



BOARD OF ADJUSTMENT

MINUTES

September 14, 2023

The Board of Adjustment of New Castle County held a public hearing on September 14, 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 (absent)
Nina David
Richard Farmer
Keith Rolph
Edward Thomas

Comprising a quorum of the Board; also:
Mary Jacobson, Office of Law
Charuni Patibanda, Department of Land Use
Antoni Sekowski, 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. #2023-0364-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 2023-0379-A – Michael Creed.

Applicant failed to appear at the public hearing held on September 14, 2023; Automatic denial.

ACTION: Deny - Area variance: To construct a detached accessory structure 0 feet from the southeasterly side lot line (10-foot side yard setback) see UDC Section 40.03.410.A. NC21 Zoning. CD 7. (App 2023-0379-A) TP 10-049.00-025.

3. App 2023-0380-A – Steven Gant Sr.

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

VOTE: 5 -0

ACTION: Grant- Area variance: To construct a detached accessory structure 3 feet from the northerly side lot line (6-foot side yard setback) see UDC Section 40.03.410.A.. NC6.5 Zoning. CD 9. (App 2023-0380-A) TP 09-017.40-121.

4. App 2023-0384-A – Marlin Frisby.

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

VOTE: 5 -0

ACTION: Grant - Area variance: To permit an above ground swimming pool 4 feet from the easterly side lot line (6-foot setback for pools) see UDC Section 40.03.410.H. NC6.5 Zoning. CD 1. (App 2023-0384-A) TP 08-044.20-118.

5. App 2023-0406-A – Juventino Pantoja.

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

VOTE: 5 - 0

ACTION: Grant with Condition - Area variances: 1. To construct an addition 21 feet from the Blackstone Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 3 feet from the easterly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 1. (App 2023-0406-A) TP 09-023.10-169

CONDITION: The open porch addition along the front and side of the dwelling remain open and not be further enclosed

6. App 2023-0361-A – D. Marty Mellinger

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

VOTE: 5 -0

ACTION: Grant - Area variances to facilitate the recordation of a Land Development Plan: 1. To maintain a dwelling 7 feet from the Glenrich Avenue right-of-way on Lot 1 (25-foot street yard setback) see UDC Table 40.0.110.B. **2.** To maintain a dwelling 10 feet from the Alice Street right-of-way on Lot 1 (25-foot street yard setback) see UDC Table 40.0.110.B. **3.** To maintain a dwelling 2 feet from the easterly side lot line on Lot 1 (6-foot side yard setback) see UDC Table 40.04.110.B. **4.** To maintain a deck 10 feet from the Alice Street right-of-way on Lot 1 (12.5-foot setback for decks) see UDC Section 40.04.110.E. NC5 Zoning. CD 1. (App 2023-0361-A) TP 07-039.30-188.

7. App 2023-0354-A – Executive Land Holdings IV, LLC

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

VOTE: 5 -0

ACTION: Grant - Area variances to facilitate the recordation of a Land Development Plan: 1. To permit 46 percent disturbance within wetlands (100-percent protection level) see UDC Table 40.10.010. **2.** To permit 2 percent disturbance within riparian buffer area (100-percent protection level) see UDC Table 40.10.010. BP Zoning. CD 1. (App 2023-0354-A) TP 09-024.00-002.

Melissa A. Hughes

Melissa Hughes

Department of Land Use

10/31/2023