



BOARD OF ADJUSTMENT

MINUTES

August 12, 2021

The Board of Adjustment of New Castle County held a public hearing on August 12, 2021 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
William Brooks
Edward Thomas
Izuru Osegbu-Rivers

Comprising a quorum of the Board; also:
Mengting Chen., 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 June 17, 2021 were presented for approval and Mr. Thomas motioned to Grant the June 17, 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. #2021-0420-A - Jim Hutchinson.

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

VOTE: 5-0

ACTION: Grant– Area variance: To construct a detached accessory structure 33 feet in height (20-foot maximum height) see UDC Section 40.03.410.A. SE Zoning. CD 2. (App 2021-0420-A) TP 07-013.00-069.

2. App. #2021-0423-A – Hillcrest Associates, Inc.

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

VOTE: 5-0

ACTION: Grant- Area variance: To construct an addition 21 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 2. (App 2021-0423-A) TP 06-043.00-234.

3. App. #2021-0433-A – Arthur Young.

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

VOTE: 0-5

ACTION: Deny- Area variance: To construct a detached Accessory Dwelling Unit (ADU) on a 0.99 acre parcel (greater than 2-acre minimum lot area required for a detached ADU) see UDC Section 40.03.410.H.7. NC6.5 Zoning. CD 7. (App 2021-0433-A) TP 10-017.20-045.

4. App. #2021-0340-A - Jo Ann Van Heest

Mr. Burt moved to **Grant Variances 1, 2, 3 and 5 with Conditions and Deny Variance 4**; Mr. Parker seconded the motion.

VOTE: 5-0

ACTION: Grant Variances 1, 2, 3 and 5 with Conditions and Deny Variance 4- Area variance: 1. To maintain a dwelling 18 feet from the Schoolhouse Road right-of-way on Lot 1 (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 20 feet from the Schoolhouse Road right-of-way on Lot 2 (25-foot street yard setback) see UDC Table 40.04.110.B. **3.** To maintain a detached accessory structure 19 feet from the Schoolhouse Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **4.** To permit a detached Accessory Dwelling Unit (ADU) on a 0.37-acre parcel on Lot 1 (greater than 2-acre minimum lot area required for a detached ADU) see UDC Section 40.03.410.H.7. **5.** To construct an open porch 4 feet from the Schoolhouse Road right-of-way (25-foot street yard setback) on Lot 1 see UDC Table 40.04.110.B. NC6.5 Zoning. CD 3. (App 2021-0340-A) TPs 08-013.10-119 & 08-008.30-130.

CONDITIONS: 1. The proposed open porch shall remain open.

2. The design of the proposed porch shall be consistent with the renderings submitted into evidence.

5. App. #2021-0357-A – Karins and Associates

Mr. Burt moved to **Grant with Condition**; Mr. Thomas 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 maximum gross floor area ratio of 0.27 (0.23 maximum gross floor area ratio) see UDC Table 40.04.110.A. **2.** To permit a maximum net floor area ratio of 0.54 (0.46 maximum gross floor area ratio) see UDC Table 40.04.110.A. NC40 Zoning. CD 5. (App 2021-0357-A) TPs 11-009.00-007 & -052.

CONDITION: The building elevations shall be consistent with the renderings submitted into evidence.

6. App. #2021-0418-A – Jihan & Family, LLC.

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

VOTE: 5-0

ACTION: Grant: Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a 2,717 square foot lot size for Lot 1 (4,000-square foot minimum lot size) see UDC Table 40.04.110.B. **2.** To permit a 3,093 square foot lot size for Lot 2 (4,000-square foot minimum lot size) see UDC Table 40.04.110.B. **3.** To permit a lot width of 18.70 feet for Lot 1 (40-foot minimum lot width) see UDC Table 40.04.110.B. **4.** To permit a lot width of 21.30 feet for Lot 2 (40-foot minimum lot width) see UDC Table 40.04.110.B. **5.** To maintain a dwelling 17 feet from the Lawson Avenue right-of-way for Lot 1 (25-foot street yard setback) see UDC Table 40.04.110.B. **6.** To maintain a dwelling 17 feet from the Lawson Avenue right-of-way for Lot 2 (25-foot street yard setback) see UDC Table 40.04.110.B. **7.** To maintain a dwelling 3 feet from northerly side lot line for Lot 1 (6-foot side yard setback) see UDC Table 40.04.110.B. **8.** To maintain 0 off-street parking spaces for Lot 1 (2.25 parking spaces per dwelling unit) see UCD Table 40.03.110.C. **9.** To maintain 0 off-street parking spaces for Lot 2 (2.25 parking spaces per dwelling unit) see UCD Table 40.03.110.C. NC5 & HT Zoning. CD 8. (App 2021-0418-A) TP 06-071.00-117.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
9/20/2021