



BOARD OF ADJUSTMENT

MINUTES

September 12, 2019

The Board of Adjustment of New Castle County held a public hearing on September 12, 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

Comprising a quorum of the Board; also:
Mengting Chen, Esq., Office of Law
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. #2019-0528-A – Isaiah Lambert & Riya Kochulazar

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

VOTE: 5-0

ACTION: Grant– Area variances: 1. To maintain a dwelling 18 feet from the Ruby Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 21 feet from the Keats Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **3.** To maintain a dwelling 5 feet from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2019-0528-A) TP 06-057.00-045.

2. App. #2019-0537-A – Cardella Clayton Purnell

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

VOTE: 5-0

ACTION: Grant- Area variances: 1. To construct a deck with gazebo 9 feet from the rear yard lot-line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct steps to a deck additional 4 feet into rear yard setback (Additional 2-feet for steps allowed) see UDC section 40.04.110.E.1.f NC6.5 Zoning. CD 11. (App 2019-0537-A) TP 09-033.40-004.

3. App. #2019-0529-A – Sarah Cole.

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

VOTE: 5-0

ACTION: Grant – Area variance: To construct an addition 15 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 2. (App 2019-0529-A) TP 07-032.20-040.

4. App. #2019-0527-A – John Brown.

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

VOTE: 5-0

ACTION: Amend – Area variance: To construct an addition 13 [15] feet from the Overlook Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 9. (App 2019-0527-A) TP 08-045.10-152.

Mr. Farmer moved to Grant the application. Mr. Parker seconded the motion.

VOTE: 5-0

ACTION: Grant – Area variance: To construct an addition 13 [15] feet from the Overlook Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 9. (App 2019-0527-A) TP 08-045.10-152.

5. App. #2019-0428-A – Jeff Brannan.

Mr. Burt moved to Continue the application; Mr. Brooks seconded the motion.

VOTE: 5-0

ACTION: Continue – Area variances: 1. To construct a landing with stairs 1 foot from the rear property line (12-foot setback for landings/stairs) see UDC Section 40.04.110.E.1.g. **2.** To construct stairs 1 foot from the easterly side property line (3-foot setback for landings/stairs) see UDC Section 40.04.110.E.1. NC5 Zoning. CD 10. (App 2019-0428-A) TP 10-010.40-365.

6. App. #2019-0494-A – Jeff Brannan.

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

VOTE: 5-0

ACTION: Continue – Area variance: 1. To maintain a dwelling 20.5 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a deck 4 feet from the rear lot line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 12. (App 2019-0494-A) TP 13-020.01-018.

7. App. #2019-0526-A – Nathan T. Noyes.

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

VOTE: 4-1 (Burt – Deny)

ACTION: Grant – Area variance: 1. To maintain a detached Accessory Dwelling Unit (ADU) on a 0.31 acre lot (2-acre minimum lot size) see UDC Section 40.03.410.H.7. **2.** To maintain a detached Accessory Dwelling Unit (ADU) on 6 feet from the rear property line (25-foot rear yard

setback) see UDC Section 40.03.410.H.7. NC5 Zoning. CD 9. (App 2019-0526-A) TP 08-044.20-227.

8. App. #2019-0483-A – Folkert Stakenburg.

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

VOTE: 5-0

ACTION: Grant – Area variances: 1. To maintain a ground sign 17 feet from the Churchmans Road (Route 58) right-of-way (25-foot setback) see UDC Table 40.06.060. **2.** To maintain a second ground sign 17 feet from the Churchmans Road (Route 58) right-of-way (25-foot setback) see UDC Table 40.06.060. **3.** To maintain a ground sign 24 feet from the Ogletown-Stanton Road (Route 4) right-of-way (25-foot setback) see UDC Table 40.06.060. NCPUD Zoning. CD 1. (App 2019-0483-A) TP 09-017.00-030.

9. App. #2019-0281-A – Our4sons LLC.

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

VOTE: 5-0

ACTION: Grant with Condition – Area variances to facilitate the recordation of a Land

Development Plan: To provide 0.21 acres lot area for Lot 1, exclusive of protected resources (0.50-acre minimum lot area exclusive of protected resources) see Table 40.04.110.B. The gross lot area for Lot 1 will be 0.51 acres. NC21 Zoning. CD 3. (App 2019-0281-A) TP 08-023.20-021.

Condition: Lot 2 shall not be further subdivided

10. App. #2019-0480-A – Wilmington Church of the Brethren.

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

VOTE: 5-0

ACTION: Grant with Condition – Area variances: 1. To maintain existing garage 4 feet from the easterly side lot line (30-foot setback) see UDC 40.04.110.B. **2.** To maintain existing structure 2.4 feet from southerly front lot line (40-foot setback) see UDC 40.04.110.B **3.** To maintain existing structure 8.1 feet from southerly rear lot line (40-foot setback) see UDC 40.04.110.B **4.** To maintain existing structure 10.5 feet from westerly side lot line (30-foot setback) see UDC 40.04.110.B **5.** To maintain existing shed 2.5 feet from rear lot line (40-foot setback) see UDC 40.04.110.B **6.** To maintain existing shed 2.8 feet from easterly side lot line (30-foot setback) see UDC 40.04.110.B **7.** To maintain existing parking lot 0 feet from southerly front lot line (20-foot setback) see UDC 40.04.110.B **8.** To maintain existing parking lot 0 feet from westerly side lot line (10-foot setback) see UDC 40.04.110.B **9.** To maintain existing sidewalk 3.5 feet from westerly lot line (10-foot setback) see UDC 40.04.110.B **10.** To maintain existing driveway 0 feet from easterly front lot line (10-foot setback) see UDC 40.04.110.B **11.** To maintain existing sidewalk 0 feet from easterly side lot line (10-foot setback) see UDC 40.04.110.B **12.** To maintain existing concrete steps 10.5 feet from northerly rear lot line (20-foot setback) see UDC 40.04.110.B **13.** To construct proposed handicap ramp 0 feet from westerly side lot line (10-foot setback) see UDC 40.04.110.B **14.** To construct proposed 32 square foot ground identification sign 5 feet from southerly front lot line (20 square foot maximum sign area) see UDC 40.06.060.1 **15.** To construct proposed 32 square foot ground identification sign 5 feet from southerly front lot line (20-foot setback) see UDC 40.06.060.1 **16.** To construct proposed 32 square foot ground identification sign 5 feet from northerly front lot line (20 square foot maximum sign area) see UDC 40.06.060.1 **17.** To construct proposed 32 square foot ground identification sign 5 feet from northerly front lot line (20-foot setback) see UDC 40.06.060.1. NC5 Zoning. CD 1. (App 2019-

0480-A) TP 07-039.30-362.

Conditions: Applicant places a timer in connection to the proposed ground identification signs to control the time when the sign is turned on and off, to minimize the adverse impact the illuminated signs have on the neighborhood.

11. App. #2019-529-A – Route 72 Partners, LLC.

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

VOTE: 5-0

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

Development Plan: 1. To permit paving 3 feet along the Red Lion Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 3 feet along the Wrangle Hill Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To provide 0.6 bufferyard opacity along rear property line (0.7 bufferyard opacity) see UDC Table 40.04.111.A. **4.** To provide 0.0 bufferyard opacity along the Red Lion Road right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.A. **5.** To provide 0.0 bufferyard opacity along the Wrangle Hill Road right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.A. CN Zoning. CD 7. (App 2019-0246-A) TP 11-039.00-004.

Conditions: 1. The Applicant shall provide landscaping consistent with the renderings submitted to the Department.

2. The architectural details pertaining to the brick, windows, and doors shall be consistent with the elevation renderings submitted to the Department. The awnings and banding shall be subdued/neutral color scheme and shall be ultimately based on the tenant occupying the space.

Melissa Hughes
Department of Land Use
10/24/2019