



**BOARD OF ADJUSTMENT**

**MINUTES**

**May 12, 2022**

The Board of Adjustment of New Castle County held a public hearing on May 12, 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**  
**Edward Thomas**  
**Richard Farmer**  
**Dr. Nina David**

Comprising a quorum of the Board; also:  
*Mengting., 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 March 17, 2022 were presented for approval and Mr. Farmer motioned to Grant March 17, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of March 24, 2022 were presented for approval and Mr. Thomas motioned to Grant March 24, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of April 7, 2022 were presented for approval and Mr. Thomas motioned to Grant April 7, 2022 minutes and Mr. Farmer 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. #2022-0195-A – Derrick Reed**

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

**VOTE: 4-0**

**ACTION: Grant– Area variances: 1.** To expand an existing deck 6 feet from the rear property line (12.5-foot setback for decks) see UDC Section 40.04.110.E. **2.** To construct pool decking 5 feet from the rear property line (6-foot setback for pool decking) see UDC Section see UDC Section 40.03.410.H. NC21 CL Zoning. CD 11. (App 2022-0195-A) TP 11-033.20-105.

**2. App #2022-0201-A Joe Oakes.**

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

**VOTE: 4-0**

**ACTION: Grant with Conditions– Area variance:** To construct an addition 10 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9. (App 2022-0201-A) TP 08-049.10-033.

**CONDITIONS: 1. The addition shall remain a screened porch and shall not be further enclosed.**

**2. The area under the second-story addition shall remain open and not be further enclosed.**

**3. App. #2022-0204-A – George Carpenter**

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

**VOTE: 4-0**

**ACTION: Amend - Area variance: 1.** To construct an addition **10 [14]** feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 5 feet from the northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2022-0204-A) TP 14-013.31-228.

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

**VOTE: 0-4 (Motion fails)**

**ACTION: Deny - Area variance: 1.** To construct an addition 14 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 5 feet from the northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2022-0204-A) TP 14-013.31-228.

**4. App. #2022-0224-A – John & Patricia Berlen.**

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

**VOTE: 4-0**

**ACTION: Grant with Condition - Area variance:** To construct an addition 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 6. App 2022-0224-A) TP 13-013.32-132.

**CONDITION: The porch shall only be screened and shall not be further enclosed.**

**5. App. #2022-0158-A – Commerce Pursuit Capital, LP.**

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

**VOTE: 4-0**

**ACTION: Grant with Conditions - Area variances to facilitate the recordation of a Land Development Plan: 1.** To construct a building 51 feet in height (45-foot maximum building height) see

UDC Table 40.04.110.B. **2.** To permit a maximum gross floor area ratio of 0.32 (0.23 maximum gross floor area required) see UDC Table 40.04.110.A. **3.** To permit a maximum net floor area ratio of 0.98 (0.46 maximum gross floor area required) see UDC Table 40.04.110.A. **4.** To permit a 0.1 bufferyard opacity along the northerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111. **5.** To disturb 60% (6.05 acres) of the Cockeysville Formation Water Resource Area/WRPA (50% protection level required) see Table 40.10.010. NC21 Zoning. CD 3. (App 2022-0158-A) TPs 08-018.00-019 & 08-018.00-066.

- CONDITIONS:**
- 1. The building elevations shall be consistent with the renderings submitted into evidence.**
  - 2. The landscaping shall be consistent with the renderings submitted into evidence.**
  - 3. That a 0.4 bufferyard opacity be provided along the southern side lot line**

*Melissa A. Hughes*  
Melissa Hughes  
Department of Land Use  
6/22/2022