

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
AUGUST 16, 2018 – 7:00 P.M.**

1. **The approval of the minutes from the meeting held on June 18, 2018.**
2. **The appeal of Michael Paraskewich, property address 67-69 New London Road, for the following variances:**

Option 1: The following uses require Special Use Permits as provided in Article XX, Section 32-78 of this chapter.

- **Sec. 32-11(b)1:** Conversion of a one-family dwelling into dwelling units for two or more families, if such dwelling is structurally sound but too large to be in demand for one-family use, and that conversion for the use of two or more families would not impair the character of the surrounding area. The variance request is to challenge the interpretation of the above section.
- **Sec. 32-11(b)1 a:** There shall be a lot area of at least 4,000 square feet for each family to be accommodated. Proposed plan shows 67-69 New London Road as having 4,356 square feet. With two units, the plan would provide 2,178 square feet per unit, requiring a variance of 1,822 per unit.
- **Sec. 32-11(b)1d:** No addition shall extend within the front yard, side yards, or rear yard required for the district within which it is located. Dwelling is located in RM zoning with the following applying:
- **Section 32-11(c)(5): Building setback lines.** Each story or part of 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 (a) minimum of 15 feet. Proposed plan shows a setback of about 6.14 feet, requiring a variance of 8.86 feet.
- **Section 32-11(c)(7): Side yards.** Two side yards shall be provided on every lot as follows: (a) on an interior lot, the minimum width of such side yards shall be 7 feet, with a minimum aggregate width of the two side yards of 15 feet. Proposed plan shows side yards of approximately 1.84 feet and 1.72 feet for an aggregate of 3.56 feet, requiring a variance of minimum side yard variance of 5.28 feet and aggregate side yard variance of 11.44 feet

Option 2 : The applicant is seeking a variance from Section 32-4(40) dwelling, multifamily.

- **Section 32-4(a)(40) – dwelling, multifamily.** A building arranged, intended or designed to be occupied by three or more noncommunicating one-family sections having a common wall between each two adjacent sections. Proposed plan has two one family sections, requiring a variance from the definition of one (1) one family section. If this section is pursued, the applicant will also need the following variances:
- **Sec. 32-11(a)(1)a – dwelling units per gross acre.** The maximum number of dwelling units per gross acre is 16. Proposed plan shows 20 units per acre, requiring a variance of 4 units.
- **Sec. 32-11(a)(1)(d) – lot coverage.** The maximum lot coverage shall be 20% for any lot which is developed for garden apartments. Proposed plan shows lot coverage at 26.8%, requiring a variance of 6.8%.

- **Sect. 32-11(a)(1)l – open area.** At least 40% of a lot to be developed for garden apartments shall be devoted to open area. Proposed plan shows 25.1% open area, requiring a variance of 14.9%.
- **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. Proposed plan shows 9 parking spaces located 0 feet from the side property, requiring a variance of 10 feet, and 1 parking space located 4.5 feet from the property line, requiring a variance of 5.5 feet.
- **Sec. 32-11(c)(1) – Minimum lot area.** Except as specified in Article XVI, Section 32-56.2(a) of this chapter, the minimum lot areas shall be one acre with 2,725 square feet per family for garden apartments, and in one case shall the minimum lot area be less than 2,350 square feet per family for a garden apartment. Proposed plan shows the property at .182 acres, requiring a variance of .818 acres. Proposed plan shows 1,094 square feet per family, requiring a variance of 1,631 square feet per family.
- **Sec. 32-11(c)(5) a – Building setback lines.** 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 30 feet from the line of all perimeter streets. Proposed plan shows the building with a setback of 2.8 feet from New London Road, requiring a variance of 27.2 feet.
- **Sec. 32-11(c)(5)C – Building setback lines.** 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 25 feet from all exterior lot lines. Proposed plan shows the building with a 1.82 and 1.72 foot setback on the south and north lot lines, requiring a variance of 23.16 and 23.28 feet for both from the south and north lot lines.
- **Sec. 32.11 (c) (7)b – side yards.** In a RM district, two side yards shall be provided. Apartments in RM district, the minimum side yard shall be 20 feet. Proposed plan shows a side yard of 2 feet, requiring a variance of 18 feet.

3. The appeal of Lauren Knapp, property address 144 King William Street, for the following variance:

- a. **Sec. 32-47(j) – Existing single family type rental dwelling** – Two off-street parking spaces shall be required per unit for every nonowner occupant, one-family and/or two-family dwelling type structure converted for the taking of boarders and roomers as permitted in this chapter and requiring rental permits as specified in Chapter 17, Housing and Property Maintenance, Code of the City of Newark, Delaware. The applicant has one off-street parking spaces and is requesting a variance of one off-street parking space.

The application and related materials may be examined at the City Secretary's Office, 366-7000, prior to the meeting.

Agenda Posted – August 8, 2018

Attest:

Sworn by:

City Secretary

Notary Public

(Seal)