



**BOARD OF ADJUSTMENT**

**MINUTES**

**BUSINESS MEETING AND PUBLIC HEARING**

**October 25, 2018**

The Board of Adjustment of New Castle County held a public hearing on October 25, 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**  
**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*

MINUTES

The minutes of August 23, 2018 were presented for approval and Mr. Thomas motioned to Grant the August 23, 2018 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of September 13, 2018 were presented for approval and Mr. Thomas motioned to Grant the September 13, 2018 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of September 27, 2018 were presented for approval and Mr. Thomas motioned to Grant the September 27, 2018 minutes and Mr. Burt 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. #2018-0557-A – Dustin Scobell.**

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

**VOTE: 5-0**

**ACTION: Grant with Condition – Area variance:** To maintain an above ground pool 2 feet from the westerly side lot line (6-foot setback) see UDC Section 40.03.410.G. NC6.5 Zoning. CD 9. TP 08-054.40-101.

**Conditions:**

**If the above-ground pool is removed or if the pool’s repair cost exceeds 50 percent of its replacement cost, then the variance shall become null and void.**

**2. App. #2018-0541-A – Robert Neff.**

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

**VOTE: 5-0**

**ACTION: Grant - Area variance:** To construct an open porch 19 feet from the Sandra Road right-of-way (25-foot rear yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 2. TP 06-090.00-328.

**3. App. #2018-0540-A – Srig LLC.**

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

**VOTE: 5-0**

**ACTION: Grant - Area variance:** To construct an addition 15 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 11. TP 10-043.10-888.

**4. App. #2018-0512-A – Jeff Brown.**

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

**VOTE: 5-0**

**ACTION: Grant - Area variances:** **1.** To maintain a 4,000 square foot lot size (5,000-square minimum lot size) see UDC Table 40.04.110.B. **2.** To maintain a 40 foot lot width (50-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To construct a dwelling 7 feet from the Maple Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. TP 10-005.30-043.

**5. 7. App. #2018-0555-A – Gregory Fisher Sr.**

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

**VOTE 5-0**

**ACTION: Grant - Area variance:** To permit a detached Accessory Dwelling Unit (ADU) on a 1.67 acre lot (2-acre minimum lot size) see UDC Section 40.03.410.H.7. NC21 Zoning. CD 8. TP 06-034.00-205.

**6. App. #2018-0538-A – Vantage Point Retirement Living LLC.**

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

**VOTE: 5-0**

**ACTION: Amend - Area variances to facilitate the recordation of a Land Development Plan:** **1.** To disturb 91% of a WRPA Recharge Area (50% maximum disturbance) see UDC Table 40.10.010. **2.** ~~To permit 40% impervious coverage in a WRPA Recharge Area (20% maximum impervious coverage) see UDC Section 40.10.160.~~ NC40 Zoning. CD 12. TP 13-023.00-030, 13-023.00-063, 13-023.00-053 – 13-023.00-058.

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

**VOTE: 5-0**

**ACTION: Grant with Condition - Area variances to facilitate the recordation of a Land**

**Development Plan: 1.** To disturb 91% of a WRPA Recharge Area (50% maximum disturbance) see UDC Table 40.10.010. **2.** ~~To permit 40% impervious coverage in a WRPA Recharge Area (20% maximum impervious coverage) see UDC Section 40.10.160.~~ NC40 Zoning. CD 12. TP 13-023.00-030, 13-023.00-063, 13-023.00-053 – 13-023.00-058.

**Condition:**

**The Applicant included notes on both the Record Landscape Plans and Construction Plans that specify deep tilling of pervious areas throughout the site to promote passive infiltration of stormwater.**

**7. App. #2018-0558-A – Landmark Science & Engineering.**

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

**VOTE: 5-0**

**ACTION: Grant with Conditions– Special Use Permit:** Special Use Permit to permit a 7-level, 1,595-space parking structure, a 3-level 590-space parking structure and a 2-level 298-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). OR Zoning. CD 2. TPs 06-100.00-067 & 06-100.00-102.

**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 Hughes  
Department of Land Use 1/10/2019