

AGENDA

***Revised 6/22/2023**

BOARD OF ADJUSTMENT

Thursday, June 22, 2023

6:00 p.m.

NOTE: In accordance with 29 Del. C. Section 10006A, Board of Adjustment Hearings will be held as a virtual meeting utilizing Zoom Webinar. The New Castle Room, Government Center, 87 Reads Way, New Castle, DE 19720 will be accessible during the scheduled hearing time for members of the public to attend the virtual meeting 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: June 22, 2023 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/81537005731?pwd=YlpBazlKTXdsaGNOaDFjenFTTGtJZz09>

Passcode: 966927

Or One tap mobile:

US: +19292056099,,81537005731#,,,,*966927# or +13017158592,,81537005731#,,,,*966927#

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 +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847

Webinar ID: 815 3700 5731

Passcode: 966927

AGENDA

1. [1711 St. Mihiel Avenue, Wilmington, DE 19804](#). **Area variance:** To maintain paving 0 feet from the southerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. **Xianglin**

Lu. NC6.5 Zoning. CD 1. (App 2023-0095-A) TP 08-050.20-335.

2. **210 Haystack Lane, Wilmington, DE 19807**. **Area variance:** To maintain a ball court 25 feet from the Old Kennett Road right-of-way (50-foot street yard setback) see UDC Section 40.03.410.G. **Lisa & James Guerrieri, Jr.** NC2A Zoning. CD 2. (App 2023-0294-A) TP 07-011.00-013.

3. **3420 Kirkwood Highway, Wilmington, DE 19808**. **Area variance:** To permit a ground sign 7 feet from the Kirkwood Highway right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **Premier A-2 Wilmington, DE LLC.** CR Zoning. CD. 1 (App 2023-0220-A) TP 07-037.10-010.

4. **0 Creekside Court, Newark, DE 19702**. **Area variances to facilitate the recordation of a Land Development Plan:** To permit a 0.0 bufferyard opacity along the southwesterly side lot line (0.1 bufferyard opacity required) see UDC Table 40.04.111.B. **Country Creek, LLC.** NC6.5 Zoning. CD 11. (App 2023-0153-A) TP 09-041.10-301.

5. **1401 E. Newport Pike, Wilmington, DE 19804**. ***This application has been continued to a later date yet to be determined.**

Area variances to establish a restaurant use: **1.** To permit a restaurant building 17 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To permit paving 1 foot from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 9 feet from the Becker Avenue right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 0 feet from E. Newport Pike right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 0 feet from the E. Highland Avenue right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **6.** To permit 0 on-lot plant units (8 plant units per 1-acre required. Total 2.96 plant units required) see UDC Table 40.04.111.A. **7.** To permit 0 street trees along the Becker Avenue right-of-way (3 street trees required) see UDC Table 40.04.111.C. **8.** To permit 0 street trees along the E. Newport Pike right-of-way (3 street trees required) see UDC Table 40.04.111.C. **9.** To permit 0 street trees along the E. Highland Avenue right-of-way (3 street trees required) see UDC Table 40.04.111.C. **10.** To permit 0.0 bufferyard opacity along the E. Newport Pike right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **11.** To permit 0.0 bufferyard opacity along the E. Highland Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **12.** To permit 0.0 bufferyard opacity along the Becker Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **13.** To permit 0.0 bufferyard opacity along rear property line (0.3 bufferyard opacity required) see UDC Table 40.04.111.A & Section 40.04.320. **14.** To permit 10 parking spaces (11 parking spaces required) see UDC Table 40.03.522. **JAT Property Management, LLC.** CN Zoning. CD 1. (App 2023-0150-A) TP 07-047.20-197.

6. **0, 1339 & 1349 Churchtown Road & 0 Old Telegraph Road, Middletown, DE 19709**. **Area variances to facilitate the recordation of a Land Development Plan:** To permit 60 percent disturbance within a Water Resource Protection Area (WRPA) Recharge Area (50-percent protection level) see UDC Table 40.10.010. **Country Club Estates LLC.** S Zoning. CD 6. (App 2023-0075-A) TPs 13-011.00-001, 13-011.00-002, 13-011.00-033, 13-011.00-162 & 13-011.00-163.

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.