

**BOARD OF ADJUSTMENT**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

(302) 855-7878

**AGENDA**

**June 3, 2024**  
**6:00 PM**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of the Minutes for April 8, 2024**

**Approval of the Findings of Fact for April 8, 2024**

**Old Business**

**Case No. 12944 – Coastline Properties, LLC**

seeks a special use exception for parking and loading requirements and variances from the off-street parking requirements, the front, side and rear setback requirements, and the landscape buffer requirements in the Combined Highway Overlay Zone (CHCOZ) for proposed structures (Section 115-80, 115-162, 115-82 and 115-194.1 of the Sussex County Zoning Code). The property is located East of Tulip Drive, North of Coastal Highway and West of Savannah Road. 911 Address: 97 Tulip Drive, Lewes. Zoning District: C-1. Tax Parcels: 335-11.00-93.00

**Public Hearings**

**Case No. 12950 – C. Edward and Lynn Lester**

seek a variance from the side yard setback requirement for a proposed structure (Section 115-34 of the Sussex County Zoning Code). The property is located South of River Road within the Riverdale Manufactured Home Park. 911 Address: 32344 River Road, Millsboro. Zoning District: MR. Tax Parcels: 234-34.12-37.00

**Case No. 12945 – John R. Sears**

seeks a variance from the front yard setback requirement for a proposed structure (Section 115-25 of the Sussex County Zoning Code). The property is located Northwest of Den Court within the Foxshire Subdivision. 911 Address: 18337 Den Court, Bridgeville. Zoning District: AR-1. Tax Parcels: 131-9.00-72.00

**Case No. 12946 – Kenneth Egan and Jean Stuart**

seek a variance from the side yard setback requirement for a proposed structure (Section 115-25 of the Sussex County Zoning Code). The property is located East of Holly Oak Lane within the Holly Oak Subdivision. 911 Address: 22315 Holly Oak Lane, Lewes. Zoning District: AR-1. Tax Parcels: 234-11.00-443.00

**Case No. 12947 – Dennis and Ann Hanlon**

seek variances from the rear yard setback requirement for a proposed structure (Section 115-25 of the Sussex County Zoning Code). The property is located East of Peppers Creek Road and North of South Dogwood Drive within the Dogwood Acres Subdivision. 911 Address: 30794 Peppers Creek Road, Dagsboro. Zoning District: AR-1. Tax Parcels: 134-6.00-200.00

**Case No. 12948 – John McCahan**

seeks a special use exception for a temporary tent sale (Section 115-80 of the Sussex County Zoning Code). The property is located North of Lighthouse Road. 911 Address: 38993 Beacon Drive, Fenwick Island. Zoning District: C-1. Tax Parcels: 134-23.00-3.04

**Case No. 12924 – West Side New Beginnings, Inc.**

seeks a variance from the maximum fence height requirement for a proposed structure (Section 115-184 and 115-85 of the Sussex County Zoning Code). The property is located North of Burton Avenue and Southeast of Norwood Street. 911 Address: 19801 Norwood Street, Rehoboth Beach. Zoning District: GR. Tax Parcels: 334-13.19-61.00

**Additional Business**

\*\*\*\*\*

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 27, 2024. at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

####

Application No: 2024041638

Case # 12944

Hearing Date 5-20-24 06:00

RECEIVED

APR 04 2024

SUSSEX COUNTY PLANNING & ZONING

Board of Adjustment Application
Sussex County, Delaware

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

Type of Application: (please check all applicable)

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

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

Site Address of Variance/Special Use Exception:

97 Tulip Drive Lewes, DE

Variance/Special Use Exception/Appeal Requested:

Parking spaces from 113 to 76, waiver from 20' buffer along Route 1 in CHOCZ, Setbacks from 30' to 10' on rear against residential, 20' to 10' on side against residential pond at Five points, building over setback per 115-182C in front

Tax Map #: 335-11.00-93.00

Property Zoning: C-1

Applicant Information

Applicant Name: Coastline Properties LLC c/o Scott Lednum
Applicant Address: 36818 Bayside Drive
City Fenwick Island State De Zip: 19944
Applicant Phone #: (302) 381-9247 Applicant e-mail:

Owner Information

Owner Name: Coastline Properties LLC
Owner Address: 36818 Bayside Drive
City Fenwick Island State DE Zip: 19944 Purchase Date:
Owner Phone #: (302) 381-9247 Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name: Plitko LLC, Engineering
Agent/Attorney Address: 53 Atlantic Ave
City Ocean View State De Zip: 19970
Agent/Attorney Phone #: (302) 537-1919 Agent/Attorney e-mail: will@plitko.com

Signature of Owner/Agent/Attorney

Will Kernodle
Digitally signed by Will Kernodle
DN: cn=Will Kernodle, o, ou, email=will@plitko.com, c=US
Date: 2024.04.02 13:46:25 -04'00'

Date: 4/2/24



Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

Existing buildings on-site that are currently open and have been in business for many years. The need to limit the disturbance to these businesses while creating a better flow to the property and new opportunities to the site. The State has taken frontage over the years to make upgrades to the intersection along Route 1 and taken away area that would be for parking and buffer. There is a grass area between property line now.

**2. Cannot otherwise be developed:**

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

Due to the existing conditions and requirements for the number of parking spaces and emergency access, without the variances, the property could not be developed to what the owner hopes to bring and upgrade the site. Existing small businesses on-site looking to expand would suffer from not getting their desired amount of space.

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

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

Due to the existing conditions out front and requirements for the number of parking spaces, and emergency access, without the variances, the ordinance makes it difficult to provide the request new space for two existing businesses who have been a pillar in the community for over 28 years.

**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 additional retail spaces being proposed brings more opportunity for expansion and sales to the existing businesses who occupy this property currently. The properties use is for retail sales, service and manufacturing currently and will continue to be this. The new layout will provide for more retail area while also providing much needed parking, clear travel areas and better emergency access.

**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.

Reduction in parking is similar in percentage to that in the existing conditions. Currently the site has a deficiency in parking but does not have issues. The setback to the side is against a stormwater pond as stated previously. Moving the setback over 10' will not affect anything. The rear setback already consists of a fence to help shield the residential property that is 80 feet away. The existing front building is set over the setback currently. Asking for 115-182C on new.

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.**

Side setback is against a pond with very little to no chance at future residential growth, to the North is commercial property and more retail traffic will drive business to the area. A fence currently separates the rear property to the residential house which also sits 80 plus feet away from that fence to the North East. The proposed plan would provide any improvements as deemed necessary to the fence. We could also add a 5'-8' planted buffer if the board deemed it helpful.

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

We understand and will comply with all requirements by Sussex County code if granted the special exceptions for parking, waiver on 20' planted buffer along the front in the CHOCOZ, building setbacks on rear and side against a residential district and the front yard building setback as it relates to 115-182C.

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

As stated, the property has a front setback challenge based on Del DOT's taking of land over the years. In the existing conditions, most of the existing parking and travel lane are in the area where a 20' buffer would be. If required to put a 20' buffer in, there would not be enough room to place parking or a 2 way travel lane in the existing or proposed conditions. We would point out that there is existing green space between the road and our site currently. Changing the side setback on the Five Points pond side has no impact on that property. The closest house sits over 225 feet from our site. The house to the rear sits over 80 plus feet behind the current separation fence and property line. Adding a new building 10' off that fence line is not going to effect that residence. The new retail building will actually clean up the look of the property as it will take away the outdoor granite display area and the stands that hold the slabs in place. In order to provide much needed travel lanes, emergency access and loading space on the property, the need to limit parking is necessary. The property has operated on a 33.33% parking deficiency for many years. The proposed site will make it slightly better.

**P** **PLITKO LLC**  
**ENGINEERING**  
 Phone: 302-537-1919  
 Mobile: 302-222-2075  
 Email: [rplitko@plitko.com](mailto:rplitko@plitko.com)  
 53 Atlantic Ave., Suite#3  
 Ocean View, DE 19970

**RECEIVED**

APR 04 2024

SUSSEX COUNTY  
 PLANNING & ZONING

**LETTER OF TRANSMITTAL**

**TO:** Sussex County P&Z  
2 The Circle  
Georgetown, DE 19947

<b>DATE:</b> 04/02/24	<b>JOB NO.</b>
<b>PROJECT:</b> Creative Concepts	
<b>RE:</b> zoning variance	

WE ARE SENDING YOU  ATTACHED  UNDER SEPARATE COVER VIA \_\_\_\_\_ THE FOLLOWING ITEMS:

- Shop Drawings     Prints     Plans     Samples     Specifications  
 Copy of Letter     Change Order     check & application

COPIES	DATE	NO.	DESCRIPTION
1			Variance site plan
1			BOA application
1			Check for 500.00 #2862

THESE ARE TRANSMITTED as checked below:

- FOR APPROVAL     APPROVED AS SUBMITTED     RESUBMIT \_\_\_\_\_ COPIES FOR APPROVAL  
 FOR YOUR USE     APPROVED AS NOTED     SUBMIT \_\_\_\_\_ COPIES FOR DISTRIBUTION  
 AS REQUESTED     RETURNED FOR CORRECTIONS     RETURN \_\_\_\_\_ CORRECTED PRINTS  
 FOR REVIEW AND COMMENT     \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_     PRINTS RETURNED AFTER LOAN TO US

REMARKS

SIGNED: Will Kernodle COPY TO: file

Document#



**PARKING DATA**

**EXISTING:**  
 FURNITURE STORE - 12,000 SF.  
 CODE: 1 PER 400 SF. OF FLOOR SPACE  
 12,000 SF / 400 = 30 SPACES REQ'D  
 EXISTING CONDITIONS PROVIDED = 20 SPACES  
 DEFICIENCY = 10 SPACES

**GRANITE SHOP WITH 500 SF. OF RETAIL/OFFICE SPACE - 3,270 SF. TOTAL**  
 CODE: 1 PER 200 SF. OF SALES/RETAIL FLOOR PLUS 1 SPACE PER 2 EMPLOYEES  
 500 SF. / 200 = 3 SPACES REQ'D  
 4 EMPLOYEES = 2 SPACES REQ'D  
 REQ'D SPACES = 5

TOTAL EXISTING SPACES = 35 REQ'D - 25 PROVIDED

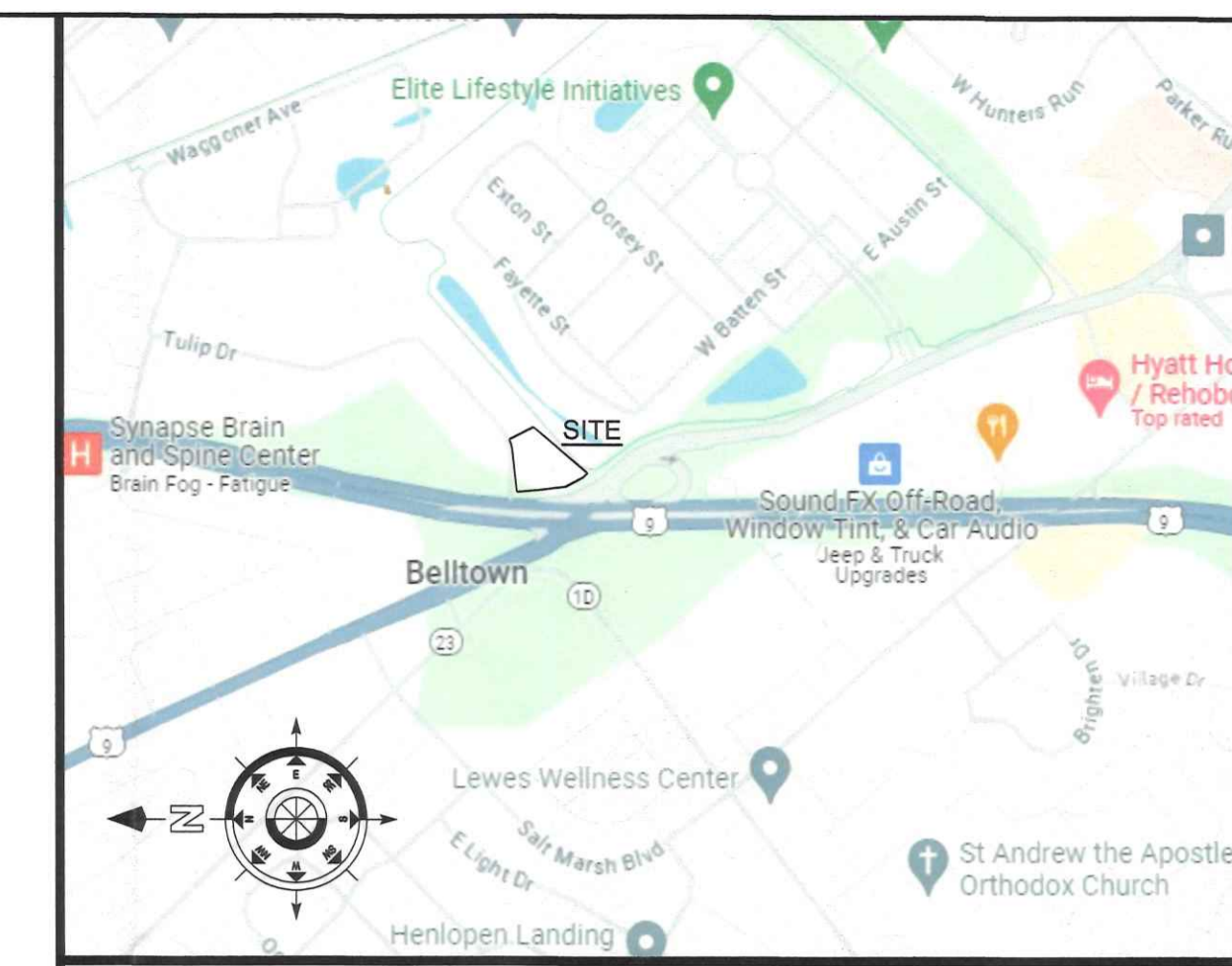
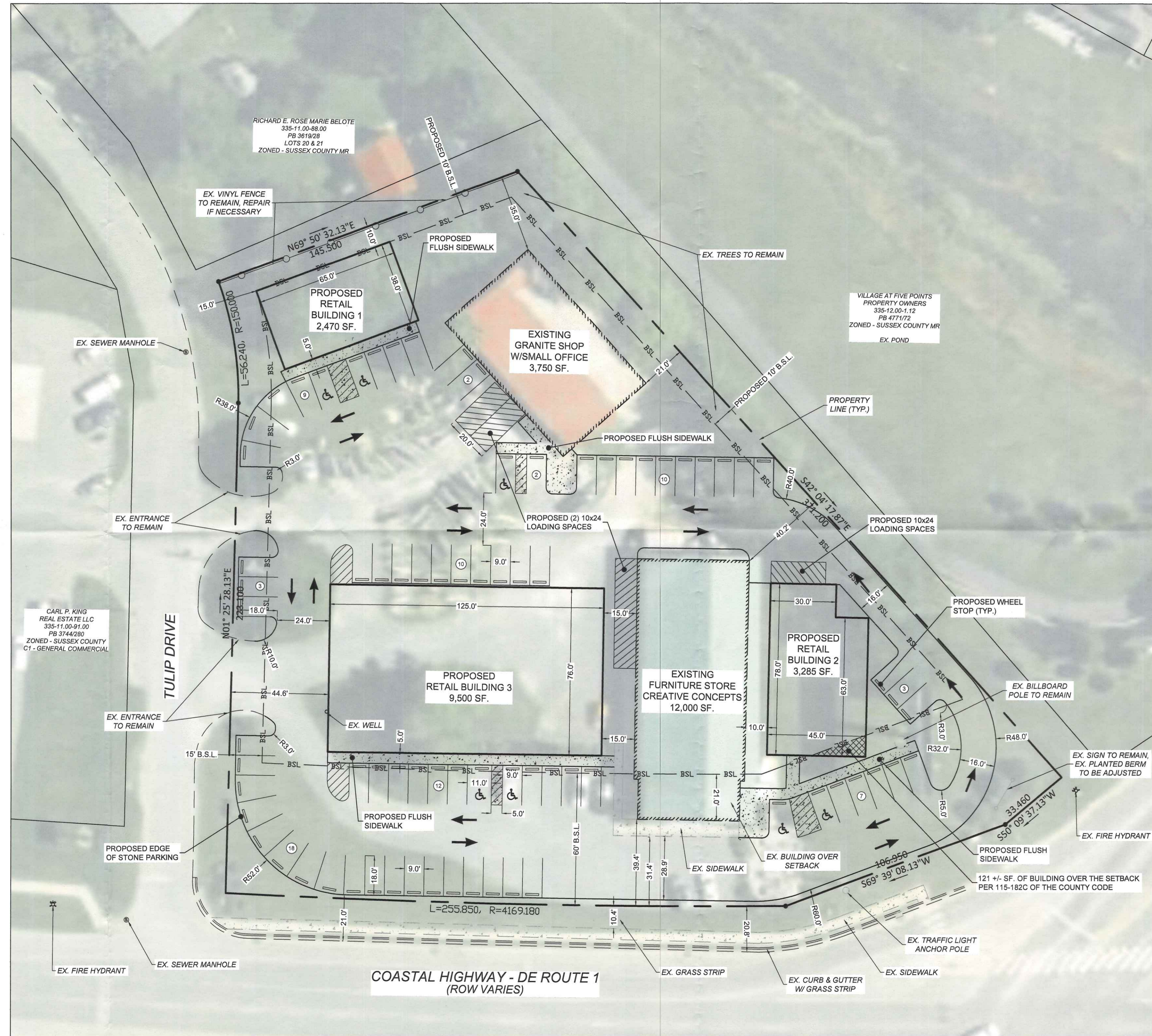
**PROPOSED:**  
 RETAIL 1 - 2,470 SF.  
 CODE: 1 PER 200 SF. OF FLOOR SPACE  
 2,470 SF. / 200 = 13 SPACES REQ'D

RETAIL 2 - 3,285 SF.  
 CODE: 1 PER 200 SF. OF FLOOR SPACE  
 3,285 SF. / 200 = 17 SPACES REQ'D

RETAIL 3 - 9,500 SF.  
 CODE: 1 PER 200 SF. OF FLOOR SPACE  
 9,500 SF. / 200 = 48 SPACES REQ'D

TOTAL PROPOSED SPACES REQ'D = 78 SPACES  
 TOTAL EXISTING SPACES REQ'D = 35 SPACES  
 TOTAL SPACES REQ'D FOR SITE = 113 SPACES  
 TOTAL SPACES PROVIDED FOR SITE = 76 SPACES

TOTAL SPACES DEFICIENT EXISTING CONDITIONS = 10 SPACES (33.33% FOR SITE)  
 TOTAL SPACES DEFICIENT PROPOSED CONDITIONS = 37 SPACES (32.74% FOR SITE)



VICINITY MAP 1"=1000'

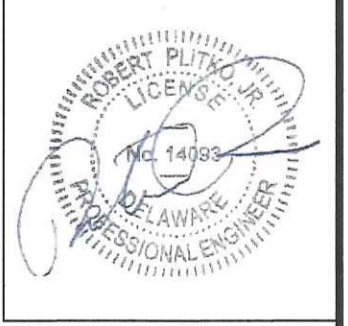
**PLAN DATA**

- TAX PARCEL: 335-11.00-93.00  
 DEED REFERENCE: DB 5387, PG. 118  
 LOCATION: 67 TULIP DRIVE, LEWES, DE 19958  
  
 OWNER/DEVELOPER:  
 COASTLINE PROPERTIES, LLC  
 36818 BAYSIDE DRIVE  
 FENWICK ISLAND, DE 19944  
 C/O SCOTT LEDNUM  
  
 ENGINEER:  
 PLITKO, LLC ENGINEERING  
 53 ATLANTIC AVE., SUITE 3  
 OCEAN VIEW, DE 19970  
 302-537-1919
- PRESENT ZONING: C-1 GENERAL COMMERCIAL  
 PROPOSED ZONING: C-1 GENERAL COMMERCIAL  
 PRESENT LAND USE: FURNITURE STORE, RETAIL, GRANITE SHOP  
 PROPOSED LAND USE: FURNITURE STORE, RETAIL, GRANITE SHOP  
  
 SETBACKS PER DISTRICT:  
 FRONT - 60'  
 REAR - 30'  
 SIDE - 20'  
  
 SETBACKS PROPOSED:  
 FRONT - 60'  
 CORNER LOT FRONT #2 - 15'  
 REAR - 10'  
 SIDE - 10'
- SITE SIZE: 1.97 AC +/-
- THE PROPERTY CAN BE FOUND ON FEMA FLOOD MAP 10005C0331K, PANEL 331 OF 660, DATED MARCH 16, 2015 IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- SEWER PROVIDED BY SUSSEX COUNTY
- WATER PROVIDED BY CITY OF LEWES
- TRASH IS PRIVATE
- PARKING LOT AND DRIVE AISLES TO REMAIN STONE/GRAVEL AS IT IS IN THE EXISTING CONDITIONS; PARKING SPACES AND STRIPING SHOWN FOR VISUAL PURPOSES ONLY. WHEEL STOPS TO BE PLACED AT THE HEAD OF ALL PARKING SPACES.

**OWNER'S PLAN DEVELOPMENT APPROVAL:**  
 I, as owner of the project shown, hereby approve these plans for development as shown or otherwise noted.

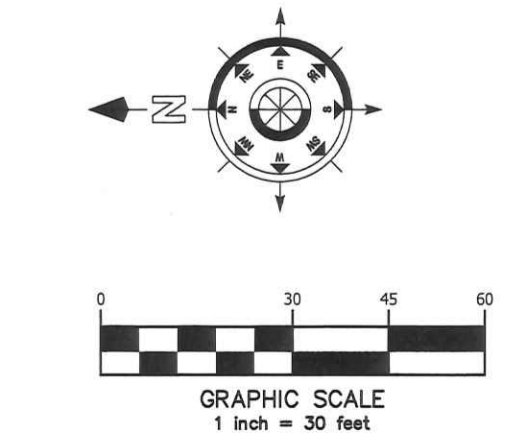
Coastline Properties, LLC  
 36818 Bayside Dr.  
 Fenwick Island, DE 19944  
 302-381-9247

**PREPARED BY**  
 PLITKO, L.L.C.  
 53 ATLANTIC AVE., STE 3  
 OCEAN VIEW, DE 19970  
 PH: 302-537-1919



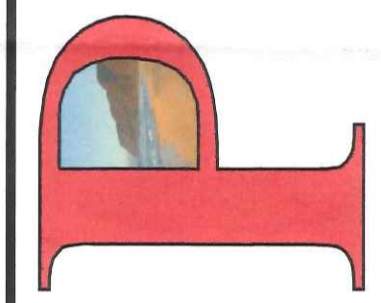
Robert Plitko, Jr., PE DE#14093

SEAL  
 4/2/24  
 DATE



REVISIONS	REVISION	DATE	DESCRIPTION

**PLITKO, LLC**  
 53 ATLANTIC AVE., STE 3  
 OCEAN VIEW, DE 19970  
 Phone (302)-537-1919

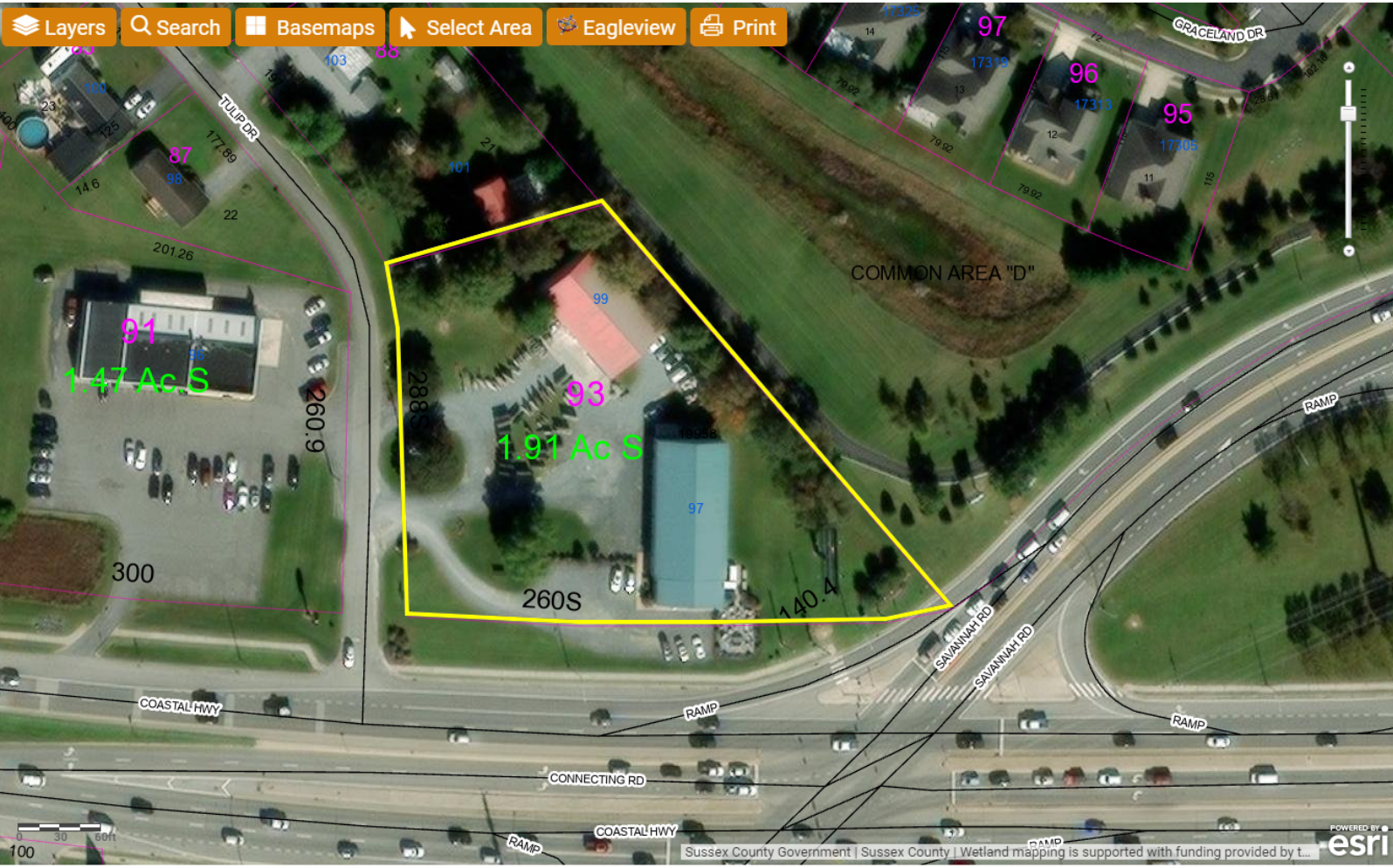


**CREATIVE CONCEPTS**  
 TULIP DRIVE  
 TAX PARCEL 335-11.00-93.00  
 SUSSEX COUNTY, DELAWARE

Scale:	1"=30'
Designed:	WK
Planned:	
Drawn:	03/13/24
Approved:	RP
Sheet No.	S100

**SITE PLAN**

- Layers
- Search
- Basemaps
- Select Area
- Eagleview
- Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 335-11.00-93.00 Zoom

BOOK	5387
PAGE	118
FULLNAME	CREATIVE CONCEPTS
Second_Owner_Name	REAL ESTATE HOLDINGS LLC
MAILINGADDRESS	PO BOX 1250
CITY	OCEAN VIEW
STATE	DE
a_account	10-36-093
DESCRIPTION	N/RT 1
DESCRIPTION2	
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	144900
APRLAND	68000
PINWASSEMENTUNIT	335-11.00-93.00
PIN	335-11.00-93.00

- Navigation icons: back, forward, home, search, refresh, zoom in, zoom out

Selected Features (1)

Clear Selected



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

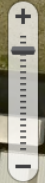
1) 335-11.00-93.00 Zoom

BOOK	5387
PAGE	118
FULLNAME	CREATIVE CONCEPTS
Second_Owner_Name	REAL ESTATE HOLDINGS LLC
MAILINGADDRESS	PO BOX 1250
CITY	OCEAN VIEW
STATE	DE
a_account	10-36-093
DESCRIPTION	N/RT 1
DESCRIPTION2	
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	144900
APRLAND	68000
PINWASSEMENTUNIT	335-11.00-93.00
PIN	335-11.00-93.00

Navigation icons: back, forward, home, search, refresh, etc.

Selected Features (1)

Clear Selected



Search [X]

Search by SUSSEXPARELS ▾

335-11.00-93.00 [Q]

Search results (1) Options ▾

▶ 335-11.00-93.00

Workspaces ▾

© 2023 Eagleview

map: Auto (Ortho) ▾ Dates: Latest ▾ < image 2 of 4 > 03/06/2023

50 ft  
10 m



DIST. 3-35	MAP 11	PARCEL 93	BLDG CLS	DIMENSIONS	AREA	HGT	CUBE	STY HGT	EXT WALL CON	UNIT COST	TOTAL
CONTROL NO.											
1 SQ. = _____ FT.			BLDG PERIMETER TOTAL PER/GRND AREA RATIO <b>PRINCIPAL BUILDING DESCRIPTION</b> <input type="checkbox"/> REINF CONC <input type="checkbox"/> MASONRY <input type="checkbox"/> WD OR BLK PIER <input type="checkbox"/> FOUNDAT'N <input type="checkbox"/> STEEL L H <input type="checkbox"/> REF CON <input type="checkbox"/> STL COL <input type="checkbox"/> MILL WD <input type="checkbox"/> WD POST <input type="checkbox"/> STRUCT FR <input type="checkbox"/> WALL DEV LIN FT <input type="checkbox"/> BELOW AVRG <input type="checkbox"/> AVERAGE <input type="checkbox"/> GOOD <input type="checkbox"/> STORE FR <input type="checkbox"/> STEEL L H <input type="checkbox"/> WD TR L H <input type="checkbox"/> STL JS L H <input type="checkbox"/> WD JS - FLT <input type="checkbox"/> ROOF <input type="checkbox"/> OTHER <input type="checkbox"/> HPC <input type="checkbox"/> CON SL <input type="checkbox"/> CON PL <input type="checkbox"/> STL DK <input type="checkbox"/> WOOD <input type="checkbox"/> ROOF SHTG <input type="checkbox"/> TILE <input type="checkbox"/> ALUM <input type="checkbox"/> GALV <input type="checkbox"/> T&G <input type="checkbox"/> COMP SHG <input type="checkbox"/> ROLL <input type="checkbox"/> ROOFING <input type="checkbox"/> OTHER <input type="checkbox"/> REINF CONC <input type="checkbox"/> CONC <input type="checkbox"/> WOOD <input type="checkbox"/> FLOORS <input type="checkbox"/> TILE SF <input type="checkbox"/> TERR SF <input type="checkbox"/> HW SF <input type="checkbox"/> SW SF <input type="checkbox"/> FLR FINISH <input type="checkbox"/> DD SF <input type="checkbox"/> OFF LG SF <input type="checkbox"/> SML SF <input type="checkbox"/> BRK <input type="checkbox"/> APTS RMS <input type="checkbox"/> DEV AREA <input type="checkbox"/> FW <input type="checkbox"/> 2S M-W <input type="checkbox"/> IS M-W <input type="checkbox"/> MTL <input type="checkbox"/> BLK <input type="checkbox"/> PARTITIONS TOT FIX <input type="checkbox"/> SING FIX <input type="checkbox"/> 2 FIX <input type="checkbox"/> 3 FIX <input type="checkbox"/> PLUMBING <input type="checkbox"/> NO. REST ROOMS QTY-SQ FT CER TILE <input type="checkbox"/> RC POWER SF <input type="checkbox"/> RC LIGHTING <input type="checkbox"/> BX-ROMEX <input type="checkbox"/> WIRING <input type="checkbox"/> FAN UNIT <input type="checkbox"/> 2 PS <input type="checkbox"/> 1 PS <input type="checkbox"/> GRAV <input type="checkbox"/> STOVE <input type="checkbox"/> NONE <input type="checkbox"/> HEATING <input type="checkbox"/> FIN SF <input type="checkbox"/> PART SF <input type="checkbox"/> FULL SF <input type="checkbox"/> NONE <input type="checkbox"/> BASEMENT <input type="checkbox"/> OTHER <input type="checkbox"/> CONC <input type="checkbox"/> WOOD <input type="checkbox"/> DIRT <input type="checkbox"/> NONE <input type="checkbox"/> BSMT FL <input type="checkbox"/> PART SF <input type="checkbox"/> FULL SF <input type="checkbox"/> C/COMB <input type="checkbox"/> REFRIG <input type="checkbox"/> WASH <input type="checkbox"/> AIR COND <input type="checkbox"/> FIRE HOSE STA # <input type="checkbox"/> SPRKLR SF <input type="checkbox"/> CON <input type="checkbox"/> EXP <input type="checkbox"/> NONE <input type="checkbox"/> FIRE PROT <input type="checkbox"/> PASS: NO. CAP # <input type="checkbox"/> FRGT: NO. CAP # <input type="checkbox"/> ELEVATOR <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER								

TOTAL BASE COST \$				TOTAL REPLACEMENT COST \$			
ADDS & DEDUCTS				PHYSICAL VALUE \$			
TOTAL				SOUND VALUE \$			
ACTUAL AGE YRS EFF AGE % OVRIMP % YRS PHYS COND % GOOD % FAIR % POOR % UNDRIMP % OTHER ECON % GOOD % POOR %							
OBSOLESCENCE: % OVRIMP % YRS PHYS COND % UNDRIMP % OTHER ECON % GOOD % POOR %							
ACCESSORY ITEMS: GRADE EXT WALLS FLOOR DIMENSIONS AREA UNIT COST REPRO COST EFF AGE % GOOD VALUE							
PAVING LF @ \$ /LF							
FENCE							
NOTES:							
INSPECTED BY: _____ CHECKED BY: _____ APPROVED BY: _____ DATE: _____ IMPROVEMENTS VALUE \$							

11 No. W.P. 93  
CARD OF 5

PROPERTY RECORD CARD

DIST. <b>3-35</b>	MAP <b>11</b>	PARCEL <b>92</b>	CONTROL NO.
ADDRESS			
LAND IDENTIFICATION			
3-35	11	92	
Marsh, Graham A. & Nadine P.			
90 Tidewater Rd., Henlopen Acres			
Rehoboth, De. 19971			
125'x350' Imp.			
DATE OF TRANSFER			
GRANTEE			
REVENUE STAMPS			
SALE PRICE			

*Transfer on Bond Clause OWNERSHIP RECORD*

LAND RECORD AND VALUATION SUMMARY									
PROPERTY FACTORS			LAND COMPUTATION				BUILDING PERMIT RECORD		
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS	UNIT VALUE	FACTORS	ADJ UNIT VALUE	VALUE	DATE	NUMBER	AMOUNT
	PAVED	FRONT DEPTH		DEPTH OTHER					
	SEMI-IMPROVED								
	UNIMPROVED								
	OTHER								
	SIDEWALK								
ASSESSMENT RECORD									
LAND \$									
BLDG. \$									
TOTAL \$									
LAND \$									
BLDG. \$									
TOTAL \$									
LAND \$									
BLDG. \$									
TOTAL \$									
SUMMARY OF VALUES									
TOTAL LAND			\$ 500						
TOTAL IMPROVEMENTS			PARCEL 93 → \$ 500						
TOTAL APPRAISED VALUE			\$ 1000						
NOTES									
Mobile Home on lot used as sales office									
73000 + LOT = 93 -									
New Owners: Marsh, Graham A. & Nadine P.									
90 Tidewater Rd., Henlopen Acres									
Rehoboth, Del. 19971									
PAID \$73000 92 + 93									



H. L. YOH COMPANY  
A DIVISION OF DAY AND ZIMMERMANN, INC.  
PHILADELPHIA, PA.

DIST. **3-35** MAP **11** PARCEL **92** TOTAL

CONTROL NO. \_\_\_\_\_

1 SQ. = \_\_\_\_\_ FT.

BLDG CLS \_\_\_\_\_ DIMENSIONS \_\_\_\_\_ AREA \_\_\_\_\_ HGT \_\_\_\_\_ CUBE \_\_\_\_\_ STY HGT EXT WALL CON UNIT COST TOTAL

PER/GRND AREA RATIO \_\_\_\_\_

**PRINCIPAL BUILDING DESCRIPTION**

REINF CONC  MASONRY  WD OR BLK PIER  FOUNDAT'N

STEEL L H  REF CON  STL COL  MILL WD  WD POST  STRUCT FR

LIN FT  BELOW AVRG  AVERAGE  GOOD  WALL DEV

STEEL L H  WD TR L H  STL JS L H  WD JS - FLT  STORE FR

OTHER  HPC  CON SL  CON PL  STL DK  WOOD  ROOF SHTG

TILE  ALUM  GALV  T&G  COMP SHG  ROLL  ROOFING

OTHER  REINF CONC  CONC  WOOD  FLOORS

TILE SF  TERR SF  HW SF  SW SF  FLR FINISH

DD SF  OFF LG SF  SML SF  BRK  APTS RMS DEV AREA

FW  2S M-W  IS M-W  MTL  2 FIX  3 FIX  PARTITIONS

TOT FIX  SING FIX  QTY-SQ FT  PLUMBING

NO. REST ROOMS \_\_\_\_\_

RC POWER SF  RC LIGHTING  BX-ROMEX  CER TILE

FAN UNIT  2 PS  IPS  GRAV  STOVE  NONE  WIRING

FIN SF  PART SF  FULL SF  NONE  BASEMENT

OTHER  CONC  WOOD  DIRT  NONE  BSMT FL

PART SF  FULL SF  C/COMB  REFRIG  WASH  AIR COND

FIRE HOSE STA # \_\_\_\_\_  SPRKLR SF  CON EXP  NONE  FIRE PROT

PASS: NO. \_\_\_\_\_ CAP # \_\_\_\_\_ FRGT: NO. \_\_\_\_\_ CAP # \_\_\_\_\_ ELEVATOR

**BUILDING SKETCH**

ACTUAL AGE YRS EFF AGE YRS PHYS COND  GOOD  FAIR  POOR  % GOOD  % POOR  % OTHER ECON  % GOOD  % POOR  % OTHER

OBsolescence:  OVRIMP  UNDRIMP

ACCESSORY ITEMS	GRADE	EXT WALLS	FLOOR	DIMENSIONS	AREA	UNIT COST	REPRO COST	EFF AGE	% GOOD	VALUE
PAVING				X						
FENCE				X						
NOTES				X						
				X						
				X						
				X						
				X						
				X						
				X						
				X						
				X						
				X						

INSPECTED BY: *[Signature]* CHECKED BY: *[Signature]* DATE: **11/22/13**

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

IMPROVEMENTS VALUE \$ \_\_\_\_\_

3-35 11 93

From 85,000

To 68,000

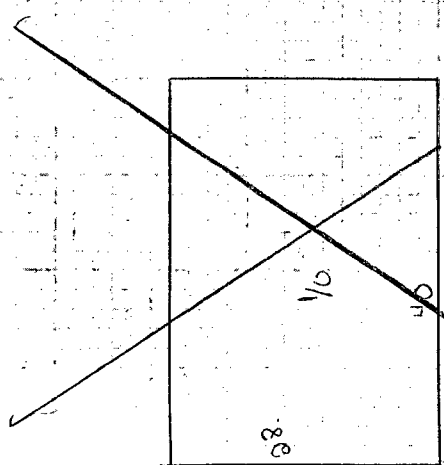
73,000





CARD OF

DIST	MAP	PARCEL										
CONTROL NO												
TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST		
1		C	40 x 28	1120					16,003	17,953		
			TOTAL GROUND AREA									
<b>PRINCIPAL BUILDING DESCRIPTION</b>												
MASONRY-1	PIER-2		SLAB-3									
NONE-0	1/4-1	1/2-2	1/4-3		FULL-4							
NONE-0	REC AREA-1	APT-2	% OF BASEMENT		SQ FT							
NONE-0	PIPELESS GHA-1	ELECTRIC-2	FHA-3	STM-HW-4								
3-FIXT BATH    1    2-FIXT BATH    1    SG FIX    2-4    2 1/2-5    3-6    4-7    5-8    TOTAL FIXT    5												
INDICATE QTY												
1ST FLOOR    2ND FLOOR    3RD FLOOR												
NONE-0	PL	WB	WP	NONE	PL	WB	WP	NONE	PL	WB	WP	
DIRT	CONC	HW	SW	HW	SW	HW	SW					
NONE-0    HOME POWER UNIT-2    PUBLIC-3												
NONE-0    ONE CAR-1    TWO CAR-2												
WOOD-1	SHGL-2	ALUM-3	BLK-4	BRK OR STN-5	STUCCO-6	COMP-7						
HIP-1	GABLE-2	FLAT-3	MANSARD-4	GAMBREL-5								
WD-COMP-SHGL-1	SLATE-2	METAL-3	TILE-4	ROLL-5	T & G-6							
AREA    SQ FT    INDICATE QTY												
AREA    SQ FT    INDICATE QTY												
NONE-0	CENTRAL-1											
NONE-0	1 CAR-1	2 CAR-2	SQ FT		SQ FT							
NOTES:												
BASE COST \$ 17,953    ± INDEX PTS \$ 17,953    X GRADE FACTOR 100    = REPLACEMENT COST												
ACTUAL AGE    YRS    EFF AGE    YRS    PHYS. COND    GOOD    FAIR    POOR    PER CENT GOOD    98 %												
OBSOLESCENCE: FUNC    %    OV'RIMP    %    OTHER ECON    %    NET COND    %    DEPRECIATED BLDG VALUE												
INDEX TOTALS    98%    666												



*Bldg removed per field check.*

BUILDING SKETCH

<b>ACCESSORY BUILDINGS</b>															
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
TRAILERS															
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REF VAL	PHYS DEPR	SOUND VAL						
TOTAL TRAILERS VALUE \$															
TOTAL ACCESSORY BLDGS VALUE \$															
TOTAL BLDGS VALUE \$															
INSPECTED BY	CHECKED BY	APPROVED BY													



CARD OF

DIST	MAP	PARCEL													
CONTROL NO															
TYPE OCC GRADE DIMENSIONS AREA WALLS STORY HT 1/2 STY ATTIC UNIT COST BASE COST 1 137 X X 1452 1 1 14165 21271 H. L. YOH CO. PHILA., PA.															
TOTAL GROUND AREA 1452 TOTAL BASE COST 21271															
<b>PRINCIPAL BUILDING DESCRIPTION</b>															
MASONRY-1	PIER-2	SLAB-3									M/C ± % ± PTS				
NONE-0	1/2-1	1/2-2	1/2-3	FULL-4				0	-						
NONE-0	REC AREA-1	APT -2	% OF BASEMENT				0	-							
NONE-0	PIPELESS GHA-1	ELECTRIC-2	FHA-3	STM-HW-4				3	-						
3-FIXT BATH 2-FIXT BATH SG FIX TOTAL FIXT INDICATE QTY NONE-0 1/2-1 1-2 1/2-3 2-4 2/2-5 3-6 4-7 5-8															
1ST FLOOR 2ND FLOOR 3RD FLOOR NONE PL WB WP NONE PL WB WP NONE PL WB WP DIRT CONC HW SW HW SW															
NONE-0 HOME POWER UNIT-2 PUBLIC-3 NONE-0 ONE CAR-1 TWO CAR-2															
WOOD-1	SHGL-2	ALUM-3	BLK-4	BRK OR STN-5	STUCCO-6	COMP-7									
HIP-1	GABLE-2	FLAT-3	MANSARD-4	GAMBREL-5											
WD-COMP-SHGL-1	SLATE-2	METAL-3	TILE-4	ROLL-5	T & G-6										
AREA SQ FT INDICATE QTY AREA SQ FT INDICATE QTY															
NONE-0	CENTRAL-1	2 CAR-2		SQ FT		SQ FT									
NONE-0	1 CAR-1	2 CAR-2		SQ FT		SQ FT									
NOTES: INDEX PTS \$ 22540 X GRADE FACTOR 3 = REPLACEMENT COST ACTUAL AGE 1983 YRS EFF AGE 1983 YRS PHYS. COND GOOD FAIR POOR PER CENT GOOD 98 % OBSOLESCENCE: FUNC % OV'RIMP % OTHER ECON. % NET COND % DEPRECIATED BLDG VALUE \$ 31121															
<b>ACCESSORY BUILDINGS</b>															
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
<b>TRAILERS</b>															
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL	PHYS DEPR	SOUND VAL						
TOTAL TRAILERS VALUE \$															
TOTAL ACCESSORY BLDGS VALUE \$															
TOTAL BLDGS VALUE \$ 30498															
INSPECTED BY	CHECKED BY	APPROVED BY													









ASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: LEO

DISTRICT: 3-35

MAP: 11

PARCEL: 93

TRL/UNIT:

NAME: MARSH

ADDRESS:

PROPERTY DESCRIPTION:

TRANSFER:

NEW VALUE: 68,000

OLD VALUE: 85,200

ACTION REASON: Improvement removed per field check

BILLING: 1980

Dave A. ...  
5/6/80



ADMINISTRATIVE DIVISION

BOOKED BY:

DATE OF BOOKING:

TRIP NUMBER:

DATE:

TIME:

TO:

FROM:

CLASS:

DESCRIPTION OF SERVICE:

FARE BASIS:

FARE VALUE:

FARE VALUE:

FARE BASIS:

FARE BASIS:

REASSESSMENT DIVISION

1-29-79

ACTION CODE: 2

WORKED BY: Leona  
Joe

DISTRICT: 3-35

MAP: 11

PARCEL: 93

TRL/UNIT:

NAME: marsh

ADDRESS:

PROPERTY DESCRIPTION:

w/imp

TRANSFER:

NEW VALUE: 85200

OLD VALUE: 68000

ACTION REASON: Bldg Permit

BILLING:

79

2 /  $\frac{42600}{85200}$

TL  
3/15

ASSESSMENT DIVISION

WORKED BY:

ACTION CODE:

AMOUNT:

TAXABLE:

MAP:

DISTRICT:

DATE:

ASSESS:

PROPERTY DESCRIPTION:

1973

OLD VALUE

NEW VALUE

NEW VALUE

NEW VALUE

REASSESSMENT DIVISION

8124183

ACTION CODE: 2

WORKED BY: ST

DISTRICT: 3-35 MAP: 11

PARCEL: 93

TRL/UNIT:

NAME: Wilson

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS: CO

OLD VALUE: 68,000

LAND VALUE: 68,000

IMP. VALUE: 30,500

TOTAL VALUE: 98,500

ACTION REASON: BP# 71820  
Added Dwelling

BILLING: 84

CARTEL

ST  
8/29/83

REASSESSMENT DIVISION

8-7-85

ACTION CODE: 2

WORKED BY: m.s.

DISTRICT: 3-3\$ MAP: 11 PARCEL: 93 TRL/UNIT:

NAME: Creative

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE: 109 900

LAND VALUE: 68000

IMP. VALUE: 111200

TOTAL VALUE: 179200

84600  
2/179200  
16/12  
18/12

Done on  
date  
8-14-85

ACTION REASON: B.P.# 84295 remodel.

BILLING: Q.B. for diff.

CS  
8/28

Case # 12950  
Hearing Date 6-3-24  
202405546

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

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

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

\_\_\_\_\_

\_\_\_\_\_

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

32344 River Road, Millsboro, DE 19966

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

Mr. & Ms. Lester are requesting a reduction of 3' from the side yard setback requirement for an elevator shaft and tower. Mr. Lester has fallen ill and has a mobility problem with going up and down stairs and wants to add an elevator to the side house where an existing stair resides.

Tax Map #: 2-34-34.12-37

Property Zoning: AR-2- MR

**Applicant Information**

Applicant Name: C. Edward, Jr. & Lynn B. Lester

Applicant Address: 32344 River Road

City Millsboro State DE Zip: 19966

Applicant Phone #: (302) 745-0115 Applicant e-mail: lynnblester@yahoo.com

**Owner Information**

Owner Name: Same as Applicant

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

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

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

**Agent/Attorney Information**

Agent/Attorney Name: Freddy Bada, Partner - Moonlight Architecture, Inc.

Agent/Attorney Address: 29003 Lewes Georgetown Highway

City Lewes State DE Zip: 19958

Agent/Attorney Phone #: (302) 645-9361 Agent/Attorney e-mail: freddy@moonlightarch.com

**Signature of Owner/Agent/Attorney**



Date: 4/17/24



Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

The property is located in the Oak Orchard area of Millsboro and located on the waterfront where most of the lots are very narrow and deep, plus the lot has some grade change to 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.

Since the house has been on the property for over 30 years the lot has and footprint of the home has been built out and has no other location to locate the elevator without major renovation to the existing home. In addition the home is in a flood plan and has a elevated entry level.

---

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

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

The applicant had planned on aging in place in this home, but never expected to develop cancer, which has limited his mobility and he needs an alternate method to enter the home. As previously mentioned, the home is in a flood plan and has a elevated entry level.

---

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

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

The proposed new elevator shaft design will be keeping in character with the neighboring homes and would not be obtrusive to any of the surrounding homes. In addition, the elevator and shaft will be placed in the footprint of the existing stairs that already sit inside the side yard setback.

---

**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 footprint of the proposed elevator and shaft will sit inside the footprint of the existing stairs and the reduction of the side yard setback is based on the required width of the proposed elevator and shaft, not further.



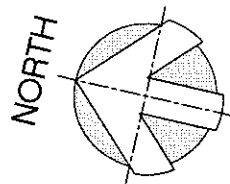
Moonlight  
Architecture, Inc.

Architecture • Interior Design  
Site Planning

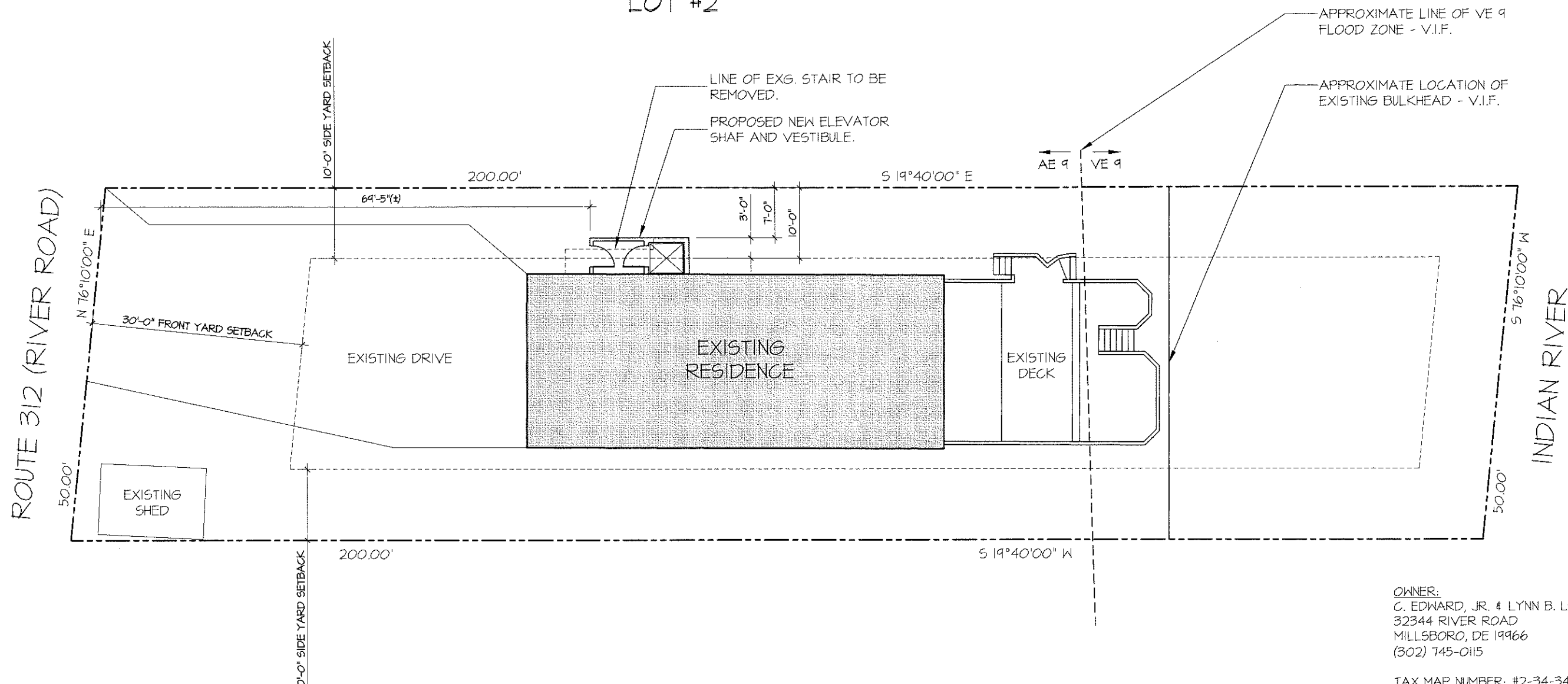
DE (302) 645-9361  
MD (410) 677-4747  
www.moonlightarch.com

All designs, concepts, ideas and arrangements depicted on these drawings are the property of Moonlight Architecture, Inc. and are intended to be used in connection with this specific project only and shall not be used in whole or in part for any other purpose whatsoever without the written consent of Moonlight Architecture, Inc. No changes or deviations shall be allowed without the written consent of Moonlight Architecture, Inc.

CONSTRUCTION DOCUMENTS FOR THE:  
LESTER RESIDENCE  
ELEVATOR ADDITION  
32344 RIVER ROAD  
MILLSBORO, SUSSEX  
COUNTY, DELAWARE



LOT #2



THIS SITE PLAN IS BASED ON A SURVEY PERFORMED BY McCANN, INC. DATED APRIL 6, 2003 AND IS ASSUMED CORRECT.

OWNER:  
C. EDWARD, JR. & LYNN B. LESTER  
32344 RIVER ROAD  
MILLSBORO, DE 19966  
(302) 745-0115

TAX MAP NUMBER: #2-34-34.12-37

SETBACKS:  
FRONT SETBACK: 30'  
SIDE SETBACK: 10'  
REAR SETBACK: 10'

GROSS LOT AREA: 9,448± S.F.

FLOOD ZONE= AE 9  
VE 9

SCALE:  
1/16" = 1'-0"  
DRAWING DATE:  
04/18/2024  
SHEET TITLE:  
SCHEMATIC SITE PLAN

© COPYRIGHT 2024 MOONLIGHT ARCHITECTURE, INC.  
PROJECT NUMBER:  
24048

SHEET #:  
SD-001



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

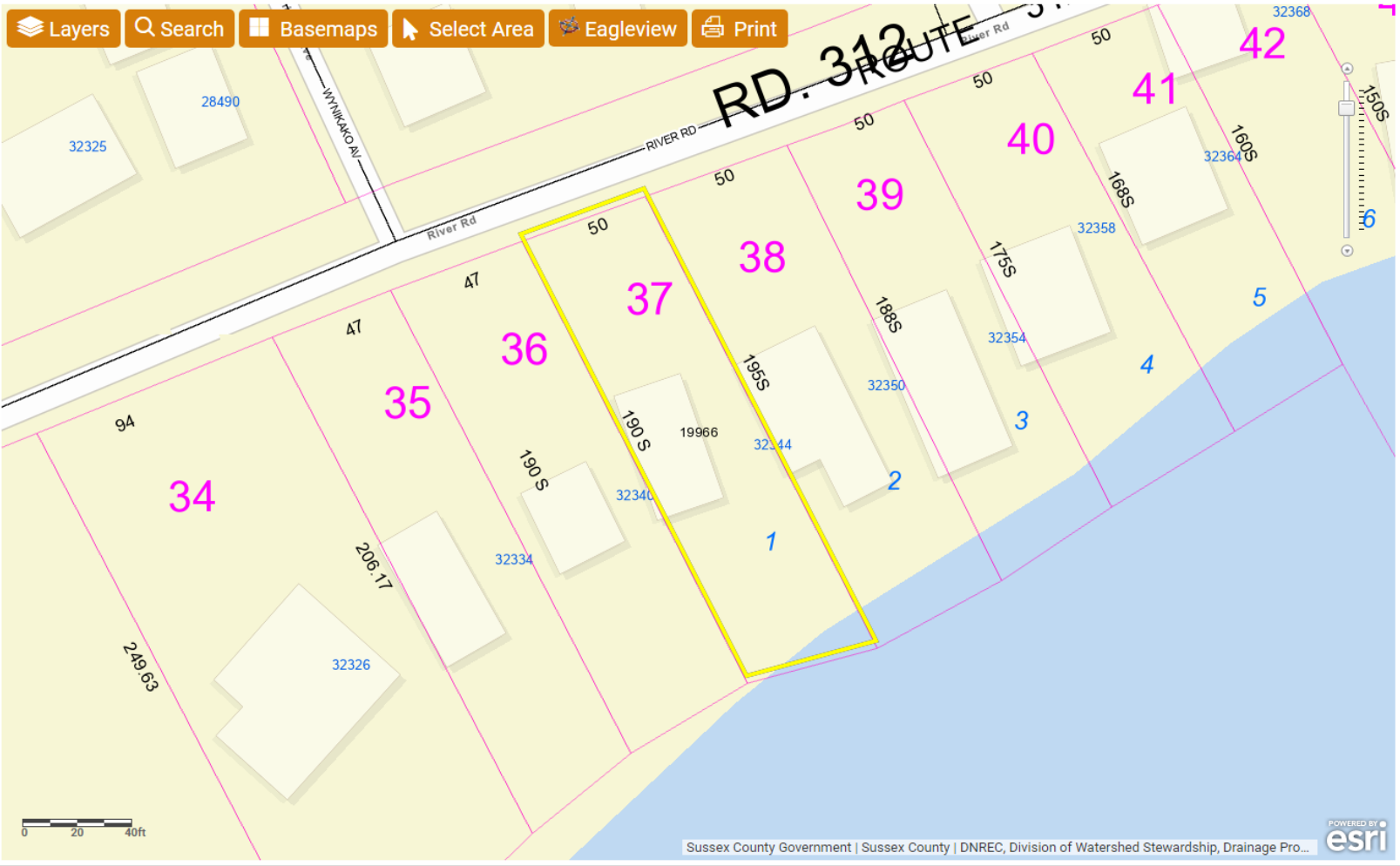
1) 234-34.12-37.00 Zoom

BOOK	4191
PAGE	90
FULLNAME	LESTER CLAUDE E JR TRUSTEE
Second_Owner_Name	LYNN B LESTER TRUSTEE
MAILINGADDRESS	32344 RIVER RD
CITY	MILLSBORO
STATE	DE
a_account	15-06-037
DESCRIPTION	RIVERDALE PARK
DESCRIPTION2	LOT 1
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	48500
APRLAND	5900
PINWASSEMENTUNIT	234-34.12-37.00
PIN	234-34.12-37.00

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 234-34.12-37.00 Zoom

BOOK	4191
PAGE	90
FULLNAME	LESTER CLAUDE E JR TRUSTEE
Second_Owner_Name	LYNN B LESTER TRUSTEE
MAILINGADDRESS	32344 RIVER RD
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STATE	DE
a_account	15-06-037
DESCRIPTION	RIVERDALE PARK
DESCRIPTION2	LOT 1
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	48500
APRLAND	5900
PINWASSEMENTUNIT	234-34.12-37.00
PIN	234-34.12-37.00

Navigation icons: Home, Previous, Up, Down, Next, Full Screen

Selected Features (1)

Clear Selected



Workspaces ▾

Search

Search by SUSSEXPARELS ▾

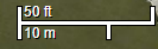
234-34.12-37.00

Search results (1) Options ▾

▶ 234-34.12-37.00



© 2023 Eagleview



map: Auto (Ortho) ▾ Dates: All ▾ < image 1 of 54 > 03/06/2023



Case # 12945  
Hearing Date 6.3.2024  
202404725

### Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

18337 Den Court Bridgeville DE 19933  
Variance/Special Use Exception/Appeal Requested:

Tax Map #: 131-9.00-72.00 Property Zoning: AR-1

#### Applicant Information

Applicant Name: John R. Sears  
Applicant Address: 18337 Den Court  
City Bridgeville State DE Zip: 19933  
Applicant Phone #: 302-236-0543 Applicant e-mail: \_\_\_\_\_

#### Owner Information

Owner Name: John R. Sears  
Owner Address: 18337 Den Court  
City Bridgeville State DE Zip: 19933 Purchase Date: \_\_\_\_\_  
Owner Phone #: 302-236-0543 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

John R. Sears

Date: 3/18/2024



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.

End of Culdesac. Building will be used as a garage.

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.

It is not practical to place the building behind the house. A smaller, 600 SF or less, also is not adequate in this situation.

3. Not created by the applicant:

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

If the building were to be turned, it would interfere with the wall.

yes

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

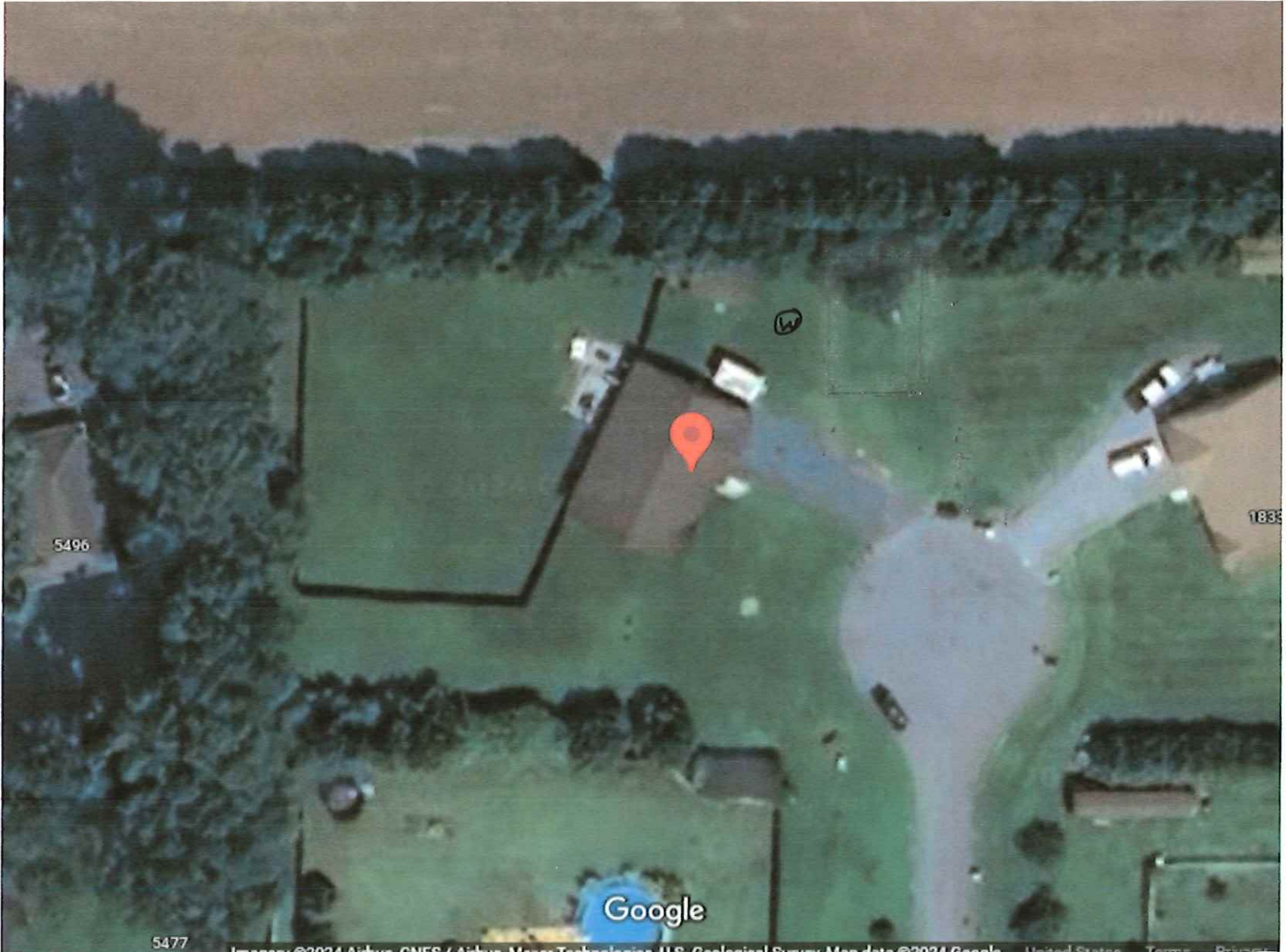
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

No

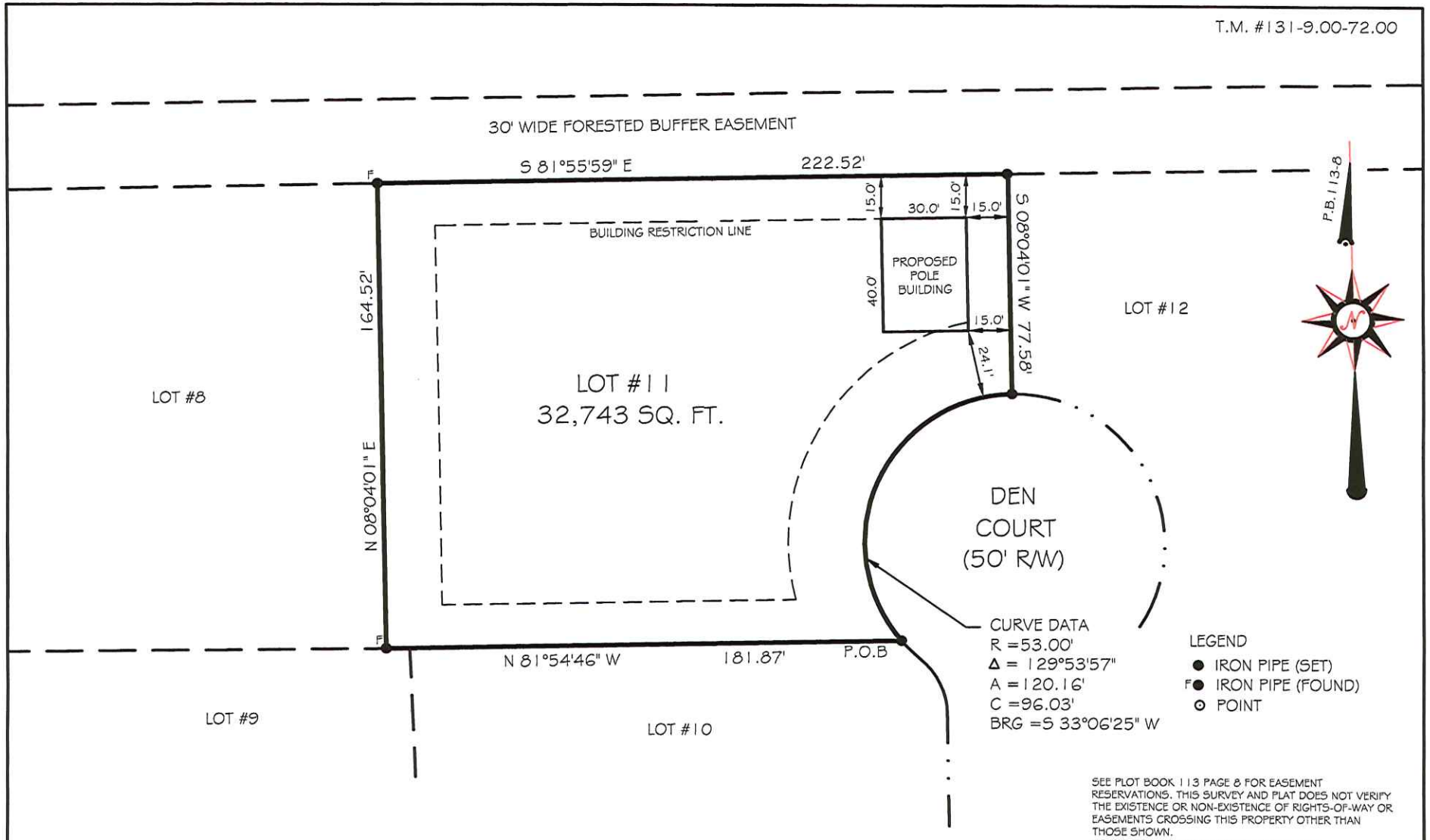
5. Minimum variance:

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.

Yes



T.M. #131-9.00-72.00



# CONCEPT PLAN FOR JOHN SEARS

18337 DEN COURT, BRIDGEVILLE, DE. 19933  
 LOT 11 OF "FOXSHIRE" SUBDIVISION  
 NORTHWEST FORK HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE  
 SCALE 1" = 50' FEBRUARY 6, 2018

SURVEY CLASS: SUBURBAN

SURVEYED/PREPARED BY:

PHONE 302 629 9895  
 FAX 302 629 2391

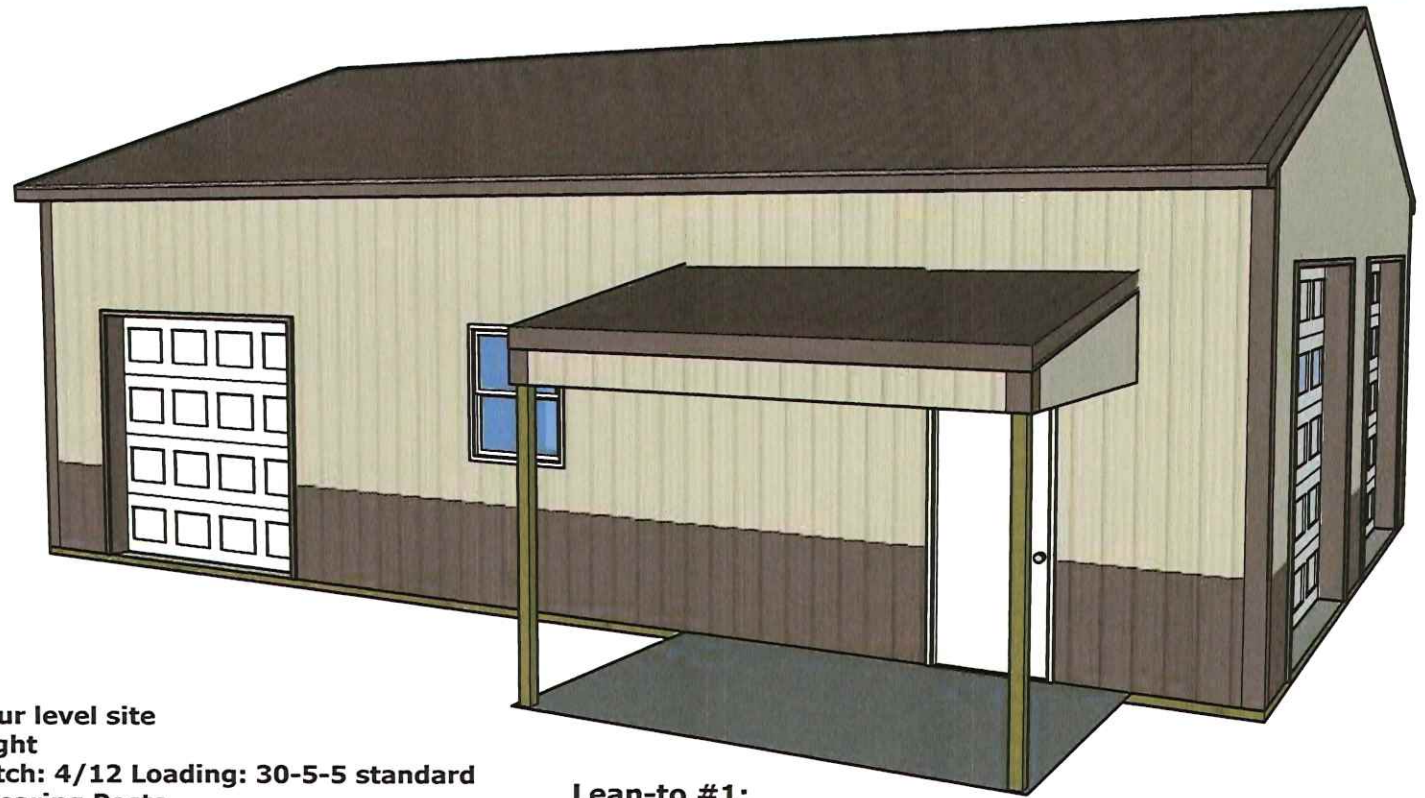
**MILLER** LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

**Word Bank**

Conc - Concrete  
 DR - Door  
 FTG - Footing  
 FLR - Floor  
 GA - Gauge  
 Int - Interior  
 O/C - On Center  
 PTD - Painted  
 SYP - Southern Yellow Pine  
 SPF - Spruce, Pine, Fir  
 sqft - Square Feet  
 TR - Treated



**Contract: 008FSTW24**

**Free Standing Building installed on your level site  
 30' width x 40' length x 12' inside height**

**Roof System: 4' o/c scissor trusses Pitch: 4/12 Loading: 30-5-5 standard**

**Walls: 8' o/c 3-Ply 2x6 Glulam Load-Bearing Posts**

**Siding: 26 Gauge Painted Steel (Light Stone)(Lifetime Warranty)**

**Trim Color (Brown)**

**Siding: 3' Wainscoting (Brown)**

**Roofing Type: 26 Gauge Painted Steel with Ridge Vent (Brown)(Lifetime Warranty)**

**Overhangs: 12" Boxed Vented on 2-eaves (Brown) soffit and fascia**

**Insulation/Underlayment: Radiant Insulation Barrier for Buildings on Roof**

**2 - 10 X 10 Insulated Vinyl-Backed (White) Overhead Doors Model T52S**

**with 1 Panel lite(s)(Stockton 612) and 8500W-267 Light Duty Jackshaft  
 w/ Wifi, Includes Light, Lock and (1) Remote & Wall Button**

**1 - 8 X 8 Insulated Vinyl-Backed (White) Overhead Door Model T52S**

**1 - 3' X 6'8" Steel Flush Entry Door(White)**

**3 - 36" x 44" Single Hung Insulated w/ Half Screen Windows (White)**

**80 lineal ft of 5K Seamless Gutter (Black)**

**Total feet of Downspout - 32 ft. Qty of Downspouts - 02**

**Cover Sheet**

**Client Name: John R. Sears**

**Address: 18337 Den Court  
 Bridgeville, DE, 19933**

**Phone: 302-236-0543**

My Signature affirm this drawing & design to be correct & accurate.  
 I have received my building permit and have forwarded any changes from code  
 officials to Fetterville. I understand that there are no changes that can be  
 made from this point forward without extracosts being incurred at my expense

X \_\_\_\_\_  
 Customer Signature

X \_\_\_\_\_  
 Date

**Lean-to #1:**

**8 x 12 x 8 Open Below Eave Lean-to with 2/12 pitch**

**Roofing Type: 26 Gauge Painted Steel with Ridge Vent (Brown)  
 Flush Eaves**

**Special Conditions:**

2x6 Treated Skirt Board

Debris from building left on site

Crew will be out 1-14 days materials delivery

For Contract: 008FSTW24

**THIS BUILDING MEETS OR EXCEEDS THE 2018 IBC  
 BUILDING CODE FOR POST FRAME CONSTRUCTION**

**Contact:**

**Troy Wallace  
 717-201-3957**

**Email:**

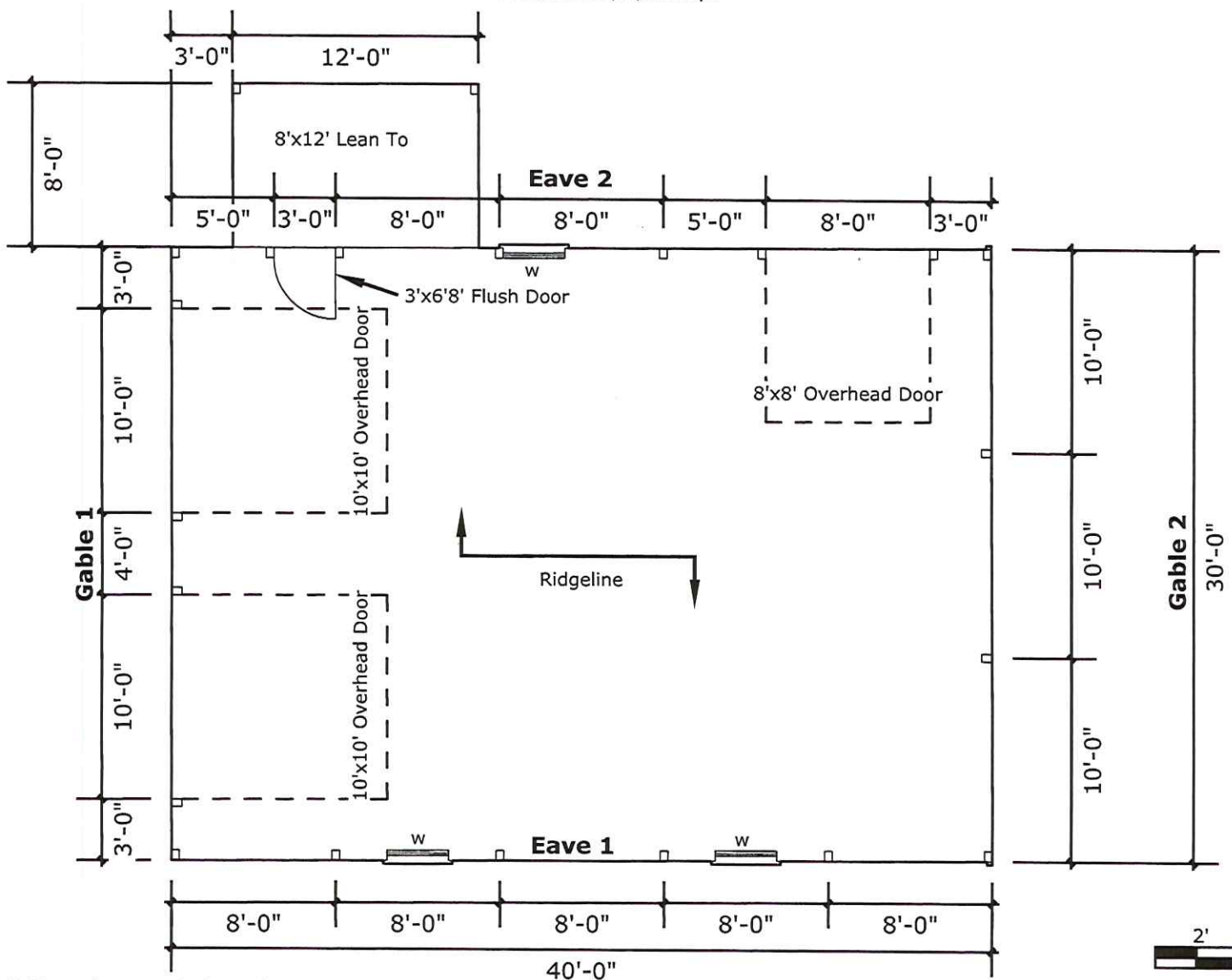
**Troy@fettervillesales.com**

*Drawn By: JR*

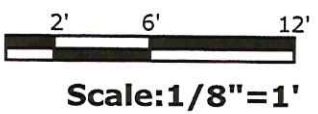


**CONFIRM FINISH FLOOR HEIGHT WITH CUSTOMER**

**Floor Plan**  
Personal use, 1,200 sqft



**Post Layout w/ Header Height of 11'-11" from Top of Skirt Board to Top of Header**

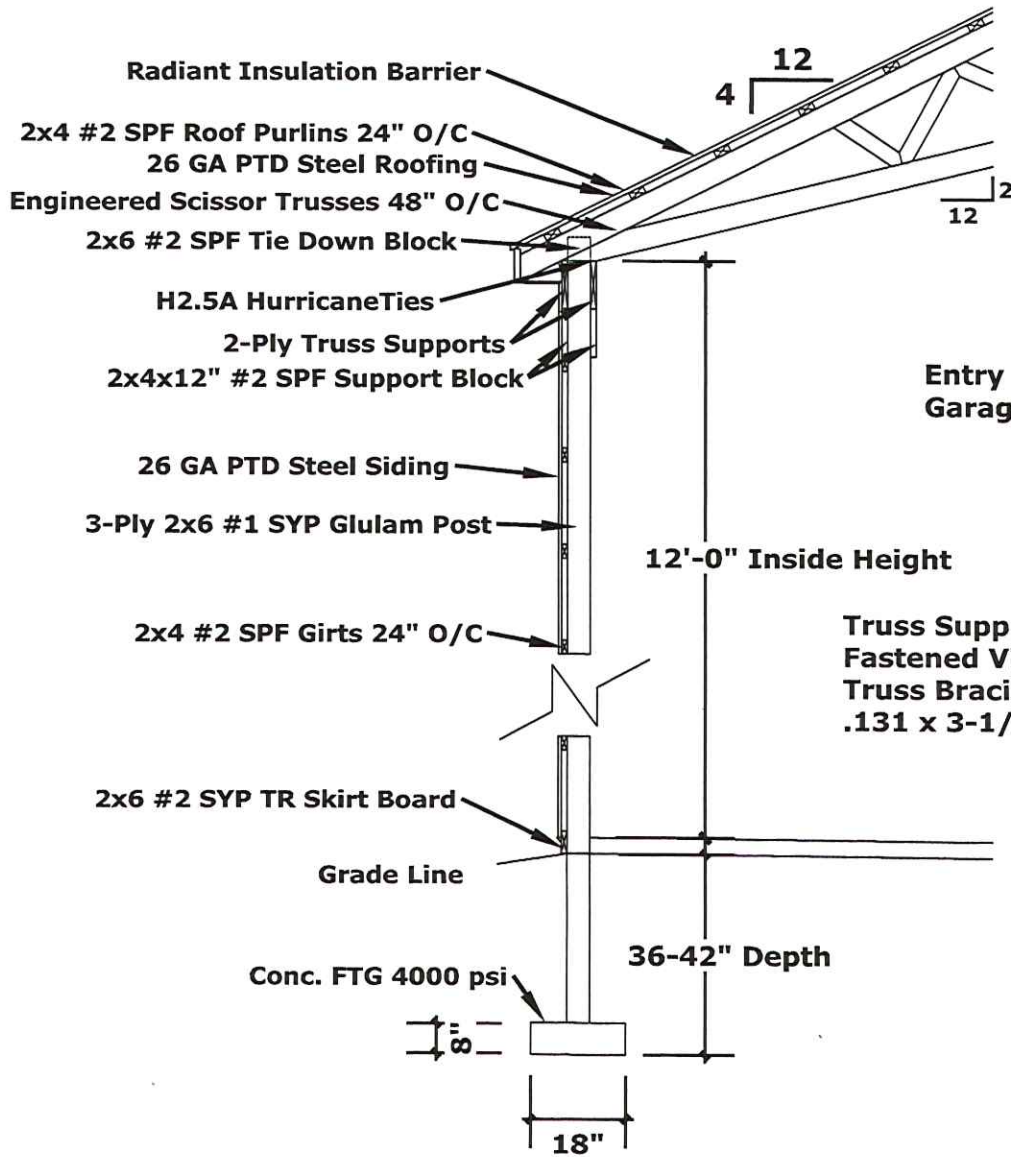


**Client Name:** John R. Sears  
**Address:** 18337 Den Court  
 Bridgeville, DE, 19933  
**Phone:** 302-236-0543

**Contact:**  
 Troy Wallace  
 717-201-3957  
 Email:  
 Troy@fettervillesales.com

Fetterville Pole Buildings LLC  
 245 Fetterville Rd.  
 East Earl, PA, 17519  
 800-331-1875  
 Drawn By: JR

**Page:**  
 2



**DOOR PLACEMENTS:**  
 Entry Door sets 1-1/2" Down from top of Skirt Board  
 Garage Door sets 2" Down

**Truss Support Size: 2-Ply 2x10 #2 SYP**  
**Fastened Via (4) 5/16" x 4" GRK's Per Connection**  
**Truss Bracing: 2x4 Diagonal, B/C Laterals, Web Bracing Per Print**  
**.131 x 3-1/4" 12D Nails for All 2x4 & 2x6 Girts, Purlins, Fascia**

**FINISH FLOOR HEIGHT:**  
 1.5" Down from Top of Skirt Board

SCREW PATTERNS



Purlins and All Siding

No Scale

**Cross Section View**



**Client Name:** John R. Sears  
**Address:** 18337 Den Court  
 Bridgeville, DE, 19933  
**Phone:** 302-236-0543

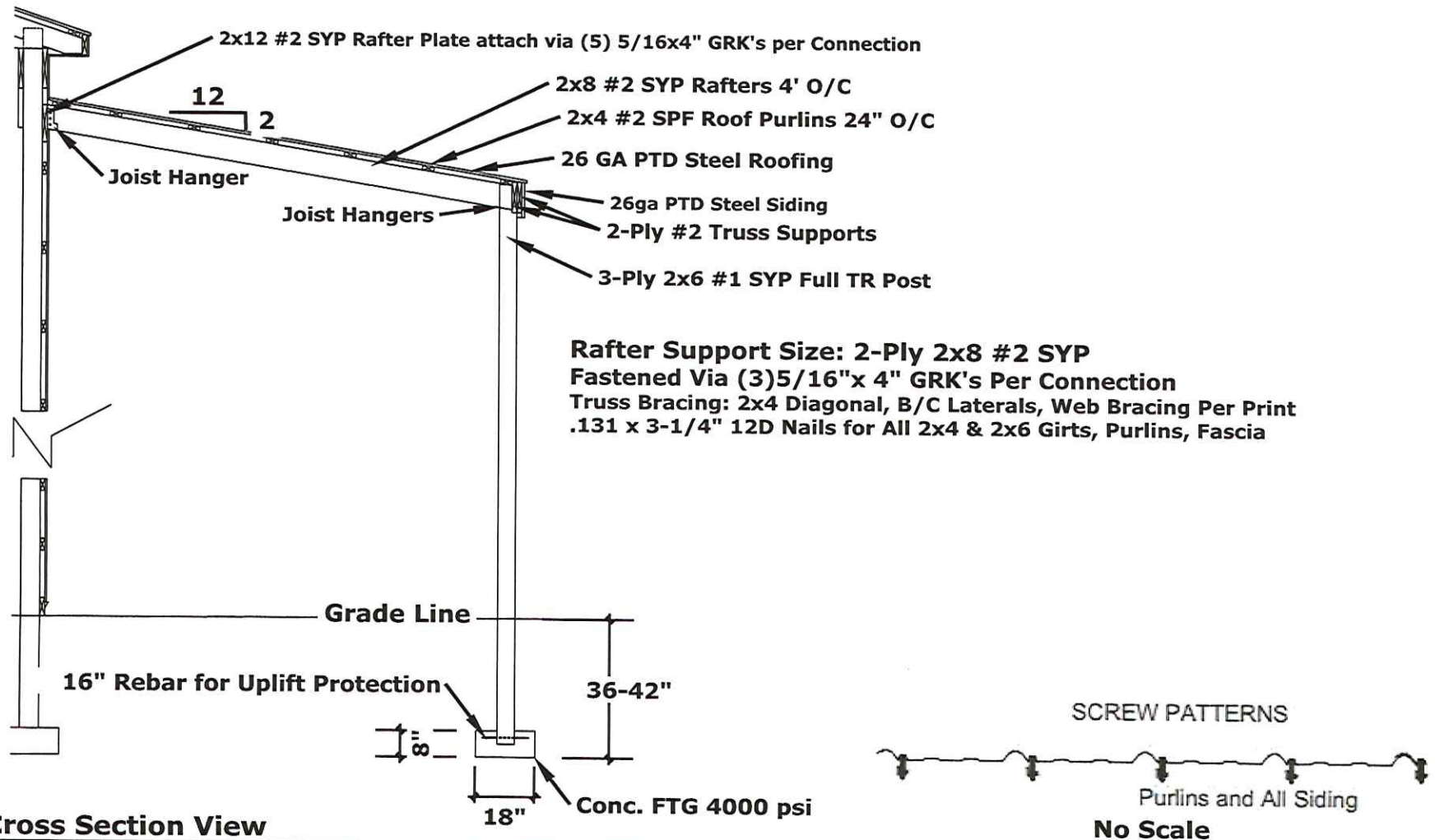
**Contact:**  
**Troy Wallace**  
 717-201-3957  
**Email:**  
 Troy@fettervillesales.com

Fetterville Pole Buildings LLC  
 245 Fetterville Rd.  
 East Earl, PA, 17519  
 800-331-1875

**Page:**

3

Drawn By: JR



Lean-to Cross Section View

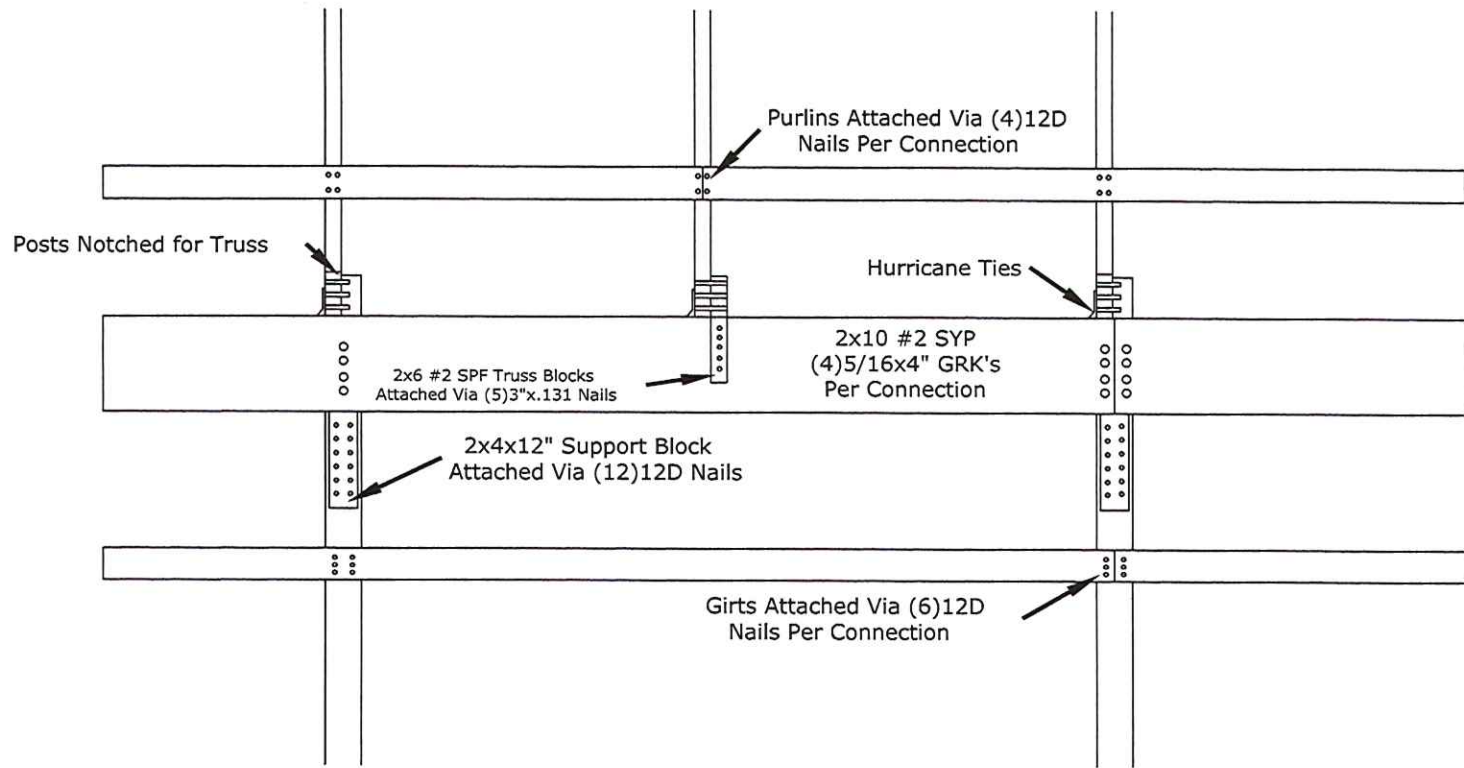


**Client Name:** John R. Sears  
**Address:** 18337 Den Court  
 Bridgeville, DE, 19933  
**Phone:** 302-236-0543

**Contact:**  
 Troy Wallace  
 717-201-3957  
 Email:  
 Troy@fettervillesales.com

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 245 Fetterville Rd.  
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 800-331-1875  
 Drawn By: JR

**Page:**  
 4



**Framing Connection Detail**

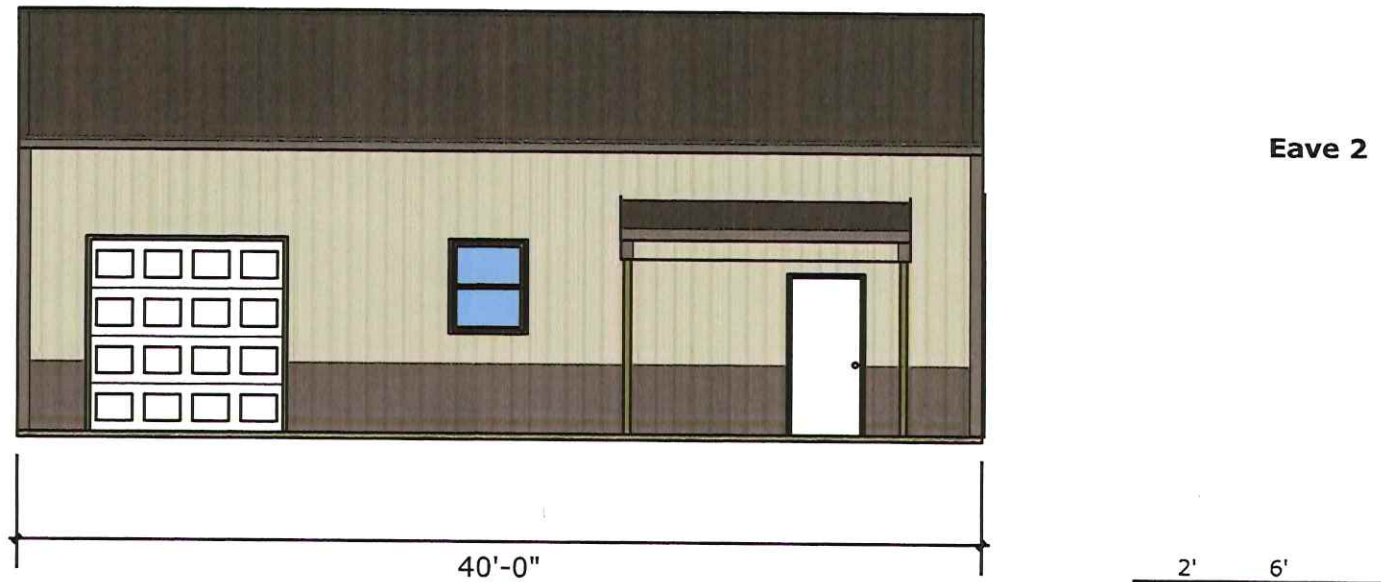


**Client Name:** John R. Sears  
**Address:** 18337 Den Court  
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**Phone:** 302-236-0543

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 800-331-1875  
 Drawn By: JR

**Page:**  
 5



Scale: 1/8" = 1'

Elevation Views



**Client Name:** John R. Sears  
**Address:** 18337 Den Court  
 Bridgeville, DE, 19933  
**Phone:** 302-236-0543

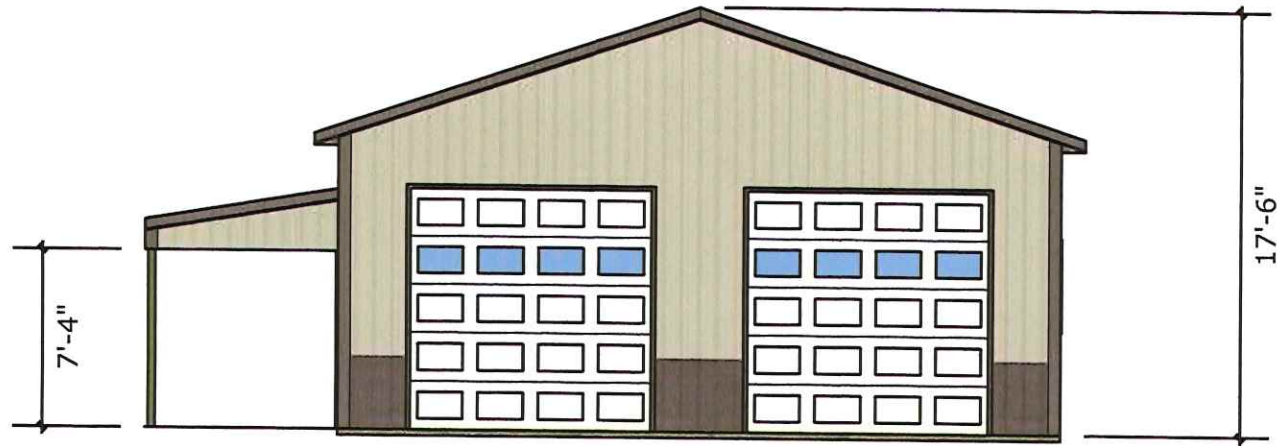
**Contact:**  
 Troy Wallace  
 717-201-3957  
 Email:  
 Troy@fettervillesales.com

Fetterville Pole Buildings LLC  
 245 Fetterville Rd.  
 East Earl, PA, 17519  
 800-331-1875

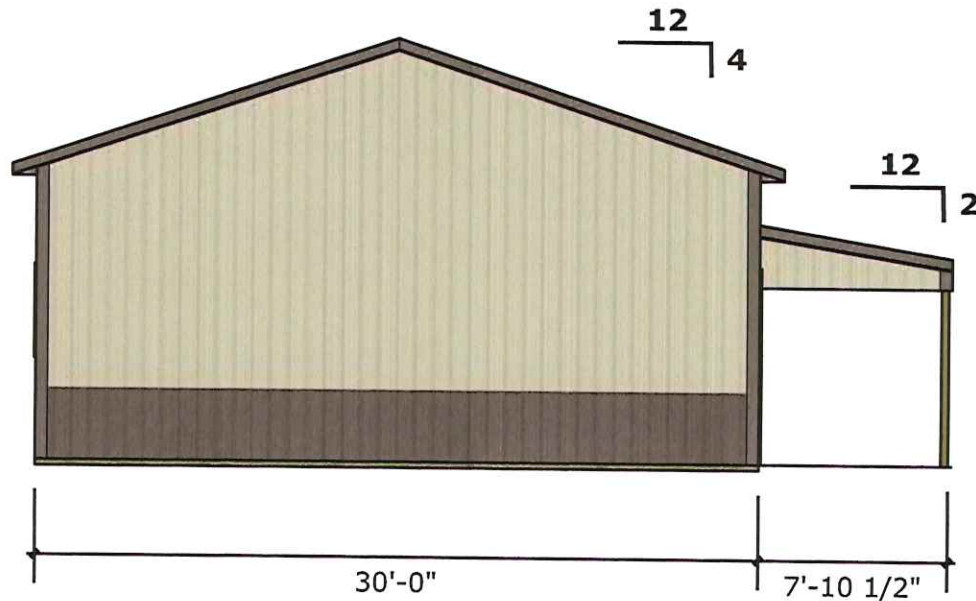
Drawn By: JR

Page:

6



Gable 1



Gable 2



Scale: 1/8" = 1'

Elevation Views



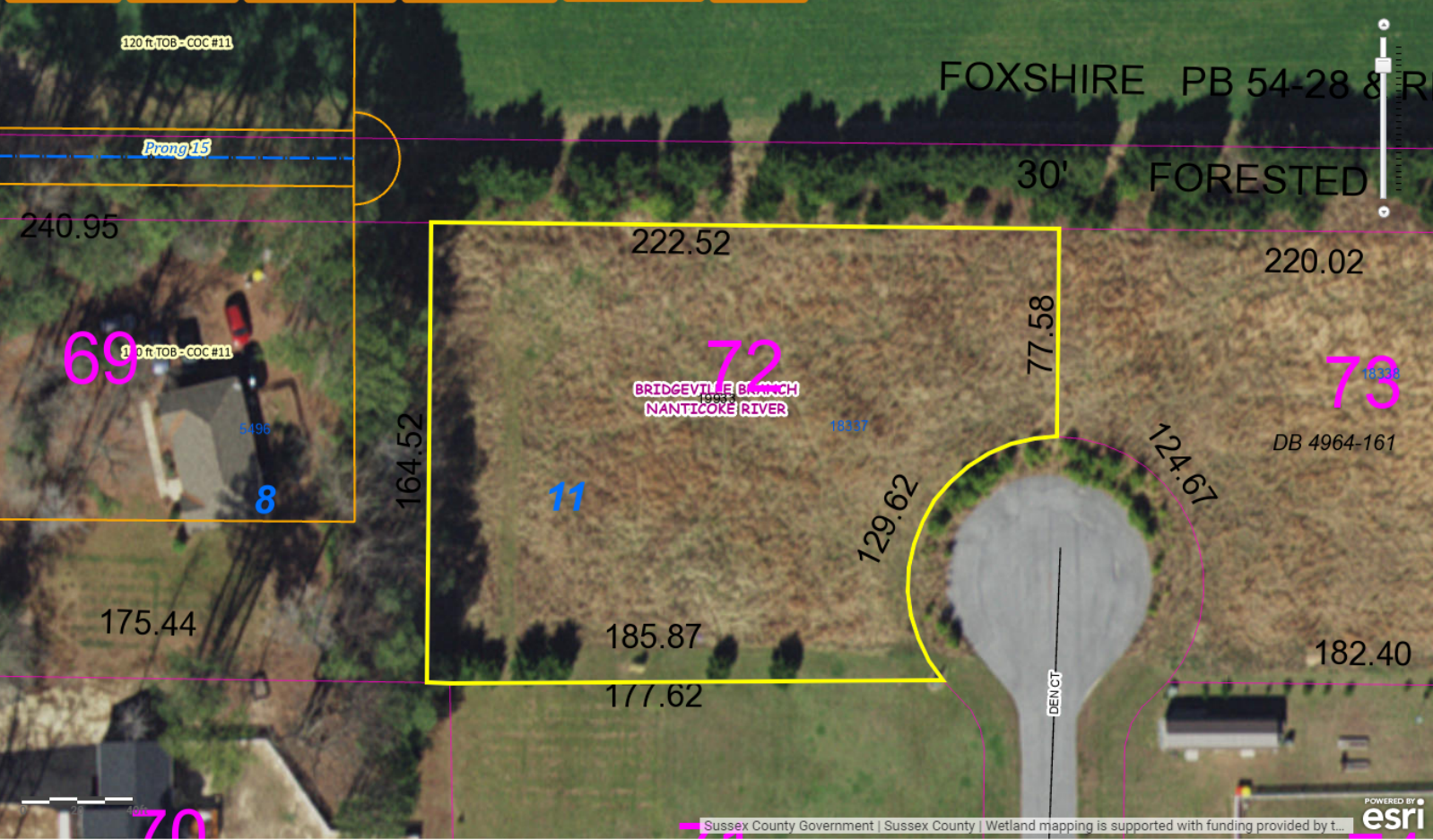
**Client Name:** John R. Sears  
**Address:** 18337 Den Court  
 Bridgeville, DE, 19933  
**Phone:** 302-236-0543

**Contact:**  
 Troy Wallace  
 717-201-3957  
 Email:  
 Troy@fettervillesales.com

Fetterville Pole Buildings LLC  
 245 Fetterville Rd.  
 East Earl, PA, 17519  
 800-331-1875  
 Drawn By: JR

**Page:**  
 7

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

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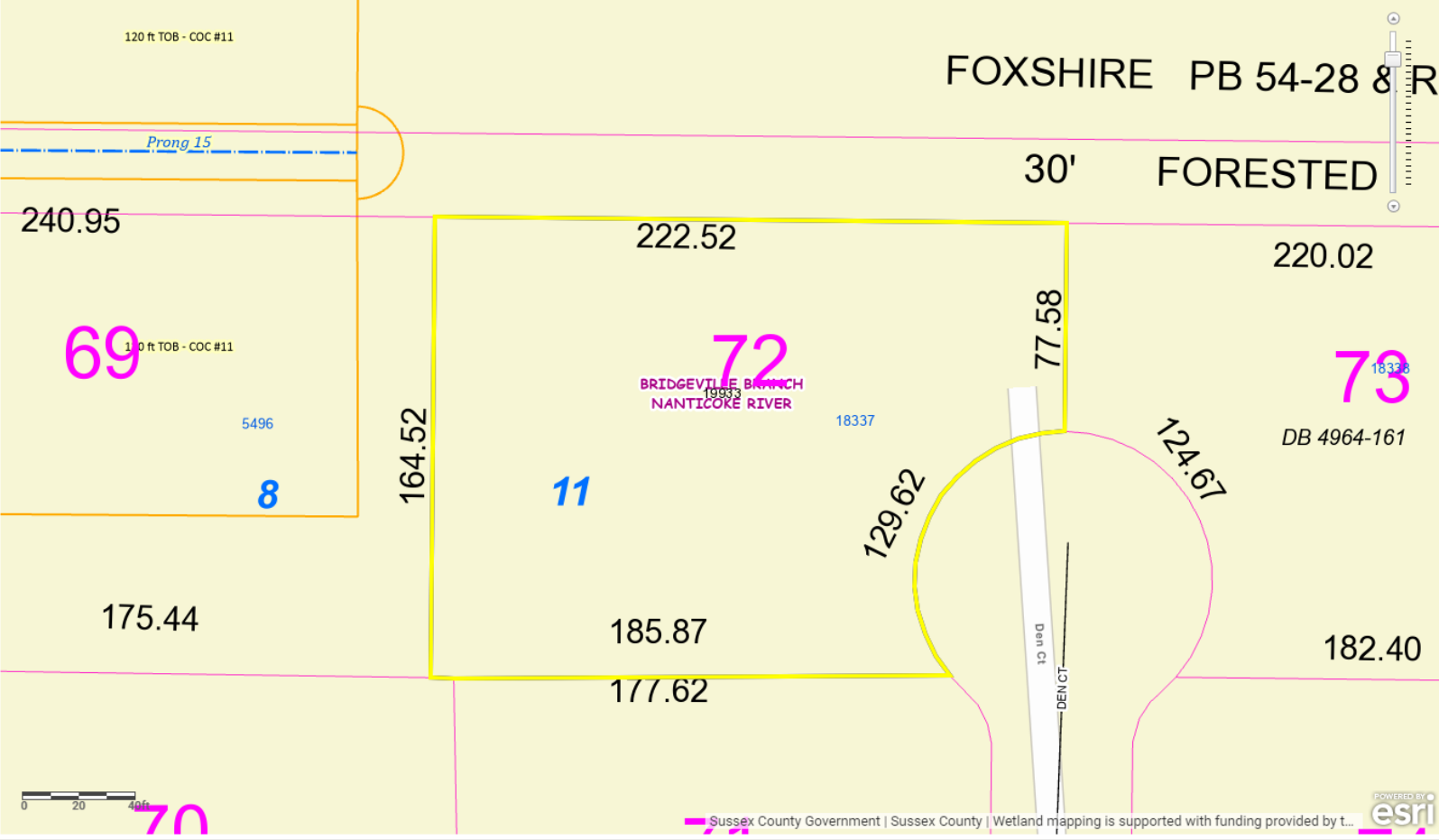
BOOK	4932
PAGE	243
FULLNAME	VANBUSKIRK KIM N
Second_Owner_Name	JOHN R SEARS JR
MAILINGADDRESS	18337 DEN COURT
CITY	BRIDGEVILLE
STATE	DE
DESCRIPTION	FOXSHIRE
DESCRIPTION2	LOT 11
LUC	999
MUNI	00
CAP	2
APRBLDG	29800
APRLAND	2000
PINWASSEMENTUNIT	131-9.00-72.00
PIN	131-9.00-72.00
ZIPCODE	19933
FRONTFOOT	129
DEPTH	185

Navigation icons: Home, Previous, Up, Down, Next, End

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 131-9.00-72.00 Zoom

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PAGE	243
FULLNAME	VANBUSKIRK KIM N
Second_Owner_Name	JOHN R SEARS JR
MAILINGADDRESS	18337 DEN COURT
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PINWASSEMENTUNIT	131-9.00-72.00
PIN	131-9.00-72.00
ZIPCODE	19933
FRONTFOOT	129
DEPTH	185

Navigation icons: Home, Previous, Next, Previous, Next

Selected Features (1)

Clear Selected





Workspaces ▾

Search [X]

Search by SUSSEXPARELS ▾

131-9.00-72.00 [Q]

Search results (1) Options ▾

- ▶ 131-9.00-72.00



© 2023 Eagleview



map: Auto (Ortho) ▾ Dates: Latest ▾ < image 1 of 2 > 03/06/2023

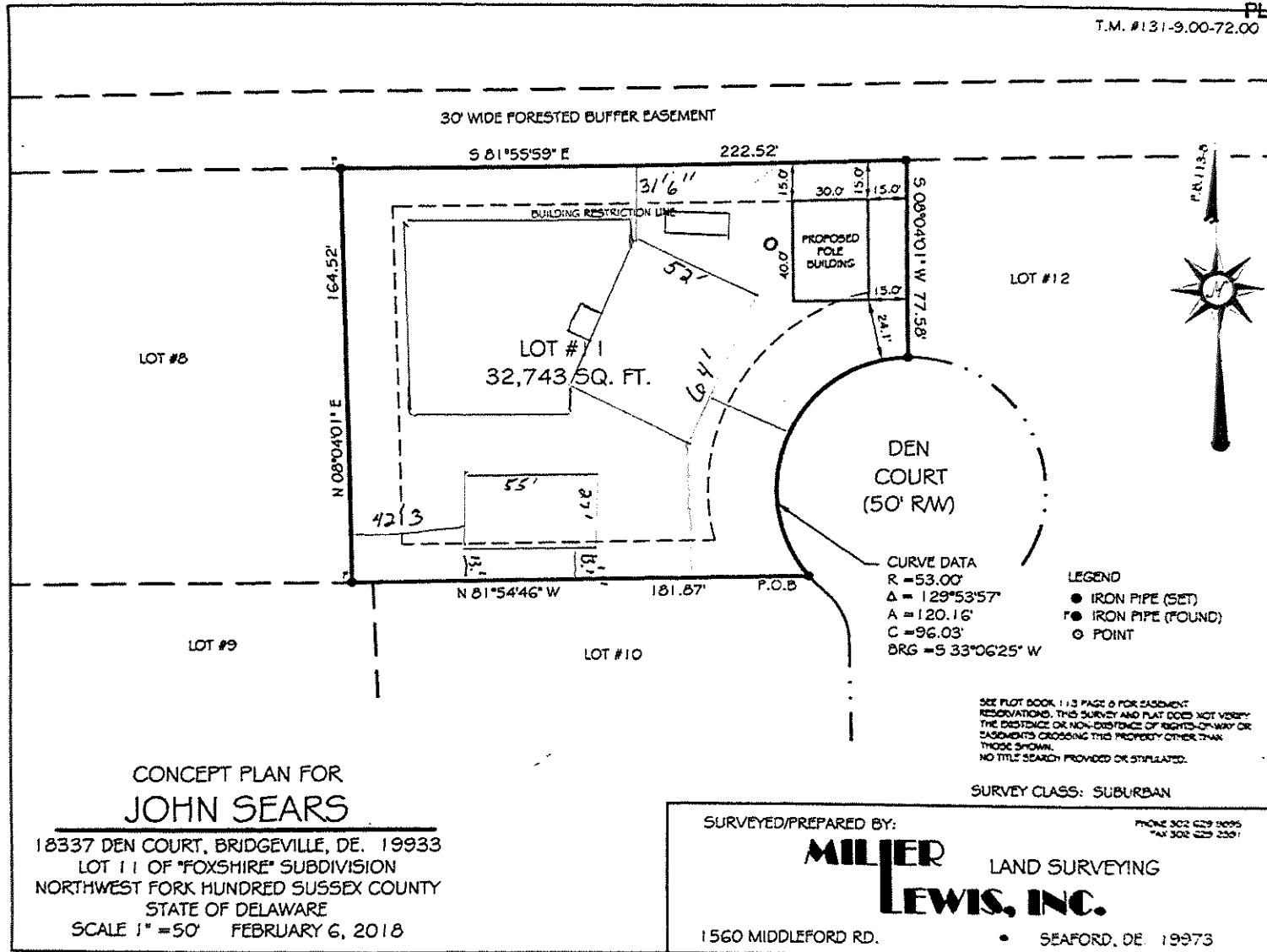


RECEIVED

APR 25 2024

SUSSEX COUNTY  
PLANNING & ZONING

T.M. #131-9.00-72.00



Case # 12946  
Hearing Date 6-3-2024  
202404719

### Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

\_\_\_\_\_

\_\_\_\_\_

Site Address of Variance/Special Use Exception:

22315 Holly Oak Lane Lewes DE 19958

Variance/Special Use Exception/Appeal Requested:

Addition of a single car garage

Tax Map #: 2-34-11.00 Parcel 443.00

Property Zoning: AR-1

**Applicant Information** Below

Applicant Name: \_\_\_\_\_

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

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

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

**Owner Information**

Owner Name: Kenneth W Egan + Jean M Stuart

Owner Address: 22315 Holly Oak Lane

City Lewes State DE Zip: 19958 Purchase Date: 2-14-2014

Owner Phone #: 484-790-4969 Owner e-mail: Kenegan@verizon.net

484-995-8204

JMSTUART10@verizon.net

**Agent/Attorney Information**

Agent/Attorney Name: N/A

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

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

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

**Signature of Owner/Agent/Attorney**

Kenneth W. Egan

Jean M Stuart

Date: 4/4/24



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

- \* Lot is a 5-sided polygon
- \* Tree cluster on right side of property as facing from Holly Oak Lane
- \* Wetlands/flood area on right side as facing from Holly Oak Lane

---

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.

- \* Electric box on right side front as facing from Holly Oak Lane\*
- \* Well on right side front as facing from Holly Oak Lane
- \* Septic leech field on left side rear and tanks are in center rear as facing from Holly Oak Lane
- \* Placement in any other location, even if possible, would require another driveway entrance which the community HOA would not allow.

---

3. Not created by the applicant:

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

- \* House septic and well placement was determined at time of construction by builder and original owner. Applicants purchased home in February, 2014.

---

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.

- \* New garage will be congruent with other homes in community
- \* New garage will have siding and shingles identical to existing house
- \* New garage will not impair development of adjacent properties. Letters attached from neighbors on both sides of existing house
- \* Not detrimental to public welfare as it does not impact any public or county owned land.

---

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.

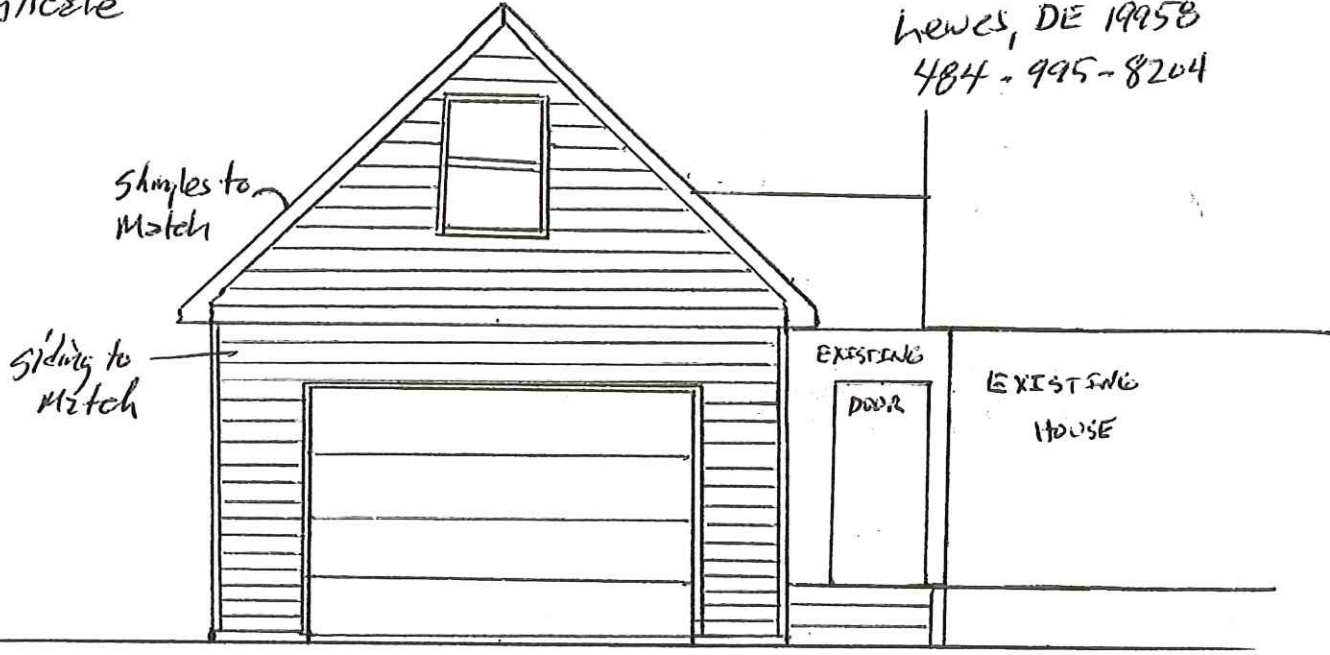
- \* The 2' variance is the minimum to afford relief because:
  - Any width less than 18' (ie 16' to eliminate the variance request) will not accommodate the needed storage and vehicle(s). Also, any width less than 18' would be disproportionate to the size of the home.

Drawings by Del-Coast  
Design & Build LLC  
Do Not Duplicate

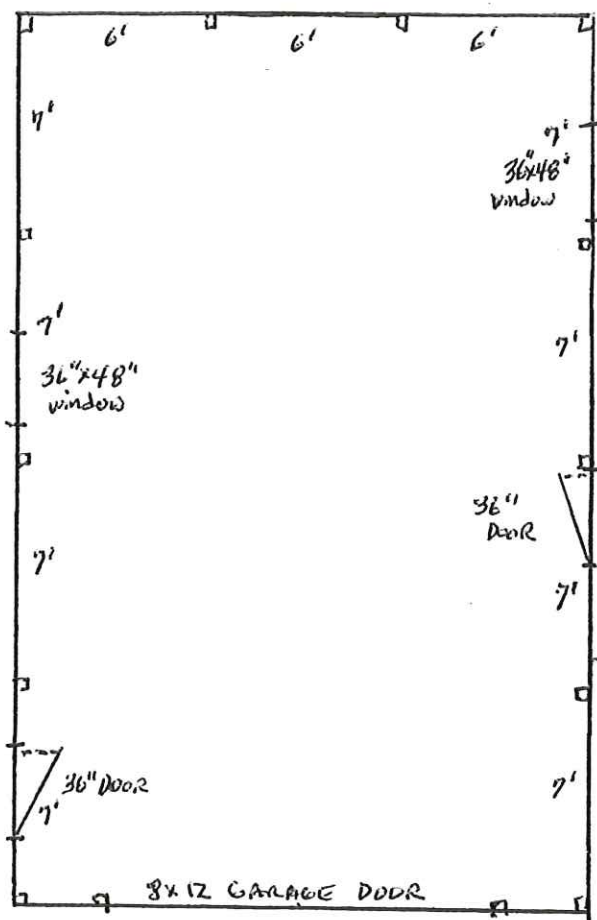
Holly Oak  
subdivision

Ken Engan & Jean Stuart  
22315 Holly Oak Lane  
Lewes, DE 19958  
484-995-8204

3/12/24



Actual  
Cross  
Section



Top View

HOUSE

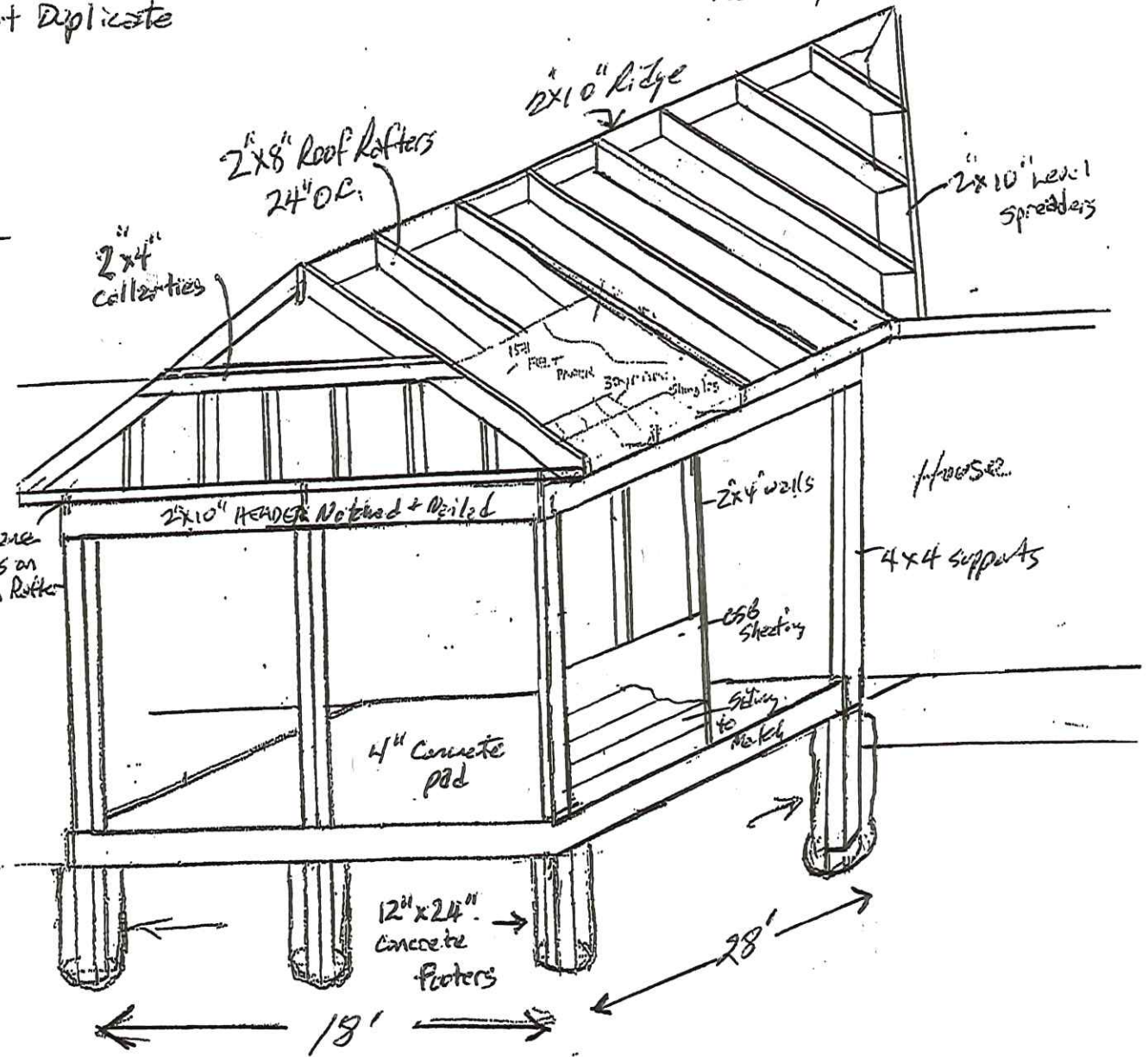
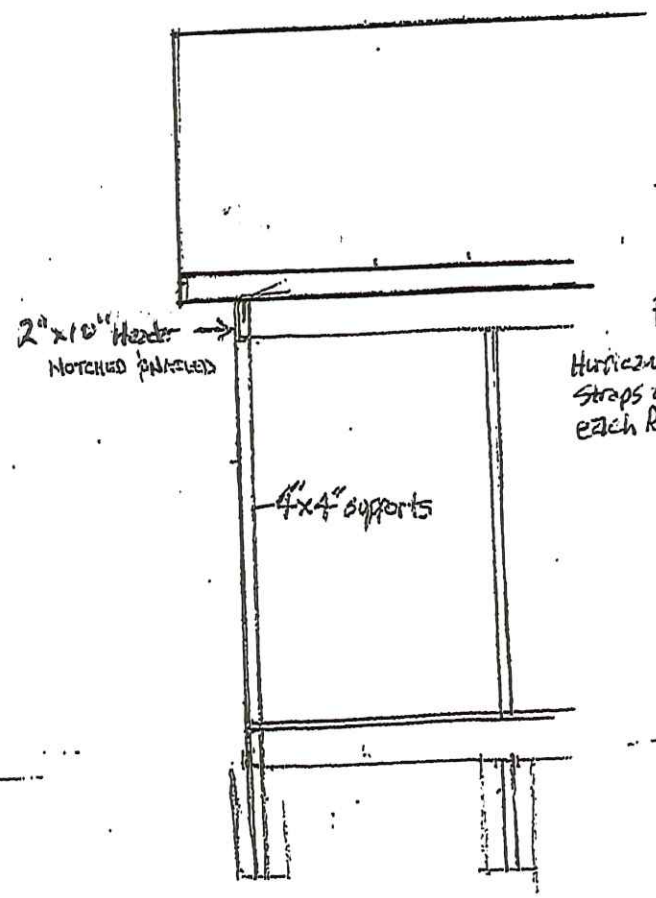
60 scale

Typical  
CROSS SECTION - CONCRETE BASE Pole Style W/ GABLE  
DEL COAST DESIGN & BUILD LLC. Do Not Duplicate

Holly Oak  
Subdivision

Ken Engan & Jean Stuart  
22315 Holly Oak Ln.  
Lewes, DE 19958

3/12/24



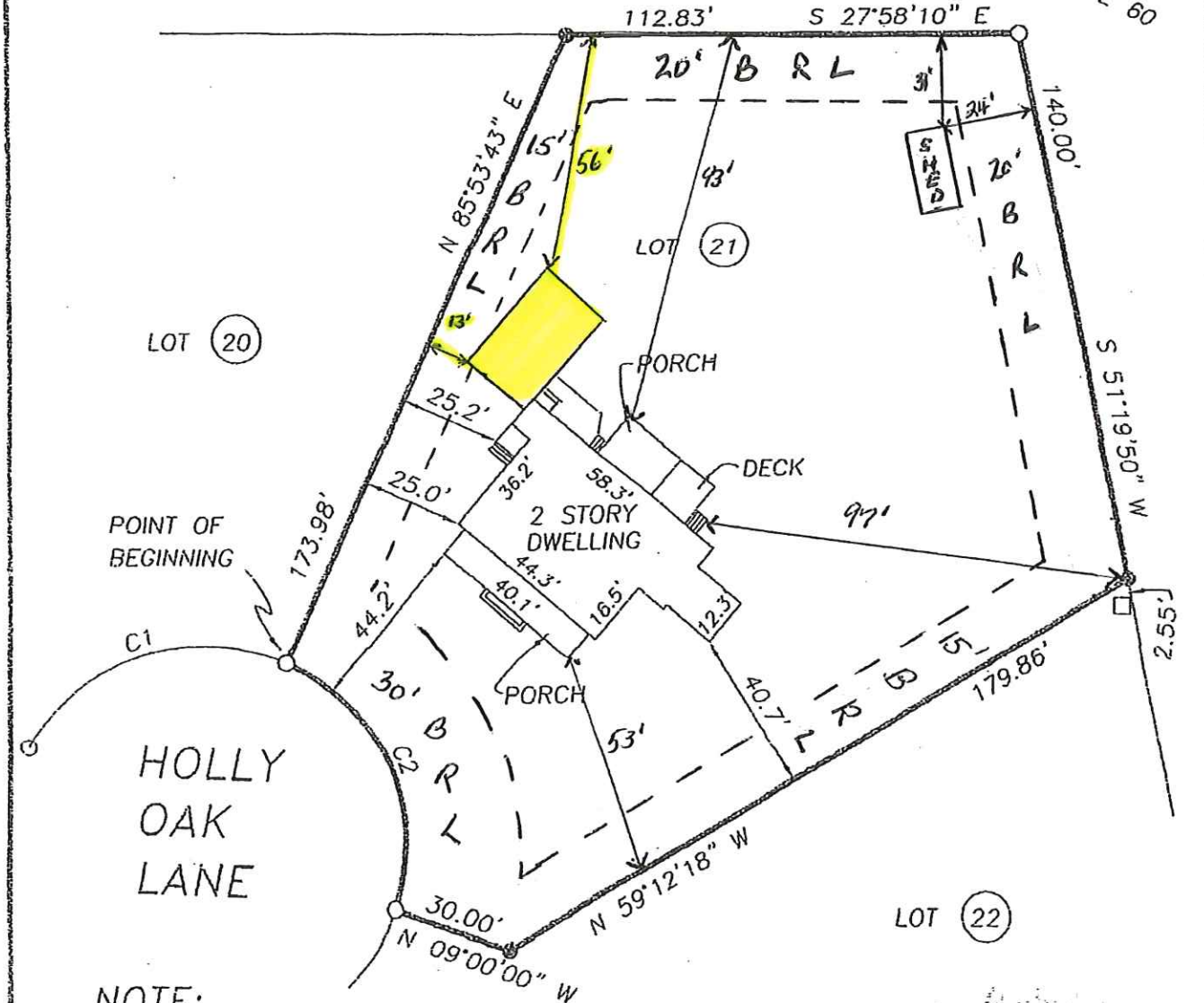
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TAX MAP NO. 2-24-11.00, PARCEL 443.00

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	85°27'45"	74.58'	67.86'	S 46°50'18" E
C2	50.00'	85°06'26"	74.27'	67.63'	N 38°26'47" E

LANDS N.O.F.  
FRANCIS HAZZARD  
T.M. 2-24-11.00, PARCEL 64.00

BEARING REFERENCE  
PLOT BOOK 13, PAGE 60



**NOTE:**  
CLASS "B", SUBURBAN SURVEY

2/27/08  
SA

**LOT & LOCATION SURVEY PLAN**

PREPARED FOR  
**MARK D MOORE**

**LEGEND:**

# Sussex County

DELAWARE  
PLANNING & ZONING DEPARTMENT

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

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR



## SETBACK INFORMATION REQUEST

Date of Request 2/6/2024 Zoning District AR-1

Customer Name Jean Stuart

Customer Contact jstuart10@verizon.net

Tax Parcel ID 234-11.00-443.00 Lot/Unit Number 21

Parcel Address 22315 Holly Oak Lane (Holly Oak)

Front Yard Setback 30'

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 Book 4721 Page 56

Plot Book 13 Page 60

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

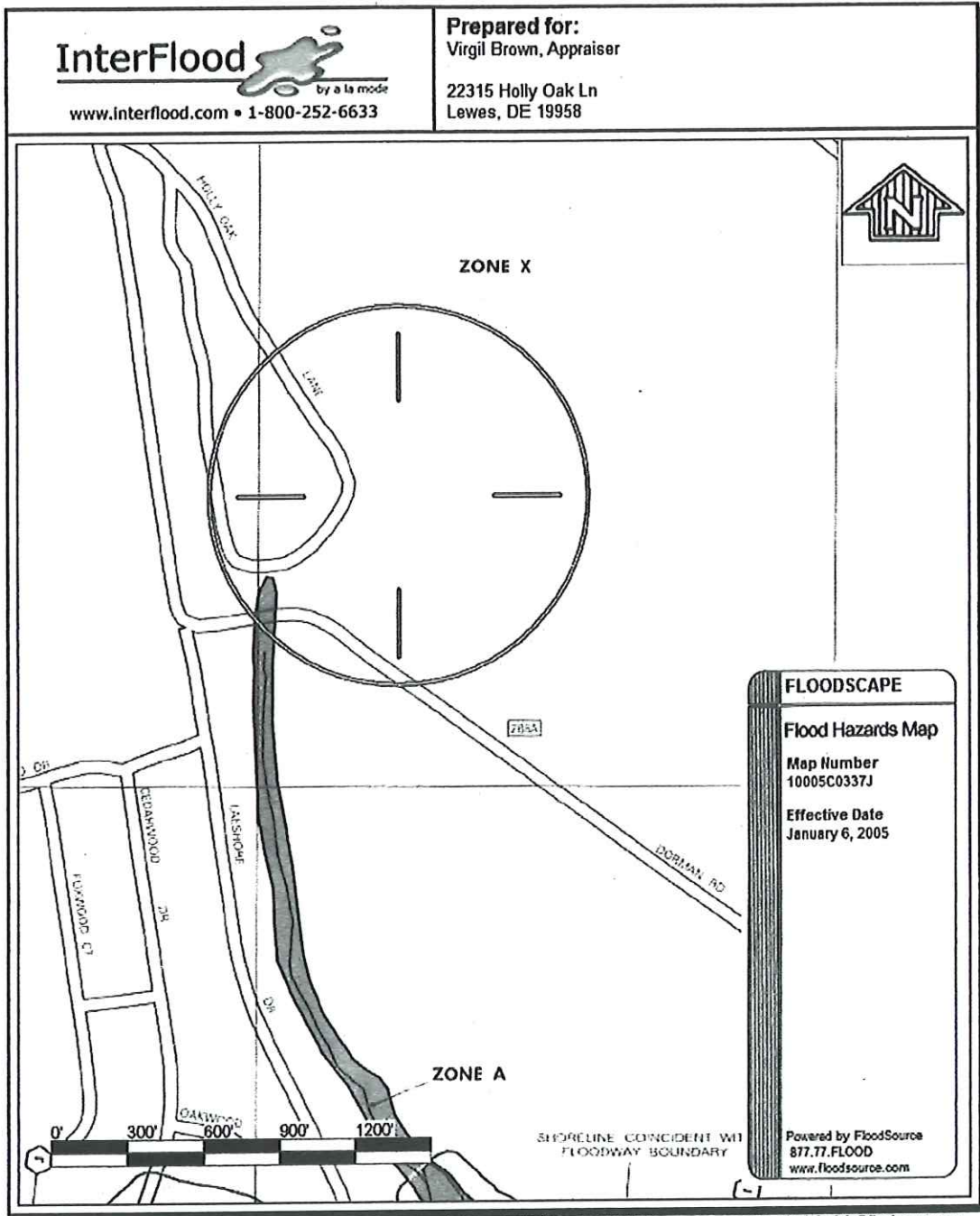
Name of Staff Member Marina Truitt

Checked By Amy Hollis



### Flood Map

Borrower	Engan, Kenneth				
Property Address	22315 Holly Oak Ln				
City	Lewes	County	Sussex	State	DE Zip Code 19958
Lender/Client	General Electric Employees Federal Credit Union				



© 1999-2013 SourceProse and/or FloodSource Corporations. All rights reserved. Patents 6,631,320 and 6,678,615. Other patents pending. For Info: info@floodsource.com.

01/19/2014 1:04PM FAX 3028585088

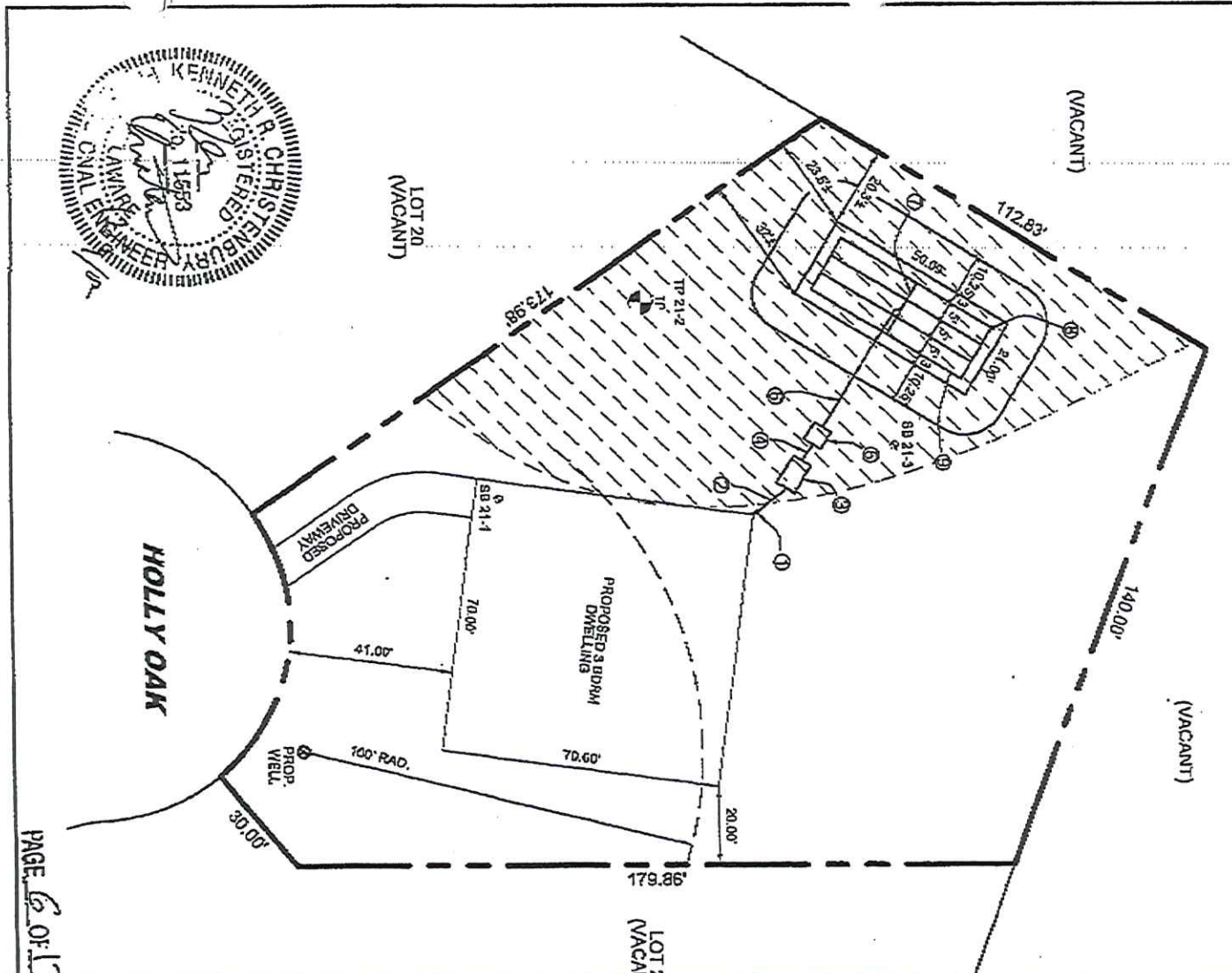
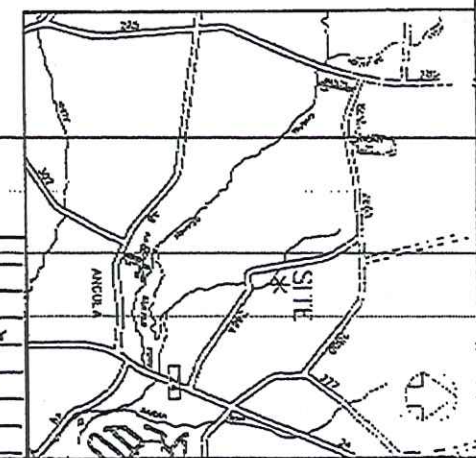
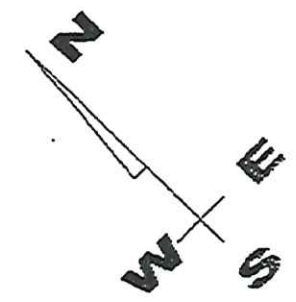
ULYSTUN UP WATER UNREC

191300-5

0010/0021

- ① CLEANOUT
- ② 4" BLDG SEWER (11' LONG)
- ③ 1000 GAL SEPTIC TANK
- ④ 4" SCH 40 PVC (5' LONG)
- ⑤ 5" 5' DOSING CHAMBER
- ⑥ 2" TRANSMISSION LINE (37' LONG)
- ⑦ 2" MANIFOLD (1' LONG)
- ⑧ PRESSURE TEST PORT, SET HEAD @ 2.5'
- ⑨ 1 1/4" DISTRIBUTION LATERAL (22' LONG), 1/4" HOLES
- ⑩ 4" O.C., 5 HOLES/LATERAL

- NOTES
1. ALL TANKS SHALL HAVE WATERTIGHT RISERS AND SHALL EXTEND ABOVE GRADE.
  2. SEPTIC TANK SHALL HAVE AN EFFLUENT FILTER APPROVED BY DNREC.
  3. SPARE TO BE SANDLINED UPGRADE IN INITIAL AREA.



LOT 20 (VACANT)

(VACANT)

(VACANT)

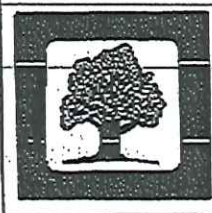
LOT 20 (VACANT)

PAGE 6 OF 17 PAGES

OWNER'S/AUTHORIZED AGENT SIGNATURE

*[Handwritten Signature]*

DATE



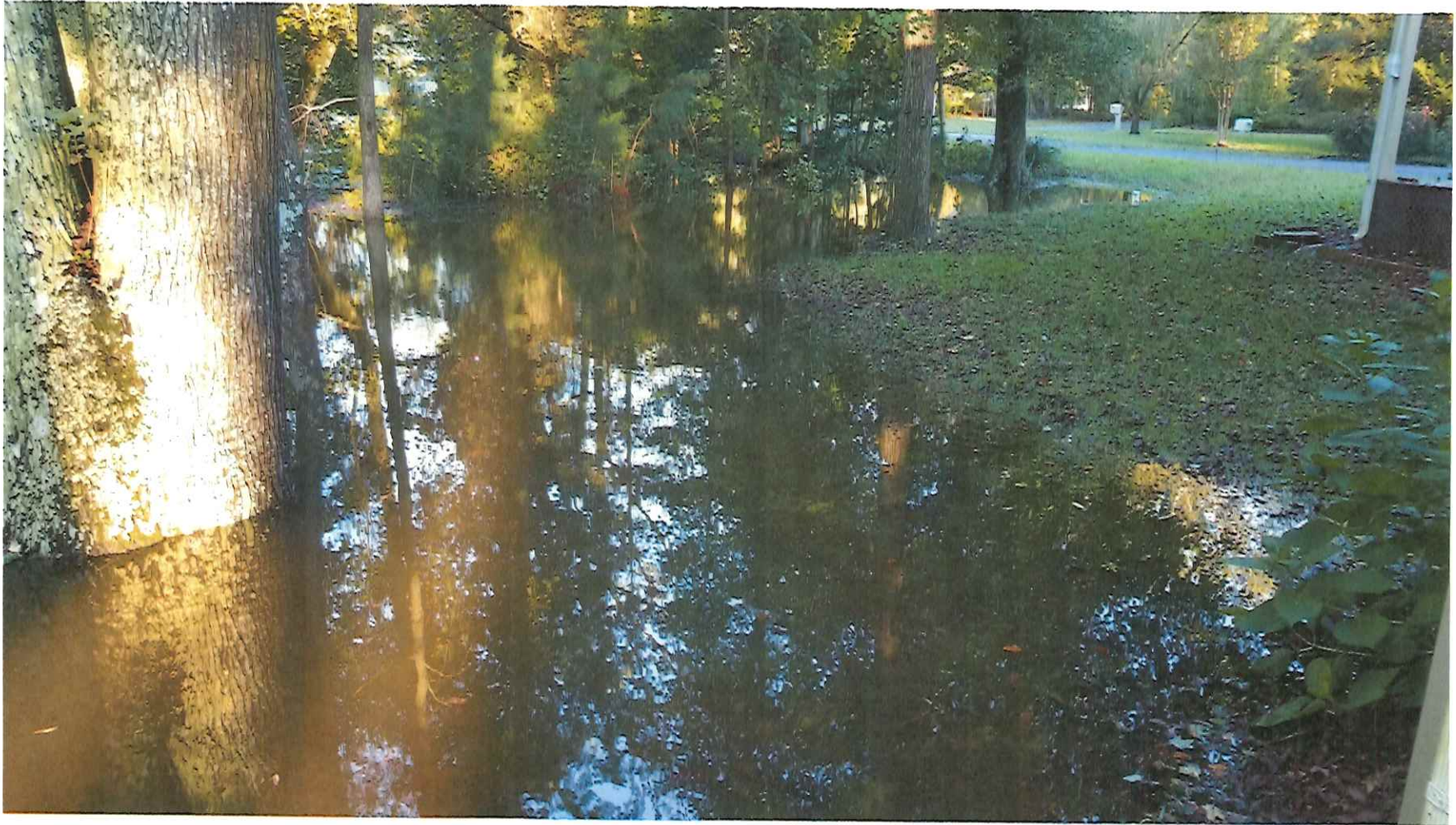
**DC GROUP**  
 DESIGN CONSULTANTS GROUP, L.L.C.  
 18872 Huff Road (302) 684-8030 dcgroup@dof.net  
 Milton, DE 19958 Fax: 684-8054  
 SURVEYING • ENGINEERING • LAND PLANNING

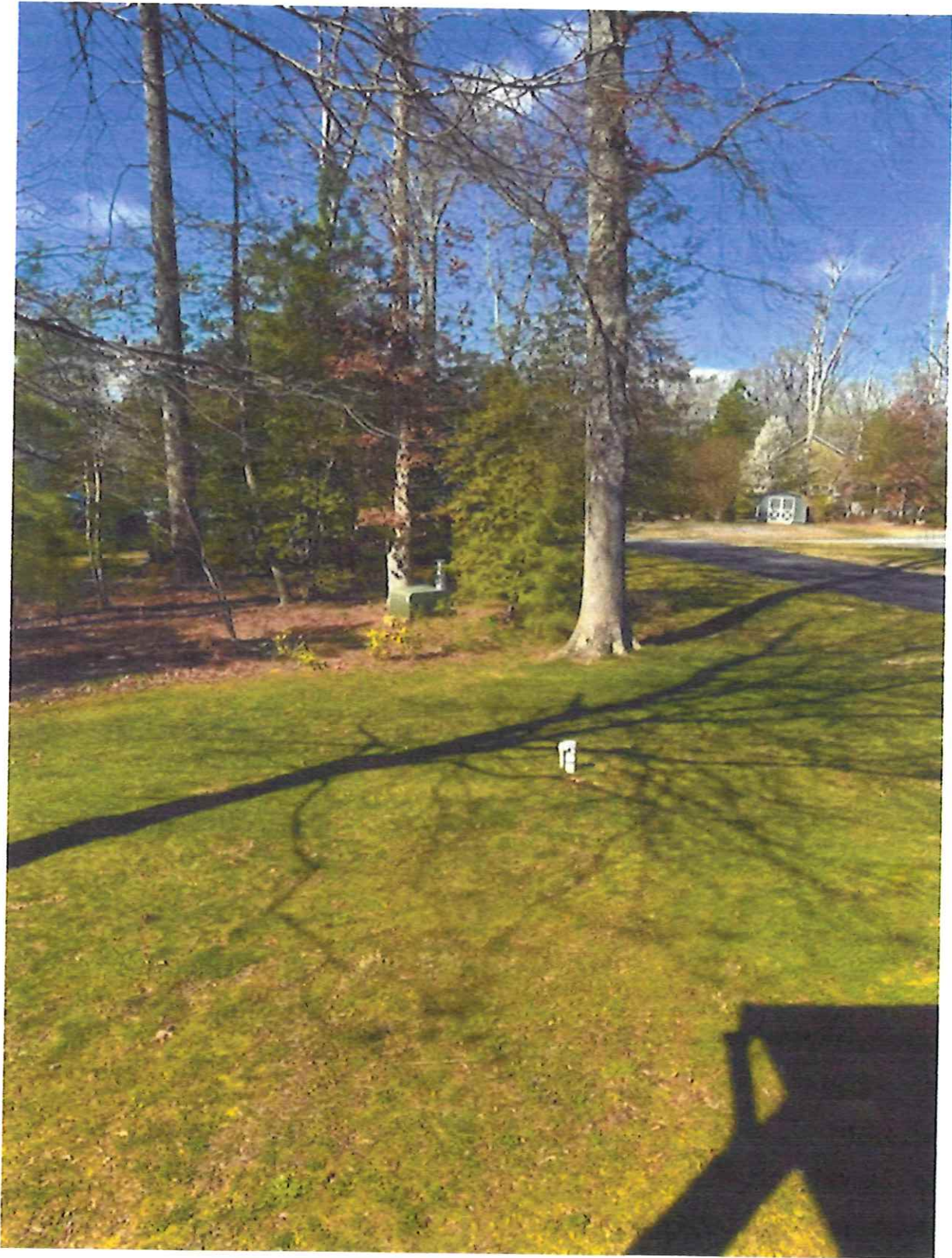


PROJECT: **LOT 21 HOLLY OAK**  
 TITLE: **CONSTRUCTION PLAN**

DESIGNED BY: **K.T. SMITH**  
 SURVEYED BY: **OTHERS**  
 DRAWN BY: **K.T. SMITH**  
 CHECKED BY: **K.R. CHRISTENBURY**  
 JOB #: **021128**  
 TAX MAP: **2-34-11, PARCEL 443**  
 DATE: **DECEMBER 3, 2002**  
 SHEET NO: **1 OF 1**

















Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

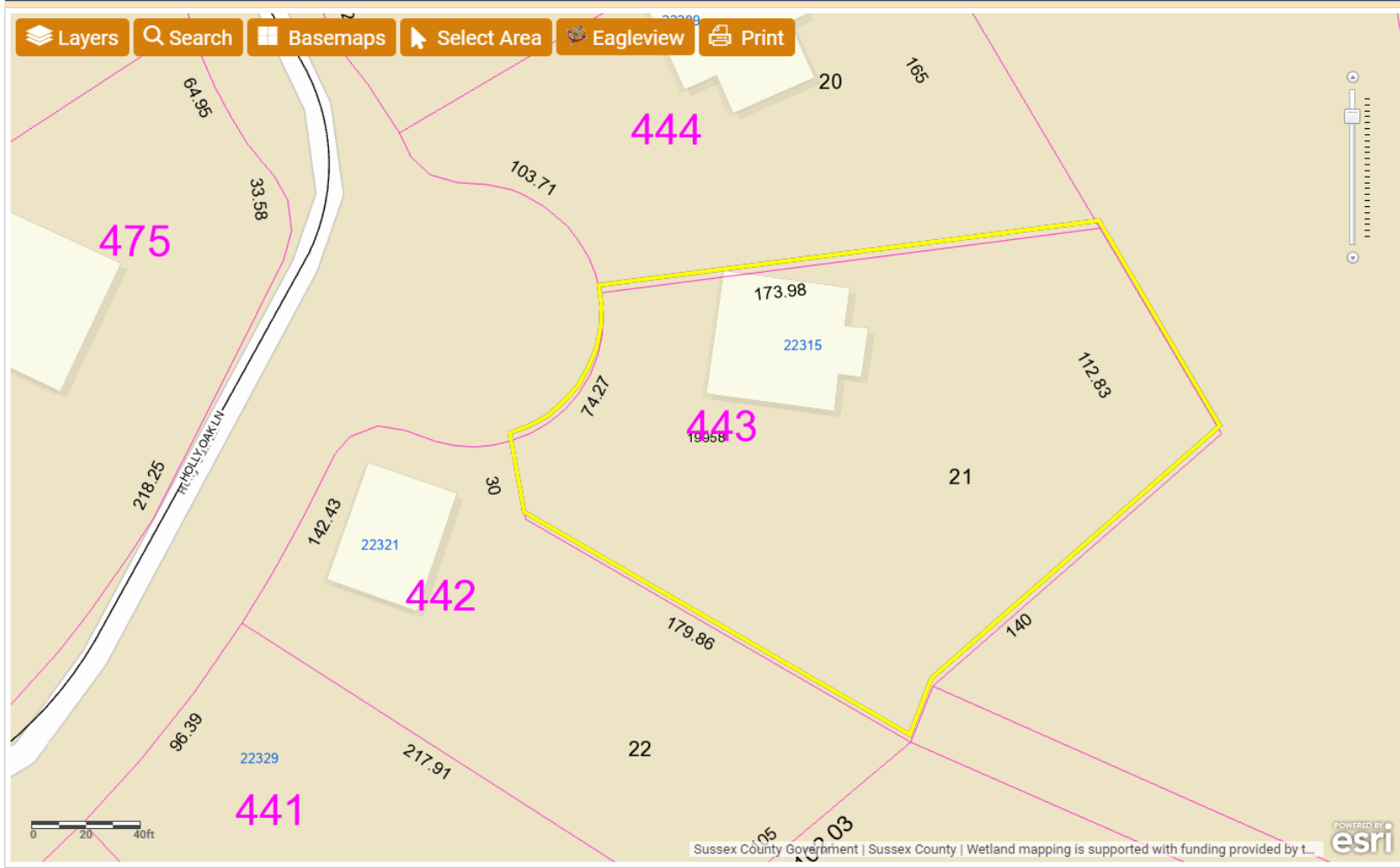
1) 234-11.00-443.00 Zoom

BOOK	4721
PAGE	56
FULLNAME	ENGAN KENNETH W
Second_Owner_Name	JEAN M STUART
MAILINGADDRESS	816 FALCOLN LN
CITY	WEST CHESTER
STATE	PA
a_account	
DESCRIPTION	HOLLY OAK
DESCRIPTION2	LOT 21
DESCRIPTION3	SPEC COM LIEN
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	49600
APRLAND	2500
PINWASSEMENTUNIT	234-11.00-443.00
PIN	234-11.00-443.00

Navigation icons: back, forward, home, search, refresh, etc.

Selected Features (1)

Clear Selected



Eagleview Search Results

Selected Features: Parcels (1)

1) 234-11.00-443.00 Zoom

BOOK	4721
PAGE	56
FULLNAME	ENGAN KENNETH W
Second_Owner_Name	JEAN M STUART
MAILINGADDRESS	816 FALCOLN LN
CITY	WEST CHESTER
STATE	PA
a_account	
DESCRIPTION	HOLLY OAK
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LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	49600
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PIN	234-11.00-443.00

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Workspaces ▾

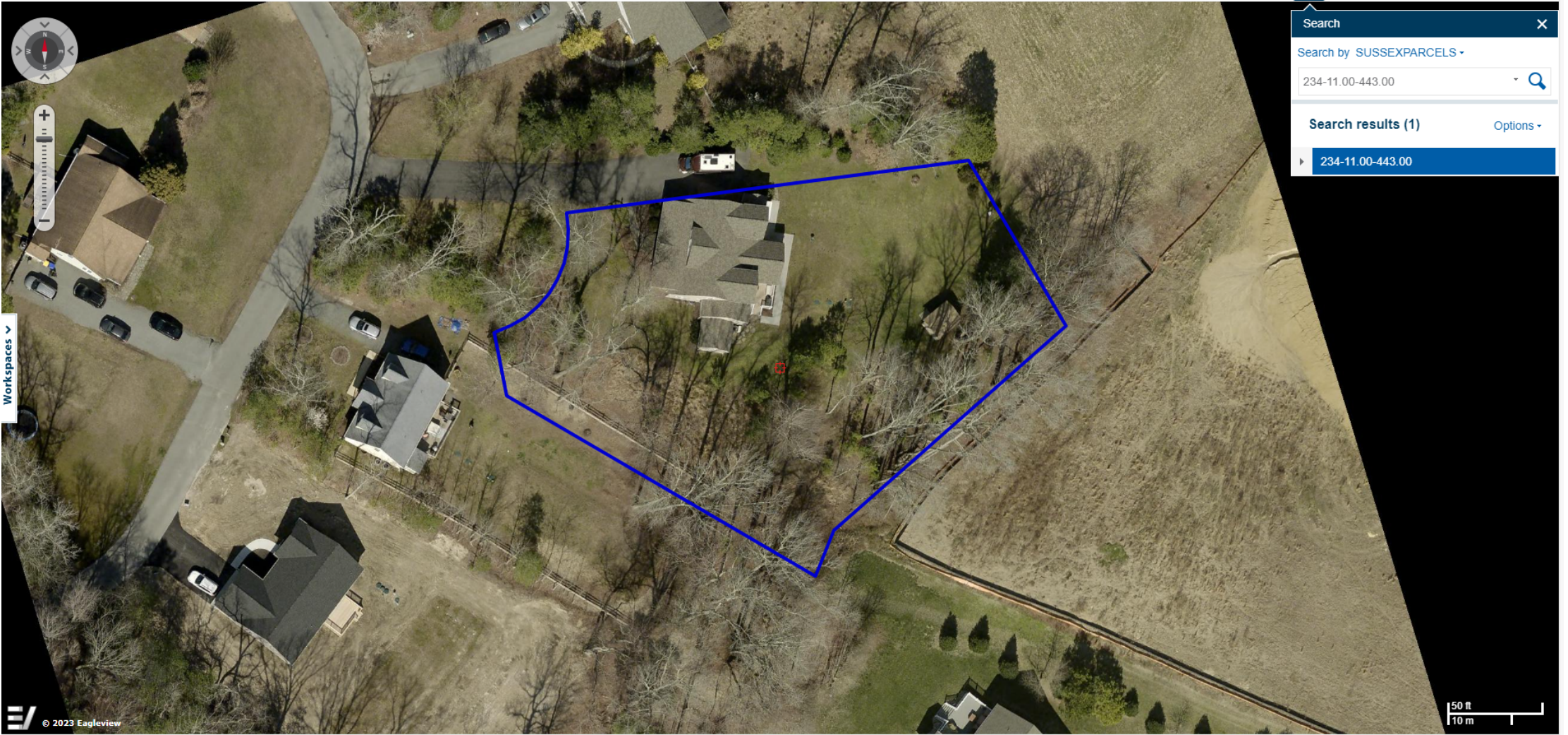
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Search by SUSSEXPARCELS ▾

234-11.00-443.00 [Q]

Search results (1) Options ▾

▶ 234-11.00-443.00



### 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 # 12947  
Hearing Date 6.3.2024  
202405100

**RECEIVED**

APR 10 2024

SUSSEX COUNTY  
PLANNING & ZONING

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

- Variance
- Special Use Exception
- Administrative Variance
- Appeal

- Existing Condition
- Proposed
- Code Reference (office use only)

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

30794 Peppers Creek Rd, Dagsboro DE 19939

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

Variance - House will sit 9 feet from the rear property line instead of 20 feet, which is the same as the existing mobile home.

**Tax Map #:** 1-34-6.00-200.00

**Property Zoning:** AR-1

**Applicant Information**

Applicant Name: Dennis and Ann Hanlon  
 Applicant Address: 15864 Irish Avenue  
 City Monkton State MD Zip: 21111  
 Applicant Phone #: (603) 548-2652 Applicant e-mail: lilirishmanor@aol.com

**Owner Information**

Owner Name: Dennis and Ann Hanlon  
 Owner Address: 15864 Irish Avenue  
 City MONKTON State MD Zip: 21111 Purchase Date: 11/10/20  
 Owner Phone #: (603) 548-2652 Owner e-mail: lilirishmanor@aol.com

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

*Dennis Hanlon Ann Hanlon*

Date: 4-3-24



Sussex County, DE - BOA Application

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

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

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

**1. Uniqueness of property:**

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

The location of the house is limited due to the property size and the location of the septic system.

---

**2. Cannot otherwise be developed:**

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

Due to size of lot and placement of the septic system, a variance is required to construct a new home.

---

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

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

This exceptional practical difficulty was not created by the applicant. We purchased the property in 2020 and the septic system which was installed in 2009 was already in place.

---

**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.

Proposed new high efficiency home will replace existing mobile home that was built 31 years ago and will enhance the community and surrounding properties.

---

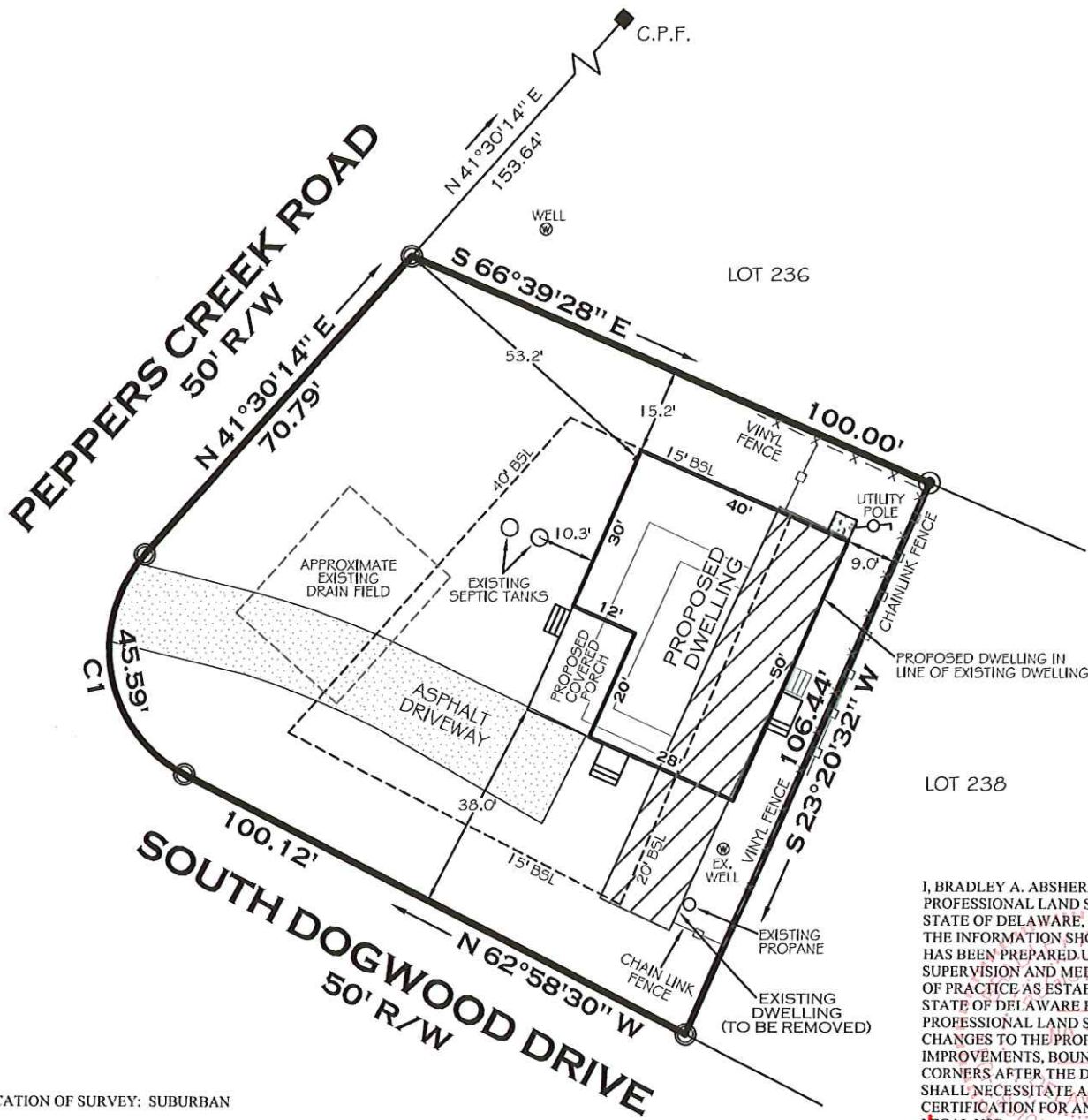
**5. Minimum variance:**

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

The proposed new structure will need to sit 9' off of the rear property line, which is the same distance the current structure sits. This is needed in order for the house to be set back 10' from the existing septic tanks. The septic system was newly installed by a prior owner in 2009 and inspected in 2023 and found to be in satisfactory condition.

---

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



I, BRADLEY A. ABSHER, 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.

*Bradley A. Absher*  
 BRADLEY A. ABSHER, DE PLS # 735  
 DATE 3-18-24

**NOTES**

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: AR-1
3. BUILDING SETBACK LINES (BSL)
  - FRONT 40'(PEPPER'S CREEK ROAD)
  - SIDE 15'
  - REAR 20'
  - CORNER 15'(SOUTH DOGWOOD DRIVE)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	25.00'	45.59'	39.53'	N 10°44'08" W

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY 04/26/2023 & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

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

TAX MAP	1-34 - 6.00 - 200.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	—
AREA	11,692 ± SQ. FT.
DEED REF.	5945 / 243
PLAT REF.	8 / 494
DRAWN BY	CJP / JJZ / MCS
DATE	03 / 18 / 24
SCALE	1" = 30'
SURVEY #	DE - 02746

**SITE PLAN**

**LOT 237**  
**DOGWOOD ACRES**  
 SECTION 4

FOR  
**DENNIS & ANN HANLON**

30794 PEPPERS CREEK ROAD, DAGSBORO, 19939

**LEGEND**

- IRON ROD FOUND
- IRON ROD W/ CAP SET
- CONCRETE POST FOUND

**TRUE NORTH**



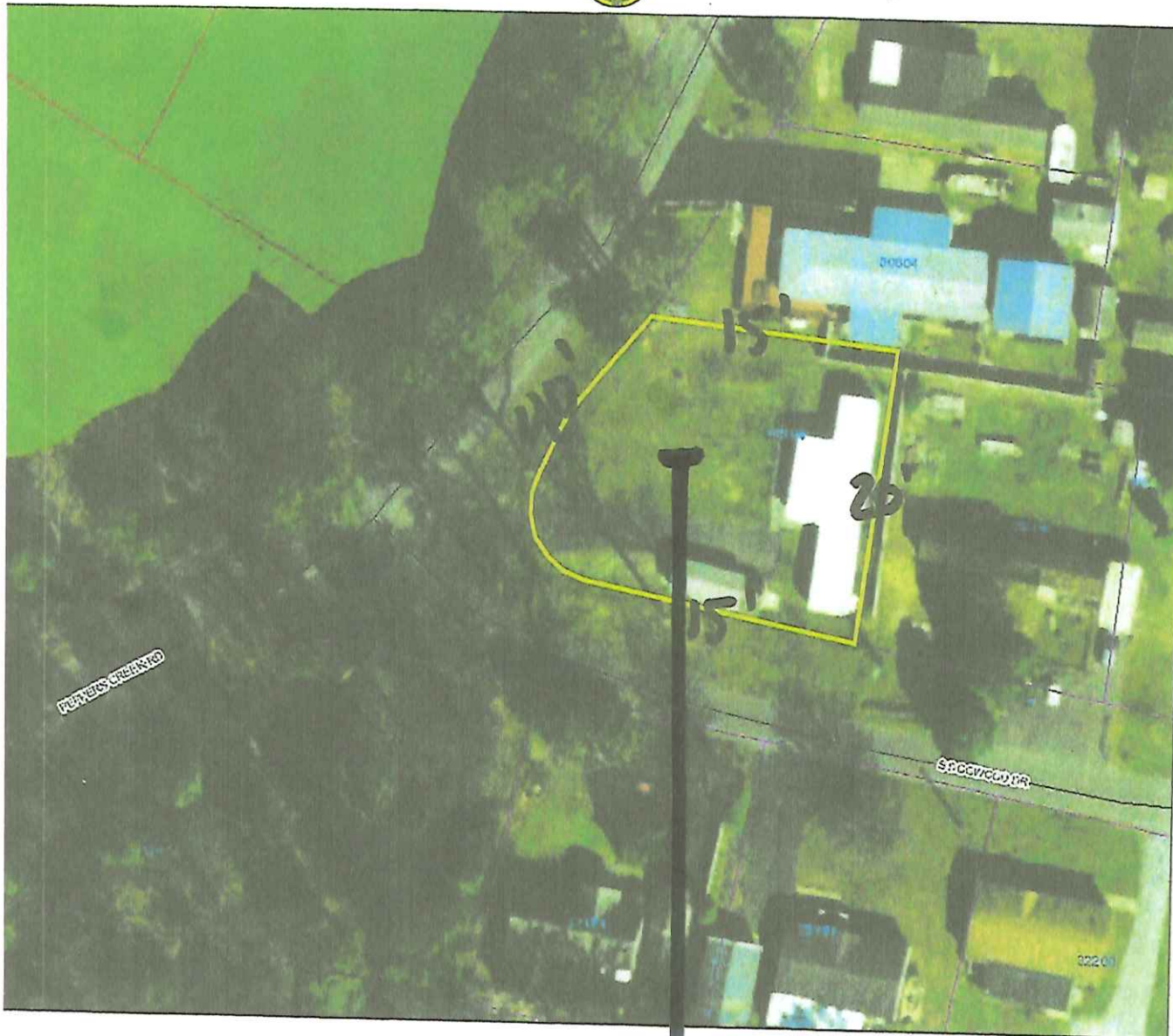
**LAND SURVEYING**

35322 BAYARD ROAD  
 FRANKFORD, DE 19945  
 DE: 302 - 539 - 2488



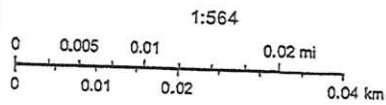






PIN	134-6 00-200.00
Owner Name	HANLON DENNIS
Book	5353
Mailing Address	15864 IRISH AVE
City	MONKTON
State	MD
Description	DOGWOOD ACRES
Description 2	LOT 237
Description 3	T7915
Land Code	

- polygonLayer
  - Override 1
- polygonLayer
  - Override 1
  - :: Tax Parcels
  - :: 911 Address
  - Streets
  - :: County Boundaries
  - :: 2007 Head of Tide Wetlands (not regulatory)
  - :: Municipal Boundaries



3, 2023

Existing SEPTIC FIELD AND TANKS

Layers Search Basemaps Select Area Eagleview Print



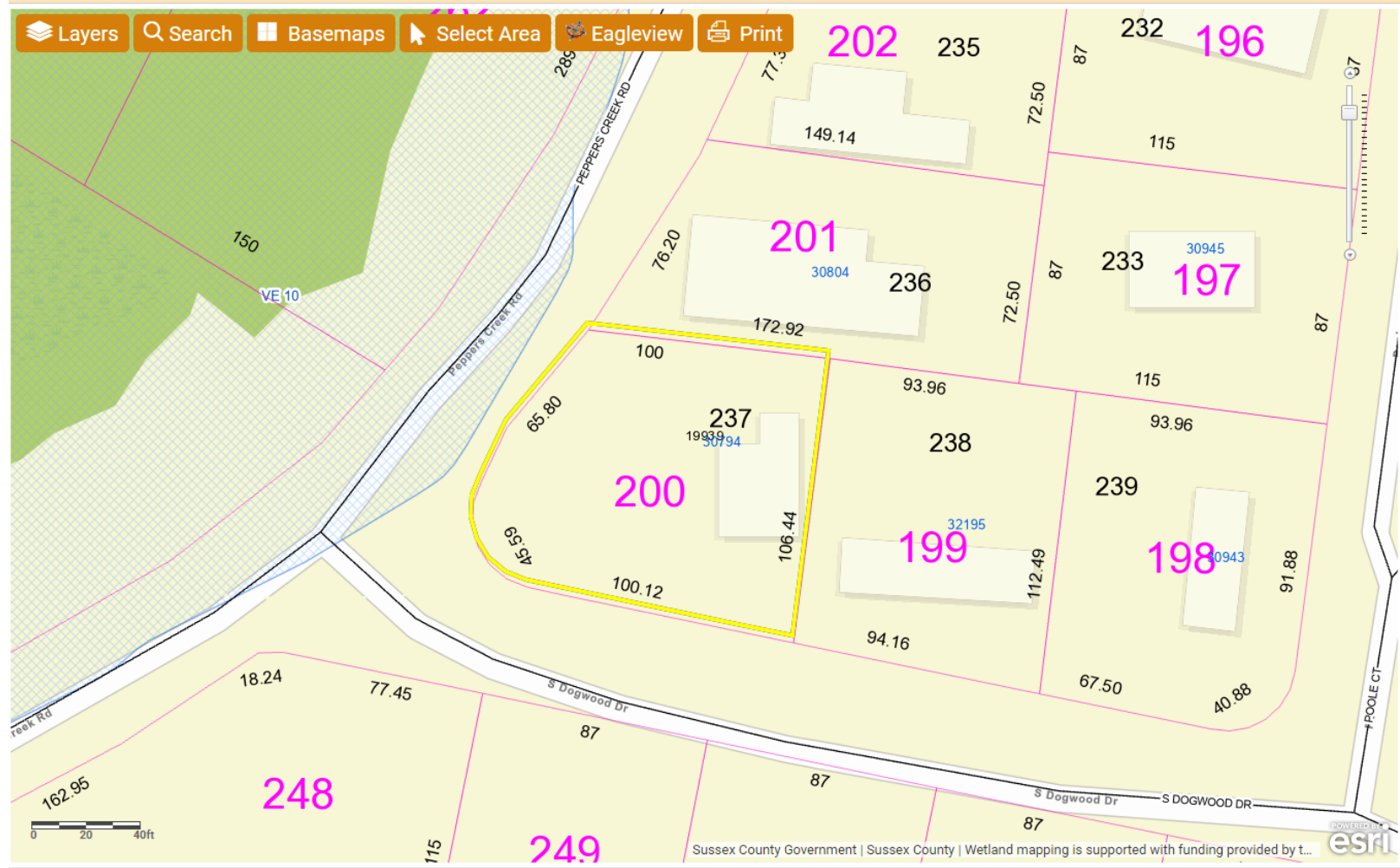
Eagleview Search Results

Selected Features: Parcels (1)

▼ 1) 134-6.00-200.00 Zoom

BOOK	5945
PAGE	243
FULLNAME	HANLON DENNIS M TTEE
Second_Owner_Name	ANN HANLON TTEE FAMILY TR
MAILINGADDRESS	15864 IRISH AVE
CITY	MONKTON
STATE	MD
a_account	
DESCRIPTION	DOGWOOD ACRES
DESCRIPTION2	LOT 237
DESCRIPTION3	T7915
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	18500
APRLAND	4600
PINWASSEMENTUNIT	134-6.00-200.00
PIN	134-6.00-200.00

Selected Features (1)  
Clear Selected



Eagleview Search Results

Selected Features: Parcels (1)

1) 134-6.00-200.00 [Zoom](#)

BOOK	5945
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APRLAND	4600
PINWASSEMENTUNIT	134-6.00-200.00
PIN	134-6.00-200.00

Selected Features (1)

[Clear Selected](#)



Search [X]

Search by SUSSEXPARCELS ▾

134-6.00-200.00 🔍

Search results (1) Options ▾

▶ 134-6.00-200.00

Workspaces ▾

© 2023 Eagleview



map: Auto (Ortho) ▾ Dates: All ▾ < image 1 of 55 > 03/06/2023



Case # 12948  
Hearing Date 6.3.2024  
202405117

**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

**RECEIVED**

APR 11 2024

SUSSEX COUNTY  
PLANNING & ZONING

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

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)

**Site Address of Variance/Special Use Exception:**  
38993 Beacon Dr, Fenwick Island DE 19944

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

We are requesting a special use permit to display outdoor furniture in front of our store and on the side of the building in our designated parking places. We are also requesting an approval for two(2) ten(10)day tent sale surrounding the Labor Day and Memorial Day Holiday

**Tax Map #:** 134-23.00-3.04 **Property Zoning:** C-1

**Applicant Information**

Applicant Name: John McCahan  
Applicant Address: 2204 S DuPont Hwy  
City Dover State DE Zip: 19901  
Applicant Phone #: (302) 539-1100 Applicant e-mail: dmiller152@gmail.com

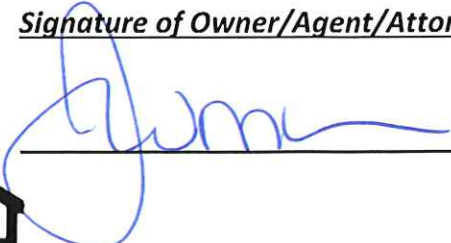
**Owner Information**

Owner Name: Norino Properties  
Owner Address: 10 Warren Rd Suite 130  
City Cockeysville State MD Zip: 21030 Purchase Date: \_\_\_\_\_  
Owner Phone #: (410) 663-9444 Owner e-mail: norinollc@gmail.com

**Agent/Attorney Information**

Agent/Attorney Name: John McCahan  
Agent/Attorney Address: 2204 S DuPont Hwy  
City Dover State DE Zip: 19901  
Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**



Date: 4/8/24



Sussex County, DE - BOA Application

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

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

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

The property has plenty of room in front of the building for furniture display that will not affect any adjacent property. We have more than enough parking to accommodate the outdoor display without affecting customer parking or adjacent properties

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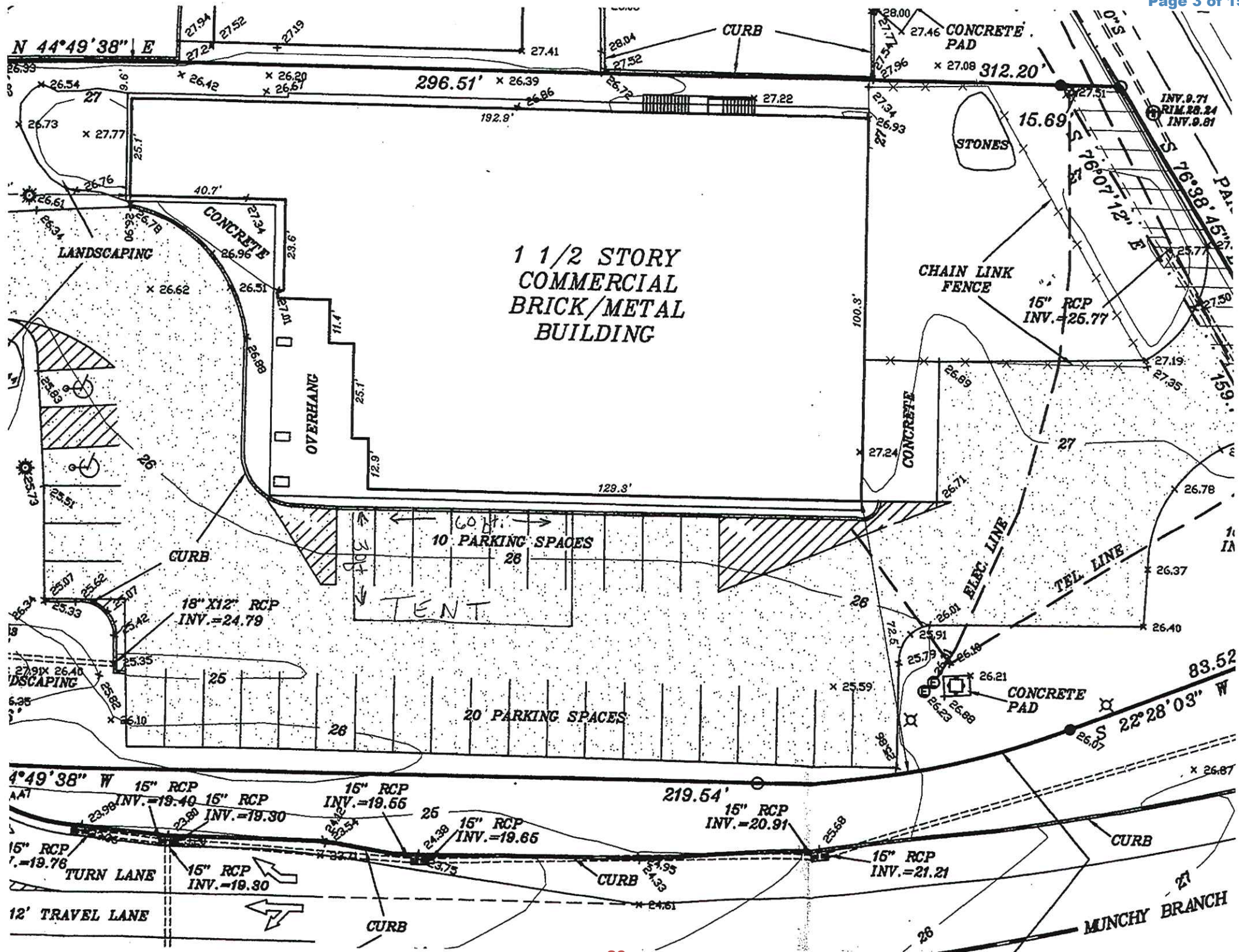
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

We are requesting a temporary tent twice a year for 10 days each time surrounding Labor & Memorial day. We currently have been granted access for 2 3 day tent sales but wish to extend to the 10 days.

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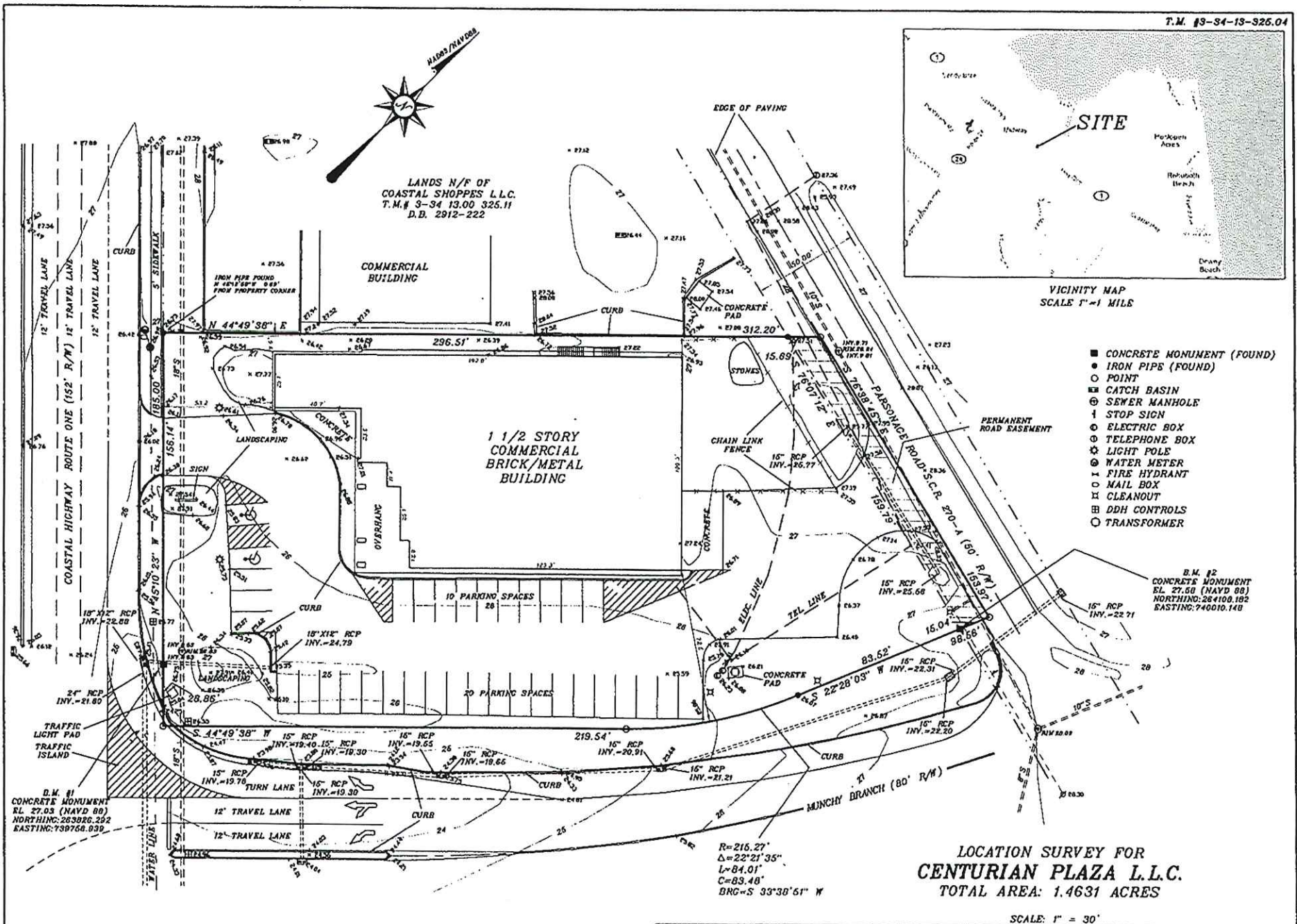
**Basis for Appeal:** (Please provide a written statement regarding reason for appeal)

---





T.M. #9-34-13-325.04



LOCATION SURVEY FOR  
**CENTURIAN PLAZA L.L.C.**  
TOTAL AREA: 1.4631 ACRES

SCALE: 1" = 30'

REVISION 6/19/10  
CORRECTED RCP SIZES  
10" TO 16"

**MILLER**  
**Lewis, Inc.**  
LAND SURVEYING  
34313 PEPPERS CORNER RD.  
FRANKFORD, DELAWARE 19046

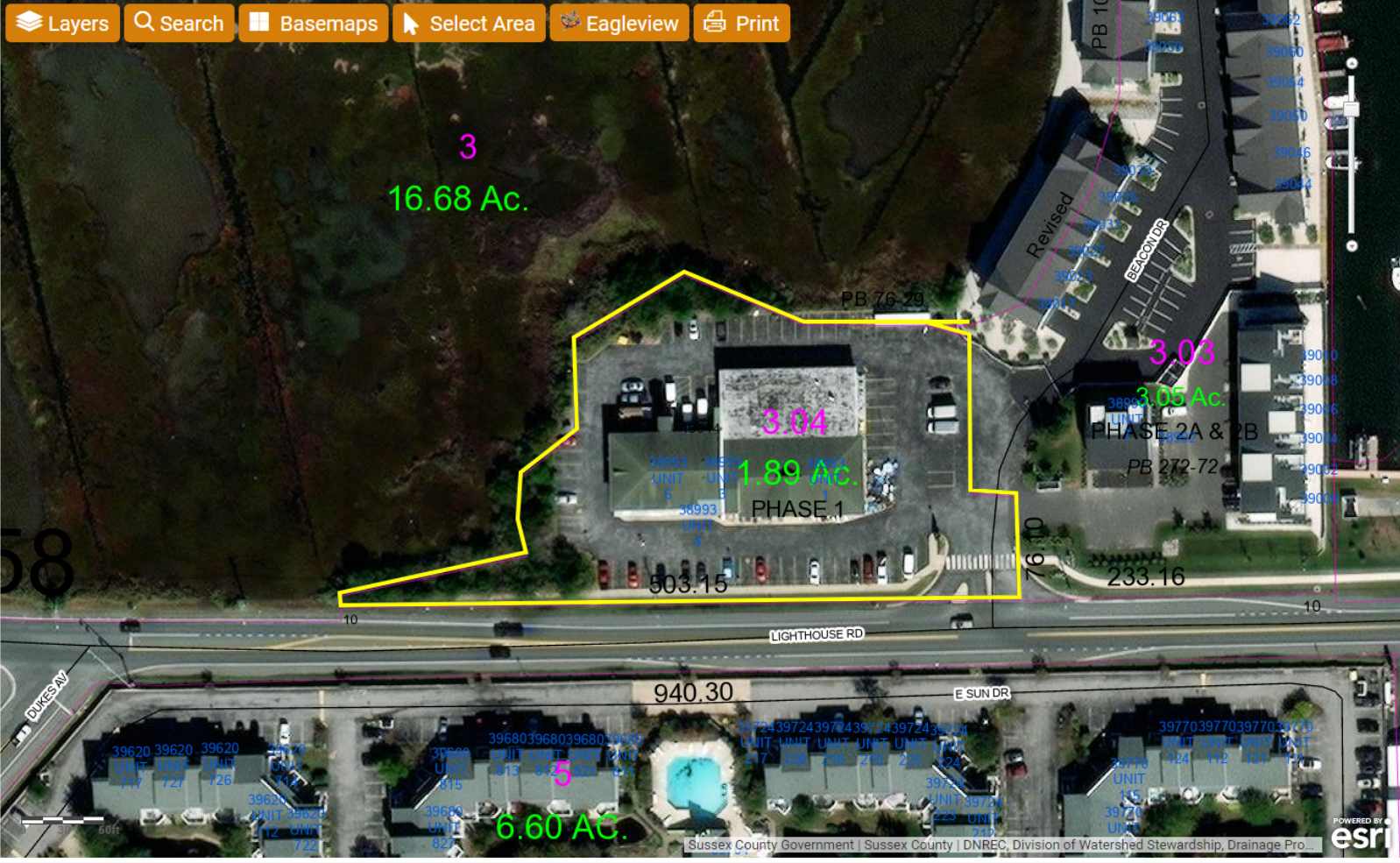
FORM NO. 302 6-81 2650  
PAGE 302 6-81 2650

JAN. 8, 2009

HUNDRED	CONTRACT	COUNTY
LWESS & REHOBOTH		SUSSEX
STATE	DRAWN BY	
DELAWARE	K MARTIKYAN	
REF.	DWG NO.	
1 <sup>st</sup> D. 35-74	3-34-13-325.04	

SUBURBAN SURVEY

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 134-23.00-3.04 Zoom

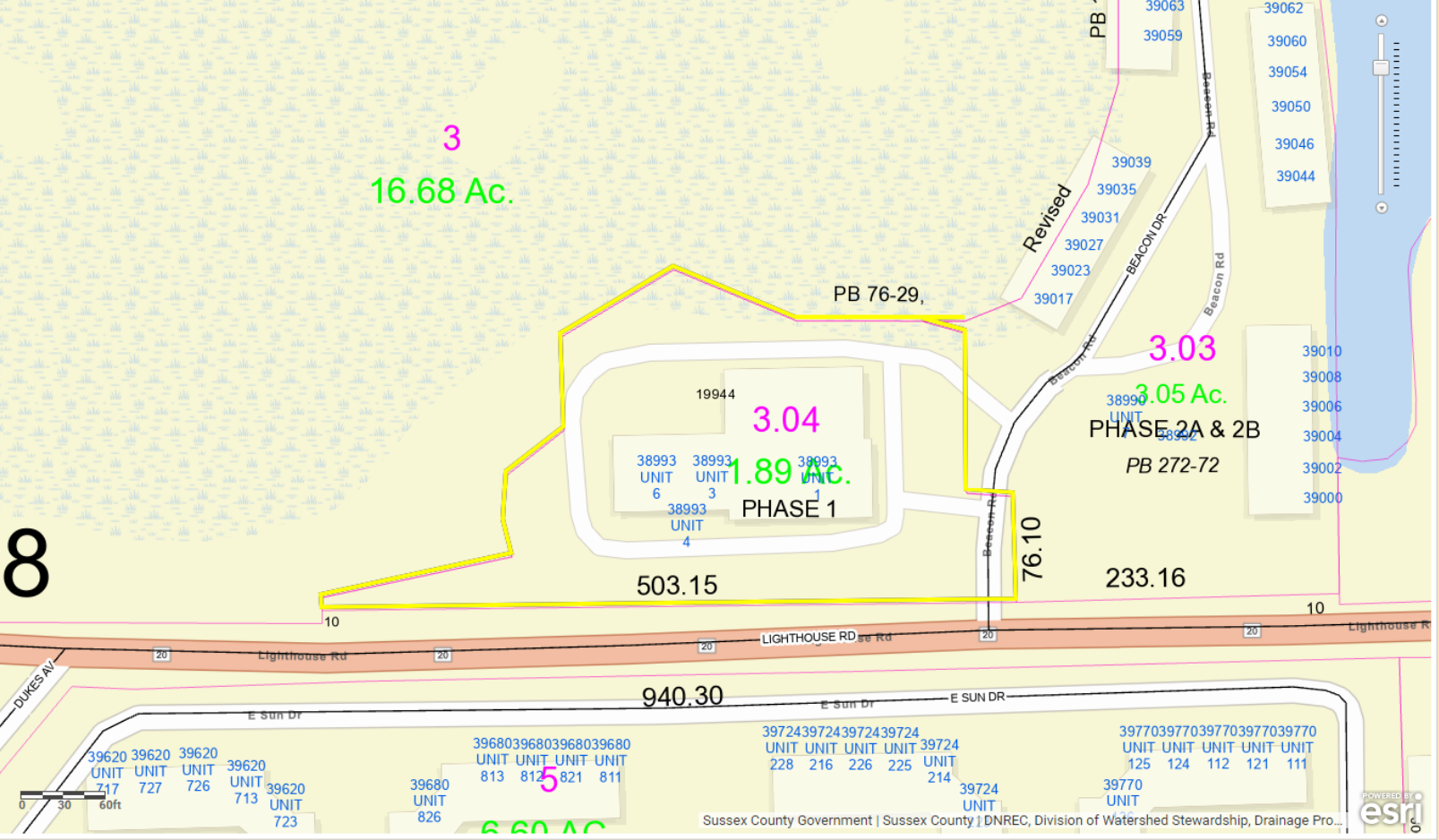
BOOK	5816
PAGE	9
FULLNAME	NORINO FLORIDA LLC
Second_Owner_Name	
MAILINGADDRESS	10 WARREN RD STE #130
CITY	COCKEYSVILLE
STATE	MD
a_account	04-20-003.4
DESCRIPTION	N/ LIGHTHOUSE RD
DESCRIPTION2	RT 54 APPROX
DESCRIPTION3	1847.33' W/RT 1
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	331400
APRLAND	88500
PINWASSEMENTUNIT	134-23.00-3.04
PIN	134-23.00-3.04

Navigation icons: back, forward, up, down, home, refresh

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

▼ 1) 134-23.00-3.04 Zoom

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SCHOOL	
MUNI	00
CAP	0
APRBLDG	331400
APRLAND	88500
PINWASSEMENTUNIT	134-23.00-3.04
PIN	134-23.00-3.04

Selected Features (1)

Clear Selected



Workspaces ▾



Search [X]

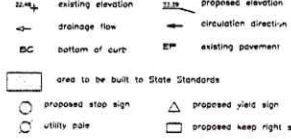
Search by SUSSEXPARCELS ▾

134-23.00-3.04 [Search Icon]

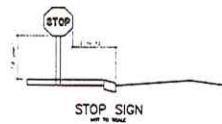
Search results (1) Options ▾

▶ 134-23.00-3.04

**Legend**



TRAFFIC DISTRIBUTION



**Data Block**

Tax Parcel # 1-34-23-3  
 Location: DE. Rte. 54, Fenwick Island, Delaware (west of Canal Bridge north side of road)  
 Zoning: C- Mobile Home Sites, Farm Sites  
 Present Land Use: Pharmacy and Specialty Retail  
 Proposed Land Use: Pharmacy and Specialty Retail  
 Total Land Area: 21.87 Ac. (923,011 S.F.)  
 Wetlands: 16.98 Ac. (739,914 S.F.)  
 Uplands: 4.89 Ac. (213,097 S.F.)  
 Phase 1: 1.85 Ac. (80,606 S.F.)  
 Remaining (Phase 2): 3.04 Ac. (132,491 S.F.)

**DEDOT ADTs**

**PHASE 1 - CURRENT PROPOSED IMPROVEMENTS**

Land Use	ADT Req.	1000 S.F. ADT's	TOTAL	TOTAL
Pharmacy	#850	30.06	10	900.60
Specialty Retail	#814	40.67	4	162.68
			1063.28	1063.28

**PHASE 2 - POTENTIAL BUILDOUT (USED FOR ENTRANCE DESIGN PURPOSES)**

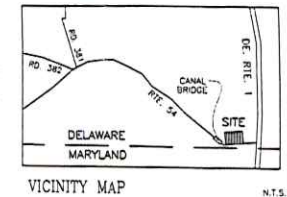
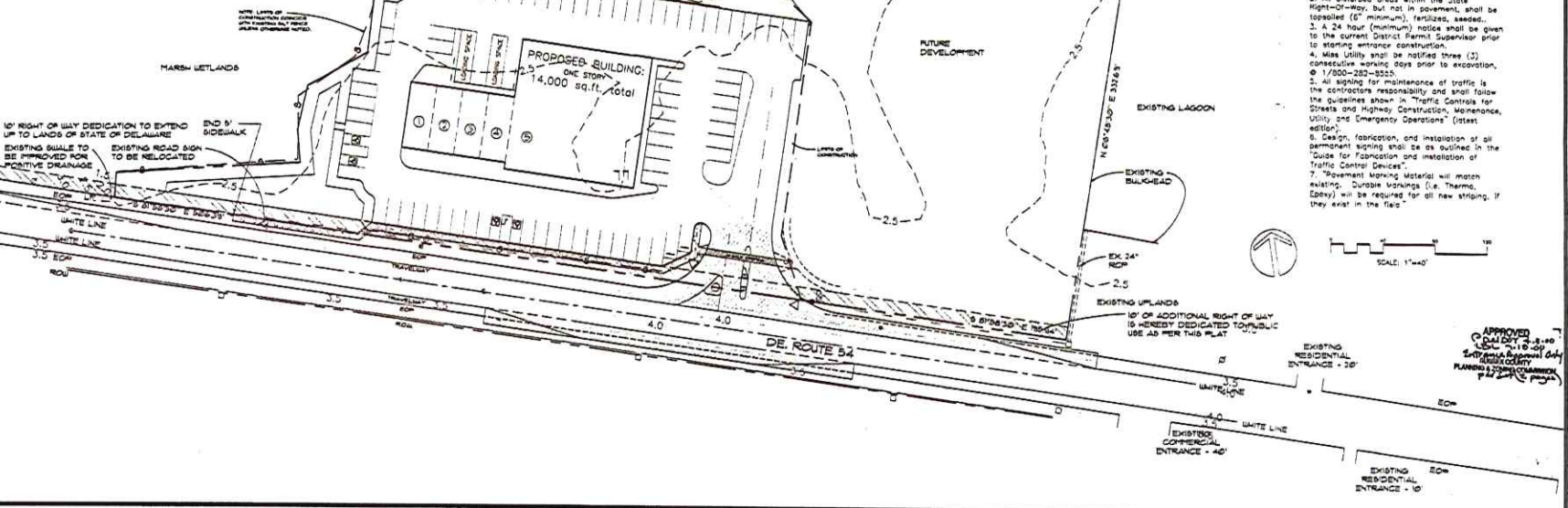
Alt. A (Commercial)	#814	40.67	22	894.74	894.74
Alt. B (Multi-Family)		8.33	38	299.78	299.88
					1194.62
			TOTAL ADT's, ALT. A:	1958.02	
			TOTAL ADT's, ALT. B:	1363.16	

Note: Alternate A represents the maximum number of ADT's estimated for the project and Alternate B represents the minimum number of ADT's estimated for the project.

**DESIGN ASSUMPTIONS**

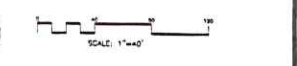
Total Max. ADT's (Phase 1 + Phase 2): 1958.02 - 979.01  
 Traffic Distribution:  
 EAST - Right in/ Left Out (60% of 979.01)    587.41  
 WEST - Left in/ Right Out (40% of 979.01)    391.60

**SUMMARY** - PROJECT IS TO BE DESIGNED WITH BYPASS LANE FOR LEFT INS AND A DECELERATION LANE FOR RIGHT INS



**GENERAL NOTES**

- All materials and workmanship shall meet the State of Delaware Standards and Specifications.
- All disturbed areas within the State Right-of-Way, but not in pavement, shall be topsoiled (5" minimum), fertilized, seeded.
- A 24 hour (minimum) notice shall be given to the current District Permit Supervisor prior to starting entrance construction.
- Mass Utility shall be notified three (3) consecutive working days prior to excavation. ☎ 1/800-282-5555.
- All signing for maintenance of traffic is the contractor's responsibility and shall follow the guidelines shown in "Traffic Controls for Streets and Highway Construction, Maintenance, Utility and Emergency Operations" (latest edition).
- Color, fabrication, and installation of all permanent signing shall be as outlined in the "Guide for Fabrication and Installation of Traffic Control Devices".
- "Movement Marking Material will match existing. Durable markings (i.e. Thermo, Etern) will be required for all new striping, if they exist in the field."



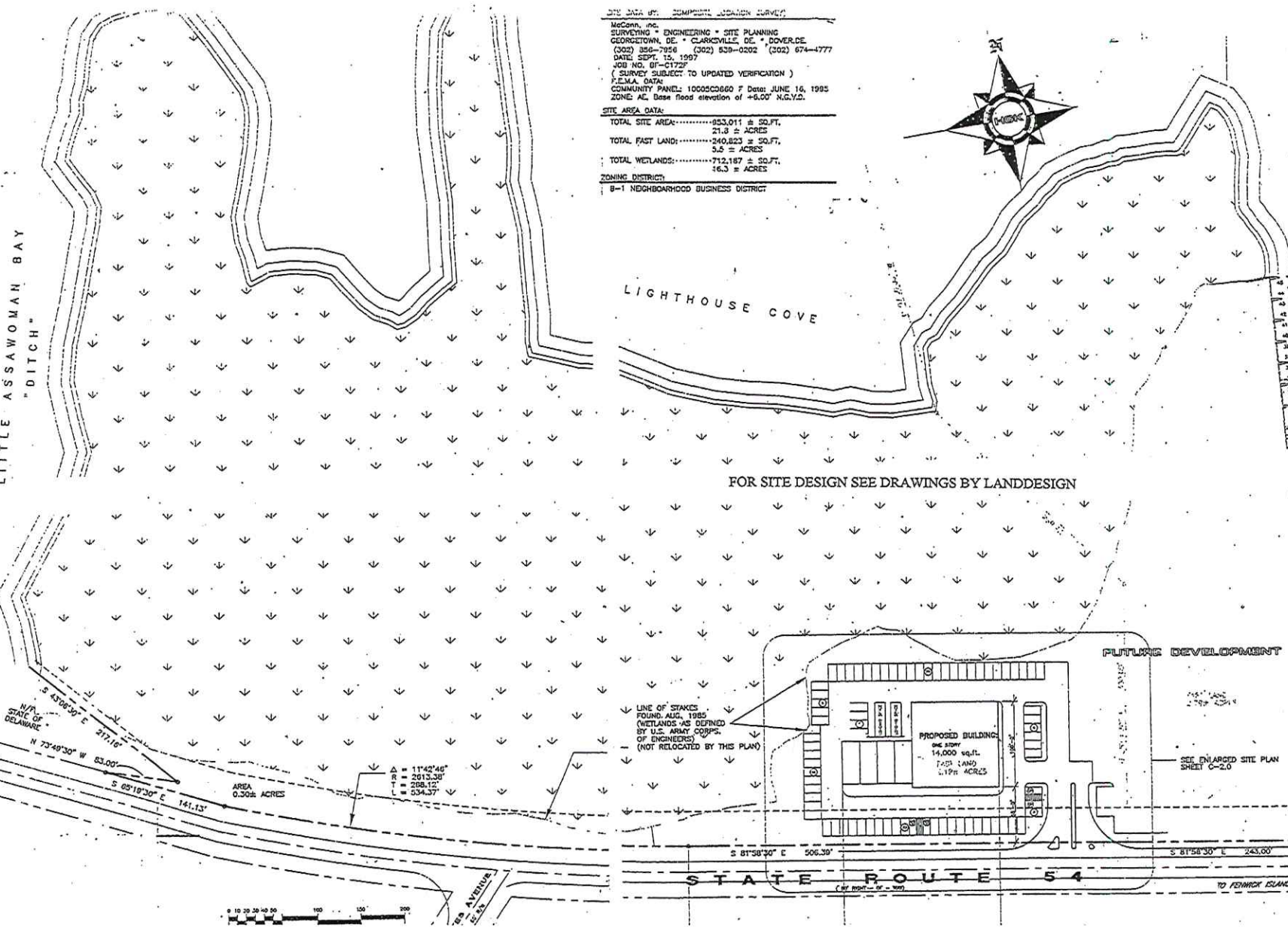
**REVISIONS**

NO.	DATE	DESCRIPTION
1	12/12/09	REV. COMMENTS
2	12/12/09	REV. COMMENTS
3	1/13/10	REV. COMMENTS

**LAND DESIGN**  
SURVEYING/LANDSCAPE ARCHITECTURE INC.  
 1001 S. STATE ST. SUITE 3  
 GREENWOOD, DE 19739  
 TEL: 302.370.7700  
 FAX: 302.370.7701  
 www.landdesigninc.com

SITE PLAN  
**LIGHTHOUSE COVE**  
 DE. RTE. 54  
 FENWICK ISLAND DELAWARE

LD1	DATE
RWB	12/8/09



**SITE DATA BY COMPOSITE LOCATION SURVEY**  
 McCann, Inc.  
 SURVEYING • ENGINEERING • SITE PLANNING  
 GEORGETOWN, DE • CLARKSVILLE, DE • DOVER, DE  
 (302) 856-7956 (302) 539-0202 (302) 674-4777  
 DATE: SEPT. 15, 1997  
 JOB NO. 97-0122  
 ( SURVEY SUBJECT TO UPDATED VERIFICATION )  
 P.E.M.A. DATA  
 COMMUNITY PANEL: 100050060 F Date: JUNE 16, 1995  
 ZONE: AE Base flood elevation of +6.00' N.G.V.2.

**SITE AREA DATA:**  
 TOTAL SITE AREA:.....853,011 ± SQ.FT.  
 21.8 ± ACRES  
 TOTAL FAST LAND:.....240,823 ± SQ.FT.  
 5.5 ± ACRES  
 TOTAL WETLANDS:.....712,187 ± SQ.FT.  
 16.3 ± ACRES

**ZONING DISTRICT:**  
 B-1 NEIGHBORHOOD BUSINESS DISTRICT

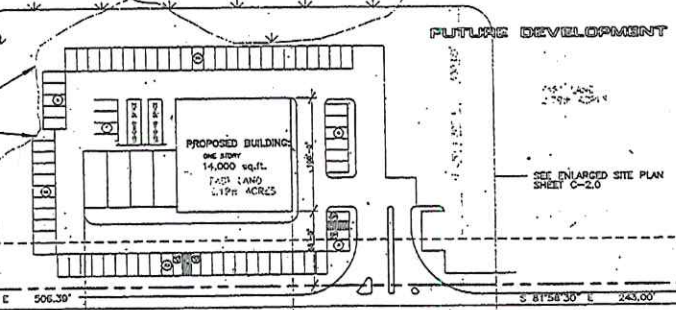


**lowell e. nelson**  
 ala architect  
 4213 great park road  
 rockville, md, 20853  
 301-928-8830

**LIGHTHOUSE COVE**  
 route 54  
 Baltimore Hundred, Sussex County, Delaware  
**Seashore Realty, Inc.**  
 route 1&54  
 P.O. Box 100022  
 Wilmington, Delaware

FOR SITE DESIGN SEE DRAWINGS BY LANDESIGN

LINE OF STAKES  
 FOUND AUG. 1985  
 (WETLANDS AS DEFINED  
 BY U.S. ARMY CORPS  
 OF ENGINEERS)  
 (NOT RELOCATED BY THIS PLAN)



N/A  
 STATE OF  
 DELAWARE  
 S 43°08'30" E 217.16'  
 N 73°48'30" W 83.00'  
 S 65°19'30" E 141.13'

AREA  
 0.30± ACRES

△ = 11°42'46"  
 □ = 2613.36'  
 ○ = 288.15'  
 = 534.37'



3/29/00  
 1/6/00  
 12/22/99

**OVERALL SITE PLAN**

Drawing No.  
**2.**  
 of 1

# 6 Parking Spaces

30'

60'



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

**IN RE: FURNITURE & MORE**

**(Case No. 12393)**

A hearing was held after due notice on January 27, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is seeking a special use exception for the placement of a tent for twenty (20) days each calendar year for a period of five (5) years. This application pertains to certain real property located on the west side of Beacon Drive, north of Lighthouse Road (911 Address: 38993 Beacon Drive, Fenwick Island); said property being identified as Sussex County Tax Map Parcel Number 1-34-23.00-3.04. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, findings of fact for Case No. 12169, a site plan dated March 29, 2000, letters in opposition to the Application, photographs, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of and twelve letters in opposition to the Application.
3. The Board found that Natasha Massey and John McCann were sworn in to give testimony about the Application. An exhibit booklet was submitted to Board members.
4. The Board found that Ms. Massey testified that the Applicant seeks the approval for a tent sale event at its Fenwick Island location for a ten (10) day period during the Memorial Day and a for a ten (10) day period during Labor Day – for a total of twenty (20) days a year for a five (5) year period. The Applicant previously received a special use exception for this use but that approval has expired.
5. The Board found that Ms. Massey testified that these tent sale events are important to the Applicant's business and mean the difference of ending the year with a profit instead of at a loss.
6. The Board found that Ms. Massey testified that the landlord permits tent sales.
7. The Board found that Ms. Massey testified that Furniture & More pays for 78% of the parking lot assessments for the site. According to Ms. Massey, the Property has 75 parking spaces and the Applicant has 57 spaces but is only required to have 36 spaces. She noted that most of the parking is taken up by the adjoining restaurant and bar (High Stakes) on the Property; which should have 86 spaces.
8. The Board found that Ms. Massey testified that the Applicant also operates a U-Haul business on the site and the U-Haul business has, at most, 4 employees and 6 customers and needs 15 spaces.
9. The Board found that Ms. Massey testified that the Applicant almost never uses its full allotment of spaces.
10. The Board found that Ms. Massey testified that the tent would take up only six parking spaces and approximately 2,400 square feet.
11. The Board found that Ms. Massey testified that there were no incidents or any accidents during the tent sales in 2019.
12. The Board found that Ms. Massey testified that there is 24-hour security during this period and the store closes at 6 PM.



13. The Board found that Ms. Massey testified that the neighboring restaurant is busier at night and there have been problems with patrons of the bar.
14. The Board found that Ms. Massey testified that staff have asked people to move when they are blocking access to the neighboring community.
15. The Board found that Mr. McCann testified that the tent will be located to the side of the building closest to the rear and will project out 40 feet.
16. The Board found that Mr. McCann testified that they drive off the Property to access parking spaces and that delivery trucks go off the Property to access the rear.
17. The Board found that Mr. McCann testified that they have a storage container which takes up 5 spaces.
18. The Board found that Mr. McCann testified that the Applicant is supposed to have 36 spaces but pays for 75 spaces and that the Applicant uses, on average, 20% of its spaces.
19. The Board found that Mr. McCann testified that it is rare to have more than 6 customers in the store at one time.
20. The Board found that Mr. McCann testified that the bar consists of 4,000 square feet and the Applicant has constant problems with the patrons of High Stakes.
21. The Board found that Mr. McCann testified that he tries not to tow cars but High Stakes has been a problem and he has complained to the landlord.
22. The Board found that Mr. McCann testified that the neighboring community is a development and another neighboring lot is being developed. Those neighboring communities use the same entrance as the Applicant.
23. The Board found that Mr. McCann testified that, in addition to the furniture store, the Applicant also has a U-Haul business and they typically have 3-5 U-Haul trucks on site at any one time.
24. The Board found that Mr. McCann testified that he is sympathetic to neighbor concerns about access and he is willing to meet with neighbors.
25. The Board found that Mr. McCann testified that the owner of High Stakes painted lines for parking spaces in the easement area but they were later covered up.
26. The Board found that Mr. McCann testified that there were 12 U-Haul trucks on the site in May as there is a lot of U-Haul business during Memorial Day weekend.
27. The Board found that Mr. McCann testified that the U-Haul business was not considered at the last hearing.
28. The Board found that Mr. McCann testified that the trucks project off the Property.
29. The Board found that Ms. Massey testified that the U-Haul business could be suspended during the tent sales to allow for additional customer parking
30. The Board found that Mr. McCann testified that the tent measures 40 feet by 60 feet.
31. The Board found that Mr. McCann testified that the Memorial Day sale lasts 6-7 days and the Labor Day event is longer.
32. The Board found that Mr. McCann testified that the Applicant also uses space for furniture.
33. The Board found that Mr. McCann testified that he received lots of complaints but there were no safety issues. He noted that 3 cars blocked a fire hydrant but were removed. He claimed that he experienced no issues with access and he polices the site.
34. The Board found that Jeffrey Geiges and Eunice Carpitella were sworn in to give testimony in opposition to the Application. Ms. Veronica Faust, Esq., appeared on behalf of the opposition.
35. The Board found that Ms. Faust stated that there is a 24 unit condominium to the rear of the site, which is where Mr. Geiges and Ms. Carpitella live, and there is an 8 unit condominium under construction adjacent to the site as well. She noted that both communities use the same entrance as the Applicant and that the entrance is the only access for those communities.

36. The Board found that Mr. Geiges reviewed and described pictures of cars parking in the easement area and blocking the fire hydrant.
37. The Board found that Mr. Geiges testified that the concern for Lighthouse View residents is that the tent sale creates considerable safety concerns for the neighbors.
38. The Board found that Mr. Geiges testified that the furniture and tent occupy more than 6 spaces and there are only 14 spaces in the tent area.
39. The Board found that Mr. Geiges testified that the addition of the U-Haul trucks creates further safety concerns and there are usually 8 U-Haul trucks parked on the site and some are parked in the easement area.
40. The Board found that Mr. Geiges testified that only one type of U-Haul truck can fit in the normal parking space.
41. The Board found that Mr. Geiges testified that one car parked and blocked egress entirely and that cars park in the easement area when there is no tent.
42. The Board found that Mr. Geiges testified that there were no issues with parking when the Property was used for a Walgreens.
43. The Board found that Mr. Geiges testified that the tent and U-Haul business affect access.
44. The Board found that Mr. Geiges testified that the area is heavily congested and that children walk in that area.
45. The Board found that Mr. Geiges testified that people were blocked from gaining access to their homes and from leaving their home.
46. The Board found that Mr. Geiges testified that he had to ask people to move so they could get their car out.
47. The Board found that Mr. Geiges testified that, in addition to the six parking spaces taken by the tent, the Applicant also has some parking spaces taken when displaying furniture outside the tent.
48. The Board found that Mr. Geiges testified that he believes it will be impossible to get out of his community with the new development, the tent, and the U-Haul business.
49. The Board found that Ms. Carpitella testified that they are also competing with the construction on the nearby lands and that has led to creative parking and the tent aggravates traffic in the area as well.
50. The Board found that Ms. Carpitella testified that, when the permit for the tent was granted, none of them could foresee the addition of the U-Haul trucks and the violations that have occurred.
51. The Board found that Mr. McCann testified that the Applicant left the tent up longer than allowed previously because it was cheaper to take it down later. The tent was up 12 days for Memorial Day and 19 days for Labor Day – including set up and tear down.
52. The Board found that Mr. McCann testified that the Applicant makes money on the U-Haul rentals but he is willing to suspend the U-Haul operation during the tent sale.
53. The Board found that Mr. McCann testified that they put furniture outside to entice passers-by to come to the sale and it is a necessary part of the sale and the outside furniture takes up 8 spaces.
54. The Board found that Mr. McCann testified that it is not often that more than 3 cars back up trying to turn.
55. The Board found that no one appeared in support of and three parties appeared in opposition to the Application.
56. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application failed to meet the standards for granting a special use exception because the proposed use will substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to deny the Application.

- a. The Board notes that the record for this application differs from the record presented with the prior application and that the opposition has presented credible and persuasive evidence that the tent substantially adversely affects the uses of neighboring and adjacent properties.
- b. There was clear and undisputed evidence that parking is a problem on the Property and in the surrounding area yet the Applicant proposes to place its tent to occupy parking spaces adjacent to its store. The Applicant also proposes to place furniture outside the tent to better market the store. The furniture will also occupy additional spaces. According to the Applicant, the Applicant has more parking spaces than it needs and the use of these spaces will allow the Applicant to sell more furniture. That being said, the Applicant clearly admits that there is a parking problem on the site. This parking problem is confirmed by the testimony and evidence presented by the opposition. The Applicant accuses its neighbor (High Stakes) of using most of the parking spaces. Whether this is true or not, the record is clear that patrons and employees of the businesses located on the Property often fill the parking lot and spill over onto neighboring lands.<sup>1</sup> Accordingly, the effective reduction of the parking spaces due to the occupation of the tent and furniture only exacerbates this clear parking problem on the site. Opposition presented clear evidence of cars parked on the drive aisle to their community. One neighbor even testified that he had to track down the owner of a car which blocked the entrance. There was also evidence of cars blocking the fire hydrant and access to the neighboring condominium community. This problem persists and presents many safety and access concerns. If cars are parked in the drive aisle, it is unclear how an emergency vehicle could adequately access the neighboring condominiums. As this drive aisle is the only access for that community, it is imperative that the drive aisle be clear. The Board also notes that a new condominium project is under construction and that development will also use the same drive aisle. The additional development further underscores the need to keep the drive aisle clear. Notably, the site plan indicates that the drive aisle is not on the Applicant's property though the entrance to Route 54, which is apparently shared by the Applicant and the neighboring developments, is part of the Property. Despite the fact that the drive aisle is not part of the Property, the opposition, however, presented photographs and testimony that patrons of the businesses on the Property actually park off-site and onto the drive aisle. Someone even painted parking lines in the drive aisle to allow patrons or employees of the businesses on the Property to park.
- c. Additionally, the parking problem exists even at times when the tent is not in place so the effective removal of usable parking spaces - particularly during busy holiday weekends – greatly worsens this problem.
- d. The Applicant argues that the tent will not create parking problems but the evidence presented by the opposition clearly indicates otherwise. The parking problems lead cars to park off-site and to block neighbors' access to their homes. This lack of a reasonable and safe access is a clear substantial adverse effect on neighboring and adjacent properties. Frankly, it is difficult to imagine a more substantial adverse effect than the actual blocking of a neighbor's sole access to its property.
- e. The Board also has concerns about the Applicant's credibility. The Board previously granted approval in 2018 for the tent but restricted the Applicant's

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<sup>1</sup> The opposition argued that the parking problems did not exist until the tent sales started and that there were no parking problems when Walgreens occupied the site – even when High Stakes was in business at the same time.

use of the tent to 16 days to be split evenly between Memorial Day and Labor Day. This time period included time for set-up and tear-down. The Applicant, however, admitted to using the tent for 31 days; nearly double the allotted time.

- f. The Board also notes that, since the prior application, the Applicant has initiated a U-Haul business which has led to occupation of even more parking spaces on the site. The Applicant argued that the U-Haul business was minimal but, based on the evidence presented by the opposition, the U-Haul business appears more substantial than previously let on. The number of spaces occupied by the U-Haul trucks and the projection of the U-Haul trucks onto the drive aisle are clear. The Applicant even admitted that its truck project outside the parking area. While the Applicant has offered to suspend the U-Haul business during the period of the tent sale, the Board is troubled by the Applicant's use of that business and occupation of the parking spaces at all. During the hearing of the prior special use exception application, concerns were raised about parking yet the Applicant's subsequent actions demonstrate a clear disregard for the access issues complained of by its neighbors. Rather than work to minimize the parking problems, the Applicant exacerbated them by taking even more parking spaces. Though the use of the U-Hauls is not determinative on the Board's finding that the tent will substantially affect adversely the uses of neighboring and adjacent properties, the Board notes that it is troubled by the Applicant's actions to limit available parking spaces.
- g. It is clear to the Board that the proposed special use exception application would substantially affect adversely the uses of neighboring and adjacent properties.

The Board denied the special use exception application because the application failed to meet the standards for granting a special use exception.

#### Decision of the Board

Upon motion duly made and seconded, the special use exception application was denied. The Board Members in favor of the motion to deny were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to deny the special use exception application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Ellen M. Magee  
Chair

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

Date March 17, 2020.

**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 # 12924  
 Hearing Date 4/8/2024  
*Tentative*  
202402608

**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:**

19801 NORWOOD Street, Rehoboth, Delaware 19971

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

1. We are requesting the placement of a six foot fence around the entire perimeter property line within the set back,
2. The placement of a fence on Burton Avenue to retain our sidewalks, and parking spaces on NORWOOD Street,

Tax Map #: 334-1319-61-00 Property Zoning: GR

**Applicant Information**

Applicant Name: West Side New Beginnings, Inc.  
 Applicant Address: 19801 NORWOOD Street  
 City Rehoboth State DE Zip: 19971  
 Applicant Phone #: 302-528-2265 Applicant e-mail: Diaz122455@aol.com

**Owner Information**

Owner Name: West Side New Beginnings, Inc.  
 Owner Address: 19801 NORWOOD Street  
 City Rehoboth State DE Zip: 19971 Purchase Date: \_\_\_\_\_  
 Owner Phone #: 302-227-5442 Owner e-mail: Diaz122455@aol.com

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

Liang J. Banville

Date: 2-26-24



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

The uniqueness of the property is the size of the property. Now we can park ten vehicles. If not granted we would lose additional spaces which to operate our services and programs to the community.

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 reason for the variance is as it stands now, we would lose three parking spaces which we are limited now with parking. Also the fence would be too close to the sidewalk and entrance to the building.

3. Not created by the applicant:

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

This will be an improvement to the property, especially safety concerns and issues.

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.

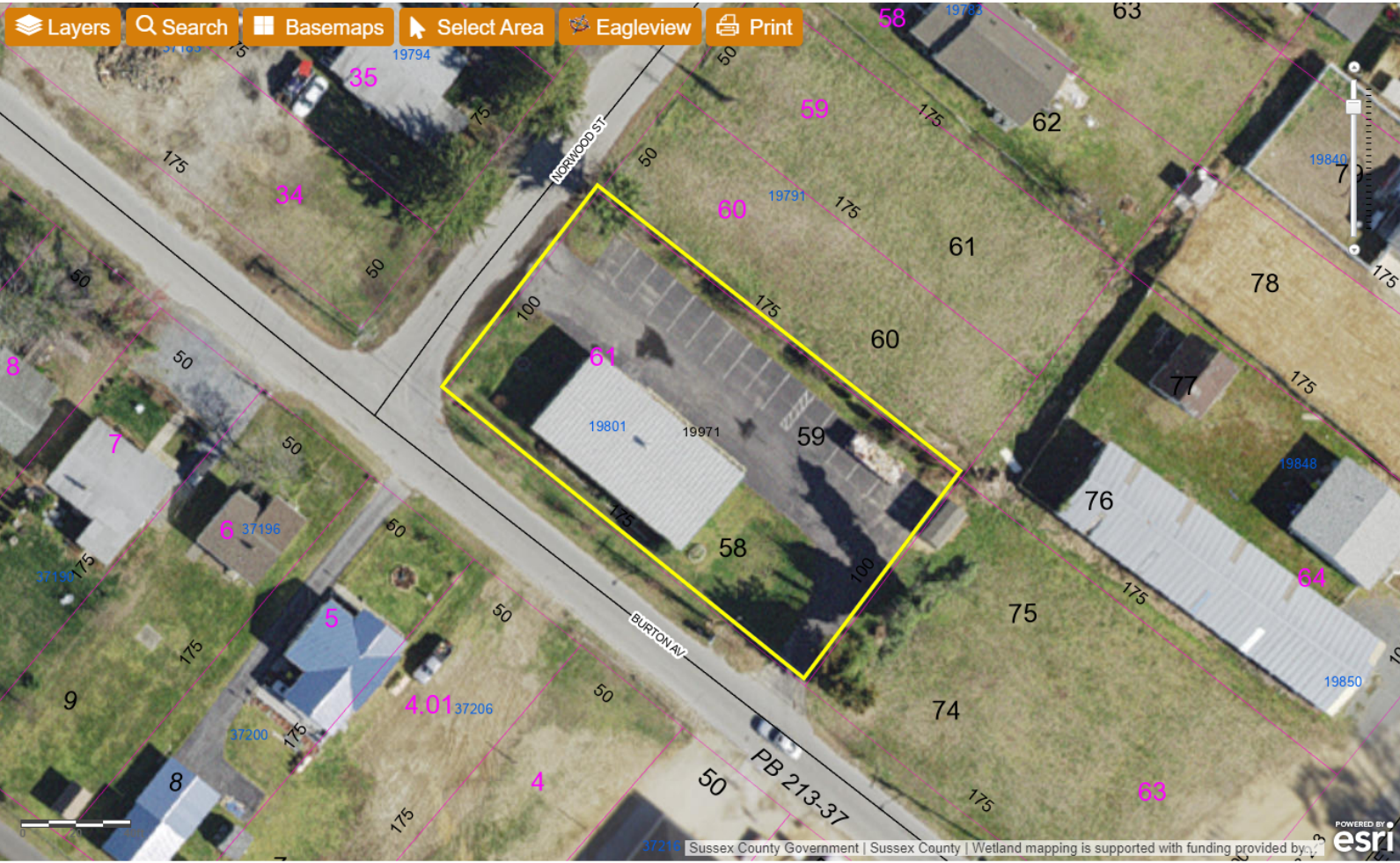
The fence will be an improvement to the neighborhood as well as safety for the children who attend the after school and summer enrichment programs. There are other neighborhood homes who have fences.

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 are requesting the minimum variance that will allow us to install a much needed fence and retain the much needed parking spaces that we would lose without this variance.

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

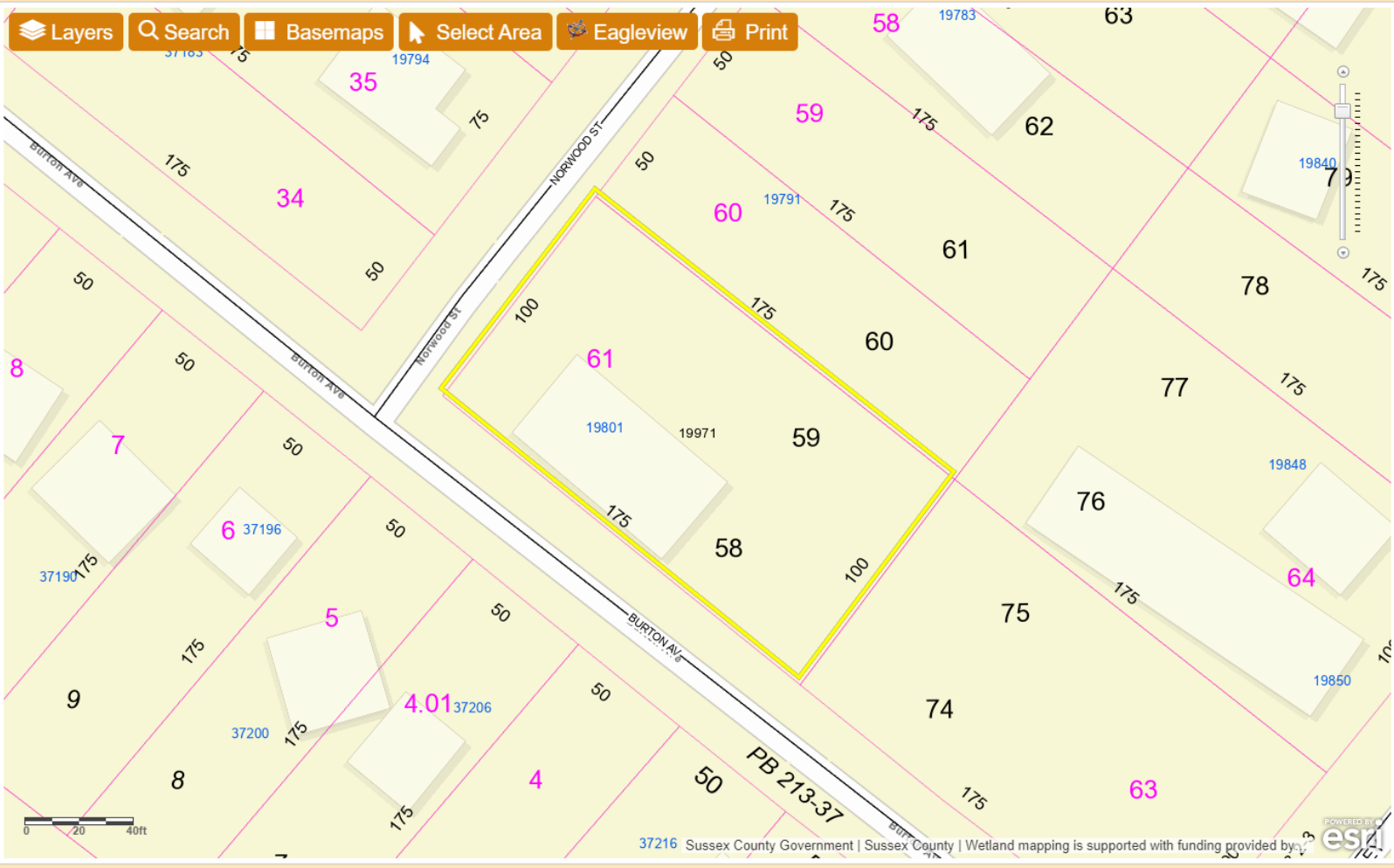
Selected Features: Parcels (1)

▼ 1) 334-13.19-61.00		<b>Zoom</b>
BOOK	1983	
PAGE	228	
FULLNAME	WEST SIDE NEW BEGINNINGS INC	
Second_Owner_Name		
MAILINGADDRESS	19801 NORWOOD STREET	
CITY	REHOBOTH BEACH	
STATE	DE	
a_account	10-14-061	
DESCRIPTION	SE/NORWOOD ST	
DESCRIPTION2	BURTON AVE LOT 58	
DESCRIPTION3	59	
LUC	999	
SCHOOL		
MUNI	00	
CAP	0	
APRBLDG	26400	
APRLAND	6400	
PINWASSEMENTUNIT	334-13.19-61.00	
PIN	334-13.19-61.00	

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

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1) 334-13.19-61.00 Zoom

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SCHOOL	
MUNI	00
CAP	0
APRBLDG	26400
APRLAND	6400
PINWASSEMENTUNIT	334-13.19-61.00
PIN	334-13.19-61.00

Selected Features (1)

Clear Selected





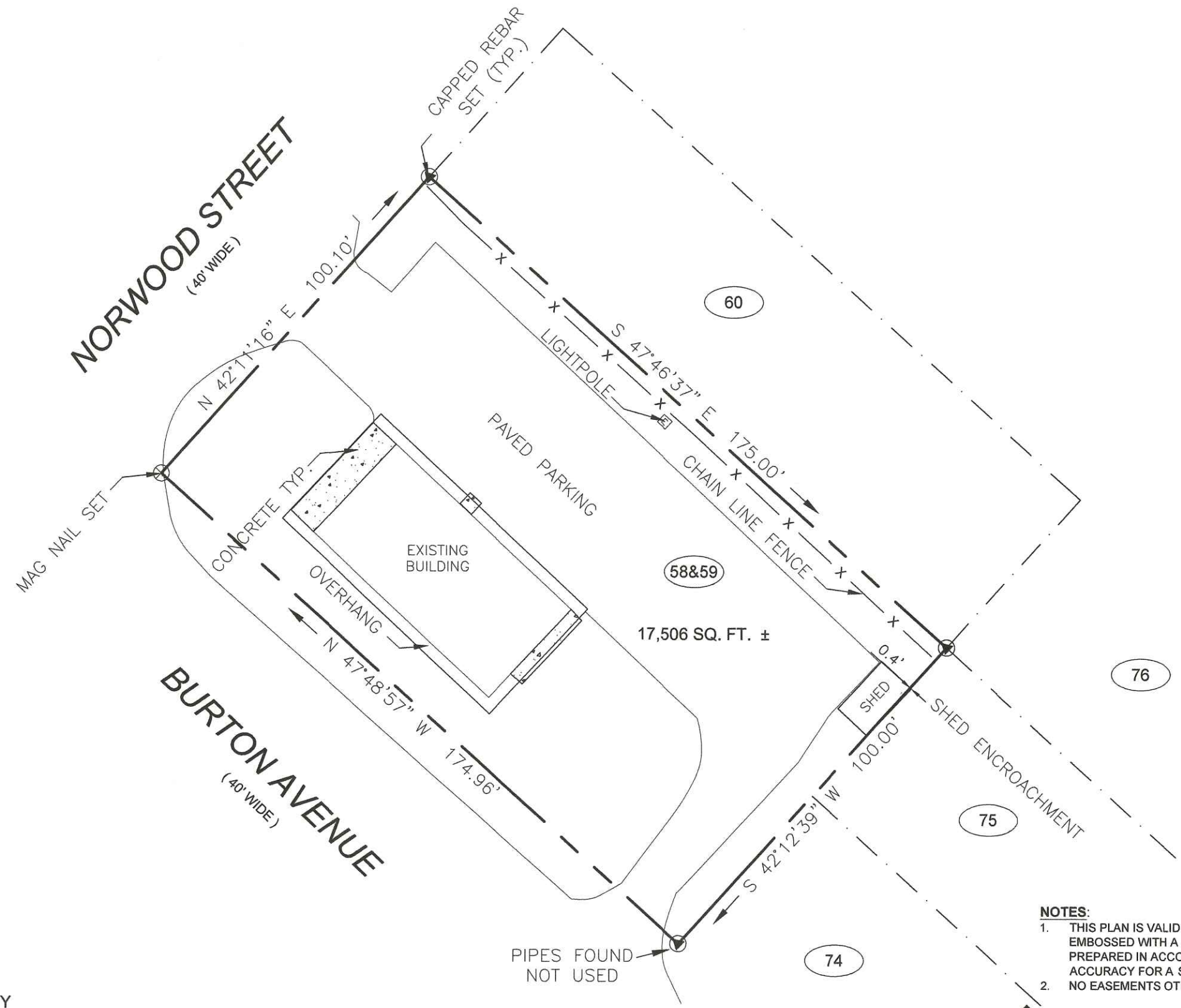
Search [X]

Search by SUSSEXPARELS ▾

334-13.19-61.00 [Q]

Search results (1) Options ▾

- 334-13.19-61.00



**BOUNDARY SURVEY PLAN**

PREPARED FOR:  
WEST SIDE NEW BEGINNINGS  
FOR PROPERTY KNOWN AS:  
LOTS 58 & 59 \* CHARLES W. MILLS

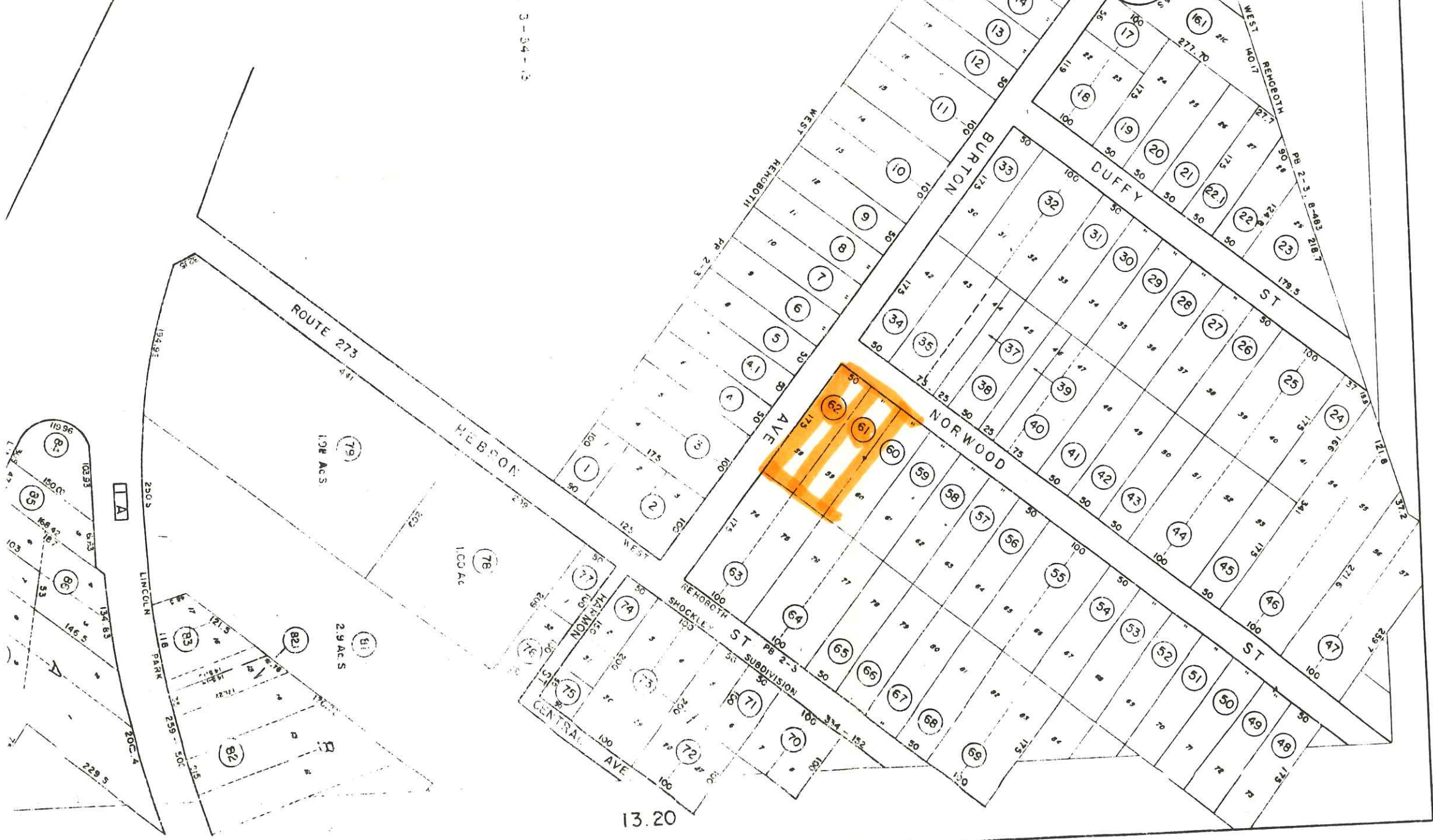
ALSO KNOWN AS:  
19801 NORWOOD STREET  
SITUATE IN:  
LEWES & REHOBOTH HUNDRED \* SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE: 1"= 30'  
DATE: 21 MARCH 2024

*[Signature]*  
PROFESSIONAL LAND SURVEYOR

4/23/2024  
DATE

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

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



3-34-13

13.20

## ORDINANCE NO. 961

WITH STIPULATION

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PRIVATE CLUB/COMMUNITY ACTIVITY CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 17,500 SQUARE FEET, MORE OR LESS

WHEREAS, on the 8th day of February, 1994, a conditional use application, denominated C/U #1070, was filed on behalf of West Side New Beginnings, Inc.; and

WHEREAS, on the 24th day of March, 1994, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #1070 be approved; and

WHEREAS, on the 12th day of April, 1994, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of C/U #1070 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the southeast corner of the intersection of

BEGINNING at the corner of the intersection of Norwood Street and Burton Avenue, thence along Norwood Street north 38°52'00" east 100 feet to a corner for these lands and Lot 60, thence along Lot 60, south 51°08'00" east, 175 feet to a corner for these lands and lots 76 and 75, thence south 38°52'00" west to a point on Burton Avenue, thence along Burton Avenue north 51°08'00" west 100 feet to said place of beginning, said parcel to contain 17,500 square feet of land more or less, as surveyed by Jay Wingate, dated January 31, 1994.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following stipulation:

1. The site plan is subject to review and approval by the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 961 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 12TH DAY OF APRIL, 1994.

  
 Robin A. Griffith  
 Clerk of the County Council

The Council found that the Conditional Use was appropriate legislative action based upon the following findings of fact:

1. The Council found that the Conditional Use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated here.

Introduced 2/15/94

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PRIVATE CLUB/COMMUNITY ACTIVITY CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 17,500 SQUARE FEET, MORE OR LESS

WHEREAS, on the 8th day of February, 1994, a conditional use application, denominated C/U #1070, was filed on behalf of West Side New Beginnings, Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 1994, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #1070 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 1994, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

**COUNTY PLANNING & ZONING COMMISSION  
OF SUSSEX COUNTY  
GEORGETOWN, DELAWARE 19947**

Phone (302) 855-7878

JOHN L. ALLEN, *Chairman*  
MILFORD

DONALD T. RALPH, *Vice-Chairman*  
LAUREL

LAWRENCE B. LANK  
DIRECTOR



JAMES C. PHILLIPS  
GEORGETOWN

MARGARET T. MONACO  
SEAFORD

DANIEL W. MAGEE  
SELBYVILLE

1. SUSSEX COUNTY APPLICATION CU # 1070
2. LOCATION WITH SITE MAP Southeast corner of intersection of Norwood Street and Burton Avenue in West Rehoboth
3. ACREAGE 17,500 sq. ft.
4. PRESENT ZONING GR General Residential
5. PROPOSED ZONING Conditional Use
6. PROPERTY OWNERS West Side New Beginnings, Inc.  
% James Fuqua, PO Box 250, Georgetown, DE 19947
7. PRESENT USE OF PROPERTY Residential
8. PROPOSED USE OF PROPERTY Private Club (Community Activity Center)
9. SANITARY SUPPLY On Site
10. WATER SUPPLY On Site



COUNTY PLANNING & ZONING COMMISSION  
OF SUSSEX COUNTY  
GEORGETOWN, DELAWARE 19947

Phone (302) 855-7878

JOHN L. ALLEN, Chairman  
MILFORD

DONALD T. RALPH, Vice-Chairman  
LAUREL

LAWRENCE B. LANK  
DIRECTOR



HUGH P. SMITH  
GEORGETOWN

MARGARET T. MONACO  
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SELBYVILLE

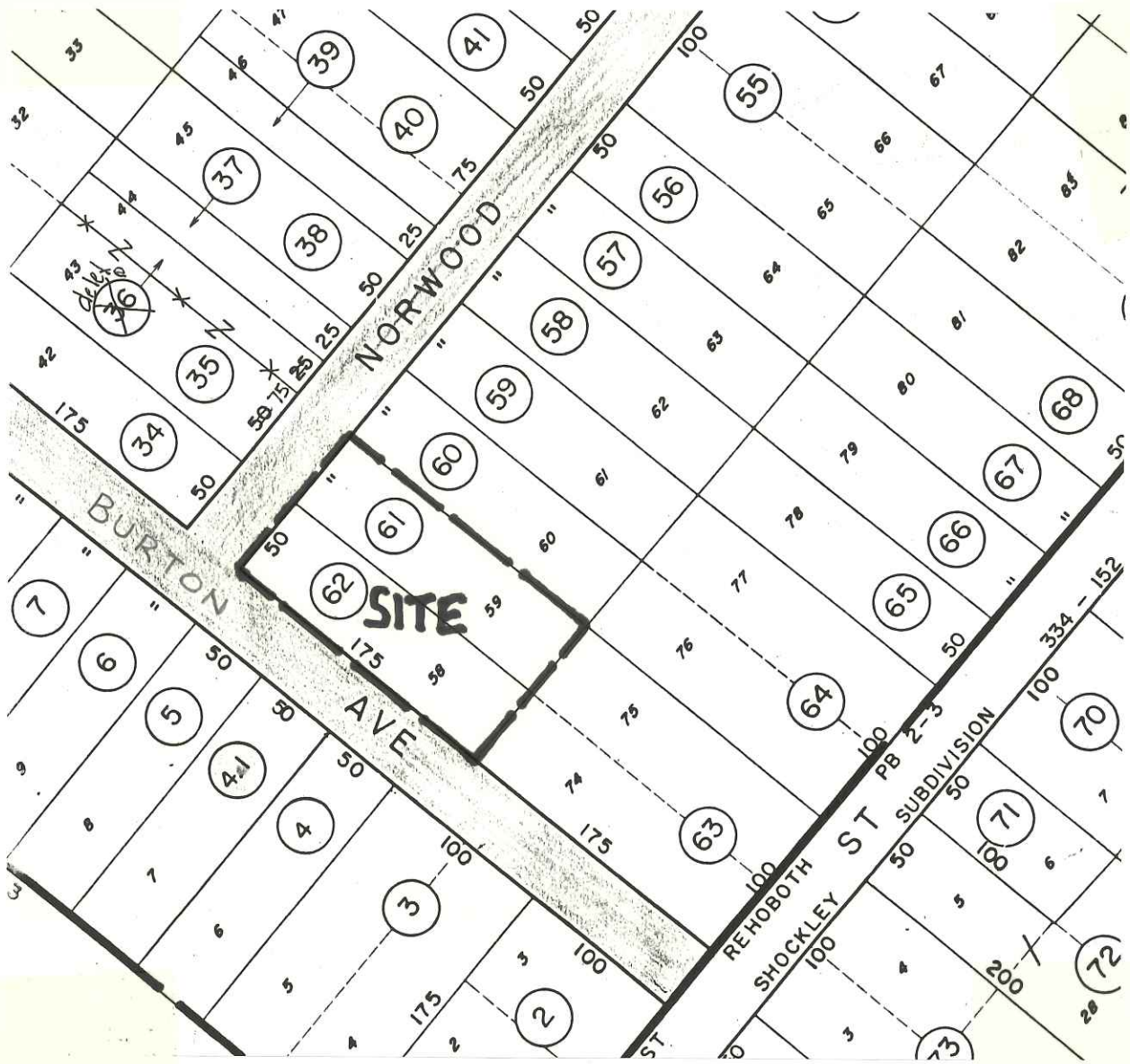
APPLICATION # CU # 1070 APPLICANT WEST SIDE NEW BEGINNINGS, INC.

EXISTING ZONING GR GENERAL RESIDENTIAL PROPOSED ZONING CONDITIONAL USE

LOCATION SOUTHEAST CORNER OF INTERSECTION OF NORWOOD STREET AND BURTON AVENUE IN WEST REHOBOTH PROPOSED USE PRIVATE CLUB (COMMUNITY ACTIVITY CENTER)

HUNDRED LEWES & REHOBOTH TAX MAP # 3-34-13.19-61 and 62

COMMISSION MEMBER MR. MAGEE LAND USE PLAN COASTAL SUSSEX DEVELOPMENT DISTRICT



new file

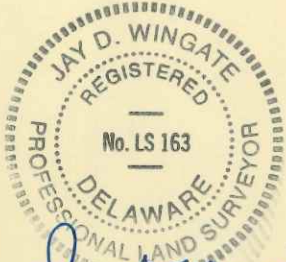
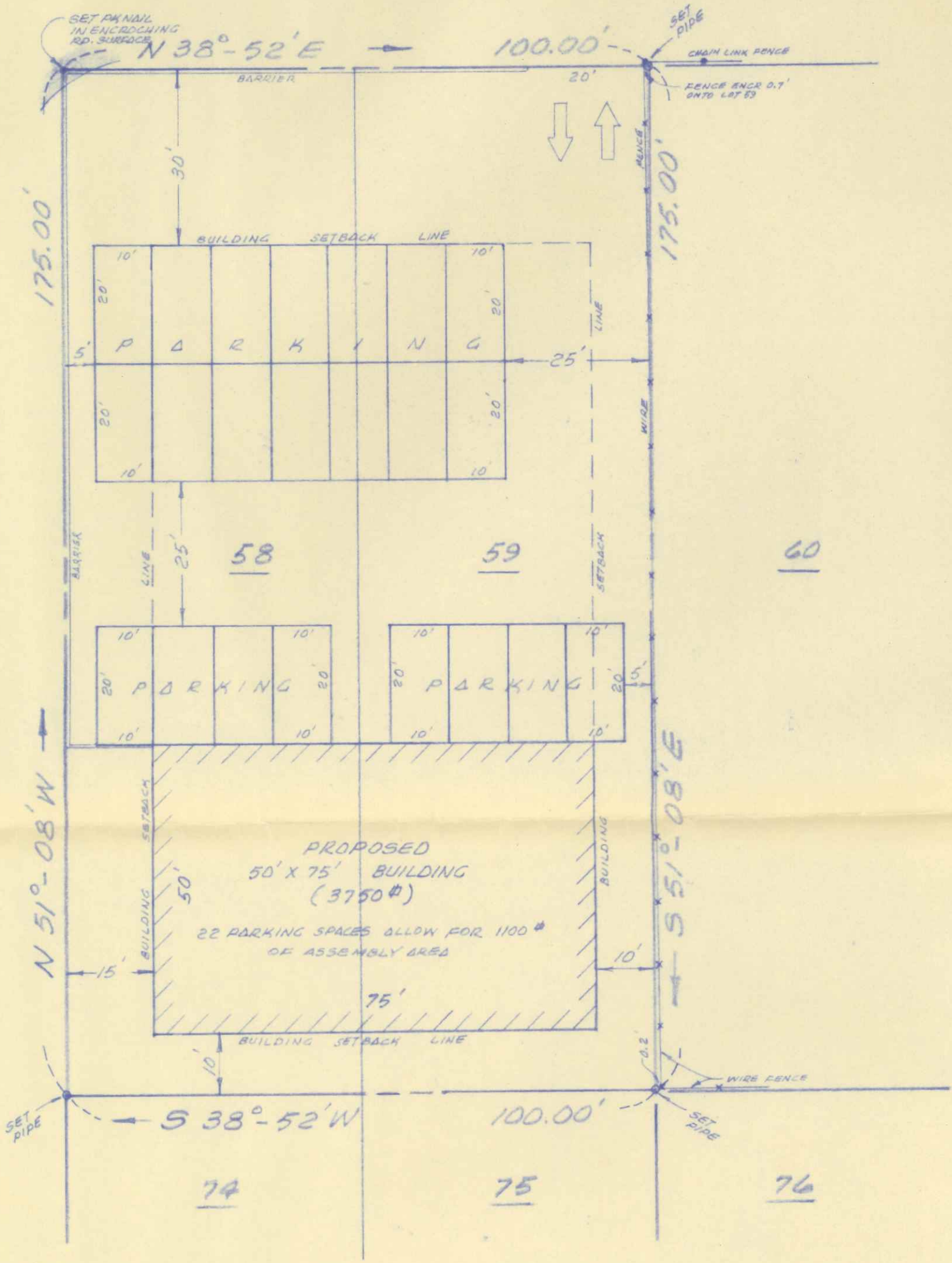
zoning

CONTRACT OF PURCHASE AND SALE

- 1) SELLERS: Idell Brinson and M. Florence Brinson, c/o Barbara Cherrix O'Leary, 413 Rehoboth Avenue, Rehoboth, DE 19971 (302) 227-3808.
- 2) PURCHASER: West Side New Beginnings, Inc. ("WSNB"), by John Pumphrey, Jr., President, Mamie Harris, Treasurer, or assigns.
- 3) DESCRIPTION: Fee simple interest in those unimproved Lots 58 & 59 being 100' on Norwood Street and 175' on Burton Avenue, West Rehoboth, Lewes and Rehoboth Hundred, Sussex County, DE, said property further identified as Tax Parcels #61 & 62, Map 13.19, District 3-34.
- 4) PURCHASE PRICE:
  - SIXTEEN THOUSAND DOLLARS . . . . . (\$ ~~16,000.00~~)
  - of which ONE THOUSAND DOLLARS . . . . . (\$ 1,000.00)
  - as deposit money paid to BARBARA CHERRIX O'LEARY
  - CASH BALANCE AT SETTLEMENT
  - FIFTEEN THOUSAND DOLLARS . . . . . (~~15,000.00~~)
- 5) SETTLEMENT: Final settlement shall be completed within 90 (Ninety) days of effective date hereof, or before, if mutually agreed upon, at which time possession shall be given. It is expressly understood and agreed that if a longer time is necessary to secure a survey, or to prepare the necessary legal and financial settlement documents, then the date of settlement shall be extended for a reasonable time to effect these conditions.
- 6) TRANSFER TAX AND COSTS: All transfer taxes are to be equally divided between Sellers and Purchaser. Sellers shall pay for the Deed preparation. Purchaser shall pay all other settlement charges and lending costs, including survey and points.
- 7) FORFEITURES: Should Purchaser fail to make payments and/or settlement as specified above, knowingly furnish false or incomplete information to Sellers, violate or fail to perform any of the terms or conditions of the Contract, then Sellers shall have the right and option to declare this Contract null and void and to retain any deposit money as liquidated damages for such default by Purchaser.
- 8) PRORATIONS: Taxes, special assessments, water, sewer and other public charges and other fixed charges are to be prorated as of the date of settlement.

BURTON AVENUE (40' R/W)

NORWOOD STREET (40' R/W)



Jay D. Wingate

PROPERTY SURVEY & SITE PLAN  
 PROPOSED COMMUNITY CENTER  
 PREPARED FOR  
 WEST SIDE NEW BEGINNINGS  
 LOTS #58 & #59 WEST REHOBOTH,  
 LEWES & REHOBOTH HUNDRED,  
 SUSSEX COUNTY, DELAWARE

WINGATE & ESCHENBACH, REG. SURV.  
 REHOBOTH BEACH, DEL.

SCALE: 1" = 20' 31 JAN. 1994

Sussex County  
Engineering Department

Robert W. Wood, P.E.  
Sussex County Engineer



COURTHOUSE ANNEX  
P.O. BOX 589  
GEORGETOWN, DELAWARE 19947

PHONES

Engineering Dept.	302-855-7718
Planning & Permits Div.	302-855-7719
Public Works Div.	302-855-7703
Utility Construction Div.	302-855-7717
Operations & Maintenance Div.	302-855-7730

Fax: 302-855-7799

MEMORANDUM:

TO: Lawrence Lank  
Director of Planning and Zoning

FROM: Russell W. Archut  
Director of Planning and Permits

REF: PROPOSED WEST REHOBOTH EXPANSION OF THE  
DEWEY BEACH SANITARY SEWER DISTRICT  
CONDITIONAL USE NO. 1070  
FILE WR-1.03

DATE: March 14, 1994

The Sussex County Engineering Department has reviewed the above referenced conditional use (C/U) located on the southeast corner of the intersection of Norwood Street and Burton Avenue. The proposed use is for a Private Club/Community Activity Center and is located on a parcel containing 17,500 square feet more or less.

The proposed C/U is located in Phase I of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The Sussex County Engineering Department anticipates sewer service to be available by September 1995. Sussex County will accept holding tank wastewater at the Inland Bays or South Coastal Regional Wastewater Facilities in the interim.

The property owners should be aware that no capitalization fees will be required, if the project is tax exempt.

If you should need further information, please feel free to contact me.

RWA/jed

xc: Mr. Robert W. Wood, P.E.  
Mr. Rob Davis  
Mr. Anthony DiGiuseppe

RECEIVED

MAR 17 1994

PLANNING & ZONING  
COMM. OF SUSSEX COUNTY

Sussex Countian

March 30, 1994

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Sussex County Planning and Zoning Commission made the following recommendations at their regular meeting of March 24, 1994:

1. C/U #1069--application of RONALD B. PEVEY AND LINDA TOWER PEVEY to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Seaford Hundred for a Private Aircraft Landing Strip lying on the east side of Route 550, 0.3 mile north of Route 80 to be located on a parcel containing 70.60 acres more or less.  
ACTION DEFERRED.
2. C/U #1070--application of WEST SIDE NEW BEGINNINGS, INC. to consider the Conditional Use of land in a GR General Residential District in Lewes and Rehoboth Hundred for a Private Club/Community Activity Center lying on the southeast corner of the intersection of Norwood Street and Burton Avenue in the West Rehoboth Development to be located on a parcel containing 17,500 square feet more or less.  
RECOMMENDED APPROVAL.
3. C/U #1071--application of PRETTYMAN BROADCASTING CO. to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for a Radio Station and Broadcast Studio lying on the northwest corner of Route 17 and Route 371 to be located on a parcel containing 4.10 acres more or less.  
RECOMMENDED APPROVAL.
4. C/Z #1223--application of DANIEL W. AND ELLEN M. MAGEE to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Baltimore Hundred, located on the north side of Route 382, 1,490 feet east of Route 388, to be located on a parcel containing 2.14 acres more or less.  
CONTINUED.
5. C/Z #1223--application of EVERETT J. KIMMEY to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broadkill Hundred, located on the south side of Route 9, 1,200 feet east of Route 262, to be located on a parcel containing 3.29 acres more or less.  
RECOMMENDED APPROVAL.

Commission Action  
March 24, 1994  
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OLD BUSINESS

1. C/Z #1220--application of ARNELL LANDING DEVELOPMENT CORP. to amend the zoning map from AR-1-RPC Agricultural Residential - Residential Planned Community to MR-RPC Medium Density Residential -Residential Planned Community in Lewes and Rehoboth Hundred, located on the west side of Route 274, 1.5 miles south of Route One, to be located on a parcel containing 90.01 acres more or less.  
RECOMMENDED APPROVAL WITH STIPULATIONS.
  
2. Subdiv. #93-10--application of BYARD B. LAYTON to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Little Creek Hundred by dividing 32.98 acres into 27 lots, located on the north side of Route 496, 0.31 mile west of Route 493.  
APPROVED AS A PRELIMINARY.

Please post one (1) time and send bill, clipping, and affidavit to:  
Planning & Zoning  
PO Box 417  
Georgetown, DE 19947