

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
MINUTES
JULY 16, 2015**

Those present at 7:00 p.m.:

Members: Jeff Bergstrom, Presiding
Kevin Hudson
David Levandoski
Jim McKelvey
Bill Moore

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

1. APPROVAL OF MINUTES FROM MEETING HELD MAY 21, 2015:

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

2. THE APPEAL OF DAVID ATHEY REPRESENTING THE UNITARIAN UNIVERSALIST FELLOWSHIP OF NEWARK FOR THE PROPERTY AT 420 WILLA ROAD FOR THE FOLLOWING VARIANCES: (15-BA-08):

Sec. 32-60(a)(1) Identification – Ground sign in a residential zoning district.

- a) *Maximum number of one:* Plan shows two ground signs, requiring a variance for one sign.
- b) *Maximum area of 20 feet:* Plan shows a ground sign of 24 feet square feet, requiring a variance of 4 square feet.
- c) *Maximum height of 6 feet:* Plan shows a height of 9 feet, requiring a variance of 3 feet.

ZONING CLASSIFICATION: RS

David Athey, Property Committee Chair for the Unitarian Universalist Fellowship of Newark, Delaware, Newark, De, was sworn in. Mr. Athey stated there are currently three signs in the front yard of the property. Each of the signs is non-conforming in some way. Some are grandfathered (there is a lack of documentation on both the City's and the church's part). The first existing sign is an identification sign. The existing sign is too tall and has an insufficient setback (according to current Code), but has been on site for at least 25 years. Mr. Athey reported the church leases space to a childcare center called the Willa Road Childcare. The business installed a sign when they started the business approximately 6-7 years ago. The childcare sign is too large according to Code and was placed on the right-of-way. The third sign is a "bulletin board type sign" that is slightly too large. The proposal before the Board is to consolidate the first and second sign (identification sign and the childcare sign) onto one post. The third sign will remain "as-is." The post will be moved slightly closer to the driveway (as

seen in the mock-up, which was entered into the record). The installed sign will be set back and will meet Code. The proposed signs will remain the same size. Mr. Athey reiterated the Code only permits one ground sign, however it could be open to interpretation as there will two signs on one post. The maximum area permitted is 20 square feet. Between the two proposed signs it will be 24 square feet. The maximum height permitted by Code is 6 feet. The actual signs will be approximately 6 feet but when the posts are added it brings the total height to approximately 8 or 9 feet.

Mr. Athey addressed the Kwik Check factors

- *The nature of the zone in which the property is located* – is RS zoning. Churches are a permitted use as well as a childcare centers are with a special use permit.
- *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – West Park Elementary school is located directly across the street. The property immediately to the north is the Studio Green Apartment Complex which is essentially student housing. To the south is Firethorn Court, a cul-de-sac of ten single family homes. They are the only abutting property that consists of single family homes. Firethorn Court entrance is approximately 300 feet from the entrance to the church.
- *Whether, if the restrictions upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses* – it was Mr. Athey's opinion it would not. Additionally, there are signed documents entered into the record from West Park Elementary School stating they had no issue with proposed changes. Studio Green Apartment Complex also provided a letter stating the same. Additionally, there are two letters from neighbors on the Firethorn Court that do not object to the signs.
- *Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property* – it was Mr. Athey's opinion if the variance were denied, it would cause difficulties. Additionally, City Code does not recognize a situation where one facility leases space to another.

There being no further discussion, the matter was returned to the Board.

Mr. Moore asked Mr. Athey how long the childcare had been renting space from the church. Mr. Athey responded the current childcare tenant had been there approximately seven years.

Mr. Levandoski addressed the Kwik Check factors

- *The nature of the zone in which the property is located* – is residential with a school, an apartment complex and residential homes nearby.
- *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – again is residential with a school, apartments and homes nearby.
- *Whether, if the restrictions upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses* – it was Mr. Levandoski's opinion it would not have a significant impact. He said the applicant is consolidating the signs, will bring them up to City Code (with approval by the Board of Adjustment); and appears they are trying to maintain the aesthetics of the property that appears to be very well maintained.
- *Whether, if the restriction is not removed, the restriction would create unnecessary*

hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property – it was Mr. Levandoski's opinion that both the church and the childcare should be recognized with clear visibility and had been unable to do so in the past. If the applicant were not granted the variance, it was Mr. Levandoski's opinion it would cause difficulties for the applicant.

Citing the Kwik Check factors, Mr. Levandoski would vote to grant the variance.

Mr. Hudson concurred with Mr. Levandoski's analysis of the Kwik Check factors as they pertained to this case. He would like to emphasize the variance requests from the applicant are, in his opinion, minimis. In addition, the applicant is consolidating the signs and "cleaning up" some of the non-conformities.

Mr. McKelvey agreed with his colleagues. From his perspective it appears to be a minor variance request that will have a beneficial effect for the neighborhood and the businesses.

Messrs. Moore and Bergstrom stated they would agree with their fellow colleagues as well.

MOTION BY MR. HUDSON, SECONDED BY MR. LEVANDOSKI: TO PERMIT THE VARIANCES AS PRESENTED.

MOTION PASSED UNANAMIOUSLY

Aye: Bergstrom, Hudson, Levandoski, McKelvey, Moore

3. THE APPEAL OF HAROLD P. KRINKSY FOR THE PROPERTY AT 3 PROSPECT AVENUE FOR THE FOLLOWING VARIANCES: (15-BA-08):

- d) **Sec. 32-10(c)(1) – minimum lot area:** The minimum lot area for any dwelling or permitted non-residential use, together with accessory buildings, shall be 6,250 sq. ft. for a detached or semi-detached single family use. Plan shows Lot 1 with 4,583 sq. ft. requiring a variance of 1,667 sq. ft. Lot 2 shows 4,250 sq. ft. requiring a variance of 2000 sq. ft.
- e) **Sec. 32-10(c)(2) – maximum lot coverage:** 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, not including swimming pools, patios, terraces, outdoor grills, and similar facilities not intended for parking, shall be 50%. Plan shows Lot 1 with a lot coverage of 2,562 sq. ft requiring a variance of 6%, Lot 2 with a lot coverage of 2,294 sq. ft. requiring a variance of 4%.
- f) **Sec. 32-10(a)(6.1) – taking of non-transient boarders in a one-family dwelling by a non-owner occupant:** A one-family dwelling occupied by a non-owner occupant may not take more than two boarders (maximum 3 unrelated persons). 3 Prospect Avenue has a current occupancy of 4 persons unrelated (pre-existing) to be applied to Lot 1. Applicant is requesting to have a 4 person unrelated occupancy to be applied to Lot 2. A one-person variance is requested for Lot 2.

ZONING CLASSIFICATION: RD

Ms. Schiano read the above appeal. The appeal was advertised in the Newark Post and direct notices were mailed to the surrounding neighbors within 500 feet. There was one letter in opposition signed by 3 separate residences was entered into the record.

Matthew Longo, Esquire, Hillcrest Associates, was present to speak on behalf of the applicant, Howard Krinsky. Mr. Longo announced he is happy to be back to present on behalf of his client, to a full board. Mr. Longo stated the property currently exists as a single family detached dwelling with four tenants. It is currently rented to four tenants. Mr. Longo's client is proposing a duplex on two parcels. To accomplish this, Mr. Longo stated the three variances requested are needed. The property lies at the corner of Prospect Avenue and North College Avenue. The lot is 8,800 square feet. Mr. Krinsky has owned the property for approximately 30 years and in Mr. Longo's opinion, is a well-respected landlord. It is the only property Mr. Krinsky owns in the City of Newark. Area properties are zoned RD (up and down Prospect Avenue). UDEL zoning is cattycorner and across the street as well, and surrounded by a small area zoned RM. This proposed project meets RD zoning requirement on building coverage, lot width and all setbacks (front, side, rear) and building height. Lot area and lot coverage are not met in this request.

Mr. Longo stated it was his opinion that being a corner lot highly penalizes the applicant. It is his perception that road right-of-way is really "taken out twice" when you have a corner lot. Mr. Longo stated there is 232 feet of road frontage. The average road frontage for the lots along Prospect Avenue is 25 feet. They range from 22 feet to 27 feet in lot width. The lots are "piano key" shaped lots. Mr. Longo believes it is a factor to be considered.

Mr. Hudson asked when the "taking" resulting in the 232 feet of road frontage occurred. Mr. Longo stated it was difficult to say because the reservation was not mentioned in the deed. Mr. Hudson confirmed Mr. Krinsky purchased the property in 1986. Mr. Longo confirmed this. Mr. Hudson confirmed the "taking" occurred prior to the purchase of the property by Mr. Krinsky.

Mr. Longo stated the area consisted mainly of attached twins or "duplexes." Mr. Longo said his firm analyzed 66 lots (parcels) in RD zone. Fifty-three of the 66 properties do not meet the minimum site area requirements. Mr. Longo believes the applicant's proposal keeps the area consistent with the area requirements of the vicinity and standards of surrounding lots. They are looking to emulate what already exists.

Fifty neighboring parcels in the same zone are all duplexes. The average lot size of those 50 parcels is 3,804 square feet. The applicant's proposal after subdivision is 600 square feet greater than the average lot size for all the others.

Mr. Hudson asked if the fifty parcels were constructed before the requirements in the Code were instituted. Mr. Longo did not know.

Mr. McKelvey stated the duplexes as they are outlined in the drawing that Mr. Longo is referring to appear to occupy two of the "piano keys." When the average semi-detached lot is analyzed for the 50 lots, were each of the "piano key" lots being considered as one lot? The semi-detached piece on the lot adds the coverage. Mr. Longo confirmed this was the case and that was the best way to compare.

Mr. Longo stated 45 Prospect Avenue had a variance granted in August 2012. The applicant had requested variances for the following: minimum lot area, maximum building coverage, maximum lot coverage, minimum lot width and building height. Mr. Longo stated his applicant is requesting far less in terms of lot size. They do not need a variance for lot coverage. Mr. Longo's client is seeking a 6% variance for one parcel and 4% on the other parcel. The property at 45 Prospect Avenue was granted a 30% variance for lot coverage in 2012. A variance is not needed for lot width or building height. It is Mr. Longo's opinion, the proposed variance requests are the minimum "relief" necessary.

Mr. Longo further stated if the property did not have frontage on two sides the percentage needed for the variance would go down considerably. The applicant is seeking a 32% variance for maximum lot size; or 4,250 square feet. However, if the lot was not a corner lot and had the 232 feet of frontage taken away, the variance request would drop to a 12% request.

Mr. Hudson asked how losing frontage equates to square feet. Mr. Hudson stated the property existed as such (corner lot) long before Mr. Krinsky owned the property and all properties are like that. Mr. Hudson asked why the square footage taken for the right-of-way should be considered. Mr. Longo stated comparing to the lots on the interior regardless of the timing of the purchase, has a factor unique to the lot being on a corner. The lot is subject to so much more frontage and road right-of-way that it makes the variance request that much greater than it would be if the property was an interior lot.

Mr. Longo stated parking for the proposed project will be located off-street behind the proposed duplex and will be 3 spaces per unit. The two off-street parking spaces on Prospect Avenue can remain. The proposed parking allows for safe entry and exit because of circulation. Cars can enter turn around in the rear and exit safely. If the variance were not granted for lot coverage, then the on-street parking on Prospect would be lost. Configuration of the parking behind the structure would change dramatically, with parking moved to the front of the structure. Car would then have to back out into traffic to exit the property.

Mr. Longo stated the variance request to add one more person is the minimum relief needed. The existing structure permits four unrelated tenants. Mr. Longo reported 47 properties on Prospect Avenue have been analyzed. Four properties are owner occupied, and 43 are rental properties. Projected vacancy rate in the Fall of 2015 is projected to be under 2% for the City of Newark. UDEL continues to add students with a 7% annual growth rate. The City of Newark must develop 50 additional rental units each year to keep up with demand. In the fall of 2014, UDEL accepted the largest freshman class in history of 4,150 students. They are projecting 2 years later when the majority of the students live off campus, 71 off campus units will be needed. UDEL has no plans to change their on campus dormitory capacity.

Mr. Rick Longo, Hillcrest Associates, Landenberg, PA, was sworn in. He stated he is an Architect, Professional Engineer, and Site Planner. Mr. Longo stated he has extensive experience locally and has won many awards since the inception of his career at Hillcrest Associates in 1972. It is his opinion that the "luxury type" of housing that he designs is the preferred housing for the type of students that attend UDEL. He stated the property is located directly across the street from a UDEL property and student housing. Mr. Longo detailed some of the improvements his firm proposed for the property.

- No balloon framing
- Sprinkler systems
- Poured basements
- Improved air conditioning systems

Additionally, Mr. Longo stated with the new and improved student housing, there is an increased tax base because of the property value increase. The addition of all the special features are of benefit to the following:

- Police Department, because in his opinion the police encounter less problems with this type of construction (i.e. the University uses surveillance cameras on the nearby property.)
- Fire Department due to the newly installed sprinkler systems and the proposed property will have all the necessary fire walls.

Mr. Longo said, in addition, tax revenues increase, the real estate comparable increases and this permits flexibility to future uses. In addition, non-bearing walls are used as minimally as possible in the event these structures could be transformed into single family owner occupied homes if conditions were to change.

Mr. Longo believed one of the biggest advantages to the newer construction is the updated and superior drainage. He stated the City of Newark has concerns and ongoing issues with drainage problems and the newer updated construction alleviates some of those issues.

Mr. Hudson asked if all of the safety features can be incorporated into a single unit. Mr. Longo confirmed they could be built into a single unit and the City Code required those features. Mr. Longo confirmed both units are required by the applicant to make it financially feasible.

Mr. Levandoski confirmed that it would not be economically feasible for the applicant to demolish the existing house, build a similar structure with the same number of tenants. Mr. Longo confirmed that was the case.

Mr. Howard Krinsky, 115 Gold Hawk Lane, Landenberg, PA, was sworn in. Mr. Krinsky addressed Mr. Levandoski and Mr. Moore's concerns about the economic feasibility of the proposed structure if it were limited to one unit. Mr. Krinsky stated a similar structure could be built on the existing footprint with four tenants. However, from a business perspective it does not make sense, as it would be financially impractical to do as a single family four person unit. The compelling reason is not only financial however. The existing structure is in need of constant repair. Mr. Krinsky stated he is concerned about fire safety with student tenants.

Mr. Matthew Longo reviewed the Kwik Checks.

- *The nature of the zone in which the property is located* – is residential RD and duplexes are a use by right.
- *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – the applicant believes the proposal is consistent with the character of the immediate vicinity. The character is all residential and the majority is duplexes.
- *Whether, if the restrictions upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses* – it was Mr. Longo's opinion that if the variances were granted, the property would fit in better with the surrounding

properties.

- *Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property* – Mr. Longo stated the strict application of the Code is going to result in a structure and a parcel that is less in keeping with the style of the existing homes and the lot sizes in this vicinity.

Mr. Matthew Longo stated the additional occupant allows the applicant to upgrade significantly, stormwater management and life safety on an existing structure that really needs it. The existing structure was built in 1925.

Mr. Matthew Longo wanted it noted on the record regarding the letter in objection received from the Faheys, the Grant's and the McKeown's who reside at 13, 15 and 21 Prospect Avenue, respectively. Two of the three properties have lots smaller than the applicant's proposed smallest lot.

Mr. Bob Bloser, Milltown Village, Wilmington, DE, was sworn in. Mr. Bloser stated he has owned the rental property at 40 E. Cleveland Avenue since 1984. Mr. Bloser stated he is a landlord that supports this project. Mr. Bloser supplied a letter of support that was entered into the record. It was his opinion the benefits of the proposed project were many and they were detailed in his letter.

There being no one else present that wished to speak, the matter was returned to the Board.

Mr. Hudson stated he had not changed his position (referring to the May, 2015 meeting where the applicant withdrew the appeal). He has several issues with the variances that are being requested. He further stated he was not swayed by the "taking" argument (frontage on two sides as it is a corner lot) as that was done well before the property was purchased by the applicant. Any home now looking to abide by the Code are not permitted to use that square footage. Waiving the requirement just because it is on a corner means that any corner property in the City can use that argument to obtain additional square footage. It was Mr. Hudson's opinion the City should not be creating new construction that is not up to Code just because the other ones were built prior. Mr. Hudson does not see a practical difficulty that would permit the tenant to have an additional tenant in the second unit. Mr. Hudson does not see the rental housing assessment as applying to the Kwik Check factors. Mr. Matt Longo stated the case law states the request should be minimal. Mr. Hudson recalled the applicant stating that it was feasible to build a single unit on this property. Since Mr. Rick Longo stated all the safety features could be built into a single unit. Mr. Hudson believes the request for an extra unit is based strictly on economic reasoning. Mr. Hudson does not think this is a normal improvement of a property especially when there will be an increase from 4 tenants to 8 tenants. It is Mr. Hudson's opinion it is not the position of the Board of Adjustment to make every project economically viable for someone. Mr. Hudson believes it will set a precedence and open up the potential to have every rental unit owner come before the board and ask for "one more." Mr. Hudson stated he would vote no for all three variances.

Mr. Bergstrom asked Mr. Herron if requests before the Board of Adjustment need to be the minimum amount that will be required. Mr. Herron stated they do not have to be. But, certainly the Board can take that as a factor to consider. Mr. Hudson stated it was his understanding that a request that is based on economics must be minimal. Mr. Herron stated there is a question of how the Board determines what "minimal" actually is.

Mr. Levandoski asked if a landlord wanted to demolish an existing duplex on a non-conforming lot and rebuild within a certain period of time, would they be grandfathered? Mr. Fortner stated if the property owner built with the same footprint and cubicle content they would not have to come before the Board if they rebuilt within a year as the project would fall under the grandfathering guidelines.

Mr. Bergstrom stated it was his opinion that a Zoning Code does not address every situation in every neighborhood. It is an impossible task to anticipate everything that can go wrong and that is why there is a board that exists to adjust.

Mr. Levandoski addressed the Kwik Check factors:

- *The nature of the zone in which the property is located* – is residential with rental properties.
- *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – is predominantly University student rental housing and the subject property will remain consistent with that use.
- *Whether, if the restrictions upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses* – he stated it was his opinion the neighboring properties would not be negatively impacted since a high percentage of the properties are University student rentals with many of the properties being either a duplex or semi-detached units located on equal or smaller parcels.
- *Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property* – in this case Mr. Levandoski stated it was his opinion the proposed project will be consistent with the properties on Prospect Avenue. The owner would be a disadvantage by not being allowed to make the improvements to the property as compared to what already is present in the vicinity of the his property. Mr. Levandoski also believes there could be an economic hardship to the applicant as well.

Based on his analysis of the Kwik Check factors it would be Mr. Levandoski's recommendation to approve the variances.

Mr. McKelvey addressed the Kwik Check factors:

- *The nature of the zone in which the property is located* – Mr. McKelvey stated it is clear to him that nature of the zone is comparable.
- *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – again, is similar and comparable.
- *Whether, if the restrictions upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses* – he stated he was more convinced at this meeting that this proposed project would not have a negative impact.
- *Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property* – it was Mr. McKelvey's opinion this would be an improvement in regard to the comparison that Mr. Matt Longo made with regard to the other lots on Prospect Avenue. It was Mr. McKelvey's opinion that although the variance requests were not minor, the project would fall under the acceptable guidelines. He does have reservations about the number of residents, but does not feel

increasing the number of tenants from 7 to 8 will make a huge difference financially for the applicant. The project could still go forward without that additional person.

Mr. Moore addressed the Kwik Check factors:

- *The nature of the zone in which the property is located* – is residential and located on a street with predominantly rental properties consisting of semi-detached units.
- *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – clearly the majority are rental duplex properties housing UDEL students.
- *Whether, if the restrictions upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses* – he stated there were people that spoke in favor of the project and residents who had voiced opposition by letter. It appears the owner has gone out of their way to address the issues raised by the residential owners. It was Mr. Moore's opinion that the requested variances would improve the property and the surrounding areas.
- *Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property* – Mr. Moore stated this was a more difficult issue. Mr. Hudson made some very valid points as well as his other colleagues who voted against granting the variance. In his opinion, the area of the property, the character of the vicinity and the improvements that are going to be made, he believes the owner has made a justified case.

Mr. Moore would vote in favor of granting all three variances.

Mr. Bergstrom addressed the Kwik Check factors:

- *The nature of the zone in which the property is located* – is residential.
- *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – is student housing.
- *Whether, if the restrictions upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses* – Mr. Bergstrom believed there was sufficient testimony there would not be any negative effects generated by this project.
- *Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property* – in this case Mr. Bergstrom stated it was a very clear case for an unnecessary hardship. When faced with the economics that every new house that is built makes it more and more difficult to rent an older home that is from the 1920's. It will be good for the City, it will be good for the tax base and one more student will not affect the neighborhood.

Mr. Bergstrom would vote in favor of granting all three variances.

Mr. Hudson wanted to stress to his colleagues that based on the case law economic disadvantage alone is generally insufficient to warrant a variance. Mr. Bergstrom stated he agreed with that. Mr. Hudson reiterated that he believed the applicant stated it would be feasible to build one unit. Mr. Bergstrom stated the applicant did say that but he would have difficulty in the market as more and more new properties with the additional features become available. Mr. Hudson stated the sticking point for him is the economics of the project.

Mr. McKelvey stated there was a lot of discussion on this project and that was a good thing. He stated he looked at the maps in great detail and with the “piano key” shaped lots it is not surprising that the majority of the projects coming along presently do not fit these lots. He was pleased to see the additional information which shows similar lots and their renovations and how well they turned out. He was initially opposed to the variances but now feels convinced otherwise and granting the variances make sense, in his opinion. However, he finds exception to the variance request to add an additional person.

MOTION BY MR. MCKELVEY, SECONDED BY MR. LEVANDOSKI: TO GRANT THE MINIMUM LOT AREA VARIANCE FOR 1,667 SQUARE FEET FOR LOT 1 AND FOR 2,000 SQUARE FEET FOR LOT TWO.

MOTION PASSED 4-1

Aye: Bergstrom, Levandoski, McKelvey, Moore
Nay: Hudson

MOTION BY MR. MOORE, SECONDED BY MR. MCKELVEY: TO GRANT THE MAXIMUM LOT COVERAGE VARIANCE FOR 6% FOR LOT 1 AND FOR 4% FOR LOT 2.

MOTION PASSED 4-1

Aye: Bergstrom, Levandoski, McKelvey, Moore
Nay: Hudson

MOTION BY MR. MOORE, SECONDED BY MR. LEVANDOSKI: TO GRANT THE VARIANCE FOR TAKING OF NON-TRANSIENT BOARDERS IN A ONE-FAMILY DWELLING BY A NON-OWNER OCCUPANT TO PERMIT ONE ADDITIONAL PERSON FOR LOT 2.

MOTION PASSED 4-2

Aye: Bergstrom, Levandoski, Moore
Nay: Hudson, McKelvey

3. **The meeting was adjourned at 8:26 p.m.**

Tara A. Schiano
Secretary