

**BOARD OF ADJUSTMENT**

JEFF CHORMAN, CHAIRMAN  
KEVIN E. CARSON  
JOHN T. HASTINGS  
SHAWN LOVENGUTH  
JOHN WILLIAMSON



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7878

**AGENDA**

**April 7, 2025**

**6:00 PM**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of the Minutes for February 24, 2025**

**Approval of the Findings of Fact for February 24, 2025**

**Public Hearings**

**Case No. 13028 – Jose Villatoro**

seeks a special use exception and variance for an accessory dwelling unit with a floor area greater than 1,000 sq ft or 50% of the floor area of the single-family dwelling located on the same lot. (Sections 115-32 C and 115-20 A(15)(c) of the Sussex County Zoning Code). The property is located on the southwest side of Vines Creek Road. 911 Address: 34206 Vines Creek Road, Dagsboro. Zoning District: MR. Tax Map: 134-11.00-137.00

**Case No. 13046 – Keystone Novelties Distributors**

seeks a special use exception for a temporary tent sale (Sections 115-32 & 115-210 of the Sussex County Zoning Code). The property is located on the south side of Fred Hudson Road approximately 200 ft. east of Cedar Neck Road. 911 Address: 695 Bethany Loop, Bethany Beach. Zoning District: MR. Tax Parcel: 134-13.00-88.05

**Case No. 13047 – Keystone Novelties Distributors**

seeks a special use exception for a temporary tent sale (Sections 115-80 & 115-210 of the Sussex County Zoning Code). The property is located on the southwest of Sussex Highway at the intersection of Sussex Highway and Chipman's Lane. 911 Address: 30702 Sussex Highway, Laurel. Zoning District: C-1. Tax Parcel: 232-12.20-34.00

**Case No. 13048 – Keystone Novelties Distributors**

seeks a special use exception for a temporary tent sale (Sections 115-80 & 115-210 of the Sussex County Zoning Code). The property is located on the north side of Coastal Highway at the intersection of Coastal Highway and Holland Glade Road within the

**Tanger Outlet Complex. 911 Address: 36470 Seaside Outlet Drive, Rehoboth Beach.  
Zoning District: C-1. Tax Parcel: 334-13.00-325.06**

**Case No. 13049 – Keystone Novelties Distributors**

**seeks a special use exception for a temporary tent sale (Sections 115-80 & 115-210 of the Sussex County Zoning Code). The property is located on the east side of Sussex Highway approximately 0.28 mile south of Cannon Road. 911 Address: 20689 Sussex Highway, Seaford. Zoning District: C-1. Tax Parcel: 331-2.00-18.15**

**Case No. 13050 – Keystone Novelties Distributors**

**seeks a special use exception for a temporary tent sale (Sections 115-80 & 115-210 of the Sussex County Zoning Code). The property is located on the east side of Dupont Boulevard approximately 0.28 mile north of McCabe Road. 911 Address: 36389 Dupont Boulevard, Selbyville. Zoning District: C-1. Tax Parcel: 533-9.00-46.00**

**Case No. 13051 – Keystone Novelties Distributors**

**seeks a special use exception for a temporary tent sale (Sections 115-72 & 115-210 of the Sussex County Zoning Code). The property is located on the south of Lighthouse Road directly across from West Fenwick Boulevard. 911 Address: N/A. Zoning District: B-1. Tax Parcel: 533-12.00-94.00**

**Additional Business**

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**-MEETING DETAILS-**

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on March 17, 2025 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on March 20, 2025.

####



**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 # 13028  
Hearing Date 1-6-2025  
202410872  
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NOV 18 2024

SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☐Special Use Exception ☒Administrative Variance ☐Appeal ☐Existing Condition ☐Proposed ☒

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

34206 Vines Creek Road

Variance/Special Use Exception/Appeal Requested:

A special use exception of 348 square feet for a proposed Accessory Dwelling Unit is requested.  
Applicable Sussex County Code Section 115-32C and 11520A(15)(c)

Tax Map #: 134-11.00-137.00Property Zoning: MR**Applicant Information**Applicant Name: Jose VillatoroApplicant Address: 34206 Vines Creek RoadCity Dagsboro State De Zip: 19939Applicant Phone #: (610) 763-1447 Applicant e-mail: Villatoro.jay@yahoo.com**Owner Information**Owner Name: same as above

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

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_

Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**Agent/Attorney Name: James D. ChurchmanAgent/Attorney Address: 26 The CircleCity Georgetown State DE Zip: 19947Agent/Attorney Phone #: (302) 856-7777 Agent/Attorney e-mail: james@fwsdelaw.com**Signature of Owner/Agent/Attorney**Date: 11/15/24



Sussex County, DE – BOA Application

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

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

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

See attached.

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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)

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

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## INDEX OF ATTACHMENTS

1. Special Use Criteria
2. Applicable Code and Explanation
3. Deed
4. Pictures from the Sussex County Site of the Property
5. Survey with General Notes and Architect Plans
6. Staff Memorandum
7. Further documentation to be provided once received.

Property: 34206 Vines Creek Road, Dagsboro DE  
TMP: 134-11.00-137.00  
Zoning: MR  
Owner: Jose C. Villatoro

### **Special Use Exception Criteria**

1. The property will not substantially affect adversely the uses of adjacent and neighboring properties.

Mr. Villatoro bought this property with both the home and garage already built. There have been no additions to the house to increase the size of the single-family home. The home is only 1,104sqft. The proposed Accessory Dwelling Unit (“ADU”) is currently a garage. The current square footage of the garage is 450sqft. Once a second addition is added to the garage the square footage would be 900sqft. The proposed addition will have the same footprint since it will only increase in height. Further, the proposed structure would enhance the surrounding area by building up an old garage into a significantly “less of an eyesore” structure.

As a result of the size of single-family home, building the proposed ADU without a special use exception would be impractical. Adding on to the house to create a larger square footage as to comply would create unnecessary costs for the owner which goes against the spirit of the recent update to the zoning ordinance.

**Applicable Code:**

**§ 115-32 Special use exceptions.**

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

**C.**

Other special use exceptions as follows:

Accessory dwelling units, subject to the dimensional requirements of § **115-20A(15)(c), (d) and (e)**

**§ 115-20 Permitted uses.**

**A.**

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

**(15)**

One accessory dwelling unit 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:

**(c)**

No accessory dwelling unit shall have a floor area that is greater than 1,000 square feet. An accessory dwelling unit shall not be larger than 50% of the floor area of the single-family dwelling located on the same lot.

**(d)**

There shall be at least one parking space set aside for an accessory dwelling unit.

**(e)**

An accessory dwelling unit shall not encroach into the setbacks required by this chapter. On a lot less than three acres in size, a detached accessory dwelling unit shall be located behind the single-family dwelling on the same lot.

**Explanation of Applicable Code**

This proposed Accessory Dwelling Unit (“ADU”) would fall within the permitted uses section of the Sussex County Code, Section 115-32 but for the square footage issue. It qualifies as a single accessory dwelling unit within the definition of Sussex County Code, section 115-4

*“A self-contained dwelling unit that is secondary to the principal dwelling . . . includes independent living facilities such as a separate entrance, bathroom and kitchen.”*

This proposed ADU is:

- Self-contained
- Includes on the first floor:
  - o A kitchen with a fridge, dishwasher, electric stove and microwave and a living

- room/dining room area
- Includes on the second floor:
  - o Two bedrooms, a full bathroom, and a washer/dryer

**115-20A.(15)**

**(c)**

The proposed ADU has a floor area of 900. The square footage of the property is 1104sqft so it will be over the 50% requirement. A Special Use Exception for 348 square feet is requested.

**(d)**

A parking space will be set aside on the right side of the proposed ADU

**(e)**

The proposed ADU complies with all applicable setbacks as indicated on the survey. This lot is .43 acres and the proposed ADU is located behind the single family dwelling unit.

It is worth noting that a separate sewer connection will be provided to the ADU by Multi-Kostal Services.

Document# 2023000042869 BK: 6020 PG: 181

Recorder of Deeds, Alexandra Reed Baker On 12/11/2023 at 8:34:15 AM Sussex County, DE

Consideration: \$310,000.00 County/Town: \$4,650.00 State: \$7,750.00 Total: \$12,400.00

Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP # 134-11.00-137.00

PREPARED BY & RETURN TO:

Parsons & Robinson, P.A.

P.O. Box 480

118 Atlantic Ave, Ste 401

Ocean View, DE 19970

File No. 39228/SHS

THIS DEED, is made effective as of the 8th day of December, 2023,

- BETWEEN -

WILLIAM DAVID HODGES JR., SUCCESSOR TRUSTEE OF THE DARWIN DRAPER REVOCABLE TRUST DATED SEPTEMBER 11, 2018, AND ANY AMENDMENTS THERETO, of 34206 Vines Creek Rd, Dagsboro, DE 19939, party of the first part,

- AND -

JOSE C. VILLATORO and SARAH D. VILLATORO, of 15 Wendy Rd, Reading, PA 19601, parties of the second part, as tenants by the entirety.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part:

ALL that certain piece, parcel or lot of land, lying and being situate in the Baltimore Hundred, Sussex County, State of Delaware, being known as Lot 24, Edgewood Manor, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 8, Page 251, and being more particularly described as follows; to wit:

BEGINNING at an iron rod with cap set, located on the south westerly right of way line of Vines Creek Road, and being the south westerly corner of said Lot and a common property corner with Lot 25; thence by and with Vines Creek Road, South 32° 00' 00" East, a distance of 80.00', to an iron pipe found; thence by and with Lot 23, South 58° 00' 00" West, a distance of 189.82', to an iron pipe found; thence by and with Lot 22, North 61° 57' 43" West, a distance of

Document# 2023000042869 BK: 6020 PG: 182

Recorder of Deeds, Alexandra Reed Baker On 12/11/2023 at 8:34:15 AM Sussex County, DE

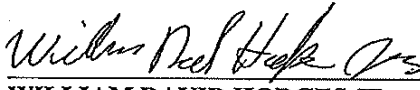
Doc Surcharge Paid

92.34', to an iron pipe found; thence by and with Lot 25, North 58° 00' 00" East, a distance of 235.94', to an iron rod with cap set, and said point of beginning, containing 17,030 square feet of land, more or less.

BEING the same land and premises that Darwin Draper, by deed dated 09/11/2018 and recorded 10/10/2018 in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 4961, Page 29, did grant and convey unto Darwin Draper, Trustee of the Darwin Draper Revocable Trust dated September 11, 2018 and any Amendments thereto, in fee. The said Darwin Draper departed this life on February 5, 2023 and, per the terms of the aforementioned trust, William David Hodges Jr. was appointed successor trustee.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year as written below.

Signed, Sealed and Delivered  
in the presence of:

 (SEAL)  
**WILLIAM DAVID HODGES JR.,  
SUCCESSOR TRUSTEE OF THE DARWIN  
DRAPER REVOCABLE TRUST DATED  
SEPTEMBER 11, 2018, AND ANY  
AMENDMENTS THERETO**

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 8th day of December, 2023, personally came before me, the subscriber, WILLIAM DAVID HODGES JR, SUCCESSOR TRUSTEE OF THE DARWIN DRAPER REVOCABLE TRUST DATED SEPTEMBER 11, 2018, AND ANY AMENDMENTS THERETO, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

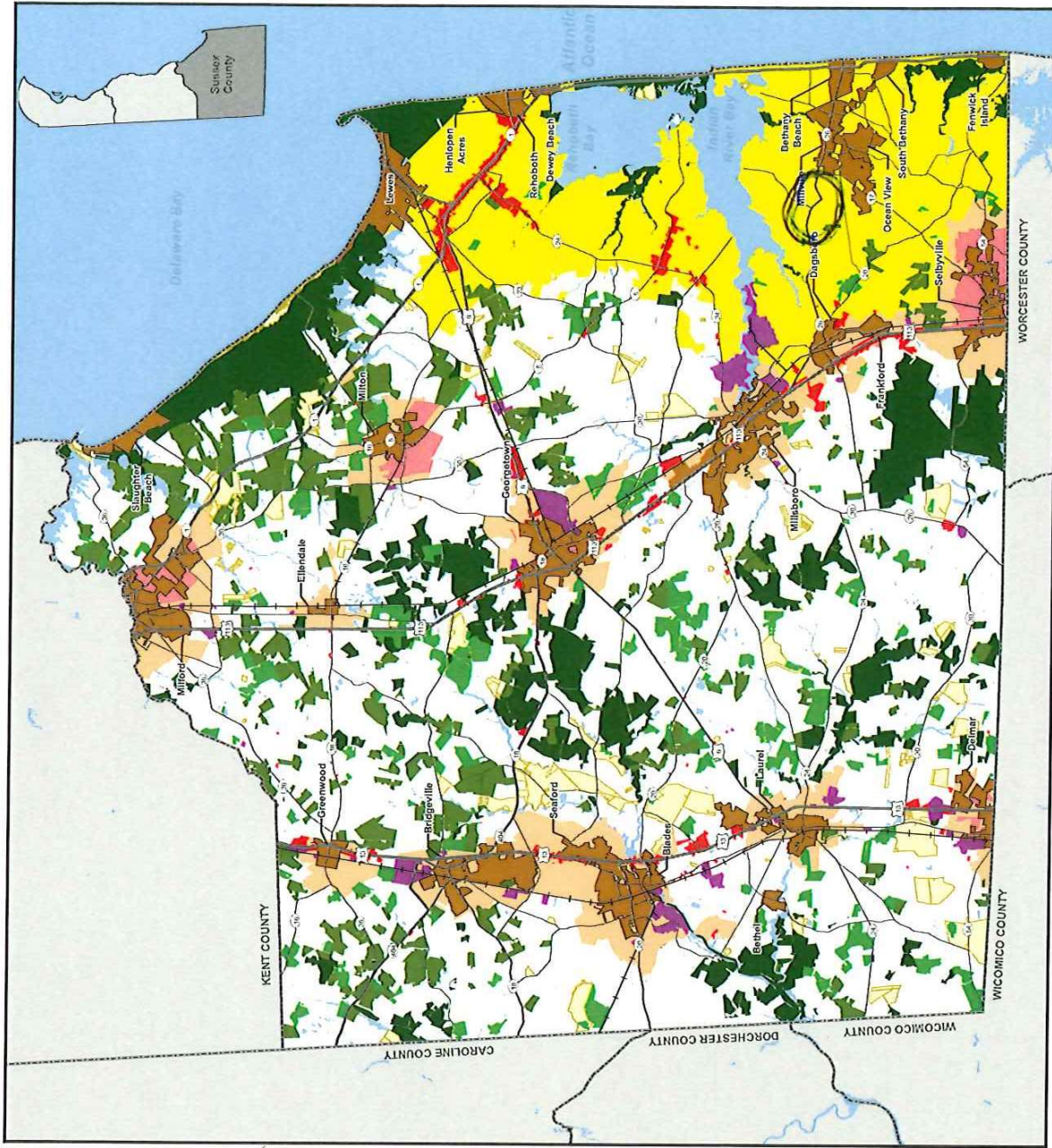
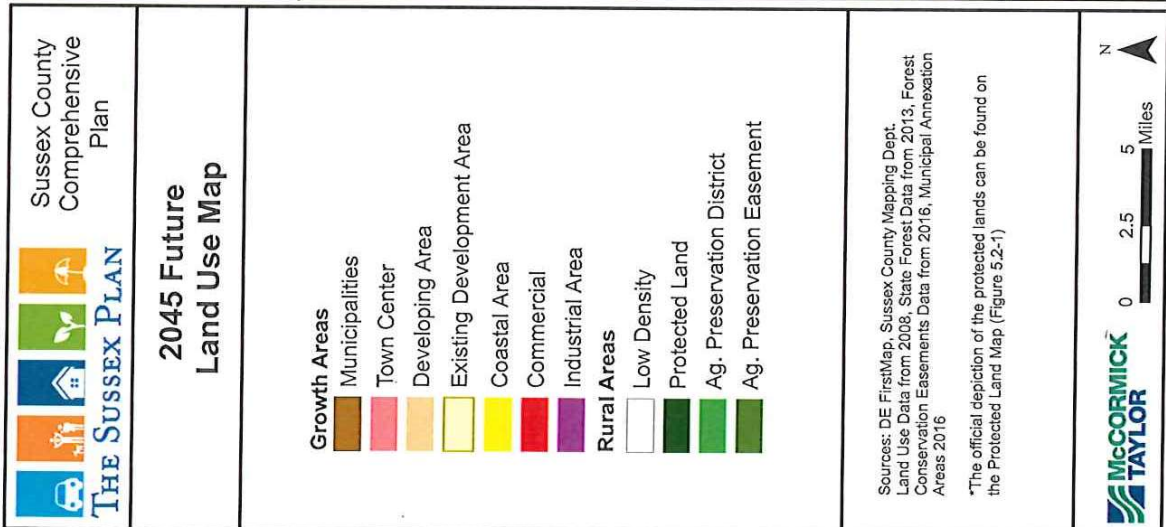
  
Notary Public

Printed Name: MANAEN S. ROBINSON IV

My Commission Expires: \_\_\_\_\_

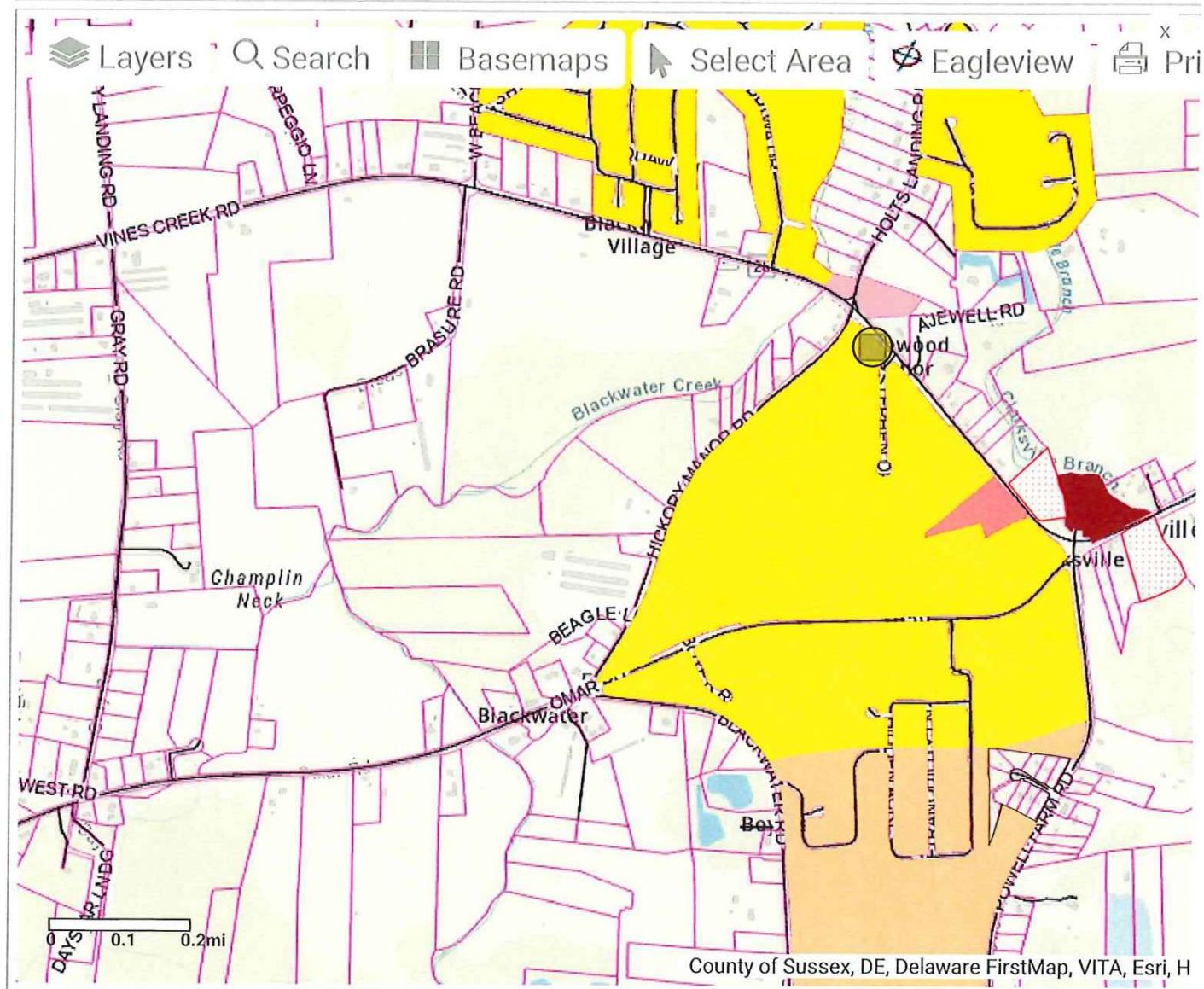
MANAEN S. ROBINSON, IV, ESQ.  
ATTORNEY AT LAW- DELAWARE  
NOTARY PURSUANT TO  
29 DEL. C., SEC. 4323(a)(23)

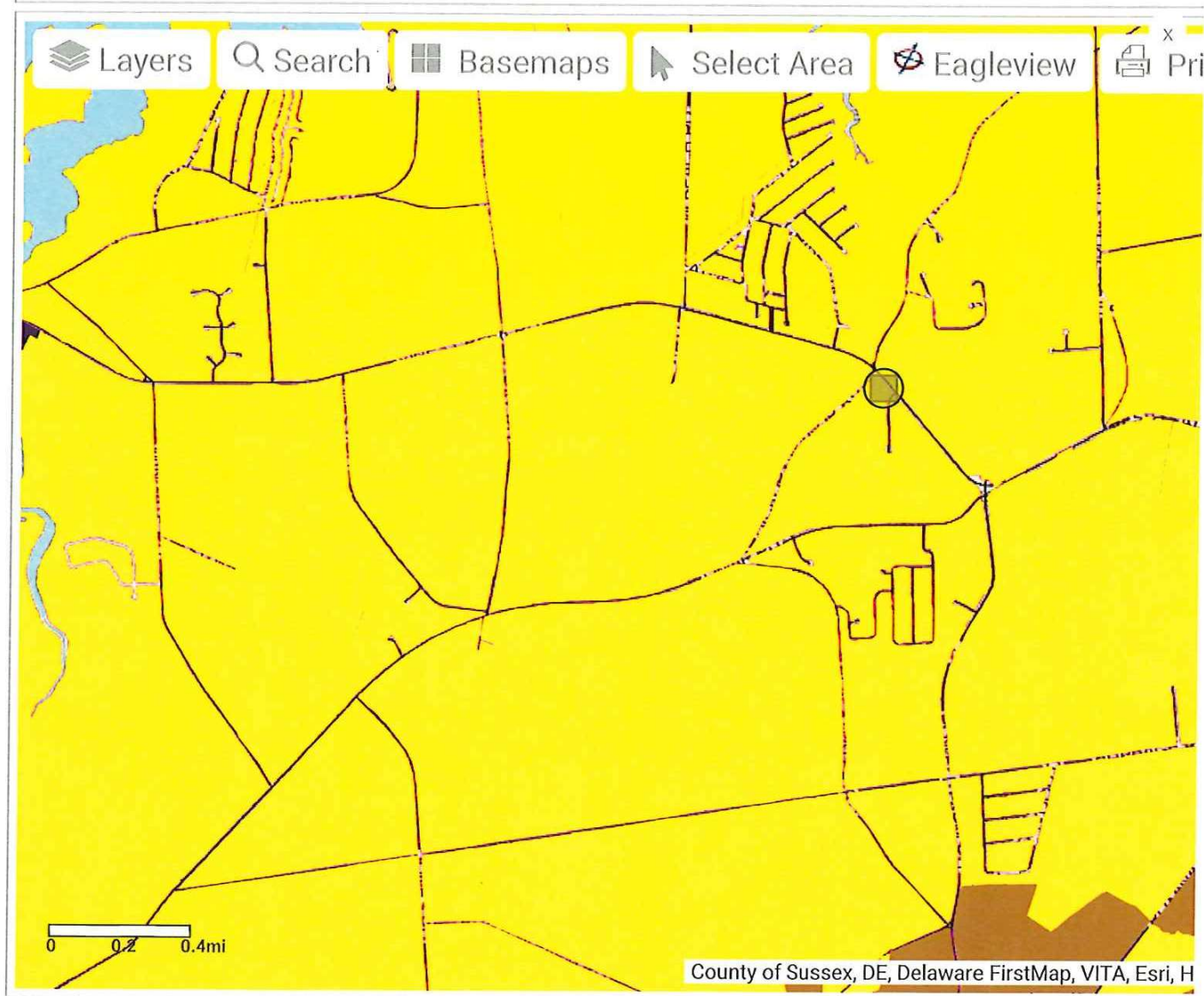




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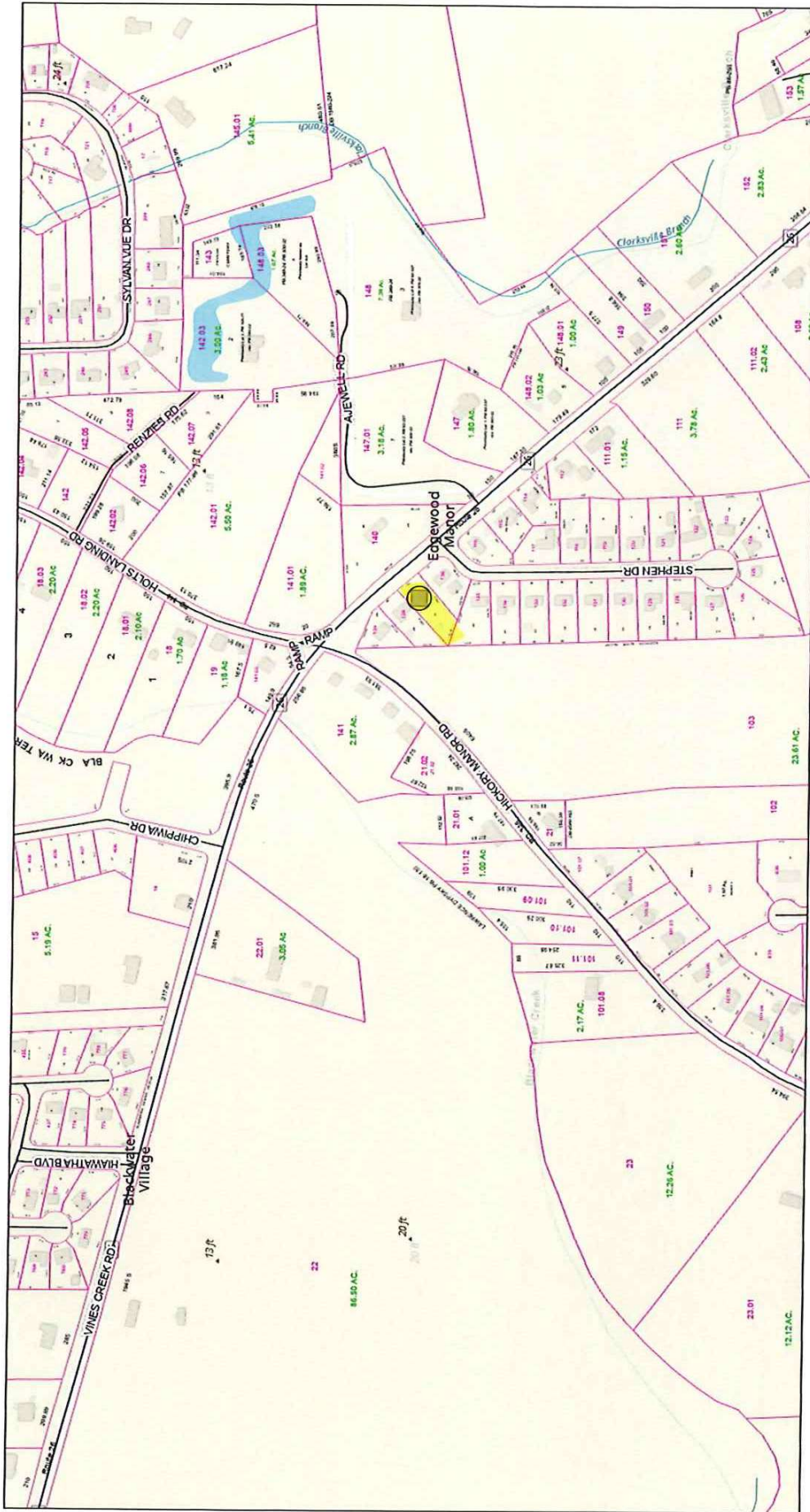






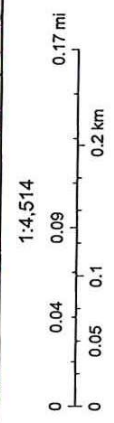


# Sussex County



October 1, 2024

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



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency, Delaware Geological Survey, U.S. Geological Survey, Delaware Public Service Commission, FEMA, County of Sussex, DE, Delaware FirstMap, VITA, Enr, HERE, Garmin, INCREMENT P, USGS, EPA,

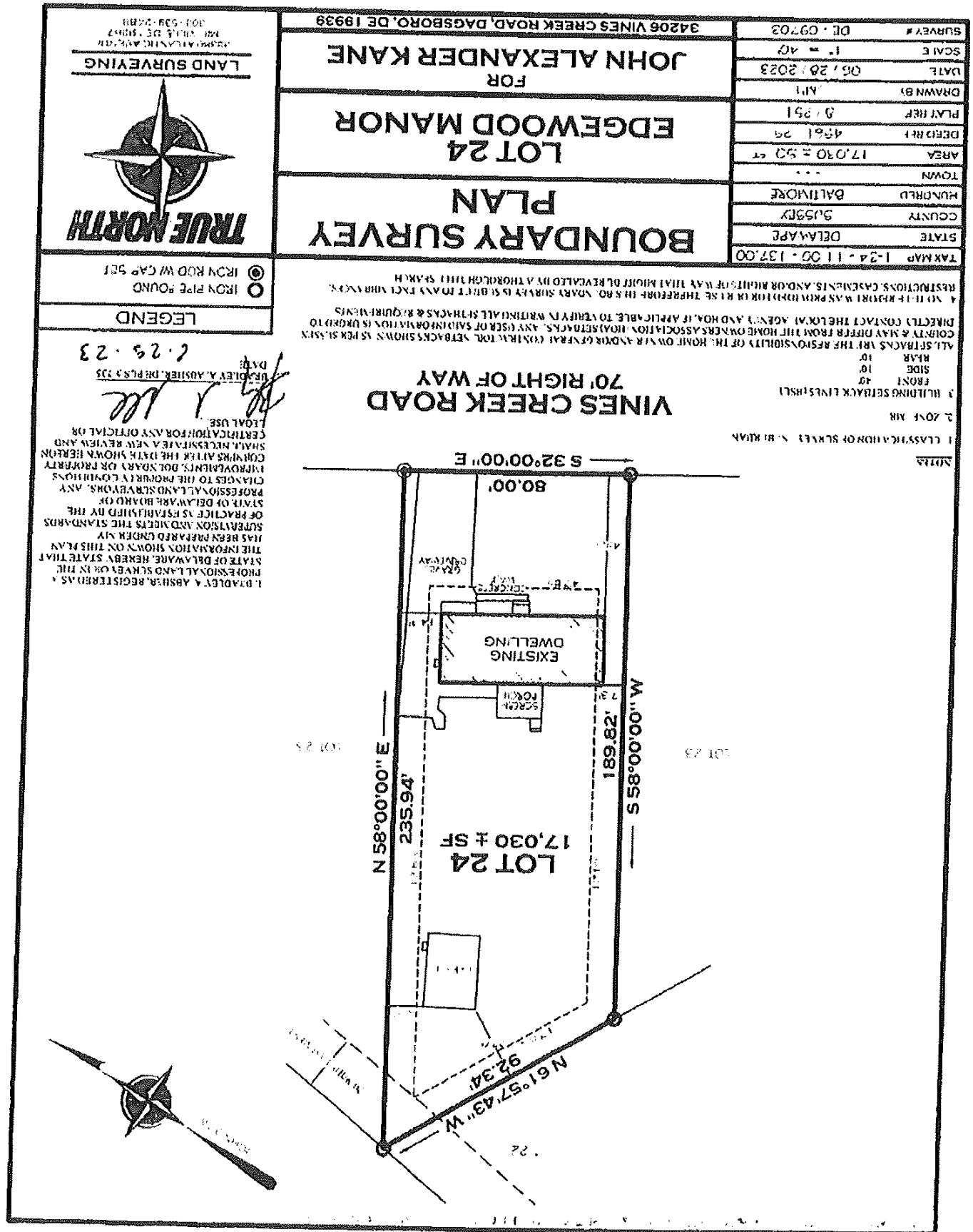


03/26/2019





03/06/2023



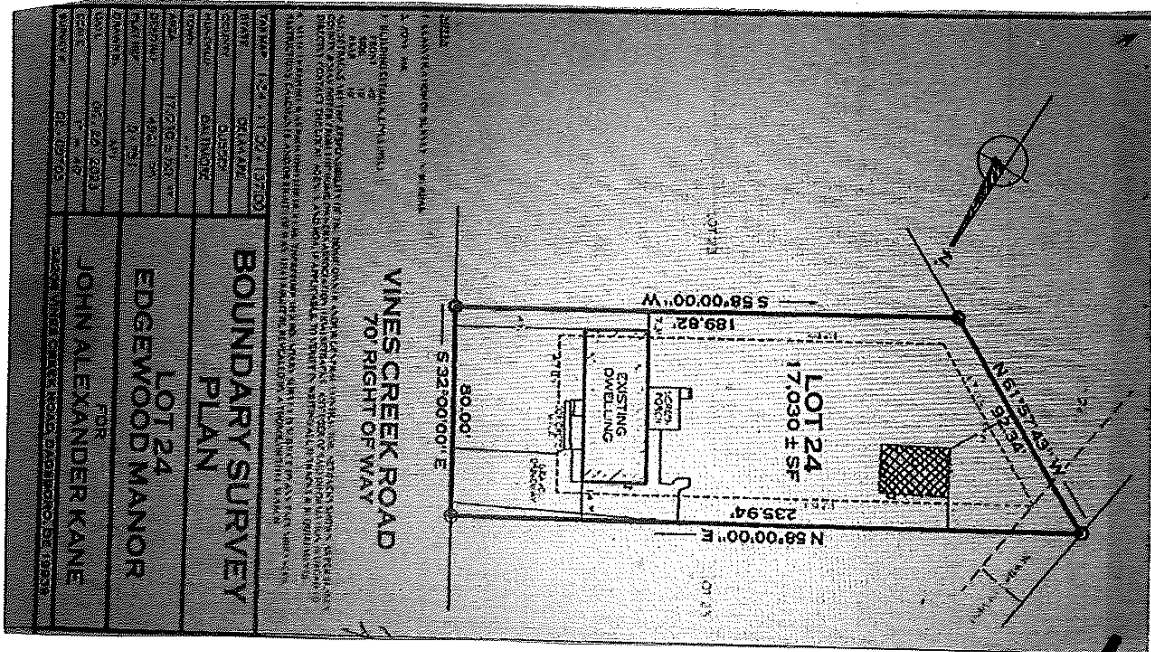
**DEED & ABSUR, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY OR PROPERTY IMPROVEMENTS, NOT SHOWN HEREON, SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.**

**DATE** 6.28.23

**DEED & ABSUR, DEPLS 305**

**JOHN ALEXANDER KANE**



**GENERAL NOTES****DEMOLITION**

- Remove existing siding, windows, and roof. Salvage lumber for reuse.

**FOUNDATION: EXISTING****STRUCTURAL FRAMING**

- Exterior Walls: 2 x 4 studs spaced 16" o.c. with 7/16 Zip Wall System sheathing. Note: existing walls are 2 x 4 studs.
- Interior Walls: 2 x 4 studs spaced 16" o.c.
- Beams: LVL beam as noted on Sections and Framing Plans.
- Joists and Rafter:
  - As shown on Framing Plans Dog #
- Subflooring: 3/4" T & G Advantech, to receive both ceramic tile and hardwood.
- Wall Sheathing: 7/16" Zip Wall System panels.
- Roof Sheathing: 5/8" Zip System Roof Panels.
- Structural Ties: Simpson H3 Hurricane Ties at each rafter.

**INSULATION AND DRAFT STOPPING**

- Moisture Barrier: Huber Engineered Panels (Zip System) with built-in Stormax water-resistant barrier for walls and 5/8" panels for roofs. Tape all seams with Zip System tape, as well as window flanges and door openings.
- Exterior Walls: Provide sprayed, open cell foam: AcqBalance, w/ 4.45 R Value per inch. AcqBalance is made by Demilec.
- Rafter Bays: Provide sprayed closed cell foam in all rafter bays. R-38 minimum value.
- Flooring Bays between 1st and 2nd Floors: 12" batt insulation for sound attenuation.
- Roofing: Fiberglass Shingles TBD by Owner

**EXTERIOR FINISHES**

- Exterior: Vinyl siding TBD
- Exterior Trim: Azek 3-1/2" trim at openings. Wood sub sills as required, 5/4" sills with 1-1/2" overhang typ.

**WINDOWS, DOORS, and TRIM**

- Windows: Marvin, Elevate Series
- Double hung sizes as shown on drawings.
- Cad exterior (white), primed interior
- Satin Nickel hardware
- Vivid View Screens
- Clear insulated double glass
- Exterior Sliding Door in LR: Marvin Elevate, Northfield Hardware satin nickel, lowest sill available. If there is a custom lower sill available, please advise!
- Exterior Front Door: Therma Tru Style # FCM4813 three lite, 2-10" x 6-8" panel, color TBD, no low-e, 3/4" panel.
- Front Door Hardware: Schlage entrance set TBD.
- Exterior Trim: 1 x 4 Cedar or Azek, 5/4" sills, with 1-1/2" overhang
- Interior Doors: Two panel, composite doors, to be painted.
- Interior Hardware: Schlage passage sets and dummy knobs TBD
- Trim: Provide 1 x 4 trim at all openings. Interior sills to be 5/4" stock. Provide angled 1 x 6 base throughout
- Skylight: Velux #FSM02, fixed, rough opening @30-1/16 x 30"

**PAINTING**

- Include exterior and interior painting with Benjamin Moore or approved equal. All colors TBD

**SPECIALTIES**

- Kitchen and Bathroom cabinets: TBD
- Medicine Cabinets: Newport wall mid by Houzz 24 x 33" white, (1 reqd.) Or alternate as selected by Owner.
- Countertops: Allow \$100/SF installed for stone (Kitchen and Bath).
- TV Mount:
- Knobs and pulls TBD by Owner

**APPLIANCES:** Basically, the Owner will purchase and the GC will install. These will include:

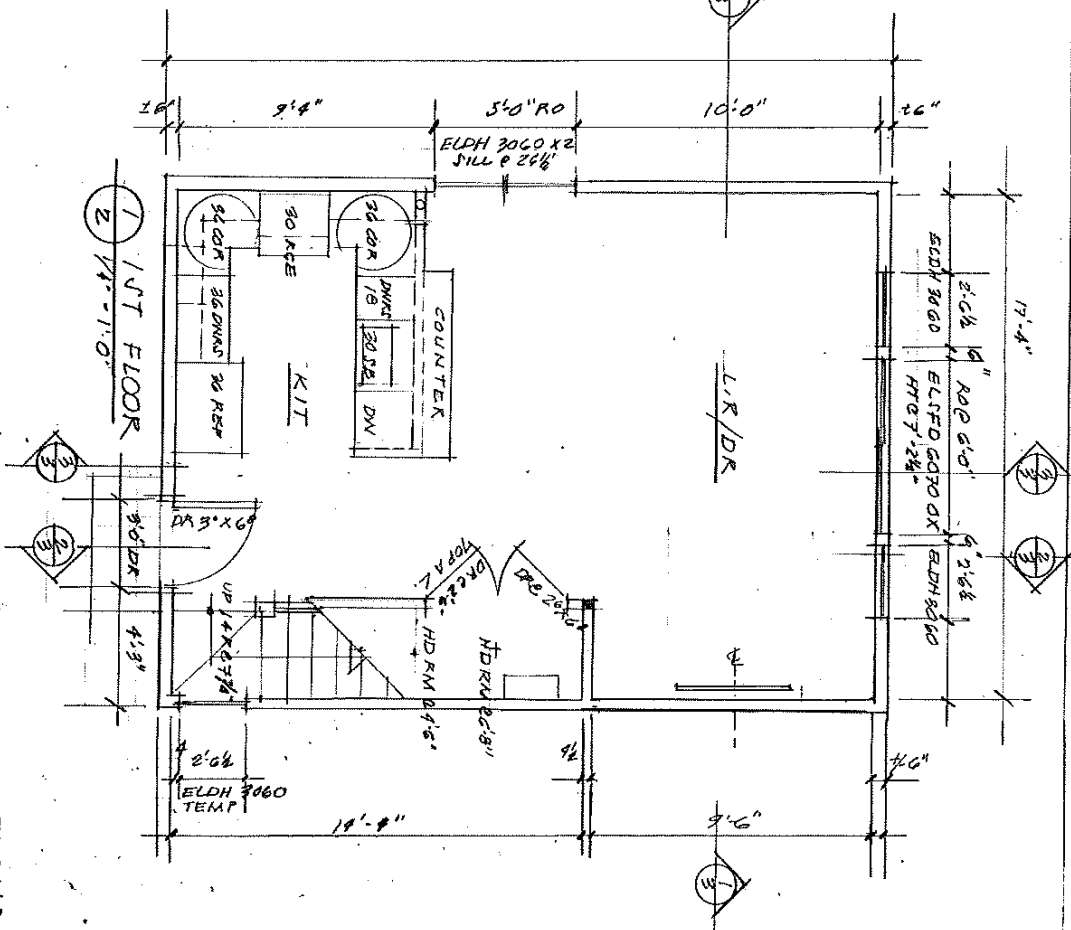
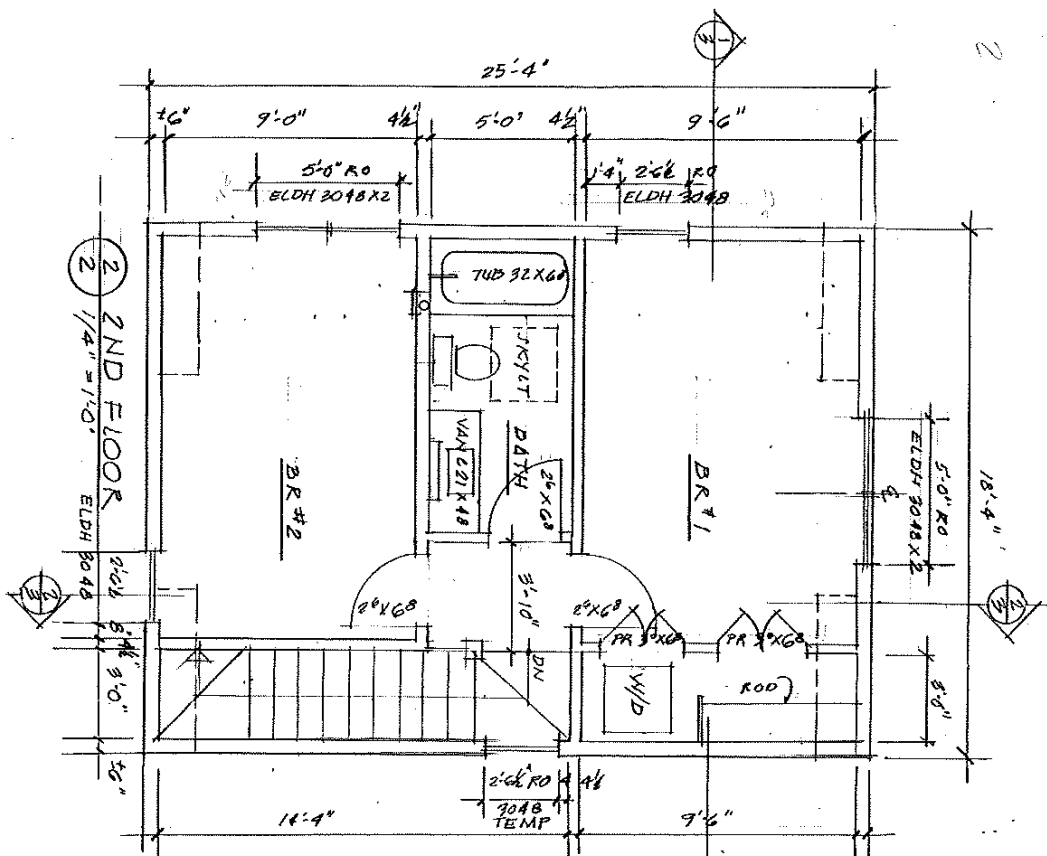
- Dishwasher:
- garbage disposer: In-Sink-Erator "Excel Evolution", 1 HP motor, with wall switch
- Refrigerator:
- Electric Range and oven, 30" wide.
- Washer and Dryer: electric, stacking type
- Countertop Microwave.

*SURVEY & GENERAL NOTES*

34206 VINES CREEK ROAD, DAGGSBORO, DE 19939

Ariene Matzkin, Architect 215-688-3231 [ariene@matzkin.com](mailto:ariene@matzkin.com)

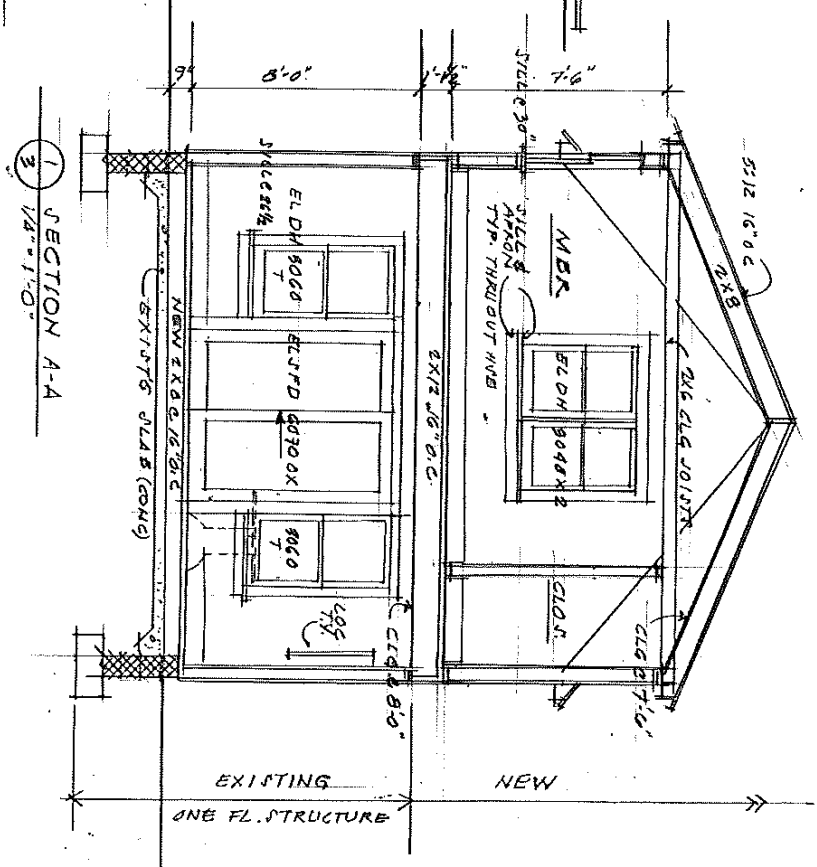
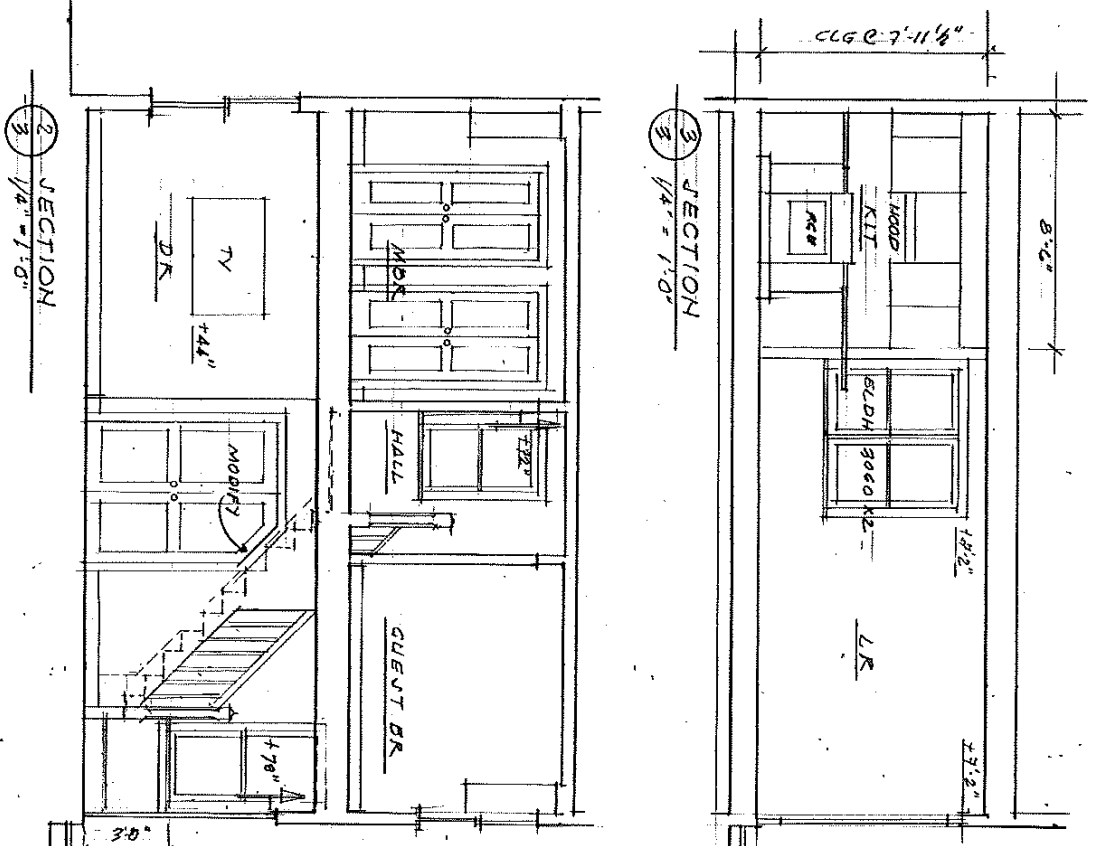
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34206 VINES CREED ROAD, DAGSBORO, DE 19939  
Arlene Markin, Architect 215-688-3231 arlenemarkin@amac.com

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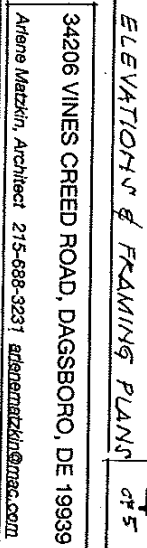
PLANS



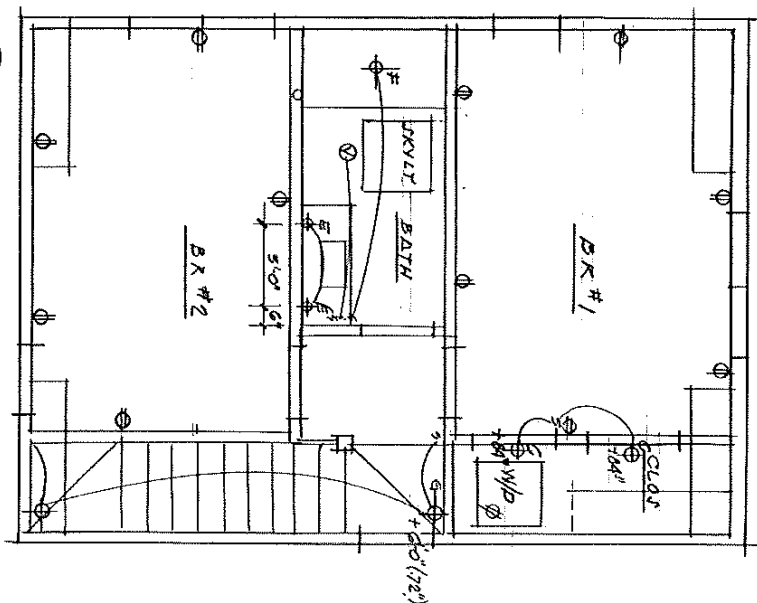
BUILDING SECTIONS

34206 VINES CREED ROAD, DAGSBORO, DE 19939

Arlene Mackin, Architect 215-688-3231 arlenemackin@amac.com



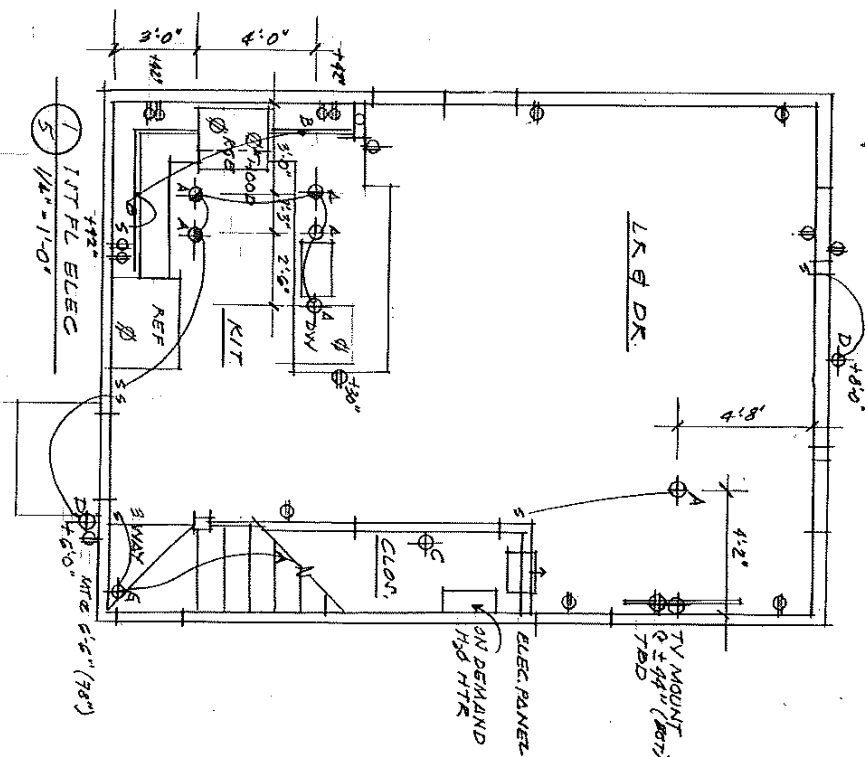




2 2ND FL ELEC  
1/4" = 1'-0"

# SCHEDULE OF ELECTRICAL FIXTURES

- A. Juno TC206888-WH adjustable downlight or wall washer w/ LED 12W/PAIR 300/medium (E26)120V LED
- B. Juno undercounter lights, LED strips if desired
- C. Closet Light: Barlow Vanity Light #AFXBARY 16" LED at Lightology.com
- D. Exterior Sconce: Lucca Wall Sconce #HUE-574202 9.5W, LED
- E. Bath Vanity Light: Minka Lavery, brushed nickel, #6212-647 with 2 T10 60W bulbs
- F. Shower Light: Juno #2130, recessed dome lens, 1xLED 10.5W Use with housing #TC20LEDG3
- G. Sconce at stair: Camilla by Z-Lite, #811-1S-BN, 1x811 Candelabra (E12)5W, 120V LED
- V. Vent Fan: Panasonic #FV-20VQ3. Use with 60 minute timer



1 1ST FL ELEC  
1/4" = 1'-0"

## ELECTRICAL

34206 VINES CREED ROAD, DAGSBORO, DE 19939  
Arlene Matzkin, Architect 215-688-3231 arlenematzkin@mac.com

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F.5



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

- A key element of the new Ordinance is the replacement of the definition of "Garage/Studio Apartment". The definition has now been updated to refer to Accessory Dwelling Units.
- The maximum size of ADUs has been increased from 800 sf. to a maximum of 1000 sf. Also, ADUs may not be larger than 50% of the floor area of the single-family dwelling located on the same lot. Council's thinking behind this increase was to link the size of the ADU to the size of the dwelling on the parcel, and to also alleviate the need for any potential variance requests relating to the size of the ADU.
- Site Plan approval by the Planning & Zoning Office is required for all ADUs. In order to be approved by Staff, the ADU must be on a lot with a lot size greater than 10,000 square feet.
- If an ADU is proposed on a lot of less than 10,000 square feet in area, an Applicant can apply to the Board of Adjustment for a Special Use Exception, which triggers a Public Hearing.

A summary of the most significant changes are below:

The new Ordinance took effect on the day of adoption, being June 25, 2024. Public Hearings were noticed and held before both the Planning & Zoning Commission and the County Council. The adopted Ordinance incorporates a number of recommended changes received during the hearing process.

#### [Ordinance Regarding Accessory Dwelling Units | Sussex County \(sussexcountyde.gov\)](https://sussexcountyde.gov/Ordinance-Regarding-Accessory-Dwelling-Units)

On June 25, 2024, following two Public Hearings, the Sussex County Council adopted an Ordinance relating to Accessory Dwelling Units ("ADU"s). This memo has been prepared to provide an overview of the changes associated with the Ordinance. A link to the adopted Ordinance is below:

RE: Summary of the Sussex County Ordinance Relating to Accessory Dwelling Units (ADUs)

Date: September 30, 2024

CC: Jamie Sharp, Assistant County Attorney

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

To: Sussex County Board of Adjustment  
The Honorable Jeffrey A. Chorman  
The Honorable John Travis Hastings  
The Honorable Kevin E. Carson  
The Honorable Jordan Warfel  
The Honorable John Williamson

### Memorandum

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
pandz@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

- There must be at least 1 parking space set aside for an accessory dwelling unit.
  - An ADU shall not encroach into the setbacks as required by Chapter 115. There is no language in the Ordinance restricting the setback reductions for small lots.
  - Unless located on a lot greater than 3 acres in size, a detached ADU must be located behind the single-family dwelling on the same lot. The Ordinance does not define what "behind" means. However, as Council's intent was to assist in visually screening the ADU from the public realm, staff have been advising customers that the word "behind", in this case means that the front elevation of the ADU must be completely behind the rear building line of the single-family dwelling. This approach avoids any potential of detached ADUs being located partially adjacent or alongside the single-family dwelling. Attached ADUs are not subject to this requirement.
- I hope that this update is of assistance to the Board. Staff will be present during the upcoming meeting scheduled for October 7, 2024 to provide technical assistance where required.



## Variance Criteria for 34206 Vines Creek Road, Dagsboro Delaware

### **1. Uniqueness of the property.**

**That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to 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 home is on the smaller side and the garage footprint is not being altered. See also Special Use Exception Criteria.

### **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 current garage is old and an “eyesore” the proposed renovations would enhance the garage where just having a first floor may not have supported an ADU. See also Special Use Exception Criteria.

### **3. Not created by applicant**

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

The applicant purchased the lot with the buildings, locations and dimensions already in place. The applicant did not build the shed or the home. See also Special Use Exception Criteria.

### **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.**

There will be no further footprint than what is already existing on the garage. The renovations for the ADU will not impair any use or development for the adjacent property because the building is being improved and will not exceed the current footprint. See also Special Use Exception Criteria.

### **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 requested variance is for the amount necessary to put the ADU into compliance with the requirements of Sussex County Code. The second story does not increase the footprint of the already existing garage and is compliant with applicable setback requirements. See also Special Use Exception Criteria.

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

## IN RE: KEYSTONE NOVELTIES DISTRIBUTORS, LLC

(Case No. 12941)

Hearings were held after due notice on May 6, 2024, and on June 17, 2024. The Board members present at the May 6<sup>th</sup> meeting were: Dr. Kevin Carson, Mr. John T. Hastings, and Mr. John Williamson. The Board members present at the June 17<sup>th</sup> meeting were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.<sup>1</sup>

Nature of the Proceedings

This is an application for a special use exception to place a temporary tent for special events.

Findings of Fact

The Board found that the Applicant is requesting the special use exception for a temporary tent to be used during the 4<sup>th</sup> of July season for a period of three (3) years. This application pertains to property located east Cedar Neck Road and north Bethany Loop within the Salt Pond Plaza Complex (911 Address: 703 Bethany Loop, Bethany Beach) said property being identified as Sussex County Tax Map Parcel Number 134-13.00-88.12 ("the Property"). After public hearings, the Board made the following findings of fact:

1. The Board was given copies of the Application, photographs, a tent location plot plan, a letter from the Applicant, a license agreement, a certificate of insurance, 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 and Zoning received no correspondence in support of and two (2) letters in opposition to the Application.
3. The Board found that, at the May 6<sup>th</sup> meeting, Rick Seery was sworn in to testify about the Application.
4. The Board found that Mr. Seery testified that the Applicant has a lease with the grocery store on site, Hockers, who gives the Applicant permission to place the tent in the proposed location.
5. The Board found that Mr. Seery testified that the tent is not expected to impact traffic and the tent will be contained in the parking area along the edge of the parking lot. He noted that the parking lot is made of a permeable surface instead of concrete.
6. The Board found that Mr. Seery testified that traffic cones will be used to maintain a safe walking area for customers.
7. The Board found that Mr. Seery testified that the tent setup will be very similar to the photos submitted.
8. The Board found that Mr. Seery testified that the tent is 14 feet tall.
9. The Board found that Mr. Seery testified that the tent was placed in the center of the parking lot to avoid sight line issues at the nearby intersection.
10. The Board found that Mr. Seery testified that Hockers signed a one year lease agreement with the Applicant.
11. The Board found that Mr. Seery testified that the hours of operation will follow the grocery store hours with a rough time frame of 9:00 am to 9:00 pm and from 9:00 am to 10:30 pm on July 3<sup>rd</sup> and 4<sup>th</sup>.
12. The Board found that Mr. Seery testified that there will no noise associated with the use and there are no outside loudspeakers.

<sup>1</sup> The Board initially heard the Application at its May 6<sup>th</sup> meeting but, prior to the approval of a final written decision, learned that the Property had been posted with incorrect information about the meeting. The Application was re-advertised and posted and a subsequent hearing was held on June 17, 2024.

13. The Board found that Mr. Seery testified that lights are hung in the tent but not outside the tent.
14. The Board found that Mr. Seery testified that there are no additional smells or vibrations coming from the tent.
15. The Board found that Mr. Seery testified that the tent will be held down with a combination of staking and concrete weights and the merchandise will be packed up in a storage container each night or the clerks will stay on-site to provide security.
16. The Board found that Mr. Seery testified that roughly 3 cars per hour are expected the first week of the sale with the expected number growing to roughly 10 cars per hour closer to the end of the sale.
17. The Board found that Mr. Seery testified that the sale dates would be from June 21<sup>st</sup> to July 4<sup>th</sup> with tent set up 3 days prior and removal of the temporary tent by July 10<sup>th</sup>.
18. The Board found that Fred Young was sworn in to testify about the Application at the June 17<sup>th</sup> meeting.
19. The Board found that Mr. Young testified that the dates of operation will be June 21, 2024, through July 4, 2024, and the hours of operation will be 10:00 am to 10:00 pm daily.
20. The Board found that Mr. Young testified that the clerks are trained for security of the tents.
21. The Board found that Mr. Young testified that the tents are well marked with fire exits, no smoking signs, and point of sales and there is someone at the tent around the clock.
22. The Board found that Mr. Young testified that nothing has changed from the testimony given at the prior hearing.
23. The Board found that Mr. Young testified that, depending on the ground type, the tent would be staked with iron stakes into the asphalt or weighed down with concrete barriers.
24. The Board found that Mr. Young testified that the Application states the tent will be placed on Parcel 88.12, but the picture/diagram shows it being placed on Parcel 88.11. He noted that excess inventory may be held on site or at a central location, off site but the tent can and will be placed on Parcel 88.12.
25. The Board found that Mr. Young testified that the tent takes up roughly five or six parking spaces and the line of site will not be obstructed with the new proposed location on Parcel 88.12.
26. The Board found that Mr. Young testified that smaller signage will be posted, indicating directions for patrons.
27. The Board found that Mr. Young testified that there is usually a bit of flexibility negotiated with the tent placement so they are able to move it.
28. The Board found that Mr. Young testified that the current tent size is proposed to be a 20 foot by 40 foot tent but they can go with a smaller size if needed.
29. The Board found that Mr. Young testified that any lighting will be contained to the inside of the tent.
30. The Board found that Mr. Young testified that the location provides electric so there will not be a generator present.
31. The Board found that Mr. Young testified that an estimated 3 cars per hour is anticipated for the first week of business and 10 cars an hour as the sale gets comes to an end.
32. The Board found that Mr. Young testified that the set up would be 3 day prior to June 21 and breakdown would occur within 10 days after July 4.
33. The Board found that no one appeared in support or opposition of the Application at either the May 6<sup>th</sup> or June 17<sup>th</sup> meetings.
34. 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 special

use exception because the proposed outdoor display or promotional activity 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 runs a fireworks sales business that will sell ground-based fireworks during the July 4<sup>th</sup> holiday season. The Applicant has leased space at a portion of the Property used for by Hocker's Grocery Store.
- b. The Applicant intends to erect the tent for sales to run from June 21 to July 4<sup>th</sup> on an annual basis. The Applicant anticipates that three days before and ten days after the sale will be needed for the setup and tear down of the tent.
- c. The tent will not block the visibility of any neighboring businesses or signs.
- d. The Applicant will still have adequate parking even with the tent in place.
- e. The tent will be used only on a temporary basis during limited times of the year.
- f. The approval is conditioned on the following:
  - i. The tent shall be located in the approximate area as shown on the documentation presented by the Applicant to the Board. If the tent is proposed to be relocated elsewhere on the Property, the Applicant must seek a new special use exception.
  - ii. The tent shall only be used for sales from June 21 to July 4, 2024. The Applicant shall have three days prior to the sale to erect and the tent shall be removed by July 10.
  - iii. The approval is valid for a period of one (1) year.
  - iv. The Applicant shall submit documentation to the Planning & Zoning Department from the landlord consenting to the location of the tent on the Property.

The Board granted the special use exception application for a period of one (1) year 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 with conditions for a period of one (1) year. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Jeffrey Chorman  
Chair

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

Date August 19, 2024



## 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 # 13046  
Hearing Date 4-7-25  
20250115

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JAN 24 2025

Type of Application: (please check all applicable)

Variance ☐

Special Use Exception ☒

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

SUSSEX COUNTY  
PLANNING & ZONING

Site Address of Variance/Special Use Exception:

695 Bethany Loop, Bethany Beach, DE, 19930

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/23 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 133-13.00-88.05

Property Zoning: \_\_\_\_\_

### Applicant Information

Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors LLC

Applicant Address: 531 N 4th Street

City Denver State PA Zip: 17517

Applicant Phone #: 718-390-0844 Applicant e-mail: AMutzabaugh@keystonenovelties.com

### Owner Information

Owner Name: G&E Inc (Hocker's)

Owner Address: 695 Bethany Loop

City Bethany State DE Zip: 19933 Purchase Date: \_\_\_\_\_

Owner Phone #: 302-539-5255 Owner e-mail: geinc@mchsi.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

Alex Mutzabaugh

Date: 1/22/25





# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 Email: permits@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

January 22, 2025

Sussex County (DE)  
2 The Circle P.O. Box 589  
Georgetown, DE, 19947

Keystone Novelties is in the process of planning for our annual Fourth of July tent sales. I have included in this package everything that I believe is necessary for the purposes of applying for our permit. Below is an outline of our intended event & supporting documents provided with this submittal.

## Location/Hours & Documents:

- **Location of Sale:** 695 Bethany Loop, Bethany Beach, DE 19930
- **Sale Dates:** 6/23/2025 through 7/4/2025
  - Tent is set a few days prior to opening date and removed by July 10<sup>th</sup>
  - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3<sup>rd</sup> and 4<sup>th</sup>
- **Application(s) Included:** Zoning Review Hearing
- **Plot Map Diagram:** Showing proposed location of tent on the property
- **Tent Layout:** Showing tables and exits
  - The tent is installed by a professional rental company and will be anchored per manufacturers instruction approximately every ten feet around the tent perimeter.
- **Flame Retardant Certificate:** Copy of the tent fabric flame certificate (will be physically located on tent)
- **Insurance Certificates:** Liability &/or Workers Comp insurance certificates
- **Fees:** Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.

The tent will be put up a few days in advance and removed as soon as possible after July 5th but no later than July 10th. We post "No Smoking" & "Exit" signs at all egress points and always have a fire extinguisher on hand.

Should you have any questions or if anything has changed for this year, please call me at my permit extension or email me at the listed email address (both located in header).

Respectfully,

Alex Mutzabaugh  
Field Operations Manager  
Keystone Novelties Distributors LLC

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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

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

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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

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5. Minimum variance:

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

N/A

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Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

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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)

Temporary Tent for retail sales - up to 14 days for each year leading up to the 4th of July Season.

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

Requesting approval to hold temporary event for longer than 3 day period which is currently allowed.

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Sussex County, DE - BOA Application

## 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: 1/22/2025

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: \_\_\_\_\_



# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 : Email: Info@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

THIS AGREEMENT IS MADE BETWEEN, G&E Inc. (Lessor), and Keystone Novelties Distributors, LLC (Lessee), for the purpose of allowing the retail sale of approved fireworks at the premises (Location):

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**Location Address:**

695 Bethany Loop, Bethany Beach, DE 19930

**Location Name:**

Bethany Beach DE Hockers

JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

**Lessor Agrees to the following terms and conditions:**

1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet at the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to a 20-foot storage container, portable toilet & at least one parking space dedicated to the tent clerk on the premises during the term of this Agreement. The Lessor agrees to the placement of the tent and related equipment as detailed in the Tent Placement Addendum.
2. The term of this Agreement shall include the 2025 July 4<sup>th</sup> holiday period. The tent and related equipment shall be placed no sooner than June 16<sup>th</sup> and removed no later than July 11<sup>th</sup> 2025. The dates for the sale will not exceed: June 20<sup>th</sup> through July 6<sup>th</sup> 2025.
3. Following the initial term, the Lessor hereby grants the Lessee First Rights of Refusal to match any offer to lease the location for fireworks sales during the forthcoming renewal year.
4. Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks or other seasonal merchandise by providing 45 days advanced written notice prior to cancellation.
5. Lessee requests the following additional operational elements to support the tent sale. If agreed, please initial as indicated:
  - a. Lessor agrees to allow a 28 ft PUP trailer (Backhaul trailer) placed on property: Yes No MW (initials)
  - b. Lessor agrees to allow access to electric if exterior access already exists: Yes No MW (initials)

**In return, Lessee agrees to the following terms and conditions:**

1. Lessee shall pay to Lessor the amount of \_\_\_\_\_ by check, yearly starting on June 20<sup>th</sup> 2025 until lease is concluded per item (#2) of Lessor section above or voided per the terms in items (#4 Lessor & #5 Lessee).
  - ☐ The Lessor may extend this agreement & the terms stated for an additional year by notifying the Lessee in writing that their intent is to return by January 31<sup>st</sup> each year.
  - ☐ Lessor will receive \_\_\_\_\_ of net sales over \_\_\_\_\_
2. Lessee shall provide a current certificate of insurance, proving liability coverage in force at time of occupancy. All entities/individuals listed below will be included as additional insured on Lessee's policy. Insurance coverage will be in an amount not less than \$1,000,000.00.
3. Lessee guarantees that the premises will be returned to their original condition including the patching of any stake holes and removal of all trash and supplies.
4. This lease agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this agreement is terminated with all monies returned promptly. If the local municipality having jurisdiction over this outlet limits the sale of fireworks, then this lease agreement is subject to revision or termination by the Lessee.
5. Lessee shall have the right to void this agreement up to 45 days prior to the commencement of the selling period each year.

**Lessor Information (Payee & Mail to):**

Pay to: Beach Plaza At Salt Pond LLC

Mail to: G&E Hockers: 695 Bethany Loop, Bethany Beach  
DE 19930

Contact: Mike Workman Ph: 302-539-9662

Email: geinc@mchsi.com

Mike Workman

Mike Workman (Jan 13, 2025 13:05 EST)

Lessor

01/13/2

Date

Maxwell Bushong

11/25/2024

Keystone Novelties Distributors, LLC

Date



TENT LOCATION PLOT PLAN LAST SAVED NOVEMBER 25, 2024



- LOCATION NAME: BETHANY BEACH DE HOCKERS
- LOCATION ADDRESS: 695 BETHANY LOOP, BETHANY BEACH, DE 19930
- NOTES:

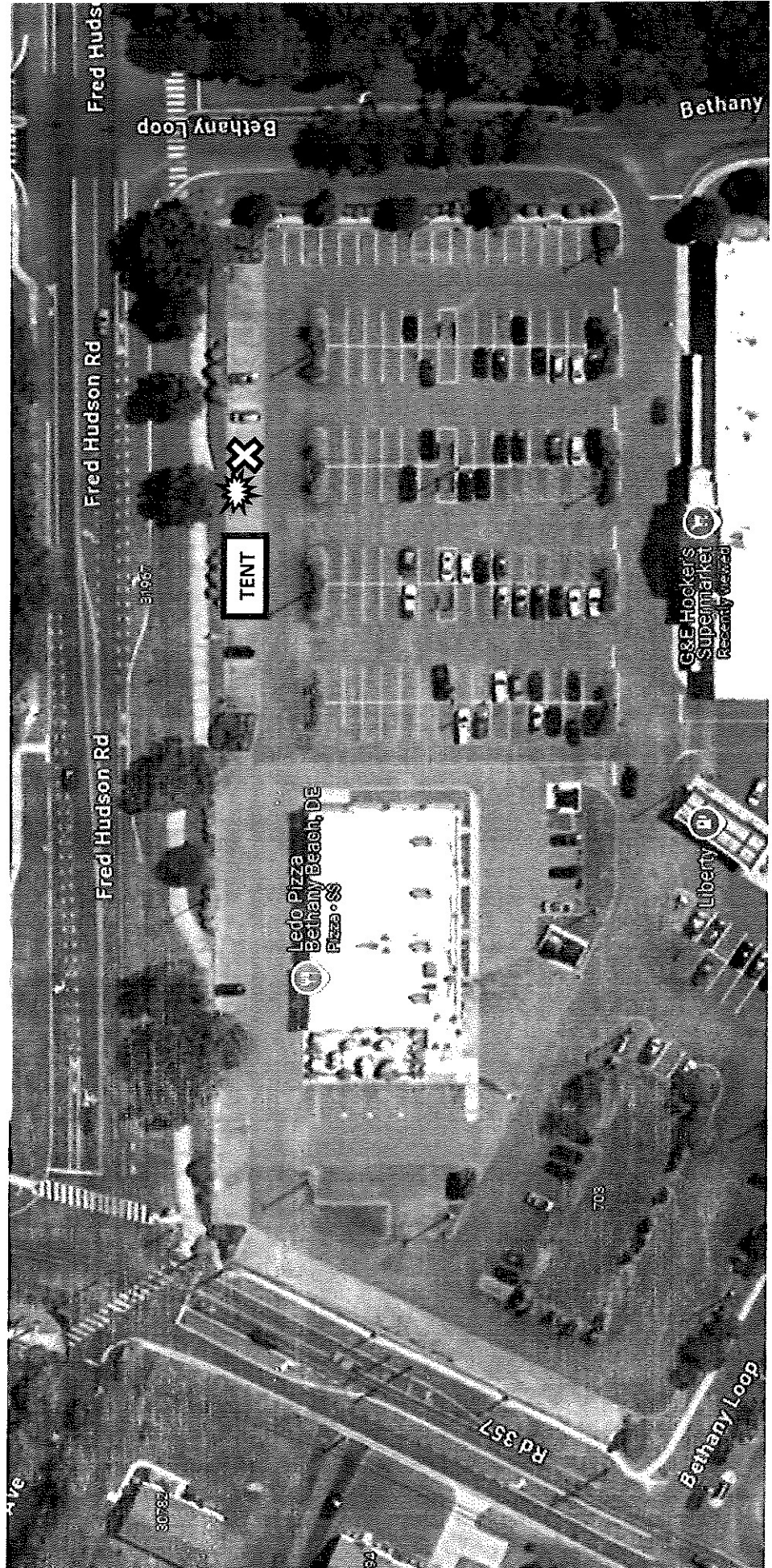
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JAN 24 2025  
SUSSEX COUNTY  
PLANNING & ZONING

✕ PORT-A-JON  
GENERATOR

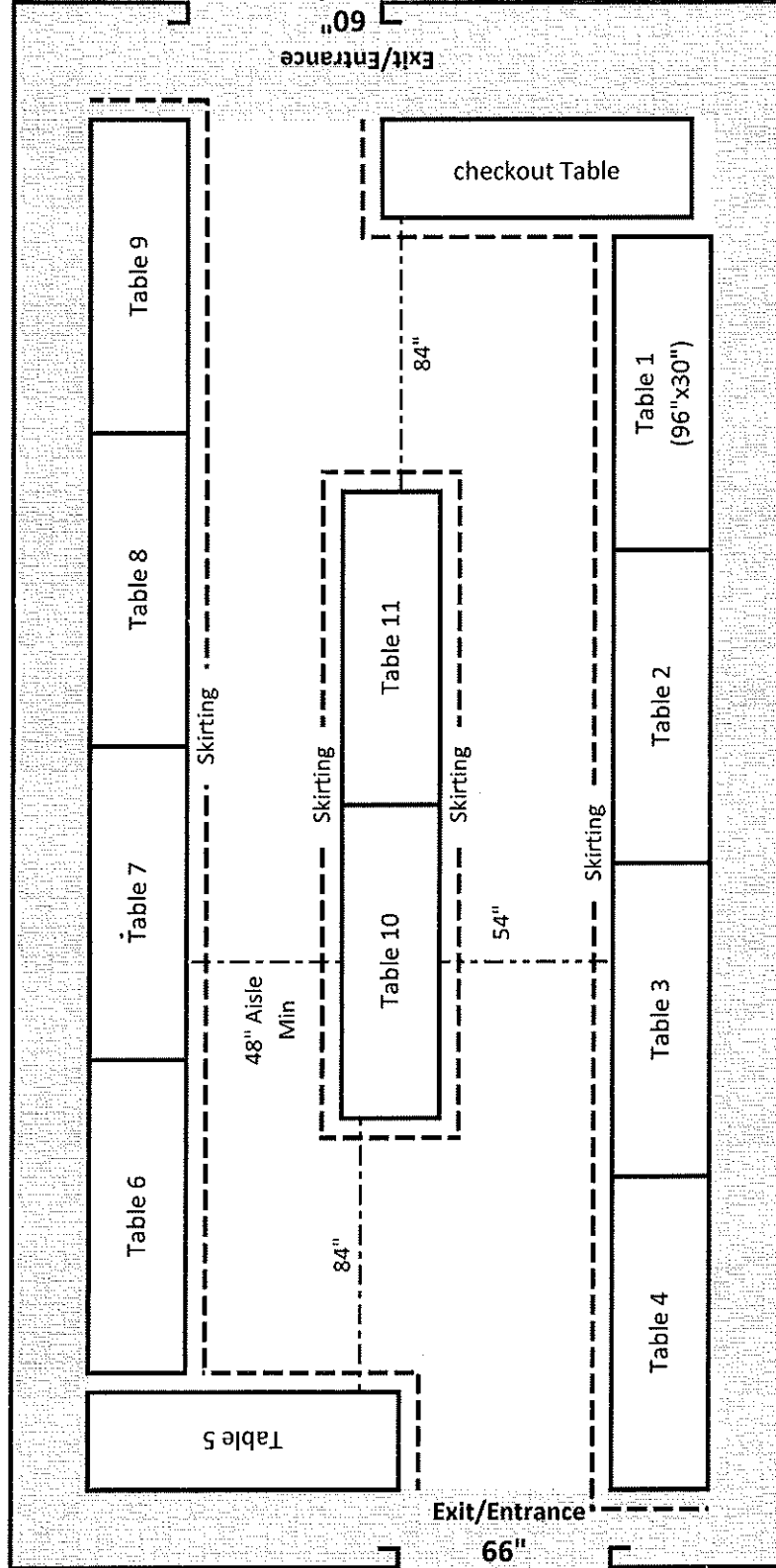
TENT

LEGEND:





# 20x40 (2) Exit



All Tent Sides Rolled Up During Business

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10/31/2024

DE

## 2025 Beginning Inventory

Item	Total Cartons	Total Units	Category	Item	Total Cartons	Total Units	Category
#10 Color Sparkler	1	48	Sparklers	Lady Liberty Fountain	2	32	Med 200
#20 Gold Sparkler	1	48	Sparklers	Larger Than Life	3	6	Box Assortment
#8 Gold Sparkler	2	96	Sparklers	Launch Control	1	12	Small 200
A Real Doozy	2	72	Ground Spinners	Lighthouse	2	24	Large 200
A to Z	2	12	Large 200	Lightning Rod Candles	1	96	Small 200
				Lil' Big Shot	1	54	Small 200
Bad bass	1	12	Med 200	Little Patriot Assortment	2	72	Bag Assortment
				Magic Color Burst (B1G1)	1	24	Small 200
Big Dog	3	12	Large 500				
Big Guns	1	8	Large 200	Magic Snakes PK4 (72)	1	72	Novelties
Bite Me	2	16	Large 200	Mammoth Smoke	1	100	Smoke
Boss Hog	1	4	Large 200				
Chase the Ace/Desert Moon (B1G1)	1	24	Small 200	Maximum Overload	2	24	Med 200
				Mega Monster	3	3	Box Assortment
Crackling Balls	1	96	Smoke	Mega Monster Grand Finale	3	12	Large 500
				Mini Mystic Sundae	1	18	Small 200
Crowd Pleaser	2	24	Bag Assortment	Mystic Sundae/Snow Cone	1	8	Large 200
Cuckoo (B1G1)	1	72	Small 200				
Dancing Diamonds	1	60	Small 200	Open Flower Happy Bird	1	72	Small 200
Deck The Sky	1	12	Med 200	Party Poppers (B1G1)	1	60	Novelties
Dragon Slayer Sword	1	60	Hand held Novelties				
				Prickly Pete	1	12	Med 200
				Red Riot (B1G1)	1	18	Med 200
Fans in the Stands	2	12	Large 500				
Fight Like a Girl	2	12	Large 200	Smoke Balls Color	1	180	Smoke
Fire and Ice	2	8	Large 500	Snappers	1	300	Novelties
				Snappers Adult Large	2	288	Novelties
Flower Power	2	24	Med 200				
Flying Betsy	1	24	Med 200	Spaced Out	2	16	Large 200
Freaky Tiki	2	16	Large 200	Tanks with Star	1	240	Novelties
First Responders (B1G1)	1	18	Small 200	The Up Side	1	8	Large 200
Ground Blooms, Crackling	1	240	Ground Spinners	Tie Dye Surprise (B1G1)	1	18	Small 200
Hand Held Snow Cone	1	48	Hand held Novelties	Tomahawk Rocket Fountain	1	144	Small 200
Hang in There	1	4	Large 500				
Heavyweight Champion	2	12	Bag Assortment	United Stars (Giveaway)	2	24	Med 200
High Voltage	3	9	Box Assortment				
HN 90/Floral Fountains (B1G1)	1	36	Small 200	Value Pack Fountain	1	12	Med 200
Jack in the Box	1	20	Novelties	Venus Volcano	2	16	Large 200
Jackpot!	2	16	Bag Assortment	Waterfront Celebration	1	18	Med 200
Jumbo Morning Glory	1	48	Sparklers	We the People	1	24	Med 200
Jump Ship	1	10	Med 200	Whirlwind 64 PCS	0.3	19.2	Ground Spinners
Jumping Jacks	1	20	Ground Spinners	Whispering Willow	1	24	Med 200
				Wild Card	3	12	Box Assortment
Killer Bees	1	48	Small 200	World of Wonders	2	8	Large 500
				Wrath of the Beast	2	12	Large 200

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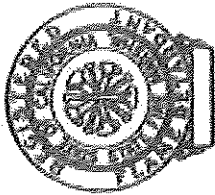
JAN 24 2025

DE 2025

SUSSEX COUNTY  
PLANNING & ZONING



# Certificate of Flame Resistance



ISSUED BY  
**ANCHOR INDUSTRIES INC.**  
EVANSVILLE, INDIANA 47711

MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN

REGISTERED  
APPLICATION  
NUMBER

FI21.4

Date of Manufacture

1/29/96

Order Number

116703

This is to certify that the materials described have been flame-retardant treated  
(or are inherently nonflammable) and were supplied to:

DOVER RENT ALL  
724 S WEST ST

DOVER

DE

199043513

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshall Code, equal to or exceeds NFPA 701, CPAI 84, ULC 109. The method of the FR chemical application is:

Serial #:

8001510

(0001)

Description of item certified:

FI TOP 20W X 20 VL Y W

Flame Retardant Process Used Will Not Be Removed By  
Washing And Is Effective For The Life Of The Fabric

JOHN BOYLE & CO  
STATESVILLE, NC

Name of Applicator of Flame Resistant Finish

Signed:

*James R. Brannon*

TENT DEPARTMENT-ANCHOR INDUSTRIES INC.

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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

# IMPORTANT DOCUMENT

## Certificate of Flame Resistance

ISSUED BY



EVANSVILLE, INDIANA 47725

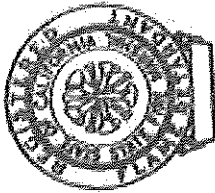
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment

09/21/04

Tent Identification

03957594

REGISTRATION  
APPLICATION  
NUMBER

F1214

This is to certify that the materials described have been flame-retardant treated

(or are inherently nonflammable) and were supplied to:

322700  
RENT CO INC  
DBA DOVER RENT ALL  
724 S WEST ST  
DOVER DE 199043513

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.

Serial #

8107100 (12)

Description of item certified:

WALL 7'10" X 22' 2FT LAP & SNAP  
WHITE VINYL (MOD)

Flame Retardant Process Used Will Not Be Removed By  
Washing And Is Effective For The Life Of The Fabric

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JOHN DOYLE STATESVILLE NC

Signed:

SPECIAL EVENTS DIVISION - ANCHOR INDUSTRIES INC.

JAN 24

SUSSEX COUNTY  
PLANNING & ZONING



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Acisure Great Lakes Partners Insurance Services 223 West Grand River Ave #1 Howell MI 48843	<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): 216-658-7100      FAX (A/C, No): 216-658-7101 E-MAIL: ADDRESS:  <table style="width: 100%;"> <tr> <td style="text-align: center;">INSURER(S) AFFORDING COVERAGE</td> <td style="text-align: center;">NAIC #</td> </tr> <tr> <td>INSURER A : Everest Denali Insurance Company</td> <td>16044</td> </tr> <tr> <td>INSURER B : Arch Specialty Insurance Company</td> <td>21199</td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Everest Denali Insurance Company	16044	INSURER B : Arch Specialty Insurance Company	21199	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Everest Denali Insurance Company	16044														
INSURER B : Arch Specialty Insurance Company	21199														
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															
<b>INSURED</b> Keystone Novelties Distributors LLC 531 N. 4th Street Denver PA 17517	8086														

## COVERAGES

CERTIFICATE NUMBER: 2024350035

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC	Y	Y	GCI0010096-241	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	SI8CA00024-231	12/31/2023	3/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$	Y	Y	UXP1057485-00	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATU- TORY LIMITS <input type="checkbox"/> OTH- ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

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## CERTIFICATE HOLDER

## CANCELLATION

SUSSEX COUNTY  
PLANNING & ZONING

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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# 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 # 13047  
Hearing Date 4-7-25  
**202501120**  
**RECEIVED**

JAN 24 2025

Type of Application: (please check all applicable)

Variance ☐  
Special Use Exception ☒  
Administrative Variance ☐  
Appeal ☐

Existing Condition ☐  
Proposed ☐  
Code Reference (office use only)  
\_\_\_\_\_  
\_\_\_\_\_

SUSSEX COUNTY  
PLANNING & ZONING

Site Address of Variance/Special Use Exception:

30702 Sussex Hwy Laurel DE 19956

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/23 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 232-12.20-34.00

Property Zoning: \_\_\_\_\_

### Applicant Information

Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors LLC  
Applicant Address: 531 N 4th Street  
City Denver State PA Zip: 17517  
Applicant Phone #: 718-390-0844 Applicant e-mail: AMutzabaugh@keystonenovelties.com

### Owner Information

Owner Name: JR and Laurel LLC  
Owner Address: 30702 Sussex Hwy  
City Laurel State DE Zip: 19956 Purchase Date: \_\_\_\_\_  
Owner Phone #: 302-682-9009 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

Alex Mutzabaugh

Date: 1/22/25







# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 Email: permits@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

January 22, 2025

Sussex County (DE)

2 The Circle P.O. Box 589

Georgetown, DE, 19947

Keystone Novelties is in the process of planning for our annual Fourth of July tent sales. I have included in this package everything that I believe is necessary for the purposes of applying for our permit. Below is an outline of our intended event & supporting documents provided with this submittal.

## Location/Hours & Documents:

- **Location of Sale:** 30702 Sussex Hwy, Laurel, DE, 19956
- **Sale Dates:** 6/23/2025 through 7/4/2025
  - Tent is set a few days prior to opening date and removed by July 10<sup>th</sup>
  - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3<sup>rd</sup> and 4<sup>th</sup>
- **Application(s) Included:** Zoning Review Hearing
- **Plot Map Diagram:** Showing proposed location of tent on the property
- **Tent Layout:** Showing tables and exits
  - The tent is installed by a professional rental company and will be anchored per manufacturers instruction approximately every ten feet around the tent perimeter.
- **Flame Retardant Certificate:** Copy of the tent fabric flame certificate (will be physically located on tent)
- **Insurance Certificates:** Liability &/or Workers Comp insurance certificates
- **Fees:** Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.

The tent will be put up a few days in advance and removed as soon as possible after July 5th but no later than July 10th. We post "No Smoking" & "Exit" signs at all egress points and always have a fire extinguisher on hand.

Should you have any questions or if anything has changed for this year, please call me at my permit extension or email me at the listed email address (both located in header).

Respectfully,

Alex Mutzabaugh

Field Operations Manager

Keystone Novelties Distributors LLC

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SUSSEX COUNTY  
PLANNING & ZONING

Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

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

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

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

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

---

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

---

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)

Temporary Tent for retail sales - up to 14 days for each year leading up to the 4th of July Season.

---

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

Requesting approval to hold temporary event for longer than 3 day period which is currently allowed.

---

## 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: 1/22/2025

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: \_\_\_\_\_





# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 : Email: Info@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

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SUSSEX COUNTY  
PLANNING & ZONING

THIS AGREEMENT IS MADE BETWEEN, SR and Laurel LLC (Lessor), and Keystone Novelties Distributors, LLC (Lessee), for the purpose of allowing the retail sale of approved fireworks at the premises (Location):

**Location Address:**

30702 Sussex Hwy  
Laurel DE 19956

**Location Name:**

LAUREL DE RELAX INN

**Lessor Agrees to the following terms and conditions:**

1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet at the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to a 20-foot storage container, portable toilet & at least one parking space dedicated to the tent clerk on the premises during the term of this Agreement. The Lessor agrees to the placement of the tent and related equipment as detailed in the Tent Placement Addendum.
2. The term of this Agreement shall include the 2025 July 4<sup>th</sup> holiday period. The tent and related equipment shall be placed no sooner than June 16<sup>th</sup> and removed no later than July 11<sup>th</sup> 2025. The dates for the sale will not exceed: June 20<sup>th</sup> through July 5<sup>th</sup> 2025.
3. Following the initial term, the Lessor hereby grants the Lessee First Rights of Refusal to match any offer to lease the location for fireworks sales during the forthcoming renewal year.
4. Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks or other seasonal merchandise by providing 45 days advanced written notice prior to cancellation.
5. Lessee requests the following additional operational elements to support the tent sale. If agreed, please initial as indicated:
  - a. Lessor agrees to allow a 28 ft PUP trailer (Backhaul trailer) placed on property: Yes ☒ No ☐ (Initials) \_\_\_\_\_
  - b. Lessor agrees to allow access to electric if exterior access already exists: Yes ☒ No ☐ (Initials) \_\_\_\_\_

**In return, Lessee agrees to the following terms and conditions:**

1. Lessee shall pay to Lessor the amount of \_\_\_\_\_ by check, yearly starting on June 20<sup>th</sup> 2025 until lease is concluded per item (#2) of Lessor section above or voided per the terms in items (#4 Lessor & #5 Lessee).
2. Lessee shall provide a current certificate of insurance, proving liability coverage in force at time of occupancy. All entities/individuals listed below will be included as additional insured on Lessee's policy. Insurance coverage will be in an amount not less than \$1,000,000.00.
3. Lessee guarantees that the premises will be returned to their original condition including the patching of any stake holes and removal of all trash and supplies.
4. This lease agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this agreement is terminated with all monies returned promptly. If the local municipality having jurisdiction over this outlet limits the sale of fireworks, then this lease agreement is subject to revision or termination by the Lessee.
5. Lessee shall have the right to void this agreement up to 45 days prior to the commencement of the selling period each year.

**Lessor Information (Payee & Mail to):**

Pay to: SR and Laurel LLC

Mail to: 30702 Sussex Hwy

Contact: Raj Ph: 302-682-9009

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

**Additional Insured Information:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lessor

Date

Keystone Novelties Distributors, LLC

Date

12/14/2024



• Location Name: LAUREL DE RELAX INN

• Location Address: 30702 SUSSEX HWY LAUREL DE 19956

• Notes:



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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

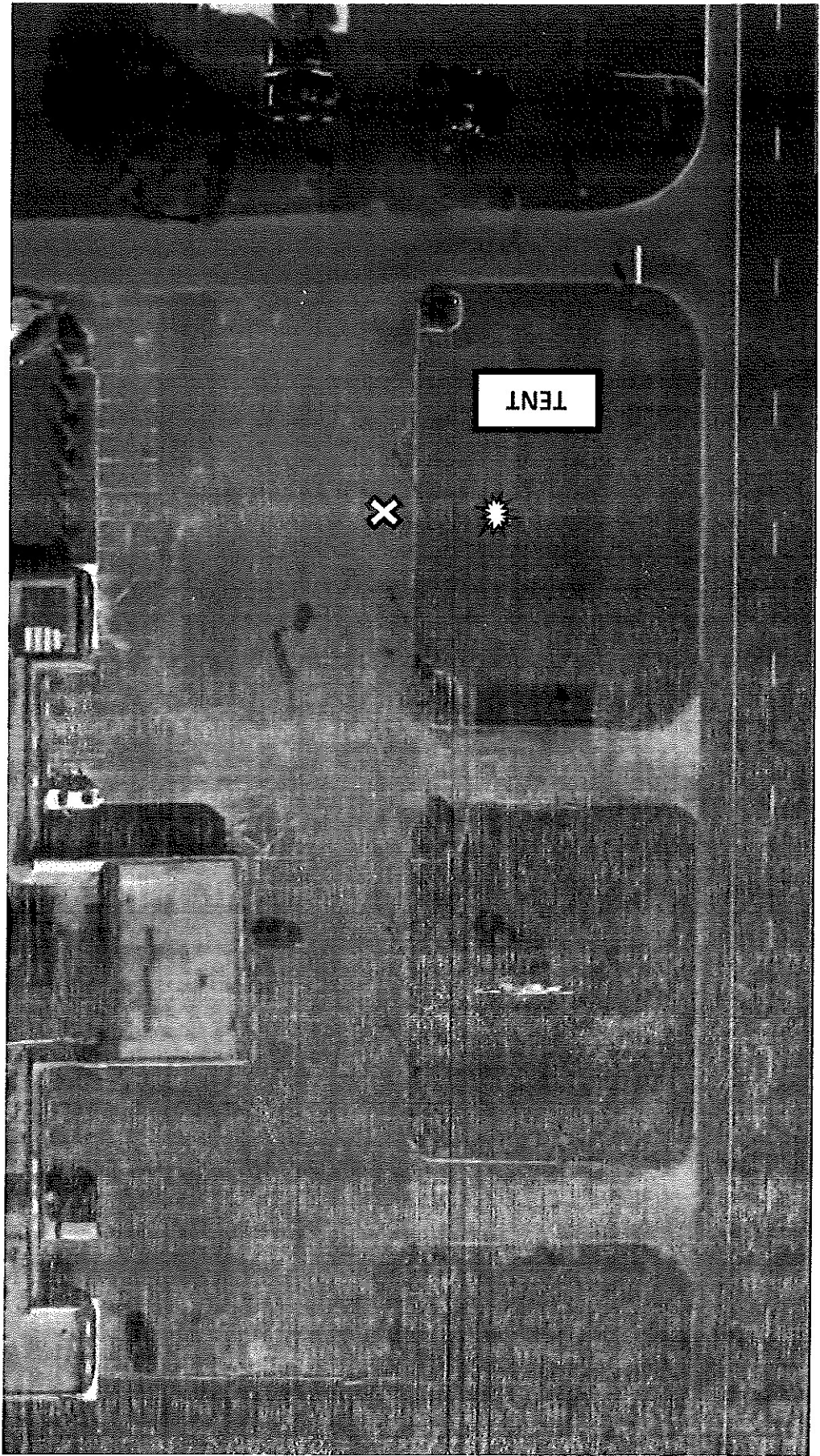


PORT-A-JON



GENERATOR

TENT



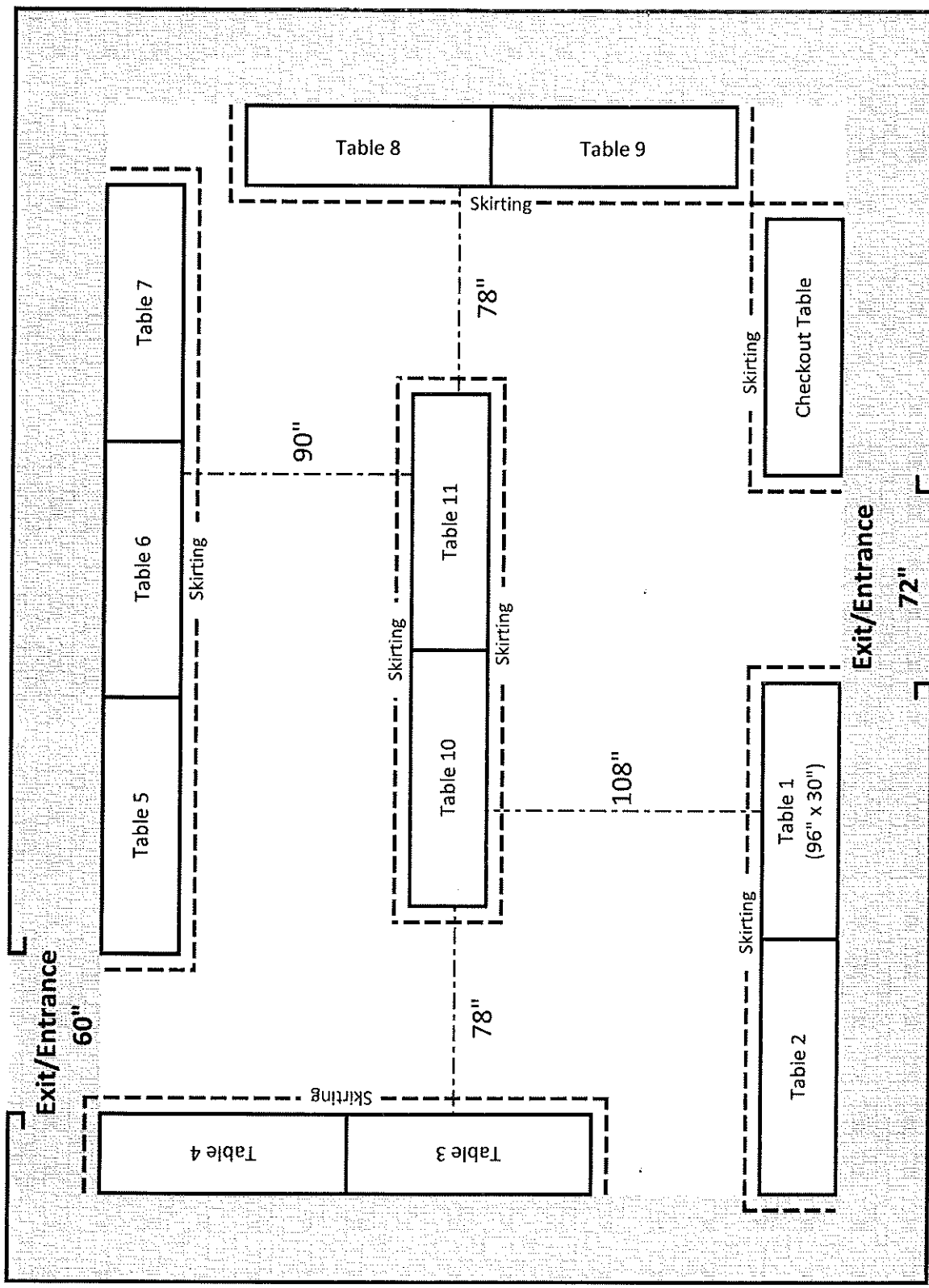


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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

30x40 (2) Exit



All Tent Sides Rolled Up During Business

10/31/2024

DE

## 2025 Beginning Inventory

Item	Total Cartons	Total Units	Category	Item	Total Cartons	Total Units	Category
#10 Color Sparkler	1	48	Sparklers	Lady Liberty Fountain	2	32	Med 200
#20 Gold Sparkler	1	48	Sparklers	Larger Than Life	3	6	Box Assortment
#8 Gold Sparkler	2	96	Sparklers	Launch Control	1	12	Small 200
A Real Doozy	2	72	Ground Spinners	Lighthouse	2	24	Large 200
A to Z	2	12	Large 200	Lightning Rod Candles	1	96	Small 200
				Lil' Big Shot	1	54	Small 200
Bad bass	1	12	Med 200	Little Patriot Assortment	2	72	Bag Assortment
				Magic Color Burst (B1G1)	1	24	Small 200
Big Dog	3	12	Large 500				
Big Guns	1	8	Large 200	Magic Snakes PK4 (72)	1	72	Novelties
Bite Me	2	16	Large 200	Mammoth Smoke	1	100	Smoke
Boss Hog	1	4	Large 200				
Chase the Ace/Desert Moon (B1G1)	1	24	Small 200	Maximum Overload	2	24	Med 200
				Mega Monster	3	3	Box Assortment
Crackling Balls	1	96	Smoke	Mega Monster Grand Finale	3	12	Large 500
				Mini Mystic Sundae	1	18	Small 200
Crowd Pleaser	2	24	Bag Assortment	Mystic Sundae/Snow Cone	1	8	Large 200
Cuckoo (B1G1)	1	72	Small 200				
Dancing Diamonds	1	60	Small 200	Open Flower Happy Bird	1	72	Small 200
Deck The Sky	1	12	Med 200	Party Poppers (B1G1)	1	60	Novelties
Dragon Slayer Sword	1	60	Hand held Novelties				
				Prickly Pete	1	12	Med 200
				Red Riot (B1G1)	1	18	Med 200
Fans in the Stands	2	12	Large 500				
Fight Like a Girl	2	12	Large 200	Smoke Balls Color	1	180	Smoke
Fire and Ice	2	8	Large 500	Snappers	1	300	Novelties
				Snappers Adult Large	2	288	Novelties
Flower Power	2	24	Med 200				
Flying Betsy	1	24	Med 200	Spaced Out	2	16	Large 200
Freaky Tiki	2	16	Large 200	Tanks with Star	1	240	Novelties
First Responders (B1G1)	1	18	Small 200	The Up Side	1	8	Large 200
Ground Blooms, Crackling	1	240	Ground Spinners	Tie Dye Surprise (B1G1)	1	18	Small 200
Hand Held Snow Cone	1	48	Hand held Novelties	Tomahawk Rocket Fountain	1	144	Small 200
Hang in There	1	4	Large 500				
Heavyweight Champion	2	12	Bag Assortment	United Stars (Giveaway)	2	24	Med 200
High Voltage	3	9	Box Assortment				
HN 90/Floral Fountains (B1G1)	1	36	Small 200	Value Pack Fountain	1	12	Med 200
Jack in the Box	1	20	Novelties	Venus Volcano	2	16	Large 200
Jackpot!	2	16	Bag Assortment	Waterfront Celebration	1	18	Med 200
Jumbo Morning Glory	1	48	Sparklers	We the People	1	24	Med 200
Jump Ship	1	10	Med 200	Whirlwind 64 PCS	0.3	19.2	Ground Spinners
Jumping Jacks	1	20	Ground Spinners	Whispering Willow	1	24	Med 200
				Wild Card	3	12	Box Assortment
Killer Bees	1	48	Small 200	World of Wonders	2	8	Large 500
				Wrath of the Beast	2	12	Large 200

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DE 2025

SUSSEX COUNTY  
PLANNING & ZONING



**IMPORTANT DOCUMENT**  
***Certificate of Flame Resistance***

ISSUED BY

Date of Shipment  
08/13/2007Registration Number  
F14001.01TENT ID #  
SO-453423

EVANSVILLE, INDIANA 47725

**MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN**

This is to certify that the materials described are inherently flame retardant and were supplied to:

79855  
 GRAND RENTAL STATION  
 20689 SUSSEX HWY  
 SEAFORD DE 19973



Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshall Code. All fabric has been tested and passes NFPA 701, ULC 109.

Serial # 8108875 (1)

Description of item certified: CENTURY MATE EXPANDABLE MIDDLE 30WX15 SNYDER WHITE VINYL

**Flame Retardant Process Used Will Not Be Removed By  
 Washing And Is Effective For The Life Of The Fabric**

SNYDER

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

**IMPORTANT DOCUMENT**  
***Certificate of Flame Resistance***

ISSUED BY

Date of Shipment  
04/04/2007Registration Number  
F14001.01TENT ID #  
SO-446398

EVANSVILLE, INDIANA 47725

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79855  
 GRAND RENTAL STATION  
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 SEAFORD DE 19973



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Serial # 8108875 (1)

Description of item certified: CENTURY MATE EXPANDABLE MIDDLE 30WX15 SNYDER WHITE VINYL

**Flame Retardant Process Used Will Not Be Removed By  
 Washing And Is Effective For The Life Of The Fabric**

SNYDER

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

**RECEIVED**

JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

**IMPORTANT DOCUMENT**  
***Certificate of Flame Resistance***

ISSUED BY

Date of Shipment  
04/04/2007Registration Number  
F14001.01TENT ID #  
SO-446398

EVANSVILLE, INDIANA 47725

**MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN**

This is to certify that the materials described are inherently flame retardant and were supplied to:

79855  
 GRAND RENTAL STATION  
 20689 SUSSEX HWY  
 SEAFORD DE 19973



Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshall Code. All fabric has been tested and passes NFPA 701, ULC 109.

Serial # 8108885 (2)

Description of item certified: CENTURY MATE EXPANDABLE END 30WX15 SNYDER WHITE VINYL

**Flame Retardant Process Used Will Not Be Removed By  
 Washing And Is Effective For The Life Of The Fabric**

SNYDER \_\_\_\_\_

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

**RECEIVED**

JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Acrisure Great Lakes Partners Insurance Services 223 West Grand River Ave #1 Howell MI 48843	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 216-658-7100 <b>FAX (A/C, No): 216-658-7101</b> E-MAIL ADDRESS:														
<b>INSURED</b> Keystone Novelties Distributors LLC 531 N. 4th Street Denver PA 17517	<table border="1"> <thead> <tr> <th data-bbox="812 436 1404 468">INSURER(S) AFFORDING COVERAGE</th> <th data-bbox="1404 436 1534 468">NAIC #</th> </tr> </thead> <tbody> <tr> <td data-bbox="812 468 1404 499">INSURER A : Everest Denali Insurance Company</td> <td data-bbox="1404 468 1534 499">16044</td> </tr> <tr> <td data-bbox="812 499 1404 531">INSURER B : Arch Specialty Insurance Company</td> <td data-bbox="1404 499 1534 531">21199</td> </tr> <tr> <td data-bbox="812 531 1404 562">INSURER C :</td> <td data-bbox="1404 531 1534 562"></td> </tr> <tr> <td data-bbox="812 562 1404 594">INSURER D :</td> <td data-bbox="1404 562 1534 594"></td> </tr> <tr> <td data-bbox="812 594 1404 625">INSURER E :</td> <td data-bbox="1404 594 1534 625"></td> </tr> <tr> <td data-bbox="812 625 1404 646">INSURER F :</td> <td data-bbox="1404 625 1534 646"></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Everest Denali Insurance Company	16044	INSURER B : Arch Specialty Insurance Company	21199	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER F :															

## COVERAGES

CERTIFICATE NUMBER: 2024350035

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC	Y Y	GCID0010096-241	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y Y	S18CA00024-231	12/31/2023	3/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$	Y Y	UXP1057485-00	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

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JAN 24 2025

## CERTIFICATE HOLDER

SUSSEX COUNTY  
PLANNING & ZONING

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*[Signature]*



## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

## IN RE: KEYSTONE NOVELTIES DISTRIBUTORS, LLC

(Case No. 12926)

A hearing was held after due notice on April 22, 2024. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for a special use exception to place a tent for special events.

Findings of Fact

The Board found that the Applicant is requesting the special use exception for a period of three (3) years during the 4<sup>th</sup> of July season. This application pertains to certain real property located northwest of Sea Air Avenue and west of Tanger Boulevard within the Tanger Outlet Complex (911 Address: 36470 Seaside Outlet Drive, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number 334-13.00-325.06 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, photographs, a tent location plan, a letter from the Applicant, a license agreement, a certificate of insurance, 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 and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Rick Seary was sworn in to testify about the Application.
4. The Board found that Mr. Seary testified that the Applicant has operated in the Tanger Outlets since 2021 but they have been moved from the original location on the parcel.
5. The Board found that Mr. Seary testified that the set up will be essentially the same with a 20 foot by 40 foot tent, a storage container, cones for traffic, and caution tape to help direct people.
6. The Board found that Mr. Seary testified that the tent will be set up in the single parking row by the road.
7. The Board found that Mr. Seary testified that there have not been any complaints in the 3 prior years.
8. The Board found that Mr. Seary testified that the Tanger Outlets signed a 2 year license to allow them to set up.
9. The Board found that Mr. Seary testified that Tanger Outlets has security that monitors the grounds.
10. The Board found that Mr. Seary testified that the product will be stored in the locked shipping container outside of operational hours.
11. The Board found that Mr. Seary testified that the setup will occupy roughly 8 parking spots with the tent occupying 5 parking spaces, the shipping container occupying 2 parking spaces, and a few others for buffer areas.
12. The Board found that Mr. Seary testified that the hours of operation will be 9am to 9pm with the occasional 10pm closing time and that operating hours will follow the Tanger Outlet hours.
13. The Board found that Mr. Seary testified that the tent will be secured with stakes on the side closest to the road and cement blocks on the other side.
14. The Board found that Mr. Seary testified that Tanger Outlets require that the landlord has the choice to relocate the tent if they see fit.

15. The Board found that Mr. Seary testified that the dates requested are for sales June 21, 2024, through July 4, 2024, with 3 days prior for setup and 10 days post-sale for removal.
16. The Board found that Mr. Seary testified that there will be lighting throughout the tent but no outside lighting.
17. The Board found that Mr. Seary testified that there will be no outside loudspeaker or music and that there will not be any additional noise, vibrations, or smells.
18. The Board found that no one appeared in support or opposition of the Application.
19. 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 proposed outdoor display or promotional activity 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 runs a fireworks sales business that will sell ground-based fireworks during the July 4<sup>th</sup> holiday season. The Applicant has leased space at a portion of the Property used for the Tanger Outlets.
  - b. The Applicant intends to erect the tent for sales to run from June 21 to July 4<sup>th</sup> on an annual basis. The Applicant anticipates that three days before and ten days after the sale will be needed for the setup and tear down of the tent.
  - c. The tent will not block the visibility of any neighboring businesses or signs.
  - d. The Applicant will still have adequate parking even with the tent in place.
  - e. The tent will be used only on a temporary basis during limited times of the year.
  - f. The hours of operation are reasonable.
  - g. The approval is conditioned on the following:
    - i. The tent shall be located in the approximate area as shown on the documentation presented by the Applicant to the Board. If the tent is proposed to be relocated elsewhere on the Property, the Applicant must seek a new special use exception.
    - ii. The tent shall only be used for sales from June 21 to July 4 on an annual basis. The Applicant shall have three days prior to the sale to erect and the tent shall be removed by July 10.
    - iii. The Applicant may use a portion of the parking lot for limited pod storage of inventory related to the sale. The pod storage shall be removed at the end of each sales event.
    - iv. The approval is valid for a period of three (3) years.

The Board granted the special use exception application for a period of three (3) year 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 with conditions for a period of three (3) years. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT  
OF SUSSEX  
COUNTY



Jeffrey Chorman  
Chair

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

Date June 17, 2024.

**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 # 13048  
 Hearing Date 4-7-25  
202501121  
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**Type of Application: (please check all applicable)**Variance ☐Special Use Exception ☒Administrative Variance ☐Appeal ☐Existing Condition ☐Proposed ☐

Code Reference (office use only)

SUSSEX COUNTY  
PLANNING & ZONING**Site Address of Variance/Special Use Exception:**36470 Seaside Outlet Drive Rehoboth Beach DE 19971**Variance/Special Use Exception/Appeal Requested:**

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/23 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 334-13.00-325.06

Property Zoning: \_\_\_\_\_

**Applicant Information**Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors LLCApplicant Address: 531 N 4th StreetCity Denver State PA Zip: 17517Applicant Phone #: 718-390-0844 Applicant e-mail: AMutzabaugh@keystonenovelties.com**Owner Information**Owner Name: Tanger Properties Limited Partnership c/o Tanger Managment LLCOwner Address: PO Box 414225City Boston State MA Zip: 02241 Purchase Date: \_\_\_\_\_Owner Phone #: 336-834-6882 Owner e-mail: Stephanie.Weber@tangeroutlets.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**Alex MutzabaughDate: 1/22/25





# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 Email: permits@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

January 22, 2025

Sussex County (DE)

2 The Circle P.O. Box 589

Georgetown, DE, 19947

Keystone Novelties is in the process of planning for our annual Fourth of July tent sales. I have included in this package everything that I believe is necessary for the purposes of applying for our permit. Below is an outline of our intended event & supporting documents provided with this submittal.

## Location/Hours & Documents:

- **Location of Sale:** 36470 Seaside Outlet Dr, Rehoboth Beach, DE 19973
- **Sale Dates:** 6/23/2025 through 7/4/2025
  - Tent is set a few days prior to opening date and removed by July 10<sup>th</sup>
  - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3<sup>rd</sup> and 4<sup>th</sup>
- **Application(s) Included:** Zoning Review Hearing
- **Plot Map Diagram:** Showing proposed location of tent on the property
- **Insurance Certificates:** Liability &/or Workers Comp insurance certificates
- **Fees:** Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.

The tent will be put up a few days in advance and removed as soon as possible after July 5th but no later than July 10th. We post "No Smoking" & "Exit" signs at all egress points and always have a fire extinguisher on hand.

Should you have any questions or if anything has changed for this year, please call me at my permit extension or email me at the listed email address (both located in header).

Respectfully,

Alex Mutzabaugh

Field Operations Manager

Keystone Novelties Distributors LLC

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SUSSEX COUNTY  
PLANNING & ZONING

Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

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

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

---

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)

Temporary Tent for retail sales - up to 14 days for each year leading up to the 4th of July Season.

---

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

Requesting approval to hold temporary event for longer than 3 day period which is currently allowed.

---

## 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: 1/22/2025

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: \_\_\_\_\_



## ON-SITE AGREEMENT

THIS AGREEMENT is entered into this **February 28, 2024** by and between **Tanger Services, Inc.**, with an address of 3200 Northline Ave., Suite 360, Greensboro, North Carolina 27408 ("Tanger"), and **Keystone Novelties Distributors, LLC** with an address of **531 N 4th Street, Denver, PA 17517** ("Client"); Tanger and Client may hereinafter be referred to as a "Party" or "Parties."

WHEREAS, Tanger is the property manager for the Tanger Outlet Centers located throughout the United States and Canada.

1. Scope of Agreement. The Client will receive the deliverables for the scope and term of the agreement as detailed in the below chart:

**Fireworks Tent Sale -                      base rent with                      sales over                      .**

**2 year deal that coincides with City required 2 year permit. Tanger reserves the right to relocate location of tent for 2025 if necessary.**

**Keystone shall use and occupy the area marked on site map for the retail sale and display of state-approved Class C, 1.4G Consumer Fireworks. Keystone to secure all necessary permits and approvals from local jurisdiction and fire marshals ensuring compliance is met. Keystone to secure 24-hour security during activation period. Hours of operation will be between 8am to 11pm depending on dates.**

**Tent - will be secured during activation. Keystone will wrap storage container with branding. Artwork to be approved by Tanger Mgmt.**

**At the conclusion of activation Keystone will ensure the area is cleaned,**

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SUSSEX COUNTY  
PLANNING & ZONING

IN WITNESS WHEREOF, each party hereto warrants and represents that this Agreement has been duly authorized by all necessary corporate action and that this Agreement has been duly executed by and constitutes a valid and binding agreement of that party.

**TANGER****Tanger Services Inc.**By: Jessica RobertsName: Jessica RobertsTitle: VP, Marketing Partnerships**CLIENT****Keystone Novelties Distributors, LLC**By: John F. MayName: John MayTitle: Managing Director

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TENT LOCATION PLOT PLAN LAST SAVED JANUARY 31, 2024

- LOCATION NAME: REHOBOTH BEACH DE TANGER
- LOCATION ADDRESS: 36461 SEASIDE OUTLET DR, REHOBOTH BEACH, DE 19971
- NOTES: PARCEL# 334-13.00-325.06 (NEW TENT PLACEMENT FOR 2024)

JAN 24 2025

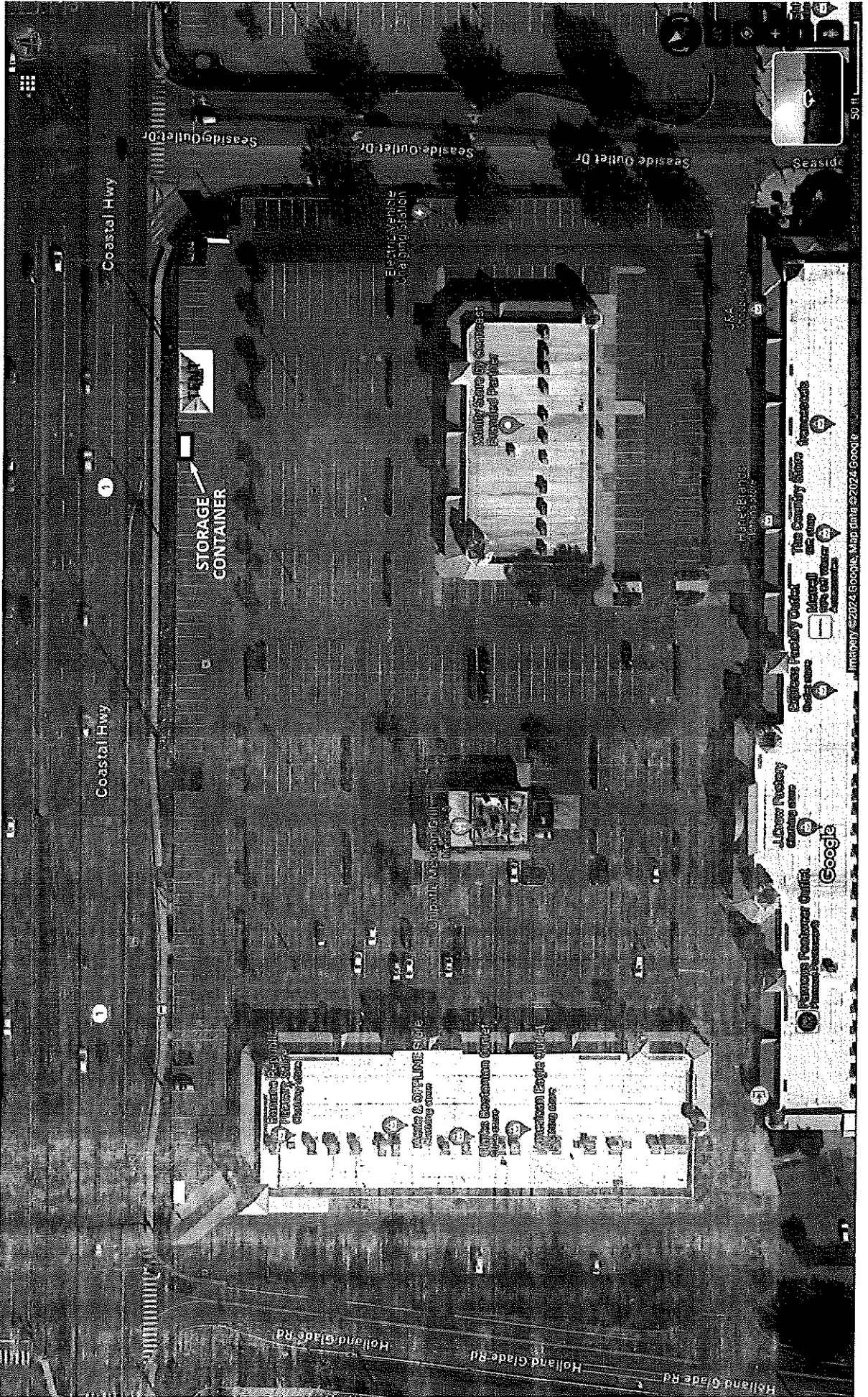
SUSSEX COUNTY

PLANNING & ZONING



LEGEND:

	TENT
	PORTABLE TOILET
	GENERATOR
	STORAGE POD



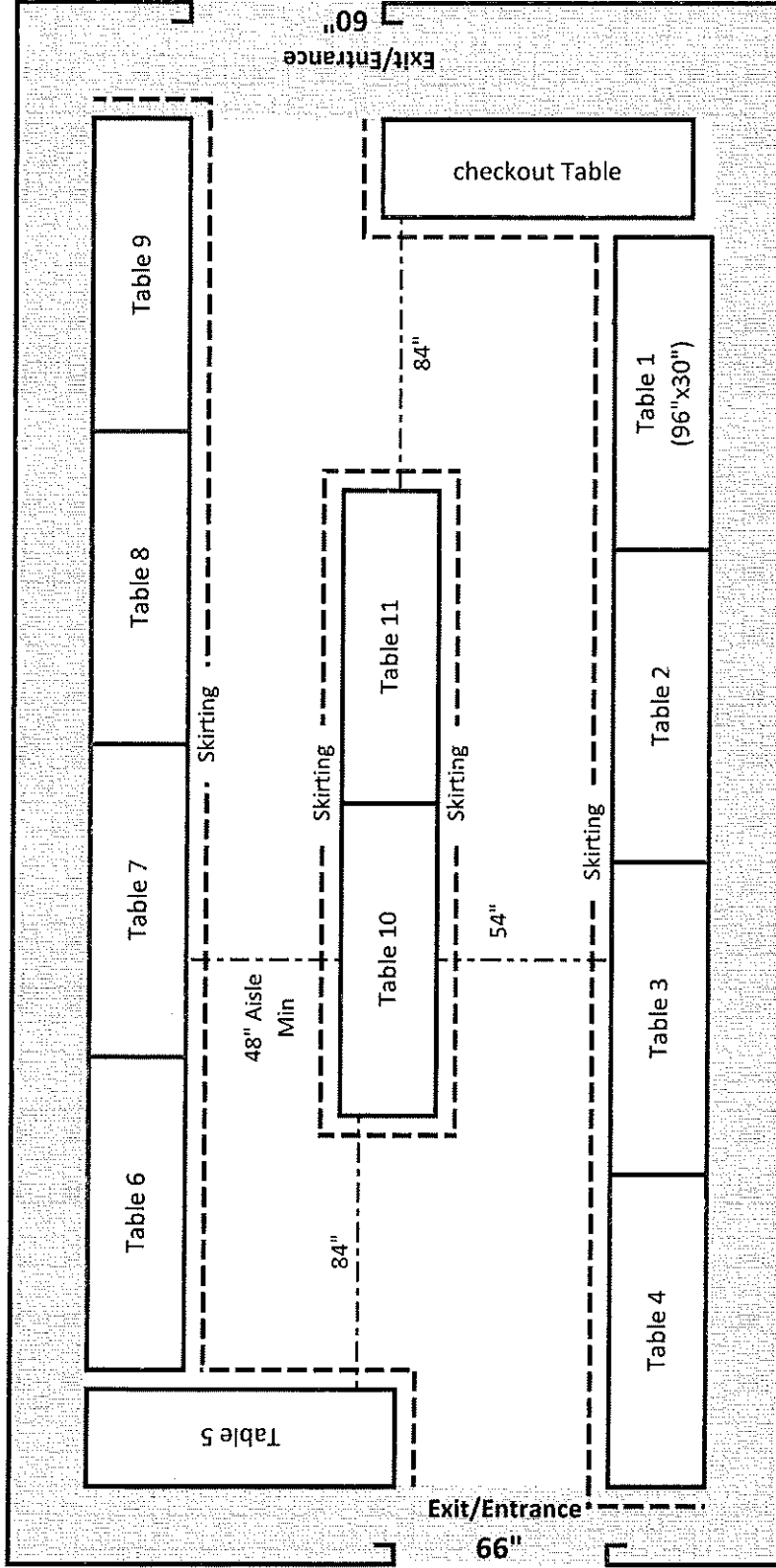


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## 20x40 (2) Exit



All Tent Sides Rolled Up During Business



DE

## 2025 Beginning Inventory

10/31/2024

Item	Total Cartons	Total Units	Category	Item	Total Cartons	Total Units	Category
#10 Color Sparkler	1	48	Sparklers	Lady Liberty Fountain	2	32	Med 200
#20 Gold Sparkler	1	48	Sparklers	Larger Than Life	3	6	Box Assortment
#8 Gold Sparkler	2	96	Sparklers	Launch Control	1	12	Small 200
A Real Doozy	2	72	Ground Spinners	Lighthouse	2	24	Large 200
A to Z	2	12	Large 200	Lightning Rod Candles	1	96	Small 200
				Lil' Big Shot	1	54	Small 200
Bad bass	1	12	Med 200	Little Patriot Assortment	2	72	Bag Assortment
				Magic Color Burst (B1G1)	1	24	Small 200
Big Dog	3	12	Large 500				
Big Guns	1	8	Large 200	Magic Snakes PK4 (72)	1	72	Novelties
Bite Me	2	16	Large 200	Mammoth Smoke	1	100	Smoke
Boss Hog	1	4	Large 200				
Chase the Ace/Desert Moon (B1G1)	1	24	Small 200	Maximum Overload	2	24	Med 200
				Mega Monster	3	3	Box Assortment
Crackling Balls	1	96	Smoke	Mega Monster Grand Finale	3	12	Large 500
				Mini Mystic Sundae	1	18	Small 200
Crowd Pleaser	2	24	Bag Assortment	Mystic Sundae/Snow Cone	1	8	Large 200
Cuckoo (B1G1)	1	72	Small 200				
Dancing Diamonds	1	60	Small 200	Open Flower Happy Bird	1	72	Small 200
Deck The Sky	1	12	Med 200	Party Poppers (B1G1)	1	60	Novelties
Dragon Slayer Sword	1	60	Hand held Novelties				
				Prickly Pete	1	12	Med 200
				Red Riot (B1G1)	1	18	Med 200
Fans in the Stands	2	12	Large 500				
Fight Like a Girl	2	12	Large 200	Smoke Balls Color	1	180	Smoke
Fire and Ice	2	8	Large 500	Snappers	1	300	Novelties
				Snappers Adult Large	2	288	Novelties
Flower Power	2	24	Med 200				
Flying Betsy	1	24	Med 200	Spaced Out	2	16	Large 200
Freaky Tiki	2	16	Large 200	Tanks with Star	1	240	Novelties
First Responders (B1G1)	1	18	Small 200	The Up Side	1	8	Large 200
Ground Blooms, Crackling	1	240	Ground Spinners	Tie Dye Surprise (B1G1)	1	18	Small 200
Hand Held Snow Cone	1	48	Hand held Novelties	Tomahawk Rocket Fountain	1	144	Small 200
Hang in There	1	4	Large 500				
Heavyweight Champion	2	12	Bag Assortment	United Stars (Giveaway)	2	24	Med 200
High Voltage	3	9	Box Assortment				
HN 90/Floral Fountains (B1G1)	1	36	Small 200	Value Pack Fountain	1	12	Med 200
Jack in the Box	1	20	Novelties	Venus Volcano	2	16	Large 200
Jackpot!	2	16	Bag Assortment	Waterfront Celebration	1	18	Med 200
Jumbo Morning Glory	1	48	Sparklers	We the People	1	24	Med 200
Jump Ship	1	10	Med 200	Whirlwind 64 PCS	0.3	19.2	Ground Spinners
Jumping Jacks	1	20	Ground Spinners	Whispering Willow	1	24	Med 200
				Wild Card	3	12	Box Assortment
Killer Bees	1	48	Small 200	World of Wonders	2	8	Large 500
				Wrath of the Beast	2	12	Large 200

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JAN 24 2025

DE 2025

SUSSEX COUNTY  
PLANNING & ZONING

SUSSEX COUNTY  
PLANNING & ZONING

JAN 24 2025

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SPECIAL EVENTS DIVISION - ANCHOR INDUSTRIES INC.

JOHN BOYLE STATESVILLE NC

Signed: *[Signature]*

**Flame Retardant Process Used Will Not Be Removed By  
Washing And Is Effective For The Life Of The Fabric**

Description of item certified:

FIESTA EXPANDABLE MIDDLE  
20WX10 WHITE VINYL

Serial # 8023300 (2)

Certification is hereby made that:  
The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, UL 109.

*20 wide x 10' wide*

322700  
RENT CO INC  
DBA DOVER RENT ALL  
724 S WEST ST  
DOVER DE 199043513

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

EVANSVILLE, INDIANA 47725  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN



ISSUED BY



REGISTRATION  
APPLICATION  
NUMBER

F1214

Date of Shipment 03/15/05	Tent Identification 04032635
------------------------------	---------------------------------

**Certificate of Flame Resistance**

IMPORTANT DOCUMENT

SUSSEX COUNTY  
PLANNING & ZONING

JAN 24 2025

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Name of Applicator of Flame Resistant Finish

SNYDER MFG NEW PHILADELPHIA, OH

Signed:

ANCHOR INDUSTRIES INC.

# Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

Description of item certified:

FEST-A-TOP 20WX20 WHITE  
SNYDER

Serial #

8001600 (1)

Certification is hereby made that:  
The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.

DOVER DE 199043613  
RENT CO INC  
DBA DOVER RENT ALL  
724 S WEST ST  
322700

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

F140.1

REGISTRATION  
NUMBER



EVANSVILLE, INDIANA 47725  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN



ISSUED BY

# Certificate of Flame Resistance

IMPORTANT DOCUMENT

Tent Identification

04512837

Date of Shipment

6/29/2007

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JAN 24 2025  
COUNTY  
DEPT. OF CORRECTIONS

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<p><b>IMPORTANT DOCUMENT</b></p>	
<p><b>Certificate of Flame Resistance</b></p>	
<p>ISSUED BY <b>ANCHOR INDUSTRIES INC.</b></p>	<p>EVANSVILLE, INDIANA 47725 MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN</p>
<p>Date of Shipment 9/22/2008</p>	<p>Tent Identification 04705528</p>
<p>This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:</p>	
<p>DOVER RENT ALL TENTS &amp; EVENTS 724 S WEST ST DOVER DE 199043513</p>	
<p>20 W Mid</p>	
<p>Serial # 8023300 (1)</p>	
<p>Description of item certified: FIESTA EXPANDABLE MIDDLE 20W X 10 WHITE VINYL</p>	
<p>The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.</p>	
<p>Certification is hereby made that:</p>	
<p>Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric</p>	
<p>Signed: _____ ANCHOR INDUSTRIES INC.</p>	
<p>Name of Applicator of Flame Resistant Finish JOHN BOYLE STATESVILLE NC</p>	



SUSSEX COUNTY  
PLANNING & ZONING

JAN 24 2025

RECEIVED

Name of Applicator of Flame Resistant Finish

JOHN BOYLE STATESVILLE NC

Signed:

ANCHOR INDUSTRIES INC.

Flame Retardant Process Used Will Not Be Removed By  
Washing And Is Effective For The Life Of The Fabric

Description of Item certified:

WALL 7-10X10 WHITE VINYL  
#1022000A

Serial #

8020560C (2)

Certification is hereby made that:  
The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.

DOVER DE 322700

DOVER RENT ALL  
TENTS & EVENTS  
724 S WEST ST

322700

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

EVANSVILLE, INDIANA 47725  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN



ISSUED BY



REGISTRATION  
NUMBER

F-12110

Tent Identification

04597458

Date of Shipment

3/3/2008

Certificate of Flame Resistance

IMPORTANT DOCUMENT



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Acrisure Great Lakes Partners Insurance Services 223 West Grand River Ave #1 Howell MI 48843		<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): 216-658-7100 E-MAIL: ADDRESS: FAX (A/C, No): 216-658-7101	
<b>INSURED</b> Keystone Novelties Distributors LLC 531 N. 4th Street Denver PA 17517		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A : Everest Denali Insurance Company INSURER B : Arch Specialty Insurance Company INSURER C : INSURER D : INSURER E : INSURER F :	
		<b>NAIC #</b> 16044 21199	

## COVERAGES

CERTIFICATE NUMBER: 2024350035

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	Y	Y	GC10010096-241	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	S18CA00024-231	12/31/2023	3/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y	Y	UXP1057485-00	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATU-TORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

## CERTIFICATE HOLDER

## CANCELLATION

CERTIFICATE HOLDER . . .	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**  
**IN RE: KEYSTONE NOVELTIES DISTRIBUTORS, LLC**

**(Case No. 12927)**

A hearing was held after due notice on April 22, 2024. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for a special use exception to place a tent for special events.

Findings of Fact

The Board found that the Applicant is requesting the special use exception for a period of three (3) years during the 4<sup>th</sup> of July season. This application pertains to certain real property located East of Sussex Highway (911 Address: 20689 Sussex Highway, Seaford) said property being identified as Sussex County Tax Map Parcel Number 331-2.00-18.15 (the "Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, photographs, a tent location plot plan, a letter from the Applicant, a license agreement, a certificate of insurance, 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 and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Rick Seary was sworn in to testify about the Application.
4. The Board found that Mr. Seary testified that this is a similar setup to the Tanger Outlets but this setup would be at Barton's Rentals in Seaford. He noted that Keystone will setup in the parking lot off Route 13 with a storage unit.
5. The Board found that Mr. Seary testified that the tent will be provided by Barton's, staked on one side and weighted on the other side.
6. The Board found that Mr. Seary testified that the dates of operation will be sales June 21, 2024, through July 4, 2024, with 3 days prior to setup and 10 days post-sale for removal.
7. The Board found that Mr. Seary testified that the hours of operation are 9am to 9pm.
8. The Board found that Mr. Seary testified that there is no security detail at this location.
9. The Board found that Mr. Seary testified that there will be lighting within the tent but no speakers or vibrations.
10. The Board found that Mr. Seary testified that the anticipated traffic is minimal the first week with increased traffic leading up to the Fourth of July.
11. The Board found that Mr. Seary testified that there will be approximately 10 parking spaces designated for customers.
12. The Board found that Mr. Seary testified that the tent will be 20 feet by 40 feet in size.
13. The Board found that Mr. Seary testified that the opportunity to setup was presented when Keystone asked them to supply tents for their sale.
14. The Board found that Mr. Seary testified that landscaping supplies are also sold on the site.
15. The Board found that no one appeared in support of or in opposition to the Application.
16. 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 unrebutted the Board determined that the application met the standards for

granting a special use exception because the proposed outdoor display or promotional activity 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 runs a fireworks sales business that will sell ground-based fireworks during the July 4<sup>th</sup> holiday season. The Applicant has leased space at a portion of the Property used for by Barton's Rentals.
- b. The Applicant intends to erect the tent for sales to run from June 21 to July 4<sup>th</sup> on an annual basis. The Applicant anticipates that three days before and ten days after the sale will be needed for the setup and tear down of the tent.
- c. The tent will not block the visibility of any neighboring businesses or signs.
- d. The Applicant will still have adequate parking even with the tent in place.
- e. The tent will be used only on a temporary basis during limited times of the year.
- f. The hours of operation are reasonable.
- g. The approval is conditioned on the following:
  - i. The tent shall be located in the approximate area as shown on the documentation presented by the Applicant to the Board. If the tent is proposed to be relocated elsewhere on the Property, the Applicant must seek a new special use exception.
  - ii. The tent shall only be used for sales from June 21 to July 4 on an annual basis. The Applicant shall have three days prior to the sale to erect and the tent shall be removed by July 10.
  - iii. The Applicant may use a portion of the parking lot for limited pod storage of inventory related to the sale. The pod storage shall be removed at the end of each sales event.
  - iv. The approval is valid for a period of three (3) years.

The Board granted the special use exception application for a period of three (3) year 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 with conditions for a period of three (3) years. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Jeffrey Chorman  
Chair



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

Date June 17, 2024.

# 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 # 13049  
Hearing Date 4-7-25  
202501122

RECEIVED

Type of Application: (please check all applicable)

JAN 24 2025

Variance ☐  
Special Use Exception ☒  
Administrative Variance ☐  
Appeal ☐

Existing Condition ☐ SUSSEX COUNTY  
Proposed ☐ PLANNING & ZONING  
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

20689 Sussex Hwy Seaford DE 19973

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/23 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 331-2.00-18.15

Property Zoning: \_\_\_\_\_

## Applicant Information

Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors LLC  
Applicant Address: 531 N 4th Street  
City Denver State PA Zip: 17517  
Applicant Phone #: 718-390-0844 Applicant e-mail: AMutzabaugh@keystonenovelties.com

## Owner Information

Owner Name: DEStorage.com Seaford LLC  
Owner Address: PO Box 139  
City Seaford State DE Zip: 19973 Purchase Date: \_\_\_\_\_  
Owner Phone #: 302-381-8669 Owner e-mail: cody@bartons.pro

## Agent/Attorney Information

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

## Signature of Owner/Agent/Attorney

Alex Mutzabaugh

Date: 1/22/25





# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 Email: permits@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

January 22, 2025

Sussex County (DE)

2 The Circle P.O. Box 589

Georgetown, DE, 19947

Keystone Novelties is in the process of planning for our annual Fourth of July tent sales. I have included in this package everything that I believe is necessary for the purposes of applying for our permit. Below is an outline of our intended event & supporting documents provided with this submittal.

## Location/Hours & Documents:

- **Location of Sale:** 20689 Sussex Hwy, Seaford, DE 19973
- **Sale Dates:** 6/23/2025 through 7/4/2025
  - Tent is set a few days prior to opening date and removed by July 10<sup>th</sup>
  - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3<sup>rd</sup> and 4<sup>th</sup>
- **Application(s) Included:** Zoning Review Hearing
- **Plot Map Diagram:** Showing proposed location of tent on the property
- **Insurance Certificates:** Liability &/or Workers Comp insurance certificates
- **Fees:** Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.

The tent will be put up a few days in advance and removed as soon as possible after July 5th but no later than July 10th. We post "No Smoking" & "Exit" signs at all egress points and always have a fire extinguisher on hand.

Should you have any questions or if anything has changed for this year, please call me at my permit extension or email me at the listed email address (both located in header).

Respectfully,

Alex Mutzabaugh

Field Operations Manager

Keystone Novelties Distributors LLC

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SUSSEX COUNTY  
PLANNING & ZONING

Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

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

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Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

- 
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)

Temporary Tent for retail sales - up to 14 days for each year leading up to the 4th of July Season.

---

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

Requesting approval to hold temporary event for longer than 3 day period which is currently allowed.

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## 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: 1/22/2025

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: \_\_\_\_\_



# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 : Email: Info@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Fax: 717-290-7774

THIS AGREEMENT IS MADE BETWEEN, Barton's Rental (Lessor), and Keystone Novelties Distributors, LLC (Lessee), for the purpose of allowing the retail sale of approved fireworks at the premises (Location):

**Location Address/Property Description:**  
20689 Sussex Hwy, Seaford, DE, 19973

**Location:** SEAFORD DE BARTON'S RENTAL & SUPPLY  
**Municipality:** Sussex County (DE)

## Lessor Agrees to the following terms and conditions:

1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet at the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to a 20-foot storage container, portable toilet & at least one parking space dedicated to the tent clerk on the premises during the term of this Agreement. The Lessor agrees to the placement of the tent and related equipment as detailed in the Tent Placement Addendum.
2. The term of this Agreement shall include the 2024 - 2026 July 4<sup>th</sup> holiday period(s). The tent and related equipment shall be placed no sooner than June 17<sup>th</sup> and removed no later than July 11<sup>th</sup> each year the lease is in effect. The dates for the sale will not exceed: June 21<sup>st</sup> through July 4<sup>th</sup> of each year this agreement is in effect.
3. Following the initial term, the Lessor hereby grants the Lessee First Rights of Refusal to match any offer to lease the location for fireworks sales during the forthcoming renewal year.
4. Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks or other seasonal merchandise by providing 45 days advanced written notice prior to cancellation.
5. Lessee requests the following additional operational elements to support the tent sale. If agreed, please initial as indicated:
  - a. Lessor agrees to allow a 28 ft PUP trailer (Backhaul trailer) placed on property: No   *CS*   (Initials)
  - b. Lessor agrees to allow access to electric if exterior access already exists: Yes   *CS*   (Initials)

## In return, Lessee agrees to the following terms and conditions:

1. Lessee shall pay to Lessor the amount of \_\_\_\_\_ by check, yearly starting on June 20<sup>th</sup>, 2024, until lease is concluded per item (#2) of Lessor section above or voided per the terms in items (#4 & 5).
2. Lessee shall provide a current certificate of insurance, proving liability coverage in force at time of occupancy. All entities/individuals listed below will be included as additional insured on Lessee's policy. Insurance coverage will be in an amount not less than \$1,000,000.00.
3. Lessee guarantees that the premises will be returned to their original condition including the patching of any stake holes and removal of all trash and supplies.
4. This lease agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this agreement is terminated with all monies returned promptly. If the local municipality having jurisdiction over this outlet limits the sale of fireworks, then this lease agreement is subject to revision or termination by the Lessee.
5. Lessee shall have the right to void this agreement up to 45 days prior to the commencement of the selling period each year.

### LESSOR INFORMATION (Payee & Mail To):

Pay to: Barton's Rental

20689 Sussex Hwy

Seaford DE 19973

Contact: Cody Shields

Ph: 302-628-6838 Email: cody@bartons.pro

Signature: *Cody Shields*  
Cody Shields (FEB 14, 2024 16:51 EST)

Email: cody@bartons.pro

02/14/24

### ADDITIONAL INSURED INFORMATION

Barton's Rental

20689 Sussex Hwy

Seaford DE 19973

Cody Shield

Ph: 302-628-6838 Email: cody@bartons.pro

*Elizabeth Jaras*  
Keystone Novelties Distributors, LLC

SUSSEX COUNTY  
PLANNING & ZONING

Date

JAN 24 2025

02/14/24

☐ \$125 LL Cert ☒ \$75 LL Cert ☐ \$50 LL Cert ☐ \$150 + \$125 each year Cert ☐ None



TENT LOCATION PLOT PLAN LAST SAVED FEBRUARY 14, 2024

Location Name: SEAFORD DE BARTONS SUPPLY

• LOCATION ADDRESS: 20689 SUSSEX HWY SEAFORD DE 19973

• NOTES: PROPOSED 30' X 40' OR 20' X 40'

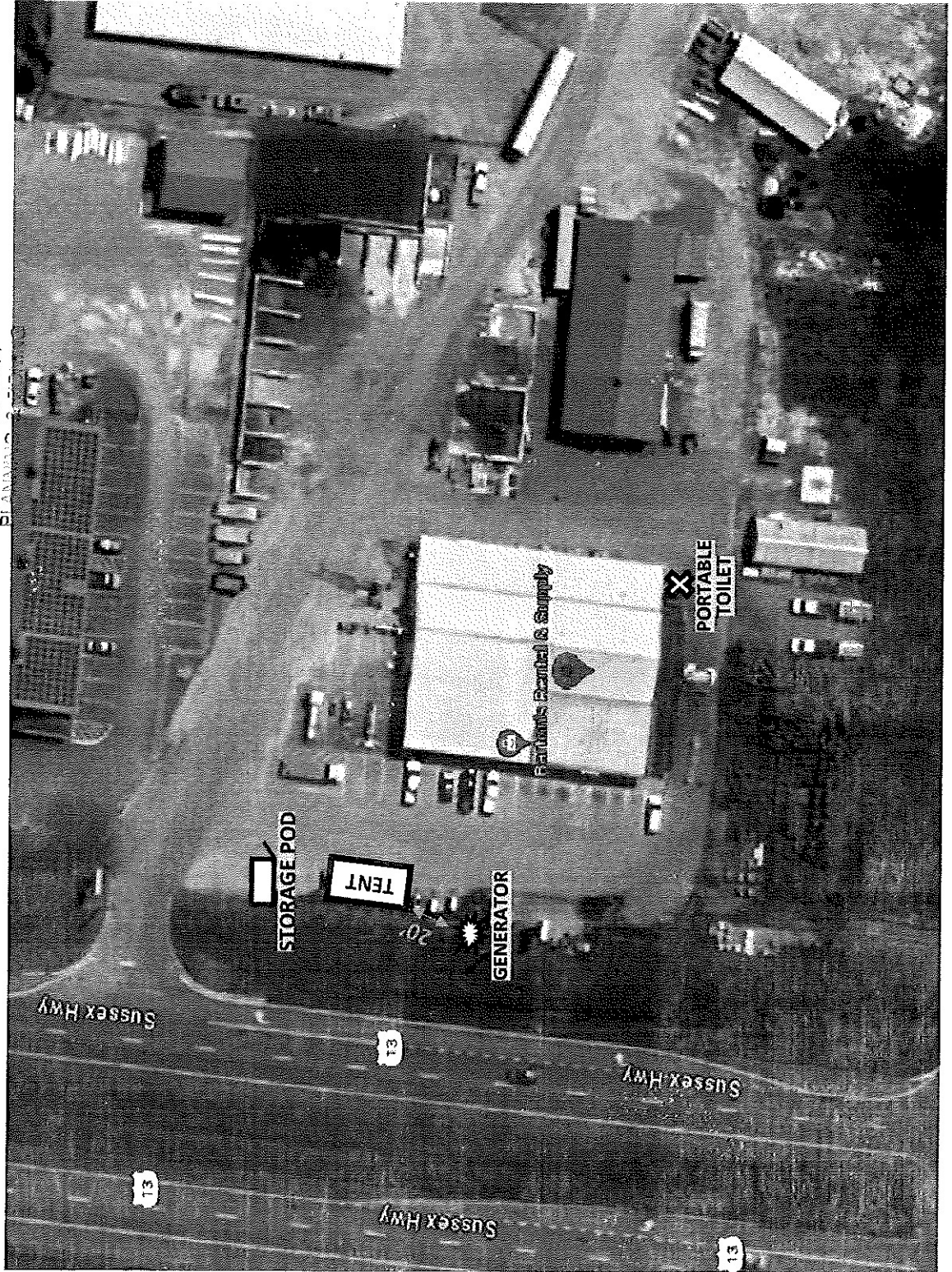


LEGEND:

RECEIVED

JAN 24 2025

SUSSEX COUNTY



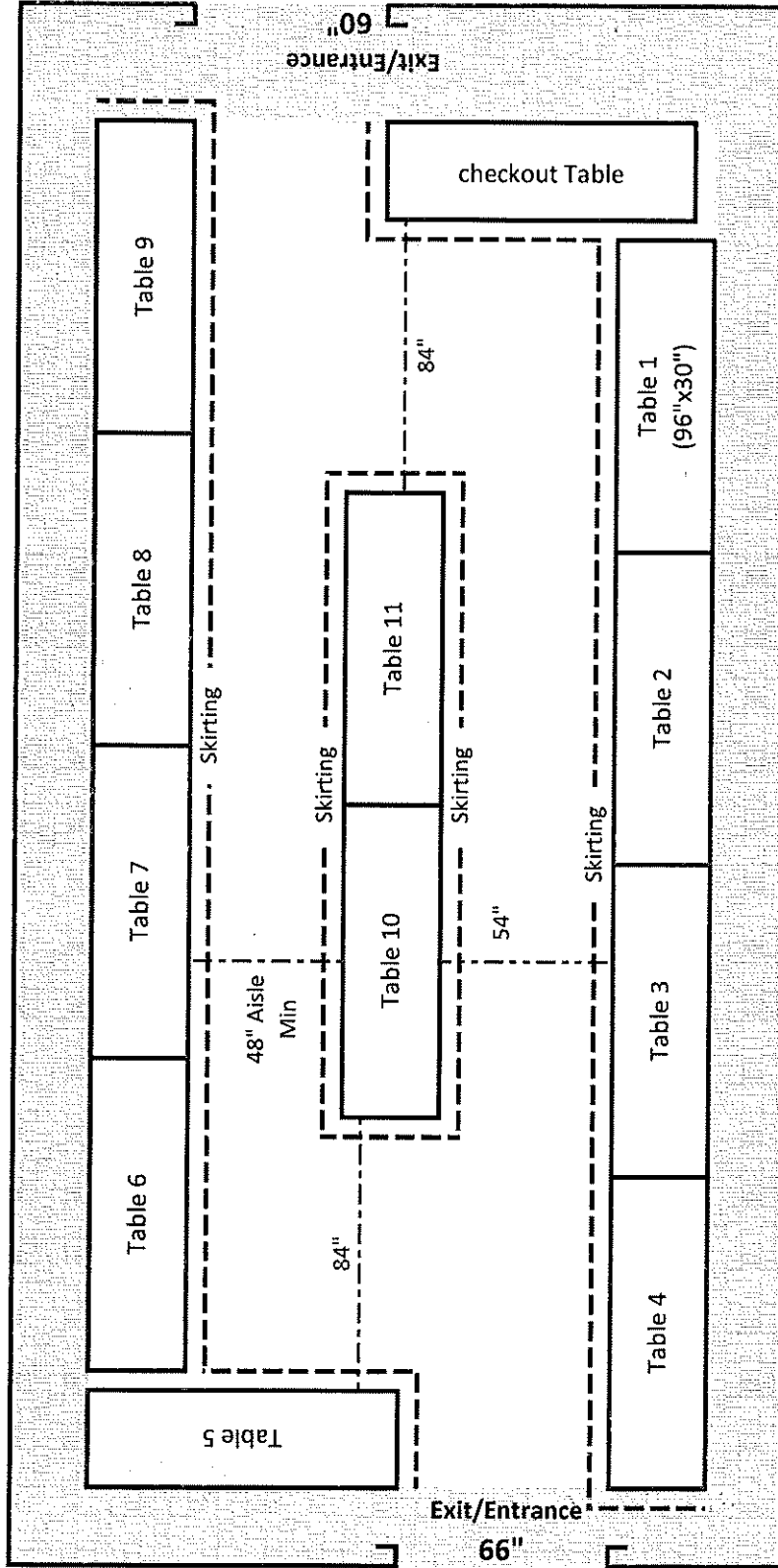


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20x40 (2) Exit

JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING



All Tent Sides Rolled Up During Business

DE

## 2025 Beginning Inventory

10/31/2024

Item	Total Cartons	Total Units	Category	Item	Total Cartons	Total Units	Category
#10 Color Sparkler	1	48	Sparklers	Lady Liberty Fountain	2	32	Med 200
#20 Gold Sparkler	1	48	Sparklers	Larger Than Life	3	6	Box Assortment
#8 Gold Sparkler	2	96	Sparklers	Launch Control	1	12	Small 200
A Real Doozy	2	72	Ground Spinners	Lighthouse	2	24	Large 200
A to Z	2	12	Large 200	Lightning Rod Candles	1	96	Small 200
				Lil' Big Shot	1	54	Small 200
Bad bass	1	12	Med 200	Little Patriot Assortment	2	72	Bag Assortment
				Magic Color Burst (B1G1)	1	24	Small 200
Big Dog	3	12	Large 500				
Big Guns	1	8	Large 200	Magic Snakes PK4 (72)	1	72	Novelties
Bite Me	2	16	Large 200	Mammoth Smoke	1	100	Smoke
Boss Hog	1	4	Large 200				
Chase the Ace/Desert Moon (B1G1)	1	24	Small 200	Maximum Overload	2	24	Med 200
				Mega Monster	3	3	Box Assortment
Crackling Balls	1	96	Smoke	Mega Monster Grand Finale	3	12	Large 500
				Mini Mystic Sundae	1	18	Small 200
Crowd Pleaser	2	24	Bag Assortment	Mystic Sundae/Snow Cone	1	8	Large 200
Cuckoo (B1G1)	1	72	Small 200				
Dancing Diamonds	1	60	Small 200	Open Flower Happy Bird	1	72	Small 200
Deck The Sky	1	12	Med 200	Party Poppers (B1G1)	1	60	Novelties
Dragon Slayer Sword	1	60	Hand held Novelties				
				Prickly Pete	1	12	Med 200
				Red Riot (B1G1)	1	18	Med 200
Fans in the Stands	2	12	Large 500				
Fight Like a Girl	2	12	Large 200	Smoke Balls Color	1	180	Smoke
Fire and Ice	2	8	Large 500	Snappers	1	300	Novelties
				Snappers Adult Large	2	288	Novelties
Flower Power	2	24	Med 200				
Flying Betsy	1	24	Med 200	Spaced Out	2	16	Large 200
Freaky Tiki	2	16	Large 200	Tanks with Star	1	240	Novelties
First Responders (B1G1)	1	18	Small 200	The Up Side	1	8	Large 200
Ground Blooms, Crackling	1	240	Ground Spinners	Tie Dye Surprise (B1G1)	1	18	Small 200
Hand Held Snow Cone	1	48	Hand held Novelties	Tomahawk Rocket Fountain	1	144	Small 200
Hang in There	1	4	Large 500				
Heavyweight Champion	2	12	Bag Assortment	United Stars (Giveaway)	2	24	Med 200
High Voltage	3	9	Box Assortment				
HN 90/Floral Fountains (B1G1)	1	36	Small 200	Value Pack Fountain	1	12	Med 200
Jack in the Box	1	20	Novelties	Venus Volcano	2	16	Large 200
Jackpot!	2	16	Bag Assortment	Waterfront Celebration	1	18	Med 200
Jumbo Morning Glory	1	48	Sparklers	We the People	1	24	Med 200
Jump Ship	1	10	Med 200	Whirlwind 64 PCS	0.3	19.2	Ground Spinners
Jumping Jacks	1	20	Ground Spinners	Whispering Willow	1	24	Med 200
				Wild Card	3	12	Box Assortment
Killer Bees	1	48	Small 200	World of Wonders	2	8	Large 500
				Wrath of the Beast	2	12	Large 200

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DE 2025

SUSSEX COUNTY  
PLANNING & ZONING

**IMPORTANT DOCUMENT**  
***Certificate of Flame Resistance***

ISSUED BY

Date of Shipment  
08/13/2007Registration Number  
F14001.01TENT ID #  
SO-453423

EVANSVILLE, INDIANA 47725

**MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN**

This is to certify that the materials described are inherently flame retardant and were supplied to:

79855  
 GRAND RENTAL STATION  
 20689 SUSSEX HWY  
 SEAFORD DE 19973



Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshall Code. All fabric has been tested and passes NFPA 701, ULC 109.

Serial # 8108875 (1)

Description of item certified: CENTURY MATE EXPANDABLE MIDDLE 30WX15 SNYDER WHITE VINYL

**Flame Retardant Process Used Will Not Be Removed By  
 Washing And Is Effective For The Life Of The Fabric**

SNYDER

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

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SUSSEX COUNTY  
PLANNING & ZONING

**IMPORTANT DOCUMENT**  
***Certificate of Flame Resistance***

ISSUED BY

Date of Shipment  
04/04/2007Registration Number  
F14001.01TENT ID #  
SO-446398

EVANSVILLE, INDIANA 47725

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PLANNING & ZONING



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Serial # 8108885 (2)

Description of item certified: CENTURY MATE EXPANDABLE END 30WX15 SNYDER WHITE VINYL

**Flame Retardant Process Used Will Not Be Removed By  
 Washing And Is Effective For The Life Of The Fabric**

SNYDER

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

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SUSSEX COUNTY  
PLANNING & ZONING



# CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)  
1/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Acrisure Great Lakes Partners Insurance Services 223 West Grand River Ave #1 Howell MI 48843	<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL: ADDRESS:														
<b>INSURED</b> Keystone Novelties Distributors LLC 531 N. 4th Street Denver PA 17517	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Everest Denali Insurance Company</td> <td>16044</td> </tr> <tr> <td>INSURER B : Arch Specialty Insurance Company</td> <td>21199</td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Everest Denali Insurance Company	16044	INSURER B : Arch Specialty Insurance Company	21199	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER D :															
INSURER E :															
INSURER F :															

**COVERAGES**
**CERTIFICATE NUMBER:** 2024350035

**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC	Y	Y	GCI0010096-241	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	SI8CA00024-231	12/31/2023	3/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$	Y	Y	UXP1057485-00	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement

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SUSSEX COUNTY

**CERTIFICATE HOLDER**
**CANCELLATION**

PLANNING &amp; ZONING

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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# 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 # 13050  
Hearing Date 4-7-25  
202501124

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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:

36389 Depont Blvd Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/23 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 533-9.00-46.00

Property Zoning: \_\_\_\_\_

## Applicant Information

Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors LLC  
Applicant Address: 531 N 4th Street  
City Denver State PA Zip: 17517  
Applicant Phone #: 718-390-0844 Applicant e-mail: AMutzabaugh@keystonenovelties.com

## Owner Information

Owner Name: William Cannon  
Owner Address: 36389 Dupont Blvd  
City Selbyville State DE Zip: 19975 Purchase Date: \_\_\_\_\_  
Owner Phone #: 410-746-6729 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

Alex Mutzabaugh

Date: 1/23/25





# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 Email: permits@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

January 23, 2025

Sussex County (DE)  
2 The Circle P.O. Box 589  
Georgetown, DE, 19947

Keystone Novelties is in the process of planning for our annual Fourth of July tent sales. I have included in this package everything that I believe is necessary for the purposes of applying for our permit. Below is an outline of our intended event & supporting documents provided with this submittal.

## Location/Hours & Documents:

- **Location of Sale:** 36389 Dupont Blvd, Selbyville, DE 19975
- **Sale Dates:** 6/21/2024 through 7/4/2024
  - Tent is set a few days prior to opening date and removed by July 10<sup>th</sup>
  - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3<sup>rd</sup> and 4<sup>th</sup>
- **Application(s) Included:** Zoning Review Hearing
- **Plot Map Diagram:** Showing proposed location of tent on the property
- **Insurance Certificates:** Liability &/or Workers Comp insurance certificates
- **Fees:** Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.

The tent will be put up a few days in advance and removed as soon as possible after July 5th but no later than July 10th. We post "No Smoking" & "Exit" signs at all egress points and always have a fire extinguisher on hand.

Should you have any questions or if anything has changed for this year, please call me at my permit extension or email me at the listed email address (both located in header).

Respectfully,

Alex Mutzabaugh  
Field Operations Manager  
Keystone Novelties Distributors LLC

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PLANNING & ZONING



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

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

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

- 
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)

Temporary Tent for retail sales - up to 14 days for each year leading up to the 4th of July Season.

---

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

Requesting approval to hold temporary event for longer than 3 day period which is currently allowed.

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Sussex County, DE - BOA Application

## 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: 1/23/2025

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: \_\_\_\_\_



# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 : Email: Info@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

THIS AGREEMENT IS MADE BETWEEN, William Cannon (Lessor), and Keystone Novelties Distributors, LLC (Lessee), for the purpose of allowing the retail sale of approved fireworks at the premises (Location):

**Location Address:**

36389 Dupont Blvd  
Selbyville DE 19975

**Location Name:**

**Lessor Agrees to the following terms and conditions:**

1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet at the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to a 20-foot storage container, portable toilet & at least one parking space dedicated to the tent clerk on the premises during the term of this Agreement. The Lessor agrees to the placement of the tent and related equipment as detailed in the Tent Placement Addendum.
2. The term of this Agreement shall include the 2025 July 4<sup>th</sup> holiday period. The tent and related equipment shall be placed no sooner than June 16<sup>th</sup> and removed no later than July 11<sup>th</sup> 2025. The dates for the sale will not exceed: June 20<sup>th</sup> through July 5<sup>th</sup> 2025.
3. Following the initial term, the Lessor hereby grants the Lessee First Rights of Refusal to match any offer to lease the location for fireworks sales during the forthcoming renewal year.
4. Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks or other seasonal merchandise by providing 45 days advanced written notice prior to cancellation.
5. Lessee requests the following additional operational elements to support the tent sale. If agreed, please initial as indicated:
  - a. Lessor agrees to allow a 28 ft PUP trailer (Backhaul trailer) placed on property: ☒ Yes ☐ No (initials)
  - b. Lessor agrees to allow access to electric if exterior access already exists: ☒ Yes ☐ No (initials)

**In return, Lessee agrees to the following terms and conditions:**

1. Lessee shall pay to Lessor the amount of \_\_\_\_\_ by check, yearly starting on June 20<sup>th</sup> 2025 until lease is concluded per item (#2) of Lessor section above or voided per the terms in items (#4 Lessor & #5 Lessee).
2. Lessee shall provide a current certificate of insurance, proving liability coverage in force at time of occupancy. All entities/individuals listed below will be included as additional insured on Lessee's policy. Insurance coverage will be in an amount not less than \$1,000,000.00.
3. Lessee guarantees that the premises will be returned to their original condition including the patching of any stake holes and removal of all trash and supplies.
4. This lease agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this agreement is terminated with all monies returned promptly. If the local municipality having jurisdiction over this outlet limits the sale of fireworks, then this lease agreement is subject to revision or termination by the Lessee.
5. Lessee shall have the right to void this agreement up to 45 days prior to the commencement of the selling period each year.

**Lessor Information (Payee & Mail to):**

Pay to: Wm Cannon

Mail to: 36389 Dupont Blvd Selbyville DE 19975

Contact:

Ph:

410-746-6724

Email: Awesomeengines@gmail.com

**Additional Insured Information:**

Maxwell Bushong

12/14/2024

Lessor

Date

Keystone Novelties Distributors, LLC

Date

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☒ \$125 LL Cert ☐ \$75 LL Cert ☐ \$50 LL Cert ☐ \$150 + \$125 each year Cert ☐ None

SUSSEX COUNTY  
PLANNING & ZONING



Tent Location Plot Plan Saved: JANUARY 2, 2025

- Location Name: SELBYVILLE DE BILL CANNONS GARAGE
- Location Address: 36389 DUPONT BLVD SELBYVILLE DE 19975
- Notes:



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LEGEND:



PORT-A-JON



GENERATOR

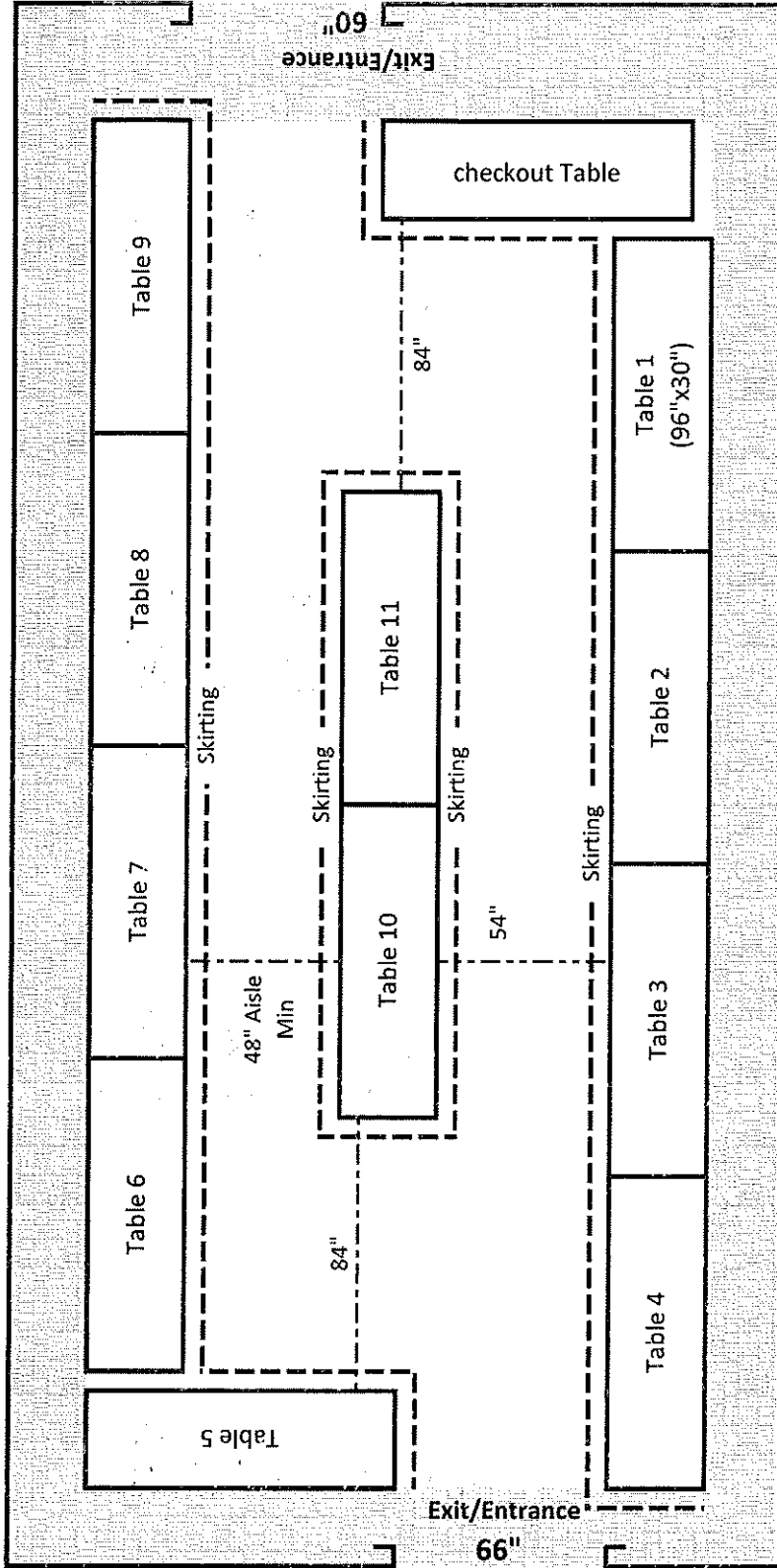
TENT

SUSSEX COUNTY  
PLANNING & ZONING





20x40 (2) Exit



All Tent Sides Rolled Up During Business

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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING

DE

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10/31/2024

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Chase the Ace/Desert Moon (B1G1)	1	24	Small 200	Maximum Overload	2	24	Med 200
				Mega Monster	3	3	Box Assortment
Crackling Balls	1	96	Smoke	Mega Monster Grand Finale	3	12	Large 500
				Mini Mystic Sundae	1	18	Small 200
Crowd Pleaser	2	24	Bag Assortment	Mystic Sundae/Snow Cone	1	8	Large 200
Cuckoo (B1G1)	1	72	Small 200				
Dancing Diamonds	1	60	Small 200	Open Flower Happy Bird	1	72	Small 200
Deck The Sky	1	12	Med 200	Party Poppers (B1G1)	1	60	Novelties
Dragon Slayer Sword	1	60	Hand held Novelties				
				Prickly Pete	1	12	Med 200
				Red Riot (B1G1)	1	18	Med 200
Fans in the Stands	2	12	Large 500				
Fight Like a Girl	2	12	Large 200	Smoke Balls Color	1	180	Smoke
Fire and Ice	2	8	Large 500	Snappers	1	300	Novelties
				Snappers Adult Large	2	288	Novelties
Flower Power	2	24	Med 200				
Flying Betsy	1	24	Med 200	Spaced Out	2	16	Large 200
Freaky Tiki	2	16	Large 200	Tanks with Star	1	240	Novelties
First Responders (B1G1)	1	18	Small 200	The Up Side	1	8	Large 200
Ground Blooms, Crackling	1	240	Ground Spinners	Tie Dye Surprise (B1G1)	1	18	Small 200
Hand Held Snow Cone	1	48	Hand held Novelties	Tomahawk Rocket Fountain	1	144	Small 200
Hang in There	1	4	Large 500				
Heavyweight Champion	2	12	Bag Assortment	United Stars (Giveaway)	2	24	Med 200
High Voltage	3	9	Box Assortment				
HN 90/Floral Fountains (B1G1)	1	36	Small 200	Value Pack Fountain	1	12	Med 200
Jack in the Box	1	20	Novelties	Venus Volcano	2	16	Large 200
Jackpot!	2	16	Bag Assortment	Waterfront Celebration	1	18	Med 200
Jumbo Morning Glory	1	48	Sparklers	We the People	1	24	Med 200
Jump Ship	1	10	Med 200	Whirlwind 64 PCS	0.3	19.2	Ground Spinners
Jumping Jacks	1	20	Ground Spinners	Whispering Willow	1	24	Med 200
				Wild Card	3	12	Box Assortment
Killer Bees	1	48	Small 200	World of Wonders	2	8	Large 500
				Wrath of the Beast	2	12	Large 200

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PLANNING & ZONING

# IMPORTANT DOCUMENT

## Certificate of Flame Resistance

ISSUED BY



Date of Shipment  
1/31/2018

Sales Order #  
SO-653904

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described are inherently flame retardant and were supplied to:

692246  
PARTIES ETC INC  
DBA RENTAL EQUIPMENT CENTER  
1315 S SALISBURY BLVD  
SALISBURY MD 21801  
USA

FLAME RETARDANT

Registration Number: SNYDER MFG :  
F-14001.01 & NFPA 701 & ASTM  
E84 CLA



Fabric meets requirements of

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing  
And Is Effective For the Life Of The Fabric**

Serial # 8026000 (1)

Description of item certified: FIESTA EXPANDABLE TOP 30WX30 SNYDER WHITE VINYL

SNYDER MFG \_\_\_\_\_

Name of Applicator of Flame Resistant Finish

Signed: *Vince Ashby*  
ANCHOR INDUSTRIES INC

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SUSSEX COUNTY  
PLANNING & ZONING



# IMPORTANT DOCUMENT

## Certificate of Flame Resistance

ISSUED BY



Date of Shipment  
4/19/2021

Sales Order #  
SO-690357

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described are inherently flame retardant and were supplied to:

692246  
PARTIES ETC INC  
DBA RENTAL EQUIPMENT CENTER  
1315 S SALISBURY BLVD  
SALISBURY MD 21801  
USA

FLAME RETARDANT

Registration Number: DAF PRODUCTS  
: F-59301.01 & NFPA 701



Fabric meets requirements of

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing  
And Is Effective For the Life Of The Fabric**

Serial # 8106200 (4)

Description of item certified: LAP & SNAP WALL 6'-10 X 22' DAF WHITE VL

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DAF PRODUCTS

*Michael L. McKim*

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Acisure Great Lakes Partners Insurance Services 223 West Grand River Ave #1 Howell MI 48843		<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): 216-658-7100 E-MAIL: ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A : Everest Denali Insurance Company INSURER B : Arch Specialty Insurance Company INSURER C : INSURER D : INSURER E : INSURER F :		FAX (A/C, No): 216-658-7101 NAIC # 16044 21199
<b>INSURED</b> Keystone Novelties Distributors LLC 531 N. 4th Street Denver PA 17517		8086		

## COVERAGES

CERTIFICATE NUMBER: 2024350035

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC	Y	Y	GCI0010096-241	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	SIBCA00024-231	12/31/2023	3/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y	Y	UXP1057485-00	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

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PLANNING & ZONING

## CERTIFICATE HOLDER

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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# 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 # 13051  
Hearing Date 4-7-25  
202501126

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:

36656 Lighthouse Road Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/23 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 533-12.00-94.00

Property Zoning: \_\_\_\_\_

### Applicant Information

Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors LLC

Applicant Address: 531 N 4th Street

City Denver State PA Zip: 17517

Applicant Phone #: 718-390-0844 Applicant e-mail: AMutzabaugh@keystonenovelties.com

### Owner Information

Owner Name: Tony Tank Holdings

Owner Address: 515 Tony Tank Lane

City Salisbury State MD Zip: 21803 Purchase Date: \_\_\_\_\_

Owner Phone #: 410-430-0970 Owner e-mail: mikejr@catoinc.co

m

### Agent/Attorney Information

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

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

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

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

### Signature of Owner/Agent/Attorney

Alex Mutzabaugh

Date: 1/23/25





# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 Email: permits@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

January 23, 2025

Sussex County (DE)

2 The Circle P.O. Box 589

Georgetown, DE, 19947

Keystone Novelties is in the process of planning for our annual Fourth of July tent sales. I have included in this package everything that I believe is necessary for the purposes of applying for our permit. Below is an outline of our intended event & supporting documents provided with this submittal.

## Location/Hours & Documents:

- **Location of Sale:** 36656 Lighthouse Road, Selbyville, DE 19975
- **Sale Dates:** 6/21/2024 through 7/4/2024
  - Tent is set a few days prior to opening date and removed by July 10<sup>th</sup>
  - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3<sup>rd</sup> and 4<sup>th</sup>
- **Application(s) Included:** Zoning Review Hearing
- **Plot Map Diagram:** Showing proposed location of tent on the property
- **Insurance Certificates:** Liability &/or Workers Comp insurance certificates
- **Fees:** Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.

The tent will be put up a few days in advance and removed as soon as possible after July 5th but no later than July 10th. We post "No Smoking" & "Exit" signs at all egress points and always have a fire extinguisher on hand.

Should you have any questions or if anything has changed for this year, please call me at my permit extension or email me at the listed email address (both located in header).

Respectfully,

Alex Mutzabaugh

Field Operations Manager

Keystone Novelties Distributors LLC

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Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

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

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

- 
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)

Temporary Tent for retail sales - up to 14 days for each year leading up to the 4th of July Season.

---

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

Requesting approval to hold temporary event for longer than 3 day period which is currently allowed.

---

## 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: 1/23/2025

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: \_\_\_\_\_



# Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4<sup>th</sup> Street Denver PA 17517 : Email: Info@keystonenovelties.com

Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

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**THIS AGREEMENT IS MADE BETWEEN, Tony Tank Holdings, LLC (Lessor), and Keystone Novelties Distributors, LLC (Lessee), for the purpose of allowing the retail sale of approved fireworks at the premises (Location):**

**Location Address:**

36656 Lighthouse Road Selbyville, DE 19975

**Location Name:**

SELBYVILLE DE TONY TANK HOLDINGS

**Lessor Agrees to the following terms and conditions:**

1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet at the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to a 20-foot storage container, portable toilet & at least one parking space dedicated to the tent clerk on the premises during the term of this Agreement. The Lessor agrees to the placement of the tent and related equipment as detailed in the Tent Placement Addendum.
2. The term of this Agreement shall include the 2025 July 4<sup>th</sup> holiday period. The tent and related equipment shall be placed no sooner than June 16<sup>th</sup> and removed no later than July 11<sup>th</sup> 2025. The dates for the sale will not exceed: June 20<sup>th</sup> through July 5<sup>th</sup> 2025.
3. Following the initial term, the Lessor hereby grants the Lessee First Rights of Refusal to match any offer to lease the location for fireworks sales during the forthcoming renewal year.
4. Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks or other seasonal merchandise by providing 45 days advanced written notice prior to cancellation.
5. Lessee requests the following additional operational elements to support the tent sale. If agreed, please initial as indicated:

a. Lessor agrees to allow access to electric if exterior access already exists:

Yes No (initials)

**In return, Lessee agrees to the following terms and conditions:**

1. Lessee shall pay to Lessor the amount of \_\_\_\_\_ by check, yearly starting on June 20<sup>th</sup> 2025 until lease is concluded per item (#2) of Lessor section above or voided per the terms in items (#4 Lessor & #5 Lessee).
2. Lessee shall provide a current certificate of insurance, proving liability coverage in force at time of occupancy. All entities/individuals listed below will be included as additional insured on Lessee's policy. Insurance coverage will be in an amount not less than \$1,000,000.00.
3. Lessee guarantees that the premises will be returned to their original condition including the patching of any stake holes and removal of all trash and supplies.
4. This lease agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this agreement is terminated with all monies returned promptly. If the local municipality having jurisdiction over this outlet limits the sale of fireworks, then this lease agreement is subject to revision or termination by the Lessee.
5. Lessee shall have the right to void this agreement up to 45 days prior to the commencement of the selling period each year.

**Lessor Information (Payee & Mail to):**

Pay to: Tony Tank Holdings, LLC  
Mail to: 515 Tony Tank Lane, Salisbury MD 2  
Contact: Michael Abercrombie Ph: 410-430-0970  
Email: mikejr@catoinc.com

**Additional Insured Information:**

Cato Inc.  
P.O. Box 1030  
Salisbury, MD 21803

Michael Abercrombie Jr

Michael Abercrombie Jr (Jan 9, 2025 14:35 EST)

01/09/25

Lessor

Date

Maxwell Bushong

01/9/2025

Keystone Novelties Distributors, LLC

Date



Tent Location Plot Plan Saved: JANUARY 9, 2025

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• Location Name: SELBYVILLE DE TONY TANK HOLDINGS

• Location Address: 36656 LIGHTHOUSE ROAD SELBYVILLE, DE 19975

SUSSEX COUNTY  
PLANNING & ZONING

• Notes:

**LEGEND:**

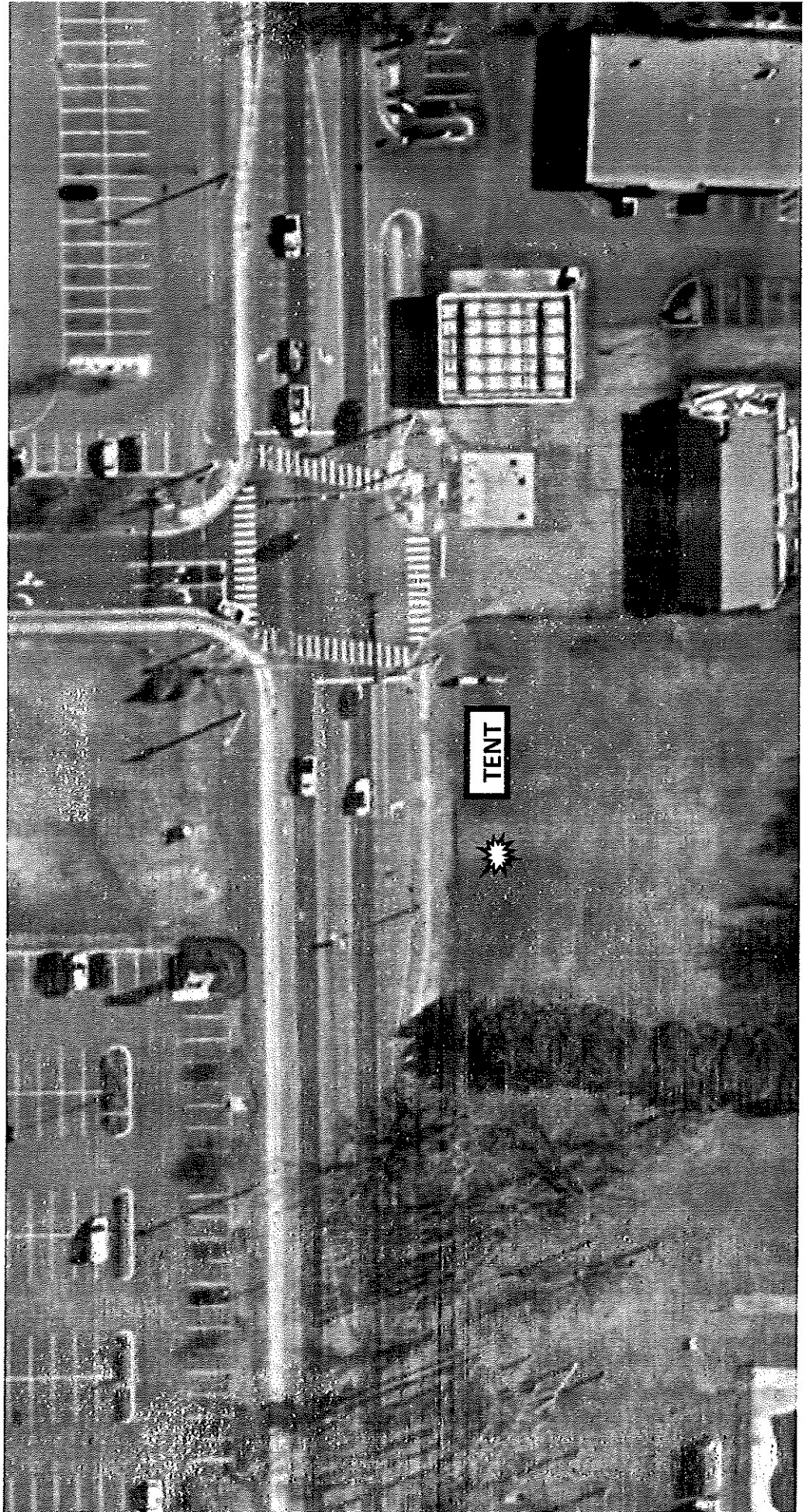


PORT-A-JON



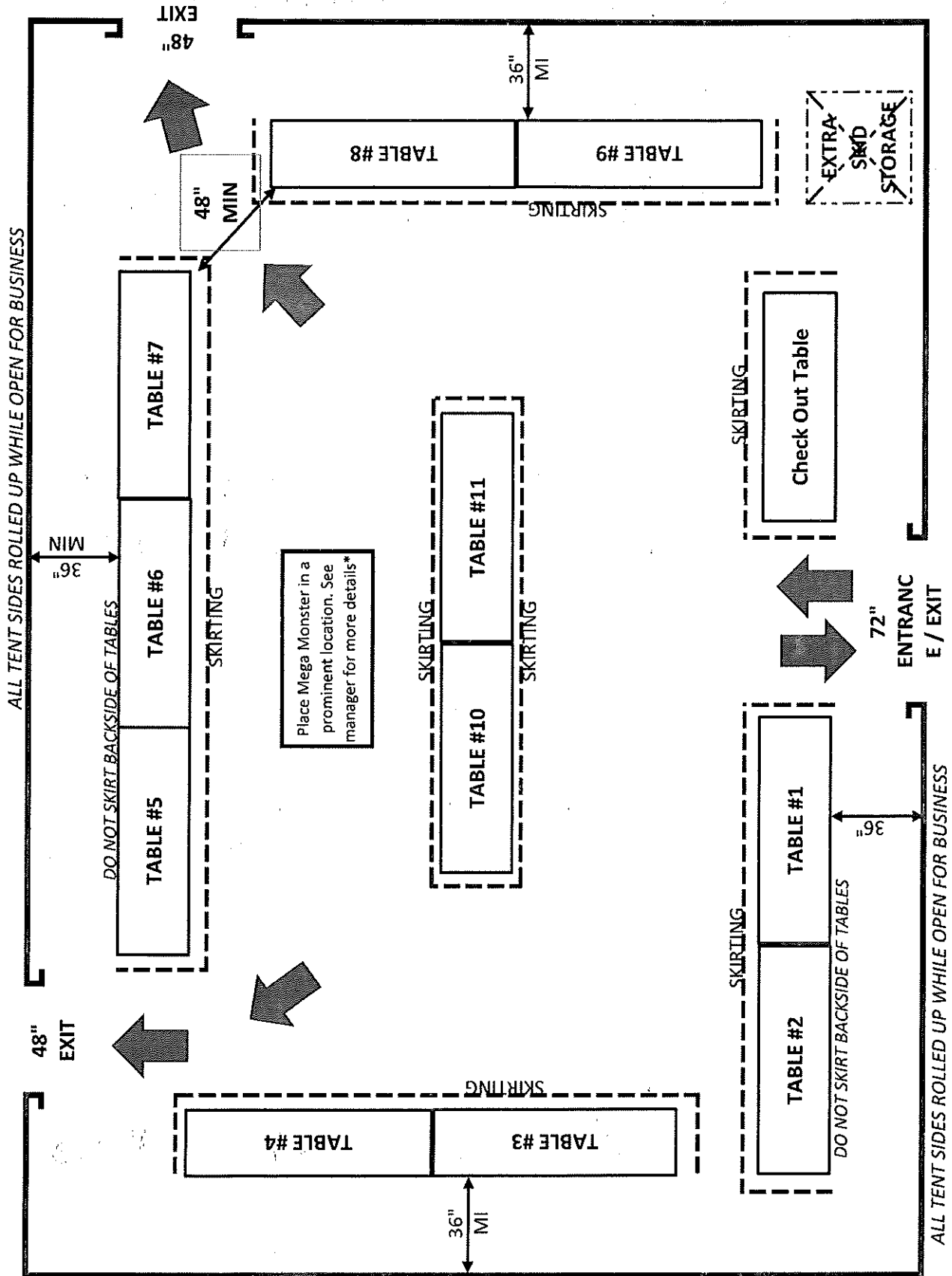
GENERATOR

TENT





# 30x60 Tent Layout-3 Exit



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10/31/2024

DE

## 2025 Beginning Inventory

Item	Total Cartons	Total Units	Category	Item	Total Cartons	Total Units	Category
#10 Color Sparkler	1	48	Sparklers	Lady Liberty Fountain	2	32	Med 200
#20 Gold Sparkler	1	48	Sparklers	Larger Than Life	3	6	Box Assortment
#8 Gold Sparkler	2	96	Sparklers	Launch Control	1	12	Small 200
A Real Doozy	2	72	Ground Spinners	Lighthouse	2	24	Large 200
A to Z	2	12	Large 200	Lightning Rod Candles	1	96	Small 200
				Lil' Big Shot	1	54	Small 200
Bad bass	1	12	Med 200	Little Patriot Assortment	2	72	Bag Assortment
				Magic Color Burst (B1G1)	1	24	Small 200
Big Dog	3	12	Large 500				
Big Guns	1	8	Large 200	Magic Snakes PK4 (72)	1	72	Novelties
Bite Me	2	16	Large 200	Mammoth Smoke	1	100	Smoke
Boss Hog	1	4	Large 200				
Chase the Ace/Desert Moon (B1G1)	1	24	Small 200	Maximum Overload	2	24	Med 200
				Mega Monster	3	3	Box Assortment
Crackling Balls	1	96	Smoke	Mega Monster Grand Finale	3	12	Large 500
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Cuckoo (B1G1)	1	72	Small 200				
Dancing Diamonds	1	60	Small 200	Open Flower Happy Bird	1	72	Small 200
Deck The Sky	1	12	Med 200	Party Poppers (B1G1)	1	60	Novelties
Dragon Slayer Sword	1	60	Hand held Novelties				
				Prickly Pete	1	12	Med 200
				Red Riot (B1G1)	1	18	Med 200
Fans in the Stands	2	12	Large 500				
Fight Like a Girl	2	12	Large 200	Smoke Balls Color	1	180	Smoke
Fire and Ice	2	8	Large 500	Snappers	1	300	Novelties
				Snappers Adult Large	2	288	Novelties
Flower Power	2	24	Med 200				
Flying Betsy	1	24	Med 200	Spaced Out	2	16	Large 200
Freaky Tiki	2	16	Large 200	Tanks with Star	1	240	Novelties
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High Voltage	3	9	Box Assortment				
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Jack in the Box	1	20	Novelties	Venus Volcano	2	16	Large 200
Jackpot!	2	16	Bag Assortment	Waterfront Celebration	1	18	Med 200
Jumbo Morning Glory	1	48	Sparklers	We the People	1	24	Med 200
Jump Ship	1	10	Med 200	Whirlwind 64 PCS	0.3	19.2	Ground Spinners
Jumping Jacks	1	20	Ground Spinners	Whispering Willow	1	24	Med 200
				Wild Card	3	12	Box Assortment
Killer Bees	1	48	Small 200	World of Wonders	2	8	Large 500
				Wrath of the Beast	2	12	Large 200

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DE 2025

SUSSEX COUNTY  
PLANNING & ZONING

# IMPORTANT DOCUMENT I

## Certificate of Flame Resistance

ISSUED BY



EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment  
1/31/2018Sales Order #  
SO-653904

This is to certify that the materials described are inherently flame retardant and were supplied to;

692246  
PARTIES ETC INC  
DBA RENTAL EQUIPMENT CENTER  
1315 S SALISBURY BLVD  
SALISBURY MD 21801  
USA

FLAME RETARDANT



Registration Number: SNYDER MFG :  
F-14001.01 & NFPA 701 & ASTM  
E84 CLA

Fabric meets requirements of

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing  
And Is Effective For the Life Of The Fabric**

Serial # 8026000 (1)

Description of item certified: FIESTA EXPANDABLE TOP 30WX30 SNYDER WHITE VINYL

SNYDER MFG

Name of Applicator of Flame Resistant Finish

Signed: *Vince Ashby*  
ANCHOR INDUSTRIES INC

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JAN 24 2025

SUSSEX COUNTY  
PLANNING & ZONING



# IMPORTANT DOCUMENT

## Certificate of Flame Resistance

ISSUED BY



EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment  
4/19/2021Sales Order #  
SO-690357

This is to certify that the materials described are inherently flame retardant and were supplied to:

692246  
PARTIES ETC INC.  
DBA RENTAL EQUIPMENT CENTER  
1315 S SALISBURY BLVD  
SALISBURY MD 21801  
USA

FLAME RETARDANT

Registration Number: DAF PRODUCTS  
: F-59301.01 & NFPA 701

Fabric meets requirements of

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing  
And Is Effective For the Life Of The Fabric**

Serial # 8106200 (4)

Description of item certified: LAP &amp; SNAP WALL 6'-10 X 22' DAF WHITE VL

DAF PRODUCTS

Name of Applicator of Flame Resistant Finish

Signed:

ANCHOR INDUSTRIES INC

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Acrisure Great Lakes Partners Insurance Services 223 West Grand River Ave #1 Howell MI 48843	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 216-658-7100      FAX (A/C, No): 216-658-7101 E-MAIL: ADDRESS:	
	<b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>	
<b>INSURED</b> Keystone Novelities Distributors LLC 531 N. 4th Street Denver PA 17517	INSURER A : Everest Denali Insurance Company      16044	
	INSURER B : Arch Specialty Insurance Company      21199	
	INSURER C :	
	INSURER D :	
	INSURER E :	
INSURER F :		

## COVERAGES

CERTIFICATE NUMBER: 2024350035

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC	Y	Y	GC10010096-241	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	SI8CA00024-231	12/31/2023	3/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$	Y	Y	UXP1057485-00	12/31/2024	12/31/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

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PLANNING &amp; ZONING

## CERTIFICATE HOLDER

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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