

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878

AGENDA

August 4, 2025

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Hearings

Case No. 13094 – Tomato Sunshine – Donna DeAngelis

seeks a special use exception to place a tent for special events (Sections 115-80 & 115-210 of the Sussex County Zoning Code). The property is located on the northeast side of Central Avenue approximately 40 ft. southwest of Canal Crossing Road. 911 Address: 19827 Central Avenue, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.20-22.00

Case No. 13098 – Linda Creed

seeks variances from the separation distance, side yard setback and lot coverage requirements for proposed structures (Section 115-82, 115-172, and 115-183 of the Sussex County Zoning Code). The property is located southeast of Sea Air Avenue within the Sea Air Village Manufactured Home Park. 911 Address: 19777 Sea Air Avenue, Lot B07, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.00-310.00-4575

Case No. 13099 – Melony Messina

seeks a variance from the maximum fence height within the front yard setback requirement for a proposed structure (Section 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the south side of Wolfe Neck Road. 911 Address: 35808 Wolfe Neck Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-7.00-16.00

Case No. 13100 – Michael Scott

seeks variances from the front yard, side yard setback requirement for an existing structure. (Sections 115-25, 115-182, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Holly Tree Road. 911 Address: 12622 Holly Tree Road, Ellendale. Zoning District: AR-1. Tax Map: 230-27.00-54.03

Case No. 13101 – John and Sharon Troiani

seek variances from the rear and front yard setback requirements for existing structures (115-25, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Gull Drive within the Joy Beach Subdivision. 911 Address: 8 Gull Drive, Lewes. Zoning District: AR-1. Tax Map: 234-12.00-115.00

Case No. 13102 – James and Billie Jean Stickels

seek a special use exception and variance for an accessory dwelling unit with a floor area greater than 1,000 sq ft or 50% of the floor area of the single-family dwelling located on the same lot (Section 115-20A(15)(c) 115-23, and 115-25 of the Sussex County Zoning Code). The property is located on the east side of Old Landing Road. 911 Address: 19661 Old Landing Road, Rehoboth Beach. Zoning District: AR-1. Tax Map: 334-12.00-190.00

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 28, 2025. at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountye.gov. All comments are encouraged to be submitted by 4:30 P.M. on July 31, 2025.

####

202508188

Case # 13094
Hearing Date Aug 4, 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

RECEIVED

MAY 23 2025

Type of Application: (please check all applicable)

SUSSEX COUNTY
PLANNING & ZONING

Variance ☐

Special Use Exception ☒

Administrative Variance ☐

Appeal ☐

Existing Condition ☒

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

19827 Central Ave Rehoboth Beach, De 19971

Variance/Special Use Exception/Appeal Requested:

Seasonal Tent for produce stand

Tax Map #: 334-13-20-22-00

Property Zoning: Commercial

Applicant Information

C-1

Applicant Name: Donna DeAngelis - Tomato Sunshine

Applicant Address: 14 Wolfpit Court

City Rehoboth Beach State De Zip: 19971

Applicant Phone #: 302-381-0214 Applicant e-mail: donna.deangelis@comcast.net

Owner Information

Owner Name: Hansiel E. Dukes + Anthony Crivella

Owner Address: 323 E Rehoboth Avenue

City Rehoboth State DE Zip: 19971 Purchase Date: 2000

Owner Phone #: 302-227-1314 Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Hal Dukes

Agent/Attorney Address: 323 E Rehoboth Av

City Rehoboth State De Zip: 19971

Agent/Attorney Phone #: 302-227-1314 Agent/Attorney e-mail: hale.tunnell@rayson

Signature of Owner/Agent/Attorney

Hansiel E. Dukes

Date: 5/19/25



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.

adjacent property is owned by Harold Dukes and Anthony Krivella and Zoned commercial

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)

Seasonal Tent for produce stand.

6-16-2025
Tomato Sunshine
Tent application

Amy Hollis
Planning Tech

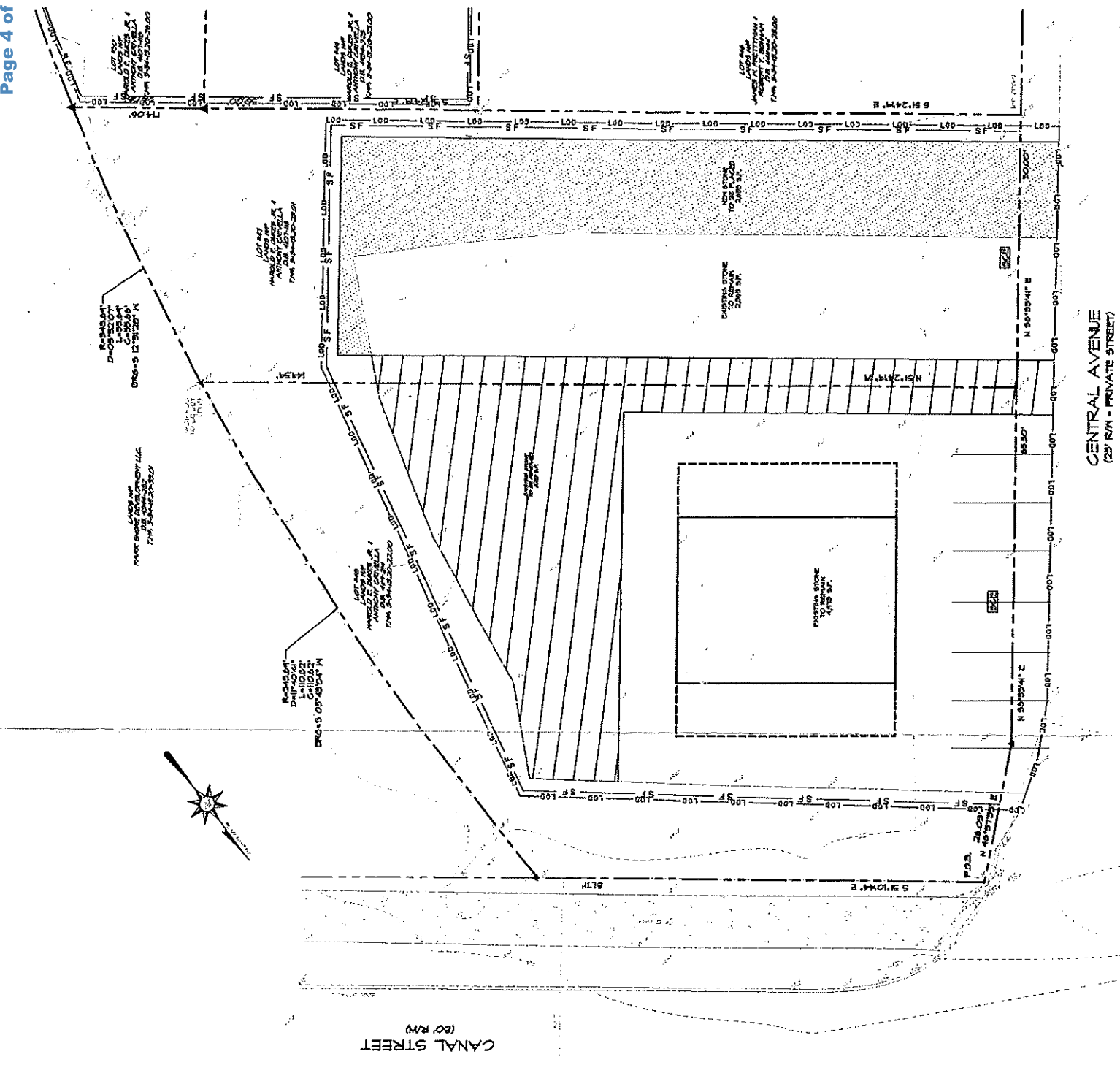
Tomato Sunshine App.

* Yes to seeking the maximum
period.

* The Survey I have.
Everything is exactly the same
from previous application.

Thank you

Donna DeAngelis
302-381-0214



CENTRAL AVENUE
(25' R/W - PRIVATE STREET)

CANAL STREET
(100' R/W)



SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features:

▼ 1) 334-13.20-22.00

Zoom

Parcels (1)

BOOK	4119
PAGE	214
FULLNAME	DUKES HAROLD E JR
Second_Owner_Name	ANTHONY CRIVELLA
MAILINGADDRESS	323E REHOBOTH AVE
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-15-022
DESCRIPTION	SW INTER OF CENTRAL
DESCRIPTION2	AVE CANAL ST
DESCRIPTION3	
LUC	700
SCHOOL	6
MUNI	00
CAP	
APRBLDG	0
APRLAND	237400
PIN/ASSESSMENTUNIT	334-13.20-22.00
PIN	334-13.20-22.00

Selected Features (1)

Clear Selected

Map showing property parcels with various numbers and street names like Canal Crossing Rd, Central Ave, and Hebron Rd. A specific parcel is highlighted in yellow.



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 # 12436
Hearing Date 4/20/2020
202002382

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:

19827 Central Avenue, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Special Use Exception § 115-80 to allow for "Tents for special purposes for a period exceeding three days" for the operation of Tomato Sunshine, a garden center and farm market.

Period of 5 years - May 1st to Nov 1st each year

Tax Map #: 334-13.20-22.00

Property Zoning: C-1

Applicant Information

Applicant Name: Tomato Sunshine

Applicant Address: 14 Wolf Pit Court

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (302) 381-0814 Applicant e-mail: donnadeangelis@comcast.net

Owner Information

Owner Name: Harold E. Dukes, Jr. & Anthony Crivella

Owner Address: 323E Rehoboth Avenue

City Rehoboth Beach State DE Zip: 19971 Purchase Date: 4/26/13

Owner Phone #: (302) 227-1314 Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Mackenzie M. Peet, Esq.

Agent/Attorney Address: 323E Rehoboth Avenue

City Rehoboth Beach State DE Zip: 19971

Agent/Attorney Phone #: (302) 227-1314 Agent/Attorney e-mail: mackenzie@tunnellraysor.com

Signature of Owner/Agent/Attorney

Mackenzie M. Peet, Esq.

Date: 2/27/20



Sussex County, DE - BOA Application

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

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

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

The placement of a small, 30' x 40' tent will not substantially or adversely affect the uses of the adjacent and neighboring properties. The lot is zoned C-1 and the placement of this small, 30' x 40' tent will not alter the character of the district. The tent is proposed to provide shade and rain coverage for the operation of Tomato Sunshine, a garden center and farm market.

-
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)

16546

BK: 4119 PG: 214

RETURN TO:
Harold E. Dukes, Jr. and Anthony Crivella
323E Rehoboth Avenue
Rehoboth Beach, DE 19971

Tax No.: 3-34 13.20 22.00
PREPARED BY:
Tunnell & Raysor, P.A.
323E Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. AS8496/TAC

THIS DEED, made this 26th day of April, 2013,

- BETWEEN -

BRENDA MAULL and **JUANITA AMES**, of 16953 Sweet Briar Road, Lewes, DE 19958, parties of the first part,

- AND -

HAROLD E. DUKES, JR., as to a 50% interest and **ANTHONY CRIVELLA**, as to a 50% interest of 323E Rehoboth Avenue, Rehoboth Beach, DE 19971, as tenants in common, parties of the second part.

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

Parcel No. 1.

ALL that certain lot, piece and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, known and designated as Lot No. FORTY-EIGHT (48), in Block No. Four (4), on the Plot of Lands of George E. Shockley, made by John C. Lank, Surveyor, which Plot is recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 334, at Page 152.

Parcel No. 2.

ALL that certain piece or parcel of land situate in the Lewes and Rehoboth Hundred, Sussex County, Delaware, being a portion of an unnamed ad unpaved road

TUNNELL
& RAYSOR, P.A.
Rehoboth Beach, DE

KS

BK: 4119 PG: 215

adjacent to Canal Street, and being more particularly described according to a more recent survey by Coast Survey, Inc. dated July 13, 2006:

BEGINNING at a point in the Northerly corner of Lot 48 and the Lot now or formerly owned by Henlopen Station Condo Association then running 107.36 along a line between Lot 48 and the unnamed paved dirt road North 51 Degrees 08 Minutes 00 Seconds West to a point in the corner of Lot 48 and along Central Avenue, thence turning and running along a line between Central Avenue and the unnamed unpaved dirt road 26.21 feet North 51 Degrees 10 Minutes 35 Seconds to a point in the corner of Central Avenue and the unnamed unpaved dirt road, thence turning and running along a line between the Canal Street Right-of-Way and the unnamed unpaved dirt road 81.34 feet South 50 Degrees 54 Minutes 25 Seconds East to a found iron pipe with cap; then turning and running along a curve between the unnamed unpaved dirt road and the lands now or formerly of Henlopen Station Condo Association with radius of 543.56 feet, the chord being 03 Degrees 25 Minutes 39 Seconds a distance of 32.52 feet to said point of beginning containing 2,405 square feet more or less.

BEING the same lands conveyed to Brenda Maull and Juanita Ames, as Joint Tenants with Rights of Survivorship by Deed of Brenda Maull and Juanita Ames, said Deed dated March 22, 2009, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, on May 19, 2009, in Deed Book 3677, Page 39.

BEING the same lands conveyed to Brenda Maull and Juanita Ames, by Deed of George Ames and Juanita Ames, his wife, said Deed dated October 10, 1986, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, on October 13, 1986, in Deed Book 1446, Page 340.

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

BK: 4119 PG: 216

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

Signed, Sealed and Delivered
in the presence of:

Pamela S. Beckman
Witness

Brenda Maull (SEAL)
Brenda Maull

Pamela S. Beckman
Witness

Juanita Ames (SEAL)
Juanita Ames

STATE OF DELAWARE

:
: ss
:

COUNTY OF SUSSEX

BE IT REMEMBERED, that on the 26th day of April, 2013, personally came before me, the subscriber, Brenda Maull and Juanita Ames, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

MICHELLE L. GUNN
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires July 17, 2013

Michelle L. Gunn
Notary Public

My Commission Expires: _____

RECEIVED

APR 29 2013

ASSESSMENT DIVISION
OF SUSSEX COUNTY

Consideration: 102,500.00

County	1,537.50
State	1,537.50
Town	3,075.00
Total	6,150.00

Received: Sue D Apr 29, 2013

Recorder of Deeds
Scott Dailey
Apr 29, 2013 11:23A
Sussex County
Doc. Surcharge Paid



Sussex County Building Permit

P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number

201908624

Issue Date: 07/25/2019

Expire Date: 07/24/2020

Permit Type: **COMMERCIAL OUT OF TOWN**

Parcel ID	Address	Zone Code
334-13.20-22.00	19827 CENTRAL AVENUE	C-1

Owner Information	Applicant Information
Name: DUKES HAROLD E JR Phone:	Name: DUKES HAROLD E JR Phone:

Contractor Information	
Name: DUKES HAROLD E JR CID: 1062691 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: COMMERCIAL Construction Type: Estimated Cost of Construction: \$ 7,500 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: _____ / _____ Side Setback: _____ / _____ Maximum Building Height: _____ FLOOD ZONE Flood Zone: XP353K _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.
Rear Setback: _____ / _____ Corner Setback: _____ / _____ Location Description: SW INTER' OF CENTRAL AVE CANAL ST

Project Description: **COMMERCIAL W/O BC**

Scope of Work:

296' OF CHAINLINK FENCE, 10X12 METAL WALKIN COOLER

Permit Details:

C. Patterson

Signature of Approving Official

[Signature] 302-745-5812

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Application:

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as "actual construction". Permit must be renewed prior to expiration date.

ASSESSORS AND INSPECTORS HAVE A RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment, Planning and Zoning and Building Code Officials to enter upon said premises during the construction of which this PERMIT is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property, said consent being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

Permit Number	BP-114430	TOTAL FEES:	\$ 47.25
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PAYMENT SUMMARY RECEIPT

Sussex County, DE
PO BOX 589

DATE: 07/25/19 CUSTOMER#:
TIME: 13:55:00
CLERK: cpatters

RECPT#: 2447955 PREV BAL: 47.25
TP/YR: P/2020 AMT PAID: 47.25
BILL: 2447955 ADJSTMNT: .00
EFF DT: 07/25/19 BAL DUE: .00
PERMITS/INSP PAYMENT: 201908624

-----TOTALS-----

PRINCIPAL PAID: 47.25
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 47.25
AMT APPLIED: 47.25
CHANGE: .00

PAID BY: STRICKSON LLC
PAYMENT METH: CHECK
PAYMENT REF: 1070

PLANNING & ZONING
 JANELLE M. CORNWELL, AICP
 DIRECTOR
 (302) 855-7878 T
 (302) 854-5079 F



Sussex County
 DELAWARE
 sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 2/27/20

Site Information:

Site Address/Location: 19827 Central Avenue

Tax Parcel Number: 334-13.20-22.00

Current Zoning: C-1

Proposed Zoning: _____

Land Use Classification: Commercial

Proposed Use(s): Placement of a small, 30' x 40' tent on the lot.

Square footage of any proposed buildings or number of units: N/A

Applicant Information:

Applicant's Name: Tomato Sunshine

Applicant's Address: 14 Wolf Pit Court

City: Rehoboth Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 381-0214

Applicant's e-mail address: donnadeangelis@comcast.net



COUNTY ADMINISTRATIVE OFFICES
 2 THE CIRCLE I PO BOX 417
 GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

File #: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Tomato Sunshine
 Applicant Address: 19827 Central Avenue
 City: Rehoboth Beach State: DE Zip: 19971
 Phone #: (302) 381-0214 E-mail: donnadeangelis@comcast.net

Owner Information

Owner Name: Harold E. Dukes, Jr. and Anthony Crivella
 Owner Address: 323E Rehoboth Avenue
 City: Rehoboth Beach State: DE Zip: 19971
 Phone #: (302) 227-1314 E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: Foresight Services Surveying and Precision Measurement
 Engineer/Surveyor Address: 2103A Coastal HWY
 City: Dewey Beach State: DE Zip: 19971
 Phone #: (302) 226-2229 E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: Mackenzie M. Peet, Esq.
 Agent/Attorney/Address: 323E Rehoboth Avenue
 City: Rehoboth Beach State: DE Zip: 19971
 Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com

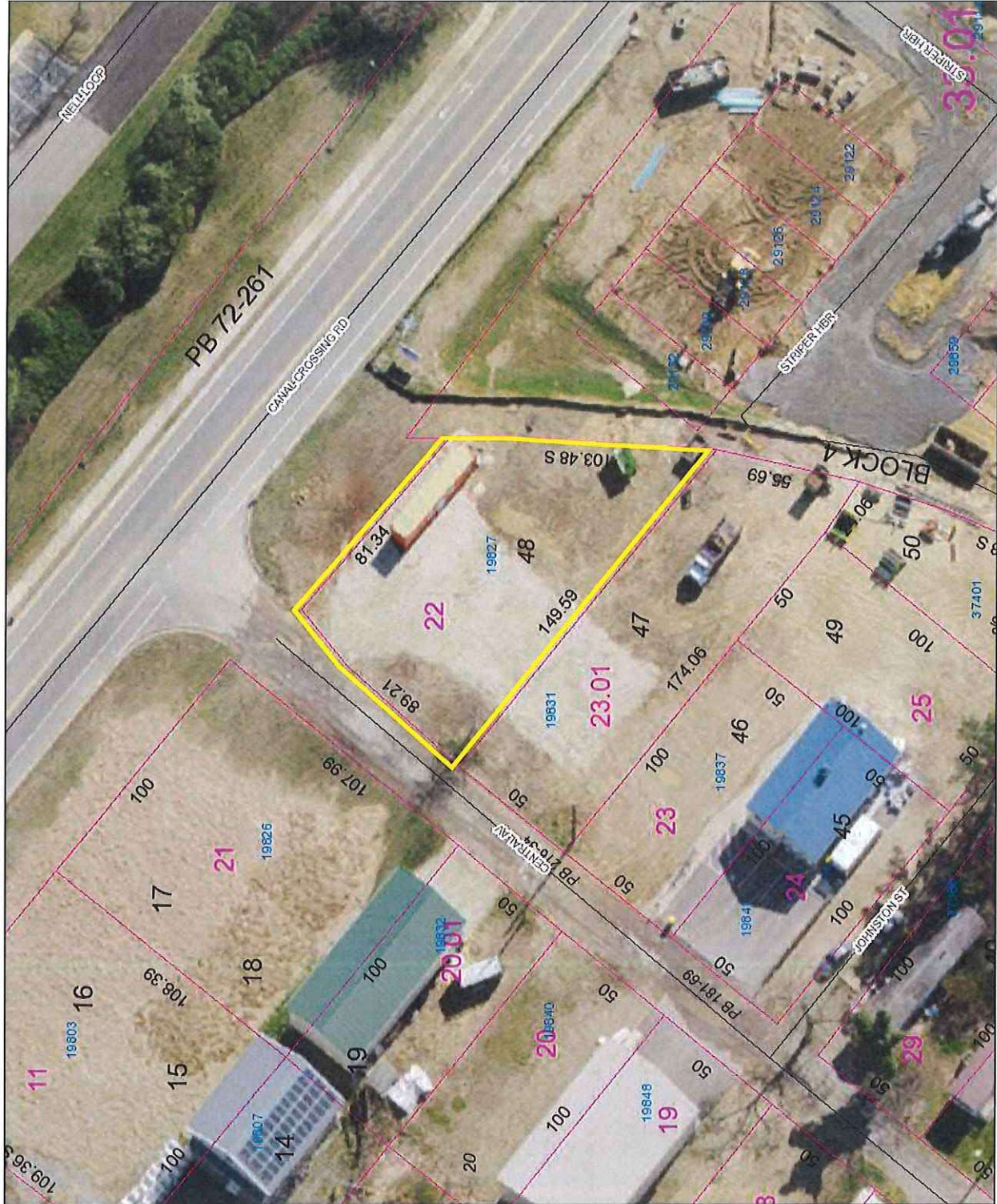
Other

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





Sussex County



PIN:	334-13.20-22.00
Owner Name	DUKES HAROLD E JR
Book	4119
Mailing Address	323E REHOBOTH AVE
City	REHOBOTH BEACH
State	DE
Description	SW INTER' OF CENTRAL
Description 2	AVE CANAL ST
Description 3	N/A
Land Code	

polygonLayer
Override 1
polygonLayer
Override 1
Tax Parcels
911 Address
Streets
County Boundaries

1:564
0 0.005 0.01 0.02 0.04 mi
0 0.01 0.02 0.04 km

March 9, 2020

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TOMATO SUNSHINE

(HAROLD E. DUKES & ANTHONY CRIVELLA)

(Case No. 12436)

A hearing was held after due notice on June 15, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, and Mr. John Williamson.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a 30 foot by 40 foot tent for a five (5) year period between May 1st and November 1st of each year. This application pertains to certain real property located on the northeast side of Central Avenue approximately 40 feet southwest of Canal Crossing Road (911 Address: 19827 Central Avenue, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel Number 3-34-13.20-22.00. 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 February 6, 2019, a deed to the Property, a building permit application, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received one letter in support of and no correspondence in opposition to the Application.
3. The Board found that Donna DeAngelis was sworn in to testify about the Application and Mackenzie Peet, Esquire, presented the case on behalf of the Applicant.
4. The Board found that Ms. Peet stated that Tomato Sunshine has been in business for 26 years and was previously located on Route 1. The business, which is a garden supply and farm market, is now operated at 19827 Central Avenue, Rehoboth Beach by Ms. DeAngelis and her son, Julian.
5. The Board found that Ms. Peet stated that there was a plan to build a structure on this site by the owner but there have been delays to that plan due to the Covid-19 pandemic.
6. The Board found that Ms. Peet stated that the Applicant is requesting a tent to operate their business to supply shade for employees and produce.
7. The Board found that Ms. Peet stated that the Property is zoned C-1.
8. The Board found that Ms. Peet stated that the tent will meet setbacks and, therefore, will not require a variance.
9. The Board found that Ms. Peet stated that the tent is similar to a tent at the Revelation Brewery on the same street.
10. The Board found that Ms. Peet stated that the tent will consist of 1,200 square feet and will be open on the sides.
11. The Board found that Ms. Peet stated that there is onsite parking and on a neighboring lot owned by the landlord.
12. The Board found that Ms. Peet stated that the hours of operation will be Monday – Friday 9:00 am – 5:00 pm and on weekends from 8:30 am – 6:30 pm.

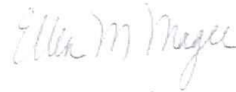
13. The Board found that Ms. Peet stated that there will be no noise or outdoor lighting associated with the tent.
14. The Board found that Ms. Peet stated that the use of the tent will not substantially adversely affect the uses of adjacent or neighboring properties.
15. The Board found that Ms. DeAngelis affirmed the statements made by Ms. Peet as true and correct.
16. The Board found that Ms. DeAngelis testified that there are additional straps to keep the tent in place during inclement weather.
17. The Board found that Ms. DeAngelis testified that the tent will be removed after the season is over.
18. The Board found that Ms. DeAngelis testified that she seeks approval for the tent from May 1st to November 1st each year for the 2020 season and four years thereafter.
19. The Board found that no one appeared in support of or opposition to the Application.
20. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted the Board determined that the application met the standards for granting a special use exception because the proposed outdoor display or promotional activity will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The Applicant owns a garden supply and farm market and requests a tent to use from May 1st to November 1st to provide shade for its employees and produce.
 - b. The Property is a commercial site and the Applicant previously operated the business nearby.
 - c. There is a similar tent used nearby for another business.
 - d. There is adequate parking on the site.
 - e. The location of the tent should provide neighbors of the nearby community with an opportunity to shop for produce and garden supplies and this opportunity would benefit neighboring and adjacent properties.
 - f. There was no evidence that the tent would produce smells, noises, emissions, or lights which would create a substantial adverse effect on neighboring and adjacent properties.
 - g. The tent will meet all setback requirements and will be secured with straps to protect it from high winds.
 - h. The tent will be used only on a temporary basis during limited times of the year.
 - i. The approval is conditioned on the following:
 - i. The tent shall only be used on the Property from May 1st to November 1st beginning on May 1, 2020.
 - ii. The tent shall be removed when not in use.
 - iii. The approval is valid for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) year with conditions finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved with conditions for a period of five (5) years. The Board Members in favor were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, and Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application with conditions. Mr. Brent Workman did not participate in the discussion or vote on this application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

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

Date August 4, 2020.

Board of Adjustment Application Sussex County, Delaware

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

Case # 13098
Hearing Date 8-4-2025
202507344
RECEIVED

MAY 29 2025

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

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

SUSSEX COUNTY
PLANNING & ZONING

Site Address of Variance/Special Use Exception:

19777 Sea Air Ave (B07), Rehoboth Beach, DE, 19971

Variance/Special Use Exception/Appeal Requested:

lot coverage
side yard setback
separation distance

Tax Map #: 334-13.00-310.00-4575

Property Zoning: XXXXXXX

C-1

Applicant Information

Applicant Name: Linda Creed
Applicant Address: 19777 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Applicant Phone # 631-974-4134 Applicant e-mail: lindaandedcreed@gmail.com

Owner Information

Owner Name: Linda Creed
Owner Address: 19777 Sea Air Ave.
City Rehoboth Beach State DE Zip: 19971 Purchase Date: 12/7/24
Owner Phone # (631) 974-4134 Owner e-mail: lindaandedcreed@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Linda Creed

Date: 5/29/25



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

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

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

1. Uniqueness of property:

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

Our property is at an angle that does not allow us to place any type of storage in the back of the building since we would be encroaching on neighboring properties that have been here since before setbacks were put in place so we are looking to add a storage area where it would most benefit our property and surrounding properties

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.

As mentioned above, due to an inability to add any type of structure to the back of the property, we are looking to add to the side of the existing structure to connect to the existing porch. We are also looking to add a lean to shed to the side to house a motorcycle which is used for transportation and extend the driveway to make it safe to drive the motorcycle to keep it in the shed

3. Not created by the applicant:

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

We have not created any difficulty and we are just trying to create a logical solution to an area that has very limited storage and liveability for full time residents which is our plan

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.

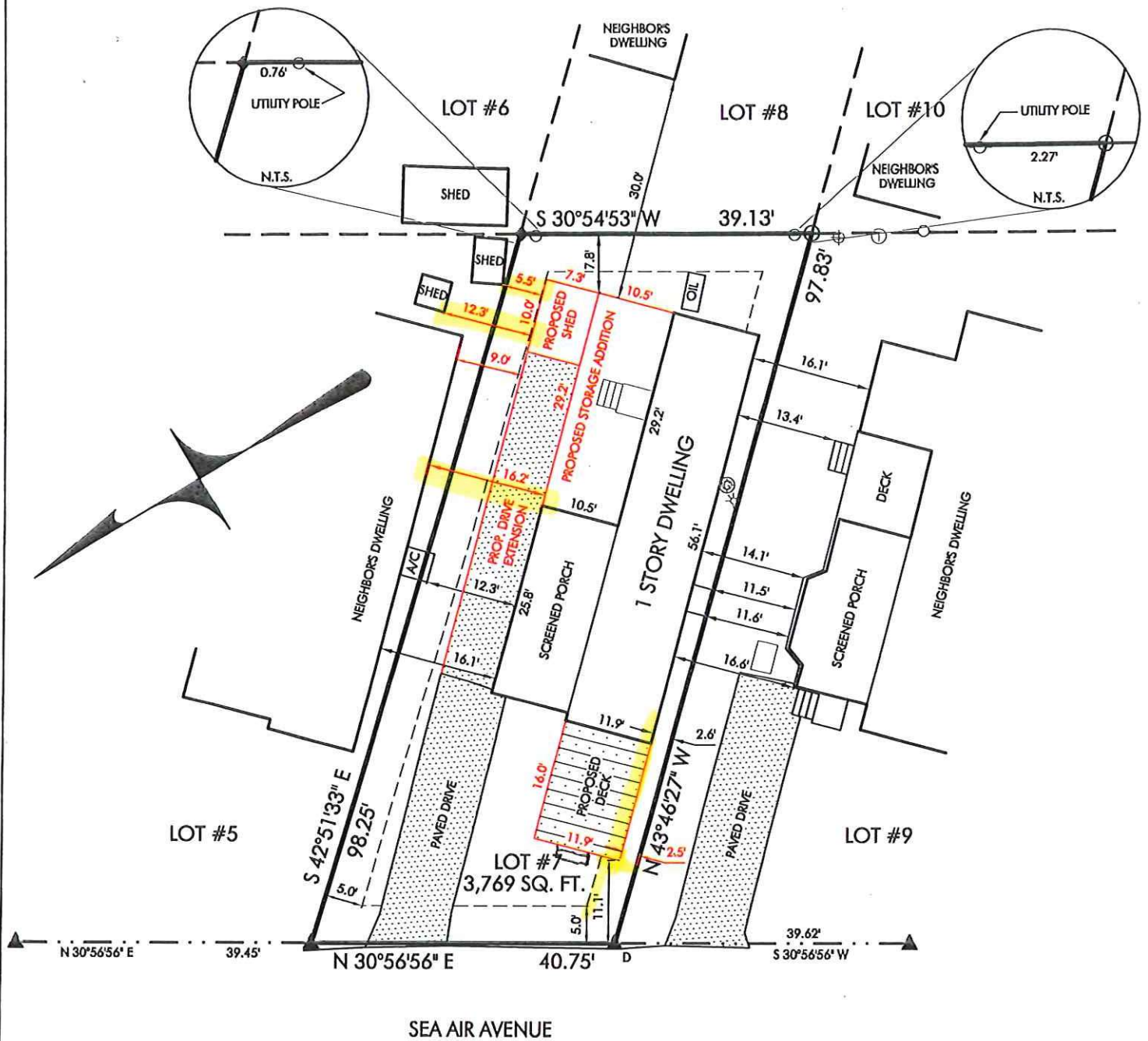
We are not planning on doing anything to upset or disturb the character of the community and are only planning to upgrade our home as well as maintaining the integrity of the neighborhood.

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.

We are seeking the minimum variance which will allow us to make the most aesthetical improvements to our home and gives us the most practical way to increase our storage area while still maintaining the integrity of the existing structure and the structures around us

T.M. #3-34-13.00-310.00 (PART)



LEGEND:

- ▲ IRON ROD (FOUND)
- ▲_D DISTURBED IRON ROD (FOUND)
- ◆ ELECTRIC GROUNDING ROD
- POINT

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER AND/OR GENERAL CONTRACTOR.

*DRAWING REVISED ON 5/29/2025 TO SHOW PROPOSED ADDITIONS.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

EDGE OF PAVING

PROPOSED CONDITIONS LOCATION PLAN FOR 19777 SEA AIR AVENUE

LOT #7 BLOCK B OF "SEA AIR VILLAGE" PARK
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

MAY 1, 2025* SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971



19777 SEA AIR AVENUE

MAY 1, 2025* SCALE: 1" = 20'

NOTES:
ALL SETBACKS MUST BE VERIFIED
BY THE HOME OWNER AND/OR
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LOCATED ON THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR STIPULATED.



Surveying & Precision Measurement

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

EXTERIOR IMPROVEMENT REQUEST

Linda Creed Sea Air Village
 RESIDENT NAME COMMUNITY NAME
19777 Sea Air Ave, Rehoboth Beach May 29, 2025
 ADDRESS DATE OF REQUEST
(631) 974-4134 July 2025
 TELEPHONE NUMBER PROPOSED/COMPLETION DATE

The above named Resident requests approval to build, add-on, or otherwise alter his/her manufactured home, its associated structures, or site. Approval by the Community Management does not waive Resident's responsibility to secure any and all permits required by the governing municipality whose name and telephone number is:

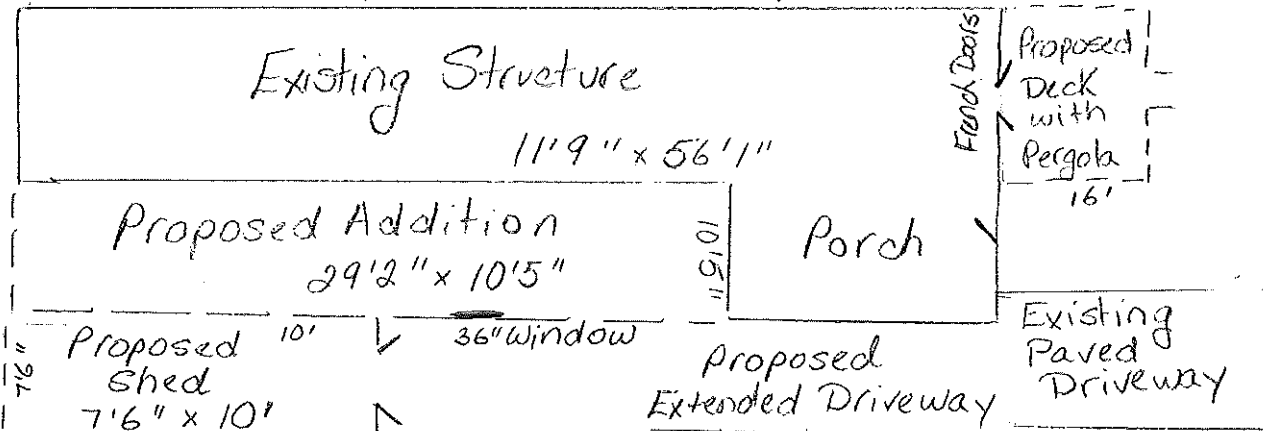
Sussex County 302-855-7720 (Permits and/or variance must be approved and on file with official prior to starting any work)

Description of Alteration: Requesting approval to add a 10'5" x 29'2" enclosed storage room (with 36" window) as an extension to the existing structure connecting to the screened in porch to the end of the mobile home squaring off the entire structure. Also add 7'6" x 10' shed to the side of the extension with siding + roof to all match the existing structure. On the front of the home, add 12'W x 16'D deck + add 6' french doors replacing the window that is currently there and also adding a pergola over the deck 10x12'. Stained to match deck

☒ Upon review of the above request, we find it is within our guidelines. (deck brown) anchored to deck, No fabric mesh anchored to top only.
 Resident will obtain any and all permits necessary to construct improvement.
 If Resident hires an independent contractor, it is recommended that they be licensed and insured.

☐ Upon review of the above request, we find it is not within our guidelines.
 New window to have shutters to match home. Deck Height at 80 inches with steps off front and handrails on all exposed sides. All community Home Shutter (Attached) must be maintained. (Attached)

Shirley Bennett 5/29/2025
 DISTRICT MANAGER/COMMUNITY MANAGER DATE
Per AS Variances Required From Sussex County
 USE SPACE BELOW TO SKETCH THE ALTERATIONS AND LOCATION ON YOUR HOME SITE.
 (ATTACH SEPARATE SHEET IF NECESSARY)



FOLLOW-UP INSPECTION

Management reserves the right to inspect the alterations described above upon completion.

DISTRICT MANAGER/COMMUNITY MANAGER

DATE

EXTERIOR IMPROVEMENT REQUEST

Linda Creed
RESIDENT NAME
19777 Sea Air Ave
ADDRESS
631-974-4134
TELEPHONE NUMBER

Sea Air Village
COMMUNITY NAME
May 29th, 2025
DATE OF REQUEST
July 2025
PROPOSED COMPLETION DATE

The above named Resident requests approval to build, add-on, or otherwise alter his/her manufactured home, its associated structures, or site. Approval by the Community Management does not waive Resident's responsibility to secure any and all permits required by the governing municipality whose name and telephone number is:

Sussex County 302-855-7720

Description of Alteration:

Driveway extension b/twn existing driveway and proposed shed (once approved) driveway to be same surface (Asphalt) and width as existing driveway. Not to encroach s' lot set back and old/new drive way sealed to match.

☒ Upon review of the above request, we find it is within our guidelines.
Resident will obtain any and all permits necessary to construct improvement.
If Resident hires an independent contractor, it is recommended that they be licensed and insured.

☐ Upon review of the above request, we find it is not within our guidelines.

Shirley Bennett
DISTRICT MANAGER/COMMUNITY MANAGER

5/29/2025
DATE

USE SPACE BELOW TO SKETCH THE ALTERATIONS AND LOCATION ON YOUR HOME SITE.
(ATTACH SEPARATE SHEET IF NECESSARY)

FOLLOW-UP INSPECTION

Management reserves the right to inspect the alterations described above upon completion.

DISTRICT MANAGER/COMMUNITY MANAGER

DATE

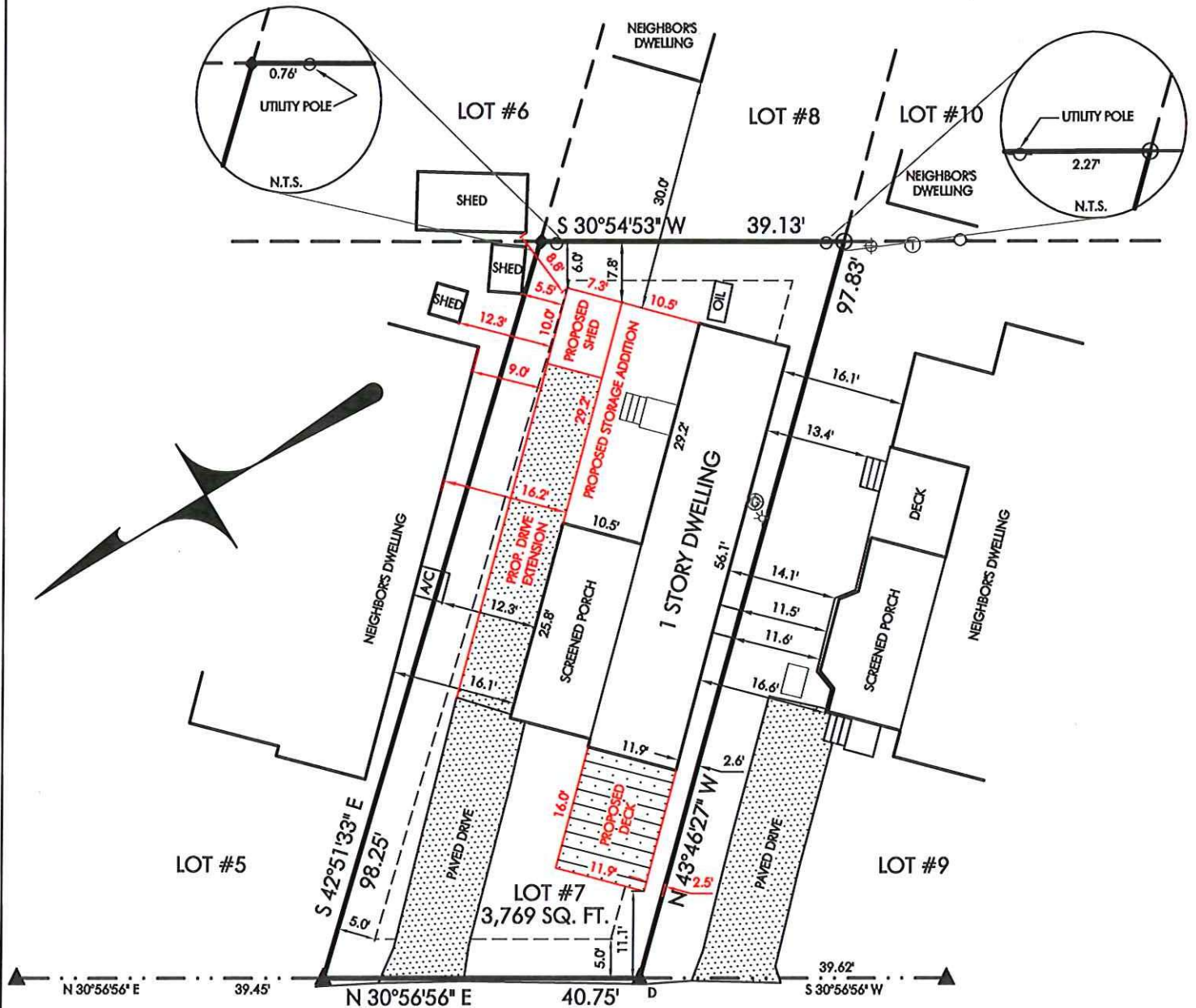
WHITE - Community Files YELLOW - Resident

S12 EIR 203



CALL 800-451-1000
FOR A FREE QUOTE
ON YOUR NEW
PATIO OR DECK

T.M. #3-34-13.00-310.00 (PART)



LOT COVERAGE:
 TOTAL COVERAGE: 2,186 SQ. FT. (58.0%)
 NATURAL AREA: 1,583 SQ. FT. (42.0%)

SEA AIR AVENUE

EDGE OF PAVING

LEGEND:

- ▲ IRON ROD (FOUND)
- ▲_D DISTURBED IRON ROD (FOUND)
- ◆ ELECTRIC GROUNDING ROD
- POINT

NOTES:
 ALL SETBACKS MUST BE VERIFIED
 BY THE HOME OWNER AND/OR
 GENERAL CONTRACTOR.
 *DRAWING REVISED ON 5/29/2025 TO
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 NO TITLE SEARCH PROVIDED OR STIPULATED.

PROPOSED CONDITIONS LOCATION PLAN FOR 19777 SEA AIR AVENUE

LOT #7 BLOCK B OF "SEA AIR VILLAGE" PARK
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

MAY 1, 2025* SCALE: 1" = 20'

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971



Status	M
Score	100
Match_addr	19777 SEA AIR AV REHOBOTH BEACH DE, 19971
Long_label	19777 SEA AIR AV REHOBOTH BEACH DE, 19971
Short_label	19777 SEA AIR AV
Addr_type	PointAddress
Type	
PlaceName	19777 SEA AIR AV REHOBOTH BEACH DE, 19971
Place_addr	19777 SEA AIR AV REHOBOTH BEACH DE, 19971
Phone	
URL	
Rank	20
Address	
AddNum	19777
AddNumFrom	
AddNumTo	
AddRange	
Side	
SPINQR	
STNType	SEA AIR
STNName	
STType	AV
STDir	
BusType	
BusName	
LeveType	



Board of Adjustment Application Sussex County, Delaware

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

Case # _____
Hearing Date _____

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

35808 Wolfe Neck Road, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Variance Requested to install fencing higher than 3.5 ft requirement within the 40 ft set back for privacy and security for the dog kennel.

Tax Map #: 334-7.00-16.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Melony Messina

Applicant Address: 35808 Wolfe Neck Road

City Reho State DE Zip: 19971

Applicant Phone #: 249-3424 Applicant e-mail: melmessina070324@gmail.com

Owner Information

Owner Name: Mark Thompson

Owner Address: 35780 Wolfe Neck Road

City Rehoboth State DE Zip: 19971 Purchase Date: ~~12/31/99~~ 1/7/74

Owner Phone #: 228-5964 Owner e-mail: melsdad@verizon.net

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Mark Thompson

Date: 06/09/2025



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.

Our property is unique in the fact that it is narrow which allows us little wiggle room for the placement of the fence. The area where we are requesting to put the fence is the only open area that can be utilized for the privacy/ security fencing.

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.

Our property is in a location where it cannot be developed as we are surrounded by the state park. With the rail-to-trail entrance being at the end of the road we have foot/bike/car traffic frequently and the county has their big work trucks running up and down the road all day long. This fence is not only a necessity for privacy but safety as well.

3. Not created by the applicant:

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

The narrowness of the property was determined when the property was purchased.

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.

Our fencing request will not alter the essential character of the neighborhood as we do not live in a neighborhood. Our neighbors are the property owners who give their blessing to put the fencing up and the privacy fencing will allow a sound buffer for the surroundings.

5. Minimum variance:

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

We are requesting the minimum variance approval to raise the height limit of the fence from 3.5 ft to 7 ft along the front yard setback.

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

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

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

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

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

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

Mark Thompson

Date: 06/09/2025

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____ Application & Case #: _____

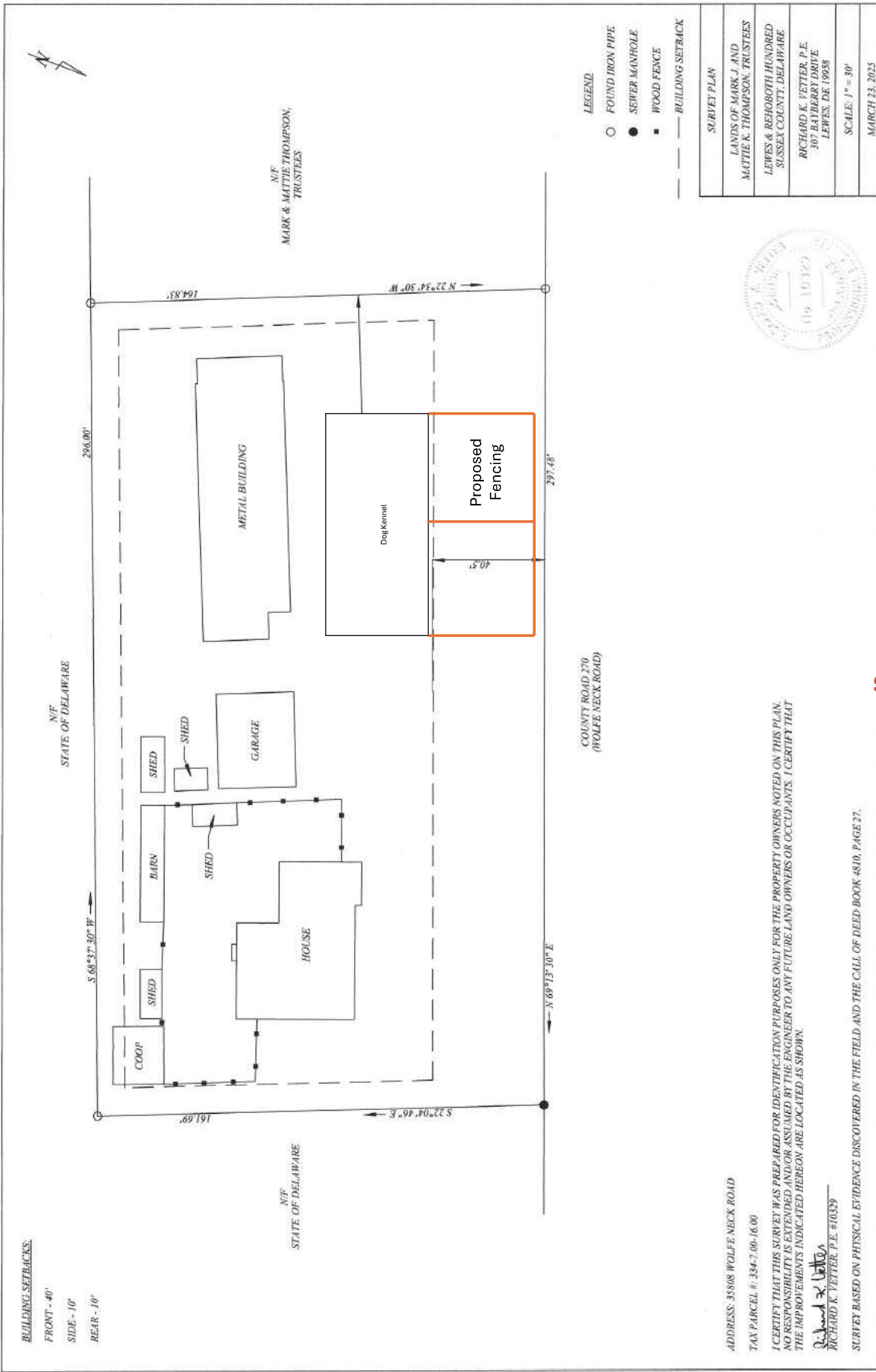
Location of property: _____

Subdivision: _____

Lot#: _____ Block#: _____

Date of Hearing: _____

Decision of Board: _____





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 # 13065
Hearing Date May 6, 2025
202503128

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:

35808 Wolfe Neck Road
Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Special Use Exception for a dog kennel

Tax Map #: 334-7.00-16.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Melony Messina

Applicant Address: 35808 Wolfe Neck Road

City Rehoboth State DE Zip: 19971

Applicant Phone #: 249-3424 Applicant e-mail: melmessina070321@gmail.com

Owner Information

Owner Name: Mark James Thompson TIE

Owner Address: 35780 Wolfe Neck Road

City Rehoboth State DE Zip: 19971 Purchase Date: 1/7/14

Owner Phone #: 228-5964 Owner e-mail: melsdad@verizon.net

Agent/Attorney Information

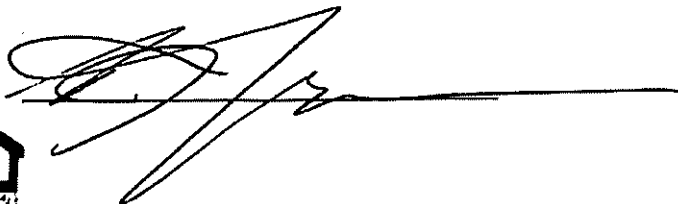
Agent/Attorney Name:

Agent/Attorney Address:

City State Zip:

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

Signature of Owner/Agent/Attorney



Date: 3-11-25



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.

Dog Kennel 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)

5 years

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

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

Signature of Owner/Agent/Attorney

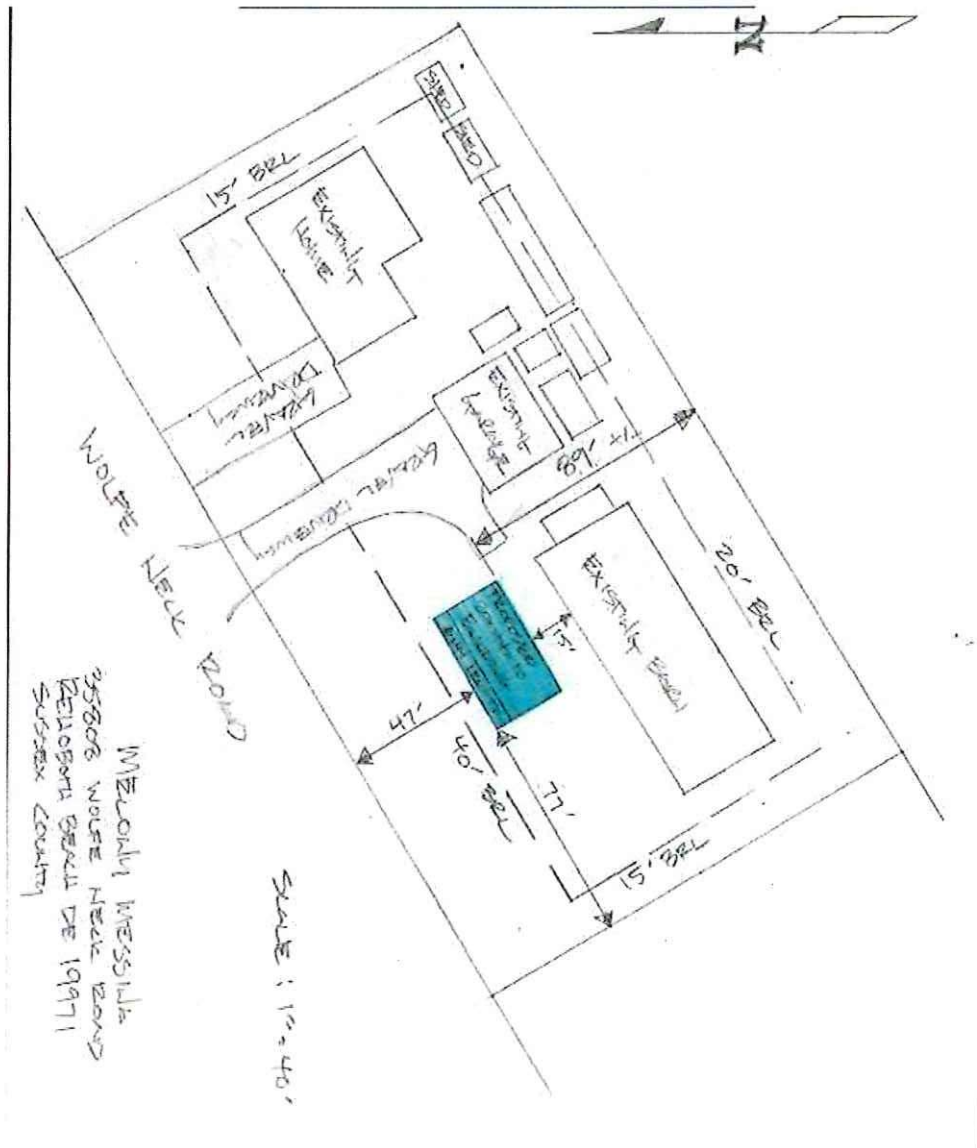


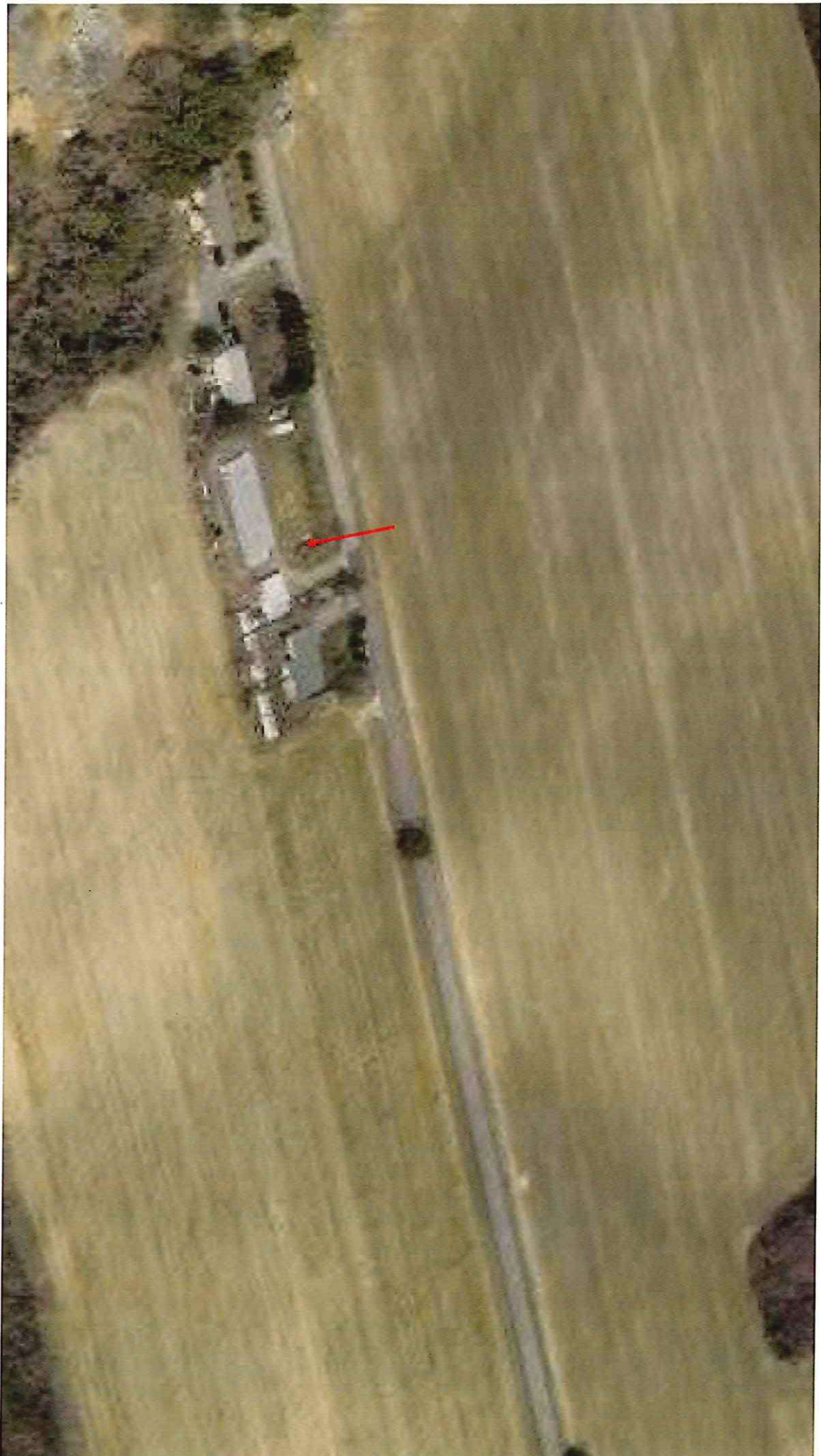
Date: 3-11-25

For office use only:

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

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







Sussex County Government | FEMA | Sussex County Mapping and Addressing | Esri Community Maps Cont...

Eagleview Search Results

Selected Features:

▼ 1) 334-7.00-16.00 Zoom

BOOK	4810
PAGE	27
FULLNAME	THOMPSON MARK JAMES TTEE
Second_Owner_Name	MATTIE KATHRYN THOMPSON TTEE REV TR
MAILINGADDRESS	35780 WOLFE NECK RD
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-06-016
DESCRIPTION	RD 270
DESCRIPTION2	
DESCRIPTION3	
LUC	101
SCHOOL	6
MUNI	00
CAP	
APRBLDG	329400
APRLAND	132500
PINWASSEMUNTUNIT	334-7.00-16.00

Selected Features (1)

Clear Selected

Layers **Q Search** **Basemaps** **Select Area** **Eagleview** **Print**

Powered by **esri**

Sussex County Government | FEMA | Sussex County Mapping and Addressing | Maxar, Microsoft



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MELODY MESSINA

(Case No. 13065)

A hearing was held after due notice on May 5, 2025. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Shawn Lovenguth, and Mr. John Williamson.

Nature of the Proceedings

This is an application for a special use exception to operate a commercial dog kennel.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to operate a commercial dog kennel. This application pertains to certain real property located on the south side of Wolfe Neck Road approximately 0.68 miles northeast of Coastal Highway (911 Address: 35808 Wolfe Neck Road, Rehoboth) said property being identified as Sussex County Tax Map Parcel Number 334-7.00-16.00 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph of the Property, a drawing of the Property, photographs, a survey of the Property dated March 23, 2025, correspondence, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received one (1) letter in support of and no correspondence in opposition to the Application.
3. The Board found that Melody Messina and Mark Thompson were sworn in to give testimony about the Application.
4. The Board found that Ms. Messina testified that she is seeking a special use exception for a commercial dog kennel.
5. The Board found that Ms. Messina testified that the kennel will not substantially affect adversely the uses of neighboring and adjacent properties as the adjacent properties are owned by her parents and her brother.
6. The Board found that Ms. Messina testified that the closest non-relative is houses away.
7. The Board found that Ms. Messina testified that the kennel hours would be by appointment only.
8. The Board found that Ms. Messina testified that the maximum number of dogs would be ten.
9. The Board found that Ms. Messina testified that overnight boarding will be permitted.
10. The Board found that Ms. Messina testified that the kennel has not yet been constructed but a pole building and runs would be constructed on the Property.
11. The Board found that Ms. Messina testified that the pole building will measure 24 feet by 40 feet.
12. The Board found that Ms. Messina testified that no variance is needed for the structures.
13. The Board found that Ms. Messina testified that there would be fencing surrounding the entire property in addition to surrounding the runs. She noted that the double-fencing would be for the protection of the dogs.
14. The Board found that Ms. Messina testified that there will inside and outside dog run areas.

15. The Board found that Ms. Messina testified that she does not anticipate much traffic with the kennel as customers will be there for drop-off and pick-up.
16. The Board found that Ms. Messina testified that there is a barn to the rear of the Property which will help with the noise abatement and that shrubbery may be planted inside the fencing if necessary for noise abatement and also privacy.
17. The Board found that Mr. Thompson testified that he is Ms. Messina's father and that he lives in the property adjacent to the Property.
18. The Board found that Mr. Thompson testified that the property to the rear of the Property is a farm owned by the State of Delaware as part of Cape Henlopen State Park.
19. The Board found that Mr. Thompson testified that the fence will be around the perimeter of the Property and the building.
20. The Board found that Mr. Thompson testified that there will be a door for each kennel.
21. The Board found that no one appeared in support of or in opposition to the Application.
22. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the commercial dog kennel will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The number of dogs served at the kennel is limited and reasonable. The Applicant will only serve approximately 10 dogs by appointment only.
 - b. No substantial evidence of how the kennel would substantially affect adversely the uses of neighboring and adjacent properties was presented. Rather, the Board received evidence that at least one immediate neighbor supports the Application.
 - c. There is no clear evidence that the use of the Property as a kennel will have a substantial, adverse effect on the uses of neighboring or adjacent properties. There was not credible testimony that the use will have an adverse impact upon property values, or specific credible examples that the use will impair the use of surrounding properties.
 - d. There was no evidence that the kennel would result in issues with odors, traffic, lighting, noise, or emissions that would substantially affect adversely the uses of neighboring and adjacent properties. The Applicant provided credible testimony that the traffic to the kennel would be limited.
 - e. The Applicant plans for fencing and other barriers to keep the dogs on the Property so that they will not trespass on neighboring lands. The Applicant also plans to plant shrubbery and other plantings to provide a sight and noise barrier from the kennel.
 - f. The Property is adjacent to farmland owned by the State of Delaware and used as part of the Cape Henlopen State Park.
 - g. The special use exception was approved for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) years finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved for a period of five (5) years. The Board Members in favor of the motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Shawn Lovenguth, and Mr. John Williamson. No Board Member voted against the Motion to approve the special use

exception application. Mr. Travis Hastings did not participate in the vote or discussion on this application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman, Chairman

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

Date June 16, 2025.

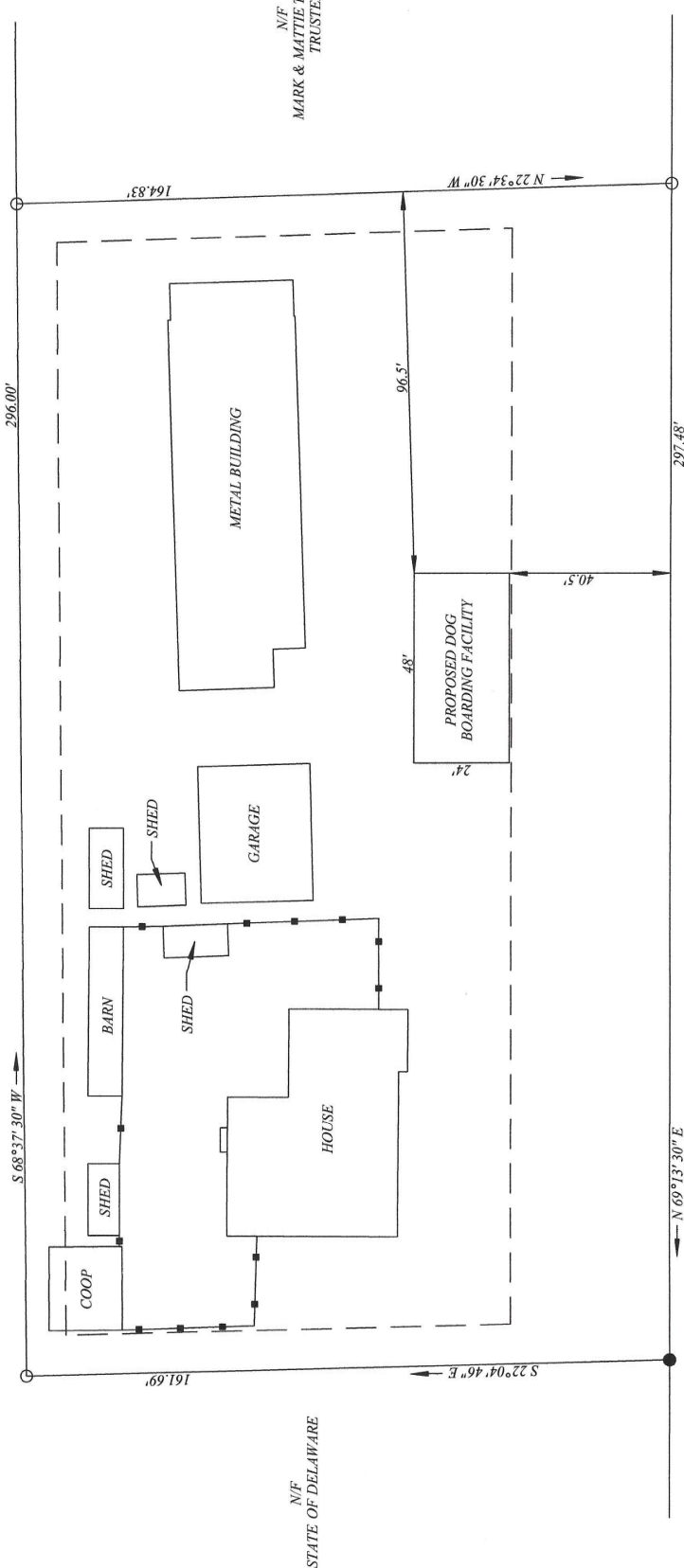
BUILDING SETBACKS:

FRONT - 40'

SIDE - 10'

REAR - 10'

N/F
STATE OF DELAWARE



N/F
MARK & MATTIE THOMPSON,
TRUSTEES

COUNTY ROAD 270
(WOLFE NECK ROAD)

LEGEND

- FOUND IRON PIPE
- SEWER MANHOLE
- WOOD FENCE
- BUILDING SETBACK

ADDRESS: 35808 WOLFE NECK ROAD
TAX PARCEL #: 334-7.00-16.00
I CERTIFY THAT THIS SURVEY WAS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE PROPERTY OWNERS NOTED ON THIS PLAN.
NO RESPONSIBILITY IS EXTENDED AND/OR ASSUMED BY THE ENGINEER TO ANY FUTURE LAND OWNERS OR OCCUPANTS. I CERTIFY THAT
THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN.

Richard K. Vetter
RICHARD K. VETTER, P.E. #0329

SURVEY BASED ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD AND THE CALL OF DEED BOOK 4810, PAGE 27.

SURVEY PLAN
LANDS OF MARK J. AND MATTIE K. THOMPSON, TRUSTEES
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE
RICHARD K. VETTER, P.E. 307 BAYBERRY DRIVE LEWES, DE 19958
SCALE: 1" = 30'
MARCH 23, 2025





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

LETTER OF TRANSMITTAL

TO:

Michael Scott
12622 Holly Tree Road
Ellendale, DE 19941

DATE:	June 06, 2025	JOB NO.	SCOTX25001
ATTENTION:	MR. MICHAEL SCOTT		
RE:	VARIANCE APPLICATION		

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via ☐ CLIENT PICK-UP ☐ MAIL the following items:

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

LIST OF ITEMS TRANSMITTED

COPIES	DATE	N0:	DESCRIPTION
3		1	BOUNDARY & LOCATION SURVEY
1		2	BOA APPLICATION
			RECEIVED
			JUN 12 2025
			SUSSEX COUNTY PLANNING & ZONING

THESE ARE TRANSMITTED as checked below:

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

REMARKS: Any questions please contact, Mr. Kevin Ellis kellis@pennoni.com | PENNONI

Thank you: Katherine E Davidson kedavidson@pennoni.com

COPY CLIENT TO PICKUP AND SUBMIT
TO: APPLICATION

SIGNED: Katherine E Davidson/file

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

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 # 13100
Hearing Date 8-4-2025
202507999

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:

12622 Holly Tree Road, Ellendale, DE 19941

Variance/Special Use Exception/Appeal Requested:

115-25 C. - 12.88-foot Variance and a 11.73-foot Variance from the side yard setback of 15-feet.

Tax Map #: 230-27.00-54.03

Property Zoning: AR-1

Applicant Information

Applicant Name: Michael Scott

Applicant Address: 12622 Holly Tree Road

City Ellendale

State DE

Zip: 19941

Applicant Phone #: (302) 423-5182

Applicant e-mail: mikesscottsr@icloud.com

Owner Information

Owner Name: Michael Scott

Owner Address: 12622 Holly Tree Road

City Ellendale

State DE

Zip: 19941

Purchase Date: 3/7/91

Owner Phone #: (302) 423-5182

Owner e-mail: mikesscottsr@icloud.com

Agent/Attorney Information

Agent/Attorney Name: Michael Scott

Agent/Attorney Address: 12622 Holly Tree Road

City Ellendale

State DE

Zip: 19941

Agent/Attorney Phone #: (302) 423-5182

Agent/Attorney e-mail: mikesscottsr@icloud.com

Signature of Owner/Agent/Attorney

Michael Scott Sr.

Date: 6-12-25



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

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

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

1. Uniqueness of property:

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

The unique physical characteristic is the placement of the pole barn, by Delmarva Pole Building, in order to keep the existing driveway and garage functional with the current use of the property making adhering to the setback requirement difficult or impossible without undue hardship.

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.

Delmarva Pole Building took it upon themselves to place the building and to preserve the existing features on the property. They determined the reasonable use of property with their placement to be beneficial to the applicant which does not unreasonably interfere with the rights of neighboring property owners. It wasn't until we had the survey completed that the building was too close to the property line.

3. Not created by the applicant:

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

Applicant reasonably relied upon Delmarva Pole Building to direct the process and expected the contractor would meet specific quality and performance standards.

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 granting of the variation will not be detrimental to the public welfare or injurious to other property of improvements in the neighborhood; nor will it impair adequate supply of light and air to adjacent properties; substantially increase the hazard from fire or other dangers to said property or adjacent property; diminish or impair property values within the neighborhood; increase traffic congestion in the public streets; or result in an increase in public expenditures.

5. Minimum variance:

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

The requested variance is the minimum necessary to address the hardship and allow reasonable use of the property.



SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features:

▼ 1) 230-27.00-54.03

Zoom

BOOK	3251
PAGE	74
FULLNAME	SCOTT MICHAEL S
Second_Owner_Name	
MAILINGADDRESS	12622 HOLLY TREE RD
CITY	ELLENDALE
STATE	DE
a_account	
DESCRIPTION	W/RT 226 989' S/227
DESCRIPTION2	N/ PRIVATE RD
DESCRIPTION3	T#38488
LUC	101
SCHOOL	4
MUNI	00
CAP	1
APRBLDG	309300
APRLAND	123800
PINWASSEMENTUNIT	230-27.00-54.03
PIN	230-27.00-54.03

Selected Features (1)

Clear Selected

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

POWERED BY esri



**Sussex County
Building Permit**
P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number

202501160

Issue Date: 02/11/2025
Expire Date: 02/11/2026

Permit Type: ACCESSORY STRUCTURE OUT OF TOWN

Parcel ID	Address	Zone Code
230-27.00-54.03	12622 HOLLY TREE ROAD	AR-1

Owner Information	Applicant Information
Name: SCOTT MICHAEL S Phone:	Name: DELMARVA POLE BUILDING SUPPLY, INC Phone: 302-698-3636

Contractor Information	
Name: SCOTT MICHAEL S CID: 560451 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: DETACHED GARAGE Construction Type: Estimated Cost of Construction: \$ 23,400 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: 40.00 / _____ Rear Setback: 20.00 / _____ Side Setback: 15.00 / _____ Corner Setback: _____ / _____ Maximum Building Height: 42 Location Description: FLOOD ZONE W/RT 226 989' S/227 N/ PRIVATE RD T#38488 Flood Zone: XP 142J _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT 400'+

Scope of Work:

30 X 60 DTT GAR (POLE BUILDING)

Permit Details:

Signature of Approving Official

Signature of Owner/Contractor

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction.

I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.

THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number

BP-249360

TOTAL FEES:

\$ 135.00



Building Description

Total Bedrooms:

Heat Type:

Full Baths:

Half Baths:

Roofing: METAL

Total Rooms:

Exterior Walls: METAL

Basement:

Foundation Type: POST

Interior Walls:

Fireplace Type:

Flooring:

Air Conditioning: N

SHINGLES

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater

No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds

Must conform to the location approved by the park.

_____ Farm-Use Permits

Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

_____ Fences

Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

X SP _____ Parcel Setbacks

All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

_____ Pools (Above-Ground)

Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

_____ Pools (In-Ground)

A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

_____ Pools or Guest Homes

No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

_____ Tax Ditch

Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.

✓

66

13101
Aug. 4, 2025
Case #
Hearing Date
202508323

Board of Adjustment Application

Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

8 Gull Drive Joy Beach Lewes DE 19958

Variance/Special Use Exception/Appeal Requested:

Distance encroaches on 3 1/2 ft on the 20 ft setback. Attempting to raise entire home to avoid flooding. Raising in same footprint it currently is.

Tax Map #: 2-34-12 Parcel 115

Property Zoning: AR-1

straight
UP

Applicant Information

Applicant Name: John + Sharon Troiani

Applicant Address: 3 Pheasant Lane

City Newark State DE Zip: 19713

Applicant Phone #: 302 416-0990 Applicant e-mail: jtroiani4@aol.com

Owner Information

Owner Name: John + Sharon Troiani

Owner Address: 3 Pheasant Lane

City Newark State DE Zip: 19713 Purchase Date: 1995

Owner Phone #: 302 416-0990 Owner e-mail: jtroiani4@aol.com

Agent/Attorney Information

N/A

Agent/Attorney Name:

Agent/Attorney Address:

City

State

Zip:

Agent/Attorney Phone #:

Agent/Attorney e-mail:

Signature of Owner/Agent/Attorney

John J. Troiani
Sharon Troiani

Date: 6/20/2025



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

We have lived here 40 years and porch and deck was here when we moved here. Was permitted by Sussex County at 16 1/2 ft from lagoon.

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.

We are not asking to move any closer to the lagoon than we currently are 16 1/2 ft. We are only asking to go straight up due to flooding.

3. Not created by the applicant:

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

Porch and deck is on the plat plan and was no issue when we purchased property. All had been permitted.

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

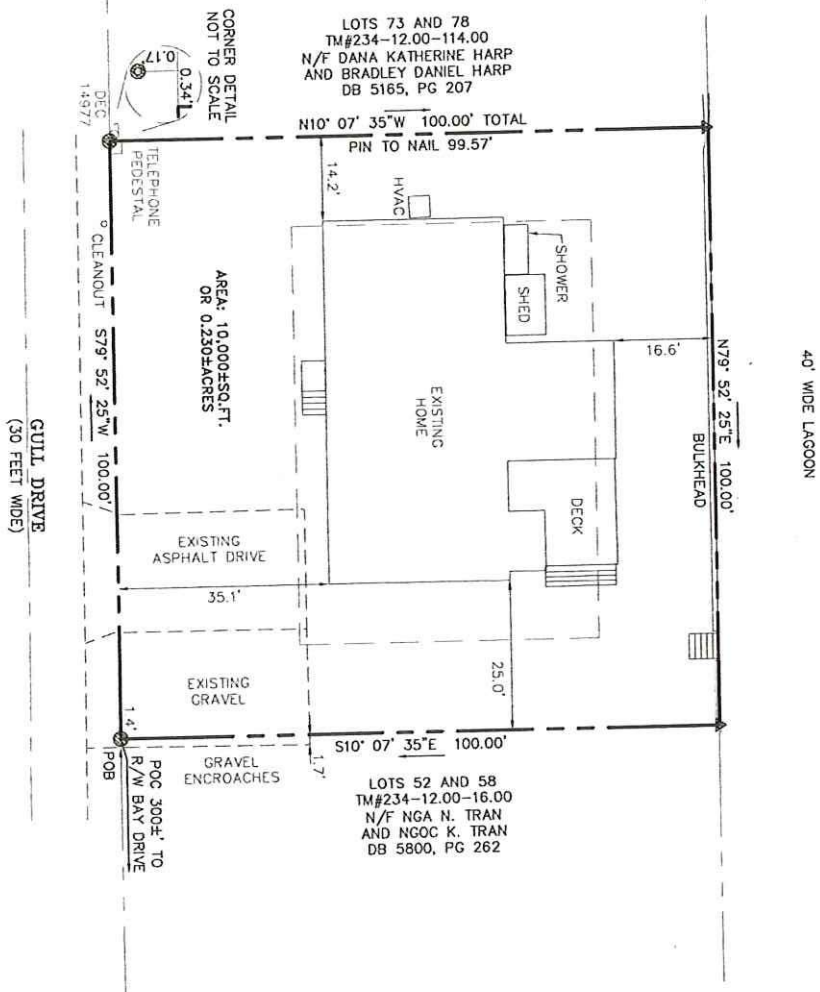
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

We currently have a one story house. The block first story we would like to add will conform with Sussex code heights. Pix of home in neighborhood attached.

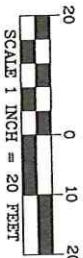
5. Minimum variance:

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

We will have same foot print as now but will raise house 10 ft to avoid high tides and possible flooding

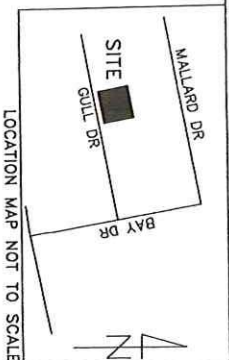


- PLAN DATA:
1. TITLE REFERENCED TO:
TM# 234-12.00-115.00, DB 2038, PG 235, PG 2, PG 107.
8 GULL DRIVE, LEWES, DE 19958
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN.
 3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
 4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, THE ZONING IS AR-1. THE SETBACKS ARE: FRONT-30', SIDE-15', AND REAR-20'.



- LEGEND:
- ▲ NAIL SET
 - IRON PIPE FOUND
 - CAPED IRON PIN FOUND
 - UTILITY POLE
 - PROPERTY LINE
 - ADJOINING PROPERTY LINE
 - BUILDING RESTRICTION LINE
 - ROAD SEAM
 - ROAD EDGE

DSPC NSRS 2011

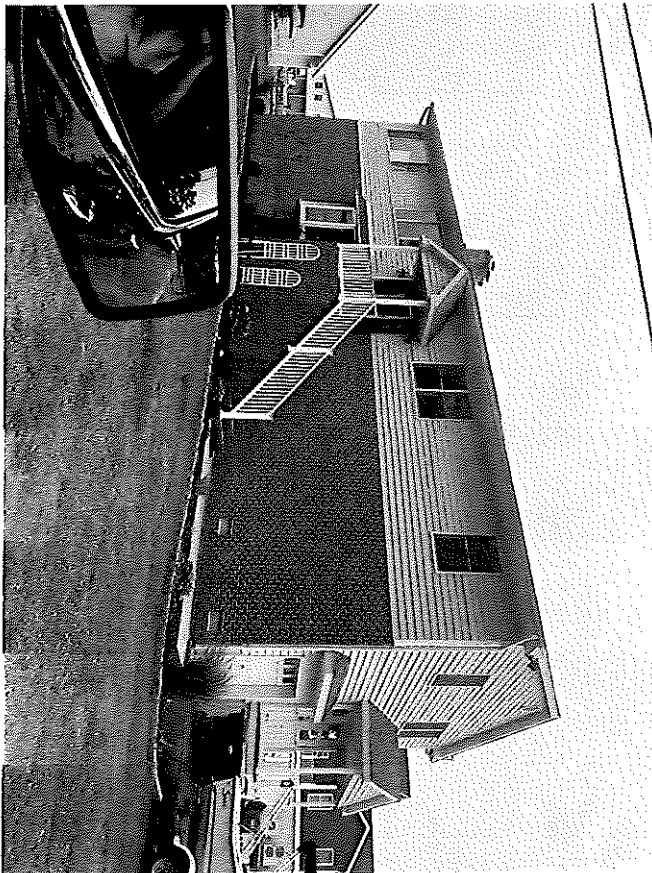


I, ALAN O'DALE KENT, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES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

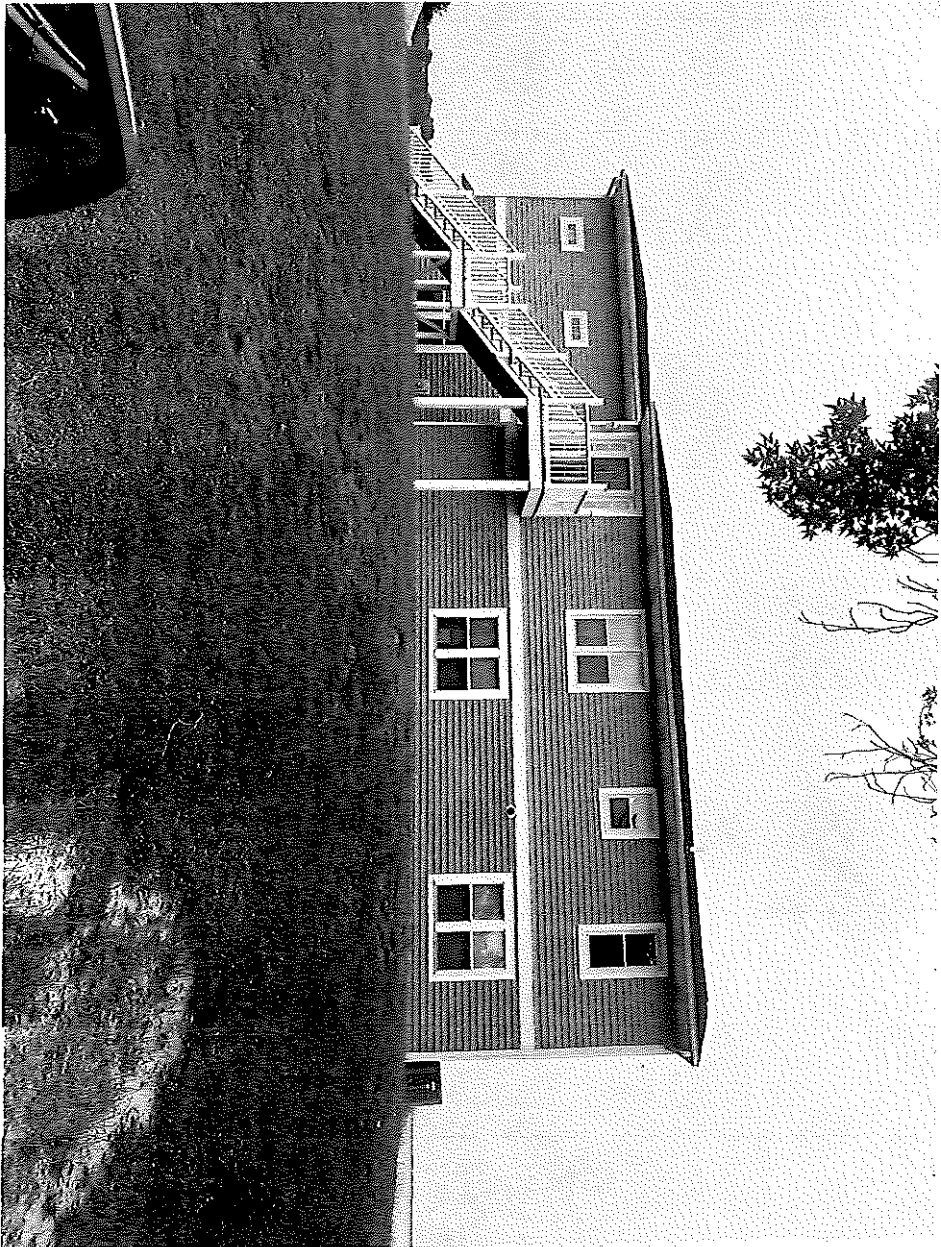
ALAN O'DALE KENT, PLS#738, DATE 18 JUN 2025

JOB # 2025156	THIS IS A SUBURBAN SURVEY.
DATE OF PLAN 18 JUN 2025	BOUNDARY SURVEY PLAN OF THE LANDS NOW OR FORMERLY OF JOHN J. TROIANI, JR. AND SHARON L. TROIANI
DATE OF LAST FIELD WORK 16 JUN 2025	PREPARED BY ALAN O'DALE KENT LAND SURVEYING, LLC 1200 S. DARTMOUTH ST. WILMINGTON, DE 19801 (302) 444-1122

Examples of
homes raised in
this development



Home Owner Raised
21 Stuart Blvd Dr.



Stonewall Raised

8 Bay Dr.

Hornebreen raised
2 Mallard Dr.



*Jameson
David
At Mallard Dr.*





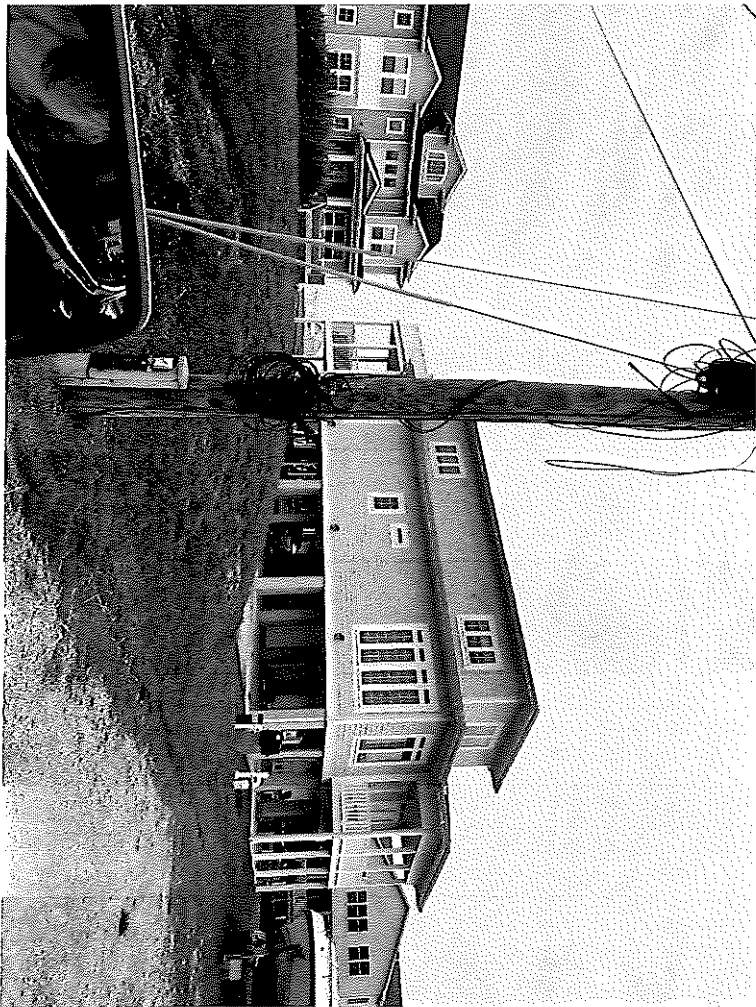
Homeowner Tone Down & Built Up.
12 Hull Dr.



Stonewall Townhome &

Built up

8 Mallard Dr,



Stonehouse Take down &

Rebuilt Up

25 Hunt Club Dr



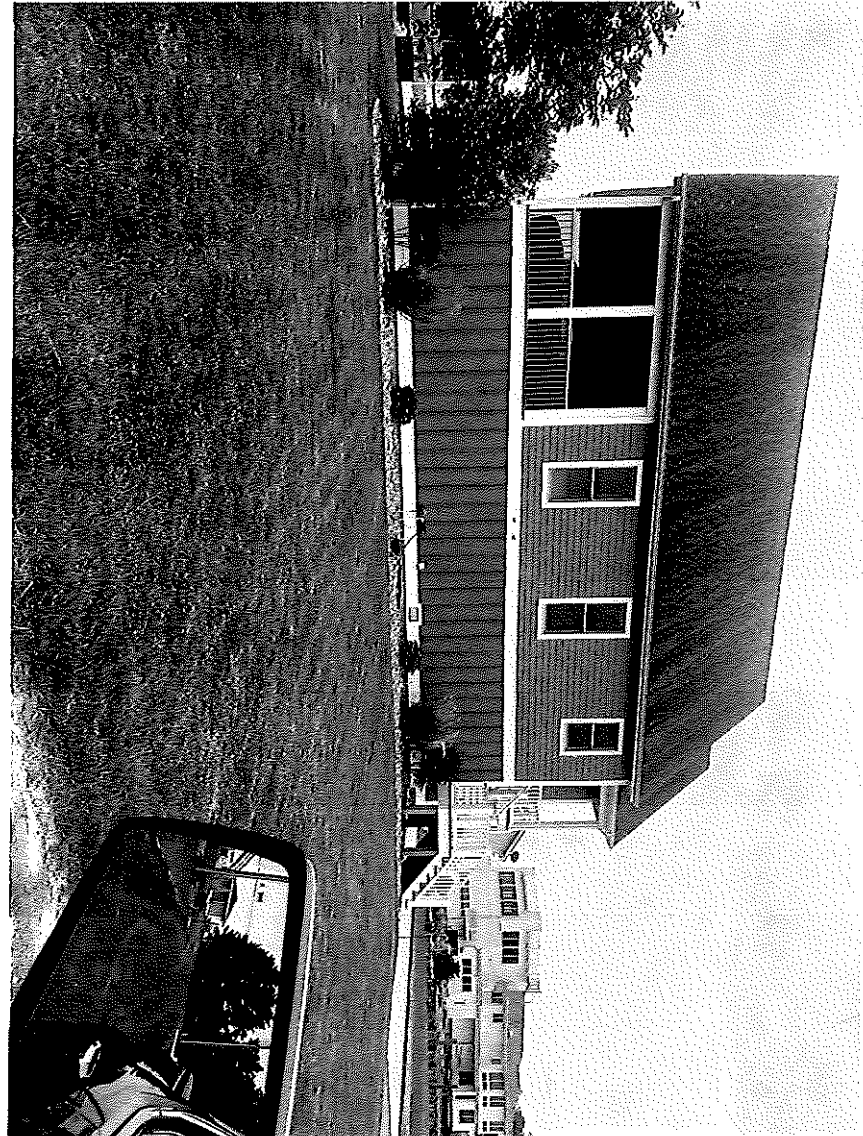
our home & still drive.
(Hopefully to be revised)

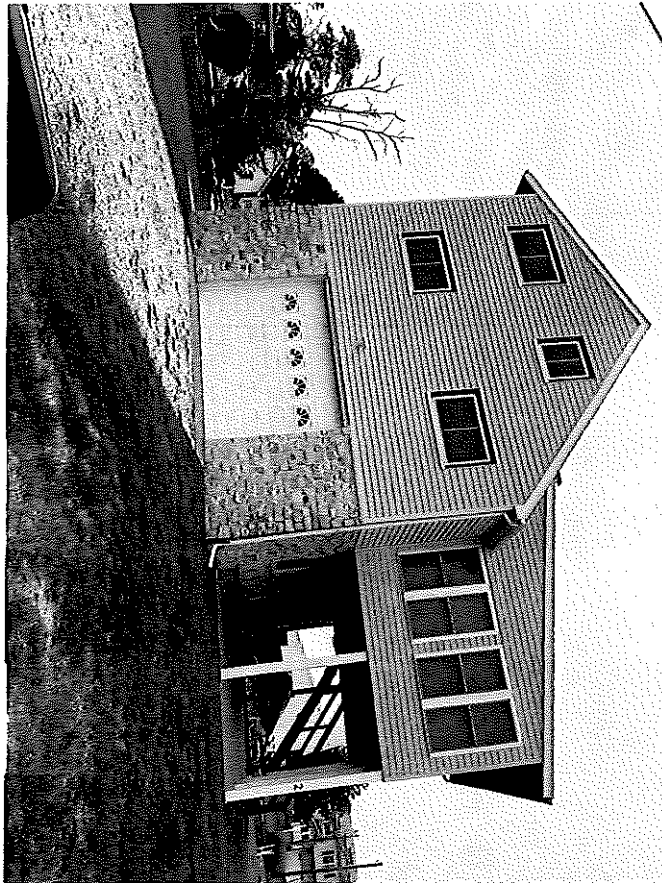
Question 4.
other homes in development.

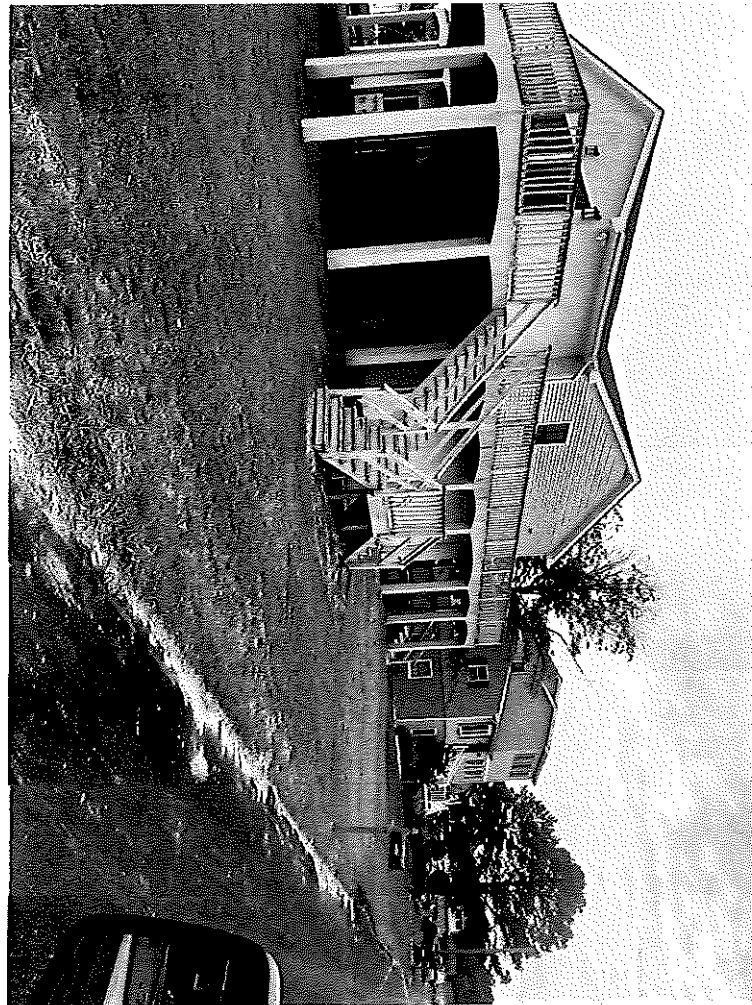




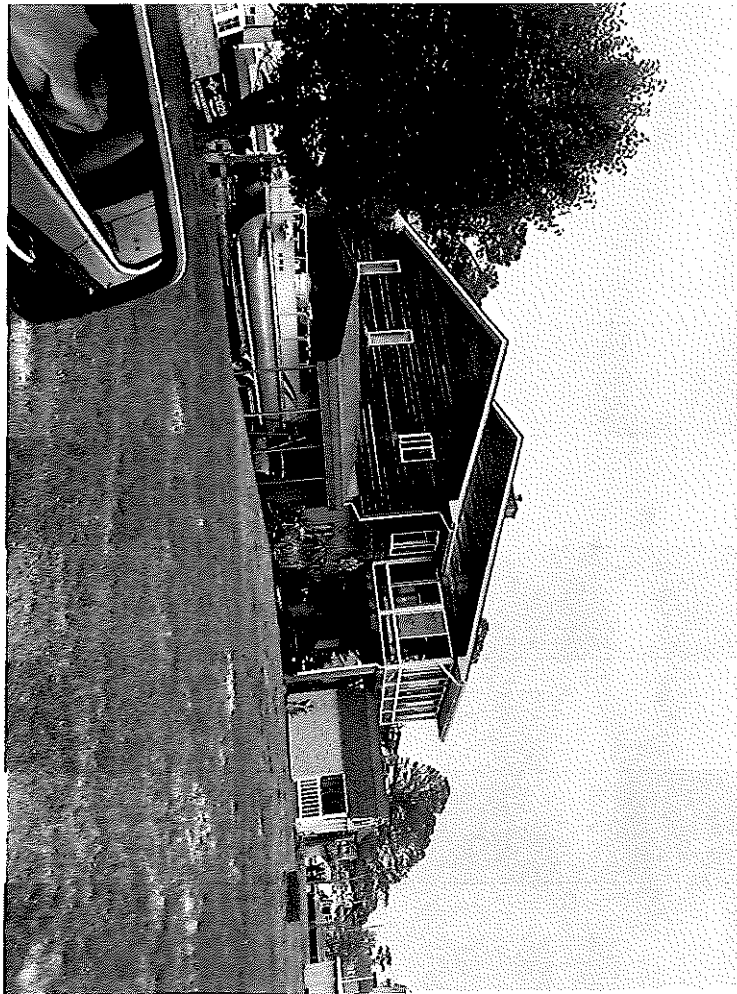
















Sussex County, DE - BOA Application

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

John J. Linich

Date:

June 9, 2025

For office use only:

Date Submitted: _____

Fee: _____ Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Lot#: _____

Block#: _____

Date of Hearing: _____

Decision of Board: _____

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features: 1) 234-12.00-115.00

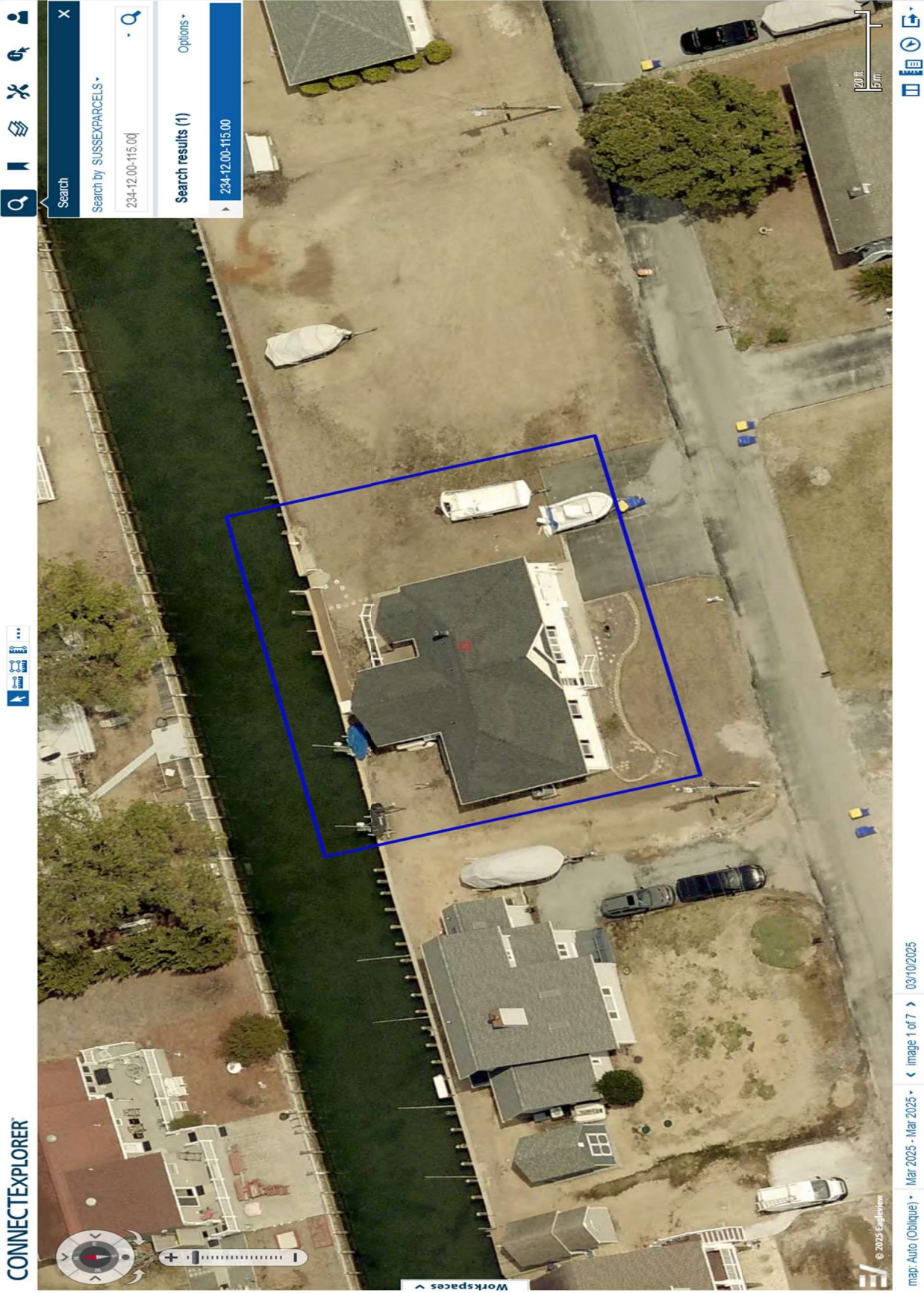
Parcels (1)

Zoom

BOOK	2038
PAGE	235
FULLNAME	TROIANI JOHN J JR SHARON L
Second_Owner_Name	
MAILINGADDRESS	3 PHEASANT LN
CITY	NEWARK
STATE	DE
a_account	22-05-115
DESCRIPTION	JOY BEACH
DESCRIPTION2	LOTS 63 68
DESCRIPTION3	
LUC	101
SCHOOL	6
MUNI	00
CAP	0
APRBLDG	550300
APRLAND	415600
PINWASSEMENTUNIT	234-12.00-115.00
PIN	234-12.00-115.00

Selected Features (1)

Clear Selected



Accessory Dwelling Unit Approval Application Sussex County, Delaware

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

13102
Case # ADU-25-29
202508330
Hearing Date _____
(where applicable)

Type of Application: (please check all applicable)

☒ Accessory Dwelling Unit - Detached

☐ Accessory Dwelling Unit - Attached

Existing Structure: ☒

Proposed Structure: ☐

Code Reference (office use only)

Site Address:

19661 OLD LANDING ROAD · REHOBOTH BEACH, DE 19971

Description of Request:

Turn Garage Apartment into Accessory Dwelling Unit

Tax Map #: 334-12.00-190.00

Property Zoning: AR-1

Applicant Information

Applicant Name: James and Billie Jean Stickels

Applicant Address: 19661 OLD LANDING ROAD

City: REHOBOTH BEACH State DE Zip: 19971

Applicant Phone #: 302-245-8077 Applicant e-mail: lucky1452@verizon.net

Owner Information

Owner Name: James and Billie Jean Stickels

Owner Address: 19661 OLD LANDING ROAD

City: Rehoboth Beach State DE Zip: 19971 Purchase Date: _____

Owner Phone #: 302-245-8077 Owner e-mail: lucky1452@verizon.net

Agent/Attorney Details

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City: _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney

Billie Jean Stickels

Date: 10/20/25



Criteria for Accessory Dwelling Units

The following shall be answered for Code Compliance

1. Total lot area of property:

25,056 Sq. Feet

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

2997

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

11755. Is the property located within a subdivision? ☐ Yes ☒ NoIf so, have you obtained approval from the Homeowners Association? ☐ Yes ☐ No4. Please confirm the ADU is **NOT** a RV, Camper, Motor Home, etc. ☒

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

Criteria for a Special Use Exception (where applicable): (Please provide a written statement regarding each criteria)*Applicant's must demonstrate that the property meets ALL of the criteria for a Special Use Exception to be granted.*

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

*Several properties in the neighborhood already have ADU's.
We will be living on the property.*

1175 Sq. FEET Apartment
<hr/>
2520 Sq FEET Garage

New Home Heated Space
2,997 Sq. FEET

Check List for Applications

The following shall be submitted with the application

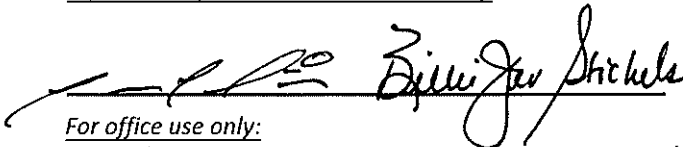
- ☐ • Completed Application
- ☐ • Provide a Site Plan or survey of the property along with a layout/building plans of the ADU
- ☐ • Provide Fee \$500.00
- ☐ • Provide written response to criteria for Special Use Exception (where applicable, may be on a separate document if not enough room on the form)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

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

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

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

Signature of Owner/Agent/Attorney

 Date: June 20, 2025

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

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

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 County required me to Build living facilities on the lot because the Garage is on less then a acre.

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.

My ADU Exist

3. Not created by the applicant:

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

County Required living facilities on less then an Acre Lot

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

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

No - It will not, due to next door neighbor and others in area with ADU

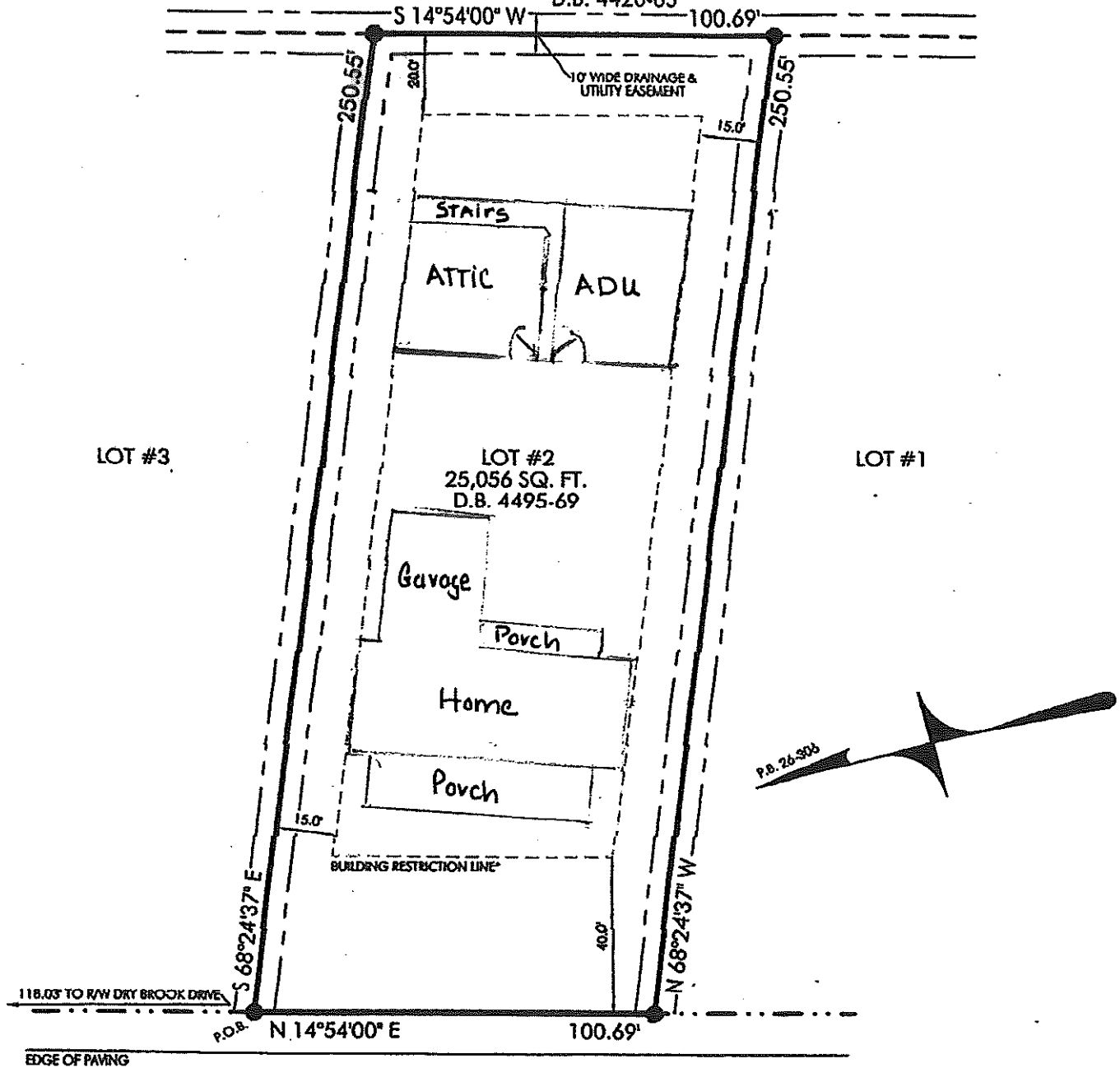
5. Minimum variance:

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

Yes

LANDS N/F
RONALD & CINDY SKROCKI
D.B. 4420-65

T.M. #3-34-12.00-190.00



OLD LANDING ROAD / S.C.R. #274
(R/W VARIES)

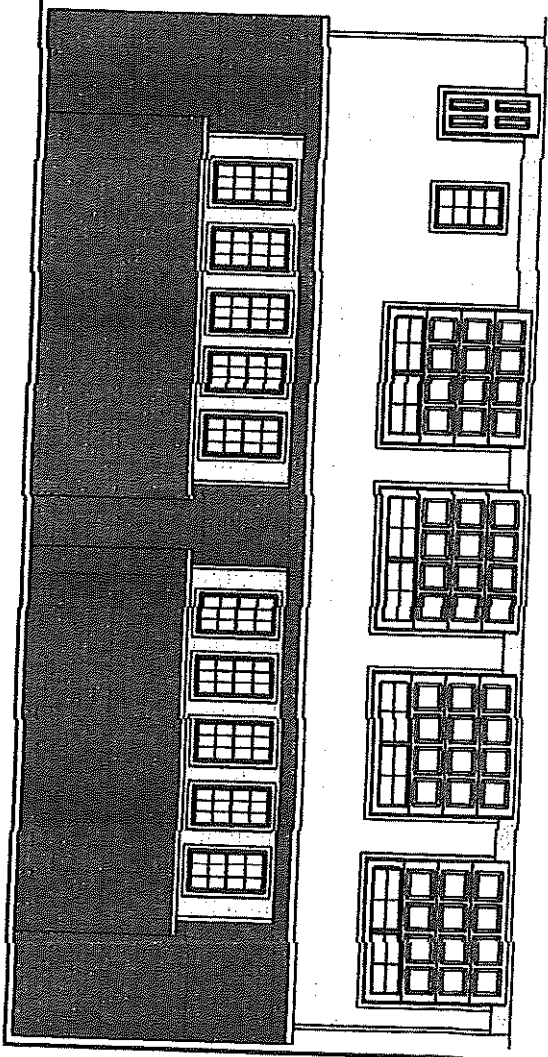
BOUNDARY SURVEY PLAN FOR
**JAMES E. STICKELS &
BILLIE J. STICKELS**

LOT #2 OF "GEORGE H. HOWARD" SUBDIVISION
REFERENCE: PLAT BOOK 26 PAGE 306
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

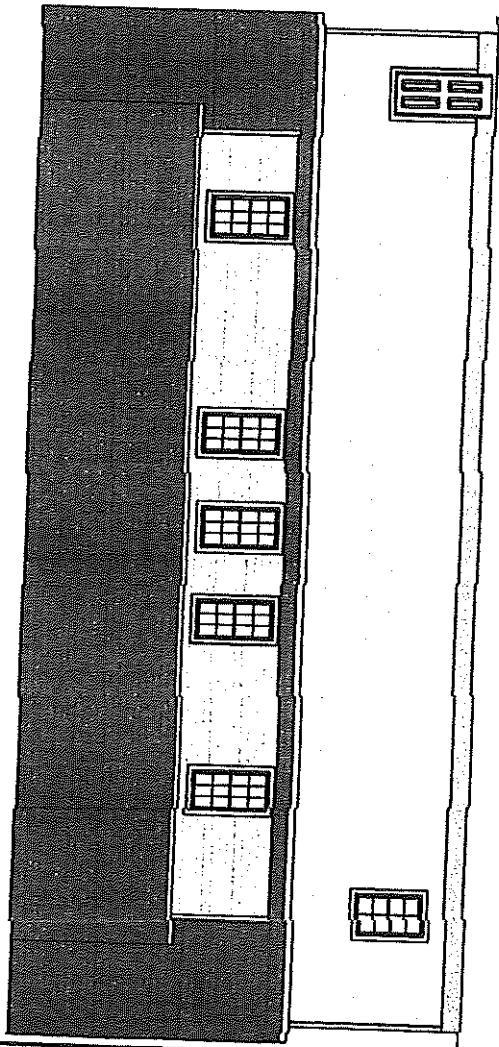
DECEMBER 17, 2019 SCALE: 1" = 40'

LEGEND:

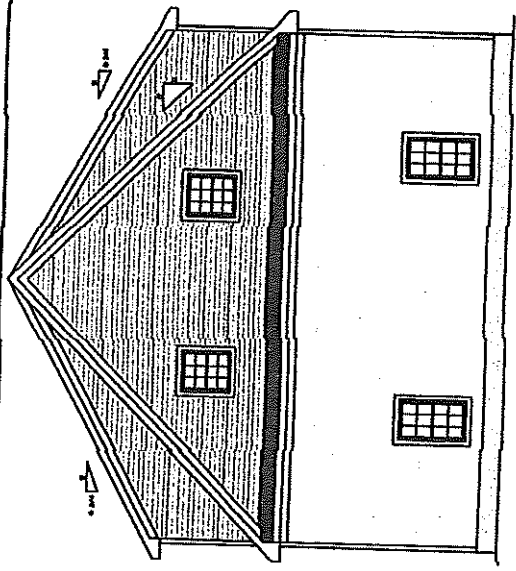
● IRON PIPE (FOUND)



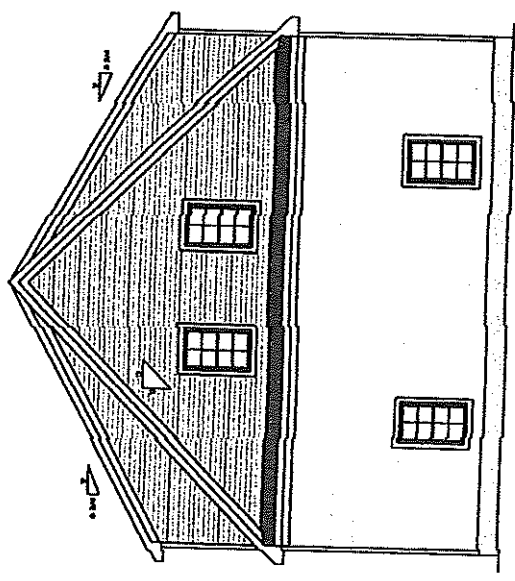
FRONT ELEVATION



BACK ELEVATION



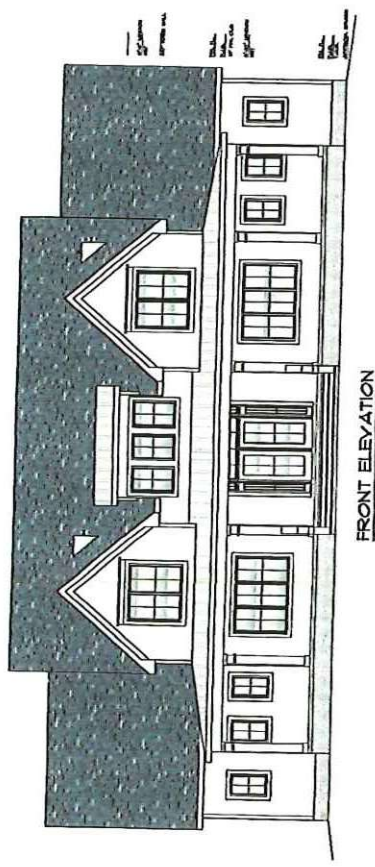
RIGHT ELEVATION



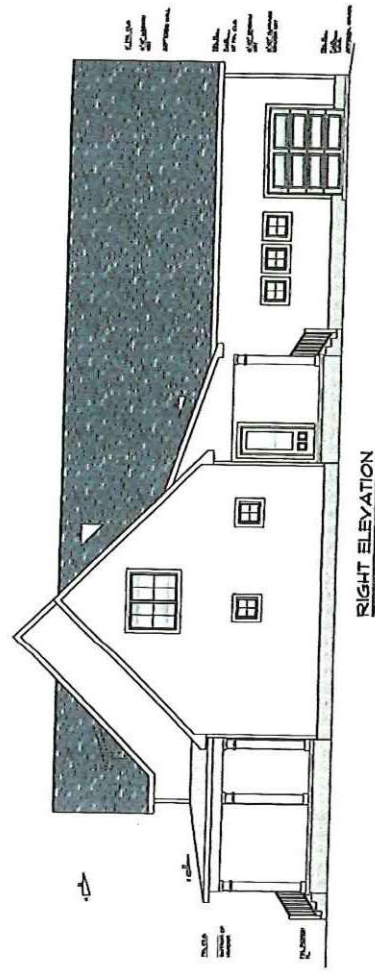
LEFT ELEVATION

WITH THE FOLLOWING DETAILS ARE CALLED OUT BY THE ARCHITECT

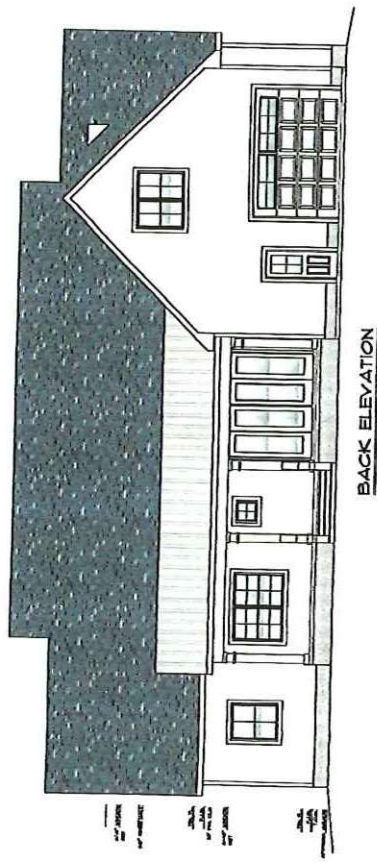
M.R. Designs, Inc. Architectural Services, Inc. 10000 1st Avenue, Suite 100 Boulder, Colorado 80501 Phone: (303) 440-1111 Fax: (303) 440-1112 www.mrdesigns.com		DATE: 1/1/14 DRAWN BY: JLD CHECKED BY: JLD SCALE: 1/8" = 1'-0" PROJECT: 10000 1st Avenue, Suite 100 Boulder, Colorado 80501	PAGE: 1 ELEVATIONS
--	--	--	-----------------------



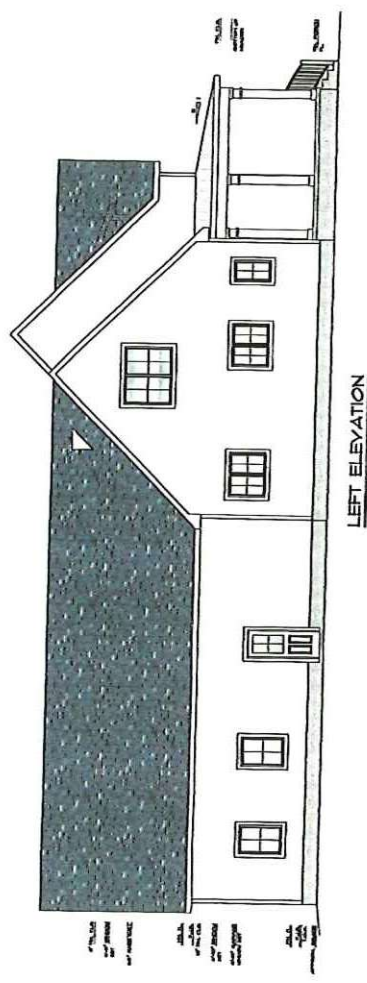
FRONT ELEVATION



RIGHT ELEVATION



BACK ELEVATION



LEFT ELEVATION

NOTE: THE FOLLOWING DIMENSIONS ARE BASED ON SDC INC			
M.R. Designs, Inc.			
JAMES & MARY JO STOCKS 1644 OLD LANDING ROAD REHOBOTH BEACH, DE 33761			
SCALE: 1/8" = 1'-0"			
DATE: January, April 1, 2008			
PAGE: 1			ELEVATIONS



Official Journal of the American
College of Veterinary Surgeons
of the United States
and the Canadian Veterinary Surgeons Association

EXPLORE NATURE

[illegible]

2.997
TOTAL Sq. FEET
Healed Space

DO NOT FOR ANY REASON ENTER ANY INFORMATION INTO THIS FORM

WANTED: MARY JO STICKELS
3845 OLD LANDING ROAD
REHOBOTH BEACH DE

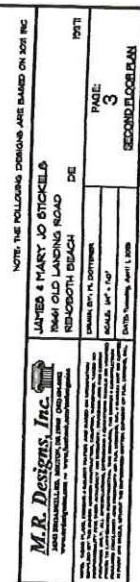
M.R. Designs, Inc.
1400 WOODSTOCK LANE, MILLFORD, CT 06455
www.mrdesigns.com or www.hatched.com/mrdesigns

DR. JAMES M. M. DODD

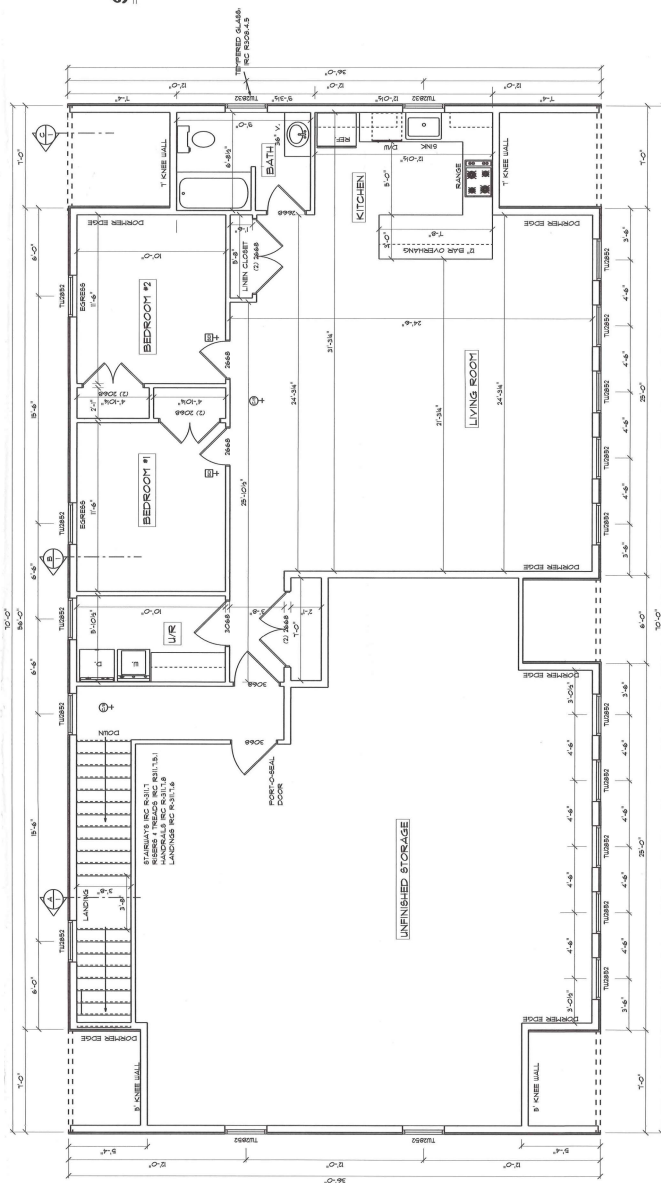
0801-2047

2

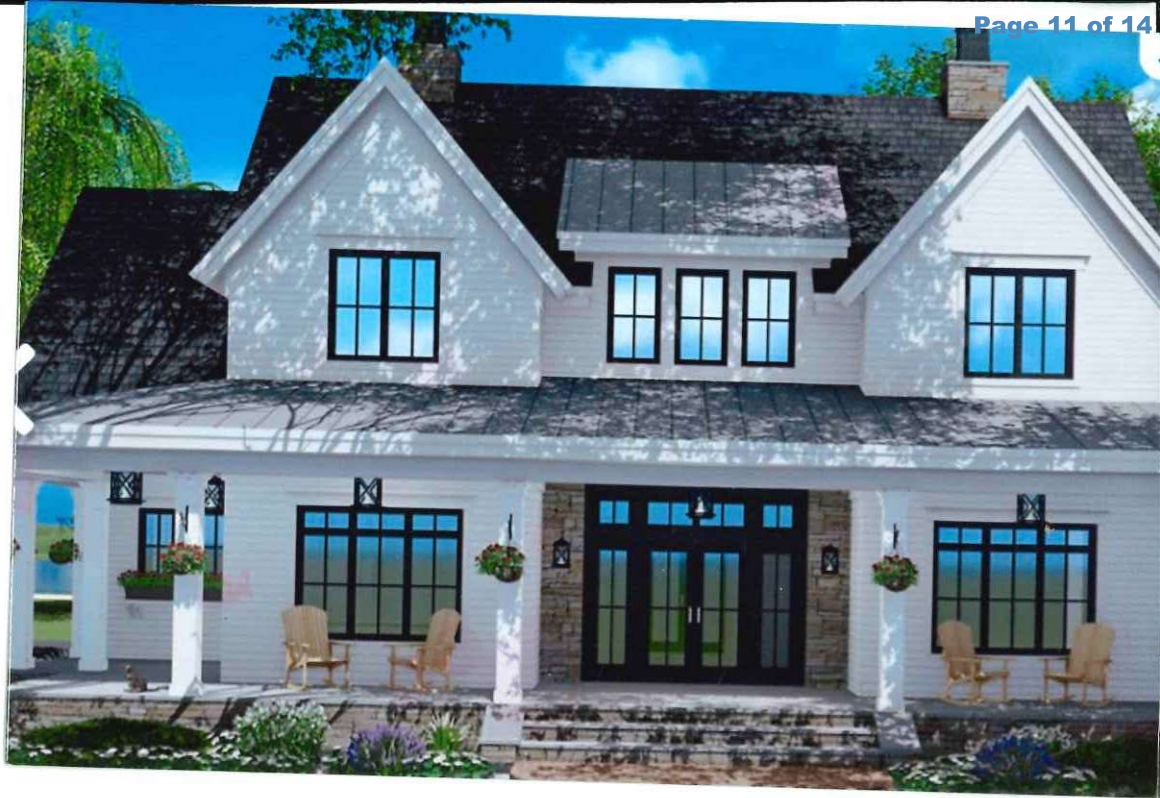
WORLDWIDE CORP PLAN



SECOND FLOOR
PLAN
(OPTION #4)



DISCLOSURE: THE DESIGNER HAS NOT ASSURED CONFIDENTIALITY. THE DESIGNER, THE DESIGNER'S CONSULTANTS, AND ANY OTHER PERSONS ASSOCIATED WITH THE DESIGNER, ARE NOT TO BE CONSIDERED AS PROVIDING ANY DESIGN OR CONSTRUCTION SERVICES TO THE CLIENT. THE DESIGNER'S DESIGN IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



CONNECTEXPLORER

Workspaces

Search

Search by SUSSEXPARCELS

334-12.00-190.00

Options

Search results (1)

334-12.00-190.00

150 ft

10 m

map

Auto (Oblique)

Mar 2025 - Mar 2025

image 1 of 6

03/10/2025

103

SUSSEX COUNTY
DELAWARE

Layers

Q Search

Basemaps

Select Area

Eagleview

Print

Help

Eagleview

Search Results

Selected Features: 1) 334-12.00-190.00

Parcels (1)

Zoom

BOOK	4495
PAGE	69
FULLNAME	STICKELS JAMES E
Second_Owner_Name	BILLIE JEAN STICKELS
MAILINGADDRESS	19661 OLD LANDING RD
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-09-190
DESCRIPTION	E/RD 274
DESCRIPTION2	LOT 2
DESCRIPTION3	
LUC	101
SCHOOL	6
MUNI	00
CAP	0
APRBLDG	610400
APRLAND	134300
PINWASSEMUNT	334-12.00-190.00
PIN	334-12.00-190.00

Selected Features (1)

Clear Selected

esri

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