

Board of Adjustment Public Hearing



A New Castle City Board of Adjustment Hearing took place on April 7, 2005 at 7 p.m. in the City of New Castle's Town Hall.

Present: John F. Klingmeyer, Chairman
David Athey, City Engineer
Clifford Hearn, City Solicitor
Jeff Bergstrom, Building Official
David DiMeglio, Applicant
Robin DiMeglio

Chairman Klingmeyer called the meeting to order at 7 p.m. He introduced City Engineer Dave Athey and City Solicitor Clifford Hearn. He informed we have a receipt that the application has been paid for. It was posted in the New Castle Weekly on April 7, 2005 and the News Journal on March 23, 2005. The property has been posted properly.

The Chair read the Notice of Public Hearing that states, "An application has been filed by David DiMeglio, P.O. Box 4063, Delaware City, Delaware 19706 for property located at 739 Center Street, New Castle, Delaware, parcel number 21-1700-032. The above property owner is requesting the following variances: a rear yard setback from 25 ft. to 9 ft. foot print from 50% to 89%, front setback from 20 ft. to 0 ft., family square foot from 1,750 to existing (610 ft.²), no off street parking requirement, lot size from 3,500 ft.² to existing (800 ft.²), lot width from 30 ft. to existing (14 ft.), lot depth from 100 ft. to existing (60 ft.). For the purpose of considering this application, the Board of Adjustment will hold a public hearing on Thursday, April 7, 2005, at 7 p.m. in Old Town Hall located at 201 Delaware Street, second floor, New Castle, Delaware."

Mr. Bergstrom was asked to give some background on this application. The proposal is to remove and replace the rear kitchen addition of the property with a larger kitchen addition. It is not a large addition. When these homes were built (circa 1845) bathroom facilities were not inside the home. Mr. DiMeglio's request for variance says he has no off street parking requirement. What he means is that he has no off street parking now and probably no way to get any considering the width of the alley. It is the same for everyone in the area. Mr. Hearn inquired about the front of the property. Mr. DiMeglio informed there is no room for parallel parking in the front; rather, there is room for two vehicles to pull in side by side.

Mr. Athey presented pictures he had taken of the property, which were viewed by the group. Mr. DiMeglio informed that currently there is a 5 X 5 square foot bathroom in the house and the code is 5 X 7 square foot minimum. You have to step over the toilet to get to the bathtub. We need to take room from the kitchen, which already did not have the room to spare.

The Chair asked if this would be a single floor or two-story addition. Mr. DiMeglio said it would be a two-story addition. He plans to include a full bathroom on the second floor next to the master bedroom. The Chair inquired whether Mr. DiMeglio could present any floor plans or sketches to the Board; he could not. Discussion took place about the applicant's plans for an upstairs full bathroom. Besides providing additional privacy Mr. DiMeglio feels the additional bathroom will increase the property's value allowing for more marketability. He provided a plot plan for review. The Chair said the plot plan does not tell them anything about the interior of the property, which is essential. Mr. DiMeglio provided a surveyor's drawing to the Board for review. The Chair does not feel this drawing will provide the answers needed to make a decision.

Mr. Athey asked if other homes down the block have a second floor. Mr. DiMeglio said that there are a number of homes in the area that have second floors. The Chair will have Mr. Bergstrom take pictures to make a profile to see what the area of existing homes looks like. Mr. Athey asked how many people the applicant intends to have living in the home after repairs are made. He said that currently his mother lives in the home, although she is temporarily living elsewhere at this time. His plan is for only two people to occupy the home.

Mr. Athey reported that no letters from neighbors in opposition of these repairs have been received and there is a notice posted on the door of the property.

Discussion turned to the backyard and how much smaller it will be after construction is completed. Mr. DiMeglio said his main intention is to make the backyard maintenance free, but aesthetically pleasing. The Chair expressed concern about the smaller backyard bringing the property value down.

Mr. Bergstrom noted that the applicant has to bring the stairs in the home up to code, which will take more space. Mr. Athey asked if the applicant needs plans to get a building permit and Mr. Bergstrom replied 'yes, he will need a sealed drawing for his fire wall and this would likely be done by an architect.'

The Chair expressed concern about setting a precedent in approving this request. We have to do more to upgrade that area of the city; it is low-income housing. We need to get some county housing programs in there. That is why I am concerned about the total effect. I am glad the applicant is doing this and I commend him, but I am concerned about setting a precedent. Mr. Athey added that we all share the same objective to improve the area. He is requesting additional information that will help us make a decision. We need some idea of what the floor plan looks like, to scale if possible. We need to see what is going on inside the property. Then we need a better quantification of adjoining properties on the block; how deep the first story is and how deep the second story is.

Mr. Athey made a motion to table further discussion on this application until the next Board of Adjustment Hearing scheduled for April 20, 2005. The motion was seconded and passed unanimously.

Mr. Athey inquired about advertising for the next hearing and the Chair informed it is not necessary because it is a continuance of this hearing.

The meeting was adjourned at 8:10 p.m.