



**BOARD OF ADJUSTMENT**

**MINUTES**

**May 11, 2023**

The Board of Adjustment of New Castle County held a public hearing on May 11, 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**  
**Richard Farmer**  
**Keith Rolph**  
**Edward Thomas**

Comprising a quorum of the Board; also:  
*Mary Jacobson, Office of Law*  
*Janet Vinc, Department of Land Use*  
*Melissa Hughes, Department of Land Use*  
*Klesa Achaibar, Department of Land Use*

MINUTES

PUBLIC HEARING

NEW BUSINESS

**1. App. #2023-0139-A – Mark Taggart**

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

**VOTE: 6 -0**

**ACTION: Grant - Area variance:** To construct a detached accessory structure 10 feet from the Delaware Street right-of-way (25-foot street yard setback) see UDC Section 40.03.410.A & Table 40.04.110.B. NC5 Zoning. CD 1. (App 2023-0139-A) TP 08-045.10-162.

**2. App 2023-0140-A – Fernando Jaimez**

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

**VOTE: 6 -0**

**ACTION: Grant - Area variance:** To construct a detached accessory structure 4 feet from the southwesterly side lot line (10-foot side yard setback) see UDC Section 30.03.410.A & Table 40.04.110.B. NC21 Zoning. CD 11. (App 2023-0140-A) TP 11-036.00-025.

**3. App 2023-0211-A – Landmark Science and Engineering**

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

**VOTE: 6 -0**

**ACTION: Grant- Area variances to facilitate the recordation of a Land Development Plan:** **1.** To provide a 0.00 afforestation ratio in the S Zoning District portion of the property (minimum 0.30 afforestation ratio required) see UDC Section 40.04.241. **2.** To provide a 0.00 afforestation ratio in the BP Zoning District portion of the property (minimum 0.15 afforestation ratio required) see UDC Section 40.04.241. S and BP Zoning. CD 11 (App 2023-0211-A) TP 11-027.00-003.

**4. App 2023-0082-A – French Park LLC**

Mr. Farmer moved to **Grant with Conditions**; Mr. Parker seconded the motion.

**VOTE: 5 -1 (Burt opposed)**

**ACTION: Grant with Conditions - Area variances:** **1.** To permit a maximum building height of 40 feet for apartment buildings A1 through A5; B1 through B4; C1 & C2; D1 through D6, D8 & D9; E1 through E5 and E7 through E11 (35-foot maximum building height) see UDC Table 40.04.110.B. **2.** To permit a maximum building height of 40 feet for townhouse Lots 1 through 139 (35-foot maximum building height) see UDC Table 40.04.110.B. **3.** To construct a pavilion 10 feet from the Bellac Way right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NCPUD Zoning. CD 11. (App 2023-0082-A) TPs 11-019.10-001, 11-019.10-004 through -111, 11-019.10-113 through -146.

**CONDITIONS: 1. The building elevations shall be consistent with the renderings submitted into evidence.**

**2. The pavilion over the community mailboxes shall remain open and not further enclosed.**

**5. App 2023-0035-A – Clayton Hill, CCIM, CPM.**

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

**VOTE: 6 -0**

**ACTION: Grant with Condition - Area variance:** Area variance: To permit a 120 square foot identification ground sign (75-square foot maximum sign area) see UDC Table 40.06.060. ON Zoning. CD 11. (App 2023-0035-A) TP 11-026.00-115.

**CONDITION: The proposed sign shall be consistent with the renderings submitted into evidence**

**6. App 2023-0013-A – JD Sign Company, Inc.**

Mr. Burt moved to **Amend to permit an instructional ground sign 42-inches by 48-inches**; Mr. Farmer seconded the motion.

**VOTE: 6 -0**

**ACTION: Amend to permit an instructional ground sign 42-inches by 48-inches - 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 [an instructional ground sign 42-inches by 48-inches]** 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 area within the S Zoning District) see UDC Section 40.06.080.B. S Zoning. CD. 12 (App 2023-0013-A) TP 13-023.00-030.

**App 2023-0013-A – JD Sign Company, Inc.**

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

**VOTE: 6 -0**

**ACTION: Grant with Condition - 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 [an instructional ground sign 42-inches by 48-inches]** 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 area within the S Zoning District) see UDC Section 40.06.080.B. S Zoning. CD. 12 (App 2023-0013-A) TP 13-023.00-030.

**CONDITION: The instructional sign shall not contain a corporate logo.**

**7. App 2023-0073-A – 761, LLC.**

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

**VOTE: 6 -0**

**ACTION: Grant Condition - Area variances to facilitate the recordation of a Land Development**

**Plan. 1.** To provide a 0.0 bufferyard opacity along the easterly side lot line (0.5 bufferyard opacity required) see UDC Table 40.04.111.B and Section 40.04.320.A. **2.** To provide a 0.0 bufferyard opacity along the northerly side lot line (0.4 bufferyard opacity required) see UDC Table 40.04.111.B. CR Zoning. CD 12. (App 2023-0073-A) TP 14-012.00-236.

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

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
6/5/2023