



**BOARD OF ADJUSTMENT**

**MINUTES**

**August 4, 2022**

The Board of Adjustment of New Castle County held a public hearing on August 4, 2022 utilizing ZOOM Webinar and located at the Multi-Purpose Room 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**  
**Dr. Nina David**  
**Edward Thomas**  
**Richard Farmer**

Comprising a quorum of the Board; also:  
*Aysha Gregory, Office of Law*  
*Melissa Hughes, Department of Land Use*  
*Klesa Achaibar, 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. #2022-0362-A – MSP Management Services LLC.**

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

**VOTE: 4-0**

**ACTION: Grant– Area variance:** To construct a dwelling 15 feet from the Howard Street right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2022-0362-A) TP 07-039.30-277.

**2. App #2022-0363-A – Francis Biddle.**

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

**VOTE: 4-0**

**ACTION: Grant with Condition– Area variances: 1.** To maintain a dwelling 18 feet from the Cedar Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an

addition 15 feet from the Cedar Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 9. (App 2022-0363-A) TP 08-033.30-071.

**CONDITION: The covered entryway remain open and not be further enclosed.**

**3. App #2021-0375-A – William Sainni, Jr..**

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

**VOTE: 4-0**

**ACTION: Grant– Area variance:** To construct a detached accessory structure 7 feet from the Buttonwood Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. (App 2022-0376-A) TP 10-020.20-311.

**4. App #2022-0376-A - Michael Duman.**

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

**VOTE: 4-0**

**ACTION: Grant– Area variance:** To construct a detached accessory structure 7 feet from the Buttonwood Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. (App 2022-0376-A) TP 10-020.20-311.

**5. App #2022-0377-A - SRA Home Products**

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

**VOTE: 4-0**

**ACTION: Grant with Condition– Area variance: 1.** To maintain a dwelling 14 feet from the W. Keystone Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2022-0377-A) TP 07-042.20-051.

**CONDITION: The rear porch remain open and not be further enclosed.**

**6. App #2022-0398-A - Margaret Cobb.**

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

**VOTE: 4-0**

**ACTION: Grant with Condition– Area variance:** Area variance: To construct an addition 14 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 3. (App 2022-0398-A) TP 08-053.10-026.

**CONDITION: The rear porch remain screened and not be further enclosed..**

**7. App #2022-0346-A - Peter Rudloff.**

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

**VOTE: 4-0**

**ACTION: Grant– Area variance:** To construct a 2,500 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (1,872 square footage footprint primary dwelling) on a 0.94 acr lot (gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UDC Section 40.03.410.A. NC21 Zoning. CD 12. (App 2022-0346-A) TP 12-019.00-024.

**8. App #2022-0414-A - Juan Romo-Beltran**

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

**VOTE: 4-0**

**ACTION: Grant with Condition– Area variances: 1.** To maintain a dwelling 10 feet from the W. Holly Oak Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 8 feet from the Garfield Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **3.** To construct a covered entrance way and stairs 4 feet from the W. Holly Oak Road right-of-way (13-foot setback required) see UDC Section 40.04.110.E. **4.** To construct a deck 5 feet from the Garfield Avenue right-of-way (12.5-foot setback for decks) see UDC Section 40.04.110.E.. NC6.5 Zoning. CD 8. (App 2022-0414-A) TP 06-105.00-223.

**CONDITION: The covered entryway remain open and not be further enclosed.**

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
10/25/2022