

**TOWN OF SELBYVILLE**  
**BOARD OF ADJUSTMENT**  
**MINUTES**  
**May 20, 2025**

Chairman/Mayor Duncan called the Board of Adjustment Hearing to order at 10 o'clock am. Member/Town Solicitor Mary Schrider-Fox and Councilmember Chris Snader were also in attendance. Also in attendance was Town Administrator Stacey Long as Secretary of the Board and Code Enforcement & Building Inspector Official, Tony Merollini.

The meeting was properly advertised 15 days in advance in a publication of general circulation.

Visitors in attendance were the applicants, Craig & Mary Silverthorne and their tenant Susan Hubbard. Also in attendance was their contractor, Rob Prikryl.

The first item on the agenda is approval of the minutes from December 11, 2024. Motion to approve the minutes was made by Member/Town Solicitor Mary Schrider-Fox. The motion was seconded by Councilman Snader and carried by all.

The second item on the agenda is an application submitted by Craig W. Silverthorne and Mary P. Silverthorne, Trustees, concerning improved real property located in a Residential Planned Community (RPC) District, which is a special zoning district superimposed on the R-4 Residential District, at 19058 Lilly Pond Circle, Selbyville, Delaware 19975, identified as Tax Map and Parcel No. 533-17.00-1251.00, for a variance from the 20 foot rear yard setback requirement imposed by Section 200-36 of the Zoning Code and the subdivision plan for Coastal Villages-Phase I that was approved by the Town Council and that is of record at the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 367, Page 76.

The finding of facts and decision of the Board of Adjustment are attached hereto.

There were no letters received on the application in favor of or in opposition of the requested variance.

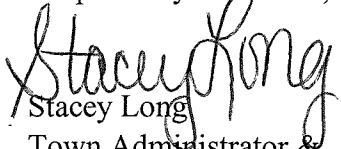
Member/Town Solicitor Mary Schrider-Fox made a motion to approve the variance as requested. The motion was seconded by Councilman Snader and carried by all.

The third item on the agenda was to review and adopt the updated Board of Adjustment Hearing Rules. Solicitor Schrider-Fox indicated that there are a set of rules that were adopted many years ago and feels the need to update these rules to address how the hearings are conducted just to have them on file in ever needed. Councilman Snader made a motion to adopt the updated Board of Adjustment Hearing Rules. The motion was seconded by Solicitor Schrider-Fox and carried by all.

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There being no further business, Member/Town Solicitor Mary Schrider-Fox made a motion to adjourn the hearing. The motion was seconded by Councilmember Snader and carried by all.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stacey Long".

Stacey Long  
Town Administrator &  
Secretary of the Board of Adjustment

**BEFORE THE BOARD OF ADJUSTMENT  
OF THE TOWN OF SELBYVILLE**

<b>IN RE:</b>	:	
	:	
<b>APPLICATION OF</b>	:	<b>DECISION</b>
	:	
<b>CRAIG W. SILVERTHORNE and</b>	:	
<b>MARY P. SILVERTHORNE,</b>	:	
<b>TRUSTEES</b>	:	

The Board of Adjustment of the Town of Selbyville convened at 10:00 o'clock in the morning, prevailing time, on Tuesday, May 20, 2025, at the Town Hall, 1 West Church Street, Selbyville, Sussex County, Delaware, to hear the application of Craig W. Silverthorne and Mary P. Silverthorne, Trustees ("Applicants"), for a variance from the 20 foot rear yard setback requirement imposed by Section 200-36 of the Zoning Code and the subdivision plan for Coastal Villages-Phase I that was approved by the Town Council and that is of record at the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 367, Page 76, for residential property owned by Applicants, located at 19058 Lilly Pond Circle, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-17.00-1251.00. Present for the Board of Adjustment were Richard A. Duncan, Sr., Mayor and Chair, and members Chris S. Snader, Sr., Council Member, and Mary R. Schrider-Fox, Town Solicitor. Present as well were Stacey Long, Town Manager and Secretary for the Board of Adjustment, and Tony Merollini, Building Inspector and Code Enforcement Official. Applicants, Craig W. Silverthorne and Mary P. Silverthorne, Trustees, appeared and presented the application to the Board.

**FINDINGS OF FACT**

The Applicants, Craig W. Silverthorne and Mary P. Silverthorne, Trustees, are the owners of residential real property located at 19058 Lilly Pond Circle, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-17.00-1251.00, within the Coastal Villages-Phase I residential subdivision and corporate limits of the Town of Selbyville, Sussex County, State of Delaware (the "subject property"). The subject property is located in a Residential Planned Community (RPC) District, which is a special zoning district superimposed on the R-4 Residential District.

The subject property is improved with a residential dwelling. A small covered porch is part of the rear of the residential dwelling. The small covered porch is a dark alcove, as it is recessed into the rear of the residential dwelling.

The rear yard setback required for the subject property is 20 feet according to Section 200-36 of the Zoning Code and the subdivision plan for Coastal Villages-Phase I that was approved by the Town Council and that is of record at the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 367, Page 76.

The residential dwelling, with recessed covered porch, presently sits 22.5 feet from the rear property line for the subject property.

To the rear of the subject property is community open space and a community stormwater management pond. Beyond the community open space and the community stormwater management pond is Lighthouse Road (Route 54). No other residential dwellings are located to the rear of the subject property.

Applicants currently rent the subject property, long term, to a close family friend, Susan Hubbard, who was present during the hearing in support of the application. Ms. Hubbard suffers from severe health and mobility issues, making enjoyment of the rear yard with the pond view or enjoyment of any other outdoor space on the subject property difficult, if not impossible.

In order to accommodate Ms. Hubbard's health and mobility issues and to facilitate her ability to enjoy the outdoor spaces on the subject property, Applicants would like to add a three-season room to the rear of the residential dwelling on the subject property. In order to construct a three-season room that has handicap accessible doors on each side, the three-season room must be 6 feet wide, requiring a variance of 3.5 feet from the 20 foot rear yard setback requirement applicable to the subject property.

Rob Prikryl, Applicants' contractor who will construct the three-season room addition, if the requested variance is approved, was present during the hearing.

The homeowners association for the Coastal Villages-Phase I community has approved Applicants' proposed plan to construct the three-season room. The developer of the Coastal Villages-Phase I community, DR Horton, has also approved Applicants' proposed plan to construct the three-season room.

Ms. Hubbard spoke to her neighbors about Applicants' proposed plan to construct a three-season room and they were supportive, expressing no objections.

The Board received no comments, either in person at the hearing or in writing, from any members of the general public concerning the pending application.

### **CONCLUSIONS**

Pursuant to Section 200-132. C. of the Zoning Code of the Town of Selbyville, the Board of Adjustment shall:

authorize upon appeal, in specific cases, such variance from the chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties to the owner of the property, and so that the spirit of this chapter shall be observed and substantial justice done, provided

such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the chapter or Zoning Map.

Under Delaware case law, the Delaware Supreme Court has defined the two (2) types of variances, “use” variances and “area” variances. The Board of Adjustment v. Kwik-Check Realty, Inc., Del. Supr. 389 A.2d at 1289, 1291 (1978). That court indicated that “a use variance is a variance that changes the character of the zoned district by allowing the land to be used for a purpose otherwise proscribed by the zoning regulations.” Id. However, an area variance “does not involve a prohibited use, and ‘concerns only the practical difficulty in using the particular property for permitted use.’” Id. at 1291. The variance requested in this instance is an area variance to which the “exceptional practical difficulty” standard applies.

The Board concludes that the Applicants face an exceptional practical difficulty in relation to their efforts to make a normal improvement to the subject property that is necessary in order to accommodate the severe health and mobility issues of Ms. Hubbard, their long term renter and close family friend. The requested three-season room improvement to the subject property is necessary as a reasonable accommodation so that Ms. Hubbard may enjoy all aspects of the subject property, such as the pond view and other outdoor spaces, like any other resident.

The Board further concludes that the size of the three-season room to be constructed by Applicants and, thus, the need for a 3.5 foot rear yard variance, is the minimum necessary to accommodate the exceptional practical difficulty that they presently face and to make the three-season room addition handicap accessible.

The Board further concludes that the harm to Applicants, if the requested variance is not granted, will exceed any possible harm to neighboring properties, as the rear of the subject property does not abut any other residences and only abuts community open space and a community stormwater management pond. Additionally, neither the homeowners association, the developer, nor any neighboring residents have objected to Applicants’ proposal, further underscoring the foregoing conclusion.

The Board further concludes that the spirit of the zoning regulations is met and substantial justice is done by the granting of the variance since there is no detriment to the public good and the requested variance will not adversely affect others in the community.

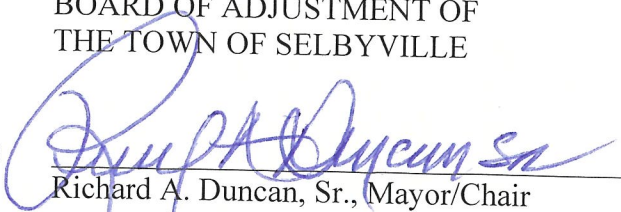
### **DECISION**

It is the unanimous decision of the Board of Adjustment of the Town of Selbyville that a 3.5 foot variance from the 20 foot rear yard setback requirement imposed by 200-36 of the Zoning Code and the subdivision plan for Coastal Villages-Phase I is hereby granted for the Applicants’ property located at 19058 Lilly Pond Circle, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-17.00-1251.00, within the Coastal Villages-Phase I residential subdivision. More specifically, the Applicants are hereby permitted to encroach 3.5 feet into the rear yard setback in order to construct a three-season room addition, with handicap

accessible doors, as a reasonable accommodation of the severe health and mobility issues of Applicants' long term renter of the subject property.

BOARD OF ADJUSTMENT OF  
THE TOWN OF SELBYVILLE

By:

  
Richard A. Duncan, Sr., Mayor/Chair

By:

  
Chris S. Snader, Sr., Member/Council Member

By:

  
Mary R. Schrider-Fox, Member/Town Solicitor

Date Filed with Town:

June 2, 2025

Date Mailed/Emailed to Applicant:

June 3, 2025