



BOARD OF ADJUSTMENT

MINUTES

May 27, 2021

The Board of Adjustment of New Castle County held a public hearing on May 27, 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 March 18, 2021 were presented for approval and Mr. Parker motioned to Grant the March 18, 2021 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of April 8, 2021 were presented for approval and Mr. Parker motioned to Grant the April 8, 2021 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of April 22, 2021 were presented for approval and Mr. Parker motioned to Grant the April 22, 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. #2021-0253-A - Sean Lakins.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition 20 feet from the rear property (30-foot rear yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 12. (App 2021-0253-A) TP 11-033.20-074.

2. App. #2021-0251-A – James Colombo.

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

VOTE: 6-0

ACTION: Grant– Area variances: **1.** To maintain a dwelling 12 feet from the Orsini Lane right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a shed 1 foot from the rear property line (3-foot setback for detached accessory structures) UDC Section. 40.03.410.A. **3.** To maintain a shed 1 foot from the northerly side lot line (3-foot setback for detached accessory structures) UDC Section. 40.03.410.A. **4.** To maintain 38% coverage of the rear yard with maintaining existing detached accessory structures (30% maximum rear yard coverage) see UDC Section 40.03.410.A. **5.** To maintain paving 0 feet from the rear property line (2-foot paving setback) see UDC Section 40.04.110.E. NC6.5 Zoning. CD 9. (App 2021-0251-A) TP 08-039.10-151.

3. App. #2021-260-A – EZ Deck.

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

VOTE: 6-0

ACTION: Grant- Area variance: To construct an addition 18 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2021-0260-A) TP 13-007.10-027.

4. App. #2020-0730-A – Sunbelt Rentals.

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

VOTE: 6-0

ACTION: Continue- Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit paving 0 feet from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the Happy Lane right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To permit 0 open space plant units (5 plant units per acre required) see UDC Table 40.04.111.A. **4.** To permit a 0.3 bufferyard opacity along the Ruthar Drive right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To permit a 0.0 bufferyard opacity along the Happy Lane right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **6.** To maintain 0 street trees along the Happy Lane right-of-way (5 street trees required) see UDC Table 40.04.111.C. I Zoning. CD 9. (App 2020-0730-A) TP 09-016.00-020. **(continued from March 18, 2021).**

5. App. #2021-217-A – New Cingular Wireless, PCS, LLC.

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

VOTE: 6-0

ACTION: Grant- Area variance: To permit a 46-foot tall telecommunication monopole 3 feet from the Stanton Christiana Road right-of-way (15.3-foot setback required (1/3 height of tower)) see UDC Section 40.03.326.G. CR Zoning. CD 1 (App 2021-0217-A) TP 09-018.00-026.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
7/19/2021