

City of Wilmington



MICHAEL S. PURZYCKI
Mayor

CITY OF WILMINGTON BOARD OF ADJUSTMENT ZONING APPEAL

Minutes of April 10, 2024 Meeting

The City of Wilmington Board of Adjustment held a meeting on April 10, 2024 at 2:00 PM in the Mayor's 3rd Floor Conference Room, 800 N. French Street, Wilmington, DE 19801. Public participation occurred via Zoom.

Attending: R. Goff, Chairman; T. Ford, Vice Chairman; Derek Akbar, Public Works

Old Business: Record of case closed.

New Business:

Case # 6.9.23
Zoned W-4
Posted 6/23/23

Application of Diamond Port Property LLC, 761 Grantham Lane, New Castle, DE 19720, requesting permission to construct a 208,239 square foot building at 1, 25, & 51 South Heald Street and 0 Lobdell Street to be used for light manufacturing and wholesale storage purposes. The applicant is also requesting to vary the tree caliper requirement, from 3" to 1.5" for required landscaping.

48-71	Special Exceptions
48-70	Variances
48-69	Appellate Jurisdiction

1) The applicant is seeking Board approval to permit a light manufacturing use within a W-4 zoning district as a special exception.

Vote: 3-0 - Denied

2) The applicant is seeking Board approval to permit a wholesale storage use within a W-4 district as a special exception.

Vote: 3-0 - Denied

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- 3) The applicant is seeking Board approval from the requirements of City Code Section 48-526(1)b.1, which requires street trees to have a minimum caliper diameter of 3.5”, in order to permit the installation of street trees at the property having a minimum caliper of 1.5”.

This request is Moot.

- 4) The applicant is seeking Board approval for a variance from the requirements of City Code Section 48-528(a)(5), which requires one, 3’-3.5” caliper shade tree for every 20 vehicles, in order to permit the installation of one, 1.5”-2” caliper shade tree for every 10 vehicles at the property.

This request is Moot.

- 5) The applicant is seeking Board approval for a variance from the requirements of City Code Section 48-339(c) (1) which places a maximum 5,000 square foot per approved use limitation on light manufacturing uses permitted by special exception in the W-4 district.

Vote: 3-0 - Denied

- 6) The applicant has relied upon a Zoning Certification from the Office of Zoning Administration in the City of Wilmington dated November 16, 2020 providing that Tax Parcel Nos. 26-051.00-004, 26-5100-003, 26-051.00-001 & 26-051.00-028 could be used for warehousing, cross-docking, bulk storage, trailer parking and product packaging. The applicant is seeking a determination from the Board that the City of Wilmington is equitably estopped from (i) refusing to acknowledge the validity of Zoning Certification and (ii) refusing to permit uses on the above referenced tax parcels consistent with the Zoning Certification.

Vote: 3-0 – The City is not equitably estopped from enforcing it’s Zoning regulations.

There being no further business, the meeting was adjourned.