



## BOARD OF ADJUSTMENT

# MINUTES

**March 24, 2022**

The Board of Adjustment of New Castle County held a public hearing on March 24, 2022 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,  
presiding:

CALL TO ORDER – 6:00 p.m.

**David Burt**  
**Terry Parker**  
**Edward Thomas**  
**Richard Farmer**  
**Dr. Nina David**

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

The minutes of February 10, 2022 were presented for approval and Mr. Parker motioned to Grant February 10, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

## PUBLIC HEARING

## NEW BUSINESS

The Board heard and received testimony on the following application(s) and took action on the applications as follows:

### **1. App. #2022-0038-A - Glenn & Donna Randall.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan: 1.** To permit a 0 foot lot width for Lot 2 (75-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a 0 foot lot width for Lot 3 (75-foot minimum lot width) see UDC Table 40.04.110.B. NC21 Zoning. CD 3. (App 2022-0038-A) TP 08-026.00-008.

### **2. App #2022-0035-A Storage Mall Townsend LLC.**

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

**VOTE: 5-0**

**ACTION: Grant – Area variance:** To construct a self-storage building 32 feet from the Noxontown Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. I & CR Zoning. CD 12. (App 2022-0035-A) TP 14-012.00-019.

**3. App #2022-0034-A – Carmine Casper**

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

**VOTE: 5-0**

**ACTION: Grant with Condition - Area variances:** **1.** To permit a 0.22 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. **2.** To maintain 2-story office/apartment building 6 feet from the northerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain 2-story office/apartment building 26 feet from the N. DuPont Highway right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **4.** To maintain 2-story office/apartment building 14 feet from the Central Avenue right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **5.** To maintain a detached garage building 11 feet from the northerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **6.** To maintain a detached garage 16 feet from the Central Avenue right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **7.** To permit paving 1 foot from the Central Avenue right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **8.** To provide a 0.0 bufferyard opacity along the Central Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **9.** To provide a 0.0 bufferyard opacity along the N. DuPont Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **10.** To provide a 0.0 bufferyard opacity along the westerly side lot line (0.4 bufferyard opacity required) see UDC Table 40.04. CR Zoning. CD 10. (App 2022-0034-A) TP 10-009.40-015.

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

**4. App. #2022-0012-A – Milestone Tower Ltd Partnership IV**

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

**VOTE: 5-0**

**ACTION: Grant - Special Use Permit to permit a 133 foot tall cell tower disguised as a tree:** Special Use Permit to permit a 133 foot tall cell tower disguised as a tree on a residentially zoned property see UDC Sections 40.03.326 & 40.31.430. S Zoning. CD 9. (App 2022-0012-A) TP 08-043.00-013.

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
5/12/2022