



BOARD OF ADJUSTMENT

MINUTES

October 10, 2019

The Board of Adjustment of New Castle County held a public hearing on October 10, 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
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Mengting Chen, Esq., Office of Law
Melissa Hughes, Department of Land Use
Janet Vinc, Department of Land Use
Conor Gibbons, Department of Land Use
John Gysling, Department of Land Use

MINUTES

The minutes of June 27, 2019 were presented for approval and Ms. Osegbu-Rivers motioned to Grant the June 27, 2019 minutes and Mr. Parker seconded the motion, and the minutes were approved.

The minutes of July 11, 2019 were presented for approval and Ms. Osegbu-Rivers motioned to Grant the July 11, 2019 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of July 25, 2019 were presented for approval and Ms. Osegbu-Rivers motioned to Grant the July 25, 2019 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of August 8, 2019 were presented for approval and Ms. Osegbu-Rivers motioned to Grant the August 8, 2019 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of August 22, 2019 were presented for approval and Ms. Osegbu-Rivers motioned to Grant the August 22, 2019 minutes and Mr. Thomas 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. #2019-0428-A – Jeff Brannan

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

VOTE: 0-6

ACTION: Deny– 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. NC5 Zoning. CD 10. (App 2019-0428-A) TP 10-010.40-365. (**Continued from the September 12, 2019 hearing**).

2. App. #2019-0494-A – Jeff Brannan.

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

VOTE: 6-0

ACTION: Grant with Conditions- Area variances: 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. (**Continued from the September 12, 2019 hearing**).

Conditions: 1. The deck shall be detached from the primary dwelling
2. The deck shall be constructed with flood resistant materials.

3. App. #2019-0567-A – Ward & Taylor LLC.

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

VOTE: 6-0

ACTION: Grant– Area variance: To maintain a dwelling 23 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 2. (App 2019-0567-A) TP 06-078.00-201.

4. App. #2019-0549-A – Glenn Shockley.

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

VOTE: 6-0

ACTION: Grant with Condition – Area variances: 1. To maintain a dwelling 24 feet from the Topaz Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 19 feet from the Topaz Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2019-0549-A) TP 06-058.00-453.

Condition: Proposed porch shall remain open.

5. App. #2019-0540-A – Jason Oakes.

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

VOTE: 6-0

ACTION: Grant – Area variance: To construct a dwelling 4 feet from the westerly side lot line

(6-foot side yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 7. (App 2019-0540-A) TP 10-014.10-428.

6. App. #2019-0556-A – Michael Haines.

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

VOTE: 3-3 (Brooks, Burt & Farmer – Deny)

ACTION: Deny – Area variance: To construct a carport 0 feet from the easterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 7. (App 2019-0556-A) TP 10-023.30-037.

7. App. #2019-0599-A – Anne Corde Schuck Trustee.

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

VOTE: 6-0

ACTION: Grant – Area variance: To construct an addition 17 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC15 CL (Cluster Development). CD 2. (App 2019-0599-A) TP 07-027.30-078

8. App. #2019-0598-A – SAFStor Real Estate Co, LLC.

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

VOTE: 5-0 (Brooks – Recuse)

ACTION: Grant with Conditions – Special Use Permit and area variances to facilitate the recordation of a Land Development Plan: **1.** Special Use Permit to permit miniwarehousing/self-storage units (light industry use) in the OR Zoning District . **2.** To permit paving 4 feet from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit a maximum gross floor area ratio of 0.60 of (0.40 maximum gross floor area ratio) see UDC Table 40.04.110.A. **4.** To permit a maximum net floor area ratio of 0.85 of (0.57 maximum net floor area ratio) see UDC Table 40.04.110.A. OR Zoning. CD 11. (App 2019-0598-A) TP 09-029.00-012.

Conditions: **1. The proposed structure shall be constructed in consistency with the renderings submitted into evidence.**
2. The landscaping shall be provided substantially similar to the landscaping plan submitted subject to approval by the Department of Land Use

Melissa Hughes
Department of Land Use
11/21/2019