

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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CITY OF DELAWARE CITY

BOARD OF ADJUSTMENT

June 13, 2013

CALL TO ORDER

Paul Parets called to order the scheduled meeting of the Board of Adjustment at 7:01pm. Mr. Parets introduced the 3 members of the council, Paul Parets, Joe Dionne, and James Brady, as well as, City Manager Cathcart and Solicitor Max Walton. Solicitor Walton announced this meeting was 1st meeting of new Board of Adjustment structure.

Mr. Brady made a motion to nominate Mr. Parets as Chairman, Mr. Dionne seconded the motion. A vote was taken, all ayes, motion carried. Mr. Parets made a motion to nominate Mr. Dionne as Scriptor, Mr. Brady seconded the motion. A vote was taken, all ayes, motion carried.

CORNER OF FRONT & ADAMS STREET

Mr. Kevin Whittaker was present and sworn in by City Manager Cathcart. He discussed the proposal for variances requested for sub-division of tax parcel number 2200700025 from 1 lot into 3 single family lots. The following variances were requested:

Lot #1

- Area from 6,000 sq. ft. to 3,250 sq. ft
- Lot frontage from 60' to 32.5'
- Front setback from 20' to 5'
- Side setback – both sides – from 15' to 7' – Minimum side from 5' to 2'
- Lot coverage from 30% to 40%
- Minimum sq. ft. per family from 6,000 sq. ft to 3,250 sq. ft

Lot # 2

- Area from 6,000 sq. ft. to 3,250 sq. ft
- Lot frontage from 60' to 35'
- Front setback from 20' to 5'
- Side setback – both sides – from 15' to 10'
- Lot coverage from 30% to 37%
- Minimum sq. ft. per family from 6,000 sq. ft to 3,500 sq. ft

Lot #3

- Area from 6,000 sq. ft. to 3,250 sq. ft
- Front setback from 20' to 5' (Front Street)
- 2nd Front setback (due to corner property) from 20' to 2' (Adams Street)
- Lot coverage from 30% to 40%
- Minimum sq. ft. per family from 6,000 sq. ft to 3,250 sq. ft

Solicitor Walton announced official public notice was presented on May 31st as stated on the agenda – Notice of Public Hearing and Meeting June 13, 2013 – 7:00pm. Solicitor Walton stated meeting agenda would serve as Exhibit A and certified mailings to adjacent neighbors as Exhibit B.

Mr. Whittaker stated proposal was presented to the Planning Commission on April 1, 2013. Meeting minutes from April 1, 2013 Planning Commission would serve as Exhibit C. Mr. Whittaker presented his proposal, which included Letter to the Board (Exhibit D), variance table (Exhibit E), and engineer developed designs (Exhibit F). He explained the property is zoned residential, intended for over 50 market, with no intention to market as “live/work” resident. He described the property directly from the lot, similar structure, model, and intent. He further described the remaining significant greenspace between the corner lot and Adams Street. He said the residents would have rear access, with no access to back alley in between lot and neighboring lot owned by Robert Malinowski, who was present. Mr. Malinowski questioned the intent of the alley, which Mr. Whittaker stated no intent of usage by residents and sufficient parking from cross-easement of twelve (12) feet. Mr. Whittaker mentioned it would be a deed restricted community, with limits to exterior building and fencing. Discussion followed about off-street parking for residents and Mr. Whittaker mentioned the extra-width of Adams Street. Mr. Whittaker mentioned the intent of landscaping on the properties, which would limit the fencing to 4 feet from the end of property line. Chairman Parets made a motion to approve and referenced tax lot 2200700025. Mr. Parets stated approval based on variance table presented, maximize of property usage, ease of concern with greenspace on Adams Street, and parking on cross-easement access. Mr. Parets further described variances requested would enhance surrounding property values, Mr. Whittaker obtaining acceptance from surrounding neighbors and will not cause or create an exceptional variance. For the reasons described, Mr. Parets made a motion to accept the variances, Mr. Brady seconded the motion. A vote was taken, all ayes, motion carried. Final written decision will be provided to Mr. Whittaker and filed in the records of Town Hall and all appeals must be made within 30 days of filing.

704 FIFTH STREET

Mr. Preston Carden was present and sworn in by City Manager Cathcart. He discussed the proposal for a variance requested for new construction & addition to the existing property.

- Front setback from 15' to 0'

Solicitor Walton announced official public notice was presented on May 31st as stated on the agenda – Notice of Public Hearing and Meeting June 13, 2013 – 7:00pm. Solicitor Walton stated meeting agenda would serve as Exhibit A and certified mailings to adjacent neighbors as Exhibit B.

Mr. Carden stated proposal was presented to the Planning Commission at May 6, 2013. Meeting minutes from May 6, 2013 Planning Commission would serve as Exhibit C. Mr. Carden presented his proposal, which included packet material of designs (Exhibit D), proposed Site Plan - Color Rendering (Exhibit E), and engineer developed designs (Exhibit F). He explained the intention of the request to move to 0' setback on Jefferson Street due to expansion of commercial space within property and tenants requesting additional space. Discussion followed about intended use of Jefferson Street, considering it's a "Paper Street" and possibilities of becoming a pass-thru street. City Manager Cathcart stated he couldn't see any impacts of this variance request to the usage of Jefferson Street by the City. As presented on Exhibit F, the addition would be maintained within property lines and attached to the existing office space. Discussion followed on traffic volumes on Jefferson Street, location of entrance into commercial property, location of entrance into buildings/office, and the potential for additional parking on property.

Discussion followed on representation of Exhibit E and the clarity around described parking and surrounding lots. Mr. Eizio was present and lived further down Jefferson Street. Mr. Eizio stated he was not against the variance request but asked for clarity for parking and traffic use on Jefferson Street. Mr. Carden stated Exhibit E was a reflection of what his property would represent if Jefferson Street became pass-thru to highlight the proposal had no impact on usage of Jefferson Street. Mr. Carden stated entire property is C1 classification and adjacent neighbors providing consent to variance request.

Chairman Parets made a motion to approve the requested variance. Mr. Parets stated approval based on no inherent intent to embark on neighboring lots/property, expansion to existing property, ease of concern with parking and traffic use on Jefferson Street. Mr. Dionne stated in accordance with Mr. Parets comments and with Mr. Carden obtaining acceptance from surrounding neighbors and wouldn't cause an exceptional variance. Mr. Parets stated in the Board of Adjustment's opinion this variance request makes no interpretation that the City intends to relinquish the rights to Jefferson Street in any manner. For the reasons described, Mr. Parets made a motion to accept the variance, Mr. Dionne seconded the motion. A vote was taken, all ayes, motion carried. Final written decision will be provided to Mr. Carden and filed in the records of Town Hall and all appeals must be made within 30 days of filing.

ADJOURNMENT

Mr. Parets made a motion to adjourn the meeting, Mr. Brady seconded the motion. A vote was taken, all ayes, meeting adjourned at 8:17pm.

Respectfully submitted,

Joe Dionne
Board Of Adjustment - Scriptor