



**BOARD OF ADJUSTMENT**

**MINUTES**

**July 27, 2023**

The Board of Adjustment of New Castle County held a public hearing on July 27, 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 (absent)**  
**Keith Rolph**  
**Edward Thomas**

Comprising a quorum of the Board; also:  
*Mary Jacobson, Office of Law*  
*Charuni Patibanda, Department of Land Use*  
*Antoni Sekowski, Department of Land Use*  
*Melissa Hughes, Department of Land Use*  
*Klesa Achaibar, Department of Land Use*

MINUTES

The minutes of May 25, 2023 were presented for approval and Mr. Thomas motioned to **Grant** May 25, 2023 minutes and Mr. Rolph seconded the motion, and the minutes were approved.

The minutes of June 8, 2023 were presented for approval and Mr. Thomas motioned to **Grant** June 8, 2023 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of June 22, 2023 were presented for approval and Mr. Thomas motioned to **Grant** June 22, 2023 minutes and Mr. Burt seconded the motion, and the minutes were approved.

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

**1. App. #2023-0276-A – Elisabeth Prueter & John Morgan**

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

**VOTE: 3 - 2**

**ACTION: Grant with Condition - Area variance:** **1.** To maintain paving 0 feet from the westerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. **2.** To maintain paving 0 feet from the easterly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. **3.** To maintain paving 0 feet from the rear property line (2-foot paving setback) see UDC Section 40.04.110.E. NCTH Zoning. CD 5. (App 2023-0276-A) TP 11-025.10-003.

**CONDITION: That the property owner shall ensure the hardscaping and fencing enclosing the hardscaping complies with property line boundaries.**

**2. App 2023-0319-A – Allan Brown Jr.**

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

**VOTE: 0 - 5 Motion fails**

**ACTION: Deny - Area variance:** To maintain paving 1 foot from the westerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. NC21 CL Zoning. CD 5. (App 2023-0319-A) TP 11-020.30-080.

**3. App 2023-0353-A – Habitat for Humanity of New Castle County, Inc.**

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

**VOTE: 5 -0**

**ACTION: Grant - Area variance:** **1.** To permit a 4,000 square foot lot size for Tax Parcel 10-005.30-017 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. **2.** To permit a 4,000 square foot lot size for Tax Parcel 10-005.30-018 (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. **3.** To permit a 40 foot lot width for Tax Parcel 10-005.30-017 (50-foot minimum lot width) see UDC Table 40.04.110.B. **4.** To permit a 40 foot lot width for Tax Parcel 10-005.30-018 (50-foot minimum lot width) see UDC Table 40.04.110.B. **5.** To construct a dwelling 20 feet from the rear property line on Tax Parcel 10-005.30-017 (25-foot rear yard setback) see UDC Table 40.04.110.B. **6.** To construct a dwelling 20 feet from the rear property line on Tax Parcel 10-005.30-018 (25-foot rear yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. (App 2023-0353-A) TPs 10-005.30-017 & 10-005.30-018.

**4. App 2023-0320-A – Tupp Signs Inc.**

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

**VOTE: 5 -0**

**ACTION: Grant with Condition - Area variance:** To permit a 48-square foot projecting sign 10 feet from the E. Newport Pike right-of-way (25-foot setback required for projecting wall sign) see UDC Section 40.06.060.B.3 and Table 40.06.060. CN Zoning. CD 1. (App 2023-0320-A) TP 07-042.40-454.

**CONDITION: The projecting sign shall be consistent with renderings submitted into evidence.**

**5. App 2023-0293-A – VanDemark & Lynch, Inc.**

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:** To permit a 25 foot lot width for Lot 1 (80-foot minimum lot width) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2023-0293-A) TP 06-030.00-099.

- CONDITIONS:**
- 1. The Applicant shall work with the Department to provide plantings in the grass area located in the northerly corner of the Subject Property to provide screening to mitigate the visual impact of the proposed restaurant use on the neighboring residential properties; and**
  - 2. The existing solid fence shall be extended along the entire length of the rear property line.**

**6. App 2023-0221-A – R. J. Andrews.**

Mr. Burt moved to **Grant three (3) Area Variances to allow a total of four lots and to permit three (3) of the lots to have 0-foot lot width**; Mr. Thomas seconded the motion.

**VOTE: 5 -0**

**ACTION: Grant three (3) Area Variances to allow a total of four lots and to permit three (3) of the lots to have 0-foot lot width - Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit a 0 foot lot width for Lot 2 (80-foot minimum lot width required) see UDC Table 40.04.110.B. **2.** To permit a 0 foot lot width for Lot 3 (80-foot minimum lot width required) see UDC Table 40.04.110.B. **3.** To permit a 0 foot lot width for Lot 4 (80-foot minimum lot width required) see UDC Table 40.04.110.B. **4.** ~~To permit a 0 foot lot width for Lot 5 (80-foot minimum lot width required) see UDC Table 40.04.110.B.~~ NC10 Zoning. CD 7 (App 2023-0221-A) TP 10-033.00-020.

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
9/25/2023