



BOARD OF ADJUSTMENT

MINUTES

April 25, 2019

The Board of Adjustment of New Castle County held a public hearing on April 25, 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
Richard Farmer
Izuru Osegbu-Rivers

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

MINUTES

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. #2019-0163-A – Brian F. Funk Esq..

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

VOTE: 6-0

ACTION: Grant– Area variance: To maintain a dwelling 24 feet from the Terrapin Lane right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 3. TP 09-003.00-014.

2. App. #2019-0161-A – Noah Blanch.

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

VOTE: 6-0

ACTION: Grant- Area variance: To maintain an enclosed porch 3 feet from the Ninth Street right-

of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. TP 10-010.40-308.

3. App. #2019-0172-A – Nona Vandusen.

Mr. Burt moved to **Grant with Conditions** the application. Mr. Thomas econded the motion.

VOTE: 6-0

ACTION: Grant with Condition – Area variance: To maintain an unpermitted, detached Accessory Dwelling Unit (ADU) on a 1.64-acre parcel (greater than 2-acre minimum lot area required for a detached ADU).see UDC Section 40.03.410.H.7. NC21 CL (Cluster Development) Zoning. NC21. CD 5. TP 11-016.20-048.

Condition: The Applicant obtain all necessary permits and inspections for the detached ADU.

4. App. #2019-0174-A – Joy & Marcus Marsh.

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

VOTE: 6-0

ACTION: Grant – Area variance: To construct an addition 16 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 6. TP 11-046.10-030.

5. App. #2019-0060-A – Devon Jackson Trustee

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

VOTE: 6-0

ACTION: Grant with Condition – Area variances to facilitate the recordation of a Land Development Plan: To provide a lot width of 30 feet for Lot 2 (125-foot minimum lot width) see UDC Table 40.04.110.B. NC40 Zoning. CD 6. TP 14-016.00-256.

Condition: A Cross Access Easement shall be established providing access to Lot 1 and Lot 3 as depicted on the plans submitted into evidence as may be amended by the Department.

6. App. #2019-0194-A – Corporation Service Company

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

VOTE: 6-0

ACTION: Grant – Area variances: 1. To permit a ground sign 16 feet from the Centerville Road right-of-way (25-foot sign setback) see UDC Table 40.06.060. **2.** To permit a ground sign 13 feet from the Red Clay Drive West right-of-way (25-foot sign setback) see UDC Table 40.06.060. OR Zoning. CD 2. TP 07-031.00-004.

7. App. #2019-0036-A Two Farms Inc

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

VOTE: 6-0

ACTION: Grant – Area variances: 1. To permit 477 square feet of ground sign aggregate (390 square foot maximum ground sign aggregate) see UDC Table 40.06.060.B. **2.** To permit a shopping center identification sign 10 feet from the Stanton Christiana Road right-of-way (40-foot sign setback) see UDC Table 40.06.060.B. **3.** To maintain a 162 square foot additional ground sign (75-square foot maximum sign area) see UDC Table 40.06.060.B. **4.** To permit an additional ground sign 10 feet from the Stanton Christiana Road right-of-way (40-foot sign setback) see UD Table

40.06.060.B. CR Zoning. CD 1. TP 09-018.00-030.

8. App. #2019-0205-A – Duffield Associates Inc.

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

VOTE: 6-0

ACTION: Grant with Conditions– Area variances: 1. To construct a water storage tank 25 feet from the southwesterly side lot line (55-foot setback required (1/4 height of tank) see UDC 40.03.334.B. **2.** To permit a 0.0 bufferyard opacity along the southwesterly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.B. **3.** To permit a 0.0 bufferyard opacity along the southerly side lot line (0.2 bufferyard opacity) see UDC Table 40.04.111.B. I & CR Zoning. CD 4. TP 06-148.00-003.

Conditions:

- 1. That the storage tank is constructed at the site proposed in the Alternate Exploratory Plan submitted to the Department of Land Use and presented at the Public Hearing on April 2, 2019.**
- 2. That the storage tank is painted colors as approved by the Planning Board and the Department.**
- 3. That the Applicant provide 12 evergreen trees along the southwest side of the property based on its presentation.**
- 4. That the Applicant provide architectural ornamentation consisted with the plan entered into evidence and marked as Exhibit 9. The tank shall be built with the architectural design consistent with the exhibit presented to the Board.**

Melissa Hughes
Department of Land Use
6/13/2019