



**BOARD OF ADJUSTMENT**

**MINUTES**

**December 5, 2019**

The Board of Adjustment of New Castle County held a public hearing on December 5, 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:  
*Aysha Gregory, Esq., Office of Law*  
*Melissa Hughes, Department of Land Use*  
*Conor Gibons, 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. #2019-0662-A – Douglas J. Cummings, Jr. Esq.**

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

**VOTE: 1-6 (Grant: Parker)**

**ACTION: Deny– Area variance:** To maintain a carport 1 foot from the westerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 11. (App 2019-0662-A) TP 09-029.10-467.

**2. App. #2019-0704-A – Juventino Pantoja.**

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

**VOTE: 7-0**

**ACTION: Grant with Condition– Area variances:** To construct an addition 19 feet from the Stanley Lane right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 10. (App 2019-0704-A) TP 10-015.40-158.

**Condition: The addition shall remain an open porch and shall not be enclosed on two or more sides.**

**3. App. #2019-0730-A – Andrew Roten.**

Mr. Farmer moved to Grant with Condition the application. Ms. Osegbu-Rivers seconded the motion.

**VOTE: 7-0**

**ACTION: Grant with Condition– Area variance:** To construct an addition 19 feet from the Lyndhurst Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 2. (App 2019-0730-A) TP 06-065.00-124.

**Condition: The porch remain open and not further enclosed.**

**4. App. #2019-0712-A – Aspira of Delaware Charter Operations Inc.**

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

**VOTE: 7-0**

**ACTION: Grant – Area variance:** To provide 190 parking spaces (298-parking spaces required) see UDC Table 40.03.522. I Zoning. CD 5. (App 2019-0712-A) TP 11-008.00-126.

**5. App. #2019-0714-A – Trademark Sign LLC.**

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

**VOTE: 7-0**

**ACTION: Grant – Area variance:** To permit 7 square foot nameplate (2-square foot maximum) see UDC Table 40.06.060. OR Zoning. CD 2. (App 2019-0714-A) TP 07-031.00-015.

**6. App. #2019-0691-A – Lamar Advertising of Penn, LLC.**

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

**VOTE: 0-6 (Abstain: Thomas)**

**ACTION: Deny – Area variances:** **1.** To permit an off-premise EVMS (Electronic Variable Message Sign) sign 300 feet from the S DuPont Parkway and ingress or egress from the signalized at-grade intersection of the adjoining nonresidential commercial use (1,000-foot minimum from an at-grade intersection) see UDC Section 40.06.030.B.6.e. **2.** To permit an off-premise EVMS sign to be oriented towards the southbound direction of travel of the DuPont Parkway northbound right-of-way (EVMS off-premise signs shall face same direction of travel) see UDC Section 40.06.030.B.6.e. **3.** To permit a static off-premise sign 0 feet from an off-premise EVMS sign (500-foot minimum from a static off-premise sign) see UDC Section 40.06.030.B.6.e. CR Zoning. CD 12. (App 2019-0726-A) TP 10-030.00-032.