



BOARD OF ADJUSTMENT

MINUTES

February 18, 2021

The Board of Adjustment of New Castle County held a public hearing on February 18, 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:
Mengting Chen, Esq., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, 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. #2021-0025-A – Lyons Design and Construction.

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

VOTE: 6-0

ACTION: Grant– Area variance: To maintain an addition 2 feet from the rear property line (10-foot rear yard setback) see UDC Table 40.04.110.B. NCPUD Zoning. CD 2. (App 2021-0025-A) TP 07-029.20-138.

2. App. #2021-0030-A – Lani Y. Morales Cuevas.

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

VOTE: 6-0

ACTION: Grant with Condition– Area variance: To maintain a carport 1 foot from the westerly side

lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. App 2021-0030-A) TP 07-042.30-233.

CONDITION: The Applicant shall provide gutters and drainage sufficient to carry water from the roof to the street.

3. App. #2021-0018-A – Michael Lancianese.

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

VOTE: 6-0

ACTION: Grant- Area variances: **1.** To maintain a dwelling 20 feet from the Aldon Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 4.5 feet from the Madison Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **3.** To construct a second story addition 9 feet from the Madison Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2021-0018-A) TP 06-083.00-217.

4. App. #2021-0031-A – Melchor Correa.

Mr. Burt 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 23 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 11. (App 2021-0031-A) TP 10-043.20-173.

CONDITION: The proposed screened porch shall not be further enclosed.

5. App. #2020-0648-A – Swami Enterprises, Inc.

Mr. Burt moved to **Grant Variances 1, 2 & 7**; Parker seconded the motion.

VOTE: 6-0

ACTION: Grant Variances 1, 2 & 7- Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain a 0.0 bufferyard opacity along the Centre Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **2.** To maintain paving 2 feet for the Centre Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To provide 2 stacking spaces for ATM drive-in facility (6 stacking spaces required for drive-in facilities) see UDC Table 40.03.525. **4.** To maintain a 0.0 bufferyard opacity along the southerly side lot line (0.6 bufferyard opacity required) see UDC Tables 40.04.111.B & 40.03.210.A. **5.** To permit a restaurant drive-in facility talk box without solid sound barrier adjacent to residential properties (solid sound barrier shall be provided adjacent to residential properties) see UDC Section 40.03.316. **6.** To permit a restaurant drive-in facility without a bypass lane (drive-in facilities must contain a bypass lane) see UDC Section 40.03.316.C. **7.** To maintain paving 0 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. CN Zoning. CD 9. (App 2020-0648-A) TP 07-035.10-137.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
3/23/2021