

**BOARD OF ADJUSTMENT**

JEFF CHORMAN, CHAIRMAN  
KEVIN E. CARSON  
JOHN WILLIAMSON  
JOHN T. HASTINGS  
JORDAN WARFEL



**Sussex County**

DELAWARE  
sussexcountyde.gov

(302) 855-7878

**AGENDA**

**July 1, 2024**

**6:00 PM**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of the Minutes for May 6, 2024**

**Approval of the Findings of Fact for May 6, 2024**

**Additional Business**

**Board of Adjustment Annual Reorganization**

**Public Hearings**

**Case No. 12954 – Jim and Michelle Lattanzi**

seek a variance from the front yard setback requirement and separation distance requirements for a proposed structure (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located South of Harbor Road within the Malone's Bayside Manufactured Home Park. 911 Address: 21 Harbor Road, Millsboro. Zoning District: AR-1. Tax Parcel: 234-25.00-6.00-42880 Lot 27

**Case No. 12958 – Velsuir Ferreira**

seeks a variance from the maximum lot coverage requirement for a proposed structure (Section 115-172 G(4) of the Sussex County Zoning Code). The property is located South of Prince Street and West of Kings Lane within the Enchanted Acres Manufactured Home Park. 911 Address: 25850 Kings Lane, Millsboro. Zoning District: AR-1. Tax Parcel: 234-23.00-307.01-16835 Lot 45

**Case No. 12960 – Mark Stockard**

seeks a variance from the side yard setback requirement for a proposed structure (Section 115-42 of the Sussex County Zoning Code). The property is located West of Blue Bill Drive within the Swann Keys Subdivision. 911 Address: 37093 Blue Bill Drive, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-180.00

**Case No. 12961 – Edna and James Turner**

**seek a variance from the side yard setback requirement for a proposed addition (Section 115-25 of the Sussex County Zoning Code). The property is located Southeast of Wilkins Road. 911 Address: 8203 Wilkins Road, Lincoln. Zoning District: AR-1. Tax Parcel: 330-15.00-35.00**

**Case No. 12962 – Michelle Kinsey**

**seeks variances from the front and corner front yard setback requirements for proposed additions (Section 115-25 of the Sussex County Zoning Code). The property is located South of Lincoln Drive and West of Tyler Avenue within the Cape Windsor Subdivision. 911 Address: 38827 Lincoln Avenue, Selbyville Zoning District: AR-1. Tax Parcel: 533-20.14-32.00**

**Case No. 12964 – Jeffrey Meyers and Thomas Resh**

**seek variances from the side and rear yard setback requirements for proposed structures (Section 115-34 of the Sussex County Zoning Code). The property is located West of Gloucester Drive within the Canal Point Subdivision. 911 Address: 41213 Gloucester Drive, Rehoboth Beach. Zoning District: MR-RPC. Tax Parcel: 334-13.00-1510.00**

\*\*\*\*\*

**-MEETING DETAILS-**

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 24, 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.

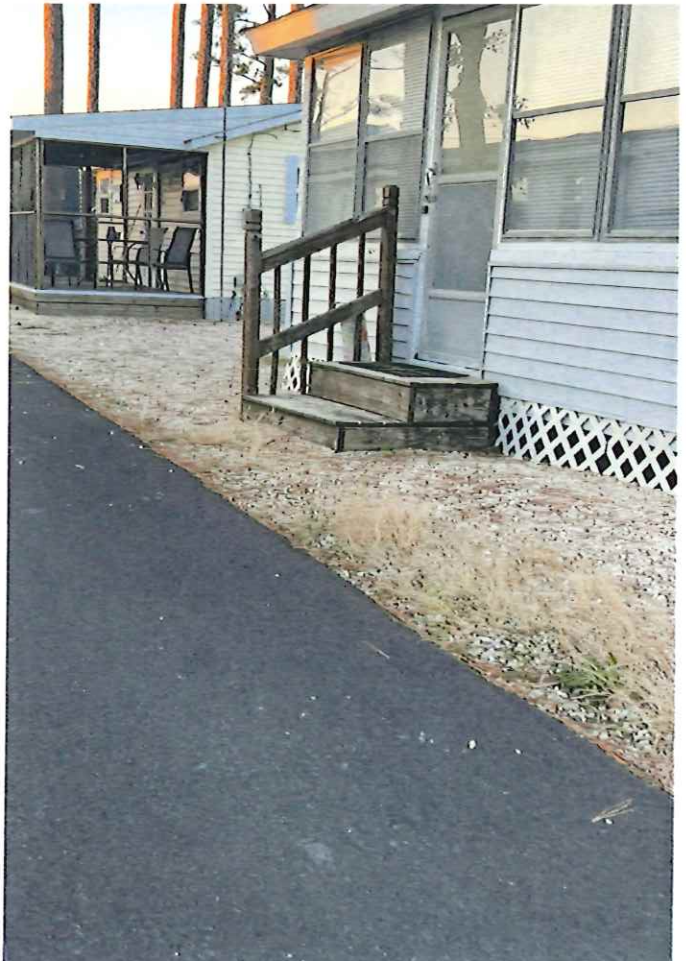
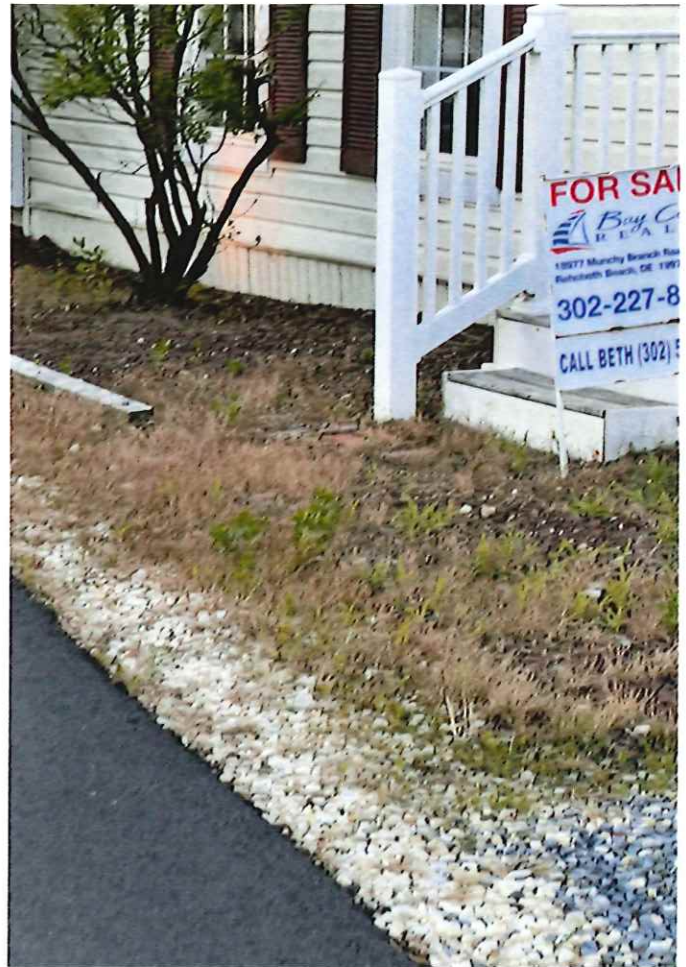
Agenda items may be considered out of sequence.

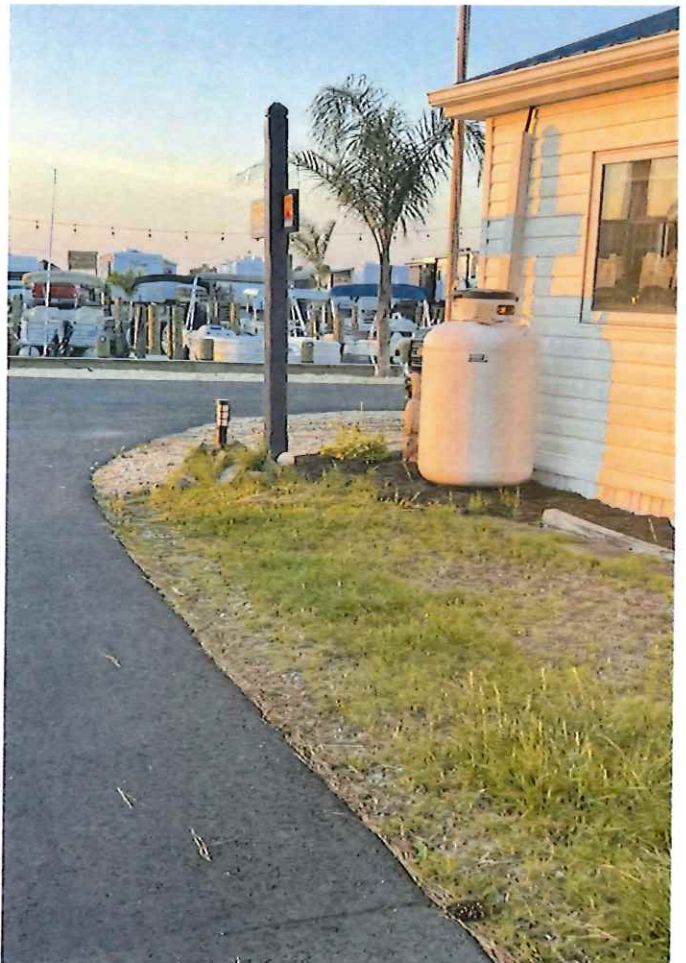
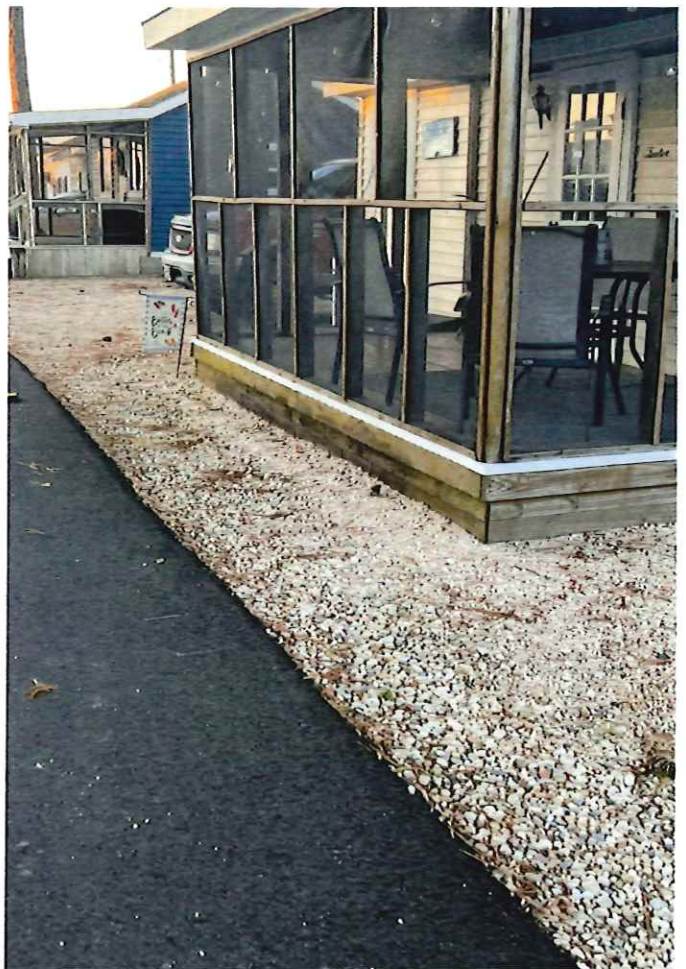
The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>

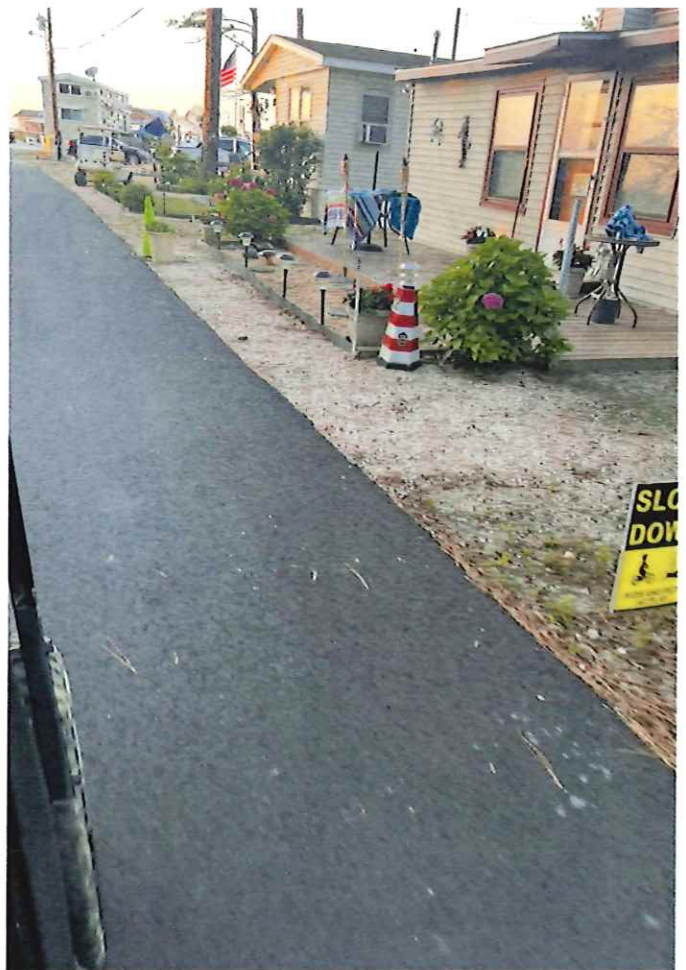
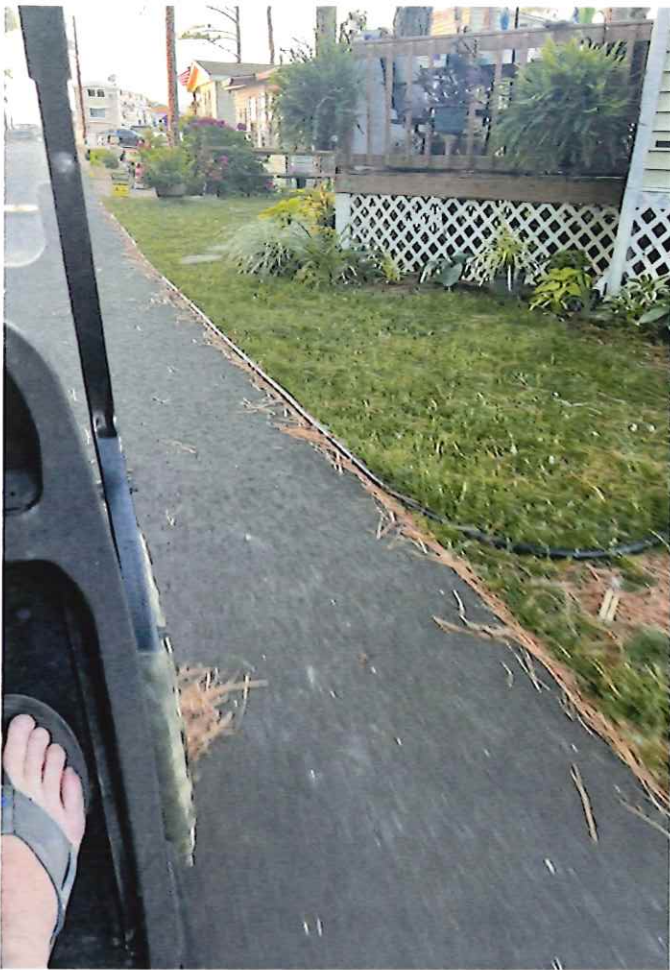
The Board of Adjustment meeting materials, including the “packet” are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>.

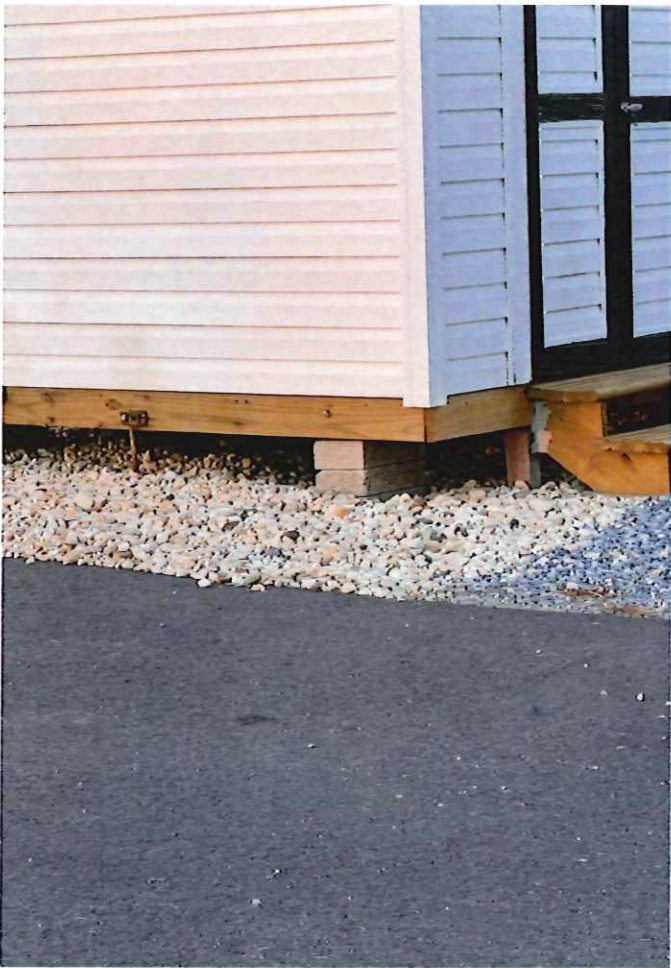
If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on June 27, 2024.

####

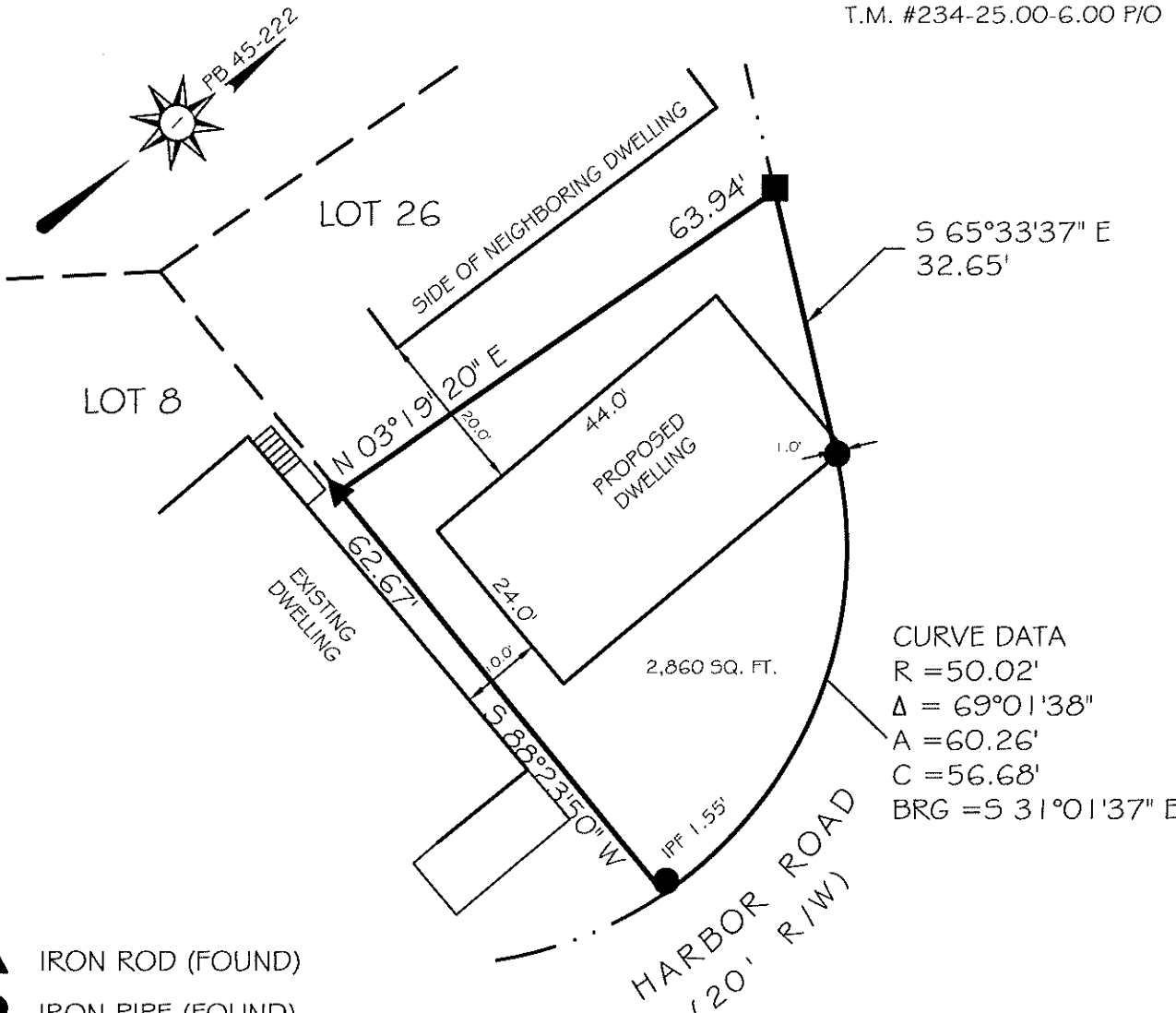








T.M. #234-25.00-6.00 P/O



S 65°33'37" E  
32.65'

CURVE DATA  
R = 50.02'  
Δ = 69°01'38"  
A = 60.26'  
C = 56.68'  
BRG = S 31°01'37" E

- ▲ IRON ROD (FOUND)
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)

SEE PLOT BOOK 45, PAGE 222 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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

DONALD K. MILLER PLS 407 \_\_\_\_\_ DATE \_\_\_\_\_  
SURVEY CLASS: SUBURBAN

PROPOSED PLACEMENT SURVEY FOR

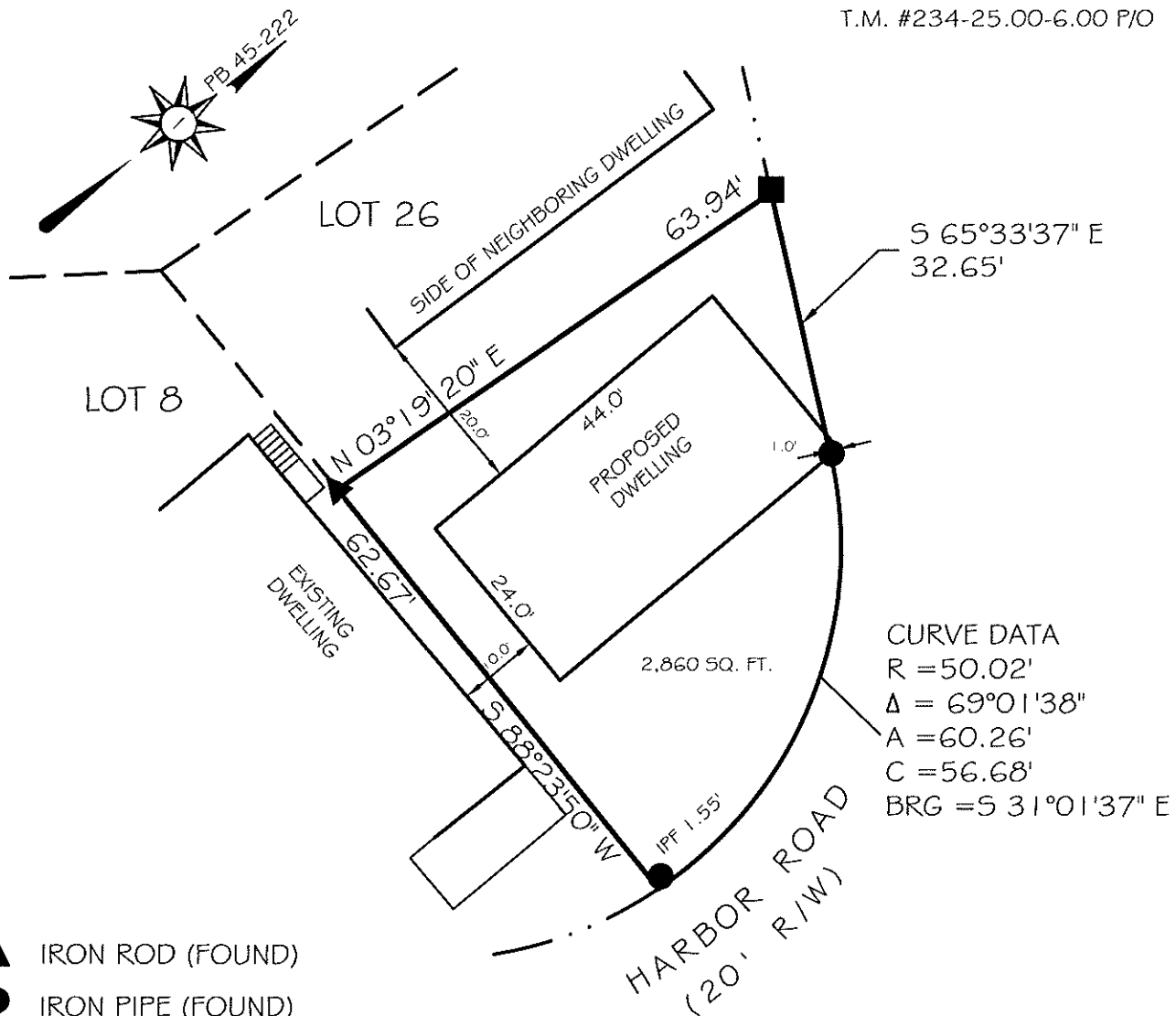
**JIM LATTANZI**

21 HARBOR ROAD, MILLSBORO, DE 19966  
LOT #27 OF MALONE'S BAYSIDE MOBILE HOME PARK  
INDIAN RIVER HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE 1" = 20' NOVEMBER 22, 2023

UPDATED CONCEPT: 03/27/2024

PREPARED BY:	PH: 302-629-9895 FAX: 302-629-2391
<b>MILLER LAND SURVEYING LEWIS, INC.</b>	
1560 MIDDLEFORD RD.	SEAFOORD, DE. 19973

T.M. #234-25.00-6.00 P/O



- ▲ IRON ROD (FOUND)
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)

CURVE DATA  
 R = 50.02'  
 $\Delta$  = 69°01'38"  
 A = 60.26'  
 C = 56.68'  
 BRG = S 31°01'37" E

SEE PLOT BOOK 45 PAGE 222 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

PROPOSED PLACEMENT SURVEY FOR

JIM LATTANZI

21 HARBOR ROAD, MILLSBORO, DE 19966  
 LOT #27 OF MALONE'S BAYSIDE MOBILE HOME PARK  
 INDIAN RIVER HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE

SCALE 1" = 20'      NOVEMBER 22, 2023

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DONALD K. MILLER FLS 407      DATE \_\_\_\_\_  
 SURVEY CLASS: SUBURBAN

PREPARED BY:

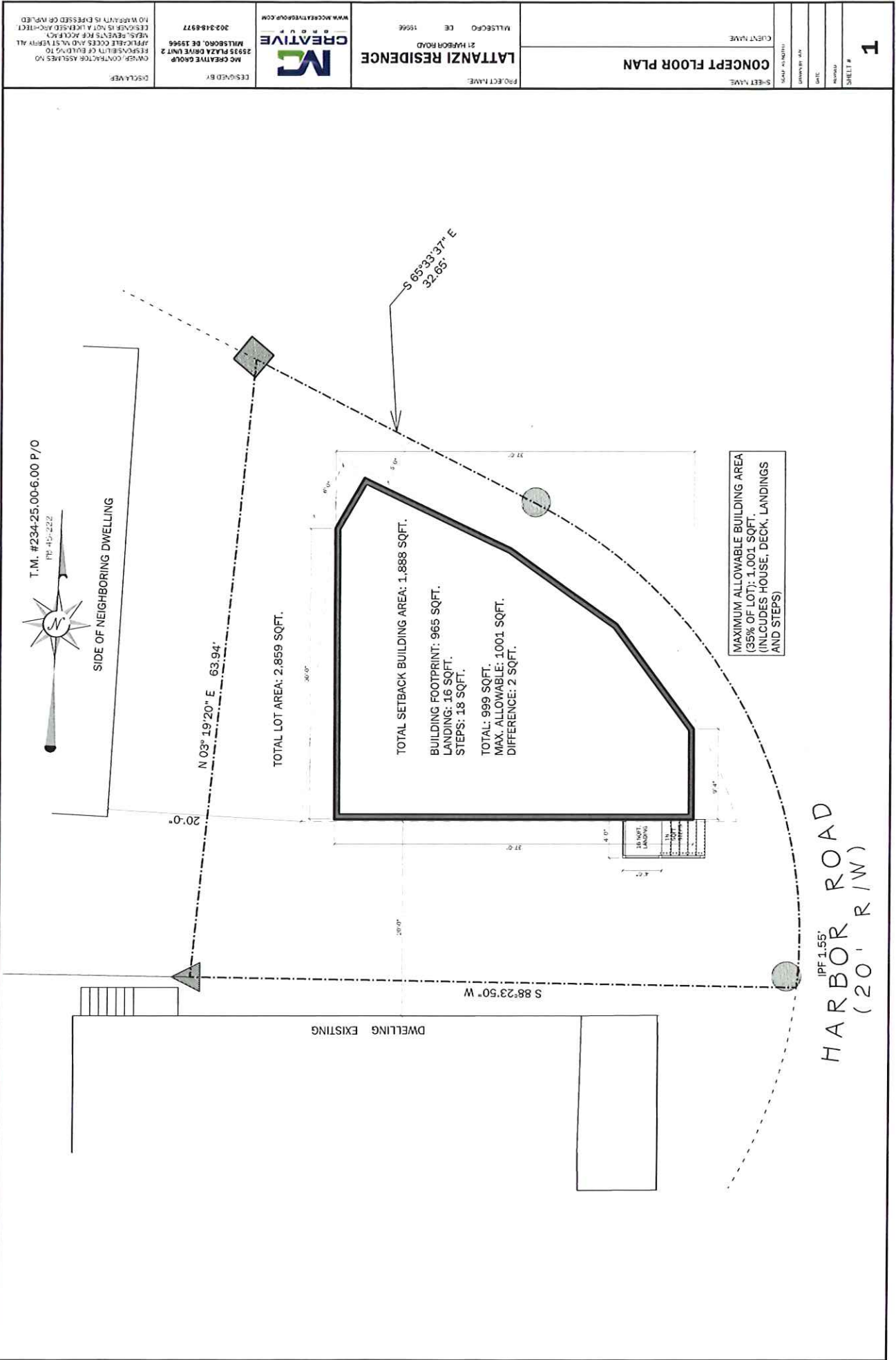
PH: 302-629-9895  
 FAX: 302-629-2391

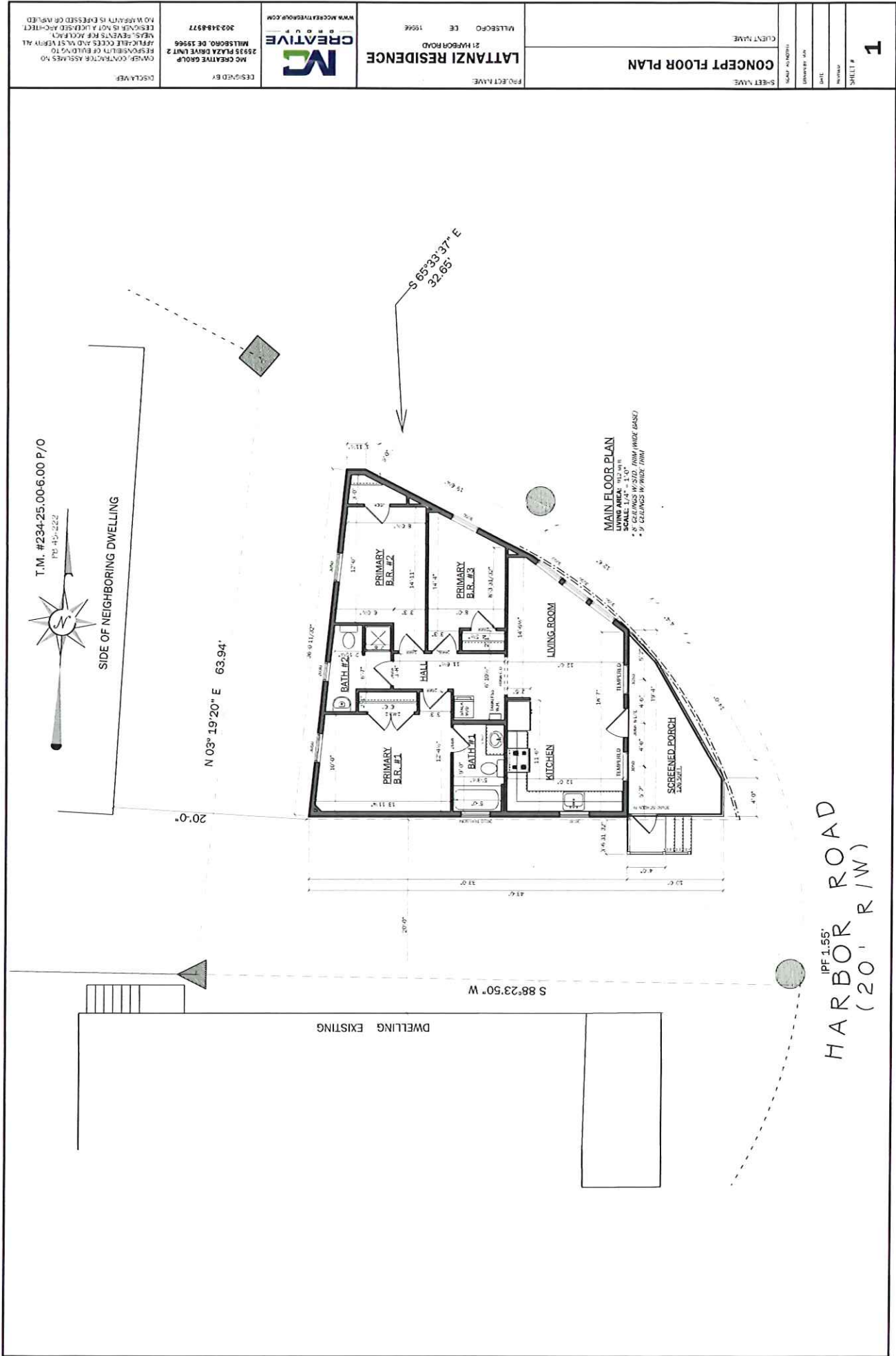
**MILLER** LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973







<p>CLIENT NAME <b>LATTANZI RESIDENCE</b></p> <p>PROJECT NAME <b>LATTANZI RESIDENCE</b></p> <p>DATE 15/02/22</p> <p>DESIGNED BY <b>MC CREATIVE GROUP</b></p> <p>2593 PLYMOUTH DRIVE UNIT 2 MILLSBORO, DE 19966 302.348.8977 WWW.MCCREATIVEGROUP.COM</p> <p>OWNER/ CONTRACTOR ASSUMES NO RESPONSIBILITY OF BUILDING TO APPLICABLE CODES AND ALL OTHER ALL MEAS. EVENTS FOR ACCIDENT DESIGNER IS NOT A LICENSED ARCHITECT NO WARRANTY IS EXPRESSED OR IMPLIED.</p>	<p>SHEET NAME <b>CONCEPT FLOOR PLAN</b></p> <p>DATE</p> <p>SCALE</p> <p>PROJECT #</p> <p>SHEET # <b>1</b></p>
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Case #

202 405 852

### Board of Adjustment Application Sussex County, Delaware

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

RECEIVED

APR 23 2024

SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check all applicable)

- Variance
- Special Use Exception
- Administrative Variance
- Appeal

Site Address of Variance/Special Use Exception:

21 Harbor Rd., Millsboro, DE 19966

Variance/Special Use Exception/Appeal Requested:

Applicants request a 10' variance from the 20' separation requirement and a 5' variance from the front yard setback for purposes of placing a manufactured home on the property. The Applicants intend to remove a portion of the front of the home so that there is no encroachment on the road.

Tax Map #: 234-25.00-6.00 - 45 013 Lot 27

Property Zoning: AR-1

#### Applicant Information

Applicant Name: Jim & Michelle Lattanzi

Applicant Address: 24791 Rivers Edge Rd.

City Millsboro State DE Zip: 19966

Applicant Phone #: (302) 396-1400 Applicant e-mail: jimlatt14@gmail.com

#### Owner Information

Owner Name: same as above

Owner Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: \_\_\_\_\_

Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

#### Agent/Attorney Information

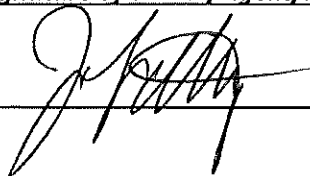
Agent/Attorney Name: \_\_\_\_\_

Agent/Attorney Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

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

#### Signature of Owner/Agent/Attorney



Date: 4/23/24



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 Property is unique as it is an irregular shaped lot consisting of only 2,860 sq. ft. and located in the Malone's Bayside Mobile Home Park. The exceptional practical difficulty is due to the uniqueness of the Property and not due to circumstances or conditions generally created by the provisions of the Zoning Code.

**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 possibility that the Property can be developed in strict conformity with the provisions of the Zoning Code due to the irregularity of the shape and the size of the lot. Variances are 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.

Such exceptional practical difficulty has not been created by the Applicants. The exceptional practical difficulty is directly related to the shape and size of the lot and location of adjoining homes.

**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 variances will not alter the essential character of the neighborhood in which the Property is located. They will not substantially/permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Rather, the proposed home will enhance the community and the Applicants lease the adjoining property. Other variances have been approved as well.

**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 variances represent the minimum variances that will afford relief and represent the least modification possible of the regulations in issue. The Applicants seek only the minimum variances necessary to bring the Property into compliance with the Zoning Code, and nothing more.

PLEASE POST

# A MANUFACTURED HOME PLACEMENT PERMIT

Has Been Issued

*F-5  
R-5  
S-5*

## To Place A Manufactured Home ON THESE PREMISES

IN ACCORDANCE WITH CONDITIONS OF PERMIT

This poster or sign shall be conspicuously displayed on the property closest to a street or public highway for which the mobile home is placed, so that such poster or sign shall be visible to the general public at all times.

THIS POSTER SHALL REMAIN VISIBLY DISPLAYED ON THE PROPERTY UNTIL THE REQUIRED FINAL INSPECTION FOR A PLANNING AND ZONING CERTIFICATE OF COMPLIANCE HAS BEEN ISSUED.

**ASSESSMENT DIVISION**

SUSSEX COUNTY COURTHOUSE

*202401009*

*JTL Lettanz!*

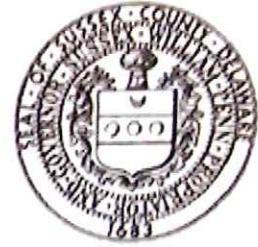
A - 20

# Sussex County

DELAWARE  
**PLANNING & ZONING DEPARTMENT**

[www.sussexcountype.gov](http://www.sussexcountype.gov)  
 302-855-7878 T  
 302-854-5079 F

JAMIE WHITEHOUSE, AICP MRTPI  
 DIRECTOR



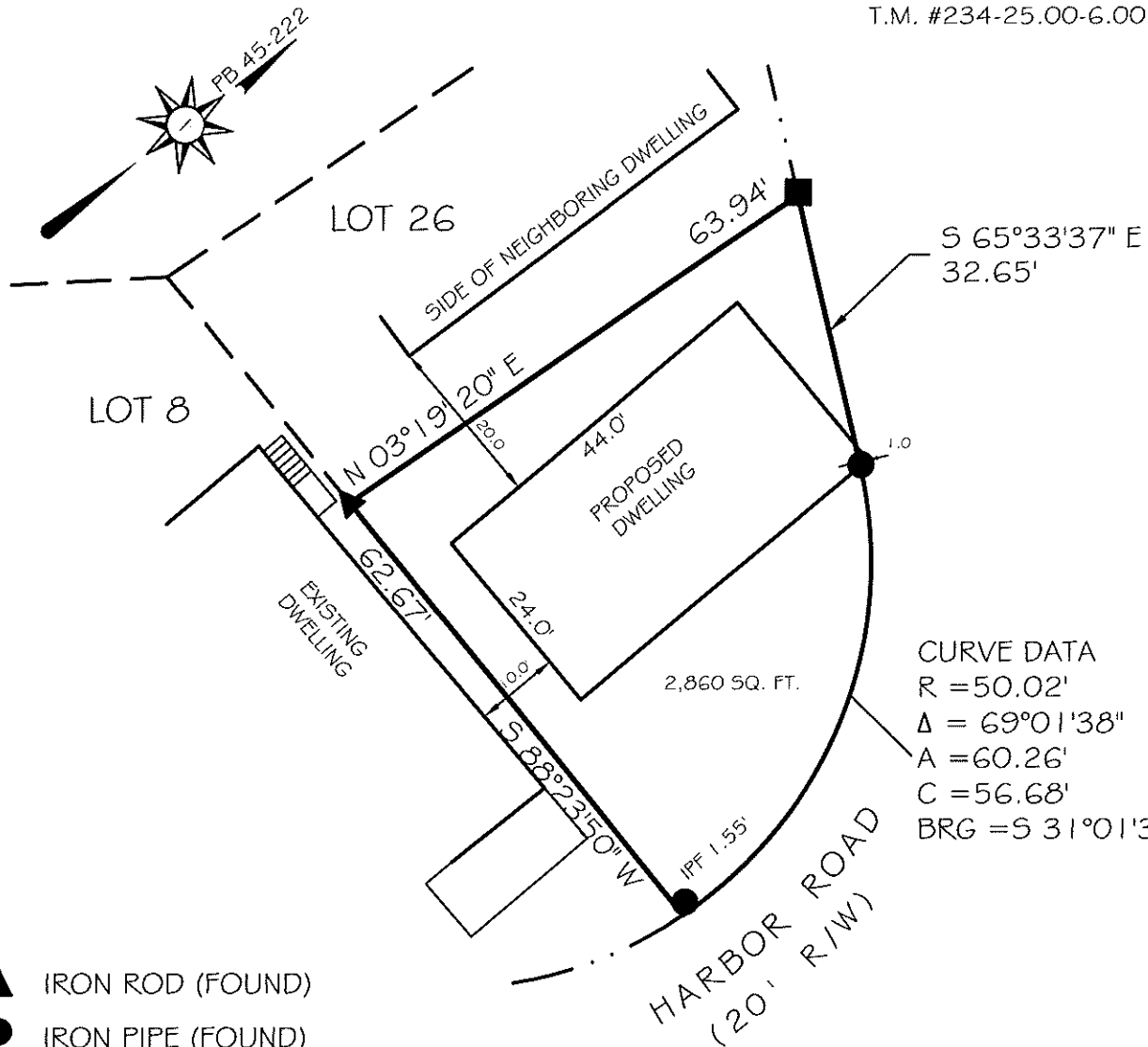
## STAFF REVIEW OF BUILDING PERMIT APPLICATION

Date of Review:	01/30/2024
Parcel Address:	21 Harbor Road
Tax Parcel ID:	234-25.00-6.00-57070
Permit Number:	202401009

- Subdivision Name – Malone’s MHP, Lot 27
- Zoning District – AR-1
- Setbacks – 5-ft front / 5-ft side / 5-ft rear
- Separation requirement between units – 20-ft
- Maximum allowable lot coverage – 35%
- Maximum Height – 22-ft
- Flood Zone – AE
- Wetland Buffer – n/a
- Tax Ditch R.O.W – n/a
- Ag Preservation – n/a
- TID Fee – n/a
- Individual Lot Grading Plan & Lot Grading Certificate – n/a
- As-built survey may be required prior to issuance of a Certificate of Compliance.
- A placement survey was not submitted with this application. The dwelling must meet the setback and building separation requirements as well as the maximum allowable coverage.
- Applicant noted existing dwelling has been/will be demoed.

Name of Staff Member	Amy Mendelson
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T.M. #234-25.00-6.00 P/O



CURVE DATA  
 R = 50.02'  
 Δ = 69°01'38"  
 A = 60.26'  
 C = 56.68'  
 BRG = S 31°01'37" E

- ▲ IRON ROD (FOUND)
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)

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PROPOSED PLACEMENT SURVEY FOR

**JIM LATTANZI**

21 HARBOR ROAD, MILLSBORO, DE 19966  
 LOT #27 OF MALONE'S BAYSIDE MOBILE HOME PARK  
 INDIAN RIVER HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE

SCALE 1" = 20' NOVEMBER 22, 2023

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

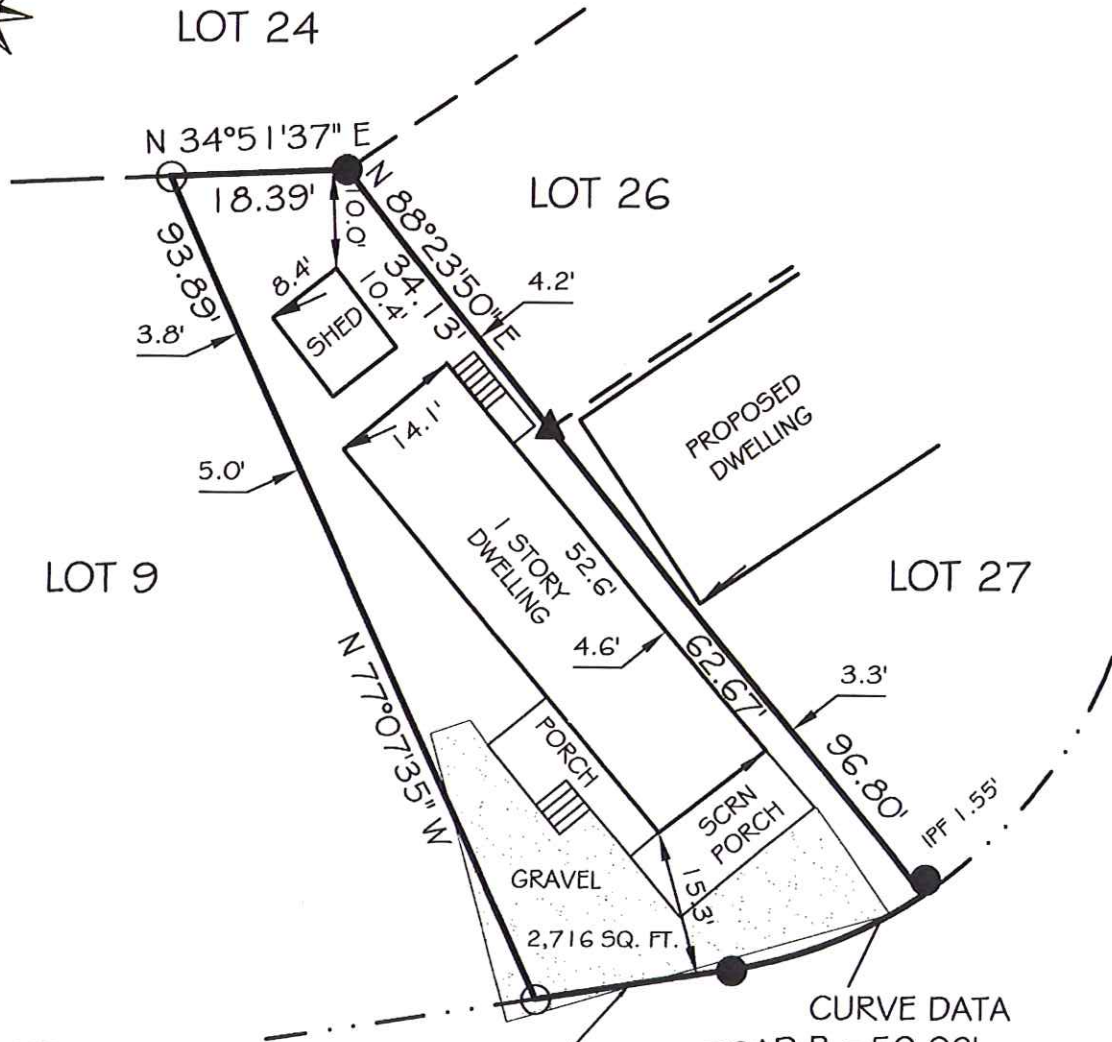
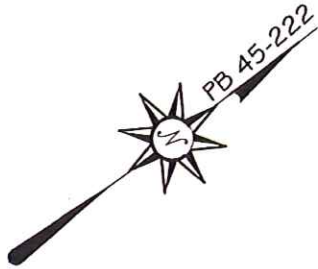
PREPARED BY: PH: 302-629-9895  
 FAX: 302-629-2391

**MILNER** LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD. SEAFORD, DE. 19973

DONALD K. MILLER PLS 407 DATE  
 SURVEY CLASS: SUBURBAN

T.M. #234-25.00-6.00 P/O



- ▲ IRON ROD (FOUND)
- IRON PIPE (FOUND)
- POINT

SEE PLOT BOOK 45 PAGE 222 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

CURVE DATA  
 R = 50.02'  
 Δ = 25°07'07"  
 A = 21.93'  
 C = 21.75'  
 BRG = S 16°02'46" W

BOUNDARY SURVEY FOR

**JIM LATTANZI**

19 HARBOR ROAD, MILLSBORO, DE 19966  
 LOT #8 OF MALONE'S BAYSIDE MOBILE HOME PARK  
 INDIAN RIVER HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE

SCALE 1" = 20'      NOVEMBER 22, 2023

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12/22/23  
 DATE

SURVEY CLASS: SUBURBAN

PREPARED BY:

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

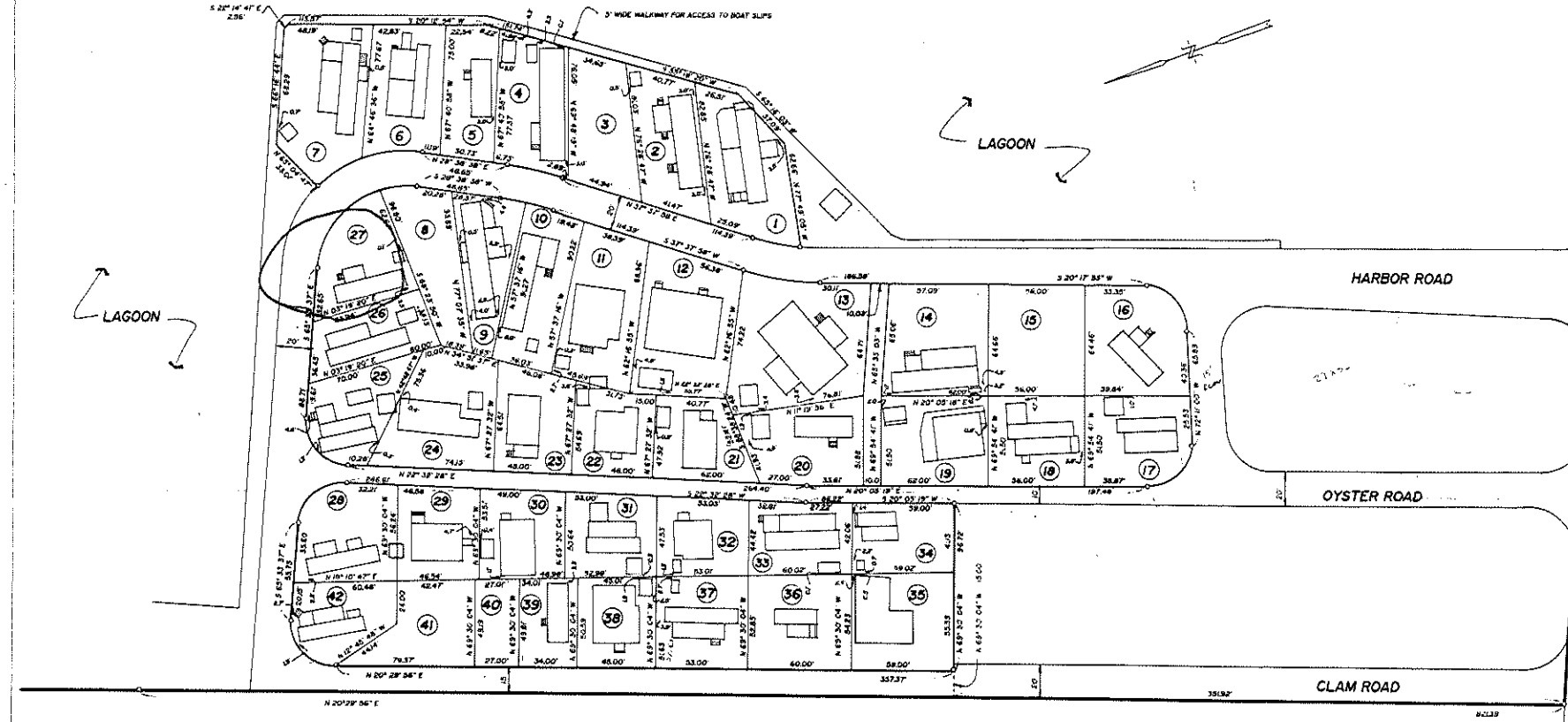
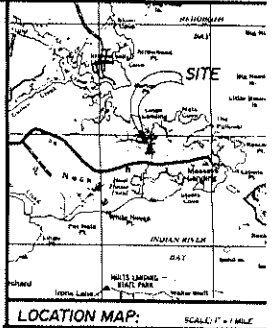
**MILLER** LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973



PART OF TAX MAP NO. 2-34-23, PARCEL 4



**CURVE DATA:**

LOT	RADIUS	DELTA	ARC	CHORD	BEARING
1	130.00'	12° 08' 28"	27.55'	27.80'	N 31° 33' 45" E
4	220.00'	08° 50' 20"	34.52'	34.48'	N 33° 08' 18" E
4	70.00'	28° 48' 18"	38.43'	38.02'	N 13° 43' 58" E
7	70.00'	23° 44' 33"	28.01'	28.80'	N 13° 02' 57" W
8	50.00'	32° 08' 45"	23.94'	21.17'	S 16° 06' 15" W
9	200.00'	04° 12' 28"	14.49'	14.48'	S 30° 44' 52" W
10	200.00'	04° 46' 52"	18.48'	18.44'	S 38° 14' 32" W
13	100.00'	17° 20' 06"	40.38'	40.21'	S 26° 01' 56" W
16	25.00'	67° 31' 04"	38.18'	34.88'	S 84° 03' 27" W
17	29.00'	82° 18' 15"	40.26'	36.05'	N 28° 02' 51" W
25	25.00'	81° 53' 51"	40.10'	35.84'	N 68° 28' 25" E
27	50.00'	68° 02' 29"	80.26'	58.68'	S 3° 01' 53" E
28	25.00'	68° 08' 08"	38.44'	34.77'	S 2° 30' 35" E
42	25.00'	93° 56' 27"	40.88'	36.55'	N 8° 28' 10" E

**LOT AREAS:**

LOT NO.	AREA (SQ. FT.)	LOT NO.	AREA (SQ. FT.)	LOT NO.	AREA (SQ. FT.)	LOT NO.	AREA (SQ. FT.)
1	3,789	11	3,100	21	2,457	32	2,437
2	3,102	12	4,531	22	2,309	33	2,575
3	2,934	13	5,592	23	2,882	34	2,434
4	3,173	14	3,891	24	4,602	35	3,240
5	2,351	15	3,815	25	2,576	36	3,212
6	3,301	16	3,848	26	2,447	37	2,789
7	4,044	17	2,886	27	2,880	38	2,300
8	2,718	18	2,884	28	3,261	39	1,797
9	2,478	19	3,193	29	2,552	40	1,302
10	3,275	20	3,182	30	2,930	41	2,515
				31	2,600	42	2,345

**NOTES:**

1) IMPROVEMENTS SHOWN HEREON BASED UPON A RECENT FIELD SURVEY.

2) ONLY THOSE BUILDING OR STRUCTURE OFFSETS LESS THAN FIVE (5) FEET FROM A LOT LINE ARE DIMENSIONED. IMPROVEMENTS THAT ENDOURCH ACROSS A LOT LINE ARE SHOWN GRAPHICALLY ONLY, WITHOUT OFFSET DIMENSIONS.

**LEGEND:**

- FOUND CONCRETE MONUMENT
- SET IRON PIPE

Prepared by  
**ADAMS-RECAP ASSOCIATES, INC.**  
 Professional Land Surveyors  
 and Planners  
 4 West Market Street  
 Georgetown, Delaware 19847-4437  
 Phone: (302) 856-8899

**SITE PLAN**  
 FOR PROPERTY KNOWN AS  
**MALONE'S BAYSIDE MOBILE HOME PARK**

SITUATED IN  
 INDIAN RIVER PARISH  
 SUSEX COUNTY, STATE OF DELAWARE  
 SCALE: 1" = 30'  
 DATE: OCTOBER 12, 1990

Professional Land Surveyor





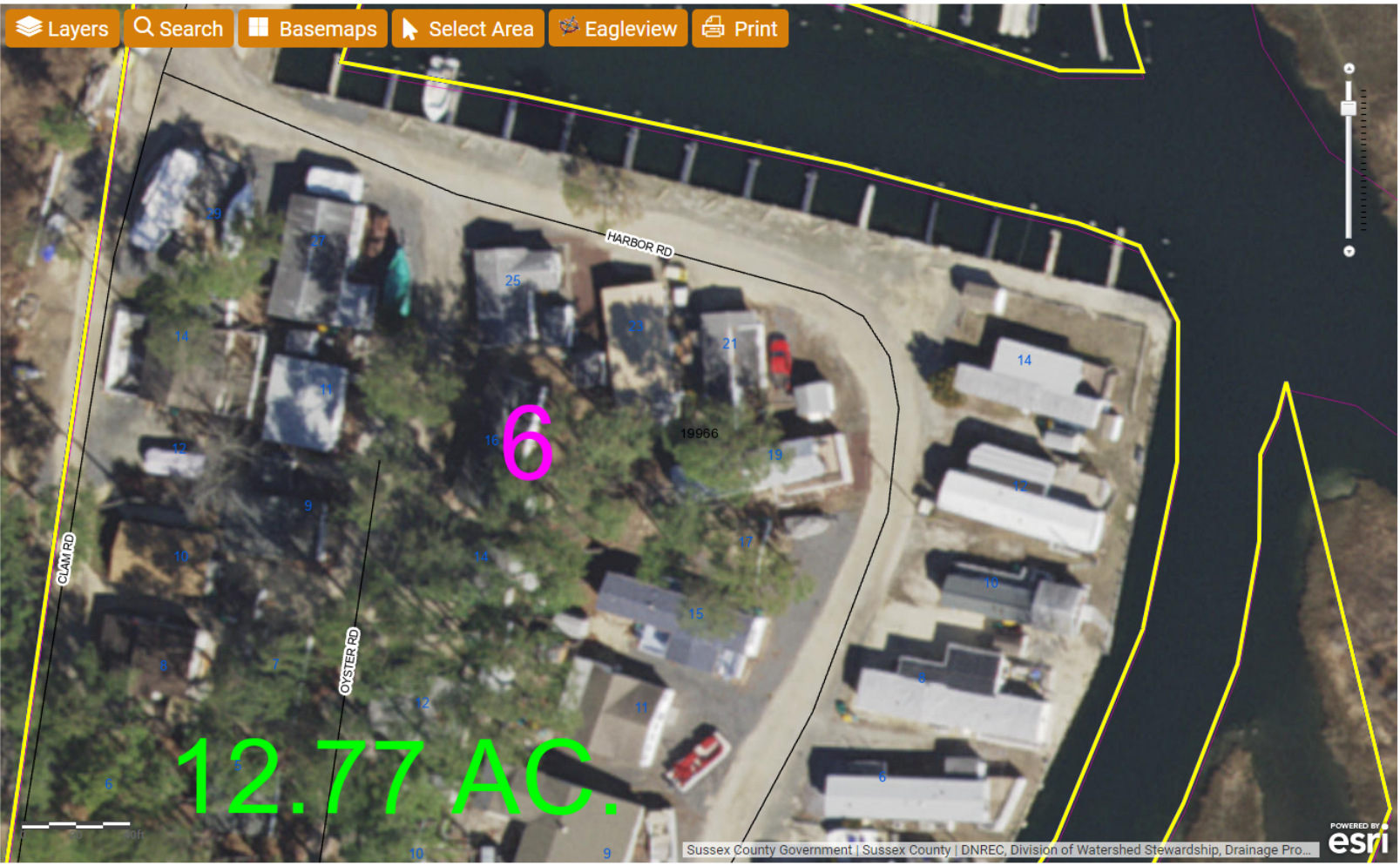








Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (46)

- ▶ 6) 234-25.00-6.00-44287 [Zoom](#)
- ▼ 7) 234-25.00-6.00-45013 [Zoom](#)

BOOK	0
PAGE	0
FULLNAME	LATTANZI JAMES
Second_Owner_Name	MICHELLE LATTANZI
MAILINGADDRESS	24791 RIVERS EDGE RD
CITY	MILLSBORO
STATE	DE
a_account	08-03-006-8
DESCRIPTION	MALONES MHP
DESCRIPTION2	IMP ON LOT 8
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2

- ▶ 8) 234-25.00-6.00-4563 [Zoom](#)
- ▶ 9) 234-25.00-6.00-4564 [Zoom](#)
- ▶ 10) 234-25.00-6.00-4565 [Zoom](#)

Selected Features (6 - 10 of 46)

[Clear Selected](#)



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (46)

- 6) 234-25.00-6.00-44287 [Zoom](#)
- 7) 234-25.00-6.00-45013 [Zoom](#)
- 8) 234-25.00-6.00-4563 [Zoom](#)
- 9) 234-25.00-6.00-4564 [Zoom](#)
- 10) 234-25.00-6.00-4565 [Zoom](#)

BOOK	0
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DESCRIPTION2	IMP ON LOT 8
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2

Selected Features (6 - 10 of 46)

Clear Selected



workspaces ▾



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map: Auto (Ortho) ▾ Dates: All ▾ < image 1 of 46 > 03/02/2023



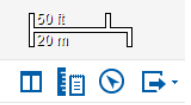
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Search by SUSSEXPARELS ▾

234-25.00-6.00 [Q]

**Search results (1)** Options ▾

- ▶ 234-25.00-6.00



Case # 12958  
Hearing Date 7.1.2024  
202406824

### Board of Adjustment Application Sussex County, Delaware

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

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
\_\_\_\_\_  
\_\_\_\_\_

**Site Address of Variance/Special Use Exception:**

25850 Kings Ln Lot 45 Millsboro 19966

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

910+ of coverage variance  
214 sq.ft. over maximum

Tax Map #: 234-23-00-307.01-16835 Property Zoning: AR-1

**Applicant Information**

Applicant Name: Velsuir Ferreira  
Applicant Address: 33031 Bishop St  
City Millsboro State DE Zip: 19966  
Applicant Phone #: 302-727-9875 Applicant e-mail: vfconstructorsllc@gmail.com

**Owner Information**

Owner Name: Velsuir Ferreira  
Owner Address: 33031 Bishop St  
City Millsboro State DE Zip: 19966 Purchase Date: 12/19/2022  
Owner Phone #: 302-727-9875 Owner e-mail: vfconstructorsllc@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.

I was not aware that I could only use 35% of the property. Until the inspector told me.

2. Cannot otherwise be developed:

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

The porch was extend because the space was available.

3. Not created by the applicant:

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

The porch was made to big

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.

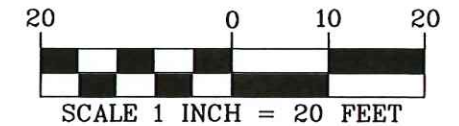
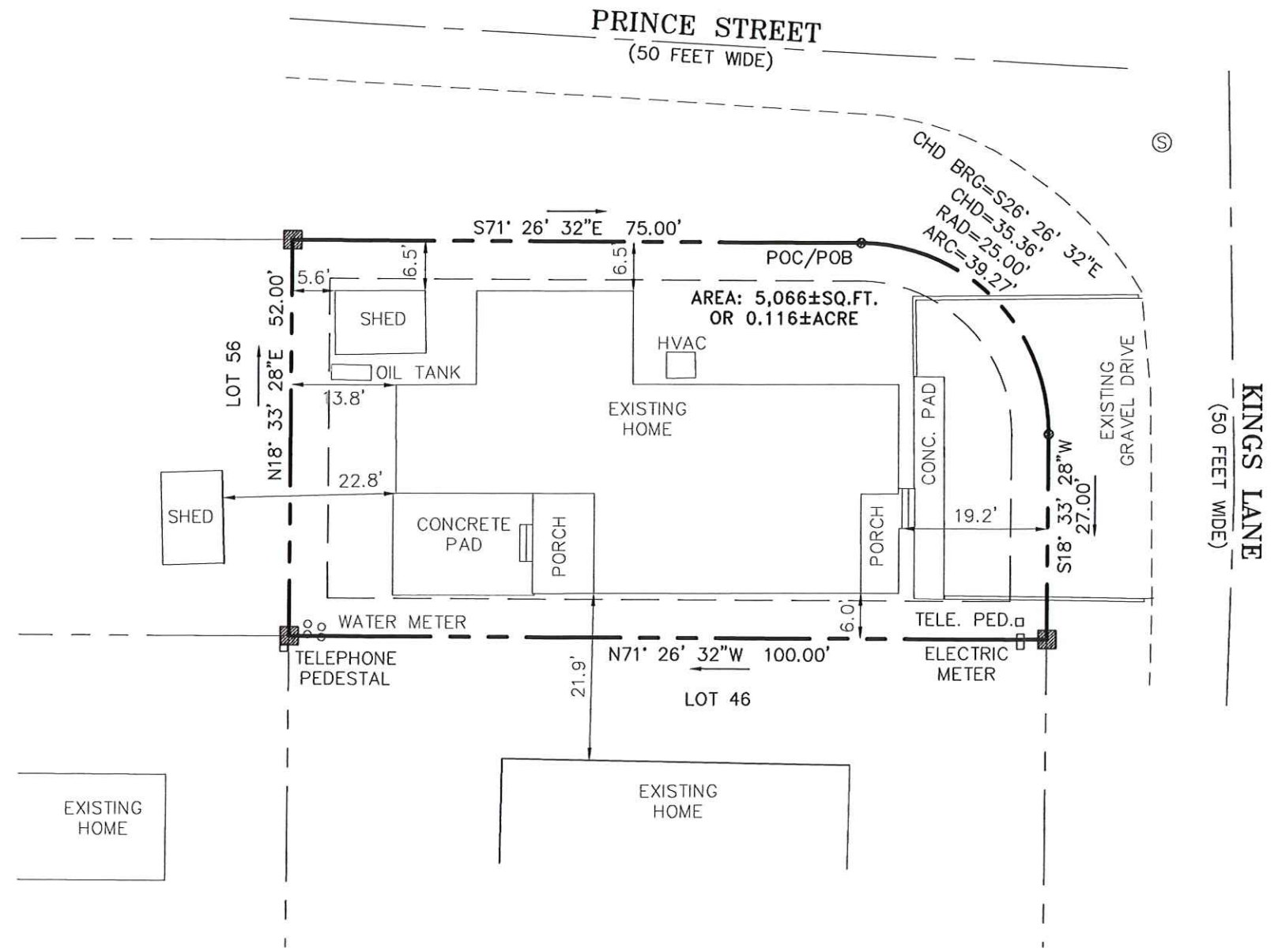
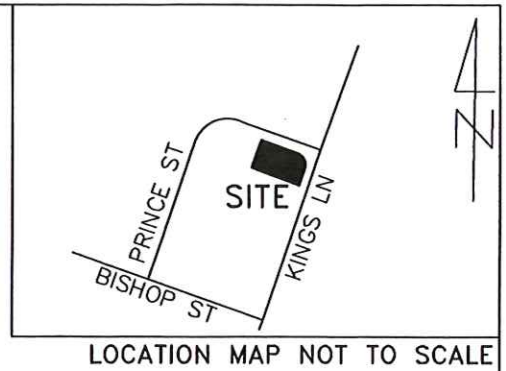
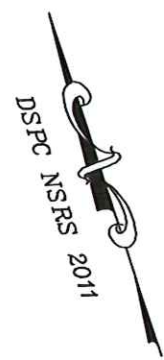
The porch does not affect the neighbors and is not in their property.

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.

The porch can be made smaller if needed

PLAN DATA:  
 1. TITLE REFERENCED TO:  
 TM# 234-23.00-307.01-16835  
 25850 KINGS LANE, MILLSBORO, DE 19966  
 LOT 45, ENCHANTED ACRES  
 INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.  
 3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH  
 MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.  
 4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, THE ZONING IS AR-1. THE SETBACKS ARE: FRONT-5', SIDE-5', AND REAR-5'.



- LEGEND:**
- ⊙ SEWER MANHOLE
  - CORNER NOT MARKED
  - ▣ CONCRETE MONUMENT FOUND
  - PROPERTY LINE
  - - - ADJOINING PROPERTY LINE
  - - - BUILDING RESTRICTION LINE
  - - - ROAD SEAM
  - - - ROAD EDGE

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



ALAN O'DALE KENT, PLS#738, DATE THIS IS A SUBURBAN SURVEY

JOB # 2024087

DATE OF PLAN 02 MAY 2024	BOUNDARY SURVEY PLAN FOR YOSELIN GARCIA OF THE LANDS NOW OR FORMERLY OF ENCHANTED ACRES MHC LLC
DATE OF LAST FIELD WORK 01 MAY 2024	
PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 19973 (302) 745-1735	

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (78)

1) 234-23.00-307.01 Zoom

BOOK	0
PAGE	0
FULLNAME	ENCHANTED ACRES MHC LLC
Second_Owner_Name	HORIZON LAND CO
MAILINGADDRESS	PO BOX 33832
CITY	CHARLOTTE
STATE	NC
a_account	
DESCRIPTION	GIS TIEBACK
DESCRIPTION2	DUMMY ACCOUNT
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	0

- ▶ 2) 234-23.00-307.01-10577 [Zoom](#)
- ▶ 3) 234-23.00-307.01-14286 [Zoom](#)
- ▶ 4) 234-23.00-307.01-14323 [Zoom](#)
- ▶ 5) 234-23.00-307.01-14838 [Zoom](#)

Navigation icons: Home, Previous, Next, Full Screen

Selected Features (1 - 5 of 78)

Clear Selected



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (78)

1) 234-23.00-307.01 [Zoom](#)

BOOK	0
PAGE	0
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Second_Owner_Name	HORIZON LAND CO
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STATE	NC
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DESCRIPTION2	DUMMY ACCOUNT
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	0

- ▶ 2) 234-23.00-307.01-10577 [Zoom](#)
- ▶ 3) 234-23.00-307.01-14286 [Zoom](#)
- ▶ 4) 234-23.00-307.01-14323 [Zoom](#)
- ▶ 5) 234-23.00-307.01-14838 [Zoom](#)

Navigation icons: Home, Previous, Next, Full Screen

Selected Features (1 - 5 of 78)

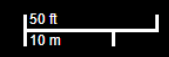
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Workspaces

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map: Auto (Ortho) | Dates: All | < image 1 of 49 > | 03/06/2023



Search [X]

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234-23.00-307.01

Search results (1) Options

- 234-23.00-307.01





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 # 12960  
Hearing Date July 1 - tentative  
2024 06934

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:

37093 Blue Bill Dr Selbyville DE 19975

Variance/Special Use Exception/Appeal Requested:

I need 3' from the property set back of 5'

Tax Map #: 533-12.16-180.00

Property Zoning: GR

Applicant Information

Applicant Name: Mark Stockard

Applicant Address: 37093 Blue Bill Dr

City Selbyville State DE Zip: 19975

Applicant Phone #: Home 302-436-1605 Applicant e-mail: markjstockard@aol.com  
Cell 443-846-4389

Owner Information

Owner Name: Barbara Stockard, Bonnie Mooney, & Mark Stockard

Owner Address: 37093 Blue Bill Dr

City Selbyville State DE Zip: 19975 Purchase Date: 6/08

Owner Phone #: 302-436-1605 Owner e-mail: markjstockard@aol.com

Agent/Attorney Information

Agent/Attorney Name: \_\_\_\_\_

Agent/Attorney Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

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

Signature of Owner/Agent/Attorney

Mark Stockard

Date: 5/10/24



See Attached

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

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

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

1. Uniqueness of property:

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

---

2. Cannot otherwise be developed:

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

---

3. Not created by the applicant:

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

---

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

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

---

5. Minimum variance:

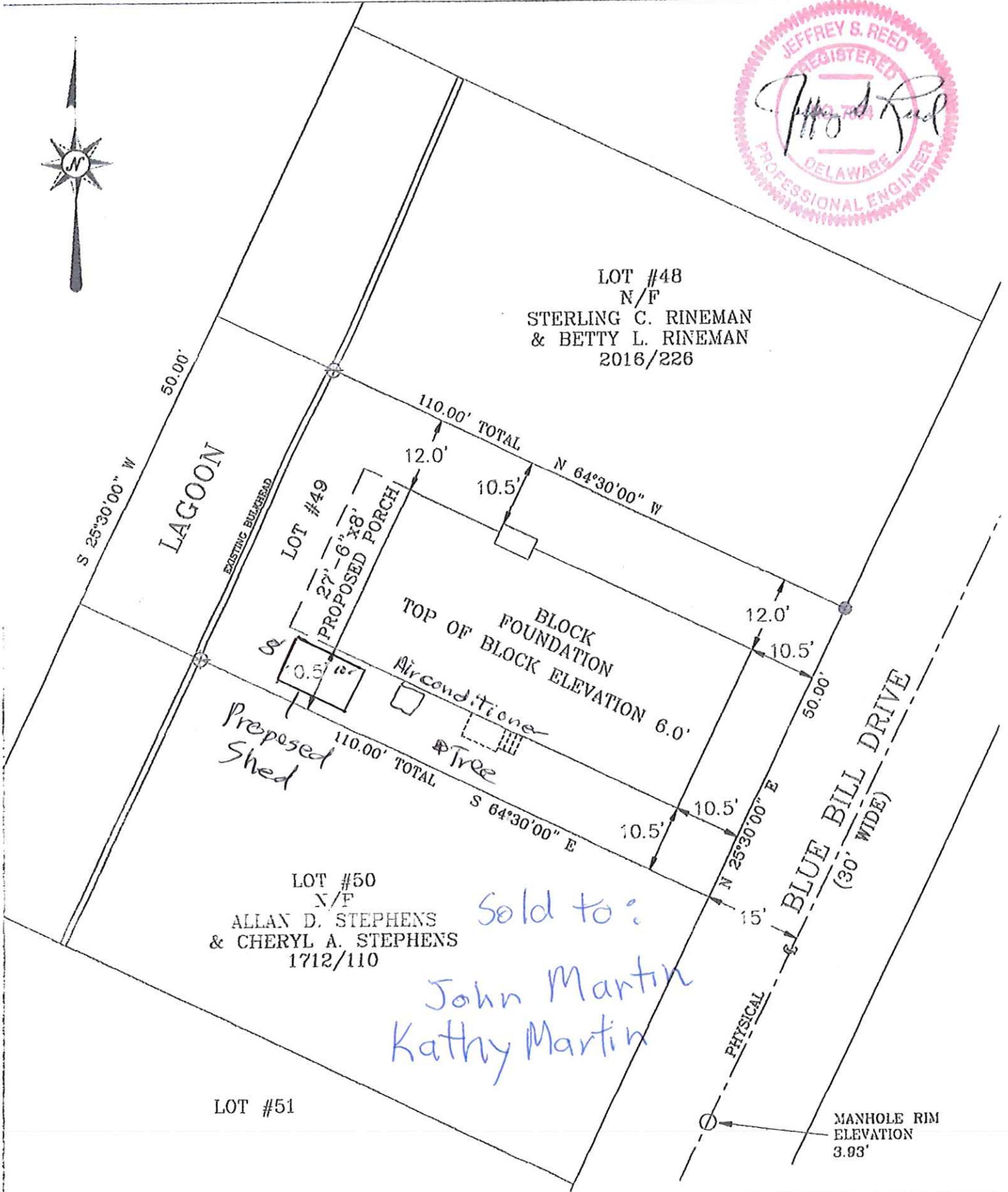
That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

## Criteria for a Variance

1. The home is on a lagoon and water rises on the lawn in this area. There is a sidewalk on the north side of the lot. There is a driveway on the east and south side of the lot.
  2. There is not enough room on any side of the house to facilitate a shed without a variance.
  3. The home was built in the center of the lot. Therefore a variance is needed.
  4. The proposed structure will match the house and won't obstruct anyone's view of the lagoon.
  5. The original structure I needed was 10'x12'. This size structure would have been to the property line. Therefore I decided to change the size to 8'x12' so there will be room to walk around without being on the neighbor's property.
- \* This shed is needed for storage. Presently I have my lawn mower under my deck. The last lawn mower deck rusted through and had to be replaced. My home has tools in the laundry room and closets throughout the house. There is no space for anything else and this extra is badly needed.



LOT #48  
N/F  
STERLING C. RINEMAN  
& BETTY L. RINEMAN  
2016/226



LOT #50  
N/F  
ALLAN D. STEPHENS  
& CHERYL A. STEPHENS  
1712/110

Sold to:  
John Martin  
Kathy Martin

LOT #51

Scale: 1"=20'  
Sheet: 1 of 1  
Date : 4/9/01  
Drawn by: JVR  
Client: GOSNELL  
Client#: 00332

FOUNDATION SURVEY  
for  
PHYLLIS V. GOSNELL & BARBARA B. STOCKARD  
TAX MAP #5-33-12.16-180  
LOT #49, BLOCK G  
SWANN KEYS, SECTION B  
BALTIMORE HUNDRED  
SUSSEX CO. DELAWARE  
REFERENCES:  
PLOT BOOK / PAGE  
14 / 100  
DEED BOOK / PAGE  
1201 / 153

CITADEL  
ENGINEERING, INC.  
Jeffrey S. Reed, P.E.  
17129 Webbs Road  
Ellendale, DE 19941  
(302) 422-2574



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- Medium Storage Sheds
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- X-Large Utility Buildings
- Vinyl Storage Sheds
- Metal Storage Sheds
- Plastic Storage Sheds
- Wood Storage Sheds
- DuraMax Vinyl Sheds
- Arrow Outdoor Sheds
- Lifetime Plastic Sheds
- Suncast Resin Sheds
- ShelterLogic Fabric Sheds
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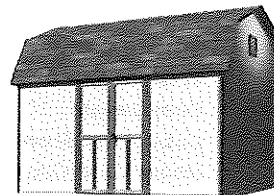
**Handy Home Briarwood 12x8 Wood Storage Shed w/ Floor [19354-5]**

★★★★★ (1) Review

~~\$3299.95~~  
**\$2349.95**



Our Handy Home Products 12x8 Briarwood wood shed is pre-cut with 2x4 studs, 6' 4" tall walls, 10' 2" peak, locking doors & wood floor!  
**Top Rated Brand!**  
**Nationwide Delivery!**  
**Limited Availability**



Click to enlarge

--> Owners Manual

--> View Brochures

Manufacturer



Store Reviews

**Charles K.**  
10 Feb 2024

Convenient and very affordable  
Thank you

Shop By Price

Shop By Price

Shop By Brand

- Arrow Metal Shed Kits
- Best Barn Shed Kits
- DuraMax Storage Sheds
- EZ-Fit Wood Sheds
- Gazebo Penguin
- Globe Steel Sheds
- Handy Home Shed Kits



**Handy Home Products Briarwood 12'W x 8'D Wood Storage Shed Kit with Floor (model 19354-5)**

Our 12x8 Briarwood wood storage building from Handy Home Products is an excellent solution for outdoor storage and a great addition to your backyard. It's gambrel roof style come standard with **6' 4" tall walls** and offer plenty of overhead space at **10' 2" peak height**. Extra wide double doors measure 4' wide. **Everything is pre-cut and ready for assembly!** The doors are pre-

CLICK HERE FOR MORE REVIEWS



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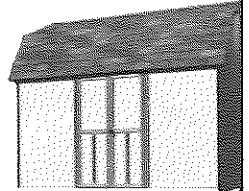
Palmako Log Sheds  
 Palram Structures  
 Rhino MDM Shelters  
 Rion Greenhouses  
 Rubbermaid Sheds  
 Shelter Logic Sheds  
 Sojag Structures  
 Suncast Storage Sheds  
 Swisher Shelters  
 Versatube Buildings  
 Yardistry Structures

are continuous from top to bottom to prevent sagging. Smartside siding is **treated to prevent fungal decay and insect infestation**. Siding is also pre-primed and ready for your finishing coat of paint! Also included is an illustrated **owners manual written with the novice in mind** to help any average do-it-yourself builder, with no carpentry skills assemble the shed with ease! **Wood flooring included!**  
**Made in the USA!** (\*customize your new shed with windows and more at the bottom of the page. Windows pictured not included.)

Tell A Friend

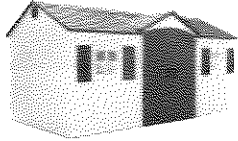
Tell someone you know about this product.

Shed Reviews

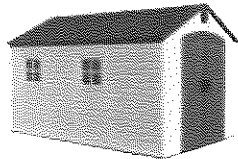


Timely shipment. Cut work made the assembly much easier than ..

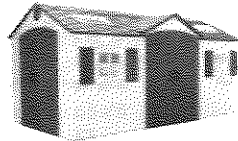
Most Popular Items



Lifetime 15x8 Plastic Garden Storage Shed Kit w/ Floor



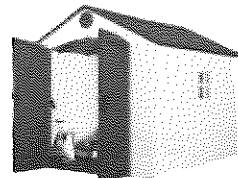
Lifetime 8x12 Outdoor Storage Shed Kit w/ Floor



Lifetime 15x8 Plastic Storage Shed Kit w/ Double Doors



Lexington 10x14 Arrow Storage Shed Kit



Lifetime 8x10 Plastic Storage Shed Kit w/ Floor

Features:

- **Solid 2" x 4" stud and rafter construction**
- **2 Gable Vents Included!**
- **Everything is pre-cut**, there's nothing to saw!
- Tools needed: hammer, screwdriver, level, tape measure and step ladder
- Premium trim included for a beautiful finish
- **Factory primed Smartside siding** - resists fungal decay and insects
- Extra wide, pre-hung lockable double doors
- Pre-assembled **4'W x 6'T double doors**
- Crossbucks and continuous full length hinges on door frame add extra strength
- **Key lockable door latch** included for security
- Heavy-duty wood construction withstands high winds and heavy snow loads
- Overhang protects siding from the elements
- **All nails, screws and hardware needed for assembly included**
- **Wood flooring included!**
- (\*Paint, stain, drip edge and shingles provided by homeowner / not included)
- **10 Year Limited Warranty!**
- **FREE Shipping!**

Specifications:

**Model:** 19354-5  
**External Size:** 12'W x 8'D x 10.08'H (144"W x 96"D x 121"H - maximum height)  
**Double doors:** 4'W x 6'H  
**Wall height:** 6' 4"H  
**Peak height:** 10' 2"H  
**Cubic Feet Storage:** 850  
**Snow Load Capacity:** 30 lbs. per sq. ft.  
**Wind Load Capacity:** 90 mph

Materials Provided By Owner / Not Included:

- 1 qt. trim exterior paint or stain
- 2 gal. siding exterior paint or stain
- 50 ft. (linear ft.) drip edge
- 6 bundles roof shingles (match home for professional look!)

Wood Floor Kit Included!

- Treated 2x4 Floor Joists
- Spaced 16" On Center
- Finished with 5/8" OSB Decking

Add Recommended Accessories:

Cupola: (None)

Flower Boxes: (None)

Metal

Customer Service



Categories



Checkout



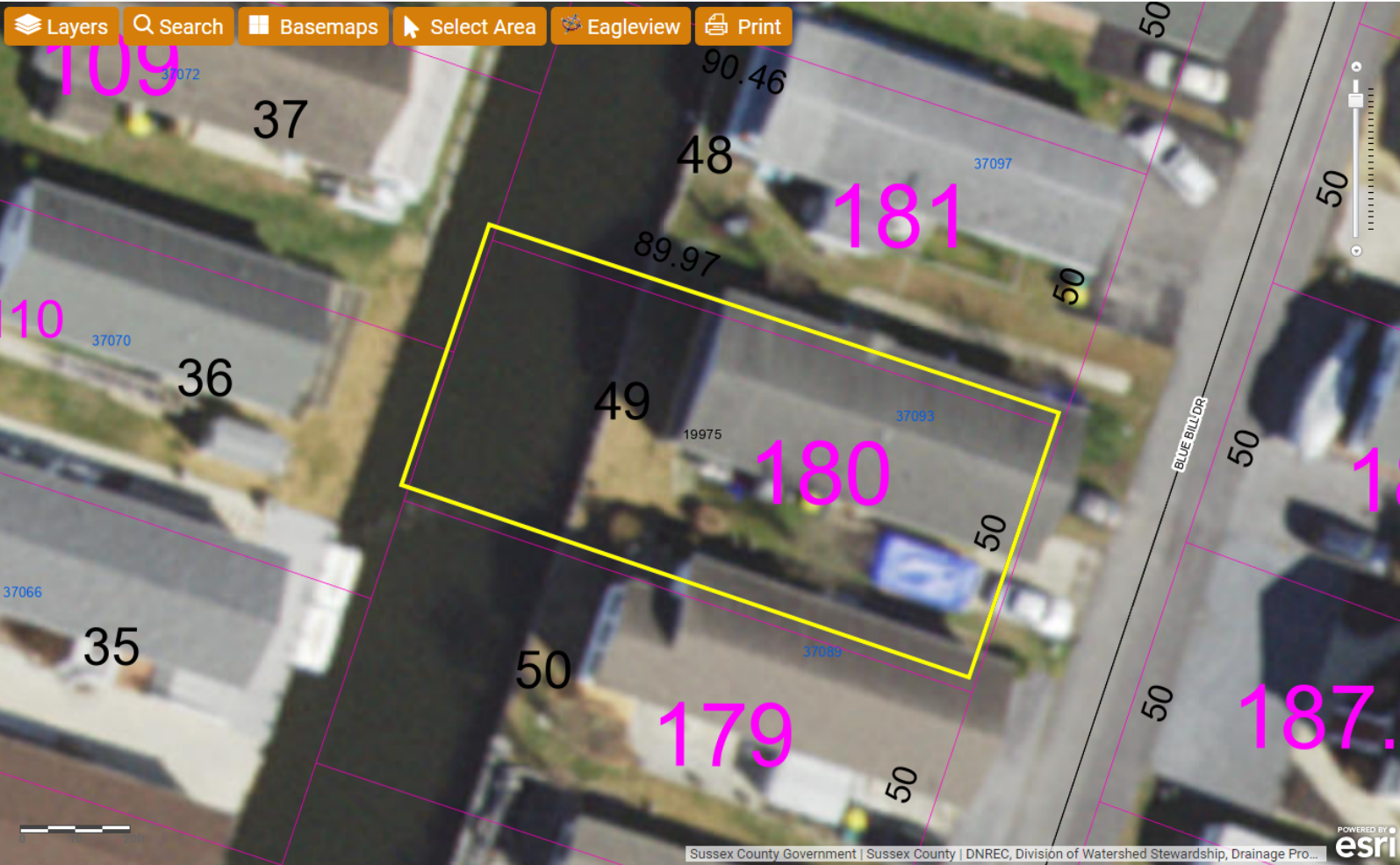
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Live chat

Add to cart

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

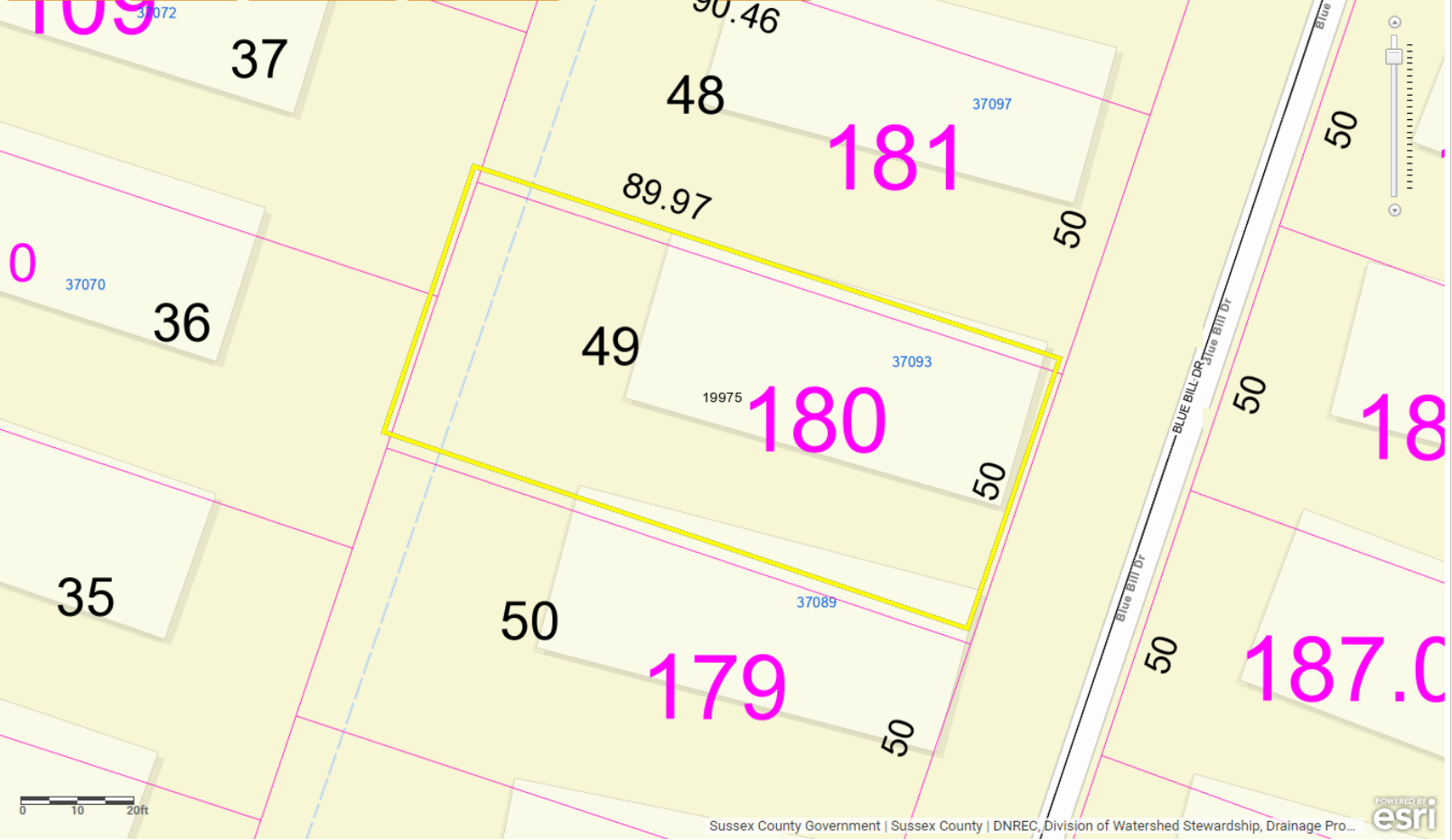
1) 533-12.16-180.00 Zoom

BOOK	5868
PAGE	38
FULLNAME	STOCKARD BARBARA B BONNIE JEAN MOONEY
Second_Owner_Name	MARK JOHN STOCKARD
MAILINGADDRESS	37093 BLUE BILL DR
CITY	SELBYVILLE
STATE	DE
a_account	04-03-180
DESCRIPTION	SWANN KEYS
DESCRIPTION2	LOT 49
DESCRIPTION3	BLK G
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	29300
APRLAND	10000
PINWASSEMENTUNIT	533-12.16-180.00

Selected Features (1)  
Clear Selected



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 533-12.16-180.00 Zoom

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PAGE	38
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APRBLDG	29300
APRLAND	10000
PINWASSEMUNIT	533-12.16-180.00

Selected Features (1)  
Clear Selected





Workspaces

Search

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533-12.16-180.00

Search results (1) Options

533-12.16-180.00



Tentative: 7-1-24

RECEIVED

MAY 16 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 # 12961  
Hearing Date \_\_\_\_\_  
Application: 202407241

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:

8203 WILKINS ROAD, LINCOLN, DE 19960

Variance/Special Use Exception/Appeal Requested:

6ft variance of side yard setback

Tax Map #: 330-15.00-35.00

Property Zoning: AR-1

**Applicant Information**

Applicant Name: EDNA + JAMES TURNER  
Applicant Address: 8203 WILKINS ROAD  
City LINCOLN State DE Zip: 19960  
Applicant Phone #: 302-381-9823 Applicant e-mail: jturner59@comcast.net

**Owner Information**

Owner Name: EDNA TURNER, ELMER TORBERT, TIMOTHY TORBERT  
Owner Address: 8203 WILKINS ROAD  
City LINCOLN State DE Zip: 19960 Purchase Date: March 1996  
Owner Phone #: 302-422-6097 / 302-270-6542 Owner e-mail: mmt3bears@comcast.net

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**

Edna Turner

Date: May 16, 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.

Property is TO NARROW, And driveway + Garage on LEFT side  
REAR can not Be extended

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.

Right side OF HOME is need to extend Bedroom and  
Add Bathroom due to health issues.

3. Not created by the applicant:

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

No Lot is narrow to extend on right side  
Variance is needed.

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

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

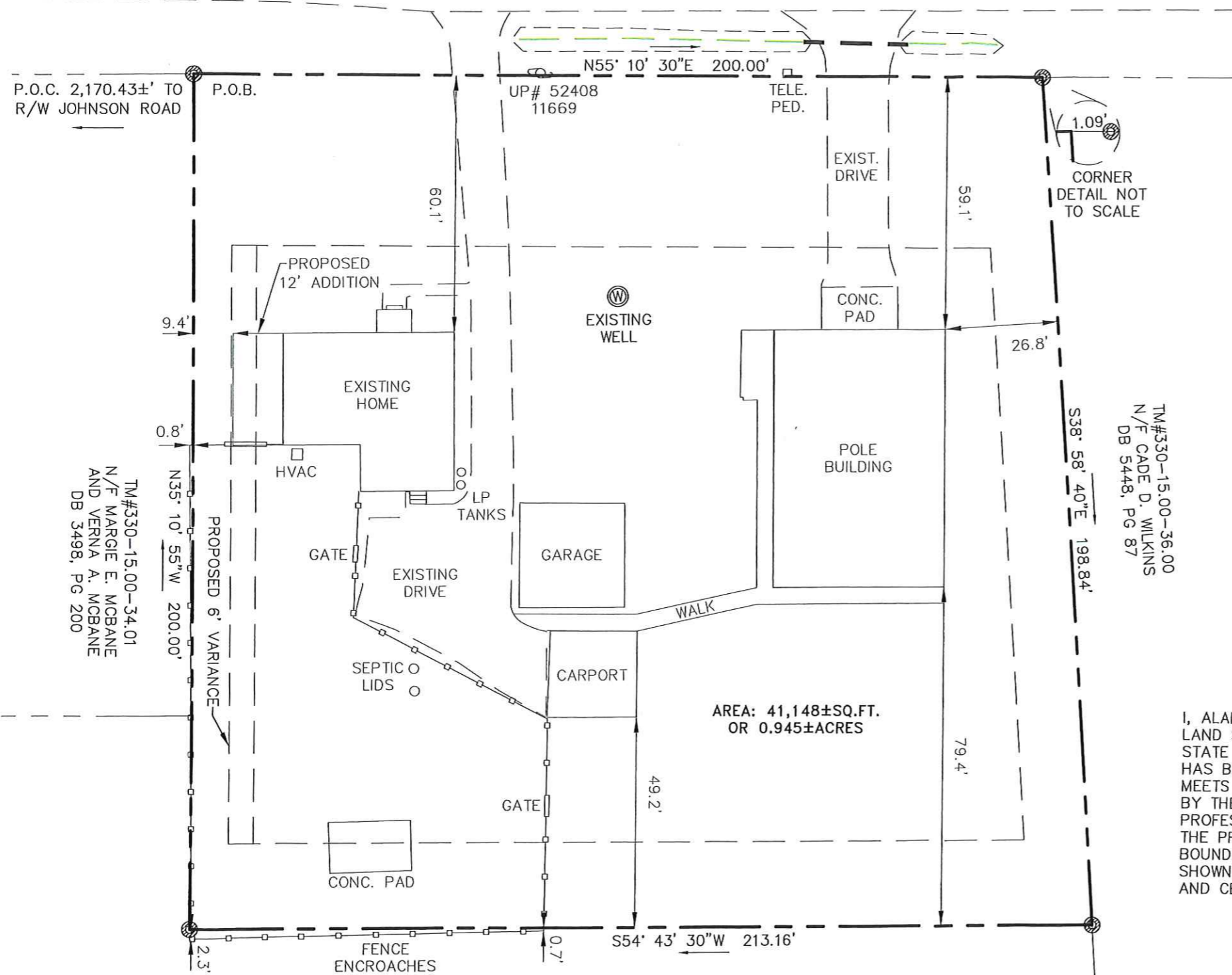
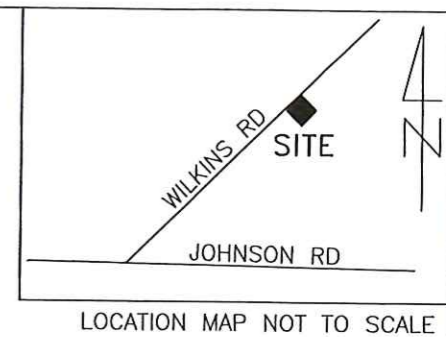
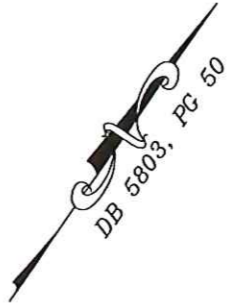
Proposed addition will Be same Lines and  
done to Match existing home.

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.

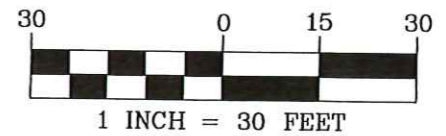
12' is needed for addition.

WILKINS ROAD  
(60 FEET WIDE)



PLAN DATA:

- TITLE REFERENCED TO:  
TM# 330-15.00-35.00, DB 5803, PG 50.  
8203 WILKINS ROAD, LINCOLN, DE 19960  
CEDAR CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
- NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
- THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
- ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, THE ZONING IS AR, AND SETBACKS ARE F-40', S-15', R-20'.

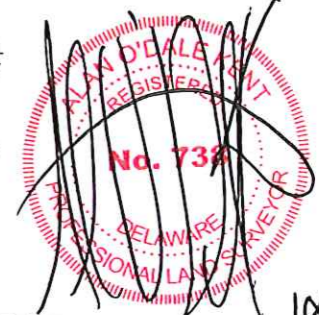


- LEGEND:
- UTILITY POLE
  - IRON PIPE FOUND
  - PROPERTY LINE
  - ADJOINING PROPERTY LINE
  - BUILDING RESTRICTION LINE
  - ROAD EDGE
  - ROAD SEAM
  - BOTTOM OF DITCH BANK
  - TOP OF DITCH BANK

TM#330-15.00-34.01  
N/F MARGIE E. MCBANE  
AND VERA A. MCBANE  
DB 3498, PG 200

TM#330-15.00-36.00  
N/F CADE D. WILKINS  
DB 5448, PG 87

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



ALAN O'DALE KENT, P.L.S.#738, DATE

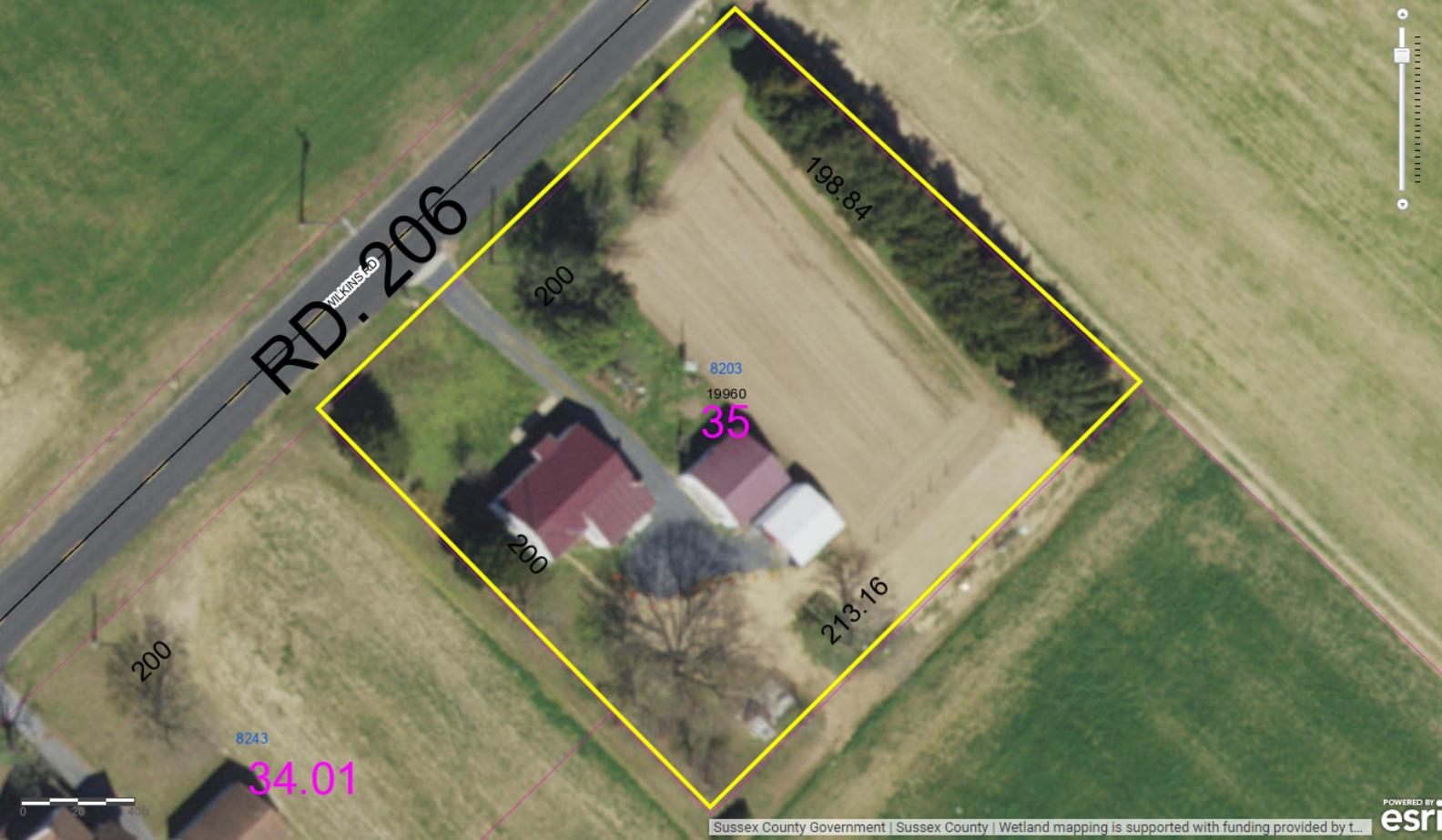
TM#330-15.00-34.00  
N/F MARGIE E. MCBANE  
AND VERA A. MCBANE  
DB 738, PG 403

JOB # 2024067		THIS IS A SUBURBAN SURVEY	
DATE OF PLAN	10 APR 2024	BOUNDARY SURVEY PLAN, SITE PLAN, AND VARIANCE REQUEST OF THE LANDS NOW OR FORMERLY OF EDNA D. RUST, ELMER OUTTEN TORBERT, AND TIMOTHY CHARLES TORBERT PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 19973 (302) 745-1735	
DATE OF LAST FIELD WORK	05 APR 2024		





Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 330-15.00-35.00 Zoom

BOOK	5803
PAGE	50
FULLNAME	RUST EDNA D ELMER OUTTEN TORBERT
Second_Owner_Name	TIMOTHY CHARLES TORBERT
MAILINGADDRESS	8203 WILKINS RD
CITY	LINCOLN
STATE	DE
a_account	
DESCRIPTION	SE/RT 206 2150'
DESCRIPTION2	N/RT 207
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	26600
APRLAND	2500
PINWASSEMENTUNIT	330-15.00-35.00

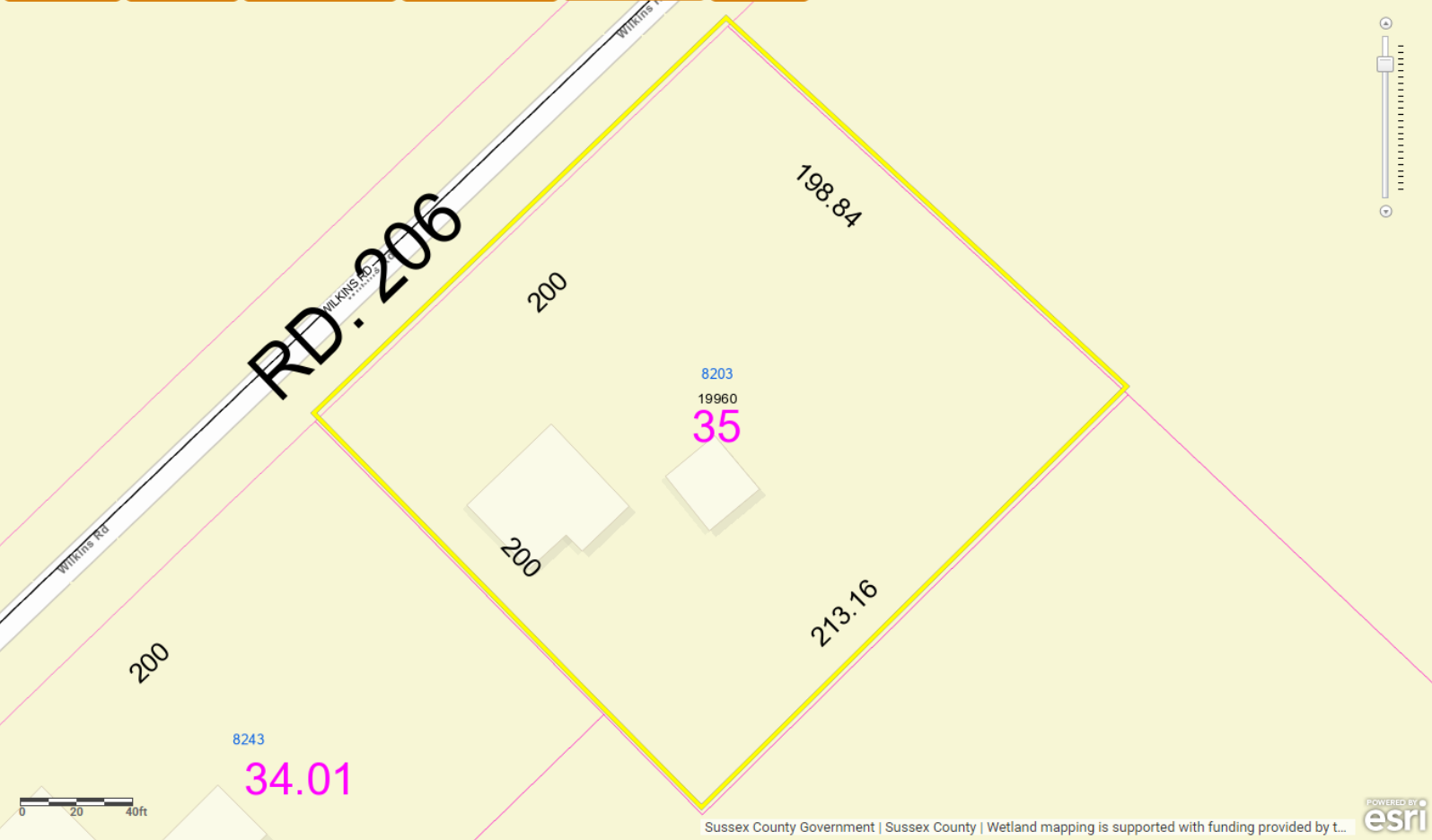
Navigation icons: Home, Previous, Next, Refresh, Stop

Selected Features (1)

Clear Selected



Layers Search Basemaps Select Area Eagleview Print



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Navigation icons: Home, Previous, Next, Previous, Next

Selected Features (1)

Clear Selected



Workspaces

Search [X]

Search by SUSSEXPARELS ▾

330-15.00-35.00 [Q]

Search results (1) Options ▾

- ▶ 330-15.00-35.00

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map: Auto (Oblique) ▾ Dates: All ▾ < image 1 of 77 > 02/27/2023



Revised Date: Mon, July 1, 2024 @ 6:00pm

RECEIVED

JUN 24 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 # 129101  
Hearing Date \_\_\_\_\_

Application: 202407241

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:

8203 WILKINS ROAD, LINCOLN, DE 19960

Variance/Special Use Exception/Appeal Requested:

6ft variance of side yard setback

Tax Map #: 330-15.00-35.00

Property Zoning: AR

Applicant Information

Applicant Name: EDNA + JAMES TURNER  
Applicant Address: 8203 WILKINS ROAD  
City LINCOLN State DE Zip: 19960  
Applicant Phone #: 302-381-9823 Applicant e-mail: jturner54@comcast.net

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Owner Address: 8203 WILKINS ROAD  
City LINCOLN State DE Zip: 19960 Purchase Date: March 1996  
Owner Phone #: 302-422-6097 Owner e-mail: mmt3bears@comcast.net  
302-270-6542

Agent/Attorney Information

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

Signature of Owner/Agent/Attorney

Edna Turner

Date: May 16, 2024



Sussex County, DE - BOA Application

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## SOUTHERN DELAWARE FOOT & ANKLE

Bradley T. Lemon, D.P.M., FACFAS

Fellow, American College of Foot & Ankle Surgeons    Diplomat, American Board of Foot and Ankle Surgery

Allen Mirzaei, D.P.M., AACFAS, FACPM

Associate American College of Foot & Ankle Surgeons    Fellow, American College of Podiatric Medicine

Christopher M. Heisey, D.P.M., FACFAS

Fellow, American College of Foot & Ankle Surgeons    Diplomat, American Board of Foot and Ankle Surgery

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JUN 24 2024

SUSSEX COUNTY  
PLANNING & ZONING

Patient Name: JAMES TURNER

### Subjective

The patient presents today for a re-evaluation of the Achilles tendon/ plantar fasciitis pain in the left foot. The patient states that the pain has been an ongoing problem for some time without improvement. The patient was dispensed a night splint but discontinued using it due to no improvement in the pain. The patient completed AQUACARE PT twice weekly. The patient states that they feel that PT has helped improve the pain. The patient states the pain is worse depending on the activity during the day. The patient states overall there has been an improvement in the pain since the last visit. The patient state that they last saw their PCP in January 2024. Patients chart was reviewed and updated. Patient offers no further concerns at this time.

### Physical Exam

**General:** Appears well-developed and well-nourished. He is ambulatory. Speech is clear and appropriate. No involuntary movement. Diabetic foot exam performed.

### Vascular:

DP pulses are 1/4 on both sides. PT pulses are 1/4 on both sides. Hair growth is absent. Skin changes are absent. Varicosities are present. Telangiectasia are present.

**Musculoskeletal:** Muscle strength is 5/5 Dorsiflexion Plantarflexion Inversion Eversion. Examination of left foot shows pain at insertion of achilles tendon There is pain to palpation to the plantar medial aspect of left/right heel. Patient is noted at the attachment site of the medial/central band of the plantar fascia. There is no evidence of rupture noted. There is no sign of edema or ecchymosis. Mild/Moderate/Severe pain is noted with medial to lateral compression of the heel. There are no palpable nodules, evidence of fibroma, or partial tear is noted. No/Mild tingling noted with percussion of the tarsal tunnel and/or overlying the abductor hallucis. Manual muscle exam is within normal limits. The patient has a rectus/pronated/supinated foot type. Range of motion is normal/decreased/increased. Further examination reveals no/minimal/considerable evidence of equinus with limitation of ankle joint motion.. Examination of Equinus noted bilaterally ankle. S/P left 1st MPJ fusion, 2-3 PIPJ fusion.

**Dermatological:** Fungal nails at TA, T1, T2, T3, T4, T5, T6, T7, T8, T9 Mycotic nails are noted measuring 3-4 mm thick. The nails are thick, brittle, and discolored with subungual debris. There is periungual inflammation due to the thickness of the nail plate requiring manual and mechanical reduction.. On left foot there is evidence of erythematous rash and xerotic skin and right foot there is evidence of erythematous rash and xerotic skin.. Hyperkeratotic tissue is located at Bilateral Hallux IPJ. Pain is noted with palpation.

**Neuro:** Pin sensation is reported with in normal limits. Proprioception is reported with in normal limits. Semmes-Weinstein monofilament test on bilateral feet are within normal limits..

### Assessment

Achilles Tendinitis, Left Leg (M76.62)  
Plantar Fascial Fibromatosis (M72.2)  
Pain In Left Foot (M79.672)

### Plan

#### Follow Up

Followup on a p.r.n. basis.

Name: James R Turner | DOB: 9/28/1949 | MRN: 900546726 | PCP: CLARAVALL, ODILION, MD | Legal Name: James R Turner

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JUN 24 2024

SUSSEX COUNTY  
PLANNING & ZONING

# Appointment Details

After Visit Summary®

## General Information

What:

Refill with JORGE VIVAR AGUIRRE

When:

Saturday March 16, 2024

Where:

TidalHealth Endocrinology (Woodbrooke Drive Salisbury Maryland)

Reason for Visit:

Med Refill

Diagnosis:

Controlled type 2 diabetes mellitus with complication, with long-term current use of insulin

Phone:

410-572-8848

MyChart® licensed from Epic Systems Corporation © 1999 - 2024

Influenza Vaccine

10/01/2023

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Health Maintenance Topics with due status: Not Due

Topic  
Hemoglobin A1C

Last Completion Date  
09/22/2023

JUN 24 2024

SUSSEX COUNTY  
PLANNING & ZONING

Health Maintenance Topics with due status: Discontinued

Topic  
Prostate Cancer Screening (PSA)  
Last Opth: 10/2022 (yearly)

Date Due  
Discontinued

Patient Care Team:

Odilon Claravall, MD as PCP - General

Steven E Hearne, MD as Consulting Physician (Cardiology)

Jorge Vivar Aguirre, MD as Consulting Physician (Endocrinology)

Jason M Tu, MD as Consulting Physician (Ophthalmology)

**Health Maintenance**

Topic

- Diabetic Eye Exam
- Renal function Microalbumin/Creatinine Ratio
- Influenza Vaccine (1)

Date Due  
07/12/2018  
07/23/2021  
10/01/2023

Tobacco use was documented and reviewed.  
tobacco use history

**Patient Active Problem List**

Diagnosis

- Peripheral neuropathy
- Controlled type 2 diabetes mellitus (HCC)
- Essential hypertension
- Mixed hyperlipidemia
- Obesity, Class I, BMI 30-34.9
- Diverticular disease of colon
- OSA on CPAP
- Arthritis of left knee
- Baker's cyst of knee, left
- DVT (deep venous thrombosis) (CMS/HCC) (HCC)

**Past Medical History:**

Diagnosis

- Diabetes mellitus (HCC)  
Type 2 diabetes mellitus with hyperglycemia
- DVT (deep venous thrombosis) (CMS/HCC) (HCC)  
Left

Date

01/2023

Name: James R Turner | DOB: 9/28/1949 | MRN: 900546726 | PCP: CLARAVALL, ODILION, MD | Legal Name: James R Turner

**RECEIVED**

JUN 24 2024

SUSSEX COUNTY  
PLANNING & ZONING

# XR Knee 4 VW Ortho Protocol RT

How soon are test results available within MyChart? ▼

## Results

### XR Knee 4 VW Ortho Protocol RT [180407] (Order 80444727)

Result Date	Result Time	Status
9/19/22	12:19 PM	Final result

#### Narrative

**PROCEDURE:**

XR KNEE 4 VW ORTHO PROTOCOL RT

**REASON FOR EXAM:**

Pain in right knee

**COMPARISON:**

None.

**FINDINGS:**

Tricompartmental joint space narrowing and osteophyte formation. Small knee effusion.No acute fracture or dislocation.

#### Impression

~~~

Tricompartmental osteoarthritis with a small knee effusion.

No acute osseous abnormality is appreciated.

David Nizza, M.D.

Electronically signed by: David Nizza, MD

9/19/2022 12:19 PM

WorkstationID:WNMRRAD-PACS1-X

| Reviewed By              | Review Date                  | Accepted? |
|--------------------------|------------------------------|-----------|
| SULLIVAN, KIMBERLY, PA-C | Mon Sep 19, 2022<br>12:58 PM | Yes       |





## SOUTHERN DELAWARE FOOT & ANKLE

Bradley T. Lemon, D.P.M., FACFAS

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JUN 24 2024

SUSSEX COUNTY  
PLANNING & ZONING

Patient Name: JAMES TURNER

Patient was evaluated and treated.

The patient demonstrates signs and symptoms of achilles tendonitis. The condition was reviewed with the patient including etiology and treatment options. I discussed with them that this condition is often very successfully treated with a variety of conservative options. Those options include:

1. OTC (Powersteps) or custom orthotics
2. Stretching of both the Achilles tendon complex
3. Ice therapy
4. Night splints
5. Minimize barefoot or unsupported walking
6. NSAIDS
7. Physical therapy
8. Strapping

The patient demonstrates signs and symptoms of plantar fasciitis/heel spur syndrome. The condition was reviewed with the patient including etiology and treatment options. I discussed with them that this condition is often very successfully treated with a variety of conservative options. Those options include:

1. OTC (Powersteps) or custom orthotics
2. Stretching of both the Achilles tendon complex and the plantar fascia and intrinsic muscles to the sole of the foot
3. Ice therapy
4. Night splints (Dispensed 1/23/2024)
5. Minimize barefoot or unsupported walking
6. NSAIDS
7. Physical therapy
8. Cortisone injections
9. Strapping

Pt to continue to stretch, ice, and perform range of motion exercises. Pt educated on proper supportive shoe gear.

Avoid barefoot walking and wearing flipflops.

Patient was educated on the condition and the importance of appropriate shoe gear. Patient needs to allow for adequate depth and width to accommodate for the condition.

Pt to continue to wear the night splint.

Discussed treatment options with the patient, both conservative and surgical in nature.

The procedure was explained to the patient in detail including risks and complications. The procedure was reviewed and all questions were answered. No guarantees were given or implied.

Discussed surgical treatment options for Left retro calcaneal spur resection and Achilles tendon repair. The procedure was discussed in detail with the patient, including benefits and potential risks and complications. Also discussed was the post-operative course in detail. All questions and concerns were

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JUN 24 2024

SUSSEX COUNTY  
PLANNING & ZONING

### Order Requisition

#### Laurel Medical Group - Laurel

1124 South Central Ave

Laurel, DE, 19956

Phone: (302) 875-7753 Fax: (302) 875-7966

#### Patient: TURNER, JAMES R

Birthdate: 09/28/1949 Age: 74 Years Admin Sex: Male Birth Sex: Male Weight: 243 lb (06/14/24)

MRN: LMA246 FIN: 25338 Race: Patient Declined Height: 70 in (06/14/24)

PCP: REF-705 -Claravall, Odilon

CMRN: 254513, 1949092824666713786520

Allergies: NSAIDs, metFORMIN

\*\*Please note -- Allergy list may be incomplete\*\*

Patient Home Address: 3370 Woodland Ferry Rd  
Seaford, DE 19973, US

Home Phone: (302) 381-9823

Work Phone:

Cell Phone: (302) 381-9823

Primary Health Plan: Medicare Of De Um  
Subscriber: Turner, James R  
Birthdate: 09/28/1949

M:9X53CC2XF18

Phone:

Secondary Health Plan: Bcbs Of De Um  
Subscriber: Turner, James R  
Birthdate: 09/28/1949

M:SDE120209887001/G:10006450

Phone: (302) 381-9823

Guarantor: \_\_\_\_\_

#### Order Requisition(s): Requests (Radiology)

Order/Test: US Arterial Doppler LE

Requested Date/Time: 05/17/2024 10:24

Original Order Date/Time: 05/17/2024 10:25

Order Status: Ordered

Order ID: 6265284403.00

Comment: Right and Left

Diagnoses: 1 - I73.9 PVD (peripheral vascular disease)

Electronically signed by Claravall MD, Odilon on 05/17/2024 10:25 (Ordering Provider)  
NPI: 1093800401

Schedule Appt Date/Time & Location: \_\_\_\_\_

Comments:

# TOMASETTI LAW, LLC

Raymond E. Tomasetti, Jr., Esq. [ray@tlawde.com](mailto:ray@tlawde.com)  
Charles T. Armbruster, III, Esq. [chip@tlawde.com](mailto:chip@tlawde.com)

14 West Market Street, Wilmington, Delaware 19804  
1100 Coastal Highway, Unit 3, Fenwick Island, Delaware 19944

302-995-2840  
302-539-3041

May 15, 2024

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MAY 17 2024

SUSSEX COUNTY  
PLANNING & ZONING

SENT VIA FEDERAL EXPRESS

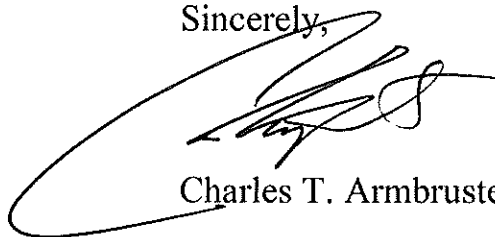
Sussex County Planning & Zoning Department  
2 The Circle  
Georgetown, Delaware 19947

RE: Variance Application  
38827 Lincoln Avenue, Selbyville, Delaware 19947

Ladies and Gentlemen:

Enclosed, please find three (3) copies of an application for a variance along with proposed exhibits for your consideration. Also enclosed, please find a check in the amount of Five Hundred Dollars (\$500.00). Could you kindly review the enclosed application and contact our firm if you need any additional information to move this matter forward. Our firm intends to supplement the exhibits prior to the scheduled hearing and will forward any additional information once a hearing is scheduled. If you have any questions regarding our submission, please feel free to contact our firm. Thank you for all of your assistance with this process.

Sincerely,



Charles T. Armbruster, III

Case # 12962  
Hearing Date July 1, 2024  
202407564

### Board of Adjustment Application Sussex County, Delaware

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

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

\_\_\_\_\_

\_\_\_\_\_

Site Address of Variance/Special Use Exception:

38827 Lincoln Avenue, Selbyville, Delaware 19975

Variance/Special Use Exception/Appeal Requested:

see attached

Tax Map #: 5-33-20.14-32.00

Property Zoning: AR-1

#### Applicant Information

Applicant Name: Tomasetti Law, LLC

Applicant Address: 1100 Coastal Highway, Unit 3

City Fenwick Island State DE Zip: 19944

Applicant Phone #: (302) 539-3041 Applicant e-mail: chip@tlawde.com

#### Owner Information

Owner Name: Michelle Kinsey

Owner Address: 5 Seminole Avenue

City Catonsville State MD Zip: 21228 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

Date: 5/15/24



Sussex County, DE - BOA Application

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---

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.

---

Board of Adjustment Application  
Sussex County, Delaware

APPLICANT: **TOMASETTI LAW, LLC**

MAILING ADDRESS: **1100 COASTAL HIGHWAY, UNIT 3, FENWICK ISLAND, DELAWARE 19944**

OWNER OF RECORD: **Michelle Kinsey**  
5 Seminole Avenue  
Catonsville, Maryland 21228  
(410) -564-9316

FOR PROPERTY IDENTIFIED AS: 38827 Lincoln Avenue  
Selbyville, Delaware 19975  
Tax Map No. 5-33-20.14-32.00  
Property Zoning: AR-1

County Setback Information

Front Yard Setback: 5' (from the property line along Tyler Avenue)  
Side Yard Setback: 5'  
Rear Yard Setback: 15'  
Corner Front Yard Setback: 15' (from the property line along Lincoln Avenue)

Confirmation of the Setback Information is provided in a Setback Information Request from the Planning & Zoning Department and is attached hereto as **Exhibit 1**.

Description of variance request:

The Existing Dwelling located at the Property is a residential dwelling that fronts Lincoln Drive, a copy of a survey depicting the Existing Dwelling is attached hereto as **Exhibit 2**. Upon information and belief, the current Existing Dwelling already possesses five (5) permitted encroachments to the setback requirements due to the uniqueness of the Property.

The applicant and owner of record seek variances to the setback requirements as evidenced in the proposed survey, which is attached hereto as **Exhibit 3**.

Owner of Record intends to construct an addition to the current Existing Dwelling, along the open portion of the lot which faces Lincoln Drive. The applicant seeks a variance of seven (7) feet, which would permit the structure to sit eight (8) feet from Lincoln Drive. This portion of the proposed development is identified as **A** on **Exhibit 3**.

Owner of Record intends to construct an addition for a screened-in porch, next to the concrete driveway portion of the Existing Dwelling. The applicant seeks a variance of eleven (11) feet, which would permit the addition to sit four (4) feet from Lincoln Drive. This addition would not encroach into the setback any further as the Existing Dwelling (3.3 feet) as evidenced on both **Exhibit 2** and **Exhibit 3**. This portion of the proposed development is identified as **B** on **Exhibit 3**.

Owner of Record intends to construct an addition to the Existing Dwelling that would face Tyler Avenue, which would replace an existing detached shed that sits on the Property. The applicant seeks a variance of three and four-tenths (3.4) feet, which would permit the addition to sit one and six-tenths (1.6) feet from Tyler Avenue. Based on the setbacks on Lincoln Drive, this addition may also require a corresponding variance from the setback requirement of Lincoln Drive. This portion of the proposed development is identified as **C** on **Exhibit 3**.

### **1. Uniqueness of the Property:**

The Property is a uniquely shaped trapezoid with 152 feet of frontage along Lincoln Drive and sits at the corner of Tyler Avenue. The Existing Dwelling contains five (5) existing variances despite it being a dwelling of common size in the Cape Windsor Community. Due to the location of this lot, there are only eight (8) lots in the Cape Windsor community with similar nature, which face Lincoln Drive and abut the corresponding Lagoons. The most similar lot to the Property is 38723 Grant Avenue ("Grant Property"), which is the neighboring parcel. The Grant property faces similar challenges with development as a large open portion of the lot facing Lincoln Drive.

A copy of the Grant Property survey is attached hereto as **Exhibit 4**.

The orientation of this Property as specified above make, which is similar to the Grant Property, this lot is a unique lot within Sussex County with exceptional conditions ripe for a variance request.

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

The open space of this Property has roughly fifty-three (53) feet of open space facing Lincoln Drive with a depth of roughly thirty-six (36) feet to the lagoon. The irregular shape of this corner lot creates an extraordinary or an exceptional condition regarding strict compliance with the County's building restriction lines. A copy of a survey showing the building restriction lines as it relates to the open space is attached hereto as **Exhibit 2**.

In order to comply with the building restrictions of the setbacks, this portion of the property only permits the Owner of record to utilize a space of sixteen (16) feet in depth, which makes any utilization of this portion of the property impractical.

If Sussex County requires strict compliance with the building restriction lines established pursuant to the Code, the Owner of the Property cannot improve the open space of Property that fronts Lincoln Drive, absent a structure that falls within the footprint identified above. Strict adherence to the minimum yard depths applied to this Property would prohibit Owner of Record from improving this portion of the Property that faces Lincoln Drive and abuts the Lagoon.

Additionally, the addition of the screened in porch falls within the current footprint of the dwelling.

## **3. Not Created by Applicant**

The Property is a corner lot located in Cape Windsor and the conditions as set forth demonstrate that this lot is unique in character as are all eight residential lots that border Lincoln Drive.

Similar to the Grant Property, this corner lot has a unique constructed boundary and the applicant seeks to improve the property and use some of the property bordering the canal facing Lincoln Drive. The nature and orientation of the lot



require variances to utilize the portion of the property that abuts the canal and faces Lincoln Drive.

If the County strict compliance with the building restriction lines established pursuant to the Code, the Owner of the Property cannot improve or develop the open space along Lincoln Drive of the Property absent following the extremely small footprint identified in paragraph 2.

The unique shape of this corner lot makes this a unique lot with exceptional conditions ripe for a variance request.

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

The proposed additions are similar in nature to other properties, additions and improvements currently being erected in the Cape Windsor Community. Most property owners that face Lincoln Drive, who have a corner lot that abuts the Lagoon have similar issues with the building restriction lines. Most, if not all of these dwellings, have some sort of encroachment on the building restriction lines that required variances from the County as well as approval by the Cape Windsor Community Association.

The proposed additions follow the current trend in the community to improve the quality of the dwellings in the community. The proposed improvements will maintain the character of Lincoln Drive . A copy approval of the plans from the Cape Windsor Community Association, Inc. as well as letters of support from neighbors is attached hereto as **Exhibit 5**.

#### **5. Minimum Variance**

The proposed dwelling and request for variance to the setback requirements will not cause any harm to the public.

The requested variance for the proposed addition (identified as A), which will be developed in the open space is the minimum variance request to make this portion of the uniquely shaped lot buildable. This proposal keeps conformity with both the rear and side yard setback requirements and request an encroachment of seven (7) feet from the setback requirement along Lincoln Drive.

The requested variance for the proposed screened-in porch addition (identified as B) follows the current footprint of the dwelling and requests an encroachment of eleven (11) feet. While this request intrudes into the building restriction area substantially, the addition follows the footprint of the current dwelling and does not create any harm to the public.

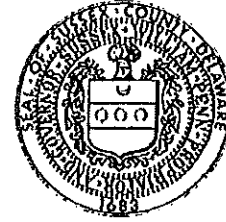
The requested variance for the proposed master bathroom addition (identified as C), requests a substantial encroachment in to the five (5) foot setback along Tyler Avenue. Despite this substantial request, this addition maintains the same character of the current dwelling and would replace a current storage shed occupying that space. Additionally, this requested variance for proposed addition C, is a very similar use to the Grant Property as evidenced on Exhibit 4.

# **Exhibit 1**

## **Setback Information Request**

# Sussex County

DELAWARE  
 PLANNING & ZONING DEPARTMENT  
[sussexcountyde.gov](http://sussexcountyde.gov)  
 302-855-7878 T  
 302-854-5079 F  
 JAMIE WHITEHOUSE, AICP, MRTPI  
 DIRECTOR



## SETBACK INFORMATION REQUEST

Date of Request 6.28.23 Zoning District AR-1  
 Customer Name Michael Loveland  
 Customer Contact mike@delawaresurveyor.com  
 Tax Parcel ID 533-20.14-32.00 Lot/Unit Number Lot 51, Blk 5  
 Parcel Address 38827 Lincoln Dr, Selbyville (Cape Windsor)  
 Front Yard Setback 5' (from the property line along Tyler Ave)  
 Side Yard Setback 5'  
 Rear Yard Setback 15'  
 Corner Front Yard Setback 15' (from the property line along Lincoln Ave)  
 Maximum Height 42'

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

### Additional Notes:

Online Deeds: Book: 4320, Page: 73  
 Recorded Cape Windsor Plot Plan: Book: 6, Page: 44

Sussex County does not regulate the rules/restrictions of an HOA. If applicable, it is recommended to contact the HOA to ensure their rules/regulations are not more restrictive than Sussex County Code requirements.

The property is entirely located within the AE Flood Zone

There is a small portion of wetlands located at the rear of the site (See attached map)  
 The lot existed prior to the adoption of the fifty foot buffer to all tidal wetlands and bodies of water and as such is not subject to the Grandfathering provision of (§ 115-193 Wetlands (E)(2)).

Sussex County Building Permit Dept: 302-855-7720

Name of Staff Member Ashley Paugh - Clerk III

Checked By

Revised 11/8/2019

## **Exhibit 2**

# **Current Survey – Simpler Surveying**

**NOTES:**

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

• No title search provided or stipulated.

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

- FRONT - 5'
- SIDES - 5'
- REAR - 15'
- ZONING - AR-1

**NOTE:**

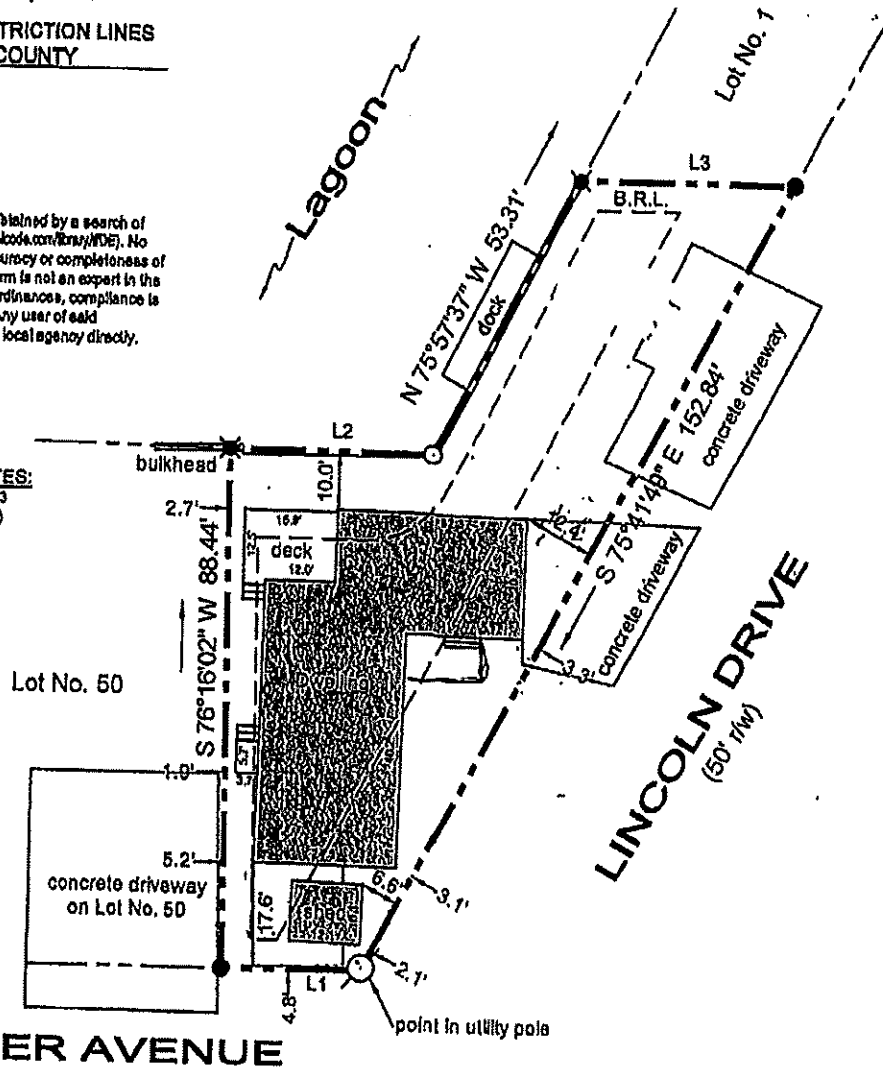
Restrictions shown hereon were obtained by a search of the eCODE360 Library ([www.governorcode.com/ksny/100/](http://www.governorcode.com/ksny/100/)). No representation is made for the accuracy or completeness of said third party information. This firm is not an expert in the interpretation of complex zoning ordinances, compliance is beyond the scope of this survey. Any user of said information is urged to contact the local agency directly.

| PROPERTY LINE TABLE |               |          |
|---------------------|---------------|----------|
| LINE                | BEARING       | DISTANCE |
| L1                  | N 13°43'58" W | 23.81'   |
| L2                  | N 12°42'33" W | 34.64'   |
| L3                  | N 13°36'46" W | 36.27'   |



**REFERENCE DATUM NOTES:**

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



**TYLER AVENUE**

- 3/4" PIPE (FD) (30' r/w)
- POINT
- ✕ PK NAIL (FD)

**B.R.L.** BUILDING RESTRICTION LINE

SCALE: 1"= 30'

AREA: 5,860 SQ. FT.

PARCEL ID NO: 5-33-20.14-32

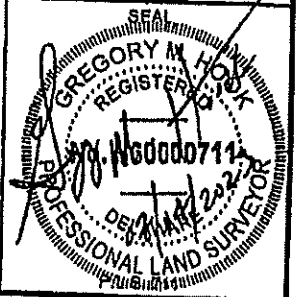
Lands of MICHELLE KINSEY. Being known as LOT NO. 51, BLOCK NO. 5, CAPE WINDSOR. Ref: Plat Book 6, Page 44.

**FIRM INFORMATION:**

100029 - 0664 - K  
 MARCH 16, 2016  
 ZONE: "AE", B.F.E. = 6.0'  
 CLASS "B" SURVEY

|                              |
|------------------------------|
| HUNDRED: BALTIMORE           |
| COUNTY: SUSSEX               |
| STATE OF DELAWARE            |
| DATE OF ORIGINAL: 08/29/2023 |
| DRAWN BY: MATT LEVESQUE      |

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



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

# **Exhibit 3**

## **Proposed Survey – Simpler Surveying**

Proposed Variances

**NOTES:**

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property, including but not limited to Tax Ditch Easements.
- No title search provided or stipulated.

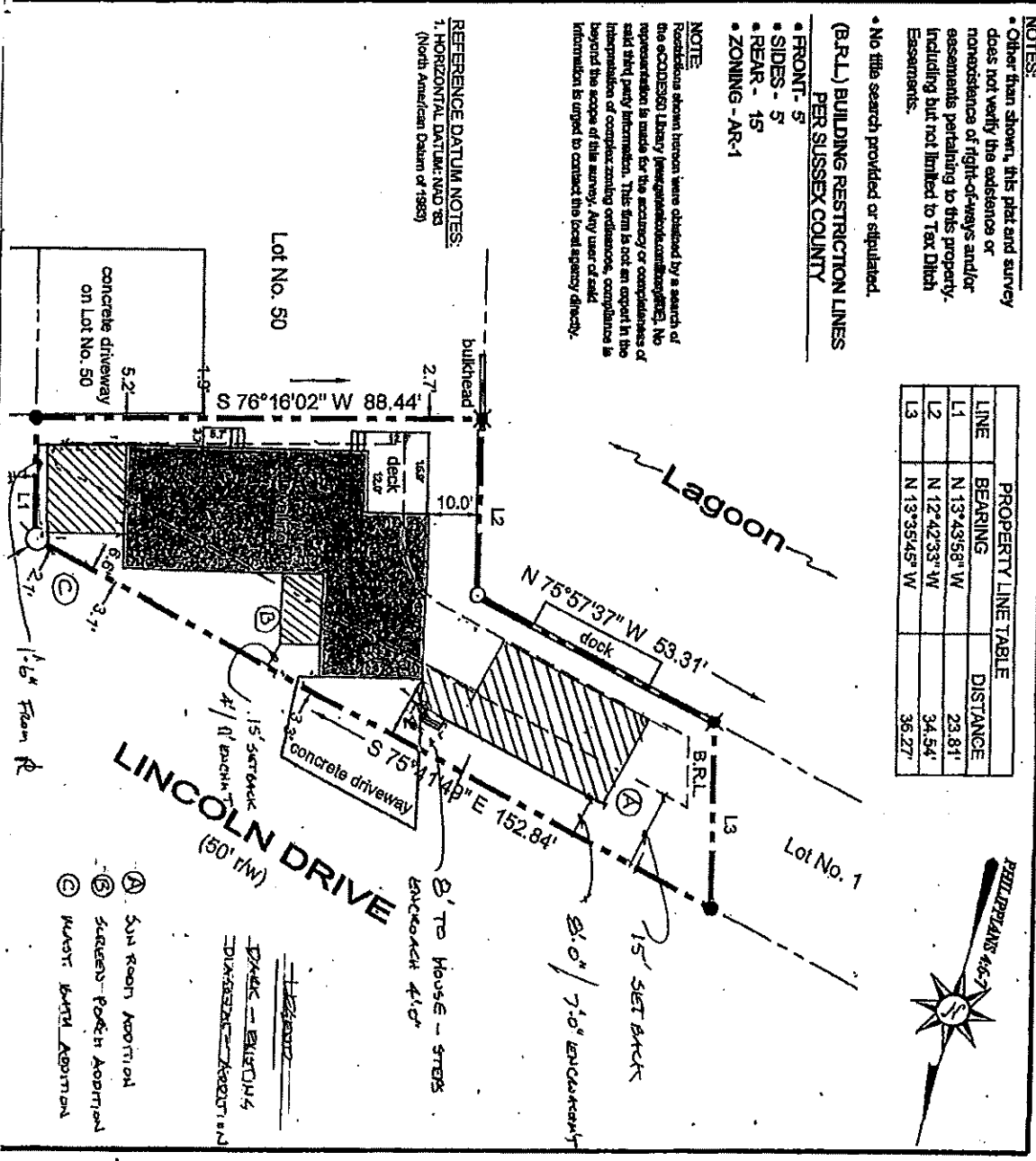
| PROPERTY LINE TABLE |               |          |
|---------------------|---------------|----------|
| LINE                | BEARING       | DISTANCE |
| L1                  | N 13°43'58" W | 23.81'   |
| L2                  | N 12°42'33" W | 34.54'   |
| L3                  | N 13°35'45" W | 36.27'   |

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

- FRONT - 5'
- SIDES - 5'
- REAR - 15'
- ZONING - AR-1

**NOTE:**  
Residencies shown herein were obtained by a search of the eCODINGEN Library <http://www.gis.state.nj.com/codgenlib/>. No representation is made for the accuracy or completeness of said third party information. This firm is not an expert in the interpretation of complex zoning ordinances, compliance is beyond the scope of this survey. Any user of said information is urged to contact the local agency directly.

**REFERENCE DATUM NOTES:**  
1. HORIZONTAL DATUM: NAD 83  
(North American Datum of 1983)

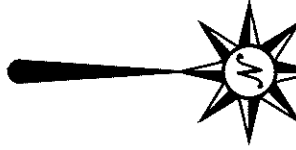




# **Exhibit 4**

## **Grant Property Survey**

DB 3770-324



SEE PLOT BOOK, G PAGE 44 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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

P.O.B.

GRANT AVENUE

PROPOSED ADDITION

EXISTING 1 STORY DWELLING

LINCOLN DRIVE

EDGE OF PAVING

LOT #2

BOUNDARY & SITE PLAN FOR

RALPH PAGE

38723 GRANT AVE., SELBYVILLE, DE 19975 LOT #1, BLK 6 OF "CAPE WINDSOR" SUBDIV. BALTIMORE HUNDRED SUSSEX COUNTY STATE OF DELAWARE AUGUST 9, 2022 SCALE 1" = 30'

PREPARED BY:

MILLER LAND SURVEYING LEWIS, INC.

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

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973

LOT AREA: 9,997 S.F.±

- IRON PIPE (FOUND)
● "PK" NAIL (FOUND)
○ POINT

T.M. #533-20.14-31.00

# **Exhibit 5**

## **Cape Windsor**

**CAPE WINDSOR COMMUNITY ASSOCIATION, INC.  
38782 LINCOLN DRIVE  
SELBYVILLE, DELAWARE 19975  
capewindsor.org or capewindsorhelp@gmail.com**

March 29, 2024

Michelle and Kent Kinsey  
38827 Tyler Ave & Lincoln Dr.  
Selbyville, DE 19975

**RE: Review of Plans for 2 Additions**

Michelle and Kent:

I have reviewed your plans and walked the property. This process took longer than usual due to the angle of your lot and the two different drawings. The primary concern regarding your new build is that the 5' easement remains unaffected. If any materials, such as cement or pavers, cover the easement and the Association requires access to the utilities within it, the owner is responsible for replacing the removed materials. These lines extend from both Tyler Ave and Lincoln Dr to your property line.

I have addressed each of your additions as identified on your drawing: A- Sun Room, Foyer, and Storage Addition, B- Screen Porch Addition, C- Master Bath Addition. I have no objections to the November 2023 plan submitted to the Architectural Committee.

If you have any questions, please call me at 301-440-5349.

Sincerely,

*Rick Gray*

Rick Gray, Architectural Committee  
Cape Windsor Community Association Board

---

Tom Rockstroh, President

Mike Baier, Vice President

Tim Herlihy, Secretary/Treasurer

Jason Edwards

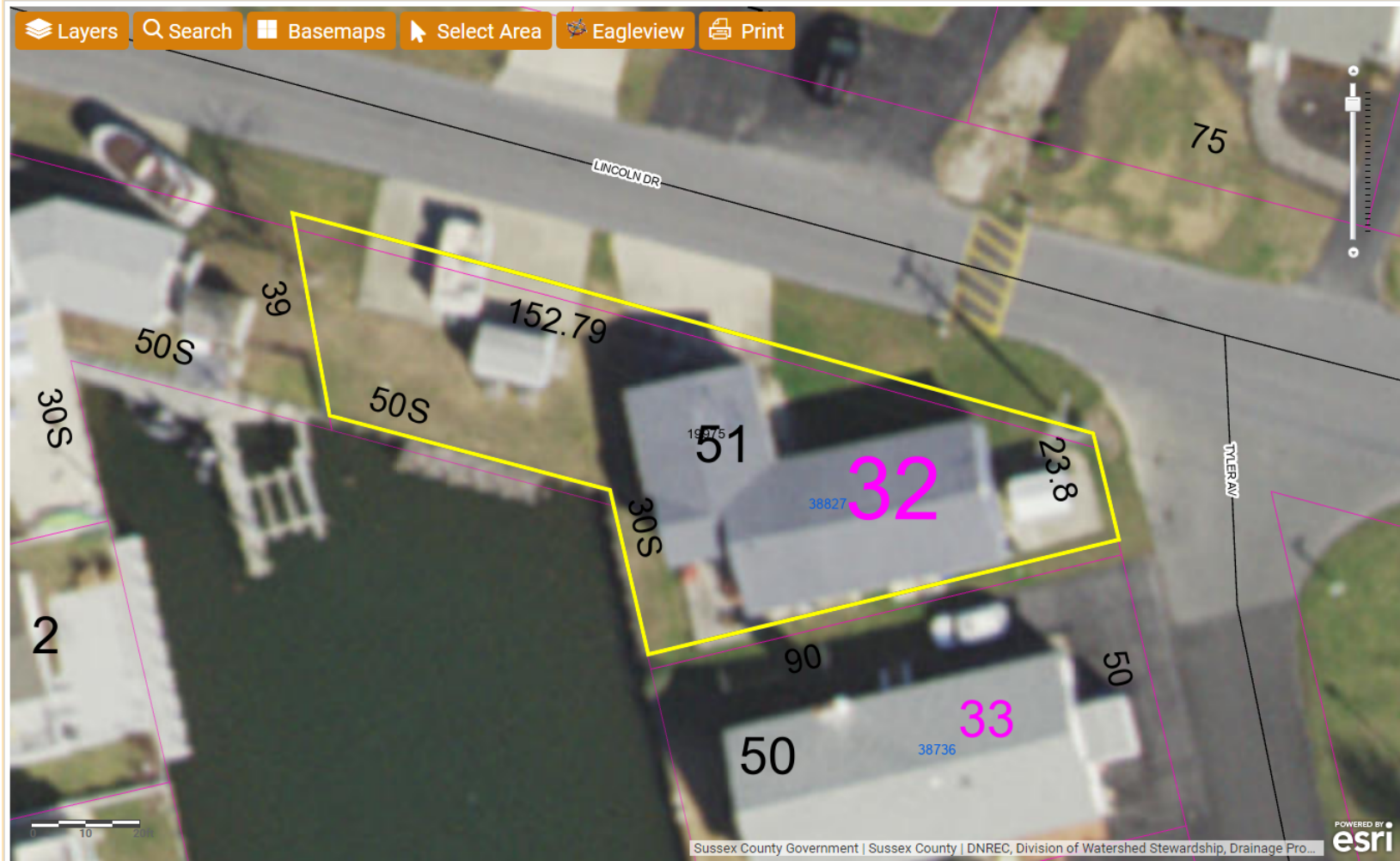
Richard Gray

LuAnn Halonski

Gregory Lusby

Kurt Muller

Mike Shaw



Eagleview Search Results

Selected Features: Parcels (1)

1) 533-20.14-32.00 Zoom

|                   |                  |
|-------------------|------------------|
| BOOK              | 4320             |
| PAGE              | 73               |
| FULLNAME          | KINSEY MICHELLE  |
| Second_Owner_Name |                  |
| MAILINGADDRESS    | 3155 THE OAKS RD |
| CITY              | ELLCOTT CITY     |
| STATE             | MD               |
| a_account         | 04-16-032        |
| DESCRIPTION       | CAPE WINDSOR     |
| DESCRIPTION2      | LOT 51           |
| DESCRIPTION3      | BLK 5            |
| LUC               | 999              |
| SCHOOL            |                  |
| MUNI              | 00               |
| CAP               | 0                |
| APRBLDG           | 30300            |
| APRLAND           | 15000            |
| PINWASSEMENTUNIT  | 533-20.14-32.00  |
| PIN               | 533-20.14-32.00  |

Selected Features (1)  
Clear Selected

Layers Search Basemaps Select Area Eagleview Print

Eagleview Search Results

Selected Features: Parcels (1)

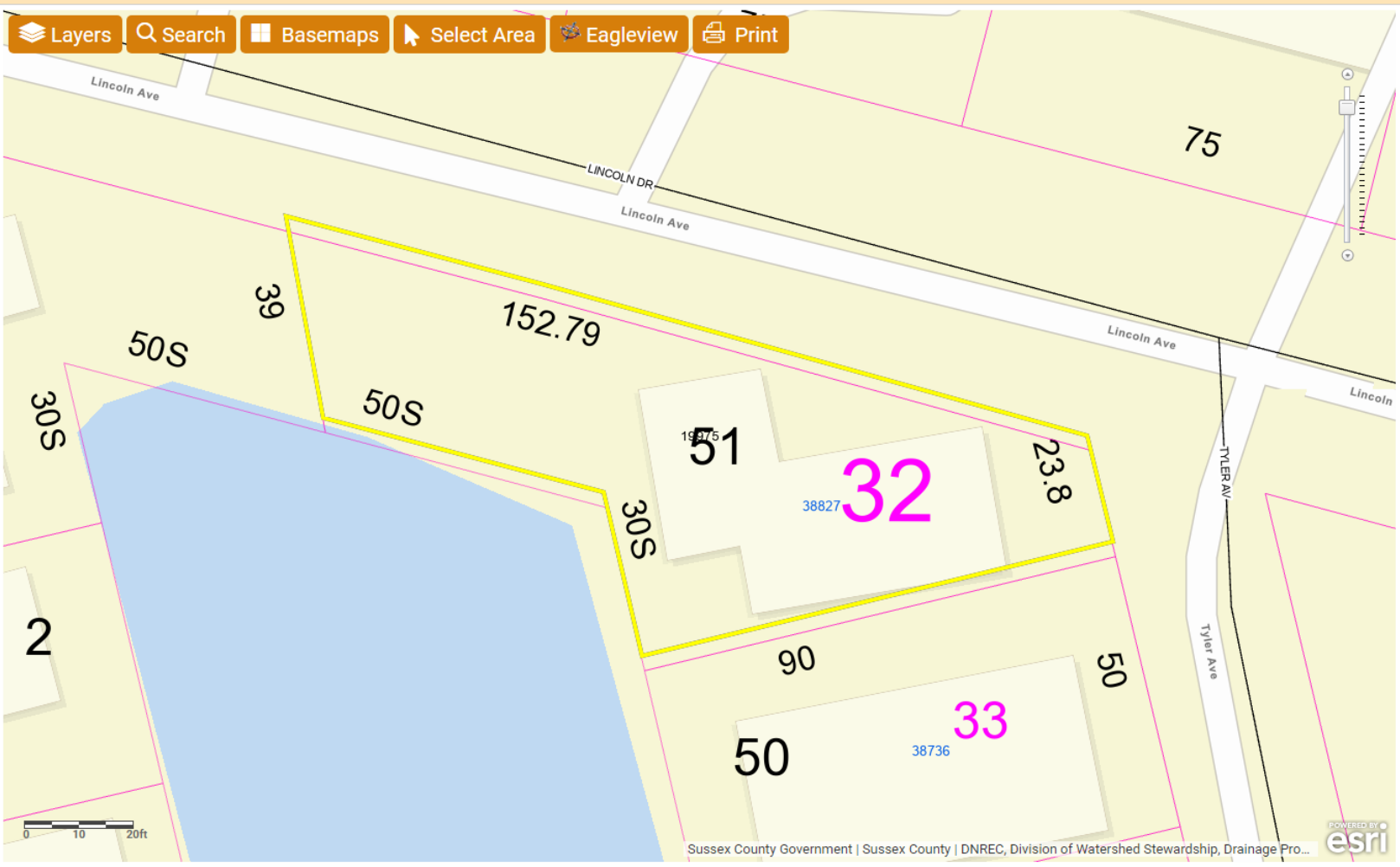
1) 533-20.14-32.00 Zoom

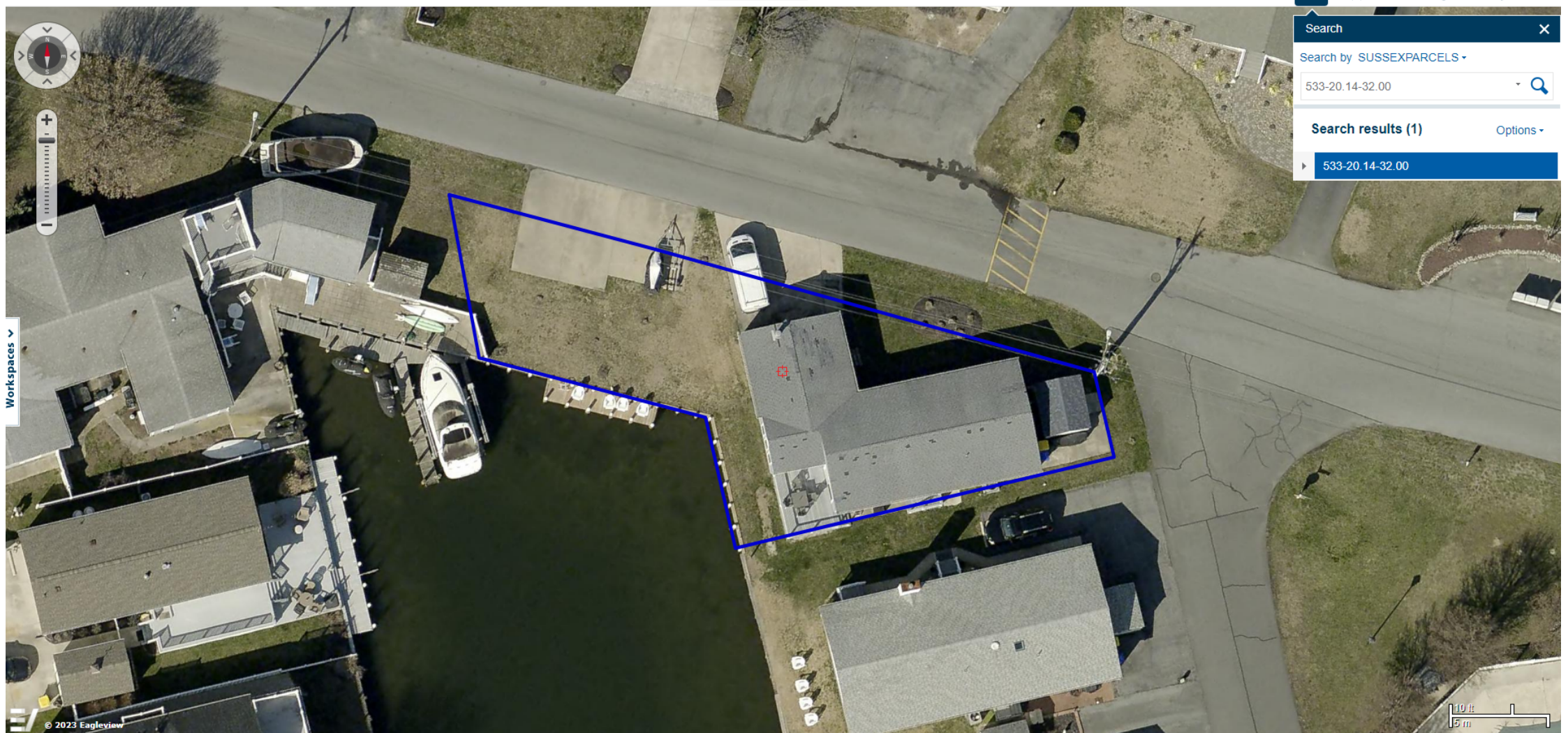
|                   |                  |
|-------------------|------------------|
| BOOK              | 4320             |
| PAGE              | 73               |
| FULLNAME          | KINSEY MICHELLE  |
| Second_Owner_Name |                  |
| MAILINGADDRESS    | 3155 THE OAKS RD |
| CITY              | ELLICOTT CITY    |
| STATE             | MD               |
| a_account         | 04-16-032        |
| DESCRIPTION       | CAPE WINDSOR     |
| DESCRIPTION2      | LOT 51           |
| DESCRIPTION3      | BLK 5            |
| LUC               | 999              |
| SCHOOL            |                  |
| MUNI              | 00               |
| CAP               | 0                |
| APRBLDG           | 30300            |
| APRLAND           | 15000            |
| PINWASSEMENTUNIT  | 533-20.14-32.00  |
| PIN               | 533-20.14-32.00  |

Navigation icons: Home, Previous, Up, Down, Next, End

Selected Features (1)

Clear Selected





Search [X]

Search by SUSSEXPARCELS ▾

533-20.14-32.00 [Q]

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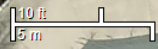
Search results (1) Options ▾

▶ 533-20.14-32.00



Workspaces ▾

© 2023 Eagleview



map: Auto (Ortho) ▾ Dates: All ▾ < image 2 of 52 > 03/06/2023



Board of Adjustment Application  
Sussex County, Delaware

APPLICANT: **TOMASETTI LAW, LLC**

MAILING ADDRESS: **1100 COASTAL HIGHWAY, UNIT 3, FENWICK ISLAND, DELAWARE 19944**

OWNER OF RECORD: **Michelle Kinsey**  
5 Seminole Avenue  
Catonsville, Maryland 21228  
(410) -564-9316

FOR PROPERTY IDENTIFIED AS: 38827 Lincoln Avenue  
Selbyville, Delaware 19975  
Tax Map No. 5-33-20.14-32.00  
Property Zoning: AR-1

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Front Yard Setback: 5' (from the property line along Tyler Avenue)  
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Owner of Record intends to construct an addition to the current Existing Dwelling, along the open portion of the lot which faces Lincoln Drive. The applicant seeks a variance of seven (7) feet, which would permit the structure to sit eight (8) feet from Lincoln Drive. This addition would also request an additional variance that would permit steps to sit four (4) feet from Lincoln Drive, and the applicant seeks a variance in the amount of eleven (11) feet permitting the steps to encroach into this setback. This portion of the proposed development is identified as **A** on **Exhibit 3**.

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### **1. Uniqueness of the Property:**

The Property is a uniquely shaped trapezoid with 152 feet of frontage along Lincoln Drive and sits at the corner of Tyler Avenue. The Existing Dwelling contains five (5) existing variances despite it being a dwelling of common size in the Cape Windsor Community. Due to the location of this lot, there are only eight (8) lots in the Cape Windsor community with similar nature, which face Lincoln Drive and abut the corresponding Lagoons. The most similar lot to the Property is 38723 Grant Avenue (“Grant Property”), which is the neighboring

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The Property is a corner lot located in Cape Windsor and the conditions as set forth demonstrate that this lot is unique in character as are all eight residential lots that border Lincoln Drive.

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The unique shape of this corner lot makes this a unique lot with exceptional conditions ripe for a variance request.

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The proposed additions are similar in nature to other properties, additions and improvements currently being erected in the Cape Windsor Community. Most property owners that face Lincoln Drive, who have a corner lot that abuts the Lagoon have similar issues with the building restriction lines. Most, if not all of these dwellings, have some sort of encroachment on the building restriction lines that required variances from the County as well as approval by the Cape Windsor Community Association.

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# **Exhibit 1**

## **Setback Information Request**

## **Exhibit 2**

# **Current Survey – Simpler Surveying**

# **Exhibit 3**

## **Proposed Survey – Simpler Surveying**

# **Exhibit 4**

## **Grant Property Survey**



# **Exhibit 5**

## **Cape Windsor**

Board of Adjustment Application  
Sussex County, Delaware

APPLICANT: **TOMASETTI LAW, LLC**

MAILING ADDRESS: **1100 COASTAL HIGHWAY, UNIT 3, FENWICK ISLAND, DELAWARE 19944**

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Confirmation of the Setback Information is provided in a Setback Information Request from the Planning & Zoning Department and is attached hereto as **Exhibit 1**.

Description of variance request:

The Existing Dwelling located at the Property is a residential dwelling that fronts Lincoln Drive, a copy of a survey depicting the Existing Dwelling is attached hereto as **Exhibit 2**. Upon information and belief, the current Existing Dwelling already possesses five (5) permitted encroachments to the setback requirements due to the uniqueness of the Property.

The applicant and owner of record seek variances to the setback requirements as evidenced in the proposed survey, which is attached hereto as **Exhibit 3**.

Owner of Record intends to construct an addition to the current Existing Dwelling, along the open portion of the lot which faces Lincoln Drive. The applicant seeks a variance of seven (7) feet, which would permit the structure to sit eight (8) feet from Lincoln Drive. This addition would also request an additional variance that would permit steps to sit four (4) feet from Lincoln Drive, and the applicant seeks a variance in the amount of eleven (11) feet permitting the steps to encroach into this setback. This portion of the proposed development is identified as **A** on **Exhibit 3**.

Owner of Record intends to construct an addition for a screened-in porch, next to the concrete driveway portion of the Existing Dwelling. The applicant seeks a variance of eleven (11) feet, which would permit the addition to sit four (4) feet from Lincoln Drive. This addition would not encroach into the setback any further as the Existing Dwelling (3.3 feet) as evidenced on both **Exhibit 2** and **Exhibit 3**. This portion of the proposed development is identified as **B** on **Exhibit 3**.

Owner of Record intends to construct an addition to the Existing Dwelling that would face Tyler Avenue, which would replace an existing detached shed that sits on the Property. The applicant seeks a variance of three and four-tenths (3.4) feet, which would permit the addition to sit one and six-tenths (1.6) feet from Tyler Avenue. Based on the setbacks on Lincoln Drive, this addition may also require a corresponding variance from the setback requirement of Lincoln Drive. The applicant requests a variance from the corner front yard setback on Lincoln Drive that would permit the newly constructed addition to sit two and one-tenth (2.1) feet from Lincoln Drive. This portion of the proposed development is identified as **C** on **Exhibit 3**.

### **1. Uniqueness of the Property:**

The Property is a uniquely shaped trapezoid with 152 feet of frontage along Lincoln Drive and sits at the corner of Tyler Avenue. The Existing Dwelling contains five (5) existing variances despite it being a dwelling of common size in the Cape Windsor Community. Due to the location of this lot, there are only eight (8) lots in the Cape Windsor community with similar nature, which face Lincoln Drive and abut the corresponding Lagoons. The most similar lot to the Property is 38723 Grant Avenue (“Grant Property”), which is the neighboring

parcel. The Grant property faces similar challenges with development as a large open portion of the lot facing Lincoln Drive.

A copy of the Grant Property survey is attached hereto as **Exhibit 4**.

The orientation of this Property as specified above make, which is similar to the Grant Property, this lot is a unique lot within Sussex County with exceptional conditions ripe for a variance request.

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

The open space of this Property has roughly fifty-three (53) feet of open space facing Lincoln Drive with a depth of roughly thirty-six (36) feet to the lagoon. The irregular shape of this corner lot creates an extraordinary or an exceptional condition regarding strict compliance with the County's building restriction lines. A copy of a survey showing the building restriction lines as it relates to the open space is attached hereto as **Exhibit 2**.

In order to comply with the building restrictions of the setbacks, this portion of the property only permits the Owner of record to utilize a space of sixteen (16) feet in depth, which makes any utilization of this portion of the property impractical.

If Sussex County requires strict compliance with the building restriction lines established pursuant to the Code, the Owner of the Property cannot improve the open space of Property that fronts Lincoln Drive, absent a structure that falls within the footprint identified above. Strict adherence to the minimum yard depths applied to this Property would prohibit Owner of Record from improving this portion of the Property that faces Lincoln Drive and abuts the Lagoon.

Additionally, the addition of the screened in porch falls within the current footprint of the dwelling.

## **3. Not Created by Applicant**

The Property is a corner lot located in Cape Windsor and the conditions as set forth demonstrate that this lot is unique in character as are all eight residential lots that border Lincoln Drive.

Similar to the Grant Property, this corner lot has a unique constructed boundary and the applicant seeks to improve the property and use some of the property bordering the canal facing Lincoln Drive. The nature and orientation of the lot require variances to utilize the portion of the property that abuts the canal and faces Lincoln Drive.

If the County strict compliance with the building restriction lines established pursuant to the Code, the Owner of the Property cannot improve or develop the open space along Lincoln Drive of the Property absent following the extremely small footprint identified in paragraph 2.

The unique shape of this corner lot makes this a unique lot with exceptional conditions ripe for a variance request.

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

The proposed additions are similar in nature to other properties, additions and improvements currently being erected in the Cape Windsor Community. Most property owners that face Lincoln Drive, who have a corner lot that abuts the Lagoon have similar issues with the building restriction lines. Most, if not all of these dwellings, have some sort of encroachment on the building restriction lines that required variances from the County as well as approval by the Cape Windsor Community Association.

The proposed additions follow the current trend in the community to improve the quality of the dwellings in the community. The proposed improvements will maintain the character of Lincoln Drive . A copy approval of the plans from the Cape Windsor Community Association, Inc. as well as letters of support from neighbors is attached hereto as **Exhibit 5**.

#### **5. Minimum Variance**

The proposed dwelling and request for variance to the setback requirements will not cause any harm to the public.

The requested variance for the proposed addition (identified as A), which will be developed in the open space is the minimum variance request to make this portion of the uniquely shaped lot buildable. This proposal keeps conformity with both the rear and side yard setback requirements and request an encroachment of seven (7) feet from the setback requirement along Lincoln Drive.

The requested variance for the proposed screened-in porch addition (identified as B) follows the current footprint of the dwelling and requests an encroachment of eleven (11) feet. While this request intrudes into the building restriction area substantially, the addition follows the footprint of the current dwelling and does not create any harm to the public.

The requested variance for the proposed master bathroom addition (identified as C), requests a substantial encroachment in to the five (5) foot setback along Tyler Avenue. Despite this substantial request, this addition maintains the same character of the current dwelling and would replace a current storage shed occupying that space. Additionally, this requested variance for proposed addition C, is a very similar use to the Grant Property as evidenced on Exhibit 4.

# **Exhibit 1**

## **Setback Information Request**

## **Exhibit 2**

# **Current Survey – Simpler Surveying**



# **Exhibit 3**

## **Proposed Survey – Simpler Surveying**

# **Exhibit 4**

## **Grant Property Survey**

# **Exhibit 5**

## **Cape Windsor**

# TOMASETTI LAW, LLC

Raymond E. Tomasetti, Jr., Esq. [ray@tlawde.com](mailto:ray@tlawde.com)  
Charles T. Armbruster, III, Esq. [chip@tlawde.com](mailto:chip@tlawde.com)

14 West Market Street, Wilmington, Delaware 19804  
1100 Coastal Highway, Unit 3, Fenwick Island, Delaware 19944

302-995-2840  
302-539-3041

June 21, 2024

**SENT VIA FEDERAL EXPRESS**

**Sussex County Planning & Zoning Department**  
**Attn: Jennifer Norwood**  
**2 The Circle**  
**Georgetown, Delaware 19947**

**RECEIVED**

JUN 24 2024

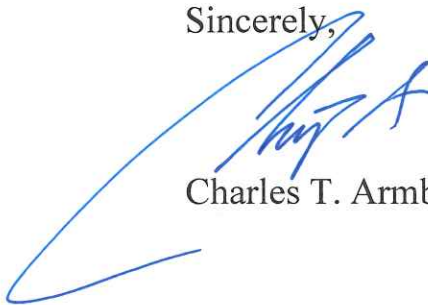
SUSSEX COUNTY  
PLANNING & ZONING

RE: Variance Application  
38827 Lincoln Avenue, Selbyville, Delaware 19947

Dear Jennifer:

Enclosed, please find some additional exhibits for the variance application scheduled for hearing on July 1, 2024 for the above-referenced property.

Sincerely,



Charles T. Armbruster, III

# **Exhibit 6**

## **Picture Corner of Lincoln and Tyler**





**Exhibit 7**  
**Picture of Current Dock on Lincoln**  
**A**  
**Proposed Sun Room Addition Location**





**Exhibit 8**  
**B**  
**Proposed Screen Porch Addition Location**



**Exhibit 9**  
**Neighbor's Property**  
**Illustrates area used on Lincoln**



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

**IN RE: GERARD AND PATRICIA PETRIK**

**Case No. 8386 – 2003**

A hearing was held after due notice on October 20, 2003. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard and rear yard setback requirements.

Finding of Facts

The Board found that the Applicant was requesting a variance from side yard and rear yard setback requirements South of Route 54, South of Lincoln Drive, Lot 51, Cape Windsor. The Applicant was requesting a 10 foot variance from the required 15 foot corner side yard setback, and a 10 foot variance from the required 20 foot rear yard setback for additions. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to build two additions, one measuring 12 feet by 12 feet, and the other measuring 20 feet by 20 feet.
2. The side of the property on which the additions will be built will not affect neighbors.
3. The additions will not create obstructions from the road.
4. The property is irregularly shaped, and it would be extremely difficult to make any additions to the property without the need for a variance.
5. Several individuals appeared in support of the Application. No parties appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.



58BF-C3



REYUFTING  
REYUFT CORNER  
(50' R.O.W.)  
10 FT JAWWALL  
15 FT W  
from

LINCOLN DRIVE  
N 75° 32' 30" W

152.79'

TYLER AVE  
N 13° 28' W  
(30' R.O.W.)

23.86'

15 FT

48

12

12

12

12

12

12

12

12

12

12

12

12

12

12

12

12

12

12

AGOON  
12

87.48'

LOT 50  
N 76° 32' E

HOUSE FOOTPRINT - ESTIMATED BY OWNER

LOT 51 - BLOCK 5 - CAPE WINDSOR

BALTIMORE HUMBOLDT SUSSEX COUNTY - DELAWARE

|                            |                             |                    |
|----------------------------|-----------------------------|--------------------|
| SCALE 1" = 40'             | DATE FEBRUARY 1988          | DRAWN BY DBS       |
| REGISTERED SURVEYORS       | Engineers                   | F.B. C54, p. 66    |
| NO. 440                    | Soil Scientists • Designers | W.O. 87-10-C107    |
| Georgetown                 | Clarksville, DE 19937       | T.M. 5-33-20.14-32 |
| DELAWARE                   | 0997 - Milford              | DRAWING NUMBER     |
| PROFESSIONAL LAND SURVEYOR | 0963                        | 58BF-C3            |

KEY

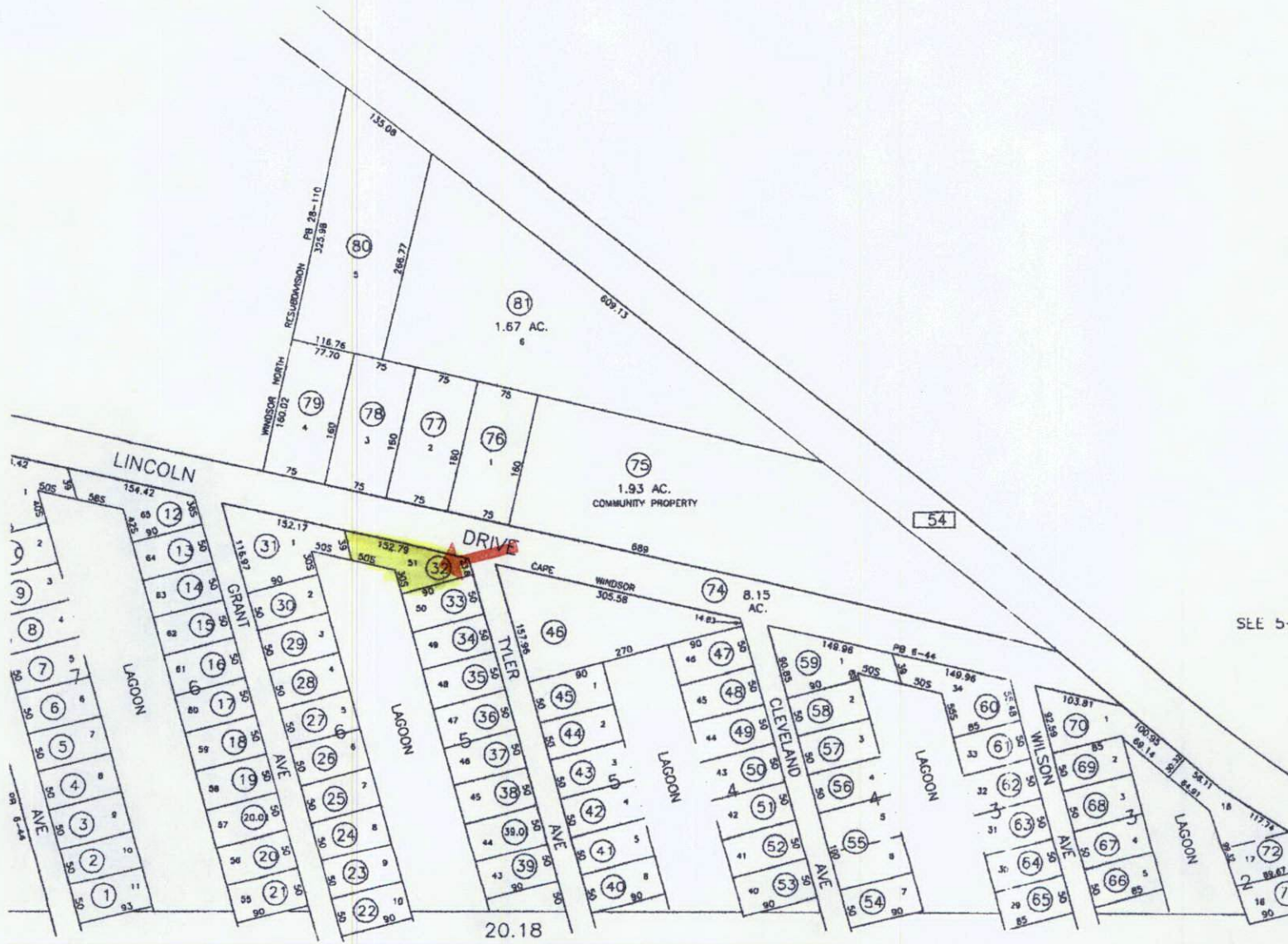
SET

SET

SURVEY

17 sq. ft. ±





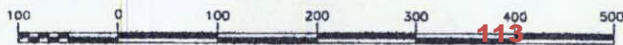
SEE 5-

5.



SUSSEX COUNTY  
DELAWARE

SCALE 1 INCH = 100 FEET



LEGEND

|  |                      |  |                              |
|--|----------------------|--|------------------------------|
|  | County Line          |  | Map Parcel Number            |
|  | Hundred Line         |  | Original Lot Number          |
|  | District Line        |  | Map Scaled Dimension         |
|  | City or Borough Line |  | Denotes Some Owner           |
|  | All Purpose Line     |  |                              |
|  | Original Lot Line    |  |                              |
|  | Property Line        |  |                              |
|  |                      |  | All Dimensions Shown in Feet |

SUZANNE 855-7878

NOTICE OF APPEAL AND REQUEST FOR VARIANCE  
OR SPECIAL USE EXCEPTION  
COUNTY BOARD OF ADJUSTMENT

To be filled out by Planning & Zoning Office and applicant. All blanks below must be filled in for this application to be processed.

Application No. 8386 Date 8/22/03 Fee \$ \$150-  
Name GERARD & PATRICIA PETRIK Phone 410-764-3449  
Mailing Address 7 AIRWAY CIR APT 2D BALTIMORE, MD  
Interest in Property 21286  
Owner: (Indicate if different than above)  
Name same Phone \_\_\_\_\_  
Address \_\_\_\_\_

Location: Road 54 (N) (S) (E) (W) side, WINCAPE WINDSOR (ft.)  
or (miles) (N) (S) (E) (W) of LINCOLN DRIVE

\* District No. 533 Map No. 20 14 Parcel No. 32

Subdivision CAPE WINDSOR Lot No. 51 Zone ARI

Hundred BALTIMORE Frontage 32.84 Depth - Acre: FRP.

Request for a special use exception as provided by: (or)  
Request for a variance from the provisions of:

Chapter 115 Article IV Subsection 115-25 Item B  
115 XXV 1983 182 B

Plot plan or drawing attached: Yes  No \_\_\_\_\_  
State specifically your request and the reason for this request.

- ① REQUESTING A VARIANCE OF 10' FROM THE REQUIRED 15' CORNER SETBACK FOR A BEDROOM EXTENSION
- ② REQUESTING A VARIANCE OF 10' FROM THE REQUIRED 20' REAR YRD SETBACK FOR A OFFICE/ENM. ADD ON

\*IF SIDE SETBACK STATE WHAT SIDE:  
W E S N

FOR BOARD USE ONLY:

Date of Notice \_\_\_\_\_ Date of Hearing Oct. 20, 2003

[Signature]  
Signature of Applicant

In order for the Board of Adjustment to grant a special use exception or variance, the Board must find that the applicant has proven the following:

STANDARDS FOR GRANTING OF VARIANCES

1. Uniqueness.
  - a. Unique physical circumstances or conditions (such as irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the property).
  - b. That unnecessary hardship or exceptional practical difficulty is due to such unique conditions, and not to general circumstances or conditions and cannot be developed in strict conformity.
2. Cannot otherwise be developed.
  - a. There is no possibility the property can be developed in strict conformity with the zoning ordinance.
  - b. That the variance is necessary to enable reasonable use of the property.
3. Not created by the applicant.
  - a. The unnecessary hardship or exceptional practical difficulty cannot have been created by the applicant.
4. Will not alter essential character of neighborhood.
  - a. The variance will not alter the essential character of the neighborhood.
  - b. The variance will not substantially or permanently impair the appropriate use or development of adjacent property.
  - c. The variance will not be detrimental to the public welfare.
5. Minimum variance.
  - a. The variance is the minimum that will afford relief.
  - b. The variance will represent the least modification possible of the regulation in issue.



Board of Adjustment Application  
Page 3

Draw or attach a drawing indicating what will be located on this lot and give, as accurate as possible, measurements of lot, setbacks and sizes of all structures.

## PLANNING AND ZONING COMMISSION

✓ BOARD OF ADJUSTMENT

CASE NO.

PETRIK

The below listed persons are a current listing of landowners lying within two hundred (200) feet of all boundaries of the property which is the subject of the above referenced application. The listing has been based on review of the Sussex County Tax Maps and address information obtained through the Sussex County Data Processing Department. This listing is being prepared so that the listed landowners can be mailed a courtesy notification of any public hearing schedule.

- 533  
20. 1A
- |                                                                               |                                                                          |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1. 12 A. PRICE RANSONE<br>✓ 8800 WALTHER BLVD APT<br>BALTIMORE, MD 21234 1514 | 7. 18<br>ARIENE KELLY #11<br>14220 JIB ST<br>LAUREL, DE 20707<br>MD      |
| 2. 13<br>✓ JOAN ROCKSTROCH<br>64 GRANT AVE<br>SELBYVILLE, DE 19975            | 8. 27<br>✓ FRANCIS MARUSAK<br>920 ROCKMOSS AVE<br>NEWARK, DE 19711       |
| 3. 14<br>✓ FRANK CINTRON<br>4100 TURNER ST<br>BETH LEHMAN, PA 18017           | 9. 28<br>✓ VICTORIA MARTINA<br>4 GRANT AVE<br>SELBYVILLE, DE 19975       |
| 4. 15<br>✓ JOSEPH LARICCI<br>1404 W OLD COLD SPRING LN<br>BALTIMORE, MD 21209 | 10. 29<br>ALBERT ROMMAL<br>14738 NEW WINDSOR RD<br>NEW WINDSOR, MD 21776 |
| 5. 16<br>✓ THOMAS RITCHEY<br>430 ROSEWOOD LN<br>HARRISBURG, PA 17111          | 11. 30<br>✓ LAWRENCE FISCHER<br>2 GRANT AVE<br>SELBYVILLE, DE 19975      |
| 6. 17                                                                         | 12. 31                                                                   |

## PLANNING AND ZONING COMMISSION

✓ BOARD OF ADJUSTMENT

CASE NO. PETRIK

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- 533  
20 ✓ 1.80 ✓ THOMAS FORD  
SUITE 3 OAK SQUARE  
OCEAN VIEW, DE 19970
- 2.81  
WSTEN
- 3.79  
✓ PEGGY CALAHAN  
4 LINCOLN DR  
SELBYVILLE, DE 19975
- 4.78  
✓ KARL SCHMIDT  
13815 SANTA ANITA RD  
LAUREL, DE MD 20708
- 5.77  
✓ BARBARA VARGO  
2 LINCOLN DR  
SELBYVILLE, DE 19975
- 6.76
- 7.75 ✓ CAPE WINDSOR COMMUNITY  
P.O. BOX 16F ASSOC  
SELBYVILLE, DE 19975 INC
- 8.33  
✓ JOHN NICHOLS  
50 TYLER AVE  
FENWICK ISLAND
- 9.34  
✓ ANGELINE MACIL  
49 TYLER AVE  
FENWICK ISLAND, DE 19944
- 10.35  
✓ CHARLES RADER  
11 CLARENDON AVE  
PIKESVILLE, MD 21208
- 11.36  
✓ JOSEPH BATTISTINI  
P.O. BOX 99  
MILMAY, NJ 08340
- 12.

PLANNING AND ZONING COMMISSION

✓ BOARD OF ADJUSTMENT

CASE NO. RET212

The below listed persons are a current listing of landowners lying within two hundred (200) feet of all boundaries of the property which is the subject of the above referenced application. The listing has been based on review of the Sussex County Tax Maps and address information obtained through the Sussex County Data Processing Department. This listing is being prepared so that the listed landowners can be mailed a courtesy notification of any public hearing schedule.

533  
2014

- 1. 46
- 7.

LISTERS

- 2. 45
- 8.

✓ DAVID OTTINGER Sr.  
612 S. Brownleaf Rd.  
Newark, DE 19713

- 3. 44
- 9.

✓ JAMES DIMITRI  
703 THORNWOOD CT  
BALTIMORE, MD 21286

- 4. 43
- 10.

✓ GENE DONALDSON  
3 TYLER AVE

- 5. SELBYVILLE, DE 19975
- 11.



**COUNTY BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY  
GEORGETOWN, DELAWARE 19947**

Phone (302) 855-7878

DALE A. CALLAWAY  
MILTON

RONALD G. McCABE  
MILLVILLE

LAWRENCE B. LANK  
DIRECTOR



JOHN M. MILLS  
SEAFORD

JEFFREY M. HUDSON  
MILLSBORO

E. BRENT WORKMAN  
BRIDGEVILLE

January 13, 2004

Gerard & Patricia Petrik  
7 Airway Circle Apt. 2D  
Baltimore, MD 21286

Dear Sirs:

This is to advise that the formal written decision in Case No.8386 was filed with the Board of Adjustment on January 13, 2004. Please remember that although the decision is now final, an appeal is possible up to thirty days following the date of filing.

Any work done prior to the expiration of the appeal period or during an appeal, is at risk. Nevertheless, if you wish, you may now begin the process of obtaining permits, if any are needed. Obtaining those permits may require payment of fees. Please call the Permit Department at 302-855-7720 prior to applying for any permits, in order to make certain that you have all necessary documentation. It is important that you inform the counter clerk of the above-referenced case number when you apply for a permit.

If the Board has ruled against you, you must comply with the Board's decision within thirty days of the date of filing. In order to avoid enforcement action, you should notify the office once you are in compliance.

Should you have any questions about your legal rights, you are advised to contact an attorney, as this office cannot provide legal advice.

Sincerely,

COUNTY BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY  
GEORGETOWN, DELAWARE 19947

Phone (302) 855-7878

DALE A. CALLAWAY  
MILTON

RONALD G. McCABE  
MILLVILLE

LAWRENCE B. LANK  
DIRECTOR



JOHN M. MILLS  
SEAFORD

JEFFREY M. HUDSON  
MILLSBORO

E. BRENT WORKMAN  
BRIDGEVILLE

October 21, 2003

Gerard & Patricia Petrik  
7 Airway cir Apt 2D  
Baltimore, MD. 21286

Dear Gerard & Patricia Petrik

This is to advise that Case No. 8386 presented to the Board of Adjustment on October 20, 2003 has been approved. The decision will become final upon the filing of the formal written decision. You will receive a copy of that written decision when it has been completed and filed.

Please understand that an appeal of the decision of the Board is possible up to thirty days following the filing of that final decision, and any work undertaken then is at risk.

Sincerely,

Bud Rickard  
Secretary, Board of Adjustment

CAPE WINDSOR COMMUNITY ASSOCIATION, INC.  
P. O. BOX 16-F  
SELBYVILLE, DELAWARE 19975

October 10, 2003

RECEIVED  
OCT 14 2003  
PLANNING & ZONING  
COMM. OF SUSSEX COUNTY

Sussex County  
Secretary, Board of Adjustment  
P. O. Box 417  
Georgetown, DE 19947

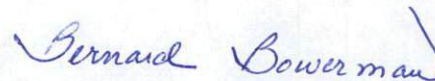
Re: Variance Hearing No. 8386  
October 20, 2003  
Gerard and Patricia Petrik

Gentlemen:

The Cape Windsor Community Association Board of Directors has reviewed a variance application and plot plan filed by Gerard and Patricia Petrik, 51 Tyler Avenue, Selbyville, Delaware. The Board of Directors **objects** to approving the request for variance.

The plot plan does not conform to the Cape Windsor Community Association Covenants and violates the 10-foot side yard setback as set forth in the covenants. It is for this reason that we file an objection.

Sincerely,



Bernard Bowerman, President  
Board of Directors

cc: Gerard & Patricia Petrik  
7 Airway Circle - Apt. 2-D  
Baltimore, MD 21286



8386

RECEIVED

OCT 10 2003

CAPE WINDSOR COMMUNITY ASSOCIATION, INC.  
P. O. Box 16-F, Selbyville, DE 19975

PLANNING & ZONING  
COMM. OF SUSSEX COUNTY

Date: 10-7-03

Name: JERRY & PAT PERRIK

Address: 7 AIRWAY CIRCLE APT 20  
BALTIMORE MD 21286

Dear JERRY & PAT

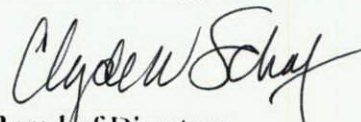
In accordance with the Declaration of Covenants and Restrictions applicable to the property at 51 TYLER AVE, Cape Windsor, Selbyville, Delaware, which is recorded in the Office of the Recorder of Deeds for Sussex County, Delaware, and the current policy of the Cape Windsor Community Association, your application for improvement to said property has been reviewed by the Board of Directors. Per your site plan submitted to us, you ~~have~~ (have not) met the restrictions in our Covenant:

“That no improvement or mobile home or structure of any kind shall be placed within five (5) feet of the side yard line or ten (10) feet of the street, nor within fifteen (15) feet of the bulkhead, nor shall any dock, or structure be extended more than fifteen (15) feet beyond the bulkhead.”

Therefore, your plan as submitted ~~has~~ (has not) been approved by the Board of Directors.

Best wishes in your new endeavor. If we can be of help in the future, please advise.

Yours very truly,



Board of Directors

COUNTY BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY  
GEORGETOWN, DELAWARE 19947

Phone (302) 855-7878

DALE A. CALLAWAY  
MILTON

RONALD G. McCABE  
MILLVILLE

LAWRENCE B. LANK  
DIRECTOR



JOHN M. MILLS  
SEAFORD

JEFFREY M. HUDSON  
MILLSBORO

E. BRENT WORKMAN  
BRIDGEVILLE

Gerard and Patricia Petrik  
7 Airway Circle; Apt. 2D  
Baltimore, MD 21286

Case No. 8386

Pursuant to Chapter 115 of the Code of Sussex County, Delaware, your application will be heard by the Board of Adjustment, in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware, on Monday evening, **OCTOBER 20, 2003**, at **7:00 P.M.** or as soon thereafter as may be heard.

It will be necessary for the applicant to be present or represented by an agent or attorney at the hearing before the Board of Adjustment. If you are not present or represented, the Board of Adjustment reserves the right to refuse to act on your application and to require that a new application be filed and fee paid at your expense.

In case the applicant is to be represented by an attorney, or agent, it will be his duty to notify them as to the date and time of the hearing as herein set forth, as the Board of Adjustment will not so notify your counsel.

Sussex Countian  
The Wave

BALTIMORE HUNDRED  
Case No. 8386

SEPTEMBER 17, 2003

NOTICE OF PUBLIC HEARING

COUNTY BOARD OF ADJUSTMENT HEARING

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a variance as provided by: Chapter 115, Article IV, Subsection 115-25, Item B of said ordinance of **GERARD AND PATRICIA PETRIK** who are seeking a variance from the side yard and rear yard setback requirements, to be located south of Route 54, south of Lincoln Drive, being Lot 51 within Cape Windsor Development.

The hearing will be held in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware, on Monday evening, **OCTOBER 20, 2003**, at **7:00 P.M.** or as soon thereafter as may be heard.

All interested parties should attend and present their views. If unable to attend the public hearing, written comments will be accepted but must be received prior to public hearing.

For additional information, contact the Planning and Zoning Department at 302-855-7878.

Sussex Countian  
The Wave

BALTIMORE HUNDRED  
Case No. 8386

SEPTEMBER 17, 2003

NOTICE OF PUBLIC HEARING

COUNTY BOARD OF ADJUSTMENT HEARING

In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a variance as provided by: Chapter 115, Article IV, Subsection 115-25, Item B of said ordinance of **GERARD AND PATRICIA PETRIK** who are seeking a variance from the side yard and rear yard setback requirements, to be located south of Route 54, south of Lincoln Drive, being Lot 51 within Cape Windsor Development.

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All interested parties should attend and present their views. If unable to attend the public hearing, written comments will be accepted but must be received prior to public hearing.

For additional information, contact the Planning and Zoning Department at 302-855-7878.

# SUSSEX COUNTIAN

(302) 856-0026

RECEIVED

SEP 26 2003

PLANNING & ZONING  
COMM. OF SUSSEX COUNTY

Office:  
115 N. Race St.  
Georgetown, DE 19947

Mailing Address:  
P.O. Box 40  
Georgetown, DE 19947

Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

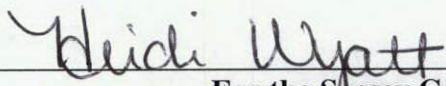
This is to certify that the following legal advertisement:

Board of Adjustment - **Case No. 8386**

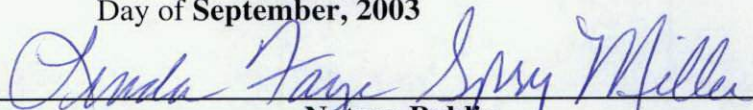
was carried in the Sussex Countian, a weekly newspaper,  
on the following dates:

**September 17, 2003**

A copy of that advertisement is attached.

  
\_\_\_\_\_  
For the Sussex Countian

Sworn to and subscribed before me this **17th**  
Day of **September, 2003**

  
\_\_\_\_\_  
Notary Public





# The Sussex Countian

RECEIVED

SEP 26 2003

NEW JERSEY  
SUSSEX COUNTY

P.O. Box 40 • Georgetown, DE 19947 • (302) 856-0026 • Fax (302) 856-0925

September 17, 2003

Planning and Zoning bills for September 17, 2003:

- |                                                                                |           |
|--------------------------------------------------------------------------------|-----------|
| 1. Public Notice – Sussex County Council – C/U #1512                           | \$16.40 ✓ |
| 2. Public Notice – Board of Adjustments – Case No. 8317-8331, 8284, 8304, 8314 | \$92.25 ✓ |
| 3. Public Notice – Board of Adjustments – Case No.8377                         | \$27.68 ✓ |
| 4. Public Notice – Board of Adjustments – Case No.8378                         | \$26.65 ✓ |
| 5. Public Notice – Board of Adjustments – Case No.8379                         | \$26.65 ✓ |
| 6. Public Notice – Board of Adjustments – Case No.8380                         | \$24.60 ✓ |
| 7. Public Notice – Board of Adjustments – Case No.8381                         | \$26.65 ✓ |
| 8. Public Notice – Board of Adjustments – Case No.8382                         | \$26.65 ✓ |
| 9. Public Notice – Board of Adjustments – Case No.8383                         | \$24.60 ✓ |
| 10. Public Notice – Board of Adjustments – Case No.8384                        | \$26.65 ✓ |
| 11. Public Notice – Board of Adjustments – Case No.8385                        | \$24.60 ✓ |
| 12. Public Notice – Board of Adjustments – Case No.8386                        | \$25.63 ✓ |
| 13. Public Notice – Board of Adjustments – Case No.8387                        | \$26.65 ✓ |
| 14. Public Notice – Board of Adjustments – Case No.8388                        | \$26.65 ✓ |
| 15. Public Notice – Board of Adjustments – Case No.8389                        | \$27.68 ✓ |
| 16. Public Notice – Board of Adjustments – Case No.8390                        | \$25.63 ✓ |
| 17. Public Notice – Board of Adjustments – Case No.8391                        | \$26.65 ✓ |

Total ~~\$485.87~~

502.27 ✓

VRH  
ACCT# 152310.53800  
AMT # 502.27

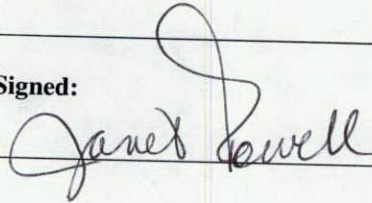
**GANNETT CERTIFICATE OF PUBLICATION**  
**THE WAVE NEWSPAPER**  
**P.O. BOX 1420, BETHANY BEACH, DE 19930**  
**PLANNING & ZONING**

**PETRIK**

This is to certify that the attached has been published in The Wave Newspaper, a weekly paper of general circulation in Sussex County, published in Bethany Beach, Delaware, on the following dates:  
**9/17/03**

COMM. OF SUSSEX COUNTY

Signed:



**NOTICE OF PUBLIC HEARING**  
**COUNTY BOARD OF ADJUSTMENT HEARING**

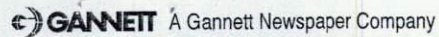
In accordance with Chapter 115, of the Code of Sussex County, a hearing will be held on a request for a variance as provided by: Chapter 115, Article IV, Subsection 115-25, Item B of said ordinance of GERARD AND PATRICIA PETRIK who are seeking a variance from the side yard and rear yard setback requirements, to be located south of Route 54, south of Lincoln Drive, being Lot 51 within Cape Windsor Development.

The hearing will be held in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware, on Monday evening, **OCTOBER 20, 2003**, at 7:00 P.M. or as soon thereafter as may be heard.

All interested parties should attend and present their views. If unable to attend the public hearing, written comments will be accepted but must be received prior to public hearing.

For additional information, contact the Planning and Zoning Department at 302-855-7878.

wv 09-17-03 1T 685171



The Daily Times · Maryland Times Press · Maryland Beachcomber  
 Ocean Pines Independent · Delaware Coast Press  
 Delaware Beachcomber · Delaware Wave · Somerset Herald  
 Worcester County Messenger · Eastern Shore News  
 Chincoteague Beacon · Chincoteague Beachcomber

P.O. Box 1937, Salisbury, MD 21802-1937  
 410.749.7171 · 800.443.2459 ext. 328 or 533

PLANNING & ZONING  
 PO BOX 417  
 GEORGETOWN DE 19947

ADVERTISING INVOICE AND STATEMENT

526070

REMIT TO:  
 The Daily Times  
 P.O. Box 1937  
 Salisbury, MD 21802-1937  
 Fed ID # 16-0442930

|                                |                  |                |
|--------------------------------|------------------|----------------|
| BILLING DATE                   | TOTAL AMOUNT DUE | PAYMENT DUE BY |
| 09/28/03                       | 623.14           | 10/24/03       |
| BILLING FROM: PERIOD: 09/01/03 |                  | TO: 09/28/03   |
| ACCOUNT NO.                    | AMT. ENCLOSED    |                |
| 11433                          |                  |                |

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

| DATE                              | REFERENCE NUMBER | DESCRIPTION                               | DIMENSIONS | TIMES | BILLED UNITS | U/M | RATE  | AMOUNT     |
|-----------------------------------|------------------|-------------------------------------------|------------|-------|--------------|-----|-------|------------|
| 08/31/03                          |                  | BALANCE FORWARD                           |            |       |              |     |       | 3,133.80   |
| 09/19/03                          | 54372            | Payment On Account                        |            |       |              |     |       | 1,355.91CR |
| 09/26/03                          | 54585            | Payment On Account                        |            |       |              |     |       | 1,777.89CR |
| PUBLICATION: DELAWARE COAST PRESS |                  |                                           |            |       |              |     |       |            |
| 09/03/03                          | LLEG             | heraing-ryan homes-1                      | 3x2.50     | 1     | 7.50         | IN  | 3.480 | 26.10✓     |
| 09/03/03                          | LLEG             | hearing-dennis & dar fenstermacher-10/6/0 | 2x3.50     | 1     | 7.00         | IN  | 3.480 | 24.36✓     |
| 09/03/03                          | LLEG             | hearing-guido pittac gary zupco-10/6/03   | 1x6.50     | 1     | 6.50         | IN  | 3.480 | 22.62✓     |
| 09/03/03                          | LLEG             | heraing-gail mullin 10/6/03               | 2x3.00     | 1     | 6.00         | IN  | 3.480 | 20.88✓     |
| 09/03/03                          | LLEG             | hearing-thomas w. bu 10/6/03              | 2x3.25     | 1     | 6.50         | IN  | 3.480 | 22.62✓     |
| 09/03/03                          | LLEG             | Ord. no. 1627 w/cond app-Donald Derrickso | 2x3.00     | 1     | 6.00         | IN  | 3.480 | 20.88✓     |
| 09/17/03                          | LLEG             | hearing-justin healy ocean atlantic assoc | 2x3.25     | 1     | 6.50         | IN  | 3.480 | 22.62✓     |
| 09/24/03                          | LLEG             | hearing-northern ste investments LLC-10/2 | 1x3.75     | 1     | 3.75         | IN  | 3.480 | 13.05✓     |
|                                   |                  | Publication Totals:                       |            |       | \$173.13     |     |       |            |
| PUBLICATION: DELAWARE WAVE        |                  |                                           |            |       |              |     |       |            |
| 09/03/03                          | LLEG             | McGinthy                                  | 2x3.25     | 1     | 6.50         | IN  | 6.250 | 40.63✓     |
| 09/03/03                          | LLEG             | Walter Smith                              | 2x3.00     | 1     | 6.00         | IN  | 6.250 | 37.50✓     |
| 09/17/03                          | LLEG             | redel                                     | 1x7.00     | 1     | 7.00         | IN  | 6.250 | 43.75✓     |
| 09/17/03                          | LLEG             | wilson                                    | 2x3.25     | 1     | 6.50         | IN  | 6.250 | 40.63✓     |
| 09/17/03                          | LLEG             | petrik                                    | 2x3.00     | 1     | 6.00         | IN  | 6.250 | 37.50✓     |
| 09/17/03                          | LLEG             | Pentoney                                  | 2x3.50     | 1     | 7.00         | IN  | 6.250 | 43.75✓     |
| 09/17/03                          | LLEG             | Raab                                      | 2x3.50     | 1     | 7.00         | IN  | 6.250 | 43.75✓     |
| 09/17/03                          | LLEG             | Telewicz                                  | 2x3.00     | 1     | 6.00         | IN  | 6.250 | 37.50✓     |
| 09/24/03                          | LLEG             | c/u #1513                                 | 2x3.50     | 1     | 7.00         | IN  | 6.250 | 43.75✓     |
| 09/24/03                          | LLEG             | Thurston/Nash                             | 2x3.00     | 1     | 8.00         | IN  | 6.250 | 50.00✓     |

**GANNETT** A Gannett Newspaper Company

The Daily Times · Maryland Times Press · Maryland Beachcomber  
 Ocean Pines Independent · Delaware Coast Press  
 Delaware Beachcomber · Delaware Wave · Somerset Herald  
 Worcester County Messenger · Eastern Shore News  
 Chincoteague Beacon · Chincoteague Beachcomber

P.O. Box 1937, Salisbury, MD 21802-1937  
 410.749.7171 · 800.443.2459 ext. 328 or 533

PLANNING & ZONING  
 PO BOX 417  
 GEORGETOWN DE 19947

ADVERTISING INVOICE AND STATEMENT

526070

REMIT TO: The Daily Times  
 P.O. Box 1937  
 Salisbury, MD 21802-1937  
 Fed ID # 16-0442930

| BILLING DATE | TOTAL AMOUNT DUE | PAYMENT DUE BY |
|--------------|------------------|----------------|
| 09/28/03     | 623.14           | 10/24/03       |

BILLING FROM: PERIOD: 09/01/03 TO: 09/28/03

| ACCOUNT NO. | AMT. ENCLOSED |
|-------------|---------------|
| 11433       |               |

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

| DATE     | REFERENCE NUMBER | DESCRIPTION         | DIMENSIONS | TIMES | BILLED UNITS | U/M | RATE  | AMOUNT |
|----------|------------------|---------------------|------------|-------|--------------|-----|-------|--------|
| 09/24/03 | LLEG             | ORD #1631           | 1x5.00     | 1     | 5.00         | IN  | 6.250 | 31.25✓ |
|          |                  | Publication Totals: | \$450.01   |       |              |     |       |        |

VR# \_\_\_\_\_  
 ACCT# 152310, 53800  
 AMT. \$623.14  
 P.O.# 0  
 VENDOR LV 0  
 DATE 10.16.03 DEPT LPL  
 INITS. APPR  
 CASH ALC# \_\_\_\_\_  
 ASSET TAG# \_\_\_\_\_

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

**IN RE: MICHELLE L. LYNAS**

**(Case No. 11488)**

A hearing was held after due notice on November 17, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the corner front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 11.9 feet from the fifteen (15) feet corner side yard setback requirement for an existing dwelling, a variance of 13.6 feet from the fifteen (15) feet corner side yard setback requirement for an existing ramp, a variance of 4.7 feet from the ten (10) feet side yard setback requirement for an existing dwelling, a variance of 8.2 feet from the ten (10) feet side yard setback requirement for an existing outside shower and steps, and a variance of 8 feet from the fifteen (15) feet corner side yard setback requirement for an existing shed. This application pertains to certain real property located south of Route 54 (Lighthouse Road) and being at the southwest corner of Tyler Avenue and Lincoln Avenue and being Lot 51 Block 5 in Cape Windsor Subdivision. (911 Address: 38827 Lincoln Drive, Selbyville, DE); said property being identified as Sussex County Tax Map Parcel Number 5-33-20.14-32.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, a history of the building permits issued for the Property, a variance application for Case No. 8386, the findings of fact for Case No. 8386, a survey of the Property from February 1988, and a survey of the Property dated January 6, 2005.
2. The Board found that the Office of Planning and Zoning received no correspondence regarding the Application.
3. Irma Cohee was sworn in to testify about the Application. Raymond Tomasetti, Esquire, presented the case to the Board on behalf of the Applicant and submitted exhibits for the Board to review.
4. The Board found that Mr. Tomasetti stated that Ms. Cohee is a long-time resident in Cape Windsor and is the realtor in the sale of the Property.
5. The Board found that Mr. Tomasetti stated that the previous owners who constructed the dwelling are deceased and the Property was recently sold by their children to the Applicant.
6. The Board found that Mr. Tomasetti stated that a previous variance was granted in 2003.
7. The Board found that Mr. Tomasetti stated that the dwelling is located 23.8 feet from Tyler Avenue.
8. The Board found that Mr. Tomasetti stated that the Property is irregularly shaped making it unique.
9. The Board found that Mr. Tomasetti stated that a home could not be constructed on the Property without a variance.
10. The Board found that Mr. Tomasetti stated that Lincoln Drive has a 50 feet right-of-way but is only 34 feet wide.
11. The Board found that Mr. Tomasetti stated that the size of the road on Lincoln Drive may have caused the mistake in the placement of the structures because it gives the impression that the Property is larger than it actually is.
12. The Board found that Mr. Tomasetti stated that all improvements have existed on the Property since 2004.


13. The Board found that Mr. Tomasetti stated that the variances will not alter the character of the neighborhood.
14. The Board found that Mr. Tomasetti stated that the difficulty was not created by the Applicant.
15. The Board found that Mr. Tomasetti stated that the variances are the minimum variances to afford relief.
16. The Board found that Mr. Tomasetti stated that all permits were obtained by the previous owner.
17. The Board found that Ms. Cohee testified that the shed is detached and confirmed the statements made by Mr. Tomasetti as being true and correct.
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
  - a. The Property is unique due to its size and irregular shape. The shape of the lot is particularly unusual and quite apparent upon review of the survey. The Property is also adjacent to a lagoon which is unique.
  - b. Due to the size and shape of the Property, there is no possibility that the Property can be developed in strict conformity with the Sussex County Zoning Code without a variance. The variances are thus necessary to enable reasonable use of the Property.
  - c. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant. It is clear from the record that the structures were placed on the Property by a prior owner. Furthermore, the size and shape of the Property were created prior to the enactment of the Sussex County Zoning Code. Neither the creation of the lot or the placement of the structures was created by the Applicant.
  - d. The variances will not alter the essential character of the neighborhood. The structures have been in their current location for approximately ten (10) years without complaint.
  - e. The variances sought are the minimum variances necessary to afford relief as the variances will allow the existing structures to remain in their current location.

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

#### Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
Dale Callaway  
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date January 27, 2015

Case # 12964  
Hearing Date 7-1-2024  
202407894

### 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:**

41213 Gloucester Drive, Rehoboth Beach, DE 19971 (Canal Point)

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

- Extend deck up to five feet into the existing 10 foot setback(on the right rear of the house - from the breakfast room to the right corner, creating a 10 foot wide deck.
- Allow stairs and landing to encroach into the ten foot existing setback, on the right side of house.

Tax Map #: 334-13.00-1510.00 Property Zoning: RPC MR-RPC

**Applicant Information**

Applicant Name: Jeffrey R. Meyers & Thomas W. Resh  
Applicant Address: 41213 Gloucester Drive  
City Rehoboth Beach State DE Zip: 19971  
Applicant Phone #: (443) 604-4438 Applicant e-mail: tomandjeff@comcast.net

**Owner Information**

Owner Name: Jeffrey R. Meyers & Thomas W. Resh  
Owner Address: 41213 Gloucester Drive  
City REHOBOTH BEACH State DE Zip: 19971 Purchase Date: 8/10/12  
Owner Phone #: (443) 604-4438 Owner e-mail: tomandjeff@comcast.net

**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**

Thomas W. Resh  
Jeffrey R. Meyers

Date: 5/28/24



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.

Our lot is particularly shallow and will not allow for a reasonable deck width. Without a variance, a five foot width deck can be built. We are asking for a variance so that we can extend 5 feet into the lot setback to build a 10 foot wide deck on the rear of the house (approximately 10' X 18'2") No homeowners or adjacent lots are impacted since we back to wetlands and have wetlands on the right side of our house.

**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.

Abiding by the 10 foot lot setback would only permit a 5 foot width deck, which does not allow for a practical size deck to place chairs, tables, plants, etc. for entertaining. Our HOA documents indicate that: "unroofed decks may be as close as five feet (5') from the property line". [ARC Guidelines Section b -ii]

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

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

The lot shape and size was determined by the developer and not influenced or construed by the homeowner. House inprint was one of the smallest offered and in fact NV had to custom build the morning room on the rear of the home since it extended into the setback.

**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.

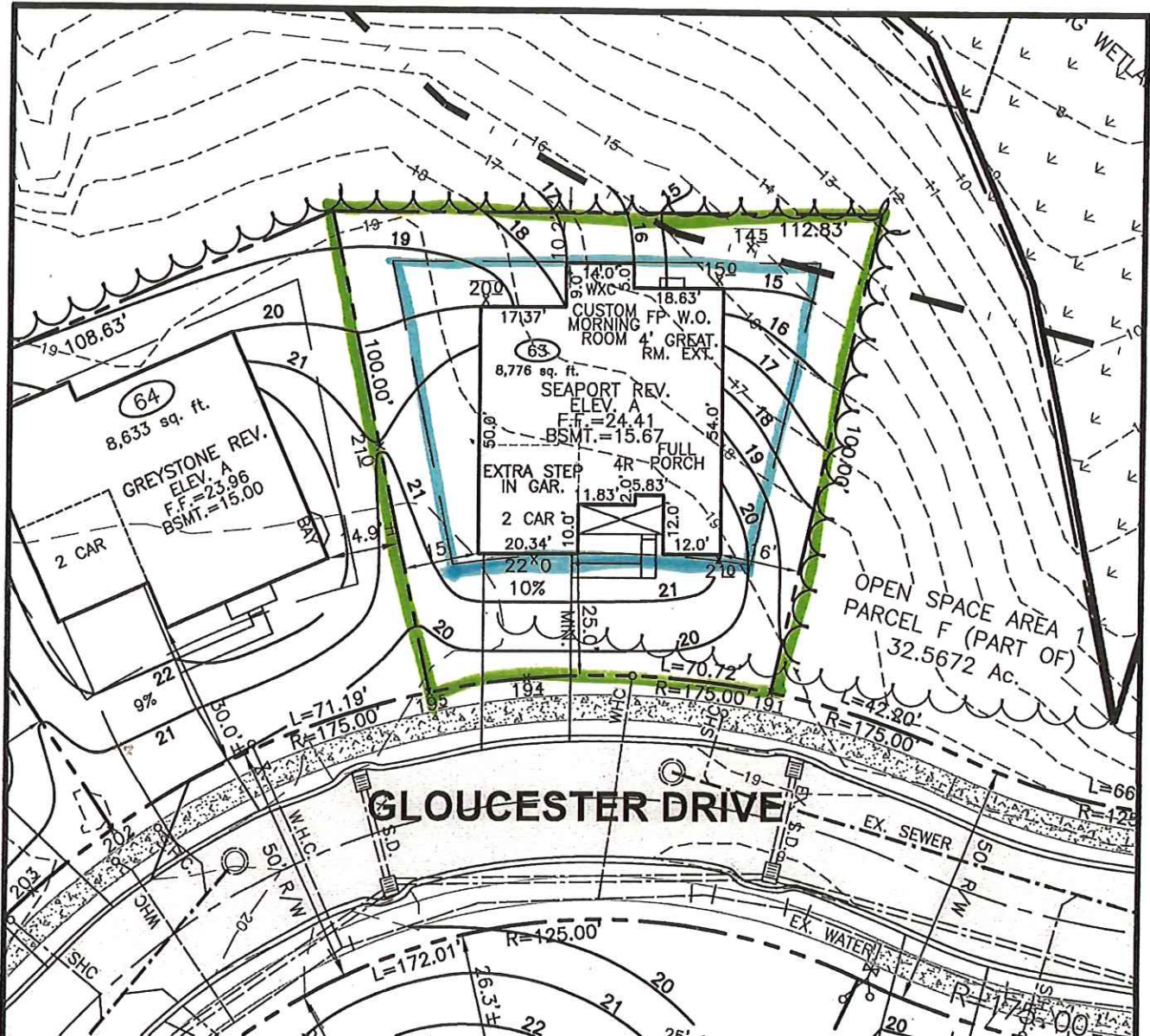
Lot 63 in Grande at Canal Point only has neighbors to the LEFT. The rear and RIGHT side (adjacent to he house are community Open space/wetlands that is wooded and will never be developed. No neighbors are impacted by the (requested) variance for the deck on the right rear of the house.

**5. Minimum variance:**

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

We are requesting a variance - five feet into setback- which still adheres to the Architectural guidelines of the community. This wil allow us to have a reasonably sized deck along the rear of the house.





| AREA CALCULATIONS |          |
|-------------------|----------|
| DRIVEWAY          | 591 SF   |
| LEADWALK          | 67 SF    |
| PUBLIC WALK       | 340 SF   |
| SEED              | -- SF    |
| SOD               | 5,962 SF |
| WHC               | 37 LF    |
| SHC               | 47 LF    |
| HSE. FACING       | S. EAST  |

EJECTOR REQUIRED TO SEWER BASEMENT.

SETBACKS: MR (RPC)  
 FRONT: 25' MIN.  
 SIDE: 10' MIN.  
 REAR: 10' MIN.

SAN. INV. @ MAIN = 13.10±



**BUILDER**  
 N.V. HOMES  
 32448 ROYAL BLVD., SUITE B  
 DAGSBORO, DE 19939  
 PHONE: 302-732-9900



**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
 3445-A BOX HILL CORPORATE CENTER DRIVE  
 ABINGDON, MD 21009  
 (410) 515-9000  
 FAX: (410) 515-9002  
 www.mragta.com

**SITE AND GRADING PLAN**  
 FOR  
**CANAL POINT**  
 LOT 63  
 GLOUCESTER DRIVE  
 LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DE

SCALE: 1"=30'    DATE: APRIL 17, 2012    DRAWN BY: D.AL.    DESIGN BY: D.AL.    REVIEW BY: D.A.    JOB NO.: 17223

**NOTES:**

THIS DRAWING DOES NOT VERIFY THE LOCATION, EXISTENCE, AND/OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS CROSSING THE SUBJECT PROPERTY.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE AND/OR NON-EXISTENCE OF WETLANDS OR PLANT SPECIES.

THIS DRAWING DOES NOT VERIFY UTILITIES, OR ANY OTHER SUBSURFACE OBJECTS.

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION PRIOR TO ANY CONSTRUCTION. HOME OWNER ASSOCIATION AND COMMUNITY BYLAWS MAY MANDATE MORE RESTRICTIVE SETBACKS AND SHALL BE THE RESPONSIBILITY OF THE OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION TO VERIFY CONFORMANCE TO SUCH RESTRICTIONS.

NO TITLE SEARCH WAS PROVIDED NOR STIPULATED.

THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 7/24/2023, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 4028 PAGE 271 (THE CURRENT DEED OF RECORD), PLAT BOOK 147 PAGE 38 AND OTHER DOCUMENTS OF PUBLIC RECORD AND HAS BEEN ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83).

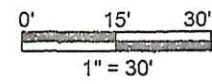
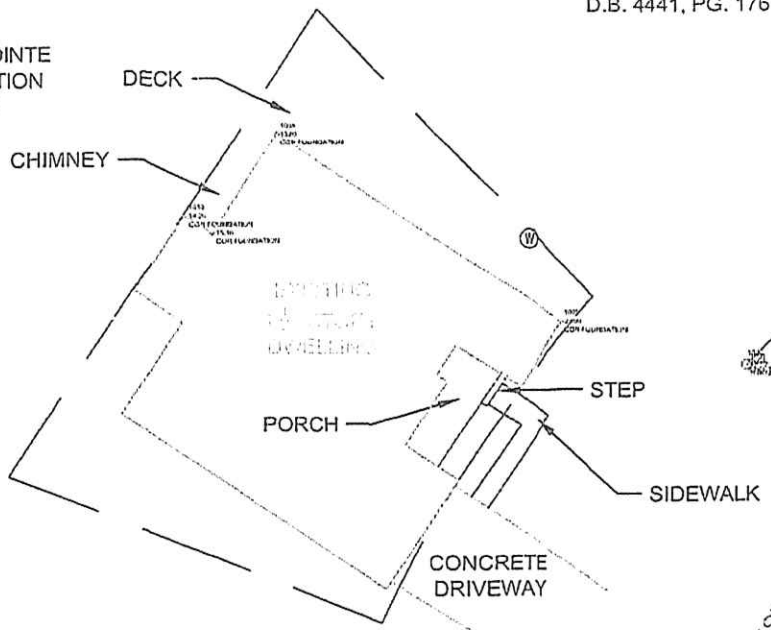
LANDS  
NOW OR FORMERLY  
THE GRANDE AT CANAL POINTE  
MAINTENANCE CORPORATION  
T.M. 334-13.00-1745.00  
D.B. 4441, PG. 176

LANDS  
NOW OR FORMERLY  
THE GRANDE AT CANAL POINTE  
MAINTENANCE CORPORATION  
T.M. 334-13.00-1745.00  
D.B. 4441, PG. 176

LANDS  
NOW OR FORMERLY  
LOT #64  
WILLIAM LEE FUCHS & GERALD P.  
BEAULIEU TRUSTEES  
T.M. 334-13.00-1511.00  
D.B. 4693, PG. 252

**BOUNDARY SURVEY PLAN  
FOR PROPERTY KNOWN AS:  
41213 GLOUCESTER DRIVE  
REHOBOTH BEACH, DE 19971  
LOT 63 - RECORD PLAN OF CANAL  
POINT**

TM: # 334-13.00-1510.00  
LEWES & REHOBOTH HUNDRED |  
SUSSEX COUNTY | DELAWARE  
DATE: JULY 31, 2023      SCALE: 1" = 30'  
CLASS: SUBURBAN      PROJECT: RESH001  
LOT AREA: 8,776 SQ.FT.      FB:



**LEGEND:**

- IRON PIPE FOUND
- CAPPED IRON REBAR FOUND
- WELL
- SUBJECT BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- BUILDING RESTRICTION LINE
- EXISTING BUILDING

**CERTIFICATION:**

I, CARLTON R. SAVAGE JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE. 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.

CARLTON R. SAVAGE JR., DE PE#16457      DATE

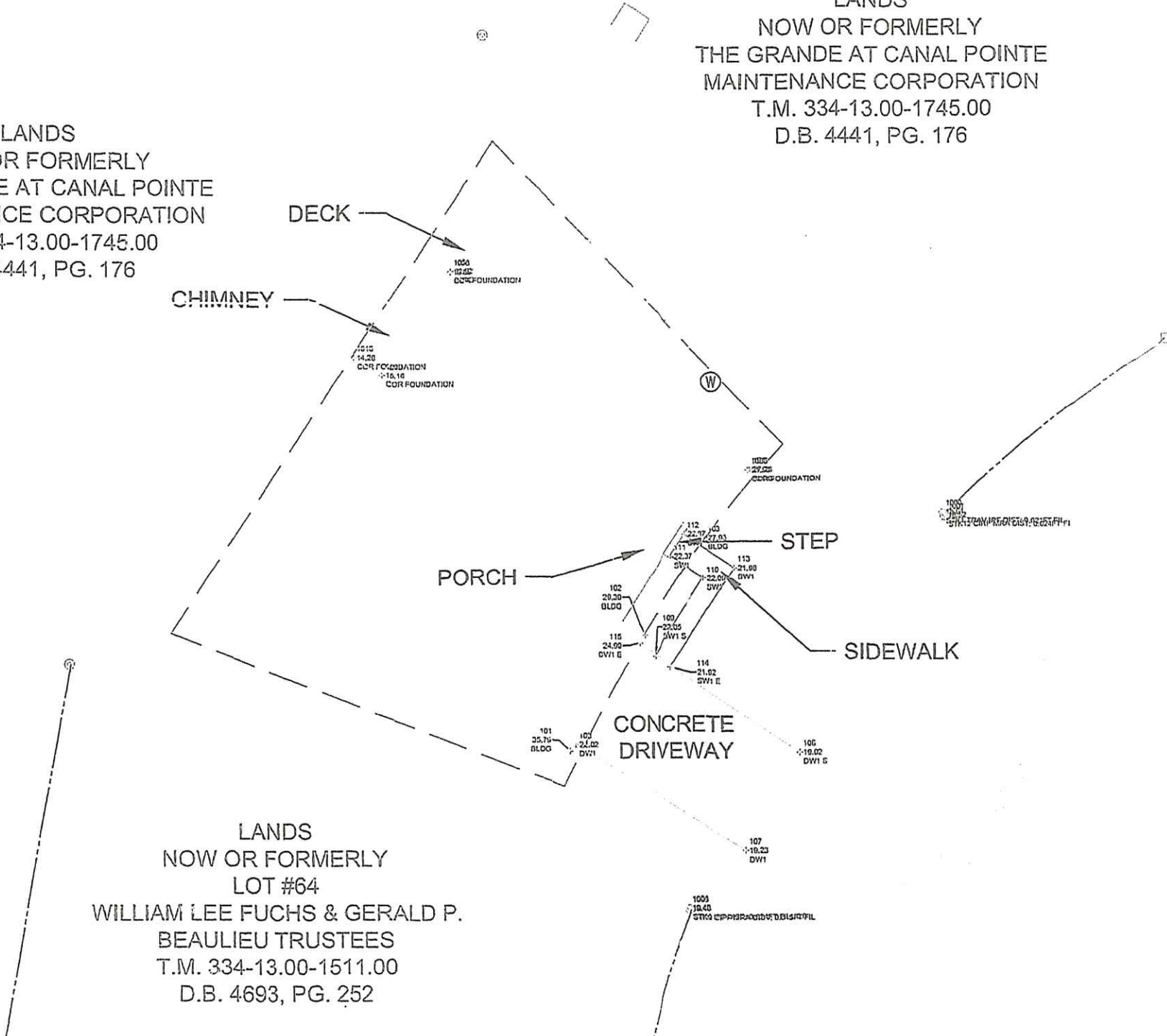


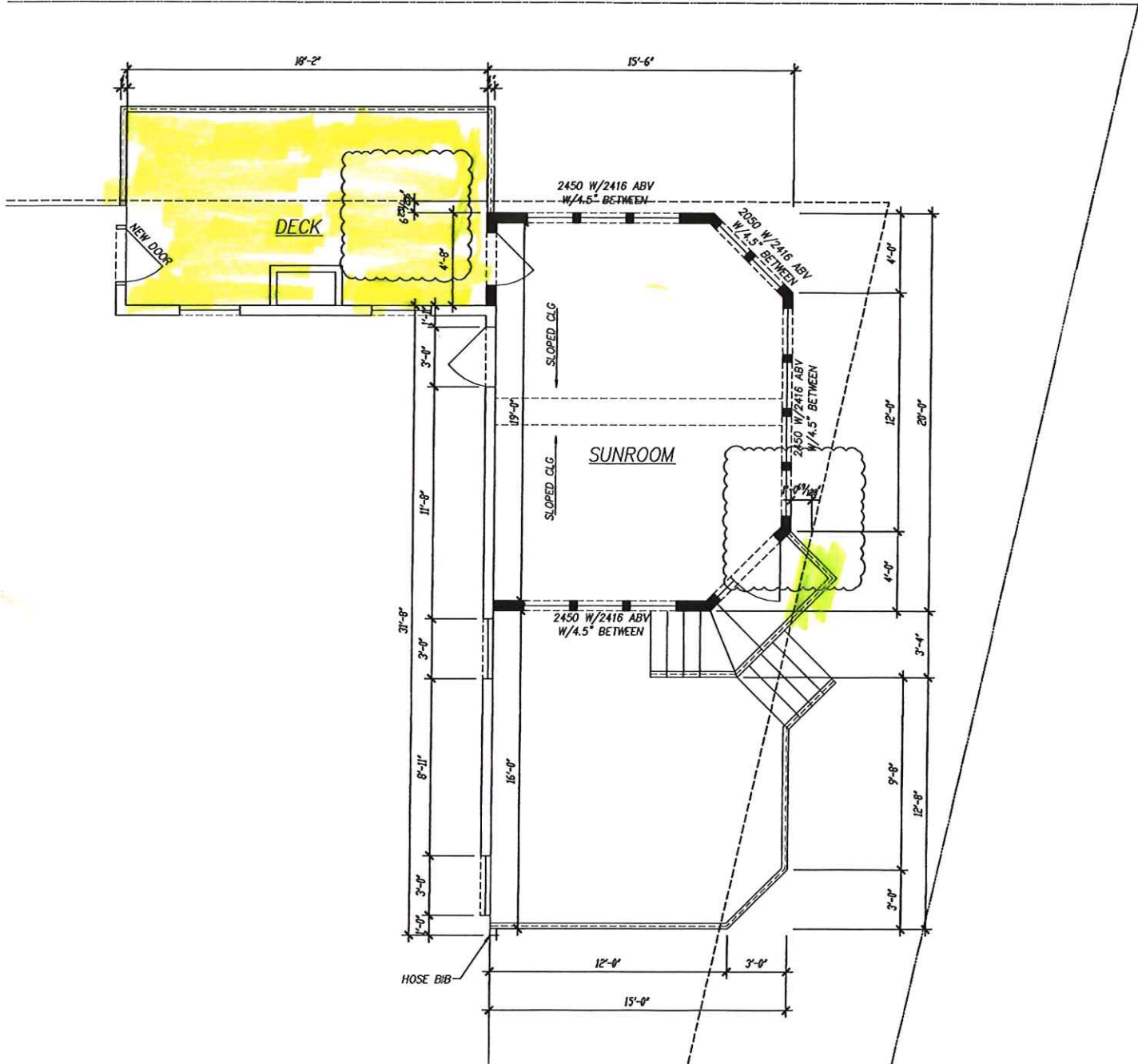
Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Phone: (302) 227-7808

LANDS  
NOW OR FORMERLY  
THE GRANDE AT CANAL POINTE  
MAINTENANCE CORPORATION  
T.M. 334-13.00-1745.00  
D.B. 4441, PG. 176

LANDS  
NOW OR FORMERLY  
THE GRANDE AT CANAL POINTE  
MAINTENANCE CORPORATION  
T.M. 334-13.00-1745.00  
D.B. 4441, PG. 176

LANDS  
NOW OR FORMERLY  
LOT #64  
WILLIAM LEE FUCHS & GERALD P.  
BEAULIEU TRUSTEES  
T.M. 334-13.00-1511.00  
D.B. 4693, PG. 252







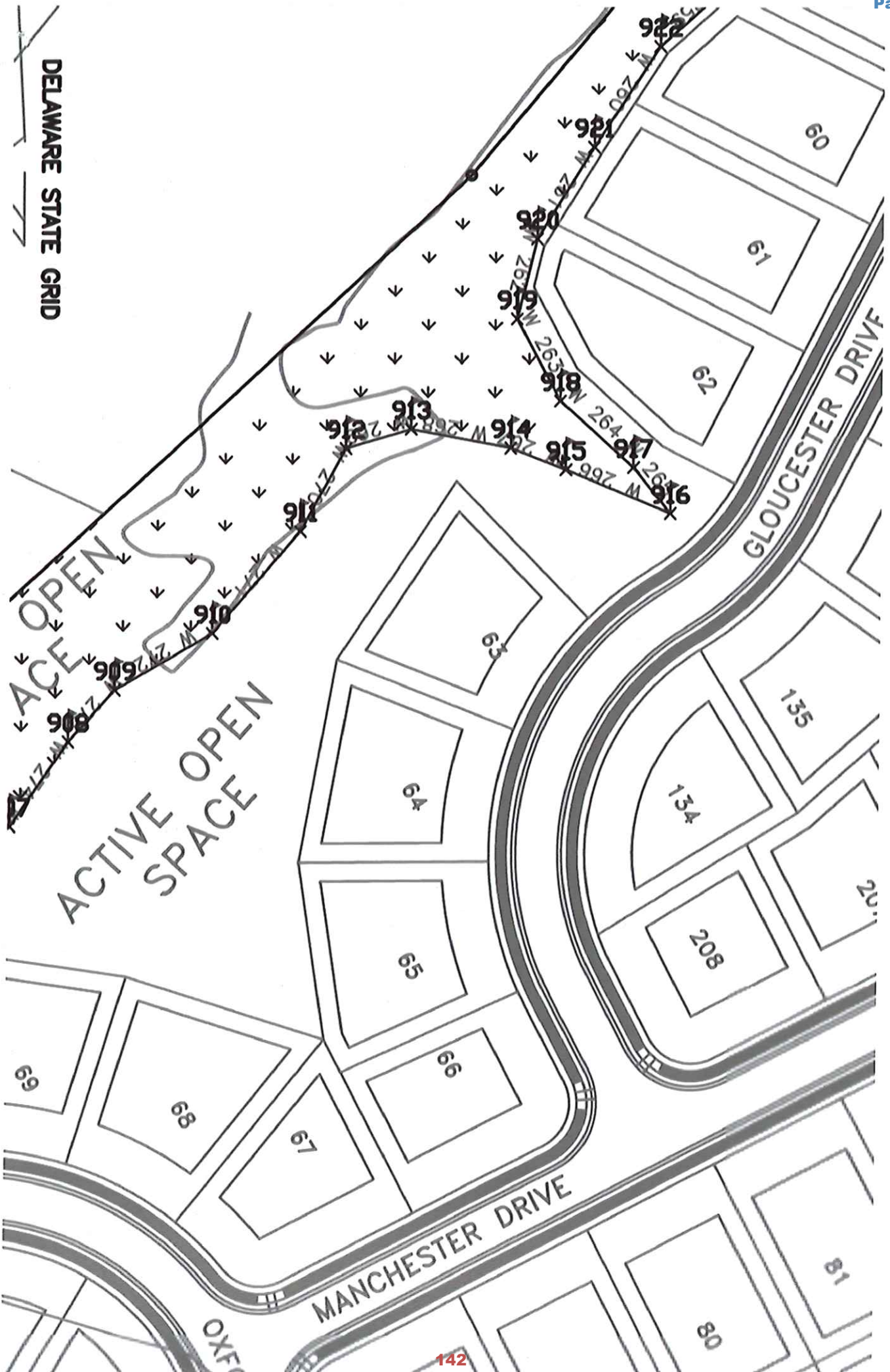
## 5. ARCHITECTURAL GUIDELINES

- **PLEASE NOTE:** The following guidelines and standards are supplemental to and/or as a clarification for the provisions contained within Articles VII and VIII the Association Declaration of Covenants, Conditions and Restrictions (Declaration). Please refer to the Declaration for more information related to the process and restrictions.
- a. General - Building Alterations, Additions and Improvements
    - i. Any exterior modification or addition, including landscaping, must have prior Committee approval.
    - ii. Any exterior addition or modification to an existing building shall be compatible with the design character of the original building and community.
      - No alterations to the front elevation of the dwelling will be considered except landscaping and, on a case-by-case basis, patios.
      - No alterations to the side elevations of the dwelling will be considered except landscaping and, on a case-by-case basis, consideration will be made for storage sheds and trash enclosures.
    - iii. For all additions: roof materials, windows, siding materials (style and color), trim and paint color must match the dwelling.
    - iv. Elevation, Topography and Drainage – Refer to Article VIII, Section 8.11 of the Declaration for the Association:

**Section 8.11. Elevation and Drainage Changes.** No changes in the elevation, topography or drainage characteristics of the Development shall be made to materially affect the surface elevation or natural drainage of surrounding Lots and without the prior written approval of the Developer or Canal Point Subdivision Architectural Board. Nor shall any fill be used to extend any property into any state or federal wetlands, to increase the size of a Lot by filling in water it abuts, or to fill in any waterway, wetland, or storm drainage area of the Development for any purpose whatsoever.

- b. Building Restriction Lines (BRLs)/Setbacks.
  - i. The Building Restriction Lines (BRLs) and/or setback requirements and property boundary lines are shown on the house location survey (sometimes referred to as “site plan” or “plat”) that should have been provided to each Owner at the time of settlement on the property.
  - ii. All roofed decks and all other roofed structures to include porches, sunrooms, outdoor shower enclosures, trash enclosures/blinds, sheds, house extensions, gazeboes or any other roofed structures must be attached to the house, may not encroach across the BRL, and must be at least ten feet (10’) from the property line in the side and rear yards). Unroofed decks may be as close as five feet (5’) from the property line. Additional deck standards/guidelines can be found below.

DELAWARE STATE GRID





41213 Gloucester Dr



Google Maps 41213 Gloucester Dr



Imagery ©2024 Airbus, Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 Google 50 ft







- Layers
- Search
- Basemaps
- Select Area
- Eagleview
- Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 334-13.00-1510.00 Zoom

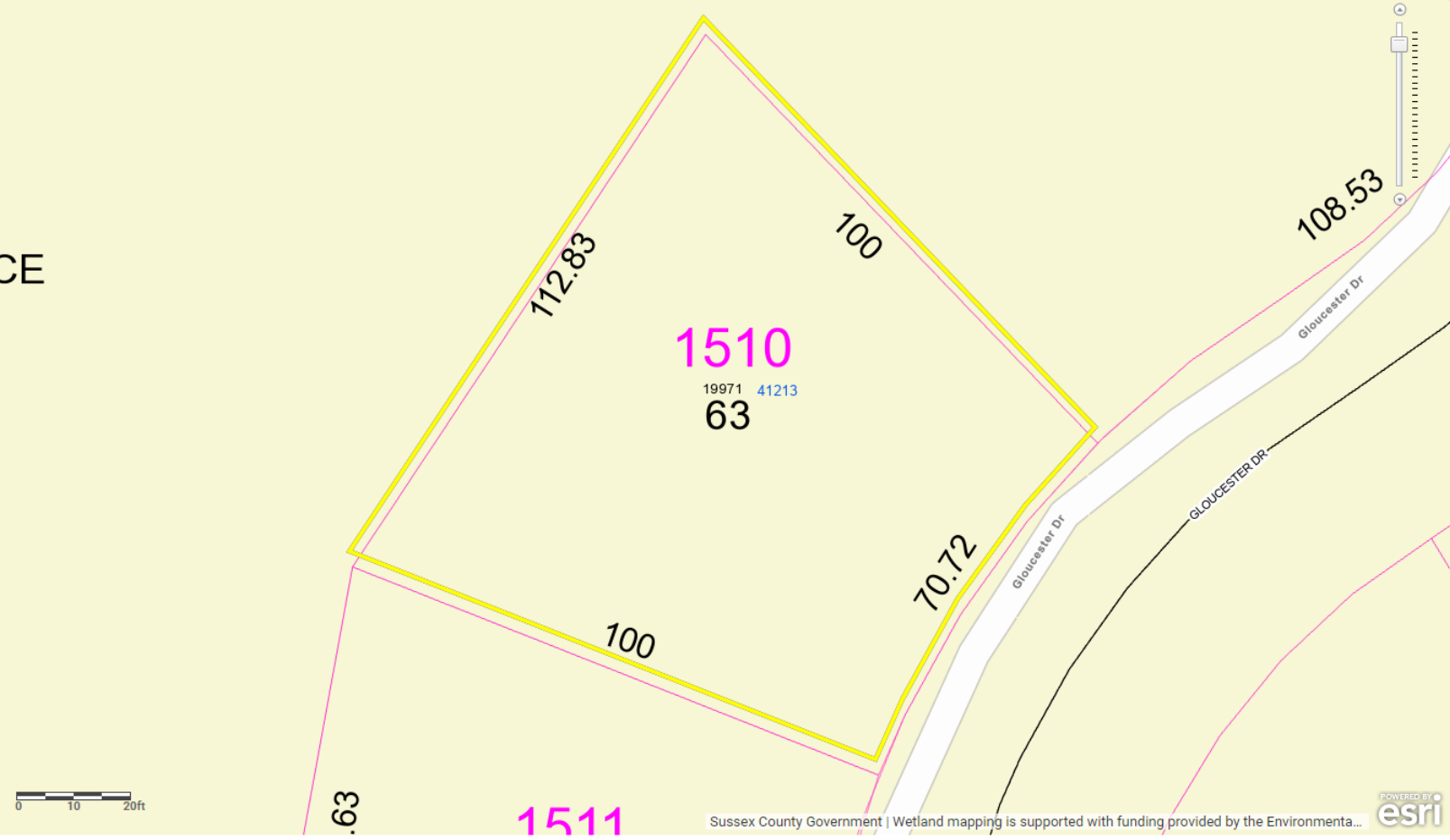
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|-------------------|---------------------|
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| PAGE              | 271                 |
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| Second_Owner_Name | JEFFREY R MEYERS    |
| MAILINGADDRESS    | 41213 GLOUCESTER DR |
| CITY              | REHOBOTH BEACH      |
| STATE             | DE                  |
| a_account         | 10-10-1510          |
| DESCRIPTION       | CANAL POINT         |
| DESCRIPTION2      | LOT 63              |
| DESCRIPTION3      |                     |
| LUC               | 999                 |
| SCHOOL            |                     |
| MUNI              | 00                  |
| CAP               | 2                   |
| APRBLDG           | 78300               |
| APRLAND           | 9500                |
| PINWASSEMENTUNIT  | 334-13.00-1510.00   |
| PIN               | 334-13.00-1510.00   |

- Navigation icons: Home, Previous, Up, Down, Next, Full Screen

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Clear Selected

- Layers
- Search
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- Eagleview
- Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 334-13.00-1510.00 Zoom

|                   |                     |
|-------------------|---------------------|
| BOOK              | 4028                |
| PAGE              | 271                 |
| FULLNAME          | RESH THOMAS W       |
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| PINWASSEMENTUNIT  | 334-13.00-1510.00   |
| PIN               | 334-13.00-1510.00   |

- Navigation icons: Home, Previous, Up, Down, Next, Full Screen

Selected Features (1)

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Search [X]

Search by SUSSEXPARCELS ▾

334-13.00-1510.00 [Search Icon]

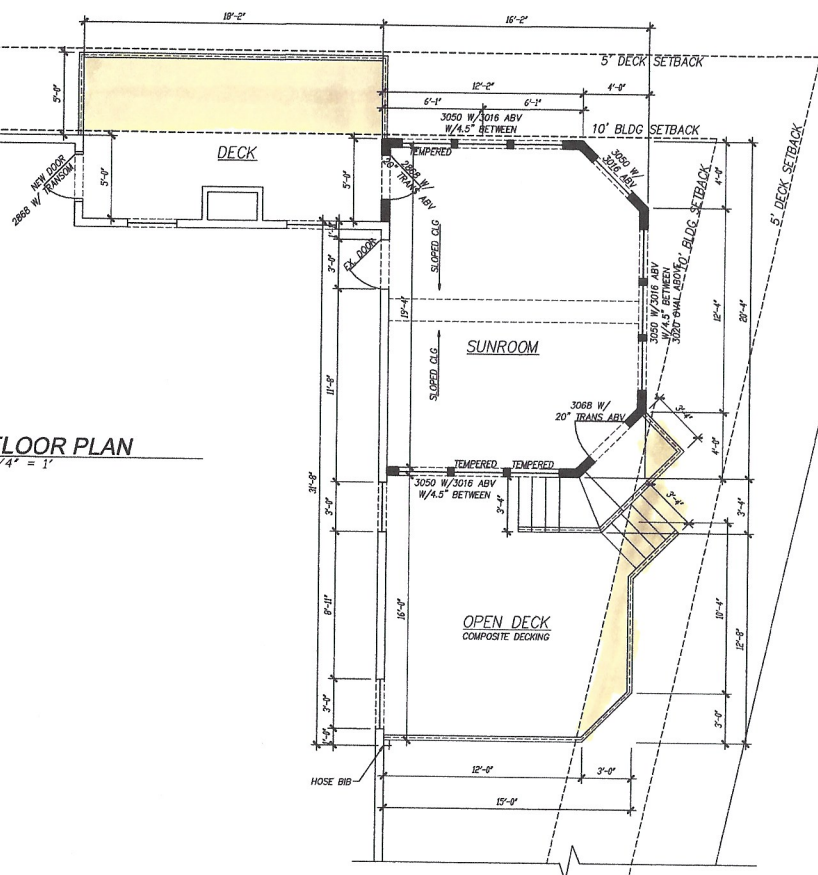
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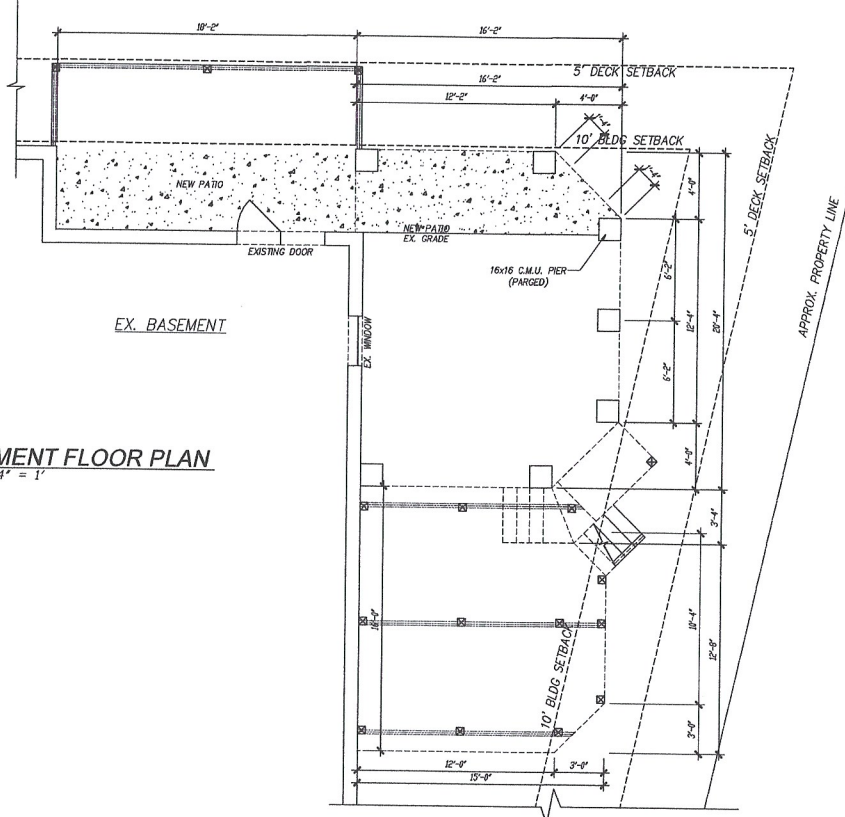
Workspaces ▾

**VARIANCE**

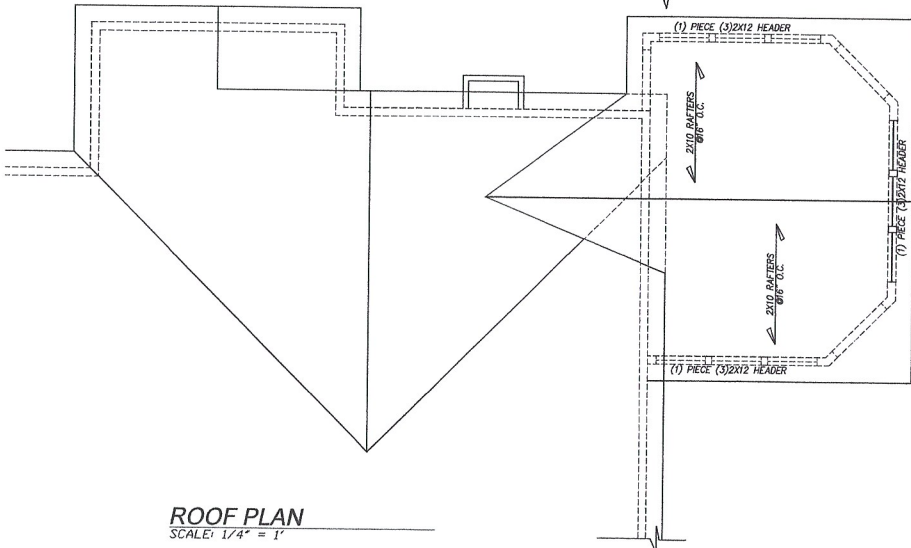
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SCALE: 1/4" = 1'



**BASEMENT FLOOR PLAN**  
SCALE: 1/4" = 1'



**ROOF PLAN**  
SCALE: 1/4" = 1'



SEAL

| REVISIONS |         |
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| DATE      | REMARKS |
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ISSUED FOR PERMIT/BID  
6-3-24

**Design Delmarva**  
Architecture  
1304 S WASHINGTON RD  
LEWES, DE 19558  
P. 302.644.8884  
info@designdelmarva.com  
sewal@ed.com

4550 MANOR DR  
MILLSBORO, VA 23115  
P. 540.384.6393  
sewal@ed.com

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RESHMYERS RESIDENCE  
SUNROOM ADDITION  
FLOOR PLANS

A1  
FILE

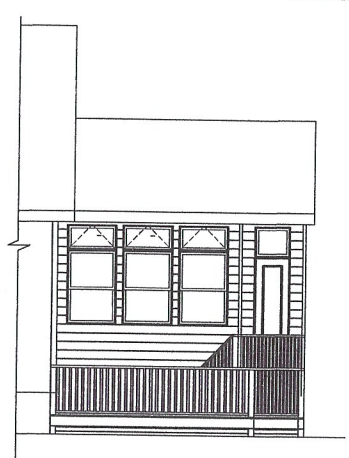
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**EX. R. SIDE ELEVATION**  
SCALE: 1/4" = 1'



**EX. REAR ELEVATION**  
SCALE: 1/4" = 1'



**PRO. FRONT ELEVATION**  
SCALE: 1/4" = 1'

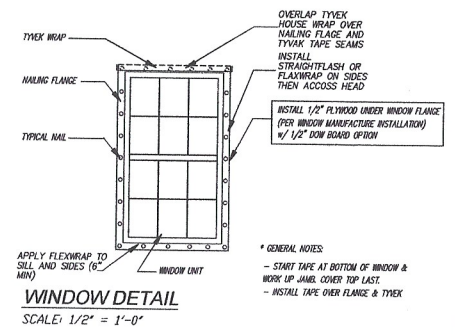
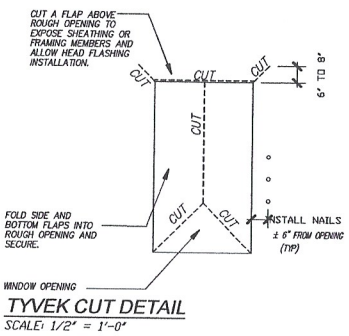
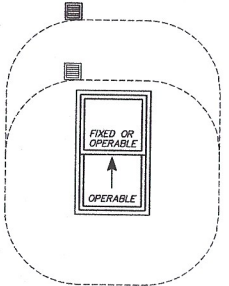


**PRO. R. SIDE ELEVATION**  
SCALE: 1/4" = 1'



**PRO. REAR ELEVATION**  
SCALE: 1/4" = 1'

- GENERAL ELEVATION NOTES:**
1. IF SIDE ELEVATIONS OF BAYS ARE NOT SHOWN, ASSUME THE MATERIALS SHOWN ON THE FRONT ELEVATION OF THE BAY, RETURNS BACK TO THE NEAREST ADJACENT WALL AT THE SAME HEIGHT AS SHOWN ON THE FRONT ELEVATION.
  2. LOUVERS AND VENTS SHOULD BE FACTORY FINISHED TO MATCH IN COLOR, AS CLOSELY AS POSSIBLE, ADJACENT MATERIALS WHERE THEY ARE LOCATED ON THE ELEVATIONS.
  3. EXHAUST VENT PROXIMITY DIAGRAM: NO EXHAUST VENTS ARE PERMITTED WITHIN 3'-0" OF OPERABLE PORTIONS OF WINDOWS (SINGLE HUNG SHOWN FOR EXAMPLE - UPPER CLEARANCE NEEDED FOR CASEMENT, DOUBLE HUNG, AND SLIDER TYPE WINDOWS)



- \* GENERAL NOTES:**
- START TAPE AT BOTTOM OF WINDOW & WORK UP UNLESS COVER TOP LAST.
  - INSTALL TAPE OVER FLANGE & TYVEK

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6-3-24

**Design Delmarva**  
Architecture  
1304 SANDMAN LANE  
LEWES, DE 19855  
P. 302.644.8884  
info@designdelmarva.com  
sewal@del.com

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**RESHMYERS RESIDENCE  
SUNROOM ADDITION**

**ELEVATIONS**

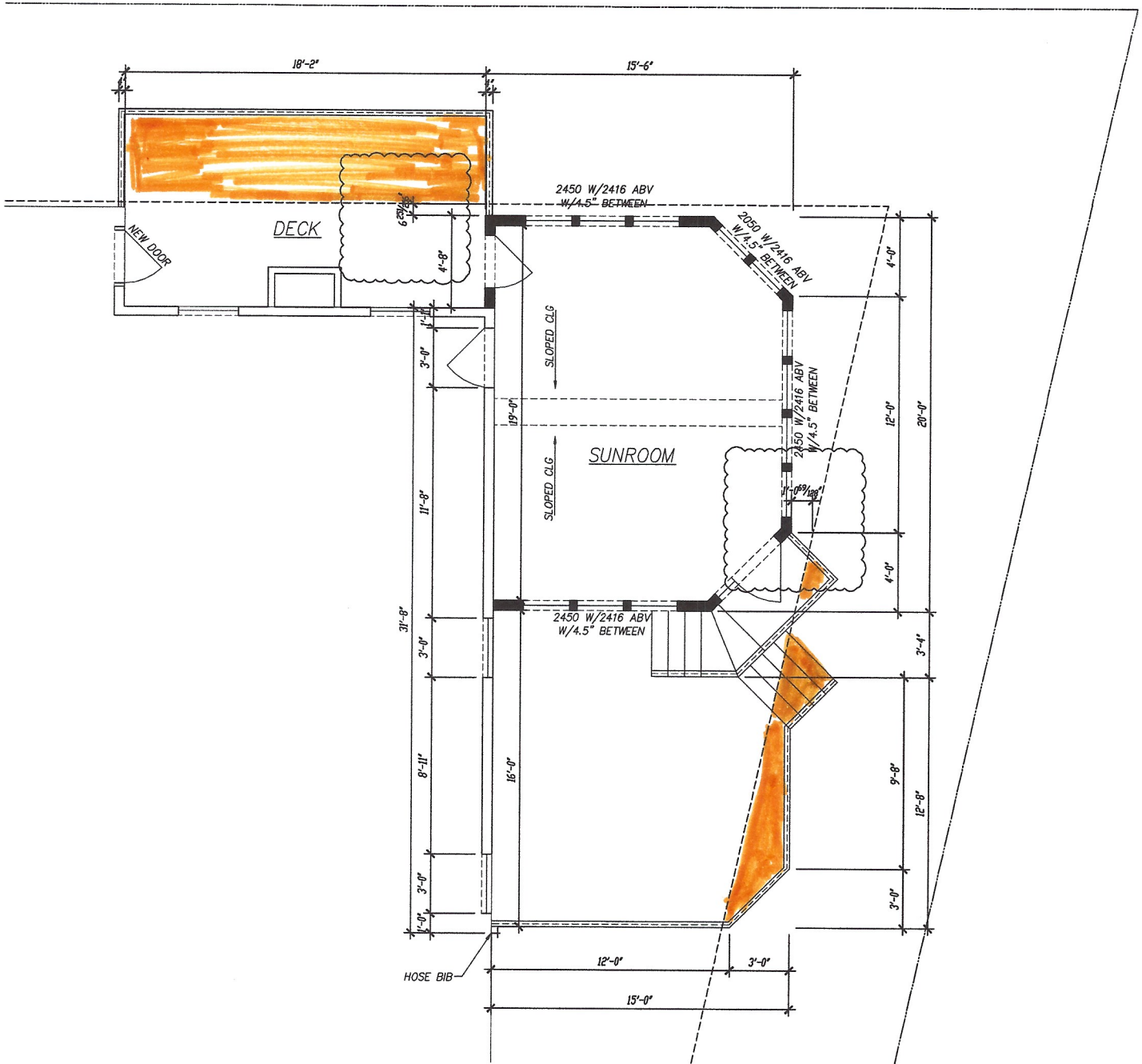
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FILE



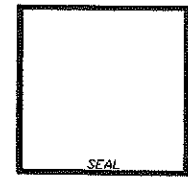
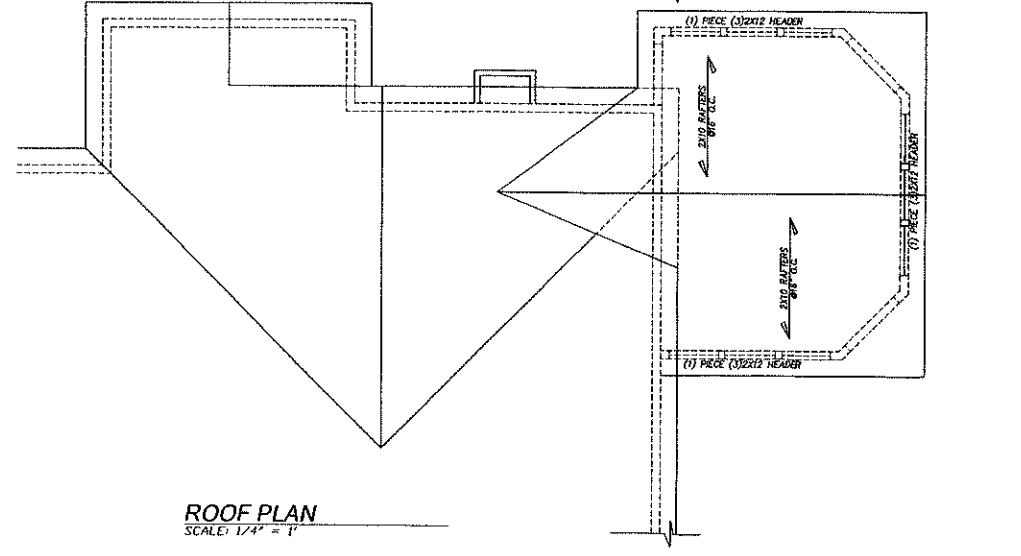
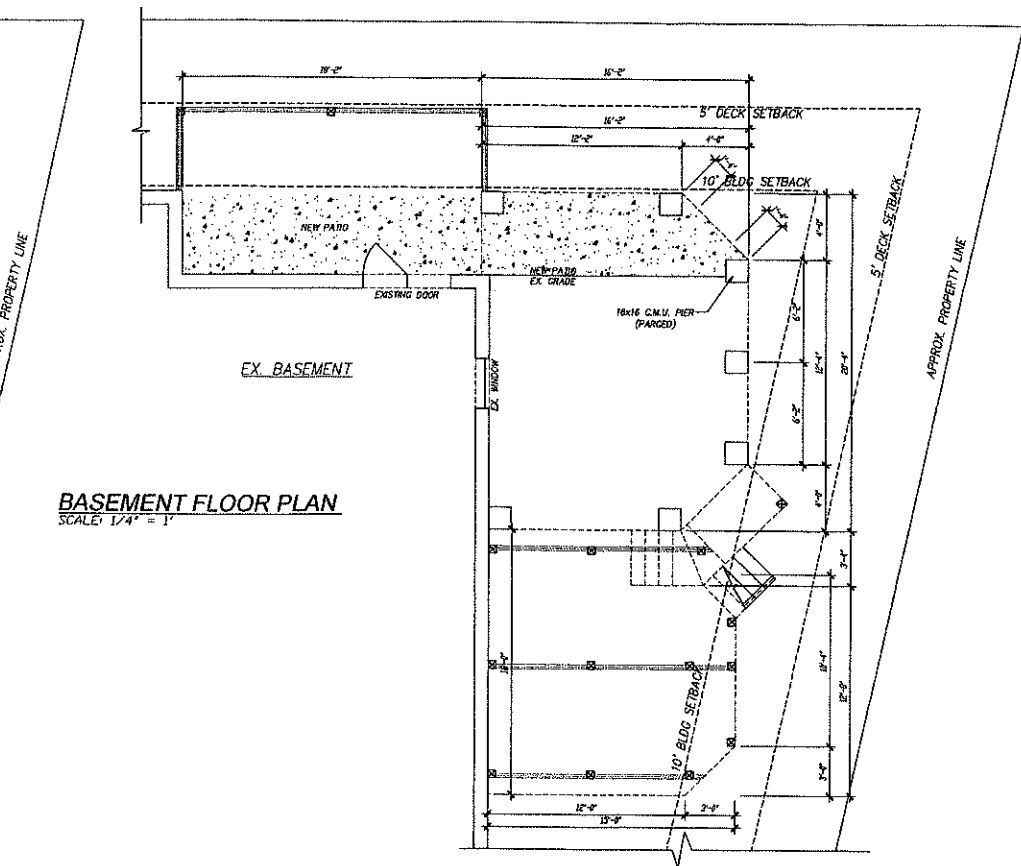
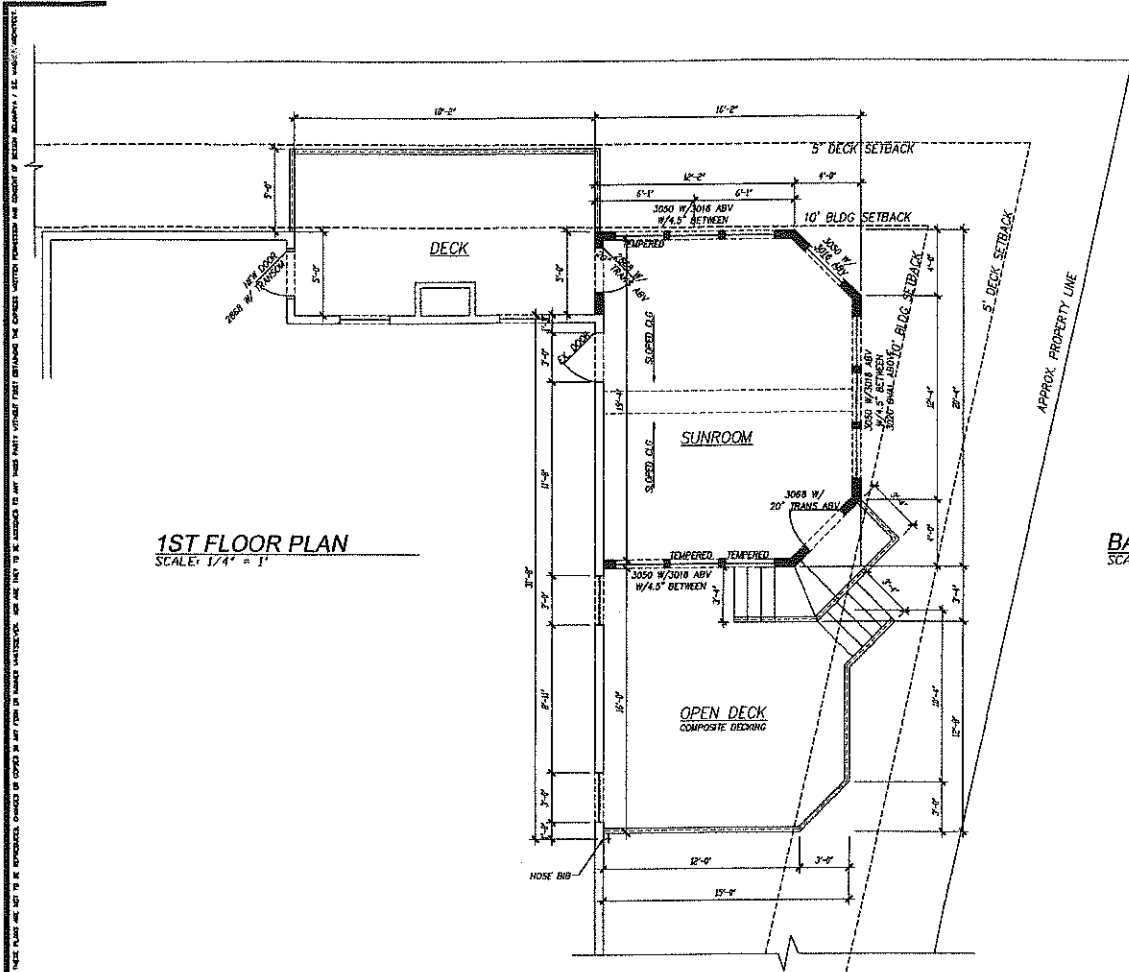












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6-3-24

**Design Delmarva**  
Architecture

2014 SUMNER RD  
LEWES, DE 19558  
P. 302.644.8888  
F. 304.354.1838  
info@designdelmarva.com  
sdelmar@designdelmarva.com

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RESHMYERS RESIDENCE  
SUNROOM ADDITION

FLOOR PLANS

A1

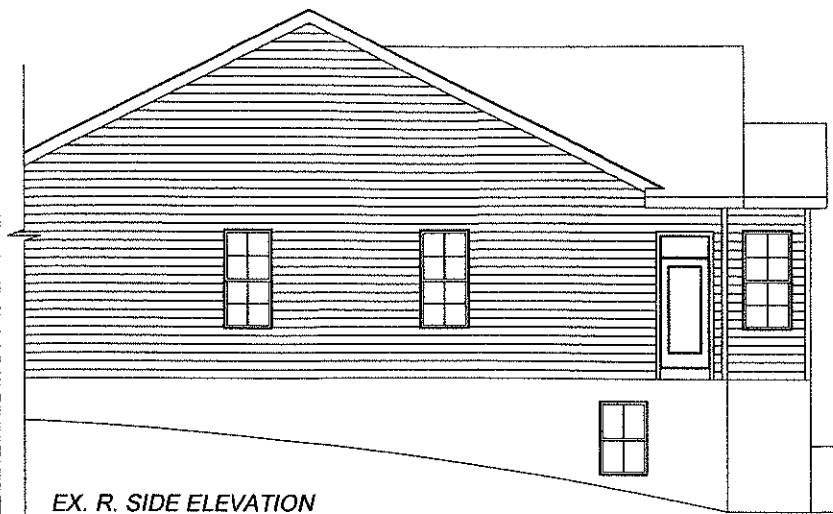
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CASE  
12964

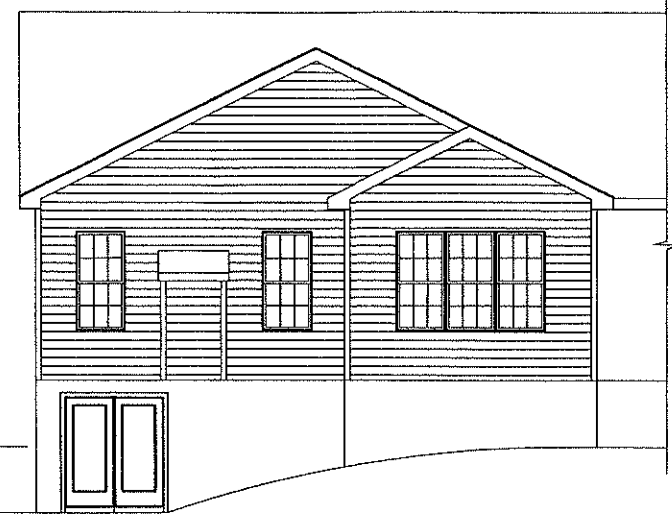
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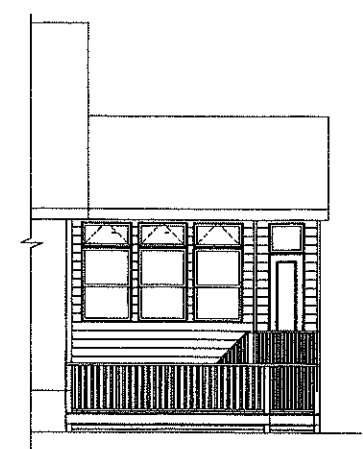
SUSSEX COUNTY  
PLANNING & ZONING



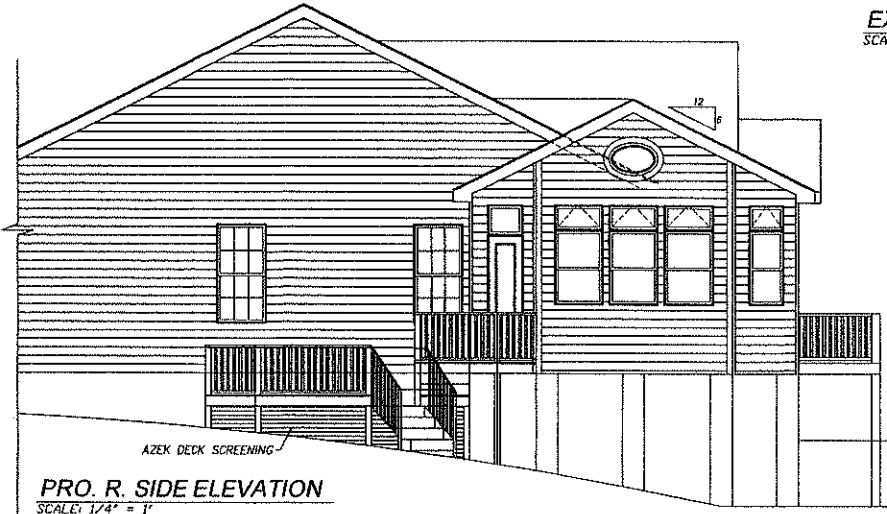
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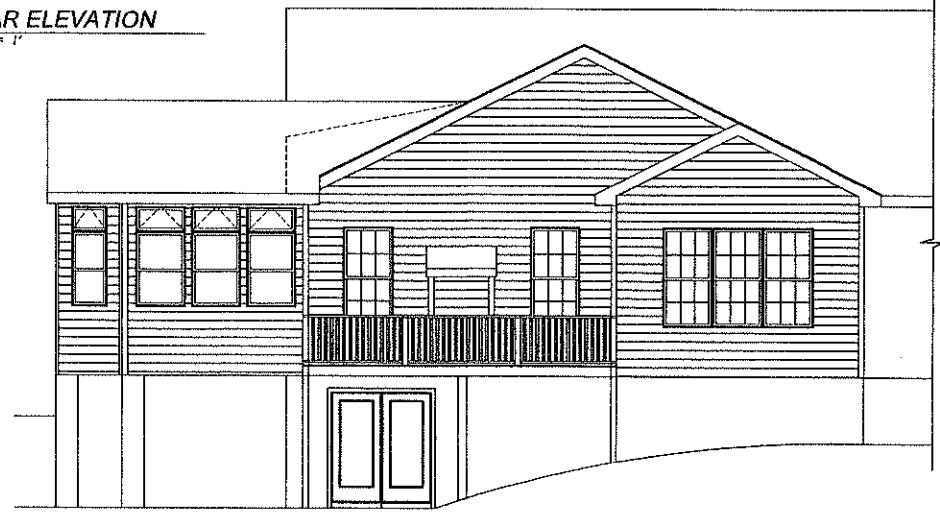
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PRO. FRONT ELEVATION  
SCALE: 1/4" = 1'

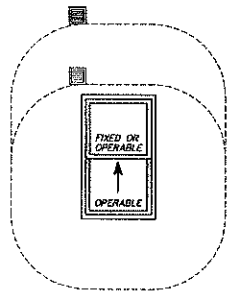


PRO. R. SIDE ELEVATION  
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PRO. REAR ELEVATION  
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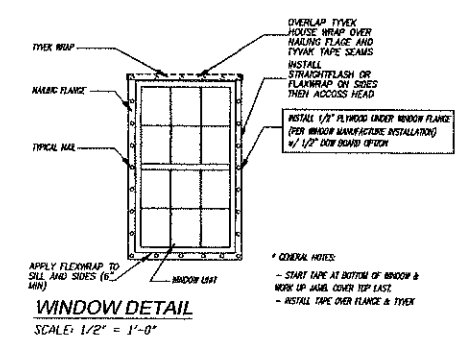
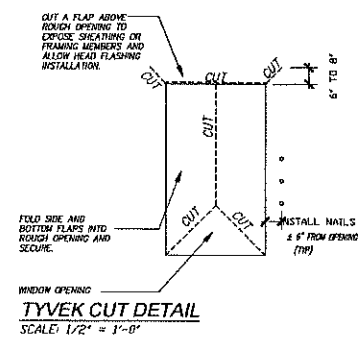
- GENERAL ELEVATION NOTES:
1. IF SIDE ELEVATIONS OF BAYS ARE NOT SHOWN, ASSUME THE MATERIALS SHOWN ON THE FRONT ELEVATION OF THE BAY RETURNS BACK TO THE NEAREST ADJACENT WALL AT THE SAME HEIGHT AS SHOWN ON THE FRONT ELEVATION.
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  3. EXHAUST VENT PROXIMITY DIAGRAM: NO EXHAUST VENTS ARE PERMITTED WITHIN 3'-0" OF OPERABLE PORTIONS OF WINDOWS (SINGLE WINDOW SHOWN FOR EXAMPLE - UPPER CLEARANCE NEEDED FOR CASHEMENT, DOUBLE HUNG, AND SLIDER TYPE WINDOWS)



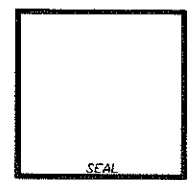
CASE 12964  
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- \* GENERAL NOTES:
- SHIRT TAPE AT BOTTOM OF WINDOW & WORK UP AREA COVER TOP LAST
  - INSTALL TAPE OVER FLANGE & TYVEK



| REVISIONS |         |
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**Design Delmarva**  
architects  
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p. 540.264.6393  
sdesign@earthlink.net

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RESHMYERS RESIDENCE  
SUNROOM ADDITION  
ELEVATIONS

A2  
FILE







CASE #12964

 § 115-183 Side and rear yards.

- A. Where a building in a commercial district is subject to the height, area and bulk requirements applicable to residential development under § 115-178 of this article, the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than 25% of its area used for dwelling. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.
- B. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.
- C. Open unenclosed decks, porches, platforms or steps not covered by a roof or canopy and which do not extend above the first floor of the building may be constructed in a side or rear yard no closer than five feet from a side lot line and five feet from a rear lot line. This provision does not apply to manufactured home parks or campgrounds.  
[Amended 11-28-1989 by Ord. No. 639; 2-1-2005 by Ord. No. 1748; 10-12-2010 by Ord. No. 2152; 3-20-2018 by Ord. No. 2562]
- D. For any existing approved lot that is less than 10,000 square feet in size, the side yard setbacks shall be reduced to five feet and the rear yard setback shall be reduced by five feet. For any lot with side or rear setbacks reduced by operation of this § 115-183D, no structures shall extend or project closer than five feet from the lot line. The provision of this subsection shall not apply to any lot in a cluster subdivision, Coastal Area cluster subdivision or residential planned community.  
[Added 3-20-2018 by Ord. No. 2557; amended 5-21-2019 by Ord. No. 2656]

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SUSSEX COUNTY  
PLANNING & ZONING

Case 12964

**DETAILED GRADING PLAN**

A plan depicting final grades for land development prepared by a licensed professional who is permitted to prepare detailed sediment and stormwater plans, including dwelling perimeter spot elevations and conveyance features to ensure positive drainage under the minimum slope requirements. A detailed grading plan shall satisfy the following requirements; [Added 3-28-2017 by Ord. No. 2489]

- (1) It must demonstrate that sites adjacent to dwellings can be graded with a minimum slope of 5% the first 10 feet from the dwelling or as required by building/residential codes and 1% beyond a point 10 feet from the side and rear swales or a closed pipe or swale positive outfall.
- (2) It must show spot elevations delineating grade breaks at all property and right-of-way lines, including finished grades at all dwelling corners.
- (3) **It must show first floor and slab elevations.**
- (4) Relief from the foregoing standards may be granted by the Sussex County Engineer for environmental, topographical, archeological or site constraints or low-impact development (i.e., rain gardens, bioswales, etc.).



Case 12964

 § 115-4 **Definitions and word usage.**

A. General rules of construction. The following general rules of construction shall apply to the regulations of this chapter:

- (1) The singular number includes the plural, and the plural, the singular, unless the context clearly indicates the contrary.
- (2) Words used in the present tense include the past and future tenses, and the future, the present.
- (3) The word "shall" is always mandatory. The word "may" is permissive.
- (4) The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."
- (5) ~~Words and terms not defined herein shall be interpreted in accord with their normal dictionary meanings and customary usage.~~

**NOTES:**

THIS DRAWING DOES NOT VERIFY THE LOCATION, EXISTENCE, AND/OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS CROSSING THE SUBJECT PROPERTY.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE AND/OR NON-EXISTENCE OF WETLANDS OR PLANT SPECIES.

THIS DRAWING DOES NOT VERIFY UTILITIES, OR ANY OTHER SUBSURFACE OBJECTS.

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION PRIOR TO ANY CONSTRUCTION. HOME OWNER ASSOCIATION AND COMMUNITY BYLAWS MAY MANDATE MORE RESTRICTIVE SETBACKS AND SHALL BE THE RESPONSIBILITY OF THE OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION TO VERIFY CONFORMANCE TO SUCH RESTRICTIONS.

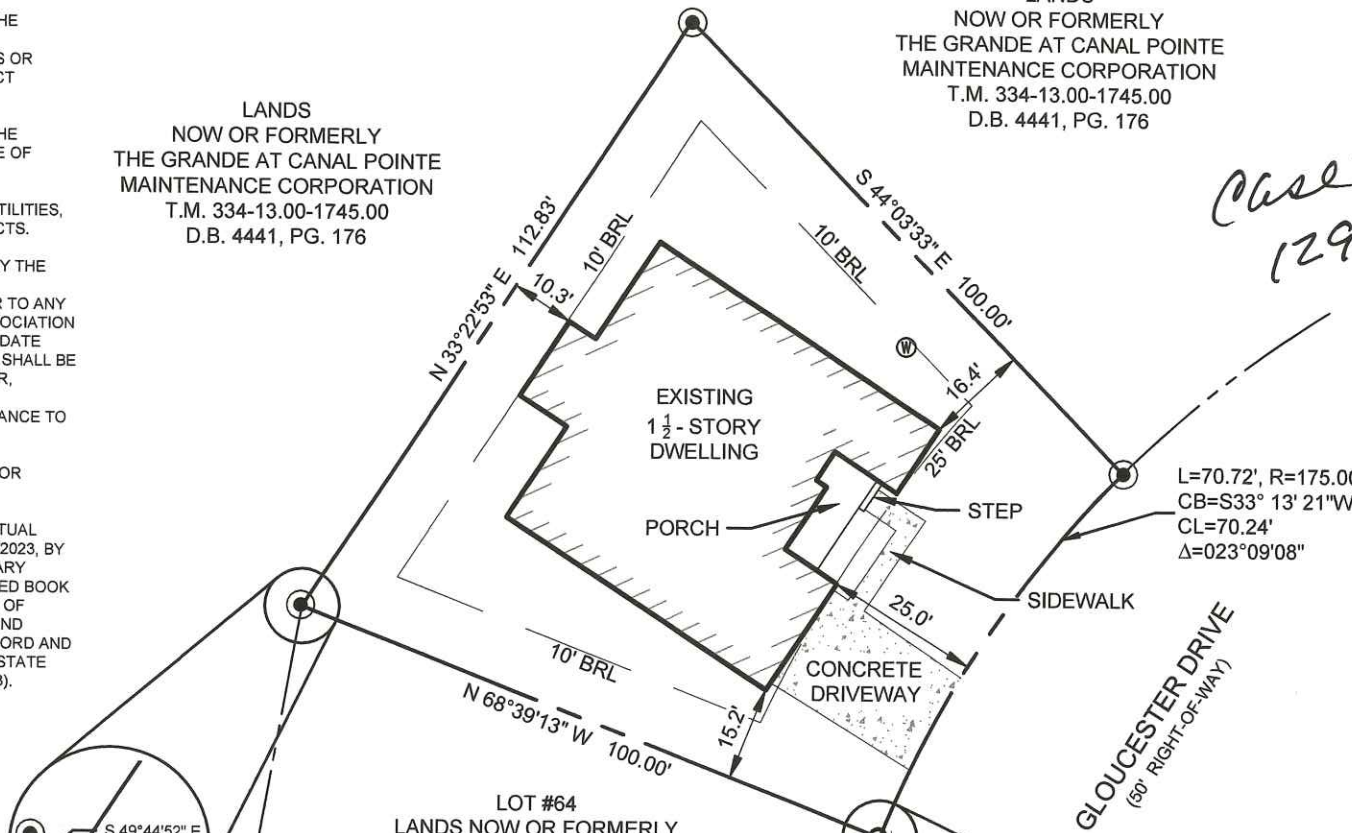
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THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 7/24/2023, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 4028 PAGE 271 (THE CURRENT DEED OF RECORD), PLAT BOOK 147 PAGE 38 AND OTHER DOCUMENTS OF PUBLIC RECORD AND HAS BEEN ROTATED TO DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83).

LANDS  
NOW OR FORMERLY  
THE GRANDE AT CANAL POINTE  
MAINTENANCE CORPORATION  
T.M. 334-13.00-1745.00  
D.B. 4441, PG. 176

LANDS  
NOW OR FORMERLY  
THE GRANDE AT CANAL POINTE  
MAINTENANCE CORPORATION  
T.M. 334-13.00-1745.00  
D.B. 4441, PG. 176

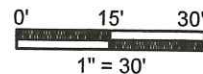
*Case # 12964*



LOT #64  
LANDS NOW OR FORMERLY  
WILLIAM LEE FUCHS & GERALD P.  
BEAULIEU TRUSTEES  
T.M. 334-13.00-1511.00  
D.B. 4693, PG. 252

**LEGEND:**

- IRON PIPE FOUND
- CAPPED IRON REBAR FOUND
- CAPPED IRON PIPE FOUND
- WELL
- SUBJECT BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- BUILDING RESTRICTION LINE
- EXISTING BUILDING



**BOUNDARY SURVEY PLAN  
FOR PROPERTY KNOWN AS:  
41213 GLOUCESTER DRIVE  
REHOBOTH BEACH, DE 19971  
LOT 63 - RECORD PLAN OF CANAL  
POINT**

TM: # 334-13.00-1510.00  
LEWES & REHOBOTH HUNDRED |  
SUSSEX COUNTY | DELAWARE

DATE: JUNE 10, 2024      SCALE: 1" = 30'  
CLASS: SUBURBAN      PROJECT: RESH001  
LOT AREA: 8,776 SQ.FT.      FB:

**CERTIFICATION:**

I, CARLTON R. SAVAGE JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE. 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.



CARLTON R. SAVAGE JR., DE PE#16457      DATE



Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Phone: (302) 227-7808