

MINUTES OF JULY 20, 2026

The regular meeting of the Sussex County Board of Adjustment was held on Monday, July 20, 2026, at 6:00 p.m. in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Mr. John Williamson presiding. The Board members present were Dr. Lauren Hitchens, Mr. Shawn Lovenguth, Mr. Nate Kingree, Mr. Chuck McClure, and Mr. John Williamson. Also, in attendance were Mr. Jamie Sharp, Esquire – Assistant County Attorney, Mr. Vincent Robertson, Esquire – Assistant County Attorney, and staff members Ms. Jennifer Norwood – Planning and Zoning Manager, and Ms. Jessica Iarussi – Recording Secretary.

The Pledge of Allegiance was led by Mr. Williamson.

Motion by Mr. Lovenguth, seconded by Mr. Kingree and carried unanimously to approve the agenda as amended. Motion carried 5 – 0.

The vote by roll call: Mr. McClure – yea, Dr. Hitchens – yea, Mr. Kingree – yea, Mr. Lovenguth – yea and Mr. Williamson – yea

Motion by Mr. Lovenguth, seconded by Dr. Hitchens and carried unanimously to approve the Minutes for the May 18, 2026, meeting. Motion carried 5 – 0.

The vote by roll call: Mr. McClure – yea, Mr. Kingree – yea, Dr. Hitchens – yea, Mr. Lovenguth – yea and Mr. Williamson – yea

Motion by Dr. Hitchens, seconded by Mr. McClure and carried to approve the Findings of Facts for the May 18, 2026, meeting. Motion carried 5 – 0.

The vote by roll call: Mr. Kingree – yea, Mr. Lovenguth – yea, Mr. McClure – yea, Dr. Hitchens – yea and Mr. Williamson – yea

PUBLIC HEARINGS

Case No. 13215 – Conley’s United Methodist Church seeks a special use exception to operate a daycare facility (Section 115-23 and 115-210 of the Sussex County Zoning Code). The property is located to the north side of Jolyn’s Way. 911 Address: 33106 Jolyn’s Way, Lewes. Zoning District: AR-1. Tax Map: 234-7.00-126.00.

Mr. Sharp recused himself from this application and left the Council Chamber. Mr. Robertson served as the Board’s attorney for this application.

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received sixteen letters in support of and zero letters in opposition to the Application and zero mail returns.

The Applicant is requesting a special use exception for a daycare facility.

Mary Bradford was sworn in to give testimony for this application.

Ms. Bradford testified that she is speaking on behalf of Conley's United Methodist Church and is seeking a special use exception to operate a preschool on the church property; that the church's mission is a commitment to community outreach and serve the families around them; that the preschool is a natural and vital extension of the outreach mission, utilizing existing space in the church to fill the need of early childhood education and care; that the safety and well being of the children in our care will be the number one concern; that every aspect of the program, from the layout of a secure playground, arrival and dismissal procedures and child safety has been addressed; that they have worked on logistics to run things safely and orderly while adhering to all of the guidelines and requirements set by the Delaware Office of Child Care Licensing and the State Fire Marshal; and that the program will respect and protect all of the neighbors.

Mr. Williamson asked about the hours of operation, number of students and parking.

Ms. Bradford testified that the hours would be Monday through Friday, 7 AM to 5 PM with normal hours of 9 AM to 3 PM and extra care for early and late hours; that the school will have its own dedicated parking area across from the entrance to the school and parents will need to bring their children in and out of the building; that all students will need to be escorted and signed in and out by a parent/guardian every day; that there will be no student drop offs; that there was previously a Montessori school on the church property, which was very successful; that the church now wants to open their own Christian preschool in that old location; that the preschool will be located within a wing of the main church so there will be no new structures being built; that there would be a maximum of ten children with a fenced playground to begin with due to staffing requirements; that the size of the actual preschool will be large enough to have twenty children in the future; and that the church has a total of 21 acres of land and the hope is to one day expand even more.

Mr. Robertson stated, for the benefit of the Board, should they expand beyond the current footprint of the building that would trigger a site plan review through the Planning and Zoning office; that he assumes that the preschool operations will be conducted during the times that the church services are not going on; that the space and parking will be utilized during the hours in which the church would not be using them so there would be no conflict of traffic, parking, or safety.

Ms. Bradford testified that, even if the church had any activity going on in the main building, that there will be security measures to close off the area that the children would be in from the public inside the church; that, if there ever comes a time that there will be people outside during the preschool hours, then the children will remain inside for that day and utilize indoor designated play areas.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Lovenguth asked Mr. Robertson if the special use exception had a time restriction if it was approved.

Mr. Robertson stated that, if this application was approved, the approval would remain approved and would run with the land as indefinite.

Mr. Williamson closed the public hearing.

Dr. Hitchens moved to approve the application for Case No. 13215 for the requested special use exception, pending final written decision, for the following reasons:

1. The special use exception will not substantially or permanently impair the appropriate use or development of adjacent property;
2. The special use exception will not be detrimental to public welfare as this was a Montessori school in the past; and
3. The special use exception will not alter the essential character of the neighborhood;

Motion by Dr. Hitchens, seconded by Mr. Lovenguth, carried that the **special use exception be approved** for the reasons stated. Motion carried 5-0.

The vote by roll call: Mr. McClure – yea, Mr. Kingree – yea, Mr. Lovenguth – yea, Dr. Hitchens – yea and Mr. Williamson – yea.

Case No. 13214 – Donald Broderick seeks a variance from the corner front yard setback requirement for an existing structure (Section 115-42 and 115-182 of the Sussex County Zoning Code). The property is located at the northwest corner of Mississippi Drive and Plantation Park Drive. 911 Address: 37291 Mississippi Drive, Frankford. Zoning District: GR. Tax Map: 134-16.00-260.01.

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received zero letters in support of or in opposition to the Application and two mail returns.

The Applicant is requesting the following variance:

- 1.6 feet variance from the 15-foot corner front yard setback requirement for an existing manufactured home.

Donald Broderick was sworn in to give testimony for this application.

Mr. Broderick testified that he is the owner of Superior Homes in Georgetown and had purchased the lot in question and decided to place a new manufactured home from his company on the lot to replace the old dilapidated one that was there; that the property was staked out, permits were

given, and footers were poured; that the new home was placed on the lot and has been there since October 2025; that he decided to sell the home and the new buyers requested as part of their closing that a survey be done for the property; that the survey then showed that the home was placed on the lot with the front corner being 1.6' over the setback line; that, in order for the property to be sold, this variance will need to be approved; that this was a mistake on his company's part and they are trying to correct it before selling the property; and that the foundation has a block wall.

Mr. Williamson asked about the original placement of the survey stakes, the distance from the road and how the placement of the home became off.

Mr. Broderick testified that his company set the stakes, poured the footers, brought the home in and placed it on the lot; that it appears that the stake may have been moved by one of his guys and not put in the correct spot after; that it was not until the new owners requested a survey was it discovered that the home was over the setback line; and that the new home is approximately 13' off the property line.

Jason Weisenberg was sworn in to give testimony about this application.

Mr. Weisenberg testified that the home is approximately 13' from the property line and that there is another approximately 50' of right of way; that, if the house was moved back, then they would be close to all the utilities in the rear; that there is no roof over the steps; that the area of encroachment is approximately 3 square feet; that the lot is uniquely shaped; and that utilities are on the other side of the house.

Mr. Sharp stated, for the record, that the statement that Mr. Weisenberg made about the distance between the home and the distance to the paving is most likely to be incorrect based on the photos and survey provided; that the home is approximately 13' from the property line and then there is about another 20'; that that would mean that the total distance from the home to the edge of paving is approximately 33' not the 63' that he had stated.

Mr. Weisenberg confirmed that those statements were correct and he was misspoken in his earlier testimony.

Mr. Broderick testified that the neighbors and homeowners association do not object to the request.

Mr. Weisenberg testified that there are no traffic concerns from the request.

Mr. Broderick testified that there have been no complaints about the encroachment; that the house lines up with the neighboring house on Lot 36; that the road is a lightly traveled road; that there is no septic system on the property; and that the utilities are on the other side of the house.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Lovenguth moved to approve the application for Case No. 13214 for the requested variance, pending final written decision, for the following reasons:

1. The property has unique physical conditions as the home was set with mistaken property markers;
2. The property cannot otherwise be developed;
3. That, due to such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the Sussex County Zoning Code;
4. The variance is necessary to enable reasonable use of the property;
5. The exceptional practical difficulty has not been created by the Applicant;
6. The variance will not alter the essential character of the neighborhood;
7. The variance will not substantially or permanently impair the appropriate use or development of adjacent property;
8. The variance will not be detrimental to public welfare;
9. The variance represents the least modification of the regulation at issue; and
10. The variance represents the minimum variance necessary to afford relief.

Motion by Mr. Lovenguth, seconded by Mr. McClure, carried that the **variance be approved** for the reasons stated. Motion carried 5-0.

The vote by roll call: Mr. Kingree – yea, Dr. Hitchens – yea, Mr. McClure – yea, Mr. Lovenguth – yea and Mr. Williamson – yea

Case No. 13216 – Kevin Jones seeks variances from the side yard setback requirement for a proposed structure (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located to the north side of Woodenhawk Road. 911 Address: 4915 Woodenhawk Road, Greenwood. Zoning District: AR-1. Tax Map: 530-8.00-32.02.

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received zero letters in support of or in opposition to the Application and zero mail returns.

The Applicant is requesting the following variances:

- 2.9 feet variance from the 15 feet side yard setback requirement on the east side for a proposed addition; and
- 5.9 feet variance from the 15 feet side yard setback requirement on the east side for a proposed addition.

Kevin Jones and Caleb Gehman were sworn in to give testimony for this application.

Mr. Jones testified that he is requesting a setback variance to the east side property line of his residence to allow him to construct an in-law suite adjacent to the existing residence; that both of his parents reside in Florida and have significant health issues and are no longer able to live independently; that his father suffered a debilitating stroke and requires help with many daily activities and the Applicant's mother is no longer able to provide due to her health concerns; that he wants to bring them closer to his family so they can provide the support that they need; that the proposed addition is designed to specifically meet their accessibility and medical needs while allowing them to remain connected to the Applicant's residence; that the location of the home currently only permits an addition to be built on the east side due to the placement of the septic system on the west side; that building a detached structure to the rear of the residence is not feasible due to possible setback issues with DNREC due to the tax ditch at the rear of the property line; that the Applicant needs for the addition to be physically connected to the main home under these circumstances; that the variances are the minimum amounts necessary to make the project feasible on the property; that the addition has been designed to be compatible with the existing residence and the surrounding neighborhood and it will not interfere with neighboring properties, obstruct visibility, or otherwise adversely affect the character of the community; that the closest neighbor supports the request; that this request is not being made to increase the value of the property or for any commercial purposes; and that he requests that the Board consider the unique circumstances surrounding this request and grant the setback variance.

Mr. Gehman testified that he built the Applicant's home and the placement of it was done this way due to the septic system on the west side of the home; that the septic system is a PEAT system and the pods are in the front of the home and the holding tank runs along the west side of the property; that the only other place they could put the ADU is in the rear of the property but that would be difficult for the accessibility of the Applicant's aging parents; that, with the ADU going in the proposed location, it will make it easier for the Applicant's parents to enter from the driveway area and attach the ADU to the garage area; that he did not think having the Applicant's parents walk around the rear of the home would be a good idea due to safety concerns; that they are trying to give the Applicant's parents private living space; that there will be a small ramp coming in and out of the front of the home at about 8-10 inches above the existing grade of the driveway; and that the ADU will consist of approximately 600 square feet but is still in the design phase.

Mr. Sharp noted that the survey that was presented to the Board has the square footage listed as 512 square feet but the drawing has a 30' x 16' structure which is 480 square feet.

Mr. Gehman testified that that was a mistake on the surveyor as they had given them plans for a 32' x 16' structure; that, if they increase the size of the structure by the two feet that was the original idea, then the physical structure will be expanded in the rear where the variance is not needed; that the structure will be a bedroom, bathroom and sitting area with a back porch that may one day be turned into a sunroom; that the structure will be no closer than 9.1 feet from the side property line.

Mr. Sharp asked about the capability of the septic, the placement of the well and the slope of the rear of the property.

Mr. Gehman testified that the septic currently can handle the number of bedrooms that are noted for the property and, if there needs to be an upgrade, they will convert one of the bedrooms in the main structure into an office and have the bedroom in the ADU; that the reason the home and the ADU are placed where they are is due to the DNREC tax ditch setbacks and the required distance from that; that the property is low lying in the rear and tends to collect water due to the tax ditch.

Mr. Jones testified that the rear of the property is low-lying and wooded which is a reason why the ADU was placed closer to the front yard; that his mother has been his father's caretaker for several years but can no longer care for him due to recent health issues; and that there is no homeowners association governing the property.

The Board found that no one appeared in support or opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Lovenguth moved to approve the application for Case No. 13216 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions with the placement of the septic system and the placement of the well limits the ability to put the structure for its intended purpose in a different spot.;
2. The property cannot otherwise be developed;
3. That, due to such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the Sussex County Zoning Code;
4. The variances are necessary to enable reasonable use of the property;
5. The exceptional practical difficulty has not been created by the Applicant;
6. The variances will not alter the essential character of the neighborhood;
7. The variances will not substantially or permanently impair the appropriate use or development of adjacent property;
8. The variances will not be detrimental to public welfare;
9. The variances represent the least modifications of the regulations at issue; and
10. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Lovenguth, seconded by Mr. Kingree, carried that the **variances be approved** for the reasons stated. Motion carried 5-0.

The vote by roll call: Mr. McClure – yea, Dr. Hitchens – yea, Mr. Kingree – yea, Mr. Lovenguth – yea, and Mr. Williamson – yea.

ADDITIONAL BUSINESS

Board of Adjustment Annual Reorganization

Ms. Norwood opened nominations for Board Chairman.

Ms. Norwood called for nominations for Chair.

Dr. Hitchens nominated Mr. Williamson for Chair, seconded by Mr. Lovenguth.

There were no other nominations.

Ms. Norwood closed the nominations.

The vote was 5-0 in favor.

The vote by roll call; Mr. Kingree – yea, Mr. McClure – yea, Mr. Lovenguth – yea, Dr. Hitchens – yea, and Mr. Williamson – yea.

Ms. Norwood called for nominations for Vice Chair.

Dr. Hitchens nominated Mr. Lovenguth as Vice-Chair, seconded by Mr. Kingree.

There were no other nominations.

Ms. Norwood closed the nominations.

The vote was 5-0 in favor.

The vote by roll call; Mr. McClure – yea, Mr. Kingree – yea, Mr. Williamson – yea, Dr. Hitchens – yea, and Mr. Lovenguth - yea.

Mr. Williamson called for nominations for Board Secretary.

Mr. Willimson nominated the Director of Planning & Zoning, Assistant Director of Planning and Zoning, or his/her designee as Board secretary, seconded by Mr. McClure.

There were no other nominations.

The vote was 5-0 in favor.

The vote by roll call; Dr. Hitchens – yea, Mr. Lovenguth – yea, Mr. Kingree – yea, Mr. McClure – yea and Mr. Williamson – yea.

Meeting adjourned at 6:55 p.m.