



**BOARD OF ADJUSTMENT**

**MINUTES**

**November 21, 2019**

The Board of Adjustment of New Castle County held a public hearing on November 21, 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*  
*George Haggerty, Department of Land Use*  
*Antoni Sekowski, Department of Land Use*  
*Doug Hokuf, Department of Land Use*  
*Melissa Hughes, Department of Land Use*

MINUTES

The minutes of October 10, 2019 were presented for approval and Mr. Parker motioned to Grant the October 10, 2019 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of October 24, 2019 were presented for approval and Mr. Thomas motioned to Grant the October 24, 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. #2019-0693-A – Tiffany Pleasant**

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

**VOTE: 6-0**

**ACTION: Grant– Area variance:** To maintain a garage addition 12 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. NCTH Zoning. CD 10. (App 2019-0693-A) TP 10-011.10-033.

**2. App. #2019-0682-A – Yaritza Knotts.**

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

**VOTE: 6-0**

**ACTION: Grant– Area variances:** To construct an addition 18 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 12. (App 2019-0682-A) TP 10-044.30-219.

**3. App. #2019-0664-A – Alexander Bailey.**

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

**VOTE: 6-0**

**ACTION: Grant– Area variances:** **1.** To construct a deck 10 feet from the rear property line (15-foot setback for decks) see UDC Section 40.04.110.E. **2.** To construct steps leading to a deck with a 16 square foot landing, 7 feet from the rear property line (15-foot setback for decks, stairs leading to a deck, with a landing area not greater than twenty-five (25) square feet may project an additional 2 feet) see UDC Table 40.04.110.E. S Zoning. CD 12. (App 2019-0687-A) TP 12-020.30-002.

**4. App. #2019-0692-A – William Holland.**

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

**VOTE: 6-0**

**ACTION: Amend – Area variances:** To construct an addition **3 [6]** feet from the westerly side lot line (8-foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2019-0692-A) TP 06-041.00-067.

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

**VOTE: 6-0**

**ACTION: Grant – Area variances:** To construct an addition **3 [6]** feet from the westerly side lot line (8-foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2019-0692-A) TP 06-041.00-067.

**5. App. #2019-0549-A – Sandy Shelly.**

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

**VOTE: 6-0**

**ACTION: Grant – Area variance:** To construct a deck 4 feet from the rear property line (10-foot setback for decks) see UDC Section 40.04.110.E. Sandy Shelly. NC21 CL Zoning. CD 12, (App 2019-0694-A) TP 13-013.40-024.

**6. App. #2019-0691-A – Matt Jolley.**

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

**VOTE: 6-0**

**ACTION: Grant with Condition – Special Use Permit and area variances:** **1.** Special Use Permit

to establish a high intensity recreational use in I Zoning District see UDC Sections 40.03.210 & 40.31.430. **2.** To maintain existing bufferyard opacity along all property lines (additional 0.2 bufferyard opacity required along all property lines) see UDC Table 40.04.111.A. I Zoning. CD 7. (App 2019-0691-A) TP 10-015.00-014.

**Condition: Special use variance applies only to Unit 4 of the building.**

**7. App. #2019-0705-A – DPIF2 DE 1 New Castle, LLC.**

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

**VOTE: 6-0**

**ACTION: Grant – Special Use Permit:** Special Use Permit to establish a heavy industrial use in HI Zoning District see UDC Sections 40.03.210 & 40.31.430. HI Zoning. CD 1. (App 2019-0705-A ) TPs 07-042.10-055, 07-042.10-143, 07-042.10-144, 07-042.20-010, 07-038.40-052.

**8. App. #2019-0625-A – Glasgow IL-AL Investors LLC.**

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

**VOTE: 6-0**

**ACTION: Amend – Area variances to facilitate the recordation of a Land Development Plan:**

**1.** To permit a maximum gross floor area ratio of **0.31 [0.18]** (0.12 maximum gross floor area ratio) see UDC Table 40.04.110.A. **2.** To permit a maximum net floor area ratio of **1.02 [0.60]** of (0.45 maximum net floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a maximum building height of 53 feet (40-foot maximum building height) see UDC Table 40.04.110.B. **4.** To permit paving 10 feet from the easterly side lot line (30-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To provide 0.0 bufferyard opacity along the easterly side lot line (0.3 bufferyard opacity) see UDC Table 40.04.111.A. S Zoning. CD 6. (App 2019-0625-A) TP 11-031.00-100.

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

**VOTE: 6-0**

**ACTION: Continue – Area variances to facilitate the recordation of a Land Development Plan:**

**1.** To permit a maximum gross floor area ratio of **0.31 [0.18]** (0.12 maximum gross floor area ratio) see UDC Table 40.04.110.A. **2.** To permit a maximum net floor area ratio of **1.02 [0.60]** of (0.45 maximum net floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a maximum building height of 53 feet (40-foot maximum building height) see UDC Table 40.04.110.B. **4.** To permit paving 10 feet from the easterly side lot line (30-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To provide 0.0 bufferyard opacity along the easterly side lot line (0.3 bufferyard opacity) see UDC Table 40.04.111.A. S Zoning. CD 6. (App 2019-0625-A) TP 11-031.00-100.

**9. App. #2019-0429-A – Landmark Science & Engineering.**

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

**VOTE: 5-1 (Burt oppose)**

**ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land Development Plan:** To disturb 88% of a WRPA Recharge Area (50% maximum disturbance) see UDC Table 40.10.010. S Zoning. CD 6. (App 2019-0429-A) TPs 13-011-00-021 & 13-011.00-166.

**Condition: Applicant provides groundwater mounding analysis to evaluate the project's impact to proposed lots and adjacent properties.**

Melissa Hughes  
Department of Land Use  
1/9/20