

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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CITY OF DELAWARE CITY

BOARD OF ADJUSTMENT

July 16, 2013

CALL TO ORDER

Chairman 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 representing in place of Solicitor Max Walton, is Christopher Griffiths.

CORNER OF FRONT & ADAMS STREET - Henry Walton / Whittaker Brothers

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

Mr. Louis Schultheis was present and sworn in by City Manager Cathcart. Mr. Schultheis, who owns property on the corner of Front and Washington Streets, opposes the requested variances due to the fact that the variances will exceed property coverage, add to already flood drainage issue at corner of Front and Washington Streets, and he claims improper posting of the previous BOA meeting held on June 12, 2013.

Accordingly, Chairman Parets made a motion to re-open the variance application and vacate the prior decision, Mr. Dionne seconded the motion. A vote was taken, all ayes, motion carried. During the hearing, it was established that the postings of the June 12, 2013 were posted in accordance with the Code, properly posted on May 31, 2013 and certified mailings were sent out to all impacted nearby property owners. Also, Mr. Schultheis did acknowledge receipt of the certified mailings. Mr. Schultheis explained his concerns about the drainage issue at the corner of Front and Washington Streets – acknowledging the potential additional water coverage impacting this grate with 3 new homes, where only one drainage grate exists. Mr. Schultheis highlighted the grate issue location on Exhibit F and in direct location of his property, which results from the drainage issue. He did acknowledge no existing property damage to his property due to drainage issue. City Manager Cathcart further explained that the drainage concerns affect the entire City and that flooding occurs during heavy rain storms and high tides, which causes significant drainage issues. The City does, however, release existing water pumps to funnel water back into the Delaware River. Mr. Robert Malinowski was present and sworn in by City Manager Cathcart. Mr. Malinowski has property on Adams Street behind the land of the variance, confirmed drainage issues on both sides of Front and Washington Street. However, Mr. Malinowski stated his original acceptance for the variance request. Chairman Parets asked if any additional persons were present and opposed the variance, with no acknowledgements. Mr. Kevin Whittaker was present and sworn in by City Manager Cathcart. He reiterated the proposal for variances requested for sub-division of tax parcel number 2200700025 from 1 lot into 3 single family lots as stated in the June 12, 2013 hearing. Mr. Whittaker explained his adjacent properties on Front Street and no significant changes to either Front, Adams, or Washington Street drainage. He further explained the multiple catch basins designed down Washington Street that the City constructed to reduce water flooding concerns.

Exhibit A – Meeting Agenda

Exhibit B – Certified Mailings

Exhibit C – April 1, 2013 Planning Commission Meeting Minutes

Exhibit D – Mr. Whittaker Letter to the Board

Exhibit E – Variance Table

Exhibit F – Engineer Developed Designs

85-93 CLINTON STREET – Silver Heron I, LP (The Central Hotel)

The following variances were requested:

- Rear Setback Variance from 20' to 2' For New Addition
- Variance for Deck and Stairs on City Right Away (City easement will be reviewed contingent on approval of project by BOA)

Ms. Christine Lewis was present and sworn in by City Manager Cathcart. Ms. Lewis explained the purpose for the new addition was to extend retail space and allow for mechanical meters to be moved indoors and out of plan view. In addition, setback variance would not impact existing greenspace. Ms. Lewis further explained the deck would be used for educational purposes and small group gatherings with no intent for commercial usage. Chairman Parets raised concern around the potential usage for the deck given the location of the deck. Ms. Lewis further acknowledged the existing security system will capture the entire property.

Exhibit A – Meeting Agenda

Exhibit B – Certified Mailings

Exhibit C – June 18, 2013 Planning Commission Meeting Minutes

Exhibit D – May 7, 2013 Historic Preservation Commission Meeting Minutes

Exhibit E – Engineer Developed Designs

Exhibit F – Previous Building Designs

Chairman Parets made a motion to close the record on the matter, with no further testimony permitted and for a short recess, Mr. Dionne second the motion, a vote was taken, all ayes, motion carried.

Chairman Parets called the meeting back to order at 8:15pm EST.

CORNER OF FRONT & ADAMS STREET

Chairman Parets made a motion to approve the variance based speculative and no evidence presented that substantially changed the original motion granted at the June 13, 2013 BOA meeting. In addition, there were no issues or concerns raised when Mr. Whittaker's adjacent property was developed and the potential drainage problem is a New Castle County issue. Both Mr. Dionne and Mr. Brady stated the evidence presented didn't change their original opinion to approve the 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.

85-93 CLINTON STREET

Mr. Brady recused himself from the decision due to a conflict of interest and owner of adjacent property. Chairman Parets made a motion to approve requested variance. Chairman Parets stated approval based on no intrusion on property lines and expansion on existing property.

Furthermore, the intended usage of the property remains unchanged. Mr. Dionne stated his approval in accordance with Chairman Parets comments his approval. For the reasons described, Chairman 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 Ms. Lewis and filed in the records of Town Hall and all appeals must be made within 30 days of filing.

FURTHER BUSINESS

Chairman Parets made a motion to approve the written decision on the variance requested by Mr. Preston Carden for 704 FIFTH STREET (Front setback from 15' to 0') presented at the June 13, 2013. A vote was taken, all ayes, motion carried.

ADJOURNMENT

Chairman 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