



BOARD OF ADJUSTMENT

MINUTES

July 14, 2022

The Board of Adjustment of New Castle County held a public hearing on July 14, 2022 utilizing ZOOM Webinar and located at the Multi-Purpose Room at the Gilliam Building at 67 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
Edward Thomas
Richard Farmer
Dr. Nina David

Comprising a quorum of the Board; also:
Aysha Gregory, Office of Law
Melissa Hughes, Department of Land Use
Janet Vinc, Department of Land Use

MINUTES

The minutes of April 14, 2022 were presented for approval and Mr. Farmer motioned to Grant April 14, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of April 28, 2022 were presented for approval and Mr. Farmer motioned to Grant April 28, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of May 12, 2022 were presented for approval and Mr. Farmer motioned to Grant May 12, 2022 minutes and Mr. Burt seconded the motion, and the minutes were approved.

PUBLIC HEARING

NEW BUSINESS

The Board heard and received testimony on the following application(s) and took action on the applications as follows:

1. App. #2022-0321-A – Ward & Taylor, LLC.
Mr. Burt moved to Grant; Dr. David seconded the motion.

VOTE: 5-0

ACTION: Grant– Area variance: To maintain a dwelling 10 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B.NC6.5 Zoning. CD 8. (App 2022-0321-A) TP 06-095.00-573.

2. App #2022-0267-A - Jennifer & Christian Jeffers.

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

VOTE: 5-0

ACTION: Grant– Area variance: To construct an addition 13 feet from the Stoney Run Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2022-0267-A) TP 06-124.00-093.

3. App #2021-0385-A – Jaime Cora.

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

VOTE: 5-0

ACTION: Grant– Area variances: 1. To maintain a dwelling 18 feet from the Brackenville Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 24 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To construct a deck 13 feet from the rear property line (25-foot setback for decks) see UDC Section 40.04.110. NC40 Zoning. CD 9. (App 2022-0385-A) TP 08-009.00-015.

4. App. #2022-0387-A – Beracah Homes, Inc.

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

VOTE: 5-0

ACTION: Grant with Condition– Area variance: To permit a Residential Institutional Type 1 use of a transitional group home on a 7,840 square foot parcel (10,000 square foot minimum lot size for a Residential Institutional Type 1 use) see UDC Table 40.03.210. NC5 Zoning. CD. 10. (App 2022-0387-A) TP 10-010.30-040.

CONDITION: The proposed Residential Institutional Type 1 use for a group home be limited to no more than four (4) unrelated residents living in the facility at any given time.

5. App #2022-0134-A - The Redevelopment Co

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

VOTE: 2-3 (Burt & Thomas – Grant; Parker, Farmer & David – Oppose)

Motion Fails

ACTION: Deny– Area variances to facilitate the recordation of a Land Development Plan: To construct a dwelling 6 feet from the Ball Road right-of-way on Lot 4 (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 1. (App 2022-0134-A) TP 08-049.40-029.

6. App. #2022-0265-A – Tupp Signs, Inc

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

VOTE: 5-0

ACTION: Grant with Conditions– Area variances: 1. To maintain 1 additional identification sign (1-wall or ground identification sign permitted) see UDC Table 40.06.060. **2.** To maintain 22 square foot wall identification Sign E (20-square foot maximum sign area) see UDC Table 40.06.060. **3.** To maintain ground identification Sign D 18 feet from the Centerville Road right-of-way (20-foot ground sign setback) see UDC Table 40.06.060. **4.** To permit 2 additional ground identification signs (Signs A & B)

(1-wall or ground identification sign permitted) see UDC Table 40.06.060. **5.** To permit 2, 24 square foot ground identification signs (Signs A & B) (20-square foot maximum sign area) see UDC Table 40.06.060. **6.** To permit 2 ground identification signs (Signs A & B) 18 feet from the Centerville Road right-of-way (20-foot ground sign setback) see UDC Table 40.06.060. S Zoning. CD 2. (App 2022-0265-A) TP 07-034.20-041.

CONDITIONS: 1. The proposed ground sign shall be consistent with the renderings submitted into evidence.

2. Signs as to which relief is granted, if illuminated, shall be placed on a timer that shall cause illumination to turn-off at 9:00 p.m.

7. App. #2022-0265-A – 1501 North Dupont Highway LLC

Applicant request application be withdrawn

ACTION: Withdrawn– Area variances to facilitate the recordation of a Land Development Plan:

1. To permit paving 0 feet from the northerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the westerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the N. DuPont Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To permit paving 0 feet from the Bacon Avenue right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **5.** To permit a Landscape Surface Ratio (LSR) of 0.14 landscape surface ratio (0.20 minimum LSR required) see UDC Table 40.04.110.A. **6.** To provide 0 loading bays (1 loading bay required) see UDC Section 40.03.510. **7.** To provide 0.0 bufferyard opacity along the N. DuPont Highway right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **8.** To provide 0.0 bufferyard opacity along Bacon Avenue right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **9.** To provide 0.0 bufferyard opacity along westerly side lot line (0.5 bufferyard opacity) see UDC Table 40.04.111.B. **10.** To provide 0 street tree along the N. DuPont Highway right-of-way (3 street trees required) see UDC Table 40.04.111.C..CR Zoning. CD 7. (App 201-0770-A) TP 10-014.00-015. (continued from February 24, 2022).

8. App. #2022-0316-A – 1501 North Dupont Highway LLC

Mr. Burt moved to Amend to Remove Variance 5; Dr. David seconded the motion

VOTE: 5-0

ACTION: Amend to Remove Variance 5– Area variances to facilitate the recordation of a Land Development Plan:

1. To permit paving 0 feet from the westerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the N. DuPont Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the Bacon Avenue right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To provide 16 parking spaces (24 parking spaces required) see UDC Table 40.03.522. ~~**5.** To provide 0 loading bays (1 loading bay required) see UDC Section 40.03.510.~~ **6.** To provide 0.0 bufferyard opacity along the N. DuPont Highway right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **7.** To provide 0.0 bufferyard opacity along Bacon Avenue right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **8.** To provide 0.0 bufferyard opacity along westerly side lot line (0.5 bufferyard opacity) see UDC Table 40.04.111.B. **9.** To provide 0 street tree along the N. DuPont Highway right-of-way (3 street trees required) see UDC Table 40.04.111.C. CR Zoning. CD 7. (App 2022-0316-A) TP 10-014.00-015.

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

VOTE: 5-0

ACTION: Grant with Condition– Area variances to facilitate the recordation of a Land Development Plan: 1. To permit paving 0 feet from the westerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the N. DuPont Highway right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the Bacon Avenue right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To provide 16 parking spaces (24 parking spaces required) see UDC Table 40.03.522. ~~5. To provide 0 loading bays (1 loading bay required) see UDC Section 40.03.510.~~ **6.** To provide 0.0 bufferyard opacity along the N. DuPont Highway right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.B. **7.** To provide 0.0 bufferyard opacity along Bacon Avenue right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **8.** To provide 0.0 bufferyard opacity along westerly side lot line (0.5 bufferyard opacity) see UDC Table 40.04.111.B. **9.** To provide 0 street tree along the N. DuPont Highway right-of-way (3 street trees required) see UDC Table 40.04.111.C. CR Zoning, CD 7. (App 2022-0316-A) TP 10-014.00-015.

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

Melissa A. Hughes

Melissa Hughes
Department of Land Use
9/6/2022