



**Kent County Board of Adjustment  
Meeting Notice and Agenda  
555 Bay Rd.  
Dover, DE 19901  
Levy Court Chambers - Room 203  
Thursday, May 21, 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-26-09** Carl Deputy & Son Builders LLC (Owner: Annamay Decker)  
Tax Map No. 2-00-057.02-02-50.00-000

**A-26-10** William Leroy Myers & Tami Joyanti McIntyre  
Tax Map No. 8-00-121.00-01-68.01-000

**A-26-11** Dawn Sites-Nolt & Burnell Stehman Nolt Jr.  
Tax map No. 3-00-056.02-07-48.00-000

**A-26-12** Violet Fisher Co Trustee, Monica Fisher Co Trustee, & Ronald Fisher  
Co Trustee  
Tax Map No. 9-00-090.00-01-25.02-000

**A-26-13** Clint & Aminah Saunders (Owner: ACJJ&J Holdings LLC)  
Tax Map No. 2-00-075.04-01-21.00-000

**A-26-14** James John & Jessica Danielle Grabinski  
Tax map No. 2-00-075.04-01-76.00-000

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

### **Minutes**

Approval of the Business Meeting Minutes from the April 16, 2026 meeting

### **Notices of Decision**

**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

### **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: 05/14/2026**

POSTING TIME: 1:00 p.m.

POSTED BY: Adam Lyncha, Planning Tech.

TAKE DOWN: 05/22/2026, 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:** May 21, 2026

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

**ITEM TYPE:** Application

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

**SUBJECT:**  
**A-26-09** Carl Deputy & Son Builders LLC (Owner:  
Annamay Decker)  
Tax Map No. 2-00-057.02-02-50.00-000

### ATTACHMENTS:

A-26-09 Deputy - Staff Report  
A-26-09 Carl Deputy & Son Builders, LLC Exhibit A  
A-26-09 Deputy - Exhibit B  
A-26-09 Deputy - Applicant Photo  
A-26-09 Deputy - Letters in Favor  
A-26-09 Deputy - Powerpoint



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

May 21, 2026

**APPLICATION:** A-26-09

**OWNER:** Annamay Decker  
348 Rustic Ln  
Dover, DE 19901

**APPLICANT:** Carl Deputy & Son Builders LLC  
981 Tomahawk Ln.  
Felton, DE 19901

#### NATURE OF REQUEST:

**A-26-09 Carl Deputy & Son Builders LLC (Owner: Annamay Decker)** seeks a variance from the required 5' side principal structure setback to enable the construction of an attached carport (**§205-81.C.(1)(b) of the Kent County Code**). The property is located on the east side of Rustic Ln, approx. 235' south of Woodland Dr., north of Dover. Levy Court District: 3<sup>rd</sup>. Zoning District: RMH. **Tax Map No. 2-00-05702-02-5000-000**

The applicant is requesting a variance from the required 5' side setback to allow for the construction of a 24' x 21' attached open carport to be 3.5' from the side 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 variance based on the analysis of the three criteria from the applicant and staff as follows:

#### II. RESPONSE TO CRITERIA:

##### 1. It must be reasonable.

###### Applicant Response:

We believe it is reasonable because it will not encroach the property line as much as the existing driveway does now. The support post for the carport will be 3.5' from the side property line and will not be enclosed.

###### Staff Response:

The property is located on the east side of Rustic Ln. The proposed 24' deep and 21' wide attached carport will provide a covering for the property owner to access their vehicles during inclement weather. The proposed addition is setback 3.5' from the side property line and would not be a negative visual impact to the neighboring properties.

##### 2. It must be necessary (using a "but for" test to show that "but for" the

**accommodation and its ability to address the person's disability, the person will not be able to enjoy an equal opportunity to live in this community.**

Applicant Response:

The reason we feel it is necessary as Ms. Decker has had two knee surgeries and with the inclement weather is afraid of slipping on her way out to her car. She lives alone and has a valid handicap permit. If we move the carport to the 19' and not 21' it would block the gate to her backyard.

Staff Response:

The construction of a 24' x 21' attached carport, 3.5' from the side property line would allow for an equal opportunity for the homeowner to live in the existing dwelling safely. Relocating the structure behind the dwelling would create hazards for the homeowner to obtain access to their vehicle. Granting the variance to allow the carport 3.5' from the side property line, on the existing driveway, would allow the homeowner the ability to safely get to and from their vehicle without the concern of inclement weather.

**3. It must not fundamentally alter the plan for the development and regulation of the community.**

Applicant Response:

We do not feel the carport will fundamentally alter the development. She has spoken to her neighbors and none have a problem with her doing the carport.

Staff Response:

The proposed carport, 3.5' from the side property line, would not fundamentally alter the plan for development in the area. The proposed carport is a reasonable and normal improvement for a residential parcel. Two letters of support, one being the adjacent property owner to the south, have been received regarding the proposed variance.

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 0.68± acre and is improved with a single-family dwelling.
- There have been no previous Board of Adjustment applications on the subject parcel.
- There have been no Board of Adjustment applications in the surrounding area similar to this request.
- The applicants are 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 Submitted Picture  
Letters in favor



# KENT COUNTY Board of Adjustment

## LOCATION AND ZONING MAP A-26-09 Exhibit A

**APPLICANT:**

Carl Deputy & Son Builders, LLC

**OWNER:**

Annamay Decker

**PRESENT ZONING DISTRICT:**

RMH(Residential Manufactured Home)

**PROPOSED VARIANCE:**

Variance from the required 5' side principal structure setback to enable the construction of an attached carport

**PRESENT USE:** Residential

**PROPOSED USE:** Same with carport

**LEVY COURT DISTRICT:**

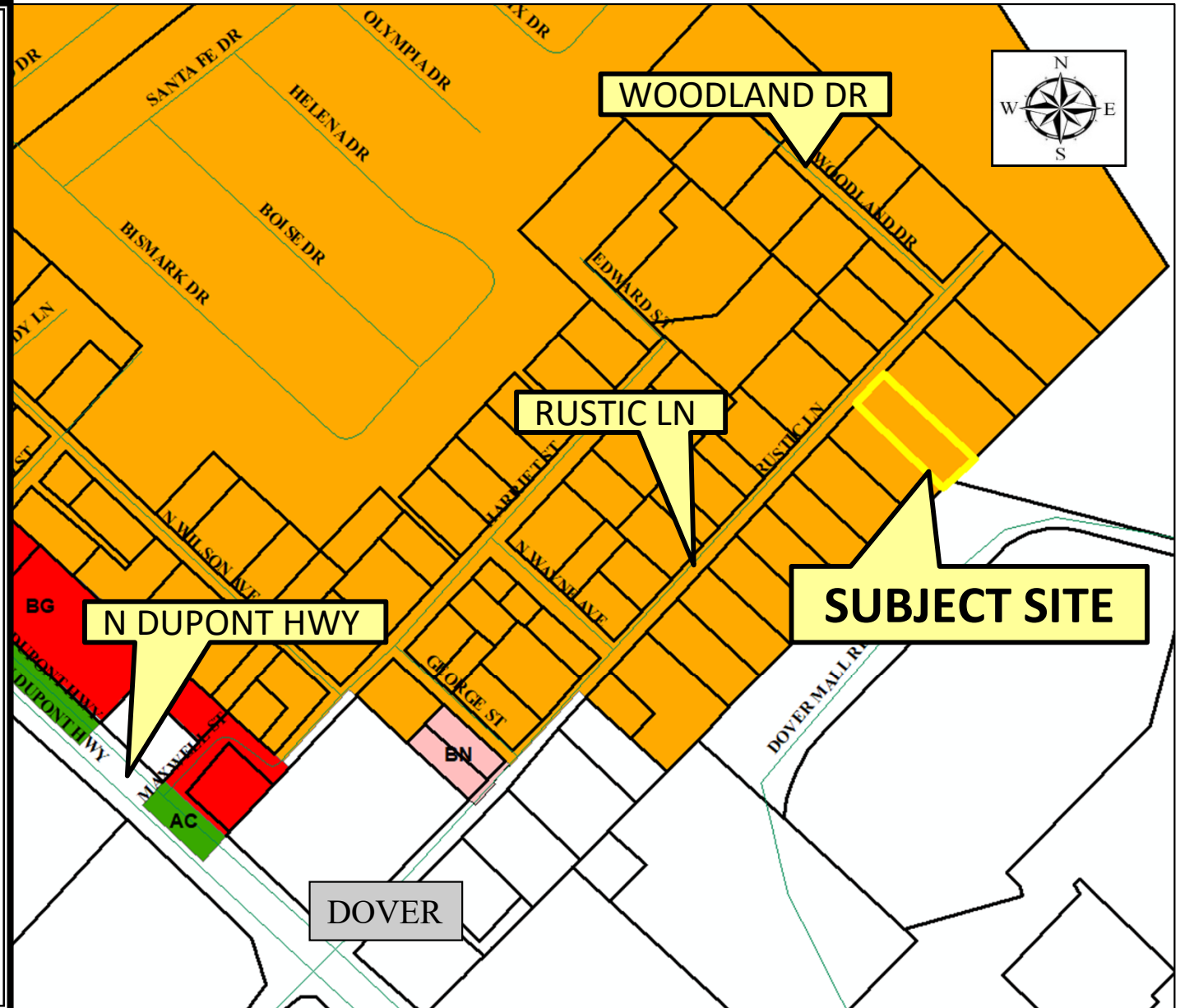
3<sup>rd</sup> - Angel

**TAX MAP NO:**

ED-00-057.02-02-50.00-000

**LOCATION:**

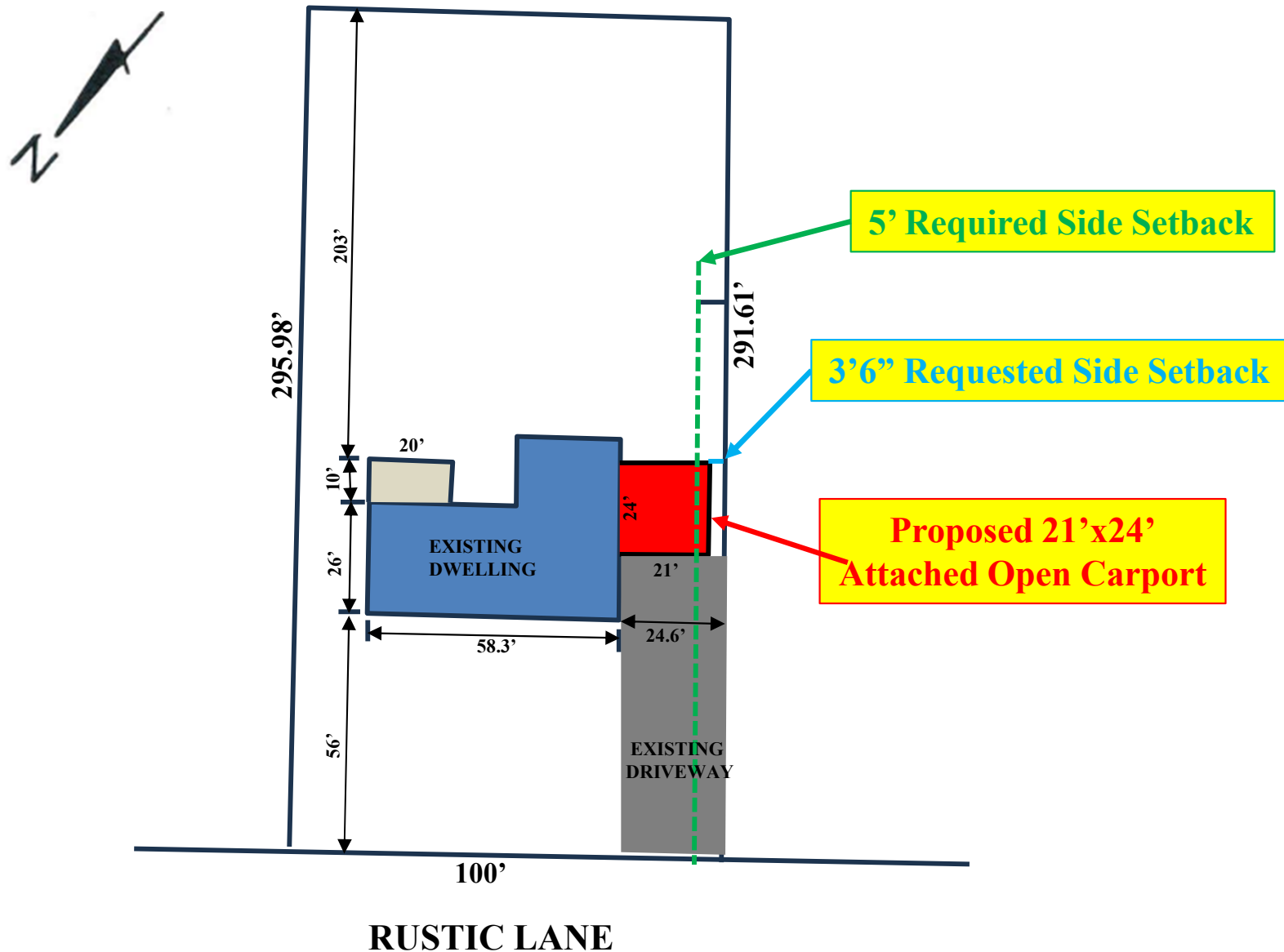
Located on the east side of Rustic Ln, approx. 235' south of Woodland Dr., north of Dover



# Exhibit B

Application: A-26-09  
Carl Deputy & Son Builders LLC (Decker)

Variance from the required 5' side principal structure setback to enable the construction of an attached carport









This is to verify that I have no objection to Annamay Decker at 348 Rustic Lane to add a carport to her home which will come within 3' of the property line between her land and mine land at 330 Rustic Lane.

Anna Nagy                      3/18/2026  
Anna Nagy                      Date

330 Rustic Lane Dover Del  
330 Rustic Lane, Dover, DE



This is to verify that I have no objection to Annamay Decker at 348 Rustic Lane to add a carport to her home which will come within 3' of the property line between her land and the property at 330 Rustic Lane.

S. Bollock 3/21/26  
Sonny Bollock Date

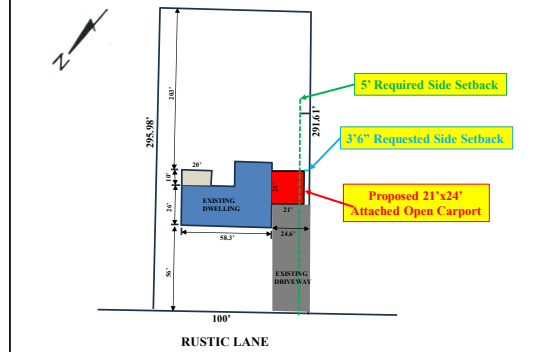
353 Rustic Lane Dover DE  
353 Rustic Lane, Dover, DE



Exhibit B

Application: A-26-09  
Carl Deputy & Son Builders LLC (Decker)

Variance from the required 5' side principal structure setback to enable the construction of an attached carport



**A-26-09 CARL DEPUTY & SON BUILDERS LLC (DECKER)**



**A-26-09 CARL DEPUTY & SON BUILDERS LLC (DECKER)**



**A-26-09 CARL DEPUTY & SON BUILDERS LLC (DECKER)**



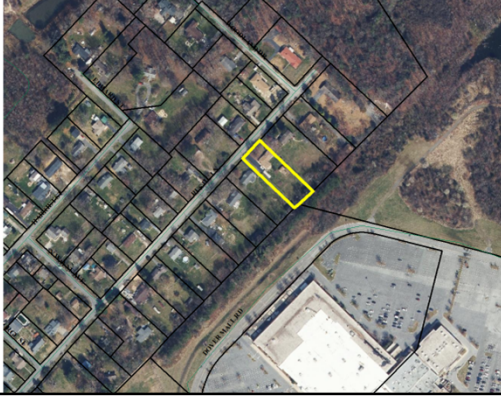
**A-26-09 CARL DEPUTY & SON BUILDERS LLC (DECKER)**



**A-26-09 CARL DEPUTY & SON BUILDERS LLC (DECKER)**



**A-26-09 CARL DEPUTY & SON BUILDERS LLC  
(DECKER)**







# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

**SUBJECT:**  
**A-26-10** William Leroy Myers & Tami Joyanti  
McIntyre  
Tax Map No. 8-00-121.00-01-68.01-000

**ATTACHMENTS:**  
[A-26-10 Myers Staff Report](#)  
[A-26-10 Myers Exhibit A](#)  
[A-26-10 Myers Exhibit B](#)  
[A-26-10 Myers Applicant Exhibits](#)  
[A-26-10 Myers Powerpoint](#)



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

May 21, 2026

**APPLICATION:**

A-26-10

**APPLICANT/OWNER:**

William Leroy Myers & Tami McIntyre  
60 Cedarfield Rd.  
Magnolia, DE 19962

**NATURE OF REQUEST:**

**A-26-10 William Leroy Myers & Tami Joyanti McIntyre** seek a variance from the 20' maximum height for a residential accessory structure to enable the construction of a pole building (§205-85.E.(1) of the Kent County Code). The property is located on the north side of Cedarfield Rd., approx. 0.59 miles east of Pintail Pointe Dr., northwest of Frederica. Levy Court District: 4<sup>th</sup>. Zoning District: AC. **Tax Map No. 8-00-12100-01-6801-000**

The applicants are requesting a variance from the maximum residential accessory structure of 20' to allow for the construction of a 32'x56' pole building to be constructed at a height of 22' 5".

**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 **DENIAL** 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:

The property is zoned as AC – Agricultural Conservation.

Staff Response:

As shown on Exhibit A, the subject site is zoned AC (Agricultural Conservation) inside the growth zone. Residential accessory structures are a normal and permitted improvement within the district, provided they meet the required bulk and area provisions.



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

Applicant Response:

My property is located on a 5-acre lot. My neighbors on my left and right side are also on 5-acre lots. These are all single dwelling homes in a heavily wooded area.

Staff Response:

The character of the surrounding area is residential, agricultural, and natural. South of the subject site is a large farm field. The properties to the east and west are single family residences, which are all heavily wooded. The parcel to the north is vacant and heavily wooded as well. Several of the adjacent residential properties have accessory structures that all appear to comply with the height restriction.

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

Applicant Response:

There would be no effect on the neighboring properties as we are all on very large lots. The location of this building would be in the middle of my property and most likely will not be seen by my neighbors. My neighbors are already aware of the building I wish to build and have no issues with it.

Staff Response:

Removal of the required 20' height restriction is not likely to have a significant negative impact on neighboring properties. The request is minimal. Additionally, the subject and neighboring properties are heavily wooded. Any difference in height will likely not be visible from the adjacent parcels. However, approval of a variance for the height could set a precedent for taller accessory structures in the area.

**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:

Please refer to attached documentation.

Staff Response:

Failure to remove the restriction would not create an unnecessary hardship or exceptional practical difficulty for the property owners in relation to making normal improvements to the property. The property is just under five acres and is unencumbered by wetlands or other environmental factors. As such, there is ample room to construct a bigger building if additional space is needed. The applicant's letter does outline concerns about separating the workspace area from the storage area. However, this could be achieved with separate spaces on the ground floor. There may

also be options for designing the roof pitch in a different manner that will comply with the height restriction while still enabling a second story. 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 4.89± acres and is improved with a single-family home, an accessory structure, and a pool that is under construction.
- 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, should the request be granted, a building permit is required prior to commencement of any construction. For more information, contact the Division of Planning at (302) 744-2471 between 8:00 a.m. and 5:00 p.m.

**ENC:** Exhibit A  
Exhibit B  
Applicant Exhibits





# KENT COUNTY

## Board of Adjustment

## LOCATION AND ZONING MAP

### A-26-10 Exhibit A

**APPLICANT/OWNER:**

William Leroy Myers & Tami Joyanti McIntyre

**PRESENT ZONING DISTRICT:**

AC (Agricultural Conservation)

**PROPOSED VARIANCE:**

Variance from the 20' maximum height for a residential accessory structure to enable the construction of a pole building

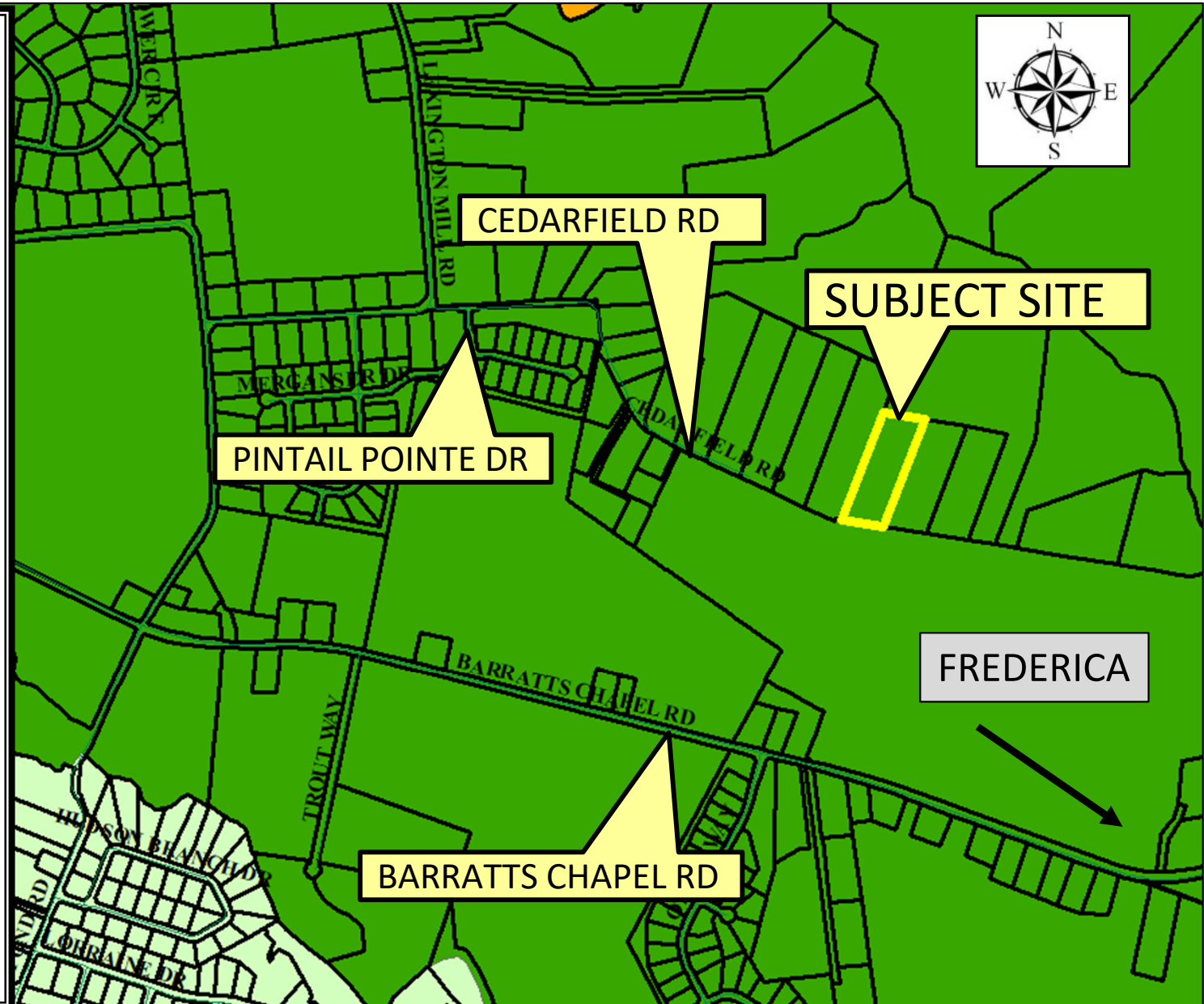
**PRESENT USE:** Residential**PROPOSED USE:** Same with a pole building**LEVY COURT DISTRICT:**

4<sup>th</sup> - Scott

**TAX MAP NO:**

SM-00-121.00-01-68.01-000

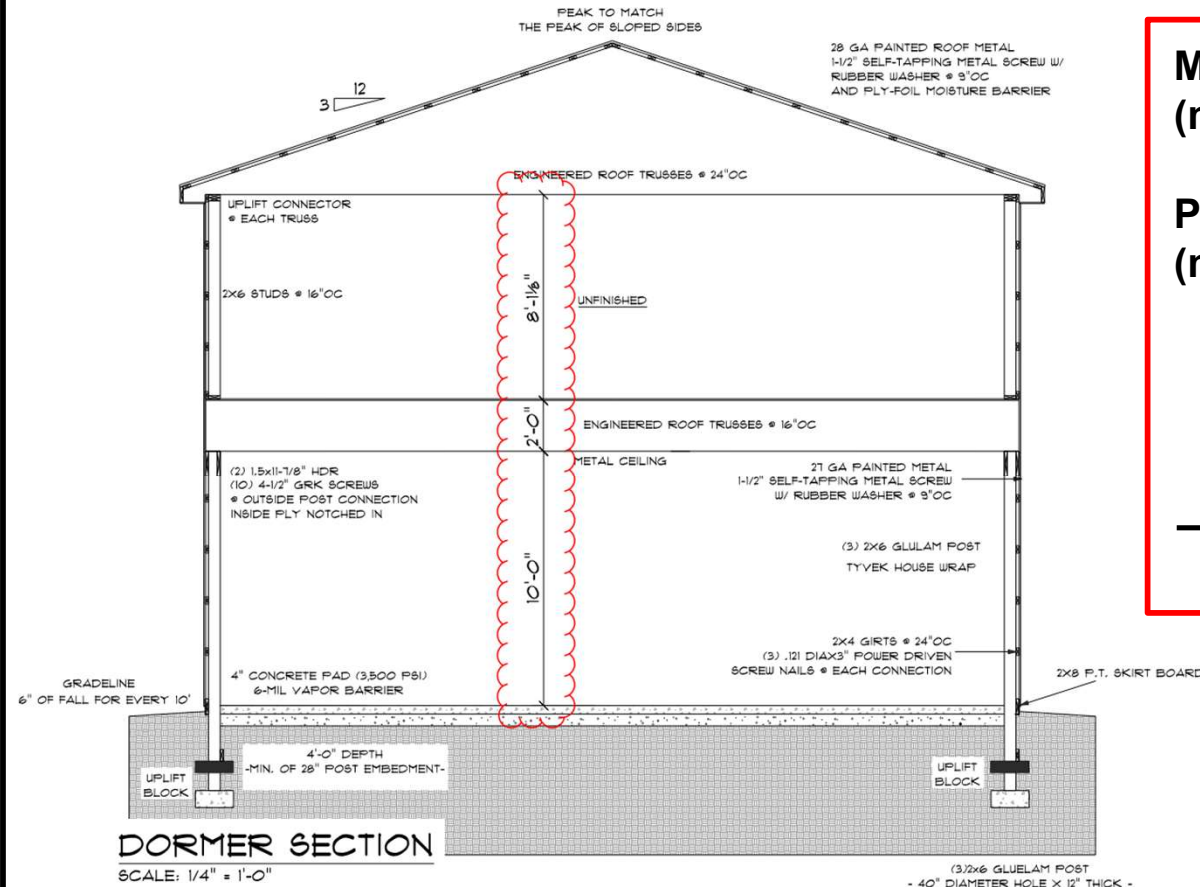
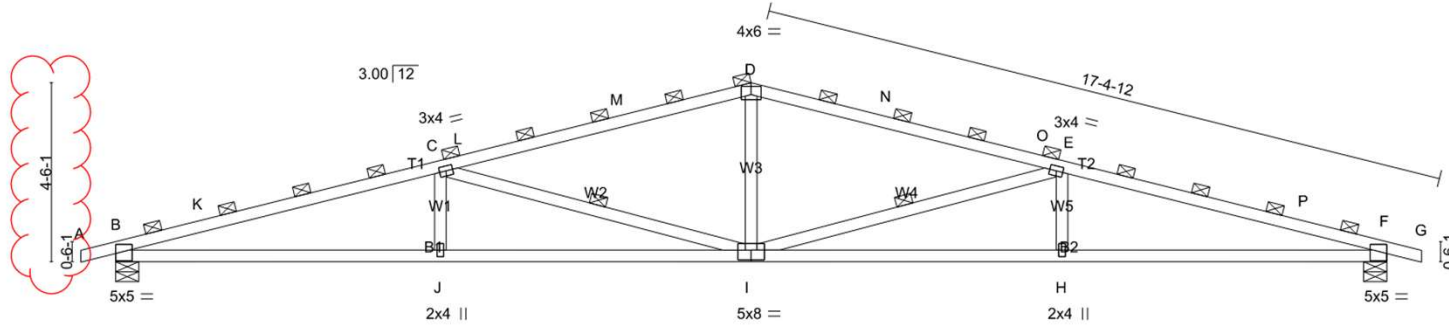
**LOCATION:** Located on the north side of Cedarfield Rd., approx. 0.59 miles east of Pintail Pointe Dr., northwest of Frederica.



# Exhibit B

Application: A-26-10  
Myers & McIntyre

Variance from the 20' maximum height for a residential accessory structure to enable the construction of a pole building



**Maximum Height Permitted: 20'**  
(mean height between eaves)

**Proposed Height: 22' 5"**  
(mean height between eaves)

|              |                      |
|--------------|----------------------|
| 10'          | First Floor          |
| 2'           | Floor System         |
| 8' 2" (+/-)  | Second Floor         |
| 2' 3"        | Half of Truss Height |
| <hr/>        |                      |
| 22' 5" (+/-) | Total                |

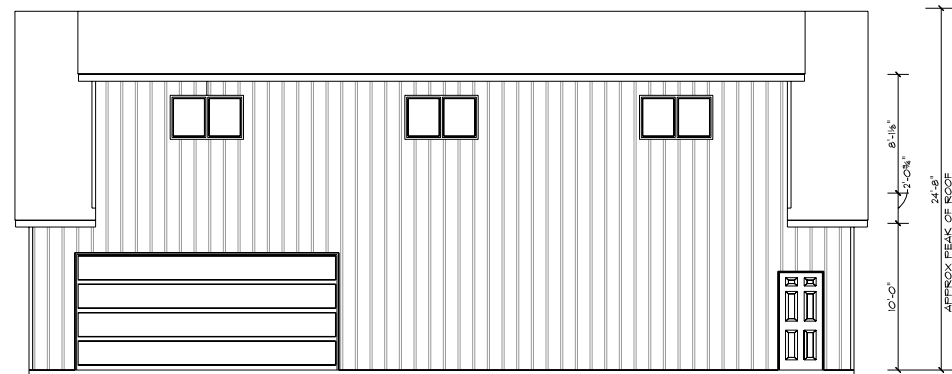
## Pole Building Variance Request 4<sup>th</sup> Criteria

Woodworking involves the use of large, heavy equipment that requires ample floor space to maintain workflow and accommodate materials. The current building's footprint is insufficient to meet these operational needs without significantly reducing storage capacity and workspace. With the addition of a full second floor, I can effectively separate the production area from other essential functions, such as storage of raw materials, area for projects to dry, and ensuring smoother operations without congestion on the ground floor. Expanding vertically rather than horizontally allows me to preserve valuable land for other purposes, such as green space or stormwater management. This minimizes the impact on the surrounding neighborhood, avoiding the need for additional land use that could encroach upon setbacks or reduce the space available for landscaping and buffer zones. My only other option is to expand horizontally which will not maintain the aesthetics of the property. The proposed second floor will not alter the general character or aesthetic of the neighborhood. We have ensured that the design is in line with the architectural style and height restrictions of nearby buildings. The increased height will be minimal and will not create any adverse impact on light, air, or privacy for neighboring properties.

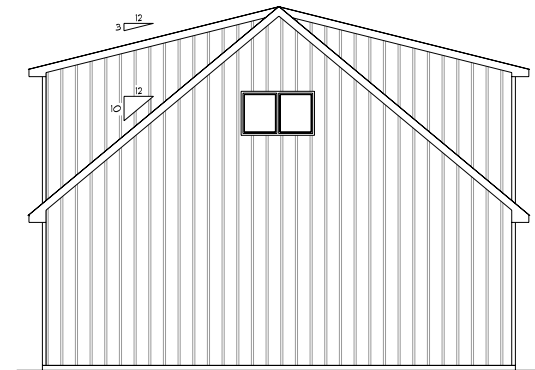
Furthermore, the second floor has been designed to blend seamlessly with existing structures, maintaining the overall harmony of the area. The proposed full second floor will not disrupt the agricultural or scenic nature of the property or surrounding area. The design has been carefully planned to ensure the building's height and appearance blend with the rural setting. We have taken special care to ensure that the second floor is setback appropriately and will not intrude on views or disrupt the visual harmony of the area. The addition will be modest in scale and will not significantly alter the visual footprint of the property. I respectfully request that the Kent County Zoning Board approve this variance for the construction of a full second floor. This request will allow me not to need to construct another building. This allows me to remain consistent with both the agricultural and rural conservation goals of the district, without undermining the character of the surrounding community. We are committed to ensuring the project is designed and executed in a way that benefits both the property and the broader community.

Thank you for your time and consideration. I am happy to provide any additional information or discuss this request in further detail if needed.

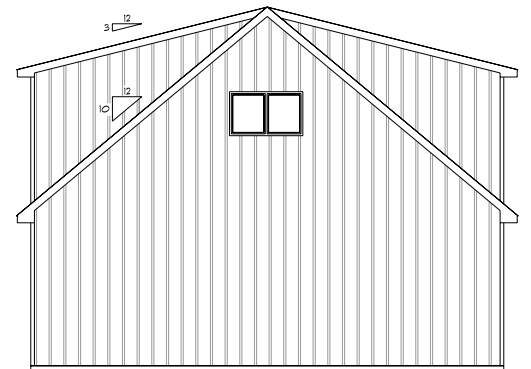




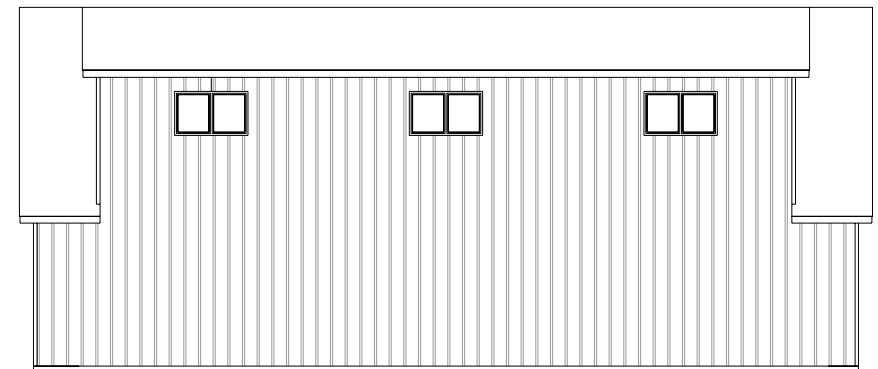
**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



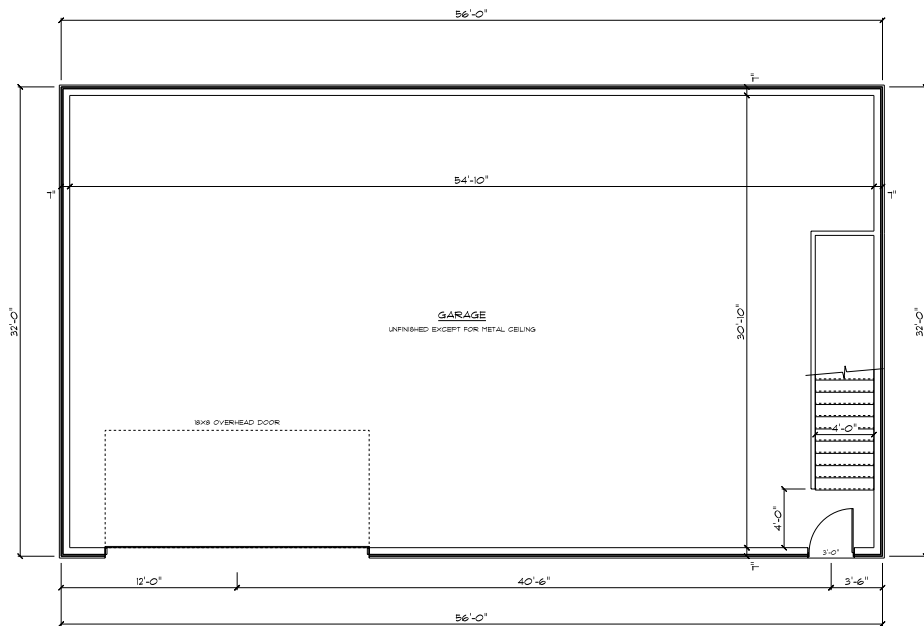
**RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"



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



**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

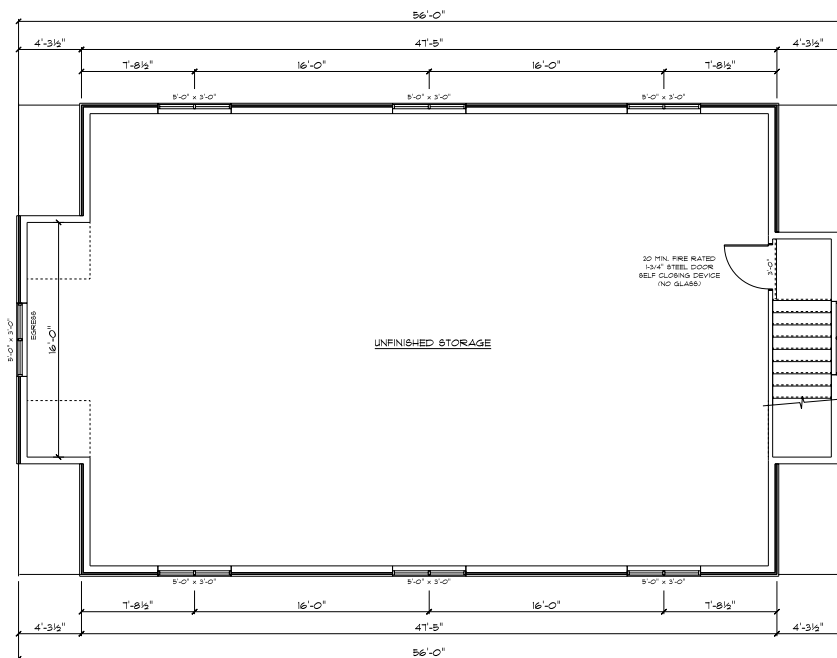


**FIRST FLOOR**  
SCALE: 1/4" = 1'-0"



**GENERAL NOTES:**

- EXTERIOR WALLS ARE POST FRAME 4 2x6, INTERIOR WALLS ARE 2x4
- WALL HEIGHT: 1ST FLOOR = 10'
- ALL SMOKE DETECTORS ARE TO BE INTERCONNECTED WITH BATTERY BACKUP
- ALL JOIST HANGERS TO BE FASTENED WITH MANUFACTURE APPROVED NAILS AND IN ACCORDANCE TO MANUFACTURER'S INSTRUCTIONS
- ALL LUMBER TO BE #2 SPF OR BETTER GRADE
- ALL BEDROOM WINDOWS TO MEET EGRESS REQ. CODE R310.1 WITH GRADE FLOOR EXCEPTION R310.1.1 OF 5.0 SF OPENING
- STAIRS TO HAVE HANDRAILS/GUARDRAILS WHERE REQ.
- ALL FASTENERS AND HANGERS IN CONTACT WITH TREATED LUMBER TO BE HOT-DIPPED GALVANIZED
- INTERIOR DIMENSIONS ARE SHOWN TO ROUGH FRAMING
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL WINDOWS/DOOR SIZES AND ROUGH OPENING SIZES PRIOR TO CONSTRUCTION
- OWNER/CONTRACTOR ASSUMES RESPONSIBILITY OF BUILDING TO APPLICABLE CODE
- DESIGNER IS NOT RESPONSIBLE FOR MISTAKES FOUND AFTER CONSTRUCTION BEGINS
- DESIGNER IS NOT A LICENSED ARCHITECT
- NO WARRANTY IS EXPRESSED OR IMPLIED





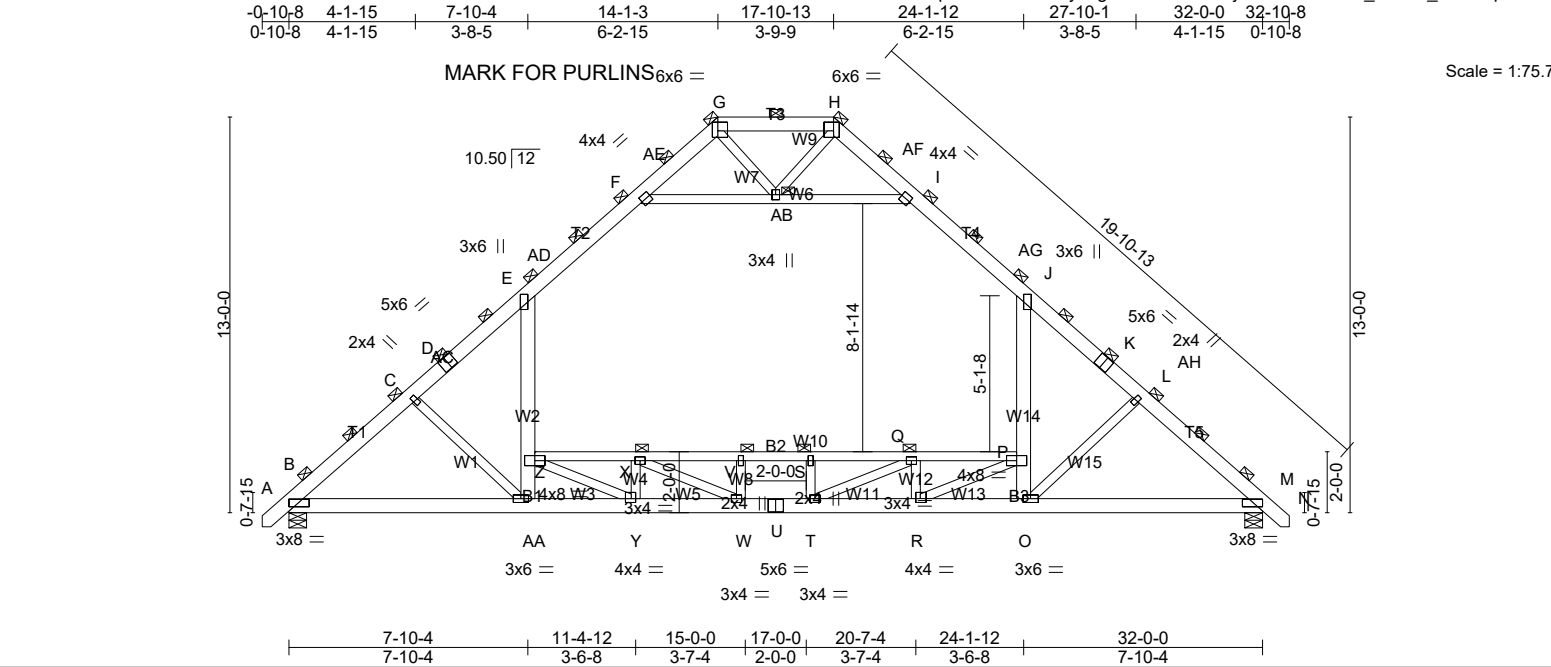


|        |       |            |     |     |                 |
|--------|-------|------------|-----|-----|-----------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof |
| B14501 | GT1   | ATTIC      | 1   | 2   |                 |

Sam Yoder & Sons, Inc., Greenwood, DE - 19950

Run: 2.020 s 5.20 Jun 25 2025 Print: 25.2.0 s Jun 25 2025 MiTek Industries, Inc. Thu May 7 11:23:23 2026 Page 1

ID:7nlKtUaLr8npxUObmOCd75y9kgX-vCYdQcwGKj02luU6YmSI2zt\_kQ46v\_ZZ1hJipxzlWGI



|                                                                                                                                                                    |             |                      |       |             |      |              |       |                |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------|-------|-------------|------|--------------|-------|----------------|----------|
| Plate Offsets (X,Y)-- [B:0-8-0,0-1-11], [E:0-3-0,0-0-0], [G:0-3-12,0-3-8], [H:0-3-12,0-3-8], [J:0-3-0,0-0-0], [M:0-8-0,0-1-11], [R:0-1-12,0-1-8], [Y:0-1-12,0-1-8] |             |                      |       |             |      |              |       |                |          |
| <b>LOADING</b> (psf)                                                                                                                                               |             | <b>SPACING-</b>      |       | <b>CSI.</b> |      | <b>DEFL.</b> |       | <b>PLATES</b>  |          |
| TCLL (roof)                                                                                                                                                        | 20.0        | Plate Grip DOL       | 3-2-0 | TC          | 0.83 | Vert(LL)     | -0.33 | MT20           | GRIP     |
| Snow (Ps/Pg)                                                                                                                                                       | 17.1/25.0** | Lumber DOL           | 1.15  | BC          | 0.45 | Vert(CT)     | -0.59 |                | 197/144  |
| TCDL                                                                                                                                                               | 7.0         | Rep Stress Incr      | NO    | WB          | 0.40 | Horz(CT)     | 0.05  |                |          |
| BCLL                                                                                                                                                               | 0.0 *       | Code IRC2021/TPI2014 |       | Matrix-SH   |      | Attic        | -0.09 |                |          |
| BCDL                                                                                                                                                               | 10.0        |                      |       |             |      |              |       | Weight: 566 lb | FT = 10% |

**LUMBER-**  
TOP CHORD 2x6 SP DSS  
BOT CHORD 2x6 SP DSS \*Except\*  
B2: 2x4 SPF 1650F 1.5E  
WEBS 2x4 SP No.1 \*Except\*  
W2,W14: 2x6 SPF 1650F 1.5E

**BRACING-**  
TOP CHORD 2-0-0 oc purlins (6-0-0 max.).  
BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.  
JOINTS 1 Brace at Jt(s): G, H, S, V, AB, Q, X

**REACTIONS.** (lb/size) B=2387/0-7-0 (min. 0-1-12), M=2387/0-7-0 (min. 0-1-12)  
Max Horz B=431(LC 11)  
Max GravB=3519(LC 46), M=3519(LC 48)

**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
TOP CHORD B-C=-4730/0, C-AC=-4490/0, D-AC=-4413/0, D-E=-4226/0, E-AD=-2674/0, F-AD=-2373/33,  
F-AE=-282/594, G-AE=-238/643, G-H=0/891, H-AF=-238/643, I-AF=-282/594,  
I-AG=-2374/0, J-AG=-2676/0, J-K=-4226/0, K-AH=-4413/0, L-AH=-4489/0, L-M=-4730/0  
BOT CHORD B-AA=0/3774, Y-AA=0/3548, W-Y=0/6236, U-W=0/6904, T-U=0/6904, R-T=0/5922,  
O-R=0/3230, M-O=0/3494, X-Z=-3446/0, V-X=-4552/0, S-V=-4552/0, Q-S=-4552/0,  
P-Q=-3446/0  
WEBS C-AA=-1094/161, Z-AA=0/711, E-Z=0/2312, O-P=0/713, J-P=0/2312, S-T=-463/0,  
V-W=-463/0, F-AB=-3697/0, I-AB=-3700/0, G-AB=-88/266, H-AB=-88/266, Q-R=-1221/0,  
Q-T=-121/1318, P-R=0/3357, X-Y=-1221/0, Y-Z=0/3357, W-X=-117/1318, L-O=-1096/162

- NOTES-**
- 2-ply truss to be connected together with 10d (0.131"x3") nails as follows:  
Top chords connected as follows: 2x6 - 2 rows staggered at 0-9-0 oc.  
Bottom chords connected as follows: 2x6 - 2 rows staggered at 0-9-0 oc, 2x4 - 1 row at 0-9-0 oc.  
Webs connected as follows: 2x4 - 1 row at 0-9-0 oc, 2x6 - 2 rows staggered at 0-9-0 oc.
  - All loads are considered equally applied to all plies, except if noted as front (F) or back (B) face in the LOAD CASE(S) section. Ply to ply connections have been provided to distribute only loads noted as (F) or (B), unless otherwise indicated.
  - Unbalanced roof live loads have been considered for this design.
  - Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCDL=4.2psf; BCDL=5.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope); cantilever left and right exposed ; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60
  - \*\*TCLL: ASCE 7-16; Pr=20.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=25.0 psf; Ps= varies (17.1 psf Lum DOL=1.15 Plate DOL=1.15) see load cases; Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=0.89,1.00,0.89; Ct=1.10, Lu=50-0-0; Min. flat roof snow load governs.
  - Roof design snow load has been reduced to account for slope.
  - Unbalanced snow loads have been considered for this design.
  - This truss has been designed for greater of min roof live load of 12.0 psf or 2.00 times flat roof load of 19.3 psf on overhangs non-concurrent with other live loads.
  - Provide adequate drainage to prevent water ponding.
  - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - Ceiling dead load (5.0 psf) on member(s). E-F, I-J, F-AB, I-AB; Wall dead load (5.0psf) on member(s). E-Z, J-P

|        |       |            |     |     |                          |
|--------|-------|------------|-----|-----|--------------------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof          |
| B14501 | GT1   | ATTIC      | 1   | 2   | Job Reference (optional) |

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ID:7nIKtUaLr8npxUObmOCd75y9kgX-vCYdQcwGKj02luU6YmSI2zt\_kQ46v\_ZZ1hJipxzlWGi

- NOTES-**
- 13) Bottom chord live load (40.0 psf) and additional bottom chord dead load (5.0 psf) applied only to room. X-Z, V-X, S-V, Q-S, P-Q
  - 14) Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.
  - 15) Attic room checked for L/360 deflection.

**LOAD CASE(S)** Standard

1) Dead + Snow (balanced): Lumber Increase=1.15, Plate Increase=1.15

Uniform Loads (plf)

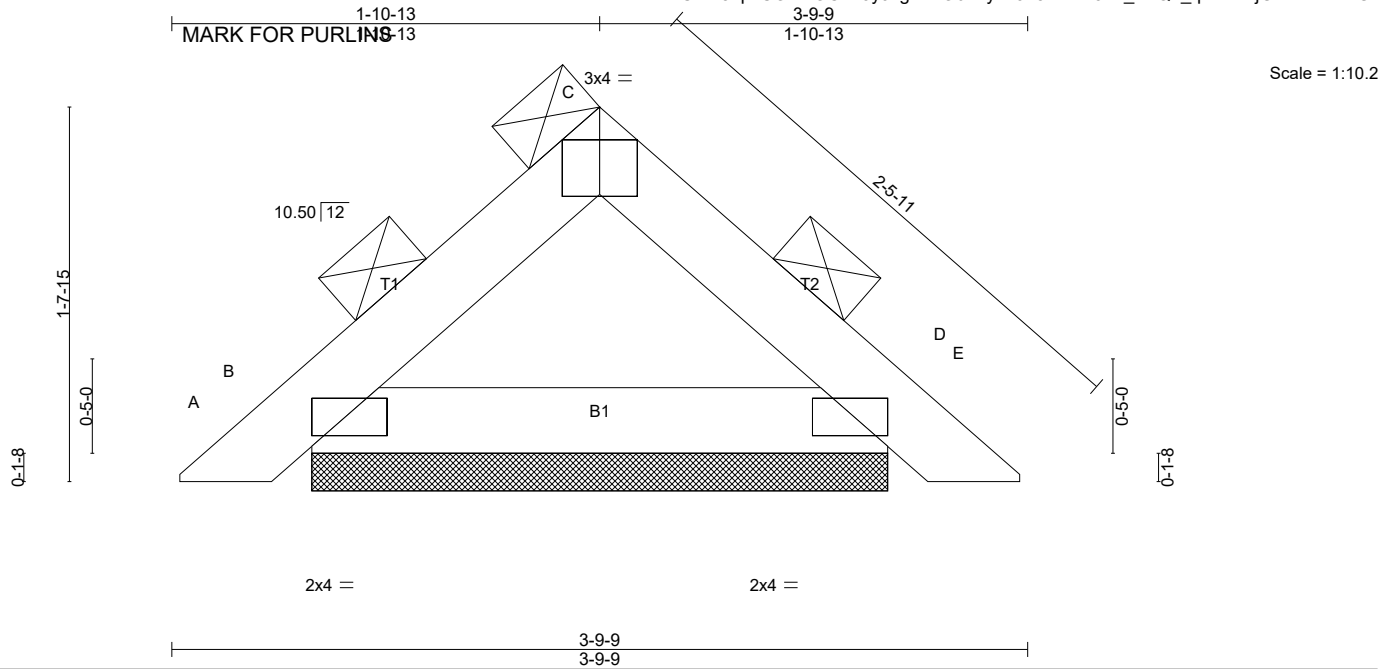
Vert: A-E=-76, E-F=-92, F-G=-76, G-H=-83, H-I=-76, I-J=-92, J-N=-76, B-M=-32, P-Z=-47, F-I=-16

Drag: E-Z=-16, J-P=-16

|        |       |            |     |     |                          |
|--------|-------|------------|-----|-----|--------------------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof          |
| B14501 | PB1   | Piggyback  | 5   | 1   | Job Reference (optional) |

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| Plate Offsets (X,Y)-- [B:0-2-3,0-1-0], [C:0-2-0,Edge], [D:0-2-3,0-1-0] |           |                      |       |             |                       |              |          |        |     |
|------------------------------------------------------------------------|-----------|----------------------|-------|-------------|-----------------------|--------------|----------|--------|-----|
| <b>LOADING</b> (psf)                                                   |           | <b>SPACING-</b>      | 2-0-0 | <b>CSI.</b> |                       | <b>DEFL.</b> | in (loc) | I/defl | L/d |
| TCLL (roof)                                                            | 20.0      | Plate Grip DOL       | 1.15  | TC          | 0.03                  | Vert(LL)     | 0.00 D   | n/r    | 120 |
| Snow (Ps/Pg)                                                           | 17.1/25.0 | Lumber DOL           | 1.15  | BC          | 0.05                  | Vert(CT)     | 0.00 D   | n/r    | 90  |
| TCDL                                                                   | 7.0       | Rep Stress Incr      | YES   | WB          | 0.00                  | Horz(CT)     | 0.00 D   | n/a    | n/a |
| BCLL                                                                   | 0.0 *     | Code IRC2021/TPI2014 |       | Matrix-P    |                       |              |          |        |     |
| BCDL                                                                   | 10.0      |                      |       |             |                       |              |          |        |     |
|                                                                        |           |                      |       |             | <b>PLATES GRIP</b>    |              |          |        |     |
|                                                                        |           |                      |       |             | MT20 197/144          |              |          |        |     |
|                                                                        |           |                      |       |             | Weight: 9 lb FT = 10% |              |          |        |     |

**LUMBER-**  
TOP CHORD 2x4 SPF 1650F 1.5E  
BOT CHORD 2x4 SPF 1650F 1.5E

**BRACING-**  
TOP CHORD 2-0-0 oc purlins.  
BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS.** (lb/size) B=105/2-6-10 (min. 0-1-8), D=105/2-6-10 (min. 0-1-8)  
Max Horz B=-30(LC 12)  
Max Uplift B=-12(LC 14), D=-12(LC 15)  
Max Grav B=133(LC 21), D=133(LC 22)

**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

- NOTES-**
- Unbalanced roof live loads have been considered for this design.
  - Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCDL=4.2psf; BCDL=5.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope) and C-C Exterior(2E) zone; cantilever left and right exposed ; end vertical left and right exposed;C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - TCLL: ASCE 7-16; Pr=20.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=25.0 psf; Ps=17.1 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=0.89; Ct=1.10
  - Roof design snow load has been reduced to account for slope.
  - Unbalanced snow loads have been considered for this design.
  - This truss has been designed for greater of min roof live load of 12.0 psf or 2.00 times flat roof load of 19.3 psf on overhangs non-concurrent with other live loads.
  - Gable requires continuous bottom chord bearing.
  - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 12 lb uplift at joint B and 12 lb uplift at joint D.
  - See Standard Industry Piggyback Truss Connection Detail for Connection to base truss as applicable, or consult qualified building designer.
  - Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.

**LOAD CASE(S)** Standard



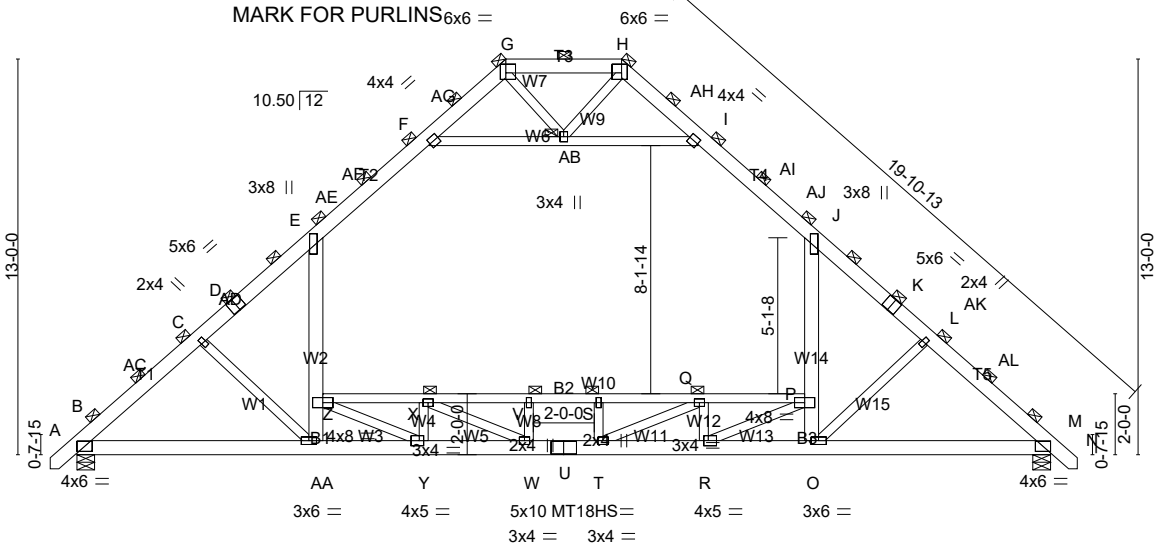
|        |       |            |     |     |                 |
|--------|-------|------------|-----|-----|-----------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof |
| B14501 | T1    | Attic      | 2   | 1   |                 |

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|         |        |        |        |          |         |         |        |         |
|---------|--------|--------|--------|----------|---------|---------|--------|---------|
| -0-10-8 | 4-1-15 | 7-10-4 | 14-1-3 | 17-10-13 | 24-1-12 | 27-10-1 | 32-0-0 | 32-10-8 |
| 0-10-8  | 4-1-15 | 3-8-5  | 6-2-15 | 3-9-9    | 6-2-15  | 3-8-5   | 4-1-15 | 0-10-8  |



|                                                                                                                                                                    |             |                      |       |            |      |              |           |                |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------|-------|------------|------|--------------|-----------|----------------|----------|
| Plate Offsets (X,Y)-- [B:0-6-0,0-0-11], [E:0-4-0,0-0-8], [G:0-3-12,0-3-8], [H:0-3-12,0-3-8], [J:0-4-0,0-0-8], [M:0-6-0,0-0-11], [R:0-1-12,0-2-0], [Y:0-1-12,0-2-0] |             |                      |       |            |      |              |           |                |          |
| <b>LOADING</b> (psf)                                                                                                                                               |             | <b>SPACING</b>       |       | <b>CSI</b> |      | <b>DEFL.</b> |           | <b>PLATES</b>  |          |
| TCLL (roof)                                                                                                                                                        | 20.0        |                      | 2-0-0 | TC         | 0.97 | in (loc)     | l/defl    | MT20           | GRIP     |
| Snow (Ps/Pg)                                                                                                                                                       | 17.1/25.0** | Plate Grip DOL       | 1.15  | BC         | 0.79 | Vert(LL)     | -0.42 T-W | >903           | 197/144  |
| TCDL                                                                                                                                                               | 7.0         | Lumber DOL           | 1.15  | WB         | 0.74 | Vert(CT)     | -0.74 T-W | >508           | 244/190  |
| BCLL                                                                                                                                                               | 0.0 *       | Rep Stress Incr      | YES   | Matrix-SH  |      | Horz(CT)     | 0.06 M    | n/a            |          |
| BCDL                                                                                                                                                               | 10.0        | Code IRC2021/TPI2014 |       |            |      | Attic        | -0.12 P-Z | 1652           | 360      |
|                                                                                                                                                                    |             |                      |       |            |      |              |           | Weight: 283 lb | FT = 10% |

|                |                            |                 |                                                      |
|----------------|----------------------------|-----------------|------------------------------------------------------|
| <b>LUMBER-</b> |                            | <b>BRACING-</b> |                                                      |
| TOP CHORD      | 2x6 SP DSS                 | TOP CHORD       | 2-0-0 oc purlins (2-2-0 max.).                       |
| BOT CHORD      | 2x6 SP DSS *Except*        | BOT CHORD       | Rigid ceiling directly applied or 10-0-0 oc bracing. |
|                | B2: 2x4 SPF 1650F 1.5E     | JOINTS          | 1 Brace at Jt(s): G, H, S, V, AB, Q, X               |
| WEBS           | 2x4 SP No.1 *Except*       |                 |                                                      |
|                | W2,W14: 2x6 SPF 1650F 1.5E |                 |                                                      |

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS.** (lb/size) B=1508/0-7-0 (min. 0-2-4), M=1508/0-7-0 (min. 0-2-4)  
Max Horz B=-272(LC 12)  
Max Grav B=2222(LC 48), M=2222(LC 50)

**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

**TOP CHORD** B-AC=-2988/0, C-AC=-2895/0, C-AD=-2836/0, D-AD=-2787/0, D-E=-2669/0, E-AE=-1689/157, AE-AF=-1639/162, F-AF=-1499/184, F-AG=-178/375, G-AG=-150/406, G-H=0/562, H-AH=-150/406, I-AH=-178/375, I-AI=-1499/184, AI-AJ=-1639/162, J-AJ=-1690/157, J-K=-2669/0, K-AK=-2787/0, L-AK=-2835/0, L-AL=-2895/0, M-AL=-2987/0

**BOT CHORD** B-AA=0/2383, Y-AA=0/2241, W-Y=0/3938, U-W=0/4361, T-U=0/4361, R-T=0/3740, O-R=0/2040, M-O=0/2207, X-Z=-2177/0, V-X=-2875/0, S-V=-2875/0, Q-S=-2875/0, P-Q=-2177/0

**WEBS** C-AA=-691/102, Z-AA=0/449, E-Z=0/1460, O-P=0/450, J-P=0/1460, S-T=-292/0, V-W=-292/0, F-AB=-2335/68, I-AB=-2337/68, Q-R=-771/0, Q-T=-76/833, P-R=0/2120, X-Y=-771/0, Y-Z=0/2120, W-X=-74/833, L-O=-692/102

- NOTES-**
- Unbalanced roof live loads have been considered for this design.
  - Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TC DL=4.2psf; BCDL=5.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope) and C-C Exterior(2E) -0-8-13 to 2-5-10, Interior(1) 2-5-10 to 9-6-15, Exterior(2R) 9-6-15 to 22-5-1, Interior(1) 22-5-1 to 29-6-6, Exterior(2E) 29-6-6 to 32-8-13 zone; cantilever left and right exposed ; end vertical left and right exposed;C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - \*\*TCLL: ASCE 7-16; Pr=20.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=25.0 psf; Ps= varies (17.1 psf Lum DOL=1.15 Plate DOL=1.15) see load cases; Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=0.89,1.00,0.89; Ct=1.10, Lu=50-0-0; Min. flat roof snow load governs.
  - Roof design snow load has been reduced to account for slope.
  - Unbalanced snow loads have been considered for this design.
  - This truss has been designed for greater of min roof live load of 12.0 psf or 2.00 times flat roof load of 19.3 psf on overhangs non-concurrent with other live loads.
  - Provide adequate drainage to prevent water ponding.
  - All plates are MT20 plates unless otherwise indicated.
  - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - Ceiling dead load (5.0 psf) on member(s).E-F, I-J, F-AB, I-AB; Wall dead load (5.0psf) on member(s).E-Z, J-P
  - Bottom chord dead load (40.0 psf) and additional bottom chord dead load (5.0 psf) applied only to room. X-Z, V-X, S-V, Q-S, P-Q

|        |       |            |     |     |                          |
|--------|-------|------------|-----|-----|--------------------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof          |
| B14501 | T1    | Attic      | 2   | 1   | Job Reference (optional) |

- NOTES-**
- 13) Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.
- 14) Attic room checked for L/360 deflection.

**LOAD CASE(S)** Standard

1) Dead + Snow (balanced): Lumber Increase=1.15, Plate Increase=1.15

Uniform Loads (plf)

Vert: A-E=-48, E-F=-58, F-G=-48, G-H=-52, H-I=-48, I-J=-58, J-N=-48, B-M=-20, P-Z=-30, F-I=-10

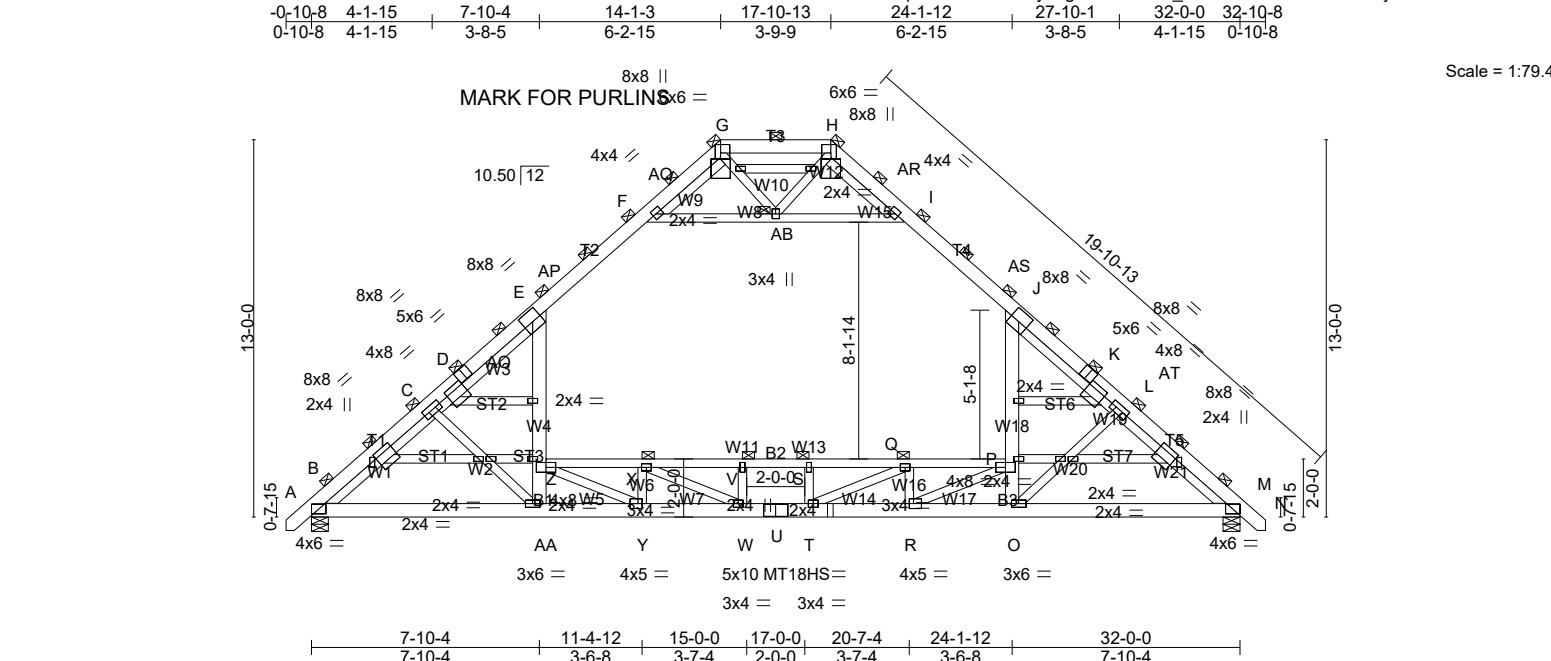
Drag: E-Z=-10, J-P=-10

|        |       |            |     |     |                          |
|--------|-------|------------|-----|-----|--------------------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof          |
| B14501 | T1GB  | GABLE      | 2   | 1   | Job Reference (optional) |

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|                       |                                                                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plate Offsets (X,Y)-- | [B:0-6-0,0-0-11], [C:1-7-0,1-6-7], [E:0-4-0,0-4-8], [F:0-1-8,0-2-0], [G:0-3-12,0-3-8], [H:0-0-11,0-4-0], [I:0-1-8,0-2-0], [J:0-4-0,0-4-8], [L:1-7-0,1-6-7], [M:0-6-0,0-0-11], [R:0-1-12,0-2-0], [Y:0-1-12,0-2-0], [AF:0-4-0,0-5-8], [AG:0-4-0,0-5-8], [AJ:0-4-0,0-5-8], [AK:0-4-0,0-5-8] |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| LOADING (psf) |             | SPACING-             |      | CSI.      |      | DEFL.    | in (loc) | l/defl | L/d  | PLATES | GRIP                    |
|---------------|-------------|----------------------|------|-----------|------|----------|----------|--------|------|--------|-------------------------|
| TCLL (roof)   | 20.0        | Plate Grip DOL       | 1.15 | TC        | 0.97 | Vert(LL) | -0.42    | T-W    | >903 | 360    | MT20 197/144            |
| Snow (Ps/Pg)  | 17.1/25.0** | Lumber DOL           | 1.15 | BC        | 0.79 | Vert(CT) | -0.74    | T-W    | >508 | 180    | MT18HS 244/190          |
| TCDL          | 7.0         | Rep Stress Incr      | YES  | WB        | 0.74 | Horz(CT) | 0.06     | M      | n/a  | n/a    |                         |
| BCLL          | 0.0 *       | Code IRC2021/TPI2014 |      | Matrix-SH |      | Attic    | -0.12    | P-Z    | 1652 | 360    | Weight: 346 lb FT = 10% |
| BCDL          | 10.0        |                      |      |           |      |          |          |        |      |        |                         |

**LUMBER-**  
TOP CHORD 2x6 SP DSS  
BOT CHORD 2x6 SP DSS \*Except\*  
B2: 2x4 SPF 1650F 1.5E  
WEBS 2x4 SP No.1 \*Except\*  
W4,W18: 2x4 SPF 1650F 1.5E  
OTHERS 2x4 SP No.1

**BRACING-**  
TOP CHORD 2-0-0 oc purlins (2-2-0 max.).  
BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.  
JOINTS 1 Brace at Jt(s): S, V, AB, Q, X, G, H

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS.** (lb/size) B=1508/0-7-0 (min. 0-2-4), M=1508/0-7-0 (min. 0-2-4)  
Max HorzB=-340(LC 12)  
Max UpliftB=-16(LC 14), M=-16(LC 15)  
Max GravB=2205(LC 48), M=2205(LC 50)

**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
TOP CHORD B-C=-2982/98, C-AO=-2826/87, D-AO=-2778/92, D-E=-2660/106, E-AP=-1678/225, F-AP=-1487/256, F-AQ=-178/375, G-AQ=-150/434, G-H=0/583, H-AR=-150/435, I-AR=-178/375, I-AS=-1487/256, J-AS=-1678/225, J-K=-2660/106, K-AT=-2778/92, L-AT=-2826/87, L-M=-2982/98  
BOT CHORD B-AA=-94/2408, Y-AA=-101/2283, W-Y=0/3979, U-W=0/4363, T-U=0/4363, R-T=0/3732, O-R=0/2032, M-O=0/2196, X-Z=-2206/0, V-X=-2875/0, S-V=-2875/0, Q-S=-2875/0, P-Q=-2214/0  
WEBS C-AA=-707/210, Z-AA=-37/454, E-Z=0/1460, O-P=-38/456, J-P=0/1460, S-T=-292/0, V-W=-292/0, F-AB=-2338/216, I-AB=-2339/216, Q-R=-771/0, Q-T=-135/872, P-R=0/2120, X-Y=-771/0, Y-Z=0/2120, W-X=-131/869, L-O=-708/211

- NOTES-**
- Unbalanced roof live loads have been considered for this design.
  - Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TC DL=4.2psf; BCDL=5.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope) gable end zone and C-C Corner(3E) -0-8-13 to 2-5-10, Exterior(2N) 2-5-10 to 10-10-13, Corner(3R) 10-10-13 to 21-1-3, Exterior(2N) 21-1-3 to 29-6-6, Corner(3E) 29-6-6 to 32-8-13 zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
  - \*\*TCLL: ASCE 7-16; Pr=20.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=25.0 psf; Ps= varies (17.1 psf Lum DOL=1.15 Plate DOL=1.15) see load cases; Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=0.89,1.00,0.89; Ct=1.10, Lu=50-0-0; Min. flat roof snow load governs.
  - Roof design snow load has been reduced to account for slope.
  - Unbalanced snow loads have been considered for this design.
  - This truss has been designed for greater of min roof live load of 12.0 psf or 2.00 times flat roof load of 19.3 psf on overhangs non-concurrent with other live loads.
  - Provide adequate drainage to prevent water ponding.
  - All plates are MT20 plates unless otherwise indicated.
  - Horizontal gable studs spaced at 2-0-0 oc.

|        |       |            |     |     |                          |
|--------|-------|------------|-----|-----|--------------------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof          |
| B14501 | T1GB  | GABLE      | 2   | 1   | Job Reference (optional) |

Sam Yoder & Sons, Inc., Greenwood, DE - 19950
 Run: 2.020 s 5.20 Jun 25 2025
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 MiTek Industries, Inc. Thu May 7 11:23:28 2026
 Page 2
 ID:7nIKtUaLr8npXUObmOCd75y9kgX-G9MWUJ\_O8FeKsfM3KJ2wl0bnFRjzaASIBz0TU9zlwGD

- NOTES-**
- 11) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - 12) \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - 13) Ceiling dead load (5.0 psf) on member(s). E-F, I-J, F-AB, I-AB; Wall dead load (5.0psf) on member(s).E-Z, J-P
  - 14) Bottom chord live load (40.0 psf) and additional bottom chord dead load (5.0 psf) applied only to room. X-Z, V-X, S-V, Q-S, P-Q
  - 15) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 16 lb uplift at joint B and 16 lb uplift at joint M.
  - 16) Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.
  - 17) Attic room checked for L/360 deflection.

- LOAD CASE(S)** Standard
- 1) Dead + Snow (balanced): Lumber Increase=1.15, Plate Increase=1.15
    - Uniform Loads (plf)
      - Vert: A-E=-48, E-F=-58, F-G=-48, G-H=-52, H-I=-48, I-J=-58, J-N=-48, B-M=-20, P-Z=-30, F-I=-10
      - Drag: E-Z=-10, J-P=-10



|        |       |            |     |     |                 |
|--------|-------|------------|-----|-----|-----------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof |
| B14501 | T2    | Common     | 23  | 1   |                 |

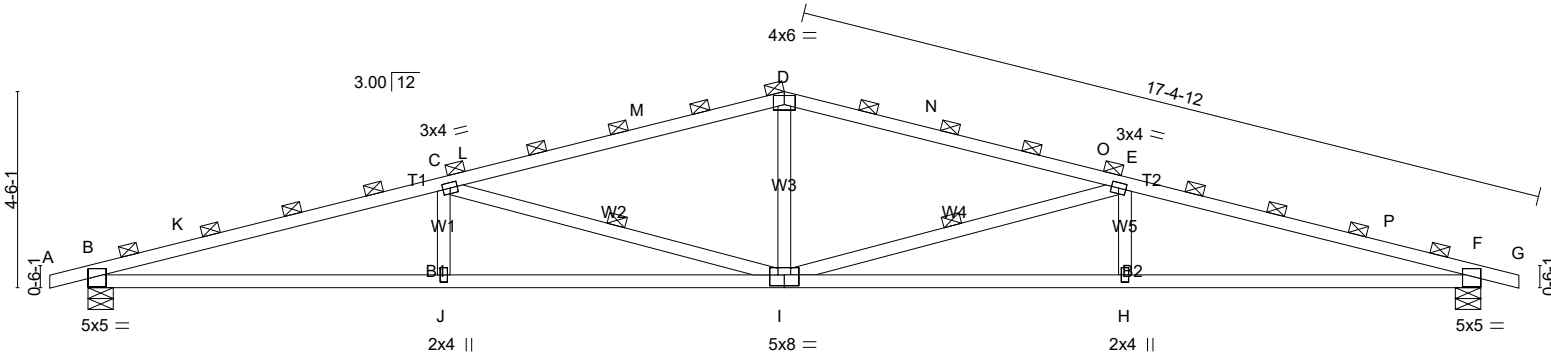
Sam Yoder & Sons, Inc., Greenwood, DE - 19950

Run: 2.020 s 5.20 Jun 25 2025 Print: 25.2.0 s Jun 25 2025 MiTek Industries, Inc. Thu May 7 11:23:29 2026 Page 1

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|         |       |        |         |        |         |
|---------|-------|--------|---------|--------|---------|
| -0-10-8 | 8-2-1 | 16-0-0 | 23-9-15 | 32-0-0 | 32-10-8 |
| 0-10-8  | 8-2-1 | 7-9-15 | 7-9-15  | 8-2-1  | 0-10-8  |

Scale = 1:52.9



|                       |                                                                    |
|-----------------------|--------------------------------------------------------------------|
| Plate Offsets (X,Y)-- | [B:0-0-0,0-2-4], [D:0-3-0,0-2-8], [F:0-0-0,0-2-4], [I:0-4-0,0-3-0] |
|-----------------------|--------------------------------------------------------------------|

|                        |                      |             |                             |                |             |
|------------------------|----------------------|-------------|-----------------------------|----------------|-------------|
| <b>LOADING</b> (psf)   | <b>SPACING-</b>      | <b>CSI.</b> | <b>DEFL.</b>                | <b>PLATES</b>  | <b>GRIP</b> |
| TCLL (roof) 20.0       | 2-0-0                | TC 0.94     | in (loc) l/defl L/d         | MT20           | 197/144     |
| Snow (Ps/Pg) 19.3/25.0 | Plate Grip DOL 1.15  | BC 0.77     | Vert(LL) -0.29 I >999 360   |                |             |
| TCDL 7.0               | Lumber DOL 1.15      | WB 0.33     | Vert(CT) -0.57 I-J >666 180 |                |             |
| BCLL 0.0 *             | Rep Stress Incr YES  | Matrix-SH   | Horz(CT) 0.15 F n/a n/a     |                |             |
| BCDL 10.0              | Code IRC2021/TPI2014 |             |                             | Weight: 111 lb | FT = 10%    |

|                              |                                                     |
|------------------------------|-----------------------------------------------------|
| <b>LUMBER-</b>               | <b>BRACING-</b>                                     |
| TOP CHORD 2x4 SPF 1650F 1.5E | TOP CHORD 2-0-0 oc purlins (2-2-0 max.).            |
| BOT CHORD 2x4 SPF 1650F 1.5E | Rigid ceiling directly applied or 7-4-5 oc bracing. |
| WEBS 2x4 SP No.1             | 1 Row at midpt E-I, C-I                             |

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS.** (lb/size) B=1200/0-7-0 (min. 0-1-15), F=1200/0-7-0 (min. 0-1-15)  
Max HorzB=-44(LC 15)  
Max UpliftB=-162(LC 10), F=-162(LC 11)  
Max GravB=1225(LC 2), F=1225(LC 2)

**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
TOP CHORD B-K=-3387/1016, C-K=-3336/1029, C-L=-2343/762, L-M=-2334/771, D-M=-2283/778,  
D-N=-2283/778, N-O=-2334/771, E-O=-2343/762, E-P=-3336/1029, F-P=-3387/1016  
BOT CHORD B-J=-937/3207, I-J=-937/3207, H-I=-937/3207, F-H=-937/3207  
WEBS D-I=-109/727, E-I=-1190/335, E-H=0/331, C-I=-1190/335, C-J=0/331

- NOTES-**
- 1) Unbalanced roof live loads have been considered for this design.
  - 2) Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCDL=4.2psf; BCDL=5.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope) and C-C Exterior(2E) -0-10-8 to 2-3-14, Interior(1) 2-3-14 to 12-9-10, Exterior(2R) 12-9-10 to 19-2-6, Interior(1) 19-2-6 to 29-8-2, Exterior(2E) 29-8-2 to 32-10-8 zone; cantilever left and right exposed ; end vertical left and right exposed;C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - 3) TCLL: ASCE 7-16; Pr=20.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=25.0 psf; Ps=19.3 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=1.00; Ct=1.10; Min. flat roof snow load governs.
  - 4) Roof design snow load has been reduced to account for slope.
  - 5) Unbalanced snow loads have been considered for this design.
  - 6) This truss has been designed for greater of min roof live load of 12.0 psf or 2.00 times flat roof load of 19.3 psf on overhangs non-concurrent with other live loads.
  - 7) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - 8) \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - 9) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 162 lb uplift at joint B and 162 lb uplift at joint F.
  - 10) Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.

**LOAD CASE(S)** Standard

|        |       |            |     |     |                          |
|--------|-------|------------|-----|-----|--------------------------|
| Job    | Truss | Truss Type | Qty | Ply | Bill Myers Roof          |
| B14501 | T2GB  | GABLE      | 2   | 1   | Job Reference (optional) |

Sam Yoder & Sons, Inc., Greenwood, DE - 19950

Run: 2.020 s 5.20 Jun 25 2025 Print: 25.2.0 s Jun 25 2025 MiTek Industries, Inc. Thu May 7 11:23:31 2026 Page 1  
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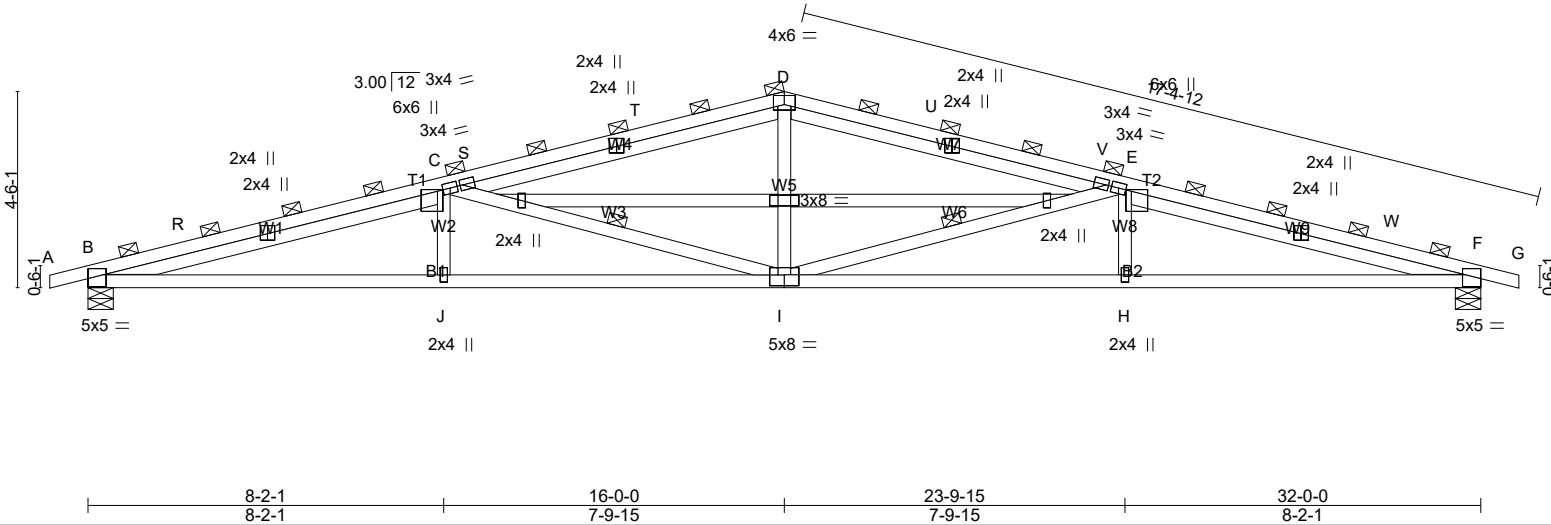
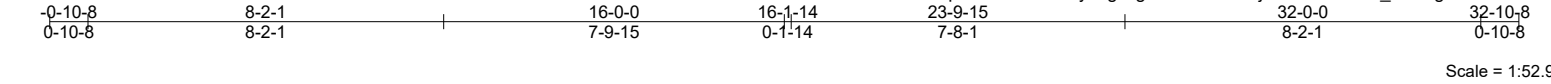


Plate Offsets (X,Y)-- [B:0-0-0,0-2-4], [C:0-2-0,0-1-0], [C:0-0-12,0-1-8], [C:0-0-8,0-1-8], [C:0-2-0,0-1-0], [D:0-3-0,0-2-8], [E:0-0-12,0-1-8], [E:0-0-8,0-1-8], [E:0-2-0,0-1-0], [E:0-2-0,0-1-0], [F:0-0-0,0-2-4], [I:0-4-0,0-3-0]

| LOADING (psf) |           | SPACING-             |      | CSI.      |      | DEFL.    |       | PLATES         |  | GRIP     |  |
|---------------|-----------|----------------------|------|-----------|------|----------|-------|----------------|--|----------|--|
| TCLL (roof)   | 20.0      | Plate Grip DOL       | 1.15 | TC        | 0.94 | Vert(LL) | -0.29 | MT20           |  | 197/144  |  |
| Snow (Ps/Pg)  | 19.3/25.0 | Lumber DOL           | 1.15 | BC        | 0.77 | Vert(CT) | -0.57 |                |  |          |  |
| TCDL          | 7.0       | Rep Stress Incr      | YES  | WB        | 0.33 | Horz(CT) | 0.15  |                |  |          |  |
| BCLL          | 0.0 *     | Code IRC2021/TPI2014 |      | Matrix-SH |      |          |       |                |  |          |  |
| BCDL          | 10.0      |                      |      |           |      |          |       |                |  |          |  |
|               |           |                      |      |           |      |          |       | Weight: 176 lb |  | FT = 10% |  |

| LUMBER-   |                    | BRACING-  |                                                     |
|-----------|--------------------|-----------|-----------------------------------------------------|
| TOP CHORD | 2x4 SPF 1650F 1.5E | TOP CHORD | 2-0-0 oc purlins (2-2-0 max.).                      |
| BOT CHORD | 2x4 SPF 1650F 1.5E | BOT CHORD | Rigid ceiling directly applied or 7-4-5 oc bracing. |
| WEBS      | 2x4 SP No.1        | WEBS      | 1 Row at midpt E-I, C-I                             |
| OTHERS    | 2x4 SP No.1        |           |                                                     |

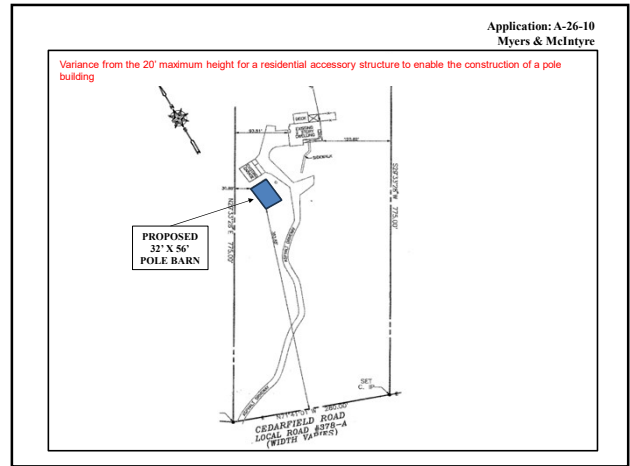
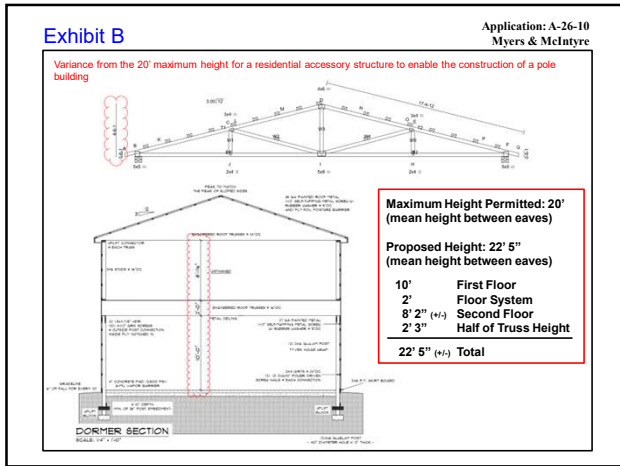
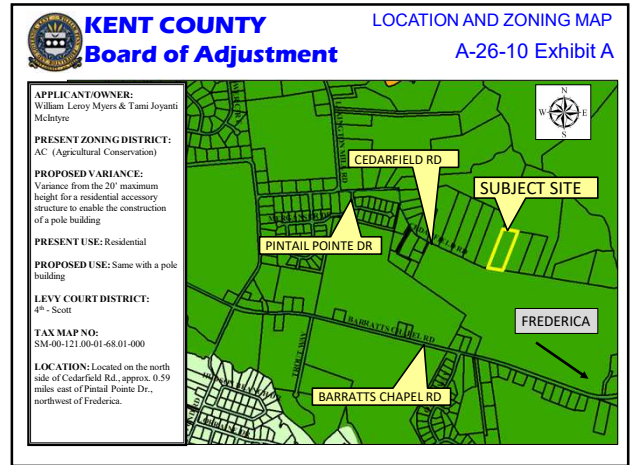
MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS.** (lb/size) B=1200/0-7-0 (min. 0-1-15), F=1200/0-7-0 (min. 0-1-15)  
Max Horz B=-44(LC 15)  
Max Uplift B=-162(LC 10), F=-162(LC 11)  
Max Grav B=1225(LC 2), F=1225(LC 2)

**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
TOP CHORD B-R=-3387/1016, C-R=-3336/1029, C-S=-2343/762, S-T=-2334/771, D-T=-2283/778,  
D-U=-2283/778, U-V=-2334/771, E-V=-2343/762, E-W=-3336/1029, F-W=-3387/1016  
BOT CHORD B-J=-937/3207, I-J=-937/3207, H-I=-937/3207, F-H=-937/3207  
WEBS D-I=-109/727, E-I=-1190/335, E-H=0/331, C-I=-1190/335, C-J=0/331

- NOTES-**
- Unbalanced roof live loads have been considered for this design.
  - Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCDL=4.2psf; BCDL=5.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope) and C-C Exterior(2E) -0-10-8 to 2-3-14, Interior(1) 2-3-14 to 12-9-10, Exterior(2R) 12-9-10 to 19-2-6, Interior(1) 19-2-6 to 29-8-2, Exterior(2E) 29-8-2 to 32-10-8 zone; cantilever left and right exposed ; end vertical left and right exposed;C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
  - TCLL: ASCE 7-16; Pr=20.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=25.0 psf; Ps=19.3 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat C; Partially Exp.; Ce=1.0; Cs=1.00; Ct=1.10; Min. flat roof snow load governs.
  - Roof design snow load has been reduced to account for slope.
  - Unbalanced snow loads have been considered for this design.
  - This truss has been designed for greater of min roof live load of 12.0 psf or 2.00 times flat roof load of 19.3 psf on overhangs non-concurrent with other live loads.
  - Horizontal gable studs spaced at 2-0-0 oc.
  - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 162 lb uplift at joint B and 162 lb uplift at joint F.
  - Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.

**LOAD CASE(S)** Standard





**A-26-10 MYERS & MCINTYRE**



**A-26-10 MYERS & MCINTYRE**



**A-26-10 MYERS & MCINTYRE**



**A-26-10 MYERS & MCINTYRE**



**A-26-10 MYERS & MCINTYRE**



**A-26-10 MYERS & MCINTYRE**





**A-26-10 MYERS & MCINTYRE**



**A-26-10 MYERS & MCINTYRE**



**A-26-10 MYERS & MCINTYRE**





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

**SUBJECT:**  
**A-26-11** Dawn Sites-Nolt & Burnell Stehman Nolt  
Jr.  
Tax map No. 3-00-056.02-07-48.00-000

### ATTACHMENTS:

[A-26-11 Nolt Staff Report](#)  
[A-26-11 Nolt Exhibit A](#)  
[A-26-11 Nolt Exhibit B](#)  
[A-26-11 Nolt Applicants Submission](#)  
[A-26-11 Nolt Letters of Support](#)  
[A-26-11 Nolt Powerpoint](#)



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

May 21, 2026

**APPLICATION:**

A-26-11

**APPLICANTS/OWNERS:**

Dawn Sites-Nolt & Burnell Stehman Nolt Jr.  
327 Peacock Pl.  
Dover, DE 19904

**NATURE OF REQUEST:**

**A-26-11 Dawn Sites-Nolt & Burnell Stehman Nolt Jr.** seek a variance from the requirement that a patio be setback 10' from the rear property line to enable the construction of a patio (§205-86.C.(4) of the Kent County Code). The property is located on the west side of Peacock Pl., approx. 165' west of Leander Dr., being Lot 470A in Villages of Nobles Pond subdivision, west of Cheswold. Levy Court District: 3<sup>rd</sup>. Zoning District: AR. Tax Map No. 3-00-05602-07-4800-000

The applicants are requesting a variance from the rear setback of 10' to enable the construction of a 9.5'x15' concrete patio 5.8' from the rear 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 **DENIAL** 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:

See attached.

Staff Response:

As shown on Exhibit A, the subject site is zoned AR (Agricultural Residential) inside the growth zone. Patios are a normal and permitted improvement within the district, provided they meet the required bulk and area provisions.

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

Applicant Response:

See attached.

Staff Response:

The character of the surrounding area is residential and natural. The property is located within the Villages of Nobles Pond, and most of the surrounding parcels are other lots within the development. A majority of the subject parcel's rear abuts a heavily wooded, wetland portion of open space. However, one of the adjacent residential lots is partially located behind the subject parcel. This adjacent parcel and a few others nearby have uncovered patios, which all appear to be within the required setback 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 required 10' setback could have a negative impact on neighboring properties. Permitting the patio to be 5.8' from the property line increases the potential for noise, light, and other nuisances to impact adjacent residences. It may also set a precedent for the construction of patios or other, more impactful encroachments within the rear setback.

**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 not create an unnecessary hardship or exceptional practical difficulty for the property owners in relation to making normal improvements to the property. There is an existing covered patio on the property, to the rear of the home. Additionally, the setback requirement of 10' still leaves room for expansion of the patio to both the side and rear. While this may not provide enough room to fit a patio of the same size, the applicant has other options that do not necessitate a variance.



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 0.16± acres and is improved with a single-family home, with a covered patio.
- 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.

**ENC:** Exhibit A  
Exhibit B  
Applicants Submission  
Letters of Support (3)



# KENT COUNTY

## Board of Adjustment

## LOCATION AND ZONING MAP

### A-26-11 Exhibit A

**APPLICANT/OWNER:**

Dawn Sites-Nolt & Burnell Stehman  
Nolt Jr.

**PRESENT ZONING DISTRICT:**

AR (Agricultural Residential)

**PROPOSED VARIANCE:**

Variance from the requirement that a patio be setback 10' from the rear property line to enable the construction of a patio

**PRESENT USE:** Residential**PROPOSED USE:**

Same with a patio

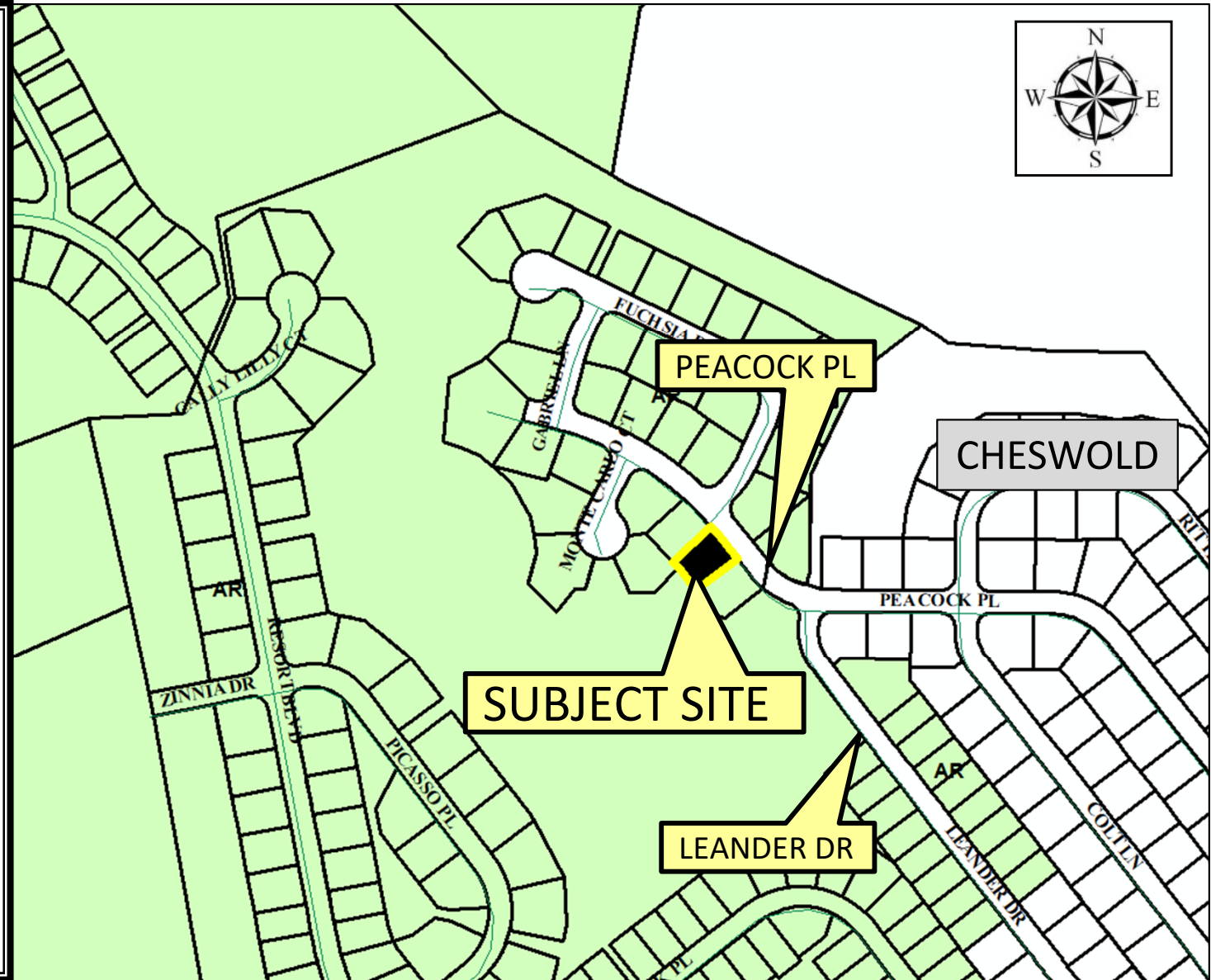
**LEVY COURT DISTRICT:**

3<sup>rd</sup> - Angel

**TAX MAP NO:**

KH-00-056.02-07-48.00-000

**LOCATION:** Located on the west side of Peacock Pl., approx. 165' west of Leander Dr., being Lot 470A in Villages of Nobles Pond subdivision, west of Cheswold.



# Exhibit B

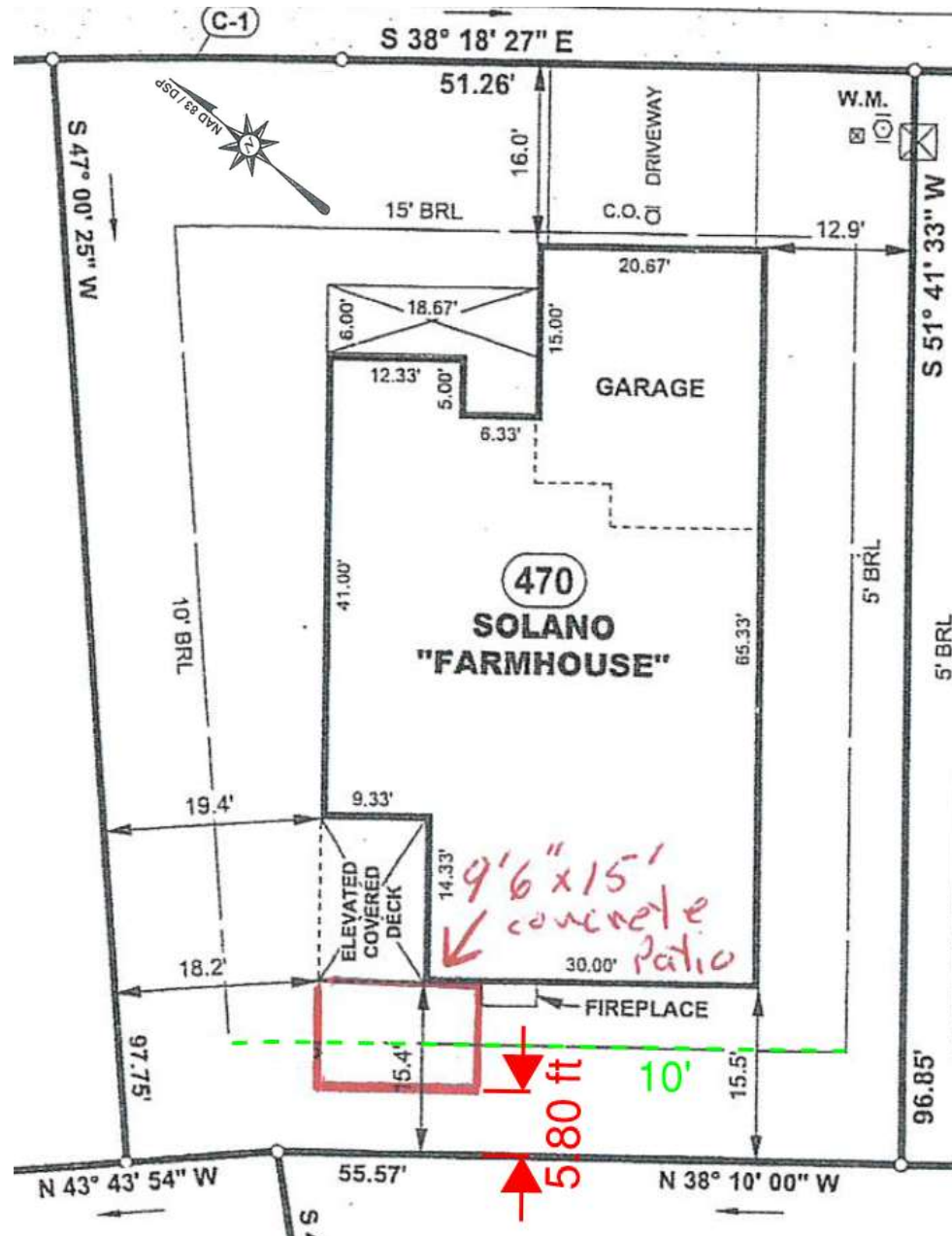
Application: A-26-11

Nolt

Variance from the requirement that a patio be setback 10' from the rear property line to enable the construction of a patio

**Required  
Setback – 10'**

**Requested  
Setback – 5.8'**



**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 APPLICANT IS REQUESTING A VARIANCE TO THE REAR OF THE PROPERTY AT 327 PERCOCK PLACE, DOVER, DE 19904. AS SHOWN ON THE INCLUDED PLOT PLAN, THE INTENT IS TO ADD A 9-foot 6 INCH WIDE CONCRETE PATIO, WHICH WOULD CAUSE A 4-foot 6 INCH ENCROACHMENT ON THE 10-foot SETBACK TO THE REAR OF ABOVE MENTIONED PROPERTY.

THE REAR OF THE PROPERTY ADJUTTS TO A "PASSIVE OPEN SPACE" OF APPROXIMATELY 30 feet, NEXT TO A 25-foot WETLAND BUFFER. THERE ARE NO NEIGHBORS PROPERTIES THAT ARE DIRECTLY IMPACTED BY THE VARIANCE. SEE INCLUDED SIGNED LETTERS FROM THE IMMEDIATE NEIGHBORS STATING NO OBJECTIONS TO THIS REQUEST.

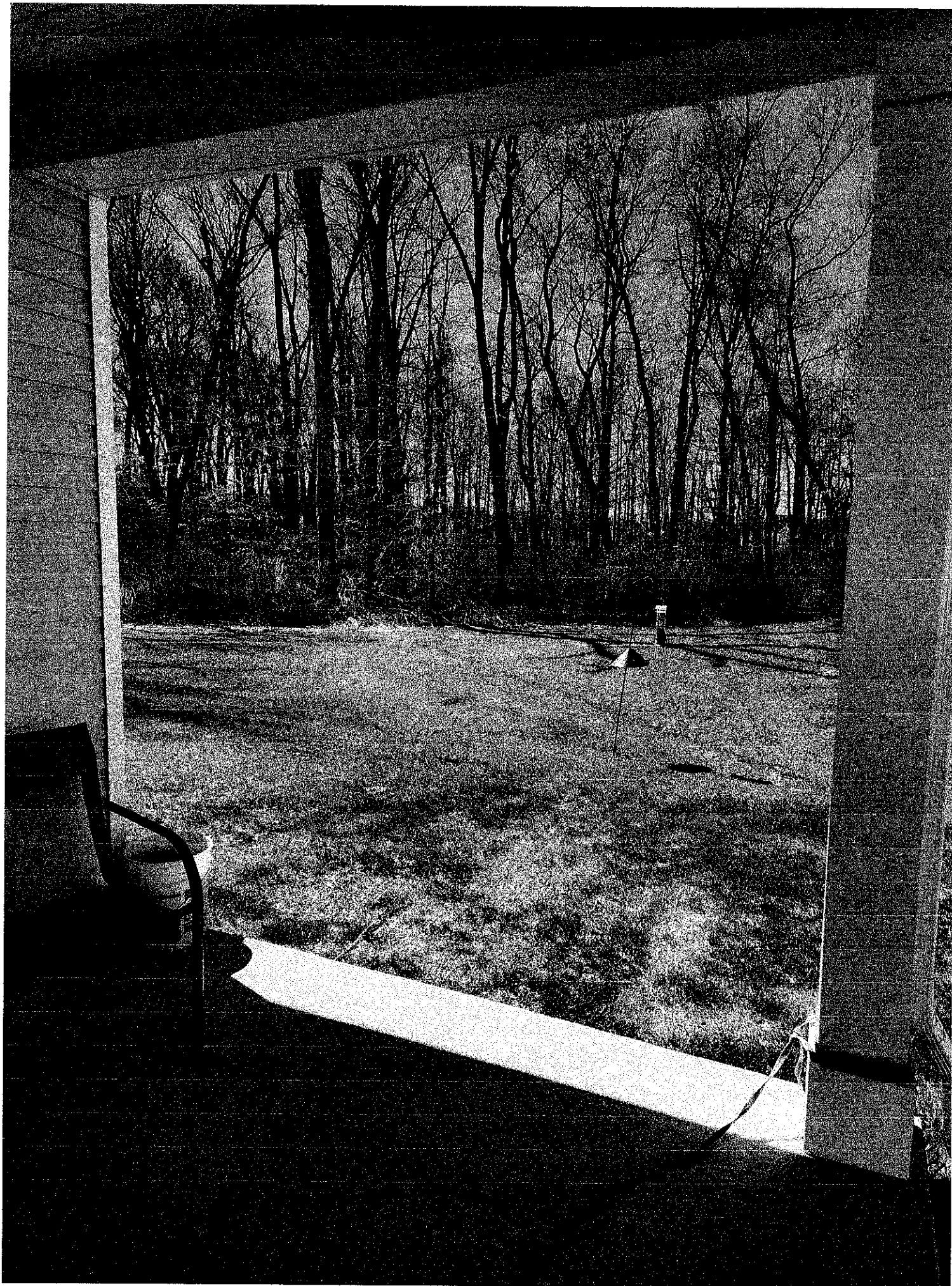
By constructing the patio to the rear of the residence we AVOIDED PRIVACY ISSUES. THE NEIGHBORING HOUSE HAS WINDOWS AND

Rev. 12/24)  
A PORCH WHICH WOULD LOOK DIRECTLY INTO THE PATIO ON THE SIDE OF OUR HOUSE. BY PUTTING THE PATIO TO THE REAR OF THE HOUSE WOULD ALSO BE CONSISTENT WITH THE SURROUNDING PROPERTIES.











327 Peacock Place



343 Peacock Place



corner of  
proposed patio



21 Fuschia Dr.





79 Fuchsia Dr.





53 Cosmos Lane





Albert C. Altevogt

Helene M. Scholler-Altevogt

35 Monte Carlo Ct

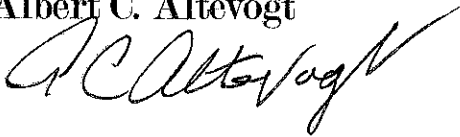
Dover, De 19904

March 20, 2026

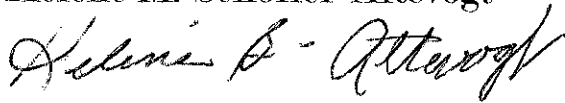
To whom it concerns:

As neighbors, we do not have any objection to a 9'6" X 15' concrete patio that Burnie and Dawn Nolt are proposing to add to the rear of their home adjacent to the existing covered back porch.

Albert C. Altevogt



Helene M. Scholler-Altevogt



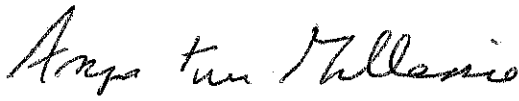


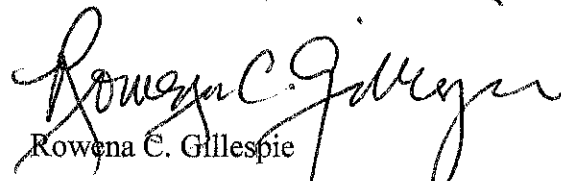
Angus Kress Gillespie  
343 Peacock Place  
Dover, Delaware 19904-2029

20 March 2026

To Whom it May Concern:

I understand that Dawn and Burnell Nolt, Jr., wish to extend their back porch 10' X 15', and wife Rowena and I have no objection to this extension.

  
Angus Kress Gillespie

  
Rowena C. Gillespie

Tony & Claudette Coleman

315 Peacock Place

Dover, De. 19904

March 20, 2026

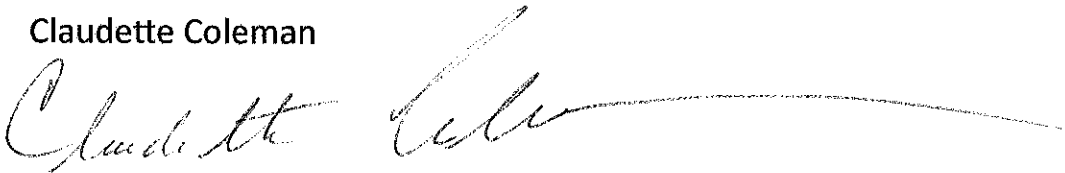
To whom it concerns:

As immediate neighbors of Burnie and Dawn Nolt at 327 Peacock Place, we do not have any concerns about the 9'6" X 15' concrete patio that they are proposing to add to the rear of their house adjacent to their covered back porch.

Tony Coleman



Claudette Coleman





**KENT COUNTY Board of Adjustment** LOCATION AND ZONING MAP A-26-11 Exhibit A

**APPLICANT/OWNER:**  
Dawn Sites-Nolt & Burnell Stehman  
Nolt Jr.

**PRESENT ZONING DISTRICT:**  
AR (Agricultural Residential)

**PROPOSED VARIANCE:**  
Variance from the requirement that a patio be setback 10' from the rear property line to enable the construction of a patio

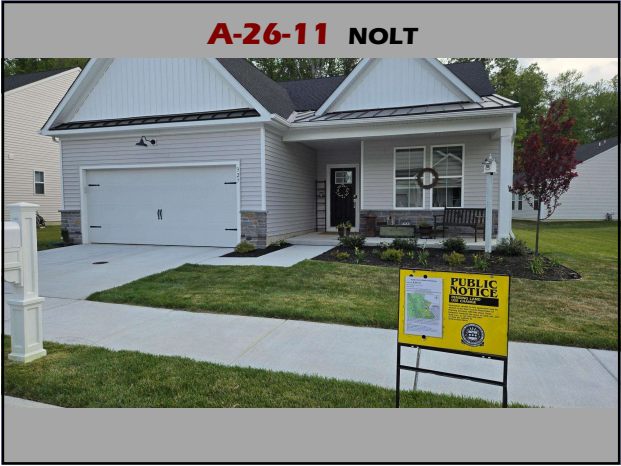
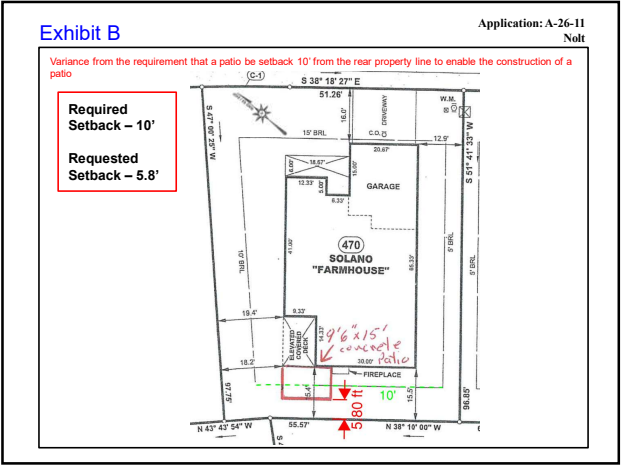
**PRESENT USE:** Residential

**PROPOSED USE:**  
Same with a patio

**LEVY COURT DISTRICT:**  
3rd - Angel

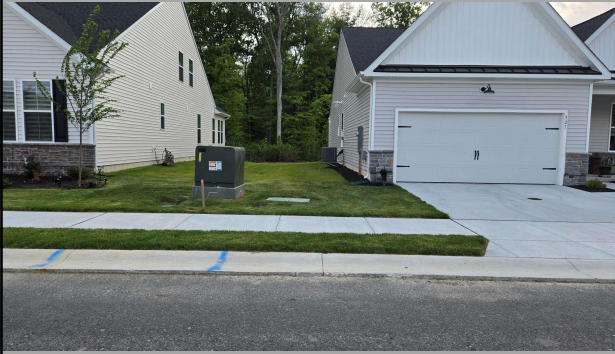
**TAX MAP NO:**  
KH-00-056.02-07-48.00-000

**LOCATION:** Located on the west side of Peacock Pl., approx. 165' west of Leander Dr., being Lot 470A in Villages of Nobles Pond subdivision, west of Cheswold.





**A-26-11 NOLT**



**A-26-11 NOLT**



**A-26-11 NOLT**



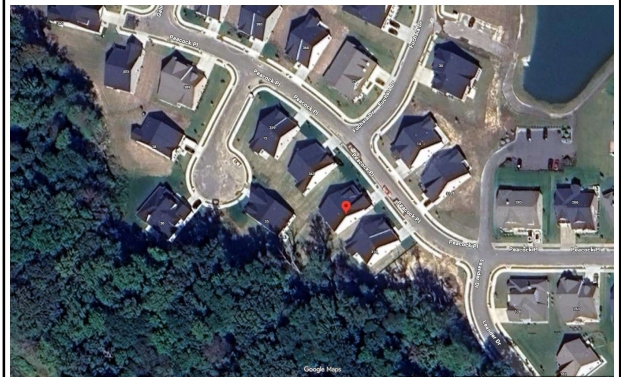
**A-26-11 NOLT**



**A-26-11 NOLT**



**A-26-11 NOLT**





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

**SUBJECT:**  
**A-26-12** Violet Fisher Co Trustee, Monica Fisher  
Co Trustee, & Ronald Fisher Co Trustee  
Tax Map No. 9-00-090.00-01-25.02-000

### ATTACHMENTS:

[A-26-12 Fisher - Staff Report](#)

[A-26-12 Fisher - Exhibit A](#)

[A-26-12 Fisher - Exhibit B](#)

[A-26-12 Fisher - Adjacent Property Owner Letter](#)

[A-26-12 Fisher - Powerpoint](#)



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

May 21, 2026

**APPLICATION:** A-26-12

**APPLICANT:** Ronald Fisher  
270 Enss Rd.  
Marydel, DE 19964

**OWNER:** Violet Fisher Co Trustee  
Monica Fisher Co Trustee  
Ronald Fisher Co Trustee  
270 Enss Rd.  
Marydel, DE 19964

**ADDITIONAL CONTACT:** Kevin Minnich  
868 Greenwood Rd.  
Greenwood, DE 19950

### NATURE OF REQUEST:

**A-26-12 Violet Fisher Co Trustee, Monica Fisher Co Trustee, & Ronald Fisher Co Trustee** seek a variance from the required 15' side principal structure setback to enable an existing building to be utilized for a place of worship (**§205-82.B.(2) of the Kent County Code**). The property is located on the east side of Enss Rd., approx. 90' east of Strauss Ave., southwest of Hartly. Levy Court District: 6<sup>th</sup>. Zoning District: AR. **Tax Map No. 9-00-09000-01-2502-000**

The applicant is requesting a variance from the 15' side setback to allow an existing 50' x 30' residential accessory building, 6' from the side property line, to be utilized for a place of worship.

### 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 **CONDITIONAL APPROVAL** of the variance, to grant a 6' side setback with the condition that a landscaped screening buffer, in addition to the requirements of §187-79 buffering of nonresidential uses other than agriculture, be planted to the south of the subject building and on the subject parcel, 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.**

Applicants Response:

The subject site is zoned AR (Agricultural Residential). The proposed use as a Place of Worship is a conditional use in this district and will require Conditional Use Site Plan approval from Kent County Levy Court.

Staff Response:

As shown on Exhibit A, the subject parcel is zoned AR (Agricultural Residential) outside the growth zone. Places of worship are permitted as a conditional use with site plan approval.

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

Applicants Response:

The character of this area is mainly residential in nature. The west side of Enss Road contains residential homes. The subject site is surrounded by woods with a residence along the southern border of the property.

Staff Response:

The character of the surrounding area is residential and woodlands. The parcel to the north and east is woodlands. To the south and west of the subject parcel are residentially developed parcels.

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

Applicants Response:

The reduction of the side yard setback from 15 feet to 6 feet would not seriously affect the neighboring properties since this is already an existing condition.

Staff Response:

Staff's recommendation of granting conditional approval to the variance to permit the existing building to be 6' from the side property line, to be used for a place of worship, would not seriously affect neighboring properties. Staff's recommended landscaped screening buffer, the entire length of the south side of the subject building, would provide a visual and sound buffer to the adjacent residential 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.**

Applicants Response:

Failure to remove the restriction would create an unnecessary hardship since this would make the expansion of the existing pole building for a place of worship an impossibility and the existing pole building would have to be removed and reconstructed.

Staff Response:

Failure to remove the side setback of 15' to allow an existing residential accessory building 6' from the side property line to be utilized for a place of worship would cause an exceptional practical difficulty for the applicant, as the existing structure cannot meet the minimum setback. The building was built in 2018 as a residential accessory structure, which only requires a 5' side setback. The property can be utilized for a place of worship through a conditional use with site plan approval process. All structures utilized for a place of worship must meet principal structure setbacks. If the applicant was denied the variance request, it would be a financial hardship as they would be required to demolish the building to use the property for a place of worship. The staff's recommendation to install a landscaped screening buffer along the southside of the subject building would provide a buffer to the adjacent residential parcel.

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 5.2± acres and is improved with a single-family dwelling and a 50' by 30' detached residential accessory building.
- There have been no previous Board of Adjustment applications on the subject parcel.
- There has been one Board of Adjustment application in the surrounding area similar to this request.
  - A-20-19, a parcel 0.55 miles west of the subject parcel, requested a variance from the provision that all structures utilized for a contractor's establishment must be setback 50' from any residentially zoned lot line. The Board approved an existing building 21.86' from the adjacent residential property line to be utilized for a contractor's establishment on June 18, 2020.
- The applicants are advised that, should the request be granted, a Conditional Use with site plan application shall be submitted to the Planning Department. For more information, contact the Planning Department at (302)744-2471 between 8:00am and 5:00pm.

**ENC:** Exhibit A  
Exhibit B  
Adjacent Property Owner Letter



# KENT COUNTY

## Board of Adjustment

## LOCATION AND ZONING MAP

### A-26-12 Exhibit A

**APPLICANT/OWNER:**

Violet Fisher CoTrustee,  
Monica Fisher CoTrustee, &  
Ronald Fisher CoTrustee

**PRESENT ZONING DISTRICT:**

AR (Agricultural Residential)

**PROPOSED VARIANCE:**

Variance from the required 15' side principal structure setback to enable an existing building to be utilized for a place of worship

**PRESENT USE:** Residential

**PROPOSED USE:** Place of Worship

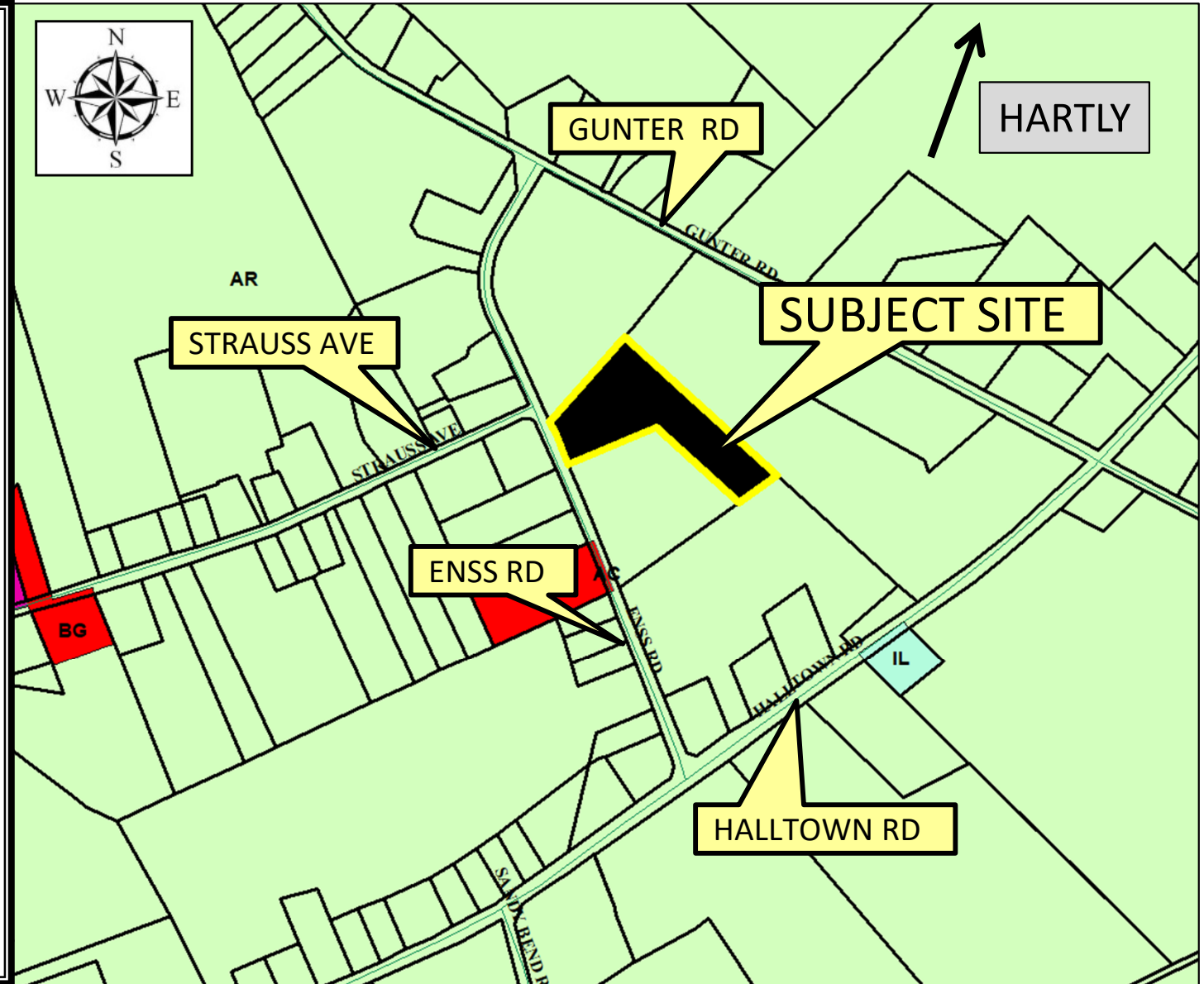
**LEVY COURT DISTRICT:**

6<sup>th</sup> - Hertz

**TAX MAP NO:**

WD-00-090.00-01-25.02-000

**LOCATION:** Located on the east side of Enss Rd., approx. 90' east of Strauss Ave., southwest of Hartly.



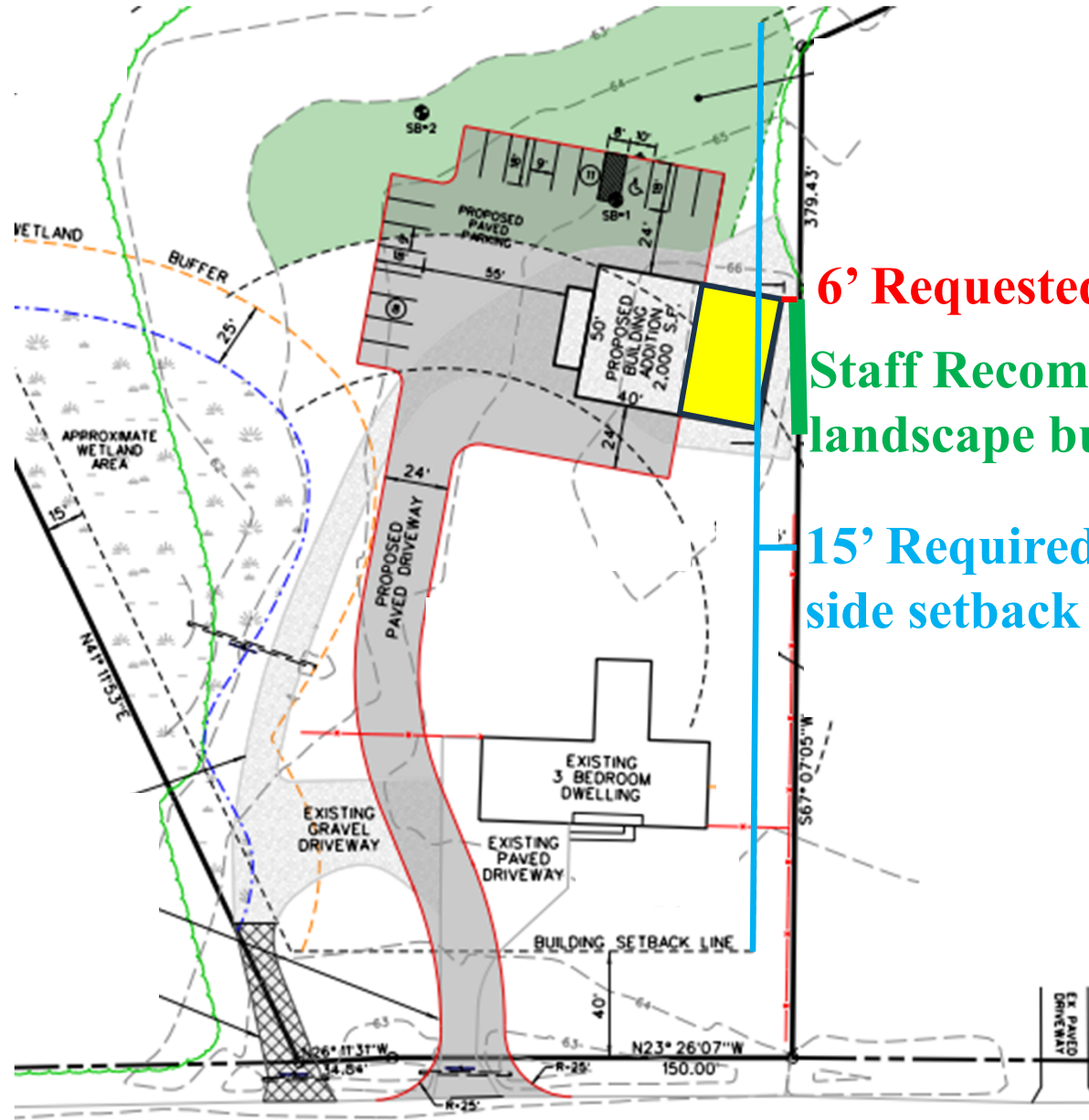


# Exhibit B

Application: A-26-12

Fisher

Variance from the required 15' side principal structure setback to enable an existing building to be utilized for a place of worship



6' Requested site setback

Staff Recommended  
landscape buffer

15' Required  
side setback

**Stephen A. Enss  
Patricia A. Enss  
244 Enss Road  
Marydel, Delaware 19964  
302.632.9767 (c)  
302.632.6089 (c)**

May 3, 2026

Department of Planning Services  
Division of Planning  
555 Bay Road  
Dover, Delaware 19901

**RE:    *A-26-12 Violet Fisher Co Trustee, Monica Fisher Co Trustee, & Ronald Fisher Co  
Trustee: Variance for 270 Enss Road to be a Place of Worship***

Honorable Board of Adjustment Members,

Please accept this letter as our statement on the requested variance of an agriculture building on 270 Enss Road. We are neither for nor against a church entering a community. A church can be a positive addition if mutual respect is shared. With that being said, our community has legitimate concerns regarding an agricultural building being used as a place of worship. We implore Kent County to take our concerns into serious consideration prior to granting this variance as to not disrupt said community as some of the members have been here for 35 years including the author of this statement.

The proposed worship building was not built within the setbacks required and is too close to our property line with our pool literally 26 yards away. While we are at our pool, the pedestrian door to the proposed church faces our pool and every congregant sees our every move and vice versa. We are accustomed to families being next door as the property has been residential since approximately 1995; however, the proposed use would be a massive influx of people invading our privacy. We have already had instances of congregants coming onto our property to take photographs as we are enjoying our back yard, with no concern that we are even here.

Traffic on Enss Road has become increasingly busy over the past several years, especially on the weekends, which is already very concerning considering the road is unlined and very narrow. We have to pull on to the shoulder driving a Jeep Gladiator for a school bus or large

truck to be able to pass. Vehicle and foot traffic will increase exponentially if the variance is permitted increasing our lack of privacy and causing further safety issues.

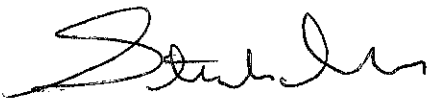
Should this variance be approved and they decide to sell, this could open up the property to be utilized by ANY commercial business further inflicting harm on us and our neighbors.

If this variance is approved, we would expect Kent County to ensure that all rules and regulations are met and that improvements to the property be made to mitigate the harm on the existing neighbors. Examples would be a landscape plan shielding our property from theirs and fencing to ensure the congregants know not to encroach on the neighboring property. Light pollution from parking lot lights and building lights will also be intrusive to the existing properties. There are also concerns regarding the septic system. It was built to sustain a 3-bedroom 2 bath residence, not to support a church congregation. The existing septic is in between our properties drawing fears of damage to our property should this not be addressed.

We built our home in 1991 in this location to live in a quiet, rural neighborhood situated among single family homes. While the neighborhood has changed over the last 35 years, this kind of change impacting our way of life was never anticipated.

We thank you for taking the time to read this statement and hope you will consider our concerns regarding this variance. We would attend in person; however, there is a scheduling conflict with the May 21<sup>st</sup> date.

Sincerely,

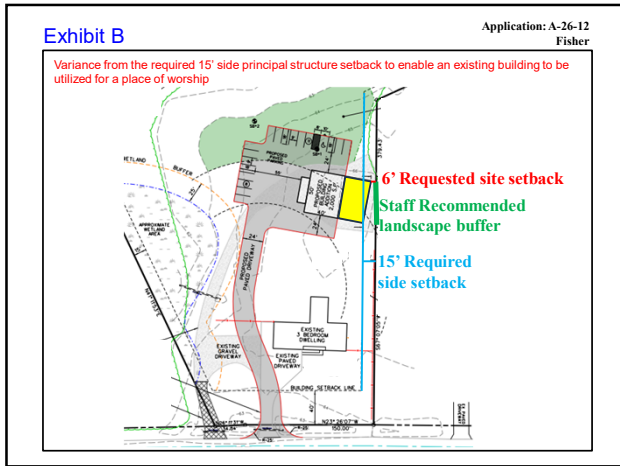
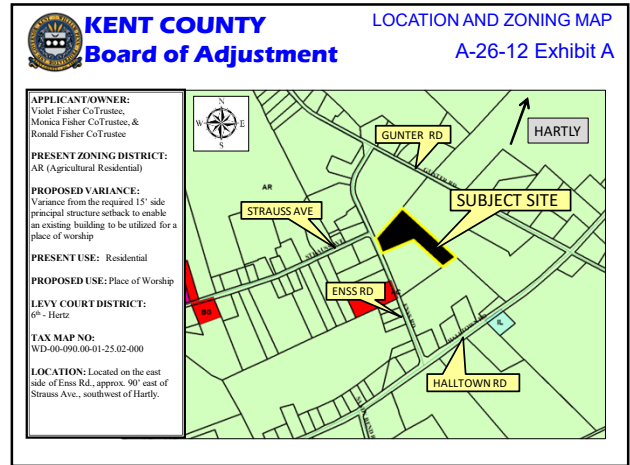
A handwritten signature in black ink, appearing to read "Stephen A. Enss".

Stephen A. Enss

A handwritten signature in black ink, appearing to read "Patricia A. Enss".

Patricia A. Enss







**A-26-12 FISHER**



**A-26-12 FISHER**



**A-26-12 FISHER**



**A-26-12 FISHER**



**A-26-12 FISHER**



**A-26-12 FISHER**





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**A-26-12 FISHER**



**A-26-12 FISHER**





**A-26-12 FISHER**



**A-26-12 FISHER**



**A-26-12 FISHER**





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

**SUBJECT:**  
**A-26-13** Clint & Aminah Saunders (Owner: ACJJ&J Holdings LLC)  
Tax Map No. 2-00-075.04-01-21.00-000

### ATTACHMENTS:

A-26-13 ACJJ&J Holdings, LLC - Staff Report  
A-26-13 ACJJ&J Holdings, LLC Exhibit A  
A-26-13 ACJJ&J Holdings, LLC - Exhibit B  
A-26-13 ACJJ&J Holdings, LLC - Applicant Response  
A-26-13 ACJJ&J Holdings, LLC - Powerpoint



## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

May 21, 2026

**APPLICATION:** A-26-13

**OWNER:** ACJJ&J Holdings LLC  
475 Quails Nest Dr.  
Dover, DE 19904

**APPLICANTS:** Clint & Aminah Saunders  
475 Quails Nest Dr.  
Dover, DE 19904

### NATURE OF REQUEST:

**A-26-13 Clint & Aminah Saunders (Owner: ACJJ&J Holdings LLC)** seek a variance from the required 30' rear principal structure setback to enable the construction of an addition (**§205-82.B.(2) of the Kent County Code**). The property is located on the west side of Quails Nest Dr., approx. 180' north of Cowbird Ct., being lot 21 of Quails Nest subdivision, west of Dover. Levy Court District: 6<sup>th</sup>. Zoning District: AC. **Tax Map No. 2-00-07504-01-2100-000**

The applicants are requesting a variance for relief from the required rear setback of 30' to allow for the construction of a 18' x 22' addition to be 24.4' from the rear 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 **DENIAL** 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 parcel is zoned AC (Agricultural Conservation) outside the growth zone. Additions to single-family dwellings are normal and



permitted improvements within the AC zoning district, provided they meet the required setbacks.

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

Applicant Response:  
See attached.

Staff Response:  
The subject property is located within Quails Nest residential subdivision. The property to the west is open space for the subdivision. Properties to the north, east, and south are improved with residential dwellings. No properties within the 104 lot subdivision have been granted a variance for rear setback.

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

Applicant Response:  
See attached.

Staff Response:  
The removal of the restriction to permit an addition that is 24.4' from the rear property line may seriously affect the neighboring properties. While the parcel behind the subject property is community open space, placing the proposed addition closer to the rear property line may start an undesirable trend in the development. Additionally, most of the lots in this development are around a half acre. Permitting an addition which encroaches on the rear setback could contribute to an overall feeling of closeness, crowding, and lots being overbuilt.

**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 of the required 30' rear setback would not create an unnecessary hardship or exceptional practical difficulty for the applicant. Although an addition is considered a normal improvement, it is not a guaranteed option. The applicants are able to shorten the addition from 18' to 12' deep and maintain the required 30' rear setback.

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 0.51± acre and is improved with a single-family dwelling.
- There have been no previous Board of Adjustment applications on the subject parcel.
- There have been no 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



# KENT COUNTY Board of Adjustment

## LOCATION AND ZONING MAP

### A-26-13 Exhibit A

**APPLICANT:**

Clint & Aminah Saunders

**OWNER:**

ACJJ&J Holdings LLC

**PRESENT ZONING DISTRICT:**

AC (Agricultural Conservation)

**PROPOSED VARIANCE:**

Variance from the required 30' rear principal structure setback to enable the construction of an addition

**PRESENT USE:** Residential**PROPOSED USE:**

Same with an addition

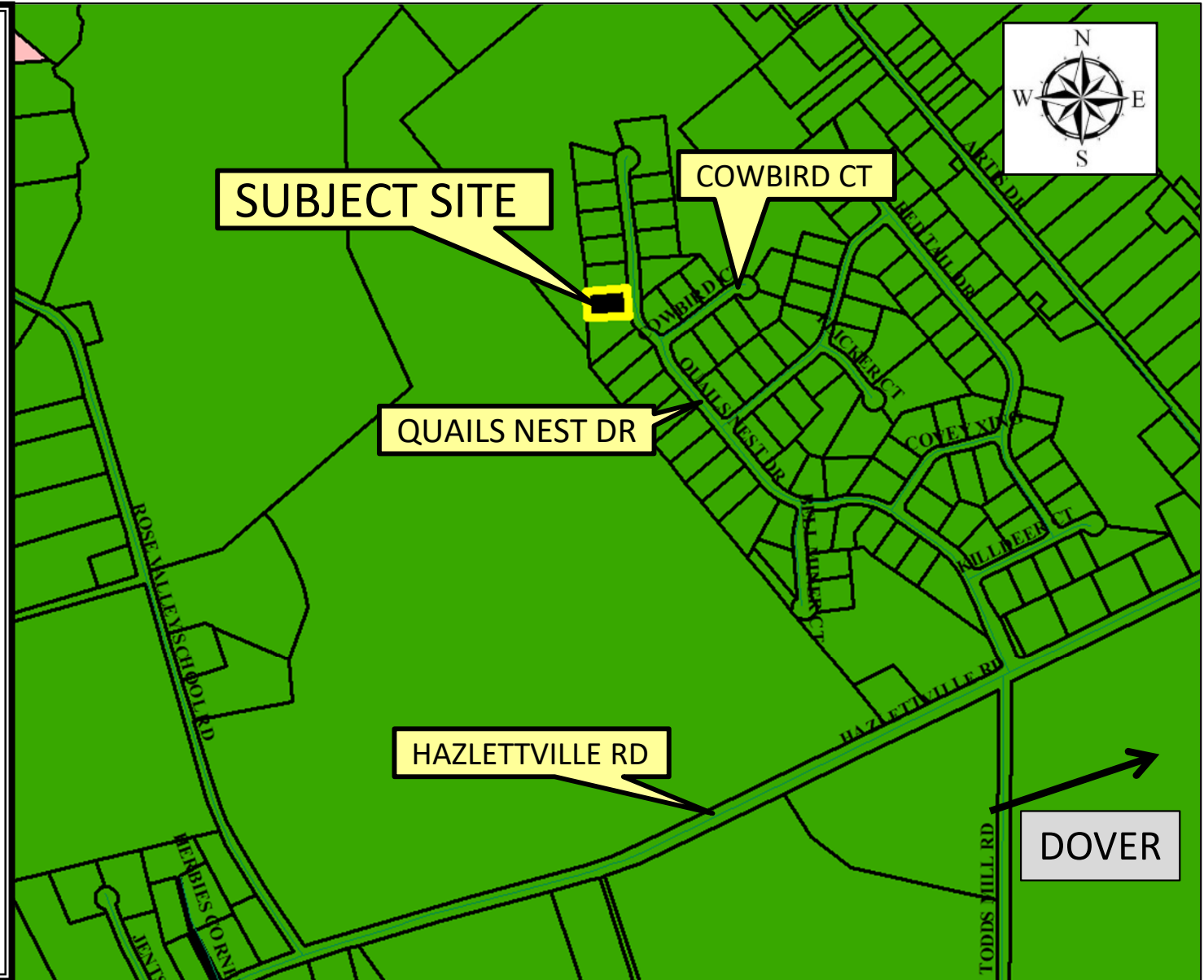
**LEVY COURT DISTRICT:**

6<sup>th</sup> - Hertz

**TAX MAP NO:**

ED-00-075.04-01-21.00-000

**LOCATION:** Located on the west side of Quails Nest Dr., approx. 180' north of Cowbird Ct., being Lot 21 in Quails Nest subdivision, west of Dover.

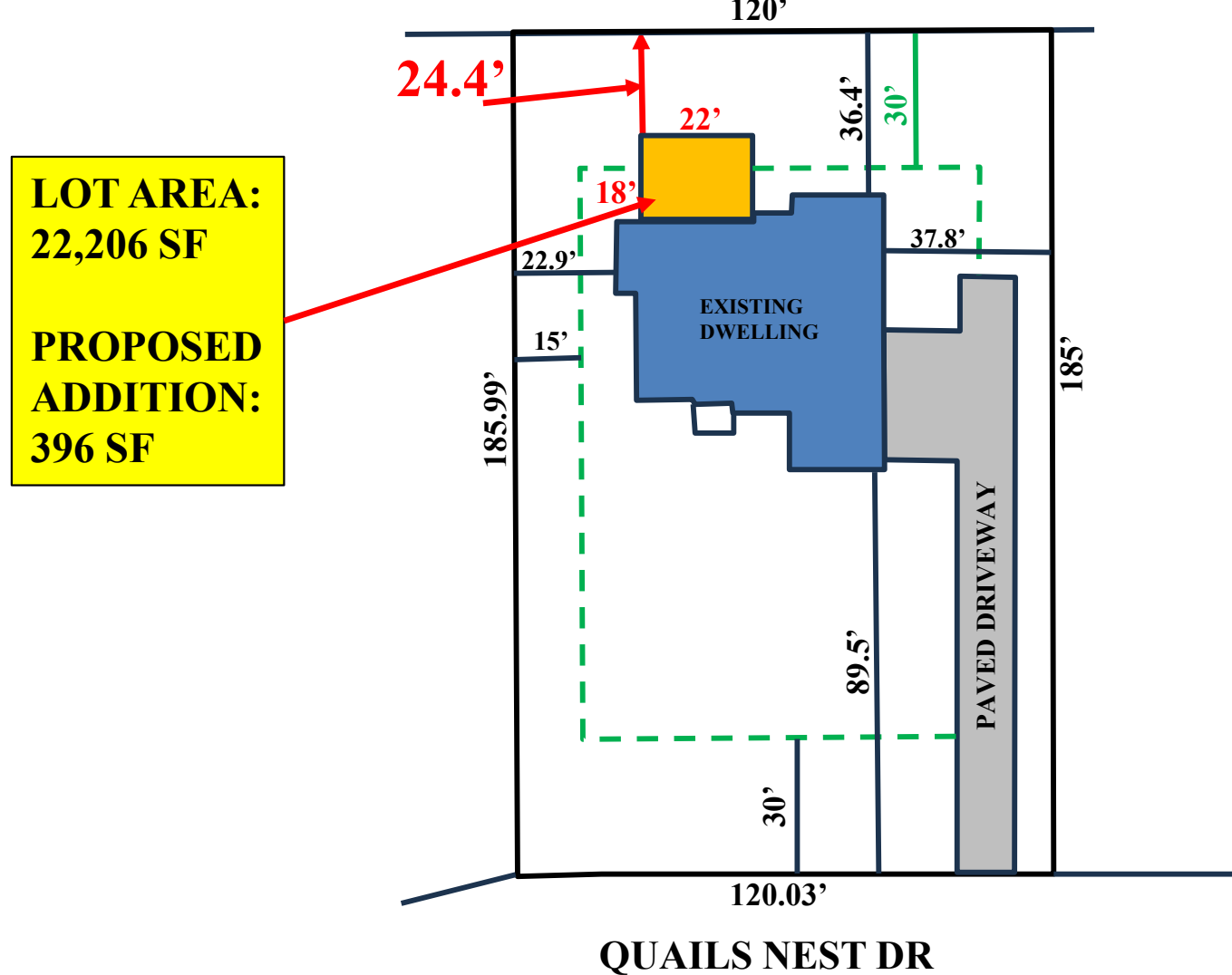




# Exhibit B

Application: A-26-13  
Saunders (ACJJ&J Holdings LLC)

Variance from the required 30' rear principal structure setback to enable the construction of an addition



State Variance being Requested (Example: variance from the 40 foot required front setback for the construction of an 8' x 12' porch).

We are requesting variance from the 30 foot required rear setback for the construction of a 22' x 18' flexible living space. The addition will end 24 feet from the rear property line when finished. 24.4

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.

(1) The nature of the zone where the property lies is a residential zone. (2) The immediate vicinity of 475 Quails Nest drive DEVER DE is characterized as a quiet, modern, and middle to high-end residential neighborhood. The property is a part of an area known as the Quails Nest community. The area requires a car for daily errands, as it is suburban, low noise and a peaceful environment. The Quails nest area households are of a mix group with a significant portion of residents working in management professional or clerical occupations.

(3) removal of the restriction on the property will not seriously or minorly effect the neighboring property or properties at all. The rear setback has an additional 130 ft of clear grass before a wooded tree area starts.

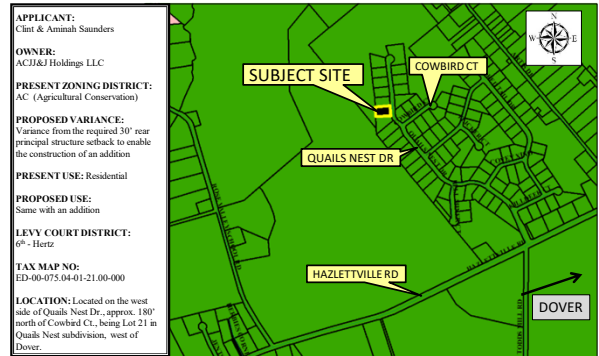
(4) Failure to remove the restriction would not create unnecessary hardship, but it does not <sup>make</sup> it easy to add a rear deck to the property in the future. I have a family member coming to live with me who is legally disabled and uses a wheelchair for all movement who will occupy the space. My family member is wheelchair bound and I need the extra feet for her wheelchair to move around.

# A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)



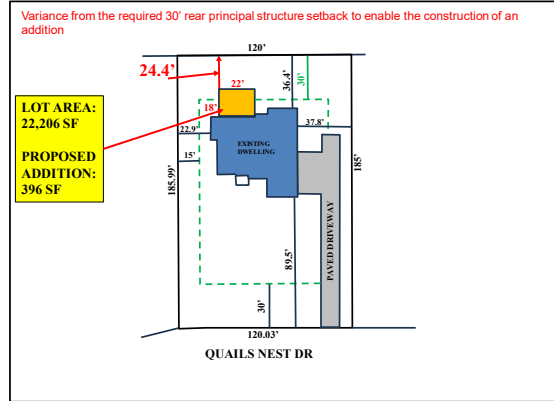
## KENT COUNTY Board of Adjustment

## LOCATION AND ZONING MAP A-26-13 Exhibit A



### Exhibit B

Application: A-26-13  
Saunders (ACJJ&J Holdings LLC)



# A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)



# A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)



# A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)





**A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)**



**A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)**



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**A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)**





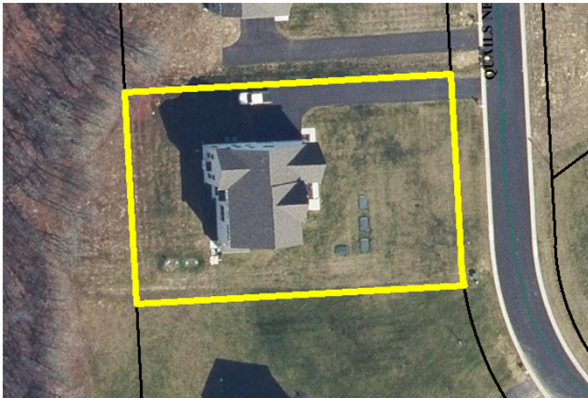
**A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)**



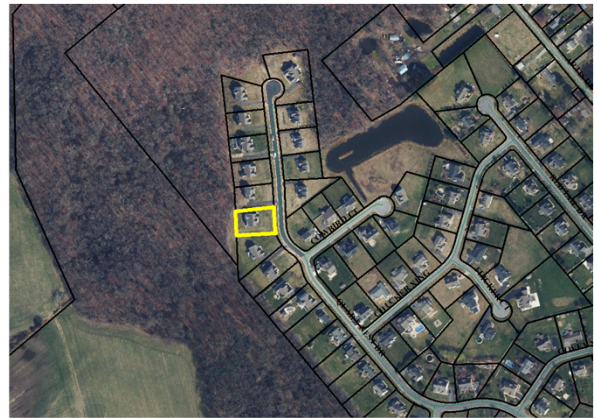
**A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)**



**A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)**



**A-26-13 SAUNDERS(ACJJ&J HOLDINGS LLC)**





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

**SUBJECT:**  
**A-26-14 James John & Jessica Danielle Grabinski**  
Tax map No. 2-00-075.04-01-76.00-000

### **ATTACHMENTS:**

[A-26-14 Grabinski - Staff Report](#)  
[A-26-14 Grabinski Exhibit A](#)  
[A-26-14 Grabinski - Exhibit B](#)  
[A-26-14 Grabinski - Applicant Response & Photos](#)  
[A-26-14 Grabinski - Powerpoint](#)





## DEPARTMENT OF PLANNING SERVICES

### STAFF RECOMMENDATION REPORT

May 21, 2026

**APPLICATION:**

A-26-14

**APPLICANT/OWNER:**

James John & Jessica Danielle Grabinski  
18 Chucker Xing  
Dover, DE 19904

**NATURE OF REQUEST:**

**A-26-14 James John & Jessica Danielle Grabinski** seek a variance from the requirement that a fence may not exceed 4' in height in the front setback to enable the construction of a 6' fence (§205-86.C.(7)(b) of the **Kent County Code**). The property is located on the southeast corner of Quails Nest Dr. and Chucker Crossing, being lot 83 of Quails Nest subdivision, west of Dover. Levy Court District: 6<sup>th</sup>. Zoning District: AC. **Tax Map No. 2-00-07504-01-7600-000**

The applicants are requesting a variance from the 30' front setback to place a 6' fence. The applicants are requesting a variance to permit a 6' fence to go to the front property line. Fences located within a front setback are limited to 4' in height.

**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 **DENIAL** 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.**

Applicants Response:  
See attached.

Staff Response:

As shown on Exhibit A, the subject parcel is zoned AC (Agricultural Conservation) outside the growth zone. Fences are normal and permitted improvements in the AC zoning district, provided they meet setback and height requirements.

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

Applicants Response:

See attached.

Staff Response:

The subject property is located within Quails Nest residential subdivision. The character of the area is single-family residential lots. Fences are a normal improvement within the development and within the character of the area. However, no other properties in the subdivision have received variances to install a fence taller than 4' in height in the front setback.

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

Applicants Response:

See attached.

Staff Response:

Removal of the required 30' front setback to allow a 6' fence to go to the property line may seriously affect the neighboring properties. The proposed fence location may obscure the view of adjacent parcels ingress and egress to their parcels. Also, it may block the view of traffic at the intersection of Chucker Crossing and Quails Nest Dr. The 6' fence will be approximately 10' from the edge of the roadway of Quails Nest Drive.

**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.**

Applicants Response:

See attached.

Staff Response:

Failure to remove the front setback of 30' to place a 6' fence up to the front property line of Quails Nest Dr. would not create a practical difficulty for the owner to make a normal improvement on the property. The applicants have the ability to place a fence with an overall height of 4', within their front yard setback, up to the right-of-way. They also could build up to a 7' fence that meets the required 30' front setback.

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 0.59± acre improved with a single-family dwelling.
- There have been no previous Board of Adjustment applications on the subject parcel.
- There have been no Board of Adjustment applications in the surrounding area similar to this request.

**ENC:** Exhibit A  
Exhibit B  
Applicants response and pictures





# KENT COUNTY

## Board of Adjustment

## LOCATION AND ZONING MAP

### A-26-14 Exhibit A

**APPLICANT/OWNER:**

James John & Jessica Danielle  
Grabinski

**PRESENT ZONING DISTRICT:**

AC (Agricultural Conservation)

**PROPOSED VARIANCE:**

Variance from the requirement that a fence may not exceed 4' in height in the front setback to enable the construction of a 6' fence

**PRESENT USE:** Residential**PROPOSED USE:**

Same with a fence

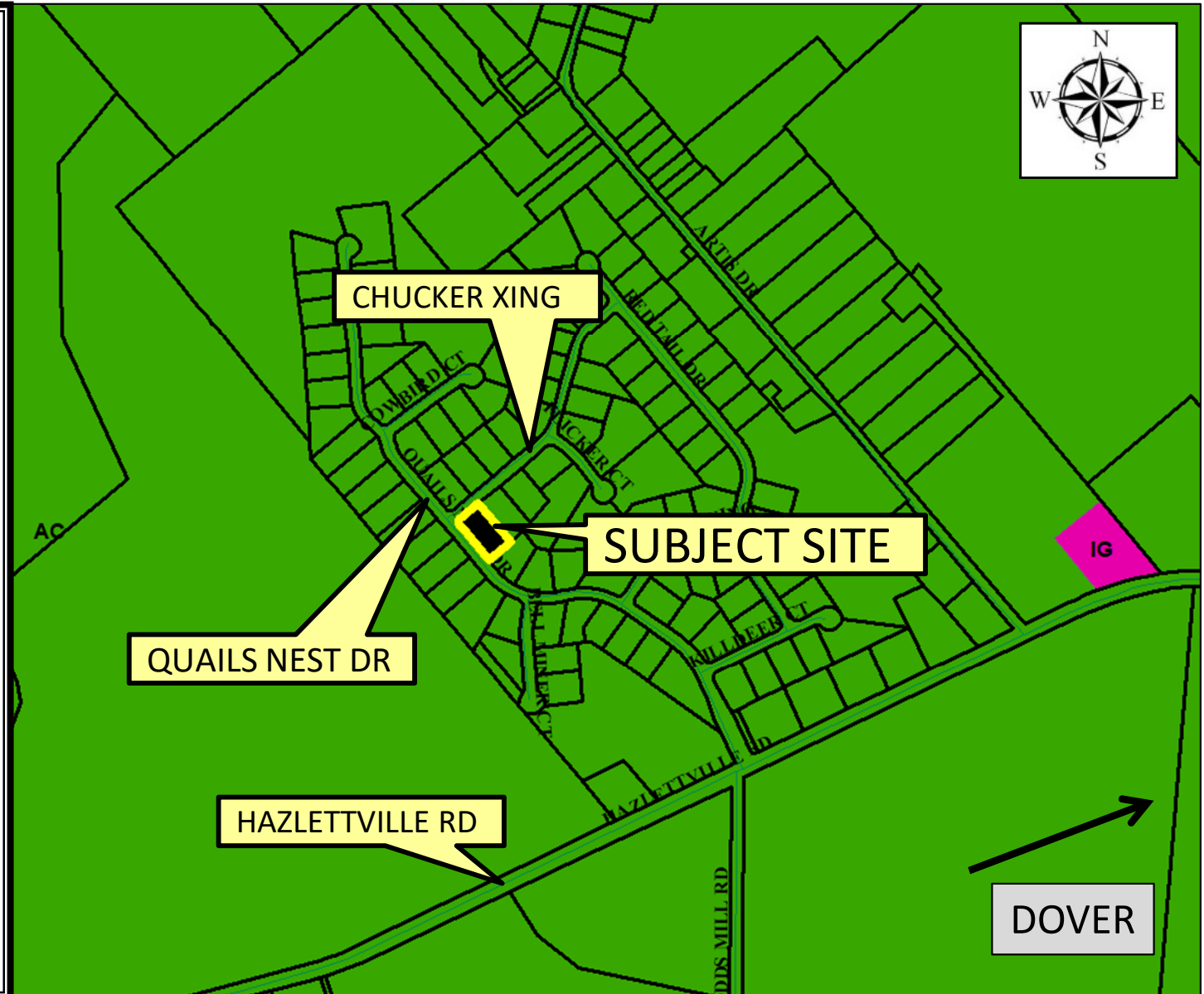
**LEVY COURT DISTRICT:**

6<sup>th</sup> - Hertz

**TAX MAP NO:**

ED-00-075.04-01-76.00-000

**LOCATION:** Located on the southeast corner of Quails Nest Dr. and Chucker Xing, being Lot 83 in Quails Nest subdivision, west of Dover.



## Exhibit B

Application: A-26-14  
Grabinski

Variance from the requirement that a fence may not exceed 4' in height in the front setback to enable the construction of a 6' fence



## Variance Request Statement – 6-Foot Privacy Fence

18 Chucker Crossing, Dover, DE 19904

I am respectfully requesting approval for a variance to install a 6-foot vinyl privacy fence within the 30-foot setback, extending up to the property line, on my corner lot property at 18 Chucker Crossing.

1. The property is located in a residential zone where privacy fencing is a normal and practiced improvement. A 6-foot fence is standard for rear yards throughout the community and consistent with the intended residential use of the property.
2. The character of the neighborhood is composed of single-family homes with similar layouts and typical residential improvements, including fencing. However, due to the corner lot designation, my backyard is significantly more exposed than interior lots. This creates an imbalance, as neighboring properties are able to install full privacy fencing while my property is restricted from doing so in areas that function as a backyard.
3. Granting this variance will not negatively impact neighboring properties or public safety. While visibility at the intersection was noted as a concern, I measured the distance from the proposed fence location to the intersection of Quails Nest Drive and Chucker Crossing, which is approximately 100 to 125 feet. From this distance, oncoming traffic is clearly visible well before reaching the intersection. In fact, an existing tree along the roadway obstructs visibility more within the immediate area than the proposed fence would.
4. Strict enforcement of the setback requirement creates an exceptional practical difficulty. Because my lot is treated as having two front yards, it significantly limits the ability to make normal residential improvements that are otherwise permitted for similarly sized interior lots. This is not a self-created hardship, but one inherent to the lot's configuration.



Additionally, after speaking with the planning team, I understand their primary concern is that the fence would be located within the 30-foot setback up to the property line. I was advised that a 4-foot fence may be permitted in this area. However, I respectfully request consideration for a 6-foot privacy fence due to safety and functional needs. Additionally, vehicles parked in my driveway and the tree line at the end of my yard extend closer to the intersection and create a greater visual obstruction than the proposed fence. I have attached a photo that clearly illustrates these conditions.

My wife and I are both active-duty military members, and we have four young children and a large dog. The ability to install a secure, enclosed backyard is not simply a preference—it is a matter of safety, supervision, and quality of life for our family. Without this variance, we are unable to reasonably use our property in the same way as our neighbors.

This request is modest, consistent with the neighborhood, and will not create any adverse impact. It simply allows us to achieve the same level of privacy and safety that is typical for residential properties.

For these reasons, I respectfully ask the Board to approve this variance.

Thank you for your time and consideration.

Respectfully,

James J. Grabinski



6'4" ft tall standing where edge of fence would be located and  
picture taken from stop sign/intersection of Quails Nest and Chucker Xing







Me in my car at the stop sign/intersection of  
Quails Nest/Chucker Xing

6ft pole of where fence would meet  
property line







**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**





**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**



**A-26-14 GRABINSKI**





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

**SUBJECT:**  
Approval of the Business Meeting Minutes from the  
April 16, 2026 meeting

**ATTACHMENTS:**  
[April 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, APRIL 16, 2026**

**Business Meeting Call to Order**

The Business Meeting was called to order at 6:57 P.M.

**Roll Call and Determination of Quorum**

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

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

**Approval of the Minutes**

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

**Approval of the Notices of Decision**

**Motion** to approve Notice of Decision for application A-26-05 from the March 19, 2026 meeting made by Joan Denney; seconded by Temple Carter, III; carried by vote 7 yeas.

**Old Business**

**A-25-09 Faye Z. Wing 7-00-111.02-01-01.00-000**

**Motion** to approve an extension of 1 year for a previously approved variance to construct the 6 ft. high black aluminum fence within the front yard and legalize the existing accessory structures made by Joan Denney; seconded by Temple Carter, III; carried by vote 7 yeas.

**Votes:**

**Mr. Jenkins:** I vote in support of the motion for application A-25-09 based upon the fact that DelDOT is playing a role in postponement of this project at this time.

**Mr. Simpson:** I vote in support of the motion based upon it being out of her control.

**Mr. Gallo:** I vote in favor of the motion as there is a number of moving parts to that project and the delay is somewhat out of her control.

**Mrs. Hudson:** I vote in favor of the motion based off the staff recommendation and information provided to us from DelDOT.

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

**Mrs. Denney:** I vote yes on the motion based on the comments I made when I made the motion. DelDOT moves at its own rate of speed which leaves us zero control. We find that with many of our state agencies, just to set the record straight.

**Mr. Cusick:** I vote in favor of the motion per DelDOT's timeline and how it is out of the applicant's control.

**New Business**

**A-26-06 Bigg Jim's Homes LLC 8-00-122.12-01-54.00-000**

**Motion** to approve a variance to enable the relocation of manufactured home to be 23.7 ft. from the front property line of Poplar St. and 13.3 ft. from the rear property line, and the accessory structure to be 28.7 ft. from the front property line of Fourth St. for application A-26-06 based off staff recommendation, public testimony heard tonight, and removal of the restrictions would not seriously affect neighboring properties made by Morgan Hudson; seconded by Temple Carter, III; carried by vote 7 yeas.

**Votes:**

**Mrs. Denney:** I vote yes. I do see an exceptional practical difficulty that is created here in locating this based on the double frontage and the lay of the land, where all the other accessories are.

**Mr. Gallo:** I vote in favor of the motion. I think the applicant meets all the requirements. I believe he is actually improving the situation from what it is. With the staff recommendation and neighbor's testimony, I vote in favor of that motion.

**Mr. Jenkins:** I vote in support of the motion for application A-26-06



based upon the reasons given by staff, the testimony presented to us tonight, and the complexity of having the double fronts and the narrowness of the lot in general.

**Mr. Simpson:** I vote in favor of the motion for A-26-06 based off the staff report and that the property owner can have the full dwelling on his own property and not the neighbor's property.

**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 of the motion per staff recommendation. The property is unique in nature here with two fronts. The applicant is demonstrating due diligence in making this property right as best as he can.

**A-26-07 Tidewater Utilities LLC (Owner: Behram Holding LLC) 7-00-119.00-02-48.02-000**

**Motion** to approve a variance to construct a 140 ft. high water tower for application A-26-07 based off the staff recommendation and public testimony heard today made by Morgan Hudson; seconded by Temple Carter, III; carried by vote 7 yeas.

**Votes:**

**Mrs. Denney:** I vote yes. We hear these particular types of applications from time to time and I'm not trying to set a precedence. However, based on the information provided with regard to pressures, locations, etc., the size and need is very appropriate.

**Mr. Jenkins:** I vote in support of the motion for application A-26-07 for the height requirement based on the technicalities that have been presented to us tonight. Based on the need, not just for that development, but outlying areas. It is deemed necessary to have that height in excess of the original requirement.

**Mr. Gallo:** I vote in favor of the motion based on the testimony given. The need for the development of the land is appropriate.

**Mr. Simpson:** I vote in favor of the motion for A-26-07 for the height requirement based on the testimony that we heard tonight and the staff report.

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

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

**Mr. Cusick:** I vote in favor of the motion per staff recommendation and testimony given tonight. That water tower is needed in this area.

**Motion** to approve a variance to enable signage to be placed 124 ft. above grade for application A-26-07 based off the staff recommendation and public testimony heard tonight made by Morgan Hudson; seconded by Joan Denney; carried by vote 7 yeas.

**Votes:**

**Mr. Gallo:** I vote in favor of the motion. The height requirement follows the allowance of the variance we gave for the height of the tower. That would be a logical place for situating it. It would be a practical difficulty to not put it there.

**Mr. Jenkins:** I vote in support of the motion for application A-26-07 with the maximum sign height. Based on the presentation to us this evening, in terms of why the signage is necessary, they need it to go outside of the 30 ft. to construct it.

**Mr. Simpson:** I vote in support of the motion for application A-26-07 for the maximum sign height based off the testimony that we heard tonight.

**Mrs. Denney:** I vote yes. I think it is important that their standards are kept. They are not asking for anything different or unusual.

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

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

**Motion** to approve a variance to approve a sign size of 672 sq. ft. for application A-26-07 based on the ongoing way that Tidewater has designed and set these water towers made by Joan Denney; seconded by Temple Carter, III; carried by vote 6 yeas.

**Votes:**

**Mr. Jenkins:** I vote in support of the motion for application A-26-07 for the maximum size of the sign in relationship to the increase based on the whole discussion of the bulb, that the signage fits the bulb, and that is part of their standard.

**Mr. Gallo:** I'm going to vote against the motion. I don't believe it presents an exceptional practical difficulty regarding the size of the sign and also taking into account the staff recommendation.

**Mr. Simpson:** I am going to vote in favor of the motion for A-26-07 and the size of the sign. We gave them the height, so it only makes sense to give them size. It is their brand, it is their stamp, and it is their property. I don't think it is going to be an eyesore. I have never ridden



by a Watertower and said, "wow that's hideous". So, I am going to vote in support of the motion.

**Mrs. Hudson:** I vote in favor of the motion. We are 24% of building area front. I believe removing the restriction does not seriously affect neighboring properties.

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

**Mrs. Denney:** I vote yes on the motion based on the fact that there has been no objection and this is a standard.

**Mr. Cusick:** I vote in favor of the motion. Per tonight's testimony, I think the proportions definitely play the part into this, the height, the shape, and the uniqueness of it. As well as the ability, the hardship there to for the company to stay competitive and be able to brand.

**A-26-08 Curtis L. Cross 8-00-127.00-01-49.02-000**

**Motion** to approve 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 located 57 ft. from the front property line and the existing dwelling is 73 ft. from the front property line, based off the staff recommendation and public testimony heard tonight. I believe moving the building is an exceptional practical difficulty on the homeowners, and the septic tank also plays to the exceptional practical difficulty of having to move the building on top of it made by Morgan Hudson; seconded by Temple Carter, III; carried by vote 7 yeas.

**Votes:**

**Mrs. Denney:** I vote yes. I believe that this would be a huge hardship on the Cross' because of the expense to undo the error that they did not make.

**Mr. Jenkins:** I vote in support of the motion for application A-26-08 primarily for two reasons. One, the error that occurred that was not the applicant's fault, and the financial hardship they would incur if they had to comply with the code.

**Mr. Simpson:** I vote in favor of the motion for application A-26-08 based on the testimony we heard tonight and the staff recommendation.

**Mr. Gallo:** I vote in favor of the motion. Moving that building would create an exception practical difficulty for the applicant and the County did have an opportunity to correct the situation prior to the building.

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

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

**Mr. Cusick:** I vote in favor of the motion. I think this one checks all four criteria here, per staff recommendation and no impact on neighboring properties per testimony tonight. Clearly the hardship there, for the applicant, is a financial hardship.

### **Adjournment**

**Motion** to adjourn the Board of Adjustment Meeting of April 16, 2026 made by Temple Carter, III; seconded by Morgan Hudson; carried by vote 7 yeas.

The Business Meeting was adjourned at 7:25 P.M.

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**Certifying Officer [Name, Title]**

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**Signature**





# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

**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 - Notice of Decision](#)  
[A-26-06 Bigg Jims LLC - Exhibit B](#)



## DEPARTMENT OF PLANNING SERVICES

### NOTICE OF DECISION

**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

**DATE OF PUBLIC HEARING  
& DECISION:** April 16, 2026

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

### 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.

### SUMMARY OF EVIDENCE

1. The subject parcel is 0.19± acre and is improved with a manufactured home and a shed.



2. Mr. James Hartnett spoke in favor of the application.
3. Mr. Hartnett explained that the manufactured home has been there for a while. It is currently 23.7' from the front property line of Poplar St. and encroaches on to the neighbor's property about 16' to 18'.
4. Mr. Hartnett detailed turning the home will not negatively effect any of the neighbors.
5. Mr. Hartnett stated the shed has been there since approximately 1997.
6. Mr. Hartnett explained turning the house will allow it to go completely onto his property and not affect any of the neighbors.
7. Mr. Hartnett detailed that the manufactured home was in that location when he bought the property. He had a survey done after he bought the property and found out that the home was crossing the property line.
8. Mr. Hartnett explained that he was working with the previous neighbor to rectify the home crossing the property line but unfortunately, he passed away.
9. Mr. Hartnett stated he has to hire someone to relocate the existing manufactured home to be completely on the subject property.
10. Mr. Ed Hallock spoke in favor of the application.
11. Mr. Hallock explained that the home crossed the property line because it was a brother and sister that owned the properties and they were not very careful about where they situated improvements.
12. Mr. Hallock detailed that the current property owner has cleaned up the property and maintained it.
13. Mr. Hallock stated that he has no problem with the request and fully supports the request.
14. Mr. Hallock explained that right now he cannot do anything with the property, so he needs the variance.

### **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 **APPROVAL** of the requested variance.

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

**DECISION:** On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted 7 in favor of the motion to grant **APPROVAL** of application A-26-06, thus granting a variance from the required 40' front principal 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' from the front property line to enable the relocation of manufactured home to be 23.7' from the front property line of Poplar St. and 13.3' from the rear property line, and the accessory structure to be 28.7' from the front property line of Fourth St., as shown on Exhibit B, attached hereto. The support of this motion was based on staff recommendation, testimony received, the proposed does not negatively affect



neighboring property owners, and there is an exceptional practical difficulty with the property being located on a corner lot with two fronts.

**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 Building Permit shall be obtained prior to the commencement of any construction. For more information, contact the Division of Planning at (302) 744-2471 or the Department of Inspections and Enforcement at (302) 744-2451 between 8:00 a.m. and 5:00 p.m.
3. This variance will expire after **ONE YEAR** if a building permit has not been submitted to the Division of Planning.

**KENT COUNTY BOARD OF ADJUSTMENT**

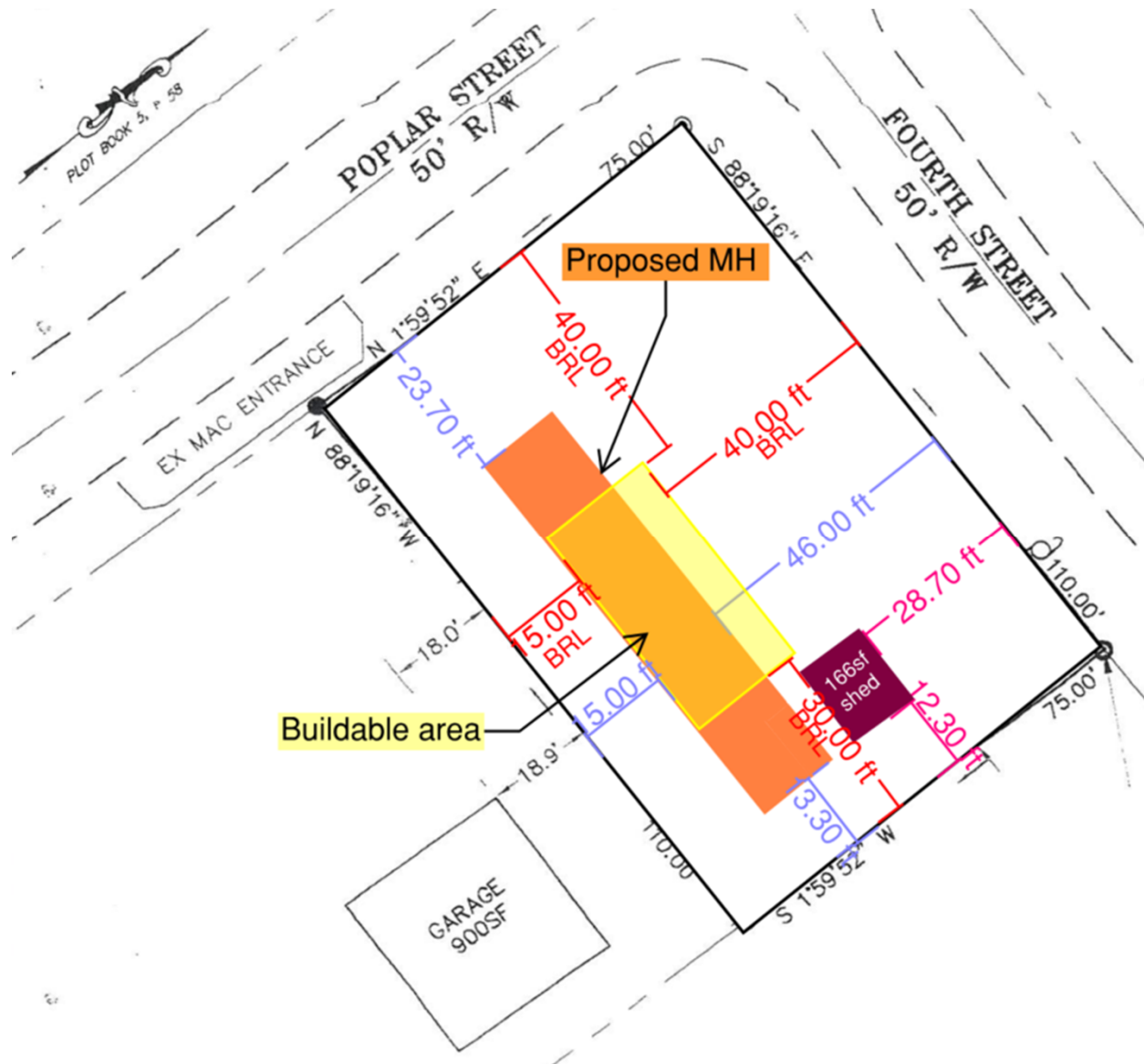
\_\_\_\_\_  
**Brian Cusick, Chairperson**

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

# Exhibit B

Application: A-26-06  
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







# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

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

**ATTACHMENTS:**  
[A-26-07 Tidewater Utilities - Notice of Decision](#)  
[A-26-07 Tidewater Utilities - Exhibit B](#)



## DEPARTMENT OF PLANNING SERVICES

### NOTICE OF DECISION

**APPLICATION:** A-26-07

**APPLICANT/OWNER:** Tidewater Utilities, Inc.  
1100 S Little 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.

### SUMMARY OF EVIDENCE

1. 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.
2. Mr. Elio Battista Jr., with Parkowski, Guerke & Swayze, spoke in favor of the application.
3. Mr. Battista explained that Tidewater came through in November and December 2024 for



two water towers that are the same size as the proposed and same size signage.

4. Mr. Battista detailed that the practical difficulty is that they need that size for the water pressure and fire suppression, not only for this subdivision but for the surrounding area so that they do not lose water pressure.
5. Mr. Battista stated that the practical difficulty in relation to the sign size is that the structure is a water tower, a spherical object with a stem up.
6. Mr. Battista explained Tidewater is not trying to be an eyesore and that the proposed base of the tower is tucked behind the trees.
7. Mr. Charlie Barnett, Morris & Ritchie Associates, spoke in favor of the application.
8. Mr. Barnett explained that the proposed water tower was discussed during the recent approval of the 85 lot major subdivision.
9. Mr. Barnett detailed they are seeking the 140' tall water tower because that is what is needed for adequate water pressure and fire suppression. The proposed water tower is to hold 500,000 gallons.
10. Mr. Barnett stated that the proposed water tower is 140' and 142' from the nearest proposed residential parcels. He added that there is also existing woods that will remain, and a stream and power easement on the subject parcel.
11. Mr. Barnett explained that the proposed 672 sq. ft. sign is the same as other signs by Tidewater on other water towers.
12. Mr. Barnett detailed that the proposed structure is not a building and if the stem of the tower was included then the proposed sign would be 19% of the front.
13. Mr. Barnett explained that the proposed sign would not fit on the stem of the tower and it would not be able to be seen from the road if it was only 30' above grade due to the existing trees that will remain.
14. Mr. Barnett stated that two previous water towers have requested the same variances but one also included a variance from the setback and was granted a variance to allow it 9' from the front property line. He added that the subject water tower will be 1000' from the front property line of Firetower Rd.
15. Mr. Battista detailed that the proposed sign is of the Tidewater corporate brand and notifies the public of who owns it and who to call if there is a complaint.
16. Mr. Barnett detailed that they chose this area on the parcel to help be code compliant and to be least impactful to neighboring properties. He added that the proposed water tower will be in close proximity to existing natural resources and existing power line easement.
17. Mr. Barnett stated that some of the trees will remain to provide a visual buffer to the base

of the tower.

18. Mr. Barnett detailed that the proposed subdivision could be provided water without the water tower but the surrounding properties would need it to keep up their existing water pressure.

### 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 **APPROVAL** of the requested variances.

- (1) **The nature of the zone where the property lies:** 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:** 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. A water tower with associated signage 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 height restriction for the tower, as well as the height and size restriction for the signage, are 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.
- (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 height restriction for the tower, as well as the height and size restriction for the signage, would create a practical difficulty for the applicant, who is looking to make a normal improvement on the property. Water towers are considered a minor utility use within the zoning code and these uses are permitted through a conditional use with a site plan in the zoning district. The nature 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 and size, 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. The inherent height of the sign and size of the structure require a larger sign for visibility.

**DECISION:** On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted 7 in favor to grant **APPROVAL** of a portion of application A-26-07, thus granting a variance for relief from the maximum height requirement of 80' to permit a 140' tall water tower, as shown on Exhibit B, attached hereto. The support of this motion was based on



staff recommendation, testimony given, and the need for the water tower to be this tall to provide service to the area.

**DECISION:** On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted 7 in favor to grant **APPROVAL** of a portion of application A-26-07, thus granting a variance for relief from the maximum sign height of 30' to construct a water tower with signage 124' above grade, as shown on Exhibit B, attached hereto. The support of this motion was based on staff recommendation, testimony given, and the exceptional practical difficulty of the tower height.

**DECISION:** On a motion made by Mrs. Denney and seconded by Mr. Carter, the Board of Adjustment voted 6 in favor and one opposed to grant **APPROVAL** of a portion of application A-26-07, thus granting a variance for relief from 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, to allow for signage that is 672 sq. ft. (approx. 24% of the area of the building front which the industry occupies), as shown on Exhibit B, attached hereto. The support of this motion was based on the proposed signage size is in relation to the size of the tower, tower being 140' in height, no negative affect on neighboring properties, and testimony given. The opposition of this motion was based on no exceptional difficulty given for the proposed size of the sign.

**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 Conditional Use with Site Plan application for the water tower shall be submitted prior to the commencement of any construction. For more information, contact the Division of Planning at (302) 744-2471 or the Department of Inspections and Enforcement at (302) 744-2451 between 8:00 a.m. and 5:00 p.m.
3. This variance will expire after **ONE YEAR** if a Conditional Use with Site Plan application has not been submitted to the Division of Planning.

**KENT COUNTY BOARD OF ADJUSTMENT**

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**Brian Cusick, Chairperson**

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

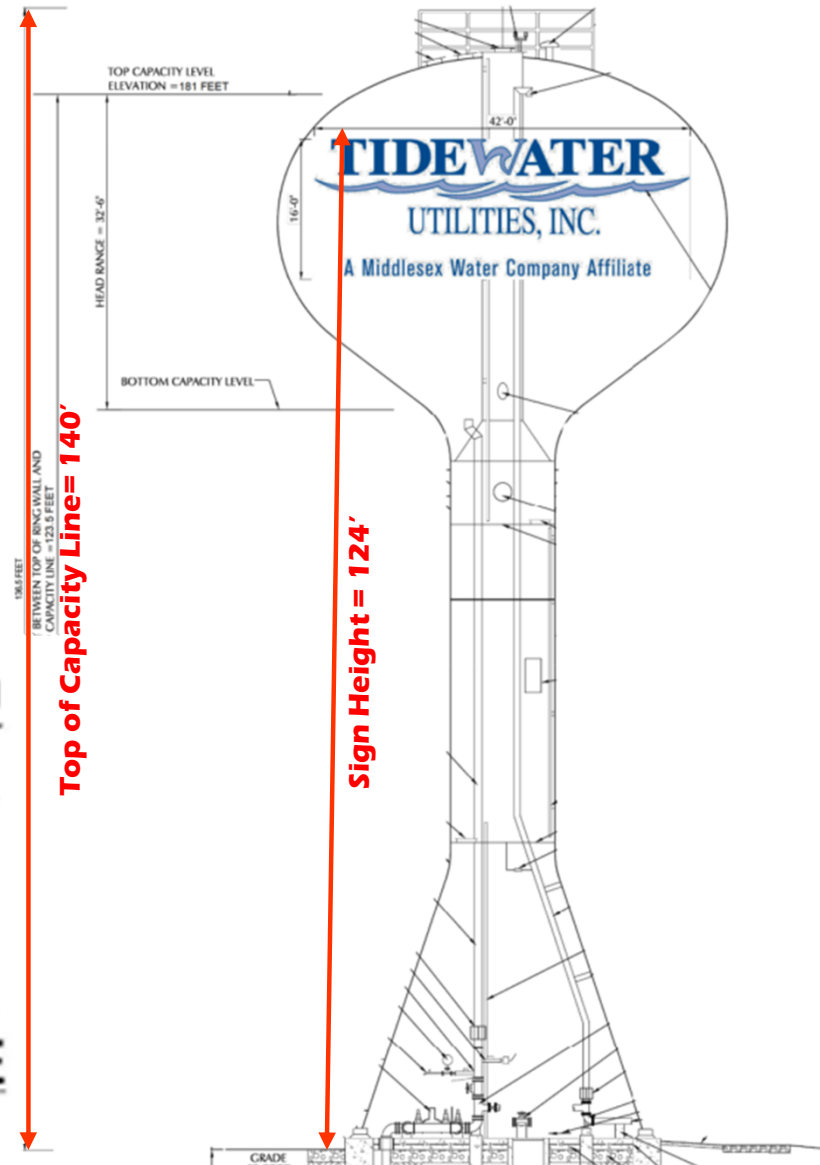
# Exhibit B

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'**







# Item Cover Page

## BOARD OF ADJUSTMENT AGENDA ITEM REPORT

**DATE:** May 21, 2026

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

**ITEM TYPE:** Application

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

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

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



## DEPARTMENT OF PLANNING SERVICES NOTICE OF DECISION

**APPLICATION:** A-26-08

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

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

**DATE OF PUBLIC HEARING  
& DECISION:** April 16, 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-26-08 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.

### SUMMARY OF EVIDENCE

1. The subject site is 1.5± acres in size and is improved with 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.



2. Mrs. Deborah Cross, applicant, spoke in favor of the application.
3. Mrs. Cross stated that approval of the variance would not alter the essential character of the neighborhood, harm the public interests, or impair use of adjacent properties. She said that it would be a hardship to have to turn down the building and start over again.
4. Mrs. Cross added that for some unforeseen reason, the measurements that the contractor took were all off. She explained that he questioned the measurements that they had done, so he re-measured the site with a roller and moved the flags.
5. Mrs. Cross confirmed that the old septic tank is on the far side, near where the building is located, and that the building is on footers, attached to the ground. She stated it would be so costly to meet the code that they would be unable to do so.

### FINDINGS OF FACT & CONCLUSIONS OF LAW

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

- (1) **The nature of the zone where the property lies:** As shown on Exhibit A, the subject site is zoned AR (Agricultural Residential) outside the growth zone. Residential accessory structures are a normal and permitted improvement within the district.
- (2) **The character and uses of the immediate vicinity:** 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:** 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:** 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.

**DECISION:** On a motion made by Mrs. Hudson and seconded by Mr. Carter, the Board of Adjustment voted 7 in favor of the motion to grant **APPROVAL** of application A-26-08, thus granting 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 24' x 24' detached garage located 57'± from the front property line, as shown on Exhibit B, attached hereto. The support of this motion was based on the staff recommendation, public testimony, that moving the building would be an exceptional practical difficulty for the owner because of the location of the septic and the cost, and that it would create an unnecessary hardship because the error was not the applicants' fault.

**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).

**KENT COUNTY BOARD OF ADJUSTMENT**

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Brian Cusick, Chairperson

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



# 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'

