

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT**

April 20, 2023 – 7:30 P.M. – Council Chambers/Teams

Per the hybrid meeting provisions as provided in 29 Del. C. §10006A, City Boards and Commissions will be meeting in person with remote access via Microsoft Teams at the following link: <https://tinyurl.com/April2023BOA>

New to Microsoft Teams? Click on the link above and click on “Continue in this Browser” to enter the meeting.

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 Microsoft Teams 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 February 16, 2023.](#)
2. [The appeal of Norris Wright, Newark Methodist Episcopal Church Cemetery Company, property address 65 and 67 North Chapel Street, for the following variances:](#)
 - **Sec. 32-11(c)(1) – Rear yards** – The proposed lot area of 4,120 square feet does not meet the 6,250 square feet required for any permitted use other than garden apartments in the RM zoning district. Applicant requests a variance of 130 square feet.
 - **Sec. 32-11(c)(3) – Minimum lot width** – The required minimum lot width for the RM zoning district is 50 feet. The proposed lot width is 33.16 feet. Applicant requests a variance of 16.84 feet.
 - **Sec. 32-11(c)(5) – Building setback lines** – The minimum setback requirement in the RM zoning district is 15 feet. The building is set back 6 feet from North Chapel Street and 8.7 feet from New Street. Applicant requests a variance of 9 feet from North Chapel Street and a variance of 6.3 feet from New Street.
 - **Sec. 32-11(c)(7)a – Side yards** – The minimum side yard requirement for interior lots is 7 feet per Section 32-11(c)(7)a & d and the existing building provides only a 5.5 feet side yard on the interior side yard. Applicant requests a variance of 1.5 feet for an interior side yard.
- ~~3. **The appeal of Robert J. Buccini, Buccini Pollin Group, property address 502 South College Avenue, for the following variances:**~~
 - ~~• **Sec. 32-23.1(a)(1) – Loading spaces** – The minimum requirement for retail stores, markets, wholesale, and jobbing establishments between 10,000 and 20,000 square feet of floor area require two berths. The submitted plans provide one on-street loading space, in the right of way and not on the premises. Applicant requests a variance for two loading spaces to construct a 10,000 square foot retail building; the proposed on-street space could be offered for consideration as a mitigating condition.~~
 - ~~• **Sec. 32-23.1(a)(2) – Special Use Permits in STC district** – Restaurants with alcoholic beverages shall not be permitted within 100 feet of perimeter streets. Applicant requests a variance of 16 feet to be within 100 feet of the street line of South College Avenue; the variance is required before a Special Use Permit can be considered by Council for the use.~~

**Agenda Posted – April 4, 2023
Revised Agenda Posted – April 19, 2023
Cancellation Posted – April 20, 2023**

Attest:

Sworn by:

City Secretary

Notary Public (Seal)