



BOARD OF ADJUSTMENT

MINUTES

September 26, 2019

The Board of Adjustment of New Castle County held a public hearing on September 26, 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 (absent for Apps 1 through 3)
Ms. Slowe
William Brooks
Edward Thomas
Ms. Osegbu-Rivers
Richard Farmer

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 June 13, 2019 were presented for approval and Mr. Thomas motioned to Grant the June 13, 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. #2019-0481-A – Kenneth & Linda Anderson

Mr. Farmer moved to Grant the application; Mr. Burt seconded the motion.

VOTE: 6-0

ACTION: Grant– Area variances: To maintain an addition 11 feet from the rear property line (15-foot reduced rear setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 11. (App 2019-0481-A) TP 09-037.40-190.

2. App. #2019-0499-A – Danielle Kester.

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

VOTE: 6-0

ACTION: Grant with Condition- Area variance: To construct a carport 4 feet from the southerly side lot-line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2019-0499-A) TP 06-072.00-096.

Condition: That the carport shall not be enclosed on 3 or more sides.

3. App. #2019-0525-A – Frank E. Hendron.

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

VOTE: 0-6

ACTION: Deny– Area variance: To construct a carport 1 foot from the easterly side lot line (8-foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2019-0525-A) TP 06-034.00-131.

4. App. #2019-0534-A – Charles O’Connor.

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

VOTE: 7-0

ACTION: Grant with Condition – Area variances: 1. To maintain above ground pool 3 feet from the easterly side lot line (6-foot setback) see UDC Section 40.03.410.G. **2.** To maintain above ground pool 17 feet from the Corsica Avenue right-of-way (25-foot street yard setback) see UDC Section 40.03.410.G. NC6.5 Zoning. CD 12. (App 2019-0534-A) TP 11-028.40-028.

Condition: If the above ground pool is removed, or if the pool’s repair cost exceeds 50% of its replacement cost, then the variances shall become null and void.

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. #2019-0548-A – Juan Hernandez.

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

VOTE: 7-0

ACTION: Grant – Area variances: 1. To maintain a dwelling 15 feet from the Lake Street right-of-way (25-foot side yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 11 feet from the Lake Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2019-0548-A) TP 07-039.30-183.

6. App. #2019-0555-A – Tom Brown/BIL Enterprises LLC.

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

VOTE: 7-0

ACTION: Grant with Condition – Area variance: To construct an addition 12 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9 (App

2019-0555-A) TP 08-049.10-047.

Condition: The porch remained screened and not further enclosed.

7. App. #2019-0559-A – Marshall Construction.

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

VOTE: 7-0

ACTION: Grant – Area variance: To construct an addition 21 feet from the Rivers End Drive right-of-way (35-foot street yard setback) see UDC Table 40.04.110.B. Marshall Construction. NCPUD Zoning. CD 1 (App 2019-0559-A) TP 10-033.10-066.

8. App. #2019-0564-A – Michael Evans.

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

VOTE: 7-0

ACTION: Grant – Area variance: To permit 34 parking spaces (75 parking spaces required) see UDC Table 40.03.522. BP Zoning. CD 11 (App 2019-0564-A) TP 11-020.00-042.

9. App. #2019-0562-A – WF Development, LLC.

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

VOTE: 7-0

ACTION: Grant – Area variances: 1. To construct a 63 square foot shopping center identification ground sign 25 feet from the Wrangle Hill Road right-of-way (40-foot setback) see UDC Table 40.06.060. **2.** To construct a 63 square foot shopping center identification ground sign 25 feet from the Red Lion Road right-of-way (40-foot setback) see UDC Table 40.06.060. WF Development, LLC. CN Zoning. CD 12. (App 2019-0562-A) TP 12-012.00-159.

Melissa Hughes
Department of Land Use
11/07/2019