



**CITY OF DOVER, DELAWARE
BOARD OF ADJUSTMENT MEETING
Wednesday, February 18, 2026 at 9:00 AM**

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

AGENDA

IN-PERSON and VIRTUAL MEETING

This Board of Adjustment Meeting for February 18, 2026 will be held in City Hall, City Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio/video conferencing system as an electronic means of communication. See participation information below to join by phone or computer.

PUBLIC PARTICIPATION INFORMATION

To Attend City of Dover Board of Adjustment Meeting of February 18, 2026 at 9:00 AM

Join by Phone: Dial +1-650-479-3208
Access Code: 253 506 47641
Password from Phones: 36837262

Join Online: <https://bit.ly/BOA02182026>
Webinar Number: 2535 064 7641
Webinar Password: DoverBOA

If you are new to Webex, get the app now at <https://www.webex.com/> to be ready when the meeting starts. For problems accessing the meeting, please call the Planning Office at (302) 736-7196.

Written comments are accepted via mail to City of Dover – Board of Adjustment,
P.O. Box 475 Dover, DE 19903 and via email at CompPlan@dover.de.us.

WELCOME

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Adoption of Minutes of December 17, 2025

- [2.](#) Adoption of Minutes of January 21, 2026

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Board of Adjustment Meeting date is Wednesday, March 18, 2026.

OLD BUSINESS

NEW BUSINESS

The following Application was filed for Review and Public Hearing before the Board of Adjustment:

- 3. Application #V-26-02 Courtney Square at 429-449 S New Street - Fence Variance**
Property at 429-449 South New Street known as Courtney Square. A Request has been made for a Variance from the requirements of Zoning Ordinance, Article 5 §7.5 as associated with a proposed fence to allow an increase in the allowable fence height from 4 feet to 8 feet for a chain link fence in three segments along the South New Street property frontage. The property is zoned C-2A (Limited Central Commercial Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Courtney Square Associates, LLC. Property Addresses: 429-449 South New Street, Dover DE. The Tax Parcel ID is ED-05-077.09-03-18.00-000.

PUBLIC COMMENTS OPPORTUNITY

ADJOURN

Posted Agenda: February 11, 2026

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
January 21, 2026

A Regular/Hybrid Meeting of the City of Dover Board of Adjustment was held on Wednesday, January 21, 2026, at 9:05 A.M. in person in the City Council Chambers and using the phone/videoconferencing system Webex. Members present were Mr. Swalm, Acting Chairman Mr. Coburn, Ms. Brinkley, Mr. Wagner and Mr. Senato (virtually).

Staff members present were City Solicitor Mr. Daniel Griffith, Mrs. Melson-Williams, Mrs. Savage-Purnell, and Mrs. Duca.

APPROVAL OF AGENDA

Mr. Swalm made a motion to first delete the approval of the Meeting Minutes of December 17, 2025 as they are still being prepared and he would like to also include in the motion, to postpone what's on the agenda as #3, which is the continued discussion of Draft Rules of Procedures for the Board of Adjustment, and I would like to postpone this specifically for the March meeting.

Mr. Swalm moved for approval of the agenda as amended. The motion was seconded by Ms. Brinkley and unanimously carried 5-0.

COMMUNICATIONS & REPORTS

Acting Chairman Coburn mentioned that the next Board of Adjustment meeting date is Wednesday, February 18, 2026 at 9AM if we have any applications. Are there any other items from Staff?

Mrs. Melson-Williams stated that Staff can confirm that you do have a variance request that will be scheduled for that February 18, 2026, meeting, so please mark that on your calendar. I have no other items specifically from Staff, but certainly just a general info bit for the greater Dover area. Certainly keep an eye to the weather and remember that the city has snow clearing operations that may need to take place and you are of course responsible for removing snow from your sidewalk in front of your house that's along the street.

Acting Chairman Coburn asked if there were any questions; there were none.

NEW BUSINESS

Mrs. Melson-Williams read the Procedure Statement for New Business.

Mrs. Melson-Williams noted that the public notice for items on this agenda was completed in accordance with the code requirements and will be noted specifically for this item. The meeting agenda was posted on January 14, 2026, in accordance with the Freedom of Information Act requirements.

NEW BUSINESS**Application #V-26-01 Proposed 7-Eleven Convenience Store with Fuel Pumps Sign Variance Request**

Series of properties referred to as 736 N. DuPont Highway. A Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7 associated with signage for a new convenience retail store with fuel pumps and site improvements. The Variance Request seeks to allow the installation of a 99.6 SF pylon sign along the North State Street frontage of the development area (current property at 1021 N. State Street). North State Street is an urban minor arterial where pylon signs are not a permitted freestanding sign type. The development area consists of four (4) properties to be consolidated and that are zoned C-4 (Highway Commercial Zone). The owners of record are Harrington Four Seasons, LLC and Asher Four Seasons, LLC; the equitable owner is Dover DuPont State, LLC. Property Addresses: 736 N. Dupont Highway, 738 N. DuPont Highway, 1021 N. State Street and 1027 N. DuPont Highway. Tax Parcels: ED-05-068.09-01-07.00-000, ED-05-068.09-01-06.00-000, ED-05-068.09-01-04.01-000 and ED-05-068.09-01-04.00-000.

Mrs. Melson-Williams gave a brief overview of the Application V-26-01 referencing the Staff Review Report and Recommendations.

Mrs. Melson-Williams stated that it is a proposed 7-Eleven convenience store with fuel pumps and associated sign variance requests. It requests an area variance related to signage. Specifically, there was a Review Report that was provided to the members of the Board of Adjustment and that Review Report also has a series of Exhibits lettered A through I. So by reference, I'd like to enter all of those items into the record. I will note that for Exhibit A, which is the Application form itself, we did receive an update to that form, clarifying the actual ownership at the present time of the location. That was placed on your desk this morning. The applicants formerly are Harrington Four Seasons, LLC and Asher Four Seasons, LLC, who is the current property owner of this series of properties that is proposed to be redeveloped. The legal notice for this Variance Request was published in the Daily State News on January 9, 2026 and property owners within 200 feet of the subject site were notified by letter sent by the Planning Office.

Presenting on this application, the first Exhibit shows us where the property is located. It is actually a series of four properties highlighted there in yellow. They are collectively known by the address of 736 North Dupont Highway but also include the current addresses of 738 North Dupont Highway, 1021 North State Street and 1027 North State Street. All of these properties are zoned C-4, which is the Highway Commercial Zone. The Variance Request today is associated with the Sign Ordinance provisions that are found in *Zoning Ordinance*, Article 5 Section 4.7. The Request is associated with Signage for the 7-Eleven convenience store with fuel pumps that is proposed for this location. The variance seeks to allow installation of a pylon sign on the North State Street frontage of the development area and to allow for the size of that sign to be 99.6 square feet in sign area. The property on Exhibit B gives us an aerial view of the area. There are existing buildings that will be removed for the project. The project itself for redevelopment of the property is a separate Site Plan review that occurred with the Planning Commission. Today the Board of Adjustment is just dealing with the variance requests for the pylon sign. The City's Sign Regulations as noted are found as part of the *Zoning Ordinance*. In general, signage is

related to the specific type of use, road type and sign type. It's the State Street frontage, which would be the street that we see running up and down on the left. North State Street is an urban minor arterial. It is different than Dupont Highway which we see kind of running diagonally on the right. Dupont Highway, also known as US Route 13, is an urban principal arterial when it comes to our Sign Regulations. Included in the Report was additional information from the Sign Regulations. As a series of definitions for you to understand what we are looking at. Specifically, the Applicant has proposed a Pylon Sign on the North State Street frontage. It is labeled in their information as Sign P2. It's noted that the project has a series of other signage that were initially identified in a Sign Permit application for the project. The Planning Staff and our consultant provided early guidance to them regarding the signage that was being proposed and identified the proposed Pylon Sign P2 as shown here. There is a little red dot on the left-hand side of that image that shows the proposed location of the Pylon Sign.

For variances, the review of the application charges the Board of Adjustment with looking at a series of criteria. To evaluate the area variance in this case. Those items quickly are the nature of the zone in which the property lies. This property is zoned C-4 (Highway Commercial Zone).

The second criteria relates to the immediate character of the vicinity and the uses in that area. This is an area of transition. We find commercial uses as well as residential property located across North State Street in the form of an apartment complex. As we move down State Street there are a variety of other commercial entities, including a small shopping center and other restaurants before it truly transitions to the northern residential area of Downtown.

The third criteria that they are charged with looking at is whether the restriction upon the applicant's property, if it were removed, how would that removal affect the neighboring properties and uses? The Applicant has responded that they feel it does not adversely affect their neighboring residential properties. However, the Staff response, is indicating just the opposite. We believe that it would affect the neighboring properties in that this type of roadway on North State Street has lower speeds and is actually a secondary frontage for this development parcel.

The fourth item of criteria focuses on if the restriction is not removed, how would that create unnecessary hardship or Exceptional Practical Difficulty for the property owner in their efforts to make normal improvements on the property? The applicant discusses that they feel it would be an Exceptional Practical Difficulty if they were not granted this variance request. Staff notes that just the opposite as we feel that it would not pose an Exceptional Practical Difficulty.

The Site is eligible for pylon sign. They have proposed such on the North Dupont Highway frontage of the property. There is the opportunity to install a monument sign on the State Street frontage in order to identify the property, and there is opportunity to also present the price per gallon information as well. So, in summary, the Planning Staff is recommending denial of the Variance. We have noted the denial reasons for such. We don't believe that they have demonstrated the inability to install a Pylon Sign that creates an Exceptional Practical Difficulty for them. We recognize that there are two streets and they are permitted a Pylon Sign on one of them and a Monument Sign on this North State Street location. Both areas can present the price per gallon and by following the sizing parameters within our Sign Regulations. We note that if a variance is granted, the proposed signage would not be in keeping with the character of the North Street corridor and the surrounding area where we don't really see that type of a Sign proposed.

Our Report included some information about signage in the area in general, and we are concerned that it could establish a precedent along that corridor specifically and other minor arterial roadways in Dover. So that is the summary of the request that is before you. So again, it is a Variance Request to allow installation of a pylon sign on the North State Street frontage of the property. With that Mr. Chair, I would look to you to continue consideration of this Application and we will hear shortly from the Applicant on this request.

Acting Chairman Coburn asked if there were any conflicts of interest. There was none.

Representative(s): Ms. Laura Mercier, Applicant Representative

Ms. Laura Mercier was sworn in by City Solicitor Mr. Griffith.

Presentation

My name is Laura Mercier and I'm the applicant representative of the project at 736 North Dupont Highway for the proposed pylon sign.

Ms. Mercier stated that we are requesting a variance to allow a pylon sign at the North State Street entrance to support a new fuel station and convenience store located at this Site. So, we understand the Staff concern that North State Street is classified as the urban minor arterial and that the property is considered adjacent to residential use. Our request is very specific to this location and does not seek to change the overall intent of the Sign Regulation. The proposed sign is located more than 150 feet from the nearest residential property and is oriented perpendicular to the residential view. We have a visual screening by mature trees and existing street. So, because of this condition the sign will not cast light toward the nearby residents and will not be visible from the residential property. For fuel stations and convenience stores advanced visibility is important so motorists can identify the site early and make safe and predictable turning movements. A monument sign at this location will be significantly less visible due to the roadway geometry, vegetation, and the commercial scale of the surrounding corridor. So, this request is limited to this site specific and focused on accommodating a new business. While remaining compatible with the surrounding area. We believe the proposed sign meets the intent of the regulation by protecting nearby residential use while providing appropriate identification for a commercial use at a major roadway intersection.

Why the sign would be here is like the entrance serves as local traffic approaching North State Street. The sign provides clear will entrance and self-access for motorists.

We thought about a monument sign, but it will be visually obstructed by the vegetation and the roadway, and it will not be adequate for the visibility of the fuel station, as it will be a new convenience store. If we look for the impact regarding the residential, it is located 150 feet away and it is not oriented around the residences, so it should not affect lighting or like highway.

Why is it not on Route 13? We already have one freestanding sign on Route 13. This one is specifically for the north side highway traffic. This sign serves as a different approach and identity specifically to the North State Street entrance. So, we believe that this will not affect the surrounding area or even the North State Street. I think we believe we can work together to maybe get something from it. Sorry, that will be my final conclusion. And if you have any

questions, I'm more than happy to answer. And if you have any technical or structural questions, I will have my tech support with me Eddie to answer any questions.

Acting Chairman Coburn asked if there were any questions from the Board of Adjustments members.

Mr. Senato mentioned that along the North Dupont Highway, either heading south or even north, a lot of the establishments had the required legal pylon sign which is a major highway because the speed is a lot higher. On the North State Street you come up from the lake area, which would be coming out of Dover and hitting the traffic light area near the Country Eatery and looking up towards the fitness center. There are a few of the smaller signs and from my understanding and my reviewing of the code, research and the paperwork regarding codes. Those are the only signs that are there and that particular area is only required as an urban (minor arterial) area, I believe, and which requires the lower smaller type of sign.

Ms. Brinkley mentioned that she did not remember seeing anything that determined the normal visual distance for reading the pylon sign coming into Dover on the Dupont Highway to be able to read the gas pricing information. Does the developer's request have any information on that? Ms. Mercier asked if the question could be repeated please.

Ms. Brinkley asked, do you have any information available that determines the normal visual distance that would be required to see the gas pricing information on the pylon sign coming into the Dover area on the Dupont Highway side before you even get to the North State Street coming into Dover? Ms. Mercier replied we don't have a single fixed distance so far for like the fuel pricing. That's why we try to make a sign visible like by the height that lists it so you can see it from a distance. We don't have any identification. I don't have something like right now to provide you to show you like the distance from it or if maybe Eddie can help with this.

Ms. Brinkley asked, is the pylon sign going to be higher than the sign that exists for the TD Bank?

Mrs. Melson-Williams mentioned that Ms. Brinkley references the TD Bank, which is the adjacent property to the north or to the top of the page if you're looking at the image. It may have other signage, and its pylon sign is likely representative of its location on the Dupont Highway corridor in how it's placed. That's a kind of a triangular shaped intersection there. Pylon signs do have a height limit based on their placement from the street right-of-way.

Acting Chairman Coburn asked the Board if they had any additional questions. There was none.

Acting Chairman Coburn opened the public hearing.

Good morning, my name is Michael Harrington Jr., 1002 Quail Run, Wyoming Delaware.

Mr. Harrington Jr. was sworn in by City Solicitor Griffith.

Mr. Harrington Jr. stated that we are the current owners of the property: Harrington Family Ties, Harrington Four Seasons, and Asher Four Seasons. We've owned the property for quite a few

years and pieced the property together; and currently it's underused. We do have the seller, or the buyer that is developing the 7-Eleven. We are not actually developing it; we are selling it.

So, the way I look at the corridor on North State Street has changed over the years. From Silver Lake, you have McGlynn's and they have a monument sign there. As you come further north, you have Planet Fitness, you have the apartment complex, and then as you come even further north it tends to come into a more commercial area with TD Bank, which is on the corner. The way we see it is that the context or the nature of that whole area, especially on the north corridor, has changed. I don't think it is going to change any differently in the near future. The apartments are there, shopping centers, and TD Bank. So, all that will be improved, and the good part about the project is that it fronts onto both State Street and also North DuPont Highway. By having a monument sign, the visibility is not as good for the current use or for the future use of a convenience store and the visibility of just showing gasoline prices is changing. So that's why we are requesting signage other than a monument sign. I don't see any obstruction or impact of the surrounding area. I think it's only going to be an improvement. And it will be more visible to answer your question, Ms. Brinkley. The coming south off of the highway has much more visibility, even though I don't know what the distance is but it's certainly less than a quarter mile I would think. Because as you come off of that turn, you veer off to the right going south off of the highway onto State Street. Visibility of a pylon sign would be much better for the convenience store than a monument sign. So, that's really from a business standpoint in marketing. I think that's where it would be a definite benefit for the business.

I don't think it sets a precedent for that area because I think the area is pretty much developed. I don't think it's going to change. It's only going to be improved by this project. And just in concept, you know, 7-Eleven is becoming more of a Wawa, Royal Farms. So, with EV stations, gas stations, convenience stores, it's not your typical 7-Eleven; they have a new model throughout the country, and this will be the first one in Dover. So, we are requesting the pylon sign as opposed to the monument sign for those reasons and for the benefit of the business itself. Again, I do not think it sets a precedent for other areas, but specifically for this area, I think it would be appropriate to grant this variance. Thank you.

Mr. Senato mentioned correct me if I'm wrong, Dawn. Coming out of Dover from State Street and Governors Avenue and I forgot the name of the street to the left near the lake and then heading up crossing the bridge over the lake, I don't recollect any pylon signs of that magnitude. The only signs that I see are similar to the one at Planet Fitness. I just want to make that clarification if I'm correct. Thank you.

Mrs. Melson-Williams mentioned Mr. Chair, Staff can answer that question recognizing we are in the public hearing portion of it. As Mr. Senato noted coming out of Downtown Dover, as you proceed north onto North State Street, you cross the bridge over Silver Lake, there are several locations. Compass Pointe has what I would call a taller monument style sign that I believe was subject to a variance request at some point; that's on the north side of the road. The Country Eatery has a pylonlike sign; however, that likely predates our current sign regulations as that establishment in some form has been there for a number of years. The other locations are some smaller businesses with monument signs. The Planet Fitness shopping center, which is the Silver Lake Center, has more of a monument style sign, but I believe that our report noted some of the history of some of those signs in general. Then continuing up to the TD Bank, it does have a

monument sign on the State Street frontage and then a pylon sign on its DuPont Highway frontage as noted by our Planning Consultant. So, there is a variety of signage in the area. Some of which may predate the current sign regulations or may have been subject to their own variance requests over the years.

Acting Chair Coburn asked if there was anyone else that would like to speak in favor of? He asked if there was anyone online wishing to speak. Mrs. Melson-Williams mentioned that Applicant Laura appears to have another comment. So we can first go to her and then I will check on the other attendees.

Ms. Mercier mentioned she wanted to add regarding what exists. We can see that we have another business located in the same area as 7-Eleven that has a significant freestanding sign as well. The business is Dover Pools and at the same time, we can see that the sign is a pretty freestanding sign that is high and has an illuminated sign with LED display with a changing message. I wanted to get back to you regarding the speed limit because I know that you have a difference between like the busy streets that have a different speed. And that is the request about adversing the sign. It gives like more of a chance for the driver to take a distance (look) and have enough time to recognize the new business. It's not like a business that was previously existing. This is completely a new store that will be built and installed over there. The residents or even the people that are living over there are not used to having it. So, they need like a little time to have a safe and predictable way to get there and lower their distance. I mean, getting this fuel within the new freestanding sign and getting a clear visibility of the business where you can see the pricing and have time to turn safely. It will also help with direction. That was just a point I wanted to add regarding the business. It is clearly a new convenience store and I know it's not easy but we are not trying to go over the ruling of the Ordinance. But by what we see and as we said the district is pretty much developed. I know we may be asking for something bigger, but it's really specific to the business. That's, that pretty much what I wanted to add regarding the application. Thank you.

Mrs. Melson-Williams noted that the other two individuals online, Eddie Kloiber and Julie Deputy are associated with the Application. If that's correct, I want to check to see if they have any statements.

Mr. Eddie Kloiber stated he is working with Laura Mercier on the project.

Mr. Eddie Kloiber was sworn in by City Solicitor Griffith.

Mr. Kloiber stated that he just wanted to say really quick, he knew that you guys are pushing for a monument sign, but we also need to make sure that the price itself, if it's on a monument is visible. It won't be visible over the northbound traffic when people are coming south. That could create a difficult situation for somebody that's driving, or somebody might try to make a last-minute turn. So, I just wanted to remind people that, you know, we are trying to get this pricing up as well over the cars that are coming by.

Mrs. Melson-Williams mentioned I also noted Julie Deputy. Is she also part of the project team and does she wish to make statement?

Ms. Deputy stated that Mr. Harrington made the statement that would represent Harrington or Harrington Four Seasons or Asher Four Seasons. He's already spoken.

Mrs. Melson-Williams mentioned that we do have another attendee listed as a T. Schultz. Do you wish to make a statement regarding this application?

T Schultz

Good morning. My name is Taryn Wilson. I'm here on behalf of the applicant.

Ms. Taryn Wilson was sworn in by City Solicitor Griffith.

Ms. Taryn Wilson stated that she just wanted to state I work with the customers on all of their locations across the east coast. And just from our perspective, you know, these signs help improve visibility for the motorists and pedestrians, especially in areas that they're unfamiliar with. So, you know, allowing us to increase the height of this sign and have that visibility we find that it improves visibility to help drivers identify the location earlier, reducing sudden lane changes, abrupt turns, and in a way, it improves traffic safety. I don't know if you have ever needed gas at the last minute. If you see it and turn in, it's not always the safest. So, we are looking to get those gas prices up as high as possible and just get that visibility for all of the traffic along these roads; so that's my only comment.

Mrs. Melson-Williams mentioned to the Acting Chairman that is the folks that have attended virtually. I think we've exhausted the members of the public or project team members that would be here today.

I will note that there was no specific written correspondence received for the application. At this point in time, I believe you could close the public hearing on this application.

Acting Chairman Coburn closed the public hearing.

Acting Chairman Coburn made a motion to take a 15 minute recess. Our City's Solicitor has a phone call that he has to make really quick. The motion was seconded by Mr. Swalm and unanimously carried 5-0.

Mrs. Melson-Williams repeated that we are in a 15-minute recess as the City Solicitor has another commitment that he needs to address and then we will be back to this meeting.

Meeting in recess.

Can I get a motion to resume the hearing for Application V-26-01?

Ms. Brinkley made a motion to resume the meeting. The motion was seconded by Mr. Swalm and unanimously carried 5-0.

Acting Chairman Coburn asked the Board if they had any questions.

Are there any questions from the Board of Adjustment members?

Mr. Wagner asked if he could see the original slide that showed the exit of Route 13 into North State Street. Mrs. Melson-Williams mentioned to Mr. Wagner that there is an Exhibit in his packet shown as a visual labeled Exhibit C. If we need to see a little bit more, we can pull up an aerial of the area. So, in your packet Exhibit C shows the subject property. It looks like it has three buildings there right in the center.

Mrs. Melson-Williams asked Mr. Wagner if that was enough visual for him. Mr. Wagner replied yes.

Mr. Wagner asked if you are coming south on Route 13, you can see the 7-Eleven sign from Route 13. You obviously may not have an entrance off Route 13 for the 7-Eleven, would you not?

Mrs. Melson-Williams mentioned that there is a location off of DuPont Highway as an entrance. If we can go to one of their other exhibits that shows the plan for the site, probably Sheet 22 (7-Eleven). So, the image on the screen is Exhibit G-2 that shows the layout of the proposed site development. On the right-hand side is Dupont Highway and they are proposing a pylon sign on that location. It's labeled as P1 on this diagram. Their entrance and exit is shown there. It's a one-way circulation to get on and off DuPont Highway. And then you can see on the left-hand side, the full movement entrance from North State Street. At the very lower part of the development plan is label P2 which is where the proposed pylon sign that we're discussing is planned to be located on North State Street subject to this variance request. Mr. Wagner said Thank you.

Acting Chairman Coburn asked the Board if they had any additional questions.

Ms. Brinkley, I just wanted to be clear, it is proposed that they are going to have a pylon sign on the DuPont Highway side, but the monument sign would be on North State Street side.

Acting Chairman Coburn mentioned that they are currently proposing a pylon sign for both. They are asking for their variance for the one on the State Street side. Ms. Brinkley said she understood.

Acting Chairman Coburn asked the Board if they had any additional questions. There was none.

Mr. Senato made a motion for Application V-26-01 to deny the request for the 99.6 square foot pylon upon review of the information that the city has or what I heard studied under the Code. It is not in keeping with the character of North State Street and would in his opinion degrade the visual character of the surrounding area. Also, a pylon sign this size is not permitted in or on urban minor arterial areas. We don't really, as I have said before, we don't want to set any type of precedent for the future of this type of request in that particular area. I also refer to Article 5 Section 4 for more details. The motion was seconded by Mr. Swalm.

Mr. Swalm mentioned that he did not believe that the pylon sign fits the nature of the zone either. I think most of the signs on North State Street are monument signs in character. I don't believe the immediate vicinity of the character of that sign being a pylon sign would fit in that zone. And if the restriction upon the applicant's property were removed, I believe that it would affect the

neighboring properties and the uses. Again, I believe that it might set a precedent for the neighboring properties. Whether the restrictions were not removed, would it create any unnecessary hardships for the property owner? If the restriction were not removed, I don't believe it would create any unnecessary hardships or Exceptional Practical Difficulty for the owner, because they could just put in a monument sign like many of the other business owners along North Street have as well.

Acting Chairman Coburn I have a motion by Mr. Senato and seconded by Mr. Swalm to deny the applicant's request for the variance.

Acting Chairman Coburn asked if there was any discussion?

Mrs. Melson-Williams mentioned before we get into the roll call vote, she wanted to mention that Staff wanted to clarify that this is a motion to deny. So, if you agree with that, your vote is a yes to deny the request.

Ms. Deputy asked if she could make a statement before the vote. City Solicitor Griffith replied I'm sorry ma'am, the evidentiary portion of the hearing is closed; we don't accept comments or statements during the voting process.

Roll Call Vote

- Mr. Wagner – yes, in his mind the egress to this establishment was extremely important from both sides. The purpose of the existing Ordinance was to prevent sign clutter. The Ordinance does give the Applicant the opportunity to provide signage in both places.
- Mr. Swalm – yes, for the reasons that I stated prior.
- Ms. Brinkley – yes, for the reasons stated by the other Board members, and in addition that it has not been proven that there would be an Exceptional Practical Difficulty.
- Mr. Senato – yes, for the prior reasons already stated.
- Mr. Coburn – yes, for the reason stated.

Mrs. Melson-Williams stated that on the motion to deny the request, there are 5 members in favor of the motion and none against; the motion carries. That is a motion to deny. A formal written Notice of Decision will be prepared and sent to the Applicant. If the applicant has additional questions, you can certainly reach out to Planning Staff and we'd be happy to discuss what your signage options are along that corridor.

Ms. Mercier asked if she could ask the Board a question, if possible, please? City Solicitor Griffith replied, I am sorry that the time to make applications or make comments on the presentation is closed. You do have an opportunity to move for reconsideration, but we do not reargue the application after the votes have taken place. Ms. Mercier, okay, thank you.

OLD BUSINESS

Continued Discussion of Draft Rules of Procedure for the Board of Adjustment

Acting Chairman Coburn stated that we have decided not to continue that until the March meeting.

Public Comments Opportunity

Acting Chairman Coburn opened the meeting to the public giving an opportunity to make comments to the Board. He asked if there was anyone who wished to speak?

Mrs. Melson-Williams mentioned, just so there's an understanding, the public comment opportunity is given generally as part of all open meetings. If you're a member of the public and would like to address the Board, you can raise your hand or otherwise identify that you would like to speak.

If you are speaking, we ask you to be as brief as possible and your statements are limited to items in the purview of the Board. That does not include the Application that was discussed today. So, if there's any general public comment for the Board, this is the point in time to accept that.

I'm not seeing anyone in the room, I believe all of the individuals that joined us online were part of the Application, today.

Mrs. Melson-Williams asked Ms. Schultz if her comment(s) was a request to provide public comment during the public comment opportunity in general or is it a question regarding the Application? Ms. Schultz replied it is not a public comment, so you can disregard.

Mrs. Melson-Williams mentioned, Mr. Chair, I see no one wishing to speak.

Mr. Swalm made a motion to adjourn the meeting. It was seconded by Mr. Wagner and unanimously carried 5-0.

The meeting was adjourned at 10:34 A.M.

Sincerely,

Maretta Savage-Purnell



City of Dover
Board of Adjustment
February 18, 2026

V-26-02

Title: Property at 429-449 S. New Street (Courtney Square) - Application for a Variance: Fence Height in Front Yard

Location: Northeast Corner of S. New Street and Water Street

Address: 429 – 449 South New Street, Dover DE

Owner: Courtney Square Associates, LLC

Tax Parcel: ED-05-077.09-03-18.00-000

Application Date: January 7, 2025

Present Zoning: C-2A (Limited Central Commercial Zone)

Present Use: Shopping Center (retail stores, service establishments)

Proposed Use: Shopping Center (retail stores, service establishments)

Reviewed By: Savannah Edwards/Ann Marie Townshend, AICP, Planning Consultant (Rossi Group)
Dawn Melson-Williams, AICP, Principal Planner

Variance Type: Area Variance

Variances Requested: Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §7.5 as associated with a proposed fence to allow an increase in the allowable fence height from 4 feet to 8 feet for a chain link fence in three segments along the South New Street property frontage.

Note: This Review Report was initially prepared by staff of the Rossi Group (under a Planning Services contract with the City of Dover). The Report was completed with additional review and editing by the City's Planning Office.

Project Description

The subject property (429 – 449 S. New Street) is bounded by S. New Street on the west, Shotgun Alley on the east, and W. Water Street on the south. It is south of Provident Federal Credit Union. The subject property is known as Courtney Square.

Property and Adjacent Properties: Zoning and Land Use

The 0.93 acre (40,511 SF) +/- property is zoned C-2A (Limited Central Commercial Zone). Adjoining properties north and south of the subject site are zoned C-2A and include commercial uses. To the west, across S. New Street, there are properties zoned RG-4 (General Residence for Multistory Apartments), including the Queens Manor and Owens Manor Apartments and a property zoned C-2A with a dentist's office. To the south, across W. Water Street several properties are zoned IO (Institutional and Office Zone); they include Bayhealth offices and the Morris Correctional Institute.

A Map Exhibit (Exhibit B) prepared by Staff is attached to this Report. It shows the subject property's location and the surrounding zoning.

Code Citations

C-2A (Limited Central Commercial Zone)

The subject project is zoned C-2A (Limited Central Commercial Zone). *Zoning Ordinance*, Article 3 §14 lists the permitted uses, conditional uses, and other provisions of the C-2A zone. See the following excerpt of the permitted uses in the C-2A zone.

Article 3 §14

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Personal service establishments.
- (d) Restaurants.
- (e) Service establishments.
- (f) Hotels.
- (g) Places of public assembly.
- (h) Drive-throughs.
- (i) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (j) Apartments and multi-family dwellings.

In the C-2A zone, the set of bulk standards for development is outlined in *Zoning Ordinance*, Article 4 §4.14 including setbacks, parking, height, FAR (Floor area ratio), lot coverage, etc. These regulations define the buildable area and the placement of the building. The front yard setback (area) in the C-2A zone is 15 feet. As a corner property, the subject site has front yard setbacks (areas) applied to both S. New Street and W. Water Street frontages.

Fence Regulations

The *Zoning Ordinance*, Article 5 §7 – Supplementary regulations applying to all non-residential zones outlines the provision for fences.

Article 5 §7

7.5 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum

height of eight feet above the ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above the ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

Article 5 §1.3 provides clarification for corner lots and their corner visibility area. It limits the height of fences to 3 feet in this area. See code except and diagram of corner visibility area.

1.3 Corner lots.

1.31 *Corner visibility.* In all zones within the city, no structure, fence, wall, landscaping, earthen berm, sign or any other form of obstruction to visibility, in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines as further illustrated in figure 5-1.

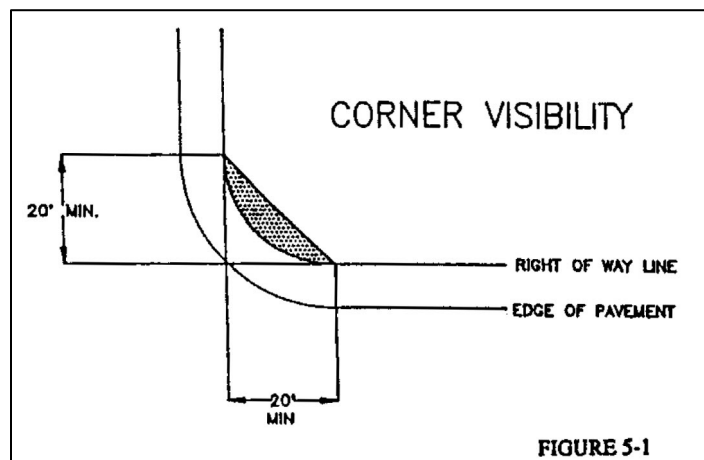


Figure 5-1

1.32 *Yard requirements.* Corner lots are considered to have two front yards. The rear yard for a corner lot shall be the yard that is opposite the street upon which the principal structure fronts. The side yard for a corner lot shall be the yard that is opposite the street adjacent to the side of the principal structure.

1.33 *Fences.* A fence on a corner lot shall comply with the front yard requirement for height along the street upon which the principal structure fronts. A fence on a corner lot shall comply with the side yard requirement for height along the street adjacent to the side of the principal structure.

Applicant's Proposed Project and Variances Requested

The Applicant has submitted a Fence Permit Application (#25-1821) with the description of the requested improvements and a site drawing (Appendix C). This plan/drawing depicts the proposed location of three segments of 8-foot-tall commercial grade chain link fence with no gates to be installed. In total 165 feet of fence will be installed – 30 feet at the north section of the property, 100 feet between the driveways, and 35 feet at the southern end of the property. The proposed fence line will be adjacent to S. New Street and abut the sidewalk.

Following denial of the Fence Permit #25-1821, the Applicant has requested a Variance from the requirements of *Zoning Ordinance*, Article 5 §7 associated with the proposed fencing on the S. New Street frontage. The proposed fencing would be 8 feet tall and chain link. It would be installed in three segments 30 feet, 165 feet, and 35 feet long. No fence would be installed in the driveways.

Exceptional Practical Difficulties Tests

Zoning Ordinance, Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically, the Board must determine:

2.1 Variance – The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.

2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

- (a) the nature of the zone in which the property lies;
- (b) the character of the immediate vicinity and the contained uses therein;
- (c) whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
- (d) whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As part of the Application, the applicant was asked to summarize how the requested Variance relates to the above criteria. The applicant's response (Exhibit D) along with a Staff assessment of the application in accordance with the required criteria is provided below.

1. The nature of the zone in which the property lies.

Applicant Response: The property is zoned C-2A, Neighborhood Commercial. A retail and office zone.

Staff Response: The subject property is zoned C-2A (Limited Central Commercial Zone), which permits retail stores, businesses, professional or governmental offices, personal service establishments, restaurants, service establishments, hotels, places of public assembly, drive-throughs, one family residences, including attached and semi-detached dwellings, and apartments and multi-family dwellings.

2. The character of the immediate vicinity and the contained uses therein.

Applicant Response: The property is a 12,000 square foot strip shopping center which is an area of service commercial to the east, office to the west, south, and north. Morris Correctional is caddy corner to the southwest. Spence's Bazaar is just south of that. The Dover Housing Authority units Owens Manor and Queens Manor are across the street. The Dover Police Department is only a block and a half away. Courthouse parking is to the east. Auto repair is the corner of Governors and Water Sts.

Staff Response: The subject property has frontage on both S. New Street and W. Water Street. S. New Street is classified as a Local road and W. Water Street is a Major Collector. The speed limit of both S. New Street and W. Water Street along the property frontage is 25 MPH. Immediately surrounding properties north and south of the subject site are zoned C-2A and include commercial uses. To the west, across S. New Street, there are properties zoned RG-4 (General Residence for Multistory Apartments), including the Queens Manor and Owens Manor Apartments and a property zoned C-2A with a dentist's office. To the south, across W. Water Street several properties are zoned IO (Institutional and Office Zone); they include Bayhealth offices and the Morris Correctional Institute.

3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses.

Applicant Response: The property is currently being used a public park, and the local residents back their automobiles up to New Street and tailgate all day every day. I have restricted parking for tenants and customers of 30 minutes, and no loitering and no trespassing signs mounted everywhere, which is ignored. In fact, these people have bent the signs backwards, a couple of which have broken off, and loiter and trespass for hours at a time. I have called the police, as have the tenants, numerous times. I have personally asked these people to leave the property numerous times, and they simply return to flaunt the fact that they will do what they want to do when they want to do it. I need to separate my parking from New Street.

Staff Response: If the restriction regarding a four-foot limit to fence height along the property frontage is removed, it would not seriously affect neighboring properties and uses. Many of the surrounding properties already have fences installed at a mixture of

heights. A nearby property, the Morris Correctional Institute, currently has fence installed that is taller than the four foot limit; however, it is unclear when this metal picket-style fence was installed, and it directly relates to the security of the correctional institute.

The applicant's proposal is for an eight-foot-tall chain-link fence. A chain-link fence of that taller height would detract from the visual character of the area and potentially affect neighboring properties and uses.

4. **Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the *Zoning Ordinance*.**

Applicant Response: I propose an eight-foot chain link fence, which does not obstruct vision, and which should discourage people from parking on my property and New Street and pass back and forth across an unobstructed property line, between the parking aisles and the right of way. We would not fence the driveways. Four-foot fence is a footrest and will be knocked over as easily as the parking limit signs they have broken. Six-foot fence allows people to pass stuff over the top easily. Eight feet is a discouragement and a clear signal to go away. This fence poses no threat or obstruction to any other property in the city, let alone the immediate neighborhood.

Staff Response: If the variance for an eight-foot-tall fence is not granted, this may pose a practical difficulty for the property owner, but it is unclear as to whether that difficulty could be characterized as exceptional. The loitering described creates problems for the existing businesses in the shopping center. It is unclear whether the addition of an eight-foot-tall chain link fence would curb the loitering issue or whether a six-foot-tall fence would be as effective as the requested eight-foot-tall fence. At the corner of S. New Street and W. Water Fence, the fence would be limited in height to 3 feet in the corner visibility area.

Variance Recommendations

Staff recommends denial of the Variance to allow an eight-foot-tall chain-link fence to be installed along the frontage of the subject property parallel to S. New Street.

Staff recommends **denial** of the variance for reasons as follows:

- An eight-foot-tall chain-link fence would be out of character with the surrounding area and could affect adjacent properties. The use of chain link fencing material would also have a negative visual impact along this street frontage. Using a different style of fence material could mitigate potential effects on neighboring properties.
- There is an existing utility pole within the parking lot near the intersection of Water Street and S. New Street. It is not clear whether this is located on private property or within the right-of-way. The placement of the proposed fence in this location could obstruct access to the utility pole.

- The corner of the property is subject to the corner visibility restrictions provided in the *Zoning Ordinance*, Article 5 §1.3 prohibiting any fence from exceeding three feet in height within the corner visibility zone (a distance of 20 feet from the property corner).
- Staff does note that an 8-foot-tall fence could be placed on the property; however, it would have to meet the building setback requirements of 15 feet for the front setback along S. New Street. This has limited feasibility for implementation as that would place the fence in the row of parking in that area.

If the Board of Adjustment is inclined to approve the variance, the following conditions should be included:

- A survey should be required to ensure that the fence is located entirely on private property and not within the right-of-way, as a survey was not submitted as a part of the application. From the submission, it is not clear where the property line is located as the fence must be located on the private property.
- The fence should be required to begin a minimum of 20 feet from the point where the rights-of-way intersect at the edge of the pavement as shown in Figure 5.1 in the *Zoning Ordinance*, Article 5, §1.3. In addition to these corner visibility requirements, this would ensure that the utility pole is unobstructed.
- The Board should require a style of fence that is more visually appealing and consistent with the character of the area, such as a black aluminum fence. The Board could also limit the height of the fence.
- The fence cannot impede the street frontage sidewalk.

Advisory Comments to the Applicant

- If granted, the variance becomes null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.
- If the requested variance is granted, the Applicant must still obtain the appropriate Fence Permit approvals for construction of a fence on the property. A new Fence Permit Application would need to be submitted including a property survey to depict the proposed fence location in compliance with any variance approval and conditions.
- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application	1
B	Zoning Map Exhibit (Staff)	1
C	Permit Application, including letter, photos, and site maps provided by the applicant	7
D	Applicant Responses to Criteria	1



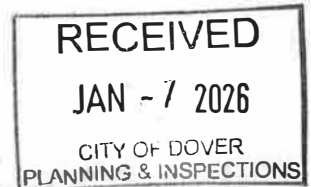
City of Dover, DE
 Department of Planning and Inspections
 P.O. Box 475, Dover, Delaware 19903
 (302) 736-7010 Fax: (302) 736-4217
www.cityofdover.com

EXHIBIT A

Item 3.

☒ Area Variance
☐ Use Variance
☐ Appeal
☒ Pre-App
 Date

Board of Adjustment Application



Application Information

Property Address: 429 - 449 SOUTH NEW STREET 19904

Tax Parcel Number: ED05-07709-03-1800

Owner Name: COURTNEY SQUARE ASSOCIATES, LLC

Property Zoning: C-2A

Variance (s) Requested: EIGHT FOOT HIGH CHAIN LINK FENCE IN THREE AREAS BETWEEN WEST PARKING ROW AND NEW STREET RIGHT OF WAY

*Provide eight (8) copies of any survey, drawings, photos, site plan, etc. that may help support your application, and your response to the criteria. The criteria for a use variance and appeal are on the back of the form.

C-2A SWPOZ
C.1970

Area Variance

An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

1. The nature of the zone in which the property lies;
2. The character of the immediate vicinity and the contained uses therein;
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

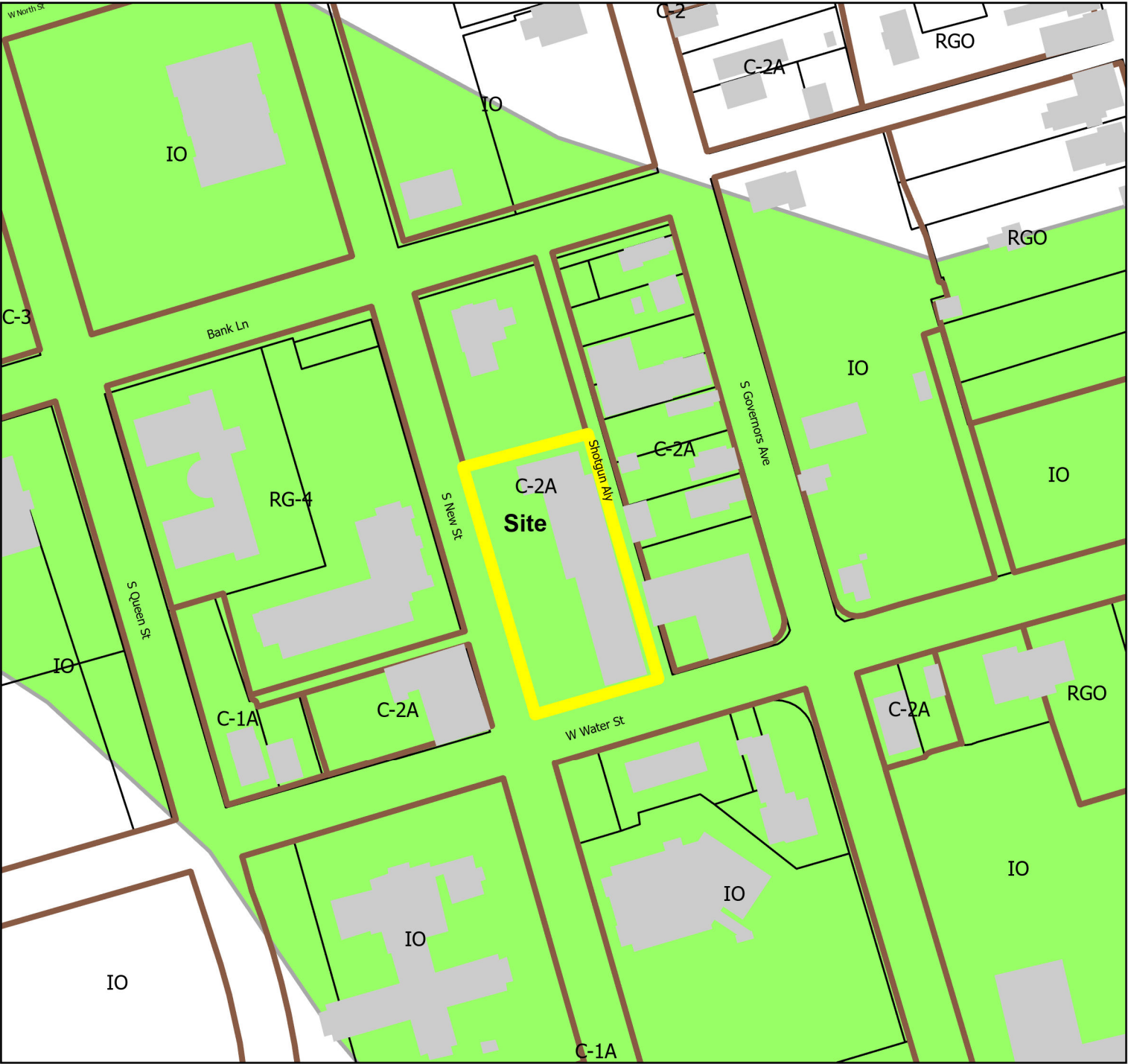
Signature

I, COURTNEY SQUARE ASSOCIATES, LLC do affirm that I am the property owner on which the variance is sought and that all the information provided in this application is accurate to the best of my knowledge and belief.

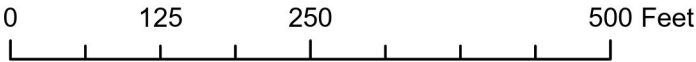
Philip M. Ginn Managing Member Jan 6, 2026

Signature Title Date

PHILIP M. GINN



Title: Courtney Square - Zoning Variance Request
Addresses: 429-449 South New Street
Parcel ID: ED05-077.09-03-18.00-000
Zoning: C-2A (Limited Central Commercial Zone) & Subject to the SWPOZ
Owner: Courtney Square Associates, LLC.
Date: 2/5/2026



Legend

- Subject Property
- Dover Boundary
- Zoning
- Kent County Parcels
- Building Footprints
- Dover Parcels
- SWPOZ Tier 3



City of Dover - BUILDING PERMIT APPLICATION

15 Loockerman Plaza ♦ Dover, Delaware 19901 ♦ (302) 736-7010 ♦ FAX (302) 736-4217
permitsandlicenses@dover.de.us

Office Use Only	
Permit Number _____	
Roll Plans	Fold Plans CD/Email
Date Received _____	
Date Issued _____	
Flood Plain Y N	Taxes Y N
Public Works Y N	KCD Y N
Impact Fee Fixtures Sheet Y N	
C/O Required _____	
Review Approvals	
() Building Plan	Date _____ Initials _____
() Fire Plan	Date _____ Initials _____
() Zoning / Site Plan	Date _____ Initials _____
Total Fee _____	
Fees Paid ()	
Check # _____ Cash _____ Credit _____	
Collected By _____	
Certification in Lieu of Oath	
I hereby certify that I am the owner of record or a contractor authorized by the owner of record to make this application, and that all work will be performed in accordance with the applicable Codes and Ordinances.	
Signature _____	
Print Name _____	
Date _____	

Project Address/Tax Parcel Identification Number	
429 SOUTH NEW STREET DOVER 19904	
Applicant's Name	
COURTNEY SQUARE ASSOCIATES	
Owner Name and Address	Phone # (302-736-2110)
PHILIP MCGINNIS	
E-mail address:	PJM@MCGINNISREALTY.COM
Contractor Name and Address	Phone # ()
TO BE DETERMINED	
E-mail address:	Dover Business License #
BUILDING DETAILS	
Proposed Occupancy _____	Type of work: ☒ New () Addition () Demolition
Type of Construction _____	() Renovation - Interior _____ Exterior _____
Change in Occupancy or Use? Yes or No	() Roof - tear off _____ overlay _____ # of layers _____
If yes, describe the previous use _____	() Alteration () Siding () Solar panels
	() Full Building Demolition () Selective Demolition
	☒ Fence - Height 8 () Pool () Elevator () Shed
	() OTHER _____
Number of Stories _____	Description of Work:
Total Height in Feet _____	SEE ATTACHED
Total Land Area to be Disturbed (in SF) _____	
Proposed Occupant Load _____	
Square Footage All Floors _____	
Total Work Area (in SF) _____	
Sprinkler System? Yes or No	Estimated Value of Construction: \$51,000 ⁰⁰
Fire Alarm System? Yes or No	

Before You Dig! Call Delmarva 811 at (800)282-8555 or other authorized locator. Attention! Please post your issued permit on site and visible from the street.

Brief Description of Work (To Be Completed by Applicant):

install 8-foot fence along
New Street Property Line

To Be Completed By Planning & Inspections Staff

Building Permit #:

Plumbing Permit #:

C/O Required: Y/N

Item 3.

WORK SITE LOCATION

Address: 429 S New St Dover 19904

Parcel ID: ED 05-07709-03-1800-00001

Applicant (Owner or Contractor)	COURTNEY SQUARE ASSOCIATES LLC
Contact Person	PHILIP MCGINNIS
Mailing Address	555 E LOCKERMAN ST
City, State, Zip	DOVER 19904
Telephone	302-736-2710
Fax	302-736-2715
E-mail Address	PJM@MCGINNISREALTY.COM

Does Your Project Propose . . .	Yes	No	If Yes, Describe
an increase or decrease to the quantity of plumbing fixtures at the location?*		✓	
a change in size of the water line serving the location?		✓	
a new water irrigation system?		✓	
a change in size of the sanitary sewer line serving the location?		✓	
relocation of the water meter?^		✓	
relocation of the water line serving the location or any associated appurtenances?^		✓	
relocation of the sanitary sewer line serving the location or any associated appurtenances?		✓	
any work within the right-of-way?		✓	
any proposed sidewalk work?		✓	
any proposed concrete work?		✓	
any alteration to any storm drain infrastructure?		✓	
any proposed curb alteration, i.e., new driveway to property?		✓	
any proposed scaffolding to renovate building exterior?		✓	
any proposed tree or shrub plantings within the right-of-way?		✓	
an upgrade in sanitation service?		✓	
a relocation of the existing trash pick-up location?		✓	

EASEMENT*	Yes	No
Is there any existing easement on this property? (utility, drainage, cross access, etc.)		✓

*-It is prohibited to build any structure, including a fence, within an existing easement.

** - An increase in fixtures may be subject to impact fees.

PLUMBING ^	MATERIAL	LOCATION (CHECK ALL THAT APPLY)
Specify material of pipe being installed for water line serving the location, if applicable		☐ Publicly Owned ☐ Privately Owned

I hereby certify that the information provided above is correct and acknowledge that should any differences be identified throughout the course of the project that all renovation project requirements still apply.

PHILIP J MCGINNIS

Philip J McGinnis

12/22/2025

Printed Name of Applicant

Signature of Applicant

Date

THIS FORM MUST BE COMPLETED AND TURNED IN WITH PLUMBING PERMIT APPLICATION OR BUILDING PERMIT APPLICATION.



Ashley Fence LLC
254 Hopkins Cemetery Road
Harrington, DE 19952
(302) 398-7700

Contact:

McGinnis Commercial Real
Estate Co
Philip J McGinnis
S. New & W. Water Street
Dover, DE 19904
(302) 270-0656
pjm@mcginnisrealty.com

Job Location:

S. New & W. Water Street
Dover, DE 19904

Estimate Info:

Date: 12/15/2025
Estimate: McGinnis
Commercial Real Estate
Co (Philip J McG
Rep: Francis Tribbett
Job #485

Furnish & Install

Install 165 feet of 8ft tall commercial grade chainlink fence with NO GATES.
This will be in 3 sections by the sidewalk on S. New Street.



Terms: Upon signing this contract 50% is due. The balance is due when the job is complete. Materials remain Ashley fences until paid in full. Ashley fence will have public utilities marked. All other objects such as sprinkler lines will be up to the customers. If the property pins cannot be located it is recommended to have the property surveyed. Ashley fence will not be responsible if the customer directs us to install outside the property boundaries. The HOA fence specs will be up the customer to acquire. ASHLEY FENCE GUARANTEES ITS WORKMANSHIP FOR 5 YEARS. PERMIT IS INCLUDED IF APPLICABLE

Grand Total \$5,100.00

Down Payment _____

Balance Due _____

I understand and agree with the enclosed contract.

Customer Name _____

Date _____

Company Name _____

Date _____

Kent County GIS Map



12/22/2025, 10:16:50 AM

Parcels Roads

Major Collector
Minor Arterial
Locals

1:1,048

0 37.5 75 150 ft
0 10 20 40 m

State of Delaware, Sanborn Map Company, Inc.

Item 3.

PHILIP J McGINNIS
193 Cooper Road
Dover, Delaware 19901
(302) 270 – 0656
pjm@mcginnisrealty.com

December 22, 2025

TO : Dover Planning Department

FR : Philip McGinnis
Courtney Square Associates

RE : Fence Application

To Whom It concerns,

I am the managing partner of Courtney Square Associates, which owns the retail strip at New and Water Streets, in the City of Dover.

We have developed a problem at this property where the local residents treat me like a public park. They back their cars in along New Street and tailgate all day long.

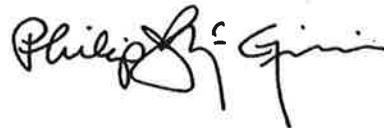
I have called the police repeatedly, and I have intervened personally, and they return within an hour.

I intend to install an eight – foot chain link fence along New Street, obviously not across the curbcuts, so as to cut off access to the sidewalk on New Street, in hopes of driving this activity away from my business. I need a taller fence so people cannot pass alcohol and other things across it, which would not discourage their parking at my property.

These folks are piling up trash, certainly dealing drugs, and causing disruptions to my tenants.

Please let me know what other information you need. Thank you in advance.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip J McGinnis". The signature is stylized with a large, looped "P" and a cursive "J".

Philip J McGinnis



NEW STREET LOOKING NORTH
COURTNEY SQUARE PARKING LOT



COURTNEY SQUARE PARKING LOT



TAILGATER WITH LUNCH



TRASH LEFT BY TAILGATERS
BENT SIGNS WARNING 30 MINUTE PARKING



NEW STREET EAST SIDE SIDEWALK

1. The nature of the zone in which the property lies:

The property is zoned C-2A, Neighborhood Commercial. A retail and office zone.

2. The character of the immediate vicinity and the contained uses therein:

The property is a 12,000 square foot strip shopping center which is an area of service commercial to the east, office to the west, south, and north. Morris Correctional is caddy corner to the southwest. Spence's Bazaar is just south of that. The Dover Housing Authority units Owens Manor and Queens Manor are across the street. The Dover Police Department is only a block and a half away. Courthouse parking is to the east. Auto repair is the corner of Governors and Water Sts.

3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses:

The property is currently being used a public park, and the local residents back their automobiles up to New Street and tailgate all day every day. I have restricted parking for tenants and customers of 30 minutes, and no loitering and no trespassing signs mounted everywhere, which is ignored. In fact, these people have bent the signs backwards, a couple of which have broken off, and loiter and trespass for hours at a time. I have called the police, as have the tenants, numerous times. I have personally asked these people to leave the property numerous times, and they simply return to flaunt the fact that they will do what they want to do when they want to do it. I need to separate my parking from New Street.

4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

I propose an eight - foot chain link fence, which does not obstruct vision, and which should discourage people from parking on my property and New Street and pass back and forth across an unobstructed property line, between the parking aisles and the right of way. We would not fence the driveways. Four-foot fence is a footrest and will be knocked over as easily as the parking limit signs they have broken. Six-foot fence allows people to pass stuff over the top easily. Eight feet is a discouragement and a clear signal to go away. This fence poses no threat or obstruction to any other property in the city, let alone the immediate neighborhood.