



BOARD OF ADJUSTMENT

MINUTES

November 3, 2022

The Board of Adjustment of New Castle County held a public hearing on November 3, 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

Nina David

Richard Farmer (Absent)

Edward Thomas

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

MINUTES

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. #2022-0617-A – Brian Martinenza Sr

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

VOTE: 4-0

ACTION: Grant– Area variance: To construct an addition 11 feet from the Gateway Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. NC21 Zoning. CD 3. (App 2022-0617-A) TP 08-013.30-086.

2. App. #2022-0619-A – Mark Harding

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

VOTE: 0-4 (Motion Fails)

ACTION: Deny– Area variances: **1.** To maintain paving 0 feet from the northerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. **2.** To maintain paving 0 feet from the southerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E. **3.** To maintain paving 0 feet from the rear property line (2-foot paving setback) see UDC Section 40.04.110.E. NC6.5 Zoning. CD 9. (App 2022-0619-A) TP 09-023.10-262.

3. App. #2022-0630-A Duffy Brothers Construction.

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

VOTE: 4-0

ACTION: Grant with Condition– Area variance: To construct an addition 15 feet from the Alister Drive right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 9. (App 2022-0630-A) TP 07-034.10-062.

CONDITION: The open porch remain open and not be further enclosed.

4. App. #2022-0587-A – Tupp Signs, Inc.

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

VOTE: 4-0

ACTION: Grant– Area variance: To permit a ground sign 0 feet from the Miller Road right-of-way (25-foot ground sign setback) see UDC Table 40.06.060. CR Zoning. CD 8. (App 2022-0587-A) TP 06-137.00-008.

5. App. #2022-0600-A – Tupp Signs, Inc.

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

VOTE: 4-0

ACTION: Grant with Conditions– Area variances: **1.** To permit 1 additional wall sign (1 wall sign per principal use) see UDC Table 40.06.060. **2.** To permit a 39 square foot Electronic Variable Message Sign (EVMS) sign to an existing 50-square foot ground sign (total sign area is 89-square feet) 25 feet from the Otts Chapel Road right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. I Zoning. CD 5. (App 2022-0600-A) TP 11-008.00-126.

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

2. The EVMS shall be capable of regulation as to brightness according to ambient conditions.

6. App. #2022-0599-A – Tupp Signs, Inc.

Mr. Parker moved to **Grant with Condition**; D4 seconded the motion.

VOTE: 4-0

ACTION: Grant with Condition– Area variances: **1.** To permit an 89 square foot ground sign with a 39 square foot Electronic Variable Message Sign (EVMS) portion (Sign 1) 1 foot from the Ruthar Drive right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **2.** To permit 50 square foot ground sign (Sign 2) 0 feet from the Ruthar Drive right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **3.** To permit a 50 square foot ground sign (Sign 2) 1 foot from the Red Mill Road right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. I Zoning. CD 9. (App 2022-0599-A) TP 09-016.00-038.

CONDITION: The ground signs shall be consistent with the renderings submitted into evidence.

7. App. #2022-0601-A – Hyetts Corner Associates, LLC.

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

VOTE: 4-0

ACTION: Grant with Condition; Area variances to facilitate the recordation of a Land Development Plan: 1. To permit paving 4 feet from the Route 1 right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **2.** To permit 0.0 bufferyard opacity along Route 1 right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **3.** To permit 0 street trees along the Route 1 right-of-way (46 street trees required) see UDC Table 40.04.111.C. S Zoning (processed as CN pending proposed rezoning). CD 12. (App 2022-0601-A) TPs 13-008.00-027 & 13-013.00-083.

CONDITION: The Applicant shall maintain landscaping consistent with the exhibits placed in evidence

Melissa A. Hughes

Melissa Hughes
Department of Land Use
1/13/2023