

BOARD OF ADJUSTMENT

JEFF CHORMAN, CHAIRMAN
KEVIN E. CARSON
JOHN T. HASTINGS
SHAWN LOVENGUTH
JOHN WILLIAMSON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878

AGENDA

January 6, 2025

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of the Minutes for November 4, 2024

Approval of the Findings of Fact for November 4, 2024

Public Hearings

Case No. 13022 — Karen Groves

~~seeks a variance from the rear yard setback for an inground pool (Sections 115-34 and 115-185 D of the Sussex County Zoning Code.) The property is located on the east side of Keenwick Road within the Keenwick Subdivision. 911 Address: 38169 Keenwick Road, Selbyville. Zoning District — MR Tax Map: 533-20.09-72.00~~

Case No. 12987 – DEStorage.com LLC

seeks a special use exception for an off-premises sign and seeks variances from the front yard setback requirement and separation distance requirements for a proposed structure (Section 115-159.5B, 115-161.2D and 115-80 of the Sussex County Zoning Code). The property is located South of Dickerson Road, West of Dupont Boulevard and Northeast of Handy Road. 911 Address: 28862 Dupont Boulevard, Millsboro. Zoning District: C-1. Tax Parcel: 233-5.00-101.00

Case No. 13028 – Jose Villatoro

seeks a special use exception for an accessory dwelling unit with a floor area greater than 1,000 sq ft or 50% of the floor area of the single-family dwelling located on the same lot. (Sections 115-32 C and 115-20 A(15)(c) of the Sussex County Zoning Code). The property is located on southwest side of Vines Creek Road. 911 Address: 34206 Vines Creek Road, Dagsboro. Zoning District: MR. Tax Map: 134-11.00-137.00

Case No. 13029 – John Maharaj

seeks variances from the side and front yard setback requirements for an existing structure. (Sections 115-34, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Shore Drive. 911 Address: 9188 Shore Drive, Milford. Zoning District: MR. Tax Map: 230-17.00-199.00

Case No. 13030 – Thomas and Lisa Lattomus

seeks variances from the front yard setback requirements for a proposed structure. (Sections 115-27 and 115-182 of the Sussex County Zoning Code). The property is located on the west side of Basin Street. 911 Address: 37423 Basin Street, Rehoboth Zoning District: AR-2 Tax Map: 334-19.16-19.00

Case No. 13031 – Michael King

seek a variance from the rear yard setback requirements for an existing structure. (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the north side of Nine Foot Road. 911 Address: 26795 Nine Foot Road, Dagsboro Zoning District: AR-1 Tax Map: 233-15.00-211.00

Case No. 13032 – Paul and Gladys King

seeks variances from the side yard setback for existing structures. (Sections 115-183 and 115-25 of the Sussex County Zoning Code.) The property is located on the east side of Taft Avenue within the Cape Windsor development. 911 Address: 38821 Taft Avenue, Selbyville Zoning District: AR-1 Tax Map: 533-20.18-169.00

Additional Business

**In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 30, 2024, at 4:30 p.m., and at least seven (7) days in advance of the meeting.
Revised January 3, 2025, to Reschedule Case No. 13022 – Karen Groves**

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 30, 2024, at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

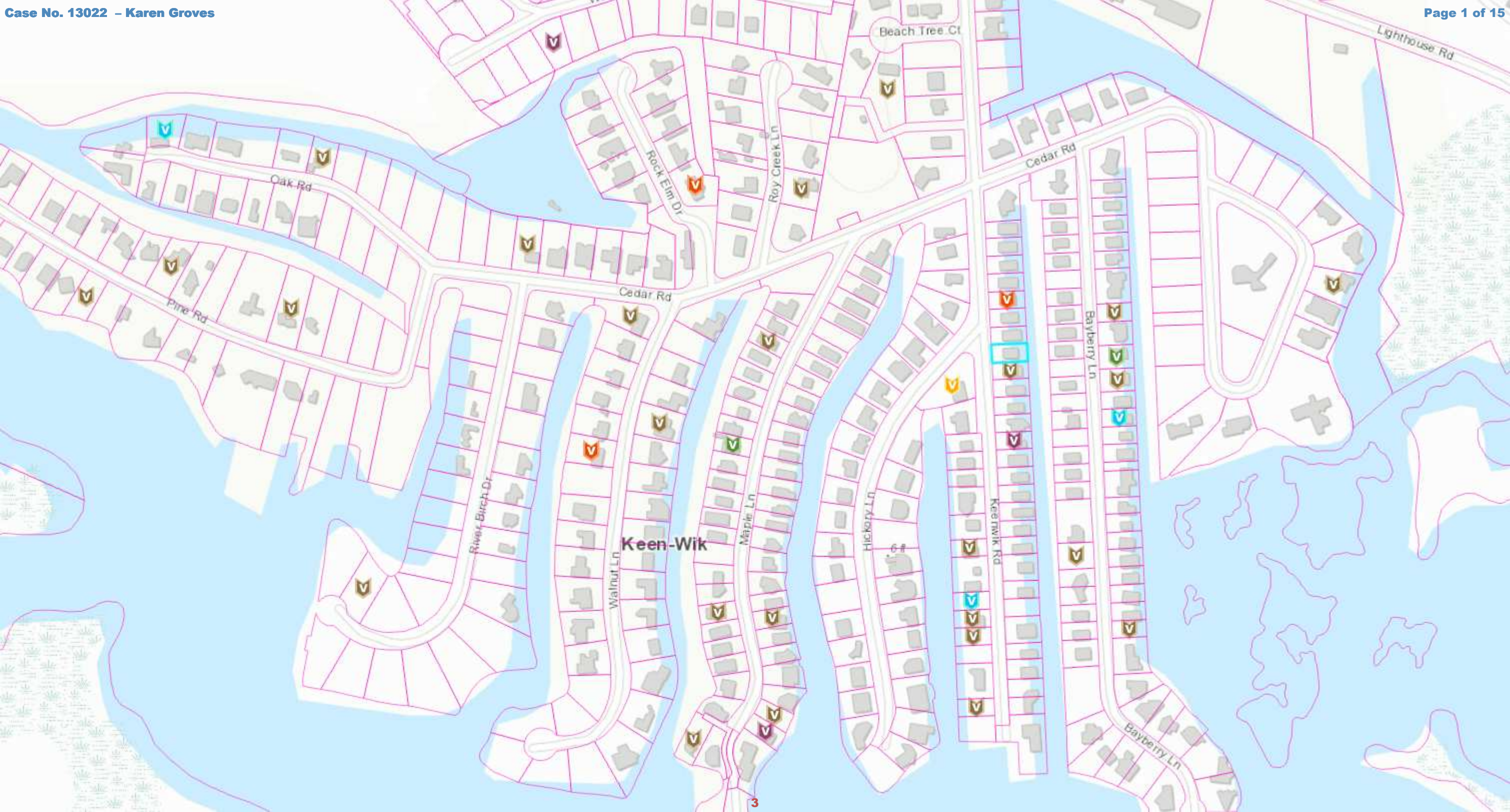
Agenda items may be considered out of sequence.

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on January 2, 2025.

####



RECEIVED

OCT 28 2024

SUSSEX COUNTY
PLANNING & ZONING

Board of Adjustment Application
Sussex County, Delaware

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

Case # 13022
Hearing Date 12-16-24
202415839

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:
38169 Keenwik Road, Selbyville De 19975

Variance/Special Use Exception/Appeal Requested:

REQUESTING A VARIANCE to shift our pool to 6'-0" from the side of our property line to INCREASE EGRESS AROUND THE NEW POOL.

Tax Map #: 533-20.09-72.00

Property Zoning: _____

Applicant Information

Applicant Name: KAREN GROVES
 Applicant Address: 38169 KEENWIK Rd
 City Selbyville State DE Zip: 19975
 Applicant Phone #: 443-604-4726 Applicant e-mail: KAREN.GROVES2@AOL.COM

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Karen Groves

Date: 10-28-24



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

I AM REPLACING AN EXISTING POOL WITH A LIKE IN KIND. HOWEVER, THE EXISTING FOOTPRINT HINDERS EGRESS. I WOULD LIKE TO SHIFT THE FOOTPRINT FROM THE 10'-0" TO 6'-6" ON THE SIDE TO MAKE IT EASIER TO WALK AROUND

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.

INADEQUATE EGRESS AROUND POOL TO NAVIGATE AROUND EXISTING SCREENED PORCH. ALSO, AN EXISTING WELL IS IN PLACE TO WHICH THE NEW POOL WILL ENCRANCH. WE NEED A SAFE PATH OF TRAVEL INTO THE HOUSE.

3. Not created by the applicant:

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

ATTEMPTING TO BETTER EGRESS INTO THE HOUSE, AS WELL AS TO AVOID OUR WELL WATER PUMP

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

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

WE HAVE HAD A POOL SINCE 2003. DUE TO AGE AND DETERIORATION, WE ARE REPLACING WITH NEW. IT WILL NOT ALTER THE CHARACTERISTICS OF THE NEIGHBORHOOD. IT WILL ONLY ENHANCE THE BEAUTY.

5. Minimum variance:

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

PLEASE APPROVE PROPOSED REPLACEMENT POOL TO SHIFT AS SHOWN ON VARIANCE DRAWING.

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

Karen Snow

Date: 10/28/2024

For office use only:

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

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

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

10/28/2024 02:01PM Lindsey S
33028318-0021

PERMITS / INSPECTIONS
BOARD OF ADJUSTMENTS -

FEE 2024 Item: 202415839|2020 \$500.00

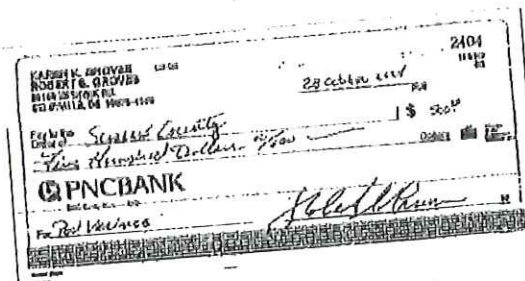
\$500.00

Subtotal \$500.00
Total \$500.00

CHECK
Check Number 2404 \$500.00

Change due \$0.00

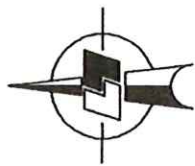
Paid by: Karen and Robert Groves



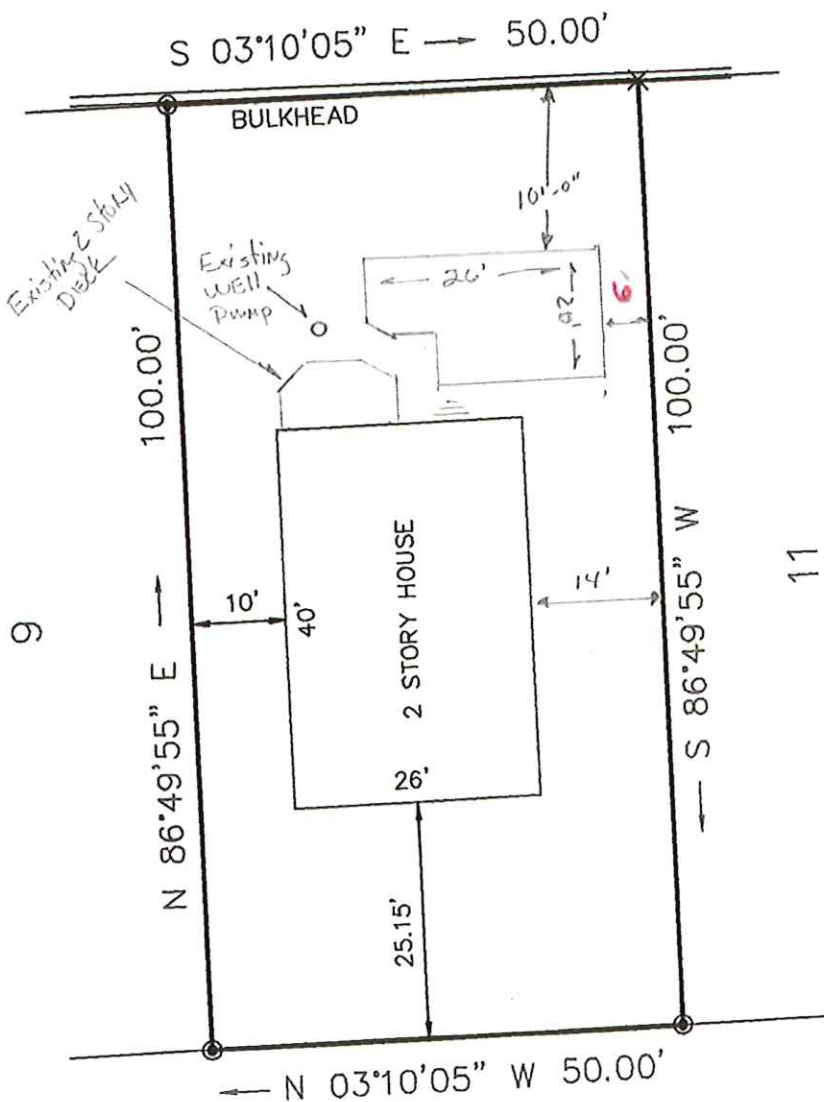
Thank you for your payment.

CUSTOMER COPY

18B-79A



LAGOON



This plot and survey does not verify the existence or non-existence of right-of-ways or easements on this property.



LOT 10 - BLOCK 5 - SUBDIVISION 3 KING
 KEEN WIK
 BALTIMORE HUNDRED - SUSSEX COUNTY - DELAWARE

Scale: 1"=20'	Date: 3-16-00	Drawn By: E.M.M.
		JOB NO. 00018
		F.B. NO. 223-50
		T.M. 5-33-20.09-72
		18B-79A DRAWING NO.

PREPARED BY
TECH, LLC
 SURVEYORS, ENGINEERS, LANDSCAPE ARCHITECTS
 ROUTE 1, BOX 17-B 118 ATLANTIC AVENUE OCEAN VIEW, DELAWARE 19870
 PHONE: (302) 539-2366 FAX: (302) 539-2499

KEEN WIK ROAD
 40' R.O.W.

LOCATION SURVEY

- ⊙ = 3/4" IRON PIPE FOUND
- X = P.K. NAIL FOUND
- CLASS "B" SURVEY
- FLOOD ZONE: AE 6'
- AREA: 5,000 sq. ft. ±





Eagleview Search Results

Selected Features: [Parcels (1)]

1) 533-20.09-72.00 Zoom

BOOK	3222
PAGE	338
FULLNAME	GROVES KAREN KING
Second_Owner_Name	
MAILINGADDRESS	38169 KEENWIK RD
CITY	SELBYVILLE
STATE	DE
a_account	04-14-072
DESCRIPTION	KEEN-WIK
DESCRIPTION2	LOT 10 SUBDIVISION 3
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	1
APRBLDG	39700
APRLAND	8000
PINWASSEMENTUNIT	533-20.09-72.00
PIN	533-20.09-72.00

Selected Features (1)
Clear Selected

Layers Search Basemaps Select Area Eagleview Print

Map showing Keen-Wik subdivision with lots 9, 10, 11, 71, 72, 73 and a large 'G' lot. A yellow box highlights lot 10. A scale bar shows 0, 10, 20ft. The map includes street names like Hickory Ln and Keen-Wik Rd.

Eagleview Search Results

Selected Features: Parcels (1)

1) 533-20.09-72.00 Zoom

BOOK	3222
PAGE	338
FULLNAME	GROVES KAREN KING
MAILINGADDRESS	38169 KEENWIK RD
CITY	SELBYVILLE
STATE	DE
a_account	04-14-072
DESCRIPTION	KEEN-WIK
DESCRIPTION2	LOT 10 SUBDIVISION 3
LUC	999
MUNI	00
CAP	1
APRBLDG	39700
APRLAND	8000
PINWASSEMMENTUNIT	533-20.09-72.00
PIN	533-20.09-72.00
ZIPCODE	19975
FRONTFOOT	50
DEPTH	100

Selected Features (1)
Clear Selected



Buyer to determine approximate elevation on day of sign off or day of excavation

Buyer to wet down concrete shell at least two times per day for seven days

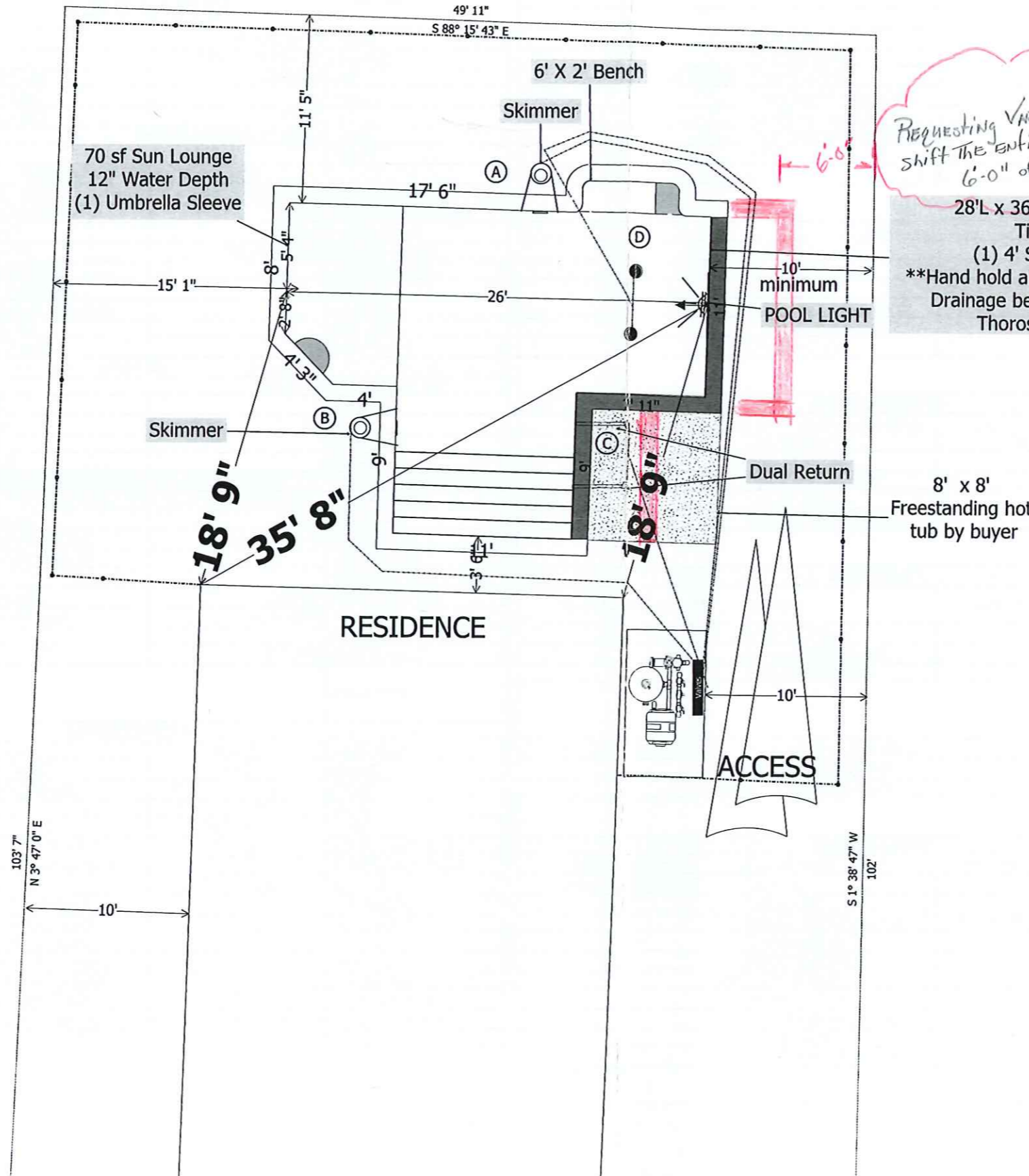
Note: All corners mitered



GROVES 10029
 Karen Groves
 38169 Keen Wik Rd, Selbyville DE 19975
 443-928-2263 Karen
 rgroves1228@gmail.com
 Page 2 OF 3

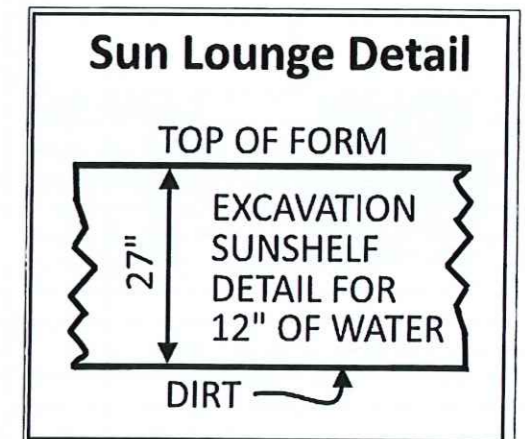
VARIANCE DRAWING

DIRECTIONS QRC



Requesting Variance to shift the ENTIRE pool to 6'-0" off of property line

28'L x 36"H Raised Beam Tile Facing
 (1) 4' Sheer Descent
 **Hand hold along entire raised wall
 Drainage behind wall by buyer
 Thoroseal RBB Wall



PLUMBING DETAILS

Plumbing Lines	Length	Size
A Pool Skimmer	39	2"
B 2nd - Pool Skimmer	30	2"
C Pool Wall Returns	12	2"
D Pool Main Drain	39	2"
E Sheer Descent Line	24	2"

SCALE: 1/8" = 1' - 0"

Additional Notes	
1	Shuttle on 8 scale but not in contract or JMS breakdown
2	Small equipment required but not on contract or in JMS breakdown
3	5 steps to pool
4	May need access letter from neighbor
5	Demo existing pool & deck
6	Hand hold along RBB wall

Revisions	
1	
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6	

Plumbing Lines	Length	Size
A Pool Skimmer	39	2"
B 2nd - Pool Skimmer	30	2"
C Pool Wall Returns	12	2"
D Pool Main Drain	39	2"
E Sheer Descent Line	24	2"
F		
G		
H		
I		
J		
K		
L		
M		
N		
O		
P		
Q		
R		
S		
T		
U		
V		
W		
X		
Y		

Features			
Pool Light:	1	12v LED	Accent Lights:
Auto Cleaner:	Tiger Shark w/ caddy		Vac Head & Hose:
Deck Jets:			Laminar Jets:
Bubblers:			Led Bubblers:
Sheer Descent:	One 4' Long		Vac Alert
Slide:			
Waterfall:			
Handrail:		Grab Rail:	
Ladder:		Diving Board:	
Main. Kit:	Yes	Winter Cover:	Merlin Smart Mesh w/ pump
Basketball Set:		Automatic Pool Cover:	
Volley Ball Set:		Auto Cover Tracking:	
In Pool Table:		Auto Cover perimeter cap:	
Controller:		GVA:	
Relay:			
Other Notes:			

Spa			
Spa Area:		Spillway:	
Spa Jets:		Air Blower:	
Spa Light:		Raised:	
Spa Booster Pump:		Coping Finish Spa Top:	
Damwall Length:		Summer & Winter:	
Detached Spa:		Spa Skimmer:	
Other Notes:			

Excavation Details			
Grading:	1 Hour rough only / Day of the dig		
Dirt Haul:	Haul all soil	Dirt Leave On:	NO
Silt Fence:		Temp. Fence:	Yes
Shuttle:		Mini Machine Dig:	
Stumps:		Access Stone:	
Cut:		Out of Grade Framing:	
Other Notes:			

Tile & Coping			
Tile:	Standard 6" Band	Coping:	Marina Belgard Paver
Tile Size:		Coping Size:	6 x 12 x 2
Glass Tile:		Raised Wall Coping:	
Trim Tile:		Raised Wall Back:	
Other Notes:			

Plaster			
Interior Finish:	PMM Marquis Base Quartz		
Trim Tile:		Rope & Floats:	Yes
Other Notes:			

Plumbing Details			
Filter:	450 Cartridge	Filter pump:	1.85 Variable Spd
Fusion Heater:		Cleaner:	Tiger Shark w/ caddy
Heat Pump:		Skimmers:	2
Returns:	1 set of 2 inlets	Double Bottom Drain:	1
Deep Heat:		Salt Generator:	T-3
Floor Returns:		Inline Chlorinator:	
Pre Filter:	Yes	Soft & Clear:	Yes
Auto fill:		UV / Ozone:	
Waterfall Pump:		Sheer Descent Pump:	
Bubbler Pump:		Slide Pump:	
Deck jet Pump:		Laminar Pump & Filter:	
Other Notes:			

BLUE HAVEN POOLS & SPAS
By Calvitti
Customer Information

Last Name: **GROVES** Account #: **10029**

Name:	Karen Groves		Zone:	5
Address:	38169 Keenwik Rd		City:	Selbyville
City:	Selbyville	Res. Phone:		
State:	DE	Cell Phone:	443-928-2263	Karen
Zip:	19975	Cell Phone:		
Email:	rgroves1228@gmail.com			

Township and Utility Information			
Cable & Utility #:	242890754	Date Called:	10/15/24
Home Water Supply:	Public	Home Sanitation:	Public Sewer
Permit Office:	Sussex	County:	Sussex
Permit Office #:	302.855.7700	Permit #:	
Block Number:	5	Lot Number:	10
As Built:		Topo Required:	
Variance:		Stake Out Inspection:	
Pre-Site:		Silt Fence:	
Snow Fence:		Steel Chairs:	

Set Backs			
Set backs are to:	To Water		
Rear:	6	Front:	
Side:	10	House:	
Equipment:		Deck:	
Fence:		Septic:	

Phase and Blue Haven Office Information			
Note: Pool area to be fenced per local code. Gates to be self-closing and self-latching			
Electric By:	K&S	Fence By:	Buyer
Deck By:	JD Stampcrete	Retaining Wall By:	
Gas Line By:		Heater Venting By:	
Auto Fill Supply Line By:			
BH Sales Office:	Hatfield	Phone No:	215-996-0660
Salesman:	Mike Hunt	Sales Manager:	Dominic/Vince/Anthony C
Financed:		Approved By:	<i>VA 10-17-24</i>
Contract Date:	09/11/24		
Other Notes:			

Pool Specifications			
Pool Shape:	Custom	Pool Area:	350 sq. ft.
Depths:	3' - 6'	Total Water:	392 sq. ft.
Width:	20' ft	Water Capacity:	9374 Gal.
Length:	26' ft	Turnover:	4 hrs.
Steps:	Per Plan	Pool Perimeter:	94 lf
Bench / Love Seat 1:	6' x 2'	Spa and Pool Perimeter:	lf
Bench / Love Seat 2:		(Does not include damwall)	
Raised Wall:	28 lf 36"	Sun Lounge:	54 sq. ft.
Raised Wall:		Umbrella Sleeves:	1
Raised Wall:		Extended Bench 1:	
Raised Wall:		Extended Bench 2:	
Hand Held:		Exposed Wall Length:	
Notch on Raised Wall:		Exposed Wall Finish:	
Raised Wall Front:	Tile Faced	Bench Mark (BM):	
Raised Wall Back:	No Strip & Finish / Dirt Fill	Top of Coping Elevation:	
Raised Wall Drainage:		Top of Concrete Beam:	
Other Notes:			

Buyer to determine approximate elevation on day of sign off or day of excavation

Buyer to wet down concrete shell at least two times per day for seven days

Note: All corners mitered

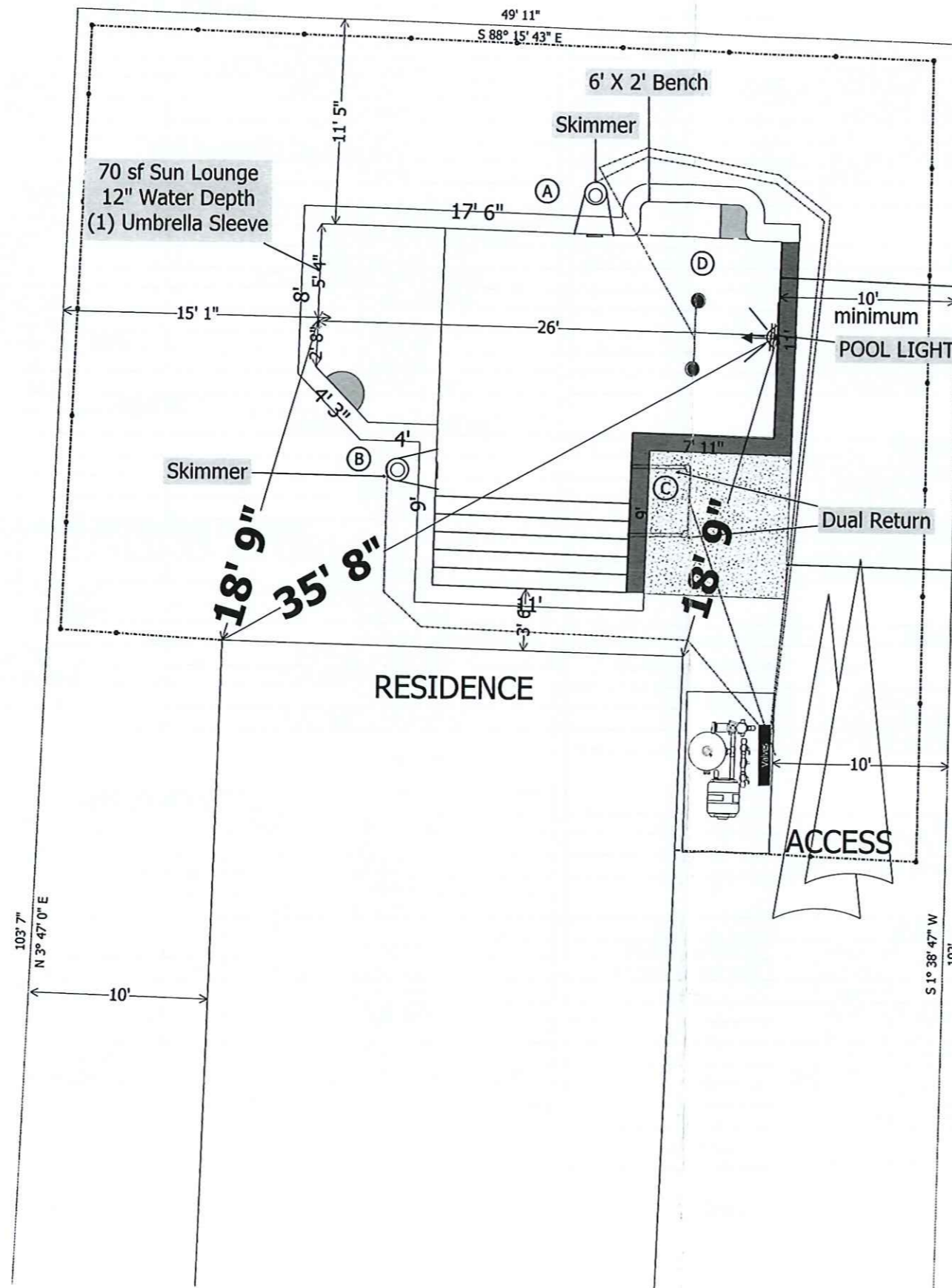


GROVES 10029

Karen Groves
38169 Keen Wik Rd, Selbyville DE 19975
443-928-2263 Karen
rgroves1228@gmail.com

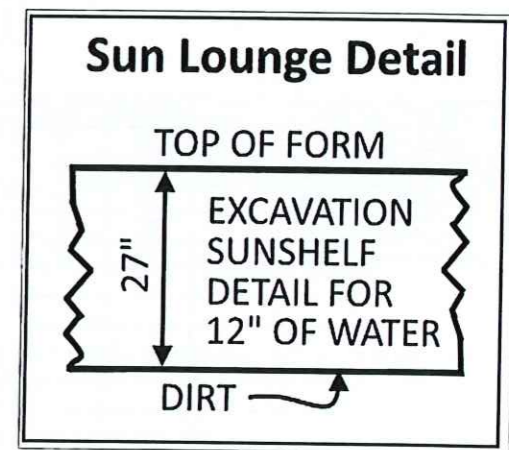
Page 2 OF 3

DIRECTIONS QRC



28'L x 36"H Raised Beam
Tile Facing
(1) 4' Sheer Descent
**Hand hold along entire raised wall
Drainage behind wall by buyer
Thoroseal RBB Wall

8' x 8'
Freestanding hot
tub by buyer



PLUMBING DETAILS

Plumbing Lines	Length	Size
A Pool Skimmer	39	2"
B 2nd - Pool Skimmer	30	2"
C Pool Wall Returns	12	2"
D Pool Main Drain	39	2"
E Sheer Descent Line	24	2"

SCALE: 1/8" = 1' - 0"

Approved Permit Drawing

Additional Notes	
1	Shuttle on 8 scale but not in contract or JMS breakdown
2	Small equipment required but not on contract or in JMS breakdown
3	5 steps to pool
4	May need access letter from neighbor
5	Demo existing pool & deck
6	Hand hold along RBB wall

Revisions	
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X		
Y		

Features			
Pool Light:	1	12v LED	Accent Lights:
Auto Cleaner:	Tiger Shark w/ caddy		Vac Head & Hose:
Deck Jets:			Laminar Jets:
Bubblers:			Led Bubblers:
Sheer Descent:	One 4' Long		Vac Alert
Slide:			
Waterfall:			
Handrail:			Grab Rail:
Ladder:			Diving Board:
Main Kit:	Yes		Winter Cover:
Basketball Set:			Merlin Smart Mesh w/ pump
Volley Ball Set:			Automatic Pool Cover:
In Pool Table:			Auto Cover Tracking:
Controller:			Auto Cover perimeter cap:
Relay:			GVA:
Other Notes:			

Spa			
Spa Area:			Spillway:
Spa Jets:			Air Blower:
Spa Light:			Raised:
Spa Booster Pump:			Coping Finish Spa Top:
Damwall Length:			Summer & Winter:
Detached Spa:			Spa Skimmer:
Other Notes:			

Excavation Details			
Grading:	1 Hour rough only / Day of the dig		
Dirt Haul:	Haul all soil	Dirt Leave On:	NO
Silt Fence:		Temp. Fence:	Yes
Shuttle:		Mini Machine Dig:	
Stumps:		Access Stone:	
Cut:		Out of Grade Framing:	
Other Notes:			

Tile & Coping			
Tile:	Standard 6" Band	Coping:	Marina Belgard Paver
Tile Size:		Coping Size:	6 x 12 x 2
Glass Tile:		Raised Wall Coping:	
Trim Tile:		Raised Wall Back:	
Other Notes:			

Plaster			
Interior Finish:	PMM Marquis Base Quartz		
Trim Tile:		Rope & Floats:	Yes
Other Notes:			

Plumbing Details			
Filter:	450 Cartridge	Filter pump:	1.85 Variable Spd
Fusion Heater:		Cleaner:	Tiger Shark w/ caddy
Heat Pump:		Skimmers:	2
Returns:	1 set of 2 inlets	Double Bottom Drain:	1
Deep Heat:		Salt Generator:	T-3
Floor Returns:		Inline Chlorinator:	
Pre Filter:	Yes	Soft & Clear:	Yes
Auto fill:		UV / Ozone:	
Waterfall Pump:		Sheer Descent Pump:	
Bubbler Pump:		Slide Pump:	
Deck jet Pump:		Laminar Pump & Filter:	
Other Notes:			

BLUE HAVEN POOLS & SPAS
By Calvitti
Customer Information

Last Name: **GROVES** Account #: **10029**

Name:	Karen Groves		Zone:	5
Address:	38169 Keenwik Rd		Res. Phone:	
City:	Selbyville	Cell Phone:	443-928-2263	Karen
State:	DE	Cell Phone:		
Zip:	19975	Email:	rgroves1228@gmail.com	
Email:				

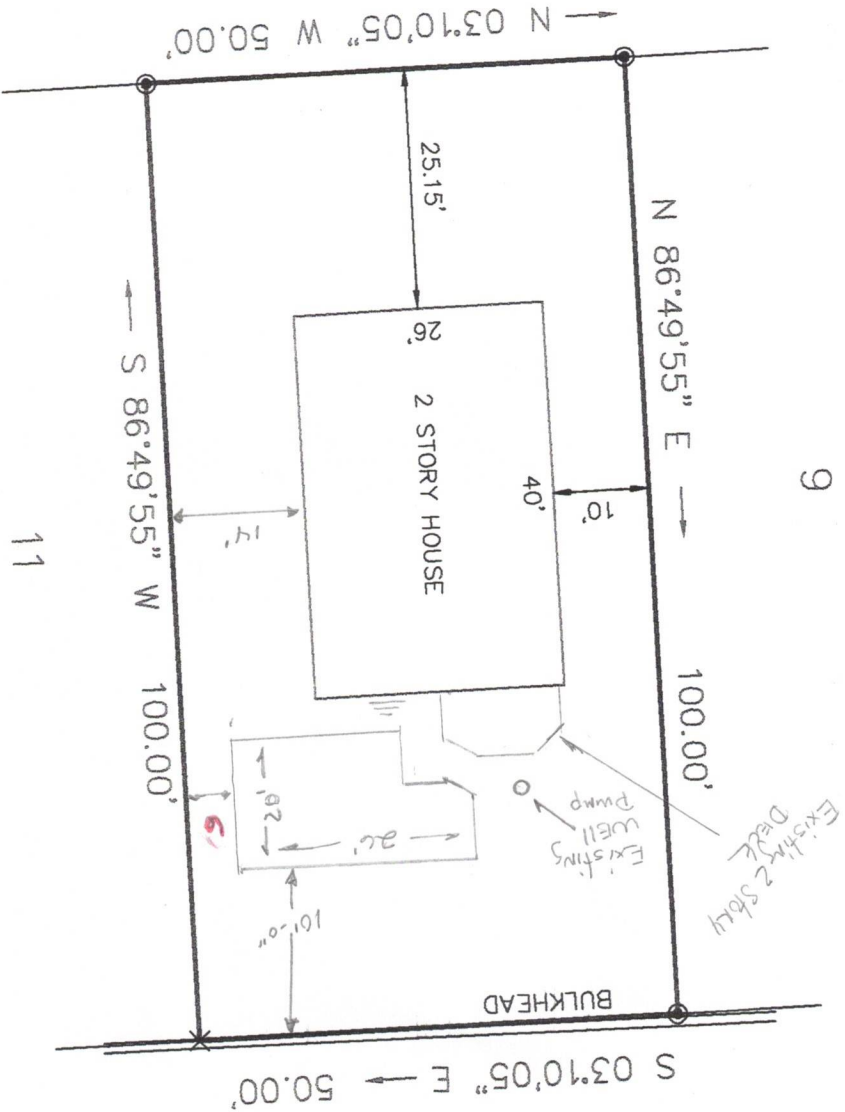
Township and Utility Information			
Cable & Utility #:	242890754	Date Called:	10/15/24
Home Water Supply:	Public	Home Sanitation:	Public Sewer
Permit Office:	Sussex	County:	Sussex
Permit Office #:	302.855.7700	Permit #:	
Block Number:	5	Lot Number:	10
As Built:		Topo Required:	
Variance:		Stake Out Inspection:	
Pre-Site:		Silt Fence:	
Snow Fence:		Steel Chairs:	

Set Backs			
Set backs are to:	To Water		
Rear:	6	Front:	
Side:	10	House:	
Equipment:		Deck:	
Fence:		Septic:	

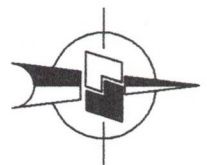
Phase and Blue Haven Office Information			
Note: Pool area to be fenced per local code. Gates to be self-closing and self-latching			
Electric By:	K&S	Fence By:	Buyer
Deck By:	JD Stampcrete	Retaining Wall By:	
Gas Line By:		Heater Venting By:	
Auto Fill Supply Line By:		Phone No:	215-996-0660
BH Sales Office:	Hatfield	Sales Manager:	Dominic/Vince/Anthony C
Salesman:	Mike Hunt	Approved By:	<i>Val 10-17-24</i>
Financed:		Contract Date:	09/11/24
Other Notes:			

Pool Specifications			
Pool Shape:	Custom	Pool Area:	350 sq. ft.
Depths:	3' - 6'	Total Water:	392 sq. ft.
Width:	20' ft	Water Capacity:	9374 Gal.
Length:	26' ft	Turnover:	4 hrs.
Steps:	Per Plan	Pool Perimeter:	94 lf
Bench / Love Seat 1:	6' x 2'	Spa and Pool Perimeter:	lf
Bench / Love Seat 2:		(Does not include damwall)	
Raised Wall:	28 lf 36"	Sun Lounge:	54 sq. ft.
Raised Wall:		Umbrella Sleeves:	1
Raised Wall:		Extended Bench 1:	
Raised Wall:		Extended Bench 2:	
Hand Held:		Exposed Wall Length:	
Notch on Raised Wall:		Exposed Wall Finish:	
Raised Wall Front:	Tile Faced	Bench Mark (BM):	
Raised Wall Back:	No Strip & Finish / Dirt Fill	Top of Coping Elevation:	
Raised Wall Drainage:		Top of Concrete Beam:	
Other Notes:			

KEEN WIK ROAD
40' R.O.W.



LAGOON



18B-79A

LOCATION SURVEY

LOT 10 -- BLOCK 5 -- SUBDIVISION 3

KEEN WIK

KING

⊙ = 3/4" IRON PIPE FOUND

X = P.K. NAIL FOUND

CLASS "B" SURVEY

FLOOD ZONE: AE 6'

AREA: 5,000 sq. ft. ±

BALTIMORE HUNDRED -- SUSSEX COUNTY -- DELAWARE

Scale: 1"=20' Date: 3-16-00

Drawn By: E.M.M. JOB NO. 00018

F.B. NO. 223-50

T.M. 5-33-20.09-72

PREPARED BY

SUNTECH, LLC
SURVEYORS, ENGINEERS, LANDSCAPE ARCHITECTS
ROUTE 1, BOX 17-B 118 ATLANTIC AVENUE OCEAN VIEW, DELAWARE 19870
PHONE: (302) 539-2366 FAX: (302) 539-2499

18B-79A
DRAWING NO.

This plot and survey does not verify the existence or non-existence of right-of-ways or easements on this property.

Case # 12987
Hearing Date 1.6.2025
202410691

Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance	Existing Condition
Special Use Exception	Proposed
Administrative Variance	Code Reference (office use only)
Appeal	_____

Site Address of Variance/Special Use Exception:

Variance/Special Use Exception/Appeal Requested:

Tax Map #:

Property Zoning:

Applicant Information

Applicant Name:
 Applicant Address:
 City State Zip:
 Applicant Phone #: Applicant e-mail:

Owner Information

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

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

emailed in

Date: 11-12-2024



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

2. Cannot otherwise be developed:

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

3. Not created by the applicant:

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

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

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

5. Minimum variance:

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

Sussex County, DE - BOA Application

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

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

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

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

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

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

Date:

For office use only:

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

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



Tuesday, November 12, 2024

Sussex County Board of Adjustment
2 The Circle
Georgetown, DE 19947

Dear Members of the Board of Adjustment:

The purpose of this letter is to accompany and provide additional information supporting the request for a variance to replace an existing non-conforming off-premise sign located at 28862 DuPont Boulevard, Millsboro, DE, southbound lane of Rt. 113, just south the BJs/Lowes.

The existing non-conforming sign at this location was constructed 35 years ago and is a dated wooden sign with three wooden foundation pillars. The self-storage facility was constructed five years ago with a perimeter chain link fence extending underneath and between the second and third foundation pillar of the existing sign.

Image 1 – Existing non-conforming off-premise sign





The existing sign is non-conforming due to the front setback of 21' from the front property line and residential dwelling setback of 102'. We are requesting a variance to replace the existing three pillar wooden sign with a steel monopole sign located inside the existing fence line, bringing the sign closer to compliance with the required 40' front setback.

The proposed location of the steel monopole is located 36' from the front property line compared to the 21' of the existing sign due to the eastern most pillar situated outside of the fence line. The dimensions of the proposed sign would remain the same as the existing sign, 12' W X 24' L with 14' of clearance from existing grade and a maximum height of 26'.

In conclusion, we hope you will consider this request to replace an existing non-conforming sign with a better-quality sign that does not exceed the dimensions of the existing sign bringing the sign closer into compliance with existing Code.

Cordially,

Casey H. Kenton, CCIM
ckenton@i-realty.com
302.228.1128 Direct



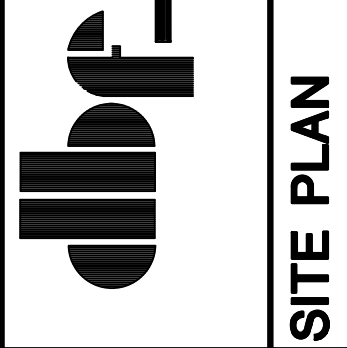
NOTE:
THIS SITE PLAN DOES NOT GRANT APPROVAL OF THE RELOCATION OF THE EXISTING BILLBOARD OR THE PLACEMENT OF A NEW BILLBOARD. THE BILLBOARDS REQUIRE A SPECIAL USE EXCEPTION FROM THE BOARD OF ADJUSTMENT.

SITE LEGEND:

- (A) 9'x18' HANDICAP PARKING SPACE WITH SIGN
 - (B) 8' CHAIN LINK FENCE
 - (C) GATE
 - (D) MOUND SYSTEM TYPE DRAIN FIELD
 - (E) 10' SHARED-USE PATH
 - (F) SHARED-USE PATH TRENCH DRAIN (A)
 - (G) SHARED-USE PATH TRENCH DRAIN (B)
 - (H) 8' CHAIN LINK FENCE WITH PRIVACY SLATS
-
- [STONE SURFACE] STONE SURFACE
 - [PAVEMENT] PAVEMENT
 - [CMF] CONCRETE MONUMENT FOUND
 - [IRON ROD & CAP FOUND] IRON ROD & CAP FOUND
 - [IRON PIPE FOUND] IRON PIPE FOUND



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS



SITE PLAN

DESTORAGE.COM - BILLBOARD EXHIBIT
SUSSEX COUNTY, DELAWARE
DAGSBOROUGH HUNDRED

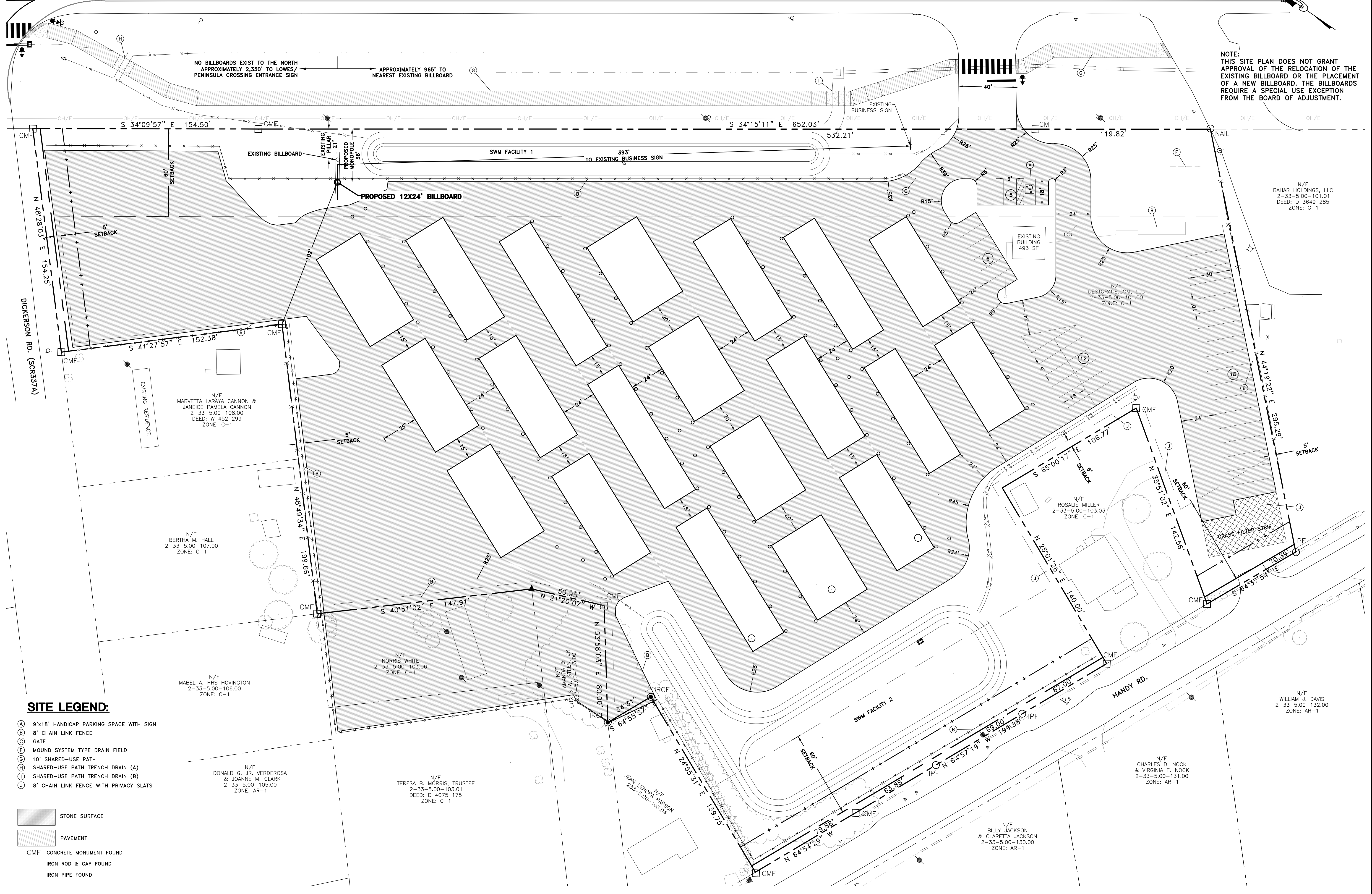
REVISIONS:

Date: JULY 2024
Scale: 1"=30'
Dwn.By: JMJ
Proj.No.: 05758035
Dwg.No.:

1

DuPONT BOULEVARD RT. 113 (SOUTHBOUND)

NOTE:
THIS SITE PLAN DOES NOT GRANT APPROVAL OF THE RELOCATION OF THE EXISTING BILLBOARD OR THE PLACEMENT OF A NEW BILLBOARD. THE BILLBOARDS REQUIRE A SPECIAL USE EXCEPTION FROM THE BOARD OF ADJUSTMENT.

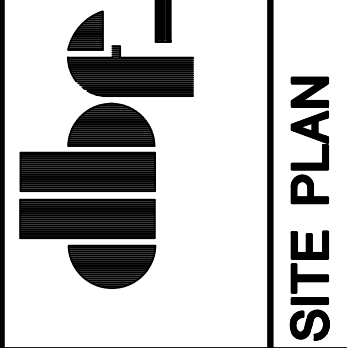


SITE LEGEND:

- (A) 9'x18' HANDICAP PARKING SPACE WITH SIGN
 - (B) 8' CHAIN LINK FENCE
 - (C) GATE
 - (D) MOUND SYSTEM TYPE DRAIN FIELD
 - (E) 10' SHARED-USE PATH
 - (F) SHARED-USE PATH TRENCH DRAIN (A)
 - (G) SHARED-USE PATH TRENCH DRAIN (B)
 - (H) 8' CHAIN LINK FENCE WITH PRIVACY SLATS
-
- [STONE SURFACE] STONE SURFACE
 - [PAVEMENT] PAVEMENT
 - [CMF] CONCRETE MONUMENT FOUND
 - [IRON ROD & CAP FOUND] IRON ROD & CAP FOUND
 - [IRON PIPE FOUND] IRON PIPE FOUND



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441



SITE PLAN

DESTORAGE.COM - BILLBOARD EXHIBIT
SUSSEX COUNTY, DELAWARE
DAGSBOROUGH HUNDRED

REVISIONS:

Date: JULY 2024
Scale: 1"=30'
Dwn.By: JMJ
Proj.No.: 05758035
Dwg.No.:

1

P:\Shimmi\Millboro Storage\DESIGN\05758035 BILLBOARD 2024-08-15.dwg Nov 11, 2024 - 1:12pm



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
 39 E. REGAL BOULEVARD
 NEWARK, DELAWARE 19713

NICOLE MAJESKI
 SECRETARY

Oct 29th, 2024

DE Storage LLC
 28862 Dupont Blvd
 Millsboro DE 19966
 Attn: Casey Kenton

Dear DE Storage:

The Roadside Control Section of the Department of Transportation is charged with the responsibility of enforcing statutory regulations pertaining to Outdoor Advertising as set forth under Title 17, Chapter 11, of the Delaware Code.

The Department has received your outdoor advertising application for a new off premise sign to be situated on the property belonging to DEStorage, LLC, at 22862 Dupont Blvd, Millsboro Delaware in Sussex County (tax parcel#: 223-5.00-101.00).

I have reviewed the proposed site plan that was submitted as well as the application. As long as the sign is constructed per the specifications submitted and the required building permits are obtained by the local land use authority, the Department has no objection to the proposed sign application. It is the responsibility of the sign owner to seek approval from the local authority before installation of the sign.

This letter serves as a notice to proceed to erect a Static Sign for off premise advertising only. Should there be any revisions to the sign in regard to size, location, or message; the Department must be notified immediately. Failure to disclose any revisions to the sign prior to construction will result in the revocation of this notice to proceed and the removal of the sign structure.

Please be advised that this letter of no objection will terminate and become void if the sign structure is not under construction by March 27th, 2025, and not fully constructed by October 29th, 2025. Failure to begin or complete construction of the sign structure within the specified dates will result in permission for this site to be revoked and the entire application package will have



to be resubmitted to the Department for consideration. **Approval upon resubmission is not a guarantee.**

This letter of no objection is provided to you as a courtesy to assist you in securing approval from the appropriate entities prior to construction of the sign structure. **This letter is not a permit.**

The sign installer shall provide copies of the local building permit and notify the Department 24 hours prior to the start of construction. Upon completion of the construction of the sign, the installer shall notify the Department within 48 hours for a final field inspection. Once the final inspection has been completed and the sign has been constructed as per the specifications submitted, the Department will issue an invoice. After confirmation that the invoice has been paid, the final permit will be issued.

Should you have any questions or concerns, or to schedule your pre-construction or final inspection, please contact me at (302) 259-7074.

Sincerely,

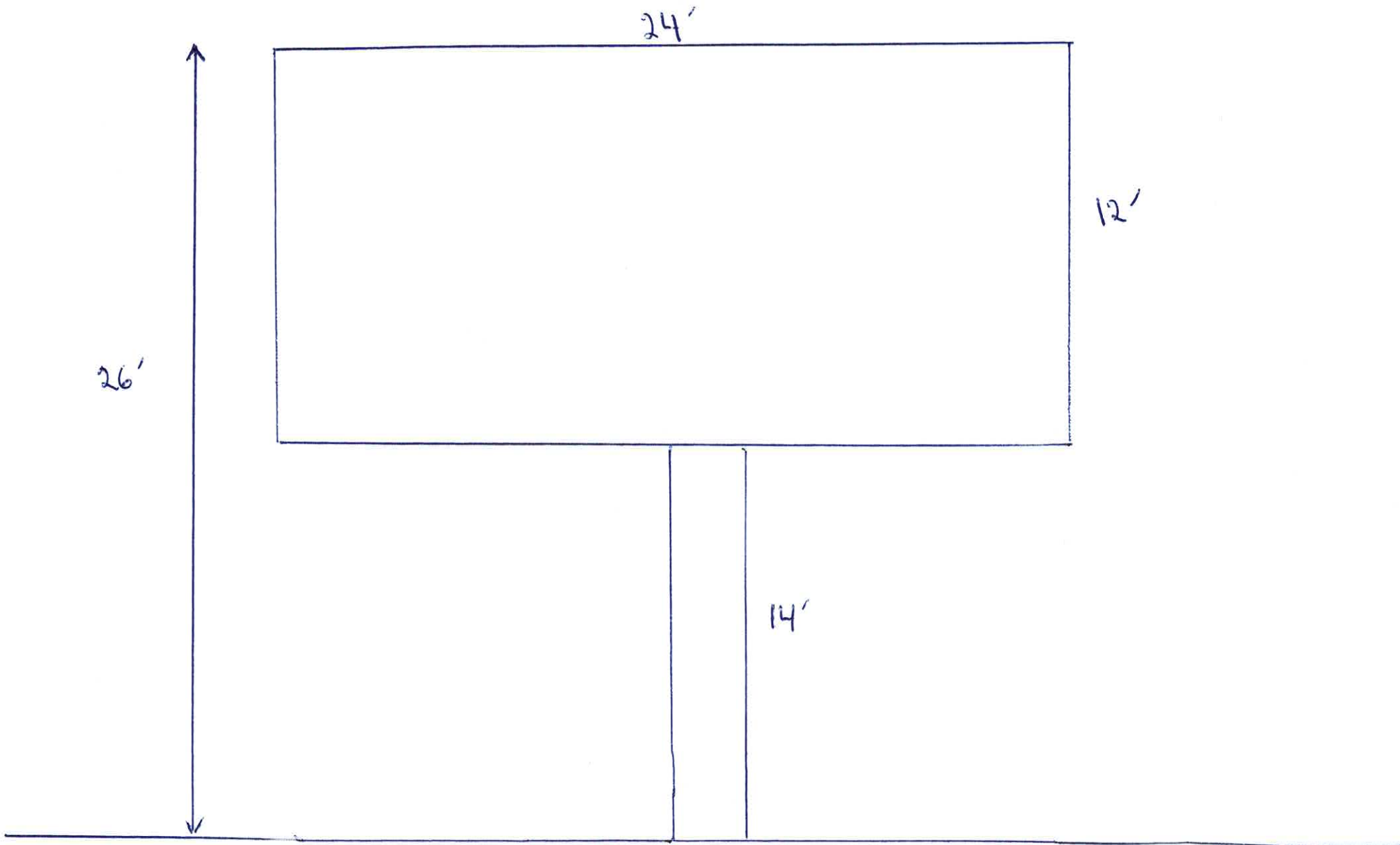


Maddison Staniszewski
Roadside Control Investigator
South District/ DOT

MLS/ms

By: Certified mail

cc: Christopher King, Roadside Control Manager



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 # 13028
Hearing Date 1-6-2025
202416872
RECEIVED

NOV 18 2024

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance []
Special Use Exception [x]
Administrative Variance []
Appeal []

Existing Condition []
Proposed [x]
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

34206 Vines Creek Road

Variance/Special Use Exception/Appeal Requested:

A special use exception of 348 square feet for a proposed Accessory Dwelling Unit is requested.
Applicable Sussex County Code Section 115-32C and 11520A(15)(c)

Tax Map #: 134-11.00-137.00

Property Zoning: MR

Applicant Information

Applicant Name: Jose Villatoro

Applicant Address: 34206 Vines Creek Road

City Dagsboro State De Zip: 19939

Applicant Phone #: (610) 763-1447 Applicant e-mail: Villatoro.jay@yahoo.com

Owner Information

Owner Name: same as above

Owner Address:

City State Zip: Purchase Date:

Owner Phone #: Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name: James D. Churchman

Agent/Attorney Address: 26 The Circle

City Georgetown State DE Zip: 19947

Agent/Attorney Phone #: (302) 856-7777 Agent/Attorney e-mail: james@fwsdelaw.com

Signature of Owner/Agent/Attorney

[Handwritten Signature]

Date: 11/15/24



Sussex County, DE - BOA Application

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

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

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

See attached.

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

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

INDEX OF ATTACHMENTS

1. Special Use Criteria
2. Applicable Code and Explanation
3. Deed
4. Pictures from the Sussex County Site of the Property
5. Survey with General Notes and Architect Plans
6. Staff Memorandum
7. Further documentation to be provided once received.

Property: 34206 Vines Creek Road, Dagsboro DE
TMP: 134-11.00-137.00
Zoning: MR
Owner: Jose C. Villatoro

Special Use Exception Criteria

1. The property will not substantially affect adversely the uses of adjacent and neighboring properties.

Mr. Villatoro bought this property with both the home and garage already built. There have been no additions to the house to increase the size of the single-family home. The home is only 1,104sqft. The proposed Accessory Dwelling Unit (“ADU”) is currently a garage. The current square footage of the garage is 450sqft. Once a second addition is added to the garage the square footage would be 900sqft. The proposed addition will have the same footprint since it will only increase in height. Further, the proposed structure would enhance the surrounding area by building up an old garage into a significantly “less of an eyesore” structure.

As a result of the size of single-family home, building the proposed ADU without a special use exception would be impractical. Adding on to the house to create a larger square footage as to comply would create unnecessary costs for the owner which goes against the spirit of the recent update to the zoning ordinance.

Applicable Code:

§ 115-32 Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment and in accordance with the provisions of Article **XXVII** of this chapter and may include:

C.

Other special use exceptions as follows:

Accessory dwelling units, subject to the dimensional requirements of § **115-20A(15)(c), (d) and (e)**

§ 115-20 Permitted uses.

A.

A building or land shall be used only for the following purposes:

(15)

One accessory dwelling unit for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the following:

(c)

No accessory dwelling unit shall have a floor area that is greater than 1,000 square feet. An accessory dwelling unit shall not be larger than 50% of the floor area of the single-family dwelling located on the same lot.

(d)

There shall be at least one parking space set aside for an accessory dwelling unit.

(e)

An accessory dwelling unit shall not encroach into the setbacks required by this chapter. On a lot less than three acres in size, a detached accessory dwelling unit shall be located behind the single-family dwelling on the same lot.

Explanation of Applicable Code

This proposed Accessory Dwelling Unit (“ADU”) would fall within the permitted uses section of the Sussex County Code, Section 115-32 but for the square footage issue. It qualifies as a single accessory dwelling unit within the definition of Sussex County Code, section 115-4

“A self-contained dwelling unit that is secondary to the principal dwelling . . . includes independent living facilities such as a separate entrance, bathroom and kitchen.”

This proposed ADU is:

- Self-contained
- Includes on the first floor:
 - o A kitchen with a fridge, dishwasher, electric stove and microwave and a living

- room/dining room area
- Includes on the second floor:
 - o Two bedrooms, a full bathroom, and a washer/dryer

115-20A.(15)

(c)

The proposed ADU has a floor area of 900. The square footage of the property is 1104sqft so it will be over the 50% requirement. A Special Use Exception for 348 square feet is requested.

(d)

A parking space will be set aside on the right side of the proposed ADU

(e)

The proposed ADU complies with all applicable setbacks as indicated on the survey. This lot is .43 acres and the proposed ADU is located behind the single family dwelling unit.

It is worth noting that a separate sewer connection will be provided to the ADU by Multi-Kostal Services.

Document# 2023000042869 BK: 6020 PG: 181
Recorder of Deeds, Alexandra Reed Baker On 12/11/2023 at 8:34:15 AM Sussex County, DE
Consideration: \$310,000.00 County/Town: \$4,650.00 State: \$7,750.00 Total: \$12,400.00
Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP # 134-11.00-137.00

PREPARED BY & RETURN TO:
Parsons & Robinson, P.A.
P.O. Box 480
118 Atlantic Ave, Ste 401
Ocean View, DE 19970
File No. 39228/SHS

THIS DEED, is made effective as of the 8th day of December, 2023,

- BETWEEN -

WILLIAM DAVID HODGES JR. , SUCCESSOR TRUSTEE OF THE DARWIN DRAPER REVOCABLE TRUST DATED SEPTEMBER 11, 2018, AND ANY AMENDMENTS THERETO, of 34206 Vines Creek Rd, Dagsboro, DE 19939, party of the first part,

- AND -

JOSE C. VILLATORO and SARAH D. VILLATORO, of 15 Wendy Rd, Reading, PA 19601, parties of the second part, as tenants by the entirety.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part:

ALL that certain piece, parcel or lot of land, lying and being situate in the Baltimore Hundred, Sussèx County, State of Delaware, being known as Lot 24, Edgewood Manor, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 8, Page 251, and being more particularly described as follows; to wit:

BEGINNING at an iron rod with cap set, located on the south westerly right of way line of Vines Creek Road, and being the south westerly corner of said Lot and a common property corner with Lot 25; thence by and with Vines Creek Road, South 32° 00' 00" East, a distance of 80.00', to an iron pipe found; thence by and with Lot 23, South 58° 00' 00" West, a distance of 189.82', to an iron pipe found; thence by and with Lot 22, North 61° 57' 43" West, a distance of

Document# 2023000042869 BK: 6020 PG: 182

Recorder of Deeds, Alexandra Reed Baker On 12/11/2023 at 8:34:15 AM Sussex County, DE

Doc Surcharge Paid

92.34', to an iron pipe found; thence by and with Lot 25, North 58° 00' 00" East, a distance of 235.94', to an iron rod with cap set, and said point of beginning, containing 17,030 square feet of land, more or less.

BEING the same land and premises that Darwin Draper, by deed dated 09/11/2018 and recorded 10/10/2018 in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 4961, Page 29, did grant and convey unto Darwin Draper, Trustee of the Darwin Draper Revocable Trust dated September 11, 2018 and any Amendments thereto, in fee. The said Darwin Draper departed this life on February 5, 2023 and, per the terms of the aforementioned trust, William David Hodges Jr. was appointed successor trustee.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year as written below.

Signed, Sealed and Delivered in the presence of:

William David Hodges Jr (SEAL)
**WILLIAM DAVID HODGES JR,
SUCCESSOR TRUSTEE OF THE DARWIN
DRAPER REVOCABLE TRUST DATED
SEPTEMBER 11, 2018, AND ANY
AMENDMENTS THERETO**

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

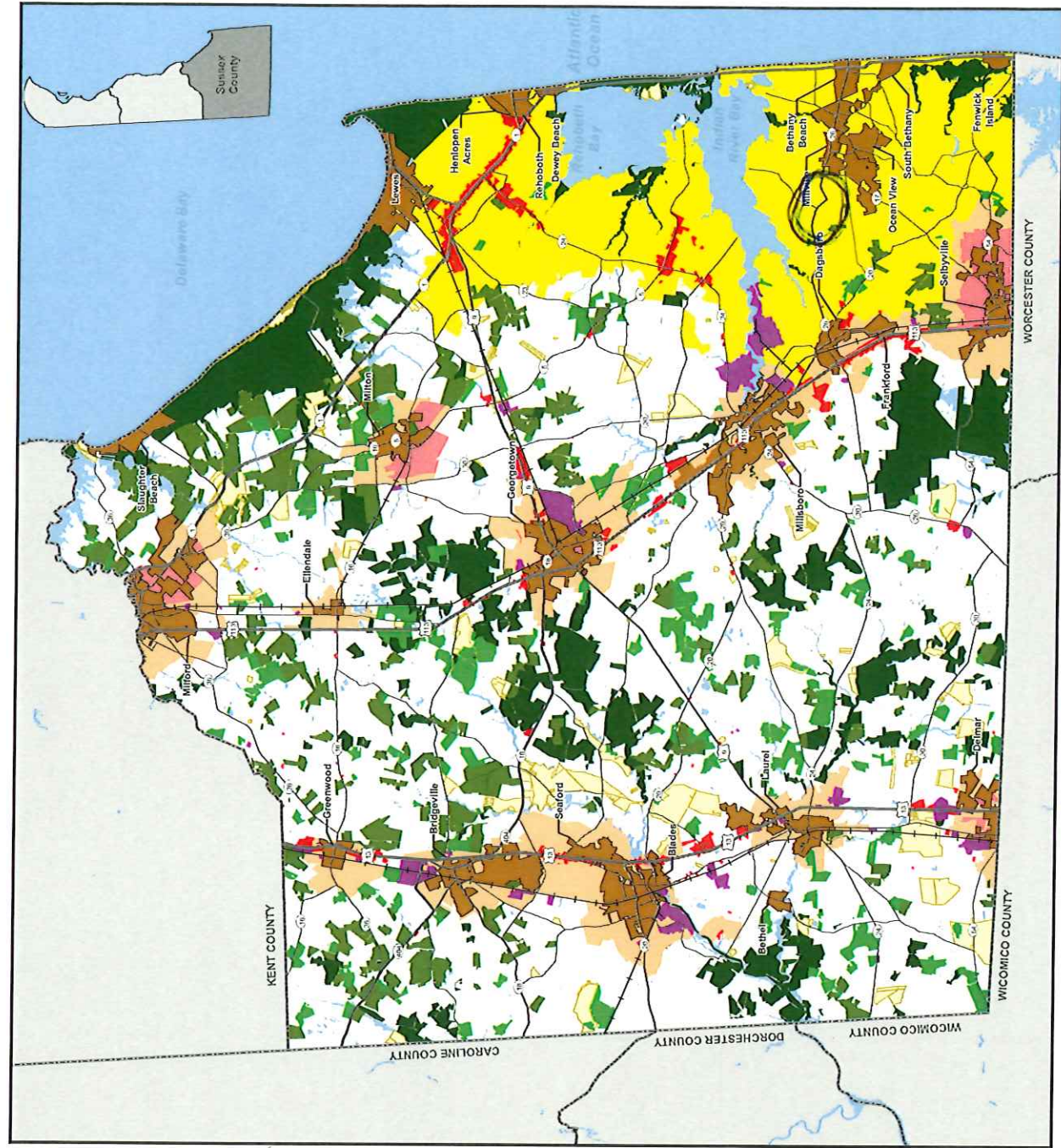
BE IT REMEMBERED, that on this 8th day of December, 2023, personally came before me, the subscriber, WILLIAM DAVID HODGES JR, SUCCESSOR TRUSTEE OF THE DARWIN DRAPER REVOCABLE TRUST DATED SEPTEMBER 11, 2018, AND ANY AMENDMENTS THERETO, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.


Given under my Hand and Seal of office the day and year aforesaid.

MSR

Notary Public
Printed Name: MANAEN S. ROBINSON IV
My Commission Expires: _____

MANAEN S. ROBINSON, IV, ESQ.
ATTORNEY AT LAW- DELAWARE
NOTARY PURSUANT TO
29 DEL. C., SEC. 4323(a)(23)






Sussex County
Comprehensive
Plan


2045 Future Land Use Map

Growth Areas	Municipalities
	Town Center
	Developing Area
	Existing Development Area
	Coastal Area
	Commercial
	Industrial Area
Rural Areas	Low Density
	Protected Land
	Ag. Preservation District
	Ag. Preservation Easement


Sources: DE FirstMap, Sussex County Mapping Dept. Land Use Data from 2008, State Forest Data from 2013, Forest Conservation Easements Data from 2016, Municipal Annexation Areas 2016

*The official depiction of the protected lands can be found on the Protected Land Map (Figure 5.2-1)



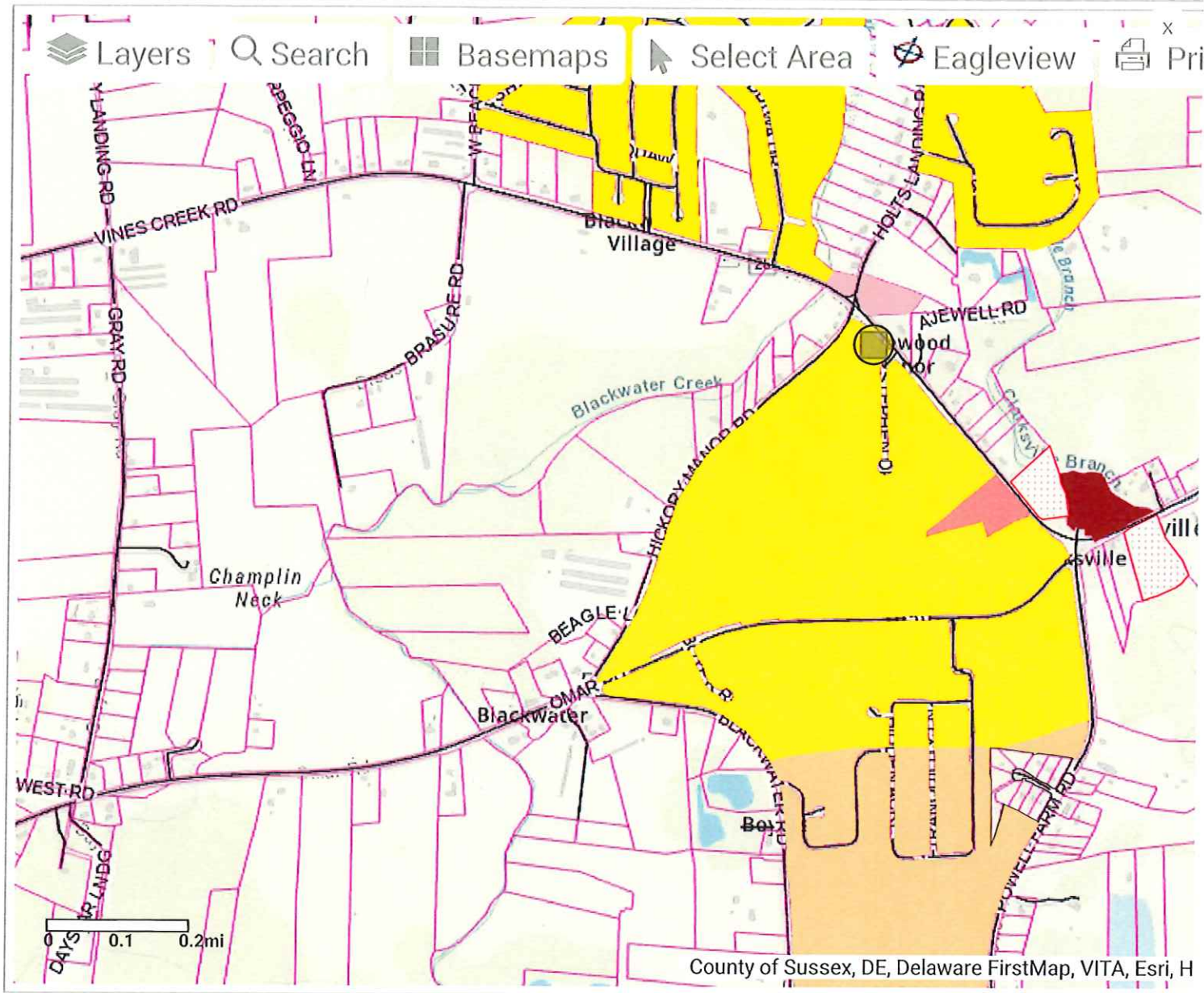


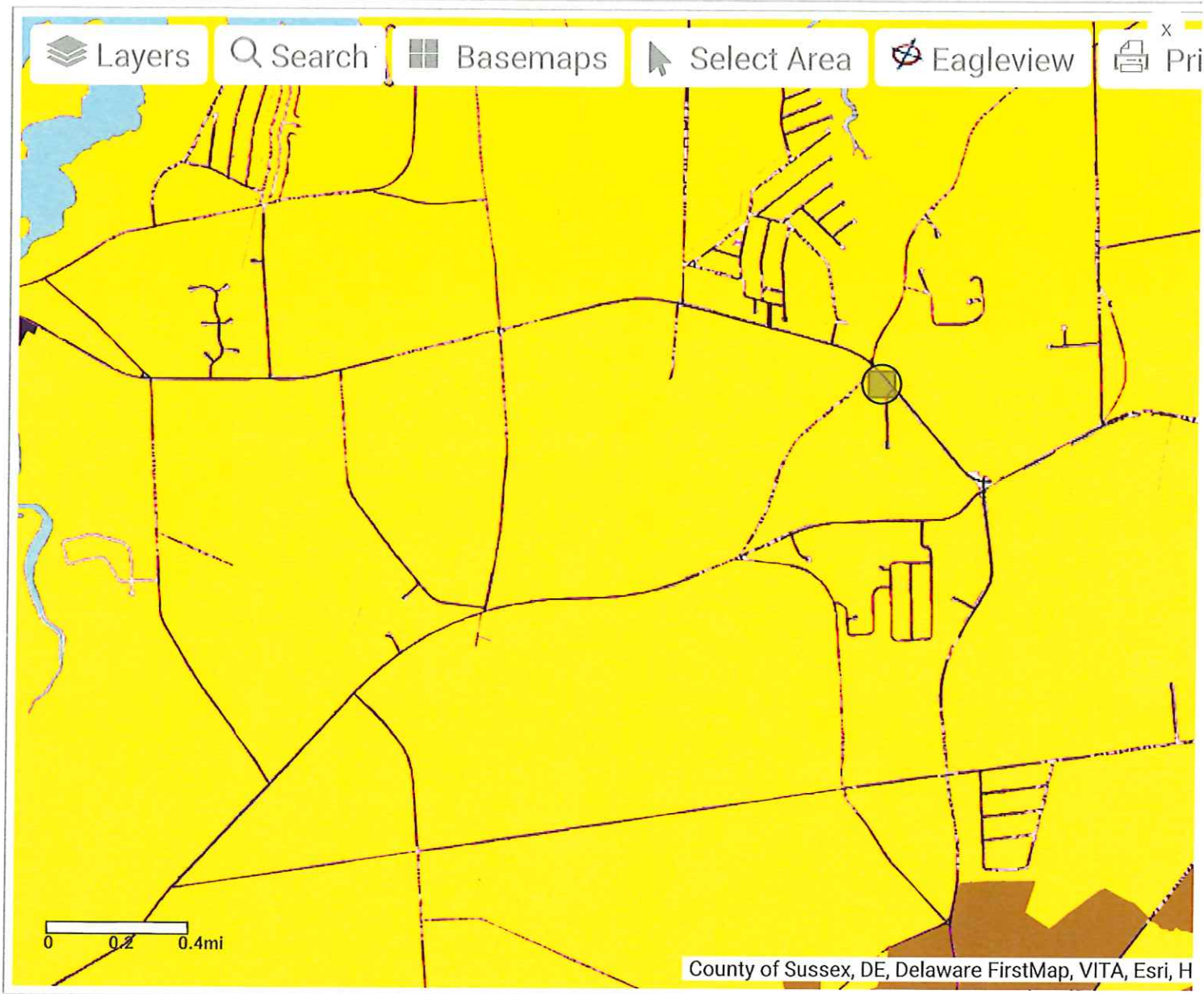
0 2.5 5 Miles



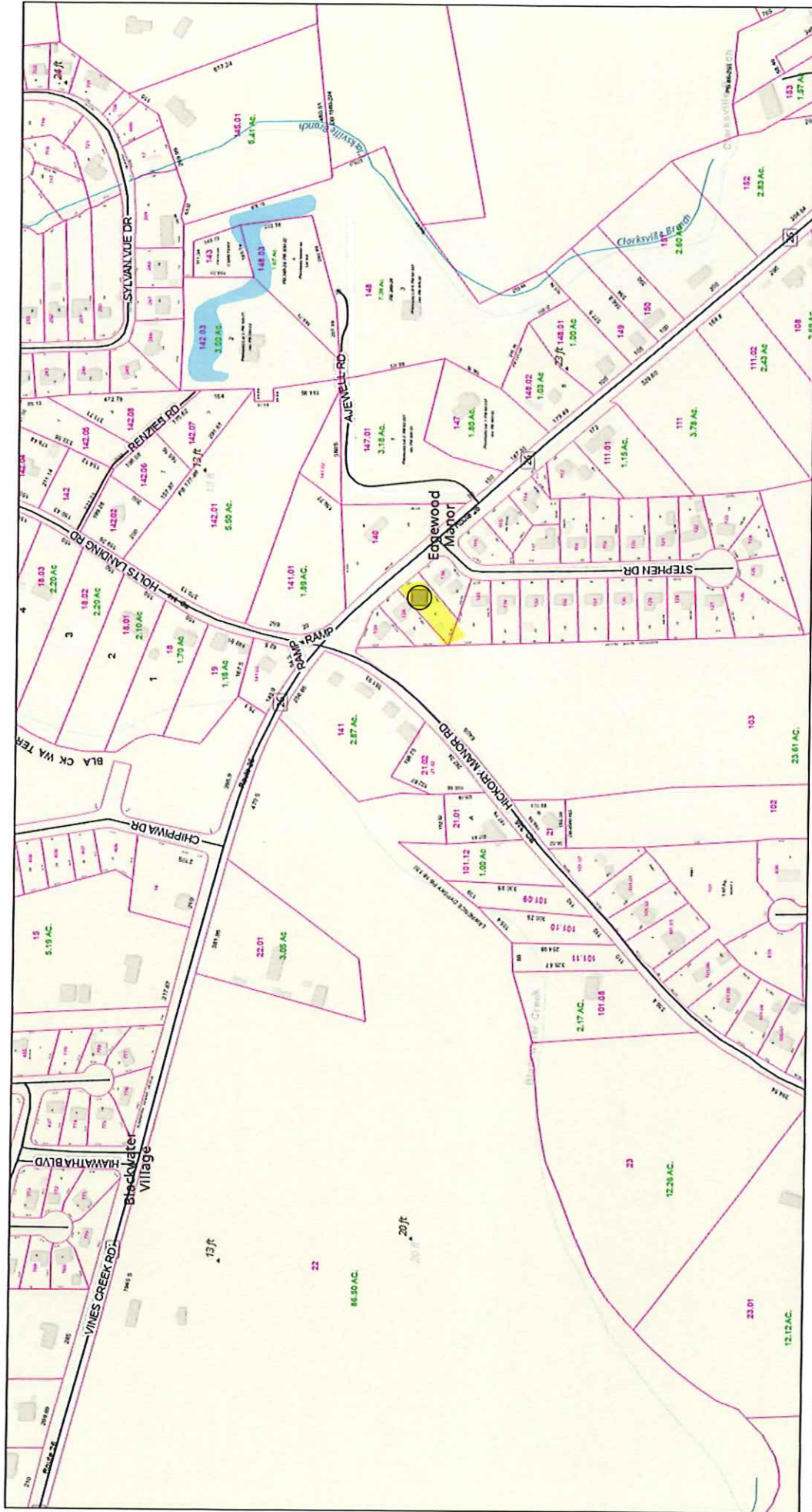
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5766 040 FutureLandUse2045 11x17 Final 1/16/2019 2:39:52 PM



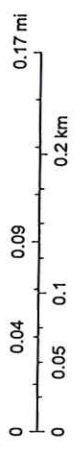


Sussex County



October 1, 2024

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



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency, Delaware Geological Survey, U.S. Geological Survey, Delaware Public Service Commission, FEMA County of Sussex, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA,




03/26/2019



TAX MAP	1-24-11 00 - 137.00
STATE	DELAWARE
COUNTY	SUSSEX
MUNICIPALITY	BALTIMORE
TOWN	---
AREA	17,030 ± SQ FT
DEED REF	4861 29
PLAN REF	9/891
DRAWN BY	J.M.T.
DATE	06/28/2023
SCALE	1" = 40'
SURVEY #	DE - 09703

BOUNDARY SURVEY PLAN
LOT 24
EDGEWOOD MANOR
 FOR
JOHN ALEXANDER KANE
 34206 VINES CREEK ROAD, DAGSBORO, DE 19939

LAND SURVEYING
 APPRAISAL & ENGINEERING
 242 N. 11th St. #100
 301-539-2488

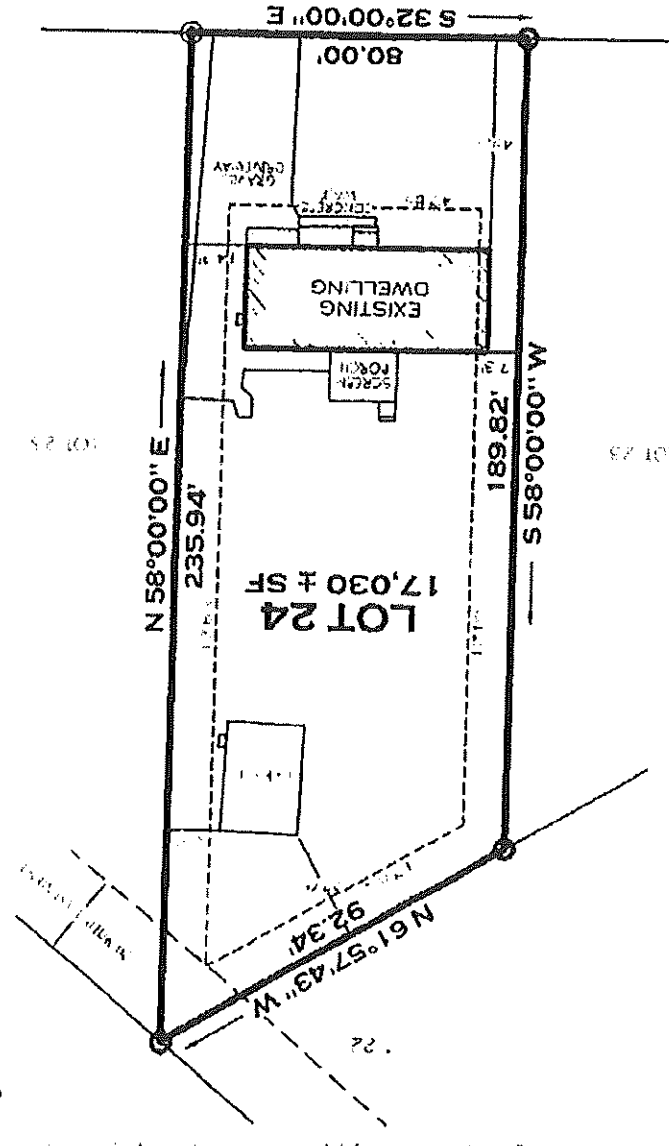


TRUE NORTH

LEGEND
 ○ IRON PIPE FOUND
 ● IRON ROD W/ CAP SET

NOTES
 1 CLASSIFICATION OF SURVEY - BULKHEAD
 2 20' MIN.
 3 BUILDING SETBACK LINES (SLL)
 FRONT 40'
 SIDE 10'
 REAR 10'
 ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY ALL WRITING ALL SETBACKS & REQUIREMENTS.
 A METEOROLOGICAL REPORT WAS PREPARED FOR RISE THEREFORE IN A BOUNDARY SURVEY IS SUBJECT TO ANY EXISTING RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

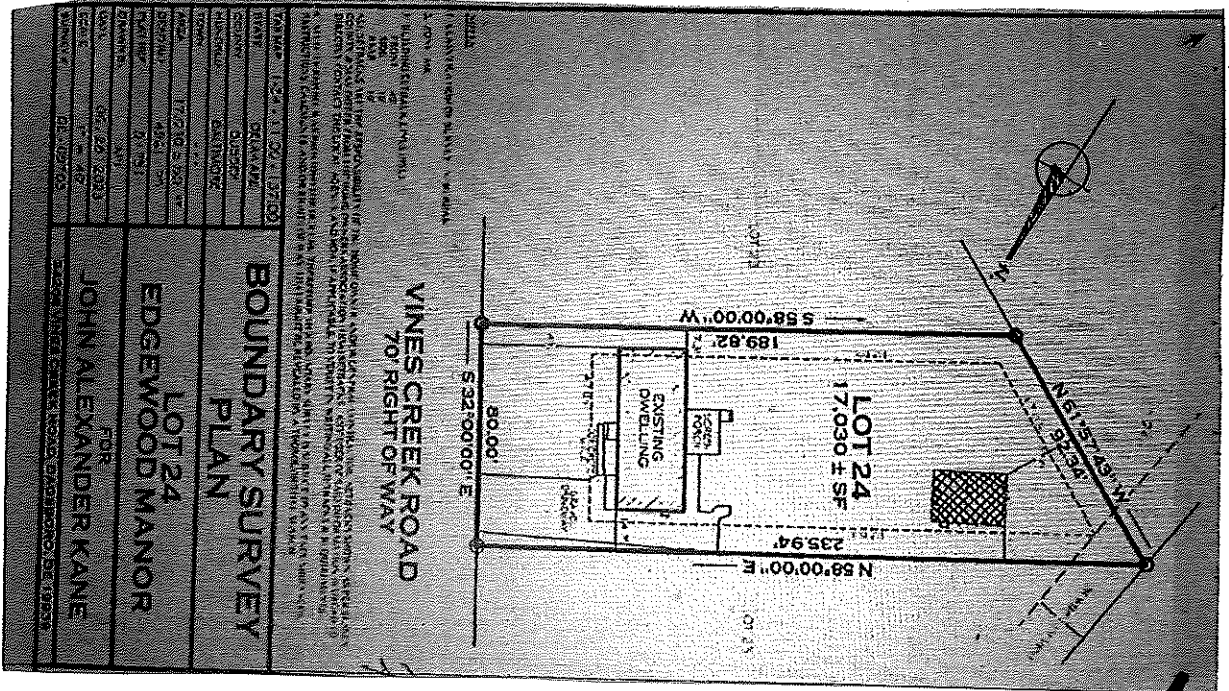
VINES CREEK ROAD
70' RIGHT OF WAY



DATE: 6.25.23
 DEBORAH A. JOHNSON, DE PLS 3 703
 [Signature]

I, BRADLEY A. JOHNSON, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND SUBJECTS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY OR PROPERTY IMPROVEMENTS, DOT MARKS OR PROPERTY CORNER MARKS, THE DATA SHOWN HEREIN SHALL REQUIRE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LOCAL USE.





GENERAL NOTES

- **DEMOLITION**
- Remove existing siding, windows, and roof. Salvage lumber for reuse.

FOUNDATION: EXISTING

STRUCTURAL FRAMING

- Exterior Walls: 2 x 4 studs spaced 16" o.c. with 7/16 Zip Wall System sheathing. Note: existing walls are 2 x 4 studs.
- Interior Walls: 2 x 4 studs spaced 16" o.c.
- Beams: LVL beam as noted on Sections and Framing Plans.
- Joists and Rafters:
 - As shown on Framing Plans Dog #
 - Subflooring: 3/4" T & G Advantech, to receive both ceramic tile and hardwood
- Wall Sheathing: 7/16" Zip Wall System panels.
- Roof Sheathing: 5/8" Zip System Roof Panels.
- Structural Ties: Simpson H3 Hurricane Ties at each rafter

INSULATION AND DRAFT STOPPING

- Moisture Barrier: Huber Engineered Panels (Zip System) with built-in Stormex water-resistant barrier for walls and 5/8" panels for roofs. Tape all seams with Zip System tape, as well as window flanges and door openings.
- Exterior Walls: Provide sprayed, open cell foam: Aquibalance w/ 4.45 R Value per inch. Aquibalance is made by Demilec.
- Rafter Bays: Provide sprayed closed cell foam in all rafter bays. R-38 minimum value.
- Flooring Bays between 1st and 2nd Floors: 12" batt insulation for sound attenuation.
- Roofing: Fiberglass Shingles TBD by Owner

EXTERIOR FINISHES

- Exterior: Vinyl siding TBD
- Exterior Trim: Azek 3-1/2" trim at openings. Wood sub sills as required. 5/4" sills with 1-1/2" overhang typ.

WINDOWS, DOORS, and TRIM

- Windows: Marvin, Elevate Series
- Double hung sizes as shown on drawings.
- Clad exterior (white), primed interior
- Satin Nickel hardware
- Vinyl View Screens
- Clear insulated double glass
- Exterior Sliding Door in LR: Marvin Elevate, Northfield Hardware satin nickel, lowest sill available. If there is a custom lower sill available, please advise!
- Exterior Front Door: Thermo Tru Style # FCM4913 three lite, 2'-10" x 6'-8" paint option, color TBD, no low-e, 3/4" panel.
- Front Door Hardware: Schlage entrance set TBD.
- Exterior Trim: 1 x 4 Cedar or Azek, 5/4" sills, with 1-1/2" overhang
- Interior Doors: Two panel, composite doors, to be painted.
- Interior Hardware: Schlage passage sets and dummy knobs TBD
- Trim: Provide 1 x 4 trim at all openings. Interior sills to be 5/4" stock. Provide angled 1 x 6 base throughout
- Skylight: Velux #FSM02, fixed, rough opening @30-1/8 x 30"

PAINTING

- Include exterior and interior painting with Benjamin Moore or approved equal. All colors TBD

SPECIALTIES

- Kitchen and Bathroom cabinets: TBD
- Medicine Cabinets: Newport wall mtd by Houzz 24" x 33", white, (1 reqd.) Or alternate as selected by Owner.
- Countertops: Allow \$100/SF installed for stone (Kitchen and Bath).
- TV Mount: TBD
- Knobs and pulls TBD by Owner

APPLIANCES: Basically, the Owner will purchase and the GC will install. These will include:

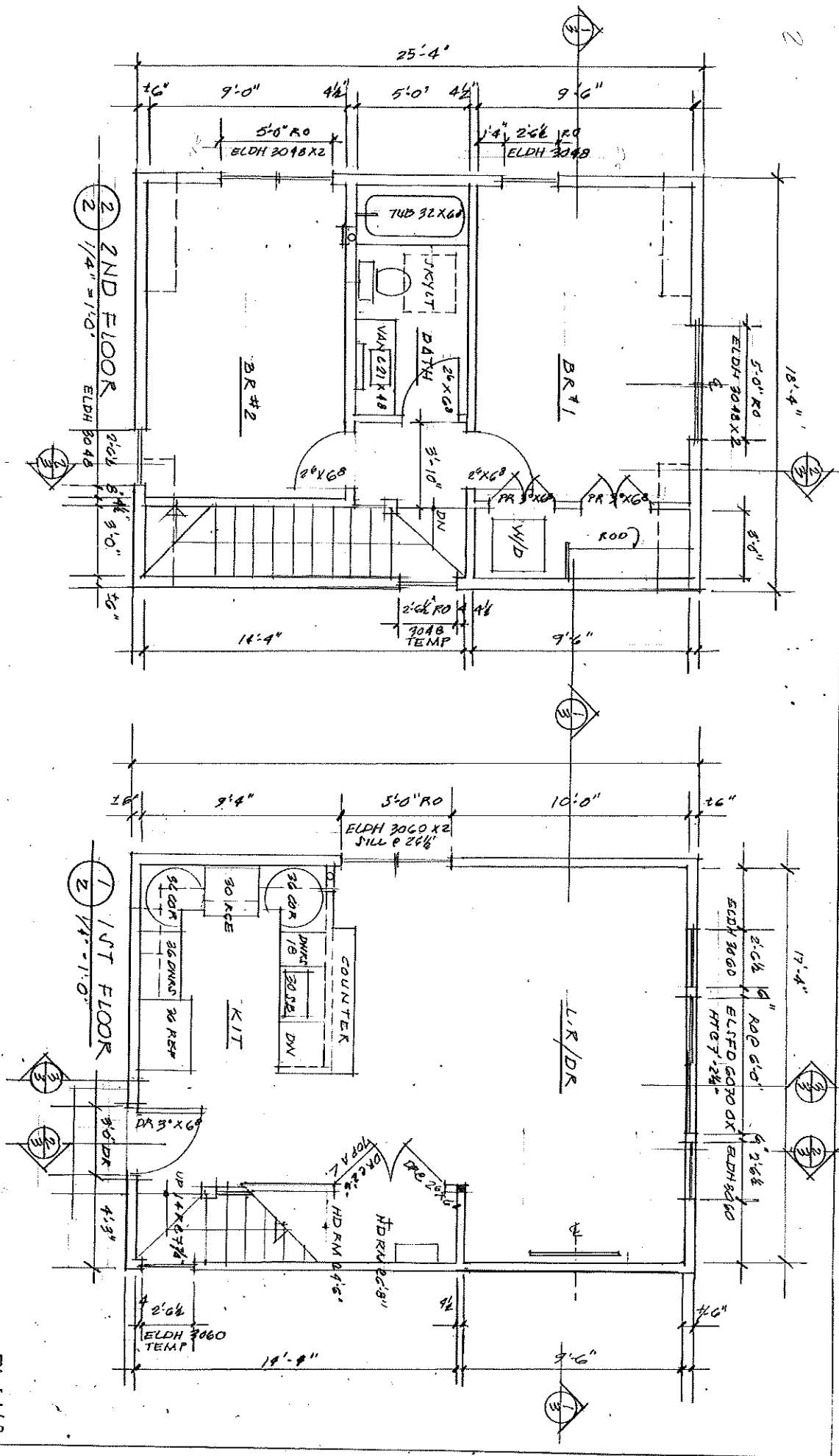
- Dishwasher:
- Garbage disposer: In-Sink-Erator "Excel Evolution", 1 HP motor, with wall switch
- Refrigerator:
- Electric Range and oven, 30" wide.
- Washer and Dryer: electric, stacking type
- Countertop Microwave.

SURVEY & GENERAL NOTES

34206 VINES CREED ROAD, DAGSBORO, DE 19939

Ariene Matzkin, Architect 215-888-3231 ariematzkin@mac.com

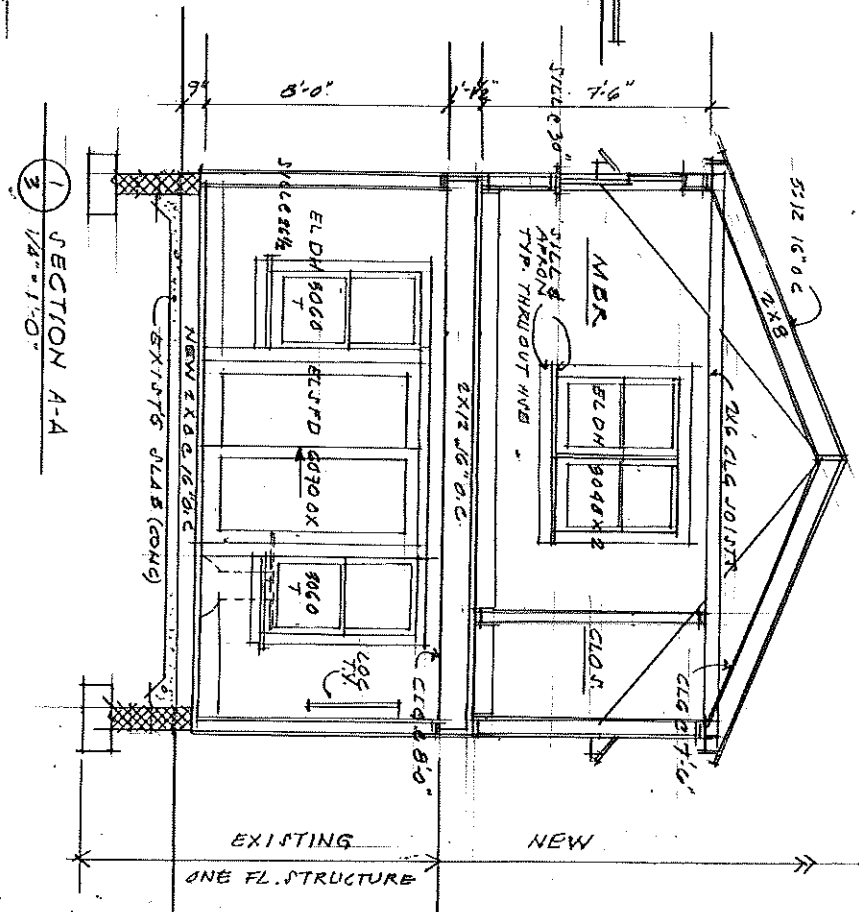
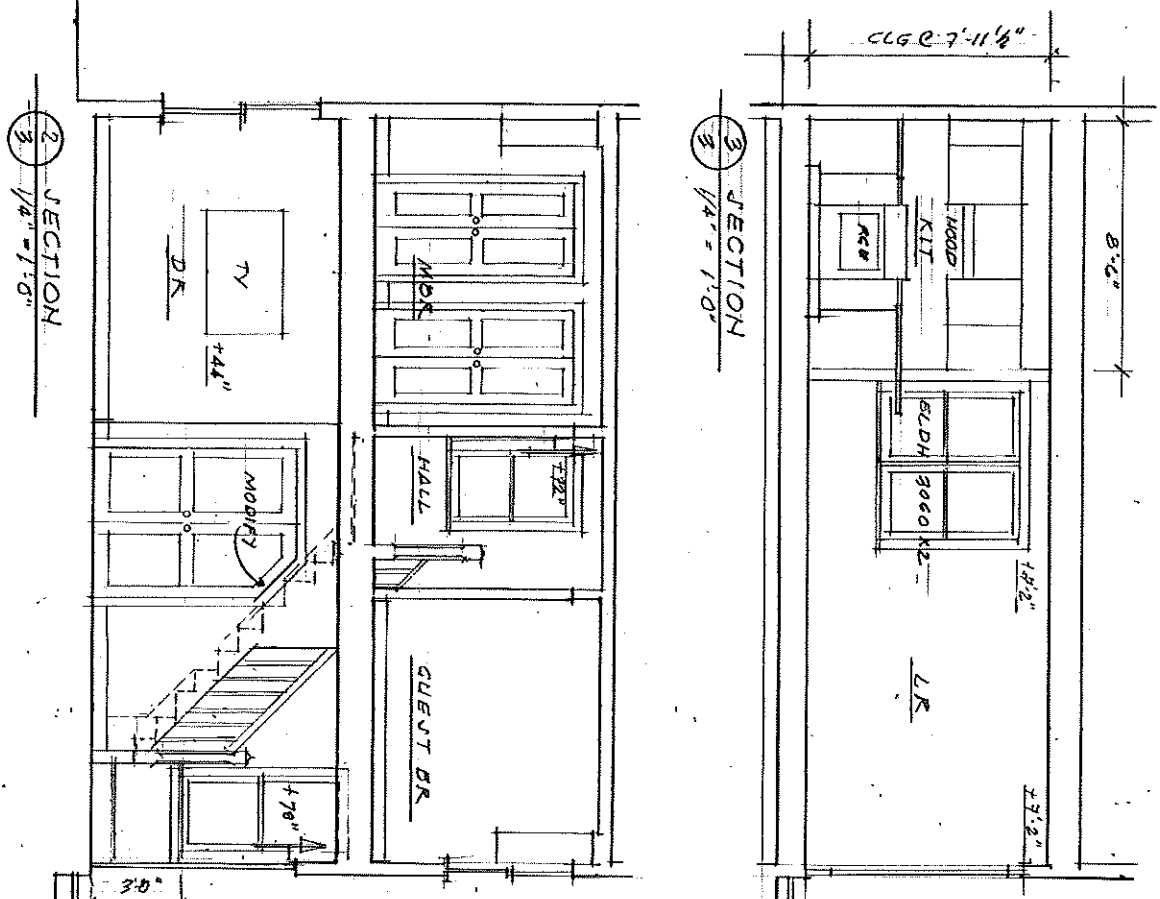
1 of 5



34206 VINES CREED ROAD, DAGSBORO, DE 19939
 Arlene Matzkin, Architect 215-688-3231 arlenematzkin@amac.com

2
 015

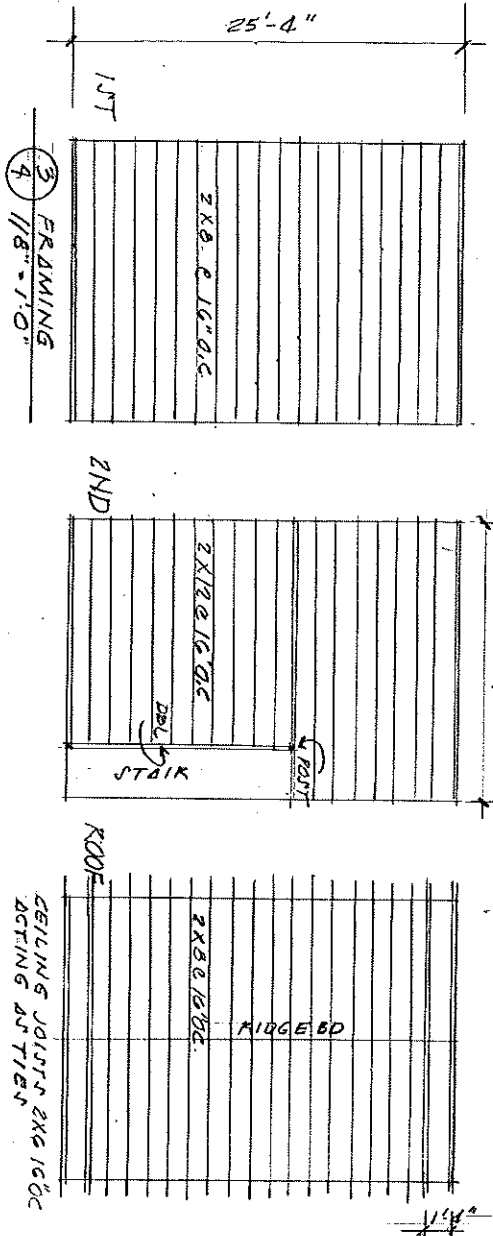
PLANS



BUILDING SECTIONS

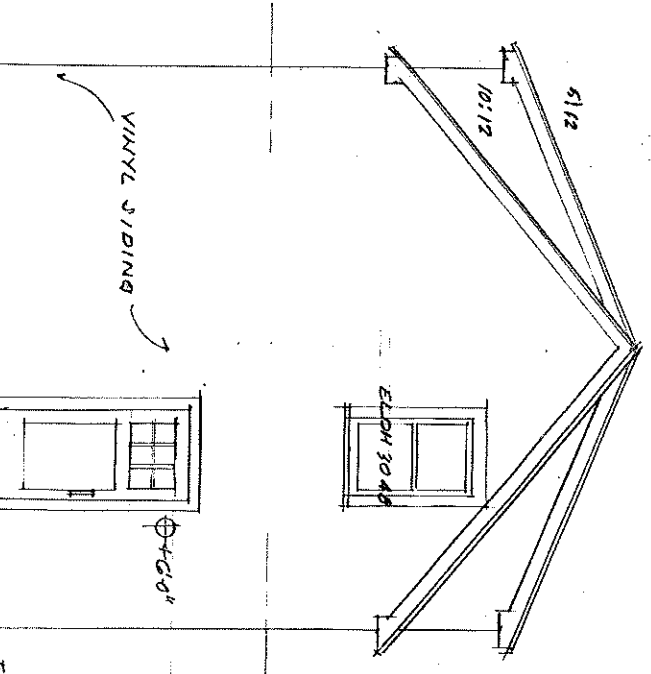
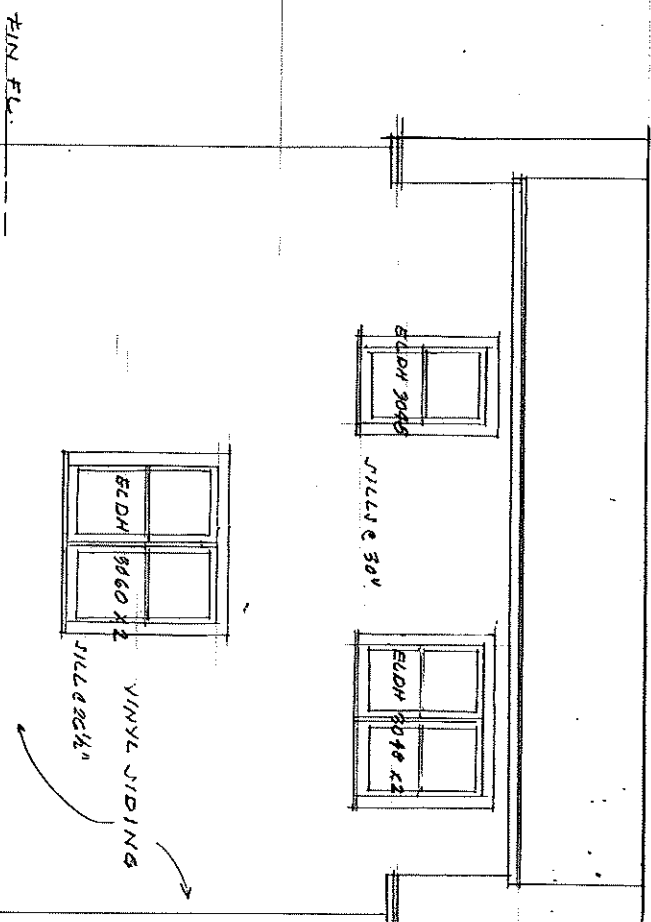
34206 VINES CREED ROAD, DAGSBORO, DE 19939
 Ariene Matzkin, Architect 215-688-3231 ariene@matzkin.com

3 OF 5



2 JO. EAST ELEV
1/4" = 1'-0"

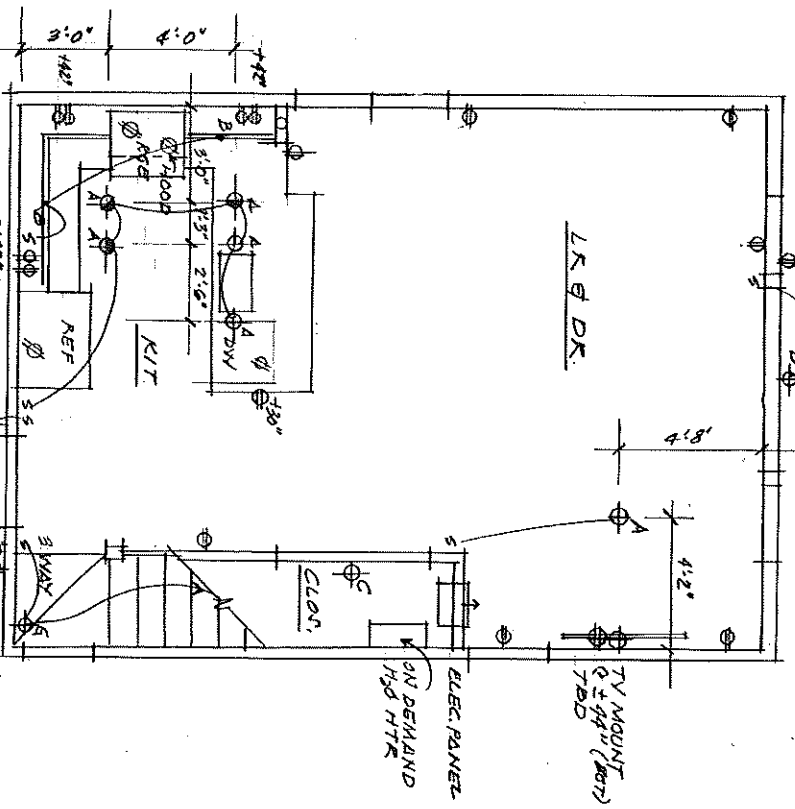
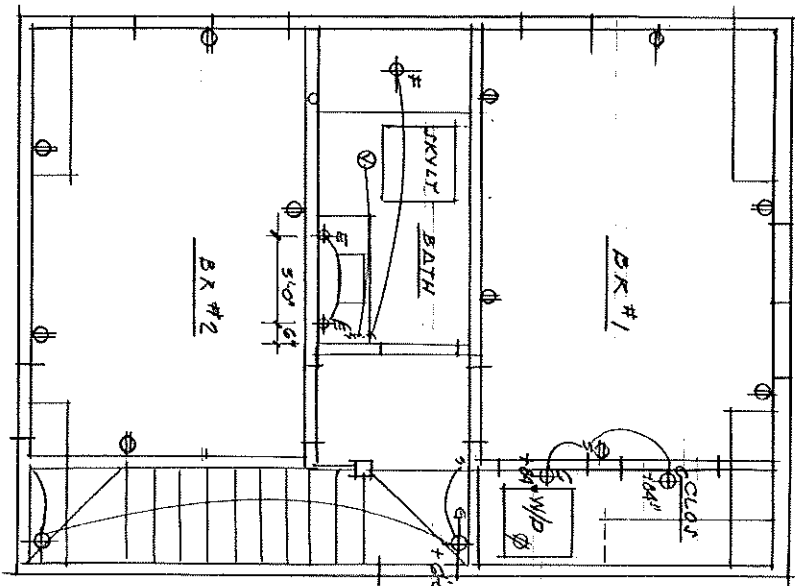
1 NO. EAST ELEV.
1/4" = 1'-0"



ELEVATIONS & FRAMING PLANS

4 of 5

34206 VINES CREED ROAD, DAGSBORO, DE 19939
 Ariane Matzkin, Architect 215-688-3231 ariane@matzkin.com



SCHEDULE OF ELECTRICAL FIXTURES

- A. Juno TC20/6888-WH adjustable downlight or wall washer w/LED 12W-PAR 30S/medium (E26)120V LED
- B. Juno undercounter lights, LED strips if desired
- C. Closet Light: Barlow Vanity Light #AFV/BARV 18". LED at Lightology.com
- D. Exterior Sconce: Lucca Wall Sconce #HUE-574202 9.5W, LED
- E. Bath Vanity Light: Minka Lavery, brushed nickel, #6212-647 with 2 T10 60W bulbs.
- F. Shower Light: Juno #2130, recessed dome lens, 1XLED 10.5W Use with housing #1C20LEDC3
- G. Sconce at stair: Camilla by Z-Lite, #811-1S-BN, 1X811 Candelabra (E12)5W, 120V, LED
- V. Vent Fan: Panasonic #FV-20VQ3. Use with 60 minute timer

ELECTRICAL WORK

- All locations as per Drawings. Do not scale. Follow dimensions given.
- All wiring and devices per Code.
- General Electrical Notes:
 - All devices to be white
 - All lighting switches to be on dimmers
 - Outlets at 18" a.f.f. unless noted
 - Switches to be 42" a.f.f. unless noted
- Architect to verify lighting fixture layout at the time of installation due to joist locations and possible conflicts.
- Substitutions may be presented to Architect for approval.

34206 VINES CREED ROAD, DAGSBORO, DE 19939
Alyssa Matzkin, Architect 215-688-3231 alyssamatzkin@mac.com



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

- A key element of the new Ordinance is the replacement of the definition of "Garage/Studio Apartment". The definition has now been updated to refer to Accessory Dwelling Units.
- The maximum size of ADUs has been increased from 800 sf. to a maximum of 1000 sf. Also, ADUs may not be larger than 50% of the floor area of the single-family dwelling located on the same lot. Council's thinking behind this increase was to link the size of the ADU to the size of the dwelling on the parcel, and to also alleviate the need for any potential variance requests relating to the size of the ADU.
- Site Plan approval by the Planning & Zoning Office is required for all ADUs. In order to be approved by Staff, the ADU must be on a lot with a lot size greater than 10,000 square feet.
- If an ADU is proposed on a lot of less than 10,000 square feet in area, an Applicant can apply to the Board of Adjustment for a Special Use Exception, which triggers a Public Hearing.

A summary of the most significant changes are below:

The new Ordinance took effect on the day of adoption, being June 25, 2024. Public Hearings were noticed and held before both the Planning & Zoning Commission and the County Council. The adopted Ordinance incorporates a number of recommended changes received during the hearing process.

[Ordinance Regarding Accessory Dwelling Units | Sussex County \(sussexcountyde.gov\)](https://sussexcountyde.gov)

On June 25, 2024, following two Public Hearings, the Sussex County Council adopted an Ordinance relating to Accessory Dwelling Units ("ADUs"). This memo has been prepared to provide an overview of the changes associated with the Ordinance. A link to the adopted Ordinance is below:

RE: Summary of the Sussex County Ordinance Relating to Accessory Dwelling Units (ADUs)

Date: September 30, 2024

CC: Jamie Sharp, Assistant County Attorney

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

To: Sussex County Board of Adjustment
 The Honorable Jeffrey A. Chorman
 The Honorable John Travis Hastings
 The Honorable Kevin E. Carson
 The Honorable Jordan Warfel
 The Honorable John Williamson

Memorandum

JAMIE WHITEHOUSE, AICP
 DIRECTOR OF PLANNING & ZONING
 (302) 855-7878 T
 pandz@sussexcountyde.gov



Sussex County
 DELAWARE
 sussexcountyde.gov

- There must be at least 1 parking space set aside for an accessory dwelling unit.
 - An ADU shall not encroach into the setbacks as required by Chapter 115. There is no language in the Ordinance restricting the setbacks reductions for small lots.
 - Unless located on a lot greater than 3 acres in size, a detached ADU must be located behind the single-family dwelling on the same lot. The Ordinance does not define what "behind" means. However, as Council's intent was to assist in visually screening the ADU from the public realm, staff have been advising customers that the word "behind", in this case means that the front elevation of the ADU must be completely behind the rear building line of the single-family dwelling. This approach avoids any potential of detached ADUs being located partially adjacent or alongside the single-family dwelling. Attached ADUs are not subject to this requirement.
- I hope that this update is of assistance to the Board. Staff will be present during the upcoming meeting scheduled for October 7, 2024 to provide technical assistance where required.

**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 # 13029
Hearing Date 1-6-2024
202416924

RECEIVED

NOV 18 2024

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

9188 SHORE DRIVE, MILFORD, DE 19963

Variance/Special Use Exception/Appeal Requested:

VARIANCE REDUCTION OF REQUIRED SIDE YARD SETBACK FOR GARAGE FROM 5.0 FEET TO 1.4 FEET & TO ALLOW SAID GARAGE IN THE FRONT YARD & IN FRONT OF DWELLING (19.2 FEET FROM FRONT PROPERTY LINE)

Tax Map #: 230-17.00-199.00

Property Zoning: MR

Applicant Information

Applicant Name: JOHN MAHARAJ
Applicant Address: 9188 SHORE DRIVE
City MILFORD State DE Zip: 19963
Applicant Phone #: (860) 671-9252 Applicant e-mail: JOHNMAHA3@ICLOUD.COM

Owner Information

Owner Name: JOHN MAHARAJ
Owner Address: 9188 SHORE DRIVE
City MILFORD State DE Zip: 19963 Purchase Date: 2/28/20
Owner Phone #: (860) 671-9252 Owner e-mail: JOHNMAHA3@ICLOUD.COM

Agent/Attorney Information

Agent/Attorney Name: JOHN MAHARAJ
Agent/Attorney Address: 9188 SHORE DRIVE
City MILFORD State DE Zip: 19963
Agent/Attorney Phone #: (860) 671-9252 Agent/Attorney e-mail: JOHNMAHA3@ICLOUD.COM

Signature of Owner/Agent/Attorney

John Maharaj Digitally signed by John Maharaj
Date: 2024.11.18 14:20:25 -05'00'

Date: 11/15/24



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

The lot in question is both very small (5,000 SF) and very narrow (50 feet wide), meaning it is impossible to place a garage anywhere on the lot, particularly when considering the existing home.

2. Cannot otherwise be developed:

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

See above

3. Not created by the applicant:

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

The narrowness and size of the lot created practical difficulties with construction and development that were unforeseen to the client.

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.

There are many existing structures on Shore Drive that match the characteristics of this one - that is to say, that they are both in front of the dwelling and encroaching on the front and side yard setbacks. This includes 9201 Shore Drive, 9213 Shore Drive, 9219 Shore Drive, and 9233 Shore Drive - these properties are all within 500 feet of the property in question.

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.

Per the survey performed by Cotten Engineering in November 2024, this is the minimum variance required.

Sussex County, DE - BOA Application

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

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

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

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

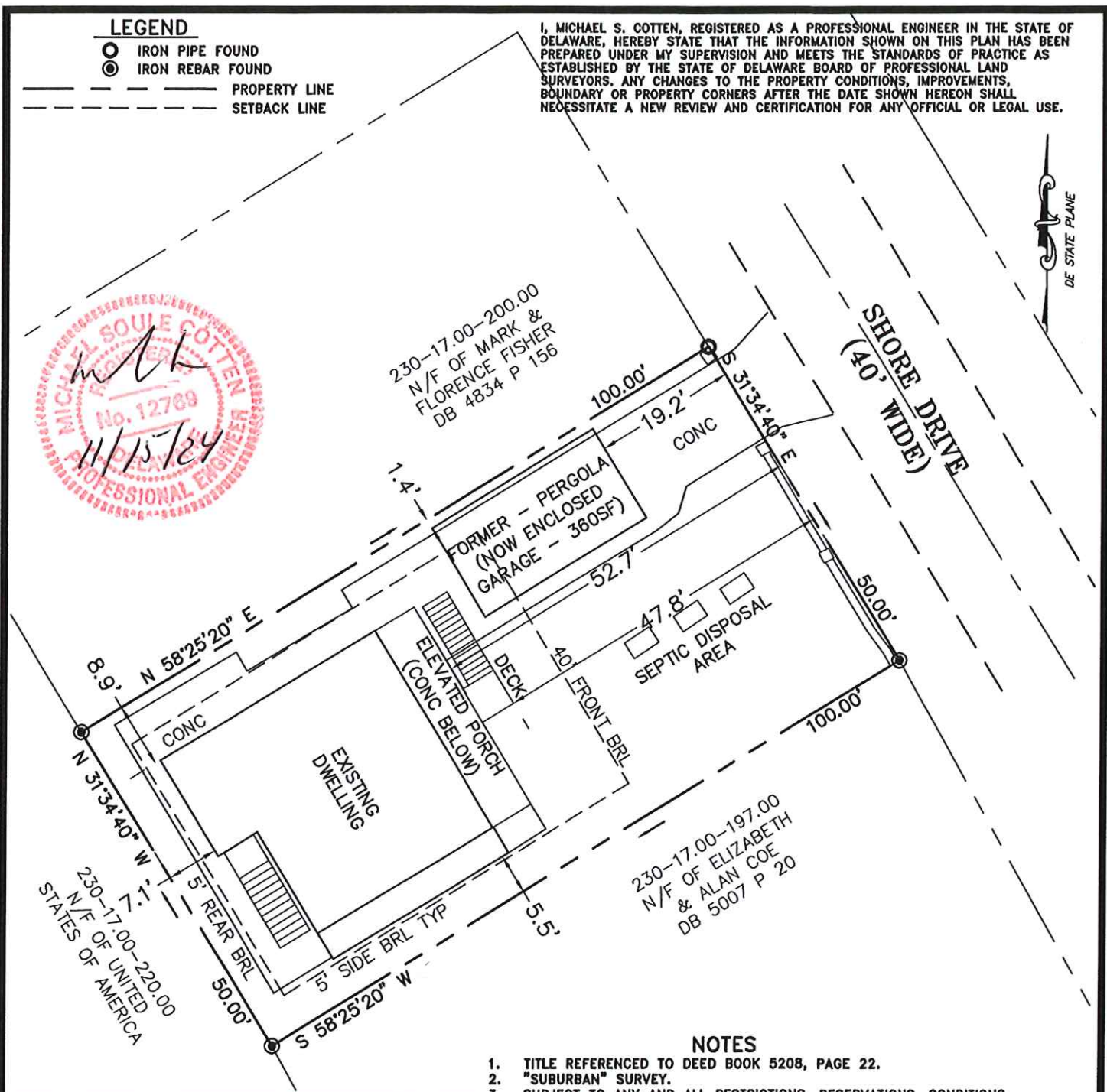
Basis for Appeal: (Please provide a written statement regarding reason for appeal)

LEGEND

- IRON PIPE FOUND
- ⊙ IRON REBAR FOUND

— — — — — PROPERTY LINE
 - - - - - SETBACK LINE

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



NOTES

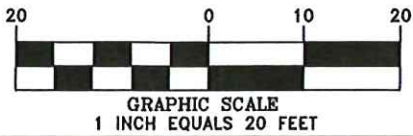
1. TITLE REFERENCED TO DEED BOOK 5208, PAGE 22.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
4. THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS AFFECTING THIS PROPERTY.
5. FEMA FLOOD ZONE 'AE' ELEVATION 9.0 FEET PER FEMA PANEL 10005C0180K, EFFECTIVE 03/16/2015
6. THIS LOT MAY CONTAIN STATE AND/OR FEDERAL WETLANDS. NO DELINEATION WAS PERFORMED OR PROVIDED.

**BOUNDARY SURVEY
 FOR JOHN MAHARAJ
 LOT 127, JOSEPH D.
 SHORT 4TH ADDITION
 9188 SHORE DRIVE
 MILFORD, DE 19963
 CEDAR CREEK HUNDRED
 SUSSEX COUNTY, DELAWARE
 TAX MAP #230-17.00-199.00
 AREA: 5,000±SF / 0.115±ACRES**

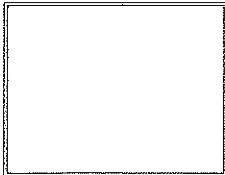
COTTEN ENGINEERING LLC

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

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



DESIGNED BY: CE	REV:	JOB # 24-538
DRAWN BY: JCD	DATE: 11/15/2024	SHEET 1 OF 1
CHECKED BY: JCD	SCALE: AS-SHOWN	



**COTTEN
ENGINEERING
LLC**

LETTER OF TRANSMITTAL

10087 Concord RD
Seaford, DE 19973
(302)-381-3622 Fax (302)-628-9164

DATE: 11/18/24	JOB NO.: 24-538
ATTENTION:	
RE: VARIANCE APPLICATION - MAHARAJ	

TO: Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

WE ARE SENDING YOU: Attached Under separate cover via _____ The following items:

- Proposal/Contract Sketches Plans Specifications
- Copy of letter Change order VARIANCE APPLICATION

COPIES	DATE	DESCRIPTION
1	11/18/24	VARIANCE APPLICATION
1	11/18/24	LOT SURVEY

- THESE ARE TRANSMITTED as checked below:
- For approval Approved as submitted
 - For your use Approved as noted
 - As requested Prints returned after loan to us
 - For review and comment _____
 - FOR BIDS DUE _____

REMARKS: Attached is an application for a variance for 9188 Shore Drive for a pergola which was enclosed and
Repurposed into a garage, as discussed the morning of 11/18/2024 with Ashley.

Thank you for the opportunity to provide this service to you. If you need anything in the future just call.

SIGNED: Mike Cotten, COTTEN ENGINEERING

RECEIVED BY: _____ DATE: 11/18/24

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



SUNSET DECKS AND PERGOLAS



13' X 25' Freestanding Cedar Pergola Carport

Submitted By:

Sunset Decks and Pergolas

3935 East Texas Street
Bossier City, LA 71111

Work: (318) 752-1763

sunsetdecksandpergolas@gmail.com

Sunsetdecksandpergolas.com

Sunset Decks and Pergolas

3935 East Texas Street
 Bossier City, LA 71111

Work: (318) 752-1763

sunsetdecksandpergolas@gmail.com

Sunsetdecksandpergolas.com



SUNSET DECKS AND PERGOLAS

Customer

John Maharaj
 9188 Shore Dr.
 Milford DE 19963

Mobile: (860) 671-9252

johnmaha3@gmail.com

Proposal

Job Name	13' X 25' Freestanding Cedar Pergola Carport
Job Number	3434
Issue Date	April 4, 2024
Valid Until	June 3, 2024

Item

Amount

13'X25' Freestanding Cedar Pergola Carport KIT.

\$18,029.00

*FREESTANDING
 POST SIZE: 8" X 8" X 10' "Absolute Post"
 STAIN COLOR: *Cedar Tone
 NOTCH: Longhorn
 BRACING: Standard Bow
 POLYCARBONATE SHEETS: Yes
 POST BASE: Yes (6)
 FAUX-FLAGSTONE COLUMNS: No*

Price	\$18,029.00
--------------	--------------------

Terms

****12 MONTH SAME AS CASH FINANCING AVAILABLE** ALL MAJOR CREDIT CARDS ACCEPTED!**



13' X 25' Freestanding Cedar Pergola Carport



13' X 25' Freestanding Cedar Pergola Carport



Pergola Carport at Sunset!

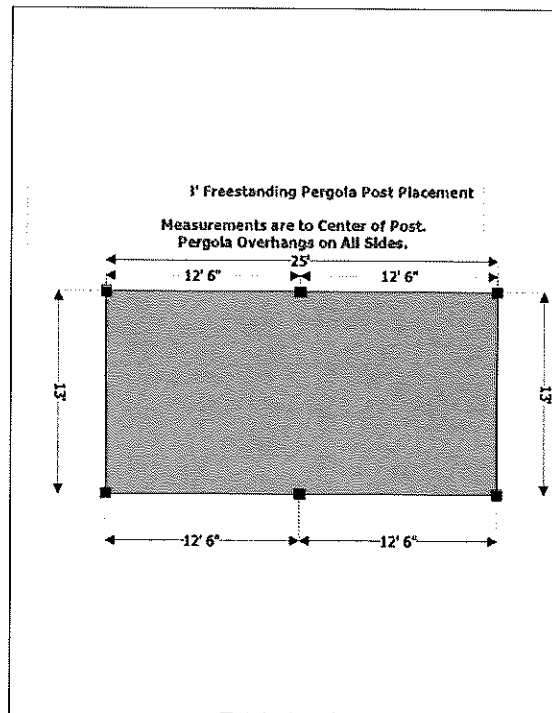


Pergola Carport at Sunset!



Proposal

April 4, 2024



Material Bill of Quantity

Item	Size	Quantity	Notes
U-Channel	10mm x 12'	4	Clear U-Channel for Twinwall Polycarbonate
H-Channel	10mm x 24'	5	Clear U-Channel for Twinwall Polycarbonate
Polycarbonate Sheeting	10mm x 48" x 144"	12	White Twinwall Polycarbonate Sheeting







HOUSE BUILT OVER AN
EXISTING GARAGE ABOUT 2 YRS

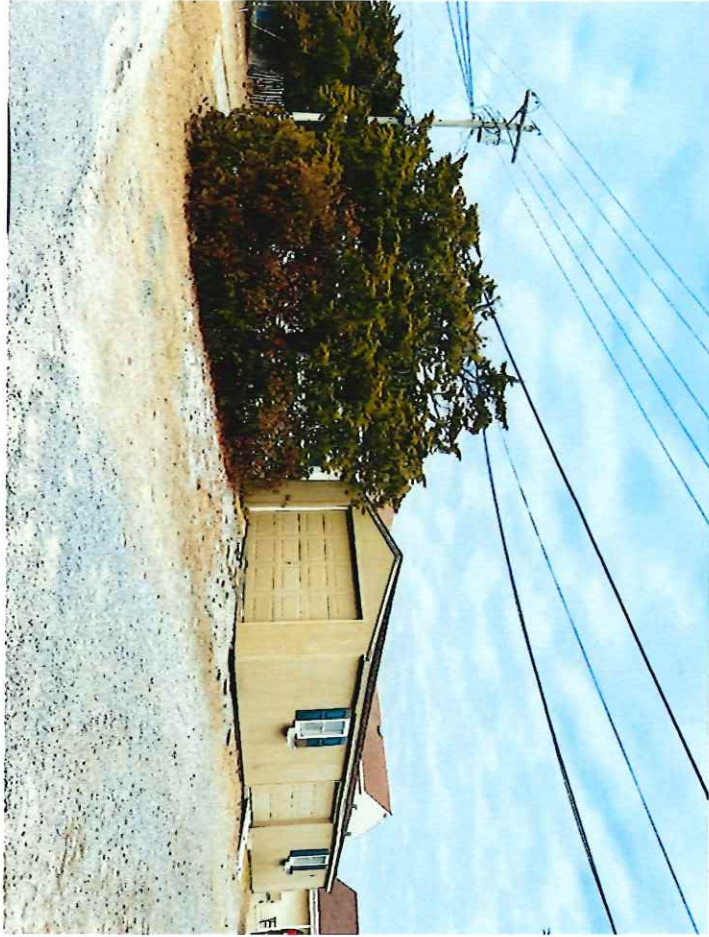














To: Zoning Board
In Support of Request for Variance
9188 Shore drive
Milford, De 19963

I am writing this letter to help explain my situation with the installation of a pergola/ carport that I purchased from a company in LA.

I filed for a permit explaining that I was going to install the Pergola over my existing driveway. The pergola is 13X25. I was told that it's not an issue since it's under 400 sq ft. I received the permit to proceed with construction. At no time did the issue of set back was discussed. I did a hand sketch of the exact location showing the location.

When I was 80% completed I reached out for an inspection. The inspector came out and called me during his inspection to inform me that he will issuing the CO and the paperwork to closed the permit as completed. This was confirmed after I visited the permit office.

About a month later I received a call from another inspector stating that I pergola don't meet the side set back. I tried to explained that the inspection was already done. The inspector said that it's over 400 sq ft so I need to file for a variance. I had no idea what this means in terms of zoning. I rushed to the permit office with my family all nervous and stressed with thoughts that I did some thing illegal. The person whom I spoke to was extremely helpful and explain that she don't understand it as well since this pergola is under 400 sq ft.

I spend over 30,000 (purchased and installation) on this pergola to make sure that it looks different from a standard structure and improve the neighborhood. All of my neighbors stop by praising the looks and there interest in building one at there home. This structure don't block anyone views and no one has complained to me. As a matter of fact the neighbor who is closest to the pergola send me this text:

To whom it may concern, I am John's neighbor to the north on Shore Drive. As the neighbor that is closest to his newly installed carport I would be the neighbor most affected by it. I have no issues with the car port and fully support it and I think it is a good looking structure.

Mark Fisher
9184 shore Drive

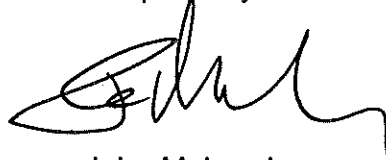
The Primehook neighborhood representative also texted me that she did a survey of all the neighbors with no one objecting to the structure. Kathy Kennedy.

There are several garages and houses that are only a few feet from the road and boundary. Some are existing and some are relatively new.

I am asking the zoning board to please grant this variance for my pergola/carport. Moving this structure will be a tremendous burden to my family and I. The structure is an improvement to the neighborhood and result in an overall increase in property value to all of the homes.

Thank you.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'John Maharaj', written in a cursive style.

John Maharaj

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 # 13030
Hearing Date 1-6-2024
202417317

RECEIVED

NOV 25 2024

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

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

Site Address of Variance/Special Use Exception:
37423 Basin Street, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

6'-10" in depth, 16 feet in length minimum variance to renovate existing front porch as wraparound porch living space.

Tax Map #: 334-19.16-19.00 Property Zoning: AR-2

Applicant Information

Applicant Name: Thomas Lattomus
Applicant Address: 37423 Basin Street
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: (703) 399-1486 Applicant e-mail: thomas.d.lattomus@gmail.com

Owner Information

Owner Name: Thomas and Lisa Lattomus
Owner Address: 37423 Basin Street
City Rehoboth Beach State DE Zip: 19971 Purchase Date: 11/16/2023
Owner Phone #: (703) 399-1486 Owner e-mail: thomas.d.lattomus@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Thomas Lattomus
Lisa Lattomus

Date: 11/25/2024



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

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

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

1. Uniqueness of property:

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

The property had been developed in 1957 with the dwelling and front porch placement leaving no room for a reasonably sized front porch to unify traffic flow, living area, and gathering space.

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.

There is no other location where wraparound front porch with southern exposures can be installed. We cannot increase the livable space, with open concept continuous flow paths and common space for family gathering and relaxation. We cannot suitably address our future needs for senior citizen limited mobility through single floor plan layout. We cannot create aesthetically pleasing appearance with unifying roof lines, architectural elevation details, and energy efficient building materials. +

3. Not created by the applicant:

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

This dwelling was developed and constructed in the 1950's by my grandfather as a summer cottage style vacation home.

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

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

The extension of the existing front porch on this dwelling is consistent with the overall style of other neighborhood family dwellings in elevation, setback distance from street, and curb appeal appearance. Renovated porch will not impair use, impair neighbors' site lines along street, nor be a detriment to the public welfare. +

5. Minimum variance:

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

The requested variance is the minimum renovation and new construction to allow an open, continuous flow floor plan integrating existing porch footprint into four season wraparound porch with southern exposures and energy efficient modern building technologies and materials.

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

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

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

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

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

Check List for Applications

The following shall be submitted with the application

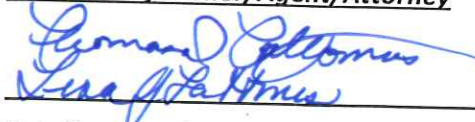
- Completed Application
- Provide a survey of the property (Variance)
 - Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - Survey shall be signed and sealed by a Licensed Surveyor.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

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

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

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

Signature of Owner/Agent/Attorney

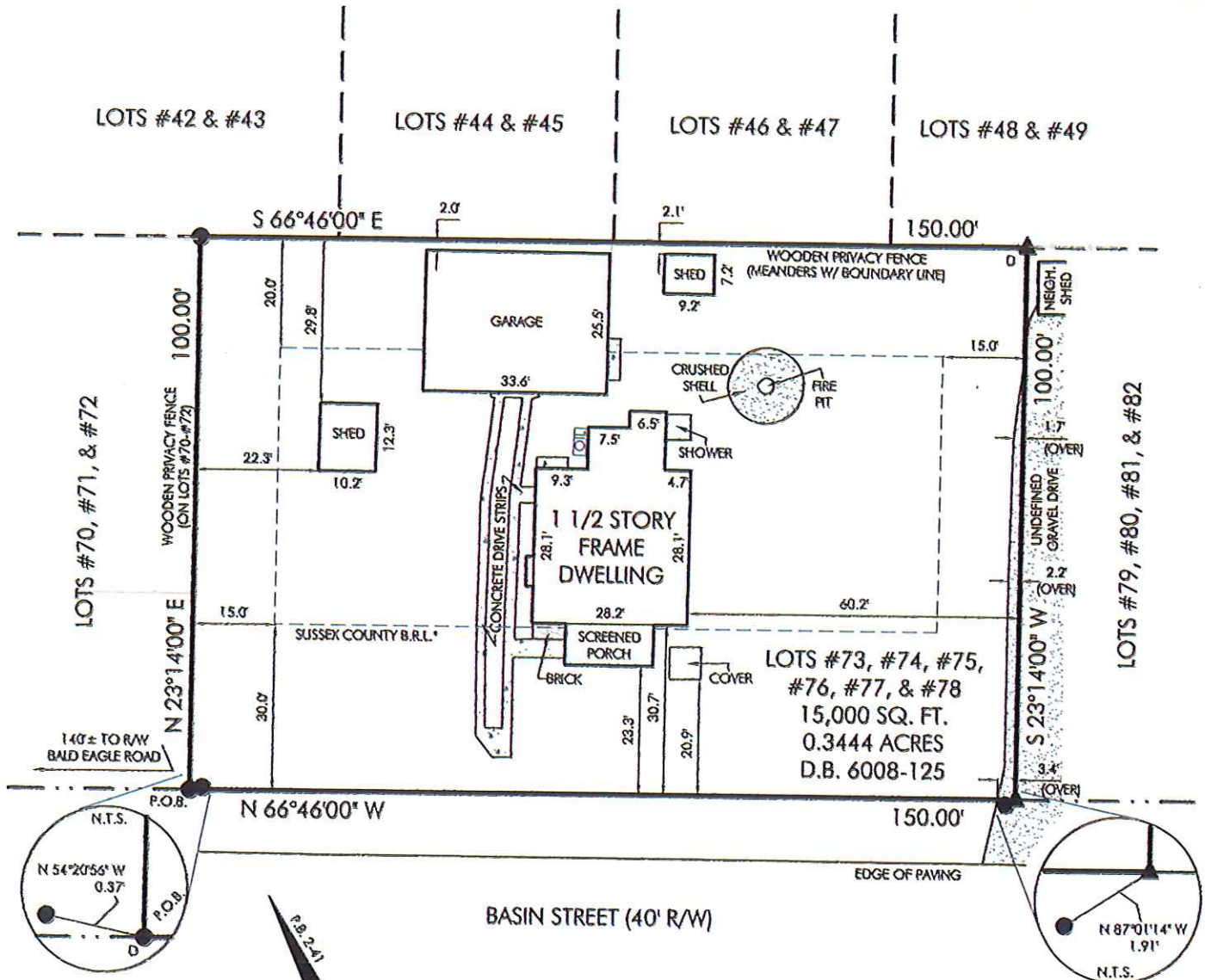


Date: 11/25/2024

For office use only:

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

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



LEGEND:

- IRON PIPE (FOUND)
- _D DISTURBED IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- ▲_D DISTURBED IRON ROD (FOUND)

NOTES:

*ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER &/OR GENERAL CONTRACTOR. PLEASE CONTACT SUSSEX COUNTY AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES). THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN



BOUNDARY SURVEY PLAN FOR THOMAS DAVID LATTOMUS & LISA GRIFFIN LATTOMUS

37423 BASIN STREET, REHOBOTH BEACH
LOTS #73, #74, #75, #76, #77, & #78 ON
BASIN STREET OF "BAY VISTA" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

SEPTEMBER 11, 2024 SCALE: 1" = 30'

Prepared by:

FORESIGHT Services

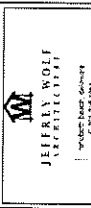
Surveying & Precision Measurement

302 226 2227 phone

302 226 2239 fax

2103A Coastal Highway

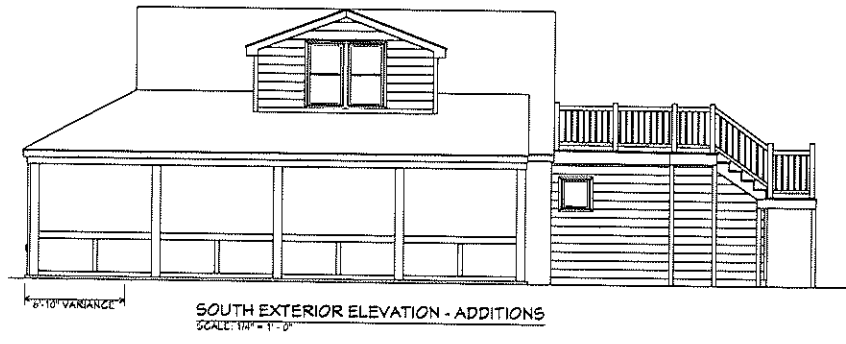
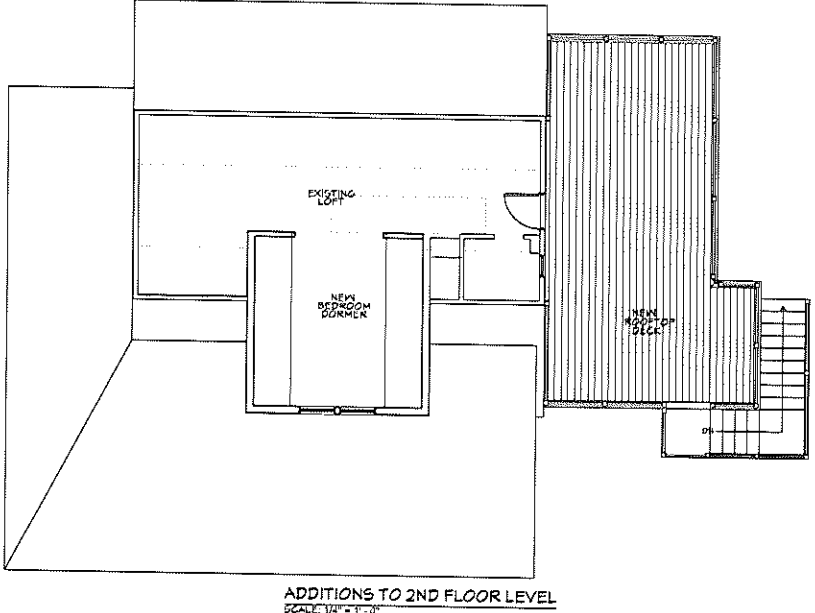
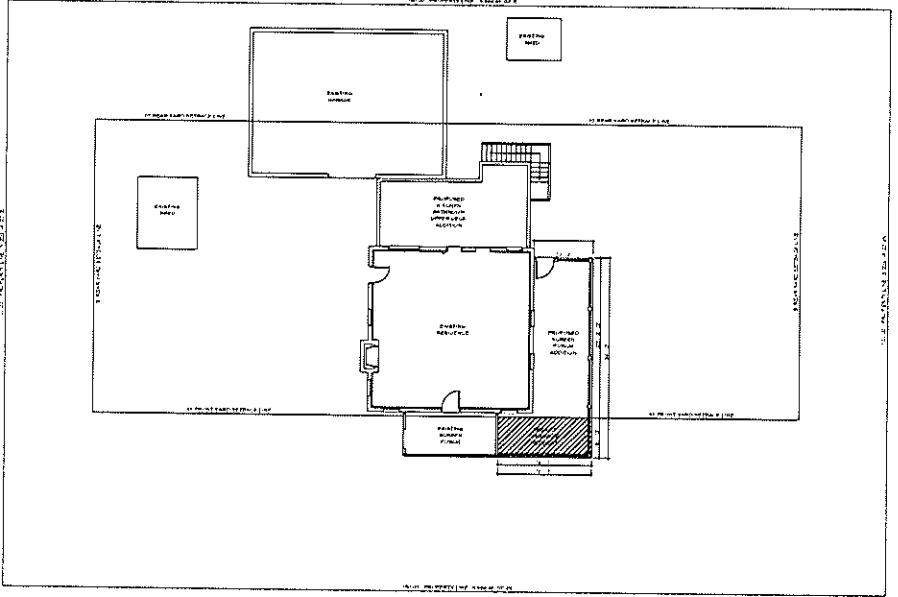
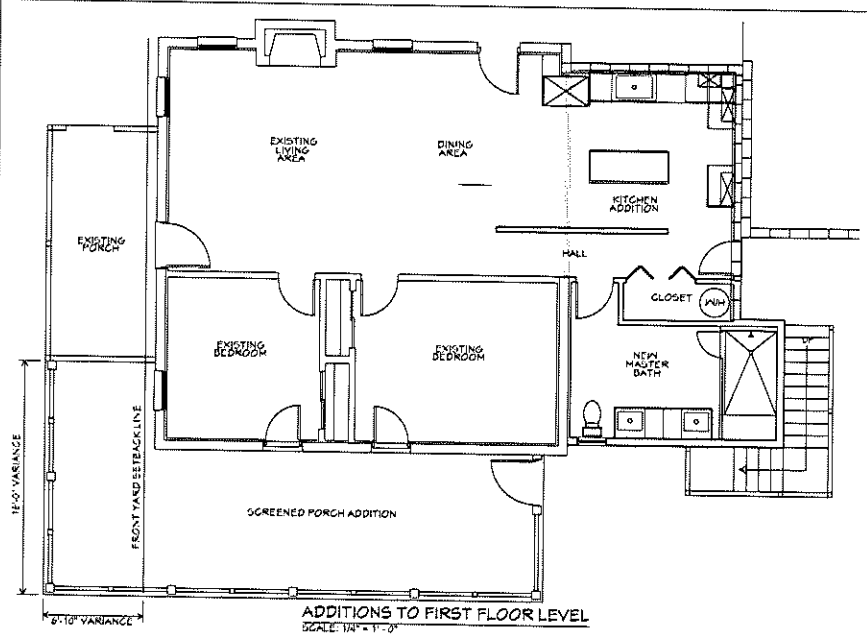
Dewey Beach, DE 19971



LATTOMUS RESIDENCE ADDITION
37428 BASIN STREET
REHOBOTH BEACH, DELAWARE 19411

A-1

21 OCT 2024






PROJECT INFORMATION

PROPERTY INFORMATION:
TAX MAP ID# 334.14 16-14.00
ZONING DISTRICT: AR-2
DAY VISTA SUBDIVISION
SUSSEX COUNTY, DELAWARE

OWNER/CONTACT INFO:
THOMAS & LISA LATTOMUS
37428 BASIN STREET
REHOBOTH BEACH, DELAWARE 19411

CODE COMPLIANCE:
INTERNATIONAL RESIDENTIAL CODE 2021 EDITION
LIFE SAFETY CODE NFPA 101
SUSSEX COUNTY
AR-2 RESIDENTIAL DISTRICT

Applicants, Tom and Lisa Lattomus, are requesting variance for the renovation of the existing front porch to create wraparound enclosed porch leveraging South/ Southeast exposures with new energy efficient building materials and technologies.

Signature	Printed Name	Address	Contact Info
	MARY ALICE KELLY	37442 BASIN ST.	301.938.2531 MAYKELLY1018@GMAIL.COM
	Parker Shandrowsky	37424 101 ST.	410-370-0920 parker.shandrowsky@gmail.com
	Patty Wade, 37411 BASIN ST.		302-236-0133 pattywade21@aol.com

Sent from my iPhone
Tom Lattomus
Mobile: (703) 399-1486
Thomas.d.lattomus@gmail.com

Begin forwarded message:

From: Christiane Shields <mchrist@udel.edu>
Date: November 23, 2024 at 2:08:24 PM EST
To: thomas.d.lattomus@gmail.com
Subject: Your wraparound porch project

Hi Lisa and Tom,

Nice to see you this morning and learn about your porch project. It sounds great to us. We hope that you will enjoy living in Bay Vista as much as we have for the past 35 years.

Please do not hesitate to call me if you think I can help: 302 598-4503 (cell)

All the best to you two,

Christiane Shields

37424 Basin Street
Rehoboth, DE 19971

Sent from my iPhone
Tom Lattomus
Mobile: (703) 399-1486
Thomas.d.lattomus@gmail.com

Begin forwarded message:

From: SHEREE FURR <shortfur515@aol.com>
Date: November 24, 2024 at 9:25:58 AM EST
To: thomas.d.lattomus@gmail.com
Subject: Porch variance

Danny and Sheree Furr
37433 Basin St
We approve the changes for the variance

Tom Lattomus
Mobile: 703-399-1486
thomas.d.lattomus@gmail.com

␣
This e-mail, including attachments, may include confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If the reader of this e-mail is not the intended recipient or his or her authorized agent,␣ please notify the sender by replying to this message and delete this e-mail immediately.

----- Forwarded message -----

From **Lisa Lattomus** <lattomi@yahoo.com>
Date: Sat, Nov 23, 2024 at 2:43␣PM
Subject: House pics
To: Tom Email Job Hunt <thomas.d.lattomus@gmail.com>





[Sent from Yahoo Mail for iPhone](#)

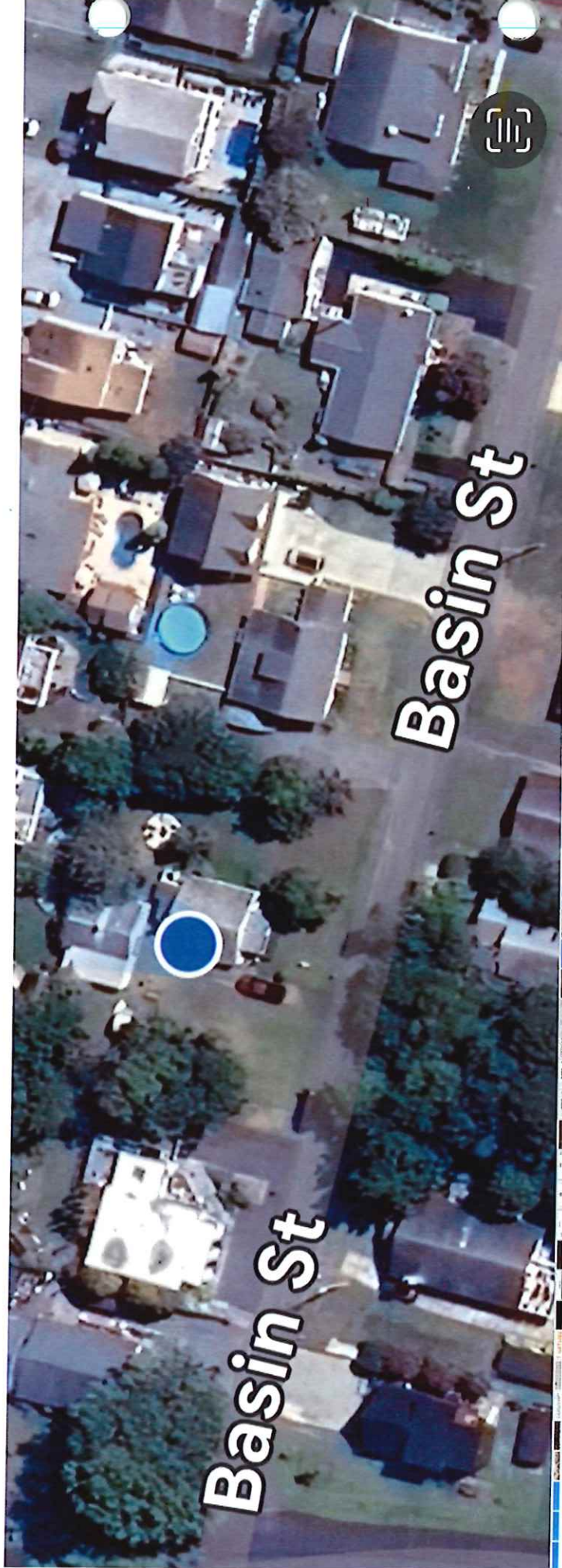


Exhibit - Case No. 13030 – Thomas and Lisa Lattomus



Exhibit - Case No. 13030 – Thomas and Lisa Lattomus



EXISTING STRUCTURES AND FRONT PORCHES

Indicated red and yellow lines show occurrences and relative sight lines of residences with existing structures/porches located inside of Sussex County BRL, street front side setback.

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 # 13031
Hearing Date 1-6-24
202417411

RECEIVED

NOV 26 2024

Type of Application: (please check all applicable)

- Variance
- Special Use Exception
- Administrative Variance
- Appeal

Existing Condition PLANNING & ZONING
 Proposed
 Code Reference (office use only)

Site Address of Variance/Special Use Exception:

26795 Nine Foot Road, Dagsboro, Delaware 19939

Variance/Special Use Exception/Appeal Requested:

Variance from the 25 foot rear yard setback.

Tax Map #: 2-33 15.00 211.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Michael S. King

Applicant Address: 26795 Nine Foot Road

City Dagsboro State DE Zip: 19939

Applicant Phone #: (706) 714-0325 Applicant e-mail: Mkingracing@gmail.com

Owner Information

Owner Name: Michael S. King

Owner Address: 26795 Nine Foot Road

City Dagsboro State DE Zip: 19939 Purchase Date: 2/9/24

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

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

Signature of Owner/Agent/Attorney



Date: 11/25/2024



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

Applicant purchased the property in February 2024. Applicant had a survey which revealed a car port encroachment. Applicant's attorney inquired with Planning and Zoning by submitting a survey inquiring about the accessory structures. Planning and Zoning's response indicated that the car port received a permit.

~~No further comment was given~~

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.

Applicant purchased the property in its current condition. The property violates the zoning code but has existed as such from the time the Applicant purchased.

3. Not created by the applicant:

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

This was not created by the Applicant as it was in existence from prior to Applicant's ownership.

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

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

The current property has existed since the Applicant owned the property. Residential use fits the character of the district and there have been no complaints. The structures exist within the Lot and would not impede the development of neighboring property.

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.

Applicant is requesting the minimum variance required to bring the structure into conformity. A 15.4 foot encroachment from the rear 20 foot.

Sussex County, DE - BOA Application

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

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

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

N/A

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

N/A

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

Sussex County, DE - BOA Application

Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney



Date: 11/25/2024

For office use only:

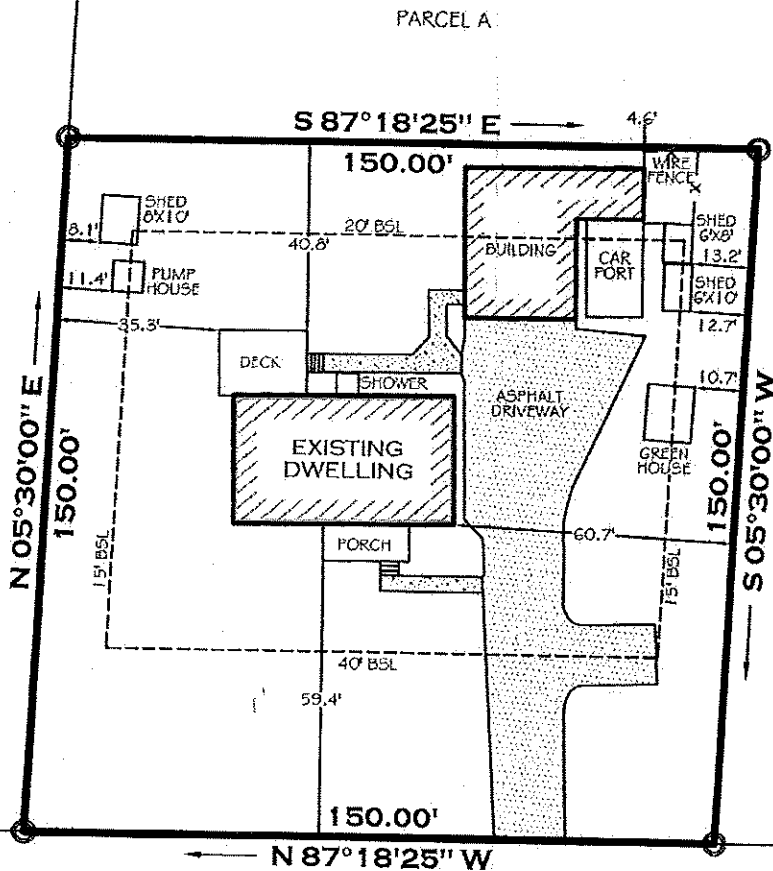
Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

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

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



PARCEL B



PARCEL A

**NINE FOOT ROAD
60' RIGHT OF WAY**

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. ZONE: AR - 1
3. BUILDING SETBACK LINES (BSL)
 - FRONT 40'
 - SIDE 15'
 - REAR 20'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

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

Bradley A. Absher
 BRADLEY A. ABSHER, DE PLS # 735
 DATE 1.5.24

LEGEND

○ IRON PIPE FOUND

**BOUNDARY SURVEY
PLAN**

**FOR
MICHAEL S. KING**

26795 NINE FOOT ROAD, DAGSBORO, DE 19939

TRUE NORTH



LAND SURVEYING

35322 BAYARD ROAD
 FRANKFORD, DE 19945
 302-539-2488

TAX MAP	2-33 - 15.00 - 211.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	DAGSBORO
TOWN	---
AREA	22,473 ± SQ. FT.
DEED REF.	4619 / 286
PLAT REF.	DB 1738 / 102
DRAWN BY	JMH
DATE	01 / 05 / 2024
SCALE	1" = 40'
SURVEY #	DE - 10173

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 # 13032
Hearing Date 1-6-25

RECEIVED

DEC 03 2024

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:
38821 Taft Avenue, Cape Windsor, Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:
Allow to have HVAC unit and propane gas tank in left setback of property.

Tax Map #: 5-3320.18169 **Property Zoning:** _____

Applicant Information

Applicant Name: Paul & Gladys King
Applicant Address: 38817 Taft Avenue
City Selbyville State DE Zip: 19975
Applicant Phone #: (302) 275-8824 Applicant e-mail: _____

Owner Information

Owner Name: Paul & Gladys King
Owner Address: 38817 Taft Avenue
City Selbyville State DE Zip: 19975 Purchase Date: 10/17/24
Owner Phone #: (302) 275-8824 Owner e-mail: kinggladys84@gmail.com

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Date: _____



Sussex County, DE - BOA Application

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

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

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

1. Uniqueness of property:

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

The property lot is very narrow, as all property lots in Cape Windsor are.

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.

Cape Windsor does not allow parking on the street. The right-side yard of the house is needed to maintain an area for parking and a pathway from the front yard to the back yard for family members.

3. Not created by the applicant:

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

Confirm. The size of the lot is not created by the applicant. The requirement for no on-street parking is not created by the applicant.

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

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

Confirm. All the property lots are narrow in Cape Windsor and as such there are a large percentage of properties which have been required to utilize the maximum width of their property. We have attached pictures and addresses of sample properties within C.W. community.

5. Minimum variance:

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

Confirming the request is for the minimum variance necessary to accommodate the HVAC unit and propane gas tank.

Sussex County, DE - BOA Application

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

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

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

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

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

Check List for Applications

The following shall be submitted with the application

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

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

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

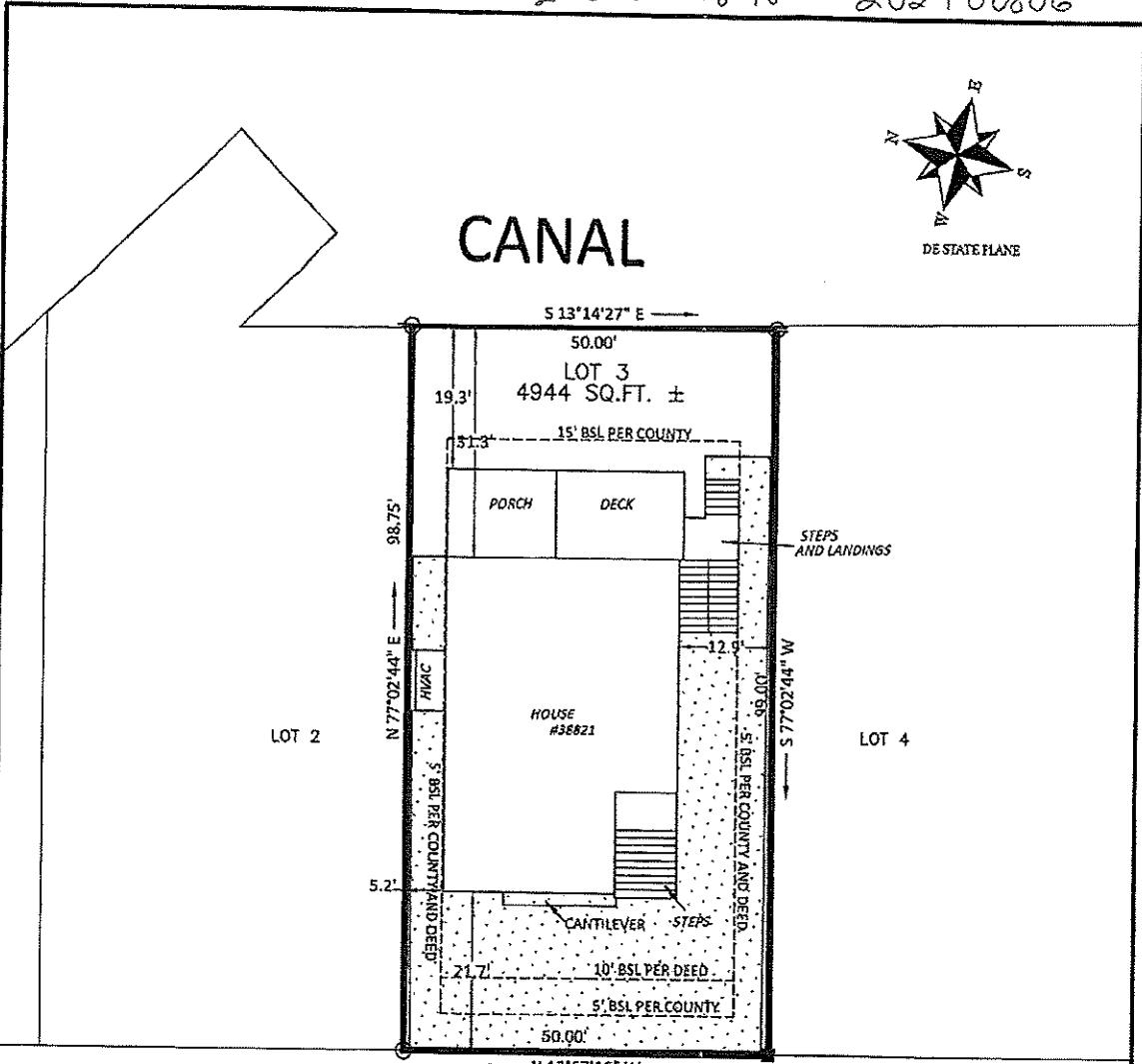
The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney

 Date: 11/14/2024

For office use only:
 Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____
 Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____

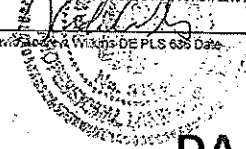
302-855-7878 2024 00806



TAFT AVE. 30' R/W

"I, David Andrew Wilkins, Registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, easements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

David Andrew Wilkins DE PLS 638 Date: 8/23/24



ASBUILT SURVEY FOR PAUL AND GLADYS KING

Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations, and any other facts that an accurate and current title search may disclose. This plat is based on a current field survey. No Title Report Furnished. Offset dimensions are to foundation wall and do not include overhangs.

CIVIL ENGINEERING & LAND SURVEYING



11729 CHURCH ST.
PRINCESS ANNE, MD 21853
PHONE: 410-621-0321
FAX: 410-621-0320

PROJECT INFORMATION

COUNTY	SUSSEX	FLOOD ZONE	'AE' BASEFLOOD ELEV. S
STATE	DELAWARE	SUBD.	CAPE WINDSOR
HUNDRED	BALTIMORE	SECT. NO.	N/A
TAX MAP NO.	5-33 20.18 169	BLOCK NO.	2
DEED REF.	2968/155	LOT NO.	3
PLAT REF.	6/44	DATE	8/26/24
FIELD BOOK	PAGE	SCALE	1" = 20'
CAD FILE	TAFT AVE. LOT 3	DRAWN BY	NAN

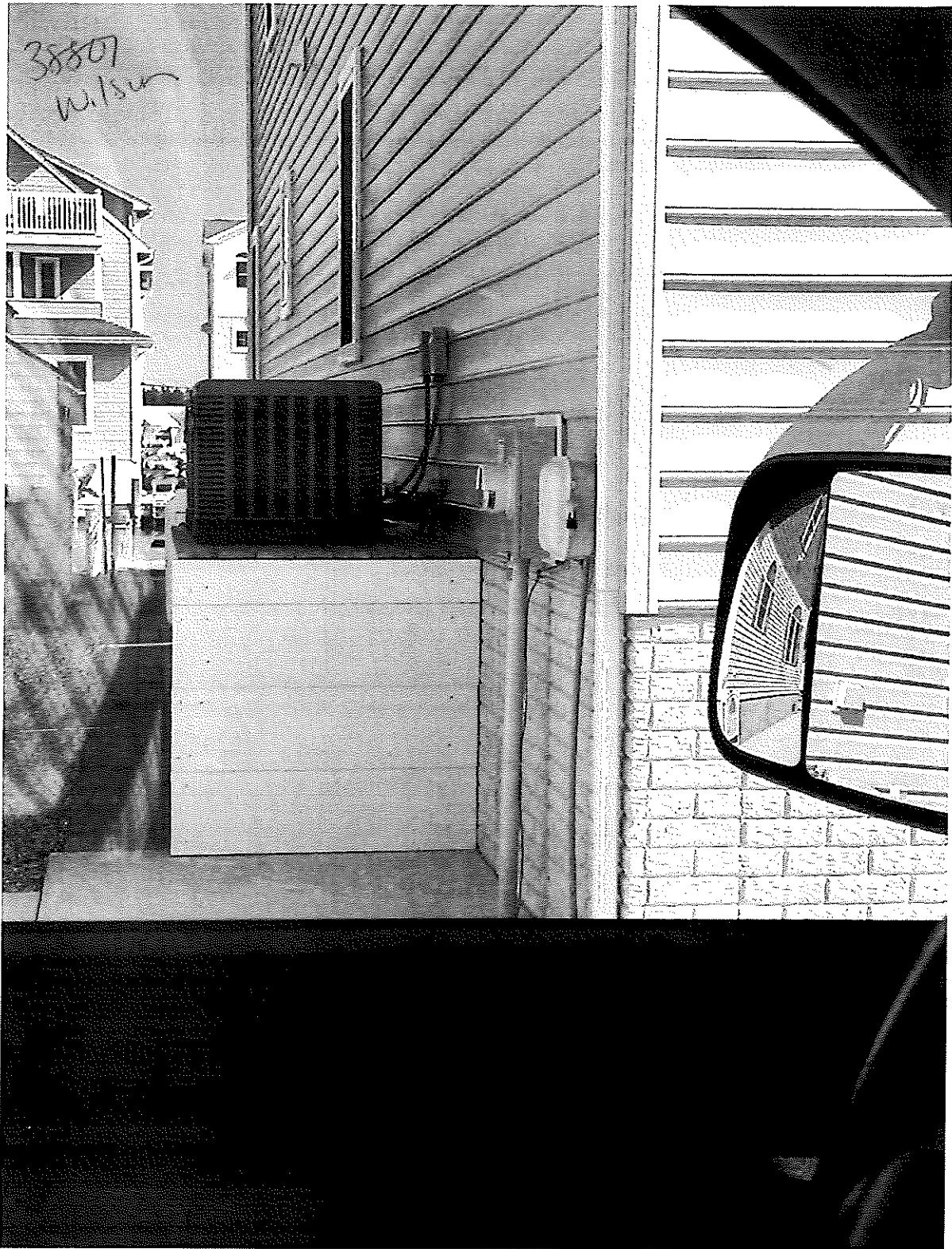
LEGEND

- ⊕ PKF 'PK' Nail Found
- ⊙ IRCS Iron Rod w/ Cap Set
- IRCF Iron Rod w/ Cap Found
- E— Overhead Utility Line
- BSL Building Setback Line
- ▣ Denotes Concrete
- ⊙ Utility Pole
- Iron Pipe found

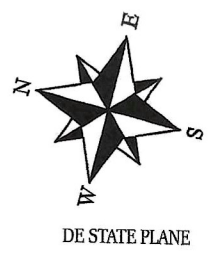
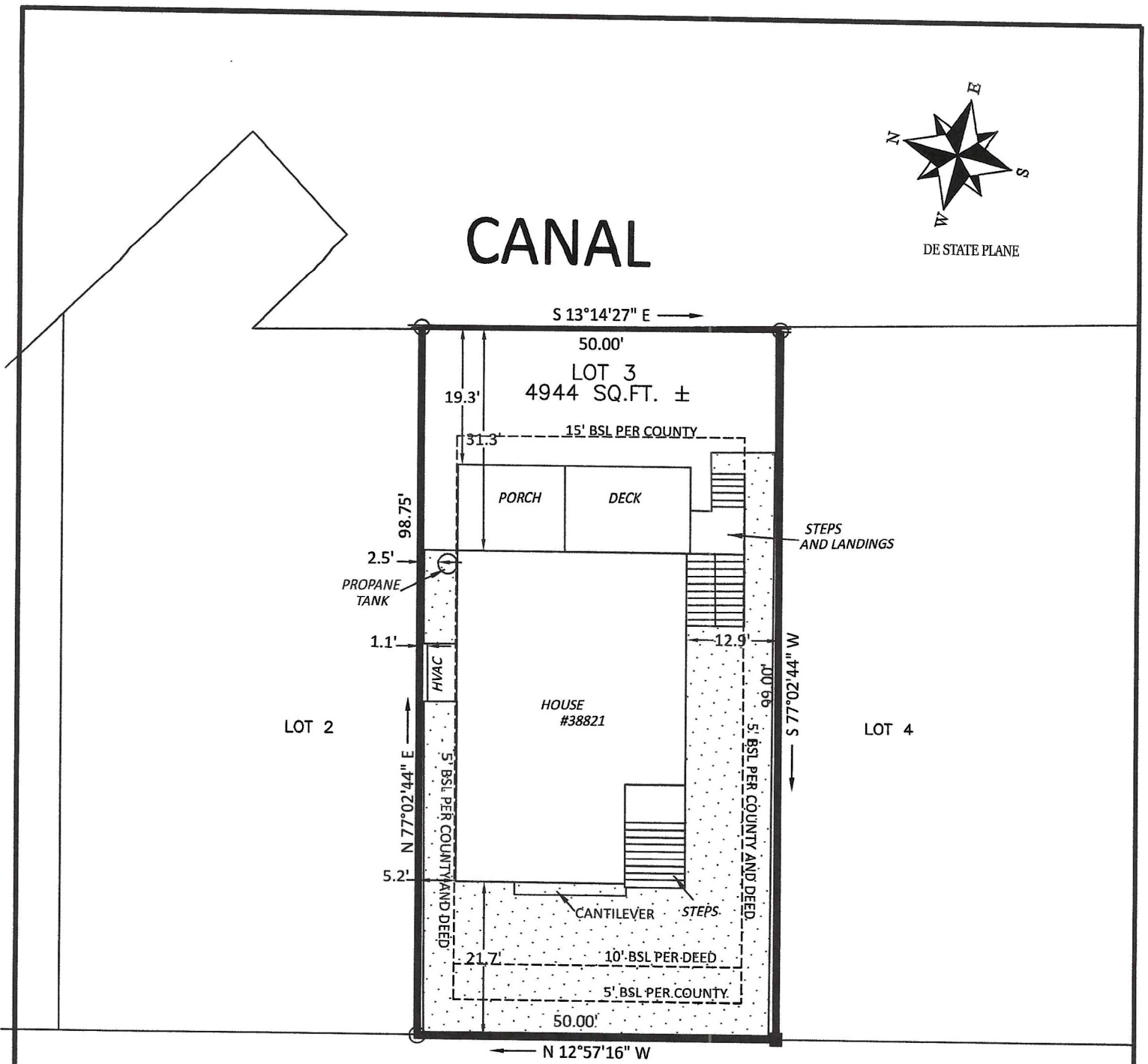








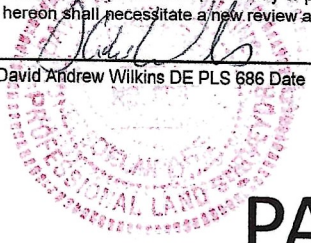




TAFT AVE. 30' R/W

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David Andrew Wilkins DE PLS 686 Date



ASBUILT SURVEY FOR PAUL AND GLADYS KING

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CIVIL ENGINEERING & LAND SURVEYING WILKINS-NOBLE LLC. 11729 CHURCH ST. PRINCESS ANNE, MD 21853 PHONE: 410-621-0321 FAX: 410-621-0320	PROJECT INFORMATION				LEGEND	
	COUNTY	SUSSEX	FLOOD ZONE	'AE' BASEFLOOD ELEV. 5	⊕	PKF 'PK' Nail Found
	STATE	DELAWARE	SUBD.	CAPE WINDSOR	⊙	IRCS Iron Rod w/ Cap Set
	HUNDRED	BALTIMORE	SECT NO.	N/A	●	IRCF Iron Rod w/ Cap Found
	TAX MAP NO.	5-33 20.18 169	BLOCK NO.	2	—E—	Overhead Utility Line
	DEED REF.	2968/155	LOT NO.	3	- - -	BSL Building Setback Line
	PLAT REF.	6/44	DATE	8/26/24, rev. 12/13/24	[Stippled Box]	Denotes Concrete
	FIELD BOOK	PAGE	SCALE	1" = 20'	⦿	Utility Pole
	CAD FILE	TAFT AVE. LOT 3	DRAWN BY	NAN	○	Iron Pipe found