



BOARD OF ADJUSTMENT

MINUTES

April 23, 2020

The Board of Adjustment of New Castle County held a public hearing on April 23, 2020 utilizing ZOOM Webinar, 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
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Aysha Gregory, Esq., Office of Law
Melissa Hughes, Department of Land Use
Janet Vinc, Department of Land Use
Conor Gibbons, Department of Land Use

MINUTES

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. #2020-0074-A – John Kuhn.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition 12 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9. TP 08-049.10-079.

2. App. #2020-0036-A – Phil Brady & Kelly Albanese.

Mr. Burt moved to **Amend** the application; Mr. Farmer seconded the motion.

VOTE: 6-0

ACTION: Amend– Area variances: 1. To construct a detached accessory structure **28 [26]** feet in height (20-foot maximum height for detached structures) see UDC Section 40.03.410.A. ~~2. To construct a 28 foot tall detached accessory structure 7 feet from the rear property line (40 foot rear yard setback) see UDC Section 40.03.410.A.~~ Phil Brady & Kelly Albanese. SR Zoning. CD 12. TP 14-012.00-130.

Mr. Brooks moved to **Grant** the application; Mr. Parker seconded the motion.

VOTE: 6-0

ACTION: Grant– Area variances: 1. To construct a detached accessory structure **28 [26]** feet in height (20-foot maximum height for detached structures) see UDC Section 40.03.410.A. ~~2. To construct a 28 foot tall detached accessory structure 7 feet from the rear property line (40 foot rear yard setback) see UDC Section 40.03.410.A.~~ Phil Brady & Kelly Albanese. SR Zoning. CD 12. TP 14-012.00-130.

3. App. #2020-0010-A – Thomas Emig

Mr. Burt moved to **Grant with Condition** the application; Mr. Parker seconded the motion.

VOTE: 6-0

ACTION: Grant with Condition – Special Use Permit and area variances: 1. Special Use Permit to establish a high intensity recreational use in I Zoning District see UDC Sections 40.03.210 & 40.31.430. **2.** To provide 77 parking spaces (96 parking spaces required) see UDC Table 40.03.522. **3.** 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. I Zoning. CD 11. TP 11-017.00-047.

***Condition: The special use variance applies only to this particular unit of the building.**

4. App. #2019-0791-A – Columbia/Wegman Hockessin, LLC

Mr. Burt moved to **Amend** the application; Mr. Brooks seconded the motion.

VOTE: 6-0

ACTION: Amend – Area variances to facilitate the recordation of a Land Development Plan: 1. To disturb 60% (1.39 acres) of the Cockeyville Formation Water Resource Area/WRPA (50% protection level required) see Table 40.10.010. ~~2. To permit 30% impervious coverage in a Cockeyville Formation Water Resource Area/WRPA (20% maximum impervious coverage) see UDC Section 40.10.160.~~ **3.** To permit a maximum gross floor area ratio of 0.25 (0.23 maximum gross floor area required) see UDC Table 40.04.110.A. **4.** To permit a 0.3 bufferyard opacity along the northerly side lot line (0.4 bufferyard opacity required) see UDC Table 40.04.111. NC21 Zoning. CD 3. TPs 08-018.00-019 & 08-018.00-066.

Mr. Brooks moved to **Grant with Conditions** the application; Mr. Burt seconded the motion.

VOTE: 6-0

ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land Development Plan: 1. To disturb 60% (1.39 acres) of the Cockeyville Formation Water Resource Area/WRPA (50% protection level required) see Table 40.10.010. ~~2. To permit 30% impervious coverage in a Cockeyville Formation Water Resource Area/WRPA (20% maximum impervious coverage) see UDC Section 40.10.160.~~ **3.** To permit a maximum gross floor area ratio of 0.25 (0.23 maximum gross floor area required) see UDC Table 40.04.110.A. **4.** To permit a 0.3 bufferyard opacity along the northerly side lot line (0.4 bufferyard opacity required) see UDC Table 40.04.111. NC21 Zoning. CD 3. TPs 08-018.00-019 & 08-018.00-066.

Conditions:

- 1. Per RPATAC's recommendation to work with the neighbor to the west of the subject property to assure no adverse impact on his property.**
- 2. The building elevations shall be consistent with the renderings submitted into evidence.**
- 3. *The landscaping shall be consistent with the renderings submitted into evidence**

5. App. #2020-0011-A – Jardel Co., Inc

Mr. Parker moved to **Grant with Conditions** the application; Mr. Burt 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 10 feet from the Kirkwood Highway right-of-way (25-foot paving setback) see UDC Table 40.04.110.B. **2.** To permit a 0.1 bufferyard opacity along the Kirkwood Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **3.** To permit a 0.03 Landscape Surface Ratio (LSR) (0.20 minimum LSR required) see UDC Table 40.04.110.A. **4.** To permit 6 parking lot plant units for 96 parking spaces (1 plant unit required per 12 parking spaces) see UDC Table 40.04.111.A. **5.** To permit 0 loading bays (1 loading bay required) UDC Section 40.03.510. CR Zoning. CD 1. TP 07-037.20-235.

Conditions:

- 1. The landscaping shall be 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
5/28/2020