



**BOARD OF ADJUSTMENT**

**MINUTES**

**March 11, 2021**

The Board of Adjustment of New Castle County held a public hearing on March 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**

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*  
*Janet Vinc, Department of Land Use*

MINUTES

The minutes of December 17, 2020 were presented for approval and Mr. Parker motioned to Grant the December 17, 2020 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of January 28, 2021 were presented for approval and Mr. Parker motioned to Grant the January 28, 2021 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. #2021-0059-A – Robert Andress.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance: 1.** To maintain a dwelling 1 foot from the easterly side lot line (8-foot side yard setback) see UDC Table 40-04.110.B. **2.** To maintain a dwelling 6 feet from the westerly

side lot line (8-foot side yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 8. (App 2021-0059-A) TP 16-004.00-691.

**2. App. #2021-0058-A – Elizabeth Cain**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To construct an addition 16 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 1. (App 2021-0058-A) TP 08-050.10-017.

**3. App. #2021-0095A – FNSS LLC.**

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

**VOTE: 5-0**

**ACTION: Grant- Area variances to facilitate the recordation of a Land Development Plan:** To provide 0.0 bufferyard opacity along the Marrows Road right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. I Zoning. CD 5. (App 2021-0095-A) TP 09-021.00-014.

**4. App. #2021-0020-A – Blenheim Bayberry, LLC.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance: Area variance to facilitate the recordation of a Land Development Plan:** To permit paving 30 feet from the Stravinsky Avenue right-of-way (50-foot street yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2021-0020-A) TP 13-013.41-211.

**5. App. #2021-0012-A – DRPD, LLC..**

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

**VOTE: 5-0**

**ACTION: Grant with Condition- Area variances to facilitate the recordation of a Land Development Plan: 1.** To permit a lot width of 0 feet for Lot 2 (60-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a lot width of 0 feet for Lot 3 (60-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To permit a lot width of 0 feet for Lot 4 (60-foot minimum lot width) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 9. (App 2021-0012-A) TP 08-050.20-142.

**CONDITION: Prior to submission of the sewer plan to the New Castle County Department of Public Works or any other application concerning sewer capacity, the Applicant shall provide adequate public notice to the community to allow residents an opportunity to express their views or concerns to the Department of Public Works.**

**6. App. #2020-0626-A – BINDI Property, LLC.**

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

**VOTE: 5-0**

**ACTION: Grant with Conditions- Area variances to facilitate the recordation of a Land Development Plan: 1.** To construct a building 5 feet from the westerly side lot line (20-foot side yard setback) see UDC Table 40.040.110.B. **2.** To construct a building 2 feet from the rear property line (20-foot rear yard setback) see UDC Table 4004.110.B. **3.** To permit paving 4 feet from the Stanton Road right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 2 feet from the rear property line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit

paving 20 feet from the Rock Avenue right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **6.** To permit a 0.0 bufferyard opacity along the Newport Pike right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **7.** To permit a 0.0 bufferyard along the Stanton Road right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **8.** To permit a 0.0 bufferyard opacity along Rock Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **9.** To permit a 0.0 bufferyard opacity along the rear property line (0.5 bufferyard opacity required) see UDC Table 40.04.111.B. **10.** To permit a Landscape Surface Ratio (LSR) of 0.19 landscape surface ratio (0.20 minimum LSR required) see UDC Table 40.04.110.A. **11.** To permit a 0.62 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. **12.** To permit 22 parking spaces (28 parking spaces required) see UDC Table 40.03.522. CR Zoning. CD 9. (App 2020-0626-A) TP 08-051.10-153.

**CONDITIONS:**

- 1. The Applicant shall establish a dedicated 20-foot permanent easement on the residential property adjoining the Subject Property to the rear in favor of the Subject Property as a dominant tenement with conditions of use as represented at the hearing.**
- 2. Within said dedicated permanent easement, the Applicant shall provide 0.5 bufferyard opacity and a solid fence at the distal margin of 20 feet.**
- 3. The Applicant shall provide landscaping consistent with the renderings submitted into evidence.**
- 4. The building elevations shall be consistent with the renderings submitted into evidence.**

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
4/29/2021