



BOARD OF ADJUSTMENT

MINUTES

July 25, 2019

The Board of Adjustment of New Castle County held a public hearing on July 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
Edward Thomas
Izuru Osegbu-Rivers
Monique Slowe

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. #2019-0360-A – Joseph Pettis

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

VOTE: 5-0

ACTION: Grant– Area variances: 1. To maintain a dwelling 22 feet from the Beech Avenue right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 22 feet from the Beech Avenue right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 8. (App 2019-0360-A) TP 06-037.00-015.

2. App. #2019-0311-A – Joseph Scalia.

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

VOTE: 5-0

ACTION: Grant- Area variances: **1.** To maintain a dwelling 37 feet from the unnamed right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 10 feet from the unnamed right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 12. (App 2019-0311-A) TP 12-007.00-009.

3. App. #2019-0335-A – Kimberly Long.

Mr. Thomas moved to **Grant** the application. Mr. Parker seconded the motion.

VOTE: 4-1 (Burt – Deny)

ACTION: Grant – Area variances: **1.** To construct a detached accessory structure 25 feet in height (20-foot maximum height for detached structures on lots 1-acre or less) see UDC Section 40.03.410.A. **2.** To construct a 25 foot in height detached accessory structure 4 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To construct a 25 foot in height detached accessory structure 4 feet from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 7. (App 2019-0355-A) TP 10-025.20-077.

4. App. #2019-0373-A - Carol Schofield.

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

VOTE: 5-0

ACTION: Amend – Area variance: To construct a carport **1 [2]** foot from the southerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 7. (App 2019-0373-A) TP 10-019.40-294.

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

VOTE: 5-0

ACTION: Grant – Area variance: To construct a carport **1 [2]** foot from the southerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 7. (App 2019-0373-A) TP 10-019.40-294.

5. App. #2019-0431-A – Rockland Falls LLC.

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

VOTE: 5-0

ACTION: Grant – Area variance: To construct a ground sign 2 feet form the Rockland Road right-of-way (25-foot street yard setback) see UDC Table 40.06.060.1.2. NCPUD Zoning. CD 2. (App 2019-0431-A) TP 06-075.00-009.

Executive Session

Executive session regarding legal strategy in connection with *Antietam Wireless Services, LLC*, et al., v. *New Castle County Board of Adjustment*, pursuant to 29 Del. C. § 10004(b)(4).

Melissa Hughes
Department of Land Use
10/10/2019