

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

May 17, 2007

*07-BA-03
Luis & Lucy Galo
9 Allison Lane

Those present at 7:30 p.m.:

Presiding: Clayton Foster

Members Present: Jeffrey Bergstrom
Michael Harmer
Cathy Johnston
Linda Shopland

Staff Members: Bruce C. Herron, Deputy City Solicitor
Tom Sciulli, Building Director

1. APPROVAL OF MINUTES FROM MEETING HELD FEBRUARY 15, 2007

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

2. THE APPEAL OF ROSALIND D. WILLIAMS, AGENT FOR LUIS AND LUCY GALO, FOR THE PROPERTY AT 9 ALLISON LANE FOR THE FOLLOWING VARIANCE:

A) CH. 32, SEC. 32-10(C)(7) REQUIRES SIDE YARDS IN RD ZONING AREAS TO HAVE A MINIMUM WIDTH OF EIGHT (8) FEET. THE MORTGAGE PLAN SUBMITTED SHOWS A YARD WIDTH OF 7.3'. A VARIANCE OF .7' IS REQUIRED.

Ms. Van Veen read the above appeal. Direct notices were mailed and a public notice was advertised in the **Newark Post**.

Mr. Sciulli corrected an error in the section of the Code cited in the appeal to be: Section 32-10 (c) (7).

Rosalind D. Williams, Esquire, agent for the property owners, stated that when Mr. & Mrs. Galo purchased the property, she was their settlement agent. Ms. Williams noted that the original property survey was apparently incorrect, and when the new survey was completed for settlement, it was determined that the side yard was short .7'. When she applied for the certificate of occupancy it was denied, and therefore her clients requested an appeal for a variance.

Mr. Foster asked for comments from the Board members. Ms. Shopland requested clarification that the variance was not requested for any new building but instead was to correct a surveying error. Ms. Williams verified the variance was requested in order to correct the error.

MOTION BY MR. BERGSTROM, SECONDED BY MS. SHOPLAND: THAT THE VARIANCE BE GRANTED AS REQUESTED.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye: Bergstrom, Foster, Harmer, Johnston, Shopland.
Nay: 0.

3. Meeting adjourned at 7.37 p.m.

Alice Van Veen
Secretary