



**BOARD OF ADJUSTMENT**

**MINUTES**

**May 18, 2023**

The Board of Adjustment of New Castle County held a public hearing on May 18, 2023 utilizing ZOOM Webinar and located at the Government Center at 87 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 (absent)**  
**Edward Thomas**

Comprising a quorum of the Board; also:  
*Mary Jacobson, Office of Law*  
*Richard Hall, Department of Land Use*  
*Antoni Sekowski, Department of Land Use*  
*Janet Vinc, Department of Land Use*  
*Melissa Hughes, Department of Land Use*  
*Alec Davis, Department of Land Use*

MINUTES

PUBLIC HEARING

OLD BUSINESS

Adjourned meeting in continuation of Application 2022-0388-A, 20 Granite Road, Wilmington, DE 19803 adjourned from the April 13, 2023 Public Hearing.

**App 2022-0388-A – Incyte Corporation**

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

**VOTE: 0 - 5 Motion fails**

**ACTION: Deny - Area variances to facilitate the recordation of a Land Development Plan: 1.** To permit a maximum gross floor area ratio of 0.53 (0.50 maximum gross floor area required) see UDC Table 40.04.110.A. **2.** To permit 1,952 parking spaces (3,295 parking spaces required) see UDC Table 40.03.522. S & OR. CD 2. (App 2022-0388-A) TPs 06-136.00-028 & 06-136.00-030.

NEW BUSINESS

**1. App. #2023-0237-A – Apex Engineering Inc.**

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

**VOTE: 5 -0**

**ACTION: Grant with Condition - Area variance:** To maintain a dwelling under construction 33 feet from the Goldleaf Drive East right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. S Zoning. CD. 6 (App 2023-0237-A) TP 13-011.40-108.

**CONDITION: The porch is to remain open and not further enclosed.**

**2. App 2023-0152-A – Fernando Jaimez**

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

**VOTE: 5 -0**

**ACTION: Grant with Condition - Area variance:** To construct an addition 15 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9. (App 2023-0152-A) TP 08-049.10-110.

**CONDITION: The area under the second story deck remain open and not further enclosed.**

**3. App 2023-0171-A – SRA Home Products**

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

**VOTE: 5 -0**

**ACTION: Grant- Area variances:** To construct an addition 30 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. NCTH Zoning. CD. 7 (App 2023-0171-A) TP 10-033.30-322.

**4. App 2023-0172-A – Emanuel Broomall Jr.**

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

**VOTE: 5 -0**

**ACTION: Grant - Area variance:** To construct an addition 14 feet from the Northcrest Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 2. (App 2023-0172-A) TP 06-024.00-147.

**5. App 2023-0204-A – Douglas & Kim Hayes.**

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

**VOTE: 5 -0**

**ACTION: Grant with Condition - Area variance:** To permit an 8-foot tall fence along the rear property line (6-foot maximum fence height) see UDC Section 40.03.410.D. NC6.5 Zoning. CD 7. (App 2023-0204-A) TP 10-017.00-016.

**CONDITION: The 8-foot tall fence shall only be located along the rear property line.**

**6. App 2023-0219-A – Adeline Brooks**

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

**VOTE: 5 -0**

**ACTION: Grant - Area variance:** To construct a detached accessory structure 10 feet from the Rockville Road right-of-way (25-foot street yard setback) see UDC Sections 40.03.410.A & Table 40.04.110.B. NC10 Zoning. CD 2. (App 2023-0219-A) TP 06-030.00-008.

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
6/5/2023