



BOARD OF ADJUSTMENT

MINUTES

July 22, 2021

The Board of Adjustment of New Castle County held a public hearing on July 22, 2021 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
William Brooks
Edward Thomas
Richard Farmer
Izuru Osegbu-Rivers

Comprising a quorum of the Board; also:
Aysha Gregory., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, Department of Land Use

MINUTES

The minutes of May 20, 2021 were presented for approval and Mr. Brooks motioned to Grant the May 20, 2021 minutes and Mr. Parker seconded the motion, and the minutes were approved.

The minutes of May 27, 2021 were presented for approval and Mr. Brooks motioned to Grant the May 27, 2021 minutes and Mr. Parker seconded the motion, and the minutes were approved.

The minutes of June 10, 2021 were presented for approval and Mr. Parker motioned to Grant the June 10, 2021 minutes and Mr. Burt seconded the motion, and the minutes were approved.

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. #2021-0194-A - PanGro Development.

Mr. Burt moved to **Grant with Condition** the application; Ms. Osegebu-Rivers seconded the motion.

VOTE: 6-0

ACTION: Grant with Condition– Area variances: **1.** To maintain a dwelling 16 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To maintain a deck 20 feet from the rear property line (25-foot setback for decks) see UDC Section 40.04.110.E. **3.** To maintain an inground pool 2 feet from the westerly side lot line (6-foot setback for pools) see UDC Section 40.03.410.G. **4.** To construct a 2-story addition 8 feet from the Hopkins Bridge Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC40 Zoning. CD 3. (2021-0194-A) TP 08-040.00-016.

CONDITION: The building elevations shall be consistent with the renderings submitted into evidence

2. App. #2021-0387-A – Yama Nemath.

Mr. Burt moved to **Grant with Condition**; Mr. Brooks seconded the motion.

VOTE: 6-0

ACTION: Grant with Condition- Area variances: **1.** To maintain paving 0 feet from the westerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. **2.** To maintain paving 0 feet from the easterly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. S Zoning. CD 5. (App 2021-0387-A) TP 11-013.10-019.

CONDITION: The Applicant shall plant one (1) understory tree somewhere on the Subject Property.

3. App. #2021-0370-A – Silverside Contracting Inc.

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

VOTE: 6-0

ACTION: Grant- Area variance: To construct an addition 31 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 2. (App 2021-0370-A) TP 06-067.00-024.

4. App. #2021-0371-A - Jason Hill

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

VOTE: 6-0

ACTION: Grant- Area variance: To construct an addition 2 feet from the easterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. Jason Hill. NC6.5 Zoning. CD 1. (App 2021-0371-A) TP 08-044.40-097.

5. App. #2021-0388-A – . James Rice Jr.

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

VOTE: 6-0

ACTION: Grant Area variance: To construct an addition 33 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. James Rice Jr. NCTH Zoning. CD 5. (App 2021-0388-A) TP 09-021.40-185.

6. App. #2021-0389-A – Frances & Dean Rapp.

Mr. Burt moved to **Amend**; Mr. Thomas seconded the motion.

VOTE: 6-0

ACTION: Amend: Area variance: To construct an addition **13 [15]** feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. ST Zoning. CD 11. (App 2021-0389-A) TP 11-031.20-047.

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

VOTE: 2-4 (Parker & Brooks – Grant; Burt, Thomas, Farmer & Osegbu-Rivers – Deny)

ACTION: Deny: Area variance: To construct an addition **13 [15]** feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. ST Zoning. CD 11. (App 2021-0389-A) TP 11-031.20-047.

7. App. #2021-0397-A – Jason Jowers.

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

VOTE: 6-0

ACTION: Grant Area variances: 1. To maintain a dwelling 23 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a detached accessory structure 11 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 2. (App 2021-0397-A) TP 07-030.30-104.

8. App. #2021-0343-A – Blue Diamond Park LLC.

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

VOTE: 6-0

ACTION: Grant with Condition Area variances: 1. To permit 5, 20 square foot instructional signs (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **2.** To permit 9, 6 square foot instructional signs (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **3.** To permit 6, 9 square foot instructional signs (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **4.** To permit 5, 24 square foot instructional signs (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **5.** To permit 2 additional wall signs (1 wall sign per principal use) see UDC Table 40.06.060. **6.** To permit 2, 330 square foot wall signs (300-square foot maximum sign area) see UDC Table 40.06.060. **7.** To permit a ground sign 32 feet from the DuPont Highway right-of-way (40-foot setback required) see UDC Table 40.06.060. **8.** To permit a ground sign 25 feet from the Hamburg Road right-of-way (40-foot setback required) see UDC Table 40.06.060. EX Zoning. CD 12. (App 2021-0343-A) TPs 10-045.00-007 & 10-050.00-006.

CONDITION: The Applicant shall construct signage in general accordance with the elevations submitted into evidence.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
9/7/2021