



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

[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-26-05 Gene A. & Christine M. Mullen
Tax Map No. 3-00-035.00-01-52.00-000

II. Business Meeting Call to Order

Minutes

Approval of the Business Meeting Minutes from the February 19, 2026 Meeting

Notices of Decision

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

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 five (5) 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: 3/12/26
POSTING TIME: 9:40 a.m.
POSTED BY: Adam Lyncha, Planning Tech.
TAKE DOWN: 3/20/26, 12:00 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: March 19, 2026

SUBMITTED BY: Adam Lyncha, Planning Services

ITEM TYPE: Application

AGENDA SECTION: Public Hearing

SUBJECT: **A-26-05** Gene A. & Christine M. Mullen
Tax Map No. 3-00-035.00-01-52.00-000

ATTACHMENTS:
[A-26-05 Mullen Staff Report](#)
[A-26-05 Mullen Exhibit A](#)
[A-26-05 Mullen Exhibit B](#)
[A-26-05 Mullen Applicant Response](#)
[A-26-05 Mullen Applicant Exhibits](#)



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

March 19, 2026

APPLICATION: A-26-05

APPLICANTS/OWNERS: Gene A. & Christine M. Mullen
48 Oak Dr.
Smyrna, DE 19977

PROPERTY LOCATION: Underwoods Corner Rd.
Clayton, DE 19938

NATURE OF REQUEST:

A-26-05 Gene A. & Christine M. Mullen seek a variance from the requirement that a structure may not be used in whole or in part for residential purposes unless the lot in which it is located has an unobstructed ingress/egress easement to a public street that is at least 18' wide to enable the construction of a single-family dwelling (**§205-86.B(2)(b) of the Kent County Code**). The property is located approx. 477' west of Underwoods Corner Rd., approx. 1,107' south of Bryn-Zion Rd., north of Kenton. Levy Court District: 6th. Zoning District: AC. **Tax Map No. 3-00-035.00-01-52.00-000**

The applicant is requesting a variance to utilize an existing 16.5' wide access easement to construct a single-family dwelling.

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) outside the growth zone. The surrounding properties are also zoned AC. A single-family dwelling is a normal improvement within the zoning district.

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 property to the north is largely used for farm fields, though it also is improved with a single-family dwelling and several accessory structures further north. The property to the west (and further south) is part of the Blackiston Wildlife Area and is primarily wooded wetlands. East of the subject site is another heavily wooded parcel, which is currently vacant, and a parcel used for farm fields. The properties to the south of the subject site are all residential, and each is improved with a single-family dwelling and accessory structures. While the other residences in the area have frontage on the roadway, half of them utilize very narrow drives for access (approximately 10-13'). As such, the 16.5' proposed access easement would fit within the character of the area.

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

Applicant Response:

See attached.

Staff Response:

Removal of the restriction is not likely to seriously affect the neighboring properties. A residential dwelling is a normal improvement for the district and the use itself will largely be blocked from the view of adjacent parcels due to the wooded nature of the lot. The variance itself is only for access to the property, which is through an existing access easement located on the adjacent property to the south. The easement has been used by the applicant to access the property for several years. Construction of a home on the property may slightly increase the frequency or consistency of trips on the easement. However, this is not likely to pose a significant impact to neighboring properties. The access runs near only two adjacent properties, one of which is entirely wooded and vacant. The other property also uses the same access, and no objections to the application have been received.

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 remove the restriction would create an exceptional practical difficulty and unnecessary hardship for the applicant in relation to making a normal improvement on the property. The parcel is landlocked and cannot be developed without an access

easement, which creates a practical difficulty. There is an existing access easement for the property that is 16.5' wide. The required easement width of 18' is intended to provide sufficient room for two-way vehicle travel. For example, the standard width of a parking space is 9', or half of the 18' width requirement, and the county code also requires 18' of pavement as the minimum width for two-way private roads. While the existing access easement is 1.5' short of the required width, it is still wide enough to provide extra room if two cars need to pass. Although, it may be possible for the applicant to coordinate with the adjacent properties to increase the size of the easement, the 1.5' variance requested is very minimal and the easement has been used by the applicant to access the property for several years. As such, requiring him to increase the size at this point would represent an unnecessary hardship.

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 to utilize an existing 16.5' wide access easement to construct a single-family dwelling.
- The subject site is 10.5246± acres in size.
- 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 building permit shall be obtained prior to the commencement of construction. For more information, contact the Permitting Department at (302)744-2451 or the Planning Department at (302)744-2471 between 8:00a.m. and 5:00p.m.

ENC: Exhibit A
Exhibit B
Applicant Response
Applicant Exhibits



KENT COUNTY

Board of Adjustment

LOCATION AND ZONING MAP

A-26-05 Exhibit A

APPLICANT/OWNER:

Gene A. & Christine M. Mullen

PRESENT ZONING DISTRICT:

AC(Agricultural Conservation)

PROPOSED VARIANCE:

Variance from the requirement that a structure may not be used in whole or in part for residential purposes unless the lot in which it is located has an unobstructed ingress/egress easement to a public street that is at least 18' wide to enable the construction of a single-family dwelling

PRESENT USE: Residential

PROPOSED USE: Residential

LEVY COURT DISTRICT:

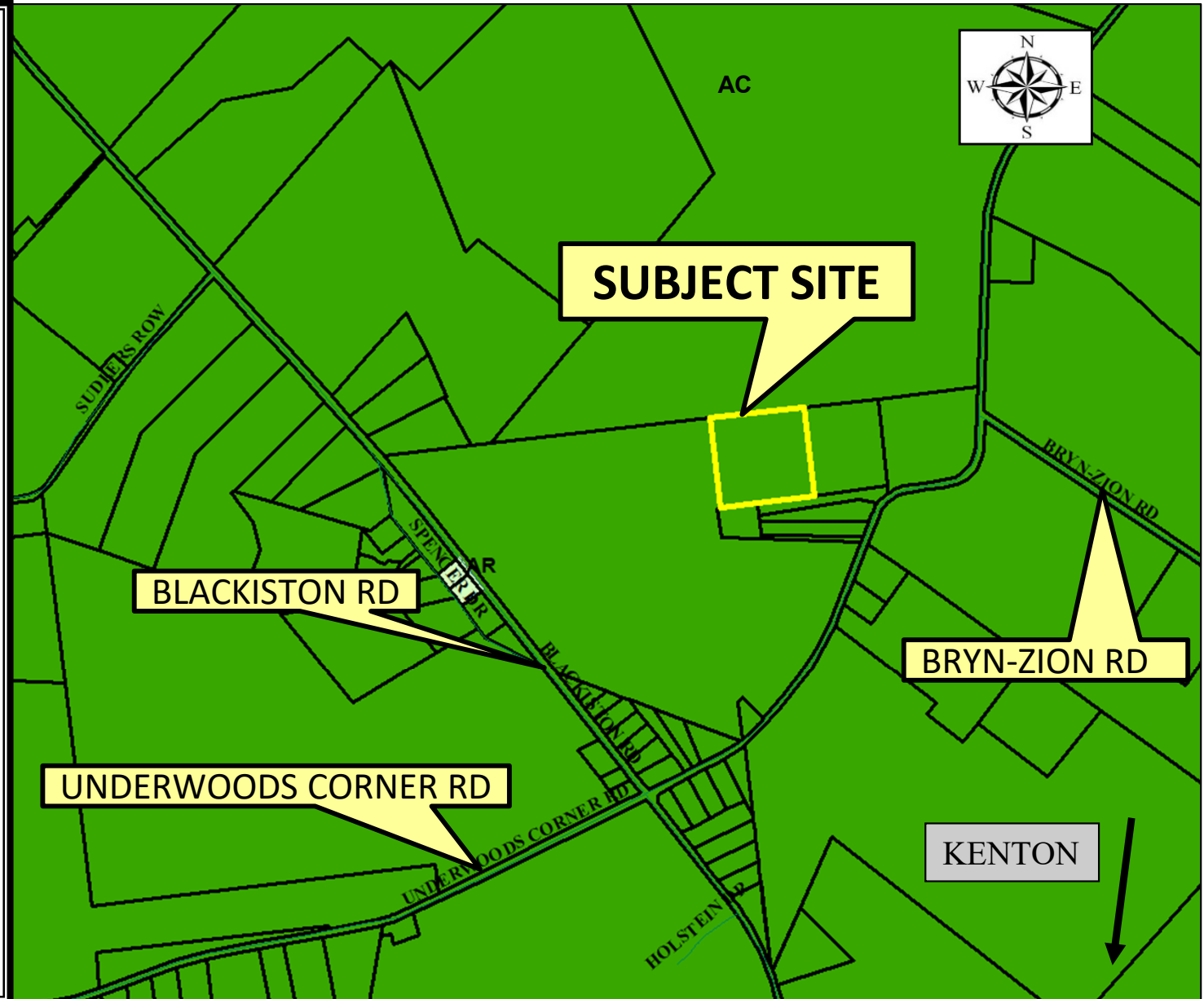
6th - Hertz

TAX MAP NO:

KH-00-035.00-01-52.00-000

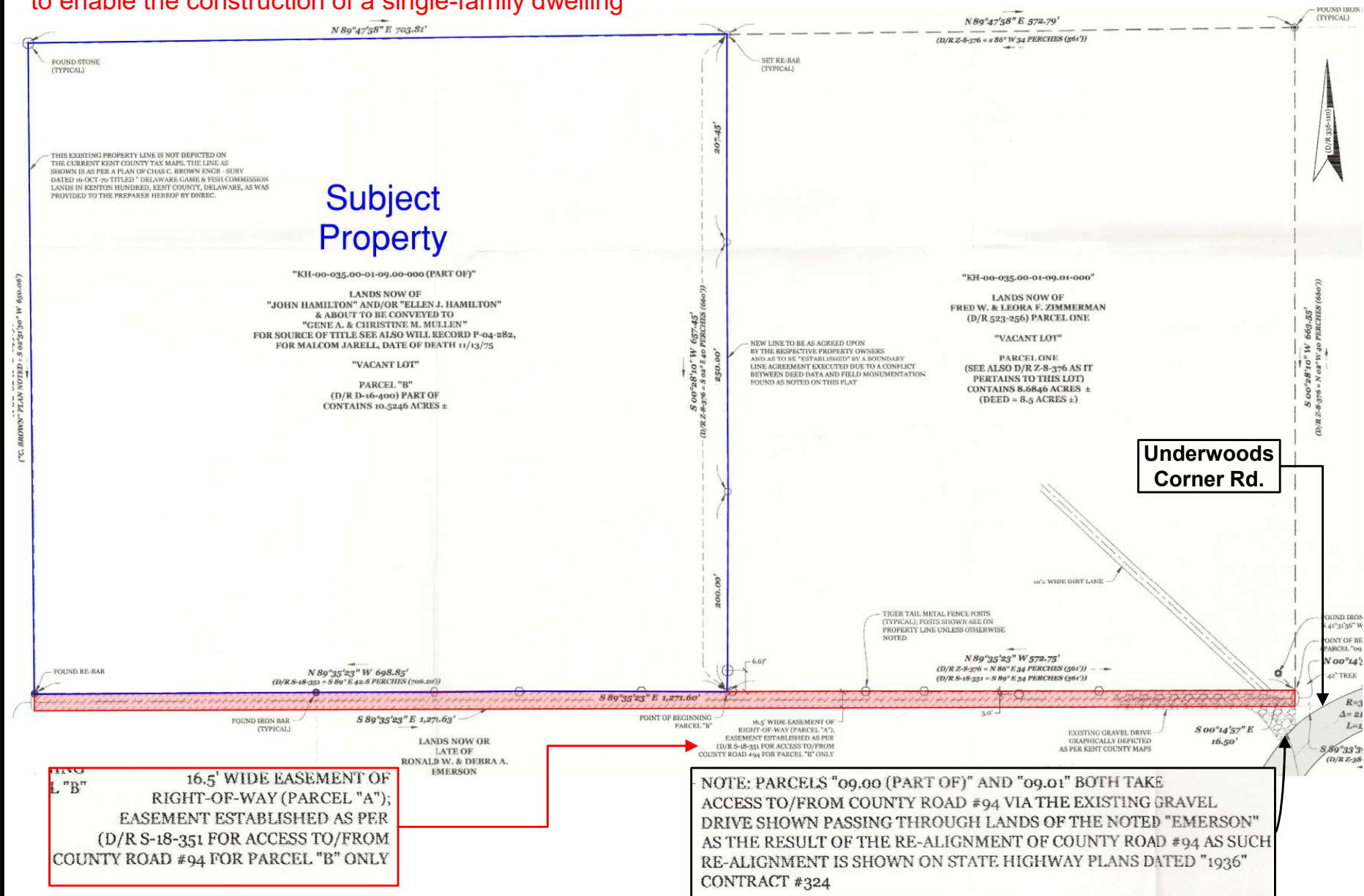
LOCATION:

Located approx. 477' west of Underwoods Corner Rd., approx. 1,107' south of Bryn-Zion Rd., north of Kenton.



Application: A-26-05
Mullen

Variance from the requirement that a structure may not be used in whole or in part for residential purposes unless the lot in which it is located has an unobstructed ingress/egress easement to a public street that is at least 18' wide to enable the construction of a single-family dwelling



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.

The property is a 10.7 acre parcel located 750' from the northwest side of Underwoods Corner Road, south of Bryan Zion Road, in Clayton

Township. Bordered to the northwest by DNREC - Blackiston Wildlife Area, to the north lands of David Holtz Farm, to the south lands of Ronald and Debra

Emerson, to the east lands of Fred Zimmerman. Above property is zoned agricultural and meets the established criteria for farm status.

A 16.5 foot ingress/egress deeded easement is present on adjoining Emerson property when the property was conveyed from Malcom

Jarrell to Clarence Emerson in 1949. A one rod width (16.5 feet) was a typical and accepted access easement of the time. The Emerson

Property was conveyed to Ronald (heir) & Debra Emerson with deeded easement in place.

On December 11, 2007, William Elliott, of Elliott Surveying confirmed the property boundaries and easement location and boundaries.

The Applicant, after discussions with Kent County Administrator, Leslie Persians, she gave assurances that the property could become

Residential, although non-conforming.

Applicant purchased the above property on July 2, 2008 from Ellen Jarrell Hamilton (heir of Malcom Jarrell) based on this assurance.

Applicant cleared and established a stone lane within the easement. The lane was turned off the easement on to the above property as

Soon as practical as to not impact the adjacent owner, Ronald Emerson, unnecessarily. Mr. Emerson was in total agreement.

Applicant applied for and received a permit for construction of a 30' x 40' pole barn based on discussions and agreement with Leslie Persians.

Board of Adjustment
Application for Public Hearing
(con't)

The agreement was based on the pole barn be constructed to residential accessory building code for a residential lot. Upon completion, the pole barn was inspected and approved by Kent County Building Inspection Section.

During these discussions and approvals there was no mention of any easement changes or the need for a variance.

Applicant continued, in good faith, of clearing the home site, receiving DNREC septic and well permits and installing same. Other utilities were installed also in preparation of the home construction.

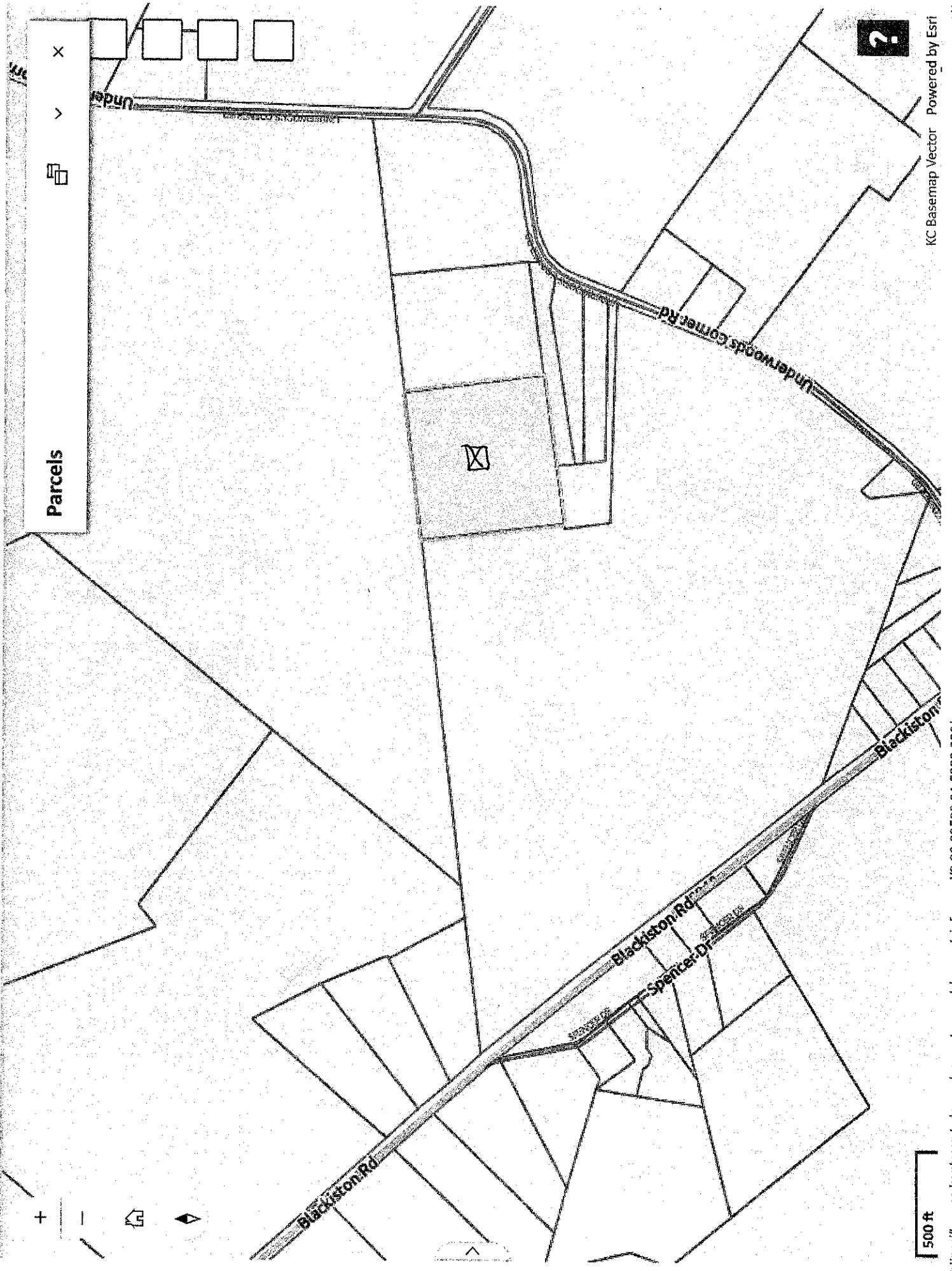
Because of a personal crisis the home was never constructed.

On February 21, 2025 a fire completely destroyed the pole barn. Kent County Inspections issued a condemnation order and subsequent demolition permit, which was completed and closed the following months.

Because of this, the Applicant has decided to install a manufactured/modular home on this site. In keeping with prior practices, Applicant went to Kent County Planning Section to ascertain what actions were needed to complete the project. Spoke with Chris Donnoley, explained the situation. Mr. Donnoley stated that, yes, a residence wouldn't be a problem, even though it was a non-conforming lot, but certain grandfather rights might come into play but needed more research. At that time, there was no mention of any easement conflicts. In a subsequent discussion with Mr, Donnoley, and more in depth appraisal of the site, he determined the easement did not meet current requirements and a variance would be needed before a home could be construction.

Issuance of a variance for a access easement would have no impact on surrounding properties or neighbors. It would not change the deeded easement language, but merely change the current county requirement by 1.5 feet, from 18 feet to 16.5 feet.

Failure to obtain the variance would cause great financial hardship for the Applicant, render the property almost useless, greatly reduce any future value and reduce future economic impact for the county through decreased property value.



N 00°02'11" E 649.95'
(C. BROWN PLAIN NOTED = S 08°31'30" W 650.05')



ELLIOTT SURVEYING

332 Audrey Lane
Smyrna, DE 19977
Phone: (302) 659-5244
Fax: (302) 659-5245

KH-00-035.00-01-09.01-000

CN:12.01-07
County Road #94
Underwoods Corner Road
Zimmerman

December 11, 2007

All that certain lot, piece, or parcel of land situated in Kenton Hundred, Kent County, Delaware, being all of Parcel One as shown on a plan of ELLIOTT SURVEYING dated 11/19/07 (CN:12.01-07) as prepared for John Hamilton and/or Ellen J. Hamilton & Fred W. and Leora F. Zimmerman & Sandra E. Zimmerman, and Gene A. & Christine M. Mullen, said plan being an integral part hereof, said lot lying Westerly of, but not adjacent to, County Road #94, Underwoods Corner Road (50 feet wide), and being bounded as follows; on the North and East by lands now or late of David C. and Katherine A. Holtz, on the South by lands now or late of Ronald W. and Debra A. Emerson, and on the West by lands now of John Hamilton and/or Ellen J. Hamilton, being more particularly described as follows;

BEGINNING at a found 42 inch tree, a corner for this lot and lands of the said Emerson on the Northerly side of a 16.5 foot wide ingress/egress easement, said point being located the following six (6) courses and distances from the point of commencement, which said point is the intersection of the physical centerline, extended, of County Road #139, Bryn-Zion Road, with the Westerly side of County Road #94, Underwoods Corner Road: (1) South 8 deg. 40 min. 49 sec. West 251.97 feet, measured along the Westerly side of Road #94, to a point of curvature; thence with the Northwesterly side of Road #94, (2) By the arc of a circle curving to the right (R=275.37 feet) a distance of 388.72 feet (delta = 80 deg. 52 min. 50 sec.) to a point of tangency, thence with the Northerly side of Road #94, (3) South 89 deg. 33 min. 39 sec. West 253.76 feet to a point of curvature, thence with the Northwesterly side of Road #94, (4) By the arc of a circle curving to the left (R=350.61 feet) a distance of 133.20 feet (delta = 21 deg. 46 min. 02 sec.) to a point, thence leaving the existing Northwesterly side of Road #94, (5) South 89 deg. 33 min. 39 sec. West 52.96 feet to a point in line of lands of the said Emerson in the Easterly limits of the above noted easement, thence with the same, (6) North 0 deg. 14 min. 57 sec. West 15.65 feet to a point, the point of beginning; thence proceeding from the said point of beginning, with line of lands of the said Emerson, along the Northerly side of the said easement, North 89 deg. 35 min. 23 sec. West 572.75 feet to a set re-bar, a corner for lands of the said Hamilton, thence along a line recently established by a boundary line agreement, North 0 deg. 28 min. 10 sec. East 657.45 feet, passing over set re-bars at 200.00 feet and 450.00 feet, and a found stone at 6.67 feet, to a set re-bar in line of lands of the said Holtz, thence with the same the following two (2) courses and distances: (1) North 89 deg. 47 min. 58 sec. East 572.79 feet to a found iron pipe, thence, (2) South 0 deg. 28 min. 10 sec. West 663.55 feet to a point, the point of beginning. Containing within said metes and bounds 8.6846 acres of land, more or less.

Parcel #KH-00-035.00-01-52.00-000

Prepared by and return to:

Gary R. Dodge, P.A.

34 The Green

Dover, DE 19901

File No. 245RE08

Accepted for Filing in:

Kent County

Doc# 126979

On: Jul 03/2008 at 02:41P

This Deed, made this 2nd day of July, in the year of our Lord, two thousand eight 2008,

Between

Ellen J. Hamilton,
parties of the first part,

and

Gene A. Mullen and Christine M. Mullen, Husband and Wife,
parties of the second part,

Witnesseth: that the said parties of the first part, for and in consideration of the sum of One Dollar and 00/100 cents (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, in fee simple the following described lands, situate, lying and being Kent County, State of Delaware;

SEE ATTACHED EXHIBIT 'A'

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

Pursuant to 25 Del. C. Section 135, the grantor and grantee hereunder do hereby acknowledge that the parcel or parcels conveyed hereunder, or a portion of same, may be subject to a tax ditch right-of-way and/or assessment, or a tax lagoon right-of-way and/or assessment pursuant to an Order of the Superior Court of the State of Delaware in and for Kent County dated _____, and recorded in the Office of the Recorder of Deeds in and for Kent County in _____ at Page _____.

Being the same land and premises which by Deed dated October 1, 1996, and recorded October 4, 1996, among the Land Records of Kent County, Delaware, in Book 188, Page 234, was granted and conveyed by Mary W. Jarrell, unto Ellen J. Hamilton, the Grantor herein.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

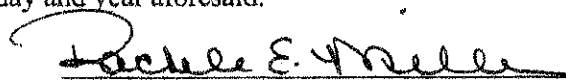
Signed, Sealed and Delivered
in the presence of:

 (SEAL)
Ellen J. Hamilton

State of Delaware)
 : S.S.
County of Kent)

Be It Remembered, that on July 2, 2008, personally came before me, the subscriber, Ellen J. Hamilton, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



Notary Public
Printed Name: _____
My Commission Expires: _____

Rachelle E. Miller
Notary Public, State of Delaware
My Commission Expires 8-3-11



Item Cover Page

BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: March 19, 2026

SUBMITTED BY: Adam Lyncha, Planning Services

ITEM TYPE: Application

AGENDA SECTION: **Minutes**

SUBJECT: Approval of the Business Meeting Minutes from the February 19, 2026 Meeting

ATTACHMENTS:
[February 2026 Minutes](#)

KENT COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING MINUTES
February 19, 2026

The Business Meeting of the Kent County Board of Adjustment was held on Thursday, February 19, 2026, in Levy Court Chambers, Room 203, 555 Bay Road, Dover, Delaware, 19901.

CALL TO ORDER

The Business Meeting was called to order at 6:47 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.
Temple Carter
Brauncy Jenkins
Ethan Simpson

Staff:

Jamie Fenske, Hearing Officer
Mark Kennedy, IT Staff
Fred Townsend, Attorney

APPROVAL OF THE MINUTES

On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted unanimously to approve the minutes from the January 22, 2026, meeting.

APPROVAL OF THE NOTICES OF DECISIONS

On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted unanimously to approve the Notice of Decision for application A-26-01 from the January 22, 2026, meeting.

NEW BUSINESS

A-26-03 Sunrise Solar, Inc. (Owner: Dwight S. & Janey P. Meyer Trust) 8-00-112.00-01-09.00-000

On a motion made by Mrs. Hudson, seconded by Mr. Carter, the Board of Adjustment voted to **approve** a variance to remove the required 6 ft. high four-season visual barrier, for a community-energy generating facility, 665 ft. of the rear property line for application A-26-03 for the following reasons:

- Staff recommendation.
- Public testimony.

- Having the private runway is a unique situation and is an exceptional practical difficulty.

Mr. Jenkins: I vote in support of the motion for application A-26-03 based upon the testimony tonight in terms of the safety, the obvious safety, of allowing the barrier.

Mr. Gallo: I'm going to vote in favor of the motion. The request of the variance is actually trying to maintain the character of the immediate vicinity. Therefore, I vote in favor of the motion.

Mr. Simpson: I vote in favor of the motion based off the staff report and the safety issues that could arise.

Mr. Carter: I vote in favor of the motion based on the staff recommendation and testimony tonight.

Mrs. Hudson: I vote in favor per my motion.

Mr. Cusick: I vote in favor per the staff recommendation.

The Board voted 6 yeas on a motion to **approve** a variance to remove the required 6 ft. high four-season visual barrier, for a community-energy generating facility, 665 ft. of the rear property line for application A-26-03.

A-26-04 Meyer's RV Centers, LLC (Owners: F.J. Webb Family, LP; Little Bit of Luck Land Management LLC) 5-00-152.00-01-46.00, 48.00 & 49.00

On a motion made by Mrs. Hudson, seconded by Mr. Gallo, the Board of Adjustment voted for **conditional approval** from the 20 ft. 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, with the condition that a cross-access agreement be recorded prior to issuance of a Certificate of Use for application A-26-04 for the following reasons:

- Staff recommendation.
- Public testimony.

Mr. Carter: I vote in favor of the motion based on the testimony tonight.

Mr. Jenkins: I vote in support of the motion for A-26-04 based upon the conditions set forth by the staff.

Mr. Simpson: I vote in support based on the staff recommendation.

Mr. Gallo: I vote in favor of the motion. I believe that failure to grant that waiver will impinge on their ability to compete.

Mrs. Hudson: I vote in favor per my motion.

Mr. Cusick: I vote in favor of the motion. I don't think this will have any impact on the properties. The hardship there not to be able to consolidate the lots with having different owners.

The Board voted 6 yeas on a motion for **conditional approval** from the 20 ft. 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, with the condition that a cross-access agreement be recorded prior to issuance of a Certificate of Use for application A-26-04.

On a motion made by Mrs. Hudson, seconded by Mr. Carter, the Board of Adjustment voted for **modified approval** to allow an operational setback of 5 ft. along the rear property lines, northern side property line of parcel 46.00, and southern side property line of parcel 49.00 for application A-26-04 for the following reasons:

- Public testimony.
- There is an exceptional practical difficulty on the business owners by trying to stay operational on the lot they have. They are trying to utilize as much of the property versus trying to find a different location.
- There is a unique situation that the neighbors are in agreeance with each other.

Mr. Jenkins: I vote in support of the motion for application A-26-04. I think we are making an effort to provide reasonable relief to continue the success of this business.

Mr. Simpson: I vote in support based on the public testimony and the good relationship that they have. I think 5 ft. is a good compromise for them to be able to expand their business and use just about every inch of their property.

Mr. Gallo: I vote in favor of the motion. I believe the applicant demonstrated exceptional practical difficulty in remaining competitive and using the area in question.

Mr. Carter: I vote in favor of the motion based on the discussion and testimony tonight.

Mrs. Hudson: I vote in favor per my motion.

Mr. Cusick: I vote in favor of the motion. It is not impacting the neighboring properties as it has been occupied this way for 16 plus years without any complaints. Then the obvious hardship there for this business to stay competitive.

The Board voted 6 yeas on a motion for **modified approval** to allow an operational setback of 5 ft. along the rear property lines, northern side property line of parcel 46.00, and southern side property line of parcel 49.00 for application A-26-04.

ADJOURNMENT

On a motion made by Mrs. Hudson, seconded by Mr. Carter, the Board voted unanimously to adjourn the Board of Adjustment Meeting of February 19, 2026, at 7:02 P.M.

Brian Cusick, Chairperson

Jamie Fenske, Hearing Officer

Respectfully submitted,
Adam Lyncha



Item Cover Page

BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: March 19, 2026

SUBMITTED BY: Jesse Lindenberg, Planning Services

ITEM TYPE: Application

AGENDA SECTION: **Notices of Decision**

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. - Notice of Decision](#)
[A-26-03 Sunrise Solar, Inc. - Exhibit B](#)



DEPARTMENT OF PLANNING SERVICES

NOTICE OF DECISION

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

**DATE OF PUBLIC HEARING
& DECISION:** February 19, 2026

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

NATURE OF REQUEST:

A-26-03 Sunrise Solar, Inc. (Owner: Dwight S. & Janet 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.

SUMMARY OF EVIDENCE

1. The subject site is 42.25± acres, 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.
2. Mr. Kendrick Tice, CEO of Sunrise Solar, Inc., spoke in favor of the application.
3. Mr. Tice stated that they were requesting the variance on behalf of Irish Hill LLC, who is the owner of the property directly to the south that has an agricultural airstrip on it. He added that the original owner passed away about two months ago, but that they were requesting the variance on behalf of his two daughters, Heather and Heidi.
4. Mr. Tice said that the original plan included the barrier along the entire perimeter and that they are only seeking removal of the portion near the airstrip, as the 6' tree requirement could be a potential hinderance. He explained that if a pilot is approaching the runway from the subject property, the approach to the landing would be obscured by the 6-foot, or taller, trees. He added that this portion of the barrier is in a non-visual section, and that it is the neighbors themselves who approached them about the request.
5. Mr. Tice stated that the project is at roughly 70% completion of physical construction, but they are still about 10 months from operational proceedings. He said the trees have not yet been planted, but there is a 6' high chain link fence already installed around the solar array, about 50-60' from the property line.
6. Mr. Jeff Chorman, who operates the airstrip, spoke in favor of the request.
7. Mr. Chorman stated that having the trees in this portion of the project would end the operation of the airstrip because you can't have trees at the end of the runway and they use that northern portion for taking off and landing. He added that the project is about 50' from the airstrip and he wished it was still a farm field, but having the trees would be a big detriment.
8. Mr. Chorman said that they don't frequently work out of this airstrip with the Ag planes, but that he has been there in his passenger plane. He explained that they have cut down all the trees north of the runway at his airport in the southwest part of the county because airplanes and trees do not mix for obvious reasons.

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 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:** 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:** 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:** 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.

DECISION: On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted 6 in favor of the motion to grant **APPROVAL** of application A-26-03, thus granting 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 to remove approximately 665' of the proposed barrier along the rear property line, as shown on Exhibit B, attached hereto. The support of this motion was based on the staff recommendation, public testimony, and that installation of the visual barrier in this area would pose a safety hazard for the airstrip.

NOTES:

1. The applicant is 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 applicant is advised that 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.
3. This variance will expire after **ONE YEAR** if a revised landscape plan has not been submitted to the Division of Planning.

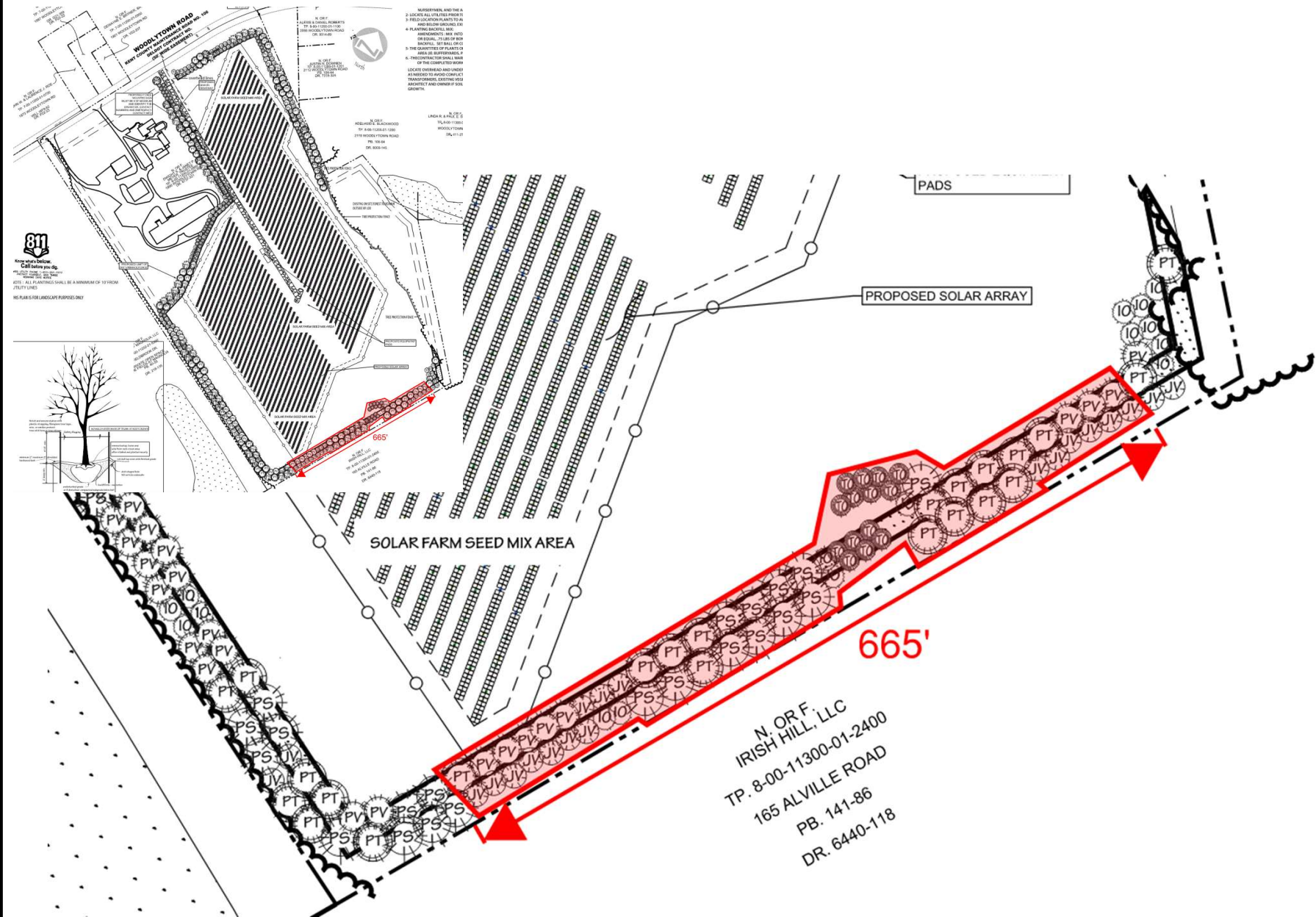
KENT COUNTY BOARD OF ADJUSTMENT

Brian Cusick, Chairperson

DECISION FILED: _____, 2026

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





Item Cover Page

BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: March 19, 2026

SUBMITTED BY: Jamie Fenske, Planning Services

ITEM TYPE: Application

AGENDA SECTION: **Notices of Decision**

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, LLC - Notice of Decision](#)
[A-26-04 - Meyer's RV Centers, LLC - Revised Exhibit B](#)



DEPARTMENT OF PLANNING SERVICES

NOTICE OF DECISION

APPLICATION:

A-26-04

APPLICANTS:

Meyers'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

DATE OF PUBLIC HEARING & DECISION:

February 19, 2026

MEMBERS PRESENT:

Brian Cusick, Chairperson
Morgan Hudson, Vice-Chairperson
Temple Carter
Brauncy Jenkins
George Gallo, Jr.
Ethan Simpson

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.

SUMMARY OF EVIDENCE

1. The subject site consists of three parcels. 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.

2. Mr. Tom Robson spoke in favor of the application.
3. Mr. Robson explained that they need the full area of all three parcels to operate an RV dealership and they want to continue to do business here. He added that the parcel behind the subject parcels is a farm field.
4. Mr. Robson detailed that Camping World has been operating at this location for about a year. He added that Hitch RV was here prior to Camping World and they operated for about 8-12 years.
5. Mr. Robson stated that there have been no complaints with them or the previous operator to his knowledge.
6. Mr. Robson explained they have a good relationship with the auto business to the south. He detailed that they park all the way to the north of parcel 46.00 due to the existing septic.
7. Mr. Robson detailed that there is a fence midway along the side with the auto body and a portion of the rear.
8. Mr. Robson explained that if they had to meet the parking setbacks on all of the sides and rears, that would limit them on the amount of RVs they could place on the property and the less RVs they have the less sales they will make.
9. Mr. Robson stated that the units are not permanent and can be moved at any time.
10. Mr. Robson detailed their projection is to sell 300 to 400 units a year and they store 130 to 150 at a time.
11. Mr. Robson stated that they have two leases for the three different properties since they are owned by different entities.
12. Mr. Francis Webb spoke in favor of the application.
13. Mr. Webb explained that he has owned the northern parcel (46.00) for about 20 year and it has been used for RV sales for roughly 15-16 years. He added that his property is fully fenced and the fence is 1' off the property line.
14. Mr. Webb detailed that his immediate family owns the farmland in the rear of the subject parcels and they have no objection to the requests. He added that he spoke to the family to the south of the subject parcels and they also have no objections to the requests.
15. Gary Hosking, General Manager, spoke in favor of the application.
16. Mr. Hosking detailed that Mr. Webb's property has a fence but they operate as if the fence continues along the full rear of all the properties.

17. Mr. Hosking explained that when they are farming the property to the rear, they move the campers away from the rear property line.

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 **MODIFIED APPROVAL** of the requested variance.

- (1) **The nature of the zone where the property lies:** 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:** 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:** 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.

Granting a modified approval to required a 5' operational setback on the rear, northern side of parcel 46.00, and southern side of parcel 49.00 would not 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:** 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 create an exceptional practical difficulty for the applicants in relation to making normal improvements to the properties. Granting a modified approval to allow an operational setback of 5' along the rears, northern side of parcel 46.00 and southern side of parcel 49.00 would allow the applicants to make normal improvements to the property while allowing the business to stay competitive.

DECISION: On a motion made by Mrs. Hudson and seconded by Mr. Gallo, the Board of Adjustment voted 6 in favor of the motion to grant **CONDITIONAL APPROVAL** of application A-26-04, thus granting a variance from the 20' side setback 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, with the condition that a cross access agreement be recorded prior to issuance of a Certificate of Use, as shown on revised Exhibit B in green, attached hereto. The support of this motion was based on staff recommendation, testimony given, no impact on neighboring properties, and the inability to consolidate the three parcels due to different ownership.

On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted 6 in favor of the motion to grant **MODIFIED APPROVAL** of application A-26-04, thus granting a variance from the required 20' operational setback along the rear property lines, northern side property line of parcel 46.00, and southern side property line of parcel 49.00, to all for 5' operational setbacks, as shown on revised Exhibit B in red, attached hereto. The support of this motion was based on testimony given, hardship to the business owners, the applicants trying to utilize all of the parcels, the neighbor in agreeance of the variances, and the hardship for the business to stay competitive.

NOTES:

1. The applicant is 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 permit shall be obtained prior to the commencement of any construction. For more information, contact the Permitting Office at (302)-744-2451 between 8:00a.m. and 5:00p.m.
3. This variance will expire after **ONE YEAR** if a Certificate of Use has not been submitted to the Division of Planning.

KENT COUNTY BOARD OF ADJUSTMENT

Brian Cusick, Chairperson

DECISION FILED: _____, 2026

REVISED Exhibit B

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

Application: A-26-04

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

