

AGENDA

BOARD OF ADJUSTMENT

Thursday, October 28, 2021

6:00 p.m.

In accordance with 29 Del. C. Section 10006A, New Castle County Board of Adjustment public hearings will be held as virtual meetings utilizing Zoom Webinar. The Multipurpose Room of the James H. Gilliam, Jr. Building, located at 67 Reads Way in New Castle, will be accessible during the scheduled hearing times for members of the public to attend the virtual meetings in-person.

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 posted below.

When: October 28, 2021 6:00 PM Eastern Time (US and Canada)

Topic: Board of Adjustment Hearing

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82547216775?pwd=YVFGdXk4cGlaQldidDNsNnEvWDBJZz09>

Passcode: 056913

Or One tap mobile:

US: +13017158592,,82547216775# or +13126266799,,82547216775#

Or Telephone:

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

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799

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Webinar ID: 825 4721 6775

AGENDA

1. 711 Rockland Road, Rockland, DE 19732. Area variances: 1. To disturb 25 percent of the prohibitive slopes (100 percent protection level) see UDC Table 40.10.010. 2. To construct a detached accessory structure in front of the primary dwelling on a 1.10 acre lot (2-acre minimum lot size) see UDC Section 40.03.410.A. Christopher Patterson. NC40 Zoning. CD 2. (App 2021-0245-A) TP 06-087.00-012.

2. 11 Camp David Road, Wilmington, DE 19810. Area variance: To permit an 8-foot tall fence along the Shipley Road right-of-way (6-foot maximum fence height) see UDC Section 40.03.410.D. Sandra Jordan-Humphreys. NC10 Zoning. CD 2. (App 2021-0560-A) TP 06-030.00-098.

3. 1211 Nottingham Road, Newark, DE 19711. Area variance: To maintain a play structure 18 feet in height, 4 feet from the rear property line (6-foot setback required for play structures over 6-feet in height) see UDC Section 40.03.410.C. Dariusz Bujak. NC15 Zoning. CD 5. (App 2021-0616-A) TP 09-013.00-021.

4. 563 Walther Road, Newark, DE 19702. Confirmation of a nonconforming use and Special Use Permit to mitigate a nonconforming use: 1. To maintain existing nonconforming commercial and industrial uses in a residential zoning district and to permit the continued use and future use as commercial and industrial uses (Lot 1) see UDC sections 40.08.300, 40.08.400 and 40.31.430. Area variances: 2. To maintain Building 3A on Lot 1, 24 feet from the westerly side lot line (40-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain Building 3A on Lot 1, 28 feet from the northerly side lot line (40-foot side yard setback) see UDC Table 40.04.110.B. 4. To maintain Building 3B on Lot 1, 36 feet from the northerly side lot line (40-foot side yard setback) see UDC Table 40.04.110.B. **5.** To maintain Building 4 on Lot 1, 22 feet from the westerly side lot line (40-foot side yard setback) see UDC Table 40.04.110.B. 6. To maintain Building 8 on Lot 1, 6 feet from the northerly side lot line (40-foot side yard setback) see UDC Table 40.04.110.B. **7.** To maintain paving 0 feet from the westerly side lot line of Lot 1 along Lot 2 (30-foot other yard paving setback) see UDC Table 40.04.110.B. 8. To maintain paving 0 feet from the northerly side lot line of Lot 1 along Lot 2 (30-foot other yard paving setback) see UDC Table 40.04.110.B. **9.** To maintain paving 25 feet from the northerly side lot line on Lot 1 along Lot 3 (30-foot other yard paving setback) see UDC Table 40.04.110.B. 10. To maintain paving 23 feet from the Walther Road right-of-way on Lot 1 (50-foot street yard paving setback) see UDC Table 40.04.110.B. **11.** To provide a 0.0 bufferyard opacity along the northerly side lot line on Lot 1 along Lot 3 (0.3 bufferyard opacity) see UDC Table 40.04.111.A. 12. To provide a 0.0 bufferyard opacity along the westerly side lot line on Lot 1 along Lot 3 (0.3 bufferyard opacity) see UDC Table 40.04.111.A. **13.** To provide a 0.0 bufferyard opacity along the northerly side lot line on Lot 1 along Lot 2 (0.4 bufferyard opacity) see UDC Table 40.04.111.A and UDC Section 40.04.320. 14. To provide a 0.0 bufferyard opacity along the westerly side lot line on Lot 1 along Lot 2 (0.4 bufferyard opacity) see UDC Table 40.04.111.A and UDC Section 40.04.320. **15.** To provide a 0.1 bufferyard opacity along Walther Road right-of-way on Lot 1 (0.3 bufferyard opacity) see UDC Table 40.04.111.A. 16. To permit 10 percent of the lot area for exterior storage on Lot 1 (5-percent maximum lot area for exterior storage) see UDC Table 40.04.110.C. **17.** To permit a lot size of 0.46 acres for Lot 2 (1.00-acre minimum lot size) see UDC Table 40.04.110.B. 18. To maintain Building 1A, 38 feet from the Walther Road right-of-way on Lot 2 (40-foot street yard setback) see UDC Table 40.04.110.B. **19.** To maintain Building 1A, 36 feet from the rear property line on Lot 2 (40-foot rear yard setback) see UDC Table 40.04.110.B. 20. To maintain paving 0 feet from the rear property line on Lot 2 (2-foot paving setback) see UDC Section 40.04.110.E. **21.** To maintain paving 0 feet from the southerly side lot line on Lot 2 (2-foot paving setback) see UDC Section 40.04.110.E. 22. To maintain paving 0 feet from the northerly side lot line on Lot 2 (2-foot paving setback) see UDC Section 40.04.110.E. **23.** To maintain Building 2, 37 feet from the Walther Road right-of-way on Lot 3 (40-foot street yard setback) see UDC Table 40.04.110.B. 24. To maintain paving 0 feet from the southerly side lot line on Lot 3 (2-foot paving setback) see UDC Section 40.04.110.E. Charles A. Walther Jr. Trust. S Zoning. CD 11. (App 2021-0477-A) TPs 09-041.00-002, 09-041.00-005 & 09-041.00-009.

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.