

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

AGENDA

June 27, 2022

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for April 18, 2022

Approval of Finding of Facts for April 18, 2022

Old Business

Case No. 12684 – Adan Casas seeks variances from the side yard setback, rear yard setback, and stable structure for personal keeping of animals setback requirements for existing structures (Sections 115-20, 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Seaford Road approximately .74 miles south of Bethel Road/Camp Road. 911 Address: 30016 Seaford Road, Laurel. Zoning District: AR-1. Tax Parcel 232-12.00-32.00

Public Hearings

Case No. 12703 – Jeffrey & Patricia Little seek variances from the rear yard setback requirement for proposed structures. (Section 115-25, and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Sussex Road approximately 125 ft. from the intersection of Kent and New Castle Roads within the Indian River Acres Subdivision. 911 Address: N/A. Zoning District: AR-1. Tax Parcel: 134-7.00-37.22

Case No. 12704 – Scott & Kristin Newkirk seek variances from the front yard setback and side yard setback requirements for a proposed garage. (Section 115-34, 115-182, and 115-183 of the Sussex County Zoning Code). The property is a through lot located on the southeast side of Hickman Drive within the White Creek Manor Subdivision. 911 Address: 725 Hickman Drive, Ocean View. Zoning District: MR. Tax Parcel: 134-12.00-1036.00



Case No. 12705 – Pintail Estates LLC seeks variances from the side yard setback requirement for a propane tank and HVAC unit. (Section 115-42, and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Pintail Drive within the Swann Keys Subdivision. 911 Address: 36953 Pintail Drive, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-7.00

Case No. 12706 – George & Jeanne Churchwell seek variances from the front yard setback requirement for proposed structures. (Section 115-34, and 115-182 of the Sussex County Zoning Code). The property is located on the corner of Baltimore Street and Andrew Street within the Bay View Park Subdivision. 911 Address: 39662 Baltimore Street, Bethany Beach. Zoning District: MR. Tax Parcel: 134-20.11-41.02

Case No. 12707– Starboard Restaurant Inc. seeks a variance from the maximum fence height requirement for existing and proposed fence. (Section 115-182, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the south side of Coastal Highway approximately 210 ft. north of South Street. 911 Address: 19138 Coastal Highway, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.00-141.00

Case No. 12708– Charles Van Aulen seeks a variance from the side yard setback for an existing HVAC (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Laws Point Road within the Swann Keys Subdivision. 911 Address: 36954 Laws Point Road, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-312.03

Additional Business



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 20, 2022 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1 302 394 5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, June 23, 2022.

####



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

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

Case # 12684
Hearing Date 5-2-22

202203546

RECEIVED

MAR 14 2022

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

SUSSEX COUNTY
PLANNING & ZONING
Existing Condition
Proposed
Code Reference (office use only)
115-20 115-34
115-103 115-105

Site Address of Variance/Special Use Exception:

30016 Seaford Rd., Laurel, DE 19956

Variance/Special Use Exception/Appeal Requested:

A variance is requested on my personal property recorded in Deed book 4606, page 165.

Tax Map #: 232-12.00-32.00

Property Zoning: RES AR-1

Applicant Information

Applicant Name: Adan Casas
Applicant Address: 30016 Seaford Rd.
City Laurel State DE Zip: 19956
Applicant Phone #: (302) 569-0187 Applicant e-mail: _____

Owner Information

Owner Name: Adan Casas
Owner Address: 30016 Seaford Rd.
City Laurel State DE Zip: 19956 Purchase Date: _____
Owner Phone #: (302) 569-0187 Owner e-mail: _____

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



Date: 3/1/22



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

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

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

1. Uniqueness of property:

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

The lot is narrow and long.

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 structures are completed and we have encroached on a side setback and the rear setback.

3. Not created by the applicant:

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

I was unaware of the setback requirements when I built my home and structures.

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

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

The requested variance will not alter the essential character of the neighborhood, nor impair the use of the property or be detrimental to the public welfare.

5. Minimum variance:

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

The house and garage would require a variance of 6' on the side setback. I am willing to move the two existing sheds to an area which would not require a variance. The large barn would require a variance of 20' in the rear of the property.

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

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

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

The requested variance will not alter the essential character of the neighborhood, nor impair the use of the property or be detrimental to the public's welfare.

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)

None

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

I do most of the work on my property myself to ease the financial burden of homeownership. I do have a language barrier and I am truly sorry I did not get guidance from a licensed builder. When I build any other structure it will be in compliance.

INSPECTIONS TEXT

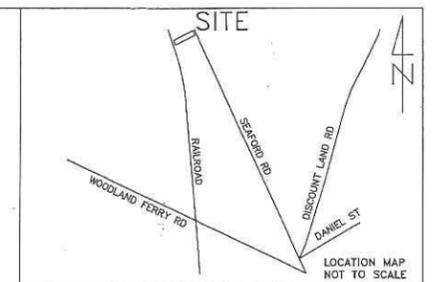
Created from inspection 228945 on 01/22/2020 by alan.shields

**01-22-20 I arrived on location to find a structure built and attached to the dwelling along with a horse barn at the rear of the property both built without a permit. There is also a trash violation on the property at this time. I met the owner Adan Casas in the drive way and I found that he did not understand English very well. He went and got his son so I could explain through him to his father. The building that's attached to the dwelling has a concrete floor, framed up walls with metal covering, partially framed up roof attached to the dwelling and water and electric ran to it at the back side of the structure. I explained that this has been built without a permit as well as the horse barn and that he can not do any more work on them until he gets permits and approval from BC. There is also a small amount of trash through out the property with refrigerators, bottles, and bags of trash. I explained both violations and that he has five days on the permit and thirty days on the trash. Mr. Casas said he is going get permits today. I then hand delivered the NOV's for building without a permit and trash to Adan Casas.

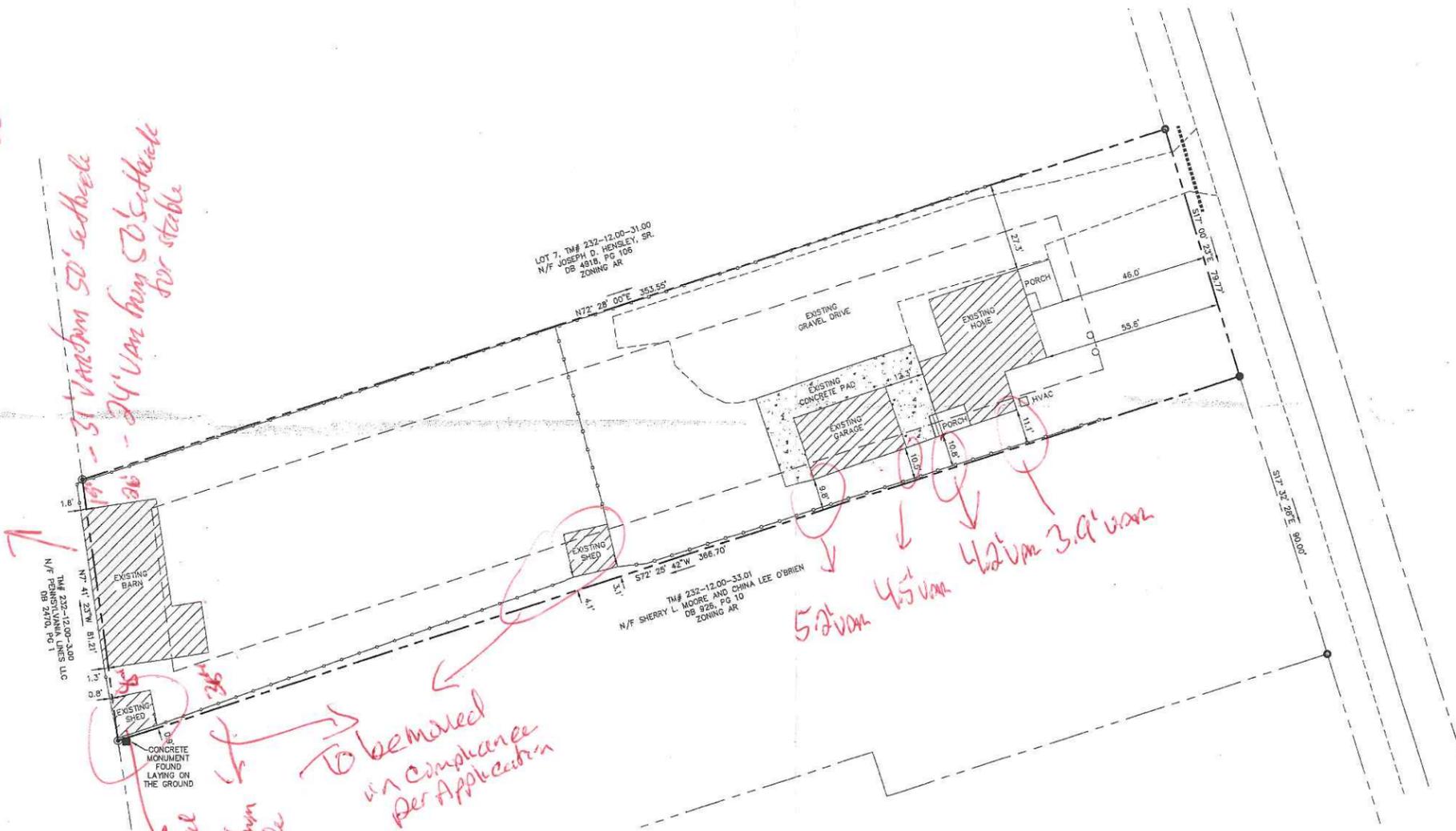
01-28-20 As of today the owner has obtained the permit and the structure will now go through BC for further inspections. This case can now be closed as the owner did what was requested by getting the permit. **Cleared

PLAN DATA:
 1. TITLE REFERENCED TO: TM# 232-12.00-32.00, DB 4606, PG 165
 30016 SEAFORD ROAD, LAUREL, DE 19956
 LOT 6 LANDS OF CATHERINE R. MOORE AND BEATRICE M. ALLEN
 BROAD CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN.
 3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL
 AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS
 4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR, AND SETBACKS ARE: FRONT-40, SIDE-15,
 AND REAR-20.

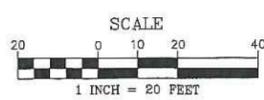
DSEPC/ANSRS 2011



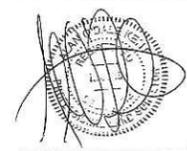
50' Var from 50' rear yard for stable
19' - 31' Var from 50' setback
26' - 24' Var from 50' setback for stable



- LEGEND:
- CAPPED IRON PIN SET
 - IRON REBAR FOUND
 - CONCRETE MONUMENT FOUND
 - IRON PIPE FOUND
 - PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - BUILDING RESTRICTION LINE
 - - - ROAD CROWN
 - - - ROAD EDGE
 - ▬▬▬▬▬▬▬ EXISTING CULVERT PIPE



SURVEYOR'S CERTIFICATION
 I, ALAN O'DALE KENT REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



ALAN O'DALE KENT, PLS#738
 ALAN O KENT LAND SURVEYING LLC
 8505 SUSSEX STREET
 SEAFORD, DE 19973

JOB # 2021323

THIS IS A SUBURBAN CLASS SURVEY

DATE OF PLAN
 01 OCT 2021

DATE OF LAST FIELD WORK
 30 SEP 2021

BOUNDARY SURVEY PLAN AND VARIANCE REQUEST OF THE LANDS NOW OR FORMERLY OF ADAN CASAS

PREPARED BY
 ALAN O KENT LAND SURVEYING
 9505 SUSSEX STREET
 SEAFORD, DE 19973

RECEIVED

APR 11 2022

SUSSEX COUNTY
PLANNING & ZONING

Board of Adjustment Application Sussex County, Delaware

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

Case # 12703

Hearing Date 6-27

2022 05720

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-25 115-103

Site Address of Variance/Special Use Exception:

Indian River Acres LT 21 in 1/2 LT 22 BK B

Variance/Special Use Exception/Appeal Requested:

reduce rear setback to 10' from the location

Tax Map #: Parcel FD 134-7.00-37-22

Property Zoning: AR-1

Applicant Information

Applicant Name: Jeffrey Little

Applicant Address: 1401 Chestnut st.

City Douglassville State PA Zip: 19518

Applicant Phone #: 610 404 1110 Applicant e-mail: littlej@ptd.net

Owner Information

Owner Name: Jeffrey/Patricia Little

Owner Address: 1401 Chestnut st.

City Douglassville State PA Zip: 19518 Purchase Date: 10/2015

Owner Phone #: 610 404 1110 Owner e-mail: littlej@ptd.net

Agent/Attorney Information

Agent/Attorney Name: n/a

Agent/Attorney Address:

City State Zip:

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

Signature of Owner/Agent/Attorney

[Handwritten Signature]

Date: 4/8/22



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

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

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

1. Uniqueness of property:

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

All Lots on the block are 100' deep making it impossible to meet rear setback and have driveway large enough for a Pickup Truck

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.

Parking will be an issue with a shorter driveway

3. Not created by the applicant:

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

it has not.

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

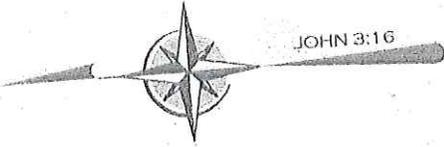
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

Just about every other house on the block is 10' or closer to the lagoon

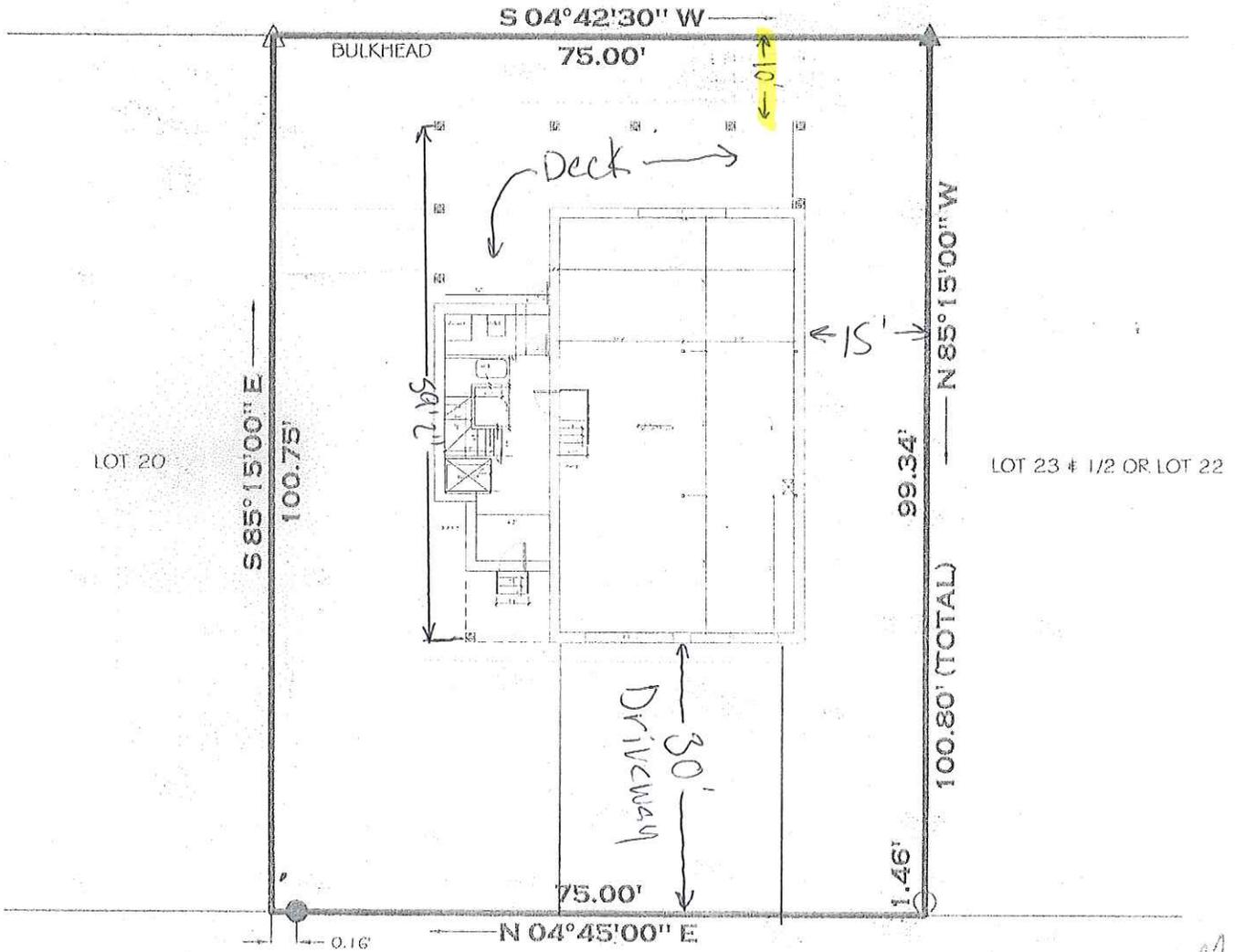
5. Minimum variance:

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.

a 10' setback in back will give me a 30' driveway in front and make my houses setback the same as my neighbors on either side



LAGOON



NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

TAX MAP	1-34 - 7.00 - 37.22
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	
AREA	7,558 ± SQ. FT.
DEED REF.	2347 / 36
PLAT REF.	3 / 27
DRAWN BY	KTH
DATE	10 / 19 / 15
SCALE	1" = 20'

BOUNDARY SURVEY PLAN

LOT 21 & 1/2 OF LOT 22

BLOCK B, INDIAN RIVER ACRES

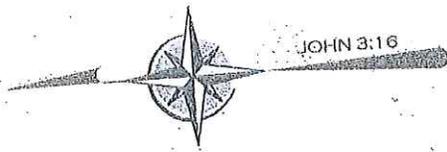
FOR

JEFFREY T. & PATRICIA M. LITTLE

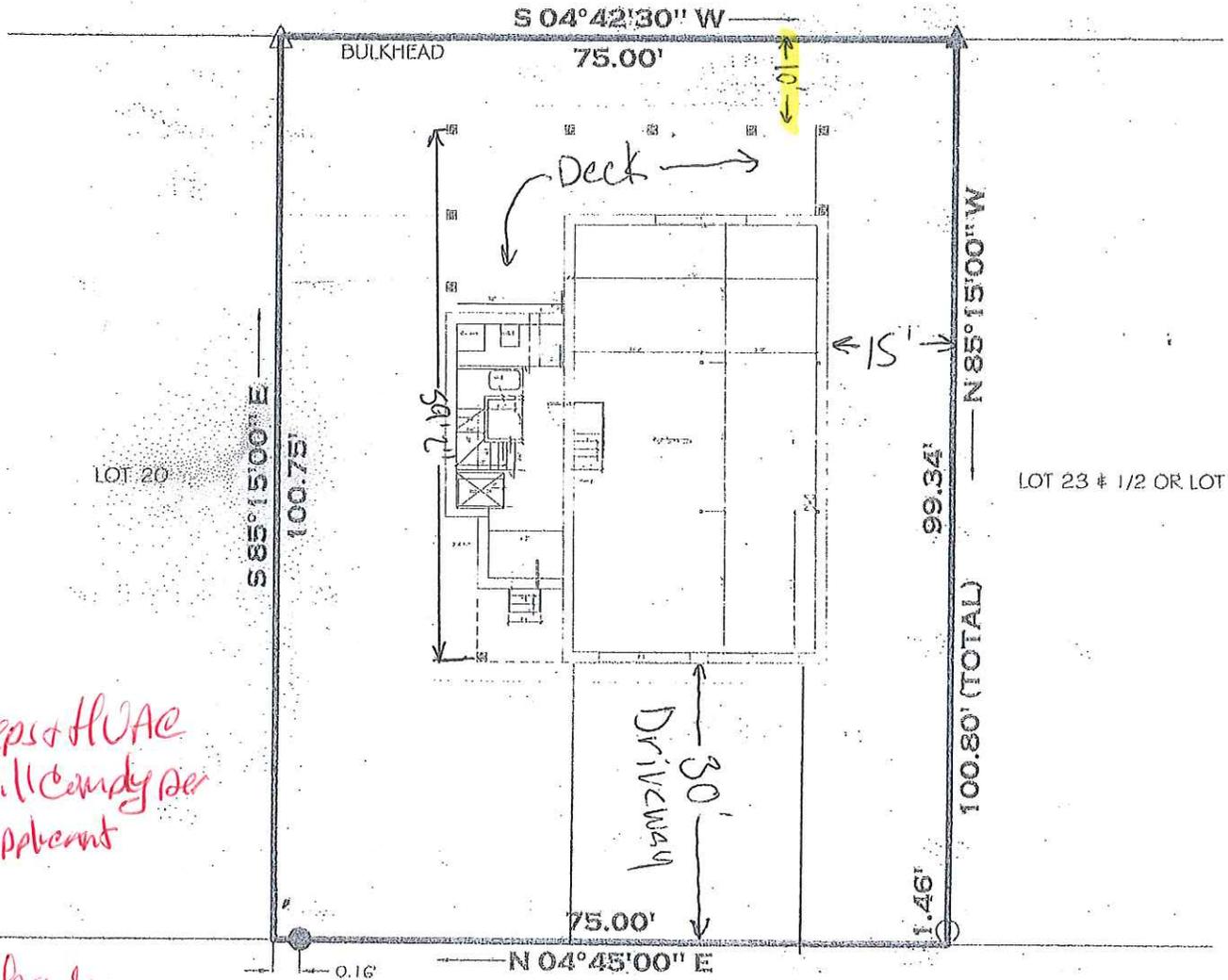
Jeffrey & Patricia Little

RZ Copy

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE



LAGOON



*Steps & HVAC
Will comply per
Applicant*

*Setbacks
Front - 30'
Sides - 5'
Rear - 15'*

Jeffrey T. Little

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

LEGEND

- IRON ROD FOUND
- SCREW FOUND
- ▲ PK NAIL FOUND
- △ PK NAIL TO BE SET

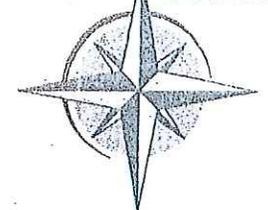
TAX MAP	1-34 - 7.00 - 37.22
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	
AREA	7,558 ± SQ. FT.
DEED REF.	2347 / 36
PLAT REF.	3 / 27
DRAWN BY	KTH
DATE	10 / 19 / 15
SCALE	1" = 20'

BOUNDARY SURVEY PLAN

LOT 21 & 1/2 OF LOT 22
BLOCK B, INDIAN RIVER ACRES

FOR
JEFFREY T. & PATRICIA M. LITTLE

TRUE NORTH



LAND SURVEYING
 118 ATLANTIC AVENUE, SUITE 202
 OCEAN VIEW, DE 19970
 DE 302-839-2488

Lot 20



Lot 23 + 1/2 of 22





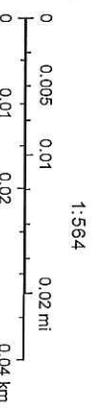


Sussex County



PIN:	134-7-00-37.22
Owner Name	LITTLEJEFFREY T
Book	4462
Mailing Address	1401 CHESTNUT ST
City	DOUGLASSVILLE
State	PA
Description	INDIAN RIVER ACRES
Description 2	LOT 21 1/2 LOT 22
Description 3	SEC B
Land Code	

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



RECEIVED

APR 14 2022

SUSSEX COUNTY
PLANNING & ZONING

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

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

12704
Case # _____
Hearing Date 6/27
202205392

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-34 115-182
115-183

Site Address of Variance/Special Use Exception:

725 Hickman Drive, Ocean View, DE 19970 (within Whites Creek Manor development)

Variance/Special Use Exception/Appeal Requested:

Requesting a 30' variance to the property front facing Club House Road (this is actually the rear yard of the home).
Requesting a 8' variance to the northeast facing side property line (abutting 727 Hickman).
Both of these are the approximate the location and the same footprint where the existing shed is on the property.

Tax Map #: 1-34-12-1036 Property Zoning: MR

Applicant Information

Applicant Name: Kristin Newkirk
Applicant Address: 1129 Megg Court
City Joppa State MD Zip: 21085
Applicant Phone #: (443) 643-5098 Applicant e-mail: 3newks@gmail.com

Owner Information

Owner Name: Scott & Kristin Newkirk
Owner Address: 1129 Megg Court
City Joppa State MD Zip: 21085 Purchase Date: 7/16/19
Owner Phone #: (443) 643-5098 Owner e-mail: 3newks@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Kristin Newkirk

Date: 12 April 2022



RECEIVED

APR 14 2022

SUSSEX COUNTY
PLANNING & ZONING

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

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

Case # _____
Hearing Date 6/27

202205392

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-34 115-182
115-183

Site Address of Variance/Special Use Exception:

725 Hickman Drive, Ocean View, DE 19970 (within Whites Creek Manor development)

Variance/Special Use Exception/Appeal Requested:

Requesting a 30' variance to the property front facing Club House Road (this is actually the rear yard of the home).
Requesting a 8' variance to the northeast facing side property line (abutting 727 Hickman).
Both of these are the approximate the location and the same footprint where the existing shed is on the property.

Tax Map #: 1-34-12-1036

Property Zoning: MR

Applicant Information

Applicant Name: Kristin Newkirk
Applicant Address: 1129 Megg Court
City Joppa State MD Zip: 21085
Applicant Phone #: (443) 643-5098 Applicant e-mail: 3newks@gmail.com

Owner Information

Owner Name: Scott & Kristin Newkirk
Owner Address: 1129 Megg Court
City Joppa State MD Zip: 21085 Purchase Date: 7/16/19
Owner Phone #: (443) 643-5098 Owner e-mail: 3newks@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Kristin Newkirk

Date: 12 April 2022



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

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

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

1. Uniqueness of property:

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

 SEE ATTACHED

2. Cannot otherwise be developed:

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

 SEE ATTACHED

3. Not created by the applicant:

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

 SEE ATTACHED

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

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

 SEE ATTACHED

5. Minimum variance:

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

Front (rear yard) facing Club House Road: minimum 30' variance.
Side property variance minimum 2'.

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

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

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

The easement variance request is to allow for the placement of a one-car size detached garage (building permit submission to follow upon result of variance request). The existing shed will be removed and the garage built in its place. The garage would not adversely affect the neighboring property, but rather provide benefits. It will provide privacy to the backyard space of 727 from 725, as well as provide shielding from traffic and vehicle noise, site, and open area access from Club House Road.

-
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)

We are not requesting any other requirements or special use exceptions. The garage intended to be located at the variance lines requested will be approximately 384 sq ft, poured cement floor, and built on-site. Per Sussex County, this is considered an accessory structure and can be located within the side and rear-front building setbacks with an approved variance. A building permit application will be submitted to Sussex County. Our plan and intent is to have the garage built by late fall 2022.

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

**SUSSEX COUNTY BOARD OF ADJUSTMENT APPLICATION - VARIANCE
APPLICATION FOR PROPERTY AT:**

725 Hickman Drive, Ocean View, DE 19970, Owners: KRISTIN & SCOTT NEWKIRK

Please reference photos provided with the variance application.

1. Uniqueness of property:

This home at 725 Hickman Drive abuts two roads, so the property has two front yards according to the property survey. The 'true' front of the home faces Hickman Drive within the community of Whites Creek Manor (WCM), and the rear of the home faces Club House Road.

Hickman Drive is a quiet street within the WCM development that has only a 20 MPH speed limit on it. Club House Road to the rear of the home, is a busy county road, with increased traffic, noise, and vehicles traveling at or (at most times) above the speed limit of 30 MPH (and we have seen them going extremely fast late into the evening and night).

As seen on the property survey, the rear of the home's screen-enclosed porch and deck is approximately 47.5' from the frontage easement (rear yard) to Club House Rd. There is an existing accessory building (8' x 12' shed) in disrepair that sits approximately 2-2.5' from the northeastern facing side property line abutting 727 Hickman, and approximately 16' from the easement edge at Club House Rd (see survey). Due to how the porch and deck additions to the home were constructed by the previous owners (permitted and built in 2008 according to county property card), the amount of space available to replace the current shed with a larger single-car detached garage is greatly limited. The size of the desired single-car garage is 16' wide by 24' deep. The garage cannot be placed at the Sussex County building restriction lines of 40' front (rear) to Club House and 10' from the side, because the deck structure is currently there.

Additionally, the guidance I was given from the Sussex County Building Code Office that I received was that this garage is considered an accessory building and the building set back lines are not applicable to accessory structures, and that I should apply for a variance.

2. Cannot otherwise be developed:

The variance being requested is part of the rear yard of the 725 Hickman property that is directly adjacent to Club House Road. This land cannot be developed. The only 'development' or improvement that can be made to this property is the installing of an accessory building (garage) to replace the old shed that is currently there (and rotting and falling apart).

SUSSEX COUNTY BOARD OF ADJUSTMENT APPLICATION - VARIANCE
APPLICATION FOR PROPERTY AT: 725 Hickman Dr., Ocean View, DE 19970,
Owners: KRISTIN & SCOTT NEWKIRK

3. Not created by the applicant:

The footprint of the existing home limits the amount of side and rear yard space available for an accessory building (garage). We are asking for a 30' variance for the frontage to Club House Road, and a 2' variance for the northeast-facing side yard (against 727 Hickman). This will provide enough space for the garage to be installed and still keep the current deck footprint. The side of the garage would then sit 2' from the side property line abutting 727 Hickman, and the rear of the garage would sit 10' from the Club House Road easement line.

According to the property survey, the rear of the current shed that is on the property is 15'9" to 16'3" from the easement edge at Club House Road (it is crooked and not square with the property lines). We are wanting to have the rear of the exterior wall for the new garage building to be just another 5 feet further back towards Club House Rd. The garage would cover the footprint of the existing shed.

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

The neighborhood of Whites Creek Manor (WCM) is made up of 247 lots, of which there are at least 230 homes. Some of the remaining lots have planned construction projects set to begin on them. The homes range in age from those built in the 1960's and 70's (ours was built in 1979), to brand new construction; the majority are more than 20-25 years old. There is a wide range of construction styles in the neighborhood- which is one of the things that attracted us to WCM. It is not a 'cookie cutter' development, but rather a mature and well-kept neighborhood with a very pleasing aesthetic where the owners' care of their homes and properties is evident when you drive through it. Our home is a rambler style, and our neighbors to either side have single story homes with attached garages; across the street are 2-story and single story homes. The single-car detached garage that we want to add to the property will sit to right of the house at the head of the driveway on the rear corner of the property. In addition to serving as much needed storage on the property, it will aid in some sound absorption and screening from the (at times) busy and loud vehicle noise on Club House Road.

Driving through the WCM community, there are several homes with detached garages, and many/most homes in the community have large sheds that appear to be located on the edges of the property lines. This can also be seen when viewing the WCM development on Google Earth.

NOTES:

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.
- No title search provided or stipulated.

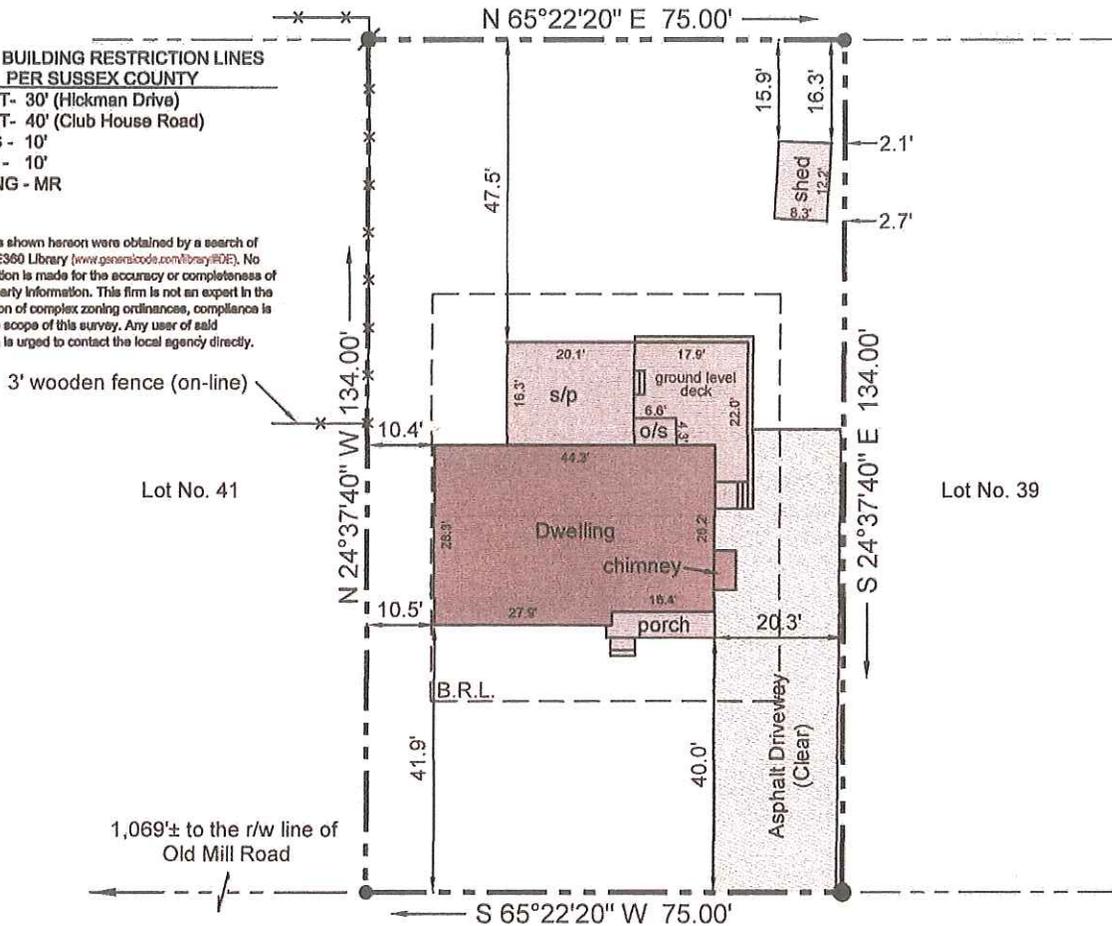


CLUB HOUSE ROAD
(50' r/w)

**(B.R.L.) BUILDING RESTRICTION LINES
PER SUSSEX COUNTY**

- FRONT- 30' (Hickman Drive)
- FRONT- 40' (Club House Road)
- SIDES - 10'
- REAR - 10'
- ZONING - MR

NOTE:
Restrictions shown hereon were obtained by a search of the eCODE360 Library (www.generalcodes.com/library/ROE/). No representation is made for the accuracy or completeness of said third party information. This firm is not an expert in the interpretation of complex zoning ordinances, compliance is beyond the scope of this survey. Any user of said information is urged to contact the local agency directly.



HICKMAN DRIVE
(50' r/w)

- 1/2" PIPE (FD)
- 3/4" PIPE (FD)
- 5/8" RE-BAR (FD)

SCALE: 1"=30'

AREA: 10,050 SQ. FT.

TAX MAP NO. 1-34-12-1036

Lands of SCOTT H. NEWKIRK and KRISTIN T. NEWKIRK. Being known as LOT NO. 40, BLOCK "A", SECTION NO. 2, WHITES CREEK MANOR. Ref: Plat Book 8, Page 896.

Revised: 02-18-2022, Building Restriction Line.

FIRM INFORMATION:
100029 - 0511 - K
MARCH 16, 2015
ZONE: "X", NON-SHADED
CLASS "B" SURVEY

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE OF ORIGINAL: 02-15-2022
DRAWN BY: MICHAEL LOVELAND

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

SEAL
GREGORY M. HOOK
REGISTERED
PROFESSIONAL LAND SURVEYOR
DELAWARE
P.L.S. 11/16/22

I, Gregory M. Hook, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

725 Hickman Drive, Ocean View, DE



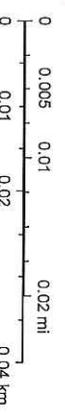


Sussex County



PIN:	134-12.00-1036.00
Owner Name	NEWKIRK SCOTT H
Book	5090
Mailing Address	1129 MEGG CT
City	JOPPA
State	MD
Description	WHITES CREEK MANOR
Description 2	LOT 40 BLK A SEC 2
Description 3	N/A
Land Code	

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



725 Hickman Drive

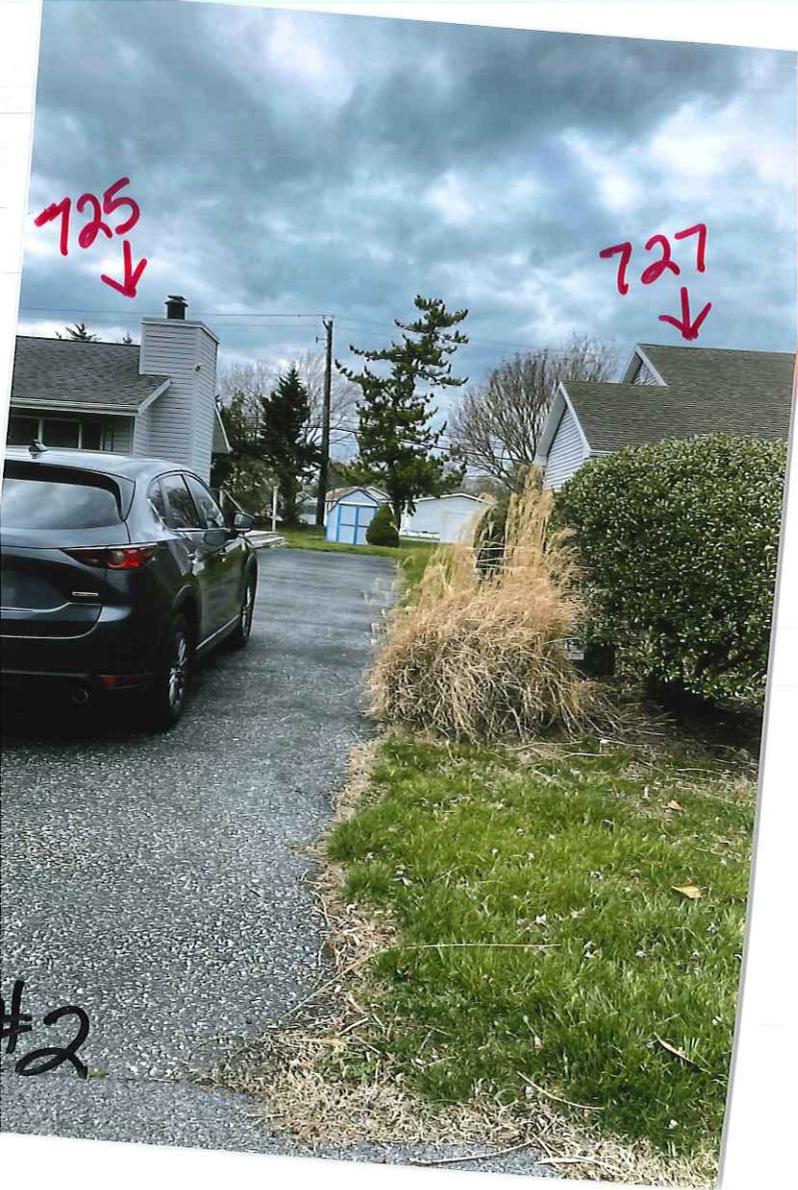


727
Hickman



#1





725
↓

727
↓

#2



725
Property line

#3



Shed to be removed
and replaced with
1-car garage.

#4

725 Hickman



#5

Taken from standing in yard of
727 Hickman







725 rear - front
property marker



727



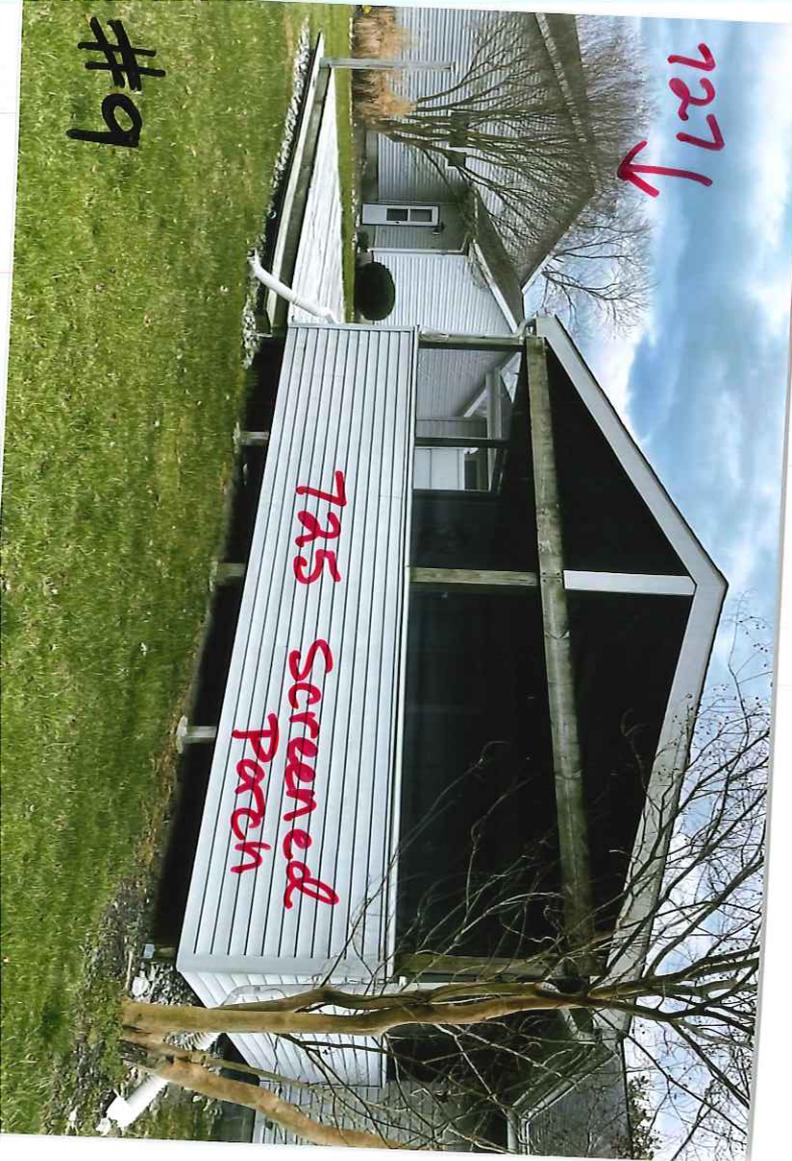
725
current
deck



#7



88



#9

RECEIVED

APR 18 2022

SUSSEX COUNTY
PLANNING & ZONING

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

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

Case # 12705
Hearing Date _____
202205343

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

36953 Pintail Dr. Selbyville, De 19975

Variance/Special Use Exception/Appeal Requested:

We are requestong that the location of AC unit and Propane tanks be accepted. They are in the exact same location as pervious home, Neighbor Randel & Cathrine Schempp is ok with this location which is beside his driveway.

Tax Map #: 533-12.16-7.00 Property Zoning: ~~GR~~ GR

Applicant Information

Applicant Name: Joshua Wagner
Applicant Address: 1331 Heatherwood Dr.
City Mount Joy State PA Zip: 17552
Applicant Phone #: (717) 917-6759 Applicant e-mail: Jwagner2424@gmail.com

Owner Information

Owner Name: Joshua Wagner
Owner Address: 1331 Heatherwood Dr.
City Mount Joy State PA Zip: 17552 Purchase Date: _____
Owner Phone #: (717) 917-6759 Owner e-mail: Jwagner2424@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney



Date: 4/13/22



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

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

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

1. Uniqueness of property:

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

Windows are located on front of house, so no where to put there. the back of home has plans for addition. front of house is street side and HOA feels it is eye sore but could go there if not approved. Lot size is small and current location of AC unit and Propane are in exact same locations as previous mobile home that was removed.

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.

Propane & AC needs to be placed

Propane & AC unit needs to be placed here due to restricted location elsewhere

3. Not created by the applicant:

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

Builder and Suburban were not aware of this and installed these units on the base that it was the same location as pervious.

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

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

The current loocation is was was recommned by the development when orginal home was put on the lot to keep items accesable and out of sign from the street directly. The ccurrent location will not be ditrimental to welfar as this side of home has no doors for access to home.

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.

*AC - 3ft
propane 42in*

*AC Unit is 3ft From property line
propane is 3ft 5in From property line*

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.

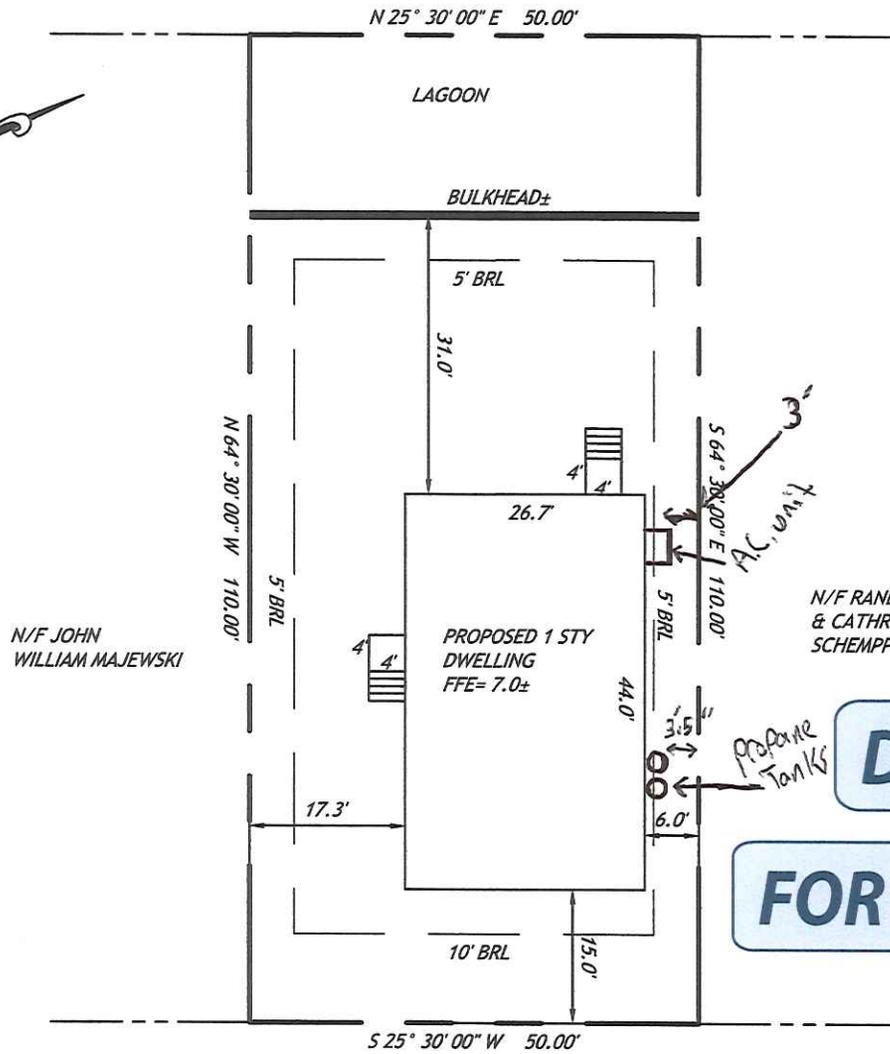
1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

This location does not affect any of the adjacent properties as it is the same location where the previous units were since 1976 when the old home was placed. As well neighbor is accepted that location does not affect any functions of his property.

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

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

Our reason for this request is simply that the new AC unite and Propane takes are in the same locations as pervious home. The do not make the rear of the home unaccessable or hinder the neighbors property in anyway. In fact he is ok with them as they have been in this locations of many years. If required to move we have very limited locations as both doors will have a handicap ramp installed for our grandmother. I ask that you please accept the current location. Thank you for consideration.



DRAFT

FOR COMMENT

SITE DATA-
 CURRENT OWNER-
 GRACE E. JACKSON
 DB 2333 PG 148
 LOT 62 BLOCK I
 PB 8 PG 235
 ZONE GR
 SETBACKS-
 FRONT 10'
 SIDES AND REAR 5'
 FLOOD ZONE AE BFE 4
 100005C0652K

CERTIFIED CORRECT
 AS SHOWN

NOTE-
 THIS SURVEY DOES NOT
 VERIFY THE EXISTENCE
 OR NON-EXISTENCE OF
 ANY EASEMENTS OTHER
 THAN WHAT ARE SHOWN.



AXIOM
 ENGINEERING L.L.C.

18 CHESTNUT STREET
 GEORGETOWN, DE 19947
 (302) 855-0610
 FAX: 855-0612
 EMAIL: AXIOM@AXENG.COM
 WEB: WWW.AXENG.COM

HOUSE AND LOT LAYOUT

36953 PINTAIL DRIVE

SELBYVILLE, SUSSEX COUNTY, DELAWARE

SCALE	1"=20'
DESIGNED	ESW
DRAWN	ESW
CHECKED	
DATE	10/19/21
T.M.	533-12.16-7.00

0525-2101

EXHIBIT.

S

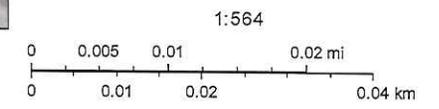


Sussex County



PIN:	533-12.16-7.00
Owner Name	PINTAIL ESTATE LLC
Book	5564
Mailing Address	36953 PINTAIL DR
City	SELBYVILLE
State	DE
Description	SWANN KEYS
Description 2	LOT 62
Description 3	BLK I T14176
Land Code	

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



RECEIVED

APR 19 2022

SUSSEX COUNTY
PLANNING & ZONING

Board of Adjustment Application Sussex County, Delaware

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

Case # 12706
Hearing Date 6/27 Tentative

202205588

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

39662 Baltimore Street, Bethany Beach, Delaware

Variance/Special Use Exception/Appeal Requested:

Variance to front yard setback (115-34.B) to allow addition to house into existing front yard setback.

Tax Map #: 1-34-20.11-41.02

Property Zoning: MR

Applicant Information

Applicant Name: Mark Redden

Applicant Address: 107 S Washington Street

City Milford State DE Zip: 19963

Applicant Phone #: (302) 339-5566 Applicant e-mail: mark@archologyde.com

Owner Information

Owner Name: George and Jeanne Churchwell

Owner Address: 12520 Philmont Drive

City Herndon State VA Zip: 20170 Purchase Date: 1/1/13

Owner Phone #: (706) 861-0653 Owner e-mail: george.churchwell@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Mark Redden

Agent/Attorney Address: 107 S Washington Street

City Milford State DE Zip: 19963

Agent/Attorney Phone #: (302) 339-5588 Agent/Attorney e-mail: mark@archologyde.com

Signature of Owner/Agent/Attorney



Date: 12/22/21



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

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

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

1. Uniqueness of property:

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

This lot is smaller than required by the current zoning, about 60% smaller than required. In addition, this lot is officially a corner lot, however the street bordering the front yard leads to only 4 lots as it dead ends into the bay shortly.

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 existing house fills up the existing space, but it is on the small side and lacks living space. The only way to resolve this is to push towards the official front yard street to create some additional living space and a functional storage area. This will also allow us to include a more functional stair and elevator in the new addition allowing the homeowners to age in place in the home.

3. Not created by the applicant:

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

The property owners did not build the current house in its current location. They had tried to purchase the adjacent lot to combine them and create more space on the lot, however, the adjacent property owner would not sell reasonably. As such, they are left with the option to tear down and build taller which does not help with aging in place, or extend into the setback.

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

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

Many of the lots in this neighborhood have attained variances in the recent past and is a locus of renovation and addition and upgrading of the existing homes. What we are asking for is consistent with many other homes on this street and will still be a similar scale and potentially farther from the street than many of the neighbors.

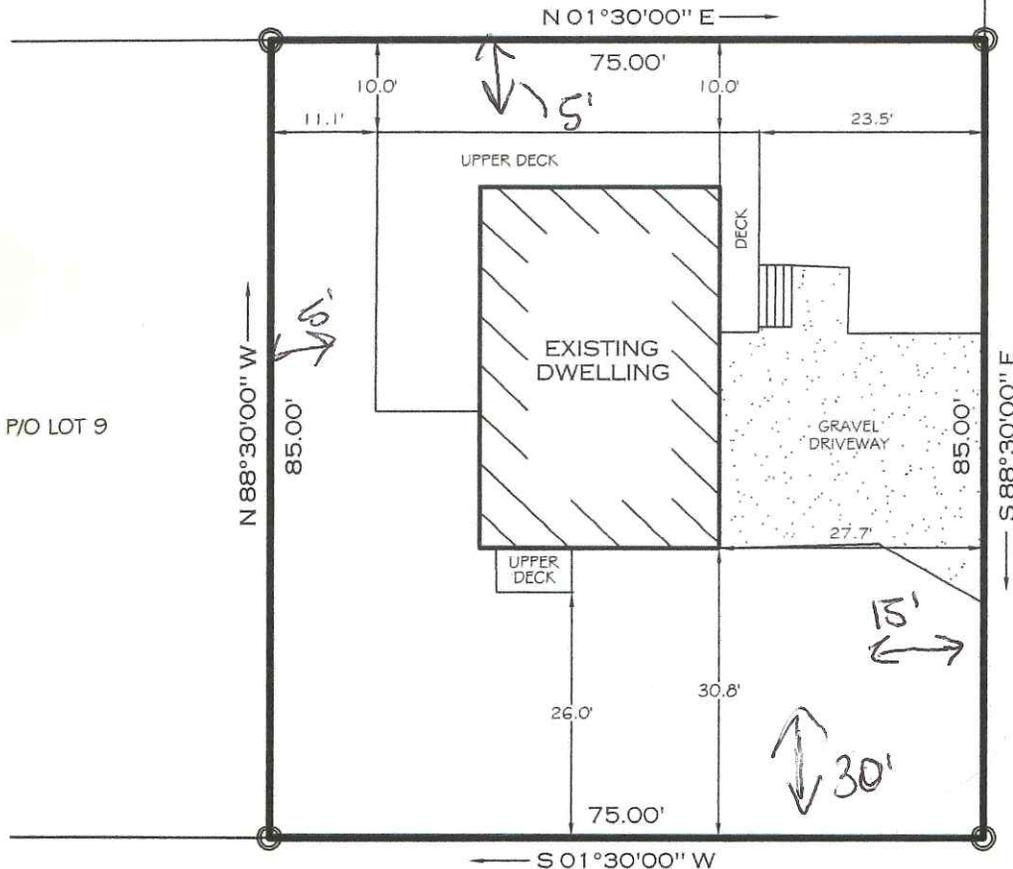
5. Minimum variance:

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 lot is undersized and as a corner lot, has more extensive setbacks than most of the neighborhood. As such, the lot does not support a home of similar size and scale to the newer homes in the neighborhood without modifying the setbacks. The larger home will not hamper visibility on these low traffic streets and will allow the homeowners to have the room they require to actually enjoy their home as many of the spaces are currently small or awkwardly shaped to fit within the small footprint.



LOT 26



**BALTIMORE STREET
30' RIGHT OF WAY**

**ANDREW STREET
30' RIGHT OF WAY**

S.P.T.



NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

LEGEND

○ IRON PIPE FOUND

TAX MAP	1-34 - 20.11 - 41.02
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	6,375 ± SQ. FT.
DEED REF.	3060 / 163
PLAT REF.	3060 / 165
DRAWN BY	BAA
DATE	05 / 01 / 13
SCALE	1" = 20'
SURVEY #	DE - 01258

**BOUNDARY SURVEY
PLAN**

FOR
**GEORGE CHURCHWELL
&
JEANNE CHURCHWELL**

LOT 10 & P/O 9, FIRST ADDITION TO BAY VIEW PARK
39662 BALTIMORE STREET, BETHANY BEACH, DE 19930

TRUE NORTH



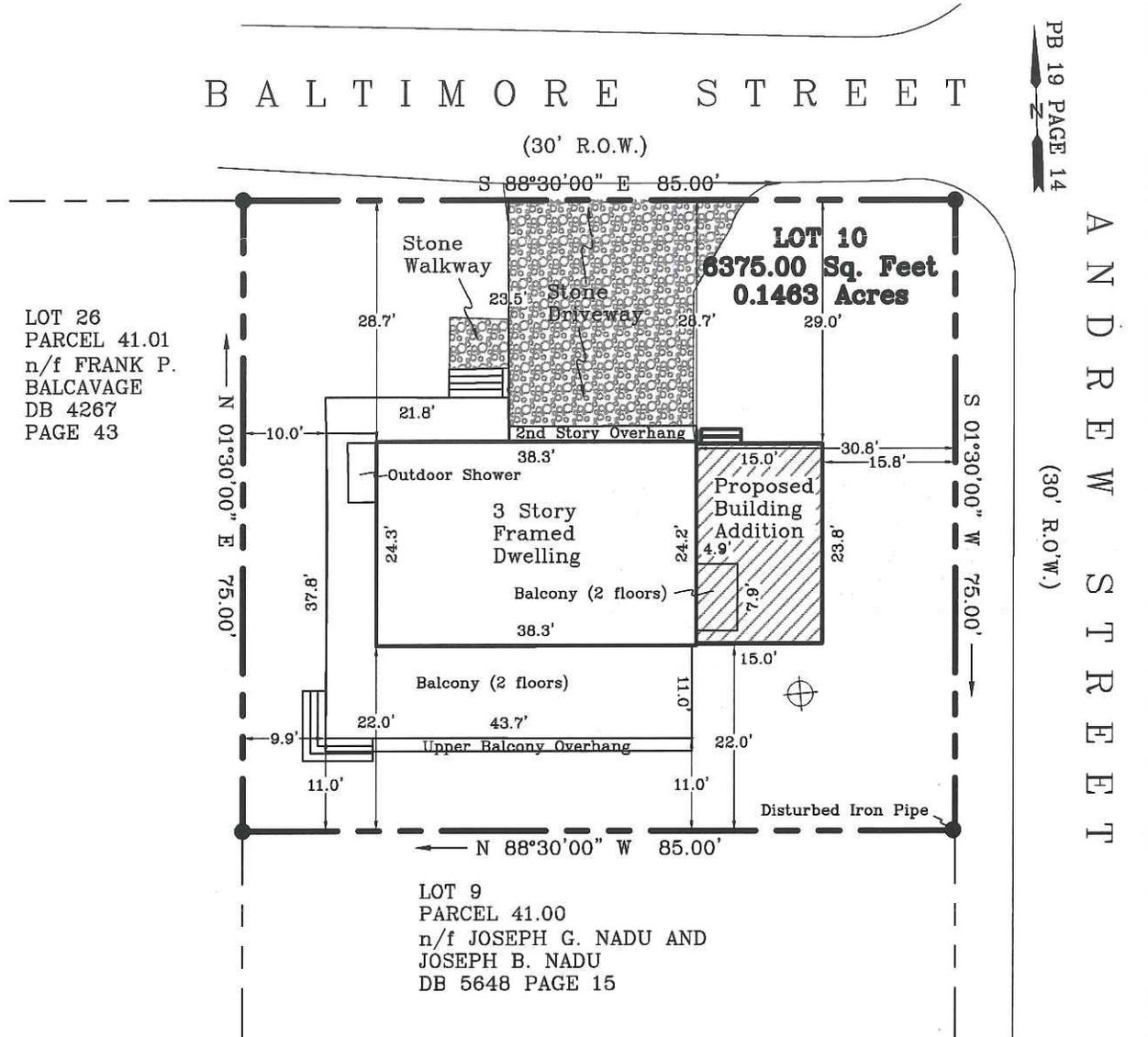
LAND SURVEYING

118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 19970
DE: 302-539-2488
MD: 410-430-2092

**BUILDING ADDITION SURVEY PLAN
LANDS OF "GEORGE & JEANNE CHURCHWELL"**

ALSO KNOWN AS: "LOT 10, FIRST ADDITION TO BAYVIEW PARK,
39662 BALTIMORE STREET, BETHANY BEACH, DE"
SITUATE IN: "BALTIMORE HUNDRED"
SUSSEX COUNTY * STATE OF DELAWARE
TAX MAP #: 134-20.11 PARCEL 41.02
DEED REFERENCE: DB 4122, PG 198
PLAT REFERENCE: PB 19, PG 14; PB 33 PAGE 204

ZONING CLASSIFICATION: MR
YARD REQUIREMENTS:
FRONTYARD: 30'
SIDEYARD: 10'
REARYARD: 10'



PB 19 PAGE 14

LEGEND

- Property Line
- Iron Pipe Found
- 2" Iron Pipe

NOTES

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

	22184 MELSON ROAD GEORGETOWN, DELAWARE 19947 PHONE NO. 302-856-1565
	DRAWN BY: JBR
SCALE: 1"=20'	SHEET 1/1

PROFESSIONAL ENGINEER

BUILDING ADDITION SURVEY PLAN
LANDS OF "GEORGE & JEANNE CHURCHWELL"

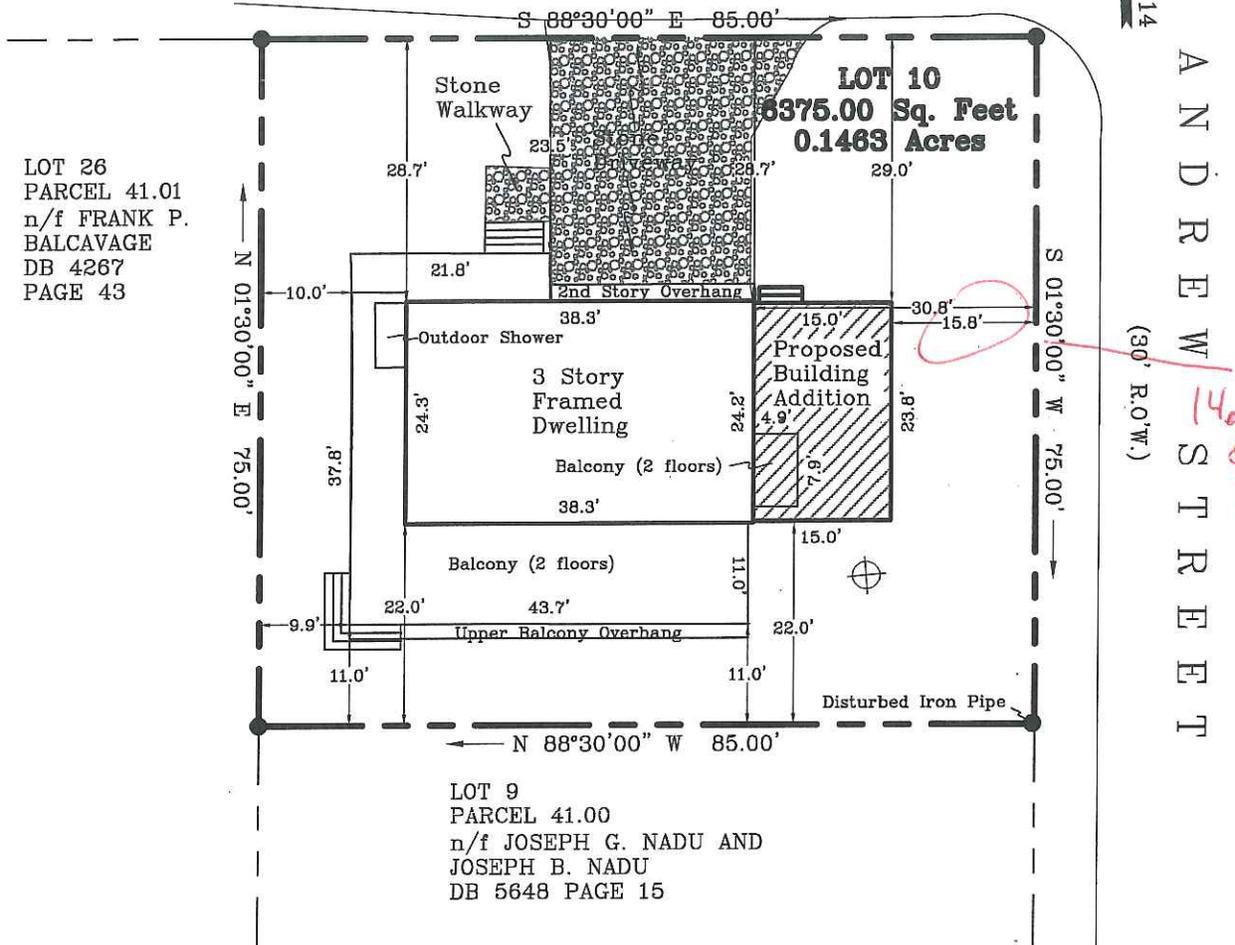
ALSO KNOWN AS: "LOT 10, FIRST ADDITION TO BAYVIEW PARK,
 39662 BALTIMORE STREET, BETHANY BEACH, DE"
 SITUATE IN: "BALTIMORE HUNDRED"
 SUSSEX COUNTY * STATE OF DELAWARE
 TAX MAP #: 134-20.11 PARCEL 41.02
 DEED REFERENCE: DB 4122, PG 198
 PLAT REFERENCE: PB 19, PG 14; PB 33 PAGE 204

ZONING CLASSIFICATION: MR
 YARD REQUIREMENTS:
 FRONTYARD: 30'
 SIDEYARD: 10'
 REARYARD: 10'

P+Z Copy

B A L T I M O R E S T R E E T

(30' R.O.W.)



PB 19 PAGE 14

A N D R E W S T R E E T

(30' R.O.W.)

1402' V.M. 80m 30' Front

LOT 26
 PARCEL 41.01
 n/f FRANK P.
 BALCAVAGE
 DB 4267
 PAGE 43

LOT 9
 PARCEL 41.00
 n/f JOSEPH G. NADU AND
 JOSEPH B. NADU
 DB 5648 PAGE 15

LEGEND

- Property Line
- Iron Pipe Found
- 2" Iron Pipe

*Setbacks
 30' - Andrew St
 15' - Baltimore St
 5' sides
 5' rear*

NOTES

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



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

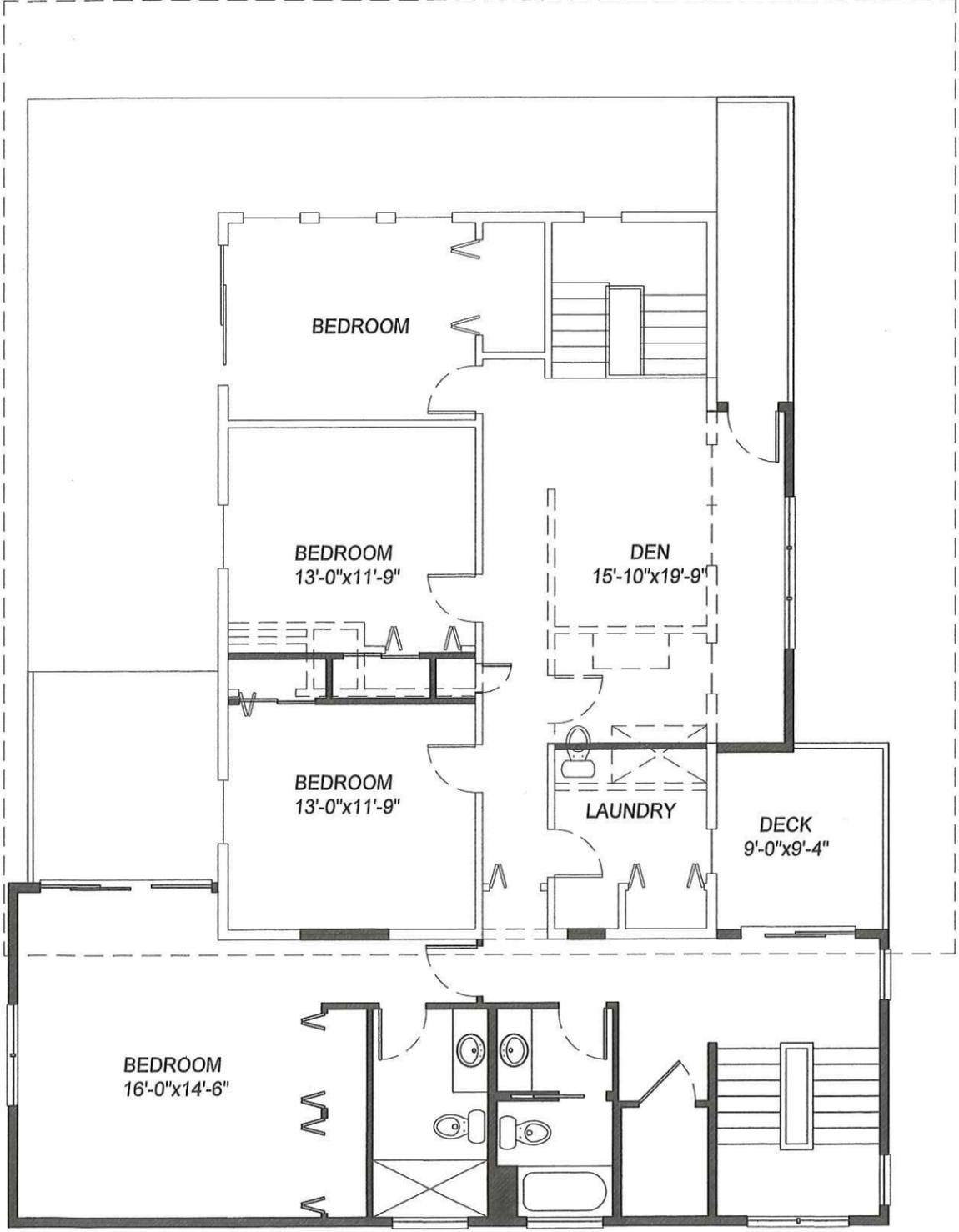
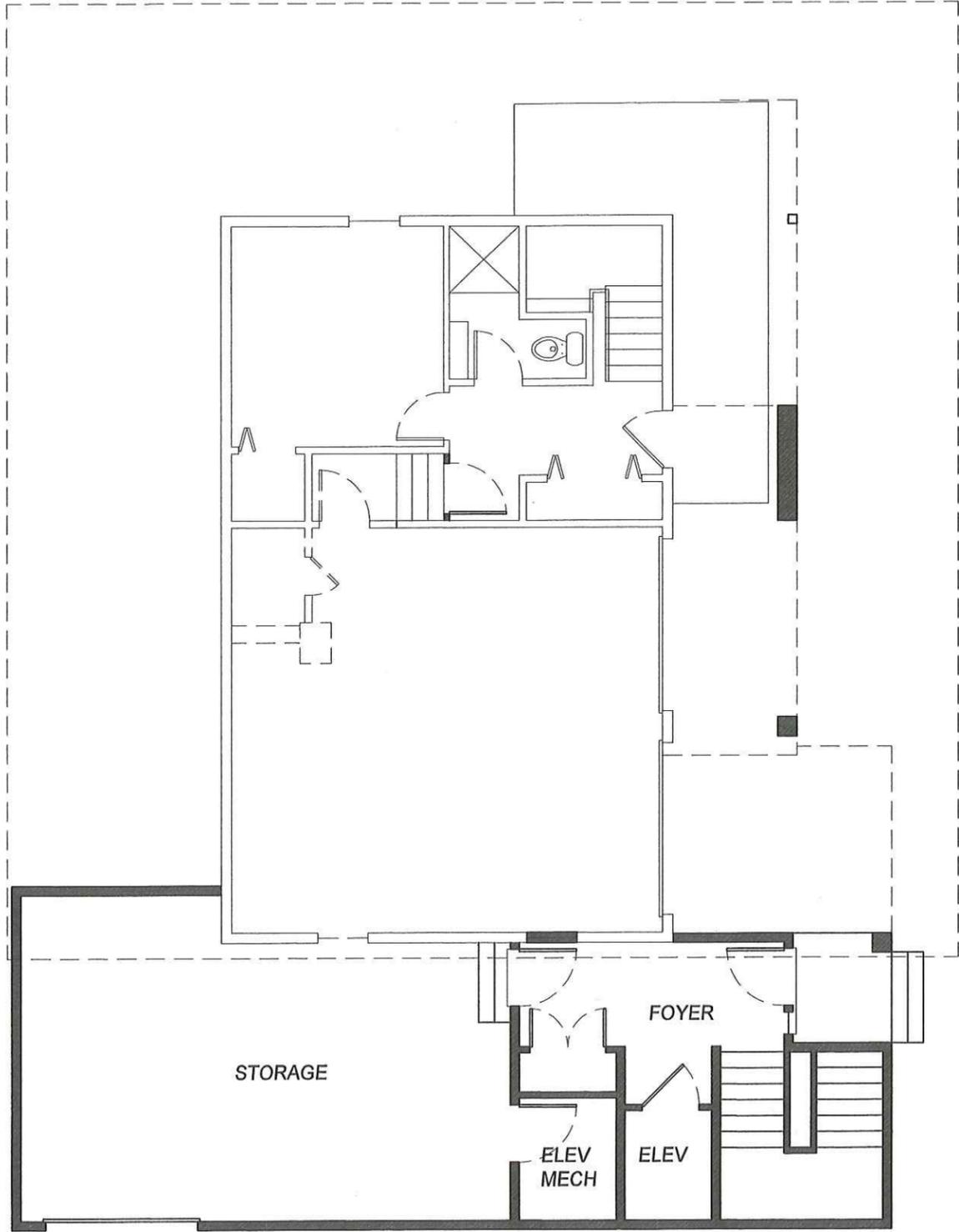
DRAWN BY: JBR

DATE: 03-12-2022

SCALE: 1"=20'

SHEET 1/1

PROFESSIONAL ENGINEER



A1 GROUND AND FIRST FLOOR PLANS

1/8" = 1'-0"

ALL DESIGN CONCEPTS, IDEAS AND ARRANGEMENTS DEPICTED ON THESE DRAWINGS ARE THE PROPERTY OF ARCHOLOG. NO PART OF THESE DRAWINGS SHALL BE USED IN CONNECTION WITH ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF ARCHOLOG. ARCHITECTURE AND DESIGN SERVICES ARCHOLOG, LLC 107 S. WASHINGTON ST., MILLFORD, DE 19963 PH: (302) 339-5566 WWW.ARCHOLOGDE.COM

REV.	DATE

CONSTRUCTION DRAWING FOR THE NEW
CHURCHWELL RESIDENCE RENOVATIOS
 39682 BALTIMORE STREET
 BETHANY BEACH, SUSSEX COUNTY, DELAWARE

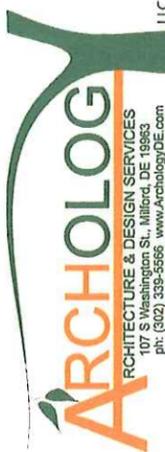
PROJECT #
21220

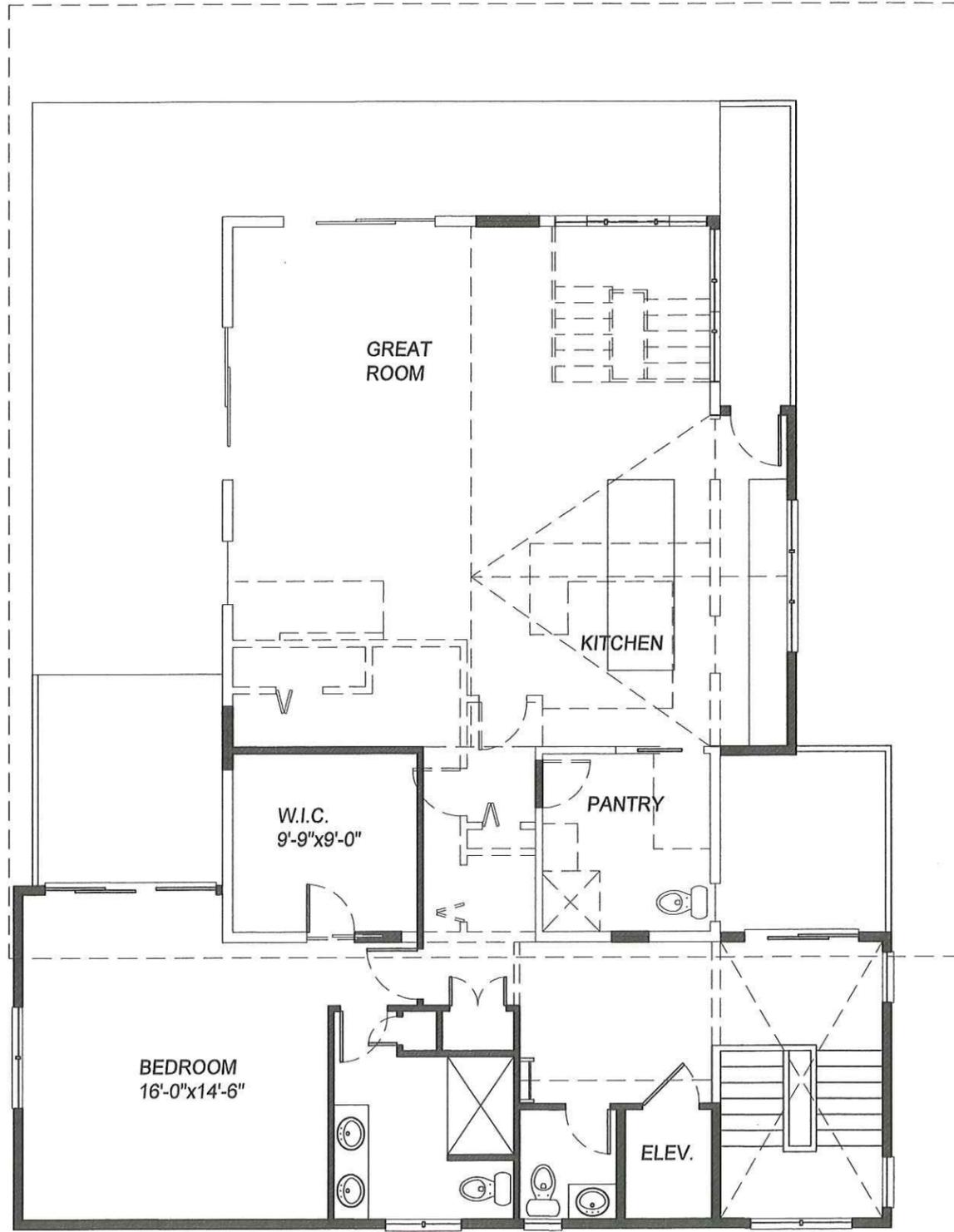
ARCHOLOG, LLC
 © 2021

SCHEMATIC PLANS

DATE:
10/22/2021

SHEET #
SD-4.01





A1 GROUND AND FIRST FLOOR PLANS

1/8" = 1'-0"

ALL DESIGN CONCEPTS, IDEAS AND ARRANGEMENTS ARE THE PROPERTY OF ARCHOLOG, LLC AND ARE INTENDED TO BE USED IN CONNECTION WITH THIS PROJECT ONLY. NO PART OF THIS DRAWING IS TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PURPOSE WHATSOEVER WITHOUT THE WRITTEN CONSENT OF ARCHOLOG. ANY CHANGES OR DEVIATIONS SHALL BE ALLOWED WITHOUT THE WRITTEN CONSENT OF ARCHOLOG. ARCHITECTURE AND DESIGN SERVICES, LLC

REV.	DATE
A	

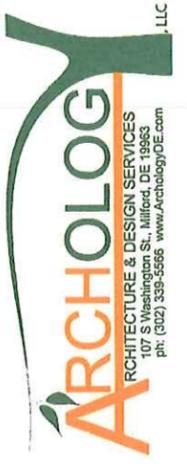
CONSTRUCTION DRAWING FOR THE NEW:
CHURCHWELL RESIDENCE RENOVATIOS
 39662 BALTIMORE STREET
 BETHANY BEACH, SUSSEX COUNTY, DELAWARE

PROJECT #
21220

ARCHOLOG, LLC
 © 2021

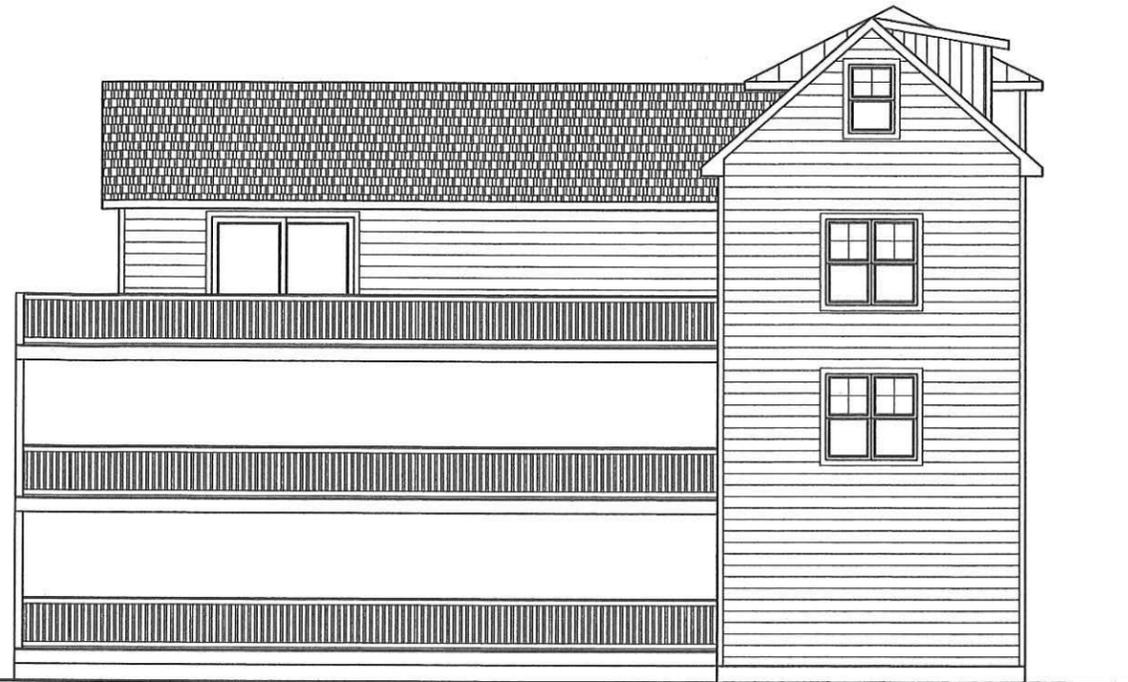
DATE:
10/22/2021

SHEET #
SD-4.02





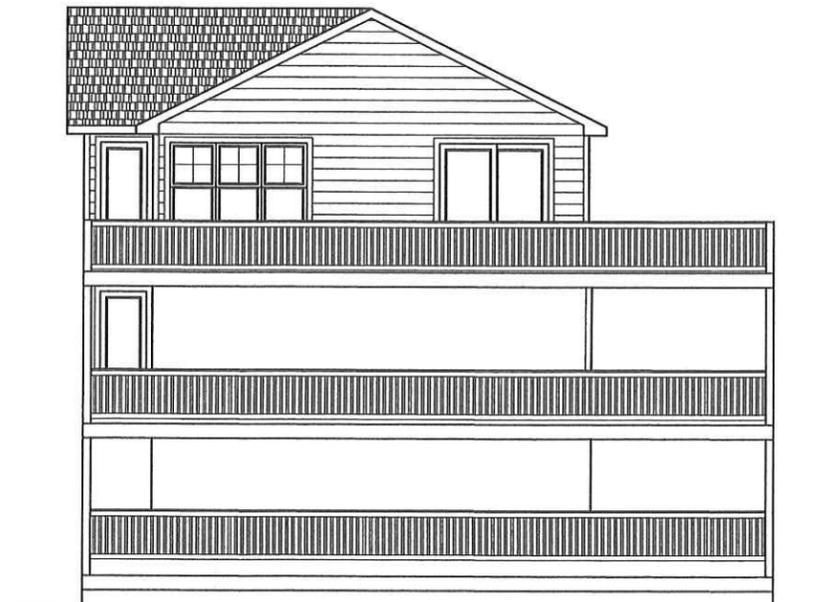
FRONT ELEVATION



REAR ELEVATION



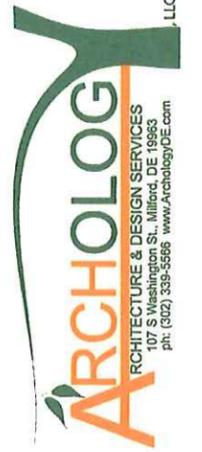
SIDE ELEVATION



SIDE ELEVATION

A1 ELEVATIONS

1/8" = 1'-0"



ALL DESIGN CONCEPTS, IDEAS AND ARRANGEMENTS DEPICTED ON THESE DRAWINGS ARE THE PROPERTY OF ARCHOLOG, LLC. THESE SERVICES ARE TO BE USED IN CONNECTION WITH THIS SPECIFIC PROJECT ONLY AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF ARCHOLOG, LLC. ARCHITECTURE AND DESIGN SERVICES PROVIDED BY ARCHOLOG, LLC ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF ARCHOLOG, LLC. ARCHITECTURE AND DESIGN SERVICES.

REV.	DATE

CONSTRUCTION DRAWING FOR THE NEW:
CHURCHWELL RESIDENCE RENOVATINOS
 3966Z BALTIMORE STREET
 BETHANY BEACH, SUSSEX COUNTY, DELAWARE

PROJECT # 21220

SCHEMATIC ELEVATION

ARCHOLOG, LLC
 © 2021

DATE:
 10/22/2021

SHEET #
 SD-4.03

To: Sussex County Board/Planning and Zoning
Please note the following letters supporting our Variance Case #12706. These letters are from the neighbors directly across the street.

Thank You.
George and Jeanne Churchwell
39662 Baltimore Street
Bethany Beach, DE 19930



TODD AND ALLYSON MOYER

39663 Baltimore St, Bethany Beach, DE 19930

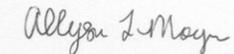
6/7/2022

Board of Adjustment
Sussex County Planning & Zoning Department
2 The Circle
Georgetown, DE 19947

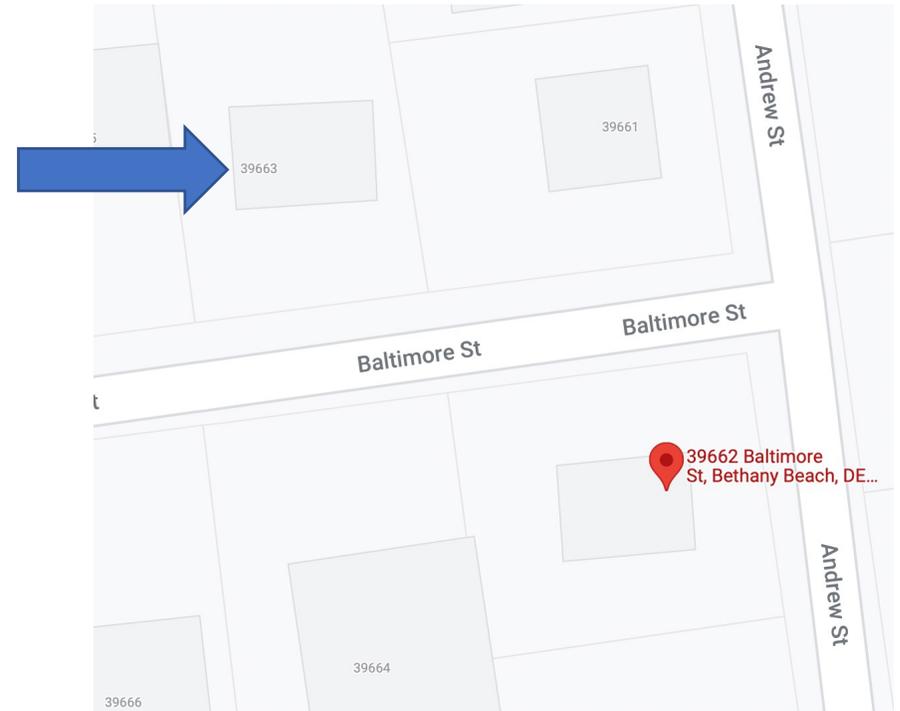
Dear Board of Adjustment:

We own a home across the street from George Churchwell. After reviewing their plans with the new addition on the side and changes to the front, we strongly support the variance request. The resulting home will enhance the neighborhood.

Sincerely,



Todd and Allyson Moyer



From: Alex Chrostowski atchros@verizon.net
Subject: RE: Letter to Support Variance for the Churchwell Residence
Date: June 8, 2022 at 8:32 AM
To: George Churchwell george.churchwell@gmail.com



Hi George,

Attached is our letter for your variance.

Good luck,

Alex

Sent from [Mail](#) for Windows

From: [George Churchwell](#)
Sent: Monday, June 6, 2022 12:09 PM
To: toby@jottan.com; atchros@verizon.net
Cc: [Jeanne Churchwell](#)
Subject: Letter to Support Variance for the Churchwell Residence

Hello, Your house is beautiful (love to get a tour sometime); it would be great to grab a drink this summer.

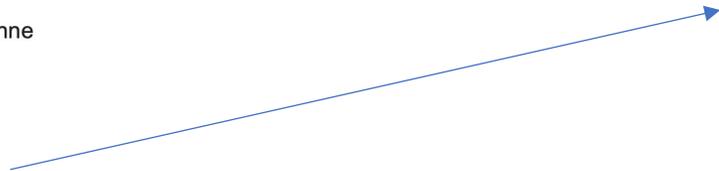
I am sending you this email to see if you would be willing to send a letter supporting our request for a variance of 15 feet on the Andrew Street side of the house. The Andrews side setback is currently 38 feet from the road, and we would like to build in 15 feet of that area. I am attaching the front elevation of the house we are building for your reference. In addition, I have provided a draft letter to make it easier (although feel free to modify or not use it). If agreeable to you, you can send it to me via email. We are having a public hearing on 6/22/22. If you'd rather not, I fully understand.

Thanks,

George and Jeanne



Variance letter
for Chu...ll.docx



Toby And Alexandra Chrostowski
39661 Baltimore Street
39667 Baltimore Street
Bethany Beach, De. 19930

6/8/2022

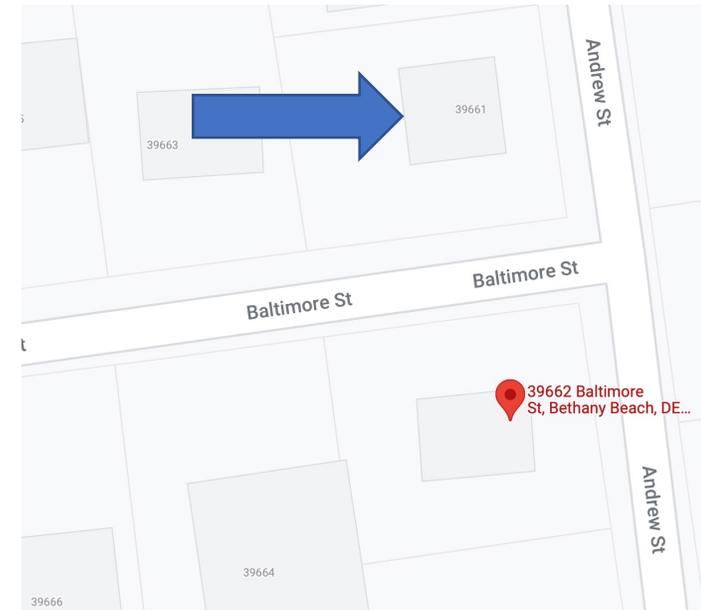
Board of Adjustment
Sussex County Planning and Zoning Department
2 The Circle
Georgetown, DE 19947

Dear Board of Adjustment,

We have been neighbors of George and Jeanne Churchwell for several years and own a home across the street from them and another house that is three houses down from their property. We have reviewed their plans, including the need for a 15 foot variance on the Andrew side of the street. We strongly support their variance request. We are excited to see their renovated house and believe the project and their house will be an enhancement to our street.

Sincerely,

Toby Chrostowski
Alexandra Chrostowski



Case # 12707
Hearing Date _____

Board of Adjustment Application Sussex County, Delaware

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

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:

19138 Coastal Hwy, Rehoboth Beach DE 19971-6110

Variance/Special Use Exception/Appeal Requested:

Permission to install "privacy" fence (of 6-7' height permitted in rear and side yards) along the same path as the existing shorter fence partially enclosing my north side-yard and rear yard. The current fence extends A: to a point even with the front of my house, which is approx. 30' from the highway and B: directly to the alley which runs behind my property. I'm seeking to increase the height of the fence along this entire distance.

Tax Map #: 334-13.00-141.00

Property Zoning: C-1

Applicant Information

Applicant Name: Sean W Hearn

Applicant Address: 19138 Coastal Hwy.

City Rehoboth Beach State DE

Zip: 19971

Applicant Phone #: (302) 236-3921

Applicant e-mail: seanwhearn@gmail.com

Owner Information

Owner Name: Starboard Restaurant Inc.

Owner Address: 19138 Coastal Hwy.

City Rehoboth Beach State DE

Zip: 19971

Purchase Date: 06/29/1999

Owner Phone #: _____

Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Date: 04/20/2022



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

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

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

1. Uniqueness of property:

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

Property is along heavily-trafficked Coastal Highway near Rehoboth Beach. Road noise from the highway is extreme. Foot traffic along the sidewalk is considerable, and there have been recent incidents where passerby have been uncomfortably confrontational. Additionally, property is in a commercial zone and surrounded by active businesses, which have bright lights, and customers coming and going who also generate a fair amount of noise. For these reasons, a privacy fence is a practical necessity.

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.

Currently, the entire area of the north side-yard is in active daily use. Installing a privacy fence in accordance with modern setback requirements of 40' from the highway would cut off and prevent the use of a considerable portion of this yard space. Further, complying with the setback requirements from the alley to the rear would effectively prevent any privacy between my property and the business operated by the neighbors to the north.

3. Not created by the applicant:

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

I'm seeking to improve the privacy of my property from the existing unfavorable conditions, all of which are beyond my control. Existing chain-link fence offering no privacy was already in place when I moved in. It's now old, rusty, bent and damaged in places, and noise and traffic from the highway and neighboring property have only increased naturally over time.

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

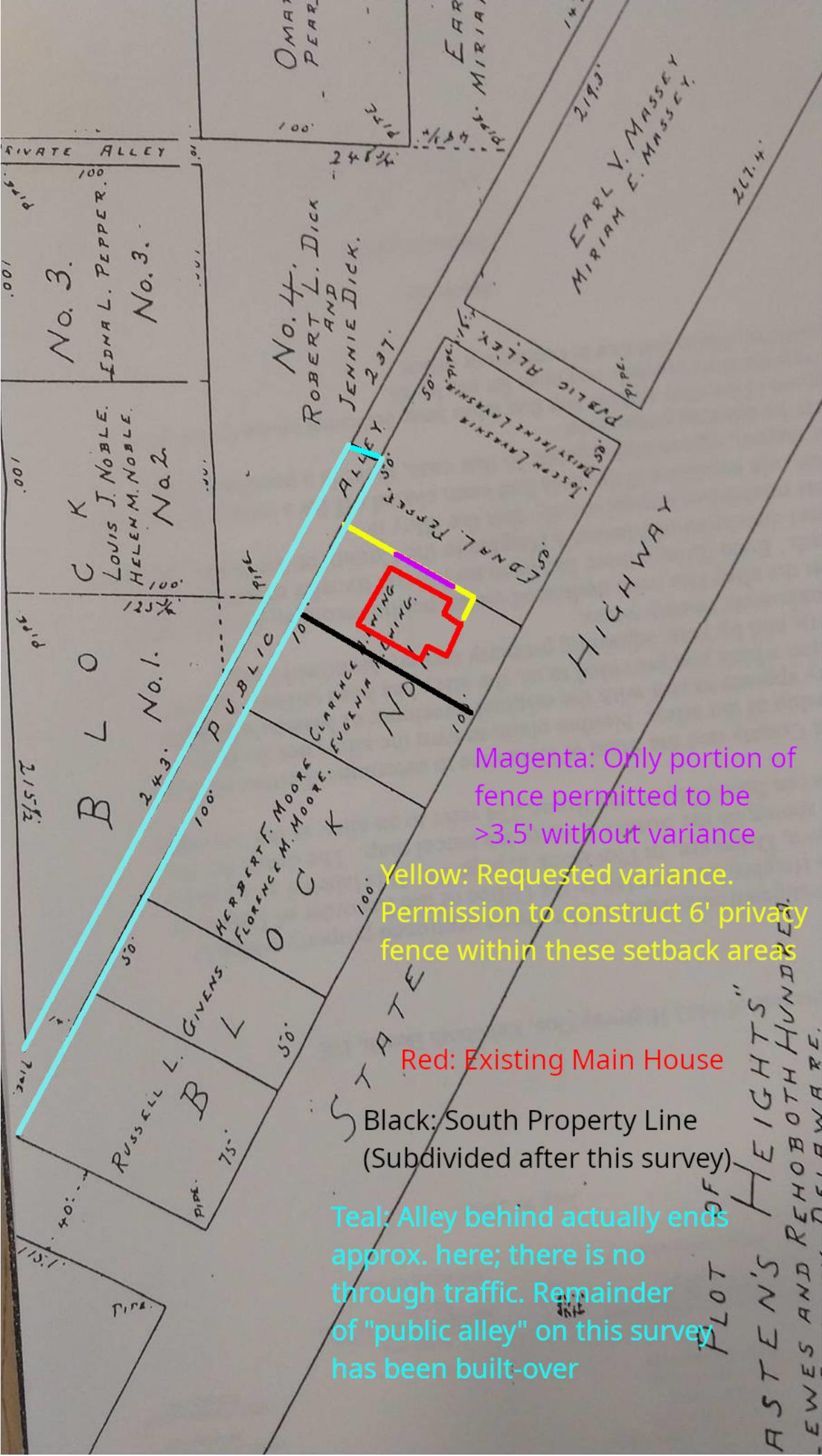
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

"Neighborhood" is comprised of non-HOA commercial properties; many are businesses rather than residences. Adjacent business runs with no problems caused by placement of existing fence, and has no need for visibility into my property. Privacy fence will not impede visibility along highway or any driveways. Alley in rear is effectively a shared driveway, ending at the next lot north, with no through traffic, so there are also no safety concerns caused by reduced visibility there.

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.

I am not seeking to extend the proposed privacy fence beyond the boundaries of the existing fence, but merely along the same path. Privacy fence will not extend into my front yard, or into the alley behind my property. Only increased height along the full length of the existing fence can afford my property privacy from both the neighboring property and the highway.



Magenta: Only portion of fence permitted to be >3.5' without variance

Yellow: Requested variance. Permission to construct 6' privacy fence within these setback areas

Red: Existing Main House

Black: South Property Line (Subdivided after this survey)

Teal: Alley behind actually ends approx. here; there is no through traffic. Remainder of "public alley" on this survey has been built-over

PLOT OF "PLASTER'S HEIGHTS"
LEWES AND REHOBOTH HUNDREDS.

Case # 12708
Hearing Date 202205762

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

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

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

36954 Laws Point Rd Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

To allow for the heat pump to remain in it's current location along side the new home extending 8 inches over the side setback. The neighbor has already signed off that they have no issue with the placement of the heat pump. (See attached)

Tax Map #: 533-12.16-312.03

Property Zoning: GR

Applicant Information

Applicant Name: Clayton Homes Inc
Applicant Address: 28679 E DuPont Blvd
City Millsboro State DE Zip: 19966
Applicant Phone #: (302) 934-6322 Applicant e-mail: HC345@gmail.com

Owner Information

Owner Name: Charles Van Aulen
Owner Address: 36954 Laws Point Rd
City Selbyville State DE Zip: 19975 Purchase Date: 3-17-22
Owner Phone #: (717) 538-3667 Owner e-mail: cvanaul@msn.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

Charles Van Aulen

Date: 4/20/2022



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

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

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

1. Uniqueness of property:

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

This lot is 40' wide with side setbacks of 10' allowing for 30' of buildable width. The new home measures 28' wide leaving 2' of building space. The heat pump was placed on the left side of the home which was 0.6' over the BRL even after adjustments to the platform to save space.

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 new home being all electric requires the use of a Heat Pump to efficiently heat and cool the home. The location of the Heat Pump required close proximity to the electric furnace inside the home due to line set constraints and building space on the lot.

3. Not created by the applicant:

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

Clayton Homes has built the new home to the customer's specs for the lot in it's existing condition. Due to the shape and size of the lot, the home was tailored to fit within setbacks and once the As-Built survey was completed, it was discovered that the heat pump extended into the BRL.

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.

Many of the neighboring lots within Swan Keys including both immediate neighboring parcels have exterior heat pumps and sheds which are currently over the building restriction lines. The attached letter from Mr Melvin Fetty of 36956 Laws Point Rd Selbyville, DE 19975 grants permission for Mr Van Aulen's heat pump over the building restriction line.

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.

This variance request is strictly to allow for the 8 inch extension of the heat pump and platform over the BRL and not for use in future construction plans.

Board of Adjustment Application
Sussex County, Delaware

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

Case # _____
Hearing Date _____
202205762

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:

36954 Laws Point Rd Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested:

To allow for the heat pump to remain in it's current location along side the new home extending 8 inches over the side setback. The neighbor has already signed off that they have no issue with the placement of the heat pump. (See attached)

Tax Map #: 533-12.16-312.03

Property Zoning: GR

Applicant Information

Applicant Name: Clayton Homes Inc
Applicant Address: 28679 E DuPont Blvd
City Millsboro State DE Zip: 19966
Applicant Phone #: (302) 934-6322 Applicant e-mail: HC345@gmail.com

Owner Information

Owner Name: Charles Van Aulen
Owner Address: 36954 Laws Point Rd
City Selbyville State DE Zip: 19975 Purchase Date: 3-17-22
Owner Phone #: (717) 538-3667 Owner e-mail: cvanaul@msn.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

Charles Van Aulen

Date: 4/20/2022



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

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

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

1. Uniqueness of property:

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

This lot is 40' wide with side setbacks of 10' allowing for 30' of buildable width. The new home measures 28' wide leaving 2' of building space. The heat pump was placed on the left side of the home which was 0.6' over the BRL even after adjustments to the platform to save space.

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 new home being all electric requires the use of a Heat Pump to efficiently heat and cool the home. The location of the Heat Pump required close proximity to the electric furnace inside the home due to line set constraints and building space on the lot.

3. Not created by the applicant:

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

Clayton Homes has built the new home to the customer's specs for the lot in it's existing condition. Due to the shape and size of the lot, the home was tailored to fit within setbacks and once the As-Built survey was completed, it was discovered that the heat pump extended into the BRL.

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.

Many of the neighboring lots within Swan Keys including both immediate neighboring parcels have exterior heat pumps and sheds which are currently over the building restriction lines. The attached letter from Mr Melvin Fetty of 36956 Laws Point Rd Selbyville, DE 19975 grants permission for Mr Van Aulen's heat pump over the building restriction line.

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.

This variance request is strictly to allow for the 8 inch extension of the heat pump and platform over the BRL and not for use in future construction plans.

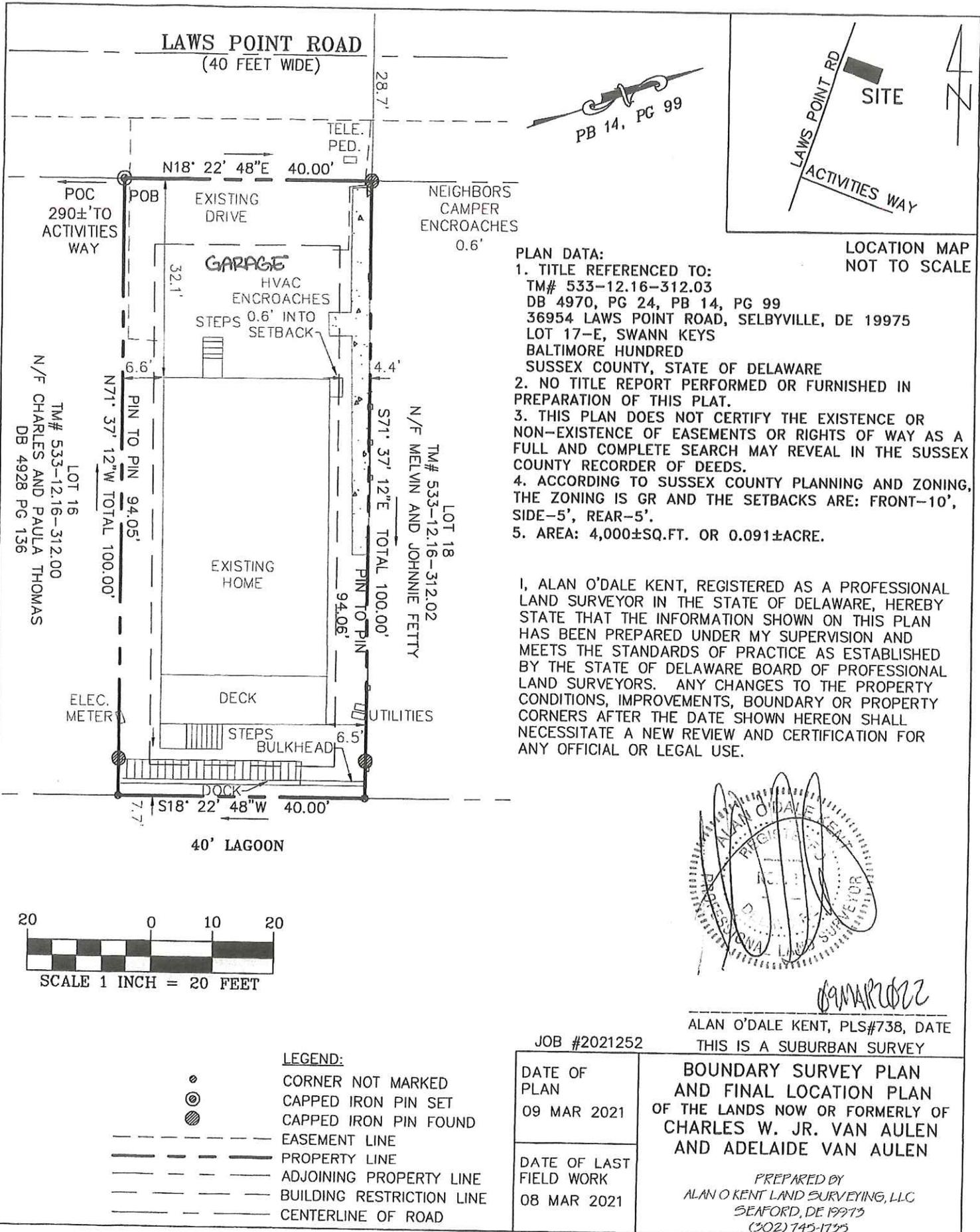
Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

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

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

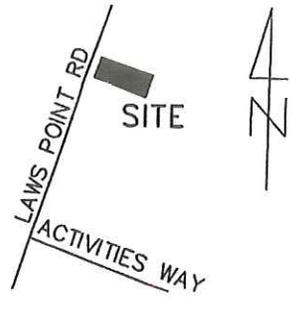
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

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



LAWS POINT ROAD
(40 FEET WIDE)

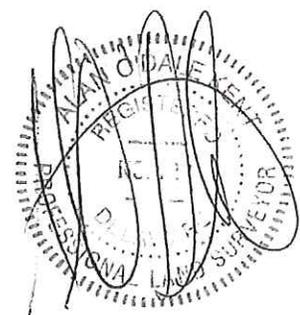
PB 14, PG 99



LOCATION MAP
NOT TO SCALE

- PLAN DATA:
- TITLE REFERENCED TO:
TM# 533-12.16-312.03
DB 4970, PG 24, PB 14, PG 99
36954 LAWS POINT ROAD, SELBYVILLE, DE 19975
LOT 17-E, SWANN KEYS
BALTIMORE HUNDRED
SUSSEX COUNTY, STATE OF DELAWARE
 - NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
 - THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
 - ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, THE ZONING IS GR AND THE SETBACKS ARE: FRONT-10', SIDE-5', REAR-5'.
 - AREA: 4,000±SQ.FT. OR 0.091±ACRE.

I, ALAN O'DALE KENT, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



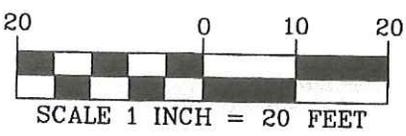
Alan O'Dale Kent

ALAN O'DALE KENT, PLS#738, DATE THIS IS A SUBURBAN SURVEY

JOB #2021252

DATE OF PLAN 09 MAR 2021	BOUNDARY SURVEY PLAN AND FINAL LOCATION PLAN OF THE LANDS NOW OR FORMERLY OF CHARLES W. JR. VAN AULEN AND ADELAIDE VAN AULEN PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 19975 (302) 745-1735
DATE OF LAST FIELD WORK 08 MAR 2021	

- LEGEND:
- CORNER NOT MARKED
 - ⊙ CAPPED IRON PIN SET
 - ⊗ CAPPED IRON PIN FOUND
 - - - - - EASEMENT LINE
 - — — — — PROPERTY LINE
 - — — — — ADJOINING PROPERTY LINE
 - — — — — BUILDING RESTRICTION LINE
 - — — — — CENTERLINE OF ROAD

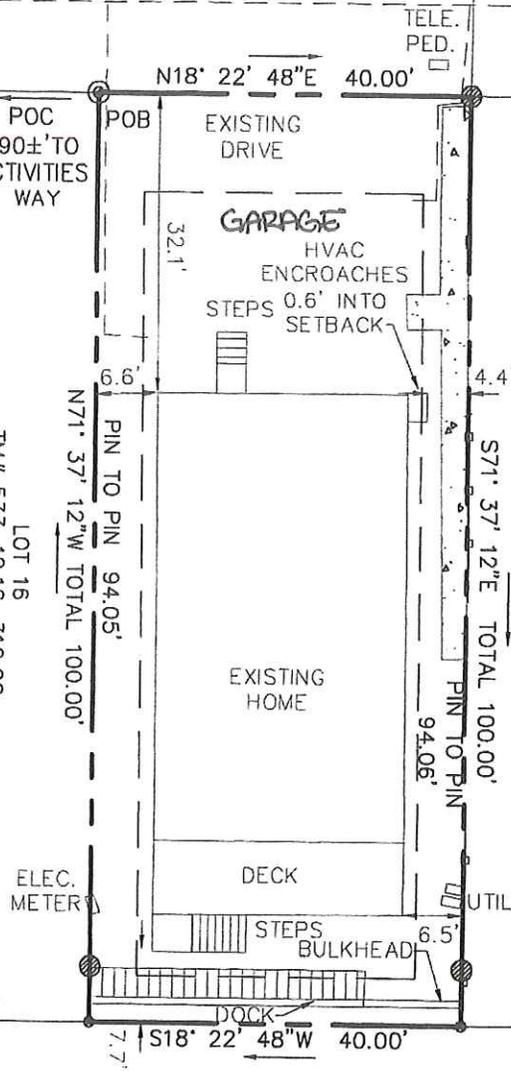


40' LAGOON

LOT 16
N/F CHARLES AND PAULA THOMAS
TM# 533-12.16-312.00
DB 4928 PG 136

LOT 18
N/F MELVIN AND JOHNNIE FETTY
TM# 533-12.16-312.02

NEIGHBORS CAMPER ENCROACHES 0.6'



ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 36954 LAWS POINT ROAD			Policy Number:
City SELBYVILLE	State Delaware	ZIP Code 19930	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption LEFT SIDE VIEW 08 MAR 2022

Clear Photo Three

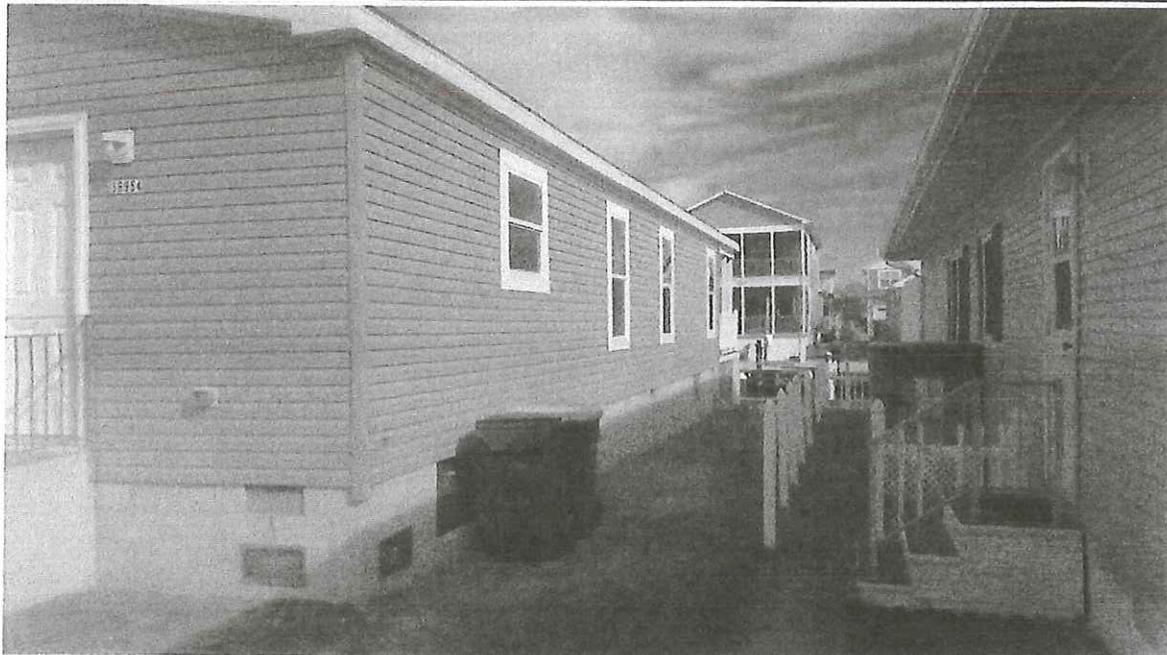


Photo Four

Photo Four Caption RIGHT SIDE VIEW 08 MAR 2022

Clear Photo Four

Department of Planning and Zoning
Sussex County
2 The Circle
PO Box 417
Georgetown, DE 19947

Re: Charles & Adelaida Van Aulen
36954 Laws Point Road
Selbyville, DE 19975
AC Unit Encroachment over Building Restriction Line

To Whom It May Concern:

Please be advised that I am the neighbor of Mr. & Mrs. Van Aulen. With my signature below, I am hereby granting my permission for the Van Aulen's AC Unit encroachment over the Building Restriction Line located at the above referenced address. My information is as follows:

MELVIN FETTY
Printed Name

36956 LAWS POINT Rd Selbyville DE
Address 19975

443-790-1141
Phone Number

Respectfully submitted,

Melvin Fetty
Signature

