

AGENDA

***REVISED OCTOBER 3, 2023**

BOARD OF ADJUSTMENT

Thursday, October 12, 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: October 12, 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/87845518226?pwd=dXdWZXE4N2U1RzE4RzQ5WGt6dGVOZz09>

Passcode: 166785

Or One tap mobile:

+16469313860,,87845518226#,,,,*166785# US

+19292056099,,87845518226#,,,,*166785# US (New York)

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

Webinar ID: 878 4551 8226

Passcode: 166785

AGENDA

***Executive Session:**

There will be an Executive Session prior to the start of the Board of Adjustment Public Hearing for the purposes of Board Member legal training.

New Business:

1. [209 W. Union Drive, Middletown, DE 19709](#). **Area variances:** **1.** To maintain a detached accessory structure 23 feet in height (20-foot maximum building height) see UDC Section 40.03.410.A. **2.** To maintain a detached accessory structure 23 feet in height, 6 feet from the westerly side lot line (10-foot side yard setback) see UDC Section 40.03.410.A & UDC Table 40.04.110.B. **3.** To construct a 25 feet tall addition to the existing detached accessory (20-foot maximum building height) see UDC Section 40.03.410.A. **4.** To construct a 25 feet tall addition to the existing detached accessory, 26 feet from the rear property line (40-foot rear yard setback) see UDC Section 40.03.410.A & UDC Table 40.04.110.B. **Charles Dalton Jr.** NC21 Zoning. CD 6. (App 2023-0457-A) TP 11-055.00-048.

2. [0 & 27 Tyrone Avenue, New Castle, DE 19720](#). **Area variances:** **1.** To permit a 4,000 square foot lot size for Parcel 1 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. **2.** To permit a 40 foot lot width Parcel 1 (50-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To permit a 4,000 square foot lot size for Parcel 3 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. **4.** To permit a 40 foot lot width Parcel 3 (50-foot minimum lot width) see UDC Table 40.04.110.B. **5.** To permit a 4,000 square foot lot size for Parcel 4 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. **6.** To permit a 40 foot lot width Parcel 4 (50-foot minimum lot width) see UDC Table 40.04.110.B. **Chris Feathers.** NC5 Zoning. CD 10. (App 2023-0477-A) TPs 10-005.30-011 & 10-005.30-012.

3. [902 Windsor Avenue, Wilmington, DE 19804](#). **Area variances to facilitate the recordation of a Land Development Plan:** To construct a dwelling 16 feet from the Adelpia Avenue right-of-way for Lot 1 (25-foot street yard setback) see UDC Table 40.04.110.B. **J & B Contractors, LLC.** NC5 Zoning. CD 1. (App 2023-0452-A) TP 07-047.30-012.

4. [1073 Clayton Greenspring Road, Smyrna, DE 19977](#). **Area variance to facilitate the recordation of a Land Development Plan:** To permit a 0 foot lot width (300-foot minimum lot width) see UDC Table 40.04.110.B **TPE DE NE91, LLC.** SR Zoning. CD 6. (App 2023-0411-A) TP 15-026.00-029.

5. [900 Dutch Neck Road, Middletown, DE 19709](#). **Beneficial Use Appeal:** The Applicant claims the landowner has been denied all or substantially all economically viable use of property through the application of the Unified Development Code. See UDC Section 40.31.600. **L. Vincent Rammuno.** S Zoning. CD 12. (App 2023-0382-A) TP 13-004.00-009.

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.