



BOARD OF ADJUSTMENT

MINUTES

BUSINESS MEETING AND PUBLIC HEARING

January 24, 2019

The Board of Adjustment of New Castle County held a public hearing on January 24, 2019 at the Department of Land Use Conference Room, New Castle County Government Center, 87 Reads Way, New Castle, Delaware, beginning at 6:00 p.m.
Chairman David H. Burt, presiding:

CALL TO ORDER – 6:00 p.m.

David H. Burt
Terry Parker
William Brooks
Edward Thomas
Richard Farmer
Izuru Osegbu-Rivers

Comprising a quorum of the Board; also:
Aysha Gregory, Esq., Office of Law
George Haggerty, Department of Land Use
Melissa Hughes, Department of Land Use

MINUTES

The minutes of December 13, 2018 were presented for approval and Mr. Parker motioned to Grant the December 13, 2018 minutes and Mr. Brooks seconded the motion, and the minutes were approved.

PUBLIC HEARING

NEW BUSINESS

The Board heard and received testimony on the following application(s) and took action on the applications as follows:

1. App. #2018-0721-A – 2K Properties LLC.

Mr. Burt moved to Grant the application; Mr. Farmer seconded the motion.

VOTE: 6-0

ACTION: Grant – Area variance: To maintain a dwelling 14 feet from the Thomas Landing Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC40 Zoning. CD 12. TP 14-008.00-006

2. App. #2018-0726-A – Ryan Straub.

Mr. Burt moved to Amend the application; Mr. Thomas seconded the motion.

VOTE: 6-0

ACTION: Amend - Area variances: To construct an addition 9 [**16**] feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. TP 06-111.00-060.

Mr. Burt moved to Grant the application; Mr. Thomas seconded the motion.

ACTION: Grant - Area variances: To construct an addition 16 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. TP 06-111.00-060.

VOTE: 6-0

3. App 2018-0732-A – James F. Sniadowski.

Mr. Brooks moved to Deny the application; Mr. Farmer seconded the motion.

VOTE: 3-3 Motion fails (Deny: Burt, Brooks and Farmer)

ACTION: Deny – Area variance: To construct a detached garage which would cover 76 percent of the of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.04.410.4. NC5 Zoning. CD 1. TP 07-036.10-498.

Mr. Burt moved to Grant the application; Mr. Thomas seconded the motion

ACTION: Grant – Area variance: To construct a detached garage which would cover 76 percent of the of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.04.410.4. NC5 Zoning. CD 1. TP 07-036.10-498.

VOTE: 4-2 (Deny: Burt and Farmer)

4. App 2018-0706-A – James Knies.

Mr. Burt moved to Grant the application; Mr. Farmer seconded the motion.

VOTE: 6-0

ACTION: Grant – Area variances: 1. To construct a deck 3 feet from the rear property line (12.5-foot setback for decks) see UDC Section 40.04.110.E. and Table 40.04.110.B. **2.** To construct a deck 2 feet from the southerly side lot line (3-foot setback for decks) see UDC Section 40.04.110.E. and Table 40.04.110.B. CN Zoning (Processed as NC6.5) CD 9. TP 08-042.00-007.

5. App 2018-0722-A – 2160 New Castle Avenue LLC.

Mr. Burt moved to Grant the application; Mr. Farmer seconded the motion.

VOTE: 6-0

ACTION: Grant – Area variances: 1. To construct a 162 square foot ground sign (150-square foot maximum) see UDC Table 40.06.060. **2.** To construct a ground sign 20 feet from the Interstate 295 right-of-way (40-foot sign setback) see UDC Table 40.06.060. **3.** To maintain 92 parking spaces (139 parking spaces required) see UDC Table 40.03.522. CR Zoning. CD 7. TP 10-015.00-001, 10-015.00-002.

6. App 2018-0689-A - SMO, Inc

Mr. Burt moved to Grant with Conditions the application; Ms. Osegbu-Rivers seconded the motion.

VOTE: 6-0

ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land

Development Plan: 1. To permit paving 8 feet from the Faulkland Road right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the Centre Road right-of-way

(40-foot paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 2 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 9 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit 0 street trees along the Faulkland Road right-of-way (4 street trees required) see UDC Table 40.04.111.A. **6.** To permit 0 street trees along the Centre Road right-of-way (5 street trees required) see UDC Table 40.04.111.A. **7.** To permit a 0.0 bufferyard opacity along the Faulkland Road right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.A. **8.** To permit a 0.0 bufferyard opacity along the Centre Road right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.A. **9.** To permit a Landscape Surface Ratio (LSR) of 0.10 landscape surface ratio (0.50 minimum LSR required) see UDC Table 40.04.110.A. **10.** To permit a ground sign 30 feet from the Centre Road right-of-way (40-foot sign setback) see UDC Table 40.06.060. **11.** To permit a ground sign 3 feet from the Faulkland Road right-of-way (40-foot sign setback) see UDC Table 40.06.060. **12.** To permit a trash enclosure 6 feet from the southerly side lot line (10-foot setback) see UDC Table 40.04.110.B. CN Zoning. CD 9. TP 07-035.10-138.

Conditions:

- 1. The Applicant shall provide landscaping consistent with the renderings submitted into evidence.**

- 2. The building elevations shall be consistent with the renderings submitted into evidence.**

Melissa Hughes
Department of Land Use 3/28/2019