



BOARD OF ADJUSTMENT

MINUTES

BUSINESS MEETING AND PUBLIC HEARING

January 10, 2019

The Board of Adjustment of New Castle County held a public hearing on January 10, 2019 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:
Melissa Hughes, Department of Land Use
Daniel Murray, Esq., Office of Law

MINUTES

The minutes of October 25, 2018 were presented for approval and Mr. Thomas motioned to Grant the October 25, 2018 minutes and Mr. Burt seconded the motion, and the minutes were approved.

The minutes of November 29, 2018 were presented for approval and Mr. Parker motioned to Grant the November 29, 2018 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. #2018-0685-A – Jeff Brannan.

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

VOTE: 7-0

ACTION: Grant – Area variance: To maintain an addition 21 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 12. TP 13-014.34-205.

2. App. #2018-0684-A – Linda Perkins.

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

VOTE: 5-1 (Slowe recuse, Brooks abstain)

ACTION: Amend - Area variances: **1.** To maintain a dwelling 35 feet from the rear property line (40-foot rear yard setback). See UDC Table 40.04.110.B. **2.** To construct an addition **15 [20]** feet from the Berkshire Road right-of-way (25-foot street yard setback). See UDC Table 40.04.110.B. NCTH Zoning. CD 10. TP 10-005.40-255.

Mr. Burt moved to **Withdraw** the amendment.

ACTION: Withdrawn - Area variances: **1.** To maintain a dwelling 35 feet from the rear property line (40-foot rear yard setback). See UDC Table 40.04.110.B. **2.** To construct an addition **15 [20]** feet from the Berkshire Road right-of-way (25-foot street yard setback). See UDC Table 40.04.110.B. NCTH Zoning. CD 10. TP 10-005.40-255.

Mr. Burt moved to **Amend** the application; Mr. Farmer seconded the motion.

ACTION: Amend - Area variances: **1.** To maintain a dwelling 35 feet from the rear property line (40-foot rear yard setback). See UDC Table 40.04.110.B. **2.** To construct an addition **15 [19]** feet from the Berkshire Road right-of-way (25-foot street yard setback). See UDC Table 40.04.110.B. NCTH Zoning. CD 10. TP 10-005.40-255.

VOTE: 5-1 (Slowe recuse, Brooks abstain)

3. App 2018-0697-A – Edwin Conway.

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

VOTE: 7-0

ACTION: Grant – Area variance: To construct an addition 22 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 11. TP 11-019.40-096.

4. App 2018-0711-A – Westhampton Inc.

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

VOTE: 7-0

ACTION: Grant – Area variance: To permit a maximum building height of 45 feet (40-foot maximum building height) see UDC Table 40.04.110.B. ST Zoning. CD 3. TPs 08-026.10-137 – 139, 148 - 155, 161 – 163, 174 – 198; 08-026.20-079 – 088.

5. App 2018-0709-A – Christiana Mall.

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

VOTE: 7-0

ACTION: Grant – Area variances: **1.** To construct a ground sign at the height of 105 feet (45-foot maximum sign height) see UDC Section 40.06.030.A.6. **2.** To construct a 707 square foot shopping center identification ground sign (300-square foot maximum area) see UDC Section 40.06.060. **3.** To construct a 432 square foot EVMS, which is part of the 707 square foot shopping center sign identified above (50-square foot maximum sign area for EVMS) see UDC Section 40.06.030.B.6. **4.** To construct an EVMS with message display fixed for 30 minutes (12-hour minimum fixed display required) see UDC Section 40.06.030.B.6. CR Zoning. CD 1. TP 09-024.00-036.

6. App 2018-0714-A - BPG Office III, LLC

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

VOTE: 7-0

ACTION: Grant with Conditions – Area variances: **1.** To permit a second ground identification sign (1 wall or ground identification sign permitted) see UDC Table 40.060.60. **2.** To permit a 142 square foot ground identification sign (75-square foot maximum) see UDC Table 40.06.060. **3.** To permit Ground Sign 1 0 feet from the Rose Avenue right-of-way (25-foot setback) see UDC Table 40.06.060. **4.** To Ground Sign 1 0 feet from the Silverside Road right-of-way (25-foot setback) see UDC Table 40.06.060. **5.** To permit Ground Sign 2 0 feet from the Silverside Road right-of-way (25-foot setback) see UDC Table 40.06.060. **6.** To permit 34 nameplates (1 nameplate per use) see UDC Table 40.06.060. **7.** To permit 3 32 square foot nameplate wall signs (2 square foot maximum) see UDC Table 40.06.060. **8.** To permit 10 16 square foot nameplate wall signs (2 square foot maximum) see UDC Table 40.06.060. **9.** To permit 21 4 square foot projecting nameplate signs (2 square foot maximum) see UDC Table 40.06.060. **10.** To permit projecting nameplate wall signs 8 feet above sidewalk (10-foot above sidewalk minimum) see UDC Table 40.06.030.B.3. OR Zoning. CD 2. TPs 06-051.00-054, 06-051.00-123, 06-052.00-267 & 06-052.00-296.

Conditions:

- 1. The nameplate wall signage shall be channel style.**
- 2. With respect to Ground Sign No. 2, the Applicant shall propose signage that mitigates the effects of illumination and will confer with the Department as to that design.**

7. App 2018-0694-A – McBride & Ziegler, Inc.

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

VOTE: 7-0

ACTION: Grant – Area variances to facilitate the recordation of a Land Development Plan: **1.** To maintain building on Lot 1 31 feet from the Old Airport Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain paving on Lot 1 0 feet from the Old Airport Road right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **3.** To maintain paving on Lot 2 0 feet from the Old Airport Road right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **4.** To permit paving on Lot 1 0 feet from the easterly side lot line (10-other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving on Lot 2 0 feet from the westerly side lot line (10-other yard paving setback) see UDC Table 40.04.110.B. **6.** To permit 5 parking spaces on Lot 1 (14-parking spaces required) see UDC Table 40.03.522. **7.** To provide 0.0 bufferyard opacity on Lot 1 along the Old Airport Road right-of-way (0.5 bufferyard opacity) see UDC Table 40.04.111.B. **8.** To provide 0.0 bufferyard opacity on Lot 2 along the Old Airport Road right-of-way (0.5 bufferyard opacity) see UDC Table 40.04.111.B. HI Zoning. CD 7. TPs 10-008.00-024, -035 & -041.

Melissa Hughes

Department of Land Use 1/24/2019