



**BOARD OF ADJUSTMENT**

**MINUTES**

**March 25, 2021**

The Board of Adjustment of New Castle County held a public hearing on March 25, 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**  
**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 Us*  
*Janet Vinc, Department of Land Use*

MINUTES

The minutes of February 11, 2021 were presented for approval and Mr. Parker motioned to Grant the February 11, 2021 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of February 18, 2021 were presented for approval and Mr. Parker motioned to Grant the February 18, 2021 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of February 21, 2021 were presented for approval and Mr. Parker motioned to Grant the February 21, 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. #2021-0072-A – Gabriel Jimenez.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To construct an addition 15 feet from the Maple Avenue (25-street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2021-0072-A) TP 07-041.40-253.

**2. App. #2021-0101-A – Kirson Herbert**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** Area variance: To maintain a deck 21 feet from the rear property line (25-foot setback for decks) see UDC Section 40.04.110.E. NC21 Zoning. CD 3. (App 2021-0101-A) TP 08-013.30-132.

**3. App. #2021-0119-A – Eric Carter**

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

**VOTE: 4-1 (Burt, Deny)**

**ACTION: Grant with Conditions- Area variance:** To construct an addition 20 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2021-0119-A) TP 14-013.11-053.

- CONDITIONS:**
- 1. The Applicant shall build the addition in accordance with the plans submitted into evidence.**
  - 2. The addition shall have no less than 3 screened or opened sides and shall not be further enclosed.**

**4. App. #2021-0011-A – Jihan & Family, LLC.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan:** **1.** To maintain a dwelling 11 feet from the Green Street right-of-way for Lot 1 (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** 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. **3.** 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. **4.** To permit a lot width of 34 feet for Lot 1 (40-foot minimum lot width) see UDC Table 40.04.110.B. **5.** To permit a lot width of 25 feet for Lot 2 (40-foot minimum lot width) see UDC Table 40.04.110.B. **6.** To permit a 3,674 square foot lot size for Lot 2 (4,000-square foot minimum lot size) see UDC Table 40.04.110.B. **7.** To maintain 0 off-street parking spaces for Lot 1 (2.25 parking spaces per dwelling unit) see UCD Table 40.03.110.C. **8.** 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 2021-0040-A) TP 06-071.00-118.

**5. App. #2021-0064-A – Richard Woodin.**

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

**VOTE: 5-0**

**ACTION: Amend: Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit a 0.0 bufferyard opacity along Route 301 right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. ~~**2.** To permit a 0.0 bufferyard opacity along Cedar Lane Road right of way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A.~~ **3.** To permit a 0.0 bufferyard opacity along the northerly side lot line (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **4.** To permit a

0.0 bufferyard opacity along the southerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. **5.** To permit a 0.0 on-lot plant units (5 plant units per acre required for a total of 119 plant units) per UDC Table 40.04.110.A. S Zoning. CD 12. (App 2021-0116-A) TP 13-013.00-246.

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

**VOTE: 5-0**

**ACTION: Grant with Conditions - Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit a 0.0 bufferyard opacity along Route 301 right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. ~~**2.** To permit a 0.0 bufferyard opacity along Cedar Lane Road right of way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A.~~ **3.** To permit a 0.0 bufferyard opacity along the northerly side lot line (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **4.** To permit a 0.0 bufferyard opacity along the southerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. **5.** To permit a 0.0 on-lot plant units (5 plant units per acre required for a total of 119 plant units) per UDC Table 40.04.110.A. S Zoning. CD 12. (App 2021-0116-A) TP 13-013.00-246.

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

*Melissa A. Hughes*  
Melissa Hughes  
Department of Land Use  
5/18/2021