



BOARD OF ADJUSTMENT

MINUTES

May 9, 2019

The Board of Adjustment of New Castle County held a public hearing on May 9, 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
Izuru Osegbu-Rivers

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

MINUTES

The minutes of January 18, 2018 were presented for approval and Mr. Parker motioned to Grant the January 18, 2018 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of April 5, 2018 were presented for approval and Mr. Parker motioned to Grant the April 5, 2018 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of March 14, 2019 were presented for approval and Mr. Burt motioned to Grant the March 14, 2019 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of March 28, 2019 were presented for approval and Mr. Parker motioned to Grant the March 28, 2019 minutes and Mr. Osegbu-Rivers 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. #2019-0217-A – Moon Ki Joegh

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

VOTE: 5-0

ACTION: Grant– Area variances: **1.** To maintain dwelling 34 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a deck 24 feet from the rear property line (25-foot setback for decks) see UDC Section 40.04.110.E. **3.** To construct steps leading from a deck with a 12 square foot landing, 17 feet from the rear property line (25-foot setback for decks, stairs leading to a deck, with a landing area not greater than twenty-five (25) square feet may project an additional two (2) feet) see UDC Table 40.04.110.E. NCTH Zoning. CD 10. TP 10-005.40-329.

2. App. #2019-0209-A – Hamada Kawi.

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

VOTE: 5-0

ACTION: Amend- Area variance: **1.** To maintain dwelling 6 feet from the Lloyd Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a second story addition **6 [11]** feet from the Lloyd Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. TP 07-041.40-217.

Mr. Farmer moved to **Grant** the application; Ms. Osegbu-Rivers seconded the motion.

VOTE: 5-0

ACTION: Grant- Area variance: **1.** To maintain dwelling 6 feet from the Lloyd Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a second story addition **6 [11]** feet from the Lloyd Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. TP 07-041.40-217.

3. App. #2019-0189-A – Cornelius Walker Jr.

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

VOTE: 5-0

ACTION: Grant – Area variances: **1.** To maintain a dwelling 24 feet from the Hillview Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 17 feet from the Hillview Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. TP 10-010.20-580.

4. App. #2019-0190-A – Ferris Home Improvement.

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

VOTE: 5-0

ACTION: Grant – Area variance: To construct an addition 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. ST Zoning. CD 11. TP 11-031.20-045.

5. App. #2019-0200-A – William Wright.

Mr. Thomas moved to **Grant** the application; Ms. Osegbu-Rivers seconded the motion.

VOTE: 5-0

ACTION: Grant – Area variance: To construct a dwelling 31 feet from the Mollie Court right-of-

way (40-foot street yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 3. TP 08-024.20-323.

6. App. #2019-0175-A – Pietro D’Agostino

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

VOTE: 5-0

ACTION: Grant with Condition – Area variances: **1.** To permit 2 additional identification signs (1 wall or ground identification sign permitted) see UDC Table 40.060.60. **2.** To permit a 40 square foot wall sign (20-square foot maximum sign area) see UDC Table 40.06.060. **3.** To permit a 64 square foot wall sign (20-square foot maximum sign area) see UDC Table 40.06.060. S Zoning. CD 12. TP 13-013.00-006.

Condition: Sign be placed on a timer to turn off at 10:00 pm or end of school functions.

7. App. #2019-0177-A - Tupp Signs Inc

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

VOTE: 5-0

ACTION: Grant – Area variance: To permit a ground sign 1 foot from the Stanton Christiana Road right-of-way (40-foot sign setback) see UDC Table 40.06.060. CR Zoning. CD 1. TP 09-018.00-029

8. App. #2019-0159-A – Mid-Atlantic Lubes, LLC

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

VOTE: 5-0

ACTION: Grant with Conditions– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a 0.53 acre lot size (1.00 acre minimum lot size) see UDC Table 40.04.110.B. **2.** To construct a building 19 feet from the St. James Church Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **3.** To construct a building 25 feet from the Kirkwood Highway right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **4.** To permit paving 18 feet from the St. James Church Road right-of-way (25-foot paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 0 feet from the Kirkwood Highway right-of-way (25-foot paving setback) see UDC Table 40.04.110.B. **6.** To permit 10 parking spaces (16 parking spaces required) see UDC Table 40.03.522. **7.** To provide 8 stacking spaces for 4 service bays (24 stacking spaces required, 6 stacking spaces per bay) see UDC Section 40.03.522. **8.** To provide a 0.2 bufferyard opacity along the St. James Church Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.A. **9.** To provide a 0.0 bufferyard opacity along the Kirkwood Highway right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.A. **10.** To provide a 0.3 bufferyard opacity along the rear property line (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **11.** To provide 3 street trees along the Kirkwood Highway (4 street trees required) see UDC Table 40.04.111.C. **12.** To permit a ground sign 5 feet from the Kirkwood Highway right-of-way (25-foot sign setback) see UDC Table 40.06.060. CR Zoning. CD 1. TP 08-044.30-087

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
6/13/2019