



BOARD OF ADJUSTMENT

MINUTES

March 18, 2021

The Board of Adjustment of New Castle County held a public hearing on March 18, 2021 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David H. Burt
Terry Parker
Edward Thomas
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Aysha Gregory, Esq., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Us
George Haggerty, Department of Land Use

MINUTES

The minutes of January 7, 2021 were presented for approval and Mr. Parker motioned to Grant the January 7, 2021 minutes and Mr. Thomas seconded the motion, and the minutes were approved.

The minutes of January 14, 2021 were presented for approval and Mr. Parker motioned to Grant the January 14, 2021 minutes and Mr. Thomas 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. #2021-0057-A – Joe Oakes.

Mr. Farmer moved to Grant the application; Mr. Parker seconded the motion.

VOTE: 5-0

ACTION: Grant– Area variance: To construct an addition 16 feet from the rear property line (25-foot rear yard setback) see UDC Table. 40.04.110.B. S Zoning. CD 12. (App 2021-0057-A) TP 13-013.23-041.

2. App. #2021-0071-A – Joe Harrington

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

VOTE: 5-0

ACTION: Grant with Condition– Area variances: **1.** To maintain a dwelling 18 feet from the W. Basin Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 3 feet from the W. Basin Road right-of-way (25-foot rear yard setback) see UDC Table. 40.04.110.B. **3.** To maintain a detached accessory structure 0 feet from the W. Basin Road right-of-way (25-foot street yard setback) see UDC Section. 40.03.410.A. **4.** To maintain a detached accessory structure 0 feet from northerly side lot line (3-foot setback for detached accessory structures) see UDC Section. 40.03.410.A. **5.** To maintain paving 0 feet from the northerly side lot line (2-foot paving setback) see UDC Section 40.04.110.E.. NC5 Zoning. CD 7. (App 2021-0071-A) TP 10-013.40-100.

CONDITION: The screened porch shall not be further enclosed than what was entered into evidence.

3. App. #2021-0009A – Marty Mellinger

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 lot width of 33.75 feet for Lot 2 (80-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To permit a lot width of 0 feet for Lot 3 (80-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To permit a lot width of 0 feet for Lot 4 (80-foot minimum lot width) see UDC Table 40.04.110.B. NC10 Zoning. CD 9. (App 2021-0009-A) TPs 08-038.20-198 & 08-038.20-417.

CONDITION: The Applicant shall plant 50 screening trees similar to Green Giant and Leland Cyprus along the Subject Property’s northwest property line.

4. App. #2021-0011-A – Hes Sign Services Inc..

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

VOTE: 4-0 (Ms. Osegbu Rivers - Recuse)

ACTION: Grant with Condition– Area variances: **1.** To maintain a 23 square foot ground identification sign along the Faulkland Road right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060. **2.** To permit 1 additional identification ground sign along Centre Road right-of-way (1 wall or ground identification sign per building section) see UDC Table 40.06.060. **3.** To permit a 54 square foot identification ground sign with a 37 square feet of EVMS (Electronic Variable Message Sign) portion along the Centre Road right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060. **4.** To maintain 4, 7 square foot instructional signs (4-square foot for instructional signs) see UDC Section 40.06.040.A.2. **5.** To maintain a 32 square foot campus map instructional sign (4-square foot for instructional signs) see UDC Section 40.06.040.A.2. **6.** To maintain a 71 square foot campus map instructional sign (4-square foot for instructional signs) see UDC Section 40.06.040.A.2. **7.** To maintain a 12 square foot instructional sign (4-square foot for instructional signs) see UDC Section 40.06.040.A.2. **8.** To maintain a 29 square foot instructional sign (4-square foot for instructional signs)

see UDC Section 40.06.040.A.2. **9.** To maintain a 21 square foot instructional sign (4-square foot for instructional signs) see UDC Section 40.06.040.A.2. SR Zoning. CD 2. (App 2021-0011-A) TP 07-032.30-010.

CONDITION: The Applicant shall remove the 220-square-foot employment sign located at the Centre and Faulkland Road intersection prior to issuance of a building permit for the new ground sign

5. App. #2020-0730-A – Sunbelt Rentals.

Mr. Burt moved to Continue

VOTE: 5-0

ACTION: Continue- Area variances to facilitate the recordation of a Land Development Plan: 1. To permit paving 0 feet from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the Happy Lane right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **3.** To permit 0 open space plant units (5 plant units per acre required) see UDC Table 40.04.111.A. **4.** To permit a 0.3 bufferyard opacity along the Ruthar Drive right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To permit a 0.0 bufferyard opacity along the Happy Lane right-of-way (0.5 bufferyard opacity required) see UDC Table 40.04.111.A. **6.** To maintain 0 street trees along the Happy Lane right-of-way (5 street trees required) see UDC Table 40.04.111.C. I Zoning. CD 9. (App 2020-0730-A) TP 09-016.00-020.

6. App. #2021-0064-A – Silicato Development.

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

VOTE: 5-0

ACTION: Amend- Area variances to facilitate the recordation of a Land Development Plan: 1. 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. ~~2. To permit a trash enclosure 7 feet from the rear property line (20-foot side yard setback) see UDC Table 40.04.110.B.~~ **3.** To construct a building 5 feet from the northeasterly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **4.** To permit 0.0 bufferyard opacity along the N. DuPont Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To permit a Landscape Surface Ratio (LSR) of 0.18 landscape surface ratio (0.20 minimum LSR required) see UDC Table 40.04.110.A. **6.** To provide 1 stacking space for the single bay car wash (6 stacking spaces per bay) see UDC Table 40.03.522. **7.** To permit a ground sign 5 feet from the N. DuPont Highway right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **8.** To permit an 8 square foot instructional ground sign (4-square foot maximum for instructional signs) see UDC Section 40.06.040.A. ~~9. To permit a 325 square foot ground sign aggregate (250 square feet maximum ground sign aggregate) see UDC Table 40.06.060.~~ **10.** To permit a 78 square foot off-premise sign located on tax parcel 10-024.00-056 known as 440 School Lane, a road less than 10,000 average daily trips (0-square feet permitted) see UDC Section 40.06.070. **11.** To permit an off-premise sign 15 feet from the School Lane right-of-way on tax parcel 10-024.00-056 known as 440 School lane (40-foot street yard setback) see UDC Section 40.06.070. CR Zoning. CD 7. (App 2021-0064-A) TP 10-024.00-043 & 10-024.00-056.

Mr. Burt moved to Grant Variances 1, 3 through 8 with Conditions; Mr. Parker seconded the motion.

VOTE: 5-0

Mr. Thomas moved to Grant Variances 10 & 11; Mr. Parker seconded the motion.

VOTE: 4-1 (Burt, Deny)

ACTION: Grant with Conditions- Area variances to facilitate the recordation of a Land Development Plan: **1.** 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. ~~**2.** To permit a trash enclosure 7 feet from the rear property line (20-foot side yard setback) see UDC Table 40.04.110.B.~~ **3.** To construct a building 5 feet from the northeasterly side lot line (20-foot side yard setback) see UDC Table 40.04.110.B. **4.** To permit 0.0 bufferyard opacity along the N. DuPont Highway right-of-way (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **5.** To permit a Landscape Surface Ratio (LSR) of 0.18 landscape surface ratio (0.20 minimum LSR required) see UDC Table 40.04.110.A. **6.** To provide 1 stacking space for the single bay car wash (6 stacking spaces per bay) see UDC Table 40.03.522. **7.** To permit a ground sign 5 feet from the N. DuPont Highway right-of-way (40-foot ground sign setback) see UDC Table 40.06.060. **8.** To permit an 8 square foot instructional ground sign (4-square foot maximum for instructional signs) see UDC Section 40.06.040.A. ~~**9.** To permit a 325 square foot ground sign aggregate (250 square foot maximum ground sign aggregate) see UDC Table 40.06.060.~~ **10.** To permit a 78 square foot off-premise sign located on tax parcel 10-024.00-056 known as 440 School Lane, a road less than 10,000 average daily trips (0-square feet permitted) see UDC Section 40.06.070. **11.** To permit an off-premise sign 15 feet from the School Lane right-of-way on tax parcel 10-024.00-056 known as 440 School lane (40-foot street yard setback) see UDC Section 40.06.070. CR Zoning. CD 7. (App 2021-0064-A) TP 10-024.00-043 & 10-024.00-056.

- CONDITIONS:**
- 1. The landscaping shall be consistent with the renderings submitted into evidence.**
 - 2. The building elevations shall be consistent with the renderings submitted into evidence.**
 - 3. The sign renderings for the proposed gas pricing sign along N. DuPont Highway and other signage on the Subject Property shall be consistent with the renderings submitted into evidence.**

Melissa A. Hughes
Melissa Hughes
Department of Land Use
5/24/2021