

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
MINUTES
JULY 17, 2014**

**14-BA-4
5 Stone Barn Court**

Those present at 7:00 p.m.:

Presiding: Jeff Bergstrom

Members Present: Curtis Bedford
Kevin Hudson

Staff Members: Bruce Herron, City Solicitor
Michael Fortner, Planning & Development Department

**1. THE APPEAL OF DANIEL AND PATRICIA GRIM – 5 STONE BARN COURT
FOR THE FOLLOWING VARIANCE:**

**A) CH. 32 SEC. 9(c)(6)(B) – REAR YARD. RT ZONING REQUIRES A REAR
YARD SHALL BE PROVIDED ON EVERY LOT AND SHALL BE A
MINIMUM OF 40 FEET FROM THE REAR LINE OF THE BUILDING TO
THE REAR LINE OF THE LOT. THE PLAN SHOWS A 25 FOOT REAR
YARD, REQUIRING A 15 FOOT VARIANCE.**

Ms. Schiano read the above appeal and stated it was advertised in the Newark Post. Direct notices were mailed. Three letters in support of the project were received. Mr. Bergstrom noted the letters were received from the immediate neighbors to the right and left side.

Mr. Daniel Grim, 5 Stone Barn Court, Newark, DE, was sworn in. Mr. Grim stated they wished to add a three season sunroom to the rear of the property on the existing footprint of their deck. A variance is required because the project will not meet the 40 feet set-back across the back of the property in all spots due to the irregularly shaped lot.

Mr. Bergstrom asked if the Board had any questions. There being none, Mr. Bergstrom asked if there was anyone present from the public that wished to speak. There being none, the matter was returned to the Board.

Mr. Hudson addressed the Kwik Check factors:

- The nature of the zone where the property was located was residential with similar homes neighboring the property.
- The character and use of the immediate vicinity of the subject property and uses of

the property within that immediate vicinity are single family homes.

- If the relevant restriction were removed, such removal would affect neighboring properties. It was his opinion enclosing a porch would not affect the neighbors. Letters in favor of the project had been submitted by the neighbors.
- If not removed, the restriction would create unnecessary hardship or exceptional practical difficulty to the owner in relation to make normal improvements in the character and the permitted use of the property. It was Mr. Hudson's opinion this project was within the permitted use and a normal improvement. He believed this was a classic case of an irregular lot.

Messrs. Bergstrom and Bedford were in agreement with Mr. Hudson's analysis.

MOTION BY MR. HUDSON SECONDED BY MR. BEDFORD: THE MOTION BE APPROVED AS PRESENTED.

MOTION PASSED: VOTE: 3-0

Aye: Bedford, Bergstrom, Hudson

3. The meeting was adjourned at 7:07 p.m.

Tara A. Schiano
Secretary

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