





### Payment Information

Board of Adjustment Application Fee: 1000 USD

Adobe Acrobat Sign Transaction Number: CBJCHBCAABAAMF\_9NOikOUY6Piii0990zYtjRG0dCD4C

Applicant Signature

*Glenn C. Mandalas, Esq.*

Glenn C. Mandalas, Esq. (Nov 24, 2025 14:01:24 EST)

Date:

Nov 24, 2025

### STAFF USE ONLY

Town Clerk Signature:

*Kate Banaszak*

Kate Banaszak (Nov 24, 2025 14:19:10 EST)

Date Application Received:

Nov 24, 2025

Decision of the Board:

Case Number:

November 24, 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  
116 Dagsworthy Street, Dewey Beach  
TMP: 334-20.18-54.00**

Dear Ms. Hinks:

I represent Vincent Dills and Victoria Petrone, Esquire (the “Applicants”), who own 116 Dagsworthy Street, Dewey Beach, DE 19971, Sussex County Tax Map Parcel No: 334-20.18-54.00 (the “Property”). This correspondence is a supplement to the Town of Dewey Beach Board of Adjustment variance application filed today on behalf of the Applicants.

***Issue***

The Applicants’ Property is a substantially undersized lot comprised of 2,239 sq. ft.—less than half the size of typical building lots in Dewey Beach. Because most of the Town’s zoning provisions were crafted based upon a standard 5,000 sf residential lot, it is infeasible to improve the Property with a residential single-family home consistent with other new home construction in Dewey Beach. That being the case, the Applicants are seeking front yard and rear yard setback variances.

***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.<sup>1</sup> The rear yard setback is 10 feet.<sup>2</sup>

***The Applicants are requesting:***

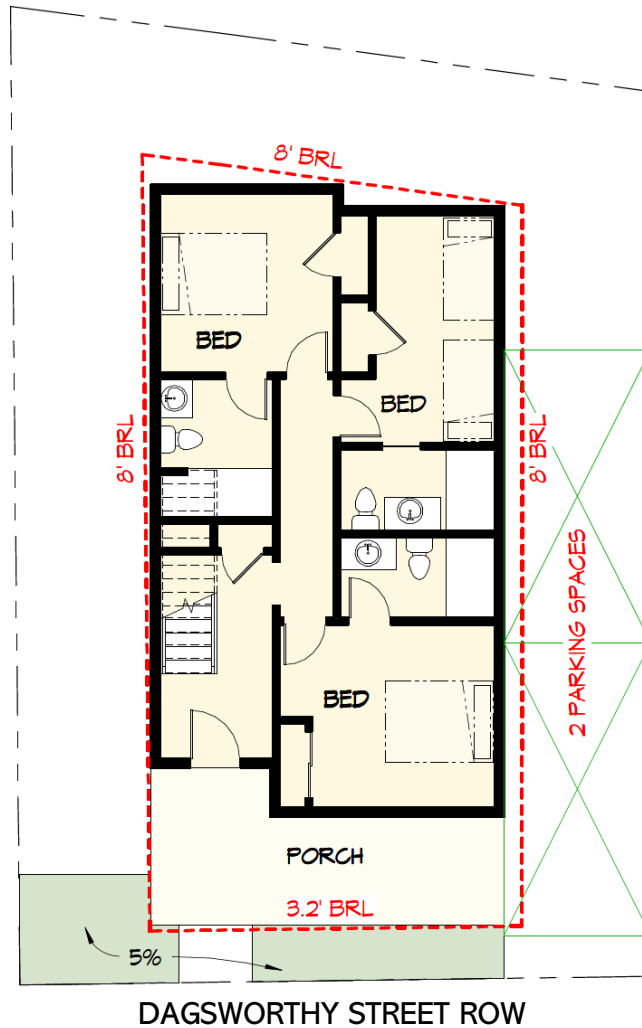
- (1) an 18.8 feet variance from the 22-foot front yard setback requirement; and***
- (2) a 2 feet variance from the 10-foot rear yard setback requirement.***

---

<sup>1</sup> Dewey Beach Municipal Code, Chapter 185 Attachment 1, Table 2.

<sup>2</sup> *Id.*

The image below illustrates how the Applicants propose to locate the new home on the Property.



### *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.”<sup>3</sup> Unlike a use variance, an area variance is subjected to the relatively less burdensome ‘exceptional practical difficulty’ test.”<sup>4</sup> *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 and the harm to the applicant if the variance is denied will be greater than the probable effect on

<sup>3</sup> *Bd. of Adjustment of New Castle Cty v. Kwik-Check Realty, Inc.*, 389 A.2d 1289, 1291 (Del. 1978).

<sup>4</sup> *Id.*

the neighboring properties if the variance is granted.”<sup>5</sup> 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.”<sup>6</sup>

The exceptional practical difficulty associated with the Property in this instance arises from the fact that the Property is a substantially undersized lot, making it infeasible to improve the Property with a residential single-family home consistent with other new home construction in Dewey Beach.

As will be more fully described during the variance hearing, the requested variances satisfy the legal standard for granting a variance for at least the following reasons:

- (1) The Property is a substantially undersized lot, making it infeasible to make normal improvements in compliance with the zoning code;
- (2) The portion of Dagsworthy Street where the Property is located has a large right of way. Indeed, the edge of the existing pavement is approximately 40 feet from the front property line. Therefore, even if there were no front yard setback, the proposed single-family dwelling unit would still be approximately 40 feet from the existing edge of pavement.
- (3) Neighboring structures have setbacks consistent with the Applicants’ proposal, thereby making the proposed structure consistent with the rhythm and scale of the neighborhood.

Denying the proposed variances would create a greater harm to the applicant than would be the probable effect on the neighboring properties if the variances are granted. Given that my clients have an exceptional practical difficulty, as described above, we respectfully request that the Board grant the requested variances.

We look forward to presenting this matter to the Board of Adjustment.

Respectfully submitted,



Glenn C. Mandalas, Esq.

cc: Applicants  
Douglas M. Warner, PE (Element Design Group)

---

<sup>5</sup> *Id.*

<sup>6</sup> *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


2025-11-24

Created:	2025-11-24
By:	Town Hall (townhall@townofdeweybeach.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAmF_9NOikOUY6Pili0990zYtjRG0dCD4Q


## "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  
2025-11-24 - 7:01:25 PM GMT
-  Web Form filled in by Glenn C. Mandalas, Esq. (mlong@lawbmf.com)  
2025-11-24 - 7:01:25 PM GMT
-  Document paid by Glenn C. Mandalas, Esq. (mlong@lawbmf.com) at 11/24/25, 7:01 PM UTC, transactionId: 0xv6nga5  
2025-11-24 - 7:01:30 PM GMT
-  Email verification link emailed to Glenn C. Mandalas, Esq. (mlong@lawbmf.com)  
2025-11-24 - 7:01:31 PM GMT
-  Email viewed by Glenn C. Mandalas, Esq. (mlong@lawbmf.com)  
2025-11-24 - 7:02:03 PM GMT
-  E-signature verified by Glenn C. Mandalas, Esq. (mlong@lawbmf.com)  
2025-11-24 - 7:02:04 PM GMT
-  Document emailed to townclerk@townofdeweybeach.com for signature  
2025-11-24 - 7:02:06 PM GMT
-  Email viewed by townclerk@townofdeweybeach.com  
2025-11-24 - 7:16:49 PM GMT
-  Signer townclerk@townofdeweybeach.com entered name at signing as Kate Banaszak  
2025-11-24 - 7:19:08 PM GMT



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

Signature Date: 2025-11-24 - 7:19:10 PM GMT - Time Source: server

 Agreement completed.

2025-11-24 - 7:19:10 PM GMT



Powered by  
**Adobe**  
Acrobat Sign