



BOARD OF ADJUSTMENT

MINUTES

April 27, 2023

The Board of Adjustment of New Castle County held a public hearing on April 27, 2023 utilizing ZOOM Webinar and located at the Government Center at 87 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
Nina David (absent)
Richard Farmer
Keith Rolph
Edward Thomas

Comprising a quorum of the Board; also:
Mary Jacobson, Office of Law
Melissa Hughes, Department of Land Use
Alec Davis, Department of Land Use

MINUTES

The minutes of February 23, 2023 were presented for approval and Mr. Parker motioned to **Grant** February 23, 2023 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

The minutes of March 9, 2023 were presented for approval and Mr. Parker motioned to **Grant** March 9, 2023 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

The minutes of March 23, 2023 were presented for approval and Mr. Parker motioned to **Grant** March 23, 2023 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of March 30, 2023 were presented for approval and Mr. Thomas motioned to **Grant** March 30, 2023 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

PUBLIC HEARING

NEW BUSINESS

1. App. #2023-0031-A – Joshua Lehrer

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

VOTE: 5 -0

ACTION: Grant - Area variances: **1.** To maintain a dwelling 0 foot from Adams Dam Road right-of-way (50-foot street yard setback) see UDC Table 40.04110.B. **2.** To construct an addition 27 feet from the Adams Dam Road right-of-way (50-foot street yard setback) see UDC Table 40.04.110.B. SE Zoning. CD 2. (App 2023-0031-A) TP 07-019.00-005.

2. App 2023-0137-A – Philip Wright

Mr. Burt moved to **Grant**; Mr. Rolph seconded the motion.

VOTE: 5 -0

ACTION: Grant - Area variance: To construct an addition 13 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.111.B. S Zoning. CD 9. (App 2023-0137-A) TP 08-049.10-088.

3. App 2023-0076-A – Holloway Terrace Volunteer Fire Co #1

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

VOTE: 5 -0

ACTION: Grant with Conditions - Area variances: **1.** To permit 1 additional identification sign (1 wall or ground identification sign permitted) see UDC Table 40.06.060. **2.** To maintain a 156 square foot wall identification sign (20-square foot maximum sign area) see UDC Table 40.06.060. **3.** To permit a 36 square foot ground identification sign with a 24 square foot EVMS (Electronic Variable Message Sign) portion (20-square foot maximum sign area) see UDC Table 40.06.060. **4.** To permit a 36 square foot ground sign with a 24 square foot EVMS portion 6 feet from the West Avenue right-of-way (20-foot setback for ground sign) see UDC Table 40.06.060. **5.** To permit an EVMS ground sign 45 feet from a residential use (75-foot minimum separation from a residential use) see UDC Section 40.06.030.B.6. NC5 Zoning. CD 10. (App 2023-0076-A) TP 10-010.40-202.

CONDITIONS: 1. Prior to issuance of a building permit for the new EVMS ground sign, the off-premises bulletin board sign located on Tax Parcel 10-010.40-211 shall be removed.

2. The EVMS ground identification sign shall be consistent with the renderings submitted into evidence.

4. App 2022-0726-A – Latin American Community Center Inc.

Mr. Burt moved to **Grant**; Mr. Thomas seconded the motion.

VOTE: 5 -0

ACTION: Grant - Area variances to establish a day care center: **1.** To permit a day care center 289 feet from a package store (500-foot minimum distance required) see UDC Section 40.03.309.A.4. **2.** To permit 0 street trees along the Christiana Road right-of-way (5 street trees required) see UDC Table 40.04.111.C. **3.** To maintain paving 18 feet from the Christiana Road right-of-way (40-foot paving setback) see UCD Table 40.04.110.B. **4.** To permit a 0.0 bufferyard opacity along the Christiana Road right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To permit a 0.0 bufferyard opacity along the easterly side lot line adjacent to Tax Parcel 10-029.10-123 (0.1 bufferyard opacity required) see UDC Table 40.04.111.B. **6.** To maintain paving 2 feet along the easterly side lot line adjacent to Tax Parcel 10-029.10-123 (10-foot other yard paving setback) see UDC Table 40.04.110.B. **7.** To maintain paving 0 feet along the northerly side lot line adjacent to Tax Parcel 10-029.10-123 (10-foot other yard paving setback) see UDC Table 40.04.110.B. **8.** To permit a 0.0 bufferyard opacity along the northerly side lot line adjacent to Tax Parcel 10-029.10-123 (0.1 bufferyard

opacity required) see UDC Table 40.04.111.B. **9.** To permit a 0.0 bufferyard opacity along the westerly side lot line (maximum 0.3 bufferyard opacity required) see UDC Table 40.04.111.B. ST & CN Zoning. CD. 7. (App 2022-0726-A) TP 10-029.10-122.

5. App 2023-0074-A – Landmark Science & Engineering

Mr. Burt moved to **Amend to remove Variance 3**; Mr. Farmer seconded the motion.

VOTE: 5 -0

ACTION: Amend to remove Variance 3 - Area variances to facilitate the recordation of a Resubdivision Plan to establish a day care center. 1. To permit the establishment of a day care center within 430 feet of gasoline pumps (500-foot minimum distance required) see UDC Section 40.03.309.A. **2.** To permit the establishment of a day care center within 250 feet of a package store (500-foot minimum distance required) see UDC Section 40.03.309.A. ~~**3.** To permit a 0.0 bufferyard opacity around the play area (0.1 bufferyard opacity around the play area required) see UDC Section 40.03.309.A.~~ CR Zoning. CD 12. (App 2023-0074-A) TP 10-040.00-035.

App 2023-0074-A – Landmark Science & Engineering

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

VOTE: 5 -0

ACTION: Grant - Area variances to facilitate the recordation of a Resubdivision Plan to establish a day care center. 1. To permit the establishment of a day care center within 430 feet of gasoline pumps (500-foot minimum distance required) see UDC Section 40.03.309.A. **2.** To permit the establishment of a day care center within 250 feet of a package store (500-foot minimum distance required) see UDC Section 40.03.309.A. ~~**3.** To permit a 0.0 bufferyard opacity around the play area (0.1 bufferyard opacity around the play area required) see UDC Section 40.03.309.A.~~ CR Zoning. CD 12. (App 2023-0074-A) TP 10-040.00-035.

6. App 2023-0137-A – Marlon & Althea LaRose.

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

VOTE: 5 -0

ACTION: Grant with Condition - Area variances to establish a day care center: 1. To permit a 0.0 bufferyard opacity around the play area (0.1 bufferyard opacity around the play area required) see UDC Section 40.03.309.A. **2.** To permit a 0.0 bufferyard opacity along the southerly side lot line (0.1 bufferyard opacity required) see UDC Table 40.04.111.B & Section 40.04.320.A. **3.** To permit a 0.0 bufferyard opacity along the northerly side lot line (0.2 bufferyard opacity required) see UDC Table 40.04.111.B. **4.** To permit a 0.0 bufferyard opacity along the rear property line (0.1 bufferyard opacity required) see UDC Table 40.04.111.B. **5.** To permit a 0.0 bufferyard opacity along the River Road right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. **6.** To permit 0 on-lot plant units (6 plant units per acre for a total of 17 plant units) see UDC Table 40.04.111.A. NC10 Zoning. CD 12. (App 2023-0081-A) TP 10-041.00-006.

CONDITIONS: The landscaping shall be consistent with the landscape renderings submitted into evidence.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
6/5/2023