



BOARD OF ADJUSTMENT

MINUTES

March 10, 2022

The Board of Adjustment of New Castle County held a public hearing on March 10, 2022 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Vice Chairman Terry Parker,
presiding:

CALL TO ORDER – 6:00 p.m.

Terry Parker
Edward Thomas
Mr. Farmer
Dr. Nina David

Comprising a quorum of the Board; also:
Mengting Chen., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, Department of Land Use

MINUTES

The minutes of January 13, 2022 were presented for approval and Mr. Thomas motioned to Grant January 13, 2022 minutes and Mr. Parker 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. #2021-0702-A - Rev. Lawrence Pelham.

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

VOTE: 4-0

ACTION: Grant– Area variances: 1. To permit a 34 square foot ground sign with a 24 square foot EVMS (Electronic Variable Message Sign) portion (20-square foot maximum sign area) see UDC Table 40.06.060. **2.** To permit a 34 square foot ground sign with a 24 square foot EVMS portion 10 feet from the Anderson Drive right-of-way (20-foot setback for ground signs) see UDC Table 40.06.060. **3.** To permit an EVMS sign 50 feet from a residential use (75-foot minimum from a residential use) see UDC Section 40.06.030.B.6. NC5 Zoning. CD 10. (App 2021-0702-A) TP 10-010.20-170.

2. App #2022-0013-A – Tupps Signs, Inc

Dr. David moved to Grant; Mr. Parker seconded the motion.

VOTE: 4-0

ACTION: Grant– Area variances: 1. To permit a ground Sign A 10 feet from the Chestnut Hill Road right-of-way (25-foot setback for ground sign) see UDC Table 40.06.060. **2.** To permit a ground Sign A 15 feet from the Stanley Plaza Boulevard right-of-way (25-foot setback for ground sign) see UDC Table 40.06.060. **3.** To permit ground Sign B 15 feet from the Stanley Plaza Boulevard Hill Road right-of-way (25-foot setback for ground sign) see UDC Table 40.06.060. CN Zoning. CD 9. (App 2022-0013-A) TP 09-022.40-227.

3. App #2022-0058-A – Red Clay Consolidated

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

VOTE: 4-0

ACTION: Grant - Area variances to facilitate the recordation of a Land Development Plan: 1. To maintain a school building 14 feet from the Telegraph Road right-of-way (40-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a school building 9 feet from the southerly side lot line (25-foot side yard setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the Telegraph Road right-of-way (20-foot street yard paving setback) see UDC Table 40.04.110.B. S Zoning. CD 1. (App 2022-0058-A) TP 08-050.40-003.

4. App. #2022-0037-A – 200 New Castle Avenue LLC

Mr. Parker moved to Amend to remove Variance 5; Dr. David seconded the motion.

VOTE: 4-0

ACTION: Amend to remove Variance 5 - Area variances to facilitate the recordation of a Land Development Plan: 1. To permit paving 0 feet from the Killoran Drive right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **4.** To permit a trash enclosure 18 feet from the Killoran Drive right-of-way (40-foot setback required) see UDC Table 40.04.110.B. ~~**5.** To permit a trash enclosure 12 feet from the northerly side lot line (15-foot setback required) see UDC Table 40.04.111.B.~~ **6.** To maintain a 1-story retail building 17 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **7.** To permit a Landscape Surface Ratio (LSR) of 0.11 (0.45 minimum LSR required) see UDC Table 40.04.110.A. **8.** To permit a maximum gross floor area ratio of 0.30 (0.18 maximum gross floor area ratio) see UDC Table 40.04.110.A. **9.** To permit a maximum net floor area ratio of 0.60 (0.34 maximum net floor area ratio) see UDC Table 40.04.110.A. **10.** To provide 1 loading bay (2 loading bays required) see UDC Section 40.03.510. **11.** To provide 78 parking spaces (95 parking spaces required) see UDC Table 40.03.522. **12.** To maintain a ground sign 6 feet from the Killoran Drive right-of-way (40-foot setback for ground sign) see UDC Table 40.06.060. **13.** To provide 0.0 bufferyard opacity along Killoran Drive right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **14.** To provide a 0.2 bufferyard opacity along the northerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. **15.** To permit a 0.0 bufferyard opacity along the rear property line (0.2 bufferyard opacity required) see UDC Table 40.04.111.B. **16.** To provide 0 on-lot plant units (8 plant unit per acre, total of 1.6 plant units required) see UDC Table 40.04.111.A. **17.** To provide 0 street trees along Killoran Drive (7 street trees required) see UDC Table 40.04.111.C. CN Zoning. CD 10. (App 2022-0037-A) TP 10-015.40-099.

Mr. Parker moved to Grant with Condition; Mr. Thomas seconded the motion.

VOTE: 4-0

ACTION: Grant with Condition - Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit paving 0 feet from the Killoran Drive right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **2.** To permit paving 0 feet from the rear property line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **3.** To permit paving 0 feet from the southerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **4.** To permit a trash enclosure 18 feet from the Killoran Drive right-of-way (40-foot setback required) see UDC Table 40.04.110.B. ~~**5.** To permit a trash enclosure 12 feet from the northerly side lot line (15-foot setback required) see UDC Table 40.04.111.B.~~ **6.** To maintain a 1-story retail building 17 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **7.** To permit a Landscape Surface Ratio (LSR) of 0.11 (0.45 minimum LSR required) see UDC Table 40.04.110.A. **8.** To permit a maximum gross floor area ratio of 0.30 (0.18 maximum gross floor area ratio) see UDC Table 40.04.110.A. **9.** To permit a maximum net floor area ratio of 0.60 (0.34 maximum net floor area ratio) see UDC Table 40.04.110.A. **10.** To provide 1 loading bay (2 loading bays required) see UDC Section 40.03.510. **11.** To provide 78 parking spaces (95 parking spaces required) see UDC Table 40.03.522. **12.** To maintain a ground sign 6 feet from the Killoran Drive right-of-way (40-foot setback for ground sign) see UDC Table 40.06.060. **13.** To provide 0.0 bufferyard opacity along Killoran Drive right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **14.** To provide a 0.2 bufferyard opacity along the northerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. **15.** To permit a 0.0 bufferyard opacity along the rear property line (0.2 bufferyard opacity required) see UDC Table 40.04.111.B. **16.** To provide 0 on-lot plant units (8 plant unit per acre, total of 1.6 plant units required) see UDC Table 40.04.111.A. **17.** To provide 0 street trees along Killoran Drive (7 street trees required) see UDC Table 40.04.111.C. CN Zoning. CD 10. (App 2022-0037-A) TP 10-015.40-099.

CONDITION: The landscaping shall be consistent with the exhibits submitted into evidence.

Melissa A. Hughes
Melissa Hughes
Department of Land Use
4/1/2022