



BOARD OF ADJUSTMENT

MINUTES

July 11, 2019

The Board of Adjustment of New Castle County held a public hearing on July 11, 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
William Brooks
Edward Thomas
Richard Farmer
Izuru Osegbu-Rivers
Monique Slowe

Comprising a quorum of the Board; also:
Daniel Murray, Esq., Office of Law
Phillip McBride, 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. #2019-0335-A – Horace V. McComsey Jr

Mr. Thomas moved to **Grant** the application; Mr. Farmer seconded the motion.

VOTE: 6-0

ACTION: Grant– Area variance: To maintain a dwelling 5 feet from the westerly side lot line (8-foot side yard setback) see UDC Section 40.04.110.B. Horace V. McComsey Jr. NC10 Zoning. CD 8. (App 2019-0335-A) TP 29-001.00-545.

2. App. #2019-0313-A – William Coon.

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

VOTE: 6-0

ACTION: Grant- Area variance: To construct a 25 feet in height detached accessory 8 feet from the

rear property line (40-foot rear yard setback) see UDC Table 40.04.110.B. SE Zoning. CD 2. (App 2019-0313-A) TP 07-016.00-035.

3. App. #2019-0315-A – Bruce Douglas.

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

VOTE: 0-5 (Burt recuse)

ACTION: Deny – Area variances: 1. To construct a detached accessory structure in front of the primary dwelling on a lot less than 2 acres (2-acre minimum lot size) see UDC Section 40.03.410A.1. **2.** To construct a detached accessory structure 3 feet from the westerly side lot line (12-foot side yard setback) see UDC 40.04.110.B. NC15 Zoning. CD 8. (App 2019-0315-A) TP 06-124.00-005.

4. App. #2019-0332-A – Philip & Pamela Piraino.

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

VOTE: 6-0

ACTION: Grant – Area variance: To construct an addition onto an existing detached accessory structure 5 feet from the easterly side lot line (12-foot side yard setback) see UDC Table 40.04.110.B. S Zoning. CD 6. (App 2019-0332-A) TP 11-061.00-043.

5. App. #2019-0334-A – Daniel Dombrowski.

Mr. Burt moved to **Grant** the application. Mr. Farmer seconded the motion.

VOTE: 6-0

ACTION: Grant – Area variance: To construct an addition 12 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9. (App 2019-0333-A) TP 08-049.10-080.

6. App. #2019-0334-A – Donald Weaver.

Mr. Brooks moved to **Grant** the application. Ms. Slowe seconded the motion.

VOTE: 6-0

ACTION: Grant – Area variances: 1. To construct an addition 8 feet from the rear property line (20-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct a deck 8 feet from the rear property line (10-foot setback for decks) see UDC Section 40.04.110.E. NCPUD Zoning. CD 3. (App 2019-0334-A) TP 08-036.10-135.

7. App. #2019-0354-A – Patrick Novak.

Mr. Farmer moved to **Grant** the application. Mr. Brooks seconded the motion.

VOTE: 6-0

ACTION: Grant – Area variance: To construct an addition 14 feet from the Lothian Place right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC6.5 Zoning. CD 9. (App 2019-0354-A) TP 08-054.40-124.

8. App. #2019-0356-A – Raymour Furniture Company, Inc.

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

VOTE: 6-0

ACTION: Grant with Condition – Area variances to facilitate the recordation of a Land Development Plan: 1. To maintain a building 18 feet from the easterly side lot line (20-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 18 feet from the rear yard setback (20-foot rear yard setback) see UDC Table 40.04.110.B. **3.** To permit a max gross floor area

ratio of 0.54 (0.37 maximum net floor area ratio) see UDC Table 40.04.110.A. **4.** To permit paving 0 feet from the northerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **5.** To permit paving 0 feet from the southerly side lot line (5-foot other yard paving setback) see UDC Table 40.04.110.B. **6.** To permit paving 15 feet from the Naamans Road right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **7.** To permit paving 20 feet from the Concord Pike right-of-way (25-foot street yard paving setback) see UDC Table 40.04.110.B. **8.** To provide 0.0 bufferyard opacity along the Concord Pike right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.A. CR Zoning, CD 2. (App 2019-0356-A) TPs 06-011.00-011 & 06-011.00-073.

Condition: 1. The Applicant shall provide and maintain landscaping generally consistent with the exhibit entered into evidence at the hearing.

Melissa Hughes
Department of Land Use
10/10/2019