



BOARD OF ADJUSTMENT

MINUTES

November 19, 2020

The Board of Adjustment of New Castle County held a public hearing on November 19, 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
Antoni Sekowski, 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. #2020-0506-A – Jaclyn Cramer, Esq.

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

VOTE: 6-0

ACTION: Grant– Area variance: To maintain a deck 6 feet from the rear property line (7.5-foot setback for decks) see UDC Section 40.04.110.E. NC6.5 Zoning. CD 11. (App 2020-0506-A) TP 11-017.20-108.

2. App. #2020-0603-A – Ward & Taylor.

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

VOTE: 6-0

ACTION: Grant– Area variance: To maintain a dwelling 5 feet from the southerly side lot line (8-

foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 8. (App 2020-0646-A) TP 06-055.00.335.

3. App. #2020-0583-A – Ward & Taylor.

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

VOTE: 6-0

ACTION: Grant– Area variances: 1. To maintain a detached accessory structure 13 feet from the Faulkland Road right-of-way (25-foot street yard setback) see UDC Section 40.03.410.A. **2.** To maintain a detached accessory structure 2 feet from the westerly side yard setback (3-foot side yard setback) see UDC Table UDC Section 40.03.410.A. NC6.5 Zoning. CD 1. (App 2020-0647-A) TP 07-035.20-158.

4. App. #2020-0670-A – F & J Builders LLC.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variance: To construct an addition 17 feet from the W Roosevelt Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. F & J Builders LLC. NC5 Zoning. CD 7. (App 2020-0670-A) TP 10-014.30-363.

CONDITION: The addition shall remain open on three (3) sides.

5. App. #2020-0584-A – Marrs Contracting Inc.

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

VOTE: 6-0

ACTION: Amend– Area variance: To construct an addition **11 [15]** feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2020-0584-A) TP 06-069.00-119.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition **11 [15]** feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2020-0584-A) TP 06-069.00-119.

6. App. #2020-0348-A – Brian F. Funk, Esq.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variances to facilitate the rezoning from NC6.5 to ON:
1. To permit a site area of 0.49 acres for an ON Zoning District (1.00-acre minimum site area required) see UDC Table 40.04.110.A. **2.** To permit a 0.49 acre lot size (1.00 minimum lot size) see UDC Table 40.04.110.B. **3.** To maintain building 33 foot from the rear property line (35-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To maintain paving 0 feet from the Gooding Drive right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To maintain paving 3 feet from the rear property line (20-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To maintain 0 on lot plant units per acre (6 on-lot plant units per 1-acre required) see UDC Table 40.04.111.A. **8.** To maintain 0 open space plant units per acre (6 open space plant units per 1-acre required) see UDC Table 40.04.111.A. **9.** To maintain 0 parking lot plant units

(1 plant unit per 12 parking spaces, required) see UDC Table 40.04.111.A. **10.** To maintain existing 0.0 bufferyard opacity along Churchmans Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **11.** To maintain existing 0.0 bufferyard opacity along Gooding Drive right-of-way (0.2 bufferyard opacity required) see UDC Table 40.04.111.A. **12.** To maintain existing 0.0 bufferyard opacity along rear property line (0.4 bufferyard opacity required) see UDC Tables 40.04.111.B. **13.** To maintain existing 0.0 bufferyard opacity along westerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. **14.** To maintain 0 street trees along the Churchmans Road right-of-way (4 street trees required) see UDC Table 40.04.111.C. **15.** To maintain 0 street trees along the Gooding Road right-of-way (4 street trees required) see UDC Table 40.04.111.C. **16.** To permit a ground identification sign 0 feet from the Churchmans Road right-of-way (25-foot sign setback) see UDC Table 40.04.060. NC6.5 Zoning (processed as ON pending proposed rezoning). CD 1. (App 2020-0348-A) TP 09-019.00-029.

CONDITION: The Applicant shall provide three (3) street trees along the Churchmans Road right-of-way and three (3) street trees along the Gooding Drive right-of-way.

OTHER BUSINESS

Discussion of the status of the appeal to the Superior Court of the Board decision for Application No. 2019-0625-A, 2510 Old County Road, Newark, DE 19702.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
2/4/2021