



Item Cover Page

BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: August 21, 2025

SUBMITTED BY: Jamie Fenske, Planning Services

ITEM TYPE: Application

AGENDA SECTION: **Public Hearing**

SUBJECT: **A-25-21** Gregory S. Murphy Trustee & Teresa S. Murphy Trustee
5-00-161.00-01-10.01-000

ATTACHMENTS:

[A-25-21 Murphy Notice of Application](#)
[A-25-21 Murphy Staff Report](#)
[A-25-21 Murphy Exhibit A](#)
[A-25-21 Murphy Exhibit B](#)
[A-25-21 Murphy Plot Plan](#)
[A-25-21 Murphy Letters in Support](#)



DEPARTMENT OF PLANNING SERVICES

NOTICE OF APPLICATION

TO: Interested Parties, Applicants, Owners & Adjacent Property Owners
FROM: Kent County Department of Planning
RE: Kent County Board of Adjustment Public Hearing

The Kent County Board of Adjustment will hold a public hearing on **Thursday, August 21, 2025, at 6:00 p.m.** in the Levy Court Chambers, Room 203, Kent County Complex, 555 Bay Road, Dover, Delaware to receive public testimony regarding this application described as follows:

A-25-21 Gregory S. Murphy Trustee & Teresa S. Murphy Trustee seek a variance from the required 30' front setback for an existing detached garage to enable a minor subdivision **205-85.A. of the Kent County Code**. The property is located on the south side of Carpenter Bridge Rd., approximately 0.2 mi. west of Outten Blvd., southwest of Frederica. Levy Court District: 4th. Zoning District: AC. **Tax Map No. 5-00-161.00-01-10.01**

The Board of Adjustment will receive testimony regarding this application (in favor or in opposition) at the public hearing. Anyone who wishes to attend or give testimony may do so. **Someone must be present to represent this application.** Any decision made by the Board of Adjustment may be appealed to Superior Court, Kent County, Delaware, within thirty (30) days of filing the decision.

If you are unable to attend the Public Hearing, you may submit written comments. Written comments should be received by the Kent County Planning Department by Monday, August 11, 2025, so that copies may be made and entered into the Staff Report and mailed to the members of the Board of Adjustment. Comments received after that date will be copied and made available to the members of the Board of Adjustment at the public hearing.

Information pertaining to this application may be viewed at the Department of Planning Services, Division of Planning, 555 Bay Road, Dover, Delaware. Office hours are 8:00 a.m. to 5:00 p.m.

As a courtesy to other participants in this hearing, a maximum of five (5) minutes will be allotted to any person who wishes to provide testimony for this application. The Chairperson of the Board of Adjustment has the discretion to allow additional time if deemed to be necessary.



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

August 21, 2025

APPLICATION: A-25-21

APPLICANT/OWNER: Gregory S. Murphy Trustee
Teresa S. Murphy Trustee
4060 Carpenter Bridge Rd
Felton, DE 19943

ADDITIONAL CONTACT: Patty Deputy
981 Tomahawk Ln.
Felton, DE 19943

NATURE OF REQUEST:

A-25-21 Gregory S. Murphy Trustee & Teresa S. Murphy Trustee seek a variance from the required 30' front setback for an existing detached garage to enable a minor subdivision (**205-85.A. of the Kent County Code**). The property is located on the south side of Carpenter Bridge Rd., approximately 0.2 mi. west of Outten Blvd., southwest of Frederica. Levy Court District: 4th. Zoning District: AC. **Tax Map No. 5-00-161.00-01-10.01-000**

The applicant is requesting a variance from the requirement that an accessory structure be setback 30' from the front property line to enable a minor subdivision. The existing detached garage is 6.1' from the proposed private road, requiring a variance of 23.9'.

I. STAFF RECOMMENDATION:

The Staff have reviewed the information presented by the applicant and recommends that the Board strongly consider all public testimony in making their decision. The Staff recommends **DENIAL** of the variance based on the analysis of the four criteria from the applicant and staff as follows:

II. RESPONSE TO CRITERIA:

1. The nature of the zone where the property lies.

Applicant Response:

None.

Staff Response:

As shown on Exhibit A, the subject site is zoned AC (Agricultural Conservation). Surrounding adjacent properties are similarly zoned AC. Accessory structures are

permitted within the zoning district, provided they meet the necessary area and bulk restrictions.

2. The character and uses of the immediate vicinity.

Applicant Response:

None.

Staff Response:

The character of the surrounding area is residential and agricultural in nature. Surrounding properties are improved with single family homes, accessory structures, and agricultural structures.

3. Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties.

Applicant Response:

None.

Staff Response:

Removal of the required 30' front setback to place a private road for a minor subdivision 6.1' from the existing detached garage, may seriously affect the neighboring properties. All the surrounding accessory structures maintain the required front setback. Reductions of this requirement granted by the Board should be weighed carefully as approval may result in a detrimental impact on the characteristics of newly created parcels. Commuters utilizing the private road may have their line of site blocked by the existing detached garage which may cause accidents for those entering and exiting driveways.

4. Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property. Economic hardship, standing alone, may justify granting an area variance and the inability to prove one's business or to stay competitive as a result of area limitations may qualify as a legitimate exceptional practical difficulty.

Applicant Response:

Failure to reduce the front setback on the proposed private road means the Starkey's will not be able to subdivide and develop lot 5 due to Kent County's restrictions.

Staff Response:

Failure to remove the restriction that an accessory structure must maintain a 30' front setback from the proposed private road would not create an exceptional practical difficulty for the owners. The property owners are still able to create a parcel with a private road, on the southwest portion of parcel 10.03, without needing variances. Also, while parcel 10.03 is technically eligible for a minor subdivision, this process is subject to setback restrictions and is not a guarantee.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Board of Adjustment shall give considerable weight to public testimony received during the public hearing in considering its decision.

III. APPLICATION BACKGROUND INFORMATION:

- The applicant is requesting a variance from the requirement that an accessory structure be setback 30' from the front property line to enable a minor subdivision. The existing detached garage is 6.1' from the proposed private road, requiring a variance of 23.9'.
- The subject site is currently 1.042± acre and is improved with a single-family home and a detached accessory building.
- There have been no previous Board of Adjustment applications on the subject site.
- There have been no other Board of Adjustment applications in the surrounding area similar to this request.

ENC: Exhibit A
Exhibit B
Plot Plan
Letters in Support



KENT COUNTY

Board of Adjustment

LOCATION AND ZONING MAP

A-25-21 Exhibit A

APPLICANT/OWNER:

Gregory S. Murphy Trustee, & Teresa S. Murphy Trustee

PRESENT ZONING DISTRICT:

AC (Agricultural Conservation)

PROPOSED VARIANCE:

Variance from the required 30' front setback for an existing detached garage to enable a minor subdivision

PRESENT USE: Residential**PROPOSED USE:**

Residential

LEVY COURT DISTRICT:

4th - Scott

TAX MAP NO:

MD-00-161.00-01-10.01-000

LOCATION: Located on the south side of Carpenter Bridge Rd., approx. 0.2 mil west of Outten Blvd., southwest of Frederica

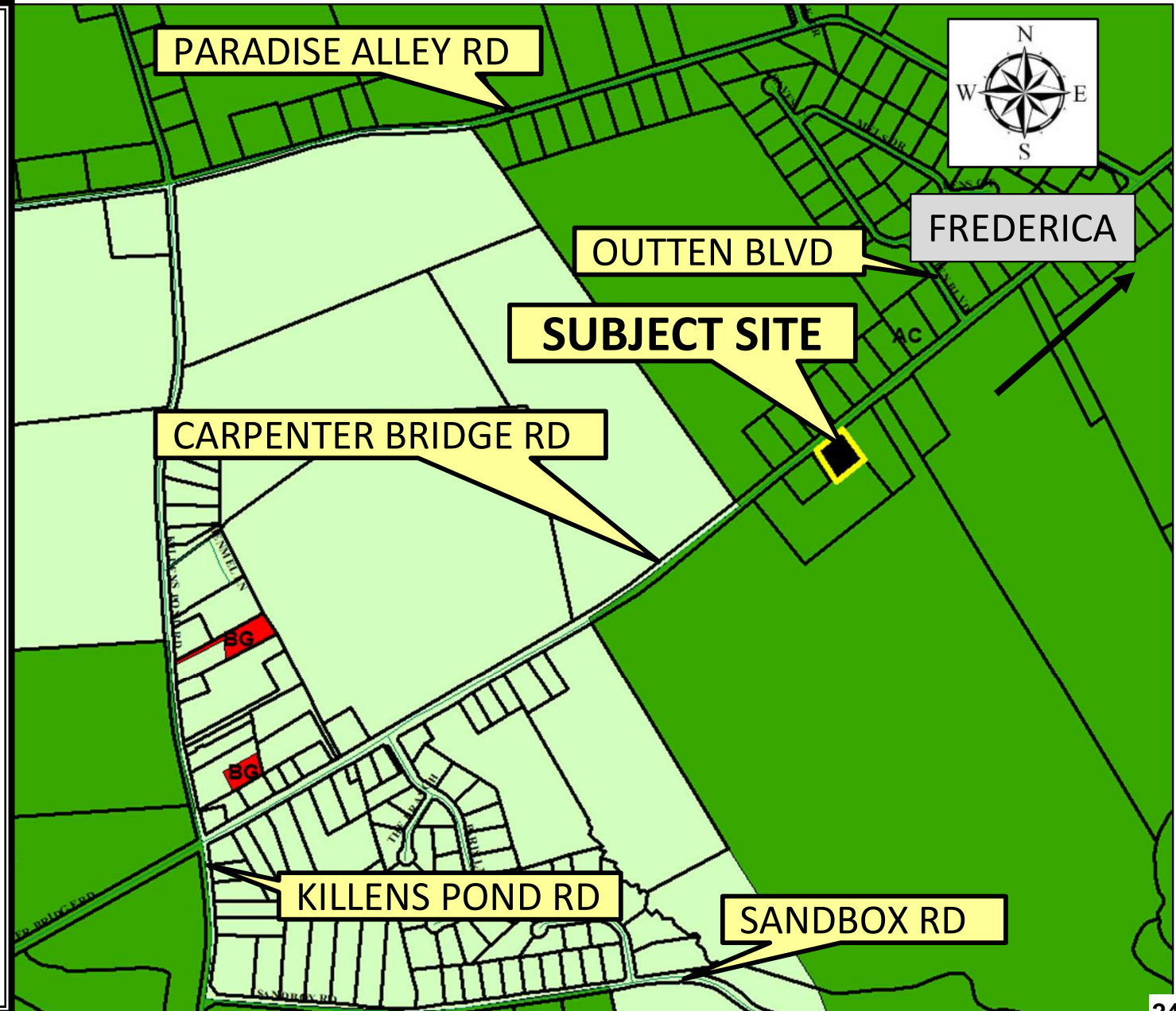
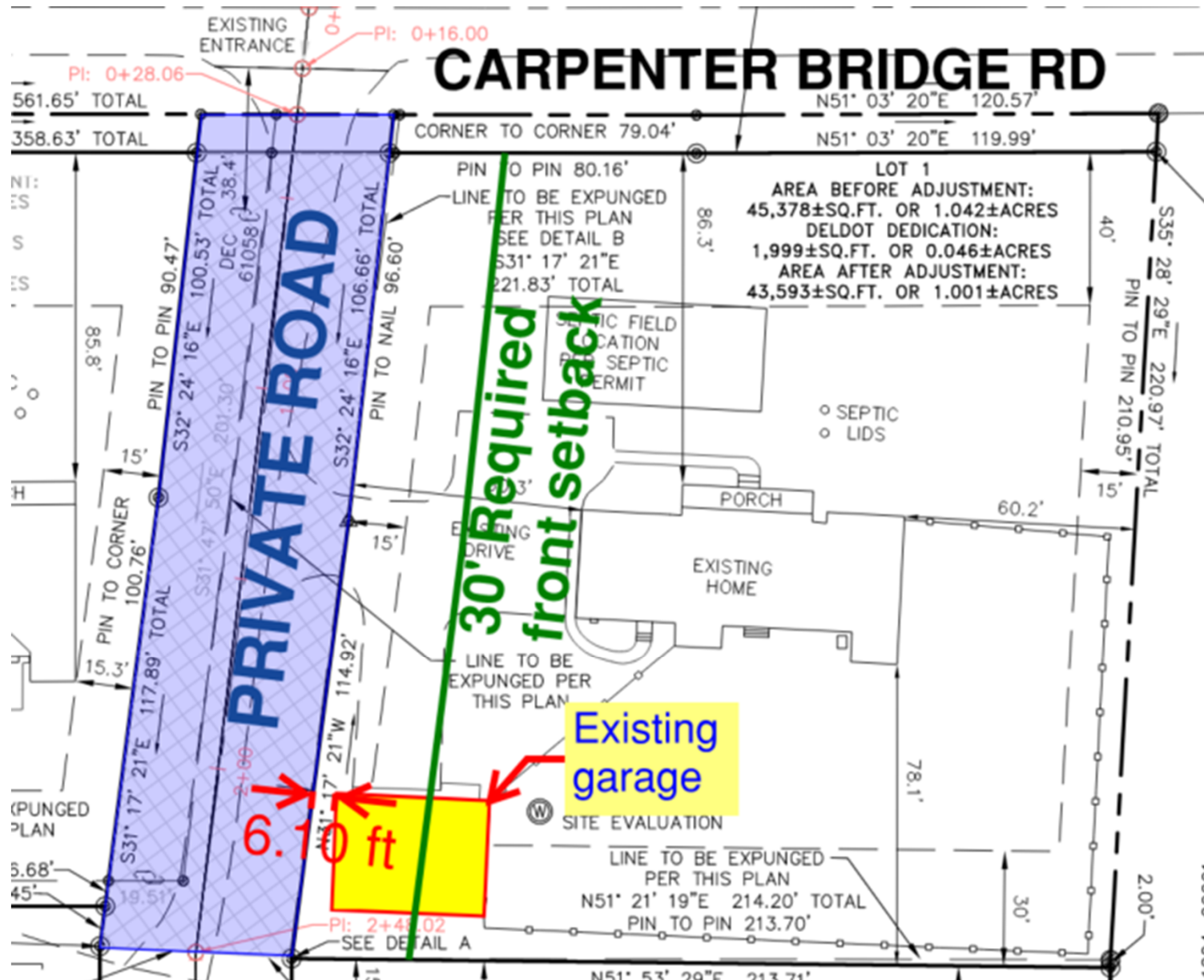
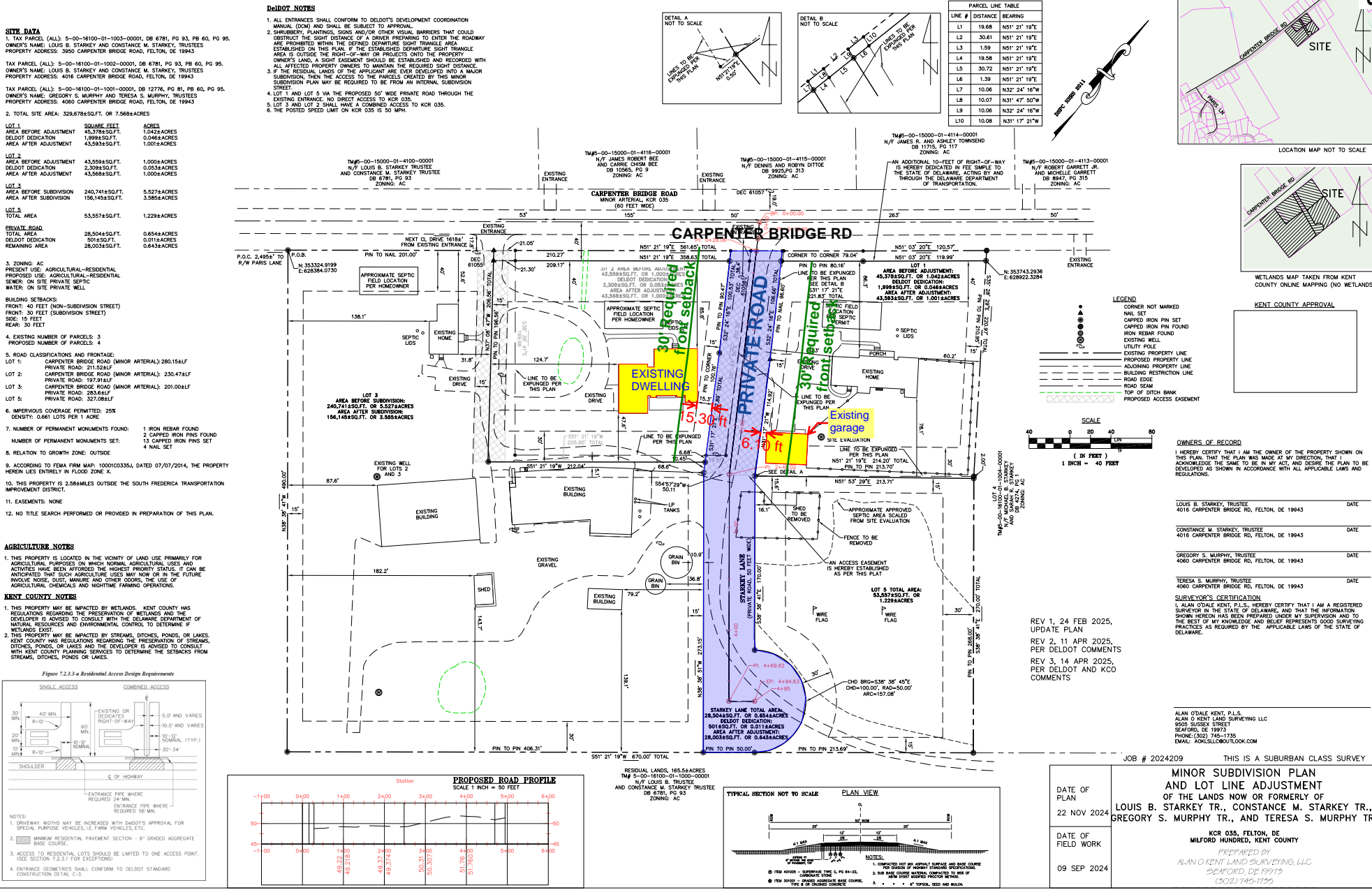


Exhibit B

Application: A-25-21
Murphy

Variance from the required 30' front setback for an existing detached garage to enable a minor subdivision



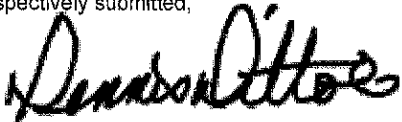


05/05/25

To Whom It May Concern,

This letter serves as a formal expression of my support for Louis B. Starkey, Constance M. Starkey, Gregory S. Murphy, and Teresa S. Murphy's request for a variance. Specifically, I am writing to advocate for the adjustment of setback requirements to allow for the creation of a viable building lot on their adjacent property. I believe that granting this variance would not negatively impact the surrounding area and would ultimately benefit the community. I understand the importance of adhering to zoning regulations, but I also recognize that flexibility is sometimes necessary to accommodate unique circumstances and promote responsible land use.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Donald Otto". The signature is fluid and cursive, with a large initial "D" and "O".

3989 Carpenter Bridge RD

Felton, DE 19943

April 27, 2025

James Townsend

Ashley Townsend

4017 Carpenter Bridge Rd.

Felton, DE 19943

Phone: 302-858-3472

Re: Support for New Home Construction

Dear Sir or Madam,

I am writing to let you know that we fully support Louis Starkey in his plans to build a new home for a family member on her property across the street from mine. As a neighboring resident, I have no objections to the proposed project.

I believe the new home will be a welcome addition to our area, and I appreciate their efforts to keep the neighborhood informed throughout the process.

Please feel free to contact me if any further information is needed.

Sincerely,

James Townsend

Ashley Townsend

May 2, 20225

Department of Planning Services

Division of Planning

555 Bay Road

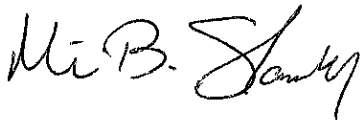
Dover, DE 19901

To Whom It May Concern,

I am submitting this letter to express my permission and approval for Kylie Murphy to build a house on the property of the Louis B. Starkey family farm.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mi B. Starkey". The signature is written in a cursive, flowing style.

Michael B. Starkey

May 4, 2025

Department of Planning Services
Division of Planning
555 Bay Road
Dover, DE 19901

RE: Construction of New Home

To Whom it may concern:

I am writing to inform you that I am in full support of a new home being built on the family farm at 4016 Carpenter Bridge Road, Felton, DE 19943, by Kylie Murphy.

Please contact me if necessary at 302-632-8019.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Starkey". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Linda Starkey

May 2, 2025

Department of Planning Services
Division of Planning
555 Bay Road
Dover, DE 19901

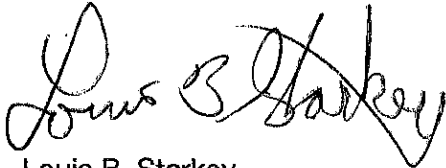
RE: Construction of New Home

To Whom it may concern:

I am writing to inform you that I am in full support of a new home being built on the family farm at 4016 Carpenter Bridge Road, Felton, DE 19943, by my granddaughter, Kylie Murphy.

Please feel free to contact me at 302-632-8019 should any further information be needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis B. Starkey". The signature is stylized with a large initial "L" and a long, sweeping underline.

Louis B. Starkey

May 4, 2025

Department of Planning Services
Division of Planning
555 Bay Road
Dover, DE 19901

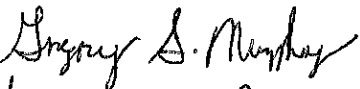
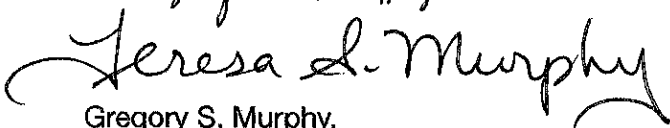
RE: Construction of New Home

To Whom it may concern:

We would like to express our approval of a new home being built on the family farm lot at 4016 Carpenter Bridge Road, Felton, DE 19943, by our daughter, Kylie Murphy.

Please contact us at 302-670-8133 if you need any further information.

Thank You,



Gregory S. Murphy,
Teresa S. Murphy

May 4, 2025

Department of Planning Services
Division of Planning
555 Bay Road
Dover, DE. 19901

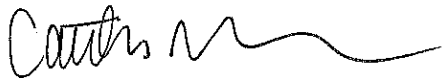
Support for New Residential Construction - 4016 Carpenter Bridge Road, Felton, DE

To Whom It May Concern:

I am writing to formally express my full support for the construction of a new residence on the family farm property located at 4016 Carpenter Bridge Road, Felton, DE 19943. The proposed residences intended to be built by my sister, Kylie Murphy.

Please feel free to contact me at (302) 943-9665 should you require any additional information or clarification regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Caitlin N. Murphy", followed by a long, wavy horizontal line.

Caitlin N. Murphy