



**BOARD OF ADJUSTMENT**

**MINUTES**

**April 28, 2022**

The Board of Adjustment of New Castle County held a public hearing on April 28, 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**  
**Edward Thomas**  
**Richard 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. #2022-0197-A - Brenda Farside**

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

**VOTE: 5-0**

**ACTION: Grant– Area variance:** Area variance: To maintain a detached accessory structure in front of the primary dwelling on a 0.87 acre lot (no accessory structures shall be located in front of the dwelling on a lot less than 2-acres) see UDC Section 40.03.410.A. NC10 Zoning. CD 9. (App 2022-0197-A) TP 08-033.30-006.

**2. App #2022-0198-A Robert Gallagher.**

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

**VOTE: 4-0 (Recused- Parker)**

**ACTION: Grant with Condition– Area variance:** To construct an addition 19 feet from the Cherry Court right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 9. (App 2022-0198-A) TP 09-028.40-096.

**CONDITION: The porch addition shall remain open on three (3) sides and not further.**

**3. App. #2022-0200-A – Ward & Taylor, LLC**

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

**VOTE: 5-0**

**ACTION: Grant - Area variance:** To maintain a dwelling 7 feet from the westerly side lot line (10-foot side yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 3. (App 2022-0200-A) TP 08-026.40-052.

**4. App. #2022-0203-A – Ramesh C. Batta Associates, PA**

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

**VOTE: 5-0**

**ACTION: Grant with Condition - Area variances: 1.** To permit 12 parking spaces (15 parking spaces required) see UDC Table 40.03.522. **2.** To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To provide 2 street trees along the W. Newport Pike right-of-way (3 street trees required) see UDC Table 40.04.111.C. **4.** To provide 0.0 bufferyard opacity along the W. Newport Pike right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To provide 0.0 bufferyard opacity along the easterly side lot line (0.2 bufferyard opacity required) see UDC Table 40.04.111.B. **6.** To provide a 0.0 bufferyard opacity along the rear property line (0.2 bufferyard opacity required) see UDC Table 40.04.111.B. **7.** To provide 0.0 on-lot plant units (8 plant units per acre required, total 8.32 plant units required) see UDC Table 40.04.111.A. CN Zoning. CD 1. (App 2022-0203-A) TP 07-046.10-072.

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

**5. App. #2022-0135-A – VanDemark & Lynch, Inc.**

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

**VOTE: 5-0**

**ACTION: Grant with Condition -Special Use Permit: Special Use Permit** to permit a heavy industrial use in HI Zoning District see UDC Sections 40.03.110 & 40.31.430. Inc. HI Zoning. CD 12 (App 2022-0135-A) TPs 12-008.00-014, 12-008.00-012, 12-008.00-001, 12-008.00-015 & 12-009.00-001.

**CONDITION: Any addition or expansion of a Heavy Industrial use that would require a major land development plan would require renewal of the Special Use approval.**

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
6/7/2022