

AGENDA

BOARD OF ADJUSTMENT

Thursday, September 9, 2021

6:00 p.m.

In accordance with 29 Del. C. Section 10001 et.al., New Castle County Board of Adjustment public hearings will be held as virtual meetings utilizing Zoom Webinar. The Multipurpose Room of the James H. Gilliam, Jr. Building, located at 67 Reads Way in New Castle, will be accessible during the scheduled hearing times for members of the public to attend the virtual meetings in-person.

Additional information regarding Virtual Public Meetings may be found at: [Virtual Meetings-Land-Use](#)

**ZOOM Webinar log-in beginning at 5:45 P.M.
Log-in information for this meeting is posted below.**

When: September 9, 2021 6:00 PM Eastern Time (US and Canada)

Topic: Board of Adjustment Hearing

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84110461021?pwd=a09qbVFmUVNuNFh3REpQdmJDMmRhdz09>

Passcode: 681246

Or One tap mobile:

US: +19292056099,,84110461021# or +13017158592,,84110461021#

Or Telephone:

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Webinar ID: 841 1046 1021

AGENDA

1. 252 Anita Court, Newark, DE 19702. Area variance: To construct an addition 15 feet from the rear yard property line (25-foot rear yard setback) see UDC Table 40.04.110.B. James Wynn. S Zoning. CD 11. (App 2021-0428-A) TP 10-043.10-843.

2. 7 Terminal Avenue, New Castle, DE 19720. Area variances: **1.** To maintain a dwelling 9 feet from the Terminal Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a 1,200 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (604 square footage footprint primary dwelling) on a 0.30 acre lot (gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UCD Section 40.03.410.A. Kevin Havelow. NC5 Zoning. CD 10. (App 2021-0476-A) TP 10-002.30-002.

3. 415 Ohio Avenue, Wilmington, DE 19805. Area variances: **1.** To maintain a dwelling 13 feet from the Ohio Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To

maintain a dwelling 4 feet from the northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain a dwelling 18 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To maintain a deck 1 foot from the Ohio Avenue right-of-way (12.5 foot setback for decks) see UDC Table 40.04.110.B. **5.** To maintain a detached accessory structure 14 feet from the Ohio Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **6.** To maintain a detached accessory structure 4 feet from the southerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **7.** To construct an addition to connect the existing dwelling to the existing detached accessory structure 14 feet from the Ohio Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. Willie Smith. NC5 Zoning. CD 9. (App 2021-0419-A) TP 07-034.40-424.

4. 4 Laurel Avenue, Newark, DE 19711. Area variance: To construct a dwelling 15 feet from the Maple Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. Carmine Casper. NC5 Zoning. CD 9. (App 2021-0471-A) TP 08-054.30-103.

5. 17 Durboraw Road, Wilmington, DE 19810. Area variances: **1.** To maintain a dwelling 25 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 10 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. Steven & Jill Hutt. NC10 Zoning. CD 8. (App 2021-0473-A) TP 06-055.00-334.

6. 121 Prestwick Drive, New Castle, DE 19720. Area variances: **1.** To maintain pool decking 3 feet from the rear property line (6-foot setback for pool decking) see UDC Section 40.03.410.H. **2.** To construct an addition 22 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110. Lisa Barker. NC6.5 Zoning. CD 7. (App 2021-0474-A) TP 10-023.20-064.

7. 2201 Kirkwood Highway, Wilmington, DE 19805. Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit 6 parking spaces (14 parking spaces required) see UDC Table 40.03.522. **2.** To permit a maximum gross floor area ratio of 0.34 (0.23 maximum gross floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a Landscape Surface Ratio (LSR) of 0.31 landscape surface ratio (0.50 minimum LSR required) see UDC Table 40.04.110.A. **4.** To maintain a lot size of 0.34 acres (1.00 acre minimum lot size) see UDC Table 40.04.110.B. **5.** To maintain a residential dwelling 3 feet from the Kirkwood Highway right-of-way (15-foot street yard setback) see UDC Table 40.04.110.B. **6.** To maintain a residential dwelling 1 feet from the Brighton Avenue right-of-way (15-foot street yard setback) see UDC Table 40.04.110.B. **7.** To maintain a detached accessory structure for the residential use 2 feet from the westerly side lot line (6-foot side yard setback) see UDC Section 40.03.410.A. **8.** To maintain paving 0 feet from the Brighton Avenue right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **9.** To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **10.** To permit a 0.0 bufferyard opacity along the Kirkwood Highway right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **11.** To permit a 0.0 bufferyard opacity along the Brighton Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **12.** To permit a 0.0 bufferyard opacity along the westerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **13.** To permit 0.0 bufferyard opacity along the rear property line (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. Justin Meyer. CN & NC5 Zoning. CD 1. (App 2020-0525-A) TP 07-038.10-348.

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.