



BOARD OF ADJUSTMENT

MINUTES

BUSINESS MEETING AND PUBLIC HEARING

May 24, 2018

The Board of Adjustment of New Castle County held a public hearing on May 24, 2018 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
Monique Slowe
William Brooks
Terry Parker
Edward Thomas
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Melissa Hughes, Department of Land Use
Janet Vinc, Department of Land Use
Aysha Gregory, Esq., Office of Law

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. #2018-0230-A – Ronald H. Sutton Jr. PE.

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

VOTE: 7-0

ACTION: Grant – Area variance: To construct a 1,200 square foot detached accessory structure larger than the square footage foot print of the primary dwelling (978 square footage footprint primary dwelling) on a 0.74 acre lot (gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UCD Section 40.03.410.A. Ronald H. Sutton Jr. PE. NC21 Zoning. CD 3. (App 2018-0230-A) TP 08-007.20-017.

2. App. #2018-0105-A – Edward J. Brainard.

Mr. Burt moved to Deny Variance 1 and Grant Variance 2; Mr. Parker seconded the motion.

VOTE: 7-0

ACTION: Deny - Area variance: 1. To construct a carport 1 foot from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B.

VOTE: 7-0

ACTION: Grant - Area variance: 2. To permit paving 0 feet from the westerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E.. NC6.5 Zoning. CD 9. (App 2018-0229-A) TP 08-049.30-189.

3. App. #2018-0199-A – Steven Cellinesi

Mr. Slowe moved to Grant the application; Mr. Parker seconded the motion.

VOTE: 7-0

ACTION: Grant - Area variance: To construct an open porch 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 2. (App 2018-0248-A) TP 06-005.00-034.

4. App. #2018-0196-A – Michael C. Rausch

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

VOTE: 7-0

ACTION: Grant – Area variance: To construct a detached accessory structure in front of the primary dwelling on a lot less than 2 acres (2-acre minimum lot size) see UDC Section 40.03.410.A. NC21 Zoning. CD 11. (App 2018-0196-A) TP 11-023.00-091.

5. App. #2018-0197-A – K. Wolf Construction Inc

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

VOTE: 7-0

ACTION: Grant – Area variances to facilitate the recordation of a Land Development Plan:

1. To provide a lot width of 0 feet for Lot 3 (75-foot minimum lot width) see UDC Table 40.04.110.B. 2. To provide a lot width of 0 feet for Lot 4 (75-foot minimum lot width) see UDC Table 40.04.110.B. NC21 Zoning. CD 12. (App 2018-0198-A) TP 11-033.00-067.

6. App. #2018-0133-A – Francis J. Strab IV.

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

VOTE: 7-0

ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land Development Plan: 1. To maintain paving 0 feet from the southerly side lot line of Lot 1 (2-foot paving setback) see UDC Section 40.04.110.E. 2. To maintain paving 0 feet from the northerly side lot line of Lot 2 (2-foot paving setback) see UDC Section 40.04.110.E.

Conditions:

- 1. Prior to recordation of the minor record plan, the existing garage be removed.**
- 2. In the event that Lot 1 is redeveloped, that the portion of the exiting driveway upon Lot 2 shall be removed and Lot 1 shall enjoy a zero (0) foot paving setback.**
- 3. At or prior to recordation of the minor record plan, there be created an easement or**

equivalent legal device to assure a right of access over the exiting driveway in favor of Lot 1.”

7. App. #2018-0154-A – Shah Concord LLC.

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

VOTE: 7-0

ACTION: Grant with Condition – Area variances: To construct a ground sign 3 feet from the Concord Pike right-of-way (40-foot setback) see UDC Table 40.06.060. CR Zoning. CD 2. (App 2018-0003-A) TP 06-004.00-003.

Condition: That the sign be designed and constructed as depicted on the exhibits provided at the hearing

Melissa Hughes
Department of Land Use 8/9/2018