



**BOARD OF ADJUSTMENT**

**MINUTES**

**March 17, 2022**

The Board of Adjustment of New Castle County held a public hearing on March 17, 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 (absent for Items 1 and 2)**

**Richard 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

The minutes of January 27, 2022 were presented for approval and Mr. Farmer motioned to Grant January 27, 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. #2022-0060-A - Yuritalia Rodriguez-Orozco.**

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

**VOTE: 4-0**

**ACTION: Grant with Condition– Area variances: 1.** To maintain a dwelling 21 feet from the Virginia Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 5 feet from northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **3.** To construct an addition 15 feet from the Virginia Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 9. (App 2022-0060-A) TP 07-037.20-182.

**CONDITION: The porch shall remain open.**

**2. App #2022-0061-A – Mooney & Zeager Construction**

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

**VOTE: 4-0**

**ACTION: Grant– Area variances:** To construct an addition 20 feet from the Camp David Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2022-0061-A) TP 06-030.00-201.

**3. App #2022-0062-A – George & Joanne Glanden**

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

**VOTE: 5-0**

**ACTION: Grant with Condition - Area variances: 1.** To construct a first floor addition 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a second story addition 13 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9. (App 2022-0062-A) TP 08-49.10-042.

**CONDITION: The area under the second-story addition and deck, except for the proposed storage room addition on the first floor as shown on the plan submitted into evidence, shall remain open and not be further enclosed**

**4. App. #2022-0063-A – Richard Potter**

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

**VOTE: 0-5**

**ACTION: Deny - Area variance:** To maintain an 8-foot tall fence along the southerly side lot line (6-foot maximum fence height) see UDC Section 40.03.410.D. NC6.5 Zoning. CD 9. (App 2022-0063-A) TP 08-049.20-039

**5. App #2022-0033-A – VBS, Inc.**

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

**VOTE: 3-2 (Burt & David – Opposed)**

**ACTION: Grant with Condition– Area variance:** To permit a maximum building height of 42 feet for estate lots (36-foot maximum building height) see UDC Table 40.04.110.B. S Zoning. CD 6. (App 2022-0033-A) TPs 13-013.31-023 thru -026, 13-013.31-038 thru 044, 13-013.33-001 thru 040, 13-013.33-042 thru 050, 052 thru 076, 078 thru 091, 093 thru 101, 13-013.34-001 thru 016, 022 thru 026, 036, 037, 042 thru 047, 132, 133, 169 thru 176, 13-018.11-001 thru 003, 13-018.12-001 thru 006, 008 thru 015.

**CONDITION: The height of the roof peak shall not exceed 34 feet above the finish floor elevation as shown on the General Development Plan approved by the Department of Land Use.**

**6. App #2022-0059-A Valley Grove Inc**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances: 1.** To permit a maximum building height of 41 feet for twin Lots 20 thru 25 and 29 thru 36 (36-foot maximum building height) see UDC Table 40.04.110.B. **2.** To

permit a maximum building height of 41 feet for single family village Lots 26, 27 & 28 (36-foot maximum building height) see UDC Table 40.04.110.B. **3.** To permit a maximum building height of 45 feet for townhouse Lots 8 thru 19 (40-foot maximum building height) see UDC Table 40.04.110.B.. Zoning ST. CD 3. (App 2022-0059-A) TPs 08-012.10-202 thru 230.

**7. App #2022-0119-A – Tupp Signs, Inc**

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

**VOTE: 5-0**

**ACTION: Grant– Area variances: 1.** To permit a shopping center identification sign (Sign A) 27 feet from the Kirkwood Highway right-of-way (40-foot setback for ground sign) see UDC Table 40.06.060. **2.** To permit a shopping center identification sign (Sign A) 2 feet from an existing ground sign (100-feet required between ground signs) see UDC Table 40.06.060. **3.** To maintain an additional ground sign (Sign B) 18 feet from the Kirkwood Highway right-of-way (40-foot setback for ground sign) see UDC Table 40.06.060. CR Zoning.CD 1. (App 2022-0119-A) TP 08-039.30-155.

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
5/12/2022