



BOARD OF ADJUSTMENT

MINUTES

BUSINESS MEETING AND PUBLIC HEARING

January 18, 2018

The Board of Adjustment of New Castle County held a public hearing on January 18, 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
Terry Parker
Edward Thomas
Izuru Osegbu-Rivers

Comprising a quorum of the Board; also:
Phil McBride, 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. #2017-0692-A – Sherri Porter

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

VOTE: 4-0

ACTION: Grant – To maintain a shed 0 feet from the Dumas Place right-of-way (20-foot street yard setback) see UDC Table 40.04.110.B. NCPUD Zoning. CD 7. TP 10-039.10-133.

2. App. #2017-0756-A - Robert Branum

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

VOTE: 4-0

ACTION: Grant with Condition - Area variance: To maintain a carport 2 feet from the northerly side property line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 9. TP 09-017.40-137.

Condition: The carport shall remain an open structure

3. App. #2017-0757-A – Martha J. Hobbs.

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

VOTE: 4-0

ACTION: Grant – Area variance: To maintain paving 0 feet from the southerly side property line (2-foot paving setback) see UDC Section 40.04.110.E. NC5 Zoning. CD 9. TP 08-045.30-123.

4. App. #2017-0795-A – David & Joanne Govatos

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

VOTE: 4-0

ACTION: Grant – Area variances: **1.** To construct an addition 9 feet from the Galewood Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 7 feet from the eastern side property line (8-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain a dwelling 18 feet from the Galewood Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. TP 06-091.00-123.

5. App. #2017-0794-A – Pietro F. D’Agostino

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

VOTE: 4-0

ACTION: Grant – Area variances: **1.** To construct a ground sign 25 feet from the Commons Boulevard right-of-way (40-foot setback), see UDC Table 40.06.060.4. **2.** To construct a ground sign 7 feet from Corporate Circle (40-foot setback) see UDC Table 40.06.060.4. BP Zoning. CD 7. TP 10-018.00-019.

6. App. #2017-0755-A – Dr. Mehdi & Llyn Balakhani

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

VOTE: 4-0

ACTION: Grant – Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a total of 12 % impervious surface area within reservoir watershed for the site: to permit Lot 2A a total of 0.56 acres of impervious cover; to permit Lot 2B a total of 0.18 acres of impervious cover; and to permit Lot 2C a total of 0.07 acres of impervious cover (maximum 10% impervious surface area) see UDC Section 40.10.127.B. ~~**2.** To permit a lot width of 94 feet for Lot 2B (100 foot lot width minimum) see UDC Table 40.04.110.B. S Zoning. CD 2. (TP 07-023.00-008.~~

7. App. #2017-0801-A – Heartland Delaware

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

VOTE: 4-0

ACTION: Grant – Area variances to facilitate the recordation of a Land Development Plan: To permit 41 parking spaces (45 parking spaces required) see UDC Table 40.03.522. CR Zoning. CD 9. TP 08-059.00-028.

8. App. #2017-0828-A – 201 Airport Road LLC

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

VOTE: 4-0

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

1. To construct a building 11 feet from the Airport Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a building 18 feet from the Old Churchmans Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **3.** To permit paving 25 feet from the Old Churchmans Road right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **4.** To maintain a lot size of 0.73 acres (1-acre minimum lot size) see UDC Table 40.04.110.B. **5.** To provide a 0.1 bufferyard opacity along the Airport Road right-of-way (0.5 bufferyard opacity) see UDC Table 40.04.111.B. **6.** To provide a 0.1 bufferyard opacity along the Old Churchmans Road right-of-way (0.5 bufferyard opacity) see UDC Table 40.04.111.B. **7.** To provide a 0.3 bufferyard opacity along the eastern side property line (0.6 bufferyard opacity) see UDC Table 40.04.111.B. **8.** To provide 0 loading bay (1 loading bay required) see UDC Section 40.03.510. I Zoning. CD 7. TP 10-017.40-004.

Melissa Hughes
Department of Land Use
5/9/2019