



BOARD OF ADJUSTMENT

MINUTES

BUSINESS MEETING AND PUBLIC HEARING

November 29, 2018

The Board of Adjustment of New Castle County held a public hearing on November 29, 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
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
Aysha Gregory, 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. #2018-0618-A – Michael P. Barone Sr.

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

VOTE: 6-0

ACTION: Grant – Area variance: To construct a detached garage which would cover 35 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 07-043.10-229.

2. App. #2018-0625-A – Jeffrey G. Hutchinson.

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

VOTE: 6-0

ACTION: Grant - Area variances: **1.** To maintain a dwelling 10 feet from the W. Summit Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 1 foot from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain a shed 0 feet from the easterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **4.** To maintain a shed 23 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the easterly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. NC5 Zoning. CD 1. TP 07-043.10-101.

3. App. #2018-0636-A – Barbara E. Stevens.

Mr. Brooks moved to **Grant with Condition** the application; Mr. Thomas seconded the motion.

VOTE: 6-0

ACTION: Grant with Condition - Area variance: To construct a carport 2 feet from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 5. TP 09-015.40-049.

Condition: The carport remains open and not be further enclosed.

4. App. #2018-0642-A – Anne Corde Schuck Trustee.

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

VOTE: 6-0

ACTION: Grant - Area variance: To construct an addition 19 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC15 CL (Cluster Development). CD 2. TP 07-027.30-078.

5. App. #2018-0571-A – Gene Chen.

Mr. Burts moved to **Grant with Condition** the application; Mr. Thomas seconded the motion.

VOTE 6-0

ACTION: Grant with Condition - Area variances: To maintain a sign 2 feet from the Concord Pike right-of-way (25-foot sign setback) see UDC Table 40.06.060. CN Zoning. CD 2. TP 06-077.00-367.

Condition: The height of the sign is to be determined by the Department using as guidance that the lowest edge of existing CDM Insurance sign. This Decision shall be amended to reflect the determined height minimum

6. App. #2018-0511-A – Kelley Osbourn.

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

VOTE: 6-0

ACTION: Grant: Area variances: To construct a ground sign 27 feet from the New Castle Avenue right-of-way (40-foot sign setback) UDC Table 40.06.060. CR Zoning. CD 10. TP 10-010.40-096

7. App. #2018-0637-A – Greg Feld.

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

VOTE: 2-4 (Parker, Brooks, Thomas, Osegbu-Rivers opposed)

ACTION: Amend– Area variance: To construct a ground sign **16 [20]**feet from the Kirkwood Highway right-of-way (25-foot sign setback) see UDC Table 40.06.060. CR Zoning. CD 9. TP 08-038.40-443.

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

VOTE: 6-0

ACTION: Grant: Area variances: To construct a ground sign 16 feet from the Kirkwood Highway right-of-way (25-foot sign setback) see UDC Table 40.06.060. CR Zoning. CD 9. TP 08-038.40-443.

8. App. #2018-0635-A – 1700 Marsh & Wilson Associates, LLC.

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

VOTE: 6-0

ACTION: Grant with Conditions: Area variances: **1.** To permit 29 parking spaces (38 parking spaces required) see UDC Table 40.03.522. **2.** To maintain paving 0 feet from the Marsh Road right-of-way (40-foot paving setback) UDC Table 40.04.110.B. **3.** To maintain paving 0 feet from the Wilson Road right-of-way (40-foot paving setback) UDC Table 40.04.110.B. **4.** To permit paving 3 feet from the northerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 3 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To permit a Landscape Surface Ratio (LSR) of 0.21 landscape surface ratio (0.50 minimum LSR required) see UDC Table 40.04.110.A. **7.** To provide 2 street trees along the Marsh Road right-of-way (4 street trees required) see UDC Table 40.04.111.A. **8.** To provide a 0.0 bufferyard opacity along the Marsh Road right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **9.** To provide a 0.0 bufferyard opacity along the Wilson Road right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **10.** To provide a 0.0 bufferyard opacity at the drive through talk box adjacent to a residential property (0.7 bufferyard opacity) see UDC Table 40.04.111.B and UDC Table 40.03.210.A. CN Zoning. CD 2. TP 06-081.00-001.

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 1/10/2019