

MINUTES OF JUNE 1, 2026

The regular meeting of the Sussex County Board of Adjustment was held on Monday, June 1, 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, 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. McClure and carried unanimously to approve the agenda. Motion carried 5 – 0.

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

Motion by Dr. Hitchens, seconded by Mr. Lovenguth and carried unanimously to approve the Minutes for the April 13, 2026, meeting. Motion carried 5 – 0.

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

Motion by Mr. McClure, seconded by Dr. Hitchens and carried to approve the Findings of Facts for the April 13, 2026, meeting. Motion carried 5 – 0.

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

PUBLIC HEARINGS

Case No. 13197 – Charles H. Buckey, III seeks a variance from the front yard setback requirement for a proposed structure (Section 115-25 and 115-182 of the Sussex County Zoning Code). The property is located to the southeast side of Balsa Street. 911 Address: 37739 Balsa Street, Ocean View. Zoning District: AR-1. Tax Map: 134-16.00-819.00.

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

The Applicant is requesting the following variance:

- 23.4 feet variance from the 30 feet front yard setback requirement for a proposed

deck.

Charles Buckey was sworn in to give testimony for the Application.

Mr. Buckey testified that he is requesting a front yard variance to build a front porch; that he is asking to put in a ten foot porch with three feet of stairs; that there is not enough room in the building envelope for these structures; that the property is narrow and is shaped like a piece of pie; that the home was placed irregularly when it was built; that he purchased the home like this; that he cannot build a porch without encroaching into the front yard setback area; that the property is at the end of a dead end street; that the north side of the lot is deeper and the south side of the lot is shallower; that the house is 35.6 feet from the front property line which would only allow for a five foot deck to be placed with no variance; that he is requesting only a ten foot porch; that the home was placed in this location as the property was improved by well and septic at the time; that he purchased the property in 2019; that multiple lots in the community have front porches; that he does not need permission from a homeowners association and no neighbors have complained about the proposal; that there is a 16 foot gap between the front property line and the edge of paving; that he would not need a variance if measuring from the road; that his lot is uniquely shaped; that most lots are 100 feet by 200 feet except his lot and the lot across the street; that there are 2 nearby developments but there is no direct vehicular access there; that he wants to put in a covered porch and steps and has no plans on enclosing it; that the steps are going to come out onto the current sidewalk that is already in place; that the steps will be in the center of the porch; that the septic and well and location of trees affected placement of the house; that this property was part of the wooded area from the farm when the community was originally developed; that he has a large family and the back deck is small; that the porch will give him functional outdoor space; and that there is more space in the front yard than in the rear yard for a porch.

Mr. Sharp stated for the record that variances that are actually needed for this application are a 7.4' variance from the 30' front yard setback for the proposed steps and a 4.4' variance from the front yard setback for the proposed deck.

The Board found that three persons appeared in support of and no one appeared in opposition to the Application.

Mr. Williamson closed the public hearing.

Dr. Hitchens moved to approve the application for Case No. 13197 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions due to the way the house was situated on the property and the property's irregular shape;
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 Dr. Hitchens, seconded by Mr. Lovenguth, carried that the **variances 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. 13198 – Andrew Stiegler seeks a variance 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 east side of Red Berry Road. 911 Address: 36836 Red Berry Road, Delmar. Zoning District: AR-1. Tax Map: 532-14.00-114.00.

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

The Applicant is requesting the following variance:

- 5.5 feet variance from the 15 feet side yard setback requirement on the north side for a proposed pole building.

Neil Stiegler was sworn in to give testimony for the Application.

Mr. Stiegler testified that he wants to build a 20' x 70' pole building on this lot to utilize it as a hobby storage for himself and his son; that the property is unique due to the narrowness of the lot and he is trying to put the largest building possible; that this need was not created by the Applicant as he bought the property like this and with the shape of the lot; that the variance will not alter the character of the neighborhood as the pole building will be made to match the aesthetics of the home; that he received approval from the homeowners association to place the building; that, due to the narrowness of the lot, he is limited on the width and location of the building; that he is requesting for the size to be larger in the depth because he is using the pole building to rebuild cars and storage for vehicles that they are working on; that the septic system limits his options; that he cannot put the pole building behind the drainfield because he has concerns about accessing the pole building; that his neighbor erected a 40' x 60' pole building behind his drainfield but has trouble accessing it; that he

purchased the dwelling a little over two years ago and the home and driveway were already there when he purchased the lot; that there will be a pool going in to the south of the pole building which limits the placement of the building; that the pole building will be 18 feet tall; that the pole building will be the same height as his neighbor's pole building; that he spoke with his neighbors and they have no issues with the proposal; that there will be no lean-to or steps from the pole building; that he cannot afford to construct an addition; that the pole building will be 6.5 feet from the dwelling which is as close to the dwelling as his contractor recommends; that the repair work will be for his personal vehicles; that there will be no concerns about water runoff as the gutters will be facing away from the neighbors' yards and most of his drainage issues are in the front of his home not in the rear; and that the rear yard is burdened by a ditch.

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. 13198 for the requested variance, pending final written decision, for the following reasons:

1. The property has unique physical conditions because the property is narrow and the drain field and septic tank and a proposed pool limit the area the Applicant can place the building;
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 Dr. Hitchens, carried that the **variance be approved** for the reasons stated. Motion carried 5-0.

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

ADDITIONAL BUSINESS

Meeting adjourned at 6:53 p.m.