MINUTES OF NOVEMBER 17, 2025

The regular meeting of the Sussex County Board of Adjustment was held on Monday, November 17, 2025, 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 Chairman John Williamson presiding. The Board members present were Mr. Shawn Lovenguth, Dr. Lauren Hitchens, Mr. Nathan Kingree, and Mr. John Willamson. Also, in attendance were Mr. James 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 Dr. Hitchens and carried unanimously to approve the agenda. Motion carried 4 – 0.

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

PUBLIC HEARINGS

Case No. 13132 – Eddie Reid seeks variances from the front, side, and rear yard setback requirements for a proposed structure (Section 115-42, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of New Hope Road. 911 Address: N/A. Zoning District: GR. Tax Map: 230-31.00-168.00

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

The Applicant is requesting the following variances:

- A 25 ft. variance from the 30 ft. front yard setback for a proposed dwelling;
- A 3.5 ft. variance from the 5 ft. side yard setback on the east side for a proposed dwelling; and
- A 4.4 ft. variance from the 5 ft. rear yard setback for a proposed dwelling.

Eddie Reid was sworn in to give testimony about the Application.

Mr. Reid testified that he inherited the property from his parents and he wants to move his manufactured home to this lot; that the manufactured home that he currently owns is all that he can afford as he is on a fixed income; that that manufactured home can only fit onto this lot if placed on an angle due to the small size of the lot; that, even with the angled placement, the home would still require a variance for the front, side, and rear setbacks; that the property is served by central water and sewer; that the lot next to his is owned by his brother and he is ok with the manufactured home being within the setbacks; that the property was previously owned by his parents and was surveyed

and split such that he received this property and his brother received the adjacent lot; that his brother may try to place a manufactured home on his lot; that the manufactured home measures 76 feet long by 14 wide; that there are no other manufactured homes on lots like this; that the lot measures 70 feet by 75 feet; that his brother's lot measures 50 feet by 50 feet; that the neighborhood was created prior to zoning and it is mostly single-wide homes that do not meet the setback requirements; that the cost of relocating his current manufactured home is a fraction of the cost to replace it with a new one and that is why he is trying to make this work with the lot that he has; that there has been no communication with the owners of the lot to the rear of his; that that lot has been wooded and vacant for as long as he knows and does not even know who owns it to communicate with them about the encroachment; that New Hope Road is a paved road with a cul-de-sac; that he has owned the manufactured home for 12 years but is not sure the age of the home; that there are no restrictive covenants in the neighborhood; that he has contacted a company to move the home; and that cost will be $6,000.00.

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 deny the application for Case No. 13132 for the requested variances, pending final written decision, for the following reasons:

1. The exceptional practical difficulty has been created by the Applicant;
2. The variances will alter the essential character of the neighborhood;
3. The variances will substantially or permanently impair the appropriate use or development of adjacent property;
4. The variances will be detrimental to the public welfare;
5. The variances do not represent the least modifications possible of the regulations at issue; and
6. The variances sought are not the minimum variances necessary to afford relief.

Motion by Mr. Lovenguth, seconded by Mr. Kingree, carried that the **variances be denied for the reasons stated.** Motion carried 4-0.

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

Case No. 13133 – Anthony Manupella seeks variances from the front and corner front yard setback requirements for existing structures (Section 115-42 and 115-182 of the Sussex County Zoning Code). The property is located on the southeast corner of Fir Drive and Myrtle Drive. 911 Address: 36418 Fir Drive, Rehoboth Beach. Zoning District: GR. Tax Map: 334-13.00-732.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received

one letter of support, zero letters of opposition, and one mail return.

The Applicant is requesting the following variances:

- A 1.1 ft. variance from the 15 ft. corner front yard setback for an existing dwelling;
- A 5 ft. variance from the 15 ft. corner front yard setback for existing landings and steps;
- A 0.8 ft. variance from the 15 ft. corner front yard setback for an existing landing;
- A 1.3 ft. variance from the 15 ft. corner front yard setback for existing steps;
- A 16.3 ft. variance from the 30 ft. front yard setback for an existing screened-in porch;
- A 5 ft. variance from the 30 ft. front yard setback for an existing screened-in porch; and
- A 3.3 ft. variance from the 30 ft. front yard setback for existing landing and steps.

Frank Hornstein was sworn in to give testimony about the Application.

Mr. Hornstein testified that he was representing the Applicant; that the manufactured home is due to be sold and, that during the sale process, it was discovered that there were issues with the setbacks on the property; that the manufactured home was bought and placed in its current location in 2006; that this manufactured home replaced an older one that was on the property originally and was placed in the same location as the prior home; that there was a permit pulled for the replacement manufactured home but a follow up inspection was never completed; that the current home is on a permanent foundation so it makes it difficult to move it to bring it into compliance of the setbacks; that the screened-in porch was added when the new home was placed and final inspections never were completed; that for the past 20 years no one had complained about the placement of the structures and the only reason it was brought about was because of the sale of the home; that the neighbors are okay with the Application; that there is a large gap between the edge of paving of the road and the property line; that the property initially had a septic system but is now on central sewer; that the property has a well but he does not know where the well is located; that there are no visibility concerns from the intersection; that there is little traffic along the roads; that there is no homeowners association; and that he does not need two steps for the porch.

Ms. Norwood stated that Myrtle Drive is considered the front yard and Fir Drive is considered the corner front yard.

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

Mr. Williamson closed the public hearing.

Dr. Hitchens moved to approve the application for Case No. 13133 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions due to the placement of the original home not being within the current setbacks;
2. 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;
3. The variances are necessary to enable reasonable use of the property;
4. The exceptional practical difficulty has not been created by the Applicant;
5. The variances will not alter the essential character of the neighborhood;
6. The variances will not substantially or permanently impair the appropriate use or development of adjacent property;
7. The variances will not be detrimental to the public welfare;
8. The variances represent the least modifications of the regulations at issue; and
9. The variances represent the minimum variances necessary to afford relief.

Motion by Dr. Hitchens, seconded by Mr. Kingree, carried that the **variances be approved for the reasons stated.** Motion carried 4 - 0.

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

Case No. 13134 – Jaime C. Negron seeks variances from the front yard setback requirement for proposed structures (Section 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the northwest side of Hummingbird Road. 911 Address: 19303 Hummingbird Rd., Ellendale. Zoning District: AR-1. Tax Map: 230-27.00-28.01

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

The Applicant is requesting the following variances:

- A 6.6 ft. variance from the 40 ft. front yard setback for proposed steps; and
- A 3.6 ft. variance from the 40 ft. front yard setback for a proposed porch.

Jaime Negron was sworn in to give testimony about the Application.

Mr. Negron testified that he is requesting the variances to place a new home to replace the current manufactured home that is on the property and is in disrepair; that the new home has been reconfigured in size the best it could be to have the least variance required; that the shape of the property makes it difficult to fit the home on the property; that the pumphouse will be removed; that the electrical box will be moved; that there is an existing well pump that prohibits the placement of the home within the building envelope; that the gap between edge of paving along Hummingbird

Road and the front property line is approximately 15 feet; that the current manufactured home is a 1970s model; that the property is served by a well and public sewer; that the well is located in the rear yard and the sewer line comes from the front yard; that the current garage is remaining and, if the home was moved closer to the garage, it would increase the variance needed for the front yard; that the porch cannot be placed on the side of the home rather than the front because it would not allow for enough space between the garage and the dwelling to access the garage; that there are utilities and sewer lines on the other side of the home which prohibit the placement of the porch to that side of the home; and that the neighbors had no objection to the request as long as the new power lines are not affecting their property.

Ms. Norwood stated that the garage was permitted and issued a CO so no variance is needed for the garage.

Constance Williams was sworn in to give testimony about the Application. She initially appeared in opposition but stated that her position is neutral.

Ms. Williams testified that she owns the lot to the rear and side of the Applicant's property and has concern about the placement of the well being on her property based on the survey provided; that she does not want any of his structures to come onto her property.

Mr. Sharp stated that none of the proposed structures are to be located on her property and that, per the Applicant's survey, the well is actually 0.2 feet off the property line; and that all of the encroachments that the Applicant is asking for are located within the front yard and not near her property line.

Ms. Williams testified that her concern is about trespassing.

Mr. Negron testified that he will not trespass onto Ms. Williams' property and that there should be no issues with trespassing when placing the new structures.

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

Mr. Williamson closed the public hearing.

Mr. Lovenguth moved to approve the application for Case No. 13134 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions;
2. 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;
3. The variances are necessary to enable reasonable use of the property;

4. The exceptional practical difficulty has not been created by the Applicant;
5. The variances will not alter the essential character of the neighborhood;
6. The variances will not substantially or permanently impair the appropriate use or development of adjacent property;
7. The variances will not be detrimental to the public welfare;
8. The variances represent the least modifications of the regulations at issue; and
9. 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 3-1.

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

Case No. 13135 – Joseph and Karen Shustack seek variances from the separation distance requirements for proposed structures (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the south side of Jasper View Lane within the Massey's Landing Manufactured Home Park. 911 Address: 37264 Jasper View Lane, Lot 48A, Millsboro. Zoning District: AR-1. Tax Parcel: 234-25.00-31.00-58015

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received zero letters of support, zero letters of opposition, and one mail return.

The Applicants are requesting the following variances:

- A 2.3 ft. variance from the 20 ft. separation requirement between the proposed manufactured home and the manufactured home on Lot 47;
- A 5.6 ft. variance from the 20 ft. separation requirement between the proposed manufactured home and shed on Lot 45;
- A 5.7 ft. variance from the 20 ft. separation requirement between the proposed manufactured home and the shed on Lot 45; and
- A 4.1 ft. variance from the 20 ft. separation requirement between the attached garage and the shed on Lot 45.

Linford Faucett and John B. Roach were sworn in to give testimony about the Application.

Mr. Faucett testified that he is the President of Massey Landing & Park, Inc., and is here to represent the Applicants and is requesting the variances for them; that the Applicants want to place a new manufactured home on the lot that they are leasing from the development; that the lot was created in 1977 and the setbacks were put in place at that time; that the original manufactured home was placed and fit within the setbacks but a newer one needed to be installed as the old one was old and rusted out; that the new home does not comply with the required setbacks as the newer mobile homes

are larger; that the old dwelling was a 12' x 60' manufactured home with an additional 12' addition added to it to make the entire structure 24' x 60'; that the new model measures 27' x 72' with an additional 24' x 24' garage; that the newer dwelling will match all the others in the neighborhood in the sense of size; that the park owns the lot to the left of this proposed structure and they have no issues with this one encroaching into the setback; that the setbacks changed from 5 feet to 20 feet; and that there are no flooding concerns with the property.

Mr. Roach, who is the engineer and surveyor, testified that the biggest issue when trying to place the new structure was that the angle of the lot is not equal and because of that they lose approximately three feet of room along the front property line; that the lot is only 51.8 feet at one point; that the neighbor to the right spoke with him about possibly removing his deck along the shared property line to help eliminate the distance between structures but that would affect access to the home on Lot 47; that he is not sure if the Applicants looked at a narrower home; and that the placement of structures on neighboring lots has created the issue.

Joseph Shustack and Karen Shustack were sworn in to give testimony about the Application.

Mr. Shustack testified that the manufactured home was ordered and has been waiting to go onto the lot for over two months now; that, when the Applicants ordered the home, they ordered the same size home as what was in the park and it was not until after did they know that there was an issue with it fitting within the setbacks.

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

Mr. Williamson closed the public hearing.

Mr. Kingree moved to approve the application for Case No. 13135 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions as the angle of the lot affects placement of the home;
2. 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;
3. The variances are necessary to enable reasonable use of the property;
4. The exceptional practical difficulty has not been created by the Applicants;
5. The variances will not alter the essential character of the neighborhood;
6. The variances will not substantially or permanently impair the appropriate use or development of adjacent property;
7. The variances will not be detrimental to the public welfare;
8. The variances represent the least modifications of the regulations at issue; and
9. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Kingree, seconded by Mr. Lovenguth, carried that **the variances be approved for the reasons stated**. Motion carried 4 - 0.

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

Case No. 13136 – David Ray Hobbs seeks variances from the side yard setback requirements and the separation distance requirements for an existing structure (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southwest side of Sugar Hill Way within the Shady Park Manufactured Home Park. 911 Address: 37256 Sugar Hill Way, Lot 213, Selbyville. Zoning District: AR-1. Tax Parcel: 533-12.00-92.00-56063

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

The Applicant is requesting the following variances:

- A 3.7 ft. variance from the 10 ft. side yard setback requirement on the east side for an existing porch;
- A 3.9 ft. variance from the 20 ft. separation distance requirement between the existing porch and manufactured home on Lot 212; and
- A 3 ft. variance from the 20 ft. separation distance requirement between the existing porch and manufactured home on Lot 212.

David Ray Hobbs was sworn in to give testimony about the Application.

Mr. Hobbs testified that he and his wife purchased this home in August 2023; that the property is located in the Shady Park Manufactured Home Park; that the home already had a deck on it so they decided to close it in and put a roof over it; that, when they purchased the home, the former owner signed off stating there were no variances or issues with the property; that the home and deck were both built in 2020 before they purchased it; that the work that they were having done began in the winter of 2023 and was completed in the spring of 2024; that, upon their final inspection from the County, they believed they had passed their final inspection; that the County contacted them on August 20, 2024, to inform them that they had failed their final inspection; that the original deck from 2020 never received a final inspection and that is where the issues began; that, due to health issues, the original failing inspection could not be addressed until approximately June 2025 when the County contacted them about the need for a variance; that it took many months for the survey to be completed; that, after working with the County to address the issues and get a proper survey of the property, they were able to get before the Board today; that the following reasons are necessary for the variances; that the property is a curved irregular lot; that the lot is curved whereas other lots are rectangular; that the manufactured home, which was installed in 2020, and the original deck was built, this curve may be part of the uniqueness of the setback problem; that the variances requested are the minimum

variances to afford relief; that he received 5 letters in support of the Application; that there are others in the neighborhood with similar porches and layouts.

Mr. Sharp stated that there appears to be a sanitary easement along the front of the property, and asked if that would inhibit the placement of the porch and add to the practical difficulty.

Mr. Hobbs testified that the easement is common area belonging to the Park; that there is a ditch in that area also; and that there are no bugs.

Mr. Sharp noted that the survey indicates that part of the property is in a flood zone.

The Board found that one person 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. 13136 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions as the front of the lot is curved and the lot is subject to the common area easement;
2. 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;
3. The variances are necessary to enable reasonable use of the property;
4. The exceptional practical difficulty has not been created by the Applicant;
5. The variances will not alter the essential character of the neighborhood;
6. The variances will not substantially or permanently impair the appropriate use or development of adjacent property;
7. The variances will not be detrimental to the public welfare;
8. The variances represent the least modifications of the regulations at issue; and
9. The variances represent the minimum variances necessary to afford relief.

Motion by Dr. Hitchens, seconded by Mr. Kingree, carried that **the variances be approved for the reasons stated**. Motion carried 4 - 0.

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

Case No. 13137 – Judith Coleman seeks variances from the front and side yard setback requirements for existing structures (Section 115-34, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the southeast side of Green Street. 911 Address: 29148 Green Street, Milford. Zoning District: MR. Tax Map: 230-17.00-102.00

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

The Applicant is requesting the following variances:

- A 1.7 ft. variance from the 5 ft. side yard setback requirement on the west side for an existing garage;
- A 14 ft. variance from the 30 ft. front yard setback requirement for existing steps;
- An 18.1 ft. variance from the 30 ft. front yard setback requirement for an existing deck; and
- A 7.6 ft. variance from the 30 ft. front yard setback requirement for an existing non-conforming dwelling.

Judith Coleman was sworn in to give testimony about the Application. William Schab, Esquire, presented the Application on behalf of the Applicant.

Mr. Schab stated that he was representing the Applicant and that the sale of the property is contingent on the Application being approved; that the property was owned by the sellers for 60 years and, when the Applicant had a survey completed, it was brought to the seller's attention that the garage and the deck and steps were not within the building setbacks; that the home itself is non-conforming and was placed prior to the enactment of the Sussex County Zoning Code; that the deck and steps were placed in 1985 and had a permit issued but no final inspection done; that there were steps on the house prior to 1985 but he does not know where those steps were located; that that is the entrance into the home and the elevated deck and stairs are required to access the dwelling; that, with the house already being non-conforming, the deck and steps will automatically be encroaching onto the current required setbacks; that, due to the well and septic, the garage cannot be placed in any other location at this point as those structures are limiting the useable space in the yard; that the garage was placed there in 1980; that the garage is located 3.3' from the side property line instead of the 5' that is required and no one can tell why that is; that the septic system is located in the rear yard; that the Applicant had to replace the septic system; that the shed was removed for the septic system; that the garage is a cement block structure; that the structures are similarly situated to others in the neighborhood; that the garage cannot be fixed to comply; that the garage would have to be torn down to comply with the Code; that the exceptional practical difficulty was not created by the Applicant; that the variances will not alter the essential character of the neighborhood; that the house is one of the older homes in the neighborhood; that the variances requested are the minimum variances necessary to afford relief; and that no additions are being sought or proposed.

Ms. Coleman testified that the testimony that was given by Mr. Schab is correct to her best knowledge; that she plans to move to the property full-time; that she would like to keep both the deck and the garage as they were part of the reason she chose to purchase this home; that she will park her convertible in the garage; that she has installed new windows, insulation, electrical wires, and

plumbing in the home; that the sellers replaced the septic system; that the septic system is located in the building envelope; that she has received no complaints about the location of the structures; that the property uses central water; that the first floor of the home is elevated; that she is not sure if the property floods; and that there is a 5 foot gap between the front property line and the edge of paving of Green Street.

Charles Peters was sworn in to give testimony in support of the Application.

Mr. Peters testified that he is the neighbor to the east of the property; that the garage in question is closest to his property line and he is ok with it remaining there as it poses no problems and has not interfered with his use of his property; that the prior owners are medically incapacitated and were great neighbors; that he moved to his property in 2004; that the electric pole is on his property; and that there is 15 feet from the center of the road to the pole.

Keith Snyder was sworn in to give testimony in support of the Application.

Mr. Snyder testified that he has been a neighbor for the last 16 years and has had no issues with the placement of the garage or the deck and steps; that, as long as the utility pole in the Applicant's yard does not get moved to his property, then he is ok with everything being where it is.

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

Mr. Williamson closed the public hearing.

Mr. Lovenguth moved to approve the application for Case No. 13137 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions as the property was developed prior to the enactment of the Sussex County Zoning Code;
2. 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;
3. The variances are necessary to enable reasonable use of the property;
4. The exceptional practical difficulty has not been created by the Applicant;
5. The variances will not alter the essential character of the neighborhood;
6. The variances will not substantially or permanently impair the appropriate use or development of adjacent property;
7. The variances will not be detrimental to the public welfare;
8. The variances represent the least modifications of the regulations at issue; and
9. 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 4 - 0.

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

ADDITIONAL BUSINESS

Ms. Norwood presented the draft of meeting dates for 2026.

Motion by Mr. Lovenguth, seconded by Mr. Kingree, and carried unanimously to approve the schedule for 2026 as amended. Motion carried 4 – 0.

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

Meeting adjourned at 8:07 p.m.