proposed dwelling and meet the setback requirements. It should be noted that unenclosed steps, decks, and porches may encroach 5-ft into the front setback and 5-ft from rear property line. There can be no encroachments into the side yard setbacks. Also, 2nd floor and higher decks must comply with the setbacks that apply to the dwelling.

-This lot was recorded in 1964, therefore it is not subject to the tidal wetlands buffer.

-Flood Zone – AE; application submitted for further flood review

-An as-built survey will be required prior to issuance of a Certificate of Compliance.

Name of Staff Member	Amy Mendelson
----------------------	---------------

PARID: 533-20.19-54.00
NEDWICK DANIEL A

ROLL: RP
13028 HAYES AV

Property Information

Property Location:	13028 HAYES AV
Unit:	
City:	SELBYVILLE
State:	DE
Zip:	19975
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	533 - BALTIMORE
School District:	1 - INDIAN RIVER
Fire District:	90-Roxana
Deeded Acres:	.1148
Frontage:	50
Depth:	100.000
Irr Lot:	
Plot Book Page:	/PB
100% Land Value:	\$10,000
100% Improvement Value	\$51,200
100% Total Value	\$61,200

Legal

Legal Description	EDGEWATER ACS HAYES AVE LOT 6 BLK 1 W/IMPSPEC COMM LIEN
-------------------	---

Owners

Owner	Co-owner	Address	City	State	Zip
NEDWICK DANIEL A		13028 HAYES AVE	SELBYVILLE	DE	19975

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
03/20/1996	2114/255	\$94,000.00	\$1,880.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	NEDWICK DANIEL A		13028 HAYES AVE	SELBYVILLE	DE	19975	2114/255
2021	NEDWICK DANIEL A		13028 HAYES AVE	SELBYVILLE	DE	19975	2114/255
2020	NEDWICK DANIEL A		13028 HAYES AVE	SELBYVILLE	DE	19975	2114/255
2019	NEDWICK DANIEL A		13028 HAYES AVE	SELBYVILLE	DE	19975	2114/255
2018	NEDWICK DANIEL A		13028 HAYES AVE	SELBYVILLE	DE	19975	2114/255
2017	NEDWICK DANIEL A		13028 HAYES AVE	SELBYVILLE	DE	19975	2114/255
2007	NEDWICK DANIEL A		6 HAYES AVE	SELBYVILLE	DE	19975	2114/255
1900	HOLECKO CLARENCE JELSIE F					0	623/634

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	50	100	.1148	

Land Summary

Line	1
100% Land Value	10,000

Residential

Card	1
Class	Residential
Style	Single Family
Year Built	2022
Occupancy	1
Stories	2.00
Basement	0-None
Total Fixtures	9
Heating	52 - Heat - Electric
Air Condition	DN - A/C None
Electricity	3-Public
Foundation	31 - Foundation - Masonry
Exterior Wall	1-Frame or Block
Siding	3-Aluminum/Vinyl
Roof Type	2-Gable
Roofing	22 - Roofing - Shingle
Elevator	-
Width	
Depth/Length	
Color	
Description	
MH Skirting	
MH Permit #	
MH Serial #	

Additions

Card #	Addition #	Area
1	0	480
1	1	360
1	2	140
1	3	72

Addition Details

1 of 4

Card #	1
Addition #	0
Lower	-
First	-
Second	-
Third	-
Area	480
Year Built	0

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	BH-BULKHEAD	0	0	0	50
1	2	UF2-UTILITY FAIR 101-200	14	10	0	140

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$10,000	\$51,200	\$61,200

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$5,000	\$25,600	\$30,600

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
--------------	-----------	---------	--------

25-AUG-2021	202109996	\$119,748	"2 ST DW 30X28, ATT GAR 30X17, POR 5X28, POR 5X17, "
25-SEP-2018	201810099	\$1,400	145FT OF CHAINLINK FENCING
01-APR-1996	101272-2	\$700	SHED-EDGEWATER ACRES LOT 6
31-MAR-1986	101272-1	\$7,640	ENCLOSED PORCH-EDGEWATER ACRESLOT 6 BK.1

07517

BK 02114 2255

Prepared By:
Joseph C. Raskeuskas, Esquire
P.O. Box 1509
Bathany Beach, Delaware 19930
File NO. JCR98-052

Tax Map: 6-33-20.19-54

DEED

THIS DEED, made this 20th day of March, 1996, by and between:

ELSIE F. HOLECKO, of 13218 Hathaway Drive, Silver Spring, Maryland 20906, party of the first part,

-AND-

DANIEL A. NEDWICK, of 6 Hayes Avenue, Selbyville, Delaware, 19975, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of NINETY FOUR THOUSAND DOLLARS (\$94,000.00) current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, his heirs and assigns,

ALL that certain lot, piece and parcel of land situate, lying and being in EDGEWATER ACRES, Baltimore Hundred, Sussex County, Delaware, and generally known as Lot Number six (6) in Block Number One (1) and so designated upon a certain Edgewater Acres Revised and Reassembled Plat No. 2, as surveyed and plotted by George B. Cropper, Surveyor, July and August 1962 which is now of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware in Plot Book 5, Page 31, and Plot Filing Case No. 1, bounded on the south by Hayes Avenue, on the West by Lot 7, on the north by a fifty foot lagoon and on the south by Lot 5.

BRING the same lands conveyed unto Clarence J. Holecko and Elsie F. Holecko, his wife by deed of Edgewater Acres, Inc., a corporation of the State of Delaware dated August 17, 1977 and being of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 623, page 634. Clarence J. Holecko departed this life on April 18, 1990 and the entire interest in the above-mentioned real property passed to the surviving spouse, Elsie F. Holecko.

THIS CONVEYANCE is made subject to the restrictions filed for record in Deed Book 623, Page 634.

4628 333 4/ 1/96 TR-TX ST 1880.00

7304 111

4/ 1/96

CTR-TX SU 940.00

02114 256

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year aforesaid.

Sealed and Delivered
in the Presence of:

Sharon
Witness

Elsie F. Holecko (SEAL)
Elsie F. Holecko

STATE OF Maryland
COUNTY OF Montgomery ss.

BE IT REMEMBERED, that on this 20th day of March, in the year of our Lord, One Thousand Nine Hundred and Ninety-Six (1996), personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Elsie F. Holecko, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her Deed.

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

Barbara R. Clark
Notary Public

Barbara R. Clark
Print Name of Notary Public
My Commission Expires: Dec 21, 1998

RECORDED AT NOTES
FBI NOTARY PUBLIC

95 APR -1 PM 12:10

SUSSEX COUNTY
DEED SURCHARGE PAID

BARBARA R. CLARK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 21, 1998

Received

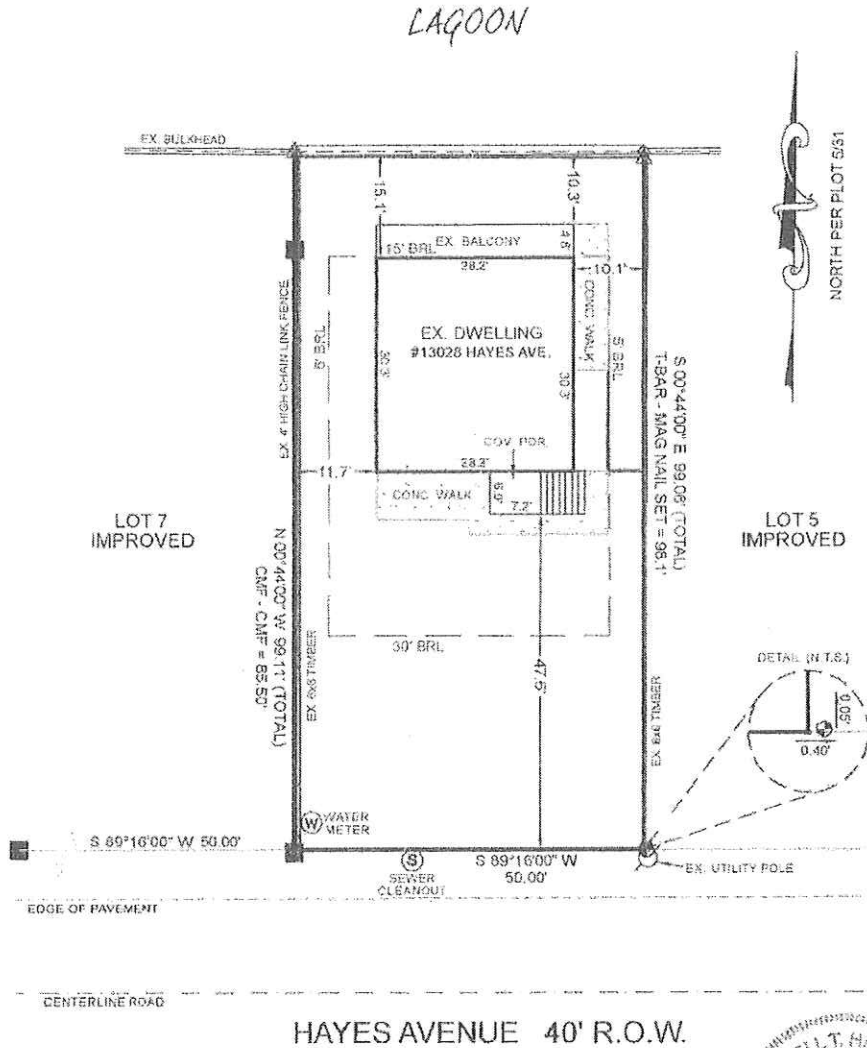
APR 2 1996
ASSESSMENT DIV.
OF SUSSEX CTY.

4-17-96
Daniel A. Medwick
64492 Ave
Goldsboro, NC 27535

Exhibit B

Survey

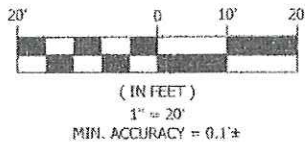
NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY, WETLANDS, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.



FINAL AS-CONSTRUCTED SURVEY PLAN

LOT 6 - BLOCK 1 - EDGEWATER ACRES
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

GENERAL NOTES:
ADDRESS: 13028 HAYES AVE
TAX ID.: 533-20.19-54.00
DEED REF.: 2114/255
PLOT REF.: 5/31
LOT AREA: 4,954 S.F.±
EX. ZONING: AR-1
ZONING SETBACKS:
FRONT: 30', SIDES: 5', REAR: 15'
FLOOD ZONE: AE (EL 5')
PER FIRM NO. 100029 0654 K
DATED MARCH 16, 2015.
CLASS "B" SURVEY



LEGEND

- DENOTES CONC. MON. FOUND
- ⊙ DENOTES T-BAR FOUND
- △ DENOTES MAG NAIL SET
- DENOTES UNMARKED POINT

RUSSELL T. HAMMOND

Surveying, L.L.C.

SURVEYING - LAND PLANNING
10310 Hotel Road Bishopville, MD 21813
(410) 352-5674 - (410) 726-8076

DRAWN BY: R. SAVAGE
FILE NO.: 2021-3057
DATE: 11/18/2022

17-9-22
DU

Exhibit C

Zoning Code

Chapter 115. Zoning

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

§ 115-25. Height, area and bulk requirements.

[Amended 11-7-1989 by Ord. No. 632; 10-31-1995 by Ord. No. 1062; 7-15-1997 by Ord. No. 1157; 8-3-2004 by Ord. No. 1709]

- A. Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.

- (1) Standard lot option:

District (square feet)	Area (feet)	Width* (feet)	Depth
AR-1	32,670	100	100

NOTES:

A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

- (2) Cluster development option. The minimum lot size may be reduced to one-half acre (21,780 square feet) where soil conditions are suitable as approved by DNREC. The total number of lots allowed shall not exceed the number of lots that would be permitted under the standard lot option. The number of dwelling units permitted shall be determined by dividing the gross area by 32,670 square feet. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. However, if the proposed cluster development lies within a Low-Density Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, the total number of lots permitted shall be determined by first reducing the gross area by 25%.

[Amended 1-31-2006 by Ord. No. 1822; 12-4-2018 by Ord. No. 2618]

- B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:

- (1) Standard lot option:

District	Area** (square feet)	Width* (feet)	Depth (feet)
AR-1	20,000	100	100

- (2) Cluster development option (subject to § 115-25F):

[Amended 5-21-2019 by Ord. No. 2656]

Minimum Tract Size (acres)	Minimum Lot Size (square feet)	Required Open Space
10	7500	30%

NOTES:

* A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

** For lots located in the Coastal Area, the Development Districts or the Town Center Districts, the overlay ordinance for that district shall determine the minimum lot size.

- (3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. When a cluster development lies within a Town Center, a Developing Area, or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. The Sussex County Council prior to the signing of a contract to purchase, shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this act. All such approvals by the Council shall be by a four-fifths majority vote. It is understood that the County shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.

[Amended 1-31-2006 by Ord. No. 1822; 4-2-2006 by Ord. No. 1842; 12-4-2018 by Ord. No. 2618; 7-27-2021 by Ord. No. 2791]

C. Minimum yard requirements. Minimum yard requirements shall be as follows:

District	Depth of Front Yard (feet)	Width of Side Yard* (feet)	Depth of Rear Yard (feet)	Minimum Lot Width (feet)
AR-1 and AR-2 (Cluster with central sewer)	25	10	10	60
AR- and AR-2 (All others)	40(30)**	15	20	100

NOTES:

* A lot having an area of less than 20,000 square feet or having a width of less than 100 feet, which lot was legally recorded prior to January 1, 1971, shall be subject to the minimum side yard requirements applicable to an MR District rather than to the minimum side yard requirements of this district.

** See also the table of district regulations at the end of this chapter.

D. Maximum height requirements. Maximum height requirements shall be as follows:

District	Feet
AR-1 and AR-2	42

E. Design requirements for cluster development.

- (1) All development shall be in accordance with the latest amendment to the community design standards.
- (2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance.
- (3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area
- (4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.
 - (a) A planting strip at least 30 feet wide near the property line which shall include two canopy trees, four understory trees and 10 shrubs per 100 linear feet of buffer; or
 - (b) A landscaped rolling berm at least four feet in height; or
 - (c) A solid fence or wall a minimum of six feet in height designed with durable materials, texture and colors compatible with adjacent residential development.
- (5) No lots shall have direct access to any state-maintained roads.
- (6) All lots shall be configured to be contained completely outside of all wetlands.
- (7) Any development using the option in Subsection **B(2)** shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § **115-194A** of the Sussex County Zoning Ordinance.

F. Review procedures for cluster development.

- (1) The developer shall submit an application for a cluster development in accordance with Chapter **99**, Subdivision of Land, of the Sussex County Code and which shall include, at a minimum, a sketch plan showing the location and uses of all open spaces, the extent of existing wooded areas and wetlands and the location of any historical or cultural resources. The Director of Planning and Zoning may waive this requirement when the proposed development does not contain significant natural features or resources.
- (2) The information submitted shall include a plan for the management of all open space.
- (3) The Planning and Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be reviewed on an expedited basis.
 [Amended 1-31-2006 by Ord. No. 1822; amended 4-2-2006 by Ord. No. 1842; 12-16-2008 by Ord. No. 2024^[1]; 12-4-2018 by Ord. No. 2618; 6-11-2019 by Ord. No. 2658]
 - (a) The cluster development sketch plan and the preliminary plan of the cluster subdivision provides for a total environment and design which are superior, in the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for the standard option. For the purposes of this subsection a proposed cluster subdivision which provides for a total environment and design which are superior to that allowed under the standard option subdivision is one which, in the reasonable judgment of the Planning Commission meets all of the following criteria:
 [Amended 5-17-2022 by Ord. No. 2852]
 - [1] Homes shall be clustered on the environmentally suitable portions of the tract, specifically those portions of the tract least encumbered by sensitive environmental

features, including but not limited to wetlands, mature woodlands, waterways and other water bodies. This does not inhibit the development of wooded parcels.

[2] (Reserved)

[3] Required open space shall comply with the following criteria:

[a] All required open space must meet the official definition of acceptable open space contained in § 115-4.

[b] Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.

[c] If one of the following physical conditions exists adjacent to the proposed cluster development tract, at least 30% of all required open space must be adjacent to:

[i] An existing or officially planned public park, land preserved by easement, or land preserved as open space and in municipal, County, state, or federal ownership.

[ii] Existing wetlands, waterways, wildlife corridors, or other ecology-sensitive land.

[iii] Existing farmland and/or woodlands.

[iv] If more than one of these physical features exist on adjacent properties, then one of these features will be identified and utilized to satisfy this requirement.

[v] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners' association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.

[vi] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.

[4] The preliminary plan shall comply with the requirements of § 115-193.

[5] Stormwater management shall be designed to promote groundwater recharge and protect groundwater quality. Natural drainage flows shall be maintained to the greatest extent possible. Drainage from rooftops shall be directed to vegetated areas or allow green technology. Stormwater detention and retention facilities should be designed to resemble natural ponds as referenced by DNREC in the National Resource Conservation Service's (NRCS) Pond Code 378, Visual Resource Design.

[6] Removal of healthy mature trees shall be limited.

[7] Scenic views that can be seen from within the tract should be preserved to the greatest extent possible.

[8] The applicant for a cluster development shall illustrate that the following sequence and process was followed in the site design of the cluster project:

- [a] Identify lands that should be preserved. First, areas worthy of preservation should be mapped, including wetlands, wooded areas, waterways, other water bodies, and natural drainage areas. Then, other features that are important should be mapped, such as tree lines, scenic views, historic buildings, and prime farmland. The areas with the fewest important natural, scenic and historic features should be considered the "potential development area."
 - [b] Identify developable areas. Next, the most appropriate locations for development should be chosen to minimize the impact to the most important features mapped in the first step.
 - [c] Locate roads and trails. After the developable areas are determined, a road system should be designed to serve those homes. A trail system that links homes to destinations outside of the tract should be designed.
 - [d] Locate lot lines. The last step is to configure lot lines and make necessary adjustments to satisfy the various reviewing agencies' comments.
- [9] Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.
- (b) The cluster development plan will preserve the natural environment and any historic or archeological resources.
 - (c) All of the items in Ordinance Number 1152 (see § **99-9C**) have been addressed and approval of the cluster option for the proposed development will not have an adverse effect on any of the items to be considered.^[2]
 - [2] *Editor's Note: Former Subsection F(3)(d), which immediately followed and required that the cluster development developer proffer a development fee to the County for the purpose of creating open space for preservation and/or active and/or passive recreation areas was repealed 7-27-2021 by Ord. No. 2791. For current provisions, see Subsection B(3).*
 - [1] *Editor's Note: This ordinance also provided that it shall apply to all cluster subdivision applications filed after 1-1-2009.*
- (4) The Sussex County Planning and Zoning Commission may add conditions to the approval of any cluster development to protect adjacent properties and the natural environment.

Article XXV. Supplementary Regulations

§ 115-183. Side and rear yards.

- A. Where a building in a commercial district is subject to the height, area and bulk requirements applicable to residential development under § **115-178** of this article, the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than 25% of its area used for dwelling. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.
- B. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.
- C. Open unenclosed decks, porches, platforms or steps not covered by a roof or canopy and which do not extend above the first floor of the building may be constructed in a side or rear yard no closer than five feet from a side lot line and five feet from a rear lot line. This provision does not apply to manufactured home parks or campgrounds.
[Amended 11-28-1989 by Ord. No. 639; 2-1-2005 by Ord. No. 1748; 10-12-2010 by Ord. No. 2152; 3-20-2018 by Ord. No. 2562]

- D. For any existing approved lot that is less than 10,000 square feet in size, the side yard setbacks shall be reduced to five feet and the rear yard setback shall be reduced by five feet. For any lot with side or rear setbacks reduced by operation of this § **115-183D**, no structures shall extend or project closer than five feet from the lot line. The provision of this subsection shall not apply to any lot in a cluster subdivision, Coastal Area cluster subdivision or residential planned community.
[Added 3-20-2018 by Ord. No. 2557; amended 5-21-2019 by Ord. No. 2656]

ZONING

115 Attachment 1

Sussex County

TABLE I

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

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

NOTES:

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

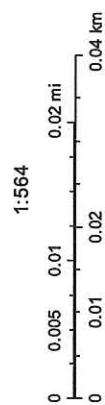
SUSSEX COUNTY CODE

(NOTES cont'd):

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

Exhibit D

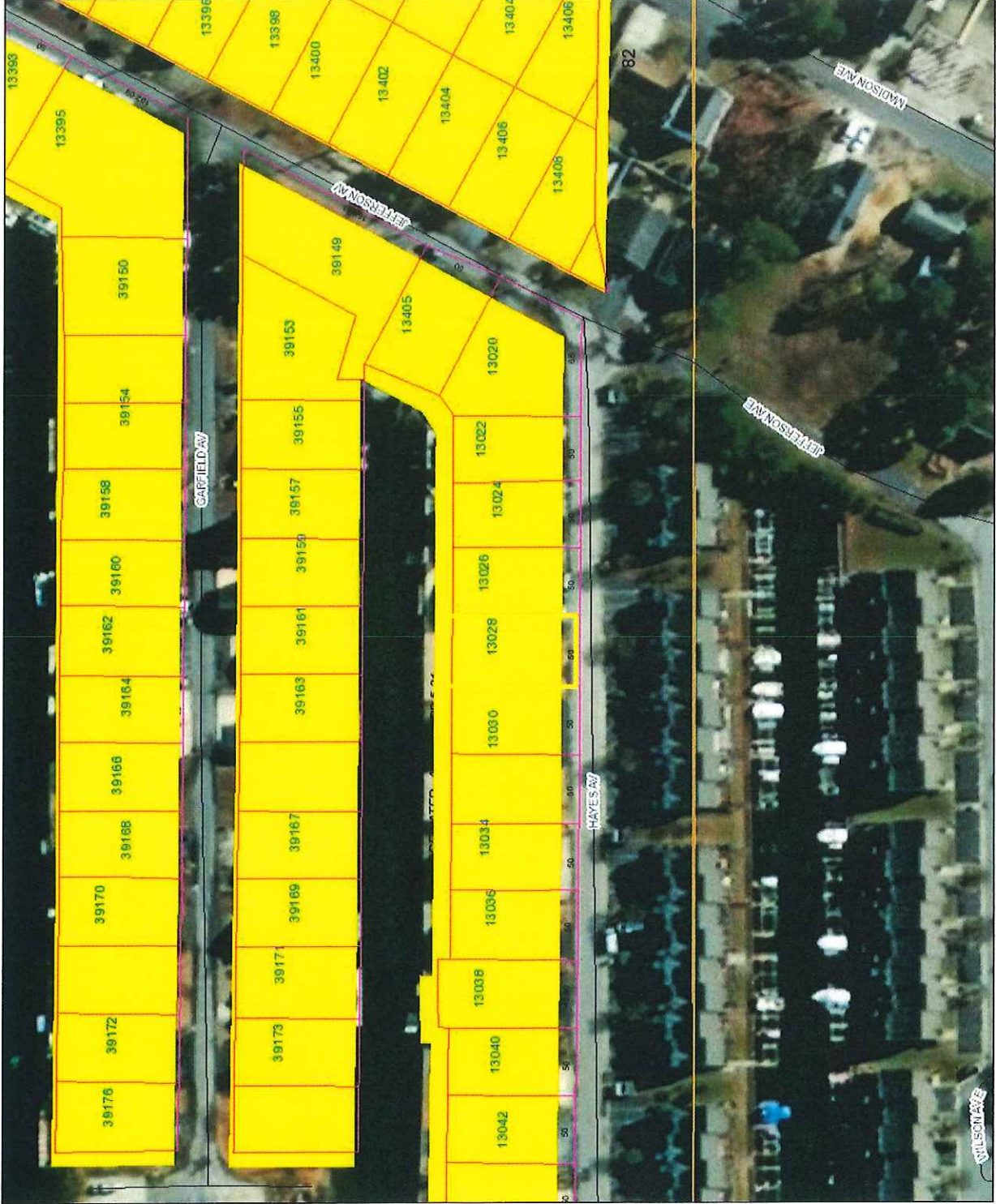
Aerial Maps



PIN:	533-20 19-54 00
Owner Name	NEDWICK DANIELA
Book	2114
Mailing Address	13028 HAYES AVE
City	SELBYVILLE
State	DE
Description	EDGEWATER ACS HAYES
Description 2	AVE LOT 6 BLK 1
Description 3	WIMPSPEC COMM LIEN
Land Code	



Sussex County



PIN:	533-20.19-54.00
Owner Name	NEDWICK DANIEL A
Book	2114
Mailing Address	13028 HAYES AVE
City	SELBYVILLE
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Description	EDGEWATER ACS HAYES
Description 2	AVE LOT 6 BLK 1
Description 3	WIMPSPEC COMM LIEN
Land Code	

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

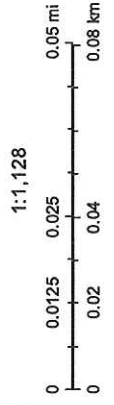


EXHIBIT E

Balcony Images





EXHIBIT F

Land Use History

12159

Variance

[Return to Docket](#)

[View on map](#)

Applicant Name:

John & Roe Cassie

Application Status:

Approved

Hundred:

Baltimore

Parcel Information:

533-20.19-55.00

Description of Request:

seek variances from the front yard and rear yard setbacks for an existing structure (Section 115-25 of the Sussex County Zoning Code). The property is located on the north side of Hayes Ave., approximately 268 feet west of Jefferson Ave. 911 Address: 13030 Hayes Ave., Selbyville. Zoning District: AR-1. Tax Map: 533-20.19-55.00


Board of Adjustment Hearing

Board of Adjustment Hearing Date:

Monday, June 18, 2018 - 7:00pm

[Hearing Archive and Audio](#)

Board of Adjustment Hearing Notice:

 [BOA Hearing 06-18-2018.pdf](#)

Findings of Fact:

Tuesday, September 11, 2018

 [12159 Lands of Cassie Findings of Fact dated & signed.pdf](#)

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN CASSIE & ROE CASSIE

(Case No. 12159)

A hearing was held after due notice on June 18, 2018. The Board members present were: Mr. Dale Callaway, Mr. Bruce Mears, Ms. Ellen Magee, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicants are seeking a variance of 0.2 feet from the thirty (30) feet front yard setback requirement for an existing dwelling and a variance of 4.5 feet from the fifteen (15) feet rear yard setback requirement for an existing two-story deck. This application pertains to certain real property on the north side of Hayes Avenue, approximately 268 feet west of Jefferson Avenue. (911 Address: 13030 Hayes Avenue, Selbyville); said property being identified as Sussex County Tax Map Parcel Number 5-33-20.19-55.00.

1. The Board was given copies of the Application, a temporary Certificate of Occupancy, the application for Case No. 11852, minutes and findings of fact for Case No. 11852, a site plan dated September 15, 2015, a survey of the Property dated November 2, 2017, complaint information forms, pictures of the Property, a Sussex County violation notice, a building permit, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of the Application and five (5) letters in opposition to the Application.
3. The Board found that John Cassie, Roe Cassie, Richard Evans, Anthony Balsamo, and Russell Hammond were sworn in to testify about the Application. Tim Willard, Esquire, presented the case on behalf of the Applicants and submitted exhibits for the Board to review.
4. The Board found that the Applicants, through their builder Anthony Balsamo, previously sought variances for the Property related to the construction of a dwelling and related features. Those variances included a variance of seven (7) feet from the thirty (30) feet front yard setback requirement for a proposed dwelling, a variance of four (4) feet from the ten (10) feet side yard setback requirement on the west side for a proposed outside shower, and a variance of five (5) feet from the twenty (20) feet rear yard setback requirement for a proposed deck and porch. The prior case (Case No. 11852) was denied on the Board on October 3, 2016.
5. The Board found that Mr. Evans testified that he is a draftsman and he designs residential homes in the area. He has been in business of drafting residential plans since 1994 and he was retained to design building plans for the Property. He does not perform surveying work.
6. The Board found that Mr. Evans testified that the dimensions of the dwelling were originally 30 feet wide by 51.3 feet deep with a ten (10) feet deck. After the previous variance request was denied, the house plans were revised. The house was moved closer to the rear by approximately 7 feet and the dimensions of the dwelling were reduced. The dwelling is now 49.3 feet deep and is a Cape Cod style home.
7. The Board found that Mr. Evans testified that there was a discrepancy as to the size of the rear yard setback requirement. The survey showed the rear yard setback requirement as 10 feet when the actual rear yard setback requirement was 20 feet

with an allowance of a 5 feet encroachment for first-floor decks.¹ According to Mr. Evans, when he redesigned the dwelling, he called staff at Planning and Zoning and was told that the rear yard setback was 10 feet and he modified the plans to meet that setback. The design was based on request and information from the surveyor and builder.

8. The Board found that Mr. Cassie testified that he was aware that the builder sought variances for the previous plans and was denied. He then worked with his builder and architect to redesign the plans. During this process, he relied on his builder, surveyor, and architect and he believed that he would not need a variance after the plans were redesigned. According to Mr. Cassie, he was unaware of the encroachments until he received a violation notice from the County last summer; at which time he told his builder to stop construction immediately to see what needed to be done. His builder told him that the issue was that the County thought the second floor deck would enclose the first-floor deck but there is no enclosure to the decks and he was under the impression that a balcony over the first-floor deck was not considered an enclosure. Mr. Cassie was told by his builder that the issue regarding the violation notice had been straightened out.
9. The Board found that Mr. Balsamo testified that he presented the original variance request and that, after the original variance request was denied, he reached out to the Applicants, the architect, and the surveyor. The home was then redesigned and plans were submitted to the County. The surveyor staked out the new house to be built and the footers were inspected and approved by Building Code. He was not aware that these variances were needed until after the house was built.
10. The Board found that Mr. Hammond testified that he based the setbacks for the Property off other surveys he prepared in the area and that he made an error by not checking with the County to verify the setback requirements.
11. The Board found that Mr. Hammond testified that he worked with the owner and builder on the plan and he staked out the foundation for the house at a thirty (30) feet front yard setback after the plans were redesigned following the denial of the original variance. He did not return to the site until after the dwelling was completed, at which time, he performed an as-built survey and he measured from the exterior corners and not the foundation. He believes that the front yard setback encroachment may have been an error made during construction.
12. The Board found that Mr. Evans testified that, when the house was redesigned, the dwelling was moved towards the rear, the outdoor shower was removed, the depth of the dwelling was reduced, the porch was converted to a deck, and changes were made to the stairs.
13. The Board found that Mr. Balsamo testified that the front of the dwelling cannot be brought into compliance. Mr. Evans agrees. The front yard encroachment is due to the siding which was a builder error. With regard to the rear yard encroachment, he would have to change the structure of the entire top deck in order to bring it into compliance since the top deck is not cantilevered. If a portion of the top deck was removed, there would be a six feet by six feet post in the middle of the first floor deck in order to support the shortened second story deck. The shortening of the second-floor deck would also require the complete reconstruction of both the first-floor and second-floor decks.
14. The Board found that Mr. Willard stated that the subdivision was created in 1966 and is a non-conforming subdivision. The restrictive covenants for the community set forth a rear yard setback of 10 feet.

¹ The Board notes that, at the time the dwelling was constructed the rear yard setback requirement was 20 feet with an allowance of a 5 foot encroachment for first-floor decks. Earlier this year, Sussex County Council passed Ordinance No. 2557 which reduced the rear yard setback requirements for undersized lots, such as the Applicants' lot, to 15 feet. First-floor decks are allowed to encroach an additional 5 feet into the rear yard setback area.

15. The Board found that Mr. Willard stated that the Board has approved multiple variances in the neighborhood and there are about 17-18 homes in the neighborhood which encroach into the twenty (20) feet rear yard setback. There are properties which have been granted rear yard variances in the community but not on Hayes Avenue but there are properties on Hayes Avenue which have received variances.
16. The Board found that Mr. Willard stated that the Board has set a precedent by granting other variances for similar properties in the neighborhood and that there are rear setbacks within the neighborhood that are closer than twenty feet. He believes that these other variances are relevant to the character of the neighborhood. He also noted that there are various types of houses in the neighborhood.
17. The Board found that Mr. Willard stated that the Property is unique because it is an existing non-conforming lot and neighborhood. The lot consists of 5,000 square feet and is zoned AR-1. The Applicants did not create the small lot size.
18. The Board found that Mr. Cassie affirmed the statements made by Mr. Willard as true and correct. Mr. Cassie further testified that he retained professionals to guide the job from start to finish after the denial of Case No. 11852 and that he did not create the need for a variance because he relied on professionals.
19. The Board found that Mr. Cassie testified that the builder recommended the architect and the builder hired the surveyor. The Applicants relied on the architect, builder, and surveyor when the building started.
20. The Board found that Teresa Pyle, Charles Pyle, Charles Meade, and Rosemary Meade were sworn in and testified in opposition to the Application.
21. The Board found that Mrs. Pyle testified that she lives five lots away from the Property and that her lot is small. The lots in the neighborhood measure 50 feet by 100 feet and she believes that the property owner was well aware of the setbacks when building the home. Mrs. Pyle expressed concerns about the risk of fires due to the closeness of the homes and the potential for parking issues.
22. The Board found that Mr. Pyle testified that lives in the neighborhood and that he believes that a dwelling can be constructed in compliance with the Code in order to keep uniformity in the neighborhood.
23. The Board found that Mr. Meade testified that his home was built in 1985 and that the architect and builder he hired knew how to follow the Code. He argued that it is the Applicants' fault for not retaining better professionals because a home can be built there according to the Code. He did note that the Applicants' house is beautiful.
24. The Board found that Mrs. Meade testified that she contacted the County after the home was built to raise concerns about encroachments.
25. The Board found that one (1) party appeared in support of the Application.
26. The Board found that four (4) parties appeared in opposition to the Application.
27. 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 was substantially different from the application presented in Case No. 11852. The Applicants clearly worked with their builder, surveyor, and architect to redesign the building plans after the initial variance requests were denied. This process led to 1) the design of a smaller home which was moved away from the front property line thereby significantly decreasing the front yard encroachment, 2) the removal of an outdoor shower, 3) the reconfiguration of stairs to the home, and 4) the conversion of a proposed first-floor covered porch to a first-floor deck. These changes are substantial and have resulted in a home that is substantially more compliant with the Code than the prior proposed dwelling. These changes merit consideration by the Board as to whether the variances now requested should be approved.
28. 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 due to its size. The Property is quite small as evidenced by the survey. The Property is 50 feet wide by 98.18 feet deep and consists of only 4,975 square feet. The unique characteristics of this Property limit the buildable area available to the Applicants and have created an exceptional practical difficulty for the Applicants who seek to retain existing structures on the lot. The Board notes that the difficulty experienced by the Applicants has been exacerbated by the errors made by their builder, architect, and surveyor during the building process. The Applicants clearly relied on those individuals for advice only to later learn of the encroachments.
- b. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique size and the buildable area thereof is limited due to its size. The Applicants seek to retain existing structures on the lot but are unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow reasonably sized, existing structures to remain on the lot. The Board is convinced that the shape and location of these structures are also reasonable, which is confirmed when reviewing the survey provided by the Applicants. Lastly, the Board notes that the rear yard variances are for a second-floor deck which overhangs an existing first-floor deck. Ground level decks are allowed to encroach into the setback area and, if there was no second-story deck, a rear yard variance would not be needed. Unfortunately, the second-floor deck cannot be reduced in size to be brought into compliance without substantial reconstruction, including foundational changes, to both decks. Such repair appears to be unduly burdensome and unnecessary; particularly since neither deck is enclosed.
- c. The exceptional practical difficulty was not created by the Applicants. The Applicants did not create the unusual size of the Property. The lot was created in 1965 and predated the enactment of the Sussex County Zoning Code. The unique lot size has resulted in a limited building envelope on the Property and the small building envelope has created the exceptional practical difficulty. The unique characteristics of the Property are clear when reviewing the survey. The Board is convinced that the exceptional practical difficulty was not created by the Applicants but was created the lot's unique characteristics. The Board also notes that the Applicants clearly relied upon the professionals to guide them through the planning process only to later discover the errors.
- d. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the structures will have no effect on the character of the neighborhood. Other similar variances have been granted in the neighborhood and the structures are similar to others in the neighborhood. Concerns raised by opposition as to fires and parking appeared speculative in nature. The concern about fires was particularly perplexing since the structures meet the side yard setback requirements and the encroachments are to the rear yard, which is bordered by a canal, and to the front yard which is bordered by Hayes Avenue. The Board was simply not convinced that the variances would somehow alter the essential character of the neighborhood. The Board also notes that the front yard variance is only 0.2

feet and is likely unnoticeable by neighbors; particularly since the edge of paving of Hayes Avenue does not match the front property line. The Board also notes that there was support from one neighbor who suggested that the dwelling will increase property values in the neighborhood. Even a member of the opposition conceded that the home was beautiful.

- e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicants have demonstrated that the variances sought will allow the Applicants to retain existing structures on the lot. No additions or modifications to those structures are needed.

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 were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

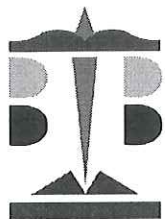
BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



John Mills
Chairman

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

Date September 11, 2018



BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA LLC

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

January 3, 2023

VIA EMAIL AND REGULAR MAIL

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

RE: Variance Request for 13028 Hayes Avenue, Selbyville, DE 19975

Director Whitehouse,

We represent Mr. Daniel A. Nedwick. Enclosed please find a copy of Mr. Nedwick's Board of Adjustment Application seeking a variance from the rear yard setback requirement for an existing second floor balcony.

Should you need any additional information prior to the public hearing or have any questions, please contact me at mackenzie@bmbde.com or my paralegal, Meagan Garey, at meagan@bmbde.com.

Sincerely,

Mackenzie M. Peet, Esq.

MMP/mag

Enclosures

Cc: Daniel A. Nedwick

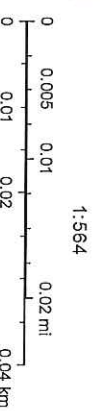


Sussex County



PIN: 533-20-19-54-00	
Owner Name	NEDWICK DANIELA
Book	2114
Mailing Address	13028 HAYES AVE
City	SELBYVILLE
State	DE
Description	EDGEWATER ACS HAYES
Description 2	AVE LOT 6 BLK 1
Description 3	W/IMP SPEC COMM LIEN
Land Code	

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





Search

Search by TaxParcels

533-20-19-54/00

Search results (1)

Name: 533-20-19-54/00

Options

Amy Hollis

From: Jennifer Norwood
Sent: Wednesday, January 25, 2023 3:49 PM
To: Amy Hollis
Subject: FW: Nedwick Property
Attachments: IMG_5064.jpg; IMG_5049.jpg

Amy,

Please add this information to the Nedwick application, we are good on the advertising side of things.

Jenny

From: Mackenzie Peet <Mackenzie@bmbde.com>
Sent: Wednesday, January 25, 2023 3:13 PM
To: Jennifer Norwood <jnorwood@sussexcountyde.gov>
Cc: Meagan Garey <Meagan@bmbde.com>
Subject: RE: Nedwick Property

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.

Good afternoon, Jenny,

We received the attached pictures from my client, Daniel Nedwick, earlier today. It seems that variances are necessary for the second and third-story balconies and associated support beams. There is also a set of stairs located on the second-story balcony that leads to the third-story balcony. It seems that a variance may be needed for that structure as well. I will ask my client if the staircase encroaches the same distance into the rear yard setback. It is not obvious from the photographs shared. I will submit a clarification letter to the County to confirm the variances needed.

Thanks,

Mackenzie



WE DO NOT ACCEPT OR REQUEST
CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FAX.
Always call to verify.

*** Wire Instructions will be sent via secure email or fax. Please contact me directly to verify wire instructions. ***

Mackenzie M. Peet, Attorney
1413 Savannah Road, Suite 1 | Lewes, DE 19958
(302) 645-2262 (tel.) | (302) 313-5278 (fax)
(302) 313-5293 (direct)
mackenzie@bmbfclaw.com







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

Application Number

202109996

Issue Date: 08/25/2021

Expire Date: 08/25/2022

Permit Type: **DWELLING OUT OF TOWN**

Parcel ID	Address	Zone Code
533-20.19-54.00	13028 HAYES AVENUE	AR-1

Owner Information	Applicant Information
Name: NEDWICK DANIEL A Phone:	Name: NEDWICK DANIEL A Phone:

Contractor Information		
Name:	NEDWICK DANIEL A	License Number:
CID:	680530	License Exp. Date:
Phone:		Insurance Exp. Date:

Building Information
Proposed Use: DWELLING RESIDENTIAL Construction Type: Estimated Cost of Construction: \$ 119,748 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: 30.00 / Side Setback: 5.00 / Maximum Building Height: 42' MAX Rear Setback: 15.00 / Corner Setback: / Location Description: FLOOD ZONE EDGEWATER ACS HAYES AVE LOT 6 BLK 1 W/IMPSPEC COMM LIEN Flood Zone: AEP654K ____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

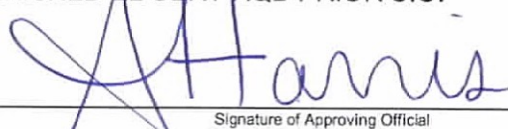
Project Description: **DWELLING**

Scope of Work:

2 ST DW 30X28, ATT GAR 30X17, POR 5X28, POR 5X17,
DECK 10X17

Permit Details:

100-YEAR FLDPLAIN, ZONE AE
PRE EL CERT/FLD REVIEW ATTACHED
FINISHED EL CERT RQD PRIOR C.O.


Signature of Approving Official


Signature of Owner/Contractor

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.

I fully understand the Zoning Requirements of this permit.

Permit Number

BP-164438

TOTAL FEES:

\$ 663.87



Building Description

Total Bedrooms: 3

Full Baths: 2 Half Baths: 1

Total Rooms: 8

Basement: NO

Interior Walls: DRYWALL

Flooring:

CARPET TILE VINYL HARDWOOD

Heat Type: HEAT PUMP

Roofing: SHINGLE

Exterior Walls: VINYL

Foundation Type: POURED

Fireplace Type:

Air Conditioning: Y

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater

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

_____ Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds

Must conform to the location approved by the park.

_____ Farm-Use Permits

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

_____ Fences

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

 _____ Parcel Setbacks

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

_____ Pools (Above-Ground)

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

_____ Pools (In-Ground)

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

_____ Pools or Guest Homes

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

_____ Tax Ditch

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

PAYMENT SUMMARY RECEIPT

Sussex County, DE
PO BOX 589

DATE: 08/25/21 CUSTOMER#:
TIME: 13:58:00
CLERK: shaviont

RECPT#: 3685067 PREV BAL: 663.87
TP/YR: P/2022 AMT PAID: 663.87
BILL: 3685067 ADJSTMNT: .00
EFF DT: 08/25/21 BAL DUE: .00
PERMITS/INSP PAYMENT: 202109996
-----TOTALS-----

PRINCIPAL PAID: 663.87
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 663.87
AMT APPLIED: 663.87
CHANGE: .00

PAID BY: BEAM CONSTRUCTION IN
PAYMENT METH: CHECK
PAYMENT REF: 8799

TOT PREV BAL DUE: 663.87
TOT BAL DUE NOW : .00

Application Entry [Sussex County, DE]

Application

Department 112 - Assessment
 Project/Activity * A007 ... DWELLING *
 Application * 202109996
 Status A ACTIVE
 Description 1 2 ST DW 30X28, ATT GAR 30X17, POR 5X28, POR 5X17,
 Description 2 DECK 10X17
 Applicant C - CONTRACTOR
 Estimated cost 119,748 Fees effective 07/02/2021

Owner NEDWICK DANIEL A
 Contractor Business
 Status code O - OPEN
 Status memo MARK BEAM: 302-462-6270/BEAMCONSTRUCTION@COMCAST.NET
 Assigned to ...
 Permit MULTIPLE

PROPERTY/USE

Parcel 533-20.19-54.00
 Location 13028 HAYES AVENUE
 SELBYVILLE DE 19975
 Municipality SV ... SELBYVILLE
 Subdivision ...
 Lot/Section/Phase ...
 Between and ...
 Location desc EDGEWATER ACS HAYES AVE LOT 6 BLK 1 W/IMPSPEC COMM LIEN

Existing use zoning memo
 flood zone
 Proposed use zoning
 Project Name
 flood zone
 Impervious surface 0

RS ... RESIDENTIAL SINGLE FAMILY
 AR-1 - AGRICULTURAL RESIDENTIAL
 RS ... RESIDENTIAL SINGLE FAMILY
 AR-1 - AGRICULTURAL RESIDENTIAL

In flood

Needs el cert

County Sewer fees per N. Messick. Need Scd \$ 663.87

enroll 8/24

Sealed
Project location on Heronets

Prerequisites Hazard/Restr Plan Reviews
 Inspections Dept/Bd Reviews Violations
 Contractors Names Text
 Open Items Warnings Special Conditions
 Browse History Find Related Find by Parcel
 Bonds Locations Parcel IDs
 Septic Well
 Parking Buffering



Memo


To: Building Permit Office
From: Sussex Conservation District Sediment and Stormwater Program Staff
Re: Sussex Conservation District Residential Standard Plan Exemption

Construction projects that involve disturbance to the land of 5,000 square feet or more for residential, commercial, industrial, agricultural and institutional land uses are subject to the *Delaware Sediment and Stormwater Regulations*. This includes residential single family home construction. The Sussex Conservation District has developed a Residential Standard Plan which is a standardized Sediment and Erosion Control Plan for single family construction disturbing 5,000 square feet or more. Earth disturbance may include but is not limited to home construction, septic installation, drive way and lot grading.

The Residential Standard Plan is a requirement for obtaining a building permit in Sussex County and prior to initiating any site disturbance unless the total site disturbance is less than 5,000 square feet. Construction projects that do not involve land disturbance or projects that disturb less than 5,000 square feet of land, are exempt from the requirements of the *Delaware Sediment and Stormwater Regulations*.

The District has reviewed the proposed single family plot plan and concurs that the total disturbance of the project is less than 5,000 square feet and is therefore exempt from obtaining a Sussex Conservation District Residential Standard Plan.

Please take this form to the Sussex County Permit Office:

<p>The permit applicant for <u>#533-20.19-54.00</u> (TMP#) Lot 6 – Edgewater Acres</p> <p>has demonstrated that the proposed earth disturbance associated with single family lot construction is less than 5,000 square feet and is therefore <u>exempt from obtaining a Residential Standard Plan Approval</u>. Please accept this memo from SCD as a no-objection to the issuance of a building permit.</p>	<p>SCD Stamp:</p> 
--	---



SUSSEX COUNTY
NEW CONSTRUCTION BUILDING CODE & PERMIT
SINGLE FAMILY WORKSHEET

[PROVIDE ALL APPLICABLE INFORMATION FOR SUBMITTAL]

Tax Map & Parcel ID: 5-33-20.19-54 Lot/Unit #: 6 Development: Edgewater Acres
Modular: Yes ☐ No ☒ Model Name: _____ Stories: 2
Waiving Plan Review: Yes ☐ No ☒

Area	Square Feet	Dimension
Heated Living Space	<u>2013</u>	Dimensions <u>30</u> x <u>28</u>
Garage	<u>512.5</u>	Dimensions <u>30</u> x <u>17-1</u>
Basement	<u>N/A</u>	Dimensions <u>N/A</u> x <u>N/A</u>
Finished: Yes <input type="checkbox"/> No <input type="checkbox"/>		
Sunroom	<u>N/A</u>	Dimensions <u>N/A</u> x <u>N/A</u>
Porch 1	<u>140</u>	Dimensions <u>5</u> x <u>28</u>
Porch 2	<u>85</u>	Dimensions <u>5</u> x <u>16-11</u>
Deck 1	<u>170</u>	Dimensions <u>10</u> x <u>16-11</u>
Deck 2	<u>N/A</u>	Dimensions <u>N/A</u> x <u>N/A</u>
Outside Shower (Do not include in total)	<u>N/A</u>	Dimensions <u>N/A</u> x <u>N/A</u>
Unfinished Space	<u>N/A</u>	Dimensions <u>N/A</u> x <u>N/A</u>
Other	<u>N/A</u>	Dimensions <u>N/A</u> x <u>N/A</u>
Total Square Feet	<u>2920.5</u>	

Area	Number	Materials
Bedrooms	<u>3</u>	Foundation Type <u>poured concrete walls</u>
Baths – Full	<u>2</u>	Siding Type <u>Certaainteed Vinyl</u>
Baths – Half	<u>1</u>	Roof Type <u>asphalt / flexion membrane</u>
Total Rooms	<u>8</u>	Heat Type <u>electric</u>
Fireplace	<u>N/A</u>	Fireplace Type <u>N/A</u>
Elevator	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

Contact Name Mark Beam Phone No. 302-462-6270
Contractor's Name Mark Beam Email address beamconstruction@comcast.net
Address 1 East Atlantic St. Fenwick Island, DE 19944

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



SUSSEX COUNTY
NEW CONSTRUCTION BUILDING CODE & PERMIT
SINGLE FAMILY WORKSHEET

[PROVIDE ALL APPLICABLE INFORMATION FOR SUBMITTAL]

Tax Map & Parcel ID: 5-33-20.19- Lot/Unit #: 6 Development: Edgewater Acres
54

Additional Information:

Contact Name Mark Beam Phone No. 302-462-6270
Contractor's Name Mark Beam Email Address beamconstruction@comcast.net
Address 1 East Atlantic St. FI DE, 19944

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



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
sussexcountype.gov

ANDY WRIGHT
CHIEF OF BUILDING CODE

SINGLE FAMILY INSPECTION REQUIREMENTS

Application # 202109996

☒ 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

☐ FOUNDATION SET BACK INSPECTION-

- For projects utilizing an engineering company to perform footing inspections.
- Not required if a sealed foundation as-built survey is provided
- Foundation installed
- No framing started

☐ PRE-SLAB INSPECTION-

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

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

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

☒ FINAL INSPECTION-

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



SETBACK INSPECTION-

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

CERTIFICATE OF OCCUPANCY-

- Issued when the above documents are received, and Sussex County field inspections are completed.

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

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

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

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

TO SCHEDULE INSPECTIONS:

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

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

sussexcountyde.gov

MUST HAVE APPLICATION NUMBER TO SCHEDULE INSPECTIONS.

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

SIGNATURE 

DATE

PRINT NAME MARK BEAM

OWNER or CONTRACTOR

Circle one:

PHONE # 302-462-6270

EMAIL beamconstruction@comcast.net



Generated by REScheck-Web Software Compliance Certificate

Project SINGLE FAMILY RESIDENCE

TO BE KEPT
ON JOB SITE

Energy Code: **2018 IECC**
Location: **Fenwick Island, Delaware**
Construction Type: **Single-family**
Project Type: **New Construction**
Orientation: **Bldg. faces 0 deg. from North**
Conditioned Floor Area: **840 ft2**
Glazing Area: **36%**
Climate Zone: **4 (4341 HDD)**
Permit Date:
Permit Number:

Construction Site:
HAYES AVENUE, LOT 6, BLOCK 1
EDGEWATER ACRES
FENWICK ISLAND, DE

Owner/Agent:
DANIEL NEDWICK
HAYES AVENUE
EDGEWATER ACRES
FENWICK ISLAND, DE

Designer/Contractor:
BEAM CONSTRUCTION, INC.
ONE EAST ATLANTIC AVE
FENWICK ISLAND, DE 19944
302-462-6270

Compliance: Passes using UA trade-off

Compliance: **5.8% Better Than Code** Maximum UA: **260** Your UA: **245** Maximum SHGC: **0.40** Your SHGC: **0.31**

The % Better or Worse Than Code Index reflects how close to compliance the house is based on code trade-off rules.
It DOES NOT provide an estimate of energy use or cost relative to a minimum-code home.

Envelope Assemblies

Assembly	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Prop. U-Factor	Req. U-Factor	Prop. UA	Req. UA
Ceiling: Flat Ceiling or Scissor Truss	840	49.0	0.0	0.026	0.026	22	22
Wall: Wood Frame, 16" o.c. Orientation: Unspecified	1,480	21.0	0.0	0.057	0.060	52	54
Door: Solid Door (under 50% glazing) Orientation: Unspecified	43			0.260	0.320	11	14
Door 1: Glass Door (over 50% glazing) SHGC: 0.24 Orientation: Unspecified	21			0.320	0.320	7	7
Window: Wood Frame SHGC: 0.31 Orientation: Unspecified	510			0.300	0.320	153	163

Compliance Statement: The proposed building design described here is consistent with the building plans, specifications, and other calculations submitted with the permit application. The proposed building has been designed to meet the 2018 IECC requirements in REScheck Version : REScheck-Web and to comply with the mandatory requirements listed in the REScheck Inspection Checklist.

JACK MUMFORD, JR. Designer [Signature] 6/29/2021
Name - Title Signature Date

Project Title: SINGLE FAMILY RESIDENCE
Data filename:

Report date: 06/29/21
Page 1 of 1

Load Short Form Lower Floors Penco Corporation

Job: Nedwick
Date: 08-18-2021
By: d smith

1503 West Stein Hwy, Seaford, DE 19973 Phone: 302-629-7911 Fax: 302-629-2601 Email: dsmith@pencocorp.com Web: www.pencocorp.com

Project Information

For: Daniel Nedwick, Beam
13028 Hayes Ave, Selbyville, DE 19975

Design Information

	Htg	Clg	Infiltration	
Outside db (°F)	19	91	Method	Simplified
Inside db (°F)	72	75	Construction quality	Semi-tight
Design TD (°F)	53	16	Fireplaces	0
Daily range	-	M		
Inside humidity (%)	30	50		
Moisture difference (gr/lb)	24	38		

HEATING EQUIPMENT

Make Rheem
Trade RHEEM
Model RP1424AJ1NA
AHRI ref 7489174

Efficiency 8.2 HSPF
Heating input
Heating output 22800 Btuh @ 47°F
Temperature rise 26 °F
Actual air flow 793 cfm
Air flow factor 0.037 cfm/Btuh
Static pressure 0 in H2O
Space thermostat
Capacity balance point = 29 °F

Backup: Rheem
Input = 7 kW, Output = 25296 Btuh, 100 AFUE

COOLING EQUIPMENT

Make Rheem
Trade RHEEM
Cond RP1424AJ1NA
Coil RH1T2417STANJA
AHRI ref 7489174

Efficiency 11.5 EER, 14 SEER
Sensible cooling 16660 Btuh
Latent cooling 7140 Btuh
Total cooling 23800 Btuh
Actual air flow 793 cfm
Air flow factor 0.054 cfm/Btuh
Static pressure 0 in H2O
Load sensible heat ratio 0.80

ROOM NAME	Area (ft²)	Htg load (Btuh)	Clg load (Btuh)	Htg AVF (cfm)	Clg AVF (cfm)
Great	442	6921	3810	255	206
Kitchen	192	2557	3247	94	176
Office	149	3347	3140	123	170
Bath 2	58	496	188	18	10
PR	45	1312	436	48	24
Laundry	101	1405	1531	52	83
Entry	184	5457	2291	201	124

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



Right-Suite® Universal 2021 21.0.03 RSU12806

2021-Aug-18 06:50:44

...cuments\Wrightsoft HVAC\Arctel\Beam-Nedwick.rup Calc = MJ8 faces: S

Page 1

Lower Floors	1170	21494	14643	793	793
Other equip loads		3788	1108		
Equip. @ 0.95 RSM			15042		
Latent cooling			3902		
TOTALS	1170	25283	18944	793	793

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



Right-Suite® Universal 2021 21.0.03 RSU12806

2021-Aug-18 06:50:44

Page 2

...cuments\Wrightsoft HVAC\Arctec\Beam-Nedwick.rup Calc = MJ8 faces: S

Load Short Form

Second Floor

Penco Corporation

Job: Nedwick
Date: 08-18-2021
By: d smith

1503 West Stein Hwy, Seaford, DE 19973 Phone: 302-629-7911 Fax: 302-629-2601 Email: dsmith@pencocorp.com Web: www.pencocorp.com

Project Information

For: Daniel Nedwick, Beam
13028 Hayes Ave, Selbyville, DE 19975

Design Information

	Htg	Clg	Infiltration	
Outside db (°F)	19	91	Method	Simplified
Inside db (°F)	72	75	Construction quality	Semi-tight
Design TD (°F)	53	16	Fireplaces	0
Daily range	-	M		
Inside humidity (%)	30	50		
Moisture difference (gr/lb)	24	38		

HEATING EQUIPMENT

Make Rheem
Trade RHEEM
Model RP1424AJ1NA
AHRI ref 7489174

Efficiency 8.2 HSPF
Heating input
Heating output 22800 Btuh @ 47°F
Temperature rise 26 °F
Actual air flow 793 cfm
Air flow factor 0.053 cfm/Btuh
Static pressure 0 in H2O
Space thermostat
Capacity balance point = 19 °F

Backup:

Input = 5 kW, Output = 15810 Btuh, 100 AFUE

COOLING EQUIPMENT

Make Rheem
Trade RHEEM
Cond RP1424AJ1NA
Coil RH1T2417STANJA
AHRI ref 7489174

Efficiency 11.5 EER, 14 SEER
Sensible cooling 16660 Btuh
Latent cooling 7140 Btuh
Total cooling 23800 Btuh
Actual air flow 793 cfm
Air flow factor 0.056 cfm/Btuh
Static pressure 0 in H2O
Load sensible heat ratio 0.89

ROOM NAME	Area (ft²)	Htg load (Btuh)	Clg load (Btuh)	Htg AVF (cfm)	Clg AVF (cfm)
Landing	105	1927	2029	101	114
MWIC	63	662	341	35	19
WIC1	49	515	265	27	15
BR2	184	3668	4054	193	227
Bath 1	96	621	674	33	38
MBR	343	7677	6794	404	381

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.

Second Floor	840	15070	14158	793	793
Other equip loads		1903	556		
Equip. @ 0.95 RSM			14052		
Latent cooling			1900		
TOTALS	840	16973	15952	793	793

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



Project Summary

Lower Floors

Penco Corporation

Job: Nedwick
Date: 08-18-2021
By: d smith

1503 West Stein Hwy, Seaford, DE 19973 Phone: 302-629-7911 Fax: 302-629-2601 Email: dsmith@pencocorp.com Web: www.pencocorp.com

Project Information

For: Daniel Nedwick, Beam
13028 Hayes Ave, Selbyville, DE 19975

Notes:

Design Information

Weather: Sussex Co, DE, US

Winter Design Conditions

Outside db	19 °F
Inside db	72 °F
Design TD	53 °F

Summer Design Conditions

Outside db	91 °F
Inside db	75 °F
Design TD	16 °F
Daily range	M
Relative humidity	50 %
Moisture difference	38 gr/lb

Heating Summary

Structure	16745 Btuh
Ducts	4749 Btuh
Central vent (65 cfm)	3788 Btuh
Outside air	
Humidification	0 Btuh
Piping	0 Btuh
Equipment load	25283 Btuh

Sensible Cooling Equipment Load Sizing

Structure	11773 Btuh
Ducts	2870 Btuh
Central vent (65 cfm)	1108 Btuh
Outside air	
Blower	0 Btuh
Use manufacturer's data	n
Rate/swing multiplier	0.95
Equipment sensible load	15042 Btuh

Infiltration

Method	Simplified
Construction quality	Semi-tight
Fireplaces	0

Latent Cooling Equipment Load Sizing

Structure	1504 Btuh
Ducts	720 Btuh
Central vent (65 cfm)	1678 Btuh
Outside air	
Equipment latent load	3902 Btuh

	Heating	Cooling
Area (ft²)	1170	1170
Volume (ft³)	10764	10764
Air changes/hour	0.28	0.15
Equip. AVF (cfm)	51	27

Equipment Total Load (Sen+Lat)	18944 Btuh
Req. total capacity at 0.70 SHR	1.8 ton

Heating Equipment Summary

Make	Rheem
Trade	RHEEM
Model	RP1424AJ1NA
AHRI ref	7489174
Efficiency	8.2 HSPF
Heating input	
Heating output	22800 Btuh @ 47°F
Temperature rise	26 °F
Actual air flow	793 cfm
Air flow factor	0.037 cfm/Btuh
Static pressure	0 in H2O
Space thermostat	
Capacity balance point = 29 °F	
Backup: Rheem	
Input = 7 kW, Output = 25296 Btuh, 100 AFUE	

Cooling Equipment Summary

Make	Rheem
Trade	RHEEM
Cond	RP1424AJ1NA
Coil	RH1T2417STANJA
AHRI ref	7489174
Efficiency	11.5 EER, 14 SEER
Sensible cooling	16660 Btuh
Latent cooling	7140 Btuh
Total cooling	23800 Btuh
Actual air flow	793 cfm
Air flow factor	0.054 cfm/Btuh
Static pressure	0 in H2O
Load sensible heat ratio	0.80

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



Right-Suite® Universal 2021 21.0.03 RSU12806

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Page 1



Project Summary Second Floor Penco Corporation

Job: Nedwick
Date: 08-18-2021
By: d smith

1503 West Stein Hwy, Seaford, DE 19973 Phone: 302-629-7911 Fax: 302-629-2601 Email: dsmith@pencocorp.com Web: www.pencocorp.com

Project Information

For: Daniel Nedwick, Beam
13028 Hayes Ave, Selbyville, DE 19975

Notes:

Design Information

Weather: Sussex Co, DE, US

Winter Design Conditions

Outside db	19 °F
Inside db	72 °F
Design TD	53 °F

Summer Design Conditions

Outside db	91 °F
Inside db	75 °F
Design TD	16 °F
Daily range	M
Relative humidity	50 %
Moisture difference	38 gr/lb

Heating Summary

Structure	10993 Btuh
Ducts	4077 Btuh
Central vent (33 cfm)	1903 Btuh
Outside air	
Humidification	0 Btuh
Piping	0 Btuh
Equipment load	16973 Btuh

Sensible Cooling Equipment Load Sizing

Structure	8590 Btuh
Ducts	5567 Btuh
Central vent (33 cfm)	556 Btuh
Outside air	
Blower	0 Btuh
Use manufacturer's data	n
Rate/swing multiplier	0.95
Equipment sensible load	14052 Btuh

Infiltration

Method	Simplified
Construction quality	Semi-tight
Fireplaces	0

Latent Cooling Equipment Load Sizing

Structure	433 Btuh
Ducts	624 Btuh
Central vent (33 cfm)	843 Btuh
Outside air	
Equipment latent load	1900 Btuh

	Heating	Cooling
Area (ft²)	840	840
Volume (ft³)	6888	6888
Air changes/hour	0.27	0.15
Equiv. AVF (cfm)	31	17

Equipment Total Load (Sen+Lat)	15952 Btuh
Req. total capacity at 0.70 SHR	1.7 ton

Heating Equipment Summary

Make	Rheem
Trade	RHEEM
Model	RP1424AJ1NA
AHRI ref	7489174
Efficiency	8.2 HSPF
Heating input	
Heating output	22800 Btuh @ 47°F
Temperature rise	26 °F
Actual air flow	793 cfm
Air flow factor	0.053 cfm/Btuh
Static pressure	0 in H2O
Space thermostat	
Capacity balance point = 19 °F	
Backup:	
Input = 5 kW, Output = 15810 Btuh, 100 AFUE	

Cooling Equipment Summary

Make	Rheem
Trade	RHEEM
Cond	RP1424AJ1NA
Coil	RH1T2417STANJA
AHRI ref	7489174
Efficiency	11.5 EER, 14 SEER
Sensible cooling	16660 Btuh
Latent cooling	7140 Btuh
Total cooling	23800 Btuh
Actual air flow	793 cfm
Air flow factor	0.056 cfm/Btuh
Static pressure	0 in H2O
Load sensible heat ratio	0.89

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



Right-Suite® Universal 2021 21.0.03 RSU12806

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Page 2

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JEREMY BOOROS & STACY BOOROS

(Case No. 11956)

A hearing was held after due notice on May 1, 2017. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicants are seeking a variance of 5.2 feet from the ten (10) feet side yard setback requirement on the west side for a proposed outside shower, a variance of 4.9 feet from the ten (10) feet side yard setback requirement on the west side for a proposed dwelling, a variance of 5.4 feet from the ten (10) feet side yard setback requirement on the east side for a proposed dwelling, a variance of 3.6 feet from the thirty (30) feet front yard setback requirement for an existing dwelling, a variance of 9.8 feet from the thirty (30) feet front yard setback requirement for a proposed covered porch. This application pertains to certain real property is located on the north side of Hayes Avenue approximately 118 feet west of Jefferson Avenue (911 Address: 13024 Hayes Avenue, Selbyville); said property being identified as Sussex County Tax Map Parcel Number 5-33-20.19-52.01.

1. The Board was given copies of the Application, a portion of the tax map of the area, an aerial photograph of the Property, and a site plan of the Property dated February 1, 2017.
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 Jeremy Booros was sworn in to testify about the Application. Mr. Booros submitted exhibits to the Board to review including portions of a survey of the Property, an aerial photograph of the Property, letters from neighbors, and drawings of the proposed addition.
4. The Board found that Mr. Booros testified that his family is growing and he proposes to add to the existing dwelling to accommodate his growing family.
5. The Board found that Mr. Booros testified that the existing dwelling, which was built in 1978, is small and consists of 1,200 square feet.
6. The Board found that Mr. Booros testified that the Property is 50 feet wide and the home is very narrow.
7. The Board found that Mr. Booros testified that the proposed addition will make the dwelling a total of 2,400 square feet.
8. The Board found that Mr. Booros testified that the proposed addition does not exceed the existing width of the home and the home will be within the rear yard

11. The Board found that Mr. Booros testified that the Delaware / Maryland line is Hayes Avenue. Across the street from the Property on the Maryland side of Hayes Avenue are townhomes.
12. The Board found that Mr. Booros testified that the home is much smaller than four story homes constructed nearby.
13. The Board found that Mr. Booros testified that the neighboring homes encroach as equally or more with larger structures.
14. The Board found that Mr. Booros testified that the dwelling with addition will not be located any farther back in the rear yard than neighboring homes. No neighbor views will be hindered by the proposed addition.
15. The Board found that Mr. Booros testified that two out of the four neighbors have been contacted and they have no complaints.
16. The Board found that Mr. Booros testified that the proposed addition is the minimum to afford relief for their family.
17. The Board found that Mr. Booros testified that the current dwelling is already a nonconforming structure.
18. The Board found that Mr. Booros testified that the variances requested are the minimum variances necessary to afford relief.
19. The Board found that Mr. Booros testified that the variances will not alter the essential character of the neighborhood.
20. The Board found that Mr. Booros testified that the Applicants purchased the Property two years ago.
21. The Board found that Mr. Booros testified that there is about eight feet from the edge of paving of Hayes Avenue to the front property line.
22. The Board found that Mr. Booros testified that there is flooding in the rear yard.
23. The Board found that no parties appeared in support of or in opposition to the Application
24. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board finds credible, persuasive, and un rebutted, 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 clearly unique as it is a small and narrow lot with flooding problems in the rear yard. The Property was originally developed with a home in 1978 and the Applicants propose to construct additions and renovations to the home to accommodate their growing family. The Property is only fifty (50) feet wide and consists of only 4,803 square feet; as is clearly shown on the survey. The size and shape of the Property have created an exceptional practical difficulty for the Applicants. These unique physical conditions have created a small and limited building envelope for the Applicants. The flooding in the rear yard also limits the Applicants from constructing additions closer to the rear yard property line.
 - b. Due to the uniqueness of the Property, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property was created many years ago and the home on the Property has been on the

enable the reasonable use of the Property as the variances will allow the addition to be constructed and the existing dwelling and structures to remain on the Property. The Board is convinced that the size, shape, and location of these structures are reasonable, which is confirmed when reviewing the survey provided by the Applicants.

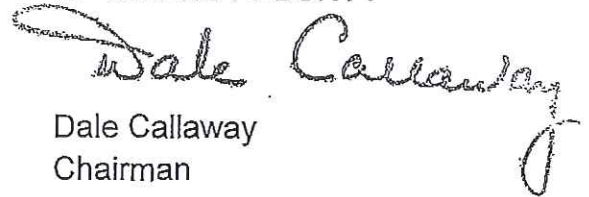
- c. The exceptional practical difficulty was not created by the Applicants. The Property was created and developed many years ago and is an undersized lot. The Board notes that the size and narrowness of the lot greatly limit the building envelope. The Applicants did not create the size and shape of the lot. Rather, those conditions pre-existed the Applicants' acquisition of the Property. These unique physical conditions have resulted in a limited building envelope and have created the exceptional practical difficulty for the Applicants. The Applicants also did not construct the existing home which already encroaches into the setback areas.
- d. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The dwelling already exists on the Property and encroaches into the setback areas. The additions will encroach a similar distance into the side yard setback areas. Despite the longstanding encroachment of the house, no complaints about the home were noted in the record. Rather, the Board received letters of no objection from two neighbors. The Board notes that the drawings of the home evidence that the home will be reasonably sized and the testimony presented indicates that many homes in the neighborhood are much taller and larger. The Board also notes that the encroachments into the front yard setback area along Hayes Avenue are unlikely to be noticed because the property line does not match the edge of paving for Hayes Avenue. There is a gap of approximately 8 feet from the property line and the edge of paving. This gap also reduces the impact of an encroachment into the setback area. Furthermore, no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare.
- e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicants have demonstrated that the variances sought will allow the Applicants to construct reasonably sized additions to the existing home and to retain the existing home and structures on the Property. These additions are consistent with the existing home and the Board is convinced that the Applicants designed the additions in an attempt to minimize the encroachments while still providing enough space for their family.

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 were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Amy Hollis

From: Mackenzie Peet <Mackenzie@bmbde.com>
Sent: Friday, February 10, 2023 9:28 AM
To: Planning and Zoning
Cc: Jennifer Norwood; Meagan Garey
Subject: Nedwick Letters of Support
Attachments: Nedwick support letter 3.jpg; Nedwick support letter 4.jpg; Nedwick support letter 1.jpg; Nedwick support letter 2.jpg

SUPPORT EXHIBIT

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.

Good morning,

Please find the attached letters of support (total of 4) for BOA Case No. 12794 (Daniel Nedwick) scheduled for hearing on February 20, 2023.

Please confirm receipt.

Best,

Mackenzie



WE DO NOT ACCEPT OR REQUEST
CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FAX.
Always call to verify.

* Wire Instructions will be sent via secure email or fax. Please contact me directly to verify wire instructions. *

Mackenzie M. Peet, Attorney
1413 Savannah Road, Suite 1 | Lewes, DE 19958
(302) 645-2262 (tel.) | (302) 313-5278 (fax)
(302) 313-5293 (direct)
mackenzie@bmbfclaw.com
www.BMBFClaw.com



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MANDALAS
BROCKSTEDT
FEDERICO & CARDEA** LLC

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Sussex County Planning & Zoning Department
Attn: Board of Adjustment
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Case No. 12794 Daniel A. Nedwick

Dear Planning & Zoning Department and Board of Adjustment Members:

I/We, as neighbor(s) of Daniel A. Nedwick and member(s) of the public, offer strong support for the Board of Adjustment's approval of the Applicant's request for a rear yard variance for an existing balcony and its supports located at 13028 Hayes Avenue, Selbyville, DE 19975. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Chuck & Theresa (Name) Ryle

13040 Hayes (Avenue)
Selbyville DE 19975

Theresa Ryle
2/4/23

Sussex County Planning & Zoning Department
Attn: Board of Adjustment
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Case No. 12794 Daniel A. Nedwick

Dear Planning & Zoning Department and Board of Adjustment Members:

I/We, as neighbor(s) of Daniel A. Nedwick and member(s) of the public, offer strong support for the Board of Adjustment's approval of the Applicant's request for a rear yard variance for an existing balcony and its supports located at 13028 Hayes Avenue, Selbyville, DE 19975. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Rich Dombay (Name)

13032 Hayes Ave (Address)
Selbyville DE 19975



2-4-23

Sussex County Planning & Zoning Department
Attn: Board of Adjustment
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Case No. 12794 - Daniel A. Nedwick

Dear Planning & Zoning Department and Board of Adjustment Members:

I/We, as neighbor(s) of Daniel A. Nedwick and member(s) of the public, offer strong support for the Board of Adjustment's approval of the Applicant's request for a rear yard variance for an existing balcony and its supports located at 13028 Hayes Avenue, Selbyville, DE 19975. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Tony Milon (Name)

39178 GARFIELD (Address)

SELBYVILLE DE 19975

2-8-23

Sussex County Planning & Zoning Department
Attn: Board of Adjustment
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Case No. 12794 Daniel A. Nedwick

Dear Planning & Zoning Department and Board of Adjustment Members:

I/We, as neighbor(s) of Daniel A. Nedwick and member(s) of the public, offer strong support for the Board of Adjustment's approval of the Applicant's request for a rear yard variance for an existing balcony and its supports located at 13028 Hayes Avenue, Selbyville, DE 19975. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Jeremy Boares (Name) 2/8/2023

13024 Hayes Ave. (Address)
Selbyville, DE 19975



Sussex County Planning & Zoning Department
Attn: Board of Adjustment
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Case No. 12794 Daniel A. Nedwick

Dear Planning & Zoning Department and Board of Adjustment Members:

I/We, as neighbor(s) of Daniel A. Nedwick and member(s) of the public, offer strong support for the Board of Adjustment's approval of the Applicant's request for a rear yard variance for an existing balcony and its supports located at 13028 Hayes Avenue, Selbyville, DE 19975. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Michael Buehls (Name)

13044 Hayes Ave (Address)
Selbyville De

Case: 12049
Renewal of

Case # 12795
Hearing Date 2/20

202300133

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:

29091 Hammer & Chisel Dr. Laurel, De 19956

Variance/Special Use Exception/Appeal Requested:

Firearms Range

Tax Map #: 232-8.00-5.03

Property Zoning: AR-1

Applicant Information

Applicant Name: Barry Dukes II

Applicant Address: 29091 Hammer & Chisel Dr. Laurel, De

City Laurel State DE Zip: 19956

Applicant Phone #: 302-542-5149 Applicant e-mail: eastcoastdefense@gmail.com
302-245-7415

Owner Information

Owner Name: Barry Dukes II

Owner Address: 29091 Hammer & Chisel Dr

City Laurel State DE Zip: 19956 Purchase Date: 20

Owner Phone #: 302-542-5149 Owner e-mail: eastcoastdefense@gmail.com

Agent/Attorney Information

Agent/Attorney Name:

Agent/Attorney Address:

City State Zip:

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

Signature of Owner/Agent/Attorney



Date: 12-27-22



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

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

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

1. Uniqueness of property:

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

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

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

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

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

special exception for use of existing range will not affect any neighboring property as range is a minimum of 750' to 1000' away from closest 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)

Time limit of 5 years.

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

range is only used during normal daytime work hours.

Check List for Applications

The following shall be submitted with the application

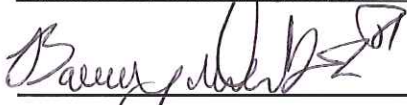
- ☒ • Completed Application
- ☐ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- ☒ • Provide a Site Plan or survey of the property (Special Use Exception)
- ☒ • Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- ☐ • Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- ☐ • Copy of Receipt (staff)
- ☐ • Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- ☐ • Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney



Date: 12-27-22

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Lot#: _____

Block#: _____

Date of Hearing: _____

Decision of Board: _____

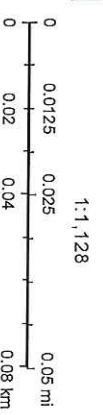


Sussex County

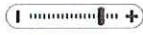


PIN: 232-8-00-5-08	
Owner Name	DUKES BARRY B II
Book	4556
Mailing Address	28417 DUKE LUMBER RD
City	LAUREL
State	DE
Description	NE/RT 474
Description 2	NE/50'ROW
Description 3	LOT 2
Land Code	

- polyonLayer
Override 1
- polyonLayer
Override 1
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries



CONNECTEXPLOER



Workspaces ▾



map Auto (Oblique) • Feb 2022 • Mar 2022 • < image 3 of 12 > 02/29/2022



Search

Search by TaxParcels •

230-8-00-5-08

Search results (1)

Options •

Name: 230-8-00-5-08

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BARRY DUKES 2ND

(Case No. 12049)

A hearing was held after due notice on November 6, 2017. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a rifle / pistol range for a period of time not to exceed five (5) years.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to operate a rifle / pistol range for a period of time not to exceed five (5) years. This application pertains to certain real property located at the northeast side of Dukes Lumber Road (Road 474) approximately 1,465 feet northwest of Sycamore Road (Road 476) (911 Address: 28417 Dukes Lumber Road, Laurel); said property being identified as Sussex County Tax Map Parcel Number 2-32-8.00-5.04. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, an aerial photograph of the Property, and the Findings of Fact for Case No. 11031.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Barry Dukes 2nd and Evan Rogers were sworn in to testify about the Application.
4. The Board found that Mr. Rogers testified that Mr. Dukes and he are the co-owners of East Coast Defense, a business focused on fire arms training and they are requesting a renewal of a special use exception.
5. The Board found that Mr. Rogers testified that the portion of the Property is used for a shooting range and the shooting range has been used for the last 5 years.
6. The Board found that Mr. Rogers testified that Mr. Dukes and he have taken the National Rifle Association ("NRA") firearm instructors program and they are both certified range safety officers. Mr. Rogers has been a police officer in Sussex County for 9 years and is a certified instructor for law enforcement in the State of Delaware as well.
7. The Board found that Mr. Rogers testified that there have been no injuries at the range and there have been no complaints from residents in the area.
8. The Board found that Mr. Rogers testified that the range is a private range only utilized for their firearm safety class and the range is only used once or twice a month. There is a low volume of firing at the range.
9. The Board found that Mr. Rogers testified that the impact on the community is minimal and most of the neighbors in the area are family.
10. The Board found that Mr. Rogers testified that the hours of operation would be Saturdays from 8 am-4 pm once a month.
11. The Board found that Mr. Dukes testified that the most classes held on the site in a year has been 10 and that they have only had 7 classes in 2017.
12. The Board found that Mr. Dukes testified that an earthen berm measuring 12 feet tall and modeled to NRA guidelines has been constructed and maintained. The berm is a considerable distance from neighboring properties. There is a wooded area behind the berm and there is no housing behind the berm for miles.

13. The Board found that Mr. Dukes testified that the range will not have any substantial adverse effect on neighboring and adjacent properties.
14. The Board found that Mr. Dukes testified that the Applicants are certified to provide handgun training only and that is the only type of firearm used on the site.
15. The Board found that Mr. Rogers testified that his primary residence is located on the Property.
16. The Board found that Mr. Rogers testified that the range is limited to 4 shooters at a time.
17. The Board found no parties appeared in support of or in opposition to the Application. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the shooting range will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
- a. The Applicant has operated a shooting range on the Property since 2012 and has not received any complaints from neighbors.
- b. The hours of operation and frequency of the classes held on the site are limited and thereby reduce the impact of the classes on neighboring and adjacent properties.
- c. The range is served by a large earthen berm which was modeled after NRA guidelines to provide safeguards from bullets fired at the range. The site is also wooded which reduces the effect of the sound from the range.
- d. No one appeared in opposition to the Application. The lack of opposition is telling since the Property has been used as a firing range for several years.
- e. No evidence was presented which would demonstrate that the firing range would have a substantial adverse effect on neighboring and adjacent properties.
- f. The special use exception was approved for a period of five (5) years with the limitation that the range only be used one day per month.

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

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved for a period of five (5) years with conditions. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application for a period of five (5) years with conditions.

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 January 9, 2018

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 # 12796
Hearing Date 202300214

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:

21206 2nd STREET, REHOBOTH BEACH, DE 19971
Variance/Special Use Exception/Appeal Requested: SEE ATTACHMENT

Tax Map #: 3-34-20.13-159 Property Zoning: AR-1

Applicant Information

Applicant Name: CRAIG FORSTER
Applicant Address: 21206 2nd STREET, REHOBOTH BEACH, DE 19971
City REHOBOTH BEACH State DE Zip: 19971
Applicant Phone #: 302-242-1224 Applicant e-mail: CRAIGF445@GMAIL.COM

Owner Information

SAME
Owner Name: _____
Owner Address: MAILING ADDRESS: P.O. Box 1270 REHOBOTH BEACH, DE 19971
City _____ State _____ Zip: _____ Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Craig Forster

Date: 1/9/23



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 ATTACHMENT

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 ATTACHMENT

3. Not created by the applicant:

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

SEE ATTACHMENT

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 ATTACHMENT

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 ATTACHMENT

VARIANCE REQUESTED:

1/9/23

Request 7.8 ft VARIANCE From 15 ft CORNER SIDE YARD
SETBACK ON ANDREW AVENUE

Request 14 ft VARIANCE From 30 ft Front YARD SETBACK
ON 2nd STREET

Request 13.9 ft VARIANCE From 30 ft Front YARD
Setback on 2nd STREET

Request 17.9 ft VARIANCE From 30 ft Front YARD
SETBACK ON 2nd STREET For STAIRS

Request VARIANCE for Proposed A/C Unit and Proposed
Propane Tank

Variance Requested:

Request a 7.8 feet variance from 15 feet corner front yard setback on Andrew Avenue.

Criteria for a Variance:

1. Uniqueness of property:

Our property is one of if not the smallest lot in my area measuring 4,497 square feet and it is not rectangular in shape but more triangular. Our property is also unique in that the lot is a corner lot on 3 streets of which 2 of the streets are considered front yards and have setbacks of 30 feet and the other street is considered a corner front yard and has a setback of 15 feet. The combination of a small lot, triangular vs rectangular shape and located on corner of 3 streets makes this property very unique.

2. Cannot otherwise be developed:

When I purchased my house, I did so I could use it as a 2nd house/vacation property. It was a small house with no storage space and was fine for this purpose. I am now retired, with a significant other, children, a grandchild and we want to use this house full time as our permanent retirement home residence. Because of the small lot size, the triangular shape vs rectangular shape of the lot and the setbacks required on 3 streets, of which being two front yards and one corner front yard, we require an authorization of a variance necessary to enable a reasonable use of the property for a full-time retirement residence.

3. Not created by the applicant:

I did not create the problem. I purchased my house in March, 1998. The house was built as it currently stands including the 16.0 feet distance from the 2nd Street property line, the 12.1 feet distance for the front stairs leading to the covered porch and within the 30 feet front yard setback requirement. I realize that the lot is non-conforming, so I wish to remove the 2-story dwelling but build the new proposed dwelling on the existing foot print along 2nd street where it is originally and add to the dwelling as requested in the variance application.

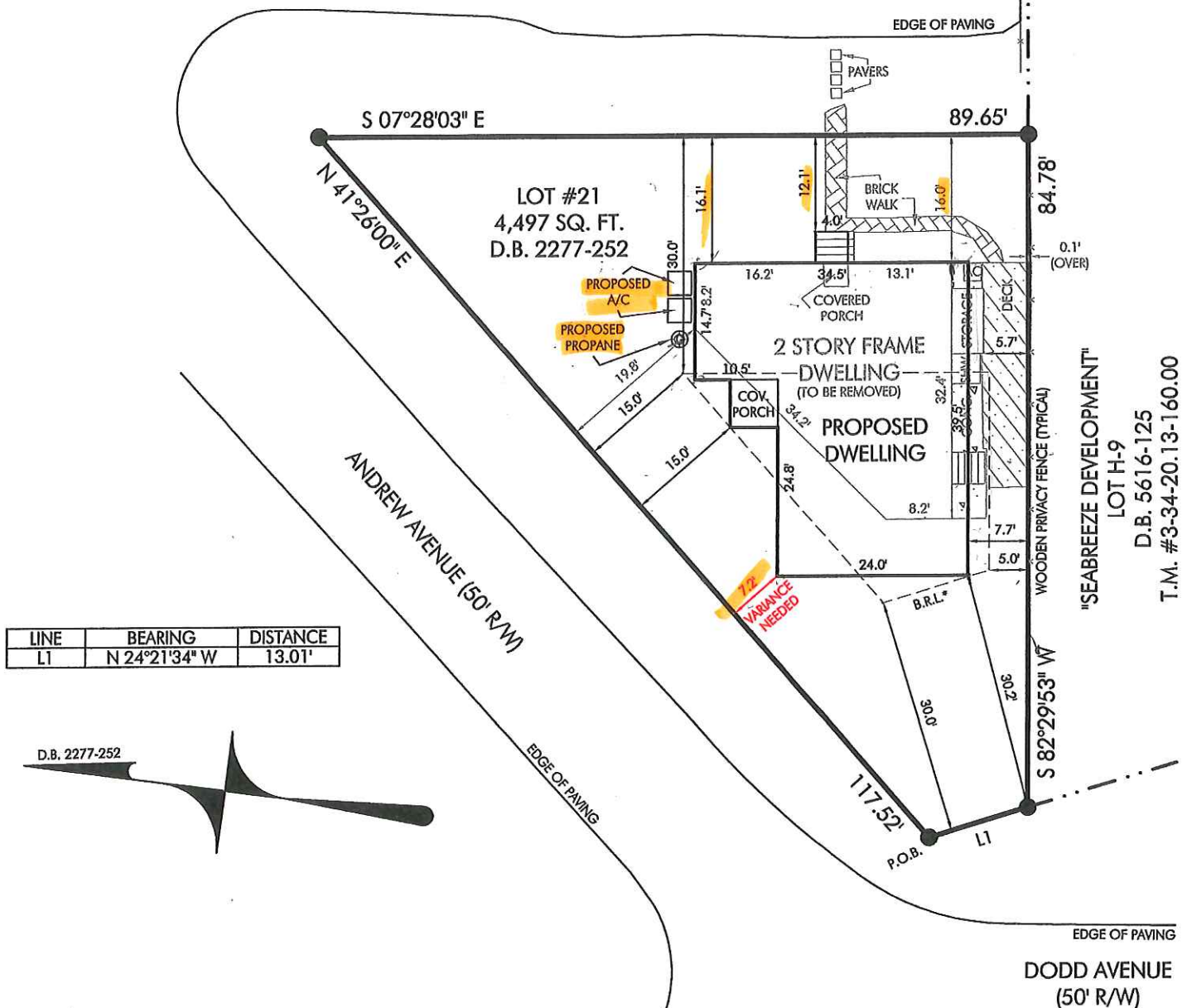
4. Will not alter the essential character of the neighborhood:

We take great pride to keep our house and property appearance in good condition. We value our neighborhood and the surrounding neighborhoods. There have been several new house upgrades in Ann Acres during the time that I have owned my house and we would like to keep our house in a condition that matches. Our current house is unique in shape with small sides and angles and gets unusual looks by people because of 2 eight-foot angled small house corner sections. We would like to make our home more traditional and rectangular in shapes, resolve many of the space constraint issues for storage and provide us with more living space for our growing family.

5. Minimum variance:

Originally, we started our request with a design to add to our existing house along Andrews Avenue and request a variance of 10 feet for a structure that would be the length of the side and out 15 feet. This would have addressed our current issues.

SECOND STREET (50' R/W)



D.B. 2277-252

LEGEND:

IRON PIPE (FOUND)

NOTES:

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

**DRAWING REVISED ON 12/1/2022 TO SHOW PROPOSED CONDITIONS.

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

NO TITLE SEARCH PROVIDED OR STIPULATED.
SURVEY CLASS: SUBURBAN

PROPOSED CONDITIONS & BOUNDARY SURVEY PLAN FOR CRAIG FORSTER

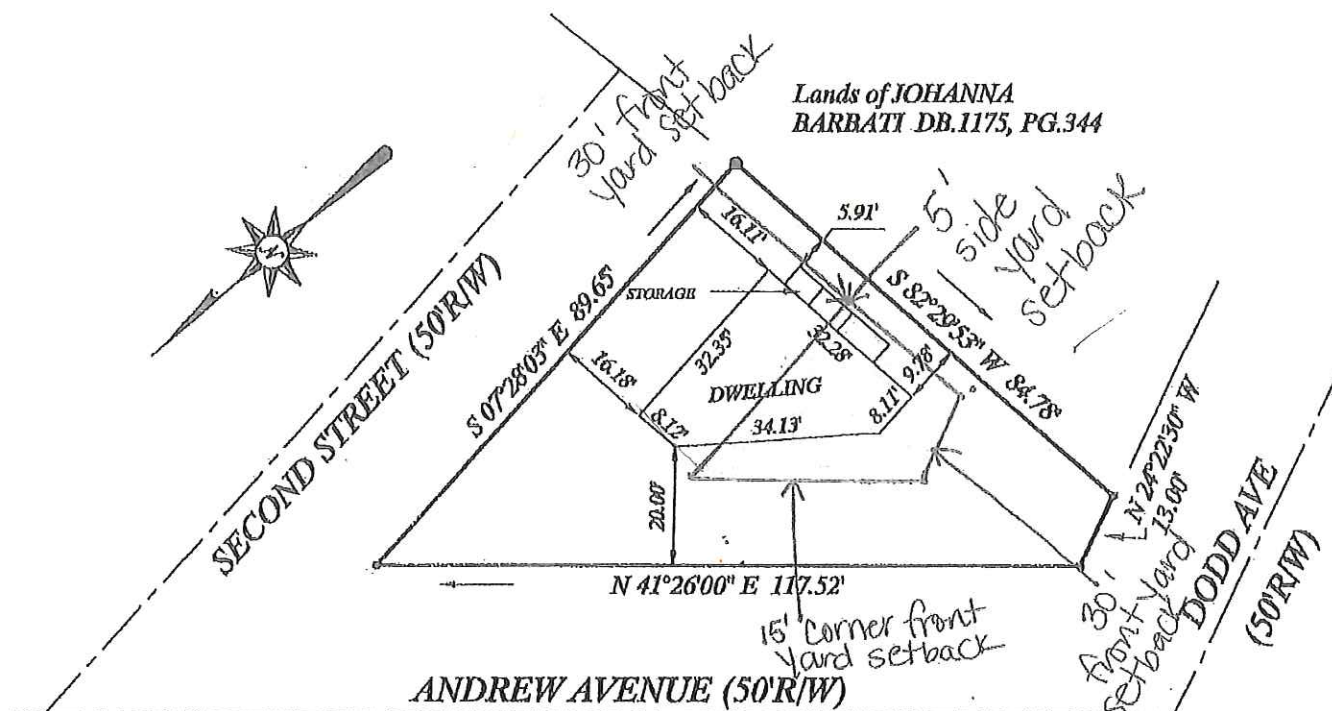
21206 SECOND STREET, REHOBOTH BEACH
LOT #21, BLOCK E OF "ANN ACRES" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE
NOVEMBER 10, 2022** SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement



LEGEND

These standard symbols will be found in the drawing.

LOT AREA: 4,497 SQ. FT.

- 3/4" PIPE (FOUND)
- 1/2" PIPE (FOUND)

Lands of THOMAS R. CESSARIO &
LORRAINE K. CHRISTIE to be conveyed
to CRAIG S. FORSTER. Being known as
LOT NO.21, BLOCK "E", ANN ACRES.

STATE OF DELAWARE

SCALE: 1"=30'

CLASS "B" SURVEY

COUNTY: SUSSEX

HUNDRED: LEWES & REHOBOTH

TAX MAP NO. 3-34-20.13-159

DATE: MARCH 20, 1998

DRAWN BY: GREG HOOK

SIMPLER
SURVEYING
& ASSOCIATE

12 RIVERBIRCH DRIVE, SELBYVILLE, DE 19975
PHONE: (302) 539-7873 FAX: (302) 539-4336

REAL

[Signature]

P.L.S. 289



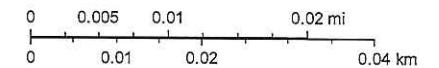
Sussex County



PIN:	334-20.13-159.00
Owner Name	FORSTER CRAIG S
Book	2277
Mailing Address	PO BOX 1270
City	REHOBOTH BEACH
State	DE
Description	ANN ACRES
Description 2	LOT 21
Description 3	N/A
Land Code	

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

1:564



January 10, 2023



PROPERTY RECORD CARD


CARD 1 OF 1

DIST. 3-34		MAP 20.13		PARCEL 159		CONTROL NO.	
ADDRESS				OWNERSHIP RECORD			
LAND IDENTIFICATION 3-34 20.13 159.00 FORSTER CRAIG S SCH-6 EDIT-F 174 CARNOVSITE RD DOVER DE 19304 TR1- 315604 ANN ACRES ANDREW AVE & 2ND ST LOT 21 BLK E W/IMP 4/23/98 <i>Ann Ac's - 21</i>				DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE
				1-17-80	David S. DeKriener 99/1/192 175485	225	11,250
				8-29-80	Robert M. Reed & Debora Ann 10/22/91 178782	775	77,500
					Darryl J. Boone & Susan S		
LAND RECORD AND VALUATION SUMMARY				BUILDING PERMIT RECORD			
PROPERTY FACTORS		<i>Level</i> LAND COMPUTATION					
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE
CITY WATER	PAVED <input checked="" type="checkbox"/>	FRONT	DEPTH		DEPTH	OTHER	VALUE
SEWER	SEMI-IMPROVED	94	90	306	.96	.60	172.80
GAS	UNIMPROVED	117	90	320	.96	.60	172.80
ELECTRICITY	OTHER <input checked="" type="checkbox"/>						
ALL UTILITIES	SIDEWALK						
ASSESSMENT RECORD							
1975	LAND \$ 8,100	19	LAND \$	TOTAL LAND		\$ 20,200	
	BLDG \$		BLDG \$	TOTAL IMPROVEMENTS		\$ 27,500	
	TOTAL \$ 8,100		TOTAL \$	TOTAL APPRAISED VALUE		\$ 47,700	
19	LAND \$	19	LAND \$	NOTES: old value 16,200 added dwelling 5/26/93 Reissue owner's & dup spin new deed old 43100 new 01/12/01 B.P.# 187842 add deck old 47100 new 47700			
	BLDG \$		BLDG \$				
	TOTAL \$		TOTAL \$				
19	LAND \$	19	LAND \$				
	BLDG \$		BLDG \$				
	TOTAL \$		TOTAL \$				



H. L. YOH COMPANY
 A DIVISION OF DAY AND ZIMMERMANN, INC.
 PHILADELPHIA, PA.

CONTROL NO.

TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST
1	1	B	x	624	1		-	-	29.17	18588
 H. L. YOH CO. PHILA., PA.			x	88			-	-	18.62	1638
			x							
			x							
			x							

TOTAL GROUND AREA	712
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TOTAL BASE COST \$20,426

PRINCIPAL BUILDING DESCRIPTION

MASONRY-1			PIER-2			SLAB-3			FOUNDATION			1								
NONE-0			1/4-1		1/2-2		3/4-3		FULL-4		BASEMENT	0								
NONE-0		REC AREA -1		APT -2		% OF BASEMENT				SQ FT		BSMT FINISH	0							
NONE-0		PIPELESS GHA-1			ELECTRIC-2		FHA-3		STM-HW-4			HEAT SYS	5							
INDICATE QTY												FIRE PLACE		0						
3-FIXT BATH			1		2-FIXT BATH			SG FIX		1		TOTAL FIXT		4	PLUMBING	4	11.3			
NONE-0		1/2-1		1-2		1 1/2-3		2-4		2 1/2-5		3-6		4-7		5-8		CER TILE	0	
1ST FLOOR				2ND FLOOR				3RD FLOOR				INT FINISH								
NONE		PL		WB		WP		NONE		PL		WB		WP		WLS-CLG				
DIRT		CONC		HW		SW		HW		SW		HW		SW		FLOORS				
NONE-0			HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY				3					
NONE-0			ONE CAR-1			TWO CAR-2				BLT-IN GAR				0						
WOOD-1		SHGL-2		ALUM-3		BLK-4		BRK OR STN-5		STUCCO-6		COMP-7		EXT WALLS		0				
HIP-1		GABLE-2		FLAT-3		MANSARD-4		GAMBREL-5				ROOF TYPE								
WD-COMP-SHGL-1				SLATE-2		METAL-3		TILE-4		ROLL-5		T & G-6				ROOFING	1			
AREA				SQ FT				INDICATE QTY				PORCH-OPEN				1	45			
AREA				SQ FT				INDICATE QTY				PORCH-GLZD				0				
NONE-0			CENTRAL-1			AIR-COND				1				46						
NONE-0			1 CAR-1		2 CAR-2		SQ FT				ATT GAR/CP				0					
32 SQ FT												UTILITY RT				1	1.5			
216#												OTHER WT				2	8.6			
												OTHER				0				

NOTES: 1971-12, 100 also 107

INDEX TOTALS	106 %	15.9
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BASE COST \$	20226	± INDEX %	\$ 21439	± INDEX PTS	\$ 23029	X GRADE FACTOR	122%	= REPLACEMENT COST
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ACTUAL AGE	YRS	EFF AGE	YRS	PHYS. COND	GOOD	FAIR	POOR	PER CENT GOOD	%
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OBsolescence: Func	%	OV'RIMP	%	UND'RIMP	%	OTHER ECON.	%	NET COND	%	DEPRECIATED BLDG VALUE
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ACCESSORY BUILDINGS

[illegible]

TRAILERS

[illegible]

TOTAL TRAILERS VALUE

815
INSPECTED BY 7-3-73

CHECKED BY

APPROVED BY _____

TOTAL ACCESSORY BLDGS VALUE

TOTAL BLOGS VALUE	\$27533
-------------------	---------

REASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: LLD

DISTRICT: 3-34

MAP: 20, 13

PARCEL: 159

TRL/UNIT:

NAME: Boone

ADDRESS:

PROPERTY DESCRIPTION: (3) Lot 2, BLK E w/imp.

TRANSFER:

NEW VALUE: 43,100

OLD VALUE: 16,200

ACTION REASON: 56404 S-P Added dwelling

BILLING: 1981

21550
43100
21550
11/5

None on idit
11.21.81

60C
11/5

ASSESSMENT WORKSHEET

ACTION CODE

DISTRICT 3-34

MAP 20.13

PARCEL 159

TRAILER/UNIT

NAME:

ADDRESS

PROPERTY DISCRIPTION REVISE PARCE SIZE AS PER SURVEY.
SIZE: 117.49' X 89.65' IRR. KNOWN AS LOT 21, BLKE 1N
ANN ACRES. LOCATION: SOUTHEAST CORNER OF DODD AVE
AND ANDREW AVE.

ACREAGE:

LAND CLASS:

TRANSFER:

OLD VALUE: 43100

LAND VALUE: 20200

IMPROVEMENT VALUE: 26900

TOTAL VALUE: 47100

ACTION REASON:

KILLING:

RECEIVED

MAY 25 1993

Ans'd

RECEIVED

MAY 25 1993

Ans'd

Sussex Count?

DELAWARE
PLANNING & ZONING DEPARTMENT

sussexcountvde.gov

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR



SETBACK INFORMATION REQUEST

Date of Request 1/5/2023 Zoning District AR-1

Customer Name Alyssa

Customer Contact alyssa@foresightservices.com

Tax Parcel ID 334-20.13-159.00 Lot/Unit Number 21

Parcel Address 21206 2nd Street (Ann Acres)

Front Yard Setback 30' (from Second Street) (or average with 300 ft. of same side of property)

Side Yard Setback 5'

Rear Yard Setback 30' (from Dodd Avenue)

Corner Front Yard Setback 15' (from Andrew Avenue)

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:

The property has reduced setbacks as it is less than 10,000 sf per Section 115-183(d)

Name of Staff Member Amy Hollis

Checked By [Signature]

Revised 11/8/2019

2/1/07 Andrews ✓
2/1/11

14.1' Front
10333
1/24/09

2/3/2023 ✓
2/3/1534 ✓

Case No. 12796

Variance Requested:

Request a 7.8 feet variance from 15 feet corner side yard setback on Andrew Avenue.

Request a 14 feet variance from 30 feet front yard setback on 2nd Street.

Request a 13.9 feet variance from 30 feet front yard setback on 2nd Street.

Request a 17.9 feet variance from 30 feet front yard setback on 2nd Street for stairs.

Request a 12.9 feet variance from 30 feet front yard setback on 2nd Street for A/C unit and propane tank.

Criteria for a Variance:

1. Uniqueness of property:

Our property is one of if not the smallest lot in our area measuring 4,497 square feet and it is not rectangular in shape but more triangular. Our property is also unique in that the lot is a corner lot on 3 streets of which 2 of the streets are considered front yards and have setbacks of 30 feet. The other street is considered a corner side yard and has a setback of 15 feet. Our house front yard is also the only house on the same side of the street and thus does not protrude out making it look different than any other house on the street. The combination of a small lot, triangular vs rectangular shape and located on the corner of 3 streets makes this property very unique.

2. Cannot otherwise be developed:

Because of the small lot size, the triangular shape vs rectangular shape of the lot and the setbacks required on 3 streets, of which being two are being considered front yards with a setback of 30 feet and one a corner side yard with a setback of 15 feet, the property cannot be developed today in strict conformity with the provisions of the Zoning Ordinance or Code without the authorization of a variance.

When I purchased my house in March, 1998, I did so I could use it as a 2nd house/vacation property. It was a small house with no storage space and was fine for this purpose. We are now retired, with a family including children and at least one grandchild, we love our community and we want to use this house full time as our permanent retirement home residence. We require the authorization of a variance that is necessary to enable a reasonable use of the property for a full-time retirement residence.

3. Not created by the applicant:

I did not create the problem. I purchased my house in March, 1998. The house was already built where it currently stands including the 16.0 feet distance from 2nd Street property line on one corner of the property line, 16.1 feet distance from 2nd Street on the other corner of the property line and the 12.1 feet distance from the property line for the front stairs leading to the covered porch and within the 30 feet front yard setback requirement.

I realize that the lot is non-conforming, so I wish to remove the 2-story dwelling but build the new proposed dwelling on the existing location along 2nd street where it is originally and add to the dwelling as requested in the variance application and shown on the survey. Our house front yard is also the only house on the same side of the street and thus does not protrude out making it look different than any other house on the street since there aren't any other houses. The house also sits at the end of a dead-end street.

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

We take great pride to keep our house and property appearance in good condition which is sometimes difficult because we have very little storage. We value our neighborhood and the surrounding neighborhoods. There have been several new house upgrades in our area during the time that we have owned our house and we would like to keep our house in a similar appearance. Our current house is unique in shape with small sides and angles and gets unusual looks because of two small eight-foot angled house corner sections. We would like to make our home more traditional and rectangular in shapes, resolve many of the space constraint issues for storage and provide us with a little more living space for our developing and growing family. The house will sit in the same location on 2nd Street and there never has been an issue. The variance requested for Andrew Ave will still have plenty of room of grass before the edge of the street, there are no shrubs and trees along the road and will present no issues for obstructing any vehicle drivers' vision in any direction. We feel that the changes we will make will keep the character and charm of our beach community and add value to the neighborhood.

5. Minimum variance:

Initially, we started with a request to add to our existing house in the space along Andrew Avenue. The request would have required a variance of 10 feet for a structure that would be the length of the side and out 15 feet from the existing house out toward Andrew Avenue.

After a lot more discussion, we feel that if we can build a new house by keeping the front of the house where it is along 2nd Street with a new foundation, obtain a 7.8 feet variance from 15 feet corner side yard setback on Andrew Avenue and add a 3rd floor below the maximum height of 42 feet, we can address our issues.

While adding to our existing house structure, would have addressed our current issues but we feel that the proposed variance that we are requesting, although more costly, would be the minimum variance that will afford relief with the least modification of the regulation in issue.

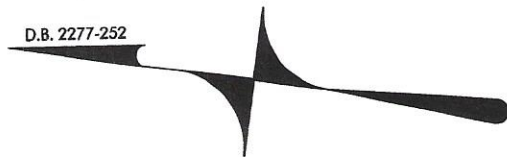
Separately, the small lot setback for side yards is five feet. Our neighbor on that side of our house planted Elm trees a few feet from the property line which grow fast, about 3 to 6 feet each year. The quick growth and canopy of these trees brush against our house even when our house is currently 10 feet from the property line. We spend time and money each year to prune the fast-growing trees. Having the house at a setback of 5 feet versus 7.7 feet would make it even more difficult to be able to trim the trees annually.

SECOND STREET (50' R/W)

LOT #21
4,497 SQ. FT.
D.B. 2277-252

LINE	BEARING	DISTANCE
L1	N 24°21'34" W	13.01'

D.B. 2277-252

**LEGEND:**

● IRON PIPE (FOUND)

NOTES:

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

**DRAWING REVISED ON 1/16/2023 TO SHOW PROPOSED CONDITIONS.

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

NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

EDGE OF PAVING

PAVERS

89.65'

84.78'

0.1' (OVER)

PROPOSED A/C
PROPOSED PROPANE

2 STORY FRAME DWELLING
(TO BE REMOVED)

PROPOSED DWELLING

WOODEN PRIVACY FENCE (TYPICAL)

"SEABREEZE DEVELOPMENT"

LOT H-9

D.B. 5616-125

T.M. #3-34-20.13-160.00

DODD AVENUE
(50' R/W)

PROPOSED CONDITIONS & BOUNDARY SURVEY PLAN FOR CRAIG FORSTER

21206 SECOND STREET, REHOBOTH BEACH
LOT #21, BLOCK E OF "ANN ACRES" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

NOVEMBER 10, 2022** SCALE: 1" = 20'

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302.226.2229 phone

302.226.2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

Case No. 12796 (revision)

Variance Requested:

Request a 7.8 feet variance from 15 feet front side yard setback on Andrew Avenue.

Request a 5.9 feet variance from 15 feet front side yard setback on Andrew Avenue.

Request a 3.7 feet variance from 15 feet front side yard setback on Andrew Avenue for A/C unit.

Request a 13.9 feet variance from 30 feet front yard setback on 2nd Street.

Request a 17.9 feet variance from 30 feet front yard setback on 2nd Street for stairs.

Request a 12.9 feet variance from 30 feet front yard setback on 2nd Street for A/C unit.

Criteria for a Variance:

1. Uniqueness of property:

Our property is one of if not the smallest lot in our area measuring 4,497 square feet and it is not rectangular in shape but more triangular. Our property is also unique in that the lot is a corner lot on 3 streets of which 2 of the streets are considered front yards and have setbacks of 30 feet. The other street is considered a front side yard and has a setback of 15 feet. Our house front yard is also the only house on the same side of the street and thus does not protrude out making it look different than any other house on the street. The combination of a small lot, triangular vs rectangular shape and located on the corner of 3 streets makes this property very unique.

2. Cannot otherwise be developed:

Because of the small lot size, the triangular shape vs rectangular shape of the lot and the setbacks required on 3 streets, of which two are considered front yards with a setback of 30 feet and one a front side yard with a setback of 15 feet, the buildable square feet of the 4,497 square foot lot is only 17%. Without the authorization of a variance, the property cannot be further developed today in strict conformity with the provisions of the Zoning Ordinance or Code.

When I purchased my house in March, 1998, I did so I could use it as a 2nd house/vacation property. It was a small house with no storage space and was fine for this purpose. We are now retired, with a family, we love our community and we want to use this house full time as our permanent home residence. We require the authorization of a variance that is necessary to enable a reasonable use of the property for a full-time retirement residence.

3. Not created by the applicant:

I did not create the problem but it is caused by uniqueness of the property setbacks. I purchased my house in March, 1998. The house was already built where it currently stands including the 16.0 feet distance from 2nd Street property line and included the 12.1 feet distance from the property line for the front stairs leading to the covered porch. The house already sits inside the 30 feet front yard setback requirement.

I realize that the lot is non-conforming, so I wish to remove the 2-story dwelling but build the new proposed dwelling on the existing location along 2nd street where it is originally and add to the dwelling as requested in the variance application and shown on the survey. The location of the front of the house is also the only house on the same side of the street and thus does not protrude out making it look different than any other house on the street since there are none. The house also sits at the end of a dead-end street.

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

We take great pride to keep our house and property appearance in good condition which is sometimes difficult because we have very little storage. We cannot afford to rent ongoing storage units. Because of our open corner lot, we prefer to not to install sheds where visible and we have to sometime use a utility trailer for storage which we want to eliminate but currently do not have an affordable option. We value our neighborhood and the surrounding neighborhoods. There have been several new house upgrades in our area during the time that we have owned our house and we would like to keep our house in a similar appearance. Our current house is unique in shape with strange looking small sides and angles that were necessary because of the unique property shape. We would like to make our home more traditional and rectangular in shapes, resolve many of the space constraint issues for storage and provide us with a little more living space for our developing and growing family. The new house will sit the same distance from 2nd Street as it has since it was constructed and there never has been an issue with neighbors. The variance requested for Andrew Ave will still have a minimum of about 20 feet of additional space before the edge of the street, there are no shrubs and trees along the road and will present no issues for obstructing any vehicle drivers' vision in any direction. We feel that the changes we will make will keep the character and charm of our beach community and add value to the neighborhood.

5. Minimum variance:

Initially, we started to plan a request to add to our existing house in the space along Andrew Avenue. The request would have required a variance of 10 feet for a structure that would be the length of the side and out 15 feet from the existing house out toward Andrew Avenue.

After a lot more planning and discussion, we feel that if we can build a new house by keeping the front of the house in the same distance from and along 2nd Street with a new foundation, obtain a variance from 15 feet front side yard setback on Andrew Avenue and add a 3rd floor below the maximum height of 42 feet, we can address our issues.

While adding to our existing house structure, would have addressed our current issues, we feel that the proposed variance that we are requesting, although more costly, would be the minimum variance that will afford relief with the least modification of the regulation in issue. The new proposed variance would still be less than half of the buildable square footage of the standard 50 by 100 feet lot.

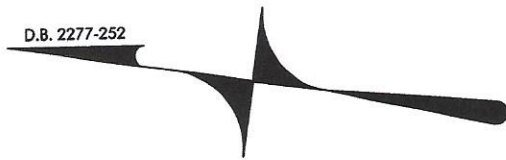
Separately, our neighbor on one side of our house has planted Elm trees a few feet from the property line which grow very fast, about 3 to 6 feet each year. The quick growth and canopy of these trees brush against our house even when our house is currently 10 feet from the property

line. We spend time and money each year to prune these fast-growing trees. Having the house at a setback of 5 feet versus 7.7 feet would make it even more difficult to be able to trim the trees annually. Also, the 30 feet setback from Dodd Ave is angled. The further toward the side yard setback we build and not encroach on the B.R.L. for Dodd Ave, we lose buildable square footage, roughly 75 square feet.

SECOND STREET (50' R/W)

LINE	BEARING	DISTANCE
L1	N 24°21'34" W	13.01'

D.B. 2277-252

**LEGEND:**

- IRON PIPE (FOUND)
- ⊙ PROPOSED PROPANE

NOTES:

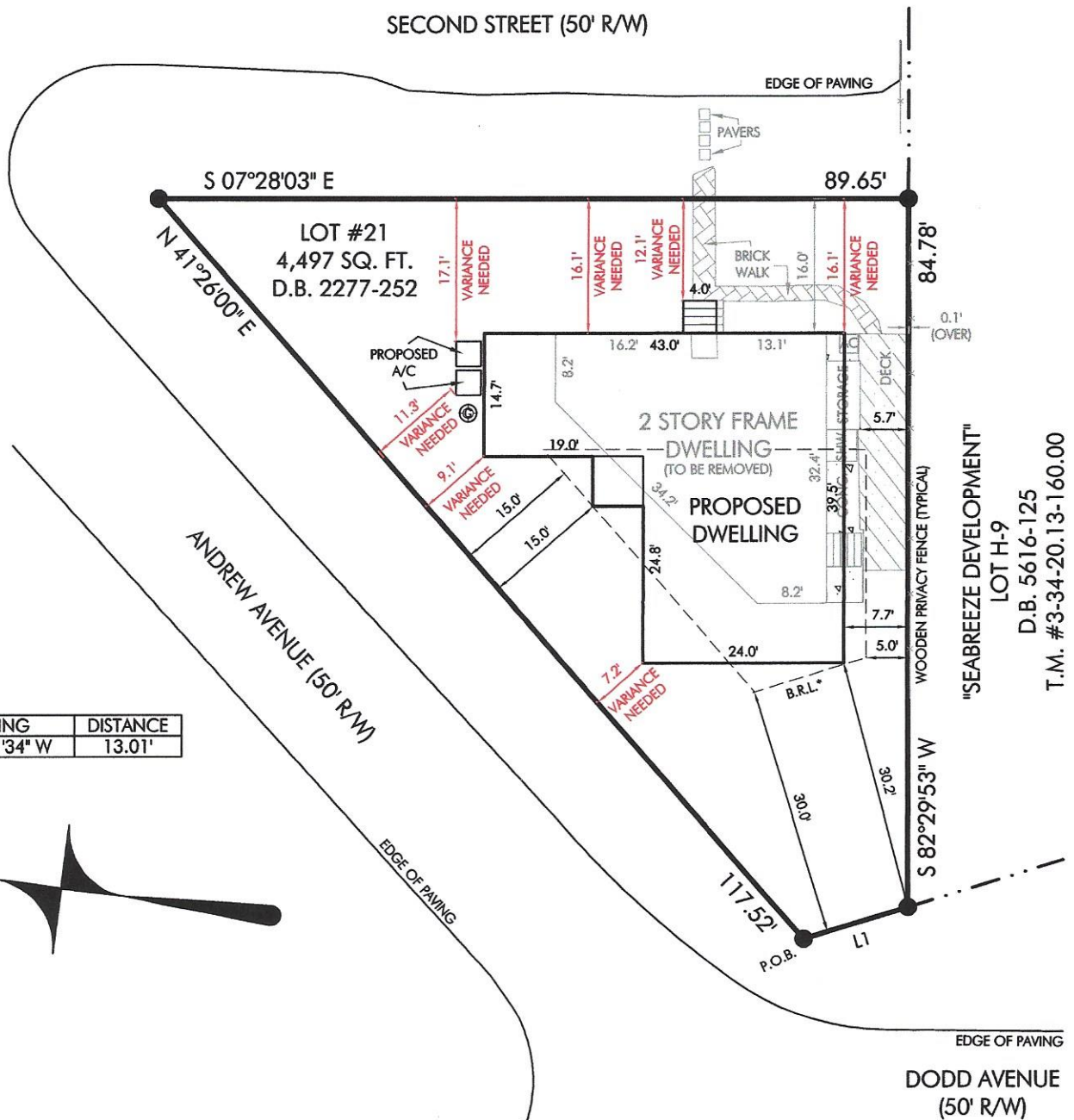
*ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES).

**DRAWING REVISED ON 2/6/2023 TO SHOW PROPOSED CONDITIONS.

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

NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN



PROPOSED CONDITIONS & BOUNDARY SURVEY PLAN FOR CRAIG FORSTER

21206 SECOND STREET, REHOBOTH BEACH
LOT #21, BLOCK E OF "ANN ACRES" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

NOVEMBER 10, 2022** SCALE: 1" = 20'

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

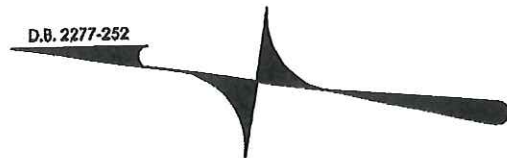
Existing dwelling
BRL w/o variances

T.M. #3-34-20.13-159.00

SECOND STREET (50' R/W)

LINE	BEARING	DISTANCE
L1	N 24°21'34" W	13.01'

D.B. 2277-252



LEGEND:

- IRON PIPE (FOUND)
- ⊙ PROPOSED PROPANE

NOTES:

*ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES).
**DRAWING REVISED ON 2/6/2023 TO SHOW PROPOSED CONDITIONS.
THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR STIPULATED.
SURVEY CLASS: SUBURBAN

S 07°28'03" E

LOT #21
4,497 SQ. FT.
D.B. 2277-252

N 41°26'00" E

ANDREW AVENUE (50' R/W)

EDGE OF PAVING

EDGE OF PAVING

89.65'

84.78'

0.1' (OVER)

PROPOSED A/C

11.3' VARIANCE NEEDED

9.1' VARIANCE NEEDED

15.0'

15.0'

15.0'

15.0'

15.0'

15.0'

15.0'

15.0'

15.0'

15.0'

15.0'

15.0'

2 STORY FRAME DWELLING (TO BE REMOVED)

PROPOSED DWELLING

PROPOSED DWELLING

PROPOSED DWELLING

PROPOSED DWELLING

PROPOSED DWELLING

PROPOSED DWELLING

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PROPOSED DWELLING

PROPOSED CONDITIONS & BOUNDARY SURVEY PLAN FOR CRAIG FORSTER

21206 SECOND STREET, REHOBOTH BEACH
LOT #21, BLOCK E OF "ANN ACRES" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

NOVEMBER 10, 2022** SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

331-20.13-14200

21107 Andrew Ave

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM T. & BERTHA R. PARSONS Case No. 4371 - 1991

A hearing was held after due notice on March 18, 1991.
The Board members present were: Mr. McCabe, Mrs. Hudson, Mr. Stuchlik, Mr. Carey and Mr. Lewis.

Nature of the Proceedings

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

Finding of Facts

The Board found the applicants were seeking a variance from the front yard setback requirement on a parcel located on the south side of Andrew Avenue, 100 feet west of Bayard Avenue, north of Dewey Beach, Lot 3 within Ann Acres. The Board found that the applicant's proposed garage encroaches on the 30 foot front yard setback. The garage if constructed, will be 15 feet from the road. The applicant requests a 20 foot variance from the required 30 foot front yard setback. The applicant testified there is no other location on the lot for the placement of the garage. No persons appeared in opposition.

The Board granted the requested variance, based on the irregular shape of the lot.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. McCabe, Mrs. Hudson, Mr. Stuchlik, Mr. Carey and Mr. Lewis; voting against--none.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

R. G. McCabe
Ronald G. McCabe
Chairman

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

Date May 2, 1991

COM

334-20.13-143.00

21111 Andrew Ave

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM & BERTHA PARSONS

Case No. 5667 - 1995

A hearing was held after due notice on June 5, 1995. The Board members present were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Wheatley and Mr. Callaway. A decision was made June 19, 1995. The Board members present were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Wheatley and Mr. Callaway.

Decision of the Board

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

Finding of Facts

The Board found that the applicants are seeking a variance from the front yard setback requirement on a parcel located on the southeast side of Andrew Avenue, one quarter (1/4) mile southwest of Route One, Lot 4, within Ann Acres.

The Board found that the applicants are seeking a twenty (20) foot variance from the required front yard setback of thirty feet.

The Board found that the applicants intend to build a twenty-five hundred square foot structure on the parcel. The two nearest properties have been granted variances in the past five (5) years.

The Board found that if the applicants build a house without obtaining a variance, they would have to build a house which is very tall, and out of character with other structures in the area.

The Board found that the applicants wish to build a two story house, which is similar to others in the area.

Letters were received in opposition. Woodrow Simeone sent a letter of opposition, as did Joann Foody.

John Eble appeared and introduced complaints about the applicants which had no bearing on the application.

In opposition, the applicants stated that the construction of their home will cause no damage to roads, that there will not be a parking problem since there will be sufficient on-site parking, and they do not want to have to build a triangular house.

After considering the evidence, the Board granted the requested variance.

The Board found that the lot is odd-shaped.

The Board found that the requested variance will not adversely affect the neighborhood.

The Board found that the hardship/practical difficulty has not been created by the applicant.

The Board found that the proposed structure will be more in character with the area than with what the applicant can legally now build.

Decision of the Board

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

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

R. G. McCabe
R. G. McCabe
Chairman

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

Date November 27, 1995

Copy

334-2013-14300

21111 Andrew Ave

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SHELLEY P. HASTINGS

Case No. 8697 - 2004

A hearing was held after due notice on July 12, 2004. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson.

Nature of the Proceedings

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

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard and rear yard setback requirements west of Route One, southeast of Andrew Avenue, Lot 4, Block E, Ann Acres Development. The Applicant was requesting a 1-foot variance from the required 30-foot front yard setback and a 0.4-foot variance from the required 10-foot rear yard setback. After a hearing, the Board made the following findings of fact:

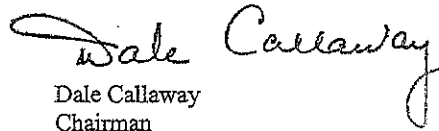
1. The Board granted a previous variance for this property in 1995.
2. The dwelling was subsequently built within the footprint of the location survey, but a subsequent survey revealed an encroachment.
3. The lot is irregular in shape and size, and may have contributed to the problem.
4. The problem was not created by the Applicant.
5. The variances are minimal and will not alter the essential character of the neighborhood.
6. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

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

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

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

Date August 3, 2004

copy

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**IN RE: CUSTOM FRAMERS****CASE NO. 10333 – 2009**

A hearing was held after due notice on January 26, 2009. 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 front yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard setback requirements west of Route 1, east of Dodd Avenue, Sea Breeze. The Applicant was requesting a 14.1 foot variance from the required 30 foot front yard setback. After a hearing, the Board made the following findings of fact:

1. The Applicant, a contractor, had constructed a large addition to an existing legally nonconforming dwelling.
2. The house is the only one that fronts on Dodd Avenue. Other dwellings have sides on Dodd Avenue, with 20 foot setbacks.
3. The addition does not encroach any more than the older portion of the house, and visually the setback is the same as other homes on the street. An older survey, perhaps in error, confirmed that the dwelling and addition met the restrictions for the development.
4. The Board determined that the variance will not alter the essential character of the neighborhood, that it was the minimum necessary to afford relief, and that numerous other variances have been granted in the area.
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. 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.

Copy only

Date _____.

RECEIVED

JAN 06 2023

SUSSEX COUNTY
PLANNING & ZONING

**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 # 12797
Hearing Date 2023 06 21 2

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:

17467 Shady Road, Lewes, DE 19958

Variance/Special Use Exception/Appeal Requested:

Front Yard Building Setback as the proposed additions do not meet the requirements of General Commercial District Zoning.

Tax Map #: 334-6.00-525.00

Property Zoning: C-1

Applicant Information

Applicant Name: Timothy M. Metzner

Applicant Address: 601 E. Main Street, Suite 100

City Salisbury State MD Zip: 21804

Applicant Phone #: (410) 543-9091 Applicant e-mail: tmm@dbfinc.com

Owner Information

Owner Name: GP Lewes LLC

Owner Address: 20376 Coastal Highway

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

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

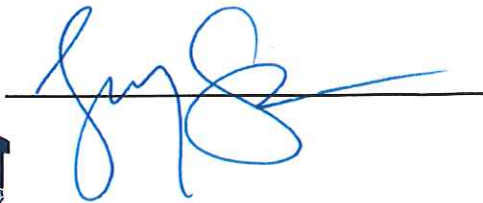
Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney



Date: 12/17/22



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

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

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

1. Uniqueness of property:

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

Due to the property being in a legal non-confirming lot, the existing and proposed additions encroach in the current front yard building setback limits.

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.

Proposed property additions can not be developed with the current setback limits held by the Zoning Ordinance and Code, unless authorization from a variance is received.

3. Not created by the applicant:

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

The setback limitation was not created by the applicant. At the time of the restaurants design, the building was within the setback limits of 40 feet. Due to Sussex County revising the setback limits, the existing building now encroaches into the current setback limits of 60 feet.

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

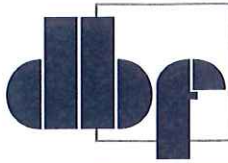
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The proposed additions will not alter the character of the neighborhood as the area is of commercial use. The proposed enclosed vestibule and wall are not detrimental but an enhanced safety 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.

No additional variance is required to follow through with the construction of the proposed additions. The front yard building setback variance requested, in our belief will be the least modification possible to the regulations.



**DAVIS
BOWEN &
FRIEDEL, INC.**

ARCHITECTS • ENGINEERS • SURVEYORS

1 Park Avenue ; Milford, Delaware 19963 | 302.424.1441

Letter of Transmittal

TO: Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

DATE: January 6, 2023
JOB NO. 2313A005
ATTENTION: Elliot Young, Planner I
RE: Grottos Grand Slam
Sussex County, DE
Sussex Planning & Zoning

WE ARE SENDING YOU: ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ Application and Review Fee Check

COPIES	DATE	NO.	DESCRIPTION
3	1/6/23		Construction Documents
1	1/6/23		BOA Application
1	1/6/23		BOA Application review fee

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Make corrections noted ☐ Return _____ corrected prints
☐ For review and comment ☒ To be placed on the next available BOA agenda
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS Should you have any questions or concerns, please contact our office at (410) 543-9091.

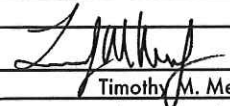
RECEIVED

JAN 06 2023

SUSSEX COUNTY
PLANNING & ZONING

Thank you,

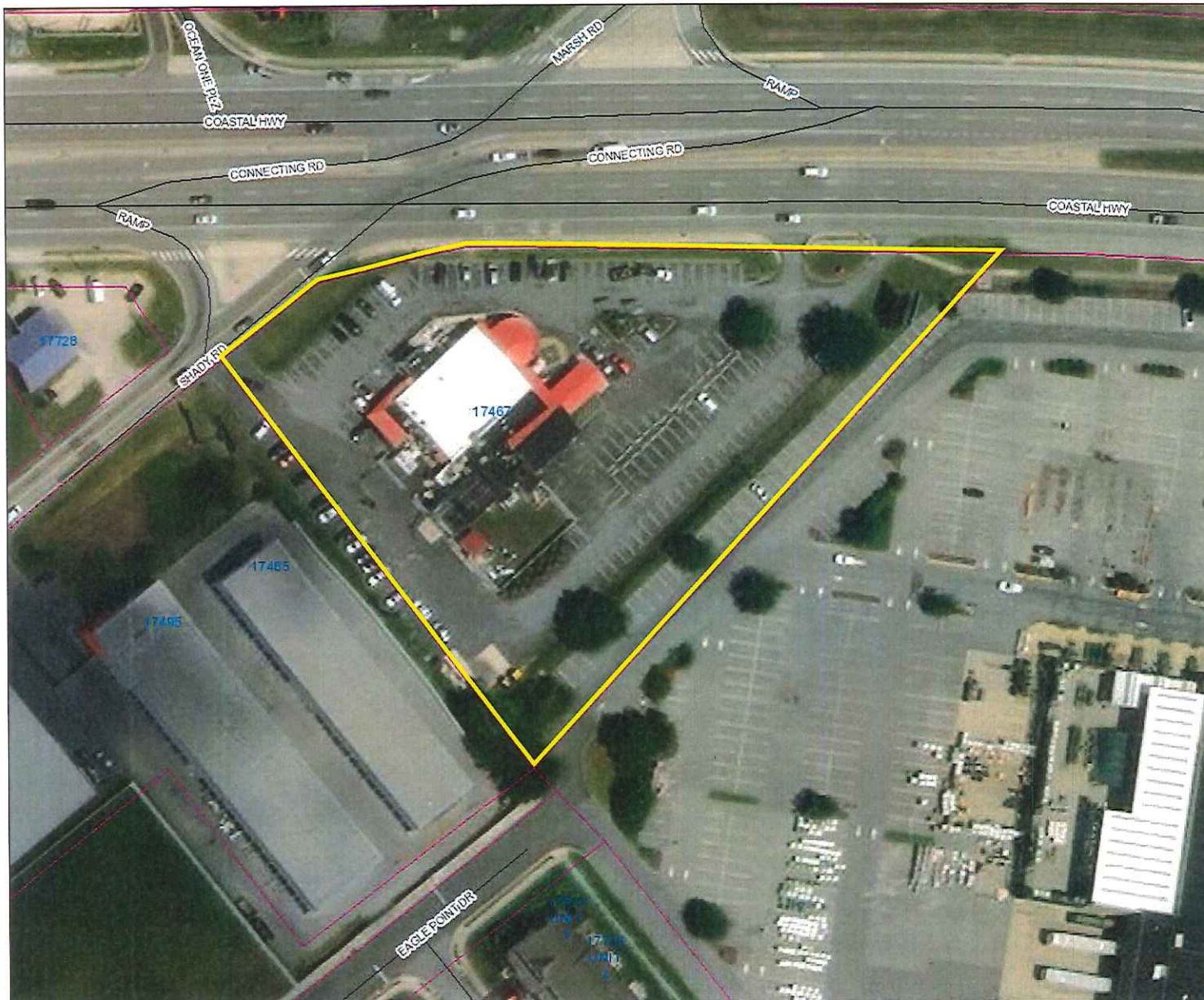
COPY TO: _____

SIGNED: 
PRINT: Timothy M. Metzner, RLA, LEED AP ND
TITLE: Associate / Sr. Landscape Architect

If enclosures are not as noted, kindly notify us at once.



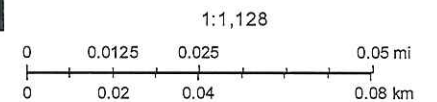
Sussex County



PIN:	334-6.00-525.00
Owner Name	GP LEWES LLC
Book	5060
Mailing Address	20376 COASTAL HWY
City	REHOBOTH BEACH
State	DE
Description	RTS 1 276
Description 2	2.28 AC W/IMP
Description 3	N/A
Land Code	

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

January 10, 2023





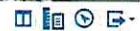
Search

Search by TaxParcels -

334 6 00 525 00

Search results (1) Options -

Name: 334 6 00 525 00

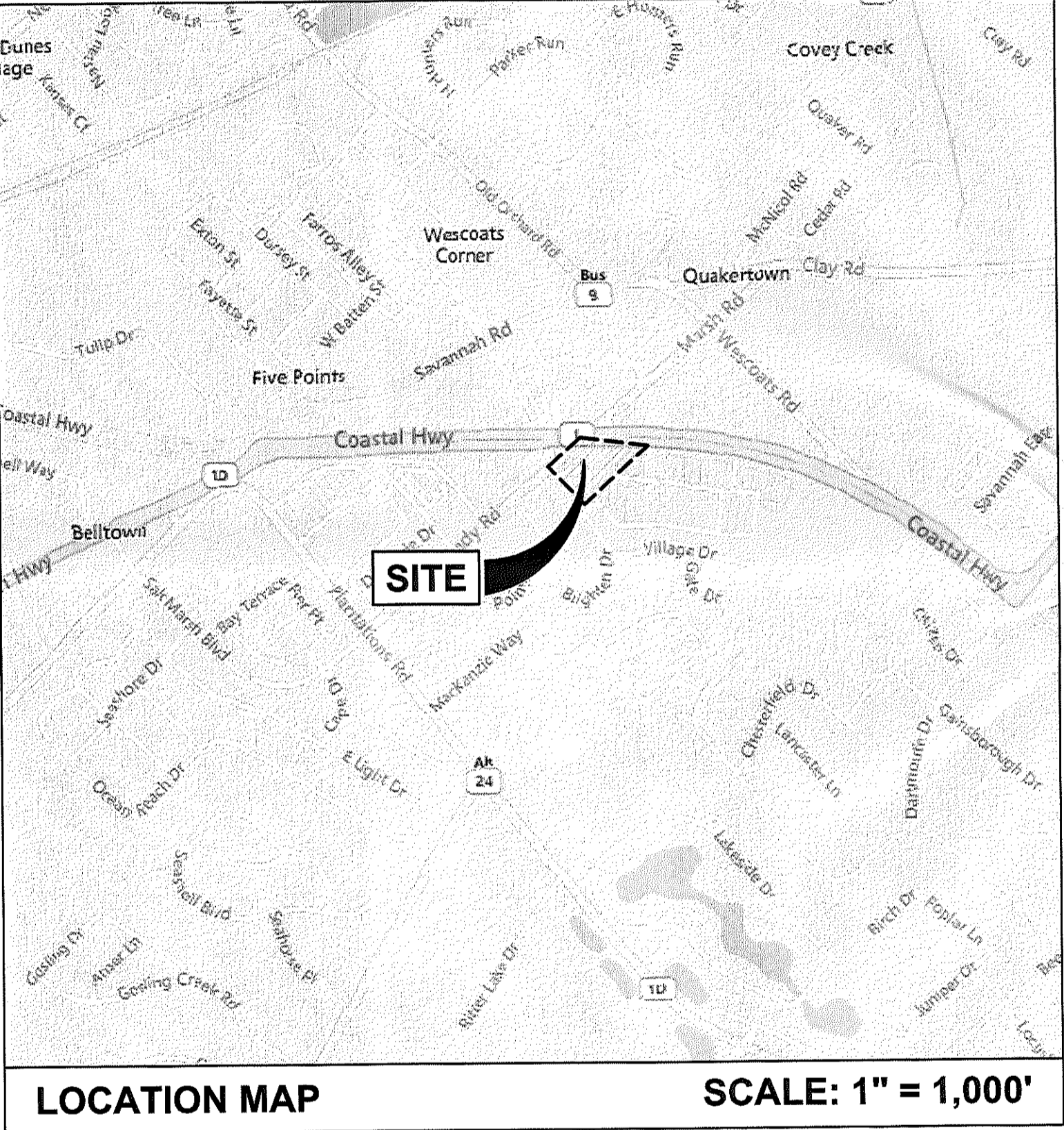
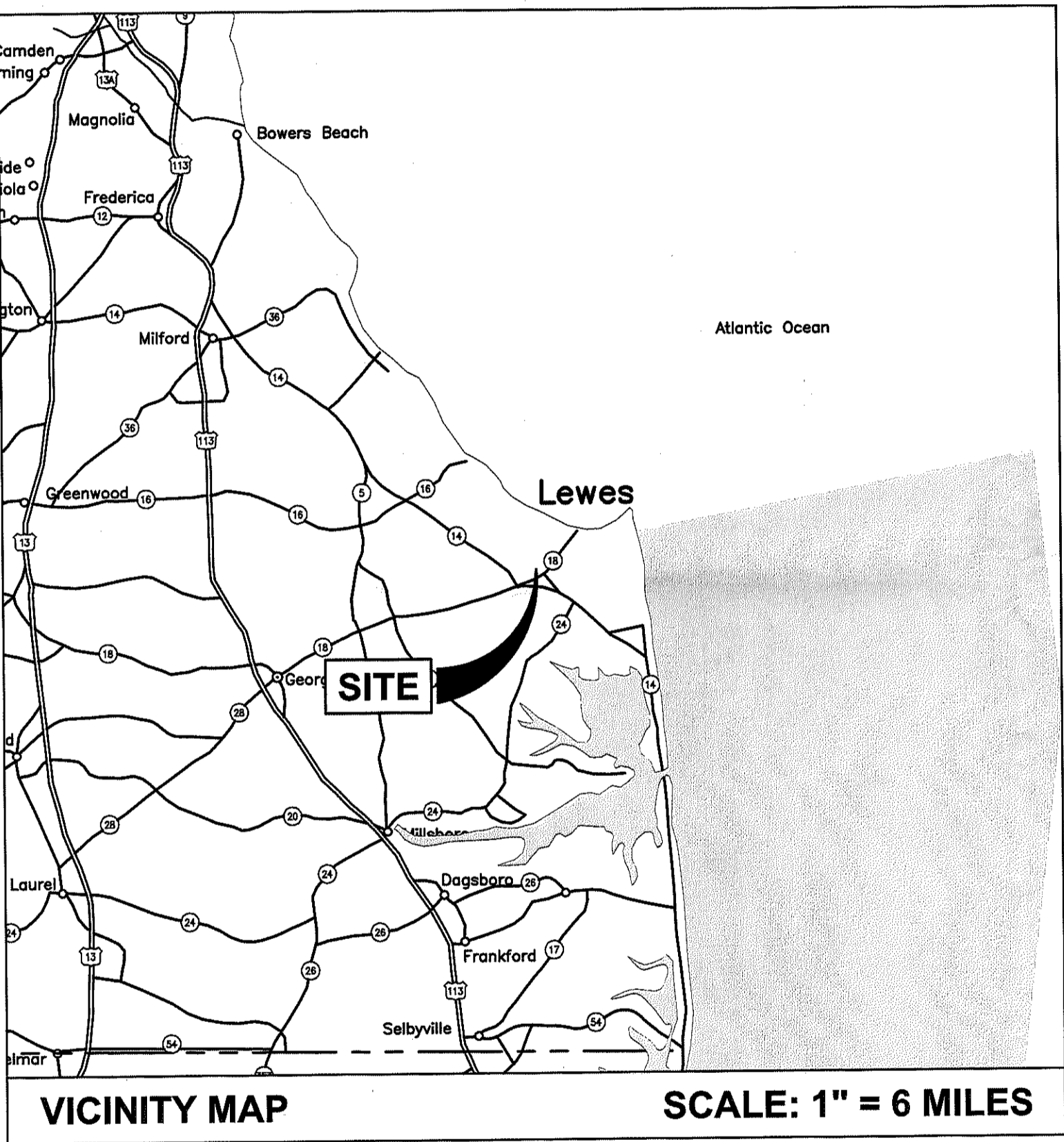


GROTTO GRAND SLAM

SHADY ROAD (S.C.R. 276) LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

GENERAL NOTES:

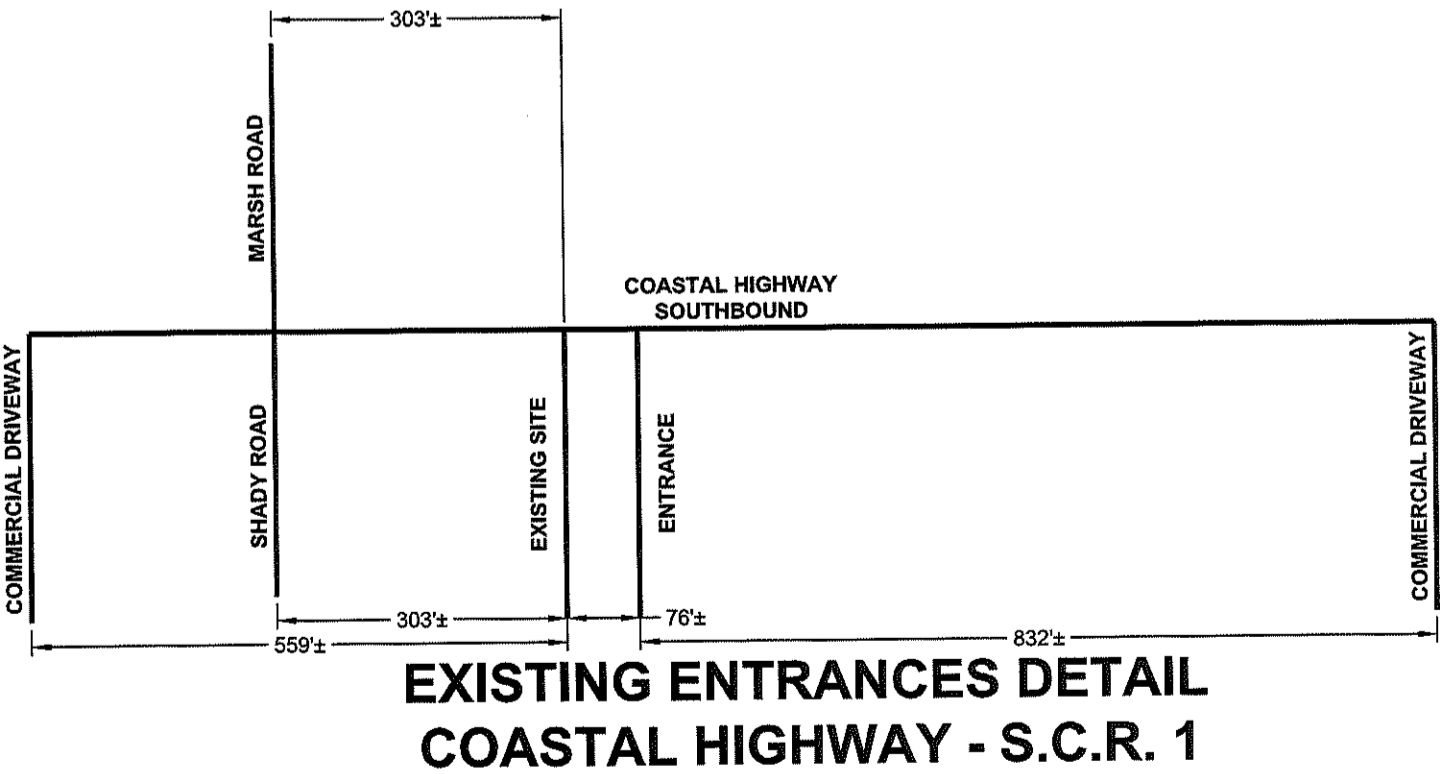
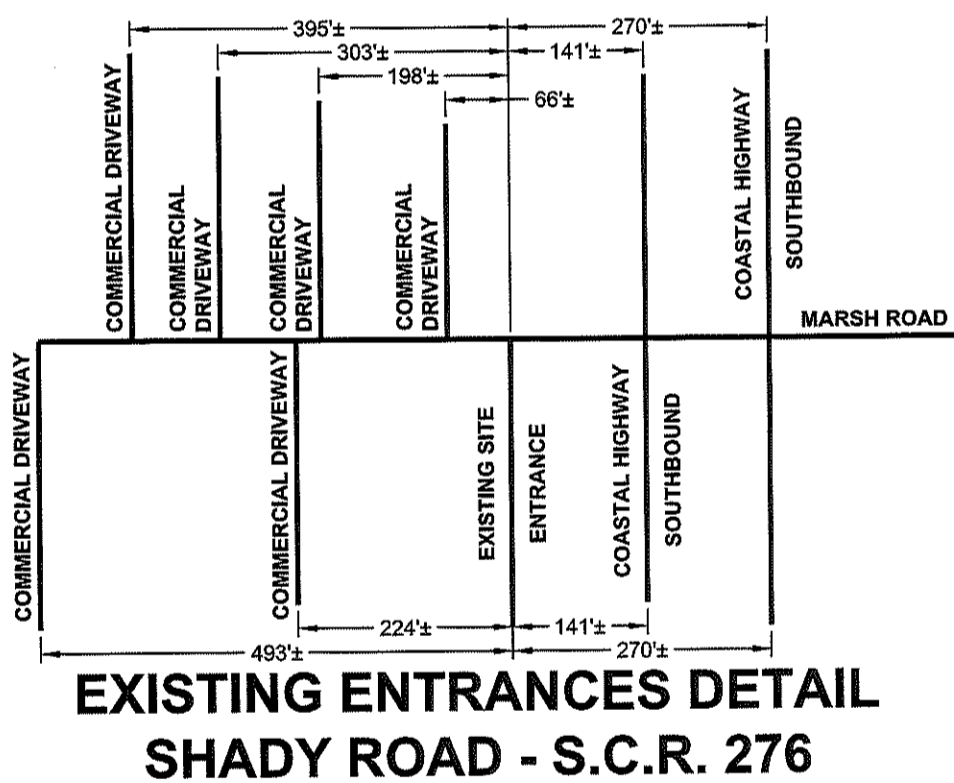
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING, RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG COASTAL HIGHWAY - 14, WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPAL ARTERIAL/FREEWAY/INTERSTATE AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM), IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT, FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION. ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3-A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3-A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.



INDEX OF SHEETS

- C0.0 TITLE SHEET
- C1.0 EXISTING & DEMOLITION PLAN
- C2.0 SITE PLAN PHASE 1
- C2.1 SITE PLAN PHASE 2

EXISTING	LEGEND	PROPOSED
---	PROPERTY LINE OR RIGHT-OF-WAY LINE	---
---	EASEMENTS	---
X	FENCE	X
24	CONTOUR	24
x 24.24 x 24.74 TO 24.24	SPOT ELEVATIONS: SURFACE, TOP OF CURB, BOTTOM OF CURB	24.24 24.74 24.24
---	SWALE	---
---	SEWER MAIN, MANHOLE, AND CLEANOUT	---
---	WATER MAIN, HYDRANT, VALVE, AND METER	---
---	STORMDRAIN, MANHOLE, AND INLET	---
---	CURB, CURB AND GUTTER	---
---	CONCRETE SIDEWALK, CONCRETE PAD OR CONCRETE PAVING	---
---	BITUMINOUS PAVING	---
---	FULL DEPTH PAVEMENT, LIGHT/HEAVY DUTY	---
---	BUILDING	---
---	DECIDUOUS TREE, EVERGREEN TREE, AND SHRUBS	---
---	ROAD SIGN, MAIL BOX	---
---	UTILITY POLE WITH GUY WIRES	---
---	SITE NOTES	---
---	PARKING SPACE COUNT	---
---	FIRE LANE	---



ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, 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 TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963

DATE

OWNER'S STATEMENT

I, GP LEWES LLC, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION. I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

GP LEWES LLC
20376 COASTAL HWY
REHOBOTH BEACH, DELAWARE 19971

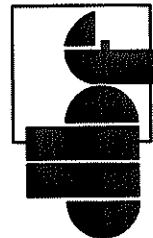
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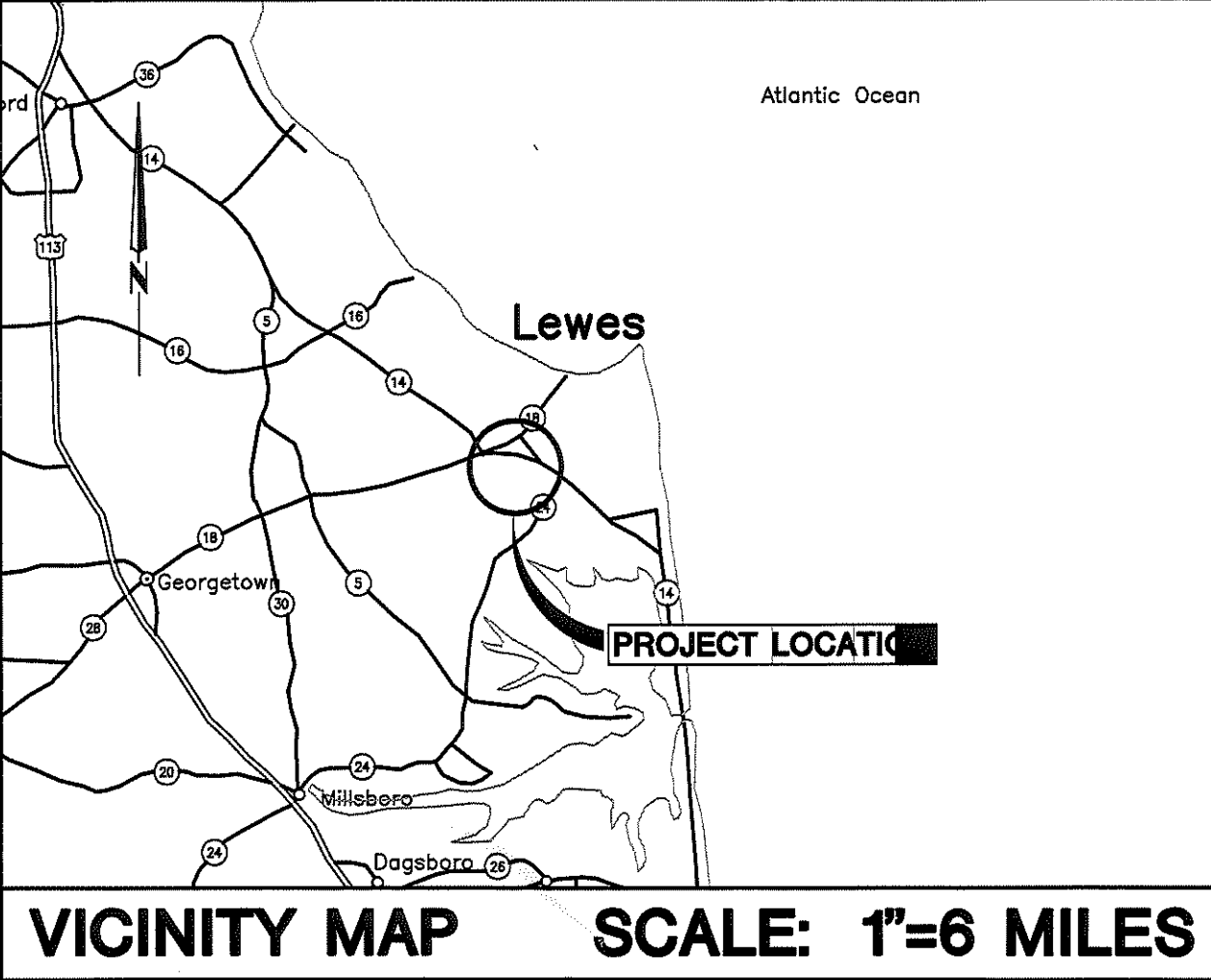
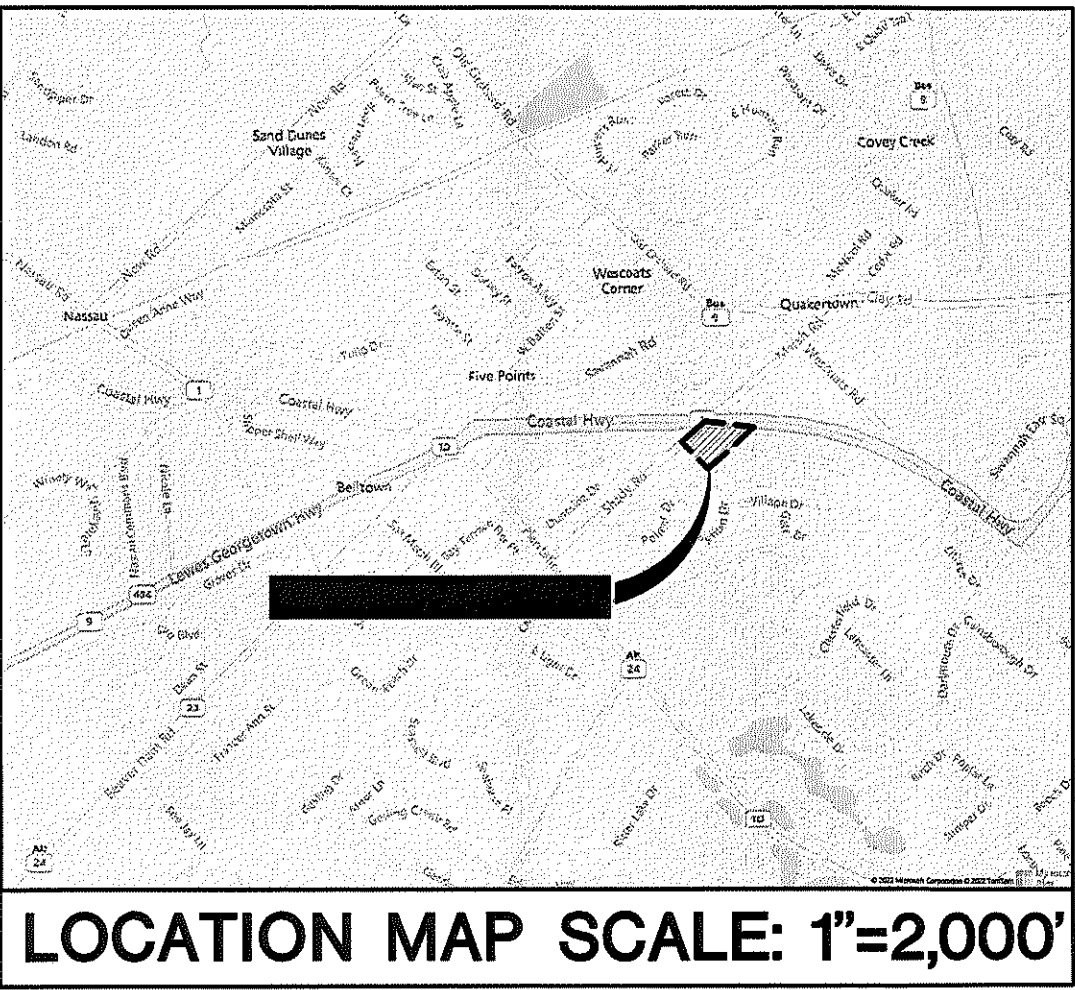
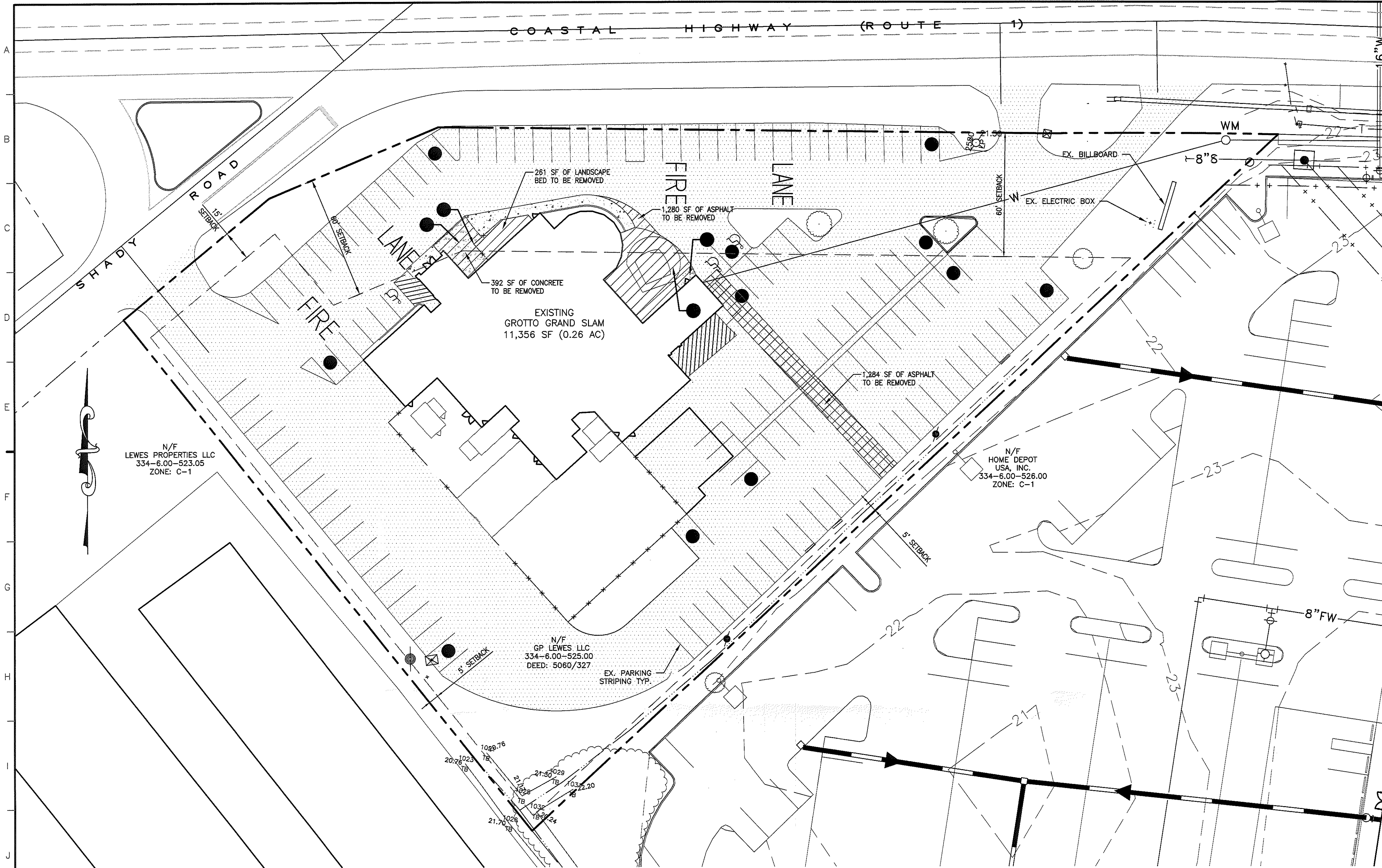
ARCHITECTS ENGINEERS SURVEYORS

601 E. MAIN ST., SUITE 100
SALISBURY, MARYLAND 21804
PHONE: 410-543-9091
FAX: 410-543-4172

GROTTO GRAND SLAM
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE



Proj No.: 2313A005
Date: NOVEMBER 2022



LEGEND

- PHASE 1 ITEMS TO BE REMOVED UNLESS OTHERWISE NOTED.
- PHASE 2 ITEMS TO BE REMOVED UNLESS OTHERWISE NOTED.

DEMO NOTES

- REMOVE FENCE, FULL LENGTH
- REMOVE CONCRETE, FULL DEPTH
- REMOVE LANDSCAPE BED

GENERAL NOTES

- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
 - 1.1 SUSSEX COUNTY ENGINEERING DEPARTMENT 302-855-7718
 - 1.2 DAVIS, BOWEN & FRIEDEL, INC. 302-424-1441
 - 1.3 TIDEWATER UTILITIES, INC. 302-453-6900
- MISS UTILITY OF DELAWARE SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- LIMITED TOPOGRAPHY SURVEY DATA AND BUILDING SURVEY PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. IN AUGUST 2021.
- THIS PROJECT USES DATUM NAD83 DELAWARE STATE PLANE.
- CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.
- THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
- ACCORDING TO FEMA FLOOD INVENTORY MAP 10005C0331K, DATED: MARCH 16, 2015 THE SITE IS IN ZONE "X" - AREA OF MINIMAL FLOODING.
- NO WETLANDS ARE FOUND ON SITE.
- THIS PROPERTY IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA ACCORDING TO COUNTY DATA.
- THIS PROPERTY IS LOCATED IN AN AREA OF GOOD GROUNDWATER RECHARGE.

DEMOLITION AND SAFETY GENERAL NOTES

- MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE ROAD WAY, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL, REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM. ADDITIONAL COSTS WILL BE NEGOTIATED WITH THE OWNER.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

SITE DATA

OWNER:	GP LEWES LLC 20376 COASTAL HWY REHOBOTH BEACH, DE 19971 PHONE:	TOTAL SITE AREA:	2.280 ACRES
ENGINEER:	DAVIS, BOWEN & FRIEDEL, INC. 601 E. MAIN ST., SUITE 100 SALISBURY, MARYLAND 21804 PHONE: 410-543-9091 FAX: 410-543-4172	EX. IMPERVIOUS SURFACE:	1.901 ACRES
PROPERTY ADDRESS:	17467 SHADY RD LEWES, DE 19958	EX. IMPERVIOUS %:	83.38%
TAX MAP ID:	334-6.00-525.00	PRO. IMPERVIOUS SURFACE:	0.039 ACRES
DEED REF:	5060/327	PRO. IMPERVIOUS %:	01.71%
ZONING:	C-1 - GENERAL COMMERCIAL DISTRICT	FLOOD ZONE:	ZONE X - OUTSIDE FLOODPLAIN (FIRM MAP 10005C0331K, DATED MARCH 16, 2015)
BUILDING SETBACKS:	60' FRONT SETBACK 5' SIDE SETBACK 5' REAR SETBACK	PARKING REQUIRED:	1 PER EACH 50 SF ASSIGNED FOR PATRON USE & 1 PER 2 EMPLOYEES ON THE LARGEST SHIFT 4,266 SF & 24 EMPLOYEES: 98 SPACES
MAX BUILDING HEIGHT:	42'	PARKING EXISTING:	120 SPACES (INCLUDING 3 HANDICAP)
PROPOSED USE:	RESTAURANT EXPANSION	ACTUAL BUILDING COVERAGE:	11.45% (0.261 Ac.)
BUILDING:	EXISTING: 11,356 SF PROPOSED: 313 SF (ADDITIONAL) TOTAL: 11,669 SF	OPEN SPACE REQUIRED MIN.:	30.00% (0.684 Ac.)
		OPEN SPACE EXISTING:	0.382 Ac.
		WATER:	TIDEWATER UTILITIES
		SEWER:	SUSSEX COUNTY
		TRASH:	PRIVATE

VARIANCES REQUESTED

- VARIANCES FOR FRONT YARD BUILDING SETBACK ARE REQUESTED FOR AS THE EXISTING BUILDING AND PROPOSED ADDITIONS ENCRATCH THE CURRENT ZONING SETBACK.

OWNERS STATEMENT

I, GP LEWES LLC, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION. I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW. PERPETUAL MAINTENANCE OF STREETS AND COMMON AREAS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

GP LEWES LLC
20376 COASTAL HWY
REHOBOTH BEACH, DELAWARE 19971

ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, 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 TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DELAWARE 19963

dbf DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND ■ MILFORD, DELAWARE
410.543.9091 302.424.1441

General Notes:

LEGEND

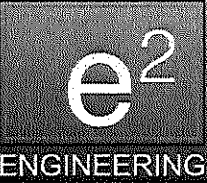
EXISTING

- PROPERTY LINE OR RIGHT-OF-WAY LINE
- PUBLIC UTILITY EASEMENT
- FENCE
- CONTOUR
- SWALE
- EDGE OF WOODS, LIMITS OF CLEARING LINE
- SEWER MAIN, MANHOLE, AND CLEANOUT
- WATER MAIN, HYDRANT, VALVE, AND METER
- STORMDRAIN, MANHOLE, AND INLET
- CURB, CURB AND GUTTER
- CONCRETE SIDEWALK, CONCRETE PAD, OR CONCRETE PAVING
- BITUMINOUS PAVING
- BUILDING
- DECIDUOUS TREE, EVERGREEN TREE, AND SHRUBS
- ROAD SIGN, MAIL BOX
- LIGHT POLE
- UTILITY POLE WITH GUY WIRES

ABBREVIATIONS

- | | |
|------|--------------|
| PR | PROPOSED |
| EX | EXISTING |
| D.I. | DUCTILE IRON |

Consultant:



Mechanical | Electrical | Systems Engineering
PO Box 468, Smyrna, DE 19977 302-659-9090

Revision

- | | |
|---|--------------------------------|
| 1 | STRUCTURAL REVISIONS 8-10-22 |
| 2 | PROJECT PHASING ADDED 11/18/22 |

Project:

GROTTO GRAND SLAM RENOVATIONS
17467 SHADY RD
LEWES, DELAWARE

Set No.:

PERMIT SET

Proj.No.:

2313A005.D01

Dwn.By:

DSR

Sheet Title:

EXISTING & DEMOLITION PLAN

Scale:

AS NOTED

Date:

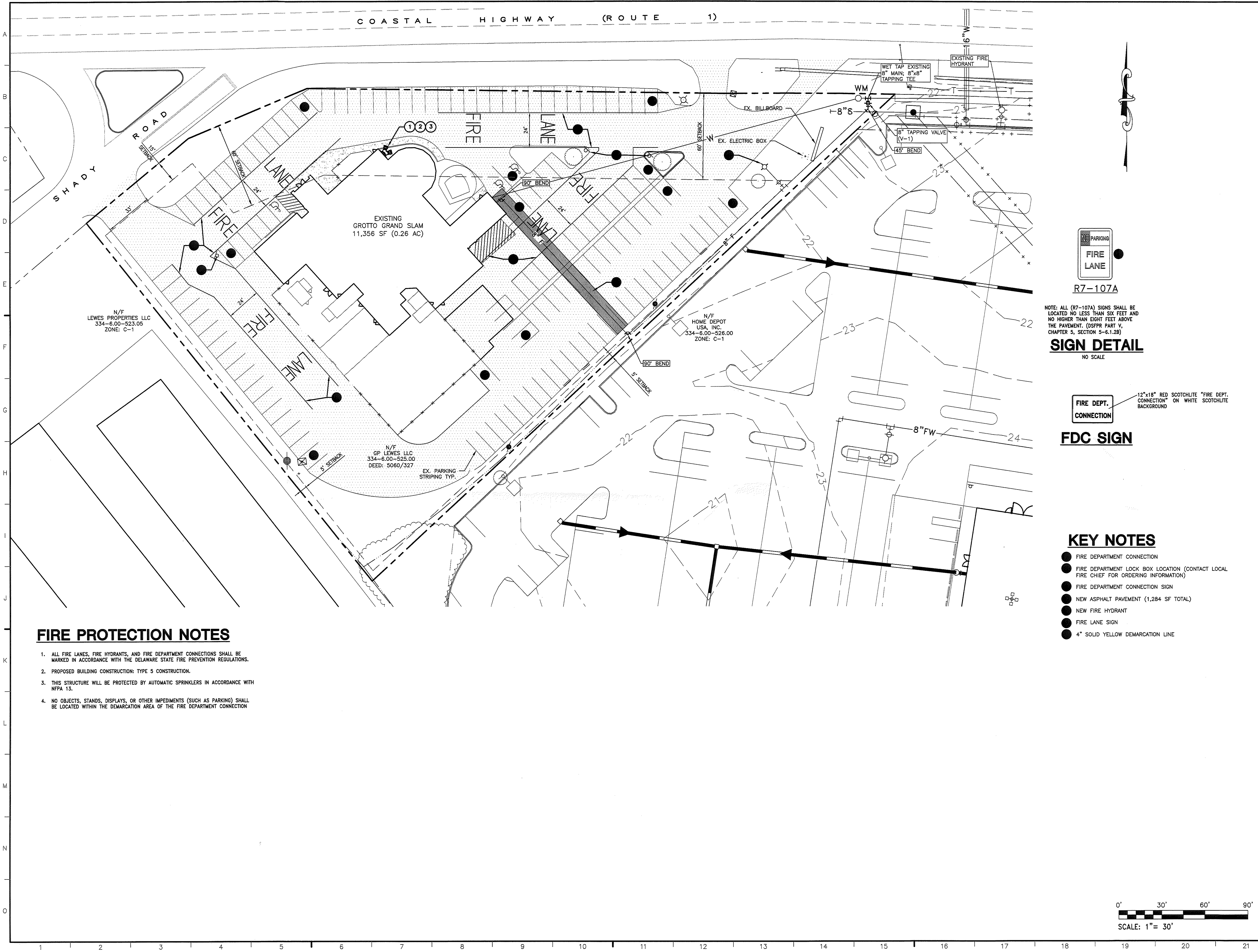
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FIRE PROTECTION NOTES

1. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
2. PROPOSED BUILDING CONSTRUCTION: TYPE 5 CONSTRUCTION.
3. THIS STRUCTURE WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
4. NO OBJECTS, STANDS, DISPLAYS, OR OTHER IMPEDIMENTS (SUCH AS PARKING) SHALL BE LOCATED WITHIN THE DEMARCATION AREA OF THE FIRE DEPARTMENT CONNECTION

SIGN DETAIL
NO SCALE

R7-107A

NOTE: ALL (R7-107A) SIGNS SHALL BE LOCATED NO LESS THAN SIX FEET AND NO HIGHER THAN EIGHT FEET ABOVE THE PAVEMENT. (DSFPR PART V, CHAPTER 5, SECTION 5-6.1.2B)

FIRE DEPT. CONNECTION

12"x18" RED SCOTCHLITE "FIRE DEPT. CONNECTION" ON WHITE SCOTCHLITE BACKGROUND

FDC SIGN

KEY NOTES

- FIRE DEPARTMENT CONNECTION
- FIRE DEPARTMENT LOCK BOX LOCATION (CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION)
- FIRE DEPARTMENT CONNECTION SIGN
- NEW ASPHALT PAVEMENT (1,284 SF TOTAL)
- NEW FIRE HYDRANT
- FIRE LANE SIGN
- 4" SOLID YELLOW DEMARCATION LINE

dbf DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND ■ MILFORD, DELAWARE
410.543.9091 302.424.1441

General Notes:

LEGEND

PROPOSED

- PROPERTY LINE OR RIGHT-OF-WAY LINE
- PUBLIC UTILITY EASEMENT
- FENCE
- CONTOUR
- SWALE
- EDGE OF WOODS, LIMITS OF CLEARING LINE
- SEWER MAIN, MANHOLE, AND CLEANOUT
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- BUILDING
- DECIDUOUS TREE, EVERGREEN TREE, AND SHRUBS
- ROAD SIGN, MAIL BOX
- LIGHT POLE
- UTILITY POLE WITH GUY WIRES

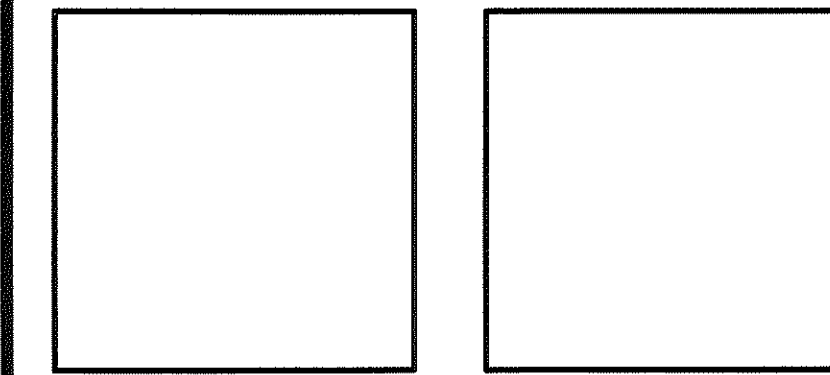
ABBREVIATIONS

PR PROPOSED
EX EXISTING
D.I. DUCTILE IRON

Consultant:

e² ENGINEERING

Mechanical | Electrical | Systems Engineering
PO Box 488, Smyrna, DE 19977 302.659.9090



Revision	
1	STRUCTURAL REVISIONS 8-10-22
2	PROJECT PHASING ADDED 11/18/22

Project:
GROTTO GRAND SLAM RENOVATIONS
17467 SHADY RD
LEWES, DELAWARE

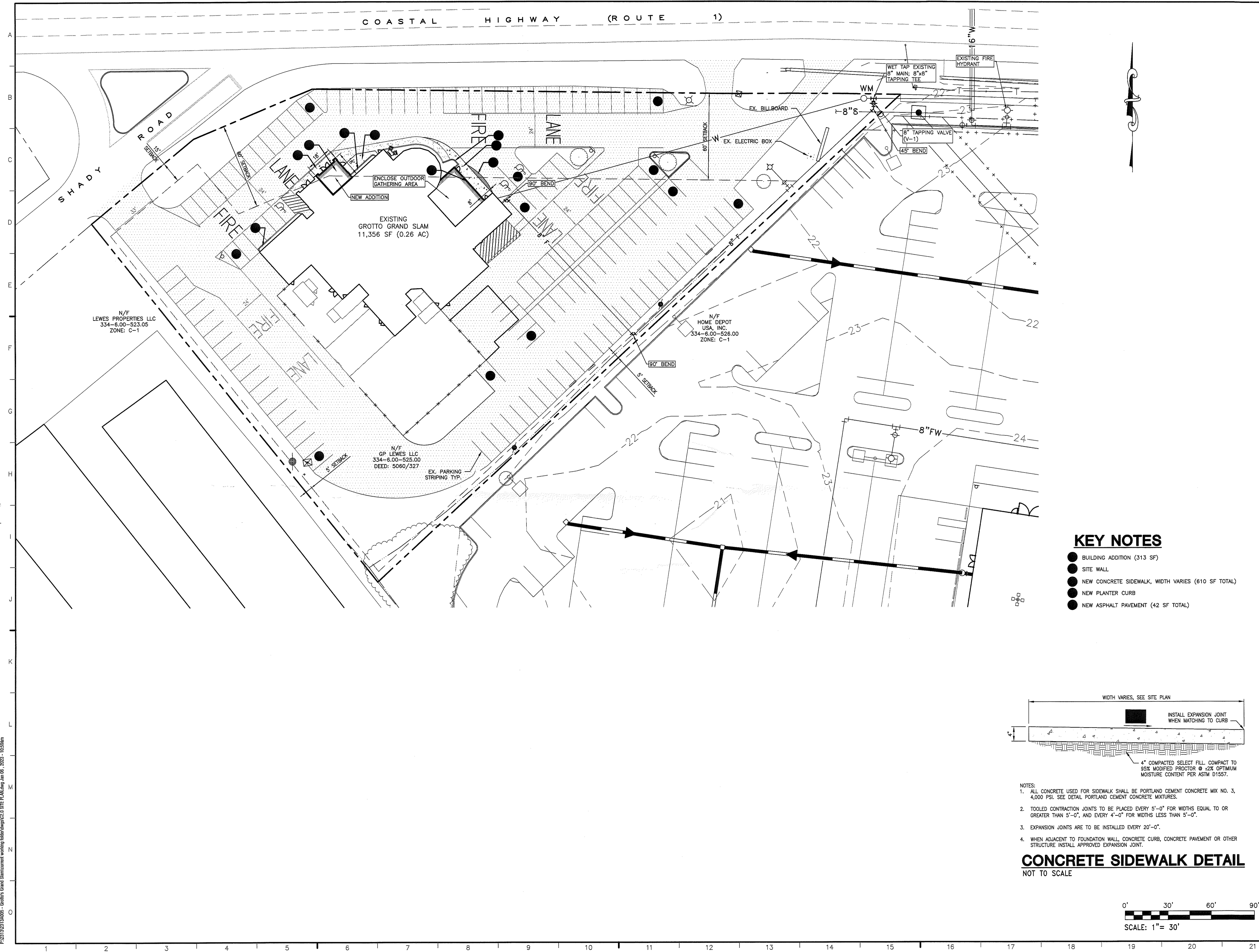
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Dwn.By: DSR	Date: 8-5-22

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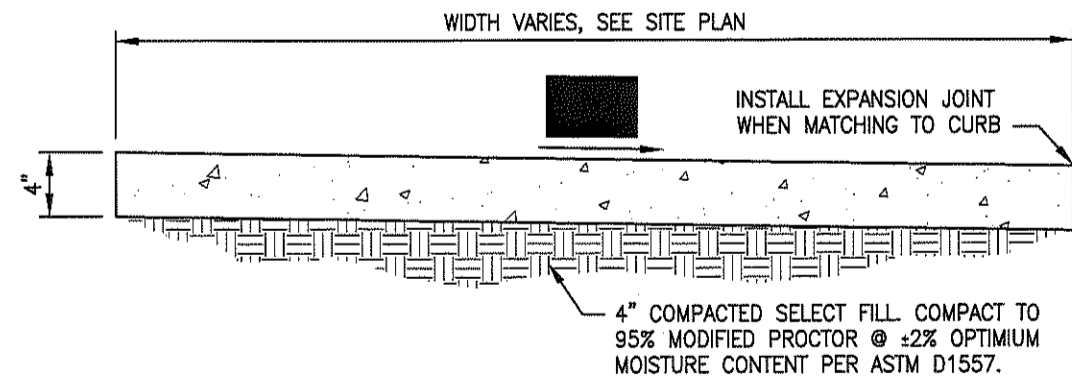
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P:\2021\150154005 - Grotto Grand Slam\working\150154005\22 SITE PLAN.dwg Jan 05, 2023 - 10:58am



KEY NOTES

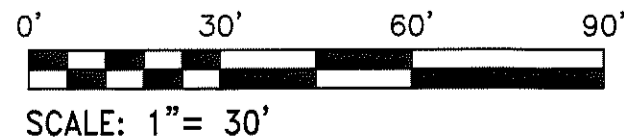
- BUILDING ADDITION (313 SF)
- SITE WALL
- NEW CONCRETE SIDEWALK, WIDTH VARIES (610 SF TOTAL)
- NEW PLANTER CURB
- NEW ASPHALT PAVEMENT (42 SF TOTAL)



- NOTES:
- ALL CONCRETE USED FOR SIDEWALK SHALL BE PORTLAND CEMENT CONCRETE MIX NO. 3, 4,000 PSI. SEE DETAIL PORTLAND CEMENT CONCRETE MIXTURES.
 - TOOLED CONTRACTION JOINTS TO BE PLACED EVERY 5'-0" FOR WIDTHS EQUAL TO OR GREATER THAN 5'-0", AND EVERY 4'-0" FOR WIDTHS LESS THAN 5'-0".
 - EXPANSION JOINTS ARE TO BE INSTALLED EVERY 20'-0".
 - WHEN ADJACENT TO FOUNDATION WALL, CONCRETE CURB, CONCRETE PAVEMENT OR OTHER STRUCTURE, INSTALL APPROVED EXPANSION JOINT.

CONCRETE SIDEWALK DETAIL

NOT TO SCALE



DAVIS
BOWEN &
FRIEDEL, INC.

ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND ■ MILFORD, DELAWARE
410.543.9091 302.424.1441

General Notes:

PROPOSED

PROPERTY LINE OR RIGHT-OF-WAY LINE
PUBLIC UTILITY EASEMENT
FENCE
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SWALE
EDGE OF WOODS, LIMITS OF CLEARING LINE
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CONCRETE SIDEWALK, CONCRETE PAD, OR CONCRETE PAVING
BITUMINOUS PAVING
BUILDING
DECIDUOUS TREE, EVERGREEN TREE, AND SHRUBS
ROAD SIGN, MAIL BOX
LIGHT POLE
UTILITY POLE WITH GUY WIRES

ABBREVIATIONS

PR
EX
D.I.

PROPOSED
EXISTING
DUCTILE IRON

Consultant:

Mechanical | Electrical | Systems Engineering
PO Box 498, Smyrna, DE 19877 302-659-9090

Revision

STRUCTURAL REVISIONS 8-10-22
PROJECT PHASING ADDED 11/8/22

Project:
**GROTTO GRAND SLAM
RENOVATIONS**
17467 SHADY RD
LEWES, DELAWARE

Set No.:
**PERMIT
SET**

Sheet Title:
SITE PLAN PHASE 2

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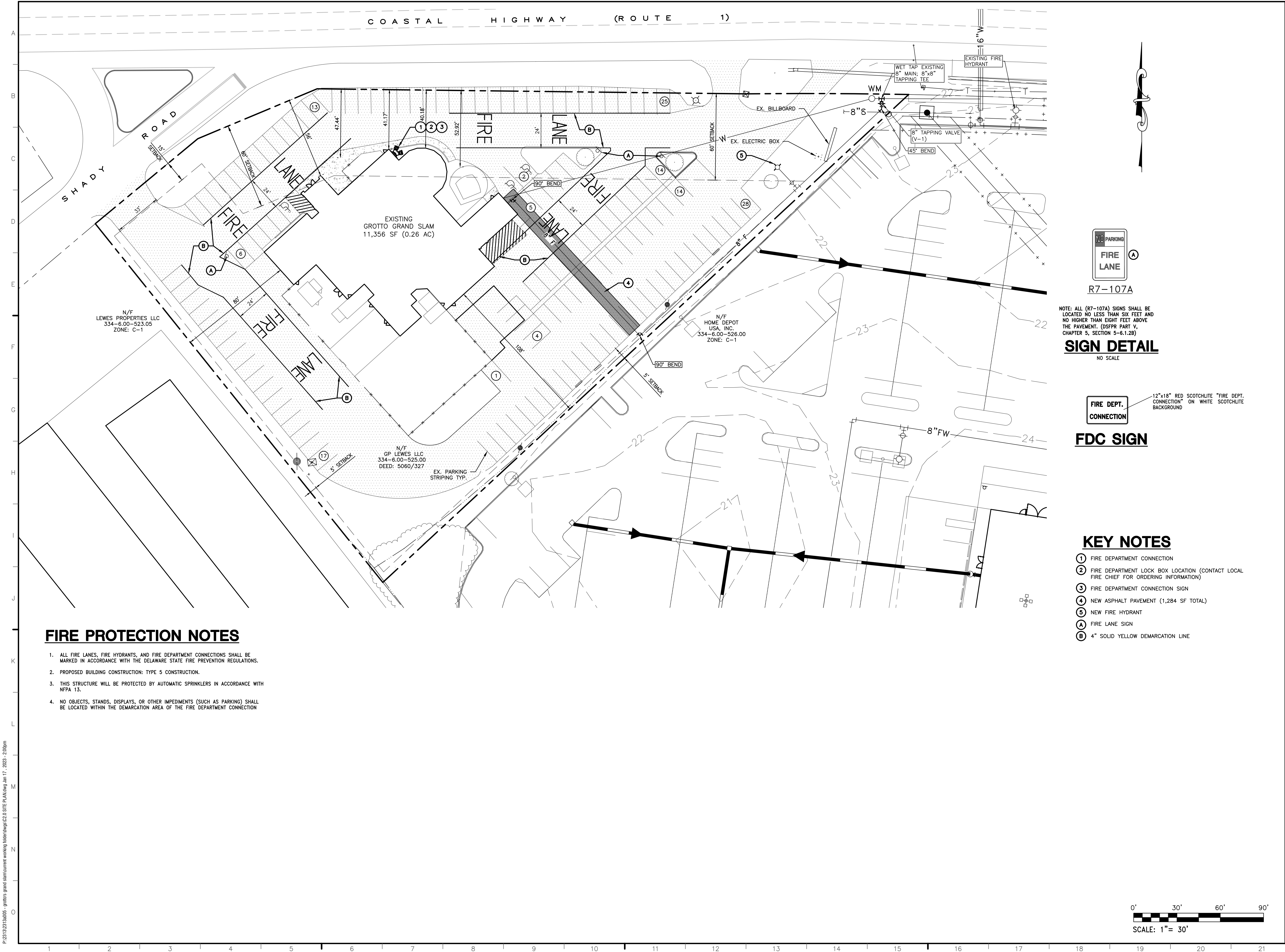
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DSR

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8-5-22

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FIRE PROTECTION NOTES

- 1. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- 2. PROPOSED BUILDING CONSTRUCTION: TYPE 5 CONSTRUCTION.
- 3. THIS STRUCTURE WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
- 4. NO OBJECTS, STANDS, DISPLAYS, OR OTHER IMPEDIMENTS (SUCH AS PARKING) SHALL BE LOCATED WITHIN THE DEMARCATION AREA OF THE FIRE DEPARTMENT CONNECTION

NOTE: ALL (R7-107A) SIGNS SHALL BE LOCATED NO LESS THAN SIX FEET AND NO HIGHER THAN EIGHT FEET ABOVE THE PAVEMENT. (DSFPR PART V, CHAPTER 5, SECTION 5-6.1.2B)

SIGN DETAIL



R7-107A



FDC SIGN

KEY NOTES

- 1 FIRE DEPARTMENT CONNECTION
- 2 FIRE DEPARTMENT LOOK BOX LOCATION (CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION)
- 3 FIRE DEPARTMENT CONNECTION SIGN
- 4 NEW ASPHALT PAVEMENT (1,284 SF TOTAL)
- 5 NEW FIRE HYDRANT
- A FIRE LANE SIGN
- B 4" SOLID YELLOW DEMARCATION LINE

General Notes:

LEGEND

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- PROPERTY LINE OR RIGHT-OF-WAY LINE
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- BUILDING
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- ROAD SIGN, MAIL BOX
- LIGHT POLE
- UTILITY POLE WITH GUY WIRES

ABBREVIATIONS

- PR PROPOSED
- EX EXISTING
- D.I. DUCTILE IRON

Consultant:



Mechanical | Electrical | Systems Engineering
PO Box 498, Smyrna, DE 19977 302-659-9090

Revision

- 1 STRUCTURAL REVISIONS 8-10-22
- 2 PROJECT PHASING ADDED 11/18/22

Project:

GROTTO GRAND SLAM RENOVATIONS
17467 SHADY RD
LEWES, DELAWARE

Set No.:

PERMIT SET

Sheet Title:

SITE PLAN PHASE 1

Proj.No.:

2313A005.D01

Scale:

AS NOTED

Dwn.By:

DSR

Date:

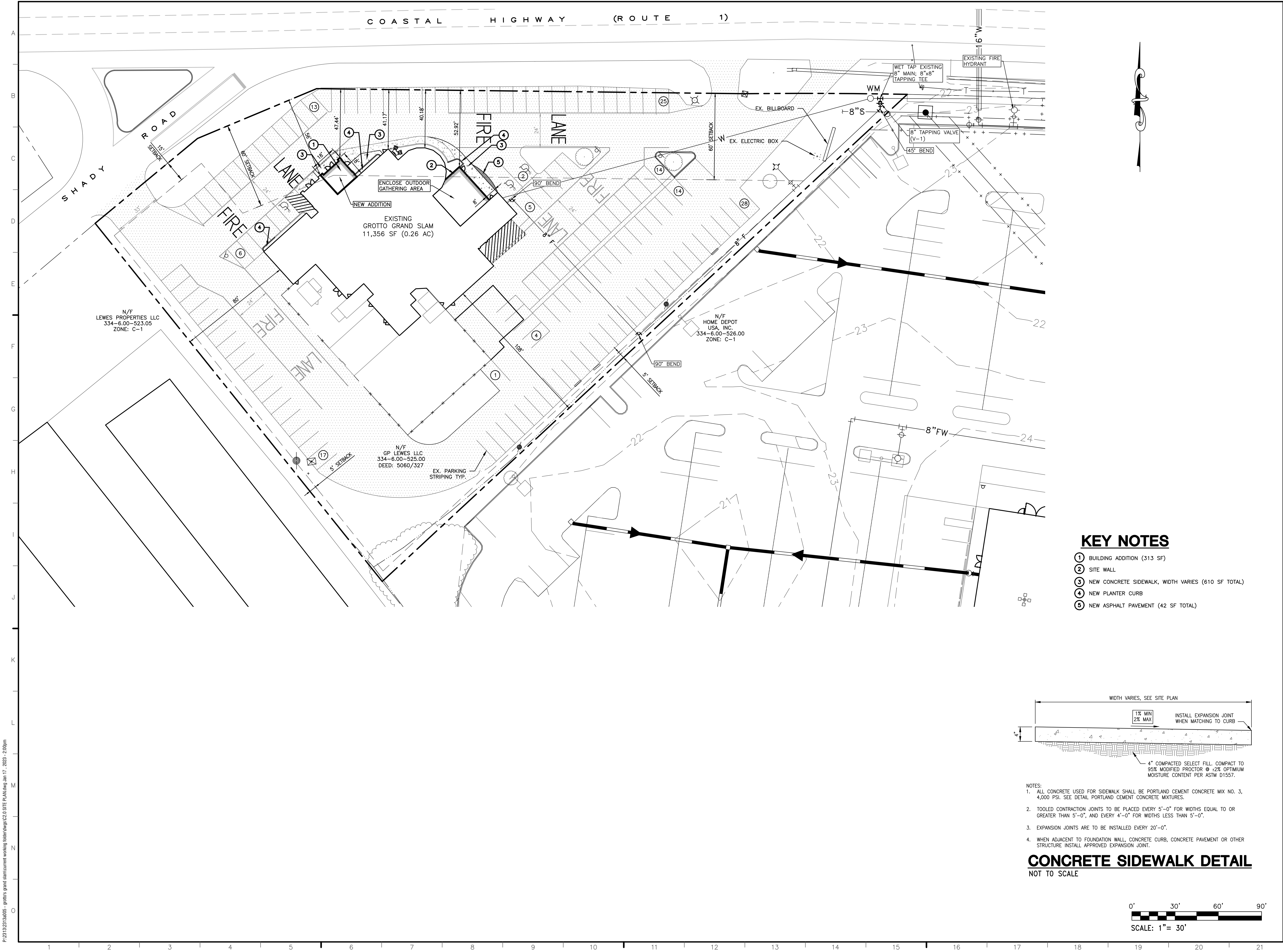
8-5-22

Sheet No.:

C2.0

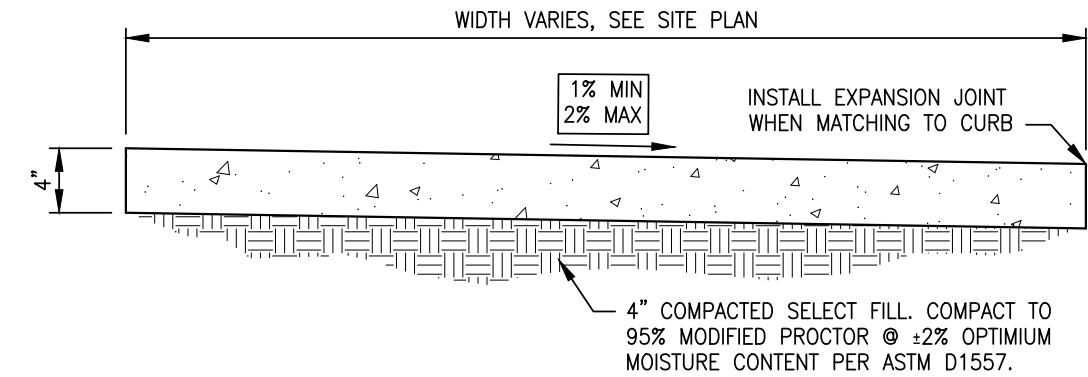
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KEY NOTES

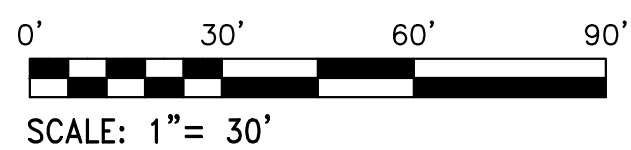
- 1 BUILDING ADDITION (313 SF)
- 2 SITE WALL
- 3 NEW CONCRETE SIDEWALK, WIDTH VARIES (610 SF TOTAL)
- 4 NEW PLANTER CURB
- 5 NEW ASPHALT PAVEMENT (42 SF TOTAL)

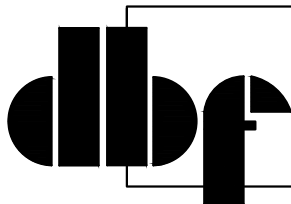


- NOTES:
1. ALL CONCRETE USED FOR SIDEWALK SHALL BE PORTLAND CEMENT CONCRETE MIX NO. 3, 4,000 PSI. SEE DETAIL PORTLAND CEMENT CONCRETE MIXTURES.
 2. TOOLED CONTRACTION JOINTS TO BE PLACED EVERY 5'-0" FOR WIDTHS EQUAL TO OR GREATER THAN 5'-0", AND EVERY 4'-0" FOR WIDTHS LESS THAN 5'-0".
 3. EXPANSION JOINTS ARE TO BE INSTALLED EVERY 20'-0".
 4. WHEN ADJACENT TO FOUNDATION WALL, CONCRETE CURB, CONCRETE PAVEMENT OR OTHER STRUCTURE INSTALL APPROVED EXPANSION JOINT.

CONCRETE SIDEWALK DETAIL

NOT TO SCALE





DAVIS
BOWEN &
FRIEDEL, INC.

ARCHITECTS, ENGINEERS & SURVEYORS

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General Notes:

LEGEND

PROPOSED

- PROPERTY LINE OR RIGHT-OF-WAY LINE
- PUBLIC UTILITY EASEMENT
- FENCE
- 24' CONTOUR
- SWALE
- EDGE OF WOODS, LIMITS OF CLEARING LINE
- SEWER MAIN, MANHOLE, AND CLEANOUT
- WATER MAIN, HYDRANT, VALVE, AND METER
- STORMDRAIN, MANHOLE, AND INLET
- CURB, CURB AND GUTTER
- CONCRETE SIDEWALK, CONCRETE PAD, OR CONCRETE PAVING
- BITUMINOUS PAVING
- BUILDING
- DECIDUOUS TREE, EVERGREEN TREE, AND SHRUBS
- ROAD SIGN, MAIL BOX
- LIGHT POLE
- UTILITY POLE WITH GUY WIRES

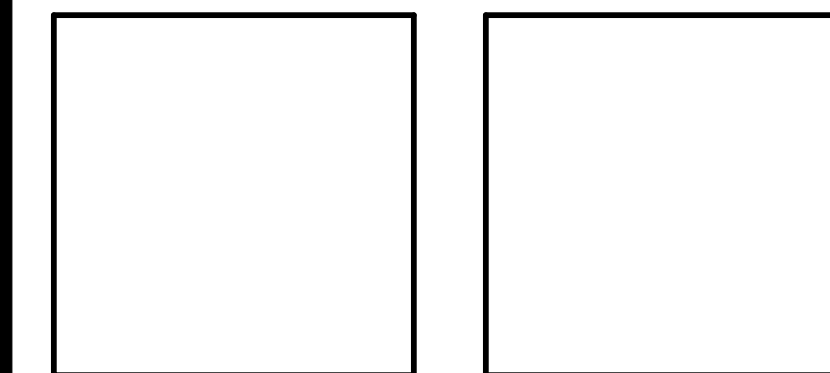
ABBREVIATIONS

- | | |
|------|--------------|
| PR | PROPOSED |
| EX | EXISTING |
| D.I. | DUCTILE IRON |

Consultant:



Mechanical | Electrical | Systems Engineering
PO Box 498, Smyrna, DE 19977 302-659-9090



Revision

- | | |
|---|--------------------------------|
| 1 | STRUCTURAL REVISIONS 8-10-22 |
| 2 | PROJECT PHASING ADDED 11/18/22 |

Project:

GROTTO GRAND SLAM RENOVATIONS

17467 SHADY RD
LEWES, DELAWARE

Set No.:

PERMIT
SET

Sheet Title:

SITE PLAN PHASE 2

Proj.No.:

2313A005.D01

Scale:

AS NOTED

Dwn.By:

DSR

Date:

8-5-22

Sheet No.:

C2.1

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