

BOARD OF ADJUSTMENT

KEVIN E. CARSON
DR. LAUREN A. HITCHENS
SHAWN LOVENGUTH
JOHN WILLIAMSON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878

AGENDA

July 21, 2025

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes for June 2, 2025

Approval of Finding of Facts June 2, 2025

Approval of Minutes for June 16, 2025

Approval of Finding of Facts June 16, 2025

Approval of Minutes for July 7, 2025

Approval of Finding of Facts July 7, 2025

Public Hearings

Case No. 13077 – Ernest Messick

seeks a variance from the side yard setback requirement for an existing structure and 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 (Section 115-20A(15)(c) 115-23, 115-25, and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Hearn's Pond Road. 911 Address: 8415 Hearn's Pond Road, Seaford. Zoning District: AR-1. Tax Map: 331-3.00-104.00

Case No. 13079 – Arnold & Eleanor Smith

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. (Section 115-20A (15)(c) and 115-23 of the Sussex County Zoning Code). The property is located on the northwest side of Asbury Road, Georgetown. 911 Address: 24708 Asbury Road, Georgetown. Zoning District: AR-1. Tax Map: 231-15.00-22.06 and 231-15.00-22.00

Case No. 13095 – Brice and Barbara Milligan

seeks a variance from the side yard set-back requirement for a proposed structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Hensley Road. 911 Address: 21823 Hensley Road, Seaford. Zoning District: AR-1. Tax Parcel: 531-6.00-112.03

Case No. 13096 – Colleen Shields and Helene White

seeks variances from the front yard setback and maximum fence height within the front yard setback requirements for proposed structures (Section 115-42 and 115-182 of the Sussex County Zoning Code). The property is located on the east side of Holly Terrace Road. 911 Address: 32418 Holly Terrace Road, Ocean View. Zoning District: GR. Tax Parcel: 134-9.00-190.00

Case No. 13097 –David and Linda Vandever

seek variances from the rear yard setback requirements for proposed structures (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Van Buren Avenue within the Edgewater Subdivision. 911 Address: 39126 Van Buren Avenue, Selbyville. Zoning District: AR-1. Tax Parcel: 533-20.19-8.01

Case No. 13093 – St. Jude the Apostle Church d/b/a Code Purple

seeks variances from the 400-foot minimum setback from any existing dwelling on property of other ownership for a proposed park or campground (Section 115-79 and 115-172 (H)(3) of the Sussex County Zoning Code). The property is located on the south side of Coastal Highway. 911 Address: 18006 Coastal Highway, Lewes. Zoning District: C-1. Tax Parcel: 334-6.00-526.01

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 14, 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. All comments are encouraged to be submitted by 4:30 P.M. on July 17, 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 # 13077
Hearing Date June 2, 2025
202504073

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:

8415 HEARNS POND ROAD SEAFORD DE 19973

Variance/Special Use Exception/Appeal Requested:

VARIANCE FROM SQUARE FOOTAGE FOR AN ADU

Tax Map #: 331-3.00-104.00

Property Zoning: AR-1

Applicant Information

Applicant Name: ESTATE OF ERNEST S. MESSICK

Applicant Address: C/O MICHAEL F. MCROBERTY 110 N. PINE STREET

City SEAFORD State DE Zip: 19973

Applicant Phone #: 1-302-628-1000 Applicant e-mail: REALSTATE@MFMLAWOFFICE.NET

Owner Information

Owner Name: ERNEST S. MESSICK & SUSAN B. MESSICK TRUST

Owner Address: C/O ERNEST S. MESSICK JR. 3905 BLACKBERRY LANE

City FREDERICKSBURG State VA Zip: 22407 Purchase Date: 03/25/1987

Owner Phone #: 1-540-455-9584 Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name: Michael F. McRoberty

Agent/Attorney Address: 110 N. PINE STREET

City SEAFORD State DE Zip: 19973

Agent/Attorney Phone #: 302-628-1000 Agent/Attorney e-mail:

Signature of Owner/Agent/Attorney

REALSTATE@MFMLAWOFFICE.NET

Date: 3/27/2025



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

SEE ATTACHED

2. Cannot otherwise be developed:

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

SEE ATTACHED

3. Not created by the applicant:

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

THE EXCEPTIONAL PRACTICAL DIFFICULTY WAS NOT CREATED BY THE APPLICANT

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

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

IT WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD, THE BUILDING WILL NOT CHANGE THERE WILL BE NO NOTICEABLE DIFFERENCE

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 IS THE MINIMUM VARIANCE THAT WILL AFFORD RELIEF

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.

THE CHANGE WILL NOT BE NOTICEABLE. THERE WILL BE NO CHANGE TO THE FOOT PRINT OF THE HOME. THERE IS ONLY ONE RESIDENCE BUT IT HAS 2 KITCHENS. THE DECEASED OWNER PARENTS LIVED WITH THE UNTIL THE PARENTS DIED

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)

THE ADU IS LIMITED TO 1,000 SQUARE FEET. THE ADU IS PART OF THE CURRENT HOME. THE VARIANCE IS NEEDED BECAUSE THE ADU EXCEEDS THE 1,000 SQUARE FEET BY 152 SQUARE FEET

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

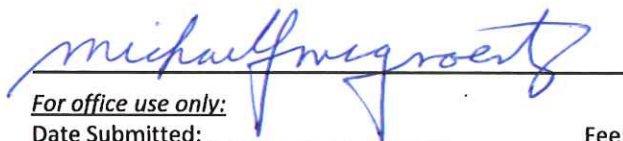
- ☒ • Completed Application
- ☒ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed 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: 3/27/2025

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

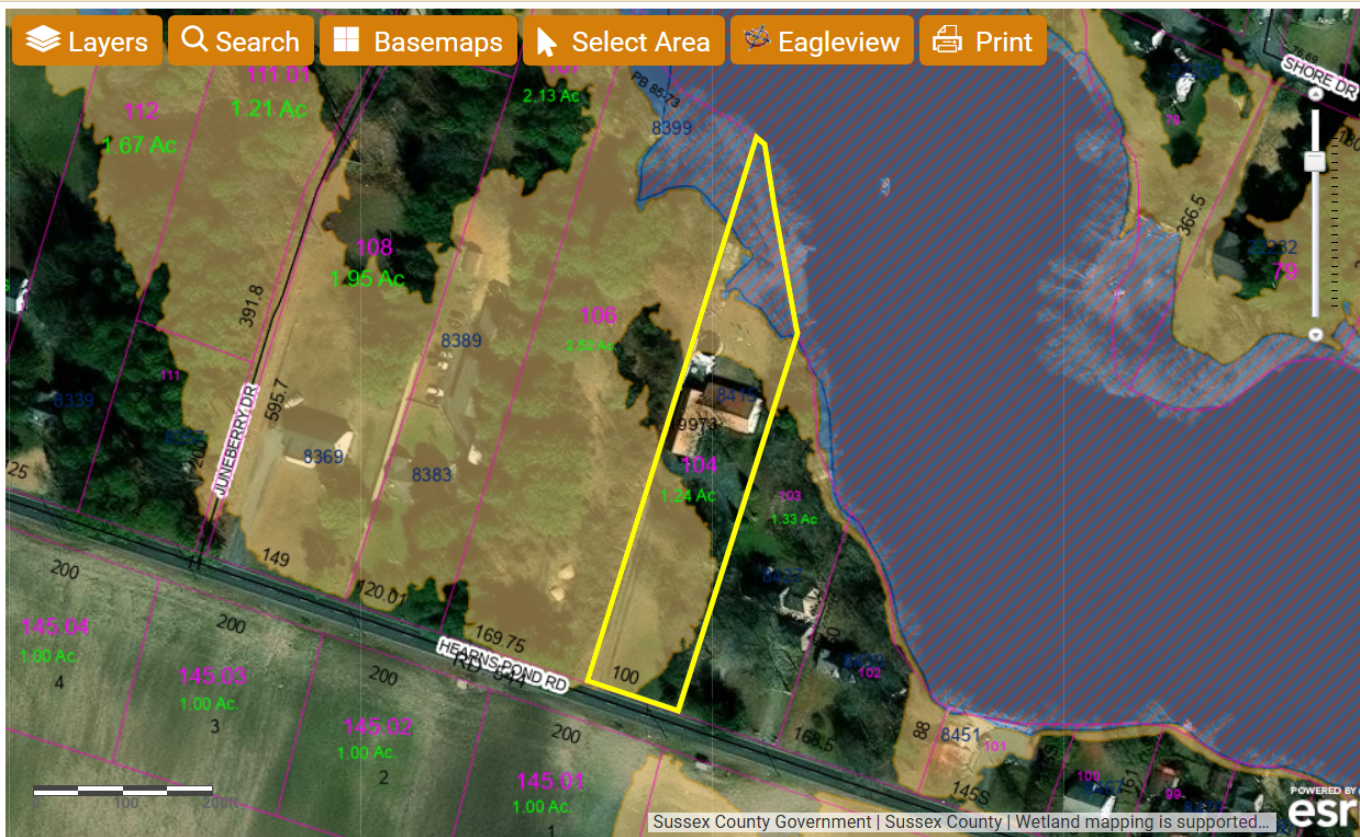
Subdivision: _____

Lot#: _____

Block#: _____

Date of Hearing: _____

Decision of Board: _____



[Eagleview](#)
[Search Results](#)

[Layers](#)
[Search](#)
[Basemaps](#)
[Select Area](#)
[Eagleview](#)
[Print](#)

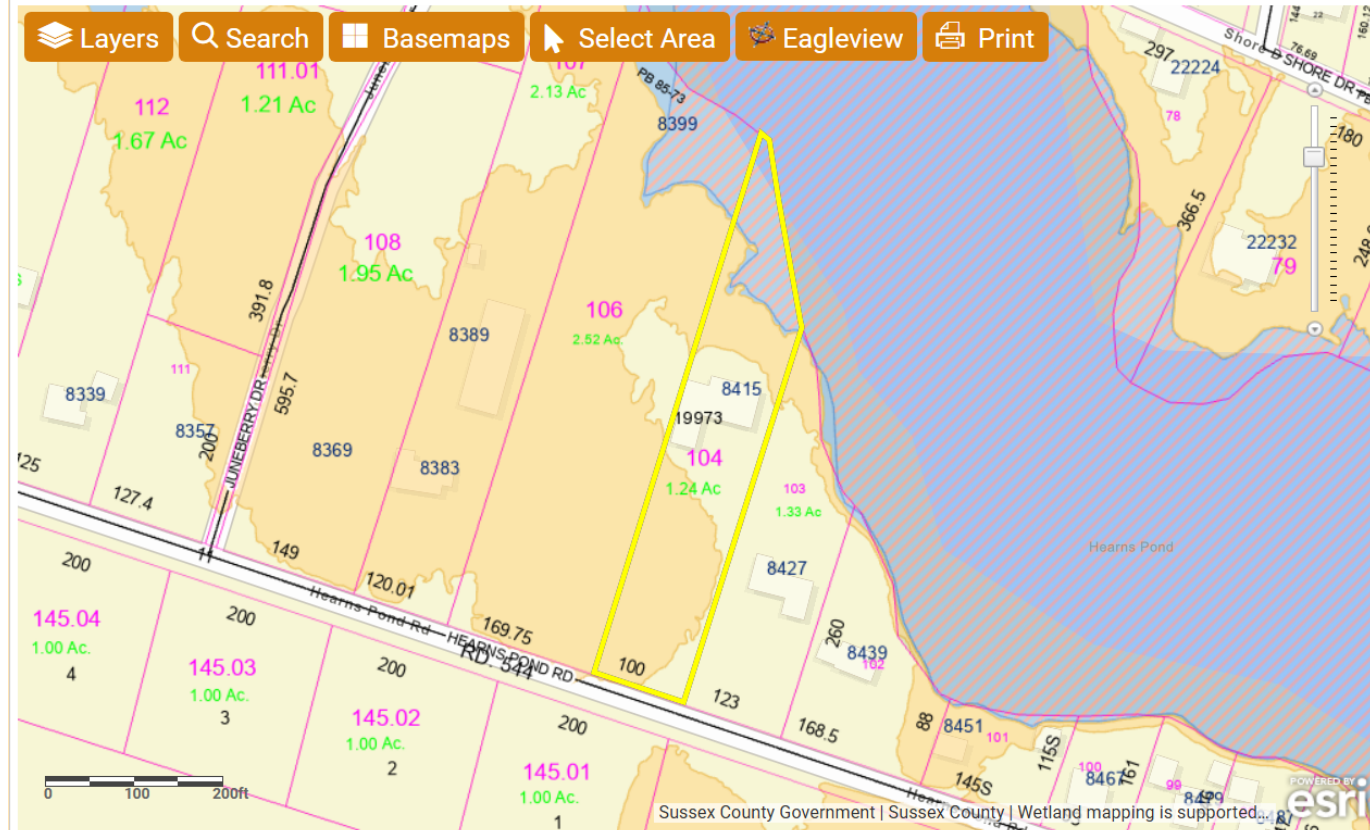
Selected Features: Parcels (1)

1) 331-3.00-104.00 [Zoom](#)

BOOK	4367
PAGE	272
FULLNAME	MESSICK ERNEST S
Second_Owner_Name	SUSAN B MESSICK TRUSTEES
MAILINGADDRESS	8415 HEARNS POND RD
CITY	SEAFORD
STATE	DE
a_account	
DESCRIPTION	HEARN MILLWESLEY CH
DESCRIPTION2	N/RT 544
DESCRIPTION3	1900'W/RT 13A
LUC	101
SCHOOL	3
ALIAN	00

Selected Features (1)
[Clear Selected](#)

[Layers](#)
[Search](#)
[Basemaps](#)
[Select Area](#)
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[Print](#)



Eagleview Search Results ✕

Selected Features: Parcels (1) ▼

▼ 1) 331-3.00-104.00 Zoom

BOOK	4367
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LUC	101
SCHOOL	3
MUNI	00

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Selected Features (1)

[Clear Selected](#)



Workspaces ▾

Search ✕

Search by SUSSEXPARELS ▾

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Search results (1) Options ▾

▶ 331-3.00-104.00

LANDS OF WALTER V. CHAMBERLAIN TO BE CONVEYED
TO ERNEST S. MESSICK AND SUSAN B. MESSICK, HIS WIFE,
SITUATED IN SEAFORD HUNDRED, SUSSEX
COUNTY, STATE OF DELAWARE, SURVEYED
BY: THOMAS A. TEMPLE, JR. DEL. P.L.S. NO. 242.

HARRY B. LOVE, ETUX (N/E)

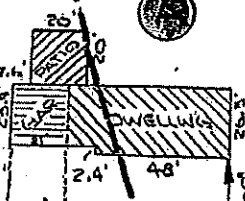
CONG. MON.
(FOUND)

ZONE
LINE

N 26° 18' 43" E-625.43'

1.24 ACRES
(MORE OR LESS)

ZONE



addition

ZONE

POINT
PIPE
(FOUND)

446.08'

9.35'

9.44'

436.08'

315.93'

S 26° 18' 10" W

(FOUND)
CONG. MON.

1003.00'

N 62° 30' 00" W

ROAD NO. 344

"HEARN MILL ROAD"

JAMES C. STOVER, ETUX

* REVISED TO SHOW
FIRM ZONE LINE.

REF: FIRM MAP

NS. 10005C0261 F
DATED JUNE 16, 1995.

COPY SHOWING
NEW CONSTRUCTION
SITE

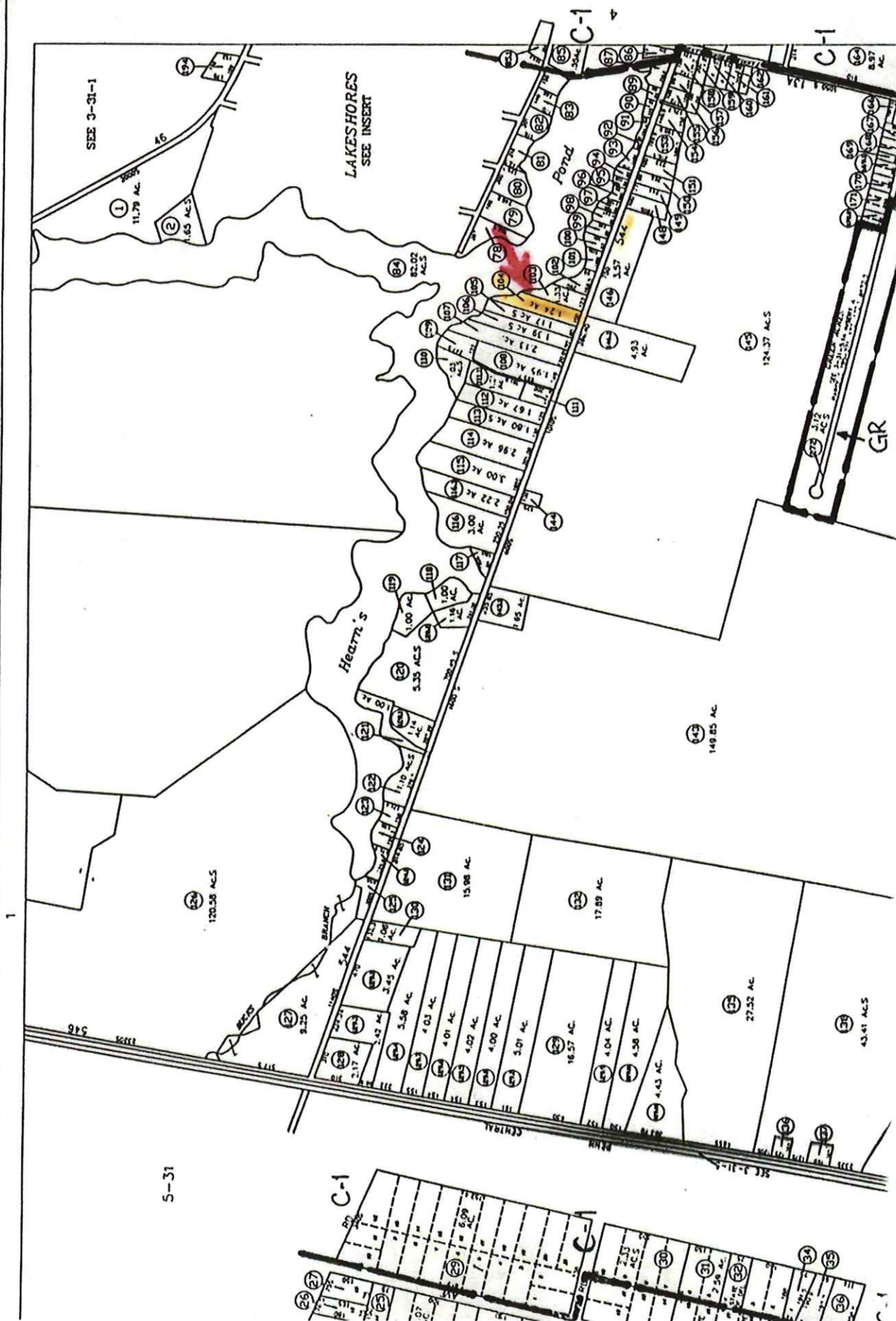
167552

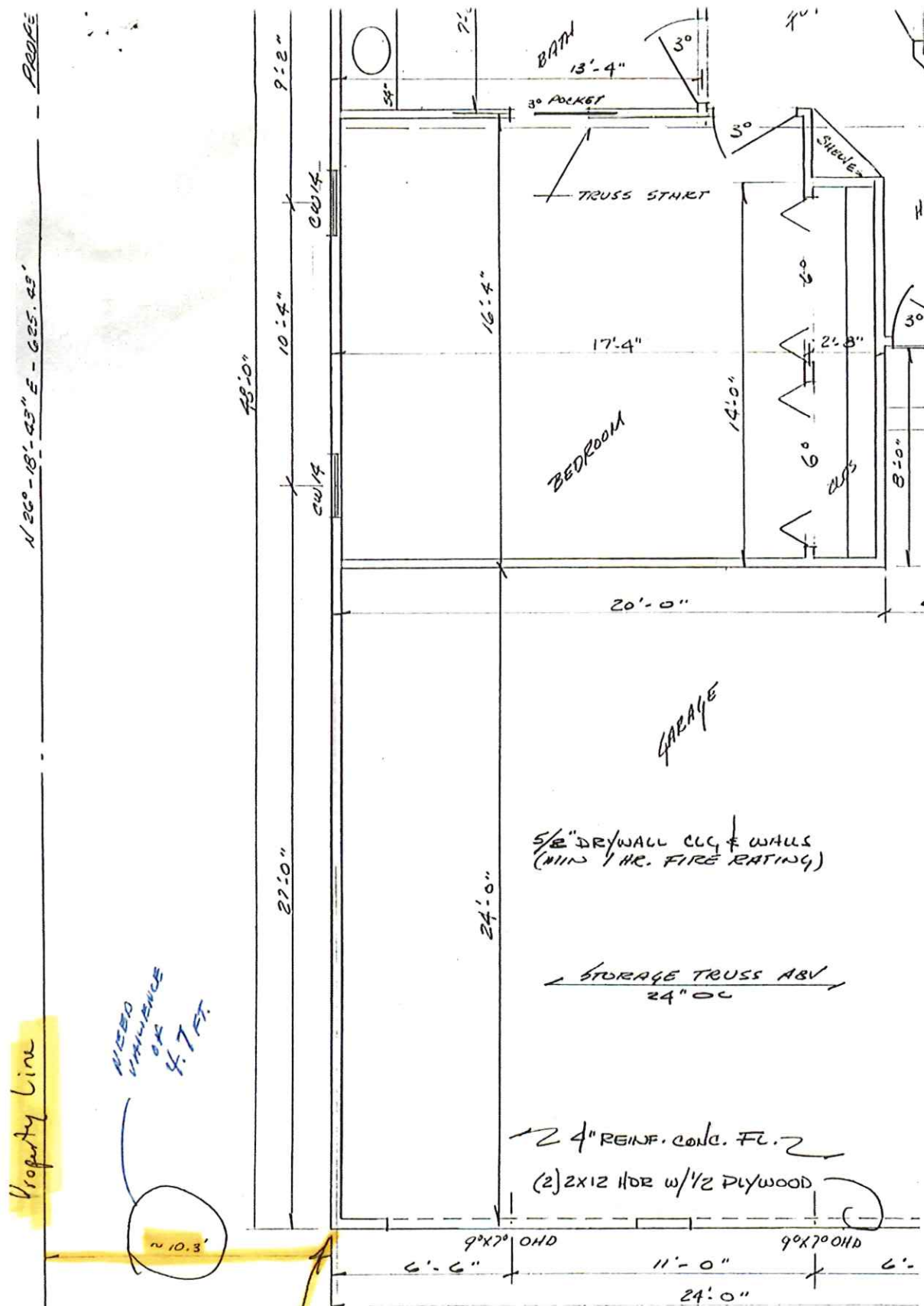
Thomas A. Temple, Jr.
DEL. P.L.S. NO. 242
NOVEMBER 10, 1997.



0.34 MI ± TO
ROUTE NO. 134

3-31-3-104





FIRST FLOOR PLAN

of

Proposed Edition To Be Built

Page 8
Minutes
7/21/97

There were no parties present in opposition.

Mr. Rickard stated that no correspondence had been received pertaining to this case.

Motion was made by Mr. McCabe, seconded by Mr. Wheatley and carried unanimously that the variances be granted. Vote 5-0.

Case No. 6378--R R Bayside, Inc. - Northwest side of Route One,
at the intersection of Route 271.
A variance from the requirements for signs.

The case was presented by Mr. Rickard. Nancy A. Peterson was sworn in and testified representing R R Bayside, Inc., who requested a variance from the requirements for signs to have a second sign, 10'x 6', on the east side of their outlet store known as Lucia. They are presently allowed one sign. Ms. Peterson stated that the outlets have been renovated and the store is on the corner, which previously had pressed on lettering. They now have nothing. They need to be seen and the sign will be similar to other stores.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6379--Ernest & Susan Messick - North side of Route 544,
1,900 feet west of Route 13-A.
A variance from the side yard setback requirement.

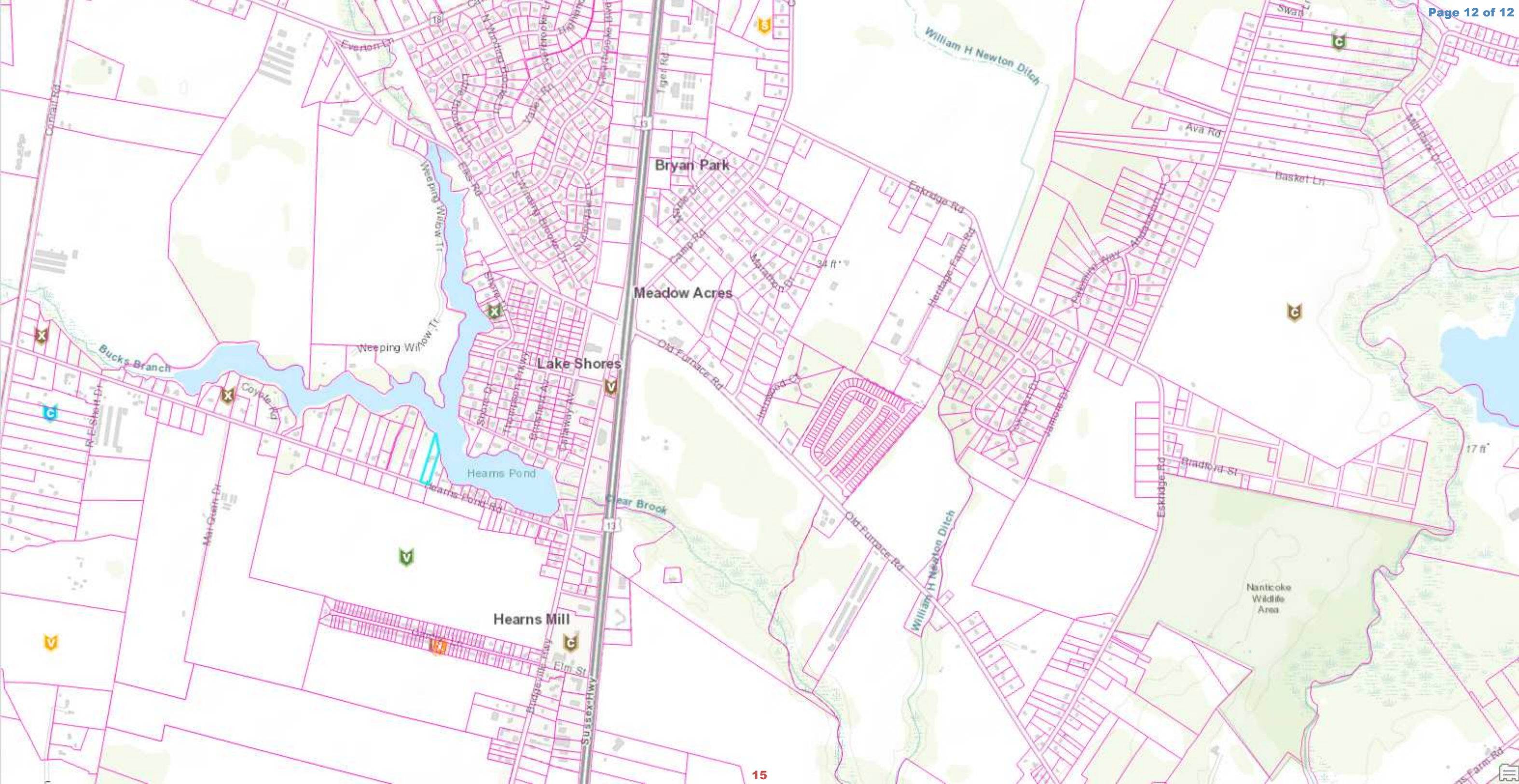
The case was presented by Mr. Rickard. Ernest & Susan Messick were sworn in and testified requesting a 4.7' variance from the 15' side yard setback requirement to be 10.3'. The applicants propose to build an addition to their home so Mrs. Messick's mother can live with them.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance be granted. Vote 5-0.

OLD BUSINESS

Case No. 6359 (cont'd.)--John Paluck - West side of Route One,
Lot 9, within Bayview Park.



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 # 13079
Hearing Date 4-2-25

RECEIVED

APR 04 2025

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:

24708 Asbury Road, Georgetown, DE 19947

Variance/Special Use Exception/Appeal Requested:

Non-Conforming Accessory Dwelling Use - Permitted on 10/25/2002 for use by Arnold Littleton & Evelyn Mary Smith, parents of the current owners. The home was incorrectly permitted and placed on Parcel 22.00 instead of Parcel 22.06. 115-20 (15) (c) - 191-square foot Variance from 1,000 square foot maximum floor area for an ADU and a 2.82% Variance increase over the maximum 50% ADU floor area of the single-family dwelling located on the same lot.

Tax Map #: 231-15.00-22.00/22.06**Property Zoning:** AR-1**Applicant Information****Applicant Name:** Deanna S. Killen for Arnold & Eleanor Smith**Applicant Address:** 16502 Old Furnace Road**City** Georgetown **State** DE **Zip:** 19947**Applicant Phone #:** (302) 841-3796 **Applicant e-mail:** deanna.s.killen@gmail.com**Owner Information****Owner Name:** Arnold L. & Eleanor D. Smith, Jr.**Owner Address:** 24678 Asbury Road**City** Georgetown **State** DE **Zip:** 19947 **Purchase Date:** 6/25/54**Owner Phone #:** (302) 841-3796 **Owner e-mail:** deanna.s.killen@gmail.com**Agent/Attorney Information****Agent/Attorney Name:** Mark H. Davidson - Pennoni**Agent/Attorney Address:** 18072 Davidson Drive**City** Milton **State** DE **Zip:** 19968**Agent/Attorney Phone #:** (302) 684-6207 **Agent/Attorney e-mail:** mdavidson@pennoni.com**Signature of Owner/Agent/Attorney**Date: 4/3/2025

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.

The unique physical condition of the property could be attributable to its shape given that the permit granted was for an ADU to be associated with Parcel 22.06 BUT was placed on Parcel 22.00 when the building permit was issued and the Certificate of Occupancy was granted. This then became an ADU associated with the main dwelling on Parcel 22.00 when the intent of the ADU was for the main dwelling on Parcel 22.06.

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 utilities and access benefiting the ADU is burdening Parcel 22.06. The non-conforming ADU is already developed and was for the use with the main dwelling on Parcel 22.06 and could not be associated in strict conformity with Parcel 22.00 due to its existing location as shown on the attached plan.

3. Not created by the applicant:

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

The applicants placed the ADU for their parents to reside back in 2003 and had associated the ADU with the main dwelling on Parcel 22.06. Appellants were not aware that the ADU was on their adjacent Parcel 22.00 until Pennoni surveyed the property, 2025, for their family estate planning.

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 essential character of the neighborhood will remain the same, as has been previously approved, through building permits and certificate of occupancies for the Smith Family.

5. Minimum variance:

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

The variance requested, is the minimum variance that will afford relief for the non-conforming ADU under the requirements of 115-20 (15).

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

- No** →
- ☒ • 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

Carol L. Smith

Date: 4/3/2025

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: _____



18072 Davidson Drive
Milton, DE 19968
(302) 684-8030
www.pennoni.com

LETTER OF TRANSMITTAL

TO:

Sussex County Administrative Offices
2 The Circle, P.O. Box 589
Georgetown, DE 19947

DATE:	April 4, 2025	JOB NO.	SMTHF24001
ATTENTION:	MR. JAMIE WHITEHOUSE		
RE:	231-15.00-22.00 and 231-15.00-22.06 Smith Family		

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via ☒ HAND DELIVER the following items:

- ☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of Letter ☐ Change Order ☐

LIST OF ITEMS TRANSMITTED			
COPIES	DATE	NO:	DESCRIPTION
1		1	Application for Variance
1		2	Check #5259 \$500.00
1		3	Boundary & Location Survey
1		4	Lot Line Adjustment Plan
			RECEIVED
			APR 04 2025
			SUSSEX COUNTY
			PLANNING & ZONING

THESE ARE TRANSMITTED as checked below:

- | | | |
|---|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BIDS DUE | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

REMARKS: Any questions please contact, Mr. Mark H Davidson mdavidson@pennoni.com

Thank you: Katherine E Davidson kedavidson@pennoni.com PENNONI Associates

COPY SMTHF24001 DEL BOA 2025-04-04

TO:

SIGNED: Katherine E Davidson/file

If enclosures are not as noted, kindly notify us at once.

TR101 – 09/2023



Eagleview Search Results

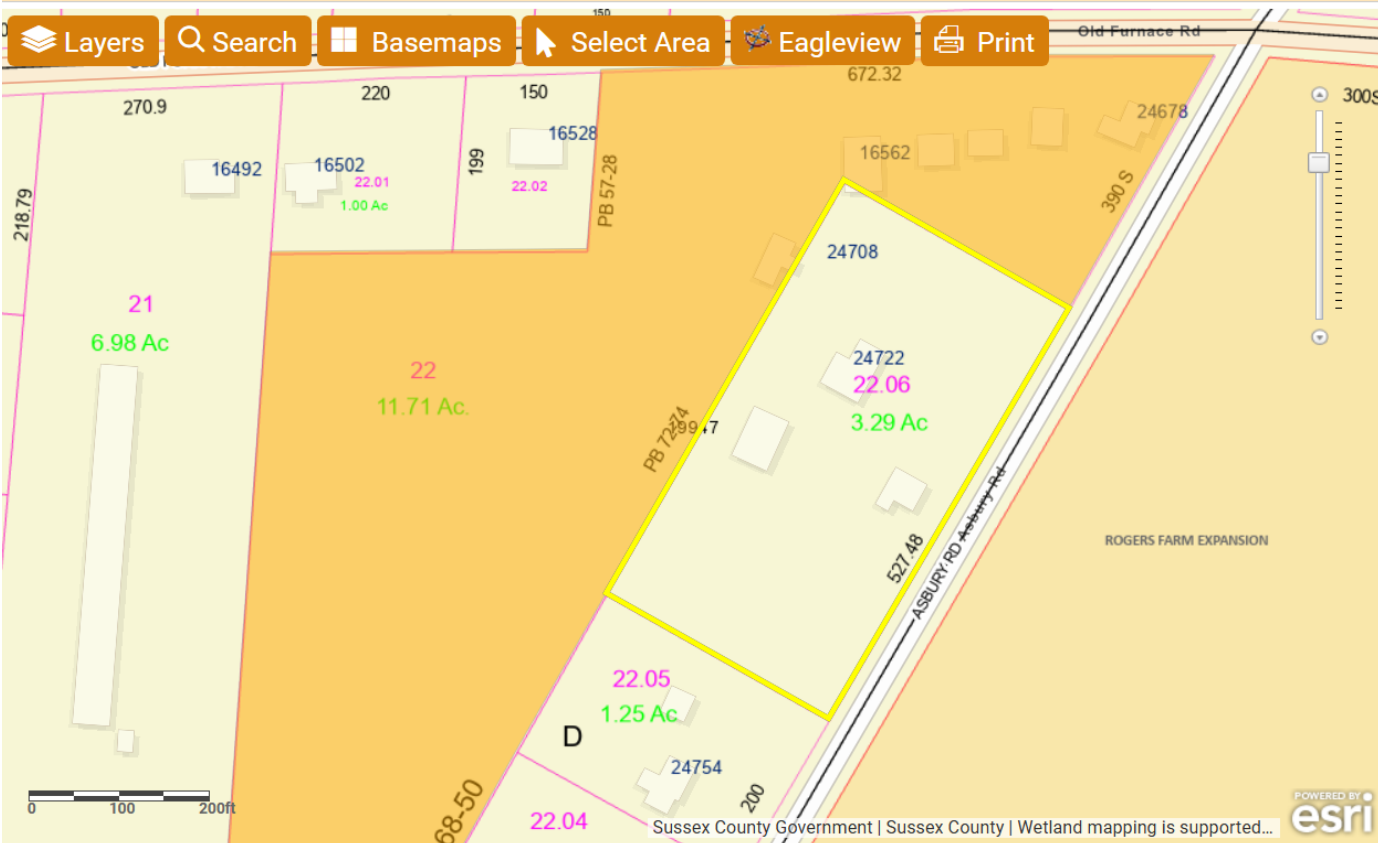
Selected Features: Parcels (1)

1) 231-15.00-22.06 Zoom

BOOK	0
PAGE	0
FULLNAME	SMITH ARNOLD L JR
Second_Owner_Name	ELEANOR D SMITH
MAILINGADDRESS	24678 ASBURY RD
CITY	GEORGETOWN
STATE	DE
a_account	
DESCRIPTION	W/RD 446
DESCRIPTION2	PARCEL E
DESCRIPTION3	
LUC	101
SCHOOL	1
...	...

Selected Features (1)

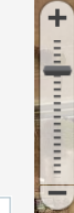
Clear Selected



Eagleview Search Results		X	
Selected Features:		Parcels (1)	
▼ 1) 231-15.00-22.06		Zoom	
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PAGE	0		
FULLNAME	SMITH ARNOLD L JR		
Second_Owner_Name	ELEANOR D SMITH		
MAILINGADDRESS	24678 ASBURY RD		
CITY	GEORGETOWN		
STATE	DE		
a_account			
DESCRIPTION	W/RD 446		
DESCRIPTION2	PARCEL E		
DESCRIPTION3			
LUC	101		
SCHOOL	1		
SALARY	00		

Selected Features (1)

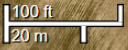
[Clear Selected](#)



Workspaces ▾



© 2025 Eagleview



map: Auto (Oblique) ▾ | Dates: Latest ▾ | < image 2 of 4 > | 03/10/2025



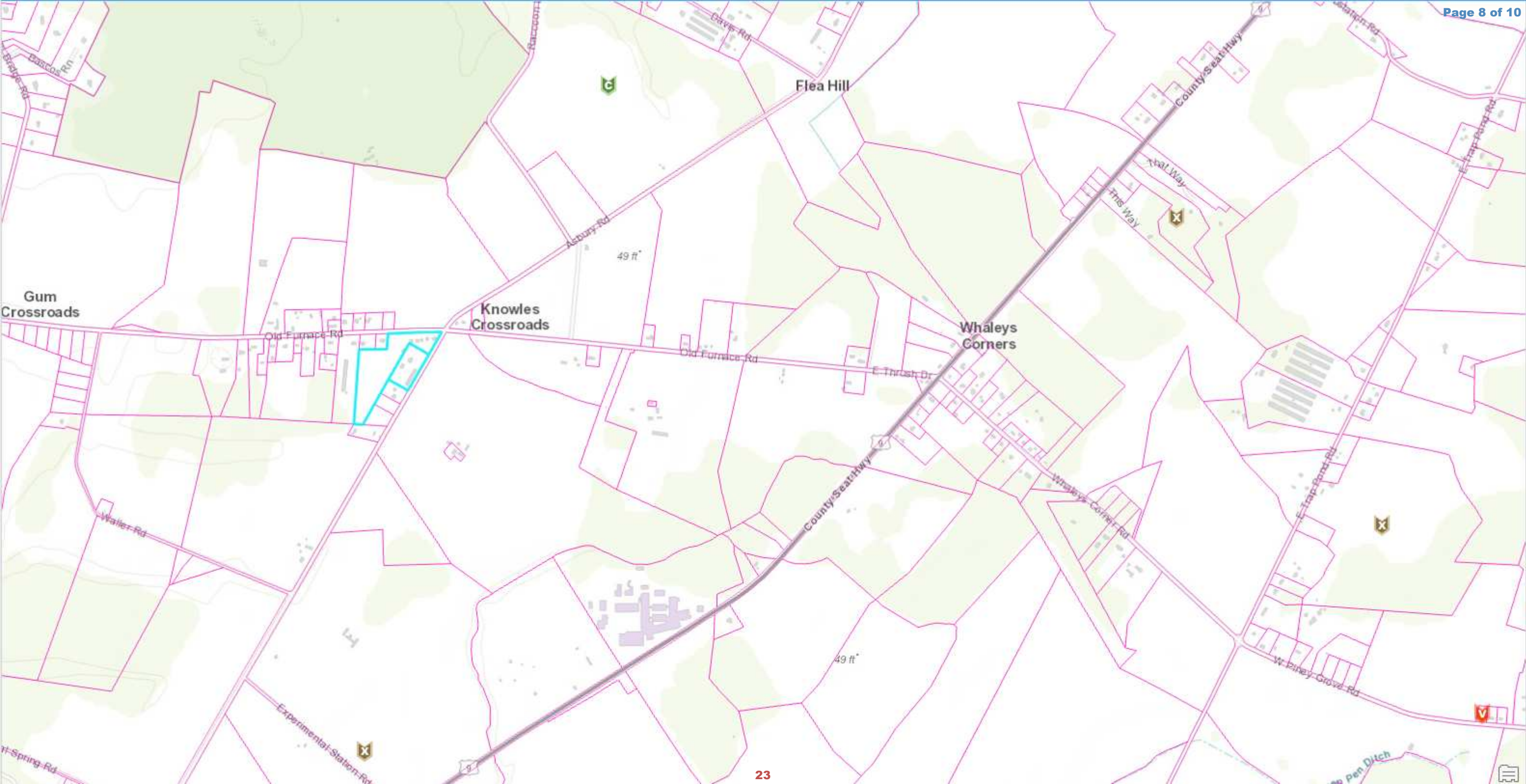
Search

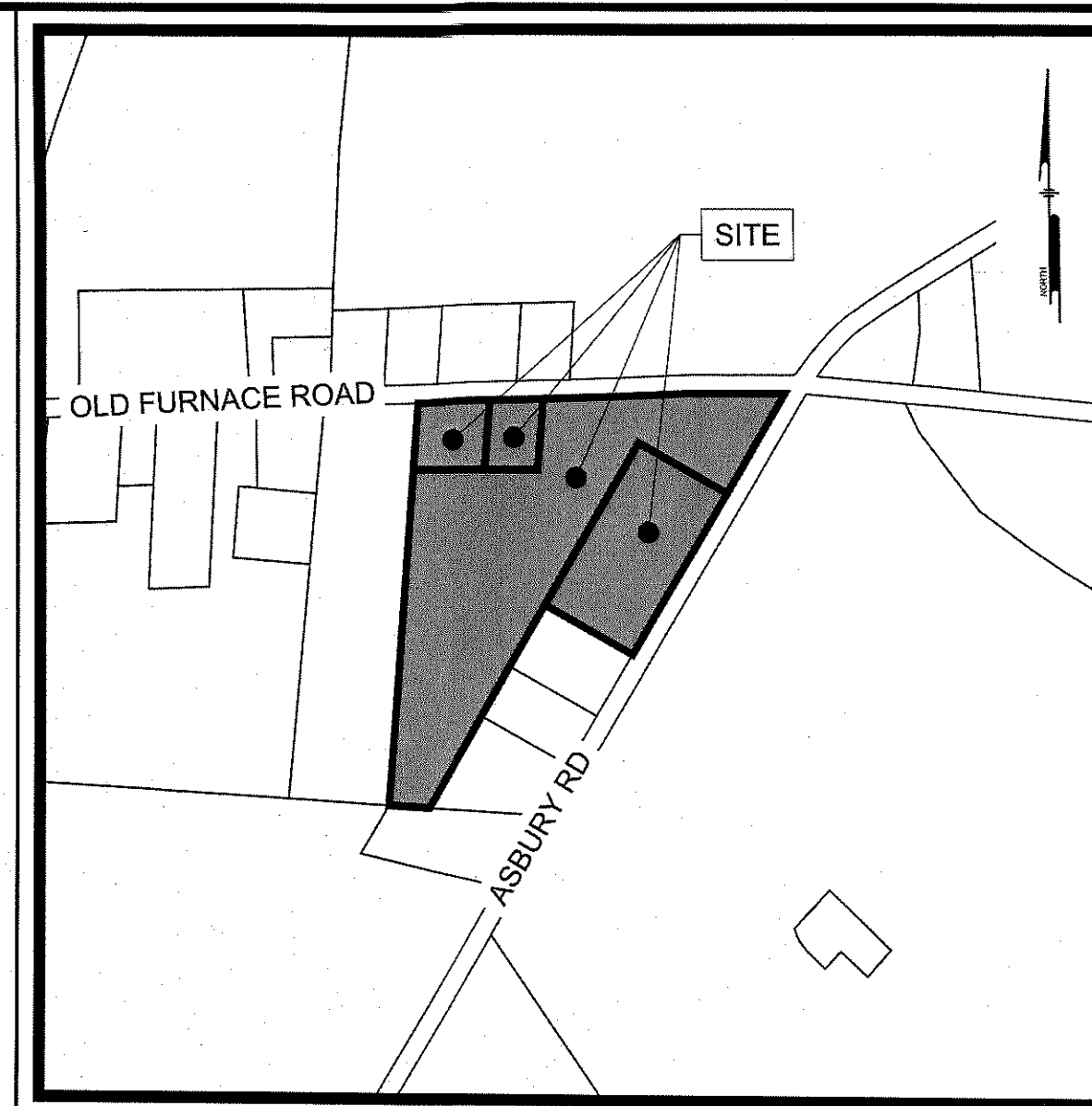
Search by SUSSEXPARELS ▾

231-15.00-22.06

Search results (1) Options ▾

231-15.00-22.06





LOCATION MAP
Scale: 1" = 500'

1.	TAX MAP NUMBERS :	231-15.00 PARCELS 22.00, 22.01, 22.02, & 22.03
2.	OWNER INFO:	ARNOLD & ELEANOR SMITH 24678 ASBURY ROAD & 24722 ASBURY ROAD GEORGETOWN, DE 19947 JASON & DEANNA KILLEN 16502 OLD FURNACE ROAD GEORGETOWN, DE 19947 DIANE & JENNIFER SMITH 16528 OLD FURNACE ROAD GEORGETOWN, DE 19947
3.	DEED REFERENCE:	DB: 4448-197 / DB: 3341-322 / DB: 1751-161 PB: 57-28 / PB: 68-50 / PB: 72-74
4.	SITE ADDRESS :	24678 & 24722 ASBURY RD 16502 & 16528 OLD FURNACE RD GEORGETOWN, DE 19947 NANTICKE HUNDRED SUSSEX COUNTY
5.	EXISTING TOTAL ACREAGE:	PARCEL 22.00 11.24 ACRES± PARCEL 22.01 1.00 ACRES± PARCEL 22.02 0.88 ACRES± PARCEL 22.06 3.29 ACRES±
5.	PROPOSED TOTAL ACREAGE:	PARCEL 22.00 2.02 ACRES± PARCEL 22.01 5.34 ACRES± PARCEL 22.02 5.35 ACRES± PARCEL 22.06 3.49 ACRES±
6.	EXISTING LOTS:	4
7.	PROPOSED LOTS:	4
8.	MONUMENTS FOUND:	8
9.	MONUMENTS SET:	8
10.	ZONING EXISTING	PARCEL 22.00 AR-1 (CU#320) PARCEL 22.01 RESIDENTIAL PARCEL 22.02 RESIDENTIAL PARCEL 22.06 RESIDENTIAL
11.	PRESENT USE:	PARCEL 22.00 AGRICULTURAL (USED AUTOMOBILE SALES) PARCEL 22.01 RESIDENTIAL PARCEL 22.02 RESIDENTIAL PARCEL 22.06 RESIDENTIAL
12.	SEWER PROVIDER:	PRIVATE / ON-SITE
13.	WATER PROVIDER:	PRIVATE / ON-SITE
14.	LATITUDE/LONGITUDE: STATE PLANE COORDINATES	N038°39'12.83" / W075°27'21.88" (CONCRETE MON)
15.	BOUNDARY SURVEY:	BOUNDARY SURVEY PERFORMED BY PENNONI ON OCTOBER 2024.
16.	LOCAL GOVERNMENT RESPONSIBLE: FOR LAND USE APPROVAL	SUSSEX COUNTY
17.	DATUM: HORIZONTAL = (2011) NAD 83, VERTICAL = NAVD 88	

IT IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE
ARNOLD & ELEANOR SMITH
24678 & 24722 ASBURY RD
GEORGETOWN, DE 19947
DEANNA.S.KILLEN@GMAIL.COM
(302)-841-3796

IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE

SIGNATURE
ROBERT HURWITZ, PE (DE PE##13979)
PENNONI ASSOCIATES, INC
18072 DAVIDSON DRIVE MILTON, DE 19966
RHURWITZ@PENNONI.COM
302-684-8030

DATE _____

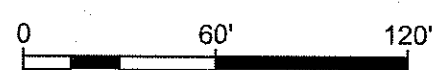
ALL DOCUMENTS PREPARED BY PENNONI AS ARE INSTRUMENTS OF SERVICE IN RESPECT PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR THE EXTENSIONS OF THE PROJECT OR ON A PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES SPECIFIC PURPOSE INTENDED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

PROJECT	SMTHF2	
DATE	2025	
DRAWING SCALE	1	
DRAWN BY		
APPROVED BY		
<div style="text-align: center;"> <h1>V-1001</h1> </div>		
SHEET	1	OF

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. DEED REFERENCE: DB: 4448-197, DB: 3341-322, DB: 1751-161, PB-57-28, PB-68-50, PB: 72-74. ALSO PENNONI PERFORMED A BOUNDARY SURVEY DURING THE MONTH OF OCTOBER 2024.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED. OTHER THAN THOSE SHOWN.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 231-15.00 PARCELS 22.00, 22.01, 22.02 & 22.06.
4. BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100010C030001, EFFECTIVE DATED JUNE 20 2018 THIS SITE LIES IN FLOOD ZONE "X" UNSHADED AN AREA WHICH HAS BEEN DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN. EXISTING FLOOD ZONE INFORMATION HAS NOT BEEN FIELD VERIFIED.
5. CLASS OF SURVEY: SUBURBAN
6. WETLANDS HAVE NOT BEEN VERIFIED AS PART OF THIS SURVEY.

BOUNDARY LINE TO BE ESTABLISHED
ADJOINING BOUNDARY LINE
CENTERLINE OF TRAVEL LANE
EDGE OF PAVEMENT
IRON PIPE FOUND
CONCRETE MONUMENT FOUND
PROPERTY CORNER TO BE SET

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 01°20'12" W	32.46'
L2	S 59°33'37" E	4.72'



25.

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 # 13095
Hearing Date 7-21-2025
202507267

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:

21823 Hensley Rd, Seaford DE 19973

Variance/Special Use Exception/Appeal Requested:

Variance to change the Side Yard Setback from 15' to 10'.

Tax Map #: 531-6.00-112.03

Property Zoning: AR-1

Applicant Information

Applicant Name: Brice A Milligan/Barbara A Milligan

Applicant Address: 21823 Hensley Rd

City Seaford State DE Zip: 19973

Applicant Phone #: (443) 786-8840 Applicant e-mail: barb9562@yahoo.com

Owner Information

Owner Name: Brice A Milligan/Barbara A Milligan

Owner Address: 21823 Hensley Rd

City Seaford State DE Zip: 19973 Purchase Date: 3/3/17

Owner Phone #: (443) 786-8840 Owner e-mail: barb9562@yahoo.com

Agent/Attorney Information

Agent/Attorney Name: N/A

Agent/Attorney Address:

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Brice A Milligan
B. A. Milligan

Date: 5/28/25



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.

Most of the lot is wooded so there is only one place that the garage can be built without removing a lot of trees and relocating the driveway which I do not think that DelDot would even allow. One side of the house has the well and the other side has the septic. In front of and behind the house are woods.

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 previous owner located the house too close to the right side of the property when it was built, I am assuming that he did this because of where the driveway had to be located, which did not leave much room for a garage to be built at the end of the driveway next to the house.

+

3. Not created by the applicant:

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

The previous owner located the house too close to the right side of the property when it was built, I am assuming that he did this because of where the driveway had to be located, which did not leave much room for a garage to be built at the end of the driveway next to the house.

+

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 house and proposed garage sit way back on the lot, away from the road and there is a small section of woods between the proposed garage and the very back of the neighbors property. They have no issue with the garage going in that spot and will write a letter to be included with the variance app stating such.

+

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.

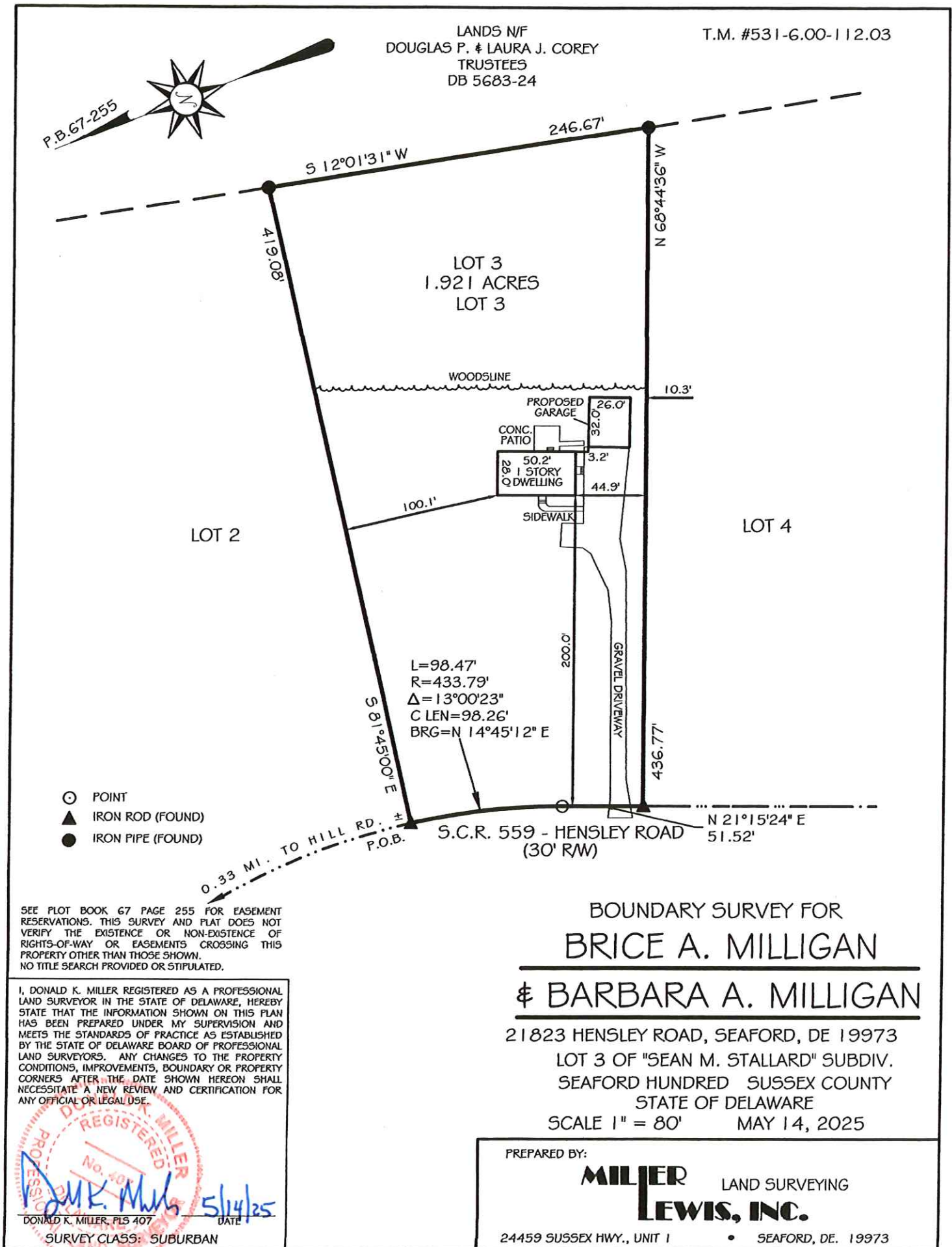
With a side yard set back of 10' instead of the required 15' we will be able to build our garage in the only available and practical space and still have a small access to our back yard without walking around the other side of the house or garage or walking through either. Even a smaller garage would not work with the 15' setback because it would be smack up against the house. We would be sideswiping the side door steps trying to drive into the garage and have to remove part of the sidewalk.

+

When we first started this garage project we researched setbacks and everything we found online said 5' for small lots and 10' for larger residential lots for side setbacks. We never found anything stating 15". So we went through the months long process with the builder and with the financial aspect and finally got everything in place. We did not find out about the 15' side setback until we received our building permit. It was stated on there. I called and was told that we were considered Agricultural/Residential1 and that is why it was different. We had no idea because we live in the middle of a very large patch of wood, one of the few wooded areas in Seaford I think. There are at this point seven houses and several more lots in our patch of woods. So we and the contractor considered it residential.

Thank you in advance for your time and consideration.

B. Milligan



Pic1

From: Barbara Milligan (barb9562@yahoo.com)

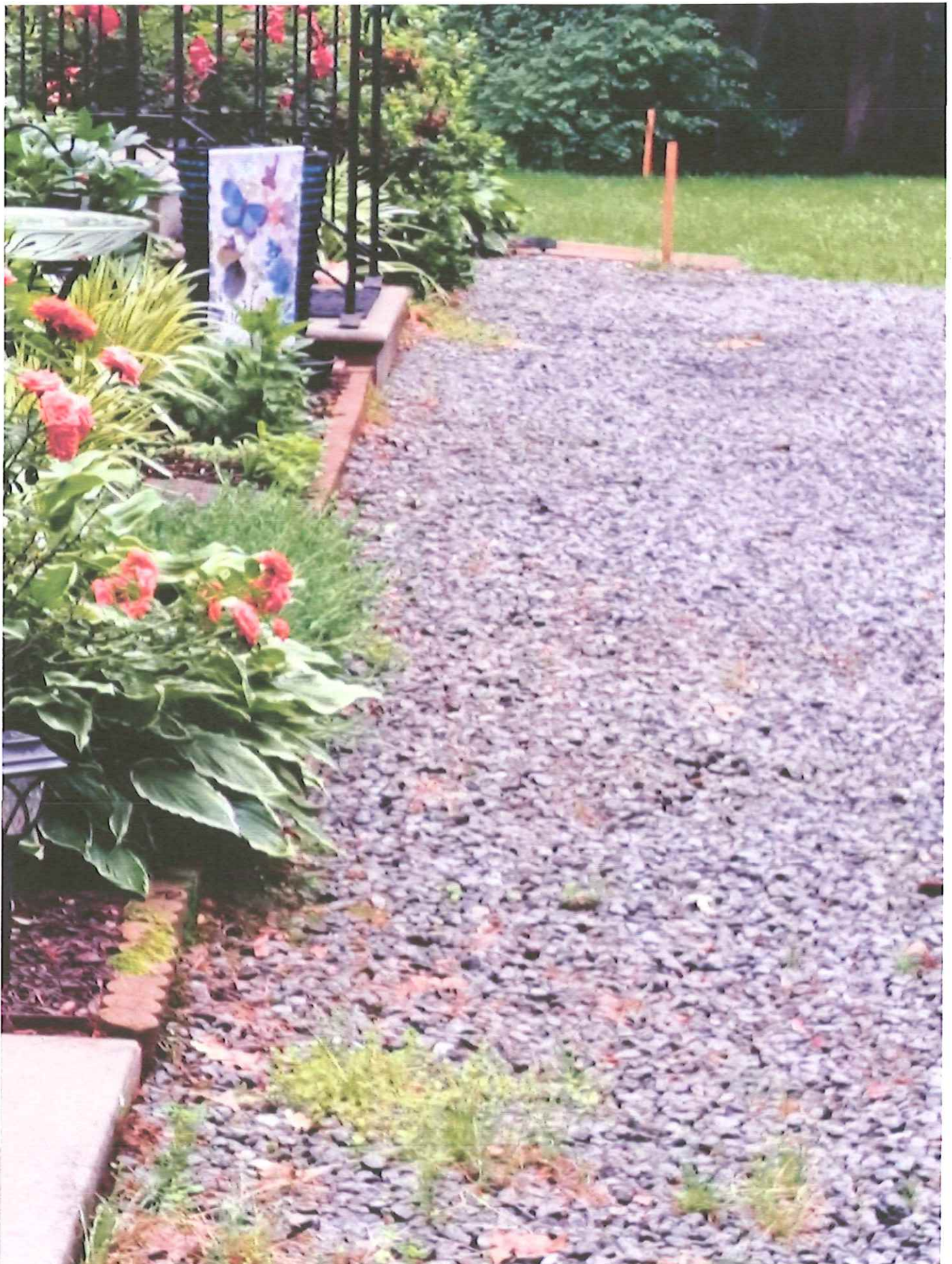
To: barb9562@yahoo.com

Date: Thursday, May 22, 2025 at 09:56 AM EDT



Yahoo Mail: Search, Organize, Conquer









SETBACK INFORMATION REQUEST

Date of Request 5/1/25 Zoning District AR-1
 Customer Name Barbara Milligan/Brice Milligan
 Customer Contact barb9562@yahoo.com
 Tax Parcel ID 531-6.00-112.03 Lot/Unit Number Lot 3
 Parcel Address 21823 Hensley Rd., Seaford (S.C.R. 559)
 Front Yard Setback 40'
 Side Yard Setback 15'
 Rear Yard Setback 20'
 Corner Front Yard Setback N/A
 Maximum Height 42'



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

Additional Notes:

Deed: 4674-143

Sean M. Stallard Minor Subdivision Plan: 87-323

Flood Zone: N/A

Per §115-185(F) - Accessory buildings which are not a part of the main building may be constructed in a rear yard, provided that such accessory building does not contain more than 600 square feet of area, and may be located five feet from a side lot line and five feet from a rear lot line.

Name of Staff Member Ashley Paugh - Planning Technician

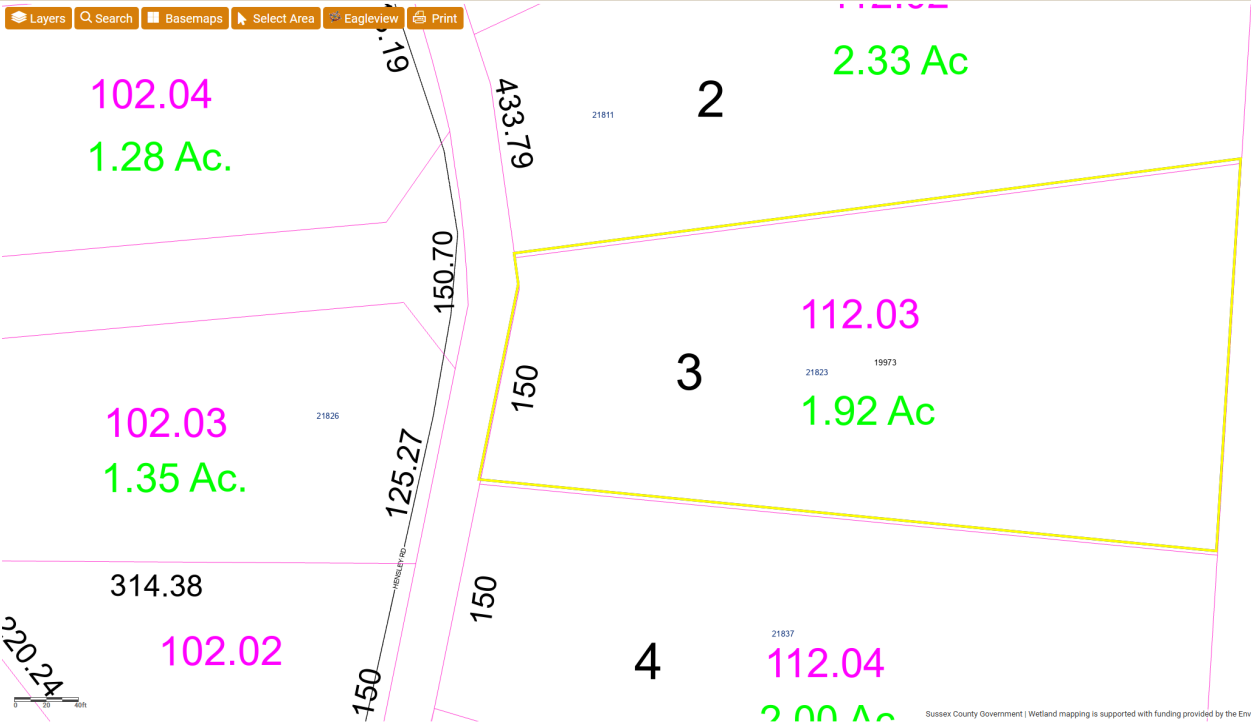
Checked By _____

Eagleview Search Results



Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: [Parcels (1)]

1) 531-6.00-112.03 Zoom

BOOK	4674
PAGE	143
FULLNAME	MILLIGAN BRICE A
Second_Owner_Name	BARBARA A MILLIGAN
MAILINGADDRESS	21823 HENSLEY RD
CITY	SEAFORD
STATE	DE
a_account	
DESCRIPTION	E/RD 559
DESCRIPTION2	LOT 3
DESCRIPTION3	
LUC	101
SCHOOL	3
MUNI	00
CAP	
APRBLDG	197500
APRLAND	73800
PINWASSEMENTUNIT	531-6.00-112.03
PIN	531-6.00-112.03
ZIPCODE	19973
FRONTFOOT	0
DEPTH	0
IRREGULAR	
SCALED	
FLOOD	
FIRE	87
COUNCILMAN	

Selected Features (1)
Clear Selected



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 # 13096
 Hearing Date 7-21-25
202507662

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:

32418 Holly Terrace Road, Ocean View, DE 19970

Variance/Special Use Exception/Appeal Requested:

Construction of a new in-ground swimming pool within the 30' front setback.

Tax Map #: 134-900-190-00

Property Zoning: GR

Applicant Information

Applicant Name: Colleen Shields and Helene White

Applicant Address: 32418 Holly Terrace Road

City Ocean View State DE Zip: 19970

Applicant Phone #: _____ Applicant e-mail: hbshields66@gmail.com

Owner Information - Same as above

Owner Name: _____

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Helene White

Date: 6/5/25



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 existence of an excessively large cul-de-sac, part of the County ROW, severely impacts the Owner's ability to improve the property.

2. Cannot otherwise be developed:

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

The desired swimming pool improvement can only be constructed in the proposed location in order to comply with other County requirements.

3. Not created by the applicant:

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

The Owner's property is uniquely impacted due to the very large ROW. The neighbors properties are not impacted by such a large cul-de-sac.

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.

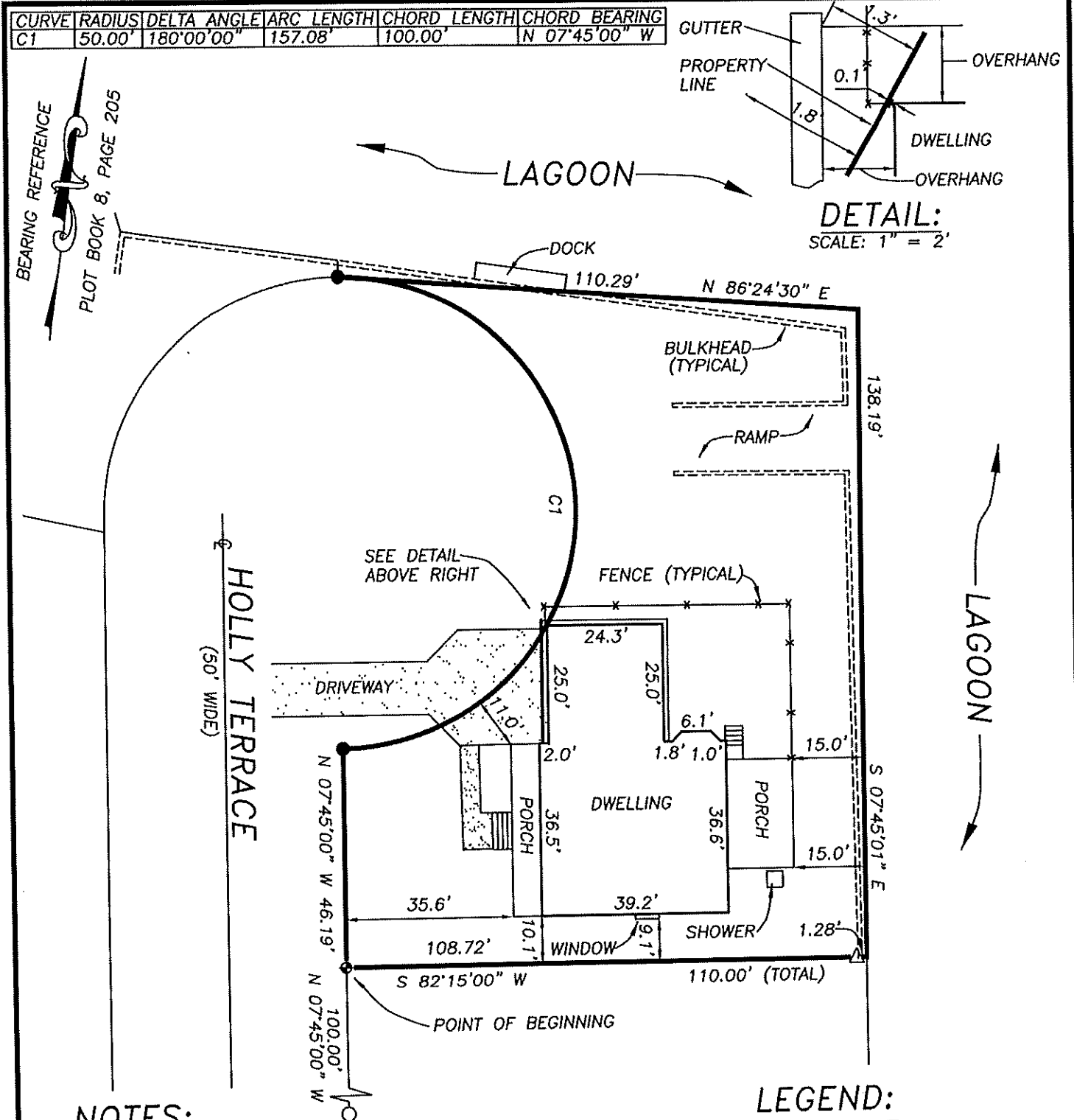
Numerous other properties within the neighborhood have constructed swimming pools. A swimming pool is in keeping with the resort style of the community.

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 swimming pool, as built, will have no impact on the County's ability to utilize the ROW in the unlikely event that it is necessary.

TAX MAP NO. 1-34-9.00, PARCEL 190.00

**NOTES:**

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3837, PAGE 224
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY

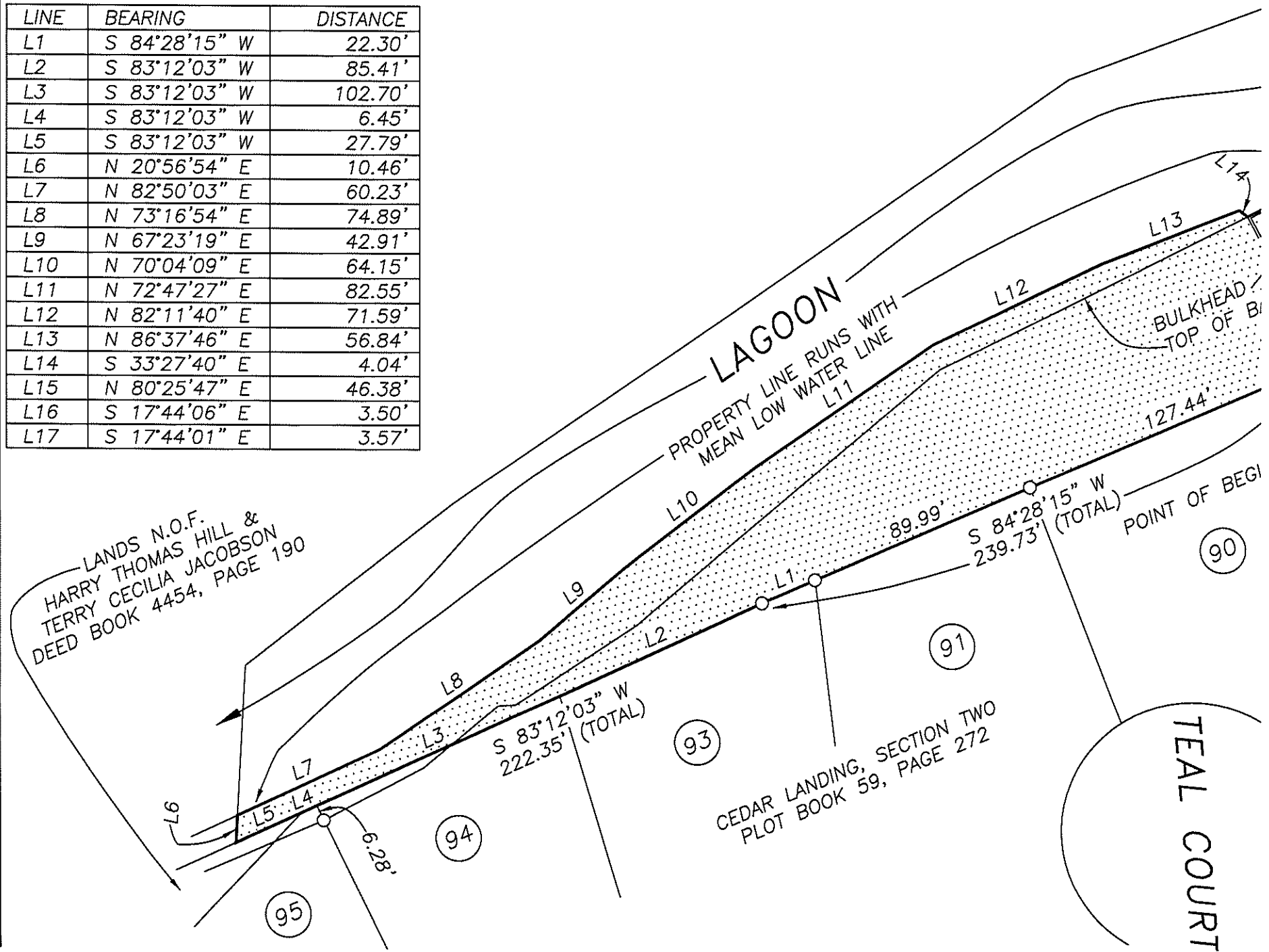
LEGEND:

- FOUND IRON PIPE
- ◆ FOUND "T" BAR
- SET IRON BAR
- △ SET MAG NAIL IN BULKHEAD

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan was prepared under my

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	90°00'00"	78.54'	70.71'	S 27°15'54" W

LINE	BEARING	DISTANCE
L1	S 84°28'15" W	22.30'
L2	S 83°12'03" W	85.41'
L3	S 83°12'03" W	102.70'
L4	S 83°12'03" W	6.45'
L5	S 83°12'03" W	27.79'
L6	N 20°56'54" E	10.46'
L7	N 82°50'03" E	60.23'
L8	N 73°16'54" E	74.89'
L9	N 67°23'19" E	42.91'
L10	N 70°04'09" E	64.15'
L11	N 72°47'27" E	82.55'
L12	N 82°11'40" E	71.59'
L13	N 86°37'46" E	56.84'
L14	S 33°27'40" E	4.04'
L15	N 80°25'47" E	46.38'
L16	S 17°44'06" E	3.50'
L17	S 17°44'01" E	3.57'



ADAMS-KEMP ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS
217 SOUTH RACE STREET, GEORGETOWN, DELAWARE 19947
302-856-6699 302-856-7350 (FAX)

JUNE 16, 2016

RE: SUSSEX COUNTY TAX MAP NO. 1-34-9.00, PARCEL 191.00 (PORTION)
LANDS OF PATRICK J. SHIELDS, TRUSTEE

ALL THAT CERTAIN LOT, PIECE AND PARCEL OF LAND, LYING AND BEING SITUATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE, BEING DESIGNATED AS PARCEL "A", HOLLY RIDGE TERRACE, RECORDED IN PLOT BOOK 8, PAGE 205 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY IN THE COUNTY ADMINISTRATION BUILDING IN GEORGETOWN, DELAWARE, MORE PARTICULARLY DESCRIBED AS PER SURVEY PLAN NO. 160528-A, DATED JUNE 9, 2016, BY ADAMS-KEMP ASSOCIATES, INC., PROFESSIONAL LAND SURVEYORS, AS

THE FOLLOWING DISTANCES ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HOLLY TERRACE OF THIS PARCEL AND LOT 90, SECTION TWO, "CEDAR LANDING"; OF LOTS 90, 91, 93, 94 AND 95, SECTION TWO, "CEDAR LANDING" OF HARRY THOMAS HILL AND TERRY CECILIA JACOBSEN, THE DISTANCES:

A DISTANCE OF 239.73 FEET TO A FOUND IRON PIPE, PASSING AT 127.44 FEET AND 217.43 FEET FROM THE BEGINNING OF THIS

DISTANCE OF 222.35 FEET;

DISTANCE OF 10.46 FEET TO THE MEAN LOW WATER LINE OF A HEIGHT (8) COURSES AND DISTANCES ALONG THE MEAN LOW

- 1) NORTH 82° 00' 03" EAST A DISTANCE OF 60.23 FEET;
- 2) NORTH 73° 16' 54" EAST A DISTANCE OF 74.89 FEET;
- 3) NORTH 67° 23' 19" EAST A DISTANCE OF 42.91 FEET;
- 4) NORTH 70° 04' 09" EAST A DISTANCE OF 64.15 FEET;
- 5) NORTH 72° 47' 27" EAST A DISTANCE OF 82.55 FEET;
- 6) NORTH 82° 11' 40" EAST A DISTANCE OF 71.59 FEET;
- 7) NORTH 86° 37' 46" EAST A DISTANCE OF 56.84 FEET;
- 8) SOUTH 33° 27' 40" EAST A DISTANCE OF 4.04 FEET TO A BULKHEAD;

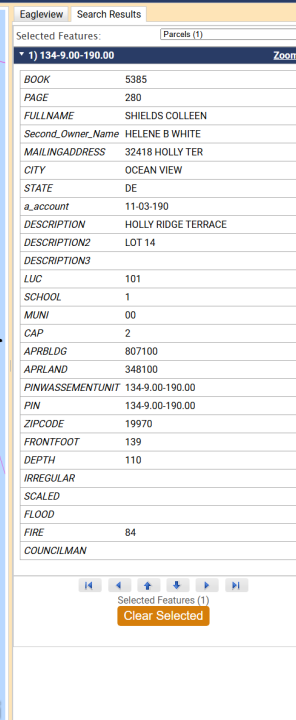
THENCE ALONG THE BULKHEAD, NORTH 80° 25' 47" EAST A DISTANCE OF 46.38 FEET; THENCE SOUTH 17° 44' 06" EAST A DISTANCE OF 3.50 FEET TO THE NORTHLY RIGHT-OF-WAY LINE OF THE CUL-DE-SAC AT THE END OF HOLLY TERRACE; THENCE FOLLOWING ALONG THE CUL-DE-SAC AND RIGHT-OF-WAY LINE OF HOLLY TERRACE, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 90° 00' 00", AN ARC LENGTH OF 78.54 FEET, A CHORD LENGTH OF 70.71 FEET, AND A CHORD BEARING OF SOUTH 27° 15' 54" WEST;
- 2) SOUTH 17° 44' 01" EAST A DISTANCE OF 3.57 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING WITHIN DESCRIBED METES AND BOUNDS 20,027 SQUARE FEET OF LAND BE THE SAME

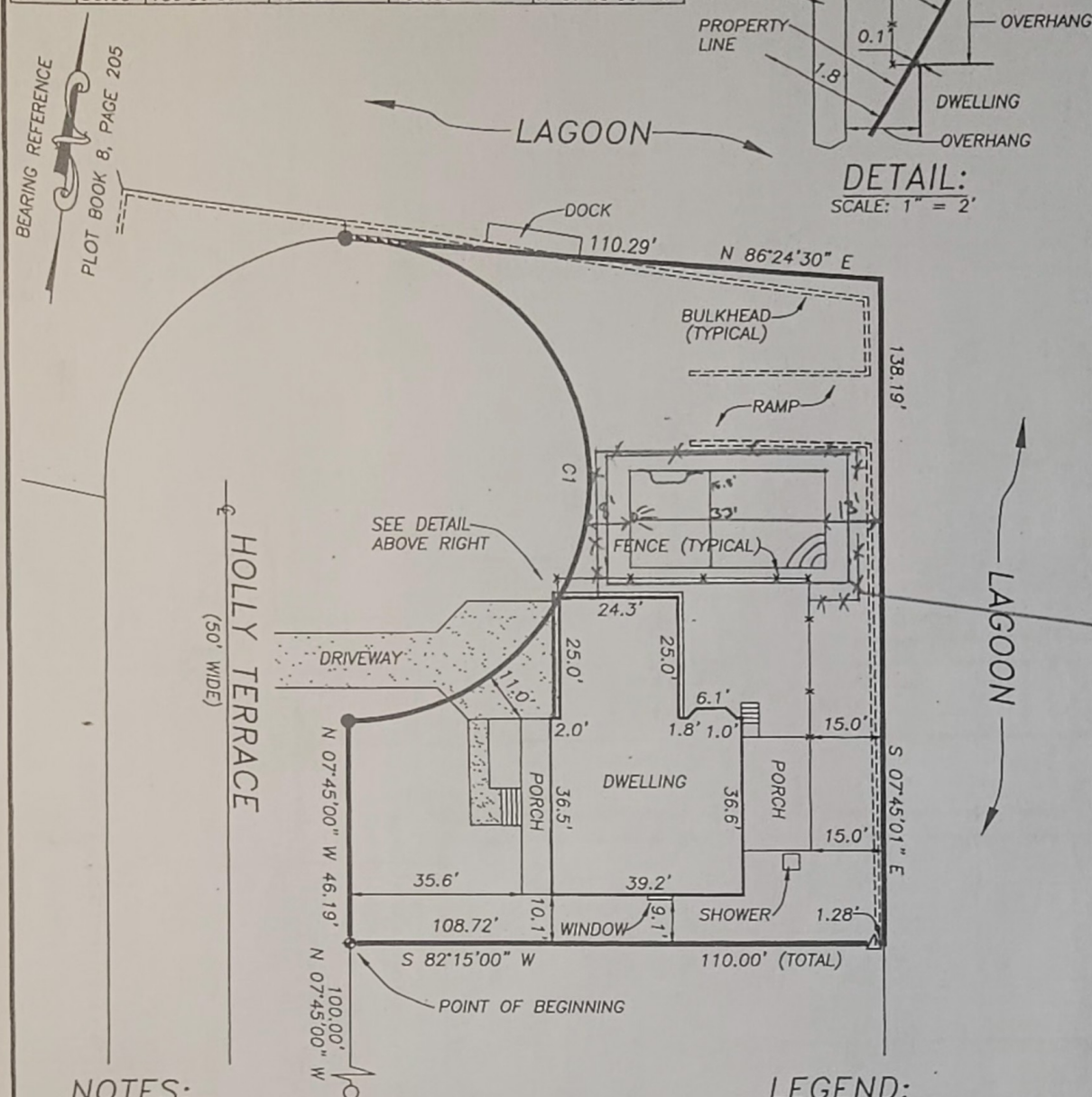
MORE OR LESS.

Eagleview		Search Results	
Selected Features:		Parcels (1)	
* 1) 134-9-00-190.0		Zoo	
BOOK	5385		
PAGE	280		
FULLNAME	SHIELDS COLLEEN		
Second_Owner_Name	HELENE B WHITE		
MAILINGADDRESS	32418 HOLLY TER		
CITY	OCEAN VIEW		
STATE	DE		
a_account	11-03-190		
DESCRIPTION	HOLLY RIDGE TERRACE		
DESCRIPTION2	LOT 14		
DESCRIPTION3			
LUC	101		
SCHOOL	1		
MUNI	00		
CAP	2		
APRBLDG	807100		
APRLAND	348100		
PINWASSEMUNTUNIT	134-9-00-190.00		
PIN	134-9-00-190.00		
ZIPCODE	19970		
FRONTFOOT	139		
DEPTH	110		
IRREGULAR			
SCALED			
FLOOD			
FIRE	84		
COUNCILMAN			





CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	180°00'00"	157.08'	100.00'	N 07°45'00" W



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3837, PAGE 224
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY

LEGEND:

- FOUND IRON PIPE
- ◆ FOUND "T" BAR
- SET IRON BAR
- △ SET MAG NAIL IN BULKHEAD

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

BOUNDARY SURVEY PLAN

PREPARED FOR

PATRICK J. SHIELDS, TRUSTEE

FOR PROPERTY KNOWN AS
LOT 14, HOLLY RIDGE TERRACE
PLOT BOOK 8, PAGE 205
(A.K.A. 32418 HOLLY TERRACE)
SITUATED IN
BALTIMORE HUNDRED
SUSSEX COUNTY
STATE OF DELAWARE
AREA: 11,715± SQUARE FEET
SCALE: 1" = 30'
DATE: AUGUST 12, 2020

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

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

PLAN NO. 200818-A

115.19'

Water

Butt head

BLUE HAVEN P BY CALVITTI

NAME: Edward White
SITE ADDRESS: 32418 Holy Terra
Ocean View DE
RES. PH. (302) 494-6822
ACCT. NO. White

Rectangle 3
550 Sq. ft.
16'-8" X 33'
99'-4" Per.
Non Diving
Hayward 110
2' X 6' Swim
Tiger Shark 1
18000 Gal un
1 Pal Pool L
Automatic cov
Tracks

Distance to wa
8' from front
13' from rear

CT

30' Set
Back from Per

8'
To
waters
Edge

13'
To waters
Edge

15' 4"
14' 5"
Butt head

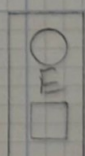
6'
Set
Back

Side walk
28'

House

20'

26'
Patio



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 # 13097
Hearing Date Aug 4, 2025
202507664

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:

39126 Van Buren Ave Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:

5' from the rear yard for proposed deck

Tax Map #: 533-20.19-8.01

Property Zoning: AR-1

Applicant Information

Applicant Name: TY Construction & Design LLC (Tony Yannucci)

Applicant Address: 32963 Herts Rd.

City Lewes State DE Zip: 19958

Applicant Phone #: 302-270-4664 Applicant e-mail: tyconstruction@tyconstruction.design

Owner Information

Owner Name: David & Linda Vandever

Owner Address: 39126 Van Buren Ave

City Selbyville State DE Zip: 19975 Purchase Date: Dec 2017

Owner Phone #: (415)302-4448 Owner e-mail: david-vandever@hotmail.com

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

[Signature]

Date: 6/5/25



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.

The property is close to the bay and does not provide enough space for the deck.

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 deck would not be a functional size due to the setbacks given. We would like to build @ the original
variance given to the previous owner.

3. Not created by the applicant:

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

The previous owners had a variance for a deck that has since
deteriorated and falling apart.

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 deck was already @ this same place we are requesting
and has been there for years. It actually matches the house
along that side of the road.

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.

We need an addition 5' - 7' to put deck back where it
was on the line of the property. It is currently 10' off
the property line.

VANDEVER

BIG ASSAWOMAN BAY

N 25°55'14" E 50.31' → 10'-0"

bulkhead

PROPOSED
DECKREQUESTING
A 5 FT. FRONT YARD
VARIANCE

N 62°17'44" W 97.66'

Lot #16

7.0'

7.0'

86.98'

22.1'

43.7'

3.6'

24.4'

29.6'

DWELLING

12.8'

S 27°52'30" W 50.00'

S 62°07'50" E 99.38'

Lot #18

300' ± to the r/w line
of Del. State Route #54REQUESTING
A 4 FT. FRONT YARD
VARIANCE

VAN BUREN AVENUE (40' R/W)

UNDER SIZED
AL-1

Lands of PATRICIA O. FICKEN to be conveyed to
JACALYN MARY WRIGHT & MERVIN WRIGHT.
Being known as LOT NO.17, SECTION 4,
EDGEWATER ACRES. Ref: PB.5, PG.31.

■ CONC. MON. (FD)
○ POINT

AREA: 4,940 SQ. FT.

TAX MAP NO. 5-33-20.19-8.01

SCALE: 1" = 20'

CLASS "B" SURVEY

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE: MARCH 25, 2000

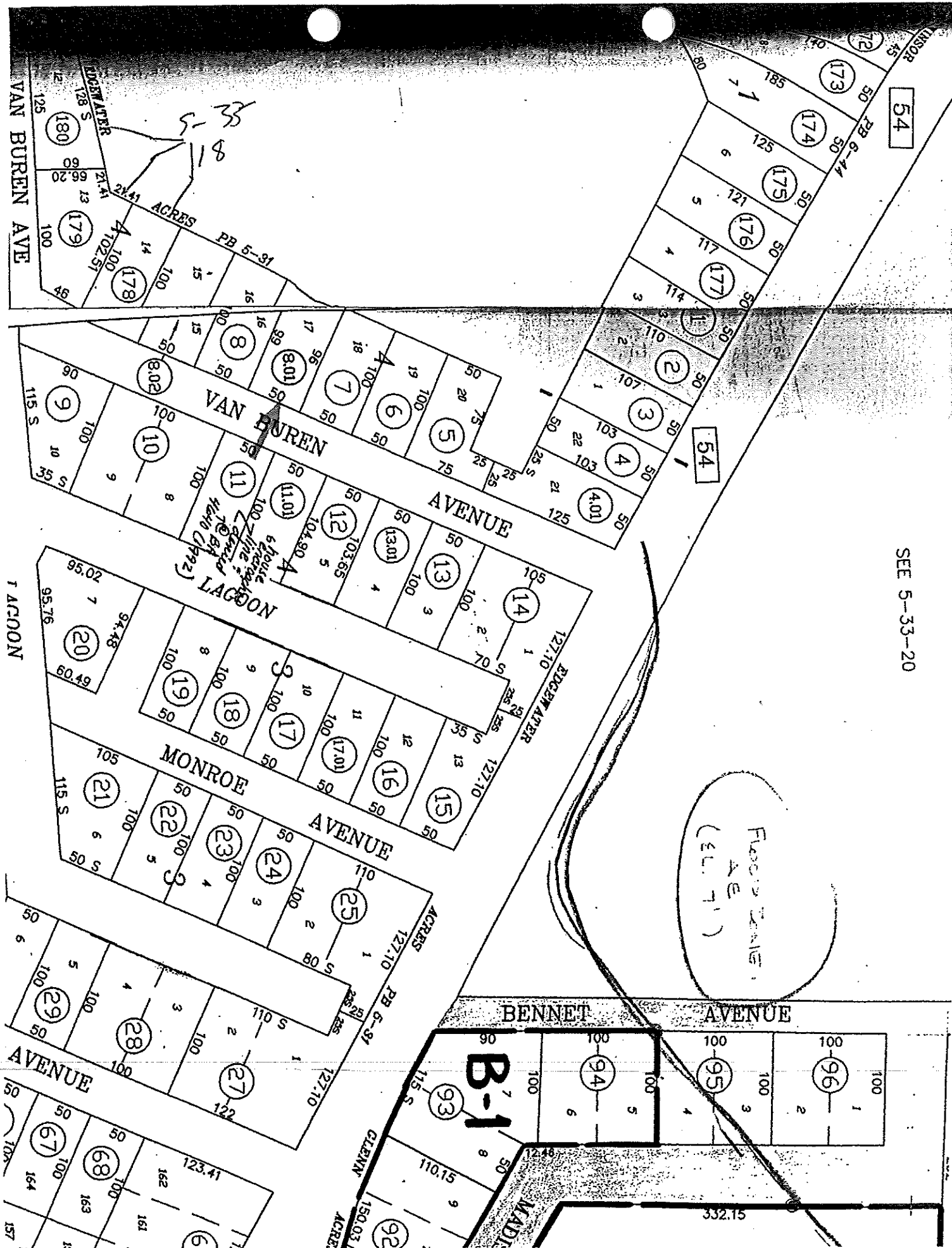
DRAWN BY: GREG HOOK

**SIMPLER
SURVEYING
& ASSOCIATE**

RD. 1 BOX 98E, FRANKFORD, DE 19945
PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL

P.L.S. 289

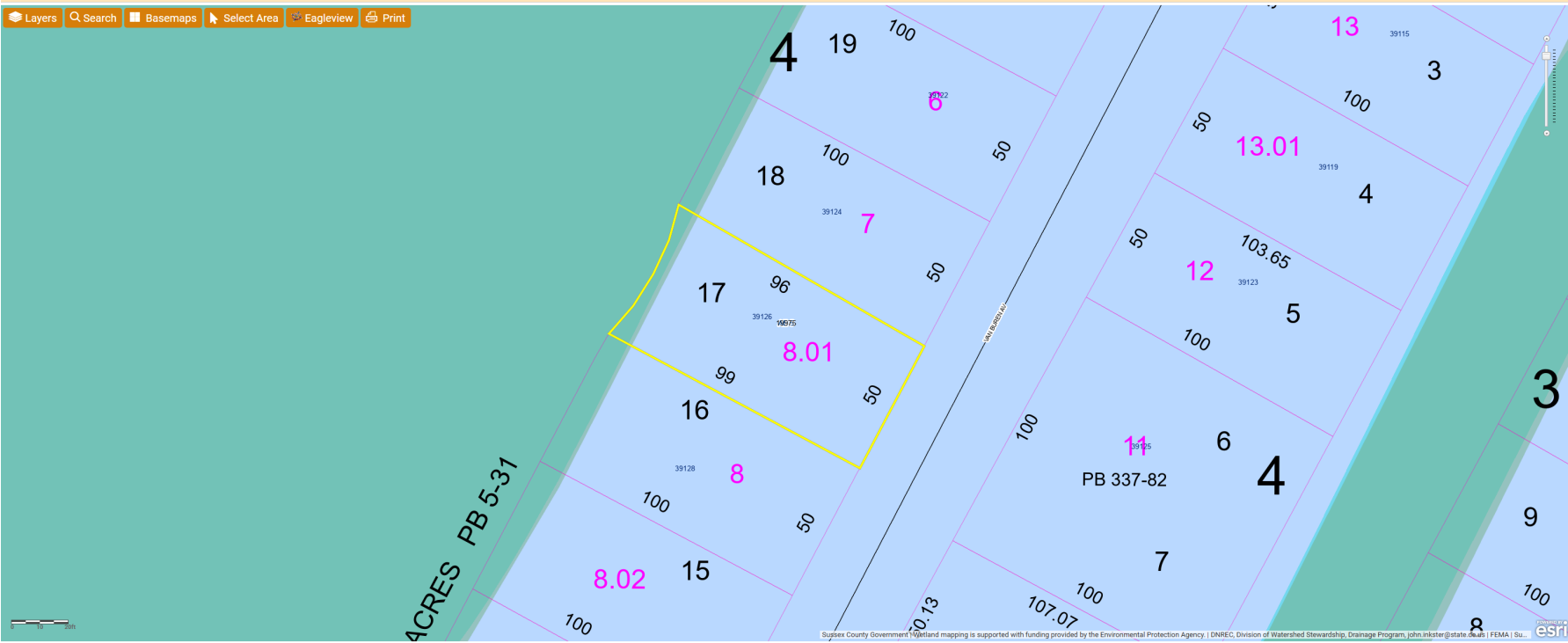


⏮ ⏪ ⏩ ⏭ ⏮ ⏭

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: (Parcels (1))

1 533-20.19-8.01 Zoom

BOOK	4810
PAGE	196
FULLNAME	VANDEVER DAVID G
MAILINGADDRESS	905 N ORANGE ST
CITY	WILMINGTON
STATE	DE
al_account	04-18-008.1
DESCRIPTION	EDGEWATER AC
DESCRIPTION2	NW/VANBUREN AVE
DESCRIPTION3	LOT 17 BLK R
LUC	101
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	241500
APRLAND	474400
PINWASSEMENTUNIT	533-20.19-8.01
PIN	533-20.19-8.01
ZIPCODE	19801
FRONTFOOT	50
DEPTH	99
FIRE	90

Selected Features (1)

Clear Selected





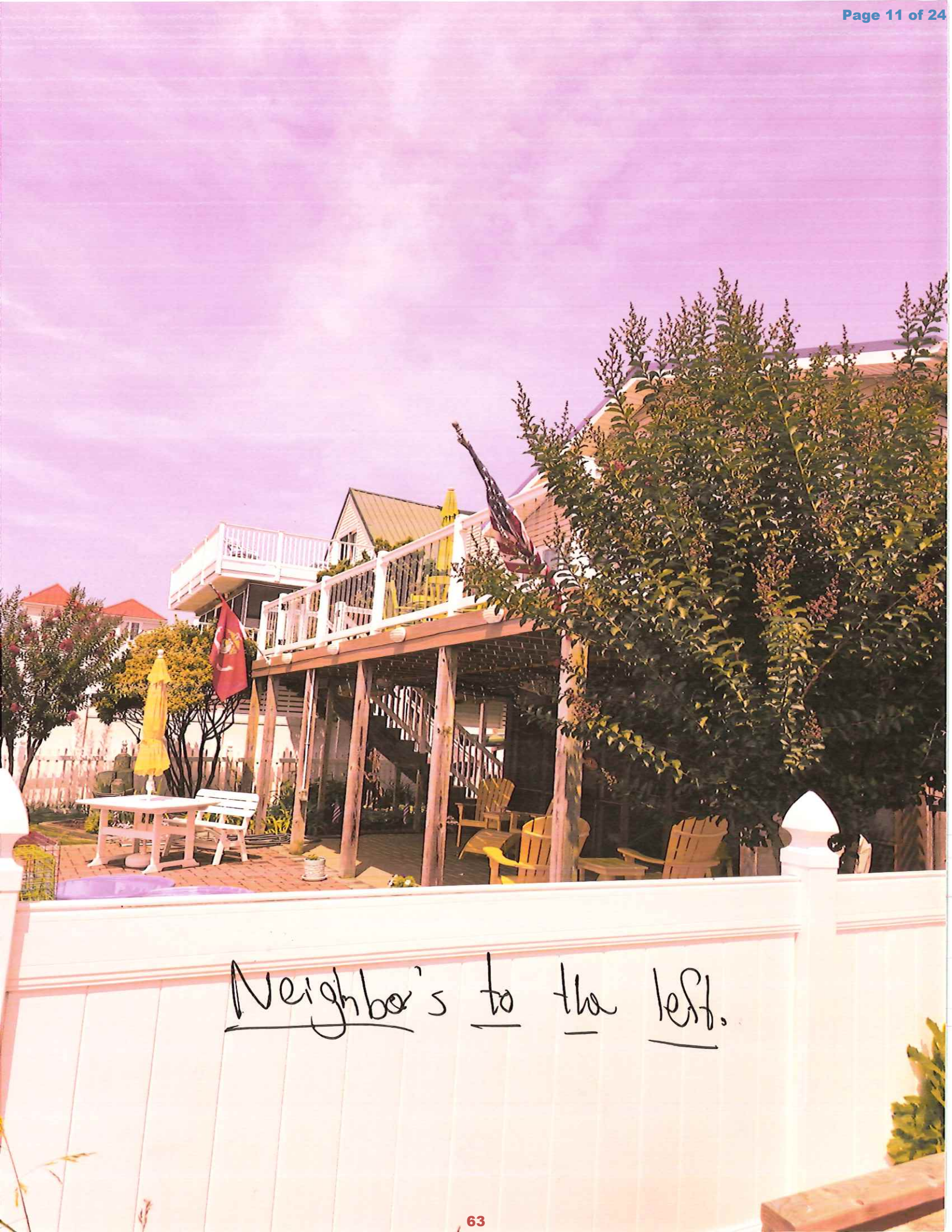
ORIGINAL DECK FROM VARIANCE IN 2000



Neighbor's House to the left
of property.



ORIGINAL DECK
LOCATION



Neighbor's to the left.



Original
Deck

Exhibit B

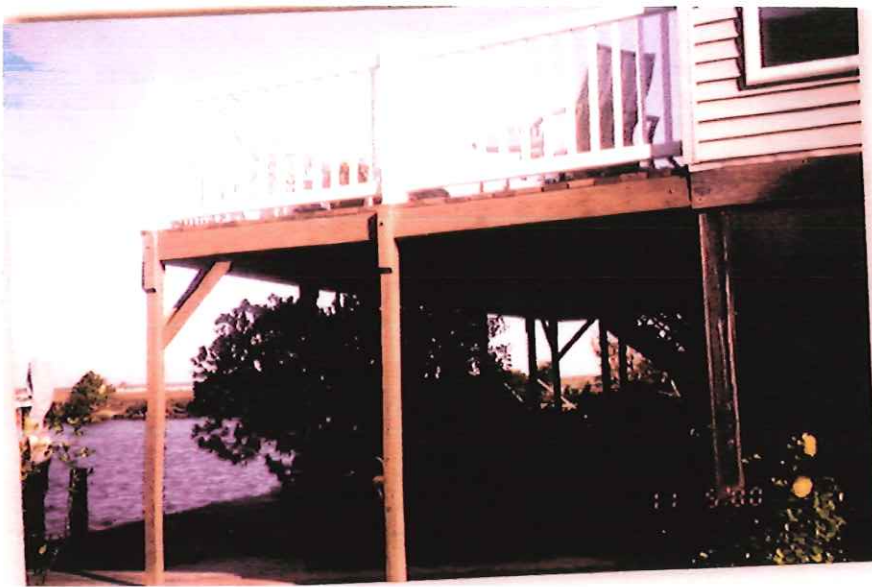
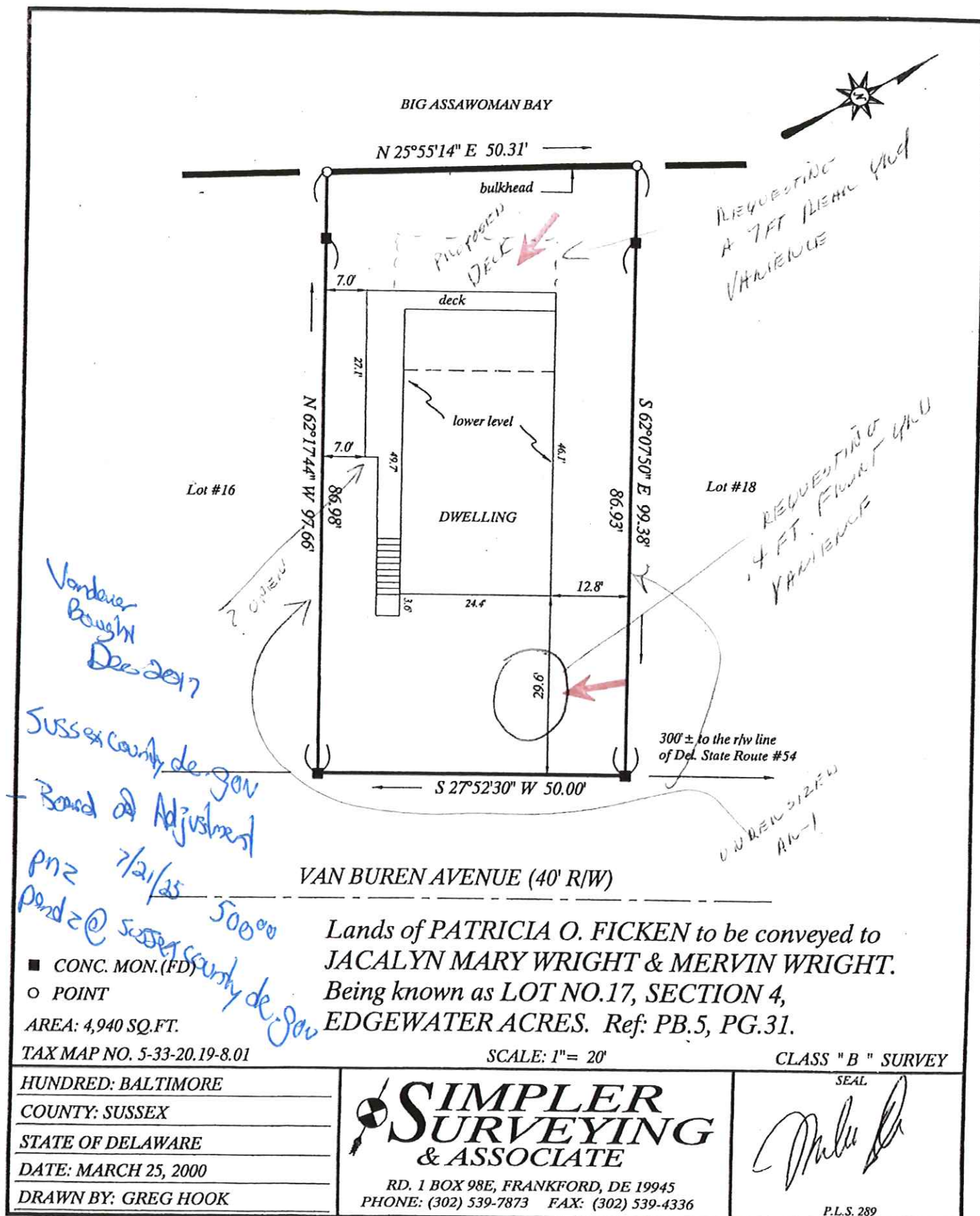


Exhibit A1

VANDEVER



Action Taken
November 6, 2000
Page 2

- Case No. 7279 Stephen Seipp and S C S HW LLC – east of U.S. Route 13, 200 feet west of Road 482.
A variance for ten (10) additional wall signs.
APPROVED
- Case No. 7280 Jules Pagano and Kathleen Stevenson Pagano – northwest of Route One, west side of Venetian Drive, Lot B-1, within Seabreeze Development.
A variance from the front yard setback requirement.
APPROVED
- Case No. 7281 Ronald T. Brady – south of Route One, southwest side of Princess Street, Lot 101, within Camelot Mobile Home Park.
A variance from the rear yard setback requirement.
DEFERRED
- Case No. 7282 Jacalyn M. Wright – west of Route 54, northwest side of Van Buren Avenue, Lot 17, within Edgewater Acres Subdivision.
A variance from the front yard and rear yard setback requirements.
APPROVED
- Case No. 7283 Robert M. Bocek – north of Route 24, 400 feet west of Road 409.
A variance from the square footage requirement for a parcel, a variance from the lot width requirement for a parcel, a variance from the side yard and front yard setback requirements.
APPROVED
- Case No. 7284 Joseph and Catherine Jadcak – north of Road 264, 1,200 feet east of Road 258.
A variance from the east side yard setback requirement.
DENIED
- Case No. 7285 Anthony and Karen Milan – southwest of Route 54, south side of Garfield Avenue, Lot 20, within Edgewater Acres Subdivision.
A variance from the rear yard setback requirement.
APPROVED

Exhibit A2

Sept. 5, 2000
To whom it May Concern,

The EdgeWater Acres
association has carefully
reviewed the variance
request of Jacalyn Wright,
and Melvin Wright for their
property at 17 Van Buren
Sellyville, Del.. The
association supports the
Wrights request for their
variance of their 10 x 24 ft.
deck. The variance will be
7 feet towards the bulkhead.

Sincerely,

Theresa Phillips
434-5357

11-6-00

7282

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB Control No. 1660-0008
Expiration Date: 06/30/2026

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>David G. Vandever</u>	Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>39126 Van Buren Avenue</u>	Company NAIC Number: _____
City: <u>Selbyville</u> State: <u>DE</u> ZIP Code: <u>19975</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>Lot No. 17, Section No. 4</u> Parcel Id. No: <u>5-33-20.19-08.01</u> Edgewater Acres, Inc.	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>Residential - Remodel</u>	
A5. Latitude/Longitude: Lat. <u>38°-27'-11"</u> Long. <u>-75°-04'-06"</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: <u>7</u>	
A8. For a building with a crawlspace or enclosure(s):	
a) Square footage of crawlspace or enclosure(s): <u>890</u> sq. ft.	
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>5</u>	
d) Total net open area of non-engineered flood openings in A8.c: <u>N/A</u> sq. in.	
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>5</u> sq. ft.	
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>1,000</u> sq. ft.	
A9. For a building with an attached garage:	
a) Square footage of attached garage: <u>N/A</u> sq. ft.	
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>N/A</u>	
d) Total net open area of non-engineered flood openings in A9.c: <u>N/A</u> sq. in.	
e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>N/A</u> sq. ft.	
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.	
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
B1.a. NFIP Community Name: <u>Sussex County</u>	B1.b. NFIP Community Identification Number: <u>100029</u>
B2. County Name: <u>Sussex County</u>	B3. State: <u>DE</u> B4. Map/Panel No.: <u>10005C0654</u> B5. Suffix: <u>K</u>
B6. FIRM Index Date: <u>06/20/2018</u>	B7. FIRM Panel Effective/Revised Date: <u>05/16/2015</u>
B8. Flood Zone(s): <u>"AE"</u>	B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>5.0'</u>
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____	
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

ELEVATION CERTIFICATE**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>39126 Van Buren Avenue</u>	FOR INSURANCE COMPANY USE
City: <u>Selbyville</u> State: <u>DE</u> ZIP Code: <u>19975</u>	Policy Number: _____ Company NAIC Number: _____

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: PK Nail Vertical Datum: NAVD '88

Indicate elevation datum used for the elevations in items a) through h) below.
☐ NGVD 1929 ☒ NAVD 1988 ☐ Other: _____

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used? ☐ Yes ☒ No
 If Yes, describe the source of the conversion factor in the Section D Comments area.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor):	3.1	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor (see Instructions):	11.2	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (see Instructions):	N/A	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab):	N/A	<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area):	5.0+	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest Adjacent Grade (LAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished	2.8	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest Adjacent Grade (HAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished	3.2	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:	3.2	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

☐ Check here if attachments and describe in the Comments area.

Certifier's Name: Gregory M. Hook License Number: P.L.S. 711

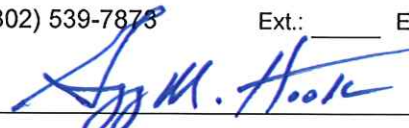
Title: Professional Land Surveyor


Company Name: Simpler Surveying and Associates, Inc.

Address: 32486 Powell Farm Road

City: Frankford State: DE ZIP Code: 19945

Telephone: (302) 539-7873 Ext.: _____ Email: simpler@delawaresurveyor.com

Signature:  Date: 04/01/2025



Place Seal Here

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):

1. SECTION A8 - There will be five (5) installed smart vents (Model No. 1540-520) installed in foundation wall.
2. SECTION C2 (a-h) - All Elevations are Based on Existing Conditions.
3. SECTION C2 (e) - Mechanicals to be Elevated Above Base Flood Elevation.
4. SECTION C2 (a-f) - Proposed Elevations to Match Existing

ELEVATION CERTIFICATE**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

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City: <u>Selbyville</u> State: <u>DE</u> ZIP Code: <u>19975</u>	Policy Number: _____ Company NAIC Number: _____

**SECTION E – BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)**

For Zones AO, AR/AO, and A (without BFE), complete Items E1–E5. For Items E1–E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

☐ Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: _____ Ext.: _____ Email: _____

Signature: _____ Date: _____

Comments:

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 39126 Van Buren Avenue	FOR INSURANCE COMPANY USE
City: <u>Selbyville</u> State: <u>DE</u> ZIP Code: <u>19975</u>	Policy Number: _____ Company NAIC Number: _____

SECTION G – COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2.a. ☐ A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.

G2.b. ☐ A local official completed Section H for insurance purposes.

G3. ☐ In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.

G4. ☐ The following information (Items G5–G11) is provided for community floodplain management purposes.

G5. Permit Number: _____ G6. Date Permit Issued: _____

G7. Date Certificate of Compliance/Occupancy Issued: _____

G8. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G9.a. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum: _____

G9.b. Elevation of bottom of as-built lowest horizontal structural member: _____ ☐ feet ☐ meters Datum: _____

G10.a. BFE (or depth in Zone AO) of flooding at the building site: _____ ☐ feet ☐ meters Datum: _____

G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: _____ ☐ feet ☐ meters Datum: _____

G11. Variance issued? ☐ Yes ☐ No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: _____ Title: _____

NFIP Community Name: _____

Telephone: _____ Ext.: _____ Email: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 39126 Van Buren Avenue	FOR INSURANCE COMPANY USE
City: <u>Selbyville</u> State: <u>DE</u> ZIP Code: <u>19975</u>	Policy Number: _____ Company NAIC Number: _____

SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). **Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.**

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5–8. Top of bottom _____ ☐ feet ☐ meters ☐ above the LAG
 floor (include above-grade floors only for buildings with
 crawlspaces or enclosure floors) is:

b) For Building Diagrams 2A, 2B, 4, and 6–9. Top of next _____ ☐ feet ☐ meters ☐ above the LAG
 higher floor (i.e., the floor above basement, crawlspace, or
 enclosure floor) is:

H2. Is **all** Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

☐ Yes ☐ No

SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge.* **Note:** If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.

☐ Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: _____ Ext.: _____ Email: _____

Signature: _____ Date: _____

Comments: _____

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
39126 Van Buren Avenue

City: Selbyville

State: DE

ZIP Code: 19975

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption:

FRONT VIEW

Clear Photo One

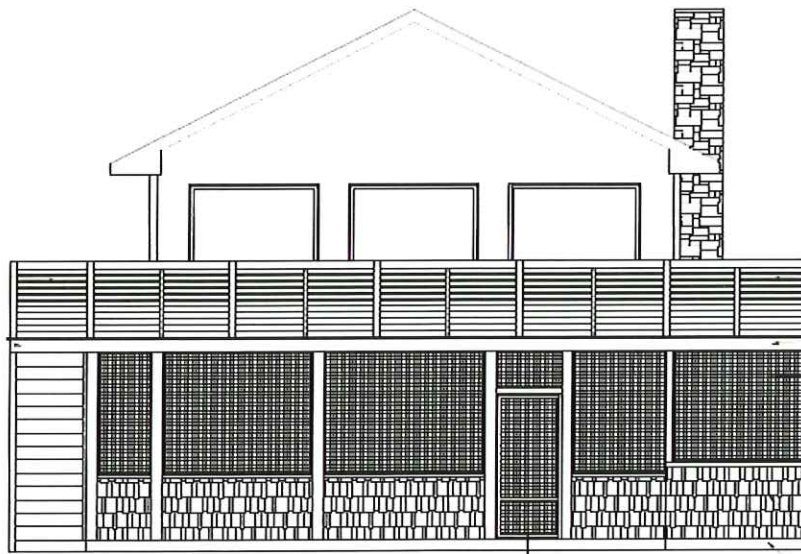


Photo Two

Photo Two Caption:

REAR VIEW

Clear Photo Two

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
 39126 Van Buren Avenue

City: Selbyville State: DE ZIP Code: 19975

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.

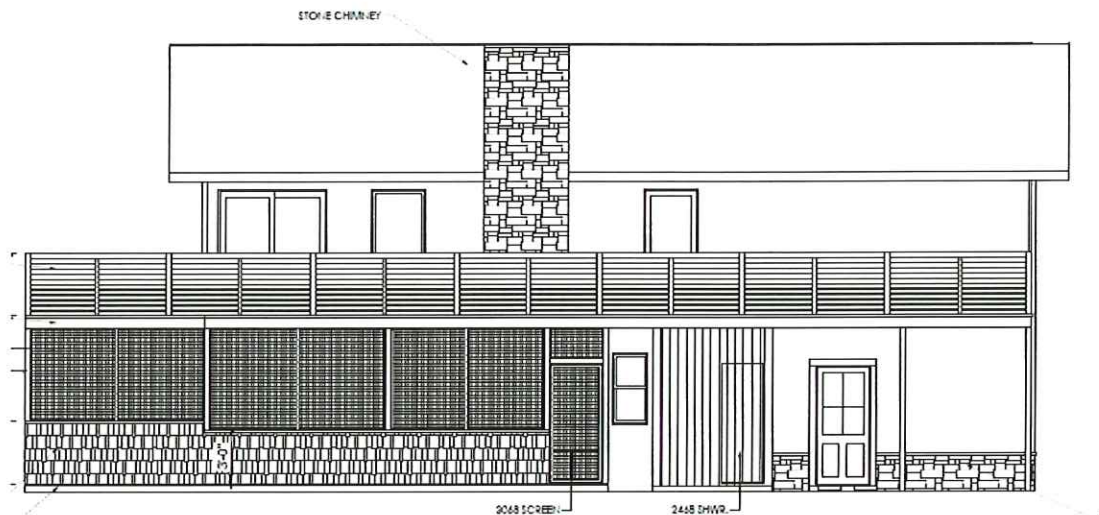


Photo Three

Photo Three Caption:

LEFT VIEW

Clear Photo Three

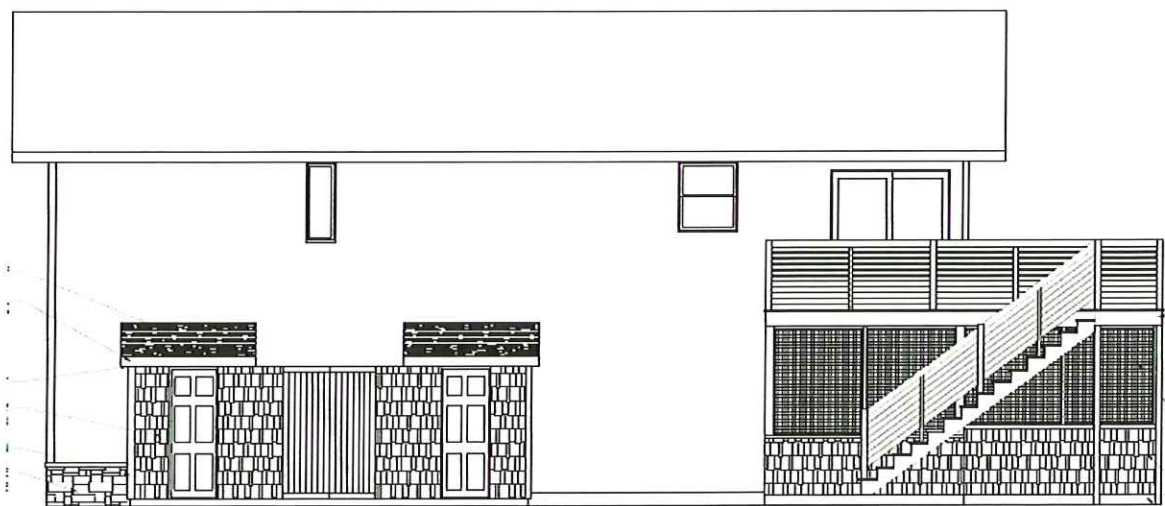


Photo Four

Photo Four Caption:

RIGHT VIEW

Clear Photo Four

SIMPLER SURVEYING & ASSOCIATE, INC.

PROFESSIONAL LAND SURVEYORS
32486 POWELL FARM ROAD
FRANKFORD, DELAWARE 19945

GREGORY M. HOOK, P.L.S. # 711
(302) 539-7873

WWW.DELAWARESURVEYOR.COM

Thursday June 12, 2025

Tony Yannucci
32963 Harts Road,
Lewes Beach, DE 19958

RE: Parcel ID Number 5-33-20.19-08.01, Lands of David G. Vandever.

This letter is to certify that a vertical project Bench Mark was set on-site per client's specifications. A Marks-a-lot line was set on the corner of the dwelling (Right side) to establish the vertical project Bench Mark. The Elevation of said Marks-a-lot line is 6.00' feet (NAVD '88).

The above-referenced parcel is in the 100-year Flood Zone according to our research. This information was taken directly from the Flood Insurance Rate Map (FIRM), Community: Sussex County, Number: 100029, Panel: 654, Suffix: "K", Zone: "AE" 5.0', 03-16-2015.

Please feel free to contact our office with any questions and/or concerns. I would like to thank you for Entrusting Simpler Surveying & Associate, Inc. for all your professional land surveying needs.


Gregory M. Hook
P.L.S. 711
Simpler Surveying & Associate, Inc.

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 _____

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:

Variance/Special Use Exception/Appeal Requested:

Tax Map #:

Property Zoning:

Applicant Information

Applicant Name:
Applicant Address:
City State Zip:
Applicant Phone #: Applicant e-mail:

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

McGraw

Date:



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

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

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

1. Uniqueness of property:

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

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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



Alex C. Burns, Esq.
(302) 645-2262
aburns@lawbmf.com

May 20, 2025

VIA EMAIL

Sussex County Board of Adjustment
c/o Sussex County Planning & Zoning Office
2 The Circle
P.O. Box 417
Georgetown, DE 19947
sisaacs@sussexcountyde.gov

**RE: Tharros Village
(C/O Code Purple at The Cape)**

Dear Chairman Chorman & Members of the Sussex County Board of Adjustment:

My firm represents Tharros Village (the “Applicant”) in connection with the above-referenced project.

In March 2025, the Applicant submitted a conditional use application, C/U 2583 Tharros Village (the “Conditional Use Application”), to the Sussex County Planning & Zoning Commission. I am pleased to report that, as of today’s date, the Commission has recommended approval of the Conditional Use Application, which has received widespread community support, and there have been no public comments in opposition. County Council is scheduled to hold a public hearing on the Conditional Use Application on Tuesday, June 17, 2025.

Although the Applicant does not believe a variance is necessary for the reasons described herein, we are respectfully submitting this variance application and writing to provide you with additional information regarding the request.

We are deeply mindful of the volume and importance of the matters that come before you each month. Recognizing the time constraints and scheduling demands on your docket, we respectfully request placement on the June 2025

1413 Savannah Road, Suite 1 | Lewes, Delaware 19958 | T (302) 645-2262 | F (302) 644-0306
www.lawbmf.com

DOVER, DE | LEWES, DE | GEORGETOWN, DE | WILMINGTON, DE | BALTIMORE, MD

Board of Adjustment meeting agenda. We are sincerely grateful for your consideration and attention to this important matter.

Background

Tharros Village is a collaborative initiative with broad community support, designed to offer a safe, structured environment for individuals transitioning out of homelessness, and provides critical public health benefits to Sussex County. The program operates in partnership with community partners including Beebe Healthcare and First State Community Action Agency. All guests at Tharros Village are required to participate in case management services, which include mental health screenings, employment support, and access to community resources.

Tharros Village is located in the General Commercial (C-1) Zoning District on a parcel on the south side of Coastal Highway, approximately 0.2 mile northwest of the intersection of Coastal Highway and Dartmouth Drive.

The State of Delaware owns the Property, and Mr. Brian Maxwell, Director of the Office of Management and Budget has confirmed that “the State is prepared to move forward with the site plan that was filed with the [above-referenced conditional use] application.” A copy of Director Maxwell’s email and the referenced site plan are enclosed.

Notably, Tharros Village operated at this same location during the 2024 season without incident or injury. This Application seeks to continue that operation for the 2025 season. Unfortunately, due to the current absence of required approvals, Tharros Village is unable to operate. As a result, supportive services have been suspended, and unhoused individuals have returned to encampments in wooded areas of the Cape Region, where there is no access to sanitation or trash removal services.

During the Board of Adjustment hearing scheduled to occur in the near future, the Board will consider the Applicant’s variance request under established legal precedent that supports the granting of the variance.

Variance Requested

Tharros Village is requesting a variance from § 115-172(H)(3) of the Sussex County Zoning Code, which requires that a “park or campground” be at least 400 feet from any existing dwelling. At its nearest point, Tharros Village will be approximately 275 feet from the Savannah West community (Tax Map Parcel 334-6.00-499.00). In the alternative, the Applicant seeks a determination that no variance is necessary because § 115-172(H)(3) is inapplicable.

The County Code does not define the term “campground,” which makes it unclear whether Tharros Village is governed by this section. In many respects, Tharros Village more closely resembles a “Tenting Area,” a defined term in Chapter 115, although that term is not otherwise used in the Zoning Code.

Unlike a traditional campground, which might include bathhouses, recreational amenities, and open fires, etc. Tharros Village is a managed facility without those features. Tharros Village does not have the noise and other safety concerns that § 115-172 intended to address. For that reason, even if § 115-172(H)(3) applies, strict enforcement of the setback requirement serves no meaningful public interest in this case.

Chapter 115 of the County Code does define “Tenting Area,” which seems closer to a bivouac/Tharros Village scenario. Unfortunately, other than the definition itself, the term “Tenting Area” is not repeated anywhere in the Zoning Code.

Imagine, for example, if the local Boy Scout troop planned a weeklong camping event on a small farm located less than 400 feet from a neighboring residence. Imagine further that the organizers arranged for a porta potty, a hand washing station, and a trash receptacle (the same things provided at Tharros Village). Would the Boy Scouts’ camping event be classified as a campground requiring a conditional use approval or would it be classified as a tenting area that seems to be largely unregulated under the Zoning Code?

Unfortunately, wetlands to the north of the site prohibit the possibility of relocating the site to the north to come into compliance with § 115-172's requirement that the site be at least 400 feet from an existing dwelling. However, Tharros Village is more of a tenting area than it is a campground. Accordingly, the potential for noise and the safety concerns associated with a traditional campground are not present at Tharros Village. For example, there are no bathhouses that could create odors and noise, and there are no open fires that could present a risk to nearby structures. Accordingly, the buffering requirements of § 115-172, while helpful in a traditional campground setting, offer little benefit in the context of Tharros Village.

Consequently, we are requesting variance from § 115-172(H)(3) to permit Tharros Village to be approximately 275 feet from the Savannah West community. That Section provides:

§ 115-172 **Special Requirements.** States in relevant part as follows:

“The following special requirements shall be conditions to approval and development of the indicated conditional uses:

....

H. Park or campground for mobile campers, tents, camp trailers, touring vans and the like, provided that:

....

(3) Every such area shall be at least 400 feet from any existing dwelling on property of other ownership and shall be at least 100 feet from any public road.”

Legal Standard

Under the Sussex County Zoning Code, the Board of Adjustment has the authority to grant a variance from zoning requirements where the applicant demonstrates “peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of [the] property.” Sussex County

Code § 115-211(A)(1). This standard applies in cases involving unique physical conditions or exceptional circumstances that prevent the reasonable use of the property in conformance with the Zoning Code.

A variance may not be granted simply for “convenience, profit, or as a caprice.” Rather, the Sussex County Code requires “demonstrable and exceptional hardship.” *Id.*

Pursuant to Sussex Code § 115-211(B), “No such variance shall be authorized by the Board unless it finds:

(1) 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 unnecessary hardship is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or code in the neighborhood or district in which the property is located.

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

(3) That such unnecessary hardship has not been created by the appellant.

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

(5) 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 current application satisfies each of the factors enumerated in the Sussex County Zoning Code.

1. Unique Physical Circumstances or Conditions

The property is constrained by its proximity to regulated wetlands, making full compliance with the 400-foot buffer requirement physically impossible. These environmental constraints are specific to the site and are not conditions generally present in the surrounding area. Because of these limitations, Tharros Village cannot be located any further from the neighboring residential development without encroaching into protected wetlands or violating other zoning constraints.

2. No Reasonable Use Without the Variance

Tharros Village successfully operated at this location during the 2024 season without incident or complaint, and this application seeks only to continue that use under the same operational framework. Without the requested relief, Tharros Village will be unable to resume operations in 2025, leaving vulnerable individuals without access to shelter or critical services. This is not a case of seeking relief for convenience or preference; rather, the variance is necessary to enable a reasonable and permitted use of the property under existing zoning provisions.

3. The Hardship Is Not Self-Created

The hardship is not the result of any action by the Applicant. The site’s physical limitations and the proximity of nearby residential development are preexisting conditions, and the Applicant has worked within the constraints of the site to design a responsible, compliant, and community-supported project.

4. No Adverse Effect on the Neighborhood or Public Welfare

The variance will not alter the essential character of the surrounding area. The property is zoned General Commercial (C-1) and is located along a heavily traveled section of Coastal Highway. Nearby uses include medical offices,

commercial buildings, and service establishments. Tharros Village's presence and operations are consistent with this context. Further, the project has received broad public support, and since the Conditional Use Application was filed in March 2025, no public comments in opposition have been submitted. On-site management, security, and public health safeguards ensure the operation remains orderly and beneficial to the broader community.

5. Minimum Variance Necessary

The requested variance is the minimum relief necessary to allow the continued operation of Tharros Village in a manner consistent with County zoning and public welfare goals. The 275-foot separation from Savannah West represents the maximum feasible buffer given site constraints and ensures that the project avoids encroaching on regulated wetlands. No greater separation is physically possible on the site, and no lesser distance is sought than what is absolutely necessary to continue the transitional housing program.

Conclusion

Through this application, Tharros Village respectfully requests a variance from Sussex County Code § 115-172(H)(3) to permit the facility to be located approximately 275 feet from the Savannah West residential community, rather than the 400-foot separation otherwise required.

This variance request satisfies each of the criteria required by Sussex County Code § 115-211 and represents a necessary and justified deviation due to the unique physical conditions of the site, the critical public purpose served, and the absence of adverse impacts to surrounding properties.

In light of the charitable and public-serving nature of the project, and its role in furthering Sussex County's health and housing objectives, we also respectfully request that the variance application fee be waived. This nonprofit initiative channels all available resources into providing shelter and support for the most vulnerable members of the community.

Brockstedt Mandalas Federico LLC
Page 8

We sincerely thank the Board for its time, attention, and consideration of this important matter. Please do not hesitate to contact me if any further information would be helpful in your review.

Respectfully,



Alex C. Burns, Esq.

Cc:

Mike Agnew, President, Tharros Village

Glenn C. Mandalas, Esq.

Vince Robertson, Esq., Assistant County Attorney

EXHIBIT A

Glenn C. Mandalas

From: Maxwell, Brian (OMB) <brian.maxwell@delaware.gov>
Sent: Wednesday, April 16, 2025 2:14 PM
To: Glenn C. Mandalas; Alexander C. Burns
Cc: codepurple@stjudelewes.org
Subject: Troop 7/Tharros Village
Attachments: Troop 7 Site Plan.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Counsel,

Mr. Agnew has shared with me the feedback you received from the County regarding the revised site plan that I sent yesterday. After further discussion with the Secretary of Transportation and Mr. Agnew, the State is prepared to move forward with the site plan that was filed with the application (attached). If there is anything else needed from me, please let me know.

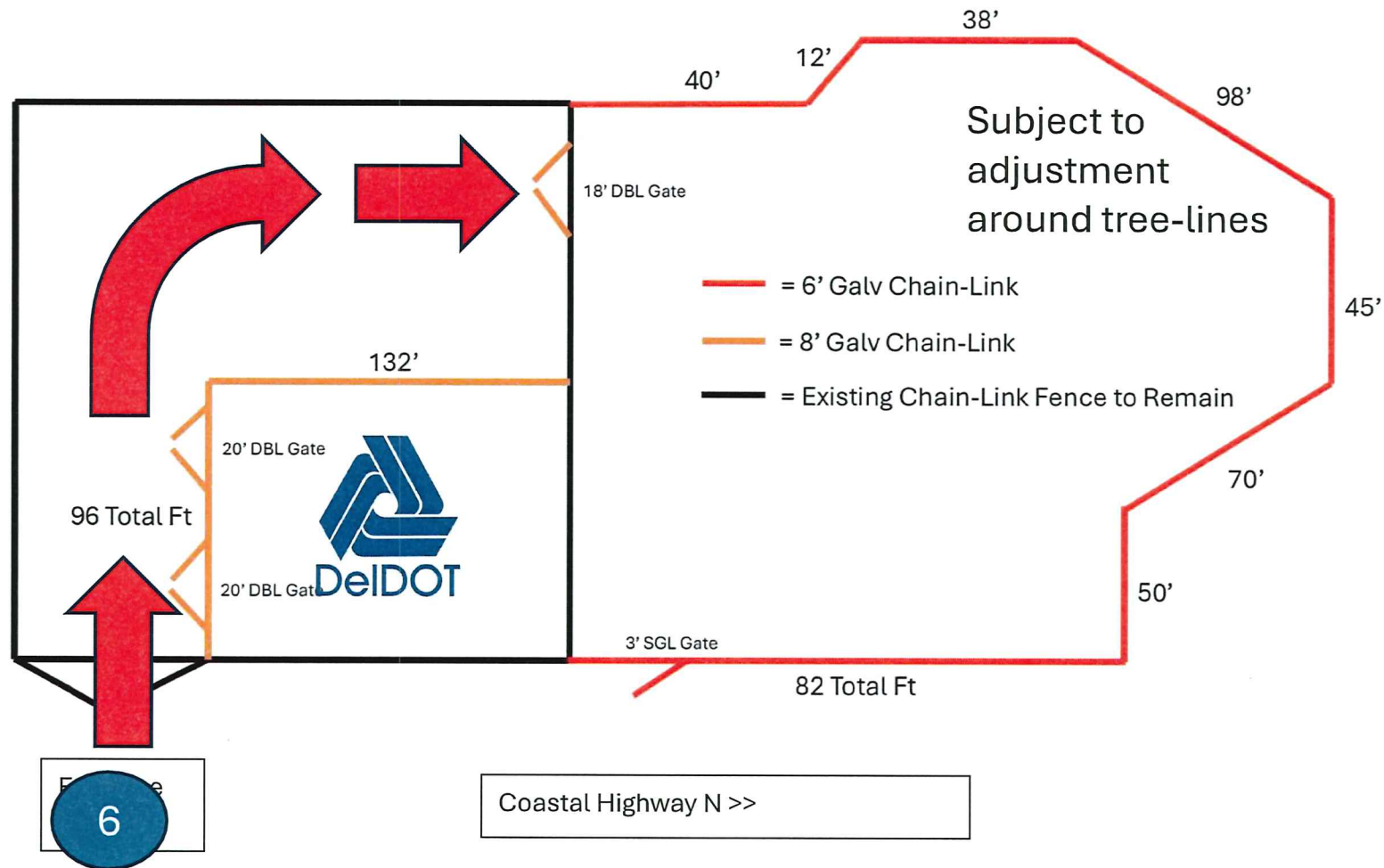
Thanks,

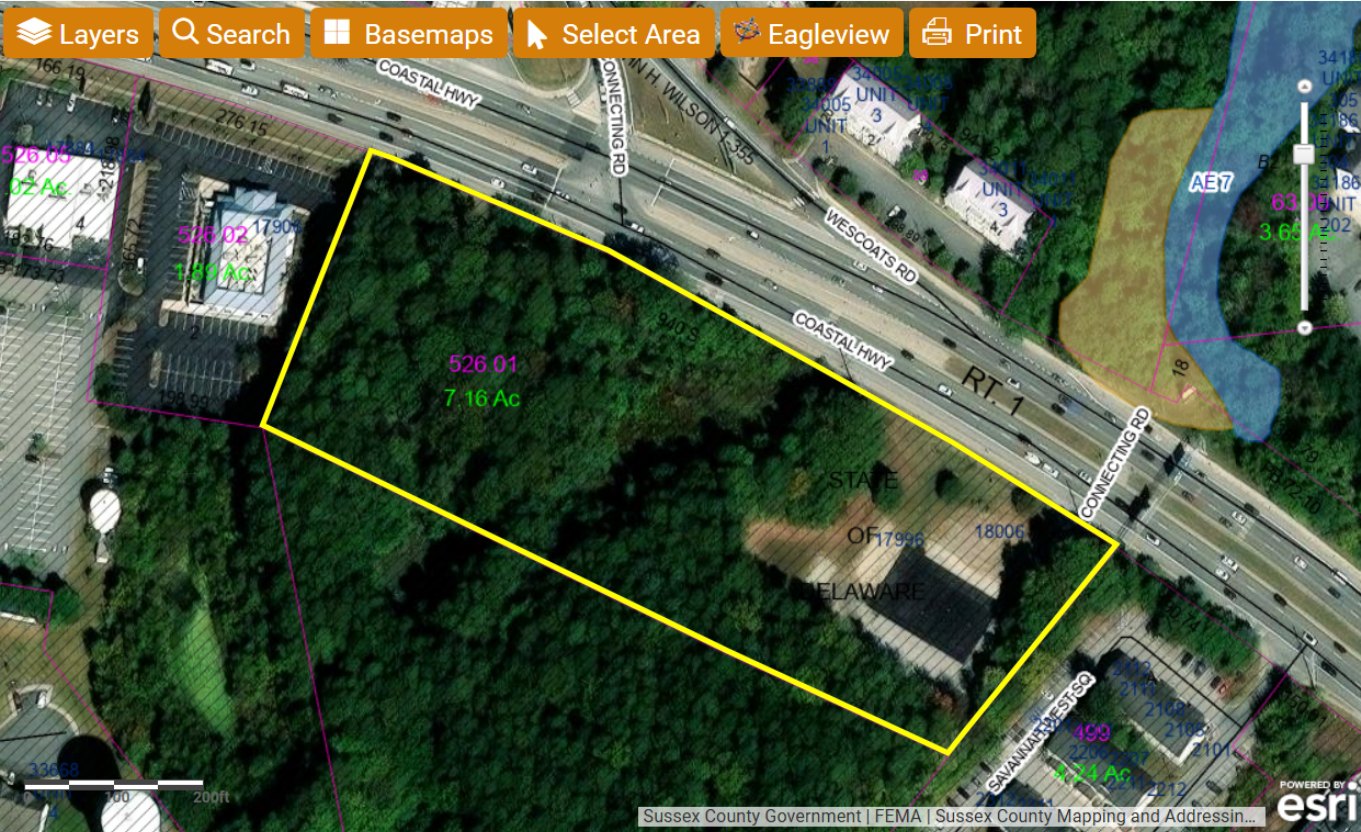
J. Brian Maxwell
Director of the Office of Management and Budget





Perimeter Fencing Proposal





Eagleview Search Results

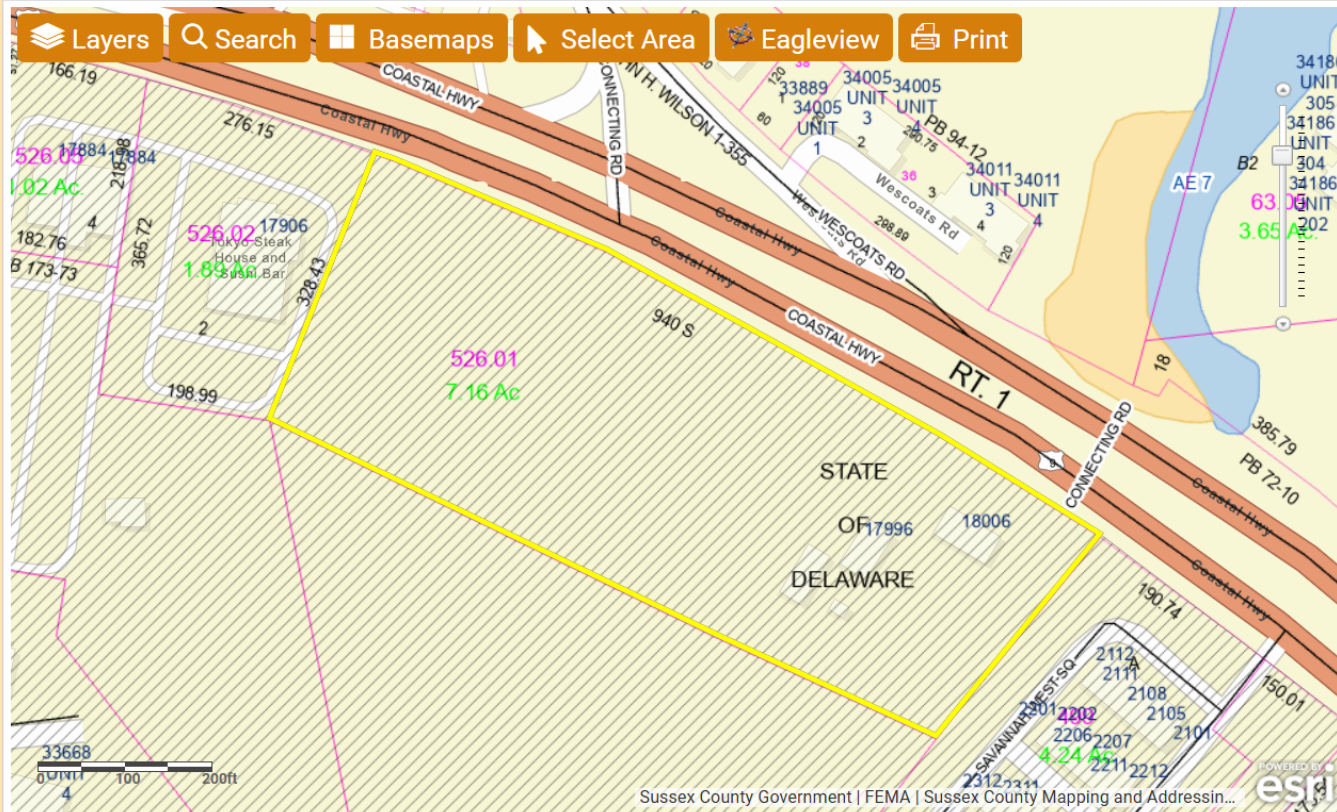
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1) 334-6.00-526.01 Zoom

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MAILINGADDRESS	PO BOX 778
CITY	DOVER
STATE	DE
a_account	10-05-526.1
DESCRIPTION	S/RT 14
DESCRIPTION2	48800
DESCRIPTION3	
LUC	803
SCHOOL	6
...	...

Selected Features (1)

Clear Selected



Eagleview Search Results ×

Selected Features: Parcels (1)

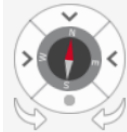
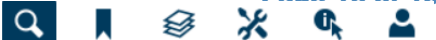
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MAILINGADDRESS	PO BOX 778
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STATE	DE
a_account	10-05-526.1
DESCRIPTION	S/RT 14
DESCRIPTION2	48800
DESCRIPTION3	
LUC	803
SCHOOL	6
MUNI	00

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Selected Features (1)

Clear Selected



Workspaces ▾

© 2025 Eagleview

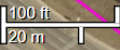
Search ✕

Search by SUSSEXPARELS ▾

334-6.00-526.01 🔍

Search results (1) Options ▾

▶ 334-6.00-526.01



map: Auto (Oblique) ▾ Dates: Latest ▾ < image 1 of 3 > 03/10/2025





Glenn C. Mandalas, Esq.
(302) 645-2262
gmandalas@lawbmf.com

July 10, 2025

VIA EMAIL & US MAIL

Sussex County Board of Adjustment
2 The Circle
P.O. Box 589
Georgetown, DE 19947

**RE: St. Jude the Apostle Church, D/B/A Code Purple Board of Adjustment
Application
Case Number: 13093**

Dear Board Members:

On behalf of the applicant, Code Purple, please accept the attached survey as a supplemental document to our pending Board of Adjustment application (13093) currently on file.

This survey has been prepared to provide additional context and support for the requested variance application.

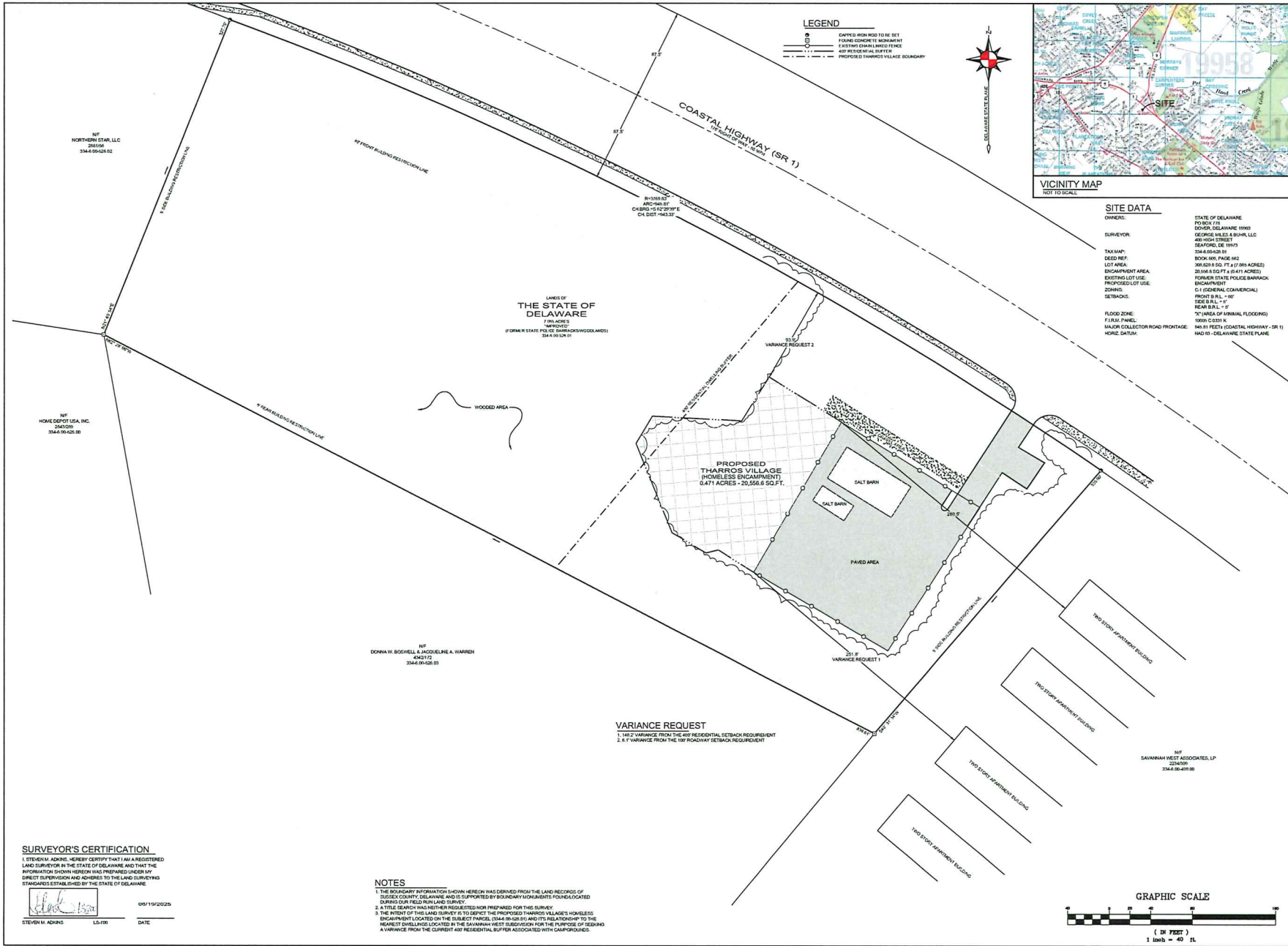
Very truly yours,

A handwritten signature in black ink, appearing to read "GCM", is written over a horizontal line.

Glenn C. Mandalas

GCM/mgl

Enclosure



DATE	
REVISIONS	
NO.	

EMB
GEORGE MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
208 WEST MAIN STREET
SEAFORD, DE 19783
302-741-1111 FAX 302-741-1197
www.gmbus.com

A VARIANCE PLAN FOR
THE LANDS OF
THE STATE OF DELAWARE
18006 COASTAL HIGHWAY
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE



VARIANCE EXHIBIT

SCALE	1" = 40'	SHEET NO.
3000' BY 3000'		1
3000' BY 3000'		
3000' BY 3000'		
3000' BY 3000'		
3000' BY 3000'		