



**BOARD OF ADJUSTMENT**

**MINUTES**

**September 23, 2021**

The Board of Adjustment of New Castle County held a public hearing on September 23, 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**  
**Richard Farmer**

Comprising a quorum of the Board; also:  
*Aysha Gregory, 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 August 12, 2021 were presented for approval and Mr. Thomas motioned to Grant August 12, 2021 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of August 19, 2021 were presented for approval and Mr. Thomas motioned to Grant August 19, 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. #2021-0475-A - Paula Welldon.**

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

**VOTE: 6-0**

**ACTION: Grant with Condition– Area variance:** To construct an addition 20 feet from the Winding Hill Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. Paula Welldon. NCPUD Zoning. CD 3. (App 2021-0475-A) TP 08-025.10-043.

**CONDITION: That the porch addition remain open and not further enclosed**

**2. App #2020-0505-A – Brian Sanchez.**

Mr. Burt moved to Grant; Ms. Osegbu-Rivers seconded the motion.

**VOTE: 6-0**

**ACTION: Grant– Area variance:** To construct a 1,600 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (1,145 square footage footprint primary dwelling) on a 0.62 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.. NC21 Zoning. CD 11. (App 2021-0505-A) TP 11-010.00-158.

**3. App. #2021-0506-A – Raynell Hoffman Finucan.**

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

**VOTE: 6-0**

**ACTION: Amend- Area variances: ~~1. To maintain a dwelling 13 feet from the Marion Avenue right-of way (25 foot street yard setback) see UDC Table 40.04.110.B.~~ **2.** To construct an addition 18 feet from the N. Augustine Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B.. NC5 Zoning. CD 1. (App 2021-0506-A) TP 07-042.30-529.**

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

**VOTE: 6-0**

**ACTION: Grant - Area variance: ~~1. To maintain a dwelling 13 feet from the Marion Avenue right-of way (25 foot street yard setback) see UDC Table 40.04.110.B.~~ **2.** To construct an addition 18 feet from the N. Augustine Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B.. NC5 Zoning. CD 1. (App 2021-0506-A) TP 07-042.30-529.**

**4. App. #2020-0508-A – Veronica Wilkie.**

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

**VOTE: 6-0**

**ACTION: Grant- Area variance:** To construct an addition 24 feet from the Riveredge Drive right-of-way (40-street yard setback) see UDC Table 40.04.110.B. NC21 CL. CD 12. (App 2021-0508-A) TP 10-035.40-042.

**5. App. #2021-0527-A – Eli Stoltzfus..**

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

**VOTE: 6-0**

**ACTION: Grant- Area variances: **1.** To maintain a dwelling 48 feet from the rear property line (50-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To maintain a detached Accessory Dwelling Unit (ADU) 5 feet from the easterly side lot line (40-foot side yard setback) see UDC Section 40.03.410.A. **3.** To construct a second story addition to expand the existing ADU 5 feet from the easterly side lot line (40-foot side yard setback) see UDC Section 40.03.410... NC2A Zoning. CD 2 (App 2021-0527-A) TP 07-006.00-003.**

**6. App. #2021-0478-A – HES Sign Services Inc..**

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

**VOTE: 6-0**

**ACTION: Grant- Area variances: Area variances: 1.** To permit a 133 square foot ground sign with a 37 square foot EVMS (Electronic Variable Message Sign) portion (100-square foot maximum sign area for ground sign) see UDC Table 40.06.060. **2.** To permit a 133 square foot ground sign 20 feet from the Concord Pike right-of-way (40-foot setback for ground sign) see UDC Table 40.06.060.. CN Zoning. CD 2. (App 2021-0478-A) TP 06-100.00-075.

**7. App. #2020-0518-A – Wegmans Food Markets.**

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

**VOTE: 6-0**

**ACTION: Grant with Condition- Area variances: 1.** To permit 8 additional wall identification signs (1 wall or ground identification sign per building/use permitted) see UDC Table 40.060.60. **2.** To permit 336 square foot wall identification sign (75-square foot maximum sign area) see UDC Table 40.06.060. **3.** To permit 90 square foot wall identification sign (75-square foot maximum sign area) see UDC Table 40.06.060. **4.** To permit 217 square foot wall identification sign (75-square foot maximum sign area) see UDC Table 40.06.060. **5.** To permit 2, 80 square foot wall identification signs (75-square foot maximum sign area) see UDC Table 40.06.060. OR Zoning. CD 2. (App 2021-0518-A) TP 07-032.20-003.

**CONDITION: The wall identification signs shall be consistent with the renderings submitted into evidence.**

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
11/05/2021