

**CITY OF DELAWARE CITY  
BOARD OF ADJUSTMENT**

**NOTICE OF DECISION**

APPLICANT: Gary A. and Jamie M. Episcopo  
125 Clover Circle  
Delaware City, DE 19706

NCC TAX PARCEL NO. 20-010.00-118  
PUBLIC HEARING DATE: July 25, 2006  
DATE OF DECISION: July 31, 2006

REQUESTED: Applicant requested a dimensional variance to erect a screened in porch on the rear of his single family residence 12' by 16' in size and 16' from the rear property line where the Code requires a 25 foot setback for the property at 125 Clover Circle, Delaware City, Delaware, NCC Tax Parcel No. 22-010.00-118.

The Board of Adjustment may grant a variance from the use requirements of the City of Delaware City Zoning Code where it finds the applicant or property owner is experiencing unnecessary hardship in complying with the specific standards of the Zoning Code applicable to the subject property and where substantial justice can be done without substantial detriment to the public good and without substantially impairing the intend and purpose of any zoning ordinance, code, regulation or map.

The subject property is a corner lot in the Harbor Estates development. This lot is generally rectangular in size and the existing structure sits 26.5' from the rear property line leaving little room for constructing ordinary improvements such as the porch in question. The lot is .18 acres. The applicant desires to build a screened in porch that will be 16' wide and 12' off the rear of the existing residence. The applicant points to unique circumstances in that the proposed porch is an ordinary enhancement to his property that cannot be located on either side yard. The southern end of the existing structure is only 5.2' from the side lot line. Locating the porch on the northern end of the structure would also nonconformity with the Code required 20' front yard setback. Since the property is a corner lot fronting both on Clover Drive and Cleaver Road, both of those frontages are considered "front" yards subject to a 20' setback. Siting the porch on the north end would also make it more noticeable and out of character with the surrounding properties. Maintaining the porch in the rear of the lot minimizes impact on surrounding properties.

A neighboring property owner at 203 Cleaver Road (Deborah Wharry) did appear at the hearing but did not object to the proposed variance.

The Board votes to grant the requested dimensional variance. The applicant's desire to improve his home in a manner consistent with the character of the area and surrounding properties on this corner lot in the limited space available in the rear yard illustrates exceptional practical difficulty in complying with the Code. The Board finds that the harm to the applicant if the variance were denied would be greater than the probable effect on neighboring properties if the variance is granted. The granting of the variance will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of the Zoning Code.

**Vote: 2-0 (Grant: Stewart and Losco, Bennett absent)**

BOARD OF ADJUSTMENT OF  
THE CITY OF DELAWARE CITY

  
Cordelia W. Bennett, Chairperson

NOTE: This variance is neither a building permit nor a Certificate of Occupancy. Appropriate permits must be obtained from the applicable governmental agencies prior to construction or establishment of any use on the property. This decision should be kept in a safe place with the property deed. This decision may be appealed to the Superior Court by any person aggrieved by it within 30 days of its filing in the Office of the Board of Adjustment.