



CITY OF DOVER, DELAWARE
HISTORIC DISTRICT COMMISSION MEETING
Thursday, May 18, 2023 at 3:30 PM

City Hall Conference Room, 15 Loockerman Plaza, Dover, Delaware

REVISED AGENDA

This Agenda has been Revised to include Item HI-23-01 Referral of Fence Permit #23-781 at 147 S. New Street under Review of Permits Referred to the Commission.

IN-PERSON and VIRTUAL MEETING NOTICE

The Historic District Commission, Meeting for May 18, 2023 will be held in the City Hall Conference Room. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using WebEx audio/video conferencing system as an electronic means of communication. See the participation information below to join by phone or computer.

PUBLIC PARTICIPATION INFORMATION
City of Dover Historic District Commission Meeting of May 18, 2023

Join by Phone Dial: 1-650-479-3208

Access code: 253 151 69843 (Password: 36837432)

Join Online:

<https://bit.ly/HDCMeeting5182023>

Webinar Number: 2531 516 9843

Webinar Password: DoverHDC

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.

WELCOME

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Adoption of Minutes of November 10, 2022
- [2.](#) Adoption of Minutes of January 19, 2023

COMMUNICATIONS & REPORTS

Summary of Activity

- [3.](#) Summary of Applications 2022 and 2023
- [4.](#) Summary of Architectural Review Certificates for 2023

Department of Planning & Inspections Updates

Education & Training Opportunities

5. Historic District Commission Training Session on *Advanced Historic Preservation Law & Procedures* - May 18, 2023 at 5:00pm. Sponsored by Preservation Delaware, Inc. and Division of Historical & Cultural Affairs.

NEW APPLICATIONS

NEW BUSINESS

Review of Permits Referred to Commission

- [6.](#) HI-23-02 Referral of Fence Permit #23-781 at 147 S. New Street – Referral by the City Planner to the Historic District Commission for Review of Architectural Review Certification for a Fence Permit #23-781 for a 6-foot vinyl fence project along the south property line spanning from the restaurant building at 147 S. New Street to the building located on 231 W. Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the east side of South New Street and north of (but not adjacent to) West Loockerman Street. The owner of record is Otis Brooks. Address: 147 S. New Street. Tax Parcel: ED-05-077.09-01-48.00-000. Council District 4.

Architectural Review Certification Process and the Historic District Zone

- [7.](#) Review of Application and Review Processes for Architectural Review Certification and H (Historic District Zone) Designation

OLD BUSINESS

Certified Local Government (CLG) Program

Implementation of 2019 Comprehensive Plan

ADJOURN

Posted: May 9, 2023

Revised: May 17, 2023

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
HISTORIC DISTRICT COMMISSION
NOVEMBER 10, 2022

The Meeting of the City of Dover Historic District Commission was held on Thursday, November 10, 2022, at 3:30 PM as an In-Person meeting in the City Hall Conference Room (anchor location) and virtually using the videoconferencing system WebEx. With Chairman Czerwinski presiding, the other members present were Ms. Horsey, Mrs. Mason, and Mr. Street (virtual). (Note: The fifth Historic District Commission member has not been appointed following the completion of the term of Mr. McDaniel in 2020).

Planning Office Staff members present were Mrs. Melson-Williams, Mr. Eddie Kopp, Mrs. Mary Ellen Gray, and Mr. Julian Swierczek.

APPROVAL OF AGENDA

Mrs. Mason moved for approval of the agenda as presented, seconded by Ms. Horsey and the motion was unanimously carried 4-0.

Voice Vote

- Ms. Horsey -Yes
- Ms. Mason – Yes
- Mr. Street - Yes
- Mr. Czerwinski - Yes

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF OCTOBER 20, 2022

Ms. Horsey moved for approval of the meeting minutes of October 20, 2022, as presented, seconded by Mrs. Mason and the motion was unanimously carried 4-0.

Voice Vote

- Ms. Horsey -Yes
- Ms. Mason - Yes
- Mr. Street – Yes
- Mr. Czerwinski – Yes

Ms. Horsey mentioned that she wanted to commend Maretta as this was not an easy meeting to get everything straight with all motions and I think she did a good job. Chairman Czerwinski concurred.

COMMUNICATIONS & REPORTS

Summary of Applications for 2021 and 2022

Mrs. Melson-Williams mentioned that included in your packet is the Summary of Applications for 2021 and 2022. There is no real change at this point for those tallies. For 2022, there have been seven applications; and then for 2021, there were six applications. With your last application from

October, we will be continuing to talk about that today and give an update. There were no questions on any of those previous applications that have come before this body.

Summary of Architectural Review Certifications for 2022

Mrs. Melson-Williams stated that this is the listing of Building Permit activity within the boundary of the Historic District. There has been a total of twenty-two (22) applications through the end of October. Most of those were eligible for Staff review of the permit. There were three that the Historic District Commission was involved in.

Basically, in the month of October, we added one more Roof Permit to the tally for the year. Most of the permits have been related to either building exteriors or interior. There were four Demolition Permits and those were related to the buildings associated with the forthcoming Kent County Family Courthouse project. There were Sign Permits as well and a couple of Fence Permits in the District. Any questions on any of that permit activity through this calendar year 2022?

Mrs. Mason mentioned that one of the restaurants is Tastees Chicken and Seafood is open, and, she wondered if Governors Café is going to open.

Department of Planning & Inspections Updates

Mrs. Melson-Williams mentioned that included in your packet was the notice of the Historic District Commission training sessions that have happened in the last two weeks. Preservation Delaware, in partnership with the State Historic Preservation Office, presented one of them that was on "Design Review." The second one was on "Law and Procedures" associated with Historic Districts and Commissions which was held virtually on November 7th and 9th. I attended both virtual sessions. Chairman Czerwinski attend the "Design Review" virtual session. I certainly have some notes and I think we are in a good stead from listening to the "Design Review" aspects one because we actually have Design Guidelines. There are some Historic District Commissions out there that don't have that more detailed Design Guidelines and Standards document. They rely just on the Secretary of Interior's Standards for Rehabilitation which can be rather broad. I don't know if the Chair has any other take-aways from that "Design Review" presentation. Chairman mentioned that he would definitely recommend his fellow members to watch those sessions. I missed the legal one, but the first session was a really good overview of what they're looking for. It has some really good examples of what they actually demonstrated of what the building looked like before, what was being asked and what was being done, and what the final result was. So, I would very highly recommend it because there are some really good points. They brought up about the use of materials. The professor basically presented a historic preservationist's view from Maryland and was pretty hard core. If you compare us, I think it is a very eye-opening experience to actually see how these other Historic District Commissions are handling the projects that are being presented. I think that they kind of held people's feet to the fire, at least that's how he presented himself. There were very few exceptions allowed. It was interesting. For example, we had the charette that we wanted to add another floor to the Priscilla Block building. They had an identical situation where they wanted to add a floor and so it's really cool how they worked around it because the floor was visible from the ground. They denied the proposal in the Architectural Review but what they did do was that they set it back, so it really wasn't visible, and it still had an extra floor above it. I really would have to recommend you guys watch at least the first session. The second session is about the legal legalities of preservation law. I think it's very important because they give us and the contractors options that they might not have seen in the first place.

They showed the actual final results.

Mrs. Mason mentioned that she attended, and it was very interesting and would highly recommend it. She asked if there were other dates because she only had information on two dates. Mrs. Melson-Williams replied that those were the two that were presented. It was a training opportunity that Preservation Delaware and the State Historic Preservation Office offered to Historic District Commissions here in Delaware. The speaker was from Maryland that has an association of Historic District Commissions. They have a series of training programs that they run all the time because there is a training requirement in Maryland if you sit on a Commission. This is not the first time that they've pulled training support from that organization. I would imagine that they will try to do some of that again in the future if there are specific topics. They were asking for ideas. There will likely be some type of follow-up survey that comes out to those who participated to perhaps identify what some of those topics for next year are. Certainly, they were free and excellent training opportunities.

Ms. Horsey asked if the links were still available or active. Mrs. Melson-Williams replied she believed you had to specifically register because of how they were offered. I know they mentioned that the Maryland Association of Historic District Commissions on their website has some training that is posted there. I have not looked at what that might be. I think these are for limited viewing opportunities. If you registered and missed it, I think you will be able to view it directly. For others I don't know if that opportunity will be available with these, but we can certainly find out.

Mrs. Mason mentioned that Preservation Delaware would send a video for those that were registered. Mrs. Melson-Williams concurred, the video would be sent to those that registered and did not attend as well as those who attended because there are a lot of slides of information as well.

Mrs. Melson-Williams mentioned that we are moving into what seems to be still a very busy time in our office overall. We did have a new Code Enforcement Staff member that came on board in recent weeks, so the Code Enforcement section is fully staffed. We are still working to fill the Planner position. We are moving in that direction as we have some interviews pending at the moment.

Mr. Chairman asked the Commission if they had any questions. There were none.

Review of Permits Referred to Commission

HI-22-07 Referral of Demolition Activities for 233-239 W. Loockerman Street

Update on Referral by the City Planner to the Historic District Commission for Determination of Demolition by Neglect and Review of Architectural Review Certification for Demolition Activities for existing fire damaged commercial/residential building. The property was declared a Dangerous Building by City Council on August 15, 2022. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located at the northeast corner of West Loockerman Street and South New Street. The owner of record is SAG Holdings, LLC. Property Addresses: 233-239 West Loockerman Street and 149 S. New Street. Tax Parcel: ED-05-077.09-01-50.00-000. Council District 4. *The Historic District Commission on*

October 20, 2022, determined the property to be “Demolition by Neglect” and also requested that the property be evaluated for saving/reconstruction of the structure.

Mrs. Melson-Williams stated that the Referral appeared before you at your meeting on October 20, 2022. In your packet for today's meeting, we refer to the documents that were previously submitted to you at the last meeting: the Staff Report and there were a number of information items provided by the Code Enforcement Staff in the form of a cover letter, a timeline of events, an asbestos inspection survey, and a pre-demolition condition assessment report. At your October 20, 2022, Meeting, the Historic District Commission had made several motions. Your actions on those motions are captured in what is a Notice of Historic District Commission Action letter that we provided to the applicants and/or property owner's representative. At your meeting in October, the Historic District Commission approved the Determination that the property located at 233-239 W. Loockerman Street to be Demolition by Neglect. There was a subsequent motion to approve the Architectural Review Certification to allow Demolition; however, that motion was unsuccessful, (it failed). Then a third motion was put forward to seek a continued evaluation of the property for its possible reconstruction and saving the structure noting to refer that back to Planning Staff based on some of the testimony and a potential buyer's interest in the building that was related by the property owner's representative. Today we are bringing forth an update to you. We did include in your packet the letter from the City Solicitor regarding this property. It was an interpretation question given that we had a path that was happening here with the Historic District Commission and a path related to a Dangerous Building Determination that Council had already acted upon. I'm going to refer to the letter specifically. This is a letter dated October 27, 2022, that notes that City Council had previously determined that demolition is to occur related to its consideration of the property under the Dangerous Building Ordinance. The Solicitor goes on to note that the Ordinance is silent in the situation that we currently have where Council has already acted under the Dangerous Building Ordinance and what transpires with the Historic District Commission in that case. At the bottom of his letter on the first page he notes, “in my opinion, Council has already acted under the Dangerous Building Ordinance to declare this property to be demolished and that is the procedure that must be followed to date.” The property owner representative Mr. Patrick Rock, who did appear before you at the October meeting had some additional correspondence and contact, he had about the interest of others to purchase the building.

Today that is part of the update from Staff. I do want to go to the City Planner and the Code Enforcement Officer. If they introduce themselves for the record and then they can identify what has transpired on that front since your October meeting.

Staff Representatives: Mrs. Mary Ellen Gray, Director of Planning & Inspections and Mr. Eddie Kopp, Code Enforcement Officer.

Mr. Kopp stated that at the last meeting there was discussion about the Letter of Intent. We received the Letter of Intent to purchase back in August. I have not received anything further. The Letter of Intent to purchase in my interpretation would be for the 30 days. The Letter of Intent has expired, and no further documentation has been submitted to us since October 21, 2022. To the best of my knowledge, there's only one potential buyer. I talked with the Broker and the sale is not going to happen. I have not received any more documentation about a potential buyer or the next step in the process.

Mrs. Gray stated we were talking with the Broker and the Firm. We had discussions after this meeting with Mr. Patrick Rock about who is the property owner, who talked with the Broker, and our people. The legal counsel talked with the Broker to find out what the Broker's or buyer's intentions were for the property. We found out that the buyer wanted to know about the Letter of Intent dated August 23, 2022, for \$75,000. The buyer was not willing to incur the expense of the liens that were also put on the property. It was also indicated that they were willing to buy this property before the motion of the Historic District Commission and he had some sort of analysis to shore up the building and to provide some stability. We were willing to do that. At the Council Meeting that was the Bid to demolish. On that Monday, the Broker/Buyer could come to the meeting to present their case to Council to say okay this is what we want to do with the motion of the Historic District Commission. It is also with the understanding of this interpretation as well. The Broker and the Buyer were not willing to incur the expense or commit to doing any sort of work to shore up the building or to restabilize the building. They can come in and follow through. Afterwards, there was no one at the Council Meeting.

Mr. Kopp mentioned for the record, the last action taken by the owner, or a representative of the property was March 18, 2022, and that was to put the initial boards up. Since then, there has been no work whether to preserve, shore up, clean up, or/and anything on the property to date. The building was being secured because the windows are being smashed out. This is why the City actually invested to keep the property boarded more thoroughly to prevent that usage. We have since secured the sidewalk, asbestos abatement, so on and so forth trying to prevent others from going in there.

Mr. Kopp noted that during asbestos abatement, you have these Asbestos Signs all over the property and people are still taking stuff off. The Asbestos Contractor had to chase people out of the building. Other than that, there has been no change on the owner's behalf. We have moved forward with the first steps of Phase One of the Demolition. The asbestos abatement has been completed. There were some things in there that were put on the backburner that were supposed to happen during Phase One of the Asbestos Abatement. Due to safety concerns, they are just going to do it with Phase Two because the building is too unstable to abate that particular asbestos. The outside of the building is still in good condition, but the inside of the building is deteriorating. The biggest concern I have is the fire side. When we're looking at this picture it's on the left side, (their left), the whole roof is missing. You have water in there endlessly, and all the floors are weakening. They are starting to buckle and then all the way down to the basement floor you have mold. Our concern at this moment is the potential collapse of the building due to the deteriorating state. The bids went out Monday night and the only people present for the Meeting was me and Council. There was no one present to represent the property owner; it was only City Staff.

Mrs. Gray mentioned to be clear, we invited everyone to this meeting. This included the Broker, Owner, and anyone in here. Again, if you want to make your case to stop the Demolition, just please come to this meeting, because I think Council would be open to what you have to say.

Mr. Street asked if the building was in threat of collapse right now. Mrs. Gray replied yes.

Mr. Street asked if the current owner of the property has expressed no interest in saving or rebuilding the building or anything else. They are trying to sell it, but as of right now there's nothing

under contract, no letters of interest, nothing. I am not setting anything up or tearing it down, I am just asking. Mr. Kopp replied correct. Mr. Street mentioned, at least this is what I understand, is that correct? Mr. Kopp replied from my understanding, the owner is out of the country, and he has a legal counsel handling this matter for him. There has been no communication at all about saving the building; it's all been about the sale of the property. Mrs. Gray replied that there was one Letter of Intent that was dated August 23, 2022, but it has since expired.

Mr. Street stated that it was just a Letter of Intent not a contract. That's not really signed on the dotted line; it's like hey we're interested.

Mr. Street mentioned it's in danger of collapse and everyone wants to tear it down because if it collapses it's going to obviously be more of a nightmare than it is right now. My initial feeling and these are just my comments on the whole matter, if it was not in danger of collapse and there's no harm in waiting 30-days or waiting some amount of time to figure this out a little bit better, I think that's one thing, but if it's in danger of collapse, it's either someone's got to do something, or it's got to come down. I don't know where or what our role is in that, especially if the City Solicitor has already said Council has acted and that is their view of moving forward, is that correct? Mr. Kopp replied that is my interpretation of it, correct. Mr. Kopp stated for the record, I believe that if this building had been preserved at the time of the fire and steps were taken to at least shore it up and preserve and cover the roof line, I don't think we would be in this situation now. I think it's the overall neglect of the property and the failure to do anything to the building that is why we're in the situation right now. We are concerned with public safety because of the rapid deterioration of the building. In my opinion, this building could have been saved had measures been taken back in March when this place caught fire to preserve it, but unfortunately, it's been left open and it's just that the elements are destroying it.

Mr. Street stated right, but we are kind of past that point now. I mean it is what it is. If they had done all kinds of stuff when it burned down the first time, I'm sure it would have been less impactful than what it is now, but we are past that. We are kind of where we are now. He asked Mrs. Dawn Melson-Williams if there was an actionable item that the Commission was trying to take action on today? Mrs. Melson-Williams replied that previously the Commission had asked for some type of structural engineering report or study about saving the building and if that was an option. The Commission has not granted Architectural Review Certification to allow Demolition; however, I think the opinion of the Solicitor has stated that the action by Council to designate a "Dangerous Building" and order its Demolition now somewhat supersedes the action by the Historic District Commission. Mr. Street stated that's kind of my understanding. This is at least what I'm reading or have read, and I am hearing. I guess the question is, what do we do? Mrs. Melson-Williams replied I think the Historic District Commission could certainly put forth a motion recognizing that opinion that has been rendered while still expressing their concerns of reluctance, but I think in this case their hand has been forced by other processes. Mr. Street stated that it's almost like we would almost be making a motion just to document. If it is the will of the Commission just documenting the objection or lack thereof of tearing the building down because Council has kind of forced the hand and said we've acted too badly. Is that right? Mrs. Melson-Williams replied I think is a relatively correct interpretation of what has transpired.

Mr. Street stated okay, he just wanted to make sure he was on the same page. I know that everyone wants to save the building and I'm not sure that I disagree with anyone 100% on this.

But I think we are where we are. If the building is in danger of collapse and a professional is the one signing their name on the dotted line saying that we're worried it's going to collapse, then who am I to question that professional. If someone wants to pay for a study that says you can spend all this money to save the building and it can be done then it can be done, but I think we are kind of in a position where we don't have time to do that.

Mr. Kopp stated after the meeting we did recommend to Mr. Rock to get a Structural Engineer's Report. It was explained that this could stop it, if you give us something deeming that it's safe because we have a structural engineer also. But if you had something that could give the opinion that maybe it's still safer than what we reported and submit a report to us then we can submit to Council. But we have not received any support, any report, or Letter of Intent.

Mr. Czerwinski stated that I understand now that the meeting was on October 20, 2022, and there were actions taken. You know I just wanted to see that we follow through with their offering something (obviously it's not serious). They offered the owner to reevaluate this.

Mr. Czerwinski asked the Commission if they had any other comments.

Mrs. Mason asked what's the next step? You get another building, and then you have a landlord that is obviously not taking care of the code violations and this stuff. Do we have a department in the city that monitors things like that? Mr. Kopp replied yes, Code Enforcement.

Mrs. Mason asked what happened in March of 2022? Was there anything going on to try to save this building or to get out through the plan? I mean you've got to get with the landlords, and you see what's going to happen anyway. Mr. Czerwinski stated I think to me the thing that we missed out on and the biggest issue that we had was the City instantly condemned the building. Instead of saying I need an evaluation by Century Engineering to look at the potential of mitigating and neutralizing the condition of the building and then putting down the owner until the fire is found. It's my understanding that they went ahead, and they instantly condemned the building. Again, there's two sides to the story, but the representative here is saying from the get-go we were told that the building needs to be condemned and it can't be saved. I've blocked potential for buyers for this property. If we're going to go back and say well the owner didn't do anything, well the owner is being told by the City that the building is already past and you can't fix it.

Mr. Kopp just to explain the condemnation. The condemnation is going to happen, and all repairs have to be made to deem the building safe. In every letter that's sent, we tell people (the owner) and I explain this to people all the time that the owner and/or contractors can go in there at any time and make any repairs. They just cannot eat or sleep in there; it's not happening. You are welcome to go in there and make any kind of correction that you can do. The "condemnation" basically is to prevent anyone from living in the building.

Mrs. Mason mentioned for example, if electricity isn't working in the structure, are you saying that you can't move? Mr. Kopp stated that the building is not declared "dangerous" until it's presented before the Council. That's when it is declared "dangerous" and ordered to be demolished and it is not stable, and that happened.

(Mr. Street stated that he needed to leave the meeting. I wish I could stay longer. If there's any way I can take action after the fact, I can talk with Staff. If anything comes of this, I'm sorry. I hope I added some two cents into this, but I have to jump off). Mr. Street left the meeting at 4:13 pm.

Mr. Kopp stated that back in August it was presented before the Council.

Mr. Czerwinski stated that there were no moves to try to get buyers.

Mrs. Gray stated that there were two things that we've looked at that we're looking to correct as a result of this building. It's not going to solve everything, but it's a step in the right direction. One there's a bill and there's an Ordinance that is going for First Reading on Monday that requires any property that is being residentially rented and have insurance (not leased so it doesn't capture the commercial as what happened to this building). This building had a residential component. I would say that residential probably captures or accounts for most of the buildings in the Historic District as most of them have residential components. That would require the property owner to have a regime. One of the issues here is with this building there was no rental insurance. If they had rental insurance, it would have been interesting and then the building could have been marketed and or repaired. The second thing is another Ordinance that is going to the Council Committee of the Whole on Tuesday which is unpaid fines. For property maintenance violations that remain unpaid that go to a certain amount now we count well this will eventually become a lien on that property. That lien amount gets tallied up to the first threshold of \$1000 then that property can go to munitions. That's going to take a little bit of time in the system, but they have to open this. It is not for the city to make money. The hope is for this to have a trickle back affect for property owners who won't take care of their property, because you don't want the city to go and sell their property. Those are two changes that we're looking to put into account as tools that can help address these properties.

Mr. Kopp stated just a caveat on that, in the near future we are looking to revitalize our Dangerous Building Ordinance. We will be incorporating the Historic District Commission into that and to make sure we're linked together, and we don't run into this situation again. To speak on Code Enforcement, we are very active in trying to get people to come into compliance. One of the problems is people have ignored us which is why the Lien Ordinance is in there. For example, with this situation here, you know if they don't want to take care of the property maybe find somebody who will take care of the property. I always call my Staff for duplication because we're out trying to make sure to preserve what property we can. You know this isn't the only building that's concerning to the Historic District Commission. We are actively out there addressing them and trying to prevent this very thing from happening.

Ms. Horsey stated that she sees it as you're a victim in your department of who they are. We were caught off guard or our words mean essentially nothing. Doesn't matter what we say and today there's no point in even taking the vote. For what, to verify what the City Solicitor says? I think Council and the Mayor needs to be a lot more careful to prejudice a decision on what happens to a building just because "oh it's going to be so much cheaper and better just to demolish it" because of the lack of what this property owner is done with the building. You as a potential buyer want to hear them, of course you're not going to. In a way this whole process has been "fixed", and I think it was totally mishandled as you were saying. It's nothing really if the property owner would have done something right away and if the city would have had a Code to enforce that you have to

protect your building. There's no buff; of course, you have to do something about it whether you plan to save it or not. What is the point and why are we here today? I understand that if the decisions aren't being made by our Solicitor, then what we are doing today? doesn't mean anything; that is the way I see it and it's a waste of time.

Mr. Kopp commented that we do reserve the right to abate violations, but we have to give proper notices and we have to wait unfortunately for them to neglect it before we abate the property. For example, say the gutters are falling off the house, we have to send so many notices giving the property owner the opportunity to fix it. Then if it does not get fixed, we can actually hire a contractor to go out to the property and fix the gutters. We can abate that violation, but we have to give them the opportunity. Unfortunately, if they ignore it, then it just makes it worse and that's exactly what happened here. We gave him the opportunity but during that time where we have to wait the building continued to deteriorate. If it had not been in the condition that it was, we may have been able to take steps to preserve it. But there is that time that you have to give the property owner.

Ms. Horsey asked about the Code and if the Council will approve these proposals and see the light and understand that they have a responsibility not just to condemn something right off the bat. What is the Council's plan to put there in its place, any ideas guys? How many buildings in Dover have been demolished? Do people want to come down here and see another empty lot? We are our own worst enemies.

Mr. Czerwinski mentioned at this point now that the decision has been made, is there any place for us to vote for the Architectural Review Certification or is that beyond that point or it doesn't matter? We're not going to bother voting on anything. What's weird about this though with the lawyer's letter was that he's going one way, then this is determined as being demolished and we have to do this. However, in the last paragraph, we did reach out to them and we are willing to extend.

Mr. Kopp stated that for clarity like with most fire buildings we put the condemnation on there instantly to protect life safety of everyone, but that doesn't mean the insurance company can't be there within an hour or anybody who serves. I'll need to send that letter anyway because we've dealt with uninsured property before. The homeowner will say I'm going call so and so, I'm just going to put the band-aid on it or I'm going to foot the bill right now just to get the building secured because it's going to be a lot worse later. Even though it has the condemnation on there, it does not prevent them from preserving it in any way. I wished that would have happened. A couple of \$1000 could have changed this whole picture.

Mr. Czerwinski mentioned the representative was for the seller and not the buyers. They are going to do whatever they can to try and gain as much money for the client. They are drawing their straws too pretty much because that's a lot of money.

Mrs. Mason asked if there was any recourse for this owner, they say that's out of the country? Did he just disappear? Does anybody actually know or is trying to get justice for this galactic stuff?

Mr. Kopp replied there still was an active investigation on the fire side. We can't talk much about it. I can tell you now that we are looking at the steps on our end and we are going to recoup our

money somehow or somehow. We think he's not just going to walk away; so, we are looking at the steps on how to recoup our money and what's the best way to hold him accountable.

Ms. Horsey stated that it was a lot in taxpayer dollars. Mr. Kopp replied exactly and that's what we're trying to preserve here. We don't want to waste taxpayer dollars and then we shouldn't waste taxpayer dollars. Unfortunately, some of the things we did up there might be looked at as a waste of taxpayer dollars, but we had to preserve what we could to prevent vandalism from happening. If they had taken steps, you wouldn't have to do that.

Ms. Horsey asked Mr. Kopp if the city was hopeful of the Ordinance proposals. Mr. Kopp replied that they were not done yet. They have worked on 6 ordinances so far. There is a lot in the Code that has been done. We are pushing through it, but it is going to take some time. But we are going to fix some of the things that are wrong, especially like the situation we're in now. We are going to fix that. We identified the problem; so, be hopeful in that we are pushing. Ms. Horsey thanked Mr. Kopp for his efforts.

Mrs. Mason asked a question regarding the location at State Street and North Street, you know the same building second from the southwest corner. Do you know the state of the unstable building? How long has the building been there? Perhaps three years now, it's just sitting there and is there anything we can do about the owners? It's an eyesore. Mrs. Melson-Williams stated that the address is 304 South State Street. It has been issued a permit for renovation activities. Mrs. Gray stated that it was issued a permit probably back in July and the owner is also a contractor. Believe it or not, the contractor has been moving forward and working on it, but their work is on the interior. He has been held up due to a couple of perfect storms of things such as supply chain issues which is number one and believe it or not on electric meters; it's really odd. The nationwide shortage has held up not only this project but a lot of other projects on electric meters and related types of stuff. In addition to that we ran into a problem with the original plan, we are doing the interior footers and we are planning on some sort of infrastructure there with the sewer or water piping. The pipes have to be redone.

Mr. Czerwinski mentioned that this building was not highlighted to be demolished until August. There's no way to make it sound like they wanted to condemn. Mr. Kopp replied that's never the case. Actually, 304 South State Street actually went before Council to be declared "Dangerous" and the reason for it was to get that shoring done, but that was done. The very same thing happened here. That's just case history that you can see. Yes, we put a condemnation on it, but there is a way to get out.

Mr. Czerwinski mentioned it's a legal term; it's not an actual determination. Mr. Kopp replied correct.

Ms. Horsey said it sounds scary. Mr. Kopp replied it's not a demolition code until it has been declared "Dangerous" before Council. Mrs. Melson-Williams mentioned I think in that case we took it as an emergency case to Council to declare "Dangerous" and to be able to have the City abate if there was going to be a need to do stabilization. However, in that case the property owner took some of those steps to stabilize immediately and then it was a waiting pattern of some time until they sold the building while they were dealing with insurance to then sell the building. A new owner took over and has taken the permit steps to begin. It does have a lot of

interior structural things that are being corrected before they reconstruct what's on the outside of that east wall.

Mr. Kopp mentioned that since it has been shored up and it's not in danger of collapse, we have other options. What we could do in the event work stops, we can issue a citation, try to get compliant persons, taking it to be presented and declared a "Dangerous Building" before Council. That's some of the citation tools that we can use before we get there, but it all depends on the condition of the building and the fire damage. If you guys do have any concerns at all about any buildings that you're going through, let us know. It is better to get it fixed before it gets to this state. If you see something that you're concerned with let us know. We can reach out. What we can do is regarding how the process works is send a notice of violation and start fixing it and then start citations until they fix it. Our goal is compliance. We're not trying to make money, but we are trying to preserve everything that we do and that's throughout the city. If you see anything troubling like graffiti or something start to pop up in the blocks Downtown, then we're tackling it. We are hitting it and we're making people spray paint over it and fix it; if they don't, we will. That's one of the abatement tools we have. Anything you guys see, please let us know. I can give you a card, you can e-mail, or you can call me.

Ms. Horsey said, I do have something, and you looked at it. We had the Friends of Old Dover open for Market Fair and we would look out over across the street. The owner of that building put up a nice metal black fence but beyond that property someone next door is always the problem. The wooden fence is collapsing and looks horrific. Mr. Kopp asked Ms. Horsey if she knew the address. It's on the corner then the second house with a parking lot behind it. It is very visible. Mrs. Mason mentioned if you were on State Street, you've got the parking lot and you can see the fence right through it. There are two buildings that are commercials and apartments upstairs, then there is a residence, and the residence is 10 The Green. She is actually the one with the old fence. She thinks they are planning on fixing it, but she was not sure. Mr. Kopp replied he would look into it. If you guys have anything in the future, please feel free to reach out to me. As previously mentioned, I will give you business cards before we leave. We will try fixing it before it gets too bad; that is our goal. Ms. Horsey mentioned that a few years ago the owner of the corner apartment building came to us about her metal fence that was beautiful. That is what we tend to recommend to the Historic District. She had no problem. She did it, but it's the one next door. It used to be a wooden fence there and you wouldn't see the worse one behind it, but now you really can and it's collapsing. Mrs. Mason mentioned it also has stairs going up there for a fire escape; it's a safety hazard.

Mrs. Gray mentioned that the owner of the property is Scott Sherman, and he is the contractor. We called him on 10/26 and so he is working on revised structural drawings because they have to design around the poured footings around the existing water and gas line. He is hoping to submit those revised drawings to us within the next two weeks. We should have them here shortly. We are looking to meet with Electric regarding the electric meter issue because of the shortage. From what I understand at the Directors meeting the other day, I think their electric meters are slowly starting to become available. He can't get electric to the site without the electric meters. He started having to run a generator to do the work, and that has been slowing him down. He's looking to put plans in place for a scaffolding system to put on the sidewalk that's going to have a walkway. He will be meeting with the Streets Department for a Right-of-Way Permit so that they can start to work on the front of the building. He will be doing a

commercial business on the first floor and perhaps apartments on the second floor. He is working with an architect because sprinklers may be required based on the occupancy.

Ms. Horsey mentioned that he was a very good man, and he has worked on several State projects. She also worked with him. He knows what he is doing.

Mr. Czerwinski said nothing needs to be done by this Commission for this process.

Mrs. Melson-Williams replied (referring to the 233-239 W. Loockerman Street) that I think it at this point you've heard the Report ultimately with the eminent demolition as noted. The bid for that Demolition was presented to City Council and approved. That process for Demolition is in the point of what I would call the planning stages now of how to actually schedule that and get that accomplished. There will be a Demolition Permit that will need to come through our Office and Staff can certainly issue that kind of noting the situation that it was declared "Demolition by Neglect" by the Historic District Commission and that it is the Solicitor's opinion that the order to demolish by Council supersedes any step that the Historic District Commission could take at this point in time.

Ms. Horsey asked about the bricks from this building, any number of them, could some of the bricks be saved? What I'm thinking is that the People's Church tower that was built in the 20s is the same brick. I just didn't know, and I know getting mortar from old brick is not fun, but I just didn't know where all of this would go once it's taken down. Mr. Kopp replied I think on the front and back of the building they could potentially be saved. On the New Street side, we just discovered on the Asbestos Abatement that there are pipes going in between the brick of the wall.

Ms. Horsey asked if this was where the fire trickled up? Mr. Kopp replied yes, actually in the middle of the floor there's a pipe chase going up there. This is something that the contractors have never seen where the pipes are actually going up in the brick. In between the outside wall and the inside brick wall, there's piping going all the way up and it has got to be remediated now. It's not something that was caught until our final inspection of the Asbestos Abatement Phase One. When they caught it, they were like wow! When we got up to the top, the pipe literally goes from the basement all the way up top with asbestos cladded. That's going to be very interesting to remove which just prolongs our Asbestos Abatement on this project because we didn't realize it was so in depth in the wall. When you actually investigate it further it's crazy. I've never seen this before and they have never seen it before in the outside wall.

Mrs. Gray and Mr. Kopp stated that they spoke about the bricks on the front of the building. Mr. Kopp stated that the only thing is that the bottom layer closest to the sidewalk has asbestos in the caulking. So, it's just them very small bricks that would have to be disposed of with the asbestos, but anything else on there is salvageable. Mrs. Gray mentioned it is something that can be asked because you don't know what's possible.

Mr. Kopp stated that he had a pre-meeting with the Demolition Contractor, and he had asked them because in our Bid basically anything with the building gets turned over to the Demolition

Contractor including anything inside. I don't see why they couldn't give us some brick off the building.

Mrs. Gray mentioned for example when I worked in Newark there were some dormitories that were taken down. There was a staging area that set aside some bricks from the dormitories for people who had stayed there or whatever. The General Contractor set aside a staging area for the bricks on the site and then the city put them somewhere else to see what entity or if someone wanted them. I love the idea of using building materials that are not made any more if they are useful.

Mr. Kopp mentioned that he does have a contractor meeting on November 18, 2022, at 9:00am on site. All the contractors involved will be there. It will be a public meeting and Council will be there. The Historic District Commission members are welcome to attend. If you want to express that concern with them, you could ask, "I just want some bricks". The contractor that we are using is very easy-going, I don't perceive him saying no. Ms. Horsey said wonderful. She asked for clarification when was the meeting. Mr. Kopp replied, Friday, November 18, 2022, at 9:00am.

Mr. Kopp mentioned again, if you have any questions about any of the Code that can sometimes be confusing, please reach out.

Ms. Horsey mentioned she was on the Planning Commission for 12 years and I still didn't get it all.

Annual Meeting of Historic District Commission

Election of Chair and Vice-Chair

Mrs. Melson Williams stated that per your Bylaws, November is the Annual Meeting of the Commission where you elect the positions of Chair and Vice Chair for the next calendar year. I did give you a copy of your Bylaws and I will let you know that the Chair and Vice Chair have not fully served them up to six years that they're eligible for. So, depending on who you see fit to lead you in the next year, you could certainly at this point make nominations and we can move through the election process.

Ms. Mason made the nomination that Ms. Horsey remain Vice Chair and Mr. Czerwinski for Chair for the next calendar year. Mr. Czerwinski seconded the nomination for Ms. Horsey to be Vice Chair and himself Mr. Eric Czerwinski as Chair of the Historic District Commission.

All members present were in favor of the motion to accept Mr. Czerwinski as the Chair and Ms. Horsey as the Vice Chair of the Historic District Commission.

Meeting & Deadline Schedule for 2023

Mrs. Melson-Williams stated that the Meeting and Deadline Schedule for 2023 was included in your meeting packet from the Planning Staff. It holds for calendar year 2023. You will meet on the third Thursday of the month and then we have to count back a certain number of days and establish your deadlines. The deadline has to be at least 30 days prior to your meeting, and we

always make it land on a Friday. We have done those meeting dates and deadline dates for next year and just wanted to present that to you. We will double check that we did all our numbers right before we finalize it, but we do want to at least give you this as a heads-up.

OLD BUSINESS

Certified Local Government (CLG) Program

Mrs. Melson-Williams at the last meeting we noted that there is an opportunity to still make use of the grants. We have not made any additional progress at this point because we have been a little busy with the application that you had today. Hopefully, we will get moving on that and the steps forward with that. That training I will note was somewhat targeted with governments that are part of the Certified Local Government program; so, I think we may see more training opportunities across the board.

Implementation of 2019 Comprehensive Plan

Mrs. Melson-Williams mentioned that we will just continue to keep that on your agenda in case we need to report something to you. There is not anything specific to the Historic District at this point for today.

Ms. Horsey mentioned that this should have been under New Business but let's keep Mr. Joe McDaniel in our thoughts. He was a former member for at least six years. He served as Chair and was very faithful, attending all meetings of the Commission. He is suffering from health conditions. Some of the members were not aware of his health conditions.

Ms. Horsey moved to adjourn the meeting, seconded by Mrs. Mason, and unanimously carried 3-0.

Meeting adjourned at 4:55 PM

Sincerely,

Maretta Savage-Purnell
Secretary

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
JANUARY 19, 2023

The Meeting of the City of Dover Historic District Commission was held on Thursday, January 19, 2023, at 3:30 PM as an In-Person meeting in the City Hall Conference Room (anchor location) and virtually using the videoconferencing system WebEx. With Chairman Czerwinski presiding, the other members present were Mrs. Mason, Mr. Street and Ms. Horsey (virtual). (Note: The fifth Historic District Commission member has not been appointed following the completion of the term of Mr. McDaniel in 2020).

Planning Office Staff members present were Mrs. Melson-Williams, Mrs. Maretta Savage-Purnell, Mr. Julian Swierczek, and Ms. Katherine Oehmke.

Chairman Czerwinski welcomed everyone back from the holiday break.

Mrs. Melson-Williams introduced the new Planner Ms. Katherine Oehmke. She joined our office in early January.

APPROVAL OF AGENDA

Mr. Street moved for approval of the agenda as presented, seconded by Ms. Mason, and the motion was unanimously carried 4-0.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF NOVEMBER 19, 2022

The meeting minutes of November 19, 2022 is still being prepared. The adoption of the minutes will be at the next meeting in February.

COMMUNICATIONS & REPORTS

Summary of Applications for 2021 and 2022

Mrs. Melson-Williams mentioned that included in your packet first is the Summary of Applications for 2021 and 2022. For the last calendar year, we had a total of 7 Applications. A number of them are either underway or are progressing through the process. If you have any questions, I will be happy to talk about those. She noted that one of them that I will note is the Application regarding the property on Loockerman Street which was HI-22-07 that was your item of discussion at your October and November meetings. That property if you have not been by there, you can see looks a little different. They are progressing through the demolition of that building at 235-239 W. Loockerman Street. The building is totally down. They have some survey that needs to be completed of the basement area related to some of the footings that they need to leave in place before they start the process of backfilling the hole. Contractors have been on site, and she believes that the asbestos is cleared off the Site at this point. We are still looking at a couple more weeks here to bring that location to grade and then see the property. Our Code Enforcement Staff has been very involved in that and the Planning Director.

Ms. Mason mentioned that she noticed that there was just a big hole down there and asked if they were just going to fill it up with dirt? Mrs. Melson-Williams replied yes. They will backfill it with dirt; they have to compact it as they go. There will be soil testing for that so it will be brought to grade. There are some minor sidewalk repairs that also have to be made, but the Lot will be graded and seeded for grass. Ms. Mason asked if they were going to build something, and they knew about it then they wouldn't have to fill it all in because it looks solid down there. Mrs. Melson-Williams mentioned that at this point there is no future plan for the property. It with any Demolition, any basement area is backfilled in brought to grade.

Summary of Architectural Review Certifications for 2022

Mrs. Melson-Williams stated that this is the listing of Building Permit activity within the boundary of the Historic District. There has been a total of thirty-nine (39) applications through the end of December. The majority of them were related to building exterior type items, but a lot of those also include items that may not have been visible from the public way. Staff was involved in the sign off of 34 of those and the Historic District Commission was involved with 5 of them. Since our last meeting Permits were issued in December. One of those is the Demolition Permit for that 235-239 West Loockerman Street location.

Department of Planning & Inspections Updates

Historic Preservation Grant Opportunities

Mrs. Melson-Williams mentioned that associated with Preservation Delaware, they have a Delaware Preservation Fund that several times has made available small grants available.

We received notice of that funding opportunity as part of their outreach about that program. Included in your packet is their basic guidelines. Typically grants range from \$2000-\$5000. However, they can consider more. There are some specific eligibility requests that the resource has to meet and the types of proposals that are also accepted. There is much more detailed information there. In the past, they have done at least one round of Grants and may have the opportunity to do more than one round of Grants in the calendar year based on funding. One of the things that is new this year is that they are accepting applications for non-capital projects that would allow for some planning and architectural studies or preparation of National Register nominations as well. That is a change to their program. If you have any knowledge of a project or something that might benefit from seeking this grant funding, certainly pass this information along.

We previously introduced Katherine at the beginning of the meeting; so, now we have full staff in the Planning and Inspections Department as of this moment. That's exciting for us.

HI-23-01 Lands of Shank Shack, LLC Parking Lot Improvements at 34 The Green – Public Hearing and Review for Action on the Architectural Review Certification associated with parking lot reconfiguration and parking improvements at 34 The Green. The property is zoned RGO (General Residence and Office Zone) and is subject to the H (Historic District Overlay Zone). The project is also associated with the future redevelopment of the western portion of the existing parking lot area (now located on adjoining parcel) that will be part of the Kent County Family Courthouse project; the adjoining area was previously part of the subject parcel and is zoned IO (Institutional and Office Zone) and subject to the H (Historic District Zone). The property is located in the southwest corner of The Green and is south of Bank Lane. The owner of record is Shank Shack, LLC. Address: 34 The Green. Tax Parcel: ED-05-077.09-03-35.00-000. The related parcel located on South Governors Avenue owned by the State of Delaware is

Tax Parcel ED-05-077.09-03-36.00-000. Council District 4. *Minor Lot Line Adjustment Plan MI-21-09 is associated with this property.*

Mrs. Melson-Williams gave a summary and presented information on Application HI-23-01. This is an Application for Architectural Review Certification associated with parking lot reconfiguration and parking improvements at 34 The Green.

Mrs. Melson-Williams mentioned that for the record Commission member Ms. Mary Mason will not be eligible to participate with this consideration of this application as she is the adjacent property owner and per your Bylaws that is a conflict of interest. We provided some information about the history of it. Historically, it was the Captain Wild 's House and there's some Sanborn Fire Insurance Map data that we provided. It's within the City 's Historic District and it also is within the boundaries of the National Register of Historic Places in the Dover Green Historic District. They have requested a waiver of the upright curbing; that is something that the Planning Staff has approved. The *Zoning Ordinance* gives us the ability to approve that. The project also has a focus on some tree planting and landscaping as part of the project. Planning Staff has put forward some recommendations regarding the application. We do recommend conditional approval of it. We have a couple of notations of questions that we have on one aspect about the island itself. This project will also have to give through an Administrative Site Plan review with some of our technical agencies as part of the process here.

Representative: Mr. K. James Taylor, Jr. PE; Senior Project Manager at Verdantas, Mr. Bill Lenihan AIA Architect of Tevebaugh Associates.

Mr. Taylor stated that if you guys recall we were here a couple of times at this point with presentations as far back as a year ago. We came forward for the King of Clubs Parking Lot which was just to the north of this one. Today, we are here for the Shank Shack parcel. As Mrs. Melson-Williams mentioned this property was recently subdivided and kind of cut through. To refresh your memory on what took place within Kings of Club Lot. At this point in time, we're looking for approval for a similar layout on the Shank Shack parcel, which is just to the South. You will see the approved plan just above as well as some of the future site amenities that are taking place on the adjacent property. Today, the existing condition is not straight. There are no parking lines there; parking is kind of just on its own. We are looking to create some defined parking spaces as well as some needed parking space. We are adding a row of 10 parking spaces and one ADA van accessible parking space. As mentioned, we are also providing landscaping. We requested a waiver from the upright curbing because there is no curbing there today. That curbing with such a tight Lot would cause issues as well. We do have a full direction or full traffic flow now. Unfortunately, the Lot is not wide enough to be able to provide parking on both sides of the 20-foot drive aisles with the parking. He asked if anyone had any questions or if Mr. Bill Lenihan wanted to add anything.

Mr. Lenihan stated that as mentioned this is part of the larger Family Court Project on the plan here is the full Family Courthouse site with the Courthouse and the Parking Garage. Here are the Shank Shack at 34 The Green property we are discussing. As mentioned, they used to extend all the way up to Governors Avenue. Part of the real estate transaction was to acquire this western

part for the State for this larger project. The State would reconfigure the balance of the parking that was left here. Mr. Taylor and his team balanced the impervious surface that keep it to a minimum to be able to get parking spots on the paved section.

Mrs. Melson-Williams mentioned that she believes Amanda is just listening in; Amanda is with Verdantas.

Chairman Czerwinski asked if anyone had any questions. Does anyone have any questions regarding the mulch?

Mr. Street mentioned that it calls for 3 inches shredded hardwood bark mulch which is kind of a standard spec for a hardwood mulch. He asked if Staff had any concerns.

Chairman Czerwinski mentioned that he was just saying clarifying that the west side island is where they would do the mulching. That would be clear by the Landscape Plan.

Mr. Taylor stated that in this rendering, yes you could be correct. Mulching was not necessarily shown in that western island, but you don't normally have shrubs that are planted without mulch. There are shrubs proposed. You can kind of see them underneath the tree. There are some shrubs proposed in that location and that will be mulched.

Mr. Lenihan stated that lower scale planting is along the new alley here and then along the southern border. It is very tough to see but you can kind of see that there is a little bit of ground right underneath that.

Ms. Horsey stated that she was familiar with the property. The plan does not indicate which two (2) trees are going to be taken down. Are those along the fence line or the property line? Will they be replaced?

Mr. Taylor replied that the trees that are going to be removed is on the parcel between this property and the King of Clubs property. We are trying to preserve those trees as part of the King of Clubs and the more we got into this the closer we got to some of those trees. We are preserving a tree on that side, but there's some other ones that with their root bed and what needs to be constructed to get the parking in there are a couple trees that would be removed on that side.

There are not currently any trees proposed to be removed between this property and the property to the south.

Ms. Horsey mentioned I thought it said on the Application that we are on the south side of the property, that's why I'm asking. You're now saying it's on the King of Clubs side which is the north side. Mr. Taylor replied that's correct. Mrs. Melson-Williams replied that I think there is probably a Landscape Plan for it. Ms. Horsey stated that it doesn't say though. I mean it's pretty much the Landscape Plan showing you the trees that are coming down on it, but this one doesn't. So, that's why I'm asking the question. I see where the new trees are going. Mr. Taylor replied that the Existing Conditions Plan has the trees that are to be removed and that's the second sheet of the plan set. The trees that I'm able to remove are between the King of Clubs and the Shank

Shack parcel. The south is where the new trees are being proposed. Currently, the asphalt does go up a little bit closer and so we are removing asphalt by the property line to the south of us at 36 The Green to provide more landscaping in that location than what's there today.

Chairman Czerwinski asked if there were any further questions.

Chairman Czerwinski opened the public hearing and after seeing no one wishing to speak, closed the public hearing.

Ms. Horsey recommended approval of Application HI-23-01 Architectural Review Certificate for the Parking Lot Improvements project at 34 The Green that is associated with an Administrative Site Plan. The motion was seconded by Mr. Street and unanimously carried 3-0. Ms. Mason abstained due to a conflict of interest.

Update on the Family Court Project

Mr. Lenihan stated that they were starting with the former Box Outlet site as that was needed to get things underway for the swing space for parking. One of the things that's been in the works is a much larger stormwater or sewer work project that the City is working on that goes all the way down to the river. We are working with the City to incorporate a below grade Stormtech water system here in this parking lot that the City will own on the state property. That is going to be sharpened with this parking lot. It's a great time for the State and the City really working together. The chambers stove the storm surge and then slowly release the water out and stop the surcharge from going all the way down to the river. We will improve all the stormwater conditions here at the city section that has been a problem for some time. The project is currently out to bid for all the work on this site. This will probably be due in February and within 2 months we hope to start the physical construction on this part of the project. For the balance of the project, they are still arguing approvals with DNREC, EPA and the City. All is going very well, and we are working on design. We hope to have construction started on this part of the site towards the end of the summer. He mentioned the rendering of the Courthouse and the parking garage from the Governors Avenue and Water Street intersection. He mentioned that it's very exciting to see this getting closer to physically getting started.

Chairman Czerwinski mentioned that it was interesting on the storm drainage in the parking lot. It's interesting we have issues from the old stream that used to go through that area down to the St. Jones that was there during the colonial period. More impervious surface they added over the years and now we're going to be increasing that amount to be much closer to the intersection in order to catch up.

Review of Permits Referred to Commission

Mrs. Melson-Williams we do not have any permits to bring to you today.

OLD BUSINESS

Certified Local Government (CLG) Program

Mrs. Melson-Williams stated that we continue to be a participant in that program. We are still assessing the ability to make use of some of the grant funding that we have. Now that we've got

staff on board, hopefully, we can be making a decision about moving forward with that. Look for more details on that to come.

Implementation of 2019 Comprehensive Plan

Mrs. Melson-Williams mentioned that this is the time of year where folks can make any Comprehensive Plan Amendment requests. We do have a set of them for this year that have started their consideration process. However, they do not impact property in the Historic District.

Discussion of the Loockerman Street Area

Mr. Street asked all the members to seriously consider this as he has been thinking about this for a long time. He mentioned a couple of things that refer to the Historic District as well as the demolition of the building on Loockerman Street. In previous years, there was a discussion of taking Loockerman Street out of the Historic District or a portion (2 blocks). He agrees with it. You can find little pieces and parts of buildings that are historic and that kind of stuff. What we are looking at is that building being torn down and we've got a vacant site across the street kind of catacorner that's been green for a while. I think there was a fire there years ago. It is now the Family Dollar. Looking at the architecture that's there now, it's from the 80's kind of architecture and the highlighting of stuff. He thinks that someone has spent a lot of money to really bring back a lot of those buildings, at least on the ground level or with the first 2 stories back to any kind of historic piece. It's one of those things where I'm like why we keep looking at those two blocks on Loockerman Street. To me there's only pieces of it and of course, I work for an architectural firm and have chatted with one of our architects in Salisbury, Maryland. He asked, so what do you think, and do you think this is reasonable; and the architect from Maryland stated that they did the same thing. They took a piece of one of those old streets in Salisbury and pulled it out because of the same reason. It wasn't anything historic there left, not like The Green or State Street between Loockerman Street and The Green where you know those are great historic buildings and places. It might help Loockerman itself revitalize if it's not so hard to get things done on Loockerman itself. I'm not saying we are really an impediment to that, but it's definitely a case in point when they were trying to redevelop Loockerman Way. He and Chairman mentioned the purchase and presentation of two (2) buildings that were purchased in that area. There was a brief discussion amongst the members. Ms. Mason mentioned that there was nothing great there to look at anymore. Chairman Czerwinski mentioned that a lot of buildings have been lost on the west and east side. The hardware store has disappeared. We had discussions with the city about the responsibility of building owners. It did not have anything to do with architecture.

Ms. Mason mentioned that in the old days you had little cafés and the Bryan's Drugstore was there. It was always who was putting things in there. I don't know about the Island Hot Dogs. It is really a big disappointment. I just don't know what it is, the service is terrible, the hot dogs were cold, they steamed the hot dogs, and I had a cold hot dog. I just want to see business on Loockerman Street. I plan to go back and the next time I will ask them to steam the hotdog a little bit more. They have a great concept there. They also have another place just to buy snacks; not sure how they are going to make any money.

Chairman Czerwinski mentioned an area of Loockerman about doing away with.

Ms. Mason mentioned that she has tried to patronize every store downtown. She said she did ask the owner as we did not want to be critical why did she named the business the Black Swamp? It

was because it's near this place, the Black Swamp. She did not think that the Black Swamp is appealing to a lot of people. It is a beautiful store that is located on the corner under the Bayard Plaza.

Chairman Czerwinski asked Mrs. Melson-Williams what the guidelines would be if they were pulled out of the Historic District. Mrs. Melson-Williams replied that there is an entire process. If you would like to put this on a future meeting for discussion, Planning Staff can advise you as to what that process would be and things that you would need to think about.

Mr. Street mentioned that he thinks that would be great.

Ms. Mason mentioned just give them different guidelines. You don't pull them out but maybe don't make it too complicated. I'm seeing now that we're getting some new business down there. There is another restaurant that's coming to where the old Newsstand used to be, and they are working. There is some activity which is really encouraging.

Mr. Street mentioned as they continue to discuss and conversate about the Downtown that I would be grateful if Staff could give us a briefing on what that would entail. Maybe we can further the discussion on whether it's portioned pieces or whatever, and whether it is beneficial to taking a piece of Loockerman Street out of the Historic District.

Mr. Street moved to adjourn the meeting, seconded by Mrs. Mason, and unanimously carried 4-0.

Meeting adjourned at 4:26 PM

Sincerely,

Maretta Savage-Purnell
Secretary

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-22-01	Referral of Fence Permit #21-1556 at 506 S. State Street	502 -506 S. State Street and 100 W. Water Street	Fence Permit	Permit #21-1556 referred to HDC by City Planner for consultation on Architectural Review Certification; 1/20/2022 HDC recommended approval of ArchRevCert to allow revised height of 6-feet for black metal fence.	Permit Application received 11/18/2021 and Referred to the HDC for consultation. Permit approved for issuance per HDC action of 1/20/2022. Permit issued 1/24/2022. Fence installed.
HI-22-02	Lands of the State of Delaware at S. Governors Avenue and W. Water Street: Rezoning to H	411 S Governors Avenue, 429 S Governors Avenue, 435 S Governors Avenue, 439 S Governors Avenue/117 W Water Street, 441 S Governors Avenue, 447 S Governors Avenue	Rezoning to H (Historic District Zone)	Public Hearing and Review by HDC on 3/24/2022; Recommended Approval of Rezoning	Request to expand boundary of the Historic District as Rezoning Application HI-22-02/Z-22-01. Public Hearing and Review by Planning Commission on 3/21/2022 - Recommendation of Approval; Public Hearing and Review by Historic District Commission on 3/24/2022 - Recommendation of Approval; and scheduled for Public Hearing and Final Action by City Council on 4/11/2022. Rezoning Approved.
HI-22-03	Kent County Family Courthouse & Parking Garage	415 S. Governors Avenue and 445 S. Governors Avenue; East side of S. Governors Avenue between Bank Lane and W. Water St	Site Plan Review for Architectural Certification	Public Hearing and Review for Recommendation on Architectural Review Certification by HDC on 4/11/2022. Recommended approval of ArchRevCert including reduction of rear yard setback.	Site development plan for new Courthouse Building, Parking Garage Structure, and associated Site Improvements. For Review by HDC completed and recommendation forwarded to Planning Commission. Planning Commission granted conditional approval of S-22-06 and ArchRevCert on June 21, 2022. Check Print Review Process working towards Final Plan Approval. Lot Consolidation Plan to create one parcel recorded.

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-22-04	Referral of Permit #22-661 at 527-529 S. State Street	527-529 S. State Street	Permit for Parking Improvements	Permit #22-661 referred to HDC by City Planner for consultation on Architectural Review Certification; HDC recommended ArchRevCert with conditions on screening at 5/19/2022 Meeting	Permit Application received 4/20/2022 and Referred to the HDC for consultation. Project for construction of seven parking spaces on the property. received submission of Revised Plan of parking area for Permit Review. Permit issued 12/27/2022. Project underway.
HI-22-05	Delaware Public Archives: Consultation on Roof Project	121 Martin Luther King Jr. Boulevard North	Architectural Review Certification Consultation	Project referred to HDC by City Planner for consultation on Architectural Review Certification; HDC considered at 5/19/2022 Meeting and made recommendation of roof material options.	Proposed Roof Project Referred to the HDC for consultation. Project design consideration of alternative materials for Roof Replacement Project. Awaiting formal Permit submission.
HI-22-06	Referral of Permit #22-1298 at 43 The Green	43 The Green, John Bell House	Permit for Accessory Structure (Restroom & Storage)	Permit #22-1298 referred to HDC by City Planner for consultation on Architectural Review Certification; at 8/18/2022 HDC recommended approval of ArchRevCert to allow accessory structure construction and reduction of rear setback requirement.	Permit Application received 7/25/2022 and Referred to the HDC for consultation. Project for construction of accessory structure on the property. Permit approved by Planning Office for issuance per HDC action of 8/18/2022. Permit Approved pending issuance.

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-22-07	Referral of Demolition Activities at 235-239 W. Loockerman St	235-239 West Loockerman Street	Update on Dangerous Building Designation and Demolition Activities	Project referred to HDC by City Planner for update on building and proposal for Demolition of Dangerous Building; at 10/10/2022 Meeting HDC considered Determination of Demolition by Neglect and Architectural Review Certification for Demolition	Building declared Dangerous by City Council on 8/15/2022. Following no action by property owner, the City is progressing with Bid Process for Demolition; Bid Opening was 10/26/2022 and award made. HDC determined "Demolition By Neglect" for the Building and pertaining to Architectural Review Certification the HDC's motion requested continued evaluation of the building for the potential of saving it acknowledging potential buyer interest. Determination by City Solicitor that City Council Action governs. Demolition Permit #22-1902 issued 12/5/2022. Demolition complete and lot stabilized with grass planting.

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-23-01	Lands of Shank Shack, LLC: Parking Lot Improvements	34 The Green	Site Plan for Parking Lot Reconfiguration Improvements	Review for Architectural Review Certification of Site Plan; Public Hearing and Review by HDC 1/19/2023. Recommended approval of ArchRevCert for project.	Site Plan granted conditional approval by Historic District Commission. Administrative Site Plan review completed: Final Plan approval issued May 2023. Pending submission of Building Permit to commence construction. Improvements are associated with future Kent County Family Court Project.

Summary of Permit Applications with Architectural Review Certification
2023 - Updated Thru 5-9-2023

Item 4.

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
1/25/2023	22-2005	101 W Loockerman St	Fence Permit	Staff Approval	Installation of gate system (metal) at parking lot entrances.
2/16/2023	23-6	6 S State Street	Window Permit	Staff Approval	Replacement of windows on third floor with double hung 2-over-2 windows. Same size as existing.
2/23/2023	23-91	45 S State Street	Demolition Permit - Interior	Staff Approval. No ArchRevCert required for interior work.	Interior demolition activities related to renovations due to water damage.
3/20/2023	22-1674	108 W Loockerman St, Coney Island Grill	Sign Permit	Staff Approval	Installation of projecting sign for restaurant.
4/21/2023	22-1017	144 S Governors Avenue	Building Permit - Interior Renovations	Staff Approval. No ArchRevCert required for interior work.	Interior renovations for commercial tenant space on first floor and apartment units on second floor. No exterior changes to brick building.
4/12/2023	23-315	225 W Loockerman St	Building Permit - Interior Renovations	Staff Approval. No ArchRevCert required for interior work.	Interior renovations for commercial tenant (retail) on first floor.
4/12/2023	23-316	225 W Loockerman St	Building Permit - Interior Renovations	Staff Approval. No ArchRevCert required for interior work.	Interior renovations for apartment unit on second floor.
4/4/2023	23-354	146 S State Street	Sign Permit	Staff Approval	Installation of projecting sign for office and wall sign placement on porch railing side.
4/4/2023	23-355	144 Kings Hwy SW	Sign Permit	Staff Approval	Installation of projecting sign along porch cornice for restaurant.
4/5/2023	23-364	231 W Loockerman St	Fence Permit	Staff Approval	Installation of two gates in alleyway spaces between buildings.
4/19/2023	23-421	102 S Governors Ave	Administrative Building Permit	Staff Approval	Replacement of sidewalk leading to building.

Summary of Permit Applications with Architectural Review Certification
2023 - Updated Thru 5-9-2023

Item 4.

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
4/17/2023	23-442	31 W Loockerman St	Sign Permit	Staff Approval	Installation of one projecting sign and reface of existing wall (box) sign for new retail tenant.
4/20/2023	23-458	203 S State Street, Delaware State University Foundation	Roof Permit	Staff Approval	Roof replacement with DaVinci shake style composite shingles on multiple roof surfaces.
4/20/2023	23-459	203 S State Street, Delaware State University Foundation	Building Permit - Exterior Renovations	Staff Approval	Reinstallation of shutters on building of panel shutters and louvered shutters with metal hardware.
4/26/2023	23-478	6 Kings Hwy NE	Fence Permit	Staff Approval	installation of black metal fence with gates in the rear.
4/21/2023	23-546	151 Kings Hwy SW	Roof Permit	No Planning Staff Review.	Replacement of flat roof with EDPM roof membrane.



May 16, 2023

Mr. Otis Brooks
Tastee's Chicken & Seafood
147 S. New Street
Dover DE 19904
Via Email: obrooks944@gmail.com

RE: **Referral of Fence Permit #23-781 to Historic District Commission, HI-23-02**
Proposed Fence at 147 S. New Street, Dover DE
Tax Parcel: ED-05-077.09-01-48.00-000

Dear Applicant:

This letter is to inform you that Fence Permit application #23-781 has been referred to the City of Dover Historic District Commission for consultation. Fence Permit #23-781 was filed on May 12, 2023 for a fence project at 147 S. New Street in Dover, Delaware. The Project outlined in the Permit submission involves placement of a six-foot vinyl fence along the south property line spanning from the restaurant building at 147 S. New Street to the building located on 231 W. Loockerman Street. This fence is to replace an existing wood fence that is damaged.

The location of the subject property within the City of Dover's Historic District zone requires the review and issuance of an Architectural Review Certificate (ARC) for construction and demolition activities. Fences are eligible for Staff review of the ARC during the Building Permit application process. Project activities are reviewed for compliance with the *Zoning Ordinance* and the *Design Standards and Guidelines for the City of Dover Historic District Zone* as stated in *Zoning Ordinance*, Article 10 Section 3.25(A).

3.25 Architectural review standards.

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

In reviewing the proposed project for Architectural Review Certification, Staff referenced the Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings of the *Design Standards and Guidelines* which present the *Recommended*, *Not Recommended*, and *Inappropriate* approaches to activities in the Historic District. The *Design Standards and Guidelines* limit the height of fences to four feet and specifies appropriate materials for fencing. This project proposes the placement of a six-foot fence which exceeds the recommended height in the Historic District. Therefore, I am referring the Fence Permit application to the Historic District Commission for consultation. See *Zoning Ordinance*, Article 10 Section 3.22 (A) and (B) listed below.

Section 3.22 Architectural review certification by the city planner.

(A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25

(B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

The City of Dover Historic District Commission will review this Permit at their next meeting scheduled for Thursday, May 18, 2023 at 3:30pm. Options for participating in the Meeting include attending In-Person at the City Hall Conference Room and or attending the Virtual Meeting presentation using WebEx, an audio and video conferencing system. A separate meeting invitation to Join the Meeting virtually will be sent by email to the applicants; where you can click “Join Meeting” to attend that afternoon. This Permit Referral has been assigned Application #HI-23-02. You are encouraged to participate in this meeting to discuss the project. Staff will provide the Historic District Commission with the permit application materials and other background information for their review and action.

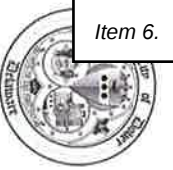
Also attached to this Letter are the *Design Standards and Guidelines for the City of Dover Historic District Zone* pertaining to Fencing (pages 3-26 and 3-27). If you have questions or wish to discuss alternative options, please contact the Planning Office at (302)736-7196.

Sincerely,
Department of Planning and Inspections



Dawn Melson-Williams, AICP
Principal Planner

CC: Tina Bradbury, Downtown Dover Partnership tina@downtowndoverpartnership.com
Fence Permit #23-781
HI-23-01



City of Dover - BUILDING PERMIT APPLICATION

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

Project Address/Tax Parcel Identification Number

1475 New St TEST CHICKEN & SOY SOUL

Applicant's Name

OTIS BROOKS, 1475 New St. Dover 302-526-6401

Owner Name and Address

Phone # ()

E-mail address: obrooks944@gmail.com

Contractor Name and Address

Phone # (302) 241-8697

Qlein Design Fence Dover

E-mail address:

Dover Business License #

BUILDING DETAILS

Proposed Occupancy Restaurant

Type of work: () New () Addition () Demolition

() Renovation - Interior Exterior

() Roof - tear off overlay # of layers

() Alteration () Siding () Solar panels

() Full Building Demolition () Selective Demolition

() Fence - Height 6 ft () Pool () Elevator () Shed

() OTHER vinyl

Number of Stories 1

Description of Work:

Total Height in Feet

Total Land Area to be Disturbed (in SF)

Proposed Occupant Load

Square Footage All Floors

Total Work Area (in SF)

Sprinkler System? Yes of No

Fire Alarm System? Yes of No

looking to remove the current damage wood fence that was left behind after the fire property was remove and replace it with a 6 ft white fence \$11,9050.00
Estimated Value of Construction:

Before You Dig! Call Miss Utility 1-800-282-8555 or other authorized locator.

Attention! Please post your issued permit on site and visible from the street.

* See attached photo of before & after and estimate

Office Use Only

Permit Number 23-781

Roll Plans Fold Plans CD/Email

Date Received 5/12/23

Date Issued

Flood Plain N Taxes N

Public Works N KCD N

Impact Fee Fixtures Sheet N

C/O Required

Review Approvals

() Building Plan Date Initials

() Fire Plan Date Initials

() Zoning / Site Plan Date Initials

Total Fee 33.00

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 OTIS Brooks

Print Name OTIS Brooks

Date 5/12/23

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

Removing wooden fence
w/ new white vinyl

To Be Completed By Planning & Inspections Staff

Building Permit #:

Plumbing Permit #:

C/O Required: Y/N

23-781

Item 6.

WORK SITE LOCATION	Address: 147 S New St Dover
	Parcel ID:

Applicant (Owner or Contractor)	OTIS BROOKS
Contact Person	OTIS BROOKS
Mailing Address	147 S New St, Dover DE
City, State, Zip	DOVER DE 19904
Telephone	302-526-6401
Fax	
E-mail Address	obrooks944@gmail.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 within an existing easement.

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.

OTIS BROOKS
Printed Name of Applicant

[Signature]
Signature of Applicant

4/12/23
Date

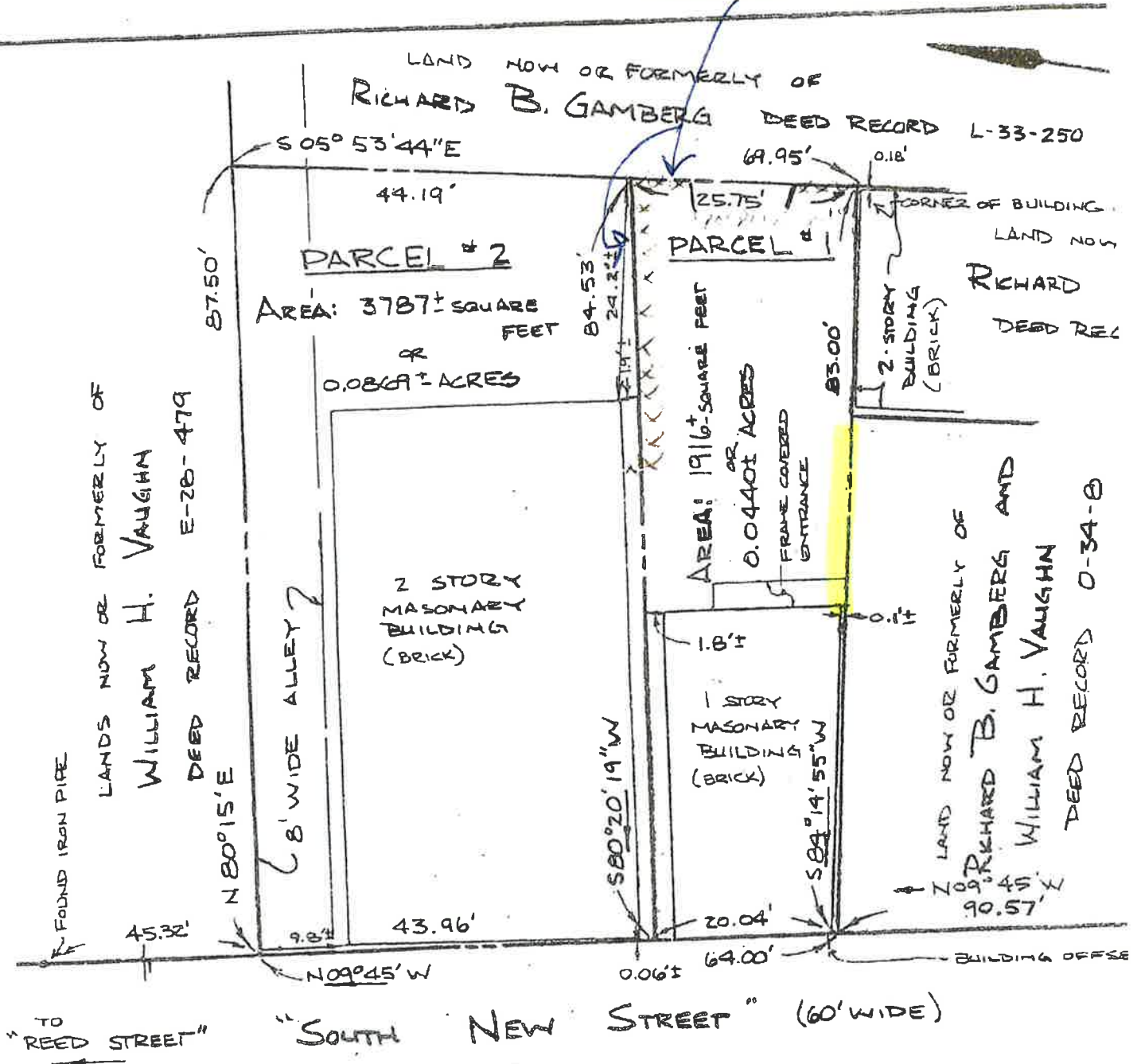
THIS FORM MUST BE COMPLETED AND TURNED IN WITH PLUMBING PERMIT APPLICATION OR BUILDING PERMIT APPLICATION.

49 FT OF 611 HIGH WOODS
(1) 10 FT DRIVE GATE

Item 6.

APPROVED Architectural Review
City of Dover - Dept. of Planning certification
Fence at 147.5' New St
Name John E. Williams
Date June 3, 2021
Permit # 21-539

Fence and Drive Gate

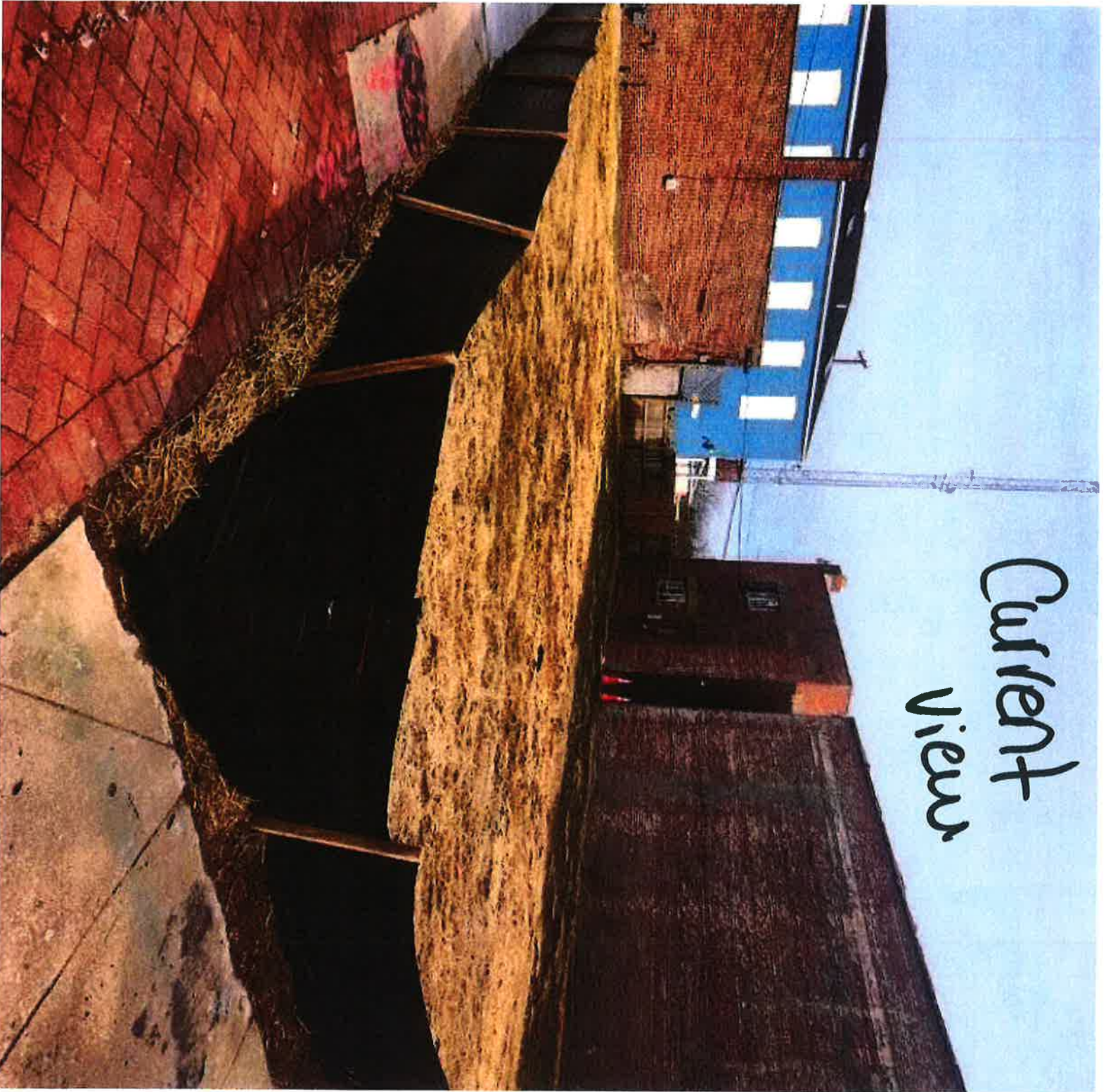


NOTES:

1. SOURCE OF TITLE = DEED RECORD T-29-394, DATED: DECEMBER 31, 1974, TO DELAWARE ELECTRIC SIGNAL COMPANY.
2. PARCEL # 1 TO BE CONVEYED TO: M. DENISE SMITH.
3. PARCEL # 2 TO BE CONVEYED TO: ANTHONY J. ABBATE AND



Current view



Sample look of material

ARCHITECTURAL REVIEW REPORT

Referral by City Planner to Historic District Commission
Meeting of May 18, 2023

Permit: Fence Permit #23-781

Location: 147 S. New Street, Dover
Located on the east side of South New Street to the north of (but not adjacent to) West Loockerman Street

Tax Parcel: ED-05-077.09-01-48.00-000

File Number: HI-23-01

Present Zoning: C-2 (Central Commercial Zone)
H (Historic District Zone)

Referral of Permit:

The following application **Fence Permit #23-781** for 147 S. New Street is referred by the City Planner to the Historic District Commission for consultation regarding the issuance of the Architectural Review Certificate for a Fence project. Applications for certain types of construction activity within the Historic District Zone (H) are reviewed by the City Planner (or Staff as designated) for Architectural Review Certification as part of the Building Permit application review process. Staff is referring the Permit for review under the provisions of *Zoning Ordinance*, Article 10 Section 3.22(A) and (B). See below.

Section 3.22 Architectural review certification by the city planner.

- (A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.
- (B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

Permit Proposal:

Fence Permit #23-781 was filed on May 12, 2023 for a fence project at 147 S. New Street in Dover, Delaware. The Project outlined in the Permit submission involves placement of a six-foot vinyl fence along the south property line spanning from the restaurant building at 147 S. New Street to the building located on 231 W. Loockerman Street. This fence is to replace an existing wood fence that is damaged. The fence segment is not visible due to the demolition of the building on the adjacent property at 235-239 West Loockerman Street.

The project site is located within the local Historic District Zone (H) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections. This building is also located within the boundaries of a National Register Historic District, specifically the Victorian Dover Historic District.

Staff Review of Permit for Architectural Review Certification:

Project activities are reviewed for compliance with the *Zoning Ordinance* and the *Design Standards and Guidelines for the City of Dover Historic District Zone* as stated in *Zoning Ordinance*, Article 10 Section 3.25(A).

3.25 Architectural review standards.

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

The current location of this fence segment is in the “public view”, and it is deemed visible from the public ways of the adjacent streets. Public view is defined in the *Zoning Ordinance* as “that which can be seen readily from a public street, public building or public property, excluding views from alley rights-of-way.”

In reviewing the proposed project for Architectural Review Certification, Staff referenced various sections of Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings of the *Design Standards and Guidelines for the City of Dover Historic District Zone* which presents the Recommended, Not Recommended, and Inappropriate approaches to construction of various elements in the Historic District.

This Request should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines for the City of Dover Historic District Zone*. Specifically, Chapter 3 page 3-26 includes the discussion of fences in the Historic District zone where it states that site fences and walls “should not exceed 4’0” in height and then discusses the Recommended, Not Recommended, and Inappropriate practices associated with fences and walls as related to materials. Chapter 3 presents the information on the appropriate fence materials for use in the Historic District. Wood picket style fences and cast iron (metal) fencing are Recommended.

Staff also looked at the provisions for fences in the *Zoning Ordinance*. The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases fence height to 6.5 feet for side yards, rear yards, and the second front yard on corner lots.

Historic District Commission Action

The Historic District Commission should consider the proposal for the fence project and take action in regard to the Architectural Review Certification for the Fence Permit #23-781. The Historic

District Commission may add conditions for the fence in order to comply with the character of the property within the Historic District.

Staff Findings from Review of Building Permit:

Staff findings and recommendations are summarized as follows for the proposed fence project as presented in Permit #23-781 and accompanying documents.

1. Fence Location: The proposed fence is to be located along a side property line. The fence segment runs from the rear of the restaurant building at 147 S. New Street east until it meets the rear of an adjacent building located on the property at 231 W. Loockerman Street.
2. Fence Visibility: The fence segment is now visible due to the demolition of a building on the adjacent property at 235-239 West Loockerman Street. If the adjacent building was still there, then this fence segment would not be subject to Architectural Review Certification and could be approval for the proposed height and material.
3. Fence Height – 6 ft. along a side property line: The *Design Standards and Guidelines* say that generally the height of a fence should not exceed 4 feet. The proposed 6 feet fence exceeds the recommended height of the *Design Standards and Guidelines*. There is an existing wood fence at this location that appears to be approximately 6 feet in height. The existing fence would be considered legal non-conforming and could be repaired as a wood fence. This height could also be authorized for a replacement fence if found to be compatible.
4. Fence Material: The proposed fence is to be made of white vinyl as a solid panel between posts system. The use of vinyl products is typically not recommended for use in the Historic District; however, there are examples that have been approved for fences with conditions for use of wood products, materials with a wood grained appearance (non-shiny), or other composite materials in a neutral color (tan/clay).

Advisory Comments and Recommendations:

1. The applicant shall be aware that issuance of a Fence Permit is required prior to the commencement of construction. The Fence Permit Application will be subject to the conditions of approval established and may be required to be updated if necessary, to comply with these conditions established through the Architectural Review Certification process.

Attachments:

- Letter of Referral Notice to Applicant dated May 16, 2023
- Building Permit #23-781 Application Form and Permit submission documents
- *Design Standards and Guidelines for the City of Dover Historic District Zone*, Chapter 3, page 3-26.

speculative. As a rule the design of formal gardens should be as simple as possible, concentrating on location and groupings of planting material. In the absence of strong historic evidence, the introduction of paved garden walks, beds raised with retaining walls, and garden structures such as gazebos, pergolas, and arbors are not recommended.

- Continuous foundation planting is inappropriate for all architectural styles in Dover, except those of the Colonial Revival and Bungalow styles.

Preservation Recommendations

- Provide adequate drainage away from structures on the site.
- Do not permit plant material to destroy architectural fabric. Ground cover and vines that have grown on masonry walls may be accelerating the deterioration of the masonry. (See discussion of "espalier" technique, above.)

Fencing and Walls

Generally, site fences and walls in the Dover Historic District zone should not exceed 4'-0" in height. The following design guidelines should be considered in permit applications in which fencing and walls would be affected.

Recommended

- Wood picket fences of a wide range of designs are appropriate in the Dover Historic District zone.

- Cast iron fencing is appropriate for new fences. Existing cast iron fencing should be repaired or replaced in-kind. New cast iron fencing should be of relatively simple design; a typical earlier design was three horizontal bars with intermittent supporting posts and decorative pickets, with ornamentation at corners, gates, and picket tops.
- Wire fencing is inexpensive and easy to install. This fencing material is appropriate for more modest residences. It should be used as a plant support at property borders, and not left unadorned.

Not Recommended

- Chain link fencing is unattractive and suggestive of exclusion and confinement, and is not recommended for use in the Dover Historic District zone. Where it exists, it may be successfully planted out by encouraging vines to trail across and through it. Where a new installation is proposed it should be limited to side and rear yards. At side yards, chain link fence should not be placed forward of the front of the house. At corner properties, chain link fence should not be installed along either street frontage.
- Woven wood fencing and opaque wood fencing and any modern or "fancy" style fence is not recommended.
- Unpainted wood fences, whether made of treated lumber or not, are not recommended.

Inappropriate

- Concrete walls are inappropriate as a fencing material in the Dover Historic District zone and should be prohibited. Existing concrete walls should be stuccoed and painted, while "decorative" masonry screens should be painted black-green.

Paving and Bordering

The paving along or within the perimeter of a property provides the connection between the front door and the street. Providing the "carpet" to the door, it should be as graceful as the rest of the yard.

Recommended

- Brick, gravel, and compressed earth paths are appropriate for domestic walks and garden paths.
- Brick paving should be dry-laid in one of several patterns.



Brick Paving Patterns

- Concrete walks are acceptable in the Dover Historic District zone.
- Glazed brick borders are appropriate for planting bed borders in Victorian style gardens.

Not Recommended

- "Over-paving" to create formal gardens is not recommended in the Dover Historic District zone.
- Using concrete to replace brick, flagstone or other historic paving materials is not recommended.

Inappropriate

- Concrete block, painted rocks, and low wire fencing are inappropriate border materials in the Dover Historic District zone.

Parking Lots

Parking lots are the awkward by-product of a mobile culture. Their incorporation into historic districts is problematic. Parking lots should be screened from the street, their layout should include borders, and islands planted with trees and shrubs to break-up expanses of paved areas. Given any parking lot within the Dover Historic District zone, at least 20% of the area within it should be unpaved and planted.

City of Dover Code of Ordinances
Appendix B: Zoning Ordinance

Article 3 - District Regulations

Section 21. - Historic district (H).

21.1 *Purpose.* The purpose of this historic district regulation is to preserve and enhance that unique character and value of the old portion of Dover as an area of special charm and interest. It is particularly intended that the regulations prevent, in the historic district, any change of conditions that would be deemed to be a disfigurement or degradation of the present unique visual and architectural qualities of the district.

21.2 *[Use and bulk requirements.]* In the historic district, use[s] and bulk shall be governed by those provisions of this ordinance related to the zone designation of each property, except those aspects of building height, bulk and setback that are subject to architectural review as set forth in article 10, section 3 of this ordinance.

21.3 *[Architectural review certificate.]* An architectural review certificate shall be required for the demolition, construction, reconstruction, alteration or restoration of any new or existing structure or where general exterior repairs are made within the historic district, as provided in article 10, section 3 of this ordinance.

21.4 *[Amendments, supplements and repeals.]* The city council shall not take any action to amend, supplement, or repeal the historic district in accordance with article 10, section 5, amendments, without a report by the historic district commission in accordance with article 10, section 3.3, unless the historic district commission fails to render such a report within 75 days after its regularly scheduled meeting following referral by the city council.

21.5 *[Signs.]* Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 3-24-1986; Ord. of 7-26-1993; Ord. of 2-12-2001)

City of Dover Code of Ordinances
Appendix B: Zoning Ordinance

Article 10 – Planning Commission

Section 3. - Historic district commission and architectural review.

3.1 *Historic district commission established.*

3.11 *Creation and purpose.* There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.

3.12 *Appointment.* The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.

3.13 *Term.* The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12.

3.14 *Organization.* The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office.

3.2 *Architectural review certification.*

3.21 *Effect of architectural review certificate.* No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.

3.22 *Architectural review certification by the city planner.*

(A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.

(B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

(C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons for such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.

(D) An applicant may appeal the decision of the city planner to the historic district commission and such appeal shall be considered as an architectural review certification application to the historic district commission and shall meet all of the requirements set forth in subsection 3.23.

3.23 *Architectural review certification by the historic district commission.*

(A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.

(B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

(D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 *Architectural review certification by the planning commission.*

(A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.

(B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.

(C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial

and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 *Architectural review standards.*

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

(B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see Definitions, article 12), interior arrangement, or building features not subject to public view.

3.26 *Procedures for an architectural review by the historic district commission and/or planning commission.*

(A) *Architectural preapplication meeting.* Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this article.

(B) *Application and fee.* The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.

(C) *Public hearing.* Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:

- (1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.
- (2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
- (3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.
- (4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.
- (5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the

project and shall state that a copy of the application and plan is on file with the planning office for public review.

(6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.

(D) *Application information.* The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3.26(A):

(1) All plan elements required in subsection 2.5.

(2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.

(E) *City planner report.* For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(F) *Historic district commission action.* The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.

(G) *Substantial amendments.* Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(H) *Expiration of architectural review certification issued by the historic district commission.*

- (1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.
- (2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.
- (3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:
 - (a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
 - (b) Whether the applicant has made substantial progress toward obtaining final approvals.
 - (c) Whether there have been any significant changes in the surrounding neighborhood.
 - (d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.
- (4) Requests for extensions shall be submitted in writing to the planning office.
- (5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 *Historic district amendments.*

3.31 *Historic district commission review required.* Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section 5, Amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.

3.32 *Review criteria for placing individual structures in a historic district.* The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:

- (A) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;
- (B) Association with an important person or event in national, state, or local history.
- (C) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;

- (D) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;
- (E) The desire of the owner to have the property designated;
- (F) Increased potential of economic or community development.

3.33 *Review criteria for amendments or creation of new historic districts.* The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

- (A) Any criteria listed in subsection 3.32.
- (B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.
- (C) Identifiable by clear and distinctive boundaries.
- (D) Repetition of distinguishing architectural or land use characteristics throughout the area.

3.34 *Public hearing required.* For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:

- (A) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
- (B) The planning office shall notify, by mail, all directly affected property owners and all property owners within 200 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 *Demolition by neglect.*

3.41 *Responsibility of property owners.* Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see Definitions, article 12) by failing to provide ordinary maintenance or repair.

3.42 *Responsibility of the historic district commission.* The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see Definitions, article 12). In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

- (A) Determine and set forth steps required to remedy the situations or defects.
- (B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.
- (C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

3.43 *Responsibility of the city planner.* The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 Buildings and Building Regulations, article XI Dangerous Buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

(Ord. No. 2011-14, 8-8-2011)

Section 4. - Development information requirements.

4.1 In order to more effectively evaluate the probable impact of proposed development and thereby to carry out the purposes of this ordinance when making decisions and recommendations regarding development proposals, the planning commission, historic district commission, or city planner may adopt a standard set of information requirements, which may be updated from time to time as necessary.

4.2 The information requirements shall be administered by the city planner and shall be a part of submission requirements for all applications to the planning commission.

(Ord. No. 2011-14, 8-8-2011)

City of Dover Code of Ordinances
Appendix B: Zoning Ordinance

Excerpt of Definitions associated with Historic District activities.

Article 12 - Definitions

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the following meanings. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "person" includes a corporation, association or partnership, as well as an individual. The word "lot" includes the word "plot." The term "occupied" or "used," as applied to any building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used":

Accessory building: A building or use clearly incidental or subordinate to, and customarily in connection with, the principal building or use on the same lot.

Applicant: A landowner or developer, as hereinafter defined, who has filed application for development, including his heirs, successors and assigns.

Architectural review certificate: A signed and dated document indicating the approval of the City of Dover Planning Commission, or the historic district commission, or city planner upon the authority of the historic district commission, for alteration, construction, relocation, or demolition within the historic district.

Building: Any combination of materials forming a construction. The term "building" is not intended to include underground construction which permits the use of the ground above as if no construction existed. The term "building" shall include the term "structure," as well as the following:

- (a) Signs;
- (b) Fences;
- (c) Walls, except retaining walls projecting above the ground not more than three feet at the higher ground level and not more than 6½ feet at the lower ground level;
- (d) Radio and television antennae, except for such antennae installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building; and
- (e) Porches, carports, bins and other similar structures;
- (f) All areas used for outdoor display and storage of products for sale on the site for more than 14 consecutive days or 21 days in a calendar year. Excluded from this definition are approved motor vehicle, boat and trailer sales establishments; contractors' yards; nurseries and landscaping material sales (where the sale of these materials is the primary use on the lot); wholesale building supply stores and lumber yards; or similar uses.

Demolition by neglect: Improper maintenance or lack of maintenance of a building, structure or object which results in substantial and widespread deterioration of the building, structure or object which threatens the likelihood of preservation and which presents a threat to the public safety, health and welfare of the immediate community.

Historic district: The geographic areas of Dover that have been designated by the City of Dover, and graphically illustrated on the official zone map of the City of Dover, as possessing a significant concentration of properties, buildings, structures or objects associated with and representative of the historical development of Dover and which meet at least one of the following criteria:

- (a) Exemplifies or reflects the broad cultural, political, economic, or social history of Dover, Kent County, the State of Delaware, or the United States of America; or
- (b) Is associated with the lives of persons of historic importance or with events of historic significance to Dover, Kent County, the State of Delaware, or the United States of America; or
- (c) Embodies distinguishing architectural characteristics which are invaluable resources for the study, understanding and appreciation of periods, styles, society, methods of construction, craftsmanship and the use of indigenous materials; or
- (d) Represents the notable work of master builders, designers or architects whose designs, construction and craftsmanship have been recognized as distinctive and whose work has influenced the period of time in which they lived.

Historic district design guidelines and standards: The document adopted by the City of Dover Planning Commission as being the source reference document for construction and maintenance of buildings, structures and additions within the Dover Historic District and which is the guiding document for the historic district commission and city planner in their review of applications for architectural review certification.

National Register of Historic Places: A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The national register program is administered by the state historic preservation office and by the National Park Service under the department of the interior.

Ordinary maintenance and repair: Work performed to prevent deterioration of a building, structure or object, or any part thereof, by restoring the building, structure or object as nearly as practical to its original condition prior to such deterioration or damage by using replacement materials and applications, wherever possible, of the kind used in original construction.

Public view: That which can be seen readily from a public street, public building or public property, excluding views from alley rights-of-way.

Dover Code of Ordinances, Appendix B: Zoning

Article 10 – Planning Commission

Section 5. Amendments.

This article or any part thereof may be amended, supplemented or repealed, from time to time, by the city council on its own motion or upon application, as provided in chapter 3 of title 22, Municipalities of the Delaware Code Annotated (22 Del. C. § 301 et seq.). Every such proposed amendment shall be referred by the city council to the planning commission for a report before the public hearing. The city council shall not take action on any such amendment without a report from the planning commission unless the planning commission fails to render such a report within 75 days after its regularly scheduled meeting following such referral.

5.1 *Types of amendments to the ordinance.* The following are the types of amendments that may be made to the ordinance:

- 5.11 *Zoning text amendments.* Amendments to ordinance text may be made upon initiation of the city planner or under sponsorship of three members of city council.
- 5.12 *Map amendment by application.* A property owner may make application to the city for amendment of the zoning map as it relates to his property. Amendments to the zoning map may also be initiated by sponsorship of three members of city council and shall be considered under the procedures of subsection 5.3 as it relates to applications for map amendments.
- 5.13 *Comprehensive zoning map amendment.* Amendment to the zoning map as a result of a new, revised, or amended comprehensive plan, or other formal plan or study shall be considered as a comprehensive zoning map amendment and shall be initiated by the planning office.

5.2 *Procedure for zoning text amendments in accordance with subsection 5.11.*

- 5.21 *Public hearing and notice.* An amendment to the ordinance text shall be subject to public hearing before the planning commission and city council prior to adoption. Such hearing shall be advertised in a newspaper of general circulation at least 15 days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning text amendment, and specify that documents are available in the planning office for review.
- 5.22 *City planner report.* For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:
 - (A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and
 - (B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.
- 5.23 *Report of the planning commission.* Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:
 - (A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

- (B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.3 *Application procedure for zoning map amendments in accordance with subsection 5.12.*

5.31 *Preapplication meeting.* Prior to the submission of a zoning map amendment application, the applicant or his representative shall meet in person with the city planner or his designee to discuss the rezoning request. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

5.32 *Application.* Application for a zoning map amendment shall be submitted to the city planner, on forms approved by the planning commission, along with a fee as provided for in Appendix F—Fees and Fines, and copies of a site map as described below.

- (A) *Submission requirements accompanying applications for amendments to the zoning map.* The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner. The elements to be included on the site map are listed below:

- (1) Scale and dimensions. The map shall be at least 8.5 by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.
- (2) Legal data.
 - (a) Tax parcel identification number.
 - (b) Name and address of the owner of record.
 - (c) Name and address of the equitable owner, if any.
 - (d) Name and address of the person, firm or organization preparing the map.
 - (e) Date, north point and written and graphic scale.
 - (f) Sufficient description of information to precisely define the boundaries of the property and that portion of the property for which a rezoning is requested; and total acreage for which a rezoning is requested. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest second or closer. The error of closure shall not exceed one in 10,000.
 - (g) The locations, names and existing widths of adjacent street rights-of-way and curblines.
 - (h) Location, width and purpose of all existing and proposed easements, reservations and areas dedicated to public use within or adjoining the property.
 - (i) Existing and proposed zoning.
 - (j) Any existing development on the property, including buildings, fences and landscape screening.
 - (k) Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

- 5.33 *Setting of hearings and referral to planning commission.* For any application to amend the zoning map, city council shall refer the proposed amendment to the planning commission and set dates for the public hearings to be held before the planning commission and city council.
- 5.34 *Advertisement of public hearing.* Following referral of a zoning map amendment application to planning commission by city council, the applicant shall advertise the public hearing as follows:
- (A) The applicant shall notify by mail all property owners within a distance of 200 feet of the extreme limits of the subject property of the public hearing dates, times and locations.
 - (B) The applicant shall advertise the public hearings in a newspaper of general circulation at least fifteen (15) days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.
 - (C) The applicant shall also post a notice outlining the date, time, place, and nature of the hearings in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission and city council.
 - (D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the planning commission meeting date.
- 5.35 *City planner report.* For each application for a zoning map amendment, the city planner shall transmit a report to the planning commission and city council, including comments from other reviewing agencies that evaluate the following factors:
- (A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;
 - (B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and
 - (C) Whether the proposed change is in accordance with the city's current comprehensive plan.
- 5.36 *Report of the planning commission.* Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:
- (A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;
 - (B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and
 - (C) Whether the proposed change is in accordance with the city's current comprehensive plan.
- 5.37 *Amendment of zoning map.* Following action by city council with regards to an application to amend the zoning map, the planning office shall update the zoning map to reflect the action of city council.
- 5.38 *Notice of decision.* The city clerk shall send the applicant a letter notifying the applicant of the city council's action regarding the application for a zoning map amendment.

5.4 *Procedure for comprehensive zoning map amendment in accordance with subsection 5.13.*

- 5.41 *Public hearing and notice.* A comprehensive zoning map amendment shall be subject to public hearing before the planning commission and city council prior to adoption. The planning office shall advertise the public hearings as follows:
- (A) The planning office shall advertise the public hearing in two newspapers of general circulation at least 15 days prior to the planning commission hearing.
 - (B) The planning office shall notify all affected property owners by mail at least 15 days prior to the planning commission hearing, informing them of the proposed zoning map amendment as it relates to their property.
 - (C) Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning map amendment, and specify that documents are available in the planning office for review.
- 5.42 *City planner report.* For any comprehensive zoning map amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that identifies:
- (A) The reasons for the comprehensive zoning map amendment;
 - (B) All properties where a change in zone is proposed; and
 - (C) How the proposed changes to the zoning map support the city's current comprehensive plan.
- 5.43 *Report of the planning commission.* Regarding each application for a comprehensive zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:
- (A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;
 - (B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and
 - (C) Whether the proposed change is in accordance with the city's current comprehensive plan.
- 5.44 *Adoption of comprehensive zoning map amendment.* Upon adoption of the comprehensive zoning map amendment by city council, the zoning of properties shall be as reflected in the adopted map.
- 5.45 *Notice of decision.* The city shall notify all affected property owners in writing with regards to any amendments to the zoning map that affect their properties.
- 5.5 *Amendment protests.* In the case of a protest against any amendment, such amendment shall not become effective, except in accordance with the provisions of section 305 of chapter 3 of title 22, Municipalities, of the Delaware Code Annotated (22 Del. C. § 305).
- 5.6 *Zoning map amendment approvals.* In all cases where the city council shall approve an amendment to the zoning map, the said council shall find that, for reasons fully set forth in the said findings, such amendment is in conformity with the comprehensive plan for the city.
- 5.61 *Reconsideration, one-year limitation.*
- (A) Whenever an amendment has been denied by the city council, such amendment, or one substantially similar, shall not be reconsidered sooner than one year from the date of the prior denial, except as provided in subsection (B) hereof.

- (B) Notwithstanding the provisions of subsection (A) hereof, the planning commission may request the council to reconsider an application within the one-year period from the denial of the same if the land use in the area has changed to such a degree that failure to do so would prevent proper planning and development of the area in question.

5.7 *Closed zones.* Where the city finds that new development in a certain zone would be inconsistent with the purposes of this article, but that elimination of or substantial changes to the zone would create a hardship for many owners of existing buildings and land in that zone, the city may declare the zone closed. The city council shall not accept or approve amendments to the zoning map which would place land in a closed zone. Closed zones include:

- (A) R-7;
- (B) RG-4;
- (C) RG-O, except in the downtown redevelopment target area as described in appendix C of the City of Dover Code of Ordinances.

(Ord. No. 2011-14, 8-8-2011)

Historic Preservation

CITY OF DOVER, DELAWARE
HISTORIC DISTRICT COMMISSION
DEPARTMENT OF PLANNING & INSPECTIONS

TWO TYPES OF DESIGNATION

LOCAL HISTORIC DISTRICT AND NATIONAL REGISTER OF HISTORIC PLACES

There are two type of designation: a historic district established by the local government through ordinances and those individual properties or historic districts listed in the National Register of Historic Places, a federal designation program.

The following are definitions of each type from the City of Dover's *Zoning Ordinance*.

Historic district: The geographic areas of Dover that have been designated by the City of Dover, and graphically illustrated on the official zone map of the City of Dover, as possessing a significant concentration of properties, buildings, structures or objects associated with and representative of the historical development of Dover and which meet at least one of the following criteria:

(a) Exemplifies or reflects the broad cultural, political, economic, or social history of Dover, Kent County, the State of Delaware, or the United States of America; or

(b) Is associated with the lives of persons of historic importance or with events of historic significance to Dover, Kent County, the State of Delaware, or the United States of America; or

(c) Embodies distinguishing architectural characteristics which are invaluable resources for the study, understanding and appreciation of periods, styles, society, methods of construction, craftsmanship and the use of indigenous materials; or

(d) Represents the notable work of master builders, designers or architects whose designs, construction and craftsmanship have been recognized as distinctive and whose work has influenced the period of time in which they lived. *Zoning Ordinance*, Article 12 Definitions

National Register of Historic Places: A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register program is administered by the state historic preservation office and by the National Park Service under the Department of the Interior. *Zoning Ordinance*, Article 12 Definitions

Local Historic District

for Dover covers the corridor along Loockerman Street between the railroad tracks to the St. Jones River on the east and along the State Street corridor from just north of Division Street to South Street. See map for specific boundaries.

Within the City of Dover are three **National Register Historic Districts:** Dover Green Historic District, Victorian Dover Historic District, and part of the Little Creek Hundred Rural Historic District. The City also includes twelve (12) individual properties listed in the National Register.

B A S I C D I F F E R E N C E S

The basic differences in the protection and requirements between a historic district of local designation and National Register listing of a historic property/district:

L O C A L D E S I G N A T I O N A S A H I S T O R I C D I S T R I C T

(As part of a Historic Preservation Ordinance)

- Designates historic properties on the basis of local criteria and local Procedures.
- Often included as part of local zoning and land use regulations.
- Sets boundaries on the distribution pattern of historic properties, and other community considerations.
- Provides recognition of a community's significant properties.
- Coupled with design review process, such as a historic preservation commission or architectural review board, provides protection of character-defining exterior features of a property, but, in many cases, not historic interiors or archaeological sites.
- May qualify a property for a form of financial assistance, such as a local tax incentive for historic preservation, if the local government has passed a tax incentives ordinance.
- Can provide for review of proposed demolitions within the district, and provide delays to allow for preservation alternatives to be considered.
- Can require local commission review and approval for all changes to the exterior appearance of historic properties, and review approval for all construction, such as infill, e.g. adjacent new buildings on a site or on vacant parcels.

BENEFITS OF LOCAL HISTORIC DISTRICTS

- Local districts protect the investment of owners and residents.
- Local districts encourage better design.
- Local districts help the environment.
- Educational benefits
- A local district can result in a positive economic impact from tourism.
- The protection of local historic districts can enhance business recruitment potential.
- Local districts provide social and psychological benefits.

N A T I O N A L R E G I S T E R L I S T I N G

(As an honorary status with some federal financial incentives)

- Designates historic properties based on uniform national criteria and procedures
- Set boundaries for historic district based on the actual distribution pattern of intact historic properties in the area.
- Provides recognition by the federal government that an area has historical or archaeological significance.
- Requires the effects of federally assisted work projects (actions) on historic properties be considered prior to the commencement of work. Makes available federal tax incentives for qualified rehabilitation projects. Requires conformance to the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67)
- Makes a property eligible for certain types of grants (when available). Work projects associated with certain grants require conformance to the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68).

P A R T S O F A P R E S E R V A T I O N O R D I N A N C E

Refer to City of Dover
Code of
Ordinances, Appendix B:
Zoning Ordinance:

Article 3 Section 21
Historic District

Article 10 Section 3
Historic District
Commission and
Architectural
Review

- **Statement of purpose.**
- **Creation of the Historic District Commission**
- **Commission duties and powers**

Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover. *Zoning Ordinance, Article 10 Section 3.11*

- **Outlines designation process for the Historic District**

- **Sets out design criteria to govern design review**

Architectural review standards.

An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation. *Zoning Ordinance, Article 10 Section 3.25(A)*

Historic district design guidelines and standards: The document adopted by the City of Dover Planning Commission as being the source reference document for construction and maintenance of buildings, structures and additions within the Dover Historic District and which is the guiding document for the historic district commission and city planner in their review of applications for architectural review certification. *Zoning Ordinance, Article 12 Definitions*

- **Process of Architectural Review Certification**

Architectural review certificate: A signed and dated document indicating the approval of the City of Dover Planning Commission, or the historic district commission, or city planner upon the authority of the historic district commission, for alteration, construction, relocation, or demolition within the historic district. *Zoning Ordinance, Article 12 Definitions.*

An ***Architectural Review Certificate*** may be issued in one of three ways:

- As part of the Building Permit process following administrative review of project activities by Staff.
- By the Historic District Commission following review of an application submission.
- By the Planning Commission following consideration and recommendations by the Historic District Commission's review of an application submission.

Refer to the following
guidelines:

Secretary of the Interior's
Standards for
Rehabilitation

***Design Standards
and Guidelines for
the City of Dover
Historic District
Zone***

**Architectural
Review Certificate**

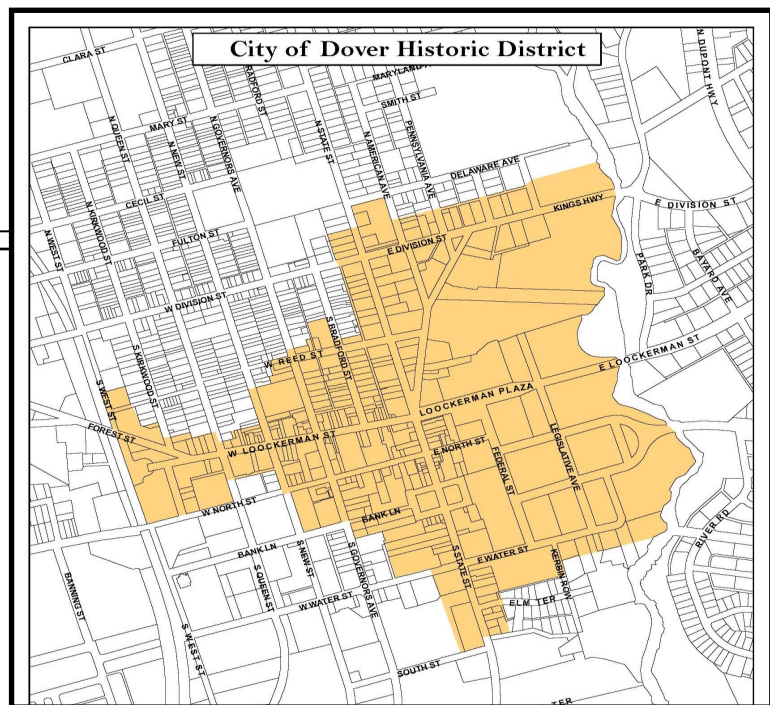
shall be required for the demolition, construction, reconstruction, alteration or restoration of any new or existing structure or where general exterior repairs are made with in the Historic District. It is not required for normal maintenance and repair, interior arrangement, or building features not subject to public view.

The City of Dover was designated a Certified Local Government in 2015.
For Information on Historic Preservation Activities and the City of Dover Historic District Commission, please contact Planning Staff in the Department of Planning & Inspections.

City of Dover, Delaware
Historic District Commission
Department of Planning & Inspections

Department of Planning Inspections
15 Loockerman Plaza
P.O. Box 475
Dover DE 19903

Phone: 302-736-7196 or
302-736-7010
Fax: 302-736-4217
www.cityofdover.com



Associated Topics to Learn More About:

- *Architectural Review Certification process*
- *Tax Credit Program for Historic Properties*

INFORMATION FROM:

- National Park Service website: www.nps.gov/subjects/historicpreservation
- "Design Review in Historic Districts" by Rachel S. Cox, a publication by the National Trust for Historic Preservation
- City of Dover Code of Ordinances, Appendix B: *Zoning Ordinance*
- *Design Standards and Guidelines for the City of Dover Historic District Zone*