



**BOARD OF ADJUSTMENT**

**MINUTES**

**June 4, 2020**

The Board of Adjustment of New Castle County held a public hearing on June 4, 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**  
**Monique Slowe**

Comprising a quorum of the Board; also:  
*Aysha Gregory, Esq., Office of Law*  
*Melissa Hughes, Department of Land Use*  
*Janet Vinc, Department of Land Use*  
*Conor Gibbons, 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. #2020-0214-A – Raymond Mitchell.**

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

**VOTE: 7-0**

**ACTION: Grant with Condition– Area variance:** To construct an addition 22 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. TP 13-013.32-191.

**Condition: The addition shall be screened as depicted in the renderings presented to the Board.**

**2. App. #2020-0212-A – Nathan Hummel.**

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

**VOTE: 7-0**

**ACTION: Grant– Area variances:** **1.** To maintain dwelling 14 feet from the Old Wilmington Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain dwelling 0 feet from the Brackenville Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **3.** To maintain a deck 0 feet from the Brackenville Road right-of-way (25-foot setback for decks) see UDC Section 40.04.110.E. **4.** To construct a deck 1 foot from the Brackenville Road right-of-way (25-foot setback for decks) see UDC Section 40.04.110.E. NC21 Zoning. CD 3. TP 08-013.20-184.

**3. App. #2020-0213-A – First State Sign**

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

**VOTE: 7-0**

**ACTION: Grant with Condition – Area variance:** To permit 2 additional wall identification signs (1 wall or ground identification sign permitted) see UDC Table 40.06.060. First State Sign. OR Zoning. CD 3. (App 2020-0213-A) TP 08-031.00-015.

**Condition: The signs shall be consistent with the renderings submitted into evidence.**

**4. App. #2020-0216-A – Diamond State Port Corporation**

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

**VOTE: 6-0 (Slowe abstain)**

**ACTION: Amend – Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit a Landscape Surface Ratio (LSR) of **0.03 [0.04]** landscape surface ratio (0.10 minimum LSR required) see UDC Table 40.04.110.A. **2.** To permit a 0.0 bufferyard opacity along the Hay Road right-of-way for Lot 1 (0.6 bufferyard opacity required) see UDC Table 40.04.111.A. **3.** To maintain a 0.0 bufferyard opacity along the Lighthouse Road right-of-way for Lot 1 (0.6 bufferyard opacity required) see UDC Table 40.04.111.A. **4.** To permit 0 street trees along the Hay Road right-of-way for Lot 1 (83 street trees required) see UDC Table 40.04.111.C. **5.** To maintain 0 street trees along the Lighthouse Road right-of-way for Lot 1 (23 street trees required) see UDC Table 40.04.111.C. **6.** To maintain 0 open space plant units per acre for Lot 1 (6 on-lot plant units per 1-acre required) see UDC Table 40.04.111.A. **7.** To maintain 0 parking lot plant units per acre for Lot 1 (1 plant unit per 40 parking spaces) see UDC Table 40.04.111.A. **8.** To maintain paving 0 feet from the Hay Road right-of-way for Lot 1 (40-foot street yard paving setback) see UDC Table 40.04.110.B. **9.** To maintain paving 0 feet from the Lighthouse Road right-of-way for Lot 1 (40-foot street yard paving setback) see UDC Table 40.04.110.B. **10** To construct 60 120-foot high light poles (50-foot maximum height is permitted) see UDC Table 40.04.110.C. HI Zoning. CD 8. TPs 06-153.00-006 & 06-153.00-003.

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

**VOTE: 6-0 (Slowe abstain)**

**ACTION: Grant with Condition – Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit a Landscape Surface Ratio (LSR) of **0.03 [0.04]** landscape surface ratio (0.10 minimum LSR required) see UDC Table 40.04.110.A. **2.** To permit a 0.0 bufferyard opacity along the Hay Road right-of-way for Lot 1 (0.6 bufferyard opacity required) see UDC Table 40.04.111.A. **3.** To maintain a 0.0 bufferyard opacity along the Lighthouse Road right-of-way for Lot

1 (0.6 bufferyard opacity required) see UDC Table 40.04.111.A. **4.** To permit 0 street trees along the Hay Road right-of-way for Lot 1 (83 street trees required) see UDC Table 40.04.111.C. **5.** To maintain 0 street trees along the Lighthouse Road right-of-way for Lot 1 (23 street trees required) see UDC Table 40.04.111.C. **6.** To maintain 0 open space plant units per acre for Lot 1 (6 on-lot plant units per 1-acre required) see UDC Table 40.04.111.A. **7.** To maintain 0 parking lot plant units per acre for Lot 1 (1 plant unit per 40 parking spaces) see UDC Table 40.04.111.A. **8.** To maintain paving 0 feet from the Hay Road right-of-way for Lot 1 (40-foot street yard paving setback) see UDC Table 40.04.110.B. **9.** To maintain paving 0 feet from the Lighthouse Road right-of-way for Lot 1 (40-foot street yard paving setback) see UDC Table 40.04.110.B. **10** To construct 60 120-foot high light poles (50-foot maximum height is permitted) see UDC Table 40.04.110.C HI Zoning. CD 8. TPs 06-153.00-006 & 06-153.00-003.

**Conditions:** **The Applicant shall retain the services of a registered landscape architect, and shall cause to be prepared and submitted to the Department the following:**

- 1. A plan for the provision of 35 street trees and 35 plant units to be installed at Bellevue and Fox Point State Parks in cooperation with DNREC.**
- 2. A detailed architectural and landscape plan to promote the enhancement of the appearance of the environs at the intersection of Edgemoor, Hay and Lighthouse Roads. Said plan shall be to the satisfaction of the Department. The Applicant shall coordinate with any government agency or other entities to acquire necessary approvals for the execution thereof. The plans shall be executed in a manner consistent with the Applicant's representations to the Board.**

Melissa Hughes  
Department of Land Use  
8/13/2020