



BOARD OF ADJUSTMENT

MINUTES

May 25, 2023

The Board of Adjustment of New Castle County held a public hearing on May 18, 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 (absent)
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

OLD BUSINESS

NEW BUSINESS

1. App. #2023-0146-A – Chris Smith.

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

VOTE: 5 -0

ACTION: Grant with Condition - Area variance: To construct an addition 9 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. Chris Smith. NC6.5 Zoning. CD 8. (App 2023-0146-A) TP 06-056.00-018.

CONDITION: The enclosed area under the porch addition be for storage only and not further enclosed as living space.

2. App 2022-0799-A – Missy Monier

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

VOTE: 5 -0

ACTION: Grant with Condition - Area variances: **1.** To permit 47, 6 square foot instructional signs (Signs AS-95 & AS-39) (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **2.** To permit 2, 20 square foot instructional signs (Sign AS-16) (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **3.** To permit 1, 9 square foot instructional sign (Sign AS-26) (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **4.** To permit 4, 5 square foot instructional signs (Signs AS-9, AS-15(L), AS-14 & AS-6) (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **5.** To permit 1, 16 square foot instructional sign (Sign AS-5) (4 square foot maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. I Zoning. CD. 1. (App-2022-0799-A) TP 07-038.40-052.

CONDITION: The Applicant shall construct signage in general accordance with the elevations submitted into evidence.

3. App 2023-0097-A – Edgemoor Community Center d/b/a Bellevue Community Center.

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

VOTE: 5 -0

ACTION: Grant with Conditions- Area variances: **1.** To permit 3 additional identifications signs (1 identification sign permitted) see UDC Table 40.06.060. **2.** To permit a 42 square foot ground sign with 24 square foot Electronic Variable Message Sign (EVMS) portion (20-square foot maximum sign area) see UDC Table 40.06.060. **3.** To permit a 42 square foot ground sign with 24 square foot EVMS portion 10 feet from the Duncan Road right-of-way (20-foot ground sign setback) see UDC Table 40.06.060. **4.** To permit an EVMS ground sign 60 feet from a residential use (75-foot minimum separation from a residential use) see UDC Section 40.06.030.B.6. **5.** To maintain a 2,820-square foot identification sign mural (20-square foot maximum sign area) see UDC Table 40.06.060. **6.** To maintain a 264 square foot identification wall sign (20-square foot maximum sign area) see UDC Table 40.06.060. S Zoning. CD 8. (App 2023-0097-A) TP 06-132.00-229.

CONDITIONS: **1. The ground identification EVMS shall be consistent with the renderings submitted into evidence; and**

2. If the 2,820-square foot identification sign mural on the southerly façade of the community center building is removed or covered, then the variance shall become null and void.

4. App 2023-0134-A – JD Sign Company, LLC.

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

VOTE: 5 -0

ACTION: Grant with Conditions - Area variances: **1.** To permit a 102 square foot Electronic Variable Message Sign (EVMS) (50-square foot maximum sign area for EVMS) see UDC Section 40.06.030.B.6. **2.** To permit a 153 square foot ground sign with a 102 square foot EVMS portion (150-square foot maximum sign area) see UDC Table 40.06.060. CR Zoning. CD 12. (App 2023-0134-A) TP 12-013.00-081.

CONDITIONS: **1. The EVMS ground identification sign shall be consistent with the renderings submitted into evidence; and**

2. The EVMS shall be illuminated only between the hours of 6:00 a.m. and 10:00 p.m.

5. App 2022-0751-A – Landmark Science & Engineering.

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

VOTE: 5 -0

ACTION: Grant Area variances to facilitate the recordation of a Land Development Plan: To permit 79 parking spaces (88 parking spaces required) see UDC Table 40.03.522. CR Zoning. CD 7. (App 2022-0751-A) TP 10-034.00-062.

6. App 2023-0080-A – Forrust Miller

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

VOTE: 5 -0

ACTION: Grant with Conditions - Area variances to facilitate the recordation of a Land Development Plan: To provide 12 street trees along the Sawmill Road right-of-way (33 street trees required) see UDC Table 40.04.111.C. SR Zoning. CD 6. (App 2023-0080-A) TP 14-021.00-021.

CONDITIONS: 1. The proposed 12 street trees shall be planted consistent with the landscaping plan submitted into evidence, and

2. The variance shall become null and void if Lots 2 or 3 are further subdivided.

7. App 2023-0151-A – H & S Construction and Supply, LLC.

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

VOTE: 5 -0

ACTION: Grant with Condition - Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit a 0.36 lot size for Lot 1 (2.00-acre minimum lot area) see UDC Table 40.04.110.B. **2.** To permit a 133 foot lot width for Lot 1 (200-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To permit a 0.34 lot size for Lot 2 (2.00-acre minimum lot area) see UDC Table 40.04.110.B. **4.** To permit a 0 foot lot width for Lot 2 (200-foot minimum lot width) see UDC Table 40.04.110.B. **5.** To permit a 0.27 lot size for Lot 3 exclusive of protected resources (2.00-acre minimum lot area) see UDC Table 40.04.110.B. The gross area for Lot 3 will be 0.47 acres **6.** To permit a 0 foot lot width for Lot 3 (200-foot minimum lot width) see UDC Table 40.04.110.B. **7.** To maintain a dwelling 0 feet from the Kennett Pike right-of-way on Lot 1 (50-foot street yard setback) see UDC Table 40.04.110.B. **8.** To provide a 0 foot Scenic Corridor Buffer Width along the Kennett Pike right-of-way (100-foot minimum Scenic Corridor Buffer Width required) see UDC Table 40.04.240. **9.** To provide 0 plant units within the Scenic Corridor (6-plant unit per 100 linear feet of street frontage required for 100-foot Scenic Corridor Buffer Width) see UDC Section 40.04.240. NC2A Zoning. CD 2. (App 2023-0151-A) TP 07-001.00-007.

CONDITION: The Applicant shall enter into a deed restriction on the three lots so that the portions located within Delaware cannot be sold as a parcel separate from the portions of land located within Pennsylvania.

8. App 2023-0243-A – CRISP Partners LLC.

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

VOTE: 5 -0

ACTION: Grant with Conditions - Special Use Permit to permit a 3-level and a 5-level parking structures: Special Use Permit to permit a 3-level, 468-space and a 5-level, 761-space parking structures pursuant to UDC Sections 40.04.320 (Parking Bufferyard Standards), 40.03.528 (Parking Structures) and 40.31.430 (Standards for Special Use Permit). OR Zoning. CD 2. (App 2023-0243-A) TPs 07-032.30-031 & 032, 07-032.40-126 & 127, 07-035.10-198 through 200, and 07-035.20-209 through 216.

- CONDITIONS:**
- 1. The Applicant shall construct the parking garages with elevations and materials consistent with the renderings submitted into evidence; and**
 - 2. The Applicant shall provide and maintain landscaping consistent with the renderings submitted into evidence.**

Melissa A. Hughes
Melissa Hughes
Department of Land Use
7/18/2023