



BOARD OF ADJUSTMENT

MINUTES

September 24, 2020

The Board of Adjustment of New Castle County held a public hearing on September 24, 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 Gregort, 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. #2020-0473-A – Michael & Bernadette Kerr.

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 26 feet in height 6 feet from the westerly side lot line (10-foot side yard setback for accessory structures taller than 20 feet on lots greater than 1 acre; accessory structures on lots greater than 1 acre shall not exceed the height of the primary dwelling) see UDC Section 40.03.410.A.7. NC40 Zoning. CD 6. (App 2020-0473-A) TP 11-056.00-082.

2. App. #2020-0524-A – DRC LLC.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct a detached accessory structure 12 feet from the Old Newark Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 5. (App 2020-0524-A) TP 11-003.10-075.

3. App. #2020-0499-A – Transition Engineering Surveying.

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

VOTE: 6-0

ACTION: Grant– Area variances: **1.** To maintain a dwelling 19 feet from the rear property line (30-rear yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 19 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To construct a deck 6 feet from the rear property line (15-foot setback for decks) see UDC Section 40.04.110.E. NC10 Zoning. CD 8. (App 2020-0499-A) TP 16-004.00-617.

4. App. #2020-0454-A – Jeffrey D’Ambrosia

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

VOTE: 6-0

ACTION: Grant– Area variances: **1.** To construct a ground sign with a 37 square foot EVMS (Electronic Variable Message Sign) portion 2 feet from the Kirkwood Highway (Capitol Trail) right-of-way (40-foot setback for ground sign over 50 square feet) see UDE Table 40.06.060. **2.** To construct a ground sign with a 37 square foot EVMS (Electronic Variable Message Sign) portion 2 feet from the Harmony Road right-of-way (40-foot setback for ground sign over 50 square feet) see UDE Table 40.06.060. CN Zoning. CD 9. (App 2020-0454-A) TP 08-054.40-147.

5. App. #2020-0415-A – Hockessin IL-AL Investors, LLC

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

VOTE: 6-0

ACTION: Grant with Conditions– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a maximum building height of 49 feet (40-foot maximum building height) see UDC Table 40.04.110.B. **2.** To permit a maximum gross floor area ratio of 0.17 (0.12 maximum gross floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a maximum net floor area ratio of 0.57 of (0.45 maximum net floor area ratio) see UDC Table 40.04.110.A S Zoning, CD 3. (App 2020-0415-A) TP 08-007.00-024.

CONDITIONS: **1. The building elevations shall be consistent with the renderings submitted into evidence.**
2. A conservation easement shall be recorded protecting all the land on the parcel beginning with the prohibitive steep slopes and extending to the east, except for allowance for necessary utilities.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
12/01/2020