

## PLANNING & DEVELOPMENT

CITY OF NEWARK

220 South Main Street · Newark, Delaware 19711 302.366.7000 · Fax 302.366.7160 · www.cityofnewarkde.us

December 18, 2020

Megan Bauer GGA Construction mbauer@ggabuilds.com 302-593-5648

RE: 2001 Patriot Way/1089 Elkton Road, Newark Charter Junior High School, Building Permit 202001323 – Foundations & Steel

Dear Ms. Bauer:

Please be advised that upon review of Building Permit 202001323 for Foundations and Steel at 2001 Patriot Way/1089 Elkton Road, the following issue has been identified by the Planning and Development Department as non-compliant, and the permit is denied. A request for a variance is required before further processing can occur.

Per Section 32-56.2(c)(1), in all districts, a public school, private school, parochial school or college may have a height of four stories not exceeding 50 feet. The submitted plan shows the top of roof at about 55 feet with an additional 6-inch parapet wall. It should be noted that a parapet wall is allowed by Section 32-56.2(c)(2) to provide architectural detail and/or to hide mechanical equipment extending not more than four feet above the limit of the height of the building.

Your application requires a variance to allow a school with a building height of 55 feet.

You may seek a variance from the aforementioned section by completing an application for a hearing before the Board of Adjustment (attached) and submitting it along with a one-thousand one-hundred (\$1,100) fee to the City Secretary's office. This fee is non-refundable and is for the cost of the hearing, whether the Board of Adjustment grants or denies the variance. Please note as well that as per <u>Code</u> Section 32-63, should you request a continuance of an appeal to other that the meeting for which you have applied, another one-hundred sixty-five (\$165) fee will be required.

If you have any questions or concerns, please feel free to contact me at (302) 366-7000 ext. 2044.

Sincerely,

Thomas K. Fruehstorfer

Nomes & Buckstof

Planner

Cc: Mary Ellen Gray, Planning and Development Director

Stephanie Petersen, Code Enforcement Manager

Tim Poole, Code Enforcement Officer

Renee Bensley, City Secretary

Nichol Scheld, City Secretary Office

Rosalyn Keesee, Design Collaborative, Inc.



## CITY SECRETARY'S OFFICE CITY OF NEWARK

220 South Main Street · Newark, Delaware 19711 302,366,7000 · Fax 302,366,7067 · www.newarkde.gov

## BOARD OF ADJUSTMENT INSTRUCTIONS FOR NOTICE OF APPEAL

The Board of Adjustment meetings are held on the third Thursday of the month, at 7:00 pm in the Council Chamber of the City of Newark Municipal Building, 220 South Main Street, Newark.

The notice of Appeal form must be completed and submitted to the Board of Adjustment Secretary in the City Secretary's Office. The deadline dates may be obtained in the City Secretary's Office or Code Enforcement Division. At the time the application is submitted, you will be informed of the hearing date. In addition to the Notice of Appeal form the following information is required at the time of the application:

- 1. A filing fee of \$275.00, payable to City of Newark, for each appeal in a residential district. The filing fee in any other zoning district is \$1,100.00.
- 2. Ten copies of the plot plan or survey.
- 3. Ten copies of drawings or plans if, in the opinion of the Building Director, they are necessary to clarify hardship.
- 4. Ten copies of the Denial Letter issued from Code Enforcement triggering the hearing request.
- 5. In addition to the original filing fee, if an applicant requests a continuance of an appeal, the fee is \$165.00 in a residential district.
- 6. Should a project be removed from the agenda less than seven days before the scheduled meeting at the request of the applicant, a re-advertising fee of \$165.00 will be charged to be placed on a subsequent board of adjustment agenda. For good cause shown, the fee may be waived at the discretion of the City Secretary.

If you have any questions, please contact the City Secretary's Office at 366-7000.

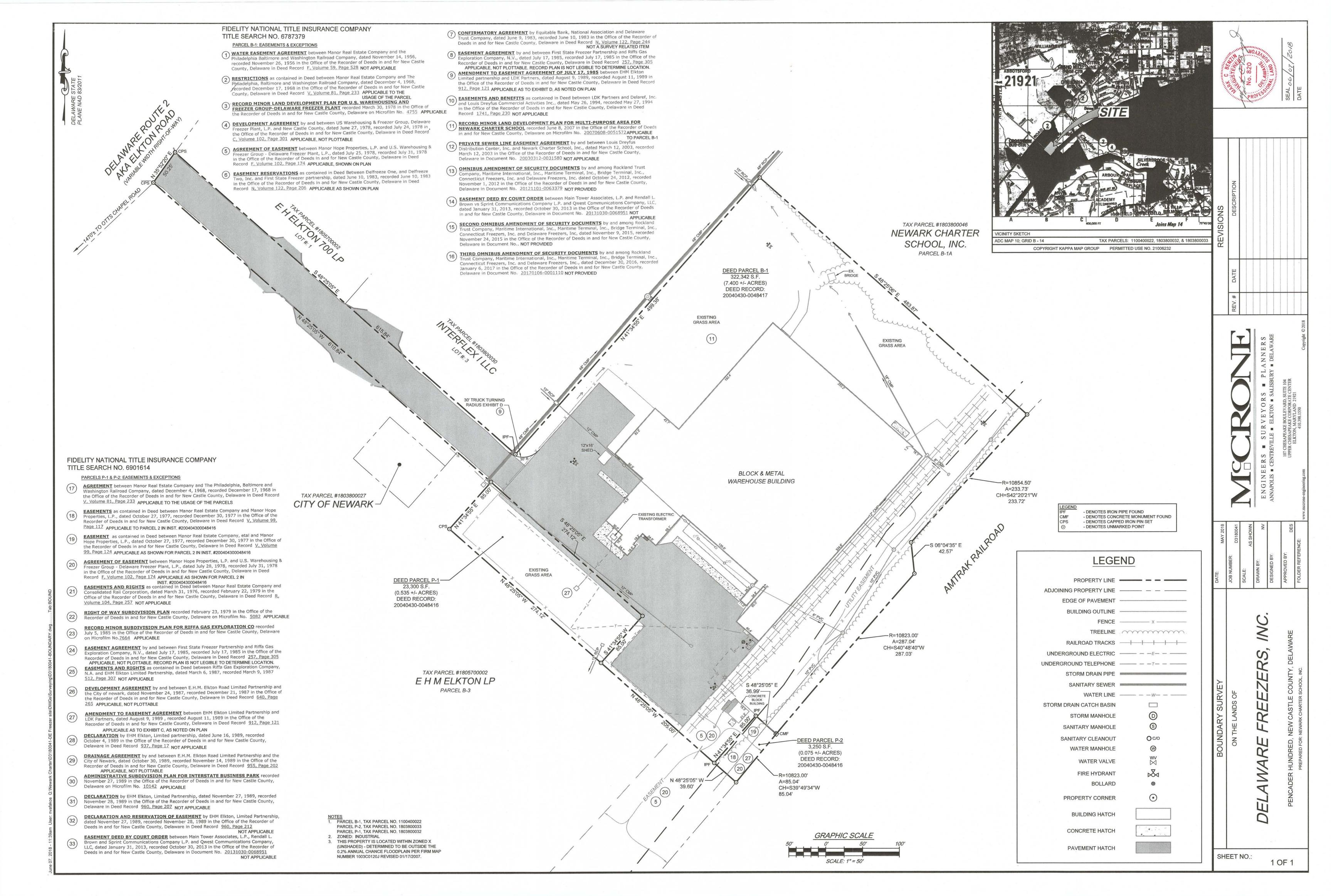
Please email the City Secretary's office at <a href="mailto:citysecretary@newark.de.us">citysecretary@newark.de.us</a> to schedule an appointment for application submission as the office is currently closed to the public due to COVID-19.

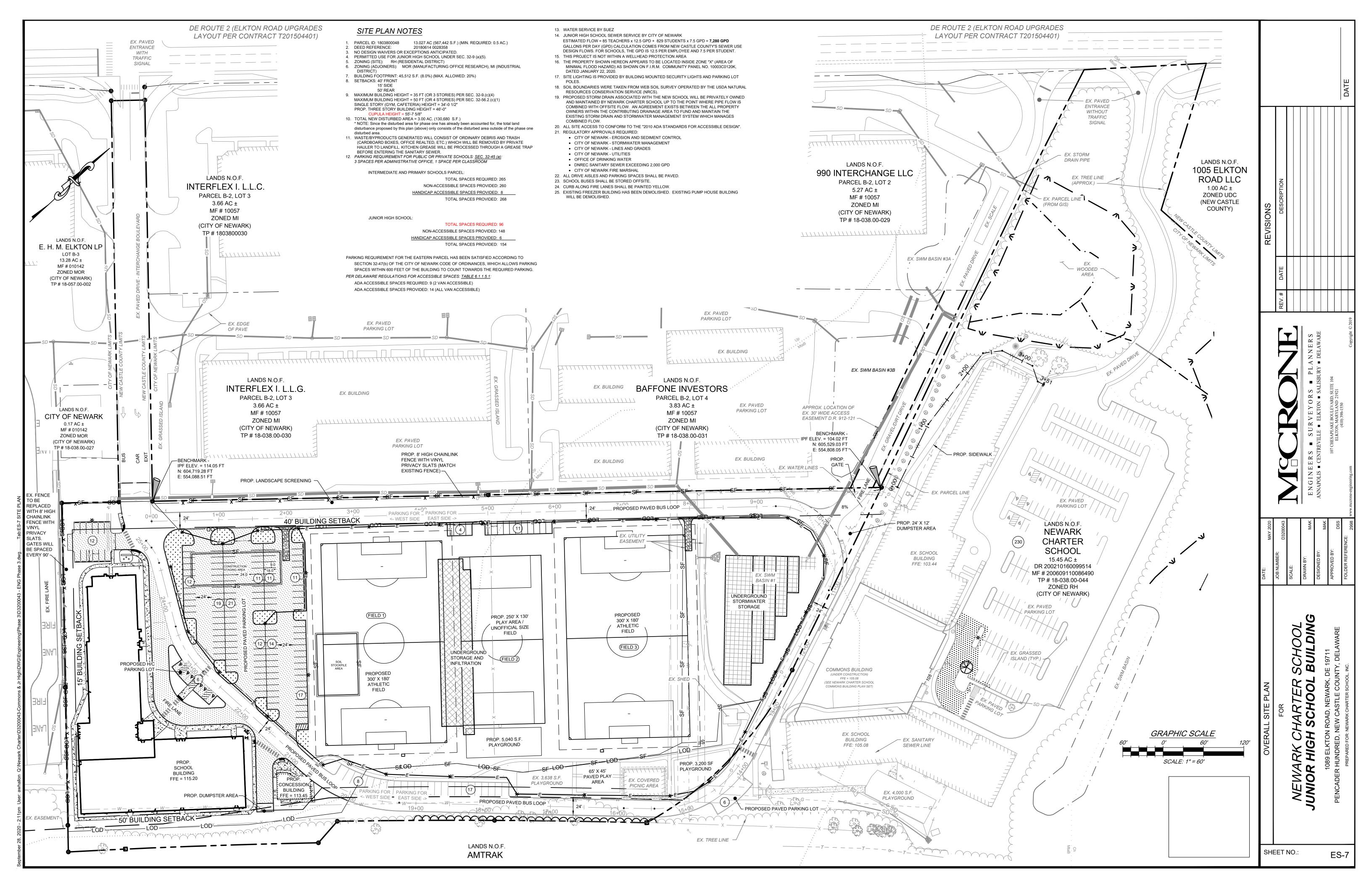
## CITY OF NEWARK DELAWARE BOARD OF ADJUSTMENT

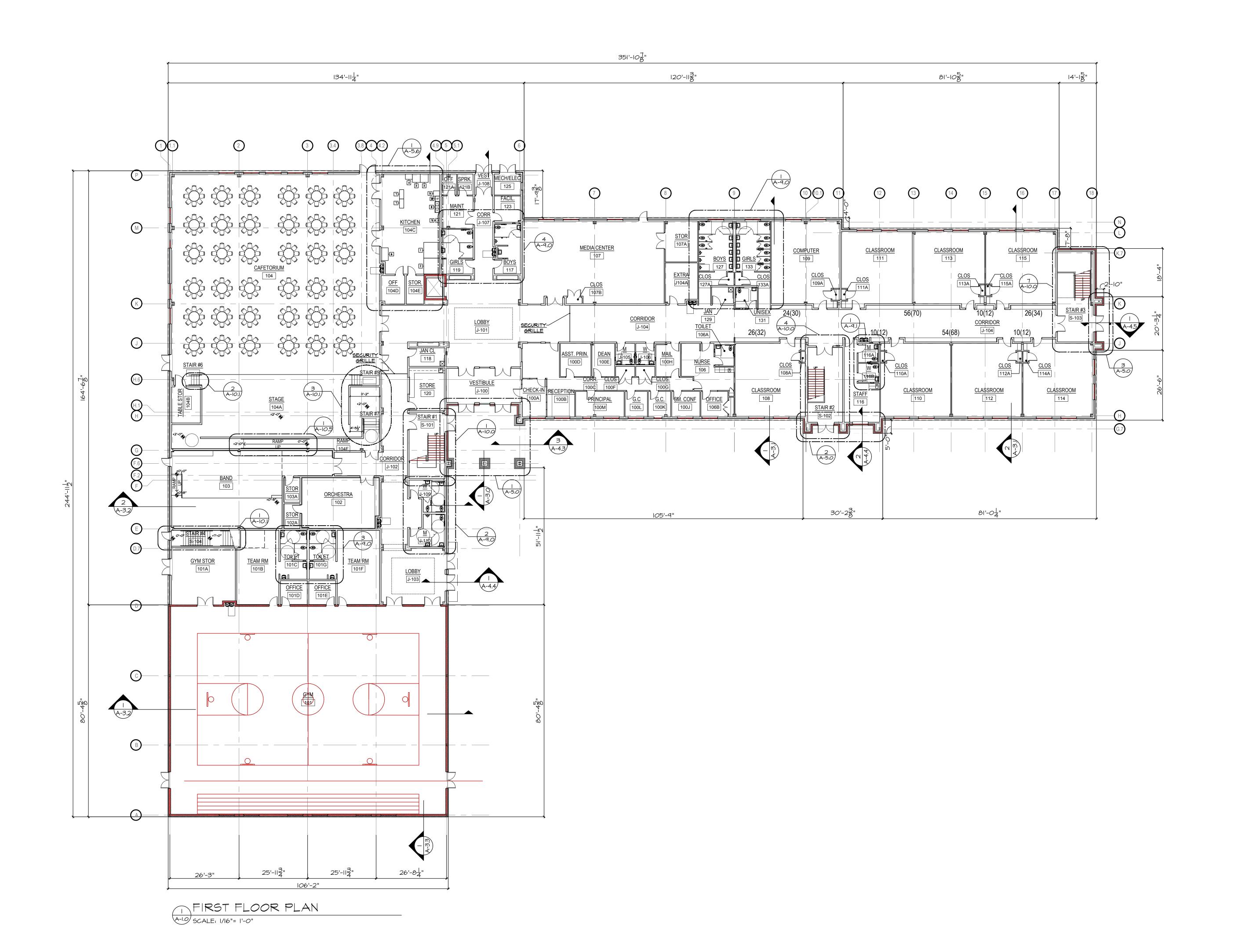
## NOTICE OF APPEAL

F	OR OFFICE USE ONLY:			
	PPEAL NO.:	DATE RECEIVED:		
'`				
Р	ROPERTY LOCATION:			
A	PPLICANT:			
D	ATE OF HEARING:			
D	ATE HEARING ADVERTISED:			
F	EE PAID, RECEIPT NO	<u> </u>		
Please complete and have notarized the Notice of Appeal and submit it along with plans to the Board of Adsecretary, City Secretary's Office, 220 South Main Street, Newark, DE 19711.  1. I/We, GG+A Construction				
	1130 Industrial Road, Middletown, DE 19709	3	02-376-6122	
(Mailing Address)  request a determination by the Board of Adjustment on the following appeal, which was denied by the Building De on December 18, 2020				
2. 1	2. The purpose of the appeal is to request:			
	A. A variance to Chapter 32, Section 32. 56.2(c)			
	☐ Area ☐ Frontage ☐ Side Yard ☐ Rear Yard ☐ Height (sign) ☐ Use ☐ Parking ☐ Other: ☐ Height (building)			
ı	3. An interpretation.			
(	C. A special exception (in special sign district of	nly).		
3. [	Description of the property:			
A	A. Street location, lot number: 1089 Elkton Road			
	B. Present use: Empty lot (former freezer plant)			
(	C. Proposed use:			
	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.)				
	We feel that this request is aligned with and in the spirit of the exceptions allowed by				
	"Sec. 32-56.2 – Area regulations; exceptions", item (2). The additional height requested is a				
	modest increase and only for the center portion of the building. The additional height will provide				
	natural light into the 3rd floor lobby and student work display, allow for higher ceilings in the art rooms, and permit architectural detail at the entrance that is similar to that used on the lower school campus site. More detailed information is provided in the supplemental information				
					included in this submission.
		(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/School representative				
	hereby certify that all of the statements in this Notice of Appeal and attached plans are true to the best of my				
kn	nowledge.				
	(Applicant's signature)				
	Sworn to and subscribed before me, this 29 th day of <u>December</u> 2620				
	Cynthia Dawn Coyne				
	CYNTHIA DAWN COYNE Notary Public				
	Notary Public STATE OF DELAWARE				
	My Commission Expires February 4, 2021 My Commission Expires				







## **ISSUED FOR FOUNDATION PERMIT**

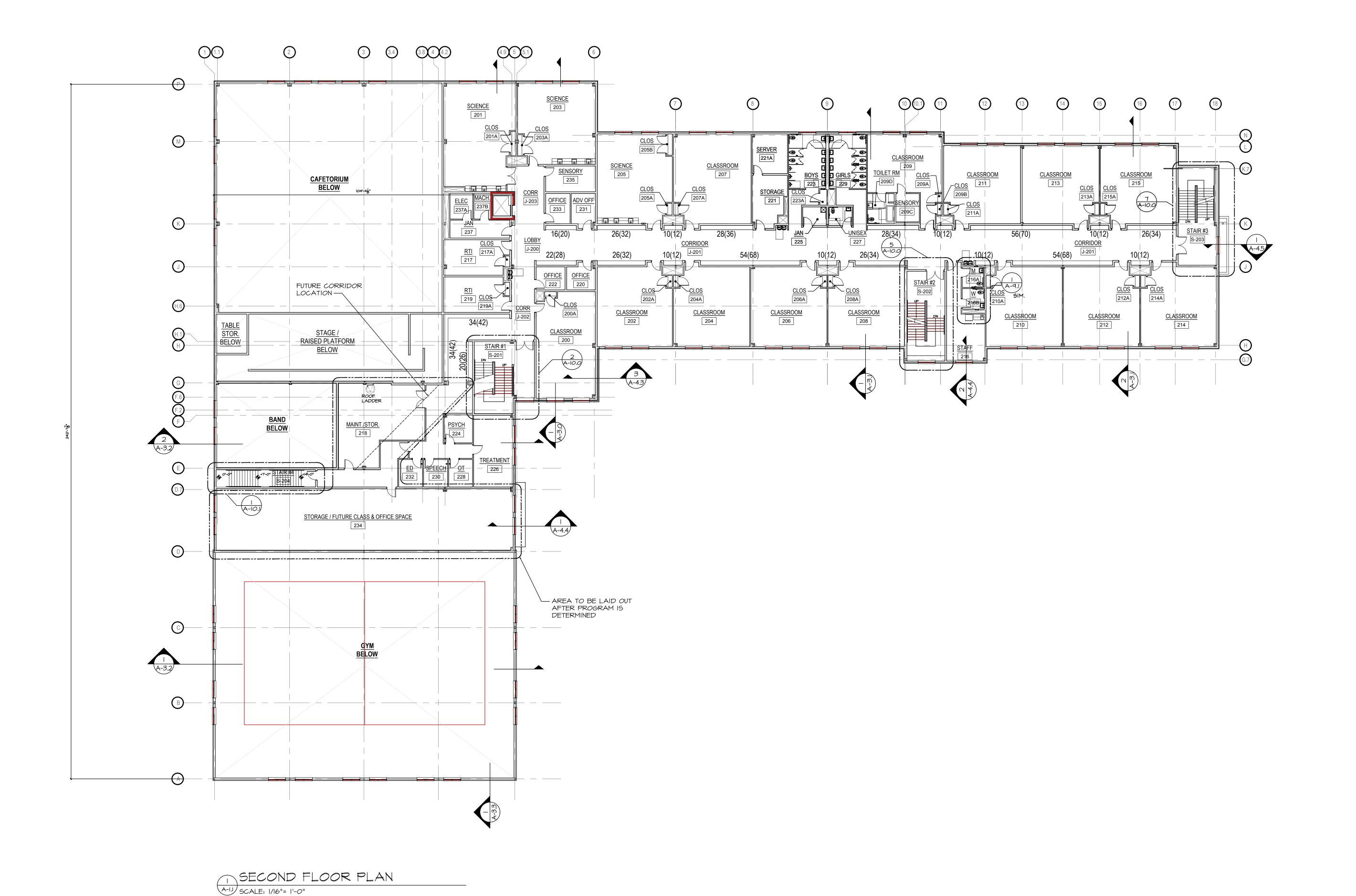
NOTE: SEE DRAWINGS A-1.4 & A-1.5 FOR DIMENSIONS, PARTITION TAGS & DOOR AND WINDOW TAGS

A-1.0

DRAWING NO.

SHEET TITLE: FIRST FLOOR PLAN

THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING AND CORRELATING ALL QUANTITIES AND DIMENSIONS. CONTRACTOR SHALL, UPON DISCOVERY, IMMEDIATELY NOTIFY ARCHITECT OF ANY DISCREPANCIES. THE CONTRACTOR IS RESPONSIBLE FOR SELECTING FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION, COORDINATING HIS WORK WITH THAT OF ALL OTHER TRADES AND PERFORMING HIS WORK IN A SAFE, SATISFACTORY AND WORKMANLIKE MANNER. CONTRACTOR AND SUBS SHALL BE AWARE OF ALL ON—SITE CONDITIONS PRIOR TO SUBMITTAL OF BIDS.



NOTE: SEE DRAWINGS A-1.6 & A-1.7 FOR DIMENSIONS, PARTITION TAGS & DOOR AND WINDOW TAGS

ARCHITECTS · DESIGN COLLABORATIVE, INC.

1211 DELAWARE AVE.

WILMINGTON, DE 19806
(302) 652-4221 FAX (302) 655-0397

REVISIONS:

THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING AND CORRELATING ALL QUANTITIES AND DIMENSIONS. CONTRACTOR SHALL, UPON DISCOVERY, IMMEDIATELY NOTIFY ARCHITECT OF ANY DISCREPANCIES. THE CONTRACTOR IS RESPONSIBLE FOR SELECTING FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION, COORDINATING HIS WORK WITH THAT OF ALL OTHER TRADES AND PERFORMING HIS WORK IN A SAFE, SATISFACTORY AND WORKMANLIKE MANNER. CONTRACTOR AND SUBS SHALL BE AWARE OF ALL ON—SITE CONDITIONS PRIOR TO SUBMITTAL OF BIDS.

PROJECT TITLE:

NEMARK CHARTER SCHOOL

A H OH BUILDING

INTERCHANGE BUSINESS PARK

O ELKTON ROAD

NEWARK, DELAMARE 19711

PROJECT NO.

2009.0

DATE:

OCTOBER 23, 2020

SCALE:

AS NOTE:

DRAWN BY:

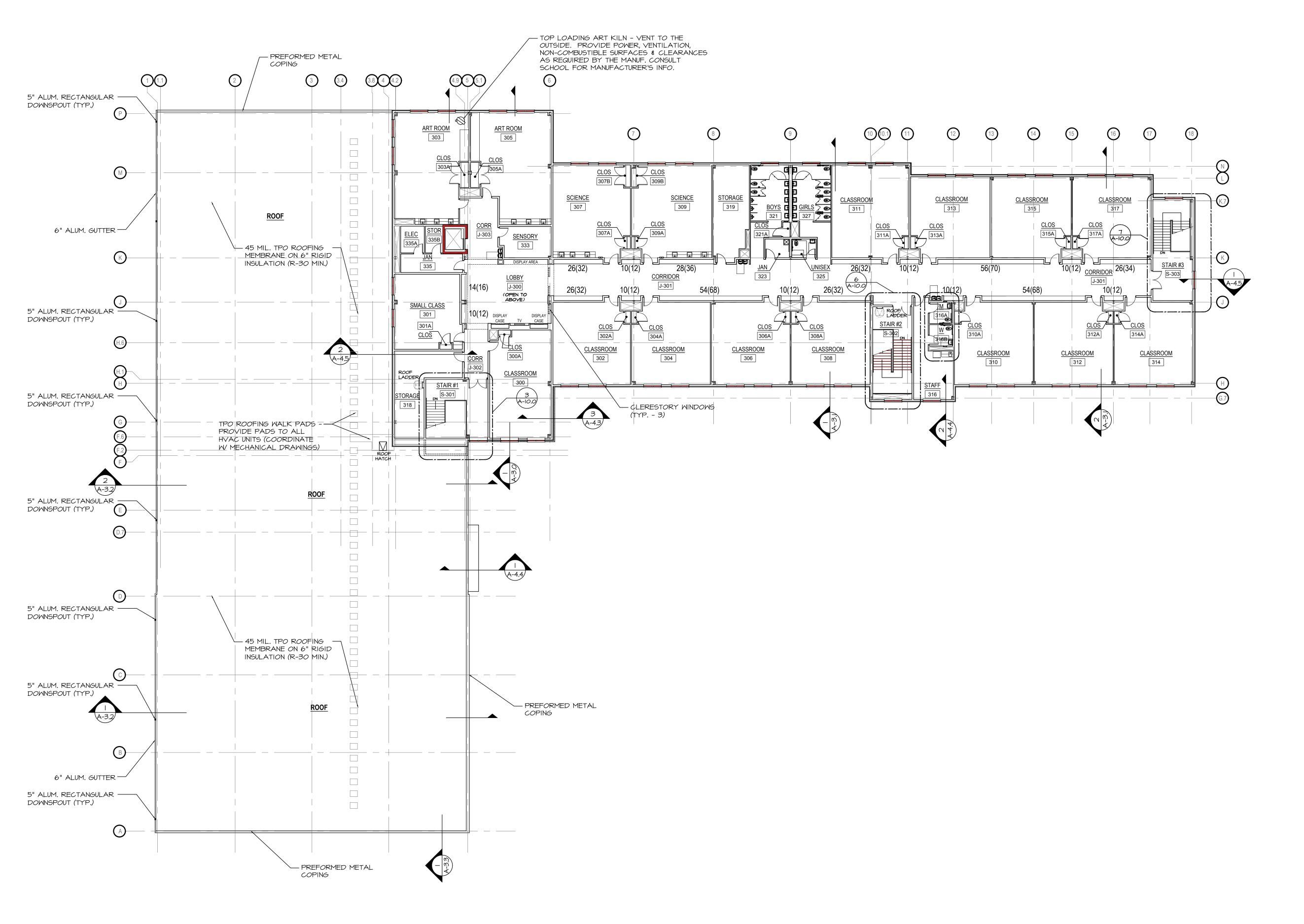
DRAWING NO.

SECOND FLOOR PLAN AND STORAGE ADD

ALT. #01

A-|.|

ISSUED FOR FOUNDATION PERMIT



THIRD FLOOR PLAN - ALT.

A-1.2 SCALE: 1/16"= 1'-0"

NOTE: SEE DRAWINGS A-1.8 & A-1.9 FOR DIMENSIONS, PARTITION TAGS & DOOR AND WINDOW TAGS

REVISIONS:

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PROJECT TITLE:

NEMARK CHARTER SCHOOL

THOT BUILDING

INTERCHANGE BUSINESS PARK

O ELKTON ROAD

NEMARK, DELAMARE 19711

PROJECT NO.

2009.0

DATE:

0CTOBER 23, 202

SCALE:

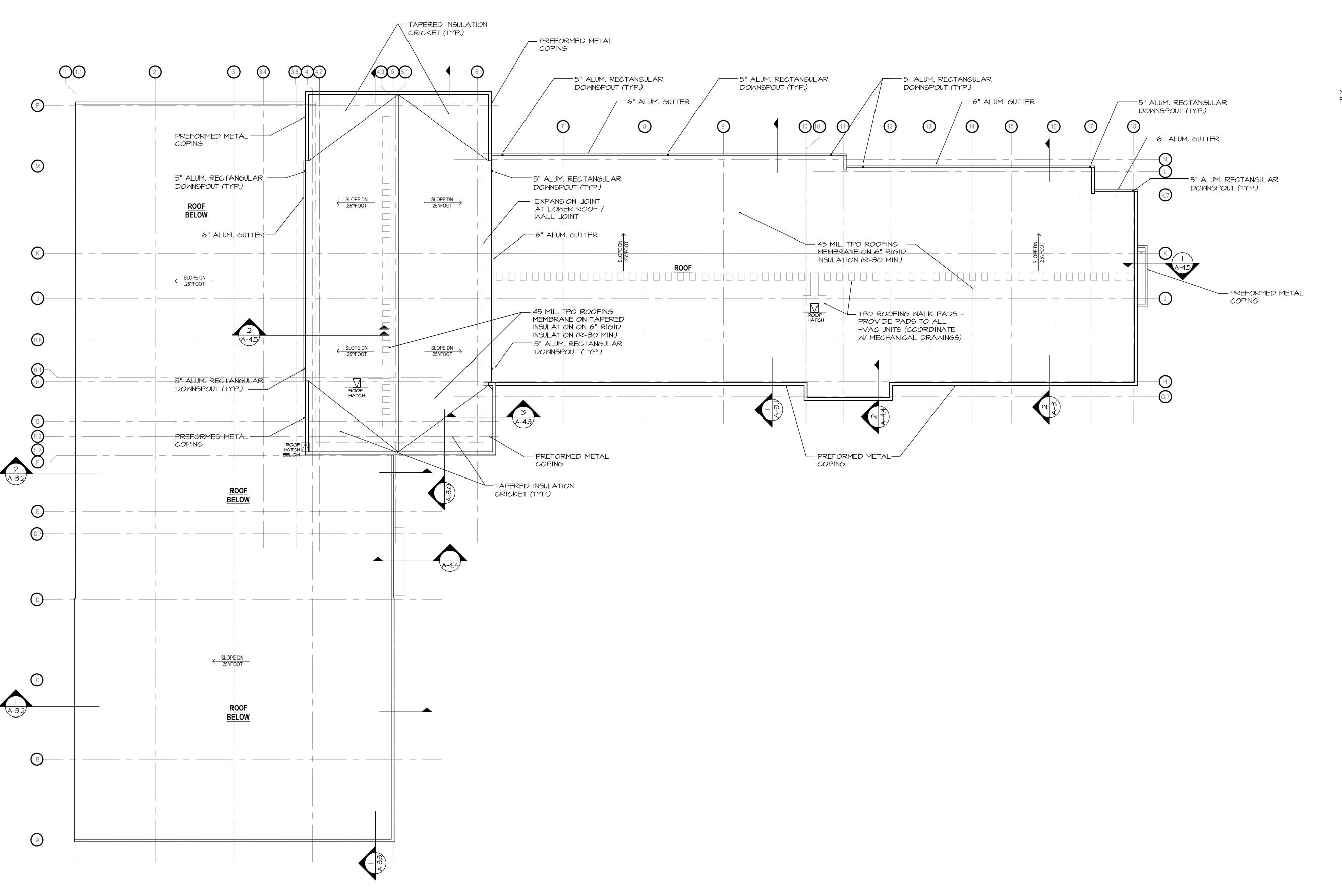
THIRD FLOOR AND LOW ROOF PLAN

DRAWN BY:

DRAWING NO.

A-1.2

ISSUED FOR FOUNDATION PERMIT



ROOF PLAN

A-1.3 SCALE: 1/16"= 1'-0"

NOTE: SEE DRAWINGS A-1.10 & A-1.11 FOR ENLARGED PLANS AND NOTES

ARCHITECTS · DESIGN COLLABORATIVE, INC.

1211 DELAWARE AVE.

WILMINGTON, DE 19806
(302) 652-4221 FAX (302) 655-0397

**REVISIONS:** 

THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING AND CORRELATING ALL QUANTITIES AND DIMENSIONS. CONTRACTOR SHALL, UPON DISCOVERY, IMMEDIATELY NOTIFY ARCHITECT OF ANY DISCREPANCIES. THE CONTRACTOR IS RESPONSIBLE FOR SELECTING FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION, COORDINATING HIS WORK WITH THAT OF ALL OTHER TRADES AND PERFORMING HIS WORK IN A SAFE, SATISFACTORY AND WORKMANLIKE MANNER. CONTRACTOR AND SUBS SHALL BE AWARE OF ALL ON—SITE CONDITIONS PRIOR TO SUBMITTAL OF BIDS.

PROJECT TITLE:

NEMARK CHARTER SCHOOL

A HOT BUSINESS PARK
O ELKTON ROAD
NEMARK, DELAMARE 19711

PROJECT NO.

2009.02

DATE:

OCTOBER 23, 2020

SCALE:

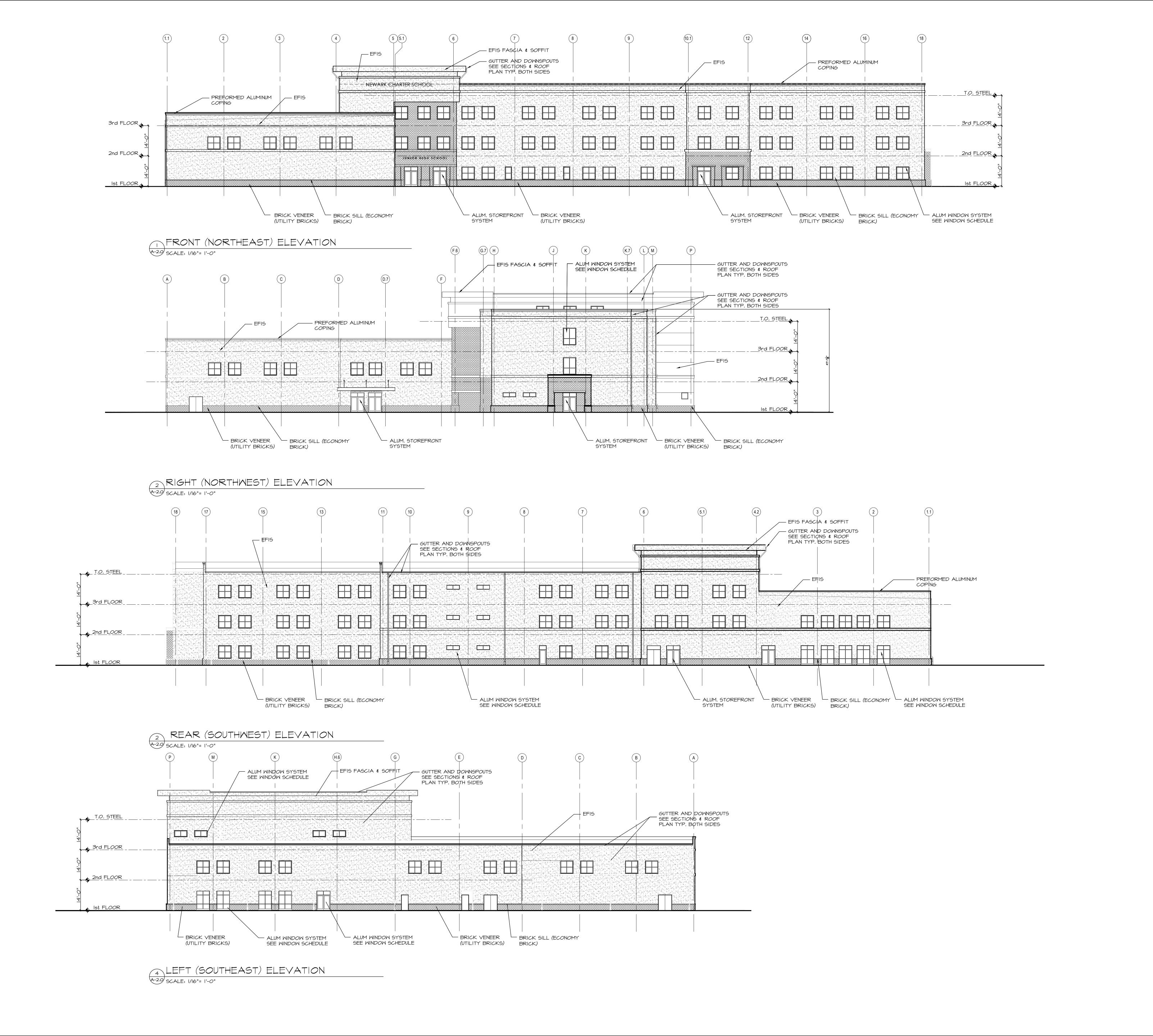
AS NOTED

DRAWN BY:

DCI

ROOF PLAN

A-1.3



THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING AND CORRELATING ALL QUANTITIES AND DIMENSIONS. CONTRACTOR SHALL, UPON DISCOVERY, IMMEDIATELY NOTIFY ARCHITECT OF DISCOVERY, IMMEDIATELY NOTIFY ARCHITECT OF ANY DISCREPANCIES. THE CONTRACTOR IS RESPONSIBLE FOR SELECTING FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION, COORDINATING HIS WORK WITH THAT OF ALL OTHER TRADES AND PERFORMING HIS WORK IN A SAFE, SATISFACTORY AND WORKMANLIKE MANNER. CONTRACTOR AND SUBSCRIPTION. SUBS SHALL BE AWARE OF ALL ON-SITE CONDITIONS PRIOR TO SUBMITTAL OF BIDS. SHEET TITLE: ELEVATIONS

A-2.0

DRAWN BY:

DRAWING NO.

OCTOBER 23, 2020 SCALE:

AS NOTED



## **NEW JUNIOR HIGH SCHOOL**



PREPARED BY:

## **Design Collaborative Inc**

1211 Delaware Avenue Wilmington, DE 19806 www.dciarchitects.com

## **VARIANCE REQUEST**

## Background:

The Newark Charter School has embarked on an expansion of their lower school campus to enhance their facilities and to create a K-8 campus that will meet the needs of their growing student population. On the northeast end of the site are the existing primary and intermediate schools which will house grades K-5. The 1-story Commons building will connect the two schools and serve as the new main entrance for both. A new 3-story junior high school will be constructed to accommodate grades 6-8 on the southwest end of the site. Connecting the ends of the site is a new bus loop encircling athletic and practice fields.

This request for a variance is in response to the Foundation and Steel Permit denial letter dated December 18, 2020. The center portion of the junior high school building has an approximate height of 55'-3" (excluding the 6 inch parapet). A variance is required to allow the school to have a building height of greater than 50 feet.

## **Kwik Check Factors:**

- 1. The nature of the zone in which the property is located.

  Response: While the school's property is zoned RH (single family residential), it is surrounded by properties zoned MI (General Industrial) or MOR (Manufacturing Office Research) and the Amtrak Railway line.
- 2. The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity.
  - Response: The immediate vicinity of the Junior High School site is industrial in nature. The Amtrak Railway line and the Sandy Brae industrial park are on the eastern side. To the south and west of the site are the Interstate Business Park and the Interchange Business Park. The intermediate and primary schools lie at the north end of the lower school campus.
- 3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect the neighboring properties and uses.
  - Response: Given the distance of the existing buildings from the new Junior High School, there is no adverse effect to the neighboring properties and uses if the additional height is allowed. It should be noted that the new Junior High, with the additional height, will still be lower in height than the freezer plant that was on this site until it was demolished earlier this year in anticipation of this project.

Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property.

Response: The center portion of the roof was raised to provide natural light via clerestory into the 3rd floor lobby and student display area and to allow a higher ceiling in the Art Rooms to accommodate a variety of art mediums. If the additional height is not allowed, these could not be provided and would negatively impact the programmatic offering in the building. The additional height at the entrance also allows for similar architectural details used on the other buildings on site, tying the campus together.

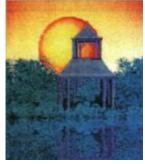
## **Summary:**

We feel that this request is aligned with and in the spirit of the exceptions allowed by "Sec. 32-56.2 - Area regulations; exceptions", item (2):

"In any district the maximum building height provisions shall not apply to dormers, spires, domes, cupolas, belfries, chimneys, smokestacks, flag poles, elevator enclosures, water tanks on roofs, silo, roof antennas, solar panels or collectors (on roofs), theater scenery lofts or fly lofts which occupy an aggregate of not over 25% of the ground floor area of the building, or a parapet wall or similar appurtenance that may be designed to provide architectural detail and/or to hide mechanical equipment extending not more than four feet above the limit of the height of the building on which it rests. A roof appurtenance that resembles a roof may extend above the limit of the height of the building up to a height equal to the floor to roof deck height of the top floor of the building provided that its slope does not exceed a 12/12 pitch."

The additional height requested is a modest increase and only for the center portion of the building. The additional height will provide natural light into the 3rd floor lobby and student work display, allow for higher ceilings in the art rooms, and permit architectural detail at the entrance that is similar to that used on the lower school campus site.

We respectfully request this variance be granted.



Design Collaborative, Inc 1211 Delaware Avenue Wilmington, DE 19806

P | 302.652.4221
W | WWW.DCIARCHITECTS.COM

## BUILDING

# JUNIOR HIGH SCHOOL BUIL 1089 ELKTON ROAD

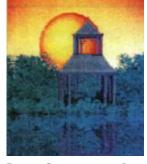
SCHOOL

CHARTER

**JEWARK** 



IMAGE SOURCE: NEW CASTLE COUNTY WEBSITE GIS MAPS - ACCESSED DECEMBER 2020



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Wilmington, DE 19806

# NEWARK CHARTER SCHOOL R HIGH SCHOOL BUILDING

JUNIOR HIGH SCHOOL B 1089 EIKTON ROAD





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# BUILDING

SCHOOL

CHARTER

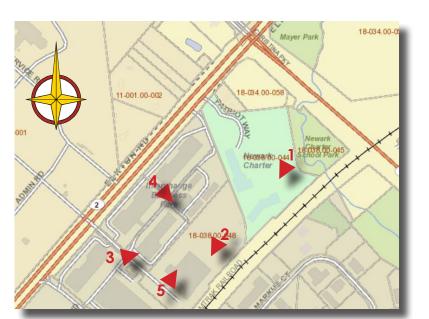
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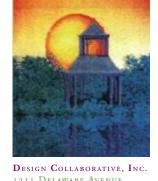












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## BUILDING

NEWARK (

SCHOOL

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JUNIOR HIGH SCHOOL 1089 ELKTON ROAD





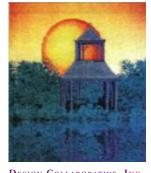






**EXISTING SCHOOLS** 

3 - NEW COMMONS ENTRANCE

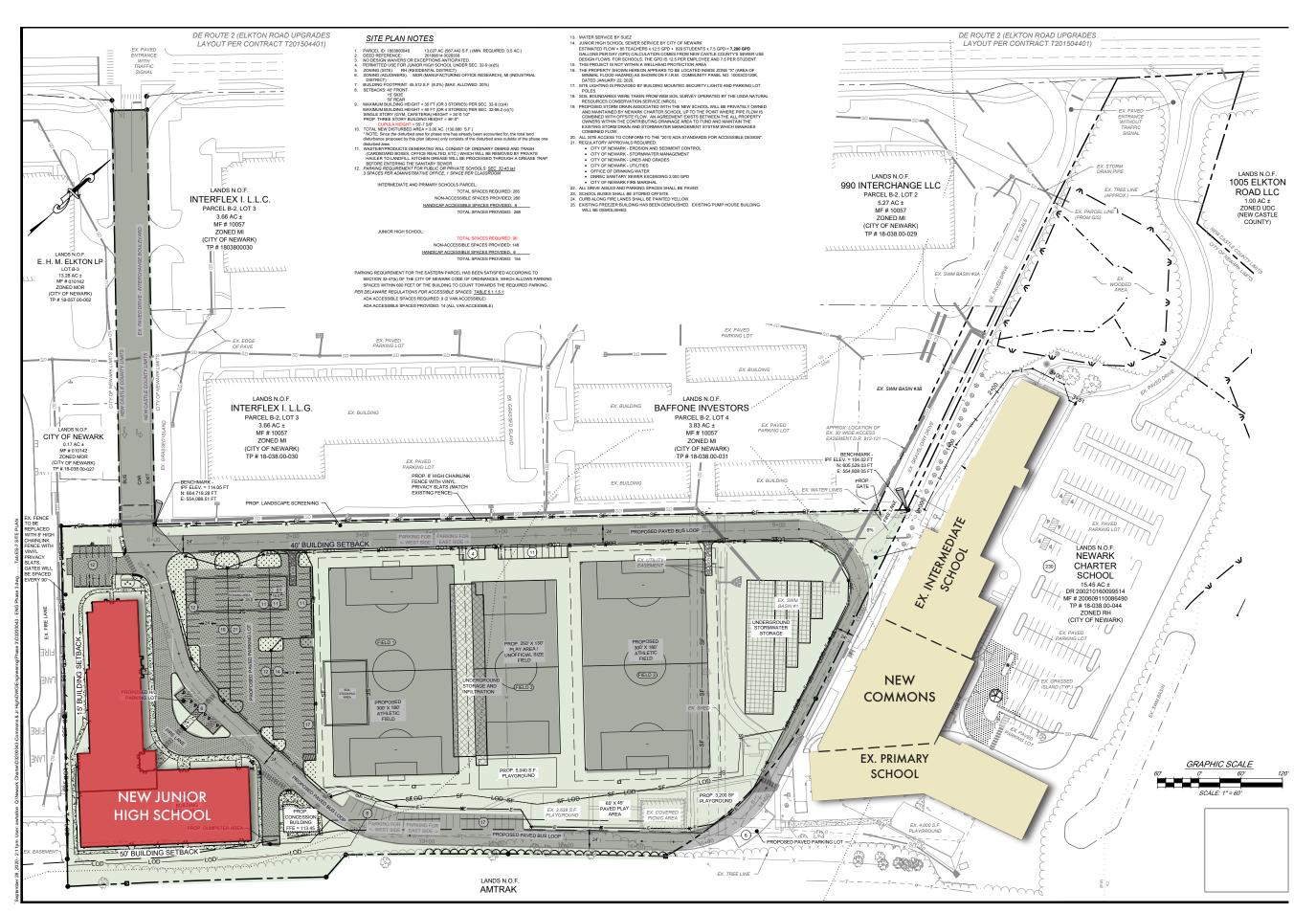


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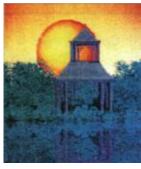
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# NEWARK CHARTER SCHOOL

JUNIOR HIGH SCHOOL BUILDING 1089 ELKTON ROAD NEWARK, DE 19711



**NEW CAMPUS PLAN** 



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## SCHOOL BUILDING

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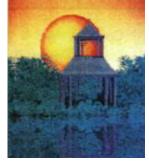
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JUNIOR HIGH SCHOOL I 1089 ELKTON ROAD



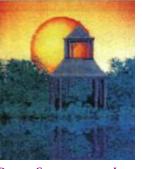
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CHARTER SCHOOL

SCHOOL BUILDING

NEWARK

JUNIOR HIGH SCHOOL 1089 ELKTON ROAD



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## CHARTER SCHOOL I SCHOOL BUILDING

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JUNIOR HIGH SCHOOL
1089 EIKTON ROAD
NEWARK DE 10711



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BUILDING SCHOOL CHARTER

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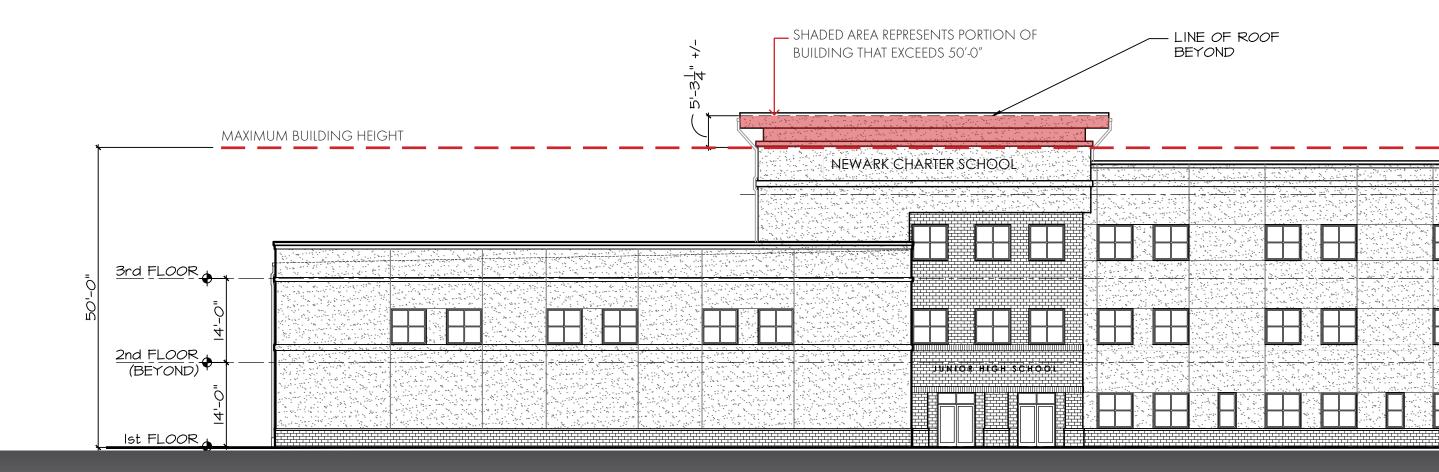


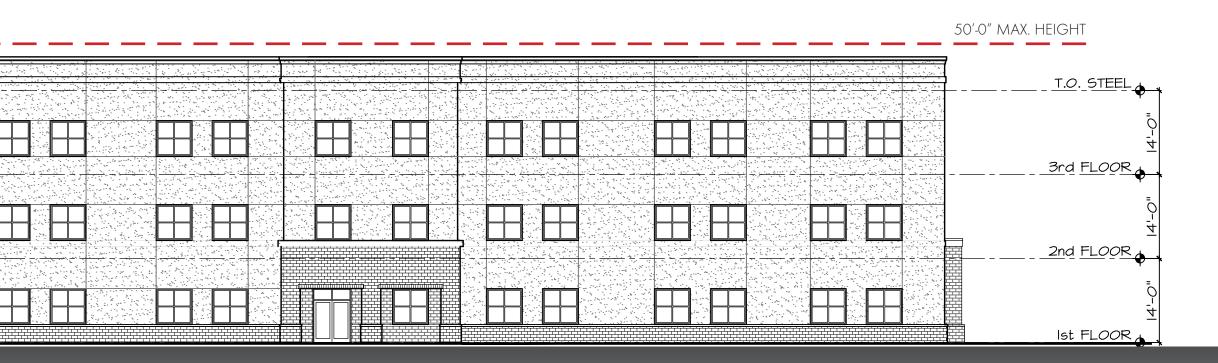
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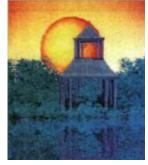
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## <u>5</u>

JUNIOR HIGH SCHOOL BUILDING
1089 EIKTON ROAD





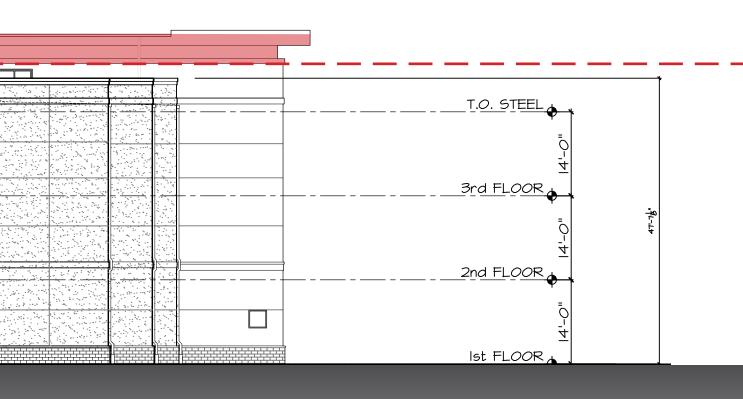


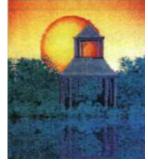
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BUILDING NEWARK CHARTER SCHOOL JUNIOR HIGH SCHOOL 1089 ELKTON ROAD NEWVARK, DE 19711



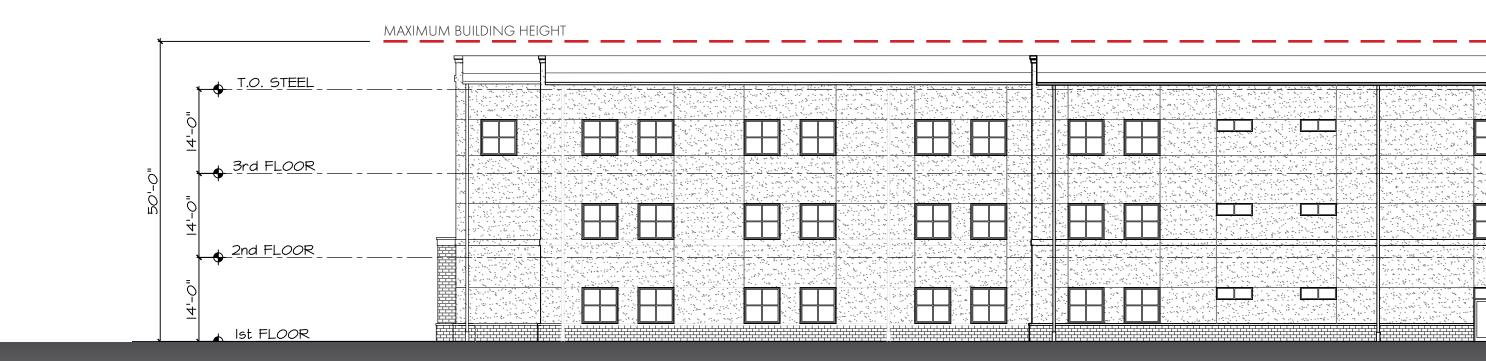


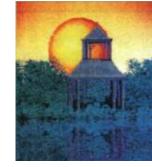


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JUNIOR HIGH SCHOOL BUILDING
1089 EIKTON ROAD
NEWARK, DE 19711

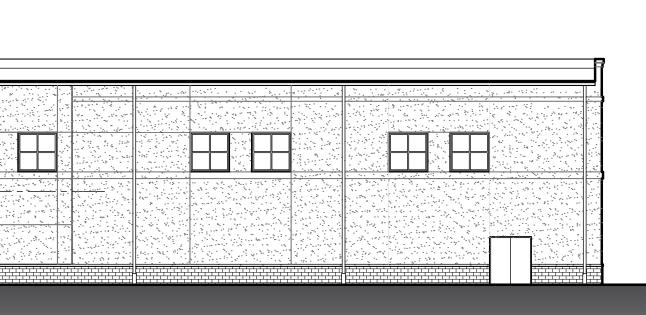


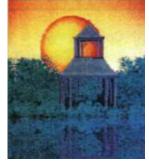


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JUNIOR HIGH SCHOOL BUILDING 1089 EIKTON ROAD NEWARK, DE 19711 NEWARK CHARTER SCHOOL