

# City of Wilmington



**MICHAEL S. PURZYCKI**  
Mayor

## MINUTES of May 14, 2018 Meeting

CITY OF WILMINGTON  
BOARD OF ADJUSTMENT  
ZONING APPEAL

The City of Wilmington Board of Adjustment held a public hearing on May 14, 2018 at 6:30 PM in City Council Chambers, 1<sup>st</sup> Floor at 800 N. French St.

Attending: William B. Larson, Jr. (Chairman); Thomas Ford (Vice-Chairman); Brian Mitchell (Secretary)

Minutes            The Board approved the minutes from the April 23, 2018 meeting.

Vote: 3-0

Case # 1.5.18        Application of Abdul Jabbar Dahbali, 17 West 27<sup>th</sup> Street, Wilmington, DE 19802 requesting permission to expand a nonconforming grocery store at 17 West 27<sup>th</sup> Street to allow the preparation and sale of cooked food.

Vote: 3-0

Action: Grant with conditions extension of nonconforming use to allow the preparation and sale of cooked food. The conditions are as follows: (1) store operator must maintain two garbage cans in front of the store and empty the cans when they are full; (2) while the store is open between sunset and sunrise it must keep a light under its awning turned on to illuminate the area outside the store; and (3) while the store is open between sunset and sunrise it must keep at least three flood lights turned on to illuminate the area outside the store. The store's operating hours are Monday through Friday 7am to 11pm and Saturday and Sunday 8am to 11pm.

Case # 2.5.18        Application of Anthony O. Martin, Sr., 2211 N. Spruce Street, Wilmington, DE 19802 requesting permission to reestablish a two family dwelling at 612 Concord Avenue (use lost due to vacancy).

Vote: 3-0

Action: Deny. Applicant failed to meet the requirement of the applicable legal standard to reestablish a nonconforming use at 612 Concord Avenue.

Case # 3.5.18        Application of Crystal Smith, P.O. Box 1384, Hockessin, DE 19707 requesting permission to vary the rear yard requirement to allow construction of a second floor rear addition to the building at 1238 North Walnut Street and to expand the nonconforming day care center operating on the premises into the second floor. The required rear yard is 20 feet. Requesting 0 feet

Vote: 3-0

Action: Grant extension of nonconforming use to permit the construction of a second floor rear addition and allow day care services to be offered on second floor of building at 1238 North Walnut Street. Additionally, grant area variance to permit the rear addition to have a setback of 0 feet.

Case # 4.5.18

Application of Denis O'Sullivan, 307 A Street, Wilmington, DE 19801 requesting permission to construct 12 private garages on the property located at 0 West 30<sup>th</sup> Street (Tax Parcel #26-015.20-057).

Action: Continued prior to hearing. It will be considered at a later hearing.

Case # 5.5.18

Application of Dewson Construction Company, 7 South Lincoln Street, Wilmington, DE 19805 on behalf of William Hathaway & Alison Halsey requesting permission to vary the side yard requirement to allow construction of a 14' x 15' one story rear addition with a roof deck at 1606 North Jackson Street. The required side yard is 5 feet on the northerly side. Requesting 0 feet.

Vote: 3-0

Action: Grant area variance to permit rear addition to have 0 feet side setoff on the northerly side.