



**BOARD OF ADJUSTMENT**

**MINUTES**

**January 26, 2023**

The Board of Adjustment of New Castle County held a public hearing on January 26, 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:  
*Mary Jacobson, 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. #2022-0824-A – Ward & Taylor, LLC**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To maintain a dwelling 6 feet from the westerly side lot line (15-foot side yard setback) see UDC Table 40.04.110.B. NC40 Zoning. CD 2. (App 2022-0824-A) TP 06-010.00-022.

**2. App. #2022-0825-A – Ward & Taylor, LLC.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To maintain a dwelling 2 feet from the northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2022-0825-A) TP 06-46.00-088.

**3. App. #2022-698-A – VanDemark & Lynch, Inc.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit 35 parking spaces (50 parking spaces required) see UDC Table 40.03.522. **2.** To permit paving 15 feet from the Lancaster Pike right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the rear property line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **4.** To permit a Landscape Surface Ratio (LSR) of 0.19 (0.20 minimum LSR required) see UDC Table 40.04.110.A. **5.** To permit a 0.2 bufferyard opacity along the Lancaster Pike right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. CR Zoning. CD 2 (App 2022-0698-A) TPs 07-033.30-054 & -063.

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

**4. App. #2022-0490-A - M. Shane Minner.**

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

**VOTE: 50**

**ACTION: Grant with Condition; Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit 0.0 bufferyard opacity along the easterly side of N. Bayberry Parkway right-of-way located on the westerly portion of the subject property (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **2.** To permit 0.0 bufferyard opacity along the Boyds Corner Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **3.** To permit 0.0 bufferyard opacity along the westerly side of N. Bayberry Parkway right-of-way located on the easterly portion of the subject property (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **4.** To permit 0 street trees along the easterly side of N. Bayberry Parkway right-of-way located on the westerly portion of the subject property (12 street trees required) see UDC Table 40.04.111.C. **5.** To permit 0 street trees along the Boyds Corner Road right-of-way (64 street trees required) see UDC Table 40.04.111.C. **6.** To permit 0 street trees along the westerly side of N. Bayberry Parkway right-of-way located on the easterly portion of the subject property (12 street trees required) see UDC Table 40.04.111.C. **7.** To permit 0.0 bufferyard opacity along the westerly side lot line located along Tax Parcel 13-013.00-066 (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. **8.** To permit 0.0 bufferyard opacity along the easterly side lot line located along Tax Parcel 13-013.00-066 (0.3 bufferyard opacity required) see UDC Table 40.04.111.BS Zoning. CD 12. (App 2022-0490-A) TP 13-013.00-067.

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

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
2/15/2023