



**BOARD OF ADJUSTMENT**

**MINUTES**

**November 7, 2019**

The Board of Adjustment of New Castle County held a public hearing on November 7, 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**  
**Monique Slowe**

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

MINUTES

The minutes of September 26, 2019 were presented for approval and Ms. Slowe motioned to Grant the September 26, 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. #2019-0649-A – Ward & Taylor LLC**

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

**VOTE: 7-0**

**ACTION: Grant– Area variance:** To maintain a dwelling 34 feet from the Brandywine Boulevard right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC 15 Zoning. CD 8. (App 2019-0649-A) TP 06-133.00-014.

**2. App. #2019-0648-A – Ward & Taylor LLC**

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

**VOTE: 7-0**

**ACTION: Grant– Area variances:** **1.** To maintain a dwelling 4 feet from the easterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **2.** To maintain an open porch 20 feet from the Tyrone Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **3.** To maintain a dwelling 22 feet from the Tyrone Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **4.** To maintain an open porch 11 feet from the Troy Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **5.** To maintain a dwelling 15 feet from the Troy Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2019-0648-A) TP 07-042.40-331.

**3. App. #2019-0664-A – Nazih Kazzaz.**

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

**VOTE: 7-0**

**ACTION: Amend – Area variances:** **1.** To maintain shed #1 1 foot from the rear property line (3-foot setback for sheds) see UDC Section 40.03.410.A.3. **2.** To maintain a shed #1 1 foot from the southerly side lot line (3-foot setback for sheds) see Section 40.03.410.A.3. ~~**3.** To maintain shed #2 2 foot from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B.~~ **4.** To maintain shed #2 2 foot from the northerly side lot line (6-foot rear side setback) see UDC Section 40.04.110.B. NC6.5 Zoning. CD 11. (App 2019-0664-A) TP 09-036.40-031.

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

**VOTE: 7-0**

**ACTION: Grant with Condition– Area variances:** **1.** To maintain shed #1 1 foot from the rear property line (3-foot setback for sheds) see UDC Section 40.03.410.A.3. **2.** To maintain a shed #1 1 foot from the southerly side lot line (3-foot setback for sheds) see Section 40.03.410.A.3. ~~**3.** To maintain shed #2 2 foot from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B.~~ **4.** To maintain shed #2 2 foot from the northerly side lot line (6-foot rear side setback) see UDC Section 40.04.110.B. NC6.5 Zoning. CD 11. (App 2019-0664-A) TP 09-036.40-031.

**Condition: If the shed is removed or becomes damaged in excess of 50 percent of the fair market replacement value, then the variances for the shed shall become null and void.”**

**4. App. #2019-0549-A – David Martin.**

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

**VOTE: 7-0**

**ACTION: Grant – Area variances:** **1.** To permit 2 100 square foot wall identification signs (20-square foot maximum sign area) see UDC Table 40.06.060. **2.** To permit 2 additional identification signs (1 wall or ground identification sign permitted) see UDC Table 40.06.060. **3.** To permit 2 60 square foot ground identification signs (20-square foot maximum sign area) see UDC Table 40.06.060. **4.** To permit a ground identification sign 5 feet from the Red Lion Road

right-of-way (20-foot sign setback) see UDC Table 40.06.060. **5.** To permit a ground identification sign 0 feet from the Summit Bridge Road right-of-way (20-foot sign setback) see UDC Table 40.06.060. NC40 Zoning. CD 6. (App 2019-0660-A) TP 11-047.00-003.

**5. App. #2019-0561-A – NWPMG LLC.**

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

**VOTE: 7-0**

**ACTION: Amend – Area variances:** **1.** To permit a lot size of 1.67 acres (2.00-acre minimum lot size exclusive of protected resources) see Table 40.04.110.B. The gross lot area will be 4.62 acres. **2.** To permit a maximum gross floor area ratio of **1.73 [1.29]** (0.37 maximum net floor area ratio) see UDC Table 40.04.110.A. CR Zoning. CD 4. (App 2019-0561-A) TP 06-139.00-017.

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

**VOTE: 7-0**

**ACTION: Grant with Conditions – Area variances:** **1.** To permit a lot size of 1.67 acres (2.00-acre minimum lot size exclusive of protected resources) see Table 40.04.110.B. The gross lot area will be 4.62 acres. **2.** To permit a maximum gross floor area ratio of **1.73 [1.29]** (0.37 maximum net floor area ratio) see UDC Table 40.04.110.A. CR Zoning. CD 4. (App 2019-0561-A) TP 06-139.00-017.

Melissa Hughes  
Department of Land Use  
12/19/2019