

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT**

July 16, 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/110375229>

You can also dial in using your phone.

United States: [+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 110-375-229

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/110375229>

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 May 21, 2020.**
- 2. The appeal of Joseph and Linda Magnus, property address 4 Creek Bend Court, for the following variance:**
 - **Sec. 32-9(c)(2) – Maximum lot coverage** – The maximum lot coverage for any building, exclusive of accessory buildings, shall be 20% in RS zoning. Proposed plan indicates the construction of a new screened porch requires a variance from 20% to 22% lot coverage.

Agenda Posted – June 30, 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-3 DATE RECEIVED: June 12, 2020

PROPERTY LOCATION: 4 Creek Bend Court

APPLICANT: Joseph and Linda Magnus

DATE OF HEARING: July 16, 2020

DATE HEARING ADVERTISED: July 3 - News Journal, July 10 - Newark Post

FEE PAID, RECEIPT NO. \$ 250.00 - 1116000 \$ 25.00 - 111601

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, JOSEPH B. and LINDA R. MAGNUS
4 CREEK BEND COURT NEWARK DE 19711 302-738-0900
(Mailing Address) (Phone No.)
request a determination by the Board of Adjustment on the following appeal, which was denied by the Building Department
on 5-28-20

2. The purpose of the appeal is to request: _____

A. _____ A variance to Chapter 32, Section 32. _____ related to:

- Area
- Frontage
- Side Yard
- Rear Yard
- Height (sign)
- Use
- Parking
- Other: LOT COVERAGE

B. _____ An interpretation.

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

3. Description of the property:

A. Street location, lot number: 4 CREEK BEND COURT NEWARK DE 19711 LOT NUMBER NINE
B. Present use: _____ (9)
C. Proposed use: _____

D. Zoning district: RS

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.)

WE ARE REQUESTING CONSTRUCTION OF A SCREENED IN AREA INCORPORATING 25%
OF OUR CURRENT DECK IN THE REAR OF OUR HOME. WE DETERMINED THAT SCREENING
25% OF THE DECK WOULD MEET OUR NEEDS AS OPPOSED TO SCREENING IN THE ENTIRE
DECK. THIS AREA IS THE ANSWER TO AN ONGOING MEDICAL DIFFICULTY THAT LINDA
HAS BEEN DEALING WITH FOR YEARS.

LINDA WAS DIAGNOSED WITH NON-HODGKINS LYMPHOMA TWICE IN AN 8 YEAR PERIOD. A DIFFICULT
REGIME OF CHEMOTHERAPY WAS ADMINISTERED OVER A 5 MONTH PERIOD IN BOTH 2008 AND 2013.

LINDA STILL SUFFERS FROM SEVERAL SIDE EFFECTS OF THESE TREATMENTS, INCLUDING A SERIOUS
ALLERGIC REACTION TO MOSQUITO BITES. LIVING ON THE CREEK MAKES IT DIFFICULT TO CONTROL

THESE PESTS. LINDA CANNOT MAKE USE OF OUR DECK TO ENJOY THE OUTDOOR AREA OF OUR HOME.
PLEASE NOTE THE ATTACHED LETTER FROM OUR PRIMARY CARE PHYSICIAN, DR. KATY CROWE VERIFYING
(If additional space is necessary, please attach to form.) THIS CONDITION.

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.


(Applicant's signature)

Sworn to and subscribed before me, this 11th day of June 2020

HEATHER ELAINE REDDING

Notary Public

STATE OF DELAWARE

My Commission Expires 01-03-2021


Notary Public

My Commission Expires 1/3/21

To Whom it May Concern:

Linda Magnus (DOB: 3/30/1954) is a patient of mine who was previously treated with chemotherapy for non-Hodgkins Lymphoma. The treatment left her very sensitive to the sun. Additionally, she is very allergic to mosquito bites. Therefore, due to her medical conditions, she needs an outdoor area that remains screened. Please call with any questions or concerns.

Sincerely,



Katy Crowe, MD

Project Number
M091-1340



CODE ENFORCEMENT DIVISION
CITY OF NEWARK

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

June 11, 2020

Joseph and Linda Magnus
4 Creek Bend Court
Newark, DE 19711

RE: Permit Number 202000424 – 4 Creek Bend Rd.

Dear Joseph and Linda Magnus:

Please be advised that your building permit application to construct a new screen porch to the existing house at 4 Creek Bend Court has been denied.

This parcel is zoned RS. Please note that this correspondence is based upon noncompliance with Section 32-9 of the Municipal Code and specifically Section 32-9(c)(2) states:

(2) Maximum lot coverage. The maximum lot coverage for any building, exclusive of accessory buildings, shall be 20%, 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 44%.

Your plan indicates that the lot coverage with this proposed addition would be 22 %.

In order for you to continue with this proposed enclosure you will need to seek a variance from the required 20% lot coverage to 22% lot coverage for the building.

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 a two-hundred and fifty dollar (\$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 Code Section 32-63, should you request a continuance of an appeal to other than the meeting for which you have applied, another two-hundred and fifty (\$250) fee will be required.

The application deadline for the Board 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 2060, or by e-mail spetersen@newark.de.us.

Sincerely,

Stephanie Petersen
Code Enforcement Manager

cc: Renee Bensley, City Secretary's Office
Michael Fortner, Department of Planning & Development
Thomas Fruehstorfer, Department of Planning & Development
File

Enclosure