



BOARD OF ADJUSTMENT

MINUTES

September 8, 2022

The Board of Adjustment of New Castle County held a public hearing on September 8, 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
Nina David
Richard Farmer
Edward Thomas

Comprising a quorum of the Board; also:
Mary Jacobson, Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Conor Gibbons, Department of Land Use

MINUTES

The minutes of July 14, 2022 were presented for approval and Mr. Thomas motioned to **Grant** July 14, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of July 28, 2022 were presented for approval and Mr. Thomas motioned to **Grant** July 28, 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. #2022-0481-A – Thomas Cochran.

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

VOTE: 5-0

ACTION: Grant– Area variance: To construct an addition 8 feet from the easterly side lot line (15-foot side yard setback) see UDC Table 40.04.110.B. NC40 Zoning. CD 3. (App 2022-0481-A) TP 08-013.20-016.

2. App #2022-0486-A – M. Syed Rahmathullah.

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

VOTE: 1-4. Motion fails. (Parker -Grant. Burt, Thomas, Farmer & David – Opposed)

ACTION: Deny– Area variance: To maintain paving 0 feet from the easterly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. NC5 Zoning. CD 9. (App 2022-0486-A) TP 08-045.10-251.

3. App #2021-0450-A – French Park, LLC.

Mr. Burt moved to **Amend to remove Variance 2**; Dr. David seconded the motion.

VOTE: 5-0

ACTION: Amend to remove Variance 2– Area variances: 1. To permit 1 additional ground subdivision identification sign (1 subdivision identification sign per street frontage) see UDC Section 40.06.040.A. ~~2. To permit 2, 24 square foot subdivision identification signs (20 square foot maximum sign area) see UDC Section 40.06.040.A.~~ NCPUD Zoning. CD 11. (App 2022-0450-A) TPs 11-019.10-001 & 11-019.10-146.

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

VOTE: 5-0

ACTION: Grant with Condition– Area variances: 1. To permit 1 additional ground subdivision identification sign (1 subdivision identification sign per street frontage) see UDC Section 40.06.040.A. ~~2. To permit 2, 24 square foot subdivision identification signs (20 square foot maximum sign area) see UDC Section 40.06.040.A.~~ NCPUD Zoning. CD 11. (App 2022-0450-A) TPs 11-019.10-001 & 11-019.10-146.

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

4. App #2022-0383-A - Joseph & Donna Laws.

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

VOTE: 5-0

ACTION: Grant with Conditions– Area variances to facilitate the recordation of a Land Development Plan: 1. To permit a 50-foot lot width for Lot 9B (150-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a 50-foot lot width for Lot 9C (150-foot minimum lot width) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2022-0383-A) TP 13-009.00-381.

CONDITIONS: 1. A cross-access easement shall be established providing access to Lots 9B and 9C as depicted on the plans submitted into evidence as may be amended by the Department.

2. The Subject Property may not be further subdivided.

5. App #2022-0428-A - VanDemark & Lynch, Inc.

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

VOTE: 5-0

ACTION: Grant with Conditions– Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a 0-foot lot width for Lot 2 (60-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a 0-foot lot width for Lot 3 (60-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To maintain a detached accessory structure 25 feet in height on Lot 1 (20-foot maximum height) see UDC Section 40.03.410.A. **4.** To maintain a detached accessory structure 25 feet in height, 0 feet from the northerly side lot line on Lot 1 (6-foot side yard setback) see UDC Section 40.03.410.A. **5.** To convert the existing detached accessory structure on Lot 1 to an Accessory Dwelling Unit (ADU) on a 0.76-acre parcel (greater than 2-acre minimum lot area required for a detached ADU) see UDC Section 40.03.410.I. NC6.5 Zoning. CD 9. (App 2022-0428-A) TP 08-039.10-157.

- CONDITIONS:**
- 1. In consultation with the Department and the HRB, the Applicant shall repurpose the existing barn as an Accessory Dwelling Unit (ADU) and maintain the existing form and materials to the extent possible.**
 - 2. In consultation with the Department and the HRB, the Applicant shall provide an appropriate landscape plan to mitigate any potential impact to the historic structures and neighboring properties.**

Melissa A. Hughes

Melissa Hughes
Department of Land Use
11/29/2022