

**BOARD OF ADJUSTMENT**

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



**Sussex County**  
DELAWARE  
[sussexcountyde.gov](http://sussexcountyde.gov)  
(302) 855-7878

**AGENDA**

**January 26, 2026**

**6:00 PM**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of the Minutes of November 17, 2025**

**Approval of the Findings of Facts of November 17, 2025**

**Old Business**

**Case No. 13156 – Recordo and Veronica Nock**

seeks variances from the rear yard setback requirement for an existing structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the east side of Chaplains Chapel Road. 911 Address: 19614 Chaplains Chapel Road, Bridgeville. Zoning District: AR-1. Tax Map: 430-23.00-44.03

**Public Hearings**

**13154 - Michael Horsey, Sr.**

seeks a variance from the maximum fence height within the corner front yard setback requirement for an existing structure (Section 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Seashore Highway and the north side of Dublin Hill Road. 911 Address: 6580 Seashore Highway, Bridgeville. Zoning District: AR-1. Tax Parcel: 131-6.00-12.00

**Case No. 13158 – Suzanne Stark Bienert**

seeks variances from the rear and side yard setback requirement for a proposed structure (Section 115-34, 115-183 of the Sussex County Zoning Code). The property is located on the east side of Sylvan Vue Drive. 911 Address: 34582 Sylvan Vue Dr., Dagsboro. Zoning District: MR. Tax Map: 134-11.00-707.00

**Case No. 13159 – Clifton Parker**

seeks variances from the agricultural setback requirement for existing structures

**(Section 115-25 and 115-4 of the Sussex County Zoning Code). The property is located on the west side of Pyle Center Road. 911 Address: 34816 Pyle Center Rd., Frankford. Zoning District: AR-1. Tax Map: 533-5.00-55.00**

**Case No. 13160 – Daniel A. Eby**

**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 south side of Beach Highway (SCR 16). 911 Address: 12780 Beach Highway, Greenwood. Zoning District: AR-1. Tax Map: 430-6.00-47.24**

**Case No. 13162 – The Evergreene Companies, LLC**

**seeks a variance from the front yard setback requirement for an existing structure (Section 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the west side of Maple Lane. 911 Address: 38310 Maple Lane, Selbyville. Zoning District: MR. Tax Map: 533-19.12-110.00**

**Additional Business**

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**-MEETING DETAILS-**

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on Thursday, January 15, 2026 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, January 22, 2026.

####

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

Case # 13156  
 Hearing Date 01-05-2026  
 202515350

## 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:

19614 Chaplains Chapel Rd. Bridgeville DE 19933

## Variance/Special Use Exception/Appeal Requested:

Rel Var & Rel Var from 30 Year Old LeaseVarianceTax Map #: 482-223-00-44,53 \_\_\_\_\_Property Zoning: A/R-1 \_\_\_\_\_

## Applicant Information

Applicant Name: Records Nock  
 Applicant Address: 19614 Chaplains Chapel Rd.  
 City Bridgeville State DE Zip: 19933  
 Applicant Phone #: (302) 245-8270 Applicant e-mail: Cardinock@aol.com

## Owner Information

Owner Name: Records Nock / Veronica Nock  
 Owner Address: 19614 Chaplains Chapel Rd  
 City Bridgeville State DE Zip: 19933 Purchase Date: \_\_\_\_\_  
 Owner Phone #: (302) 245-8270 Owner e-mail: Cardinock@aol.com

## Agent/Attorney Information

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

## Signature of Owner/Agent/Attorney

Date: 11/14/25

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.

2. Cannot otherwise be developed:

That the building was placed at the rear of the property line since it could not otherwise be developed: Utilize my back yard.

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.

Cannot otherwise be developed.

3. Not created by the applicant:

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

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.

No

Yes this is the minimum variance to afford relief.

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.

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

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

Sussex County Government  
 Treasury  
 2 The Circle, P.O. Box 601  
 Georgetown, DE 19947  
 11/19/2025 12:46PM Megan B.  
 Receipt number: 33030633-0049 001253714  
 PERMITS / INSPECTIONS  
 2025 20251335012020

Subtotal	\$500.00
IP CC SF	\$500.00
Total	\$515.00

Tender's  
 TYLER PAYMENTS CC  
 \*\*\*\*-\*\*\*\*48238  
 Ref-07a8205-3de0-4ac5-b17c-f291b1abde05  
 Auth-014620

Change due

\$0.00

Paid by: CAROLINADER/Visa

Signature: \_\_\_\_\_

Thank you for your payment.

Sussex County Government COPY  
 DRAFT RECEIPT

service fee

TYLER PAYMENTS

TYLER PAYMENTS  
 2 The Circle, P.O. Box 601  
 Georgetown, DE 19947  
 001253714





**SUSSEX COUNTY**  
D E A W A R E

Layers Basemaps Eagleview Print

Eagleview Search Results  
Selected Features: **1) 430-23-00-44.03**

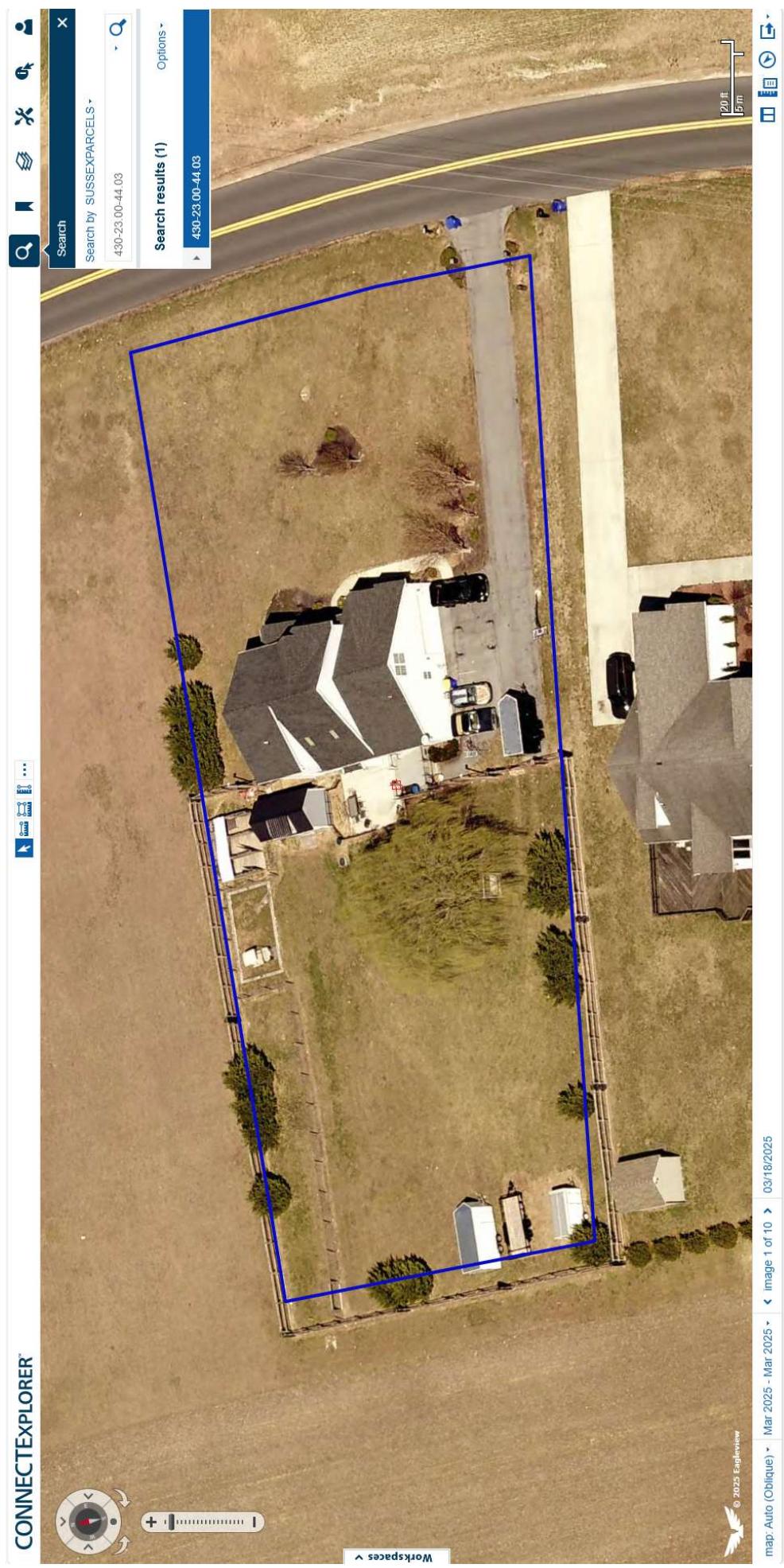
BOOK 3308  
PAGE 119  
FULLNAME NHAN VERONICA  
Second\_Owner\_Name  
MAILINGADDRESS 19614 CHAPLAINS CHAPEL RD  
CITY BRIDGEVILLE  
STATE DE  
a\_account  
DESCRIPTION W/RD 42  
DESCRIPTION2 LOT 3  
DESCRIPTION3  
LUC 101  
SCHOOL 5  
MUNI 00  
CAP 1  
APRBLDG 338900  
APRLAND 67600  
PINWASSEMENTUNIT 430-23-00-44.03  
PIN 430-23-00-44.03  
Selected Features (1)  
Clear Selected

esri

192 151 152  
144.17 253 1964 19678 150.17 116.85 258 117.93 191 197.30  
20255  
PB 98-264  
CHAPLAINS CHAPEL RD

1964  
19678  
150.17  
116.85  
258  
117.93  
191  
197.30  
X: 8407365105324 Y: 46690818 Z: 988125  
0 50 100

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



**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 # 13154  
Hearing Date 1-6-26  
202515093

**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:**

6580 Seashore Hwy Bridgeville, DE 19933

**Variance/Special Use Exception/Appeal Requested:**

Variance requested for a 6 foot fence on property higher than the 3 foot height required along a Corner front Set back. 2.5' variance from 3.5' maximum fence height

Tax Map #: 131-16.00-12.00

Property Zoning: AR-1

**Applicant Information**

Applicant Name: Sadie Rusey -co-owner  
Applicant Address: 6580 Seashore Hwy  
City Bridgeville State DE Zip: 19933  
Applicant Phone #: 302-752-5027 Applicant e-mail: Sadiebaby1717@yahoo.com

**Owner Information**

Owner Name: Michael Horsey SR  
Owner Address: 6580 Seashore Hwy  
City Bridgeville State DE Zip: 19933 Purchase Date: 10/2021  
Owner Phone #: 302-217-2835 Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

Sadie Rusey

Date: 11-10-2025



## 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.

\*Please 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.

\*Please See Attached

**3. Not created by the applicant:**

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

\*Please See Attached

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

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

\*Please See Attached

**5. Minimum variance:**

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

\*Please See Attached

## **Criteria for a Variance**

### **1. Uniqueness of property:**

Our property is oddly shaped and uniquely situated roughly less than 50 feet from the edge of a busy highway, along 404 Seashore Hwy and Dublin Hill Road. The location where the 6-foot fence is currently installed, gives us an adequate amount of space to utilize our backyard due to the shape and narrowness of the property. It also provides a safe height of 6 foot, as our children and dogs could possibly jump a fence of 3 foot.

### **2. Cannot otherwise be developed:**

Due to the shape and placement of our property, the backyard is the safest place for our children and animals to play/reside safely. To ensure their safety, we are seeking a variance approval for a 6-foot fence along the Dublin Hill property line, which is a Corner Front set back, higher than the 3-foot required fence.

### **3. Not created by the applicant:**

Within close proximity to Seashore Hwy and Dublin Hill Road, there is heavy traffic including tractor trailers, farm vehicles, as well as everyday motorist. Since moving in on October 19<sup>th</sup>, 2021, there have been multiple accidents at this intersection, with one accident crashing into our front yard, hitting our septic and knocking out our front steps. We have also lost 2 of our beloved dogs, due to being hit by cars. Due to these incidents, we are seeking approval for a 6-foot fence to secure the side/back yard to ensure the safety of our children and animals.

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

The proposed variance request for a 6-foot privacy fence will not alter the essential character of the neighborhood as we do not live in a neighborhood.

### **5. Minimum variance:**

We are requesting the minimum variance approval to raise the height requirements along a Corner Front setback from 3 foot to a 6-foot privacy fence to provide an effective and secure barrier to ensure the safety of our children and animals.

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.

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

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

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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 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: 11-10-2025

For office use only:

Date Submitted: \_\_\_\_\_

Fee: \_\_\_\_\_ Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

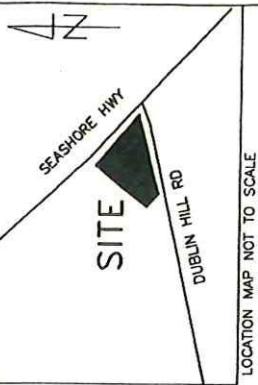
Subdivision: \_\_\_\_\_

Lot#: \_\_\_\_\_ Block#: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Decision of Board: \_\_\_\_\_

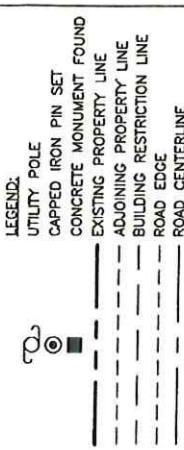
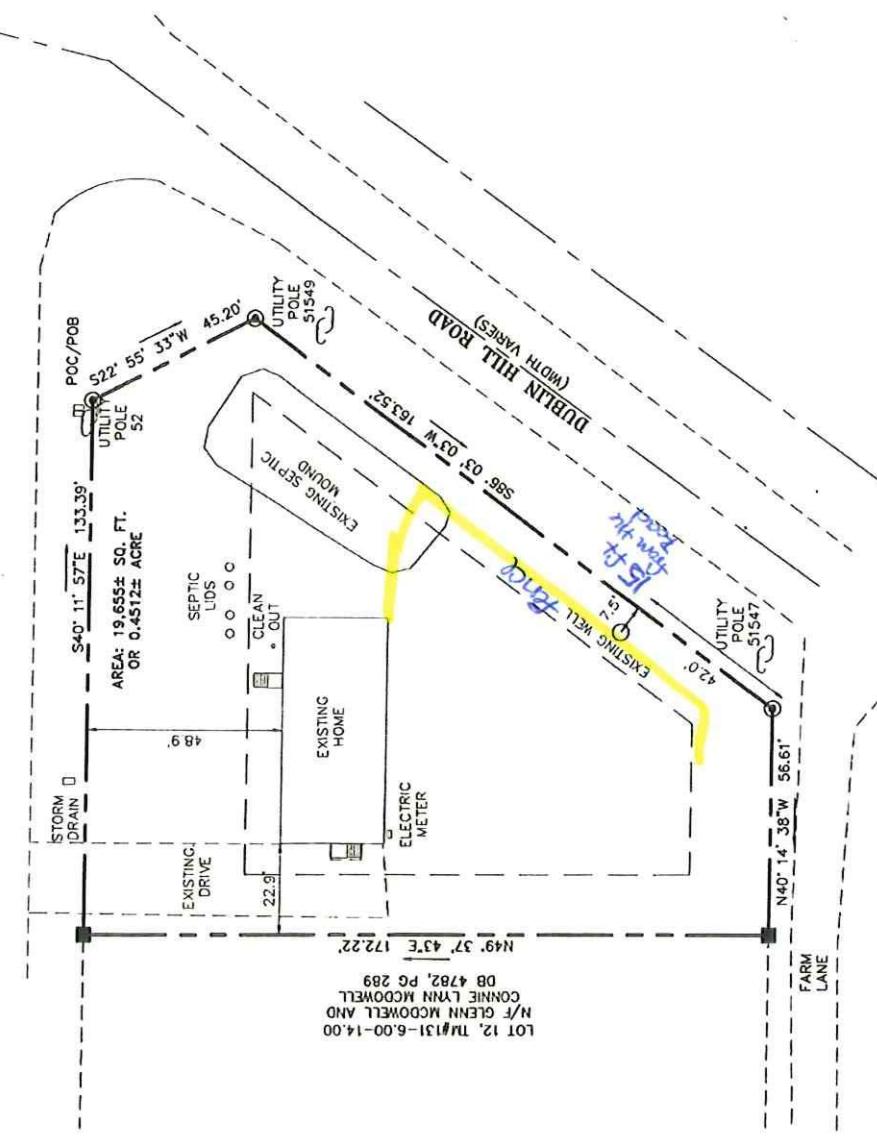
PLAN DATA:  
 1. TITLE REFERENCED TO:  
 TM# 131-6.00-12.00, DB 5383, PG 152, PB 2, PG 65  
 LOT 13, 6380 SEASHORE HIGHWAY, BRIDGEVILLE, DELAWARE  
 NORTHWEST TOWNSHIP, SUSSEX COUNTY, STATE OF DELAWARE  
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.  
 3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS  
 OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX  
 COUNTY RECORDER OF DEEDS.  
 4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR-1 AND  
 SETBACKS ARE: F-40, S-15, AND R-20.



PB 85 PG 180

SCALE 1 INCH = 30 FEET

SEASHORE HIGHWAY  
(WIDTH VARIES)



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



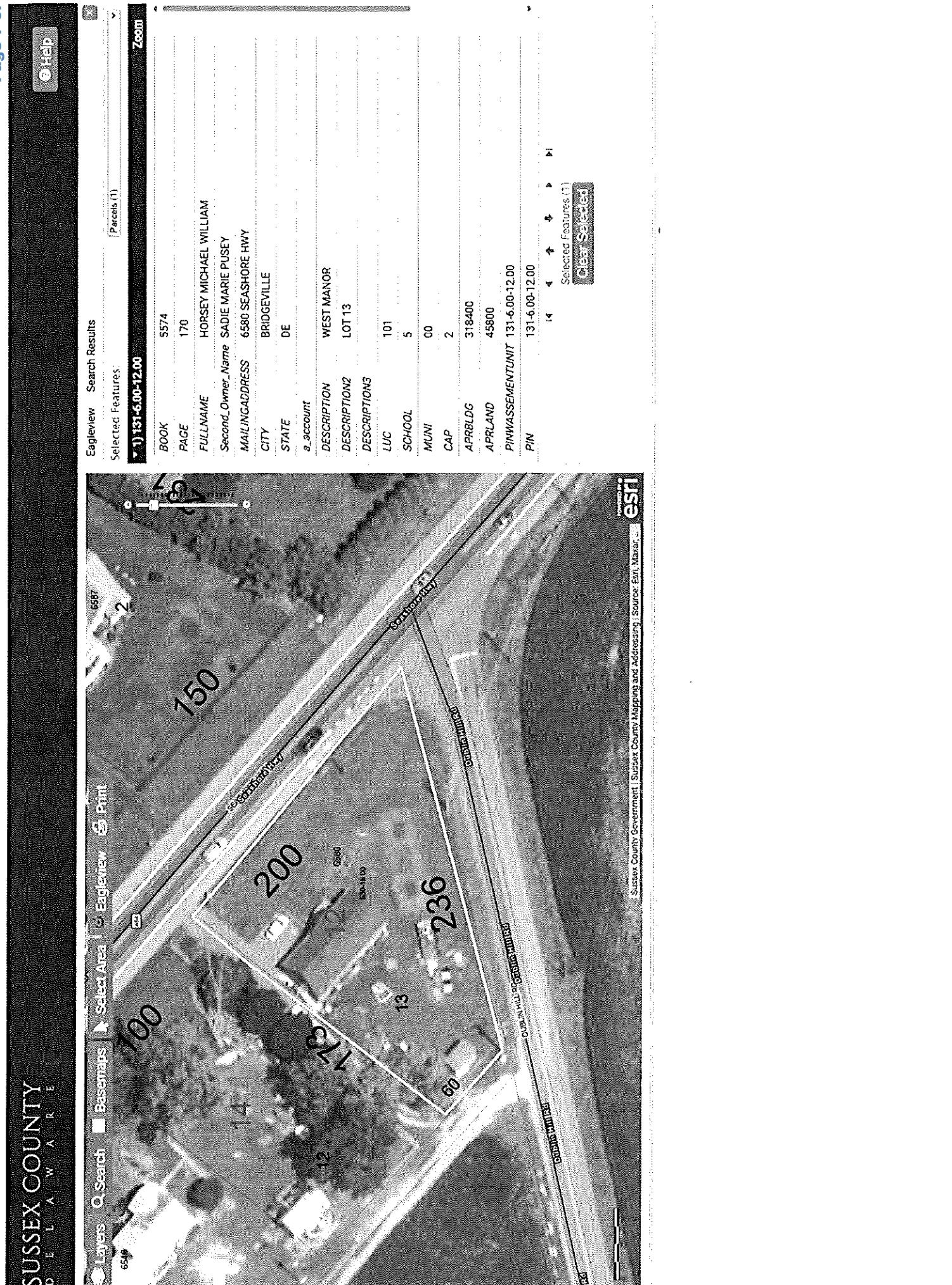
ALAN ODALE KENT, P.L.S. #738, DATE  
THIS IS A SUBURBAN SURVEY  
JOB # 2020-03

DATE OF PLAN  
28 APR 2021

DATE OF LAST FIELD WORK  
26 APR 2021

PREPARED BY  
CMH HOMES, INC.

CMH SURVEYING, LLC  
SEAFORD, DE 19975  
(302) 745-1722







## Sussex County Building Permit

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

Application Number

202508955

Issue Date: 07/03/2025  
Expire Date: 07/03/2026

Permit Type: FENCE OUT OF TOWN

Parcel ID	Address	Zone Code
131-6.00-12.00	6580 SEASHORE HIGHWAY	AR-1

Owner Information	Applicant Information
Name: HORSEY MICHAEL WILLIAM Phone:	Name: HORSEY MICHAEL WILLIAM Phone:

Contractor Information	
Name: HORSEY MICHAEL WILLIAM	
CID: 311869	License Number:
Phone:	License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: FENCES
Construction Type:
Estimated Cost of Construction: \$ 2,923
Cannot Occupy More than _____ of Total Lot Area
Distance from any Dwelling of other Ownership: _____
Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines
Front Setback: 40.00 /3.5' MAX HT SEASHORE HIGHWAY
Side Setback: /LINE
Corner Setback: 15.00 /3.5' MAX HT DUBLIN HILL
Maximum Building Height: 7'
Location Description: WEST MANOR LOT 13
FLOOD ZONE
Flood Zone: X095K
If Initiated, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: RESIDENTIAL FENCE OUT OF TOWN

Scope of Work:

142 LF FENCE

Permit Details:

\* Error in Corner Setback  
Height Req.  
Variance or Correction  
needed

Signature of Approving Official

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

### Building Permit Acknowledgement:

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

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

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

Permit Number	BP-259448	TOTAL FEES:	\$ 20.81
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## Building Description

Total Bedrooms:		Heat Type:
Full Baths:	Half Baths:	Roofing:
Total Rooms:		Exterior Walls:
Basement:		Foundation Type:
Interior Walls:		Fireplace Type:
Flooring:		Air Conditioning: N

## Additional Requirement/Restrictions

Accessory Building 900 Square Feet or Greater  
No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

Agricultural Storage Structures  
Storage only. NO LIVESTOCK PERMITTED.

Campgrounds  
Must conform to the location approved by the park.

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

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

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

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

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

Pools or Guest Homes  
No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

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



# Permits and Inspections

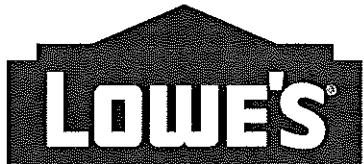
## Inspection 517794 Checklist

[Return to Inspection Details](#)

### Checklist Items

<u>Item Description</u>	<u>Pass/Fail</u>	<u>Comments</u>	<u>Requirements</u>
Not Ready For Inspection	FAILED	*need shed permit* *fence does not meet the 3' height req along the Dublin hill prop line, which is a corner front*	
Set Back Verification	FAILED	*need shed permit* *fence does not meet the 3' height req along the Dublin hill prop line, which is a corner front*	
Miscellaneous	FAILED	*need shed permit* *fence does not meet the 3' height req along the Dublin hill prop line, which is a corner front*	

©2025 Tyler Technologies, Inc.



Order #300901167250971322  
Placed June 16, 2025 | \$2,923.49

### Delivered

Delivered Tuesday, Jul 1, 2025

**5.0-in W x 5.0-in L White Vinyl fence Post cap - Fits**

**Common Post Measurement: 5-in x 5-in**

Item #385320 Model #73003093

\$4.37 /ea. QTY 20

**Bolton 6-ft H x 4-ft W White Privacy Vinyl Flat-top**

**Fence gate (Unassembled)**

Item #819044 Model #73025125

\$262.36 /ea. QTY 1

### Deliver To

Sadie Pusey 6580 Seashore  
hwy, Bridgeville, DE, 19933 (302) 752-  
5027

\$87.40 \$78.60

Saved \$8.80 with Military Discount

### Delivered

Delivered Tuesday, Jul 1, 2025

**Emblem 8-ft H x 5-in W White Privacy Vinyl End Fence**

**post**

Item #758814 Model #73024844

\$42.97 /ea. QTY 4

### Deliver To

Sadie Pusey 6580 Seashore  
hwy, Bridgeville, DE, 19933 (302) 752-  
5027

\$171.88 \$154.68

Saved \$17.20 with Military Discount

Emblem 6-ft H x 8-ft W White Privacy Vinyl Flat-top	\$1,665.66	\$1,499.06
Fence panel (Unassembled)	 Saved \$166.60 with Military Discount	
Item #12092 Model #73013949		
\$97.98 /ea. QTY 17		
80 -lb High strength Concrete mix	\$115.94	\$104.38
Item #132022 Model #65200390	 Saved \$11.56 with Military Discount	
\$6.82 /ea. QTY 17		
Emblem 8-ft H x 5-in W White Privacy Vinyl Corner	\$42.97	\$38.67
Fence post	 Saved \$4.30 with Military Discount	
Item #758813 Model #73024843		
\$42.97 /ea. QTY 1		
Emblem 8-ft H x 5-in W White Privacy Vinyl Line Fence	\$558.64	\$502.71
post	 Saved \$55.90 with Military Discount	
Item #758812 Model #73024842		
\$42.97 /ea. QTY 13		
<b>Shipped</b>	<b>Deliver To</b>	
 Via UPS	Sadie Pusey 6580 Seashore	
Tracking #1Z301E670340047385	hwy, Bridgeville, DE, 19933 (302) 752-5027	
Heavy-Duty 8-in Black Gate latch	\$28.98	\$26.08
Item #747320 Model #73024789	 Saved \$2.90 with Military Discount	
\$28.98 /ea. QTY 1		

### Return Completed

You're all set! Expect to see your refund soon.

Emblem 6-ft H x 8-ft W White Privacy Vinyl Flat-top	\$97.98	\$88.18
Fence panel (Unassembled)		 Saved \$9.80 with Military Discount
Item #12092 Model #73013949		
\$97.98 /ea. QTY 1		
Emblem 8-ft H x 5-in W White Privacy Vinyl Line Fence post	\$128.94	\$116.01
Item #758812 Model #73024842		 Saved \$12.90 with Military Discount
\$42.97 /ea. QTY 3		

Payment Method	Order Summary
----------------	---------------

VISA	Sadie Pusey	Subtotal	\$2,844.49
***** * 7354	6580 SEASHORE	Delivery	▼
	HWY	Truck Delivery	\$79.00
	(302) 752-5027		
		Total Billed	\$2,923.49
		Total Charged	\$2,719.30

Refund Issued - VISA 7354 \$204.19

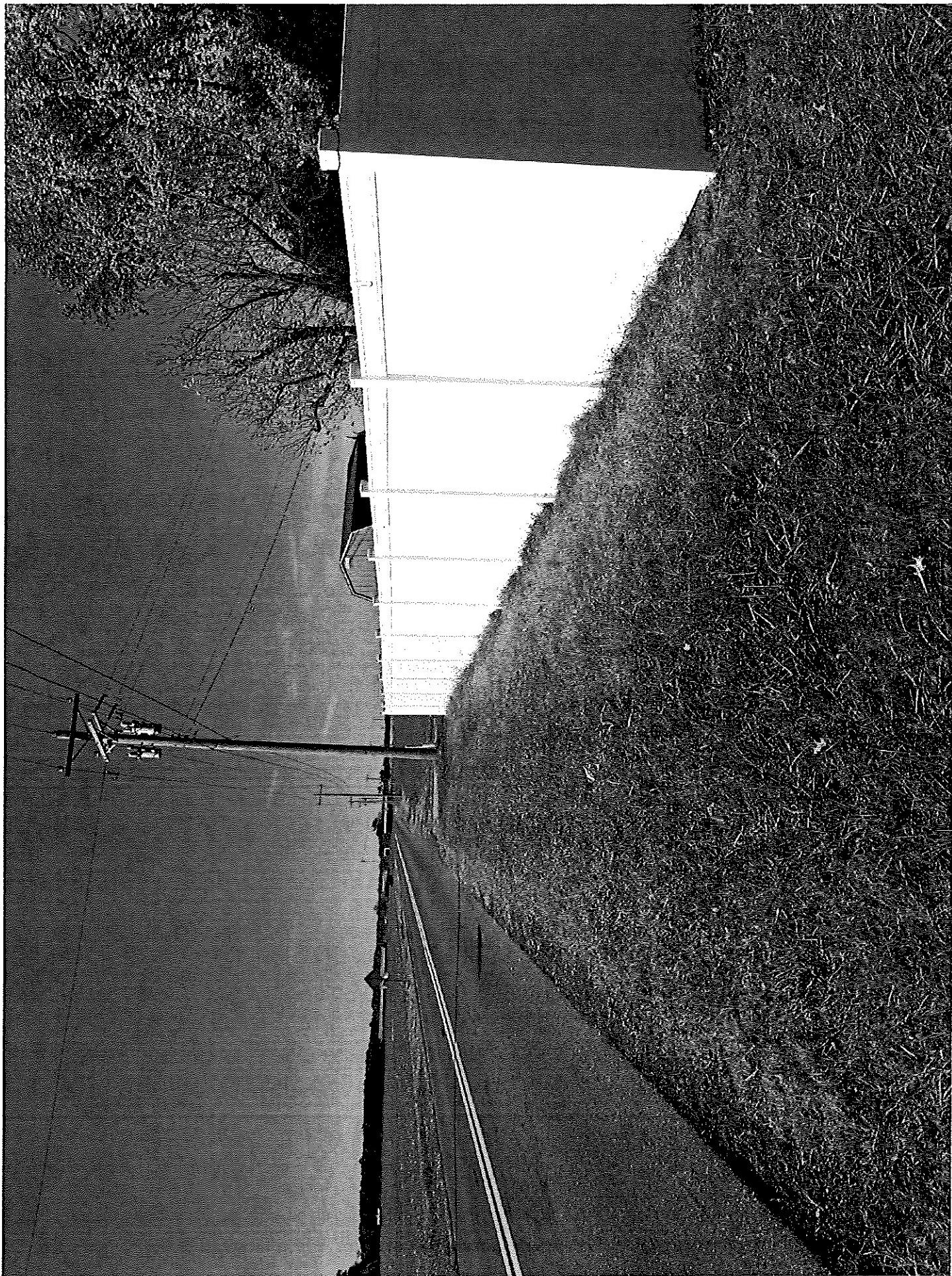


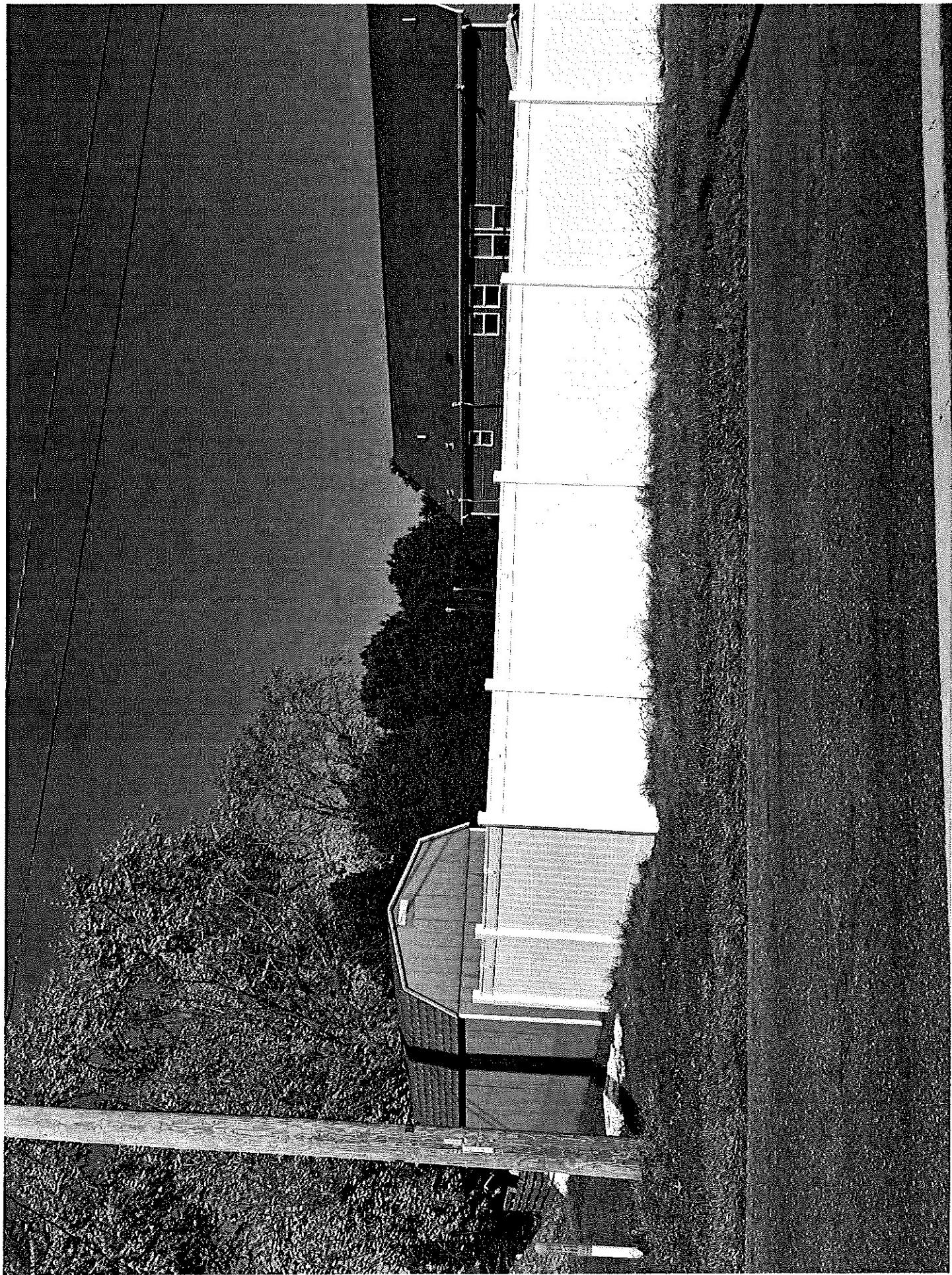
Present or show this barcode for In-Store

returns:

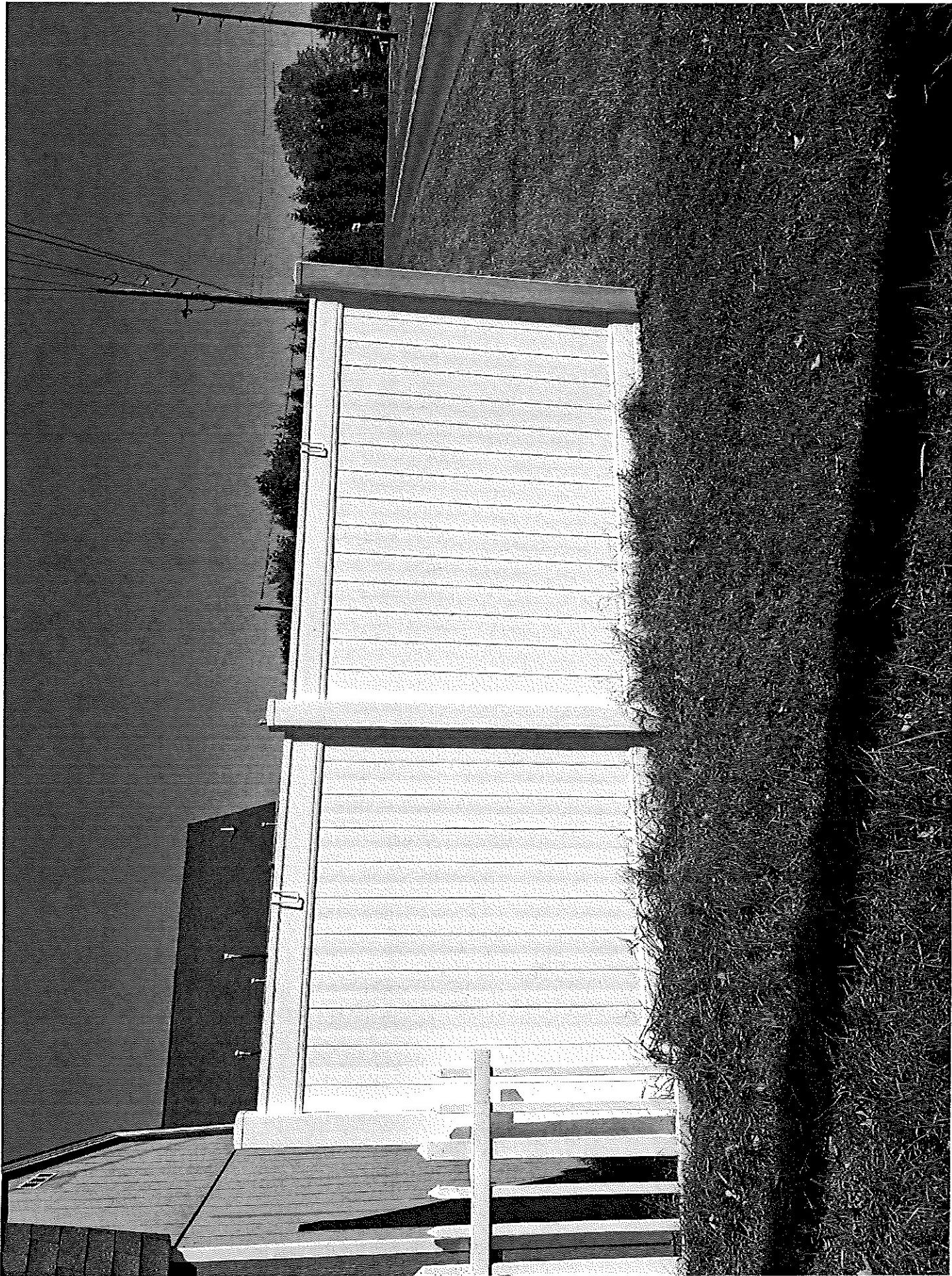


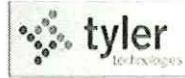
300901167250971322











## Permits and Inspections

### Application Information

[Return to permits and inspections](#)

#### General

Application reference	202513254
Status	COMPLETE / COMPLETED
Application Received Date	10/1/2025
Applicant Name	HORSEY MICHAEL WILLIAM
Owner Name	HORSEY MICHAEL WILLIAM
Owner ID	311869
Location	6580 SEASHORE HIGHWAY BRIDGEVILLE
Parcel ID	131-6.00-12.00

#### Project Details

Project/Activity	ACC STRUCT<400'
Project Description	10x16 SHED
Contractor Name	HORSEY MICHAEL WILLIAM
Contractor ID	311869
Zoning	AGRICULTURAL RESIDENTIAL
Existing Use	Single Family Dwelling
Proposed Use	Single Family Dwelling
Estimated Cost	\$1,920.00

#### Attachments

Document No attachments were found for this application

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## Permits and Inspections

### Inspection 522800

[Return to Application Details](#)

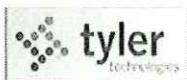
Inspection Details	<a href="#">View inspection checklist</a>
Inspection Type	PLANNING & ZONING FINAL
Contractor Name	HORSEY MICHAEL WILLIAM / HORSEY MICHAEL WILLIAM
Contractor ID	311869
Application Contractor ID	311869
Requested Date	11/4/2025
Scheduled Date	11/4/2025 - Z
Performed Date	11/4/2025 - 07:08:22
Inspector Name	Clay Willey
Comments	sadie 302-752-5027
Results	<a href="#">PASS</a>

#### Fees

Fee amount	\$0.00
Paid to date	\$0.00
Balance due	\$0.00

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\*Shed Permit 3 of 3



## Permits and Inspections

### Inspection 522800 Checklist

[Return to Inspection Details](#)

#### Checklist Items

Item Description	Pass/Fail	Comments	Requirements
Not Ready For Inspection	PASSED		
Flood Damage Resistant Materials below BFE	PASSED		
Flood Openings/Vents Certificate/ ICC ES Report	PASSED		
Final Elevation Certificate (Verify C2Aa, C2d, C2f, A zones & C2c V zones)	PASSED		
Electrical/Mechanical/HVAC above BFE	PASSED		
Propane/Gas Tanks Anchorage	PASSED		
Appropriate Anchorage for Flood Requirements	PASSED		
V Zone Certificate (Break away walls - V Zone Only)	PASSED		
Door at Top of Stairs (V Zones)	PASSED		
Lot Grading Certificate	PASSED		
Set Back Verification	PASSED	good	
Sewer/Septic Completion Report	PASSED		
Miscellaneous	PASSED		

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[Gallery](#)  
[Event Calendar](#)  
[History](#)  
[Apparatus](#)  
[Officers](#)  
[Members](#)  
[In Memorium](#)  
[Auxiliary](#)  
[Awards](#)  
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DIAL 9-1-1

Bridgeville  
Fire Company

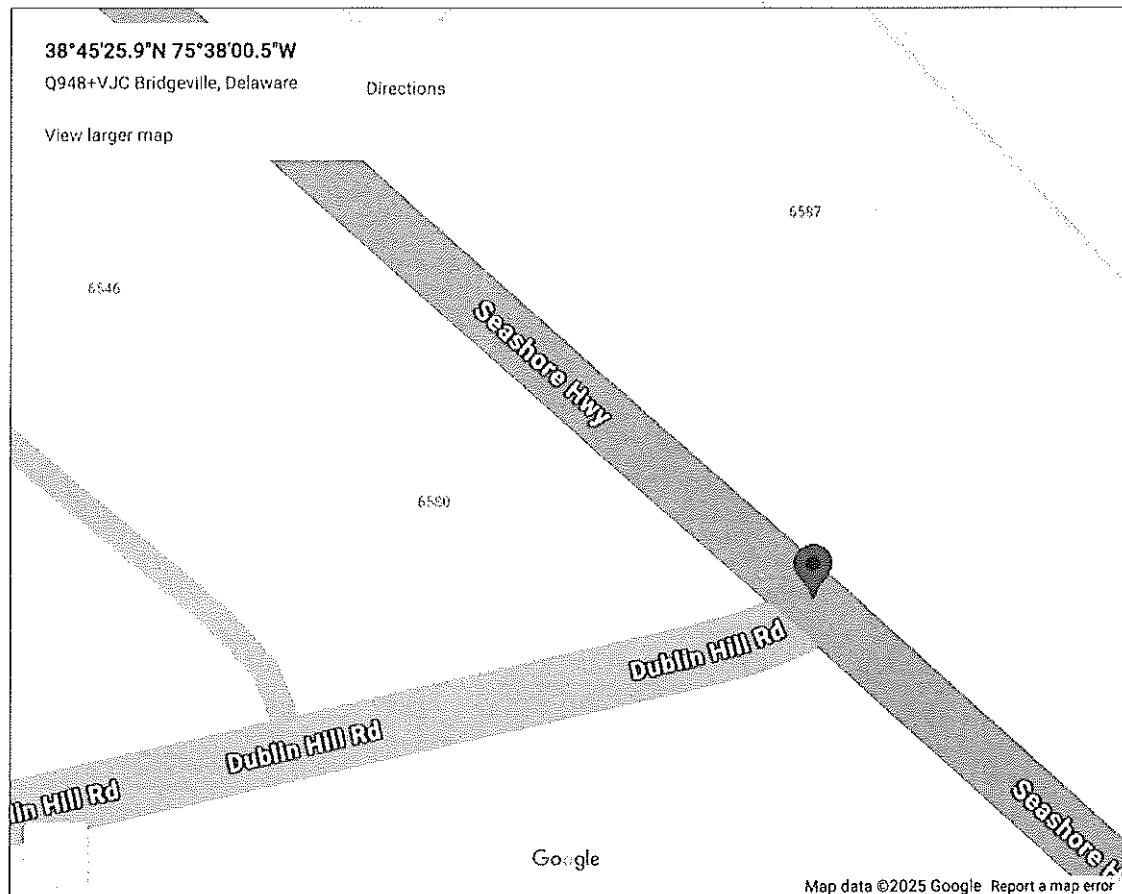
P.O. Box 227  
311 Market St.  
Bridgeville, DE 19933  
302.397.7272

## Live RunLog

Thursday May, 13 2021 @ 20:49

Nature: Vehicle Accident  
Address: Seashore Hwy and Dublin Hill Bridgeville, DE 19933

[GO BACK](#)



[Home](#)  
[Gallery](#)  
[Event Calendar](#)  
[History](#)  
[Apparatus](#)  
[Officers](#)  
[Members](#)  
[In Memorium](#)  
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Bridgeville  
Fire Company

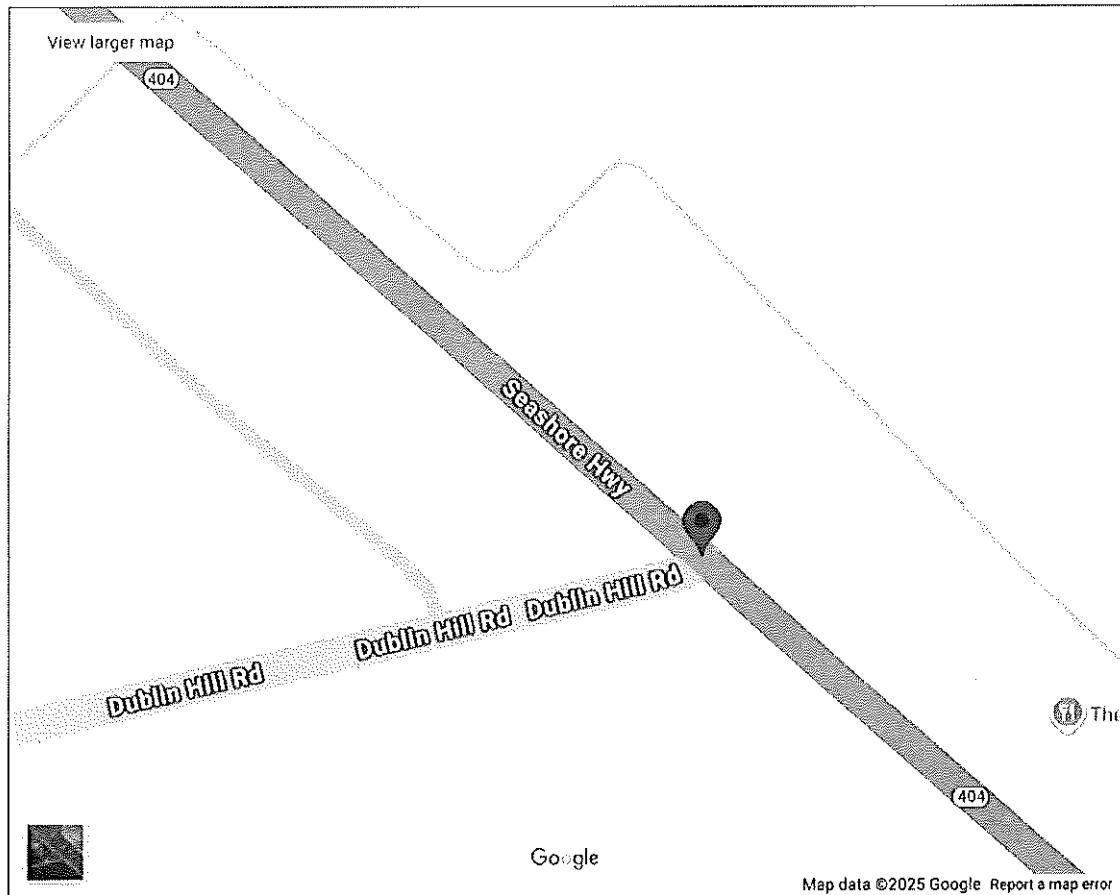
P.O. Box 722  
311 Market St.  
Bridgeville, DE 19933  
302.537.7272

## Live RunLog

Tuesday January, 24 2023 @ 18:06

Nature: Vehicle Accident w/ Entrapment  
Address: Seashore Hwy and Dublin Hill Rd Bridgeville, DE 19933  
Cross Streets:

[GO BACK](#)



[Home](#)  
[Gallery](#)  
[Event Calendar](#)  
[History](#)  
[Apparatus](#)  
[Officers](#)  
[Members](#)  
[In Memorium](#)  
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DIAL 9-1-1

Bridgeville  
Fire Company

P.O. Box 227  
411 Market St.  
Bridgeville, DE 19933  
302.337.7272

## Live RunLog

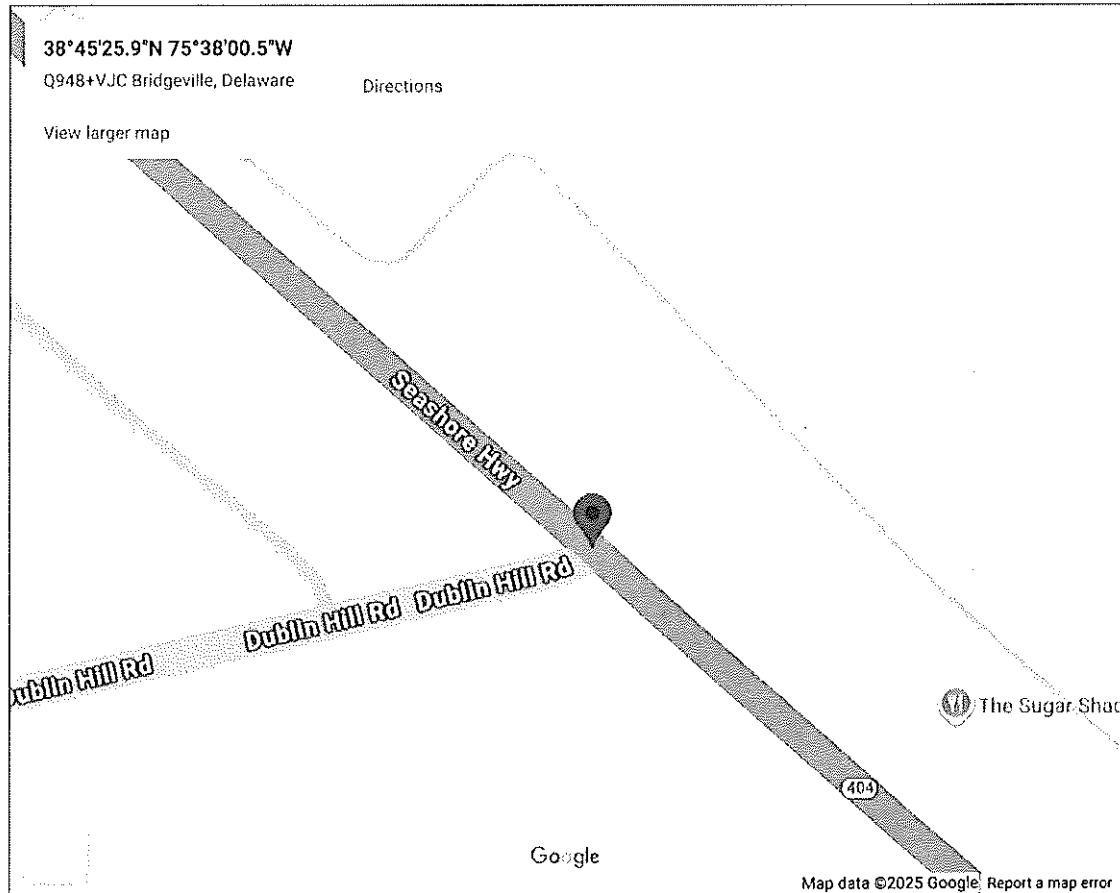
Friday February, 3 2023 @ 20:44

Nature: Vehicle Accident

Address: Seashore Hwy and Dublin Hill Rd Bridgeville, DE 19933

Cross Streets:

[GO BACK](#)



[Home](#)  
[Gallery](#)  
[Event Calendar](#)  
[History](#)  
[Apparatus](#)  
[Officers](#)  
[Members](#)  
[In Memorium](#)  
[Auxiliary](#)  
[Awards](#)  
[Run Log](#)  
[EMS](#)  
[Links](#)  
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DIAL 9-1-1

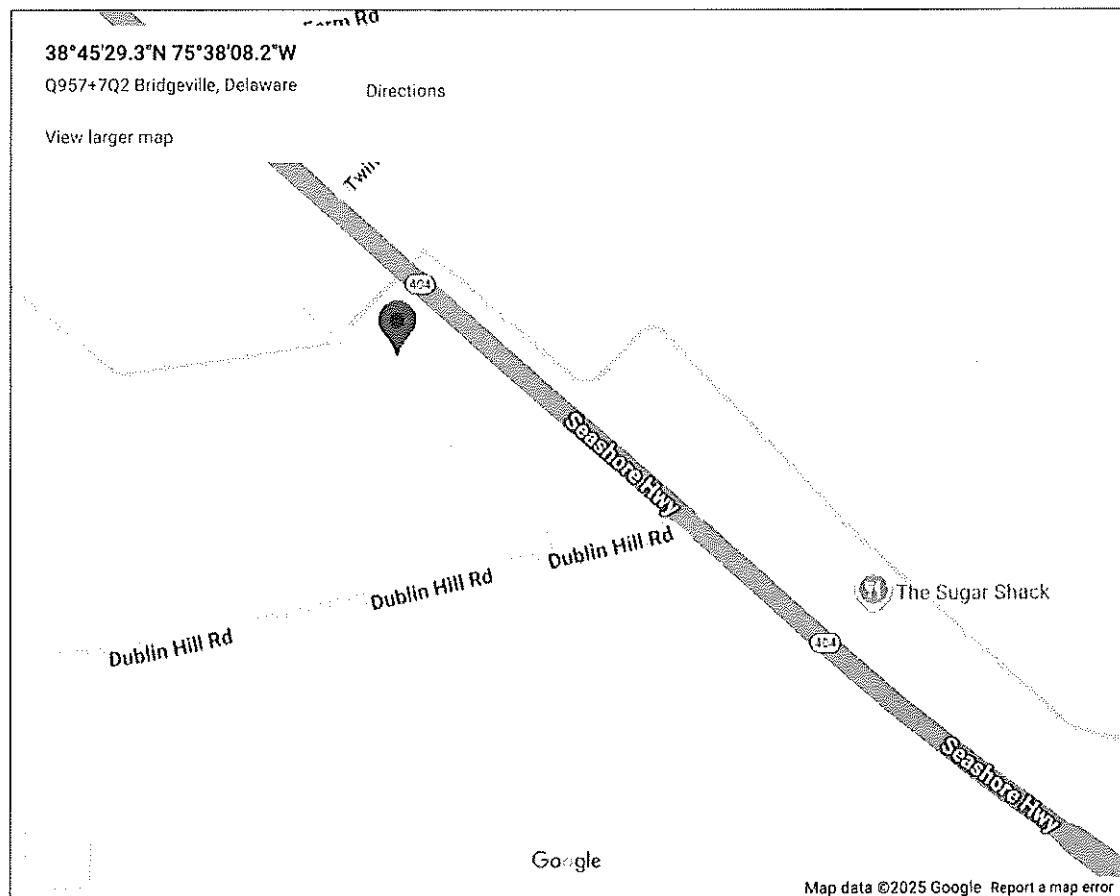
Bridgeville  
Fire Company  
P.O. Box 722  
311 Market St.  
Bridgeville, DE 19933  
302.397.7222

## Live RunLog

Wednesday August, 9 2023 @ 04:28

Nature: Vehicle Accident w/Medics  
Address: 6514 Seashore Hwy Bridgeville, DE 19933  
Cross Streets: Twin Lanes Farm Rd/Dublin Hill Rd

[GO BACK](#)



[Home](#)  
[Gallery](#)  
[Event Calendar](#)  
[History](#)  
[Apparatus](#)  
[Officers](#)  
[Members](#)  
[In Memorium](#)  
[Auxiliary](#)  
[Awards](#)  
[Run Log](#)  
[EMS](#)  
[Links](#)  
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DIAL 9-1-1

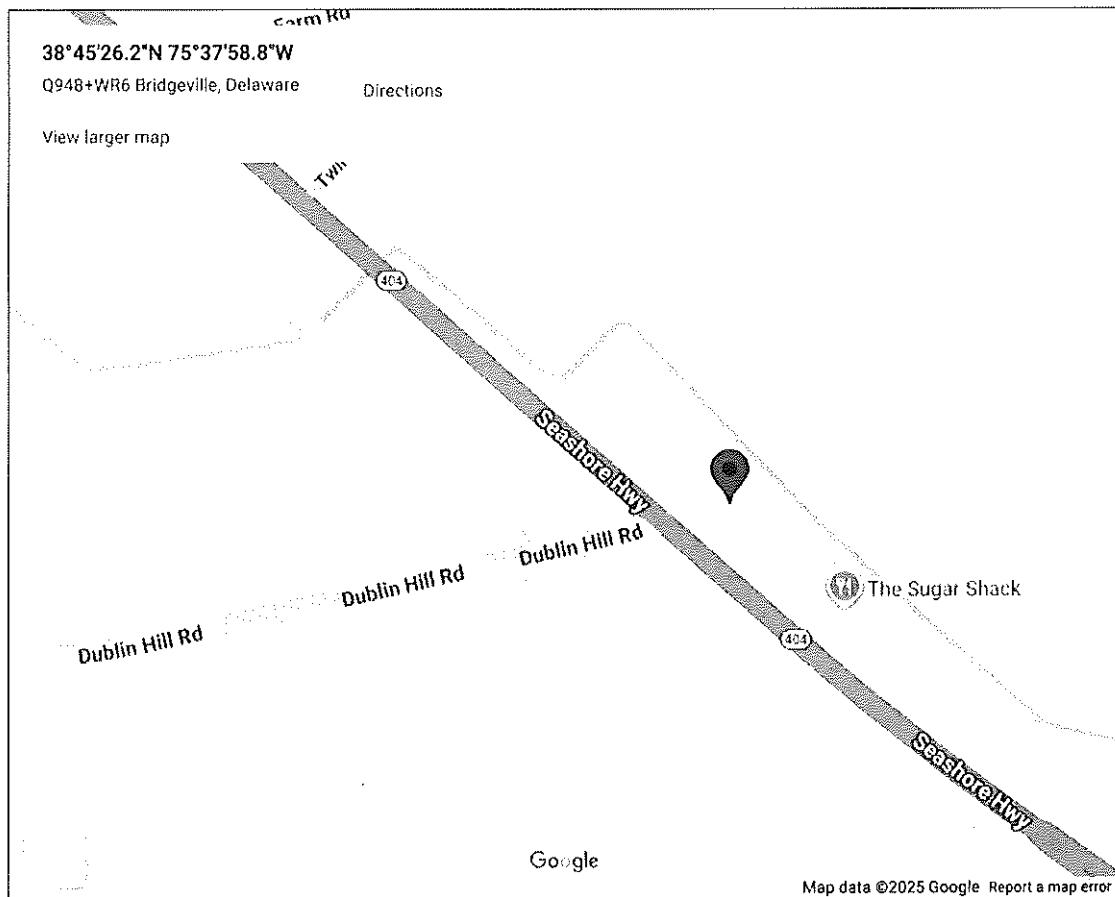
Bridgeville  
Fire Company  
P.O. Box 222  
311 Market St.  
Bridgeville, DE 19933  
302.357.7272

## Live RunLog

Friday September, 27 2024 @ 06:14

Nature: Vehicle Accident  
Address: 6593 Seashore Hwy Bridgeville, DE 19933  
Cross Streets: Dublin Hill Rd/W Newton Rd

[GO BACK](#)



[Home](#)  
[Gallery](#)  
[Event Calendar](#)  
[History](#)  
[Apparatus](#)  
[Officers](#)  
[Members](#)  
[In Memorium](#)  
[Auxiliary](#)  
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DIAL 9-1-1

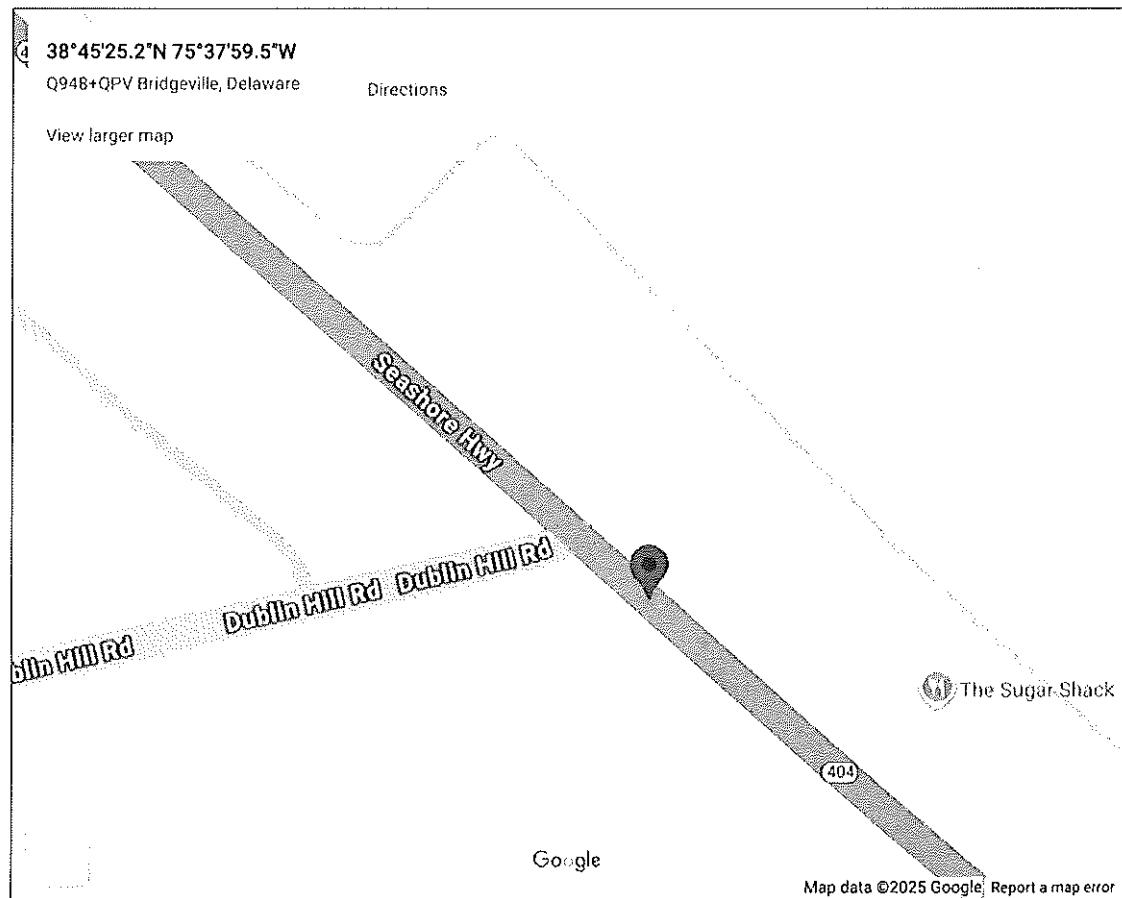
Bridgeville  
Fire Company  
P.O. Box 227  
311 Market St.  
Bridgeville, DE 19933  
302.397.7272

## Live RunLog

Tuesday February, 25 2025 @ 18:46

Nature: Washdown (Fuel Spill)  
Address: 6598 Seashore Hwy Bridgeville, DE 19933  
Cross Streets: Dublin Hill Rd/W Newton Rd

[GO BACK](#)



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

11/10/2025 12:37PM Lindsey S  
Receipt number: 33030644-0009 001257171

PERMITS / INSPECTIONS  
2025 202515093/Z2020

\$500.00

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

Tenders

TYLER PAYMENTS CC

\*\*\*\*\*7354 \$515.00

Ref=ec40b8c9-0862-4f7a-9d2d-af4a9da4f8de

Auth=307628

Change due

\$0.00

Paid by: PUSEY/SADIE

Signature:

Thank you for your payment.

Sussex County Government COPY  
DUPLICATE RECEIPT

service fee

TYLER PAYMENTS

**Eagleview** **Search Results** **Selected Features:** **1) 131-6.00-12.00** **Parcels (1)** **Zoom**

BOOK	5574
PAGE	170
FULLNAME	HORSEY MICHAEL WILLIAM
Second_Owner_Name	SADIE MARIE PUSEY
MAILINGADDRESS	6580 SEASHORE HWY
CITY	BRIDGEVILLE
STATE	DE
a_account	
DESCRIPTION	WEST MANOR
DESCRIPTION2	LOT 13
DESCRIPTION3	
LLC	101
SCHOOL	5
MUNI	00
CAP	2
APRBLDG	318400
APRLAND	45800
PINWASSEMENTUNIT	131-6.00-12.00
PIN	131-6.00-12.00

**Selected Features (1)** **Clear Selected**

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

**6587** **2** **150** **3** **236** **60** **13** **12** **100** **11** **14** **13** **12** **10** **9** **8** **7** **6** **5** **4** **3** **2** **1**

**SEASHORE HWY** **DUBLIN HILL RD** **DUBLIN HILL RD** **400** **20**

**POWERED BY** **esri**

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

44° X: -8419585.909080 Y: 4687018.433696

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**Eagleview** **Search Results** **Selected Features:** **Parcels (1)** **Zoom**

▼ 1) 131-6.00-12.00

BOOK	5574
PAGE	170
FULLNAME	HORSEY MICHAEL WILLIAM
Second_Owner_Name	SADIE MARIE PUSEY
MAILINGADDRESS	6580 SEASHORE HWY
CITY	BRIDGEVILLE
STATE	DE
DESCRIPTION	WEST MANOR
DESCRIPTION2	LOT 13
LUC	101
SCHOOL	5
MUNI	00
CAP	2
APRBLDG	318400
APRLAND	45800
PINWASSEMENT/UNIT	131-6.00-12.00
PIN	131-6.00-12.00
ZIPCODE	19933
FRONTFOOT	200

Selected Features: 1) Selected Features (1) **Clear Selected**

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

POWERED BY **esri**

Sussex County Government | Sussex County Mapping and Addressing | Microsoft, Vantir

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RT. 404

SEASHORE HWY

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## **Criteria for a Variance**

### **1. Uniqueness of property:**

Our property is oddly shaped and uniquely situated roughly less than 50 feet from the edge of a busy highway, along 404 Seashore Hwy and Dublin Hill Road. The location where the 6-foot fence is currently installed, gives us an adequate amount of space to utilize our backyard due to the shape and narrowness of the property. It also provides a safe height of 6 foot, as our children, dogs (2) and chickens (6) could jump a fence of 3 foot. Also, the placement of the chicken coop provides an adequate amount of space from the neighbor's property.

### **2. Cannot otherwise be developed:**

Due to the shape and placement of our property, the backyard is the safest place for our children and animals to play/reside safely. To ensure their safety, we are seeking a variance approval for a 6-foot fence along the Dublin Hill property line, which is a Corner Front set back, higher than the 3-foot required fence. Additionally, we have a small chicken coop located in the back side yard. We believe that due to our unique shaped property and the consideration of our neighbors that this would be the best place to put the coop. We didn't want the possible smell or the noise from the chickens to disrupt their daily routine or cause any issues.

### **3. Not created by the applicant:**

Within close proximity to Seashore Hwy and Dublin Hill Road, there is heavy traffic including tractor trailers, farm vehicles, as well as everyday motorist. Since moving in on October 19<sup>th</sup>, 2021, there have been multiple accidents at this intersection, with one accident crashing into our front yard, hitting our septic and knocking out our front steps. We have also lost 2 of our beloved dogs, due to being hit by cars. Due to these incidents, we are seeking approval for a 6-foot fence to secure the side/back yard to ensure the safety of our children and animals. Additionally, we wanted to place the chicken coop away from our neighbor house and in a safe location.

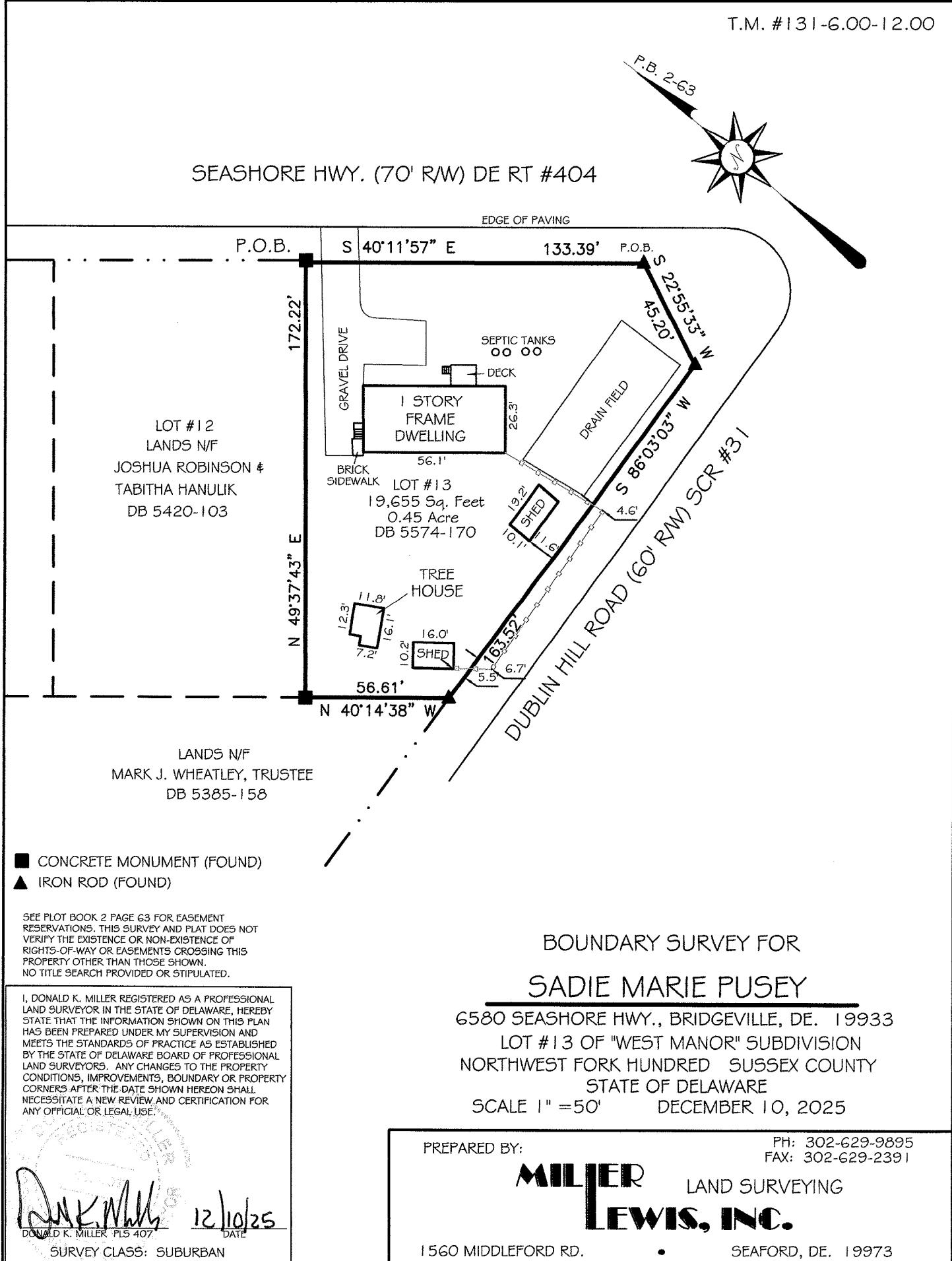
### **4. Will not alter the essential character of the neighborhood:**

The proposed variance request for a 6-foot privacy fence and chicken coop placement will not alter the essential character of the neighborhood as we do not live in a neighborhood.

**5. Minimum variance:**

We are requesting the minimum variance approval to raise the height requirements along a Corner Front setback from 3 foot to a 6-foot privacy fence to provide an effective and secure barrier to ensure the safety of our children and animals. Additionally, we are respectfully requesting that the coop chicken can stay in its current location.

T.M. #131-6.00-12.00



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

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

Case # 13158  
 Hearing Date 11-26-2026  
202515795

**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:**  
 34582 Sylvan Vue Drive, Dagsboro, DE 19939

**Variance/Special Use Exception/Appeal Requested:**

Variance  
 Sussex County, DE Supplementary Regulations 10' Back and Side Yard Setback  
 I request a variance from the 10' back and side yard setback to 2' back and side yard setback to install a 40'x24' pole barn.

**Tax Map #:** 134-11.00-707.00

**Property Zoning:** MR

**Applicant Information**

Applicant Name: Suzanne Stark Bienert  
 Applicant Address: 358 Buckridge Road  
 City Howard State PA Zip: 16841  
 Applicant Phone #: (814) 360-3503 Applicant e-mail: slw86787@gmail.com

**Owner Information**

Owner Name: SAME AS APPLICANT  
 Owner Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
 Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: NONE  
 Agent/Attorney Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_  
 Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**



Suzanne S. Bienert

Date: 11-25-2025



## 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.

The property is unique because of its triangular(ish) shape. Because of the previously installed septic system in the middle of the backyard, and the location of the 30x50 house, the pole barn can not move north/left (because of the existing septic system) or west/forward (due to the existing house). Thus, I request a variance to allow for a 2' setback in the back and side yard, instead of 10'.

**2. Cannot otherwise be developed:**

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

See Above - Uniqueness of property.

**3. Not created by the applicant:**

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

The uniqueness of the property and the previously installed septic system and house causes the difficulty.

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

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

The approval of this variance will not alter the essential character of the neighborhood.

**5. Minimum variance:**

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

Moving the pole barn north/left starts to encroach into the septic field. Moving the pole barn west/forward would not allow a 20' truck to drive into the north/left side of the barn because the house walk-out cellar stairs are in the way. The south/right side of the barn will house a boat, that leaves the north/left side for a truck.

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

Signature of Owner/Agent/Attorney

Date: \_\_\_\_\_

For office use only:

Date Submitted: \_\_\_\_\_

Fee: \_\_\_\_\_ Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

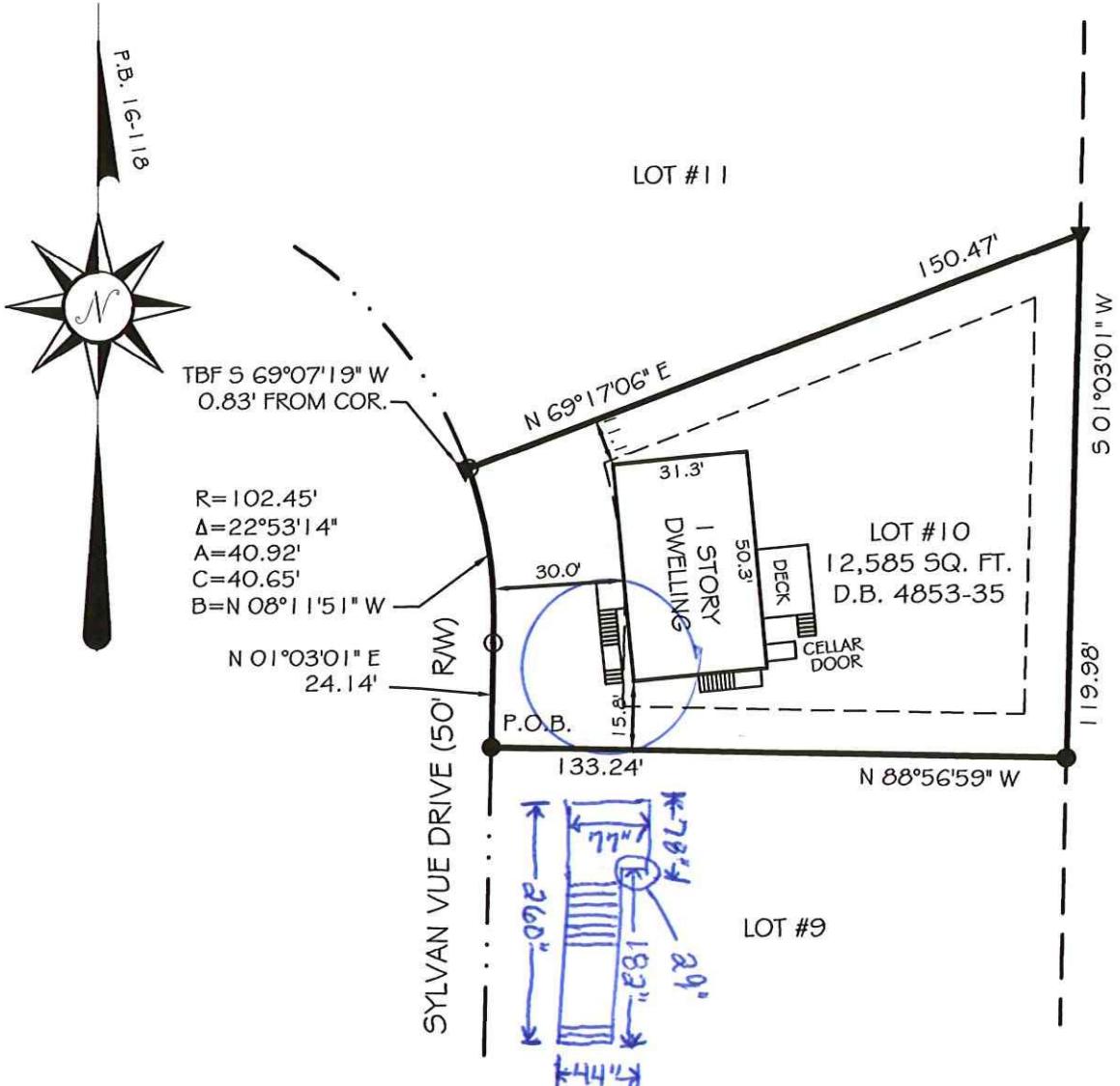
Lot#: \_\_\_\_\_

Block#: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Decision of Board: \_\_\_\_\_

T.M. #134-11.00-707.00



- IRON PIPE (FOUND)
- ▼ "T" BAR (FOUND)
- POINT

SEE PLOT BOOK 16 PAGE 118 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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

DONALD K. MILLER PLS 407  
SURVEY CLASS: SUBURBAN  
DATE: 3/4/25

FINAL LOCATION SURVEY FOR  
SUZANNE STARK BIENERT  
SYLVAN VUE DRIVE, DAGSBORO, DE. 19939  
LOT #10, SECT. 2 OF "BLACKWATER COVE II" SUBDIV.  
BALTIMORE HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE 1" = 40' FEBRUARY 28, 2025

PREPARED BY:

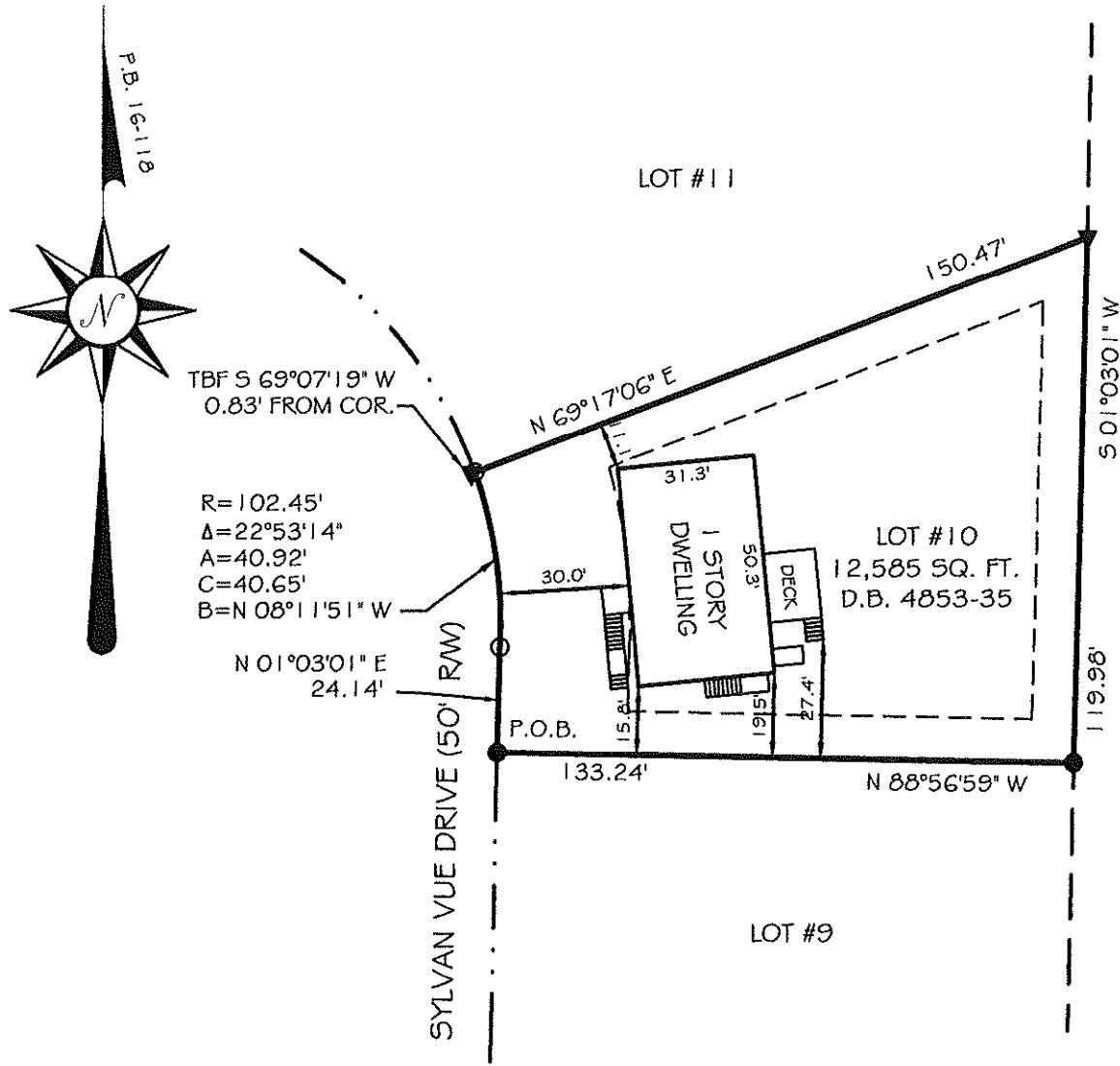
PH: 302-629-9895  
FAX: 302-629-2391

**MILLER**  
LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

T.M. #134-11.00-707.00



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DONALD K. MILLER PLS 407 DATE  
SURVEY CLASS: SUBURBAN

FINAL LOCATION SURVEY FOR  
SUZANNE STARK BIENERT  
SYLVAN VUE DRIVE, DAGSBORO, DE, 19939  
LOT #10, SECT. 2 OF "BLACKWATER COVE II" SUBDIV.  
BALTIMORE HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE 1" = 40' FEBRUARY 28, 2025

PREPARED BY:

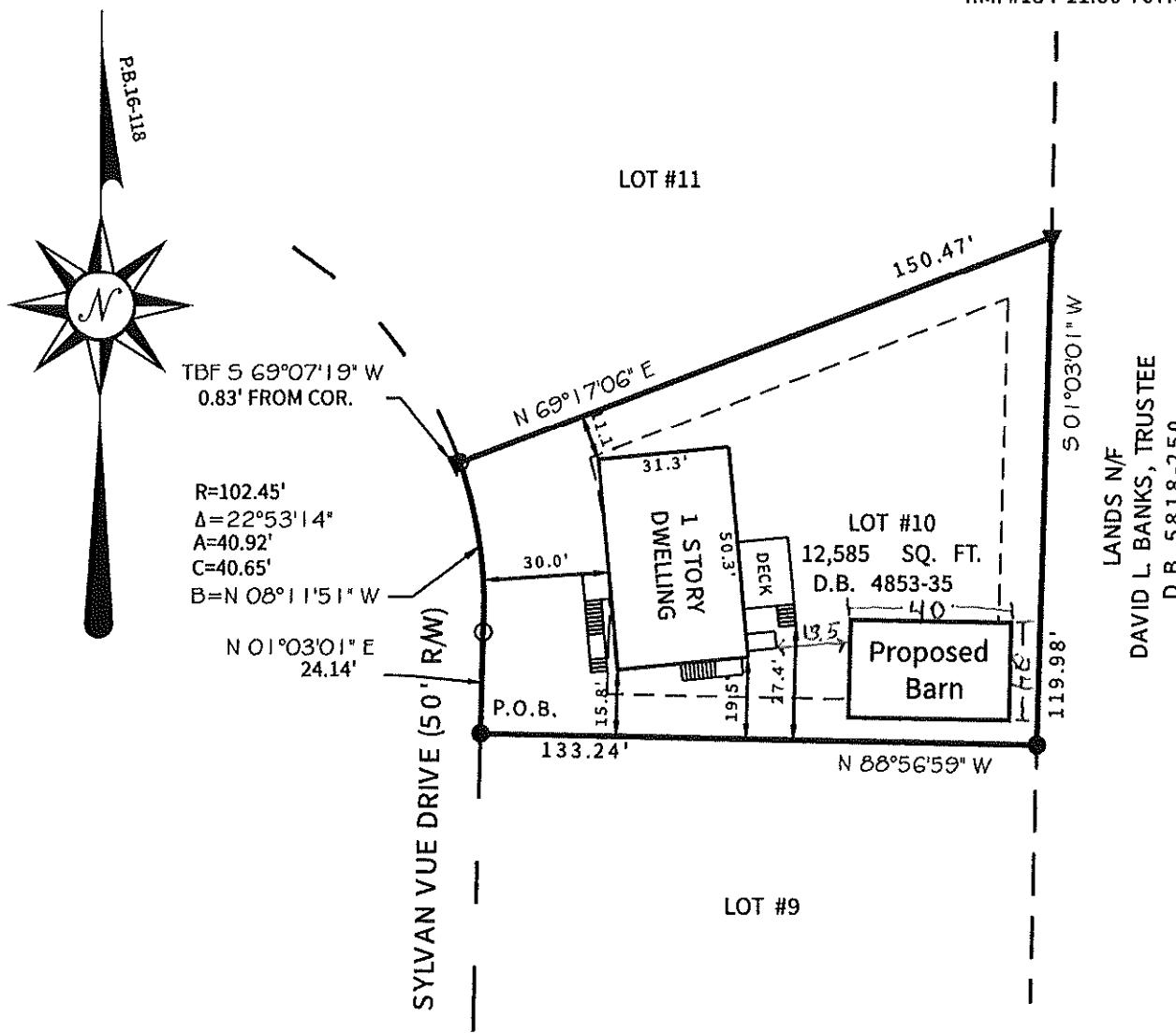
PH: 302-629-9895  
FAX: 302-629-2391

**MILLER**  
LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

T.M. #134-11.00-707.00



- IRON PIPE (FOUND)
- ▼ "T" BAR (FOUND)
- POINT

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**DONALD K. MILLER PLS 407 DATE SURVEY CLASS:  
SUBURBAN**

# FINAL LOCATION SURVEY FOR SUZANNE STARK BIENERT

SYLVAN VUE DRIVE, DAGSBORO, DE. 19939  
LOT #10, SECT. 2 OF "BLACKWATER COVE II" SUBDIV.  
BALTIMORE HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE 1" = 40' FEBRUARY 28, 2025

**PREPARED BY:**

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

**MILLER** LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973

Page 1 of 6



**PERMIT  
251121**



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

Pursuant to provisions of Title 7, Delaware Code, Chapter 60, permission is hereby granted to:

**Beinert, Suzanne**

**359 Meadow Lane, Bellefonte, PA 16823 US**

to repair an existing system.

Construction must be completed on or before 04/10/2026, two years from permit issuance date. Construction must be performed by a person duly licensed by Delaware DNREC for such activity.

All current regulations governing wastewater system installation shall be followed.

All attached permit conditions shall be complied with.

The applicant is responsible for obtaining all additionally required permits and approvals.

  
 \_\_\_\_\_  
 AUTHORIZED SIGNATURE 4/10/2024  
Date

**DNREC APPROVED**  
**See Permit Conditions**

Page 1 of 6



**PERMIT  
251121**



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

**Conditions for both Owner and Contractor**

§ 5 Connections and/or additions to the system other than what are proposed on the approved plot plan (s) are prohibited without prior approval from the Ground Water Discharges Section (GWDS).

§ 6 Roof downspouts, foundation drains, storm sewers, combined sewers or appurtenances thereto, or any sewer or device carrying or discharging either storm, surface, ground or cooling water, oil or water softener discharge shall not be connected to the system.

§ 20 The average daily discharge of this system is restricted to 360 gallons per day. Changes to permitted system flow must be pre-approved by the GWDS and may require a new permit(s) to be issued.

§ 1 This system MUST be installed/repaired by a licensed Class E System Contractor. The Contractor must call the Ground Water Discharges Section (GWDS) at (302) 739-9947 in Kent and New Castle Counties and (302) 856-4561 in Sussex County for system construction start-up authorization. The Contractor must call the GWDS for this authorization 24 hours prior to system construction start for Standard and I/A Systems and 72 hrs. prior for Large Systems. The Contractor must have an DNREC-approved permit copy on site during construction of this system.

§ 23 A Certificate of Satisfactory Completion must be issued by the GWDS for this system prior to its use. The system is NOT approved for operation and maintenance until the required certificate has been issued.

§ 70 If the approved disposal area is wooded, at the discretion of the Class E System Contractor, it is recommended that after tree-clearing the disposal area be checked again by a Class D Soil Scientist prior to system installation. Refer to the Regulations for lot clearing guidance and Exhibit FF for Lot Clearing/Disturbed Site Inspection Report.

§ 90 It is the responsibility of the Class E System Contractor, with cooperation of the property owner, to establish and make visible all property corners that define the property boundaries prior to system installation/inspection. Failure to comply with this condition may necessitate additional Inspection(s) and delay subsequent site approval.

§ 94 The proposed/existing septic tank(s) must be upgraded with risers(2) for each compartment finished to above grade and a GWDS-approved outlet filter. The above-grade access covers shall be watertight and secure from vandalism. The outlet filter should be removed, inspected, cleaned and replaced per manufacturer's recommendations.

**Conditions for Owner**

§ 17 The property owner shall connect to the county or municipal sewer system if and when such services become available and shall be in accordance with County and/or Municipal rules and regulations. At time of connection the existing septic disposal system shall be abandoned per DNREC Regulations and permit voided unless the GWDS approves continued operation.

§ 18 This system shall be maintained in such a manner as to prevent abnormal odors or surfacing, pooling and/or discharging of wastewater onto any surface waters.



**PERMIT  
251121**



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

§ 19 The sites of the initial and replacement absorption facilities shall not be covered by asphalt or concrete or subject to vehicular traffic or any activity or similar loadings that would adversely affect the soils. These sites shall be maintained so that they are free from encroachments by ancillary buildings and additions to main structures.

§ 21 The septic tank must be pumped by a licensed Class F Liquid Waste Hauler at a minimum of once every three (3) years. Septic tanks constructed of non-masonry materials should be pumped only when the seasonal water table is low to minimize possible flotation risk and must be immediately refilled by the owner.

§ 76 The effluent filter, proposed or existing in either the outlet baffle of the septic tank, distribution box, septic tank lift station (Exhibit "V") or separate lift station vault, shall be cleaned and maintained as necessary to prevent clogging of the disposal system and can be performed by the property owner.

§ 93 The site evaluation supporting this permit will expire five(5) years after site evaluation approval date. System replacement after this date will require a new site evaluation and subsequent GWDS approval.

**Conditions for Contractor**

§ 4 The Class E System Contractor shall contact a Class I Construction Inspector for an inspection prior to covering the installation and cap inspections for all New and Replacement gravity systems starting January 12, 2016. Approval for cover must be given by the Class I. For all Component Replacement and Repair permits the Class E System Contractor shall contact the GWDS for inspections until July 1, 2016 at which time the Class E shall contact a Class I for Inspection.

§ 7 The drainfield area, either above or below grade, must be installed according to the cross section in the permit design plan(s). Any changes to system depth/height will require pre-approval from the Class D Soil Scientist, the Class C Design Engineer (if applicable) and the GWDS.

§ 12 There shall be no soil disturbance within the primary and spare absorption areas except the minimum required for system/component installation and/or repair.

§ 16 The Class E System Contractor shall install a battery in the timer.

§ 24 It is the responsibility of the Class E System Contractor to verify that ALL isolation distances, as noted and approved in the permit, can be maintained. Furthermore, the contractor shall notify the Class B or C Designer/Engineer AND the GWDS if field conditions exist that prohibit the ability to maintain the approved isolation distances and/or requirements of the Regulations.

§ 48 Final Site Restoration must comply with Section 5.4.5.5 of the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems.

§ 66 A construction report must be prepared by the Class E System Contractor and submitted to the GWDS within ten (10) days of system completion. This is to include any changes that require a post-construction "As-Built" drawing. "As-Built drawings detailing changes to engineered(pressurized) systems must be submitted by the Class C Engineer.

Page 4 of 6



**PERMIT  
251121**



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

§ 77 The Class E System Contractor shall comply with all Occupational Safety and Health Act (OSHA) regulations. OSHA regulations can be found at the website [www.osha.gov](http://www.osha.gov) or by contacting the U.S. Department of Labor.

§ 91 All proposed changes to permit design MUST be submitted and approved in the form of a preconstruction "as-built" drawing prior to system installation. Contact the GWDS for guidance. Post-construction "as-built" drawings are subject to GWDS approval and MUST be submitted to the GWDS within ten(10) calendar days of system completion. All "as-built" drawings(pre or post) detailing changes to engineered systems MUST be generated by the Class C Design Engineer.

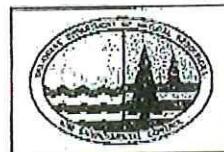
§ 92 This system type is classified as "mound" or "capping fill" and thus requires a second inspection to ensure sufficient soil "cap" or cover over the drainfield. The Class E System Contractor is to call the licensed Class C Engineer for a "cap" inspection within ten(10) calendar days after receiving a satisfactory pre-cover inspection, weather permitting.

Page 4 of 6

03/28/2024 11:27

(FAX)

P.007/008

**Permit Number:****251121**APPLICATION - PERMIT  
ON-SITE WASTEWATER SYSTEMOWNER'S NAME: SUZANNE BEINERT PHONE: DAN@CLEANDELAWAVER.COMADDRESS: 359 MEADOW LANE, BELLEFONTE, PA 16823PROJECT LOCATION: 34590 SYLVAN VUE DRIVE, DAGSBORO, DE 19939TAX MAP: TM: 134-11.00-707.00APPLICATION  
PREPARER: DAN CLEARY DNREC  
LICENSE #: 5483PREPARER'S ADDRESS: P.O. BOX 123 MILTON, DE 19968PHONE: 302-684-4221**RECEIVED****04/03/2024**

I hereby affirm that the information provided on this document is accurate and complete.

Preparer's Signature: DAN CLEARY Date: 3-28-2024**GROUNDWATER****-SEPTIC DESIGN CRITERIA-**

(Please check all boxes that apply)

**System Type:** (CF = Cap & Fill / FD = Full Depth)

<input type="checkbox"/> Gravity (FD)	<input type="checkbox"/> Permanent Holding Tank
<input type="checkbox"/> Gravity (CF)	<input type="checkbox"/> Elevated Sand Mound
<input type="checkbox"/> Pressure Dose (FD)	<input type="checkbox"/> Wisconsin At-Grade
<input type="checkbox"/> Pressure Dose (CF)	<input type="checkbox"/> Subsurface Micro Irrigation
<input type="checkbox"/> Peat Bio- Filter	<input type="checkbox"/> Other _____
<input type="checkbox"/> Low Pressure Pipe (CF)	<input type="checkbox"/> Other _____

 Temporary Holding Tank Bed or  Trench Gravelless Chamber  Stone/Gravel  Tire ChipsSand-lined  Yes  NoExisting System Malfunctioning  Yes  No  N/A**Type of Construction:**

<input type="checkbox"/> Replacement
<input type="checkbox"/> New Construction
<input type="checkbox"/> Component
<input type="checkbox"/> Low Pressure Pipe (FD)
<input checked="" type="checkbox"/> Repair to Existing System

Reason: BOX W. RISERS TO GRADE Authorization to Use Existing System

Permit #: \_\_\_\_\_

Present Condition: \_\_\_\_\_

Structure to be connected: \_\_\_\_\_

# of Bedrooms: 3

Avg. Percolation Rate: \_\_\_\_\_

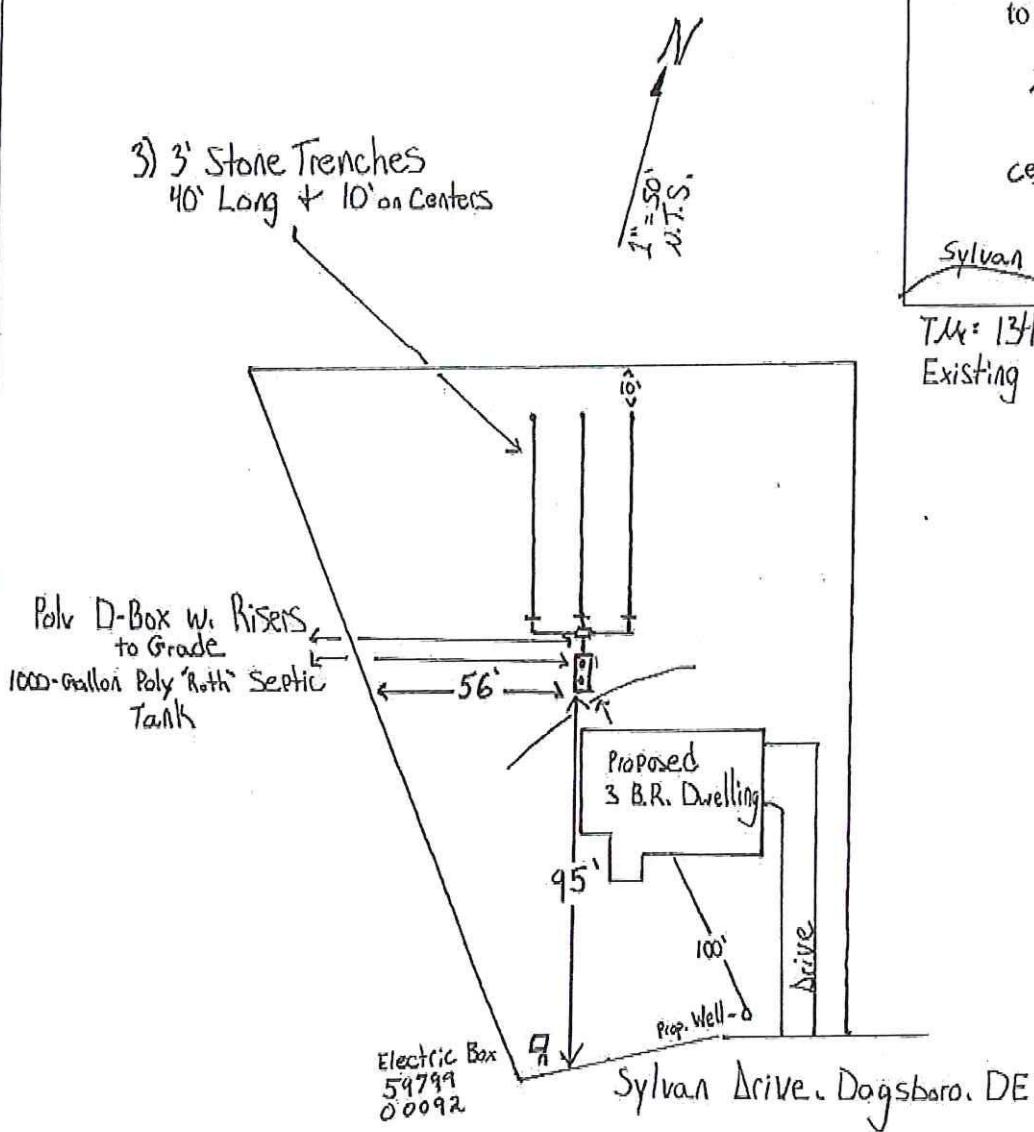
Gallons Per Day Flow: 360Current Sq. Ft: SQ FTSq. Ft. Proposed: SQ FTExisting Permit: 796-85SCentral Water Available  Yes  No

(If yes, please state Utility Name:)

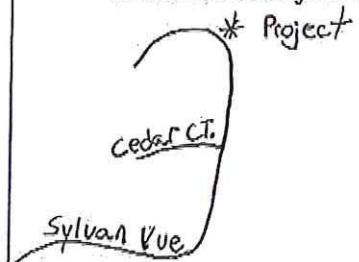
Revised 09/02/09

**Pre-Treatment Units** Septic Tank Other POLY SEPTIC TANK w. RISERS & EFFLUENT FILTER

**- SITE PLAN & CROSS SECTION -**  
 (INDICATE DIRECTIONS OF NORTH & SCALE OF SITE PLAN)



Draw a general location map of project location and give distance to nearest road junction.



TM: 134-11.00-707.00  
Existing Permit 796-855

OWNER'S/AUTHORIZED AGENT SIGNATURE: Suzanne Bennett DATE: 3-28-2021  
 • A copy of this page must be submitted with both septic system and well construction report(s)

**SITE EVALUATION**

INNOVATIVE AND ALTERNATIVE OWTDS SITE EVALUATION BY ARM, INC. - APPROVAL PAGE

**REFERENCE # 553348****RECOMMENDED****GROUNDWATER**

The soils on this site are approved when the following is completed in full and signed by the approving authority. The information contained in this site evaluation reflects Delaware Department of Natural Resources and Environmental Control (DNREC) policies and procedures at the time of the review. Exhibits and Regulations cited in this report refer to DNREC "Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems" (OWTDS). Isolation distance requirements, limited area of suitable soils, filling, removal, and/or compaction of the soil may negate construction permit approval or modify the type of system that can be permitted. All information should be verified by interested parties prior to design and installation of the septic system. This is not a construction permit. Approval of this site evaluation is limited to five years. Upon expiration, a new site evaluation will be required in compliance with regulations in effect at the time. There are no guarantees supplemental approvals will be for the same system type (s) prescribed herein.

**Property Owner's Name(s):** Christine C. Oakbrae, Trustee**Tax Map #:** 1-34-11.00-707.00 (Lot 10 Sec 2)

**Initial/ Upgrade Disposal System:** *Innovative and Alternative (I/A) Full Depth Gravity Fed/ Pressure Dosed\* OWTDS* with an Advanced Treatment Unit (ATU, meeting PSN3 standard) or other PSN3 I/A\* OWTDS; *Trenches are strongly recommended* due to slopes and *required* where average slopes *exceed 2 percent*. \*Sand-Lining to 1 foot beneath the existing system will be required, if encountered. OWTDS options are *provided* Exhibit C isolation distances are maintained (Min. Isolation Distances). See the *User Notes*.

**User Notes/ Cautions:** 1) There is an installed OWTDS – septic system (Permit # 796-85S) on this property that has never been utilized. The existing system was sited, designed, and installed under the *former* DNREC Regulations. Future tie-in will be under the direction of DNREC, the responsibility of other interested parties, and at the risk of the ownership. The existing drainfield was not readily identified, mainly due to tree roots and potentially the depth of installation, which appears to have a drainfield invert below 36 inches of present grade. The drainfield is denoted on the plot drawing as per the Permit and oriented to the found Septic Tank. If encroached upon, a sand-lined OWTDS will be required in accordance with the Regulations. 2) The OWTDS area is shown irrespective of well isolation requirements. 3) All OWTDS options require an Advanced Treatment Unit (ATU) meeting the PSN3 standard (Inland Bays Watershed, non-sewer district). 4) Due to slopes, the system may be installed as a *hybrid* Capping Fill - Full Depth - Overdig.

**Location of Initial/ Upgrade System:** As shaded (cross-hatched) on the plot drawing in the vicinity of Soil Borings 1, 2, 3, and 4

**Depth to Limiting Zone:** 60 (variable to 72 inches or greater with increasing elevation) to indications of the seasonal high water table

**Design Considerations and Comments:** See Exhibit K (Full Depth Gravity; *average* gravel placement at 24 inches bgs., See *User Note # 4*). Gravel aggregate (quality, washed stone) is recommended. The top of the existing septic tank is less than 6 inches bgs.. Pressure Dosing (Exhibit R), a lift station, or a set building sewer elevation will be required due to lines and grades. Other PSN3 *Innovative and Alternative* (drainfield installation beneath 36 inches is not recommended) OWTDS may be suited. *Operation and Maintenance required*. A 100 ft. isolation distance is generally required from all non-public wells. A lesser well isolation distance may be approved for wells on a case-by-case basis. This evaluation is to site one new OWTDS for new residential construction (single-family) with a wastewater flow volume not to exceed 720 gallons per day. The front of the property is not recommended for OWTDS due to steep slopes and proximity to a cut bank. Complex and somewhat complex slopes range from 1 to 2 and 2 to 6 percent and are significant to installation. The system is to be designed on contour, perpendicular to slope. The designer should verify slopes. The evaluated area is wooded (mixed-aged with many large hardwoods). Follow the DNREC "Clearing Guidelines". The vegetation and root mat is to be removed in the OWTDS area, and a degree of engineered sandy fill will be required to fill large stump holes. Care should be taken during lot clearing to minimize soil loss, compaction, and disturbance. Soil disturbances in the disposal area will negate this Evaluation (see disclaimer above) and may necessitate the use of a sand-lined system. The property owner/developer is responsible for placing a substantial barrier around the potential OWTDS area prior to beginning any site development. System installation and all site work should occur during *PROPER-DRY SOIL MOISTURE CONDITIONS* and final grading must insure that no surface water be directed towards the OWTDS area (includes roof downspout and impervious area drainage or sump pump discharge). *Irrigation use*, system over-traffic, water treatment discharge, and/ or tree plantings in the drainfield area are prohibited activities by the Site Evaluator and will void this Site Evaluation. All pertinent features were field located on a plot drawing adapted from the Record Plot (PB 16, PG 118). All pertinent features were field located with a differential GPS unit and are referenced to the found property corners and Utility Box DPL 59799 00092. This plot is not a formal survey and should not be construed as such. The system designer is to field-verify all isolation distances and measurements prior to permitting. ARM, Inc. is not responsible for any subsurface conditions not encountered at the time of this evaluation, which may become evident in the future that affect the placement or design criteria of the OWTDS.

**Instructions to Property Owner/ Client:** 1) Contact a Class C System Designer. 2) A percolation rate of 30 minutes per inch has been assigned to the soils on your site based upon rates as provided in Section 5.0 and Exhibit Y of the regulations and other factors. You may use the assigned percolation rate or, at your expense, have a percolation test conducted. If you do not choose to use the assigned percolation rate, contact a Licensed Class A Percolation Tester (3 tests) and the Site Evaluator for testing depth and location. 3) If you have questions, call the evaluator at (302) 539-2029, DNREC at (302) 856-4561 (Sussex Co.), or 739-9947 (Kent Co.).

This report has been prepared by or under the supervision of:

Laf P. Erickson, License # A/D-2460

**Disclaimer:** Approval of this site evaluation indicates only that the site evaluation, based on information presented to us, was conducted in compliance with these regulations. It is not an indication of the correctness or quality of the evaluation nor does it guarantee the evaluation is free of omissions.

Field Checked \_\_\_\_\_

For office use only

Expiration Date 10/2/20Date 10/2/15

DNREC Reviewing Soil Scientist

ATLANTIC RESOURCE MANAGEMENT, INC.  
(302) 539-2029

P.O. BOX 869  
OCEAN VIEW, DE 19970

**INNOVATIVE AND ALTERNATIVE DESIGN OWTDS SITE EVALUATION REPORT**

Property Owner's Name(s): Christine C. Oakbrae, Trustee  
Owners' Address: 34590 Sylvan Vue Drive  
 Dagsboro, DE 19939

Tax Map #: 1-34-11.00-707.00  
Lot #: 10, Section 2  
Phone: (302) 829-8222

Property Location: Lot 10, Sec. 2, Blackwater Cove Subd.; East of Sylvan Vue DR (ADJ 911: 34590), 230'± N of Cedar CT; Dagsboro,  
Property Size: 0.29± acres (per Plot: PB 16, PG 118; plat date 01/1979) / Sussex Co., Delaware

Evaluator's Name: Lāf P. Erickson, CPSS/SC  
 Central Sewer: N/A; *Vines Creek Planning Area*  
 Central Water: N/A

License Number: A/D-2460  
Evaluation Dates: 08/24 & 09/05/2015 (recent) and  
 03/13/1985 (original)

Watershed: **Inland Bays**, Indian River Bay (HUC 020403030206); > 100' from Watercourse(s); No area tax ditches

Depth to and Type of Limiting Zones Encountered – all measurements are depths beneath ground surface (bgs):

**Soil Boring 1:** 60 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 126 (08/24), 128 (09/05) inches to free water; Grossarenic Paleudult—Cedartown Series (203291'±N, 733072'±E)

**Soil Boring 2:** > 72 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 > 72 inches to free water; Grossarenic Paleudult—Henlopen Series (203339'±N, 7333145'±E)

**Soil Boring 3:** > 72 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 > 72 inches to free water; Grossarenic Paleudult—Henlopen Series

**Soil Boring 4:** 65 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 > 72 inches to free water; Grossarenic Paleudult—Cedartown Series

**Summary of Evaluation:** Soils in the evaluated area are excessively/ somewhat excessively drained (agricultural drainage class) with moderately rapidly over moderately (30 MPI) permeable subsoil/ stratum- substratum. Site conditions are suited for an **Innovative and Alternative (I/A) Full Depth Gravity Fed/ Pressure Dosed\*** OWTDS with an Advanced Treatment Unit (ATU – PSN3) in the vicinity of Soil Borings 1, 2, 3, and 4 (as *cross-hatched* on plot drawing); provided isolation distances are maintained per Exhibit C. See the important *User Notes/ Cautions* (especially existing, installed system Permit # 796-85S). \*Sand-Lining to 1 foot beneath the existing system will be required, if encountered. *Trenches* are recommended due to sloping conditions and required where slopes exceed 2 percent. The OWTDS area is located on the shoulder and backslope landscape positions of a prominent ridge with complex/ somewhat complex slopes ranging from **1 to 2 and 2 to 6** percent in the OWTDS area. Slopes are significant to system design and installation and should be confirmed by the system designer. Tax ditch rights-of-ways, watercourse setbacks (> 100 feet in Shellfish Waters) do not impact the parcel/ OWTDS design area. The parcel is *not* within any mapped Federal Emergency Management Agency (FEMA) floodplains, DNREC mapped wetlands areas, or DNREC wellhead protection areas. See the *User Notes/ Cautions and Design Considerations and Comments on the Approval Page* (esp. *Clearing Guidelines, well setbacks, slopes, existing system*) for property information and important details on system design and installation. The availability/ timing/ feasibility of future sanitary sewer was beyond this scope.

The limiting zone of **60** inches or greater (greater than 72 inches at higher design area elevations) was assigned for the system design based on the depth to redoximorphic features (depletions - concentrations) indicating 7 to 14 continuous days of saturation at Soil Boring #1. Limiting zones ranged from 60 to greater than 72 inches over the OWTDS design area. The deeper limiting zone at the higher site elevations allows for system installation as an overdig. Free water (groundwater) was encountered at 126 to 128 inches bgs. at Soil Boring 1 (lower design area elevations) during the recent investigations and was noted at greater than 8 feet during the original investigation. The work was performed near the end of the growing season for the 2014-2015 water year (with near normal precipitation to date). The groundwater fluctuations on this property are likely moderated by the St. Georges Tax Ditch, a drainage outlet near sea level.

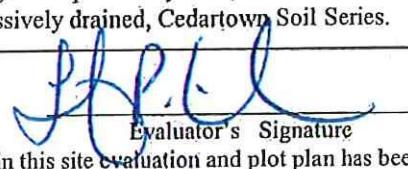
The moderate percolation rate of **30** minutes per inch was assigned to the OWTDS design area based on the most hydraulically restrictive soil materials encountered from 0 to 60-72 inches beneath the surface. The most hydraulically limiting soil textures on the parcel were sandy loam materials. The finest of these textures were observed in the lamellae/ argillic horizons (zones of maximum clay accumulation – soil forming factors/ deposition) of all Soil Borings at varying depths ranging from 42 to 60+ inches beneath the surface. Clay and fine sand content, soil structure and consistence, contrasting textural deposits, depth to and thickness of the hydraulically limiting horizons, wet season permeability, potential disturbances from clearing, site development factors, and long term acceptance of wastewaters were determining factors in the assigned percolation rate. The percolation rate was augmented from the original investigation (7 minutes per inch based on 24 inch bgs. percolation testing), and additional hydraulic percolation testing of the deep substrata would be required to assign a more permeable/ faster rate.

The lot is mapped at the transition of delineations of the somewhat excessively drained, Henlopen loamy sand, 0 to 2 & 2 to 5 % slopes (HpA - HpB) soil mapping units in the Web Soil Survey. Soils correlate: somewhat excessively drained, Cedartown Soil Series.

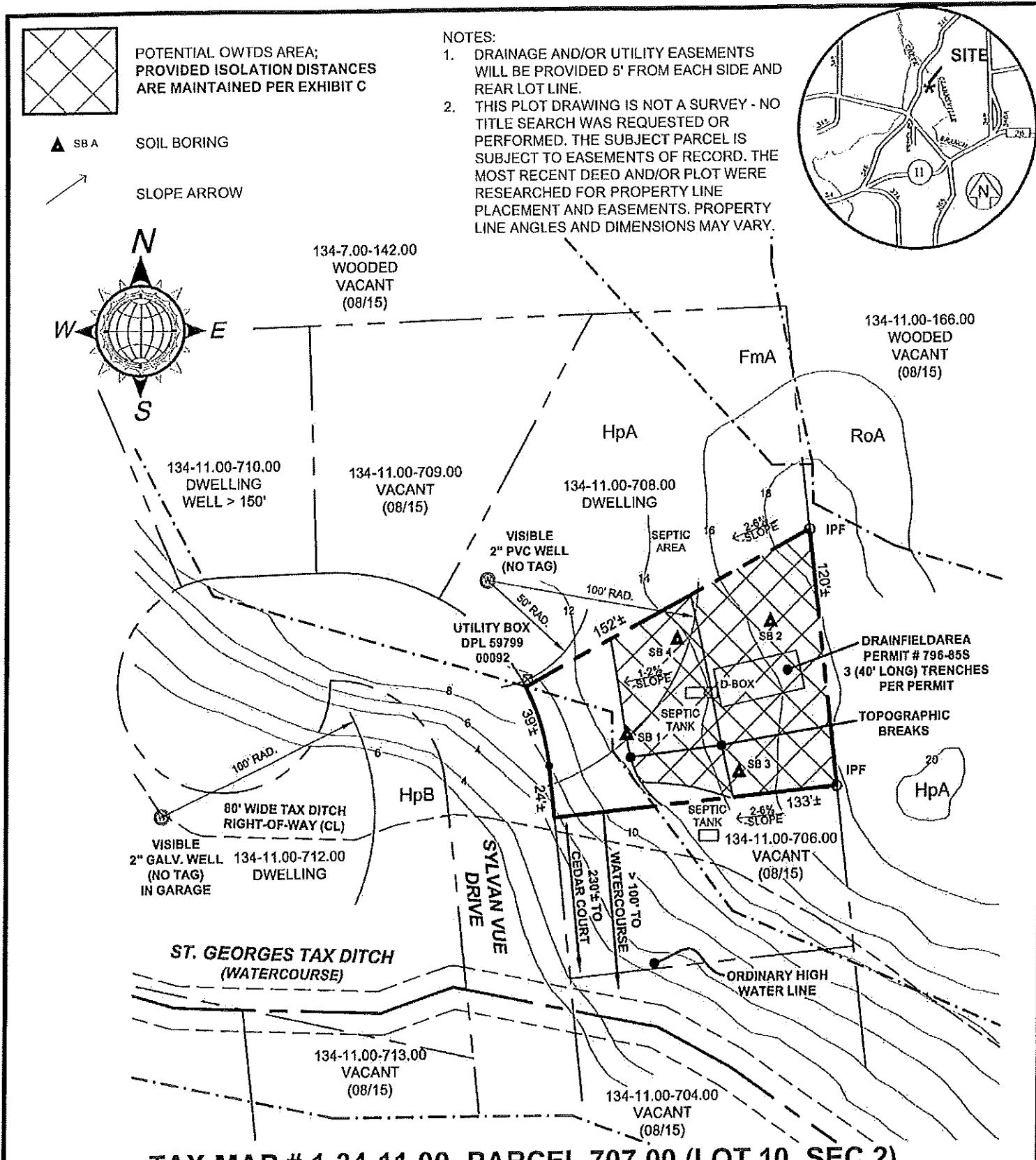
09/20/2015

Atlantic Resource Management, Inc. Job # 326-DS15-SE

Date

 Evaluator's Signature

Note: Site evaluation information was collected for OWTDS interpretations only. The information in this site evaluation and plot plan has been compiled from any of the following sources: tax map, deed, survey, recorded plot, or field located property corners, and may include anecdotal information supplied by property owners, adjacent residents, and/or other interested parties. Locations of wells and septic systems are by direct observation where possible, but are often based on information provided by permits, property owners, adjacent residents, and/or other interested parties. This plot plan represents the site conditions at the time of evaluation but it is not a survey. No title search has been conducted; any easements shown are from subdivision record plans or deed. Subsequent alteration of the site or adjacent properties may negate approval by the regulatory agency(ies) involved in permitting. All information should be reverified prior to purchase or use.



## TAX MAP # 1-34-11.00, PARCEL 707.00 (LOT 10, SEC 2) BLACKWATER COVE SUB., SUSSEX COUNTY, DELAWARE

ATLANTIC RESOURCE MANAGEMENT, INC.

Post Office Box 869  
Ocean View, DE 19970



(302) 539-2029  
Fax (302) 539-4601

DE@atlanticresource.net

ENVIRONMENTAL CONSULTANTS

60	9	30	60
1 Inch = 60 ft.			
PROJECT:	CHRISTINE C. OAKBRAE TRUSTEE		
TITLE:	SITE EVALUATION PLOT DRAWING		
LOT SIZE:	0.29 ACRES ±		
REF:	PB 16, PG 118 (1979)		
DRAWN BY:	L. ERICKSON/J. MOORE		
CHECKED BY:	L. ERICKSON		
JOB #:	326-DS15-SE		
TAX MAP:	1-34-11.00, PARCEL 707.00		
DATE:	SEPTEMBER 21, 2015		
SHEET NO:	1 OF 1		

Property Owner / Property Location:		Christine C. Oakbrae Trustee / Tax Map #: 1-34-11.00-707.00 Lot 10 Sec 2					
Profile: S1S1	Date(s): 8/24/15 & 09/05/15	Soil Boring <input checked="" type="checkbox"/> or Test Pit					
Slope: 2-5% & 1-7%	Relief: BACKSCOPE → LOWER BACKSLOPES						
Estimated Permeability:	MODERATELY RAPID OVER MODERATE (30 in)						
Depth to Limiting Zone:	60 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE						
Soil Classification / Series:	GROSS ANOMIC PALEUDULT - CEDARTOWN						

MPI	Horizon	Depth	Colors		Redox. Desc.	Ab. S. Con.	Texture	Structure	Consistence
			Matrix	Redox.					
	A1	0 to 5	10YR 4/5	NONE	NONE		LS	IF GR	VFR
	A2	5 to 13	10YR 4/5	"	"		LS	IF GR	VFR
	E1	13 to 21	10 YR 6/4	"	"		LS	1M SISK	VFR
	E2(Bt)	21 to 42	10 YR 6/4 10YR 8/2 10YR 6/6	10YR 8/2 10YR 8/2 10YR 5/6	10YR 8/2 LAMELLAR	C2D C2D C2D	LS & LS SUL S SUL S	1M SISK 1M SISK 1M SISK	VFR VFR VFR
	B2(Bt)	42 to 60	10 YR 6/5	10YR 6/6					
	B3(Bt)	60 to 72	10 YR 7/5	10YR 5/6					
	to								
	to		128" (09/05)						

Free Water: 126" Comments: WOODEN LOT - NAP16-2005

72" - 132" LS, SL + W/ REDOX

Coordinates: 203291 N 733072 E+

Profile: S1S1 Slope: 2-4% Relief: SHOULDER OF RIDGE

Estimated Permeability: SAME

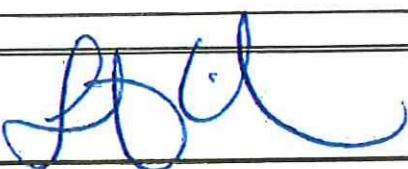
Depth to Limiting Zone: >72 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE

Soil Classification / Series: SAME - HENLOPEN

MPI	Horizon	Depth	Colors		Redox. Desc.	Ab. S. Con.	Texture	Structure	Consistence
			Matrix	Redox.					
	A	0 to 9	10YR 5/5	NONE	NONE		LS	IF GR	VFR
	E1	9 to 20	10YR 5/4	"	"		LS-	IF GR	VFR
	E2	20 to 38	10YR 4/4	"	"		LS-	1FGR/SISK	VFR
	E3	38 to 48	10YR 7/4	"	"		LS-	1CSBK	VFR
	E4(Bt)	48 to 57	10YR 6/4	10YR 8/1/3 10YR 5/6	C2D C2D		LS & SL	1ESBK	VFR
	B2(Bt)	57 to 72	10YR 5/4	10YR 8/1/3 10YR 5/6	C2P C2D		LS & SL	1M SISK 4ICSBK	VFR
	to								
	to								

Free Water: 72" Comments: WOODED LOT - HARDWOODS

Coordinates: 203359 N 733145 E+

Site Evaluator's Signature: 

Atlantic Resource Management, Inc.

Post Office Box 869

Ocean View, DE 19970

(302) 539-2029 Office / (302) 539-4601 Fax

## SOIL PROFILE NOTES

Profile: SB 3 &amp; SB 4

Job Number: 326-DS15-SE

Date(s) of Test(s): 8/24 &amp; 9/05/2015 Soil Boring

X

or Test Pit

Property Owner(s): Christine C. Oakbrae Trustee

Property Location: Adjacent Address (right of): 34590 Sylvan Vue Drive Clarksville, DE 19939

Site Evaluator: Laf Erickson

License #: A/D-2460

Slope: 3-6%, TRENCHES Relief: BACKSLOPE OF DRYWELL

Estimated Permeability: MODERATELY RAPID (25 m/s) RIDGE

Depth to Limiting Zone: &gt; 72 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE

Soil Classification / Series: GROSS ANODIC PALEOZOIC - HAWLOREN

MPI	Horizon	Depth	Colors		Redox. Desc.	Ab. S. Con.	Texture	Structure	Consistence
			Matrix	Redox.					
	A	0 to 5	2,514/3	NONS	NONS		LS	IFOR	UTR
	E1	5 to 25	10Y4/4	"	"	"	LS	1CSBK	UTR
	E2	25 to 50	10Y4/4	"	"	"	LS+	1CS3IC	UTR
	BC1(B1)	50 to 63	10Y6/7/4	10Y6/7/4	M3F, ENVIAR	LS,			UTR
	CB1(B1)	63 to 72	10Y4/4	10Y6/7/6	MANY, MEDIUM	LS		1CF3BK	UTR
					LAMELLAR	LS			UTR
					+	SC			TR
		to							
		to							
		to							

Precipitation: Free Water: &gt; 72"

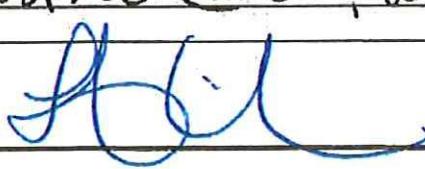
Land Cover: WOODS - UPLANDS HARDWOODS

Comments: → TOP OF EXISTING SEPTIC TANKIC &lt; 6" BLS

## SOIL BORING #4

- 65" LZ; 30m/s; SIMILAR TO SB 1 IN DSSC.
- CLASS; > 77" FW
- PERMIT # 796-855 INSPECTION w/out DNR INSPECTION 04/08/1986
- EMPF PON PERCOLATION TESTING @ 24"; INATOR TESTS
- > 8" ON 03/13/1985

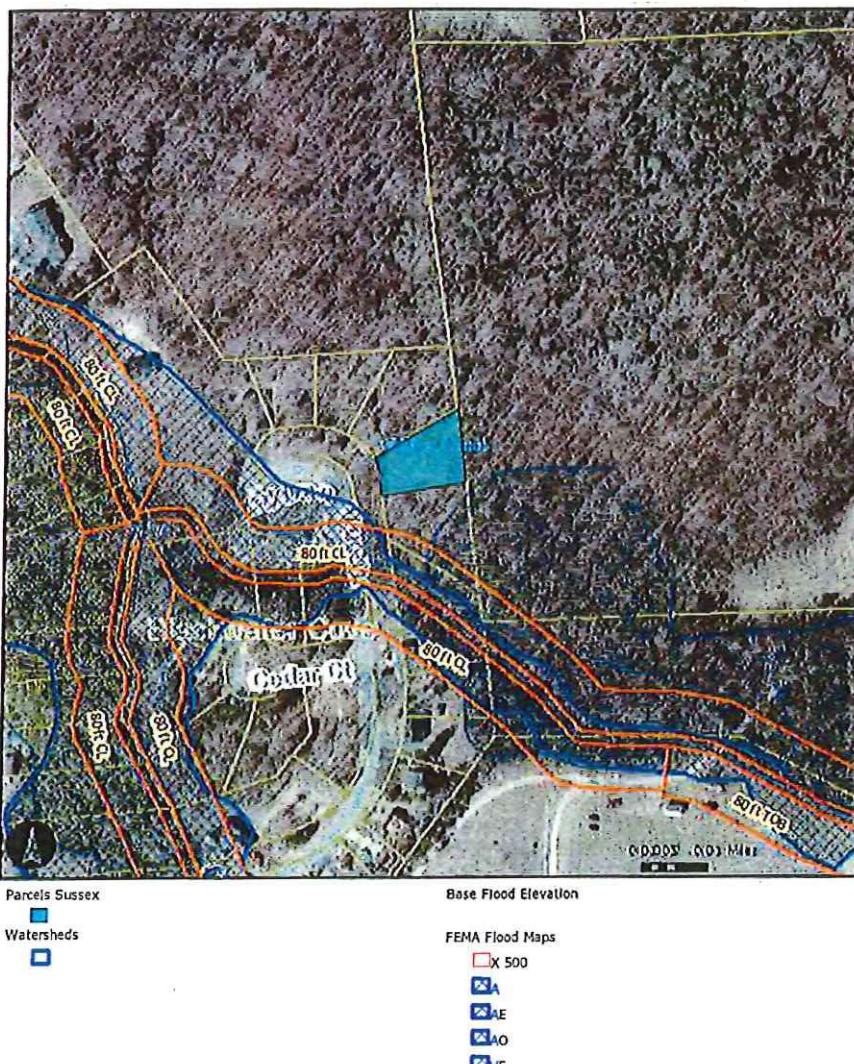
Coordinates: N+ E+

Site Evaluator's Signature: 

DE MARIO	LOG 13	STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
Owner's Last Name	First Name	DNREC APPROVED
00181	539-5481	5-14-85
Owner's Present Mailing Address	State	SEWAGE DISPOSAL SYSTEM APPLICATION/PERMIT
Bellamy Beach	19930	1000 gal. Septic Tank
Town	Zip Code	1000 gal. Septic Tank
PROJECT ADDRESS:		DRAW CROSS SECTION HERE
Lot 10, Blackwater Cove Dr., off of Rd. 346, Clayville		untreated Building Paper 4" Perf. Pipe Stone
<input checked="" type="checkbox"/> No Central Sewer Available <input type="checkbox"/> Central Water Supplied <input type="checkbox"/> No Water Course Within 500' <input type="checkbox"/> Water Course 15' F.L. From Tile Field to Pitah		7 NPI = 17 AREA x 400 GPD 348 Sq. Ft Required 360 Sq. Ft Proposed 7 Ft. Trench Width 180 Linear Ft.
PLOT PLAN Prepared By: Larry E. Willey		Indicate North: ↓ Scale: 1" = 30 Ft.
D.N.R.E.C. <b>APPROVED</b> PERMIT # 796-855 SEE PERMIT CONDITIONS		Date 5-14-85
<i>Laura DeMario</i> Owner's Signature		
I authorize <i>Laura DeMario</i> to act as my agent in obtaining this permit.		
FOR OFFICIAL USE ONLY - DO NOT WRITE BELOW THIS LINE		
Pursuant to provision of Title 7, Part V, Del. Code Annotated, permission is granted to construct, operate and maintain one (1) 1000 gal. septic tank & tile field for a 3 Bdrm. dwelling as shown above. All current regulations governing septic tank sewage disposal systems must be followed. All conditions attached to this permit must be observed. This permit expires one year from date signed.		
R. YEAR: 1985 TOWN: DEPT: PLAT: PARCEL: 539-5481-1000 gal. Septic Tank		
APR 19, 1985 John J. Willey DNREC Signature of Approver		



## Map



13401100070700 (1)

Parcels Sussex (1)

OBJECTID	DIS	HUN	MAP1	MAP2	PAR1	PAR2	PARCELID	ID	SQFEET_AC	AC_S	PIN	LAST_NAME	FIRST_NAME	ADDRESS	COMMUNITY	SUBDIVISION	DESCRIPTION	LAND_USE	TOWN_CODE
121031	1	34	011	00	0707	00	13401100070700	449210	0	0	134-707.00	OAKBRAE	CHRISTINE C TRUSTEE	34590 SYLVAN VUE DR	DAGSBORO	BLACKWATER COVE	LOT 10 SEC 2	RV	

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Copyright Delaware Department of Natural Resources and Environmental Control, 2009



STATE OF DELAWARE

## DEPARTMENT OF NATURAL RESOURCES

AND ENVIRONMENTAL CONTROL

## DIVISION OF SOIL &amp; WATER CONSERVATION

21309 BERLIN RD, UNIT #6

GEORGETOWN, DELAWARE 19947

DRAINAGE PROGRAM

PHONE: (302) 855-1930  
FAX: (302) 677-7059

August 28, 2015

Krystal Casey  
Atlantic Resource Management Inc.

RE: **Parcel #134-11.00-707.00** Inquiry # 11148

Dear Ms. Casey:

Per your right-of-way request we have researched the Tax Ditch rights-of-ways for the above parcel. The information is as follows:

- This parcel is located in the **St. Georges** Tax Ditch watershed; however it is not affected by Tax Ditch rights-of-way.

Please feel free to contact our office with any questions or concerns.

Sincerely,

Matthew T. Grabowski  
Environmental Program Manager

*Delaware's good nature depends on you!*

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

11/25/2025 01:21PM Catherine  
Receipt number: 33030737-0050 001261932

PERMITS / INSPECTIONS \$500.00  
2025 20251579512020

\$500.00

**Subtotal** \$500.00  
**Total** \$500.00

Tenders \$500.00  
CHECK  
Check Number 0264  
Change due \$0.00

Paid by: SUZANNE STASIK BIERNERT

Thank you for your payment.

CUSTOMER COPY







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

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

Case # 13071  
Hearing Date 5-19-2025  
202503417

**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:**

34582 Sylvan Vue Drive, Dagsboro, DE 19939

**Variance/Special Use Exception/Appeal Requested:**

**Variance**

Sussex County, DE Supplementary Regulations § 115-182 Front yards  
Open unenclosed front deck to extend or project into the front yard by 77 inches (17 inches past the 5 foot requirement).

**Tax Map #:** 134-11.00-707.00

**Property Zoning:** MR

**Applicant Information**

Applicant Name: Suzanne Stark Bienert  
Applicant Address: 358 Buckridge Road  
City Howard State PA Zip: 16841  
Applicant Phone #: (814) 360-3503 Applicant e-mail: slw86787@gmail.com

**Owner Information**

Owner Name: SAME AS APPLICANT  
Owner Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: NONE  
Agent/Attorney Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_  
Agent/Attorney Phone #: \_\_\_\_\_ Agent/Attorney e-mail: \_\_\_\_\_

**Signature of Owner/Agent/Attorney**



Suzanne S. Bienert

Date: 3-18-2025



## 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.

The property is unique because of its triangular(ish) shape. Because of the previously installed septic system in the middle of the backyard, the 30x50 house could not be pushed toward the back any further due to septic setbacks, see the attached 2015 Site Evaluation report. Thus, I request a variance to allow for a 77 inch front deck (17 inches past the 5 foot minimum per § 115-182 Front yards).

**2. Cannot otherwise be developed:**

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

See Above - Uniqueness of property.

**3. Not created by the applicant:**

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

The uniqueness of the property and the previously installed septic system causes the difficulty. The applicant has not created the difficulty.

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

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

The approval of this variance will not alter the essential character of the neighborhood. The property directly across the street allows for a side deck that comes within 15 feet of Sylvan Vue Drive, since it is the owners side yard. The 77 inch front deck that I request comes within 23.58 feet of Sylvan Vue Drive.

**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.

17 inches is the minimum that will afford relief.

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 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

Suzanne S. Bent

Date: 3-18-2025

For office use only:

Date Submitted: \_\_\_\_\_

Fee: \_\_\_\_\_ Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

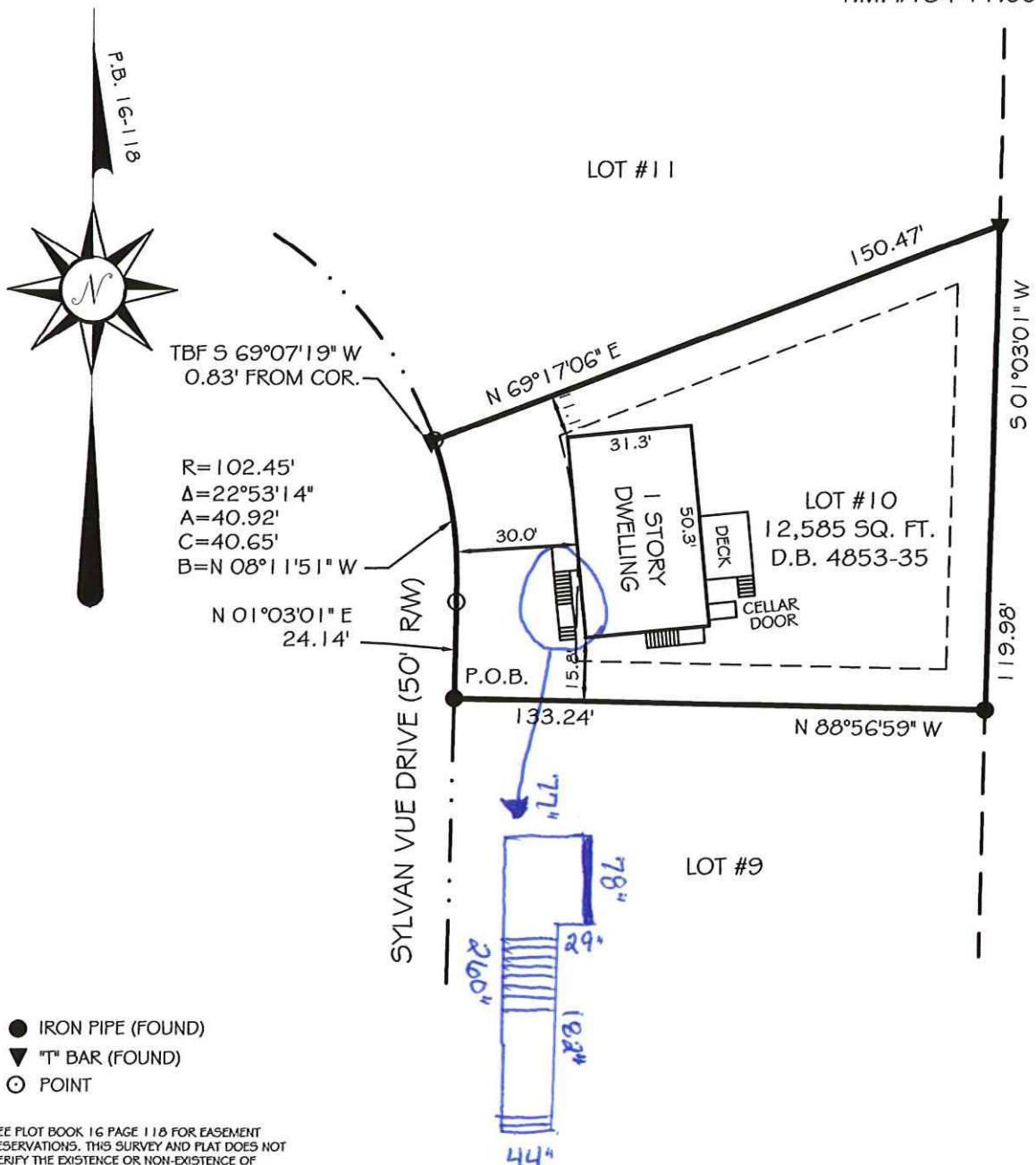
Lot#: \_\_\_\_\_

Block#: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Decision of Board: \_\_\_\_\_

T.M. #134-11.00-707.00



SEE PLOT BOOK 16 PAGE 118 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN.  
NO TITLE SEARCH PROVIDED OR STIPULATED.

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

DONALD K. MILLER PLS 407  
DATE 3/4/25  
SURVEY CLASS: SUBURBAN

### FINAL LOCATION SURVEY FOR SUZANNE STARK BIENERT

SYLVAN VUE DRIVE, DAGSBORO, DE. 19939  
LOT #10, SECT. 2 OF "BLACKWATER COVE II" SUBDIV.  
BALTIMORE HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE 1" = 40' FEBRUARY 28, 2025

PREPARED BY:

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

**MILLER**  
LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

Page 1 of 6



**PERMIT  
251121**



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

Pursuant to provisions of Title 7, Delaware Code, Chapter 60, permission is hereby granted to:

**Beinert, Suzanne**

**359 Meadow Lane, Bellefonte, PA 16823 US**

to repair an existing system.

Construction must be completed on or before 04/10/2026, two years from permit issuance date. Construction must be performed by a person duly licensed by Delaware DNREC for such activity.

All current regulations governing wastewater system installation shall be followed.

All attached permit conditions shall be complied with.

The applicant is responsible for obtaining all additionally required permits and approvals.

A handwritten signature in black ink that appears to read "Beinert, Suzanne".

4/10/2024

AUTHORIZED SIGNATURE

Date

**DNREC APPROVED  
See Permit Conditions**

Page 1 of 6



## PERMIT 251121



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

### Conditions for both Owner and Contractor

§ 5 Connections and/or additions to the system other than what are proposed on the approved plot plan (s) are prohibited without prior approval from the Ground Water Discharges Section (GWDS).

§ 6 Roof downspouts, foundation drains, storm sewers, combined sewers or appurtenances thereto, or any sewer or device carrying or discharging either storm, surface, ground or cooling water, oil or water softener discharge shall not be connected to the system.

§ 20 The average daily discharge of this system is restricted to 360 gallons per day. Changes to permitted system flow must be pre-approved by the GWDS and may require a new permit(s) to be issued.

§ 1 This system MUST be installed/repaired by a licensed Class E System Contractor. The Contractor must call the Ground Water Discharges Section (GWDS) at (302) 739-9947 in Kent and New Castle Counties and (302) 856-4561 in Sussex County for system construction start-up authorization. The Contractor must call the GWDS for this authorization 24 hours prior to system construction start for Standard and I/A Systems and 72 hrs. prior for Large Systems. The Contractor must have an DNREC-approved permit copy on site during construction of this system.

§ 23 A Certificate of Satisfactory Completion must be issued by the GWDS for this system prior to its use. The system is NOT approved for operation and maintenance until the required certificate has been issued.

§ 70 If the approved disposal area is wooded, at the discretion of the Class E System Contractor, it is recommended that after tree-clearing the disposal area be checked again by a Class D Soil Scientist prior to system installation. Refer to the Regulations for lot clearing guidance and Exhibit FF for Lot Clearing/Disturbed Site Inspection Report.

§ 90 It is the responsibility of the Class E System Contractor, with cooperation of the property owner, to establish and make visible all property corners that define the property boundaries prior to system installation/inspection. Failure to comply with this condition may necessitate additional Inspection(s) and delay subsequent site approval.

§ 94 The proposed/existing septic tank(s) must be upgraded with risers(2) for each compartment finished to above grade and a GWDS-approved outlet filter. The above-grade access covers shall be watertight and secure from vandalism. The outlet filter should be removed, inspected, cleaned and replaced per manufacturer's recommendations.

### Conditions for Owner

§ 17 The property owner shall connect to the county or municipal sewer system if and when such services become available and shall be in accordance with County and/or Municipal rules and regulations. At time of connection the existing septic disposal system shall be abandoned per DNREC Regulations and permit voided unless the GWDS approves continued operation.

§ 18 This system shall be maintained in such a manner as to prevent abnormal odors or surfacing, pooling and/or discharging of wastewater onto any surface waters.



## PERMIT 251121



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

§ 19 The sites of the initial and replacement absorption facilities shall not be covered by asphalt or concrete or subject to vehicular traffic or any activity or similar loadings that would adversely affect the soils. These sites shall be maintained so that they are free from encroachments by ancillary buildings and additions to main structures.

§ 21 The septic tank must be pumped by a licensed Class F Liquid Waste Hauler at a minimum of once every three (3) years. Septic tanks constructed of non-masonry materials should be pumped only when the seasonal water table is low to minimize possible flotation risk and must be immediately refilled by the owner.

§ 76 The effluent filter, proposed or existing in either the outlet baffle of the septic tank, distribution box, septic tank lift station (Exhibit "V") or separate lift station vault, shall be cleaned and maintained as necessary to prevent clogging of the disposal system and can be performed by the property owner.

§ 93 The site evaluation supporting this permit will expire five(5) years after site evaluation approval date. System replacement after this date will require a new site evaluation and subsequent GWDS approval.

### Conditions for Contractor

§ 4 The Class E System Contractor shall contact a Class I Construction Inspector for an inspection prior to covering the installation and cap inspections for all New and Replacement gravity systems starting January 12, 2016. Approval for cover must be given by the Class I. For all Component Replacement and Repair permits the Class E System Contractor shall contact the GWDS for inspections until July 1, 2016 at which time the Class E shall contact a Class I for Inspection.

§ 7 The drainfield area, either above or below grade, must be installed according to the cross section in the permit design plan(s). Any changes to system depth/height will require pre-approval from the Class D Soil Scientist, the Class C Design Engineer (if applicable) and the GWDS.

§ 12 There shall be no soil disturbance within the primary and spare absorption areas except the minimum required for system/component installation and/or repair.

§ 16 The Class E System Contractor shall install a battery in the timer.

§ 24 It is the responsibility of the Class E System Contractor to verify that ALL isolation distances, as noted and approved in the permit, can be maintained. Furthermore, the contractor shall notify the Class B or C Designer/Engineer AND the GWDS if field conditions exist that prohibit the ability to maintain the approved isolation distances and/or requirements of the Regulations.

§ 48 Final Site Restoration must comply with Section 5.4.5.5 of the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems.

§ 66 A construction report must be prepared by the Class E System Contractor and submitted to the GWDS within ten (10) days of system completion. This is to include any changes that require a post-construction "As-Built" drawing. "As-Built" drawings detailing changes to engineered(pressurized) systems must be submitted by the Class C Engineer.



Tax Parcel Number: 1-34-11.00-0707.00

Site Evaluation Number:

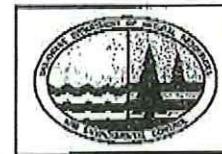
§ 77 The Class E System Contractor shall comply with all Occupational Safety and Health Act (OSHA) regulations. OSHA regulations can be found at the website [www.osha.gov](http://www.osha.gov) or by contacting the U.S. Department of Labor.

§ 91 All proposed changes to permit design MUST be submitted and approved in the form of a preconstruction "as-built" drawing prior to system installation. Contact the GWDS for guidance. Post-construction "as-built" drawings are subject to GWDS approval and MUST be submitted to the GWDS within ten(10) calendar days of system completion. All "as-built" drawings(pre or post) detailing changes to engineered systems MUST be generated by the Class C Design Engineer.

§ 92 This system type is classified as "mound" or "capping fill" and thus requires a second inspection to ensure sufficient soil "cap" or cover over the drainfield. The Class E System Contractor is to call the licensed Class C Engineer for a "cap" inspection within ten(10) calendar days after receiving a satisfactory pre-cover inspection, weather permitting.

## Permit Number:

251121

APPLICATION - PERMIT  
ON-SITE WASTEWATER SYSTEM

OWNER'S NAME: SUZANNE BEINERT PHONE: DAN@CLEANDELAWARE.COM

ADDRESS: 359 MEADOW LANE, BELLEFONTE, PA 16823

PROJECT LOCATION: 34590 SYLVAN VUE DRIVE, DAGSBORO, DE 19939

TAX MAP: TM: 134-11.00-707.00

APPLICATION PREPARER: DAN CLEARY DNREC LICENSE #: 5483

PREPARER'S ADDRESS: P.O. BOX 123 MILTON, DE 19968

PHONE: 302-684-4221

RECEIVED

04/03/2024

I hereby affirm that the information provided on this document is accurate and complete.

Preparer's Signature: DAN CLEARY Date: 3-28-2024 GROUNDWATER

## -SEPTIC DESIGN CRITERIA-

(Please check all boxes that apply)

System Type: (CF = Cap &amp; Fill / FD = Full Depth)

Gravity (FD)  Permanent Holding Tank  
 Gravity (CF)  Elevated Sand Mound  
 Pressure Dose (FD)  Wisconsin At-Grade  
 Pressure Dose (CF)  Subsurface Micro Irrigation  
 Peat Bio- Filter  
 Low Pressure Pipe (CF)  Other \_\_\_\_\_

## Type of Construction:

Replacement  
 New Construction  
 Component  
 Low Pressure Pipe (FD)  
 Repair to Existing System

Reason: P-BOX W. RISERS TO GRADE

Authorization to Use Existing System

Permit #: \_\_\_\_\_

Present Condition: \_\_\_\_\_

Structure to be connected: \_\_\_\_\_

 Temporary Holding Tank Bed or  Trench Gravelless Chamber  Stone/Gravel  Tire ChipsSand-lined  Yes  NoExisting System Malfunctioning  Yes  No  N/A

# of Bedrooms: 3

Avg. Percolation Rate: \_\_\_\_\_

Gallons Per Day Flow: 360

Current Sq. Ft: \_\_\_\_\_ SQ FT

Sq. Ft. Proposed: \_\_\_\_\_ SQ FT

Existing Permit: 796-85S

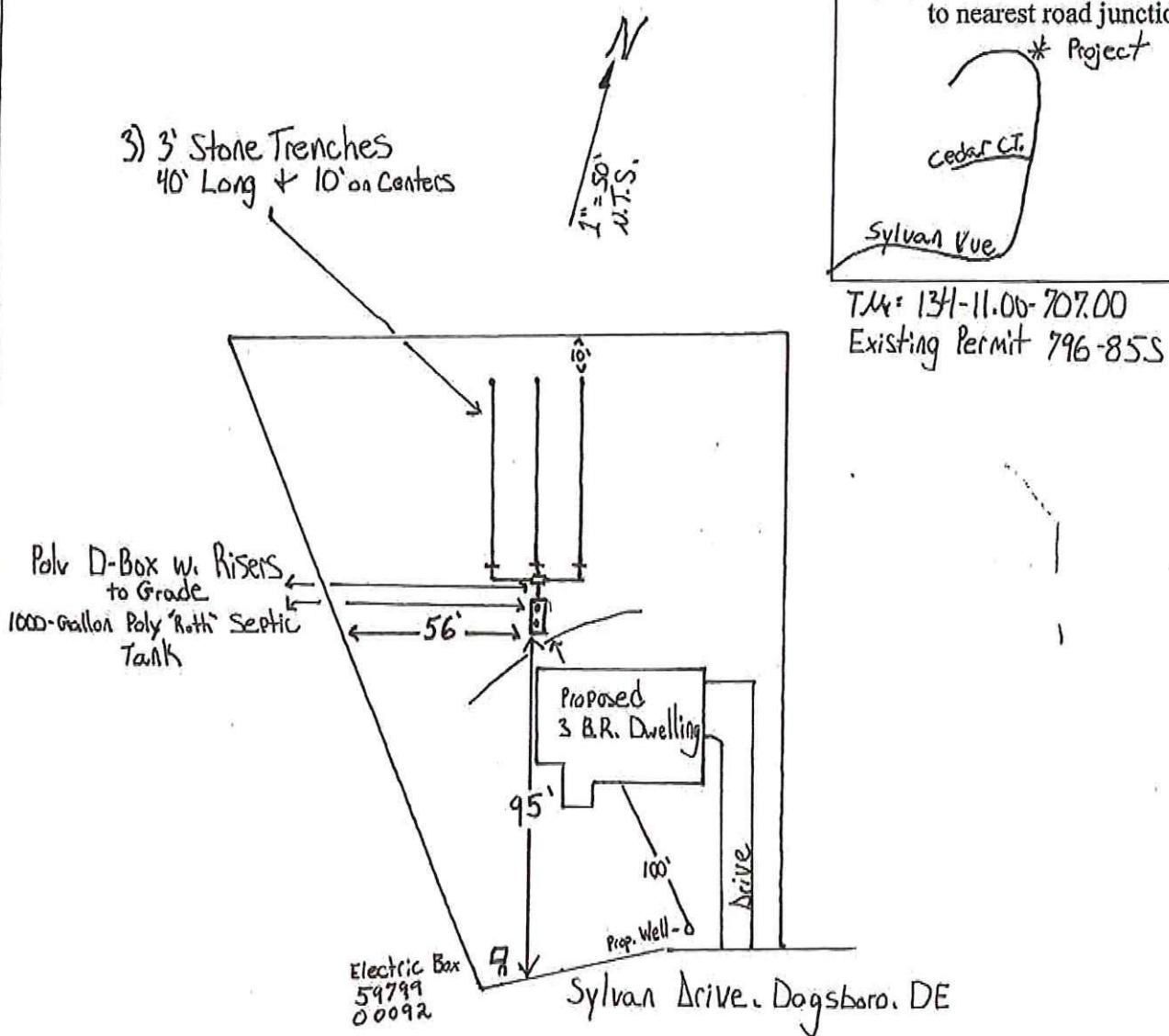
Pre-Treatment Units

 Septic Tank Other POLY SEPTIC TANK w. RISERS & EFFLUENT FILTERCentral Water Available  Yes  No

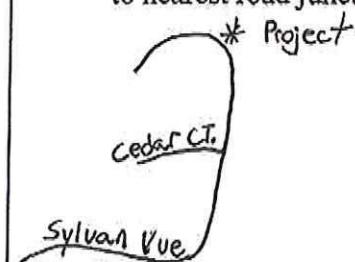
(If yes, please state Utility Name:)

Revised 09/02/09

**- SITE PLAN & CROSS SECTION -**  
**(INDICATE DIRECTIONS OF NORTH & SCALE OF SITE PLAN)**



Draw a general location map of project location and give distance to nearest road junction.



T.M. 134-11.00-707.00  
Existing Permit 796-855

OWNER'S/AUTHORIZED AGENT SIGNATURE: Suzanne Beinert DATE: 3-28-2024  
 • A copy of this page must be submitted with both septic system and well construction report(s)

**SITE EVALUATION**

INNOVATIVE AND ALTERNATIVE OWTDS SITE EVALUATION BY ARM, INC. - APPROVAL PAGE

**REFERENCE # 553398****RECEIVED****10/2/15****GROUNDWATER****10/2/15**

The soils on this site are approved when the following is completed in full and signed by the approving authority. The information contained in this site evaluation reflects Delaware Department of Natural Resources and Environmental Control (DNREC) policies and procedures at the time of the review. Exhibits and Regulations cited in this report refer to DNREC "Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems" (OWTDS). Isolation distance requirements, limited area of suitable soils, filling, removal, and/or compaction of the soil may negate construction permit approval or modify the type of system that can be permitted. All information should be verified by interested parties prior to design and installation of the septic system. This is not a construction permit. Approval of this site evaluation is limited to five years. Upon expiration, a new site evaluation will be required in compliance with regulations in effect at the time. There are no guarantees supplemental approvals will be for the same system type (s) prescribed herein.

**Property Owner's Name(s):** Christine C. Oakbrae, Trustee**Tax Map #:** 1-34-11.00-707.00 (Lot 10 Sec 2)

**Initial/ Upgrade Disposal System:** *Innovative and Alternative (I/A) Full Depth Gravity Fed/ Pressure Dosed\* OWTDS* with an Advanced Treatment Unit (ATU, meeting PSN3 standard) or other PSN3 I/A\* OWTDS; *Trenches are strongly recommended* due to slopes and *required* where average slopes exceed 2 percent. \*Sand-Lining to 1 foot beneath the existing system will be required, if encountered. OWTDS options are *provided* Exhibit C isolation distances are maintained (Min. Isolation Distances). See the *User Notes*.

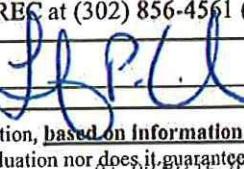
**User Notes/ Cautions:** 1) There is an installed OWTDS – septic system (Permit # 796-85S) on this property that has never been utilized. The existing system was sited, designed, and installed under the *former* DNREC Regulations. Future tie-in will be under the direction of DNREC, the responsibility of other interested parties, and at the risk of the ownership. The existing drainfield was not readily identified, mainly due to tree roots and potentially the depth of installation, which appears to have a drainfield invert below 36 inches of present grade. The drainfield is denoted on the plot drawing as per the Permit and oriented to the found Septic Tank. If encroached upon, a sand-lined OWTDS will be required in accordance with the Regulations. 2) The OWTDS area is shown irrespective of well isolation requirements. 3) All OWTDS options require an Advanced Treatment Unit (ATU) meeting the PSN3 standard (Inland Bays Watershed, non-sewer district). 4) Due to slopes, the system may be installed as a *hybrid* Capping Fill - Full Depth - Overdig.

**Location of Initial/ Upgrade System:** As shaded (cross-hatched) on the plot drawing in the vicinity of Soil Borings 1, 2, 3, and 4

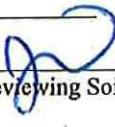
**Depth to Limiting Zone:** 60 (variable to 72 inches or greater with increasing elevation) to indications of the seasonal high water table

**Design Considerations and Comments:** See Exhibit K (Full Depth Gravity; *average* gravel placement at 24 inches bgs., See *User Note # 4*). Gravel aggregate (quality, washed stone) is recommended. The top of the existing septic tank is less than 6 inches bgs.. Pressure Dosing (Exhibit R), a lift station, or a set building sewer elevation will be required due to lines and grades. Other PSN3 *Innovative and Alternative* (drainfield installation beneath 36 inches is not recommended) OWTDS may be suited. *Operation and Maintenance required*. A 100 ft. isolation distance is generally required from all non-public wells. A lesser well isolation distance may be approved for wells on a case-by-case basis. This evaluation is to site one new OWTDS for new residential construction (single-family) with a wastewater flow volume not to exceed 720 gallons per day. The front of the property is not recommended for OWTDS due to steep slopes and proximity to a cut bank. Complex and somewhat complex slopes range from 1 to 2 and 2 to 6 percent and are significant to installation. The system is to be designed on contour, perpendicular to slope. The designer should verify slopes. The evaluated area is wooded (mixed-aged with many large hardwoods). Follow the DNREC "Clearing Guidelines". The vegetation and root mat is to be removed in the OWTDS area, and a degree of engineered sandy fill will be required to fill large stump holes. Care should be taken during lot clearing to minimize soil loss, compaction, and disturbance. Soil disturbances in the disposal area will negate this Evaluation (see disclaimer above) and may necessitate the use of a sand-lined system. The property owner/developer is responsible for placing a substantial barrier around the potential OWTDS area prior to beginning any site development. System installation and all site work should occur during **PROPER-DRY SOIL MOISTURE CONDITIONS** and final grading must insure that no surface water be directed towards the OWTDS area (includes roof downspout and impervious area drainage or sump pump discharge). Irrigation use, system over-traffic, water treatment discharge, and/ or tree plantings in the drainfield area are prohibited activities by the Site Evaluator and will void this Site Evaluation. All pertinent features were field located on a plot drawing adapted from the Record Plot (PB 16, PG 118). All pertinent features were field located with a differential GPS unit and are referenced to the found property corners and Utility Box DPL 59799 00092. This plot is not a formal survey and should not be construed as such. The system designer is to field-verify all isolation distances and measurements prior to permitting. ARM, Inc. is not responsible for any subsurface conditions not encountered at the time of this evaluation, which may become evident in the future that affect the placement or design criteria of the OWTDS.

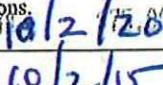
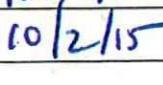
**Instructions to Property Owner/ Client:** 1) Contact a Class C System Designer. 2) A percolation rate of 30 minutes per inch has been assigned to the soils on your site based upon rates as provided in Section 5.0 and Exhibit Y of the regulations and other factors. You may use the assigned percolation rate or, at your expense, have a percolation test conducted. If you do not choose to use the assigned percolation rate, contact a Licensed Class A Percolation Tester (3 tests) and the Site Evaluator for testing depth and location. 3) If you have questions, call the evaluator at (302) 539-2029, DNREC at (302) 856-4561 (Sussex Co.), or 739-9947 (Kent Co.).

This report has been prepared by or under the supervision of:  Laf P. Erickson, License # A/D-2460

Disclaimer: Approval of this site evaluation indicates only that the site evaluation, based on information presented to us, was conducted in compliance with these regulations. It is not an indication of the correctness or quality of the evaluation nor does it guarantee the evaluation is free of omissions.

Field Checked 

For office use only

Expiration Date Date 

DNREC Reviewing Soil Scientist

ATLANTIC RESOURCE MANAGEMENT, INC.  
(302) 539-2029

P.O. BOX 869  
OCEAN VIEW, DE 19970

**INNOVATIVE AND ALTERNATIVE DESIGN OWTDS SITE EVALUATION REPORT**

**Property Owner's Name(s):** Christine C. Oakbrae, Trustee  
**Owners' Address:** 34590 Sylvan Vue Drive  
 Dagsboro, DE 19939

**Tax Map #:** 1-34-11.00-707.00  
**Lot #:** 10, Section 2  
**Phone:** (302) 829-8222

**Property Location:** Lot 10, Sec. 2, Blackwater Cove Subd.; East of Sylvan Vue DR (ADJ 911: 34590), 230°± N of Cedar CT; Dagsboro, Sussex Co., Delaware  
**Property Size:** 0.29± acres (per Plot: PB 16, PG 118; plat date 01/1979)

**Evaluator's Name:** Lāf P. Erickson, CPS/SC  
**Central Sewer:** N/A; *Vines Creek Planning Area*  
**Central Water:** N/A  
**Watershed:** Inland Bays, Indian River Bay (HUC 020403030206); > 100' from Watercourse(s); No area tax ditches  
**Depth to and Type of Limiting Zones Encountered – all measurements are depths beneath ground surface (bgs):**

**License Number:** A/D-2460

**Evaluation Dates:** 08/24 & 09/05/2015 (recent) and  
 03/13/1985 (original)

**Soil Boring 1:** 60 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 126 (08/24), 128 (09/05) inches to free water; Grossarenic Paleudult—Cedartown Series (203291°±N, 733072°±E)

**Soil Boring 2:** > 72 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 > 72 inches to free water; Grossarenic Paleudult—Henlopen Series (203339°±N, 7333145°±E)

**Soil Boring 3:** > 72 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 > 72 inches to free water; Grossarenic Paleudult—Henlopen Series

**Soil Boring 4:** 65 inches to redoximorphic features as an indication of the seasonal high water table/seasonal saturation  
 > 72 inches to free water; Grossarenic Paleudult—Cedartown Series

**Summary of Evaluation:** Soils in the evaluated area are excessively/ somewhat excessively drained (agricultural drainage class) with moderately rapidly over moderately (30 MPI) permeable subsoil/ stratum- substratum. Site conditions are suited for an **Innovative and Alternative (I/A) Full Depth Gravity Fed/ Pressure Dosed\*** OWTDS with an Advanced Treatment Unit (ATU – PSN3) in the vicinity of Soil Borings 1, 2, 3, and 4 (as cross-hatched on plot drawing); provided isolation distances are maintained per Exhibit C. See the important **User Notes/ Cautions** (especially existing, installed system Permit # 796-85S). \***Sand-Lining** to 1 foot beneath the existing system will be required, if encountered. **Trenches** are recommended due to sloping conditions and required where slopes exceed 2 percent. The OWTDS area is located on the shoulder and backslope landscape positions of a prominent ridge with complex/ somewhat complex slopes ranging from **1 to 2 and 2 to 6** percent in the OWTDS area. Slopes are significant to system design and installation and should be confirmed by the system designer. Tax ditch rights-of-ways, watercourse setbacks (> 100 feet in Shellfish Waters) do not impact the parcel/ OWTDS design area. The parcel is *not* within any mapped Federal Emergency Management Agency (FEMA) floodplains, DNREC mapped wetlands areas, or DNREC wellhead protection areas. See the **User Notes/ Cautions and Design Considerations and Comments on the Approval Page** (esp. *Clearing Guidelines, well setbacks, slopes, existing system*) for property information and important details on system design and installation. The availability/ timing/ feasibility of future sanitary sewer was beyond this scope.

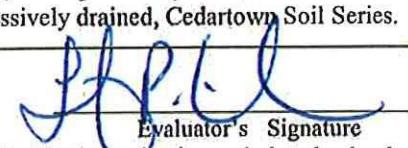
The limiting zone of 60 inches or greater (greater than 72 inches at higher design area elevations) was assigned for the system design based on the depth to redoximorphic features (depletions - concentrations) indicating 7 to 14 continuous days of saturation at Soil Boring #1. Limiting zones ranged from 60 to greater than 72 inches over the OWTDS design area. The deeper limiting zone at the higher site elevations allows for system installation as an overdig. Free water (groundwater) was encountered at 126 to 128 inches bgs. at Soil Boring 1 (lower design area elevations) during the recent investigations and was noted at greater than 8 feet during the original investigation. The work was performed near the end of the growing season for the 2014-2015 water year (with near normal precipitation to date). The groundwater fluctuations on this property are likely moderated by the St. Georges Tax Ditch, a drainage outlet near sea level.

The moderate percolation rate of 30 minutes per inch was assigned to the OWTDS design area based on the most hydraulically restrictive soil materials encountered from 0 to 60-72 inches beneath the surface. The most hydraulically limiting soil textures on the parcel were sandy loam materials. The finest of these textures were observed in the lamellae/ argillic horizons (zones of maximum clay accumulation – soil forming factors/ deposition) of all Soil Borings at varying depths ranging from 42 to 60+ inches beneath the surface. Clay and fine sand content, soil structure and consistence, contrasting textural deposits, depth to and thickness of the hydraulically limiting horizons, wet season permeability, potential disturbances from clearing, site development factors, and long term acceptance of wastewaters were determining factors in the assigned percolation rate. The percolation rate was augmented from the original investigation (7 minutes per inch based on 24 inch bgs. percolation testing), and additional hydraulic percolation testing of the deep substrata would be required to assign a more permeable/ faster rate.

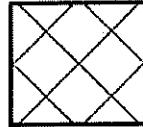
The lot is mapped at the transition of delineations of the somewhat excessively drained, Henlopen loamy sand, 0 to 2 & 2 to 5 % slopes (HpA - HpB) soil mapping units in the Web Soil Survey. Soils correlate: somewhat excessively drained, Cedartown Soil Series.

09/20/2015  
Date

Atlantic Resource Management, Inc. Job # 326-DS15-SE

  
Evaluator's Signature

Note: Site evaluation information was collected for OWTDS interpretations only. The information in this site evaluation and plot plan has been compiled from any of the following sources: tax map, deed, survey, recorded plot, or field located property corners, and may include anecdotal information supplied by property owners, adjacent residents, and/or other interested parties. Locations of wells and septic systems are by direct observation where possible, but are often based on information provided by permits, property owners, adjacent residents, and/or other interested parties. This plot plan represents the site conditions at the time of evaluation but it is not a survey. No title search has been conducted; any easements shown are from subdivision record plans or deed. Subsequent alteration of the site or adjacent properties may negate approval by the regulatory agency(ies) involved in permitting. All information should be reverified prior to purchase or use.



POTENTIAL OWTDS AREA;  
PROVIDED ISOLATION DISTANCES  
ARE MAINTAINED PER EXHIBIT C

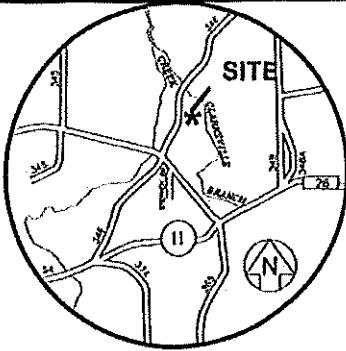


## SOIL BORING



**NOTES:**

1. DRAINAGE AND/OR UTILITY EASEMENTS WILL BE PROVIDED 5' FROM EACH SIDE AND REAR LOT LINE.
2. THIS PLOT DRAWING IS NOT A SURVEY - NO TITLE SEARCH WAS REQUESTED OR PERFORMED. THE SUBJECT PARCEL IS SUBJECT TO EASEMENTS OF RECORD. THE MOST RECENT DEED AND/OR PLOT WERE RESEARCHED FOR PROPERTY LINE PLACEMENT AND EASEMENTS. PROPERTY LINE ANGLES AND DIMENSIONS MAY VARY.



LINE ANGLES AND DIMENSIONS MAY VARY.

**W** **N** **E** **S**

134-7.00-142.00  
WOODED  
VACANT  
(08/15)

134-11.00-710.00  
DWELLING  
WELL > 150'

134-11.00-709.00  
VACANT  
(08/15)

134-11.00-708.00  
DWELLING

VISIBLE  
2" PVC WELL  
(NO TAG)

UTILITY BOX  
DPL 59799  
00092

100' RAD.

50' RAD.

152% ← SLOPE

120% ← SLOPE

100' RAD.

80' WIDE TAX DITCH  
RIGHT-OF-WAY (CL)

VISIBLE  
2" GALV. WELL 134-11.00-712.00  
(NO TAG)  
IN GARAGE

SYLVAN VUE  
DRIVE

CEDAR COURT

134-11.00-706.00  
VACANT  
(08/15)

134-11.00-704.00  
VACANT  
(08/15)

134-11.00-166.00  
WOODED  
VACANT  
(08/15)

FmA

RoA

SEPTIC AREA

SEPTIC TANK

D-BOX

SB 1

SB 2

SB 3

SEPTIC TANK ← SLOPE

133±

24% ← SLOPE

39% ← SLOPE

12% ← SLOPE

10% ← SLOPE

200% TO  
WATERCOURSE

ORDINARY HIGH  
WATER LINE

DRAINFIELD AREA  
PERMIT # 796-85S  
3 (40' LONG) TRENCHES  
PER PERMIT

TOPOGRAPHIC  
BREAKS

IPF

IPF

HpA

HpB

ST. GEORGES TAX DITCH  
(WATERCOURSE)

**TAX MAP # 1-34-11.00, PARCEL 707.00 (LOT 10, SEC 2)  
BLACKWATER COVE SUB., SUSSEX COUNTY, DELAWARE**

## ATLANTIC RESOURCE MANAGEMENT, INC.

Post Office Box 869  
Ocean View, DE 19970



(302) 539-2029  
Fax (302) 539-4601

DE@atlanticresource.net  
*ENVIRONMENTAL CONSULTANTS*



LOT SIZE: 0.29 ACRES ±  
REF: PB 16, PG 118 (1979)  
DRAWN BY: L. ERICKSON/J. MOORE  
CHECKED BY: L. ERICKSON  
JOB #: 326-DS15-SE  
TAX MAP: 1-34-11.00, PARCEL 707.00  
DATE: SEPTEMBER 21, 2015  
SHEET NO: 1 OF 1

Property Owner / Property Location:		Christine C. Oakbrae Trustee / Tax Map #1-34-11.00-707.00 Lot 10 Sec 2						
Profile: <u>S1B1</u>	Date(s): <u>8/24/15 &amp; 09/05/15</u>	Soil Boring <input checked="" type="checkbox"/> or Test Pit <input type="checkbox"/>						
Slope: <u>2-5% &amp; 1-7%</u>	Relief: <u>BACKSCOPE → LOWER BACKSLOPES</u>							
Estimated Permeability:	<u>Moderately RAPID OVER MODERATE (30 in)</u>							
Depth to Limiting Zone:	<u>60 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE</u>							
Soil Classification / Series:	<u>GROSS ANOMIC PALEUDULT - CEDARTOWN</u>							

MPI	Horizon	Depth	Colors		Redox. Desc.	Ab. S. Con.	Texture	Structure	Consistence
			Matrix	Redox.					
	A1	0 to 5	10YR 4/5	NONE	NONE		LS	IF GR	VFR
	A2	5 to 13	10YR 4/2	"	"		LS	IF GR	VFR
	E1	13 to 21	10YR 6/4	"	"		LS	1M SISK	VFR
	E2d(Bt)	21 to 42	10YR 6/4 few thin 10YR 8/2	10YR 6/3 FRESH LAMELLAR	10YR 6/3 FRESH LAMELLAR	L S4LS	1M SISK	UFR	
	B2d(Bt)2	42 to 60	10YR 6/3	10YR 6/2	C2D	S4L S	1M SISK	4IC	VFR
	C2d(Bt)3	60 to 72	10YR 7/3	10YR 8/2 10YR 5/6	C2D C2S	S4L S	1M SISK	VFR	
		to							
		to	128" (09/05)						

Free Water: 121  Comments: WOODED LOT - HARDWOODS  
72" - 132" LS, SL + W/ REDOX

Coordinates: 203291 N 733072 E

Profile: S1B2 Slope: 2-4% Relief: SHOULDER OF RIDGE

Estimated Permeability: SAME

Depth to Limiting Zone: >72 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE

Soil Classification / Series: SAME - HENLOPEN

MPI	Horizon	Depth	Colors		Redox. Desc.	Ab. S. Con.	Texture	Structure	Consistence
			Matrix	Redox.					
	A	0 to 9	10YR 5/5	NONE	NONE		LS	IF GR	VFR
	E1	9 to 20	10YR 5/4	"	"		LS-	IF GR	VFR
	E2	20 to 38	10YR 6/4	"	"		LS-	1F GR/SISK	VFR
	E3	38 to 48	10YR 7/4	"	"		LS-	1IC SISK	VFR
	E4d(Bt)	48 to 57	10YR 6/4 10YR 5/6	10YR 8/2 C2D	10YR 5/6 C2D	L S4SL	1IC SISK	VFR	
	B2d(Bt)2	57 to 72	10YR 5/4	10YR 8/2 10YR 5/6	C2P C2D	L S4SL	1M SISK	VFR	
		to							
		to							

Free Water: 72 Comments: WOODED LOT - HARDWOODS

Coordinates: 203339 N 733145 E

Site Evaluator's Signature: J. A. S.

SOIL PROFILE NOTES		Atlantic Resource Management, Inc. Post Office Box 869 Ocean View, DE 19970 (302) 539-2029 Office / (302) 539-4601 Fax
--------------------	--	---

Profile: SB 3 & SB 4 Job Number: 326-DS15-SE  
 Date(s) of Test(s): 8/24 & 9/05/2015 Soil Boring X or Test Pit \_\_\_\_\_  
 Property Owner(s): Christine C. Oakbrae Trustee  
 Property Location: Adjacent Address (right of): 34590 Sylvan Vue Drive Clarksville, DE 19939  
 Site Evaluator: Laf Erickson License #: A/D-2460

Slope: 3-6%, TRUNCHESS Relief: BACKSLOPE OF DISTINCT  
MODERATELY RAPID (25 mi.) RIDGE  
 Estimated Permeability: > 72 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE  
 Depth to Limiting Zone: \_\_\_\_\_  
 Soil Classification / Series: GROSS ANOMALIC PAUWALU - HENLOPEN

MPI	Horizon	Depth	Colors		Redox. Desc.	Ab. S. Con.	Texture	Structure	Consistence
			Matrix	Redox.					
	A	0 to 5	2,514/3	Nons	Nons		LS	IFOR	UTR
	E1	5 to 25	10/rdy	"	"		LS	ICSBK	UTR
	E2	25 to 50	10/rdy	"	"		LSt	ICSBIC	UTR
	BC1(B1)	50 to 63	10/rdy	10/10/11 10/15/16	M3F: LEVIAN	LS, MANY, MODER	LS	IC,FSK	UTR & FRC
	CB4(B12)	63 to 72	10/rdy 7.5/5/5	Nons		LAMULAS	LS	IC,MSK	UTR
		to							
		to							
		to							

Precipitation: Free Water: > 72"  
 Land Cover: WOODS - UPLANDS / HARDWOODS  
 Comments: TOP OF EXISTING SEPTIC TANK < 6" BGS

SOIL BORING #4  
 - 65" L2; 30mpf; SIMILAR TO SB 1 IN DESC.  
 & CLASS.; > 72" FW  
 - BORING #796-855 INSPECTION WITHOUT DNR INSPECTION ON 08/1986  
 - 7mpf PON PERCOLATION TESTING @ 24"; WATER TABLE  
 > 8' ON 03/13/1985

Coordinates: N+ E+

Site Evaluator's Signature: Laf

796-855

OWNER'S NAME D. O. 181	OWNER'S FIRST NAME Louise	OWNER'S LAST NAME Bilberry Ranch
OWNER'S PRESENT MAILING ADDRESS Town	State Del.	Phone 529-5431
PROJECT ADDRESS: Lot 10, Clarksville Cc. Cm. off of Rd. 340, Clarksville		Zip Code 19930
<input checked="" type="checkbox"/> - No Central Sewer Available <input type="checkbox"/> - Central Water Supplied <input type="checkbox"/> - No Water Course Within 600' <input type="checkbox"/> - Water Course <u>15</u> Ft. From Tile Field to Ditch		<u>7</u> MPI - <u>17</u> AREA x <u>400</u> GPD <u>348</u> Sq. Ft. Required <u>760</u> Sq. Ft. Proposed <u>7</u> Ft. Trench Width <u>100</u> Linear Ft.
PLOT PLAN Prepared By <u>Larry E. Willey</u>		Date <u>5-14-85</u>
<b>D.N.R.E.C.</b> <b>APPROVED</b> <b>PERMIT # 796-855</b> <b>SEE PERMIT CONDITIONS</b>		
<u>Louise Bernarie</u> Owner's Signature I authorize <u>L. E. Willey, 210 E. 6th St., Berlin, Maryland, 19927</u> to act as my agent in obtaining this permit.		
FOR OFFICIAL USE ONLY - DO NOT WRITE BELOW THIS LINE Pursuant to provision of Title 7, Part VIII, Del. Code Annotated, permission is granted to construct, operate and maintain one (1) 1000gal. septic tank & 30' x 40' building for a 30' x 40' dwelling as shown above. All current regulations governing septic tank sewage disposal systems must be followed. All conditions attached to this permit must be observed. This permit expires one year from date signed.		
YEAR / MONTH / DAY	MAP	PLAT
4	1985	APRIL 9, 1985
PLAT NUMBER		DNREC Signature of Approver <u>John P. Willey</u>

## SUSSEX COUNTY

Science Notes

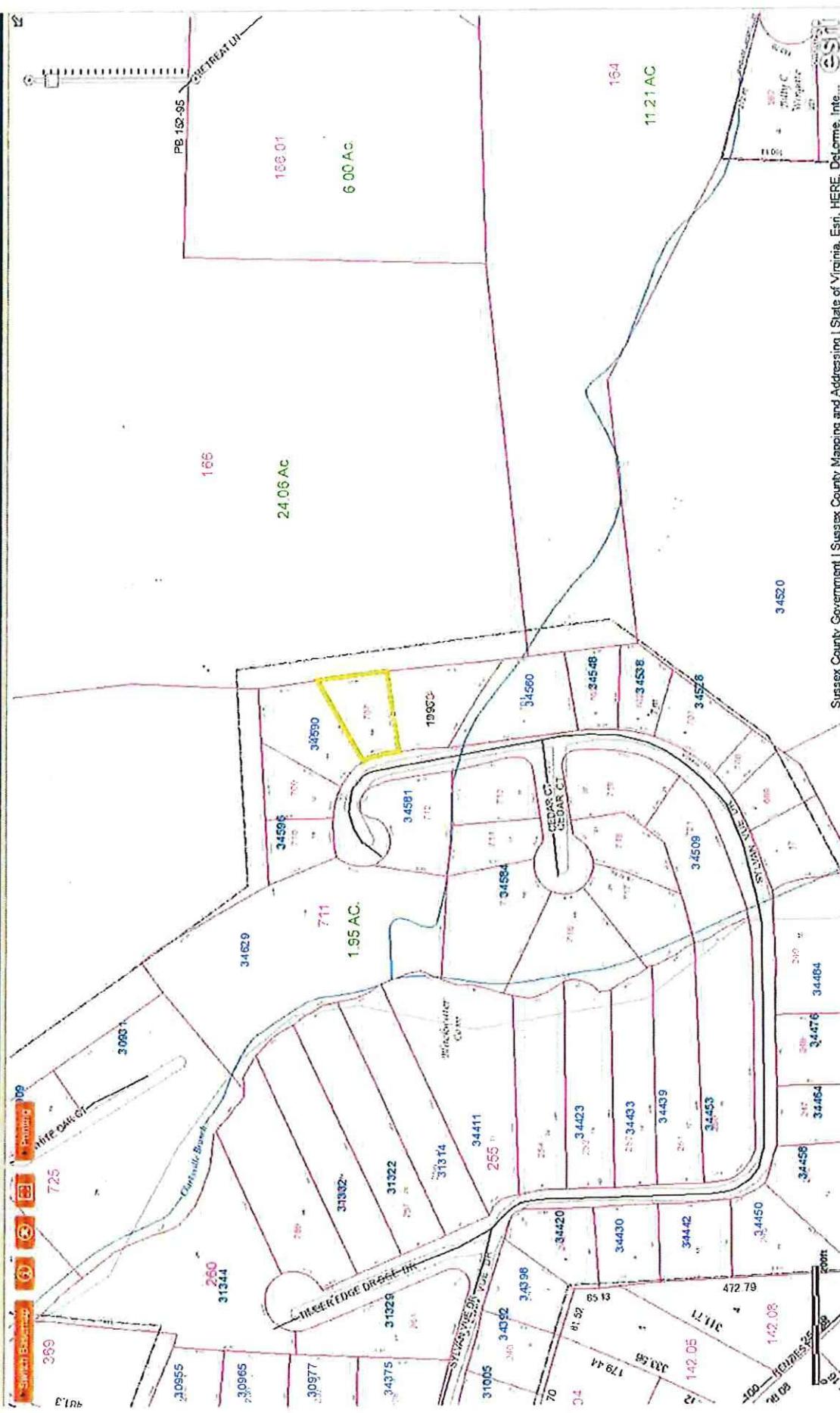
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8

1

10

1



## Map



Parcels Sussex

Watersheds

Base Flood Elevation

FEMA Flood Maps

- X 500
- A
- AE
- AO
- VE

13401100070700 (1)

Parcels Sussex (1)

OBJECTID	DIS	HUN	MAP1	MAP2	PAR1	PAR2	PARCELID	ID	SQFEET_AC	AC_S	PIN	LAST_NAME	FIRST_NAME	ADDRESS	COMMUNITY	SUBDIVISION	DESCRIPTION	LAND_USE	TOWN_CODE
121031	1	34	011	00	0707	00	13401100070700	449210		0	134-707.00	OAKBRAE	CHRISTINE C TRUSTEE	34590 SYLVAN VUE DR	DAGSBORO	BLACKWATER COVE	LOT 10 SEC 2	RV	

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Copyright Delaware Department of Natural Resources and Environmental Control, 2009



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF SOIL & WATER CONSERVATION

DRAINAGE PROGRAM

21309 BERLIN RD, UNIT #6  
GEORGETOWN, DELAWARE 19947

PHONE: (302) 855-1930  
FAX: (302) 677-7059

August 28, 2015

Krystal Casey  
Atlantic Resource Management Inc.

RE: **Parcel #134-11.00-707.00** Inquiry # 11148

Dear Ms. Casey:

Per your right-of-way request we have researched the Tax Ditch rights-of-ways for the above parcel. The information is as follows:

- This parcel is located in the **St. Georges** Tax Ditch watershed; however it is not affected by Tax Ditch rights-of-way.

Please feel free to contact our office with any questions or concerns.

Sincerely,

Matthew T. Grabowski  
Environmental Program Manager

*Delaware's good nature depends on you!*

# SUSSEX COUNTY

D E L A W A R E



**SUSSEX COUNTY**  
D E L A W A R E

Layers Search Basemaps Select Area Eagleview Print

Selected Features: **1) 134-11.00-707.00**

Search Results

Selected Features: **Parcels (1)**

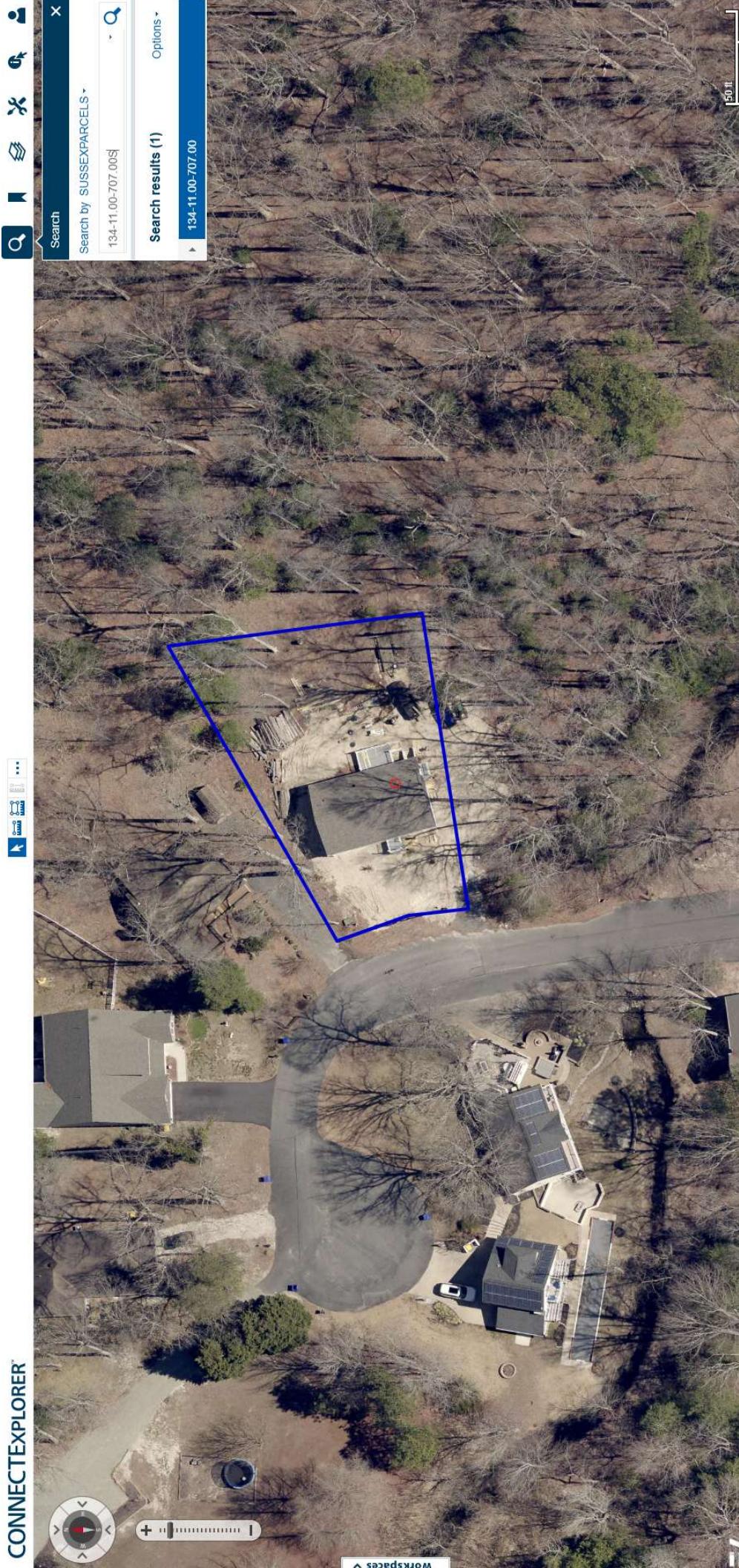
Zoom

BOOK	PAGE	FULLNAME	Second_Owner_Name
6047	100	BIENERT SUZANNE STARK	
MAILINGADDRESS	CITY	358 BUCKRIDGE RD	HOWARD
STATE	STATE	PA	PA
a_account	DESCRIPTION	BLACKWATER COVE	
	DESCRIPTION2	LOT 10	
	DESCRIPTION3	SEC 2	
	LUC	100	
	SCHOOL	1	
	MUNI	00	
	CAP	0	
	APRBLDG	0	
	APRLAND	70100	
	PINWASSEMENTUNIT	134-11.00-707.00	
	PIN	134-11.00-707.00	

**Selected Features (1)**

POWERED BY **esri**

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



**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: SUZANNE STARK BIENERT**

**(Case No. 13071)**

A hearing was held after due notice on May 19, 2025. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, and Mr. John Williamson.

**Nature of the Proceedings**

This is an application for a variance from the front yard setback requirement for steps.

**Findings of Fact**

The Board found that the Applicant is seeking the following:

1. A variance of 7.0 feet from the thirty (30) feet front yard setback requirement for steps.

This property is located on the east side of Sylvan Vue Drive within the Blackwater Cove subdivision (911 Address: 34582 Sylvan Vue Drive, Dagsboro); said property being identified as Sussex County Tax Map Parcel Number: 134-11.00-707.00 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated February 28, 2025, a septic permit, a septic system site plan dated September 21, 2015, photographs, 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 Suzanne Bienert was sworn in to testify about the Application.
4. The Board found that Ms. Bienert testified that the septic system is in the middle of the backyard and the house had to be placed toward the front of the Property because of the location of the septic system. She believed that the location of the house was the only place it could be located.
5. The Board found that Ms. Bienert testified that she called the County and was informed that open and unenclosed steps may encroach into the front yard.
6. The Board found that Ms. Bienert testified that the steps are uncovered.
7. The Board found that Ms. Bienert testified that her house failed the final inspection. She noted that the inspector thought the house was 34 feet from the front yard setback when it was actually 30 feet.
8. The Board found that Ms. Bienert testified that the distance from the property line to the edge of paving of Sylvan Rue Drive is 14 feet.
9. The Board found that Ms. Bienert testified that the steps project 17 inches beyond what is allowed under the Code but she requested permission to allow the steps to go 24 inches beyond what is allowable due to the curvature of the road. The site plan does not show the location of the steps in relation to the curvature of the road. The Board notes that open and unenclosed decks can project up to 5 feet into a setback area. The Applicant's steps project 7 feet.
10. The Board found that Ms. Bienert testified that she is unsure why this was not discovered sooner in the process and that she only learned of the violation when she saw it in the portal.
11. The Board found that Ms. Bienert testified that the steps are necessary because, due to the basement, the front door is high from the ground.

12. The Board found that Ms. Bienert testified that there have been no complaints from the neighbors.
13. The Board found that no one appeared in support of or in opposition to the Application.
14. 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 unrebutted, the Board determined that the application for the variances met the standards for granting a variance. The findings below further support the Board's decision to approve the Application for the variance.
  - a. The Property is unique due to its shape and the location of the septic system. The Property is pie-shaped with a curved and narrow front yard that widens towards the rear of the Property. While a bulk of the buildable area is located towards the rear of the lot, the septic system is located in that area thereby greatly limiting the buildable area of the lot. The Board finds that these conditions have created a limited building envelope and the Board finds that the lot's unique conditions have created an unnecessary hardship and exceptional practical difficulty for the Applicant who seeks to construct and retain reasonably sized structures on the lot.
  - b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
  - c. Due to the uniqueness of the lot and the situation, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique and limited buildable area. The Applicant seeks to construct and retain reasonable structures on the lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variance is necessary to enable the reasonable use of the Property as the variance will allow the Applicant to retain those reasonable structures. Without the variance, it is difficult to see how the Property could be reasonably developed due to the location of the septic system and the odd shape of the lot. The Board is convinced that the shape and location of the structures are also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
  - d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. As previously stated, the Property has unique conditions and these conditions have resulted in a limited building envelope on the Property. These conditions have created the unnecessary hardship and exceptional practical difficulty. The Board also notes that, due to the unique conditions of the lot, there appears no other place where the structures can be located that would serve their intended purpose.
  - e. The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the structures will have no effect on the character of the neighborhood. The Board notes that there was no evidence submitted into the record that the structures will somehow alter the essential character of the neighborhood. The dwelling complies with the setback requirements but the steps and landing slightly encroach into the setback areas. Those structures are uncovered and would otherwise be permitted to encroach up to 5 feet but they encroach more than 5 feet. There is also a 14 foot gap between the rear property line and the edge of paving of Sylvan Rue Drive so the encroachment into the front yard setback area is not as noticeable as it otherwise would be.
  - f. The variance is the minimum variance necessary to afford relief and the variance represents the least modification possible of the regulation at

issue. The Applicant has demonstrated that the variance will allow the Applicant to construct and retain the reasonably sized structures on the Property. The Board notes that the Applicant was limited on where the structure could be built due to the Property's unique conditions and the location of the septic system. The Board also notes that the steps have been turned to run parallel to the front property line thereby limiting the encroachment into the front yard setback area.

- 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, and Mr. John Williamson. No Board Member voted against the Motion to approve the variance application. Mr. Travis Hastings and Mr. Shawn Lovenguth did not participate in the discussion or vote on this application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

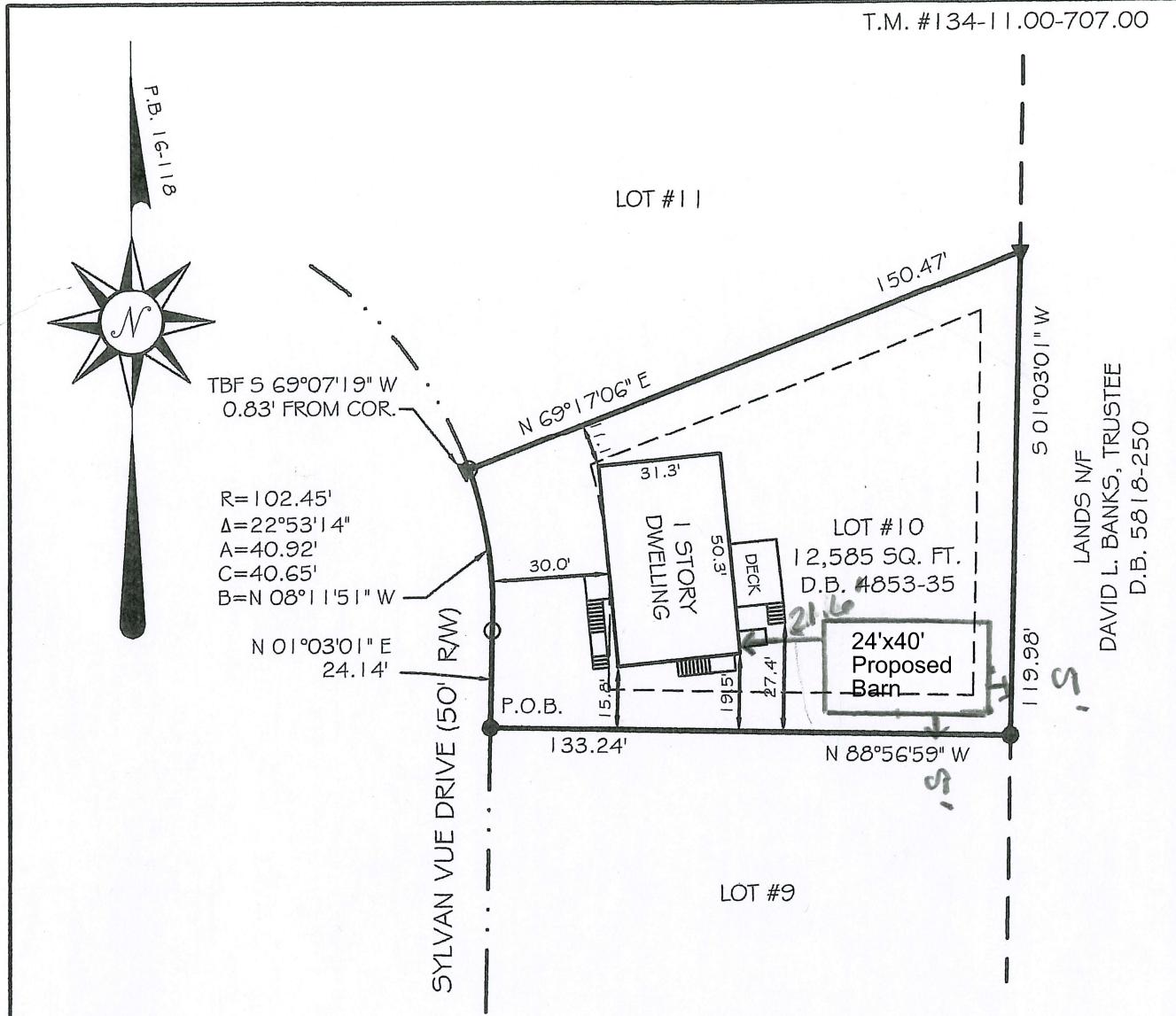


Jeffrey Chorman  
Chairman

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

Date June 16, 2025.

T.M. #134-11.00-707.00



SEE PLOT BOOK 16 PAGE 118 FOR EASEMENT RESERVATIONS, THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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

DONALD K. MILLER PL5 407 DATE  
SURVEY CLASS: SUBURBAN

### FINAL LOCATION SURVEY FOR SUZANNE STARK BIENERT

SYLVAN VUE DRIVE, DAGSBORO, DE. 19939  
LOT #10, SECT. 2 OF "BLACKWATER COVE II" SUBDIV.  
BALTIMORE HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE 1" = 40' FEBRUARY 28, 2025

PREPARED BY:

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

**MILLER**  
LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

**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 # 13159  
Hearing Date 1-26-26  
2025 16040

**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:**

34816 Pyte Center Rd. Frankford

**Variance/Special Use Exception/Appeal Requested:**

Ground Manure Shed & End of chicken house 15' set back

**Tax Map #:** 533-5.00-55.00

**Property Zoning:** AR-1

**Applicant Information**

Applicant Name: Parker Family LLC  
Applicant Address: 36675 Parker Rd  
City Frankford State DE Zip: 19945  
Applicant Phone #: 302-436-2128 Applicant e-mail: cbparker74@hotmail.com

**Owner Information**

Owner Name: Clifton Parker  
Owner Address: 36675 Parker Rd  
City Frankford State DE Zip: 19945 Purchase Date: Nov. 18, 2021  
Owner Phone #: 302-236-0478 Owner e-mail: cbparker74@hotmail.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**

Clifton R. Parker

Date: 12/3/25



See attached . . .

**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.

## Criteria for a Variance

1. We purchased this farmland (which we have rented for years) and wooded area from Evan's. We agreed on a 15 ft setback (see attached signed document from the Evans's). This is not a neighborhood, nor does the setback encroach on any other land owner.
2. At this time and in the foreseeable future, the use of this land will remain agriculture.
3. We have created no changes. The 15 ft setback is all that is practically needed on this property.
4. For this farmland to exist as it has for years, a 15ft setback is all that is needed.
5. We are requesting the mimium15 ft variance.

December 1, 2025

Lisa and Mike Evans agree with the survey drawn by Stephen Turner. We have no argument with the setbacks being 15 feet from our property line as requested by the Parkers. They already farm the fields next to our chicken house and manure shed. A wooded area is adjacent to the remaining area.

Thank you for your consideration.

Lisa Evans

Lisa Evans

Mark Evans

Mark Evans

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 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: 7/23/25

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

12/03/2025 02:05PM Megan D.  
Receipt number: 33030766-0046 001264256

**PERMITS / INSPECTIONS**

2025 202516040 2020	\$500.00
---------------------	----------

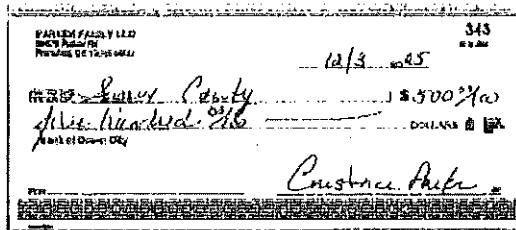
\$500.00

Subtotal	\$500.00
Total	\$500.00

Tenders	
CHECK	\$500.00
Check Number	0343

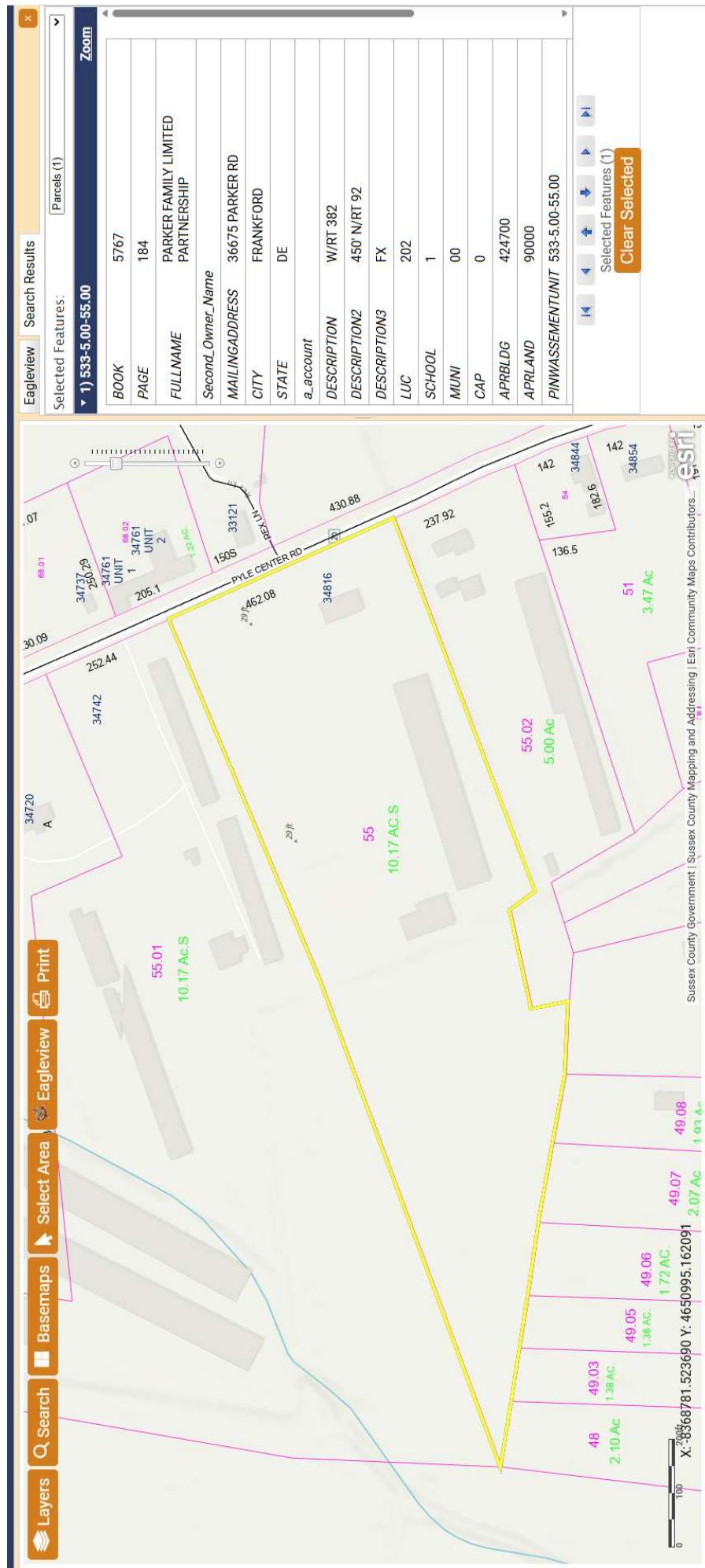
Change due	\$0.00
------------	--------

Paid by: parker family llc



Thank you for your payment.

CUSTOMER COPY



**Eagleview Search Results**

Selected Features: **1) 533-5.00-55.00**

Zoom

BOOK	PAGE	FULLNAME
5767	184	PARKER FAMILY LIMITED PARTNERSHIP
Second_Owner_Name	MAILINGADDRESS	CITY
	36675 PARKER RD	FRANKFORD
STATE	DE	
a_account	DESCRIPTION	DESCRIPTION2
	W/RT 382	450' NRT 92
	DESCRIPTION3	FX
	LUC	
	SCHOOL	1
	MUNI	00
	CAP	0
	APRBLDG	424700
	APRLAND	90000
	PINWASSEMENTUNIT	533-5.00-55.00

**10.17 Ac S**

Selected Features: **1**

Selected Features (1)

Clear Selected

This is a screenshot of a digital mapping application, likely a GIS (Geographic Information System) or a real estate search tool. The main view is an aerial photograph of a rural landscape. A specific property is highlighted with a thick blue polygon. The property is located near a road, with several long, low-profile buildings, possibly agricultural structures, visible within its boundaries. The surrounding land is a mix of tilled fields and areas of dense evergreen trees. In the top left corner, there is a search interface with the following elements:

- Search bar: "Search by SUSSEXPARCELS".
- Search button: "Search".
- Search icon: A magnifying glass icon.
- Search results: "Search results (1)".
- Result list: "533-5.00-55.00".
- Search options: "Options".
- Search icon: A magnifying glass icon.

At the bottom of the interface, there are several other icons: a compass rose, a scale bar (100 ft / 20 m), a zoom in/out slider, and a "WORKSPACES" button. The bottom right corner of the screen shows the copyright information: "© 2025 Esri, Esri, a registered trademark of Esri, Inc. and/or its subsidiaries and/or affiliates. All other marks, trade names, and/or registered trademarks belong to their respective holders." and the date "03/12/2025".

## Board of Adjustment Application Sussex County, Delaware

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

Case # 13160  
Hearing Date 01-26-2026  
202516406

**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:**  
12780 Beach Highway, Greenwood, DE 19950

**Variance/Special Use Exception/Appeal Requested:**

*side yard variance*

*8' Variance from 15' side yard setback requirement for proposed structure*

**Tax Map #:** 430-6.00-47.24      **Property Zoning:** ARI

**Applicant Information**

Applicant Name: Daniel A Eby  
Applicant Address: 12780 Beach Hwy  
City Greenwood State DE Zip: 19950  
Applicant Phone #: 302-293-5376      Applicant e-mail: Daniel.Eby424@gmail.com

**Owner Information**

Owner Name: Daniel A Eby  
Owner Address: 12780 Beach Hwy  
City Greenwood State DE Zip: 19950 Purchase Date: 2/26/2015  
Owner Phone #: 302-293-5376      Owner e-mail: Daniel.eby424@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**



Date: 12/12/25



## 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.

Please see attached document

**2. Cannot otherwise be developed:**

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

Please see attached document

**3. Not created by the applicant:**

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

Please see attached document

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

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

Please see attached document

**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 document

Sussex County, DE - BOA Application

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

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

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

(

---

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

---

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

---

## Check List for Applications

The following shall be submitted with the application

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

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

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

The undersigned acknowledges that 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: 12/12/25

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: \_\_\_\_\_

Question #1:

The property listed above is approx 1.923 acres. The narrowness of the property spans approx 150' wide and has a shared neighbor pond along the rear of the property. The characteristics of the property cause a practical difficulty due to the useable width and depth of the property due to the characteristics. I would like to utilize the less utilized portion of the property to build the pole barn to maintain practical use of the level yard for family activities. The primary use of the structure is for the storage of vehicles and equipment. As the driveway is closer to the West side lot line, the requested location allows for safer entry of the vehicles in the structure.

Question #2:

Due to the natural characteristics of the property with the pond restricting depth and the narrowness of the lot size, the authorization of variance is necessary to continue to enable reasonable use of the property. The proposed building is 40' wide by 80' in length. I am requesting the variance in order to utilize a less utilized portion of the property to build the pole barn to maintain practical use of the yard for family activities and therefore would need a requested variance to maintain the usable portion of our property.

Question #3:

The practical difficulty has not been created by the appellant. I purchased the property in 2015 with the current home that was built in 2006 already on the property. In addition, the pond located along the rear of the yard was in place prior to purchase. I have made no modifications to the property or outbuildings since the date of purchase.

Question #4:

The property of 12780 Beach Hwy, Greenwood, DE is located in a non-neighborhood rural location along Route 16 with no HOA stipulations. The rear of the property is a heavily wooded portion of Redden State Forest. The variance would not impede or restrict any further development for the adjacent property owners and would not be detrimental to the welfare of the public.

Question #5:

I am requesting to move from the Sussex County requirement of

15' from the side yard property lines down to 7' feet from the side yard property line for the construction of the pole building. This location would allow for safer access to the building from the existing driveway and would afford maximum use of the remaining useable property.

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

12/12/2025 11:00AM Catherine  
Receipt number: 33030806-0106 001267608

PERMITS / INSPECTIONS  
2025 202516406|2020 \$500.00

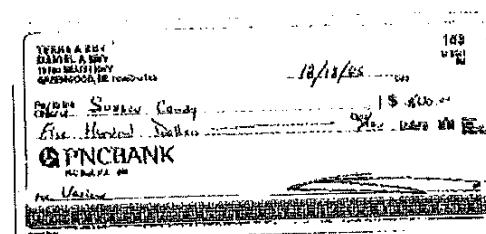
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\$500.00

Subtotal \$500.00  
Total \$500.00

Tenders  
CHECK \$500.00  
Check Number 0153

Change due \$0.00

Paid by: DANTEL A EBY



Thank you for your payment.

CUSTOMER COPY

## SITE DATA

TAX PARCEL:  
430-6.00-47.24  
LANDS OF WILLIAM R. WOLTER, JR. SUBDIVISION  
LOT 2

ADDRESS:  
12708 BEACH HIGHWAY  
GREENWOOD, DE 19950

AREA:  
1.923 ACRES

DEED REFERENCE:  
DEED BOOK 4356 PAGE 132  
PLOT BOOK 53 PAGE 138

CURRENT OWNER:  
BOWERS GROUP, LLC

SURVEY CLASS:  
THIS SURVEY MEETS OR EXCEEDS THE  
REQUIREMENTS FOR A RURAL SURVEY.

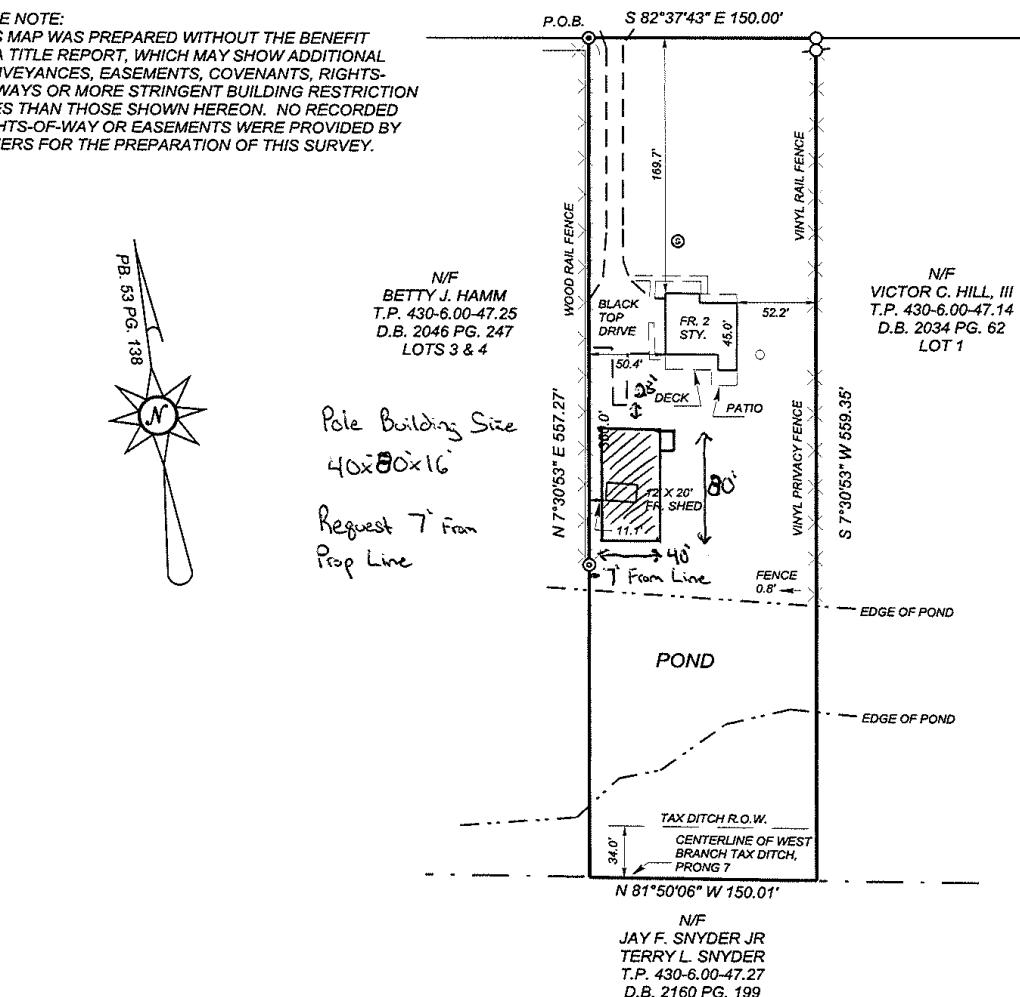
TITLE NOTE:  
THIS MAP WAS PREPARED WITHOUT THE BENEFIT  
OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL  
CONVEYANCES, EASEMENTS, COVENANTS, RIGHTS-  
OF-WAYS OR MORE STRINGENT BUILDING RESTRICTION  
LINES THAN THOSE SHOWN HEREON. NO RECORDED  
RIGHTS-OF-WAY OR EASEMENTS WERE PROVIDED BY  
OTHERS FOR THE PREPARATION OF THIS SURVEY.

TIES FROM THE P.O.C. TO THE P.O.B., P.O.C. BEING THE  
INTERSECTION OF THE EASTERLY R.O.W. OF OWENS  
ROAD, A.K.A. C.R. 611 WITH THE SOUTHERLY R.O.W.  
OF BEACH HIGHWAY, A.K.A. DE RT. 16 (60' R.O.W.),  
THENCE ALONG THE SOUTHERLY R.O.W. OF BEACH  
HIGHWAY THE FOLLOWING COURSE AND DISTANCE:

1. EASTERLY, 2440', +/- TO THE POINT OF BEGINNING.

## BEACH HIGHWAY DE ROUTE 16

(60' WIDE R.O.W.)



## LEGEND

- REBAR & CAP SET
- ◎ IRON PIPE & CAP FOUND
- ◎ IRON PIPE FOUND
- UTILITY POLE
- ◎ SEPTIC RISER/PUMP
- WELL

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT  
THE SURVEY SHOWN HEREON IS CORRECT. THAT IT IS A SURVEY OF ALL THE  
LANDS CONVEYED BY THE BANK OF NEW YORK MELLON P/K/A THE BANK OF  
NEW YORK TO BOWERS GROUP, LLC BY DEED RECORDED JANUARY 22, 2015  
AMONG THE LAND RECORDS OF SUSSEX COUNTY, DELAWARE IN DEED BOOK  
4356 PAGE 132.

### BOUNDARY SURVEY PLAN FOR

**DANIEL A. EBY**

NANTICOKE HUNDRED  
SUSSEX COUNTY, DELAWARE

PREPARED FOR: HUDSON, JONES, JAYWORK & FISHER

**DONALD G. GROWER, PLS, INC.**

PROFESSIONAL LAND SURVEYING SERVICES

57C SAULSBURY ROAD, DOVER, DE 19904  
TEL. 302-526-2495 CEL. 302-632-1979  
EMAIL: dgrower@comcast.net

Mailing Address: 533 Carol Street, Dover, DE 19904

DATE: 2/26/15

JOB NO: 1103-2015

SCALE: 1"=100'

DRAWN BY: DGG

SHEET NO.: 1 OF 1

COPYRIGHT 2015

*Donald G. Grower  
2/26/15*

DONALD G. GROWER, PLS NO. 0734



**SUSSEX COUNTY**  
D E L A W A R E

Layers Q Search Basemaps Select Area Eagleview Print

47.24 1.92 AC 47.14 1.93 AC 2.69 47.

Eagleview Search Results Parcels (1) Selected Features: ▼ 1) 430-6.00-47.24 Zoom

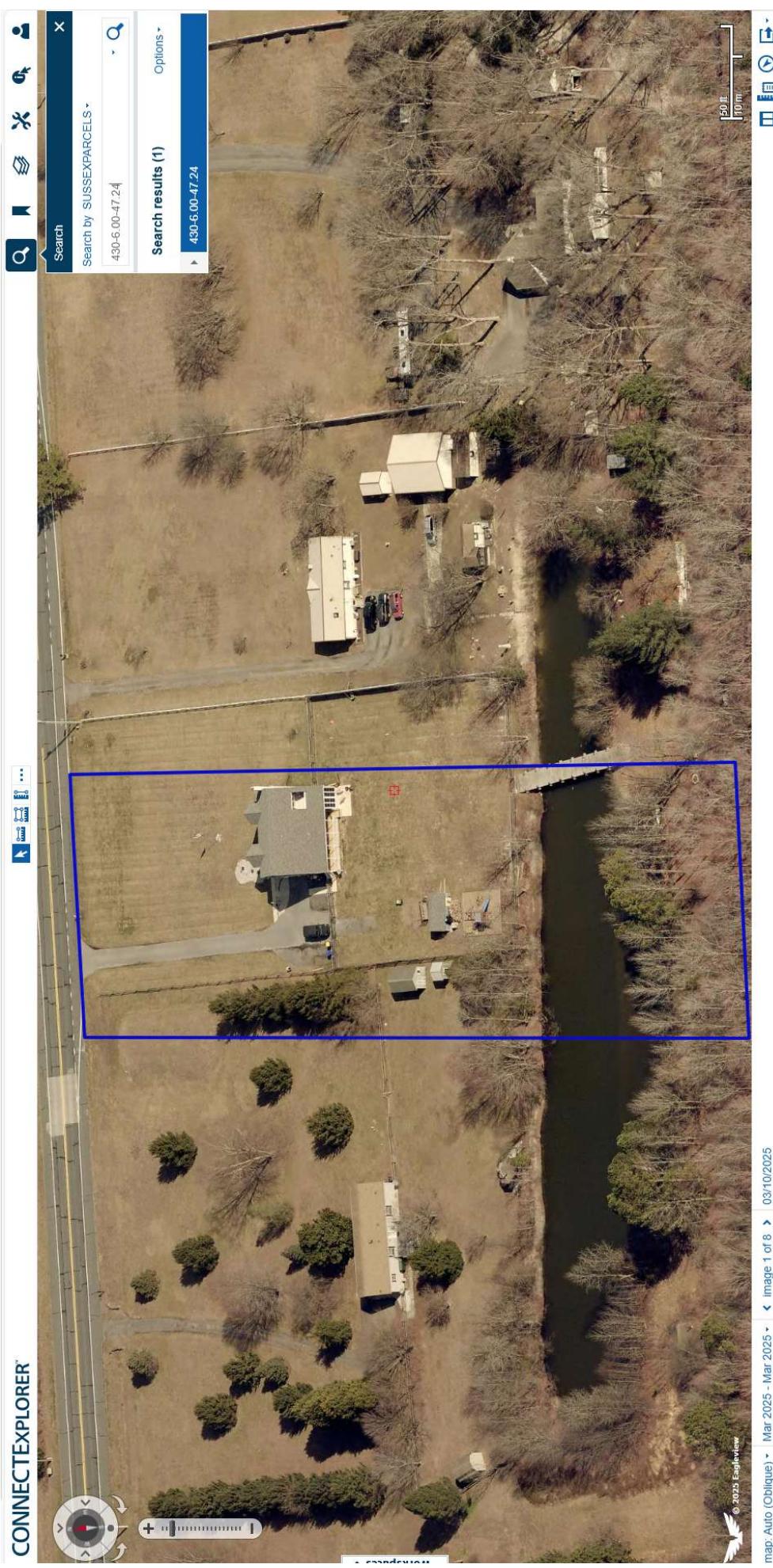
BOOK	5424
PAGE	89
FULLNAME	EBY DANIEL A
Second_Owner_Name	TERRA A EBY
MAILINGADDRESS	12780 BEACH HWY
CITY	GREENWOOD
STATE	DE
a.account	
DESCRIPTION	S/RT 16
DESCRIPTION2	2400' E OF RD 611
DESCRIPTION3	LOT 2
LOC	101
SCHOOL	5
MUNI	00
CAP	2
APPBLDG	308700
APRLAND	73500
PINWASSEMENTUNIT	430-6.00-47.24
PIN	430-6.00-47.24

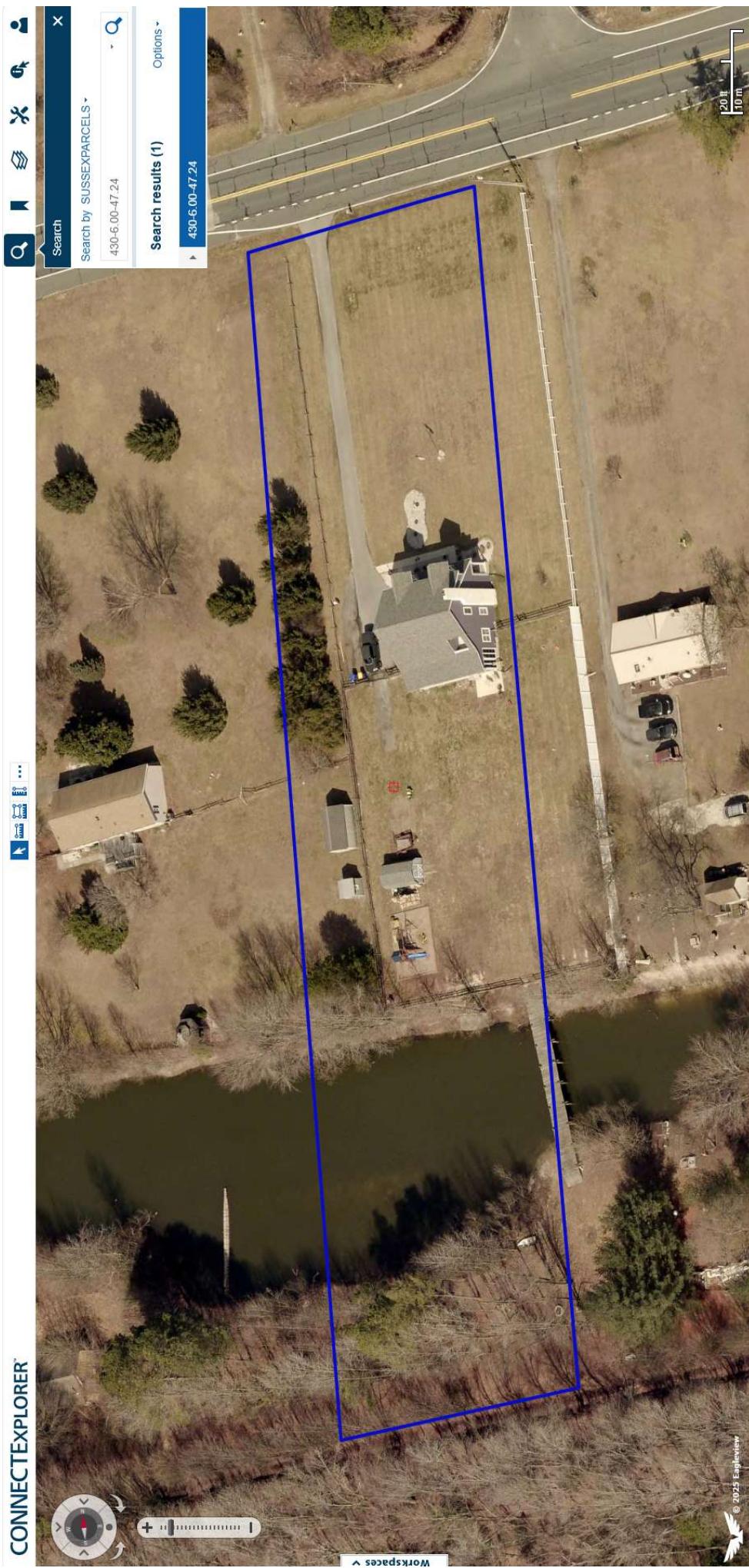
Selected Features (1) Clear Selected

POWERED BY esri

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

0 200 400





## 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 # 13162  
Hearing Date 1.26.2026  
202516821

**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:**

Lot 51, 38310 Maple Lane, Selbyville, DE 19975

**Variance/Special Use Exception/Appeal Requested:**

The variance/special use exception which is being requested to allow a reduced front setback of 25 feet.

5' variance from 30' front yard setback for existing structure  
Tax Map #: 533-19.12-110.00      Property Zoning: MR

**Applicant Information**

Applicant Name: Evergreen Homes  
Applicant Address: 33176 Coastal Hwy, Unit 3  
City Bethany Beach      State DE      Zip: 19930  
Applicant Phone #: 703-466-5413      Applicant e-mail: LEi@EvergreenHomes.com

**Owner Information**

Owner Name: The Evergreen Companies, LLC  
Owner Address: 33176 Coastal Hwy, Unit 3  
City Bethany Beach      State DE      Zip: 19930      Purchase Date: 10/03/2025  
Owner Phone #: 703-466-5413      Owner e-mail: LEi@EvergreenHomes.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**

Timothy Naughton The Evergreen Companies      Date: 12/23/2025



## 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.

HOA requires a 20-foot rear setback, which exceeds the Sussex County standard.

A 5-foot reduction to the front setback, bringing it to 25 feet, will offset the irregularity while remaining compliant with HOA requirements. HOA documents specifically allow a front 25' set back, and a front 25' set back was already awarded in 2021 on this street (Maple Lane) at the following Tax Map IDs: 533-19.16-37.00 and 533-19.16-37.01

**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 house has already been modified to the maximum extent possible and still requires and additional 5 feet of front setback to fit.

**3. Not created by the applicant:**

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

The lot was purchased with these existing dimensions and setbacks already in place.

**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.

Other houses in the neighborhood already exist with a 25-foot front setback, which also aligns with the HOA's front setback requirement. Both the County and the HOA have approved a 25-foot setback multiple times in the past.

**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.

A minimum 5-foot variance is required, even after making the maximum possible floor plan modifications, for the home to fit on the lot.

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.

A 5-foot reduction in the front setback will not adversely affect neighboring properties.

---

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)

None

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

Due to the 20-foot rear setback required by the HOA and deed restrictions, we need to reduce the front setback to 25 feet for the home to fit on the lot. The house plan has already been modified to the maximum extent possible to accommodate this lot. HOA has already stated they allow and will approve 25' front set back, and have approved this set back in the past

---

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 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

Timothy Naughton - The Evergreens Companies Date: 12/23/2025

For office use only:

Date Submitted: \_\_\_\_\_

Fee: \_\_\_\_\_ Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

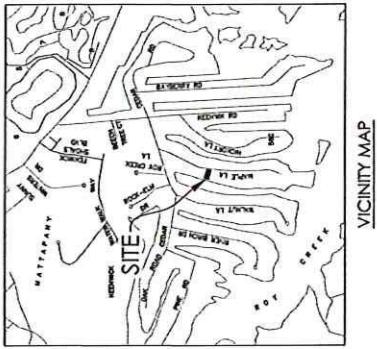
Subdivision: \_\_\_\_\_

Lot#: \_\_\_\_\_

Block#: \_\_\_\_\_

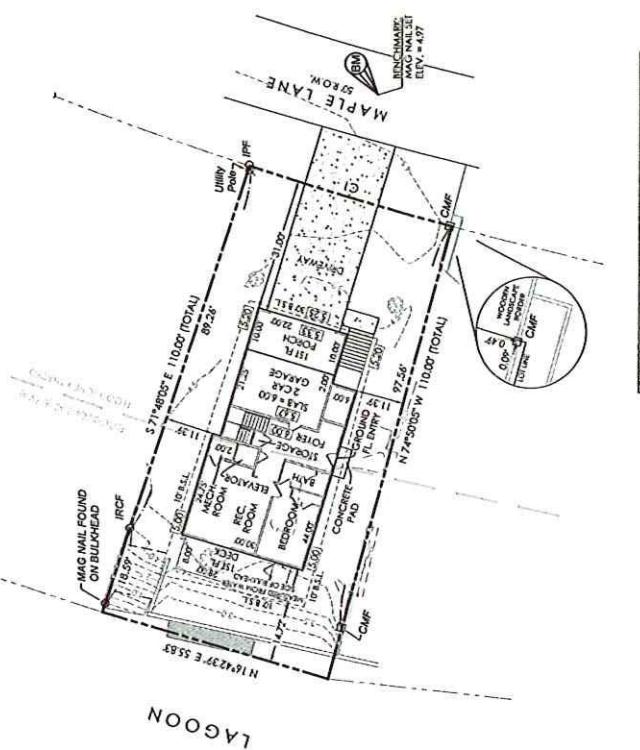
Date of Hearing: \_\_\_\_\_

Decision of Board: \_\_\_\_\_



SITE DATA & GENERAL NOTES

TERALAWAEE STATE GRID NO. 9 (AND 1983)

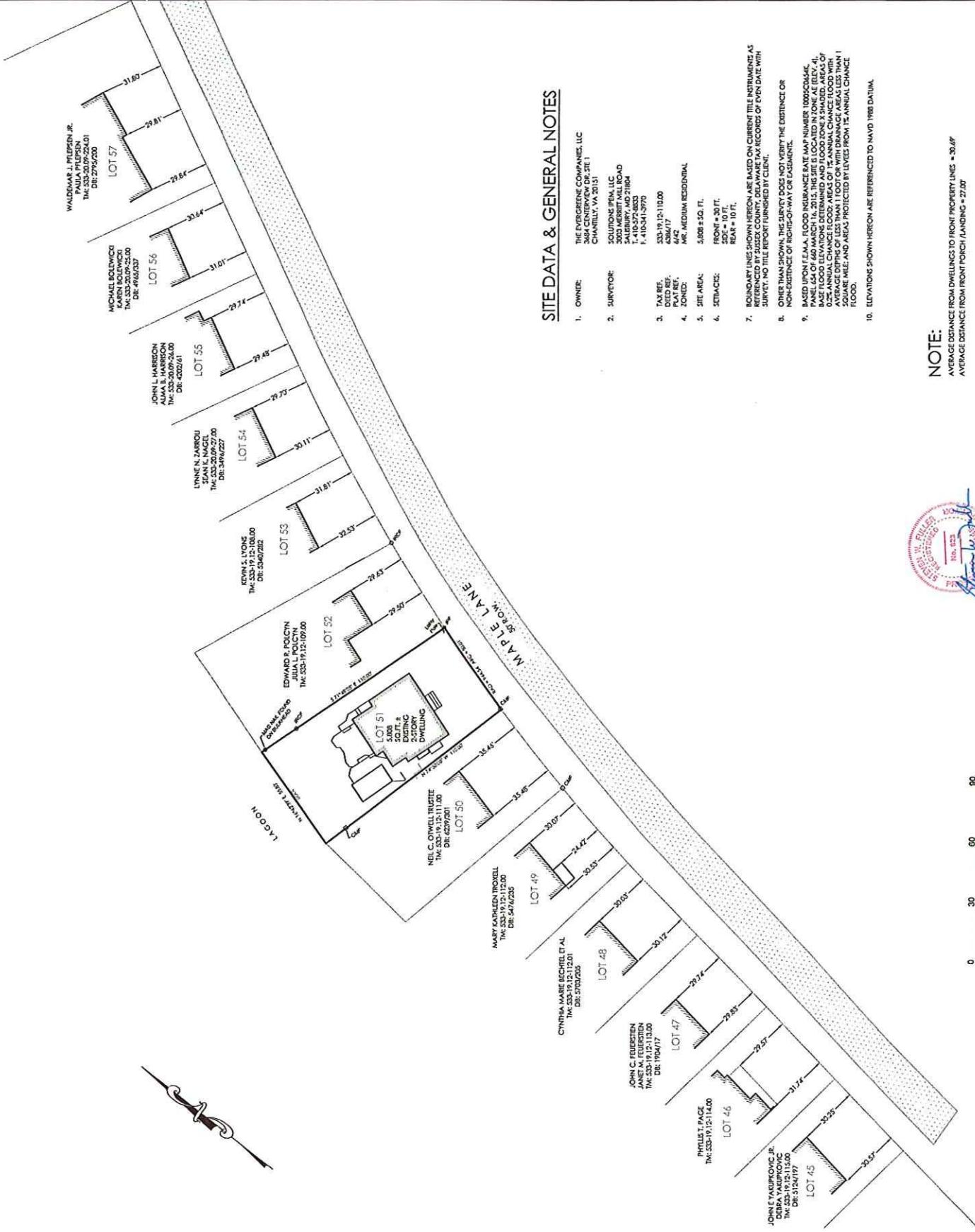
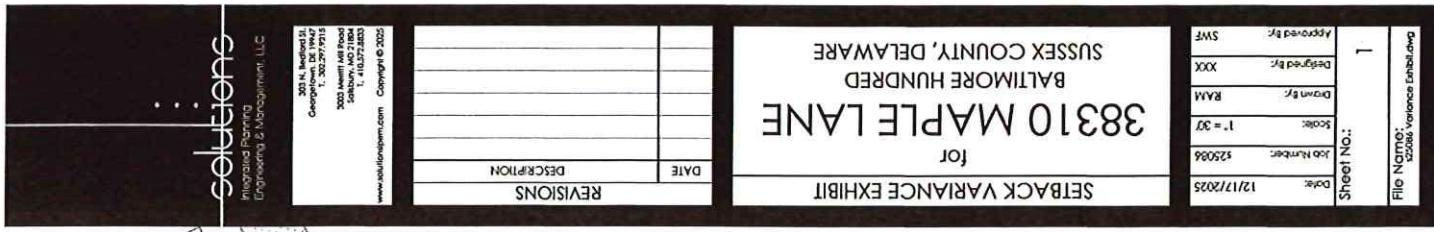


## LEGEND

□ CMF  
○ IRCF  
○ IPF  
— MAJOR CONTOUR  
— MINOR CONTOUR  
— DEDUCTIVE TOPOGRAPHY

60 40 20 0

23



NOTE: AVERAGE DIST.

AVERAGE DISTANCE FROM DWELLINGS TO FRONT PROPERTY LINES = 30.69'  
AVERAGE DISTANCE FROM FRONT PORCH / LANDING = 22.07'

A circular stamp of the U.S. Patent and Trademark Office, Washington, D.C. The stamp contains the text "U.S. PATENT AND TRADEMARK OFFICE" around the perimeter, with "WASHINGTON, D.C." in the center. A handwritten signature is overlaid on the stamp.

124

**Jessica Larussi**

---

**From:** Lisa Ei <lei@evergreenehomes.com>  
**Sent:** Tuesday, December 23, 2025 11:04 AM  
**To:** Lisa Ei  
**Subject:** FW: MAPE 0001 - Variance Application

---

**From:** Jeremiah Paine <JPaine@EvergreenHomes.com>  
**Sent:** Thursday, December 18, 2025 4:41 PM  
**To:** Lisa Ei <lei@evergreenehomes.com>; Tim Naughton <tnaughton@evergreenehomes.com>  
**Subject:** RE: MAPE 0001 - Variance Application

**Please include this email/letter below with application from HOA...**

Good morning Jeremiah - KOTB HOA does not issue variances for setbacks. The setbacks are documented in our Covenants and have been detailed there for many years. Current and former Evergreen employees who were residents here know the regulations very well.

My first thought is to relocate the outside shower to the side of the building. Side setbacks are 5 feet. Second, request a 5-foot variance from the County to move the entire building 5 feet closer to the front property line. **The County and KOTB HOA have approved a 25-foot front setback several times.** This would resolve the rear 20-foot setback issue. Lastly, does Evergreen have a house model that is 5 feet shorter that will fit on the lot and meet our setback requirements?

Thanks for your understanding,  
Ernie Tyler - Chairman  
302-564-7001



