

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

August 18, 2011

**11-BA-05
Deborah Summa
205 E. Cobblefield Court**

Those present at 7:00 p.m.:

Presiding: Clay Foster

Members Present: Jeffrey Bergstrom
Paul Faust
Kevin Hudson
Howard Smith

Staff Members: Bruce Herron, City Solicitor
Roy Lopata, Planning & Development Director

1. APPROVAL OF MINUTES FROM MEETINGS HELD JULY 21, 2011

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

2. THE APPEAL OF DEBORAH SUMMA, FOR THE PROPERTY AT 205 E. COBBLEFIELD COURT FOR THE FOLLOWING VARIANCE:

A) CH. 32 SEC. 9 (c)(6) – AREA REGULATIONS – A REAR YARD OF 40 FEET IS REQUIRED FOR RT ZONING. PLAN SHOWS 25 FEET.

Ms. Schiano read the above appeal and stated that it was advertised in the *Newark Post* and direct notices were mailed. No letters in opposition were received.

Deborah Summa, 205 E. Cobblefield Court, Newark, DE was sworn in.

Ms. Summa proposed to construct a porch enclosure to an existing deck to install a spa lap pool to assist her with rehabilitative exercises. Due to the irregular shaped dimensions of her property, a variance to the rear yard setback was required.

The proposed porch enclosure would be built on the rear of the house and would be 28 feet from the nearest rear yard property line. The property was adjacent to a

storm water management area in the back part of the property; therefore it would not have an impact on neighbors.

Mr. Rick Yeager, Better Living Sunrooms, 1340 E. Ridge Pike, Plymouth Meeting, PA, was sworn in.

Mr. Yeager confirmed the existing deck was 12 feet and would be extended two feet. Mr. Foster addressed the Kwik Check factors:

- The nature of the zone where the property was located was RT and would remain so.
- The character of the immediate vicinity of the property and the uses of property within the immediate vicinity would not be affected by the addition of the enclosed porch.
- The enclosed porch would not be visible to the neighboring properties and therefore would not affect them.
- The odd shaped lot created the unnecessary hardship and/or practical difficulty for the homeowner to make normal improvements to the property. Mr. Foster stated the Board is permitted to grant variances for that reason.

There were no further comments from the public.

With the Kwik Check factors in mind, Mr. Foster stated he was in favor of granting the variance.

Mr. Smith concurred with Mr. Foster and stated there would be no detriment to the neighborhood and the addition would not pose any inference with neighboring properties.

Mr. Faust was in agreement with granting the petition as well and in his opinion, there would be no change in the nature and character of the neighboring community. He also believed it would not adversely affect the neighborhood and agreed the hardship of the odd shaped lot was certainly recognizable.

Mr. Hudson agreed with Mr. Foster in all points he made, with considerable focus on the odd shaped lot. He further stated he was in favor of the variance.

Mr. Bergstrom asked to go on record that he appreciated the applicant's dilemma for the physical condition that necessitated adding exercise facilities to her home. However, he confirmed it had nothing to do with his decision to grant the variance for practical difficulty.

MOTION BY MR. HUDSON, SECONDED BY MR. SMITH: TO GRANT THE VARIANCE AS REQUESTED.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

Meeting adjourned at 7:16 p.m.

Tara A. Schiano
Secretary

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