

AGENDA

***Revised 2/22/2023**

BOARD OF ADJUSTMENT

Thursday, February 23, 2023

6:00 p.m.

NOTE: In accordance with 29 Del. C. Section 10006A, Board of Adjustment Hearings will be held as a virtual meeting utilizing Zoom Webinar. The Multi-Purpose Room of the James H. Gilliam, Jr. Building, 67 Reads Way, New Castle, DE 19720 will be accessible during the scheduled hearing time for members of the public to attend the virtual meeting in-person.

Additional information regarding Virtual Public Meetings may be found at: [Virtual Meetings-Land-Use](#)

ZOOM Webinar log-in beginning at 5:45 P.M.

Log-in information for this meeting is posted below.

When: February 23, 2023 6:00 PM Eastern Time (US and Canada)
Topic: Board of Adjustment Hearing

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81960666440?pwd=eXRuOHNLcFpLN3VLNHB6S2dRSIJJOZz09>

Passcode: 687415

Or One tap mobile:

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Webinar ID: 819 6066 6440

Passcode: 687415

AGENDA

1. [1586 Dexter Corner Road, Townsend, DE 19734](#). Area variances to facilitate the

recordation of a Land Development Plan: 1. To permit a 3.80 acre lot size exclusive of protected resources for Lot 1 (5.00-acre minimum lot size exclusive of protected resources) see UDC Table 40.04.110.B. The gross area for Lot 1 will be 6.39 acres. **2.** To permit a 4.00 acre lot size exclusive of protected resources for Lot 2 (5.00-acre minimum lot size exclusive of protected resources) see UDC Table 40.04.110.B. The gross area for Lot 2 will be 5.03 acres. **DRPD. LLC.** SR Zoning. CD 6. (App 2023-0021-A) TP 14-022.00-024.

2. 1096 Old Churchmans Road, Newark, DE 19713. Area variance: To permit paving 20 feet from the Ogetown Stanton Road right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **Orthopaedic Properties LLC.** BP Zoning. CD 1. (App 2022-0811-A) TP 09-018.00-065.

***3. 820 Middletown Odessa Road, Middletown, DE 19709. *This application has been continued to a future hearing date to be determined.**

Area variances for a ground sign within a designated byway: 1. To permit a second ground identification sign (1 identification sign maximum) see UDC Table 40.06.060. **2.** To permit a 14 square foot ground identification sign within a designated byway (limit to 50-percent of sign area permitted in the zoning district within a designated byway - 10-square foot maximum sign) see UDC Section 40.06.080.B. **JD Sign Company, Inc.** S Zoning. CD. 12 (App 2023-0013-A) TP 13-023.00-030.

4. 4365 Kirkwood Highway, Wilmington, DE 19808. Area variances to facilitate the recordation of a Land Development Plan: 1. To maintain a 0.0 bufferyard opacity along the Kirkwood Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **2.** To maintain a 0.0 bufferyard opacity along the westerly side lot line (0.5 bufferyard opacity required) see UDC Table 40.04.111.B. & 40.04.320.A. **3.** To maintain a 0.0 bufferyard opacity along the rear property line (0.5 bufferyard opacity required) see UDC Table 40.04.111.B. & 40.04.320.A. **4.** To maintain a 0.0 bufferyard opacity along the easterly side lot line (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. & 40.04.320.A. **5.** To maintain 0 street trees along the Kirkwood Highway right-of-way (20 street trees required) see UDC Table 40.04.111.C. **6.** To permit 0 on-lot plant units (8 plant units per acre, total plant units) see UDC Table 40.04.111.A. **7.** To permit 0 parking lot plant units (1 plant units per 12 parking spaces, total plant units) see UDC Table 40.04.111.A. **8.** To permit 1,384 square feet of sign aggregate (695-square feet ground sign aggregate maximum) see UDC Table 40.06.060. **9.** To permit 2 additional shopping center identification ground signs (Signs 1 & 4), for a total of 3 (Signs 1, 3 & 4) along the Kirkwood Highway right-of-way (1 shopping center identification sign per street frontage) see UDC Table 40.06.060. **10.** To permit 429 square foot shopping center identification Sign 1 (300-square foot maximum sign area) see UDC Table 40.06.060. **11.** To permit 730 square foot shopping center identification Sign 3 (300-square foot maximum sign area) see UDC Table 40.06.060. **12.** To permit additional ground Sign 2, 54 feet from an existing ground sign (100-feet required between ground signs) see UDC Table 40.06.060. **Oekos Kirkwood, LLC.** CR Zoning. CD 9. (App 2023-0047-A) TP 08-044.20-028.

5. 60 Fir Avenue, Bear, DE 19701. Area variances to establish a day care center: 1. To permit a day care center 320 feet from a package store (500-foot minimum distance required) see UDC Section 40.03.309.A. **2.** To permit a landscape surface ratio (LSR) of 0.00 (0.17 minimum LSR) see UDC Table 40.04.110.A. **3.** To maintain Building C, 11 feet from the westerly side lot line (30-foot minimum side yard setback) see UDC Table 40.04.110.B. **4.** To maintain Building A, 23

feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. **5.** To maintain Building B, 27 feet from the Fir Avenue right-of-way (40-foot rear yard setback) see UDC Table 40.04.110.B. **6.** To maintain Building A 32 feet from the Fir Avenue right-of-way (40-foot rear yard setback) see UDC Table 40.04.110.B. **7.** To maintain Building B, 36 feet from the Seymour Road right-of-way (40-foot rear yard setback) see UDC Table 40.04.110.B. **8.** To maintain Building C, 36 feet from the Seymour Road right-of-way (40-foot rear yard setback) see UDC Table 40.04.110.B. **9.** To maintain paving 0 feet from the Franklin Schoolhouse Road right-of-way (20-foot street yard paving setback) see UDC Table 40.04.110.B. **10.** To maintain paving 0 feet from the Fir Avenue right-of-way (20-foot street yard paving setback) see UDC Table 40.04.110.B. **11.** To maintain paving 0 feet from the Seymour Road right-of-way (20-foot street yard paving setback) see UDC Table 40.04.110.B. **12.** To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **13.** To maintain paving 0 feet from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **14.** To provide 0 on-lot plant units (6 plant unit per acre, total of 9.6 plant units required) see UDC Table 40.04.111.A. **15.** To provide 0 open space plant units (6 plant unit per acre, total of 9.6 plant units required) see UDC Table 40.04.111.A. **16.** To provide 0 parking space plant units (1 plant unit per 12 parking spaces, total of 11 plant units required) see UDC Table 40.04.111.A. **17.** To provide 0.0 bufferyard opacity along the Franklin Schoolhouse Road right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **18.** To provide 0.0 bufferyard opacity along the Fir Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **19.** To provide 0.0 bufferyard opacity along the Seymour Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **20.** To provide 0.0 bufferyard opacity along the westerly side lot line (0.2 bufferyard opacity required) see UDC Table 40.04.111.A. **21.** To provide 0.0 bufferyard opacity along the rear property line right-of-way (0.2 bufferyard opacity required) see UDC Table 40.04.111.A. **22.** To provide 0 street trees along the Franklin Schoolhouse Road right-of-way (5 street trees required) see UDC Table 40.04.111.C. **23.** To provide 0 street trees along the Fir Avenue right-of-way (7 street trees required) see UDC Table 40.04.111.C. **24.** To provide 0 street trees along the Seymour Road right-of-way (5 street trees required) see UDC Table 40.04.111.C. **Lisha Brown.** NC6.5 Zoning. CD 6. (App 2022-0631-A) TP 10-034.10-008.

Individuals needing reasonable accommodations according to the *Americans with Disabilities Act*, please call 395-5400 (DRS, 1-800-232-5460) at least (5) business days before the meeting/hearing. Information is available in the Department of Land Use, New Castle County Government Center, 87 Reads Way, Corporate Commons, New Castle, DE from 8:00 a.m. to 4:00 p.m., or call 395-5400.