



BOARD OF ADJUSTMENT

MINUTES

July 9, 2020

The Board of Adjustment of New Castle County held a public hearing on July 9, 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:
Mengting Chen, 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. #2020-0276-A – Jose Torres Rodriguez.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition 19 feet from the E. Violette Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 7 (App 2020-0276-A) TP 10-039.40-015.

2. App. #2020-0212-A – Robert Medkeff.

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

VOTE: 0-6

ACTION: Deny– Area variances: **1.** To construct a 1,060 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (1,013 square footage footprint primary dwelling) on a 0.22 acre lot (gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UCD Section 40.03.410.A. **2.** To construct a 1,060 square foot detached accessory structure 19 feet from the Forsythia Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **3.** To construct a detached accessory structure 2 feet from the rear property line (15-foot reduced rear yard setback) see UDC Table 40.04.110.B. **4.** To construct a detached accessory structure which covers 31 percent of the rear yard setback (30 percent maximum rear yard coverage) see UDC Section 40.03.410.A.4. NC6.5 Zoning. CD 9 (App 2020-0285-A) TP 08-049.30-273.

3. App. #2020-0213-A – Scott Kevin Tennesen

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

VOTE: 6-0

ACTION: Grant– Area variance: To permit a fence **8 [9]** feet in height **along the easterly and southerly side lot lines [all the property lines]** (6-foot maximum fence height) see UDC Section 40.03.410.D. NC6.5 HT (Hometown Overlay). Zoning. CD 8 (App 2020-0286-A) TP 06-072.00-010.

4. App. #2020-0272-A – Ryan Hufford

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

VOTE: 6-0

ACTION: Continue – Area variances to facilitate the recordation of a Land Development Plan:

1. To permit a lot size of 0.50 acres for Lot 1 (1.00-acre minimum lot size exclusive of protected resources) see Table 40.04.110.B. **2.** To permit a lot size of 0.46 acres for Lot 2 (1.00-acre minimum lot size exclusive of protected resources) see Table 40.04.110.B. NC40 Zoning. CD 6 (App 2020-0272-A) TP 15-021.00-045.

5. App. #2020-0273-A – Larson Engineering

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

VOTE: 6-0

ACTION: Grant with Condition – Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain a 0.0 bufferyard opacity along the southerly side lot line (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **2.** To maintain a ground sign 11 feet from the Old Capitol Trail right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **3.** To maintain paving 8 feet from the Old Capitol Trail right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. CR Zoning. CD 1 (App 2020-0273-A) TP 07-037.40-148.

CONDITION: The landscaping shall be consistent with the renderings submitted into evidence

Melissa Hughes
Department of Land Use
10/5/2020