

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
MINUTES**

January 20, 2011

**11-BA-01
Tupp Signs/Bellevue Realty
Elkton Road & Suburban Drive**

Those present at 7:00 p.m.:

Presiding: Clayton Foster

Members Present: Jeffrey Bergstrom
Paul Faust
Howard Smith

Absent: Kevin Hudson

Staff Members: Bruce Herron, Interim City Solicitor
Roy Lopata, Planning & Development Director

1. APPROVAL OF MINUTES FROM MEETINGS HELD NOVEMBER 18, 2010

There being no additions or corrections, the minutes were approved as received.

2. THE APPEAL OF TUPP SIGNS/BELLEVUE REALTY, FOR THE PROPERTY AT ELKTON ROAD AND SUBURBAN DRIVE FOR THE FOLLOWING VARIANCE:

A) CH. 32 SEC.60 (a)(2) – INSTRUCTIONAL SIGNS MAXIMUM PERMITTED SIZE IS 2 SQUARE FEET. PLAN SHOWS APPROXIMATELY 16 SQUARE FEET IN AREA.

Ms. Schiano read the above appeal and stated that it was advertised in the *Newark Post* and direct notices were mailed. No letters in opposition were received.

Mr. Foster asked if the Planning and Development wanted to comment. Mr. Lopata stated the proposed sign request came about through suggestions from the Planning Department suggesting indicating the available right turn off of Elkton Road prior to the major access to Suburban Plaza.

Mr. Douglas M. Goldberg, Tupps Signs, 457 East New Churchmans Road, New Castle, DE present to speak on behalf of Bellevue Realty, the owners of Suburban Plaza was sworn in. He was the sign contractor who designed and proposed the sign. Mr. Goldberg stated the two square foot sign that was permitted under the Code was too small to be seen or be effective to be visible to draw traffic travelling on Elkton Road to bring them into that entrance; to alleviate the excessive traffic at the main entrance to the center. Mr. Goldberg provided a photo rendering of the sign at its proposed location to the Board members, which would also be on record in the file.

Mr. Lopata stated the side entrance feeds establishments on the front corner of the property such as the Acme and Applebee's. He further stated the City initially required the side access to assist in reducing traffic to the main entrance.

Mr. Bergstrom inquired as to the size of the lettering. Mr. Goldberg stated the letter would be 60 inches high on average and will use reflective lettering.

Mr. Faust inquired if the proposed sign could be made any smaller. Mr. Goldberg stated the proposed dimensions were the smallest feasible.

There was no one else who wished to speak against the variance.

Mr. Bergstrom addressed the Kwik Check factors as follows:

- The nature of the zone was BC and would remain so.
- The character of the immediate vicinity would also not be affected by the addition of a small directional sign.
- It would create an unnecessary hardship or exceptional difficulty if the restriction were not removed due considerable traffic either missing the entrance altogether or driving in the apartment complex in error.

Mr. Foster concurred and stated he believed it was a safety issue and the addition of the sign would be benefit.

Mr. Faust concurred and said an "approach" sign would be a welcomed addition.

Mr. Smith stated he was also in favor of granting the sign and was an improvement for the roadway and was well proportioned.

MOTION BY MR. BERGSTROM, SECONDED BY MR. FAUST: TO GRANT THE VARIANCE TO PERMIT THE INSTRUCTIONAL SIGN. SIGN NOT TO EXCEED 16 SQUARE FEET IN AREA. THE FOLLOWING CONDITIONS APPLY:

- Sign installation to occur within six months.
- Limit of one instructional sign.

MOTION PASSED UNANIMOUSLY: VOTE: 4 to 0.

Aye: Bergstrom, Faust, Foster, Smith

Absent: Hudson

Meeting adjourned at 7:15 p.m.

Tara A. Schiano
Secretary

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