

September 6, 2024

Town of Bridgeville  
Attn: Bethany DeBussy, Town Manager  
101 N. Main Street  
Bridgeville, DE 19933

**RE: Clint M. and Michael E. Whaley  
Tax ID No. 131-10.16  
Review of Variance Request  
First Submittal**

Dear Ms. DeBussy:

At the Town's request, Wallace Montgomery (WM) has reviewed the Application for Variance for the above-referenced project, prepared by the applicants Clint Whaley and Michael Whaley, dated 08-06-2024. The Applicant is requesting a variance for relief from the side yard setback and the height restrictions. The site is located within the Town limits and is currently zoned Single-Family Residential District -1 (R-1).

We have reviewed this submission against the requirements identified in the Town Code. The current accessory structure does not comply with the minimum side yard requirement of 10' (see Section § 234-30 C (2) (c)).

Given the information provided in the application set, we offer the following comments:

1. It is unclear whether there is an existing permit and variance for the existing structure.
  - a. If there is an existing variance, the applicant needs to provide reference to that variance for consideration.
  - b. If no building permit was issued, the structure is not permitted and cannot be assumed to be compliant with building code, and therefore cannot be expanded.
2. It is not clear from the application whether the applicant is proposing to demolish the existing structure completely or if they intend to expand the existing structure.
3. If this structure was built prior to the current zoning code, it could be considered a non-conforming use. Section § 234-23.C.3(b) does not permit the expansion of the non-conforming use as a pretext for a variance.
4. The site plan indicates that there is sufficient room to adjust the location of the proposed structure to either comply with the 10' setback or to minimize the relief needed for the variance request.
5. Pertaining to the request for the height variance, there is not sufficient justification provided that would indicate a need for this variance.

**Based on these conditions, we cannot at this time support the request for a variance. If the applicant can provide additional information clarifying their proposal based on the above comments, subsequent review may be required.**

**Town of Bridgeville Development Plan Review**  
**Review of Variance Request | Tax ID No. 131-10.16**  
**WM No.: 221033.0001**  
**September 6, 2024**



This is a review based on the limited plan submission; this increases the professional fees that may be passed to the applicant as an additional submittal may be required due to the lack of requirements being met.

If you have any questions, comments, concerns, or would like to discuss our review further, please do not hesitate to contact me at 776.231.1353 or [nwalls@wallacemontgomery.com](mailto:nwalls@wallacemontgomery.com).

Sincerely,

**WALLACE, MONTGOMERY & ASSOCIATES, LLP**

A handwritten signature in black ink, appearing to read 'Nick Walls'.

Nick Walls, AICP, GISP  
Associate Vice President

cc: Darren O'Neill, Wallace Montgomery VP of Delaware Operations & Contract Manager  
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