M I N U T E S

April 28, 2022

The Board of Adjustment of New Castle County held a public hearing on April 28, 2022 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
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

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. #2022-0197-A - Brenda Farside
Mr. Burt moved to Grant; Dr. David seconded the motion.
VOTE: 5-0
ACTION: Grant – Area variance: Area variance: To maintain a detached accessory structure in front of the primary dwelling on a 0.87 acre lot (no accessory structures shall be located in front of the dwelling on a lot less than 2-acres) see UDC Section 40.03.410.A. NC10 Zoning. CD 9. (App 2022-0197-A) TP 08-033.30-006.

Dr. David moved to Grant with Condition: Mr. Thomas seconded the motion.
VOTE: 4-0 (Recused- Parker)

ACTION: **Grant with Condition** – Area variance: To construct an addition 19 feet from the Cherry Court right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 9. (App 2022-0198-A) TP 09-028.40-096.

CONDITION: The porch addition shall remain open on three (3) sides and not further.

3. App. #2022-0200-A – Ward & Taylor, LLC
Mr. Parker moved to **Grant**; Dr. David seconded the motion.

VOTE: 5-0

ACTION: **Grant** - Area variance: To maintain a dwelling 7 feet from the westerly side lot line (10-foot side yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 3. (App 2022-0200-A) TP 08-026.40-052.

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

VOTE: 5-0

ACTION: **Grant with Condition** - Area variances: 1. To permit 12 parking spaces (15 parking spaces required) see UDC Table 40.03.522. 2. To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. 3. To provide 2 street trees along the W. Newport Pike right-of-way (3 street trees required) see UDC Table 40.04.111.C. 4. To provide 0.0 bufferyard opacity along the W. Newport Pike right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. 5. To provide 0.0 bufferyard opacity along the easterly side lot line (0.2 bufferyard opacity required) see UDC Table 40.04.111.B. 6. To provide a 0.0 bufferyard opacity along the rear property line (0.2 bufferyard opacity required) see UDC Table 40.04.111.B. 7. To provide 0.0 on-lot plant units (8 plant units per acre required, total 8.32 plant units required) see UDC Table 40.04.111.A. CN Zoning. CD 1. (App 2022-0203-A) TP 07-046.10-072.

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

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

VOTE: 5-0

ACTION: **Grant with Condition** - Special Use Permit: Special Use Permit to permit a heavy industrial use in HI Zoning District see UDC Sections 40.03.110 & 40.31.430. Inc. HI Zoning. CD 12 (App 2022-0135-A) TPs 12-008.00-014, 12-008.00-012, 12-008.00-001, 12-008.00-015 & 12-009.00-001.

CONDITION: Any addition or expansion of a Heavy Industrial use that would require a major land development plan would require renewal of the Special Use approval.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
6/7/2022