



BOARD OF ADJUSTMENT

MINUTES

August 27, 2020

The Board of Adjustment of New Castle County held a public hearing on August 27, 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:
Aysha Gregory, Esq., Office of Law
Melissa Hughes, Department of Land Use
Conor Gibbons, Department of Land Use
Janet Vinc, 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. #2020-0393-A – Justin Demko.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct a detached accessory structure 8 feet from the southerly side lot line (15-foot side yard setback) see UDC Table 40.04.110.B. NC40 Zoning. CD 6. App 2020-0393-A) TP 15-015.00-127.

2. App. #2020-0312-A – Elise R. W. du Pont.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variance: **1.** To maintain 3 detached accessory structures in front of the principal dwelling on a 9.93 acre lot size (10-acre minimum lot size) see UDC Section 40.03.410.A. **2.** To construct a detached accessory structure in front of the of the principal dwelling on a 9.93 acre lot size (10-acre minimum lot size) see UDC Section 40.03.410.A. **3.** To construct a detached accessory structure 25 feet in height (20-foot maximum height for detached structures) see UDC Section 40.03.410.A. **4.** To construct a detached accessory structure 25 feet in height 20 feet from the Rockland Meadows Road right-of-way (50-foot street yard setback) see UDC Section 40.03.410.A. SE Zoning. CD 2. (App 2020-0312-A) TP 06-098.00-001.

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

3. App. #2020-0413-A – James Morgan.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variance: To construct an addition 12 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9 (App 2020-0413-A) TP 08-049.10-077.

CONDITION: The porch shall remain open on at least three (3) sides.

4. App. #2020-0414-A – Robert Koury

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

VOTE: 6-0

ACTION: Grant with Condition– 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 9 (App 2020-0414-A) TP 08-049.10-104

CONDITION: The addition shall be restricted to an open porch with no walls on 3 of the 4 sides.

5. App. #2020-0411-A – Landmark Science & Engineering.

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

VOTE: 6-0

ACTION: Grant– Area variances: **1.** To permit a 50 square foot wall identification sign for the high school (20-square foot maximum sign area) see UDC Table 40.06.060. **2.** To permit a 106 square foot wall identification sign for the performing arts center (20-square foot maximum sign area) see UDC Table 40.06.060. **3.** To permit 2 additional wall identification signs for the field house (1 wall or ground identification sign permitted) see UDC Table 40.06.060. **4.** To permit a 21 square foot wall identification signs for the field house (20-square foot maximum sign area) see UDC Table 40.06.060. **5.** To permit 2, 88 square foot wall identification signs for the field house (20-square foot maximum sign area) see UDC Table 40.06.060. S Zoning. CD 12. (App 2020-0411-A) TP 14-007.00-028.

6. App. #2020-0411-A – McDonalds Corporation.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit 48 parking spaces (64 parking spaces required) see UDC Table

40.04.110.B). **2.** To maintain a trash enclosure 4 feet from the rear property line (5-foot setback) see UDC Table 40.04.110.B. **3.** To maintain paving 8 feet from the Kirkwood Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To maintain paving 8 feet from the Newport Gap Pike right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the westerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To maintain paving 0 feet from the easterly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To maintain 0 street trees along the Kirkwood Highway right-of-way (4 street trees required) see UDC Table 40.04.111.C. **8.** To maintain 0 street trees along the Newport Gap Pike right-of-way (4 street trees required) see UDC Table 40.04.111.C. **9.** To permit 0 on lot plant units per acre (8 on-lot plant units per 1-acre required, 10 total plant units required) see UDC Table 40.04.111.A. **10.** To permit 0 open space plant units per acre (6 open space plant units per 1-acre required, 2 total plant units required) see UDC Table 40.04.111.A. **11.** To permit 0 parking lot plant units (1 plant unit per 12 parking spaces, 4 total plant units required) see UDC Table 40.04.111.A. **12.** To maintain 0.0 bufferyard opacity along Kirkwood Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **13.** To maintain 0.0 bufferyard opacity along Newport Gap Pike right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **14.** To maintain 0.0 bufferyard opacity along the southerly side lot line (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. CR Zoning. CD 1 (App 2020-0264-A) TP 07-037.20-233.

CONDITION: The landscaping shall be installed and maintained consistently with the renderings submitted into evidence.

Melissa Hughes
Department of Land Use
11/04/2020