



**Kent County Board of Adjustment  
Meeting Notice and Agenda  
555 Bay Rd.  
Dover, DE 19901  
Levy Court Chambers - Room 203  
Thursday, April 16, 2026**

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**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-26-06** Bigg Jims Homes, LLC  
Tax Map No. 8-00-122.12-01-54.00-000

**A-26-07** Tidewater Utilities, Inc.  
Tax Map No. 7-00-119.00-02-48.02-000

**A-26-08** Curtis L. Cross  
Tax Map No. 8-00-127.00-01-49.02-000

## **II. Business Meeting Call to Order**

### **Minutes**

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

### **Notices of Decision**

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

### **Old Business**

**A-25-09** Faye Z. Wing  
Tax map No. 7-00-111.02-01-01.00-000

### **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:** 04/9/2026  
**POSTING TIME:** 9:00 a.m.

POSTED BY: Adam Lyncha, Planning Tech.  
TAKE DOWN: 04/17/2026, 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:** April 16, 2026

**SUBMITTED BY:** Jamie Fenske, Planning Services

**ITEM TYPE:** Application

**AGENDA SECTION:**  
**Public Hearing**

**SUBJECT:**  
**A-26-06** Bigg Jims Homes, LLC  
Tax Map No. 8-00-122.12-01-54.00-000

### ATTACHMENTS:

A-26-06 Bigg Jims LLC - Staff Report  
A-26-06 Bigg Jims Homes, LLC Exhibit A  
A-26-06 Bigg Jims LLC - Exhibit B  
A-26-06 Bigg Jims LLC - Powerpoint





## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

April 16, 2026

**APPLICATION:** A-26-06

**APPLICANT/OWNER:** Bigg Jim's Homes LLC  
124 Broadkill Rd Unit 939  
Milton, DE 19968

**PROPERTY LOCATION:** 80 E Poplar St.  
Frederica, DE 19946

#### NATURE OF REQUEST:

**A-26-06 Bigg Jim's Homes LLC** seeks a variance from the required 40' front principal structure setback, 25' rear principal structure setback, and from the requirement that an accessory structure shall not be located in the front yard or front setback unless the accessory structure is located at least 100 ft. from the front property line to enable the relocation of a manufactured home (**§205-216.A(1) and 205-85.A. of the Kent County Code**). The property is located on the southeast corner of E Fourth St. and E. Poplar St., southeast of Magnolia. Levy Court District: 4<sup>th</sup>. Zoning District: RMH. **Tax Map No. 8-00-122.12-01-54.00-000**

The applicants are requesting a variance to relocate the existing manufactured home that crosses the property line to be completely on the subject property. They are requesting the dwelling to be 23.7' from the front property line and 13.3' from the rear property line. They are also requesting to legalize the placement of the existing 166 sq. ft. shed to be 28.7' from the front property line.

#### 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 **APPROVAL** of the variances 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:  
Residential Manufactured Home (RMH).

Staff Response:

As shown on Exhibit A, the subject parcel is zoned RMH (Residential Manufactured Home) outside the growth zone. Manufactured homes and accessory buildings are permitted uses within the zone, contingent upon meeting bulk and area requirements as set by the Zoning Code of Kent County.

**2. The character and uses of the immediate vicinity.**

Applicant Response:

The immediate vicinity is predominantly residential in character, with neighboring properties used for single-family and mobile homes.

Staff Response:

The character of the surrounding area is residential in nature. Surrounding properties appear to be improved with homes and accessory structures.

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

Applicant Response:

The removal of the restriction would not have a significant impact on neighboring properties. The lot will continue to be used as a single-family residential lot, consistent with the character of the surrounding properties.

Staff Response:

Removal of the required 40' front principal structure setback and 25' rear principal structure setback would not seriously affect the neighboring properties. The existing manufactured dwelling is 23.7' from the front property line along E. Poplar St., 20.5' from front property line along Fourth St., and currently crosses the shared property line to the south. The proposed location of the manufactured home will maintain the 23.7' from E. Poplar St. front property line and will be compliant with the required 40' front setback along Fourth St. and the side setback of 15'. Also the home will be no closer to the rear property line than the existing shed is.

Removal of the restriction that an accessory structure not be located within the front yard or front setback will not seriously affect the neighboring properties. Based on aerials the 166 sq. ft. shed has been on the property since 1997. No objections have been received prior to the hearing regarding the accessory structure.

**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:

Failure to remove the restriction creates a practical hardship. Due to the shape of the parcel and the placement of the mobile home, which already encroached 18 ft onto an adjacent lot at the time of purchase, the property cannot be used as intended. Granting the variance allows normal residential use and resolves this exceptional practical difficulty.

Staff Response:

Failure to remove the front setback of 40' and rear setback of 25' would create an exceptional practical difficulty for the applicant. The parcel is 75' by 110' and is located on a corner with two fronts. If the applicant was required to meet all the setback requirements, there would be a 20' x 45' buildable area on the parcel. The proposed location of the 14' x 73' manufactured dwelling will be no closer to E. Poplar St. than the existing manufactured home, it will be code compliant in relation to the required 40' front setback along E. Fourth St., and the proposed manufactured dwelling will no longer cross the property line.

Failure to remove the restriction that accessory structures shall not be located within the front yard would create an exceptional practical difficulty for the applicant. The property is unique as it is a corner lot with two fronts and is only 0.19± acre in size. The property is narrow which leaves little room on the property for accessory structures to be placed in compliance with the code requirements.

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:**

- The subject parcel is improved with a manufactured home and a shed.
- There have been no previous Board of Adjustment applications on the subject parcel.
- There have been two Board of Adjustment applications in the surrounding area similar to this request:
  - A-10-17, for a property located approximately 512' northeast of the subject site on the northeast corner of E. Oak St. and E Pine St., requesting a variance from the required 35' front accessory structure setback to enable the construction of an 8' x 10' shed. The Board granted approval of a 33' front setback on July 15, 2010.
  - A-13-22, for a property located approximately 770' northeast of the subject site on the north west corner of E. Oak St. and E Second St., requesting a variance from the requirement that an accessory structure shall not be located in the front yard or front setback to legalize the placement of a 10' x 12' gazebo. The Board granted approval of a 10.25' front setback on September 19, 2013.
- DelDOT has commented that a minimum setback of 30' from the centerline of the road is required.

- The applicants are advised that, should the request be granted, a permit shall be obtained prior to the commencement of construction/relocation. 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-26-06 Exhibit A

**APPLICANT/OWNER:**

Bigg Jim's Homes LLC

**PRESENT ZONING DISTRICT:**

RMH(Residential Manufactured Home)

**PROPOSED VARIANCE:**

Variance from the required 40' front setback and from the requirement that an accessory structure shall not be located in the front yard or front setback unless the accessory structure is located at least 100 ft. from the front property line to enable the relocation of a manufactured home

**PRESENT USE:** Residential

**PROPOSED USE:** Residential

**LEVY COURT DISTRICT:**

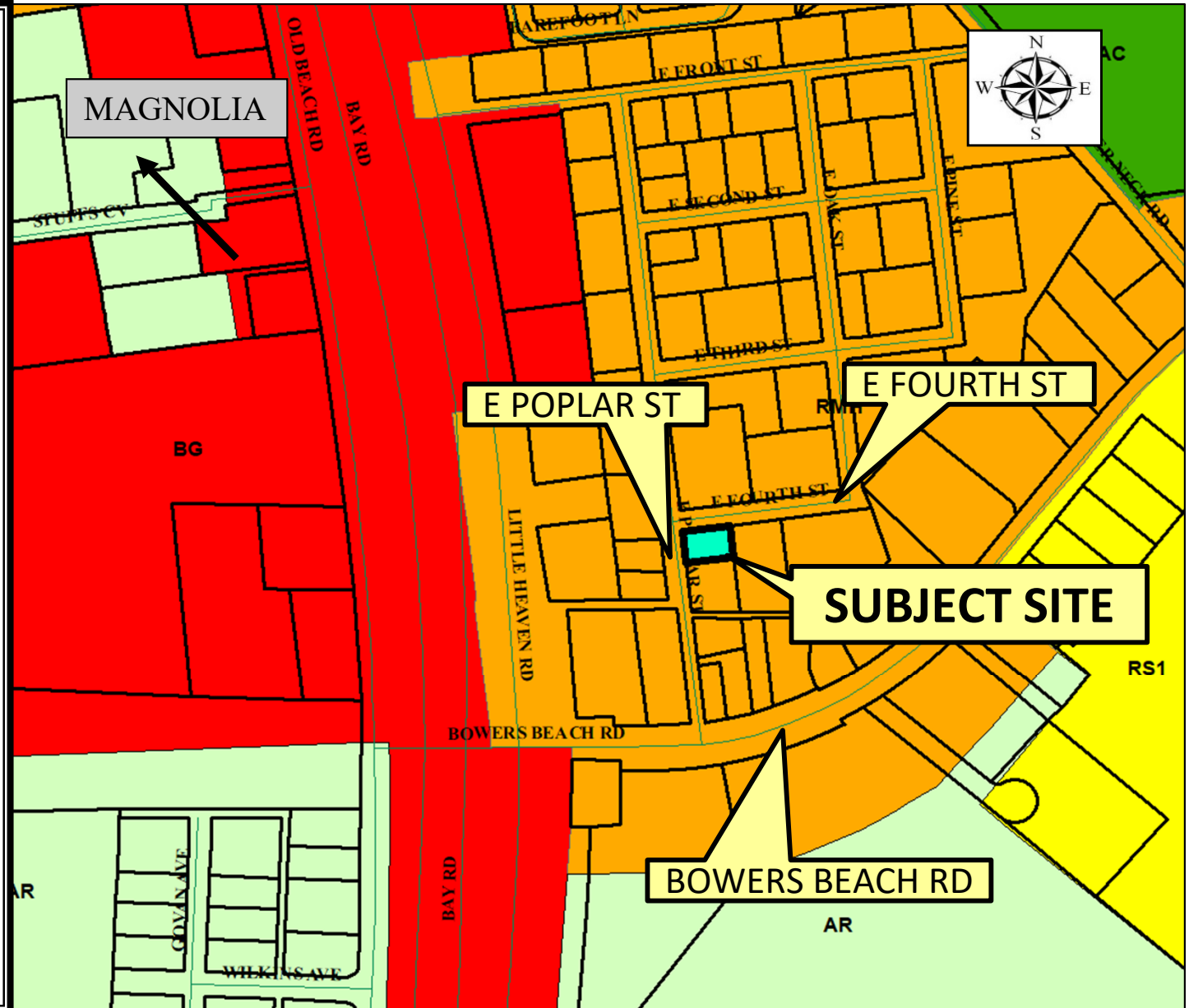
4<sup>th</sup> - Scott

**TAX MAP NO:**

SM-00-122.12-01-54.00-000

**LOCATION:**

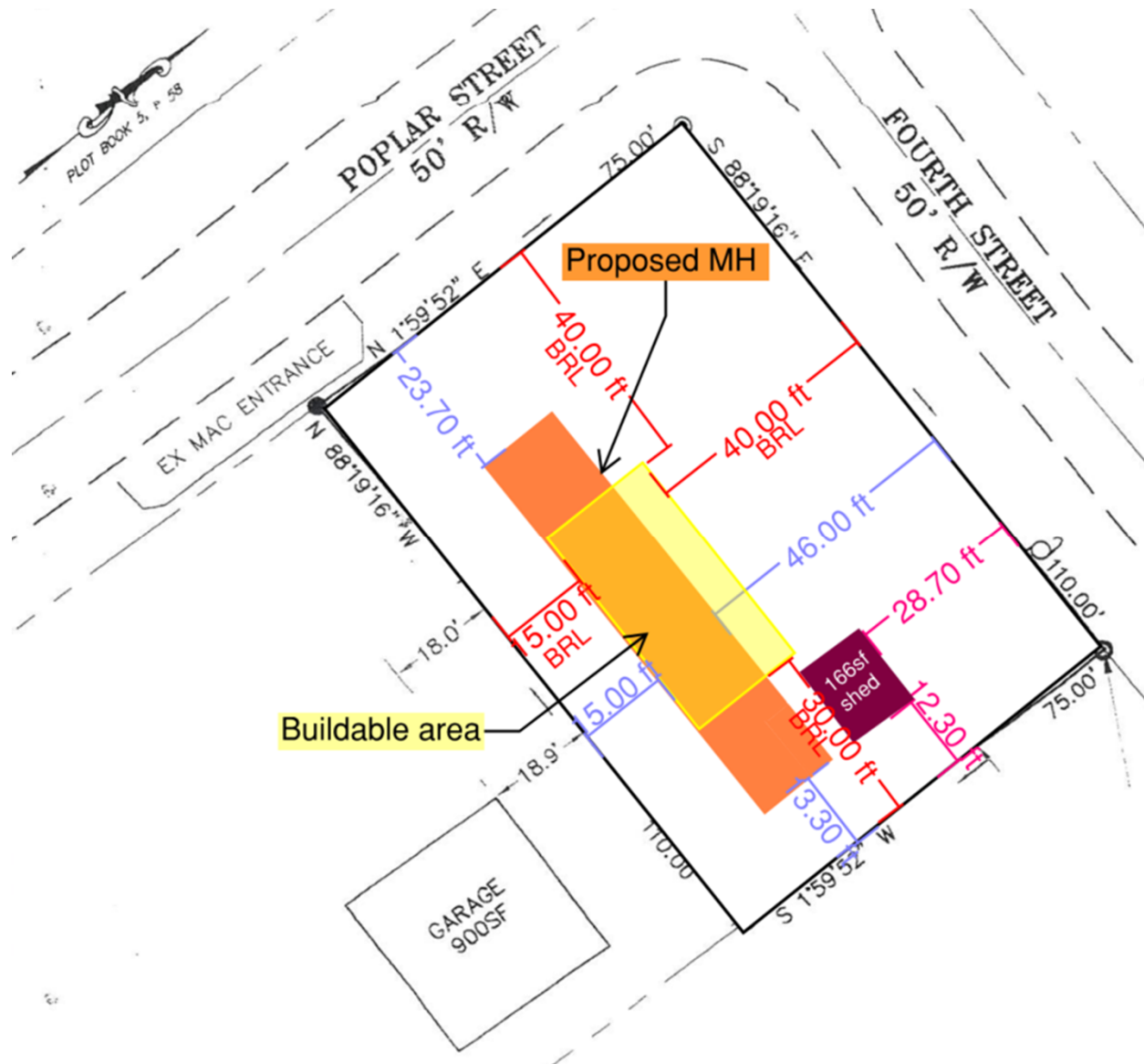
Located on the southeast corner of E Fourth St. and E. Poplar St., southeast of Magnolia.



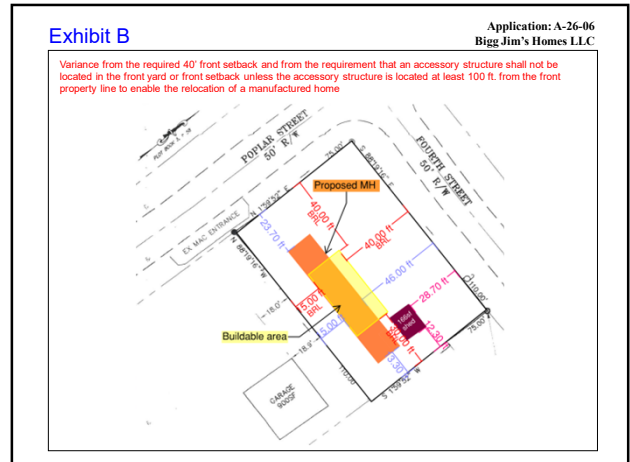
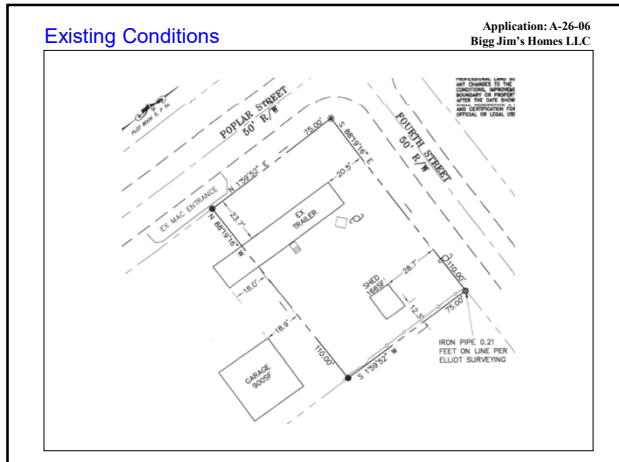
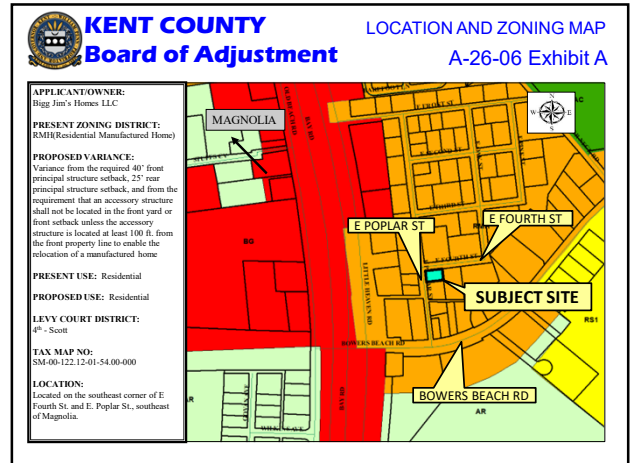
# Exhibit B

Application: A-26-06  
Bigg Jim's Homes LLC

Variance from the required 40' front setback and from the requirement that an accessory structure shall not be located in the front yard or front setback unless the accessory structure is located at least 100 ft. from the front property line to enable the relocation of a manufactured home









**A-26-06 BIGG JIM'S HOMES LLC**



**A-26-06 BIGG JIM'S HOMES LLC**



**A-26-06 BIGG JIM'S HOMES LLC**



**A-26-06 BIGG JIM'S HOMES LLC**



**A-26-06 BIGG JIM'S HOMES LLC**



**A-26-06 BIGG JIM'S HOMES LLC**







# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** April 16, 2026

**SUBMITTED BY:** Jamie Fenske, Planning Services

**ITEM TYPE:** Application

**AGENDA SECTION:** **Public Hearing**

**SUBJECT:** **A-26-07** Tidewater Utilities, Inc.  
Tax Map No. 7-00-119.00-02-48.02-000

**ATTACHMENTS:**  
[A-26-07 Tidewater Utilities - Staff Report](#)  
[A-26-07 Tidewater Utilities - Exhibit A](#)  
[A-26-07 Tidewater Utilities - Exhibit B](#)  
[A-26-07 Tidewater Utilities - Powerpoint](#)



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

April 16, 2026

**APPLICATION:** A-26-07

**APPLICANT:** Tidewater Utilities, Inc.  
1100 S Litle Creek Rd.  
Dover, DE 19901

**OWNER:** Behram Holding LLC  
77 Case Ridge Rd  
Dover, DE. 19901

**PROPERTY LOCATION:** Firetower Rd.  
Felton, DE 19943

#### NATURE OF REQUEST:

**A -26-07 Tidewater Utilities LLC (Owner: Behram Holding LLC)** seek a variance from the maximum height allowance of 80', the maximum size of a sign shall be no larger than 10% of the area of the building front which each business occupies, and the maximum height of a sign of 30' to construct a water tower with signage (**§205-81.D.(4)(b) and 205-232.B.(4) of the Kent County Code**). The property is located on the north side of Firetower Rd., approx. 900' west of Turkey Point Rd., south of Viola. Levy Court District: 5<sup>th</sup>. Zoning District: AR. **Tax Map No. 7-00-119.00-02-48.02-000**

The applicant is requesting a variance from:

- the maximum height requirement of 80',
- the maximum size of an on-premises single-faced wall-mount sign of 10% of the area of the building front which the industry occupies, and
- the maximum sign height of 30' to construct a water tower with signage.

The applicant is seeking variances to construct a 140' water tower. The proposed signage will be 672 sq. ft. (approx. 24% of the area of the building front which the industry occupies) and be placed approximately 124 ft. above grade.

#### 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 variances to allow the water tower to be 140' high and have signage which starts at 124' above grade. The staff recommends **DENIAL** of the

variance of the sign size of 672 sq. ft., based on the analysis of the four criteria from the applicant and staff as follows:

## **II. RESPONSE TO CRITERIA:**

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

Applicant Response:

None.

Staff Response:

As shown on Exhibit A, the subject site is zoned AR (Agricultural Residential). Minor utilities, such as water towers, are permitted in the AR zoning district through a Conditional Use with a Site Plan. Signage is also permitted within the AR zoning district, provided it meets the applicable size and height requirements.

### **2. The character and uses of the immediate vicinity.**

Applicant Response:

None.

Staff Response:

The character of the surrounding area is a mix of residential and agricultural. The adjacent property to the north is approved for a community energy generating facility. To the west is Riverdale Estates subdivision and a manufactured home park. To the south are residential properties and an agricultural property.

The proposed signage would be out of character for the area. There are no other existing signs in the area that are similar in size to the proposed signage.

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

Applicant Response:

None.

Staff Response:

Removal of the height restriction for the tower and the height restriction for the signage, is not likely to seriously impact the neighboring properties. The proposed water tower will be 140' from the nearest residential lot line. Also, water towers are normal improvements within residential areas.

Removal of the sign size limit of 10% of the area of the building front which the industry occupies could affect neighboring properties. Although signage is permitted, the size limit is intended to prevent oversized signs. A larger sign will draw more attention to the water tower and lessen the chance that the structure will blend in with the skyline. The proposed sign would permit a sign that is 233% larger than a billboard,

in a zoning that does not permit billboards. Also, the County is not permitted to regulate content and therefore cannot prevent advertisement that may differ than what is being proposed currently.

- 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 height of the water storage tank is designed to deliver adequate water pressure (40-60 psi) to our customers. The surface elevation of the tank site also factors into the required height of the tank.

Staff Response:

Failure to remove the height restriction for the tower and the signage height would create a practical difficulty for the applicant, who is looking to make a normal improvement on the property. The unique characteristic of the use itself requires a structure that is taller than the permitted height of 80'. There are other uses identified in the code that are permitted to be taller than the 80' height limit, such as telecommunication towers. As for the sign height, the nature of the use also applies. The standard and logical location of water tower signage would be the tower bulb, which is located above the permitted sign height.

However, failure to remove the size restriction for the sign would not create an unnecessary hardship or exceptional practical difficulty for the applicant. The proposed sign is more than two times the size of the permitted sign. For the proposed 672 sq. ft. sign to meet the size requirement, the size of the building front would need to be 6,720 sq. ft. Although the allowed signage may be smaller than desired, the applicant is still able to install a sign of 280 sq. ft. on the tower, which is 8 sq. ft. smaller than the maximum permitted size of a billboard. There is no evidence to show that the physical condition of the property or the proposed use would prevent the installation of a smaller sign.

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 maximum height requirement of 80',
  - the maximum size of an on-premises single-faced wall-mount sign of 10% of

the area of the building front which the industry occupies, and

- the maximum sign height of 30' to construct a water tower with signage.

The applicant is seeking to construct a 140' water tower. The proposed signage will be 672 sq. ft. and be placed approximately 124' ft. above grade.

- The subject site is a 0.33-acre project area on a 57.85± acre property. The property is approved for an 85-lot major subdivision.
- 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.
- DelDOT has no comment on the height variance or % cover variance.
- The applicant is advised that, should the request be granted, a Conditional Use application must be approved by Levy Court. For more information, contact the Planning Office at (302)744-2471 between 8:00 a.m. and 5:00 p.m.

**ENC:** Exhibit A  
Exhibit B



# KENT COUNTY

## Board of Adjustment

## LOCATION AND ZONING MAP

### A-26-07 Exhibit A

**APPLICANT:**

Tidewater Utilities LLC

**OWNER:**

Behram Holding LLC

**PRESENT ZONING DISTRICT:**

AR (Agricultural Residential)

**PROPOSED VARIANCE:**

Variance from the maximum height allowance of 80', the maximum size of a sign shall be no larger than 10% of the area of the building front which each business occupies, and the maximum height of a sign of 30' to construct a water tower with signage

**PRESENT USE:** Vacant/Agricultural

**PROPOSED USE:** Proposed water tower on an approved major subdivision

**LEVY COURT DISTRICT:**

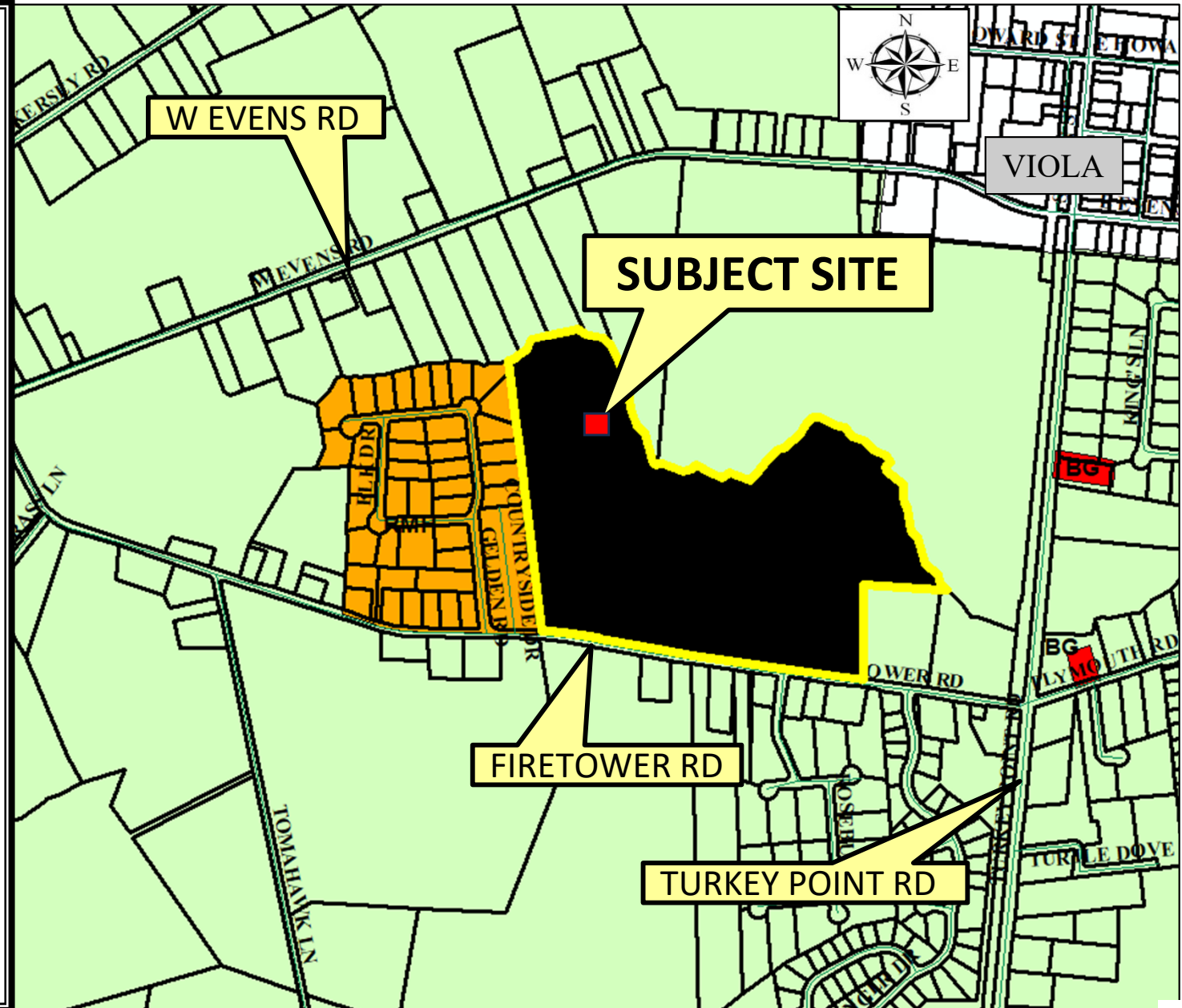
5<sup>th</sup> - Sweeney

**TAX MAP NO:**

NM-00-119.00-02-48.02-000

**LOCATION:**

Located on the north side of Firetower Rd., approx. 900' west of Turkey Point Rd., south of Viola





# Exhibit B

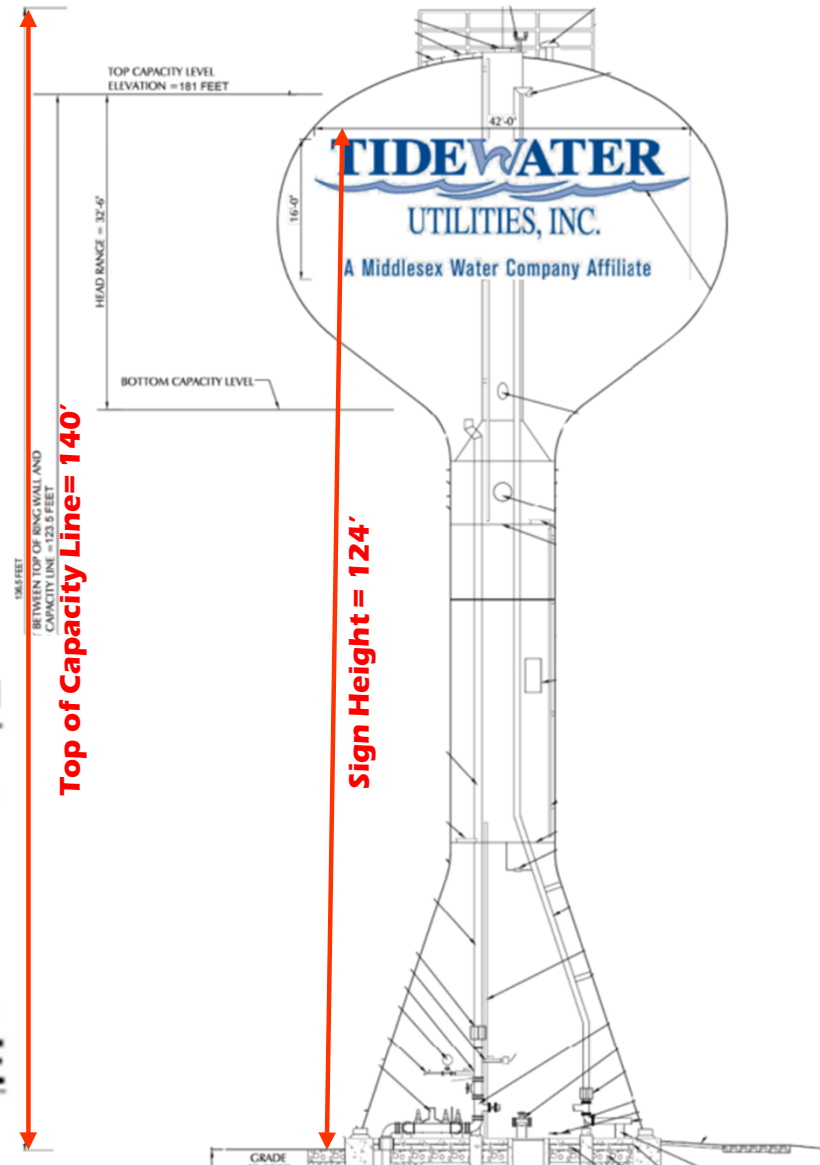
Application: A-26-07  
Tidewater Utilities LLC (Behram Holding LLC)

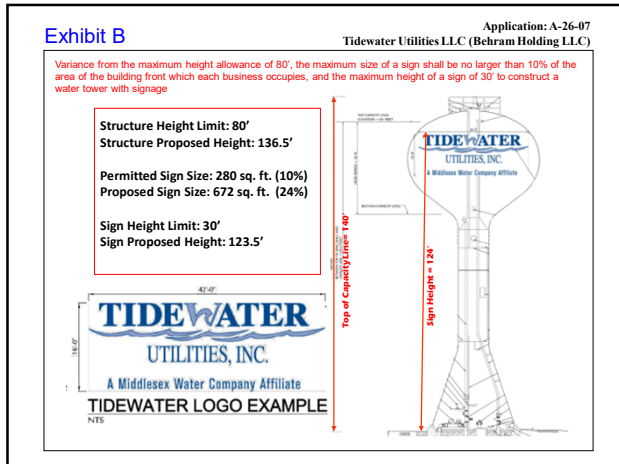
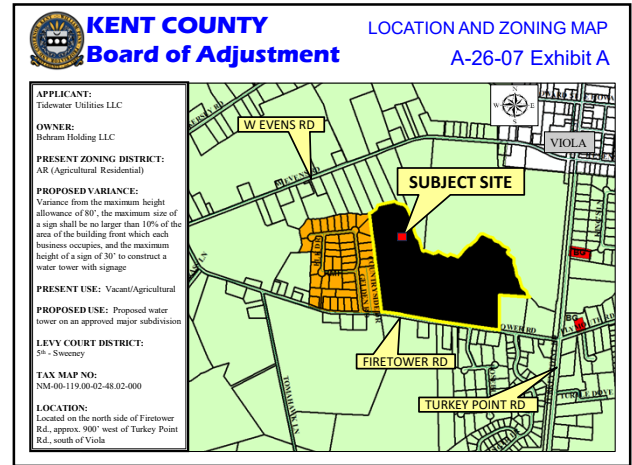
Variance from the maximum height allowance of 80', the maximum size of a sign shall be no larger than 10% of the area of the building front which each business occupies, and the maximum height of a sign of 30' to construct a water tower with signage

**Structure Height Limit: 80'**  
**Structure Proposed Height: 136.5'**

**Permitted Sign Size: 280 sq. ft. (10%)**  
**Proposed Sign Size: 672 sq. ft. (24%)**

**Sign Height Limit: 30'**  
**Sign Proposed Height: 123.5'**





**A-26-07 TIDEWATER UTILITIES LLC  
(BEHRAM HOLDING LLC)**



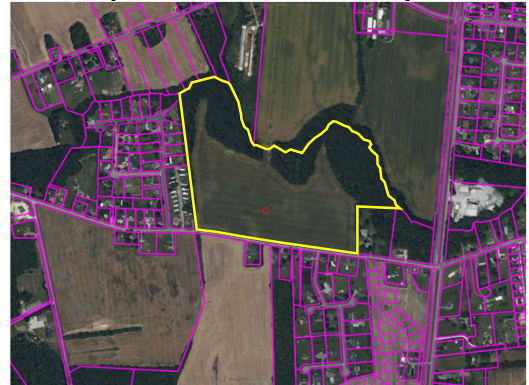
**A-26-07 TIDEWATER UTILITIES LLC  
(BEHRAM HOLDING LLC)**



**A-26-07 TIDEWATER UTILITIESLLC  
(BEHRAM HOLDING LLC)**



**A-26-07 TIDEWATER UTILITIESLLC  
(BEHRAM HOLDING LLC)**







# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** April 16, 2026

**SUBMITTED BY:** Jesse Lindenberg, Planning Services

**ITEM TYPE:** Application

**AGENDA SECTION:**  
**Public Hearing**

**SUBJECT:**  
**A-26-08** Curtis L. Cross  
Tax Map No. 8-00-127.00-01-49.02-000

**ATTACHMENTS:**  
[A-26-08 Cross Staff Report](#)  
[A-26-08 Cross Exhibit A](#)  
[A-26-08 Cross Exhibit B](#)



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

April 16, 2026

**APPLICATION:** A-26-08

**APPLICANT:** Curtis & Deborah Cross  
311 Ironmine Rd.  
Felton, DE 19943

**OWNER:** Curtis L. Cross  
PO Box 44  
Felton, DE 19943

#### NATURE OF REQUEST:

**A-26-08 Curtis L. Cross** seeks a variance from the requirement that an accessory structure shall not be located in the front yard or front setback unless located 100' from the front property line to legalize the existing detached garage (**§205-85.A. of the Kent County Code**). The property is located on the west side of Ironmine Rd., approx. 0.28 miles north of Sandtown Rd., west of Felton. Levy Court District: 6<sup>th</sup>. Zoning District: AR. Tax Map No. 8-00-127.00-01-49.02-000

The applicants are requesting a variance from the provision stating that an accessory structure shall not be located in the front yard or front setback unless located 100' from the front property line to legalize an existing detached pole building. The 24' x 24' building is 57'± from the front property line and the existing dwelling is 73'± from the front 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 applicant and staff as follows:

#### II. RESPONSE TO CRITERIA:

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

Applicant Response:  
None.

Staff Response:

As shown on Exhibit A, the subject site is zoned AR (Agricultural Residential) outside the growth zone. Residential accessory structures are a normal and permitted improvement within the district.

**2. The character and uses of the immediate vicinity.**

Applicant Response:

None.

Staff Response:

The character of the surrounding area is residential and agricultural in nature. The properties to the north, south, and east are all improved with single-family residences and some with accessory structures. The property to the west of the subject site is used for agriculture and is improved with multiple chicken houses. Further to the northeast is another agricultural property used for farm fields.

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

Applicant Response:

The building does not obstruct the view of the road in either direction.

Staff Response:

Removal of the required 100' front setback would not have a significant negative impact on neighboring properties. While the pole building is located closer than the house to the front property line, it does not obstruct the view of the roadway in either direction. Both the accessory structure and the house are well outside of the 40' front setback as well. Additionally, no objections have been received 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:

The attached survey and site plan shows the house at 73 ft. from the roadway. The building is currently at 57'.

Staff Response:

Failure to remove the restriction would create an unnecessary hardship for the property owners in relation to making normal improvements to the property. The accessory structure has already been constructed on the property. The necessary permits were applied for, and zoning approval was issued based on the plot plan submitted for the



project which showed the structure further from the front property line than the house. When the building was constructed, it was built closer than approved. However, this was missed during the inspections process, and the footer inspection was approved with the structure closer than permitted. It would be an unnecessary hardship for the owners to have to relocate or remove the building at this point, since there was a mistake made by a County Inspector.

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:**

- The subject site is 1.5± acres and is improved with a single-family home, two accessory structures in the rear, and a newly constructed 24' x 24' pole building. The pole building is located 57' from the front property line.
- DelDOT Comment: A minimum setback of 30' from the centerline of the road is required.
- There have been no previous Board of Adjustment applications on the subject site.
- There have been no Board of Adjustment applications in the surrounding area that were similar to this request.
- The applicant is advised that a Certificate of Occupancy shall be obtained prior to any occupation of the structure. For more information, contact the Permitting Office 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-26-08 Exhibit A

**APPLICANT/OWNER:**

Curtis L Cross

**PRESENT ZONING DISTRICT:**

AR (Agricultural Residential)

**PROPOSED VARIANCE:**

Variance from the requirement that an accessory structure shall not be located in the front yard or front setback unless located 100' from the front property line to legalize the existing detached garage

**PRESENT USE:** Residential

**PROPOSED USE:** Same with legalized detached garage

**LEVY COURT DISTRICT:**

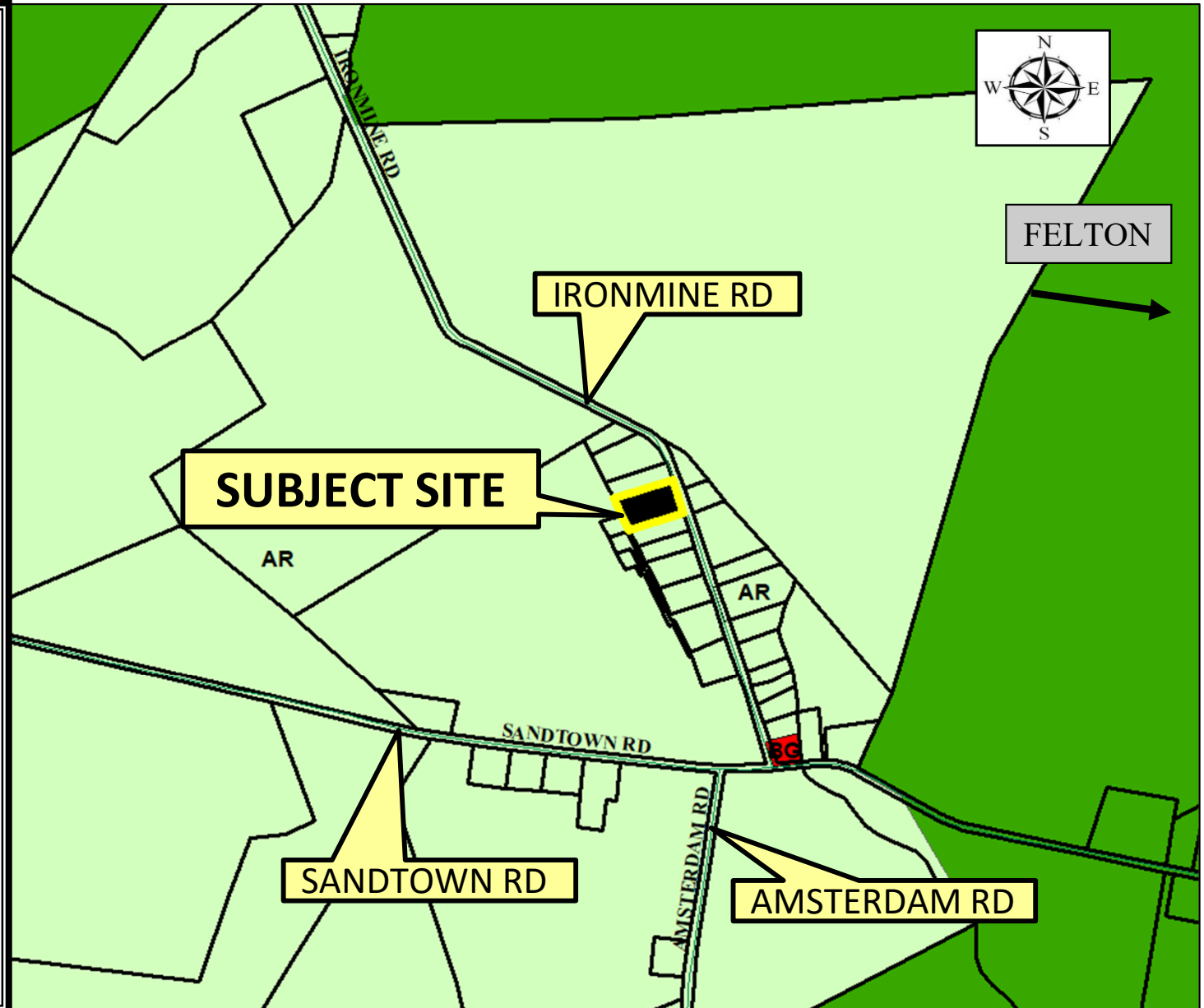
6<sup>th</sup> - Hertz

**TAX MAP NO:**

SM-00-127.00-01-49.02-000

**LOCATION:**

Located on the west side of Ironmine Rd., approx. 0.28 miles north of Sandtown Rd., west of Felton.



# Exhibit B

Application: A-26-08

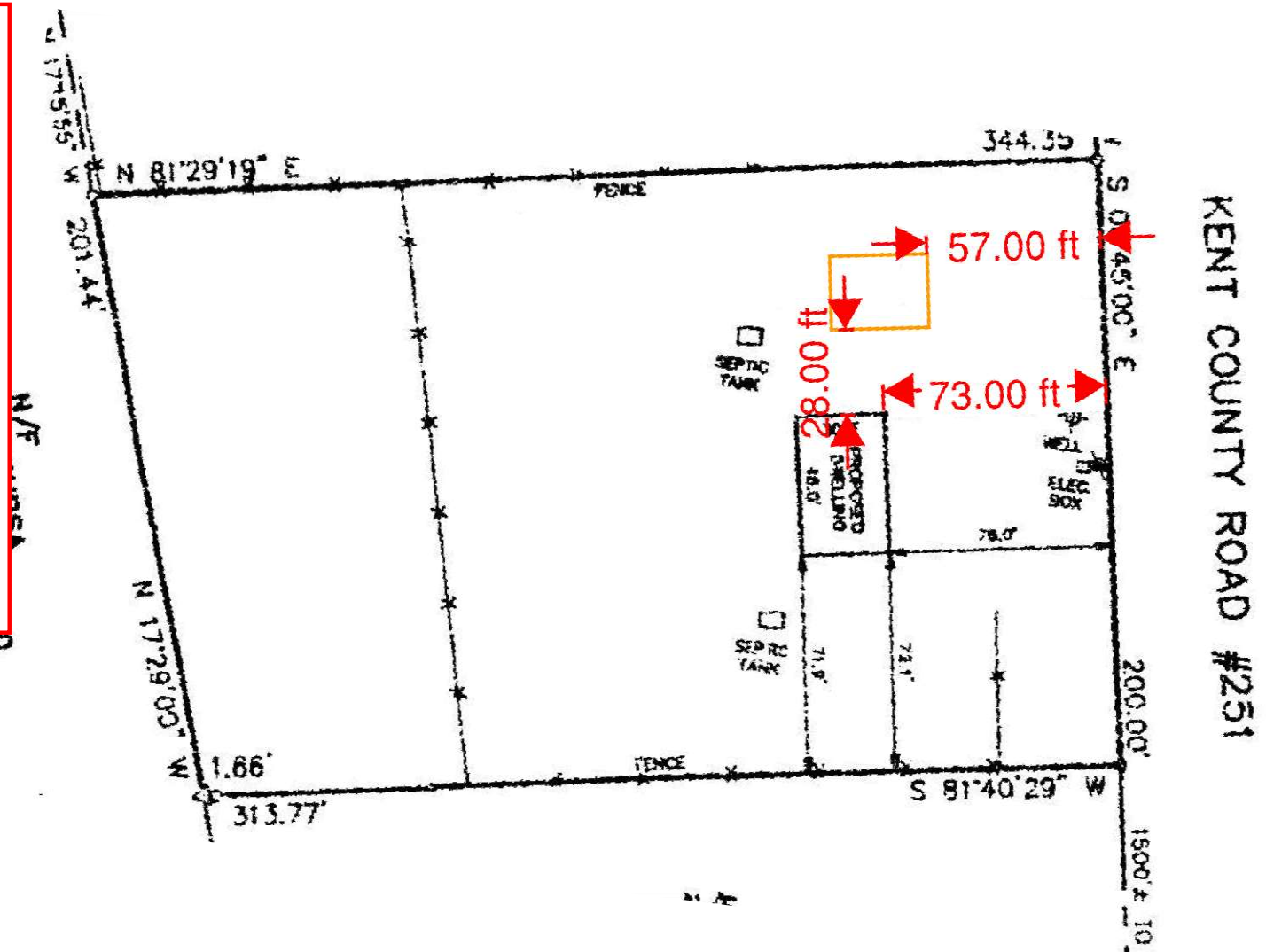
Cross

Variance from the requirement that an accessory structure shall not be located in the front yard or front setback unless located 100' from the front property line to legalize the existing detached garage

Required Front  
Setback: 100'  
(or behind front  
of home)

Distance of  
Home: 73'

Distance of  
Existing  
Garage:  
57'





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** April 16, 2026

**SUBMITTED BY:** Adam Lyncha, Planning Services

**ITEM TYPE:** Application

**AGENDA SECTION:**  
**Minutes**

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

**ATTACHMENTS:**  
[March 2026 Minutes](#)

**MINUTES OF THE KENT COUNTY LEVY COURT  
BOARD OF ADJUSTMENT MEETING  
KENT COUNTY ADMINISTRATIVE COMPLEX  
555 BAY ROAD, DOVER, DE  
LEVY COURT CHAMBER, ROOM 203  
THURSDAY, MARCH 19, 2026**

**Business Meeting Call to Order**

The Business Meeting was called to order at 6:44 P.M.

**Roll Call and Determination of Quorum**

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

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

**Approval of the Minutes**

**Motion** to approve the Business Meeting Minutes from the February 19, 2026 meeting made by Morgan Hudson; seconded by Temple Carter, III; carried by vote 7 yeas.

**Approval of the Notices of Decision**

**Motion** to approve Notices of Decision for applications A-26-03 & A-26-04 from the February 19, 2026 meeting made by Morgan Hudson; seconded by Temple Carter, III; carried by vote 7 yeas.

**New Business**

**A-26-05 Gene A. & Christine M. Mullen 3-00-035.00-01-52.00-000**

**Motion** to approve a variance to utilize an existing 16.5 ft. wide access easement to construct a single-family dwelling for application A-26-05 based on there being an exceptional practical difficulty and the landlocked nature of the property made by Joan Denney; seconded by Morgan Hudson; carried by vote 7 yeas.

**Votes:**

**Mr. Jenkins:** Yes. I vote in support of the motion for application A-26-05 based on the testimony we received tonight, and the extensive information given to us by the staff. The easement, by granting it, is very minimal. You're talking about 1.5 ft.

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

**Mr. Simpson:** I vote in favor based on the testimony tonight, the staff recommendation, and the exceptional practical difficulty that it would put on the landowner to do anything with his property.

**Mr. Gallo:** I vote in favor of the motion. The applicant is attempting to make a normal improvement on a property. The location of that property presents an exceptional practical difficulty and the relief he is asking for is minimal.

**Mrs. Denney:** I vote yes. I do see an exceptional practical difficulty. I believe that he would be landlocked if we did not grant this variance.

**Mrs. Hudson:** For A-26-05, I vote to approve based on the staff recommendation and the public testimony that we heard tonight. I believe allowing the applicant to utilize the existing 16.5 ft. access easement to construct a single-family home is within the character of the surrounding area. I believe there is an exceptional practical difficulty with the homeowner being landlocked.

**Mr. Cusick:** I vote in favor of the motion per staff recommendation. The hardship is clearly there. To make this applicant expand the existing egress is a pretty financial impact.

**Adjournment**

**Motion** to adjourn the Board of Adjustment Meeting of March 19, 2026 made by Morgan Hudson; seconded by Temple Carter, III; carried by vote 7 yeas.

The Business Meeting was adjourned at 6:54 P.M.

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**Certifying Officer [Name, Title]**



Signature \_\_\_\_\_



# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** April 16, 2026

**SUBMITTED BY:** Adam Lyncha, Planning Services

**ITEM TYPE:** Application

**AGENDA SECTION:** **Notices of Decision**

**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 Notice of Decision](#)  
[A-26-05 Mullen Exhibit B](#)



## DEPARTMENT OF PLANNING SERVICES

### NOTICE OF DECISION

**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

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

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

### 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: 6<sup>th</sup>. 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.

### SUMMARY OF EVIDENCE

1. The subject site is 10.5246± acres in size.
2. Mr. Gene Mullen, applicant, spoke in favor of the application.
3. Mr. Mullen stated that the easement to the property was established during the '20s, when the lots were subdivided. He said that the easement was one rod length, 16.5', which was an old

surveying measurement used at the time. He said that the property was purchased from Mr. Emerson in 1949 with the easement present and that based on old deeds, the owners were aware of it.

4. Mr. Mullen added that sometime in the '30s they changed the configuration of Underwoods Corner Rd. He said that this basically landlocked the Zimmerman property in front of his, and Zimmerman's deed does not show access to the easement.
5. Mr. Mullen said that his property is completely landlocked, and it is bordered to the north by the Holts farm and to the west/northwest by the Blackiston Wildlife area. He stated that the practical difficulty is that, without the easement, he would be unable to build and the property would be basically useless.
6. Mr. Mullen stated that he purchased the property in 2008. He explained that in 2010 the county issued him an Ag permit for a pole barn, in preparation to build the house. He said that he had several discussions with Leslie Persans, and that she approved the building with an understanding that he would construct it to residential accessory building code, and when the house was built, it would be changed over to an accessory building.
7. Mr. Mullen explained that on February 21, 2025, he had a major fire that destroyed the pole barn and several pieces of equipment, everything in the building. He said that he was going to build a modular home but decided to rebuild the pole barn and turn it into a barndominium. He added that this was for cost reasons and that it would be easier to put up a building and make it into a house.
8. Mr. Mullen stated that he needs the pole building to build the residence because he was going to build it himself, in the shop. He said that this didn't happen for personal reasons, but there is septic, electric, and everything for a residence. He added that the residence would be for them and that it would not be for any commercial use.
9. Mr. Mullen explained that he believes the 18' requirement was established by Levy Court in 1991. He said he didn't know why he wasn't aware of the change or why nobody made him aware of it. He stated that, if the variance isn't approved, he would still use the easement to access the property.
10. Mr. Mullen said that he didn't know why Levy Court changed the easement requirement to 18'. He said that he assumed it was because of fire and ambulance and emergency type, but that's obviously not the case because the night he had the fire there were 7 or 8 trucks sitting on the lane.
11. Mr. Mullen added that he built a standard turnaround in the back of the property, basically a 62' cul-de-sac. He stated this is the requirement for any subdivision, and that he built it at 62' so emergency vehicles could come in and drive right back out.
12. Mr. Mullen said that the infrastructure he installed was pretty expensive and that it would be a financial hardship if he had to change things or start over. He added that he didn't know if anyone was in opposition to the variance.

13. Mr. Fred Zimmerman, a neighboring property owner, spoke in favor of the variance.
14. Mr. Zimmerman stated that he recommended the Board give due consideration to Mr. Mullen's request regarding the more recent requirement of an additional 1.5' for an easement for residential use. He explained that he owns the 8.5-acre property east of Mr. Mullen's, which follows his property along the existing 16.5' easement all the way to the road.
15. Mr. Zimmerman stated that his property didn't used to require an easement, because it used to be right by the road. He explained that the road was changed to a more gradual curve, and he would now need an easement or access that he did not have.
16. Mr. Zimmerman said that he was going to put a house on the property a few years ago, but because he has not been able to get an easement or access, he has not been able to do so. He added that his property is only a small stone's throw away from the road, and he has not been restricted from getting onto it.
17. Mr. Ronald Emerson, a neighboring property owner, spoke in opposition to the application.
18. Mr. Emerson stated that he owns the property next to the applicant's, which the easement is located on. He said he has lived on the property his whole life, 73 years.
19. Mr. Emerson explained that his biggest concern is the traffic, that he has asked for a cut down on the traffic because there is too much and they go too fast. He added that he has spoken about it but gets no results. He said that before the fire, Mr. Mullen was building cabinets and stuff and basically running a business. He said that he told Mr. Mullen he didn't care about anything he did on the property if it didn't hurt him, but that he has hurt him and his family because they don't feel safe.
20. Mr. Emerson stated that his wife and granddaughter have dogs and that they all like to go out and walk the dogs, and that they don't know the people coming on their property. He said that it has gotten so bad that he has had to start stopping people to get them not to speed. He added that Mr. Mullen's speed has been okay, but not other people's.
21. Mr. Emerson said that his son lives on the property behind his and next to Mr. Mullen's, and that he is concerned about the gunfire. He said that at one time Mr. Mullen had the Town of Smyrna and the police department at his property getting their recertification and then there was a gun club coming out.
22. Mr. Emerson explained that one of his concerns was that the easement doesn't leave much room because they don't have much space. He said that it's 25' from the corner of the house to the property line, and that they wanted to put up a deck.
23. Mr. Emerson stated that his concern is safety and that once the house is there, there will be a workshop, and it will get worse. He explained that he has thought about putting in speed humps, but that it just seems like another job he has to do when he already put up speed limit signs, and it would be punishing himself since he also uses the road. He said if the speeding continues, he

won't have a choice.

24. Mr. Emerson said there can be anywhere from five to 24 cars coming in in a day and that they also come out. He added that it is sporadic, some days there would be five cars and some days seven, but the most was 24 when there was a gun club.
25. Mr. Emerson explained that somebody damaged his pole building with a vehicle, that he fixed it himself, but he went to Mr. Mullen about it to ask him to cut down on the traffic. He said that Mr. Mullen said it was his property not Emerson's, which is the point when he didn't want to talk to Mr. Mullen anymore. He added that it is why he is not supporting the variance, because it affects him too much.
26. Mr. Emerson stated that the 16.5' easement was in the original 1943 deed from when Malcolm Jarrell sold the property to his father. He said that the easement is only for Mr. Mullen's property and that it was never used until he bought it. He said that the Jarells used to go through the woods on Mr. Zimmerman's property to access the property.

### 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) 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:** 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:** 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:** 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.

**DECISION:** On a motion made by Mrs. Denney and seconded by Mrs. Hudson, the Board of Adjustment voted 7 in favor of the motion to grant **APPROVAL** of application A-26-05, thus granting 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 use of an existing 16.5' easement for the construction of a single-family dwelling, as shown on Exhibit B, attached hereto. The support of this motion was based on the staff recommendation, public testimony, that the request is minimal, that expansion of the easement would be a financial impact, and that there is an exceptional practical difficulty for the owner that the property would be landlocked without the easement.

**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 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 building permit has not been submitted to the Division of Planning.

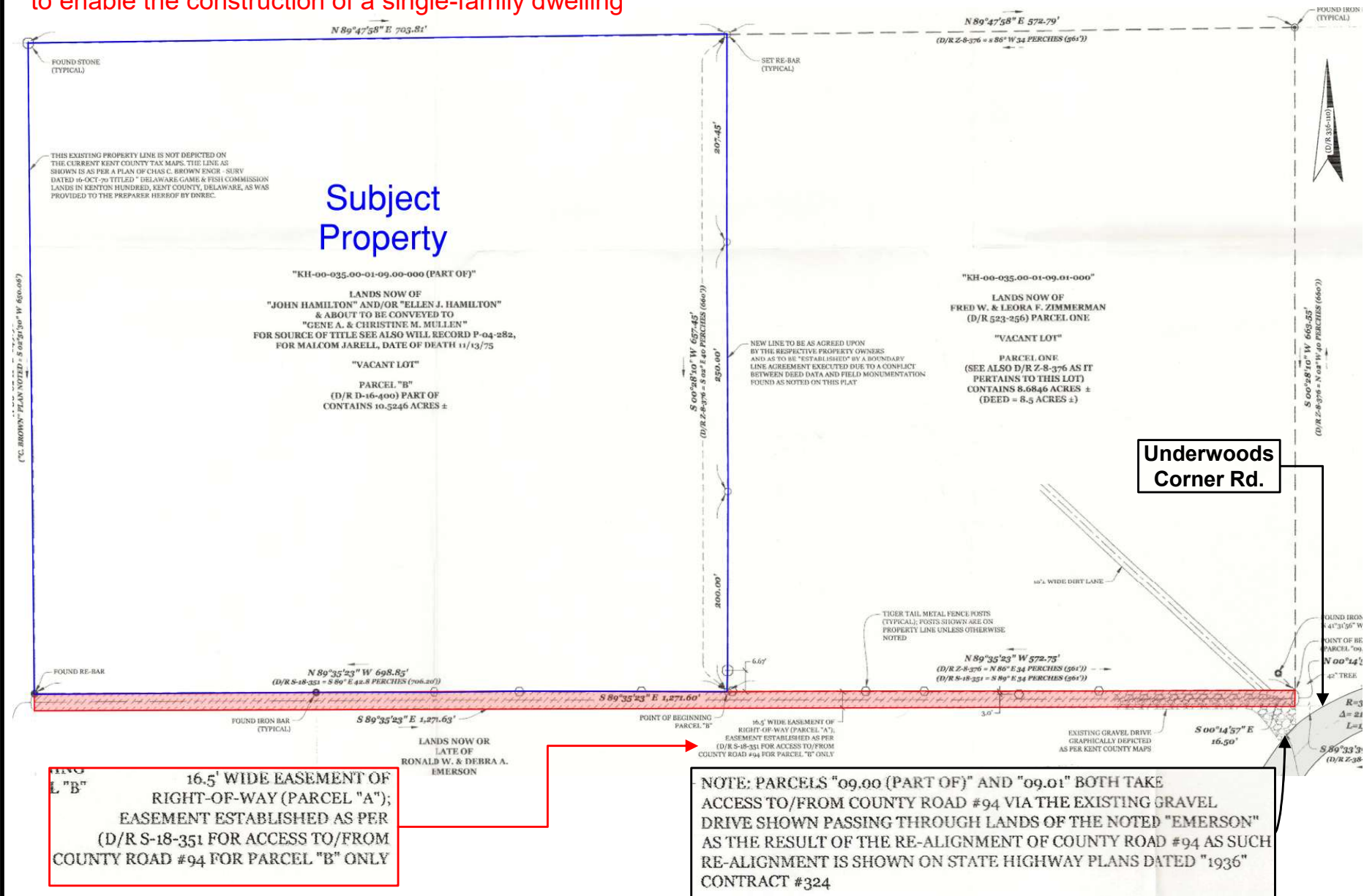
**KENT COUNTY BOARD OF ADJUSTMENT**

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Brian Cusick, Chairperson

DECISION FILED: \_\_\_\_\_, 2026

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





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** April 16, 2026

**SUBMITTED BY:** Jesse Lindenberg, Planning Services

**ITEM TYPE:** Application

**AGENDA SECTION:** **Old Business**

**SUBJECT:** **A-25-09** Faye Z. Wing  
Tax map No. 7-00-111.02-01-01.00-000

**ATTACHMENTS:**  
[A-25-09 Wing Extension Memo](#)  
[A-25-09 Wing Notice of Decision](#)  
[A-25-09 Wing Exhibit B](#)  
[A-25-09 Wing Extension Request Letter](#)

# MEMORANDUM

KENT COUNTY DEPARTMENT OF  
PLANNING SERVICES  
555 BAY ROAD  
DOVER, DELAWARE 19901



**TO:** Board of Adjustment

**FROM:** Jesse Lindenberg, Hearing Officer

**DATE:** April 16, 2026

**SUBJECT:** A-25-09 Wing – One-Year Extension of Variance Approval

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On March 20, 2025, the Board of Adjustment voted to grant **APPROVAL** of application A-25-09, thus granting a variance from the requirement that a fence may not exceed 4' in height when located within the front setback and from the requirement that accessory structures shall not be located in the front yard or front setback to construct the 6' high black aluminum fence (as pictured in Exhibit B) within the front yard and legalize the existing accessory structures (an 8'x15' shed to be 7' from the property line after the acquisition, a 10'x15' shed 10' from the front property line, and a 4'x5' wellhouse 2' from the property line) as shown on Exhibit B, attached hereto.

Attached is a letter from Fay Z. Wing, requesting an extension of the variance request.

Attached, please also find the original Notice of Decision and Exhibit B, showing the variance that was approved by the Board. The applicant is requesting an extension due to delays in the DelDOT project that was the reasoning for the original variance request.

The staff recommends **APPROVAL** of a one-year extension of the variance based on the aforementioned reasons provided by the applicant.

This application will be heard under Old Business at the April 16, 2026 Business Meeting and no new Public Hearing will be conducted.

ENC: Original Notice of Decision  
Original Exhibit B  
Extension Request Letter 03/12/2026



## DEPARTMENT OF PLANNING SERVICES

### NOTICE OF DECISION

**APPLICATION:** A-25-09

**APPLICANT/OWNER:** Faye Z. Wing  
P.O. Box 4  
Woodside, DE 19980

**PROPERTY LOCATION:** 14 Woodville Dr  
Magnolia, DE 19962

**DATE OF PUBLIC HEARING  
& DECISION:** March 20, 2025

**MEMBERS PRESENT:** Brian Cusick, Chairperson  
Morgan Hudson, Vice-Chairperson  
Joan Denney  
Temple Carter  
Brauncy Jenkins  
George Gallo, Jr.

### NATURE OF REQUEST:

**A-25-09 Faye Z. Wing** seeks a variance from the requirement that a fence may not exceed 4' in height in the front setback and from the requirement that accessory structures shall not be located in the front yard or front setback to construct a 6' fence and legalize existing accessory structures (**§205-86.C.(7)(b) & §205-85.A. of the Kent County Code**). The property is located on the southwest corner of Walnut Shade Rd and Millchop Ln., on the north side of Woodville Dr., east of Woodside. Levy Court District: 5<sup>th</sup>. Zoning District: RMH. **Tax Map No. 7-00-111.02-01-01.00-000**

The applicant is requesting a variance from the requirement that a fence may not exceed 4' in height when located within the front setback and from the requirement that accessory structures not be located in the front yard or front setback to construct a 6' high fence within the front yard and legalize existing accessory structures.

A portion of the property's frontage along Walnut Shade Rd. is to be acquired by the Delaware Department of Transportation for roadway improvements. There is an existing 8'x15' shed that is currently 14' from this property line. After the acquisition, it will be 7' from the property line. The

other two structures are located near the Woodville Dr. property line. The 10'x15' shed is 10' from the front property line and the 4'x5' wellhouse is 2' from the property line.

### SUMMARY OF EVIDENCE

1. The subject site is 0.287± acres and is currently improved with a single-family dwelling and multiple accessory structures.
2. Mr. Frank Regan, DelDOT agent, spoke in favor of the application.
3. Mr. Regan stated that he is assisting the owner because he was involved in the DelDOT acquisition of a portion of the property. He explained that Mrs. Wing's property has three frontages, one along Walnut Shade Rd., one along Millchop Ln., and one along Woodville Dr. He added that she functionally uses the Woodville Dr. portion as the front yard and Millchop Ln. as the rear.
4. Mr. Regan discussed how DelDOT has a roadway improvement project on Walnut Shade Rd. between Route 13 and Peachtree Run Rd. He stated that DelDOT acquired 4,000 sq. ft. of the subject property along Walnut Shade Rd. and Millchop Ln. for the project. He explained that this was about 25% of the property itself, and that it reduced the yard along Walnut Shade Rd. by 7' and the yard along Millchop Ln. various amounts, from 9' to 50'.
5. Mr. Regan added that the acquisition of the property included existing improvements such as landscaping, trees, and a fence along Walnut Shade Rd., which provides a substantial buffer to the property's rear yard. He stated that all of this will be removed as part of the project for the clear zone. He explained that Ms. Wing would like to install a new black aluminum fence and that pictures of the fence were included with the application.
6. Mr. Regan stated that the proposed fence would be 6' high from the western edge of the property to the existing shed, then it would be reduced to 4' in height for the remaining length. He added that the property is about 2-3' below the elevation of the roadway and that the proposed improvement to the intersection will include stop bars fairly close to the intersection. He stated that the elevation change helps eliminate any visibility concerns for the existing shed or the proposed fence, especially as the fence will be reduced in height closer to the intersection.
7. Mr. Regan explained that there will be 25' from the edge of the roadway to Ms. Wing's new property line. He stated that this area will all be open, with no vegetation or impediments. He added that part of the reason they purchased this part of the property was to improve drainage along the roadway and that the area would become a drainage ditch.
8. Mr. Regan stated that the two accessory structures in the front of the property have been there since the 60's. He added that the shed in the rear is temporary and could be moved if needed. He stated that the variance for the fence height and accessory structures would not create any hardships or negative impacts on neighboring properties. He explained that because the property is on a corner, the only existing house adjacent to hers is the one to the southwest.



9. Ms. Faye Wing, property owner, spoke in favor of the application.
10. Ms. Wing stated that everything Mr. Regan had explained was accurate. She indicated that the proposed fence is needed for privacy and safety for her and her Husky Shepard. She explained that she is tall and people like to walk by and throw stuff at her dog and that she would like the higher fence to prevent people from coming over it.

### 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 RMH (Residential Manufactured Home). Surrounding adjacent properties to the south, east, and west are similarly zoned RMH. The properties to the north are zoned AC (Agricultural Conservation). Fences and accessory structures are permitted in the RMH zoning district.
- (2) **The character and uses of the immediate vicinity:** The character of the surrounding area is primarily residential, with some agricultural and institutional uses. Most of the surrounding properties are improved with single family homes and accessory structures. The property to the northeast, across Walnut Shade Rd., is a farm field. Further to the northwest, across Walnut Shade Rd., is Polytech High School. There is a property located two parcels to the west of the subject site which received a variance to install a 6' fence 10' from the front property line along Woodville Dr.
- (3) **Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties:** Removal of the 4' height restriction for fencing within the front setback will not seriously affect the neighboring properties. Although the subject property is located on a corner, the lower elevation of the property and the type of proposed fencing will allow visibility from the roadways.

Removal of the restriction that accessory structures not be located within the front yard or front setback will not seriously affect the neighboring properties. Based on the property records for the subject site, the 10'x15' shed and the 4'x5' wellhouse have been on the property since the 1980s and the applicant indicated that they have been there since the 60's. While the 8'x15' shed was placed more recently, no complaints were received prior to or during the hearing regarding any of the structures.

- (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 4' height restriction for fencing within the front setback would create an exceptional practical difficulty for the owner. The DelDOT acquisition of approximately 25% of the property significantly reduces the room available for the applicant to install a compliant fence that would still leave room for a rear yard. Additionally, fencing is a normal improvement for the property and the height is necessary to provide security for the owner and her dog.



Failure to remove the restriction that accessory structures not be located within the front yard or front setback would create an unnecessary hardship for the owner. The property is very unique as it has three front yards and is only 0.287± acres in size. It is a very narrow lot, which leaves little to no room on the property for accessory structures to be placed in compliance with the code requirements. The house itself is only 12' wide. It was placed with a variance from the front setback along Walnut Shade Rd. in 2010 and does not meet the required 40' front on this side. At best, this leaves the 12' width of the house itself as the only compliant location for accessory structures.

**DECISION:** On a motion made by Mrs. Denney and seconded by Mrs. Hudson, the Board of Adjustment voted 6 in favor of the motion to grant **APPROVAL** of application A-25-09, thus granting a variance from the requirement that a fence may not exceed 4' in height when located within the front setback and from the requirement that accessory structures not be located in the front yard or front setback to construct the 6' high black aluminum fence (as pictured in Exhibit B) within the front yard and legalize the existing accessory structures (an 8'x15' shed to be 7' from the property line after the acquisition, a 10'x15' shed 10' from the front property line, and a 4'x5' wellhouse 2' from the property line) as shown on Exhibit B, attached hereto. The support of this motion was based on the uniqueness of the property, the exceptional practical difficulty created by the DelDOT acquisition of a portion of the property, that the proposed fence is needed for security and will not create visibility issues, and that the improvements will not impact neighboring properties.

**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. This variance will expire after **ONE YEAR** if the proposed fence has not been installed on the property.

**KENT COUNTY BOARD OF ADJUSTMENT**

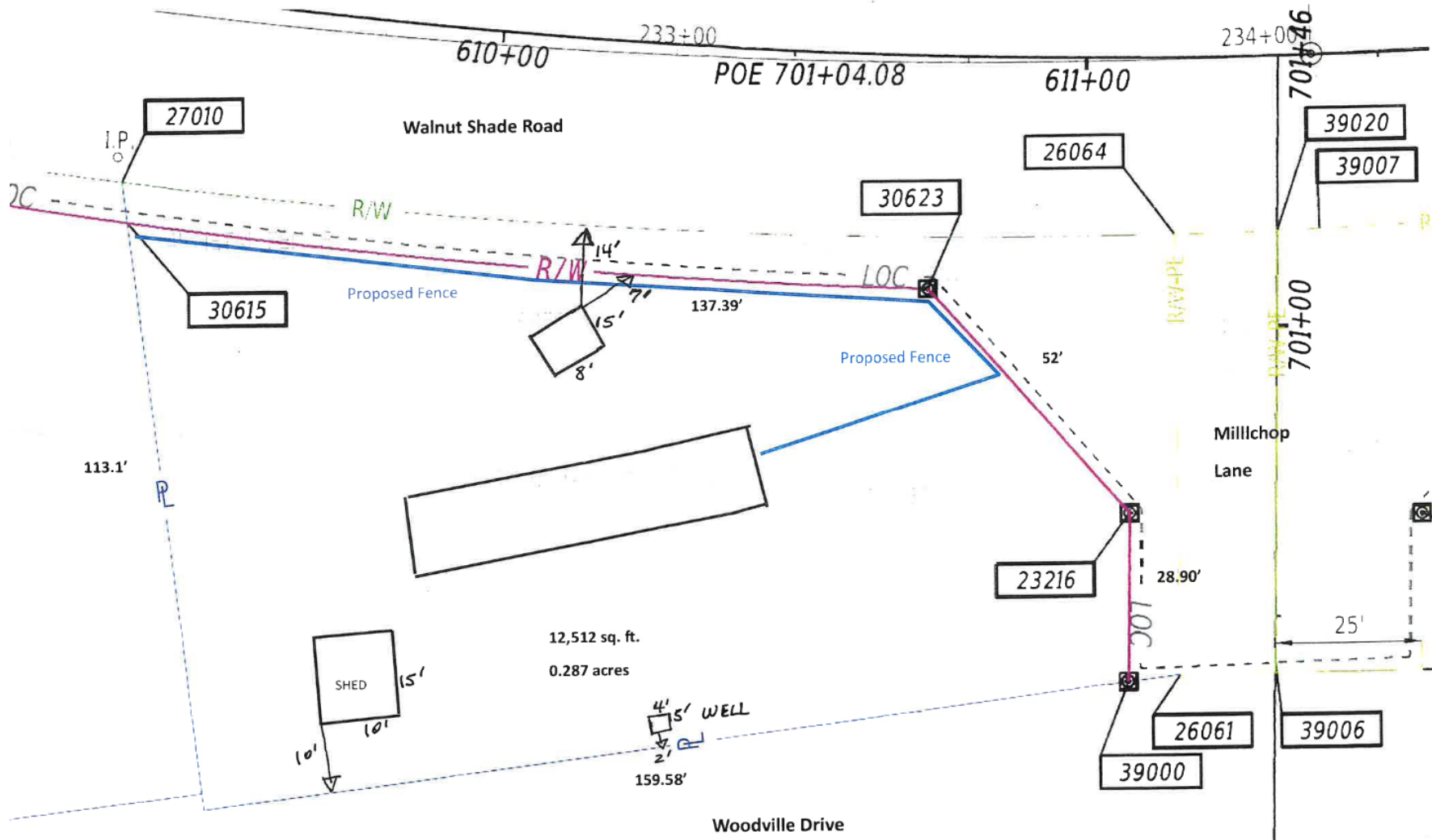
  
\_\_\_\_\_  
Brian Cusick, Chairperson

DECISION FILED: 4/21, 2025

# Exhibit B

Application: A-25-09  
Wing

Variance from the requirement that a fence may not exceed 4' in height in the front setback and from the requirement that accessory structures shall not be located in the front yard or front setback to construct a 6' fence and legalize existing accessory structures



On Friday, August 9, 2024 at 12:44:10 PM EDT, Pierce Fence Team Member <[insideteam@piercefence.com](mailto:insideteam@piercefence.com)> wrote:

Hi Faye,

Thank you for considering Pierce Fence for your project. Below you will find your measurements, the type of fence quoted, and the quantity of gates if applicable. If you have any questions or concerns please feel free to contact me by phone at 302-674-1996 or reply to this email.

- **Supply & Install:**
- Approx. 35'
- 4' high "Audrey" 3 - rail Black aluminum picket fence (T.B.)
- 1 - 5' single gate
- Approx. 120'
- 6' high 3 - rail Black aluminum picket fence (T.B.)
- SPECIAL ORDER
- **Cost Installed** \$6,615 (Check/Cash price, a **Convenience Fee** will apply when using a card equal to 3%)

**Optional Additions:**

1. Install approx. 120' of T-post for **\$1,800**.

**\*\*Lead times may vary on special order items.\*\***

Additional information ([Consumer Protection](#)) and if applicable:

Typically, the homeowner obtains the permit. However, we can obtain it on your behalf, which would fall under our **Permit Services of \$175** to do the necessary paperwork, filing, and pick up, this includes the permit fee. Let me know if you want that added. If you are located in the City of Dewey Beach, Town of Ocean View, Town of Townsend, or the City of Rehoboth Beach there is a **premium fee of \$225** for Pierce to obtain the permit at those municipalities. The town of Fenwick is TBD.

I have attached a promo sheet with finance offers if you are interested. And last, but not least for your peace of mind Pierce Fence Company backs their workmanship with a 5-year warranty on new installs.

Team Member: Emily  
Ext. 101



Winners of the Community's Choice Awards, First State Favorite - Central 2018-2023 -Category: Best Fence Company.

▶ 302-674-1996



AUDREY



March 12, 2026

Kent County Board of Adjustment  
c/o Department of Planning Services  
Division of Planning  
555 Bay Road  
Dover, DE 19901  
Attention: Jesse Lindenberg, AICP



**RE: Variance Extension – Application A-25-09**  
**Property of Faye Z. Wing**  
**14 Woodsville Drive, Magnolia, DE**  
**Tax Parcel No. 7-00-111.02-01-01.00**

Dear Jesse:

I am requesting a one-year extension of the variance granted by the Kent County Board of Adjustment for the above subject property on March 20, 2025, which notice of decision was filed on April 21, 2025.

As you recall, the variance request was the result of the Delaware Department of Transportation project for Walnut Shade Road and its impact on my property. The project has been delayed and construction is tentatively scheduled to begin in the fall of 2026, thus the reason for the extension request.

Enclosed please find the \$75.00 application fee for the extension request. Please contact me at 302-747-3126 if you have any questions or require additional information. Also, please let me know if I need to attend the meeting. Thank you.

Sincerely,

Faye Z. Wing

PD  
Ch # 7555  
4-2-26  
\$ 75.00