



**BOARD OF ADJUSTMENT**

**MINUTES**

**June 25, 2020**

The Board of Adjustment of New Castle County held a public hearing on June 25, 2020 utilizing ZOOM Webinar, beginning at 6:00 p.m.  
Chairman David H. Burt,  
presiding:

CALL TO ORDER – 6:00 p.m.

**David H. Burt**  
**William Brooks**  
**Edward Thomas**  
**Izuru Osegbu-Rivers**  
**Richard Farmer**

Comprising a quorum of the Board; also:  
*Aysha Gregory, Esq., Office of Law*  
*Melissa Hughes, Department of Land Use*  
*Janet Vinc, Department of Land Use*  
*Conor Gibbons, Department of Land Use*

MINUTES

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. #2020-0269-A – Wanda Allison.**

Mr. Burt moved to **Grant** the application; Ms. Osegbu-Rivers seconded the motion.

**VOTE: 5-0**

**ACTION: Grant– Area variance:** Area variance: To construct an addition 13 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. Wanda Allison. S Zoning. CD 12. (App 2020-0269-A) TP 14-013.31-302.

**2. App. #2020-0270-A – Michael Romano.**

Mr. Brooks moved to **Grant** the application; Ms. Osegbu-Rivers seconded the motion.

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To construct an addition 3 feet from the easterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 1. (App 2020-0270-A) TP 08-055.20-017.

**3. App. #2020-0250-A – Michael Cassetta**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances:** **1.** To permit 3 apartments in a single-family dwelling through the apartment conversion process see UDC Section 40.03.304. **2.** To maintain a 2,200 square foot dwelling (4,000 square foot minimum) see UDC Section 40.03.304.D. **3.** To maintain 777 square feet for Unit 604A (800 square foot minimum per unit) see UDC Section 40.03.304.E. **4.** To maintain 638 square feet for Unit 604B (800 square foot minimum per unit) see UDC Section 40.03.304.E. **5.** To maintain 773 square feet for Unit 604C (800 square foot minimum per unit) see UDC Section 40.03.304.E. **6.** To maintain the dwelling 4 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. **7.** To maintain the dwelling 4 feet from the northerly side lot line (10-foot side yard setback) see UDC Table 40.04.110.B. **8.** To maintain the dwelling 9 feet from the southerly side lot line (10-foot side yard setback) see UDC Table 40.04.110.B. **9.** To provide a 0.0 bufferyard opacity around the parking area along the northerly side lot line (0.1 minimum bufferyard opacity) see UDC Section 40.03.304.G. **10.** To provide a 0.0 bufferyard opacity around the parking area along southerly side lot line (0.1 minimum bufferyard opacity) see UDC Section 40.03.304.G. **11.** To provide a 0.0 bufferyard opacity around the parking area along West Avenue right-of-way (0.1 minimum bufferyard opacity) see UDC Section 40.03.304.G. NC5 Zoning. CD 10. (App 2020-0250-A) TP 10-010.40-193.

**4. App. #2020-0271-A – A Better Chance For Our Children Inc**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances:** **1.** To permit a Landscape Surface Ratio (LSR) of 0.40 landscape surface ratio (0.50 minimum LSR required) see UDC Table 40.04.110.A. **2.** To permit a 0.49 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. CN Zoning. CD 8. (App 2020-0271-A) TP 06-115.00-141.

**5. App. #2020-0253-A – Apex Engineering, Inc**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances to permit the adaptive reuse of a historic structure:** **1.** To maintain a 1.64 acre lot size (3.00 acre minimum lot size) see UDC Section 40.15.240.D. **2.** To provide a 43% (1.30 acres) open space (60% (1.80 acres) minimum open space required) see UDC Section 40.140.240.D. **3.** To provide 15 parking spaces (23-parking spaces required) see UDC Table 40.03.522. NC21 Zoning. CD 12 (App 2020-0253-A) TP 13-007.00-078.

**6. App. #2020-0224-A – McBride & Ziegler, Inc**

Mr. Brooks moved to **Grant** the application; Mr. Farmer seconded the motion.

**VOTE: 5-0**

**ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan:** To disturb 58 percent of a Class C Wellhead WRPA (50-percent protection level) see UDC Table 40.10.010. I Zoning. CD 12. (App 2020-0224-A) TP 10-030.00-091.

**7. App. #2020-0374-A – GFP Properties, LLC**

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

**VOTE: 5-0**

**ACTION: Grant with Condition– Area variances to facilitate the recordation of a Land**

**Development Plan: 1.** To permit 100 percent disturbance in the floodplain/floodway (100 percent floodplain/floodway protection level) see UDC Table 40.10.110. **2.** To permit a lot size of 0.88 acres (1.00 acre minimum lot size) see UDC Table 40.04.110.B. **3.** To permit paving 5 feet from the Ogletown Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To provide 0.0 bufferyard opacity along the Ogletown Road right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. I Zoning. CD 5. (App 2019-0374-A) TP 09-022.-00-110.

**Condition: The landscaping shall be consistent with the renderings submitted into evidence.**

Melissa Hughes  
Department of Land Use  
8/13/2020