



BOARD OF ADJUSTMENT

MINUTES

May 26, 2022

The Board of Adjustment of New Castle County held a public hearing on May 26, 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 (absent)

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. #2022-0243-A – NT Builders, Inc.

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

VOTE: 4-0

ACTION: Grant with Condition– Area variance: To construct an addition 19 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CF 12. (App 2022-0243-A) TP 13-008.32-015.

CONDITION: The addition shall remain a screened porch and shall not be further enclosed.

2. App #2022-0258-A - Jacob Lipton.

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

VOTE: 0-4 (Motion fails)

ACTION: Deny– Area variance: 1. To construct a detached accessory structure 25 feet in height (20-foot maximum height) see UDC Section 40.03.410.A. **2.** To construct a detached accessory structure 25 feet in height, 5 feet from the westerly side lot line (10-foot side yard setback height) see UDC Table 40.04.110.B. S Zoning. CD 7. (App 2022-0258-A) TP 10-049.10-082.

3. App. #2022-0261-A – Keith Eisenhauer

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

VOTE: 4-0

ACTION: Amend - Area variances: 1. Area variances: 1. To construct a carport **0 [1]** feet from the southeasterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **2.** To construct a detached accessory structure 1 foot from the rear property line (3-foot rear yard setback) see UDC Section 40.03.410.A. **3.** To construct a detached accessory structure 1 foot from the southeasterly side lot line (3-foot side yard setback) see UDC Section 40.03.410.A. NC6.5 Zoning. CD 8. (App 2022-0261-A) TP 06-084.00-595.

Mr. Burt moved to **Deny Variance 1 and Grant Variances 2 & 3**; Mr. Parker seconded the motion.

VOTE: 4-0

ACTION: Deny Variance 1 and Grant Variances 2 & 3 - Area variances: 1. Area variances: 1. To construct a carport **0 [1]** feet from the southeasterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **2.** To construct a detached accessory structure 1 foot from the rear property line (3-foot rear yard setback) see UDC Section 40.03.410.A. **3.** To construct a detached accessory structure 1 foot from the southeasterly side lot line (3-foot side yard setback) see UDC Section 40.03.410.A. NC6.5 Zoning. CD 8. (App 2022-0261-A) TP 06-084.00-595.

4. App. #2022-0225-A – John Berl III.

Applicant failed to appear at the public hearing held on May 26, 2022; Automatic denial.

ACTION: Deny– Area variances: 1. To permit a pylon ground sign with a base consisting of metal (the base shall be constructed of permanent, durable materials such as concrete, brick, or stone) in the Design Review Advisory Committee (DRAC) of Claymont Manual of Design Guidelines by Sign Type Item 5.a per UDC Section 40.26.430.D. **2.** To permit a pylon sign 33 feet in height (pylon signs must be no higher than 18 feet) in the Design Review Advisory Committee (DRAC) of Claymont Manual of Design Guidelines by Sign Type Item 5.c per UDC Section 40.26.430.D. John Berl III. CN HT Zoning. CD 8. TP 06-095.00-545.

5. App #2022-0238-A - Armento Associates LP

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

VOTE: 4-0

ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan: 1. To construct an addition 31 feet from the E. Chestnut Hill Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To permit a maximum net floor area ratio of 0.76 (0.57 maximum net floor area ratio) see UDC Table 40.04.110.A. I Zoning. CD 5 (App 2022-0238-A) TP 11-006.10-073.

6. App #2022-0305-A - Police Athletic League of Wilmington Inc.

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

VOTE: 4-0

ACTION: Grant with Condition– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a 0.63 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. **2.** To permit playground area 0 feet from the westerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain paving 0 feet from the N. Market Street right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To maintain paving 0 feet from the E. 38th Street right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **5.** To maintain paving 0 feet from the westerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To maintain paving 0 feet from the rear property line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To permit a Landscape Surface Ratio (LSR) of 0.00 (0.25 minimum LSR required) see UDC Table 40.04.110.A. **8.** To permit a 0.0 bufferyard opacity along the N. Market Street right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **9.** To permit a 0.0 bufferyard opacity along the E. 38th Street right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **10.** To permit a 0.0 bufferyard opacity along the E. 37th Street right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **11.** To permit a 0.0 bufferyard opacity along rear property line (0.4 bufferyard opacity required) see UDC Table 40.04.111.A **[B]**. **12.** To permit a 0.0 bufferyard opacity along westerly side lot line (0.2 bufferyard opacity required) see UDC Table 40.04.111. A **[B]**. **13.** To permit 0 street trees along the N. Market Street right-of-way (3 street trees required) see UDC Table 40.04.111.C. **14.** To permit 0 street trees along the E. 38th Street right-of-way (4 street trees required) see UDC Table 40.04.111.C. **15.** To permit 0 parking lot plant units (1 plant unit per 12 parking spaces, total 1 plant units required) see UDC Table 40.04.111.A. **16.** To permit 0 on-lot plant units (8 plant unit per acre, total of 5 plant units required) see UDC Table 40.04.111.A. CR Zoning. CD 4. (App 2022-0305-A) TPs 06-144.00-008, 06-144.00-016 & -019

CONDITION: Any change in use revokes the variances granted by this Application.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
7/26/2022