



BOARD OF ADJUSTMENT

MINUTES

BUSINESS MEETING AND PUBLIC HEARING

October 11, 2018

The Board of Adjustment of New Castle County held a public hearing on October 11, 2018 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
Monique Slowe
William Brooks
Edward Thomas
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Melissa Hughes, Department of Land Use
Antoni Sekowski, Department of Land Use
Daniel Murray, Esq., Office of Law

MINUTES

The minutes of August 9, 2018 were presented for approval and Mr. Burt motioned to Grant the August 9, 2018 minutes and Mr. Parker 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. #2018-0556-A – Rising Sun 2003 LLC.

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

VOTE: 6-0 (Burt Recused)

ACTION: Grant – Area variance: To construct a second story addition 0 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. LLC. S Zoning. CD 2. TP 07-030.40-003.

2. App. #2018-0506-A – Ronald J. Brittingham.

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

VOTE: 7-0

ACTION: Grant - Area variance: To construct an addition 20 feet from the Moores Lane right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 7. TP 10-015.30-013.

3. App. #2018-0540-A – Sally Hui McGowan.

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

VOTE: 7-0

ACTION: ACTION: Grant - Area variance: To construct an enclosed porch 25 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. TP 06-032.00-187.

4. App. #2018-0501-A – Francisco Antonio Hernandez Delacruz.

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

VOTE: 7-0

ACTION: Grant - Area variance: To construct an enclosed porch 18 feet from the Rose Lane right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NCTH Zoning. CD 10. TP 10-010.20-204.

5. 7. App. #2018-0510-A – Howard L. Robertson Inc.

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

VOTE 7-0

ACTION: Grant - Area variance: To construct a stairway/fire escape 0 feet from the easterly side lot line (14-foot rear yard setback) see UDC Table 40.04.110.B. CR Zoning. CD 8. TP 06-150.00-295.

6. App. #2018-0509-A – VFW Post 3792.

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

VOTE: 7-0

ACTION: Grant– Area variances: **1.** To maintain 2 identification signs (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. **2.** To permit a third identification sign (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. **3.** To maintain 1, 27 square foot identification wall sign (20-square foot maximum sign area) see UDC Table 40.06.060.1. **4.** To permit a 40 square foot ground sign (20-square foot maximum sign area) see UDC Table 40.06.060.1. **5.** To permit a ground sign 22 feet from the Summit Bridge Road right-of-way (25-foot setback) see UDC Table 40.06.060.1. NC40 Zoning. CD 6. TP 14-011.00-017.

7. App. #2018-0293-A – Tidewater Utilities Inc.

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

VOTE: 7-0

ACTION: Grant– Area variances: **1.** To maintain a building 27 feet from the rear yard setback (40-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To maintain a building 21 feet from the southerly side lot line (30-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain a water tank 35 feet from the rear yard setback (40-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To maintain a water tank 19 feet from the southerly side lot line (30-foot side yard setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To maintain a generator 26 feet from the easterly side lot line (30-foot side yard setback) see UDC Table 40.04.110.B. **7.** To maintain a generator 30 feet from the rear

yard setback (40-foot rear yard setback) see UDC Table 40.04.110.B. **8.** To construct an addition 10 feet from the southerly side lot line (30-foot side yard setback) see UDC Table 40.04.110.B. NC2A Zoning. CD 6. TP 13-011.00-122. (Continued from the August 9, 2018 hearing).

8 App. #2018-0467-A – Brandywine School District.

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

VOTE: 6-0 (Parker recused)

ACTION: Grant– Special Use Permit: Special Use Permit to permit playing field lighting 500 feet from residential zoned properties along the rear property line and 500 feet from the residentially zoned property along the southerly side lot line, see UDC Section 40.22.740 & 40.31.430. S Zoning. CD 2. TP 06-079.00-133.

9. App. #2018-0505-A – Douglas R. Jr. & Rita Holloway.

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

VOTE 7-0

ACTION: Amend - Special Use Permit to permit the continued use of a Commercial Kennel and area variances: **1.** Special Use Permit to permit an Agricultural Support and Other Rural Services use in a NC21 Zoning District to permit the continued use of a commercial kennel see UDC Sections 40.03.314 & 40.31.430. **2.** To maintain an outdoor dog run 40 feet from the southerly side lot line (150-foot setback) see UDC Section 40.03.314.B. **3.** To maintain an outdoor dog run 85 feet from the northerly side lot line (150-foot setback) see UDC Section 40.03.314.B. **4.** To provide a 0.0 bufferyard opacity along the northerly side lot line (0.8 bufferyard opacity) see UDC Table 40.04.111.B and Section 40.03.314.B. **5.** To provide a 0.0 bufferyard opacity along the rear property line (0.8 bufferyard opacity) see UDC Table 40.04.111.B and Section 40.03.314.B. **6.** To provide a 0.0 bufferyard opacity along the southerly side lot line (0.8 bufferyard opacity) see UDC Table 40.04.111.B and Section 40.03.314.B. **7.** To provide a 0.0 bufferyard opacity along the Pleasant Valley Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.A. **8.** ~~To provide 0 on lot plant units per acre (6 plant units per acre) see UDC Table 40.04.111.A.~~ **9.** ~~To provide 0 open space plant units per acre (6 plant units per acre) see UDC Table 40.04.111.A.~~ **10.** ~~To provide 0 parking lot plant units per acre (1 plant unit per 12 parking spaces) see UDC Table 40.04.111.A.~~ **11.** ~~To provide 0 street trees along the Pleasant Valley Road right-of-way (8 street trees) see UDC Table 40.04.111.C.~~ **12.** To permit paving 3 feet from the Pleasant Valley Road right-of-way (20-foot paving setback) see UDC Table 40.03.110.B. **13.** To permit 6 parking spaces (13 parking spaces required) see UDC Table 40.03.522. NC21 Zoning. CD 4. TPs 11-020.00-031 & 11-020.00-034.

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

VOTE: 7-0

ACTION: Grant with Conditions- Special Use Permit to permit the continued use of a Commercial Kennel and area variances: **1.** Special Use Permit to permit an Agricultural Support and Other Rural Services use in a NC21 Zoning District to permit the continued use of a commercial kennel see UDC Sections 40.03.314 & 40.31.430. **2.** To maintain an outdoor dog run 40 feet from the southerly side lot line (150-foot setback) see UDC Section 40.03.314.B. **3.** To maintain an outdoor dog run 85 feet from the northerly side lot line (150-foot setback) see UDC Section 40.03.314.B. **4.** To provide a 0.0 bufferyard opacity along the northerly side lot line (0.8 bufferyard opacity) see UDC Table 40.04.111.B and Section 40.03.314.B. **5.** To provide a 0.0 bufferyard opacity along the rear property line (0.8 bufferyard opacity) see UDC Table 40.04.111.B and Section 40.03.314.B. **6.** To provide a 0.0 bufferyard opacity along the southerly side lot line (0.8 bufferyard opacity) see UDC Table 40.04.111.B and Section 40.03.314.B. **7.** To provide a 0.0 bufferyard opacity along the Pleasant Valley Road right-

of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.A. ~~8. To provide 0 on-lot plant units per acre (6 plant units per acre) see UDC Table 40.04.111.A. 9. To provide 0 open space plant units per acre (6 plant units per acre) see UDC Table 40.04.111.A. 10. To provide 0 parking lot plant units per acre (1 plant unit per 12 parking spaces) see UDC Table 40.04.111.A. 11. To provide 0 street trees along the Pleasant Valley Road right-of-way (8 street trees) see UDC Table 40.04.111.C. 12. To permit paving 3 feet from the Pleasant Valley Road right-of-way (20-foot paving setback) see UDC Table 40.03.110.B. 13. To permit 6 parking spaces (13 parking spaces required) see UDC Table 40.03.522. NC21 Zoning. CD 4. TPs 11-020.00-031 & 11-020.00-034.~~

Conditions:

- 1. The site plan currently under review shall contain a note regarding the requirement for sound proofing and odor control to limit off-site impacts to persons of normal sensibilities**
- 2. The Applicant shall provide landscaping consistent with the landscape plan entered into evidence.**

Melissa Hughes
Department of Land Use 11/29/2018