



BOARD OF ADJUSTMENT

MINUTES

July 15, 2021

The Board of Adjustment of New Castle County held a public hearing on July 15, 2021 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
William Brooks
Edward Thomas
Richard Farmer

Comprising a quorum of the Board; also:
Aysha Gregory., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, 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. #2021-0368-A - Michael Kunz.

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

VOTE: 4-0 (Parker recuse)

ACTION: Grant with Condition– Area variance: To construct an addition 19 feet from the Madison Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2021-0368-A) TP 06-083.00-181.

CONDITION: The porch shall remain open and not be further enclosed.

2. App. #2021-0369-A – John Tracey.

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

VOTE: 5-0

ACTION: Grant- Area variance: To maintain a dwelling 5 feet from the westerly side lot line (10-foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2021-0369-A) TP 06-021.00-138.

3. App. #2021-0367-A – VanDemark & Lynch, Inc.

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

VOTE: 5-0

ACTION: Grant- Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a 1.13 acre lot size for Lot 1, exclusive of protected resources (2.00-acre minimum lot size exclusive of protected resources) see UDC Table 40-04-110.B. The gross lot area for Lot 1 will be 5.09 acres. **2.** To permit a 1.40 acre lot size for Lot 2, exclusive of protected resources (2.00-acre minimum lot size exclusive of protected resources) see UDC Table 40-04-110.B. The gross lot area for Lot 2 will be 3.30 acres. SE Zoning. CD 2. (App 2021-0367 -A) TP 07-013.00-004.

4. App. #2021-0279-A - Weiner Kristol, Aerenon Joint Venture LLC..

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

VOTE: 5-0

ACTION: Rehear- Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain 0.0 bufferyard along the Centre Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **2.** To maintain paving 2 feet from the Centre Road right-of-way (40-foot paving setback) see UDC Table 40.04.111.B. **3.** To provide 2 stacking spaces for ATM drive-in facility (6 stacking spaces required for drive-in facilities) see UDC Table 40.03.525. **4.** To permit a shopping center identification sign ground sign 5 feet from the Centre Road right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **5.** To maintain a 0.0 bufferyard opacity along the southerly side lot line (0.6 bufferyard opacity required) see UDC Tables 40.04.111.B & 40.03.210.A. **6.** To maintain paving 0 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To permit a restaurant drive-in facility without a curbed island (drive-in facilities must be separated from other drive aisles by a curbed island) see UDC Section 40.03.316.C. **8.** To permit an ATM drive-in facility without a curbed island (drive-in facilities must be separated from other drive aisles by a curbed island) see UDC Section 40.03.316.C. **9.** To maintain paving 0 feet from the easterly side lot line along parcel 07-035.10-138 (10-foot other yard paving setback) see UDC Table 40.04.111.B. **10.** To maintain paving 0 feet from the northerly side lot line along parcel 07-035.10-138 (10-foot other yard paving setback) see UDC Table 40.04.111.B. **11.** To construct an ATM drive-in facility 5 feet from the Centre Road right-of-way (15-foot street yard setback) see UDC Table 40.04.110.B. CN Zoning. CD 9. (App 2021-0279-A) TP 07-035.10-137.

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

VOTE: 5-0

ACTION: Grant- Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain 0.0 bufferyard along the Centre Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **2.** To maintain paving 2 feet from the Centre Road right-of-way (40-foot paving setback) see UDC Table 40.04.111.B. **3.** To provide 2 stacking spaces for ATM drive-in facility (6 stacking spaces required for drive-in facilities) see UDC Table 40.03.525. **4.** To permit a shopping center identification sign ground sign 5 feet from the Centre Road right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **5.** To maintain a 0.0 bufferyard opacity along the southerly side lot line (0.6 bufferyard opacity required) see UDC Tables 40.04.111.B & 40.03.210.A. **6.** To maintain paving 0 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To permit a restaurant drive-in facility without a curbed island (drive-in facilities must be separated from

other drive aisles by a curbed island) see UDC Section 40.03.316.C. **8.** To permit an ATM drive-in facility without a curbed island (drive-in facilities must be separated from other drive aisles by a curbed island) see UDC Section 40.03.316.C. **9.** To maintain paving 0 feet from the easterly side lot line along parcel 07-035.10-138 (10-foot other yard paving setback) see UDC Table 40.04.111.B. **10.** To maintain paving 0 feet from the northerly side lot line along parcel 07-035.10-138 (10-foot other yard paving setback) see UDC Table 40.04.111.B. **11.** To construct an ATM drive-in facility 5 feet from the Centre Road right-of-way (15-foot street yard setback) see UDC Table 40.04.110.B. CN Zoning. CD 9. (App 2021-0279-A) TP 07-035.10-137.

5. App. #2021-0120-A – VanDemark & Lynch, Inc.

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

VOTE: 5-0

ACTION: Grant with Conditions- Special Use Permit: Special Use Permit to permit a 3-level, 460-space parking structure pursuant to UDC Sections 40.04.320 (Parking Bufferyard Standards), 40.03.528 (Parking Structures) and 40.31.430 (Standards for Special Use Permit). HI Zoning. CD 8. (App 2020-0391-A) TP 06-072.00-198.

CONDITIONS: 1. The Applicant shall construct the parking garage with elevations and materials consistent with the renderings submitted into evidence.

2. The Applicant shall provide and maintain landscaping consistent with the renderings submitted into evidence.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
9/7/2021