

**BEFORE THE DELAWARE STATE
FIRE PREVENTION COMMISSION**

IN RE:)
) **ORDER**
500 CREEK VIEW)
NEWARK, DELAWARE)

Pursuant to 16 *Del. C.* §§6609 and 6610, and Delaware State Fire Prevention Regulation 701 1.8 Section, the State Fire Prevention Commission (“the Commission”) held a properly noticed public hearing on January 20, 2026, to hear the Appeal and Request for Variance from Mr. Jeff Lang regarding 500 Creek View, Newark, DE (“the building”). Mr. Lang requests the Commission authorize a variance from a provision of the Commission’s Regulations.

A quorum of the Commission members deliberated and voted on the appeal.¹ Jeff Lang, Lang Development Group, and James Davidson, Davidson Associates, presented the appeal. Renee Hayes, City of Newark, was present and represented the City of Newark. State Fire Marshal John Rudd was present as well. Nicole Hartman, Deputy Attorney General, advised the Commission.

SUMMARY OF THE EVIDENCE

The building at issue is located at 500 Creek View, Newark, Delaware, within the City of Newark. The building is made of stone and is more than 200 years old; it was once used as a mill. The building was converted for office use. It is now being converted for residential use as apartments. The apartments will be leased.

Mr. Lang and Mr. Davidson argued sprinklers are unnecessary on the balconies and decks of the building. They explained the decks will be attached externally using non-combustible materials. The building’s owner plans to provide non-combustible furniture for tenants’ use on the balconies.

¹ Commissioner Majewski recused himself from discussion and voting on this matter.

The leases will also prohibit grills or cooking of any kind. Based on the materials, construction, and planned rules, Mr. Lang suggested the fire danger was minimal.

ANALYSIS

There is no dispute that sprinklers are required on balconies and decks. The regulations govern the enforcement details regarding sprinkler, and other fire protection, systems. The Commission's authority to promulgate regulations is found in 16 *Del. C.* §6604(1). The attendant regulation is 1 *Del. Admin. Code* §702.1.3.1.3.

Sprinklers shall be required to be installed on porches, balconies, decks, and in corridors and stairs, regardless of whether or not they are open to outside air in all residential occupancies except one and two-family dwellings.

While the Commission appreciates the building owner's efforts to alleviate fire danger by prohibiting cooking on decks and balconies, reality often differs from the ideal. Even if a lease prohibits cooking or other activities creating fire dangers, a prohibition does not *prevent* occupants from engaging in these dangerous activities. Prohibitions merely provide a penalty. Sprinklers save lives and many recent fires were mitigated by sprinklers in similar types of situations as the building presented here. The City of Newark and the Office of the State Fire Marshal were unaware of any such exception or variance now existing as the variance sought for this building. The Commission will not start down such a dangerous road.

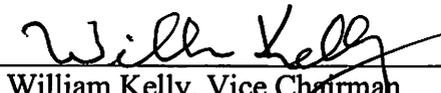
NOW, THEREFORE, the Commission hereby orders the appeal and request for variance taken by Mr. Lang for 500 Creek View is DENIED by a unanimous vote.

IT IS SO ORDERED this 17th day of February 2026.

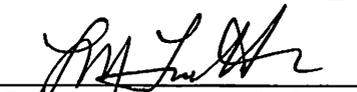
DELAWARE STATE FIRE PREVENTION COMMISSION



Ron Marvel, Chairman



William Kelly, Vice Chairman



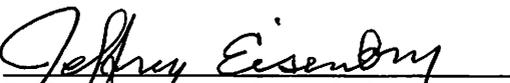
Lynn Truitt, Commissioner



Joseph J. Leonetti, Sr., Commissioner



Thomas DiCristofaro, Commissioner



Jeffrey Eisenbrey, Commissioner

ABSTAINED

J. David Majewski, Sr., Commissioner

Date Mailed: 2-19-2026