



Payment Information

Board of Adjustment Application Fee: 1000 USD

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Applicant Signature

Glenn C. Mandalas, Esq.

Glenn C. Mandalas, Esq. (Oct 16, 2025 15:07:33 EDT)

Date:

Oct 16, 2025

STAFF USE ONLY

Town Clerk Signature:

Kate Banaszak

Kate Banaszak (Oct 16, 2025 15:12:22 EDT)

Date Application Received:

Oct 16, 2025

Decision of the Board:

Case Number:

October 16, 2025

VIA ELECTRONIC SUBMISSION

Dewey Beach Board of Adjustment
C/O Ms. Daune Hinks, Building Official
Town of Dewey Beach
105 Rodney Ave.
Dewey Beach, DE 19971

**RE: Board of Adjustment Variance Application
114 Bellevue Street, Dewey Beach
TMP: 334-20.18-35.00**

Dear Ms. Hinks:

I represent Christopher and Kim Perry (the “Perrys”) who own 114 Bellevue Street, Dewey Beach, DE 19971, Sussex County Tax Map Parcel No: 334-20.18-35.00 (the “Property”). This correspondence is a supplement to the Town of Dewey Beach Board of Adjustment variance application filed today on behalf of the Perrys, which if granted would bring the Property into compliance after a minor dimensional discrepancy of 0.4 feet (4.8 inches) is remedied.

Issue

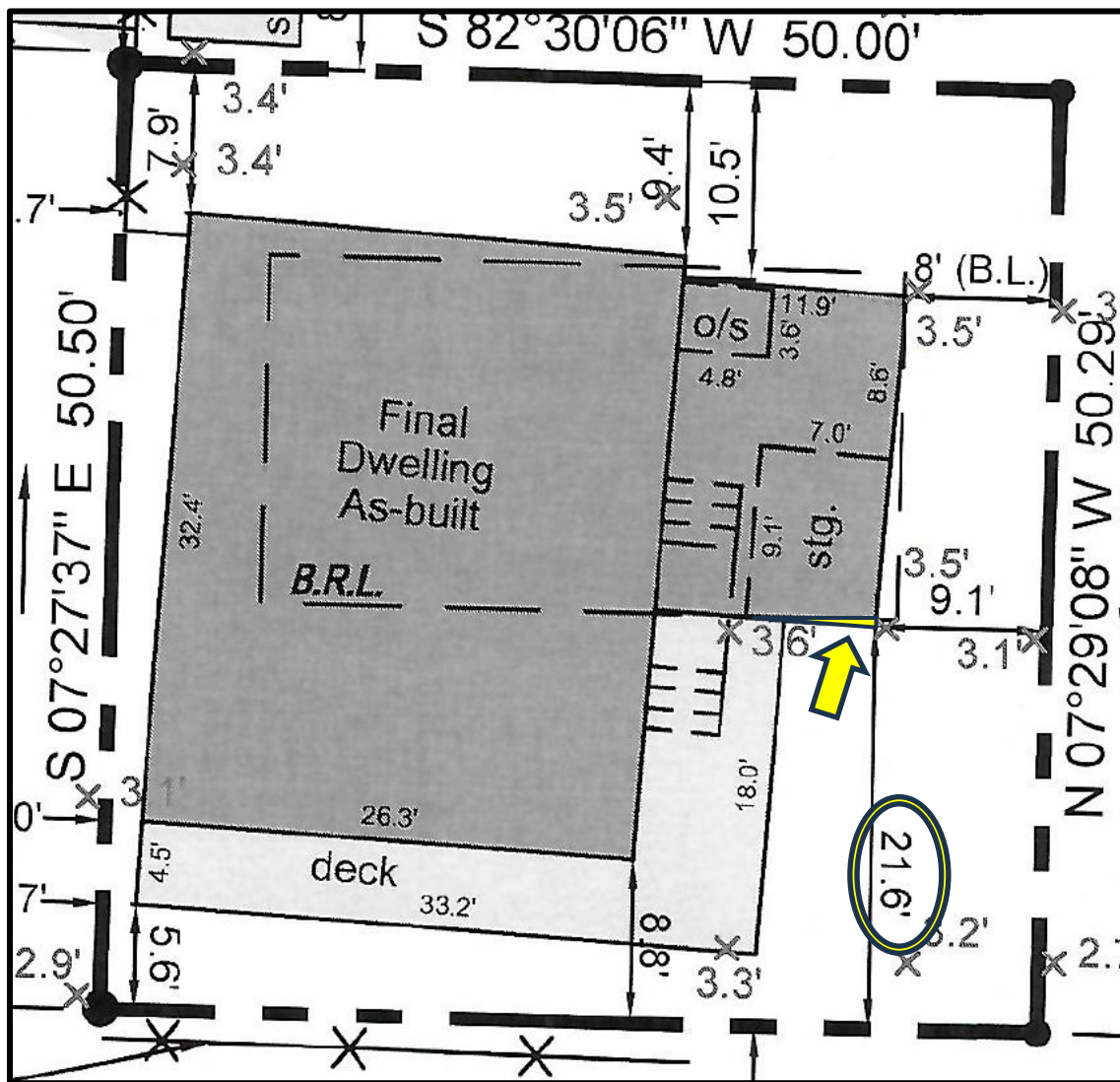
The Perrys presented plans to Dewey Beach to construct an approximately 210 square foot second-floor addition to their home, with storage below. The plans submitted to Dewey Beach illustrated a fully zoning-compliant addition, and Dewey Beach issued a building permit for the construction of the addition.

The original home on the Property was constructed such that it is slightly angled and not parallel with the lot lines. Had the contractor adhered strictly to the construction plans, the angled characteristic of the original home would not have caused any problem. Unfortunately, the contractor unintentionally constructed the addition in a manner slightly shifted toward Bellevue Street. The construction error resulted in a corner of the new addition encroaching the front yard setback by 0.4 feet (4.8 inches).

Variance Requested

In the Resort Business 3 (RB3) Zoning District, where the Property is located, the front yard setback is 22 feet for residential uses. As noted, the new addition encroaches the front yard setback by 0.4 feet such that the addition is 21.6 feet from the front lot line rather than the required 22 feet. Consequently, ***the Perrys are requesting a 0.4 feet variance from the 22-foot front yard setback requirement.***

The image below, taken from the final as-built survey, illustrates in yellow highlighting the existing encroachment.



Legal Standard

The Delaware Supreme Court has indicated that an area variance, like the one requested in the current application, does not involve a prohibited use, and “concerns only the practical difficulty in using the particular property for a permitted use.”¹ Unlike a use variance, an area variance is subjected to the relatively less burdensome ‘exceptional practical difficulty’ test.² *In Bd. of Adjustment of New Castle Cty v. Kwik-Check Realty, Inc.*, the Court concluded, “[s]uch [exceptional] practical difficulty is present where the requested dimensional change is minimal

¹ *Bd. of Adjustment of New Castle Cty v. Kwik-Check Realty, Inc.*, 389 A.2d 1289, 1291 (Del. 1978).

² *Id.*

and the harm to the applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted.”³ In *Conway & Conway v. Zoning Bd. of Adjustment*, the Court noted that “[t]he balancing of competing interests is the essence of the Kwik-Check test.”⁴

The exceptional practical difficulty associated with the Property in this instance arises from the fact that the structure exists in its present configuration due to no fault of the Perrys and the encroachment, if not legalized through a variance, would create a greater harm to the applicant than would be the probable effect on the neighboring properties if the variance is granted.

Given that my clients have an exceptional practical difficulty, as described above, we respectfully request that the Board grant the requested variance.

We look forward to presenting this matter to the Board of Adjustment upon the scheduling of a hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn C. Mandalas". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Glenn C. Mandalas, Esq.

cc: Christopher & Kim Perry

³ *Id.*

⁴ *Conway & Conway v. Zoning Bd. of Adjustment*, 1998 WL 283393, at *3 (Del. Super. Ct. February 20, 1998).












Board of Adjustment Hearing Request Form

Final Audit Report


2025-10-16

Created:	2025-10-16
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"Board of Adjustment Hearing Request Form" History

-  Web Form created by Town Hall (townhall@townofdeweybeach.com)
2023-04-11 - 2:05:06 PM GMT
-  Glenn C. Mandalas, Esq. (mlong@lawbmf.com) uploaded the following supporting documents:
 -  File Attachment 1
2025-10-16 - 7:07:34 PM GMT
-  Web Form filled in by Glenn C. Mandalas, Esq. (mlong@lawbmf.com)
2025-10-16 - 7:07:34 PM GMT
-  Document paid by Glenn C. Mandalas, Esq. (mlong@lawbmf.com) at 10/16/25, 7:07 PM UTC, transactionId: pq8p7h3p
2025-10-16 - 7:07:39 PM GMT
-  Email verification link emailed to Glenn C. Mandalas, Esq. (mlong@lawbmf.com)
2025-10-16 - 7:07:40 PM GMT
-  Email viewed by Glenn C. Mandalas, Esq. (mlong@lawbmf.com)
2025-10-16 - 7:08:06 PM GMT
-  E-signature verified by Glenn C. Mandalas, Esq. (mlong@lawbmf.com)
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2025-10-16 - 7:11:45 PM GMT
-  Signer townclerk@townofdeweybeach.com entered name at signing as Kate Banaszak
2025-10-16 - 7:12:20 PM GMT



 Document e-signed by Kate Banaszak (townclerk@townofdeweybeach.com)

Signature Date: 2025-10-16 - 7:12:22 PM GMT - Time Source: server

 Agreement completed.

2025-10-16 - 7:12:22 PM GMT



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