



BOARD OF ADJUSTMENT

MINUTES

January 27, 2022

The Board of Adjustment of New Castle County held a public hearing on January 27, 2022
utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
Edward Thomas
Mr. Farmer
Dr. Nina David

Comprising a quorum of the Board; also:
Aysha Gregory., Office of Law
Melissa Hughes, Department of Land Use
Klesa Achaibar, Department of Land Use
Janet Vinc, 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. #2021-0801-A - David Malatesta.

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

VOTE: 5-0

ACTION: Grant with Condition – Area variance: To construct an addition 14 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 9 (App 2021-0801-A) TP 08-049.10-106.

CONDITION: The addition shall remain a screened porch and shall not be further enclosed.

2. App #2021-0802-A – Ferris Home Improvements

Mr. Burt moved to **Grant**; Dr. David seconded the motion.

VOTE: 5-0

ACTION: Grant– Area variances: **1.** To maintain pool decking 5 feet from the northerly side lot line (6-foot setback for pool decking) see UDC Section 40.03.410.H. **2.** To construct pool decking 5 feet from the northerly side lot line (6-foot setback for pool decking) see UDC Section 40.03.410.H. **3.** To construct pool decking 1 foot from the rear property line (6-foot setback for pool decking) see UDC Section 40.03.410.H. NC6.5 Zoning. CD 1 (App 2021-0802-A) TP 07-043.30-110.

3. App #2021-0804-A – William & Erika Ezzo

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

VOTE: 5-0

ACTION: Grant - Area variances: **1.** To maintain a dwelling 0 feet from the Ebright Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a 2-story addition 7 feet from the Ebright Road right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 2 (App 2021-0804-A) TP 06-006.00-002.

4. App. #2021-0703-A - Geno Graubant

Mr. Burt moved to Grant; Mr. Farmer seconded the motion.

VOTE: 5-0

ACTION: Grant - Area variances: **1.** To maintain a detached accessory structure 22 feet in height (20-foot maximum height for detached accessory structure) see UDC Section 40.03.410.A. **2.** To maintain a detached accessory structure 22 feet in height 3 feet from the easterly side lot line (10-foot side yard setback) see UDC Section 40.03.410.A. NC21 Zoning. CD 12. (App 2021-0703-A) TP 12-012.00-093.

5. App. #2020-0099-A - Reybold Venture Group XVIII-A LLC.

Mr. Burt moved to Grant with Conditions; Mr. Thomas seconded the motion.

VOTE: 5-0

ACTION: Grant with Conditions - Area variances to facilitate the recordation of a Land Development Plan: **1.** To construct 2 condominium buildings 66 feet in height (50-foot maximum building height) see UDC Table 40.04.110.B. **2.** To permit 2 condominium buildings 45 feet from the easterly side lot line (66-foot side yard setback) see UDC Section 40.04.110.C. **3.** To permit a condominium building 45 feet from the rear property line (66-foot rear yard setback) see UDC Section 40.04.110.C. ST Zoning. CD 2 (App 2020-0099-A) TP 06-051.00-014.

CONDITIONS: **1. The 66-foot height shall be restricted to the five (5) roof features (three (3) on the front condominium building and two (2) on the rear condominium building) as designated on the building renderings submitted into evidence.**

2. The building elevations shall be consistent with the renderings submitted into evidence.

3. The additional ceiling height over the 50-foot minimum shall not be used for living space.

6. App 2022-0001-A – Raymour Furniture Company, Inc

Mr. Burt moved to Amend; Mr. Thomas seconded the motion.

VOTE: 5-0

ACTION: Amend - 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 [24]** 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 [21]** 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. **9.** To provide 0 street trees along the Concord Pike right-of-way (5 street trees required) see UDC Table 40.04.111.C. **10.** To provide 0.0 bufferyard opacity along the Naamans Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.A. **11.** To provide 1 street tree along the Naamans Road right-of-way (2 street trees required) see UDC Table 40.04.111.C. **12.** To provide 0 parking lot plant units (1 plant unit per 12 parking spaces, total 6.5 plant units required) see UDC Table 40.04.111.A. CR Zoning. CD 2. (App 2022-0001-A) TPs 06-011.00-011 & 06-011.00-073.

Mr. Burt moved to **Grant with Conditions**; Mr. Thomas seconded the motion.

VOTE: 5-0

ACTION: Grant with Conditions - 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 [24]** 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 [21]** 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. **9.** To provide 0 street trees along the Concord Pike right-of-way (5 street trees required) see UDC Table 40.04.111.C. **10.** To provide 0.0 bufferyard opacity along the Naamans Road right-of-way (0.4 bufferyard opacity) see UDC Table 40.04.111.A. **11.** To provide 1 street tree along the Naamans Road right-of-way (2 street trees required) see UDC Table 40.04.111.C. **12.** To provide 0 parking lot plant units (1 plant unit per 12 parking spaces, total 6.5 plant units required) see UDC Table 40.04.111.A. CR Zoning. CD 2. (App 2022-0001-A) TPs 06-011.00-011 & 06-011.00-073.

CONDITIONS: 1. The building elevations shall be generally consistent with the renderings submitted into evidence.

2. The building elevations shall be generally consistent with the renderings submitted into evidence.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
3/7/2022