



BOARD OF ADJUSTMENT

**MINUTES**

BUSINESS MEETING AND PUBLIC HEARING

**November 8, 2018**

The Board of Adjustment of New Castle County held a public hearing on November 8, 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**  
**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

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. #2018-0597-A – Anthony Bruttaniti.**

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

**VOTE: 6-0**

**ACTION: Grant – Area variances: 1.** To maintain a dwelling 20 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a second-story addition 20 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To construct a one-story addition 20 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. TP 06-069.00-143.

**\*2. App. #2018-0592-A – Albert Mancuso.**

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

**VOTE: 6-0**

**ACTION: Grant - Area variance:** To construct an addition ~~10 feet~~ **[14 feet]** from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. Albert Mancuso. S Zoning. CD 11. (App 2018-0592-A) TP 10-043.20-158.

**3. App. #2018-0595-A – Toll Brothers.**

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

**VOTE: 6-0**

**ACTION: Grant - Area variance:** To permit a maximum building height of 40 feet (36-foot maximum building height) see UDC Table 40.04.110.B. S Zoning. CD 12. TPs 12-020.30-008, 12-020.30-011; 12-027.10-008, 010, 018 – 021, 024 – 025, 031, 033, 037, 040, 055 – 061, 074 -076, 079, 081, 083 – 084 086, 094 – 095, 116, 126 – 128, 138; 12-027.20-172 – 175; 12-027.30-004 & 12-027.40-106.

**4. App. #2018-0598-A – John R. Fitzgerald.**

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

**VOTE: 6-0**

**ACTION: Grant - Area variances:** **1.** To maintain 4 identification signs (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. **2.** To permit 3 additional identification signs (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. S Zoning. CD 5. TP 11-002.40-376.

**5. App. #2018-0572-A – MOT Self Storage.**

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

**VOTE 5-1 (Burt Opposed)**

**ACTION: Grant - Area variances:** **1.** To maintain a spacing of 0 feet between off premise Signs 1 & 2 (300-foot minimum spacing for off-premise signs) see UDC Section 40.06.070.C. **2.** To maintain a spacing of 0 feet between off premise Sign 3 & 4 (300-foot minimum spacing for off-premise signs) see UDC Section 40.06.070.C. **3.** To permit off-premise Signs 1 & 2 at the 55 feet in height (45-foot maximum height) see UDC Section 40.06.070.E. **4.** To permit off-premise Signs 3 & 4 at the 55 feet in height (45-foot maximum height) see UDC Section 40.06.070.E. CR Zoning. CD 6. TP 15-010.00-054.

**6. App. #2018-0511-A – David & Teresa Beste.**

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

**VOTE: 6-0**

**ACTION: Amend – Area variances to facilitate the recordation of a Land Development Plan: 1.** To disturb 63% of a WRPA Recharge Area (50% maximum disturbance) see UDC Table 40.10.010. **2.** ~~To permit 40% impervious coverage in a WRPA Recharge Area (31% maximum impervious coverage) see UDC Section 40.10.160.~~ CR Zoning. CD 6. TP 13-026.00-025.

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

**VOTE: 6-0**

**ACTION: Grant with Conditions: Area variances to facilitate the recordation of a Land Development Plan: 1.** To disturb 63% of a WRPA Recharge Area (50% maximum disturbance) see UDC Table 40.10.010. **2.** ~~To permit 40% impervious coverage in a WRPA Recharge Area (31% maximum impervious coverage) see UDC Section 40.10.160.~~ CR Zoning. CD 6. TP 13-026.00-025.

**Conditions:**

- 1. The Applicant shall add a note(s) to the Construction Plan stating construction and testing requirements shall be followed for the 2 recharge facilities.**
- 2. The Applicant shall add a note to the Record Plan regarding specific tasks and frequency for long term maintenance of the conservation landscape areas.'**
- 3. Isolator rows must be included in the design of the two proposed Stormtech recharge facilities.**

**7. App. #2018-0594-A – Reybold Venture Group VII, LLC.**

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

**VOTE: 6-0**

**ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan: 1.** To permit paving 15 feet from the Bear-Christiana Road right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **2.** To permit a trash enclosure 15 feet from the Bear-Christiana Road right-of-way (40-foot setback) see UDC 40.04.110.B. **3.** To provide a 0.2 bufferyard opacity along the Bear-Christiana Road right-of-way (0.5 bufferyard opacity) see UDC Table 40.04.111.B. I Zoning. CD 1. TP 10-028.00-015.

Melissa Hughes

Department of Land Use 12/13/2018