

AGENDA

BOARD OF ADJUSTMENT

Thursday, September 13, 2018

6:00 p.m.

Department of Land Use Conference Room

New Castle County Government Center

87 Reads Way, New Castle

1. 188 Scottfield Drive, Newark, DE 19713. Area variance: To maintain a shed 3 feet from the northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. David Montero. NC6.5 Zoning. CD 5. (App 2018-0438-A) TP 11-006.30-213.

2. 311 Lighthouse Road, Wilmington, DE 19809. Area variance: To construct a detached garage 4 feet from the northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. Arlene Skotnicki. NC6.5 Zoning. CD 8. (App 2018-0462-A) TP 06-146.00-043.

3. 5 Ridge Drive, New Castle, DE 19720. Area variance: To construct a detached garage 3 feet from the southerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. Leslie Wickwire. NC6.5 Zoning. CD 7. (App 2018-0465-A) TP 10-017.40-006.

4. 615 Red Maple Road, Middletown, DE 19709. Area variance: To construct an enclosed porch 24 feet from the rear yard setback (30-foot rear yard setback) see UDC Table 40.04.110.B. Jeff Brannan. S Zoning. CD 12. (App 2018-0466-A) TP 13-014.34-205.

5. 2003 Rising Sun Lane, Wilmington 19807. Confirmation of a nonconforming use and Special Use Permit to mitigate a nonconforming use: **1.** To maintain an existing nonconforming residential use in a residential zoning district; to permit the continued use as 5 dwelling units located within 3 existing dwellings see UDC sections 40.08.300, 40.08.400 and 40.31.430. **2.** To maintain a 0.24 acre lot size (1-acre minimum lot size) see UDC Table 40.04.110.B. **3.** To maintain a lot width of 46 feet (150-foot minimum lot width) see UDC Table 40.04.110.B. **4.** To maintain Dwelling 1 0 feet from the Rising Sun Lane right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **5.** To maintain Dwelling 1 1 foot from the southerly side lot line (12-foot side yard setback) see UDC Table 40.04.110.B. **6.** To maintain Dwelling 2 0 feet from the easterly side lot line (12-foot side yard setback) see UDC Table 40.04.110.B. **7.** To maintain Dwelling 3 0 feet from

the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. **8.** To construct a second story addition on Dwelling 3 0 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. Rising Sun 2003 LLC. S Zoning. CD 2. (App 2018-0108-A) TP 07-030.40-003.

6. 135 Jeandell Drive, Newark, DE 19713. Area variances: **1.** To maintain Building 107 26 feet from the Jeandell Drive right-of-way (40-foot street yard setback). **2.** To maintain Building 110 34 feet from the Jeandell Drive right-of-way (40-foot street yard setback). **3.** To maintain Building 116 35 feet from the Jeandell Drive right-of-way (40-foot street yard setback). **4.** To maintain Building 120 26 feet from the Jeandell Drive right-of-way (40-foot street yard setback). **5.** To maintain an addition on Building 25 30 feet from the rear property line (40-foot rear yard setback). **6.** To maintain Building 105 25 feet from the rear property line (40-foot rear yard setback). **7.** To maintain a pavilion 17 feet from the Jeandell Avenue right-of-way (40-foot street yard setback).

Landmark Science & Engineering. NCAP Zoning. CD 5. (App. 2018-0436-A) TP 09-033.00-035.

7. 183 Airport Road, New Castle, DE 19720. Area variance: To construct a ground sign 8 feet from the Churchmans Road right-of-way (40-foot sign setback) UDC Table 40.06.060. Chris Densten. CR & I Zoning. CD 7. (App 2018-0461-A) TP 10-017.00-004.

8. 820 Pencader Drive, Newark, DE 19702. Special Use Permit and area variances: **1.** Special Use Permit to establish a high intensity recreational use in BP Zoning District see UDC Sections 40.03.210 & 40.31.430. **2.** To maintain existing bufferyard opacity along all property lines (additional 0.2 bufferyard opacity required along all property lines) see UDC Table 40.04.111.A. **3.** To provide 34 parking spaces (60 parking spaces required) see UDC Table 40.03.522. Michael Evans. BP Zoning. CD 11. (App 2018-0364-A) TP 11-020.00-042.

9. 1605 Philadelphia Pike, Wilmington, DE 19809. Special Use Permit and variances to permit a 120 foot tall cell tower (disguised as a flagpole): **1.** Special Use permit to permit a 120 foot tall cell tower disguised as a flagpole 46 feet from a residential use (500 foot minimum distance required for a residential use) see UDC Sections 40.03.326 & 40.31.430. **2.** To permit 43 parking spaces (49 parking spaces required) see UDC Table 40.03.522. **3.** To permit a Landscape Surface Ratio (LSR) of 0.14 landscape surface ratio (0.50 minimum LSR required) see UDC Table 40.04.110.A. **4.** To maintain a 0.0 bufferyard opacity along the rear property line (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **5.** To maintain a 0.0 bufferyard opacity along the rear property line (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **6.** To maintain a 0.0 bufferyard opacity along the Philadelphia Pike right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **7.** To permit 0 parking space plant units (1 plant unit per 16 parking spaces required) see UDC Table 40.04.111.A. **8.** To permit 0 on-lot plant units per acre (8 on-lot plant units per 1-acre required) see UDC Table 40.04.111.A. **9.** To permit 0 open space plant units per acre (8 open space plant units per 1-acre required) see UDC Table 40.04.111.A. **10.** To permit 0 street trees along the

Philadelphia Pike right-of-way (1-street tree required) see UDC Table 40.04.111.A. **11.** To maintain paving 0 feet from the Philadelphia Pike right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **12.** To maintain paving 0 feet from the easterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **13.** To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. Cellco Partnership. CN Zoning. CD 8. (App 2018-0377-A) TP 06-106.00-281.

Individuals needing reasonable accommodations according to the *Americans with Disabilities Act*, please call 395-5400 (DRS, 1-800-232-5460) at least (5) business days before the meeting/hearing. Information is available in the Department of Land Use, New Castle County Government Center, 87 Reads Way, Corporate Commons, New Castle, DE from 8:00 a.m. to 4:00 p.m., or call 395-5400.