

AGENDA

BOARD OF ADJUSTMENT

Thursday, December 2, 2021

6:00 p.m.

In accordance with 29 Del. C. Section 10006A, New Castle County Board of Adjustment public hearings will be held as virtual meetings utilizing Zoom Webinar. The Multipurpose Room of the James H. Gilliam, Jr. Building, located at 67 Reads Way in New Castle, will be accessible during the scheduled hearing times for members of the public to attend the virtual meetings in-person.

Additional information regarding Virtual Public Meetings may be found at: [Virtual Meetings-Land-Use](#)

ZOOM Webinar log-in beginning at 5:45 P.M.
Log-in information for this meeting is posted below.

When: December 2, 2021 6:00 PM Eastern Time (US and Canada)

Topic: Board of Adjustment Hearing

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86877972760?pwd=TnpIWjdoN0JwTGJZVlBqQVFEOEcwdz09>

Passcode: 519963

Or One tap mobile:

US: +19292056099,,86877972760# or +13017158592,,86877972760#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782

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Webinar ID: 868 7797 2760

AGENDA

- 1. 1 Deerpath Lane, Newark, DE 19711. Area variance:** To permit a fence 7.5 feet in height along the Paper Mill Road right-of-way line (6-foot maximum fence height) see UDC Section 40.03.410.D. Joseph Kemble. NC21 Zoning. CD 3. (App 2021-0672-A) TP 08-029.40-029.
- 2. 346 Quimby Drive, Wilmington, DE 19808. Area variance:** To construct an addition 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. Antony Bonvetti Jr. S Zoning. CD 9. (App 2021-0673-A) TP 08-049.10-137.
- 3. 403 Wood Duck Court, New Castle, DE 19720. Area variance:** To construct a deck 7 feet from the rear property line (12.5-foot setback for decks) see UDC Section 40.04.110.E. Euall Kerr. NC21 CL Zoning. CD 7. (App 2021-0674-A) TP 10-034.40-208.
- 4. 17 S. New Road, Middletown, DE 19709. Beneficial Use Appeal to construct an addition**

and deck to the existing dwelling on a portion of the parcel located within the special flood hazard area or 100-year floodplain and area variances: **1.** To construct an addition 10 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a deck 1 foot from the rear property line (12.5-foot setback for decks) see UDC Section 40.04.110.E. **3.** To maintain a dwelling 13 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To maintain a detached accessory structure in front of the primary dwelling on a 0.17 acre lot (no accessory structures shall be located in front of the dwelling on a less than 2-acres) see UDC Section 40.03.410.A. **5.** To maintain a detached accessory structure 5 feet from the S. New Road right-of-way (25-foot street yard setback) see UDC Section 40.03.410.A. **6.** To maintain a deck 1 foot from the northerly side lot line (3-foot setback for decks) see UDC Section 40.04.110.E. Jayne Edwards. NC6.5 Zoning. CD 12. (App 2021-0218-A) TP 13-020.01-012.

5. 750 Otts Chapel Road, Newark, DE 19713. Area variances to facilitate the recordation of a Land Development Plan: **1.** To disturb 3 percent (0.20 acres) of the 100-year floodplain (100-percent protection level) see UDC Table 40.10.010. **2.** To disturb 31 percent (0.30 acres) of the Riparian Buffer Area (RBA) (100-percent protection level) see UDC Table 40.10.010. Aspira of Delaware Charter Operations Inc. I Zoning. CD 5. (App 2021-0699-A) TP 11-008.00-126.

6. 3010 New Castle Avenue, New Castle, DE 19720. Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit paving 3 feet from the northerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **2.** To maintain paving 5 feet from the New Castle Avenue right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To provide 0.0 bufferyard opacity along the New Castle Avenue right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **4.** To provide 0.0 bufferyard opacity along the northerly side lot line (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To provide 0 parking lot plant units (1 plant unit per 12 parking spaces, total 6 plant units required) see UDC Table 40.04.111.A. **6.** To provide no curbed island separating the required stacking spaces from the bypass lane/aisleway (a curbed island shall separate required stacking spaces from the bypass lane/aisleway), see UDC Section 40.03.316.C. **7.** To provide 6 stacking spaces for a drive-in window (12 stacking spaces required, 6 stacking spaces per window), see UDC Section 40.03.522. **8.** To permit 4, 5 square foot instructional ground signs (4-square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **9.** To maintain a trash enclosure 5 feet from the northerly side lot line (20-foot setback for trash enclosure) see UDC Table 40.04.110.B. **10.** To permit a restaurant drive-in facility talk box without solid sound barrier adjacent to residential uses (solid sound barrier shall be provided adjacent to residential properties) see UDC Section 40.03.316. McDonalds USA LLC. CR Zoning. CD 10. (App 2021-0534-A) TP 10-010.00-020.

Individuals needing reasonable accommodations according to the *Americans with Disabilities Act*, please call 395-5400 (DRS, 1-800-232-5460) at least (5) business days before the meeting/hearing. Information is available in the Department of Land Use, New Castle County Government Center, 87 Reads Way, Corporate Commons, New Castle, DE from 8:00 a.m. to 4:00 p.m., or call 395-5400.