



BOARD OF ADJUSTMENT

MINUTES

August 10, 2023

The Board of Adjustment of New Castle County held a public hearing on August 10, 2023 utilizing ZOOM Webinar and located at the Government Center at 87 Reads Way, New Castle, Delaware, beginning at 6:00 p.m.
Vice Chairman Terry Parker,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt (absent)

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
Janet, Vinc, Department of Land Use
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use

MINUTES

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

1. App. #2023-0381-A – Brendan Thornton.

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

VOTE: 2 - 2 Motion fails. (Thomas & David – Grant; Parker & Rolph -Deny)

ACTION: Deny - Area variance: To permit an addition 2 feet from the southerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 11. (App 2023-0381-A) TP 09-034.20-200.

2. App 2023-0327-A – Lokia Allen.

Mr. Rolph moved to **Grant with Conditions**; Mr. Thomas seconded the motion.

VOTE: 4 - 0

ACTION: Grant with Conditions- Area variance: To maintain an addition 5 feet from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. Lokia Allen. NCSD Zoning. CD 7. (App 2023-0327-A) TP 10-029.20-309.

- CONDITIONS:**
- 1. The Applicant shall obtain all necessary permits and inspections for the existing shed structure to be converted to an addition to be used as living space; and,**
 - 2. If the structure is not properly permitted to be converted to living space, that it can only be used as an accessory shed structure.**

3. App 2023-0328-A – Robert Sobczynski

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

VOTE: 4 -0

ACTION: Grant - Area variances: **1.** To permit a detached accessory structure 1 foot from the easterly side lot line (3-foot side yard setback) see UDC Section 40.03.410.A. **2.** To permit a detached accessory structure 1 foot from the rear property line (3-foot rear yard setback) see UDC Section 40.03.410.A. NC21 CL Zoning. CD 11. (App 2023-0328-A) TP 11-041.10-120.

4. App 2023-0357-A – Peter & Barbara Palena.

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

VOTE: 4 -0

ACTION: Grant - Area variance: To construct an addition 20 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 11. (App 2023-0357-A) TP 11-037.30-090.

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

5. App 2023-0329-A – Robin Brown.

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

VOTE: 4 -0

ACTION: Grant - Area variance: To permit a 0.06 acre lot size exclusive of protected resources for Tax Parcel 09-030.30-046 (0.11-acre minimum lot size exclusive of protected resources required) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2023-0329-A) TP 09-030.30-046.

6. App 2023-0107-A – Brandon Ksiazek

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 foot lot width for Lot 2 (150-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a 0 foot lot width for Lot 3 (150-foot minimum lot width) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2023-0107-A) TP 13-014.00-016.

CONDITION: A Cross Access Easement shall be established providing access to all four lots (Lots 1, 2, 3 & 4) as depicted on the plans submitted into evidence as may be amended by the Department.

7. App 2023-0275-A – Upper Darby Sign Co d/b/a Pro Signs.

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

VOTE: 4 -0

ACTION: Grant with Condition - Area variances: **1.** To permit 53 additional identification signs (Signs A, B & E) on Tax Parcel 06-118.00-002 (1-identification sign per building) see UDC Table 40.06.060. **2.** To permit an 8 square foot instructional sign (Sign H1) (4-square foot maximum sign area for instructional sign) see UDC Section 40.06.040.A. **3.** To permit a 24 square foot instructional sign (Sign I) (4-square foot maximum sign area for instructional sign) see UDC Section 40.06.040.A. **4.** To permit an 85 square foot identification ground sign (Sign K) on Tax Parcel 06-118.00-004 (75-square foot maximum sign area) see UDC Table 40.06.060. **5.** To permit an 85 square foot identification ground sign (Sign K) Tax Parcel 06-118.00-004, 8 feet from the Alapocas Drive right-of-way (25-foot ground sign setback) see UDC Table 40.06.060. OR & S Zoning. CD 2. (App 2023-0275-A) TPs 06-118.00-002 & 06-118.00-004.

CONDITION: The Applicant shall construct signage in general accordance with the renderings submitted into evidence.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
9/25/2023