

AGENDA *Revised 7/9/20

BOARD OF ADJUSTMENT

Thursday, July 9, 2020

6:00 p.m.

In accordance with Governor Carney's Proclamation and the Declaration of a State of Emergency, New Castle County is holding all public meetings as telephone and video conferences, utilizing Zoom Webinar until further notice.

NOTE: Members of the public interested in joining/participating in a Zoom virtual public hearing/meeting are encouraged to submit a Public Hearing Virtual Meeting Participation Form prior to the date of the meeting. Additional information regarding Virtual Public Meetings may be found at: Virtual Meetings-Land-Use

ZOOM Webinar log-in beginning at 5:45 P.M. Log-in information for this meeting is as follows:

When: July 9, 2020 6:00 PM Eastern Time (US and Canada)

Topic: Board of Adjustment Virtual Public Hearing

Please click the link below to join the webinar:

[https://us02web.zoom.us/j/87848688332?
pwd=dW1LYIE4TIJqOXIDc1p1eVVxNjZTd09](https://us02web.zoom.us/j/87848688332?pwd=dW1LYIE4TIJqOXIDc1p1eVVxNjZTd09)

Password: 400367

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

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Webinar ID: 878 4868 8332

Or iPhone one-tap:

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AGENDA

1. 38 E. Violette Drive, New Castle, DE 19720 . Area variance: To construct an addition 19 feet from the E. Violette Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. Jose Torres Rodriguez. NC6.5 Zoning. CD 7 (App 2020-0276-A) TP 10-039.40-015.

2. 114 Forsythia Drive, Newark, DE 19711 . Area variances: 1. To construct a 1,060 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (1,013 square footage footprint primary dwelling) on a 0.22 acre lot (gross floor area for an accessory structure shall not exceed the

square footage footprint of the primary dwelling on lots less than 1 acre) see UCD Section 40.03.410.A. **2.** To construct a 1,060 square-foot detached accessory structure 19 feet from the Forsythia Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **3.** To construct a detached accessory structure 2 feet from the rear property line (15-foot reduced rear yard setback) see UDC Table 40.04.110.B. **4.** To construct a detached accessory structure which covers 31 percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. Robert Medkeff. NC6.5 Zoning. CD 9 (App 2020-0285-A) TP 08-049.30-273.

3. 6-1/2 Darley Road Claymont, DE 19703 . Area variance: To permit a fence 9 feet in height along all the property lines (6-foot maximum fence height) see UDC Section 40.03.410.D. Scott Kevin Tennesen. NC6.5 HT (Hometown Overlay). Zoning. CD 8 (App 2020-0286-A) TP 06-072.00-010.

4. 1518 Vandyke Greenspring Road, Smyrna, DE 19977 . Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a lot size of 0.50 acres for Lot 1 (1.00-acre minimum lot size exclusive of protected resources) see Table 40.04.110.B. **2.** To permit a lot size of 0.46 acres for Lot 2 (1.00-acre minimum lot size exclusive of protected resources) see Table 40.04.110.B. Ryan Hufford. NC40 Zoning. CD 6 (App 2020-0272-A) TP 15-021.00-045.

***5. 3318 Kirkwood Highway, Wilmington, DE 19808 . *This application has been continued to a future hearing date at the request of the applicant.**

Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit 51 parking spaces (64 parking spaces required) see UDC Table 40.03.522. **2.** To maintain a trash enclosure 2 feet from the easterly side lot line (5-foot setback) see UDC Table 40.04.110.B) **3.** To maintain a trash enclosure 4 feet from the rear property line (5-foot setback) see UDC Table 40.04.110.B. **4.** To maintain paving 0 feet from the westerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the easterly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. McDonalds Corporation. CR Zoning. CD 1 (App 2020-0264-A) TP 07-037.20-233.

6. 3304 Old Capitol Trail Wilmington, DE 19808 . Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain a 0.0 bufferyard opacity along the southerly side lot line (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **2.** To maintain a ground sign 11 feet from the Old Capitol Trail right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **3.** To maintain paving 8 feet from the Old Capitol Trail right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. Larson Engineering. CR Zoning. CD 1 (App 2020-0273-A) TP 07-037.40-148.

***7. 1973 Pulaski Highway, Newark, DE 19702 . *This application has been continued to a future hearing date at the request of the applicant.**

Area variance: To construct a 150 foot cell tower disguised as a tree 13 feet from the easterly side lot line (50-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. Bay Communications III. CR Zoning. CD 11 (App 2020-0103-A) TP 11-023.00-022.

Individuals needing reasonable accommodations according to the *Americans with Disabilities Act*, please call 395-5400 (DRS, 1-800-232-5460) at least (5) business days before the meeting/hearing. Information is available in the Department of Land Use, New Castle County Government Center, 87 Reads Way, Corporate Commons, New Castle, DE from 8:00 a.m. to 4:00 p.m., or call 395-5400.