

**TOWN OF SELBYVILLE
BOARD OF ADJUSTMENT
MINUTES
March 31, 2026**

Chairman/Mayor Duncan called the Board of Adjustment Hearing to order at 10 o'clock am. Member/Town Solicitor Mary Schrider-Fox and Member/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.

Applicants in attendance were Kevin Gilmore – Chief Executive Officer for Applicant, Neil Beahan – Property Acquisition Coordinator for Applicant, and Alan Starr – Construction Director for Applicant. No members of the public were in attendance.

The first item on the agenda was approval of the minutes from September 15, 2025. Motion to approve the minutes was made by Member/Town Solicitor Mary Schrider-Fox. The motion was seconded by Member/Councilman Snader and carried by all.

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

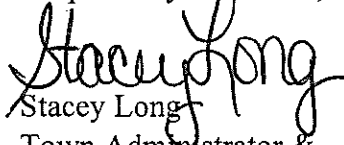
There were no letters received on the application in favor of or in opposition of the requested variance.

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

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

Type of Meeting

Date: 9/15/25

	Name (Please Print)	Representing
1.	<u>Veronica Faust - Morris James</u> <u>LLP</u>	<u>Schanz Business Parts, LLC</u>
2.	<u>Aaron Woods</u>	<u>Altech/Schanz</u>
3.	<u>Tavis 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**
 :
SUSSEX COUNTY HABITAT FOR :
HUMANITY, INC. :

The Board of Adjustment of the Town of Selbyville convened at 10:00 o'clock in the morning, prevailing time, on Tuesday, March 31, 2026, at the Town Hall, 1 West Church Street, Selbyville, Sussex County, Delaware, to hear the application of Sussex County Habitat for Humanity, Inc. (hereinafter the "Applicant"), for a variance from the minimum front yard setback requirement imposed by Section 200-73.B of the Zoning Code of the Town of Selbyville (hereinafter the "Zoning Code"), for residential real property owned Applicant located in the HR Historic Residential District at 62 Railroad Avenue, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-16.11-59.00. 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. Kevin Gilmore, Applicant's Chief Executive Officer, appeared on behalf of Applicant to present the variance application to the Board. Also in attendance were Neil Beahan, Property Acquisition Coordinator for Applicant, and Alan Starr, Construction Director for Applicant. No members of the public attended.

FINDINGS OF FACT

The Applicant, Sussex County Habitat for Humanity, Inc., is the owner of the residential real property located in the HR Historic Residential District at 62 Railroad Avenue, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-16.11-59.00, within the corporate limits of the Town of Selbyville, Sussex County, State of Delaware (the "subject property"). The subject property is currently vacant, but Applicant wishes to improve the subject property by constructing a stick-built residential home thereon.

Applicant purchased the subject property in 2019, but construction of a home thereon has been delayed because of an existing powerline that runs roughly through the middle of the subject property.

Constructing a home too close to a powerline constitutes a safety hazard. Accordingly, Applicant worked with Delmarva Power for approximately two (2) years on a proposal to bury the powerline in question. However, such efforts were unsuccessful due to the lack of cooperation from neighboring residents, whose consent to the proposal was required.

Where the subject property is located is an older neighborhood and other existing homes on Railroad Avenue are located much closer to the street than the 30 feet currently required by the Zoning Code, as evidenced by pictures taken by and submitted for the record by Mr. Merollini, Building Inspector and Code Enforcement Official for the Town.

Applicant seeks a variance of 15 feet from the minimum 30-foot front yard setback requirement imposed by Section 200-73.B of the Zoning Code.

The proposed location of the home that Applicant seeks to construct on the subject property is as depicted on the building plan submitted for the record by the Applicant. As depicted on the building plan, the home will be facing Railroad Avenue and parking will be behind the home. Even with a 15-foot front setback variance, the home will be located the same or a greater distance from Railroad Avenue as other existing, neighboring homes.

Applicant has a long-standing relationship with the Town, having built seven (7) work force homes in the area since 1998.

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 Board concludes that the variance requested is the minimum necessary to enable construction of a home on the subject property that is a safe distance from the existing powerline running through the subject property.

The Board further concludes that the Applicant made reasonable efforts to avoid requesting a variance by working with Delmarva Power to bury the powerline. Despite such reasonable efforts over a period of two (2) years, Applicant's efforts were unsuccessful and impossible to achieve through no fault of its own.

The Board further concludes that the requested variance will not adversely affect neighboring properties, as the proposed location of the home with the variance will be aligned with other existing homes on Railroad Avenue and will be in keeping with the character of the neighborhood.

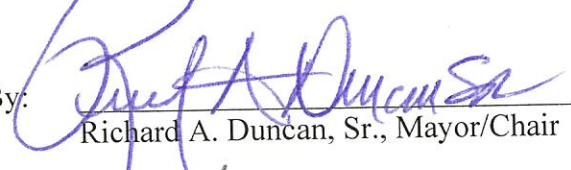
The Board further concludes that, if the variance is denied, the harm to the Applicant would be greater than any possible harm to the owners of any neighboring properties, as a home could not be safely built on the subject property.

DECISION

It is the unanimous decision of the Board of Adjustment of the Town of Selbyville that a variance of 15 feet from the required 30-foot front yard setback requirement imposed by Section 200-73.B of the Zoning Code is hereby granted for the residential real property owned by Sussex County Habitat for Humanity, Inc., located in the HR Historic Residential District at 62 Railroad Avenue, Selbyville, Delaware, Sussex County Tax Map and Parcel No. 533-16.11-59.00.

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:

April 24, 2026

Date Mailed/Emailed to Applicant:

April 24, 2026