



BOARD OF ADJUSTMENT

MINUTES

October 8, 2020

The Board of Adjustment of New Castle County held a public hearing on October 8, 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

The minutes of July 16, 2020 were presented for approval and Mr. Brooks motioned to Grant the July 16, 2020 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of July 23, 2020 were presented for approval and Mr. Brooks motioned to Grant the July 23, 2020 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of August 13, 2020 were presented for approval and Mr. Brooks motioned to Grant the August 13, 2020 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. #2020-0519-A – Eddie Riddle.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition 12 feet from the Scotland Drive right-of-way (25-foot street yard setback see UDC Table 40.04.110.B. NCPUD Zoning. CD 11. (App 2020-0519-A) TP 11-023.10-070.

2. App. #2020-0500-A – John Thomas.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variance to facilitate the recordation of a Land Development Plan: To permit a 2.06 acre lot size for Lot 2 (5.00-acre minimum lot size) see UDC Table 40.04.110.B. John Thomas. SR Zoning. CD 6. (App 2020-0500-A) TP 14-020.00-001.

CONDITIONS: The Subject Property shall not be further subdivided.

3. App. #2020-0452-A – Palash Gupta

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

VOTE: 5-1 (Abstain: Brooks)

ACTION: Grant with Conditions– Area variances: 1. To construct a temporary storage container 8 feet from the Andys Lane right-of-way (50-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a temporary storage container 40 feet from rear property line (50-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To permit a landscape surface ratio (LSR) of 0.34 (0.50 minimum LSR required) see UDC Table 40.04.110.A. CN Zoning. CD. 2 (App 2020-0452-A) TP 06-021.00-058.

CONDITIONS: 1. All landscaping shall be planted as depicted in the approved landscape plan from 1995.
2. The Applicant shall provide solid fencing and evergreens around the temporary storage container to mitigate the visual impact on surrounding residential properties.”

4. App. #2020-0459-A – BYN Holdings LLC

Mr. Burt moved to **Grant with Condition** the application; 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 a 1.31 acre lot size (5.00-acre minimum lot size) see UDC Table 40.04.110.B. **2.** To permit a ground sign 10 feet from the Sunset Lake Road right-of-way (25-foot setback for ground sign under 50 square feet) see UDC Table 40.06.060. **3.** To provide a 0.0 bufferyard opacity along the Sunset Lake Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **4.** To provide a 0.0 bufferyard opacity along the southerly side lot line (0.1 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To provide a 0.0 bufferyard opacity along the northerly side lot line (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **6.** To provide a 0.0 bufferyard opacity along the easterly side lot line (0.1 bufferyard opacity required) see UDC Table 40.04.111.A. BP Zoning. CD 11. (App 2020-0459-A) TPs 11-023.00-014 & 11-023.00-013.

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

Melissa A. Hughes
Melissa Hughes
Department of Land Use
12/01/2020