



BOARD OF ADJUSTMENT

MINUTES

June 11, 2020

The Board of Adjustment of New Castle County held a public hearing on June 11, 2020 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
William Brooks
Edward Thomas
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Mengting Chen, Esq., Office of Law
Melissa Hughes, Department of Land Use
Janet Vinc, Department of Land Use
Conor Gibbons, 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. #2020-0252-A – Zachery Davidson.

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

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition 21 feet from the Aikens Court right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 11. (App 2020-0252-A) TP 11-017.20-207.

2. App. #2020-0212-A –Whispering Woods LLC.

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

VOTE: 6-0

ACTION: Grant– Area variance to facilitate the recordation of a Land Development Plan: 1. To permit a community inground pool and associated decking 20 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To permit active recreation amenities and associated paving 20 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. (App 2020-0137-A) TP 13-012.24-018.

3. App. #2020-0223-A – Jeffrey D’Ambrosia

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

VOTE: 6-0

ACTION: Grant– Area variance: : To construct a ground sign 0 feet from the Red Lion Road right-of-way (40-foot ground sign setback) see UDC Section 40.06.060. CN Zoning. CD 12. (App 2020-0223-A) 12-006.00-022.

4. App. #2020-0222-A – 273 Land LLC

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

VOTE: 6-0

ACTION: Grant with Condition – Area variances: 1. To permit a shopping identification ground sign 2 feet from the Lawrence Drive right-of-way (40-foot setback for ground sign) see UDC Table 40.06.060. **2.** To permit a shopping identification ground sign 2 feet from the Christiana Road right-of-way (40-foot street yard setback) see UDC Table 40.06.060. CR Zoning. CD 11. (App 2020-0222-A) TP 09-030.00-056.

***5. App. #2020-0225-A – Landmark Science & Engineering**

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

VOTE: 6-0

ACTION: Grant with Conditions – Special Use Permit and area variances: 1. Special Use Permit to permit a 2-level, 273-space parking structure, a 2-level 186-space parking structure and a 2-level 400-space parking structure pursuant to UDC Sections 40.04.320 (Parking Bufferyard Standards), 40.03.528 (Parking Structures) and 40.31.430 (Standards for Special Use Permit). **2.** To permit 5 additional ground identification signs (1 wall or ground identification sign per building permitted) see UDC Table 40.06.060. **3.** To permit a 280 square foot ground identification for Sign 1 (75-square foot maximum sign area) see UDC Table 40.06.060. **4.** To permit ground identification Sign 1, 8 feet from the Concord Pike right-of-way (25-foot ground sign setback) see UDC Table 40.06.060. **5.** To permit ground identification Sign 1, 8 feet from the Powder Mill Road right-of-way (25-foot ground sign setback) see UDC Table 40.06.060. **6.** To maintain ground identification Sign A, 4 feet from the Concord Pike right-of-way (25-foot ground sign setback) see UDC Table 40.06.060. **7.** To maintain ground identification Sign B, 14 feet from the Powder Mill road right-of-way (25-foot ground sign setback) see UDC Table 40.06.060. **8.** To permit 8, 25-square foot instructional ground signs (4-square foot for instructional signs) see UDC Section 40.06.040.A.2. OR Zoning. CD 2. (App 2020-0225-A) TP 06-100.00-067.

Conditions: 1. The Applicant shall construct the parking garages with elevations and materials consistent with the renderings submitted into evidence.

2. The Applicant shall provide and maintain landscaping consistent with the renderings submitted into evidence

Melissa Hughes
Department of Land Use
9/10/2020