



BOARD OF ADJUSTMENT

MINUTES

June 27, 2019

The Board of Adjustment of New Castle County held a public hearing on June 27, 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
Monique Slowe

Comprising a quorum of the Board; also:
Daniel Murray, Esq., Office of Law
Phillip McBride, Department of Land Use
Conor Gibbons, Department of Land Use
Janet Vinc, 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. #2019-0279-A – Ward & Taylor LLC

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

VOTE: 7-0

ACTION: Grant– Area variance: To maintain a dwelling 2 feet from the southerly side lot line (6-foot side yard setback) see UDC Section 40.04.110.B. NC6.5 Zoning. CD 1. (App 2019-0279-A) TP 07-046.10-062.

2. App. #2019-0280-A – Ward & Taylor LLC

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

VOTE: 7-0

ACTION: Grant - Area variance: To maintain a dwelling 4 feet from the easterly side lot line (6-foot side yard setback) see UDC Section 40.04.110.B. NC6.5 Zoning. CD 9. (App 2019-0280-A) TP 08-044.10-342.

3. App. #2019-0292-A – Martin Magana.

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

VOTE: 7-0

ACTION: Grant – Area variance: To construct an addition onto an existing detached accessory structure for a total coverage of 37 percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. NC6.5 Zoning. CD 9. (App 2019-0292-A) TP 09-017.40-032.

4. App. #2019-0312-A – Walter Birkhead.

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

VOTE: 0-7

ACTION: Deny – Area variance: To permit two 22 feet by 30 feet detached accessory structures adjoining an existing detached accessory structure for a total coverage of 75 percent of the rear yard setback (30 percent maximum rear yard setback coverage) see UDC Section 40.03.410.A.4. NC5 Zoning. CD 1. (App 2019-0312-A) TP 07-043.10-155.

5. App. #2019-0278-A – Jason Cox.

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

VOTE: 7-0

ACTION: Grant – Area variance: To construct an addition 27 feet from the rear property line (30-foot rear yard setback) see UDC Section 40.04.110.B. NC10 Zoning. CD 8. (App 2019-0278-A) TP 06-121.00-074.

6. App. #2019-0285-A – John Soubasis.

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

VOTE: 7-0

ACTION: Grant – Area variance: To construct a dwelling 5 feet from the rear property line (40-foot rear yard setback) see UDC Section 40.04.110.B. NC15 Zoning. CD 2. (App 2019-0285-A) TP 07-030.30-130.

7. App. #2019-0282-A – Greg Feld – KC Sign Co.

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

VOTE: 6-0 (Parker Abstain)

ACTION: Grant – Area variances: 1. To permit a 62 square foot identification ground sign with a 30 square foot EVMS (Electronic Variable Message Sign) portion (20-square foot maximum sign area) see UDC Table 40.06.060.1. 2. To permit a ground sign 8 feet from the Polly Drummond Hill Road right-of-way (20-foot setback), see UDC Table 40.06.060. S Zoning. CD 9. (App 2019-0282-A) TP 08-036.00-003.

8. App. #2019-0341-A – Barley Mill Plaza LLC.

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

VOTE: 7-0

ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land Development Plan: **1.** To provide 50 percent of nonresidential gross floor area of office uses (67-percent minimum gross floor area of office uses) see UDC Section 40.03.318.D. **2.** To permit paving 20 feet from the Centre Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 5 feet from the Lancaster Pike right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 0 feet along the easterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To construct 2 dumpster enclosures 2 feet from the Lancaster Pike right-of-way (40-foot setback) see UDC Table 40.04.110.B. **6.** To permit 6 loading bays (7 loading bays required) UDC Section 40.03.510. **7.** To permit a stand-alone restaurant (stand-alone restaurant not permitted in a mixed use development) see UDC Section 40.03.318.B. **8.** To provide a 0.0 bufferyard along the Lancaster Pike right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **9.** To provide a 0.0 bufferyard along easterly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.B. **10.** To provide a 0.1 bufferyard along the northerly side lot line (0.4 bufferyard opacity) see UDC Table 40.04.111.B. OR Zoning. CD 2. (App 2019-0341-A) TP 07-032.20-003.

Conditions: **1. The Applicant shall provide landscaping generally consistent with the exhibits entered into evidence at the hearing, with reasonable allowance for alterations required by DelDOT in the reforestation area adjacent to the entrance from the Lancaster Pike.**

2. The building shall generally be consistent with the architectural renderings entered into evidence at the hearing.

Melissa Hughes
Department of Land Use
10/10/2019