

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
AGENDA**

MARCH 17, 2016 – 7:00 P.M.

1. **The approval of the minutes from January 27, 2016 and February 16, 2016 Board of Adjustment meeting.**
2. **The appeal of Advancetogo Associates, LLC, 108-110 Wilbur Street, for the following variances:**
 - a) **Sec. 32-11(a)(1)(d) Lot Coverage** – Maximum lot coverage shall be 20% for any lot which is to be developed for garden apartments. Plan shows lot coverage of 70.4%, requiring a variance of 50.4%.
 - b) **Sec. 32-11(a)(1)(h) Minimum lot size** – The minimum lot size for a lot which is to be developed for garden apartments is one acre. Plan shows a lot size of .13 acres, requiring a variance of .87 acres.
 - c) **Sec. 32-11(a)(1)(i) Open area** – At least 40% of the lot area shall be devoted to open area. Plan shows 29.6%, requiring a variance of 10.4%.
 - d) **Sec. 32-11(a)(1)(j) Parking and loading spaces** – All uncovered parking and loading spaces shall be located at least 10 feet from all abutting perimeter streets and property lines. Plan shows 2 parking spaces located 4.5 feet from rear property line, requiring a variance of 5.5 feet.
 - e) **Sec. 32-11(c)(4) Height of buildings** – Except as specified in Article XVI, Sec. 32-56.2(c)(1)(2) of this chapter, the height of a building or structure hereafter erected or altered shall not exceed three stories or 35 feet. Plan shows the proposed building to be 3 stories and 40 feet tall, requiring a variance of 5 feet.
 - f) **Sec. 32-11(c)(5) Building setback lines** – Except as specified in Article XVI, Section 32-56.2(d)(1)(2)(3)(4) of this chapter, each story or part of a building exclusive of cornices and uncovered steps and uncovered porches, shall be set back from the line of the street on which the building fronts by at least minimum distance of 15 feet, except for an apartment building, each story or part of building, exclusive of cornices, balconies, and uncovered steps and uncovered porches, shall be set back at least:
 - a. 30 feet from the line of all perimeter streets; plan shows the covered porch 11.4 feet from line of street, requiring a variance of 18.6 feet.
 - b. 25 feet from all exterior lot lines; plan shows a 15.6 setback from north lot line, requiring a variance of 9.4 feet; a 6.8 foot setback from the south lot line, requiring a variance of 18.2 feet.
 - g) **Sec. 32-11(a)(1) Use variance** – A duplex is not permitted in RM zoning as a garden apartment and requires a use variance. The existing building currently is a non-conforming duplex in the RM zoning and the client desires to demolish the existing non-conforming duplex and construct a new duplex.

ZONING CLASSIFICATION: RM

3. **The appeal of Danneman Hospitality, LLC, 400 Ogletown Road, for the following variance:**
 - a) **Sec. 32-45 – Off street parking requirements** – Hotels and motels – One off street parking space for each guest room, plus one off-street parking space for each employee and, restaurants and diners – one off-street space per employee on shift of greatest employment. Hotel use requires 131 spaces; restaurant use requires 44 spaces for a total of 175 required parking spaces. Total provided parking is 139 spaces. A variance of 36 parking spaces is required.

ZONING CLASSIFICATION: BC

Agenda Posted – March 1, 2016

Attest:

Sworn by:

City Secretary

Notary Public (Seal)