



**BOARD OF ADJUSTMENT**

**MINUTES**

**June 9, 2022**

The Board of Adjustment of New Castle County held a public hearing on June 9, 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

The minutes of March 17, 2022 were presented for approval and Mr. Farmer motioned to Grant April 14, 2022 minutes and Mr. Parker 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. #2022-0349-A – Joseph Vattilana.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To maintain an addition 28 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 2. (App 2022-0349-A) TP 06-067.00-024.

**2. App #2022-0159-A - Andres Pezellin Ortigoza.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance: 1.** To maintain a dwelling 19 feet from the New Jersey Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a detached accessory structure 1 foot from the easterly side lot line (3-foot side yard setback) see UDC Section 40.03.410.A. NC6.5 Zoning. CD 1. (App 2022-0159-A) TP 07-047.10-249.

**3. App #2021-0767-A – KC Sign Co.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To construct a shopping center identification sign 0 feet from the New Castle Avenue right-of-way (40-foot setback for ground sign) see UDC Table 40.06.060. CR Zoning. CD 10. (App 2021-0767-A) TP 10-005.40-243.

**4. App. #2022-0328-A – Carmine F. Casper.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** To permit 13 parking spaces (20 parking spaces required) see UDC Table 40.03.522. CR HT Zoning. CD 8. (App 2022-0328-A)TP 06-084.00-648.

**5. App #2022-0244-A - Greg & Pamela Everett**

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 2.50 acre lot size exclusive of protected resources for Lot B (5-acre minimum lot size exclusive of protected resources) see UDC Table 40.04.110.B. The gross area for Lot B will be 5.00 acres. **2.** To permit a 2.50 acre lot size exclusive of protected resources for Lot C (5-acre minimum lot size exclusive of protected resources) see UDC Table 40.04.110.B. The gross area for Lot C will be 5.00 acres. **3.** To permit a 2.50 acre lot size exclusive of protected resources for Lot D (5-acre minimum lot size exclusive of protected resources) see UDC Table 40.04.110.B. The gross area for Lot D will be 5.00 acres. **4.** To permit a 2.42 acre lot size exclusive of protected resources for Lot A (5-acre minimum lot size exclusive of protected resources) see UDC Table 40.04.110.B. The gross area for Lot A will be 4.85 acres. **5.** To permit a lot width of 291 feet for Lot C (300-foot minimum lot width) see UDC Table 40.04.110.B. **6.** To permit a lot width of 292 feet for Lot D (300-foot minimum lot width) see UDC Table 40.04.110.B. SR Zoning. CD 6. (App 2022-0244-A) TP 15-026.00-207.

**6. App #2021-0252-A - Beacon Engineering, LLC**

Mr. Burt moved to Amend to remove Variances 4, 5 & 15; Mr. Parker seconded the motion.

**VOTE: 5-0**

**ACTION: Amend– Area variances to facilitate the recordation of a Land Development Plan: 1.** To permit a 0.90 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. **2.** To permit a Landscape Surface Ratio (LSR) of 0.17 (0.25 minimum LSR required) see UDC Table 40.04.110.A. **3.** To permit 0 street trees along the westbound lanes for Pulaski Highway right-of-way (9 street trees required) see UDC Table 40.04.111.C. ~~**4.** To permit 5 street trees along the eastbound lanes for Pulaski Highway right-of-way (9 street trees required) see UDC Table 40.04.111.C. **5.** To permit 0 street trees~~

~~along Route 896 right-of-way (3 street trees required) see UDC Table 40.04.111.C.~~ **6.** To provide a 0.0 bufferyard opacity along the westbound Pulaski Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **7.** To provide a 0.0 bufferyard opacity along the eastbound Pulaski Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **8.** To provide a 0.0 bufferyard opacity along the Route 896 right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **9.** To maintain a dumpster enclosure 6 feet from the westbound Pulaski Highway right-of-way (25-foot setback required) see UDC Table 40.04.110.B. **10.** To maintain vehicle repair building 9 feet from the westerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **11.** To maintain a gas canopy 36 feet from the westbound Pulaski Highway right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **12.** To maintain paving 3 feet from the westbound Pulaski Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **13.** To maintain paving 6 feet from the eastbound Pulaski Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **14.** To maintain paving 5 feet from the Route 896 right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. ~~**15.** To provide 0 on lot plant units (8 plant unit per acre, total of 0.88 plant units required) see UDC Table 40.04.111.A.~~ CR Zoning. CD 11. (App 2021-0252-A) TP 11-026.00-073.

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

**VOTE: 5-0**

**ACTION: Grant**– **Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit a 0.90 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. **2.** To permit a Landscape Surface Ratio (LSR) of 0.17 (0.25 minimum LSR required) see UDC Table 40.04.110.A. **3.** To permit 0 street trees along the westbound lanes for Pulaski Highway right-of-way (9 street trees required) see UDC Table 40.04.111.C. ~~**4.** To permit 5 street trees along the eastbound lanes for Pulaski Highway right-of-way (9 street trees required) see UDC Table 40.04.111.C.~~ ~~**5.** To permit 0 street trees along Route 896 right-of-way (3 street trees required) see UDC Table 40.04.111.C.~~ **6.** To provide a 0.0 bufferyard opacity along the westbound Pulaski Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **7.** To provide a 0.0 bufferyard opacity along the eastbound Pulaski Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **8.** To provide a 0.0 bufferyard opacity along the Route 896 right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **9.** To maintain a dumpster enclosure 6 feet from the westbound Pulaski Highway right-of-way (25-foot setback required) see UDC Table 40.04.110.B. **10.** To maintain vehicle repair building 9 feet from the westerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **11.** To maintain a gas canopy 36 feet from the westbound Pulaski Highway right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **12.** To maintain paving 3 feet from the westbound Pulaski Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **13.** To maintain paving 6 feet from the eastbound Pulaski Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **14.** To maintain paving 5 feet from the Route 896 right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. ~~**15.** To provide 0 on lot plant units (8 plant unit per acre, total of 0.88 plant units required) see UDC Table 40.04.111.A.~~ CR Zoning. CD 11. (App 2021-0252-A) TP 11-026.00-073.

**7. App #2021-0700-A – Parkway Gravel, Inc.**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan:** To permit 83% disturbance in the Water Resource Protection Area (WRPA) Recharge Area (50% protection level) see UDC Table 40.10.110. S Zoning. CD 12. (App 2021-0700-A) TP 13-003.00-014.

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
8/11/2022