



BOARD OF ADJUSTMENT

MINUTES

BUSINESS MEETING AND PUBLIC HEARING

March 8, 2018

The Board of Adjustment of New Castle County held a public hearing on March 8, 2018 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 (absent)
Terry Parker
William Brooks
Edward Thomas
Izuru Osegbu-Rivers

Comprising a quorum of the Board; also:
Melissa Hughes, Department of Land Use
Janet Vinc, Assistant Land Use Manager
Aysha Gregory, Esq., Office of Law

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. #2018-0072-A – Lee Hoffman.

Mr. Parker moved to **Grant with Condition** the application; Ms/ Osegbu-Rivers seconded the motion.

VOTE: 4-0

ACTION: Grant – Area variance: To maintain a detached ADU 37 feet from the rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B and UDC Section 40.03.410.H. NC21 Zoning. CD 6. (App 2018-0072-A) TP 11-041.40-169.

Condition:

Applicant obtain all necessary permits and inspections for the detached ADU.

2. App. #2018-0079-A – Daniel Lowell

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

VOTE: 4-0

ACTION: Grant - Area variance: To maintain an addition 22 feet from the W. Holly Oak Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 8. (App 2018-0079-A) TP 06-105.00-230.

3. App. #2018-0055-A – Joseph & Janet Creazzo

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

VOTE: 4-0

ACTION: Grant To construct an addition 20 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2. (App 2018-0055-A) TP 06-052.00-284.

4. App. #2018-0056-A – Delpa Builders LLC

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

VOTE: 4-0

ACTION: Grant – Area variances: **1.** To provide a lot width of 50 feet for Lots 29 and 30 (60-foot minimum lot width) see UDC Table 40.04.110.B. **2.** To provide a lot width of 50 feet for Lots 31 and 32 (60-foot minimum lot width) see UDC Table 40.04.110.B. **3.** To provide a lot size of 6,250 square feet for Lots 29 and 30 (6,500-square foot minimum lot size) see UDC Table 40.04.110.B. **4.** To provide a lot size of 6,250 square feet for Lots 31 and 32 (6,500-square foot minimum lot size) see UDC Table 40.04.110.B. NC6.5 Zoning CD 1. (App 2018-0056-A) TP 07-047.10-036.

5. App. #2018-0058-A – Greg Feld

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

VOTE: 4-0

ACTION: Grant – Area variances: **1.** To maintain 3 identification signs (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. **2.** To permit a fourth identification sign (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. **3.** To maintain 2, 35 square foot identification wall signs (20-square foot maximum sign area) see UDC Table 40.06.060.1. **4.** To permit a 43 square foot ground sign (20-square foot maximum sign area) see UDC Table 40.06.060.1. **5.** To maintain a 6 square foot ground instructional sign (4 square feet maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. **6.** To maintain a 17 square foot ground instructional sign (4 square feet maximum sign area for instructional signs) see UDC Section 40.06.040.A.2. S Zoning. CD 5. (App 2018-0058-A) TP 11-002.40-376.

6. App. #2018-0080-A – Andy Lubin

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

VOTE 4-0

ACTION: Amend - Area variances: 1. To permit 6 identification signs (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. **2.** To construct a 100 square foot ground identification sign along the Beaver Valley Road right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1. ~~3. To construct a 50 square foot ground identification sign along the Beaver Valley Road right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1.~~ **4.** To construct a 100 square foot ground identification sign along the Concord Pike right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1. ~~5. To construct a 50 square foot ground identification sign along the Concord Pike right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1.~~ **6.** To construct a 100 square foot ground identification sign along the Rocky Run Parkway right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1. **7.** To construct a 200 square foot wall identification sign (20-square foot maximum sign area) see UDC Table 40.06.060.1. ST Zoning. CD 2. (App 2018-0080-A) TP 06-019.00-004.

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

VOTE: 4-0

ACTION: Grant with Condition – Area variances: 1. To permit 6 identification signs (1 wall or ground identification sign permitted), see UDC Table 40.06.060.1. **2.** To construct a 100 square foot ground identification sign along the Beaver Valley Road right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1. ~~3. To construct a 50 square foot ground identification sign along the Beaver Valley Road right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1.~~ **4.** To construct a 100 square foot ground identification sign along the Concord Pike right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1. ~~5. To construct a 50 square foot ground identification sign along the Concord Pike right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1.~~ **6.** To construct a 100 square foot ground identification sign along the Rocky Run Parkway right-of-way (20-square foot maximum sign area) see UDC Table 40.06.060.1. **7.** To construct a 200 square foot wall identification sign (20-square foot maximum sign area) see UDC Table 40.06.060.1. ST Zoning. CD 2. (App 2018-0080-A) TP 06-019.00-004.

Condition:

The sign shall be consistent with the renderings as presented at the hearing.

7. App #2018-0048-A – GJP Enterprises LLC.

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

VOTE: 4-0

ACTION: Grant with Conditions: Area variances to facilitate the recordation of a Land Development Plan: **1.** To provide a 0.3 bufferyard opacity at the drive through talk box adjacent to residential properties (0.6 bufferyard opacity) see UDC Table 40.04.111.B and UDC Table 40.03.210.A. **2.** To provide a 0.0 opacity along the S. Chapel Street right-of-way (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **3.** To provide a 0.1 opacity along the northeasterly property line (0.3 bufferyard opacity) see UDC Table 40.04.111.B. **4.** To permit paving 7 feet along the S. Chapel Street right-of-way (40-foot paving street yard setback required), see UDC Table 40.04.110.B. **5.** To provide a drive through facility without a bypass lane (drive-in facilities must contain a bypass lane) see UDC Section 40.03.316.C. **6.** To permit a ground sign 13 feet from the S. Chapel Street right-of-way (40-foot setback), see UDC Table 40.06.060.4. **7.** To permit a menu

board sign 21 feet from the S. Chapel Street right-of-way (40-foot setback), see UDC Table 40.06.060.4. ON Zoning (proposed to be rezoned to Commercial Neighborhood) CD 5. (App 2018-0048-A) TP 11-006.10-274.

Conditions:

1. The Applicant shall provide the required number of bufferyard opacity plant units.
2. The landscaping shall be consistent with the rendering presented as the hearing.

Melissa Hughes
Department of Land Use 5/10/2018