



**BOARD OF ADJUSTMENT**

**MINUTES**

**September 17, 2020**

The Board of Adjustment of New Castle County held a public hearing on September 17, 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

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. #2020-0464-A – Anthony Conticello.**

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

**VOTE: 6-0**

**ACTION: Grant– Area variance:** To construct an addition 7 feet from the easterly side lot line (8-foot side yard setback) see UDC Section 40.04.110.B. NC10 Zoning. CD 2. (App 2020-0464-A) TP 06-020.00-193.

**2. App. #2020-0395-A – DRC LLC.**

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

**VOTE: 6-0**

**ACTION: Grant– Area variance:** To construct a detached accessory structure 27 feet in height (21-foot maximum height for detached accessory structure on lots greater than 1 acre shall not exceed the height of the primary dwelling) see UDC Section 40.03.410.A. CR Zoning. CD 12. (App 2020-0395-A) TP 12-007.00-017.

**3. App. #2020-0458-A – Jeff Brannan.**

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

**VOTE: 6-0**

**ACTION: Grant– Area variance:** Area variance: To construct an addition 15 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. ST Zoning. CD 12. (App 2020-0458-A) TP 13-008.41-090.

**4. App. #2020-0472-A – Nebiyu Getinet**

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

**VOTE: 6-0**

**ACTION: Grant– Area variance:** To construct a detached accessory structure 3 feet from the easterly side lot line (8-foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2020-0472-A) TP 06-014.00-221.

**5. App. #2020-0449-A – Michael D. Anderson & George F. Higgins**

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

**VOTE: 6-0**

**ACTION: Grant– Area variances:** **1.** To permit a 0.17 acre lot size for Lot 2, exclusive of protected resources (0.50-acre minimum lot size exclusive of protected resources) see UDC Table 40-04-110.B. **2.** To maintain a dwelling 31 feet from the rear property line for Lot 2 (40-foot rear yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 3. (App 2020-0449-A) TPs 08-007.00-041 & 08-007.00-108.

**5. App. #2020-0382-A – Keyser Industries.**

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

**VOTE: 6-0**

**ACTION: Grant– Area variance:** To permit 1 additional wall identification sign (1 wall or ground identification sign per principal use) see UDC Table 40.06.060. BP Zoning. CD 11. (App 2020-0382-A) TP 11-017.00-047.

**5. App. #2020-0449-A – Safstor Real Estate Co.**

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

**VOTE: 6-0**

**ACTION: Grant with Condition– Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit 100 percent disturbance in the WRPA Class C Wellhead (50 percent protection level) see UDC Table 40.10.110. **2.** To permit a maximum gross floor area ratio of 0.60 (0.28 maximum gross floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a maximum net floor area ratio of 1.02 (0.37 maximum net floor area ratio) see UDC Table 40.04.110.A. CR Zoning. CD 7. (App 2020-0275-A) TP 10-045.30-004.

**CONDITION: The building shall be constructed with elevations substantially in accord with the exhibits presented into evidence**

*Melissa A. Hughes*  
Melissa Hughes  
Department of Land Use  
11/04/2020