

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

September 16, 2010

**10-BA-10
818 Kenyon Lane**

Those present at 6:55 p.m.:

Presiding: Clayton Foster

Members Present: Jeffrey Bergstrom
Kevin Hudson

Absent: Gene Graham
Mike Harmer

Staff Members: Roger Akin, City Solicitor
Roy Lopata, Planning & Development Director

1. APPROVAL OF MINUTES FROM MEETINGS HELD AUGUST 19, 2010

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

2. THE APPEAL ALLEN BERNSTEIN, 818 KENYON LANE, FOR THE PROPERTY 818 KENYON LANE FOR THE FOLLOWING VARIANCE:

A) CH. 32 SEC.9 (c) 6 – AREA REGULATIONS – REQUIRES A MINIMUM REAR YARD SETBACK OF THIRTY FEET (30’). THE PROPOSED ADDITION TO THE REAR OF THE BUILDING WILL CREATE A SIXTEEN FOOT (16’) SETBACK.

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.

Mr. Allen Bernstein, 818 Kenyon Lane, was sworn in. Mr. Bernstein stated the proposed addition was the same size as the existing deck. In addition, Mr. Bernstein stated the lot is an irregularly shaped triangular lot which made the addition within the boundaries difficult. Mr. Lopata concurred.

Mr. Hudson addressed the Kwik Check factors as follows:

- The nature of the zone was RS and would remain so.
- The character of the immediate vicinity would also not be affected by addition as a deck already existed, the neighbor had the same addition and it would not be visible from the road.
- It would not affect the nature of the zone as it is currently residential and would remain so.
- It would create an unnecessary hardship or exceptional difficulty if the restriction were not removed due to the triangular shaped lot.

Mr. Foster concurred and wished to state no one had been present to speak against the proposal.

Construction to commence within six (6) months.

MOTION BY MR. HUDSON, SECONDED BY MR. BERGSTROM: TO GRANT THE VARIANCE TO PERMIT THE PROPOSED ADDITION TO 818 KENYON LANE.

MOTION PASSED UNANIMOUSLY: VOTE: 3 to 0.

Aye: Bergstrom, Foster, Hudson

Absent: Harmer, Graham

Meeting adjourned at 7:04 p.m.

Tara A. Schiano
Secretary

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