

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
PUBLIC HEARING**

FEBRUARY 19, 2015 – 7:00 P.M.

- 1. The approval of the minutes from the December 18, 2015 Board of Adjustment meeting.**
- 2. The appeal of Mathew J. Hans & Nathan M. Hengst, Wood Fired Pizza, LLC, 140 E. Cleveland Avenue for the following variance:**

- a) **Sec. 32-45(a)** – off street parking requirements (restaurants and diners): One off-street parking space per three seating accommodations, plus one off-street parking space per employee on shift of greatest employment. Your plan would require 12 customer parking spaces ($35 \text{ seats} / 3 = 11.8$) plus 3 employee parking spaces, for a total of 15 off-street parking spaces. Your plan shows 10 parking spaces. A variance of 5 parking spaces is required.

ZONING CLASSIFICATION: BC

- 3. The appeal of Kevin Mayhew, 103 Elma Drive, for the property at 47-49 Prospect Avenue, for the following variances:**

- a) **Sec. 32-10(c)(1)** – maximum lot area. The minimum lot area for any dwelling or permitted nonresidential use, together with accessory buildings, shall be 6,250 square feet for a detached or semidetached single-family use.
 - Your plan shows 47 and 47 ½ Prospect Avenue with 4,375 sq. ft. each. A variance of 1,875 sq. ft. is required for each lot.
 - Your plan shows 49 and 49 ½ Prospect Avenue with 3,128 sq. ft. each. A variance of 3,122 sq. ft. is required for each lot.
- b) **Sec. 32-10(c)(2)** – maximum lot coverage. The maximum lot coverage for any building, exclusive of accessory buildings, shall be 25%, and the total maximum lot coverage including any building, accessory buildings, and manmade improvements on the ground surface which are more impervious than the natural surface and which are used for parking and driveways, but not including swimming pools, patios, terraces, outdoor grills, and similar facilities not intended for parking, shall be 50%.
 - Your plan shows 47 ½ Prospect Avenue with a lot coverage of 19% and total lot coverage of 67%. A variance of 17% is required for total lot coverage.
 - Your plan shows 49 Prospect Avenue with a lot coverage of 28% and a total lot coverage of 83%. A variance of 3% is required for lot coverage. A variance of 33% is required for total lot coverage.
 - Your plan shows 49 ½ Prospect Avenue with a lot coverage of 28% and a total lot coverage of 61%. A variance of 3% is required for lot coverage. A variance of 11% is required for total lot coverage.
- c) **Sec. 32-10(c)(3)** – minimum lot width. The minimum lot width of a lot shall be 50 feet. Your plan for 47, 47 ½, 49, and 49 ½ Prospect Avenue each has a width of 25 feet. A variance is required for 25 feet for each of the four (4) lots.
- d) **Sec. 32-10(a)(6.1)** – a one-family dwelling occupied by a non-owner-occupant (may take) not more than two boarders or roomers (Maximum three unrelated persons).
 - 47 and 49 Prospect Avenue are current occupancy 4 person unrelated (pre-

existing). In order to have a five (5) person occupancy, a variance of one (1) person per unit is required.

- 47 ½ and 49 ½ Prospect Avenue are new units and shall be occupied by no more than three (3) persons. In order to have a five (5) person occupancy, a variance of two (2) persons per unit is required.

ZONING CLASSIFICATION: RD

4. The appeal of Charles and Laura Alexander, 271 Dallam Road, for the following variance:

- a) **Sec. 32-9(c)(7)** – area regulations – side yards. Two side yards shall be provided on every lot as follows: RS – 10 feet, with a minimum aggregate width of the two side yards of 25 feet. Your plans shows the minimum side yard of 3 feet with an aggregate width of 15.6 feet, requiring a variance of 7 feet and 9.4 feet.

ZONING CLASSIFICATION: RS

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

Jeffrey Bergstrom
Chairman

Advertised: Newark Post – February 6, 2015
Direct Notices Mailed: February 6, 2015