



BOARD OF ADJUSTMENT

MINUTES

January 9, 2020

The Board of Adjustment of New Castle County held a public hearing on January 9, 2020 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
William Brooks
Edward Thomas
Izuru Osegbu-Rivers
Richard Farmer
Monique Slowe

Comprising a quorum of the Board; also:
Mengting Chen, Esq., Office of Law
Melissa Hughes, Department of Land Use
Janet Vinc, Department of Land Use
Conor Gibbons, Department of Land Use

MINUTES

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. #2019-0768-A – Betterliving Sunrooms.

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

VOTE: 7-0

ACTION: Grant– Area variances: 1. To maintain a dwelling 19 feet from the Pierce Run right-of-way (20-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain an addition 14 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 11. (App 2019-0768-A) TP 10-043.10-888.

2. App. #2019-079-A – D. Marty Mellinger.

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

VOTE: 7-0

ACTION: Grant– Area variances: **1.** To permit a lot width of 40 feet for Lots 157 and 158 (50-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a lot width of 40 feet for Lots 159 and 160 (50-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To permit a lot size of 4,000 square feet for Lots 157 and 158 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. **4.** To permit a lot size of 4,000 square feet for Lots 159 and 160 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B NC5 Zoning. CD 10. (App 2019-0790-A) TP 10-010.10-029.

3. App. #2019-0625-A – Glasgow IL-AL Investors LLC.

Mr. Burt moved to **Amend** the application. Ms. Slowe seconded the motion.

VOTE: 7-0

ACTION: Amend– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a maximum gross floor area ratio of **0.31 [0.17]**(0.12 maximum gross floor area ratio) see UDC Table 40.04.110.A. **2.** To permit a maximum net floor area ratio of **1.02 [0.56]** (0.45 maximum net floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a maximum building height of 53 feet (40-foot maximum building height) see UDC Table 40.04.110.B. **4.** To permit paving 10 feet from the easterly side lot line (30-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To provide 0.0 bufferyard opacity along the easterly side lot line (0.3 bufferyard opacity) see UDC Table 40.04.111.A. S Zoning. CD 6. (App 2019-0625-A) TP 11-031.00-100. **(continued from November 21, 2019)**

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

VOTE: 6-1 (Burt Oppose)

ACTION: Grant with Conditions– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a maximum gross floor area ratio of **0.31 [0.17]**(0.12 maximum gross floor area ratio) see UDC Table 40.04.110.A. **2.** To permit a maximum net floor area ratio of **1.02 [0.56]** (0.45 maximum net floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a maximum building height of 53 feet (40-foot maximum building height) see UDC Table 40.04.110.B. **4.** To permit paving 10 feet from the easterly side lot line (30-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To provide 0.0 bufferyard opacity along the easterly side lot line (0.3 bufferyard opacity) see UDC Table 40.04.111.A. S Zoning. CD 6. (App 2019-0625-A) TP 11-031.00-100. **(continued from November 21, 2019)**

Conditions: 1. The building elevations shall be consistent with the renderings submitted into evidence.

2. The landscaping shall be consistent with the renderings submitted into evidence.

3. Lands on site shall be put into a dedicated and recorded conservation easement, for a minimum of 10 acres or, if representing a larger area, to include all on-site protected resources, including legally protected wetlands and forests, as illustrated in exhibits prepared between the Applicant and the Department and submitted at the hearing.

4. The Applicant shall not further increase floor area ratio on site

Melissa Hughes
Department of Land Use
1/9/2020