



**BOARD OF ADJUSTMENT**

**MINUTES**

**BUSINESS MEETING AND PUBLIC HEARING**

**March 14, 2019**

The Board of Adjustment of New Castle County held a public hearing on March 14, 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**  
**Edward Thomas**  
**Richard Farmer**  
**Izuru Osegbu-Rivers**

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

MINUTES

The minutes of February 14, 2019 were presented for approval and Mr. Parker motioned to Grant the January 10, 2019 minutes and Mr. Farmer 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. #2019-0067-A – Ward & Taylor LLC.**

Ms. Osegbu\_Rivers moved to Grant the application; Mr. Burt seconded the motion.

**VOTE: 5-0**

**ACTION: Grant – Area variance:** To maintain a screen porch 23 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. TP 06-035.00-099.

**2. App. #2019-0068-A – Ward & Taylor LLC.**

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

**VOTE: 5-0**

**ACTION: Grant- Area variances:** **1.** To maintain a dwelling 28 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To maintain a screen porch 18 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. TP 06-030.00-167.

**3. App. #2019-0069-A – Ward & Taylor LLC.**

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

**VOTE: 5-0**

**ACTION: Grant – Area variance:** To maintain a dwelling 23 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 2. TP 06-101.00-248.

**4. App. #2019-0070-A – Ward & Taylor LLC.**

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

**VOTE: 5-0**

**ACTION: Grant – Area variances:** **1.** To maintain a detached garage 1 foot from the rear property line (3-foot setback for detached garage) see UDC Section 40.03.410.A.3. **2.** To maintain a detached garage which covers 65 percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. NC6.5 Zoning. CD 8. TP 06-106.00-453.

**5. App. #2019-0071-A – Ward & Taylor LLC.**

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

**VOTE: 5-0**

**ACTION: Grant – Area variance:** To maintain an enclosed porch 20 feet from the Karlyn Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 10. TP 10-010.10-177.

**6. App. #2019-0103-A – Ward & Taylor LLC.**

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

**VOTE: 5-0**

**ACTION: Grant – Area variances:** **1.** To maintain a screen porch 15 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To maintain a deck 12 feet from the rear property line (12.5-foot setback for decks) see UDC Table 40.04.110.B. Ward & Taylor LLC. NC6.5 Zoning. CD 2. (App 2019-0103-A) TP 08-033.10-034.

**7. App. #2019-0084-A – John Harvey.**

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

**VOTE: 5-0**

**ACTION: Continue – 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.

**8. App. #2019-0055-A – Cellco Partnership**

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

**VOTE: 3-2 (Burt, Parker Opposed)**

**ACTION: Grant – Area variances to permit a 128 foot cell tower (disguised as a tree):** **1.** To permit a cell tower disguised as a tree 8 feet from the rear property line (42.66-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **2.** To permit a cell tower disguised as a tree 23 feet from the northerly side lot line (42.66-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **3.** To permit an equipment cabinet 11 feet from the northerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **4.** To permit an equipment cabinet 14 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **5.** To permit a propane tank 6 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **6.** To permit a generator 5 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **7.** To permit a cable bridge canopy 16 feet from the rear property line (20-foot side yard setback) see UDC Table 40.04.110.B. **8.** To permit a meter bank 16 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **9.** To permit a transformer 15 feet from the northerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **10.** To permit a 0.0 bufferyard opacity along the rear property line (0.3 bufferyard opacity required) see UDC Section 40.03.326.H. **11.** To permit a 0.0 bufferyard opacity along the northerly side lot line (0.3 bufferyard opacity required) see UDC Section 40.03.326.H. **12.** To permit a Landscape Surface Ratio (LSR) of 0.43 landscape surface ratio (0.50 minimum LSR required) see UDC Table 40.04.110.A. CR Zoning. CD 1. TP 09-018.00-045.

Melissa Hughes  
Department of Land Use  
5/9/2019