



BOARD OF ADJUSTMENT

MINUTES

February 10, 2022

The Board of Adjustment of New Castle County held a public hearing on February 10, 2022 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
Edward Thomas
Mr. Farmer
Dr. Nina David

Comprising a quorum of the Board; also:
Mengting Chen., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, 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. #2021-0803-A - Frank Bedo.

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

VOTE: 5-0

ACTION: Grant with Conditions – Area variances: **1.** To maintain pool decking 0 feet from the northerly side lot line (6-foot setback required) see UDC Section 40.03.410.H. **2.** To maintain pool decking 0 feet from the Oak Street right-of-way (25-foot street yard setback) see UDC Section 40.03.410.H. **3.** To maintain a dwelling 3 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To maintain a dwelling 4 feet from the southerly side lot line (10-foot side yard setback) see UDC Table 40.04.110.B. **5.** To maintain 2 detached accessory 0 feet from the Oak Street right-of-way (25-foot street yard setback) see UDC Section 40.03.410.A. NC21 Zoning. CD 8. (App 2021-0803-A) TP 06-037.00-007.

CONDITIONS: 1. If the pool decking is removed or if the repair cost exceeds 50 percent of its replacement cost, variances 1-2 shall become null and void.

2. If the shed(s) is/are removed or if the repair cost exceeds 50 percent of its replacement cost, variance 5 shall become null and void.

2. App #2021-0825-A – Kim Nedelka

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

VOTE: 5-0

ACTION: Grant– Area variances: **1.** To maintain a dwelling 9 feet from the Lincoln Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.100.B. **2.** To maintain a dwelling 21 feet from the W. Delaware Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.100.B. **3.** To maintain 54% coverage of the rear yard (30% maximum rear yard coverage) see UDC Section 40.03.410.A. **4.** To construct an addition 9 feet from the Lincoln Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2021-0825-A) TP 06-106.00-245.

3. App #2021-0831-A – MP Diversified Services

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

VOTE: 5-0

ACTION: Grant with Conditions - Area variance: To construct an addition 33 feet from the Maplewood Drive right-of-way (40-foot street yard setback) see UDC Table 40.04.11.B. NC21 Zoning. CD 6. (App 2021-0831-A) TP 11-055.00-103.

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

4. App. #2022-0026-A - Gabrielle Crosley.

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

VOTE: 5-0

ACTION: Grant - Area variance: To maintain a detached accessory structure 23 feet in height (20-foot maximum height) see UDC Section 40.03.410.A. NC21 Zoning. CD 3. (App 2022-0026-A) TP 08-025.20-035.

5. App. #2021-0764-A - VanDemark & Lynch, Inc.

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

VOTE: 5-0

ACTION: Grant with Condition - Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit paving 0 feet from the Pigeon Point Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the southeasterly lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit 0.1 bufferyard opacity along the Pigeon Point Road right-of-way (0.6 bufferyard opacity required) see UDC Table 40.04.111.A. **4.** To permit 11 street trees along Pigeon Point Road right-of-way (27 street trees required) see UDC Table 40.04.111.C. **5.** To permit 0 on-lot plant units (6 plant units per acre, total plant units required) see UDC Table 40.04.111.B. **6.** To permit 0 parking space plant units (1.5 total plant units required) see UDC Table 40.04.111.B. **7.** To provide 0 landscape parking islands for more than 12 consecutive parking spaces in a row (1-landscape island per 12 consecutive spaces required when more than 40 parking spaces provided) see UDC Section 40.04.220.C. HI Zoning. CD 10. (App 2021-0764-A) TP 10-006.00-024.

CONDITION: The landscaping shall be consistent with the exhibits submitted into evidence.

6. App. #2021-0769-A - Chinese American Community Association

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

VOTE: 5-0

ACTION: Grant with Condition - Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain paving 3 feet from the Valley Road right-of-way (20-foot street yard paving setback) see UDC Table 40.04.110.B. **2.** To permit a 0.0 bufferyard opacity along the Valley Road right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **3.** To permit a 0.0 bufferyard opacity along the Little Baltimore Road right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **4.** To maintain garage building 17 feet from the Valley Road right-of-way (40-foot building setback) see UDC Table 40.04.110.B. **5.** To permit 80 parking spaces (86 parking spaces required) see UDC Table 40.03.522. S Zoning. CD 3. (App 2021-0769-A) TP 08-017.00-019.

CONDITION: The landscaping shall be consistent with the exhibits submitted into evidence.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
3/21/2022