



**BOARD OF ADJUSTMENT**

**MINUTES**

**February 24, 2022**

The Board of Adjustment of New Castle County held a public hearing on February 24, 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:  
*Aysha Gregory., 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. #2022-0016-A - Warren Molzon.**

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

**VOTE: 5-0**

**ACTION: Grant with Condition – Area variance:** To construct an addition 21 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 6. (App 2022-0016-A) TP 13-012.24-058.

**CONDITION: The porch remained screened and not further enclosed.**

**2. App #2022-0004-A – Molly Hall**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances:** **1.** To maintain a dwelling 7 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a deck 7 feet from the rear property line (10-foot setback for decks) see UDC Section 40.04.110.E. NC21 CL Zoning. CD 12. (App 2022-0004-A) TP 13-013.40-046.

**3. App #2022-0014-A – NT Building Inc**

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

**VOTE: 5-0**

**ACTION: Grant - Area variance:** To construct an addition 27 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. NC21 CL Zoning. CD 12. (App 2022-0014-A) TP 12-006.00-201.

**4. App. #2022-0015-A - Charles Briggs.**

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

**VOTE: 5-0**

**ACTION: Grant - Area variance:** To construct a detached accessory structure 18 feet from the Zuider Zee Court right-of-way (40-foot street yard setback) see UDC Section 40.03.410.A. NC40 Zoning. CD 12. (App 2022-0015-A) TP 13-009.00-180.

**5. App. #2021-0743-A - Carmine Casper.**

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 0.50 acre lot size (1.00-acre minimum lot size) see UDC Table 40.04.110.B. **2.** To construct a building 5 feet for the westerly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **3.** To construct a building 5 feet for the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To construct a building 15 feet for easterly side lot line (20-foot rear yard setback) see UDC Table 40.04.110.B. **5.** To permit paving 0 feet from the rear property line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To permit paving 0 feet from the easterly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To provide 0.1 bufferyard opacity along Old Capitol Trail right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **8.** To provide 0.0 bufferyard opacity along rear property line (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **9.** To provide 0.0 bufferyard opacity along easterly side lot line (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **10.** To provide 1 street tree along the Old Capitol Trail right-of-way (2 street trees required) see UDC Table 40.04.111.C. CR Zoning. CD 9. (App 2021-0743-A) TP 08-044.20-070.

**CONDITIONS: 1. The outdoor display area shall be limited to the area depicted on the plan submitted into evidence Plan and that no vehicles for sale or service shall be parked in required parking spaces.**

**2. The landscaping shall be consistent with the exhibits submitted into evidence.**

**6. App. #2021-0770-A - 1501 North Dupont Highway LLC**

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

**VOTE: 5-0**

**ACTION: Continue - Area variances to facilitate the recordation of a Land Development Plan:** **1.** To permit paving 0 feet from the northerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the westerly side lot line (5-foot other yard paving

setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the N. DuPont Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 0 feet from the Bacon Avenue right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **5.** To permit a Landscape Surface Ratio (LSR) of 0.14 landscape surface ratio (0.20 minimum LSR required) see UDC Table 40.04.110.A. **6.** To provide 0 loading bays (1 loading bay required) see UDC Section 40.03.510. **7.** To provide 0.0 bufferyard opacity along the N. DuPont Highway right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **8.** To provide 0.0 bufferyard opacity along Bacon Avenue right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **9.** To provide 0.0 bufferyard opacity along westerly side lot line (0.5 bufferyard opacity) see UDC Table 40.04.111.B. **10.** To provide 0 street tree along the N. DuPont Highway right-of-way (3 street trees required) see UDC Table 40.04.111.C. CR Zoning. CD 7. (App 2021-0770-A) TP 10-014.00-015.

*Melissa A. Hughes*  
Melissa Hughes  
Department of Land Use  
4/1/2022