



**BOARD OF ADJUSTMENT**

**MINUTES**

**February 27, 2020**

The Board of Adjustment of New Castle County held a public hearing on February 27, 2020 at the Department of Land Use Conference Room, New Castle County Government Center, 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 H. Burt**  
**Terry Parker**  
**William Brooks**  
**Edward Thomas**  
**Izuru Osegbu-Rivers**  
**Richard Farmer**  
**Monique Slowe**

Comprising a quorum of the Board; also:  
*Aysha Gregory, Esq., Office of Law*  
*Melissa Hughes, Department of Land Use*  
*Janet Vinc, Department of Land Use*  
*Conor Gibbons, Department of Land Use*  
*Alec Davis, 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. #2020-0052-A – Brantwyn Property, LLC.**

Mr. Thomas moved to **Grant** the application; Ms. Osegbu-Rivers seconded the motion.

**VOTE: 7-0**

**ACTION: Grant– Area variances: 1.** To maintain a building 17 from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a stairway/fire escape 10 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. CN Zoning. CD 2. (App 2020-0052-A) TP 07-026.00-148 & 07-026.00-152.

**2. App. #2020-0058-A Jeff D’Ambrosia.**

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

**VOTE: 7-0**

**ACTION: Grant– Area variances:** **1.** To maintain an identification ground sign for Sign 1 18 feet from the Hamburg Road right-of-way (25-foot setback required) see UDC Table 40.06.060. **2.** To maintain a second identification ground sign for Sign 2 (1 wall or ground identification sign permitted) see UDC Table 40.06.060. **3.** To maintain a second identification ground sign for Sign 2 20 feet from the Hamburg Road right-of-way (25-foot setback required) see UDC Table 40.06.060. EX Zoning. CD 12. (App 2020-0058-A) TP 10-050.00-016.

**3. App. #2020-0069-A SMO, Inc.**

Mr. Farmer moved to **Grant** the application; Ms. Slowe seconded the motion.

**VOTE: 7-0**

**ACTION: Grant– Area variance:** To permit a 140 square foot ground sign along the Centre Road right-of-way (100-square foot maximum sign area) see UDC Table 40.06.060. CN Zoning. CD 9. (App 2020-0069-A) TP 07-035.10-138.

**4. App. #2019-0070-A – SMO, Inc.**

Mr. Burt moved to **Grant in Part and Deny in Part** the application. Mr. Parker seconded the motion.

**VOTE: 7-0**

**ACTION: Grant Variance 1 – Area variance: 1.** To permit a 167 square foot ground sign along the Main Street right-of-way (100-square foot maximum sign area) see UDC Table 40.06.060.

**ACTION: Deny Variance 2 – Area variance: 2.** To permit a 167 square foot ground sign along the Mitch Road right-of-way (100-square foot maximum sign area) see UDC Table 40.06.060. CN Zoning. CD 1. (App 2020-0070-A) TP 08-050.40-047.

**5. App. #2020-0073-A – Bayberry Town Center LLC**

Mr. Burt moved to **Grant with Conditions** the application; Ms. Osegbu-Riveres seconded the motion.

**VOTE: 7-0**

**ACTION: Grant with Conditions – Area variances to facilitate the recordation of a Land Development Plan:** **1.** To provide a maximum of 61 percent residential gross floor area (50 percent maximum residential gross floor area) see UDC Section 40.03.318.A. **2.** To permit a gas station for Building A (gas station shall not be permitted in a mixed-use development) see UDC Section 40.03.318.B. **3.** To permit a stand-alone restaurant for Building E (stand-alone restaurant shall not be permitted in a mixed-use development) see UDC Section 40.03.318.B. **4.** To permit restaurant drive-through facilities for Buildings D & E (restaurants shall not contain drive through facilities in a mixed-use development) see UDC Section 40.03.318.B. **5.** To provide a 0.0 bufferyard along the Boyds Corner Road right-of-way where the Applicant will provide landscaping even though the required bufferyard width could not be met (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **6.** To provide a 0.0 bufferyard along the Jamison Corner Road right-of-way where the Applicant will provide landscaping even though the required bufferyard width could not be met (0.4 bufferyard opacity required) see UDC Table 40.04.111.A. **7.** To permit 12 loading bays (22 loading bays required) UDC Section 40.03.510. CR Zoning. CD 12 (App 2020-0073-A) TPs 13-013.00-242, 243, 248 & 067.

**Conditions:**

- 1. The proposed gas station shall be located on the southwesterly corner of the Subject Property abutting Boyds Corner and Jamison Corner Roads, and that both the convenience store building and gas pumps shall be oriented parallel to Jamison Corner road and the gas pumps shall be located internally in the site.**
- 2. The landscaping shall be consistent with the renderings submitted into evidence.**
- 3. The Applicant shall continue to work with the Department of Land Use with the building elevations.**

Melissa Hughes  
Department of Land Use  
2/13/2020