



BOARD OF ADJUSTMENT

MINUTES

September 10, 2020

The Board of Adjustment of New Castle County held a public hearing on September 10, 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
Terry Parker
William Brooks
Edward Thomas
Izuru Osegbu-Rivers
Richard Farmer

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

MINUTES

The minutes of June 11, 2020 were presented for approval and Mr. Parker motioned to Grant the June 11, 2020 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

The minutes of June 25, 2020 were presented for approval and Mr. Thomas motioned to Grant the June 25, 2020 minutes and Ms. Osegbu-Rivers 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. #2020-0453-A – Paul Hamon.

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

VOTE: 6-0

ACTION: Grant– Area variance: To permit an inground pool 22 feet from the Bethel Church Road right-of-way (40-foot street yard setback) see UDC Section 40.03.410.G. NC21 Zoning. CD 12. (App 2020-0453-A) TP 11-055.00-038.

2. App. #2020-0451-A – Michael Boyer.

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

VOTE: 6-0

ACTION: Grant with Condition – Area variance: To maintain a play structure 12 feet in height 3 feet from the northerly side lot line (6-foot setback required) see UDC Section 40.03.410.C. NC6.5 Zoning. CD 9. (App 2020-0451-A) TP 08-044.30-292.

CONDITION: If the play structure is removed or if the play structure’s repair cost exceeds 50 percent of its replacement cost, then the variance shall become null and void.

3. App. #2020-0450-A – Leonard Hiltz.

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

VOTE: 6-0

ACTION: Grant– 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. S Zoning. CD 12. (App 2020-0450-A) TP 14-013.31-159.

4. App. #2020-0171-A – Fran Simeone

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

VOTE: 6-0

ACTION: Grant– Special Use Permit and area variances: **1.** Special Use Permit to establish a high intensity recreational use in I Zoning District see UDC Sections 40.03.210 & 40.31.430. **2.** To maintain paving 0 feet from the Meco Drive/Circle right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To maintain paving 0 feet from the rear property (10-foot other yard paving setback) see UDC Table 40.04.110.B. **4.** To maintain paving 0 feet from the northeasterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the southwesterly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To maintain a building 19 feet from the southwesterly side lot line (20-foot building setback) see UDC Table 40.04.110.B. **7.** To maintain a building 9 feet from the rear property line (20-foot building setback) see UDC Table 40.04.110.B. **8.** To maintain a Landscape Surface Ratio (LSR) of 0.00 landscape surface ratio (0.20 minimum LSR required) see UDC Table 40.04.110.A. **9.** To maintain existing 0.0 bufferyard opacity along Meco Drive/Circle right-of-way (0.7 bufferyard opacity required) see UDC Tables 40.03.210. & 40.04.111.A. **10.** To maintain existing 0.0 bufferyard opacity along rear property line (0.4 bufferyard opacity required) see UDC Tables 40.03.210 & 40.04.111.A. **11.** To maintain existing 0.0 bufferyard opacity along southwesterly side lot line (0.4 bufferyard opacity required) see UDC Tables 40.03.210 & 40.04.111.A. **12.** To maintain existing 0.0 bufferyard opacity along northeasterly side lot line (0.4 bufferyard opacity required) see UDC Tables 40.03.210 & 40.04.111.A. **13.** To maintain 0 street trees along the Meco Drive/Circle right-of-way (4 street trees required) see UDC Table 40.04.111.C. **14.** To maintain 0 on lot plant units per acre (6 on-lot plant units per 1-acre required, 7 total plant units required) see UDC Table 40.04.111.A. **15.** To maintain 0 open space plant units per acre (5 open space plant units per 1-acre required, 6 total plant units required) see UDC Table 40.04.111.A. **16.** To maintain 0 parking lot plant units (1 plant unit per 30 parking spaces, 1 total plant unit required) see UDC Table 40.04.111.A. I Zoning. CD 1. (App 2020-

0171-A) TP 07-043.40-044.

Melissa Hughes
Department of Land Use
11/04/2020