

BOARD OF ADJUSTMENT

DR. LAUREN A. HITCHENS
NATHAN KINGREE
SHAWN LOVENGUTH
CHUCK McCLURE
JOHN WILLIAMSON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878

AGENDA

April 27, 2026

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Hearings

Case No. 13180 – Joseph Rushton

seeks variances from the separation requirements for proposed structures and the maximum lot coverage in a mobile home park (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the west side of Harbor Road. 911 Address: 5 Harbor Road, Millsboro. Zoning District: AR-1. Tax Map: 234-25.00-6.00.

Case No. 13183 – Bigger Fish, LLC

seeks variances from the front and side yard setback requirements for proposed structures (Section 115-82, 115-183 and 115-182 of the Sussex County Zoning Code). The property is located on the southwest side of Coastal Highway (S.C.R. 1). 911 Address: 20312 Coastal Highway, Rehoboth Beach. Zoning District: C-1. Tax Map: 334-19.00-159.00.

Case No. 13184 – Paul & Mary Lou Douglas

seeks variances from the side yard setback requirement for proposed structures (Section 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the northeast side of Laws Point Road. 911 Address: 37030 Laws Point Road, Selbyville. Zoning District: GR. Tax Map: 533-12.16-279.00.

Case No. 13185 – 14706 Coastal Highway, LLC

seeks variances from the landscape buffer requirement in the Combined Highway Corridor Overlay Zone (CHCOZ) and from the front yard setback requirement for a proposed structure (Sections 115-82, 115-194.1, and 115-182 of the Sussex County Zoning Code). The property is located on the southwest side of Coastal Highway. 911 Address: 14706 Coastal Highway, Milton. Zoning District: C-1. Tax Map: 235-16.00-76.00.

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on Monday, April 20, 2026, 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/>.

Any person who intends to present a digital presentation or document, including PowerPoint files, for electronic display during County meetings shall submit said file(s) in advance, no later than one (1) business day before the respective public meeting. Files may be sent electronically to pandz@sussexcountyde.gov or delivered by hand to County Administration, located in the Sussex County Administrative Offices, 2 The Circle, in Georgetown. No external storage devices shall be permitted to connect to County equipment.

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

####

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 # 13180
Hearing Date 04-27-2026
202601893

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:
5 Harbor Road, Millsboro DE 19966; Lot # 14

Variance/Special Use Exception/Appeal Requested:
• Lot Coverage Percentage
• Separation distance from other structures

Tax Map #: 234-25.00-6.00 Property Zoning: AR-1

Applicant Information

Applicant Name: Joseph Rushton
Applicant Address: 107 Ridgewood Circle
City Downingtown State PA Zip: 19335
Applicant Phone #: (484) 832-3017 Applicant e-mail: jrushton01151989@gmail.com

Owner Information

Owner Name: Joseph Rushton
Owner Address: 107 Ridgewood Circle
City Downingtown State PA Zip: 19335 Purchase Date: _____
Owner Phone #: (484) 832-3017 Owner e-mail: jrushton01151989@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Joseph Rushton

Date: 2/14/26



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 lot is small and limiting due to its unique shape/dimension. No four sides are equal lengths. The lot dimension narrows as you move East towards Harbor Road side. Lot is located in a flood zone, which causes additional restrictions on placement of dwelling.

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 restrictive lot dimensions and neighboring structures placed disorderly, we have exhausted all options based on our needs and budget. We have viewed and tried numerous dwelling layouts, designs, and models to satisfy the setbacks and separations. The dwelling we have selected and proposed best fits our family's needs and falls within setback requirements.

3. Not created by the applicant:

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

The neighboring structures and their placement were not created by the applicant. The entire community has small lots with tightly placed dwellings/structures that do not satisfy separation requirements.

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 lot has been vacant for 5+ years and could be viewed as an eye soar currently. By adding the dwelling, we are improving the overall appearance, curb appeal, upkeep, groundskeeping of the lot and community.

5. Minimum variance:

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

Based on our family's needs and budget, we have attempted to meet all setback, separation, and maximum lot coverage code requirements. There were other dwellings that we initially selected; however, these options created several encroachments and setback issues. As a result, we had to increase and stretch our budget to the max in order to help reduce variance requests. The option we are proposing meets the minimum and least modification possible.

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.

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

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

Check List for Applications

The following shall be submitted with the application

- Completed Application
- Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- Provide a Site Plan or survey of the property (Special Use Exception)
- Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- Copy of Receipt (staff)
- Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellants / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney

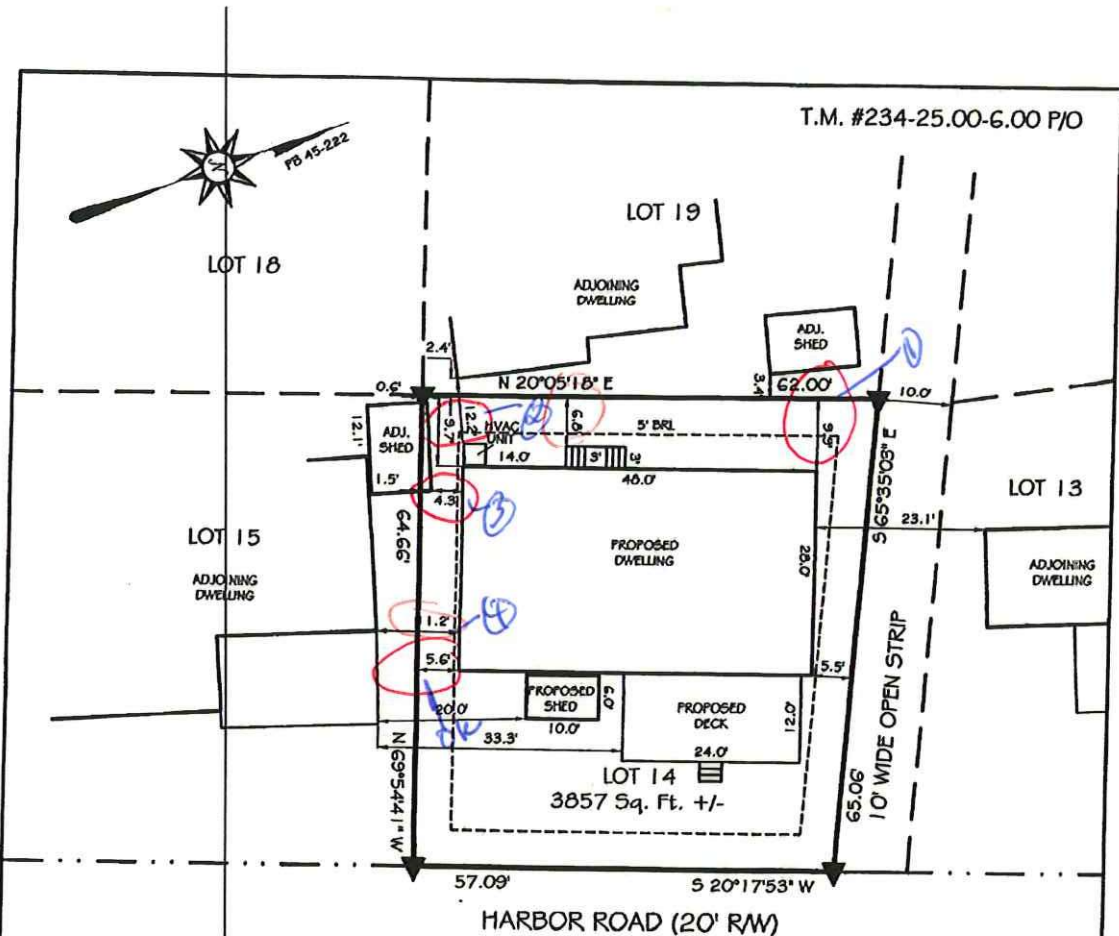


Date: 2/14/20

For office use only:

Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____



▼ RAILROAD SPIKE (SET)

SEE PLOT BOOK 45 PAGE 222 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

I, DONALD K. MILLER, 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.

Donald K. Miller
 DONALD K. MILLER PLS 407
 SURVEY CLASS: SUBURBAN
 DATE: 2/19/26

IMPERVIOUS AREA: 1,641 S.F. (42% COVER)
 BOUNDARY & CONCEPT PLAN FOR

OAKWOOD/RUSHTON
 5 HARBOR ROAD, MILLSBORO, DE 19966
 LOT 14 OF MALONE'S BAYSIDE MOBILE HOME PARK
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE
 SCALE 1" = 20' FEBRUARY 19, 2026

PREPARED BY:
MILIER LAND SURVEYING
LEWIS, INC.
 1560 MIDDLEFORD RD. SEAFORD, DE. 19973
 PH: 302-629-9895
 FAX: 302-629-2391

- ① 6.7' var from 20' ^{prop.} MH to Shed ①
- ② 7.8' var from House to MH ①
- ③ 15.7' var from MH to Street Lot 15
- ④ 8.8' var from MH to MH Lot 15
- ⑤ 7' var from 35% max lot coverage

Need distance from rear boundary
to MH on Lot 19

Need distance from MH to MH on
Lot 19

T.M. #234-25.00-6.00 P/O



LOT 18

LOT 19

ADJOINING DWELLING

ADJ. SHED

2.4' 0.6' 10.6' 12.1' 4.3' 3.4' 62.00' 10.0' N 20°05'18" E

LOT 15

ADJOINING DWELLING

ADJ. SHED

5' BRL

48.0'

PROPOSED DWELLING

28.0'

LOT 13

S 65°35'03" E

10' WIDE OPEN STRIP

LOT 14
3857 Sq. Ft. +/-

N 69°54'11" W

57.09' 5 20°17'53" W

HARBOR ROAD (20' RW)

BOUNDARY SURVEY & CONCEPT PLAN FOR

OAKWOOD/RUSHTON

5 HARBOR ROAD, MILLSBORO, DE 19966
LOT 14 OF MALONE'S BAYSIDE MOBILE HOME PARK
INDIAN RIVER HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 20' JANUARY 30, 2026

PREPARED BY:

PH: 302-629-9895
FAX: 302-629-2391

MILNER LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD.

SEAFOORD, DE. 19973

Sussex County Government
Treasury
2 The Circle, PO Box 601
Georgetown, DE 19947

02/20/2026 01:18PM Megan D.
Receipt number: 33031087-0022 001285573

PERMITS / INSPECTIONS
2026 202601893|2020 \$500.00

\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 0150

Change due \$0.00

Paid by: Joseph Rushton

JOSEPH RUSHTON KALEA LYNN RUSHTON 167 PINEWOOD DR DOVER DEW 19901 PA 19901		2/14/26	150
Sussex County		\$ 500.00	
Five Hundred			
[] Mark			
[] Signature Application			

Thank you for your payment.

CUSTOMER COPY

Eagleview Search Results [Parcels (48)]

Selected Features:
 ▶ 46) 234-25-00-6.00-PARK
 ▶ 47) 234-25.00-6.00-PARK

BOOK	5402
PAGE	208
FULLNAME	TORTELLA REALTY 3 LLC
Second_Owner_Name	
MAILINGADDRESS	32564 LONG NECK RD
CITY	MILLSBORO
STATE	DE
a_account	08-03-006-14
DESCRIPTION	MALONES MHP
DESCRIPTION2	N/LONG NECK RD
DESCRIPTION3	
LUC	612
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	3.0467e+006
APRLAND	611700
▶ 48) 234-25-00-6.00-PARK	

Selected Features (46-48 of 48)
 Clear Selected



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (48)

Zoom

► 46) 234-25.00-6.00-PARK Zoom

► 47) 234-25.00-6.00-PARK Zoom

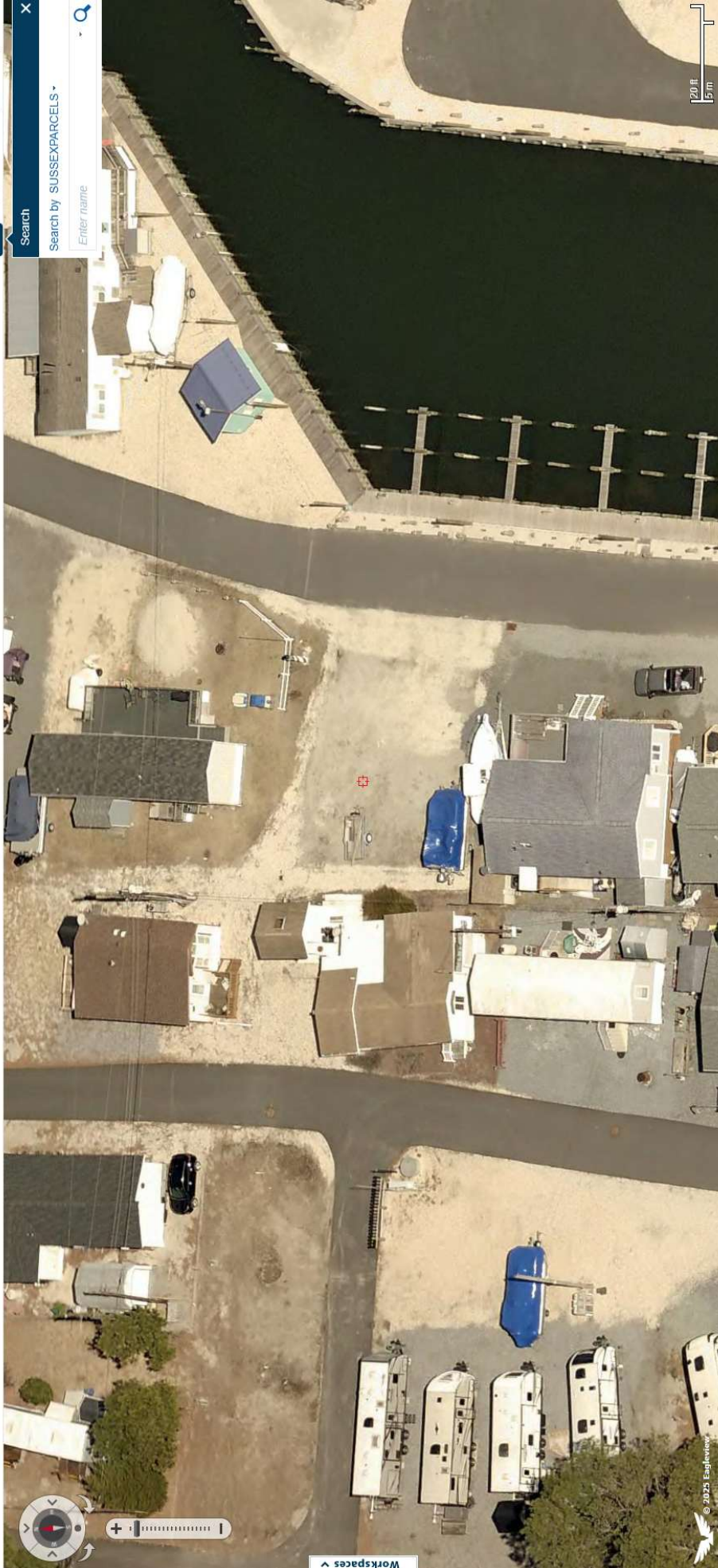
BOOK	5402
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FULLNAME	TORTELLA REALTY 3 LLC
Second_Owner_Name	
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CITY	MILLSBORO
STATE	DE
a_account	08-03-006-14
DESCRIPTION	MALONES MHP
DESCRIPTION2	N/LONG NECK RD
DESCRIPTION3	
LUC	612
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	3.0467e+006
APRLAND	611700

► 48) 234-25.00-6.00-PARK Zoom

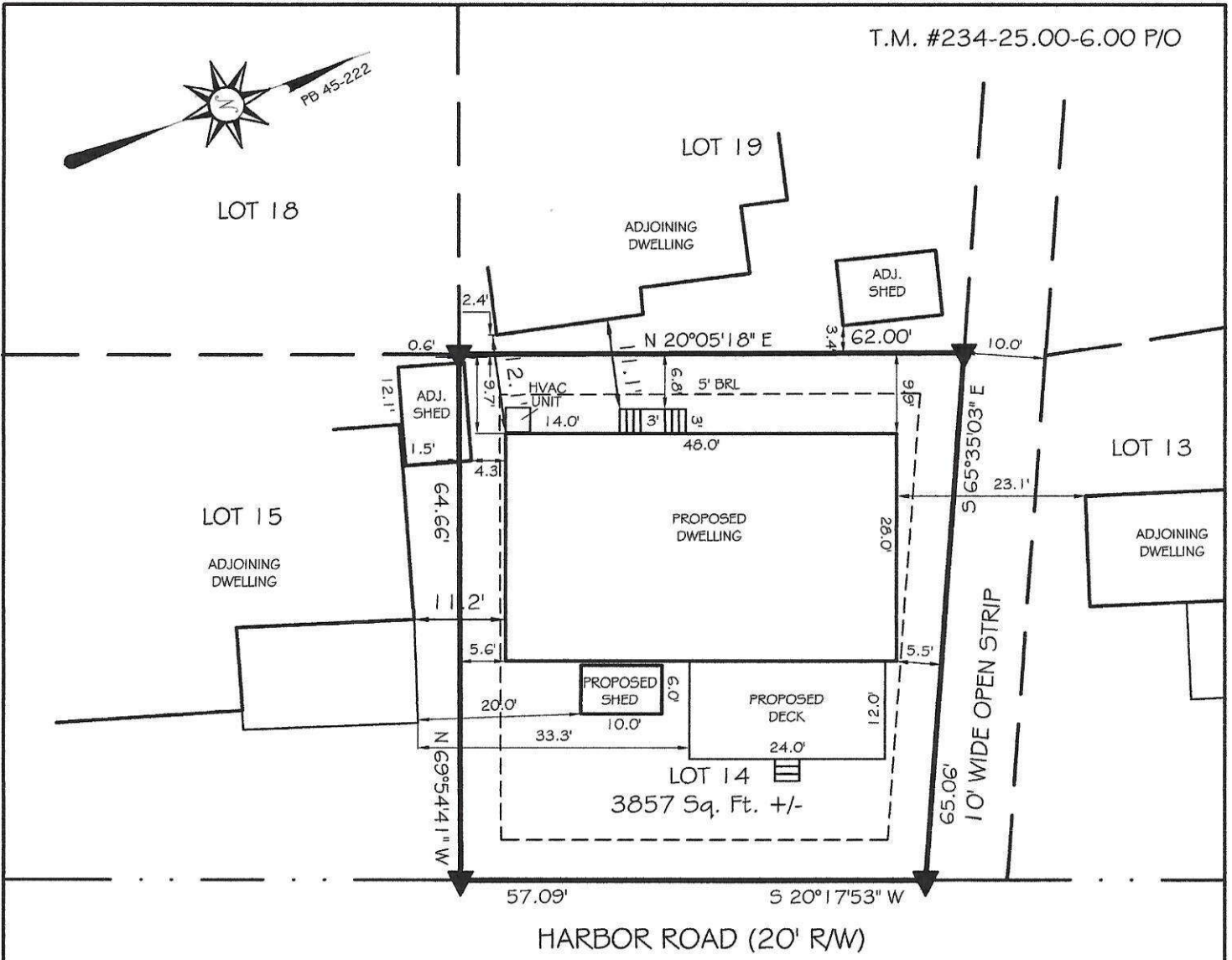
Selected Features (46 - 48 of 48)

Clear Selected

CONNECTEXPLORER



map: Auto (Oblique) ▶ Mar 2025 - Mar 2025 ▶ ◀ image 1 of 8 ▶ 03/10/2025



▼ RAILROAD SPIKE (SET)

SEE PLOT BOOK 45 PAGE 222 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

IMPERVIOUS AREA: 1,641 S.F. (42% COVER)

BOUNDARY & CONCEPT PLAN FOR

OAKWOOD/RUSHTON

5 HARBOR ROAD, MILLSBORO, DE 19966
 LOT 14 OF MALONE'S BAYSIDE MOBILE HOME PARK
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

SCALE 1" = 20' FEBRUARY 19, 2026

I, DONALD K. MILLER 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.

DONALD K. MILLER
 No. 07
 2/19/26
 DONALD K. MILLER PLS 407 DATE
 SURVEY CLASS: SUBURBAN

PREPARED BY: **MILLER LEWIS, INC.** LAND SURVEYING
 PH: 302-629-9895
 FAX: 302-629-2391
 1560 MIDDLEFORD RD. • SEAFORD, DE. 19973

RECEIVED

MAR 13 2026

SUSSEX COUNTY
PLANNING & ZONING

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

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

Case # 13183
Hearing Date 04-27-2026
202602962

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:

20312 Coastal Highway, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Variance to allow a 5ft side setback variance to encroach setback covering out door seating

Tax Map #: 334-19.00-159.00

Property Zoning: C1

Applicant Information

Applicant Name: Atlas Restuarant Group
Applicant Address: 1429 Aliceanna Street
City Baltimore State MD Zip: 21231
Applicant Phone #: (410) 927-3016 Applicant e-mail: egsmith31@gmail.com

Owner Information

Owner Name: Bigger Fish LLC
Owner Address: PO Box 501
City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____
Owner Phone #: _____ Owner e-mail: N/A

Agent/Attorney Information

Agent/Attorney Name: Brockstedt Mandalas Federico LLC c/o Glenn C. Mandalas, Esq.
Agent/Attorney Address: 1413 Savannah Road, Suite 1
City Lewes State DE Zip: 19958
Agent/Attorney Phone #: (302) 645-2262 Agent/Attorney e-mail: gmandalas@lawbmf.com

Signature of Owner/Agent/Attorney

[Handwritten Signature]

Date: 3/10/26



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

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

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

1. Uniqueness of property:

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

See Enclosure

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

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.

N/A

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

N/A

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

N/A

Check List for Applications

The following shall be submitted with the application

- Completed Application
- Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- Provide a Site Plan or survey of the property (Special Use Exception)
- Provide Fee \$400.00
- Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- Copy of Receipt (staff)
- Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

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**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney

_____ Date: _____

For office use only:

Date Submitted: _____ Fee: \$400.00 Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____



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

March 10, 2026

VIA EMAIL & U.S. MAIL

Sussex County Planning & Zoning Office
 Attn: Jaime Whitehouse, Director
 2 The Circle
 P.O. Box 417
 Georgetown, DE 19947

RECEIVED

MAR 13 2026

SUSSEX COUNTY
 PLANNING & ZONING

**RE: Board of Adjustment Variance Application
 Atlas Restaurant Group
 TMP: 334-19.00-159.00**

Dear Director Whitehouse and members of the Board of Adjustment:

I represent Atlas Restaurant Group (“Atlas”) in connection with its efforts to renovate the former Arena’s Deli & Bar location at 20312 Coastal Highway, Rehoboth Beach, DE 19971 (the “Property”). Atlas leases the Property from Bigger Fish LLC, which is the owner of the Property. The Property is zoned C-1.

This correspondence is being submitted with a Board of Adjustment variance application. Atlas is seeking variances that will allow improvements, including a safer rearrangement of the outdoor dining area.

As noted, the Property formerly served as one of the Arena’s Deli & Bar locations. The location suffered from inadequate bathroom accommodations and marginal curb appeal. The design being pursued, which would be facilitated if the variances are granted, includes additional bathroom accommodations, relocation of unsightly outdoor dining in the front of the building, visual enhancements to the front of the building, and will add a small vestibule to regulate indoor air temperature and quality, and reduce noise.

VARIANCES REQUESTED

Atlas hereby requests two area variances to facilitate the renovation of the Property, specifically a variance to permit the outdoor dining currently located in the front of the Property to be relocated to the side of the Property within the side yard setback, and a variance to allow a waiting area consisting of a canopy and planter to encroach the front yard setback..

This request seeks relief from Sussex County Code Section 115-82(B) which imposes side yard and front yard setback requirements in the C-1 Zoning District.

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

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

The two variances requested are:

1. A five-foot variance from the five-foot side yard setback requirement to permit 228.125 sf of a 545 sf outdoor dining patio area to encroach upon the eastern side yard; and
2. A 11'-9" variance from the 60-foot front yard setback requirement to permit a 623 sf covered outdoor waiting area to encroach upon the front yard setback.

While legally existing, the existing outdoor dining area extends approximately 17 feet into the sixty-foot front yard setback area and is 822 sf in area. If the variances requested here are granted, the outdoor dining in the front of the building will be demolished, and outdoor dining reduced in size will be relocated to the side yard, thereby increasing diner safety by distancing diners from the active parking area. A canopy covered area smaller in size than the existing outdoor dining area will be created in the front of the building to accommodate patrons waiting to be seated. At its highest point, the canopy will be 15'-9 1/2" and will slope down to a height of 11 - 10 3/4".

DELAWARE STATUTORY AUTHORITY

The Sussex County Board of Adjustment ("Board") has the authority to hear and grant variances pursuant to 9 *Del. C.* § 6917(3). Under this provision the Board is authorized to grant a variance "only if *all* of the following findings are made":

- a. 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, and not to circumstance or conditions generally created by the provisions of the zoning ordinance or code in the neighborhood or district in which the property is located;
- b. 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;
- c. That such unnecessary hardship or exceptional practical difficulty has not been created by the appellant;
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

Brockstedt Mandalas Federico LLC
Page 3

- e. 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.¹

This sets forth a clear distinction from the balancing test found in *Board of Adjustment of New Castle County v. Kwik-Check Realty, Inc.* The burden to prove all five of these findings is on the applicant.²

The current application satisfies each of the factors set forth in Delaware Code and restated in Sussex County Code, as shown below.

APPLICATION OF VARIANCE CRITERIA

Each of the approval factors should be considered in light of relevant legal principles found in Delaware caselaw.

Business Improvements and Competitiveness

The Delaware Supreme Court has explicitly rejected economic restrictions on variance applications, stating that “the inability to improve one’s business, or to stay competitive as a result of area limitations, may be a legitimate ‘exceptional practical difficulty’ that would justify a grant of a variance.”³ This holding established that business competitiveness concerns constitute valid grounds for area variance requests.

In *Wawa, Inc. v. New Castle County Bd. of Adjustment*, the Superior Court analyzed Wawa’s request for a variance to install gasoline storage tanks at a convenience store to compete with nearby stores offering gasoline sales. The court confirmed that “a legitimate exceptional practical difficulty may exist and the granting of a variance may be justified when there is the inability to improve one’s business, or to stay competitive as a result of area limitations.”⁴ The court also noted that “Economic benefit and/or hardship may constitute exceptional practical difficulty for purposes of an area variance where the change sought is ‘minimal’.”⁵

More recently, in *Markert v. Board of Adjustment of City of Rehoboth Beach*, the Delaware Superior Court affirmed a Board decision granting a 50% floor area ratio variance for a hotel development project.⁶ The applicant argued that without the variance, the high cost of underground parking could not be offset by revenue from additional rooms and amenities. Recognizing that business competitiveness is a factor when considering a variance request, the court noted that “the exceptional practical difficulty of Applicant paying for the significant cost of underground parking without being granted relief to build to a higher density above-ground” justified the variance.⁷

¹ *Bd. of Adjustment of Sussex Cnty. v. Verleysen*, 36 A.3d 329-331 (Del. 2012).

² *Id.*

³ *Board of Adjustment of New Castle County v. Kwik-Check Realty, Inc.*, 389 A.2d 1289 (1978).

⁴ *Wawa, Inc. v. New Castle County Bd. of Adjustment*, 929 A.2d 822 (2005).

⁵ *Id.*

⁶ *Markert v. Board of Adjustment of City of Rehoboth Beach*, Not Reported in Atl. Rptr. (2022).

⁷ *Id.*

Self-Imposed Hardship

Delaware courts have consistently rejected per se bars against variances for self-imposed hardships in business contexts. In *CCS Investors, LLC v. Brown*, the Delaware Supreme Court reaffirmed that “In Delaware, there is no per se bar against a variance for a self-imposed hardship,” focusing instead on “whether an applicant has adequately demonstrated that his difficulty justifies the grant of a variance.”⁸ This principle was further reinforced in *McLaughlin v. Board of Adjustment of New Castle County*, where the Court stated that knowledge of existing restrictions at the time of property purchase does not automatically preclude variance eligibility.⁹

The decision in *Markert v. Board of Adjustment of City of Rehoboth Beach*, applied this principle to aesthetic and business vision considerations, finding that a developer’s desire to build an “upscale” hotel rather than a basic compliant structure did not constitute an improper self-imposed hardship.¹⁰ The court noted that “to some degree every application for a variance request is ‘self-created’ as the application necessarily arises from the applicant’s personal desire to use the property in a certain manner,” and emphasized that Delaware law focuses on the adequacy of justification rather than the source of difficulty.¹¹

Having reviewed the relevant Delaware caselaw, each approval factor will be considered.

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 provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

Noted above, the Delaware Supreme Court has established that business competitiveness concerns constitute valid grounds for area variance requests.

The Property has unique physical conditions in that the restaurant space is an end unit in a larger facility that also includes Big Fish Market. In addition to those spaces, Big Fish Grill and a large kitchen facility also exist on the parcel. Accordingly, while the overall parcel is large, the space devoted to the Property to be utilized as a renovated restaurant is quite limiting, making renovations in compliance with the Zoning Code while staying competitive in the restaurant market challenging. Indeed, there is no other area to relocate the outdoor dining, which is a very common element of the Rehoboth Beach dining experience, than the side yard setback area. Further, leaving the outdoor dining area in its existing location in a parking area subjects the dining

⁸ *CCS Investors, LLC v. Brown*, 977 A.2d 301 (2009).

⁹ *McLaughlin v. Board of Adjustment of New Castle County*, 984 A.2d 1190 (2009).

¹⁰ *Markert v. Board of Adjustment of City of Rehoboth Beach*, Not Reported in Atl. Rptr. (2022).

¹¹ *Id.*

public to unnecessary risk. Providing an adequate outdoor dining area while reducing the overall risk to diners will enhance business competitiveness.

The need for these variances is a direct result of these peculiar and unique physical circumstances of the property, not from circumstances or conditions generally created by the Zoning Ordinance or Code. Accordingly, this factor favors the granting of the variances requested.

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 use of the Property as a restaurant is reasonable, as demonstrated by the many restaurants in the C-1 Zoning District along Coastal highway. While Atlas will own and operate the restaurant, the land and improvements are owned by Bigger Fish LLC. Therefore, Atlas' only option is to renovate the space within the confines of the existing Property and structure. But because of the unique physical circumstances and conditions of the property, leaving a small envelope for the restaurant operation, there is no possibility that the proposed restaurant improvements can be achieved in strict conformity with the provisions of the Sussex County Code, while maintaining economic competitiveness in the restaurant marketplace.

The requested variances are necessary to enable the reasonable use of the property as a restaurant, and, as described, the Property cannot be developed in strict conformance with the Zoning Code in a way that will enable a viable restaurant use. This factor favors the granting of the variances requested.

3. Not Created by the Applicant

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

As explained in *Markert*, “to some degree every application for a variance request is ‘self-created’ as the application necessarily arises from the applicant’s personal desire to use the property in a certain manner.” The Court emphasized that Delaware law focuses on the adequacy of justification rather than the source of difficulty.¹² *Markert* also explained that a developer’s desire to build something “upscale” rather than a basic compliant structure did not constitute an improper self-imposed hardship.¹³ Relatedly, in *McLaughlin*, the Court stated that knowledge of existing restrictions at the time of property purchase does not automatically preclude variance eligibility.¹⁴

¹² *Markert v. Board of Adjustment of City of Rehoboth Beach*, Not Reported in Atl. Rptr. (2022).

¹³ *Id.*

¹⁴ *McLaughlin v. Board of Adjustment of New Castle County*, 984 A.2d 1190 (2009).

Brockstedt Mandalas Federico LLC

Page 6

Here, Atlas has no ability to reconstruct the improvements or to rearrange other businesses existing on the parcel, all of which is owned and controlled by Bigger Fish LLC. The exceptional practical difficulty has not been created by the Atlas. Instead, the need for a variance is created by the ownership structure and the limited envelope within the parcel that is devoted to the restaurant concept at issue.

The decision to renovate the restaurant is a practical business necessity, and the resulting hardship in meeting setback requirements is due entirely to the pre-existing physical conditions of the existing structures, and is not due to a self-created or manufactured situation. This factor favors the granting of the variances requested.

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 or development of adjacent property, nor be detrimental to the public welfare.

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

A restaurant with outdoor dining (Arena's Deli & Bar) has existed at this location for several years, and there are many restaurants in the immediate area including Big Fish Grill, Bluecoast Seafood Grill, and Thompson Island Brewery. Consequently, while the outdoor dining will be relocated and an outdoor waiting area will be established under the current proposal, the essential character of the neighborhood will not be altered, but it will be enhanced with an aesthetically satisfying new restaurant concept.

Windsor's Flowers, a florist shop, occupies the property immediately to the east of the Atlas Property. There is an unattractive paved area, where dumpsters are stored, between the Atlas Property and Windsor's Flowers. Under the current proposal, that area will be converted to attractive outdoor seating, and the dumpsters will be relocated and out of sight. Consequently, the proposal will enhance the adjacent property and will not impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare.

This factor favors the granting of the variances requested.

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.

Brockstedt Mandalas Federico LLC
Page 7

These variances are the minimum variances necessary to afford relief and are the least modification possible.

The existing outdoor dining area does not conform to the Zoning Code as it extends approximately seventeen feet (17) into the sixty-foot (60) front yard setback area and is approximately 822 sf in area. If the side yard variance requested here is granted, the outdoor dining will be relocated to the side yard and the outdoor dining in the front of the building will be reconfigured into a canopy covered waiting area extending just 11'-9" (rather than seventeen feet (17)) into the front yard setback. Moreover, while the existing outdoor dining comprises 822 sf of area encroaching the front yard setback, the relocated outdoor dining will comprise just 228.125 sf of outdoor dining area encroaching the side yard setback area. In fact, the proposed site plan results in just 29.125 sf of additional encroaching area.

The proposal represents the minimum variances necessary, and therefore this factor favors the granting of the requested variances.

CONCLUSION

The Applicant respectfully requests that the variances be granted because the variance criteria provided in Sussex County Code Section 115-221(C) have been satisfied. The need for these variances is a direct and unavoidable consequence of the unique physical characteristics of the property that will not allow restaurant renovations in compliance with the Zoning Code while maintaining business competitiveness.

The requested variances represent the minimum necessary to afford relief and will not alter the essential character of the neighborhood or cause any detriment to adjacent properties or the public welfare. Authorizing these variances is essential to enable the reasonable use of the Property as a restaurant.

Very truly yours,



Glenn C. Mandalas, Esq.

GCM/gcm
Enclosures
Cc: Atlas Restaurant Group

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 20312 Coastal Highway
Rehoboth Beach, DE 19971
Parcel #: 334-19.00-159.00

Site Address: See Above

Parcel #: _____

Applicant Name: Atlas Restuarant Group
Owner Name: Bigger Fish LLC

Type of Application:

- Conditional Use:
- Change of Zone:
- Subdivision:
- Board of Adjustment:

Date Submitted: _____

For office use only:

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

File #: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Atlas Restuarant Group
 Applicant Address: 1429 Aliceanna Street
 City: Baltimore State: MD Zip: 21231
 Phone #: (410) 927-3016 E-mail: egsmith31@gmail.com

Owner Information

Owner Name: Bigger Fish LLC
 Owner Address: PO Box 501
 City: Rehoboth Beach State: DE Zip: 19971
 Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: bctdesign group
 Engineer/Surveyor Address: 100 N. Charles Street
 City: Baltimore State: MD Zip: 21201
 Phone #: (410) 837-2727 E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: Brockstedt Mandalas Federico LLC c/o Glenn C. Mandalas, Esq.
 Agent/Attorney/Address: 1413 Savannah Road, Suite 1
 City: Lewes State: DE Zip: 19958
 Phone #: (302) 645-2262 E-mail: gmandalas@lawbmf.com

Other

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



EXHIBIT A

Property & Deed Information

PARID: 334-19.00-159.00
 BIGGER FISH LLC

Property Information

Property Location:

Unit:
 City:
 State:
 Zip:

Class: C-Commercial
 Use Code (LUC): 422-Restaurant (Sit down)
 Town: 00-None
 Tax District: 334 – LEWES REHOBOTH
 School District: 6 - CAPE HENLOPEN
 Fire District: 86-Rehoboth
 Deeded Acres: 1.6000
 Frontage: 0
 Depth: .000
 Irr Lot:
 Plot Book Page: 227 85/PB

100% Land Value: \$2,990,000
 100% Improvement Value: \$2,391,800
 100% Total Value: \$5,381,800

Legal

Legal Description: RT 1 PHILLIPS ST
 LOTS 4 5 6 12 13
 P/O LOT 14

Owners

Owner	Co-owner	Address	City	State	Zip
BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
04/03/1998	2806/12	\$168,000.00	\$3,360.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2025	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2024	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2023	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2022	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2021	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2020	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2019	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2018	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2017	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2017	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2017	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2016	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2009	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
2003	BIGGER FISH LLC		PO BOX 501	REHOBOTH BEACH	DE	19971	2806/12
1900	RALEY ROBERT JR					0	654/153
1900	SUGRUE NORMAN JR ERIC					0	2278/225

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1		01	0	0	1.6000	N

Land Summary

Line	100% Land Value
1	2,990,000

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	CI1-ASPHALT OR BLACKTOP PAVING				25,000

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$2,990,000	\$2,391,800	\$5,381,800

50% Values

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
06-MAR-2020	202002692	\$35,000	BIG FISH GRILL - REPLACE ROOFING AND SIDING
20-DEC-2017	201712079	\$4,800	int renovation: REPLACING SEAT W/ SUSHI BAR, FLOOR SINK
24-MAY-2016	201603992	\$115,000	NEW DINING ROOM ADDITION 24'3"X45'

10119

02806 012

Tax Map: 3-34 19.00 159.00 and 163.04

Prepared By: Superior Title Corporation
323D Rehoboth Avenue
Rehoboth Beach, DE 19971
(302) 227-3390

THIS DEED Made this 25th day of February in the year of our LORD two thousand three (2003), between:

NORMAN B. SUGRUE, JR. and **ERIC C. SUGRUE** of P.O. Box 501, Rehoboth Beach, Delaware 19971, parties of the first part,

-AND-

BIGGER FISH, LLC, a Delaware limited liability company, of P.O. Box 501, Rehoboth Beach, Delaware 19971, party of the second part.

WITNESSETH that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged grant and convey unto the said party of the second part, its successors and/or assigns:

Parcel One

ALL that certain tract, piece and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, being known and designated as 3-34 19 Parcel 159, as shown on a certain plot of lots entitled Lot Nos. 13, 14 & 15, Second Subdivision of E.C. Phillips, Lewes and Rehoboth Hundred, Sussex County, Delaware, dated January 22, 1998 prepared by Mann Associates, Inc., Registered Surveyors, which said plot was filed for record in the Office of the Recorder of Deeds, Sussex County in Plot Book 60, Page 345, a copy attached hereto as Exhibit "A" and being more particularly described as follows:

BEGINNING at an iron pipe located in the Southerly right-of-way line of Delaware Route One, said point being South 53 degrees 52 minutes 40 seconds East, a distance of 100.00 feet from Phillips Street; thence, in a Southerly direction, South 36 degrees 06 minutes 20 seconds West, a distance of 125.00 feet to an iron pipe; thence, in a Southerly direction, South 53 degrees 52 minutes 40 seconds East, a distance of 70.84 feet to a point; thence, in a Northerly direction through the center of a 12" block wall, North 36 degrees 06 minutes 20 seconds East, a distance of 125.00 feet to a point, said point being in the Southerly right-of-way line of Delaware Route One; thence, in a Northerly direction along said right-of-way line, North 53 degrees 52 minutes 40 seconds West, a distance of 70.84 feet to an iron pipe, the place of beginning, containing 8,855 square feet.

-1- Consideration: 00.00 Exempt Code: A

B
KCB

County	State	Total
0.00	0.00	0.00

Date: 02/25/2003

BK 02806 2013

SUBJECT to Cross Easement dated March 27, 1998 recorded in the Office aforesaid in Deed Book 2275, Page 196.

SUBJECT also to the Court of Chancery Decision dated March 23, 1970 declaring void and of no effect the original restriction to residential purpose recorded in the Office aforesaid in Deed Book 652, Page 507.

BEING the same lands conveyed to Norman B. Sugrue, Jr. and Eric C. Sugrue by deed of Robert A. Raley dated April 3, 1998 recorded April 3, 1998 in the Office of the Recorder of Deeds, Sussex County in Deed Book 2278, Page 225.

Parcel Two

ALL that certain lot situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, being **Lot No. 5** as shown on a plan of a subdivision identified as "**Phillips Heirs Development**" recorded in the Office of the Recorder of Deeds, Sussex County in Plot Book 16, Page 53, being more particularly described as follows:

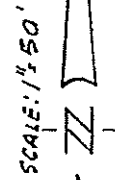
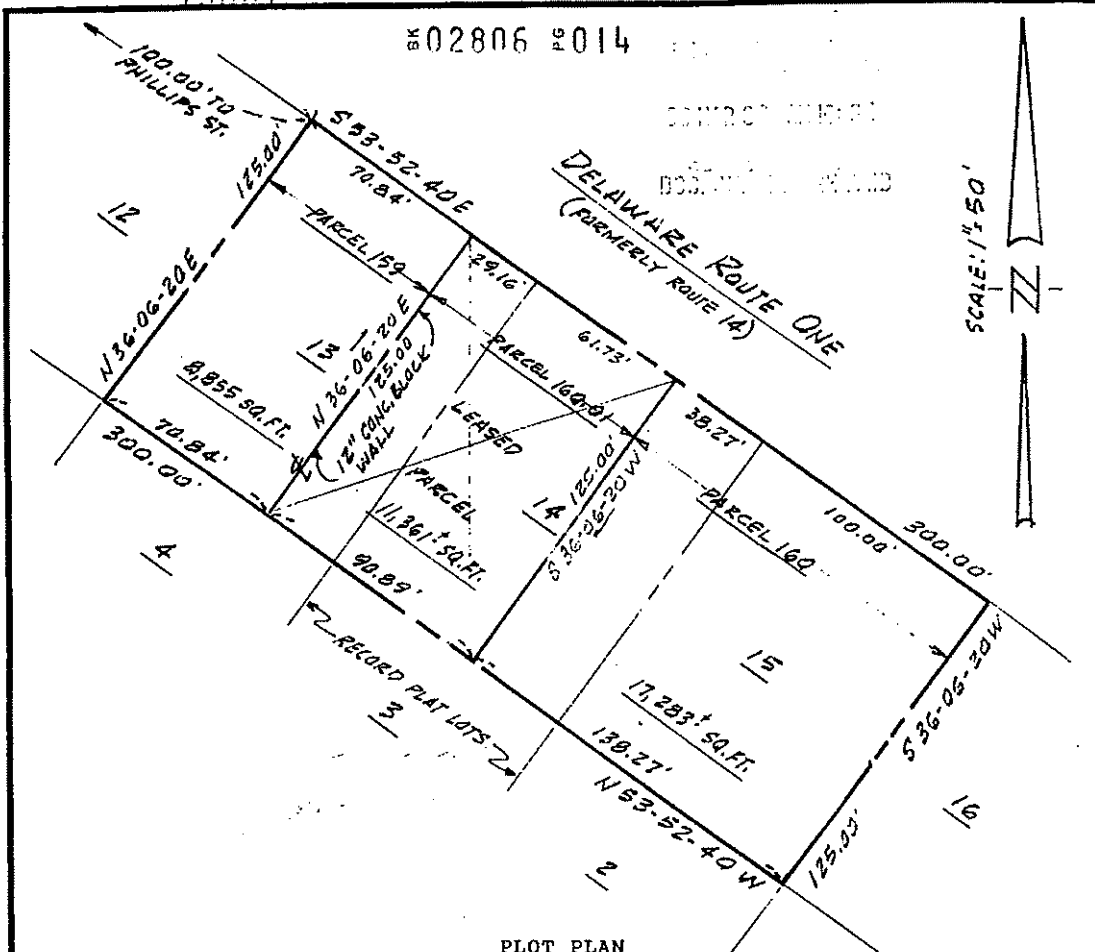
BEGINNING at an iron pipe on the Northerly line of Martin Street at a common corner with Lot No. 4 as shown on said Phillips Heirs Development Plan; thence, along the Northerly line of Martin Street, North 54 degrees 32 minutes 35 seconds West, 100.00 feet to an iron pipe at a common corner with Lot No. 6 as shown on said Phillips Heirs Development Plan; thence, along said Lot No. 6, North 35 degrees 27 minutes 25 seconds East, 125.00 feet to an iron pipe at a common corner with Lots Nos. 12 and 13 as shown on the plan of subdivision identified as Edward C. Phillips plan of lots recorded in the Office aforesaid in Deed Book 355, Page 594; thence, along the rear line of Lot 13 in said Edward C. Phillips plan of lots, South 54 degrees 32 minutes 35 seconds East, 100.00 feet to an iron pipe at a common corner with Lot Nos. 13 and 14 in said Edward C. Phillips plan of lots and also a common corner with Lot No. 4 in said Phillips Heirs Development; thence, along said Lot No. 4 in said Phillips Heirs Development, South 35 degrees 27 minutes 25 seconds West, 125.00 feet to an iron pipe on the Northerly line of Martin Street, home to the point and place of beginning, containing 12,500 square feet.

BEING the same lands conveyed to Norman B. Sugrue, Jr. and Eric C. Sugrue by deed of William E. Martin and Cynthia S. Martin dated July 14, 1999 recorded July 16, 1999 in the Office of the Recorder of Deeds, Sussex County in Deed Book 2405, Page 70.

75881

BUN 60 PAGE 345

BK 02806 PG 014



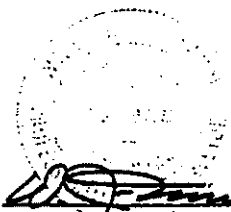
PLOT PLAN

LOTS # 13, # 14 & # 15 Second Subdivision of E.C. PHILLIPS
Lewes & Rehoboth Hundred Sussex County Delaware

Prepared For
ROBERT A. RALEY

APPROVED
existing lots
3-30-98 SA
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

E + A



MANN ASSOCIATES, INC.
Engineering-Surveying

WM. J. MANN, Del. P.L.S. 335

3-34-19-59,1504,000 P.O. Box 167 Rehoboth Beach, Delaware 19871 198-09

SK 02806 2015

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their Hands and Seals the day and year first above written.

Signed, Sealed And Delivered In The Presence Of:

Barbara B. Keys
Witness

Norman B. Sugrue, Jr. (Seal)
Norman B. Sugrue, Jr.

Barbara B. Keys
Witness

Eric C. Sugrue (Seal)
Eric C. Sugrue

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED that on this 25th day of February, 2003, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Norman B. Sugrue, Jr., party to this Indenture known to me to be such, who being first duly sworn according to law, acknowledged this to be his act and deed.

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

Notary Print Name:
Comm. Exp.:

BARBARA B. KEYS
NOTARY PUBLIC DELAWARE
EXP. 4-9-2006

Barbara B. Keys
Notary Public

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED that on this 25th day of February, 2003, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Eric C. Sugrue, party to this Indenture known to me to be such, who being first duly sworn according to law, acknowledged this to be his act and deed.

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

Notary Print Name:
Comm. Exp.:

BARBARA B. KEYS
NOTARY PUBLIC DELAWARE
EXP. 4-9-2006

Barbara B. Keys
Notary Public

Return to: Bigger Fish, LLC
P.O. Box 501
Rehoboth Beach, DE 19971 -3-

RECORDED OF DEEDS
03 FEB 26 PM 2:22
SUSSEX COUNTY
DOC. SURCHARGE PAID

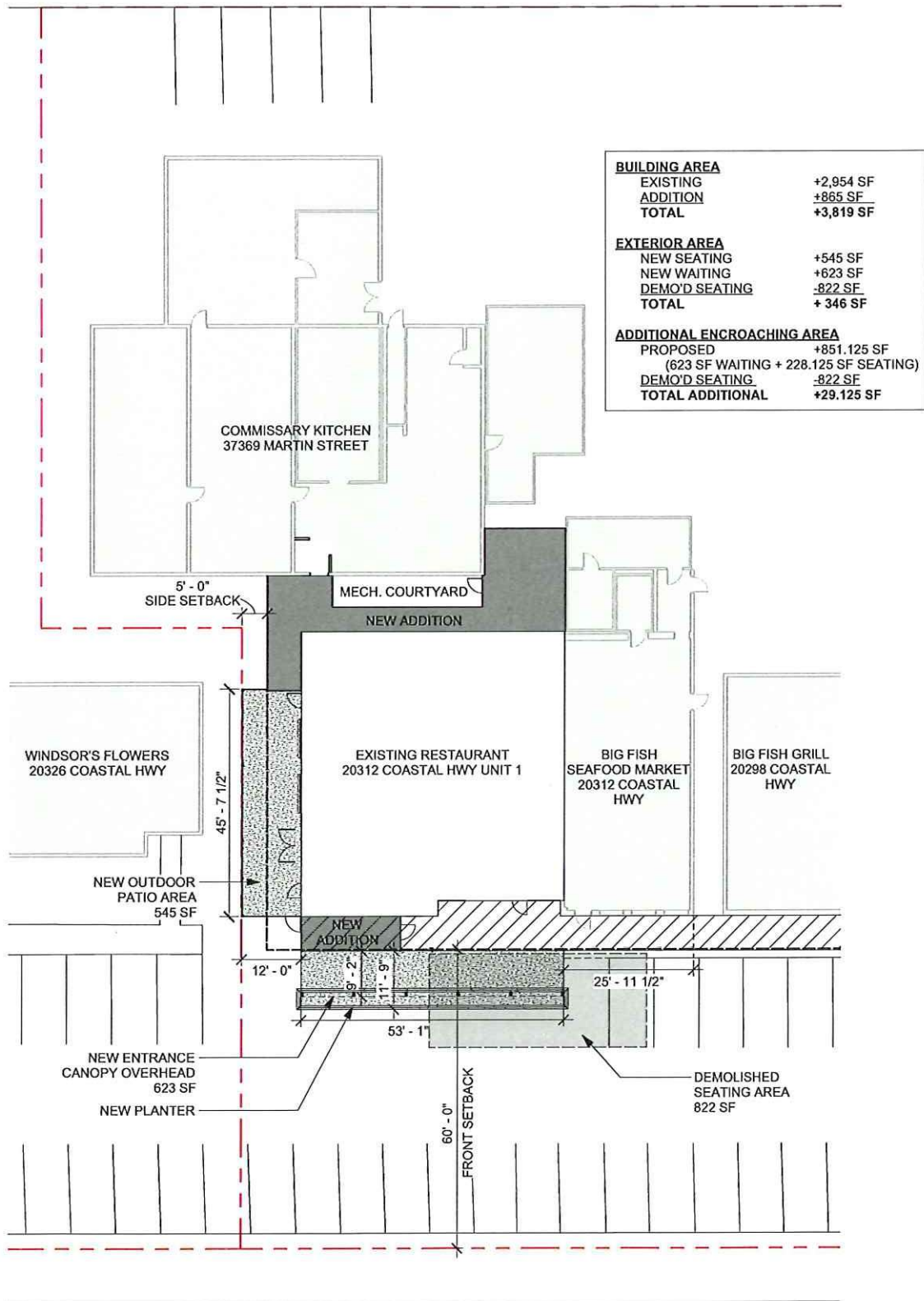
Received
FEB 27 2003
ASSESSMENT DIVISION
OF SUSSEX CTY

EXHIBIT B

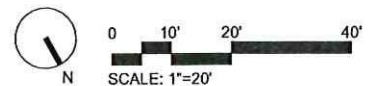
Site Plan



MARTIN STREET



COASTAL HWY DE 1



ATLAS
REHOBOTH

ATLAS RESTAURANT GROUP
1001 S. MILITARY AVENUE, SUITE 100
REHOBOTH BEACH, FL 33431
TEL: 305.221.1111

BDT DESIGN GROUP
1001 S. MILITARY AVENUE, SUITE 100
REHOBOTH BEACH, FL 33431
TEL: 305.221.1111

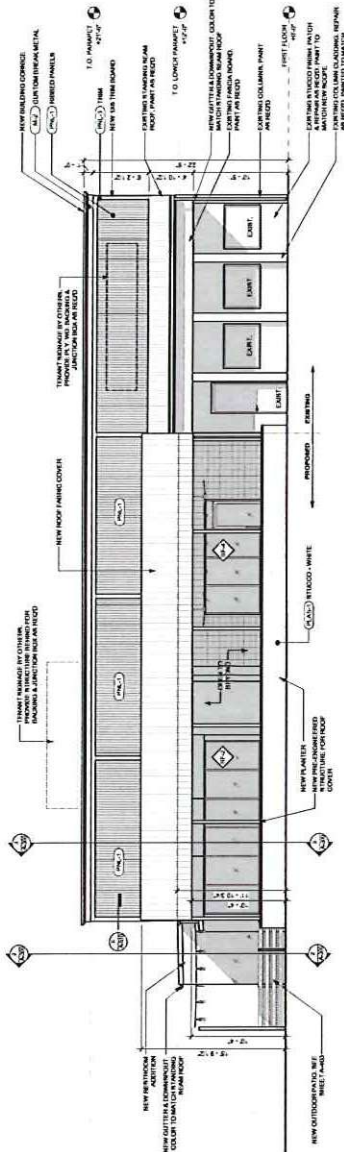
ENIGMUM GROUP
1001 S. MILITARY AVENUE, SUITE 100
REHOBOTH BEACH, FL 33431
TEL: 305.221.1111

DIORINA & ASSOCIATES, INC.
1001 S. MILITARY AVENUE, SUITE 100
REHOBOTH BEACH, FL 33431
TEL: 305.221.1111

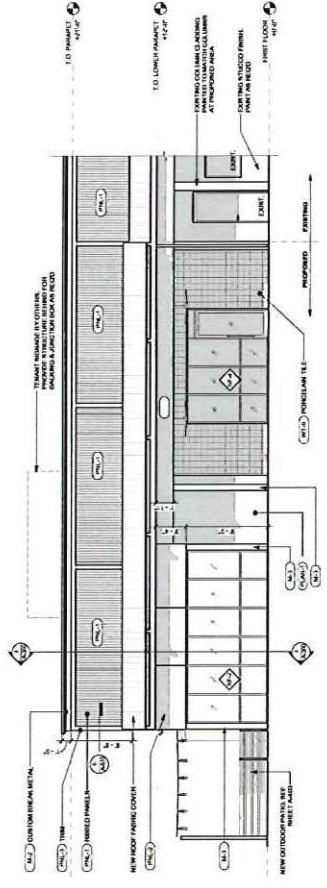
BOHLER
1001 S. MILITARY AVENUE, SUITE 100
REHOBOTH BEACH, FL 33431
TEL: 305.221.1111

BINGER DV
1001 S. MILITARY AVENUE, SUITE 100
REHOBOTH BEACH, FL 33431
TEL: 305.221.1111

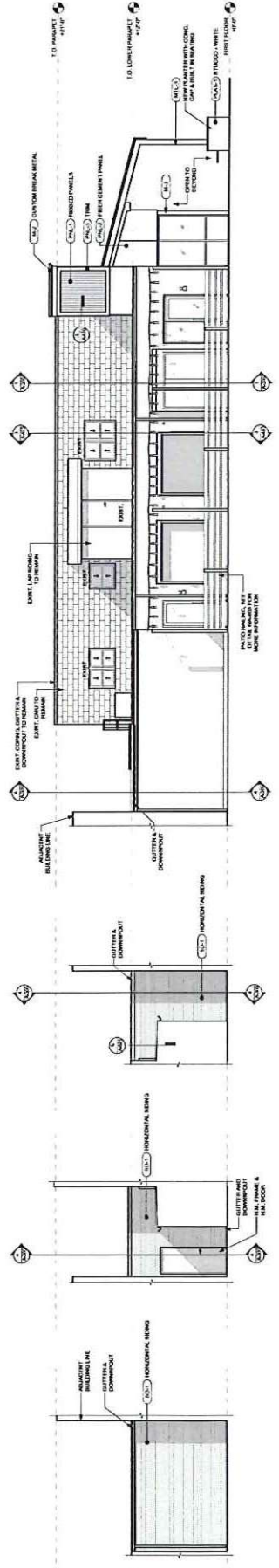
hct design group
100 Military Channel, Suite 125H, Ft. Myers
Blairton, Maryland, USA 21501
Tel: 410.337.2727
hctdesign.com



1 NORTH ELEVATION
2021 20' x 110'



2 NORTH ELEVATION
2021 20' x 110'



3 EAST ELEVATION
2021 20' x 110'

4 R.A. - WEST ELEVATION
2021 20' x 110'

5 P.D. - EAST ADDITION
2021 20' x 110'

6 P.D. - SOUTH ELEVATION
2021 20' x 110'

BUILDING ELEVATIONS

BID
01110020

A-201

EXHIBIT C

Sussex County Aerial Maps

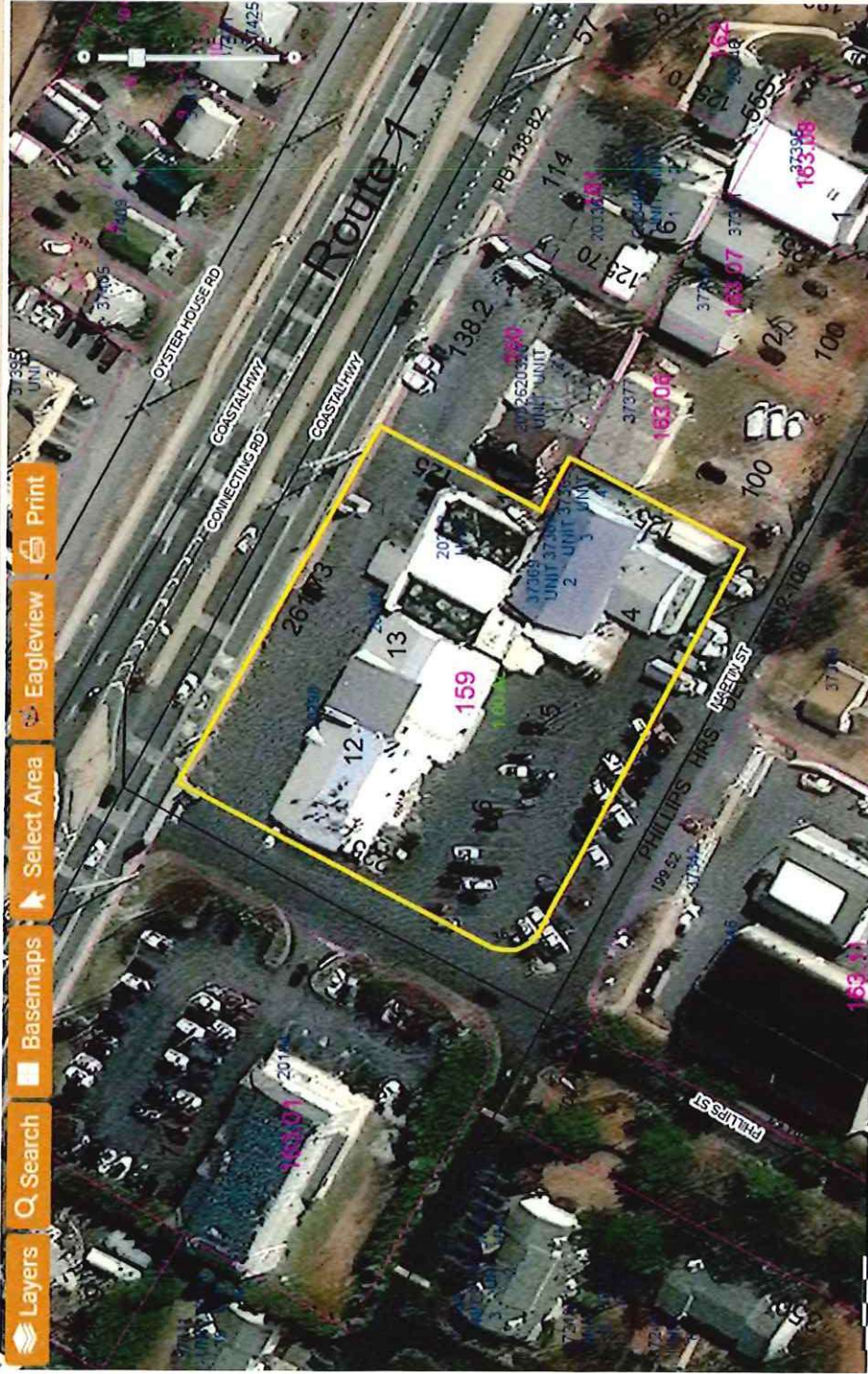
Selected Features:

Parcels (1)

1) 334-19.00-159.00

Zoom

BOOK	2806
PAGE	12
FULLNAME	BIGGER FISH LLC
Second_Owner_Name	
MAILINGADDRESS	PO BOX 501
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-20-159
DESCRIPTION	RT 1 PHILLIPS ST
DESCRIPTION2	LOTS 4 5 6 12 13
DESCRIPTION3	P/O LOT 14
LUC	422
SCHOOL	6
MUNI	00
CAP	
APRBLDG	2.3918e+006
APRLAND	2.99e+006



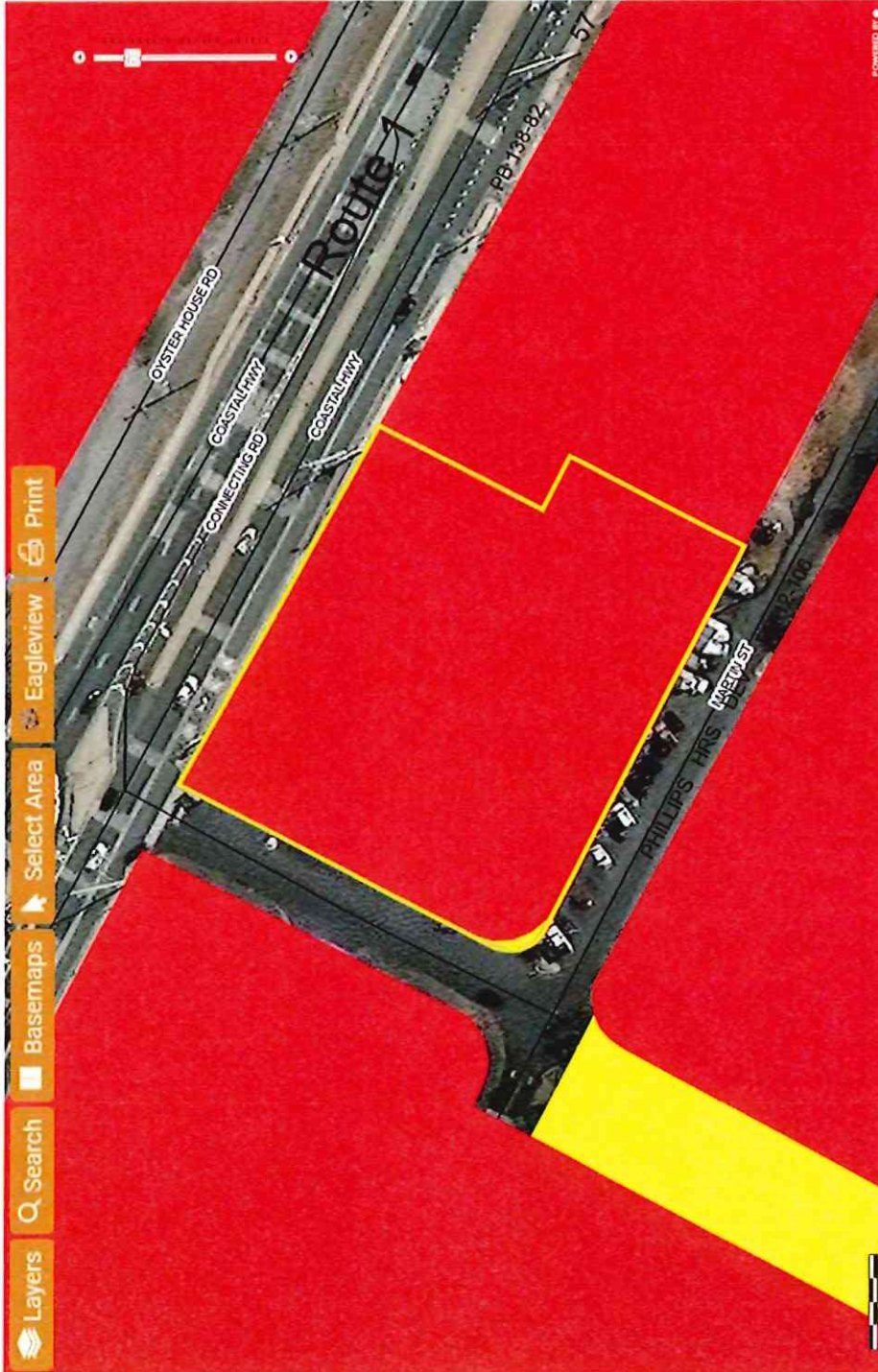
Layers Search Basemaps Select Area Eagleview Print

Eagleview Search Results

Selected Features: [Parcels (1)]

1) 334-19.00-159.00

Zoom



BOOK	2806
PAGE	12
FULLNAME	BIGGER FISH LLC
Second_Owner_Name	
MAILINGADDRESS	PO BOX 501
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-20-159
DESCRIPTION	RT 1 PHILLIPS ST
DESCRIPTION2	LOTS 4 5 6 12 13
DESCRIPTION3	P/O LOT 14
LUC	422
SCHOOL	6
MUNI	00
CAP	
APRBLDG	2.3918e+006
APRLAND	2.99e+006

Navigation icons: Home, Previous, Next, Refresh, Stop

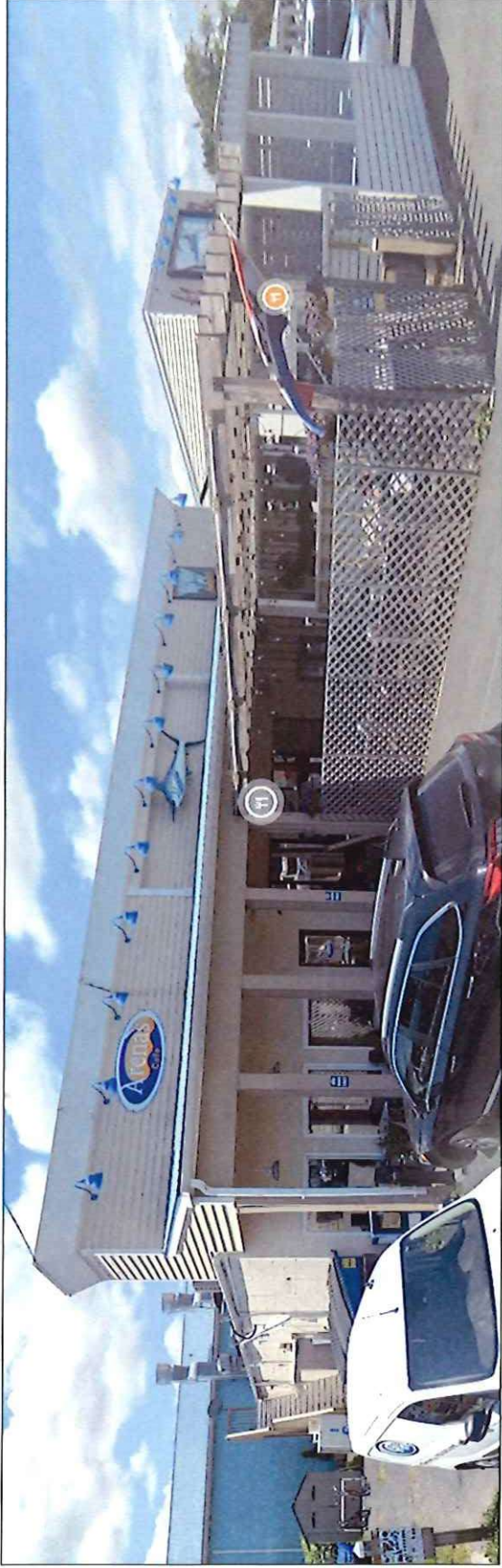
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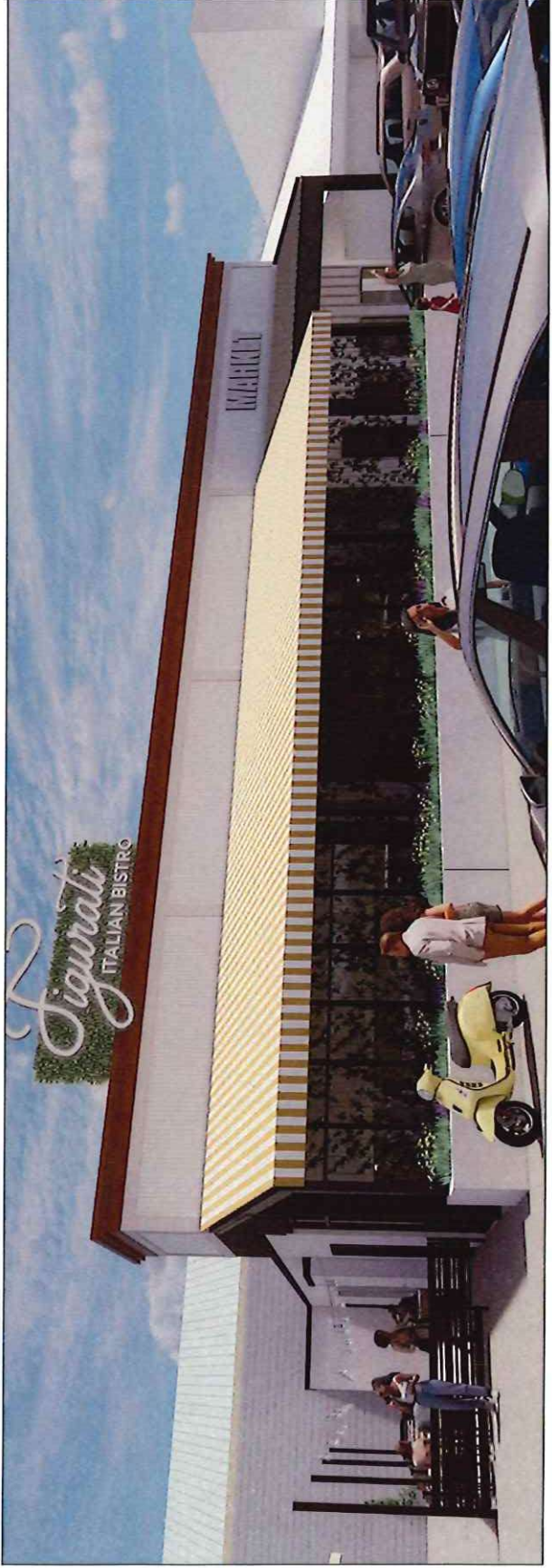
EXHIBIT D

Google Earth Aerial Map Photos

EXISTING



PROPOSED

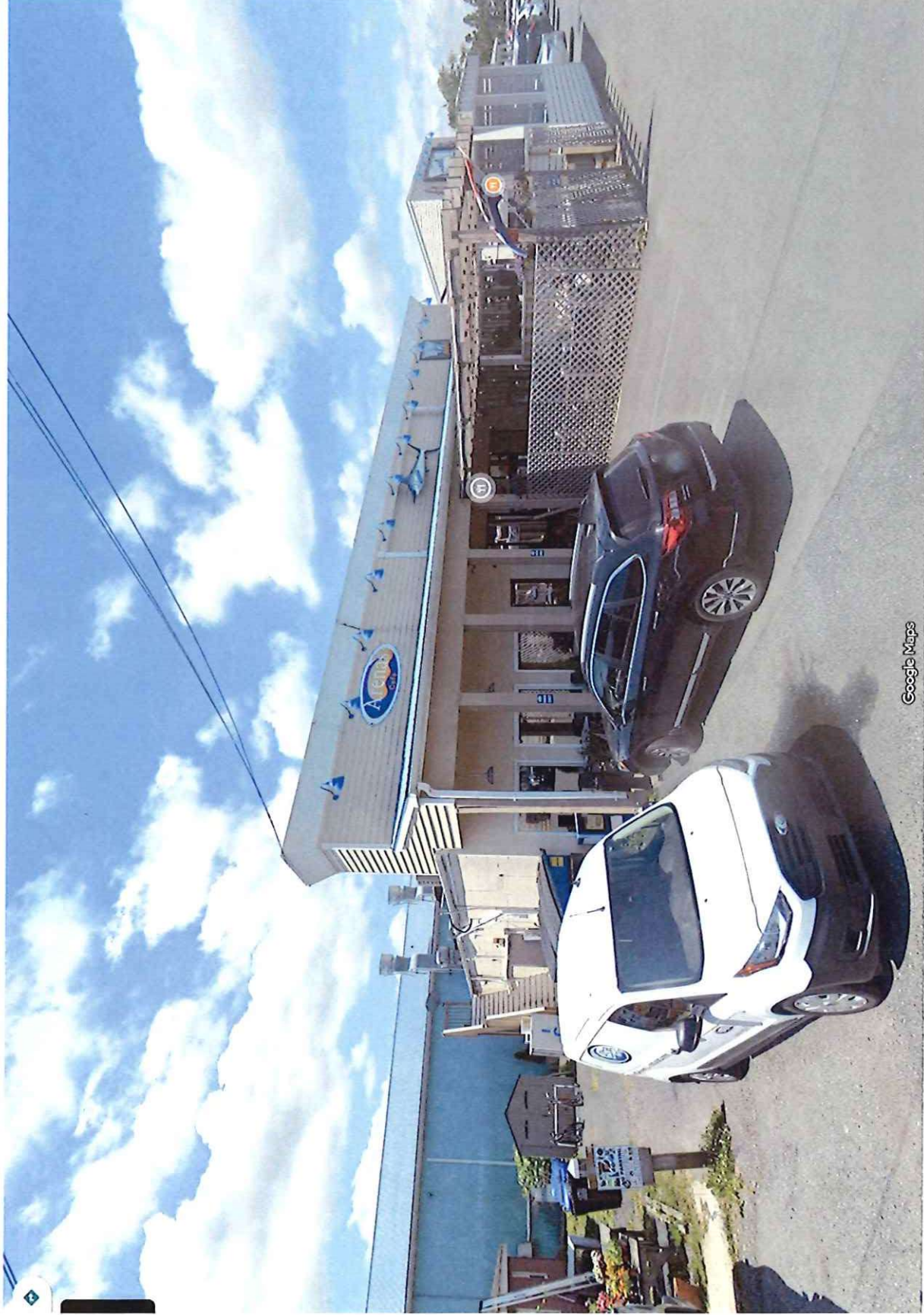












Google Maps



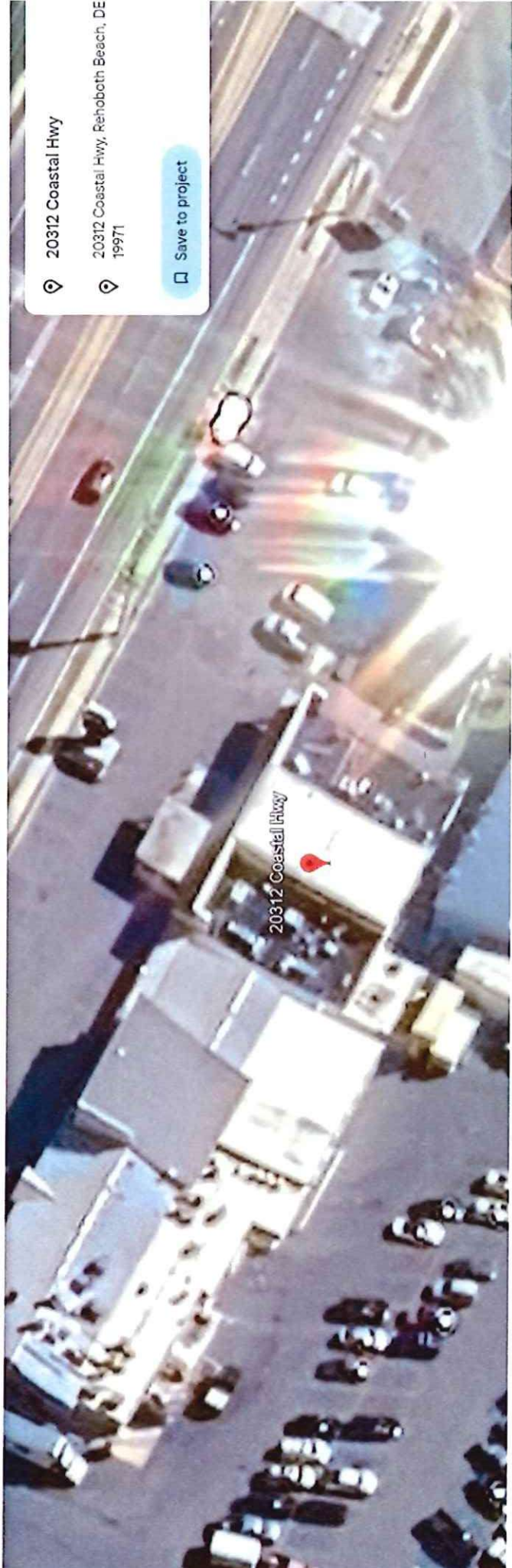


EXHIBIT E

Sussex County Code

ZONING

115 Attachment I

Sussex County

TABLE I

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

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

NOTES:

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

SUSSEX COUNTY CODE

(NOTES cont'd):

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

Sussex County, DE
Friday, January 9, 2026

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-76. Purpose.

[Amended 7-20-1999 by Ord. No. 1328]

The purpose of this district is to provide for retail shopping, personal services and a wide variety of commercial and miscellaneous service activities generally serving a community-wide area. Such uses are generally located along major arterial roadways where a general mixture of commercial and service activity now exists. Such uses shall not be characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor and noise associated with manufacturing.

§ 115-77. Permitted uses.

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

Animal hospitals or kennels with any open pens at least 200 feet from any residential district and 50 feet from any property line

Any use permitted in an AR District and the B-1 District

Automobile or truck sales, service and repair, body or fender repair, but not auto salvage or junk, and any major repairs shall be inside a completely enclosed building. All displays shall be a minimum of twenty-five feet from front property line

Bakeries

Boat and boat trailer sales and storage. Boat displays of more than five feet in height shall be a minimum of 25 feet from the front property line

Bottling works, dyeing and cleaning works or laundry, plumbing and heating shops, painting shops, upholstering shops, cabinet and furniture manufacture, sheet metal shops, tire sales and service (including vulcanizing and recapping but no manufacturing), appliance repairs and general service and repair establishments, similar in character to those listed in this item, provided that no outside storage of material is permitted, except as provided in this section

Business and commercial radio and television stations and studios or recording studios, but not towers more than 150 feet in height, except as provided in Article **XXVII**

Car washes or automobile laundries, automatic or otherwise

Commercial greenhouses, wholesale or retail, and nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises

Farm implement sales, service, rental and repair, but not salvage or junk, and provided that major repair or storage of materials, damaged or unusable implements or vehicles shall be inside a completely enclosed building. Displays of materials and equipment of more than five feet in height shall be a minimum of 25 feet from the front property line.

Garages, parking or storage

Hotels, motels or motor lodges

Indoor amusement places and theaters, except open-air drive-in theaters. Indoor amusement places include bowling alleys, dance halls, subject to applicable County regulations, skating rinks, swimming pools, miniature golf, billiard or pool parlors, indoor model racing tracks and similar activities conducted entirely within a closed structure.

[Added 8-22-2006 by Ord. No. 1870]

Lawn mower, yard and garden equipment, rental, sales and services

Lumber and building materials stores

Manufactured home sales and storage, parked a minimum of 40 feet from the front property line

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

Marijuana cultivation facilities, marijuana product manufacturing facilities or marijuana testing facilities

[Added 5-14-2024 by Ord. No. 3016]

Monument sales establishments with incidental processing to order, but not including the shaping of headstones

Multiple-family dwellings and structures of mixed commercial and residential use, subject to the mixed-use provisions of Articles XXII, XXIII and XXV.

Nursing and similar care facilities

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

Printing, publishing and engraving establishments

Schools for industrial training, trade or business

Special events

[Added 9-18-2018 by Ord. No. 2599]

- (1) Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the Zoning Ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities and educational institutions are permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.
- (2) No more than three special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one calendar day, not including reasonable set up and removal time when the event is not otherwise underway.
- (3) In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:
 - (a) The estimated number of attendees;
 - (b) The size of the parcel where the special event is to be located;
 - (c) The parking requirements of the special event;
 - (d) Roads and traffic patterns providing access to the special event;
 - (e) Prior events conducted by the applicant;
 - (f) Noise, light, odor, and dust generated by the special event;
 - (g) Proposed hours of operation and number of consecutive days; and
 - (h) Such other considerations that may be applicable to the requested event.
- (4) The Director or his or her designee may impose conditions upon an administrative approval.

- (5) All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event and Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event and Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.
- (6) Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.

Tourist homes or rooming house

Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

[Added 5-19-2015 by Ord. No. 2397]

- (1) No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.
- (2) There shall be no more than one temporary removable vendor stand on a parcel at any one time.
- (3) No temporary removable vendor stand shall be wider than eight feet six inches nor longer than 45 feet.
- (4) No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.
- (5) No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights-of-way.
- (6) The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.
- (7) If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.
- (8) Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.
- (9) The approval of the temporary removable vendor stand shall be valid for one year.
- (10) The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing the application shall be \$100.

Used car and truck sales and storage, parked a minimum of 25 feet from the front property line

Warehousing within a completely enclosed building, provided that such use is not objectionable by reason of odor, dust, noise or similar factors

- B. The total gross building area of any building or group of buildings shall be less than seventy-five thousand square feet.

[Added 7-20-1999 by Ord. No. 1328]

§ 115-77.1. Large-scale uses.

[Added 7-20-1999 by Ord. No. 1328]

- A. It is recognized that there may be large-scale commercial, or retail uses planned in the C-1 General Commercial District, generally serving a regional area. Such uses are defined as those where the total floor area of any building or group of buildings shall be equal to or exceed 75,000 square feet. Such uses shall be adjacent to a major arterial roadway, as defined in § 99-5 of the Subdivision Ordinance, Chapter 99 of the Code of Sussex County, and be located where adequate infrastructure is existing, planned or funded and shall be completed prior to the issuance of a certificate of compliance. Such uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor and noise associated with manufacturing. Such uses must comply with the provisions contained within this section.
[Amended 8-23-2022 by Ord. No. 2880]

B. Height, area and bulk requirements.

- (1) Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area (acres)	Width (feet)	Depth (feet)
All uses	3	150	100

- (2) Minimum yard requirements. Minimum yard requirements shall be as follows:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
All	60*	20	30

*NOTE: See also minimum buffers and setbacks contained in § 115-194.1E.

- (3) Maximum height requirements. Maximum height requirements shall be as follows:

All uses: 42 feet

C. Access standards from roadways. Access points and left turning movements along roadways shall be minimized. Access and circulation to roadways shall comply with the following standards:

- (1) Access from roadways shall be kept to a minimum and shall encourage the use of shared driveways where feasible and shall be subject to the approval of the Delaware Department of Transportation.
- (2) Access drives and service roads shall be designed to minimize queuing of entering or exiting vehicles.
- (3) Access driveways shall accommodate pedestrian traffic through the use of depressed curbs.

D. Additional requirements.

- (1) The following improvements shall be shown on the site plan:

- (a) Transit accommodations shall be provided at the discretion of the Planning and Zoning Commission and DeIDOT.
- (b) Pedestrian movement shall be accommodated throughout the site to provide safe connections to transit stops, parking areas and sidewalks.
- (c) Cross access easements and interconnections shall be provided to adjoining sites for vehicular and pedestrian traffic.

- (2) Off-street parking space requirements shall be increased by 20% over those contained in § 115-162.

§ 115-78. Permitted accessory uses.

Permitted accessory uses are as follows:

- A. Any accessory use permitted in an AR District.
- B. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use, subject to applicable district regulations.

§ 115-79. Conditional uses.

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

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

Aquariums, commercial

Beaches, commercial

Bus terminals

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

Drive-in theaters

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums

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

Outdoor amusement places and open-air drive-in theaters. Outdoor amusement places include, but are not limited to, batting cages, skating rinks, waterslides, miniature golf model racing tracks and similar recreational activities. Mobile or fixed-type cranes or lifting devices, not designed, not approved for, not manufactured for or not intended to carry, transport or in any fashion move individual(s) or person(s), shall be prohibited and shall not be used for amusement purposes.

[Added 8-11-1992 by Ord. No. 849; amended 3-30-1993 by Ord. No. 887; 8-22-2006 by Ord. No. 1870]

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

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines utilizing multilegged structures

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

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

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

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-79 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

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

Sports arenas or stadiums, commercial athletic fields or baseball parks
Swimming or tennis clubs, private, nonprofit or commercially operated

§ 115-80. Special use exceptions.

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

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

Archery ranges

Asphalt batching plants or concrete batching plants

Commercial dog kennels

Driving ranges

Outdoor display or promotional activities at shopping centers or elsewhere

Pony rings

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

Riding academies, public stables or private stables

Rifle or pistol ranges, trap or skeet shooting

Sawmills for cutting timber grown on the premises

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

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

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

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

- B. Exceptions to parking and loading requirements as follows:

- (1) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article **XXII**, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.
- (2) Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
- (3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

- (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provisions of required loading space.

C. Other special use exceptions as follows:

Alteration, extension or replacement of a nonconforming manufactured home, subject to the provisions of § 115-196

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

Cemeteries for pets^[1]

Day nurseries or child-care centers^[2]

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

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

Off-premises signs, subject to the provisions of § 115-81A(2)

[Added 12-14-1993 by Ord. No. 945]

Public telephone booths in residential areas^[3]

Any temporary removable vendor stand for the sale of food, agricultural products or other food-related goods that is not a permitted use under the provisions of § 115-77; provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a Sussex County Vendor Stand sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

[Added 5-19-2015 by Ord. No. 2397]

- [1] *Editor's Note: The entry for "convalescent homes, nursing homes or homes for the aged," which immediately followed, was repealed 4-16-2019 by Ord. No. 2645.*
- [2] *Editor's Note: The former entry reading "Frog or fish farms," which immediately followed this entry, was repealed 11-26-1991 by Ord. No. 806.*
- [3] *Editor's Note: The former entry for windmills and wind-powered generators, which immediately followed this entry, was repealed 9-13-2011 by Ord. No. 2213.*

D. Structures of mixed use, commercial and residential, subject to the provisions of Articles IV through XX and § 115-219.

§ 115-81. Permitted signs.

[Amended 10-3-1989 by Ord. No. 619; 12-14-1993 by Ord. No. 945; 12-2-2008 by Ord. No. 2008]

See Article XXI, § 115-159.5, for signs permitted in the C-1 District and other regulations relating to signs.

§ 115-82. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Other	10,000	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

[Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

[Added 7-15-1997 by Ord. No. 1157]

- B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

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

**NOTE: See also § 115-194.1.

- C. Maximum height requirements. Maximum height requirements shall be as follows:
[Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

§ 115-83. Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXIV, Conditional Uses

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

- B. Closed district. As of the date of adoption of this amendment, the C-1 General Commercial District shall be considered a closed district and shall not be applied to any additional lands in Sussex County. The district and its various provisions and regulations shall continue to exist as they apply to a C-1 District established under the procedures of this chapter.

[Added 8-22-2006 by Ord. No. 1870]

Sussex County Government
Treasury
2 The Circle, PO Box 601
Georgetown, DE 19947

03/16/2026 09:43AM Megan D.
Receipt number: 33031165-0073 001291250

PERMITS / INSPECTIONS	
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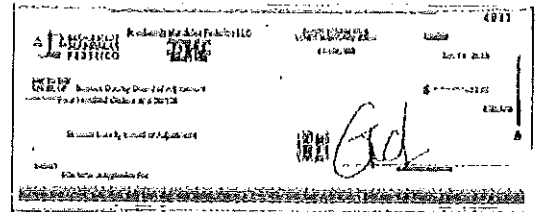
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Subtotal	\$400.00
Total	\$400.00

Tenders	
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Check Number 004831	

Change due	\$0.00
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Eagleview Search Results

Selected Features: Parcels (1)

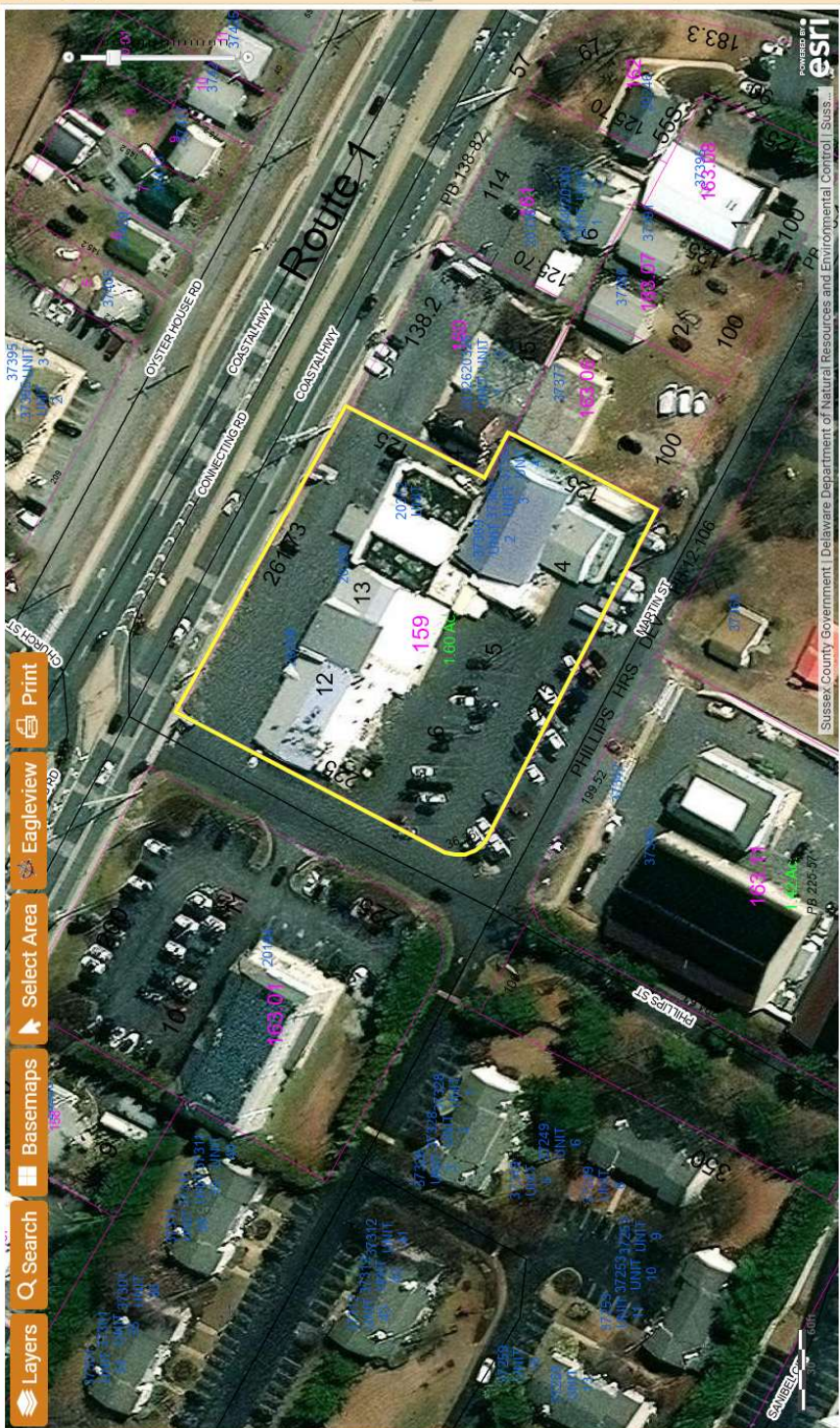
Zoom

1) 334-19.00-159.00

BOOK	2806
PAGE	12
FULLNAME	BIGGER FISH LLC
Second_Owner_Name	
MAILINGADDRESS	PO BOX 501
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-20-159
DESCRIPTION	RT 1 PHILLIPS ST
DESCRIPTION2	LOTS 4 5 6 12 13
DESCRIPTION3	P/O LOT 14
LUC	422
SCHOOL	6
MUNI	00
CAP	
APBLDG	2.3918e+006
APRLAND	2.99e+006
PINWASSEMUNIT	334-19.00-159.00
PIN	334-19.00-159.00

Selected Features (1)

Clear Selected



Sussex County Government | Delaware Department of Natural Resources and Environmental Control | Sussex County, Delaware



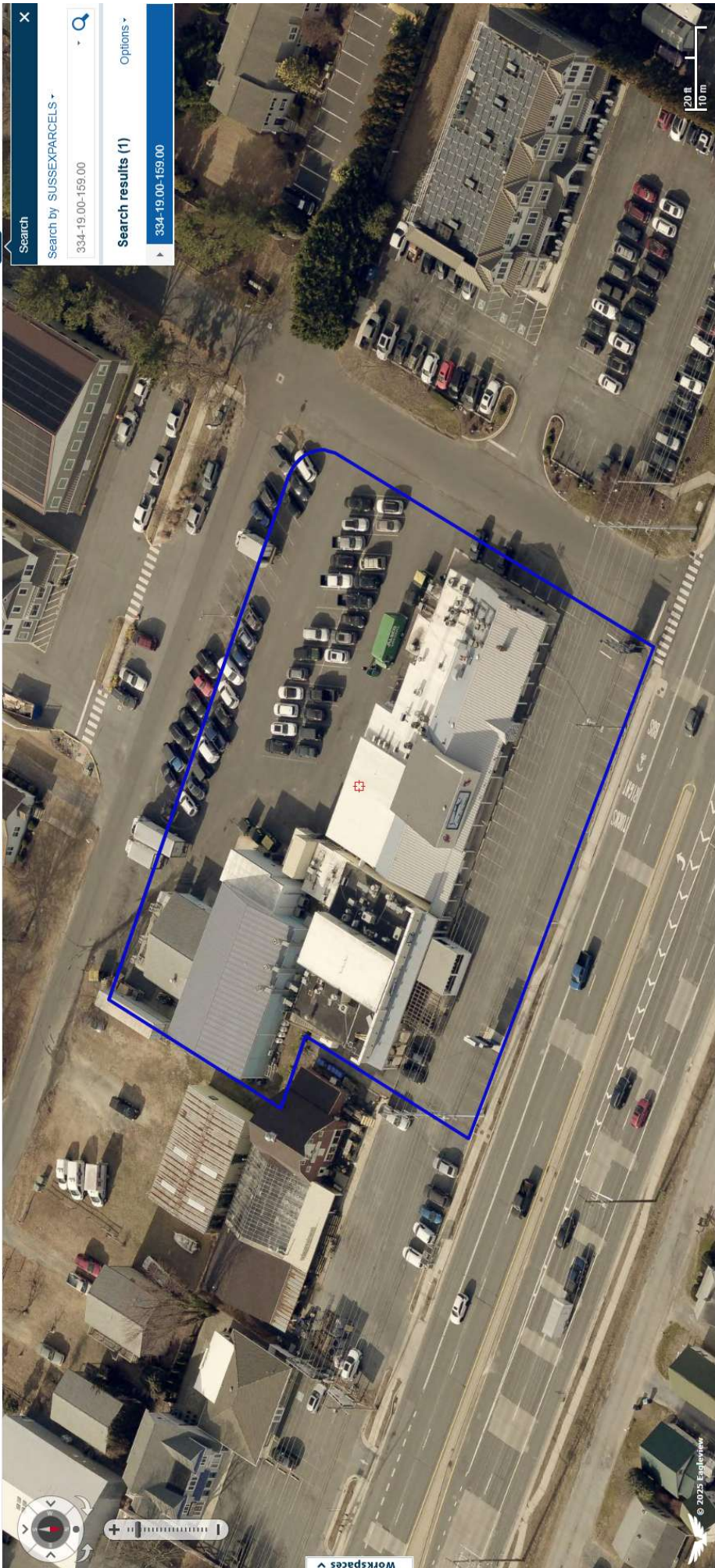
Search X

Search by SUSSEXPARCELS

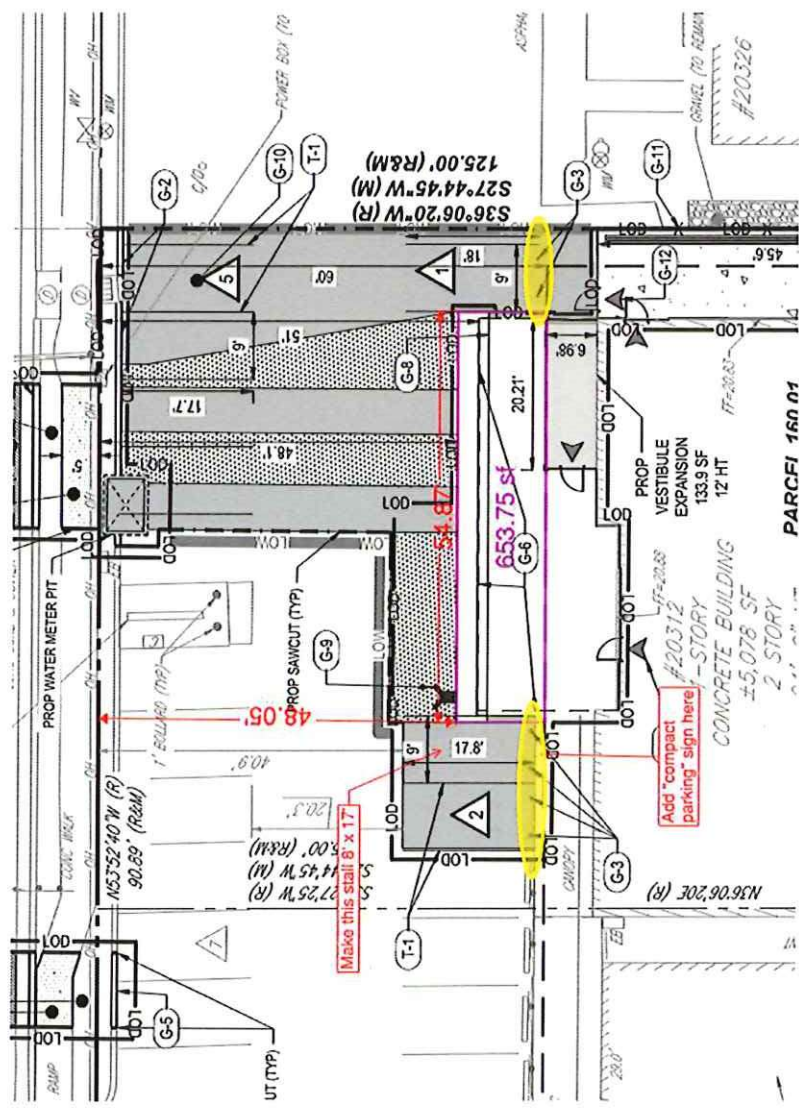
334-19.00-159.00

Search results (1) Options

334-19.00-159.00



COASTAL HIGHWAY





Jessica Iarussi

From: Glenn C. Mandalas <gmandalas@lawbmf.com>
Sent: Wednesday, April 8, 2026 11:47 AM
To: Lauren Cecchine
Cc: Meagan G. Long; Jennifer Norwood; Jessica Iarussi
Subject: RE: Case 13183 - Bigger Fish LLC
Attachments: ATLAS Bollards.pptx

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

Thanks all. The advertisement is broad enough to cover the variances being sought, so I think we are good on that issue and can proceed. Thanks for sending.

I will revise the application to better clarify the variances being requested, which are now limited to the waiting area in the front setback and the bollards in the front setback. If it is ultimately determined a variance is not needed for the bollards, please let me know and I will not include that in the application. The attached PowerPoint is an attempt to demonstrate where the bollards are intended to be placed. In the photograph some of the existing outdoor seating will be removed, which will open two additional parking spaces. The intent is to place bollards at the end of those parking spaces because they will be close to the restaurant façade.

Thanks for your assistance.

Glenn

**Glenn C. Mandalas****Partner**

1413 Savannah Rd., Suite 1 Lewes, DE 19958
 (302) 645-2262 (office) | (302) 313-5278 (fax)
 gmandalas@lawbmf.com
 www.lawbmf.com



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From: Lauren Cecchine <lauren.Cecchine@sussexcountyde.gov>
Sent: Wednesday, April 8, 2026 10:55 AM
To: Glenn C. Mandalas <gmandalas@lawbmf.com>
Cc: Meagan G. Long <mlong@lawbmf.com>; Jennifer Norwood <jnorwood@sussexcountyde.gov>; Jessica Iarussi <jessica.iarussi@sussexcountyde.gov>
Subject: RE: Case 13183 - Bigger Fish LLC

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

Good Morning, Glenn,

Case # 13184
Hearing Date 4.27.26
202602941

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:

37030 Laws Point Rd. Selbyville, DE 19975

Variance/Special Use Exception/Appeal Requested: 2' var. from 5' side yard setback for prop structures

Applicants request a variance from the required 5-foot side-yard setback to permit placement of exterior HVAC condenser units within the side setbacks of the proposed dwelling. One unit is proposed on the Lot 53 side at approximately 4.25 feet from the property line, and two units are proposed on the Lot 51 side at approximately 3.0 feet from the property line.

Tax Map #: 5-33-12.16-279.00 Property Zoning: GR

Applicant Information

Applicant Name: Paul Richard Douglas and Mary Lou Douglas
Applicant Address: 827 Fairwind Dr
City Bel Air State MD Zip: 21014
Applicant Phone #: (443) 564-2655 Applicant e-mail: prdouglas@comcast.net

Owner Information

Owner Name: Paul Richard Douglas and Mary Lou Douglas
Owner Address: 827 Fairwind Dr
City Bel Air State MD Zip: 21014 Purchase Date: _____
Owner Phone #: (443) 564-2655 Owner e-mail: prdouglas@comcast.net

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Paul Richard Douglas
Digitally signed by Paul Richard Douglas
Date: 2026.03.13 12:28:01 -04'00'
Date: 3/13/26



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 a narrow 40-foot-wide canal-front lot with an elevated dwelling. Its size, lot width, flood-zone design, enclosed first-floor garage, and overall building layout create practical limits on where exterior HVAC equipment can be placed. These are physical conditions unique to this property and create the hardship for which the variance is requested.

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.

Strict compliance with the 5-foot side setback leaves no practical location for all HVAC condensers while preserving normal residential use of the property. The front is needed for entry and four parking spaces. The rear is constrained by the covered concrete area, outdoor shower, rear access path, and rear door system. Side placement is the most practical location for the equipment.

3. Not created by the applicant:

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

The hardship was not created by the applicants. It results from the narrow canal-front lot, elevated house design, enclosed garage level, and limited practical mechanical locations after accounting for parking, access, and rear-yard use. The applicants are not seeking more living area or greater intensity of use, only placement of necessary HVAC equipment for the home.

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

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

The requested variance will not alter the essential character of the neighborhood. The application concerns only exterior HVAC condensers for a single-family home. No living area, density, or change in use is proposed. Similar side-mounted condenser installations exist on nearby homes, so the request is consistent with the existing character of surrounding elevated coastal residences.

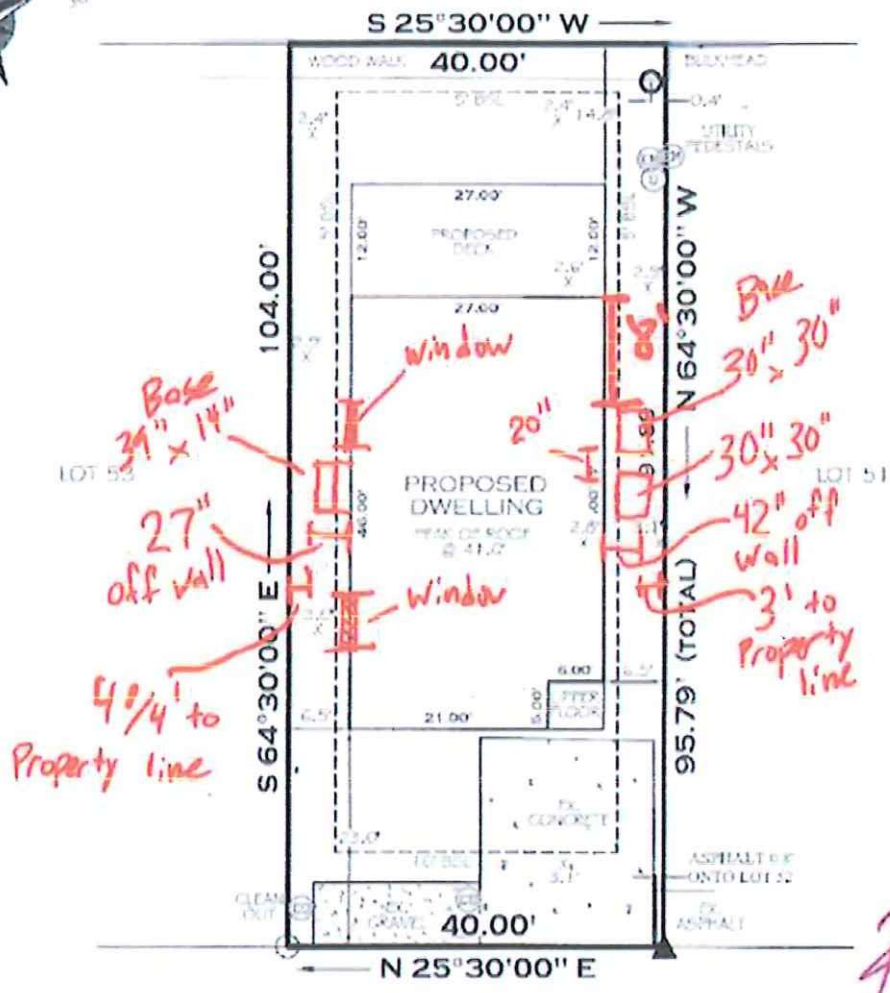
5. Minimum variance:

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 request is the minimum variance needed. One smaller unit is proposed on the Lot 53 side at about 4.25 feet from the property line, requiring about 0.75 feet of relief. Two units are proposed on the Lot 51 side at about 3.0 feet from the property line, requiring about 2.0 feet of relief. The request applies only to HVAC equipment, not to living area or other structures.

11/14/2025 10:45 AM

LAGOON



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 FIELD CHECKED AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CORNER MARKS, DIMENSIONS, BOUNDARY OR LOCATION OF THE PROPERTY AFTER THE DATE SHOWN HEREON SHALL CONSTITUTE A NEW SURVEY AND SHALL REQUIRE A NEW SURVEY TO BE CONDUCTED BY A REGISTERED PROFESSIONAL LAND SURVEYOR.

Brady A. Absher
 BRADLEY A. ABSHER, DE PLS #735
 DATE: 10.17.25

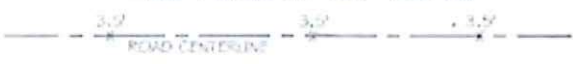
- NOTES**
1. CLASSIFICATION OF SURVEY: SUBURBAN
 2. ZONE: GR
 3. BUILDING SETBACK LINES (BSL)
 - FRONT 12'
 - SIDE 5'
 - REAR 5'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & 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.

5. FLOOD ZONE: AE - 4 PER FEMA FIRM MAP 10005 C 0652 K, DATED 03-16-15

**LAWS POINT ROAD
40' RIGHT OF WAY**



LEGEND	
○	IRON PIPE W/ CAP FOUND
○	IRON ROD FOUND
▲	PC NAIL FOUND

THIS CERTIFIES THAT THE PROPOSED DWELLING'S PLACEMENT IS PROPER, DIMENSIONS ARE CORRECT & I HEREBY ADVISE THAT ALL FIELD WORK TO BE PERFORMED.

 SIGNATURE

 DATE

TAX MAP	5-33 - 12 16 - 279.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	5,852 ± SQ. FT.
DEED REF.	6359 / 16
PLAT REF.	14 / 99
DRAWN BY	JMH
DATE	10 / 17 / 2025
SCALE	1" = 20'
SURVEY #	CE - 11341

**BOUNDARY SURVEY
& SITE PLAN**

**LOT 52, BLOCK E
SWANN KEYS**

FOR
PAUL R. MARY LOU DOUGLAS

37030 LAWS POINT ROAD, SELBYVILLE, DE 19975

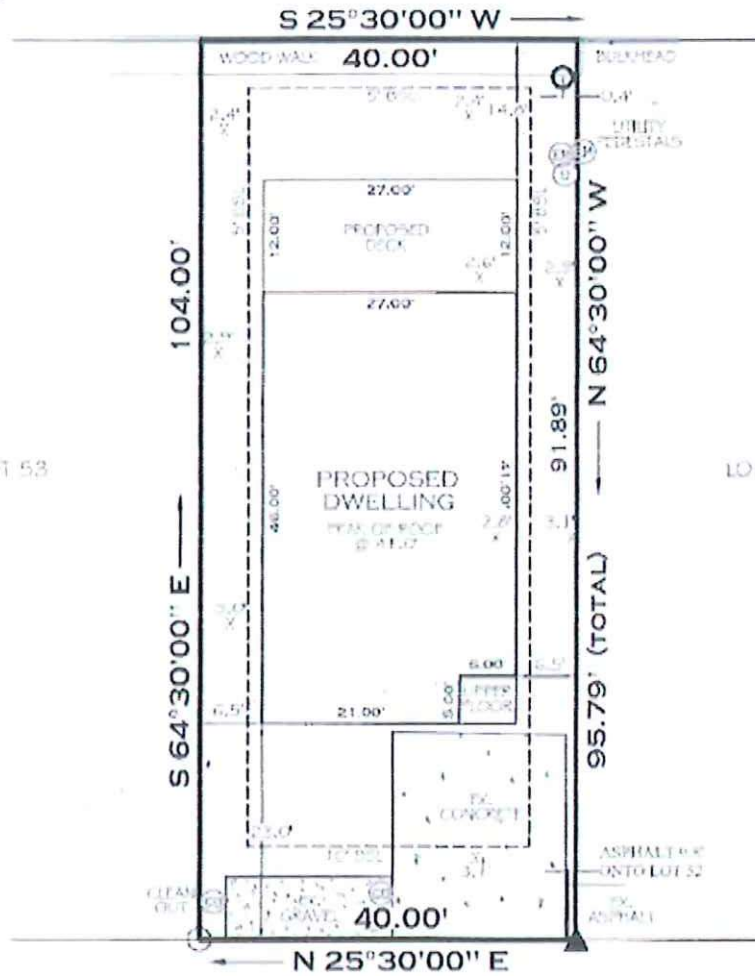
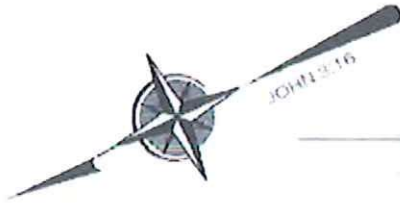
TRUE NORTH

LAND SURVEYING

35222 BAYARD ROAD
 FRANKFORD, DE 19045
 302-539-2488

10/17/2025 10:17:25 AM

LAGOON



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 IN ACCORDANCE WITH THE SUPERVISION AND REGULATORY STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, ENCUMBRANCES, BOUNDARIES OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW SURVEY AND CORRECTION THEREFOR. ANY AND ALL LEGAL MATTERS ARE THE RESPONSIBILITY OF THE CLIENT.

BRADLEY A. ABSHER, DE PLS # 735
DATE 10.17.25

- NOTES**
1. CLASSIFICATION OF SURVEY: SUBURBAN
 2. ZONE: GR
 3. BUILDING SETBACK LINES (BSL)
FRONT 10'
SIDE 5'
REAR 5'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOMEOWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & 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.

5. FLOOD ZONE: AE-1 PER FEMA FIRM MAP 10005 C 0552 X, DATED 03/16/15

**LAWS POINT ROAD
40' RIGHT OF WAY**



LEGEND	
○	IRON PIPE W/ CAP FOUND
○	IRON ROD FOUND
▲	PX NAIL FOUND

THIS CERTIFIES THAT THE PROPOSED DWELLING'S PLACEMENT IS PROPER. ENCUMBRANCES ARE CORRECTED. EVIDENCE AND FIELD WORK TO BE PERFORMED.

SIGNATURE

DATE

TAX MAP	5-33-12 IG 279.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	3,832 ± SQ. FT.
DEED REF.	6359 / 16
PLAT REF.	14 / 99
DRAWN BY	MH
DATE	10 / 17 / 2025
SCALE	1" = 20'
SURVEY #	DE - 11341

**BOUNDARY SURVEY
& SITE PLAN**

**LOT 52, BLOCK E
SWANN KEYS**

FOR
PAUL R. MARY LOU DOUGLAS

37030 LAWS POINT ROAD, SELBYVILLE, DE 19975

TRUE NORTH

LAND SURVEYING

35322 BAYARD ROAD
FRANKFORD, DE 19345
302-539-2488

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.

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

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

Check List for Applications

The following shall be submitted with the application

- **Completed Application**
- **Provide a survey of the property (Variance)**
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- **Provide a Site Plan or survey of the property (Special Use Exception)**
- **Provide relevant Application Fee (please refer to fees effective July 1, 2022)**
- **Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)**
- **Copy of Receipt (staff)**
- **Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)**
- **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.**

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney

Paul Richard Douglas Digitally signed by Paul Richard Douglas
Date: 2026.03.13 12:35:47 -04'00'

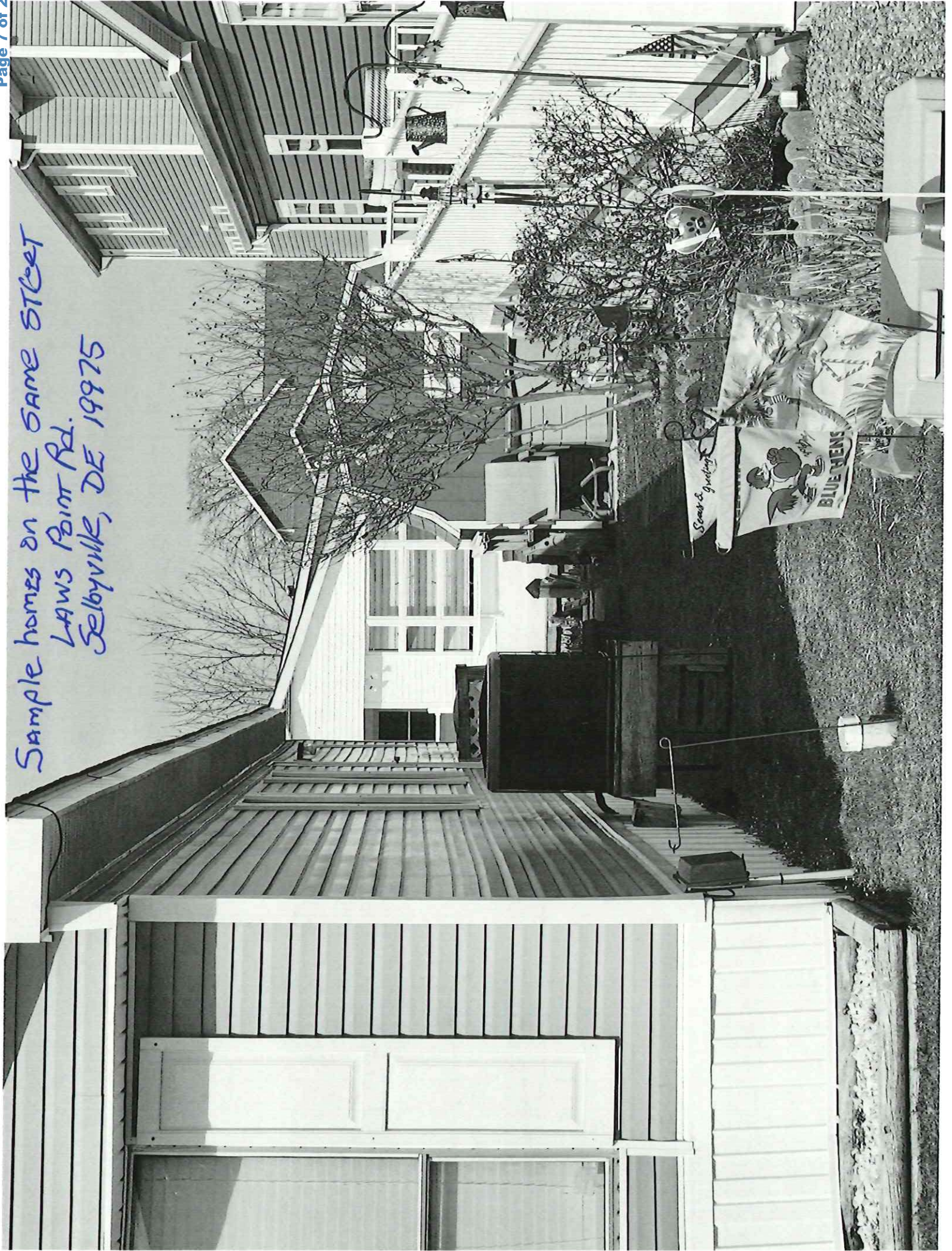
Date: 3/13/26

For office use only:

Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____

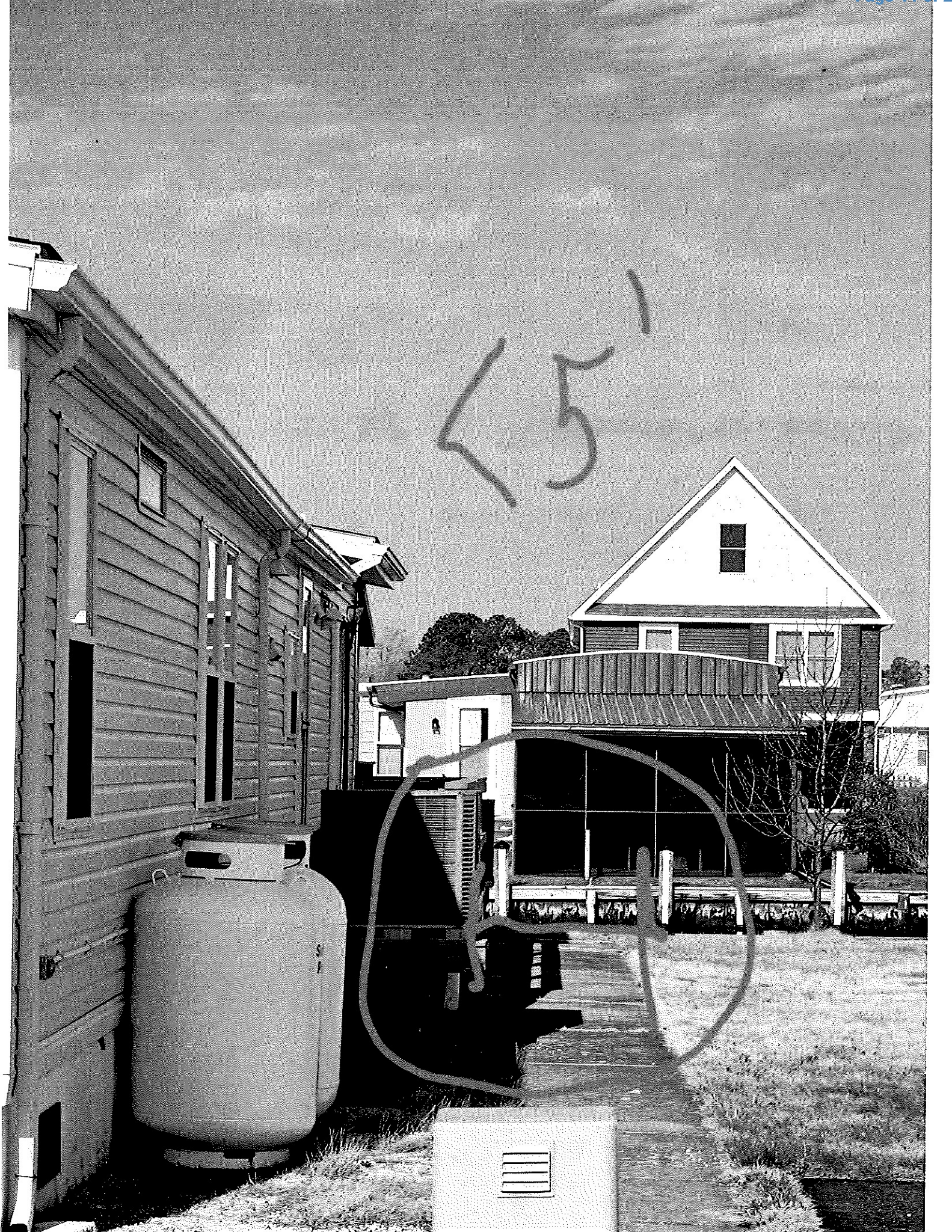
Sample homes on the same street
LAWS POINT RD.
SELBYVILLE, DE 19975





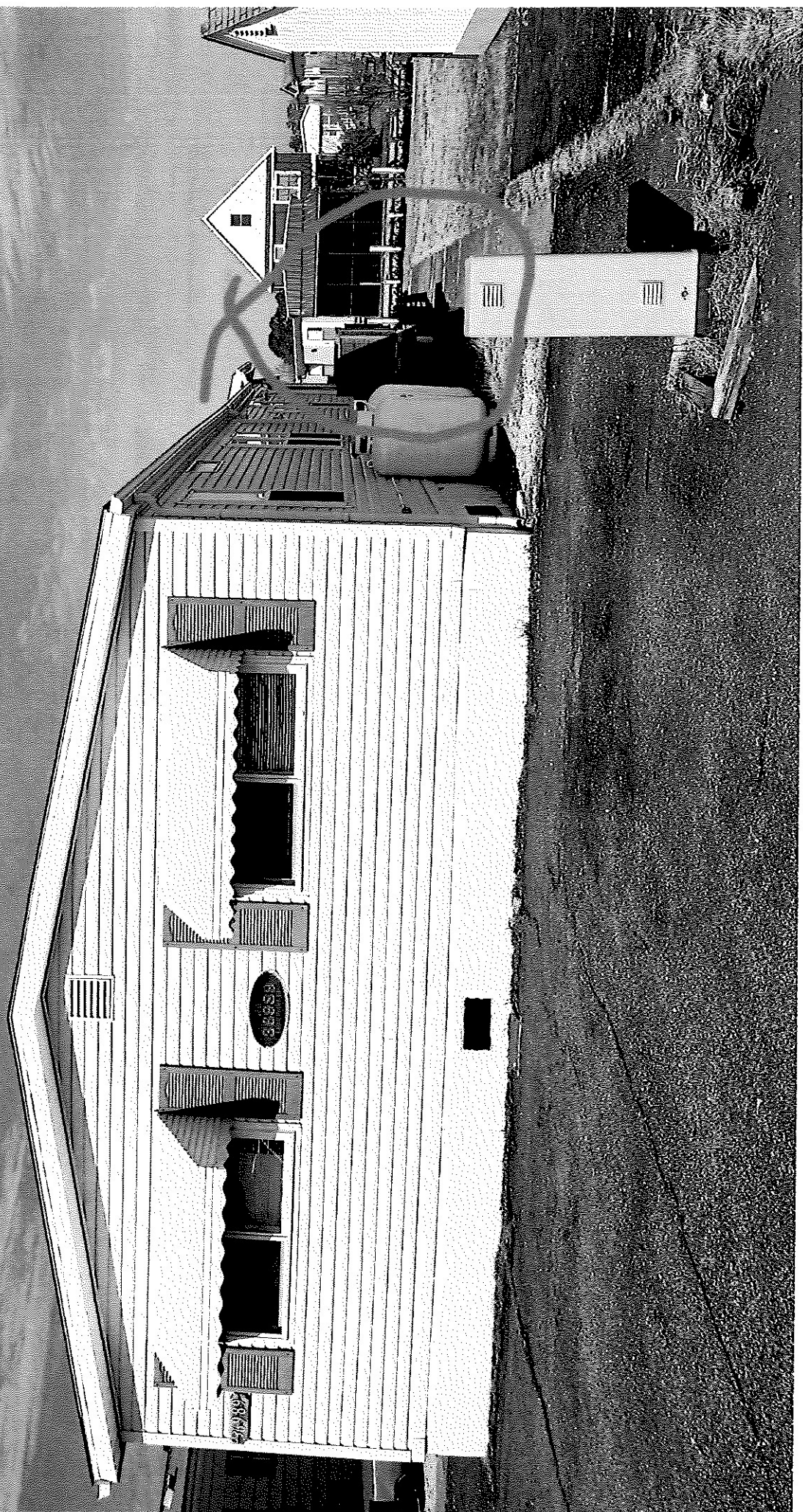






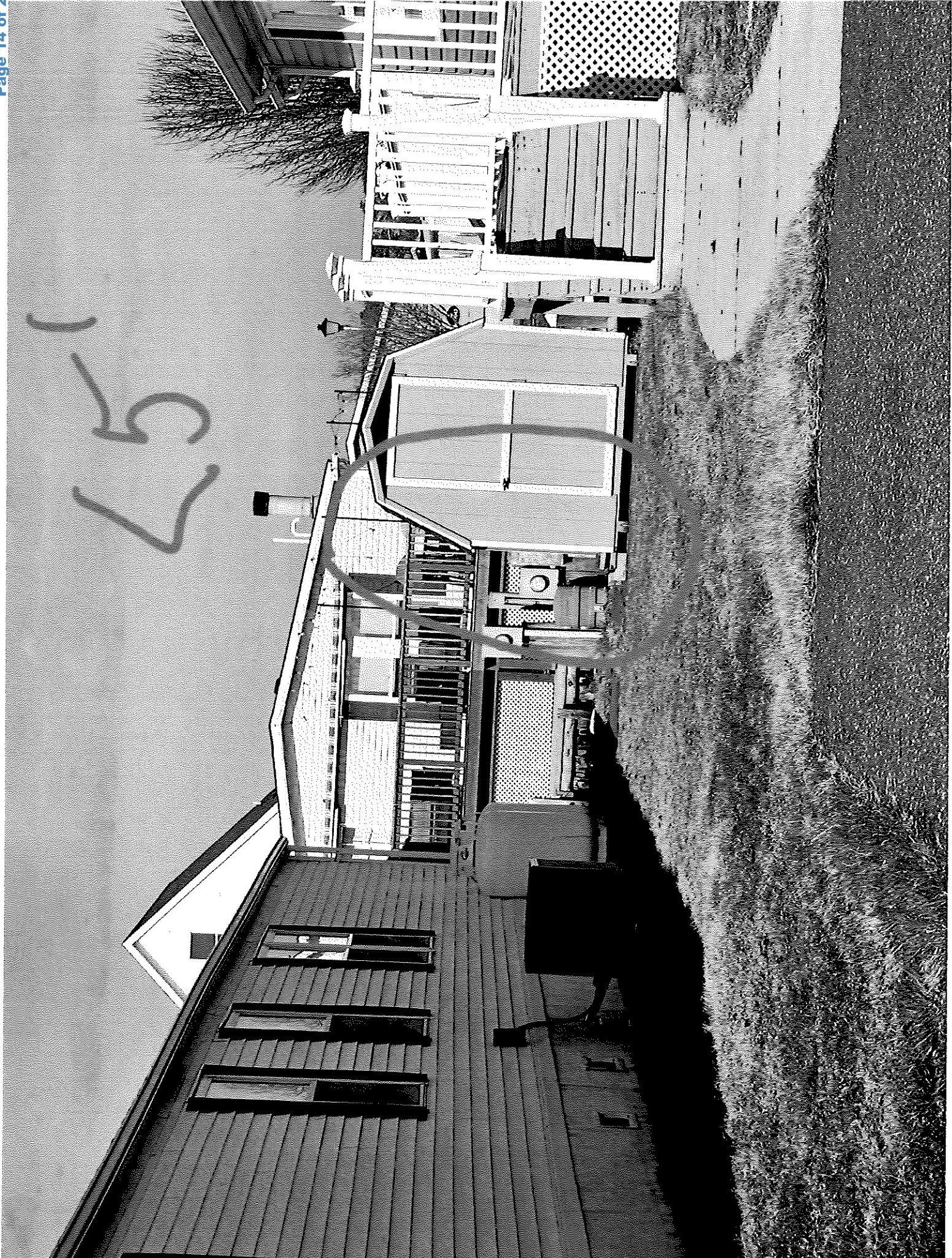
151

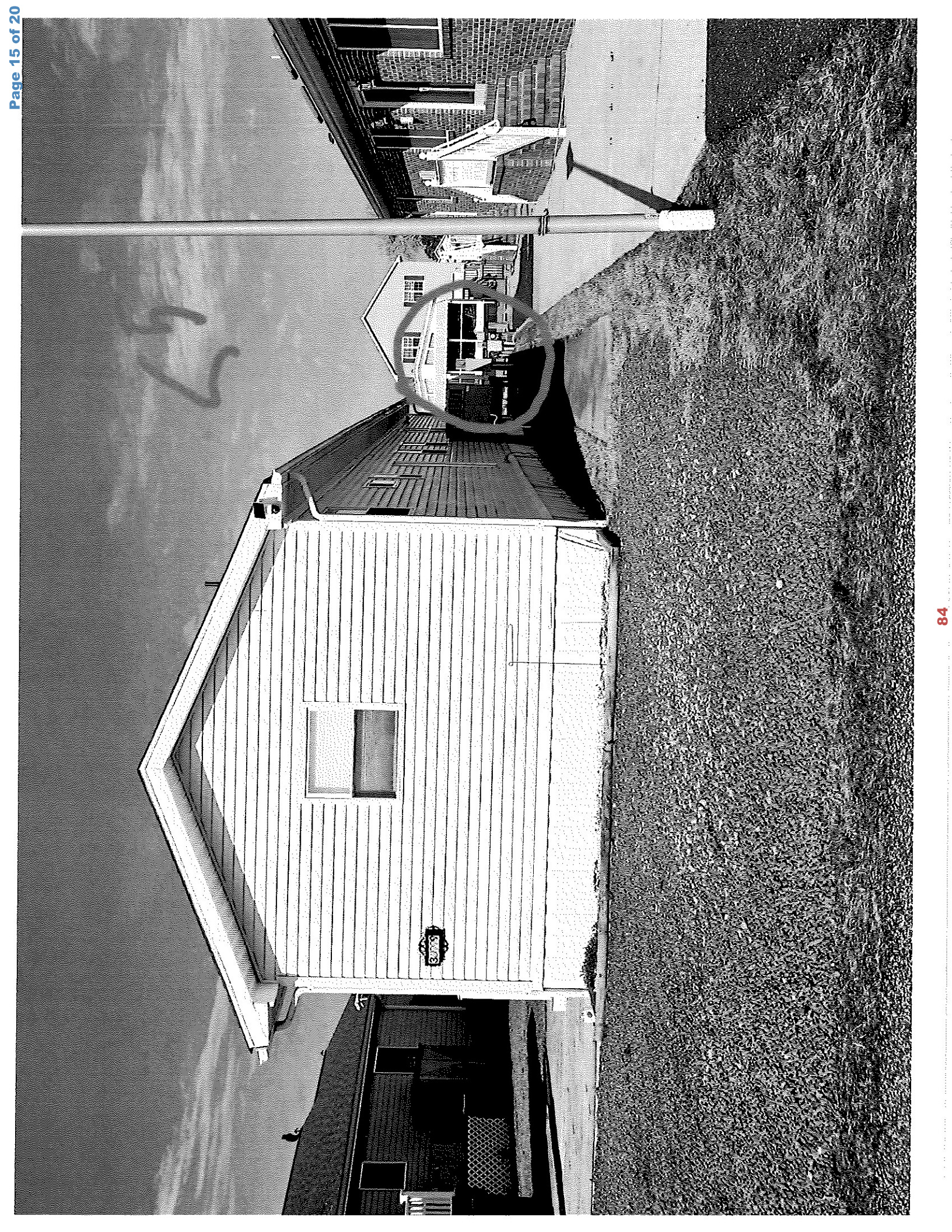


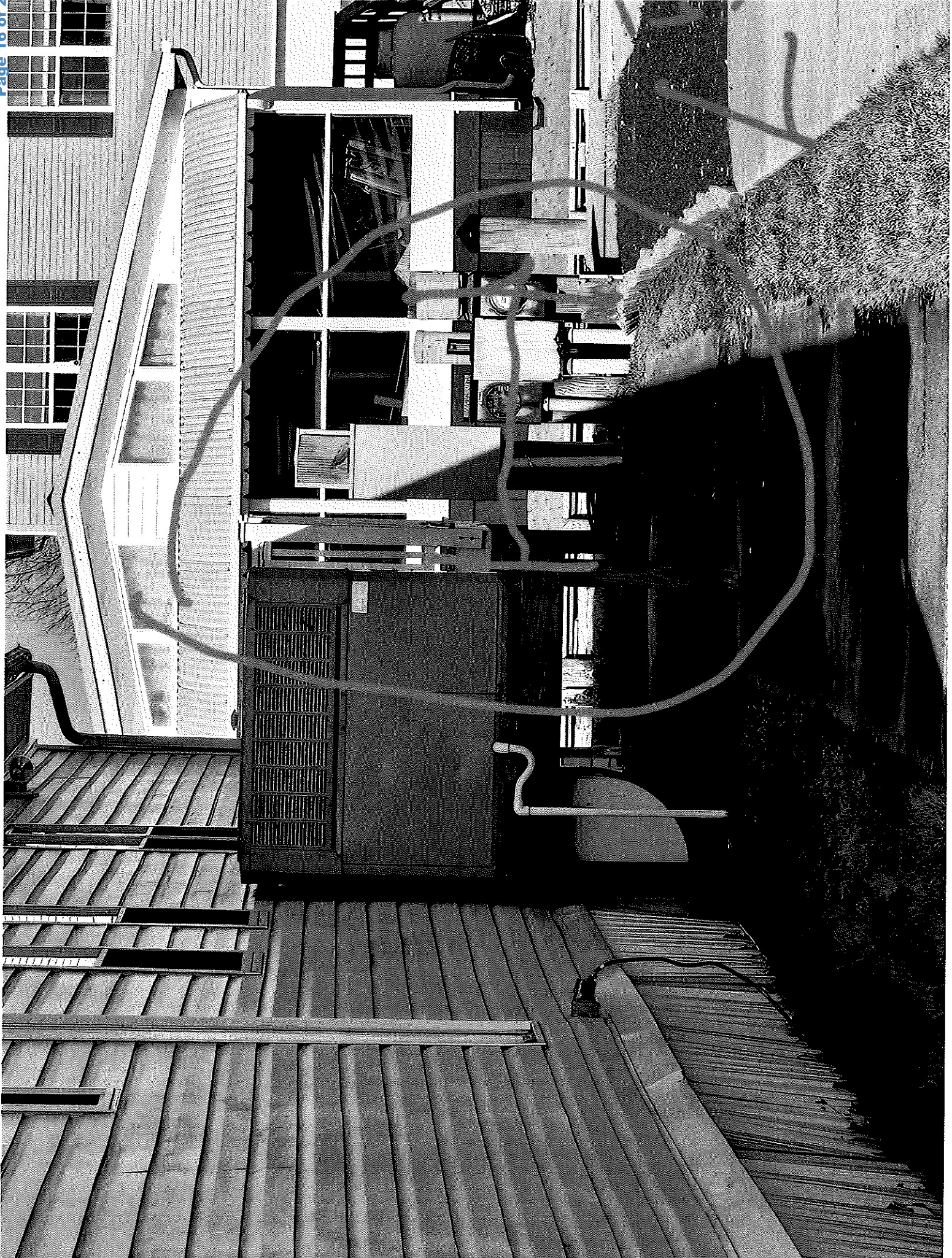




251







Sussex County Government
Treasury
2 The Circle, PO Box 601
Georgetown, DE 19947

03/13/2026 03:23PM Megan D.
Receipt number: 33031165-0056 001291223

PERMITS / INSPECTIONS
2026 202602941|Z020 \$500.00

\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 1387

Change due \$0.00

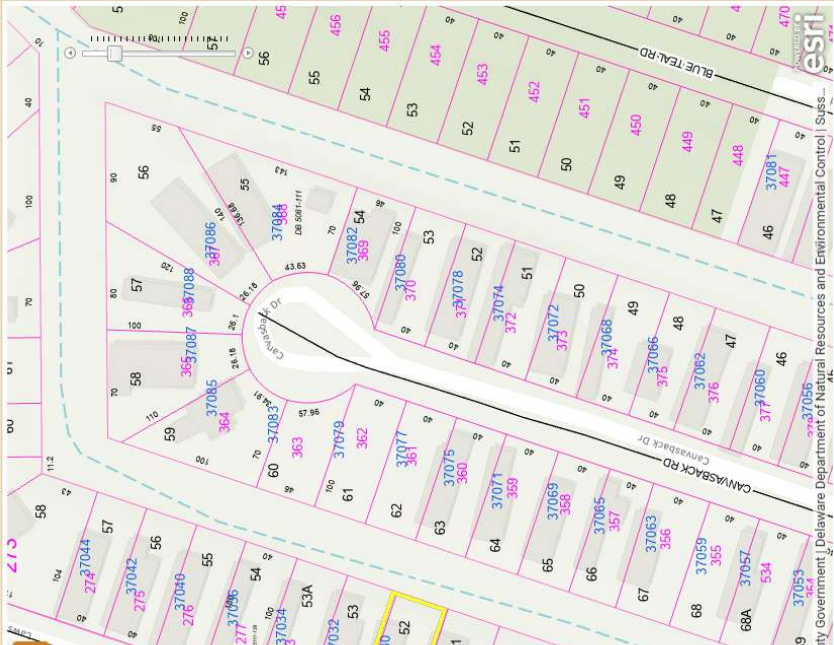
Paid by: PAUL DOUGLAS

PAUL DOUGLAS C/O MARY LOU DOUGLAS 11111 1111 DE 19810 1111	1387
DATE: 3/13/26	
PAID TO: <u>Sussex County</u>	\$500.00
PAID BY: <u>Paul Douglas</u>	
SUSSEX COUNTY GOVERNMENT TREASURY 2 THE CIRCLE, PO BOX 601 GEORGETOWN, DE 19947	

Thank you for your payment.

CUSTOMER COPY

Layers Search Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

Zoom

▼ 1) 533-12.16-279.00

BOOK	6359
PAGE	16
FULLNAME	DOUGLAS MARY LOU
Second_Owner_Name	PAUL RICHARD DOUGLAS
MAILINGADDRESS	827 FAIRWIND DR
CITY	BEL AIR
STATE	MD
a_account	04-03-279
DESCRIPTION	SWANNI KEYS
DESCRIPTION2	LOT 52
DESCRIPTION3	BLK E
LUC	100
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	0
APRLAND	201800
PINWASSEMNTUNIT	533-12.16-279.00
PIN	533-12.16-279.00

Selected Features (1)

Clear Selected

Eagleview Search Results

Selected Features: [Parcels (1)]

▼ 1) 533-12.16-279.00 Zoom

BOOK	6359
PAGE	16
FULLNAME	DOUGLAS MARY LOU
Second_Owner_Name	PAUL RICHARD DOUGLAS
MAILINGADDRESS	827 FAIRWIND DR
CITY	BEL AIR
STATE	MD
a_account	04-03-279
DESCRIPTION	SWANN KEYS
DESCRIPTION2	LOT 52
DESCRIPTION3	BLKE
LUC	100
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	0
APRLAND	201800
PINWASSEMNTUNIT	533-12.16-279.00
PIN	533-12.16-279.00

Selected Features (1)
Clear Selected



esri
Sussex County Government | Delaware Department of Natural Resources and Environmental Control | Sussex



Search

Search by SUSSEXPARCELS

533-12-16-279.00

Search results (1)

533-12-16-279.00

Workspaces

© 2025 Engleview

map: Auto (Oblique) | Mar 2025 - Mar 2025 | image 1 of 9 | 03/12/2025

Board of Adjustment Application Sussex County, Delaware

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

Case # 13185
Hearing Date 04-27-2026
202603207
RECEIVED

MAR 18 2026

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:

14706 Coastal Highway, Milton, Sussex County, DE 19968

Variance/Special Use Exception/Appeal Requested:

Applicant seeks a variance to reduce the front yard setback requirement and a variance to reduce the CHCOZ setback to allow for the development of a two-story building.

Tax Map #: 235-16.00-76.00

Property Zoning: C-1 General Commercial

Applicant Information

Applicant Name: 14706 COASTAL HWY LLC c/o Steven Fender and Jennifer Sharp
Applicant Address: 14512 Deer Forest Road
City Bridgeville State DE Zip: 19933
Applicant Phone #: 302-388-3290 Applicant e-mail: shedcrazysales@gmail.com

Owner Information

Owner Name: 14706 COASTAL HWY LLC c/o Steven Fender and Jennifer Sharp
Owner Address: 14512 Deer Forest Road
City Bridgeville State DE Zip: 19922 33 Purchase Date: 8-28-2024
Owner Phone #: (302)-388-3290 Owner e-mail: shedcrazysales@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Saul Ewing LLP c/o Mackenzie Peet, Esq.
Agent/Attorney Address: 1201 N. Market Street, Suite 2300
City Wilmington State DE Zip: 19934
Agent/Attorney Phone #: (302)421-6826 Agent/Attorney e-mail: mackenzie.peet@saul.com

Signature of Owner/Agent/Attorney

Steven Fender
Jennifer Sharp

Date: 3-5-26



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 uniquely shaped with five sides and a very narrow developable area. Access is restricted by DelDOT on the south side of the property, requiring that site access be located on the northern side. Additionally, the minimum rear yard setback of 30' from the adjacent residential development, along with the 60' front yard and CHCOZ setbacks, further constrain the building envelope.

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 property's narrow and shallow building envelope, along with such other unique factors such as the denial of access, it cannot be developed in full compliance with the code. These distinctive conditions necessitate the two requested variances to enable the construction of a reasonably sized two-story building within the C-1 District.

3. Not created by the applicant:

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

The exceptional practical difficulty faced by the Applicant is not self-created; rather, it stems from evolving setback requirements and unique property characteristics that significantly constrain the developable area for a suitably sized building in the C1 District.

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.

If granted, the variances will not change the essential character of the neighborhood or district. On the contrary, the proposed building will harmonize with existing developments within the C-1 District and will also adhere to the required rear setback from the residential property. It is also worth mentioning that two buildings previously existed on the property in location similar to the proposed building.

5. Minimum variance:

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

The requested variances, if approved, would represent the minimum necessary variance to provide relief. The Applicant has put forth a proposal that meets the least amount required while ensuring a reasonable sized building, both in bulk and area, within the C-1 District, to serve their business. Importantly, this proposal respects the setbacks as much as possible and complies with the rear yard and side yard setbacks.

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.

N/A

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

N/A

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

N/A

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

- Completed Application
- Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.
- N/A • Provide a Site Plan or survey of the property (Special Use Exception)
- Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- Copy of Receipt (staff)
- Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney

[Handwritten Signature]

Date: 3-5-26

For office use only:

Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

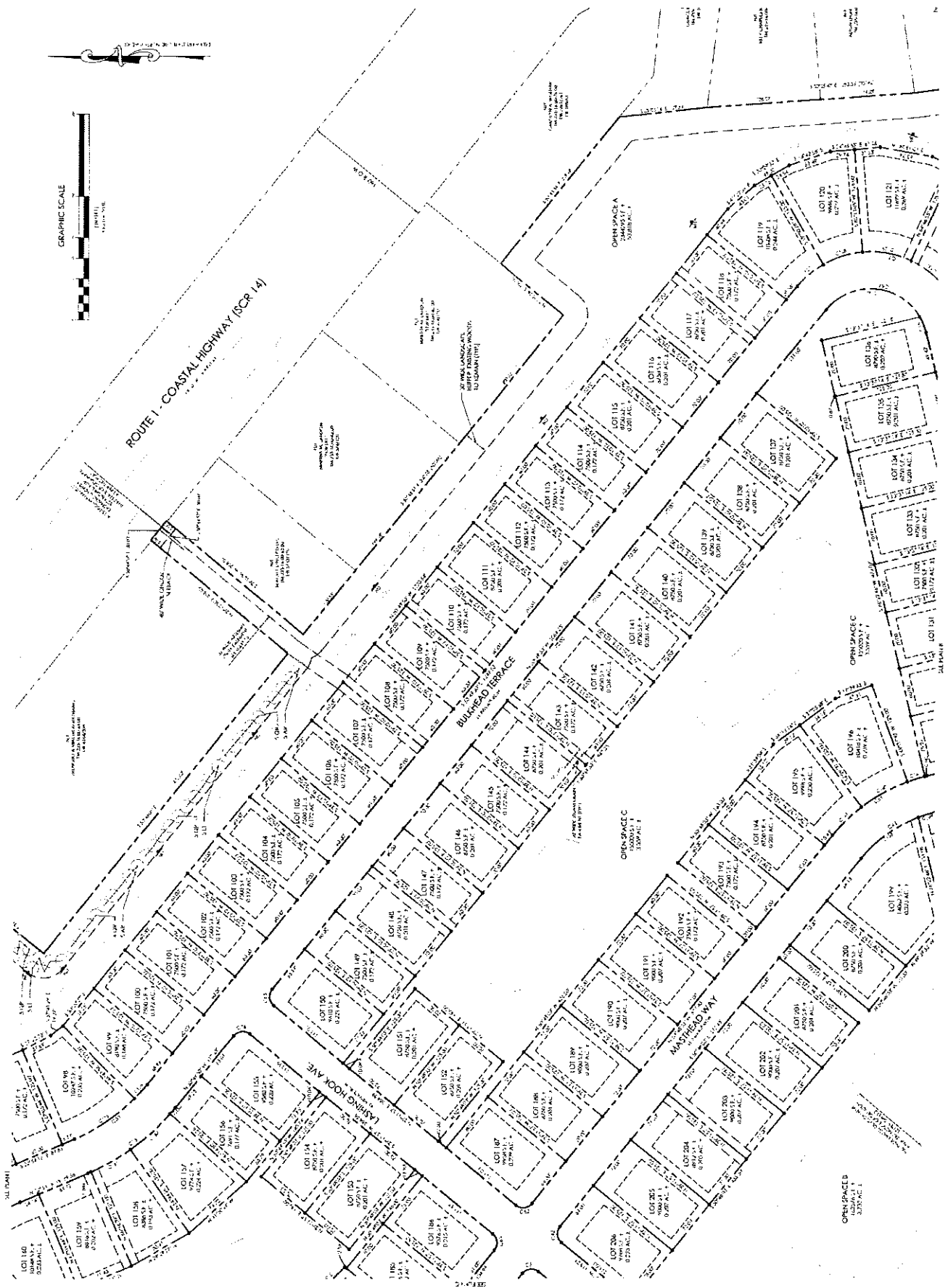
Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____

Document# 202400034702 BK: 436 PG: 60
Recorder of Deeds, Alexandra Reed Baker On 10/2/2024 at 1:53:15 PM Sussex County, DE
One Surecharge Paid

RECORD PLAN - PLAN D
OF
TWIN MASTS
 BROADKILL HUNDRED
 SUSSEX COUNTY, DELAWARE
 SCR 257

NO.	DATE	REVISIONS
1	05/13/2024	ASPECT RITE CONCEPTS

DATE: 10/2/2024
 TIME: 1:53:15 PM
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO: [Blank]
 SHEET NO: [Blank]



7/21/25, 1:02 PM

Property Search

PARID: 235-16.00-76.00
14706 COASTAL HWY LLC

14706 COASTAL HWY

Property Information

Property Location:	14706 COASTAL HWY
Unit:	
City:	MILTON
State:	DE
Zip:	19968
Class:	R-Residential
Use Code (LUC):	100-Residential - Vacant Land
Town:	00-None
Tax District:	235 - BROAD KILL
School District:	6 - CAPE HENLOPEN
Fire District:	85-Milton
Deeded Acres:	1.0227
Frontage:	417
Depth:	130.000
Irr Lot:	I
Plot Book Page:	/PB
100% Land Value:	\$105,100
100% Improvement Value:	\$0
100% Total Value:	\$105,100

Legal

Legal Description	SW/RT 1 CORNER W/RT 258
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Owners

Owner	Co-owner	Address	City	State	Zip
14706 COASTAL HWY LLC		14512 DEER FOREST RD	BRIDGEVILLE	DE	19933

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
12/12/2024	6221/173				14706 COASTAL HWY LLC
08/29/2024	6159/233	\$245,000.00			FENDER STEVEN D
01/09/1998	2261/261	\$1.00	\$2,300.00	0	
11/15/1985	/	\$35,000.00	\$700.00	0	
10/04/1982	/	\$10,600.00	\$0	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2025	14706 COASTAL HWY LLC		14512 DEER FOREST RD	BRIDGEVILLE	DE	19933	6221/173
2024	14706 COASTAL HWY LLC		14512 DEER FOREST RD	BRIDGEVILLE	DE	19933	6221/173
2024	FENDER STEVEN D	JENNIFER L SHARP	14512 DEER FOREST RD	BRIDGEVILLE	DE	19933	6159/233
2024	WOLHAR CAROLYN A	SHIRLEY A	PO BOX 35	MIDDLETOWN	DE	19709	2261/261
2023	WOLHAR CAROLYN A	SHIRLEY A	PO BOX 35	MIDDLETOWN	DE	19709	2261/261
2022	WOLHAR CAROLYN A	SHIRLEY A	PO BOX 35	MIDDLETOWN	DE	19709	2261/261
2021	WOLHAR CAROLYN A	SHIRLEY A	PO BOX 35	MIDDLETOWN	DE	19709	2261/261
2020	WOLHAR CAROLYN A	SHIRLEY A	PO BOX 35	MIDDLETOWN	DE	19709	2261/261
2019	WOLHAR CAROLYN A	SHIRLEY A	PO BOX 35	MIDDLETOWN	DE	19709	2261/261
2019	WOLHAR CAROLYN A	SHIRLEY A	4 NORTH CUMMINGS DR	MIDDLETOWN	DE	19709	2261/261
2018	WOLHAR CAROLYN A	SHIRLEY A	4 NORTH CUMMINGS DR	MIDDLETOWN	DE	19709	2261/261
2018	WOLHAR CAROLYN A	SHIRLEY A	4 N CUMMINGS DR	MIDDLETOWN	DE	19709	2261/261
2017	WOLHAR CAROLYN A	SHIRLEY A	4 N CUMMINGS DR	MIDDLETOWN	DE	19709	2261/261
2017	WOLHAR CAROLYN A	SHIRLEY A	4 N CUMMINGS DR	MIDDLETOWN	DE	19709	2261/261

7/21/25, 1:02 PM

Property Search

2013	WOLHAR KENNETH ROBERT	PO BOX 4034	GREENVILLE	DE	19807	2261/261
2013	WOLHAR KENNETH ROBERT	PO BOX 4034	GREENVILLE	DE	19807	2261/261
2000	WOLHAR KENNETH ROBERT	PO BOX 4034	GREENVILLE	DE	19807	2261/261
1900	BRITTINGHAM DAVID S				0	1378/113
1900	WOLHAR KENNETH ROBERT				0	2261/261
1900	BRITTINGHAM DAVID S				0	1318/341

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1		01	417	130	1.0227	N
2		03			1.0227	N

Land Summary

1 of 2

Line	1
100% Land Value	104,500

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$105,100	\$0	\$105,100

50% Values

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
02-NOV-2016	201611550	\$0	AR-1 TO C-1
28-APR-1999	56515-3	\$30,000	MODEL HOME 2ND.OFF.-SW 1COR.W/258
08-JUN-1998	56515-2	\$0	SIGN-RT.1CORNER RT.258
26-MAR-1998	56515-1	\$35,000	DWELLING-SW 1CORNER W/258

Electronically Recorded Document# 2024000044470 BK: 6221 PG: 173
 Recorder of Deeds, Alexandra Reed Baker On 12/12/2024 at 3:04:57 PM Sussex County, DE
 Consideration: \$0.00 County/Town: \$0.00 State: \$0.00 Total: \$0.00
 Doc Surcharge Paid Town: SUSSEX COUNTY

Parcel ID: 235-16.00-76.00
PREPARED BY & RETURN TO:
Baird Mandalas Brockstedt Federico, LLC
6 South State Street
Dover, DE 19901
File No.: RE24-2741

NO NEW TITLE SEARCH OR SURVEY REQUESTED OR PERFORMED

THIS DEED, made this 21st day of November, 2024,

- BETWEEN -

STEVEN D. FENDER and **JENNIFER L. SHARP**, of 14512 Deer Forest Road, Bridgeville, DE 19933, parties of the first part,

- AND -

14706 COASTAL HWY, LLC, a Delaware limited liability company, of 14512 Deer Forest Road, Bridgeville, DE 19933, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, Delaware:

ALL that certain tract, piece or parcel of land, situate at the northwest intersection of Delaware Route 1 (southbound) with county Road No. 258 in Broadkill Hundred, Sussex County and State of Delaware. Said tract being more particularly bounded and described as follows to wit:

BEGINNING at a concrete monument located at the intersection of the existing westerly right of way line of Delaware Route 1 (formerly Delaware Route 14) with the division line between lands herein described and the line for lands now or formerly of Pauline Betts. Said point of beginning being located southwest of and opposite Delaware Route 1 construction centerline station 226+66 and 56.00 feet distant measured at right angles therefrom as shown and noted on the right of way plans for Division of Highways Contract No. 65-01-002; thence from said point of beginning along the existing westerly right of way line of Delaware Route 1 South 43 degrees 12 minutes 35 seconds East, a distance of 295.00 feet to a concrete monument set on said right of way line southwest of and opposite Delaware Route 1 construction centerline station 223+71 and 56.00 feet distant measured at right angles therefrom. Said point being the herein created, beginning point of a Denial of Access line; thence by a new herein created right of way and Denial of Access line diagonally connecting the existing westerly right of way line of Delaware Route 1

with the westerly right of way line of County Road No. 258 South 18 degrees 35 minutes 53 seconds East, a distance of 122.60 feet to a concrete monument set at a corner for this property. Said point also being the limit or ending point of the Denial of Access line; thence by the division line between the lands herein conveyed and the line for lands of others North 74 degrees 12 minutes 35 seconds West, a distance of 130.00 feet to a pipe recovered to monument, a corner for this tract; thence by the division line between the lands herein conveyed and the line for lands now of David S. Brittingham, North 43 degrees 12 minutes 35 seconds West a distance of 295.00 feet to a pipe recovered to monument, a corner for this tract and point on the first mentioned division line; thence by the division line between the lands herein conveyed and the line for lands now or formerly of Pauline Betts, North 46 degrees 47 minutes 25 seconds East a distance of 118.00 feet to the first described point and place of beginning; containing within said metes and bounds 0.9501 acres of land be the same more or less, as more fully shown on a survey prepared by Coast Survey, dated October 24, 1985, and filed for record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Plot Book 33, Page 184.

ALSO being described in accordance with that certain Commercial Site Plan prepared by Merestone Consultants, Inc. dated July 3, 2024, last revised August 12, 2024, and recorded in the Office aforesaid in Plot Book 432, Page 95, as set forth on Exhibit "A" attached hereto. It is hereby covenanted and mutually agreed that the 122.60 feet long, diagonal right of way line connecting the right of way of Delaware Route 1 with that of County Road No. 258 shall be expressly forever maintained as a "Denial of Access" line with no vehicular access being permitted between the conveyed premises and the highway right of way.

SUBJECT TO AND TOGETHER WITH THE BENEFIT OF ALL covenants, conditions, restrictions, plans and easements of record with respect to the aforesaid property, this reference to which shall not be construed to reimpose any such covenants, conditions, restrictions, plans and easements which have otherwise lapsed, expired or have otherwise been terminated in accordance with their terms or otherwise, as applicable.

BEING the same lands conveyed to Steven D. Fender and Jennifer L. Sharp by deed from Carolyn A. Wolhar, Individually and as Executrix of the Estate of Kenneth Robert Wolhar and Shirley A. Wolhar, Individually by deed dated August 28, 2024 and recorded August 29, 2024 in the Office of the Recorder of Deeds, in and for Sussex County, and State of Delaware, in Deed Book 6159, Page 233.

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

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Sarah Schell
WITNESS

Steven D. Fender (SEAL)
Steven D. Fender

Jennifer L. Sharp (SEAL)
Jennifer L. Sharp

STATE OF DELAWARE
COUNTY OF KENT, to-wit

BE IT REMEMBERED, that on November 21, 2024, personally came before me, the subscriber, Steven D. Fender and Jennifer L. Sharp, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



[Signature]
Notary Public

EXHIBIT "A"

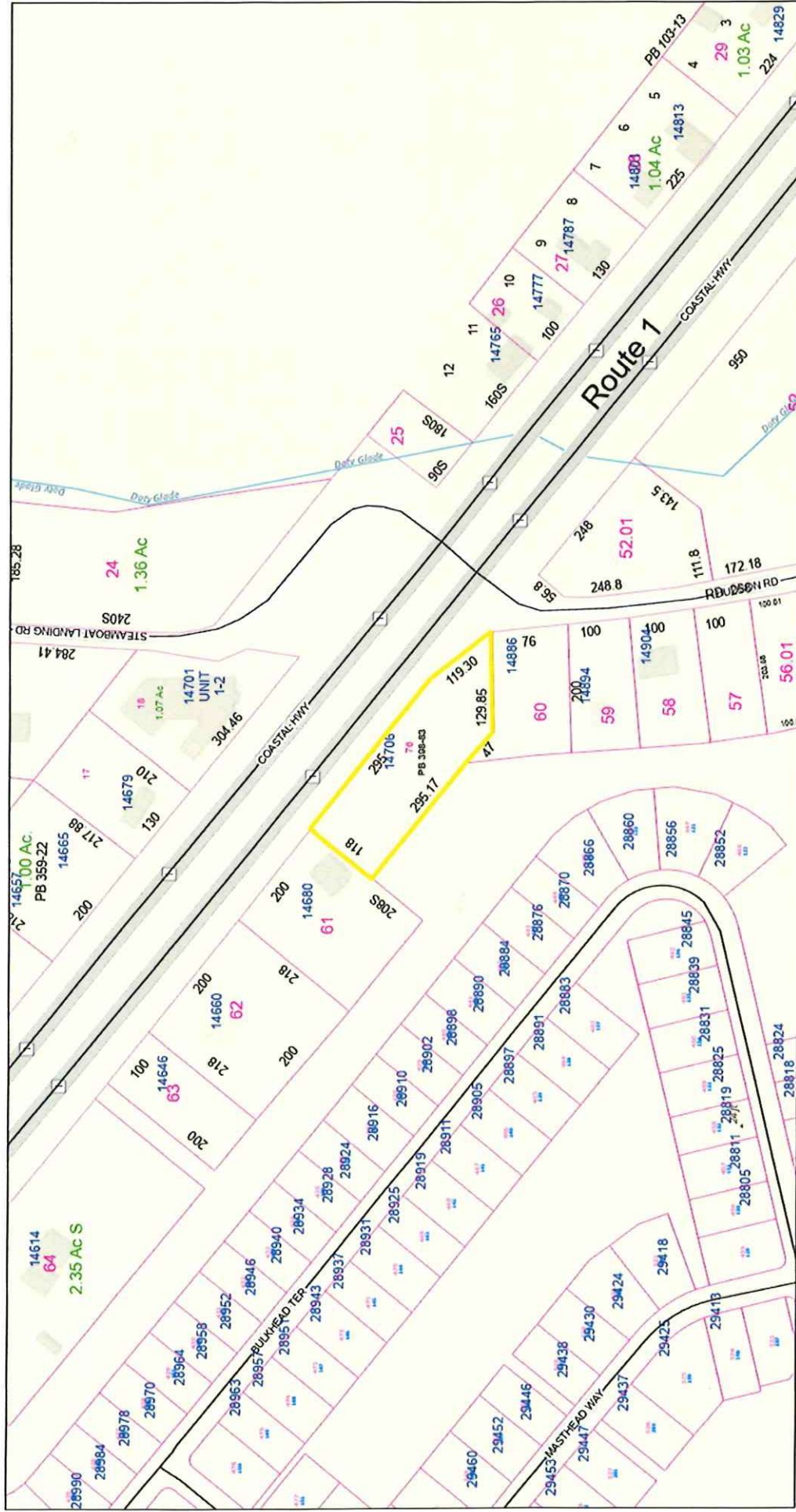
All that certain lot, piece and parcel of land, lying and being situate in the Broadkill Hundred, Sussex County, and the State of Delaware, as depicted on a Commercial Site Plan prepared by Merestone Consultants, Inc. dated July 3, 2024, last revised on August 12, 2024, as recorded in Plot Book 432 Page 95 at the Sussex County Recorder of Deeds at Georgetown, Delaware, fronting on the southwesterly right-of-way line of Coastal Highway also known as State Route 1, at varying widths, adjoining lands now or formerly of Grace R. Satchell, lands now or formerly of Twin Masts, LLC, and lands now or formerly of Martha M. Landon, being more particularly described as follows, to wit:

Beginning at a concrete monument found on the southwesterly right-of-way line of Coastal Highway also known as State Route 1, and at a corner cut, said point being distant South 28 degrees 10 minutes 23 seconds East 119.35 feet from the right-of-way intersection of State Route 1 also known as Coastal Highway and the westerly right of way of Hudson Road also known as SCR 258 to a concrete monument found at a corner for lands now or formerly of Grace R. Satchell; thence running with said Satchell lands North 82 degrees 45 minutes 42 seconds West 129.75 feet to an iron pipe found at a corner for lands now or formerly of Twin Masts, LLC; thence following said Twin Masts lands the following two(2) courses and distances;

1. North 51 degrees 57 minutes 03 seconds West 67.42 feet to an iron pipe found,
2. North 51 degrees 14 minutes 29 seconds West 228.03 feet to an iron pipe found at a corner for lands of Martha M. Landon,

Thence running with said Landon lands North 39 degrees 28 minutes 05 seconds East 118.18 feet to an iron pipe found at the southwesterly right of way of Coastal Highway also known as State Route 1; thence finally proceeding along said right of way of Coastal Highway South 50 degrees 42 minutes 37 seconds East 294.80 feet to the point and place of beginning, containing 0.9356 acres, more or less.

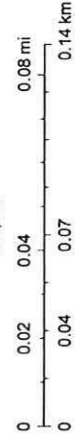
Sussex County



July 21, 2025

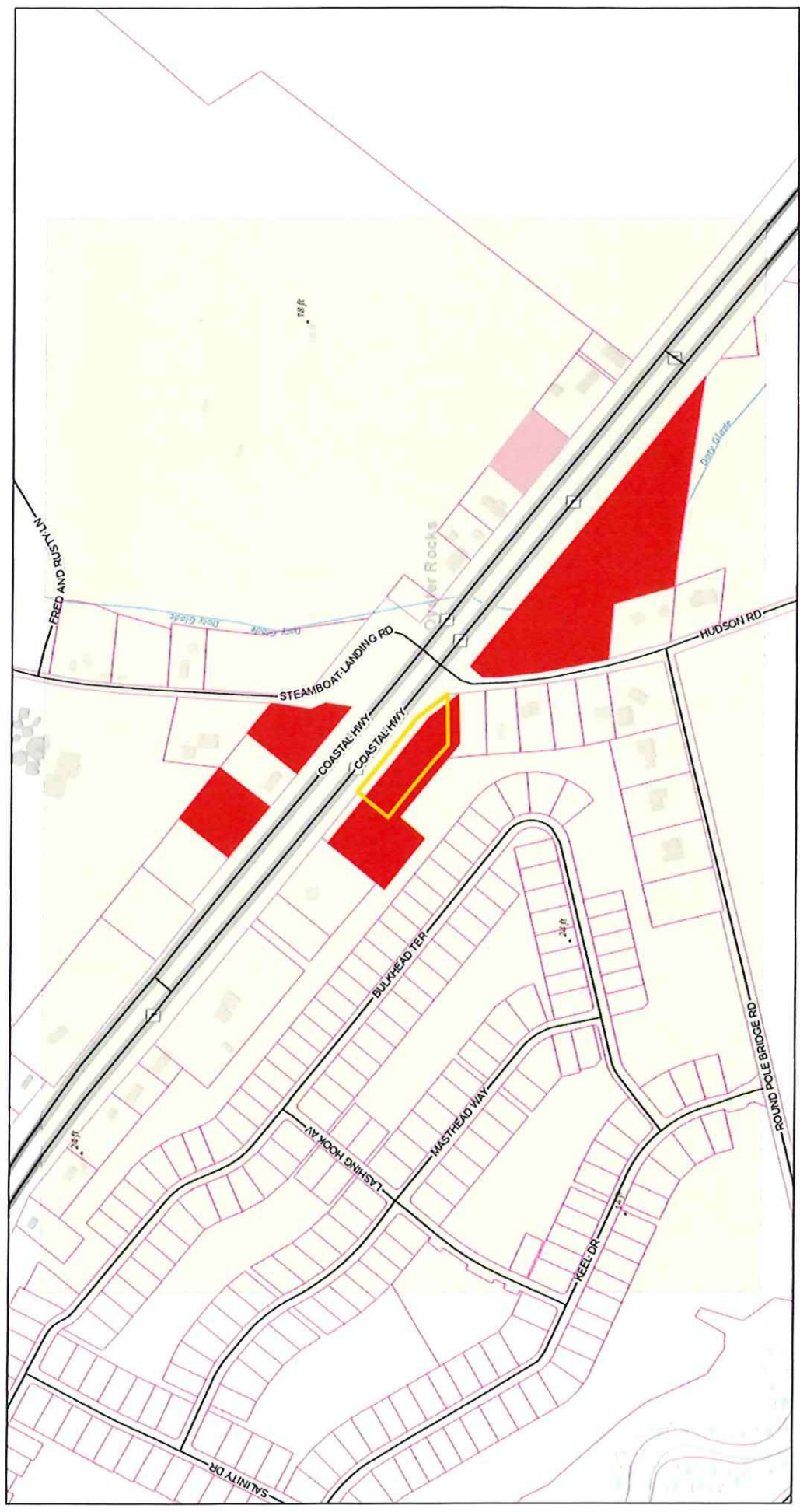
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:2,257



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency, Delaware Geological Survey, U.S Geological Survey, Delaware Public Service Commission, FEMA, County of Sussex, DE, Delaware

Sussex County

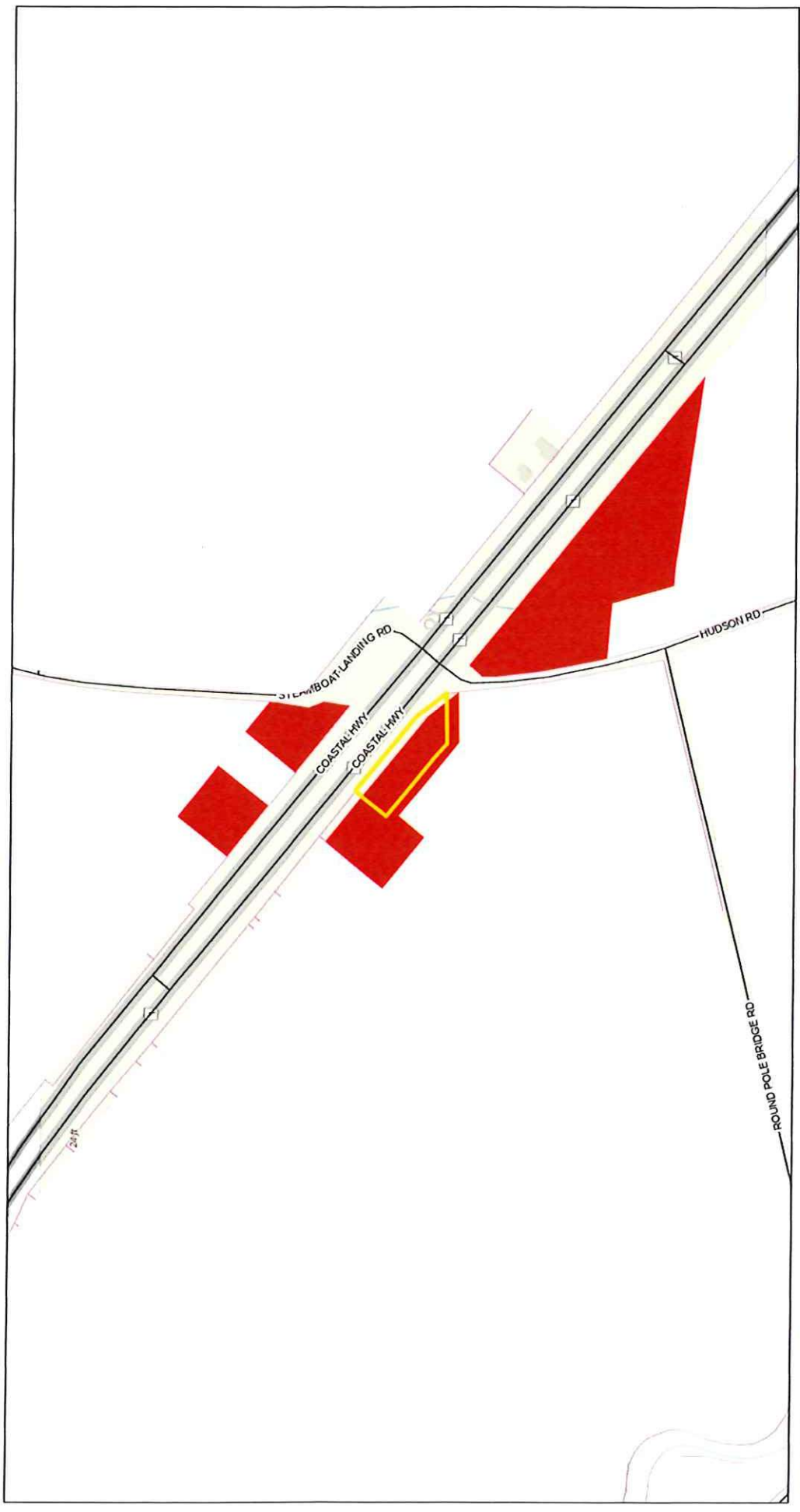


July 21, 2025

- | | | |
|---------------------|-----------------------------------|-------------------|
| polygonLayer | Zoning | Green: Band_2 |
| Override 1 | C1: General Commercial | County Boundaries |
| Override 2 | B-1: Neighborhood Business layer1 | Blue: Band_3 |
| Tax Parcels | Red: Band_1 | Citations |
| Streets | | |

County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Sussex County Government

Sussex County



July 21, 2025

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

polygonLayer
 2019 Future Land Use
 Streets
 Low Density
 Commercial
 Tax Parcels
 Green: Band_2
 Blue: Band_3
 County Boundaries
 layer1
 Red: Band_1
 Citations

County of Sussex, DE, Delaware FirstMap, VITA, Enr, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Sussex County Government

Sussex County Government
Treasury
2 The Circle, PO Box 601
Georgetown, DE 19947

03/19/2026 09:41AM Megan D.
Receipt number: 33031187-0026 001292561

PERMITS / INSPECTIONS
2026 202603207|Z020 \$500.00

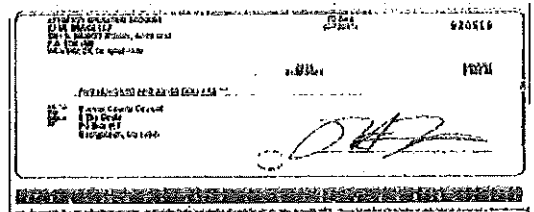
\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 920519

Change due \$0.00

Paid by: SAUL EWING LLP



Thank you for your payment.

CUSTOMER COPY

TOTAL: \$500.00

Amount Paid
\$500.00

CHECK NO: 920519

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

Eagleview Search Results

Selected Features: Parcels (1)

1) 235-16.00-76.00

Zoom

BOOK	6221
PAGE	173
FULLNAME	14706 COASTAL HWY LLC
Second_Owner_Name	
MAILINGADDRESS	14512 DEER FOREST RD
CITY	BRIDGEVILLE
STATE	DE
a_account	
DESCRIPTION	SW/RT 1
DESCRIPTION2	CORNER W/RT 258
DESCRIPTION3	
LUC	100
SCHOOL	6
MUNI	00
CAP	0
APRBLDG	0
APRLAND	105100
PINWASSEMMENTUNIT	235-16.00-76.00
PIN	235-16.00-76.00

Selected Features (1)
Clear Selected

