

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street – P.O. Box 4159
Delaware City, Delaware 19706
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**CITY OF DELAWARE CITY
PLANNING COMMISSION
REGULAR MEETING
JULY 7, 2008**

CALL TO ORDER

Commissioner Carol Schofield called to order the regular meeting of the Planning Commission at 7:00 p.m. Those present included Commission Members Bob Malinowski, Madonna Malinowski, Carol Schofield and Joe Neel. City Manager Paul Morrill was also in attendance.

ACTION UPON THE PREVIOUS MINUTES

Commissioner M. Malinowski made a motion to accept the minutes of the June 2, 2008 meeting as written. Commissioner Neel seconded the motion. A vote was taken, all ayes, motion carried.

311 MONROE STREET – HELENE MALGIERO – VARIANCES – SIDE SETBACK FROM 20' TO 16'9" AND FRONT SETBACK FROM 20' TO 0'

A presentation was made by a representative of Ms. Malgiero, indicating the work that would be done. Discussion followed regarding the planned work and it was determined that no work was planned for the front of the structure. The front setback is already zero, but upon the advice of the City Solicitor, both front and side setbacks need to be stated. According to Ms. Malgiero's representative, due to the fact that the structure is only 15' wide, it would be necessary to have a side variance in order to make the four foot wide addition work. Discussion followed. The City Manager asked the architect why he had chosen to go toward the street with the addition, rather than adding on in the opposite direction. The architect said that he did look at alternatives. However, if he had placed the stairway on

the other side, the whole floor plan would have needed to be flipped which would have had a negative impact on the interior partitions and might have caused a kitchen remodel. The City Manager said that the City does not have any objections to this plan. Discussion followed. Commissioner M. Malinowski made a motion to recommend the following variances for 311 Monroe Street: side setback from 20' to 16'9" and a front setback from 20' to 0'. Commissioner Bob Malinowski seconded the motion. A vote was taken, all ayes, motion carried. The City Manager explained the next steps, including the meeting of the Board of Adjustment.

220 HAMILTON STREET – LINDA CALLAHAN – VARIANCE – SIDE SETBACK FROM 7.5' TO 0'

Ms. Callahan's representative indicated that the plans are to build an enclosed porch where an existing deck had been located previously. The City Manager indicated that there had been an enforcement action that was initiated by complaints to New Castle County as construction was almost completed prior to obtaining necessary approvals. He added that HPC had approved the design as the property is in the Historic District. Discussion followed. No variance would be needed in the back or one side. Commissioner Neel made a motion to recommend the variance for a side setback from 7.5' to 0' where requested. Commissioner B. Malinowski seconded the motion. A vote was taken, all ayes, motion carried. The City Manager explained the next steps, including the meeting of the Board of Adjustment.

DELAWARE CITY MOBILE HOME PARK – LAND DEVELOPMENT PLAN, USE AND AREA VARIANCE

Roger Brickley, a representative of Mr. Leeds, presented the proposed plan to expand the trailer park by creating six additional lots. Discussion followed regarding the maps, private sewer, the road, and water. The lots would not be sold, but would be leased as is the case with the other lots. Mr. Brickley said the new lots conform to the RMM Code. Commissioner Neel asked what the advantage would be for Delaware City. City Manager Morrill stated that this is a reasonable development request, asking for a use variance for RMM use in the R-3 Zone, and doesn't need to be advantageous to the City. City Manager Morrill added that this would have to go to the Board of Adjustment. He informed the PC that they would need to determine if the owner would face exceptional difficulties in complying with the R-3 Zone requirements and if the commission likes the plan. He also pointed out that the plan complies with RMM Zone with one exception – a 25' landscape buffer is required all around the RMM Zone. The buffer is missing in two areas: On the side toward the Army Corps of Engineers ditch, the buffer would be only 16'; on the side toward the branch canal, they not only would have no buffer in one section, but part of road would be on City property and the Mayor and Council would have to grant an easement. Additional discussion. When asked again about the advantage of this plan for the City, The

City Manager reiterated that the reason to approve a plan is not to increase revenue for The City. The purpose should be to approve a reasonable request that would do minimum damage if any to the surrounding land and viewscape. More discussion followed regarding additional fire hydrants and ease of access by the fire company, as well as the fact that the property is in a flood zone and how that would impact the plan. Mr. Brickley said that the plan would comply with the FEMA requirements for properties in flood zones. They also discussed the parking requirements. Commissioner Schofield asked for a motion granting a Use Variance for RMM use in an R-3 Zone and acceptance of the development plan as presented, recognizing that the landscape buffer is less than 25' in two areas and, if approved, would require necessary easement(s) from the Mayor and Council. Commissioner Bob Malinowski made the motion as stated by Commissioner Schofield. Commissioner M. Malinowski seconded the motion. There was no further discussion on the motion. A vote was taken with the Commissioner Members voting as follows: Commissioner Neel voted nay, Commissioner Bob Malinowski voted nay, Commissioner M. Malinowski voted nay, and Commissioner Schofield voted aye. The majority was in favor of a negative recommendation to the Board of Adjustment.

ADJOURNMENT

Commissioner Bob Malinowski made a motion to adjourn the July 7, 2008 Planning Commission meeting. Commissioner Neel seconded the motion. A vote was taken, all ayes, no nays, meeting adjourned at 8:02 pm.

Respectfully submitted,

Dawn K. Gwynn

City Secretary



ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: PC DATE: 7-7-08

NAME:
Vashtanese
FREDERICK YUNG
[Signature]
Sandra Terry
ROGER BRICKLEY PLS

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