



**Kent County Board of Adjustment
Meeting Notice and Agenda
555 Bay Rd.
Dover, DE 19901
Levy Court Chambers - Room 203
Thursday, February 19, 2026**

6:00 PM, BOARD OF ADJUSTMENT MEETING

Board Members will meet in the Levy Court Chamber; the public is welcome to attend.

Join the meeting via Webex by going to:

[https://kentcountyde.webex.com/kentcountyde/j.php?](https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mc42be332ad396ce728da759ae0241f0d)

[MTID=mc42be332ad396ce728da759ae0241f0d](https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mc42be332ad396ce728da759ae0241f0d)

Or by phone, by calling 1-408-418-9388

Meeting number (access code): 2338 660 6320

I. Public Hearing Call to Order

Roll Call and Determination of Quorum

Introduction of Staff

The Pledge of Allegiance

Additions and/or Alterations to Agenda

Public Hearing Introduction

Statement by Counsel

Public Hearing

Receipt of testimony on the following applications in accordance with the procedures outlined below:

1. Reading of the Legal Notice and presentation of exhibits by the Planning Staff.
2. Testimony by the Applicant and others in favor of the application.
3. Testimony by those opposed to the application.

A-26-03 Sunrise Solar, Inc. (Owner: Dwight S. & Janey P. Meyer Trust)
Tax Map No. 8-00-112.00-01-09.00-000

A-26-04 Meyer's RV Centers, LLC (Owners: F.J. Webb Family, LP; Little Bit of Luck Land Management LLC)
Tax Map No. 5-00-152.00-01-46.00-000; 5-00-152.00-01-48.00 & 49.00

II. Business Meeting Call to Order

Minutes

Approval of the Business Meeting Minutes from the January 22, 2026 Meeting

Notices of Decision

A-26-01 Douglas A. & Cyndi Jacobs (Owner: Douglas Albert Jacobs)
Tax Map No. 2-00-097.16-01-27.00-000

Old Business

New Business

Deliberation and Action on Applications Heard at the Public Hearing.

Adjournment

As a courtesy to other participants in this hearing, a maximum of three (3) minutes will be allotted to any person who wishes to provide testimony for any application or appeal. The Chairperson of the Board of Adjustment has the discretion to allow additional time if deemed to be necessary.

POSTING DATE: 02/12/26
POSTING TIME: 8:45 a.m.
POSTED BY: Adam Lyncha, Planning Tech.
TAKE DOWN: 02/20/26, 0:00 p.m

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.



Item Cover Page

BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: February 19, 2026

SUBMITTED BY: Jesse Lindenberg, Planning Services

ITEM TYPE: Application

AGENDA SECTION: **Public Hearing**

SUBJECT: **A-26-03** Sunrise Solar, Inc. (Owner: Dwight S. & Janey P. Meyer Trust)
Tax Map No. 8-00-112.00-01-09.00-000

ATTACHMENTS:

[A-26-03 Sunrise Solar, Inc. Staff Report](#)
[A-26-03 Sunrise Solar, Inc. Exhibit A](#)
[A-26-03 Sunrise Solar, Inc. Exhibit B](#)
[A-26-03 Sunrise Solar, Inc. Applicant Response](#)
[A-26-03 Sunrise Solar, Inc. Letter of Support](#)
[A-26-03 Sunrise Solar, Inc. Posting Photos](#)



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

February 19, 2026

APPLICATION: A-26-03

APPLICANT: Sunrise Solar, Inc.
c/o Kendrick Tice
6408 Church Hill Rd.
Chestertown, MD 21620

OWNERS: Dwight S. & Janet P. Trustees
83 Marjorie Papen Dr.
Magnolia, DE 19962

PROPERTY LOCATION: 1890 Woodleytown Rd.
Magnolia, DE 19962

NATURE OF REQUEST:

A-26-03 Sunrise Solar, Inc. (Owner: Dwight S. & Janey P. Meyer Trust) seeks a variance from the requirement that a minimum six-foot-high four-season visual barrier be established for the construction of a community-energy generating facility (**§205-73.E(6) of the Kent County Code**). The property is located on the east side of Woodleytown Rd., approx. 275' south of Briarbush Rd, west of Magnolia. Levy Court District: 4th. Zoning District: AC. **Tax Map No. 8-00-112.00-01-09.00-000**

The applicant is requesting a variance from the condition of approval requiring a minimum six-foot-high four-season visual barrier along the entire perimeter of a community-energy generating facility. The site has administrative approval for a solar facility, and the applicant is seeking partial relief from the visual barrier for approximately 665' along the rear property line.

I. STAFF RECOMMENDATION:

The Staff has reviewed the information presented by the applicant and recommends that the Board strongly consider all public testimony in making their decision. The staff recommends **APPROVAL** of the variance based on the analysis of the four criteria from the applicants and staff as follows:

II. RESPONSE TO CRITERIA:

1. The nature of the zone where the property lies.

Applicant Response:
See attached.

Staff Response:

As shown on Exhibit A, the subject site is zoned AC (Agricultural Conservation) inside the growth zone. The surrounding properties are also zoned AC. Community-energy generating facilities are a normal improvement within the zoning district, provided they meet the conditions of approval.

2. The character and uses of the immediate vicinity.

Applicant Response:

See attached.

Staff Response:

The character of the surrounding area is agricultural and residential. The adjacent properties to the north are single family residences. Across Woodleytown Rd. (north and northwest), there are also a few single-family residences and several large farm fields. One of these fields also has approval for a solar facility. Southwest of the site is The Fields of Magnolia residential development. The main parcel to the south/southeast is largely comprised of farm fields, though it is also improved with two single-family homes, multiple accessory structures, and a runway for agricultural aircraft. Further south, there are also a few vacant parcels and one single-family residential property.

3. Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties.

Applicant Response:

See attached.

Staff Response:

A partial removal of the visual barrier requirement would benefit the neighboring properties. A majority of the project site will still comply with the buffering requirement, which includes the portions of the site which are closest to the more residential areas. The applicant is only seeking relief for a portion along the rear property line that is visible from the parcels to the south. The immediately adjacent parcel would be the most affected, as it surrounds the parcels further south and mostly blocks them from view. The owners of this adjacent piece have submitted a letter of support for the application, which outlines how installation of the barrier in this area would negatively affect their property. As noted above, the farm field on this property contains a runway for agricultural aircraft. The runway terminates near this adjacent property line, and installation of a wooded buffer in this area would pose a safety risk for the pilots. Additionally, we have received no objections to the application.

4. Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property. Economic hardship, standing alone, may justify granting an area variance and the inability to prove one's business or to stay competitive as a result of area limitations may qualify as a legitimate exceptional practical difficulty.

Applicant Response:

See attached.

Staff Response:

Failure to partially remove the restriction of the required visual barrier would create an exceptional practical difficulty for the applicant in relation to making a normal improvement on the property. The intent of this condition of approval is to buffer adjacent properties from community energy-generating facility uses by blocking the potential visual nuisance. This project is unique, in that it is located next to an agricultural airstrip. In this case, the visual barrier is not desired by the adjacent owner, and its installation would also pose a safety risk to the pilots that utilize the airfield. As such, requiring the visual barrier along the 665' section of the rear property line would be contrary to the intent of the condition and requiring the applicant to comply would be an exceptional practical difficulty.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Board of Adjustment shall give considerable weight to public testimony received during the public hearing in considering its decision.

III. APPLICATION BACKGROUND INFORMATION:

- The applicant is requesting a variance from the condition of approval requiring a minimum six-foot-high four-season visual barrier for a community-energy generating facility. The site has administrative approval for a solar facility, and the applicant is seeking partial relief from the visual barrier for approximately 665' along the rear property line.
- The subject site is 42.25± acres in size, with a project area of 16.93 acres. The property is currently improved with a single-family dwelling and several accessory structures. The solar facility is also under construction.
- There have been no previous Board of Adjustment applications on the subject site.
- There have been no other Board of Adjustment applications in the surrounding area similar to this request.
- The applicant is advised that, should the request be granted, a revised landscape plan shall be submitted for the project. For more information, contact the Planning Department at (302)744-2471 between 8:00a.m. and 5:00p.m.

ENC: Exhibit A
Exhibit B
Applicant Response
Letter of Support



KENT COUNTY

Board of Adjustment

LOCATION AND ZONING MAP

A-26-03 Exhibit A

APPLICANT: Sunrise Solar, Inc.

OWNER: Dwight S. & Janey P. Meyer Trust

PRESENT ZONING DISTRICT:
AC (Agricultural Conservation)

PROPOSED VARIANCE:
Variance from the requirement that a minimum six-foot-high four-season visual barrier be established for the construction of a community-energy generating facility

PRESENT USE:
Residential

PROPOSED USE:
Same

LEVY COURT DISTRICT:
4th - Scott

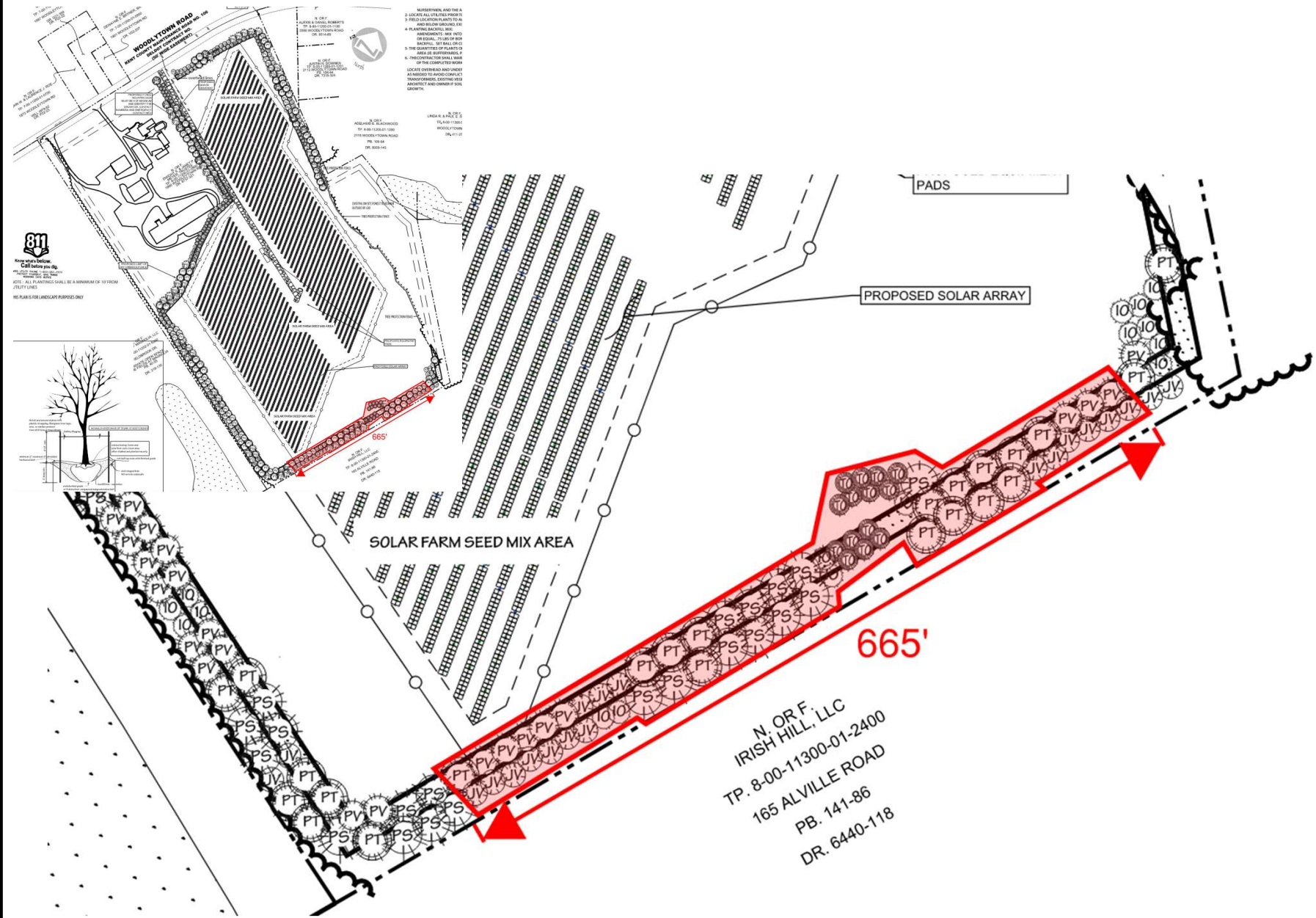
TAX MAP NO:
SM-00-112.00-01-09.00-000

LOCATION:
Located on the east side of Woodleytown Rd., approx. 275' south of Briarbush Rd, west of Magnolia



Application: A-26-03
Sunrise Solar, Inc (Meyer)

Variance from the requirement that a minimum six-foot-high four- season visual barrier be established for the construction of a community-energy generating facility



A-26-03 Sunrise Solar, Inc.
Applicant Response

State Exceptional Practical Difficulty based on the following 4 criteria:

1. The nature of the zone where the property lies;
2. The character and uses of the immediate vicinity;
3. Whether removal of the restriction on the applicant's property would seriously effect the neighboring properties;
4. Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property. Economic hardship, standing alone, may justify granting an area variance and the inability to prove one's business or to stay competitive as a result of area limitations may qualify as a legitimate exceptional practical difficulty.

We are formally requesting a variance for the vegetative buffer requirement on the east side of our property located at

1890 Woodleytown Rd, Magnolia, DE 19962. The request is being made in consideration of concerns raised by an adjacent Al Johnson.

Mr. Johnson operates an airstrip on his property and has expressed that the required vegetative buffer could interfere with the safe operation.

Please see the attached letter from Mr. Johnson

Al Johnson
Irish Hill, LLC
165 Alville Rd
Magnolia, DE

September 25, 2025

Kent County Board of Adjustment
Department of Planning Services
Division of Planning
555 Bay Road
Dover, Delaware 19901

Subject: Variance Request for Vegetative Buffer Requirement – Property ID: 8-00-11300-01-2400-00001

Dear Board of Adjustment Members,

I am writing to formally request a variance from the vegetative buffer requirement along the eastern side of the solar project being installed on the adjacent property. As the owner of Irish Hill, LLC and a neighboring property owner, I have a vested interest in ensuring that the mandated tree planting does not negatively impact the operations of my private airstrip.

The requirement to plant trees along the property line presents a significant obstruction to the safe operation of my airstrip. The presence of a vegetative buffer in this location would create a hazardous environment for aircraft taking off and landing, as well as compromise visibility and clearance for safe navigation. The introduction of tall trees could also interfere with necessary flight paths and create turbulence that affects aircraft performance.

In accordance with the variance criteria, I believe the following considerations justify the request:

1. **Nature of the Zone:** The property is situated in a mixed-use area that accommodates agricultural, aviation, and solar energy infrastructure. The airstrip has been in operation for an extended period, and its continued safe use is essential.
2. **Character and Uses of the Vicinity:** The surrounding properties include open land and an existing airstrip, making the proposed vegetative buffer an unusual requirement in this setting. The safety concerns associated with tree planting near an active runway outweigh any aesthetic or environmental benefits in this specific case.
3. **Impact on Neighboring Properties:** Granting this variance would not negatively affect other neighboring properties but would significantly reduce the risk of aviation hazards. The elimination of the buffer will not diminish the function of the solar project but will preserve the safe operation of my airstrip.
4. **Unnecessary Hardship:** Failure to grant the variance would result in an exceptional practical difficulty, as it would create an operational and safety issue for the airstrip. The

hardship in this case is not merely economic but directly affects the ability to conduct normal and safe aviation activities.

For these reasons, I respectfully request approval of this variance to ensure that the solar project can proceed without compromising the safety and functionality of my airstrip. I appreciate your time and consideration of this request and look forward to your favorable decision.

Sincerely,

Heather Erbey
x *Heidi Polito*
-Al Johnson (deceased)
Owner, Irish Hill, LLC
-Heather Erbey + Heidi Polito
co-owners Irish Hill LLC

A-26-03 SUNRISE SOLAR, INC (MEYER)



A-26-03 SUNRISE SOLAR, INC (MEYER)



A-26-03 SUNRISE SOLAR, INC (MEYER)



A-26-03 SUNRISE SOLAR, INC (MEYER)



A-26-03 SUNRISE SOLAR, INC (MEYER)



A-26-03 SUNRISE SOLAR, INC (MEYER)



A-26-03 SUNRISE SOLAR, INC (MEYER)



A-26-03 SUNRISE SOLAR, INC (MEYER)





Item Cover Page

BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: February 19, 2026

SUBMITTED BY: Jamie Fenske, Planning Services

ITEM TYPE: Application

AGENDA SECTION: **Public Hearing**

SUBJECT: **A-26-04** Meyer's RV Centers, LLC (Owners: F.J. Webb Family, LP; Little Bit of Luck Land Management LLC)
Tax Map No. 5-00-152.00-01-46.00-000; 5-00-152.00-01-48.00 & 49.00

ATTACHMENTS:

[A-26-04 Meyer's RV Centers Staff Report](#)
[A-26-04 Meyer's RV Centers, LLC Exhibit A](#)
[A-26-04 Meyer's RV Centers Exhibit B](#)
[A-26-04 Meyer's RV Centers Posting Photos](#)



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

February 19, 2026

APPLICATION: A-26-04

APPLICANTS: Meyer's RV Centers, LLC
2 Marriott Dr.
Lincolnshire, IL 60069

OWNER (Parcels 46.00): F.J. Webb Family, LP
1744 S Bowers Rd
Milford, DE 19963

OWNER (Parcels 48.00 & 49.00): Little Bit of Luck Land Management LLC
127 N Rt. 73
Berlin, NJ 08009

NATURE OF REQUEST:

A-26-04 Meyer's RV Centers, LLC (Owners: F.J. Webb Family, LP; Little Bit of Luck Land Management LLC) seeks a variance from the requirement that the operation of a motor vehicle sales use be at least 20' from any adjacent property line to enable the operation of a RV sales business (§205-71.J(2) of the Kent County Code). The properties are located on the east side of the intersection of Bay Rd. and Old Cemetery Rd., north of Milford. Levy Court District: 4th. Zoning District: BG. **Tax Map No. 5-00-152.00-01-46.00, 48.00 & 49.00-000**

The applicants are requesting a variance from the required 20' operation setback from any adjacent property line for motor vehicle sales, services, storage, rental, and repair uses. They are requesting 0' rear and 0' side setbacks on all three parcels.

I. STAFF RECOMMENDATION:

The Staff has reviewed the information presented by the applicants and recommends that the Board strongly consider all public testimony in making their decision. The Staff recommends the following based on the analysis of the four criteria from the applicants and staff as follows:

1. **CONDITIONAL APPROVAL** for a variance from the 20' side setbacks of the shared property lines of parcels 46.00 & 48.00 and 48.00 & 49.00, to allow for parking to cross the property lines (as shown on exhibit B in green), with the condition that a cross-access agreement be recorded prior to issuance of a Certificate of Use.

2. **DENIAL** for a variance from the operational setback of 20' along the rear property lines, northern side property line of parcel 46.00, and southern side property line of parcel 49.00, to allow for 0' operational setbacks (as shown on exhibit B in red).

II. RESPONSE TO CRITERIA:

1. The nature of the zone where the property lies.

Applicant Response:
No response.

Staff Response:
As shown on Exhibit A, the subject parcels are zoned BG (General Business) outside the growth zone. Motor vehicle sales, services, storage, rental, and repair are permitted uses within the zone, contingent upon meeting bulk and area and parking requirements as set by the Zoning Code of Kent County.

2. The character and uses of the immediate vicinity.

Applicant Response:
No response.

Staff Response:
The character of the surrounding area is residential, commercial, and agricultural in nature. The properties to the north and south along the east side of Bay Rd. are utilized commercially. The parcel to the east of the subject parcels is agricultural. The parcels on the west side of Bay Rd. are utilized residentially and agriculturally. No properties in the immediate area have received operational setbacks for motor vehicle sales, services, storage, rental, and repair.

3. Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties.

Applicant Response:
No response.

Staff Response:
Staff's recommendation of granting conditional approval to allow a 0' side setback along the shared property lines for parcels 46.00 & 48.00 and 48.00 & 49.00 (as shown on exhibit B in green), with the condition that a cross-access agreement be recorded prior to issuance of Certificate of Use, would not seriously affect neighboring properties. No physical changes are being made to the shared property lines for parcels 46.00 & 48.00 and 48.00 & 49.00 as part of this request. The 0' setbacks would only affect the subject property owners who would agree to the cross-access agreement.

The removal of the 20' operational setback on the rear, northern side of parcel 46.00,

and southern side of parcel 49.00 would seriously affect neighboring properties. Operational setbacks provide a visual and sound buffer, reducing noise pollution and preserving the aesthetic integrity, privacy, and tranquility of neighboring properties.

4. **Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property. Economic hardship, standing alone, may justify granting an area variance and the inability to prove one's business or to stay competitive as a result of area limitations may qualify as a legitimate exceptional practical difficulty.**

Applicant Response:

The subject property comprises three separate parcels. Under County Code §205-71J(2), compliance would require the installation of 40-foot drive aisles between inventory rows of trailers. Implementing these drive aisles – standards that the prior occupant did not conform to – would result in a net loss of approximately 47 sellable units. Based on our operational model, which anticipates four full inventory turns annually, this reduction equates to a potential loss of 188-unit sales per year. Such a constraint imposes a significant economic hardship, diminishing our ability to maintain competitive inventory levels and threatening local employment opportunities. Denial of this variance would materially impair the viability of our business and adversely affect the economic contributions we provide to the community.

Staff Response:

Failure to remove the operational 20' setback along the shared property lines for parcels 46.00 & 48.00 and 48.00 & 49.00 would create an exceptional practical difficulty for the applicant. The applicant is utilizing all three parcels for the motor vehicle sales, services, storage, rental, and repair. The parcels are unable to be consolidated as parcels 48.00 and 49.00 are owned by Little Bit of Luck Land Management LLC and parcel 46.00 is owned by F.J. Webb Family, LP. Staff's recommendation to have a cross-access easement recorded prior to issuance of the Certificate of Use would provide an agreement amongst the subject property owners to allow 0' setbacks along the shared property lines of 46.00 & 48.00 and 48.00 & 49.00.

Failure to remove the required 20' operational setback along the rear, northern side property line of 46.00, and the southern side property line of 49.00 would not create an exceptional practical difficulty for the applicants in relation to making normal improvements to the properties. The properties are approximately 280'± in depth each and a combined width of 797'±. Requiring the 20' along the rear property lines, northern side property line of parcel 46.00, and southern side property line of parcel 49.00 would not prohibit the applicants from utilizing the property for the proposed use.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Board of Adjustment shall give considerable weight to public testimony received during the public hearing in considering its decision.

III. ADDITIONAL INFORMATION:

- Parcel 46.00 is 2.5± acres and is improved with two commercial buildings. Parcel 48.00 is 1.0± and is unimproved. Parcel 49.00 is 1.6± acres and is improved with two commercial buildings.
- There has been one previous Board of Adjustment application on the subject parcels:
 - On parcel 46.00, application A-11-43, requesting a variance from the requirement that outside storage shall be screened from view of adjacent properties and public rights of way and the height of the screening shall exceed the height of all stored items to enable the submittal of a conditional use application for a plumbing supply business with outside storage. The Board approved a chain link fence on 12/15/2011.
- There have been no Board of Adjustment applications in the surrounding area similar to this request.
- DelDOT has no comment on side setbacks.
- The applicants are advised that, should the request be granted, a certificate of use shall be obtained prior to the commencement of construction. For more information, contact the Department of Planning at (302)744-2471 and Division of Inspections and Enforcement at (302)-744-2451 between 8:00a.m. and 5:00p.m.

ENC: Exhibit A
Exhibit B



KENT COUNTY

Board of Adjustment

LOCATION AND ZONING MAP

A-26-04 Exhibit A

APPLICANT:

Meyer's RV Centers, LLC

OWNER:

F.J. Webb Family, LP; Little Bit of Luck
Land Management LLC

PRESENT ZONING DISTRICT:

BG(General Business)

PROPOSED VARIANCE:

Variance from the requirement that the
operation of a motor vehicle sales
use be at least 20' from any adjacent
property line to enable the operation of a
RV sales business

PRESENT USE: RV Sales**PROPOSED USE:** Same**LEVY COURT DISTRICT:**

4th - Scott

TAX MAP NO:

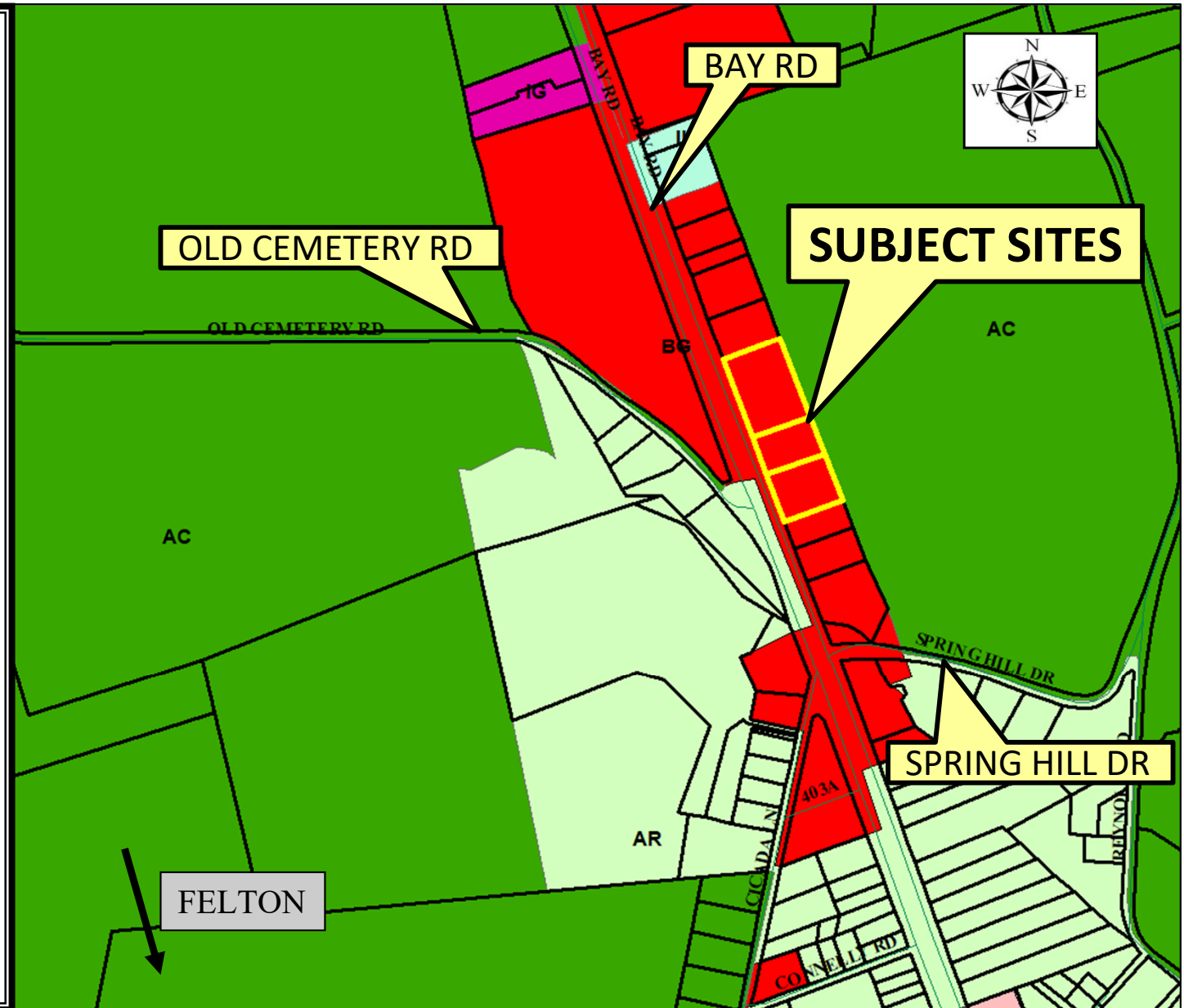
MD-00-152.00-01-46.00-000

MD-00-152.00-01-48.00-000

MD-00-152.00-01-49.00-000

LOCATION:

Located on the east side of the
intersection of Bay Rd. and Old Cemetery
Rd., north of Milford.



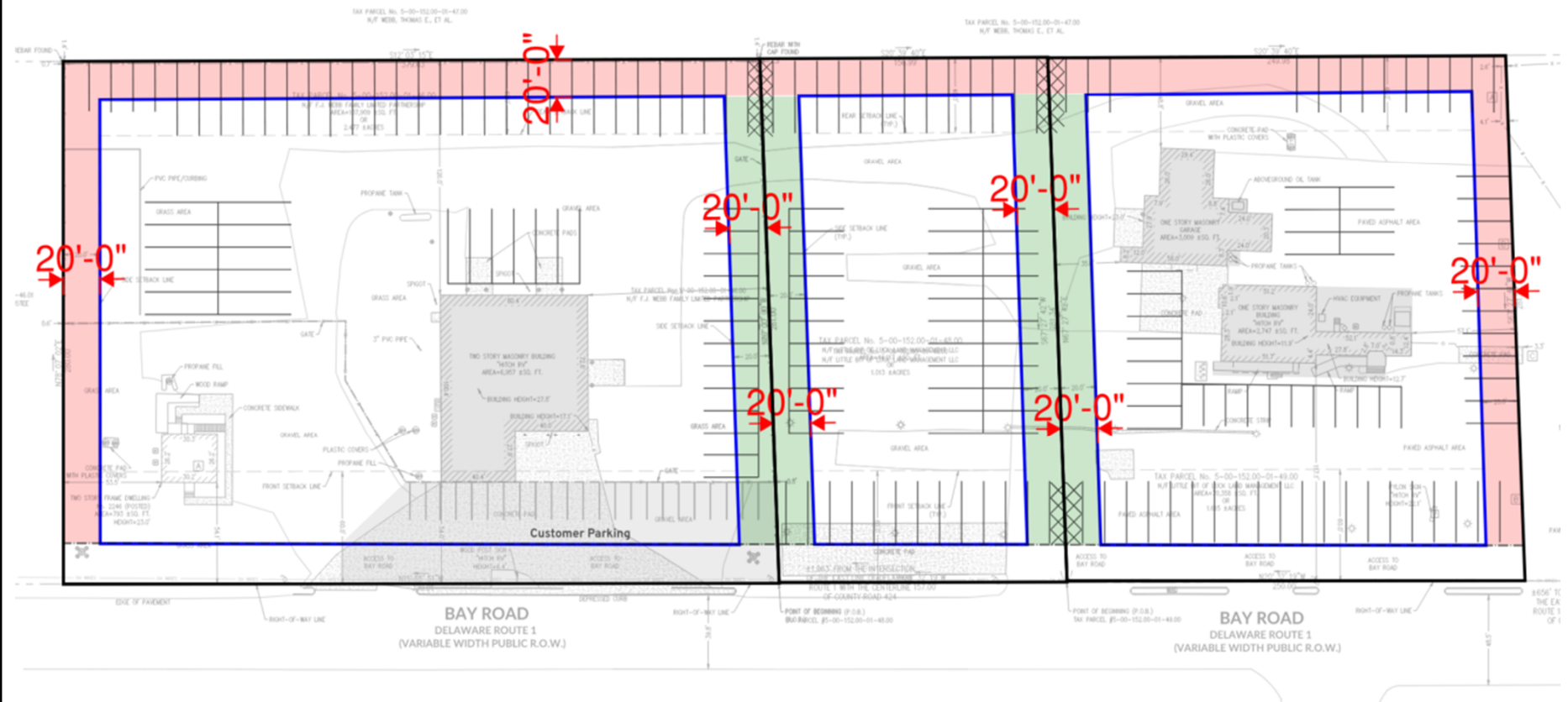
Application: A-26-04

Meyer's RV Centers, LLC (F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)

Meyer's RV Centers, LLC (F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)

Variance from the requirement that the operation of a motor vehicle sales use be at least 20' from any adjacent property line to enable the operation of a RV sales business

Unit Count: 177



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)



A-26-04 MEYER'S RV CENTERS, LLC
(F.J. WEBB FAMILY, LP; LITTLE BIT OF LUCK LAND MANAGEMENT LLC)





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BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: February 19, 2026

SUBMITTED BY: Adam Lyncha, Planning Services

ITEM TYPE: Application

AGENDA SECTION:
Minutes

SUBJECT:
Approval of the Business Meeting Minutes from the
January 22, 2026 Meeting

ATTACHMENTS:
[January 2026 Minutes](#)

KENT COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING MINUTES
January 22, 2026

The Business Meeting of the Kent County Board of Adjustment was held on Thursday, January 22, 2026, in Levy Court Chambers, Room 203, 555 Bay Road, Dover, Delaware, 19901.

CALL TO ORDER

The Business Meeting was called to order at 6:16 P.M.

ROLL CALL AND DETERMINATION OF QUORUM
INTRODUCTION OF STAFF

The following members were present:

Brian Cusick, Chairperson
Morgan Hudson, Vice Chairperson
George Gallo, Jr.
Joan Denney
Brauncy Jenkins
Ethan Simpson

Staff:

Jesse Lindenberg, Hearing Officer
Mark Kennedy, IT Staff
Fred Townsend, Attorney

ELECTION OF OFFICERS

On a motion made by Mrs. Denney and seconded by Mrs. Hudson, the Board of Adjustment voted unanimously for Brian Cusick as Chairperson.

On a motion made by Mr. Jenkins and seconded by Mrs. Denney, the Board of Adjustment voted unanimously for Morgan Hudson as Vice Chairperson.

APPROVAL OF THE MINUTES

On a motion made by Mr. Jenkins and seconded by Mr. Gallo, the Board of Adjustment voted 5 yeas, 1 recused, to approve the minutes from the December 18, 2025, meeting.

APPROVAL OF THE NOTICES OF DECISIONS

On a motion made by Mrs. Hudson and seconded by Mrs. Denney, the Board of Adjustment voted 5 yeas, 1 recused, to approve the Notice of Decisions for applications A-25-33, A-25-34, & A-25-25 from the December 18, 2025, meeting.

NEW BUSINESS

A-26-01 Douglas A. & Cyndi Jacobs (Owner: Douglas Albert Jacobs) 2-00-097.16-01-27.00-000

On a motion made by Mrs. Hudson, seconded by Mrs. Denney, The Board of Adjustment voted to **approve** a 10 ft. front setback to enable the construction of a single-family dwelling for application A-26-01 for the following reasons:

- Staff recommendation.
- Removing the restrictions does not seriously affect neighboring properties.
- There is an exceptional practical difficulty present with DNREC's building restrictions and easement.

Mr. Jenkins: I vote in support of application A-26-01 for a couple of reasons. Mainly the DNREC easement and the non-buildable line imposes an exceptional practical difficulty for the owner.

Mr. Gallo: I vote in favor of the motion. I think the applicant's representative did demonstrate exceptional practical difficulty with that particular lot and the easements on that lot. I think the variance granted is reasonable.

Mrs. Denney: I vote yes. The DNREC setback just creates an exceptional practical difficulty. I say that in keeping with the recommendation of the planners that this be approved.

Mrs. Hudson: I vote yes per my motion.

Mr. Cusick: I vote yes to approve application A-26-01 per staff recommendation. I believe this checks all 4 criterias here per the staff responses.

The Board voted 5 yeas, 1 recused, on a motion to **approve** a 10 ft. front setback to enable the construction of a single-family dwelling for application A-26-01.

ADJOURNMENT

On a motion made by Mrs. Denney, seconded by Mrs. Hudson, the Board voted unanimously to adjourn the Board of Adjustment Meeting of January 22, 2026, at 6:23 P.M.

Brian Cusick, Chairperson

Jesse Lindenberg, Hearing Officer

Respectfully submitted,
Adam Lynch



Item Cover Page

BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: February 19, 2026

SUBMITTED BY: Jesse Lindenberg, Planning Services

ITEM TYPE: Application

AGENDA SECTION:
Notices of Decision

SUBJECT:
A-26-01 Douglas A. & Cyndi Jacobs (Owner:
Douglas Albert Jacobs)
Tax Map No. 2-00-097.16-01-27.00-000

ATTACHMENTS:
[A-26-01 Jacobs Notice of Decision](#)
[A-26-01 Jacobs Exhibit B](#)



DEPARTMENT OF PLANNING SERVICES

NOTICE OF DECISION

APPLICATION: A-26-01

APPLICANTS: Douglas A. & Cyndi Jacobs
714 Woodland Ave.
Eagleville, PA 19403

OWNER: Douglas Albert Jacobs
714 Woodland Ave.
Eagleville, PA 19403

ADDITIONAL CONTACT: Laura Simpson
1 Dorman St.
Harrington, DE 19952

PROPERTY LOCATION: N. Bay Dr.
Dover, DE 19901

**DATE OF PUBLIC HEARING
& DECISION:** January 22, 2026

MEMBERS PRESENT: Brian Cusick, Chairperson
Morgan Hudson, Vice Chair
Joan Denney
Brauncy Jenkins
George Gallo, Jr.
Ethan Simpson

NATURE OF REQUEST:

A-26-01 Douglas A. & Cyndi Jacobs (Owner: Douglas Albert Jacobs) seek a variance from the required 25' front setback to enable the construction of a dwelling (§205-216.A(1) of the Kent County Code). The property is located on the east side of N Bay Dr., approx. 0.45 miles north of Kitts Hummock Rd, southeast of Dover. Levy Court District: 3rd. Zoning District: AR. **Tax Map No. 2-00-097.16-01-27.00-000**

The applicants are requesting a front setback of 10' to enable the construction of a single-family dwelling.

SUMMARY OF EVIDENCE

1. The subject site is 0.141± acres and is unimproved.
2. Mr. Darren Simpson, who works for the applicant's builder, spoke in favor of the application.
3. Mr. Simpson stated that he was present on behalf of the property owner and that they are requesting a 10' setback instead of the required 25'. He explained that this is in keeping with the neighboring properties, as indicated in the Staff Report, because the properties on either side have been granted similar variances and are built or in the process of being built.
4. Mr. Simpson said that the practical difficulty would be that the 25' setback limits the size and shape of the house, so they are asking for the variance in order to maximize the footprint of the house and the usable space on the lot. He added that the 25' setback would only allow a house that is 28' deep, and it would be set further back than all the other houses in the area.
5. Mr. Simpson stated that the house will have to be elevated and on pilings. He explained that the owners will be able to park underneath the house, so allowing it to be 10' from the front property line will not impose on the street. He added that the 10' side setbacks are fine, as they have a 50' width of buildable area.
6. Mr. Simpson explained that the DNREC Build Restriction line is not the issue, but that the DNREC easement line is. He said that the Do Not Build Line is closer to the water and outside of the building envelope. He added that this property also has a DNREC easement, which he believes is for access for things like beach replenishment, and that this easement is the issue because it crosses the building envelope pretty far in.

FINDINGS OF FACT & CONCLUSIONS OF LAW

Analysis of the four factors set forth in Board of Adjustment of New Castle County v. Kwik-Check Realty, Inc., 389 A.2d 1289, 1291 (Del. 1978), supports the **APPROVAL** of the requested variance.

- (1) **The nature of the zone where the property lies:** As shown on Exhibit A, the subject site is zoned AR (Agricultural Residential) outside the growth zone. The surrounding properties are also zoned AR. A single-family dwelling is a normal and expected improvement within the zoning district.
- (2) **The character and uses of the immediate vicinity:** The character of the surrounding area is residential and natural. The parcels on the west side of N Bay Dr. are mostly vacant parcels that are primarily wetlands. However, a majority of the parcels along the east side of N Bay Dr. are improved with single-family dwellings. The lots are mostly narrow in width, about 50'-80', and several have been granted variances from the front setback.
- (3) **Whether removal of the restriction on the applicant's property would seriously affect**

the neighboring properties: The reduction of the 25' front setback to a 10' setback would not seriously affect neighboring properties. Most of the properties in the area have homes that are a similar distance or closer to their front property lines, so allowing the placement of a home 10' from the property line would place it in line with the other homes and would not block the line of site for the neighboring properties. Additionally, no objections were received regarding the application.

- (4) **Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property:** Failure to remove the restriction of the required 25' front setback would create an unnecessary hardship or exceptional practical difficulty for the applicant in relation to making normal improvements to the property. The DNREC Building Restriction line in the rear significantly reduces the buildable area on the property. This is why several of the adjacent parcels have received similar variances in the past. This parcel is also subject to an additional DNREC easement, which further reduces the buildable area.

DECISION: On a motion made by Mrs. Hudson and seconded by Mrs. Denney, the Board of Adjustment voted 5 in favor, 1 recused, of the motion to grant **APPROVAL** of application A-26-01, thus granting a variance from the required 25' front setback to enable the construction of a dwelling 10' from the front property line, as shown on Exhibit B, attached hereto. The support of this motion was based on the staff recommendation, that removing the restriction will not seriously impact the neighboring properties, and that there is an exceptional practical difficulty created by the DNREC Building Restriction Line and easement.

NOTES:

1. The applicants are advised that any persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Superior Court in and for Kent County a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for the illegality. The petition shall be presented to the Court within 30 days after the filing of the decision in the office of the Board (9 Del. C. § 4918).
2. The applicants are advised that a Building Permit shall be obtained prior to the commencement of any construction. For more information, contact the Division of Planning at (302) 744-2471 or the Department of Inspections and Enforcement at (302) 744-2451 between 8:00 a.m. and 5:00 p.m.
3. This variance will expire after **ONE YEAR** if a building permit has not been submitted to the Division of Planning.

KENT COUNTY BOARD OF ADJUSTMENT

Brian Cusick, Chairperson

DECISION FILED: _____, 2026

Exhibit B

Application: A-26-01
Jacobs

Variance from the required 25' front setback to enable the construction of a dwelling

