

BOARD OF ADJUSTMENT

DR. LAUREN A. HITCHENS
NATHAN KINGREE
SHAWN LOVENGUTH
CHUCK McCLURE
JOHN WILLIAMSON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878

AGENDA

June 1, 2026

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of the Minutes for April 13, 2026

Approval of the Findings of Fact for April 13, 2026

Public Hearings

Case No. 13197 – Charles H. Buckey, III

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.

Case No. 13198 – Andrew Stiegler

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.

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 21, 2026 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

The Agenda was prepared by the Director of Planning and Zoning and is subject to change to include the additional or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>

The Board of Adjustment meeting materials, including the “packet” are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>.

Any person who intends to present a digital presentation or document, including PowerPoint files, for electronic display during County meetings shall submit said file(s) in advance, no later than one (1) business day before the respective public meeting. Files may be sent electronically to pandz@sussexcountyde.gov or delivered by hand to County Administration, located in the Sussex County Administrative Offices, 2 The Circle, in Georgetown. No external storage devices shall be permitted to connect to County equipment.

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, May 28, 2026.

#####

Case # 13197
Hearing Date 6-1-2026
202604436

Board of Adjustment Application
Sussex County, Delaware
Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check all applicable)

Variance Existing Condition
Special Use Exception Proposed
Administrative Variance Code Reference (office use only)
Appeal

Site Address of Variance/Special Use Exception:

37739 Balsa Street Ocean View, DE. 19970

Variance/Special Use Exception/Appeal Requested:

10ft front porch, exceeding the 30ft setback by 5ft for the structure. 8ft if the steps are considered.

A 23.4' variance from the 30' front yard setback requirement for proposed structure
Tax Map #: 134-16.00-819.00 Property Zoning: AR-1

Applicant Information

Applicant Name: Charles H. Buckey III
Applicant Address: 37739 Balsa Street
City Ocean View State DE Zip: 19970
Applicant Phone #: (301) 752-7380 Applicant e-mail: Charlesbuckey@aol.com

Owner Information

Owner Name: Charles H. Buckey III
Owner Address: 37739 Balsa Street
City Ocean View State DE Zip: 19970 Purchase Date: 8/26/19
Owner Phone #: (301) 752-7380 Owner e-mail: Charlesbuckey@aol.com

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Charles H. Buckey III

Date: 4/13/26



Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

Our home rest on the last property, on the left, of a dead-end street. The property is a pie shape going from large on the left side too small to the right. You can see this on the boundary survey.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

The home sets 35.6 feet from the property line. This only allows for a 5ft porch from the home. I would like to build a 10ft deep proch.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

We are second generation owners of this property. Original placement of the home was centered on the property and for lack of public water & sewer (at the time), a well and septic was the only option. They had as little trees removed to accommodate less impact to the environment

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

There are multiple homes on our street with front porches. Our home faces the street not the property to our left. There will not be any homes built to our right. We are 52ft from the road. 35.6ft from the front property line.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

I'm requesting a 5ft structure variance. If needed 8ft would include the steps. My property line is approximately 16ft from the road. My home is 35.6ft from the property line. A total of 51.6ft

Check List for Applications

The following shall be submitted with the application

- Completed Application
- Provide a survey of the property (Variance)
 - o Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - o Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - o Survey shall be signed and sealed by a Licensed Surveyor.
- Provide a Site Plan or survey of the property (Special Use Exception)
- Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- Copy of Receipt (staff)
- Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

**Please be advised that the decision of the Board of Adjustment is only final when the written decision is filed with the Board's secretary. To determine whether the written decision has been filed, you may call the Planning & Zoning Department at 302-855-7878. The written decision is generally completed within thirty (30) to sixty (60) days following the Board's vote on the application or appeal. Please include the case number when calling about the decision.*

**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

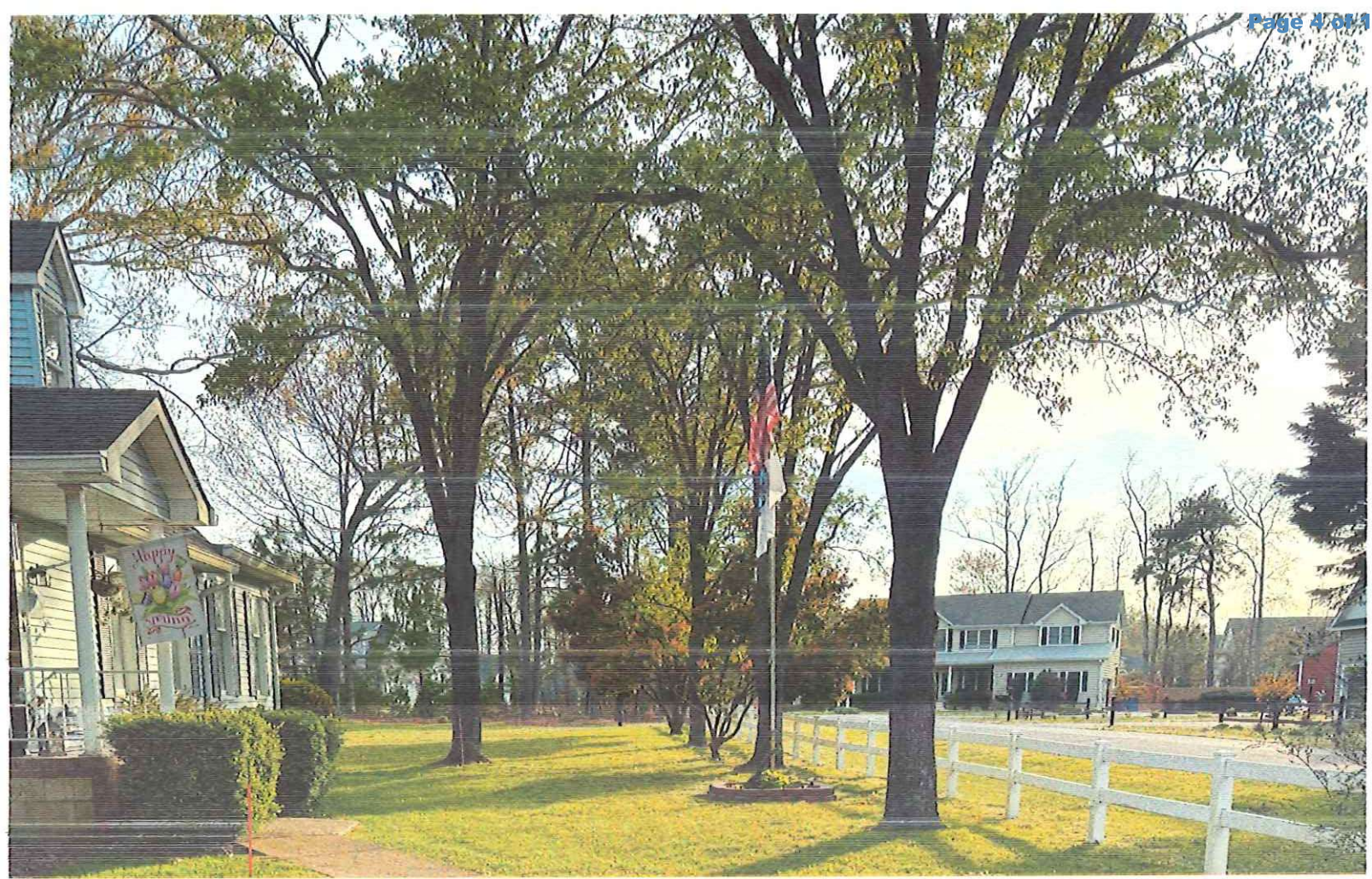
Signature of Owner/Agent/Attorney

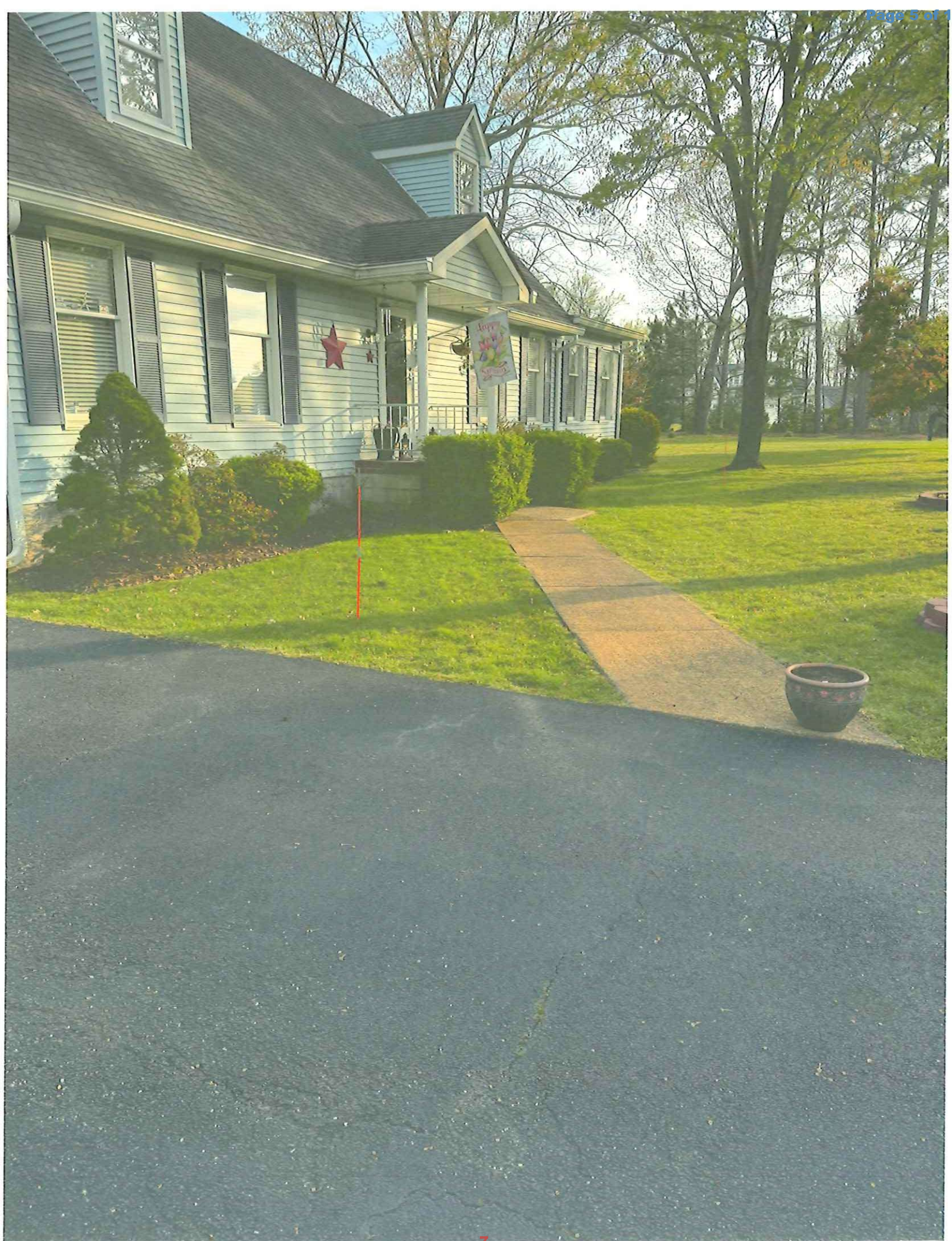
_____ Date: _____

For office use only:

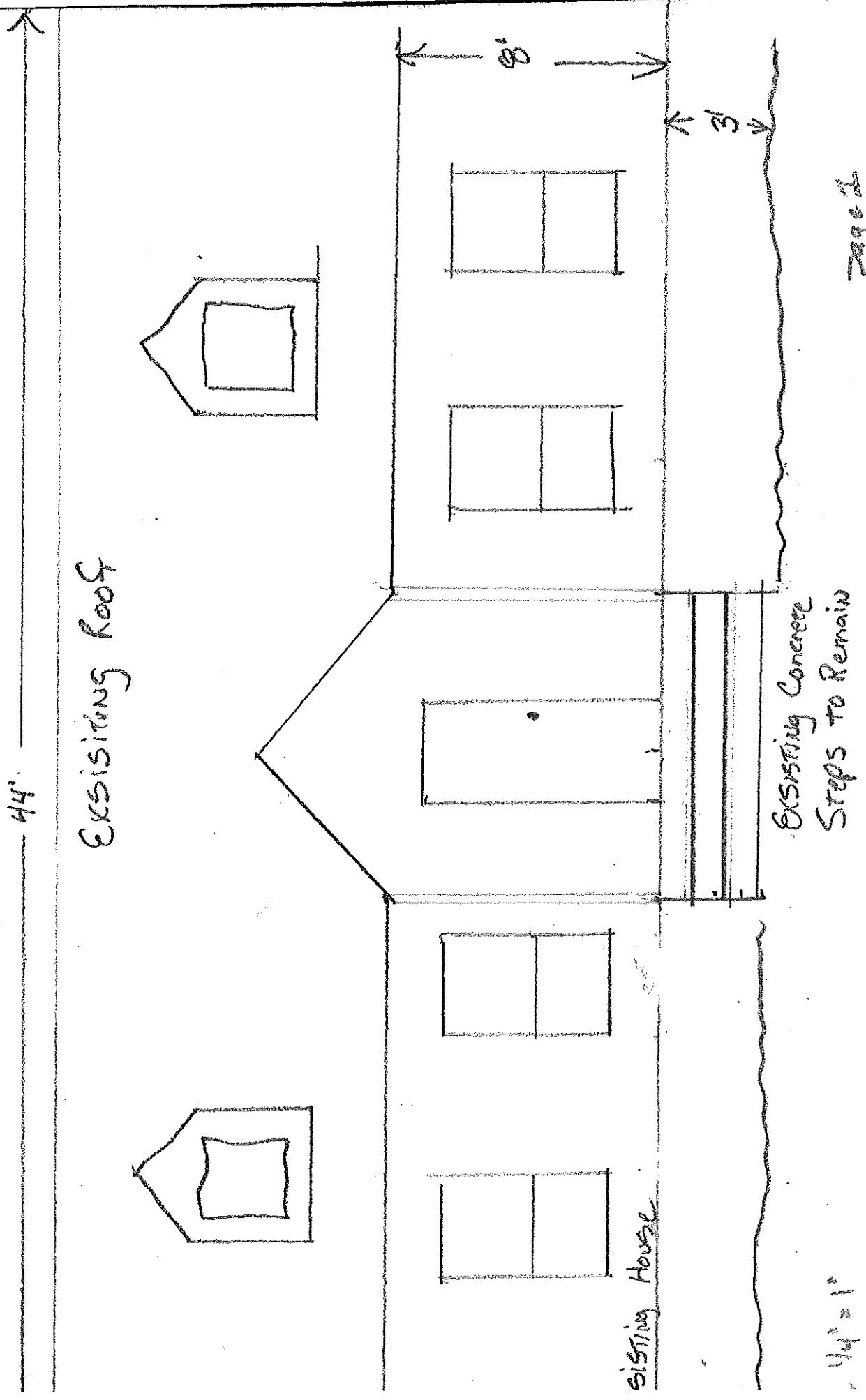
Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____









Page 1

44' = 1"

44'

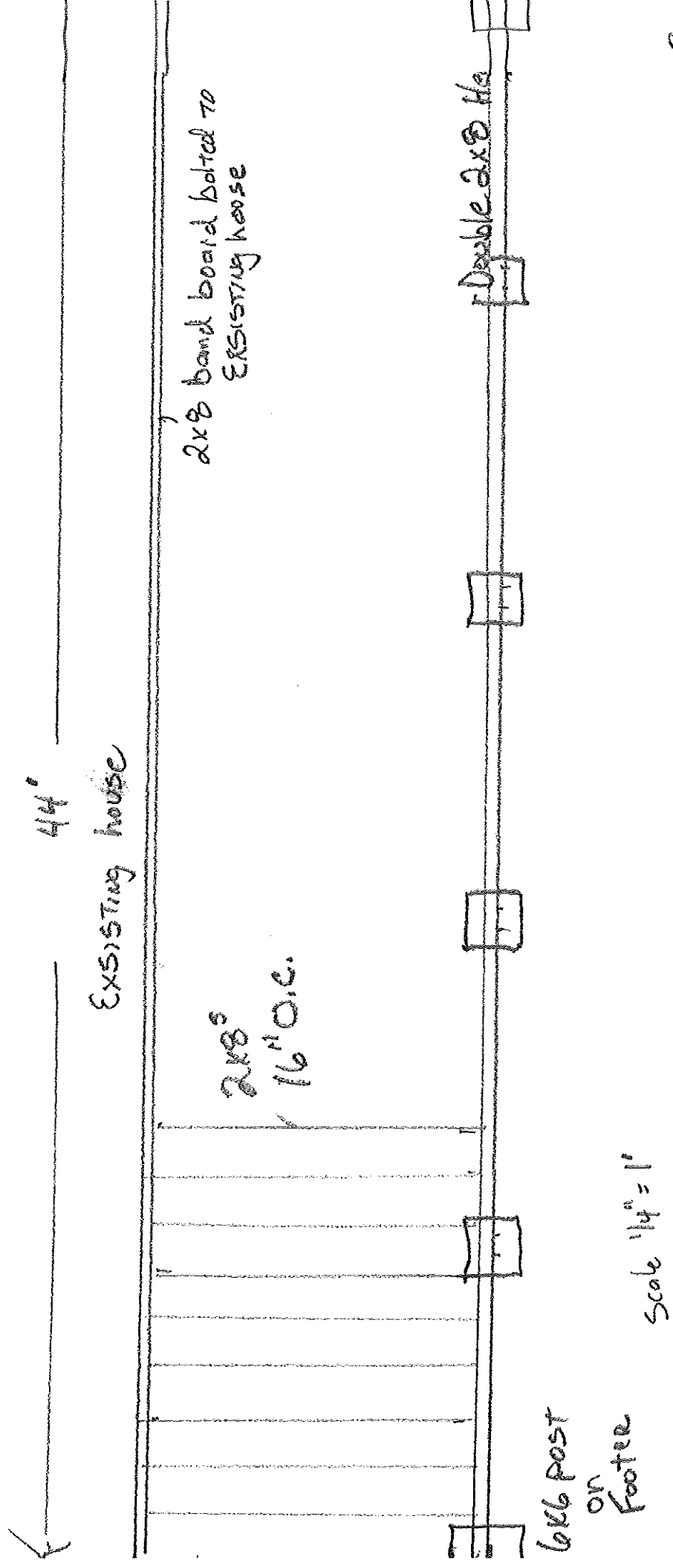
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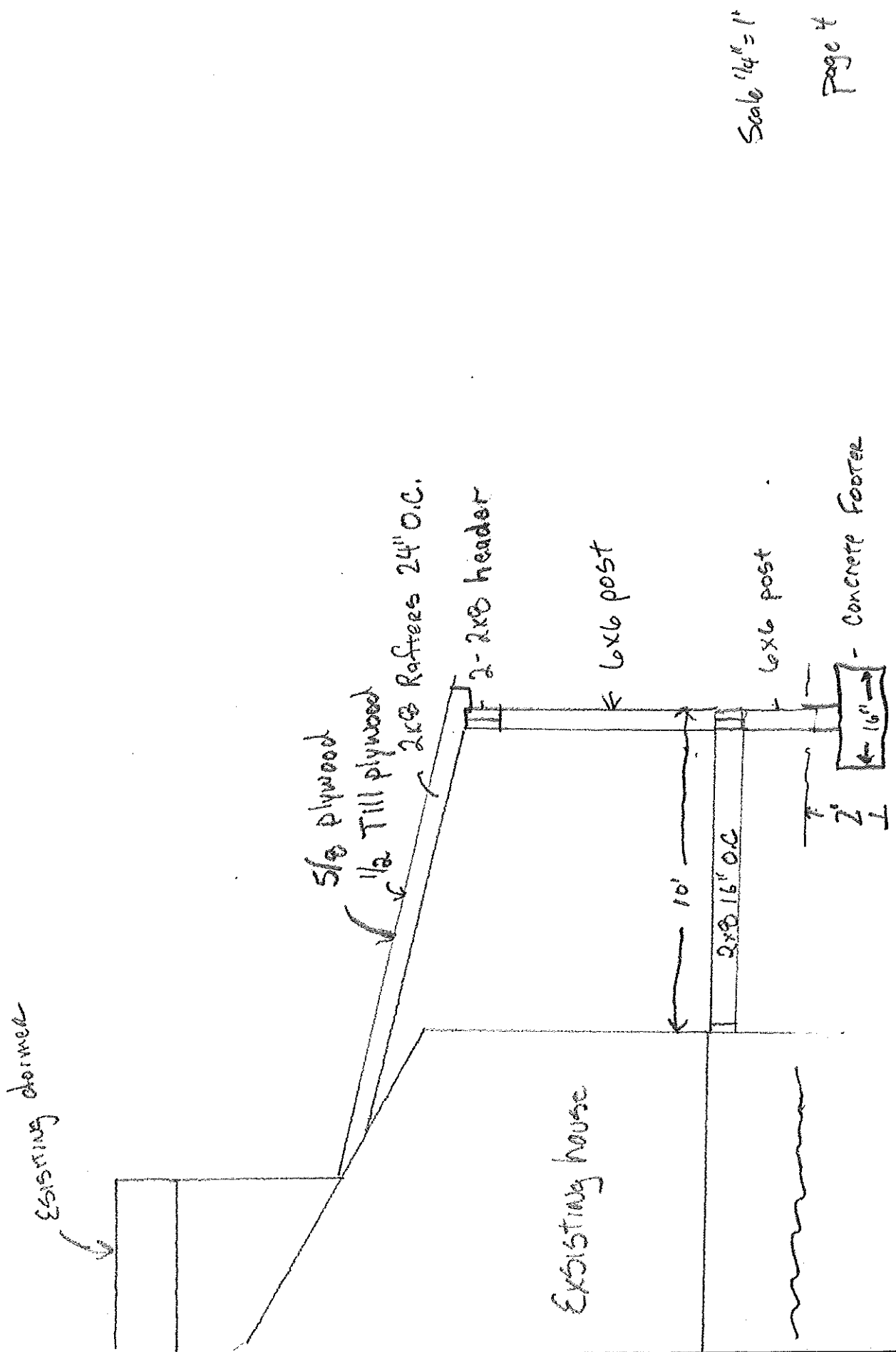
10'

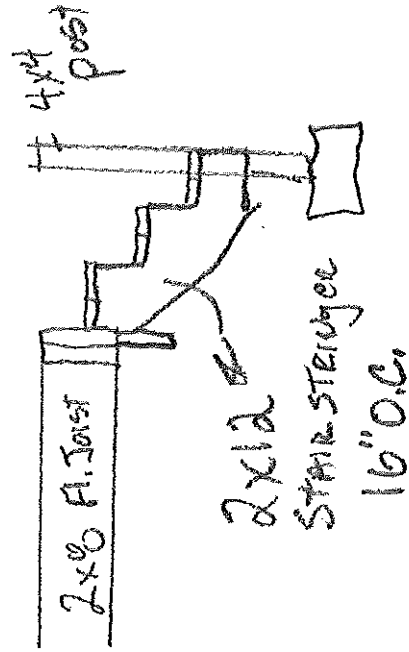
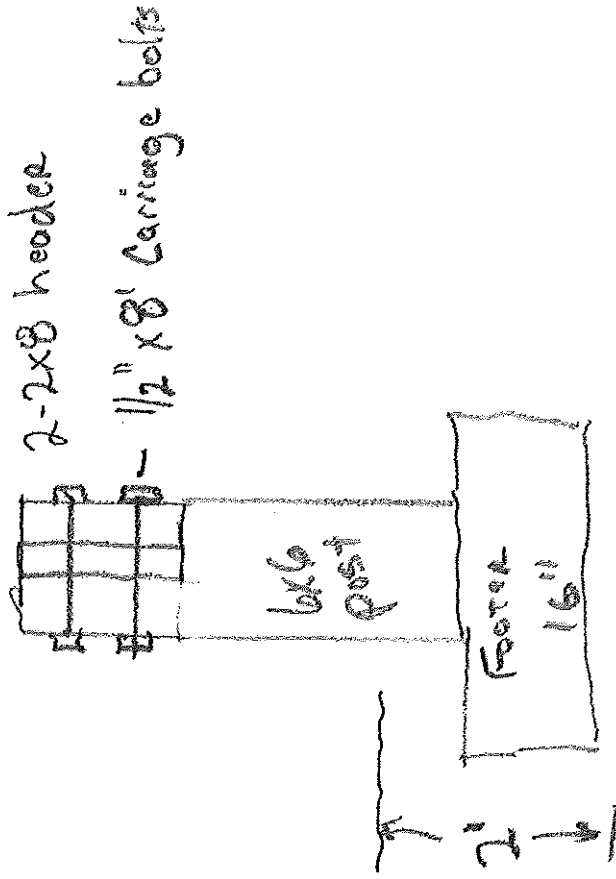
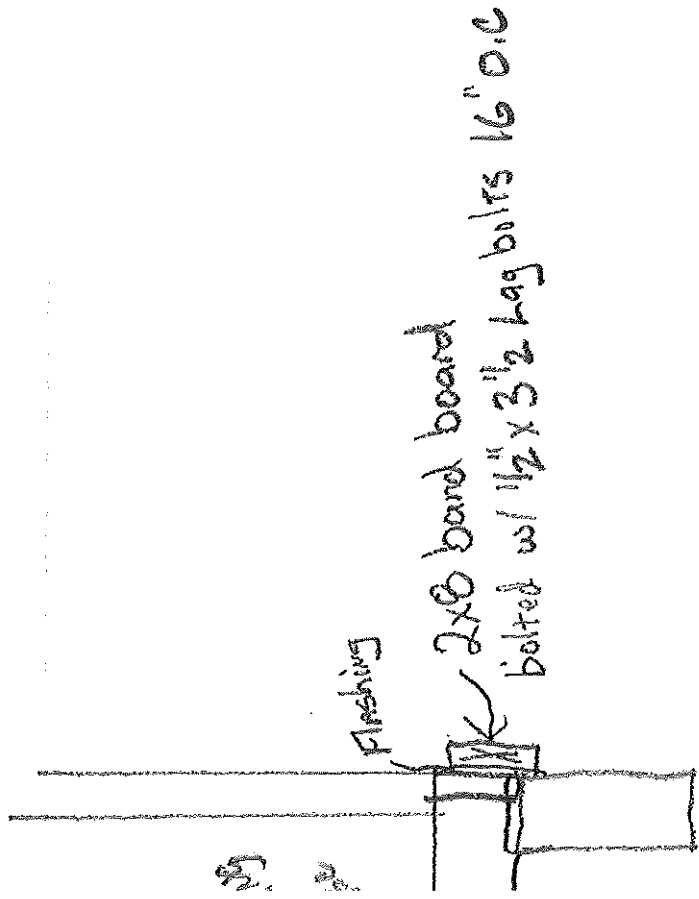
Proposed New Deck
2x8¹⁵ 16" O.C.
Trex Decking

1/4" = 1'

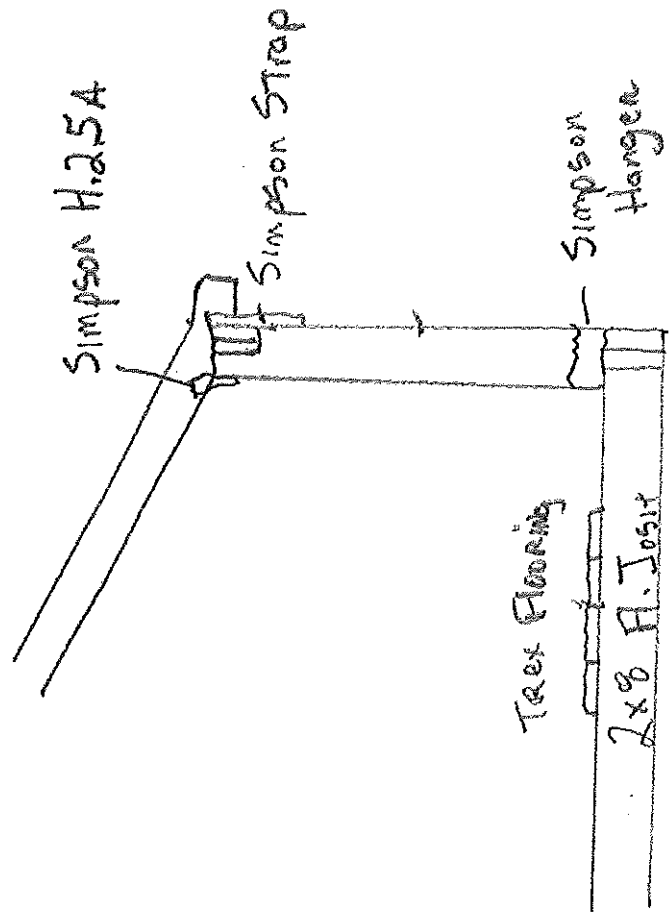
Page 2





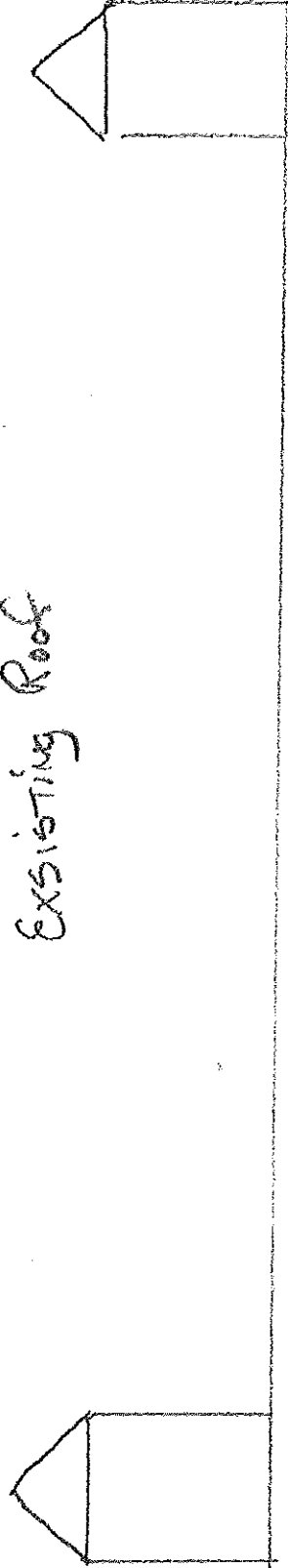


Scale 1/4" = 1'

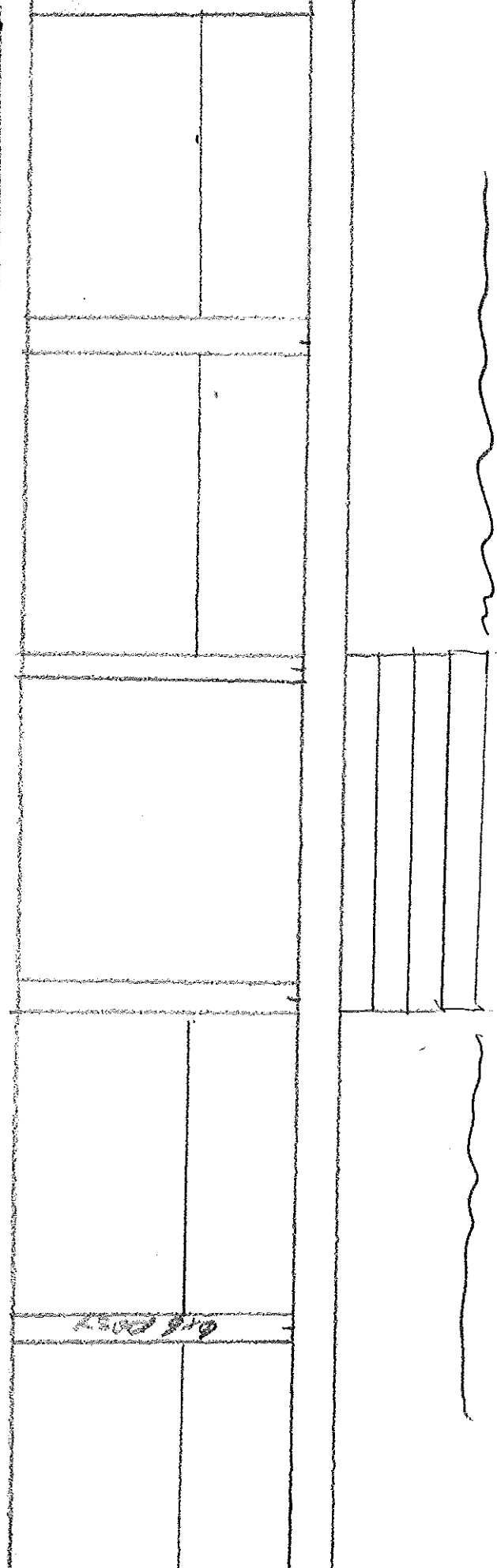


Scale 1/4" = 1'

Existing Roof



New Roof

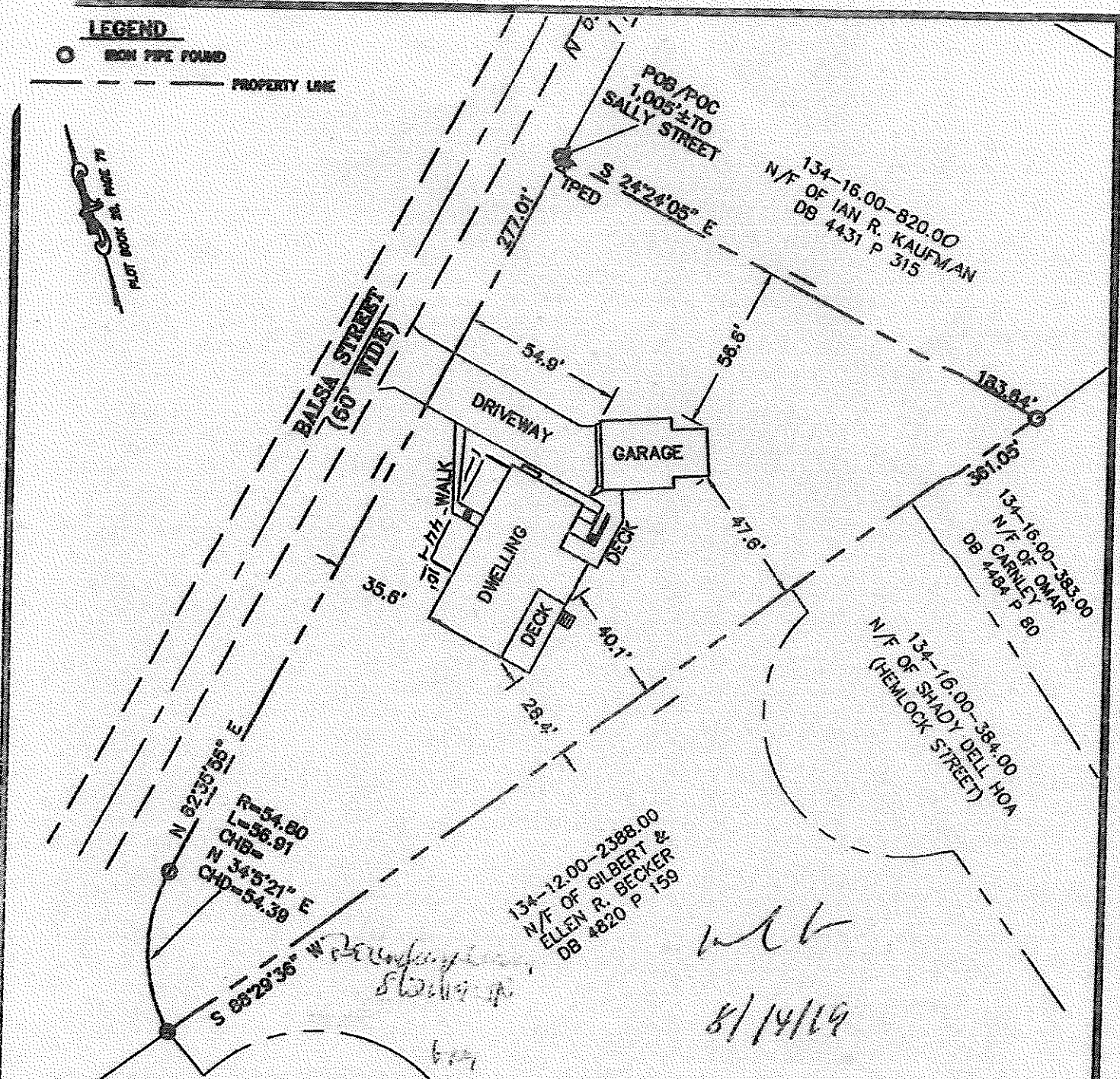


Scale 1/4" = 1'

LEGEND

○ IRON PIPE FOUND

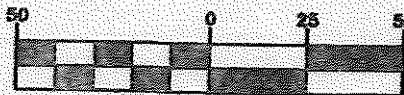
--- PROPERTY LINE



BOUNDARY SURVEY

FOR CHARLES H. BUCKEY, III &
MARY K. BUCKEY

OF LANDS N/F OF STEPHEN & MICHAEL
EMRICK, CO-TRUSTEES
LOT 17, QUAINT ACRES SUBDIVISION
37739 BALSA STREET
OCEAN VIEW, DE 19970
BALTIMORE HUNDRED
SUSSEX COUNTY, DE
TAX MAP #134-16.00-819.00
AREA: 33,665±SF OR 0.773±ACRES



GRAPHIC SCALE
1 INCH EQUALS 50 FEET

NOTES

1. TITLE REFERENCED TO DEED BOOK 3882, PAGE 127.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH WAS PROVIDED.
4. FLOOD ZONE 'X'

COTTEN ENGINEERING LLC

CIVIL ENGINEERS
10037 CONCORD RD.
SEAFORD DE 19973
PHONE/FAX (302) 623-9164

THIS GRAPHIC, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THIS PROJECT ONLY, AND ACQUIRE THE COPYRIGHTED PROPERTY OF COTTEN ENGINEERING LLC. REUSE OR REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENT'S RISK AND BE A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA, AND THE RESPECTIVE STATE WHICH THE WORK WAS COMPLETED.

DESIGNED BY: CE	REV:	JOB # 19-293
DRAWN BY: JCD	DATE: 06/14/2019	SHEET 1 OF 1
CHECKED BY: WSC	SCALE: AS-SHOWN	

Sussex County Government
Treasury
2 The Circle, PO Box 601
Georgetown, DE 19947

04/13/2026 01:17PM Catherine
Receipt number: 33031281-0008 001299023

PERMITS / INSPECTIONS
2026 20260443617020 \$500.00

\$500.00

Subtotal \$500.00
IP CC SF \$15.00
Total \$515.00

Tenders
TYLER PAYMENTS CC \$515.00
MasterCard **** *8050
Ref=7bfbf3b8-237b-4b83-bfa7-3f16aef1e2ed
Auth=09713P

Change due \$0.00

Signature:

Thank you for your payment.

CUSTOMER COPY

service fee

TYLER PAYMENTS

Layers Search Basemaps Select Area Eogleview Print

Eogleview Search Results

Selected Features: [Parcels (1)]

▼ 1) 134-16.00-819.00 Zoom

BOOK	5113
PAGE	44
FULLNAME	BUCKEY CHARLES H III
Second_Owner_Name	MARY K BUCKEY
MAILINGADDRESS	37739 BALSA ST
CITY	OCEAN VIEW
STATE	DE
a_account	19-02-819
DESCRIPTION	QUAINT ACRES
DESCRIPTION2	LOT 17
DESCRIPTION3	
LUC	101
SCHOOL	1
MUNI	00
CAP	2
APRBLDG	323400
APRLAND	107200
PINWASSEMMENTUNIT	134-16.00-819.00
PIN	134-16.00-819.00

Selected Features (1)
Clear Selected



County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Sus...

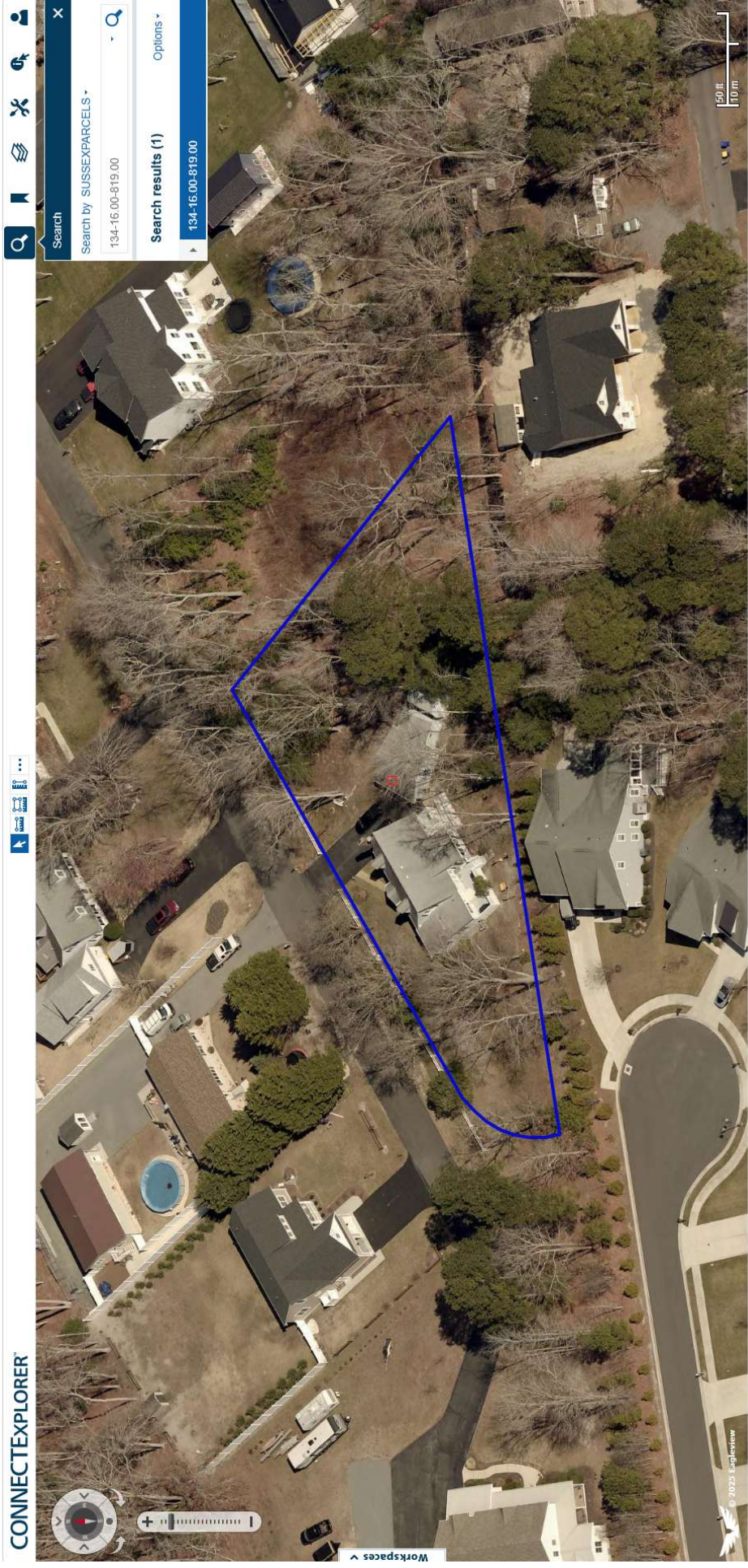


Selected Features:

1) 134-16.00-819.00

BOOK	5113
PAGE	44
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MUNI	00
CAP	2
APRBLDG	323400
APRLAND	107200
PINWASSEMNTUNIT	134-16.00-819.00
PIN	134-16.00-819.00

Selected Features (1)
Clear Selected



RECEIVED

APR 14 2026

SUSSEX COUNTY
PLANNING & ZONING

Board of Adjustment Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 13198
Hearing Date 6-1-2026
202604546

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

36836 Red Bery Rd Delmar, DE 19940

Variance/Special Use Exception/Appeal Requested:

A 5.5' variance from the 15' side yard setback requirement for a proposed pole building.

Tax Map #: 532-14.00 - 114.00 Property Zoning: AR-1

Applicant Information

Applicant Name: Andrew Stiegler
Applicant Address: 36836 Red Bery Rd
City Delmar State DE Zip: 19940
Applicant Phone #: 302-519-2299 Applicant e-mail: Andrew.stiegler12@gmail.com

Owner Information

Owner Name: Andrew Stiegler
Owner Address: 36836 Red Bery Rd
City Delmar State DE Zip: 19940 Purchase Date: _____
Owner Phone #: 302-519-2299 Owner e-mail: Andrew.stiegler12@gmail.com

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

[Signature]

Date: 4/8/26



Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- 1) The subject property has unique physical conditions that create practical difficulty in complying with the required setback. The layout and dimensions of the lot, along with the positioning of existing improvements and usable space, limit the reasonable placement of a pole building while maintaining functionality and access.

Due to these constraints, placing the structure in full compliance with the required setback would significantly restrict the usable area of the property and interfere with normal use. The requested variance to allow the structure to be located 10 feet from the side property line is a result of these property-specific conditions and is not based on general conditions in the surrounding neighborhood.

- 2) Due to the physical layout and constraints of the property, there is no reasonable way to locate the proposed pole building in strict compliance with the required setback while maintaining functional use of the property.

If the structure were required to meet the full setback requirements, it would either interfere with existing improvements, reduce necessary access, or eliminate the ability to construct the building in a practical location. This would prevent the property from being used in a reasonable and customary manner.

The requested variance is therefore necessary to allow for the reasonable use and development of the property, while still maintaining appropriate spacing and compatibility with surrounding properties.

- 3) The practical difficulty associated with meeting the required setback has not been created by the applicant. The need for the variance is due to the existing physical characteristics and layout of the property, including lot dimensions and the placement of existing improvements.

These conditions existed prior to this application and are not the result of any action taken by the applicant. The request is being made in response to these pre-existing constraints in order to allow for reasonable use of the property.

4) The proposed variance will not alter the essential character of the neighborhood. The pole building is consistent with the types of accessory structures commonly found in the area and will be designed and constructed to complement the existing property.

The location of the structure, even at the requested 10-foot setback, will not negatively impact adjacent properties, visibility, or overall neighborhood aesthetics. The use is residential in nature and will not create noise, traffic, or other conditions that would be detrimental to surrounding properties or the public welfare.

Therefore, the requested variance will not impair the appropriate use or development of neighboring properties and will remain in harmony with the character of the district.

5) The requested variance represents the minimum relief necessary to allow for the reasonable use of the property. The proposed 10-foot setback from the side property line has been carefully considered based on the layout and constraints of the lot, as well as the placement of existing improvements.

Any lesser reduction in the required setback would not adequately resolve the practical difficulty or allow for proper placement and use of the proposed structure. The request is not excessive and is limited strictly to what is needed to make the project feasible while still maintaining appropriate separation from neighboring properties.

Check List for Applications

The following shall be submitted with the application

- Completed Application
- Provide a survey of the property (Variance)
 - o Survey shall show the location of building(s), building setbacks, stairs, deck, etc.
 - o Survey shall show distances from property lines to buildings, stairs, deck, etc.
 - o Survey shall be signed and sealed by a Licensed Surveyor.
- Provide a Site Plan or survey of the property (Special Use Exception)
- Provide relevant Application Fee (please refer to fees effective July 1, 2022)
- Provide written response to criteria for Variance or Special Use Exception (may be on a separate document if not enough room on the form)
- Copy of Receipt (staff)
- Optional - Additional information for the Board to consider (ex. photos, letters from neighbors, etc.)
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearing for the application.

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**Please be advised that any action taken in reliance of the Board's decision prior to the filing of the written decision and the expiration of any applicable appeal period is taken at the Property Owner's Risk.*

The undersigned acknowledges that that he or she has read the application completely and that if the appellant / applicant is unable to convince the Board that the standards for granting relief have been met, the appeal / application will be denied.

Signature of Owner/Agent/Attorney



Date: 4/8/20

For office use only:

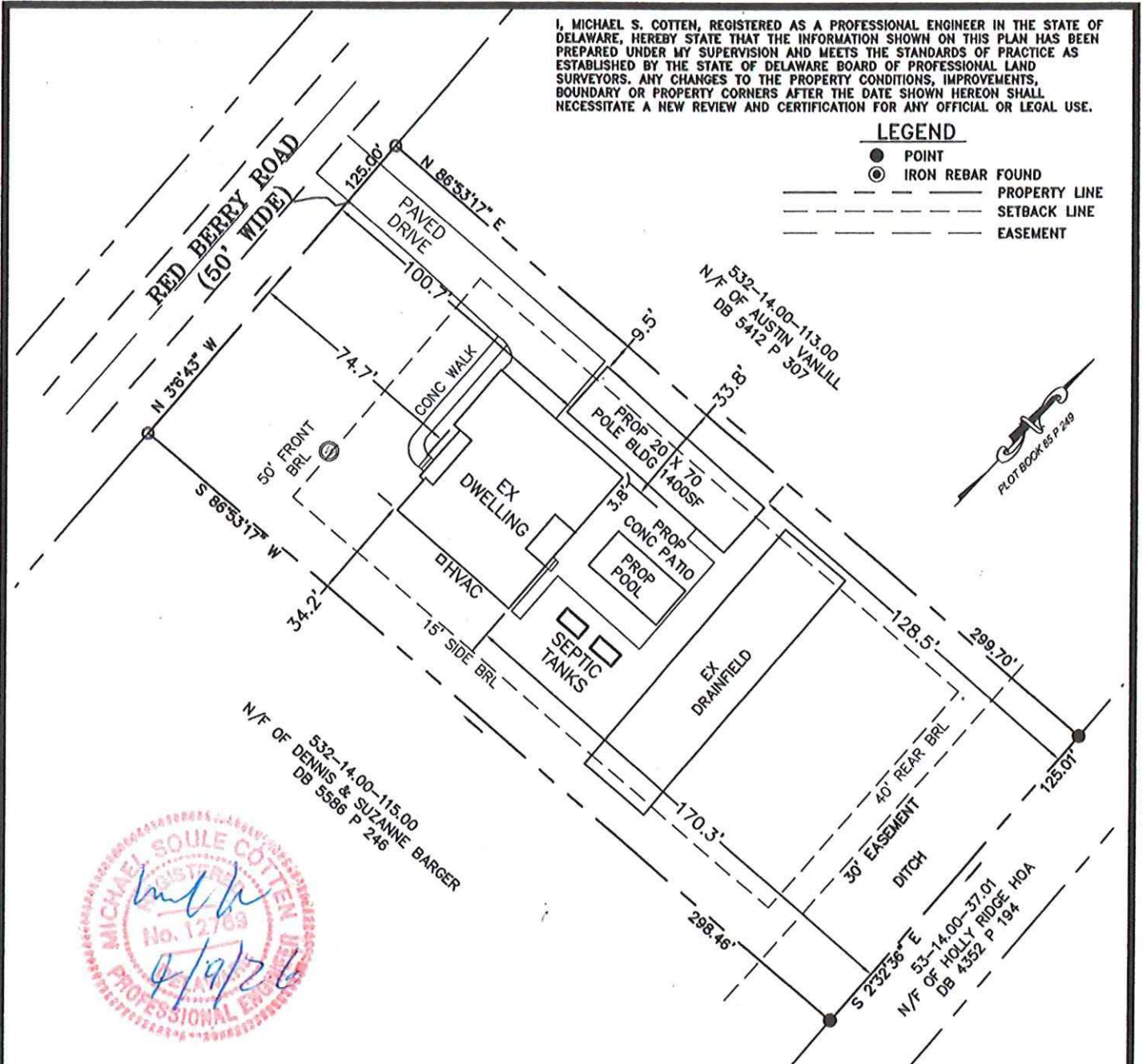
Date Submitted: _____ Fee: _____ Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____

Subdivision: _____ Lot#: _____ Block#: _____
 Date of Hearing: _____ Decision of Board: _____

I, MICHAEL S. COTTEN, REGISTERED AS A PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

LEGEND

- POINT
- ⊙ IRON REBAR FOUND
- PROPERTY LINE
- - - SETBACK LINE
- - - EASEMENT



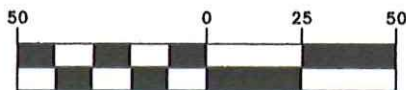
NOTES

1. TITLE REFERENCED TO DEED BOOK 6179, PAGE 57.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE, NO TITLE SEARCH PROVIDED.
4. THIS SURVEY DOES NOT CERTIFY AS TO THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS AFFECTING THIS PROPERTY.
5. FRONT AND REAR LINES SUBJECT TO 10' DRAINAGE/UTILITY EASEMENT ON INTERIOR SIDE. SIDE LINES RESERVED FOR CL OF 10' WIDE DRAINAGE/UTILITY EASEMENT.
6. FEMA FLOOD ZONE 'X'

SITE PLAN FOR VARIANCE APPLICATION
 FOR NEIL & CAITLIN STIEGLER
 LOT 18, HOLLY RIDGE SUBDIVISION
 36836 RED BERRY ROAD
 DELMAR, DE 19940
 CEDAR CREEK HUNDRED
 SUSSEX COUNTY, DELAWARE
 TAX MAP #532-14.00-114.00
 AREA: 37,385±SF / 0.858±ACRES

COTTEN ENGINEERING LLC
 CIVIL ENGINEERS
 10087 CONCORD RD.
 SEAFORD DE 19973
 PHONE/FAX (302) 828-9164

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GRAPHIC SCALE
 1 INCH EQUALS 30 FEET

DESIGNED BY: CE	REV:	JOB # 23-021-18
DRAWN BY: JCD	DATE: 04/09/2026	SHEET 1 OF 1
CHECKED BY: JCD	SCALE: AS-SHOWN	

Sussex County Government
Treasury
2 The Circle, PO Box 601
Georgetown, DE 19947

04/14/2026 12:48PM Lindsay B
Receipt number: 33031200-0063 001299355

PERMITS / INSPECTIONS
2026 202604546|2020 \$500.00

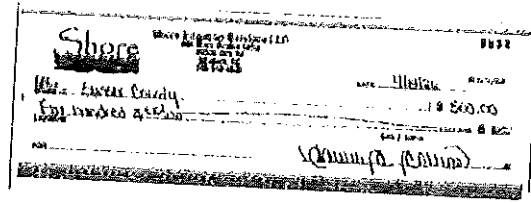
\$500.00

Subtotal \$500.00
Total \$500.00

Tenders
CHECK \$500.00
Check Number 005832

Change due \$0.00

Paid by: Shore Irrigation Services



Thank you for your payment.

Sussex County Government COPY
DUPLICATE RECEIPT

Layers

Search

Basemaps

Select Area

Eagleview

Print

Eagleview

Search Results

Parcels (1)

Zoom

Selected Features:

▼ 1) 532-14.00-114.00

BOOK	6179
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FULLNAME	STIEGLER NEIL A II
Second_Owner_Name	CAITLIN E STIEGLER
MAILINGADDRESS	36836 RED BERRY RD
CITY	DELMAR
STATE	DE
a_account	
DESCRIPTION	HOLLY RIDGE
DESCRIPTION2	LOT 18
DESCRIPTION3	
LUC	101
SCHOOL	7
MUNI	00
CAP	2
APRBLDG	342800
APRLAND	74100
PINWASSEMMENTUNIT	532-14.00-114.00
PIN	532-14.00-114.00

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Clear Selected

CONNECTEXPLORER

