

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7878

AGENDA

July 13, 2026

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of the Minutes for May 4, 2026

Approval of the Findings of Fact for May 4, 2026

Public Hearings

Case No. 13207 – Pot-Nets Bayside, LLC

seeks a variance from the separation requirement for a proposed structure (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located to the southwest side of Hillenwood Road. 911 Address: 34140 Hillenwood Road, Millsboro. Zoning District: AR-1. Tax Map: 234-30.00-2.00 Lot 22.

Case No. 13209 – Michael & Ellen McGoldrick

seek variances from the maximum lot coverage and separation distance requirements in a manufactured home park for proposed structures (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located to the east side of Harbor Road. 911 Address: 12 Harbor Road, Millsboro. Zoning District: AR-1. Tax Map: 234-25.00-6.00-4574.

Case No. 13210 – Rick & Stacie Shriver

seeks a variance from the front yard setback requirement for a proposed structure (Section 115-42 and 115-182 of the Sussex County Zoning Code). The property is located to the south side of Cedar Street. 911 Address: 37612 Cedar Street, Ocean View. Zoning District: GR. Tax Map: 134-16.00-363.02.

Case No. 13211 – Alan R. Passwaters

seeks a variance from the rear yard setback requirement for a proposed structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located to the west side of Seaford Road. 911 Address: 26706 Seaford Road, Seaford. Zoning District: AR-1. Tax Map: 132-6.00-164.00.

Case No. 13212 – Alan R. Passwaters

seeks a variance from the rear yard setback requirement for a proposed structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located to the west side of Seaford Road. 911 Address: 26718 Seaford Road, Seaford. Zoning District: AR-1. Tax Map: 132-6.00-163.00.

Case No. 13213 – Anthony M. Reed, Sr.

seeks a variance from the front yard setback requirement for an existing structure (Section 115-34 and 115-182 of the Sussex County Zoning Code). The property is located to the west side of E. Stoney Run. 911 Address: 37148 E. Stoney Run, Selbyville. Zoning District: MR. Tax Map: 533-19.00-372.00.

Additional Business

Board of Adjustment Annual Reorganization

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 6, 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, July 9, 2026.

RECEIVED

MAY 07 2026

SUSSEX COUNTY
PLANNING & ZONING

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

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

Case # 13207
Hearing Date 07-13-2026
202605820

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:

34140 Hillenwood Road, Pot-Nets Bayside, Long Neck, DE 19966

Variance/Special Use Exception/Appeal Requested:

Applicant requests that a variance be granted to allow the required 20-foot minimum separation distance between the proposed home on 34140 Hillenwood (Lot #22), and the existing shed located on 34142 (Lot #21), be reduced to 12.00 feet.

A 7' variance from 20' separation distance requirement for proposed dwelling

Tax Map #: 234-30.00-2.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Pot-Nets Bayside LLC

Applicant Address: 34026 Anna's Way

City Long Neck

State DE

Zip: 19966

Applicant Phone #: (302) 945-9300

Applicant e-mail: Lincoln@potnets.com

Owner Information

Owner Name: Pot-Nets Bayside LLC

Owner Address: 34026 Anna's Way

City Long Neck

State DE

Zip: 19966

Purchase Date: 4/13/04

Owner Phone #: (302) 945-9300

Owner e-mail: Lincoln@potnets.com

Agent/Attorney Information

Agent/Attorney Name: Not applicable

Agent/Attorney Address:

City

State

Zip:

Agent/Attorney Phone #:

Agent/Attorney e-mail:

Signature of Owner/Agent/Attorney

[Signature]

Date: 1/30/26



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

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

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

1. Uniqueness of property:

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

The subject property (Lot #22) is a vacant lot. It is a narrow lot, with a 23.4-foot wide building envelope width. The new home is planned to be constructed within all setback lines (10-ft), however there is a pre-existing shed located on the adjacent left-side property (Lot #21), which is only 2.2-feet from the property boundary. This creates a 12-foot building separation, currently not permitted by Sussex County.

2. Cannot otherwise be developed:

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

The shed located on the adjacent property (Lot #21) is actively in use by the homeowner. The age of the shed is well in excess of 20 years, based upon aerial photographs obtained from Sussex County's mapping website. There is no other viable location on the homesite to relocate the shed, without it continuing to be inside of the building setback areas.

3. Not created by the applicant:

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

The shed on Lot #21 appears to have been placed several decades ago, at a time when shed placement and side yard setbacks were less regulated. Current setback and building separation regulations render Lot #22 unbuildable unless the shed is removed from the lot, or this variance is granted.

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

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

The shed on Lot #21 has been in place for several decades, and has never caused detriment to adjacent properties, homeowners, property values or the public. As a pre-existing condition within Pot-Nets, it is already reflective of the character of the 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.

The continued use of the shed on Lot #21 would afford relief to that current homeowner, as it is used for the storage of personal belongings. When a new home is placed on Lot #22, it will be the same distance (12.2-feet) from the shed as had existed since at least the year 2005. The variance will eventually self-correct, as the Ground Lessor and Sussex County will require that a replacement structure be located entirely within the setbacks.

Sussex County, DE - BOA Application

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

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

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

Not applicable.

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)

Not applicable.

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

Not applicable.

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: 1/30/26

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Lot#: _____

Block#: _____

Date of Hearing: _____

Decision of Board: _____





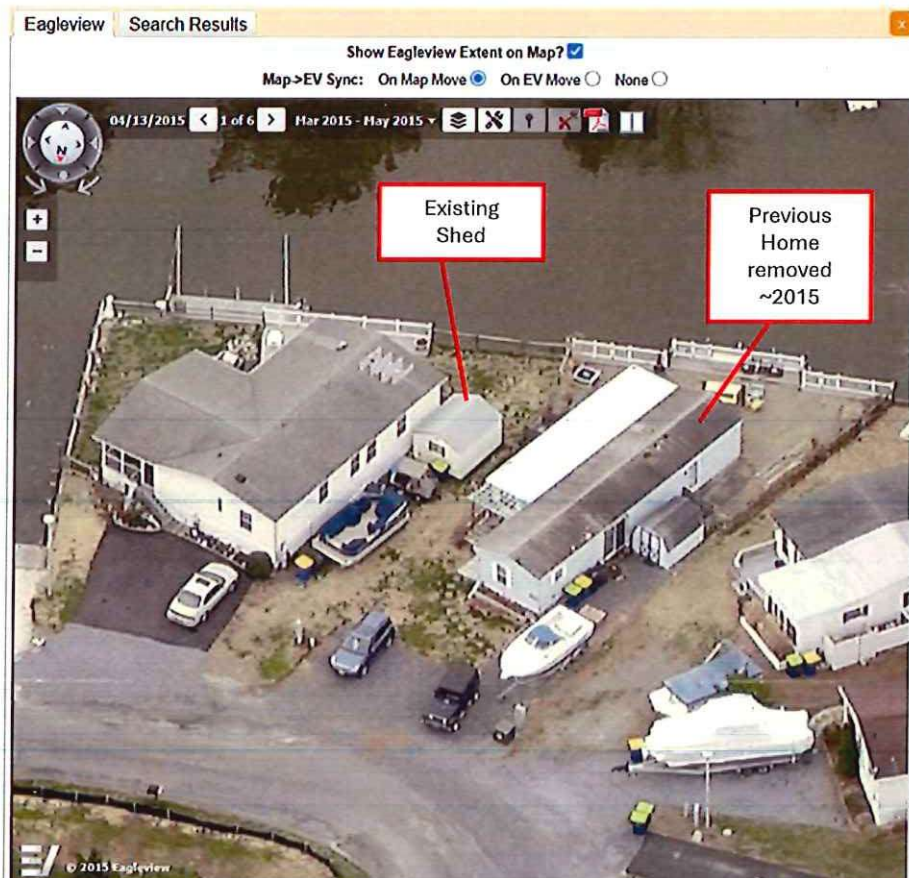
Source: map.sussexcountye.gov



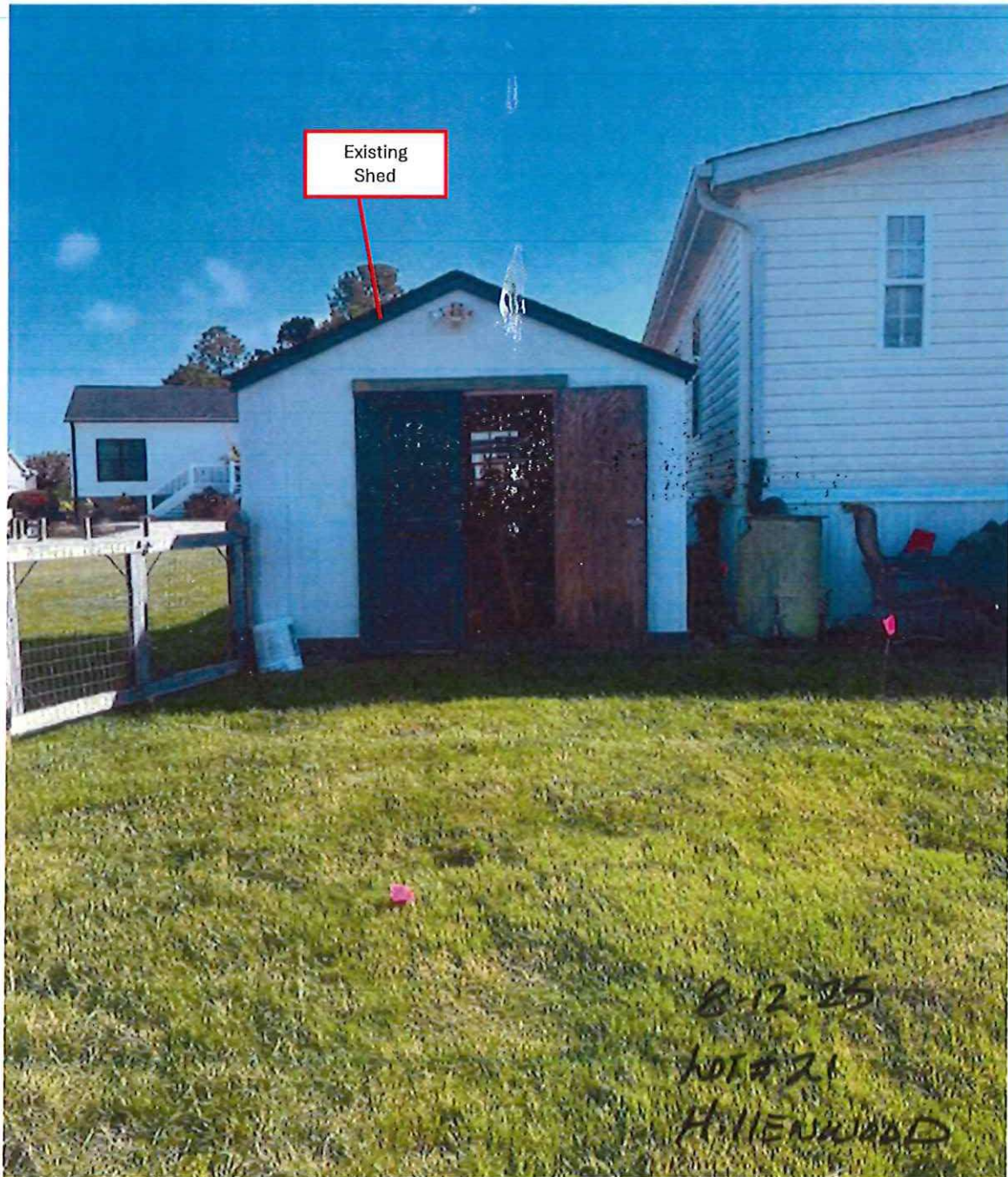
Source: map.sussexcountye.gov Date: 3/11/2025



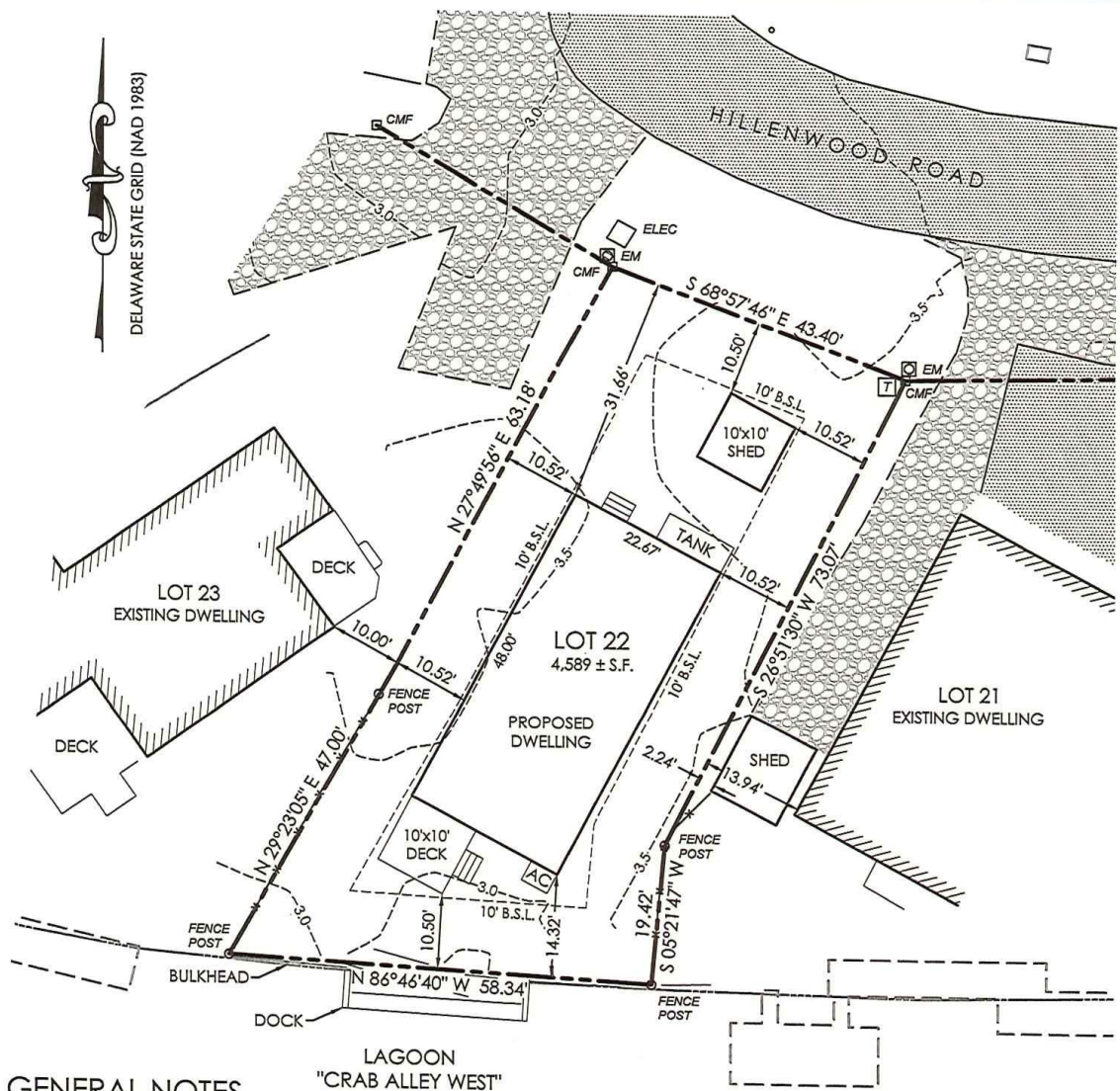
Source; map.sussexcountye.gov Date: 3/10/2025



Source: map.sussexcountye.gov Date: 4/13/2015



Viewed from Rear Yard



GENERAL NOTES

1. CURRENT OWNER: POT-NETS BAYSIDE LLC
34026 ANNAS WAY SUITE 1
LONG NECK, DELAWARE 19966
2. TAX REFERENCE: TAX MAP 234, GRID 30.00, PARCEL 2.00
3. BASED UPON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 10005C0481K, PANEL 481 OF 660, WITH AN EFFECTIVE DATE OF MARCH 16, 2015, THIS SITE IS LOCATED WITHIN FLOOD ZONE AE (ELEV. 7) BASE FLOOD ELEVATIONS DETERMINED.
4. SETBACKS: FRONT = 10'
SIDE = 10'
REAR = 10'
5. ZONED: AR-1
6. TOTAL BUILDING COVERAGE: 1,289 S.F. ± (28.09%)
DWELLING = 1,088 S.F.
FRONT DECK = 100 S.F.
SHED = 80 S.F.
STEPS = 21 S.F.



LEGEND

IRON ROD FOUND	○ IRF
CONCRETE MONUMENT FOUND	□ CMF
PAVEMENT	
GRAVEL	
FENCE LINE	— x — x — x — x —
ELECTRIC METER	⊗ EM
ELECTRIC SERVICE BOX	□ ELEC
TELEPHONE PEDESTAL	⊞

STEVEN W. FULLER
REGISTERED
No. 823
PROFESSIONAL LAND SURVEYOR
DELAWARE
3/20/2026

solutions
Integrated Planning
Engineering & Management, LLC

303 N. Bedford St.
Georgetown, DE 19947
T. 302.297.9215
www.solutionsipem.com

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Drawn by: EM

Job No.: S19079

SITE PLAN
FOR
LOT 22
POT-NETS BAYSIDE
LEWES, SUSSEX COUNTY, DELAWARE

Scale: 1" = 20'

Date: 3/19/2026

Sheet 1 of 1

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features:

Addresses (1)

1) 34140 HILLENWOOD RD, MILLSBORO, DE, 19966 (100%)

Status	M
Score	100
Match_addr	34140 HILLENWOOD RD, MILLSBORO DE, 19966
LongLabel	34140 HILLENWOOD RD, MILLSBORO DE, 19966
ShortLabel	34140 HILLENWOOD RD
Addr_type	PointAddress
Type	
PlaceName	
Place_addr	34140 HILLENWOOD RD, MILLSBORO DE, 19966
Phone	
URL	
Rank	20
AddBldg	
AddNum	34140
AddNumFrom	
AddNumTo	
AddRange	

Selected Features (1)

Clear Selected

Sussex County Government | Sussex County Mapping and Addressing | State of Delaware, Microsoft, Vantor

esri

CONNECTEXPLORER™

Workspaces

Search

Search by Address

34140 hillenwood rd millsboro

Search results (2)

34140 Hillenwood Rd, Millsboro, DE 19966

34140 Hillenwood Rd, Millsboro, DE 19966

map: Auto (Oblique)

Mar 2025 - Mar 2025

Image 1 of 13

03/11/2025

© 2025 Earthstar

150 ft
10 m

14

CONNECTEXPLORER™

Workspaces

Q

Search

Search by Address

34140 hillenwood rd millsboro

Search results (2)

34140 Hillenwood Rd, Millsboro, DE 19966

34140 Hillenwood Rd, Millsboro, DE 19966

Map

Layers

Measure

Share

Fullscreen

Help

© 2025 Esri

map: Auto (Oblique)

Mar 2025 - Mar 2025

Image 1 of 9

03/10/2025

An aerial photograph showing a residential neighborhood with a winding canal. Houses with various roof colors (grey, brown, blue) are visible along the canal. A road runs parallel to the canal on the left. A green location pin is placed on a dirt lot in the center of the image. The water in the canal is a murky greenish-brown. The sky is not visible.

15

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

05/07/2026 01:02PM Catherine
Receipt Number: 001305579
33031384-0037

PERMITS / INSPECTIONS
2026 20260582012020

\$500.00

\$500.00

Subtotal

\$500.00

Total

\$500.00

Tenders

CHECK

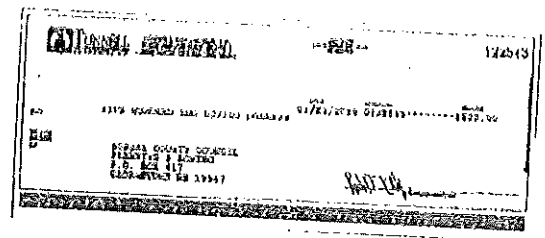
\$500.00

Check Number 122543

Change due

\$0.00

Paid by: TUNNELL COMPANIES L P



Thank you for your payment.

CUSTOMER COPY

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Sussex County, DE - BOA Application

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

Not applicable.

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)

Not applicable.

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

Not applicable.

Sussex County, DE - BOA Application

Check List for Applications

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- ☐ • 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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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: 1/30/26

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

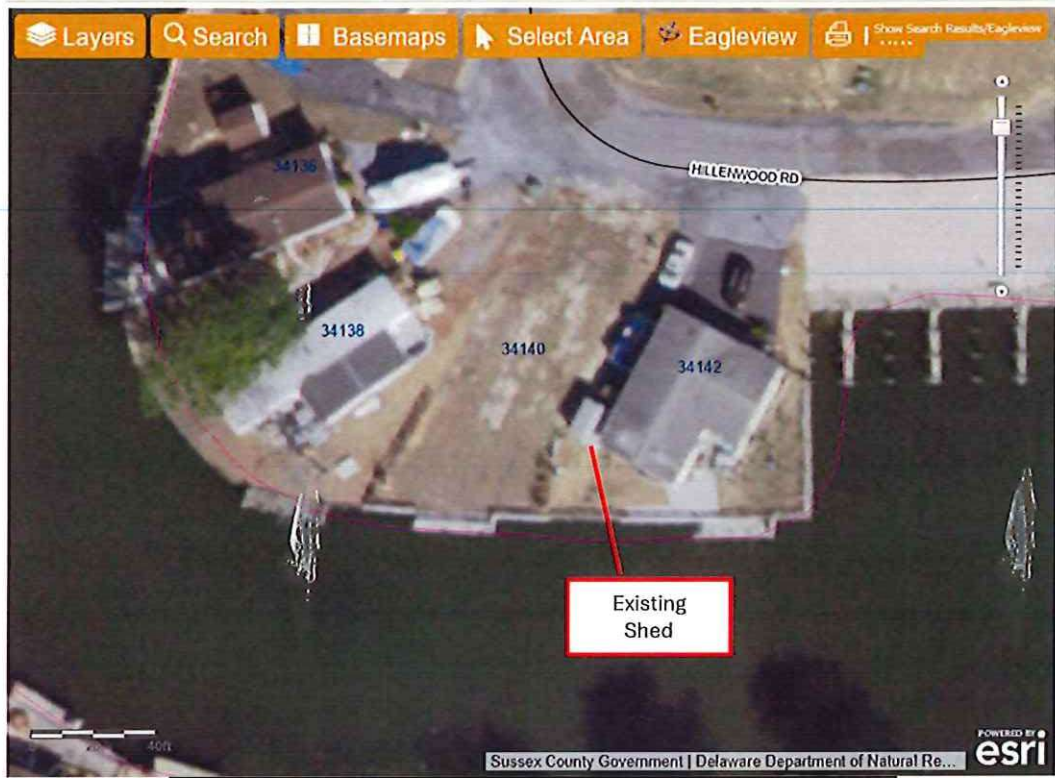
Lot#: _____

Block#: _____

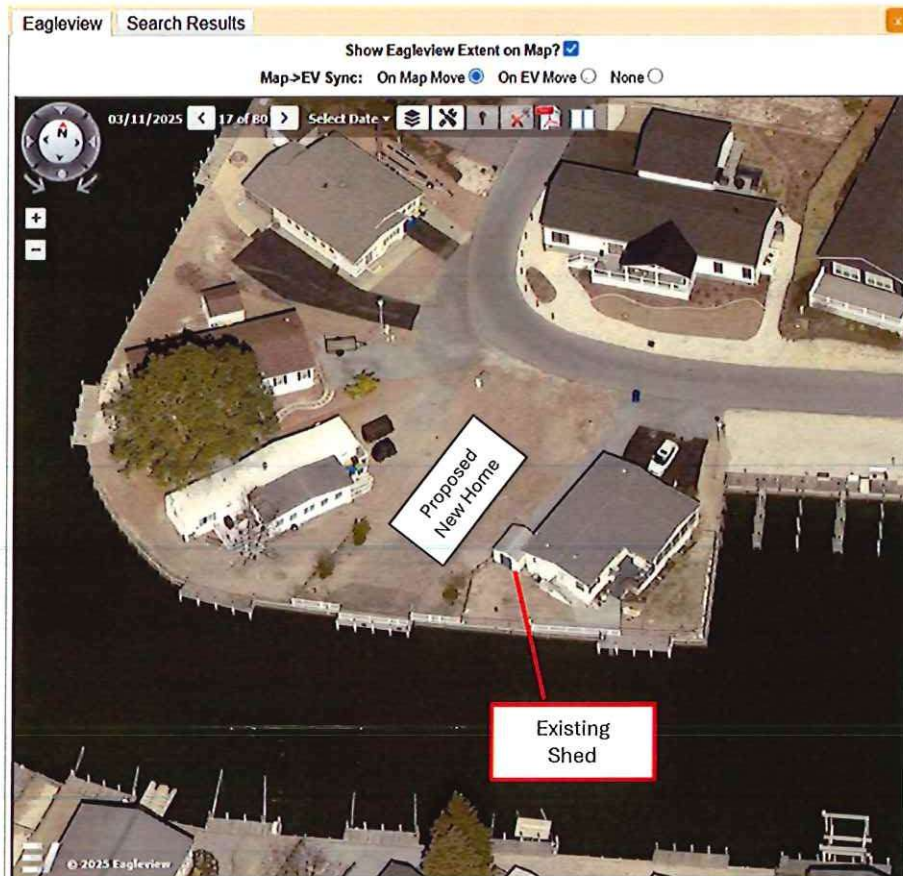
Date of Hearing: _____

Decision of Board: _____





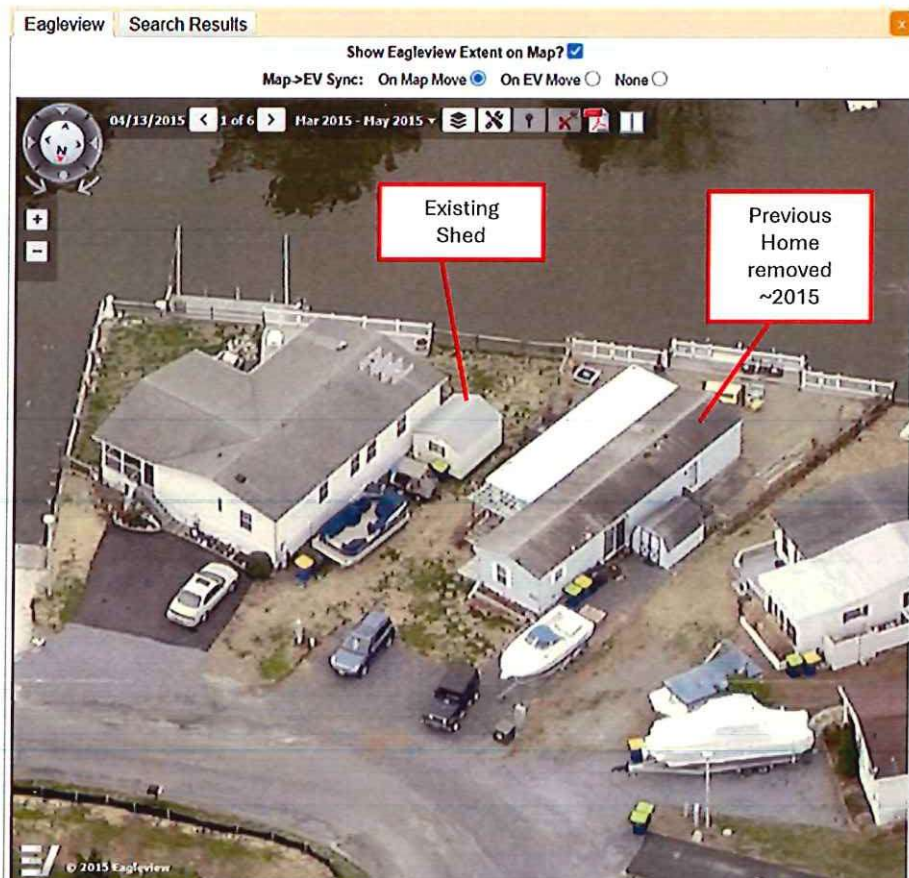
Source: map.sussexcountyde.gov



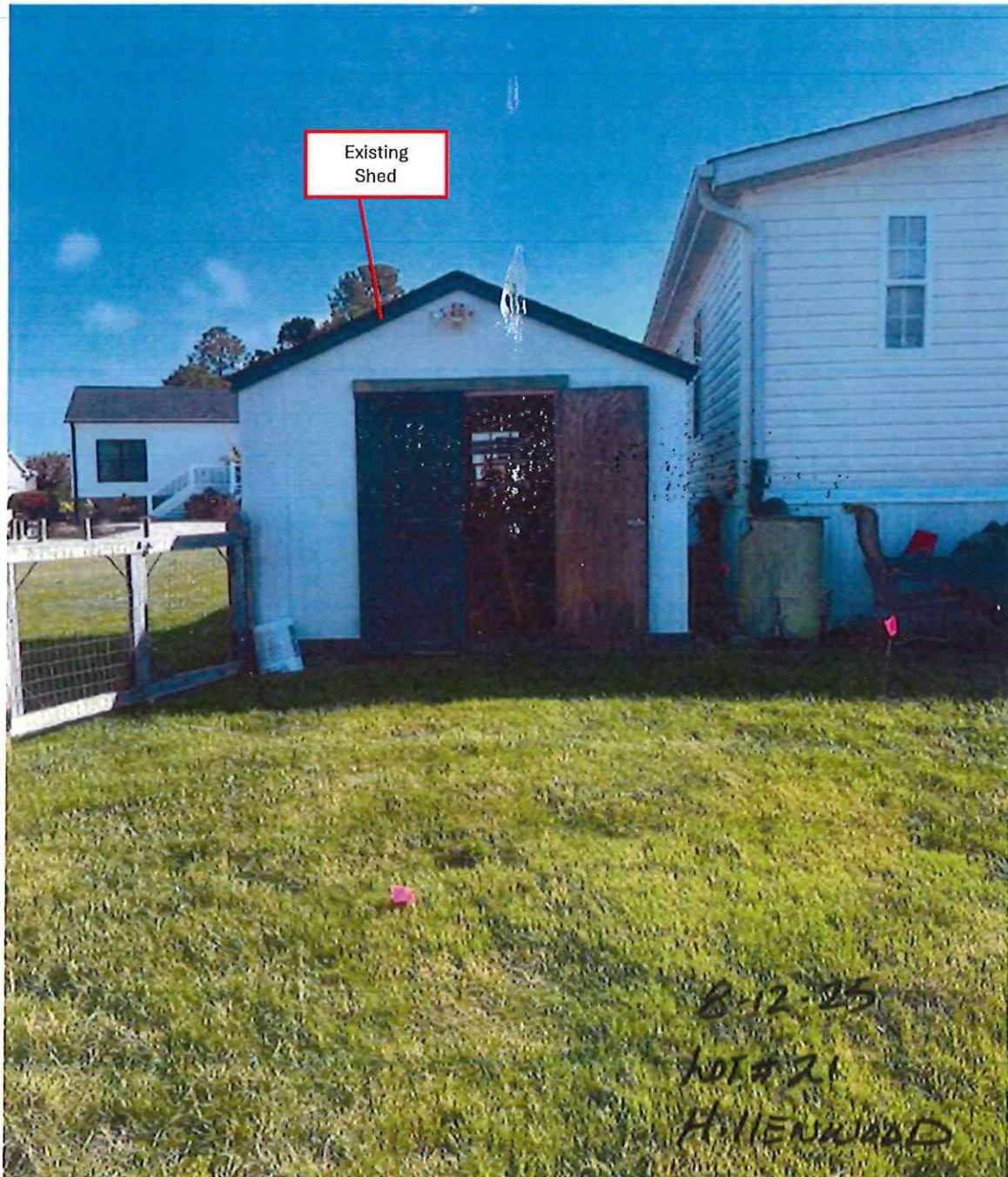
Source: map.sussexcountyde.gov Date: 3/11/2025



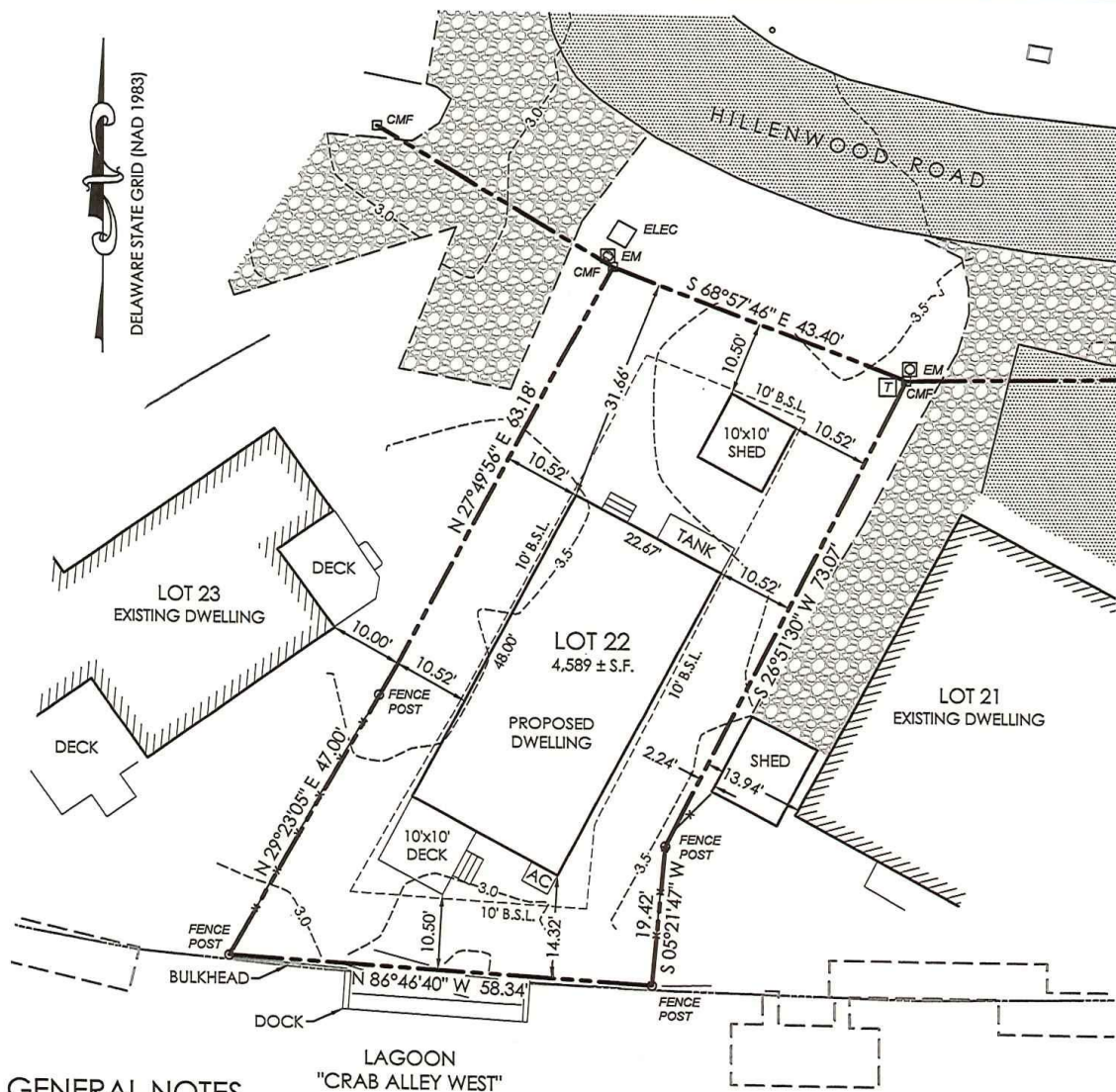
Source; map.sussexcountyde.gov Date: 3/10/2025



Source: map.sussexcountyde.gov Date: 4/13/2015



Viewed from Rear Yard



GENERAL NOTES

1. CURRENT OWNER: POT-NETS BAYSIDE LLC
34026 ANNAS WAY SUITE 1
LONG NECK, DELAWARE 19966
2. TAX REFERENCE: TAX MAP 234, GRID 30.00, PARCEL 2.00
3. BASED UPON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 10005C0481K, PANEL 481 OF 660, WITH AN EFFECTIVE DATE OF MARCH 16, 2015, THIS SITE IS LOCATED WITHIN FLOOD ZONE AE (ELEV. 7) BASE FLOOD ELEVATIONS DETERMINED.
4. SETBACKS: FRONT = 10'
SIDE = 10'
REAR = 10'
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6. TOTAL BUILDING COVERAGE: 1,289 S.F. ± (28.09%)
DWELLING = 1,088 S.F.
FRONT DECK = 100 S.F.
SHED = 80 S.F.
STEPS = 21 S.F.

LEGEND

IRON ROD FOUND	○ IRF
CONCRETE MONUMENT FOUND	□ CMF
PAVEMENT	
GRAVEL	
FENCE LINE	— x — x — x — x —
ELECTRIC METER	⊗ EM
ELECTRIC SERVICE BOX	□ ELEC
TELEPHONE PEDESTAL	⊕ T



STEVEN W. FULLER
REGISTERED
No. 823
PROFESSIONAL LAND SURVEYOR
DELAWARE
3/20/2026

solutions
Integrated Planning
Engineering & Management, LLC

303 N. Bedford St.
Georgetown, DE 19947
T. 302.297.9215
www.solutionsipem.com

Copyright © 2026

Drawn by: EM

Job No.: S19079

SITE PLAN
FOR
LOT 22
POT-NETS BAYSIDE
LEWES, SUSSEX COUNTY, DELAWARE

Scale: 1" = 20'

Date: 3/19/2026

Sheet 1 of 1

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Eagleview

Search Results

Addresses (1)

Selected Features:

▼ 1) 34140 HILLENWOOD RD, MILLSBORO, DE, 19966 (100%)

Status	M
Score	100
Match_addr	34140 HILLENWOOD RD, MILLSBORO, DE, 19966
LongLabel	34140 HILLENWOOD RD, MILLSBORO, DE, 19966
ShortLabel	34140 HILLENWOOD RD
Addr_type	PointAddress
Type	
PlaceName	
Place_addr	34140 HILLENWOOD RD, MILLSBORO, DE, 19966
Phone	
URL	
Rank	20
AddBldg	
AddNum	34140
AddNumFrom	
AddNumTo	
AddRange	

Selected Features (1)

Clear Selected

34137

34141

34136

34138

34142

34140

34224

34202

34184

HILLENWOOD RD

WOODCREST RD

RIVER RD

0

20

40ft

esri

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

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features:

Addresses (1)

1) 34140 HILLENWOOD RD, MILLSBORO, DE, 19966 (100%)

Status	M
Score	100
Match_addr	34140 HILLENWOOD RD, MILLSBORO DE, 19966
LongLabel	34140 HILLENWOOD RD, MILLSBORO DE, 19966
ShortLabel	34140 HILLENWOOD RD
Addr_type	PointAddress
Type	
PlaceName	
Place_addr	34140 HILLENWOOD RD, MILLSBORO DE, 19966
Phone	
URL	
Rank	20
AddBldg	
AddNum	34140
AddNumFrom	
AddNumTo	
AddRange	

Selected Features (1)

Clear Selected

Sussex County Government | Sussex County Mapping and Addressing | State of Delaware, Microsoft, Vantor

esri

CONNECTEXPLORER™

Workspaces

Q

Search

X

Search by Address

34140 hillenwood rd millsboro

Q

Search results (2)

Options

34140 Hillenwood Rd, Millsboro, DE 19966

34140 Hillenwood Rd, Millsboro, DE 19966

Map navigation icons

Scale bar: 150 ft / 10 m

Map controls: Fullscreen, Layers, History, Home, Print, Share

map: Auto (Oblique) Mar 2025 - Mar 2025 Image 1 of 13 03/11/2025

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27

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

05/07/2026 01:02PM Catherine
Receipt Number: 001305579
33031384-0037

PERMITS / INSPECTIONS
2026 20260582012020

\$500.00

\$500.00

Subtotal

\$500.00

Total

\$500.00

Tenders

CHECK

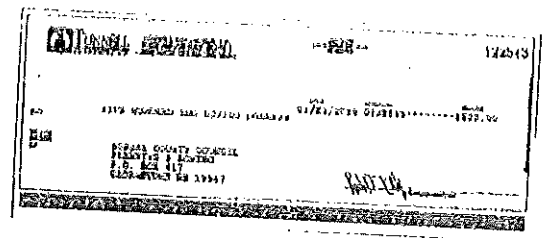
\$500.00

Check Number 122543

Change due

\$0.00

Paid by: TUNNELL COMPANIES L P



Thank you for your payment.

CUSTOMER COPY

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 # 13209
Hearing Date 07-13-2026
202606389

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:

12 Harbor Rd. Millsboro, DE 19966 (Lot 6 Malones Bayside Marina MHP / OKA Paradise Cove)

Variance/Special Use Exception/Appeal Requested:

Lot coverage percentage

Separation distances from other structures

Tax Map #: 234 25.00 6.00 P/O

Property Zoning: AR-1

Applicant Information

Applicant Name: Michael & Ellen McGoldrick

Applicant Address: 21 Pearson Circle

City Springfield State PA Zip: 19064

Applicant Phone #: (610) 996 6555 Applicant e-mail: elliemay818@yahoo.com

Owner Information

Owner Name: Same As Above

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Clayton Homes

Agent/Attorney Address: 28863 Dupont Blvd

City Millsboro State DE Zip: 19966

Agent/Attorney Phone #: 302-934-7417 Agent/Attorney e-mail: B727@claytonhomes.com

Signature of Owner/Agent/Attorney

Date: 5/15/26



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

The lot is small and limiting due to its unique shape/dimension. No four sides are equal lengths. The lot is located in a flood zone, which causes additional restrictions on placement of dwelling.

2. Cannot otherwise be developed:

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

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

3. Not created by the applicant:

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

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

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

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

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

5. Minimum variance:

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

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

Sussex County, DE - BOA Application

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

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

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

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

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

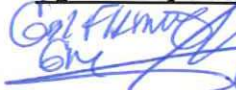
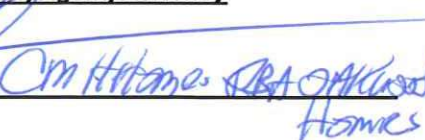
- ☐ • **Completed Application**
- ☐ • **Provide a survey of the property (Variance)**
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed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

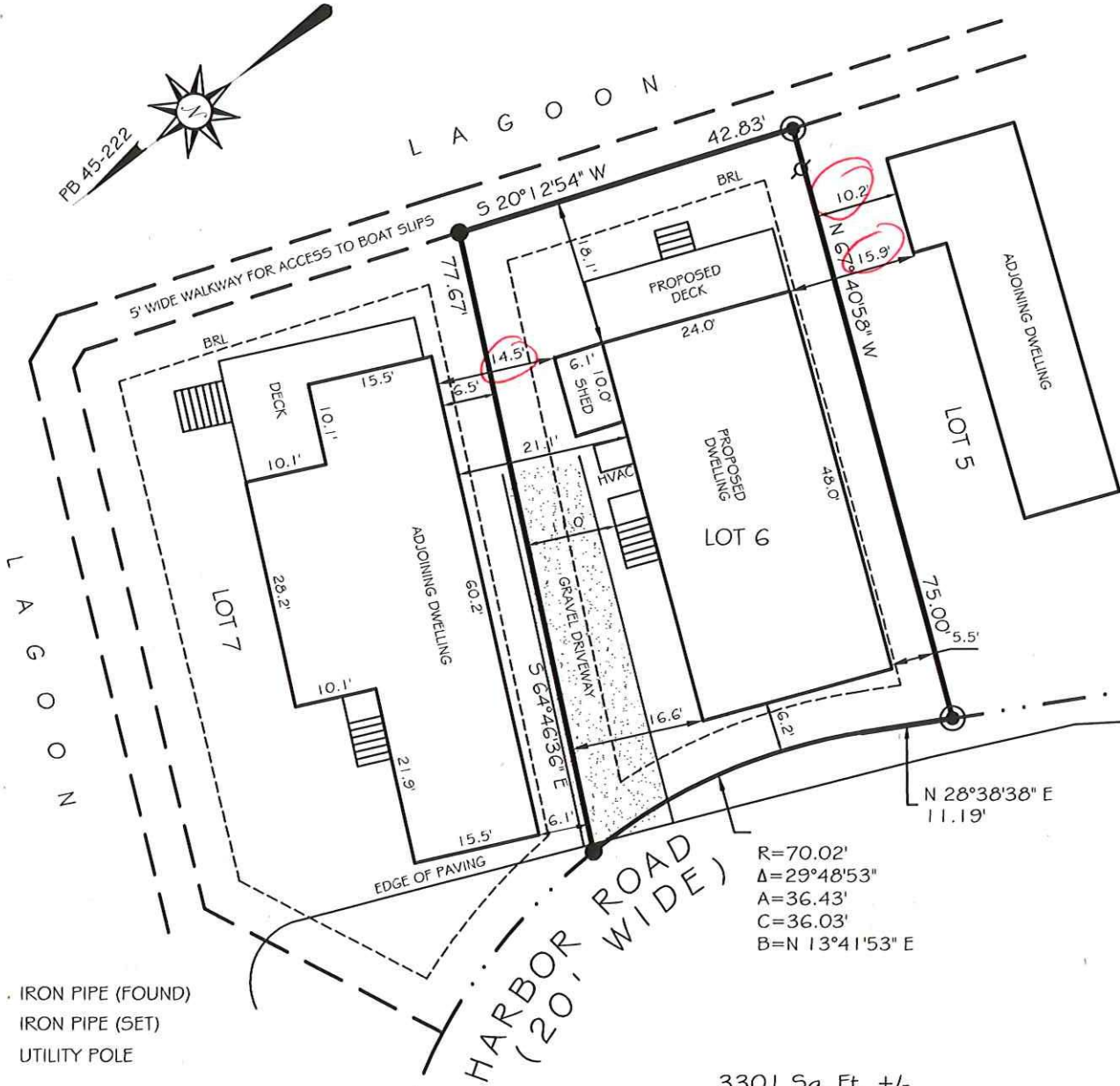
  Date: 5-15-24

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: _____

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



3301 Sq. Ft. +/-
 1,213 Sq. Ft. impervious (37%)

CONCEPT PLAN FOR

MIKE MCGOLDRICK

12 HARBOR ROAD, MILLSBORO, DE 19966
 LOT #6 OF MALONE'S BAYSIDE MOBILE HOME PARK
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE
 SCALE 1" = 20' MAY 12, 2026

PREPARED BY:

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

MILNER
LEWIS, INC.
 LAND SURVEYING

1560 MIDDLEFORD RD.

SEAFOORD, DE. 19973

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

05/15/2026 03:03PM Lindsey S
Receipt Number: 001309257
33031421-0037

PERMITS / INSPECTIONS
2026 202606389|2020 \$500.00

\$500.00

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

Tenders
TYLER PAYMENTS CC \$515.00
*****9366
Ref=6d112f7d-71ff-44b3-a3dc-23bf625bd3d4
Auth=135066

Change due \$0.00

Paid by: FLEMING/GIL A

Signature: _____

Thank you for your payment.

Sussex County Government COPY

service fee

TYLER PAYMENTS

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features: [Parcels (49)]

▶ 11) 234-25.00-6.00-4566

▶ 12) 234-25.00-6.00-4567

▶ 13) 234-25.00-6.00-4572

▼ 14) 234-25.00-6.00-4574

▶ 15) 234-25.00-6.00-4575

BOOK	0
PAGE	0
FULLNAME	MCGOLDRICK MIKE & ELLEN
Second_Owner_Name	
MAILINGADDRESS	21 PEARSON CIR
CITY	SPRINGFIELD
STATE	PA
a_account	08-03-006-6
DESCRIPTION	MALONES MHP
DESCRIPTION2	IMP ON LOT 6
DESCRIPTION3	
LUC	104
SCHOOL	1
MUNI	00
CAP	0

Selected Features (11 - 15 of 49)

Clear Selected

77 AC

6

Harbor Rd

Oyster Rd

12

9

11

27

25

23

21

19

17

15

14

12

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8

6

esri

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

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

×

Selected Features:

Parcels (49)

▶ 11) 234-25.00-6.00-4566 Zoom

▶ 12) 234-25.00-6.00-4567 Zoom

▶ 13) 234-25.00-6.00-4572 Zoom

▼ 14) 234-25.00-6.00-4574 Zoom

▶ 15) 234-25.00-6.00-4575 Zoom

BOOK	0
PAGE	0
FULLNAME	MCGOLDRICK MIKE & ELLEN
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a_account	08-03-006-6
DESCRIPTION	MALONES MHP
DESCRIPTION2	IMP ON LOT 6
DESCRIPTION3	
LUC	104
SCHOOL	1
MUNI	00
CAP	0

◀ ▶ ↶ ↷ ↵

Clear Selected

Selected Features (11 - 15 of 49)

2.77 AC.

6

HARBOR RD

OYSTER RD

esri

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Sussex County Government | Sussex County Mapping and Addressing | State of Delaware, Microsoft, Vantor

37

CONNECTEXPLORER

WORKSPACES

+

234-25.00-6.00

234-25.00-6.00

map: Auto (Oblique) ▾

Mar 2025 - Mar 2025 ▾

Image 1 of 8 ▸

03/10/2025

© 2025 Eagleview

map: Auto (Oblique) ▾

Mar 2025 - Mar 2025 ▾

Image 1 of 8 ▸

03/10/2025

Search

Search by SUSSEXPARCELS ▾

234-25.00-6.00

Search results (1)

Options ▾

234-25.00-6.00

20 ft

5 m

The image shows an aerial view of a waterfront property. A blue boundary line outlines a large area that includes a dock with several boats, a paved area with several buildings (some with green roofs, some with grey roofs), and a grassy area with trees. A red crosshair is visible on one of the buildings. The interface includes a search bar at the top left with the text 'Search by SUSSEXPARCELS' and a search result '234-25.00-6.00'. Below the search bar is a 'Search results (1)' section with an 'Options' button. At the bottom left, there is a 'WORKSPACES' section with a '+' button and a list of workspace names. At the bottom right, there is a map navigation toolbar with buttons for 'map: Auto (Oblique)', 'Mar 2025 - Mar 2025', 'Image 1 of 8', and '03/10/2025'. A scale bar at the bottom right indicates '20 ft' and '5 m'. The copyright notice '© 2025 Eagleview' is also visible.

Sussex County, DE - BOA Application

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Sussex County, DE - BOA Application

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

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

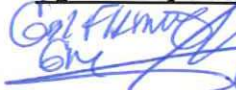
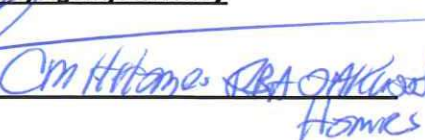
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- ☐ • **Provide a survey of the property (Variance)**
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed 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)**
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- ☐ • **Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)**
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Signature of Owner/Agent/Attorney

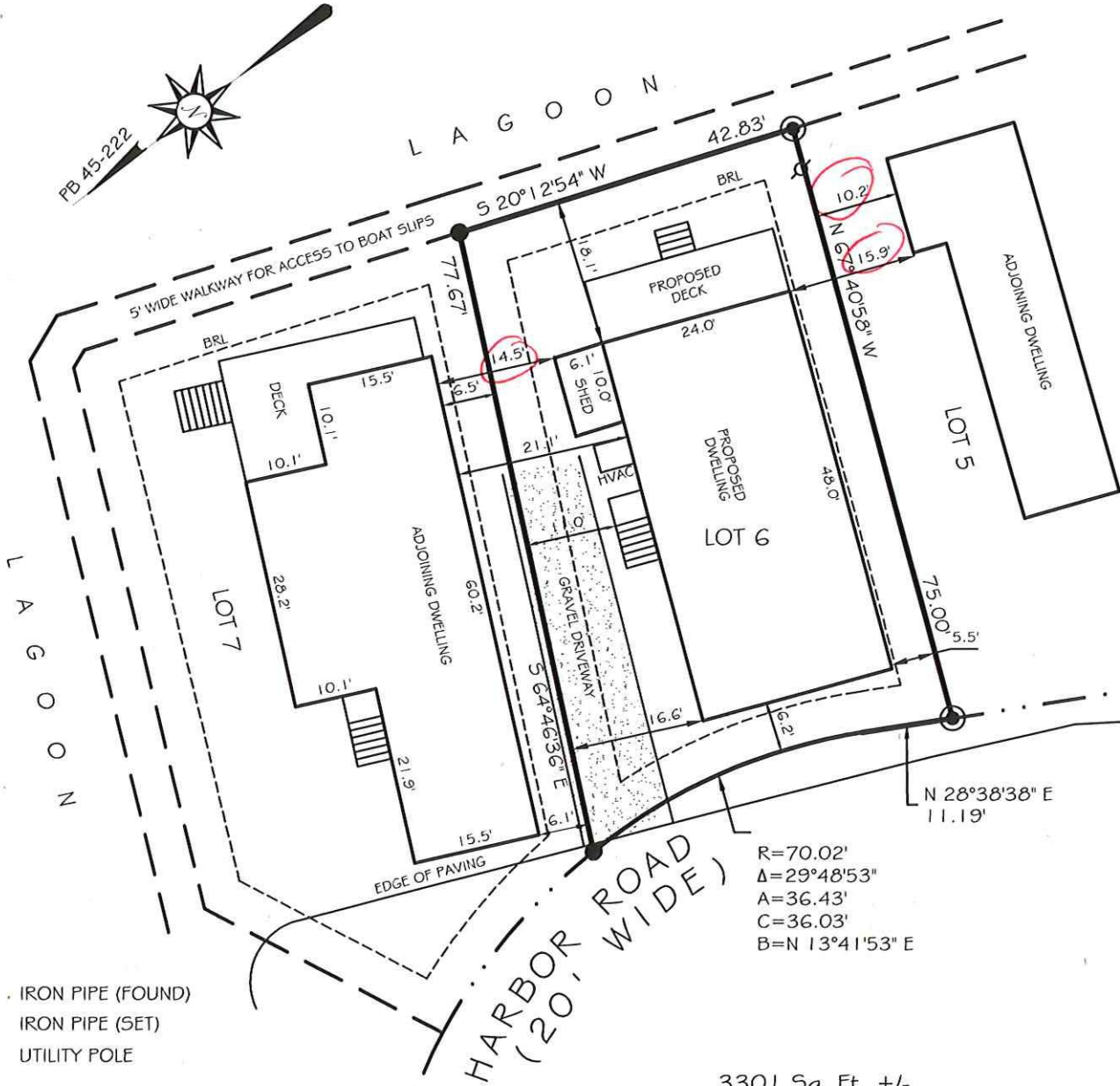
  Date: 5-15-24

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: _____

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



3301 Sq. Ft. +/-
 1,213 Sq. Ft. impervious (37%)

CONCEPT PLAN FOR

MIKE MCGOLDRICK

12 HARBOR ROAD, MILLSBORO, DE 19966
 LOT #6 OF MALONE'S BAYSIDE MOBILE HOME PARK
 INDIAN RIVER HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE
 SCALE 1" = 20' MAY 12, 2026

PREPARED BY:

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

MILNER
LEWIS, INC.
 LAND SURVEYING

1560 MIDDLEFORD RD.

SEAFOORD, DE. 19973

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

05/15/2026 03:03PM Lindsey S
Receipt Number: 001309257
33031421-0037

PERMITS / INSPECTIONS
2026 202606389|2020 \$500.00

\$500.00

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

Tenders
TYLER PAYMENTS CC \$515.00
*****9366
Ref=6d112f7d-71ff-44b3-a3dc-23bf625bd3d4
Auth=135066

Change due \$0.00

Paid by: FLEMING/GIL A

Signature: _____

Thank you for your payment.

Sussex County Government COPY

service fee

TYLER PAYMENTS

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features: [Parcels (49)]

▶ 11) 234-25.00-6.00-4566

▶ 12) 234-25.00-6.00-4567

▶ 13) 234-25.00-6.00-4572

▼ 14) 234-25.00-6.00-4574

▶ 15) 234-25.00-6.00-4575

BOOK

PAGE

FULLNAME

Second_Owner_Name

MAILINGADDRESS

CITY

STATE

a_account

DESCRIPTION

DESCRIPTION2

DESCRIPTION3

LUC

SCHOOL

MUNI

CAP

0

0

MCGOLDRICK MIKE & ELLEN

21 PEARSON CIR

SPRINGFIELD

PA

08-03-006-6

MALONES MHP

IMP ON LOT 6

104

1

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0

Zoom

Zoom

Zoom

Zoom

Zoom

Selected Features (11 - 15 of 49)

Clear Selected

27

11

9

12

7

14

16

23

21

25

19

17

15

11

8

10

12

14

6

Harbor Rd

Oyster Rd

40 ft

20 ft

0

77 AC

6

esri

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

44

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features: Parcels (49)

11) 234-25.00-6.00-4566 Zoom

12) 234-25.00-6.00-4567 Zoom

13) 234-25.00-6.00-4572 Zoom

14) 234-25.00-6.00-4574 Zoom

15) 234-25.00-6.00-4575 Zoom

BOOK	0
PAGE	0
FULLNAME	MCGOLDRICK MIKE & ELLEN
Second_Owner_Name	
MAILINGADDRESS	21 PEARSON CIR
CITY	SPRINGFIELD
STATE	PA
a_account	08-03-006-6
DESCRIPTION	MALONES MHP
DESCRIPTION2	IMP ON LOT 6
DESCRIPTION3	
LUC	104
SCHOOL	1
MUNI	00
CAP	0

11) 234-25.00-6.00-4566 Zoom

12) 234-25.00-6.00-4567 Zoom

13) 234-25.00-6.00-4572 Zoom

14) 234-25.00-6.00-4574 Zoom

15) 234-25.00-6.00-4575 Zoom

Selected Features (11 - 15 of 49)

Clear Selected

2.77 AC.

6

HARBOR RD

OYSTER RD

esri

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Sussex County Government | Sussex County Mapping and Addressing | State of Delaware, Microsoft, Vantor

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 # 13210
 Hearing Date 07-13-2026
202606503
RECEIVED

MAY 18 2026

SUSSEX COUNTY
 PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☒
 Special Use Exception ☐
 Administrative Variance ☐
 Appeal ☐

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

Site Address of Variance/Special Use Exception:

37612 Cedar St. Ocean View

Variance/Special Use Exception/Appeal Requested:

A 6.0' variance from 30' front yard setback requirement for a proposed structure.

Tax Map #: 1-34-16.00-363.02

Property Zoning: ~~Suburban~~
GR

Applicant Information

Applicant Name: RIK & STACIE SHRIVER
 Applicant Address: 5 VOLLMAR CT
 City BEAR State DE Zip: 19701
 Applicant Phone #: 302-598-5391 Applicant e-mail: RIK.SHRIVER@COMCAST.NET

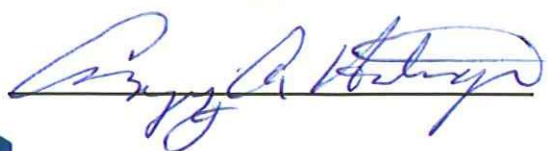
Owner Information

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

Agent/Attorney Information

Agent/Attorney Name: GRACE HASTINGS - HASTINGS ASSOCIATES LLC
 Agent/Attorney Address: 102 CENTRAL AVE
 City OCEAN VIEW State DE Zip: 19970
 Agent/Attorney Phone #: 302-537-5760 Agent/Attorney e-mail: G.HASTINGS@GAHASTINGS.COM

Signature of Owner/Agent/Attorney



Date: 5/13/26



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

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

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

1. Uniqueness of property:

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

THE PROPERTY IS A TRAPEZOID, MAKING IT DIFFICULT TO MAX. OUT BUILDABLE AREA.

2. Cannot otherwise be developed:

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

THE VALUE IN THIS 5' VARIANCE WOULD ALLOW THE ULTIMATE, MAX BUILDABLE CAPABILITY.

3. Not created by the applicant:

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

PROPERTY PRE-EXISTED

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.

WILL NOT AFFECT CHARACTER OF NEIGHBORHOOD
ACTUALLY, THE NEW HOME WILL BE AN ASSET

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.

5'0" FRONT SETBACK
FROM 30' TO 25'

Check List for Applications

The following shall be submitted with the application

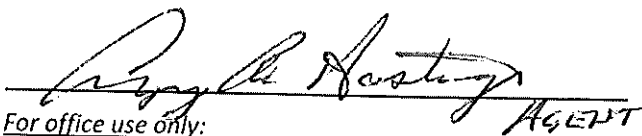
- ☒ • Completed Application
- ☒ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed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

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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

 **AGENT**

Date: 5/13/26

For office use only:

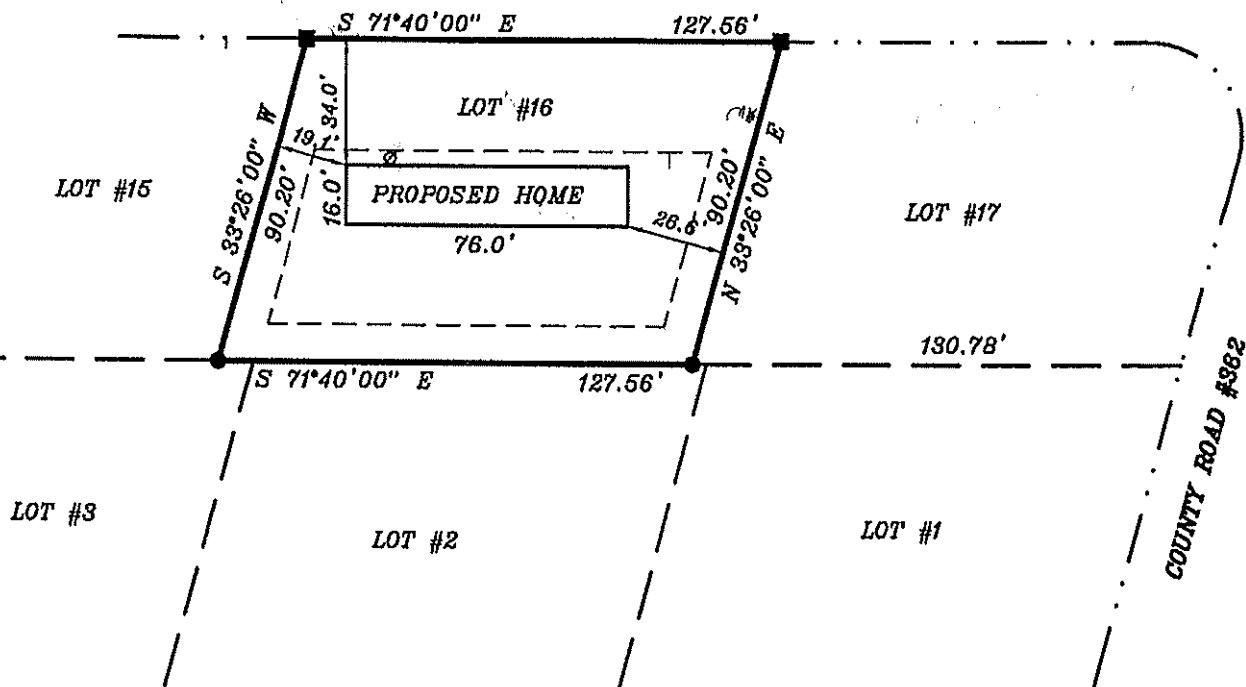
Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

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

T.M. #1-34-16.00-363.02



CEDAR STREET (50' R/W)



PLACEMENT SURVEY FOR

CLAYTON HOMES

LOT #16, BLOCK F, SECTION 3

SHADY DELL PARK

BALTIMORE HUNDRED SUSSEX COUNTY

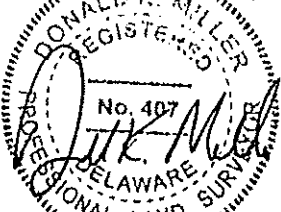
STATE OF DELAWARE

SCALE 1" = 50'

JULY 10, 2013

■ CONCRETE MONUMENT (FOUND)

● IRON PIPE (FOUND)



THIS SURVEY AND PLAT DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY
OR EASEMENTS CROSSING THIS PROPERTY OTHER
THAN THOSE SHOWN.
NO TITLE SEARCH PROVIDED OR STIPULATED.

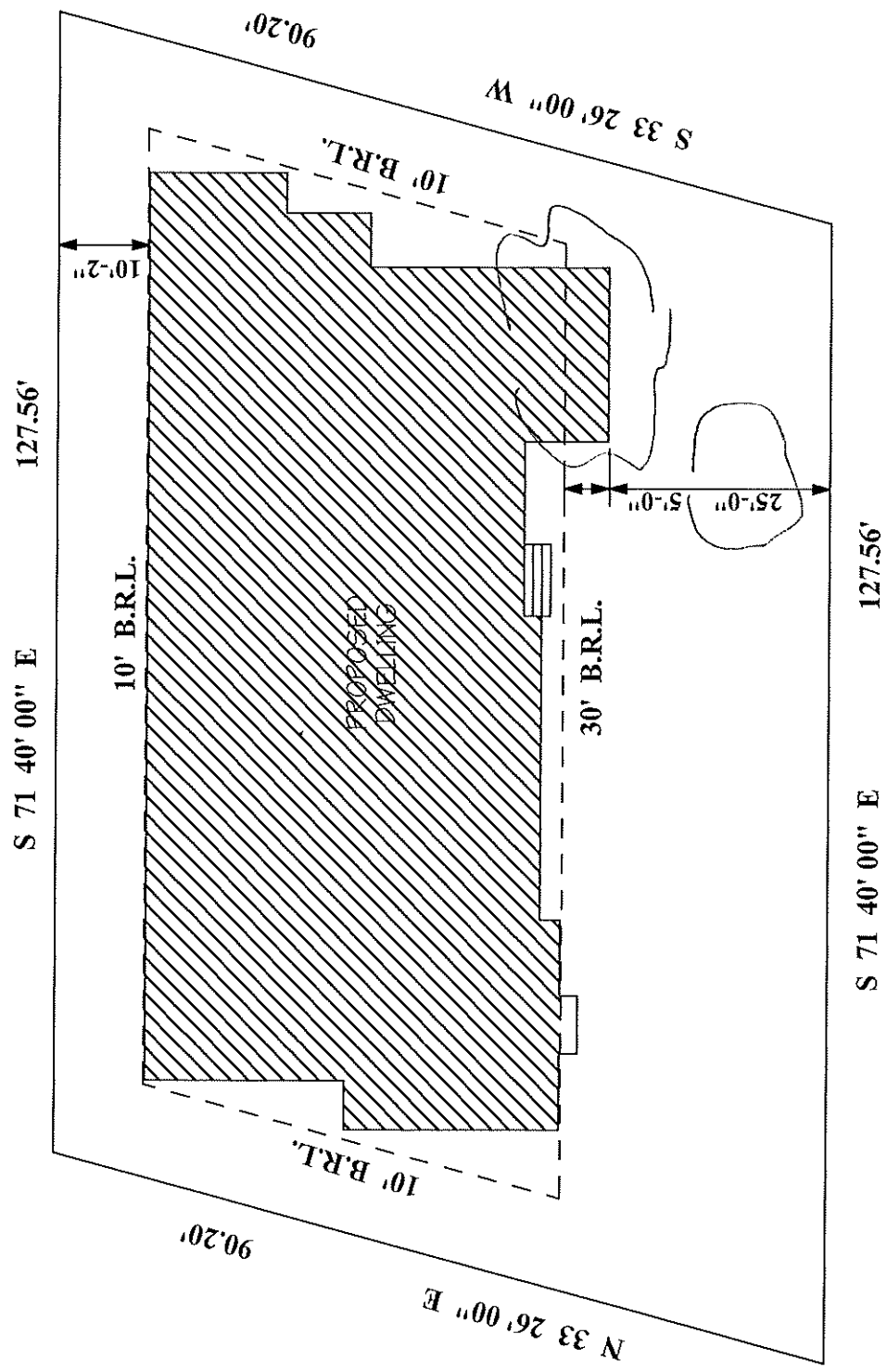
SURVEY CLASS: SUBURBAN

PREPARED BY:

PH: 302-629-9895
FAX: 302-629-2391
MILLER LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973



CEDAR STREET

PROPOSED SITE PLAN

SCALE : 1" = 20'

TAX MAP NO. 1-34-16.00-363.02

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

05/18/2026 02:39PM Megan D.
Receipt Number: 001309748
33031428-0113

PERMITS / INSPECTIONS
2026 202606503|2020 \$500.00

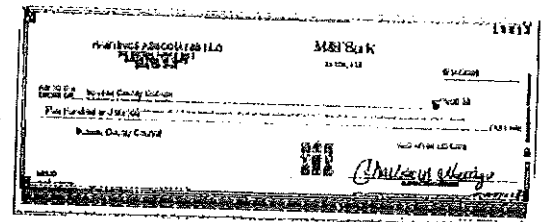
\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 013913

Change due \$0.00

Paid by: HASTINGS ASSOCIATES LLC



Thank you for your payment.

Sussex County Government COPY
DUPLICATE RECEIPT

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features:

▼ 1) 134-16.00-363.02

Zoom

BOOK	0
PAGE	0
FULLNAME	DAVIS PATRICIA M
Second_Owner_Name	STACIE M SHRIVER
MAILINGADDRESS	143 N GABRIEL DR
CITY	BEAR
STATE	DE
a_account	19-02-363.2
DESCRIPTION	SHADY DELL PARK
DESCRIPTION2	LOT 16
DESCRIPTION3	BLK F SEC 3
LUC	103
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	72300
APRLAND	87700
PINWASSEMENTUNIT	134-16.00-363.02
PIN	134-16.00-363.02

Selected Features (1)

Clear Selected

Sussex County Government | Sussex County Mapping and Addressing | State of Delaware, Microsoft, Vantor

esri

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

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

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

1. Uniqueness of property:

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

THE PROPERTY IS A TRAPEZOID, MAKING IT DIFFICULT TO MAX. OUT BUILDABLE AREA.

2. Cannot otherwise be developed:

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

THE VALUE IN THIS 5' VARIANCE WOULD ALLOW THE ULTIMATE, MAX BUILDABLE CAPABILITY.

3. Not created by the applicant:

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

PROPERTY PRE-EXISTED

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.

WILL NOT AFFECT CHARACTER OF NEIGHBORHOOD
ACTUALLY, THE NEW HOME WILL BE AN ASSET

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.

5'0" FRONT SETBACK
FROM 30' TO 25'

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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Signature of Owner/Agent/Attorney

 **AGENT**

Date: 5/13/26

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Subdivision: _____

Lot#: _____ Block#: _____

Date of Hearing: _____

Decision of Board: _____

CEDAR STREET

PROPOSED SITE PLAN

SCALE: 1" = 20'

TAX MAP NO. 1-34-16.00-363.02

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

05/18/2026 02:39PM Megan D.
Receipt Number: 001309748
33031428-0113

PERMITS / INSPECTIONS
2026 202606503|2020 \$500.00

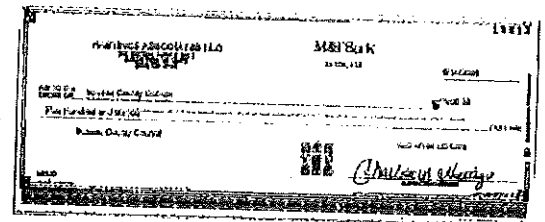
\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 013913

Change due \$0.00

Paid by: HASTINGS ASSOCIATES LLC



Thank you for your payment.

Sussex County Government COPY
DUPLICATE RECEIPT

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features: 1

Zoom

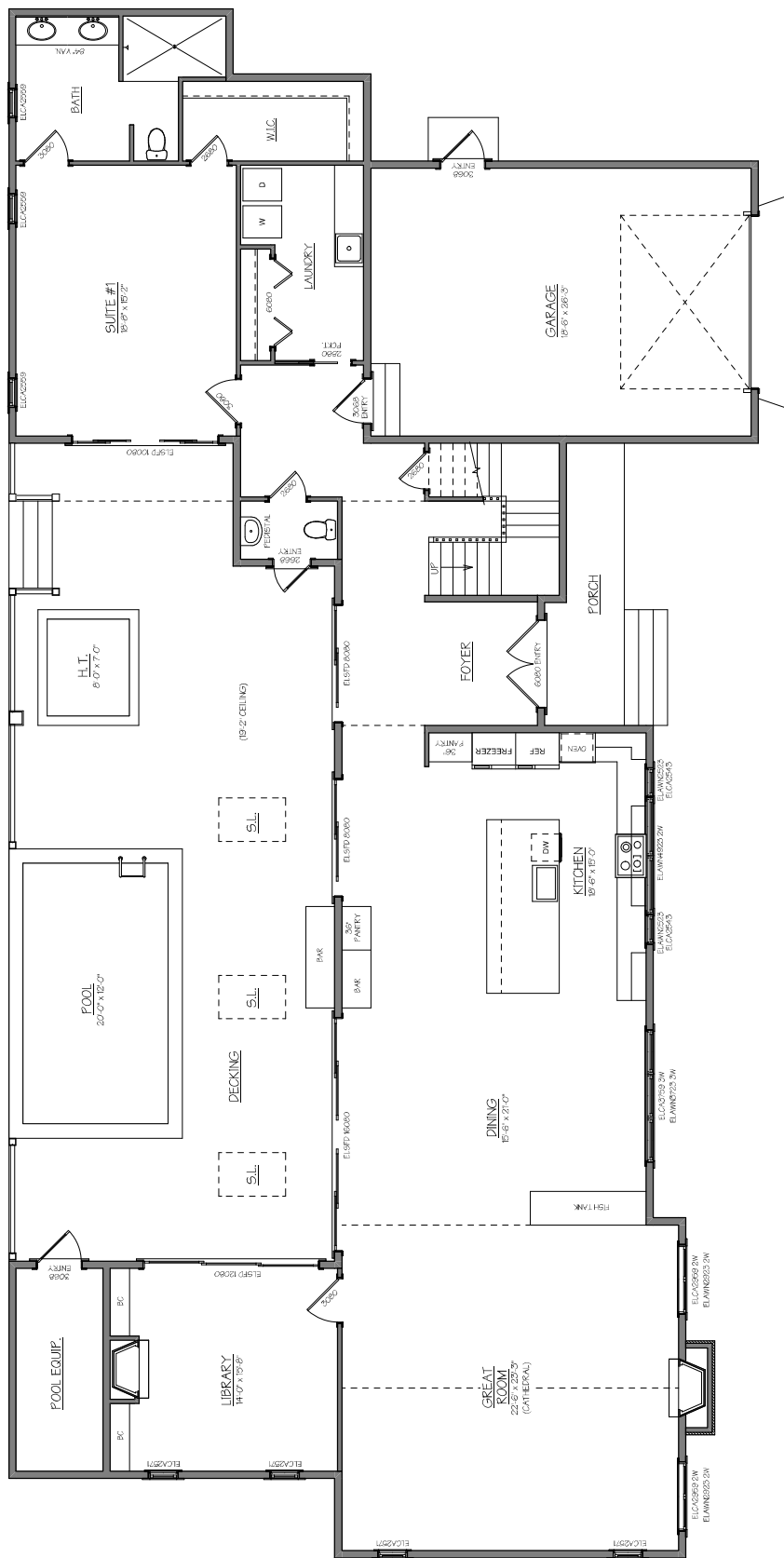
1) 134-16.00-363.02

BOOK	0
PAGE	0
FULLNAME	DAVIS PATRICIA M
Second_Owner_Name	STACIE M SHRIVER
MAILINGADDRESS	143 N GABRIEL DR
CITY	BEAR
STATE	DE
a_account	19-02-363.2
DESCRIPTION	SHADY DELL PARK
DESCRIPTION2	LOT 16
DESCRIPTION3	BLK F SEC 3
LUC	103
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	72300
APRLAND	87700
PINWASSEMMENTUNIT	134-16.00-363.02
PIN	134-16.00-363.02

Selected Features (1)

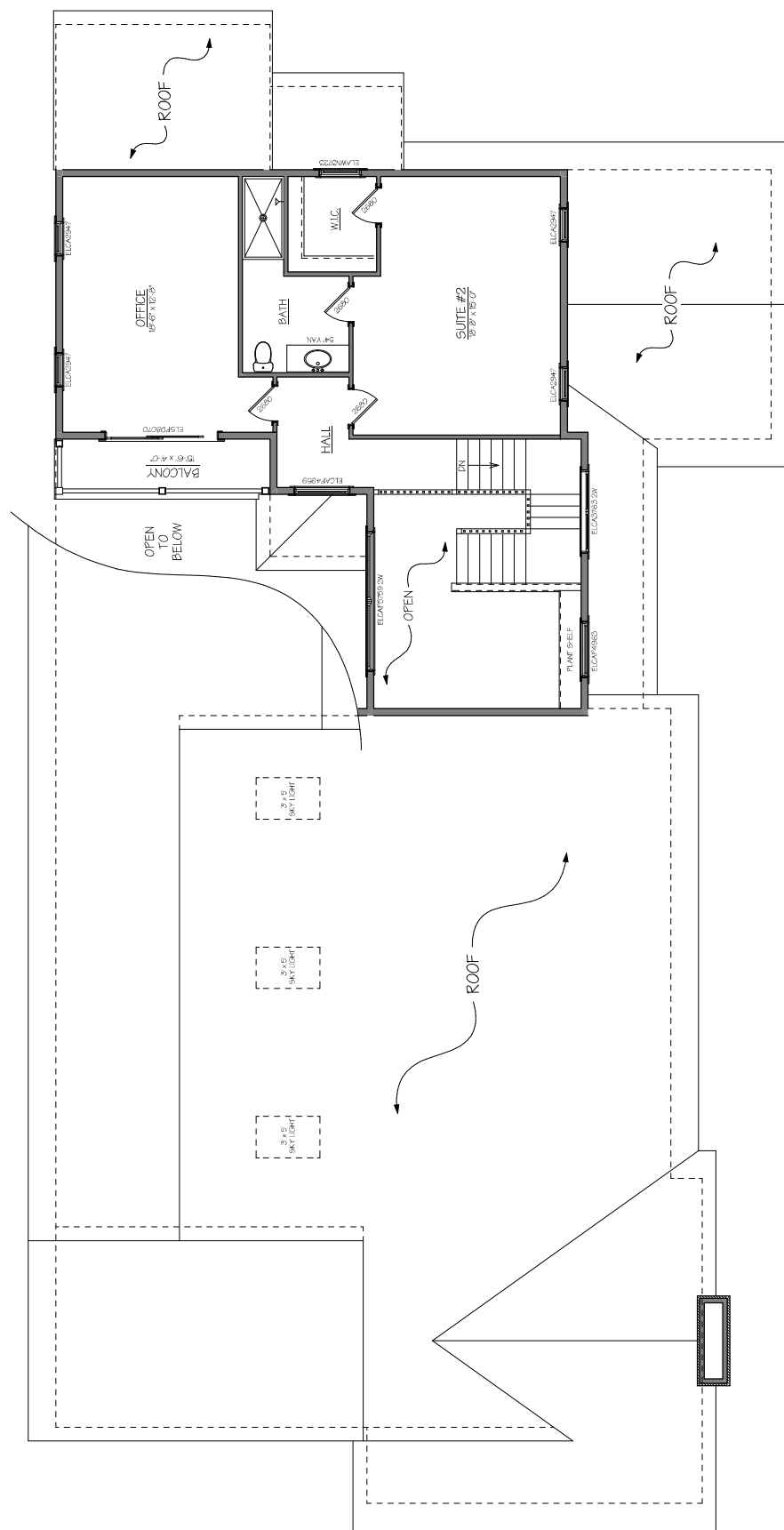
Clear Selected

Sussex County Government | Sussex County Mapping and Addressing | Esri Community Maps Contributors...



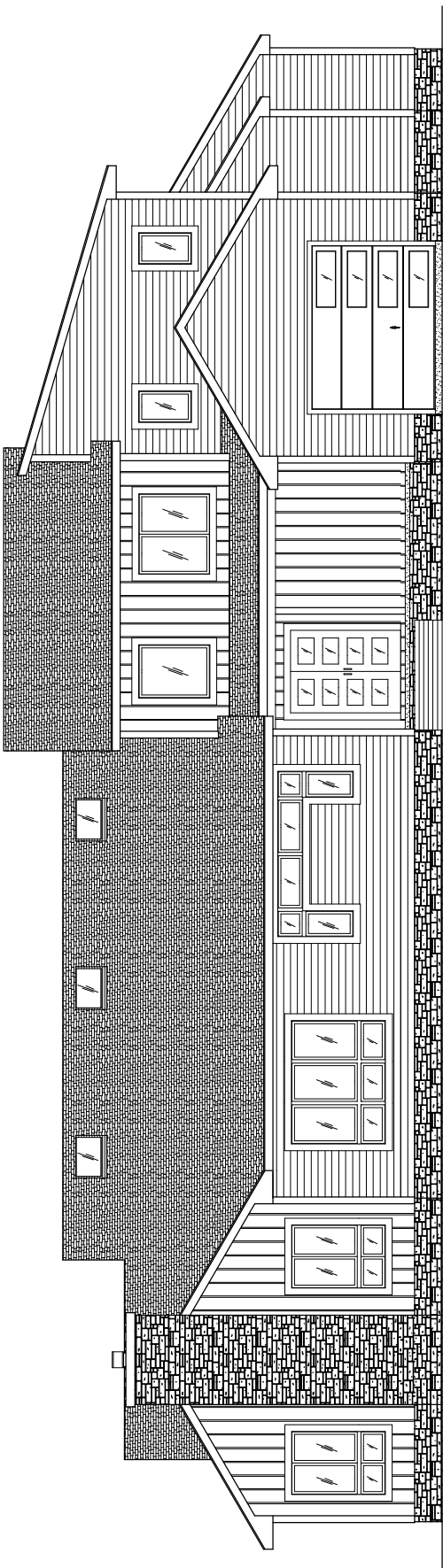
FIRST FLOOR PLAN

LIVING AREA - 2795 SQ. FT.
KITCHEN - 1605 SQ. FT.
COVERED DECK - 1216 SQ. FT.
PORCH - 9150 SQ. FT.

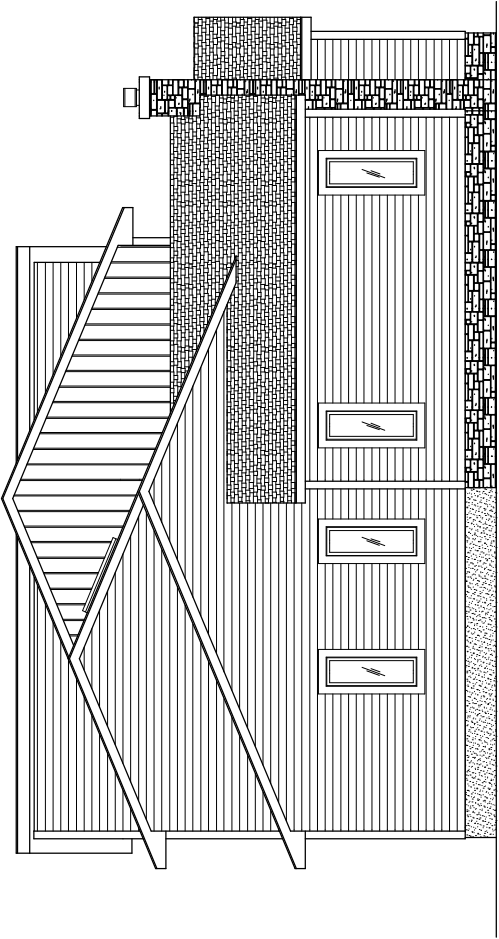


SECOND FLOOR PLAN

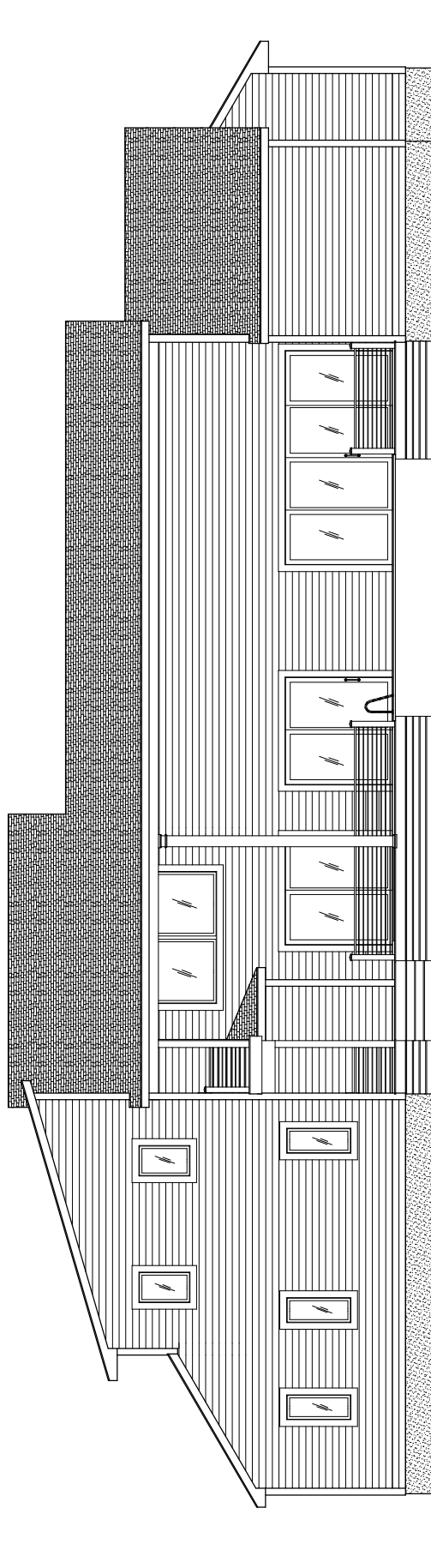
LIVING AREA - 776 SQ. FT.
BALCONY - 62 SQ. FT.



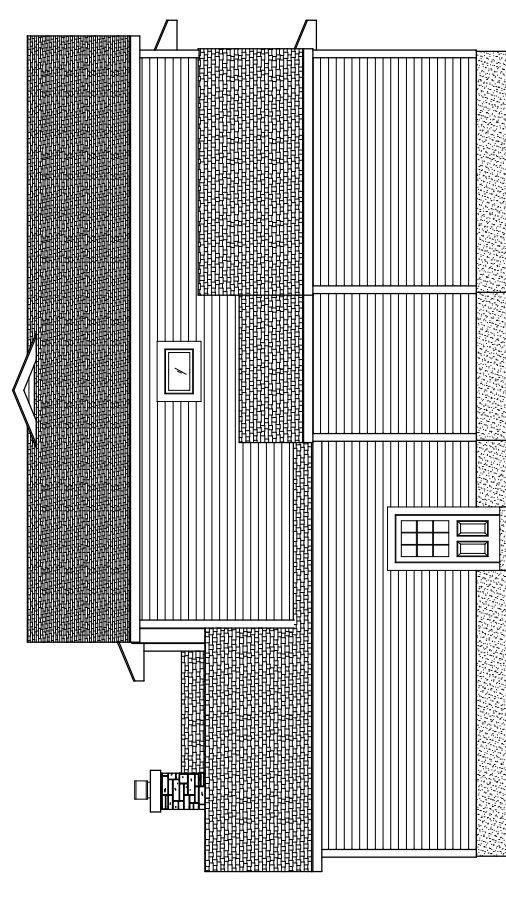
FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

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 # 13211
Hearing Date 07-13-2026
202607127

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:

26706 SEAFORD RD. SEAFORD, DE 19973

Variance/Special Use Exception/Appeal Requested:

VARIANCE FROM REAR YARD SET BACK TO 6 FEET
FROM 20 FEET

Tax Map #: 1-32-6,00-164.00

Property Zoning: AR-1

Applicant Information

Applicant Name: ALAN R. PASSWATERS

Applicant Address: 26812 SUSSEX HIGHWAY

City SEAFORD State DE Zip: 19973

Applicant Phone #: 1-302-245-9114 Applicant e-mail: PASSWATERSTOWING@

GMAIL.COM

Owner Information

Owner Name: ALAN R. PASSWATERS

Owner Address: 26812 SUSSEX HIGHWAY

City SEAFORD State DE Zip: 19973 Purchase Date: 4/20/26

Owner Phone #: 1-302-245-9114 Owner e-mail: PASSWATERSTOWING@GMAIL.COM

Agent/Attorney Information

Agent/Attorney Name: MICHAEL F. MCGROERTY

Agent/Attorney Address: 110 N. PINE STREET

City SEAFORD State DE Zip: 19973

Agent/Attorney Phone #: 1-302-628-1000 Agent/Attorney e-mail: REALESTATE@MFMLAWA

Signature of Owner/Agent/Attorney

OFFICE: N
NET

Date: 05/29/2026



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.

THE EXISTING SEPTIC AREA TAKES UP SPACE IN THE REAR YARD ITS POSITION LIMITS WHERE A GARAGE CAN BE BUILT BECAUSE OF THE NEED TO ACCESS IT TO SERVICE IT OR REPAIR IT

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.

BECAUSE OF THE LOCATION OF THE SEPTIC SYSTEM AND THE NEED FOR ROOM AROUND IT TO ACCESS IT TO SERVICE, REPAIR OR REPLACE IT THE GARAGE CAN ONLY BE LOCATED IN THE PROPOSED LOCATION.

3. Not created by the applicant:

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

THE EXCEPTIONAL PRACTICAL DIFFICULTY HAS NOT BEEN CREATED BY THE APPLICANT, WHO PURCHASED THE PROPERTY IN APRIL 2026.

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

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

THE LOCATION OF THE GARAGE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD. THE GARAGE TO THE REAR OF THE PROPERTY IS ABOUT 6' OR 7' FROM THE PROPERTY LINE. SEE NEXT PAGE

5. Minimum variance:

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

THE VARIANCE, IF AUTHORIZED, IS THE MINIMUM VARIANCE THAT WILL AFFORD THE RELIEF AND WILL REPRESENT THE LEAST MODIFICATION POSSIBLE OF THE REGULATION

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)

4. CONTINUED
THE GARAGE ON THE PROPERTY ADJOINING THE
SUBJECT PROPERTY ON THE NORTH (TP 1-32-6.00-165.00),
IS UP AGAINST THE SIDE YARD LINE. ~~THE~~ OTHER
PROPERTIES IN THE NEIGHBORHOOD ARE VERY CLOSE TO
PROPERTY LINES

Check List for Applications

The following shall be submitted with the application

- ☒ • Completed Application
- ☒ • Provide a survey of the property (Variance)
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- ☐ • Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
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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

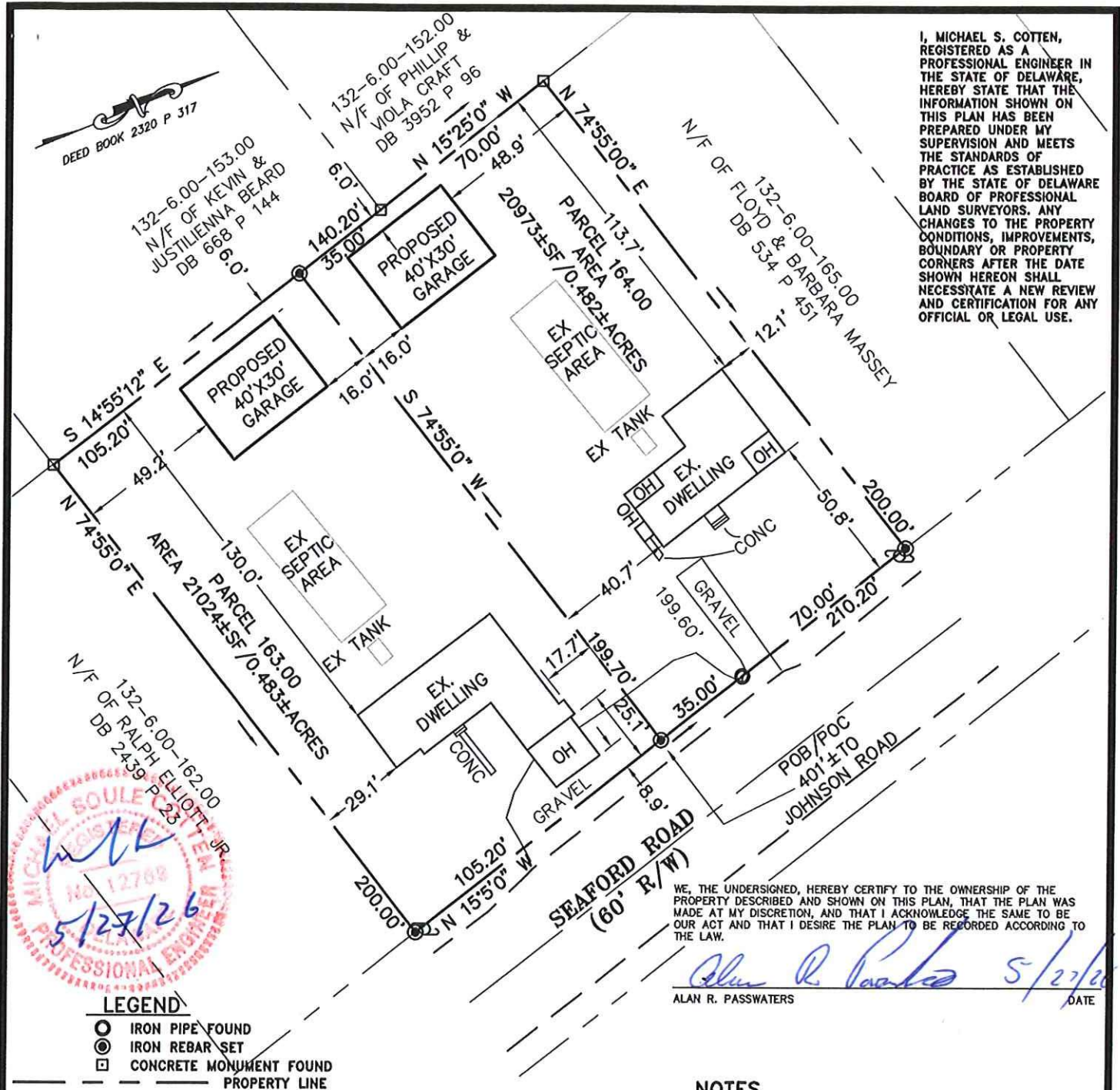


Date: 05/29/2026

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: _____



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

WE, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DISCRETION, AND THAT I ACKNOWLEDGE THE SAME TO BE OUR ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

ALAN R. PASSWATERS

DATE

NOTES

1. TITLE REFERENCED TO DEED BOOK 6492, PAGE 4, & 3992, PAGE 289 & DEED BOOK 2320, PAGE 317.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
4. THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS AFFECTING THIS PROPERTY.
5. FEMA FLOOD ZONE 'X'.

COTTEN ENGINEERING LLC

CIVIL ENGINEERS
10087 CONCORD RD.
SEAFORD DE 19973
PHONE/FAX (302) 628-9164

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THIS PROJECT ONLY, AND REMAINS THE COPYRIGHTED PROPERTY OF COTTEN ENGINEERING LLC. REUSE OR REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENTS RISK AND BE A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA AND THE RESPECTIVE STATE WITHIN WHICH THE WORK WAS COMPLETED.

DESIGNED BY: CE	REV:	JOB # 23-296
DRAWN BY: TDH	DATE: 05/27/2026	
CHECKED BY: MC	SCALE: AS-SHOWN	SHEET 1 OF 1

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features:

1) 132-6.00-164.00

Zoom

BOOK	6492
PAGE	4
FULLNAME	PASSWATERS ALAN R
Second_Owner_Name	
MAILINGADDRESS	26812 SUSSEX HWY
CITY	SEAFORD
STATE	DE
a_account	
DESCRIPTION	JOHNSON'S SUBD
DESCRIPTION2	LOT4A
DESCRIPTION3	SW/SEAFORD RD
LUC	101
SCHOOL	3
MUNI	00
CAP	0
APRBLDG	151700
APRLAND	44600
PINWASSEMMENTUNIT	132-6.00-164.00
PIN	132-6.00-164.00

Selected Features (1)

Clear Selected

BOOK	6492
PAGE	4
FULLNAME	PASSWATERS ALAN R
Second_Owner_Name	
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SCHOOL	3
MUNI	00
CAP	0
APRBLDG	151700
APRLAND	44600
PINWASSEMMENTUNIT	132-6.00-164.00
PIN	132-6.00-164.00

CONNECTEXPLORER

Workspaces

+

132-6.00-164.00

132-6.00-164.00

Search

Search by SUSSEXPARCELS

132-6.00-164.00

Options

150 ft

10 m

map Auto (Oblique)

Mar 2025 - Mar 2025

Image 1 of 13

03/11/2025

The image is a screenshot of the CONNECTEXPLORER web application. It displays an aerial photograph of a residential neighborhood. A blue rectangular boundary is drawn on the map, highlighting a specific parcel of land. The parcel is located in the lower-left quadrant of the image. The surrounding area includes several houses, trees, and a road. The interface includes a search bar at the top left, a scale bar at the top right, and a date/time stamp at the bottom right. The search bar contains the text "132-6.00-164.00". The scale bar shows a distance of 150 feet and 10 meters. The date/time stamp indicates the date is March 2025 and the time is 03/11/2025.

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BARBARA J. HITCH TRUST

(Case No. 12896)

A hearing was held after due notice on January 8, 2024. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the lot width and lot area requirements for proposed lots and variances from the front and side yard setback requirements for existing structures.

Findings of Fact

The Board found that the Applicant is seeking the following variances:

1. A variance of 45 feet from the 150 feet lot width requirement for Lot 5A;
2. A variance of 44.8 feet from the 150 feet lot width requirement for Lot 4A;
3. A variance of 11,646 square feet from the 32,670 square feet lot area requirement for Lot 5A;
4. A variance of 11,686 square feet from the 32,670 square feet lot area requirement for Lot 4A;
5. A variance of 2.9 feet from the fifteen (15) feet side yard setback requirement on the north side for the existing dwelling on Lot 4A; and
6. A variance of 31.1 feet from the forty (40) feet front yard setback requirement for the existing dwelling on Lot 5A.

This application pertains to property that is located on the southwest side of Seaford Road approximately 0.06 miles from Johnson / Ockels Road (911 Address: 26706 and 26718 Seaford Road, Seaford); said property being identified as Sussex County Tax Map Parcel Number 132-6.00-163.00 & 164.00 (hereinafter "the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated September 29, 2023, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Wayne Turner was sworn in to give testimony about the Application. Shannon Carmean Burton, Esquire, appeared on behalf of the Applicant.
4. The Board found that Mrs. Burton stated that the Applicant proposes to do a boundary line adjustment to bring the existing structures into compliance with the Code and to cure the existing encroachment on to Lot 5A and, although not required for the boundary line adjustment, it will aid in cleaning up the properties. She noted that the additional variances from the front yard setback for Lot 5A and side yard for Lot 4A are for existing non-conforming structures.
5. The Board found that Mrs. Burton stated that the properties are located at 26706 and 26718 Seaford Road, Florence E. Johnson Subdivision and that Parcel 163 is known as Lot 5A and Parcel 164 is known as Lot 4A. She noted that the original subdivision lots are only 70 feet wide and contain approximately 14,000 square feet of land.

6. The Board found that Mrs. Burton stated that both parcels are zoned AR-1, with both lots having onsite water and septic.
7. The Board found that Mrs. Burton stated that these properties are both unique with Lot 5A being 140.2 feet wide and consisting of 20,012 square feet or 0.643 acres of lot area and Lot 4A being 70 feet wide and consisting of 14,027 square feet or 0.322 acres of lot area.
8. The Board found that Mrs. Burton stated that Lot 4A is very narrow due to the existing structures that encroach into the side yard setback as well as onto Lot 5A.
9. The Board found that Mrs. Burton stated that, based on the boundary line adjustment plan proposed, the lot width for Lot 5A would be 105.2 feet with a proposed lot area of 21,024 square feet or 0.483 acres and the lot width for Lot 4A would be 105.2 feet with a proposed lot area of 20,984 square feet or 0.482 acres of land.
10. The Board found that Mrs. Burton stated that there is no possibility that the Property can be developed within strict conformity with the current zoning ordinance and code.
11. The Board found that Mrs. Burton stated that the difficulty has not been created by the Applicants as the buyer was unaware of the zoning violations. She stated that, once the issue was discovered, the variance application was filed.
12. The Board found that Mrs. Burton stated that, if the variances are authorized, they will not alter the essential character of the neighborhood or district in which their properties are located nor will they permanently impair the appropriate use or development of the adjacent property or be detrimental to the public welfare of the improvements that have been in their current locations for a very long time.
13. The Board found that Mrs. Burton stated that, to their knowledge, there have been no complaints about structures or the proposal.
14. The Board found that Mr. Turner affirmed the statements made by Mrs. Burton as true and correct.
15. The Board found that Mr. Turner testified that the setback variances proposed would help clean up the non-conforming boundary lines of the two properties.
16. The Board found that Mr. Turner testified that the structure on Lot 5A is fairly dilapidated and unlivable.
17. The Board found that Mr. Turner testified that the house on Lot 5A was used as a gas station in 1967 and that the structure on Lot 4A was previously used as a restaurant.
18. The Board found that Mr. Turner testified that the structure on Lot 4A is in useable condition but the current zoning requirements restrict any additional structures.
19. The Board found that Mr. Turner testified that the idea is to take part of Lot 5A, add it to Lot 4A, and create similar sized lots.
20. The Board found that Mr. Turner testified that Lot 4A has had no changes in 57 years.
21. The Board found that Mr. Turner testified that he has received no complaints about the structures.
22. The Board found that Mr. Turner testified that there is a gap of 3-5 feet between the front property line and the edge of paving of Seaford Road.
23. The Board found that no one appeared in support of or in opposition to the Application.
24. 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 variance. The findings below further support the Board's decision to approve the Application with conditions.
 - a. The Property is unique due to its size, shape, and development. The Property consists of 2 lots which were created and developed prior to the creation of the Sussex County Zoning Code. Lot 4A, in its present condition, is particularly narrow; though both lots are smaller than would be allowable under the Code. The structures on the Property were placed by prior

owners many years ago and well before the Code was enacted. The Applicant seeks to move the lot line between the two lots in order to create lots that are similar in size. There will be no change in the number of lots or the location of the existing structures. The conditions of the Property are unique and have created a limited building envelope which is further limited by the location of the existing dwelling. These unique characteristics of this Property have created an unnecessary hardship and exceptional practical difficulty for the Applicant who seeks to adjust the lot line and retain existing structures on the Property.

- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has unique physical characteristics and the buildable area thereof is limited due to those characteristics. The Applicant seeks to adjust the lot line and to retain the structures but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow the lot line to be reasonably adjusted to create two similar sized lots and to allow these reasonably sized structures to remain on the Property. The Board is convinced that the shape and location of the structures are also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
- d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. As previously stated, the Property has unique conditions and these conditions have resulted in a limited building envelope on the Property. These conditions have created the unnecessary hardship and exceptional practical difficulty. Moreover, the structures were placed on the Property by a prior owner.
- e. 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. The Board is convinced that the structures will have no effect on the character of the neighborhood. The structures have been in their present location for many years and no complaints were noted in the record. The Board notes that no letters in opposition or testimony in opposition were presented to the Board. The Board also notes that there is a gap between the edge of paving and the front property line which makes the front yard appear larger than it actually is.
- f. 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 Applicant has demonstrated that the variances sought will allow the Applicant to adjust the lot line to create two similarly sized lots and to retain the existing structures. No additions or modifications to those structures are proposed.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to approve the variance 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 March 4, 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 # 12896
 Hearing Date _____

202316557
202316558

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:

26706 & 26718 Seaford Rd., Seaford, DE 19973

Variance/Special Use Exception/Appeal Requested:

Applicants request a 45' variance and a 44.8' variance from the minimum road frontage requirement of 150' as well as a 11,646 sq.ft. variance and a 11,686 sq.ft. variance from the minimum lot size requirement for purposes of adjusting the boundary line between Lots 4A & 5A of the Florence E. Johnson Subdivision in order to cure the encroachment and to bring existing improvements into compliance with the Zoning Code.

Tax Map #: 132-6.00-163 & 164

Property Zoning: AR-1

Applicant Information

Applicant Name: Wayne Turner, Substitute Trustee of the Revocable Trust Agreement of Barbara J. Hitch Trust and Brian Turner

Applicant Address: 26706 Seaford Rd.

City Seaford **State** DE **Zip:** 19973

Applicant Phone #: (703) 980-2379 **Applicant e-mail:** wturner@pobox.com

Owner Information

Owner Name: Same as above

Owner Address: _____

City _____ **State** _____ **Zip:** _____ **Purchase Date:** _____

Owner Phone #: _____ **Owner e-mail:** _____

Agent/Attorney Information

Agent/Attorney Name: Shannon Carmean Burton, Esquire

Agent/Attorney Address: 25 Chestnut St.

City Georgetown **State** DE **Zip:** 19947

Agent/Attorney Phone #: (302) 855-1260 **Agent/Attorney e-mail:** shannonb@sussexattorney.com

Signature of Owner/Agent/Attorney

Date: 11/29/2023



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 Exhibit "1" attached hereto.

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Exhibit "1"

**WRITTEN SUBMISSION
OF
WAYNE TURNER, SUBSTITUTE TRUSTEE OF THE REVOCABLE
TRUST AGREEMENT OF BARBARA J. HITCH AND BRIAN TURNER
BOARD OF ADJUSTMENT OF SUSSEX COUNTY
VARIANCE APPLICATION**

1. Uniqueness of the Property: This application pertains to certain real property identified by Sussex County Tax Mapping as Parcels 132-6.00-163.00 ("Lot 5A") and 164.00 ("Lot 4A"), hereinafter collectively referred to as the "Subject Property". The Subject Property is unique as it is located in the Florence E. Johnson Subdivision, which was created in 1947, in an AR-1 (Agricultural Residential) Zoning District. Most of the lots in the subdivision are only 70' wide and contain approximately 14,000 square feet or .32 acres of land. The Subject Property is currently improved with existing dwellings and accessory structures. The current road frontage for Lots 5A and 4A is 140.20' and 70' respectively. The current square footage for Lots 5A and 4A is 14,027 square feet or .322 acres of land and 28,012 square feet or .643 acres of land respectively.

Due to the narrowness of Lot 4A, the existing improvements encroach into the side yard setback and onto Lot 5A. The Applicants seek to adjust the boundary line between Lots 5A and 4A to bring the existing improvements into compliance with the Sussex County Zoning Code. Based on the boundary line adjustment plan, the proposed road frontage for Lots 5A and 4A is 105.20' and 105.00' respectively. The proposed square footage of Lots 5A and 4A is 21,024 square feet or .483 acres of land and 20,984 square feet or .482 acres of land.

Although Lots 5A and 4A are existing nonconforming lots in the Florence E. Johnson Subdivision with existing improvements, it is necessary to obtain the following variances in order to adjust the boundary line between the lots and bring the lots into compliance with the current Zoning Code: (1) a 44.8' variance from the 150' minimum road frontage requirement for Lot 5A; (2) a 45' variance from the 150' minimum road frontage requirement for Lot 4A; (3) a 11,646 square foot variance from the minimum lot size of 32,670 square feet or $\frac{3}{4}$ acres of land for Lot 5A; and (4) a 11,686 square foot variance from the minimum lot size of 32,670 square feet or $\frac{3}{4}$ acres of land for Lot 4A.

The exceptional practical difficulty is due to such uniqueness of the Subject Property 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 Subject Property is located.

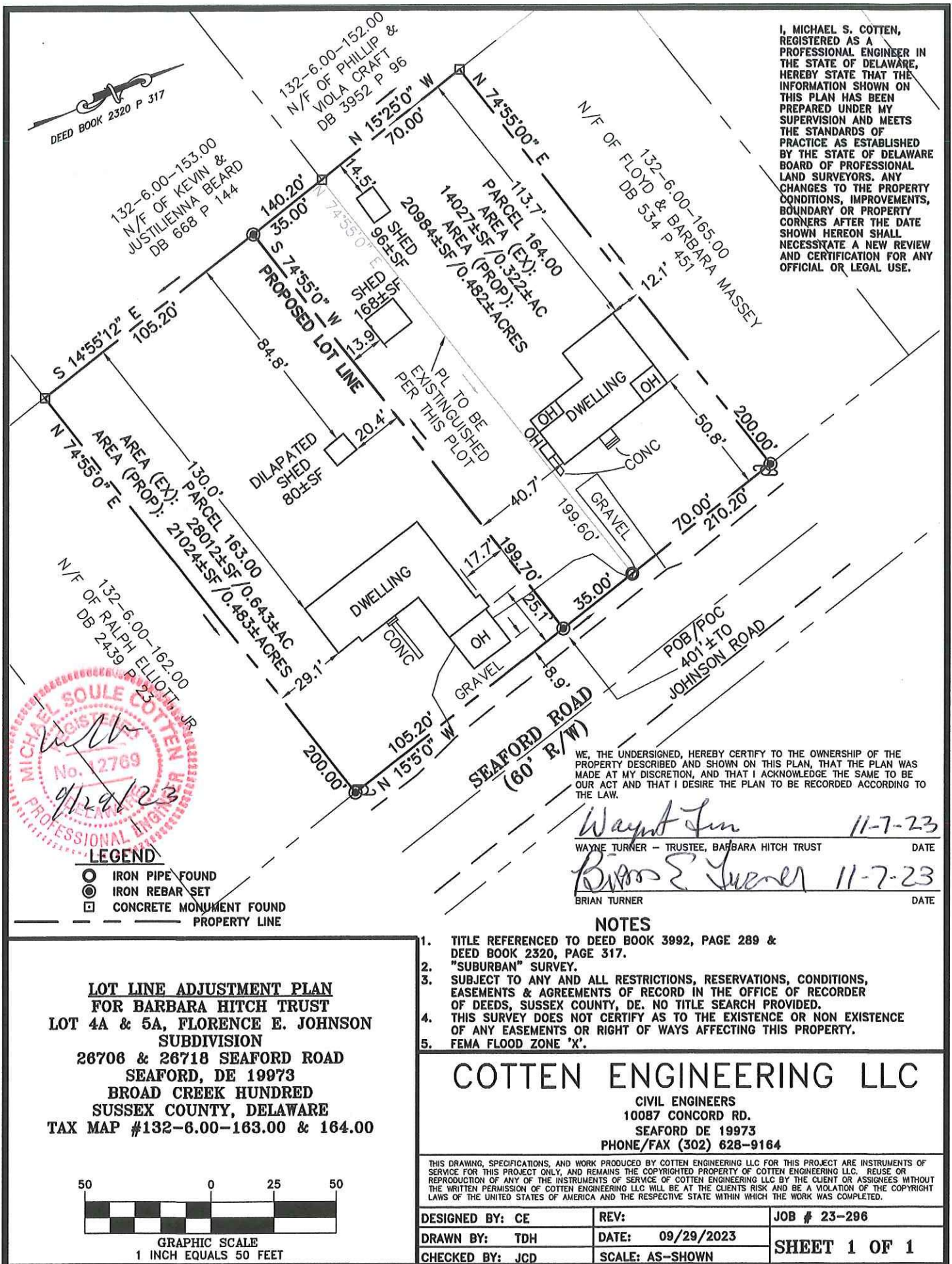
2. Cannot otherwise be developed: The lots were created in 1947 and the existing improvements have been in their current location for more than thirty (30) years. As a result of such physical circumstances or conditions, there is no possibility that the Subject Property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code. Variances are therefore necessary to enable the reasonable use of the property.

3. Not created by the applicant: The exceptional practical difficulty has not been created by the Applicants. The Applicants' mother purchased Lot 4A in 1977 and she, her husband and Brian Turner purchased Lot 5A in 2002 with the existing improvements. Thus, the Applicants did not construct the improvements, or have control over the size of the lots. They also were unaware of the zoning violations. Once discovered, the Applicants promptly filed for variances to adjust the boundary line between the lots in order to bring the Subject Property into compliance with the Zoning Code and to cure the encroachment.

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

The majority of the lots in the Florence E. Johnson Subdivision as well as the surrounding area do not comply with the minimum 150' road frontage requirement or the minimum lot size requirement. Most of the lots are only 70' wide and contain approximately 14,000 square feet of land or .32 acres. Thus, the proposed road frontage and square footage of Lots 4A and 5A is fifty percent (50%) greater than the road frontage and square footage of most lots in the surrounding area.

5. Minimum variance: The variances, if authorized, represent the minimum variances that will afford relief and represent the least modifications possible of the regulations in issue. The Applicants seek only the minimum variances necessary to bring the existing improvements into compliance with the Zoning Code and cure the encroachment.



Sussex County



November 30, 2023

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

15cm Resolution Metadata

polygons

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

Override 1

Override 2

Tax Parcels

911 Address

CONNECTEXPLORER

Workspaces

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Search results (1)

Options

132-6 00-164.00

122 ft

17 ft

map: Auto (Orto) - Dates: Latest - < Image 1 of 3 > 03/05/2023

© 2023 Esri

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Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

THE EXISTING SEPTIC AREA TAKES UP SPACE IN THE REAR YARD ITS POSITION LIMITS WHERE A GARAGE CAN BE BUILT BECAUSE OF THE NEED TO ACCESS IT TO SERVICE IT OR REPAIR IT

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.

BECAUSE OF THE LOCATION OF THE SEPTIC SYSTEM AND THE NEED FOR ROOM AROUND IT TO ACCESS IT TO SERVICE, REPAIR OR REPLACE IT THE GARAGE CAN ONLY BE LOCATED IN THE PROPOSED LOCATION.

3. Not created by the applicant:

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

THE EXCEPTIONAL PRACTICAL DIFFICULTY HAS NOT BEEN CREATED BY THE APPLICANT, WHO PURCHASED THE PROPERTY IN APRIL 2026.

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

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

THE LOCATION OF THE GARAGE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD. THE GARAGE TO THE REAR OF THE PROPERTY IS ABOUT 6' OR 7' FROM THE PROPERTY LINE. SEE NEXT PAGE

5. Minimum variance:

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

THE VARIANCE, IF AUTHORIZED, IS THE MINIMUM VARIANCE THAT WILL AFFORD THE RELIEF AND WILL REPRESENT THE LEAST MODIFICATION POSSIBLE OF THE REGULATION

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)

4. CONTINUED
THE GARAGE ON THE PROPERTY ADJOINING THE
SUBJECT PROPERTY ON THE NORTH (TP 1-32-6.00-165.00),
IS UP AGAINST THE SIDE YARD LINE. ~~THE~~ OTHER
PROPERTIES IN THE NEIGHBORHOOD ARE VERY CLOSE TO
PROPERTY LINES

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

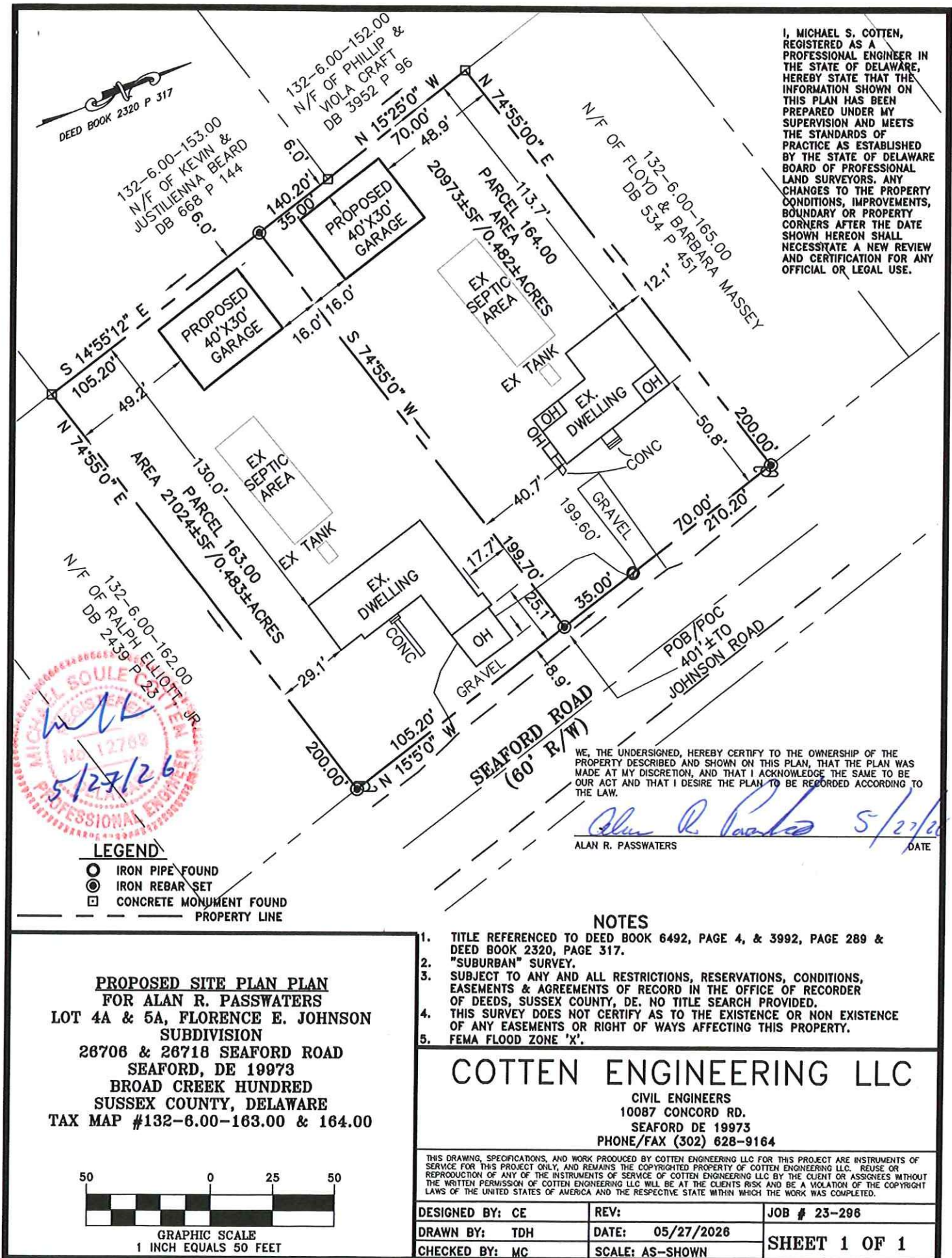


Date: 05/29/2026

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: _____



SUSSEX COUNTY
DELAWARE

Layers

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Basemaps

Select Area

Eagleview

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CONNECTEXPLORER

Workspaces

+

132-6.00-164.00

132-6.00-164.00

Search

Search by SUSSEXPARCELS

132-6.00-164.00

Options

150 ft

10 m

map Auto (Oblique)

Mar 2025 - Mar 2025

Image 1 of 13

03/11/2025

The image is a screenshot of the CONNECTEXPLORER web application. It displays an aerial photograph of a residential neighborhood. A blue rectangular boundary is drawn on the map, highlighting a specific parcel of land. The parcel is located in the lower-left quadrant of the image. The surrounding area includes several houses, trees, and a road. The interface includes a search bar at the top left, a scale bar at the top right, and a date/time stamp at the bottom right. The search bar contains the text "132-6.00-164.00" and "Options". The scale bar shows "150 ft" and "10 m". The date/time stamp shows "Mar 2025 - Mar 2025", "Image 1 of 13", and "03/11/2025".

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 # 13212
Hearing Date 07-13-2026
202607128

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:

26718 SEAFORD RD SEAFORD, DE 19973

Variance/Special Use Exception/Appeal Requested:

Variance from rear yard set back to six (6) feet from twenty (20) feet.

Tax Map #: 1-32-6.00-163.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Alan R. Passwaters

Applicant Address: 26812 Sussex Highway

City Seaford State De Zip: 19973

Applicant Phone #: 302-245-9114 Applicant e-mail: passwaters towing@gmail.com

Owner Information

Owner Name: Alan R. Passwaters

Owner Address: 26812 Sussex Highway

City Seaford State De Zip: 19973 Purchase Date: 4/20/2026

Owner Phone #: 302-245-9114 Owner e-mail: passwaters towing@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Michael F. McGroerty

Agent/Attorney Address: 110 N. RINE STREET

City Seaford State De Zip: 19973

Agent/Attorney Phone #: 302-628-1000 Agent/Attorney e-mail: realestate@mfgroerty.net

Signature of Owner/Agent/Attorney

Michael F. McGroerty
MICHAEL F. MCGROERTY

Date: 05/29/2026



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.

The existing septic area takes up space in the rear yard. Its position limits where the garage can be built, because of the need to access it to service, repair or replace it.

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.

Because of the location of the septic system and the need for an area around it to access it to service, repair or replace it the garage can only be located in the proposed location.

3. Not created by the applicant:

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

The exceptional practical difficulty has not been created by the applicant, who purchased the property in April 2026.

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

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

The location of the garage will not alter the essential character of the neighborhood. There are several garages in the neighborhood that are with 6 feet of a rear line or a side line.

5. Minimum variance:

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

The variance, if authorized, is the minimum variance that will afford the relief and will represent the least modification possible of the regulation.

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)

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: 05/29/2026

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

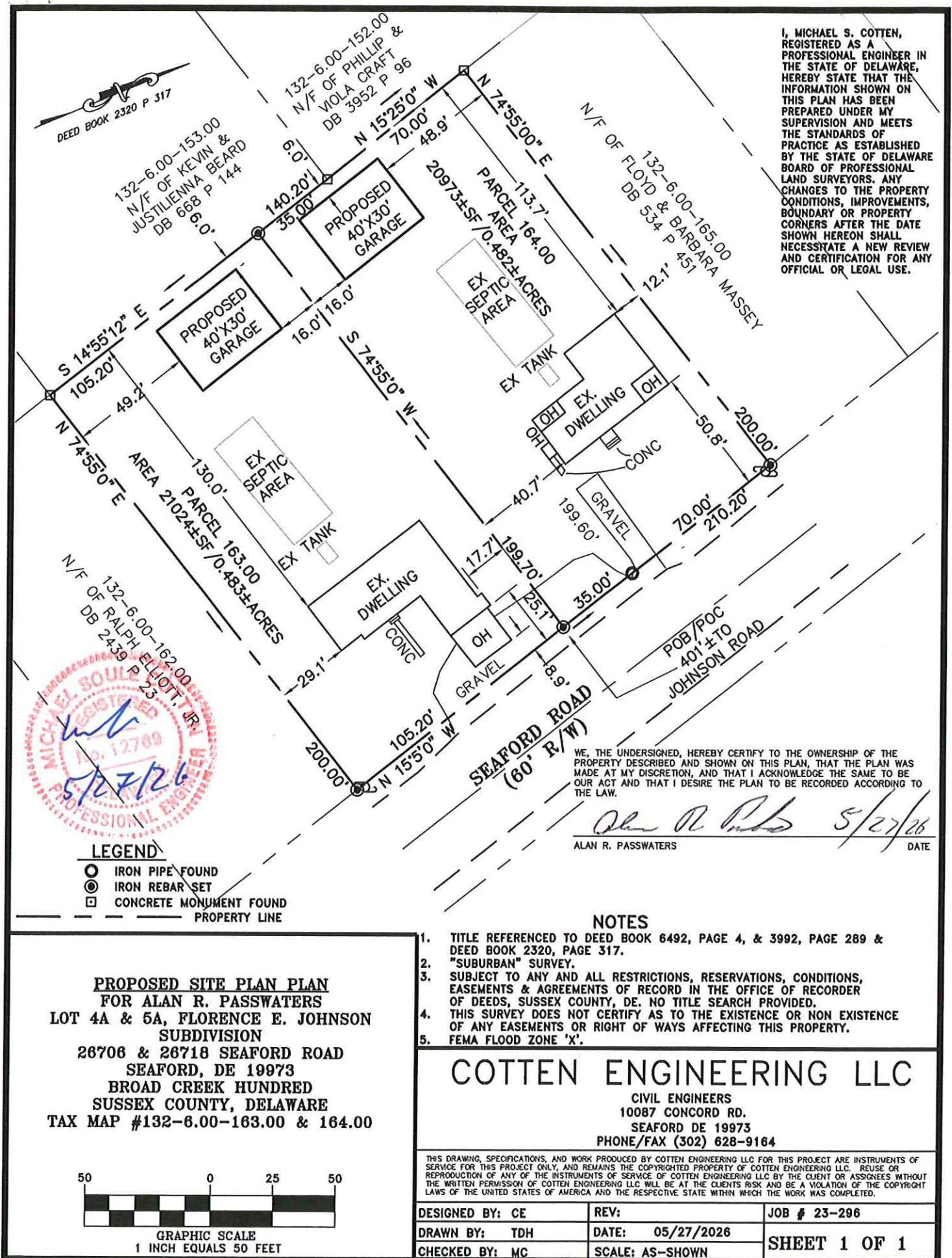
Subdivision: _____

Lot#: _____

Block#: _____

Date of Hearing: _____

Decision of Board: _____



Layers

Search

Basemaps

Select Area

Eagleview

Print

Eagleview

Search Results

Selected Features: 1 132-6-00-163.00

Parcels (1)

Zoom

Map showing Washington Heights area with parcels, streets (RT. 13-A, SEAFORD RD, FLORENCE E. JOHNSON SUBDIV, WILLIAMS AV), and a scale bar.

BOOK	6492
PAGE	4
FULLNAME	PASSWATERS ALAN R
Second_Owner_Name	
MAILINGADDRESS	26812 SUSSEX HWY
CITY	SEAFORD
STATE	DE
a_account	
DESCRIPTION	SW/SEAFORD RD
DESCRIPTION2	LOT 5A
DESCRIPTION3	
LUC	101
SCHOOL	3
MUNI	00
CAP	0
APRBLDG	12700
APRLAND	55000
PINWASSEMMENTUNIT	132-6-00-163.00
PIN	132-6-00-163.00

Selected Features (1)

Clear Selected

BOOK	6492
PAGE	4
FULLNAME	PASSWATERS ALAN R
Second_Owner_Name	
MAILINGADDRESS	26812 SUSSEX HWY
CITY	SEAFORD
STATE	DE
a_account	
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MUNI	00
CAP	0
APRBLDG	12700
APRLAND	55000
PINWASSEMMENTUNIT	132-6.00-163.00
PIN	132-6.00-163.00

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BARBARA J. HITCH TRUST

(Case No. 12896)

A hearing was held after due notice on January 8, 2024. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the lot width and lot area requirements for proposed lots and variances from the front and side yard setback requirements for existing structures.

Findings of Fact

The Board found that the Applicant is seeking the following variances:

1. A variance of 45 feet from the 150 feet lot width requirement for Lot 5A;
2. A variance of 44.8 feet from the 150 feet lot width requirement for Lot 4A;
3. A variance of 11,646 square feet from the 32,670 square feet lot area requirement for Lot 5A;
4. A variance of 11,686 square feet from the 32,670 square feet lot area requirement for Lot 4A;
5. A variance of 2.9 feet from the fifteen (15) feet side yard setback requirement on the north side for the existing dwelling on Lot 4A; and
6. A variance of 31.1 feet from the forty (40) feet front yard setback requirement for the existing dwelling on Lot 5A.

This application pertains to property that is located on the southwest side of Seaford Road approximately 0.06 miles from Johnson / Ockels Road (911 Address: 26706 and 26718 Seaford Road, Seaford); said property being identified as Sussex County Tax Map Parcel Number 132-6.00-163.00 & 164.00 (hereinafter "the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated September 29, 2023, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Wayne Turner was sworn in to give testimony about the Application. Shannon Carmean Burton, Esquire, appeared on behalf of the Applicant.
4. The Board found that Mrs. Burton stated that the Applicant proposes to do a boundary line adjustment to bring the existing structures into compliance with the Code and to cure the existing encroachment on to Lot 5A and, although not required for the boundary line adjustment, it will aid in cleaning up the properties. She noted that the additional variances from the front yard setback for Lot 5A and side yard for Lot 4A are for existing non-conforming structures.
5. The Board found that Mrs. Burton stated that the properties are located at 26706 and 26718 Seaford Road, Florence E. Johnson Subdivision and that Parcel 163 is known as Lot 5A and Parcel 164 is known as Lot 4A. She noted that the original subdivision lots are only 70 feet wide and contain approximately 14,000 square feet of land.

6. The Board found that Mrs. Burton stated that both parcels are zoned AR-1, with both lots having onsite water and septic.
7. The Board found that Mrs. Burton stated that these properties are both unique with Lot 5A being 140.2 feet wide and consisting of 20,012 square feet or 0.643 acres of lot area and Lot 4A being 70 feet wide and consisting of 14,027 square feet or 0.322 acres of lot area.
8. The Board found that Mrs. Burton stated that Lot 4A is very narrow due to the existing structures that encroach into the side yard setback as well as onto Lot 5A.
9. The Board found that Mrs. Burton stated that, based on the boundary line adjustment plan proposed, the lot width for Lot 5A would be 105.2 feet with a proposed lot area of 21,024 square feet or 0.483 acres and the lot width for Lot 4A would be 105.2 feet with a proposed lot area of 20,984 square feet or 0.482 acres of land.
10. The Board found that Mrs. Burton stated that there is no possibility that the Property can be developed within strict conformity with the current zoning ordinance and code.
11. The Board found that Mrs. Burton stated that the difficulty has not been created by the Applicants as the buyer was unaware of the zoning violations. She stated that, once the issue was discovered, the variance application was filed.
12. The Board found that Mrs. Burton stated that, if the variances are authorized, they will not alter the essential character of the neighborhood or district in which their properties are located nor will they permanently impair the appropriate use or development of the adjacent property or be detrimental to the public welfare of the improvements that have been in their current locations for a very long time.
13. The Board found that Mrs. Burton stated that, to their knowledge, there have been no complaints about structures or the proposal.
14. The Board found that Mr. Turner affirmed the statements made by Mrs. Burton as true and correct.
15. The Board found that Mr. Turner testified that the setback variances proposed would help clean up the non-conforming boundary lines of the two properties.
16. The Board found that Mr. Turner testified that the structure on Lot 5A is fairly dilapidated and unlivable.
17. The Board found that Mr. Turner testified that the house on Lot 5A was used as a gas station in 1967 and that the structure on Lot 4A was previously used as a restaurant.
18. The Board found that Mr. Turner testified that the structure on Lot 4A is in useable condition but the current zoning requirements restrict any additional structures.
19. The Board found that Mr. Turner testified that the idea is to take part of Lot 5A, add it to Lot 4A, and create similar sized lots.
20. The Board found that Mr. Turner testified that Lot 4A has had no changes in 57 years.
21. The Board found that Mr. Turner testified that he has received no complaints about the structures.
22. The Board found that Mr. Turner testified that there is a gap of 3-5 feet between the front property line and the edge of paving of Seaford Road.
23. The Board found that no one appeared in support of or in opposition to the Application.
24. 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 variance. The findings below further support the Board's decision to approve the Application with conditions.
 - a. The Property is unique due to its size, shape, and development. The Property consists of 2 lots which were created and developed prior to the creation of the Sussex County Zoning Code. Lot 4A, in its present condition, is particularly narrow; though both lots are smaller than would be allowable under the Code. The structures on the Property were placed by prior

owners many years ago and well before the Code was enacted. The Applicant seeks to move the lot line between the two lots in order to create lots that are similar in size. There will be no change in the number of lots or the location of the existing structures. The conditions of the Property are unique and have created a limited building envelope which is further limited by the location of the existing dwelling. These unique characteristics of this Property have created an unnecessary hardship and exceptional practical difficulty for the Applicant who seeks to adjust the lot line and retain existing structures on the Property.

- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has unique physical characteristics and the buildable area thereof is limited due to those characteristics. The Applicant seeks to adjust the lot line and to retain the structures but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow the lot line to be reasonably adjusted to create two similar sized lots and to allow these reasonably sized structures to remain on the Property. The Board is convinced that the shape and location of the structures are also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
- d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. As previously stated, the Property has unique conditions and these conditions have resulted in a limited building envelope on the Property. These conditions have created the unnecessary hardship and exceptional practical difficulty. Moreover, the structures were placed on the Property by a prior owner.
- e. 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. The Board is convinced that the structures will have no effect on the character of the neighborhood. The structures have been in their present location for many years and no complaints were noted in the record. The Board notes that no letters in opposition or testimony in opposition were presented to the Board. The Board also notes that there is a gap between the edge of paving and the front property line which makes the front yard appear larger than it actually is.
- f. 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 Applicant has demonstrated that the variances sought will allow the Applicant to adjust the lot line to create two similarly sized lots and to retain the existing structures. No additions or modifications to those structures are proposed.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to approve the variance 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 March 4, 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 # 12896
 Hearing Date _____

202316557
202316558

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:

26706 & 26718 Seaford Rd., Seaford, DE 19973

Variance/Special Use Exception/Appeal Requested:

Applicants request a 45' variance and a 44.8' variance from the minimum road frontage requirement of 150' as well as a 11,646 sq.ft. variance and a 11,686 sq.ft. variance from the minimum lot size requirement for purposes of adjusting the boundary line between Lots 4A & 5A of the Florence E. Johnson Subdivision in order to cure the encroachment and to bring existing improvements into compliance with the Zoning Code.

Tax Map #: 132-6.00-163 & 164

Property Zoning: AR-1

Applicant Information

Applicant Name: Wayne Turner, Substitute Trustee of the Revocable Trust Agreement of Barbara J. Hitch Trust and Brian Turner

Applicant Address: 26706 Seaford Rd.

City Seaford **State** DE **Zip:** 19973

Applicant Phone #: (703) 980-2379 **Applicant e-mail:** wturner@pobox.com

Owner Information

Owner Name: Same as above

Owner Address: _____

City _____ **State** _____ **Zip:** _____ **Purchase Date:** _____

Owner Phone #: _____ **Owner e-mail:** _____

Agent/Attorney Information

Agent/Attorney Name: Shannon Carmean Burton, Esquire

Agent/Attorney Address: 25 Chestnut St.

City Georgetown **State** DE **Zip:** 19947

Agent/Attorney Phone #: (302) 855-1260 **Agent/Attorney e-mail:** shannonb@sussexattorney.com

Signature of Owner/Agent/Attorney

Date: 11/29/2023



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 Exhibit "1" attached hereto.

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Exhibit "1"

**WRITTEN SUBMISSION
OF
WAYNE TURNER, SUBSTITUTE TRUSTEE OF THE REVOCABLE
TRUST AGREEMENT OF BARBARA J. HITCH AND BRIAN TURNER
BOARD OF ADJUSTMENT OF SUSSEX COUNTY
VARIANCE APPLICATION**

1. Uniqueness of the Property: This application pertains to certain real property identified by Sussex County Tax Mapping as Parcels 132-6.00-163.00 ("Lot 5A") and 164.00 ("Lot 4A"), hereinafter collectively referred to as the "Subject Property". The Subject Property is unique as it is located in the Florence E. Johnson Subdivision, which was created in 1947, in an AR-1 (Agricultural Residential) Zoning District. Most of the lots in the subdivision are only 70' wide and contain approximately 14,000 square feet or .32 acres of land. The Subject Property is currently improved with existing dwellings and accessory structures. The current road frontage for Lots 5A and 4A is 140.20' and 70' respectively. The current square footage for Lots 5A and 4A is 14,027 square feet or .322 acres of land and 28,012 square feet or .643 acres of land respectively.

Due to the narrowness of Lot 4A, the existing improvements encroach into the side yard setback and onto Lot 5A. The Applicants seek to adjust the boundary line between Lots 5A and 4A to bring the existing improvements into compliance with the Sussex County Zoning Code. Based on the boundary line adjustment plan, the proposed road frontage for Lots 5A and 4A is 105.20' and 105.00' respectively. The proposed square footage of Lots 5A and 4A is 21,024 square feet or .483 acres of land and 20,984 square feet or .482 acres of land.

Although Lots 5A and 4A are existing nonconforming lots in the Florence E. Johnson Subdivision with existing improvements, it is necessary to obtain the following variances in order to adjust the boundary line between the lots and bring the lots into compliance with the current Zoning Code: (1) a 44.8' variance from the 150' minimum road frontage requirement for Lot 5A; (2) a 45' variance from the 150' minimum road frontage requirement for Lot 4A; (3) a 11,646 square foot variance from the minimum lot size of 32,670 square feet or $\frac{3}{4}$ acres of land for Lot 5A; and (4) a 11,686 square foot variance from the minimum lot size of 32,670 square feet or $\frac{3}{4}$ acres of land for Lot 4A.

The exceptional practical difficulty is due to such uniqueness of the Subject Property 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 Subject Property is located.

2. Cannot otherwise be developed: The lots were created in 1947 and the existing improvements have been in their current location for more than thirty (30) years. As a result of such physical circumstances or conditions, there is no possibility that the Subject Property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code. Variances are therefore necessary to enable the reasonable use of the property.

3. Not created by the applicant: The exceptional practical difficulty has not been created by the Applicants. The Applicants' mother purchased Lot 4A in 1977 and she, her husband and Brian Turner purchased Lot 5A in 2002 with the existing improvements. Thus, the Applicants did not construct the improvements, or have control over the size of the lots. They also were unaware of the zoning violations. Once discovered, the Applicants promptly filed for variances to adjust the boundary line between the lots in order to bring the Subject Property into compliance with the Zoning Code and to cure the encroachment.

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

The majority of the lots in the Florence E. Johnson Subdivision as well as the surrounding area do not comply with the minimum 150' road frontage requirement or the minimum lot size requirement. Most of the lots are only 70' wide and contain approximately 14,000 square feet of land or .32 acres. Thus, the proposed road frontage and square footage of Lots 4A and 5A is fifty percent (50%) greater than the road frontage and square footage of most lots in the surrounding area.

5. Minimum variance: The variances, if authorized, represent the minimum variances that will afford relief and represent the least modifications possible of the regulations in issue. The Applicants seek only the minimum variances necessary to bring the existing improvements into compliance with the Zoning Code and cure the encroachment.

Sussex County



November 30, 2023

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

15cm Resolution Metadata

polygonsLayer

Override 1

Override 2

Tax Parcels

911 Address

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

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State of Delaware, Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

The existing septic area takes up space in the rear yard. Its position limits where the garage can be built, because of the need to access it to service, repair or replace it.

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.

Because of the location of the septic system and the need for an area around it to access it to service, repair or replace it the garage can only be located in the proposed location.

3. Not created by the applicant:

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

The exceptional practical difficulty has not been created by the applicant, who purchased the property in April 2026.

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

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

The location of the garage will not alter the essential character of the neighborhood. There are several garages in the neighborhood that are with 6 feet of a rear line or a side line.

5. Minimum variance:

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

The variance, if authorized, is the minimum variance that will afford the relief and will represent the least modification possible of the regulation.

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)

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

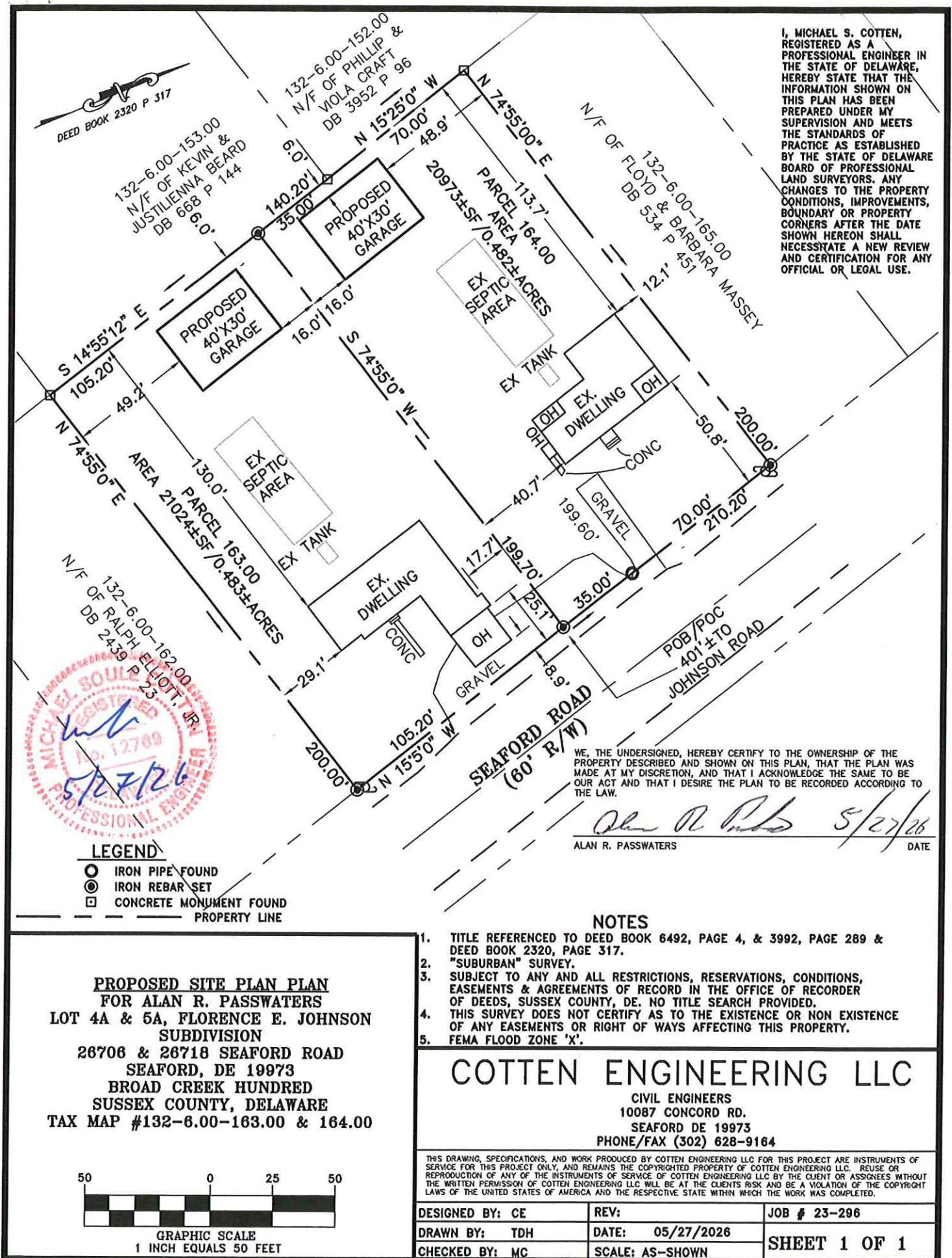


Date: 05/29/2026

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: _____



Layers

Search

Basemaps

Select Area

Eagleview

Print

Eagleview

Search Results

Selected Features: 1 132-6-00-163.00

Parcels (1)

Zoom

BOOK	6492
PAGE	4
FULLNAME	PASSWATERS ALAN R
Second_Owner_Name	
MAILINGADDRESS	26812 SUSSEX HWY
CITY	SEAFORD
STATE	DE
a_account	
DESCRIPTION	SW/SEAFORD RD
DESCRIPTION2	LOT 5A
DESCRIPTION3	
LUC	101
SCHOOL	3
MUNI	00
CAP	0
APRBLDG	12700
APRLAND	55000
PINWASSEMMENTUNIT	132-6-00-163.00
PIN	132-6-00-163.00

Selected Features (1)

Clear Selected

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

132.6.00-163.00

Search Results

Help

13-A

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**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 # 13213
Hearing Date 7/20/26
07-13-2026
202607178

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:37148 East Stoney Run, Selbyville, De 19975**Variance/Special Use Exception/Appeal Requested:**

9.5' into the Front Set back
Tax Map #: 533 - 19.00 - 372.00

Property Zoning: MR**Applicant Information**Applicant Name: Anthony M Reed Sr.Applicant Address: 37148 East Stoney RunCity Selbyville State De Zip: 19975Applicant Phone #: 302-377-8811 Applicant e-mail: areed83592@aol.com**Owner Information**Owner Name: Anthony M Reed SrOwner Address: 37148 East Stoney RunCity Selbyville State De Zip: 19975 Purchase Date: 3/20/20Owner Phone #: 302-377-8811 Owner e-mail: areed83592@aol.com**Agent/Attorney Information**

Agent/Attorney Name: _____

Agent/Attorney Address: _____

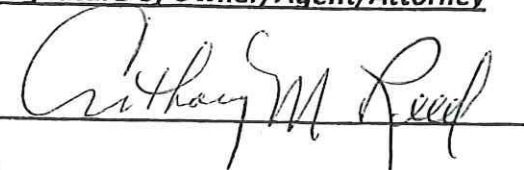
City _____

State _____

Zip: _____

Agent/Attorney Phone #: _____

Agent/Attorney e-mail: _____

Signature of Owner/Agent/AttorneyDate: 5/29/26

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

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

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

1. Uniqueness of property:

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

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Sussex County, DE - BOA Application

Check List for Applications

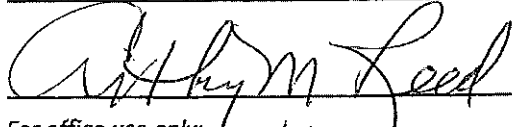
The following shall be submitted with the application

- ☒ • 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.

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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: 5/29/20For office use only:Date Submitted: 6/1/26Fee: _____ Check #: 9459Staff accepting application: ALApplication & Case #: 202607178

Location of property: _____

Subdivision: _____

Lot#: _____ Block#: _____

Date of Hearing: _____

Decision of Board: _____

37148 E Stoney Run Selbyville DE

1 Uniqueness of property

37148 E Stoney Rd Selbyville DE (T.M 533-19.00-372.00) is located in the sub division of Keenwick Sound which has over three hundred lots. This lot has a depth of 100 feet and a width of 80 feet. There are only 36 lots in Keenwick Sound with a depth of 100 feet or less with most lots having a depth of 125 feet or more. The front property line is approximately nineteen feet from the edge of the road. The front porch is approximately 39.4' from the edge of the road.

2 Cannot otherwise be developed

The front porch cannot be built to county setback requirements. The shallowness of the lot and the placement of the house will require a minimum variance of 9.5'

3 Not created by applicant

The applicant was not aware the front porch was not in compliance with county setback requirements. The builder (Cedar Pointe LLC) did not check the front setback.

4 Will not alter the essential character of the neighborhood

The new front covered porch blends in with the existing homes in the neighborhood. The homes on each side of this property have a cover porch. There are other houses in the neighborhood that are built as close or closer to the road.

5 Minimum variance

The minimum variance of 9.5' if granted, would allow for an open front porch and upgrade the front appearance of the home.

BOUNDARY SURVEY PLAN
LANDS OF "ANTHONY M. REED, SR. AND
ANN MARIE REED TRUSTEES"

ALSO KNOWN AS: "37148 EAST STONEY RUN, SELBYVILLE, DE,
LOT 68, PHASE I, KEENWICK SOUND PHASE 1"
SITUATE IN: "BALTIMORE HUNDRED"
SUSSEX COUNTY * STATE OF DELAWARE
TAX MAP #: 533-19.00-372.00
DEED REFERENCE: DB 6189, PG 208
PLAT REFERENCE: PB 28, PG 329

ZONING CLASSIFICATION: MR
YARD REQUIREMENTS:
Frontyard: 30'
Sideyard: 10'
Rearyard: 10'

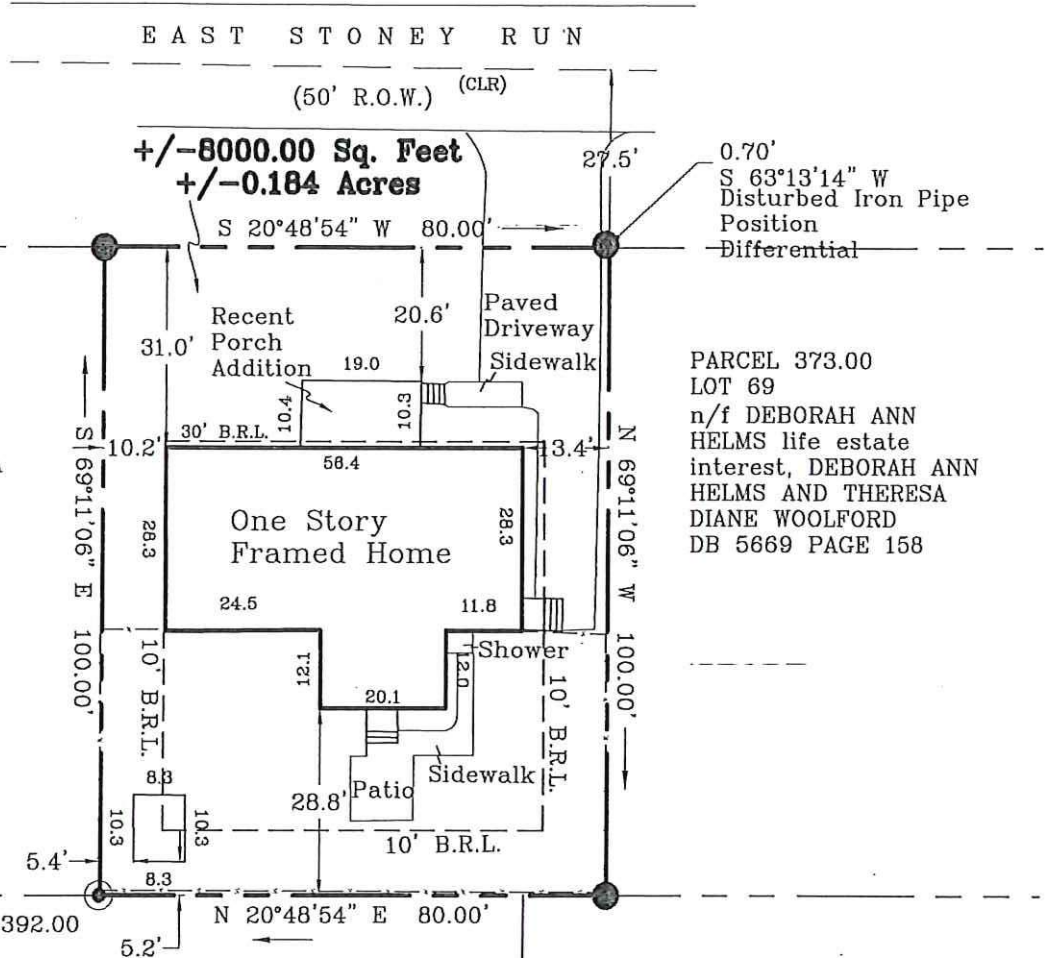
PB 28 PAGE 329

PARCEL 371.00
LOT 67
n/f MICHAEL J.
DINENNA AND
MARGARET A. DINENNA
DB 2606 PAGE 260

PARCEL 392.00
LOT 88
n/f FRANCIS L. TILLBERRY
AND JOYCE L. TILLBERRY life
estate, CRAIG L. TILLBERRY
AND MICHAEL L. TILLBERRY
DB 5806 PAGE 177

PARCEL 373.00
LOT 69
n/f DEBORAH ANN
HELMS life estate
interest, DEBORAH ANN
HELMS AND THERESA
DIANE WOOLFORD
DB 5669 PAGE 158

PARCEL 391.00
LOT 87
n/f IRENE W. PHILLIPS
DB 1465 PAGE 206



LEGEND

- Property Line
- - - - - Fence
- Setback Line
- ⊙ Pipe and Cap Found
- Iron Pipe Found



NOTES

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



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

DRAWN BY: JBR

DATE: 05-18-2026

SCALE: 1"=30'

SHEET 1/1

PROFESSIONAL ENGINEER

Builder Information

Cedar Pointe LLC

Robert Furbush II

35510 Williamsville RD Selbyville DE 19975

302 228-9357

e-mail cedarpointe llc@hotmail.com

Anthony Keer
37148 E Stoney Run
Selbyville DE 19975



Sent from my iPhone

Anthony Reed
37148 E Stoney Run
Selbyville DE 19975



Sent from my iPhone

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

06/01/2026 10:59AM Lindsey S
 Receipt Number: 001313882
 33031484-0008

PERMITS / INSPECTIONS
 2026 202607178|2020 \$500.00

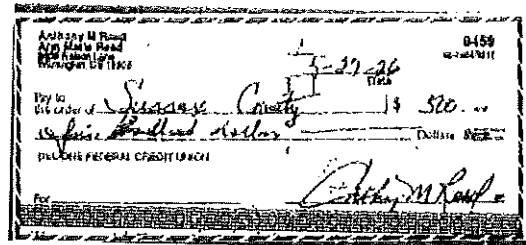
\$500.00

Subtotal \$500.00
 Total \$500.00

Tenders
 CHECK \$500.00
 Check Number 9459

Change due \$0.00

Paid by: Anthony & Ann Reed



Thank you for your payment.

CUSTOMER COPY
 DUPLICATE RECEIPT

SUSSEX COUNTY
DELAWARE

Layers

Search

Basemaps

Select Area

Eagleview

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Eagleview

Search Results

Selected Features:

1) 533-19-00-372.00

Zoom

BOOK

6189

PAGE

208

FULLNAME

REED ANTHONY M SR TTEE REV TR

Second_Owner_Name

ANN MARIE REED TTEE REV TR

MAILINGADDRESS

2609 NELSON LN

CITY

WILMINGTON

STATE

DE

a_account

04-08-372

DESCRIPTION

KEENWICK SOUND

DESCRIPTION2

LOT 68

DESCRIPTION3

PHASE I

LUC

101

SCHOOL

1

MUNI

00

CAP

0

APRBLDG

252900

APRLAND

142500

PINWASSEMENTUNIT

533-19-00-372.00

PIN

533-19-00-372.00

Selected Features (1)

Clear Selected

CONNECTEXPLORER

map: Auto (Oblique) ▾

Mar 2025 - Mar 2025 ▾

Image 1 of 6 ▸

03/12/2025

© 2025 Esri

20 ft

5 m

Search

Search by SUSSEXPARCELS

533-19.00-372.00

Search results (1)

533-19.00-372.00

Options ▾

Workspaces ▾

map: Auto (Oblique) ▾

Mar 2025 - Mar 2025 ▾

Image 1 of 6 ▸

03/12/2025

© 2025 Esri

20 ft

5 m

133

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Sussex County, DE - BOA Application

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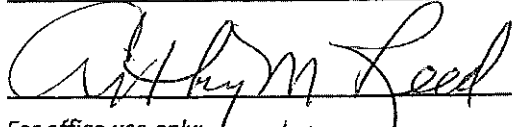
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For office use only:

Date Submitted: 6/1/26

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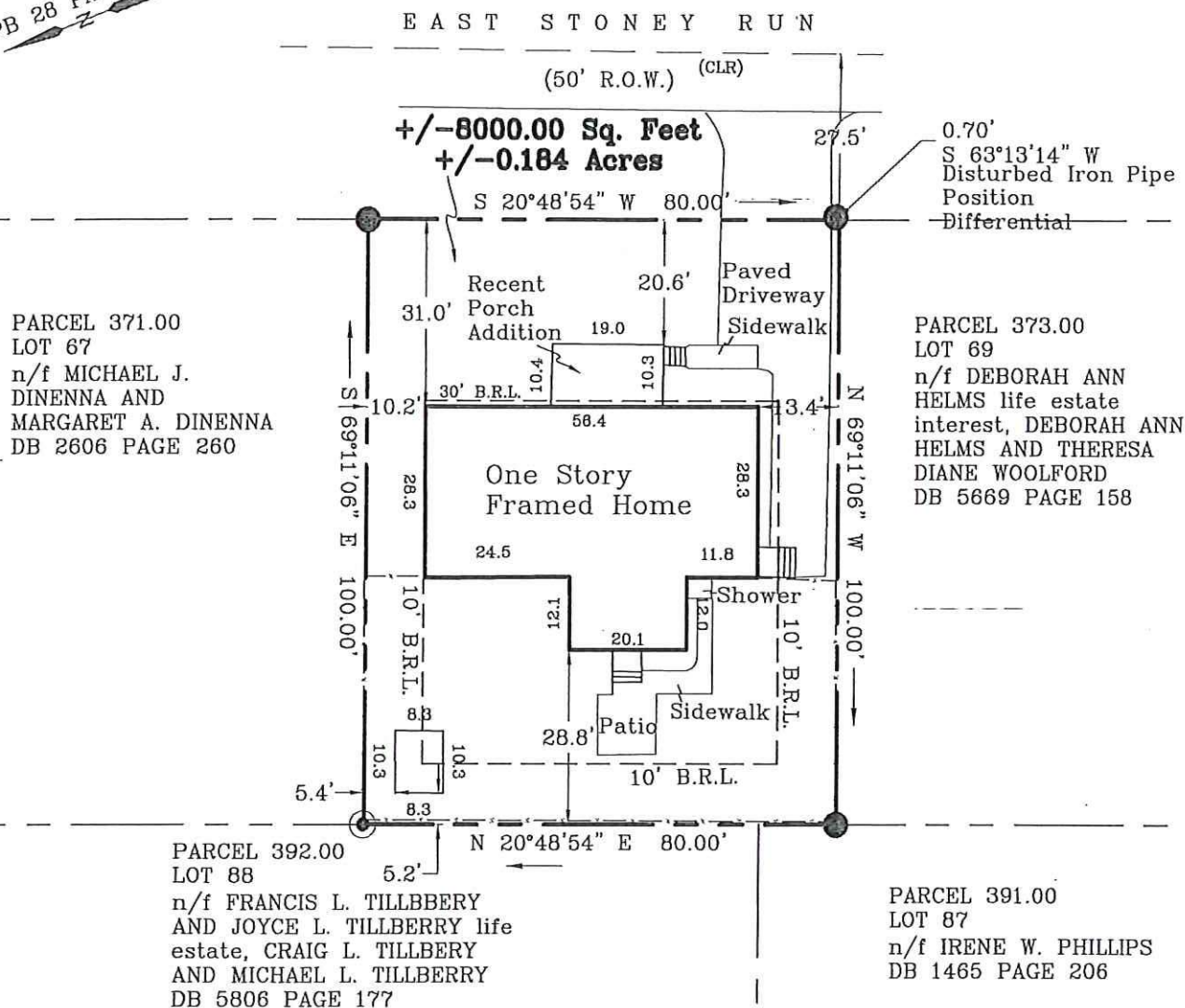
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LOT 68, PHASE I, KEENWICK SOUND PHASE 1"
SITUATE IN: "BALTIMORE HUNDRED"
SUSSEX COUNTY * STATE OF DELAWARE
TAX MAP #: 533-19.00-372.00
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ZONING CLASSIFICATION: MR
YARD REQUIREMENTS:
Frontyard: 30'
Sideyard: 10'
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PB 28 PAGE 329



LEGEND

- | | |
|---|--------------------|
|  | Property Line |
|  | Fence |
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PROFESSIONAL ENGINEER

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

DRAWN BY: JBR

DATE: 05-18-2026

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SHEET 1/1

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Sent from my iPhone

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06/01/2026 10:59AM Lindsey S
 Receipt Number: 001313882
 33031484-0008

PERMITS / INSPECTIONS
 2026 202607178|2020 \$500.00

\$500.00

Subtotal \$500.00
 Total \$500.00

Tenders
 CHECK \$500.00
 Check Number 9459

Change due \$0.00

Paid by: Anthony & Ann Reed

Anthony M Reed
 Ann Marie Reed
 Treasurer of Sussex County
 5-27-26
 Pay to the order of Sussex County \$ 500.00
for the Treasurer of Sussex County
 DEPOSITS FEDERAL CREDIT UNION
 For Anthony M Reed

Thank you for your payment.

CUSTOMER COPY
 DUPLICATE RECEIPT

SUSSEX COUNTY
DELAWARE

Layers

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Basemaps

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Selected Features:
1) 533-19.00-372.00

Zoom

BOOK	6189
PAGE	208
FULLNAME	REED ANTHONY M SR TTEE REV TR
Second_Owner_Name	ANN MARIE REED TTEE REV TR
MAILINGADDRESS	2609 NELSON LN
CITY	WILMINGTON
STATE	DE
a_account	04-08-372
DESCRIPTION	KEENWICK SOUND
DESCRIPTION2	LOT 68
DESCRIPTION3	PHASE I
LUC	101
SCHOOL	1
MUNI	00
CAP	0
APRBLDG	252900
APRLAND	142500
PINWASSEMENTUNIT	533-19.00-372.00
PIN	533-19.00-372.00

Selected Features (1)

Clear Selected

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533-19-00-372.00

Selected Features (1)

Clear Selected

CONNECTEXPLORER

map

Auto (Oblique)

Mar 2025 - Mar 2025

Image 1 of 6

03/12/2025

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map

Auto (Oblique)

Mar 2025 - Mar 2025

Image 1 of 6

03/12/2025

Workspaces

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Search by SUSSEXPARCELS

533-19.00-372.00

Search results (1)

533-19.00-372.00

Options

20 ft

5m

144

144