BOARD OF ADJUSTMENT

MINUTES

January 12, 2023

The Board of Adjustment of New Castle County held a public hearing on January 12, 2023 utilizing ZOOM Webinar and located at the Multi-Purpose Room at the Gilliam Building at 67 Reads Way, New Castle, Delaware, beginning at 6:00 p.m.
Chairman David H. Burt, presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
Nina David
Richard Farmer
Edward Thomas

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

PUBLIC HEARING

NEW BUSINESS

1. App. #2022-0685-A – Tina Bartoletti
Mr. Burt moved to **Grant with Condition**: Dr. David seconded the motion.

**VOTE: 5-0**

**ACTION:** **Grant with Condition**– **Area variance:** To maintain 2, 9-foot tall screening fence panels extending out from the rear of the dwelling (6-foot maximum fence height) see UDC 40.03.410.E
NC6.5 Zoning. CD 3. (App 2022-0685-A) TP 08-042.40-039.

**CONDITIONS:** 1. The screening fence panels cannot be extended further

2. If the screening fence panels are removed, the variance shall become null and void.
Mr. Burt moved to Grant; Mr. Parker seconded the motion.
VOTE: 5-0
ACTION: Grant – Area variance: To permit a detached Accessory Dwelling Unit (ADU) on a 1.67 acre lot (2-acre minimum lot size) see UDC Section 40.03.410.H. NC6.5 Zoning. CD 8. (App 2022-0798-A) TP 06-034.00-205.

Mr. Burt moved to Grant; Dr. David seconded the motion.
VOTE: 5-0
ACTION: Grant – 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 2022-0807-A) TP 10-043.10-857.

Mr. Burt moved to Grant; Dr. David seconded the motion.
VOTE: 5-0
ACTION: Grant; Area variance: To construct a detached accessory structure 3 feet from the Grandview Avenue right-of-way (25-foot street yard setback) see UDC Section 40.03.410.ANC6.5 Zoning. CD 8. (App 2022-0812-A) TP 06-146.00-103.

Mr. Burt moved to Grant; Mr. Parker seconded the motion.
VOTE: 0-5 (Motion Fails)
ACTION: Deny – Area variance: To construct a detached accessory structure 3 feet from the Northcrest Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 2. (App 2022-0813-A) TP 06-024.00-147.

Mr. Burt moved to Grant with Condition; Dr. David seconded the motion.
VOTE: 5-0
ACTION: Grant with Condition; Area variance: To permit a 33 square foot subdivision identification ground sign (20-square foot maximum sign area) see UDC Table 40.06.060. NC6.5 Zoning. CD 12. (App 2022-0784-A) TP 10-041.10-243.

CONDITION: The proposed ground sign shall be consistent with the renderings submitted into evidence.

Mr. Burt moved to Grant with Condition; Mr. Parker 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 3,750 square foot lot size for Lot 1 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. 2. To permit a 3,750 square foot lot size for Lot 2 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. 3. To permit a 37.50 foot lot width for Lot 1 (50-foot minimum lot width) see UDC Table 40.04.110.B. 4. To permit a 37.50 foot lot width for Lot 2 (50-foot minimum lot width) see UDC Table 40.04.110.B. 5. To maintain a dwelling 9 feet from the Norway
Avenue right-of-way on Lot 1 (25-foot street yard setback) see UDC Table 40.04.110.B. 6. To maintain a dwelling 3 feet from the westerly side lot line on Lot 1 (6-foot side yard setback) see UDC Table 40.04.110.B. 7. To permit 0 off-street parking spaces for Lot 1 (2.25 parking spaces per dwelling unit) see UCD Table 40.03.110.C. 8. To permit 0 street trees along the Norway Avenue right-of-way (2 street trees required) see UDC Table 40.04.111.C. NC5 Zoning. CD 1. (App 2022-0766-A) TP 07-039.30-272.

**CONDITION** The proposed off-street parking for Lot 2 shall not overhang any road, sidewalk, access driveway, or public right-of-way in accordance with UDC Section 40.03.523.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
2/15/2023