

BOARD OF ADJUSTMENT

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



Sussex County

DELAWARE
sussexcountype.gov
(302) 855-7878

AGENDA

September 8, 2025

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Hearings

Case No. 13103 – Jill Snyder

seeks variances from the separation distance requirements for proposed structures (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southeast side of Golden Avenue within the Sea Air Village Manufactured Home Park. 911 Address: 20011 Golden Avenue, Lot L61, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-57198

Case No. 13110 – Kevin Martin

seeks a variance from the side yard setback requirement for a proposed structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of Bayview West within the Bay View Estates Subdivision. 911 Address: 38853 Bayview West, Selbyville. Zoning District: AR-1. Tax Map: 533-19.00-185.00

Case No. 13111 – Paul and Cynthia McMullen

seek variances from the separation distance requirements for a proposed structures (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the northwest side of Atlantic Avenue within the Sea Air Village Manufactured Home Park. 911 Address: 19940 Atlantic Avenue, Lot E28, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-57921

Case No. 13112 – Ernie Ritchey and Robert Nevrlly

seeks a variance from the side yard setback requirements for a proposed structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of Canal Road within the Rehoboth Manor Subdivision. 911 Address: 20612 Canal Road, Rehoboth Beach. Zoning District: GR. Tax Map: 334-19.12-21.11

Case No. 13113 – Kings Creek Country Club, Inc.

seeks variances from the front and side yard setback requirements for proposed structures (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of Kings Creek Circle within the Kings Creek Country Club. 911 Address: 98 Kings Creek Circle, Rehoboth Beach. Zoning District: AR-1. Tax Map: 334-13.00-1158.00

Additional Business

Executive Session

-MEETING DETAILS-

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

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

Agenda items may be considered out of sequence.

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

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

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

####

Board of Adjustment Application Sussex County, Delaware

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

Case # 13103
Hearing Date 8-14-2025
202508433
RECEIVED

JUN 20 2025

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

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

Site Address of Variance/Special Use Exception:

20011 Golden Avenue, Rehoboth Beach, DE, 19978

Variance/Special Use Exception/Appeal Requested:

Tax Map #: 3-34-13.00-310.00-57198 Property Zoning: AR-1

Applicant Information

Applicant Name: John McMahon
Applicant Address: 9 Lakewood Drive
City Lewes State DE Zip: 19958
Applicant Phone #: (347) 387-3853 Applicant e-mail: Jamcmahon99@gmail.com

Owner Information

Owner Name: Jill Snyder
Owner Address: 20011 Golden Ave
City Rehoboth Beach State DE Zip: 19971 Purchase Date: 2/25
Owner Phone #: (760) 717-0915 Owner e-mail: jillasnyder22@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

[Signature]

Date: 6/20/25



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

The lot is in seaAir and all lots are small and manufactured homes are placed closely together making it difficult to build. The home is small. outdoor space will act as dining room

2. Cannot otherwise be developed:

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

The way seaAir is laid out, neighboring manufactured homes make it impossible to follow separation

3. Not created by the applicant:

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

older manufactured homes that are placed closely together by seaAir. ~~side~~ The North side yard is only available space

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

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

Proposed work will match character of neighborhood. other lots in neighborhood have similar Decks built on there lots

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 10ft x 36ft Deck will be needed for entertaining guest and to make a ~~usable~~ usable outdoor space of the north side yard.

Sussex County, DE - BOA Application

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

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

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

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

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney



Date: 6/20/25

For office use only:

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

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

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

06/23/2025 02:03PM Megan D.
 33629777-0030 001202586

PERMITS / INSPECTIONS
 2025 202508433|2020 \$500.00

\$500.00

Subtotal \$500.00
 Total \$500.00

CHECK \$500.00
 Check Number 0156

Change due \$0.00

Paid by: J A H HOME SERVICES LLC

J A H HOME SERVICES LLC		158
7103 E ST		
1400 SOUTH BROAD ST		
DATE: 6/20/2025		
PAID TO: SUSSEX CO. GOVT		\$ 500.00
PAID BY: J A H HOME SERVICES LLC		
COUNTY		
CITY/TOWNSHIP		

Thank you for your payment.

Sussex County Government COPY
 DUPLICATE RECEIPT

SUSSEX COUNTY
DELAWARE

Help

LayersSearchBasemapsSelect AreaEagleviewPrint

EagleviewSearch Results

Selected Features: Parcels (389)

▶ 376) 334-13.00-310.00-57191Zoom

▶ 377) 334-13.00-310.00-57193Zoom

▼ 378) 334-13.00-310.00-57198Zoom

▶ 379) 334-13.00-310.00-57921Zoom

▶ 380) 334-13.00-310.00-996Zoom

BOOK	
PAGE	
FULLNAME	SEA BREEZE LP
Second_Owner_Name	
MAILINGADDRESS	27777 FRANKLIN RD STE 200
CITY	SOUTHFIELD
STATE	MI
a_account	
DESCRIPTION	SEA AIR
DESCRIPTION2	LOT L61
DESCRIPTION3	
LUC	104
SCHOOL	6
MUNI	00
CAP	0

Selected Features (376 - 380 of 389)

Clear Selected

SUSSEX COUNTY

DELAWARE

Help

Layers

Search

Basemaps

Select Area

Eagleview

Print

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19904

19908

COCKEY AV

DELAWARE AV

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20

40ft

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

POWERED BY esri

Eagleview

Search Results

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Selected Features:

Parcels (389)

▶ 376) 334-13.00-310.00-57191

Zoom

▶ 377) 334-13.00-310.00-57193

Zoom

▼ 378) 334-13.00-310.00-57198

Zoom

BOOK

PAGE

FULLNAME

SEA BREEZE LP

Second_Owner_Name

MAILINGADDRESS

27777 FRANKLIN RD STE 200

CITY

SOUTHFIELD

STATE

MI

a_account

DESCRIPTION

SEA AIR

DESCRIPTION2

LOT L61

DESCRIPTION3

LUC

104

SCHOOL

6

MUNI

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CAP

0

▶ 379) 334-13.00-310.00-57921

Zoom

▶ 380) 334-13.00-310.00-996

Zoom

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Selected Features (376 - 380 of 389)

Clear Selected







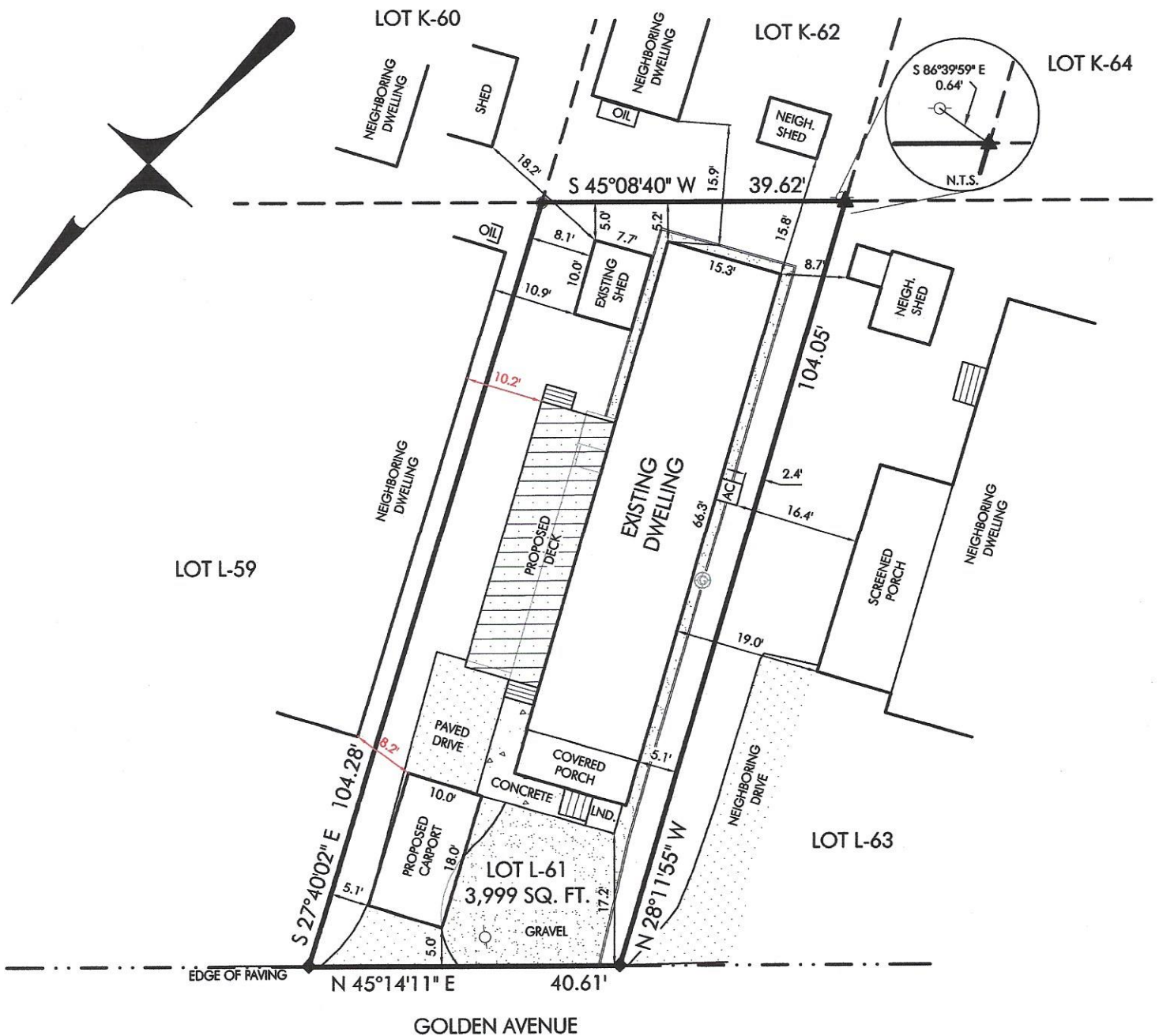








T.M. #3-34-13.00-310.00-13072



LEGEND:

- ◆ "PK" NAIL (FOUND)
- ▲ IRON ROD (FOUND)
- ⊙ POINT IN UTILITY POLE

NOTES:

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

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.

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SEA AIR VILLAGE

(Case No. 12938)

A hearing was held after due notice on May 20, 2024. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the separation distance requirements for proposed structures.

Findings of Fact

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

1. A variance of 1.2 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing screen porch on Lot L63 for a proposed manufactured home;
2. A variance of 4 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing screen porch on Lot L63 for a proposed HVAC system;
3. A variance of 7.4 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot L63 for a proposed manufactured home;
4. A variance of 11.7 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot L63 for a proposed manufactured home;
5. A variance of 4.2 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot K62 for a proposed manufactured home;
6. A variance of 4.3 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot K62 for a proposed manufactured home;
7. A variance of 1.8 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot K62 for a proposed shed;
8. A variance of 4.2 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot K62 for a proposed shed;
9. A variance of 9.3 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot L59 for a proposed shed;
10. A variance of 0.3 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot L59 for a proposed manufactured home;
11. A variance of 0.3 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot L59 for a proposed porch; and
12. A variance of 4.1 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot L59 for a proposed landing and steps.

This application pertains to certain real property located south of Golden Avenue and

southwest of Skyview Street within the Sea Air Village Manufactured Home Park, Lot L-61 (911 Address: 20011 Golden Avenue, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number: 334-13.00-310.00-13072 Lot L-61 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated March 20, 2024, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Aimee Bennett was sworn in to testify about the Application.
4. The Board found that Ms. Bennett testified that the community was created in the 1950s and 1960s, prior to the current zoning requirements.
5. The Board found that Ms. Bennett testified that the lot size, in comparison to the size of a modern manufactured home, is small.
6. The Board found that Ms. Bennett testified that the new home is approximately the same size as the prior home's combined footprint.
7. The Board found that Ms. Bennett testified that the narrowness of the lot and previous build out surrounding the property makes it difficult to comply with the setback requirements.
8. The Board found that Ms. Bennett testified that placing a new mobile home on the Property would be consistent with the neighboring homes in the community.
9. The Board found that Ms. Bennett testified that the proposed mobile home will be correcting the previous 5 foot setback encroachment.
10. The Board found that Ms. Bennett testified that the need or exceptional practical difficulty was not created by the Applicant.
11. The Board found that Ms. Bennett testified that the Property is narrow, resulting in a smaller building area.
12. The Board found that Ms. Bennett testified that the neighboring lots are also narrow, causing development of nearby lots to be nearer to the lot lines and neighboring homes.
13. The Board found that Ms. Bennett testified that it is almost impossible to place a home on the lot without violating the separation requirement.
14. The Board found that Ms. Bennett testified that the variances will not alter the essential characteristics of the neighborhood.
15. The Board found that Ms. Bennett testified that the proposed mobile home will add to the conformity and value of the community.
16. The Board found that Ms. Bennett testified that the previous 1978 home was surrendered to the community after it began to fail structurally.
17. The Board found that Ms. Bennett testified that these are the minimum variances needed.
18. The Board found that Ms. Bennett testified that the proposed mobile home was the narrowest model they could find.
19. The Board found that Ms. Bennett testified that the neighbors are welcoming to the improvements.
20. The Board found that Ms. Bennett testified that the neighboring shed on Lot L63 has some type of build out onto the shed itself.
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 variance. The findings below further support the Board's decision to approve the Application.

- a. The Property is unique as it is a small and narrow lot laid out prior to the enactment of the Sussex County Zoning Code. The lot is also adjacent to lots which are improved by houses and related structures and which are close to the shared property lines. The lot is required to meet separation distance requirements for structures within the park but the Applicant is unable to place a reasonably sized home with related structures on the lot while meeting all setback requirements. The effect of the placement of the structures on the adjacent lots combined with the already small size of the lot and these unique conditions have led to an exceptionally small building envelope. These conditions have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to place a dwelling and related structures on the Property but cannot do so in compliance with the Sussex County Zoning Code. The situation is unique because neighboring homes have been placed on other lots and the Applicant has no control over the placement of those homes and structures.
- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to the uniqueness of the Property and the placement of the structures on a neighboring lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicant proposes to place a dwelling and related structures on the lot but is unable to do so without violating the separation distance requirements between structures in a mobile home park requirement. The variances are thus necessary to enable reasonable use of the Property. The Board is convinced that the shape and location of the dwelling and related structures are also reasonable (which is confirmed when reviewing the survey).
- d. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant. The Applicant did not create the size of the lot or place the structures on the neighboring property thereby restricting the building envelope on the Property. This building envelope is further limited due to the small size of the lot. The unique conditions of the Property and the development of the adjacent lot have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to place a reasonably sized home and related structures on the lot.
- e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the dwelling and related structures will not have a negative impact on the neighborhood. The Board notes that no complaints were noted in the record about the proposed dwelling and related structures and no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The Board also notes that the home will be located in a similar location as a prior home that was recently removed.
- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to place a reasonably sized dwelling and related structures on the lot. The Board notes that the dwelling is a reasonably sized manufactured home. The Applicant has demonstrated that it has worked with its manufacturer to secure a home that minimizes the need for a variance.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably

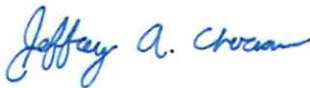
practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

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

Decision of the Board

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

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman
Chair

If the use is not established within two (2) years from the date below the application becomes void.
Date July 15, 2024.

Board of Adjustment Application

Sussex County, Delaware

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

Case # 13110
Hearing Date Sept. 8, 2025

202509221

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: 38853 BAYVIEW WEST
SELBYVILLE, DE. 19975

Variance/Special Use Exception/Appeal Requested: REQUESTING A 5' EASEMENT
FOR POOL INSTALLATION.

4.5' var from 10' side yard for prop. pool

Tax Map #: 5-33-19-185

Property Zoning: "AE", B.F.E=5'

Applicant Information

Applicant Name: KEVIN MARTIN

Applicant Address: 38853 BAYVIEW WEST

City SELBYVILLE State DE. Zip: 19975

Applicant Phone #: (302) 462-1046 Applicant e-mail: OCEANSIDE665@YAHOO.COM

Owner Information

Owner Name: KEVIN MARTIN

Owner Address: 38853 BAYVIEW WEST

City SELBYVILLE State DE. Zip: 19975 Purchase Date: 2014

Owner Phone #: (302) 462-1046 Owner e-mail: OCEANSIDE665@YAHOO.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

[Signature]

Date: JULY 10, 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.

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

PLEASE SEE ATTACHED SHEET MARKED "VARIANCE CRITERIA"

Sussex County, DE - BOA Application

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

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

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

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

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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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

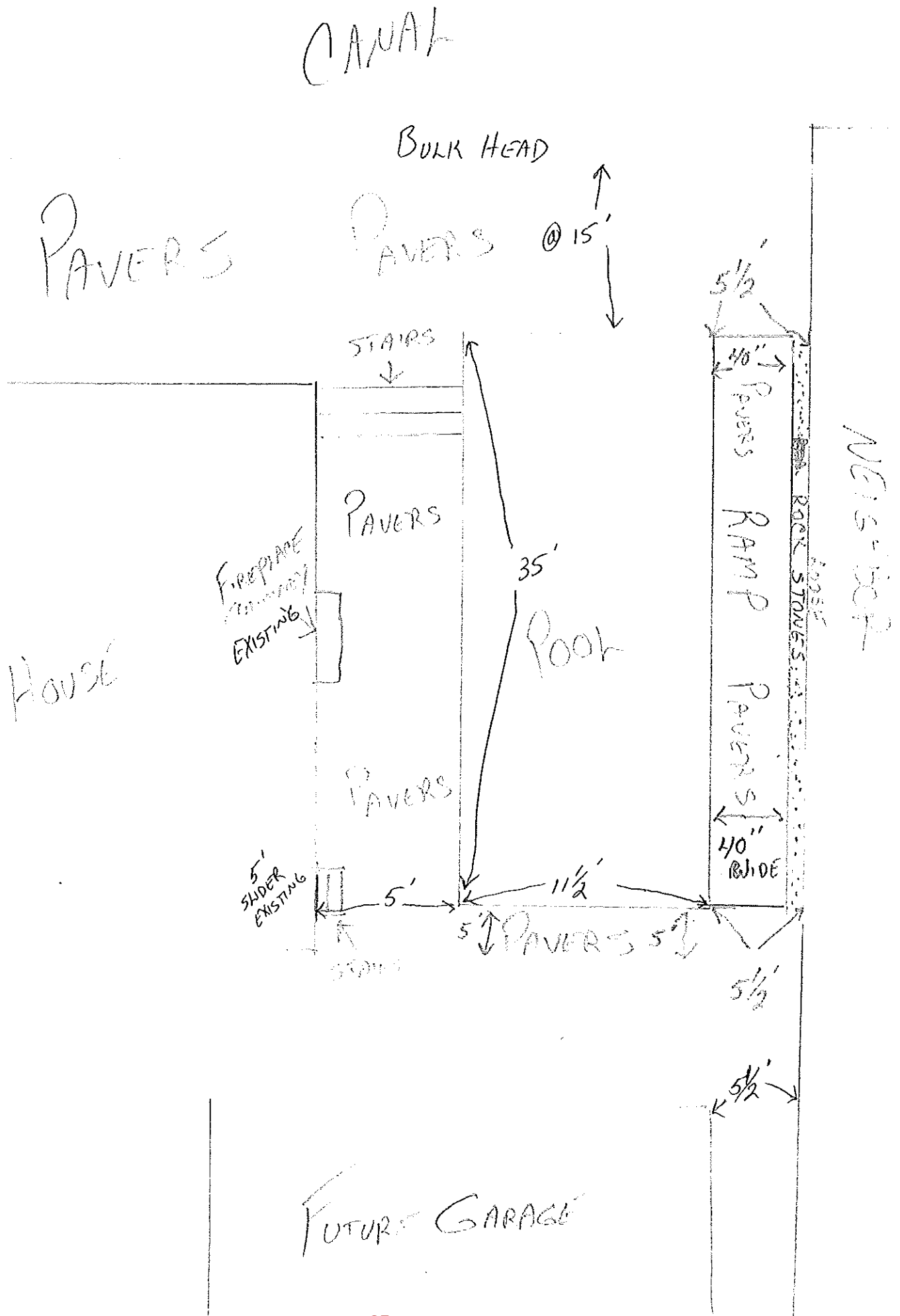


Date: July 10, 2025

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: _____



Variance criteria

1. The property area is 10,643 SQ. FT.
When you remove the easement area for the entire property front, back, and sides
There is around 9,000 or less buildable sq ft on this property.

2. HOA Covenants state there are no pools allowed in front of a home.
This makes the front of the home unusable.
In the back there are Kingpins used to support the Bulkhead wall, these pins are 11ft
Into the property from the bulkhead.
This makes the back unusable.
On the opposite side of the property the home is only 12ft 9in at the most from the
property line, this side is also unusable.
The only possible place for a pool is the proposed location on this property.

3. The Bayview Estates Document of Covenants States in section iii item 5 that the
easements for the HOA on side property are 5ft.
The only possible location on this property is this proposed location.

4. Many of the homes in this HOA have pools installed.
Therefore, the installation of this pool will be in character with the neighborhood
And it will add value to the neighborhood as well.

5. This variance request is asking for the least amount of relief from the existing county
easement code.
The request is in line with the existing HOA Covenants.
I have spoken to all my immediate neighbors, and they all have stated they do not mind
if I install a pool.

Kevin Martin
38853 Bayview west
Selbyville, DE 19975

NOTES:

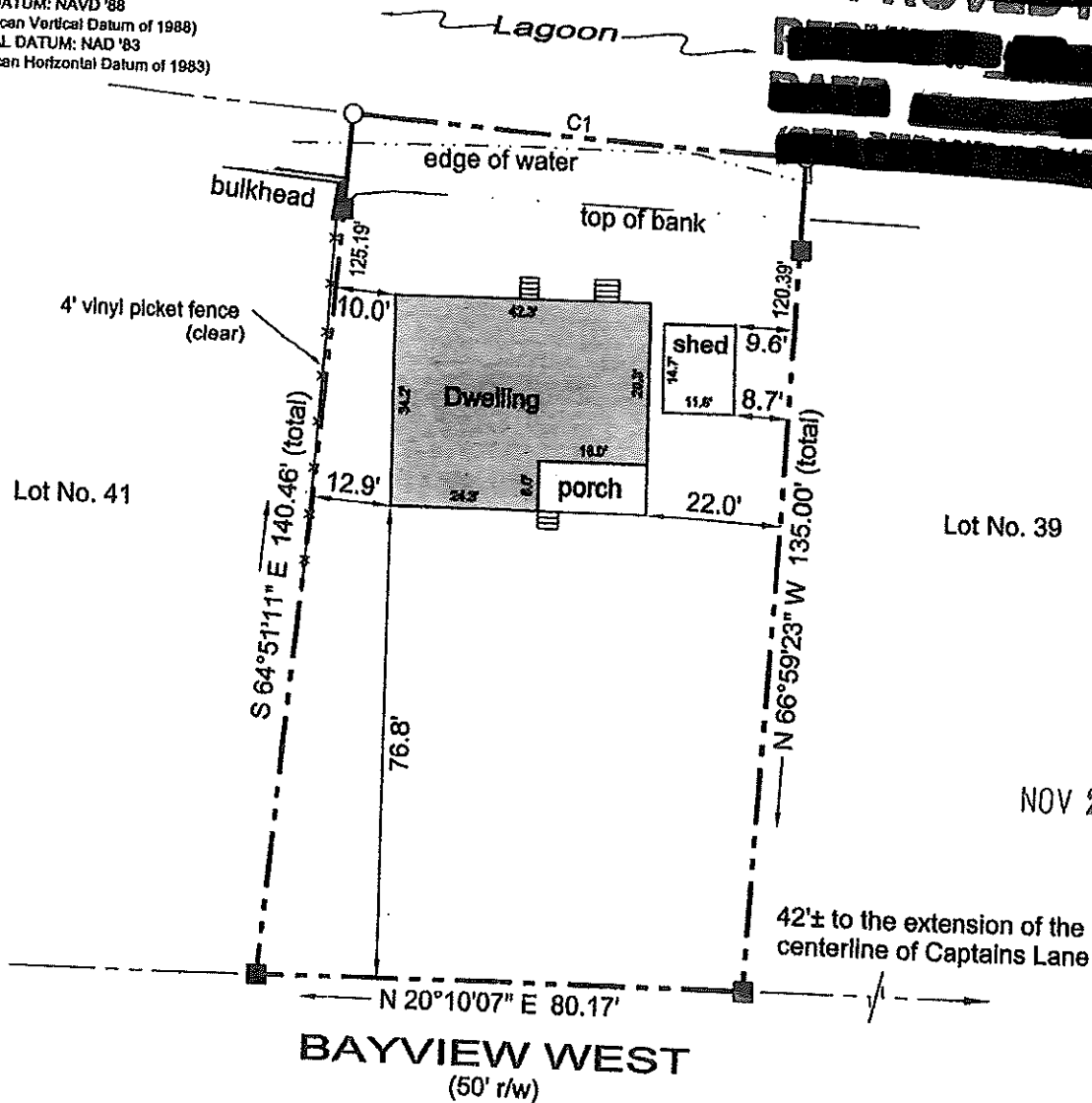
- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property.

- No title search provided or stipulated.

PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2008.00'	74.85'	74.85'	S 24°04'22" W	2°08'09"

REFERENCE DATUM NOTES:

- VERTICAL DATUM: NAVD '88
(North American Vertical Datum of 1988)
- HORIZONTAL DATUM: NAD '83
(North American Horizontal Datum of 1983)



○ POINT

■ CONC. MON. (FD)

SCALE: 1"=30'

AREA: 10,643 SQ. FT.

TAX MAP NO. 5-33-19-185

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 06/07/2014

DRAWN BY: MICHAEL LOVELAND

Lands of LEO MICHAEL PARAVATI, SR. TRUSTEE and SHIRLEY ANN PARAVATI TRUSTEE to be conveyed to KEVIN H. MARTIN. Being known as LOT NO. 40, BLOCK 4, BAYVIEW ESTATES. Ref: Plat Book 15, Page 8.

FIRM INFORMATION:

100029 - 0635 - J
JANUARY 06, 2005
ZONE: "AE", B.F.E.= 5'

CLASS "B" SURVEY

SEAL

**SIMPLER
SURVEYING
& ASSOCIATE, INC.**

32486 POWELL FARM ROAD, FRANKFORD, DE 19945
www.delawaresurveyor.com

PHONE: (302) 539-7873 FAX: (302) 539-4336

P.L.S. 711

BAYVIEW ESTATES PROPERTY OWNER'S ASSOCIATION, INC.

AMENDED DOCUMENT OF COVENANTS, RESERVATIONS, RESTRICTIONS, AND
EASEMENTS

AUGUST, 2009

SECTION III

ITEM 5.

STATES THE HOA LEASMENTS
TOP OF PAGE 6 IS THE BLUE
HIGHLIGHTED AREA.

30162

BK# 3698 PG# 13

TAX MAP NO.: see attached list
 Prepared by/Return to:
 K. William Scott, Esquire
 38017 Fenwick Shoals Boulevard
 West Fenwick, DE 19975-9102

**AMENDED AND RESTATED DECLARATION OF RESERVATIONS,
 RESTRICTIONS, AND EASEMENTS OF
 BAY VIEW ESTATES**

WHEREAS, Bay View Estates Property Owners Association, Inc., and the members thereof, being the owners of lots in Bay View Estates, a subdivision located in Baltimore Hundred, Sussex County, Delaware and Worcester County, Maryland are bound by certain Restrictive Covenants recorded in the Office of the Recorder of Deeds in and for Sussex County, in Georgetown, Delaware, in Deed Book 720, page 240, et. seq. on September 14, 1973, and in the Office of the Recorder of Deeds in and for Worcester County, Maryland, in Liber 591, page 108, et. seq. dated August 25, 1977 (hereinafter "Covenants and Restrictions"); and

WHEREAS, said Covenants and Restrictions are applicable to Bay View Estates, originally recorded in Office of the Recorder of Deeds in and for Sussex County, in Georgetown, Delaware Plot Book 8, page 250, revised and recorded in Plot Book 8, page 250; and the Second Addition to Bay View Estates recorded in the Office of the Recorder of Deeds in and for Worcester County, Maryland Plot Book 14, pages 20 and 21, [all hereinafter referred to as "Bay View Estates"]; and

WHEREAS, the Association and the Owners attempted to amend the Covenants and Restrictions by that certain Amendment recorded in the Office of the Recorder of Deeds in and for Sussex County, in Georgetown, Delaware in Deed Book 2450, page 197, et. seq., said amendment being ineffective for failure to receive the proper number of votes; and

WHEREAS, portions of Bay View Estates are also subject to that certain Declaration of Covenants, Conditions and Restrictions [hereinafter "CCRs"] recorded in the Office of the Recorder of Deeds in and for Sussex County, in Georgetown, Delaware, in Deed Book 1075, page 1, et. seq. on June 21, 1981; and

WHEREAS, the Association and Owners desire to amend and restate the Covenants and Restrictions binding Bay View Estates, including most of the provisions contained in the ineffective amendment referenced above; and

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WHEREAS, pursuant to the authority established in the Covenants and Restrictions, Section V, Restriction 1, the Restrictive Covenants may be amended by and with a vote or written consent of no less than two-thirds (2/3), or sixty-six and sixty-seven hundredths percent (66.67%) of the then Owners of all the numbered lots in Bay View Estates; and

WHEREAS, the Board of Directors of the Association has certified that no less than two-thirds (2/3), or sixty-six and sixty-seven hundredths percent (66.67%) of the then Owners of all the numbered lots in Bay View Estates, have voted and/or given their written consent to amend and restate the Covenants and Restrictions as attached hereto.

NOW, THEREFORE, the Association and the Owners of lots in Bay View Estates, do hereby amend and restate the Restrictive Covenants as provided in the attached document.

[this space intentionally blank]

BK# 3698 PG# 15

Bayview Estates Property Owners Association, INC.**Covenants, Reservations, Restrictions and Easements
INDEX**

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III Streets, Canals, Easements and Right of Way	5 - 6
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VI Covenants and Restrictions to Run with Land	9
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**AMENDED DECLARATION OF RESERVATIONS,
RESTRICTIONS AND EASEMENTS,
OF BAYVIEW ESTATES**

1. THIS AMENDED DECLARATION, MADE THIS 25th DAY OF July, 2009 ^{RA.} BY THE OWNERS OF THE LOTS ON THE SUBDIVISION KNOWN AS BAYVIEW ESTATES PROPERTY OWNER'S ASSOCIATION, INC., ("ASSOCIATION")
2. WHEREAS, THE DEVELOPMENT WAS ORIGINALLY DEVELOPED BY BAYVIEW ESTATES, A LIMITED PARTNERSHIP, WHICH ENTITY IS HEREIN REFERRED TO AS "GRANTOR" FOR PURPOSES OF CONTINUITY BETWEEN ORIGINAL DECLARATION OF RESERVATIONS, RESTRICTIONS AND EASEMENTS DATED SEPTEMBER 14, 1973, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN SUSSEX COUNTY, IN GEORGETOWN, DELAWARE IN DEED INCLUDED THE ASSOCIATION FOR PURPOSES OF THE DOCUMENT AND FURTHERMORE THAT "GRANTEE" MEANS AND INCLUDES THE ANY OR ALL OF THE OWNERS OF LOTS IN THE DEVELOPMENTS;
3. WHEREAS, BAYVIEW ESTATES, A SUBDIVISION LOCATED IN THE STATE OF MARYLAND, COUNTY OF WORCESTER AND STATE OF DELAWARE, COUNTY OF SUSSEX AND;
4. WHEREAS, IT IS THE DESIRE OF THE BAYVIEW ESTATES PROPERTY OWNER'S ASSOCIATION, INC. TO ASSURE THAT A PLANNED AND ORDERLY COMMUNITY IS DEVELOPED AND MAINTAINED AND;
5. WHEREAS, ALL PERSONS WHO HAVE PURCHASED OR CONTRACTED TO PURCHASE LOTS IN THE SUBDIVISION HAVE RECEIVED A COPY OF THE CERTAIN RESERVATIONS, RESTRICTIONS AND EASEMENTS TO WHICH ALL LOTS IN THE SUBDIVISION SHALL BE SUBJECT.
6. WITNESSETH, THAT THE SAID BAYVIEW ESTATES PROPERTY OWNER'S ASSOCIATION, INC., DOES HEREBY DEDICATE, DECLARE AND GRANT ALL THOSE LOTS AND PARCELS OF LAND AS SHOWN OF THE PLAT OF BAYVIEW ESTATES, WHICH PLAT IS DULY RECORDER AMONG THE PLAT RECORDS OF WORCESTER COUNTY, MARYLAND IN PLAT BOOK NO. 14, PAGES 20 AND 21, AND AMONG THE PLAT RECORDS OF SUSSEX COUNTY, DELAWARE IN GENERAL BOOK NO. 8, PAGES 250 AND 480, SUBJECT TO THE FOLLOWING COVENANTS, RESERVATIONS, RESTRICTIONS AND EASEMENTS, THAT IS TO SAY;

SECTION I.

PERMITTED AND PROHIBITED USES

1. The premises may be used only for single-family residence with no more than two (2) outbuildings; one lot as shown on the plat of Bayview Estates, shall be the minimum area upon which a single-family residence and the two outbuildings may be constructed with the approval of the county. One or more lots may be utilized as a single building lot.
2. Subject to side yard and setback restrictions, garages and carports, which shall be for the use only of the occupants of the residence to which they are appurtenant, may be attached or detached from the residence.
3. The premises shall not be used or occupied by other than a single family and family servants and shall not be used for other than residential use. The height of any building shall be not more than 35' (Feet) above street level. (Street level to be measured from the crown of the street)
4. When the construction of any building is once begun, work thereon must be prosecuted diligently and must be completed within a reasonable time. No building shall be occupied during construction. The Architectural Committee shall issue a permit for a period of one (1) year; extensions may be granted by the Architectural Committee for good cause shown.
5. No outbuilding, garage, shed, tent, trailer, or temporary building of any kind shall be erected, constructed, permitted, or maintained prior to commencement of the erection of a residence as is permitted hereby, and no outbuilding, garage, shed, tent, trailer, basement, or temporary building shall be used for permanent or temporary residence purposes: provided, however, that this paragraph shall not be deemed or construed to prevent the use of a temporary construction shed during the period of actual construction of any structure on such property, nor the use of adequate sanitary toilet facilities for workmen which shall be provided during such construction.
6. No sign of any character shall be displayed or placed upon any part of the property except "For Rent" or "For Sale" signs, referring only to the premises on which displayed and not to exceed two square feet in size and one sign to a property. Standard size real estate signs acceptable, and no contractor signs shall be permitted prior to or after commencement or after completion of construction.
7. No, animals, birds, of fowl shall be kept or maintained on any part of the property, except dogs, cats, and pet birds which may be kept thereon in reasonable numbers as pets for the pleasure and use of the occupants but not for an commercial use or purpose, Birds shall be confined to cages. Pet owners must abide by Sussex County and Worcester County Animal ordinances pertaining to leash laws.
8. Close lines or drying yards shall be located as not to be visible from the street serving the premises.
9. Garbage receptacles shall be kept in complete conformity with the sanitary rules and regulations. No garbage incinerators shall be permitted.
10. No more than two (2) boat or (2) personal water craft trailers (totaling a combination of no more than 3 trailers of any type) may be stored on developed properties. No more than one (1) boat trailer can be stored on unimproved lots. Habitable trailers and recreational vehicles must be stored to the rear of the building limit line and only permitted on improved lots. Boat and boat trailers may not be

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stored or parked on Bayview Estates Property Owner's Association, Inc., common roads. No tractor-trailers are permitted to be parked or stored in the development no longer than the necessary time needed to load or unload.

11. Boat docks, the highest projection of which shall not exceed the elevation of six feet (6') above the land adjoining such docks, shall be permitted to be constructed adjoining any waterfront lot, provided, however that no such boat dock shall be erected, constructed, maintained, or permitted which will extend beyond six feet (6') from the lot line paralleling and adjoining the waterfront. No boatlift shall be erected or installed, and no boat shall be moored or tied there which shall cause any portion thereof to extend more than sixteen feet (16') from said lot line into such waterway.
12. No boat exceeding in length 50% of bulkhead length (property water frontage) thereof shall be docked at the back of any waterfront lot.
13. No owner of any part of the property will do or permit to be done any act upon said property, which may be or is or may become a private or public nuisance. No person shall create, maintain, or allow to be created on their property, any accumulation of garbage, refuse, tall grass, or animal manure, which will attract insects, snakes or rodents. No owner shall cause or allow the operation of any source of sound on any property as to create a nuisance. Construction and demolition activity shall not be performed between the hours of 6:00 p.m. and 7:30 a.m. on weekdays or between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays and Sundays.
14. No substantial changes in the elevations of the land shall be made on the premises.
15. No structure except docks, piers, lifts or pilings permitted by Paragraph 13 hereof shall be constructed nor any fill used to extend the property beyond the lot and bulkhead line of any waterfront property.
16. For the purposes of sewage treatment; septic tanks and drain fields shall be placed on each lot by the property owner in accordance with requirements of County, State and Federal regulations. The use of portable toilets shall be limited to periods of construction only.
17. No owner of any part of the property will do or permit to be done any act or omission upon his property which may interfere in any way with the rights of owners and others to use of the streets and waterways granted under Section III hereunder. Any proposed modification to the shoreline of any street or waterway must be approved first by all governmental and quasi-governmental agencies (including without limitation Delaware Department of Transportation (DelDOT), Maryland Department of Transportation (MDOT), Delaware Department of Natural Resources and Environmental Control (DNREC), Maryland Department of Natural Resources (DNR), and then approved by the Architectural Committee of Bay View Estates Property Owners Association, Inc., prior to the commencement of any such modifications. The Association shall have all rights and remedies granted under Section IV hereunder to enforce this provision.

SECTION II.

SETBACKS AND BUILDING LINES

1. For the purpose of the paragraph, building shall mean the main residence, the garage and related outbuildings and all projections thereof such as bay, bow, or oriel windows, exterior chimneys,

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covered porches, open terraces, stoops, steps, or balustrades, the sides of which do not extend more than three feet (3') above the level of the ground floor of the main building.

2. All buildings shall be subject to the setbacks from the front property line required by the county in which they are erected. In addition no building shall be erected nearer than twenty-five (25') feet to the low mean tide line of any waterway or nearer than ten (10') feet to the lot side line.
3. Walls and fences may be erected and hedges grown but shall be no higher than four (4') feet from the street to the building line and six (6') feet from the building line to the rear property line.

SECTION III.

STREETS, CANALS, EASEMENTS AND RIGHT OF WAY

1. The grantor has not by this deed conveyed to the grantee any of the land in any platted street and has and hereby reserves all easements for utilities or drainage shown on the recorded plat and full rights of ingress and egress for itself, its agents, employees and assigns over any part of the property for the purpose of installing and servicing the utilities and drains for which the easements are reserved.
2. No structures, including walls, fences, paving or planting shall be erected upon any part of the property, which will interfere with the rights of ingress and egress provided in subparagraph (1) hereof.
3. It is hereby expressly stated and provided that nothing herein contained shall constitute a dedication of any street or waterway shown on the said plats, the title to all such streets and waterways being hereby expressly reserved to the grantors; nor shall any deed from the grantors hereafter made, conveying any part of the land included in said subdivision be held to, convey the title to or to dedicate the bed of any street or waterway, except where expressly so conveyed or dedicated in the deed. The grantors hereby give and grant to each owner, hereafter acquiring title to any of the land included in the said subdivision, the right to such use of the streets and waterways shown on said plat as may be necessary for reasonable and convenient ingress and egress to and from land belonging to such owners; but, subject to such user by said owners, the grantors expressly reserve to themselves the title to both the surface and beds of all said streets and waterways, and the right to use and occupy the same or to allow others so to do in any manner that does not materially interfere with said user ingress and egress, and they further expressly reserve the exclusive right to grade, change the grade of, change the location of, close or partly close any street or waterway shown on plat, but no change of location or closing shall be made that will prevent reasonable, convenient ingress and egress to and from, or take any portion of, any lot, sold or conveyed by the grantors prior to such change of location or closing. The grantors reserve, however, the right to dedicate to public use and the right to convey to any public authority or to any corporation having power to acquire the same, all their right, title and interest in and to any street above on said plat or hereafter laid out in said subdivision, subject to the rights of property owners ad hereinbefore granted.
4. The grantors herein, for themselves, their heirs, personal representatives and assigns, hereby reserve the right to the use, in common with the grantees and owners of other lots, at any and all times, of the waterways as delineated and described on the said plats as inlets or any other body of water, and further expressly reserve the right to dig, excavate, dredge, or in any other manner to clean, clear, or deepen the areas so marked as inlet or any other body of water.

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5. Grantor hereby reserves for itself, its successors or assigns, the right to an easement five (5') feet in width along the front, side and rear property lines of each lot shown on the Plat of Bayview Estates for the purpose of providing utilities to any lot(s). All utilities, including, without limitation, telephone and electrical lines, shall be installed underground.

SECTION IV.

OWNER'S ASSOCIATION

1. MEMBERS: Every person or entity owning a lot in Bayview Estates shall be a member of the Bayview Estates Property Owner's Association, Inc. The term "own" as used herein, shall mean the owner of the legal title thereto (excepting any mortgagee) from time to time during the duration hereof.
2. RENTERS: Owners shall supply tenants with a copy of The Declaration of Reservations, Restrictions and Easements, and are ultimately responsible for compliance by tenants. A house may not be leased by more than one family. [*Family Definition*- An individual or two or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit with single culinary facility or a group of not more than two persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost sharing basis. Domestic servants and aids, employed and residing on the premises, shall be considered as part of the family]. Tenants may use all common property, if said owner has paid in full annual dues and any other yearly assessments owed this Association. Written notice shall be provided to the Association by the property owners regarding leasing of the property within seven (7) days of said lease. Such notice shall include the name of the party.
3. ANNUAL ASSESSMENT: Every member of the Association shall be required to pay his pro rata share of the cost of operation and maintaining all facilities to be owned by the Association. The Assessment of such pro rata shall be paid promptly when due, and in the event same remains unpaid for a period of thirty (30) days, it shall constitute a lien upon the lot and may be enforced in equity or law by the Association or its designee. Such annual assessment shall accrue to the benefit of and may be enforced jointly and severally, by the property owners or the Association. The term facilities as used herein shall mean all common recreational facilities and events, utilities, roads, waterways and lighting systems. If any assessment is not paid on the date when due as hereinabove noted, then such assessment shall be deemed delinquent and shall together with such interest thereon and cost of collection, including reasonable attorney's fees, thereof as hereinafter provided, continue as a lien on the Lot and any structure built thereon which shall bind such Lot in the hands of the then Owner, his heirs, devisees, personal representatives, successors and assigns. In addition to such lien rights, the personal obligation of the then owner, to pay such Assessment, however, shall remain his personal obligation and shall not pass to his successors in title (other than as a lien on the land) unless expressly assumed by them. If the Assessments is not paid within thirty (30) days after the due date, the Assessment shall bear interest from the date of delinquency at the rate of legal interest rate authorized by the 6 Del. C. 2301 as amended and the Association may bring legal action against the Owner personally obligated to pay the same or may enforce or foreclose the lien against the lot; and in the event a judgment is obtained, such judgments shall include interest on the Assessment above any reasonable attorney's fees to be fixed by the court together with the cost of the action. No

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owner of a lot may waive or otherwise escape liability for the Assessment provided for herein by nonuse of the facilities or common areas or by abandonment of his or its lot.

4. THE BAYVIEW ESTATES PROPERTY OWNER'S ASSOCIATION, INC., shall have the responsibility of enforcing the within restrictions and covenants. Failure to abate any violation within thirty (30) days after receipt of written notice to so do shall, at the option of such association or the other property owners, jointly or severally, constitute the express permission of the violator for said Association or other property owners, to abate such violation at the expense of the violator without liability to any action or suit for entry or trespass upon the premises, or for such abatement. The foregoing restrictive covenants are to run with the land herein and hereby conveyed. Each of them shall be binding upon all the parties hereto, and upon their Heirs, Executors, Administrators or Assigns as well. In the event any of the parties hereto, or their respective Heirs, Executors, Administrators or Assigns, shall have violated or attempted to violate any of the foregoing restrictive covenants, it shall be lawful for any other person or persons, owning any of the lands above described to bring any proceeding or to take action at law or in equity, or otherwise, against the person or persons so violating or attempting to violate any covenant or restriction, and either prevent him, her or them from doing so, or to recover damages resulting from any such violation or attempted violations thereof. Failure to enforce any of these restrictions shall in no event be deemed a waiver of the right to enforcement thereafter. The Association shall have the right to enforce these restrictions contained herein by any person or persons violation or attempting to violate any provision of these Restrictions contained herein, to restrain violation, to require specific performance and/or to recover damages; and to proceed against any lot to enforce any lien created by these Restrictions. The expense of enforcement by the Association shall be chargeable to the Owner of the lot, including the cost of reasonable attorney's fees, in the event any legal action is taken by the Association and such fees and costs; approved by a court of competent jurisdiction shall constitute a lien on the lot, collectable in the same manner as assessment hereunder.
5. NO BUILDING, fence, wall or other structure shall be commenced, erected or maintained on said premises nor shall any addition to or change or alteration therein be made until the plans and specifications, showing the nature, kind, shape, height, materials, floor plans, color schemes, location and approximate cost of such structure and the grading plan of the plot to be built upon shall have been submitted to and approved in writing by the Association and a copy thereof, as finally approved, logged permanently with the Association. No trailer, mobile home, double wide or similar type structure, which moves to a building site on wheels attached to its own under carriage, shall at any time be used as a residence, temporary or permanently, and no trailer, mobile home, double wide, shall be utilized as a main or single-family dwelling unit on any Lot as shown on the recorded plot. All floors and joists shall be of wood construction and be supported by a poured concrete and/or cinder block load bearing foundation. No steel or metal beam under carriage support homes will be allowed. No home having a Department of Motor Vehicle Title or book value will be allowed in the development. On site custom built homes or off site constructed custom sectional homes, that have a living space of at least 1200 square feet, shall be the only type of construction that will be approved. All homes shall be of new construction, no old structures shall be moved onto any Lot in the development. The Association shall have the right to refuse to approve any such plans or specifications or grading plan which are not suitable or desirable in its opinion for aesthetic or other reasons; and in so passing upon such plans, specifications and grading plans, it shall have the right to take into consideration the suitability of the proposed building or other structure and of the materials of which it is to be built to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of the building or other

structure, as planned or the outlook from the adjacent or neighboring property. Upon the Association's failure to approve or disapprove the aforesaid plans, specifications, location and grading plan within thirty (30) days after the same shall have been submitted to it under the foregoing provisions of the paragraph, the grantees, their heirs, personal representatives and assigns, shall have the right to erect and maintain any such proposed building, fence, wall or other structure.

SECTION V.

DURATION AND AMENDMENTS

1. ALL OF THE covenants and restrictions herein contained shall remain in force until the year 2015, and shall be automatically successively renewed for each five (5) year period thereafter, unless owners of at least two thirds (2/3) of the lots in the subdivision known as Bayview Estates, shall, at least six (6) months prior to any such renewal date, agree in writing to a change in, or an abrogation of, any of the above restrictions and conditions, and record such writing so amending the aforesaid covenants. Any such waiver, abandonment, termination, modification, alteration, change, amendment, elimination, or addition shall take effect when a copy thereof executed and acknowledged by the Association or its successors in accord with the usual form of execution and acknowledgments of deeds, together with the written consents of the requisite number of Owners, or a certificate by the Association verified under oath by the president thereof, or in the case of his absence or inability, by any vice-president thereof, setting forth the time, manner and result of the taking of the vote of all the Owners in Bayview Estates, has been filed for record in the Office of the Recorder of Deeds of the State of Delaware in and for Sussex County and the same shall thereafter remain in effect in perpetuity unless otherwise provided.
2. THE BOARD OF DIRECTORS AND OFFICERS may grant variances to a lot owner from the application of the provisions of Section II governing side line set backs, where, owing to special conditions or exceptional situations a literal interpretation of such provisions will result in unnecessary hardship or exceptional practical difficulties to an owner provided, however, that any such variance will not be contrary to the spirit of the Declaration of reservations, Restrictions and Easements which shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good or the public interest of the Bayview Estates Property Owner's Association. Inc.

SECTION VI.

COVENANTS AND RESTRICTIONS TO RUN WITH LAND

ALL OF THE covenants, restrictions, reservations, and servitudes set forth herein shall run with the land and grantee, by accepting the deed to such premises, accepts the same subject to such covenants, restrictions, and servitude and agrees for himself, his heirs, administrators, and assigns to be bound by each of such covenants, restrictions, reservations and servitudes jointly, separately, and severally.

SECTION VII.
COVENANTS AND RESTRICTIONS, ENFORCEABLE JOINTLY AND
SEVERALLY

EACH AND EVERY of the covenants, restrictions, reservations, and servitudes contained herein shall be considered to be an independent and separate covenant and agreement and in the event any one or more of such covenants, restrictions, reservations, and servitudes shall for any reason be held to be invalid or unenforceable all remaining covenants, restrictions, reservations, and servitudes shall nevertheless remain in full force and virtue.

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CERTIFICATION OF THE BOARD OF DIRECTORS
OF THE BAY VIEW ESTATES PROPERTY OWNERS ASSOCIATION, INC.

AND NOW, this 15th day of July, 2009, the Board of Directors of the Bay View Estates Property Owners Association, Inc. hereby certify that at least two-thirds (2/3) of the owners of the lots in the subdivision known as BAY VIEW ESTATES have agreed in writing to amend and restate the Declaration of Reservations, Restrictions and Easements of Bay View Estates as provided herein.

Richard Indurka
 Name: RICHARD INDURKA
 Title: PRESIDENT

Kathryn A. Proves
 Name: KATHRYN A. PROVES
 Title: VICE PRESIDENT DIRECTOR

Sandra Van Fleet
 Name: Sandra Van Fleet
 Title: Secretary

Elizabeth A. Rodier
 Name: ELIZABETH A. RODIER
 Title: Treasurer

Anthony Indurka
 Name: ANTHONY INDURKA
 Title: DIRECTOR

Phyllis D Walker
 Name: PHYLLIS D. WALKER
 Title: VICE PRESIDENT

Paul R Mayeski Sr
 Name: PAUL R. MAYESKI SR
 Title: DIRECTOR

Michael Kowalski
 Name: MICHAEL KOWALSKI
 Title: DIRECTOR

Maryland
 STATE OF DELAWARE :
Worcester : ss.
 COUNTY OF SUSSEX :

SWORN TO AND SUBSCRIBED before me this 25th day of July, 2009.

Judith L. Herron
 Notary Public

MY COMMISSION EXPIRES 11/10/2011

Carl Chilcoat
 Name: CARL CHILCOATE
 Title: DIRECTOR

STATE OF DELAWARE :
 : ss.
 COUNTY OF SUSSEX :

SWORN TO AND SUBSCRIBED before me this 27th day of July, 2009.

Rebecca A. Thompson
 Notary Public
 State of Delaware
 My Commission Expires 6/8/2011

Rebecca A. Thompson
 Notary Public

NOTES:

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.

- No title search provided or stipulated.

PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2008.00'	74.85'	74.85'	S 24°08'34" W	2°08'09"

REFERENCE DATUM NOTES:

1. HORIZONTAL DATUM: NAD '83
(North American Datum of 1983)

PHILIPPIANS 4:7

**(B.R.L.) BUILDING RESTRICTION LINES
PER SUSSEX COUNTY**

- FRONT- 30'
- SIDES - 10'
- REAR - 20'
- ZONING - AR-1

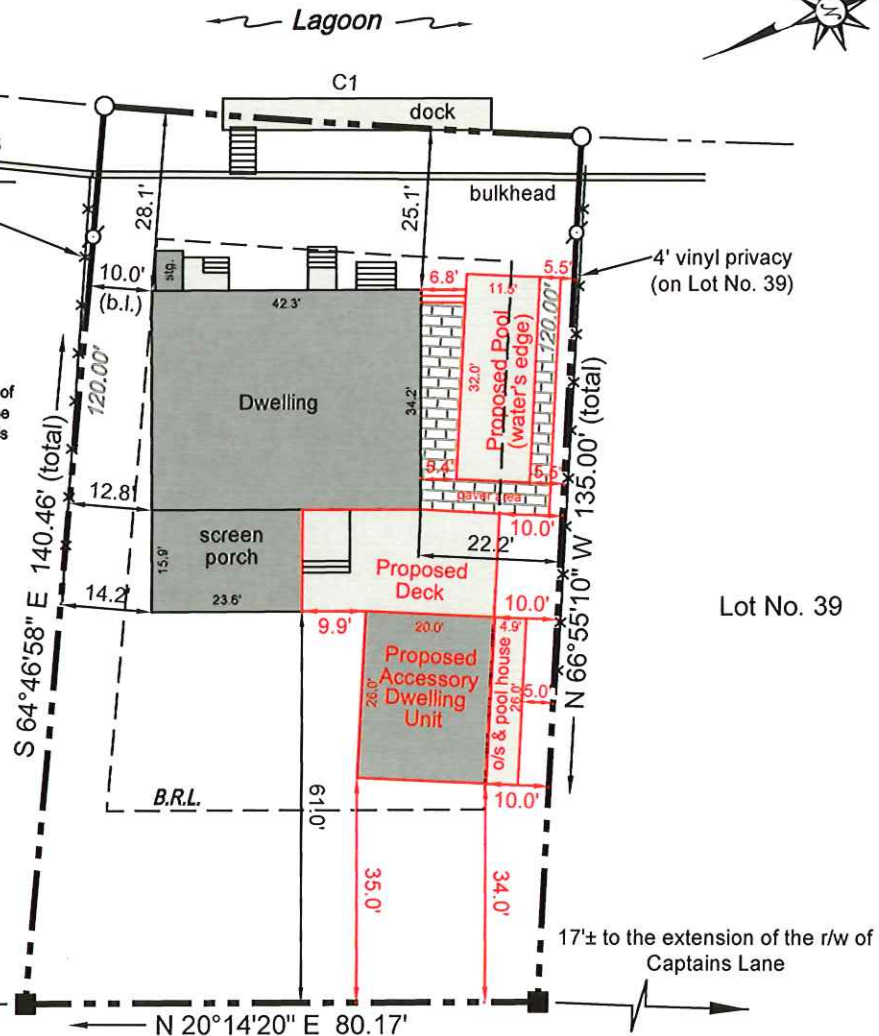
NOTE:

Restrictions shown hereon were obtained by a search of the eCODE360 Library (www.generalcode.com/library#DE). No representation is made for the accuracy or completeness of said third party information. This firm is not an expert in the interpretation of complex zoning ordinances, compliance is beyond the scope of this survey. Any user of said information is urged to contact the local agency directly.

Lot No. 41

OnBase**RECEIVED**

AUG 14 2025

SUSSEX COUNTY
PLANNING & ZONING

(b.l.) BUILDING LINE

- ⌀ 5/8" RE-BAR w/CAP (SET)
- POINT
- CONC. MON. (FD)

B.R.L. BUILDING RESTRICTION LINE

SCALE: 1"= 30'

AREA: 10,643 SQ. FT.

PARCEL ID NO: 5-33-19-185

BAYVIEW WEST

(50' r/w)

Lands of KEVIN H. MARTIN, TRUSTEE. Being known as LOT NO. 40, BLOCK NO. 4, BAYVIEW ESTATES. Ref: Plat Book 15, Page 8.

Revised: 08-08-2025, Proposed A.D.U. and Pool
Revised: 08-08-2025, Deck and O/S Added to Site Plan

FIRM INFORMATION:

100029 - 0635 - K
MARCH 16, 2015
ZONE: "AE", B.F.E.= 5.0' &
"X" SHADED & NON-SHADED

CLASS "B" SURVEY

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 07/08/2025

DRAWN BY: MATT LEVESQUE

REVIEWED BY: MICHAEL LOVELAND

**SIMPLER
SURVEYING
& ASSOCIATE, INC.**

32486 POWELL FARM ROAD, FRANKFORD, DE 19945

www.delawaresurveyor.com

PHONE: (302) 539-7873

SEAL

Gregory M. Hook
08/14/2025

P.L.S. 711

I, Gregory M. Hook, 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.

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 # 13111 9/8/25
Hearing Date 8-18-2025
202509580

RECEIVED

JUL 18 2025

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐ SUSSEX COUNTY
Proposed ☒ PLANNING & ZONING
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

19940 Atlantic Ave Lot E-2F of Sea Air Village Rehoboth DE 19971

Variance/Special Use Exception/Appeal Requested:

Variance for separation 20ft exception to allow 10x27 Deck

11.7ft From 20ft Sep. distance

12.2ft from 20ft Sep. distance

Tax Map #: 334-13.00-31000-57921

Property Zoning: AR-1

Applicant Information

Applicant Name: High Ross SolidCore Builders LLC
Applicant Address: 29499 Pembrooke Landing
City Millsboro State DE Zip: 19966
Applicant Phone #: 302 212 0391 Applicant e-mail: brandon@solidcorebuildersllc.com

Owner Information

Owner Name: Paul & Cynthia McMullen
Owner Address: 19940 Atlantic Ave
City Rehoboth Beach State DE Zip: 19971 Purchase Date: 4/2025
Owner Phone #: 443 206 0178 Owner e-mail: Cyndia@zoominternet.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

Paul D. McMullen

Date: 7/17/2025



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.

See Attached

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

Paul D. Mc Mullin

Date: 7/17/2025

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: _____



SOLID CORE BUILDERS

We Stand for Core Values and Solid Construction

Paul and Cynthia McMullen
 19940 Atlantic Ave, Lot E-28
 Sea Air Village
 Rehoboth Beach, DE 19971
 443-206-0178
cyndie@zoominternet.com

Date: July 17, 2025

Board of Adjustment
 Sussex County Planning & Zoning
 2 The Circle
 P.O. Box 417
 Georgetown, DE 19947

RE: Variance Application for 19940 Atlantic Ave, Lot E-28, Sea Air Village, Rehoboth Beach, DE 19971

Dear Members of the Board,

I am writing to formally request a variance from the Sussex County Zoning Code for the property located at 19940 Atlantic Avenue, Lot E-28, Sea Air Village, Rehoboth Beach, DE 19971.

The specific variance being requested is for relief from the required 20-foot separation between structures. I am proposing the addition of a 10-foot by 27-foot deck to the existing structure. While the proposed addition will meet the 5-foot side and rear setback requirements, it will result in a reduced separation of less than 20 feet between neighboring structures due to the existing variance that permitted the home to be placed on Lot E-28.

The purpose of the proposed deck is to provide safe, practical outdoor living space for the residents and improve overall access to the home. Due to the unique configuration of Lot E-28 and prior approvals, strict enforcement of the 20-foot separation requirement presents an unnecessary hardship.

This request meets the criteria for a variance as:

The lot has unique physical conditions that are not generally applicable to other lots in the area.

Enforcing the 20-foot structure separation would prevent reasonable improvements and use of the property.

The proposed deck will not alter the essential character of the neighborhood.

The request is consistent with the spirit and intent of the zoning regulations.

Attached are the completed variance application, a site plan showing the proposed deck and supporting documents as required.

I respectfully request the Board's approval to proceed with the construction of the deck as proposed. I am available to attend the hearing and answer any questions the Board may have.

Thank you for your consideration.

Sincerely,

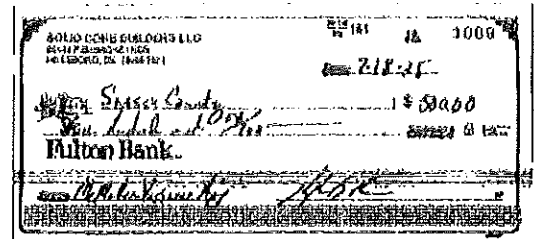
Hugh B Russ
Applicant
Solid Core Builders, LLC
29449 Pembroke Lndg
Millsboro, DE 19966
302-212-0391
brandon@solidcorebuildersllc.com

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

07/18/2025 10:00AM Megan D.
 33029935-0002 001208450

PERMITS / INSPECTIONS	
2025 202509580/2020	\$500.00
	\$500.00
Subtotal	\$500.00
Total	\$500.00
CHECK	\$500.00
Check Number 1009	
Change due	\$0.00

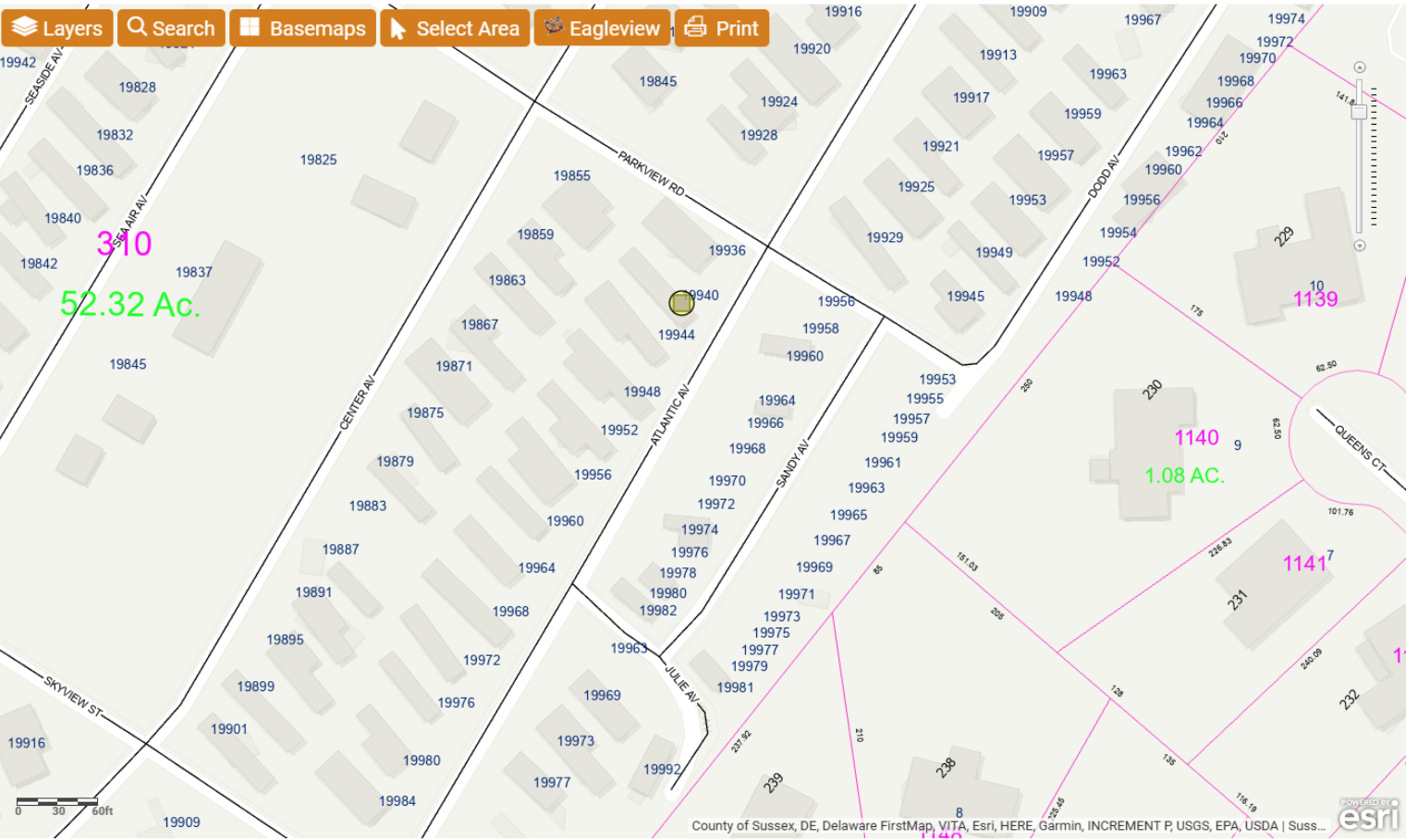
Paid by: SOLID CORE BUILDERS LLC



Thank you for your payment.

CUSTOMER COPY

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: 911 Addresses (1)

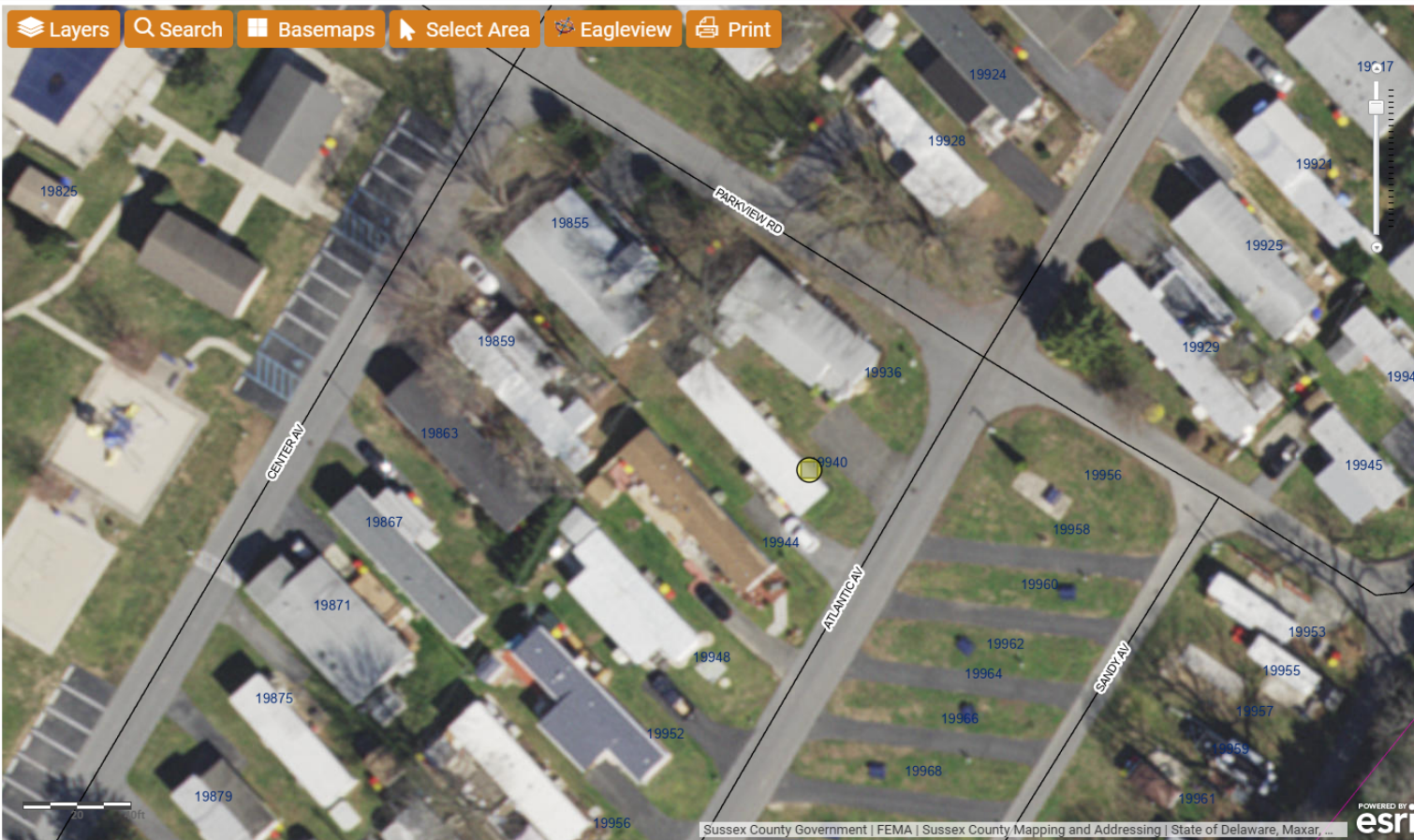
1) SEA AIR VILLAGE Zoom

Address	19940 ATLANTIC AV
CommunityName	SEA AIR VILLAGE
Zip	19971
ZipCommunity	REHOBOTH BEACH
HouseNumber	19940
Unit	Null
StreetName	ATLANTIC AV
PD	
PT	
SN	ATLANTIC
ST	AV
SD	
Comment	
MCode	984
GlobalID	{E75BDCF4-2CD2-4FBC-A96D-30BC560FA2F2}
UniqueID	65941
TaxID	334-13.00-310.00-3055
District	334

Selected Features (1)

Clear Selected

[Layers](#)
[Search](#)
[Basemaps](#)
[Select Area](#)
[Eagleview](#)
[Print](#)



[Eagleview](#)
[Search Results](#)

Selected Features: 911 Addresses (1)

1) SEA AIR VILLAGE [Zoom](#)

Address	19940 ATLANTIC AV
CommunityName	SEA AIR VILLAGE
Zip	19971
ZipCommunity	REHOBOTH BEACH
HouseNumber	19940
Unit	Null
StreetName	ATLANTIC AV
PD	
PT	
SN	ATLANTIC
ST	AV
SD	
Comment	
MCode	984
GlobalID	{E75BDCF4-2CD2-4FBC-A96D-30BC560FA2F2}
UniqueID	65941
TaxID	334-13.00-310.00-3055
District	334

[Previous](#)
[First](#)
[Up](#)
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[Next](#)
[Last](#)

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[Clear Selected](#)



Search

Search by SUSSEXPARELS

334-13.00-310.00

Search results (1) Options

334-13.00-310.00



Workspaces

© 2025 Eagleview

map: Auto (Oblique) Mar 2025 - Mar 2025 image 1 of 14 03/10/2025



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

202509722
Case # 13112
Hearing Date 9-8-2025

RECEIVED

JUL 22 2025

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

20612 Canal Road, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Allow for 5 foot setback on west side of property to allow for renovation and expansion of current kitchen. Request is for allowance adjacent to existing kitchen only.

Tax Map #: 334-19.12-21.11

Property Zoning: GR

Applicant Information

Applicant Name: Ernie Ritchey, Robert Nevrlly

Applicant Address: 20612 Canal Road

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (410) 299-8379 Applicant e-mail: erritchey@gmail.com

Owner Information

Owner Name: Same

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: 4/2013

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information


Agent/Attorney Name: N/A

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney



Robert Skjelder

Date: 7/17/25

07/17/25



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

Original Nanocoke dwelling was placed on the west side of the property closely adjacent to the setback requirements. In order to accommodate renovation and expansion of the existing kitchen we are requesting this variance. Property layout is on an angle which does not allow for full development the property due to such angles.

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.

Original home was situated on the west side of the property adjacent to the perscribed setbacks. Expansion of the existing kitchen is only available with requested variance.

3. Not created by the applicant:

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

Restricted expansion is due to original placement of core Nanocoke home.

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

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

Expansion is only requested for limited area beyond the 30 ft front setback requirement. Area requested does not border on any neighboring structures. Other properties in the adjacent neighborhood are constructed within 5 foot setback requirements.

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.

Variance is requested for only expansion of existing kitchen to 5 ft setback requirements.

Sussex County, DE - BOA Application

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

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

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

N/A

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

N/A

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

N/A

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

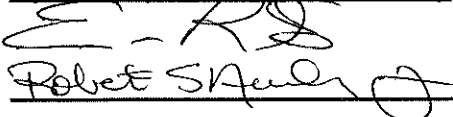
- ☒ • Completed Application
- ☒ • Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed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

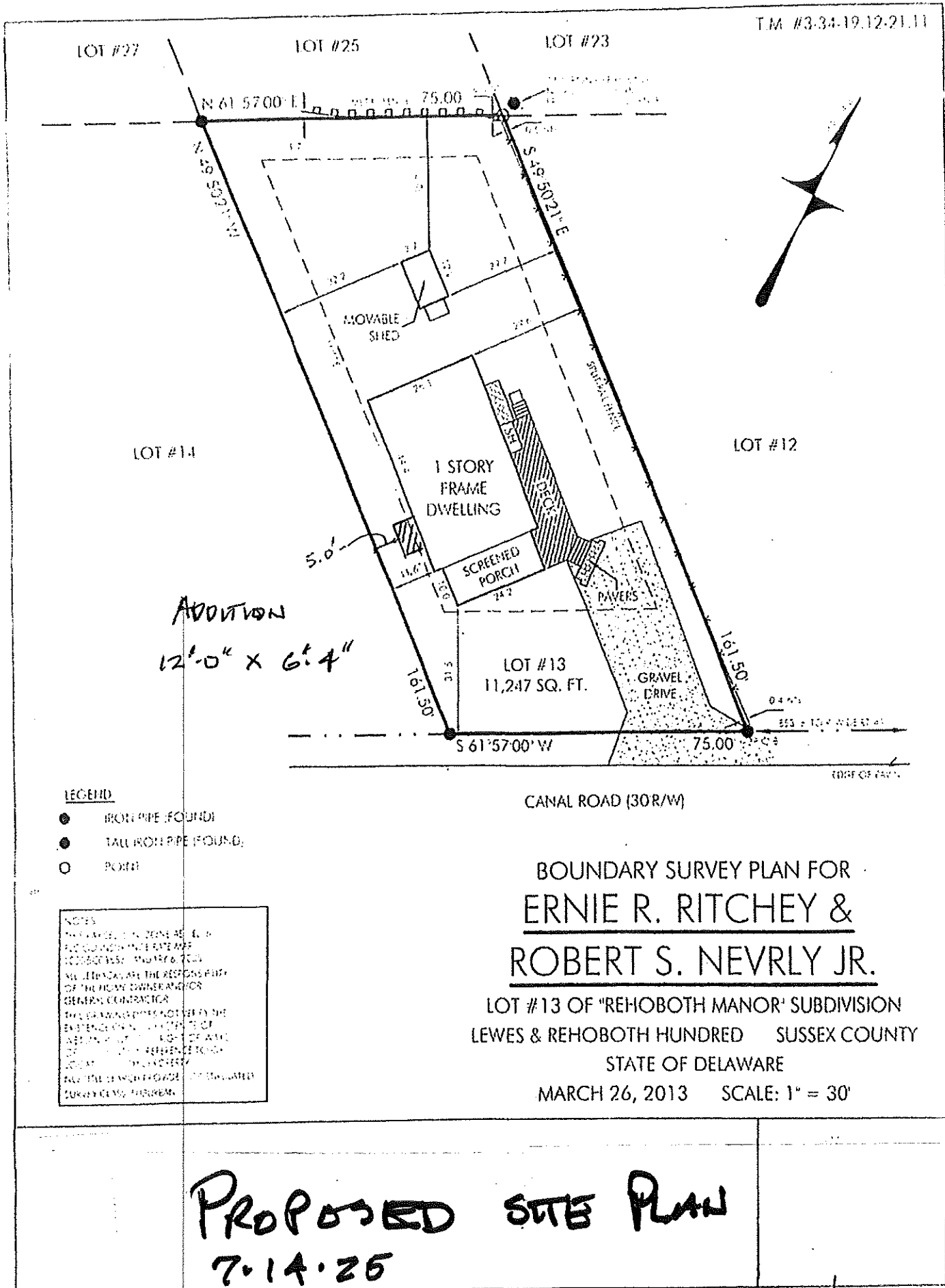

Robert S. Anderson

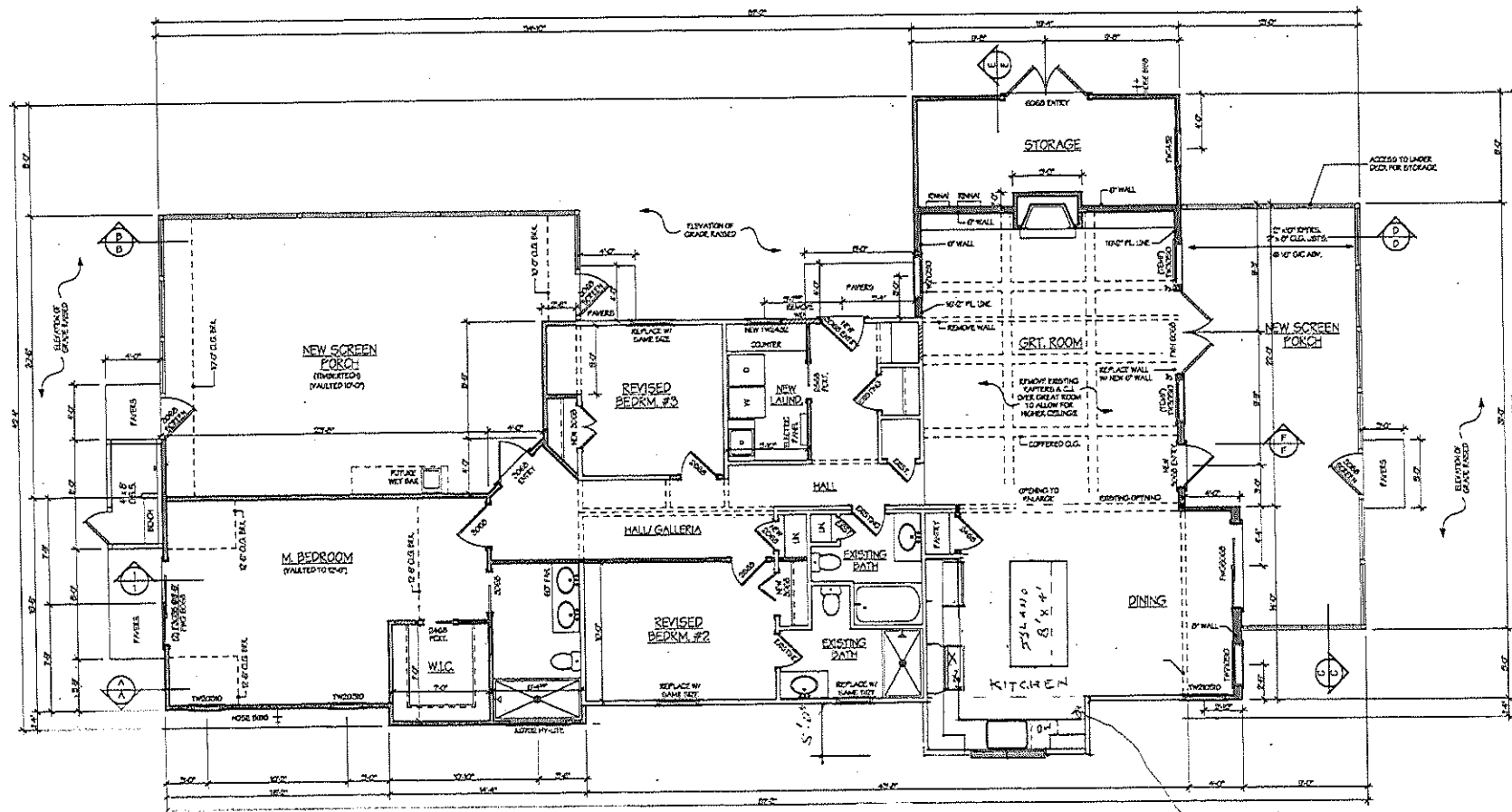
Date: 7/17/25
07/17/25

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: _____



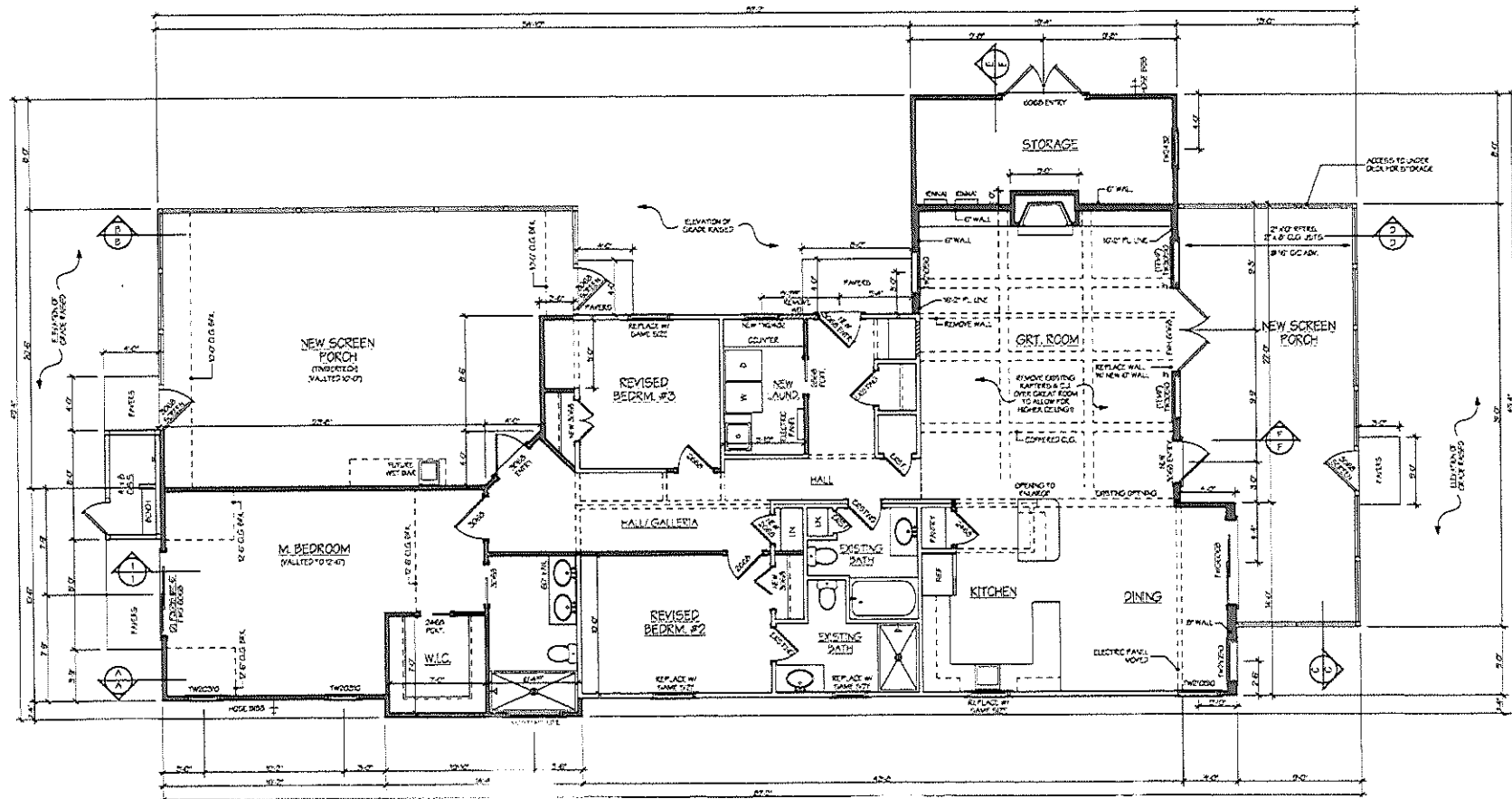


FIRST FLOOR PLAN

NEW LIVING AREA - 740 SQ. FT.
 NORTH PORCHES - 548 SQ. FT.
 STORAGE - 100 SQ. FT.

THE 5' ADDITION COULD
 BE CATHEDRAL CEILING!

"PROPOSED"



FIRST FLOOR PLAN

NEW LIVING AREA - 740 SQ. FT.
 KITCHEN, PORCHES - 190 SQ. FT.
 STORAGE - 120 SQ. FT.

"EXISTING"

7/17

Good morning, afternoon, or evening,

Please email receipt to :

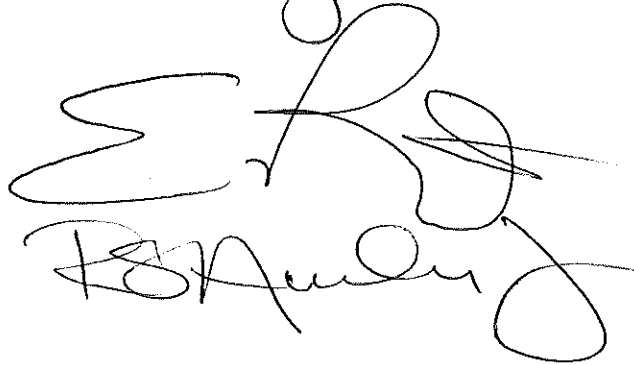
erritchey@gmail.com

Name: Ernie Ritchey

Address: 20612 Canal Road
Rehoboth Beach, DE 19971

Phone: 410.299.8379

Thank you !!



7/17/25

RECEIVED

JUL 22 2025

SUSSEX COUNTY
PLANNING & ZONING

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

07/22/2025 11:09AM Megan D.
 33029949-0062 001209054

PERMITS / INSPECTIONS
 2025 202509722|2020

\$500.00

\$500.00

Subtotal

\$500.00

Total

\$500.00

CHECK

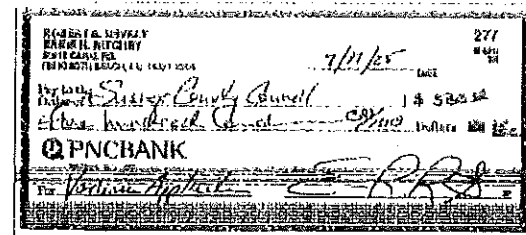
\$500.00

Check Number 0277

Change due

\$0.00

Paid by: ROBERT NEVERLY



Thank you for your payment.

Sussex County Government COPY
 DUPLICATE RECEIPT

Layers

Search

Basemaps

Select Area

Eagleview

Print

Eagleview

Search Results

Selected Features:

Parcels (1)

1) 334-19.12-21.11

Zoom

BOOK	6156
PAGE	259
FULLNAME	RITCHEY ERNIE R TTEE
Second_Owner_Name	ROBERT S NEVRLY JR TTEE REV TR
MAILINGADDRESS	20612 CANAL RD
CITY	REHOBOTH BEACH
STATE	DE
a_account	01-02-021.11
DESCRIPTION	REHOBOTH MANOR
DESCRIPTION2	LOT 13
DESCRIPTION3	
LUC	101
SCHOOL	6
MUNI	00
CAP	2
APRBLDG	728800
APRLAND	280700
PINWASSEMENTUNIT	334-19.12-21.11
PIN	334-19.12-21.11

Selected Features (1)

Clear Selected

Layers

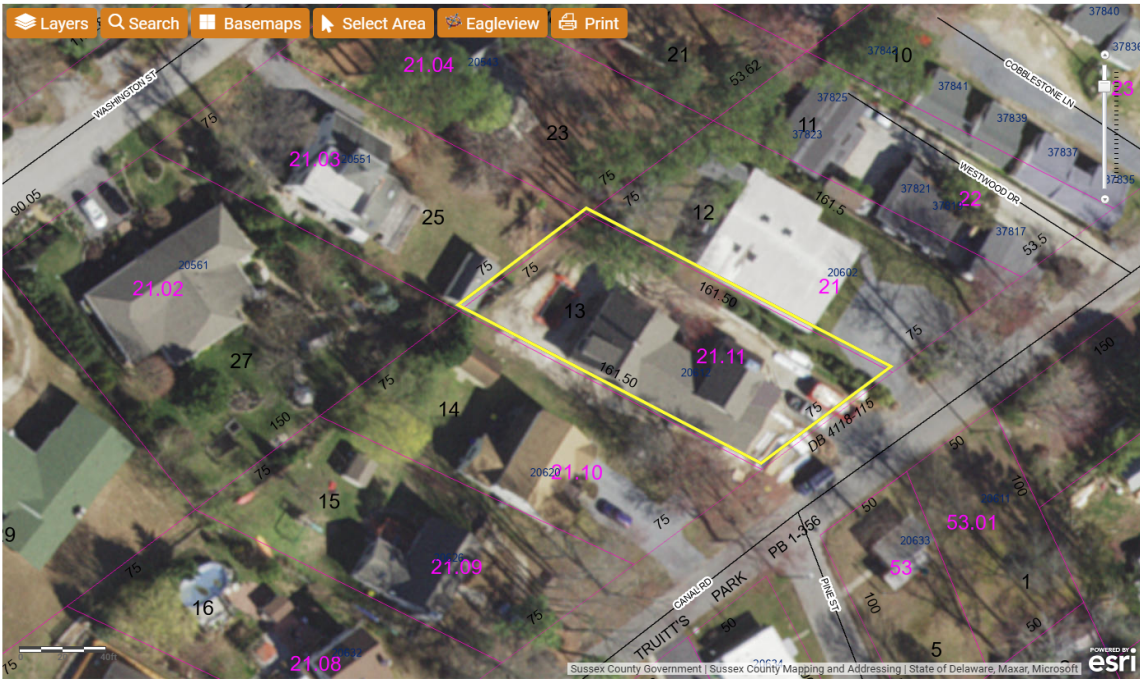
Search

Basemaps

Select Area

Eagleview

Print



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

esri

EagleviewSearch Results

Selected Features:Parcels (1)

1) 334-19.12-21.11Zoom

BOOK	6156
PAGE	259
FULLNAME	RITCHEY ERNIE R TTEE
Second_Owner_Name	ROBERT S NEVRLY JR TTEE REV TR
MAILINGADDRESS	20612 CANAL RD
CITY	REHOBOTH BEACH
STATE	DE
a_account	01-02-021.11
DESCRIPTION	REHOBOTH MANOR
DESCRIPTION2	LOT 13
DESCRIPTION3	
LUC	101
SCHOOL	6
MUNI	00
CAP	2
APRBLDG	728800
APRLAND	280700
PINWASSEMENTUNIT	334-19.12-21.11
PIN	334-19.12-21.11

Selected Features (1)

Clear Selected




SD


67

PROPERTY RECORD CARD

RESIDENTIAL/TRLR.

CARD _____ OF _____

DIST. 334	MAP 19.12	PARCEL 21.11	CONTROL NO.								
ADDRESS		OWNERSHIP RECORD									
LAND IDENTIFICATION		DATE OF TRANSFER	GRANTEE	REVENUE STAMPS	SALE PRICE						
LAND RECORD AND VALUATION SUMMARY				BUILDING PERMIT RECORD							
PROPERTY FACTORS		LAND COMPUTATION				DATE	NUMBER	AMOUNT			
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS		UNIT VALUE	FACTORS		ADJ UNIT VALUE	VALUE			
CITY WATER	PAVED	FRONT	DEPTH		DEPTH	OTHER					
SEWER	SEMI-IMPROVED										
GAS	UNIMPROVED										
ELECTRICITY	OTHER										
ALL UTILITIES	SIDEWALK										
ASSESSMENT RECORD		SUMMARY OF VALUES		TOTAL LAND		\$		 H. L. YOH COMPANY A DIVISION OF DAY AND ZIMMERMANN, INC. PHILADELPHIA, PA.			
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <div style="text-align: right;">20</div> <div>LAND \$</div> <div>BLDG \$</div> <div>TOTAL \$</div> </div> <div style="width: 40%;"> <div style="text-align: right;">20</div> <div>LAND \$</div> <div>BLDG \$</div> <div>TOTAL \$</div> </div> </div>				TOTAL IMPROVEMENTS		\$					
				TOTAL APPRAISED VALUE		\$					
				<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <div style="text-align: right;">20</div> <div>LAND \$</div> <div>BLDG \$</div> <div>TOTAL \$</div> </div> <div style="width: 40%;"> <div style="text-align: right;">20</div> <div>LAND \$</div> <div>BLDG \$</div> <div>TOTAL \$</div> </div> </div>		NOTES					
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <div style="text-align: right;">20</div> <div>LAND \$</div> <div>BLDG \$</div> <div>TOTAL \$</div> </div> <div style="width: 40%;"> <div style="text-align: right;">20</div> <div>LAND \$</div> <div>BLDG \$</div> <div>TOTAL \$</div> </div> </div>											

DIST			MAP			PARCEL			CARD _____ OF _____																																	
<div style="text-align: center;">  H. L. YOH CO. PHILA., PA. </div>						TYPE	OCC	GRADE	DIMENSIONS		AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST																									
								A-	X		1467						14.10	20684																								
									X		1100						14.10	22556																								
									X																																	
									X																																	
									X																																	
						TOTAL GROUND AREA				TOTAL BASE COST \$ 22940																																
PRINCIPAL BUILDING DESCRIPTION														M/C	± %	± PTS																										
MASONRY-1				PIER-2				SLAB-3				FOUNDATION																														
NONE-0				1/4-1				1/2-2				3/4-3				FULL-4				BASEMENT																						
NONE-0				REC AREA-1				APT-2				% OF BASEMENT				SQ FT				BSMT FINISH																						
NONE-0				PIPELESS GHA-1				ELECTRIC-2				PHA-3				STM-HW-4				HEAT SYS				3	10																	
								INDICATE QTY								FIRE PLACE						16.0																				
3-FIXT BATH				2-FIXT BATH				SQ FIX				TOTAL FIXT				PLUMBING				9		7.8																				
NONE-0				1/2-1				1-2				1 1/2-3				2-4				2 1/2-5				3-6				4-7				5-8				CER TILE				1		1.5
1ST FLOOR				2ND FLOOR				3RD FLOOR				INT FINISH																														
NONE				PL				WB				WP				NONE				PL				WB				WP				WLS-CLG										
DIRT				CONC				HW				SW				HW				SW				HW				SW				FLOORS										
NONE-0				HOME POWER UNIT-2				PUBLIC-3				ELECTRICITY				3																										
NONE-0				ONE CAR-1				TWO CAR-2				BLT-IN GAR				3																										
WOOD-1				SHGL-2				ALUM-3				BLK-4				BRK OR STN-5				STUCCO-6				COMP-7				EXT WALLS				3										
HIP-1				GABLE-2				FLAT-3				MANSARD-4				GAMBREL-5				ROOF TYPE				2																		
WD-COMP-SHGL-1				SLATE-2				METAL-3				TILE-4				ROLL-5				T & G-6				ROOFING				1														
AREA				SQ FT				INDICATE QTY				947				PORCH-OPEN				2		43.6																				
AREA				SQ FT				INDICATE QTY								PORCH-GLZD				2																						
NONE-0				CENTRAL-1				AIR-COND				1	60																													
NONE-0				1 CAR-1				2 CAR-2				SQ FT				ATT GAR/CP																										
												SQ FT				UTILITY																										
																OTHER																										
																OTHER																										
BASE COST \$ 22940 ± INDEX % \$ 24316 ± INDEX PTS \$ 31096 X GRADE FACTOR 140 ACTUAL AGE YRS EFF AGE YRS PHYS. COND GOOD FAIR POOR PER CENT GOOD 98 % OBSOLESCENCE: FUNC % OV'RIMP % UND RIMP % OTHER ECON. % NET COND % INDEX TOTALS 1010% 167.8% - REPLACEMENT COST \$ 43,534 DEPRECIATED BLDG VALUE \$ 42,166.3																																										
ACCESSORY BUILDINGS																																										
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE																											
SP	Tng. Pool		A			20	12	240			8.00	1920		9.8	1882																											
TRAILERS																																										
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL	PHYS DEPR	SOUND VAL																																	
										TOTAL TRAILERS VALUE \$																																
INSPECTED BY										CHECKED BY				APPROVED BY				TOTAL ACCESSORY BLDGS VALUE \$																								
																		TOTAL BLDGS VALUE \$ 44,545																								

SKETCH/AREA TABLE ADDENDUM

Parcel No 334-19.12-21.11

File No BP#201609812/09147

Property Address 30612 CANAL RD

City REHOBOTH BEACH

State

Zip

Owner

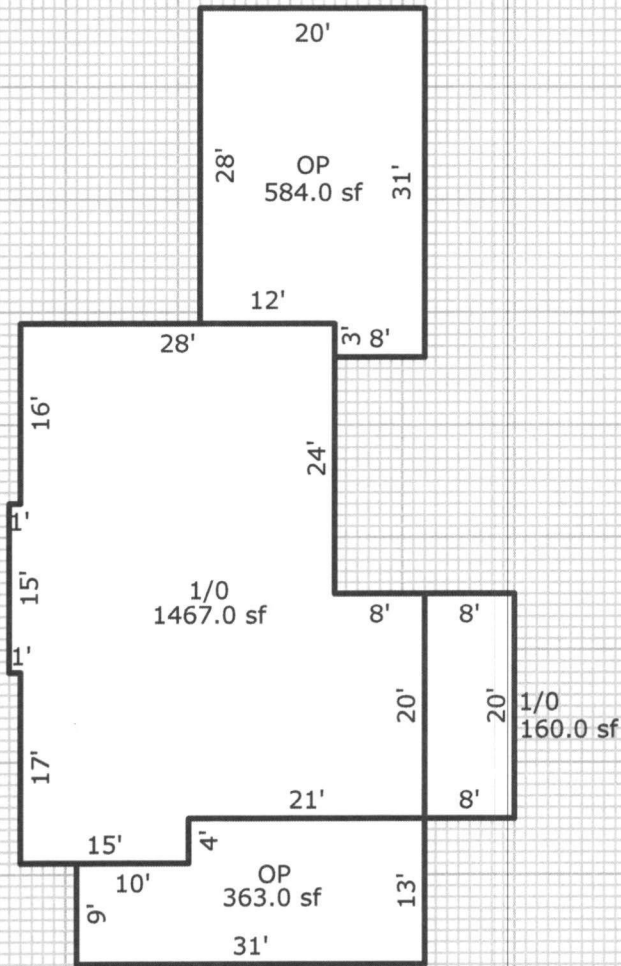
Client

Appraiser Name JEFF SAUERS

Inspection Date 1/17/17

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 12'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	1/0	1.00	1467.00	170.0	
	1/0	1.00	160.00	56.0	
	OP	1.00	363.00	88.0	
	OP	1.00	584.00	102.0	2574.00

Comment Table 1

GRADE: A-
 FIXTURES: 9, 1 TILE
 1 FP 15pts

INGROUND POOL 20X12 A GRADE

Comment Table 2

Comment Table 3

Net BUILDING Area

(rounded w/ factors)

2574

AREA CALCULATIONS

REASSESSMENT DIVISION

ACT. CODE: 1WORKED
BY:

3-28-78

Janet Morris

DIST: 3-34MAP: 19.12PAR: 21.11TRL/UNITNAME: Myers, Arthur DaltonADDRESS: 19 Laurel St.
Rehoboth, De. 19971PROP. DESC.: RE HOBETH MANOR
LOT 13
75.00 X 161.50TRANSFER:NEW VALUE: 5700OLD VALUE:ACTION REASON: parcel splitBILLING: 1978

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 # 13113
Hearing Date 9-8-2025

202509734

RECEIVED

JUL 27 2025

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☐

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

98 Kings Creek Circle, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Please see attached sheet detailing variances requested.

Tax Map #: 334-13.00-1158.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Kings Creek Country Club Inc. ("KCCC")

Applicant Address: 1 Kings Creek Circle

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (302) 227-7172 Applicant e-mail: MHaschemeyer@kingscreekcc.com

Owner Information

Owner Name: See Above

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: N/A

Agent/Attorney Information

Agent/Attorney Name: Brockstedt Mandalas Federico, LLC c/o Glenn C. Mandalas, Esq.

Agent/Attorney Address: 1413 Savannah Road, Suite 1

City Lewes State DE Zip: 19958

Agent/Attorney Phone #: (302) 645-2262 Agent/Attorney e-mail: gmandalas@lawbmf.com

Signature of Owner/Agent/Attorney

Mark Haschemeyer

Date: 7/16/25



KINGS CREEK COUNTRY CLUB VARIANCE REQUESTS

Variance/ Special Use Exception/ Appeal Requested:

Pursuant to Sussex County Code 115-25C, applicant is seeking:

1. A 24.5-foot variance from the thirty-foot (30) front yard setback requirement for the proposed operations building.
2. A 2.7-foot variance from the fifteen-foot (15) side yard setback requirement for the proposed operations building.
3. A 17.9-foot variance from the required thirty-foot (30) front yard setback requirement for the proposed ESD wash.
4. A 15.4-foot variance from the thirty-foot (30) front yard setback requirement for the proposed fueling station.

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 specific area for the variance requests is KCCC's golf maintenance facility. The property is unique as it is a large but oddly shaped parcel. The property is irregular and has physical conditions that are particular to the property.

2. Cannot otherwise be developed:

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

The property is unique and has numerous physical conditions, which do not allow the property to be developed in strict conformity with the provisions of the Sussex County Code.

3. Not created by the applicant:

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

The need for this variance was not created by the Applicant. The natural development and growth of the KCCC require the variance.

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.

This area is already a maintenance area. The expansion of the facility is part of the natural growth of the KCCC and it will not alter the essential character of the neighborhood, substantially or permanently impair the appropriate use of development of the adjacent property, nor be detrimental to the public welfare.

5. Minimum variance:

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

These variances will represent the minimum variances necessary that will afford relief and will represent the least modification possible

Sussex County, DE - BOA Application

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

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

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

N/A

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

N/A

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

N/A

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

**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 Haschemeyer

Date: 7/16/25

For office use only:

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

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

File #: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Kings Creek Country Club Inc. ("KCCC")
 Applicant Address: 1 Kings Creek Circle
 City: Rehoboth Beach State: DE Zip: 19971
 Phone #: (302) 227-7172 E-mail: MHaschemeyer@kingscreekcc.com

Owner Information

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

Engineer/Surveyor Information

Engineer/Surveyor Name: Merestone Consultants, Inc.
 Engineer/Surveyor Address: 35516 Crossing Ave., Unit 1, Five Points Square
 City: Lewes State: DE Zip: 19958
 Phone #: (302) 226-5880 E-mail: N/A

Agent/Attorney Information

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

Other

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



Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 98 Kings Creek Circle
Rehoboth Beach, DE 19971

Parcel #: 334-13.00-1158.00

Site Address: _____

Parcel #: _____

Applicant Name: _____

Owner Name: _____

Type of Application:

Conditional Use: ☐
 Change of Zone: ☐
 Subdivision: ☐
 Board of Adjustment: ☒

Date Submitted: _____

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____



Glenn C. Mandalas
(302) 645-2262
gmandalas@lawbmf.com

July 21, 2025

VIA EMAIL & US MAIL

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

**RE: Kings Creek Country Club Board of Adjustment Variance Application
TMP: 334-13.00-1158.00**

Dear Director Whitehouse:

Enclosed is a Board of Adjustment Application being filed on behalf of my client, Kings Creek Country Club Inc. The Club is seeking variances that will allow additional improvements to its maintenance area on Kings Creek Circle. The improvements include a new operations building, a wash rack, a fueling station, and parking. The relief requested to facilitate the construction of these improvements includes:

1. A 24.5-foot variance from the thirty-foot (30') front yard setback requirement for the proposed operations building pursuant to **Sussex County Code 115-25C**.
2. A 2.7-foot variance from the fifteen-foot (15') side yard setback requirement for the proposed operations building pursuant to **Sussex County Code 115-25C**.
3. A 17.9-foot variance from the thirty-foot (30') front yard setback requirement for the proposed wash rack pursuant to **Sussex County Code 115-25C**.
4. A 15.4-foot variance from the thirty-foot (30') front yard setback requirement for the proposed fueling station pursuant to **Sussex County Code 115-25C**.

I have enclosed several exhibits with the variance application. Prior to the hearing, I will provide additional information more thoroughly describing why the requested relief is appropriate under the statutory criteria provided in Title 9, Section 6917(3) and Sussex County Code, Section 115-211(B).

Sincerely,

Glenn C. Mandalas, Esq

GCM/mgl

Cc: Mr. Mark Haschemeyer, Golf Course Superintendent
Mr. Roger A. Gross, P.E.

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

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

EXHIBIT A

Property & Deed Information

PARID: 334-13.00-1158.00
KINGS CREEK COUNTRY CLUB INC

98 KINGS CREEK CIR

Property Information

Property Location:	98 KINGS CREEK CIR
Unit:	
City:	REHOBOTH BEACH
State:	DE
Zip:	19971
Class:	C-Commercial
Use Code (LUC):	413-Golf Course - Fairways
Town:	00-None
Tax District:	334 - LEWES REHOBOTH
School District:	6 - CAPE HENLOPEN
Fire District:	86-Rehoboth
Deeded Acres:	186.3700
Frontage:	0
Depth:	.000
Ir Lot:	
Plot Book Page:	/PB
100% Land Value:	\$5,812,100
100% Improvement Value	\$9,463,400
100% Total Value	\$15,275,500

Legal

Legal Description	PARCEL BC OPEN AREA
	REC KINGS CREEK
	CNTY CLB

Owners

Owner	Co-owner	Address	City	State	Zip
KINGS CREEK COUNTRY CLUB INC		ONE KINGS CREEK CIR	REHOBOTH BEACH	DE	19971

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
06/29/1989	0/0	\$100.00	\$.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2024	KINGS CREEK COUNTRY CLUB INC		ONE KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2023	KINGS CREEK COUNTRY CLUB INC		ONE KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2022	KINGS CREEK COUNTRY CLUB INC		ONE KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2021	KINGS CREEK COUNTRY CLUB INC		ONE KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2020	KINGS CREEK COUNTRY CLUB INC		ONE KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2019	KINGS CREEK COUNTRY CLUB INC		ONE KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2019	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2018	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2017	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2015	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2011	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2011	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2009	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2003	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
2001	KINGS CREEK COUNTRY CLUB INC		1 KINGS CREEK CIR	REHOBOTH BEACH	DE	19971	0/0
1900	KINGS CREEK ASSOCIATES					0	1415/314
1900	KINGS CREEK COUNTRY CLUB INC					0	1658/29

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1		01	0	0	186.3700	N
2		03			186.3700	N

Land Summary

1 of 2

Line	1
100% Land Value	390,000

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	SC1-COMMERCIAL SWIMMING POOL				3,540
1	2	CI2-CONCRETE PAVING				12,600
1	3	SC1-COMMERCIAL SWIMMING POOL				360
1	4	TC1-ASPHALT TENNIS COURT				1
1	5	TC3-CLAY TENNIS COURT				1
1	9	SH1-FRAME MACHINERY SHED				280
2	6	GC2-GOLF COURSE IMP VG	1	18		1
2	7	CI1-ASPHALT OR BLACKTOP PAVING				60,000
2	8	CI2-CONCRETE PAVING				10,000
2	10	TR1-RESTROOM STR/FRM-CB				150

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$5,812,100	\$9,463,400	\$15,275,500

50% Values

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
26-APR-2021	202103228	\$325,000	KINGS CREEK - PATIO W/ROOF ON COUNTRY CLUB
28-OCT-2020	202012700	\$29,725	INSTALL 76 LINEAR FT OF CUSTOM FENCE W/DOUBLE SWING
03-OCT-2019	201911346	\$6,750	1350 SQ FT PAVER PATIO
08-APR-2019	201903820	\$0	WR 14765
22-JAN-2019	201812792	\$540,000	*KING CREEK COUNTRY CLUB CLUBHOUSE*
21-NOV-2018	201809027	\$664,000	KINGS CREEK COUNTRY CLUB POOL HSE & FITNESS BLDG - 2 ST
11-OCT-2018	201810757	\$0	WR 14445 POOL BLDG
02-APR-2018	201802325	\$230,000	*KINGS CREEK COUNTRY CLUB* 52X24 COVERED WALKWAY
28-APR-2015	201502096	\$57,500	BATHROOM FIREPLACE AND MENS BATHROOM INTERIOR WORK ONLY
27-FEB-2015	201501350	\$20,000	KINGS CREK CLUBHOUSE: INTERIOR WORK DUE TO FIRE DAMAGE
27-FEB-2015	201501348	\$60,000	KINGS CREEK CLUBHOUSE: INTERIOR WORK DUE TO FIRE
27-FEB-2015	201501347	\$120,000	KINGS CREEK CLUBHOUSE: INTERIOR WORK DUE TO FIRE DAMAGE
19-JAN-2011	68537-14	\$18,000	GOLF STORAGE BLDG-KINGS CREEK CC
17-APR-2008	68537-12	\$70,000	ADDITION/RENOVATIONS-KINGS CREEK CC OPEN AREA
17-APR-2008	68537-13	\$0	ADDITION/RENOVATIONS-KINGS CREEK CC OPEN AREA
20-MAR-2008	68537-11	\$280,000	INTERIOR RENOVATIONS-KINGS CREEK CC OPEN AREA
05-JUN-2002	68537-10	\$4,500	ENCLOSE EXIST PORCH-KINGS CREEK CC OPEN AREA
19-APR-1996	68537-9	\$8,000	RESTROOMS-KINGS CRK.COUNTRY CLUBPAR.BC
17-DEC-1993	68537-8	\$833,510	FINISH INT.OF CLUB-N/A
07-JUN-1993	68537-7	\$200,000	CLUB HSE.ADD.(SHELL)-KINGS CREEK C.CLUBPARCEL BC
01-FEB-1993	68537-6	\$166,490	FOUNDATION-KINGS CREEK SUBD.
06-MAY-1991	68537-5	\$152,000	POOL HOUSE-KINGS CREEK C.C.
01-MAR-1991	68537-4	\$80,000	SWIM.POOL/BABY POOL-KINGS CRK.COUNTRY CLUBLOT BC
25-APR-1990	68537-3	\$190,000	SHOP-KINGS CREEK COUNTRY
21-APR-1989	68537-2	\$14,000	GUARD HOUSE-KINGS CREEK ASSOCIATES

8820

BOOK 1415 PAGE 314

This Deed, made this

14th

day of May

in the year of our

LORD one thousand nine hundred and eighty-six (1986)

BETWEEN, MOHAMMED WAHID AKHRAS, having an address at
26 Edgewater Drive, Lewes, Delaware, party of the first part,
and

KINGS CREEK ASSOCIATES, a Delaware general partnership, having an
address c/o Mohammed Wahid Akhras, 26 Edgewater Drive, Lewes, Delaware,
party of the second part.

"**Witnesseth,** That the said part 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 acknowledge, hereby grant, and
conveys unto the said party of the second part,

ALL

that property located in Lewes and Rehoboth Hundred, Rehoboth Beach,
Delaware and more fully described as follows, together with all
and singular the ways, easements, rights, privileges and appurtenances
to the same belonging or in anywise appertaining, and all estate,
right, title, interest and claim, either at law or in equity, or
otherwise however, of the party of the first part of, in, to, or
out of the said property:

TRACT NO. 1. ALL THAT certain tract, piece and parcel of land, situate,
lying and being southwest of Delaware State Highway Route 1 in Lewes and Rehoboth



DAVID W. BAKER, Esq., P.A.
108 SOUTH HACE STREET
P. O. BOX 881
GEORGETOWN, DELAWARE
19327

BOOK 1415 PAGE 315

Hundred, Sussex County, Delaware, known as the "PETER A. MARSH FARM" and the "MARY E. LYNCH FARM", as described in a property survey of Vandemark & Lynch, Inc., and Wingate & Eschenbach, Registered Land Surveyors, dated the 8th day of July, 1974, and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 8 at page 948, and being more particularly bounded and described as Parcel "A" in accordance with a plot of the land to be conveyed to M. Wahid Akhras prepared by Land Tech, Inc., Registered Land Surveyors, dated the 2nd day of December, 1985, and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 33 at Page 292, as follows, to-wit: BEGINNING at an iron pipe in the southeasterly boundary line of the property known as Sea Air Mobile City, said iron pipe being South $38^{\circ} 26' 25''$ West, 1387.00 feet from a point in the southwesterly right-of-way line of the southbound lane of Delaware State Highway Route 1, said point being South $58^{\circ} 13' 30''$ East, 202.40 feet from an iron pipe marking a common corner for the lands of the Estate of Eleanor C. Dodd known as the "Apple Lot" and the lands known as Sea Air Mobile City; thence, running from said iron pipe designated as the point of Beginning by and with the lands of the Estate of Eleanor C. Dodd, South $51^{\circ} 33' 35''$ East, 939.75 feet to a point in a creek; thence, running by and with said creek, which forms a boundary line between the lands of the Estate of Eleanor C. Dodd and the lands of James S. Truitt, Dorothy Truitt, Silver View Farms, 3 Seasons Camp Grounds, and the lands of Rehoboth Beach Yacht and Country Club Development (developed by Great South Beach Improvement Company), the following 18 courses and distances, a total of 6,326 feet to an intersection of said creek with another creek known as King's Creek, viz: (1) South $41^{\circ} 48' 14''$ West, 98.18 feet; thence, (2) South $48^{\circ} 26' 30''$ West, 267.00 feet; thence, (3) South $57^{\circ} 16' 30''$ West, 407.25 feet; thence, (4) South $24^{\circ} 48'$ West, 223.30 feet; thence, (5) South $14^{\circ} 16'$ West, 404.50 feet; thence, (6) South $05^{\circ} 42' 30''$ West, 224.50 feet; thence, (7) South $24^{\circ} 30'$ West, 463.00 feet; thence, (8) South $18^{\circ} 32' 30''$ West, 282.40 feet; thence,

DAVID W. BAKER, EIC., P.A.
109 SOUTH RACE STREET
P. O. BOX 811
GEORGETOWN, DELAWARE
19347

BOOK 1415 PAGE 316

(9) South 36° 19' West, 454.25 feet; thence, (10) South 36° 47' 30" West, 265.75 feet; thence, (11) South 58° 50' West, 329.75 feet; thence, (12) South 64° 13' 30" West, 234.75 feet; thence, (13) South 15° 53' 30" West, 450.50 feet; thence, (14) South 01° 13' East, 502.67 feet; thence, (15) South 06° 28' 30" West, 547.75 feet; thence, (16) South 38° 31' West, 223.00 feet; thence, (17) South 31° 07' 30" West, 224.75 feet; thence, (18) South 15° 21' 45" West, 513.25 feet to a 2" x 2" stake at the intersection of the two creeks referred to above; thence, running by and with said King's Creek, which forms the boundary line between this tract and the lands of the Rehoboth Beach Yacht and Country Club, Francis G. Warrington, Jr., J. G. Townsend, Jr., Inc., Old Landing Farm, Inc., Fred K. Duffy, etux, and lands known as the Camelot Mobile Home Park, the following 26 courses and distances, a total of 9,164 feet ±, to a field stone, viz: (1) North 70° 28' West, 467.00 feet; thence, (2) North 34° 26' West, 360.50 feet; thence, (3) North 25° 37' West, 309.25 feet; thence, (4) North 49° 03' West, 695.25 feet; thence, (5) North 19° 29' 30" West, 423.00 feet; thence, (6) North 70° 34' 30" West, 1077.00 feet; thence, (7) North 14° 37' West, 348.00 feet; thence, (8) North 02° 54' West, 161.50 feet; thence, (9) North 47° 10' East, 440.75 feet; thence, (10) North 68° 57' East, 290.50 feet; thence, (11) North 36° 06' 30" East, 308.67 feet to a ditch; thence, (12) North 00° 48' 30" East, 101.50 feet; thence, (13) North 07° 02' East, 294.25 feet; thence, (14) North 64° 47' East, 385.50 feet; thence, (15) North 37° 31' East, 434.50 feet; thence, (16) North 19° 38' East, 331.00 feet; thence, (17) North 02° 11' East, 370.50 feet; thence, (18) North 18° 27' West, 249.75 feet; thence, (19) North 36° 33' 30" West, 367.50 feet; thence, (20) North 01° 53' West, 304.00 feet; thence, (21) North 05° 17' West, 338.75 feet; thence, (22) North 15° 43' West, 300.50 feet; thence, (23) North 35° 22' 30" East, 360.25 feet; thence, (24) North 26° 52' East, 249.85 feet; thence, (25) North 49° 27' 10" East, 363.00 feet; thence, (26) North 25° 12' 10" East, 132.00

DAVID W. BAKER, ESQ., P.A.
109 SOUTH HACE STREET
P. O. BOX 651
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TRACT NO. 2. ALL THAT certain tract, piece and parcel of land, situate, lying and being in Laves and Rehoboth Hundred, Sussex County, Delaware, southwest of Delaware State Highway Route 1 and fronting on the northwesterly side of County Road 273, more particularly bounded and described as Parcel "B" of a plot of the lands to be conveyed to M. Wahid Akhras prepared by Land Tech, Inc., Registered Land Surveyors, dated the 2nd day of December, 1985, and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 33 at Page 298, as follows, to-wit:

BEGINNING at an iron pipe in the southeasterly boundary line of the property known as Sea Air Mobile City, said iron pipe being South $38^{\circ} 26' 25''$ West, 1387.00 feet from a point in the southwesterly right-of-way line of the southbound lane of Delaware State Highway Route 1, said point being South $58^{\circ} 13' 30''$ East, 202.40 feet from an iron pipe marking a common corner for the lands of the Estate of Eleanor C. Dodd known as the "Apple Lot" and the lands known as Sea Air Mobile City; thence, running from said iron pipe designated as the point of Beginning along the boundary of the lands now or formerly of Sea Air Mobile City, North $38^{\circ} 26' 25''$ East, 782.92 feet to a point; thence, turning and running along a new division line in the lands of the Estate of Eleanor C. Dodd, South $58^{\circ} 13' 30''$ East, 80.55 feet to an iron pipe; thence, continuing on the same course 1,781.88 feet to an iron pipe, for a total of 1,862.43 feet; thence, in a curve to the left whose radius is 12,094.16 feet, whose chord is South $59^{\circ} 36' 59''$ East, a chord distance of 587.31 feet, an arc distance of 587.37 feet to a concrete marker on the northerly right-of-way line of County Road 273; thence, by and with the northerly right-of-way line of County Road 273, South $62^{\circ} 34' 35''$ West, 843.89 feet to a concrete marker; thence, turning and running by and with the lands now or formerly of Geraldine Marsh and James S. Truitt, North $28^{\circ} 19' 30''$ West, 770.71 feet to an iron pipe; thence, North $28^{\circ} 32' 15''$ West, 463.98 feet to an iron pipe set in the southerly side of Wolf Pit Branch, also known as Johnson's Branch; thence,

DAVID W. BAKER, ESQ., P.A.
109 SOUTH RACE STREET
P. O. BOX 131
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running by and with said branch and the lands now of formerly of James S. Truitt, the following five courses and distances, a total of 814 feet, viz: (1) South 63° 29' 00" West, 68.45 feet; (2) South 35° 31' 30" West, 152.50 feet; (3) South 48° 27' 00" West, 184.50 feet; (4) South 24° 34' 00" West, 246.33 feet; (5) South 41° 48' 00" West, 162.22 feet to a point on the southerly side of said branch; thence, turning and running by and with the lands held in trust by Mellon Bank (DE) National Association, North 31° 33' 35" West, 939.75 feet, to an iron pipe, said iron pipe marking the point and place of Beginning, said to contain 31.167 acres of land, be the same more or less.

TRACT NO. 3. ALL THAT certain tract, piece and parcel of land, situate, lying and being in Laves and Rehoboth Hundred, Sussex County, Delaware, southwest of Delaware State Highway Route 1, and fronting on the northwesterly side of County Road 273, more particularly bounded and described as Parcel "C" of a plot of the lands to be conveyed to M. Wahid Akhras prepared by Land Tech, Inc., Registered Land Surveyors, dated the 2nd day of December, 1985, and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 33 at Page 298, as follows, to-wit:

BEGINNING at an iron pipe in the southwesterly right-of-way line of the southbound lane of Delaware State Highway Route 1, said iron pipe being South 38° 13' 30" East, 202.40 feet from an iron pipe marking a common corner for the lands of the Estate of Eleanor C. Dodd, known as the "Apple Lot", and the lands known as Sea Air Mobile City; thence, running from said iron pipe designated as the point of Beginning South 38° 26' 25" West, 604.08 feet to a point, a corner for Tract 2, above described; thence, turning and running by and with the northeasterly boundary of said Tract 2, South 58° 13' 30" East, 80.55 feet to an iron pipe; thence, turning and running by and with a new division line in the lands of the Estate of Eleanor C. Dodd, North 38° 26' 25" East, 604.08 feet to an iron pipe in the southwesterly right-of-way line of the southbound lane of Delaware State Highway Route 1; thence, North

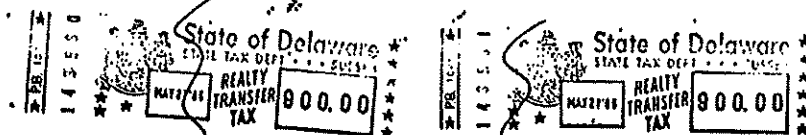
DAVID W. BAKER, ESQ., P.A.
101 SOUTH MACE STREET
P. O. BOX 851
GEORGETOWN, DELAWARE
19947

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feet to a field stone; thence, turning and running by and with the lands known as Camelot Mobile Home Park, South 40° 29' 30" East, 1553.45 feet to a point, said point marking a common corner for the lands known as Camelot Mobile Home Park and the lands known as Sea Air Mobile City; thence, running by and with the lands known as Sea Air Mobile City, South 40° 03' 35" East, 983.80 feet to a stone, said stone marking a common corner for this tract and for the lands known as Sea Air Mobile City; thence, running by and with the lands known as Sea Air Mobile City, North 45° 09' 23" East, 1243.70 feet to an iron pipe, said iron pipe marking the point and place of BEGINNING, said to contain 331.0 acres of land, be the same more or less.

BEING Tracts I, II, and III of a Deed of Eleanor C. Dodd to Farmers Bank of the State of Delaware, a Delaware corporation, Trustee under a certain Trust Agreement, dated September 1, 1966, said deed being of record in Deed Book 611 at page 32, &c.

BEING the lands conveyed unto M. WAHID AKHRAS by deed of HELLON BANK (DE) NATIONAL ASSOCIATION, Trustee under Trust Agreement of Eleanor C. Dodd; JOSEPH TUNNELL THOMPSON, ELEANOR LEE THOMPSON, LYDIA THOMPSON EWALD, GRANT W. EWALD, ELLA THOMPSON MAASS, HERMAN W. MAASS, WILLIAM EDWARD THOMPSON, JR., ANNA M. F. THOMPSON, SARAH THOMPSON FILLINGAME and GEORGE W. FILLINGAME, dated the 6th day of January, A.D. 1986, and of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Deed Book 1398 at page 24.



DAVID W. BAKER, Esq., P.A.
105 SOUTH RACE STREET
P. O. BOX 551
GEORGETOWN, DELAWARE
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143566
 State of Delaware
 STATE TAX DEPT. - CUSSES
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MAY 27 '66
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In Witness Whereof, The said party of the first part has hereunto set his hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED,
and Witnessed in the presence of

[Signature]

[Signature] (Seal)
MOHAMMED WAHID AKHRAS, personally
(Seal)
(Seal)
(Seal)



Washington, D.C.
~~STATE OF DELAWARE~~
District of Columbia County.

BE IT REMEMBERED, that on this 14th day of May in the year of our Lord one thousand nine hundred and eighty-six personally came before me, a Notary Public in and for the State and County aforesaid, MOHAMMED WAHID AKHRAS,

PURCHASERS REPORT MADE
DAY OF May 1986
ASSESSMENT DIVISION OF SUSSEX COUNTY



Part to this Indenture, known to me personally to be such, and he did acknowledge this Indenture to be his Deed.

GIVEN under my hand and Seal of Office, the day and year aforesaid

[Notary Seal] My Comm. Expires 11/1/88

[Signature]
Notary Public

DAVID W. BAKER, ESQ., P.A.
104 SOUTH RACE STREET
P. O. BOX 551
GEORGETOWN, DELAWARE 19347

RECEIVED
MAY 23 1986
SUSSEX COUNTY

David W. Baker, Esq.
6-6-86

BOOK 1658 PAGE 29

13039

DEEDTHIS DEED, Made this 29th day of June, A.D. 1989,BETWEEN,

KINGS CREEK ASSOCIATES, a Delaware General Partnership, of
P.O. Box J, Rehoboth Beach, Delaware 19971, party of the first part,

AND

KINGS CREEK COUNTRY CLUB, INC., a Delaware corporation not
for profit, of P.O. Box J, Rehoboth Beach, Delaware 19971, party of the
second part,

WITNESSETH:

That the party of the first part, for and in consideration of the sum
of ONE DOLLAR (\$1.00), and other valuable and lawful consideration, current
lawful money of the United States of America, the receipt whereof is hereby
acknowledged, hereby grants and conveys unto the party of the second part,
its successors and assigns,

ALL THOSE CERTAIN two (2) certain tracts, pieces and parcels of
land, and easements for access, utilities and drainage, situate, lying and
being in Lewes and Rehoboth Hundred, Sussex County, Delaware, as more
particularly set forth bounded and described in a Plot of Kings Creek Country
Club & Residential Community, prepared by Land Tech, Inc., Surveyors,
Planners and Consulting Engineers, consisting of ten sheets, all of which are
of record in the Office of the Recorder of Deeds in and for Sussex County, at
Georgetown, Delaware, in Plot Book 42, at page 42, &c., as Kings Creek
Country Club, Parcel "B" and Parcel "C", containing 129.05 acres± and 57.88
acres±, respectively, as well as the non-exclusive access and utility easement
providing access for ingress, egress, regress and utility services to the said
Parcels "B" and "C", which easement is over Patriots Way, a portion of Kings
Creek Circle and a portion of Parcel "C", and is more particularly bounded
and described on page 4 of said Plot of Kings Creek Country Club &
Residential Community as follows, to wit:

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BOOK 1658 PAGE 30

BEGINNING at a point where the easterly right-of-way line of Patriots Way intersects with the northwesterly right-of-way line of County Route 273, marking a common corner for this easement, lands of Kings Creek Country Club & Residential Community and lands now or formerly of the Estate of Eleanor C. Dodd; thence turning and running by and with the easterly right-of-way line of Patriots Way, lands now or formerly of the Estate of Eleanor C. Dodd in line of lands of Kings Creek Country Club & Residential Community, North 58° 13' 30" West, 420.51 feet to a point; thence turning and running by and with the northerly right-of-way line of Patriots Way in Kings Creek Country Club & Residential Community, the following seven (7) courses and distances, viz:

- (1) South 31° 46' 30" West, 9.90 feet;
- (2) In a curve to the left whose radius is 354.89 feet, a delta of 83° 20' 58", an arc distance of 516.27 feet;
- (3) South 38° 25' 34" West, 224.60 feet;
- (4) In a curve to the right whose radius is 757.42 feet, a delta of 49° 34' 30", an arc distance of 855.35 feet;
- (5) South 88° 00' 00" West, 285.00 feet;
- (6) In a curve to the left whose radius is 690.00 feet, a delta of 24° 51' 07", an arc distance of 299.28 feet;
- (7) North 26° 51' 05" West, 41.14 feet to the lands now or formerly of Sea Air Mobile City;

thence turning and running by and with the lands now or formerly of Sea Air Mobile City, South 45° 09' 57" West, 552.88 feet to the lands of Kings Creek Country Club & Residential Community; thence continuing through the lands of Kings Creek Country Club & Residential Community with the northerly right-of-way line of Patriots Way, the following four (4) courses and distances, viz:

- (1) South 40° 05' 35" East, 51.00 feet;
- (2) In a curve to the right whose radius is 1,460.00 feet, a delta of 02° 51' 17", an arc distance of 72.74 feet;
- (3) South 27° 56' 25" West, 14.88 feet;
- (4) In a curve to the right whose radius is 315.69 feet, a delta of 21° 58' 00", an arc distance of 121.03 feet to the easterly right-of-way line of Kings Creek Circle;

thence crossing Kings Creek Circle and entering Parcel "C", above described, the following twelve (12) courses and distances, viz:

- (1) South 49° 54' 25" West, 519.28 feet;
- (2) South 40° 05' 35" East, 8.00 feet;
- (3) South 49° 54' 25" West, 34.13 feet;
- (4) In a curve to the left whose radius is 187.99 feet; a delta of 10° 51' 38", an arc distance of 35.63 feet;
- (5) South 39° 02' 47" West, 83.15 feet;
- (6) In a curve to the left whose radius is 57.85 feet, a delta of 81° 40' 17", an arc distance of 82.46 feet;
- (7) South 42° 37' 33" East, 10.00 feet;
- (8) In a curve to the left whose radius is 55.81 feet, a delta of 133° 31' 52", an arc distance of 130.07 feet;
- (9) North 03° 50' 38" East, 88.00 feet;
- (10) In a curve to the left whose radius is 55.45 feet, a delta of 46° 04' 00", an arc distance of 45.39 feet;
- (11) South 40° 05' 35" East, 8.00 feet;
- (12) North 49° 54' 25" East, 444.28 feet to a point in the westerly right-of-way line of Kings Creek Circle;

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thence by and with the westerly and northwesterly right-of-way line of Kings Creek Circle, the following four (4) courses and distances, viz:

- (1) South $40^{\circ} 03' 35''$ East, 381.32 feet;
- (2) in a curve to the right whose radius is 308.00 feet, a delta of $74^{\circ} 00' 05''$, an arc distance of 393.83 feet;
- (3) South $33^{\circ} 54' 29''$ West, 1,540.07 feet;
- (4) in a curve to the left whose radius is 888.32 feet, a delta of $13^{\circ} 54' 30''$, an arc distance of 208.35 feet;

thence turning, running and crossing Kings Creek Circle, South $70^{\circ} 00' 00''$ East, 50.00 feet to a point in the southeasterly and easterly right-of-way line of Kings Creek Circle; thence turning and running by and with the southeasterly and easterly right-of-way line of Kings Creek Circle, the following four (4) courses and distances, viz:

- (1) in a curve to the right whose radius is 808.32 feet, a delta of $13^{\circ} 54' 30''$, an arc distance of 198.22 feet;
- (2) North $33^{\circ} 54' 29''$ East, 1,540.07 feet;
- (3) in a curve to the left whose radius is 355.00 feet, a delta of $74^{\circ} 00' 05''$, an arc distance of 458.51 feet;
- (4) North $40^{\circ} 05' 35''$ West, 358.32 feet to a point where the easterly right-of-way line of Kings Creek Circle intersects with the southerly right-of-way line of Patriots Way;

thence by and with the southerly right-of-way line of Patriots Way, the following ten (10) courses and distances, viz:

- (1) in a curve to the right whose radius is 25.00 feet, a delta of $90^{\circ} 00' 00''$, an arc distance of 39.27 feet;
- (2) in a curve to the left whose radius is 375.69 feet, a delta of $21^{\circ} 58' 00''$, an arc distance of 144.04 feet;
- (3) North $27^{\circ} 58' 25''$ East, 14.88 feet;
- (4) in a curve to the right whose radius is 1,400.00 feet, a delta of $15^{\circ} 39' 50''$, an arc distance of 382.74 feet;
- (5) in a curve to the right whose radius is 630.00 feet, a delta of $44^{\circ} 23' 45''$, an arc distance of 488.16 feet;
- (6) North $88^{\circ} 00' 00''$ East, 285.00 feet;
- (7) in a curve to the left whose radius is 817.42 feet, a delta of $49^{\circ} 34' 30''$, an arc distance of 707.27 feet;
- (8) North $38^{\circ} 25' 34''$ East, 224.50 feet;
- (9) in a curve to the right whose radius is 294.89 feet, a delta of $83^{\circ} 21' 02''$, an arc distance of 428.09 feet;
- (10) South $31^{\circ} 46' 30''$ West, 10.01 feet to a point in line of Parcel "A", being other lands of Kings Creek Associates;

thence turning and running by and with other lands of Kings Creek Associates and with the westerly right-of-way line of Patriots Way, the following two (2) courses and distances, viz:

- (1) South $58^{\circ} 13' 30''$ East, 422.63 feet;
- (2) in a curve to the right whose radius is 25.00 feet, a delta of $71^{\circ} 51' 02''$, an arc distance of 31.35 feet to the northwesterly right-of-way line of County Route 273;

thence turning and running by and with the northwesterly right-of-way line of County Route 273 in a curve to the right whose radius is 888.83 feet, a delta of $08^{\circ} 29' 17''$, an arc distance of 100.65 feet to a point in line of lands now or formerly of the Estate of Eleanor C. Dodd, said point being the point and place of BEGINNING.

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TOGETHER WITH AND SUBJECT TO the easements and rights-of-way for access utilities, drainage, etc., as set forth in the said Plot of Kings Creek Country Club & Residential Community, which said Plot is of record in the Office of the Recorder of Deeds aforesaid, in Plot Book 42, at page 42, ac., as more particularly set forth and described thereon, as well as those easements and rights-of-way set forth in Article III of the Restrictions, Conditions, Covenants, Agreements, Easements, Reservations, Charges, etc. of Kings Creek Country Club Residential Community, as recorded in the Office of the Recorder of Deeds aforesaid, in Deed Book _____, at page _____, ac., including but not limited to those easements in favor of Kings Creek Country Club, Inc. permitting golf balls to unintentionally come upon the numbered lots, roadways and common property immediately adjacent to the golf course and for golfers at reasonable times and in a reasonably manner to come upon the exterior of the numbered lots, roadways and common property in Kings Creek Country Club & Residential Community to retrieve errant golf balls, AS WELL AS EASEMENTS in favor of Kings Creek Country Club, Inc., its successors and assigns, and their members, invitees and guests using Kings Creek Country Club, or Kings Creek Country Club Golf Course facilities for utilities drainage, golf course access, golf course drainage, golf course utilities access for ingress, egress and regress from County Route 273. WITH THE SAID LAND BEING CONVEYED HEREIN BEING BURDENED BY THOSE DRAINAGE AND OTHER EASEMENTS all as more particularly set forth in said Plot of Kings Creek Country Club & Residential Community for the benefit of and in favor of Kings Creek Country Club Residential Community.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANTS AND AGREEMENTS WHICH SHALL RUN WITH THE LAND AND BIND ALL FUTURE OWNERS HEREOF:

(1) By the acceptance of this deed, Kings Creek Country Club, Inc., for itself and its successors and assigns, covenants and agrees that the property herein conveyed shall be used and operated as a golf course and

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country club facility with related uses and activities or as a similar recreational facility, or as open space, for a period of no less than thirty (30) years after the date upon which control of Kings Creek Country Club is turned over to its equity members in accordance with the By-Laws of Kings Creek Country Club, Inc., which said period in no event be less than thirty (30) years from the date hereof.

(2) By Kings Creek Country Club, Inc.'s acceptance of title to the property herein conveyed, Kings Creek Country Club, Inc., for itself and its successors and assigns, further agrees to pay 50% of the cost of maintenance, repairs and replacement of the entrance and Patriots Way in Kings Creek Country Club Residential Community, including paving, storm drainage, landscaping, gate houses and any improvements located within the right-of-way as set forth in Article V of the Restrictions, Conditions, Covenants, Agreements, Easements, Reservations, Charges, Etc. of Kings Creek Country Club Residential Community which are of record in the Office of the Recorder of Deeds aforesaid, in Deed Book 1658, at page 5, &c.

(3) By Kings Creek Country Club, Inc.'s acceptance of title to the property herein conveyed, Kings Creek Country Club, Inc., for itself and its successors and assigns, further agrees to keep the drainage ditches, swale and ponds situate on the property herein conveyed, which form a part of the drainage system for Kings Creek Country Club Residential Community, in a good state of repair and free and clear of sediment and debris to the end that they provide the free flow of water runoff and collection as originally designed and as set forth in the Plot of Kings Creek Country Club Residential Community which is of record as aforesaid, in Plot Book 42, at pages 42, &c.

(4) By Kings Creek Country Club, Inc.'s acceptance of title to the property herein conveyed, Kings Creek Country Club, Inc., for itself and its successors and assigns, further agrees that it may be necessary and/or desirable for the development of Kings Creek Country Club Residential Community which is adjacent to this property, to grant, modify, or enter into

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easements, dedications, agreements, licenses, restrictions, reservations, covenants and rights-of-way, to modify the boundary lines and to plot or replot portions of the property herein conveyed as well as Kings Creek Country Club Residential Community, and to take such other actions as the Grantor herein, Kings Creek Associates, may deem reasonably necessary and appropriate, all in a manner which does not materially affect the use of the property herein conveyed, or the club facilities situate thereon or to be situate thereon. Kings Creek Country Club, Inc. agrees to execute and deliver and will cause the holder of any liens upon or interest in the property herein conveyed to execute and deliver any and all agreements, documents, plots, deeds, and instruments of any type, which Kings Creek Associates deems necessary or desirable to accomplish the above, specifically including without limitation, deeds reconveying portions of the property herein conveyed to Kings Creek Associates, its successors and assigns.

(5) These Restrictive Covenants and Agreements may be amended, but only with the consent, in writing and recorded in the Office of the Recorder of Deeds, of Kings Creek Country Club, Inc., its successors and assigns, and with the vote or written consent of no less than sixty-six (66) percent of the then owners of all the numbered lots in Kings Creek Country Club Residential Community, as set forth in Article VII of the Restrictions, Conditions, Covenants, Agreements, Easements, Reservations, Charges, Etc. of Kings Creek Country Club Residential Community, which is of record in the Office of the Recorder of Deeds aforesaid, in Deed Book 1658, at page 5, &c.

BEING a part of the same tract of land heretofore conveyed unto Kings Creek Associates, a Delaware General Partnership, by Deed of Mohammed Wahid Akhras, dated the 14th day of May, 1986, as filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 1415, at page 314, &c.

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IN WITNESS WHEREOF, the said KINGS CREEK ASSOCIATES has caused its name by its two General Partners, Mohammed Wahid Akhras and Capital Guidance Associates V, to be duly executed to these presents, the day and year first abovescribed.

KINGS CREEK ASSOCIATES, a
Delaware General Partnership

X-16.7.11
Witness

By: M. Wahid Akhras (SEAL)
Mohammed Wahid Akhras
General Partner

Wendy Jo Scott
Witness

CAPITAL GUIDANCE ASSOCIATES V,
General Partner, by
CAPITAL GUIDANCE CORPORATION,
General Partner of
CAPITAL GUIDANCE ASSOCIATES V,
General Partner of
KINGS CREEK ASSOCIATES

(CORPORATE SEAL)

By: Mouhid Farra President
Attest: [Signature] Secretary



BOOK 1658 PAGE 36

STATE OF DELAWARE
COUNTY OF SUSSEX

SS.

BE IT REMEMBERED, That on this 27th day of June, A.D. 1989, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, MOHAMMED WAHID ABRAR, General Partner of Kings Creek Associates, a Delaware General Partnership, party to the foregoing Indenture, known to me personally to be such, and acknowledged said Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

[Signature]
Notary Public

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SS.

BE IT REMEMBERED, That on this 28th day of June, A.D. 1989, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Moufid Farra, President of Capital Guidance Corporation, a Texas corporation, General Partner of Capital Guidance Associates V, a Delaware Limited Partnership, General Partner of Kings Creek Associates, a Delaware General Partnership, party to the foregoing Indenture, known to me personally to be such, and acknowledged said Indenture to be his act and deed and the act and deed of the said corporation, limited partnership and general partnership; that the signature of the President thereto is in his own proper handwriting; that the seal affixed is the common and corporate seal of said corporation, duly affixed by its authority; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by resolution of the Board of Directors of said corporation and by consent of said limited partnership.

GIVEN under my hand and seal of office, the day and year aforesaid.



C. RUSSELL MCCABE
DOC. SUPPLY PAGE PAID

1989 JUN 30 PM 4:34
RECORDED IN BOOK 3
SUSSEX COUNTY

[Signature]
Notary Public



PURCHASERS REPORT
MADE THIS DATE

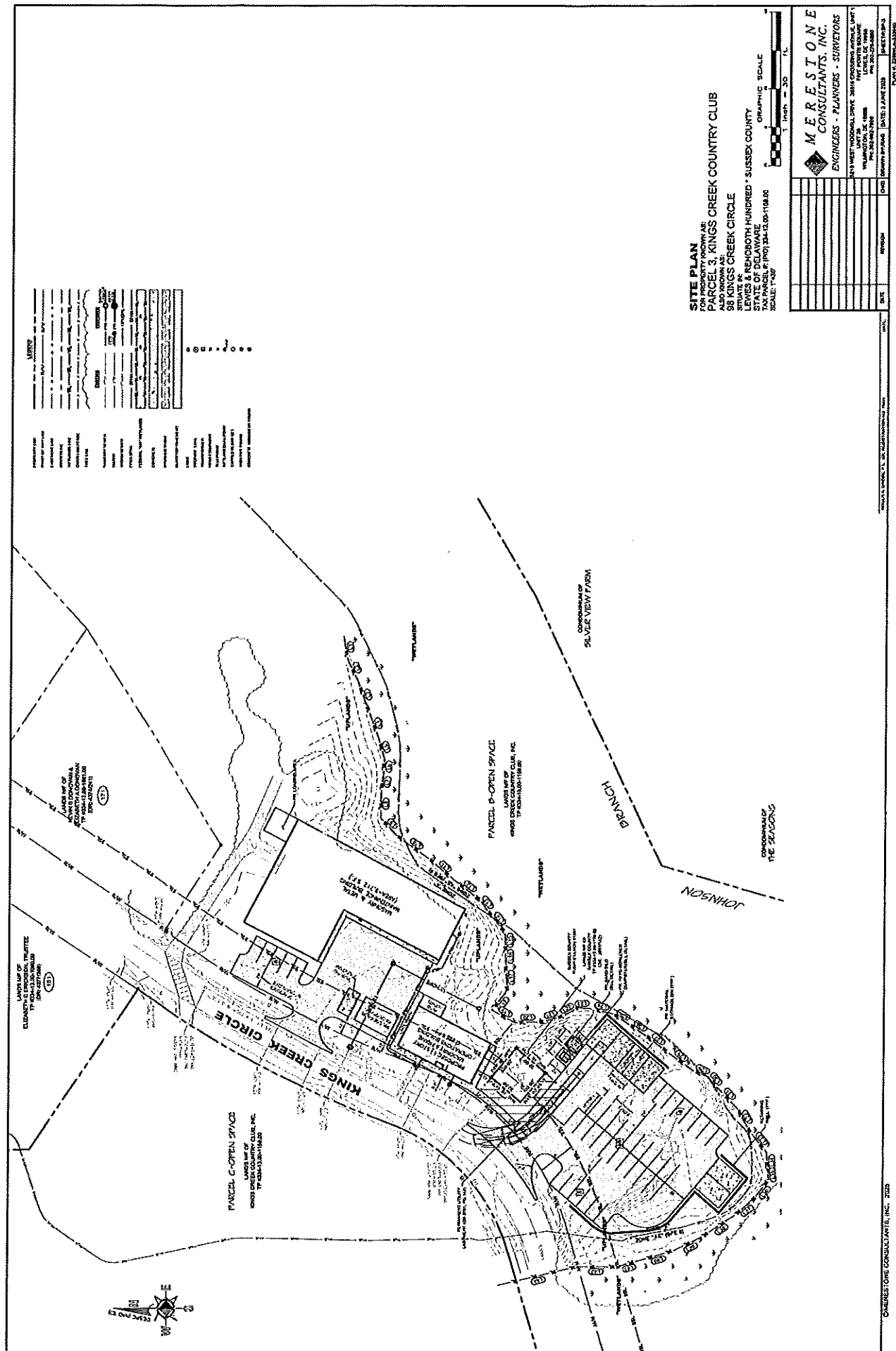
JUL 03 1989

ASSESSMENT DIVISION
OF SUSSEX CTY.

*Wilson, Halbrook & Bayard
Atty: 7/19/89*

EXHIBIT B

Site Plan



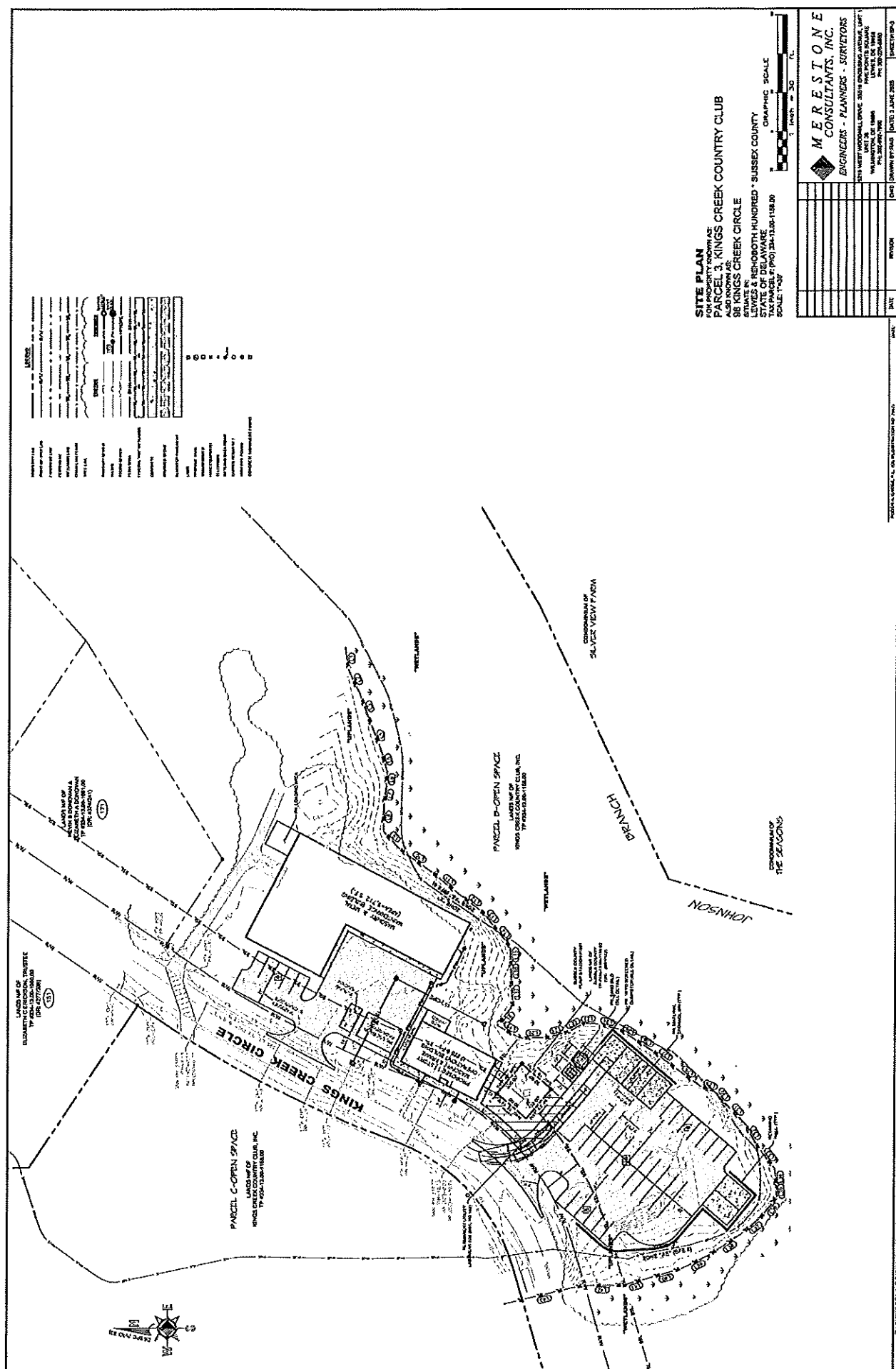


EXHIBIT C

Sussex County Aerial Maps

Basemaps



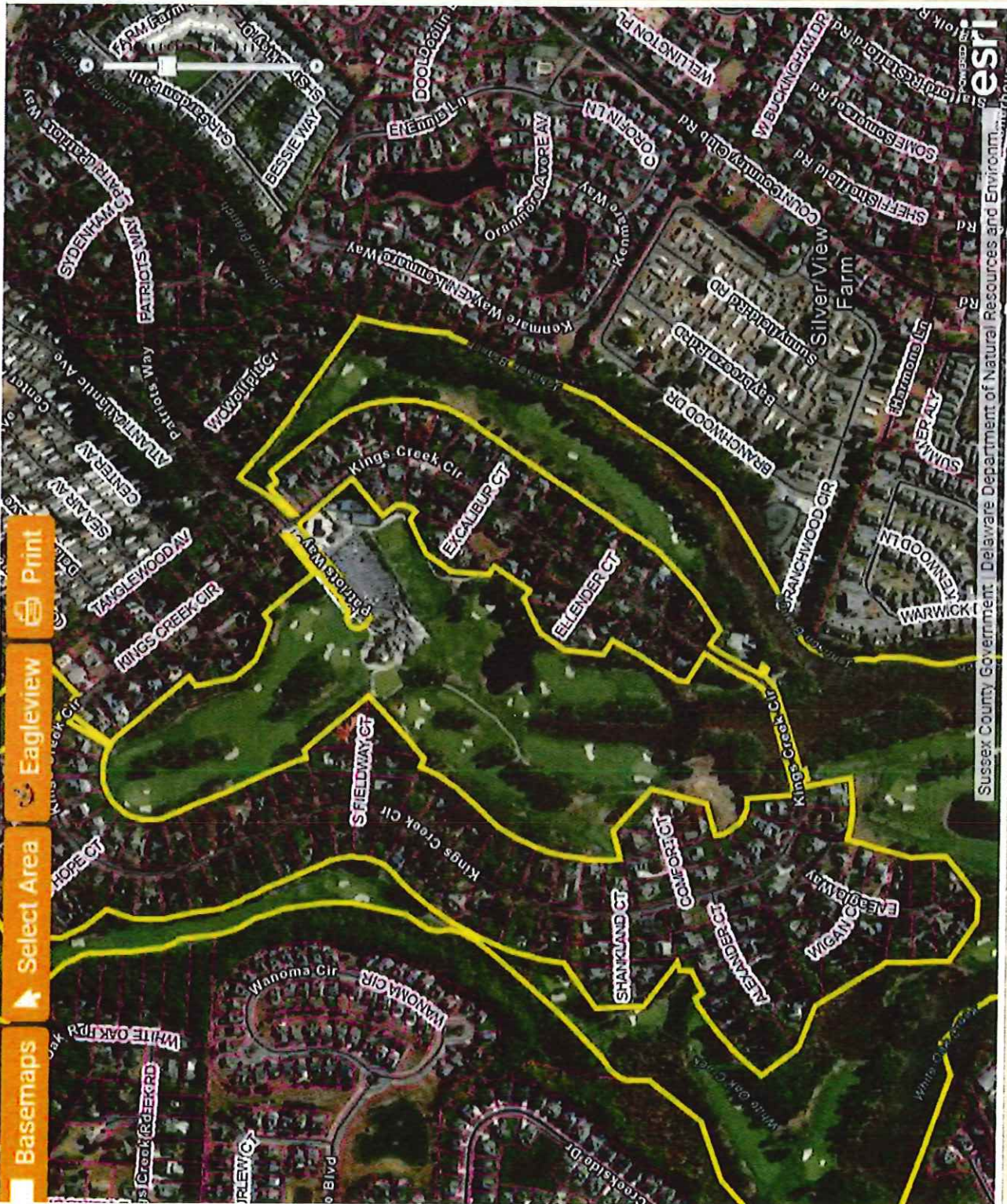
Select Area



Eagleview



Print



Sussex County Government, Delaware Department of Natural Resources and Environment

esri

Eagleview

Search Results

Selected Features:

1) 334-13.00-1158.00

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PAGE	0
FULLNAME	KINGS CR
MAILINGADDRESS	ONE KIN
CITY	REHOB
STATE	DE
a_account	10-10-11
DESCRIPTION	PARCEL I
DESCRIPTION2	REC KINC
DESCRIPTION3	CNTY CL
LUC	413
SCHOOL	6
MUNI	00
CAP	0
APRBLDG	9.4634e+
APRLAND	5.8121e+
PINWASSEMENTUNIT	334-13.0
PIN	3341300



Selected F

Clear S



EXHIBIT D

Google Earth Aerial Map Photos

Aerial view with star indicating approximate location of proposed operations building



Existing maintenance building with star indicating approximate location of proposed operations building



Existing maintenance building with star indicating approximate location of proposed operations building



View directly across Kings Creek Circle



View to the north on Kings Creek Circle



View to the south on Kings Creek Circle

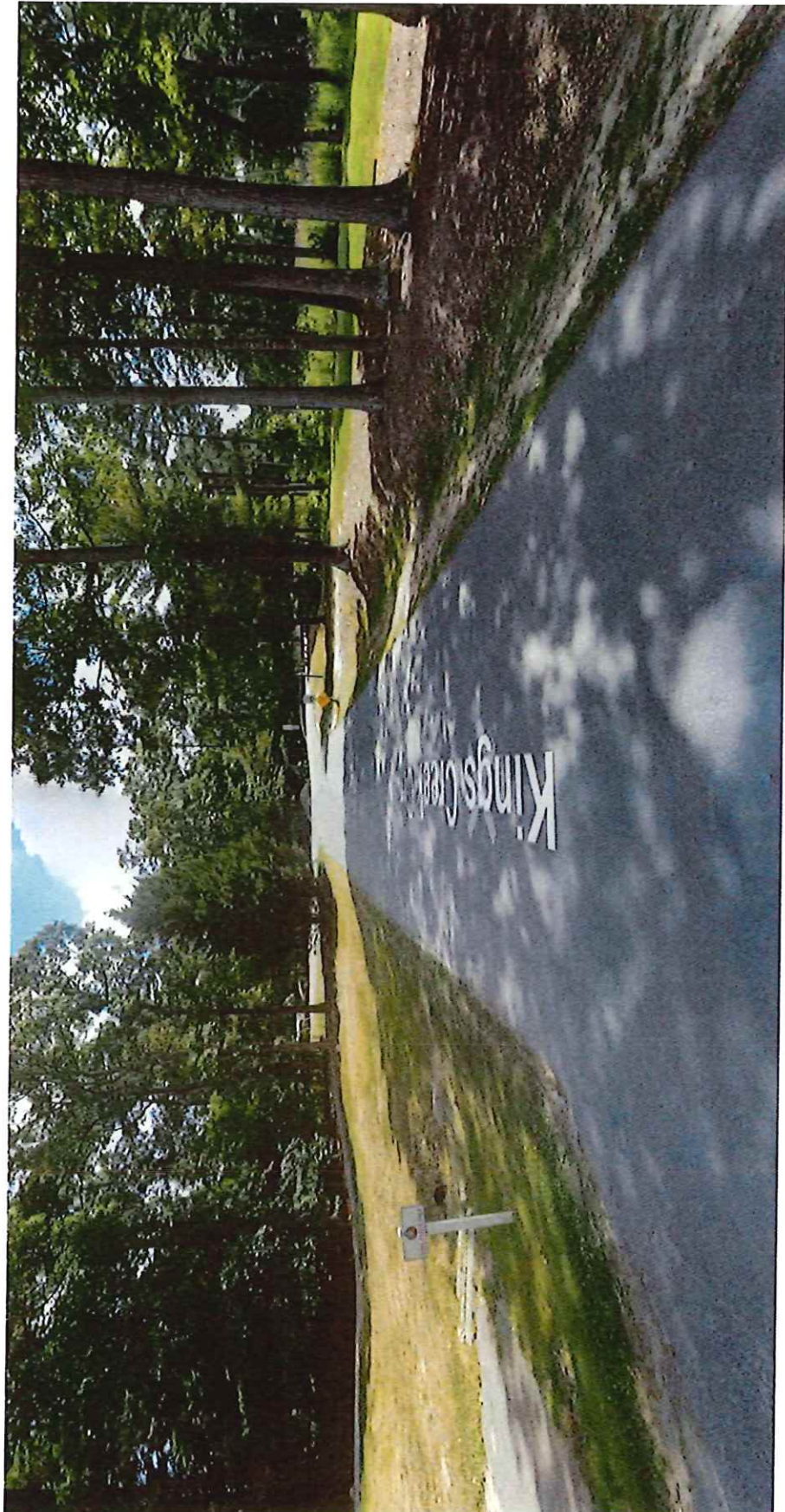


EXHIBIT E

Sussex County Code

Sussex County, DE
Friday, July 11, 2025

Chapter 115. Zoning

Article IV. AR-1 and AR-2 Agricultural Residential Districts

§ 115-25. Height, area and bulk requirements.

[Amended 11-7-1989 by Ord. No. 632; 10-31-1995 by Ord. No. 1062; 7-15-1997 by Ord. No. 1157; 8-3-2004 by Ord. No. 1709]

- A. Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.

- (1) Standard lot option:

District (square feet)	Area (feet)	Width* (feet)	Depth
AR-1	32,670	100	100

NOTES:

A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

- (2) Cluster development option. The minimum lot size may be reduced to one-half acre (21,780 square feet) where soil conditions are suitable as approved by DNREC. The total number of lots allowed shall not exceed the number of lots that would be permitted under the standard lot option. The number of dwelling units permitted shall be determined by dividing the gross area by 32,670 square feet. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. However, if the proposed cluster development lies within a Low-Density Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, the total number of lots permitted shall be determined by first reducing the gross area by 25%.

[Amended 1-31-2006 by Ord. No. 1822; 12-4-2018 by Ord. No. 2618]

- B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:

- (1) Standard lot option:

District	Area** (square feet)	Width* (feet)	Depth (feet)
AR-1	20,000	100	100

- (2) Cluster development option (subject to § 115-25F):

[Amended 5-21-2019 by Ord. No. 2656]

Minimum Tract Size (acres)	Minimum Lot Size (square feet)	Required Open Space
10	7500	30%

NOTES:

* A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

** For lots located in the Coastal Area, the Development Districts or the Town Center Districts, the overlay ordinance for that district shall determine the minimum lot size.

- (3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. When a cluster development lies within a Town Center, a Developing Area, or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. The Sussex County Council prior to the signing of a contract to purchase, shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this act. All such approvals by the Council shall be by a four-fifths majority vote. It is understood that the County shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.

[Amended 1-31-2006 by Ord. No. 1822; 4-2-2006 by Ord. No. 1842; 12-4-2018 by Ord. No. 2618; 7-27-2021 by Ord. No. 2791]

C. Minimum yard requirements. Minimum yard requirements shall be as follows:

District	Depth of Front Yard (feet)	Width of Side Yard* (feet)	Depth of Rear Yard (feet)	Minimum Lot Width (feet)
AR-1 and AR-2 (Cluster with central sewer)	25	10	10	60
AR- and AR-2 (All others)	40(30)**	15	20	100

NOTES:

* A lot having an area of less than 20,000 square feet or having a width of less than 100 feet, which lot was legally recorded prior to January 1, 1971, shall be subject to the minimum side yard requirements applicable to an MR District rather than to the minimum side yard requirements of this district.

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

D. Maximum height requirements. Maximum height requirements shall be as follows:

District	Feet
AR-1 and AR-2	42

E. Design requirements for cluster development.

- (1) All development shall be in accordance with the latest amendment to the community design standards.
- (2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance.
- (3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area
- (4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.
 - (a) A planting strip at least 30 feet wide near the property line which shall include two canopy trees, four understory trees and 10 shrubs per 100 linear feet of buffer; or
 - (b) A landscaped rolling berm at least four feet in height; or
 - (c) A solid fence or wall a minimum of six feet in height designed with durable materials, texture and colors compatible with adjacent residential development.
- (5) No lots shall have direct access to any state-maintained roads.
- (6) All lots shall be configured to be contained completely outside of all wetlands.
- (7) Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance.

F. Review procedures for cluster development.

- (1) The developer shall submit an application for a cluster development in accordance with Chapter 99, Subdivision of Land, of the Sussex County Code and which shall include, at a minimum, a sketch plan showing the location and uses of all open spaces, the extent of existing wooded areas and wetlands and the location of any historical or cultural resources. The Director of Planning and Zoning may waive this requirement when the proposed development does not contain significant natural features or resources.
- (2) The information submitted shall include a plan for the management of all open space.
- (3) The Planning and Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be reviewed on an expedited basis.
[Amended 1-31-2006 by Ord. No. 1822; amended 4-2-2006 by Ord. No. 1842; 12-16-2008 by Ord. No. 2024^[1]; 12-4-2018 by Ord. No. 2618; 6-11-2019 by Ord. No. 2658]
 - (a) The cluster development sketch plan and the preliminary plan of the cluster subdivision provides for a total environment and design which are superior, in the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for the standard option. For the purposes of this subsection a proposed cluster subdivision which provides for a total environment and design which are superior to that allowed under the standard option subdivision is one which, in the reasonable judgment of the Planning Commission meets all of the following criteria:
[Amended 5-17-2022 by Ord. No. 2852]
 - [1] Homes shall be clustered on the environmentally suitable portions of the tract, specifically those portions of the tract least encumbered by sensitive environmental

features, including but not limited to wetlands, mature woodlands, waterways and other water bodies. This does not inhibit the development of wooded parcels.

[2] (Reserved)

[3] Required open space shall comply with the following criteria:

- [a] All required open space must meet the official definition of acceptable open space contained in § 115-4.
- [b] Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.
- [c] If one of the following physical conditions exists adjacent to the proposed cluster development tract, at least 30% of all required open space must be adjacent to:
 - [i] An existing or officially planned public park, land preserved by easement, or land preserved as open space and in municipal, County, state, or federal ownership.
 - [ii] Existing wetlands, waterways, wildlife corridors, or other ecology-sensitive land.
 - [iii] Existing farmland and/or woodlands.
 - [iv] If more than one of these physical features exist on adjacent properties, then one of these features will be identified and utilized to satisfy this requirement.
 - [v] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners' association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.
 - [vi] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.

[4] The preliminary plan shall comply with the requirements of § 115-193.

[5] Stormwater management shall be designed to promote groundwater recharge and protect groundwater quality. Natural drainage flows shall be maintained to the greatest extent possible. Drainage from rooftops shall be directed to vegetated areas or allow green technology. Stormwater detention and retention facilities should be designed to resemble natural ponds as referenced by DNREC in the National Resource Conservation Service's (NRCS) Pond Code 378, Visual Resource Design.

[6] Removal of healthy mature trees shall be limited.

[7] Scenic views that can be seen from within the tract should be preserved to the greatest extent possible.

[8] The applicant for a cluster development shall illustrate that the following sequence and process was followed in the site design of the cluster project:

- [a] Identify lands that should be preserved. First, areas worthy of preservation should be mapped, including wetlands, wooded areas, waterways, other water bodies, and natural drainage areas. Then, other features that are important should be mapped, such as tree lines, scenic views, historic buildings, and prime farmland. The areas with the fewest important natural, scenic and historic features should be considered the "potential development area."
 - [b] Identify developable areas. Next, the most appropriate locations for development should be chosen to minimize the impact to the most important features mapped in the first step.
 - [c] Locate roads and trails. After the developable areas are determined, a road system should be designed to serve those homes. A trail system that links homes to destinations outside of the tract should be designed.
 - [d] Locate lot lines. The last step is to configure lot lines and make necessary adjustments to satisfy the various reviewing agencies' comments.
- [9] Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.
- (b) The cluster development plan will preserve the natural environment and any historic or archeological resources.
 - (c) All of the items in Ordinance Number 1152 (see § 99-9C) have been addressed and approval of the cluster option for the proposed development will not have an adverse effect on any of the items to be considered.^[2]
- [2] *Editor's Note: Former Subsection F(3)(d), which immediately followed and required that the cluster development developer proffer a development fee to the County for the purpose of creating open space for preservation and/or active and/or passive recreation areas was repealed 7-27-2021 by Ord. No. 2791. For current provisions, see Subsection B(3).*
- [1] *Editor's Note: This ordinance also provided that it shall apply to all cluster subdivision applications filed after 1-1-2009.*
- (4) The Sussex County Planning and Zoning Commission may add conditions to the approval of any cluster development to protect adjacent properties and the natural environment.
- G. Sussex County Rental Unit development permitted by § 115-20A(17). The minimum lot size, lot area per dwelling unit, open space, height and setback requirements for a Sussex County Rental Unit development permitted by § 115-20A(17) shall be governed by the dimensional requirements set forth in that section.
- [Added 10-18-2022 by Ord. No. 2889]

