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

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
Department of Land Use
6/5/2023