



BOARD OF ADJUSTMENT

MINUTES

June 13, 2019

The Board of Adjustment of New Castle County held a public hearing on June 13, 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
William Brooks
Edward Thomas
Izuru Osegbu-Rivers
Monique Slowe

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

MINUTES

The minutes of April 25, 2019 were presented for approval and Mr. Thomas motioned to Grant the April 25, 2019 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

The minutes of May 9, 2019 were presented for approval and Mr. Thomas motioned to Grant the May 9, 2019 minutes and Ms. Osegbu-Rivers seconded the motion, and the minutes were approved.

The minutes of May 23, 2019 were presented for approval and Mr. Farmer motioned to Grant the May 23, 2019 minutes and Mr. Burt 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. #2019-0256-A – Milton Moore

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2019-0256-A) TP 14-013.31-276.

2. App. #2019-0277-A – Carole S. Feghali

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

VOTE: 6-0

ACTION: Grant- Area variances: 1. To construct a detached accessory structure which covers 50 percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. **2.** To construct a detached accessory structure 22 feet in height (20-foot maximum height for detached structures on lots 1-acre or less) see UDC Section 40.03.410.A. **3.** To construct a 22 feet in height detached accessory structure 4 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 6. (App 2019-0277-A) TP 11-061.00-042.

3. App. #2019-0257-A – Calatlantic Group Inc.

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

VOTE: 5-0 (Brooks Abstain)

ACTION: Grant – Area variance: To construct a dwelling 8 feet from the rear property line (20-foot rear yard setback) see UDC Section 40.04.110.B. ST Zoning. CD 12. (App 2019-0257-A) TP 10-048.30-147.

4. App. #2019-0258-A – Calatlantic Group Inc.

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

VOTE: 5-0 (Brooks Abstain)

ACTION: Grant – Area variance: To construct a dwelling 19 feet from the rear property line (20-foot rear yard setback) see UDC Section 40.04.110.B. ST Zoning. CD 12. (App 2019-0258-A) TP 10-048.30-146.

5. App. #2019-0260-A – Calatlantic Group Inc.

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

VOTE: 5-0 (Brooks Abstain)

ACTION: Grant – Area variance: To construct a dwelling 18 feet from the rear property line (20-foot rear yard setback) see UDC Section 40.04.110.B. ST Zoning. CD 12. (App 2019-0260-A) TP 10-048.30-131.

6. App. #2019-0261-A – Calatlantic Group Inc.

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

VOTE: 5-0 (Brooks Abstain)

ACTION: Grant – Area variance: To construct a dwelling 14 feet from the rear property line (20-foot rear yard setback) see UDC Section 40.04.110.B. ST Zoning. CD 12. (App 2019-0261-A) TP 10-048.30-118.

7. App. #2019-0262-A – Calatlantic Group Inc.

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

VOTE: 5-0 (Brooks Abstain)

ACTION: Grant – Area variance: To construct a dwelling 17 feet from the rear property line (20-foot rear yard setback) see UDC Section 40.04.110.B. ST Zoning. CD 12. (App 2019-0262-A) TP 10-048.30-117.

8. App. #2019-0263-A – Calatlantic Group Inc.

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

VOTE: 5-0 (Brooks Obstain)

ACTION: Grant – Area variances: **1.** To construct a dwelling 17 feet from the rear property line (20-foot rear yard setback) see UDC Section 40.04.110.B. **2.** To construct a dwelling 12 feet from the Pisces Drive right-of-way (15-foot street yard setback) see UDC Table 40.04.110.B. ST Zoning. CD 12. (App 2019-0263-A) TP 10-048.30-116.

9. App. #2019-0130-A – Armento Associates LP.

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

VOTE: 6-0

ACTION: Grant with Condition – Area variances to facilitate the recordation of a Land Development Plan: **1.** To construct an addition 34 feet from the E. Chestnut Hill Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To permit a net floor area ratio of 0.75 (0.57 maximum net floor area ratio) see UDC Table 40.04.110.A. **3.** To maintain paving 2 feet from the E. Chestnut Hill Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the easterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To maintain paving 0 feet from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To permit 0 on-lot plant units per acre (6 on-lot plant units per 1-acre required) see UDC Table 40.04.111.A. **8.** To provide 0 street trees along the E. Chestnut Hill Road right-of-way (5 street trees required) see UDC Table 40.04.111.C. **9.** To provide 0.0 bufferyard opacity along the E. Chestnut Hill Road right-of-way (0.5 bufferyard opacity) see UDC Table 40.04.111.A. **10.** To provide 0.0 bufferyard opacity along easterly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.A. **11.** To provide 0.0 bufferyard opacity rear property line (0.0 bufferyard opacity) see UDC Table 40.04.111.A. I Zoning. CD 5 (App 2019-0130-A) TP 11-006.10-073.

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

10. App. #2019-0154-A – SMO Inc.

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

VOTE: 6-0

ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit paving 8 feet from the Possum Park Road right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 8 feet from the Paper Mill Road right-of-way (25-foot paving street yard setback) see UDC Table 40.04.110.B. **3.** To construct a carwash 1 foot from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To permit a 0.0 bufferyard opacity along the Possum Park Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **5.** To permit a 0.0 bufferyard opacity along the Paper Mill Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. SMO Inc. CR Zoning. CD 9. (App 2019-0154-A) TP 08-047.00-008.

- Condition:**
- 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.**

11. App. #2019-0241-A – Incyte Corporation

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

VOTE: 6-0

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

- 1.** To permit paving 8 feet from the Possum Park Road right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B.
- 2.** To permit paving 8 feet from the Paper Mill Road right-of-way (25-foot paving street yard setback) see UDC Table 40.04.110.B.
- 3.** To construct a carwash 1 foot from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B.
- 4.** To permit a 0.0 bufferyard opacity along the Possum Park Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B.
- 5.** To permit a 0.0 bufferyard opacity along the Paper Mill Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. CR Zoning. CD 9. (App 2019-0154-A) TP 08-047.00-008.

- Condition:**
- 1. The Applicant construct the parking garage with elevations and materials consistent with the renderings submitted into evidence. stent with the renderings submitted into evidence.**
 - 2. The Applicant shall provide and maintain landscaping consistent with the renderings submitted into evidence.**

Melissa Hughes
Department of Land Use
6/13/2019