

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT**

September 17, 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/233571037>

You can also dial in using your phone.

United States: [+1 \(669\) 224-3412](tel:+16692243412)

Access Code: 233-571-037

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<https://global.gotomeeting.com/install/233571037>

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 August 20, 2020.**
- 2. The appeal of Daniel and Monica Seador, property address 105 Red Pine Circle:**
 - **Sec. 32-56.2(e)** – Rear yards – RS zoning requires a rear yard of 30 feet, but plan was permitted by site plan approval for a rear yard of 25 feet. Plan shows rear yard of 14.4 feet, requiring an 11-foot variance.

Agenda Posted – September 1, 2020

Attest:

Sworn by:

Deputy City Secretary

Notary Public (Seal)



CODE ENFORCEMENT DIVISION
CITY OF NEWARK

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

August 27, 2020

SEADOR DANIEL G & MONICA B TR OF REV TR
105 Red Pine Circ.
Newark, DE 19711

RE: Permit Number 202000786 – 105 Red Pine Circle

Dear Mr.& Mrs. Seador:

Please be advised that your building permit application to construct extend the elevated deck and construct a screen porch at the house at 105 Red Pine Circle has been denied.

This parcel is zoned RS. Please note that this correspondence is based upon noncompliance with Section 32-56 of the Municipal Code and specifically Section 32-56.2(e) *Rear Yards* which states:

- (6) *Rear yards.* Except as specified in Article XVI, [Section 32-56.2](#)(e)(1), (2), (3) of this chapter, a rear yard shall be provided on every lot and shall be as follows:

Interior lots:

- a. RH—50 feet.
- b. RT—40 feet.
- c. RS—30 feet.

Corner lots: In an RH, RT, and RS district, the rear yard may be reduced 20% in depth to allow for the "skewing" of a residential dwelling on the lot.

Plan shows rear yard of about 14.4 ft. The RS zoning code requires a rear yard of 30 feet, but this plan was approved by site plan approval with smaller than code required area requirements. The rear yard approved under site plan approval allowed a rear yard of 25 feet. This rear yard is 11 feet short of the required 25 feet and would require an 11-foot variance for rear yard.

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
City of Newark

cc: Mary Ellen Gray, Planning and Development Director
Brian Sargeni, Code Enforcement Officer
Renee Bensley, City Secretary
File

Enclosure

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT**

NOTICE OF APPEAL

FOR OFFICE USE ONLY:

APPEAL NO.: 20-BA-5 DATE RECEIVED: 8/31/20

PROPERTY LOCATION: 105 Red Pine Circle

APPLICANT: Daniel and Monica Seador

DATE OF HEARING: 9/17/2020

DATE HEARING ADVERTISED: 9/4

FEE PAID, RECEIPT NO. check # 1044 \$ 250.00 + \$ 25.00 cash

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, Daniel G. & Monica B. 105 Red Pine Circle
Newark DE 19711
(Mailing Address) (Phone No.)

request a determination by the Board of Adjustment on the following appeal, which was denied by the Building Department on 8/27/20

2. The purpose of the appeal is to request: Denial to construct

A. ☒ A variance to Chapter 32, Section 32. 56.2(e)(2)(3) 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: 105 Red Pine Circle

B. Present use: Single family

C. Proposed use: same

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.)

to add a 6' deck to existing structure with screen and siding to make a 3 Season Porch. compatible with other structures in the developer

(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 366-7070.)

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

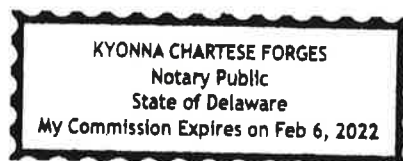
owner

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



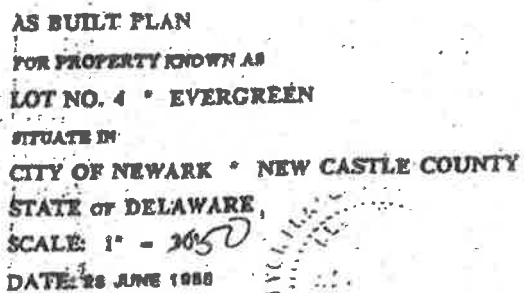
(Applicant's signature)

Sworn to and subscribed before me, this 28th day of August 2020




Notary Public

My Commission Expires February 6, 2022



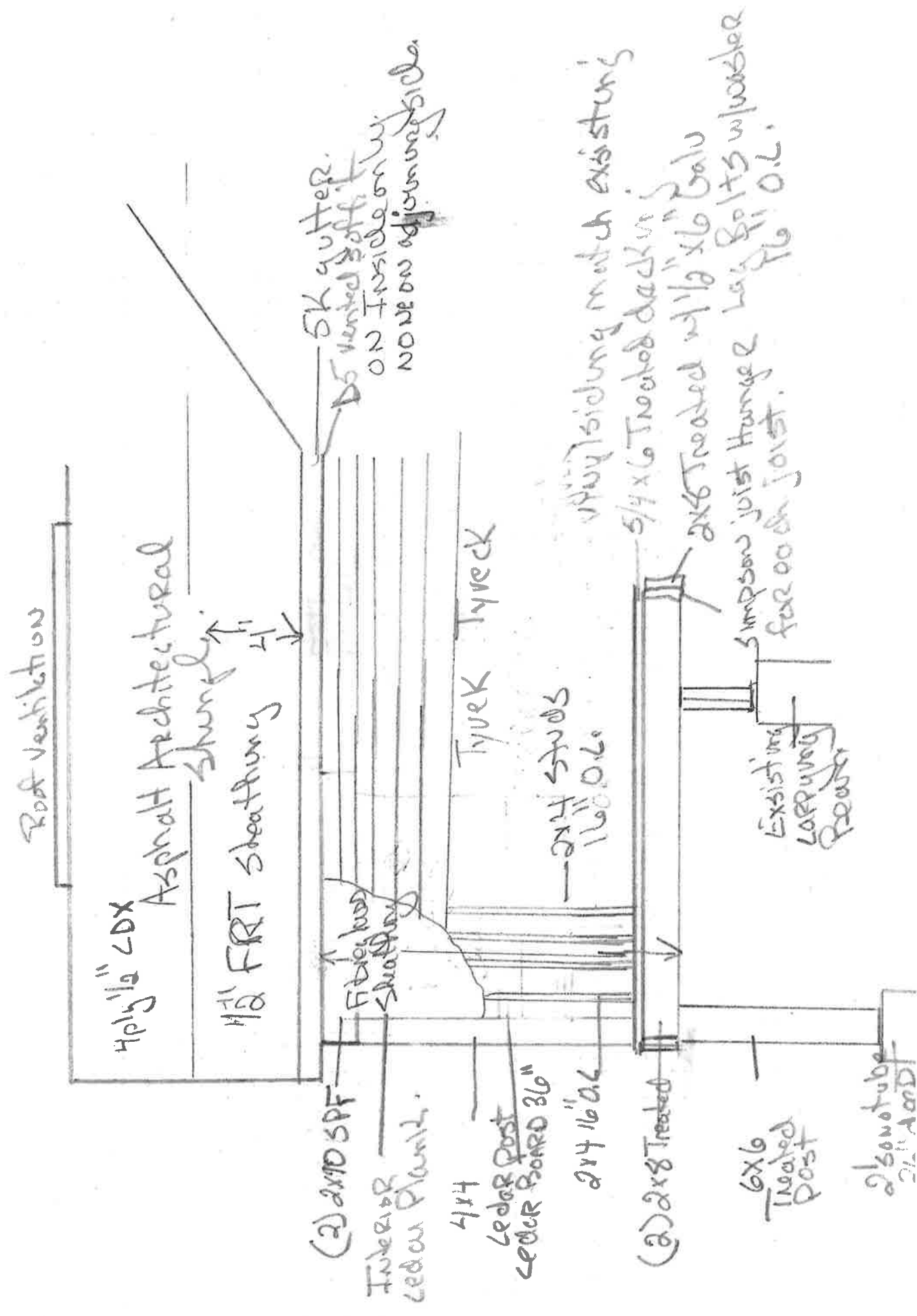
APPROVED

~~PROFESSIONAL LAND SURVEYOR~~



FRANCO R. BELLAFANTE, INC.
PROFESSIONAL LAND SURVEYORS
WILMINGTON, DELAWARE

105 Kedron Circle
 Newark DE 19711
 Parcel # K0030085



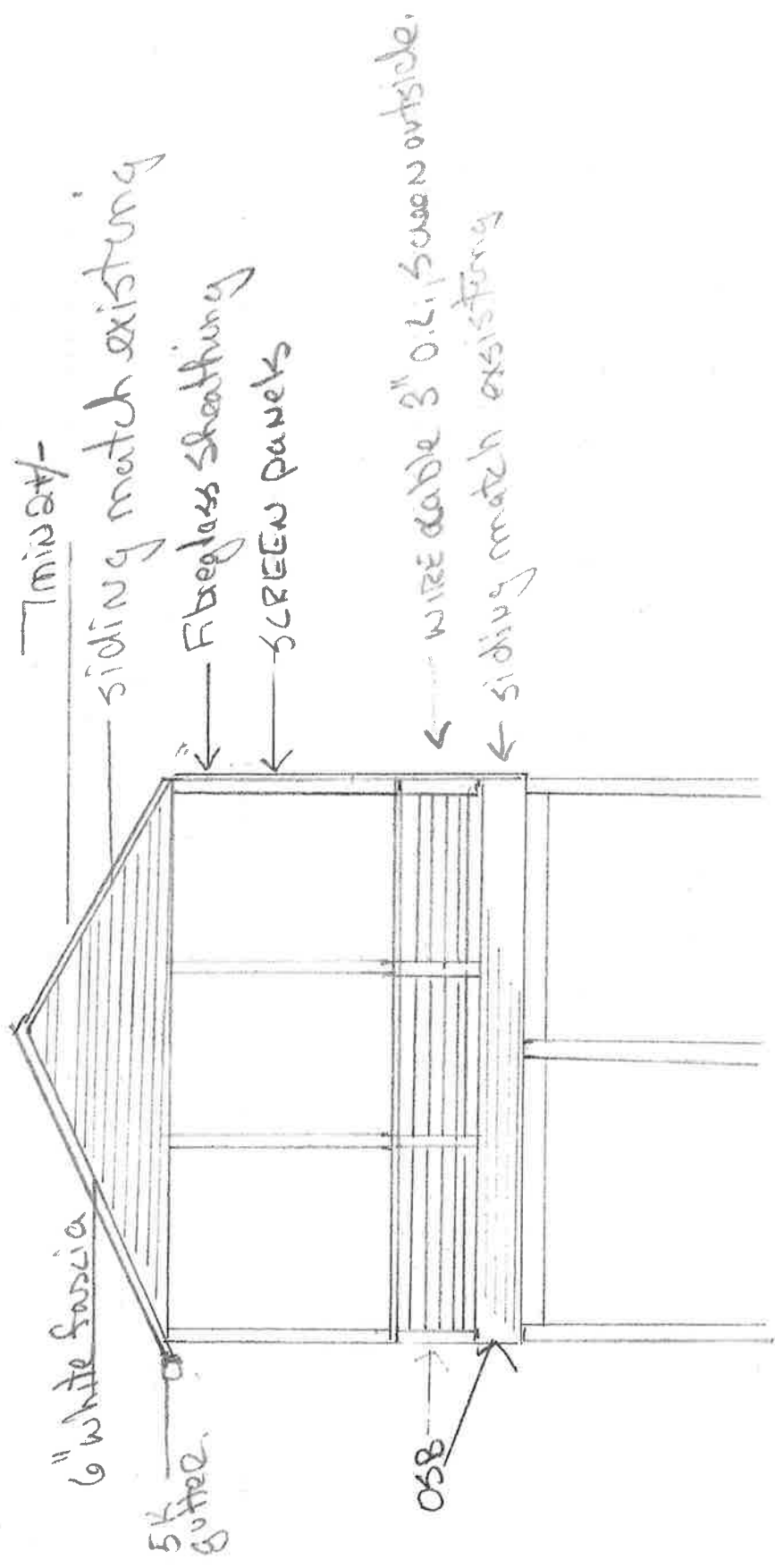
5K gutter.
 D5 vented soffits
 ON Inside only
 NONE ON adjacent side.

1/4\"/>

Existing
 Lapping
 Board

2x6 notube
 2x12 and

105 Red pine
Circle
Newark DE 19711
Parcel 1800306135



From: **Nancy Nobile** nobile@udel.edu
Subject: **your porch plans**
Date: **Jul 16, 2020 at 22:02:46**
To: **Dan and Monica Seador**
danseador@verizon.net

Dear Dan and Monica,

thanks for submitting specs on your porch. Members of the Maintenance Board approve this plan. It promises to look beautiful and I hope you both enjoy it for many years to come.

**Best,
Nancy Nobile
Evergreen Maintenance Board**