



BOARD OF ADJUSTMENT

MINUTES

August 24, 2023

The Board of Adjustment of New Castle County held a public hearing on August 24, 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 Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
Nina David (absent)
Richard Farmer
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. #2023-0355-A – Shannon Presley.

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

VOTE: 5 - 0

ACTION: Grant - Area variance: To permit an above ground swimming pool 10 feet from the Tarry Lane right-of-way (25-foot street yard setback for pools) see UDC Section 40.03.410.H. NC6.5 Zoning. CD 1. (App 2023-0355-A) TP 08-050.20-111.

2. App 2023-0356-A – Branislav Stanko.

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

VOTE: 5 - 0

ACTION: Grant - Area variance **Area variances: 1.** To construct a second story on existing detached accessory structure for an overall height of 28 (20-foot maximum building height) see UDC Section 40.03.410.A. **2.** To permit a detached accessory structure 28 feet in height in front of the primary dwelling on a 0.49-acre lot (no accessory structures shall be located in front of the dwelling on a less than 2-acres) see UDC Section 40.03.410.A. NC10 Zoning. CD 8. (App 2023-0356-A) TP 16-004.00-685.

3. App 2023-0358-A – Ferris Home Improvements

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

VOTE: 5 -0

ACTION: Amend- Area variance: To construct a deck 1 foot [3 feet] from the northerly side lot line (4-foot side yard setback for decks) see UDC Section 40.04.110.E. ST Zoning. CD 12. (App 2023-0358-A) TP 10-052.10-052.

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

VOTE: 5 -0

ACTION: Grant - Area variance: To construct a deck 3 feet from the northerly side lot line (4-foot side yard setback for decks) see UDC Section 40.04.110.E. ST Zoning. CD 12. (App 2023-0358-A) TP 10-052.10-052.

4. App 2023-0360-A – Chris Feathers.

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

VOTE: 5 -0

ACTION: Grant - Area variances: 1. To permit a 4,000 square foot lot size (5,000-square foot minimum lot size) see UDC Table 40.04.110.B. **2.** To permit a 40 foot lot width (50-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To construct a dwelling 9 feet from the Irwin Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. (App 2023-0359-A) TP 10-005.30-041

5. App 2023-0360-A – Eric & Frances Mayhew and Clayton & Wendy Manthorpe.

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

VOTE: 0 - 5 Motion fails.

ACTION: Deny - Area variances: 1. To maintain an elevated deck/walkway 0 feet from the southerly side lot line of Tax Parcel 08-042.40-095 (4-foot setback for deck) see UDC Section 40.04.110.E. OR 3-foot setback for uncovered handicap access) see UDC Section 40.04.110.E. **2.** To maintain an elevated deck/walkway 0 feet from the northerly side lot line of Tax Parcel 08-042.40-096 (4-foot setback for deck) see UDC Section 40.04.110.E. NC10 Zoning. CD 9. (App 2023-0360-A) TPs 08-042.40-095 & 08-042.40-096.

6. App 2023-0132-A – Anna & Richard Gebelein

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

VOTE: 5 -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 (100-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a 0 foot lot width for Lot 3 (100-foot minimum lot width) see UDC Table 40.04.110.B. NC15 Zoning. CD 2. (App 2023-0132-A) TPs 06-128.00-111 & 112

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 2023-0414-A – CRISP Partners LLC.

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

VOTE: 5 -0

ACTION: Grant with Condition - Area variances: **1.** To permit ground identification Sign A2, 0 feet from the Centre Road right-of-way (25-foot ground sign setback) see UDC Table 40.06.060. **2.** To permit 21 additional identification signs (17 ground identifications Signs A1, A2, C, and existing Bldg. 724 Louviers Federal Credit Union ground sign), and 4 wall identification signs (Signs B2, B3 & B4) (1 identification sign per building, wall or ground) see UDC Table 40.06.060. **3.** To permit 14, 150 square foot wall identification signs (Signs B1 & B4) (75-square foot maximum) see UDC Table 40.06.060. **4.** To permit 4, 100 square foot wall identification signs (Signs B2 & B3) (75-square foot maximum) see UDC Table 40.06.060. **5.** To permit 31, 22 square foot instructional ground signs (Sign D) (4-square foot maximum for instructional signs) see UDC Section 40.06.040. **6.** To maintain a 45 square foot campus map instructional ground sign (Sign E) (4-square foot maximum for instructional signs) see UDC Section 40.06.040.A. OR Zoning. CD 2. (App 2023-0414-A) TPs 07-032.30-031 & 032, 07-032.40-126 & 127, 07-035.10-198 through 200, and 07-035.20-209 through 216.

- CONDITIONS:**
- 1. The Applicant shall construct signage for Signs A1, A2, C and D in general accordance with the renderings submitted into evidence and,**
 - 2. The proposed wall Signs B1, B2, B3 and B4 shall not be internally illuminated sign cabinetry.**

Melissa A. Hughes

Melissa Hughes
Department of Land Use
10/31/2023