

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
MINUTES
January 17, 2013**

**13-BA-1
230 E. Main Street (Newark
Shopping Center)**

**13-BA-2
8 Scotch Pine Road**

Those present at 7:00 p.m.:

Presiding: Clay Foster

Members Present: Jeff Bergstrom
Paul Faust
Kevin Hudson
Howard Smith

Staff Members: Bruce C. Herron, City Solicitor
Maureen Feeney Roser, Planning & Development Director

Note: The recording system did not function for the meeting. Therefore, the minutes reflect notes taken by the secretary.

1. APPROVAL OF MINUTES FROM MEETINGS HELD DECEMBER 20, 2012

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

2. THE APPEAL OF LISA GOODMAN, ESQUIRE, YOUNG CONAWAY STARGATT & TAYLOR, LLP ON BEHALF OF ATLANTIC REALTY COMPANIES FOR THE FOLLOWING VARIANCE AT 230 E. MAIN STREET:

A) CH. 32 SEC.18 (b)(13) – APARTMENTS PERMITTED AS CONDITIONAL USE IN CONJUNCTION WITH ANY NON-RESIDENTIAL USES PERMITTED IN THE DISTRICT, EXCEPT ON GROUND FLOOR LOCATIONS. PLAN SHOWS APARTMENTS ON THE FIRST FLOOR.

The above item was withdrawn at the request of the attorney for the developer.

3. THE APPEAL OF WOOTTEN CONSTRUCTION ON BEHALF OF DIANE DINORSCIA FOR THE PROPERTY AT 8 SCOTCH PINE ROAD, FOR THE FOLLOWING VARIANCE:

A) SEC. 32-9(c) – REQUIRES A 25 FOOT SETBACK IN THE REAR YARD. PLAN SHOWS 17 FEET REQUIRING AN 8 FOOT VARIANCE.

Ms. Schiano read the above appeal and stated it was advertised in the Newark Post and direct notices were mailed.

Mr. Joseph Wootten of Wootten Construction, 319 Pond View Lane, Bear, DE 19701, was sworn in. Mr. Wootten stated his client, Ms. Diane DiNorscia wanted to extend the existing deck and enclose it with a screened in porch. It was his opinion the proposed addition, along with the enclosure, would not adversely affect neighboring properties as the rear of the property backed up to New London Road. He further stated Ms. DiNorscia had landscaped the rear of the property and would add enhancements along the property line after completion of the project if the variance was approved.

The chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table.

Mr. Bergstrom addressed the Kwik Check factors.

- The nature of the zone was zoned residential and would remain so.
- The character of the immediate vicinity and the nature of the zone were consistent with the surrounding areas.
- The addition of the deck extension and the screened porch would not adversely affect the neighboring properties.
- If the relevant restriction on the property were removed, such removal would seriously affect the neighboring properties and uses. Mr. Bergstrom stated there were several factors to consider. There had not been any objection to the addition from neighbors. Additionally the property backed up to New London Road and not another property. Therefore, Mr. Bergstrom believed the screened porch would enable the applicant to enjoy their backyard without the worry of mosquitos.

Mr. Bergstrom stated he would support the variance.

Messrs. Faust, Foster and Smith concurred with Mr. Bergstrom and would support the variance.

It was Mr. Hudson's opinion that although the variance was considered significant by Code standards, there had not been anyone present to object. In addition, the rear of the property faced New London Road and not another property. Therefore, he would

support the variance as well.

MOTION BY MR. BERGSTROM, SECONDED BY MR. FOSTER: THAT THE VARIANCE BE APPROVED AS REQUESTED

MOTION PASSED: VOTE: 5 to 0.

Aye: Bergstrom, Faust, Foster, Hudson, Smith

4. The meeting was adjourned at 7:13 p.m.

Tara A. Schiano
Secretary

/ts