



BOARD OF ADJUSTMENT

MINUTES

April 29, 2021

The Board of Adjustment of New Castle County held a public hearing on April 29, 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
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Mengting Chen, 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 February 25, 2021 were presented for approval and Mr. Brooks motioned to Grant the February 25, 2021 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

The minutes of March 11, 2021 were presented for approval and Mr. Brooks motioned to Grant the March 11 2021 minutes and Ms. Osegbu-Rivers 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. #2021-0150-A – Ceccola Construction.

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

VOTE: 5-0

ACTION: Grant– Area variances: 1. To maintain a dwelling 23 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To maintain an addition 13 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To maintain an open porch

addition 22 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To construct an addition 38 feet the Donwood Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 2. (App 2021-0150-A) TP 06-044.00-146.

2. App. #2021-0191-A – Paul Brown.

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

VOTE: 5-0

ACTION: Grant– Area variance: 1. To maintain a dwelling 39 feet from the Greenwood Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 33 feet from the Greenwood Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B.. NC15 Zoning. CD 2 (App 2021-0191-A) TP 07-033.10-024.

3. App. #2021-0135-A – PHC MeadowWood Inc.

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

VOTE: 5-0

ACTION: Grant- Area variance to facilitate the recordation of a Land Development Plan: To permit a maximum gross floor area ratio of 0.18 (0.12 maximum gross floor area ratio) see UDC Table 40.04.110.A. S Zoning. CD 7. (App 2021-0135-A) TP 10-040.00-044.

4. App. #2021-0103-A – Bay Communications III.

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

VOTE: 5-0

ACTION: Amend- Area variances: 1. To construct a 155 foot cell tower disguised as a tree 28 feet from the westerly side lot line (51.15-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **2.** To construct a 155 foot cell tower disguised as a tree 33 feet from the rear property line (51.15-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **3.** To construct a 155 foot cell tower disguised as a tree **23 [29]** feet from the easterly side lot line (51.15-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **4.** To permit paving 3 feet from the easterly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. CR Zoning. CD 11 (App 2020-0103-A) TP 11-023.00-022.

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

VOTE: 3-2 (Burt and Farmer Deny)

ACTION: Grant- Area variances: 1. To construct a 155 foot cell tower disguised as a tree 28 feet from the westerly side lot line (51.15-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **2.** To construct a 155 foot cell tower disguised as a tree 33 feet from the rear property line (51.15-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **3.** To construct a 155 foot cell tower disguised as a tree **23 [29]** feet from the easterly side lot line (51.15-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. **4.** To permit paving 3 feet from the easterly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B.. CR Zoning. CD 11 (App 2020-0103-A) TP 11-023.00-022.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
6/4/2021