BOARD OF ADJUSTMENT

M I N U T E S

March 23, 2023

The Board of Adjustment of New Castle County held a public hearing on March 23, 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
Keith Rolph
Edward Thomas

Comprising a quorum of the Board; also:
Mary Jacobson, Office of Law
Melissa Hughes, Department of Land Use
Klesa Achibar, Department of Land Use
Janet Vinc, Department of Land Use

MINUTES

PUBLIC HEARING

NEW BUSINESS


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

VOTE: 6-0

ACTION: Grant - Area variance: To maintain a dwelling under construction 6 feet from the southerly side lot line (10-foot side yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 5. (App 2023-0020-A) TP 11-020.00-003.

2. App. #2023-0046-A – Nikolas Dungan

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

VOTE: 6-0

ACTION: Grant – Area variances: 1. Area variances: 1. To construct a detached accessory structure 27 feet in height (20-foot maximum height) see UDC Section 40.03.410.A. 2. To construct a detached
3. App. #2022-0678-A – Raman Investment, LLC.
Mr. Burt moved to **Grant with Condition**: Mr. Parker seconded the motion.

**VOTE: 6-0**

**ACTION:** **Grant with Condition**– Area variances to facilitate the recordation of a Land Development Plan: 1. To maintain a 0.81 acre lot size (1.0-acre minimum lot size required) see UDC Table 40.04.110.B. 2. To permit a Landscape Surface Ratio (LSR) of 0.35 (0.45 minimum LSR required) see UDC Table 40.04.110.A. 3. To maintain paving 0 feet from the S. Maryland Avenue right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. 4. To maintain paving 6 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. 5. To maintain paving 1 foot from the northerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. 6. To permit 2 parking spaces (9 parking spaces required) see UDC Table 40.03.522. 7. To permit a 0.0 bufferyard opacity along the S. Maryland Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.01.111.B. 8. To permit a 0.0 bufferyard opacity along the northerly side lot line (0.2 bufferyard opacity required) see UDC Table 40.01.111.B. 9. To permit a 0.0 bufferyard opacity along rear property line (0.2 bufferyard opacity required) see UDC Table 40.01.111.B CN Zoning. CD 1. (App 2022-0678-A) TP 07-043.10-447.

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

4. App. #2022-0703-A – Fusco Woodland SPE LLC.
Mr. Burt moved to **Grant with Conditions**: Mr. Thomas seconded the motion.

**VOTE: 6-0**

**ACTION:** **Grant with Conditions**– Area variances to facilitate the recordation of a Land Development Plan: 1. To permit a 0-foot lot width for Lot 3 (100-foot minimum lot width) see UDC Table 40.04.110.B. 2. To permit a 0.0 bufferyard opacity along the Interstate 95 right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. 3. To permit 0 street trees along the Interstate 95 right-of-way (3 street trees required (see UDC Table 40.04.111.C.. I Zoning. CD 5. (App 2022-0703-A) TPs 09-036.00-001 & 11-010.00-013.

**CONDITIONS: 1. The landscaping shall be installed consistent with the renderings submitted into evidence.**

2. **Lighting on the property be established in consultation with Department Land Use.**

Mr. Burt moved to **Grant with Conditions**: Mr. Rolph seconded the motion.

**VOTE: 6-0**

**ACTION:** **Grant with Conditions**– Area variances to facilitate the recordation of a Land Development Plan: 1. To permit a 0.1 bufferyard opacity along the northerly side lot line (0.6 bufferyard opacity required) see UDC Table 40.01.111.B. 2. To permit a maximum net floor area ratio of 0.90 (0.37 maximum gross floor area required) see UDC Table 40.04.110.A. 3. To permit a maximum gross floor area ratio of 0.68 (0.28 maximum gross floor area required) see UDC Table 40.04.110.A. 4. To permit a 0.0 bufferyard opacity along the southerly side lot line (0.1 bufferyard opacity required) see UDC Table 40.01.111.B. 5. To maintain a 2-story mini-storage building on Lot 1, 14 feet from the
northerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. CR HT Zoning, CD 8. (App 2022-0796-A) TPs 06-095.00-485, 06-095.00-582, 06-095.00-587, 06-095.00-588 & 06-120.00-270.

CONDITIONS: 1. The building elevations shall be consistent with the renderings approved by the Claymont DRAC as submitted into evidence.

2. The landscaping shall be consistent with the renderings approved by the Claymont DRAC as submitted into evidence.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
4/21/2023