

AGENDA

BOARD OF ADJUSTMENT

Thursday, July 13, 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 New Castle Room, Government Center, 87 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: July 13, 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/87275098115?pwd=bzRVMHp1RTNtZ2NENWV6YVZpYUFoZz09>

Passcode: 836659

Or One tap mobile:

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Webinar ID: 872 7509 8115

Passcode: 836659

AGENDA

OLD BUSINESS:

Adjourned meeting in continuation of Application 2023-0075-A, [0, 1339 & 1349 Churchtown Road & 0 Old Telegraph Road, Middletown, DE 19709](#) adjourned from the June 22, 2023 Public

Hearing. **The Record, including Public Comment, is CLOSED. The Applicant's presentation and Public comment portion of the meeting has concluded and the adjourned meeting shall include the Board's deliberations and Decision ONLY.**

NEW BUSINESS:

1. 2804 Duncan Road, Wilmington, DE 19808. Area variance: To construct an addition 20 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **Russell & Lillie Fox.** NC6.5 Zoning. CD 9. (App 2023-0241-A) TP 08-032.40-167.

2. 379 E. Chestnut Hill Road, Newark, DE 19713. Area variance: **1.** To permit 1 additional shopping center identification sign along the E. Chestnut Hill Road right-of-way (1-shopping center identification sign per street frontage) see UDC Table 40.06.060. **2.** To permit a shopping center identification ground sign 10 feet from the E. Chestnut Hill Road right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **HES Signs Services Inc.** CR Zoning. CD 9. (App 2023-0176-A) TP 11-006.20-109.

3. 3705 Concord Pike, Wilmington, DE 19803. Area variance: To permit a 49 square foot ground sign with a 11-square foot Electronic Variable Message Sign (EVMS) 15 feet from the Bethel Street right-of-way (25-foot street yard setback) see UDC Table 40.06.060. **HES Signs Services Inc.** CN Zoning, CD 2. (App 2023-0177-A) TP 06-064.00-091.

4. 490 W. Basin Road, New Castle, DE 19720. Area variance: To permit a ground sign 25 feet from the W. Basin Road right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **AFR Furniture Rental.** I Zoning. CD 7. (App 2023-0240-A) TP 10-019.10-292.

5. 1401 E. Newport Pike, Wilmington, DE 19804. Area variances to establish a restaurant use: **1.** To permit a restaurant building 17 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04-110.B. **2.** To permit paving 1 foot from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 9 feet from the Becker Avenue right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 0 feet from E. Newport Pike right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 0 feet from the E. Highland Avenue right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **6.** To permit 0 on-lot plant units (8 plant units per 1-acre required. Total 2.96 plant units required) see UDC Table 40.04.111.A. **7.** To permit 0 street trees along the Becker Avenue right-of-way (3 street trees required) see UDC Table 40.04.111.C. **8.** To permit 0 street trees along the E. Newport Pike right-of-way (3 street trees required) see UDC Table 40.04.111.C. **9.** To permit 0 street trees along the E. Highland Avenue right-of-way (3 street trees required) see UDC Table 40.04.111.C. **10.** To permit 0.0 bufferyard opacity along the E. Newport Pike right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **11.** To permit 0.0 bufferyard opacity along the E. Highland Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **12.** To permit 0.0 bufferyard opacity along the Becker Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **13.** To permit 0.0 bufferyard opacity along rear property line (0.3 bufferyard opacity required) see UDC Table 40.04.111.A & Section 40.04.320. **14.** To permit 10 parking spaces (11 parking spaces required) see UDC Table 40.03.522. **15.** To permit a landscape surface ratio (LSR) of 0.20 (0.50 minimum LSR required) see UDC Table 40.04.110.A. **JAT Property Management, LLC.** CN Zoning. CD 1. (App 2023-0150-A) TP 07-047.20-197.

6. 2016 & 2020 Sunset Lake Road, Newark, DE 19702. Area variances to facilitate the recordation of a Land Development Plan: **1.** To construct a warehouse building 25 feet from the rear yard property line on Parcel 1 (50-foot rear yard setback require where an I-zoned parcel abuts a residentially-zoned parcel) see UDC Table 40.04.110.B. **2.** To permit paving 8 feet from the rear property line on Parcel 1 (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 8 feet from the rear property line on Parcel 2 (10-foot other yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 0 feet from the southerly side lot line on Parcel 1 (10-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 0 feet from the northerly side lot line on Parcel 2 (10-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To permit a 0.0 bufferyard opacity along the rear property line on Parcel 1 (0.6 bufferyard opacity required) see UDC Table 40.04.111.B. **7.** To permit a 0.0 bufferyard opacity along the rear property line on Parcel 2 (0.6 bufferyard opacity required) see UDC Table 40.04.111.B. **8.** To permit a 0.5 bufferyard opacity along the northerly side lot line of Parcel 1 (0.6 bufferyard opacity required) see UDC Table 40.04.111.B. **9.** To provide a 0.00 afforestation ratio (minimum 0.10 afforestation ratio required in the I Zoning District) see UDC Section 40.04.241. **R. J. Andrews.** I & ST Zoning (processed as I pending proposed rezoning). CD 5. (App 2023-0108-A) TPs 11-014.00-048 & 11-014.00-083.

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.