

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT**

May 21, 2020 – 7:00 P.M. – GoToMeeting

Per the proclamation issued by Governor Carney and Lieutenant Governor Hall-Long on March 13, 2020, the Board of Adjustment will be meeting remotely via GoToMeeting at the following link:

<https://global.gotomeeting.com/join/944048717>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3311](tel:+18722403311)

Access Code: 944-048-717

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<https://global.gotomeeting.com/install/944048717>

Public comments may be submitted on the items on the agenda via email to citysecretary@newark.de.us by 6:00 p.m. All public comments received will be read into the record at the meeting. Attendees may also alert staff that they wish to speak at the appropriate time by submitting their name, district and/or address via the GoToMeeting chat function during the meeting.

The application and associated documents for the variance request will be available at <https://newarkde.gov/meetings> one week prior to the meeting.

- 1. The approval of the minutes from the meeting held on October 17, 2019.**
- 2. The appeal of Renee Bensley, property address 20 Nathan Hale Court, for the following variance:**
 - **Sec. 32-48(b) – Location of private and community garages.** – The minimum setback for rear yard accessory structure in RR zoning is 3 feet. Proposed plan indicates the shed is adjacent the property line, resulting in a 3-foot variance request.

Agenda Posted – May 5, 2020

Attest:

Sworn by:

City Secretary

Notary Public

(Seal)

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT**

NOTICE OF APPEAL

FOR OFFICE USE ONLY:

APPEAL NO.: 20-BA-1 DATE RECEIVED: 4/29/2020

PROPERTY LOCATION: 20 Nathan Hale Ct

APPLICANT: Renee Bensley

DATE OF HEARING: 5/21/2020

DATE HEARING ADVERTISED: 5/8/2020

FEE PAID, RECEIPT NO. \$ 275.00

Please complete and have notarized the Notice of Appeal and submit it along with plans to the Board of Adjustment Secretary, City Secretary's Office, 220 South Main Street, Newark, DE 19711.

1. I/We, Renee K. Bensley
20 Nathan Hale Court, Newark, DE 19711 443-904-6036
(Mailing Address) (Phone No.)

request a determination by the Board of Adjustment on the following appeal, which was denied by the Building Department on March 23, 2020 (received April 28, 2020)

2. The purpose of the appeal is to request: a three-foot side yard variance for installation of a shed

A. ☒ A variance to Chapter 32, Section 32. 48(b) related to:
• Area
• Frontage
• Side Yard
• Rear Yard
• Height (sign)
• Use
• Parking
• Other: _____

B. ☐ An interpretation.

C. ☐ A special exception (in special sign district only).

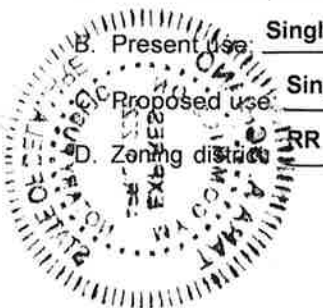
3. Description of the property:

A. Street location, lot number: 20 Nathan Hale Court

B. Present use: Single-family townhouse

C. Proposed use: Single-family townhouse

D. Zoning district: _____



4. I/We believe that the Board of Adjustment should approve this request because: (please state the exceptional practical difficulty in using the property for a proposed use. If an interpretation is requested, state grounds for interpretation.)

I am requesting a 3' side yard variance in order to install a small shed no larger than 4'x6' to store our lawn mower and gardening/yard maintenance tools. As we live in a townhouse, our backyard is only 20.33'x24.4' excluding the back deck according to our survey. A 6' fence encloses our yard, so this would not negatively impact surrounding properties. The rear portion of our yard, which is the only area we could potentially locate the shed without needing a variance against the fence and not in the middle of the yard, is where a tree, the rear gate and our refuse/recycling/yard waste cans are located. As our yard can get very wet, it would cause an exceptional practical difficulty to store the cans in another area of the yard as it would cause the grass to be torn up and our yard to be more muddy and unusable for our toddler and dog. As we have little storage, it would also be an unnecessary hardship not to be able to build the shed. There are other neighbors with sheds in their yards in Cherry Hill Manor, so it would not change the nature of the zone, nor the character of the immediate vicinity of the property.

(If additional space is necessary, please attach to form.)

5. Has a previous application for an appeal been filed? No
(If you are not sure, contact the Board of Adjustment secretary at 366-7000.)

6. What is applicant's interest in the premises affected?
(Owner, agent, lessee, etc.)

Owner

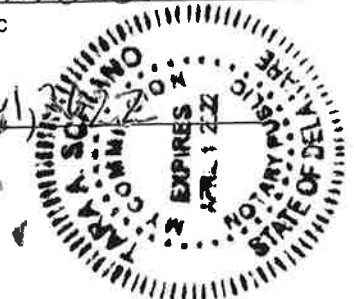
I hereby certify that all of the statements in this Notice of Appeal and attached plans are true to the best of my knowledge.

[Signature]
(Applicant's signature)

Sworn to and subscribed before me, this 29th day of APRIL

[Signature]
Notary Public

My Commission Expires APRIL 1, 2012





CODE ENFORCEMENT DIVISION
CITY OF NEWARK

220 South Main Street · Newark, Delaware 19711
302.366.7000 · Fax 302.366.7169 · www.newarkde.gov

March 23, 2020

Renee Bensley
20 Nathan Hale Court
Newark, DE. 19711

RE: Building Permit 202000227 – 20 Nathan Hale Court – Proposed shed

Dear Ms. Bensley:

Please be advised that upon review of Building Permit 202000227 an application for a shed to be placed in the rear yard of your home located at 20 Nathan Hale Court, the following issue has been identified by the Department of Planning and Development as non-compliant, and the permit is denied. A request for a variance is required before any further processing can occur.

This parcel is zoned RR – Row or Town Houses. The requirements for accessory structures for this zoning classification can be found in the City of Newark Municipal Code, Chapter 32, Article XV – Special regulations for private and community garages, commercial parking lots, and accessory uses. Please note that this correspondence is based upon noncompliance with the Municipal Code Section 32 – 48(b). Specifically, you are proposing a shed in the rear yard located adjacent to the property line. The minimum setback for accessory structures from a property line in the rear yard is 3 feet, resulting in a shortfall of 3 feet. Therefore, a variance of 3 feet setback would need to be granted in order to approve the permit for the shed construction.

You may seek a variance from the aforementioned section by completing the enclosed application for a hearing before the Board of Adjustment and submitting it along with the fee of two hundred – fifty dollars (\$250) fee to the City Secretary's office. This fee is non-refundable and is for the cost for the hearing, whether the Board of Adjustment grants or denies the variance. Please note as well that as per City of Newark Municipal Code, Section 32-63, should you request a continuance of an appeal to other than the meeting for which you have applied, another one-hundred and fifty (\$150) fee will be required.

The deadlines for the Board of Adjustment hearings is also attached for your convenience.

If you have any questions, please do not hesitate to contact me at 220 South Main Street, Newark, DE. 19711, by phone 302-366-7000 Ext 2067, or by e-mail tpoole@newark.de.us.

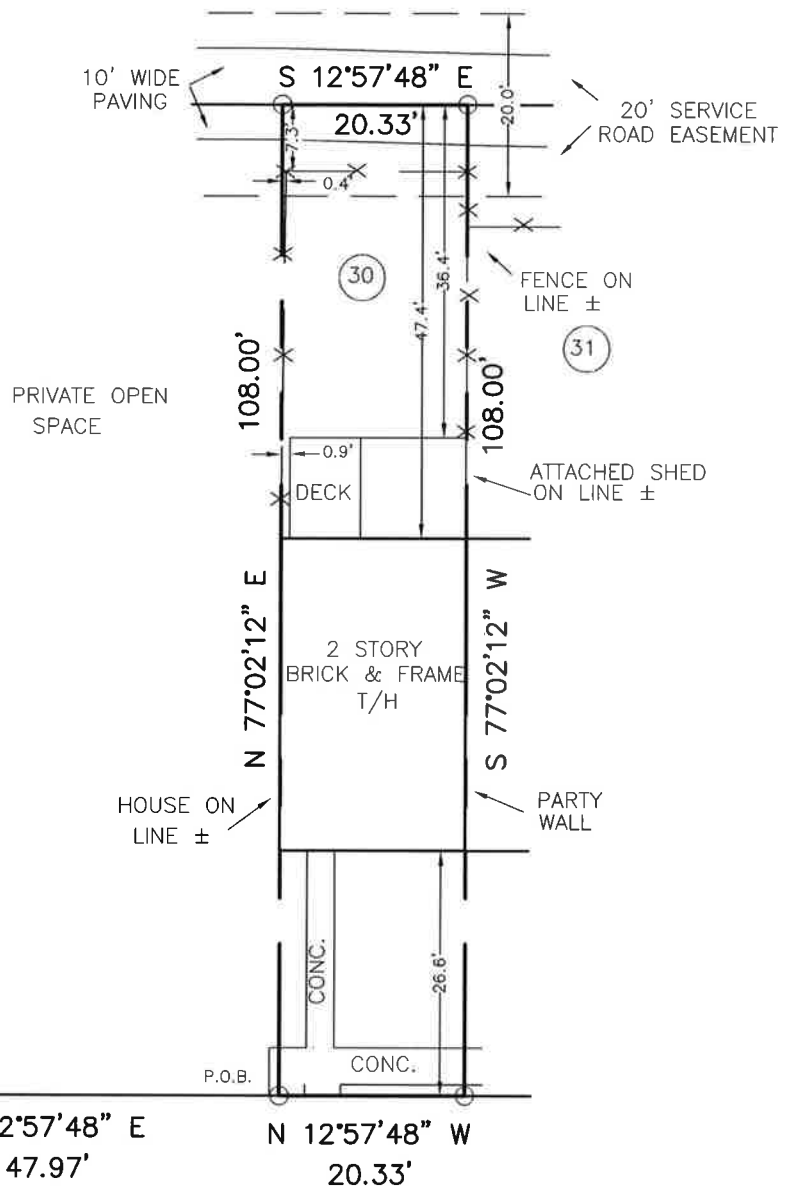
Sincerely,

A handwritten signature in black ink, appearing to read 'TP', with a stylized flourish extending from the bottom.

Timothy W. Poole
Code Enforcement Officer

cc: Renee Bensley, City Secretary
Stephanie Petersen, Code Enforcement Manager
Mary Ellen Gray, Planning and Development Director
File

Enclosures



NATHAN HALE COURT
62' WIDE

ZONED RR SETBACKS: FRONT 15' REAR 12' SIDE 15'

I HEREBY DECLARE THAT THE IMPROVEMENTS SHOWN HEREON HAVE BEEN LOCATED AND LIE WITHIN THE LOT BOUNDARIES UNLESS SHOWN OTHERWISE.

- THIS PLAN IS INTENDED FOR THE USE OF THE PARTIES INVOLVED WITH THIS LAND TRANSACTION AND SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSE, INCLUDING ESTABLISHMENT OF PROPERTY LINES, WITHOUT WRITTEN PERMISSION OF THE LAND SURVEYOR RESPONSIBLE FOR ITS CONTENTS. • FENCES, TREES, LANDSCAPING OR OTHER FEATURES HAVE NOT BEEN LOCATED UNLESS SHOWN AND DIMENSIONED. • PROPERTY MARKERS WERE NOT SET UNLESS INDICATED. • PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND EASEMENTS OF RECORD. • UNLESS THIS PLAN HAS AN IMPRESSED SEAL IT IS NOT AN AUTHORIZED REPRODUCTION OF THE ORIGINAL.

MORTGAGE INSPECTION PLAN

20 NATHAN HALE COURT
LOT 30 - SECTION 1
CHERRY HILL MANOR - SECTIONS 1,2 & 3
CITY OF NEWARK
NEW CASTLE COUNTY - DELAWARE
TAX PARCEL # 18 024.00 312

PROPERTY TO BE CONVEYED TO:
RENEE K. BENSLEY

A.E.S. SURVEYORS

3913 OLD CAPITOL TRAIL - WILMINGTON, DE. 19808 Phone: 302-993-1059, Fax: 302-993-1067

SCALE: 1"=20'

DATE: 12/01/11

JOB # 20111855

DEED REF: 20070807 0070067

PLAT REF: 1668

