



**BOARD OF ADJUSTMENT**

**MINUTES**

**April 11, 2019**

The Board of Adjustment of New Castle County held a public hearing on April 11, 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**  
**Richard Farmer**  
**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

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. #2019-0142-A – Ward & Taylor LLC.**

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

**VOTE: 4-0**

**ACTION: Grant with Condition – Area variance:** To maintain an enclosed porch 1 foot from the southerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 9. TP 08-048.20-010.

**Condition: The enclosed porch not be further enclosed as living space.**

**2. App. #2019-0128-A – Patrick Coen.**

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

**VOTE: 4-0**

**ACTION: Grant- Area variances: 1.** To maintain a dwelling 20 feet from the Centre Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a detached accessory structure 3 feet from the Centre Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 1. TP 07-035.10-170.

**3. App. #2019-0131-A – Celestino Iacono.**

Mr. Brooks moved to **Grant in Part and Deny in Part** the application. Mr. Burt seconded the motion.

**VOTE: 4-0**

**ACTION: Grant Variance 1 – Area variance: 1.** To maintain paving 1-foot from the westerly side lot line (2-foot paving setback) see UDC 40.04.110.E.

**ACTION: Deny Variance 2 – Area variance: 2.** To construct a carport 0 foot from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 2. TP 06-024.00-131.

**4. App. #2019-0169-A – Kevin Cleaver.**

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

**VOTE: 2-2 (Burt & Thomas Opposed)**

**ACTION: Deny – Area variance:** To construct a detached accessory structure 3 feet from the westerly side lot line (12-foot side yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 8. TP 06-112.00-023.

**5. App. #2019-0155-A – McBride & Ziegler.**

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

**VOTE: 4-0**

**ACTION: Grant – Special Use Permit:** Special Use Permit to permit playing field lighting 420 feet from residential zoned properties along the Middleboro Road right-of-way (500-foot setback from residentially zoned property) see UDC Section 40.22.740 & 40.31.430. I Zoning. CD 1. TP 07-043.30-179.

**6. App. #2019-0147-A – Rebuilders Apostolic Ministries**

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

**VOTE: 4-0**

**ACTION: Grant – Area variances to facilitate the recordation of a Land Development Plan: 1.** To maintain a building 35 feet from the Lark Avenue right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain an inground pool 18 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110. **3.** To permit a 36 square foot ground sign (20-square foot maximum sign area) see UDC Table 40.06.060. NC6.5 Zoning. CD 7. TP 10-039.20-004.

**7. App. #2017-0806-A – Limestone Partners LLC**

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

**VOTE: 4-0**

**ACTION: Grant with Condition – Area variances to facilitate the recordation of a Land Development Plan: 1.** To permit paving 20 feet from the Limestone Road right-of-way (40-foot paving setback) see UDC Table 40.040.110.B. **2.** To provide a 0.0 bufferyard opacity along the Limestone Road right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.A ON Zoning. CD

3. TP 08-018.00-002.

**Condition:** The Applicant shall provide landscaping consistent with the renderings submitted into evidence.

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

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

**VOTE: 4-0**

**ACTION: Amend – Area variances to facilitate the recordation of a Land Development Plan:**

**1.** To maintain existing building 29 feet from the Harbor View Drive right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain paving 3 feet from the Lambson Lane right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **3.** To maintain paving 7 feet from the Harbor View Drive right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **4.** To maintain paving 0 feet from the easterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 18 feet from the Harbor View Drive right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **6.** To permit paving 2 feet from the easterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To provide a 0.0 bufferyard opacity along the Lambson Lane right-of-way (0.6 bufferyard opacity) see UDC Table 40.04.111.A. **8.** To provide a 0.0 bufferyard opacity along the Harbor View Drive right-of-way (0.6 bufferyard opacity) see UDC Table 40.04.111.A. **9.** To provide a 0.0 bufferyard opacity along the easterly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.B. **10.** ~~To provide a 0.0 bufferyard opacity along the northerly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.A.~~ John Harvey. HI Zoning. CD 10. (App 2019-0084-A) TP 10-011.00-027. **(Continued from the March 14, 2019 Hearing).**

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

**VOTE: 4-0**

**ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land Development Plan:**

**1.** To maintain existing building 29 feet from the Harbor View Drive right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain paving 3 feet from the Lambson Lane right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **3.** To maintain paving 7 feet from the Harbor View Drive right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **4.** To maintain paving 0 feet from the easterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 18 feet from the Harbor View Drive right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **6.** To permit paving 2 feet from the easterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To provide a 0.0 bufferyard opacity along the Lambson Lane right-of-way (0.6 bufferyard opacity) see UDC Table 40.04.111.A. **8.** To provide a 0.0 bufferyard opacity along the Harbor View Drive right-of-way (0.6 bufferyard opacity) see UDC Table 40.04.111.A. **9.** To provide a 0.0 bufferyard opacity along the easterly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.B. **10.** ~~To provide a 0.0 bufferyard opacity along the northerly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.A.~~ John Harvey. HI Zoning. CD 10. (App 2019-0084-A) TP 10-011.00-027. **(Continued from the March 14, 2019 Hearing).**

**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 and the Applicant will continue to work with the Department on the design of the elevations to be compatible with the residential character of the surrounding neighborhood as required by Code.**

Melissa Hughes  
Department of Land Use  
5/9/2019