



BOARD OF ADJUSTMENT

MINUTES

April 14, 2022

The Board of Adjustment of New Castle County held a public hearing on April 14, 2022 utilizing ZOOM Webinar and located at the Multi-Purpose Room at the Gilliam Building at 67 Reads Way, New Castle, Delaware, beginning at 6:00 p.m.
Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
Edward Thomas
Richard Farmer

Comprising a quorum of the Board; also:
Mengting Chen., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, 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. #2022-0170-A - George Gray

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

VOTE: 4-0

ACTION: Grant– Area variance: To construct an addition 14 feet from the rear property line (15-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 7. (App 2022-0170-A) TP 10-044.20-113.

2. App #2022-0171-A Frank & Joyce Petty.

Mr. Burt moved to **Grant with Conditions**; Mr. Farmer seconded the motion.

VOTE: 4-0

ACTION: Grant with Conditions– Area variance: To construct an addition 15 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9. (App 2022-0171-A) TP 08-049.10-041.

CONDITIONS: 1. The proposed screened porch shall not be further enclosed.

2. The area under the deck shall remain open and not be further enclosed.

3. App. #2022-0196-A – Alan Kocenko

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

VOTE: 4-0

ACTION: Grant - Area variance: To construct detached accessory structure 18 feet from the easterly side lot (40-foot side yard setback) see UDC Section 40.03.410.A. SR Zoning. CD 6. (App 2022-0196-A) TP 15-011.00-087.

4. App. #2022-0156-A – Kendon Bahr

Mr. Farmer moved to **Grant**; Mr. Burt seconded the motion.

VOTE: 4-0

ACTION: Grant - Area variances: **1.** To maintain a dwelling 12 feet from the rear property line (15-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a second story addition 12 feet from the rear property line (15-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To construct a 2-story addition 7 feet from the Binstead Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **4.** To construct an open porch addition 22 feet from the Binstead Avenue right-of-way (25-foot street yard setback) see UDC Table 40.040-110.B. NC5 Zoning. CD 1. (App 2022-0156-A) TP 08-051.10-094.

5. App. #2022-0155-A – Dale Godwin.

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

VOTE: 4-0

ACTION: Grant with Condition - Area variances: **1.** To construct a detached accessory structure 22 feet in height (20-foot maximum height) see UDC Section 40.03.410.A. **2.** To construct a detached accessory structure 22 feet in height 6 feet from the easterly side lot line (10-foot side yard setback) see UDC Section 40.03.410.A. **3.** To construct a detached accessory structure 22 feet in height 6 feet from the rear property line (40-foot rear yard setback) see UDC Section 40.03.410.A. **4.** To permit 33% coverage of the rear yard (30% maximum rear yard coverage) see UDC Section 40.03.410.A. NC21 Zoning. CD 12. (App 2022-0155-A) TP 13-014.00-007.

CONDITION: The Applicant shall place and maintain five (5) evergreen plantings that will reach a height of 10-12 feet between the pole barn and the neighboring property to the east.

6. App. #2022-0036-A – The Farm at Cooches Bridge LLC.

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

VOTE: 4-0

ACTION: Grant with Conditions - Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit 60 percent disturbance within a WRPA Class C Wellhead (50-percent protection level) see UDC Table 40.10.010. **2.** To permit a restaurant use 198 feet from a residential use

on a parcel zoned I (500-foot minimum from a residential use) see UDC Table 40.03.210.A. **3.** To permit

a restaurant use to occupy 61 percent of the gross floor area (GFA) on a parcel zoned I (maximum 10-percent of the GFA within any parcel in OR, BP or I Zoning Districts) see UDC Table 40.04.210.B. **4.** To maintain a dwelling 7 feet from the Old Coochs Bridge Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **5.** To permit a 40 foot building height for the proposed restaurant use (30-foot maximum building height) see UDC Table 40.04.110.B. **6.** To provide a 0.0 bufferyard opacity along the Old Coochs Bridge right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **7.** To permit paving 30 feet from the Old Coochs Bridge Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. I Zoning. CD 11. (App 2022-0036-A) TP 11-014.00-042.

CONDITIONS: 1. The proposed use shall be limited to a special event venue only.

2. The landscaping shall be consistent with the landscape plan submitted into evidence, including the fence shown thereon.”

Melissa A. Hughes

Melissa Hughes
Department of Land Use
6/7/2022