



TOWN OF GREENWOOD
100 W. Market St., P.O. Box 216
Greenwood, DE 19950
(302) 349-4534

BOARD OF ADJUSTMENT PUBLIC HEARING

TOWN OF GREENWOOD

LOCATION: GREENWOOD TOWN HALL; 100 W. MARKET ST.; GREENWOOD DE 19950

March 24, 2026, 6:30 pm.

AGENDA

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. REORGANIZATION**
- IV. ADDITIONS AND REVISIONS TO AGENDA**
- V. ADOPTION OF AGENDA**
- VI. APPROVAL OF MINUTES AND FINDINGS OF FACT**
 - a) October 14, 2025, Minutes
 - b) October 14, 2025, Findings of Fact for 530-10.17-9.00 and 530-10.17-8.00
- VII. PUBLIC HEARING:**
 - a. Application from Two Bees Ventures LLC for variances from the minimum lot size, minimum lot frontage, front yard setback, side yard setback, and rear yard setback requirements for proposed lots and structures in Phase II of the subdivision. The property is zoned R-1.
This proposed subdivision is for the development of Phase II of an existing subdivision that was never completed. Tax map # 530-10.00-49.00 & 530-10.00-53.01.
- VIII. ADJOURNMENT**

NOTE: Agenda shall be subject to change to include or delete additional items (including executive sessions), which arise at the time of the meeting. [29 DEL.C. S1004 (e) (3)] AGENDA POSTED March 16, 2026

Town of Greenwood

100 W. Market Street
Greenwood, DE 19950

Board of Adjustment / Public Hearing

Minutes

Tuesday, October 14, 2025 @ 6:30 pm

CALL TO ORDER

Chairman Jordan Warfel called the meeting to order at 6:30 p.m.

Board Members present: Jordan Warfel, Randy Willey, Pam Tijerino. Absent: Dale Patterson, Kelli Nuwer.

Officials present: Rhiannon Slater, Acting Town Manager; Carolyn Chisenhall, Clerk; James Sharp, Town Solicitor

PLEDGE OF ALLEGIANCE

Mr. Warfel led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion to approve the agenda by Mr. Willey; seconded by Ms. Tijerino.

Willey – Yes; Tijerino – Yes; Warfel – Yes.

Agenda APPROVED 3-0.

APPROVAL OF MINUTES

Motion by Mr. Willey to approve the minutes from September 3, 2025. Second, Ms.

Tijerino. Willey – Yes; Tijerino – Yes; Warfel – Yes.

Minutes APPROVED 3-0.

NEW BUSINESS

Application from Arturo Morgado for setback variances for existing structures and dimensional variances for lot sizes for property located in the R-1 district at 403 and 405 Mill Street. Tax ID# 530-10.17-9.00 and 530-10.17-8.00.

Mr. Sharp read the Public Hearing statement.

Variances requested for Parcel 9 are: 3470sf from the 10,000sf minimum lot size; 8.8' from the 80' minimum road frontage; 29.1' from the 30' required front setback on the NW side of dwelling; 28.6' from the 30' required front setback on the SW side of dwelling; 8' from the 12' required side setback on the SW side of the dwelling; 2.9' from the 12' required side setback on the SE side of the dwelling.

Variances requested for Parcel 8 are: 4323sf from the 10,000sf minimum lot size and 22' from the 80' minimum road frontage.

APPELLANT PRESENTATION

Mr. Morgado and draftsman Juan Gonzales were sworn in and presented the case for Mr. Morgado's variance request. Mr. Gonzales stated that Mr. Morgado is combining his 3 lots into 2 lots and seeking variances because he would like to put a residence on Parcel 8. Parcel 9's existing dwelling extends over the property line onto Parcel 8.

There are no additions proposed for that dwelling, and once the lot line is moved the entirety of that dwelling will be on Parcel 9. They answered questions from the Board and Mr. Sharp. Juan Gonzales also submitted 6 photos for the record. Mr. Morgado

purchased the property approximately 5 years ago, and the home was already there. He did not make the dwelling any larger, only remodeled what was there.

OPOSING PRESENTATION

None.

APPEALLANT REBUTTAL

None.

PUBLIC COMMENT

None.

Mr. Warfel closed the hearing at 6:50pm.

DECISION

The Applicant has demonstrated that an exceptional practical difficulty exists as the dimensional changes related to existing dwelling and related structures that have been on the site for many years and those structures have encroached into the setback area and, as to part of the building, over the property line. The Applicant also seeks to adjust the lot lines to reduce the number of lots from 3 lots to 2 lots. The additional square footage of the removed lot consisting of 2348 SF will be added to the 2 remaining lots thereby increasing the size of both lots. While the lots are still smaller than required under the Code, the number of lots will be reduced thereby reducing the degree of non-conformity. The lot lines for Parcels 8 and 9 will also be adjusted such that Parcel 9 will have greater frontage along Mill Street but the actual number of lots fronting on Mill Street will remain the same. The adjustment of the lot line will result in the house on Parcel 9 remaining entirely on Parcel 9, which will further reduce the degree of non-conformity that currently exists. The Applicant has demonstrated that the harm to the Applicant if the requests were denied will be greater than the probable harm on neighboring properties if the variances are granted. As such, I move to approve the variances requested by the Applicant.

Motion by Mr. Willey to approve the requested variances. Second, Ms. Tijerino.

Willey -- Yes; Tijerino -- Yes; Warfel -- Yes.

Variances APPROVED 3-0.

ADJOURNMENT

Meeting adjourned at 6:52 p.m. with a motion by Mr. Willey. Second, Ms. Tijerino. Unanimous.

Approved in a duly constituted meeting of the Board of Adjustments this ___ day of _____, 2025.

Jordan Warfel _____

Kelli Nuwer _____

BEFORE THE BOARD OF ADJUSTMENT OF THE TOWN OF GREENWOOD

IN RE: ARTURO MORGADO

A public hearing was held after due notice on October 14, 2025. The Board members present were: Mr. Jordan Warfel, Ms. Pam Tijernio, and Mr. Randy Willey.

Nature of the Proceedings

This is an application for variances from the lot size, lot frontage, front yard, and side yard setback requirements for proposed lots and existing structures.

Findings of Fact

The Board found that the Applicant is requesting the following variances:

1. A variance of 3,470 square feet from the 10,000 square feet minimum lot size requirement for proposed Parcel 9.00;
2. A variance of 8.8 feet from the minimum lot frontage requirement of 80 feet for proposed Parcel 9.00;
3. A variance of 29.1 feet from the thirty (30) feet front yard setback requirement for an existing building on proposed Parcel 9.00;
4. A variance of 28.6 feet from the thirty (30) feet front yard setback requirement for an existing building on proposed Parcel 9.00;
5. A variance of 8 feet from the twelve (12) feet side yard setback requirement on the southwest side of proposed Parcel 9.00 for an existing building;
6. A variance of 2.9 feet from the twelve (12) feet side yard setback requirement on the southwest side of proposed Parcel 9.00 for an existing building;
7. A variance of 4,323 square feet from the 10,000 square foot minimum lot size requirement for proposed Parcel 8.00; and
8. A variance of 22 feet from the minimum lot frontage requirement of 80 feet for proposed Parcel 8.00.

This application pertains to certain real property located at 403 & 405 Mill Street, Greenwood, Delaware; said property being identified as Sussex County Tax Map Parcel Numbers 530-10.17-8.00 & 9.00 (“the Property”). 403 Mill Street is hereafter referred to as “Parcel 9.00 and 405 Mill Street is hereafter referred to as “Parcel 8.00.” After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a lot line adjustment plan dated July 17, 2025, photographs, a portion of the tax map of the area, and a survey of the Property dated May 12, 2025.
2. The Board received no correspondence in support of or in opposition the Application.
3. The Applicant owns Parcel 8.00 and 9.00 as well as Tax Map Parcel No. 530-10.17-11.00 ("Parcel 11.00"). Parcel 11.00 consists of approximately 2,348 square feet and is located to the rear of Parcel 8.00 and Parcel 9.00. The Applicant proposes to adjust the lot lines so that parts of Parcel 11.00 are added to both Parcel 8.00 and Parcel 9.00. The result of this lot line adjustment would be the reduction of the three lots to two lots and the elimination of Parcel 11.00 as a separate parcel.
4. The Board found that Arturo Morgado and Juan Gonzalez were sworn in to give testimony about the Application.
5. The Board found that Mr. Gonzalez testified that he works for Beracah Homes as a drafter and is assisting the Applicant. He noted that the Applicant seeks to build on Parcel 8.00.
6. The Board found that Mr. Gonzalez testified that the existing dwelling is located over the shared property line for Parcel 8.00 and Parcel 9.00 and that the Applicant seeks to adjust the lot lines so that the dwelling is entirely on Parcel 9.00.
7. The Board found that Mr. Morgado testified that he purchased the Property five years ago and the house was located on the Property at that time. He noted that thereafter he renovated the dwelling but did not make any additions thereto.
8. The Board found that Mr. Morgado testified that the survey shows the existing dwelling and the lot line adjustment plan shows his proposal. He testified that the lots will be closer to the Town's Code requirements if the lot line adjustment plan is approved.
9. The Board found that Mr. Morgado testified that he rents the Property and plans to continue ownership of the Property.
10. The Board found that Mr. Morgado testified that he has had no complaints about the proposal or the location of the existing dwelling.
11. The Board found that Mr. Morgado testified that there is a sidewalk between the dwelling and Mill Street.
12. The Board found that Mr. Gonzalez testified that the Applicant plans to construct a stick-built dwelling on Parcel 8.00 and may need variances for that structure.
13. The Board found that no persons appeared in support of or in opposition to the Application.
14. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and unrebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Applicant has demonstrated that there are special conditions and exceptional situations such that a literal interpretation of the Town's Zoning Code will result in an exceptional practical difficulty to the owner of property and that a variance may be granted without substantial detriment to the public good and without

- substantially impairing the intent and purpose of any zoning ordinance, code, regulation, or map.
- b. The Applicant purchased the Property, which was previously improved by a dwelling that was located on both Parcel 8.00 and Parcel 9.00. The evidence demonstrates that this dwelling has been on the Property for many years. No complaints were noted in the record about the dwelling's location.
 - c. The Applicant now seeks to retain the existing structure and to adjust the lot lines so that the dwelling will be located entirely on Parcel 9.00. In addition, the lot line adjustment will add square footage to both Parcel 8.00 and Parcel 9.00. The result will be 2 larger lots rather than 3 smaller, non-conforming lots. The resulting lots will still require variances as they do not meet the lot size or lot width requirements even though they will reduce the degree of non-conformity.
 - d. The Applicant did not create the size or shape of the Property nor did the Applicant create the exceptional practical difficulty. The Property consisted of three lots when the Applicant purchased the Property and the dwelling was on the Property at that time.
 - e. These conditions have created an exceptional practical difficulty for the Applicant who seeks to reasonably improve the Property as proposed. The Board finds that, if the Applicant were required to meet the setback, lot size, and lot frontage requirements, he would not be able to make normal improvements the Property consistent with permitted uses within the R-1 Zoning District. Notably, the dwelling, which was placed on the Property by a prior owner has been on the Property for many years without complaint noted in the record. The Applicant seeks to retain that structure and adjust the lot lines to reduce the degree of non-conformity but is unable to do so without a variance.
 - f. The Applicant presented credible testimony that the existing dwelling is similar to other structures in the neighborhood and that the variance will not seriously affect the neighboring property and uses. The dwelling has been improved and has been located in the same location for many years without noted complaint in the record. The number of lots which front along Mill Street will not change either. The Board notes that the no persons appeared or presented testimony or evidence in opposition to the Application. There was no evidence that the variances, if granted, would seriously affect the neighboring properties and their uses.
 - g. As noted above, the Board finds that the proposed lot line adjustment will significantly decrease the degree of non-conformity that exists with the Property by increasing the size of Parcel 8.00 and Parcel 9.00, eliminating a small, unbuildable and landlocked parcel, and changing the lot line so that the existing dwelling will be on one parcel rather than two parcels. While the resulting lots will be small and narrower than the Code requires, the lot line adjustment will lessen the degree of non-conformity and bring the lots more into compliance with the Town Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Jordan Warfel, Ms. Pam Tijernio, and Mr. Randy Willey. No Board Member voted against the motion to approve the Application. Ms. Kelli Nuwer and Mr. Dale Patterson did not participate in the discussion or vote on the Application.

BOARD OF ADJUSTMENT
OF THE TOWN OF GREENWOOD

Jordan Warfel
Chair

TOWN OF GREENWOOD
100 WEST MARKET STREET
P.O. BOX 216
GREENWOOD, DE 19950
302-349-4534
302-349-9332 FAX

Fee \$500.00

Date of Application 11/25/2025

APPLICATION OF VARIANCE
BOARD OF ADJUSTMENT

Current Property Owner Information:

Current Owner Name(s):

Two Bees Ventures, LLC

Mailing Address:

8961 Greenwood Road

Greenwood, DE 19950

Phone Number: (302) 215-5446

Email Address: jbsconstruction@me.com

Contact Person: Bruce Wardwell

Property Information:

Sussex County Tax Map/Parcel Number: 530-10.00-49.00, 530-10.00-53.01

Property Location: Duck Creek Ln, & Cart Branch Cir.

Property Size/Dimension: 17.340 acres

Current Zoning District: R-1

Present Use of Land Vacant Proposed Use of Land 38 unit subdivision

Variance Information:

Variance Requested: WE are requesting variances from the Dimensional Regulations in regards to min. lot width and setback requirements.

Article(s) 6 Section(s) 6.1.5

SUBMIT THE FOLLOWING ITEMS WITH APPLICATION:

- 1. Justification of each type of Variance.
- 2. Location Survey.
- 3. Elevation Survey (when requesting flood or height variance).
- 4. Construction Drawings for each type of Variance.
- 5. Subdivision Modification Plot and Drawings.
- 6. Any other supporting documents and/or photos.

Application for Variance

I (We) hereby apply for a variance from the Town of Greenwood for the property described above. I (We) certify that all information and attached documents provided by me in this application are correct, and I (We) further understand that a Public Hearing will not be scheduled until this application is complete as determined by the Greenwood Administrative Official. Further more, the owner(s) of these premises do hereby consent to the Board of Adjustment Members, Code Enforcement Constable, Town Manager or other Town Officials to enter upon said premises for the purpose of better assessing the impact of this request, said consent being given on the signing of this application.



 Current Owner's Signature

 Current Owner's Signature

FOR BOARD OF ADJUSTMENT

Approved/ Date: _____

 Chairperson, Board of Adjustment

Denied/Date: _____

 Chairperson, Board of Adjustment

 Chairperson, Board of Adjustment

November 25, 2025

Town of Greenwood
100 West Market Street
P.O. Box 216
Greenwood, DE 19950

Attn: Board of Adjustment

Re: **The Cove – Phase II**
Tax Map No.: 530-10.00-49.00 & 530-10.00-53.01
DBF Project Number: 5091A001

Chad S. Warren, P.E.
W. Joseph Gaudet, P.E.
Michael B. Gaudet, P.E. (202) 344-4744
David P. Lutz, P.E.
Paul S. Gaudet, P.E.

To Whom it May Concern,

On behalf of our client, Two Bees Ventures, LLC, we respectfully are requesting five (5) variances from the R-1 Dimensional Regulations (Article 6) listed below:

| Dimension Regulation | Ordinance | Required | Proposed |
|-------------------------|-----------|-------------|------------|
| Minimum Lot Area | 6.1.5.1 | 10,000 s.f. | 7,500 s.f. |
| Minimum Street Frontage | 6.1.5.3 | 80 ft. | 75 ft. |
| Front Yard Setback | 6.1.5.5 | 30 ft. | 20 ft. |
| Rear Yard Setback | 6.1.5.6 | 25 ft. | 20 ft. |
| Side Yard Setback | 6.1.5.7 | 12 ft. | 8 ft. |

This proposed subdivision is for the development of Phase II of an existing subdivision that has was never completed. At the time of the construction of Phase I of the subdivision, the water and sewer were installed and rough grading of the roadways and swales were completed in the area of our proposed subdivision. Also at the time, the Dimensional Regulations of the code were less than what the current Town of Greenwood requires. Our proposed variances from the code are to match that of the original subdivision. Additionally the proposed development site is encumbered with DNREC Tax Ditch Right-of-Ways and FEMA flood plain limitations. The reduced lot widths and setback allow us to still construct homes on this vacant site even with the restrictions in place to bring workforce style housing to The Town of Greenwood. On behalf of myself and my client, we thank you for your consideration of this matter.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.



Chad S. Warren, P.E.
Associate/Sr. Civil Engineer

