



BOARD OF ADJUSTMENT

MINUTES

November 5, 2020

The Board of Adjustment of New Castle County held a public hearing on November 5, 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 August 27, 2020 were presented for approval and Mr. Burt motioned to Grant the August 27, 2020 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of September 10, 2020 were presented for approval and Mr. Thomas motioned to Grant the September 10, 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. #2020-0625-A – Roberto Jones.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct a deck 24 feet from the rear property line (25-foot setback for decks) see UDC Section 40.04.110.E. NCTH. CD 10. (App 2020-0625-A) TP 07-039.40-383.

2. App. #2020-0603-A – Shaun Long.

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

VOTE: 6-0

ACTION: Grant– Area variances: **1.** To permit a 0.87 acre lot size for Lot 35, exclusive of protected resources (2.00-acre minimum lot size exclusive of protected resources) see UDC Table 40-04-110.B. The gross lot area for Lot 35 will be 1.74 acres. **2.** To permit a 0.68 acre lot size for Lot 15, exclusive of protected resources (1.00-acre minimum lot size exclusive of protected resources) see UDC Table 40-04-110.B. The gross lot area for Lot 15 will be 1.37 acres. NC2A & NC40. CD 12. (App 2020-0603-A) TPs 13-013.00.130 & 13-013.40-065.

3. App. #2020-0583-A – Anthony Marinelli.

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

VOTE: 6-0

ACTION: Amend– Area variances: **1.** To construct a 1,500 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (908 square footage footprint primary dwelling) on a 0.29 acre lot (gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UDC Section 40.03.410.A. **2.** To construct a 1,500 square foot detached accessory structure 4 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. ~~**3.** To construct a detached accessory structure 2 feet from the rear property line (15 foot reduced rear yard setback) see UDC Table 40.04.110.B.~~ **4.** To construct a detached accessory structure which covers 42 percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. NC6.5 Zoning. CD 8. (App 2020-0583-A) TP 06-095.00-502.

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

VOTE: 6-0

ACTION: Amend– Area variances: **1.** To construct a 1,500 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (908 square footage footprint primary dwelling) on a 0.29 acre lot (gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UDC Section 40.03.410.A. ~~**2.** To construct a 1,500 square foot detached accessory structure 4 feet from the rear property line (25 foot rear yard setback) see UDC Table 40.04.110.B.~~ ~~**3.** To construct a detached accessory structure 2 feet from the rear property line (15 foot reduced rear yard setback) see UDC Table 40.04.110.B.~~ **4.** To construct a detached accessory structure which covers 42 percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. NC6.5 Zoning. CD 8. (App 2020-0583-A) TP 06-095.00-502.

Mr. Burt moved to **Grant less relief than what was sought by the application;** Mr. Parker seconded the motion.

VOTE: 6-0

ACTION: Grant less relief than what was sought by the application – Area variances: **1.** To construct a **1,500 [1,200]** square foot detached accessory structure larger than the square footage footprint of the primary dwelling (908 square footage footprint primary dwelling) on a 0.29 acre lot

(gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UCD Section 40.03.410.A. **4.** To construct a detached accessory structure which covers 42 [35] percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. NC6.5 Zoning. CD 8. (App 2020-0583-A) TP 06-095.00-502.

4. App. #2020-0534-A – Windsor Castle, LLC.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit paving 12 feet from the Edinburgh Drive right-of-way (25-foot paving setback) see UDC Table 40.04.110.B. **2.** To permit a 0.0 bufferyard opacity along the Edinburgh Road right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **3.** To maintain 3 trash enclosures 0 feet from the Edinburgh Road right-of-way (25-foot setback) see UDC 40.04.110.B. **4.** To maintain paving 9 feet from the Edinburgh Drive right-of-way (25-foot paving setback) see UDC Table 40.04.110.B. **5.** To maintain paving 7 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. NCAP Zoning. CD 7. (App 2020-0622-A) TP 10-029.20-233.

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

Melissa A. Hughes

Melissa Hughes
Department of Land Use
2/4/2021