



BOARD OF ADJUSTMENT

MINUTES

January 19, 2023

The Board of Adjustment of New Castle County held a public hearing on January 19, 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 (Absent)
Richard Farmer
Edward Thomas

Comprising a quorum of the Board; also:
Mary Jacobson, 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 October 13, 2022 were presented for approval and Mr. Parker motioned to **Grant** October 13, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of October 27, 2022 were presented for approval and Mr. Parker motioned to **Grant** October 27, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of November 3, 2022 were presented for approval and Mr. Parker motioned to **Grant** November 3, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of November 17, 2022 were presented for approval and Mr. Parker motioned to **Grant** November 17, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

PUBLIC HEARING

NEW BUSINESS

1. App. #2022-0725-A – Carl Gaines, Jr

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

VOTE: 4-0

ACTION: Grant with Condition– Area variance: To construct an addition 14 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. ST Zoning. CD 6. (App 2022-0725-A) TP 13-013.42-005.

CONDITION: The porch shall remain screened and not be further enclosed.

2. App. #2022-0753-A – Kathleen & Donald Irvine.

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

VOTE: 4-0

ACTION: Grant– Area variance: To construct an addition 12 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9. (App 2022-0753-A) TP 08-049.10-113.

3. App. #2022-0767-A – SRA Home Products.

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

VOTE: 4-0

ACTION: Grant– Area variance: To construct an addition 26 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2022-0767-A) TP 13-014.34-132.

4. App. #2022-0614-A Gordy Management, Inc.

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

VOTE: 4-0

ACTION: Grant; Area variance: To permit a shopping center identification ground sign 88 feet from an existing ground sign (100-foot required between ground signs) see UDC Table 40.06.060. CR Zoning. CD 9. (App 2022-0614-A) TP 08-044.20-029.

5. App. #2022-697-A – Waterfront Market Investors, LLC.

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

VOTE: 4-0

ACTION: Grant with Conditions– Area variance: To permit a ground sign 4 feet from the S. Market Street right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. CR Zoning. CD 10. (App 2022-0697-A) TP 10-001.00-079.

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

6. App. #2022-0702-A McKee Builders, LLC.

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

VOTE: 4-0

ACTION: Grant; Area variances to facilitate the recordation of a Land Development Plan: To permit 76 percent disturbance within a Water Resource Protection Area (WRPA) Recharge Area (50-percent protection level) see UDC Table 40.10.010. S Zoning. CD 12. (App 2022-0702-A) TPs 13-009.30-098, 13-009.00-089, 13-009.10-068, 13-009.10-061, 13-009.10-062, 13-009.10-065, 13-009.30-098, 13-009.30-218, 13-009.30-095, 13-009.30-094, 13-009.30-093, 13-009.30-112, 13-009.30-113,

13-009.30-114, 13-009.30-115, 13-009.30-116, 13-008.40-211, 13-008.40-212, 13-008.40-213, 13-009.30-156, 13-008.40-209, 13-008.20-077, 13-008.20-076, 13-008.20-075, 13-008.20-074, 13-008.20-073, 13-008.20-072, 13-008.20-071, 13-008.20-070, 13-008.20-069, 13-008.40-210.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
2/15/2023