

**TOWN OF SELBYVILLE
BOARD OF ADJUSTMENT
MINUTES
September 15, 2025**

Chairman/Mayor Duncan called the Board of Adjustment Hearing to order at 10 o'clock am. 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 applicant, Aaron Woods with Alutech/Schanz Business Park LLC, Veronic Foust, Esquire on behalf of the applicant, and Travis Wyshock of Arrow Safety Device Co./KTM2 LLC.

The first item on the agenda is approval of the minutes from May 20, 2025. Motion to approve the minutes was made by 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 Schanz Business Park, LLC, concerning industrial real property owned by KTM2, LLC, located in the IP Industrial Park District at 123 Dixon Street, Selbyville, Delaware 19975, identified as Sussex County Tax Map and Parcel No. 533-16.00-143.00, seeking a variance from the minimum rear yard setback requirement imposed by Section 200-94.B(6) of the Zoning Code.

The findings of fact and decision of the Board of Adjustment are attached hereto.

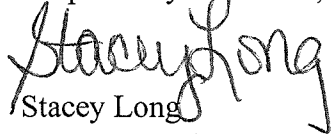
Other than the written notice and email of no objection referenced in the findings of fact, the Board received no comments from the public, either in person at the hearing or in writing.

Town Solicitor Mary Schrider-Fox made a motion to close the hearing. The motion was seconded by Councilman Snader and carried by all.

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.

There being no further business, 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,


Stacey Long

Town Administrator &
Secretary of the Board of Adjustment



TOWN OF SELBYVILLE
MEETING SIGN-IN SHEET

BOA

Date: 9/15/25

Type of Meeting

	Name (Please Print)	Representing
1.	<u>Veronica Faust - Morris James</u> LLC	<u>Schanz Business Parts, LLC</u>
2.	<u>Aaron Woods</u>	<u>Alatech/Schanz</u>
3.	<u>Travis Wyshock</u>	<u>Arrow Safety Device Co</u>
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**BEFORE THE BOARD OF ADJUSTMENT
OF THE TOWN OF SELBYVILLE**

IN RE:	:	
	:	
APPLICATION OF	:	DECISION
	:	
SCHANZ BUSINESS PARK, LLC	:	

The Board of Adjustment of the Town of Selbyville convened at 10:00 o'clock in the morning, prevailing time, on Monday, September 15, 2025, at the Town Hall, 1 West Church Street, Selbyville, Sussex County, Delaware, to hear the application of Schanz Business Park, LLC (hereinafter the "Applicant"), for a variance from the minimum rear yard setback requirement imposed by Section 200-94.B(6) of the Zoning Code of the Town of Selbyville (hereinafter the "Zoning Code"), for industrial real property owned by KTM2, LLC, located in the IP Industrial Park District at 123 Dixon Street, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-16.00-143.00. 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. Veronica O. Faust, Esquire, of Morris James LLP, appeared on behalf of Applicant to present the variance application to the Board. Also in attendance were Aaron Woods for Applicant and Travis Wyshock for KTM2, LLC (property owner). No members of the public attended.

FINDINGS OF FACT

The Applicant, Schanz Business Park, LLC, is the contract purchaser of the industrial real property owned by KTM2, LLC, located in the IP Industrial Park District at 123 Dixon Street, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-16.00-143.00, within the corporate limits of the Town of Selbyville, Sussex County, State of Delaware (the "subject property"). The subject property is improved with an existing warehouse building.

As part of its due diligence as the contract purchaser of the subject property, the Applicant hired Merestone Consultants, Inc., to perform an ALTA Survey of the subject property. The ALTA Survey revealed that an addition to the main warehouse building is in violation of the 75-foot rear yard setback requirement imposed by Section 200-94.B(6) of the Zoning Code, as the addition is located 62.8 feet from the rear boundary line between the subject property and a residential lot that fronts on Church Street.

Section 200-94.B(6) of the Zoning Code states, "[s]etback for lots fronting Church Street: Notwithstanding any other provision, no structures of any type shall be located within 75 feet of any residential lots fronting on Church Street in the Town of Selbyville." Accordingly, Applicant seeks a variance of 12.2 feet from the required 75-foot rear yard setback

requirement in order to accommodate the addition to the main warehouse building located on the subject property.

The addition to the main warehouse building on the subject property was constructed in 2012 pursuant to a building permit issued by the Town. The Town has not been able to locate a Certificate of Occupancy for the 2012 addition in its files.

The current owner of the subject property, KTM2, LLC, is not responsible for the construction of the 2012 addition to the main warehouse building, as KTM2, LLC, was not the owner of the subject property in 2012 and purchased the subject property years later in 2021.

Neither the current owner of the subject property, KTM2, LLC, nor the Town have received any complaints from neighboring property owners regarding the addition to the main warehouse building on the subject property. The Town has never issued a notice of violation regarding the addition to the main warehouse building on the subject property.

The subject property backs up to two (2) separate parcels located on Church Street. One parcel is used for commercial purposes and is identified as Sussex County Tax Map and Parcel Nos. 533-16.15-20.00 and 20.01. The other parcel is used for residential purposes and is identified as Sussex County Tax Map and Parcel No. 533-16.15-19.00. The owners of said residential parcel have submitted a written notice to the Board advising that they have no objection to Applicant's variance request.

The subject property is located in the Industrial Park and the neighboring properties within the Industrial Park are, like the subject property, used for similar light industrial purposes. A neighboring owner within the Industrial Park, the owner of Lot 18, submitted an email to the Town advising that it has no objection to Applicant's variance request.

An affiliate of the Applicant is also the owner of Lots 13, 14 and 15 within the Industrial Park and will continue its current business on the subject property following its purchase thereof.

Other than the written notice and email of no objection referenced above, the Board received no comments from the public, either in person at the hearing or in writing.

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 Applicant faces an exceptional practical difficulty justifying approval of the variance requested. The variance requested is the minimum necessary to enable the warehouse on the subject property and the 2012 addition thereto to remain.

The Board further concludes that the encroachment of the 2012 addition into the 75-foot rear yard setback was not self-created by the Applicant or the current owner of the subject property, KTM2, LLC, as KTM2, LLC, was not the owner of the subject property in 2012 and purchased the subject property years later in 2021.

The Board further concludes that the requested variance will not adversely affect neighboring properties, as evidenced by the lack of complaints concerning the 2012 addition and the use of the subject property and as evidence by the written notice of no objection submitted by the owners of the only property used for residential purposes located in close proximity to the subject property. All other properties located in close proximity to the subject property or within the Industrial Park where the subject property is located are of a similar character and used for either commercial or light industrial purposes.

The Board further concludes that, if the variance is denied, the harm to the Applicant and current owner of the subject property will be greater than any possible harm to the owners of any neighboring properties, as the subject property cannot not be sold with the 2012 addition remaining in place and the critically needed warehouse space said 2012 addition represents.

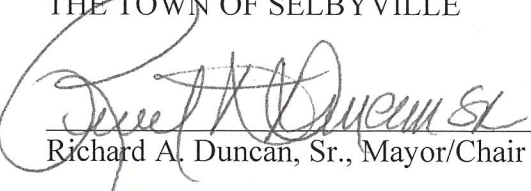
The Board further concludes that the variance hereby granted is within the spirit of the zoning regulations and the existing neighborhood.

DECISION

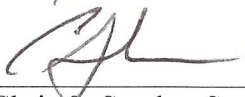
It is the unanimous decision of the Board of Adjustment of the Town of Selbyville that a variance of 12.2 feet from the required 75-foot rear yard setback requirement imposed by Section 200-94.B(6) of the Zoning Code is hereby granted for industrial real property owned by KTM2, LLC, located in the IP Industrial Park District at 123 Dixon Street, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-16.00-143.00. The variance hereby granted permits the warehouse on the subject property and the 2012 addition thereto to remain and permits the eastward extension of the warehouse in the future if necessary.

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: October 7, 2025

Date Mailed/Emailed to Applicant: October 7, 2025