

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878

AGENDA

May 4, 2026

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of the Minutes for March 9, 2026

Approval of the Findings of Fact for March 9, 2026

Public Hearings

Case No. 13186 – JR and Laurel, LLC

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

Case No. 13187 – Tony Tank Holdings

seeks a special use exception for a temporary tent sale (Sections 115-72 & 115-210 of the Sussex County Zoning Code). The property is located to the south of Lighthouse Road directly across from West Fenwick Boulevard. 911 Address: 36656 Lighthouse Road, Selbyville. Zoning District: B-1. Tax Parcel: 533-12.00-94.00

Case No. 13188 – Two Farms Inc.

seeks a special use exception for a temporary tent sale (Sections 115-83.6 & 115-210 of the Sussex County Zoning Code). The property is located at the corner of Sussex Highway (SCR 13) and Laurel Road. 911 Address: 30983 Sussex Highway, Laurel. Zoning District: CR-1. Tax Parcel: 332-1.00-100.00

Case No. 13189 – Sea Air Village (Lot B85)

seeks variances from the separation requirements for proposed structures (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located to the southeast side of Sea Air Avenue. 911 Address: 19935 Sea Air Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Map: 334-13.00-310.00-3263.

Case No. 13190 – Jennifer R. Noel

seeks a special use exception for an accessory dwelling unit to be placed on lot less than 10,000 square feet (Section 115-42 and 115-20(A)(15) (f) of the Sussex County Zoning Code). The property is located to the northeast side of Burton Avenue and to the southeast side of Duffy Street. 911 Address: 37165 Burton Avenue, Rehoboth Beach. Zoning District: GR. Tax Map: 334-13.19-33.00.

Case No. 13191 – Timothy D. Law & Michael Knep

seeks a variance from the front yard setback requirement for a proposed structure (Section 115-34 and 115-182 of the Sussex County Zoning Code). The property is located to the northwest side of New Mexico Avenue. 911 Address: 4 New Mexico Avenue, Milton. Zoning District: MR. Tax Map: 235-3.12-25.00.

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 27, 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 Thursday, April 30, 2026.

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 # 13186
Hearing Date 05-04-2026
202603300

RECEIVED

MAR 20 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:

30702 Sussex Hwy Laurel DE 19956

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/22 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 232-12.20-34.00

Property Zoning: C-1

Applicant Information

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

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Alex Mutzabaugh

Date: 3/18/2026



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

N/A

2. Cannot otherwise be developed:

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

N/A

3. Not created by the applicant:

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

N/A

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

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

N/A

5. Minimum variance:

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

N/A

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

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

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

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

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney



Date: 3/18/2026

For office use only:

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

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



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 Email: permits@keystonenovelties.com

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

Fax: 717-290-7774

March 18, 2026

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

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

Location/Hours & Documents:

- **Location of Sale: 30702 Sussex Hwy, Laurel, DE 19956**
- **Sale Period: 6/22/2026 through 7/5/2026**
 - Actual sale dates may be shorter due to opening schedules
 - Tent is set a few days prior to opening date and removed by July 10th
 - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3rd and 4th
- **Application(s) Included: Zoning Review Hearing**
- **Plot Map Diagram: Showing proposed location of tent on the property**
- **Tent Layout: Showing tables and exits**
 - The tent is installed by a professional rental company and will be anchored per manufacturers instruction approximately every ten feet around the tent perimeter.
- **Flame Retardant Certificate: Copy of the tent fabric flame certificate (will be physically located on tent)**
- **Insurance Certificates: Liability &/or Workers Comp insurance certificates**
- **Fees: Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.**

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

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

Respectfully,

Alex Mutzabaugh
Field Operations Manager
Keystone Novelties Distributors LLC



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 : Email: info@keystonenovelties.com

Main Ph. 717-390-0844

Fax: 717-290-7774

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

Location Address: 30702 Sussex Hwy, Laurel, DE 19956

Location Name: LAUREL DE RELAX INN

Lessor Agrees to the following terms and conditions:

1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet on the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to: a 20-foot storage container, portable toilet, and at least one parking space dedicated to the tent operator on the premises during the term of this Agreement. Lessor also grants Lessee access to onsite electric hookup if available at the Location. The Lessor agrees to the placement of the tent and related equipment as detailed in the Tent Placement Addendum.
2. The term of this Agreement shall include the 2026 July 4th holiday periods. The tent and related equipment shall be placed no sooner than June 15th and removed no later than July 14th of 2026. The dates for the sale will not exceed: June 18th through July 6th of each year (the Selling Season).
3. Following the first term, the Lessor hereby grants the Lessee First Rights of Refusal to match any offer to lease the location for fireworks sales for the next year.
4. Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks or other seasonal merchandise by providing 45 days advanced written notice prior to cancelation.

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

1. Lessee shall pay to Lessor the amount of \$ _____ by check, annually, before equipment is placed and until lease is concluded per item (#2) of Lessor section above or voided per the terms in items (#4 Lessor & #5 Lessee).
 Additionally, _____ of net sales (gross sales minus taxes) over _____ will be paid by August 1st for each year that this agreement is in effect.
2. Lessee shall provide a current certificate of insurance, proving liability coverage in force at time of occupancy. All entities/individuals listed below will be included as additional insured on Lessee's aggregate \$5,000,000.00 insurance policy.
3. Lessee guarantees that the premises will be returned to their original condition including the patching of any stake holes and removal of all trash and supplies.
4. This lease agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the Selling Season, then this agreement is terminated with all monies returned promptly. If the local municipality having jurisdiction over this outlet limits the sale of fireworks, then this lease agreement is subject to revision or termination by the Lessee.
5. Lessee shall have the right to void this agreement up to 45 days prior to the commencement of the selling period each year.

Lessor Information (Payee & Mail to):

Pay to: JR and Laurel LLC

Mail to: 30702 Sussex Hwy, Laurel, DE 19956

Contact: Raj Ph: 302-682-9009

R. K. G...
Lessor Date

Manuel J. Ruston 12/16/25
Keystone Novelties Distributors, LLC Date








SAVED:
3/18/2026

LOCATION: 30702 SUSSEX HIGHWAY, LAUREL, DE 19956

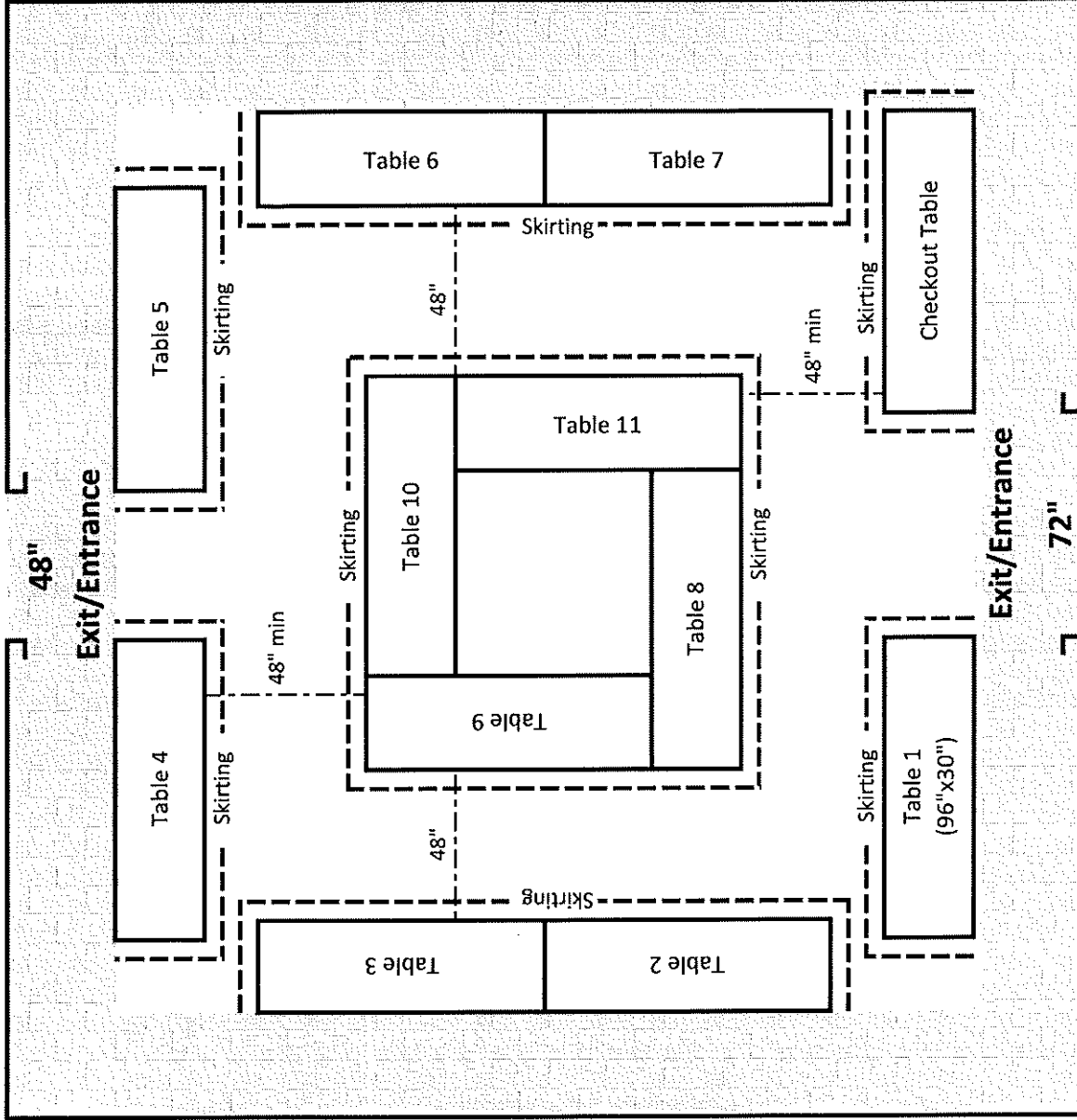
LOCATION: LAUREL DE RELAX
INN



LEGEND:

-  TENT
-  PORTA-JOHN
-  GENERATOR
-  STORAGE UNIT
-  BACKHAUL TRAILER

30x30 (2) Exit



All Tent Sides Rolled Up During Business

DE Inventory 2026

Product	Cases	Product	Cases
#10 Color Sparklers	2	Larger Than Life	4
#20 Gold Sparkler	2	Launch Control	2
#8 Gold Sparkler	1	Lighthouse	1
2026 America Forever 1/8	2	Lightning Rod Candles	1
2026 Birthday Celebration \$250 Giveaway	2	Lil' Big Shot (B1G1)	1
A Real Doozy	1	Little Patriot Assortment	1
Bad Bass	2	Magic Color Burst	1
Big Dog	3	Magic Snakes PK4 (72)	1
Big Guns	3	Maximum Overload B1G1	1
Bite Me	2	Mega Monster	4
Boss Hog	3	Mega Monster Grand Finale	4
Chase the Ace/Desert Moon (B1G1)	1	Mini Mystic Sundae	1
Colossal Color Smokes	1	Morning Glory 14"	1
Crackling Balls	1	Party Poppers (B1G1)	1
Crowd Pleaser	3	Payback	1
Cuckoo (B1G1)	1	Red Riot (B1G1)	1
Dragon Slayer Sword	2	Six Colored Smoke Balls	1
Dragon Throne	1	Snappers	1
Fans in the Stand	3	Snow Cone	2
Fight Like a Girl	2	Spaced Out	3
Fire and Ice	3	Tanks with Star	1
First Responders (B1G1)	2	Tie Dye Surprise (B1G1)	1
Flower Power	3	Tomahawk Rocket Fountains	1
Flying Betsy	1	Turbo (B1G1)	1
Freaky Tiki	1	United Stars \$250 Giveaway	1
Hand Held Snow Cone	1	Value Pack Fountains	1
Heavyweight Champion	3	Venus Volcano	3
High Voltage	3	Waterfront Celebration	2
HN 90/Floral Fountains (B1G1)	1	Wild Card	3
Jackpot!	3	Wild Sky Rider/Crackling Crystals	1
Jumbo Morning Glory	2	World of Wonders	3
Keystone Kid Assortment	2	Wrath of the Beast	3
Keystone Mandarin Snaps (Mad Ox)	2		
Killer Bees	1		
Lady Liberty	3		

IMPORTANT DOCUMENT
Certificate of Flame Resistance

ISSUED BY

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

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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

79855
 GRAND RENTAL STATION
 20689 SUSSEX HWY
 SEAFORD DE 19973



Certification is hereby made that:

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

Serial # 8108875 (1)

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

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

Michael L. McKim

SNYDER

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

IMPORTANT DOCUMENT
Certificate of Flame Resistance

ISSUED BY

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

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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

79855
 GRAND RENTAL STATION
 20689 SUSSEX HWY
 SEAFORD DE 19973



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

Michael L. McKim

SNYDER _____

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

IMPORTANT DOCUMENT
Certificate of Flame Resistance

ISSUED BY

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

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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79855
 GRAND RENTAL STATION
 20689 SUSSEX HWY
 SEAFORD DE 19973



Certification is hereby made that:

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

Serial # 8108885 (2)

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

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

Michael L. McKim

SNYDER

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

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

03/20/2026 12:33PM Megan D.
Receipt number: 33031187-0181 001292978

PERMITS / INSPECTIONS
2026 202603300|Z020 \$500.00

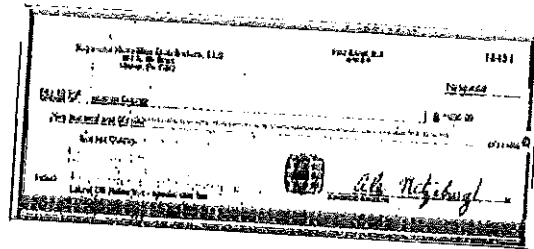
\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 018431

Change due \$0.00

Paid by: KEYSTONE NOVELTIES DISTRIBUTORS
LLC



Thank you for your payment,

CUSTOMER COPY

Layers Search Basemaps Select Area Eagleview Print

Search Results Search Results

Selected Features: 1) 232-12.20-34.00

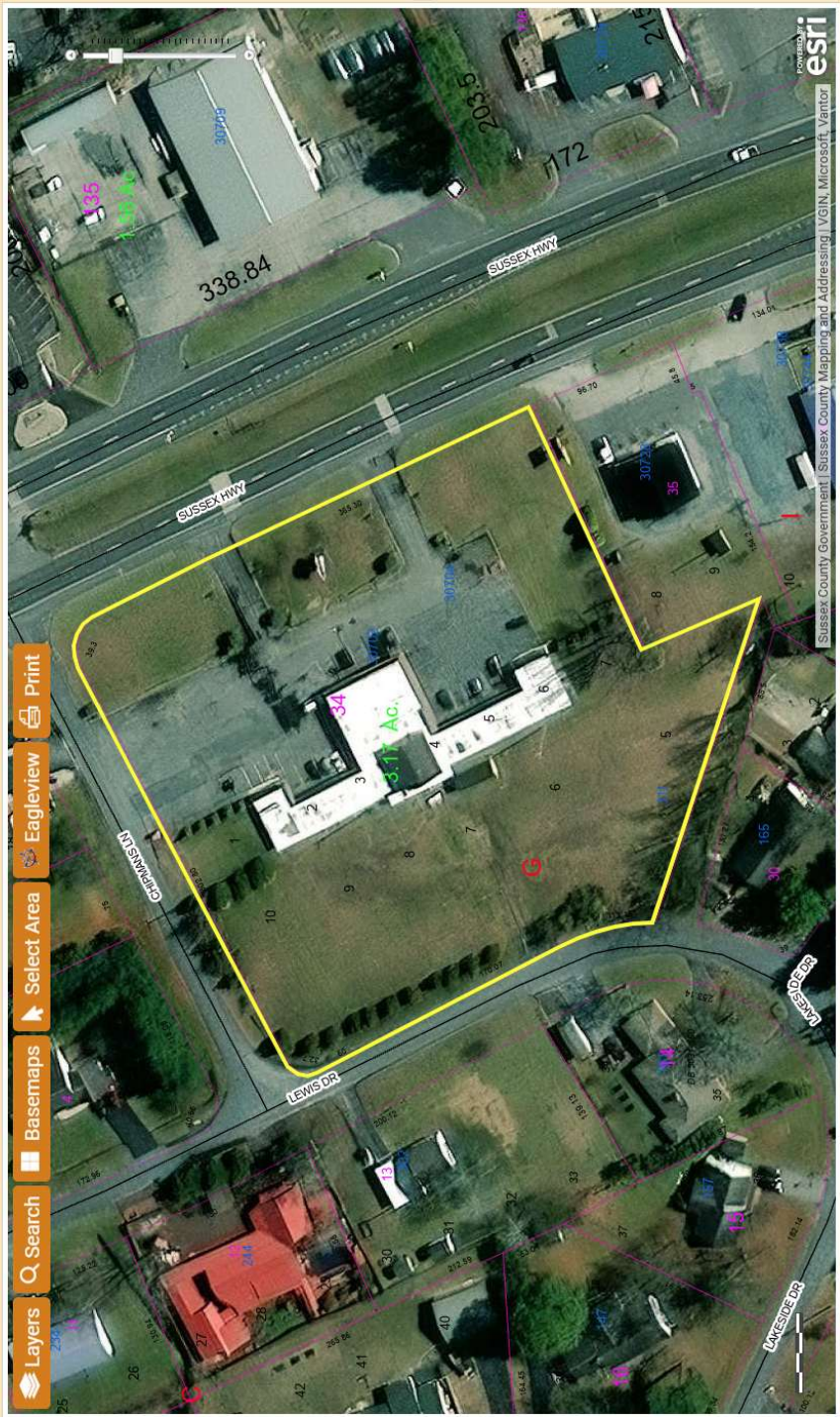
Zoom

BOOK	2980
PAGE	283
FULLNAME	JR & LAUREL LLC
Second_Owner_Name	
MAILINGADDRESS	30702 SUSSEX HWY
CITY	LAUREL
STATE	DE
a_account	
DESCRIPTION	W/RT 13
DESCRIPTION2	S/CHIPMANS LANE
DESCRIPTION3	
LUC	417
SCHOOL	2
MUNI	00
CAP	0
APRBLDG	1.1141e+006
APRLAND	501900
PINWASSEMUNIT	232-12.20-34.00
PIN	232-12.20-34.00

Selected Features (1)
Clear Selected

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

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



Eagleview Search Results

Selected Features: Parcels (1)

Zoom

BOOK	2980
PAGE	283
FULLNAME	J R & LAUREL LLC
Second_Owner_Name	
MAILINGADDRESS	30702 SUSSEX HWY
CITY	LAUREL
STATE	DE
a_account	
DESCRIPTION	W/RT 13
DESCRIPTION2	S/CHIPMANS LANE
DESCRIPTION3	
LUC	417
SCHOOL	2
MUNI	00
CAP	0
APRBLDG	1.1141e+006
APRLAND	501900
PINWASSEMMENTUNIT	232-12-20-34.00
PIN	232-12-20-34.00

Selected Features (1)

Clear Selected

Search

Search by SUSSEXPARCELS

232-12.20-34.00

Search results (1)

Options

232-12.20-34.00



Board of Adjustment Application

Sussex County, Delaware

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

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

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

30702 Sussex Hwy Laurel DE 19956

Variance/Special Use Exception/Appeal Requested:

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

Tax Map #: 232-12.20-34.00 Property Zoning: _____

Applicant Information

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

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Alex Mutzabaugh

Date: 1/22/25





Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 Email: permits@keystonenovelties.com

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

Fax: 717-290-7774

January 22, 2025

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

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

Location/Hours & Documents:

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

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

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

Respectfully,

Alex Mutzabaugh
Field Operations Manager
Keystone Novelties Distributors LLC

RECEIVED

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

N/A

2. Cannot otherwise be developed:

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

N/A

3. Not created by the applicant:

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

N/A

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

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

N/A

5. Minimum variance:

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

N/A

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

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

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

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

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

 Date: 1/22/2025

For office use only:

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

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



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 : Email: Info@keystonenovelties.com
Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,
Fax: 717-290-7774

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JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

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

Location Address:

30702 Sussex Hwy
Laurel DE 19956

Location Name:

LAUREL DE RELAX INN

Lessor Agrees to the following terms and conditions:

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

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

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

Lessor Information (Payee & Mail to):

Pay to: SR and Laurel LLC
Mail to: 30702 Sussex Hwy
Contact: Raj Ph: 302-682-9009
Email: _____

Additional Insured Information:

R.K. G... 1-22-25

Lessor Date

Maxwell Bushong

Keystone Novelties Distributors, LLC Date

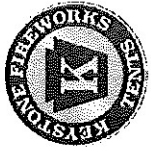
12/14/2024

Tent Location Plot Plan Saved: JANUARY 2, 2025

• Location Name: LAUREL DE RELAX INN

• Location Address: 30702 SUSSEX HWY LAUREL DE 19956

• Notes:



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JAN 24 2025

LEGEND:



PORT-A-JON

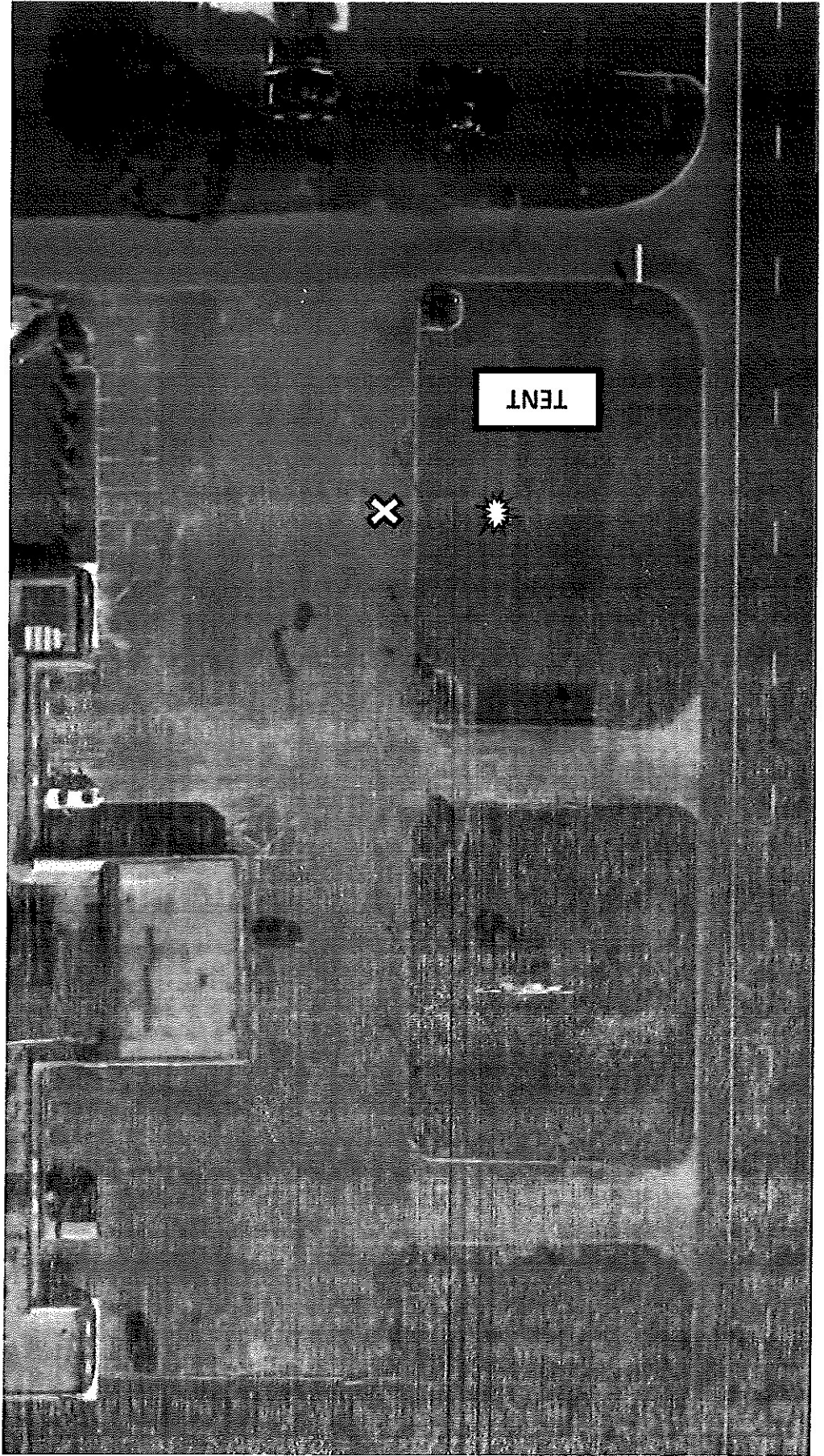


GENERATOR



TENT

SUSSEX COUNTY
PLANNING & ZONING

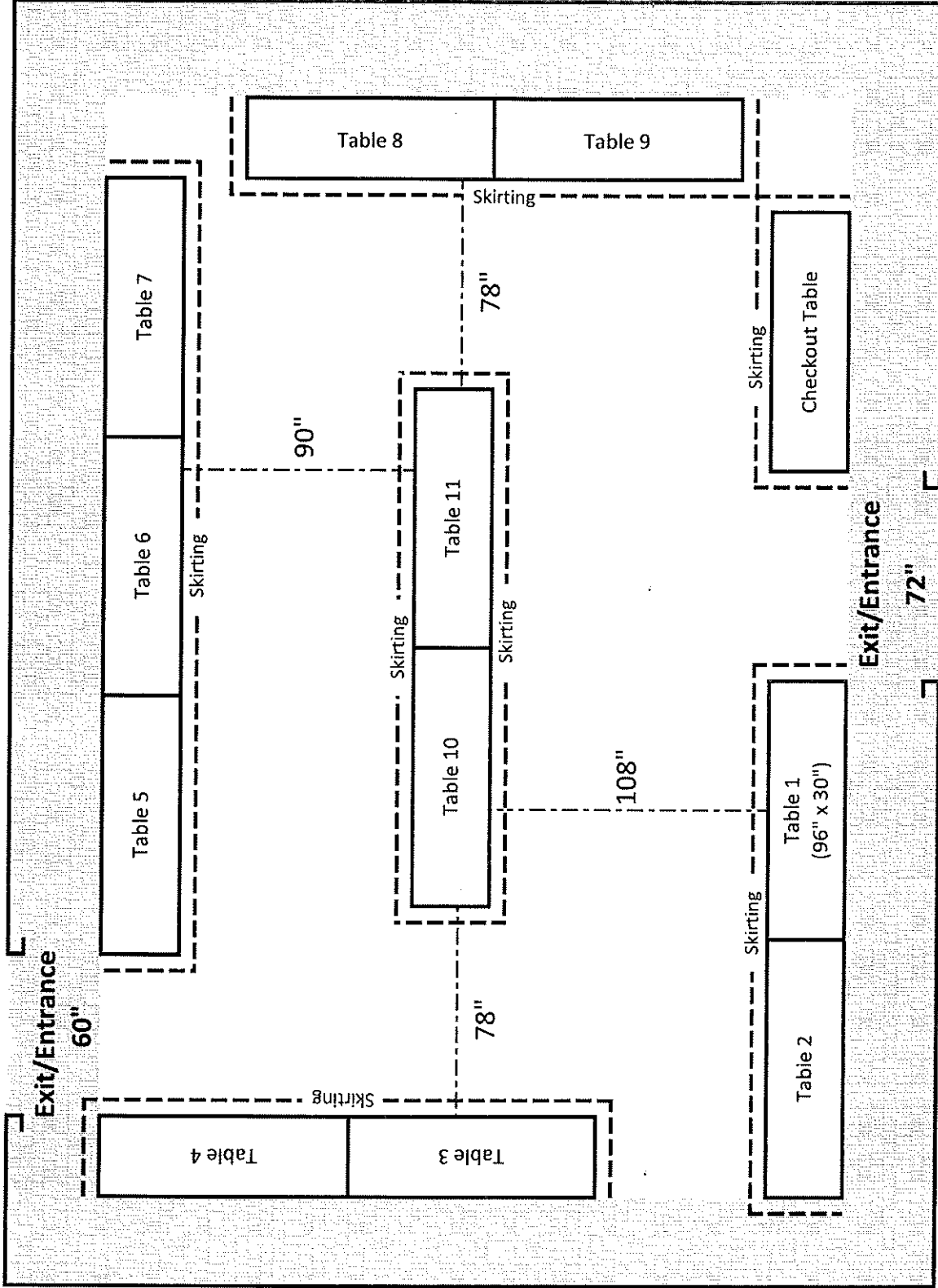


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30x40 (2) Exit

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING



All Tent Sides Rolled Up During Business

10/31/2024

DE

2025 Beginning Inventory

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

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JAN 24 2025

DE 2025

SUSSEX COUNTY
PLANNING & ZONING

IMPORTANT DOCUMENT Certificate of Flame Resistance

ISSUED BY

Date of Shipment
08/13/2007

Registration Number
F14001.01



TENT ID #
SO-453423

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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

79855
GRAND RENTAL STATION
20689 SUSSEX HWY
SEAFORD DE 19973



Certification is hereby made that:

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

Serial # 8108875 (1)

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

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

Michael L. McKim

SNYDER _____

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

RECEIVED

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

IMPORTANT DOCUMENT Certificate of Flame Resistance

ISSUED BY

Date of Shipment
04/04/2007

Registration Number
F14001.01



TENT ID #
SO-446398

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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

79855
GRAND RENTAL STATION
20689 SUSSEX HWY
SEAFORD DE 19973



Certification is hereby made that:

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

Serial # 8108875 (1)

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

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

Michael L. McKin

SNYDER _____

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

RECEIVED

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

IMPORTANT DOCUMENT Certificate of Flame Resistance

ISSUED BY

Date of Shipment
04/04/2007

Registration Number
F14001.01



TENT ID #
SO-446398

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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

79855
GRAND RENTAL STATION
20689 SUSSEX HWY
SEAFORD DE 19973



Certification is hereby made that:

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

Serial # 8108885 (2)

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

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

SNYDER _____

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

RECEIVED

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

Selected Features: 1) 232-12.20-34.00

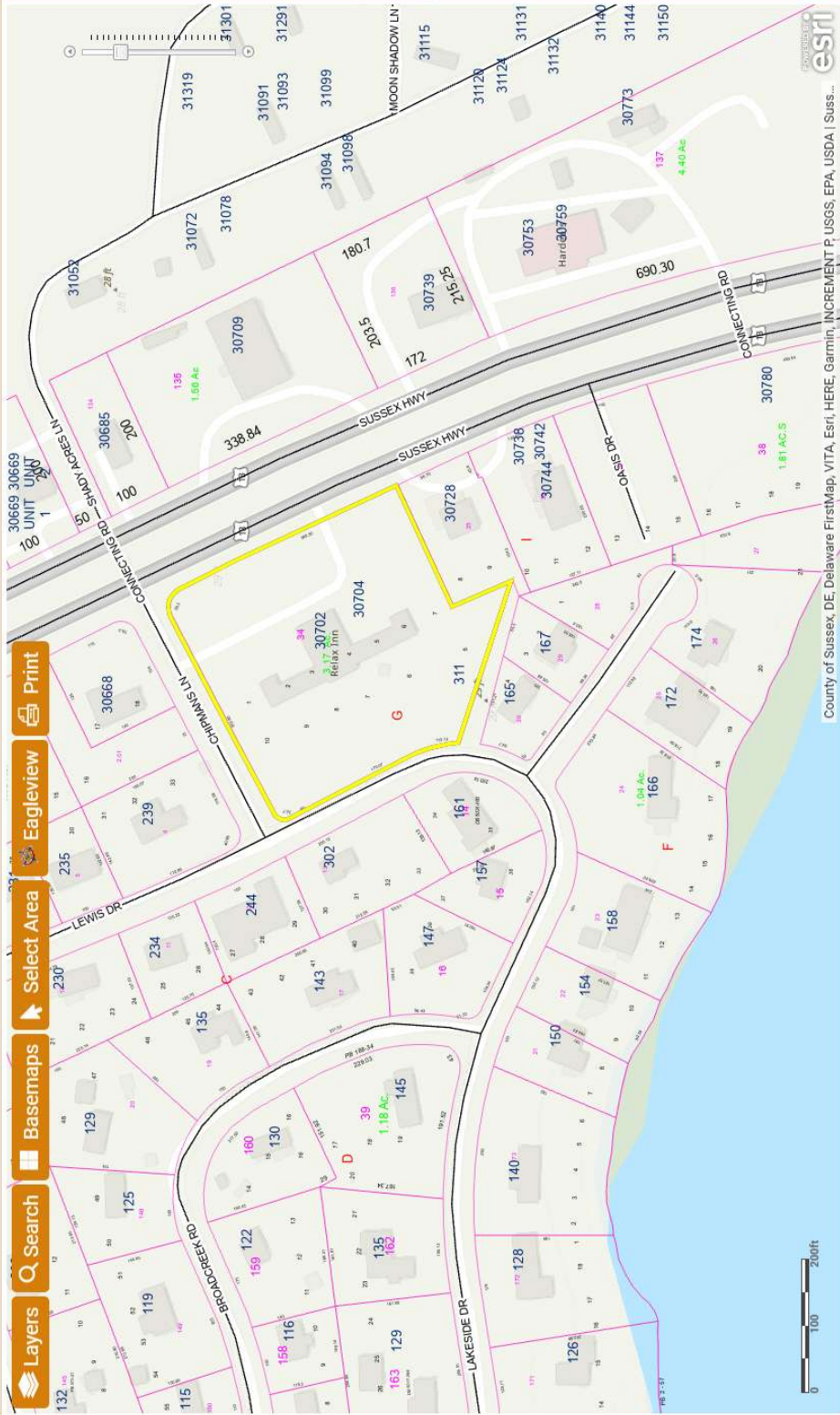
Parcels (1)

Zoom

BOOK	2980
PAGE	283
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Second_Owner_Name	
MAILINGADDRESS	30702 SUSSEX HWY
CITY	LAUREL
STATE	DE
a_account	
DESCRIPTION	W/RT 13
DESCRIPTION2	S/CHIPMANS LANE
DESCRIPTION3	
LUC	417
SCHOOL	2
MUNI	00
CAP	0
APRBLDG	1.1141e+006
APRLAND	501900
PINWASSEMMENTUNIT	232-12.20-34.00
PIN	232-12.20-34.00

Selected Features (1)

Clear Selected



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



Eagleview Search Results

Selected Features: Parcels (1)

Zoom

▼ 1) 232-12.20-34.00

BOOK	2980
PAGE	283
FULLNAME	J R & LAUREL LLC
Second_Owner_Name	
MAILINGADDRESS	30702 SUSSEX HWY
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DESCRIPTION2	S/CHIPMANS LANE
DESCRIPTION3	
LUC	417
SCHOOL	2
MUNI	00
CAP	0
APRBLDG	1.1141e+006
APRLAND	501900
PINWASSEMNTUNIT	232-12.20-34.00
PIN	232-12.20-34.00

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print

Powered by esri
Sussex County Government | Sussex County Mapping and Addressing | Maxar, Microsoft | Esri Community



Search

Search by SUSSEXPARCELS

232-12.20-34.00

Search results (1)

232-12.20-34.00

Options



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

(Case No. 13047)

A public hearing was held after due notice on April 7, 2025. The Board members present meeting were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Shawn Lovenguth, and Mr. John Williamson.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is requesting the special use exception for a temporary tent to be used during the 4th of July season for a period of one (1) year. This application pertains to property located southwest of Sussex Highway at the intersection of Sussex Highway and Chipman's Lane (911 Address: 30702 Sussex Highway, Laurel) said property being identified as Sussex County Tax Map Parcel Number 232-12.20-34.00 ("the Property"). After public hearings, the Board made the following findings of fact:

1. The Board was given copies of the Application, photographs, a tent location plot plan, a letter from the Applicant, an inventory list, certificates of flame resistance, a certificate of insurance, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Maxwell Bushong, who is the managing director of Keystone Novelties Distributors, was sworn in to testify about the Application.
4. The Board found that Mr. Bushong testified that the Property is ideal because the Applicant can place the tent in a grassy area. He noted that there is a large grass area where the tent is identified.
5. The Board found that Mr. Bushong testified that the Applicant can stake the tent all around, which creates greater security and that the Applicant always prefers stakes over weights for securing the tents.
6. The Board found that Mr. Bushong testified that the Property sits along Sussex Highway and he does not anticipate it would create any adverse traffic effects to the existing business.
7. The Board found that Mr. Bushong testified that the existing business has fairly low traffic volume and he would not anticipate any disturbances to guests or management.
8. The Board found that Mr. Bushong testified that there is a fairly large parking lot so there will be plenty of spaces for the Applicant's customers to park.
9. The Board found that Mr. Bushong testified that there is no storage unit proposed but, should one be requested, the Applicant would provide it.
10. The Board found that Mr. Bushong testified that the generator is placed 25 feet away from the tent for interior lighting. He noted that the lights will operate from dusk to close around 10:00 pm.
11. The Board found that Mr. Bushong testified that the Applicant is requesting a one year approval as this is the Applicant's first year at this location.
12. The Board found that Mr. Bushong testified that the primary use on the Property is an inn or hotel. He noted that the Relax Inn is the name of the establishment.

13. The Board found that Mr. Bushong testified that the timeframe of operation is June 21st through July 4th with three days before for setup and removal by July 10th.
14. The Board found that Mr. Bushong testified that the hours of operation are from 10:00 am until 10:00 pm.
15. The Board found that Mr. Bushong testified that this location will also have a generator and porta-potty for the use of the operator.
16. The Board found that no one appeared in support of or in opposition to the Application.
17. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed outdoor display or promotional activity will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The Applicant runs a fireworks sales business that will sell ground-based fireworks during the July 4th holiday season. The Applicant has leased space near an existing motel.
 - b. The Applicant intends to erect the tent for sales to run from June 21 to July 4th on an annual basis. The Applicant anticipates that three days before and ten days after the sale will be needed for the setup and tear down of the tent.
 - c. The tent will not block the visibility of any neighboring businesses or signs.
 - d. The Applicant will still have adequate parking even with the tent in place.
 - e. The tent will be used only on a temporary basis during limited times of the year.
 - f. There was no substantial evidence presented by opposition to the Board that convinced the Board that the tent would substantially affect adversely the uses of neighboring and adjacent properties.
 - g. The approval is conditioned on the following:
 - i. The tent shall be located in the approximate area as shown on the documentation presented by the Applicant to the Board. If the tent is proposed to be relocated elsewhere on the Property, the Applicant must seek a new special use exception.
 - ii. The tent shall only be used for sales from June 21 to July 4, 2025. The Applicant shall have three days prior to the sale to erect and the tent shall be removed by July 10.
 - iii. The approval is valid for a period of one (1) year.
 - iv. The Applicant shall submit documentation to the Planning & Zoning Department from the landlord consenting to the location of the tent on the Property.

The Board granted the special use exception application for a period of one (1) year with conditions finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved with conditions for a period of one (1) year. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Shawn Lovenguth, Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman
Chair

If the use is not established within two (2)
years from the date below the application
becomes void.
Date June 2, 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 # 13187
Hearing Date 05-04-2026
202603302
RECEIVED

MAR 20 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:

36656 Lighthouse Road Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/22 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 533-12.00-94.00

Property Zoning: B-1

Applicant Information

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

Owner Information

Owner Name: Tony Tank Holdings
Owner Address: 515 Tony Tank Lane
City Salisbury State MD Zip: 21803 Purchase Date: _____
Owner Phone #: 410-430-0970 Owner e-mail: mikejr@catoinc.co
m

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Alex Mutzabaugh

Date: 3/18/2026



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

N/A

2. Cannot otherwise be developed:

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

N/A

3. Not created by the applicant:

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

N/A

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

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

N/A

5. Minimum variance:

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

N/A

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

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

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

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

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

Check List for Applications

The following shall be submitted with the application

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

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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: 3/18/2026

For office use only:

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

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



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 Email: permits@keystonenovelties.com

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

Fax: 717-290-7774

March 18, 2026

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

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

Location/Hours & Documents:

- **Location of Sale: 36656 Lighthouse Road, Selbyville, DE 19975**
- **Sale Period: 6/22/2026 through 7/4/2026**
 - Actual sale dates may be shorter due to opening schedules
 - Tent is set a few days prior to opening date and removed by July 10th
 - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3rd and 4th
- **Application(s) Included: Zoning Review Hearing**
- **Plot Map Diagram: Showing proposed location of tent on the property**
- **Tent Layout: Showing tables and exits**
 - The tent is installed by a professional rental company and will be anchored per manufacturers instruction approximately every ten feet around the tent perimeter.
- **Flame Retardant Certificate: Copy of the tent fabric flame certificate (will be physically located on tent)**
- **Insurance Certificates: Liability &/or Workers Comp insurance certificates**
- **Fees: Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.**

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

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

Respectfully,

Alex Mutzabaugh
Field Operations Manager
Keystone Novelties Distributors LLC



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 : Email: info@keystonenovelties.com

Main Ph. 717-390-0844

Fax: 717-290-7774

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

Location Address:

36656 Lighthouse Road Selbyville DE
US 19976

Location Name:

SELBYVILLE DE TONY TANK HOLDINGS

Lessor Agrees to the following terms and conditions:

1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet on the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to: a 20-foot storage container, portable toilet, and at least one parking space dedicated to the tent operator on the premises during the term of this Agreement. Lessor also grants Lessee access to onsite electric hookup if available at the Location. The Lessor agrees to the placement of the tent and related equipment as detailed in the Tent Placement Addendum.
2. The term of this Agreement shall include the 2026 thru 2026 July 4th holiday periods. The tent and related equipment shall be placed no sooner than June 15th and removed no later than July 14th of each year. The dates for the sale will not exceed: June 18th through July 6th of each year (the Selling Season).
3. Following the first term, the Lessor hereby grants the Lessee First Rights of Refusal to match any offer to lease the location for fireworks sales for the next year.
4. Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks or other seasonal merchandise by providing 45 days advanced written notice prior to cancellation.

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

1. Lessee shall pay to Lessor the aggregate amount of _____ by check(s), annually, until lease is concluded per item (#2) of Lessor section above or voided per the terms in items (#4 Lessor & #5 Lessee). A check in the amount of \$ _____ will be mailed before equipment is placed and a check for the remaining aggregate amount will be mailed on or before July 15th, 2026.
2. Lessee shall provide a current certificate of insurance, proving liability coverage in force at time of occupancy. All entities/individuals listed below will be included as additional insured on Lessee's aggregate \$5,000,000.00 insurance policy.
3. Lessee guarantees that the premises will be returned to their original condition including the patching of any stake holes and removal of all trash and supplies.
4. This lease agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the Selling Season, then this agreement is terminated with all monies returned promptly. If the local municipality having jurisdiction over this outlet limits the sale of fireworks, then this lease agreement is subject to revision or termination by the Lessee.
5. Lessee shall have the right to void this agreement up to 45 days prior to the commencement of the selling period each year.



Lessor Information (Payee & Mail to):

Pay to: Tony Tank Holdings, LLC

Mail to: 515 Tony Tank Lane
Salisbury US MD 21801

Contact: Michael Abercrombie Ph: 410-430-970

Email: mikejr@catoinc.com

Additional Insured Information:

 Tony Tank Holdings LLC
 PO Box 1030 Salisbury, MD 21803

DocuSigned by:
Michael Abercrombie 1/22/2026
 Lessor Date

DocuSigned by:
Max Bushong 1/22/2026
 Keystone Novelties Distributors, LLC Date








SAVED:
3/18/2026

LOCATION: 36656 LIGHTHOUSE ROAD, SELBYVILLE, DE 19975

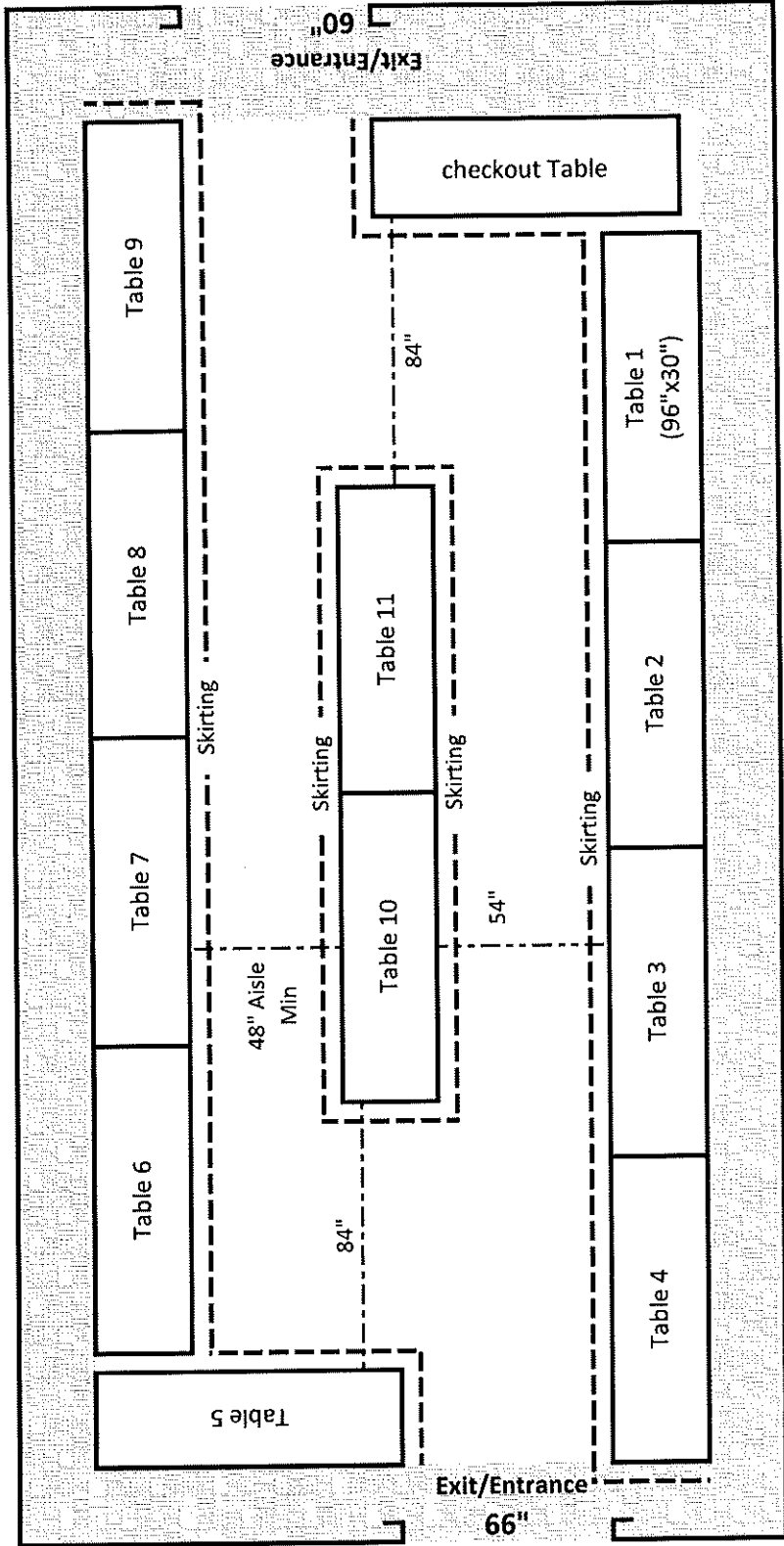
LOCATION: SELBYVILLE DE
TONY TANK HOLDINGS



LEGEND:

-  TENT
-  PORTA-JOHN
-  GENERATOR
-  STORAGE UNIT
-  BACKHAUL TRAILER

20x40 (2) Exit



All Tent Sides Rolled Up During Business

DE Inventory 2026

Product	Cases	Product	Cases
#10 Color Sparklers	2	Larger Than Life	4
#20 Gold Sparkler	2	Launch Control	2
#8 Gold Sparkler	1	Lighthouse	1
2026 America Forever 1/8	2	Lightning Rod Candles	1
2026 Birthday Celebration \$250 Giveaway	2	Lil' Big Shot (B1G1)	1
A Real Doozy	1	Little Patriot Assortment	1
Bad Bass	2	Magic Color Burst	1
Big Dog	3	Magic Snakes PK4 (72)	1
Big Guns	3	Maximum Overload B1G1	1
Bite Me	2	Mega Monster	4
Boss Hog	3	Mega Monster Grand Finale	4
Chase the Ace/Desert Moon (B1G1)	1	Mini Mystic Sundae	1
Colossal Color Smokes	1	Morning Glory 14"	1
Crackling Balls	1	Party Poppers (B1G1)	1
Crowd Pleaser	3	Payback	1
Cuckoo (B1G1)	1	Red Riot (B1G1)	1
Dragon Slayer Sword	2	Six Colored Smoke Balls	1
Dragon Throne	1	Snappers	1
Fans in the Stand	3	Snow Cone	2
Fight Like a Girl	2	Spaced Out	3
Fire and Ice	3	Tanks with Star	1
First Responders (B1G1)	2	Tie Dye Surprise (B1G1)	1
Flower Power	3	Tomahawk Rocket Fountains	1
Flying Betsy	1	Turbo (B1G1)	1
Freaky Tiki	1	United Stars \$250 Giveaway	1
Hand Held Snow Cone	1	Value Pack Fountains	1
Heavyweight Champion	3	Venus Volcano	3
High Voltage	3	Waterfront Celebration	2
HN 90/Floral Fountains (B1G1)	1	Wild Card	3
Jackpot!	3	Wild Sky Rider/Crackling Crystals	1
Jumbo Morning Glory	2	World of Wonders	3
Keystone Kid Assortment	2	Wrath of the Beast	3
Keystone Mandarin Snaps (Mad Ox)	2		
Killer Bees	1		
Lady Liberty	3		

CERTIFICATE OF FLAME RETARDANCE

Reference Your Order # Verbal Our Order # 0021649

This is to certify that Herculite Architent, Lot # 95219E/128d

is flame retardant according to the following specifications and standards:

- California Fire Marshall Registration (Title 19)
- Reg. Fabric # F12203
- National Fire Protection Association (NFPA) 701, large scale
- Canvas Products Association International (CPAI) 84 (Walls & Tops)

Also we certify this lot of Herculite Architent tent and structural fabric is in general conformance with the average typical, physical and technical performance parameters published in our descriptive product literature and technical bulletins.

- 10' WIDE FRAME AND POLE TENTS.
- 12' WIDE FRAME AND POLE TENTS.
- 15' " " " " "
- 16' " " " " "
- 20' " " " " "
- 30' " " " " "
- 40' " " " " "
- 60' WIDE POLE TENTS.
- 80' WIDE POLE TENTS.

Robert Maxwell

Robert Maxwell
Quality Control Manager

Products Marketed by

HERCULITE PRODUCTS, INC.

P.O. BOX 786
YORK, PA 17405

have been tested by an approved laboratory in accordance with the provisions of Section 13121 of the Health and Safety Code, and meets the minimum requirements established by the State Fire Marshal for

FLAME RETARDANT FABRIC



38714-353 0 OSP

[Signature]

State Fire Marshal

FR-10 (REV. 1-91)

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

03/20/2026 12:32PM Megan D.
Receipt number: 33031187-0180 001292977

PERMITS / INSPECTIONS
2026 202603302|2020 \$500.00

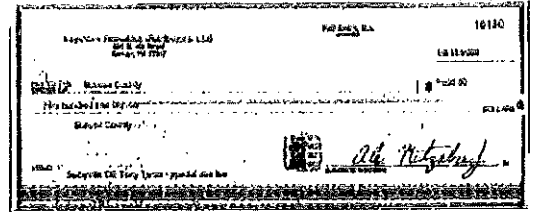
\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 018430

Change due \$0.00

Paid by: KEYSTONE NOVELTIES DISTRIBUTORS
LLC



Thank you for your payment.

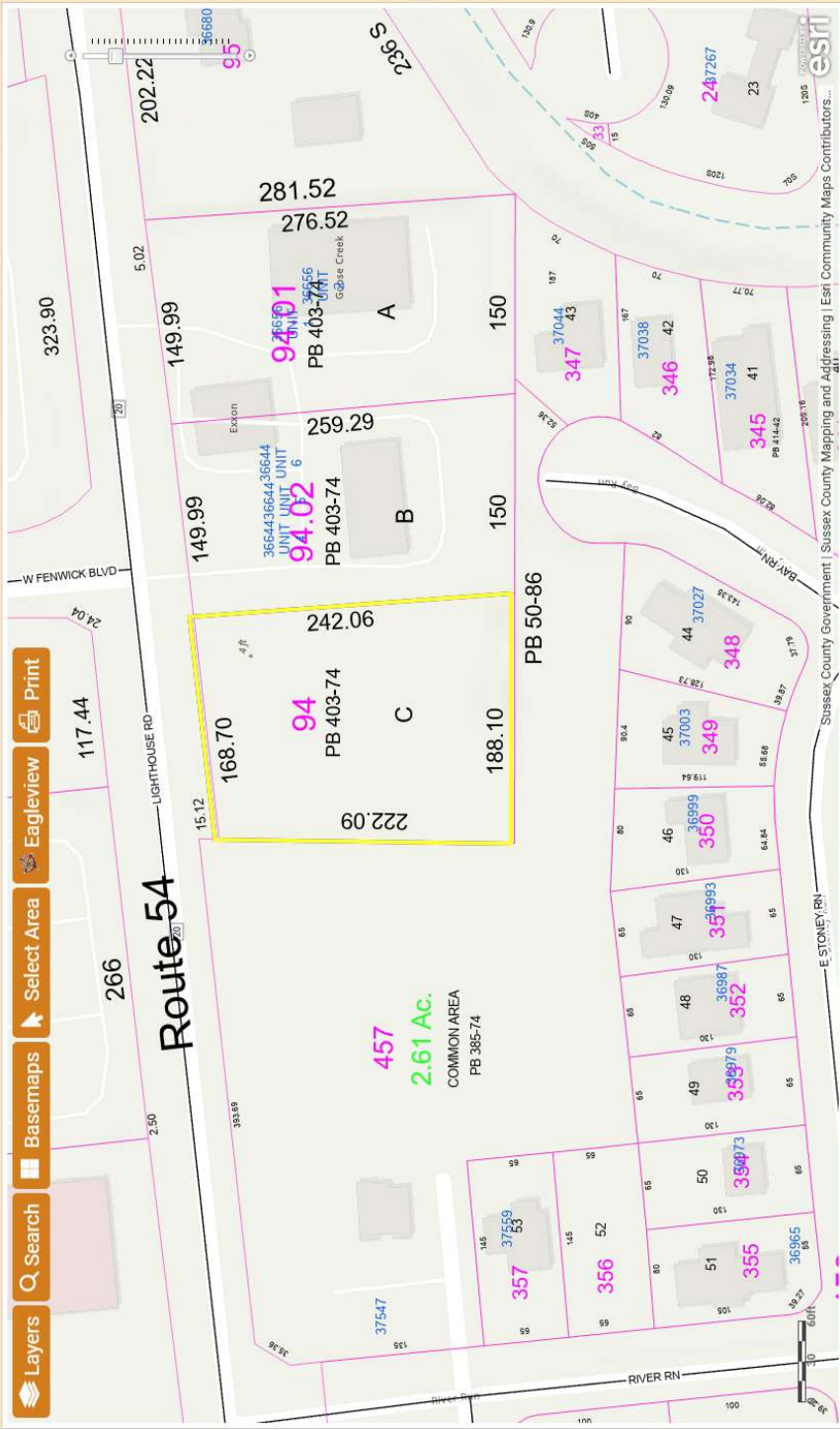
CUSTOMER COPY

Layers Search Basemaps Select Area Eagleview Print

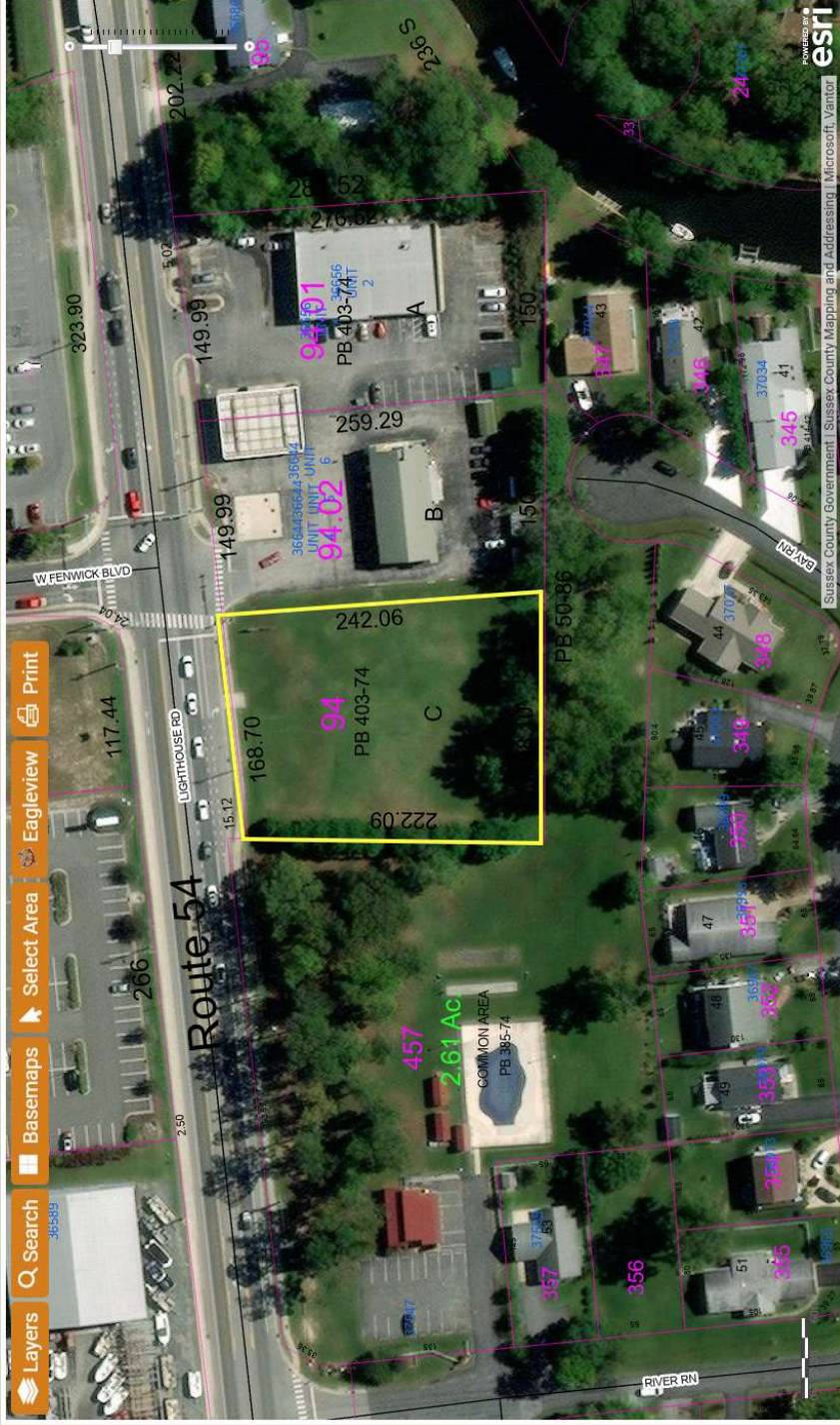
Eagleview Search Results [Parcels (1)]
 Selected Features:
 1) 533-12.00-94.00 Zoom

BOOK	5948
PAGE	85
FULLNAME	TONY TANK HOLDINGS LLC
Second_Owner_Name	
MAILINGADDRESS	1004 PARSON RD
CITY	SALISBURY
STATE	MD
a_account	04-01-094
DESCRIPTION	SW/RT 54
DESCRIPTION2	394NE/RIVER RUN
DESCRIPTION3	PARCEL C CT
LUC	400
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	0
APRLAND	98000
PINWASSEMUNIT	533-12.00-94.00
PIN	533-12.00-94.00

Selected Features (1)
 Clear Selected



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CAP	0
APRBLDG	0
APRLAND	98000
PINWASSEMMENTUNIT	533-12.00-94.00
PIN	533-12.00-94.00





Case # 13051
Hearing Date 4-7-25
202501126

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:

36656 Lighthouse Road Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:

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

Tax Map #: 533-12.00-94.00

Property Zoning: _____

Applicant Information

Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors LLC

Applicant Address: 531 N 4th Street

City Denver State PA Zip: 17517

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

Owner Information

Owner Name: Tony Tank Holdings

Owner Address: 515 Tony Tank Lane

City Salisbury State MD Zip: 21803 Purchase Date: _____

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

m

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Alex Mutzabaugh

Date: 1/23/25





Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 Email: permits@keystonenovelties.com

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

Fax: 717-290-7774

January 23, 2025

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

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

Location/Hours & Documents:

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

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

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

Respectfully,

Alex Mutzabaugh
Field Operations Manager
Keystone Novelties Distributors LLC

RECEIVED

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

N/A

2. Cannot otherwise be developed:

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

N/A

3. Not created by the applicant:

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

N/A

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

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

N/A

5. Minimum variance:

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

N/A

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

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

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

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

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

Check List for Applications

The following shall be submitted with the application


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

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

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

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

Signature of Owner/Agent/Attorney

 Date: 1/23/2025

For office use only:

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

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



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 : Email: Info@keystonenovelties.com
Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,
Fax: 717-290-7774

RECEIVED

JUN 17 2025
SUSSEX COUNTY
PLANNING & ZONING

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

Location Address:

36656 Lighthouse Road Selbyville, DE 19975

Location Name:

SELBYVILLE DE TONY TANK HOLDINGS

Lessor Agrees to the following terms and conditions:

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

a. Lessor agrees to allow access to electric if exterior access already exists: **Yes** No (initials)

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

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

Lessor Information (Payee & Mail to):

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

Additional Insured Information:

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

Michael Abercrombie Jr

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

01/09/25

Lessor

Date

Maxwell Bushong

01/9/2025

Keystone Novelties Distributors, LLC

Date

RECEIVED

Tent Location Plot Plan Saved: JANUARY 9, 2025

JAN 24 2025



- Location Name: SELBYVILLE DE TONY TANK HOLDINGS
- Location Address: 36656 LIGHTHOUSE ROAD SELBYVILLE, DE 19975
- Notes:

SUSSEX COUNTY
PLANNING & ZONING

LEGEND:



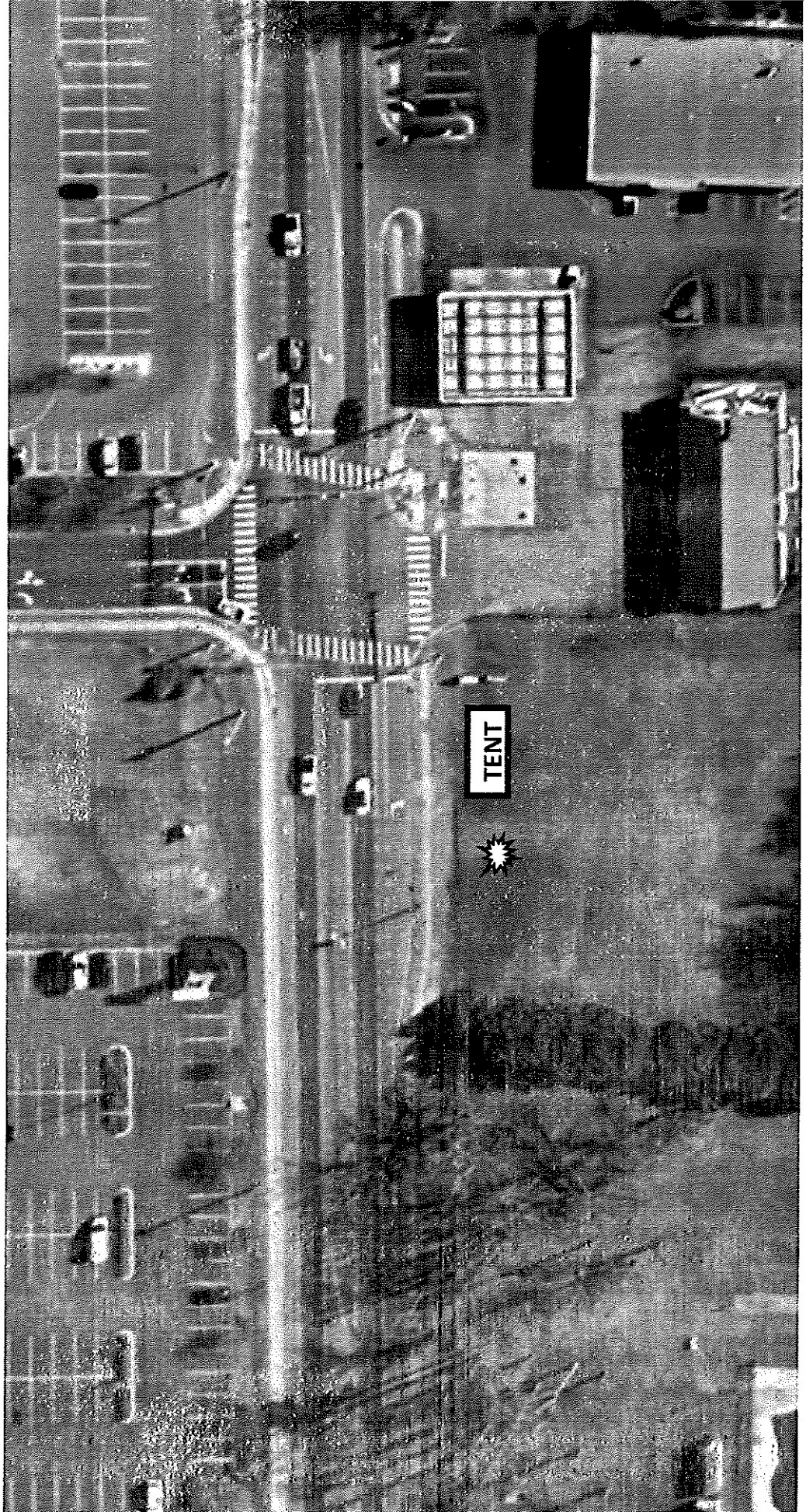
PORT-A-JON



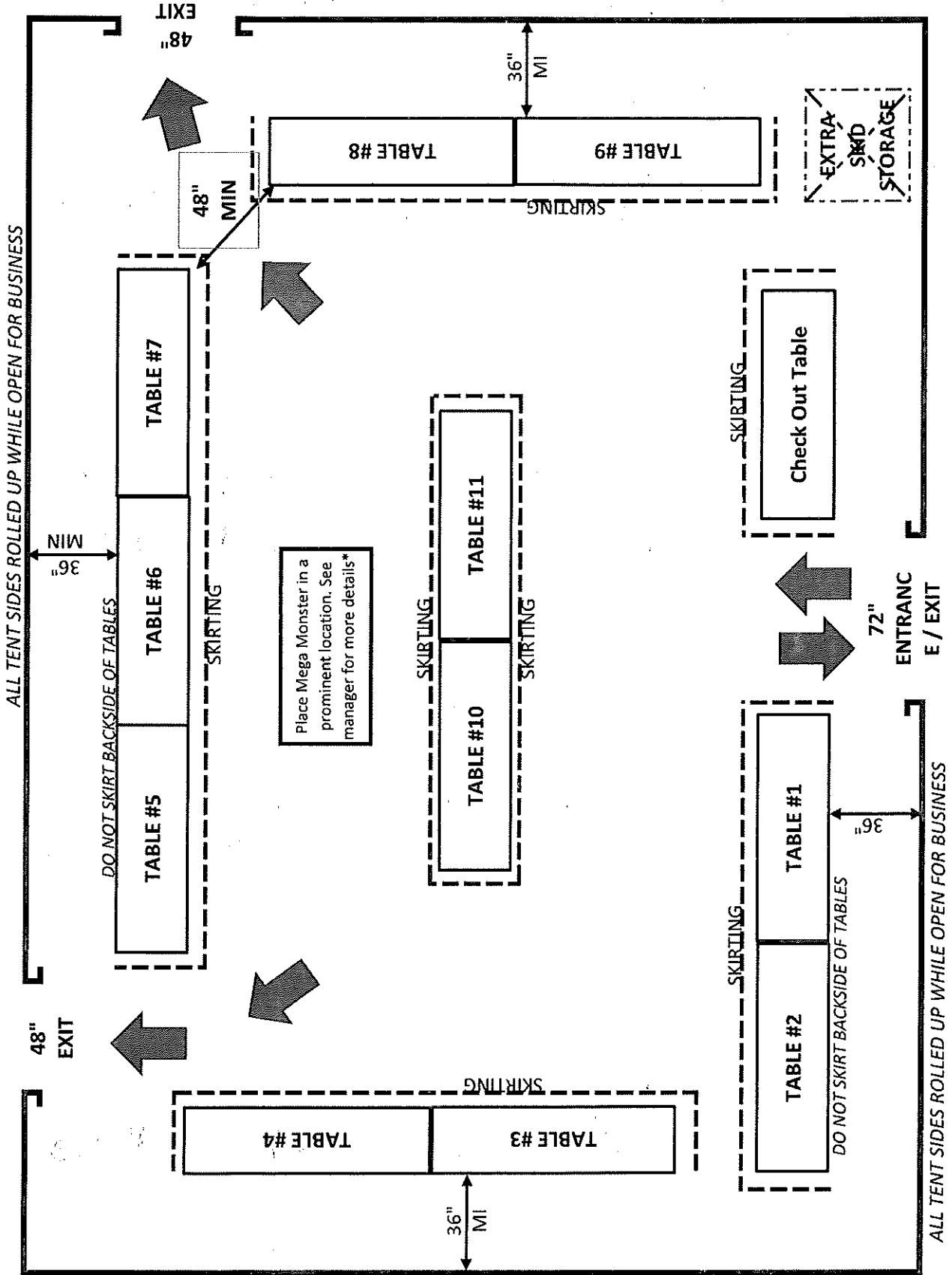
GENERATOR



TENT



30x60 Tent Layout-3 Exit



RECEIVED

JAN 24 2025

SUSSEX COUNTY PLANNING & ZONING

10/31/2024

DE

2025 Beginning Inventory

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

RECEIVED

JAN 24 2025

DE 2025

SUSSEX COUNTY
PLANNING & ZONING

IMPORTANT DOCUMENT Certificate of Flame Resistance

ISSUED BY

Date of Shipment
1/31/2018



Sales Order #
SO-653904

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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

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

FLAME RETARDANT

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



Fabric meets requirements of

Certification is hereby made that:

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

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

Serial # 8026000 (1)

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

SNYDER MFG

Name of Applicator of Flame Resistant Finish

Signed: ANCHOR INDUSTRIES INC

RECEIVED

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

IMPORTANT DOCUMENT Certificate of Flame Resistance

ISSUED BY

Date of Shipment
4/19/2021



Sales Order #
SO-690357

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

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

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

FLAME RETARDANT

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



Fabric meets requirements of

Certification is hereby made that:

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

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

Serial # 8106200 (4)

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

DAF PRODUCTS

Name of Applicator of Flame Resistant Finish

Signed: *Michael L. McKim*
ANCHOR INDUSTRIES INC

RECEIVED

JAN 24 2025

BOONVILLE COUNTY
PLANNING & ZONING



CERTIFICATE OF LIABILITY INSURANCE

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

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

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

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

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

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

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

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

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

RECEIVED

JAN 24 2025

SUSSEX COUNTY
PLANNING & ZONING

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



Eagleview Search Results

Selected Features: Parcels (1)

Zoom

BOOK	5948
PAGE	85
FULLNAME	TONY TANK HOLDINGS LLC
Second_Owner_Name	
MAILINGADDRESS	1004 PARSON RD
CITY	SALISBURY
STATE	MD
a_account	04-01-094
DESCRIPTION	SW/RT 54
DESCRIPTION2	394 NE/RIVER RUN
DESCRIPTION3	PARCEL C CT
LUC	400
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	0
APRLAND	98000
PINWASSEMMENTUNIT	533-12.00-94.00
PIN	533-12.00-94.00

Selected Features (1)

Clear Selected

Search

Search by: SUSSEXPARCELS

533-12.00-94.00

533-12.00-94.00

Search results (1)

Options

533-12.00-94.00



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KEYSTONE NOVELTIES DISTRIBUTORS, LLC

(Case No. 13051)

A public hearing was held after due notice on April 7, 2025. The Board members present meeting were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Shawn Lovenguth, and Mr. John Williamson.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is requesting the special use exception for a period of one (1) year during the 4th of July season. This application pertains to certain real property located on the south side of Lighthouse Road across from West Fenwick Boulevard (911 Address: N/A); said property being identified as Sussex County Tax Map Parcel Number 533-12.00-94.00 (the "Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, photographs, a tent location plot plan, a letter from the Applicant, an inventory list, certificates of flame resistance, a certificate of insurance, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Maxwell Bushong, who is the managing director of Keystone Novelties Distributors, was sworn in to testify about the Application.
4. The Board found that Mr. Bushong testified that the tent is proposed for a vacant lot that is adjacent to a Citgo Gas and oil property.
5. The Board found that Mr. Bushong testified that the tent is well beyond the setback requirement from the gas pumps which is 50 feet in the State of Delaware.
6. The Board found that Mr. Bushong testified that the tent will be about 300 feet away from the gas pumps.
7. The Board found that Mr. Bushong testified that the tent will be a standard 20 feet by 40 feet tent with a generator 25 feet away from the tent.
8. The Board found that Mr. Bushong testified that there will be inside lighting only operated by the generator.
9. The Board found that Mr. Bushong testified that this location will not have a porta-potty as the Applicant is working with the landlord to take advantage of the indoor restroom facilities. He noted, if that were to fall through, the Applicant would provide a porta-potty.
10. The Board found that Mr. Bushong testified that traffic flow on this spot is really nice.
11. The Board found that Mr. Bushong testified that the tent will be staked all the way around.
12. The Board found that Mr. Bushong testified that this is a new location for the Applicant's use and that the Applicant is seeking a one year approval.
13. The Board found that Mr. Bushong testified that the hours of operation will be from 10:00 am until 10:00 pm from June 21st through July 4th, with 3 days for setup and removal by July 10th.
14. The Board found that Mr. Bushong testified that there will be no noise, smells or vibration from the tent.

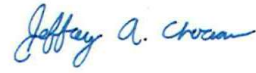
15. The Board found that Mr. Bushong testified that this site will be manned 24/7 by the operator of the tent as no storage facility is outlined but that, if requested, a storage facility will be provided.
16. The Board found that no persons appeared in support of or in opposition to the Application.
17. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed outdoor display or promotional activity will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The Applicant runs a fireworks sales business that will sell ground-based fireworks during the July 4th holiday season. The Applicant has leased space on a portion of the Property used for a gas station.
 - b. The Applicant intends to erect the tent for sales to run from June 21 to July 4th on an annual basis. The Applicant anticipates that three days before and ten days after the sale will be needed for the setup and tear down of the tent.
 - c. The tent will not block the visibility of any neighboring businesses or signs.
 - d. The Applicant will still have adequate parking even with the tent in place.
 - e. The tent will be used only on a temporary basis during limited times of the year.
 - f. The hours of operation are reasonable.
 - g. There was no substantial evidence presented by opposition to the Board that convinced the Board that the tent would substantially affect adversely the uses of neighboring and adjacent properties.
 - h. The approval is conditioned on the following:
 - i. The tent shall be located in the approximate area as shown on the documentation presented by the Applicant to the Board. If the tent is proposed to be relocated elsewhere on the Property, the Applicant must seek a new special use exception.
 - ii. The tent shall only be used for sales from June 21 to July 4, 2025. The Applicant shall have three days prior to the sale to erect and the tent shall be removed by July 10.
 - iii. The approval is valid for a period of one (1) year.
 - iv. The Applicant shall submit documentation to the Planning & Zoning Department from the landlord consenting to the location of the tent on the Property.

The Board granted the special use exception application for a period of one (1) year with conditions finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved with conditions for a period of one (1) year. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Shawn Lovenguth, Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman
Chair

If the use is not established within two (2)
years from the date below the application
becomes void.
Date JUNE 2, 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 # 13188
 Hearing Date 05-04-2026
202603303
RECEIVED

MAR 20 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:

30983 Sussex Highway, Laurel, DE 19956

Variance/Special Use Exception/Appeal Requested:

Special use exception to conduct temporary tent sale during 4th of July Season. Exact dates to be determined with goal of 6/22 - 7/4. Tent install to be completed 3 days before beginning sales date and removal 3 days after end sales date.

Tax Map #: 332-1.00-100.00

Property Zoning: CR-1

Applicant Information

Applicant Name: Alex Mutzabaugh - Keystone Novelties Distributors

Applicant Address: 531 N 4th Street

City Denver

State PA

Zip: 17517

Applicant Phone #: (717) 390-0844

Applicant e-mail: amutzabaugh@keystonenovelties.com

Owner Information

Owner Name: Two Farms Inc.

Owner Address: 3611 Roland Avenue

City Baltimore

State MD

Zip: 21211

Purchase Date: _____

Owner Phone #: (410) 889-0200

Owner e-mail: jrobinson@royalfarms.com

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____

State _____

Zip: _____

Agent/Attorney Phone #: _____

Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Date: 3/18/26



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.

N/A

2. Cannot otherwise be developed:

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

N/A

3. Not created by the applicant:

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

N/A

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

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

N/A

5. Minimum variance:

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

N/A

Sussex County, DE - BOA Application

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

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

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

Request is consistent with current Zoning in area

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

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

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

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

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

_____ Date: _____

For office use only:

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

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



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517 Email: permits@keystonenovelties.com

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

Fax: 717-290-7774

March 18, 2026

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

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

Location/Hours & Documents:

- **Location of Sale: 30983 Sussex Highway, Laurel, DE 19956**
- **Sale Period: 6/22/2026 through 7/5/2026**
 - Actual sale dates may be shorter due to opening schedules
 - Tent is set a few days prior to opening date and removed by July 10th
 - Hours of Operation: 9am to 9pm Daily, 9am to 10:30pm on the 3rd and 4th
- **Application(s) Included: Zoning Review Hearing – special use**
- **Plot Map Diagram: Showing proposed location of tent on the property**
- **Tent Layout: Showing tables and exits**
 - The tent is installed by a professional rental company and will be anchored per manufacturers instruction approximately every ten feet around the tent perimeter.
- **Flame Retardant Certificate: Copy of the tent fabric flame certificate (will be physically located on tent)**
- **Insurance Certificates: Liability &/or Workers Comp insurance certificates**
- **Fees: Check for \$500.00 to pay for the permit. If no check is included, please provide amount due and instructions for prompt payment.**

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

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

Respectfully,

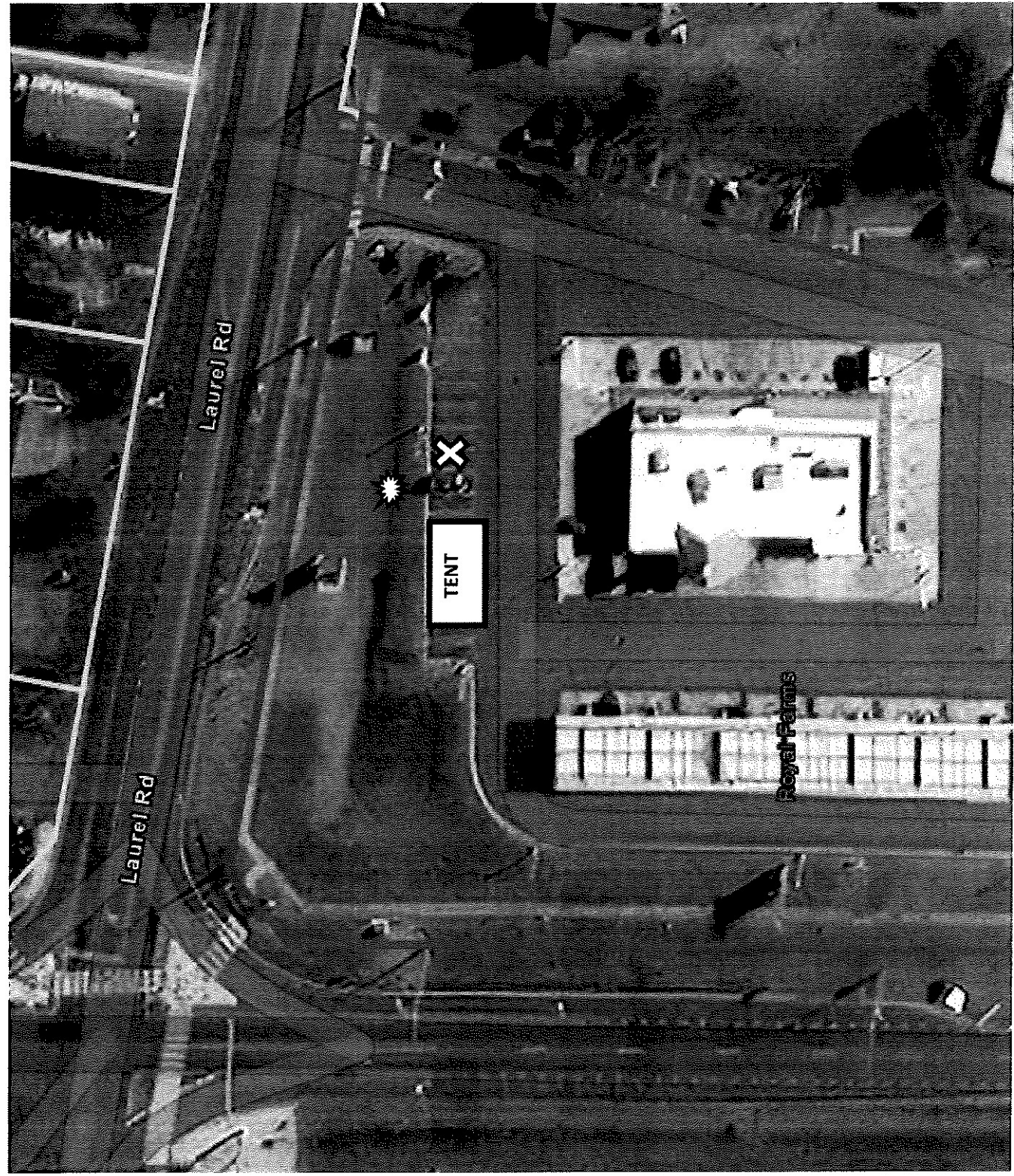
Alex Mutzabaugh
Field Operations Manager
Keystone Novelties Distributors LLC








LOCATION: LAUREL DE TWO FAMS, INC. 171

ADDRESS: 30983 Sussex Highway, Laurel, DE 19956

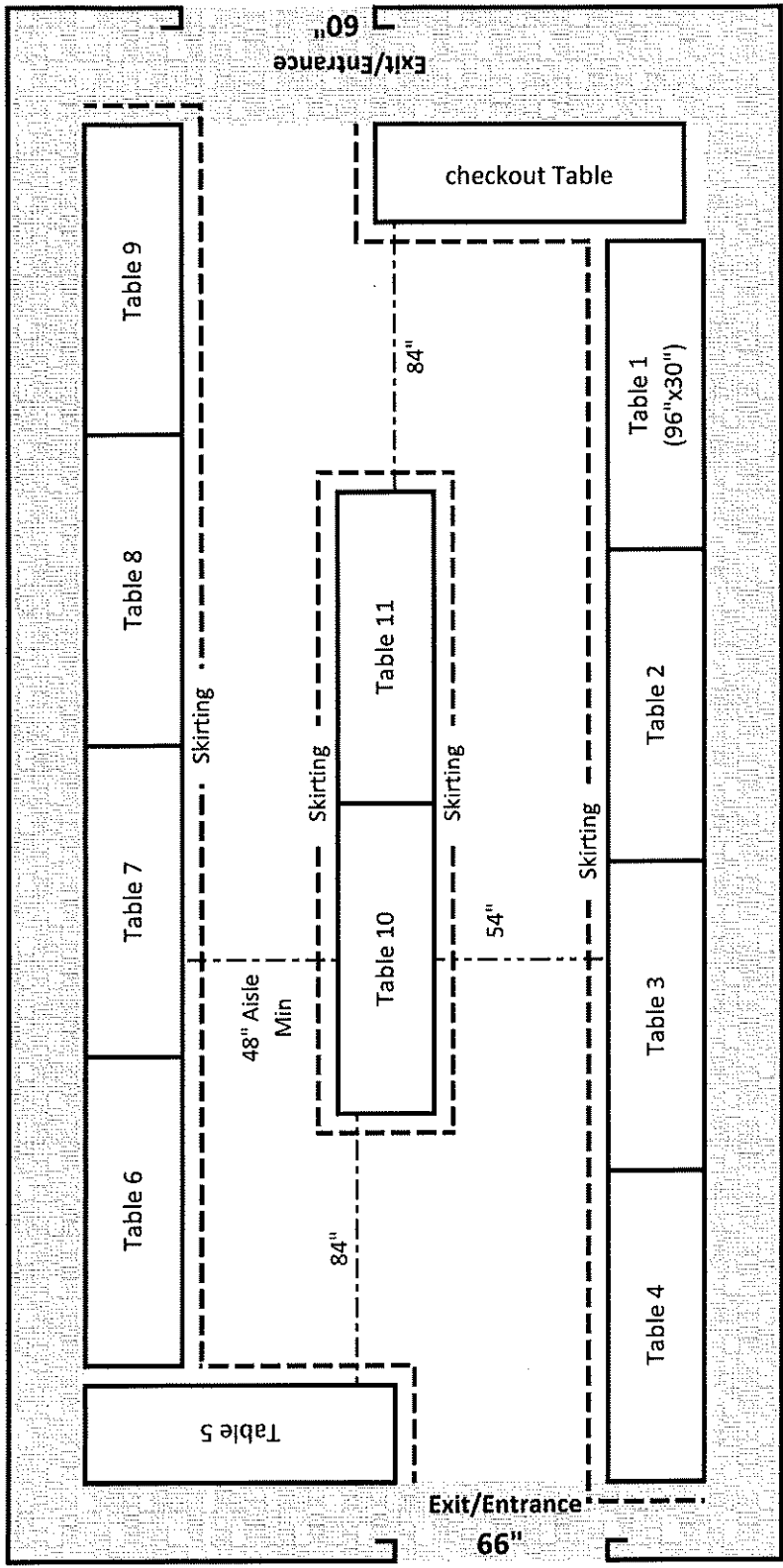
SAVED:
3/16/2026



LEGEND:

-  TENT
-  PORTA-JOHN
-  GENERATOR
-  STORAGE UNIT
-  BACKHAUL TRAILER

20x40 (2) Exit



All Tent Sides Rolled Up During Business

DE Inventory 2026

Product	Cases	Product	Cases
#10 Color Sparklers	2	Larger Than Life	4
#20 Gold Sparkler	2	Launch Control	2
#8 Gold Sparkler	1	Lighthouse	1
2026 America Forever 1/8	2	Lightning Rod Candles	1
2026 Birthday Celebration \$250 Giveaway	2	Lil' Big Shot (B1G1)	1
A Real Doozy	1	Little Patriot Assortment	1
Bad Bass	2	Magic Color Burst	1
Big Dog	3	Magic Snakes PK4 (72)	1
Big Guns	3	Maximum Overload B1G1	1
Bite Me	2	Mega Monster	4
Boss Hog	3	Mega Monster Grand Finale	4
Chase the Ace/Desert Moon (B1G1)	1	Mini Mystic Sundae	1
Colossal Color Smokes	1	Morning Glory 14"	1
Crackling Balls	1	Party Poppers (B1G1)	1
Crowd Pleaser	3	Payback	1
Cuckoo (B1G1)	1	Red Riot (B1G1)	1
Dragon Slayer Sword	2	Six Colored Smoke Balls	1
Dragon Throne	1	Snappers	1
Fans in the Stand	3	Snow Cone	2
Fight Like a Girl	2	Spaced Out	3
Fire and Ice	3	Tanks with Star	1
First Responders (B1G1)	2	Tie Dye Surprise (B1G1)	1
Flower Power	3	Tomahawk Rocket Fountains	1
Flying Betsy	1	Turbo (B1G1)	1
Freaky Tiki	1	United Stars \$250 Giveaway	1
Hand Held Snow Cone	1	Value Pack Fountains	1
Heavyweight Champion	3	Venus Volcano	3
High Voltage	3	Waterfront Celebration	2
HN 90/Floral Fountains (B1G1)	1	Wild Card	3
Jackpot!	3	Wild Sky Rider/Crackling Crystals	1
Jumbo Morning Glory	2	World of Wonders	3
Keystone Kid Assortment	2	Wrath of the Beast	3
Keystone Mandarin Snaps (Mad Ox)	2		
Killer Bees	1		
Lady Liberty	3		

CERTIFICATE OF FLAME RETARDANCE

Reference Your Order # Verbal Our Order # 0011649

This is to certify that Herculite Architent. Lot # 95219E/28d

is flame retardant according to the following specifications and standards:

- California Fire Marshall Registration (Title 19)
- Reg. Fabric # F12203
- National Fire Protection Association (NFPA) 701, large scale
- Canvas Products Association International (CPAI) 84 (Walls & Tops)

Also we certify this lot of Herculite Architent tent and structural fabric is in general conformance with the average typical, physical and technical performance parameters published in our descriptive product literature and technical bulletins.

- 10' WIDE FRAME AND POLE TENTS.
- 12' WIDE FRAME AND POLE TENTS.
- 15' " " " " "
- 16' " " " " "
- 20' " " " " "
- 30' " " " " "
- 40' " " " " "
- 60' WIDE POLE TENTS.
- 80' WIDE POLE TENTS.

Robert Maxwell

Robert Maxwell
Quality Control Manager

Products Marketed by

HERCULITE PRODUCTS, INC.

P.O. BOX 786
YORK, PA 17405

have been tested by an approved laboratory in accordance with the provisions of Section 13121 of the Health and Safety Code, and meets the minimum requirements established by the State Fire Marshal for

FLAME RETARDANT FABRIC



38719-355 0 OSP

[Signature]

State Fire Marshal

FR-10 (REV. 1-91)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/6/2026

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

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

PRODUCER Acisure Great Lakes Partners Insurance Services 223 West Grand River Ave #1 Howell MI 48843	CONTACT NAME: PHONE (A/C No., Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL ADDRESS:														
INSURED Keystone Novelties Distributors LLC 531 N. 4th Street Denver PA 17517	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Texas Insurance Company</td> <td style="text-align: center;">16543</td> </tr> <tr> <td>INSURER B : Continental Indemnity Company</td> <td style="text-align: center;">28258</td> </tr> <tr> <td>INSURER C : Allianz Underwriters Insurance Company</td> <td style="text-align: center;">36420</td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Texas Insurance Company	16543	INSURER B : Continental Indemnity Company	28258	INSURER C : Allianz Underwriters Insurance Company	36420	INSURER D :		INSURER E :		INSURER F :	
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INSURER F :															

COVERAGES **CERTIFICATE NUMBER: 1020219854** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC			BESGLTPA011501_171194_01	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS			BESPKNPA011501_171194_01	12/31/2025	12/31/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input checked="" type="checkbox"/> CLAIMS-MADE DED RETENTION \$			25ABEX0267	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Additional insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

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

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

03/20/2026 12:31PM Megan D.
Receipt number: 33031187-0179 001292975

PERMITS / INSPECTIONS
2026 202603303|Z020 \$500.00

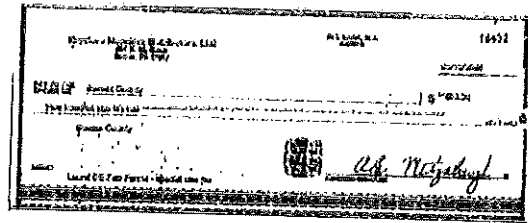
\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 018432

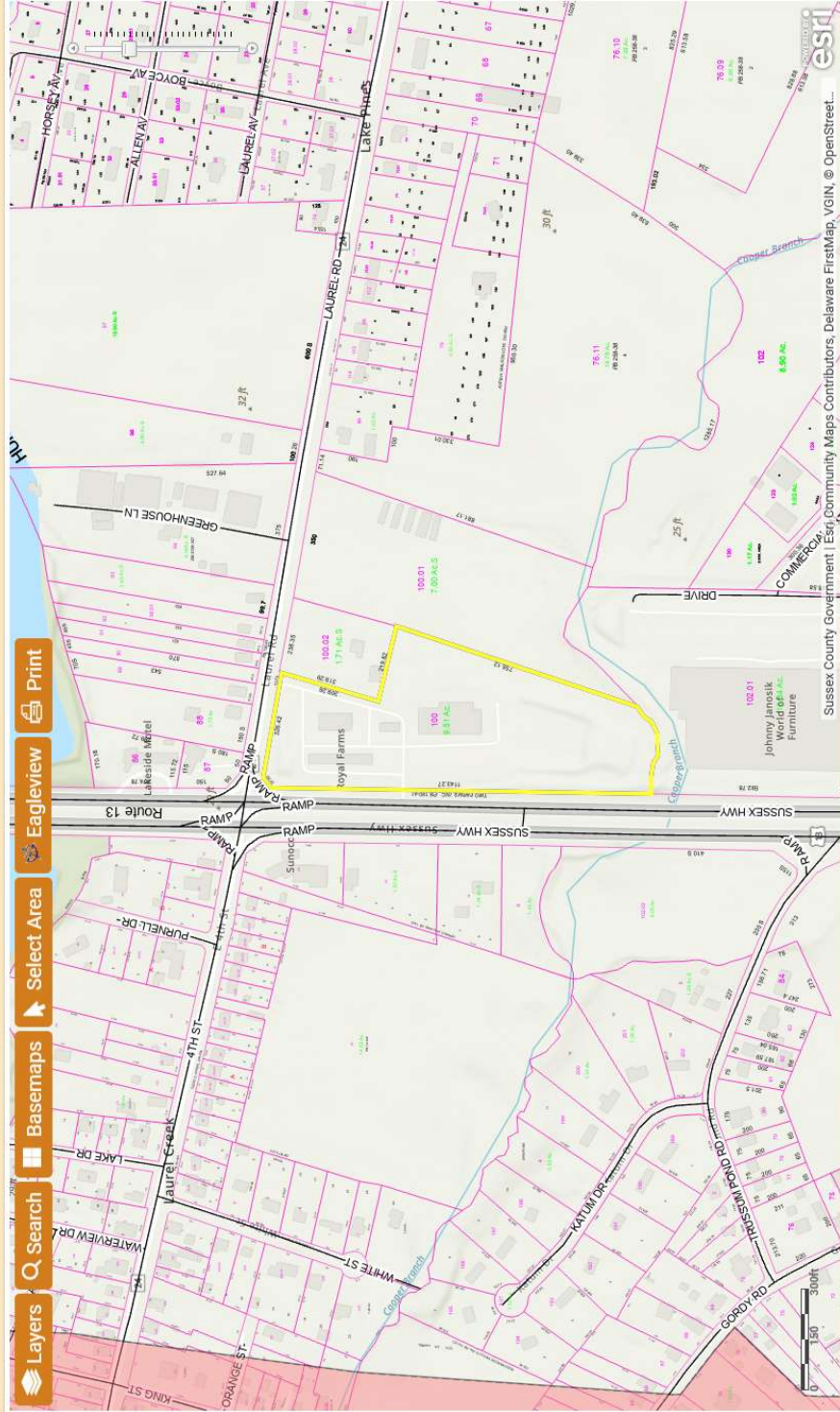
Change due \$0.00

Paid by: KEYSTONE NOVELTIES DISTRIBUTORS
LLC



Thank you for your payment.

Sussex County Government COPY
DUPLICATE RECEIPT



Eagleview Search Results

Selected Features: Parcels (1)

▼ 1) 332-1.00-100.00

Zoom

BOOK	4078
PAGE	347
FULLNAME	TWO FARMS INC
Second_Owner_Name	
MAILINGADDRESS	PO BOX 32307
CITY	CHARLOTTE
STATE	NC
a_account	
DESCRIPTION	RT 13
DESCRIPTION2	RT 24
DESCRIPTION3	PARCEL LOT
LUC	406
SCHOOL	2
MUNI	00
CAP	0
APRBLDG	2.3755e+006
APRLAND	1.0346e+006
PINWASSEMNTUNIT	332-1.00-100.00
PIN	332-1.00-100.00

Selected Features (1)

Clear Selected

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

Sussex County Government | Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreet...



Eagleview Search Results

Selected Features: [Parcels (1)]

▼ 1) 332-1.00-100.00

BOOK	4078
PAGE	347
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PIN	332-1.00-100.00

Selected Features (1)

Clear Selected

Search by SUSSEXPARCELS

332-1.00-100.00

Search results (1)

Options

332-1.00-100.00



Workspaces

Map navigation controls: compass, zoom in (+), zoom out (-), and a scale bar.

Map navigation and utility icons: scale bar (100 ft / 20 m), home, refresh, and print.

Case # 13189
Hearing Date 05-04-2026
202603322

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:

19905 Sea Air Ave (B85), Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

On the right side of the proposed home where the 1) proposed AC is 10.3' and the 2) proposed home is 13.3' from the neighboring dwelling on Lot B87. Where the proposed home is 3) 15.8' from neighboring shed on lot B87 and 4) 13.4' from neighboring dwelling on lot C86. Where the proposed shed is 5) 16.6' from the dwelling on C86 and 6) 10.2 from the dwelling on B83. Where the rear stairs are 7) 17.2' from the dwelling on B83 & 8) 14.8' from the C at B83. Where the front stairs are 9) 17.4' from the dwelling on lot B83.

Tax Map #: 334-13.00-310.00-3263

Property Zoning: AR-1

Applicant Information

Applicant Name: Sea Air Village
Applicant Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: (302) 227-8118 Applicant e-mail: abennett2@suncommunities.com

Owner Information

Owner Name: Sea Breeze LP DBA Sea Air Village
Owner Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____
Owner Phone #: (302) 227-8118 Owner e-mail: abennett2@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Aimee Bennett (Agent)
Agent/Attorney Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Agent/Attorney Phone #: (302) 227-8118 Agent/Attorney e-mail: abennett2@suncommunities.com

Signature of Owner/Agent/Attorney

Aimee Bennett

Date: 3/20/25



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

See Attached

2. Cannot otherwise be developed:

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

See Attached

3. Not created by the applicant:

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

See Attached

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

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

See Attached

5. Minimum variance:

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

See Attached

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

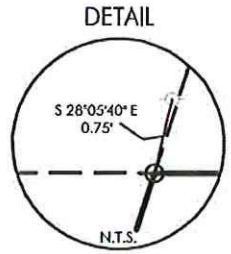
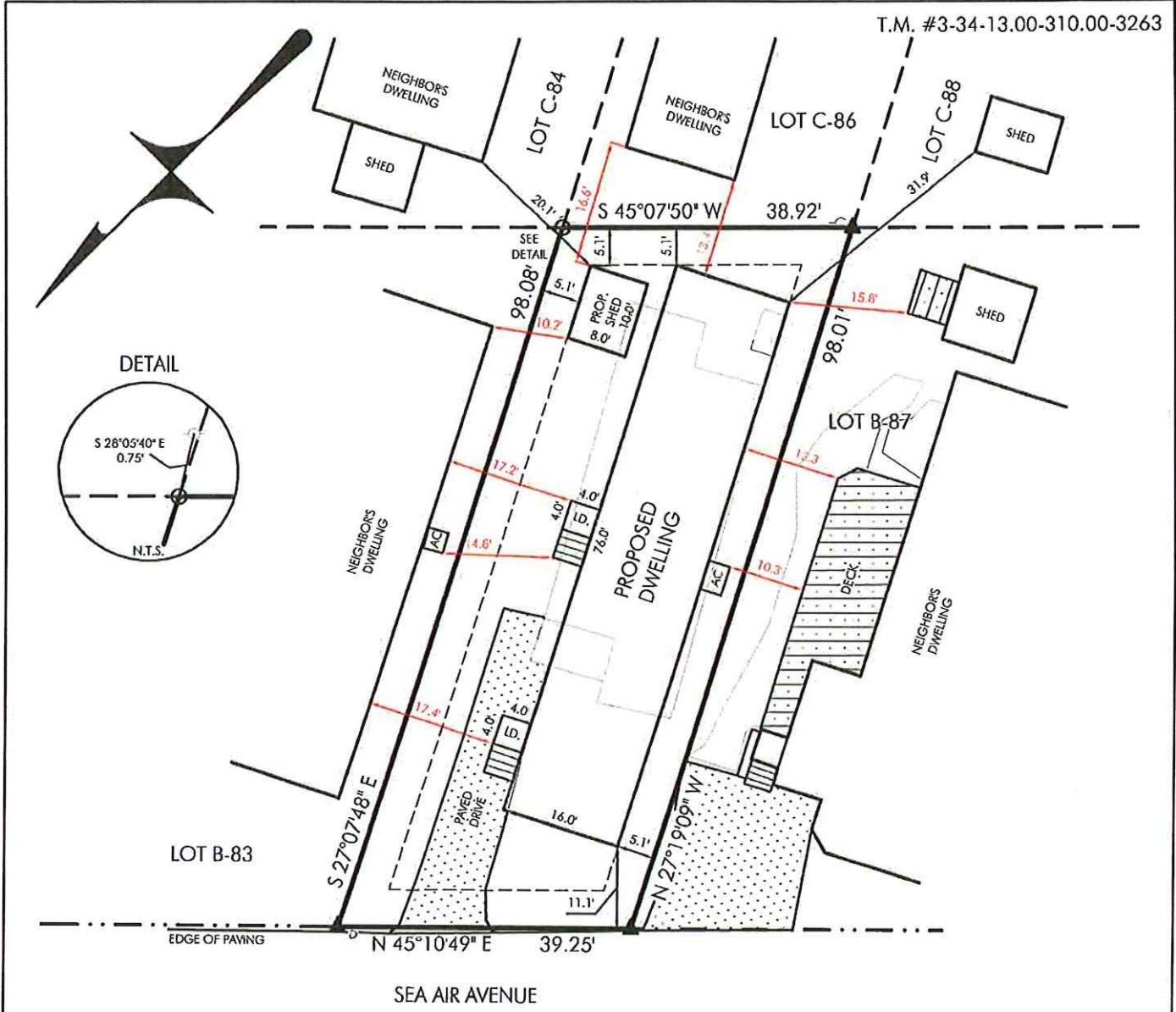
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

n/a

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

n/a

T.M. #3-34-13.00-310.00-3263



- LEGEND:**
- ▲ IRON ROD (FOUND)
 - ▲_D DISTURBED IRON ROD (FOUND)
 - POINT
 - UTILITY POLE

NOTES:
 ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7878) AND THE PARK MANAGER.
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.

PROPOSED CONDITIONS SITE PLAN FOR 19935 SEA AIR AVENUE

TOTAL AREA: 3,652 SQ. FT., 0.0838 ACRES
 LOT B-85 OF "SEA AIR" PARK
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE
 MARCH 12, 2026 SCALE: 1" = 20'

Prepared by:
FORESIGHT Services
 Surveying & Precision Measurement

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

James Bennett

Date: 3/20/25

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: _____

1. Uniqueness of the property:
 - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to the 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.
 - 1-10- The uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures. This lot was laid out with others in the community in the 1950's and 1960's prior to the current county requirements for separation distances. The lots sizes are small in comparison with the size of the modern manufactured home. I have selected a standard size floorplan for this home that is comparable to other new homes in the community, but I am still unable to place the lot with the required setbacks. This replacement home is narrower than the prior building as the prior buildout on the lot included both a single wide home and a full-size addition. The narrow width of the lot and the previous build out of the surrounding adjacent lots makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while maintaining compliance with Sussex County's current Zoning Code. Particularly, the neighbor to the right has a room buildout and a deck that are less than 10' from the property line.
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.
 - 1-10: Due to the uniqueness of the property, the property cannot be developed in strict conformity with the Sussex County Zoning Code. I propose to place a normal width sized manufactured home that is consistent with other new homes in the community and a standard size shed that is consistent with other new homes in the community but am unable to do so without violating the separation distance requirements between neighboring manufactured homes and accessory structures (ie, sheds). The variances are necessary to enable reasonable use of the property; without said variance, the property cannot be developed.
3. Not created by the applicant:
 - That such exceptional practical difficulty has not been created by the appellant.
 - 1-10: The exceptional practical difficulty was not created by the applicant. The property is quite narrow, which greatly limits the buildable area thereof. The neighboring lots are also narrow, causing development of nearby lots to be nearer to lot lines/neighboring homes. Despite selecting a replacement unit that is more narrow than prior, it appears impossible for a home to be placed on the property without violating the separation distance requirements. As noted previously, the new "replacement home" will correct some of the previous separation distance

issues, yet a variance is still needed for placement. The exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots.

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.
 - 1-10: The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare thereof. I am seeking this variance to add to the conformity to the community & to modernize the homes within the community which will subsequently add value and improve the characteristics of the community/neighborhood.
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.
 - 1-10: The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The home is the narrowest currently available and minimizes the need for variance on the property.

Layers Search Basemaps Select Area Eagleview Print

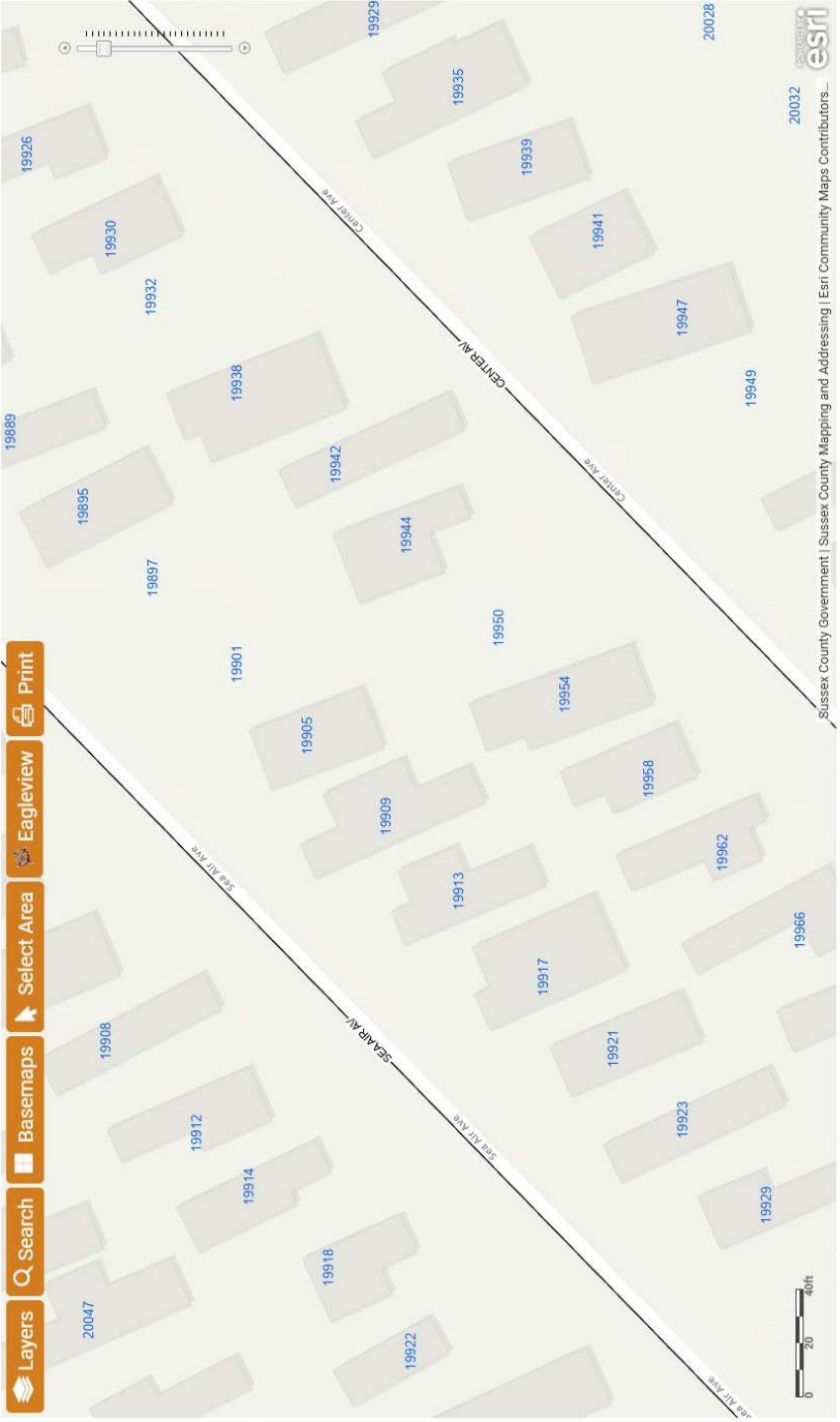
Eagleview Search Results

- Selected Features: [Parcels (385)]
- ▶ 151) 334-13.00-310.00-3251 Zoom
 - ▶ 152) 334-13.00-310.00-3252 Zoom
 - ▶ 153) 334-13.00-310.00-3257 Zoom
 - ▶ 154) 334-13.00-310.00-3262 Zoom
 - ▶ 155) 334-13.00-310.00-3263 Zoom

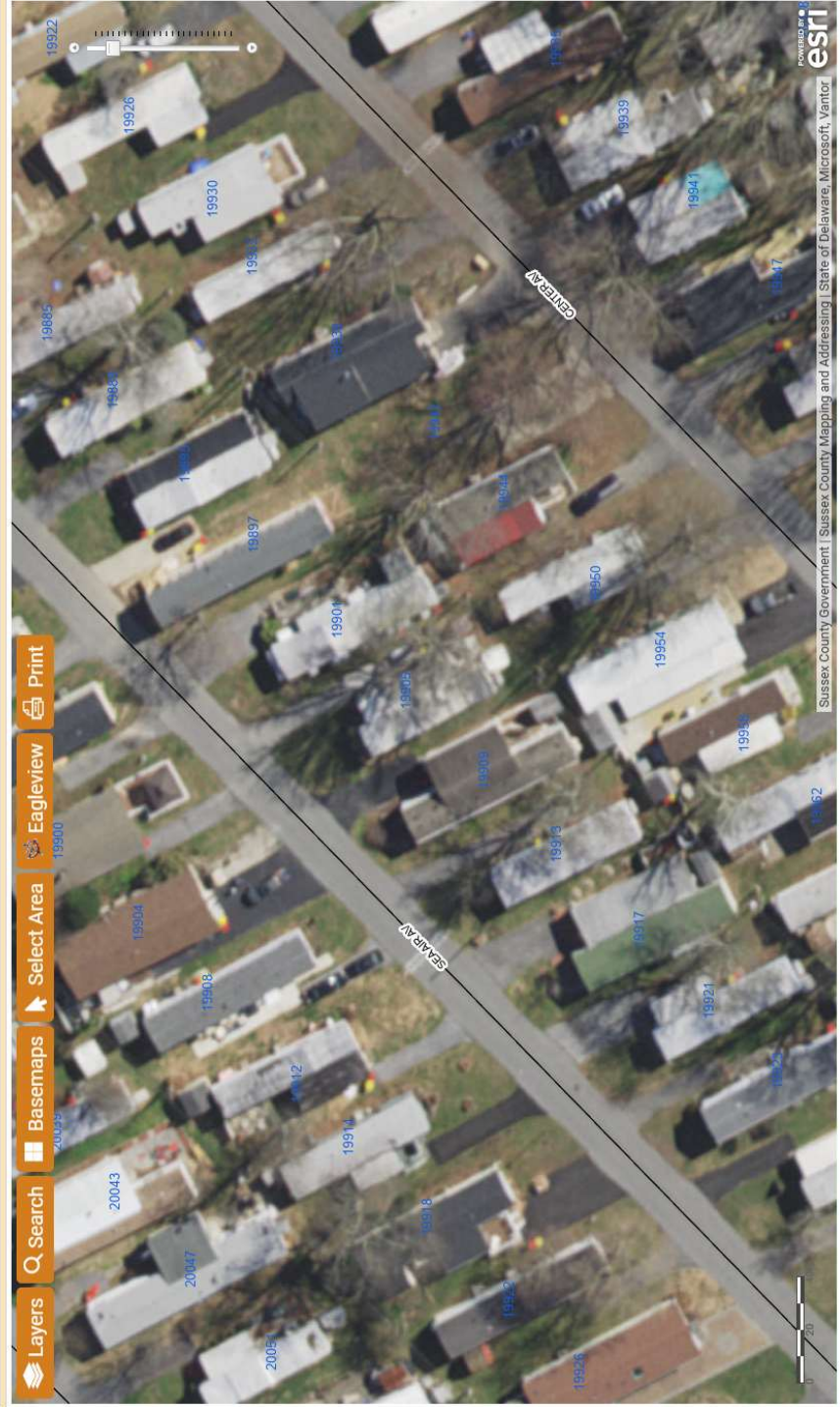
BOOK	0
PAGE	0
FULLNAME	OSSMAN LEO & ANITA
Second_Owner_Name	
MAILINGADDRESS	28334 WYNIKAKO AVE
CITY	MILLSBORO
STATE	DE
a_account	10-10-310-B85
DESCRIPTION	SEA AIR
DESCRIPTION2	IMP ON LOT B85
DESCRIPTION3	
LUC	104
SCHOOL	6
MUNI	00
CAP	2

Selected Features (151 - 155 of 385)

Clear Selected



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results [Parcels (385)]

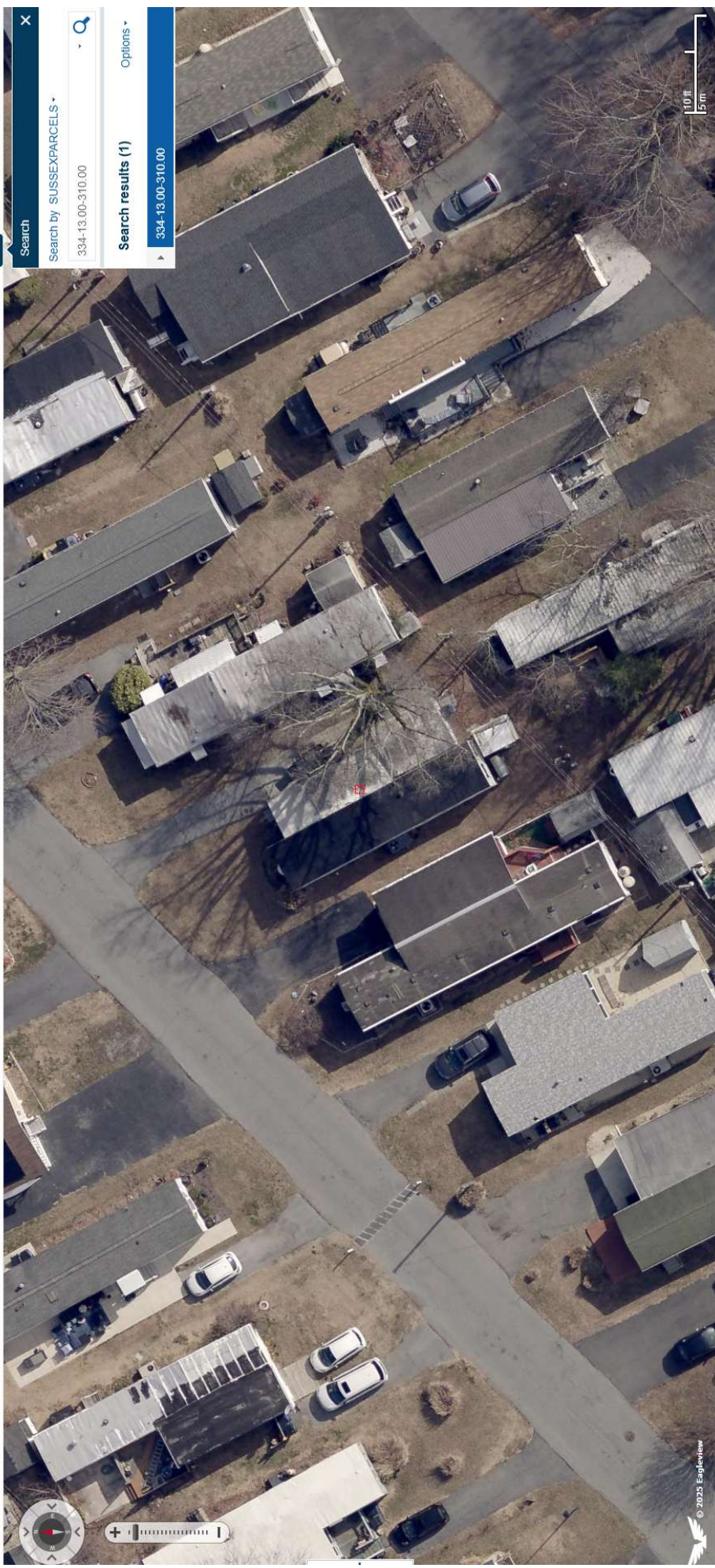
Selected Features:

- ▶ 151) 334-13.00-310.00-3251 Zoom
- ▶ 152) 334-13.00-310.00-3252 Zoom
- ▶ 153) 334-13.00-310.00-3257 Zoom
- ▶ 154) 334-13.00-310.00-3262 Zoom
- ▼ 155) 334-13.00-310.00-3263 Zoom

BOOK	0
PAGE	0
FULLNAME	OSSMAN LEO & ANITA
Second_Owner_Name	
MAILINGADDRESS	28334 WYNIKAKO AVE
CITY	MILLSBORO
STATE	DE
a_account	10-10-310-B85
DESCRIPTION	SEA AIR
DESCRIPTION2	IMP ON LOT B85
DESCRIPTION3	
LUC	104
SCHOOL	6
MUNI	00
CAP	2

Selected Features (151 - 155 of 385)

Clear Selected



Search ✕

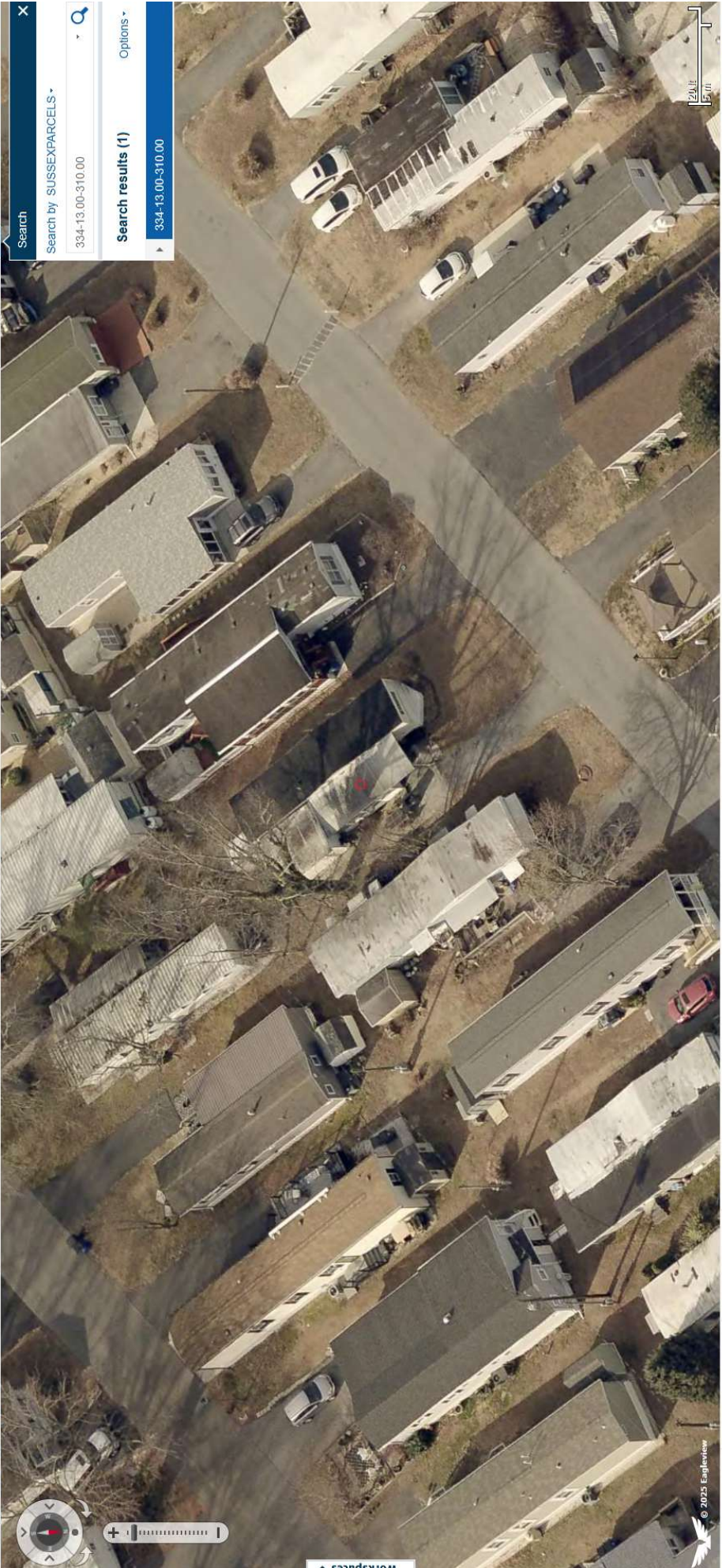
Search by SUSSEXPARCELS ▾

334-13.00-310.00 🔍

Search results (1) Options ▾

334-13.00-310.00





13190

Case # ADV-26-08

Hearing Date 05-04-2026
(where applicable)

202603330

202603657 BOA

Accessory Dwelling Unit Approval Application Sussex County, Delaware

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

RECEIVED

MAR 20 2026

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

- Accessory Dwelling Unit - Detached
- Accessory Dwelling Unit - Attached

Existing Structure:
 Proposed Structure:
 Code Reference (office use only)

Site Address:

37165 Burton Avenue, Rehoboth Beach, DE 19971

Description of Request:

Approval to construct a 1,000 sq ft accessory dwelling unit on a 8,750 sq ft parcel.

Tax Map #: 334-13.19-33.00

Property Zoning: GR

Applicant Information

Applicant Name: Jennifer R. Noel
 Applicant Address: 37165 Burton Avenue
 City: Rehoboth Beach State DE Zip: 19971
 Applicant Phone #: (302) 824-5926 Applicant e-mail: jennifernoel.esq@gmail.com

Owner Information

Owner Name: Jennifer R. Noel
 Owner Address: 37165 Burton Avenue
 City: Rehoboth Beach State DE Zip: 19971 Purchase Date: 5/24/24
 Owner Phone #: (302) 824-5926 Owner e-mail: jennifernoel.esq@gmail.com

Agent/Attorney Details

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

Signature of Owner/Agent/Attorney

Date: 3/20/2026



Sussex County, DE - Application for Accessory Dwelling Unit Approval

Criteria for Accessory Dwelling Units

The following shall be answered for Code Compliance

1. Total lot area of property:

8,750

2. Total area of existing dwelling (in square feet):

2,700

3. Total area of proposed Accessory Dwelling Unit (in square feet):

1,000

5. Is the property located within a subdivision? Yes No
If so, have you obtained approval from the Homeowners Association? Yes No

4. Please confirm the ADU is **NOT** a RV, Camper, Motor Home, etc.

Please note: No property is permitted to be occupied with a RV, Camper, Motor Home, etc., unless located within a RV Park.

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

Applicant's must demonstrate that the property meets ALL of the criteria for a Special Use Exception to be granted.

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

Please see attached explanation.

Accessory Dwelling Unit Approval Application
37165 Burton Avenue, Rehoboth Beach, DE 19971
Tax Map # 334-13.19-33.00

Attachment

Criteria for Special Use Exception

Such Exception will not substantially affect adversely the uses of adjacent and neighboring property:

The ADU is intended to be used for my family and guests. There are other properties in the neighborhood, including the property directly adjacent to mine (lot 31) and one across the street from mine (lot 13) that have multiple residences on lots of the same size. The proposed ADU will have two dedicated parking spaces located immediately adjacent to it. The entrance to the ADU will be gated to deter others from accessing the property. It is anticipated that the ADU will have a height of less than 25', making it slightly taller than the ADU on the adjoining property (which is believed to be 16'7" tall based upon the application previously filed by Finley Jones Jr.) and substantially shorter than the large building on the diagonally adjoining property and shorter than the main home on the adjoining property (which is believed to be 26'8" based upon the Finley Jones Jr. application). The ADU will be face Burton Avenue, but will be set back 15' from the property line, maintaining sight lines along the road.

The property is located in the West Rehoboth neighborhood, which consists of a variety of housing. The community is residential in nature and the proposed ADU will be consistent with the residential character of the neighborhood. As a result, the requested exception will not substantially adversely affect the uses of the adjacent and neighboring properties.



The proposed ADU will be located to the right of the subject property pictured above, where the tan shed is currently located. While the proposed ADU will be taller than the primary residence on the property, it will be substantially shorter than the building to the far right in the photo, and only slightly larger than the existing ADU on the adjacent property.



Sussex County, DE - Application for Accessory Dwelling Unit Approval

Check List for Applications

The following shall be submitted with the application

- Completed Application
- Provide a Site Plan or survey of the property along with a layout/building plans of the ADU
- Provide Fee \$500.00
- Provide written response to criteria for Special Use Exception (where applicable, may be on a separate document if not enough room on the form)
- Copy of Receipt (staff)
- Optional - Additional information to be considered (ex. photos of site, photos of similar structures, letters from neighbors, etc.)
- Please be aware that an Accessory Dwelling Unit is defined as, "a self-contained dwelling unit that is secondary to the principal dwelling unit on a property and includes independent living facilities, such as a separate entrance and kitchen. The dwelling unit may be attached to, or detached from the primary dwelling on the property and it may also include existing interior space such as a finished basement that is converted into a separate dwelling unit. Accessory dwelling units do not include duplexes, tourist homes, servant quarters, recreational vehicles or guest homes."
- Please be aware that the application may be scheduled for a public hearing before the Board of Adjustment if the dimensional requirements of Section 115A(15(c), (d) and (e)) are not met. Staff will place a sign on the site stating the date and time of the Public Hearing for the application. The Applicant, or a representative of the Applicant must be present if a public hearing is scheduled.

**Please be advised that the decision of the Director/Board of Adjustment is only final when the written decision is filed with the Board of Adjustment'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. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's/Director'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 Director/Board that the standards for a Special Use Exception have been met, the application will be denied.

Signature of Owner/Agent/Attorney



Date: 3/20/2026

For office use only

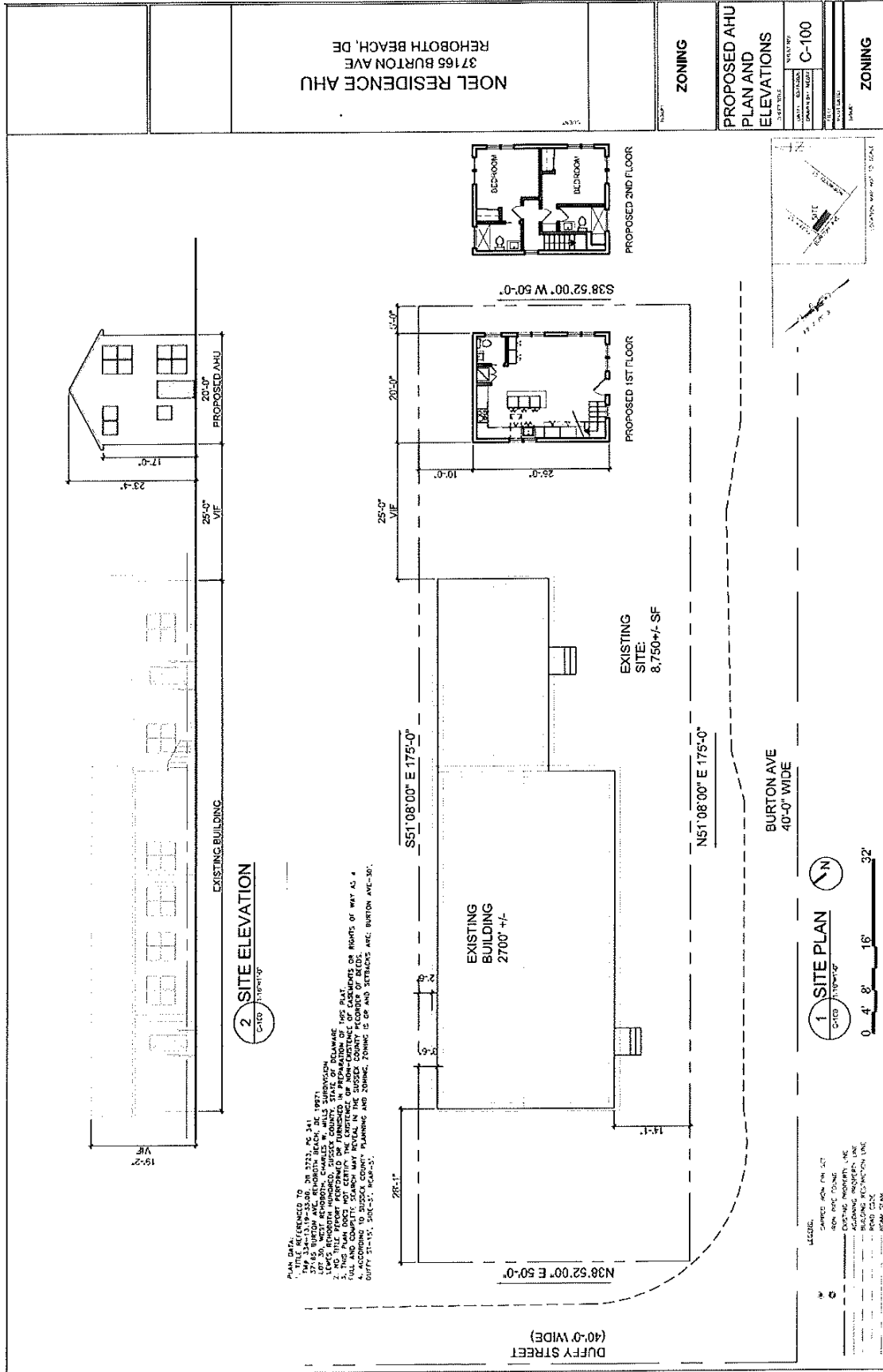
Date Submitted: _____ Fee: \$500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____

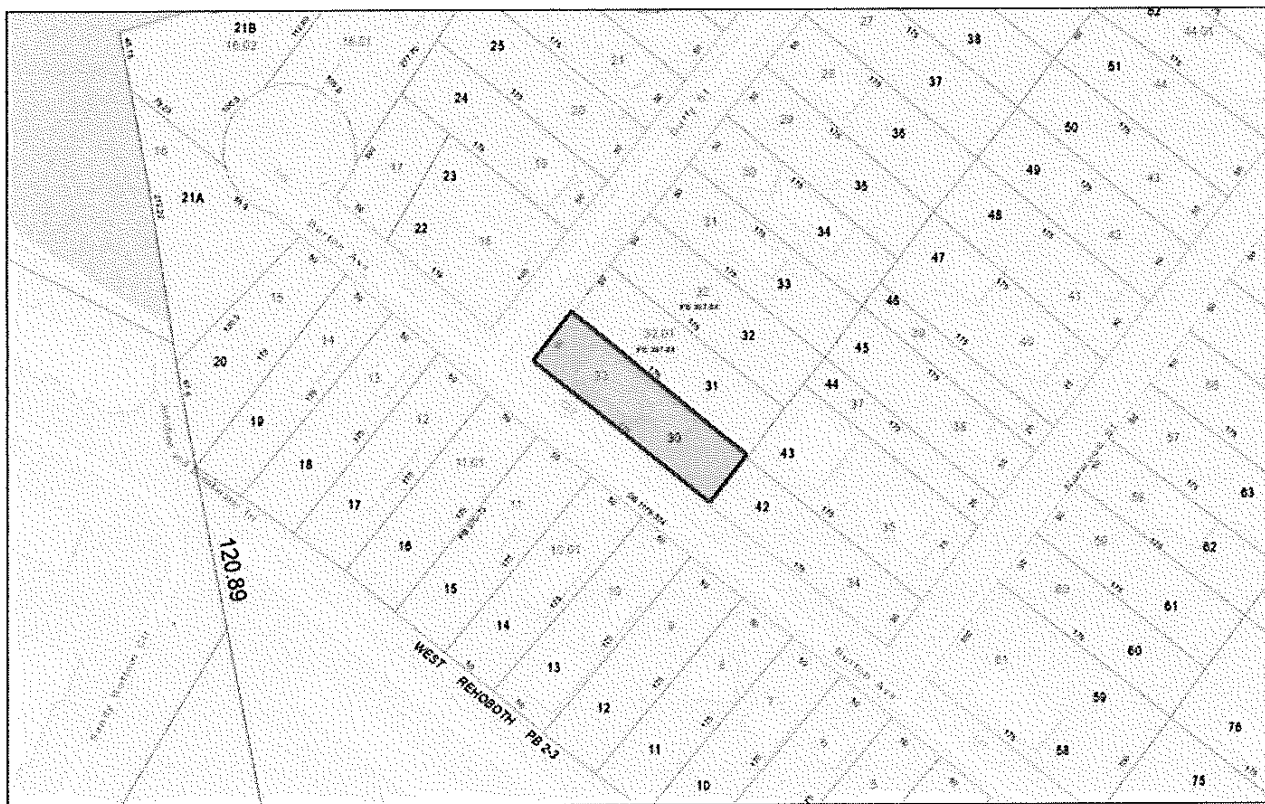
Date of Hearing: _____ Decision of Board: _____



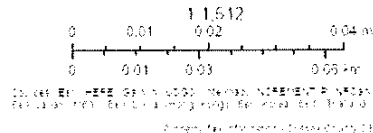
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334-13.19-33.00 37165 BURTON AV, REHOBOTH BEACH, DE, 19971



March 19, 2026



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

03/20/2026 04:10PM Lindsay B
Receipt number: 33031195-0005 001293179

PERMITS / INSPECTIONS
2026 202603330|7065 \$500.00

\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 0177

Change due \$0.00

Paid by: Jennifer Noel

JENNIFER NOEL TREASURER SUSSEX COUNTY	177
DATE: 3/20/2026	
TO: SUSSEX COUNTY	\$ 500.00
FOR: Five hundred & no/100	
SOFT COPY	
ADU BADA	

Thank you for your payment.

CUSTOMER COPY

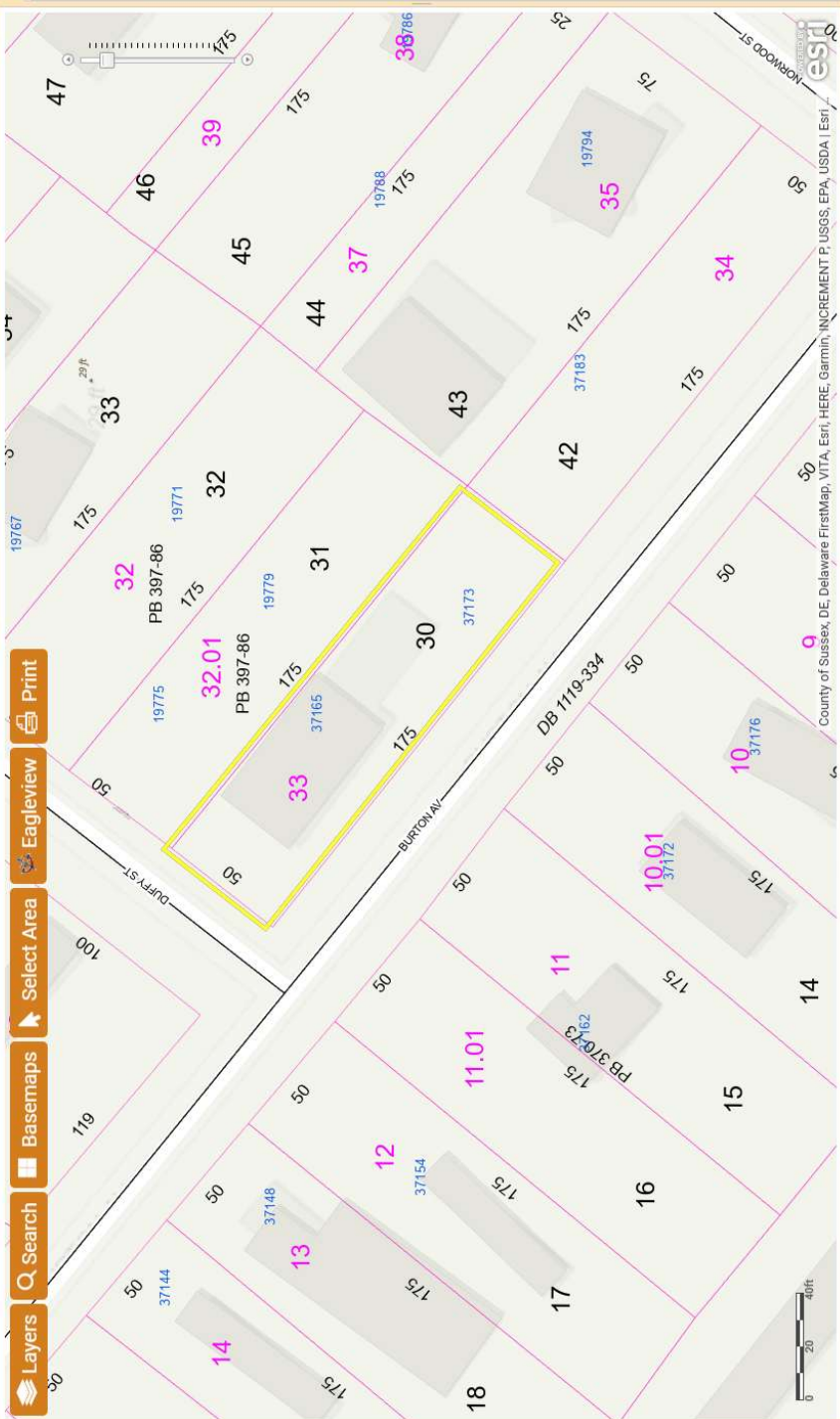
Layers Search Basemaps Select Area Eagleview Print

Eagleview Search Results
Selected Features: Parcels (1)

Zoom
▼ 1) 334-13.19-33.00

BOOK	6111
PAGE	27
FULLNAME	NOEL JENNIFER R
Second_Owner_Name	
MAILINGADDRESS	37165 BURTON AVE
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-14-033
DESCRIPTION	WEST REHOBOTH
DESCRIPTION2	LOT 30
DESCRIPTION3	CLUB HOUSE
LUC	101
SCHOOL	6
MUNI	00
CAP	0
APRBLDG	329200
APRLAND	501800
PINWASSEMNTUNIT	334-13.19-33.00
PIN	334-13.19-33.00

Selected Features (1)
Clear Selected



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

Help

Eagleview Search Results

Selected Features: Parcels (1)

1) 334-13.19-33.00

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PIN	334-13.19-33.00

Selected Features (1)
Clear Selected



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



Search

Search by SUSSEXPARCELS

334-13.19-33.00

Search results (1)

334-13.19-33.00

Options



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FINLEY JONES

(Case No. 13001)

A hearing was held after due notice on October 7, 2024. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, and Mr. John Williamson.

Nature of the Proceedings

This is an application for a special use exception for an accessory dwelling unit on a lot with an area of less than 10,000 square feet.

Findings of Fact

The Board found that the Applicant seeks a special use exception to place an accessory dwelling unit on a lot with an area of less than 10,000 square feet. This application pertains to certain real property located on the southeast side of Duffy Street and northeast of Burton Avenue (911 Address: Lot 31 Duffy Street, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel Number 334-13.19-32.01 ("the Property"). After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, an aerial photograph of the Property, a setback information request, a site plan of the Property dated September 18, 2024, a site plan of the Property dated August 28, 2024, and correspondence.
2. The Board found that the Office of Planning and Zoning received two (2) letters in support of and eight (8) letters in opposition to the Application.
3. The Board found that Kevin Burdette, Finley Jones, III, and Dennis Russum were sworn in to give testimony about the Application.
4. The Board found that Mr. Burdette testified that, on June 25, 2024, the Sussex County Council adopted Ordinance No. 3027 regarding accessory dwelling units ("ADUs") which ordinance states that the minimum lot size to hold an ADU is 10,000 square feet. The Ordinance also allows for ADUs on lots consisting of less than 10,000 square feet if a special use exception is obtained.
5. The Board found that Mr. Burdette testified that the proposed ADU will be located behind the main house and will be enclosed by a 7 foot tall vinyl privacy fence.
6. The Board found that Mr. Burdette testified that there will be a gated entrance with a designated parking area and a bicycle parking area.
7. The Board found that Mr. Burdette testified that there will be 3 parking spaces on the Property and that there will be a walkway to the ADU.
8. The Board found that Mr. Burdette testified that the main house will be 26'8" tall and the ADU will be 16'7" tall and will not be visible from Duffy Street.
9. The Board found that Mr. Burdette testified that there is an easement dedicated to Sussex County Engineering Department for wastewater in the front of the Property.
10. The Board found that Mr. Burdette testified that the Applicant will meet County Codes regarding the management of stormwater. He noted that the Sussex Conservation District requires that the Property be developed to address stormwater accumulating on the Property and that the Property will be designed to meet those requirements.
11. The Board found that Mr. Burdette testified that there are several ADUs within the immediate neighborhood on lots smaller than 10,000 square feet.
12. The Board found that Mr. Burdette testified that the steps and HVAC for the ADU will be interior to the lot.

13. The Board found that Mr. Burdette testified that there is no homeowners association in the neighborhood and that the ADU will not substantially affect adversely towards the use of adjacent and neighboring properties.
14. The Board found that Mr. Burdette testified that the pavers around the pool will likely be permeable and the Property has sandy soil.
15. The Board found that Mr. Burdette testified that the ADU will have 2 bedrooms.
16. The Board found that Mr. Burdette testified that there are no issues with flooding on the Property.
17. The Board found that Mr. Burdette testified that the parking will be similar to parking within the subdivision. He noted that there will be space for up to 6 parking spaces on the Property.
18. The Board found that Mr. Jones testified that there will be 1 parking space for the ADU and 3 parking spaces for the dwelling.
19. The Board found that Laura Matthew, Jennifer Noel, and Brenda Milbourne were sworn in to give testimony in opposition to the Application. Ms. Matthew submitted a petition in opposition signed by thirty-one (31) neighbors.
20. The Board found that Ms. Matthew testified that she has lived on Norwood Street for seven years and that there are drainage issues in this area. She noted that there are no storm grates or drainage ponds.
21. The Board found that Ms. Matthew testified that the addresses on the two support letters are from person who do not live in this community.
22. The Board found that Ms. Matthew testified that parking is an issue.
23. The Board found that Ms. Matthew testified that these two houses are rentals and the existing rental properties in the area can accommodate 12 – 18 people which in turn have up to nine cars parking on the narrow streets.
24. The Board found that Ms. Matthew testified that there are other multi-family homes in the area and that one, in particular, is rented out to J-1 students who use bicycles and not cars.
25. The Board found that Ms. Matthew testified that there are two land trust homes on one lot for two full-time residents.
26. The Board found that Ms. Matthew testified that there are two other lots with multi-family homes but both are over 10,000 square feet.
27. The Board found that Ms. Matthew testified that this ADU will set a dangerous precedent in this area.
28. The Board found that Ms. Noel testified that she owns the property immediately adjacent to this property and that it was a club in West Rehoboth from the 1940s and it will be renovated to become her home.
29. The Board found that Ms. Noel testified that the building is at grade level and there is only 4 feet from the edge of the building to the property line and she is concerned with runoff from the Property onto her property.
30. The Board found that Ms. Noel testified that she anticipates that, because Mr. Finley will only reside here a few months out of the year, these houses will become rentals which will increase the traffic and cause parking issues.
31. The Board found that Ms. Noel testified that the County Administrator indicated in the press release that the purpose of the ADU Ordinance was to help provide flexibility and affordable housing but that this will not help with affordable housing.
32. The Board found that Ms. Milbourne testified that she lives on Duffy Street, one lot down from the Property and that, when it floods, she cannot get out of her street because there is no drainage. She believes that adding the ADU and the dwelling will create more flooding problems.
33. The Board found that Mr. Burdette testified that there is a seven foot setback on the south side of the Property next to Ms. Noel's property with only four feet on Ms. Noel's side gives a total of 11 feet.

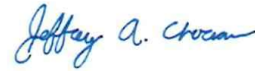
34. The Board found that Mr. Burdette testified that the parking spots are 30 feet deep which is enough to accommodate 2 cars in each space so the Property could actually accommodate a total of six cars.
35. The Board found that Mr. Burdette testified that the Sussex County Conservation District has rules in place so that you cannot allow runoff from this property onto neighboring properties and that the Applicant will design the stormwater to handling it on the lot.
36. The Board found that no one appeared in support of and three people appeared in opposition of the Application.
37. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application met the standards for granting a special use exception because the proposed accessory dwelling unit will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The Property is located in the West Rehoboth community which consists of a variety of housing. The Applicant seeks to construct a dwelling and an accessory dwelling unit on the Property.
 - b. The West Rehoboth community is a residential community and the proposed ADU will be consistent with the residential character of the neighborhood.
 - c. The opposition presented concerns about parking and traffic but the Applicant demonstrated that the ADU will have a designated parking space and that the Property can accommodate up to 6 parking spaces which is sufficient for the dwelling and the ADU. There will be a dedicated walkway from the ADU to the parking area. A member of the opposition noted that J-1 students reside in the neighborhood and use bicycles which would reduce the vehicular traffic in the neighborhood if the ADU was rented to students who use bicycles for transportation rather than cars.
 - d. The opposition presented concerns about flooding but the Applicant testified that the Property must meet stormwater management requirements from the Sussex Conservation District and that those requirements will be met prior to construction of the ADU. The soil is also sandy and the pavers around the pool will be permeable to assist with drainage issues. The Board also notes that, if the Applicant used the area for an ADU for an accessory structure, such as a garage, there would be no difference in the drainage or stormwater related to the Property and no special use exception would be required.
 - e. There was no substantial evidence that the ADU would substantially affect adversely the uses of neighboring and adjacent properties with regard to property values, noise, odors, or emissions.
 - f. No substantial evidence was presented which would demonstrate that the proposed ADU would have a substantial adverse effect on neighboring and adjacent properties. The Board notes that the letters in opposition to the Application failed to present substantial evidence of a substantial adverse effect the proposed ADU would have on neighboring and adjacent properties. Rather, the concerns presented by those members of the opposition appeared speculative in nature.

The Board approved the special use exception application finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception was approved. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, and Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman
Chair

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

Date December, 9 2024.

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

Case # 13191
Hearing Date 05-04-2026

202603599
RECEIVED

MAR 25 2026

Type of Application: (please check all applicable)

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

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

Site Address of Variance/Special Use Exception:

4 New Mexico Avenue, Milton, DE 19968

Variance/Special Use Exception/Appeal Requested: 10.9' variance from 30' front yard setback for proposed structure. Variance requested from the front yard setback requirements of the MR Zoning District to construct an unenclosed deck extending 4'-0" from the side of the existing single-family dwelling into the required front yard setback. The deck would measure no more than 12'-0" long and comply fully with side yard setback requirements, not encroaching over the 5'-0" side yard setback line. The existing residence encroaches more than 50% of its footprint into this front yard, extending 22'-0" in a legally nonconforming condition into the front yard setback that we are kindly requesting relief from.

Tax Map #: 235-3.12-25.00

Property Zoning: MR

Applicant Information

Applicant Name: Timothy D. Law & Michael Knep
Applicant Address: 4 New Mexico Avenue
City Milton State DE Zip: 19968
Applicant Phone #: (202) 641-5598 Applicant e-mail: t.law@american.holiday & Michaelknep@gmail.com

Owner Information

Owner Name: Timothy D. Law & Michael Knep
Owner Address: 4 New Mexico Avenue
City Milton State DE Zip: 19968 Purchase Date: 6/20/19
Owner Phone #: (202) 641-5598 Owner e-mail: t.law@american.holiday & Michaelknep@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Helen Herman
Agent/Attorney Address: PO Box 355
City Queen Anne State MD Zip: 21657
Agent/Attorney Phone #: (516) 637-2983 Agent/Attorney e-mail: helen@helenherman.me

Signature of Owner/Agent/Attorney

[Handwritten signature]

Date: Mar 25 2026



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.

Please see the attached Criteria For Variance page with all answers listed.

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.

Please see the attached Criteria For Variance page with all answers listed.

3. Not created by the applicant:

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

Please see the attached Criteria For Variance page with all answers listed.

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.

Please see the attached Criteria For Variance page with all answers listed.

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.

Please see the attached Criteria For Variance page with all answers listed.

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)

Based on current and highly restrictive setbacks that were previously put in place directly negate how the property lines we established which prevents us from doing any improvements.

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney



Date: Mar 25 2026

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: _____

Criteria for a Variance:

1. **Uniqueness of property:** The property possesses unique physical circumstances due to the shallowness and irregular orientation of the lot. As an oceanfront property in Broadkill Beach, the lot boundaries are oriented toward the ocean rather than the street. The existing dwelling is substantially nonconforming to the front yard setback requirement, with more than 50% of its footprint (approximately 22'-0") located within the required setback.
2. **Cannot otherwise be developed:** Because of the physical configuration of the lot and the substantially nonconforming location of the existing residence, there is no possibility that the proposed second-floor deck can be constructed in strict conformity with the front yard setback provisions. Authorization of this variance is therefore necessary to enable the reasonable use and enjoyment of the property as an oceanfront residential dwelling.
3. **Not created by the applicant:** The exceptional practical difficulty and existing nonconformity have not been created by the applicants. The current location of the dwelling predates the adoption of the Sussex County Zoning Ordinance, presumed to have been first adopted in 1982. Tax records show the home was built in 1980. The applicants purchased the property as-built on June 20, 2019.
4. **Will not alter the essential character of the neighborhood:** The proposed deck will not alter the essential character of the neighborhood, nor will it substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The deck will be located on the ocean-facing side of the house (not the street side/front yard side), will face the ocean like many neighboring properties, and will remain in keeping with the character of the neighborhood. Because the street terminates at the property, the deck will have no impact on the public street view.
5. **Minimum variance:** 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 deck is proposed to extend only 4'-0" by 12'-0" and is the smallest practical size and location that will provide reasonable outdoor living space while fully complying with side yard requirements.

EXISTING CONDITIONS

**4 New Mexico Avenue, Milton, DE
PHOTOS**



WEST ELEVATION



SOUTH ELEVATION - FRONT YARD/STREET SIDE



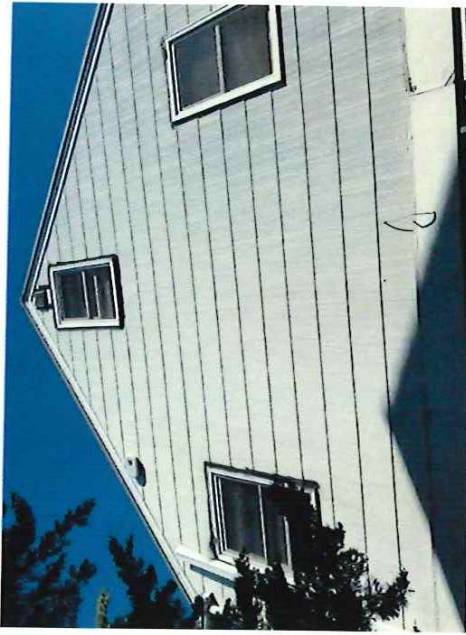
SOUTHEAST CORNER



EAST ELEVATION - SIDE YARD/OCEAN FRONT



NORTHEAST CORNER



NORTH ELEVATION

4 New Mexico Avenue, Milton, DE
PHOTOS

EXISTING CONDITIONS



NORTHWEST CORNER

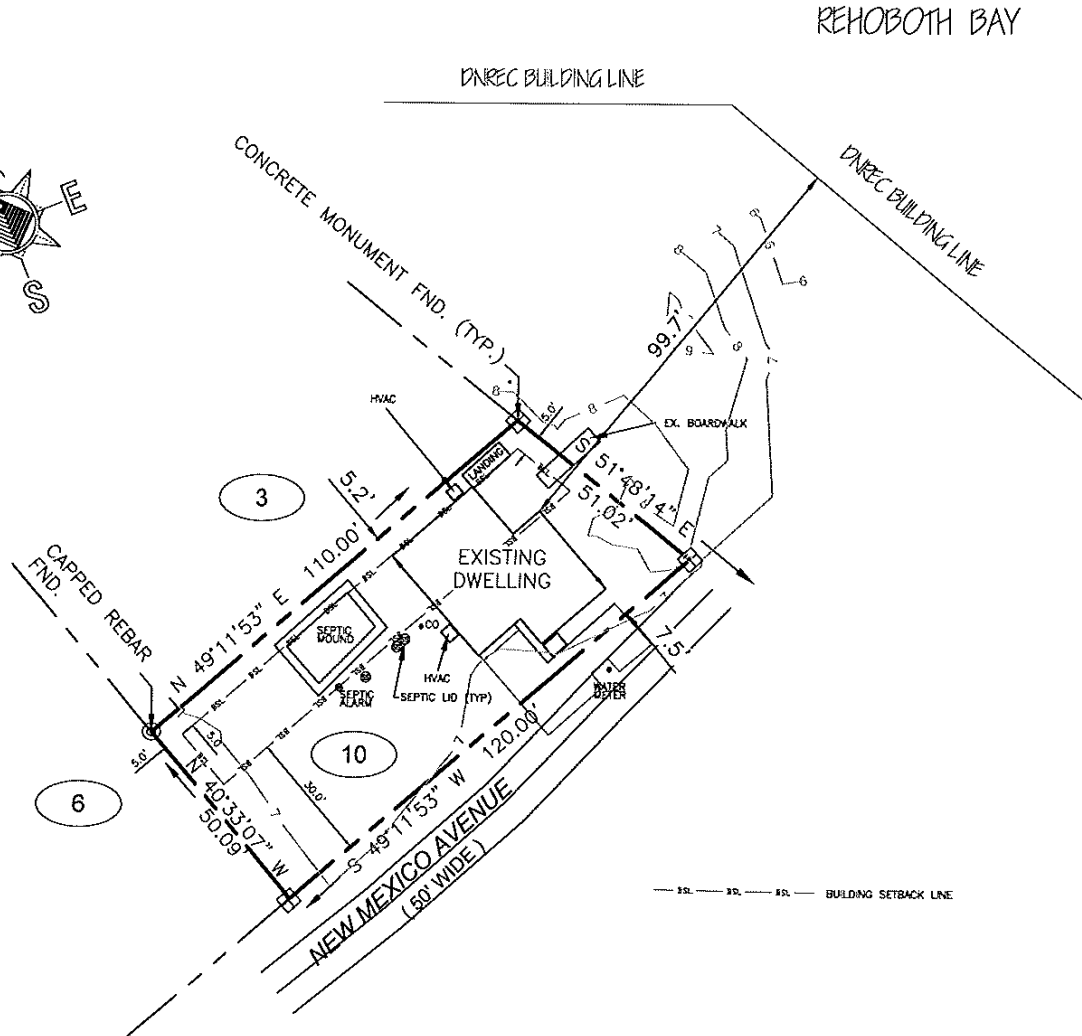
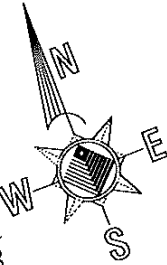
PLAN #26563L-134090

PARCEL NO. 235-3.12-25.00

RECORD PLAN: PLOT BOOK 8, PAGE 89

DEED REF: DEED BOOK 5079, PAGE 1

DELAWARE COORDINATE SYSTEM OF 1983
NAD 83 (NA 2011, EPOCH 2013)



BOUNDARY SURVEY PLAN

PREPARED FOR:
TIMOTHY D. LAW & MICHAEL KNEP
 FOR PROPERTY KNOWN AS:
LOT 4 * BLOCK N NORTH SHORES, BROADKILL BEACH
 ALSO KNOWN AS:
4 NEW MEXICO AVENUE

SITUATE IN:
BROADKILL HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
 SCALE: 1"= 40'
 DATE: 21 NOVEMBER 2025
 REVISED: 17 DECEMBER 2025

NOTES:

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



M E R E S T O N E
CONSULTANTS, INC.

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE
 WILMINGTON, DE 19808
 PHONE: 302-992-7900

33516 CROSSING AVENUE, UNIT 1
 FIVE POINTS SQUARE
 LEWES, DE 19958
 PHONE: 302-226-5880

PROFESSIONAL LAND SURVEYOR _____ DATE _____

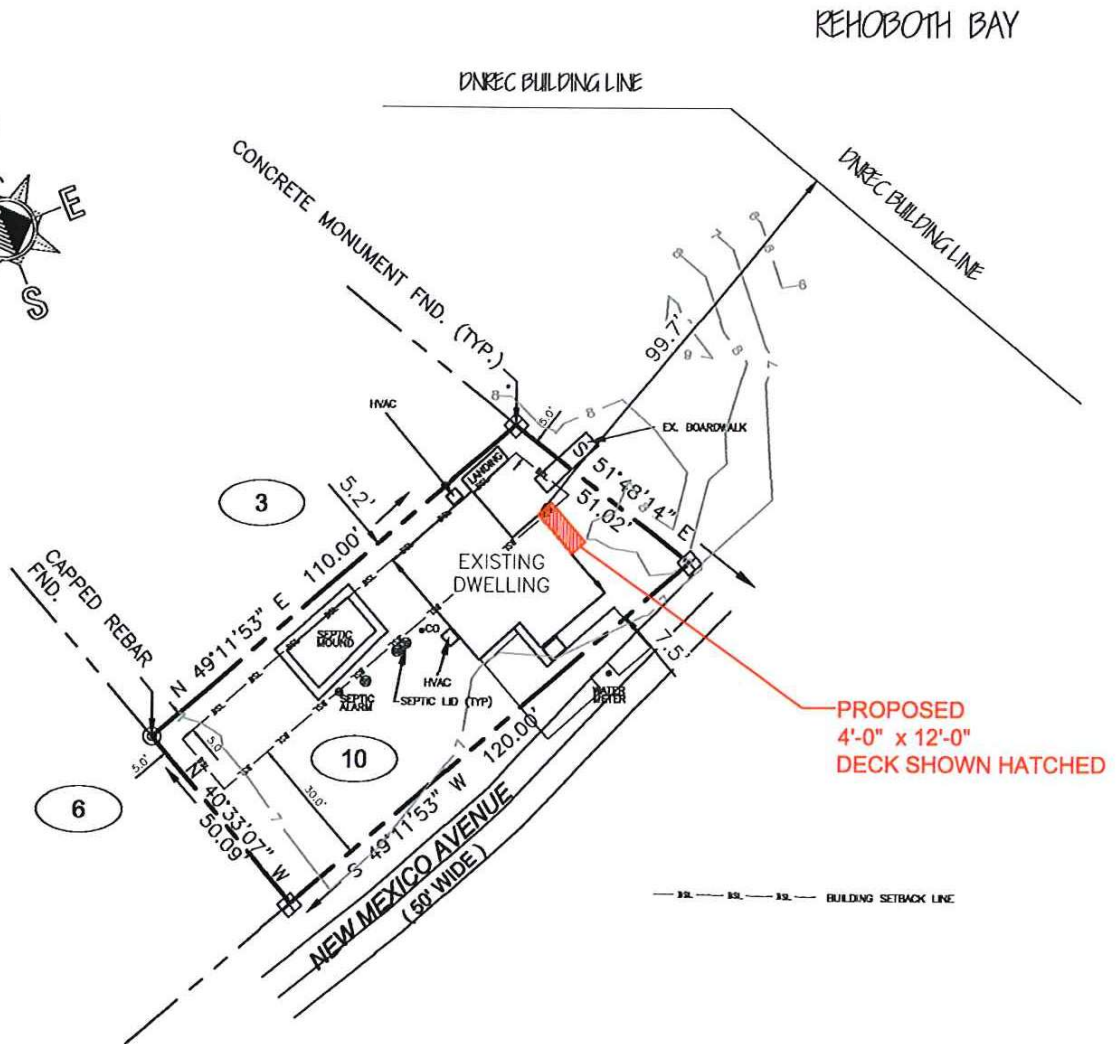
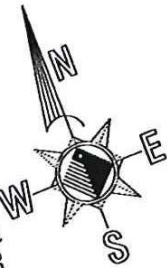
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RECORD PLAN: PLOT BOOK 8, PAGE 89

DEED REF: DEED BOOK 5079, PAGE 1

DELAWARE COORDINATE SYSTEM OF 1983
NAD 83 (NA 2011, EPOCH 2013)



BOUNDARY SURVEY PLAN

PREPARED FOR:
TIMOTHY D. LAW & MICHAEL KNEP
FOR PROPERTY KNOWN AS:
LOT 4 * BLOCK N NORTH SHORES, BROADKILL BEACH
ALSO KNOWN AS:
4 NEW MEXICO AVENUE

SITUATE IN:
BROADKILL HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
SCALE: 1"= 40'
DATE: 21 NOVEMBER 2025
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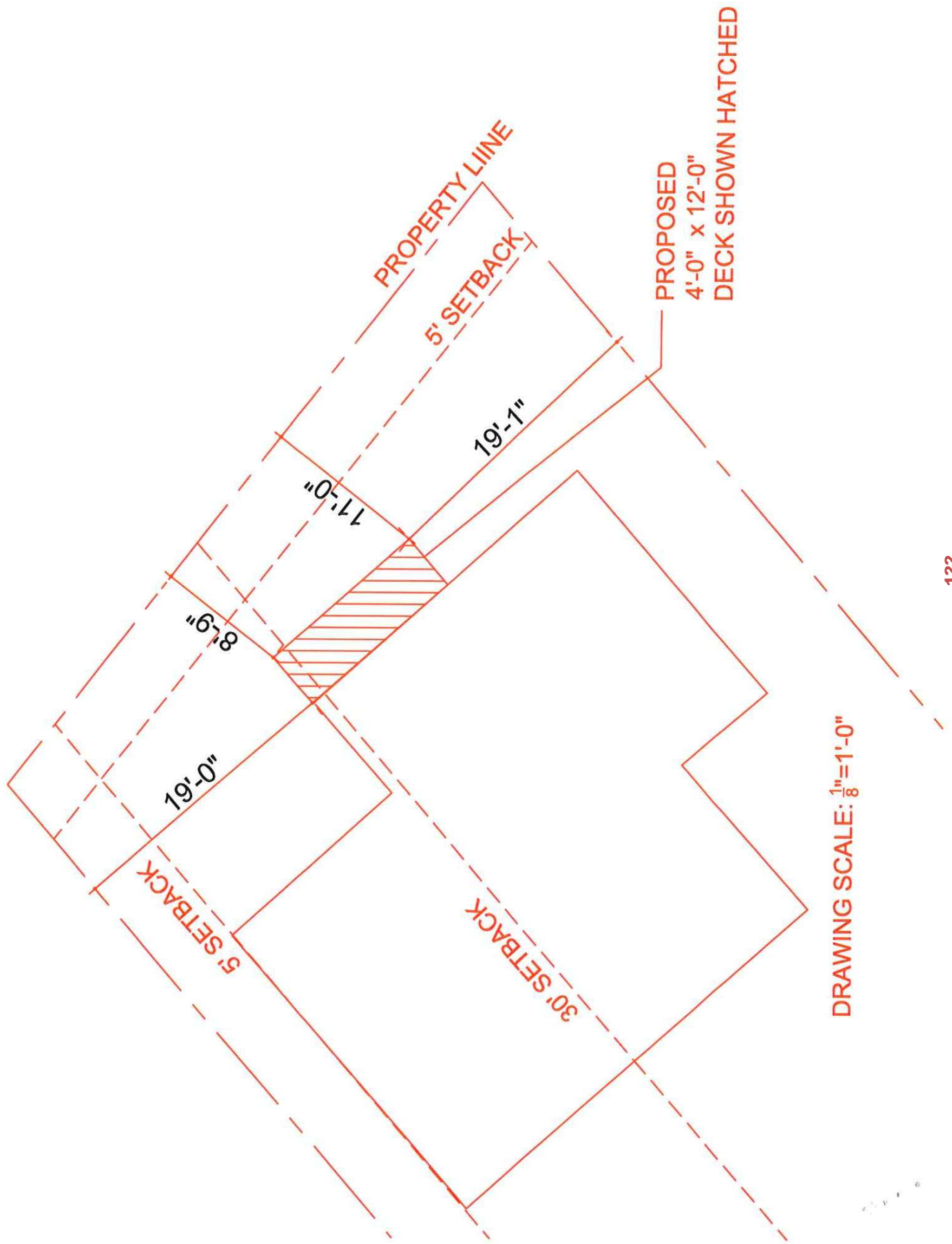
M E R E S T O N E
CONSULTANTS, INC.

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE
WILMINGTON, DE 19808
PHONE: 302-992-7900

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FIVE POINTS SQUARE
LEWES, DE 19958
PHONE: 302-226-5880

PROFESSIONAL LAND SURVEYOR _____ DATE _____






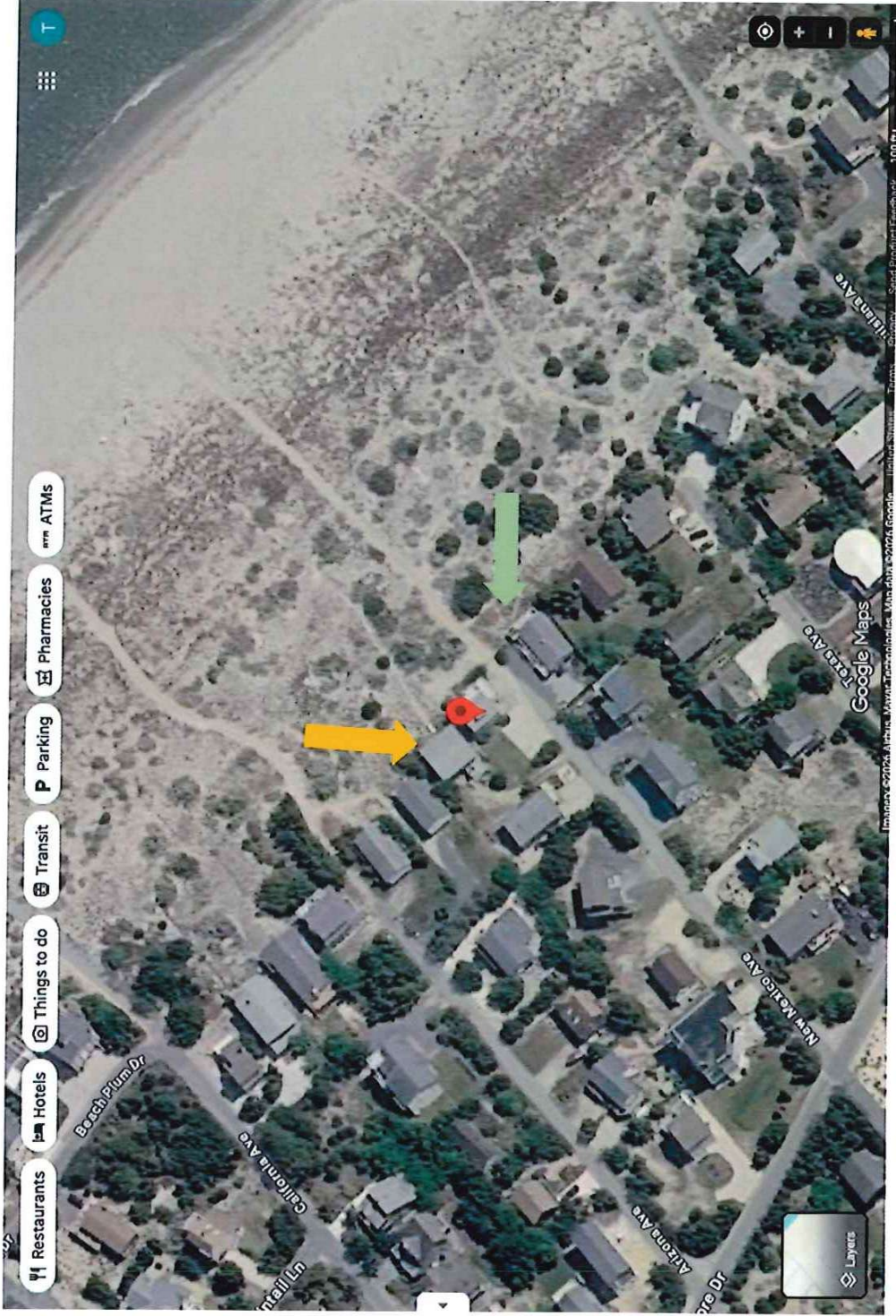
Audit Trail

Document Details

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Document ID	2c7defe5bc4042ffb18fbdc47a122cf3
Fingerprint	1e6406947b2e637a27b0a521194e09a9
Status	Completed

Document History

Document Created	Document Created by Sam Goodroe (sam.goodroe@gfedale.com) Fingerprint: c87410c48faf65146707caa1c3988680	Mar 25 2026 02:31PM America/New_York
Document Sent	Document Sent to Tim Law (michaelknep@gmail.com)	Mar 25 2026 02:31PM America/New_York
Document Viewed	Document Viewed by Tim Law (michaelknep@gmail.com) IP: 24.145.114.133	Mar 25 2026 02:33PM America/New_York
Document Signed	Document Signed by Tim Law (michaelknep@gmail.com) IP: 24.145.114.133 	Mar 25 2026 02:38PM America/New_York
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RED MARKER INDICATES APPLICANT RESIDENCE AT 4 NEW MEXICO AVE, MILTON, DE 19968

ORANGE ARROW INDICATES CONSENTING NEIGHBOR AT 2 NEW MEXICO AVE, MILTON, DE 19968

GREEN ARROW INDICATES CONSENTING NEIGHBOR AT 1 NEW MEXICO AVE, MILTON, DE 19968

SEE ATTACHED LETTERS

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

03/25/2026 03:09PM Megan D.
Receipt number: 33031206-0063 001294011

PERMITS / INSPECTIONS
2026 202603599|7020 \$500.00

\$500.00

Subtotal \$500.00
TP CC SF \$15.00
Total \$515.00

Tenders
TYLER PAYMENTS CC \$515.00
*****2852
Ref=424c8d41-3d6b-4a57-9d8e-cae52a87f1a5
Auth=765864

Change due \$0.00

Paid by: GOODROE/JON SAMUEL

Signature: -----

Thank you for your payment.

Sussex County Government COPY

service fee

TYLER PAYMENTS

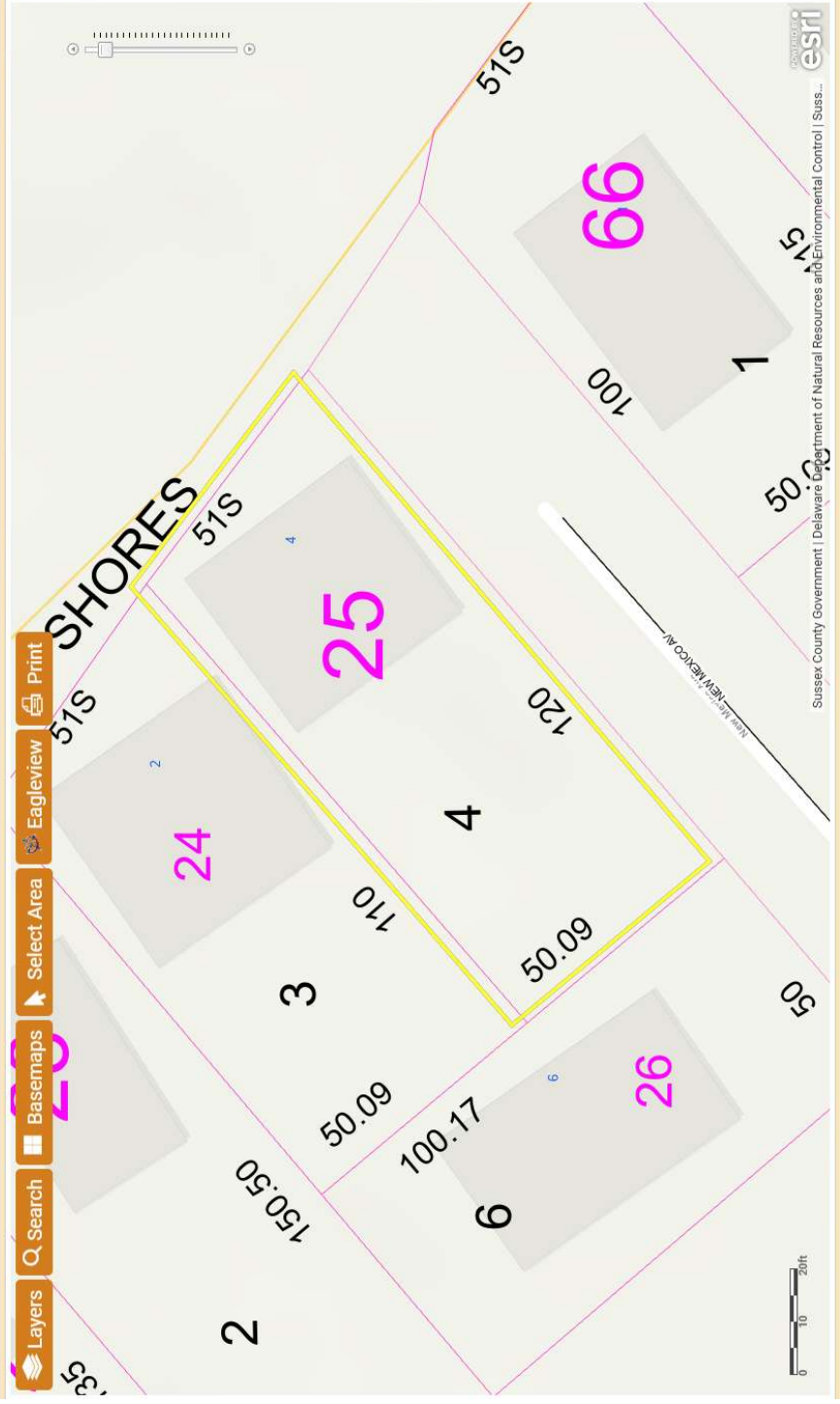
Layers Search Basemaps Select Area Eagleview Print

Eagleview Search Results

Selected Features: Parcels (1)

1) 235-3.12-25.00

BOOK	5079
PAGE	1
FULLNAME	LAW TIMOTHY D
Second_Owner_Name	MICHAEL KNEP
MAILINGADDRESS	4 NEW MEXICO AVE
CITY	MILTON
STATE	DE
a_account	
DESCRIPTION	BROADKILN BH
DESCRIPTION2	NORTH SHORES LOT 4
DESCRIPTION3	BLK N
LUC	101
SCHOOL	6
MUNI	00
CAP	2
APRBLDG	389800
APRLAND	278600
PINWASSEMMENTUNIT	235-3.12-25.00
PIN	235-3.12-25.00



Search Results

Selected Features: **1) 235-3.12-25.00**

Parcels (1)

Zoom

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Selected Features (1)

Clear Selected



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

CONNECTEXPLORER



Search

Search by SUSSEXPARCELS

235-3-12-25.00

Search results (1)

Options

235-3-12-25.00

Workspaces

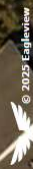
Compass

Zoom controls

Scale bar

Map controls

map: Auto (Oblique) | Mar 2025 - Mar 2025 | image 1 of 9 | 03/09/2025



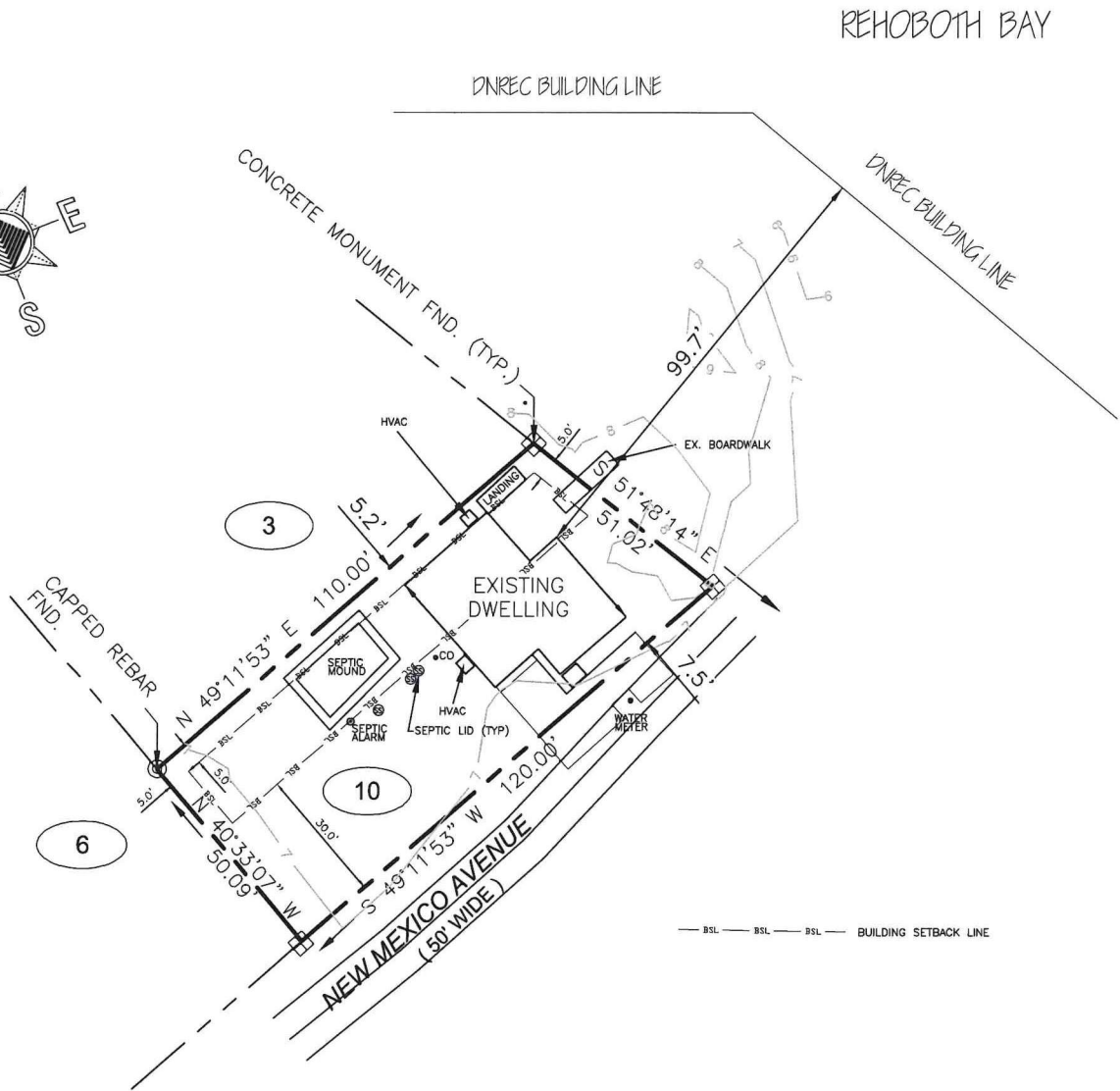
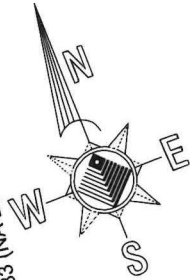
PLAN #26563L-134090

PARCEL NO. 235-3.12-25.00

RECORD PLAN: PLOT BOOK 8, PAGE 89

DEED REF: DEED BOOK 5079, PAGE 1

DELAWARE COORDINATE SYSTEM OF 1983
NAD 83 (NA 2011, EPOCH 2013)



BOUNDARY SURVEY PLAN

PREPARED FOR:
TIMOTHY D. LAW & MICHAEL KNEP
FOR PROPERTY KNOWN AS:
LOT 4 * BLOCK N NORTH SHORES, BROADKILL BEACH
ALSO KNOWN AS:
4 NEW MEXICO AVENUE

SITUATE IN:
BROADKILL HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
SCALE: 1"= 40'
DATE: 21 NOVEMBER 2025
REVISED: 17 DECEMBER 2025

NOTES:

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



MERESTONE
CONSULTANTS, INC.

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE
WILMINGTON, DE 19808
PHONE: 302-992-7900

33516 CROSSING AVENUE, UNIT 1
FIVE POINTS SQUARE
LEWES, DE 19958
PHONE: 302-226-5880

[Red Signature]
PROFESSIONAL LAND SURVEYOR DATE 3/18/2026