



BOARD OF ADJUSTMENT

MINUTES

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 Achaibar, Department of Land Use
Janet Vinc, Department of Land Use

MINUTES

PUBLIC HEARING

NEW BUSINESS

1. App. #2023-0020-A – Ronald H. Sutton, Jr. PE..

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

accessory structure 27 feet in height 4 feet from the southerly side lot line (15-foot side yard setback) see UDC Section 40.03.410.A. NC40 Zoning. CD. 6 (App 2023-0046-A) TP 14-018.00-039.

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 The 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.

5. App. #2022-0796-A – Nolen Properties.

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