



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.

2. App. #2022-0798-A – Gregory Fisher Sr.

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.7. NC21 Zoning. CD 8. (App 2022-0798-A) TP 06-034.00-205.

3. App. #2022-0807-A – Henry Neufeld.

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.

4. App. #2022-0812-A Robert Duke.

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.

5. App. #2022-813-A – Emanuel Broomall Jr.

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.

6. App. #2022-0784-A Tupps Signs.

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.

7. App. #2022-766-A – Merestone Consultants.

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