

Board of Adjustment
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, Delaware 19971



City of Rehoboth Beach
Telephone 302-227-6181
www.rehobothbeachde.gov

BOARD OF ADJUSTMENT
Regular Meeting
City Hall Commissioners Room, 2nd Floor
Monday, June 22, 2026; 1:30 p.m.

AGENDA

- | | Page |
|---|--------|
| 1. Call to Order | |
| 2. Roll Call | |
| 3. Verification of Meeting & Public Notice | |
| 4. Correspondence | |
| 5. Approval of Minutes | |
| 6. Approval of Notice(s) of Decision(s) | |
| 7. Old Business | |
| 8. New Business | |
| A. Case No. 0526-03. REQUEST FOR VARIANCE to City Code §270-20 - Height regulations, to permit the construction of a deck/balcony exceeding 14 feet in height. The property is located in the R-1 Residential District and more specifically identified as Sussex County Tax Map Parcel No. 334-14.18-130.01. The address of the property is 505 South Boardwalk. The Variance is being requested by Charles T. Armbruster III of the law firm Tomasetti Law LLC, on behalf of Ronald Jackson and Karen Lord, owners of the property.
Public Notice for 505 South Boardwalk
Building Inspector Report for 505 South Boardwalk - 12 Jun 2026
Application with Exhibits for 505 S Boardwalk - 07 May 2026
Photos for 505 South boardwalk
Proposed Survey for 505 South Boardwalk
Drawings for 505 South Boardwalk | 3 - 39 |
| B. Case No. 0526-04. REQUEST FOR VARIANCES. The property is located in the R-2 General Residence District and more specifically identified as Sussex County Tax Map Parcel No. 334-14.13-298.00-B. The address of the property is 37 Virginia Avenue Unit B. The Variances are being requested by Mackenzie M. Sindelar Esq. of the law firm Saul Ewing LLP, on behalf of John G. Kaden and Amy A. Kaden, Trustees of the John & Amy Kaden Joint Revocable Trust, leasehold interest holders for Unit B on lands of Waterside Properties Inc. ** | |
| 9. Other Business | |

10. Citizen Comment
11. Adjournment

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE
[Time may not allow for the consideration of all agenda items.]

*For additional information or special accommodations, please call (302) 227-6181 (TDD Accessible) 24-hours prior to the meeting.

The public will be provided the opportunity to make comments regarding Public Hearings, Old Business, New Business and Other Business. Comments are limited to three (3) minutes or at the discretion of the chair, one time per topic. Speakers are to state their name and address or relationship to the city.

Comments on non-agenda topics will be heard under "Citizen Comment" with the same speaker requirements and time limits.

**Item No. 8(B). The Applicant has requested that this Application be postponed to the Board of Adjustment Regular Meeting on July 27, 2026 due to discrepancies in the Application packet.

amw: 06/12/26; posted 06/12/26; reposted 06/15/26

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229 Rehoboth Avenue
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Telephone 302-227-6181
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PUBLIC NOTICE

The Board of Adjustment for the City of Rehoboth Beach will hold a public hearing on Monday, June 22, 2026 at 1:30 p.m. in the Commissioners Room on the second floor of City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE upon the matter of:

REQUEST FOR VARIANCE to City Code §270-20 - Height regulations, to permit the construction of a deck/balcony exceeding 14 feet in height. The property is located in the R-1 Residential District and more specifically identified as Sussex County Tax Map Parcel No. 334-14.18-130.01. The address of the property is 505 South Boardwalk. The Variance is being requested by Charles T. Armbruster III of the law firm Tomasetti Law LLC, on behalf of Ronald Jackson and Karen Lord, owners of the property.

All persons are hereby notified to be present to attend the determination of such hearing by said Board.

Such hearing may be adjourned from time to time by said Board without further notice.

For additional information or special accommodations, please call (302) 227-6181 (TDD Accessible) ten (10) days prior to the meeting.

Issued this 28th day of May 2026 pursuant to the rules heretofore adopted by the Board of Adjustment of the City of Rehoboth Beach.

Barry Brandt
Chair, Board of Adjustment

amw: 05/28/26; posted 05/28/26

Building & Licensing
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, Delaware 19971



City of Rehoboth Beach
Telephone 302-227-6181
Fax 302-227-4504
www.cityofrehoboth.com

Building Inspector's Report
June 12, 2026

LSA

- Case No:** 0526-03
- Location:** 505 S. Boardwalk
- Applicant:** Ronald Jackson & Karen L. Lord-Jackson
929 Crossan Road
Newark, DE 19711
- Owner:** See Above
Represented by: Charles T. Armbruster, III, Esq., Tomasetti Law, LLC
707 Philadelphia Pike
Wilmington, DE 19809
- Subject:** Application seeks relief from **§270-20, Note 3 (Deck Elevation Limitation)** of the City's Zoning Code, which prohibits railings or roof decks where any part of the surface is above a height of 14 feet.

Nature of Request:

The Applicant requests limited relief from §270-20, Note 3 of the City's Zoning Code to permit a proposed Boardwalk-facing second-floor deck/balcony with railing, with the deck surface at approximately 16 feet above the Boardwalk measuring point shown on the submitted plans. Note 3 prohibits railings or roof decks where any part of the surface is above a height of 14 feet. The relief sought is limited to an approximately two-foot deviation from that limitation and does not extend to the overall height of the building, which complies with the maximum height permitted in the R-1 Residential District.

The subject property is located at 505 S. Boardwalk, Rehoboth Beach, DE 19971 and is situated in the R-1 Residential District. The property is listed in Sussex County records as Tax Parcel ID No. 334-14.18-130.01 and contains 5,000 square feet. The property is the easternmost oceanfront lot, with its easternmost lot line parallel to the Atlantic Ocean and abutting the Boardwalk, and is served by a recorded access easement to New Castle Avenue over the adjacent property. The submitted plans identify the Boardwalk measuring point at elevation +16.02, grade at the house at approximately +20, and the high point of the dune at approximately +21.

Application Background Information:

- The application proposes the construction of a new two-story single-family dwelling with a nonhabitable basement and associated improvements as depicted on the plans. No prior application for a variance, special exception, or appeal has been made to the Board of Adjustment on this property.
- The proposed single-family dwelling has been fully reviewed for zoning compliance. Except for the specific variance requested under §270-20, Note 3, the proposed structure complies with all applicable provisions of Chapter 270, including use, setbacks, lot coverage, floor area, off-street parking, and maximum overall building height. No building permit shall be issued until a complete building permit application has been submitted and reviewed for full compliance with Chapter 270.
- Applicant's Exhibit B consists of a proposed conditions boundary survey dated May 8, 2026 and signed and sealed by the P.L.S. on May 19, 2026, prepared by Scaled Engineering, which documents the lot configuration and existing spot grade elevations relative to the Boardwalk. Applicant's Exhibit C consists of diagrammatic section drawings depicting the deck under the 14-foot by-right condition and the proposed condition with variance relief. Applicant's Exhibit D consists of visual renderings of the proposed dwelling.

Analysis:

§270-20, Note 3 provides that no railings or roof decks shall be permitted where any part of the surface is above a height of 14 feet, and that heights are measured from a point where the center line of the building intersects the center line of the street on which the building fronts. Under §270-22(A)(1)(e), a residentially zoned lot between Hickman Street and the southern boundary of the City that is the easternmost lot, with its easternmost lot line parallel to the Atlantic Ocean, is considered to front to the east, and height is measured from the closest point on the Boardwalk. The subject property meets these conditions, and the height of the proposed deck is measured from the Boardwalk accordingly. The proposed dwelling otherwise complies with the applicable height regulations, including the maximum overall building height permitted in the R-1 Residential District. The variance request before the Board is limited in scope and seeks relief only from the deck and railing height limitation imposed by Note 3.

The variance request relates to the physical relationship between the Boardwalk measuring point and the elevated building area of the lot. As documented by the submitted plans, the lot rises from the Boardwalk toward the building area due to the dune and oceanfront topography, and that condition is not the result of site grading or design choice. Because §270-22(A)(1)(e) measures height for this property from the closest point on the Boardwalk rather than from the elevated grade of the lot, the elevation differential affects the calculated deck height for this property. The submitted sections illustrate the deck under both the 14-foot by-right condition and the proposed 16-foot condition.

Conclusion:

This application seeks limited relief from §270-20, Note 3 of the City's Zoning Code to permit a proposed Boardwalk-facing second-floor deck/balcony with railing, with the deck surface at approximately 16 feet above the Boardwalk measuring point shown on the submitted plans, where Note 3 prohibits railings or roof decks where any part of the surface is above a height of 14 feet. Under §270-22(A)(1)(e), the subject property is considered to front to the east, and height is measured from the closest point on the Boardwalk. The submitted plans reflect that the lot rises from the Boardwalk toward the building area, which affects the calculated deck height under the measurement methodology prescribed by Note 3. Apart from the relief sought, the proposed plans comply with the applicable provisions of the Zoning Code, and no building permit shall be issued until a complete building permit application has been reviewed for full compliance with Chapter 270.

THE BOARD OF ADJUSTMENT
OF THE CITY OF REHOBOTH BEACH
Application for Variance/Special Exception or
Appeal of a Decision of the Building Inspector



The undersigned hereby gives notice of:

- Request for a Variance
- Appeal of a Decision of the Building Inspector
- Request for a Special Exception

The following is an application made to Board of Adjustment of the City of Rehoboth Beach on the **4th** day of **May, 2026**

Location of affected property: **505 S. Boardwalk, Rehoboth Beach, DE 19971**
Tax Parcel ID No. 334-14.18-130.01

Applicant's Name: **Ronald Jackson & Karen L. Lord-Jackson**
Mailing Address: **929 Crossan Road, Newark, Delaware 19711**
Telephone Numbers: **302-379-1960** (Home) _____ (Office) _____ (Cell)

Representative's Name: **Tomasetti Law, LLC, Charles T. Armbruster, III**
Mailing Address: **707 Philadelphia Pike, Wilmington, Delaware 19809**
Telephone Numbers: _____ (Home) **302-995-2840** (Office) _____ (Cell)

Further information describing the affected property: see attached Exhibit A

If this is a Request for Variance or Special Exception please provide details and attach documentation:

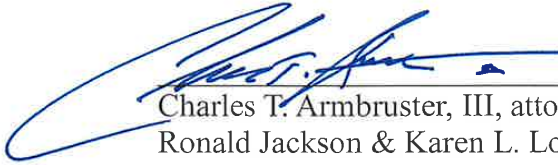
Applicant seeks a variance from § 270-20(A) and § 270-20(B), regarding the height restrictions of a deck or railing exceeding 14 feet as more further described on the attached Exhibit A, which shall permit the applicant with constructing a deck/railing at 16 feet.

If this is an Appeal of the Decision of the Building Inspector please summarize the decision or determination and attach documentation: *N/A*

If a previous Application for a Variance or Special Exception or an Appeal of the Decision of the Building Inspector on these premises has been made to the Board of Adjustment, please provide details: *N/A*

It is required that you state the grounds for hardship upon which the Appeal of a Decision of the Building Inspector or request for a Special Exception is being made. If you are requesting a Variance, please state the hardship. See (3)(a) below for reasons for granting a Variance or a favorable Decision of Appeal of a finding of the Building Inspector.

Date:
Fee Paid:


Charles T. Armbruster, III, attorney for
Ronald Jackson & Karen L. Lord-Jackson



SWORN AND SUBSCRIBED before me this 4th day of May, A.D. 2026.



PAID

ck 6918 \$1,000.00
05/07/26


Notary Public

INSTRUCTIONS

- (1) Should a Variance/Special Exception be granted, see the following:
Section 270-77. Expiration of special exceptions and variances. Unless otherwise specified by the Board of Adjustment, a special exception or variance shall expire if the applicant fails to obtain a building permit or fails to change the use, as the case may be, within six months from the date of authorization thereof. The Board of Adjustment may grant one extension of this time period for up to three months based on good cause.
- (2) This form and all supportive documentation must be prepared and delivered to the Office of the Building Inspector, along with a \$1,000 fee, on or before thirty (30) days prior to the date of the public hearing. (This form and \$1,000 fee should be submitted within thirty (30) days from the date of the Building Inspectors action in the case of an appeal from that decision.)
- (3) The following are provided as guidelines when filing an Application for Variance/Special Exception or an Appeal of a Decision of the Building Inspector:
 - (a) State the grounds upon which the appeal is being made. Pursuant to Section 270-74(C) of the Code of the City of Rehoboth Beach, "To authorize, in specific cases, such variance from any zoning ordinance, code or regulation that will not be contrary to the public interest, where, owing to special conditions or exceptional situations, a literal interpretation of any zoning ordinances, code or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the ordinance, code or regulation shall be observed and substantial justice done, provided that such relief may be granted without substantially impairing the intent and purpose of any zoning ordinance, code, regulation or map.
 - (b) Provide a clear and accurate description of the proposed work or use.
 - (c) The application for variance or appeal MUST be accompanied by a dimensional drawing of the property prepared by a licensed surveyor with all proposed changes, stating the distance from all adjacent properties, the city block on which the lot or property faces, the distance of all buildings on the property from all adjacent properties, the dimension of such lot or property and location of proposed construction, alteration or building with reference to the boundary lines. The Applicant must send our office ten copies for distribution.
 - (d) Applicants are urged to submit with their variance and/or special exception applications color photographs of at least 3" x 5" in size (6 copies each) depicting the following
 - (i) The subject areas and existing structures where the relief or special exception from the zoning code is sought; and
 - (ii) A view of the subject parcel taken from across the street that also depicts the immediately adjoining parcels or relevant portions thereof.



Office of City Secretary

Description of variance request (be specific):

Applicant seeks a variance from § 270-20(A) and § 270-20(B), specifically that no roof decks or railings shall be permitted, where any part of the surface is above a height of 14 feet.

Applicant desires to construct a deck/balcony that is 16 feet

Subsection 270-74(C) of the Town Code outlines the criteria which the Board of Adjustment must consider when reviewing applications for variances.

A. Not contrary to Public Interest

The Applicant requests a variance permitting a deck surface at 16 feet above the boardwalk (a 2-foot deviation from the 14-foot limitation in § 270-20). A copy of a survey is attached as **Exhibit B**. A drawing illustrates the maximum height of the deck based on the 14 feet requirement contained in the Town's Code, which is attached hereto as **Exhibit C**. Additionally, there is another diagram that demonstrates the proposed deck with the variance, which is attached hereto as **Exhibit D**. This variance or request is not contrary to the public interest and is consistent with the spirit and intent of the Zoning Code.

The subject oceanfront property, including the lot, possesses unique topographic conditions that create exceptional practical difficulties with strict compliance. Specifically, the existing grade of the lot and proposed foundation of the principal structure will sit approximately 6 feet above the boardwalk's elevation.

Additionally, the high point of the dune is approximately 4 feet above the boardwalk and that the remainder of the lot slope lowers as the lot moves away from the ocean. The result is a negative grade from the high point.

The proposed deck is like other properties that have decks facing the boardwalk. The pictures submitted with this application show neighboring houses with similarly constructed decks, as well as a house near the property with a roof top deck so the proposed deck and variance do not materially alter the surrounding community.



Office of City Secretary

B. Special Conditions or Exceptional Situations unique to the Property

Ocean front or boardwalk facing property maintain unique characteristics - (i) the topography of the buildable lot is impacted due to the sand dune as well as the elevation from the boardwalk, and (ii) as an ocean front property, the side of the structure facing the ocean is considered the front yard despite the entrance to the structure or traditional front of the property being on the opposite side. The unique topography make strict compliance with the Town Code a challenge to comply with the Town Codes' requirements.

C. Literal Enforcement creates Unnecessary Hardship or Exceptional Practical Difficulties.

This natural and pre-existing elevation difference means that a code-compliant deck at 14 feet above the boardwalk would sit only 8 feet above the finished floor grade of the house. Strict compliance with the limitation specified in § 270-20 render the deck functionally impractical for its intended residential use while offering minimal additional benefit to the public realm.

A deck elevated to 16 feet above the boardwalk would result in a finished deck surface approximately 10 feet above the house grade. This modest additional height variance would allow the applicant to construct a practical, usable deck that aligns with the reasonable expectations for oceanfront residential properties in this area.

D. Spirit of the Ordinance is Observed.

The proposed request for variance for the height restriction requirements will not cause any harm to the public. Literal enforcement of the 14-foot deck limitation, given the pre-existing 6-foot grade disadvantage of this lot, would impose an unnecessary practical hardship without advancing the Code's goals of protecting public views, scale, or safety. The variance requested is narrowly tailored and allows the Applicant reasonable use of the property while fully observing the overall intent and purpose of § 270-20.

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MAY 28 2026

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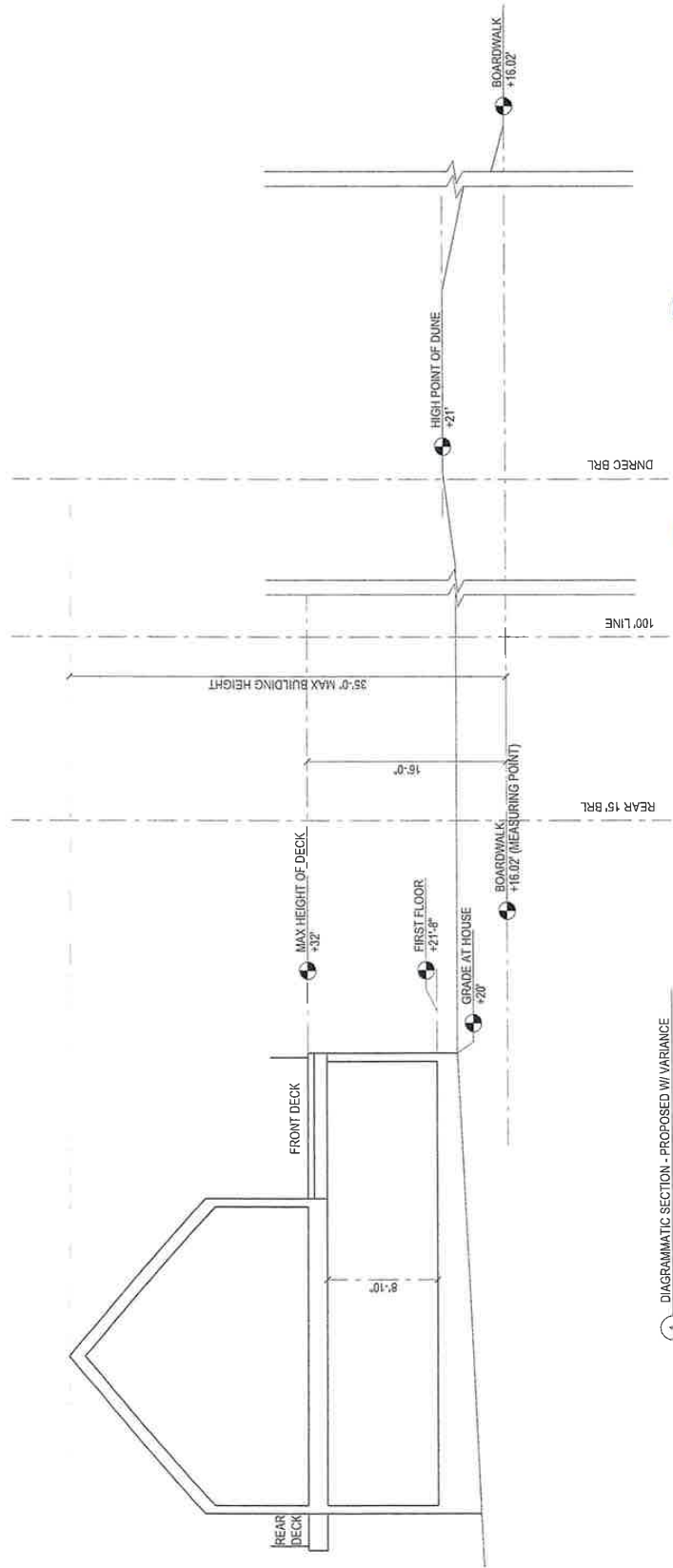
In summary, granting this variance would create:

- A. No adverse impact on views or neighborhood character: The additional 2 feet will be barely perceptible from the boardwalk or adjacent public areas due to the existing 6-foot grade elevation and the natural step-up of the lot. The deck will remain well below the overall height limits applicable to the principal structure and will not obstruct ocean views from neighboring properties or public spaces any more than the existing house already does. Additionally, the proposed deck is similar to other structures in the vicinity of the Jackson property.

- B. Consistency with surrounding development: Many oceanfront properties in Rehoboth Beach utilize elevated decks and outdoor spaces that account for similar topographic variations. Approval here maintains the established character of the neighborhood rather than creating a precedent for arbitrary height increases.

EXHIBIT B

EXHIBIT C



1 DIAGRAMMATIC SECTION - PROPOSED W/ VARIANCE
SCALE: 1/8" = 1'-0"

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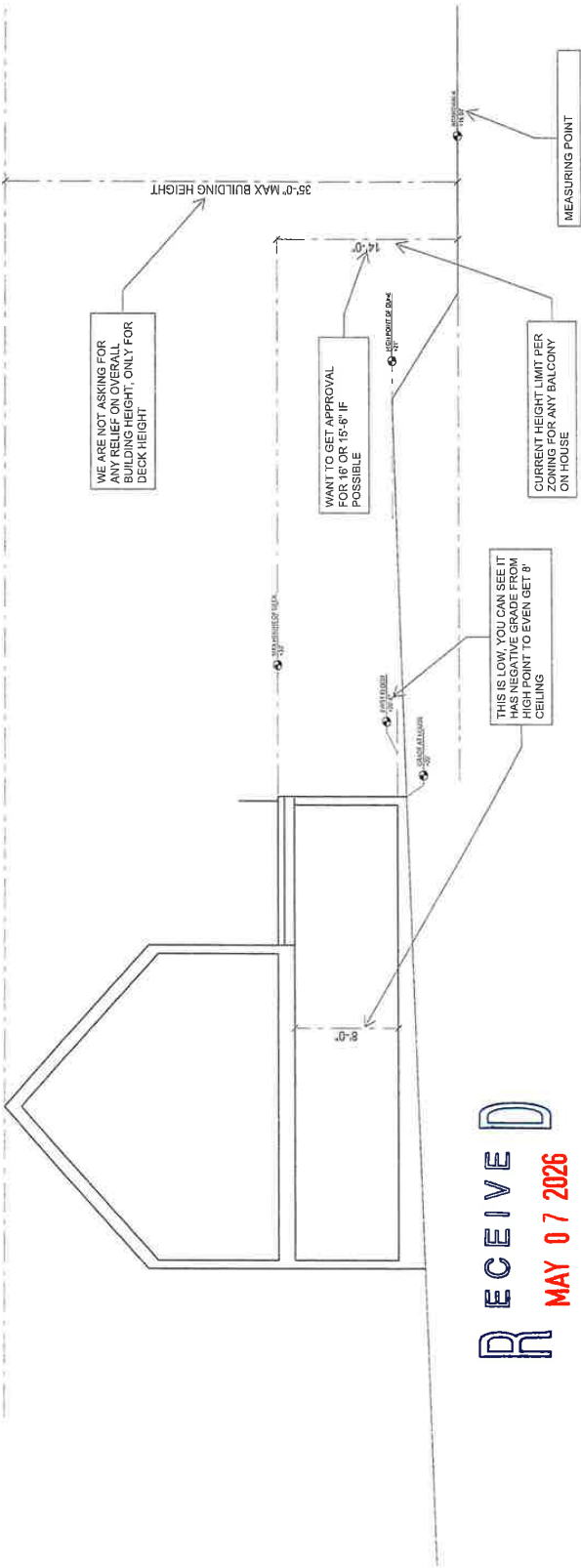
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G T M ARCHITECTS

26.0033 - JACKSON RESIDENCE

505 S. BOARDWALK, REHOBOTH 04-27-2026 7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



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1 DIAGRAMMATIC SECTION
 Scale: 1/4" = 1'-0"



G T M A R C H I T E C T S

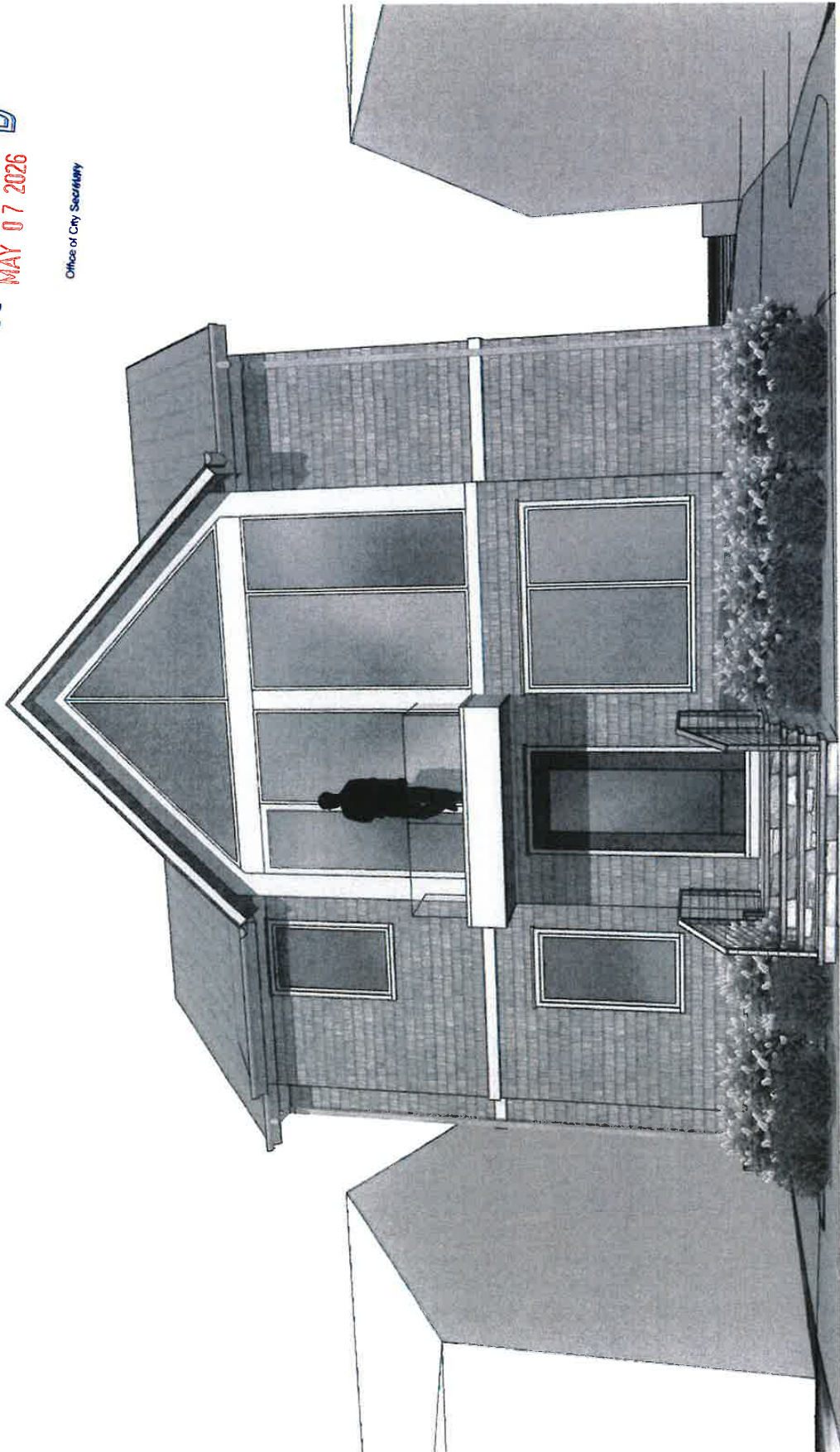
26.0033 - JACKSON RESIDENCE

505 S. BOARDWALK, REHOBOTH 03-29-2026 7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001

EXHIBIT D

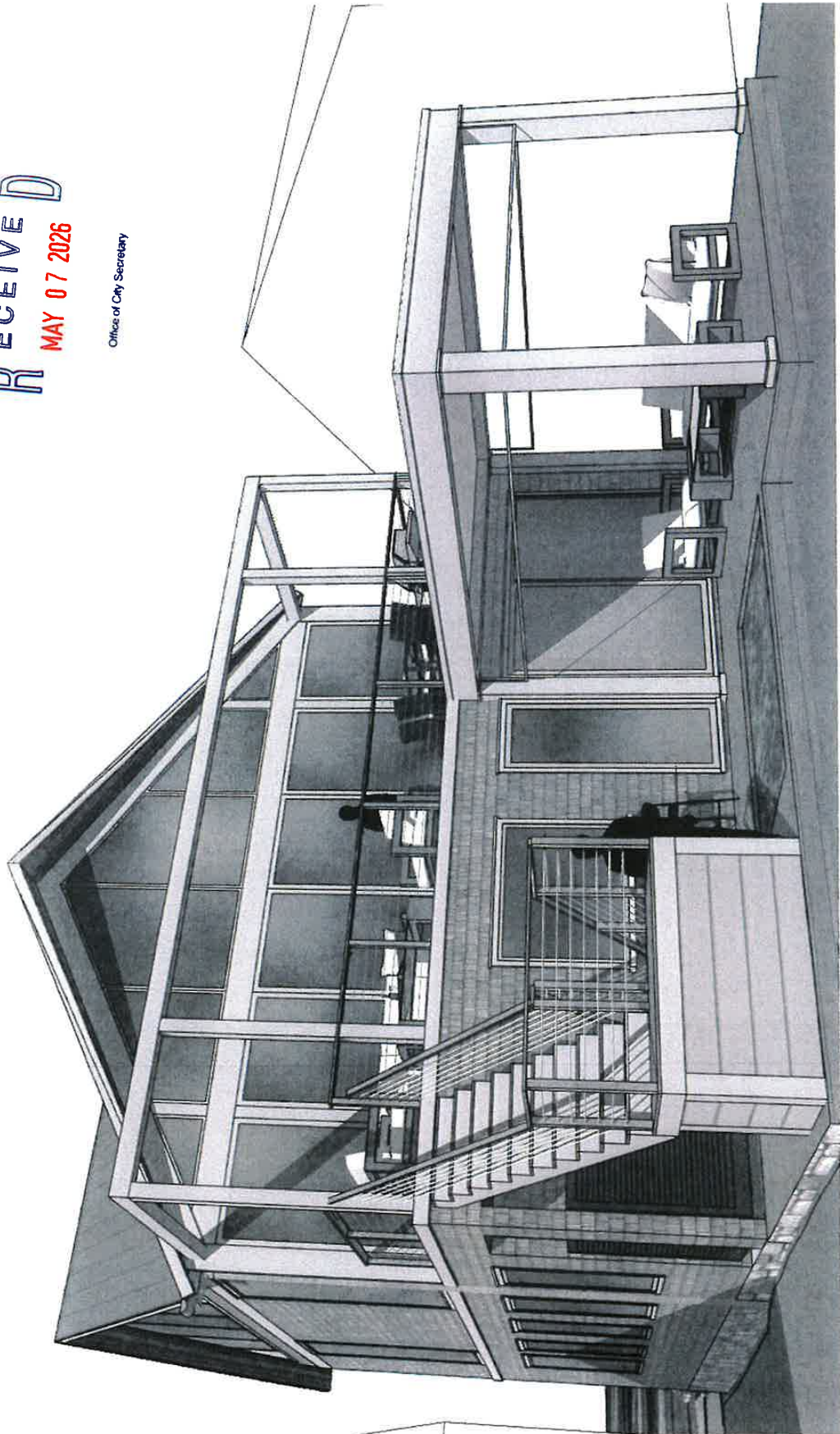
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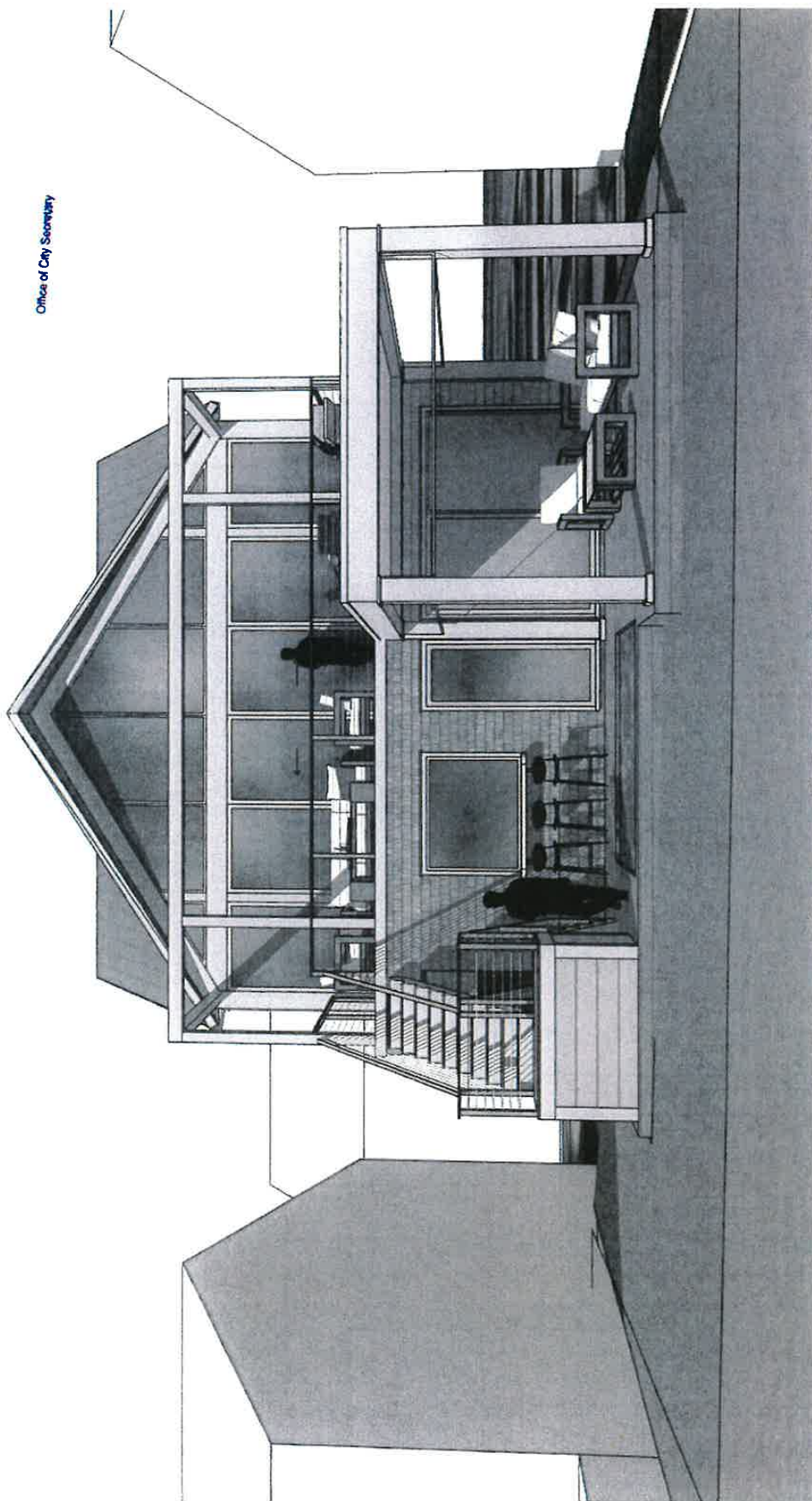
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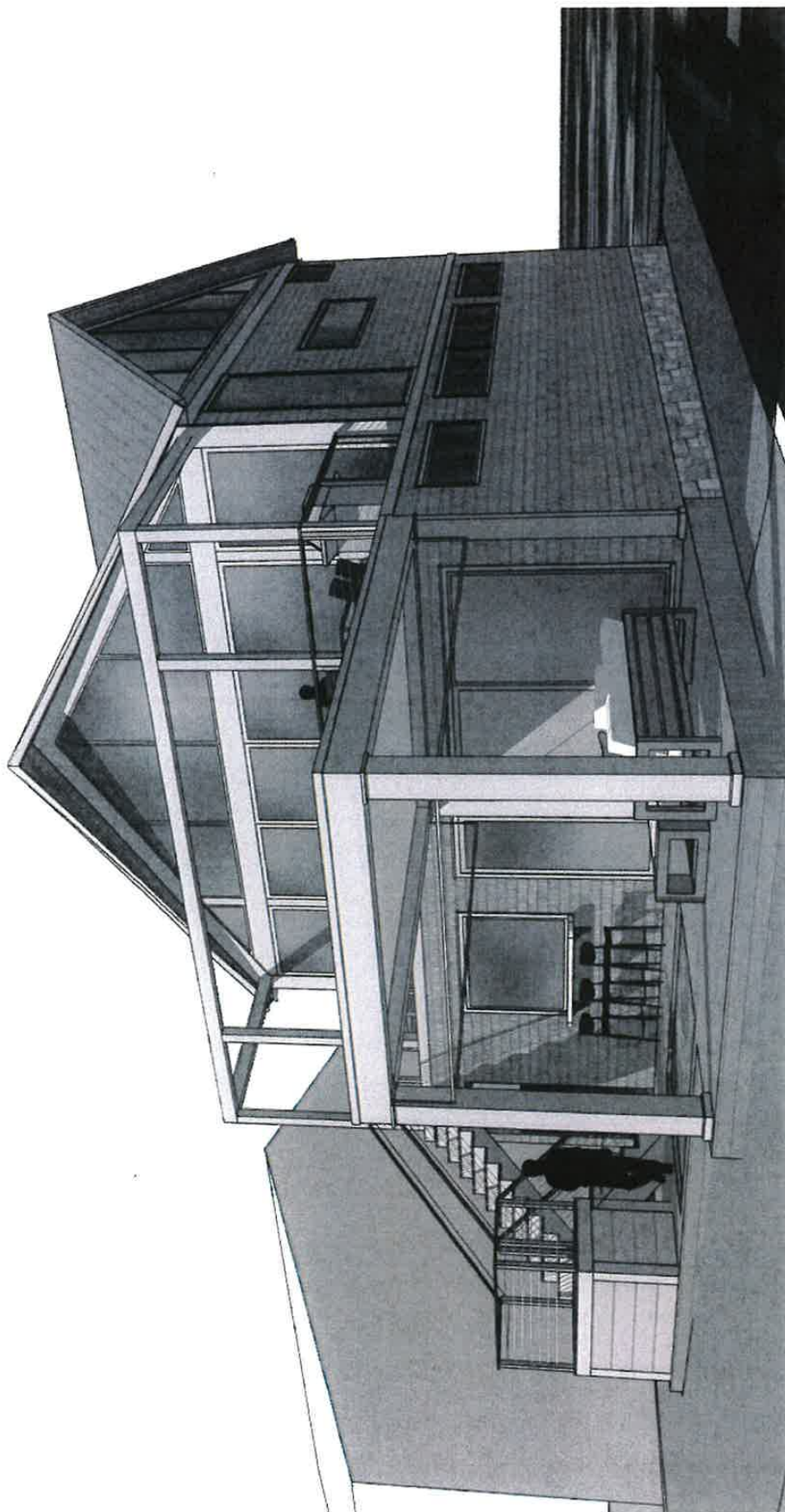


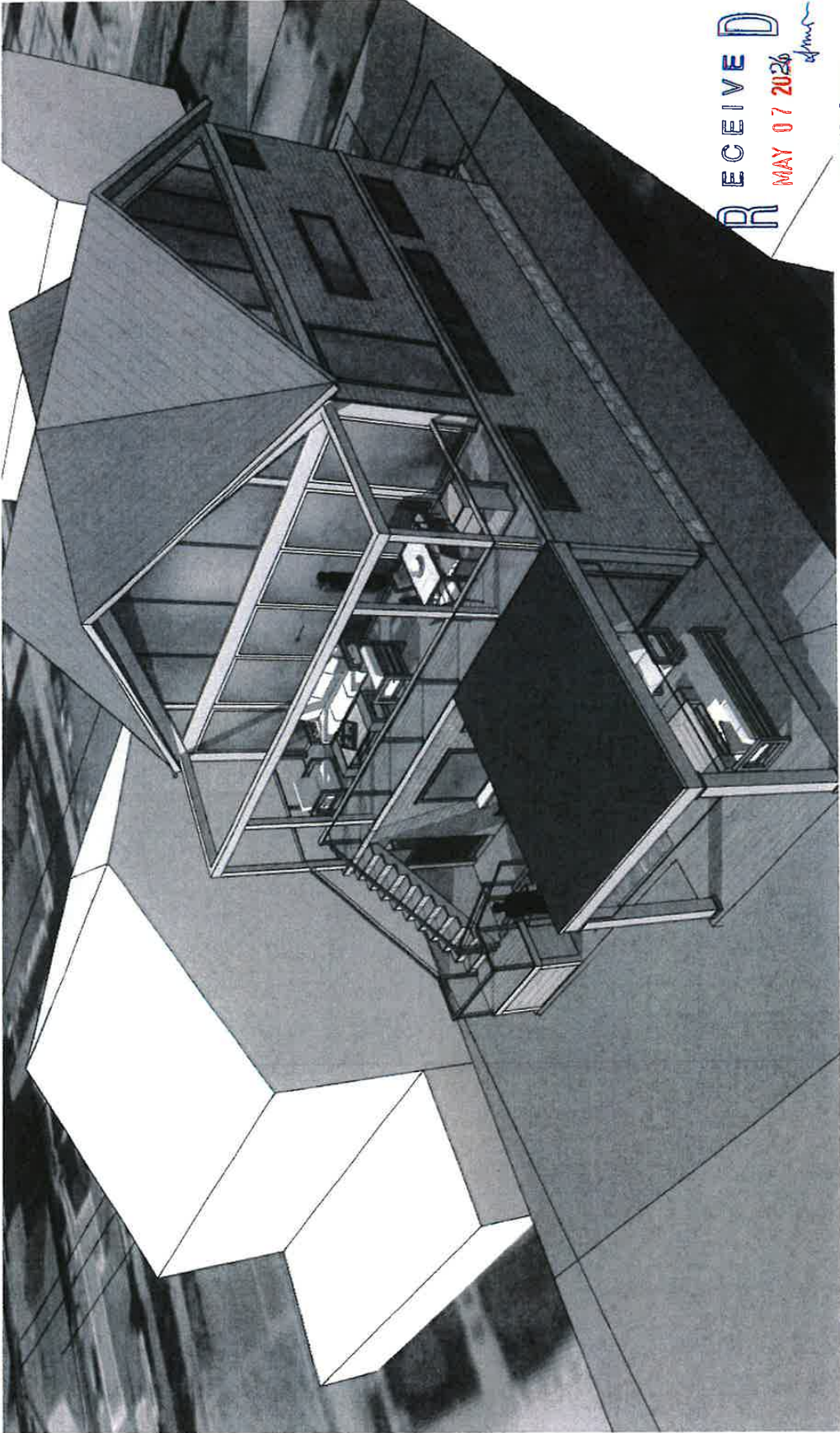
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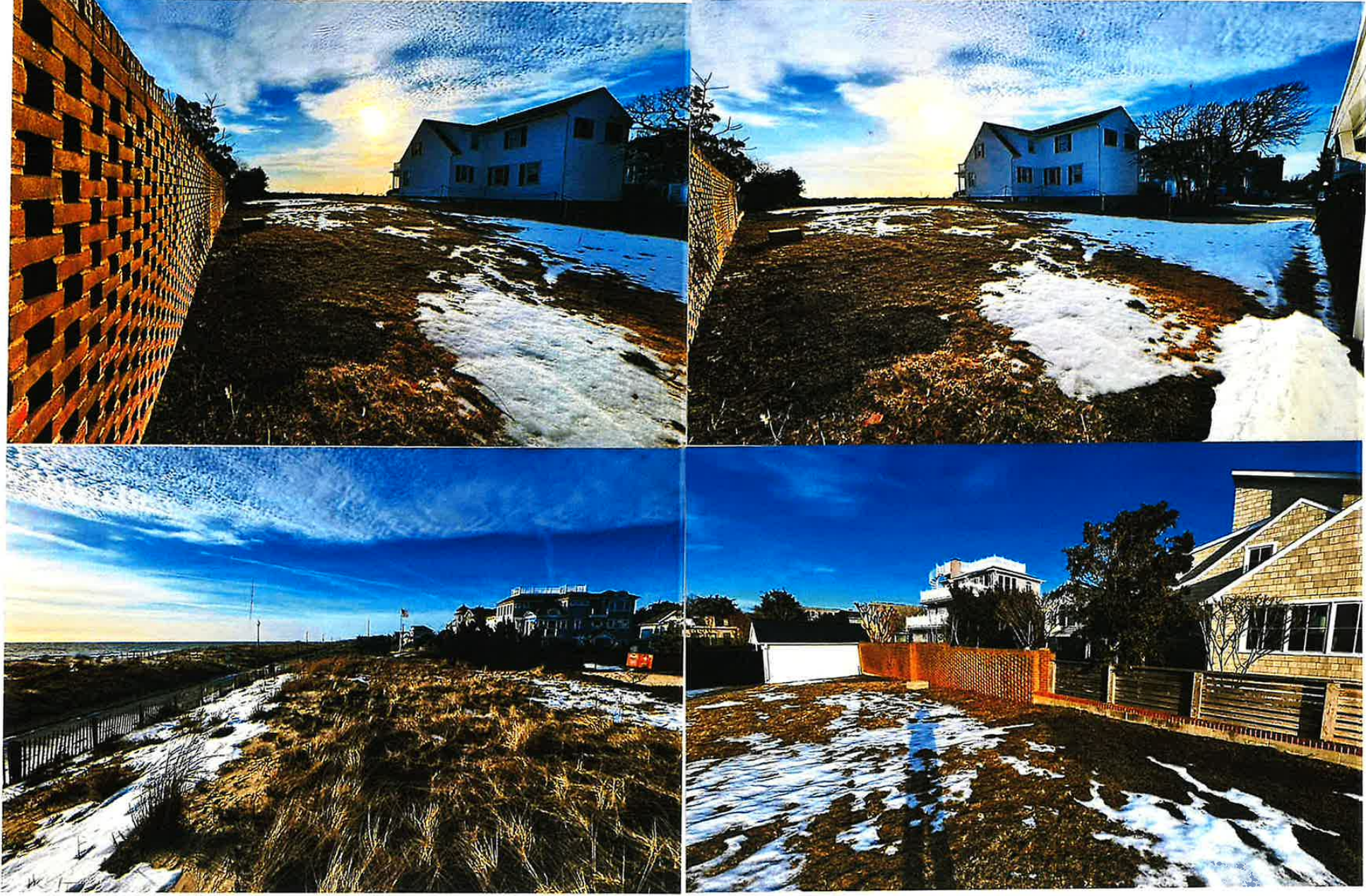
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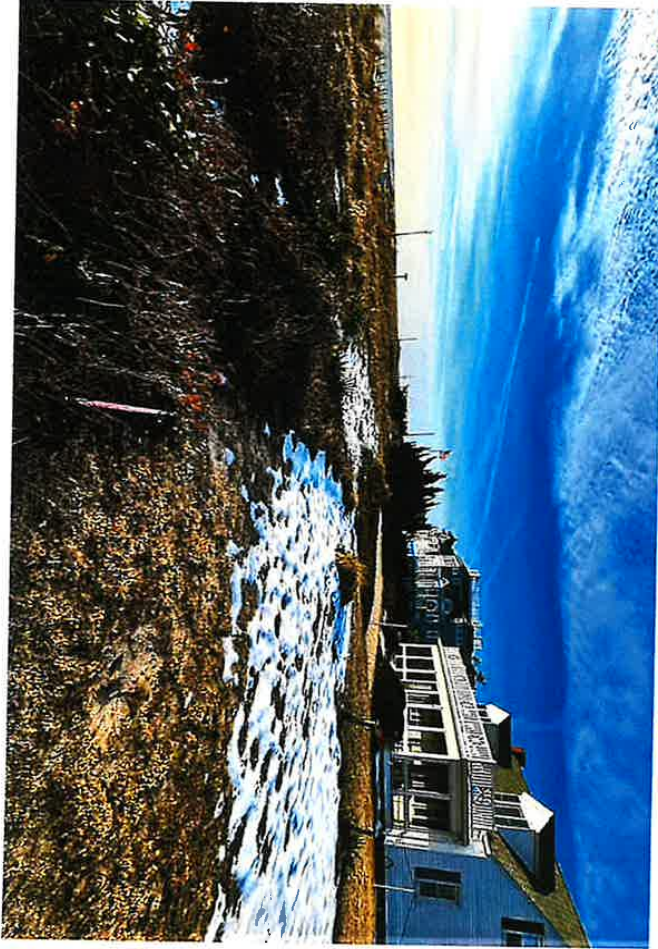


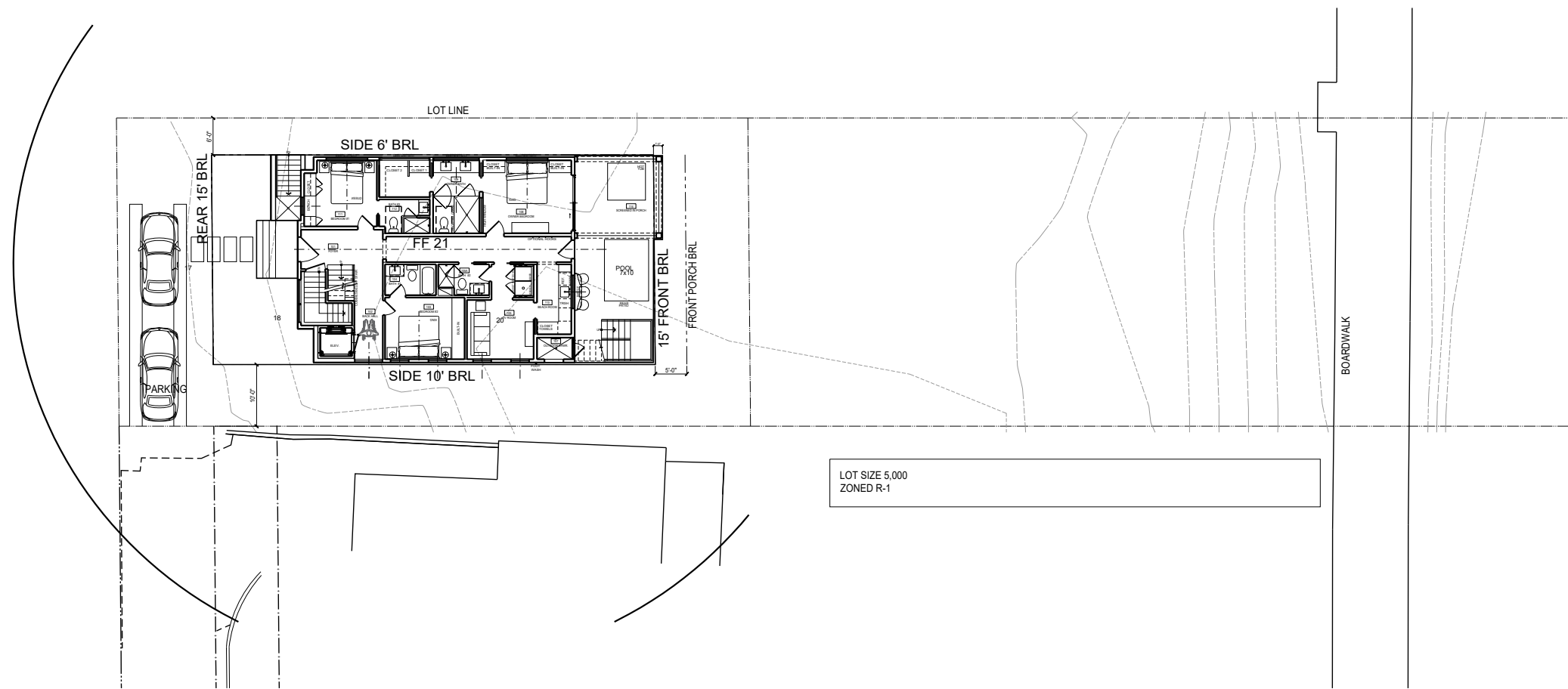


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Office of City Secretary







1 SITE PLAN
Scale: 1:20

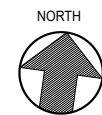
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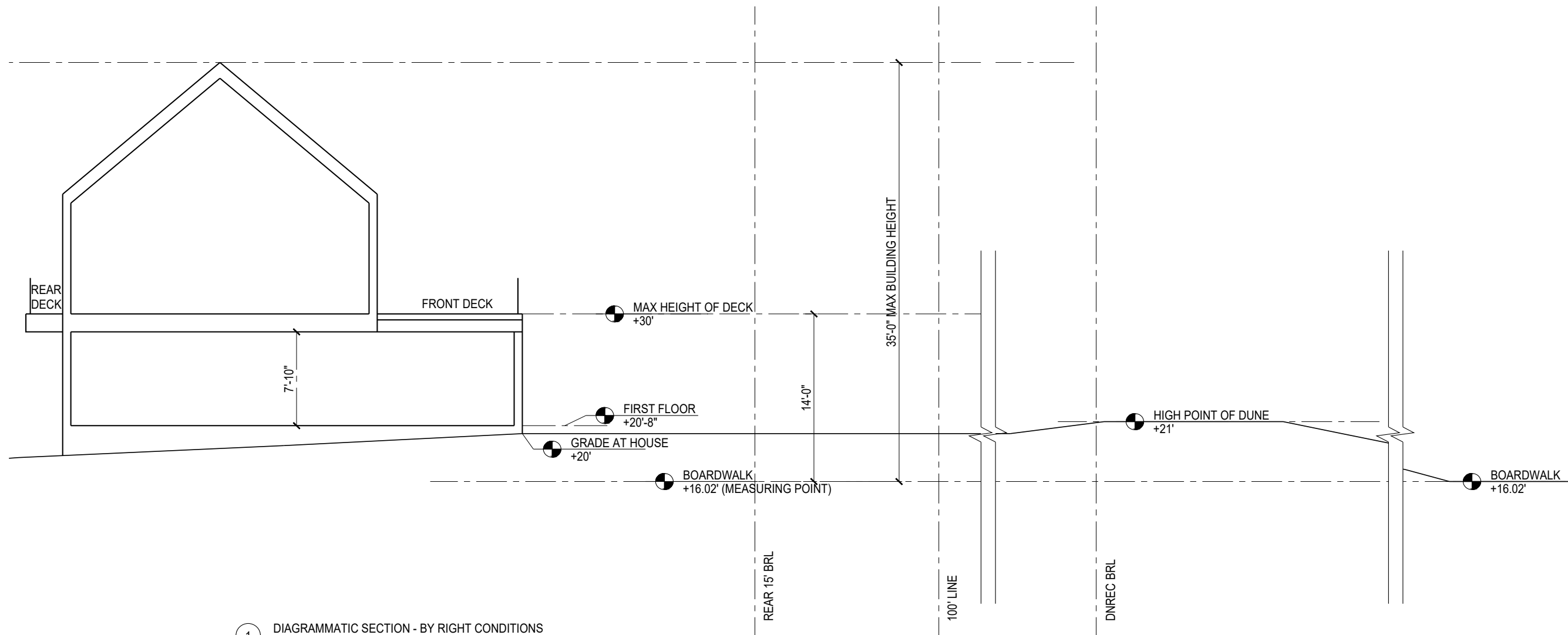
05-06-2026

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1 DIAGRAMMATIC SECTION - BY RIGHT CONDITIONS
 Scale: 1/8" = 1'-0"

26.0033 - JACKSON RESIDENCE

505 S. BOARDWALK, REHOBOTH

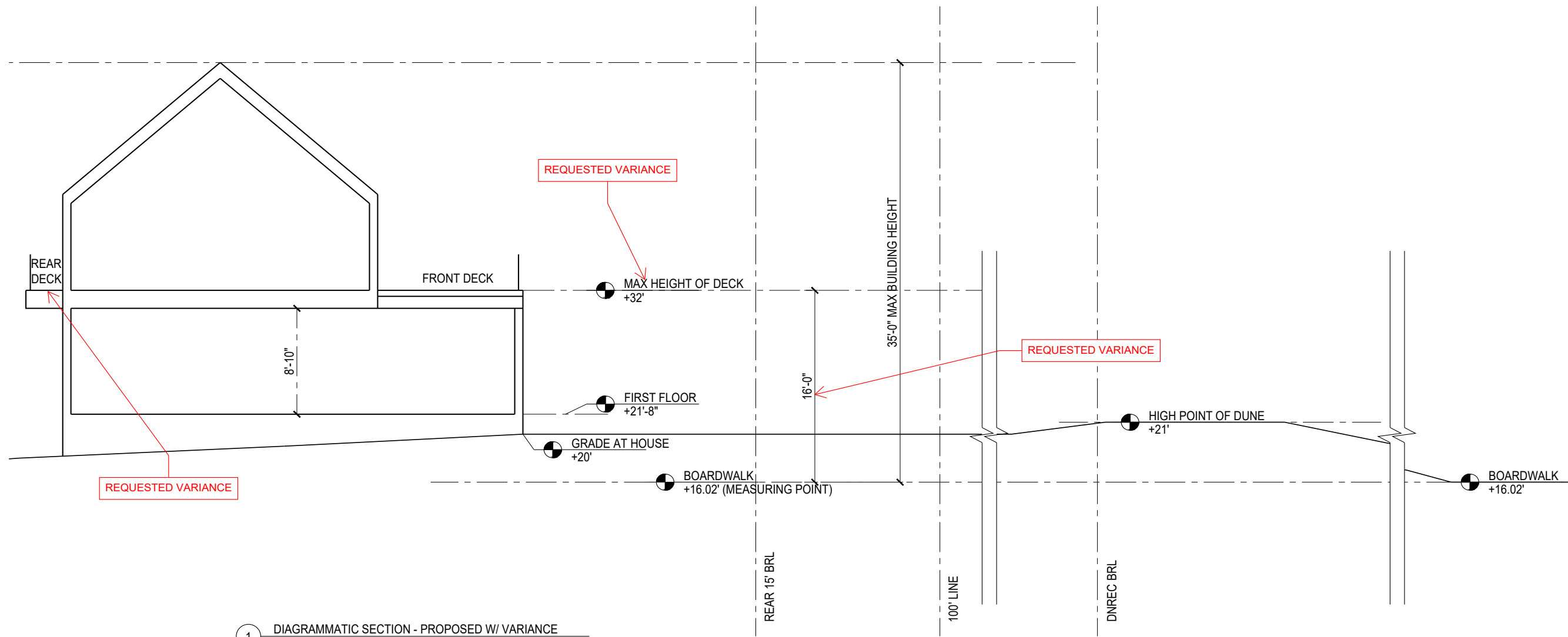
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1 DIAGRAMMATIC SECTION - PROPOSED W/ VARIANCE
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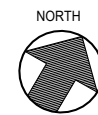
26.0033 - JACKSON RESIDENCE

505 S. BOARDWALK, REHOBOTH

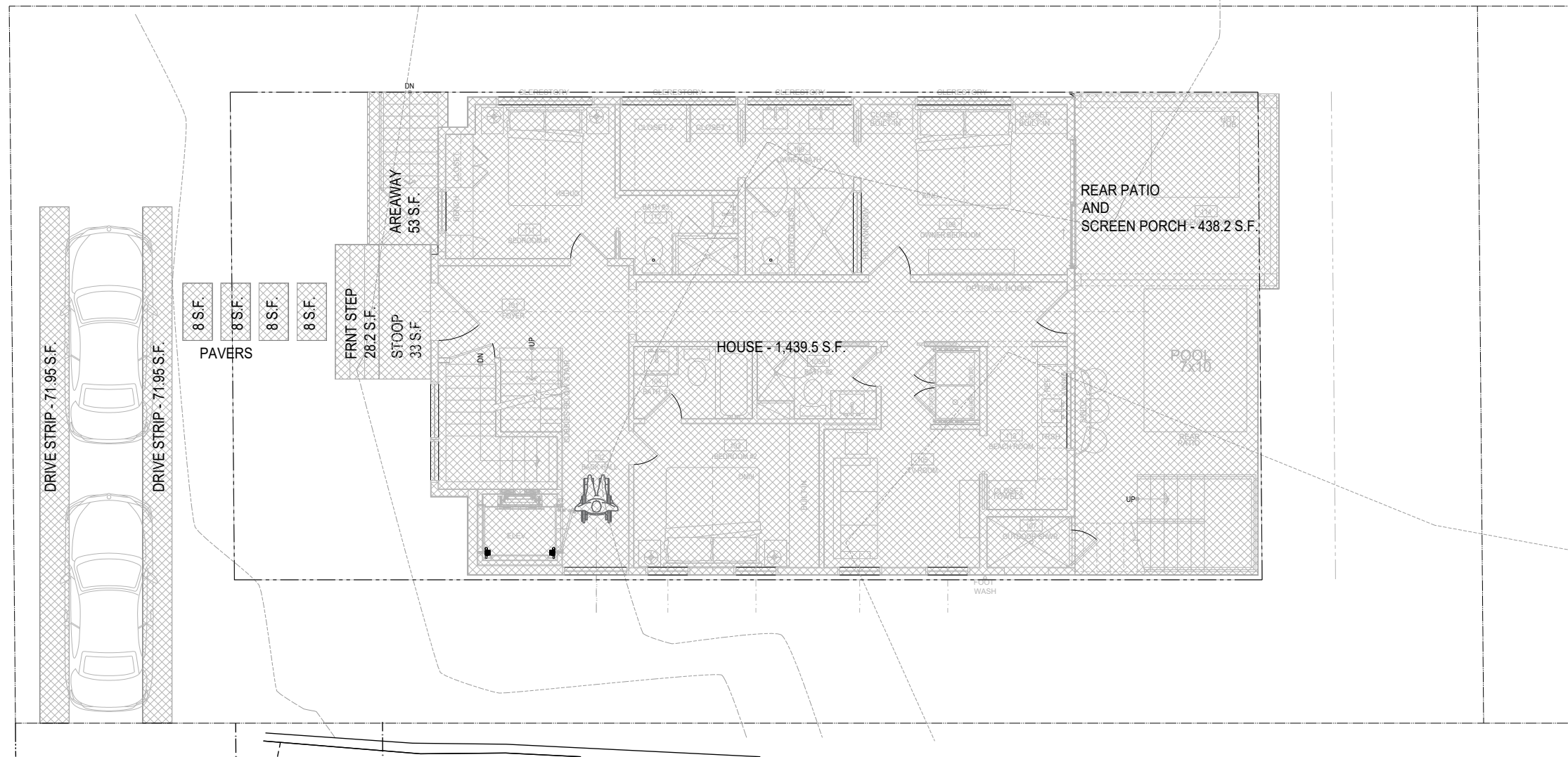
05-06-2026

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1 LOT COVERAGE
Scale: 1/8"=1'-0"

LOT SIZE 5,000
ZONED R-1

LOT COVERAGE CALCULATION:

ALLOWED 40%	2,000 S.F. (4' * 5,000)
PROPOSED 39.8%	1,991.9 S.F.

INCLUDED	
HOUSE	1,439.5 S.F.
REAR PATIO AND SCREEN PORCH	438.2 S.F.
AREAWAY	53 S.F.
FRONT STEP	28.2 S.F.
STOOP	33 S.F.

NOT INCLUDED	
DRIVEWAY STRIPS	143.9 S.F.
PAVERS	32 S.F.

26.0033 - JACKSON RESIDENCE

505 S. BOARDWALK, REHOBOTH

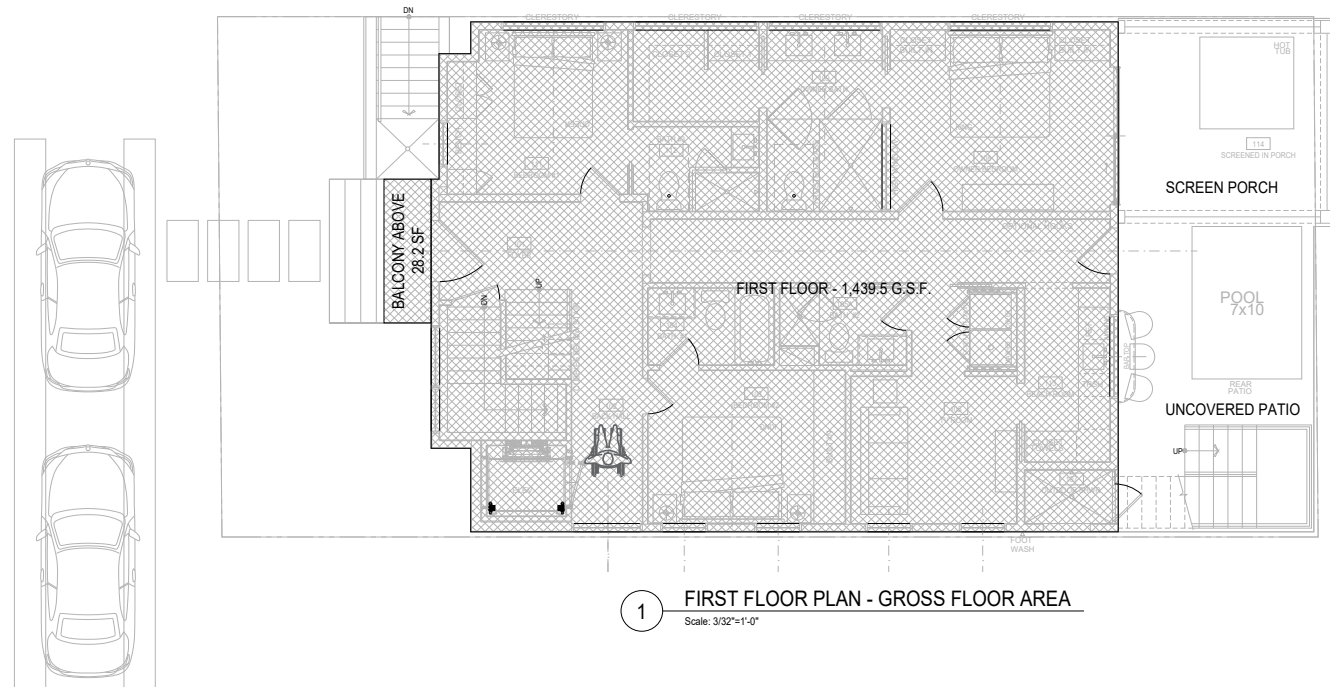
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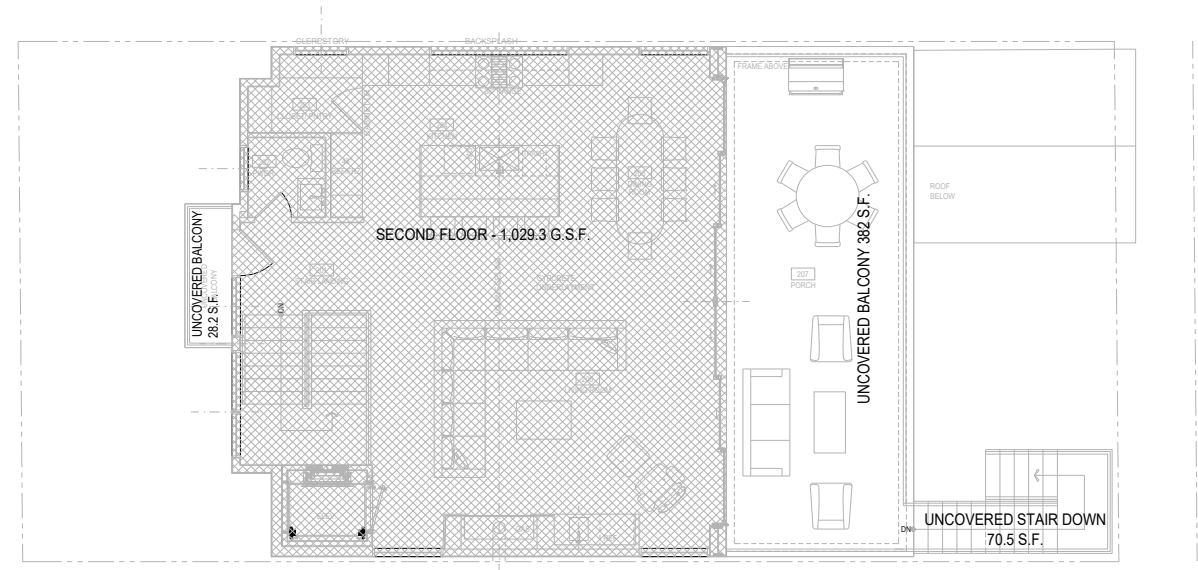


GTM ARCHITECTS



1 FIRST FLOOR PLAN - GROSS FLOOR AREA
Scale: 3/32"=1'-0"

FAR CALCULATIONS	
LOT SIZE	5,000 S.F.
ALLOWED	2,500 S.F. (.5 * 5,000 S.F.)
PROPOSED	1,439.5+28.2(FF) 1,029.3 (SF) (BASEMENT UNFIN. LESS THAN 7) = 2,497 G.S.F.



2 SECOND FLOOR PLAN - GROSS FLOOR AREA
Scale: 3/32"=1'-0"

26.0033 - JACKSON RESIDENCE

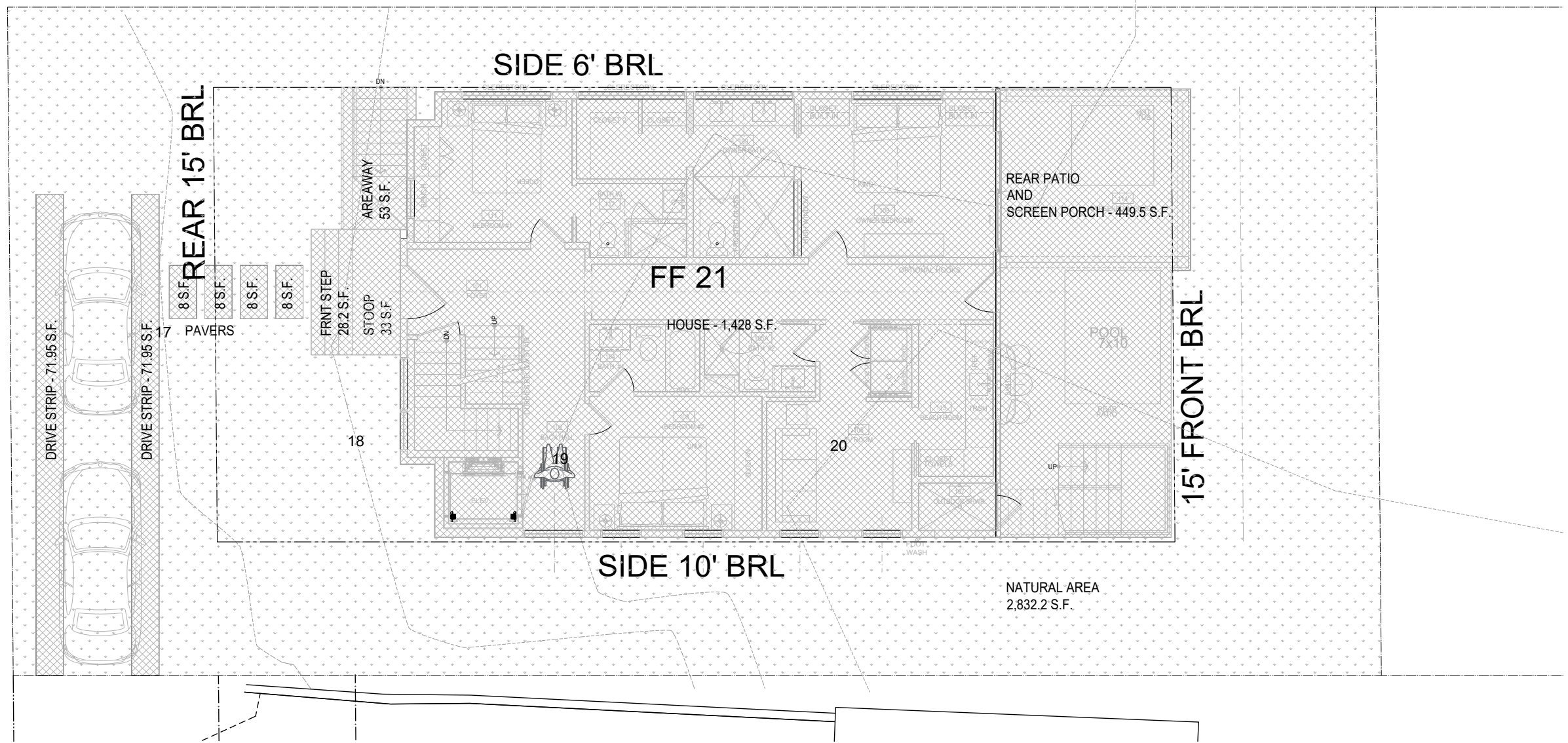
505 S. BOARDWALK, REHOBOTH

05-06-2026

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LOT SIZE 5,000
ZONED R-1

NATURAL AREA CALCULATION:

MINIMUM REQUIRED 50%	2,500 S.F. (.5 * 5,000)
PROPOSED 56.6%	2,832.2 S.F.

INCLUDED	
HOUSE	1,428 S.F.
REAR PATIO AND SCREEN PORCH	449.5 S.F.
AREAWAY	53 S.F.
FRONT STEP	28.2 S.F.
STOOP	33 S.F.
DRIVEWAY STRIPS	143.9 S.F.
PAVERS	32 S.F.

1 NATURAL AREA
Scale: 1/8"=1'-0"

26.0033 - JACKSON RESIDENCE

505 S. BOARDWALK, REHOBOTH

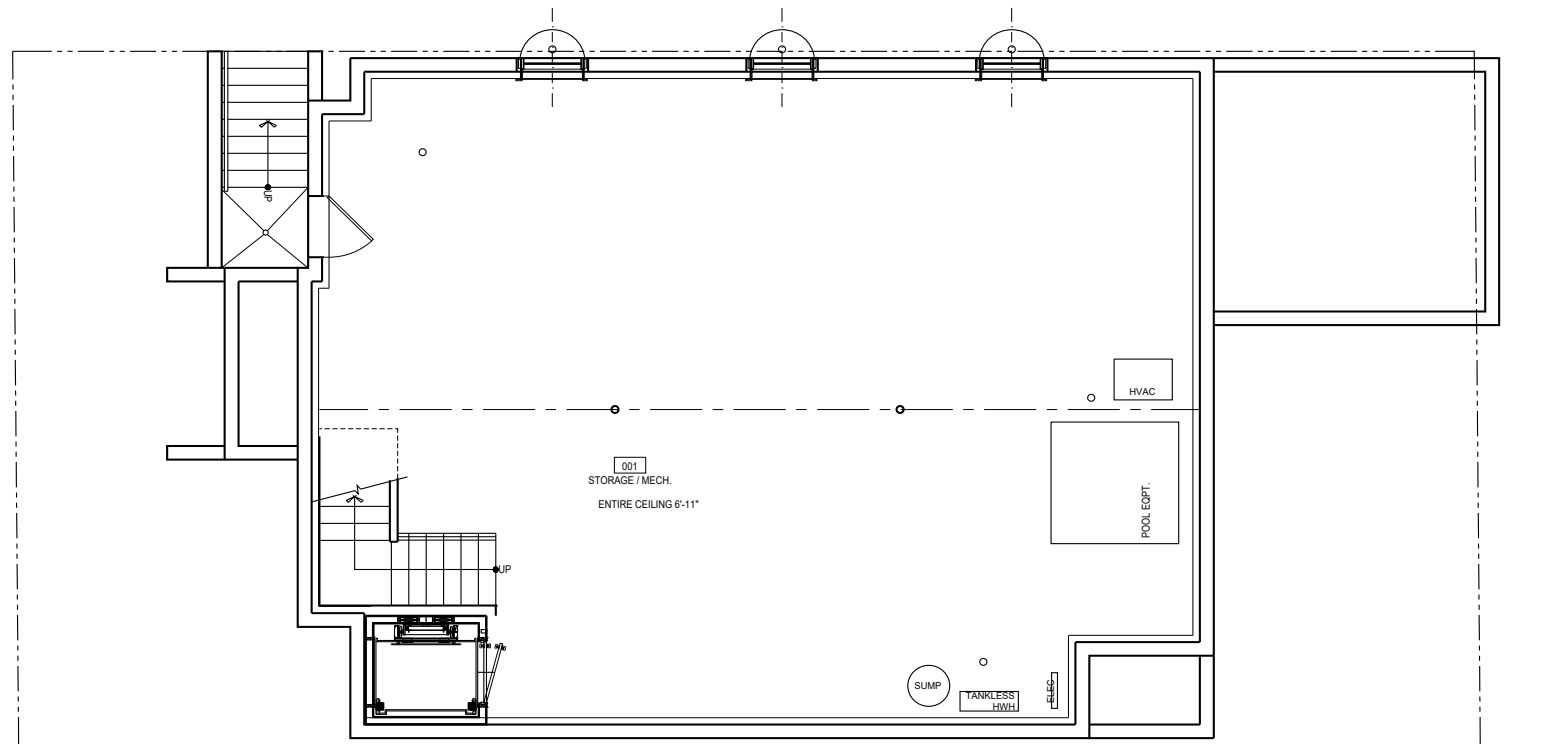
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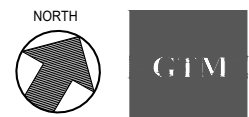
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1 BASEMENT PLAN
 Scale: 1/8" = 1'-0" 1,414 GSF - ENTIRE FLOOR UNDER 7' TALL



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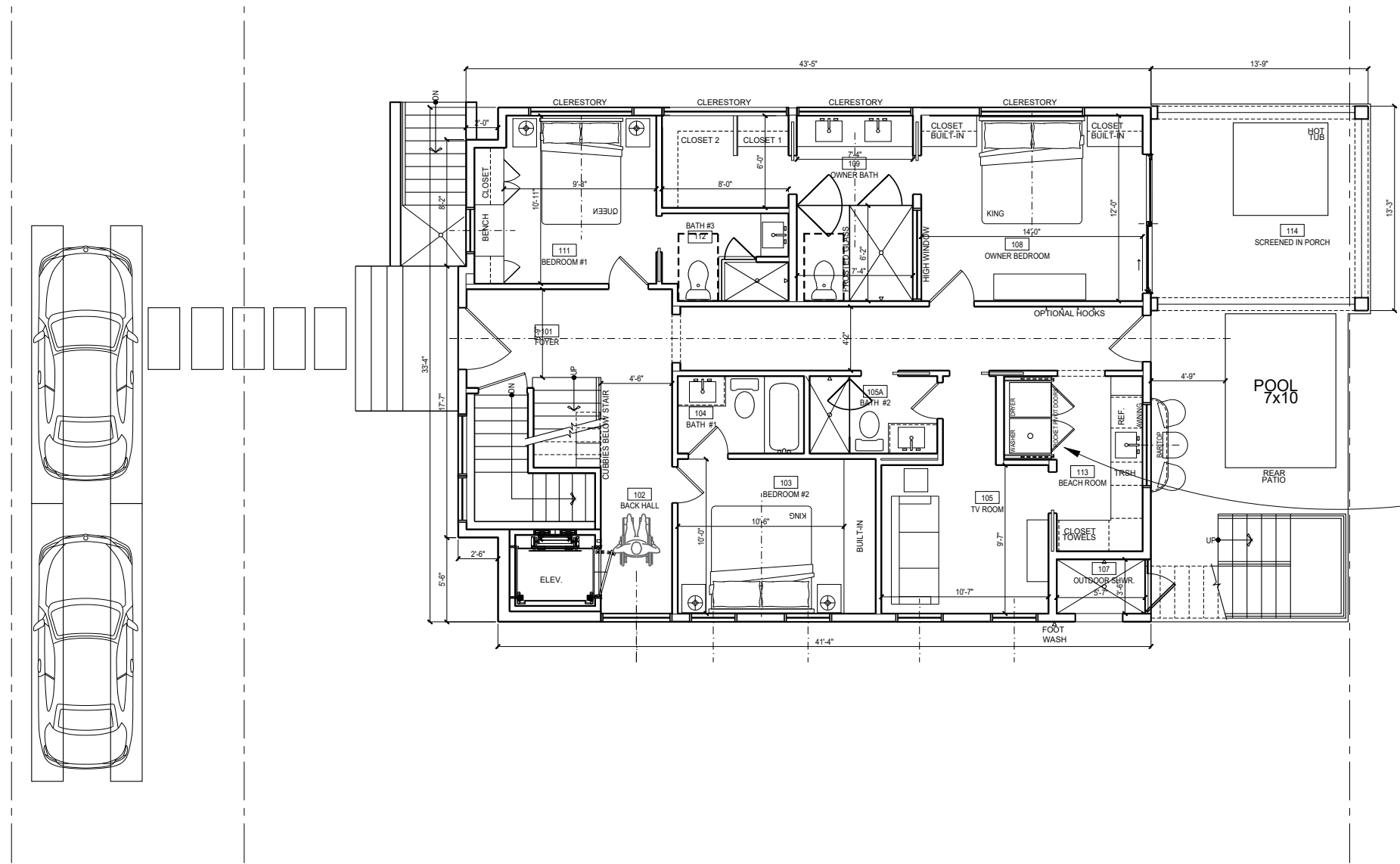
26.0033 - JACKSON RESIDENCE

505 S. BOARDWALK, REHOBOTH

05-06-2026

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DOORS CAN BE SEPARATE AND OPEN INDEPENDENTLY



1 FIRST FLOOR PLAN
 Scale: 1/8" = 1'-0"
 GROSS FLOOR AREA - 1,439.5 S.F.



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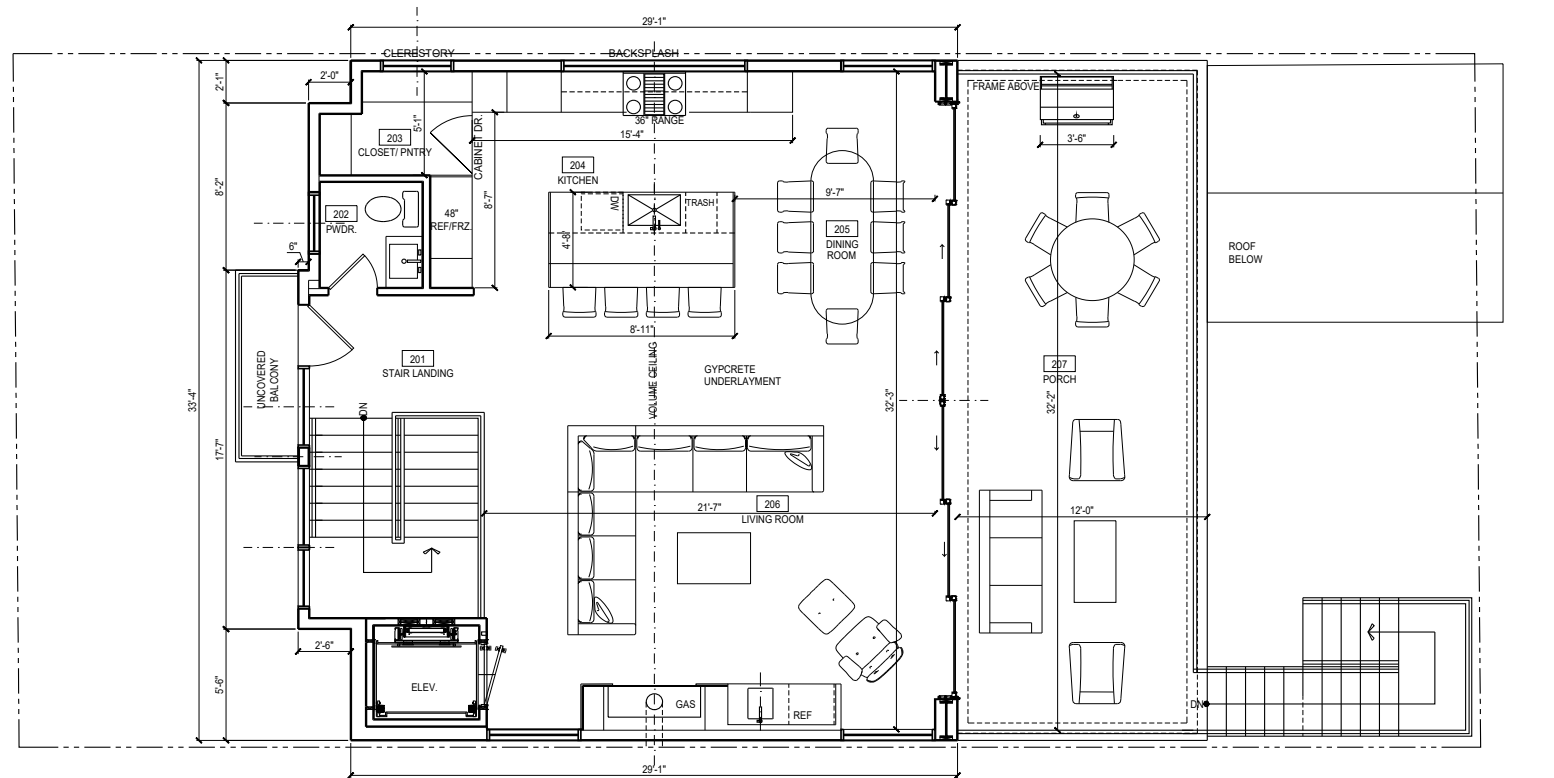
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1 SECOND FLOOR PLAN
 Scale: 1/8" = 1'-0"
 GROSS FLOOR AREA - 1,029.3 S.F.

26.0033 - JACKSON RESIDENCE

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