

**CITY OF NEWARK  
DELAWARE  
BOARD OF ADJUSTMENT**

**August 20, 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/491058957>

You can also dial in using your phone.

United States: +1 (872) 240-3212

Access Code: 491-058-957

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

<https://global.gotomeeting.com/install/491058957>

Public comments may be submitted on the items on the agenda via email to [citysecretary@newark.de.us](mailto: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 July 16, 2020.**
- 2. The appeal of Michael Gebremariam and Nardose Mckonnen, property address 614 South Twin Lakes Boulevard:**
  - **Sec. 32-13(b)(10) – Requirements for in-home day cares, Minimum lot area** – The minimum lot area shall be no less than 6,250 square feet and the property has a lot size of 2,614 square feet requiring a variance of 3,636 square feet.

**Agenda Posted – August 5, 2020**

Attest:

Sworn by:

\_\_\_\_\_  
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

July 13, 2020

Michael Gebremariam & Nardose Mckonnen  
614 S. Twin Lakes Blvd  
Newark, DE 19711

**RE: 614 S. Twin Lakes Blvd. – Request for Special Use Permit for In-Home Day Care**

Dear Mr. Gebremariam and Ms. Mckonnen:

Please be advised that your Request for a special use permit for an in-home day care at the property of 614 S. Twin Lakes Blvd has been denied. Upon review of your request the following issue has been identified by the Department of Planning and Development as requiring a variance before further processing can occur.

The parcel is zoned RR – Row or town houses. The requirements for in-home day cares in this district can be found in the Municipal Code under Chapter 32, Section 32-13(b)(10) as follows:

Day care centers, kindergartens, preschools, day nursery schools, and orphanages, subject to the following special requirements:

- a. At least 100 square feet of outdoor play space per child shall be provided.
- b. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet.
- c. 35 square feet of indoor area shall be provided per child, not including toilet rooms, kitchens, offices, storage spaces, hallways, furnace and mechanical rooms, or other areas not used by children for sleep or play on a routine basis; **the minimum lot area shall be no less than 6,250 square feet. (Emphasis added).**

**Based upon documentation for this development, your property has a lot size of approximately 2614 spare feet, requiring a variance of 3,636 square feet.** 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 deadlines 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 2041, or by e-mail [mfortner@newark.de.us](mailto:mfortner@newark.de.us).

Sincerely,



Michael Fortner, AICP  
Planner II

cc: Paul E. Bilodeau, City Solicitor  
Renee Bensley, City Secretary's Office  
Mary Ellen Gray, Director of Planning & Development

Enclosures

**CITY OF NEWARK  
DELAWARE  
BOARD OF ADJUSTMENT**

**NOTICE OF APPEAL**

**FOR OFFICE USE ONLY:**

APPEAL NO.: 20-BA-4 DATE RECEIVED: 7/31/20

PROPERTY LOCATION: 614 S. Twin Lakes Blvd

APPLICANT: Michael Gebremariam and Nardose Mekonnen

DATE OF HEARING: August 20, 2020

DATE HEARING ADVERTISED: August 7, 2020 (Post) August 5<sup>th</sup>, 2020 (City Hall)

FEE PAID, RECEIPT NO. check # 122 - \$250.00 check # 123 - \$25.00

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, Michael Gebremariam / Nardos Mekonnen  
614 S Twin Lakes BLVD 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 July 13, 2020

2. The purpose of the appeal is to request: a variance

A.  A variance to Chapter 32, Section 32. - 13(B)(10)(c) 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: 614 S Twin

B. Present use: Single family home / Queen home

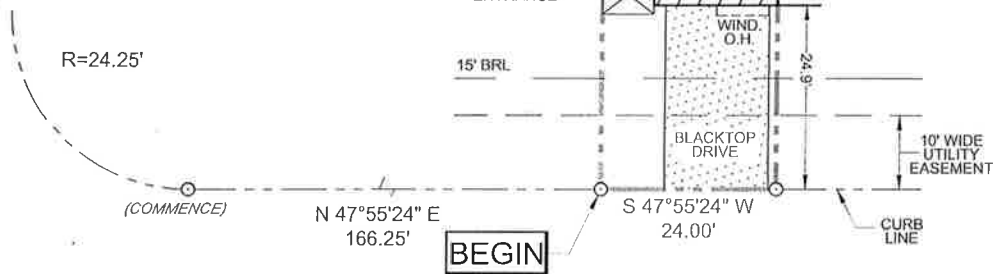
C. Proposed use: in home Day care / Customary home occupation

D. Zoning district: RR

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**SOUTH TWIN  
LAKES BOULEVARD  
(27.50' WIDE)**



**SOUTH TWIN  
LAKES BOULEVARD  
(27.50' WIDE)**

SOURCE OF TITLE: DR 20160926-0048612  
 TAX PARCEL NO. 18-054.00-076  
 SOURCE OF BEARING SYSTEM: MF# 20101216-0068325

**Mortgage Survey Plan**  
 for  
**Michael Asfaw Gebremariam & Nardose Mekonnen**  
 614 South Twin Lakes Boulevard  
 Lot 50, The Greene At Twin Lakes  
 City Of Newark  
 New Castle County, Delaware

THE  
**PELSA**  
 COMPANY

Index Sheet 1  
 of 2

ANY ENCROACHMENTS SHOWN OR NOT SHOWN ON THIS PLAN ARE BASED UPON FOUND CONTROL POINTS. CHANGES COULD OCCUR IF A BOUNDARY SURVEY IS COMPLETED.  
 IN ACCORDANCE TO THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS' REGULATION 12.7, A WAIVER NOT TO SET CORNER MARKERS HAS BEEN OBTAINED

Engineering, Surveying, Environmental Sciences

610 PEOPLES PLAZA NEWARK, DE 19702  
 (302) 834-3771 (410) 398-3600

THIS PLAN IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER, TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING, REFINANCING. THIS PLAN IS NOT A PROPERTY SURVEY, NO FURTHER IMPROVEMENTS SHOULD BE MADE FROM IT.

IF THIS DRAWING DOES NOT CONTAIN AN ORIGINAL SIGNATURE AND RAISED IMPRESSION SEAL IT IS NOT IN COMPLIANCE WITH REGULATIONS AND IS A PRELIMINARY DRAFT ONLY. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

DEGREE OF ACCURACY ± \_\_\_\_\_ MARSH \_\_\_\_\_ RURAL \_\_\_\_\_ SUBURBAN  URBAN \_\_\_\_\_ Date 05/08/19 Scale 1" = 20' Project Number Mo19-0868

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 would like to have an in home Day care, but the zoning code requires a minimum lot area of 6,250 square feet. My lot is approx ~~exactly~~ 2614 square feet. Because I leased a town home, I meet state requirements, I only going to have a maximum of three children in the site. I am asking for a kldes for a larger lot size from the lot size required. Because I am going to have a maximum of three children.

(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.

Nardos mekonen  
Michael Johnson

Michael Johnson / Nardos mekonen  
(Applicant's signature)

Sworn to and subscribed before me, this 3RD day of August, 2020

[Signature]  
Notary Public



My Commission Expires 1-1-22