



BOARD OF ADJUSTMENT

MINUTES

February 11, 2021

The Board of Adjustment of New Castle County held a public hearing on February 11, 2021 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
Klesa Achaibar, Department of Land Use

MINUTES

The minutes of October 22, 2020 were presented for approval and Mr. Parker motioned to Grant the October 22, 2020 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of November 5, 2020 were presented for approval and Mr. Parker motioned to Grant the November 5, 2020 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of November 12, 2020 were presented for approval and Mr. Parker motioned to Grant the November 12, 2020 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of November 19, 2020 were presented for approval and Mr. Parker motioned to Grant the November 19, 2020 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of December 3, 2020 were presented for approval and Mr. Parker motioned to Grant the December 3, 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. #2021-0013-A – Frank Devonshire.

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

VOTE: 6-0

ACTION: Grant– Area variance: To maintain an addition 16 feet from the Spruce Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 1. (App 2021-0013-A) TP 07-035.20-094.

2. App. #2021-0014-A – Reinvex LLC.

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

VOTE: 6-0

ACTION: Grant– Area variances: **1.** To maintain an addition 27 feet from the rear property (30-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 6 feet from the northerly side lot line (8-foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 9. (App 2021-0014-A) TP 08-043.10-066.

3. App. #2021-0008-A – Howard L. Robertson Inc.

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

VOTE: 6-0

ACTION: Grant- Area variance: **1.** To construct a dwelling 12 feet from the Atlantic Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a dwelling 3 feet from the easterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **3.** To construct a dwelling 5 feet from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **4.** To construct a dwelling 16 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2021-0008-A) TP 07-039.30-188.

4. App. #2020-0728-A – Marty Mellinger.

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

VOTE: 6-0

ACTION: Grant– Area variance: To permit 45% coverage of the rear yard (30% maximum rear yard coverage) see UDC Section 40.03.410.A.4. NC5 Zoning. CD 1. (App 2020-0728-A) TP 07-038.10-291.

5. App. #2020-0768-A – Lyndsey Milligan.

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

VOTE: 6-0

ACTION: Grant- Area variance: To permit a ground sign with a 40 square foot EVMS (Electronic Variable Message Sign) portion 15 feet from the DuPont Parkway right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. CR Zoning. CD 6. (App 2020-0768-A) TP 14-020.00-063.

6. App. #2020-0397-A – Michael Paraskewich.

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

VOTE: 6-0

ACTION: Grant with Conditions- Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain a 0.35 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. **2.** To maintain a 63.5 feet lot width (100-foot minimum lot width) see UDC Table

40.04.110.B. **3.** To construct a building 4 feet from the westerly side lot line (20-foot building setback) see UDC Table 40.04.110.B. **4.** To permit paving 0 feet from the easterly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit a 0.1 bufferyard opacity along the Pulaski Highway right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111. CR Zoning. CD 11. (App 2020-0397-A) TP 11-026.00-007.

CONDITIONS: 1. The Applicant shall provide a future interconnection and cross access easement to the adjoining parcel to the east of the subject property in the likelihood the parcel is developed in the future.

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

3. The building elevations shall be consistent with the renderings submitted into evidence.

7. App. #2020-0711-A – FNSS LLC.

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

VOTE: 6-0

ACTION: Grant with Conditions- Area variances to facilitate the recordation of a Land Development Plan: Area variances to facilitate the recordation of a Land Development Plan: 1.

To permit a maximum net floor area ratio of 0.75 of (0.57 maximum net floor area ratio) see UDC Table 40.04.110.A. **2.** To permit paving 1 foot from the Forge Drive right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To provide 0.0 bufferyard opacity along the Forge Drive right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. ~~*4. To provide 0.0 bufferyard opacity along the Harmony Road right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A.~~ **5.** To provide 0 street trees along the Marrows Road right-of-way (11 street trees required) see UDC Table 40.04.111.A. I Zoning. CD 5. (App 2020-0711-A) TP 09-021.00-014.

*** Variance 4 not heard due to misadvertising on the Legal Notice.**

Melissa A. Hughes

Melissa Hughes
Department of Land Use
3/23/2021