



BOARD OF ADJUSTMENT

MINUTES

July 28, 2022

The Board of Adjustment of New Castle County held a public hearing on July 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

The minutes of May 19, 2022 were presented for approval and Mr. Thomas motioned to Grant May 19, 2022 minutes and Mr. Parker seconded the motion, and the minutes were approved.

The minutes of May 26, 2022 were presented for approval and Mr. Thomas motioned to Grant May 26, 2022 minutes and Mr. Burt 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. #2022-0269-A – Gerald Baffone.

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

VOTE: 5-0

ACTION: Grant– Area variance: To permit a detached accessory s

structure 24 feet in height (20-foot maximum height) see UDC Section 40.03.410.A. NC40 Zoning. CD 11. (App 2022-0269-A) TP 11-041.00-026.

2. App #2022-0310-A - Carmine Casper.

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

VOTE: 5-0

ACTION: Grant– Area variances: 1. To maintain a dwelling 38 feet from the Virginia Avenue right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a detached accessory structure 4 feet from the westerly side lot line (12-foot side yard setback) see UDC Table 40.04.110.B. NC15 Zoning. CD 5. (App 2022-0310-A) TP 09-013.10-013.

3. App #2021-0385-A – Mark Poulsen.

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

VOTE: 5-0

ACTION: Grant– Area variance: To construct a detached accessory structures in front of the primary dwelling on a 1.03 acre lot (no accessory structures shall be located in front of the primary dwelling on a lot less than 2-acres) see UDC Section 40.03.410.A. NC21 Zoning. CD 9. (App 2022-0345-A) TP 08-048.00-026.

4. App. #2022-0259-A HES Sign Services, Inc.

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

VOTE: 5-0

ACTION: Grant with Condition– Area variances: 1. To maintain 2 wall identification signs (1-wall or ground identification sign permitted) see UDC Table 40.06.060. **2.** To permit a 33 square foot ground identification sign with a 13 square foot EVMS portion (20-square foot maximum sign area) see UDC Table 40.06.060. **3.** To permit a 33 square foot ground identification sign, with a 13 square foot EVMS portion, 13 feet from the Limestone Road right-of-way (20-foot ground sign setback) see UDC Table 40.06.060. S Zoning. CD 1. (App 2022-0259-A) TP 08-050.20-069.

CONDITION: The proposed ground sign shall be consistent with the renderings submitted into evidence.

5. App #2022-0266-A - The Journey

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

VOTE: 5-0

ACTION: Grant with Condition– Area variance: To permit a ground sign 15 feet from the E. Chestnut Hill Road right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. CN Zoning. CD 9. (App 2022-0266-A) TP 09-022.40-228.

CONDITION: The proposed ground sign shall be consistent with the renderings submitted into evidence.

6. App #2022-0260-A - VanDemark & Lynch, Inc

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

VOTE: 5-0

ACTION: Grant– Area variance: To permit 44,220 cubic yards of net loss of floodplain storage (0 net loss of floodplain storage is permitted) see UDC Section 40.10.320.F. HI Zoning. CD 8. (App 202-0260-A) TP 06-073.00-001.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
9/6/2022