

**BOARD OF ADJUSTMENT**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7878

**AGENDA**

**January 27, 2025**

**6:00 PM**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of the Minutes for November 4, 2024**

**Approval of the Minutes for November 18, 2024**

**Approval of the Findings of Fact for November 4, 2024**

**Approval of the Findings of Fact for November 18, 2024**

**Public Hearings**

**Case No. 13033 – Melissa Burbage**

seeks a special use exception for a commercial dog kennel (Section 115-72 of the Sussex County Zoning Code). The property is located East of Pyle Center Road. 911 Address: 35025 Pyle Center Road, Frankford. Zoning District: B-1. Tax Parcel: 533-6.00-25.00

**Case No. 13034 – Karin Kemper and Isabel Lavadenz**

seeks a variance from the side yard setback for a proposed structure (Section 115-183 and 115-25 of the Sussex County Zoning Code). The property is located on west side of Sandalwood Drive within the Sandalwood Subdivision. 911 Address: 4 Sandalwood Drive, Rehoboth Beach. Zoning District: AR-1. Tax Map: 334-13.00-346.00

**Case No. 13035 – Brian Cox**

seek a variance from the side yard setback for a proposed structure.( Section 115-183 and 115-42 of the Sussex County Zoning Code). The proper-ty is located on the west side of Misty Lane. 911 Address: 32952 Misty Lane, Lewes DE 19958. Zoning District: GR. Tax Map:334-11.00-95.00

**Additional Business**

\*\*\*\*\*

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 20, 2025, 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 January 23, 2025.

####

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

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

Case # \_\_\_\_\_  
Hearing Date 2.10.2025  
202417788

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:

35025 Pyle Center rd, Frankford, De. 19945

Variance/Special Use Exception/Appeal Requested:

Tax Map #: 5-33-6.00-25.01

Property Zoning: B1

**Applicant Information**

Applicant Name:

Melissa Burbage

Applicant Address:

30529 Quilken Pt rd

City Oceanview

State DE

Zip: 19970

Applicant Phone #:

4432357991

Applicant e-mail:

missy.burbage220

gmail.com

**Owner Information**

Owner Name:

John Gilman

Owner Address:

35025 Pyle Center Rd

City Frankford

State DE

Zip: 19945

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**

Melissa Burbage

Date:

12/6/24



Sussex County, DE - BOA Application

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

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

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

*The dog park would not adversely affect the property or neighbors*

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

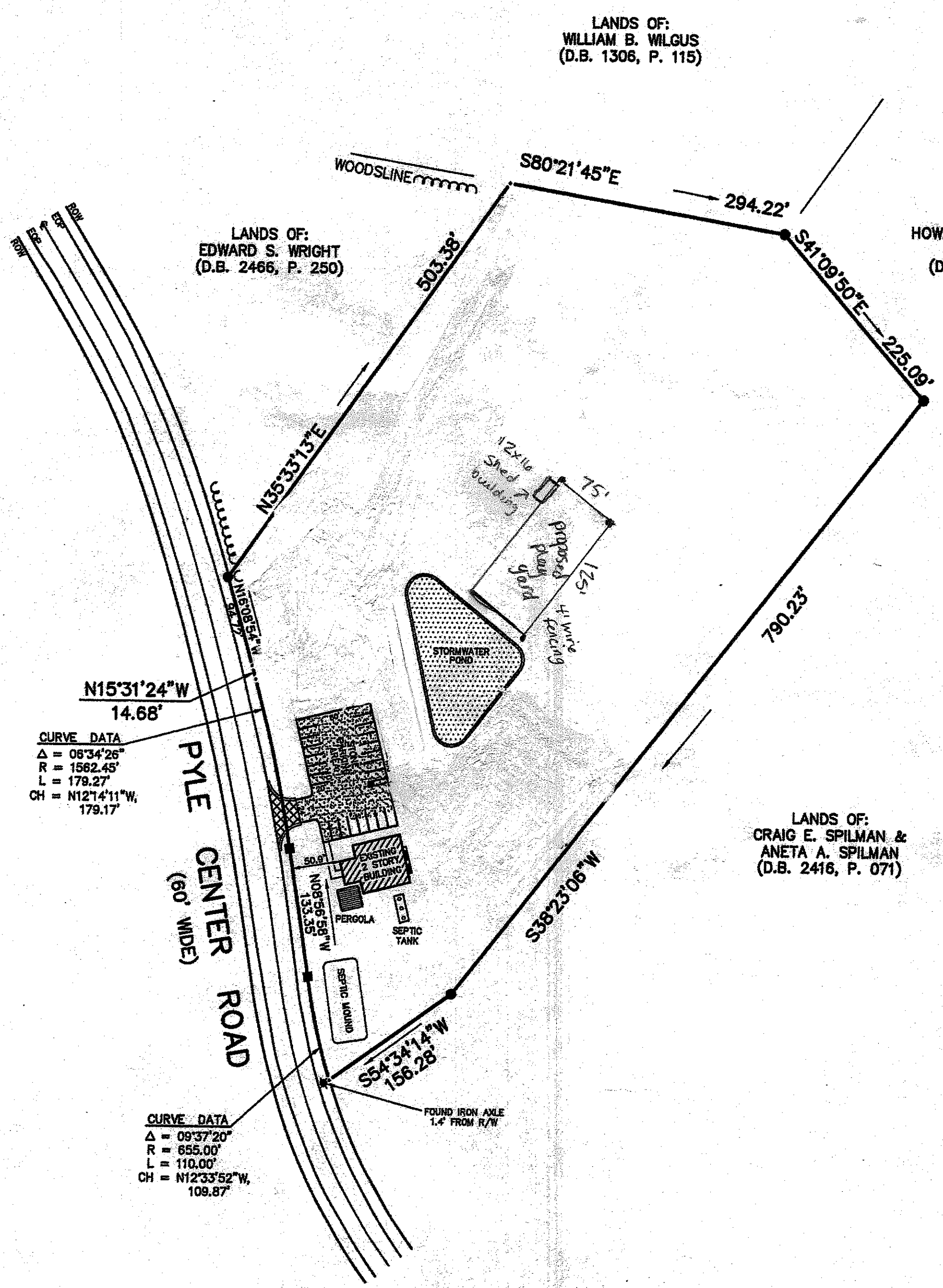
*5 years*

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

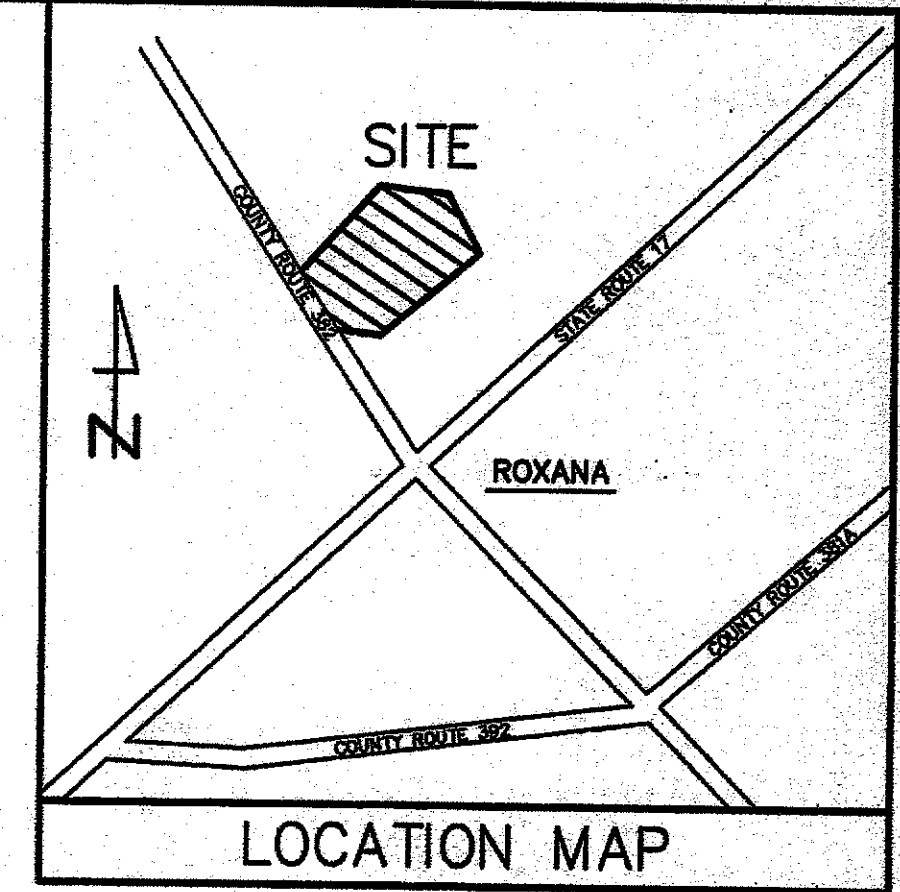
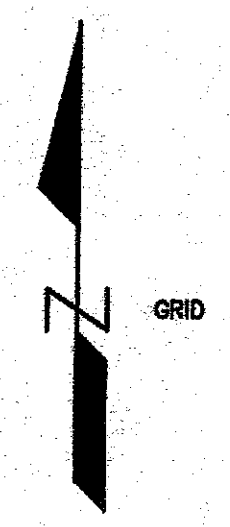
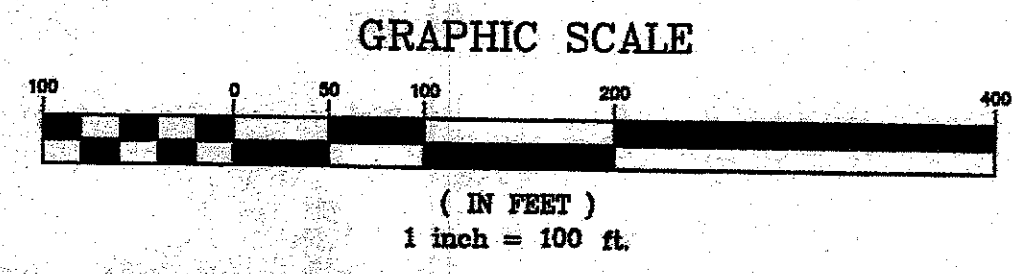
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CURVE DATA  
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R = 1562.45'  
L = 179.27'  
CH = N12°14'11"W,  
179.17'

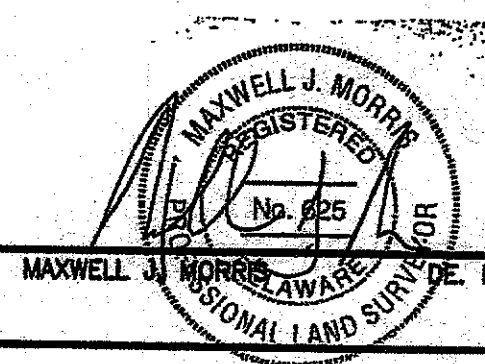
CURVE DATA  
Δ = 09°37'20"  
R = 655.00'  
L = 110.00'  
CH = N12°33'52"W,  
109.87'



**DATA COLUMN**  
OWNER: JOHN M. GILMAN  
35025 PYLE CENTER ROAD  
FRANKFORD, DE. 19945  
DEED REF: D.B. 3562, P. 177  
TAX MAP #: 5-33-6.00-25.00  
ZONING: AR-1  
TOTAL AREA: 8.22 ACRES ±  
HORIZ. DATUM: DE. STATE PLANE  
VERT. DATUM: NAVD 1988

- SYMBOLS KEY**
- = FOUND IRON PIPE
  - = POWER POLE
  - ⊙ = SIGN
  - ⊞ = MAILBOX
  - ⊞ = TELEPHONE BOX
  - ⊞ = CABLE TV BOX
  - = SET CONCRETE MONUMENT

- NOTES:**
- 1.) SPEED LIMIT ON PYLE CENTER ROAD IS 35 MPH FOR THE ENTIRE LENGTH OF ROADWAY TOPO.
  - 2.) ROADWAY STRIPING IS DOUBLE SOLID YELLOW STRIPES FOR THE CENTERLINE AND A SOLID WHITE STRIPE AT THE EDGE OF EACH TRAVEL LANE. THERE IS NO STRIPING AT THE EDGE OF PAVING.
  - 3.) ENTRANCE HAS BEEN BUILT TO DELDOT SPECIFICATIONS. PARKING LOT MATERIALS TO BE SPECIFIED BY SUSSEX COUNTY PLANNING AND ZONING.



REVISIONS	DATE

**REVISED SITE PLAN - PHASE ONE**

**ROXANA ATHLETIC CLUB CORPORATION**  
BALTIMORE HUNDRED \* SUSSEX COUNTY \* DELAWARE

**Delaware Surveying Services**  
Surveying \* Design \* Consulting  
P.O. BOX 1121 \* MILLVILLE, DE. \* 19970  
PHONE (302) 537-7094 FAX (302) 537-6534

DATE: JUNE 7, 2021  
SCALE: 1" = 100'  
AREA: 8.22 ACRES ±  
TAX MAP #: 5-33-6.00-25.00  
DRAWING #: 00-086N



Zoom

⏮ ⏪ ⏩ ⏭ ⏮ ⏭

Clear Selected



Eagleview

Search Results

Selected Features:

Parcels (1)

▼ 1) 533-6.00-25.01

Zoom

BOOK	3562
PAGE	177
FULLNAME	GILMAN JOHN M
Second_Owner_Name	
MAILINGADDRESS	35025 PYLE CENTER RD
CITY	FRANKFORD
STATE	DE
a_account	
DESCRIPTION	NE/PYLE CENTER RD
DESCRIPTION2	502'NW/ROXANA RD
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	1
APRBLDG	55500
APRLAND	3800
PINWASSEMENTUNIT	533-6.00-25.01
PIN	533-6.00-25.01

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⏵

Selected Features (1)

Clear Selected





Workspaces ▼





**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 #

Hearing Date

13034  
2-24-25  
202418237

**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:**

4 Sandalwood dr., Rehoboth Beach, DE, 19971

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

5' variance into 15' setback on side

**Tax Map #:** 334-13.00-346.00**Property Zoning:**

AR-1

**Applicant Information****Applicant Name:** Zach Kuhns**Applicant Address:** 27436 Oak Meadow Dr.**City** Millsboro**State** DE**Zip:** 19966**Applicant Phone #:** (302) 515-0598**Applicant e-mail:** kuhnsconstructionde@gmail.com**Owner Information****Owner Name:** Karin Kemper & Isabel Lavadenz**Owner Address:** 4 Sandalwood Dr.**City** Rehoboth Beach**State** DE**Zip:** 19971**Purchase Date:****Owner Phone #:** (571) 426-6197**Owner e-mail:** karinekemper@yahoo.com**Agent/Attorney Information****Agent/Attorney Name:****Agent/Attorney Address:****City****State****Zip:****Agent/Attorney Phone #:****Agent/Attorney e-mail:****Signature of Owner/Agent/Attorney****Date:**

12/16/24



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.

Due to the pool location the structure would have to be closer to the property line.

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**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 addition would be too small for proper functionality without variance, due to the pool location. Without the variance, the structure would be too close to the pool.

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

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

The home was purchased from previous owner. Applicant did not create difficulty of existing structure location on property.

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**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.

Addition will be placed in rear of home and will match existing home style and colors. An existing 6' fence will also partially cover the rear addition from the street view.

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**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 will need a minimum of 5' into the 15' setback.*



Sussex County, DE - BOA Application

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

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

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

---

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

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

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Sussex County, DE - BOA Application

## Check List for Applications

The following shall be submitted with the application

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

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

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

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

Signature of Owner/Agent/Attorney

 \_\_\_\_\_

Date: 12/16/24

For office use only:

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

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

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

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

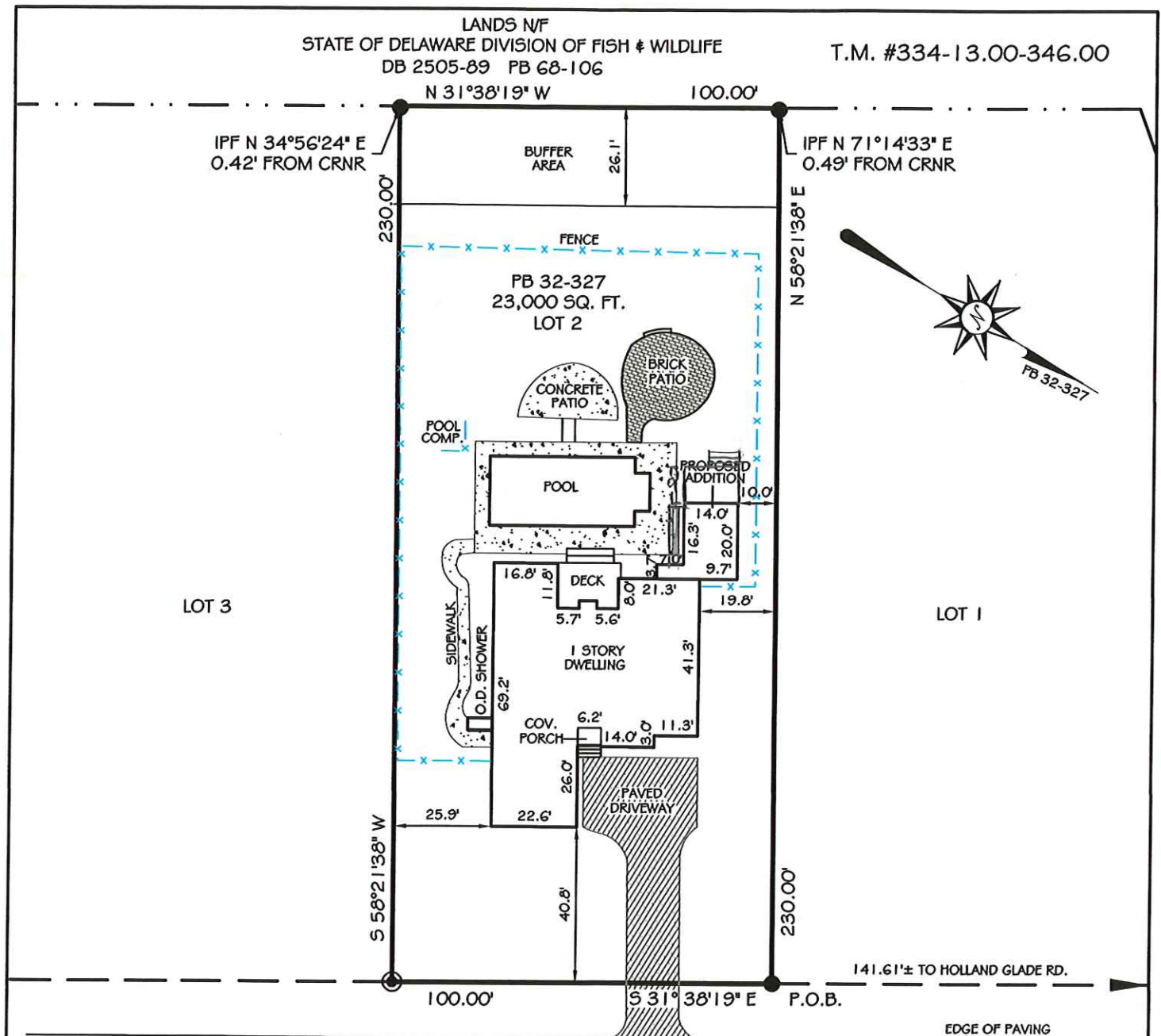
Location of property: \_\_\_\_\_

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

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

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

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



● IRON PIPE (SET)

● IRON PIPE (FOUND)

SEE PLOT BOOK 32 PAGE 327 FOR EASEMENT RESERVATIONS. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

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

DONALD K. MILLER  
REGISTERED  
No. 407  
11/8/24  
DATE  
DONALD K. MILLER, FLS 407

SURVEY CLASS: SUBURBAN

SANDALWOOD DRIVE (20' R/W)

BOUNDARY SURVEY & CONCEPT PLAN FOR  
ISABEL LAVADENZ PACCIERI, TRUSTEE  
& KARIN ERIKA KEMPER, TRUSTEE

4 SANDALWOOD DRIVE, REHOBOTH BEACH, DE 19971  
LOT #2 OF "SANDALWOOD" SUBDIV.

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE

SCALE 1" = 40'

NOVEMBER 6, 2024

PREPARED BY:

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

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

1560 MIDDLEFORD RD.

SEAFOORD, DE. 19973





# Generated by REScheck-Web Software

## Compliance Certificate

Project RehobothBeach4

Energy Code: **2018 IECC**  
 Location: **Rehoboth Beach, Delaware**  
 Construction Type: **Single-family**  
 Project Type: **Addition**  
 Project SubType: **None**  
 Climate Zone: **4 (4341 HDD)**  
 Permit Date:  
 Permit Number:  
 All Electric: **false**  
 Is Renewable: **false**  
 Has Charger: **false**  
 Has Battery: **false**  
 Has Heat Pump: **false**

Construction Site:  
 4 Sandalwood Dr  
 Rehoboth Beach, DE

Owner/Agent:  
 Addition

Designer/Contractor:  
 Architectural Plans

### Compliance: Passes using UA trade-off

Compliance: **1.5% Better Than Code** Maximum UA: **135** Your UA: **133** Maximum SHGC: **0.40** Your SHGC: **0.25**

The % Better or Worse Than Code Index reflects how close to compliance the house is based on code trade-off rules.  
 It DOES NOT provide an estimate of energy use or cost relative to a minimum-code home.

Slab-on-grade tradeoffs are no longer considered in the UA or performance compliance path in REScheck. Each slab-on-grade assembly in the specified climate zone must meet the minimum energy code insulation R-value and depth requirements.

### Envelope Assemblies

Assembly	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Prop. U-Factor	Req. U-Factor	Prop. UA	Req. UA
Ceiling area of home forming top of insulation envelope: Flat Ceiling or Scissor Truss	307	30.0	0.0	0.035	0.026	11	8
Wall area of home forming sides of insulation envelope: Wood Frame, 16" o.c.	461	13.0	0.0	0.082	0.060	11	8
Energy efficient door unit: Glass Door (over 50% glazing) SHGC: 0.25	42			0.300	0.320	13	13
Energy efficient door unit: Glass Door (over 50% glazing) SHGC: 0.25	84			0.300	0.320	25	27
Window area of home using energy efficient units: Vinyl Frame SHGC: 0.25	202			0.290	0.320	59	65
Subfloor of home forming bottom of insulation envelope: All-Wood Joist/Truss	307	19.0	0.0	0.047	0.047	14	14

Project Title: RehobothBeach4  
 Data filename:

Report date: 11/20/24  
 Page 1 of 10

**Compliance Statement:** The proposed building design described here is consistent with the building plans, specifications, and other calculations submitted with the permit application. The proposed building has been designed to meet the 2018 IECC requirements in REScheck Version : REScheck-Web and to comply with the mandatory requirements listed in the REScheck Inspection Checklist.

Jobe Leonard  
Name - Title

Signature

Date

Layers

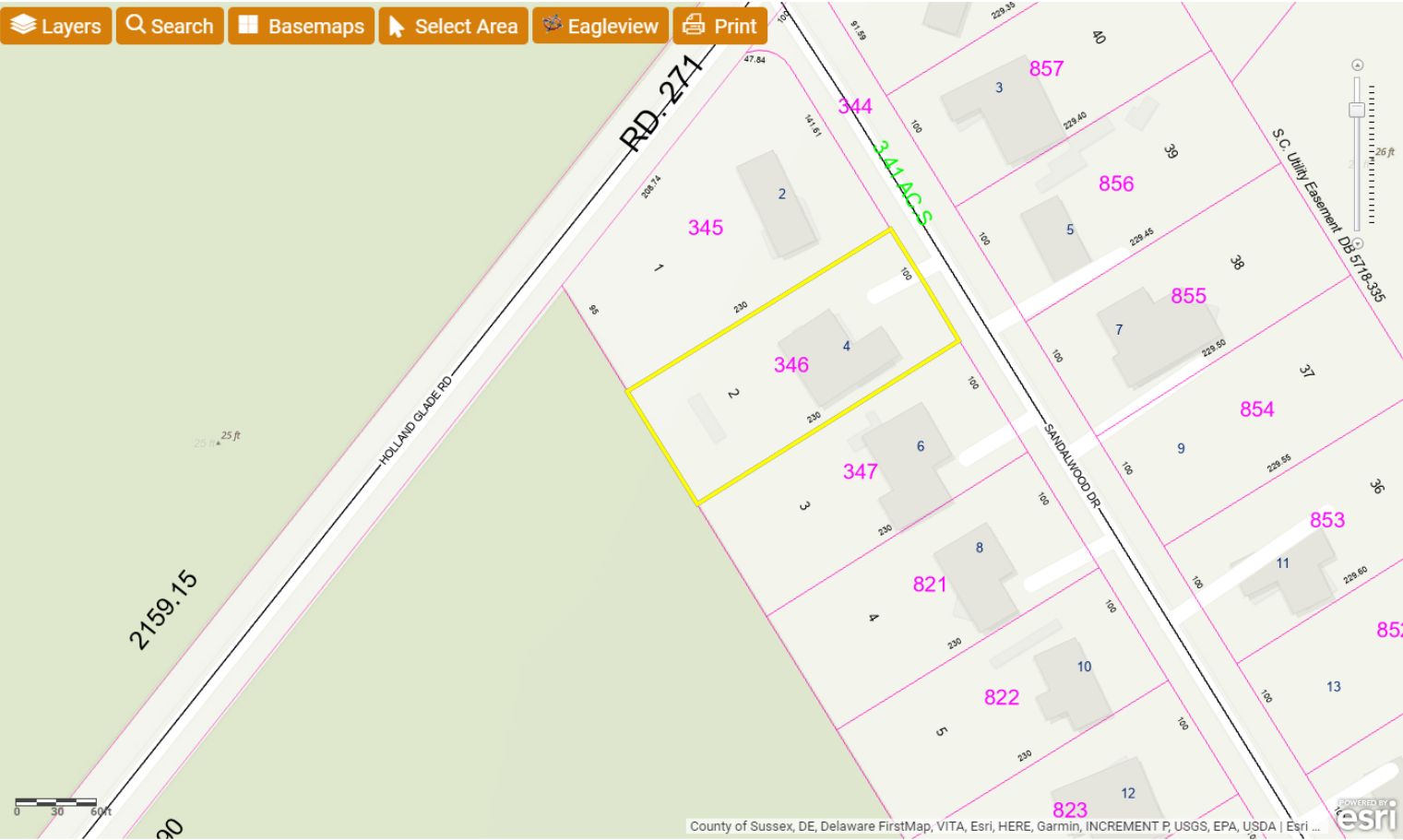
Search

Basemaps

Select Area

Eagleview

Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 334-13.00-346.00		Zoom
BOOK	4952	
PAGE	108	
FULLNAME	PACCIERI ISABEL LAVADENZ TTEE REV TR	
Second_Owner_Name	KARIN ERIKA KEMPER TTEE REV TR	
MAILINGADDRESS	4 SANDALWOOD DR	
CITY	REHOBOTH BEACH	
STATE	DE	
a_account	10-10-346	
DESCRIPTION	SANDALWOOD	
DESCRIPTION2	LOT 2	
LUC	999	
MUNI	00	
CAP	0	
APRBLDG	51000	
APRLAND	25000	
PINWASSEMENTUNIT	334-13.00-346.00	
PIN	334-13.00-346.00	
ZIPCODE	19971	

Selected Features (1)

Clear Selected



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

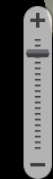
1) 334-13.00-346.00 Zoom

BOOK	4952
PAGE	108
FULLNAME	PACCIERI ISABEL LAVADENZ TTEE REV TR
Second_Owner_Name	KARIN ERIKA KEMPER TTEE REV TR
MAILINGADDRESS	4 SANDALWOOD DR
CITY	REHOBOTH BEACH
STATE	DE
a_account	10-10-346
DESCRIPTION	SANDALWOOD
DESCRIPTION2	LOT 2
LUC	999
MUNI	00
CAP	0
APRBLDG	51000
APRLAND	25000
PINWASSEMENTUNIT	334-13.00-346.00
PIN	334-13.00-346.00
ZIPCODE	19971

Selected Features (1)

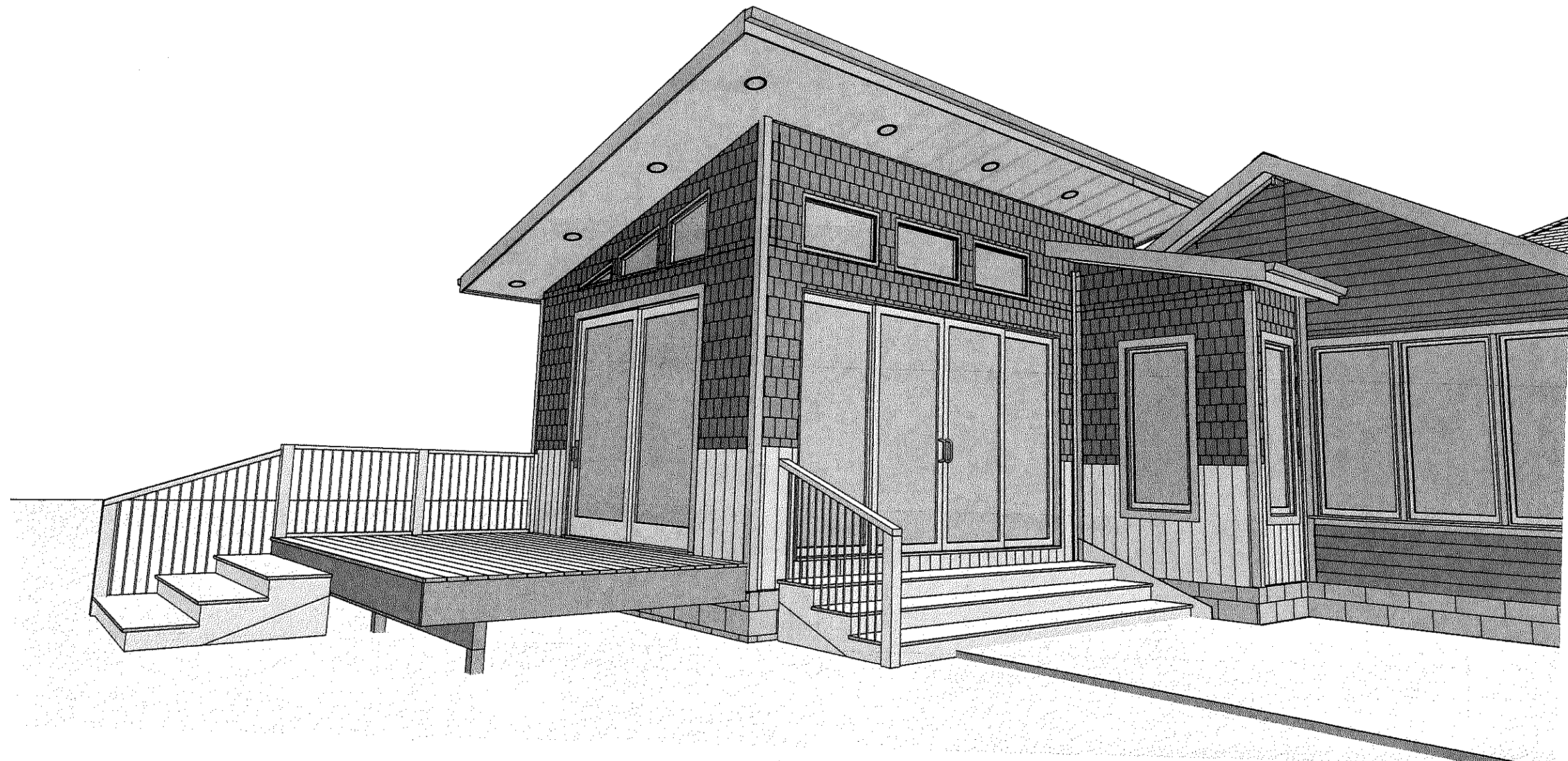
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Workspaces





PROPOSED STUDIO ADDITION  
4 SANDALWOOD DRIVE  
REHOBOTH BEACH , DE 19971

LAYOUT PAGE TABLE			
LABEL	TITLE	DESCRIPTION	COMMENTS
1	PROJECT OVERVIEW & EXISTING		
2	ADDITION ELEVATIONS		
3	PROPOSED LAYOUT		
4	FOUNDATION & DETAILS		
5	INT. ELEVATIONS & FRAMING		

HOMEOWNER & CONTRACTOR: TO VERIFY ALL DIMENSIONS,  
STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE  
REQUIREMENTS.

DRWG NO.  
24 - 26  
IRC 2021

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
PROJECT OVERVIEW &  
EXISTING

PROJECT DESCRIPTION:  
4 SANDALWOOD DR.  
REHOBOTH BEACH, DE  
19971

DRAWINGS PROVIDED BY: S. GRANADOS  
SHARON GRANADOS IS NOT AN ARCHITECT  
OR ENGINEER. ANY STRUCTURAL  
CONSIDERATIONS SHOULD BE VERIFIED BY  
AN ARCHITECT OR ENGINEER. ALL LOCAL  
CODES SHOULD BE FOLLOWED

DATE:

12/16/2024

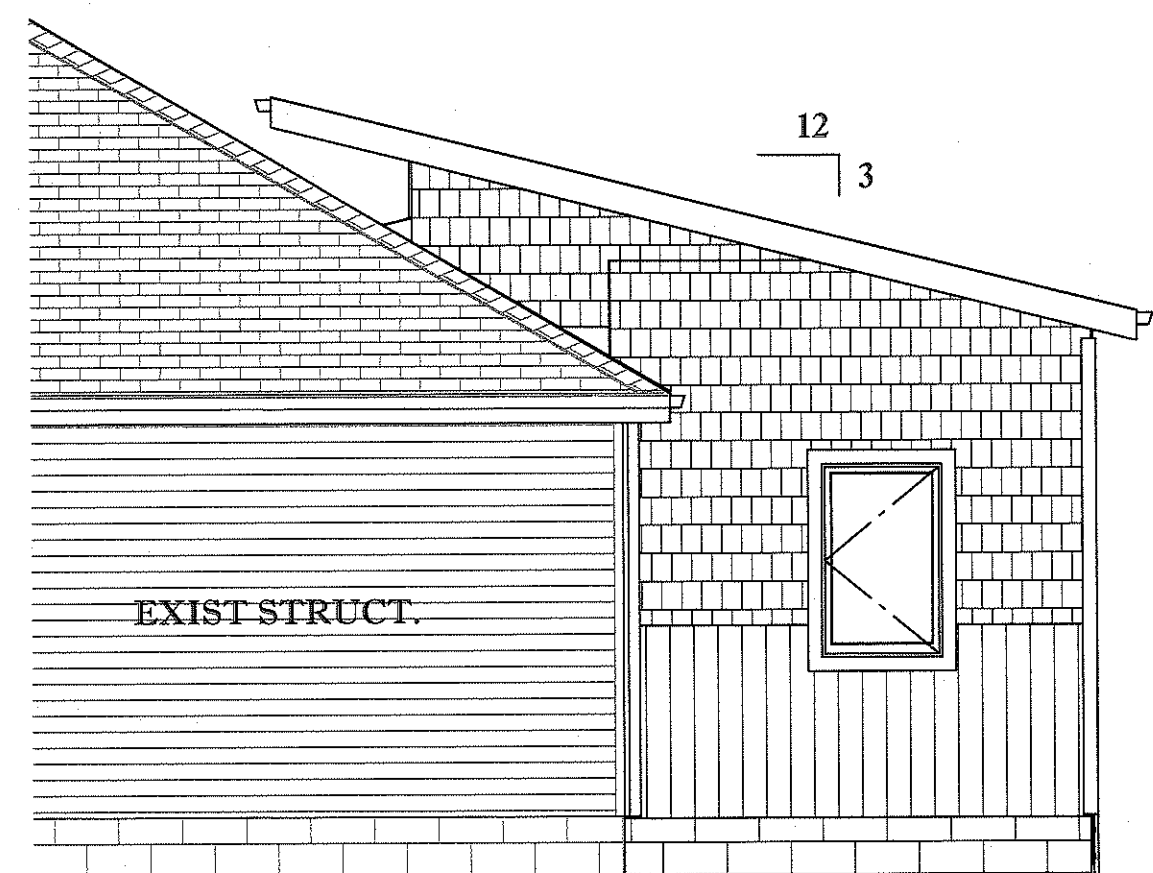
SCALE:

AS NOTED

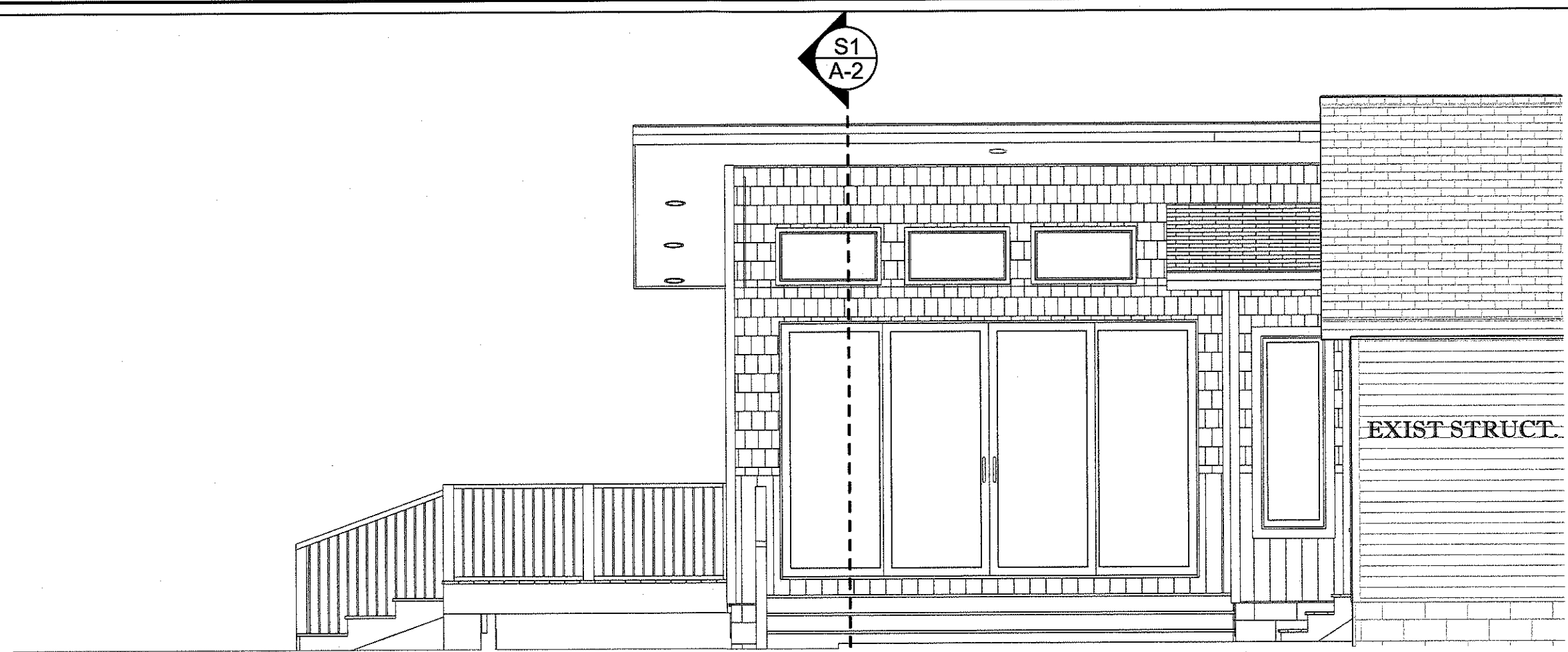
SHEET:

A-1

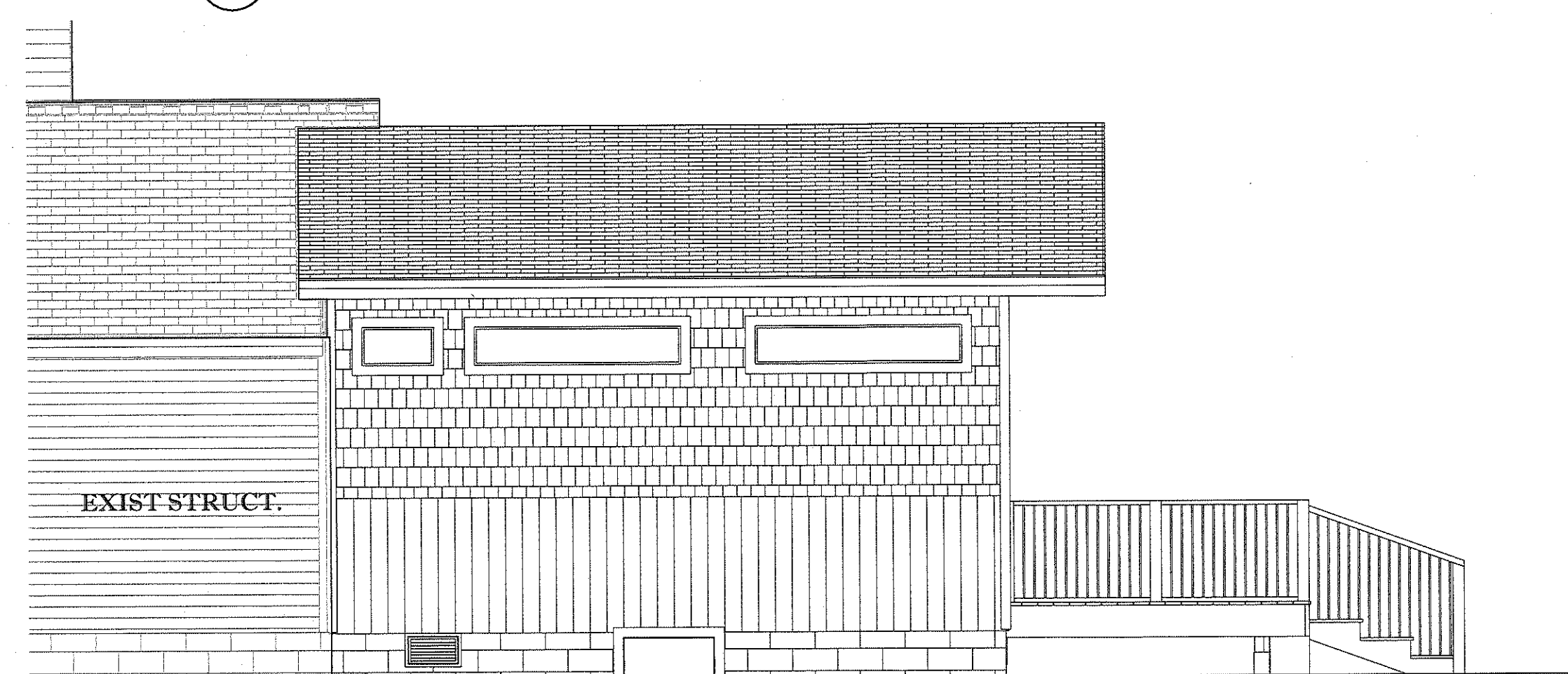




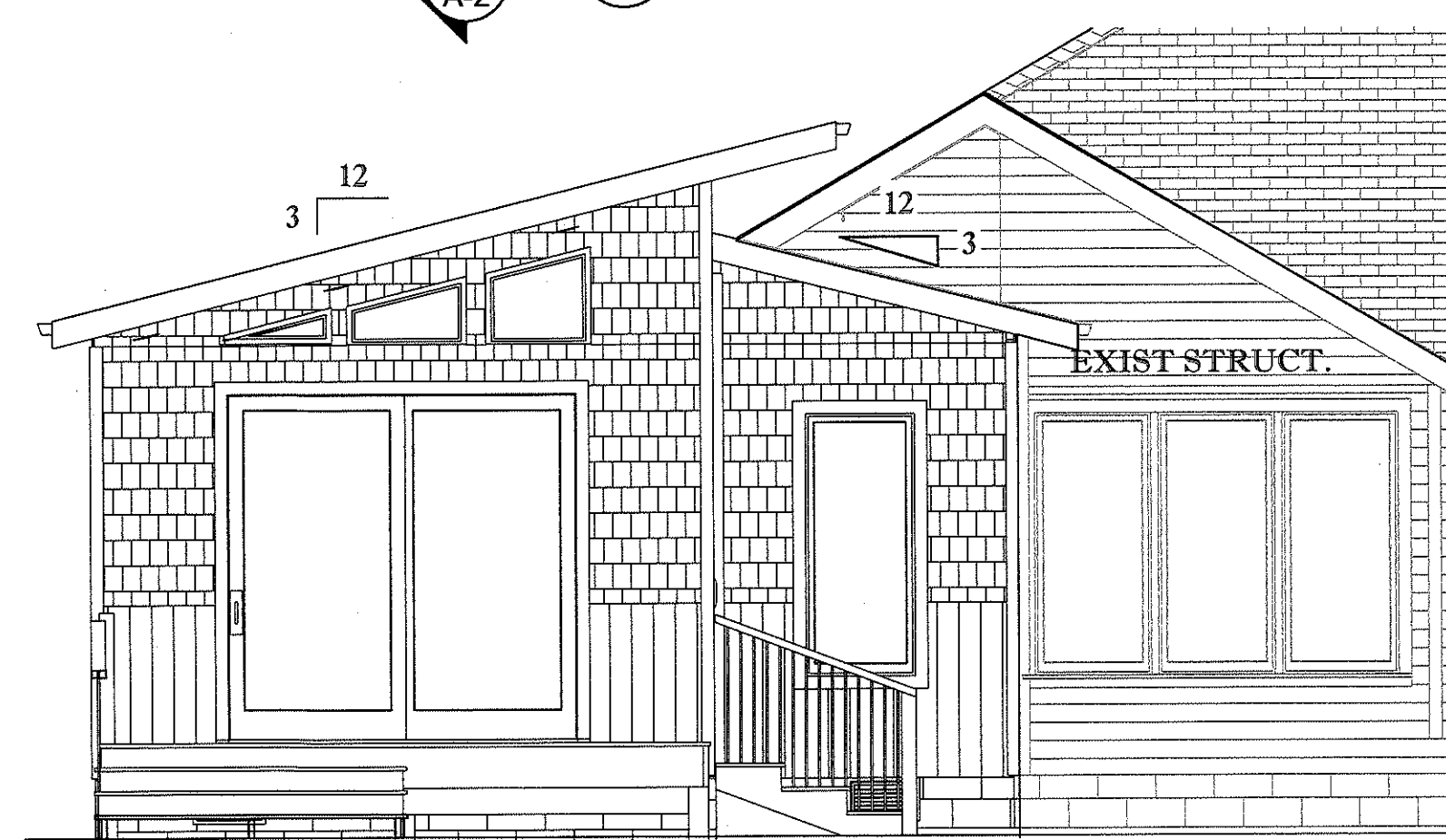
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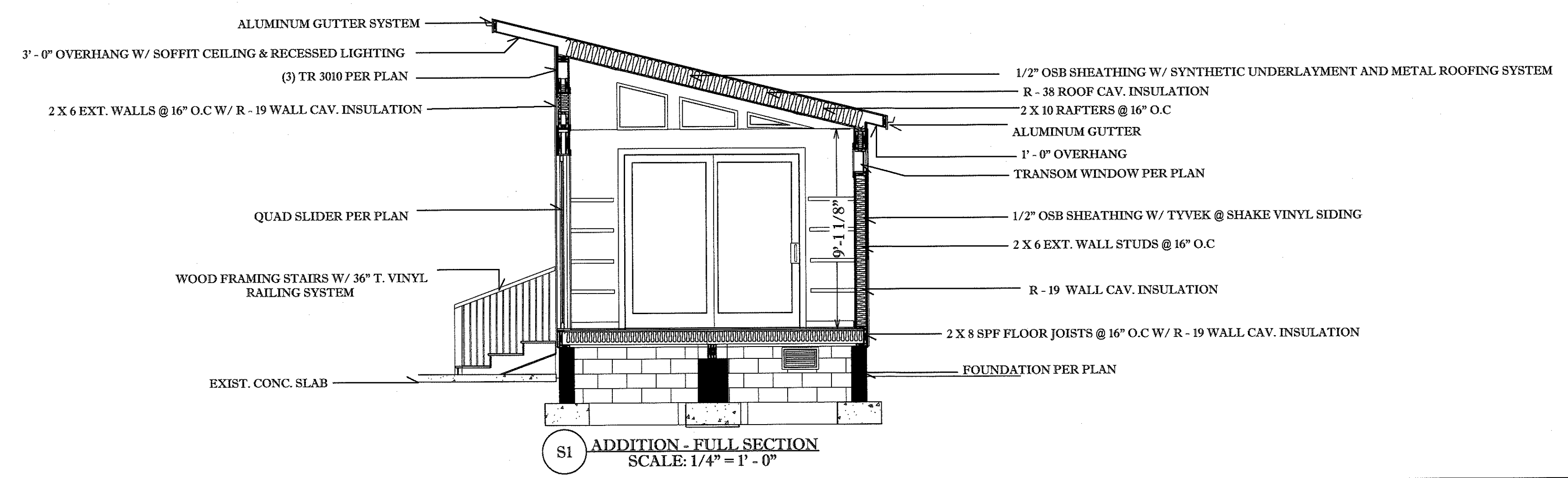
E2 EXTERIOR ELEVATION - LEFT  
SCALE: 1/4" = 1' - 0"



E3 EXTERIOR ELEVATION - RIGHT  
SCALE: 1/4" = 1' - 0"



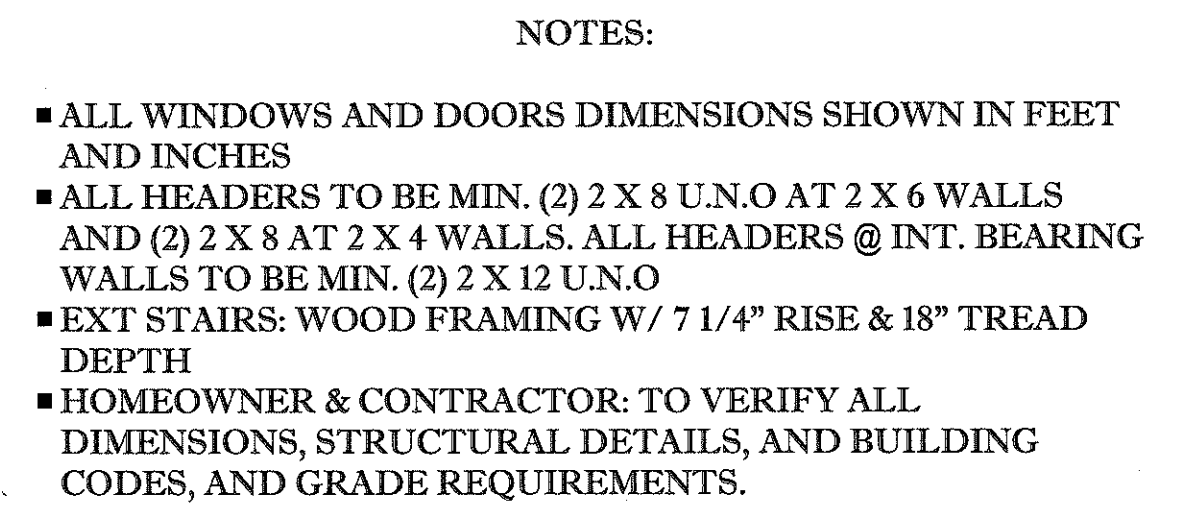
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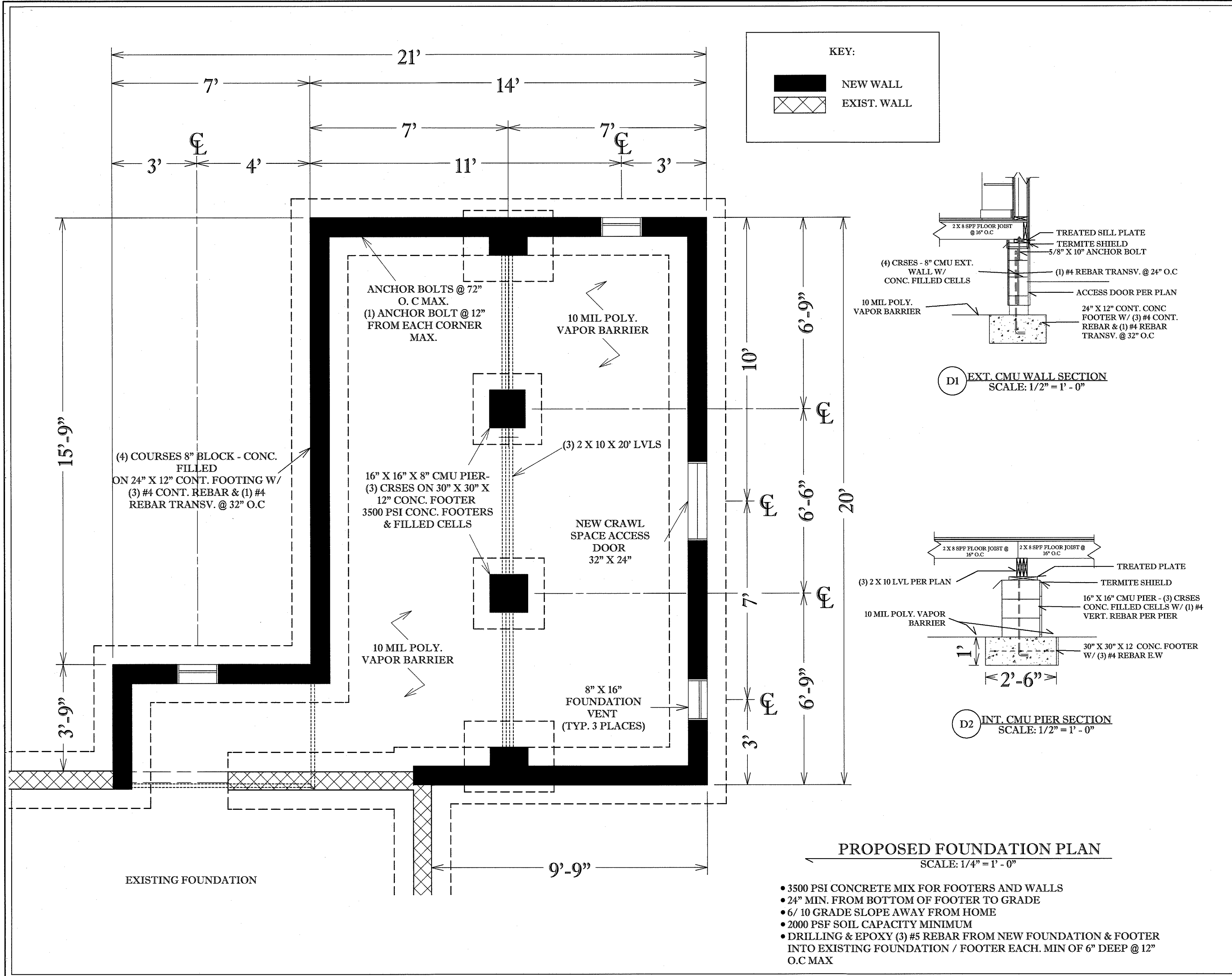


S1 ADDITION - FULL SECTION  
SCALE: 1/4" = 1' - 0"

DRWG NO.	
DATE	
BY	
DESCRIPTION	
NO.	
SHEET TITLE:	
PROJECT DESCRIPTION:	
DRAWINGS PROVIDED BY: S. GRANADOS	
D.	
12	
SC	
A	
SE	







DRWG NO.	24 - 26	IRC 2021
NO.		
DESCRIPTION		
BY		
DATE		

**FOUNDATION & DETAILS**

**PROJECT DESCRIPTION:**  
4 SANDALWOOD DR.  
REHOBOTH BEACH, DE  
19971

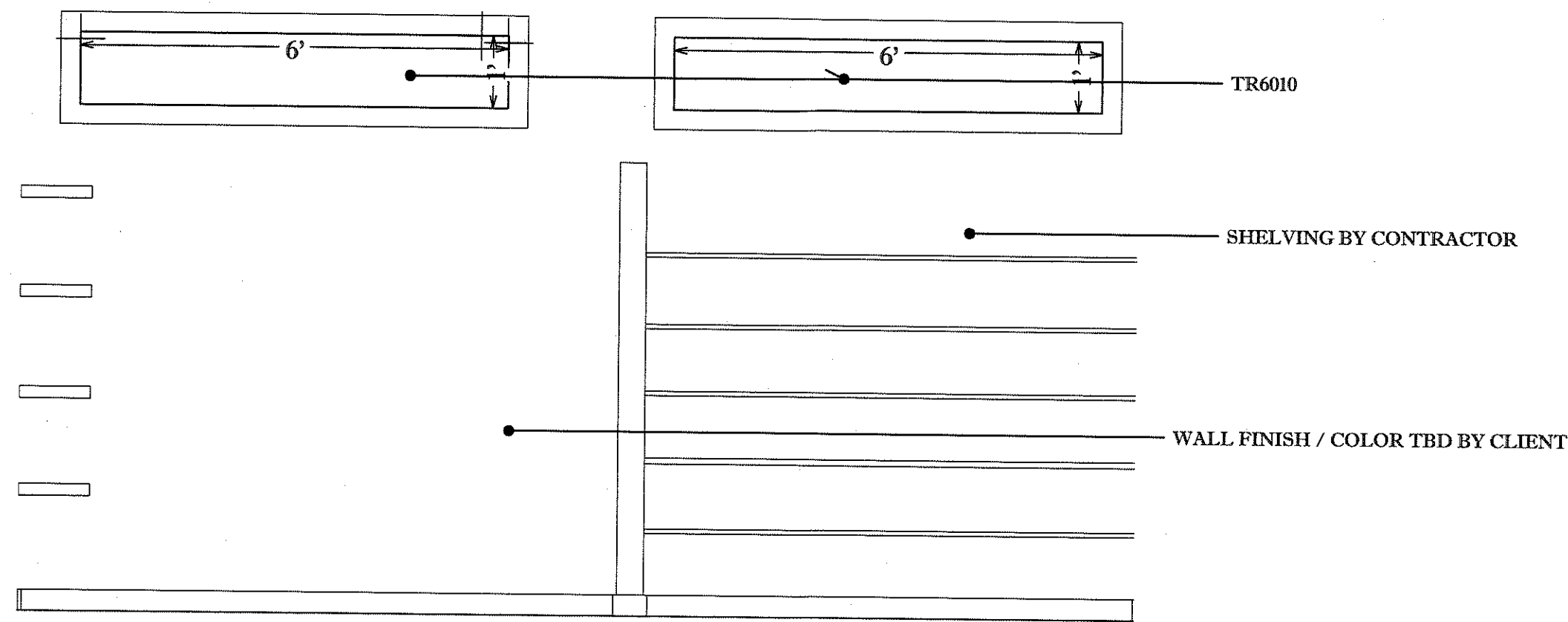
**DRAWINGS PROVIDED BY:** S. GRANADOS  
SHARON GRANADOS IS NOT AN ARCHITECT OR ENGINEER. ANY STRUCTURAL CONSIDERATIONS SHOULD BE VERIFIED BY AN ARCHITECT OR ENGINEER. ALL LOCAL CODES SHOULD BE FOLLOWED

**DATE:**  
12/16/2024

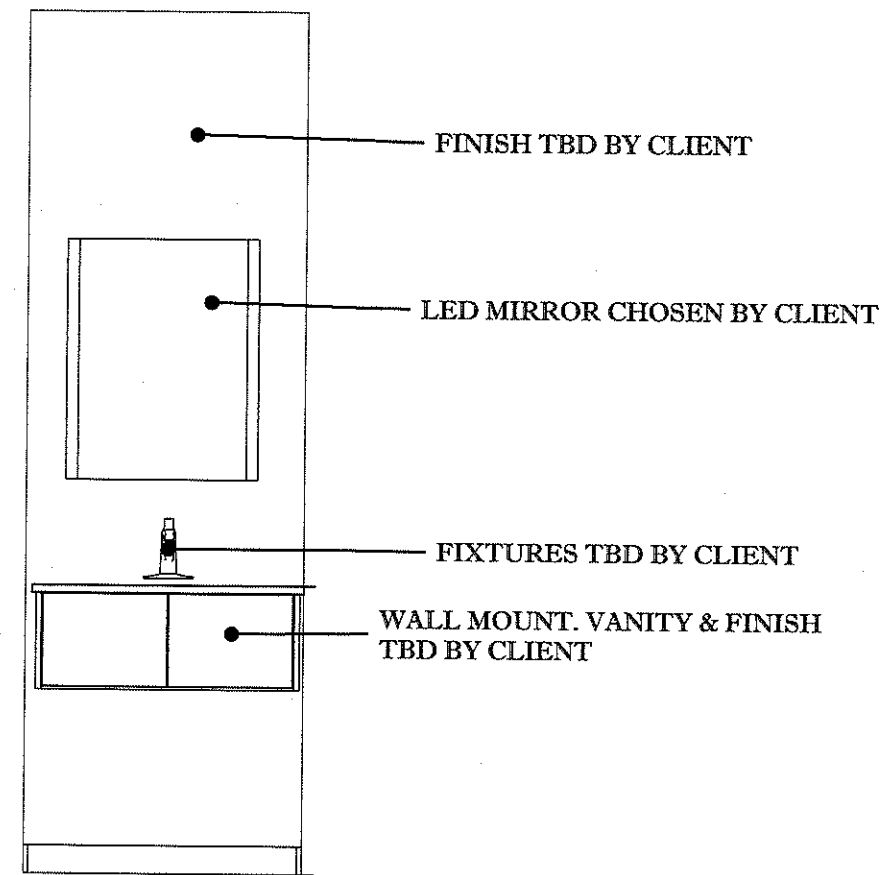
**SCALE:**  
AS NOTED

**SHEET:**  
A-4

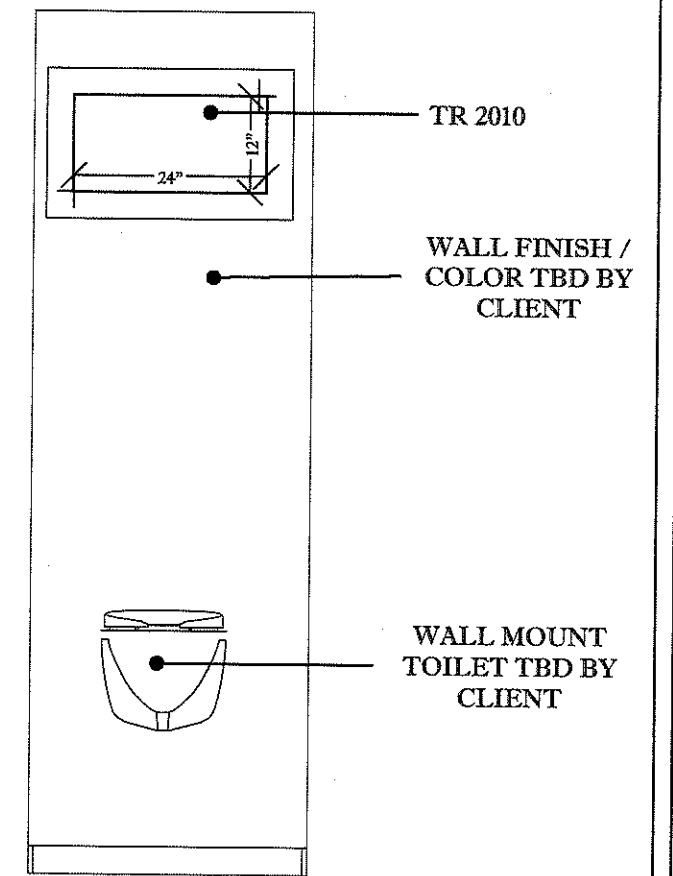




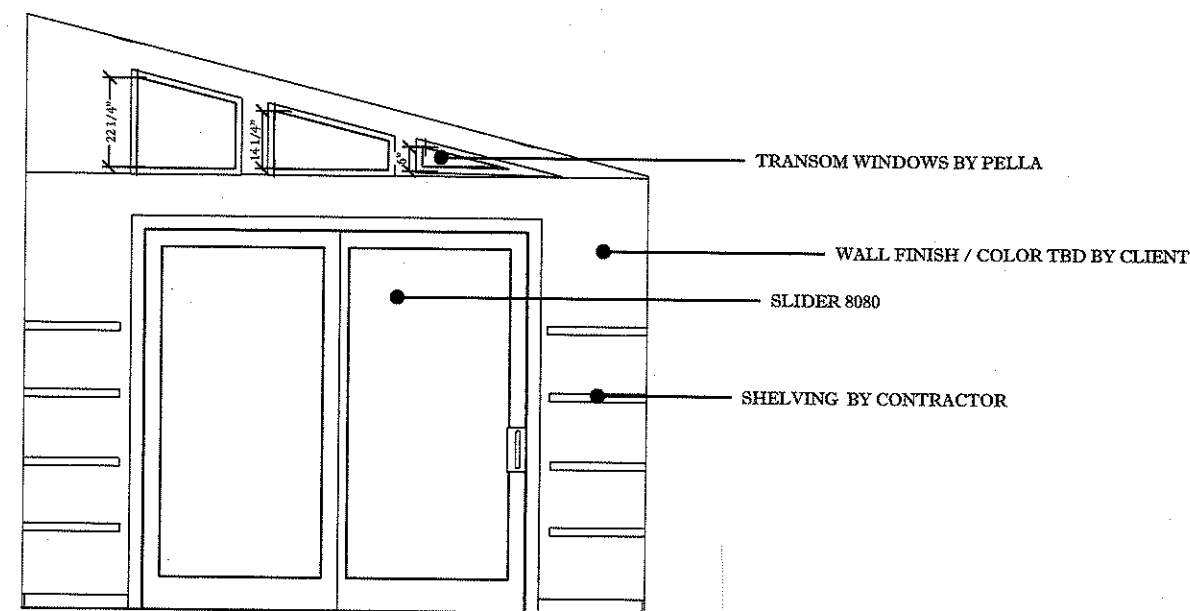
E5 INT. WALL ELEVATION  
SCALE: 1/4" = 1' - 0



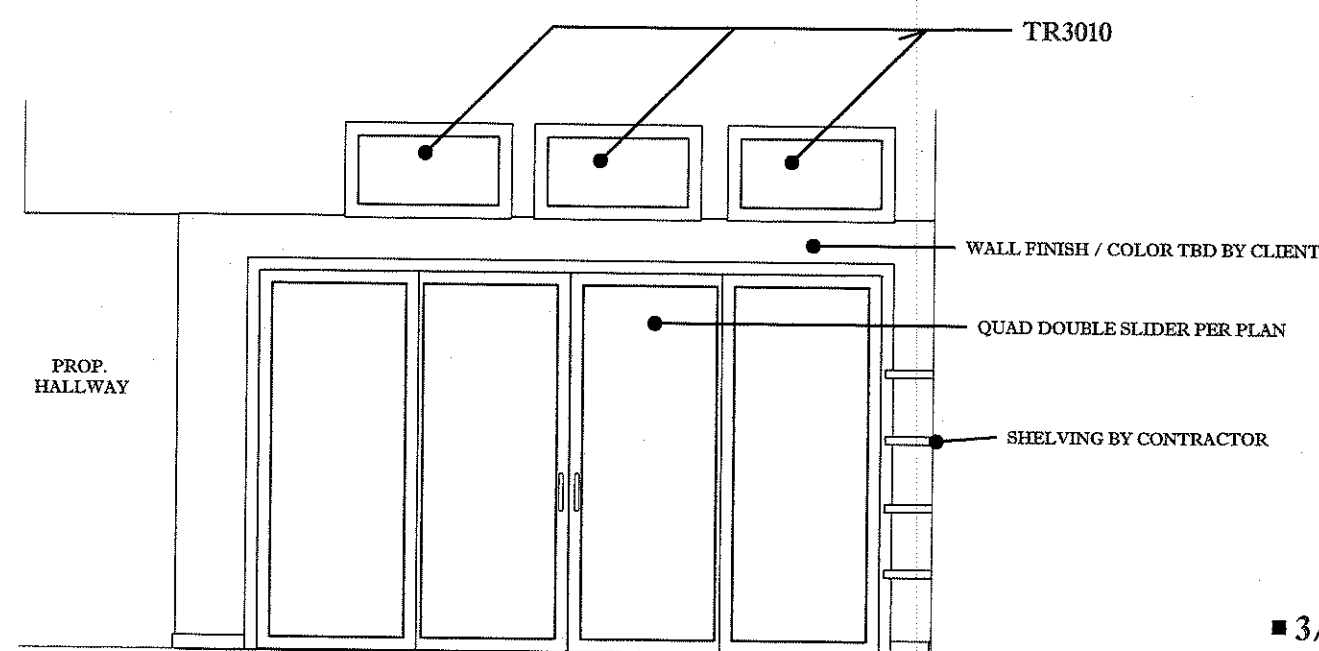
E6.1 HALL BATH INT. WALL ELEVATION - 1  
SCALE: 1/4" = 1' - 0



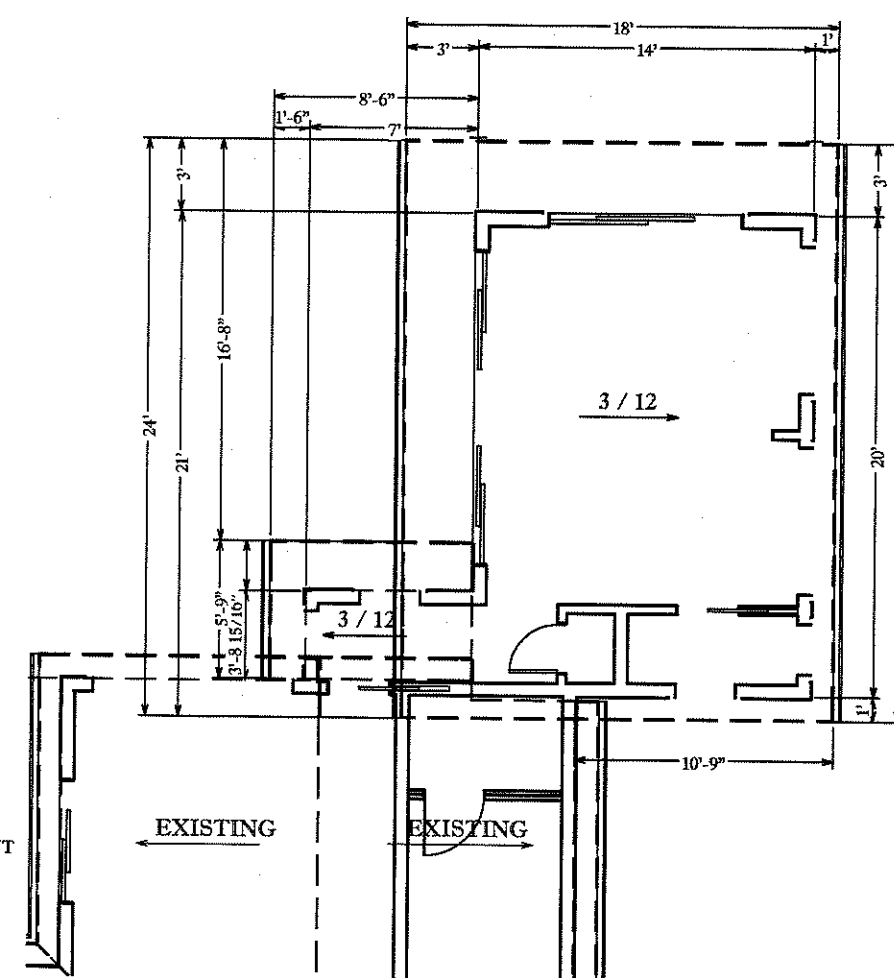
E6.2 HALL BATH INT. WALL ELEVATION - 2  
SCALE: 1/4" = 1' - 0



E7 INT. WALL ELEVATION  
SCALE: 1/4" = 1' - 0

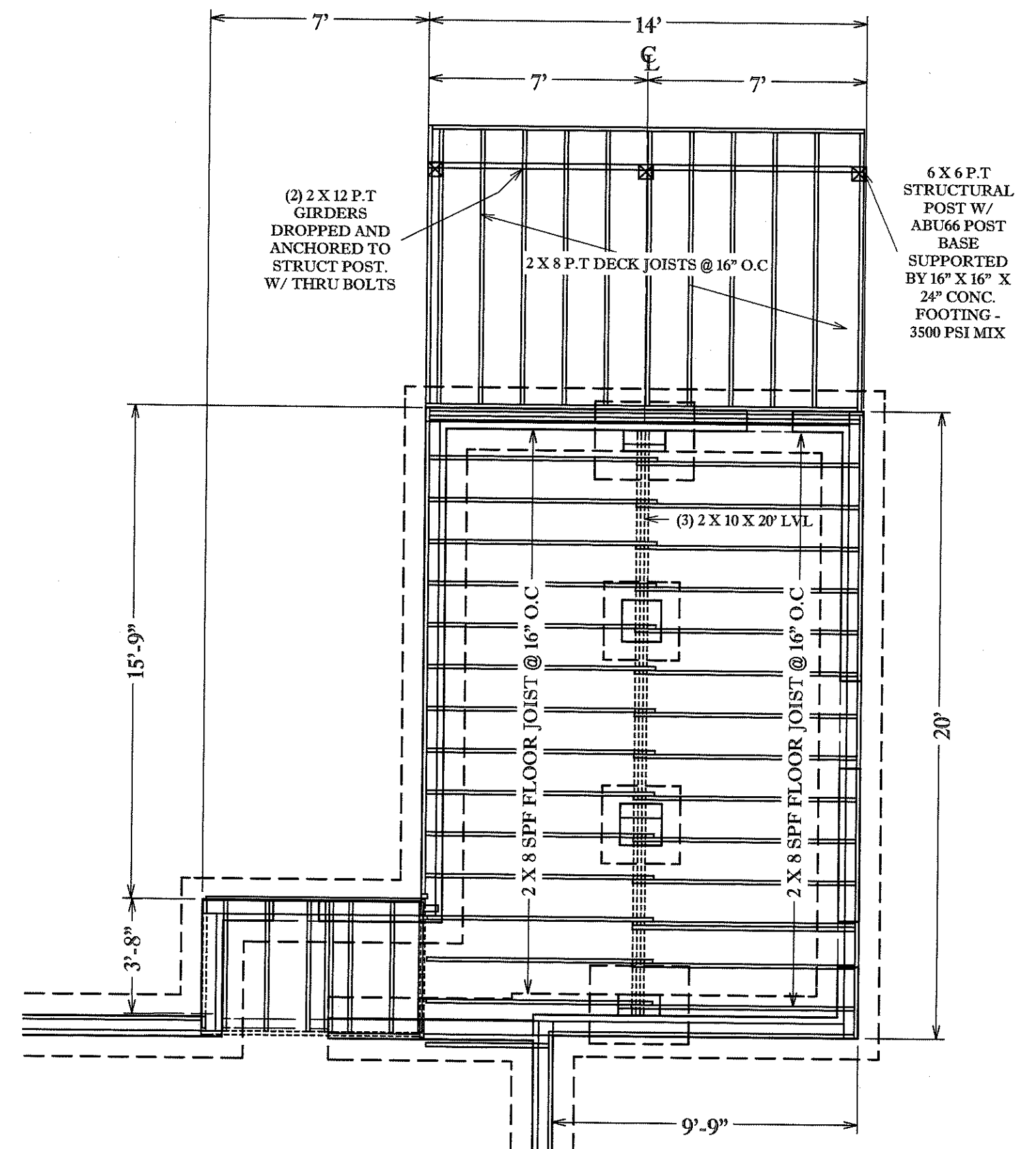


E8 INT. WALL ELEVATION  
SCALE: 1/4" = 1' - 0



PROP. ROOF PLAN  
SCALE: 1/8" = 1' - 0

- 3/12 PITCH SLOPE AWAY FROM POOL
- METAL SHINGLES REQUIRED
- 3/12 PITCH IN CONNECTING HALLWAY
- SIMPSON STRONG TIE H2.5AZ HURRICANE TIES REQ. @ EACH RAFTER
- RECESSED LIGHTING THROUGHOUT



PROP. JOIST PLAN  
SCALE: 1/8" = 1' - 0

- 2 X 8 SPF FLOOR JOISTS @ 16" O.C.
- DOUBLE JOIST UNDER EACH PARTITION
- STAGGER BLOCKING EVERY 4' - 6'

DRWG NO.  
24 - 26

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
INT. ELEVATIONS &  
FRAMING

PROJECT DESCRIPTION:  
4 SANDALWOOD DR.  
REHOBOTH BEACH, DE

DRAWINGS PROVIDED BY: S. GRANADOS  
SHARON GRANADOS IS NOT AN ARCHITECT  
OR ENGINEER. ANY STRUCTURAL  
CONSIDERATIONS SHOULD BE VERIFIED BY  
AN ARCHITECT OR ENGINEER. ALL LOCAL

DATE:

12/16/2021

SCALE:

AS NOTED

SHEET:

A-5

**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 # 13035  
 Hearing Date 1-27-2015  
202418350

RECEIVED

DEC 18 2024

SUSSEX COUNTY  
 PLANNING & ZONING

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

Variance ☒  
 Special Use Exception ☐  
 Administrative Variance ☐  
 Appeal ☐

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

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

32952 Misty Lane, Lewes, DE 19958

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

Request to allow an existing garage wall to be within the 10' Side Yard Setback, specifically at 5.9' from the property line as it stands today. The garage is currently detached from the primary existing structure (and therefore not subject to the 10' setback), but we would like to connect the garage to the primary structure which would make the garage subject to the 10' setback.

**Tax Map #:** 334-11.00-95.00

**Property Zoning:** GR

**Applicant Information**

Applicant Name: Brian Cox  
 Applicant Address: 32952 Misty Lane  
 City Lewes State DE Zip: 19958  
 Applicant Phone #: (201) 572-6596 Applicant e-mail: 32952mistylane@gmail.com

**Owner Information**

Owner Name: Brian Cox  
 Owner Address: 32952 Misty Lane  
 City Lewes State DE Zip: 19958 Purchase Date: 4/19/23  
 Owner Phone #: (201) 572-6596 Owner e-mail: 32952mistylane@gmail.com

**Agent/Attorney Information**

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

**Signature of Owner/Agent/Attorney**



Date: 12/10/24



**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.

This property is unique due to its narrowness. Although the zoning map shows the property as having 100' of road frontage, in actuality the property is only 91' across when measured perpendicular to the property boundaries with our neighbors. This narrowness is a contributing factor to our request for a variance.

**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 reason we are connecting the garage to the primary structure is so that we can add an elevator in the new "connecting" structure for our disabled adult daughter who lives with us. Without the variance we would have to tear down the current garage and "move" it closer, but then there would not be enough room for all of the desired features of the new construction.

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

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

Having purchased the property in 2023 we did not place the garage in its current location. We are trying to work with the structure as-is and as constructed by a prior owner, who placed the garage 5.9' from the property line at its closest point of approach.

**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.

Because the garage is already sitting 5.9' from the property line, the new construction - if approved - will not affect our neighbor at all. The garage wall would remain 5.9' from the property line. The only change would be in the space between the garage and primary structure, and our planned construction would be consistent with the character of the neighborhood.

**5. Minimum variance:**

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

We feel that the variance, if authorized, will represent the minimum variance since we are not changing the existing wall and its 5.9' setback from the property line. This allows for the least modification of existing structures also.

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

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

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

---

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

---

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

---



## Check List for Applications

The following shall be submitted with the application


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

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

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

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

**Signature of Owner/Agent/Attorney**

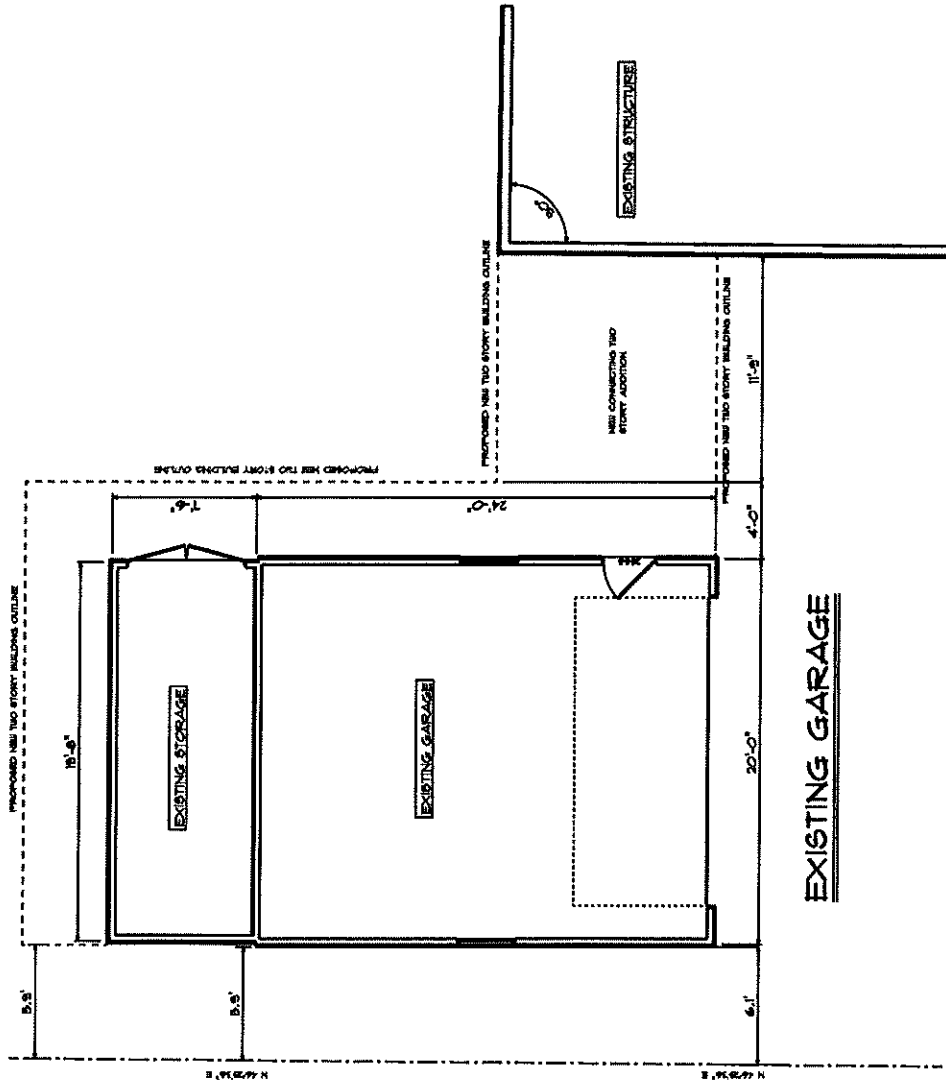


Date: 12/10/24


**For office use only:**

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

Subdivision: \_\_\_\_\_ Lot#: \_\_\_\_\_ Block#: \_\_\_\_\_  
 Date of Hearing: \_\_\_\_\_ Decision of Board: \_\_\_\_\_



VARIANCE REQUEST BASED OFF OF EXISTING REAR STRUCTURE SETBACK (5.9') WILL BE REQUESTED TO BE A 9.9' VARIANCE TO KEEP EXISTING WALL LINE

VARIANCE LAYOUT			
30302 HIBBY LANE LEWIS	BRIAN & MICHELLE COX DE		SCALE: 1" = 10'-0"
	26342 BROADKILL RD. MILTON, DE 19668 (302) 684-5032		DATE: 12/6/2024
 <b>M.R. Designs, Inc.</b>		DRAWN BY: MRD	DRAWING NO.
		REVISED:	1 of 1



BOUNDARY SURVEY PLAN  
LANDS OF "MICHAEL STEPHEN KOMPARE  
AND GEORGIA NATALIA KOMPARE"

ZONING CLASSIFICATION: GR

ALSO KNOWN AS: "32952 MISTY LANE, LEWES, DE"

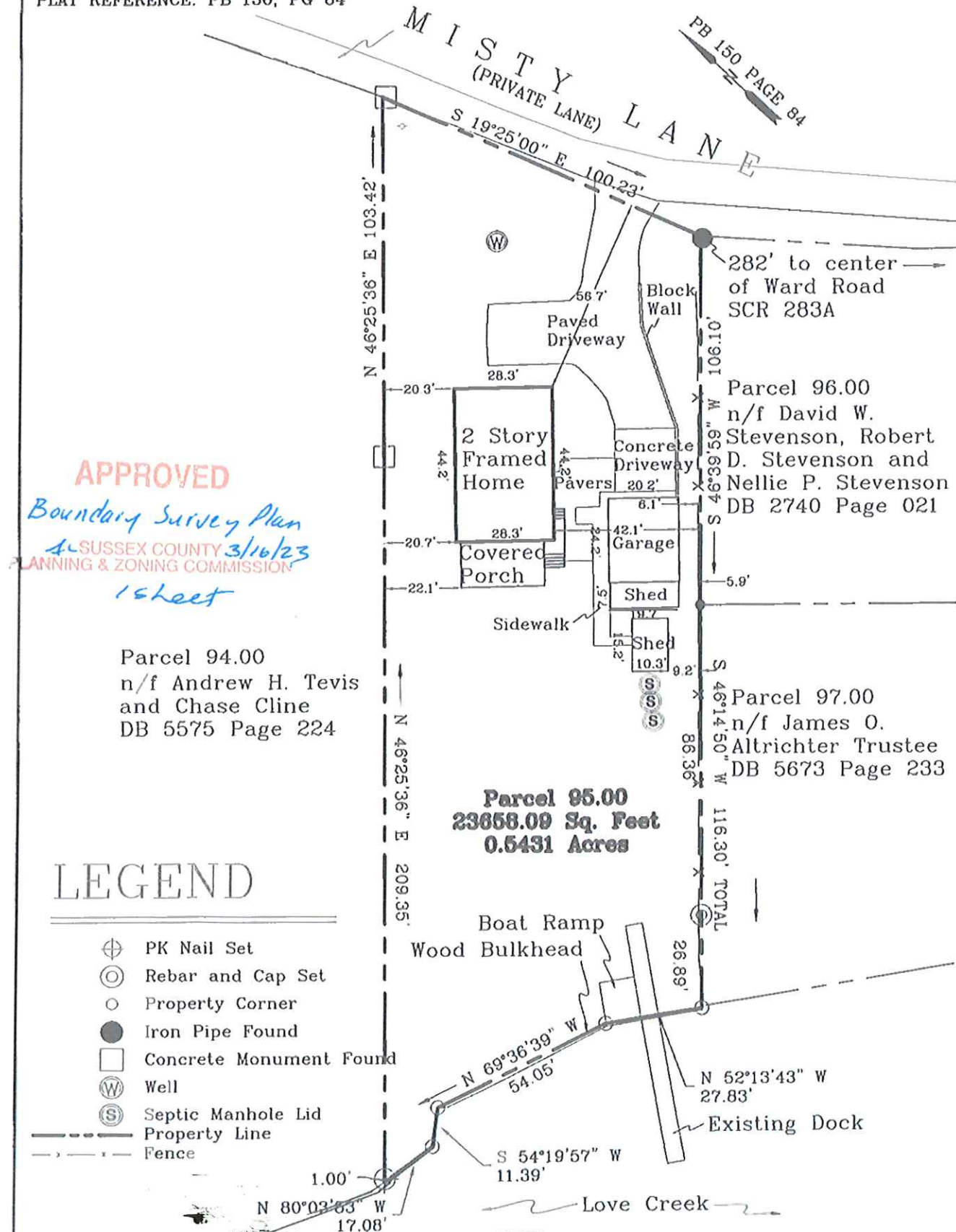
SITUATE IN: "LEWES & REHOBOTH HUNDRED"

SUSSEX COUNTY \* STATE OF DELAWARE

TAX MAP #: 334-11.00-95.00

DEED REFERENCE: DB 5595, PG 313

PLAT REFERENCE: PB 150, PG 84







Layers

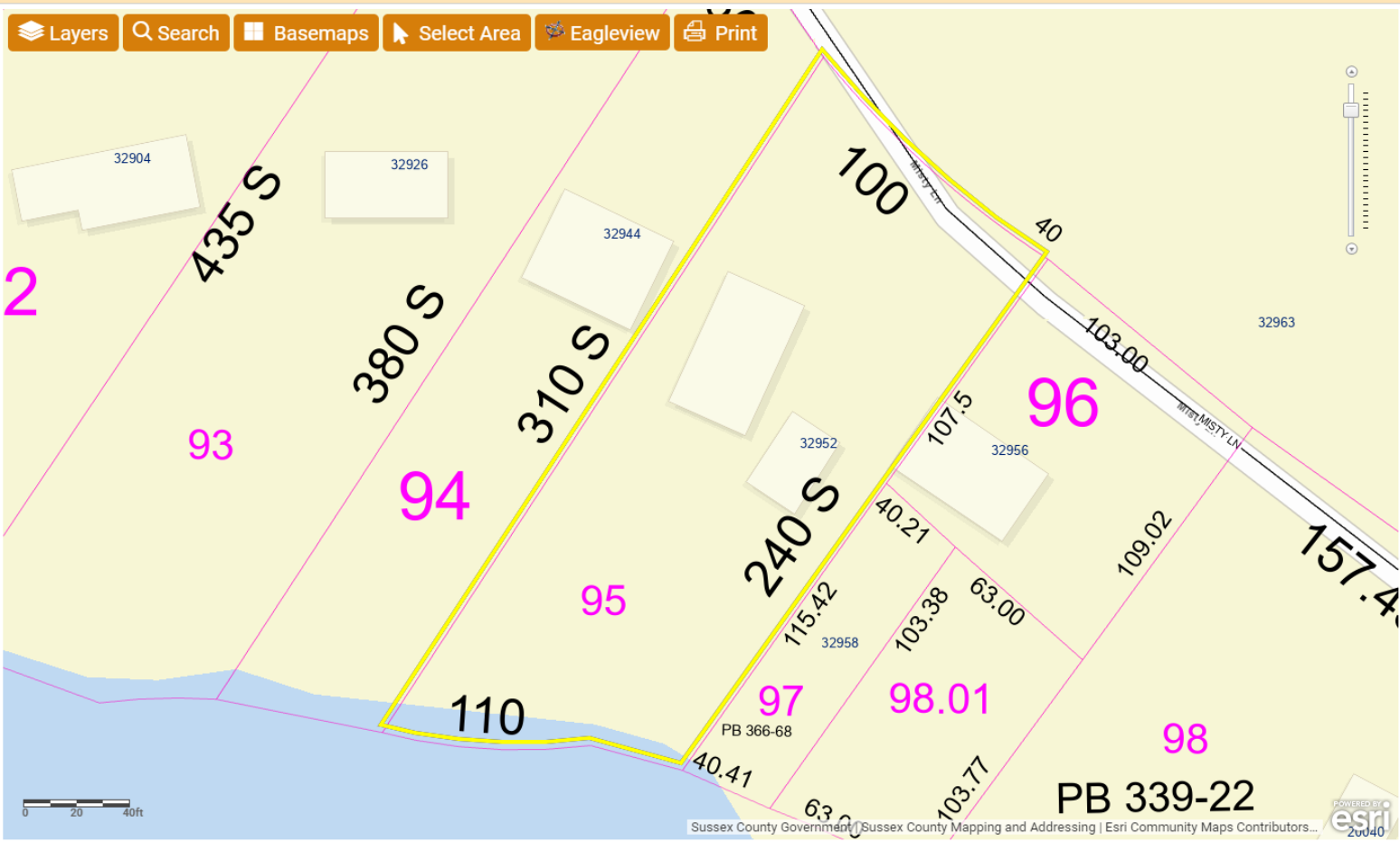
Search

Basemaps

Select Area

Eagleview

Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 334-11.00-95.00 Zoom

BOOK	5891
PAGE	346
FULLNAME	COX BRIAN EDWARD
Second_Owner_Name	MICHELLE LYNN COX
MAILINGADDRESS	32952 MISTY LN
CITY	LEWES
STATE	DE
a_account	
DESCRIPTION	SW SD PRIVATE RD
DESCRIPTION2	LOT W/IMP
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	47000
APRLAND	10000
PINWASSEMENTUNIT	334-11.00-95.00
PIN	334-11.00-95.00

Selected Features (1)

Clear Selected



Eagleview	Search Results
Selected Features:	Parcels (1)
▼ 1) 334-11.00-95.00	Zoom
BOOK	5891
PAGE	346
FULLNAME	COX BRIAN EDWARD
Second_Owner_Name	MICHELLE LYNN COX
MAILINGADDRESS	32952 MISTY LN
CITY	LEWES
STATE	DE
a_account	
DESCRIPTION	SW SD PRIVATE RD
DESCRIPTION2	LOT W/IMP
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	47000
APRLAND	10000
PINWASSEMENTUNIT	334-11.00-95.00
PIN	334-11.00-95.00

Selected Features (1)

[Clear Selected](#)









Example / Mock-up

