



BOARD OF ADJUSTMENT

MINUTES

June 17, 2021

The Board of Adjustment of New Castle County held a public hearing on June 17, 2021 utilizing ZOOM Webinar, 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

Comprising a quorum of the Board; also:
Mengting Chen Esq., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, Department of Land Use

MINUTES

The minutes of May 13, 2021 were presented for approval and Mr. Parker motioned to Grant the May 13, 2021 minutes and Mr. Brooks 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. #2021-0281-A - Darin & Elizabeth Lorenzen.

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

VOTE: 4-0 (Parker – recuse)

ACTION: Grant– Area variance: To construct a detached accessory structure 10 feet from the Arrowwood Drive right-of-way (25-foot street yard setback) see UDC Section 40.03.410.A. NC6.5 Zoning. CD 5. (App 2021-0281-A) TP 09-028.40-097.

2. App. #2021-0282-A – Daryl Stanford.

Mr. Burt moved to **Grant Variance 1**; Mr. Parker seconded the motion.

VOTE: 5-0

ACTION: Grant - Area variance: 1. To maintain an uncovered patio 0 feet from the rear property line (2-foot paving setback) see UDC Section 40.04.110.E. S Zoning. CD 12. (App 2021-0282-A) TP 12-041.20-131.

Mr. Burt moved to **Deny Variance 2**; Mr. Brooks seconded the motion.

VOTE: 5-0

ACTION: Deny - Area variance: 2. To construct an inground pool 1 foot from the rear property line (6-foot setback for pools) see UDC Section 40.03.410.H. S Zoning. CD 12. (App 2021-0282-A) TP 12-041.20-131.

3. App. #2021-0280-A – Wawa, Inc.

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

VOTE: 5-0

ACTION: Grant- Area variances: 1. To permit a ground sign 5 feet from the Pulaski Highway right-of-way (25-foot setback for ground sign) see UDC Table 40.06.060. **2.** To permit a ground sign 10 feet from the Bear Corbit Road right-of-way (25-foot setback for ground sign) see UDC Table 40.06.060. Wawa, Inc CR Zoning. CD 12. (App 2021-280-A) TP 10-039.00-003.

4. App. #2020-0247-A – Cellco Partnership.

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

VOTE: 5-0

ACTION: Grant- Special Use Permit to permit a 148 foot tall cell tower disguised as a windmill: Special Use Permit to permit a 148 foot tall cell tower disguised as a windmill on a residentially zoned property see UDC Sections 40.03.326 & 40.31.430. SR Zoning. CD 6 (App 2021-0247-A) TP 13-021.00-010.

5. App. #2021-0157-A – Becker Morgan Group, Inc..

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

VOTE: 5-0

ACTION: Amend- Area variances to facilitate the recordation of a Land Development Plan: 1. To permit a building 5 feet from the northerly side of a proposed unnamed street (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To permit a building 5 feet from the southerly side of a proposed unnamed street (40-foot street yard setback) see UDC Table 40.04.110.B. **3.** To permit paving 4 feet from the northerly side of a proposed unnamed street (25-foot paving setback) see UDC Table 40.04.110.B. **4.** To permit paving **4 [8]** feet from southerly side of a proposed unnamed street (25-foot paving setback) see UDC Table 40.04.110.B. **5.** To permit a 0.0 bufferyard opacity along the northerly side of a proposed unnamed street (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **6.** To permit a 0.0 bufferyard opacity along the southerly side of a proposed unnamed street (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **7.** To permit 25 street trees along the proposed unnamed street right-of-way (35 street trees required) see UDC Table 40.04.111.A. CR Zoning. CD 2 (App 2021-0157-A) TP 06-040.00-005.

Mr. Burt moved to **Grant with Conditions**; Mr. Brooks seconded the motion.

VOTE: 5-0

ACTION: Grant with Conditions- Area variances to facilitate the recordation of a Land Development Plan: 1. To permit a building 5 feet from the northerly side of a proposed unnamed street

(40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To permit a building 5 feet from the southerly side of a proposed unnamed street (40-foot street yard setback) see UDC Table 40.04.110.B. **3.** To permit paving 4 feet from the northerly side of a proposed unnamed street (25-foot paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 4 [8] feet from southerly side of a proposed unnamed street (25-foot paving setback) see UDC Table 40.04.110.B. **5.** To permit a 0.0 bufferyard opacity along the northerly side of a proposed unnamed street (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **6.** To permit a 0.0 bufferyard opacity along the southerly side of a proposed unnamed street (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **7.** To permit 25 street trees along the proposed unnamed street right-of-way (35 street trees required) see UDC Table 40.04.111.A. CR Zoning. CD 2 (App 2021-0157-A) TP 06-040.00-005.

CONDITIONS:

- 1. The Applicant shall provide a Landscape Plan, with guidance from the Department, consistent with the renderings submitted into evidence.**
- 2. The building elevations shall be consistent with the renderings submitted into evidence.**
- 3. The Applicant shall provide additional landscaping within the center median of the portion of the access road that cuts through the existing shopping center if permitted by DeIDOT.**
- 4. The roadway layouts shall be consistent with the renderings submitted into evidence.**

Melissa A. Hughes

Melissa Hughes
Department of Land Use
8/10/2021