

**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 # 12416
Hearing Date 2/17
202000588

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:

32967 Coastal Highway, Bethany Beach, DE 19930

Variance/Special Use Exception/Appeal Requested:

Applicant seeks a fifty-five foot (55') front yard variance from the sixty foot (60') front yard setback required in C-1 (see Code Section 115-81) and a fifteen foot (15') variance from the twenty foot (20') buffer required in CHCOZ (see Code Section 115-194.1) to locate an 18-hole miniature golf course on the Site.

Tax Map #: 134-17.11-40.00

Property Zoning: C-1

Applicant Information

Applicant Name: Nick Geracimos

Applicant Address: 13001 Riggin Ridge

City Ocean City State MD Zip: 21842

Applicant Phone #: _____ Applicant e-mail: geracimos17@gmail.com; cclosson@bwdc.com

Owner Information

Owner Name: Jessica F. Peake (See Exhibit C)

Owner Address: 21 Ocean Drive, Apt. 707

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

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Mackenzie M. Peet, Esq., Tunnell & Raysor, P.A.

Agent/Attorney Address: 323E Rehoboth Avenue

City Rehoboth Beach State DE Zip: 19971

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

Signature of Owner/Agent/Attorney

Mackenzie M. Peet

Date: 1/14/20



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

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

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

1. Uniqueness of property:

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

See attached.

2. Cannot otherwise be developed:

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

See attached.

3. Not created by the applicant:

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

See attached.

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

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

See attached.

5. Minimum variance:

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

See attached.

Re: Geracimos– Variance Application for Front Yard Variances

The Applicant seeks two variances for the development of an 18-hole miniature golf course.

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.

Front Yard Setback Variance and Buffer Variance: The lot is unique with an irregular shape; the lot is shallow and narrow to the South and wider to the North. The property is also located along the Route 1 corridor within a tear-drop shaped commercial area bordered on the East by Route One, bordered on the West by South Pennsylvania Avenue, and bordered to the North by Jefferson Bridge Road.

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.

Front Yard Setback Variance and Buffer Variance: The unique shaped lot with an irregular shape, being narrow and shallow to the South and wider to the North does not allow the 18-hole miniature golf course to be built within the front yard setbacks of the C-1 or CHCOZ Districts.

3. Not created by the applicant:

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

Front Yard Setback Variance and Buffer Variance: The practical difficulty has not been created by the Applicant; the irregularly shaped lot shallow and narrow to the South and wider to the North existed prior to the Applicant's proposed lease of the property.

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.

Front Yard Setback Variance and Buffer Variance: The property is zoned C-1 General Commercial and the surrounding lots are also zoned C-1 General Commercial with the exception of one adjacent lot being zoned MR Medium Density Residential. The proposed use will provide recreation to greater Bethany Beach area residents as well as vacationing tourists during the summer season. Vegetative areas will remain where feasible during construction and post construction. Additional landscaping with landscape plantings indigenous to local areas will be included in the landscape plan for the proposed development of the golf course in compliance with Section 115-194.1.

Re: Geracimos– Variance Application for Front Yard Variances

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.

Front Yard Setback Variance: To allow for the development of an 18-hole miniature golf course, the golf course design requires relief only from the front yard setback while maintaining the rear yard and side yard setbacks required in the C-1 District.

Buffer Variance: Vegetative areas will remain where feasible during construction and post construction if the variances are granted. Additional landscaping will be provided on the miniature golf course with landscape plantings indigenous to local areas, as shown in the landscape plan, and in compliance with Section 115-194.1.

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Nick Geracimos
 Applicant Address: 13001 Riggin Ridge
 City: Ocean City State: MD Zip: 21842
 Phone #: _____ E-mail: _____

Owner Information

Owner Name: Jessica F. Peake (See Exhibit C)
 Owner Address: 21 Ocean Drive, Apt. 707
 City: Rehoboth Beach State: DE Zip: 19971
 Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: MAD Designing Group, Inc./Greer Groves
 Engineer/Surveyor Address: PO Box 82
 City: Ocean City State: MD Zip: 21843
 Phone #: (443) 373-7385 E-mail: _____

Agent/Attorney Information

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

Other

Name: McCrone Engineering/Robert Kane (Landscape Plan Contact)
 Address: 119 W. Naylor Mill Road, Suite 6
 City: Salisbury State: MD Zip: 21801
 Phone #: (410) 548-1492 E-mail: _____

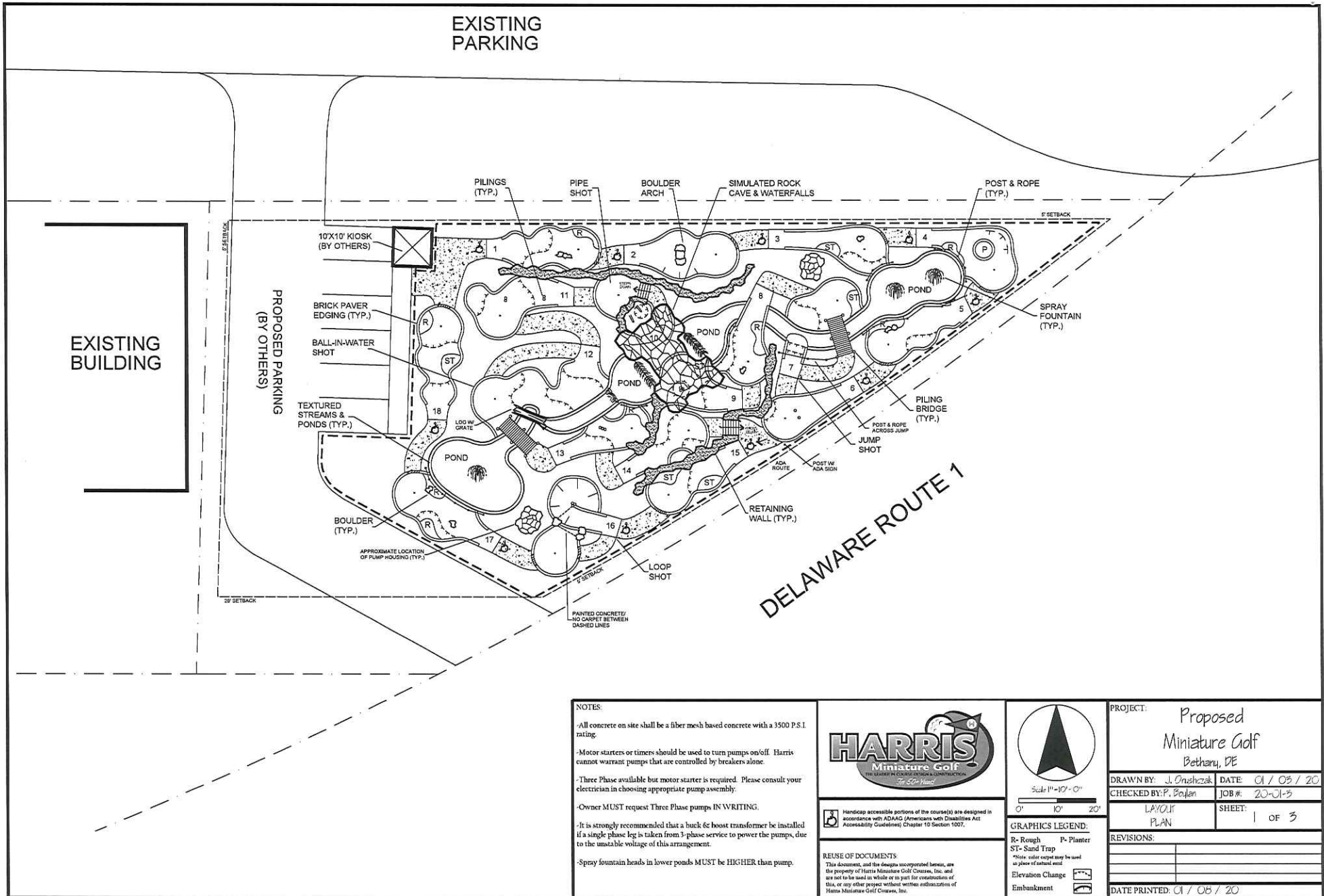


EXHIBIT A

Site Plan

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.



EXISTING
PARKING

EXISTING
BUILDING

PROPOSED PARKING
(BY OTHERS)

DELAWARE ROUTE 1

NOTES:

- All concrete on site shall be a fiber mesh based concrete with a 3500 P.S.I. rating.
- Motor starters or timers should be used to turn pumps on/off. Harris cannot warrant pumps that are controlled by breakers alone.
- Three Phase available but motor starter is required. Please consult your electrician in choosing appropriate pump assembly.
- Owner MUST request Three Phase pumps IN WRITING.
- It is strongly recommended that a buck & boost transformer be installed if a single phase leg is taken from 3-phase service to power the pumps, due to the unstable voltage of this arrangement.
- Spray fountain heads in lower ponds MUST be HIGHER than pump.



PROJECT: Proposed Miniature Golf Bethany, DE	
DRAWN BY: J. Onaszczak	DATE: 01 / 03 / 20
CHECKED BY: P. Boylan	JOB #: 20-01-3
LAYOUT PLAN	SHEET: 1 OF 3
REVISIONS:	
DATE PRINTED: 01 / 03 / 20	

Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines), Chapter 10 Section 1007.

REUSE OF DOCUMENTS:
This document, and the design incorporated herein, are the property of Harris Miniature Golf Courses, Inc. and are not to be used in whole or in part for construction of this, or any other project without written authorization of Harris Miniature Golf Courses, Inc.

GRAPHICS LEGEND:

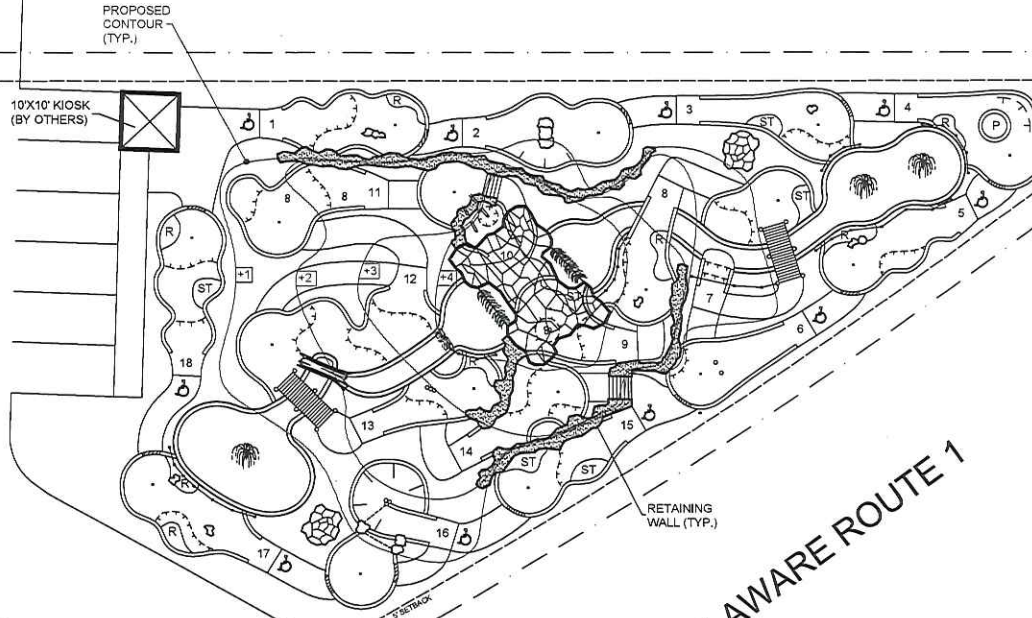
R- Rough P- Planter
ST- Sand Trap

Elevation Change [Symbol]

Embankment [Symbol]

EXISTING
PARKING

EXISTING
BUILDING



NOTES:

-Elevations shown on this grading plan represent proposed rough grades. Fine grading for holes, walkways, and water systems will be done in the field.

-When bringing in fill, Harris recommends using a granular, self draining, compactable fill. Fill should be ROLLED and COMPACTED in 6" - 12" lifts to reduce SETTLING. Harris also recommends having additional fill available for the shaping and contouring of the golf holes, walls, and water systems.

-Elevations must be CLEARLY MARKED with GRADE STAKES to ENSURE and VERIFY that the grading plan has been done properly and to the specifications of this plan provided by Harris Miniature Golf Courses, Inc.



Handicaps accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) Chapter 10 Section 1007.

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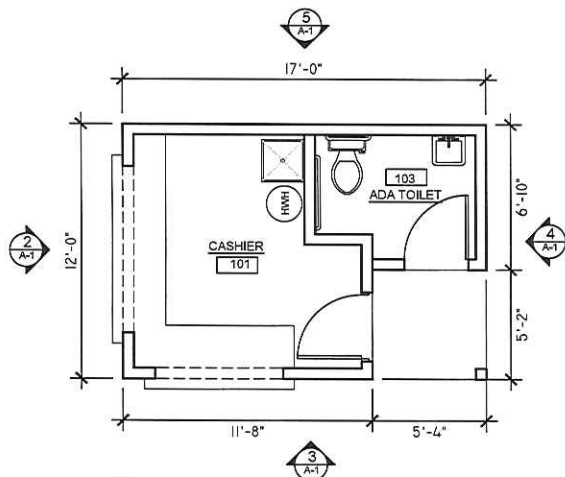
GRAPHICS LEGEND:

- R- Rough
- ST- Sand Trap
- *Note: color coping may be used in place of redwood
- Elevation Change
- Embankment

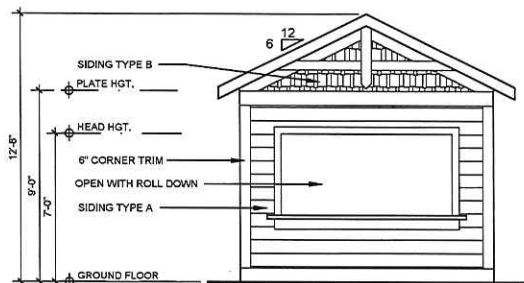
PROJECT: Proposed Miniature Golf Bethany, DE	
DRAWN BY: J. Orzechowski	DATE: 01 / 03 / 20
CHECKED BY: P. Boylan	JOB #: 20-C1-3
LAYOUT & GRADING PLAN	SHEET: 2 OF 3
REVISIONS:	
DATE PRINTED: 01 / 03 / 20	



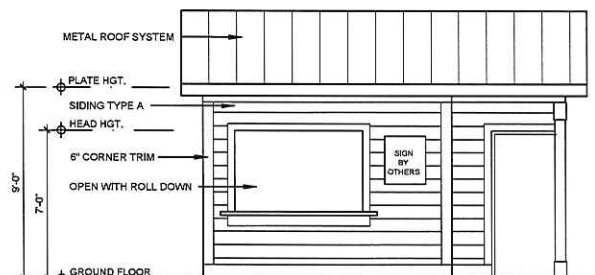
DESIGN GROUP, INC.
 ARCHITECTURAL & ENGINEERING SOLUTIONS
 P.O. Box 802
 Ocean City, MD 21843
 P. 410-289-1859 F. 410-208-1234
 www.maddesigngroup-ae.com



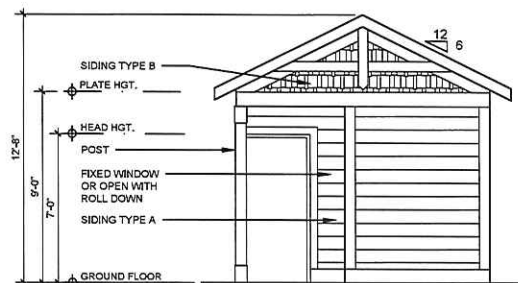
1 FLOOR PLAN
 A-1 1/4" = 1'-0"



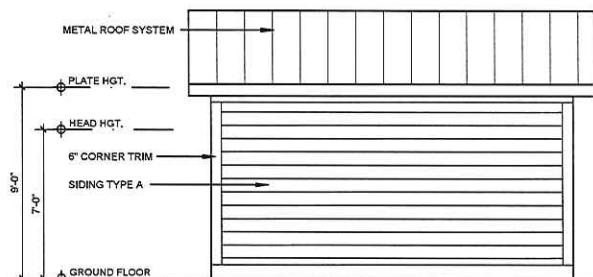
2 NORTH ELEVATION
 A-1 1/4" = 1'-0"



3 WEST ELEVATION
 A-1 1/4" = 1'-0"



4 SOUTH ELEVATION
 A-1 1/4" = 1'-0"



5 EAST ELEVATION
 A-1 1/4" = 1'-0"

NICK'S MINI GOLF
 ROUTE 1
 BETHANY BEACH, DE

DATE	ISSUED FOR / DELTA
1-9-2020	SCHEMATIC DESIGN

DRAWN BY: GWG JOB NO: 20-010

SHEET TITLE:
 PLAN & ELEVATIONS

SHEET NO:

A-1

COPYRIGHT 2020

EXHIBIT B

Current Use

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

NOTES:

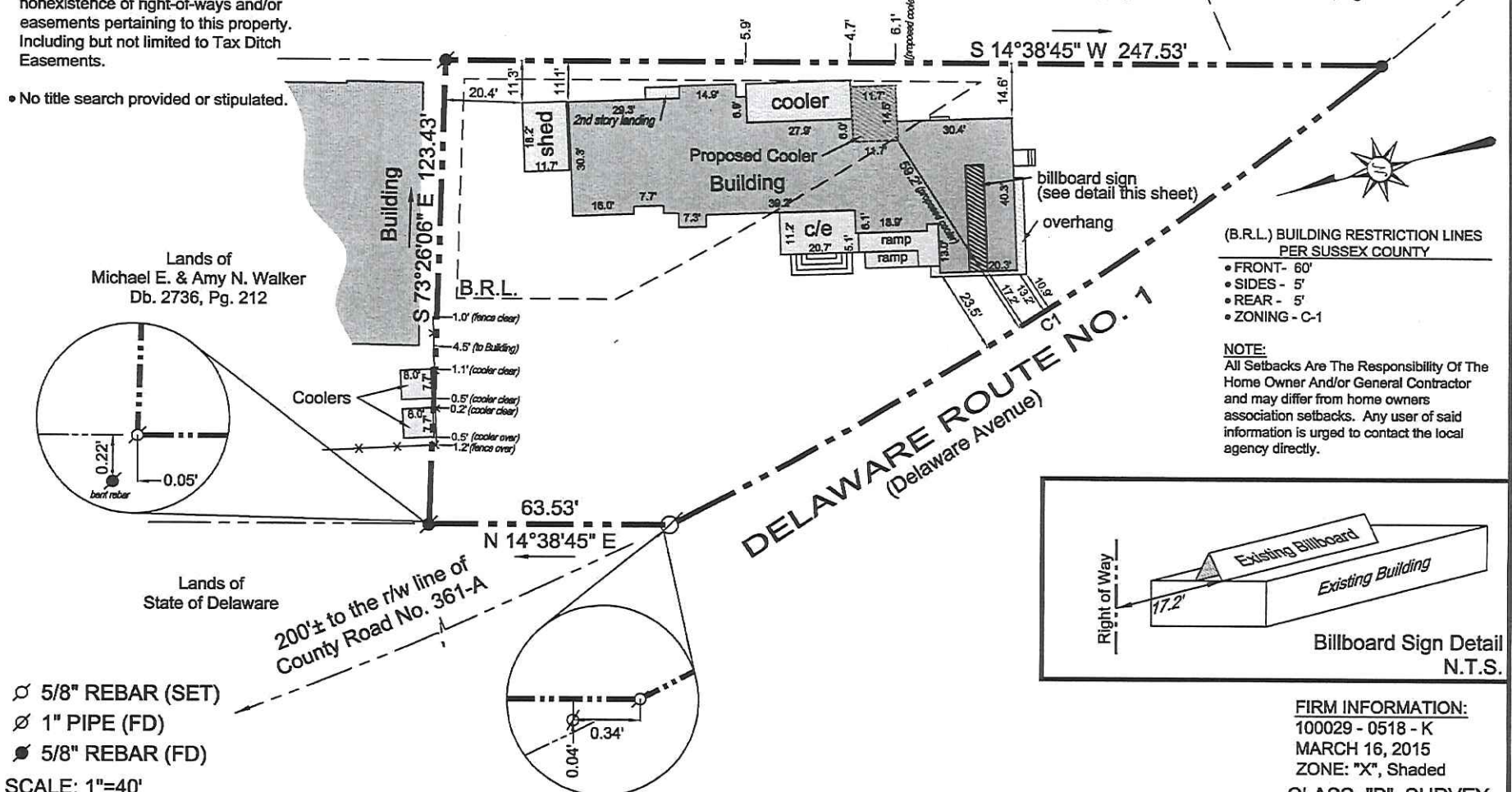
• Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.

• No title search provided or stipulated.

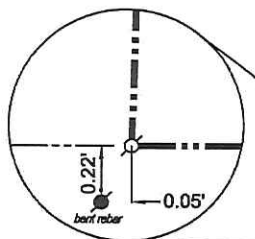
PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1070.75'	225.39'	224.97'	N 18°36'27" W	12°03'38"

Lands of Express Hotels, Inc. Db. 2437, Pg. 136

Lands of Bethany HHMO Center, LLC Db. 3023, Pg. 298



Lands of Michael E. & Amy N. Walker Db. 2736, Pg. 212



Lands of State of Delaware

200'± to the r/w line of County Road No. 361-A

- ∅ 5/8" REBAR (SET)
- ∅ 1" PIPE (FD)
- ∅ 5/8" REBAR (FD)

SCALE: 1"=40'

AREA: 20,076 SQ. FT.

TAX MAP NO. 1-34-17.11-40

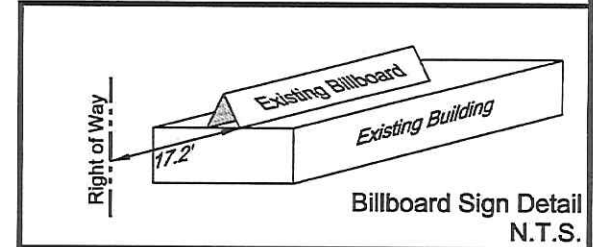
Lands of JESSICA F. PEAKE.

Revised: 03/20/2017, Billboard location and detail.

HUNDRED: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE
 DATE OF ORIGINAL: 06/02/2016
 DRAWN BY: MICHAEL LOVELAND

SIMPLER SURVEYING & ASSOCIATE, INC.
 32486 POWELL FARM ROAD, FRANKFORD, DE 19945
 www.delawaresurveyor.com
 PHONE: (302) 539-7873 FAX: (302) 539-4336

SEAL
 GREGORY M. HOLLAND
 REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 580000711
 03/21/17
 P.L.S. 711



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

- FRONT - 60'
- SIDES - 5'
- REAR - 5'
- ZONING - C-1

NOTE:
 All Setbacks Are The Responsibility Of The Home Owner And/or General Contractor and may differ from home owners association setbacks. Any user of said information is urged to contact the local agency directly.

EXHIBIT C

Deed and Property Owner Information

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

PARID: 134-17.11-40.00
 PEAKE JESSICA F TRUSTEE

ROLL: RP
 32967 COASTAL HWY

Property Information

Property Location: 32967 COASTAL HWY
 Unit:
 City: BETHANY BEACH
 State: DE
 Zip: 19930

 Class: COM-Commercial
 Use Code (LUC): CO-COMMERCIAL
 Town: 00-None
 Tax District: 134 - BALTIMORE
 School District: 1 - INDIAN RIVER
 Council District: 4-Hudson
 Fire District: 70-Bethany Beach
 Deeded Acres: .0001
 Frontage: 225
 Depth: 247.000
 Irr Lot: I
 Zoning 1: C-1-GENERAL BUSINESS
 Zoning 2: -
 Plot Book Page: 245 34/PB

 100% Land Value: \$20,000
 100% Improvement Value: \$74,700
 100% Total Value: \$94,700

Legal

Legal Description: DELAWARE AVE LOT

Owners

Owner	Co-owner	Address	City	State	Zip
PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2019	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2018	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2017	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2017	PEAKE JESSICA F TRUSTEE		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	4710/176
2017	PEAKE JESSICA F		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	1982/242
2006	PEAKE JESSICA F		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	1982/242
1900	PEAKE JESSICA F					0	0/0
1900	PEAKE C REX JR/JESSICA F					0	851/318
1900	RESORT HOMES INC					0	657/428
1900	PEAKE C REX JR/JESSICA F					0	1982/242
1900	BEACH PACKAGE STORE L L C					0	1937/201

Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	COM	CO	225	247	.0001	

Land Summary

Line	1
100% Land Value	20,000

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$20,000	\$74,700	\$94,700

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$10,000	\$37,350	\$47,350

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
13-JUN-2016	201604698	\$20,000	BEER COOLER EXTENSION 12X15 - BEACH LIQUORS
16-NOV-2012	201200308	\$0	
16-MAR-2010	19461-7	\$0	DIGITAL SIGN-DELAWARE AVE LOT
28-FEB-2005	19461-6	\$0	WALL SIGN-DELAWARE AVE
02-DEC-2004	19461-5	\$200,000	TENANT FIT UP-DELAWARE AVE
17-NOV-1999	19461-4	\$0	GROUND SIGN-E/RT1 125' S/RD361A
06-JUN-1995	19461-3	\$3,200	DECKSTORAGE AREA-DELAWARE AVE.
30-SEP-1994	19461-2	\$22,000	EXT. REMODELING-DELAWARE AVE
07-MAY-1985	19461-1	\$6,000	STORAGE ADD.TO STORE-E/1 200' S/361A

18877

BK: 4710 PG: 176

Tax Number: 1-34 17.11 40.00
PREPARED BY & RETURN TO:
Tunnell & Raysor, P.A.
30 E. Pine Street
Georgetown, DE 19947
File No. DO2820/CCE

NO TITLE SEARCH REQUESTED
NO TITLE SEARCH PERFORMED
NO TITLE GUARANTEE
DEED PREPARATION ONLY

THIS DEED, made this 12th day of May, 2017,

- BETWEEN -

JESSICA F. PEAKE, of 21 Ocean Drive, Apt. #707, Rehoboth Beach, Delaware 19971, party of the first part,

- AND -

JESSICA F. PEAKE, TRUSTEE, OF THE JESSICA F. PEAKE REVOCABLE TRUST, DATED MAY 12TH, 2017, AND ANY AMENDMENTS THERETO, of 21 Ocean Drive, Apt. #707, Rehoboth Beach, DE 19971, as sole owner, party of the second part.

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

ALL THAT certain lot, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware, and being more particularly described as follows, to wit:

TUNNELL
RAYSOR, P.A.
Georgetown, Delaware

CMS

CMS

BK: 4710 PG: 177

BEGINNING at an iron pipe set in the Eastern right-of-way line of Delaware Route #14, said iron pipe marking a corner for these lands and lands now or formerly of George Knox; thence along and with the division line between these lands and lands now or formerly of George Knox North 14 degrees 38 minutes 45 seconds East for a distance of 247.53 feet to an iron pipe, said iron pipe marking a corner for these lands, lands now or formerly of George Knox and lands now or formerly of J.M. Loftus; thence along and with the division line between these lands and lands now or formerly of J.M. Loftus North 73 degrees 35 minutes 15 seconds West for a distance of 123.44 feet to an iron pipe, said iron pipe marking a corner for these lands, lands now or formerly of J.M. Loftus and lands now or formerly of the State of Delaware; thence along and with the division line between these lands and the lands now or formerly of the State of Delaware South 14 degrees 38 minutes 45 seconds West for a distance of 63.53 feet to an iron pipe set in the Eastern right-of-way line of Delaware Route #14; thence along and with the Eastern right-of-way line of Delaware Route #14 in a Southeasterly direction along the arc of a curve having a radius of 1070.63 feet for an arc distance of 225.11 feet to the first iron pipe, the point and place of beginning, said to contain 0.46 acres of land, more or less, together with all improvements thereon.

BEING the same lands conveyed to C. Rex Peake, Jr., and Jessica F. Peake, his wife from Beach Package Store, L.L.C., a Delaware limited liability company, by Deed dated March 10, 1994, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on June 1, 1994, in Deed Book 1982, Page 242.

THE SAID, C. Rex Peake, Jr. also known as Cornelius Rex Peake, Jr., departed this life on or about June 18th, 1996. His interest in the above property passed to his surviving spouse, Jessica F. Peake, by rights of survivorship.

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

BK: 4710 PG: 178

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:

C Emmert
Witness

J. Peake (SEAL)
Jessica F. Peake

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on May 12th, 2017, personally came before me, the subscriber, Jessica F. Peake, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

CHRISTOPHE CLARK EMMERT
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A) 3

C Emmert
Notary Public
My Commission Expires: N/A

Consideration: .00

County	.00
State	.00
Town	.00
Total	.00

Received: Margaret P May 19, 2017

Recorder of Deeds
Scott Dailey
May 19, 2017 10:39A
Sussex County
Doc. Surcharge Paid

RECEIVED
May 19, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

EXHIBIT D

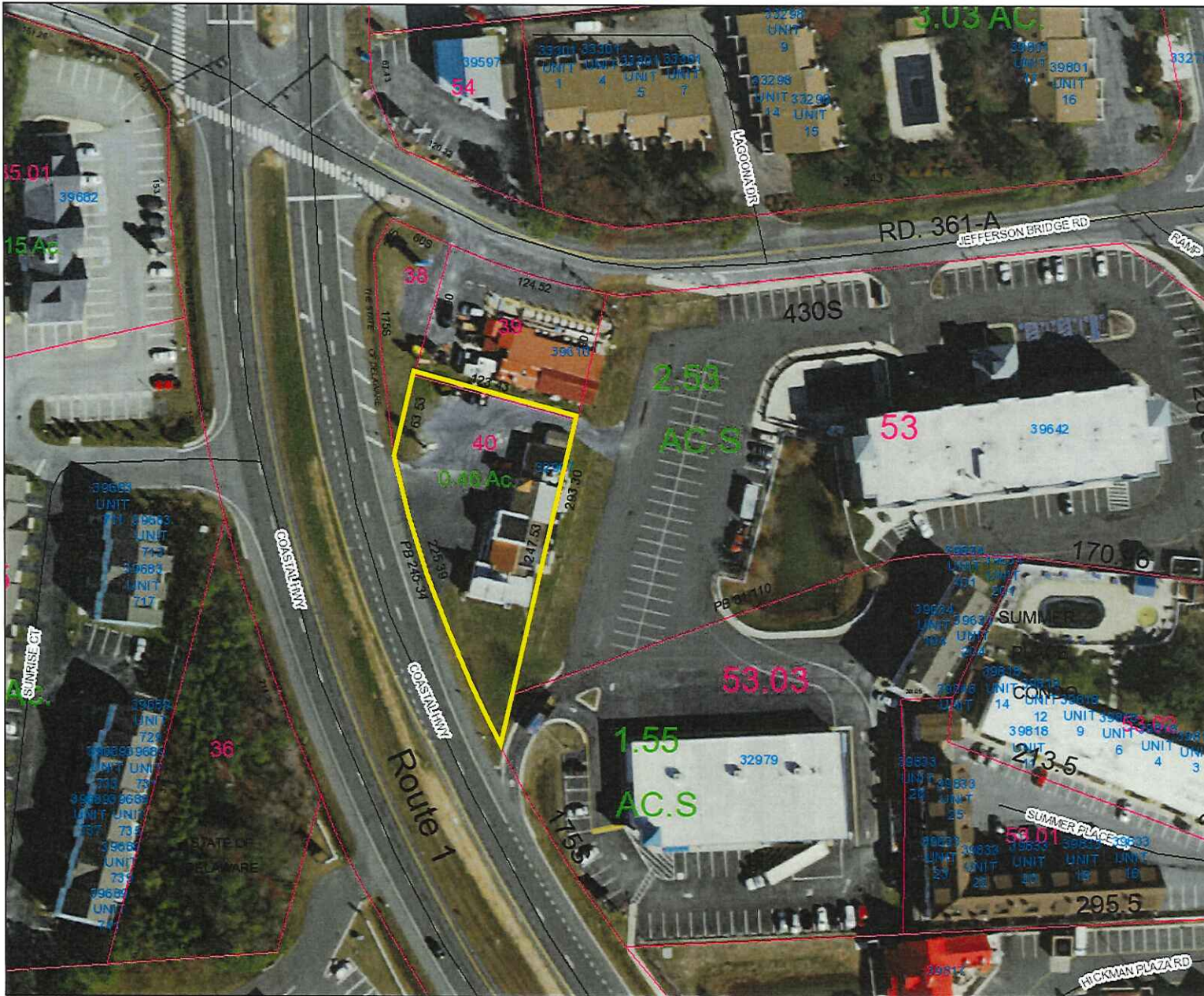
Parking

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.



Sussex County



PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR N
City	LEWES
State	DE
Description	DELAWARE AVE LOT
Description 2	N/A
Description 3	N/A
Land Code	

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

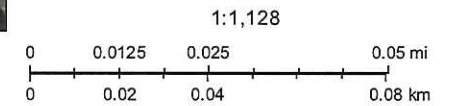


EXHIBIT E

Sussex County Code

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

Sussex County

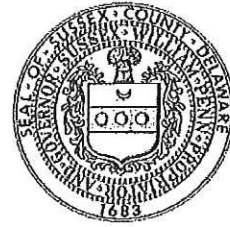
DELAWARE
PLANNING & ZONING DEPARTMENT

sussexcountycle.gov

302-855-7878 T

302-854-5079 F

JANELLE M. CORNWELL, AICP
DIRECTOR



SETBACK INFORMATION REQUEST

Date of Request 1/3/2020 Zoning District C-1
Customer Name TUNNELL & RAYSOR P.A.
Customer Contact mackenzie@tunnellraysor.com
Tax Parcel ID 134-17.11-40.00 Lot/Unit Number N/A
Parcel Address 32967 COASTAL HIGHWAY
Front Yard Setback 60'
Side Yard Setback 5' & 20' TO WEST ADJONING TO MR
Rear Yard Setback 5'
Corner Front Yard Setback N/A
Maximum Height 42'

The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

Additional Notes:

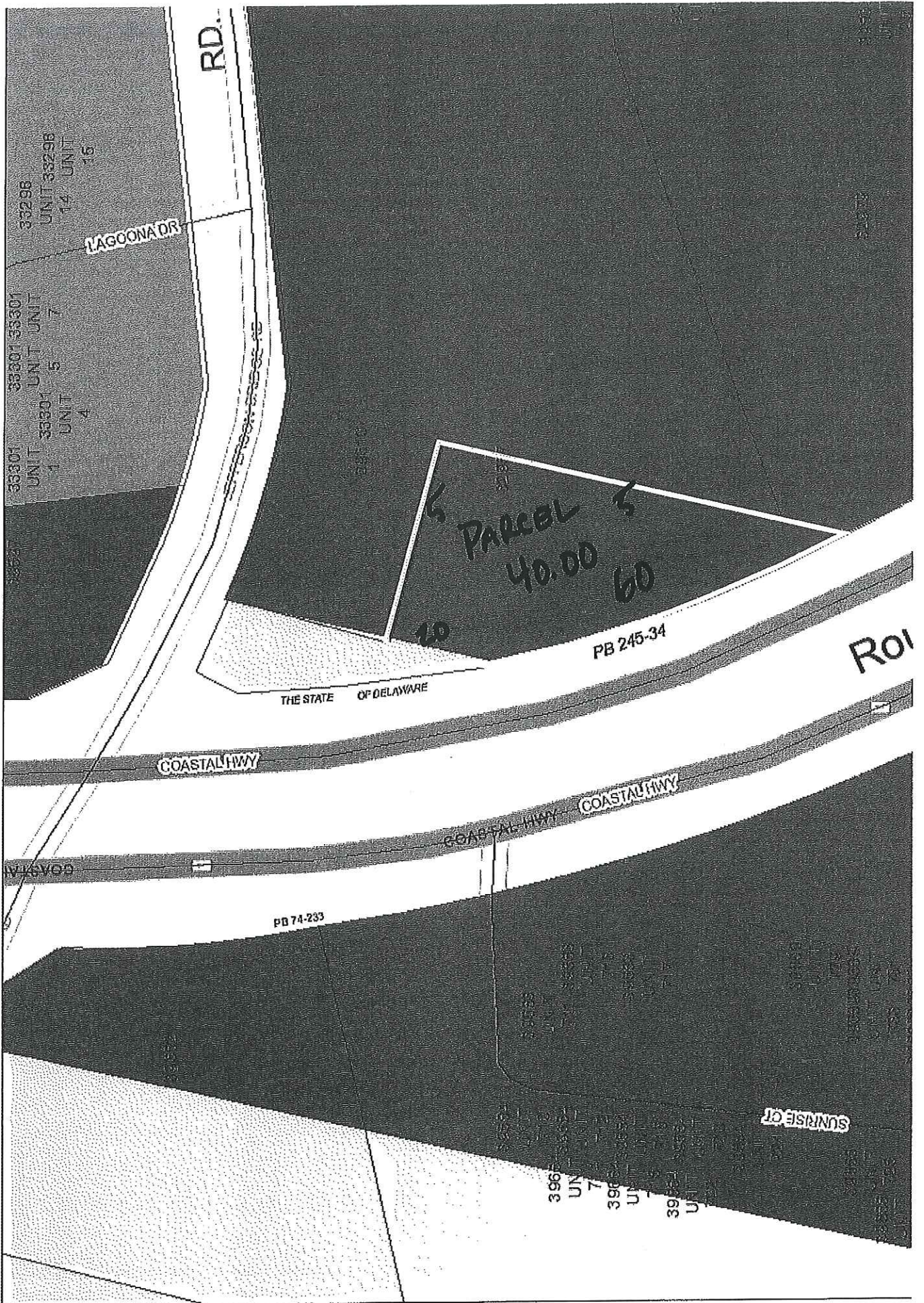
0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Name of Staff Member RUSTY

Checked By 



Sussex County



a permitted use under § 115-79 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy. [Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks
Swimming or tennis clubs, private, nonprofit or commercially operated

§ 115-82. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100
Other	10,000	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet. [Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre. [Added 7-15-1997 by Ord. No. 1157]

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

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

**NOTE: See also § 115-194.1.

C. Maximum height requirements. Maximum height requirements shall be as follows: [Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

§ 115-83. Reference to additional regulations.

A. The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

Permits issued under a conditional use approval may be revoked by the Director for failure to comply with conditions of approval or applicable regulations.

Article XXV. Supplementary Regulations

§ 115-194.1. Combined Highway Corridor Overlay Zone (CHCOZ).

[Added 1-30-1996 by Ord. No. 1072; amended 8-3-2004 by Ord. No. 1711

- A. Purpose. The Combined Highway Corridor Overlay Zoning District - (CHCOZ District) is hereby established to provide for the continued and efficient use of existing roadways and Emergency Evacuation Routes, to preserve and enhance the aesthetic and visual character of land uses contiguous to those roadways and to provide for orderly development in Sussex County. The requirements and guidelines contained in the chapter are to encourage a positive visual experience of development of lands along the corridors and provide safe access and turning movements for vehicular and pedestrian traffic, especially during an emergency evacuation. Development within the CHCOZ District shall conform to the minimum standards in this chapter; provided, however, that variances to the provisions of this section will be considered by the Board of Adjustment, as permitted pursuant to Article **XXVII**, Board of Adjustment.
- B. Delineation of the zoning district. The CHCOZ District shall be established along the major north south corridors (Routes 1, 13, and 113). They are more particularly described below.
- (1) The Route 1 Corridor:
- (a) The Highway Corridor Overlay Zoning District - Route 1 shall include all unincorporated lands within 600 feet on each side of State Route 1, between Kent County, Delaware and Fenwick Island, Delaware.
- (b) The six-hundred-foot zone will be measured from the existing road right-of-way line.
- (2) The Route 13 Corridor:
- (a) The Highway Corridor Overlay Zoning District - Route 13 shall include all unincorporated lands within 600 feet on each side of State Route 13, between Kent County, Delaware and Delmar, Delaware.
- (b) The six-hundred-foot zone will be measured from the existing road right-of-way line.
- (3) The Route 113 Corridor:
- (a) The Highway Corridor Overlay Zoning District - Route 113 shall include all unincorporated lands within 600 feet on each side of State Route 113 between Milford, Delaware and Selbyville, Delaware.
- (b) The six-hundred-foot zone will be measured from the existing road right-of-way line.
- C. Permitted uses.
- (1) The overlay zone.
- (a) The CHCOZ District establishes procedures, guidelines and standards in which development and access should occur. The overlay zone is established to promote orderly development within the underlying zoning district. Uses permitted within the CHCOZ District will be those permitted by the underlying zoning category, except as modified by this section of the Zoning Ordinance.

(b) Uses prohibited in the underlying zone are also prohibited in the overlay zone.

(2) The underlying zone.

- (a) Established development densities in underlying zoning districts shall be maintained; however buffer and building setbacks will be required in the CHCOZ District.
- (b) Existing buildings and structures that do not meet the requirements of this section shall be a nonconforming use and shall continue subject to the provisions of § 115-195 of the Zoning Ordinance.

(3) Exemptions from the requirements of the CHCOZ District include:

- (a) Existing homes and businesses.
- (b) Commercial and industrial developments and subdivisions that have obtained site plan approval prior to the adoption of this section.
- (c) Land in agricultural use.
- (d) Historic properties that are listed on the National Register of Historic Places.

D. Permitted accessory uses.

- (1) Permitted accessory uses in the CHCOZ District shall be the same as in the underlying zoning district, except as modified by this section of the Zoning Ordinance.
- (2) Prohibited accessory uses in the underlying district shall be prohibited in the overlay zoning district.

E. Minimum buffer and setback requirements.

(1) For the purposes of this section, a "buffer" is defined as the area landscaped with native vegetative species, as provided for in Subsection E(6) below, between the road right-of-way line of the relevant corridor and the edge of paving and/or area of disturbance. The buffer is a part of and is included in the required setback.

(2) A "building setback" is defined as the minimum distance from the road right-of-way line of the relevant corridor to the nearest building edge. For purposes of this section of the Zoning Ordinance, the setback shall be measured as described in Table 1, Note 7, in the General Table of Height, Area and Bulk Requirements.^[1]

[1] Editor's Note: Table 1 is included at the end of this chapter.

(3) Setbacks and buffers will be required for all developments in the CHCOZ District in accordance with the following table:

[Amended 6-19-2012 by Ord. No. 2263; 2-27-2018 by Ord. No. 2550]

District	Setback (feet)	Buffer (feet)
AR-1 Agricultural Residential	40	20
AR-2 Agricultural Residential	40	20
MR Medium Density Residential	40	20
GR General Residential	40	20
HR-1 High-Density Residential	60	20
HR-2 High Density Residential	60	20
B-1 Neighborhood Business	60	20

District	Setback (feet)	Buffer (feet)
B-2 Business Community	60	20
B-3 Business Research	60	20
C-1 General Commercial	60	20
CR-1 Commercial Residential	60	20
C-2 Medium Commercial	60	20
C-3 Heavy Commercial	60	20
C-4 Planned Commercial	60	20
C-5 Service/Limited Manufacturing	60	20
I-1 Institutional	60	20
M Marine	60	20
LI-1 Limited Industrial	60	20
LI-2 Light Industrial	60	20
HI-1 Heavy Industrial	60	20

(4) Permitted uses within the required buffer include:

- (a) Driveway access.
 - (b) Transit-oriented uses, including bus stops and shelters.
 - (c) Utility lines.
 - (d) Pedestrian and bike paths.
 - (e) Lighting fixtures.
 - (f) Signs.
 - (g) Clearing and grading for sight distance.
 - (h) Benches and other streetscape furniture.
 - (i) Water features, but not including storm water management structures.
 - (j) Pathways.
- (5) Permitted uses in the setback, outside of the buffer, are those uses permitted in the underlying zone, including but not limited to lawns, parking areas, driveways and stormwater management structures.

(6) Landscape requirements.

- (a) A landscape plan for the buffer and the site shall be submitted and approved with each site plan. Buffers shall retain existing native vegetated areas to the maximum extent possible. In areas where vegetation does not exist, additional landscaping shall be provided utilizing earth mounds and/or plant material. Landscape plantings should be indigenous to local areas and should provide a soft visual buffer between the roadway, the proposed development and contiguous land uses.
- (b) For each 100 linear feet of buffer yard required, the number of plantings required shall be not less than 22. The plantings shall include, on average, a canopy forest of at least 12 deciduous or evergreen/conifer trees and 10 shrubs. The buffer yard shall be seeded

with grass or planted with ivy unless natural ground cover is established. In areas where a ten-foot paved path is provided, the landscaping requirement can be reduced by 50%.

- F. Access standards from arterial roadways. The intent of the CHCOZ District is to minimize the number of access points and left turning movements along the designated corridor. Access and circulation to the designated corridor shall comply with the following standards:
- (1) Access from the designated corridor shall be subject to the approval of the Delaware Department of Transportation.
 - (2) Access drives and service roads should be designed to minimize queuing of entering or exiting vehicles.
 - (3) Shared driveways shall be used where feasible.
 - (4) Access driveways should accommodate pedestrian traffic through the use of depressed curbs.
 - (5) When properties are bound by two or more roadways, access shall be obtained from the lower roadway classification unless a traffic study, approved by DelDOT, determines that the operation or safety of an adjacent intersection is degraded.
- G. Additional requirements.
- (1) The following improvements shall be shown on the site plan:
 - (a) Transit accommodations shall be provided for sites containing structures of 75,000 gross square feet or greater, at the discretion of the Planning and Zoning Commission and DelDOT.
 - (b) Pedestrian movement must be accommodated throughout the site to provide safe connections to transit stops, parking areas and sidewalks.
 - (c) Cross access easements and interconnections shall be provided between adjoining sites for vehicular and pedestrian traffic.
 - (d) Service roads shall be provided where required by DelDOT.

Article XXVII. Board of Adjustment

§ 115-207. Establishment membership; officers; meetings.

- A. A Board of Adjustment is hereby created, which shall hereafter be referred to as the "Board."
- B. The Board shall consist of five members, whose selection, terms and qualifications shall be as indicated in 9 Del. C. § 6803(c), and any subsequent amendments thereto.
- C. The Board shall select a Chairman from its membership, shall appoint a Secretary and shall prescribe rules for the conduct of its affairs. The Chairman or, in his absence, the Acting Chairman shall have the power to issue subpoenas for the attendance of witnesses and the production of records and may administer oaths and take testimony.
- D. For the conduct of any hearing, a quorum shall not be less than three members, and an affirmative vote of three members of the Board shall be required to overrule any decision, ruling or determination of the official charged with enforcement of this chapter or to approve any special exception or variance.

EXHIBIT E

Harris Miniature Golf Course Information

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.



ABOUT HARRIS

THE PIONEER OF MINI GOLF

PROFITABILITY



Rich Lahey, *President*



Rich Lahey purchased Harris Miniature Golf Courses Inc. in 1988 with a vision for changing the industry.

Back then, miniature golf courses were mostly portable plywood tracks dominated by windmills and clown faces. Sales were dismal. Miniature golf, which hadn't changed much for decades, had lost its appeal.

Rich believed beautiful landscaped courses with dramatic features, lots of curb appeal and plenty of challenge – not by putting windmills or barns in the way, but by building banked, undulating greens and holes with risks and rewards – would revive interest in miniature golf and bring profitability back to the industry.

“I could see it,” Rich recalls. “I’d drive by these flat plywood courses with the usual array of wooden obstacles, and there would be no one playing. Miniature golf is a really fun family game, but the courses were old and boring. I knew if we built more appealing and challenging courses, people of all ages would come.”

And come they did.

Over the ensuing decade, Rich’s vision led a revolution in miniature golf, leading the industry to build more elaborate courses than ever before and causing profits to soar. Now, instead of charging \$2 a game, course owners could charge \$4 or \$5 and people would pay it. Today, the average price of a round of miniature golf is \$8. Rich was hailed by *The New York*

Times as the man who reinvented miniature golf. Today, the industry boasts more than \$1 billion in annual revenues, and has minted more than its share of millionaire course owners.

Based on Rich's vision and decades of experience building courses around the world, Harris relies on water features and beautiful landscaping to create



I'd drive by these flat plywood courses with the usual array of wooden obstacles, and there would be no one playing. Miniature golf is a really fun family game, but the courses were old and boring. I knew if we built more appealing and challenging courses, people of all ages would come.

- Rich Lahey, President,
Harris Miniature Golf Inc.



fun and inviting spaces. The delicate contours, slopes and undulations of our greens reward players for a good putt while not overly penalizing a poor effort. At Harris, we believe the key to success is building courses that are interesting and fun to play with just enough challenge to make players want to come back and play again.

Rich and the team at Harris also pioneered the concept of the 36-hole course. Having two 18-hole courses can be key to promoting repeat business and profitability. Two courses not only create more choices and challenges for players, they provide the capacity necessary to accommodate large crowds

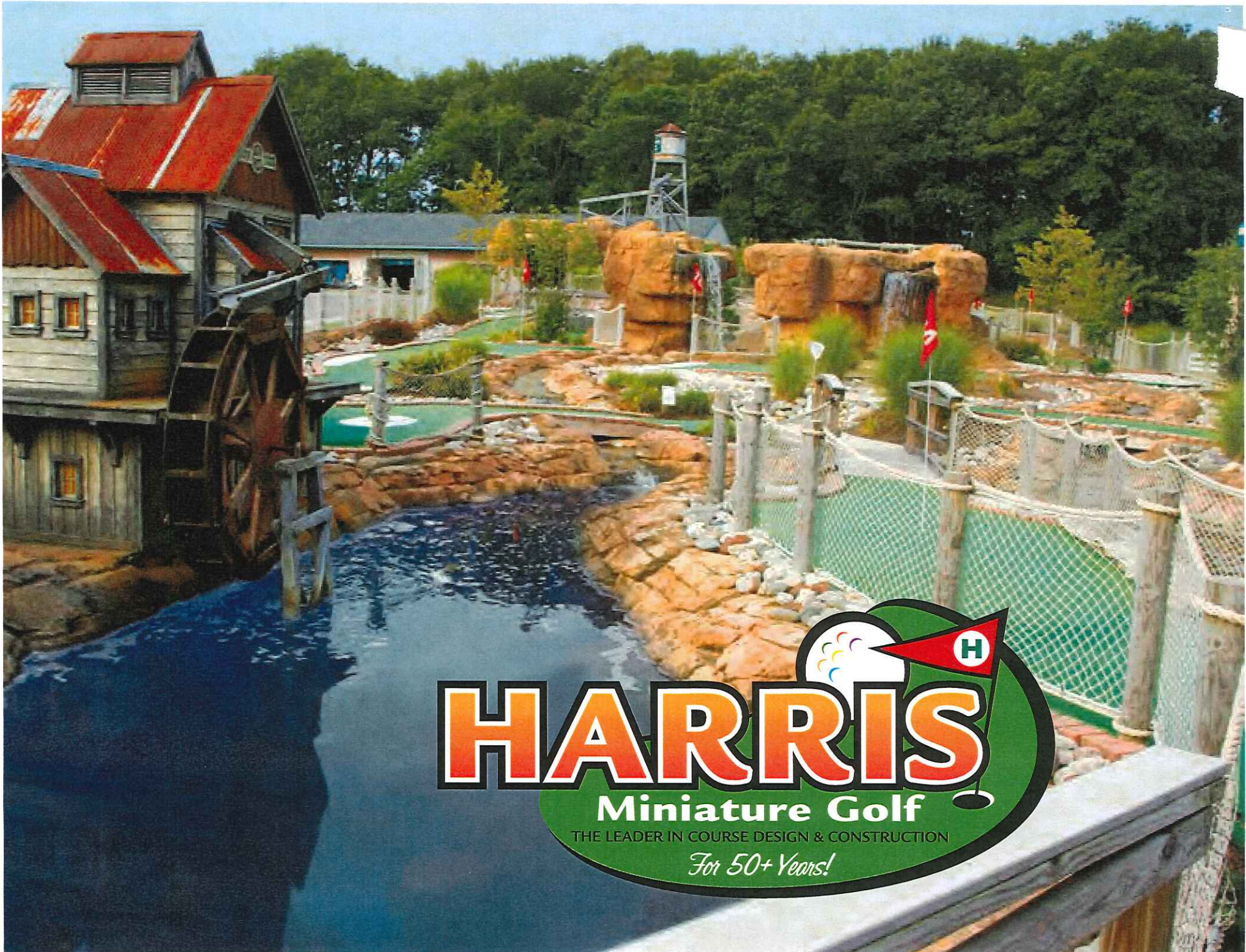
on summer evenings and weekends. Long lines at overcrowded single courses can reduce profits and drive customers away. Having a second course also allows owners to host groups without having to turn away walk-in customers – a key to midweek profitability.

At Harris, we know that a well-designed and well-built course will produce repeat business year after year. A poorly designed course will quickly become boring and frustrating, and repeat business will drop off. We also know that some of the best design ideas occur during construction, as the course is taking shape. All on-site changes are made with the customer's approval and without additional charge.

All of our projects are covered by the Harris 110% Guarantee, which means Rich and the team will always go the extra mile to make sure your project is as good as it can possibly be.

"At Harris Miniature Golf, we always give our customers the full measure of our talents," Rich says. "We feel it is the little things that make the difference between a good job and a great job. The courses we build not only meet but exceed customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it."





HARRIS
Miniature Golf
THE LEADER IN COURSE DESIGN & CONSTRUCTION
For 50+ Years!

THE HARRIS GUARANTEE



At Harris Miniature Golf, we always give our customers the full measure of our talents. We feel it is the little things that make the difference between a good job and a GREAT job. The courses we build not only meet, but exceed, customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it.

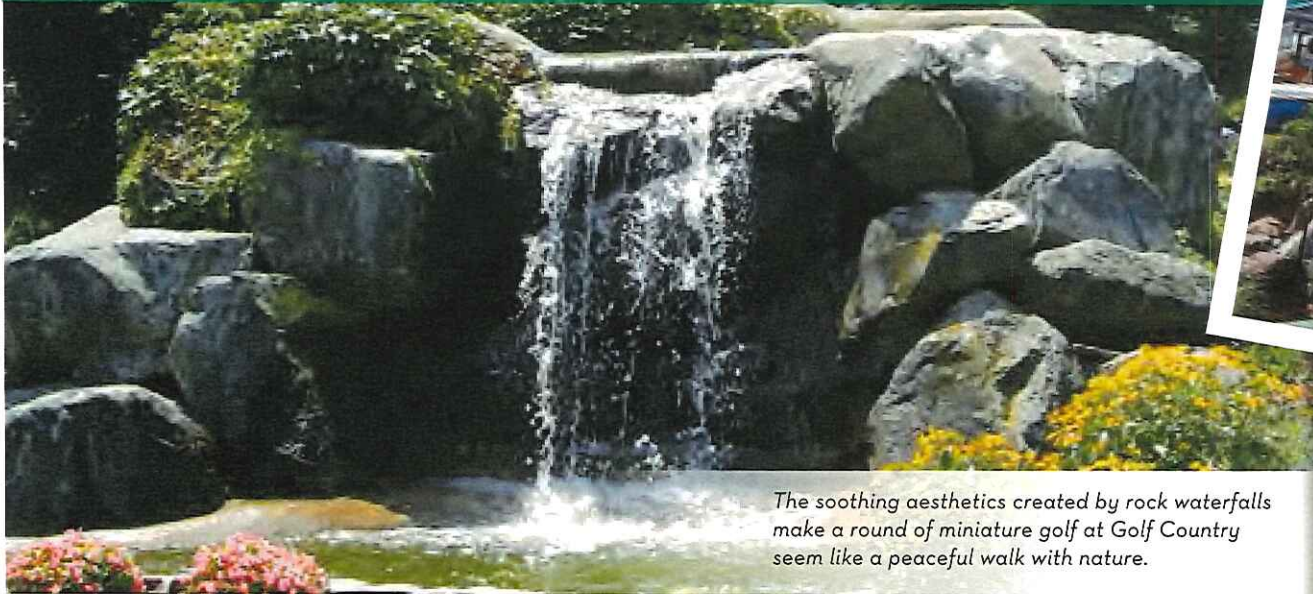
- Rich Lahey, President, Harris Miniature Golf Courses, Inc.



COVER: With waterfalls, caverns, an island green and waterwheel, Twin Brook Golf Center is widely considered one of New Jersey's most beautiful miniature golf courses.

Multi-level shots are great fun! On this hole, the ball drops through a pipe and reappears next to the cup.

WHY MINIATURE GOLF?



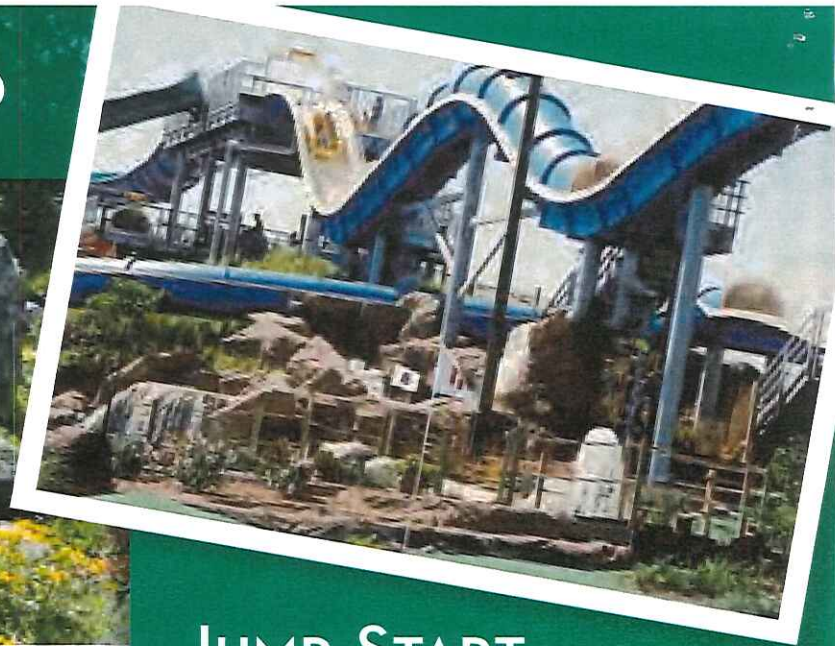
The soothing aesthetics created by rock waterfalls make a round of miniature golf at Golf Country seem like a peaceful walk with nature.

Longtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Seasonal business
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of one or two people)
- Low equipment cost for putters and balls
- No inventory (only scorecards)
- Minimal liability exposure

Adding miniature golf to our 50-year-old family business, which includes a dairy farm and ice cream shop, was the best decision we could have made. The golf course is consistently busy and we have seen an increase of more than 40 percent in our ice cream sales.

**- Tom Kerber
Kerber Dairy**



JUMP-START YOUR EXISTING BUSINESS

Turn your amusement park, driving range, ice cream stand, restaurant or other business into a moneymaking machine with a miniature golf course by Harris. Many of our customers say revenue generated by their miniature golf courses far surpasses anything else they do. "We have seven attractions and miniature golf is, by far, the most profitable," says Mark Blasko, owner of Chuckster's. "I wish I had built a miniature golf course first and stopped."



ON-SITE DESIGN IMPROVEMENTS

During construction, our project foremen are always looking for ways to improve a course's design, playability and visual appeal. That might involve changing the angle of a waterfall to increase roadside visibility or moving a stream to bring it into play on another hole, and we do it all at no additional cost to the owner/developer.

It was fun to watch the guys work and bring the course to life. The crew was always looking to improve the design whenever possible. They really wanted it to be as good as it could be!

- Gary Papa
Wildwood Mini Golf



HARRIS
Miniature Golf



At Harris, we use a state-of-the-art computer-aided design system to render our course designs.

HARRIS – THE RIGHT CHOICE FOR YOU

Harris Miniature Golf has been designing and building picturesque and profitable miniature golf courses for more than 50 years. To date, we have designed and built more than 800 courses across the United States. We believe it speaks volumes about the quality of our work that the majority of our new customers are referred to us by our existing customers.

- Recognized as a national leader in design and construction
- More than 50 years of experience
- More than 800 courses built
- Every course custom-designed to meet customer's needs and expectations
- Fixed price guarantee
- State-of-the-art color CAD design
- Promotional / marketing support



The beauty and challenge of a well-designed course like Woodstone Mini Golf keeps customers coming back again and again.

It was incredible working with the team at Harris. I never saw a group of guys work so hard in my life. No matter what issues they encountered on site, they just made it all happen.

*- Rusty Bertholet
Logs of Fun*

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DESIGNING FOR PROFIT

At Harris, we believe great design is the key to sustaining profitability year after year. Gone are the days of windmills and clown faces. By creating inviting and intriguing spaces, and challenging holes that test a golfer's skills, Harris designs courses that keep customers coming back. Ninety percent of Harris-built courses are in non-resort areas where repeat business is critical to profitability. By designing courses with soothing waterfalls, dramatic landscapes and other features that capture the imagination, Harris creates destinations that customers will want to visit again and again.

DESIGNING FOR FUN

Miniature golf is no longer child's play. Whether you're young or simply young at heart, miniature golf is all about the FUN!!! Our waterfalls, splash fountains, ponds, streams and undulating greens create thrills and laughs for golfers of all ages. Our water hazards create lots of awesome fun for kids. We use floating balls and even have a hole design where the ball goes into the water hazard and is returned back to the green near the cup!



MORE IS BETTER: THE CASE FOR 36 HOLES



Gunite waterfalls make Putt'n Around a soothing, inviting space that keeps golfers coming back for more.

I chose to build 36 holes because you are more likely to keep customers for a second round or get them to come back. It's also great for parties, fundraisers, groups and other special events. Building 36 holes was the best decision I could have made.

*- Elise Johnson
Putt'n Around*

Having two 18-hole courses can be key to promoting repeat business and profitability for your facility. Two courses not only create more choices and challenges for players, they provide the capacity necessary to accommodate large crowds on summer evenings and weekends. Long lines at overcrowded single courses will reduce profits and drive customers away, maybe for good. Having a second course also allows you to host groups without having to turn away walk-in customers – a key to midweek profitability.

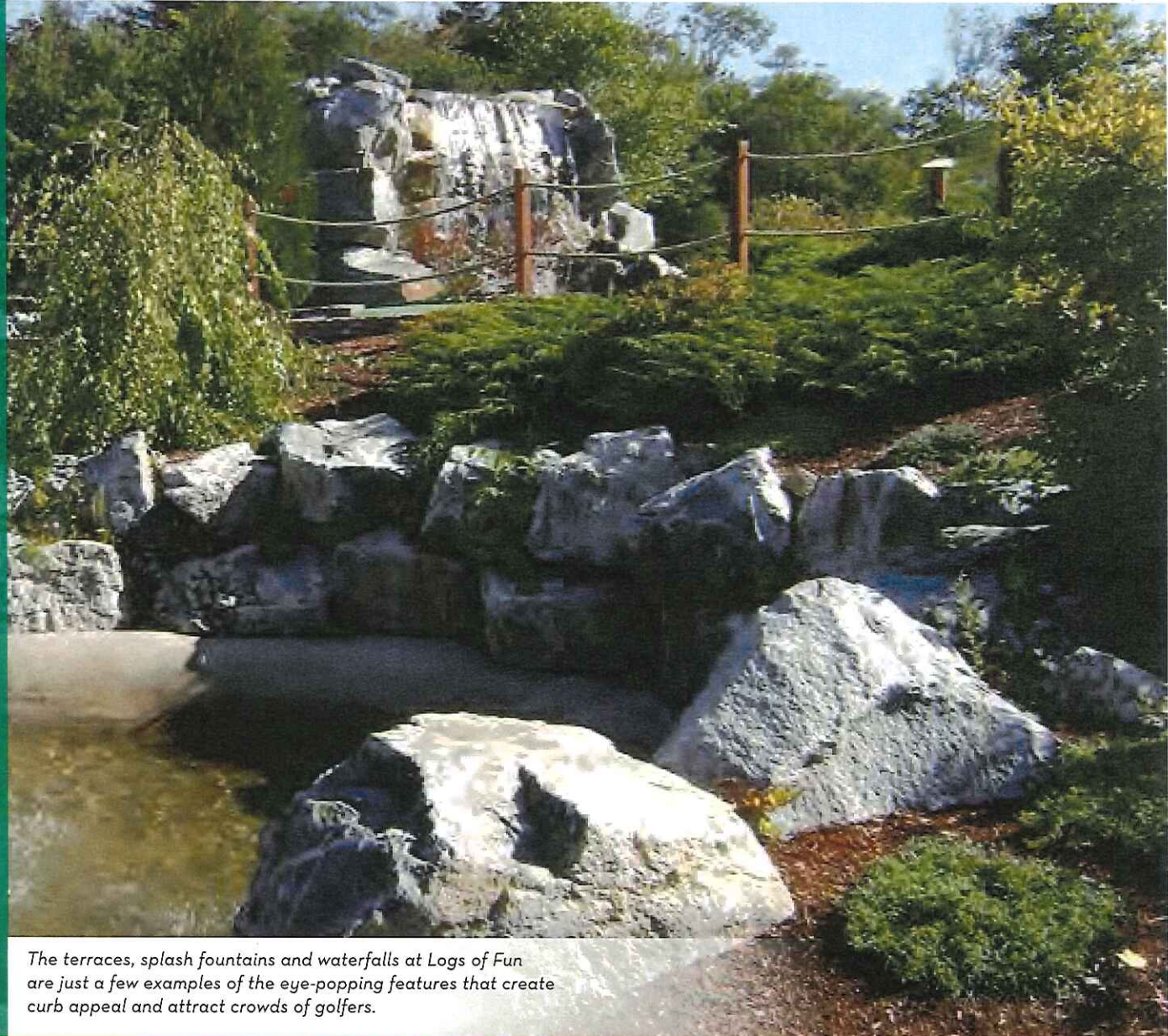
- More challenges and choices for golfers
- Promotes repeat customers
- Increases capacity for group sales
- Can accommodate groups and walk-in customers simultaneously
- Boosts midweek sales and profitability

IF YOU CAN DREAM IT, WE CAN BUILD IT

At Harris, we have more than 50 years of experience building all types of courses on all kinds of terrain. Our in-house designers start by looking at your property and designing a course that makes optimum use of your land's natural features.

LANDSCAPED COURSES

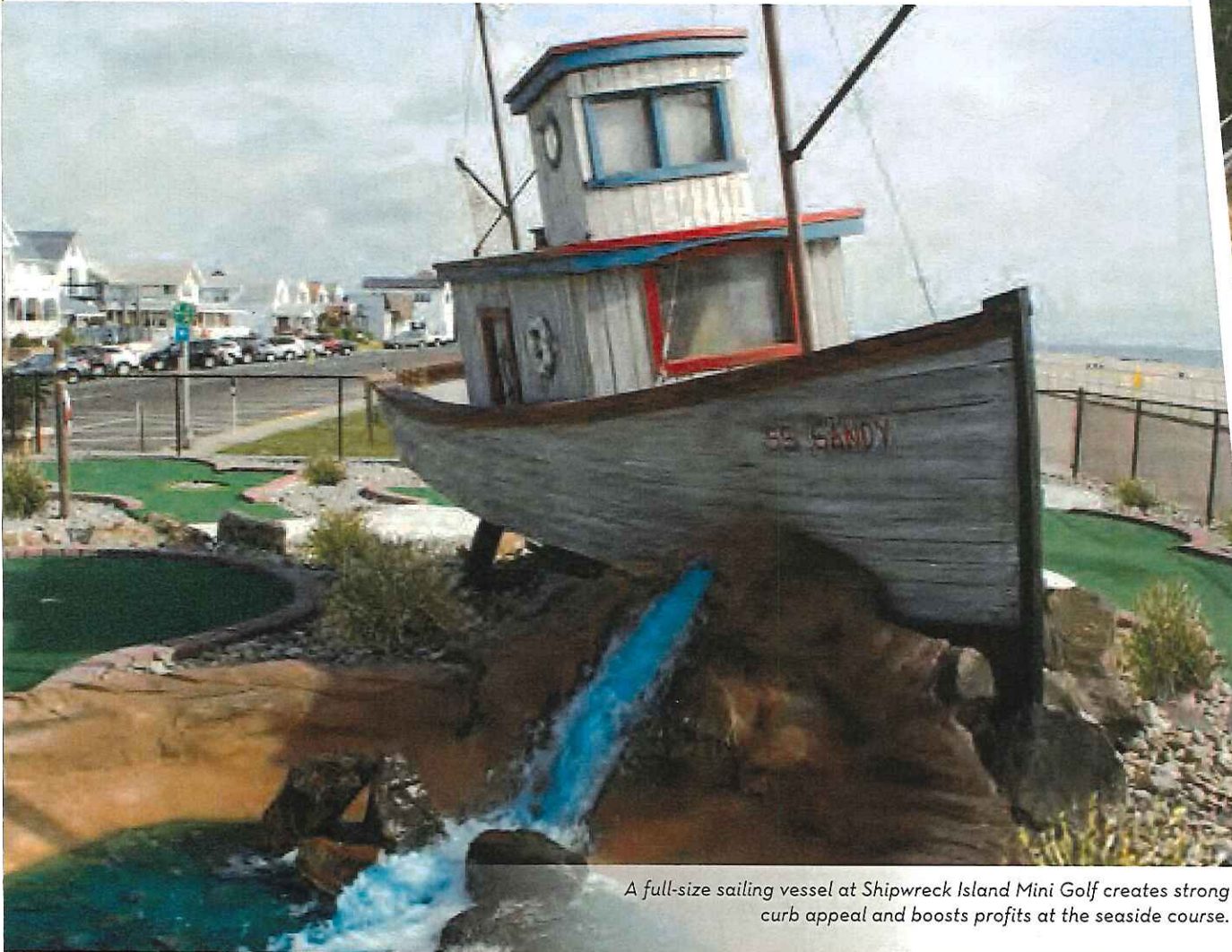
The team at Harris specializes in designing and building courses with stunning beauty and lots of curb appeal by combining terraced layouts with eye-catching water features like falls, splash fountains, ponds and streams. We use extensive masonry, rock and gunite throughout our designs to create tiers, terraces, walls and borders, while providing long-term durability and easy maintenance. Landscaped courses provide a soothing outdoor space for adults and lots of fascinating fun for kids – all to keep your customers coming back.



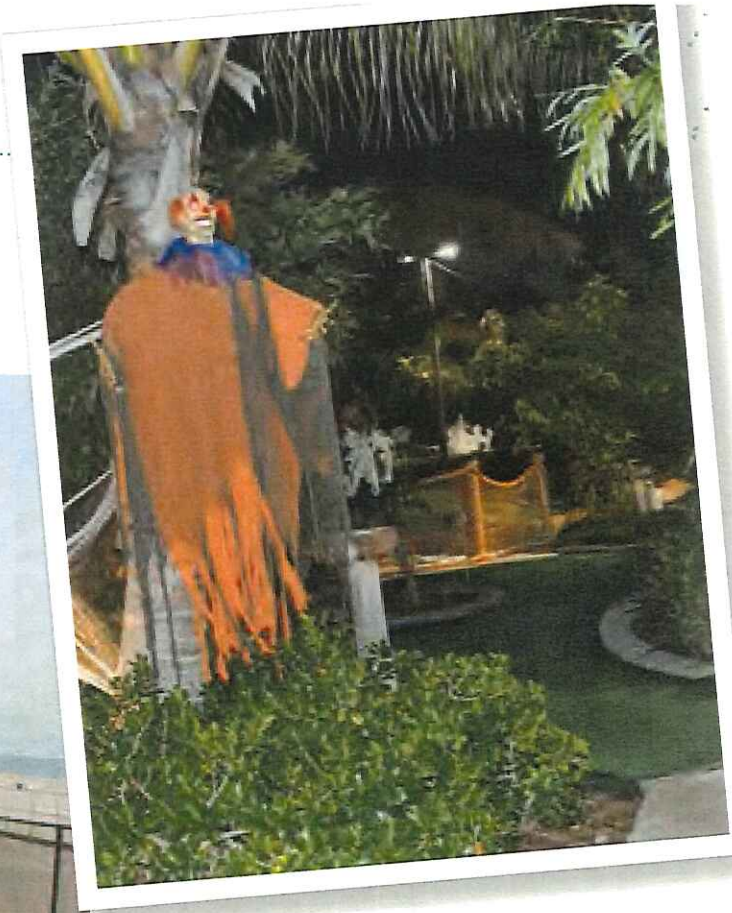
The terraces, splash fountains and waterfalls at Logs of Fun are just a few examples of the eye-popping features that create curb appeal and attract crowds of golfers.

THEMED COURSES

Whether it's a prehistoric world full of dinosaurs or a deserted island with shipwrecks and jungle creatures, Harris builds themed courses that give resort-area owners the edge over their competitors. Our themed courses feature eye-popping curb appeal that will have your tourist customers lining up to play.



A full-size sailing vessel at Shipwreck Island Mini Golf creates strong curb appeal and boosts profits at the seaside course.

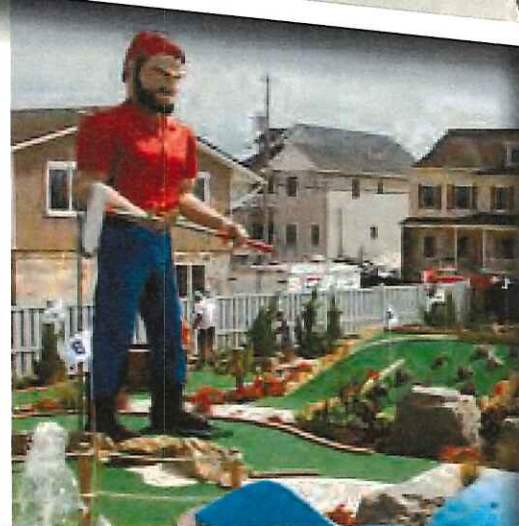


CHANGEABLE THEMED COURSES

Harris courses are designed for owners who want to change themes periodically – during major holidays, for instance – or just want the option to add their own touches to the course. We start with a landscaped course design and provide areas between holes where owners can set up different types of themed or holiday-oriented props.

EYE CANDY

CURB APPEAL MEANS BIGGER CROWDS, HIGHER PROFITS





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A GOOD WORD GOES A LONG WAY

READ WHAT HARRIS CUSTOMERS HAVE TO SAY



I knew Harris had a good reputation and everyone I met there was very friendly and very professional. I saw a lot of their courses and they always looked nice. The Harris folks clearly wanted me to succeed. They let me incorporate a lot of my unique ideas into the design and the process was very collaborative. The end result - three unique courses that consistently get rave reviews.

- Mark Blasko, Chuckster's



Working with Harris was fantastic from day one! When you are going into a new business, it's important to have trust. Harris helped us make decisions and steered us in the right direction. They treated us like family and still do.

- Elise Johnson, Putt'n Around



I wanted a miniature golf course that adults and teenagers could enjoy - not just little kids. I wanted something spectacular, different. Harris built us a beautiful course that's fair, but challenging - the perfect mix. The kids like it and so do the adults. Rich and the team at Harris are outstanding! Anything you want, they'll do it.

- Dennis Mekosh
Caln Miniature Golf



It's unbelievable the job Harris did on our small 90-by-100-foot piece of property. They built two large stone waterfalls, two streams and a pond with a small waterfall. The course plays beautifully. I never thought they could do such a wonderful job on such a small piece of property.

- Charlie Hook
Tropical Island

The people at Harris were efficient, effective and flexible. I was on site every day during construction and the guys were always asking me for my input. They would take what I suggested and make it happen. They were on time and on budget, which was an absolute delight! Best of all, I've made a ton of money in the miniature golf business.

- Randy Bloch, Putt U



I have had 11,000 customers pass through my doors in the past 35 days and every single person takes not just a minute, but sometimes five, 10 or 20 minutes, to tell me how much they love the course. If they are down for a week's vacation, they come back three or four times because the kids love it so much. Everyone says it's the nicest course they have ever played.

- Stephanie Bennett, Island Miniature Golf



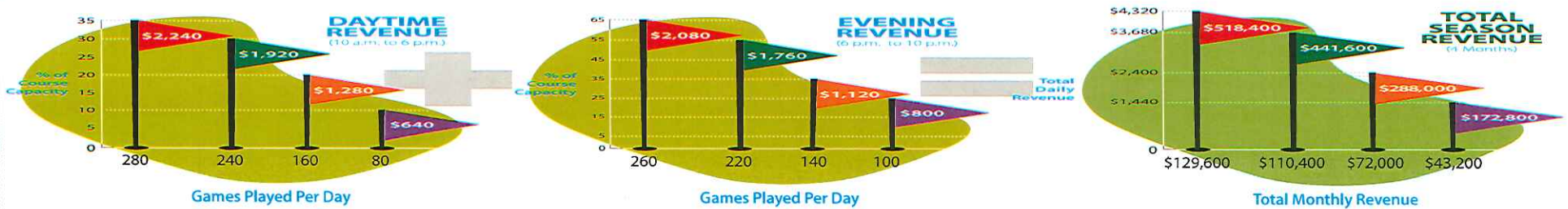
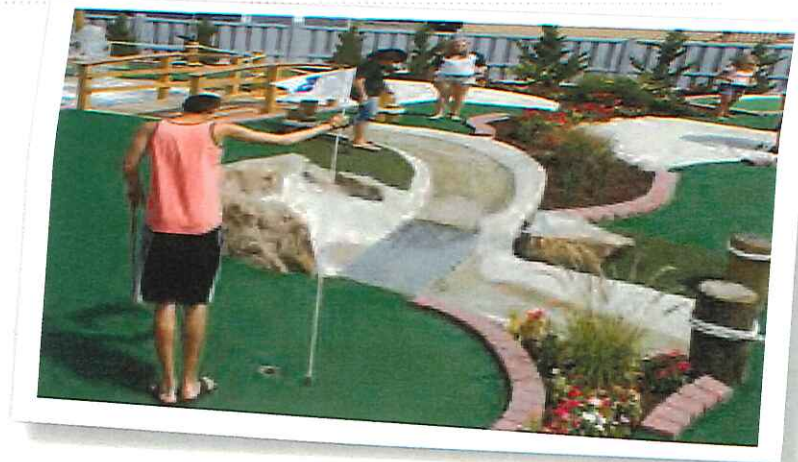
RUNNING THE NUMBERS

Miniature golf course owners are doing a tremendous business. In a typical season, Harris-built courses gross \$250,000 to \$500,000. An 18-hole course can accommodate about 100 players an hour. With an average playing fee of \$8 per round, that means income of \$800 an hour. In the summer, many of our courses have waiting lines and capacity crowds most of the night.

INCOME PROJECTIONS

The income projections below are based on a northern miniature golf course, which operates from about May 15 to Sept. 15. As you go farther south, the season becomes longer and income increases.

The illustration below shows that a reasonably busy course in a northern location can produce exceptional profits. Many Harris-built courses return their capital investment in the first year.



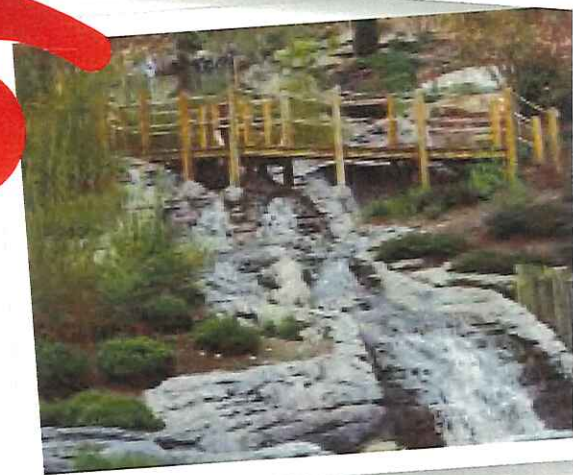
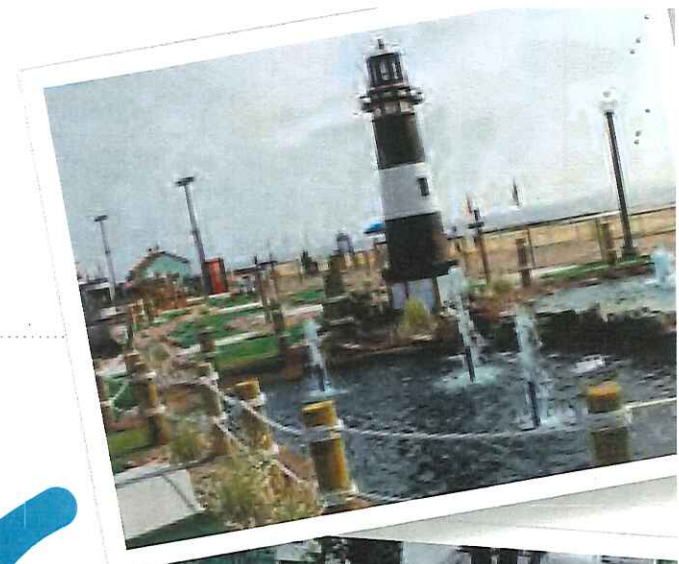
MAKE MONEY AND HAVE FUN DOING IT!!!

JOIN THE FAMILY OF HARRIS OWNERS



*I love being a miniature golf owner
and I am so grateful to Harris for making it
happen. My course is so beautiful and my business is
so rewarding. I love coming to work every day.
I have never been happier in my life!*

- Stephanie Bennett
Island Miniature Golf



(888) 294-6530 | www.harrisminigolf.com



141 West Burk Avenue
Wildwood, NJ 08260
(888) 294-6530
www.harrisminigolf.com



FAQs

TYPICAL CUSTOMER QUESTIONS



What is included in your price?

At Harris, we understand that your miniature golf course is much more than a construction project. We pride ourselves on providing our customers with the essential tools to both build and operate a miniature golf business.

We start by providing expert consultation during the pre-construction phase. Our highly experienced staff works with clients to develop a one-of-a-kind plan, individually created to maximize location and the natural beauty of the land. Full-color renderings are provided to facilitate and positively influence meetings with local planning boards and financial institutions.

Once the design is complete and a commitment to move forward has been accomplished, Harris provides a Marketing & Promotions Manual and Operations & Maintenance Manual to assist in the successful day-to-day operation and maintenance of the facility. Both manuals are based upon 50 years of experience, contain a wealth of knowledge and will support a successful outcome for your business.

Each Harris construction team is led by a foreman with more than 10 years' experience in building miniature golf courses. The team leader is customer-focused, keenly aware that it is in the best interest of owners not only to build a high-quality miniature

golf course, but also to expeditiously complete the job, enabling the business to begin operations. To this end, owner involvement is encouraged, and they should expect to be apprised of progress on a regular basis.

A typical project includes 18 or 36 playing holes with connecting concrete walkways, water systems and bridges. In addition, a full golf supply package containing the basic startup necessities is provided for each project.

Why invest in miniature golf?

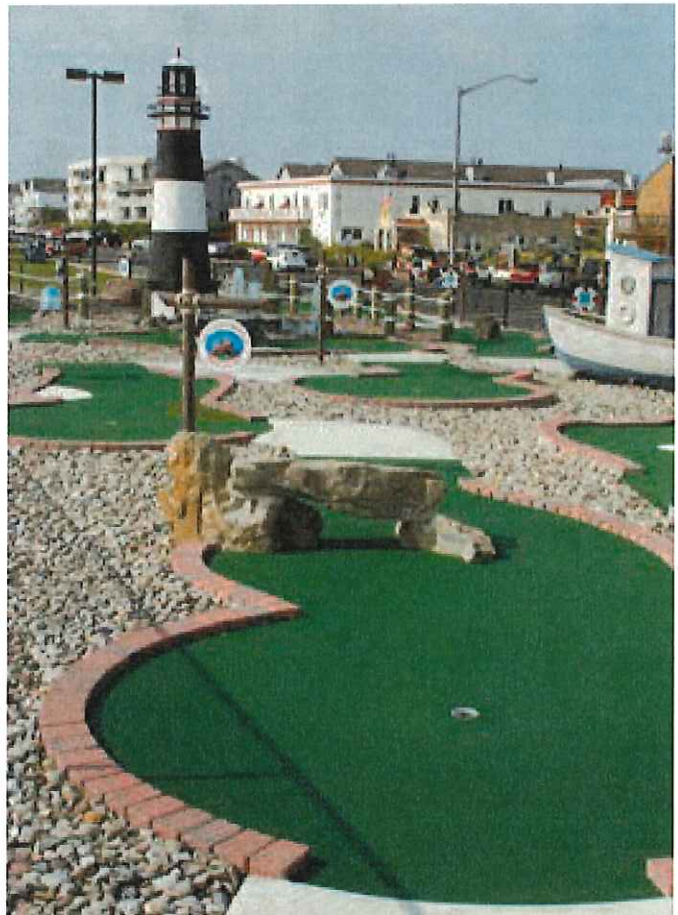
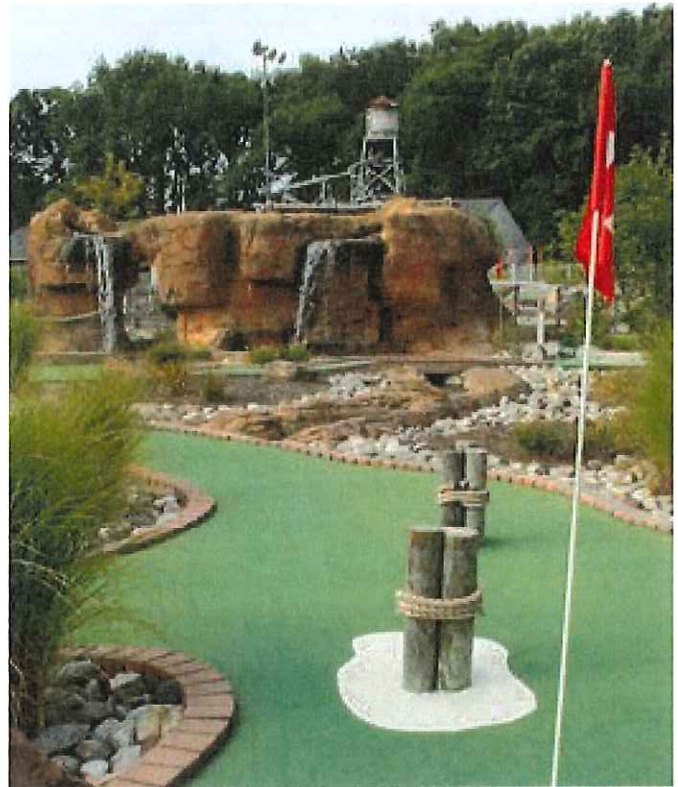
Longtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of 1 or 2 people)
- Low equipment cost (balls and putters)
- Minimal liability exposure

What support do you provide after the project is complete?

In many ways, Harris thinks of its customers as members of our extended family. When questions arise or assistance is required, Harris will always be available to lend a helping hand. We speak with our clients on a regular basis, continually sharing ideas on ways to improve and grow the business of miniature golf.

A full-year, no-cost warranty on materials and workmanship is extended to each owner of a Harris-built miniature golf course. If a construction issue does arise and repairs are needed, the problem will be satisfactorily corrected. Remember, even after the first year, help is no more than a phone call away.





How much land is needed for an 18-hole course?

The recommendation for an 18-hole miniature golf course is between 15,000 and 22,000 square feet for the playing surface. However, a site as small as 9,000 square feet can be accommodated. The clubhouse and parking areas are additional to the playing surface. Call (888) 294-6530 and a Harris expert will be happy to discuss your land needs.

How much money will I make?

Many of our customers tell us that their investment is returned in one to two years. The amount of money that a particular business will generate is dependent upon varying factors.

Marketing and promotion is very important, and the Harris Marketing & Promotions Manual provides some great advice. Does the facility have a good visible location? How much is charged for a round of golf? Is there competition within a short traveling distance?. Try our online Revenue Calculator to get a quick estimate.

Is it expensive to operate a miniature golf course?

Compared with other family entertainment options, operating a miniature golf course is very economical. Annual operating expenses include one or two low-wage employees per shift, electric and water utilities, reasonable liability and worker's compensation insurances, taxes and Internet service. Scorecards are the only daily consumable supply.

What are the typical ongoing maintenance items?

Typical course maintenance includes landscape maintenance and watering, draining and cleaning of ponds and streams, carpet vacuuming and winterization. However, part of the advantage of utilizing the services of Harris Miniature Golf is that an Operations & Maintenance Manual is provided to each course owner. The manual covers most daily and weekly operational items and includes a detailed description on how to winterize a mini golf course at season's end.

Where has Harris built miniature golf courses?

The greatest percentage of our miniature golf courses are located in small towns throughout the United States either as standalone facilities or in conjunction with existing family-run businesses. As the world's largest builder of miniature golf courses, Harris has thrived in the U.S. market. However, our company is actively expanding to overseas markets, having built courses on five of the seven continents worldwide.

What is the typical clubhouse size?

The right size clubhouse is unique to each owner's vision. A small building of 80 to 120 square feet will satisfy the needs of a business that offers strictly mini golf. Businesses that offer food service, party rooms, arcades or other additional future attractions obviously require more space and should be sized accordingly.

Harris Miniature Golf principals are not only highly experienced in the design and construction of miniature golf courses, but they are also well-versed in the operations of personally owned facilities. Contact a Harris Miniature Golf expert at (888) 294-6530 if you have more questions.

How long does it take to construct an 18-hole course?

Harris Miniature Golf construction crews are highly skilled. Our many years of expertise have enabled us to develop a process to complete construction within a four-week period. Knowledgeable in our craft, our foremen and staff have the ability to overcome all obstacles that might be encountered during construction. Harris will dispatch a construction team to your location once the site has been prepared according to the design specifications noted on your plan. Work will begin immediately. The playing surface and water systems will be completed in three weeks, leaving the remaining week for turf installation by our carpet installers.






THE 10-STEP PROCESS OF BUILDING A MINIATURE GOLF COURSE

THE STEPS	HOW YOU CAN DO IT	HOW HARRIS CAN HELP
1 YOU'RE CONSIDERING MINI GOLF AS A BUSINESS	<p>Miniature golf is a very profitable, cash business with low overhead, reusable inventory and a small number of employees, which is fun to own and easy to operate.</p> <p>Miniature golf is a \$1 billion market with more than 130 million golfers per year.</p> <p>Miniature golf courses have demonstrated that they will increase the revenue of your existing business 20% to 50%.</p>	<p>Consult with our team. With more than 800 courses built nationwide, the professionals at Harris can help guide you through the initial feasibility process.</p>
2 SITE SELECTION	<p>Choose a site with a minimum 10,000 square feet. A typical 18-hole course takes up 15,000 to 20,000 square feet, plus additional space for your clubhouse and parking.</p>	<p>We know from experience what locations are best suited for mini golf.</p>
3 ROUGH SITE LAYOUT	<p>Obtain a topographical drawing of the site. Sketch out a block diagram of the layout with the area for the golf course, clubhouse, parking and/or other attractions.</p>	<p>With a topographical drawing of your site, our designer can lay out your 9-, 18- or 36-hole mini golf course, which will start the discussion process about building the perfect course for your location.</p>
4 COURSE DESIGN	<p>Visit Harris headquarters in Wildwood, N.J., where you can meet our team and visit some of the several courses we've built within a short drive of our office. Decide if you want a beautiful landscaped garden or a themed miniature golf course.</p>	<p>More than 65 percent of our existing customers visited our headquarters, and each one said it was well worth their time. The Harris design team will collaborate with you to turn your rough course design into a feature-rich layout that will meet your project budget and help make you a successful mini golf owner.</p>
5 PROJECT FINANCING	<p>Make sure you are creditworthy and capable of securing financing for your project; seek financing through local lending institutions; explore loans through the Small Business Administration; and negotiate a lease agreement, where necessary.</p>	<p>Harris will provide detailed design documents and a full-color rendering that will give you credibility with lenders and help you secure financing.</p>



THE 10-STEP PROCESS ... *continued*



THE STEPS	HOW YOU CAN DO IT	HOW HARRIS CAN HELP
<p>6</p> <p>PERMITS AND APPROVALS</p>	<p>Hold preliminary meetings with local zoning and/or planning officials to understand the requirements for approval of your project. Hire a local engineering firm to provide a drawing of the final site layout and assist you in the approval process.</p>	<p>Harris will provide a full-color rendering, lighting plan and detailed drawing for the local review and approval process. If something needs to be changed to meet municipal requirements, our team will create a new drawing using our state-of-the-art CAD system.</p>
<p>7</p> <p>PRE-CONSTRUCTION</p>	<p>A signed construction agreement and small financial commitment will reserve time for your project on our construction schedule.</p>	<p>We will schedule a pre-construction meeting - a key component of the Harris Construction Methodology - to bring together everyone involved in your project to review all aspects of your project and make sure everyone understands and meets their commitments. We will also order all long lead-time items for the construction of your course.</p>
<p>8</p> <p>CONSTRUCTION</p>	<p>You should visit the construction site to check the progress and confer with the Harris crew. Your input is always welcome during construction.</p>	<p>Harris has developed standard practices and procedures that enable us to build high-quality courses in a very efficient manner. We meet with you frequently during construction to discuss your project and make sure everyone's expectations are being met. Our construction foremen are master craftsmen who typically will have suggestions for course improvements. Any improvements suggested by you or us during the construction phase are normally done at no additional cost. As always, you have our 110% satisfaction guarantee.</p>
<p>9</p> <p>STAFFING AND OPERATION</p>	<p>Interview and hire staff. Set up your web site and social media channels, such as your course's Facebook page. Put together a marketing plan and budget for your course launch and ongoing promotion. Set up your operational budget and payroll system.</p>	<p>The team at Harris will share our experience operating multiple miniature golf courses to help you transition from construction to operation as smoothly as possible. As part of your project package, we will provide you with an initial supply of clubs and floating balls to get you started. We will also provide you with our Maintenance & Operations Manual, which gives you step-by-step instructions on how to maintain the beauty of your course throughout the season and winterize it after the season ends.</p>
<p>10</p> <p>GRAND OPENING</p>	<p><i>Grand Opening!</i></p> <p>Plan a grand opening celebration with advertising and media splash in your market.</p>	<p>Harris will provide you with our Marketing & Promotions Guide, which will give you a roadmap on how to market and promote your course. We combined our knowledge with the collective genius of more than 100 existing Harris course owners to create a treasure trove of marketing and promotional ideas for you.</p> 

MINI-GOLF PRODUCT FEATURE

Advice for Choosing a Miniature Golf Construction Company

By Bob Lahey

A mistake will cost you money.

Whether you are an entrepreneur looking to get started in the family entertainment business or a seasoned veteran who has decided a new miniature golf course is the right investment, the path from idea to reality is complex.



Research is the cornerstone of remodeling or constructing a successful miniature golf course.

New business owners have to analyze the revenue potential and the operating cost, which by the way is very low, next purchase or lease a great piece of land with excellent visibility and secure the financing for the project. Now it is time to select a construction company. Unfortunately, selecting the right company is like picking the right bottle of wine. The right bottle is the perfect accompaniment to your evening. The wrong bottle leaves you with bad taste in your mouth and a headache the next morning.

Here are a few suggestions that will make the selection taste like the best bottle of wine imaginable.



This article appeared in the April/May 2014 edition of Tourist Attractions & Parks. It is reprinted by permission.

MINI-GOLF PRODUCT FEATURE

Do Your Research

Get out and visit as many miniature golf courses as possible. Play the courses and watch others play. Are the holes fun and interesting? Is the course crowded? Is everyone enjoying themselves or are they frustrated because the course is too hard? Maybe they are bored because it was too easy. Talk with the owner or course manager. Ask questions about the pace of play. Solicit feedback from the players. Determine how long it typically takes to play the course. Make note of what you like and make sure to discuss it with the course designer.

Selecting the Right Company

Building a miniature golf course is part construction project and part art form. Therefore, work with a company that specializes in miniature golf construction. The fact that a contractor can pour concrete is no indication he can build a miniature golf course. A well-constructed miniature golf course has lots of contouring, multi-level shots, elevation changes and water to enhance the beauty and playability of the course. It will entice customers to return again and again.

Experience matters, the more courses built, the better the result. Ask each company how many years they have been in business and the number of miniature golf courses built. An experienced construction crew has at one time or another worked through most of the obstacles that can come up during construction. And yes, there will be obstacles to overcome!

“Building a miniature golf course is part construction project and part art form. Therefore, work with a company that specializes in miniature golf construction.”

Customer testimonials are a good source in helping to select the perfect construction company. An experienced builder should be able to provide customer references and sites. Call the references. Inquire about expectations of the builder and how the builder performed against their expectations. Always ask about the construction process. Did the contractor confront adversity? How did he handle the problem? A lot can be learned about a construction company by finding out how they deal with on the job issues. Did they do a quality job? Did they finish by the date promised? This may well be the best 30 minutes spent investigating your construction company.

A good company employs in-house designers that work exclusively on designing miniature

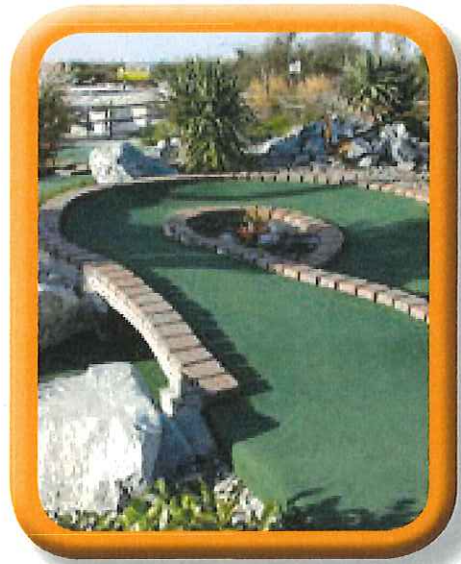
MINI-GOLF PRODUCT FEATURE

golf courses. A seasoned designer understands how to incorporate different elevations to enhance the curb appeal of the course and still stay within Americans with Disabilities Act (ADA) requirements. He knows how to design a course that is fun for the entire family, with the right mix of challenging and easier holes. A good design rewards a good putt with a hole in one and does not heavily penalize a poor putt. No one wants to be frustrated when they are enjoying a family night out! A quality plan allows for the “flow” of the game and minimizes bottlenecks and stoppage of play throughout the entire course. Lastly, in-house designers work closely with their construction crews on a

regular basis. This working relationship provides continuity between design and construction.

Miniature golf construction is a seasonal business. Work

with a company that has construction crews available during the peak spring and early summer construction seasons. Every day waiting for a construction crew to become available, is another day that you are not making money. Work with a company that assigns construction crews exclusively to its customers until the project is complete.



Choosing the right company to design and build your mini golf course is critical.



Building a miniature golf course is part construction project and part art form.

MINI-GOLF PRODUCT FEATURE

“Customer testimonials are a good source in helping to select the perfect construction company. An experienced builder should be able to provide customer references and sites. Call the references.”

not only functional competence, but also the financial capability to perform. Licensed contractors are required to have workers compensation and liability insurance. Competent contractors will gladly provide proof of such insurance before work begins. If someone is injured during the construction project you may be liable if the contractor is not insured.

In the end, hiring a non-licensed contractor in a state that requires licensing may limit your legal recourse against a claim for nonperformance and may result in fines and other penalties.

Marketing

Every business needs a robust marketing plan to ensure success. It is well recognized that today's operators must compete for their share of the market. The successful owner must rise above his competition. Don't expect that just because you built it they will come.

However, a beautiful, well designed and constructed miniature golf course will ensure that they will come back!

Ask the contractor for ideas on how to market your business. A good builder understands what customers want and can provide good marketing guidance. Does the builder have a marketing manual as part of the project bundle?

Selecting the right miniature golf construction company has a direct impact on your long-term success. Follow the guidance provided here. Do the research. Select a construction company that is most capable of meeting your needs. And aggressively market the business. *✍*

Bob Lahey is general manager of Harris Miniature Golf. Reach him by calling 609-522-4200 or emailing bob@harrisminigolf.com.



After opening your miniature golf course, aggressive marketing is key to success.

A Solid Course of Action

Adding Miniature Golf to a Family Entertainment Center

By Patrick Boylan

Twenty years ago the experts and consultants exalted the virtues of building the Big 5: go-karts, batting cages, arcades, bumper boats and miniature golf. It was also a time when the economy was starting to boom and money was there for the asking. All a bank needed to know was that Walmart was planning to build in your town. Sounded like a rock solid business plan! What could go wrong?

Just like day trading, house flipping, investing in .com companies, multi-level marketing and a host of other ventures, the Big 5 worked for many savvy operators. For others, not so much.

It is critical to have the right combination, and even more critical to be able to

manage the right combination. All of the attractions can turn a profit by appealing to the right demographic at the right time. If the FEC mix mostly appeals to 15-24-year-old males, the potential profit pie shrinks. Too many trained employ-

ees required to operate an attraction will cut into the net profit pie. Insurance, taxes, general maintenance, specialized maintenance, government regulation, parts inventory, advertis-

ing, marketing and utilities will also like a slice of the net profit pie. There is nothing more discouraging than a hungry entrepreneur looking at crumbs. A high-grossing business is nothing without a strong net profit. Due to some kind of Jedi mind trick, blinders or rose



The Island Mini Golf in Wildwood, N.J. Miniature golf is highly accessible, appealing to a broad demographic.



colored glasses, a business can keep its doors open months, sometimes even years, before it becomes evident the business is actually losing money.

2 Miniature golf is one of those activities that appeals to a very large market. Anyone can play mini-golf. Young, old, handicapped, athletic, not athletic, singles, groups and couples on dates can enjoy mini-golf. Corporate events, birthday parties, school trips, tournaments and charity fundraisers are all ideal activities that can include mini-golf. The appeal of mini-golf is widespread. When was the last time you saw a grandparent, parent, teenager and child engage in an activity where everyone had fun and nobody got embarrassed? The last time you watched a movie with a teenager there was probably a scene that



A course at South of the Border in Hamer, S.C. With its varied design shapes, miniature golf holes can be built to fit any location.

made for a very awkward moment that nobody really wanted to acknowledge. Embarrassment in mini-golf comes from a missed putt inches from the cup. On a date, miniature golf is not the only game being played. Interaction is crucial for a successful memorable experience.

A family can go to an FEC and have an absolute blast riding karts, hitting balls and playing video games and blow through a small fortune in a short period of time. By extending the visit another

30-40 minutes, a sense of added value is added to the trip. All of a sudden a brief costly burst of fun became an evening out. For a few dollars more, a family will perceive the FEC as a good deal and will become frequent fliers. Miniature golf is the perfect fit to add value.

Miniature golfers are an adventure-some bunch. While they may not set out to hit balls in a cage, drive balls at a range, ride karts, or play video games, they will do all of this while knocking down an ice-cream cone, and never break a sweat. Fast forward 20 years and the Big 5 has



Miniature golf is a perfect way to add value and fun to a family entertainment visit. Shown is the course at Chuckster's in Vestal, N.Y.



Tournaments and group events can bring a large number of guests to family entertainment centers. Shown above, Twin Brook Golf Center, Tinton Falls, N.J.

expanded to laser tag, bowling, ropes courses, mazes and zip lines, and miniature golfers are up for all of it!

Miniature golf expands the market pie and the synergy it creates increases revenue for other attractions, often by 15-30 percent or more. That's good. What about on the operation side of the business? Typically one employee can handle day hours during the week. A second employee can be added during evening hours and on weekends to keep things flowing smoothly. Hand out a ball and putter, take in money, and say thank you. Not super technical. A daily maintenance schedule will keep the course looking fresh.

Does your FEC have any land not being used? Miniature golf can be built in squares, rectangles, circles and whatever other shapes that have been long since forgotten from high school geometry. Take a trip down memory lane to that geometry class to see your site in another perspective. The land is already owned or leased.

Maybe your FEC consists of all indoor activities. People who drive by see a parking lot, a building and if the town allows it, an eye-catching sign. Miniature golf can be that sign! A cool waterfall, some fountains and beautiful landscaping make a great billboard. Imagine a billboard that attracts new business and makes money! A savvy operator will turn that real estate into revenue!

By Patrick Boylan

Vice President Sales

Harris Miniature Golf

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Shipwreck Island Mini Golf in Bradley Beach, N.J. A high-quality miniature golf course is an ideal way to capture the attention of customers as they drive by a family entertainment center.



This article appeared in the June 2014 edition of Tourist Attractions & Parks. It is reprinted by permission.

Special Expanded Entertainment Center Report Vendor Perspective

Adding Mini Golf Can Rejuvenate Your Business

By Rich Lahey

Need to attract more customers to your business and breathe new life into your bottom line? Miniature golf might be just the ticket.

For many businesses, adding a mini golf course can help drive traffic to your door and rejuvenate your bottom line. At Harris Miniature Golf Courses, Inc., we have seen mini golf revitalize all kinds of businesses, from traditional family attractions like ice cream stands, campgrounds and driving ranges to restaurants, car washes and even a furniture store. In fact, more than half the courses we design and build are add-ons to existing attractions and businesses.



A beautifully designed mini golf course creates curb appeal and draws attention to your existing business. Curb appeal means more walk-in traffic, and more walk-in traffic means more sales. For businesses that rely heavily on group sales, such as bowling alleys and skating rinks, a mini golf course can be a





Without exception, our customers' businesses have benefited by the addition of a mini golf course. One of our customers, Tom Kerber, owner of Kerber Dairy, saw a 40 percent jump in ice cream sales by adding a mini golf course, and the course paid for itself within two years. "Adding miniature golf to our 50-year-old family business was the best decision we could have made," he said.

Mini Golf Profits Often Trump Existing Business

Many of our customers say profits from their mini golf courses far surpass profits from other areas of their businesses. "We have seven attractions and miniature golf is, by far, the most profitable," said Mark Blasko, owner of Chuckster's. "I wish I had built a miniature golf course first and stopped."

Mini golf is a natural add-on for many family recreation businesses. We have designed and built courses for campgrounds, family parks, go-cart tracks, bowling alleys, batting cages, driving ranges, roller rinks and arcades, to name a few. But we have also added them to family-owned grocery stores, strip malls, pizza parlors, car washes and even a furniture store.

The feedback from customers who have added mini golf to their existing businesses has been overwhelmingly positive. Most

2

huge boost. It also creates buzz in your community, demonstrates that you are reinvesting in your business and gives people more reasons to come.

In the case of campgrounds, for instance, a mini golf course is the second most requested amenity behind a swimming pool, so customers will always choose a campground that has mini golf over one that doesn't. For a family restaurant, a mini golf course means families can enjoy a whole evening of family fun in one place.



of them said the addition of mini golf was a worthwhile investment, and found that the course paid for itself in a year or two. Our furniture store owner, who was nearing retirement, told us he wished he had built his mini golf course earlier because the business was so much fun to operate and so profitable.

Existing Businesses Have a Leg Up

In contrast to miniature golf course start-ups, existing business owners have a leg up. They have an existing customer base and already own land that is zoned for commercial purposes. They have existing infrastructure like buildings, parking lots, utilities and lighting, existing staff and established channels for marketing and promotion.

If you own an existing attraction or business and are interested in adding a mini golf course, we recommend a minimum of 15,000 to 22,000 square feet of property for an 18-hole course. While prices may vary depending on the developer, the average total investment for one of our beautifully designed courses is between \$200,000 and \$300,000.

Why Mini Golf?

While there are lots of family business opportunities out there, few are as profitable as miniature golf. More than 130 million people play mini golf every year with industry revenues in excess of \$1 billion annually. From small children to senior citizens, mini golf appeals to players of all ages.

Depending on location, mini golf can be a seasonal business. It also carries low overhead (usually one minimum-wage staff person to collect fees) and requires a small inventory of clubs, balls and scorecards. In addition, liability insurance is relatively inexpensive. While payback time varies depending on the course design, location and project scope, many of our customers recoup their initial invest-



ment within the first 18 months of operation. However, it is important to note that the most successful courses are in good locations, well-run and marketed aggressively.

Choosing the Right Developer

As we always say, mistakes cost money. Choosing the right developer for your mini golf course is critical to your project's long-term success. Just because a contractor can pour concrete doesn't mean he can build a miniature golf course. Make sure the company has designers who are experts at designing miniature golf courses, not just general architects and/or engineers. A course that is visually attractive and fun to play will keep customers coming back. In many areas, contractors won't have construction crews available during the peak spring and early summer construction seasons when you will be building your course. Every day waiting for a construction crew is another day you aren't making money.

Make sure your developer is fully licensed, bonded and insured. Hiring an unlicensed contractor may limit your legal recourse in a claim for nonperformance, and may result in fines and other penalties. Make sure your developer will meet all of your state's licensing requirements, is financially capable of completing your project, and will assume all liability in the event someone on

the construction crew gets hurt during the building process.

Your developer should also make sure your project complies with local zoning and land-use regulations. If a problem arises and something in the course design needs to be changed, you need a developer that can turn around a revised blueprint within 24 hours, so your project stays on time and on budget.

Consider Miniature Golf

If you are in the family entertainment industry, and even if you're not, there's a good chance that mini golf can breathe new life into your business. If you are interested in exploring miniature golf opportunities further, seek out additional information from a professional developer like Harris. Take a long, hard look at your existing business, run the numbers and see if mini golf makes sense for you.

Rich Lahey

President

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This article appeared in the June 2015 edition of Tourist Attractions & Parks. It is reprinted by permission.



TESTIMONIALS

A GOOD WORD GOES A LONG WAY



The great thing about Harris Miniature Golf is the years of experience they bring to course design. From first design to the crew working on site, I can honestly say that working with Harris has been one of the best business decisions I have ever made. The nearly 40,000 visitors we had during the first year proves that a well-designed mini golf course will bring people to your attraction.

*- Michael McAdam
Movie House Cinemas
Northern Ireland*



Working with Harris was fantastic from day one! When you are going into a new business, it's important to have trust. Harris helped us make decisions and steered us in the right direction. They treated us like family and still do.

*- Elise Johnson
Putt'n Around*

From your first response to my email inquiry to the final day of your stay in the Kingdom, your team has been exemplary role models of efficiency, professionalism and good old-fashioned hard work. Undertaking a first of its kind task like this in Saudi Arabia is no easy feat, but your determination, research, creativity, and enthusiasm brought it all together. I am truly so pleased that I found Harris Miniature Golf to help make our vision for a high-end, luxury miniature golf course here at our beautiful resort a reality! I would recommend Harris without reservation.

*- Frederick Petry
Al Faisaliah Resort
Riyadh, Saudi Arabia*

Adding miniature golf to our 50-year-old family business, which includes a dairy farm and ice cream shop, was the best decision we could have made. The golf course is consistently busy and we have seen an increase of more than 40 percent in our ice cream sales.

*- Tom Kerber
Kerber Dairy*

It's unbelievable the job Harris did on our small 90-by-100-foot piece of property. They built two large stone waterfalls, two streams and a pond with a small waterfall. The course plays beautifully. I never thought they could do such a wonderful job on such a small piece of property.

*- Charlie Hook
Tropical Island*

It was incredible working with the team at Harris. I never saw a group of guys work so hard in my life. No matter what issues they encountered on site, they just made it all happen.

*- Rusty Bertholet
Logs of Fun*

TESTIMONIALS A GOOD WORD GOES A LONG WAY



The people at Harris were efficient, effective and flexible. I was on site every day during construction and the guys were always asking me for my input. They would take what I suggested and make it happen. They were on time and on budget, which was an absolute delight! Best of all, I've made a ton of money in the miniature golf business."

- Randy Bloch
Putt U

Our experience with the team from Harris has been nothing short of stellar. From the opening sales dialogue, to the on-site sales meetings, to working with the design teams, the construction crew, office staff, and marketing support, all showed a level of professionalism seldom found concentrated in one organization. We have already, and we will be happy to continue recommending Harris to anyone considering building a high-quality miniature golf facility.

- Richard and Dawn Lussier
Mulligan's Miniature Golf



The Harris folks clearly wanted me to succeed. They let me incorporate a lot of my unique ideas into the design and the process was very collaborative. The end result - three unique courses that consistently get rave reviews.

- Mark Blasko
Chuckster's

We are extremely pleased with our course and would recommend Harris to anyone that is considering construction of a new course. The course is attractive, entertaining and challenging. We have a tremendous amount of repeat business. Our customers are highly complimentary of the course. Many have said I the best they have ever played.

- Stan and Denise Capps
Dalton Falls Golf

I wanted a miniature golf course that adults and teenagers could enjoy - not just little kids. I wanted something spectacular, different. Harris built us a beautiful course that's fair, but challenging - the perfect mix. The kids like it and so do the adults. Rich and the team at Harris are outstanding! Anything you want, they'll do it.

- Dennis Mekosh
Caln Miniature Golf

When Jodie and I decided that Harris would be our builder we expected delays, surprise cost and to deal with some less-than-friendly employees. During the construction of our building we dealt with these problems, and much more. We thought it was only natural that we would have to deal with similar problems from the Harris crew, but to our surprise there were no delays, no surprise cost and the employees were on time and very friendly.

- Tony and Jodie McCoy
Just Swing'n It



WHY MINI GOLF?

A FUN & PROFITABLE FAMILY BUSINESS



Longtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Seasonal business
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of one or two people)
- Low equipment cost for putters and balls
- No inventory (only scorecards)
- Low liability insurance costs

Every year, more than 130 million people of all ages play miniature golf, producing revenues in excess of \$1 billion annually for course owners.

Jump-Start Your Existing Business

Turn your amusement park, driving range, ice cream stand, restaurant or other business into a moneymaking machine with a miniature golf course by Harris. Many of our customers say revenue generated by their miniature golf courses far surpasses anything else they do.

More Is Better: The Case for 36 Holes

Having two 18-hole courses can be key to promoting repeat business and profitability for your facility. Two courses not only create more choices and challenges for players, they provide the capacity to accommodate large crowds on summer evenings and weekends. Long lines at overcrowded single courses will reduce profits and drive customers away. Having a second course also allows you to host groups without having to turn away walk-in customers – a key to midweek profitability.



(888) 294-6530 | www.harrisminigolf.com





WHY HARRIS?

THE NATION'S LEADER IN COURSE DESIGN & CONSTRUCTION



Harris Miniature Golf has been designing and building picturesque and profitable miniature golf courses for more than 50 years. To date, we have designed and built more than 800 courses worldwide. We believe it speaks volumes about the quality of our work that the majority of our new customers are referred to us by our existing customers.

- Recognized as a national leader in design and construction
- More than 50 years of experience
- More than 800 courses built
- Every course custom-designed to meet customer's needs and expectations
- Fixed price guarantee
- State-of-the-art color CAD design
- Promotional / marketing support

Harris Miniature Golf Courses Inc. has designed and built more than 800 courses worldwide over the past 50-plus years.

Designing for Fun

Miniature golf is no longer child's play. Whether you're young or simply young at heart, miniature golf is all about the FUN!!! Our waterfalls, splash fountains, ponds, streams and undulating greens create thrills and laughs for golfers of all ages. Our water hazards create lots of awesome fun for kids. We use floating balls and even have a hole design where the ball goes into the water hazard and is returned back to the green near the cup!

Designing for Profit

At Harris, we believe great design is the key to sustaining profitability year after year. Gone are the days of windmills and clown faces. By creating inviting and intriguing spaces, and challenging holes that test a golfer's skills, Harris designs courses that keep customers coming back. Ninety percent of Harris-built courses are in non-resort areas where repeat business is critical to profitability. By designing courses with soothing waterfalls, dramatic landscapes

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During construction, our project foremen are always looking for ways to improve a course's design, playability and visual appeal. That might involve changing the angle of a waterfall to increase roadside visibility or moving a stream to bring it into play on another hole, and we do it all at no additional cost to the owner/developer.

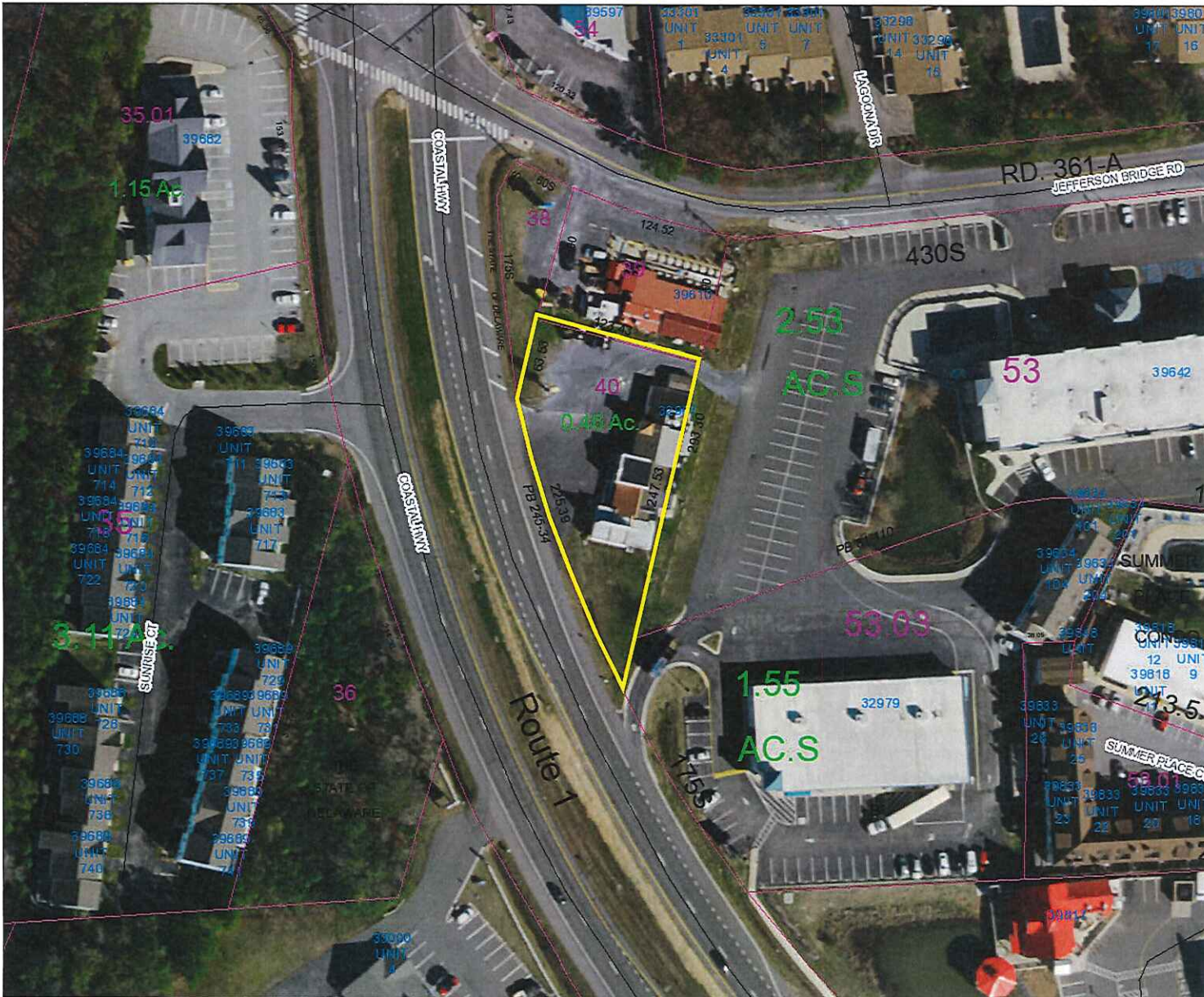
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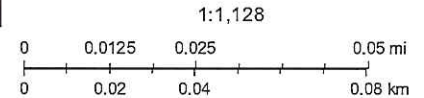


PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR NOF
City	LEWES
State	DE
Description	DELAWARE AVE LOT
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer**

Override 1
- polygonLayer**

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



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JESSICA F. PEAKE

(Case No. 12416)

Hearings were held after due notice on February 17, 2020 and March 2, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard setback requirement for proposed structures, the landscape buffer requirement in the Combined Highway Corridor Overlay Zone (CHCOZ), and from the number of required parking spaces.

Findings of Fact

The Board found that the Applicant is requesting a variance of 45 feet from the sixty (60) feet front yard setback requirement for a proposed golf course, a variance of 5 feet from the twenty (20) feet landscape buffer requirement of the Combined Highway Corridor Overlay Zone, and a variance of 119 parking spaces from the required 125 on-site parking spaces (leaving six total onsite and 12 shared spaces with the adjoining site). These requests were modified from the initial application. This application pertains to certain real property located on the east side of Coastal Highway (Route 1) approximately 300 feet south of Jefferson Bridge Road (911 Address: 32967 Coastal Highway, Bethany Beach); said property being identified as Sussex County Tax Map Parcel Number 1-34-17.11-40.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated January 3, 2020, a survey of the Property dated March 16, 2015, a deed to the Property, portions of the Sussex County Zoning Code, literature on the golf course, a memorandum from Jamie Whitehouse to the Board, a landscape plan dated January 16, 2020, letters of support, 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 five (5) letters in support of and no correspondence in opposition to the Application.
3. The Board found that Nick Geracimos and Michael O'Neill were sworn in to give testimony about the Application. Mackenzie Peet, Esq., presented the Application on behalf of the Applicant.
4. The Board found that Ms. Peet stated that the Property consists of 0.46 acres and is located on the east side of Route 1 just south of Bethany Beach in the general commercial (C-1) district. The Property is located near residential and commercial uses including hotels and restaurants. The Applicant seeks these variances as part of a redevelopment plan to redevelop the Property from a liquor store to a miniature golf course. The Property was previously used for Beach Liquors.
5. The Board found that Ms. Peet stated that the Holiday Inn Express and Ocean Suites hotels, which are located nearby, support the Application.
6. The Board found that Ms. Peet stated that the Applicant operates 6 similar facilities in the area; including one in Dewey Beach.
7. The Board found that Ms. Peet stated that the lot is unique with an irregular tear-drop shape and that the lot is shallow and narrow to the south and wider to the north.
8. The Board found that Ms. Peet stated that the unique shaped lot does not allow the 18-hole miniature golf course to be built within the setback requirements.

9. The Board found that Ms. Peet stated that the variances are necessary to enable reasonable use of the Property and the exceptional practical difficulty has not been created by the Applicant but by the lot's uniqueness.
10. The Board found that Ms. Peet stated that the lot's shape was created prior to the Applicant's lease agreement.
11. The Board found that Ms. Peet stated that granting the variances will not alter the essential character of the neighborhood as it is zoned C-1 and is surrounded by C-1 lots with one adjacent lot zoned MR.
12. The Board found that Ms. Peet stated that the proposed uses will provide recreation to the Bethany Beach area and that the use will be seasonal in nature.
13. The Board found that Ms. Peet stated that there are multiple access points for the site. One access will be from Route 1 and the other access will be from Jefferson Bridge Road through the Holiday Inn Express parcel where the shared parking will be located.
14. The Board found that Ms. Peet stated that additional landscaping will be planted.
15. The Board found that Mr. Peet stated that the site does not have sufficient parking for this use so the Applicant will share parking with its neighbor.
16. The Board found that Ms. Peet stated that these variances represent the minimum variances to afford relief.
17. The Board found that Ms. Peet stated that the Zoning Code does not provide for a parking requirement for an outdoor commercial use and that an indoor commercial use is the most closely related use. An indoor commercial use would be required to have 125 parking spaces.
18. The Board found that Ms. Peet stated that there is a distinction between indoor and outdoor commercial uses and that 125 parking spaces are not required for the use of a miniature golf course.
19. The Board found that Ms. Peet stated that the expected patrons of the golf course will be mostly pedestrian coming from the Sea Colony development or local hotels where they have parked their cars.
20. The Board found that Ms. Peet stated that that the most parking required would be 36 spaces (2 per golf hole). The Applicant proposes there will be six onsite parking spaces and 12 off-site shared parking spaces which will be shared with the Holiday Inn Express. There will be a lease with the owner of the Holiday Inn Express to allow for the shared parking.
21. The Board found that Ms. Peet stated that DeIDOT provided a letter stating that the use of a miniature golf course will cause fewer than 500 trips per day and the Applicant anticipates that most of the traffic will come from the same side of Route 1 but they have no data to support that statement.
22. The Board found that Ms. Peet stated that the billboard will remain on the site.
23. The Board found that Mr. O'Neill testified that there will be pilings measuring 8 inches in diameter with rope going through them and 42-inch netting around the golf course.
24. The Board found that Mr. O'Neill testified that the design was based around the existing entrance and the design uses the same driveway as Beach Liquors. He believes that it would be difficult to park closer to Route 1.
25. The Board found that Mr. O'Neill testified that there is no curbing on the front of the site and there is no shrubbery in the front yard.
26. The Board found that Mr. O'Neill testified that he has a blank slate upon which to work.
27. The Board found that Mr. O'Neill testified that the golf course could not be flipped to have the course closer to the rear yard than the front yard.
28. The Board found that Mr. Geracimos testified that his property at Dewey Beach is also an 18-hole golf course and it is tight. All of his other golf courses are 18 hole courses. He believes that requiring his golf course to only have 9 holes would put

him in a disadvantage with his competitors in the area. He also noted that his other sites have a maximum of 18 parking spaces.

29. The Board found that Mr. Geracimos affirmed the statements made by Ms. Peet as true and correct.
30. The Board found that Ms. Peet stated that she was unsure if the Holiday Inn Express site was underparked or overparked but they believe 1-2 parking spaces per hole is the maximum needed.
31. The Board found that Ms. Peet stated that there is no gap to the edge of paving of Coastal Highway from the front property line.
32. The Board found that Paul Reiger and Keith Steck were sworn in to give testimony in opposition to the Application. Mr. Steck submitted exhibits to the Board to review. Both men had concerns about the parking and felt that the Application should have gone through the conditional use process before coming to the Board.
33. The Board found that Mr. Steck testified that the requested variances are too extreme. He noted that the front yard variance request is a 92% reduction and the landscape variance request is a 75% reduction.
34. The Board found that Mr. Steck testified that he has safety concerns for both drivers, pedestrians, and patrons and that the golf course presents a visibility concern.
35. The Board found that Ms. Peet stated that the kiosk measures 12 feet by 17 feet and not 10 feet by 10 feet as shown on the first plan.
36. The Board voted to leave the record open and the Board held a second hearing on March 2, 2020. At that hearing, Mr. Geracimos, Mr. O'Neill, and Jack Burbage were sworn in to testify about the Application. Additional letters of support, a new site plan, and other exhibits were submitted prior to the meeting.
37. The Board found that Ms. Peet stated that the Applicant has a similar parking arrangement in Ocean City with a hotel and restaurant.
38. The Board found that Ms. Peet stated that the request has been reduced as it pertains to the front yard variance and the CHCOZ variance. The original front yard variance request has been changed from a 55 feet variance from the 60 feet front yard setback requirement to a variance of 45 feet. The 15 feet variance from the 20 feet landscaped buffer requirement has been reduced to 5 feet. These reductions are the result of a reduction in the size of the golf course.
39. The Board found that Ms. Peet stated that the Applicant has provided for a shared use sidewalk should it be required by DeIDOT. The Applicant will address the entrance from Route 1 with DeIDOT as DeIDOT will require a commercial entrance.
40. The Board found that Ms. Peet stated that the entrance exists but there is no curbing.
41. The Board found that Ms. Peet stated that crepe myrtles will be planted in the buffer as they are multi-stemmed and will act as a stronger barrier and a greater visual screen around the Property.
42. The Board found that Ms. Peet stated that a ten-year lease has been executed with the owner of the Holiday Inn Express to allow for twelve parking spaces for the mini-golf course.
43. The Board found that Ms. Peet stated that the hotel has 100 rooms and 143 parking spaces.
44. The Board found that Ms. Peet stated that the parking spaces at the hotel will have signs designating the parking for the mini-golf course and violators risk having their vehicles towed. Spaces for bike racks will also be provided.
45. The Board found that Ms. Peet stated that the Applicant has similar shared parking agreements in Ocean City, where he only has 9 spaces, and that the Applicant believes he only needs 18 spaces.
46. The Board found that Mr. Geracimos affirmed the statements made by Ms. Peet as true and correct.

47. The Board found that Ms. Peet stated that there is an informal agreement for shared parking with Mickey's Crab House for six spaces if needed and that Mickey's Crab House has 14 spaces.
48. The Board found that Ms. Peet stated that the Applicant is working on a stormwater management plan and will be improving the stormwater conditions on the site as there will be more permeable surface.
49. The Board found that Ms. Peet stated that the Applicant also has to go to the Planning & Zoning Commission for approval.
50. The Board found that Mr. Geracimos testified that there are 2 employees at the golf course and that parking has not been an issue at other locations
51. The Board found that Mr. Burbage testified that this amenity will be a positive thing for Bethany.
52. The Board found that Mr. Burbage testified that there is ample parking on the Holiday Inn site which is owned by him and that he rarely sees the Holiday Inn parking lot full.
53. The Board found that Mr. Burbage testified that he expects most of the traffic to the miniature golf course will be either by bicycle or on foot from the local hotels and the Sea Colony development.
54. The Board found that Brenton Archut was sworn in to give testimony in opposition the Application.
55. The Board found that Mr. Archut testified that he and his mother own property on both sides of Coastal Highway which includes the Hickman Plaza south of the subject property. His property includes the location of the Cottage Café and is within walking distance of the Applicant's site.
56. The Board found that Mr. Archut testified that he is concerned about the parking variances because available parking is a premium in this area.
57. The Board found that Mr. Archut testified that they have had to hire parking monitors to make sure that the people using their services have available parking.
58. The Board found that Mr. Archut testified that the on-street parking in this area is almost non-existent and there is no public transportation in this area.
59. The Board found that Mr. Archut testified that he has concerns that the Holiday Inn with 100 rooms should have 150 parking spaces per Sussex County Code. He has seen the hotel's lot full of cars.
60. The Board found that Mr. Archut testified that he has concerns that patrons of the golf course will use their parking spaces.
61. The Board found that Mr. Archut testified that, while many people walk or bike in the area, there is still a lot of vehicle traffic and the number of parking spaces allotted will not be enough.
62. The Board found that Ms. Peet stated that Sea Shell Shop has a miniature golf course 7 feet from Route 1 and the Applicant has other golf courses which are closer to the road.
63. The Board found that Mr. Geracimos testified that he has 18 spaces at 4 other locations – 3 of which are in Ocean City and the parking lot is rarely full.
64. The Board found that Mr. Geracimos testified that there are lots of bikers to his site in Fenwick and he had to double the size of his bike racks to accommodate the bikers.
65. The Board found that Mr. Geracimos testified that the trees and fence will separate the golf course from Route 1 and that it is rare that balls leave the site.
66. The Board found that one person appeared in support to the Application and four persons appeared in opposition to the Application.
67. Based on the findings above and the testimony and evidence presented at the public hearings and the public record, which the Board weighed and considered, the Board determined that the application failed to meet the standards for granting a variance. The findings below further support the Board's decision to deny the Application.

- a. The Applicant failed to prove that the Property could not be reasonably developed in strict conformity with the Sussex County Zoning Code. The Applicant proposes to construct a miniature golf course on this lot and the golf course will encroach significantly into the front yard setback area. The golf course will also encroach into the landscape buffer area and will require a parking variance. While the Applicant argued that it was constrained by the size and shape of the lot, the Applicant's designer also admitted that the Applicant has a blank slate upon which to work. The Applicant modified its request after the first hearing but the design still greatly encroaches into the front yard setback area and places the golf course close to Coastal Highway, where there is no existing sidewalk, curbing, or grass buffer. Notably, much of the rear corner of the lot which is farthest away from Route 1 is used for parking. This design has taken up part of the building envelope and pushed the golf course closer to Route 1. The Board also notes that the Applicant failed to demonstrate why a smaller golf course would not work on the site. Rather, the Applicant has chosen to use a significant portion of the lot - including large swaths of area outside the building envelope - for the golf course. The Board was simply not convinced that the Applicant could not otherwise develop the Property in compliance with the Code. Likewise, the Board was not convinced that the variances are necessary to enable reasonable use of the Property.
- b. The Board finds that the Applicant is creating its own exceptional practical difficulty by proposing to develop the Property with a miniature golf course which does not fit within the building envelope. The Applicant's decision to construct this golf course on this site is the reason for the need for a variance and has nothing to do with the size, shape, or condition of the Property. There is no unusual condition to the Property which has created this difficulty. The Board was not convinced that the variance request was the product of a *need*. Instead, the variance request appears to be the product of a *want* as the Applicant seeks to build the golf course as proposed for purposes of convenience, profit, and / or caprice. The Board notes that the proposed design of the Property is busy that there is little area of the Property which is not somehow used for the golf course. The need for the variance is something created by the Applicant's wants rather than an unusual physical condition relating to the Property. The Applicant has thus created its own exceptional practical difficulty.
- c. The Board finds that the proposed golf course will be detrimental to the public welfare. The Property is located in an area that suffers from traffic and parking problems during the summer months - which is the same time when the golf course will be in operation. Testimony from neighbors clearly demonstrates that parking is a problem and needs regular enforcement. While the Applicant proposes to use parking on a nearby property, the site itself will only have 6 spaces. The Board questions whether the neighboring property which will offer the shared spaces has sufficient parking as there was testimony that it is full at times. The reduction of the available spaces on the neighboring property will not alleviate that issue as the proposal will result in fewer spaces for the hotel. Rather, it is clear to the Board that the proposed parking variance will only further exacerbate a parking issue in the area.
- d. Since the variances are not necessary to enable the reasonable use of the Property, the Board also finds that the variances requested are not the minimum variance necessary to afford relief. Furthermore, the Board finds that no variances are needed to afford relief since the Applicant failed to

demonstrate that the Property could not otherwise be developed in compliance with the Sussex County Zoning Code.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was denied. The Board Members in favor of the motion to deny were Mr. Jeffrey Chorman, Ms. Ellen Magee, and Mr. John Williamson. Dr. Kevin Carson and Mr. Brent Workman voted against the motion to deny Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

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

Date May 5, 2020.

Case 12507

Opposition
Exhibit

Nick Torrance

From: Terry <tkfaust@aol.com>
Sent: Wednesday, December 16, 2020 7:56 PM
To: Planning and Zoning
Cc: barrytrick@aol.com
Subject: Comments on Case #12507 for Dec. 21, 2020 Kammerer
Attachments: POOL HOUSE COMPLAINT.pdf; Concrete & Fence.JPG; From Our Backyard.JPG

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Sir or Madam:

Attached are my comments on the proposed variance on maximum fence heights on Case #12507. As you will see, we are definitely opposed to this variance and feel they have acted against the zoning rules and the seek to get approval once it is done!

Sincerely,

Terry K. Faust and Barry J. Trick
Owners of 38283 Anna B St., just behind their house.

38283 Anna B Road
Rehoboth Beach, Delaware 19971

December 15, 2020

Sussex County Board of Adjustment
County Council Chambers
2 The Circle, P.O. Box 417
Georgetown, Delaware

Re: Case No. 12507 - Scott E. & Elisabeth H. Kammerer

We, Barry J. Trick and Terry K. Faust the owners of 38283 Anna B Street, are completely opposed to the swimming pool and 8 foot high fencing which includes the 2 foot concrete decking that runs right up to our property line. We now have an 8 foot solid wall in our back yard. This elevated concrete patio was constructed and erected last summer without asking for a variance. They built this 2 foot high concrete patio right up to 3 adjacent neighbor's property lines. They then dropped in an in-ground swimming pool and added a solid 6 foot high fence atop the 2 foot elevated patio. See photos enclosed.

We do not think the Sussex county zoning requirements for a swimming pool have been met either. Sussex County zoning requires the pool "shall be 10 feet from the side property line", and "shall be 6 feet from the rear property line." We do not believe they have met these requirements, especially from their side property line that abuts Alex Dunman's property, as well as ours at 38283 Anna B Street. We never received any notification from Sussex County that the Kammerer's wanted a variance.

We would also like to note that most of the neighbors in our neighborhood are older residents and respect each others rights to live in a peaceful and quiet neighborhood, especially after 10 PM. We have been told by other neighbors that the above mentioned owners do not actually reside at this property - it is occupied by their children and an assortment of their young friends. The addition of the pool and great wall on top of the patio coupled with the multiple young people residing there has made noisy pool parties with loud music, talking and yelling during the summer that last well into the early morning hours. This property has annoyed many neighbors, as well as us and our guests this past year.

We believe that this variance should be rejected and the pool, the fencing, and 2 foot high concrete patio be removed.

Sincerely,

Terry K. Faust and Barry J. Trick





December 16, 2020

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

RE: Case No. 12507 Scott E. & Elisabeth Kammerer

Dear Planning & Zoning Department and Board of Adjustment Members:

My husband and I live two houses down from Scott and Lisa Kammerer's property, 20591 Fisher Street, that is in need of variance approval. Scott and Lisa had an unground pool installed and by code, had to include a fence. We appreciate the consideration they took when designing a fence that not only meets the required code, but is attractive and offers privacy to several surrounding homes. In addition, the property that is between our homes is in poor condition and mostly vacant, however, the opportunity for renters is always there. Scott and Lisa took the time to be sure a fence was designed to keep the two properties separate, private, and safe. We, as neighbors and supporters of the Kammerers and members of the public, offer strong support for the Board of Adjustment's approval of the Applicant's request for variance from the maximum height fence height requirement for an existing fence located at 20591 Fisher Street, Rehoboth Beach, DE 19971. We encourage your favorable consideration.

Sincerely,

Deborah and Jason Giles
38274 Anna B Street
Rehoboth Beach, DE 19971

Re: Case no. 12507 Scott E & Elisabeth Kammerer

Dear Planning & Zoning Department and Board of Adjustment Members:

We, are neighbors and support the Kammerers as members of the public. We offer strong support for the Board of Adjustments approval for a variance from the maximum fence height requirement for an existing fence located at 20591 Fisher St, Rehoboth Beach DE 19971. We, as members of the public strongly support this application and encourage your favorable consideration.

Sincerely,

Kristen and Timothy Stout

38230 Robinsons Dr
Rehoboth Beach DE 19971

December 17, 2020

Sussex County Planning & Zoning Department

Attn: Board of Adjustment

2 The Circle (P.O. Box 417)

Georgetown, DE 19947

RE: Case No. 12507 Scott E. & Elizabeth Krammerer

To whom it may concern,

My wife, Tina, and I have lived across from the Krammerer's for 6 years and know them as a good family of the neighborhood.

We, as neighbors and supporters of the Krammerer's and members of the public, offer strong support for the Board of Adjustment's approval of the Applicant's request for variance from the maximum height fence height requirement for an existing fence located at 29591 Fisher Street, Rehoboth Beach, DE 19971.

We respect one another in our neighborhood, trust each other to make good decisions and find their variance request to be reasonable for their situation. We hope that you grant their variance request.

Sincerely,

A handwritten signature in blue ink that reads "Guy F. Marcozzi". The signature is written in a cursive style with a large initial "G".

Guy and Tina Marcozzi

38262 Anna B Street

Rehoboth Beach, DE

Case 12508

Opposition
Exhibit

Laura Mattheu
19474 Norwood St
Rehoboth Beach DE

December 17, 2020

Dear Sussex County Board of Adjustment Members: Ms. Ellen Magee, Mr. Kevin E. Carson, Mr. Jeff Chorman, Mr. John Williamson, Mr. E. Brent Workman,

The purpose of this document is to oppose variances associated with case #12508 re tax parcel code 334-13. 15-1.01 located in West Rehoboth, DE 19971.

I purchased a lot and built a home on a parcel in West Rehoboth in 2018. My family and I live here full-time. Since building in 2018, West Rehoboth has experienced a great deal of real estate investment interest and new home development.

Citizens of the West Rehoboth community are entitled to the assurance that building codes are not malleable depending upon location. Variances, by their very nature, are exceptions to allow for extreme and/or unforeseeable circumstances. The desire to build a slightly larger home is neither extreme nor unforeseeable. Granting superfluous variances will set unnecessary precedents that will negatively affect both long-standing residents of the community and new homeowners who manage to build in compliance with code.

Thank you for your consideration and the opportunity to express my opposition to this request.

Respectfully,

Laura Mattheu

RECEIVED

DEC 17 2020

SUSSEX COUNTY
PLANNING & ZONING

December 15, 2020

Sussex County Board of Adjustment Members:

I am writing to express our opposition to the variance request #12508 which has been requested for the property located on Dunbar Street in West Rehoboth Beach. (Tax Parcel: 334.13.15-1.01)

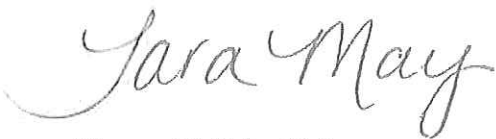
The Sussex County Comprehensive Plan, signed by Governor Carney on April 1, 2019, states "The key is to design modern land uses in a manner that adds to the character of the community, instead of intruding into it." If granted, the variances requested (#12508) opposes the Sussex County Comprehensive Plan.

On July 15, 2019, a similar variance request was made by another landowner within the West Rehoboth neighborhood. (July 15, 2019, Case Number 12333). That request was denied by the county board. The previous case was for a much smaller parcel of land with less buildable space within the current setback guidelines than the current owners request. The parcel also had an irregular shape, which the property for the current request does not present.

We have a residence, which was recently constructed, at 19713 Norwood Street. (lot #3 on Norwood Street as pictured on the County Property Map). The dimensions of our lot is 45 x 175. Following all guidelines established by the county, we had 3,375 feet of buildable space. The property requesting the variances lot size is 63.40 X 170.99 and has 3,916 feet of buildable space. We were able to design and build a home, to include a pool, within the county guidelines with 541 square feet less buildable space than the petitioners.

As homeowners in the West Rehoboth Community, we are supportive of development in the neighborhood. Over the past 2 years, property owners on Hebron Road, Norwood Street and Burton Avenue have built beautiful homes within the guidelines set by the county. The lot on Dunbar Street has more than adequate buildable square footage to build on and fulfill the other amenities which the owners are requesting without modifications to the existing setbacks. We would respectfully request that the board maintain all setback requirements that are in place and deny all the variance requests under case # 12508.

Sincerely,



Tara and Michael May

19713 Norwood Street

Rehoboth Beach, DE 19971



ARID: 334-13.15-1.01

LUCK LOUIS J



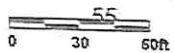
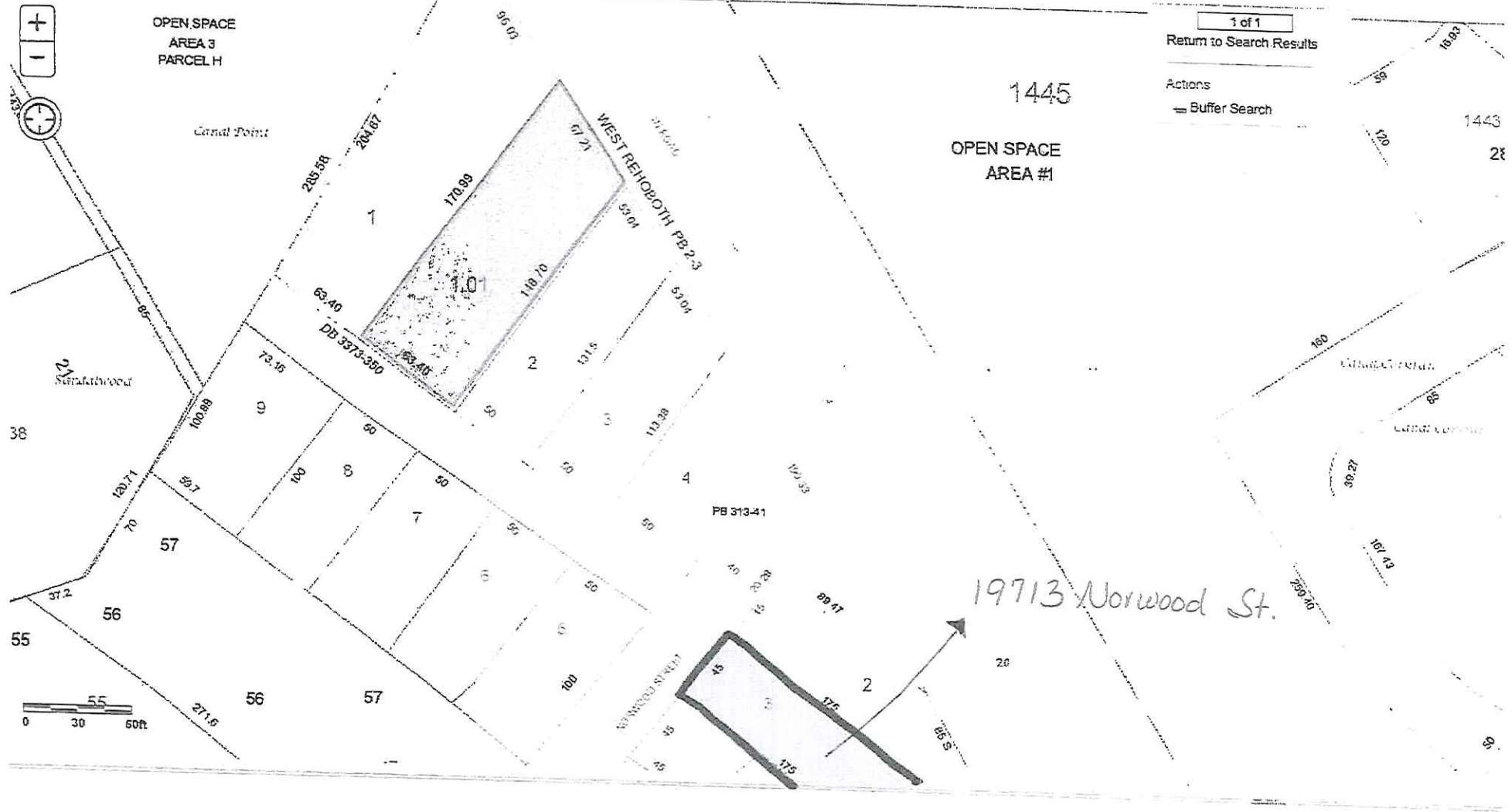
Record Navigator

1 of 1

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[Buffer Search](#)



West Side New Beginnings, Inc.

19801 Norwood Street
Rehoboth, Delaware 19971

(302) 528-2265

(E-mail) Diaz122455@aol.com

RECEIVED

DEC 17 2020

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

FAX COVER SHEET

DATE Thursday, 12-17-20 TIME 3:35PM

PLEASE DELIVER TO:

NAME Sussex County Board of Adjustment

FAX NUMBER _____

FIRM/DEPT. _____

FROM West Side New Beginnings, Inc. Organization

TOTAL PAGES INCLUDING COVER PAGE 5

MESSAGE

The West Rehoboth Community is in opposition of granting a variance to Louis J. Luck & Ludovic Bertaut Case No. 12509 who is requesting variance from side yard, front yard 8' maximum fence height.

December 15, 2020

Sussex County Board of Adjustment Members:

I am writing to express our opposition to the variance request #12508 which has been requested for the property located on Dunbar Street in West Rehoboth Beach. (Tax Parcel: 334.13.15-1.01)

The Sussex County Comprehensive Plan, signed by Governor Carney on April 1, 2019, states "The key is to design modern land uses in a manner that adds to the character of the community, instead of intruding into it." If granted, the variances requested (#12508) opposes the Sussex County Comprehensive Plan.

On July 15, 2019, a similar variance request was made by another landowner within the West Rehoboth neighborhood. (July 15, 2019, Case Number 12333). That request was denied by the county board. The previous case was for a much smaller parcel of land with less buildable space within the current setback guidelines than the current owners request. The parcel also had an irregular shape, which the property for the current request does not present.

We have a residence, which was recently constructed, at 19713 Norwood Street. (lot #3 on Norwood Street as pictured on the County Property Map). The dimensions of our lot is 45 x 175. Following all guidelines established by the county, we had 3,375 feet of buildable space. The property requesting the variances lot size is 63.40 X 170.99 and has 3,916 feet of buildable space. We were able to design and build a home, to include a pool, within the county guidelines with 541 square feet less buildable space than the petitioners.

As homeowners in the West Rehoboth Community, we are supportive of development in the neighborhood. Over the past 2 years, property owners on Hebron Road, Norwood Street and Burton Avenue have built beautiful homes within the guidelines set by the county. The lot on Dunbar Street has more than adequate buildable square footage to build on and fulfill the other amenities which the owners are requesting without modifications to the existing setbacks. We would respectfully request that the board maintain all setback requirements that are in place and deny all the variance requests under case # 12508.

Sincerely,



Tara and Michael May

19713 Norwood Street

Rehoboth Beach, DE 19971

Petition to Oppose Case No. 12508

Action petitioned for


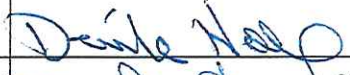

We, the undersigned, are concerned citizens of West Rehoboth oppose The Sussex County Board of Adjustment, the application of Louis J Luck & Ludovic Bertaut Case No. 12508 who is requesting "Variances from side yard, front yard & maximum fence height requirements for proposed structures."

	Printed Name	Signature	Address	Date
1	Brenda Milbourne	Brenda Milbourne	1976 Duffy St Rehoboth	12/9/20
2	Letitia Sturgis Letitia Sturgis	Letitia Sturgis	19760 Duffy St Rehoboth	12-15-20
3	Jerry Handy	Jerry Handy	19760 Duffy St Rehoboth	12-15-20
4	Renee Frazier	Renee Frazier	19750 Du Aff St	12-16-20
5	Dominique Hack	Dominique Hack	19750 Duffy St.	12-16-20
6	EARL W. FRAZIER	Earl W. Frazier	19750 DUFFY ST.	12-16-20
7	James Frazier	James Frazier	19754 Du Aff St	12-16-20
8	Amelia Frazier	Amelia Frazier	19754 Du Aff St.	12-16-20
9	William BRIGHT	William Bright	19956 Church St	12-16-20
10	Bernice Alfred	BERNICE ALFORD	197601 Duffy St Rehob	12-16-20
11	Freddie Doughty	Freddie Doughty	37176 Borton Ave	12-17-20
12	Eleanor Marchman	Eleanor Marchman	19703 Dunbar St Reh	12-17-20
13	Cornelius Marchman	Cornelius Marchman	19703 Dunbar St Reh	12-17-20

	Printed Name	Signature	Address	Date
30	Eleanor Marchmont	Eleanor Marchmont	19703 Dunbar St Reh	12-17-20
31	Cornelius Marchmont	Cornelius Marchmont	19703 Dunbar St Reh	12-17-20
32	Lisa Boyer	Lisa Boyer	37386 Johnston St	12-17-20
33	Dawn Naples	Dawn Naples	37386 Johnson St.	12-17-20
34	Alisha Boyer	Alisha Boyer	37386 Johnson St	12-17-20
35	Edward Lee Walker	Edward Lee Walker	Lewes	12-11-20
36	Tyrell Boyer	Tyrell Boyer	37386 Johnston St	12-17-20
37	Ann Harris	Ann Harris		
38	Ann Harris	Ann H	19771 Norwood Street Rehoboth	12-17-20
39	Melinda Yeates	Melinda Yeates	19778 Norwood St.	12-17-20
40	Yeates William	William Yeates	19778 Norwood St.	12-17-20
41	Tyra Yeates	Tyra Yeates	19778 Norwood St.	12-17-20
42	SR Yeates	William Yeates	19778 Norwood St.	12-17-20
43	Joe Reed	Joshua Reed SR.	19778 duffy St	12-17-20
44	Jordan Reed	Jordan Reed	19778 duffy St	12-17-20
45	Trevor Reed Trevor Reed	Trevor Reed	19778 duffy St	12-17-20

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#	Printed Name	Signature	Address	Date
1	Trc Edwards		37162 Burton Avenue	12/15/20
2	Donnie Hall		19844 Hebron Rd	12.18.20
3	Tony Crivilla		19844 Hebron Rd	12.18.20
4				
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7				
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10				
11				
12				
13				

Jennifer Norwood

From: Robert Zelinsky <robzelinsky@gmail.com>
Sent: Thursday, December 17, 2020 2:45 PM
To: Jennifer Norwood
Subject: Case 12508

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December 17, 2020

Robert Zelinsky

37200 Burton Avenue, Rehoboth Beach, DE 19971

To: Sussex County Board of Adjustment / Jenny Norwood

Re: Case 12508

While I welcome Mr Berjaut and Mr Luck to the West Rehoboth neighborhood and wish them well in their new home, I do want to express my concerns about the variances being sought.

West Rehoboth is known for a place to buy drugs, and while this activity has been reduced in recent years (as long-standing neighbors have expressed to me) there is still a problem in this community that needs to be addressed. All you need to do is sit on my front porch and watch the cars come in from Hebron Avenue onto Burton Avenue and two minutes later you see those same cars going right back out the way they came in. This happens all day and all night long.

If you were to provide access to Hebron Road that would likely dramatically increase this activity. Now would-be drug dealers and buyers would be able to come in one way and leave another way making it much easier to traffic drugs and not be suspected or monitored by law enforcement.

With President Elect Joe Biden having a home here in Rehoboth Beach, there is going to be increased traffic, interest and people visiting Rehoboth Beach for the next four years and that could have two very serious implications to West Rehoboth.

ONE: The drug dealing could become more prolific because of the increased number of visitors and if those visitors find out how easy it is to get drugs out of West Rehoboth (which would be even EASIER with this variance) that could have so many negative effects on the greater Rehoboth Beach community and Sussex County. Not just West Rehoboth.

TWO: If the above likely scenario does play out, and there are drug busts, or violence because of drug trafficking, or another incident like the one that happened recently at the EconoLodge across

Route One from West Rehoboth where someone got killed. This will bring a focus of negative media attention for Rehoboth Beach / Sussex county at a national level because of President Elect Joe Biden having a home here. How embarrassing would that be for Rehoboth Beach and for President Elect Joe Biden? Do we really want that attention?

Do we really want to take a chance that increasing access to West Rehoboth will increase the drug trafficking that is already happening?

Do we really want to embolden people who want to traffic illegal drugs with an easier way to do business?

With regards to the variance for the 8-foot fence. When I bought my home, I knew my property backed right up to the bike trail and the only thing between me and the bike trail is a 4-foot-high chain link fence. I knew what I was buying when I bought it and in the Spring of 2021, I intend to plant some trees / shrubbery to increase my privacy from the bike trail. I suggest they do the same thing and stay in compliance with the existing fencing rules.

Make It A Great Day

Rob Zelinsky
610.662.1678 Cell

Case 12509

Applicant
Exhibit

Ann Lepore

From: K OR <kporeilly2@gmail.com>
Sent: Wednesday, December 16, 2020 4:30 PM
To: Ann Lepore
Cc: Patricia Oreilly
Subject: Public Hearing Case No. 12509
Attachments: houses along hassell.jpg; looking south along backyard.jpg; backyards along bulkhead looking north.jpg; front of house.jpg; looking south along front yards.jpg; back of house.jpg; IMG_3044 (3).jpg; Hassell ext.jpg

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Please find attached information and pictures we hope will be helpful for the hearing.

More of our family is using the house. Trish just retired and the kids are virtual commuting. One bathroom for 3 bedrooms doesn't allow privacy and is overused. The 14' addition would provide additional space for a master bath, master bedroom and much needed closet space. This is the driver behind the 9' variance.

The front of the addition matches (or lines up with) the front of the adjacent house to the south. The house to the north is on a corner lot. This is not a long straight street with 20 or 30 homes where one home is sticking out from the rest of the homes and looks out of place. There are only 4 homes on the west side and 1 home on the east side of Hassell Ave ext.

Our lot is toward the end of Bayview Park and the end of Hassell Ave. There are many curves and turns before Hassell Avenue turns into Hassell Ave Extended. Some houses along Hassell Ave have less than 30' front yard setbacks. When turning onto Hassell Ave EXT from Hassell Ave the sight line to the addition does not feel like it is sticking out towards the road (see pictures that show line of sight of adjacent houses).

The roof line of the addition will match the roof line of the existing house. From the ground level to the addition this space is entirely open. Only the approximately 8' high 6x6 support posts go from the ground level to the addition.

In summary the situation for this addition is unique and will not alter the essential character of the neighborhood due to:

- Driving through the neighborhood along Hassell many homes are less than 30' setback from the road
- Our home is at the far end of Bayview Park and is the 3rd to the last of the 4 homes on the west side of Hassell ext.

- Hassell Ave angles away from our home and the 2 adjacent homes giving the perception that the front of our proposed addition matches the front of the adjacent house to the south even though the front setbacks from the road are different

The addition fits the character of the neighborhood and will be an upgrade to the current look of the front of the house.

We have talked with our immediate neighbors and have received positive feedback on the addition.

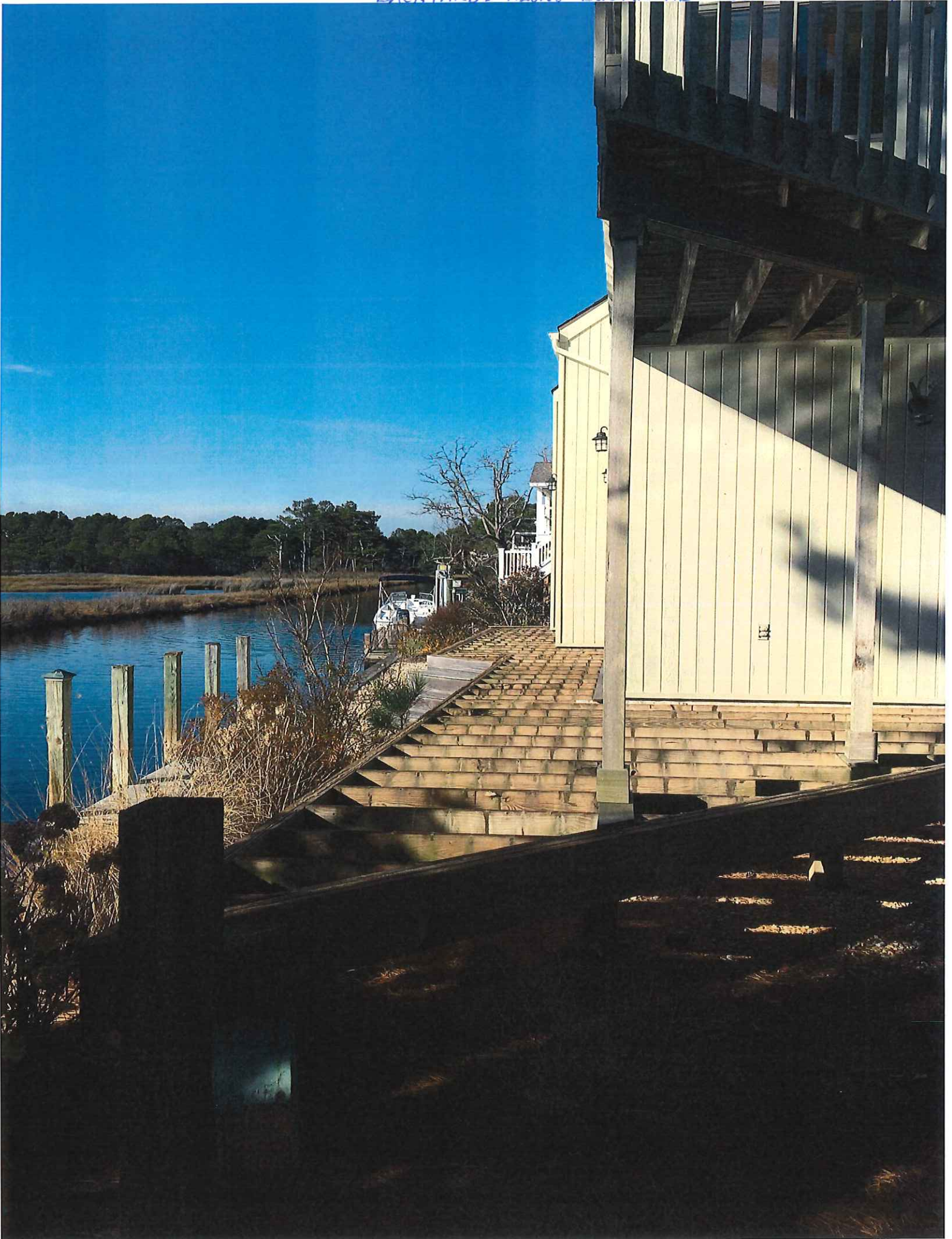
HOUSES ALONG HASSELL



LOOKING SOUTH ALONG BACKYARD



BACKYARDS ALONG BULKHEAD LOOKING NORTH



FRONT OF HOUSE



LOOKING SOUTH ALONG FRONT YARDS



BACK OF HOUSE



HASSELL EXT

