

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
AGENDA
August 16, 2012 – 7:00 P.M.**

1. The approval of the minutes from the meeting held July 19, 2012.
2. The appeal of Mark Ziegler, on behalf of South Pond Properties, LLC, for the following variances for a proposed minor subdivision consisting of four single-family dwellings on 4 lots at 45 Prospect Avenue:
 - a) Sec. 32-10(c)(1) – requires a minimum lot area of 6,250 square feet; Lots 1 and 4 at 3,750 square feet each require a 2,500 square foot variance; Lots 2 and 3 at 4,117.5 square feet each require a 2,132.5 square foot variance.
 - b) Sec. 32(10)(c)(2) – requires maximum lot coverage for any building, exclusive of accessory buildings to be 25%. Building lot coverage for Lots 1 and 4 at 25.7% each require a .7% variance.

Requires a total maximum lot coverage for any building including accessory buildings, parking and driveways to be 50%. Lot 2 and 3 at 80.7% each require a 30.7% variance.
 - c) Sec. 32-10(c)(3) – requires a minimum lot width of 50 feet. Lots 1 and 4 at 25 feet each require a 25 foot variance and Lots 2 and 3 at 27.45 feet each require a 22.55 foot variance.
 - d) Sec. 32-10(c)(4) – height of building shall not exceed three stores or 35 feet. The proposed four buildings will be 39-40 feet in height requiring a maximum 5 foot variance for each building.

ZONING CLASSIFICATION: RD

3. Request of Mark Sisk, Esquire, on behalf of SMD Contractors, for the following variances for a proposed major subdivision consisting of eight townhouse apartment units at 30, 34, 38 and 42 Chamber Street:
 - a) Sec. 32-11(a)(1)(d) – requires a maximum lot coverage of 20%. Plan shows 32.2% lot coverage requiring a 12.2% variance.
 - b) Sec. 32-11(a)(1)(h) – requires a minimum lot size of one acre. Plan shows a lot size of 0.546 acres requiring a .454 acre variance.
 - c) Sec. 32-11-(a)(1)(i) – requires at least 40% of area to be open space. Plan shows 30.6% open space requiring a 9.4% variance.
 - d) Sec. 32-11(a)(1)(j) - requires all uncovered parking and loading spaces to be located at least ten feet from all abutting perimeter streets and property lines. Plans shows 21 of the 22 open parking spaces less than 10 feet from property

lines or perimeter streets, requiring a variance to permit 21 parking spaces to be located closer to the abutting perimeter streets/property lines.

- e) Sec. 32-11(c)(5)a. – requires a 30 foot minimum building setback line from the line of all perimeter streets. Plan shows a setback of 193 feet from Chambers Street and 25.8 feet from Benny Street, requiring variances of 10.7 feet and 4.2 feet respectively.
- f) Sec. 32-11(c)(5)c. – requires a 25 foot minimum building setback line from all exterior lines. Plan shows 7 feet from a property line requiring a variance of 18 feet.

ZONING CLASSIFICATION: RD

The application and related materials may be examined at the City Secretary's Office, 366-7070, prior to the meeting.

Clayton S. Foster
Chairman