



**CITY OF DOVER, DELAWARE
BOARD OF ADJUSTMENT MEETING
Wednesday, November 20, 2024 at 9:00 AM**

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

AGENDA

IN-PERSON & VIRTUAL MEETING

This Board of Adjustment Meeting for November 20, 2024 will be in City Hall, City Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio/video conferencing system as an electronic means of communication. See the participation information below to join by phone or computer.

PUBLIC PARTICIPATION INFORMATION

To Attend City of Dover Board of Adjustment Meeting of November 20, 2024 at 9:00 A.M.

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

Access Code: 253 459 52110

Password for Phones: 36837262

Join Online: <https://bit.ly/BOA11202024>

Webinar Number: 2534 595 2110

Webinar Password: DoverBOA

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

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

WELCOME

Welcome to new Board of Adjustment Member as appointed August 12, 2024 to serve a Three-Year term to expire in July 2027: Ronald L. Coburn Jr.

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Adoption of Meeting Minutes of August 14, 2024

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Board of Adjustment Meeting date is scheduled for December 18, 2024 at 9:00 AM.

Schedule of Deadlines

- [2.](#) 2025 Schedule of Deadlines and Meetings for Board of Adjustment - DRAFT

OLD BUSINESS

NEW BUSINESS

The following Applications were filed for Review and Public Hearing before the Board of Adjustment.

- [3.](#) **Application #V-24-05**

Property at 1151 N. DuPont Highway. A Request has been made for a Variance from the requirements of Zoning Ordinance, Article 5 §4.7 associated with signage for a new restaurant building with drive-through and site improvements. The Variance Request seeks to increase the number of permitted wall signs from two (2) wall signs to five (5) wall signs. The property is zoned C-4 (Highway Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 3 – Excellent Recharge Area). The owner of record is Tung Ching Lin. Property Address: 1151 N. DuPont Highway, Dover DE. The Tax Parcel ID is ED-05-057.00-01-30.01-000.

- [4.](#) **Application #V-24-06**

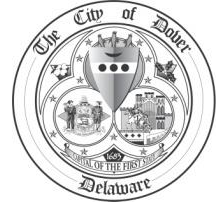
Property at 207 N. West Street. A Request has been made for Variances from the requirements of *Zoning Ordinance*, Article 4 §4.2 as associated with a proposal to subdivide the existing 12,168 SF parcel located at the northeast corner of N. West Street and Cecil Street into four (4) townhouse lots (Cecil Street Townhomes). Variance Request 1 seeks a reduction of the minimum lot depth to 84.5 feet from 100 feet. Variance Request 2 seeks to allow a minimum lot area of 2,366 SF reduced from the required minimum lot area of 3,000 SF for two (2) of the townhouse lots. The property is zoned RG-1 (General Residence Zone). The owner of record is 4BL, LLC. Property Address: 207 N. West Street, Dover DE. The Tax Parcel ID is ED-05-076.08-02-01.00-000.

ADJOURN

Posted Agenda: November 13, 2024

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

2025 City of Dover, Delaware BOARD OF ADJUSTMENT



Here is the Schedule of the Application Deadlines and Board of Adjustment Meeting dates for the year **2025**. The submittal procedures for the Board of Adjustment are outlined in *Zoning Ordinance*, Article 9, Section 3. Prior to an Application submission, a Pre-Application Meeting with Planning Staff is required. The Board of Adjustment Meetings are typically scheduled for 9:00AM start time.

<u>MONTH</u>	<u>DEADLINE DATE</u>	<u>MEETING DATE</u>
JANUARY	12/13/2024	01/15/2025
FEBRUARY	01/17/2025	02/19/2025
MARCH	02/14/2025	03/19/2025
APRIL	03/14/2025	04/16/2025
MAY	04/11/2025	05/21/2025
JUNE	05/16/2025	06/18/2025
JULY	06/13/2025	07/16/2025
AUGUST	07/18/2025	08/20/2025
SEPTEMBER	08/15/2025	09/17/2025
OCTOBER	09/12/2025	10/15/2025
NOVEMBER	10/17/2025	11/19/2025
DECEMBER	11/14/2025	12/17/2025
JANUARY	12/12/2025	01/21/2026

For Information Contact:

City of Dover
Department of Planning & Inspections
City Hall at 15 Loockerman Plaza, P.O. Box 475 Dover, DE 19903
(302) 736-7196 Planning Office Phone
(302) 736-4217 Fax
www.cityofdover.com Email: compplan@dover.de.us



City of Dover
Board of Adjustment
November 20, 2024

V-24-05

Title: Property at 1151 N. DuPont Highway - Application for a Variance: Signage

Location: East side of Route 13/North DuPont Highway and north of the intersection with College Road and north of the entrance drive to Bally's/ Dover Motor Speedway

Address: 1151 N. DuPont Highway, Dover, DE

Owner: Tung Ching Lin

Tax Parcel: ED-05-057.00-01-30.01-000

Application Date: October 17, 2024

Present Zoning: C-4 (Highway Commercial Zone)
SWPOZ (Source Water Protection Overlay Zone: Tier 3 – Excellent Recharge Area)

Present Use: Restaurant Building (vacant to be demolished)

Proposed Use: New Restaurant Building with drive-through

Reviewed By: Dawn Melson-Williams, AICP, Principal Planner

Variance Type: Area Variance

Variances Requested: Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7 associated with signage for a new restaurant building with drive-through and site improvements. The Variance Request seeks to increase the number of permitted wall signs from two (2) wall signs to five (5) wall signs.

Project Description

The property at 1151 N. DuPont Highway is located on the east side of North DuPont Highway north of the intersection with College Road. It is the second property (building) passed the signalized intersection on North DuPont Highway with the entrance drive leading to Bally's Hotel & Casino and the Dover Motor Speedway. The property currently includes a vacant fast-food restaurant building with a drive-through surrounded by a circulation drive and parking

areas. Access to the property is via a shared right-in/right-out entrance with the adjoining property to the north (Grotto's). On the eastern portion of the property there is a circulation drive that travels south to link to Bally's entrance drive. The property is proposed for redevelopment with a new restaurant with a drive-through; it is currently in review as an Administrative Site Plan (S-24-18). For this Application V-24-05, a Site Map sheet shows the project site with the restaurant building location and the placement of the wall signs under consideration (See Exhibit E).

The Applicant has requested a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7 associated with signage for a new restaurant building with drive-through and site improvements. The Variance Request seeks to increase the number of permitted wall signs from two (2) wall signs to five (5) wall signs. (V-24-05)

Previous Application V-24-04

The Applicant previously requested a Variance from the requirements of *Zoning Ordinance*, Article 4 §4.15 related to future construction of the new restaurant building with drive-through and site improvements; the Board of Adjustment considered Application V-24-02 on August 14, 2024 and granted its approval of a variance pertaining to the building setback. The Variance granted approval of a reduction of the side yard setback of 15 feet to 8.5 feet to accommodate the drive-through canopy. The new restaurant building with drive through, a proposed Raising Cane's, is subject to a separate Site Development Plan review process as Administrative Site Plan S-24-18.

Property and Adjacent Properties: Zoning and Land Use

The 1.13 acre (49,149 SF) +/- property is zoned C-4 (Highway Commercial Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 3 – Excellent Recharge Area). The two adjoining parcels also fronting are zoned C-4 (Highway Commercial and include a restaurant (Grotto's) and a multi-tenant building with retail stores and a restaurant. To the east are the properties of Bally's Hotel and Casino and the Dover Motor Speedway which are zoned RC (Recreational and Commercial Zone). To the west, across DuPont Highway is the main campus of Delaware State University that is zoned IO (Institutional and Office Zone). A majority of the surrounding area is also subject to the SWPOZ (Source Water Protection Overlay Zone). The subject property and the nearby properties have frontage on North DuPont Highway (US Route 13) which is considered as an urban principal arterial.

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

Code Citations

C-4 (Highway Commercial Zone)

The subject project area is zoned C-4 (Highway Commercial Zone). *Zoning Ordinance*, Article 3 Section 16 lists the permitted uses, conditional uses, and other provisions of the C-4 zone. For the proposed redevelopment of the property for a new restaurant building with drive-through, the use as a restaurant with drive-through would require Site Development Plan approval. See the following excerpt of the permitted uses in the C-4 zone.

Article 3 Section 16

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Restaurants.
- (d) Personal service establishments.
- (e) Service establishments.
- (f) Hotels and motels.
- (g) Places of public assembly.
- (h) Bus terminal.
- (i) Wholesale, storage, warehousing, and distribution establishments.
- (j) Indoor or outdoor recreation and amusement establishments.
- (k) Hospitals and medical centers.
- (l) Drive-throughs.

In the C-4 zone, the set of bulk standards for development is outlined in *Zoning Ordinance*, Article 4 Section 4.15 including setbacks, parking, height, FAR (Floor area ratio), lot coverage, etc. These regulations define the buildable area and the placement of the building.

SWPOZ (Source Water Protection Overlay Zone: Tier 3 – Excellent Recharge Area)

The purpose of the Source Water Protection Overlay Zone (*Zoning Ordinance*, Article 3 §29) is to provide a safe drinking water supply and to ensure that groundwater is adequately protected and maintained. This site is subject to the Tier 3: Excellent Recharge Area. The *Zoning Ordinance*, Article 3 Section 29 lists a series of uses are prohibited throughout the SWPOZ, including in the excellent recharge area. The restaurant with drive-through use that this project proposes is not a prohibited use. SWPOZ: Tier 3 Lands are additionally subject to specific rules regarding impervious coverage if the redevelopment is subject to Planning Commission review. The maximum coverage within Tier 3 Lands is typically 30% or 60% if infiltration is used in the development's stormwater management with accommodations for redevelopment activities.

Sign Regulations

The *Zoning Ordinance*, Article 5 Section 4 – Supplementary sign regulations outlines the provision for the placement of signs. See the purpose statement in the code excerpt below.

Article 5 Section 4

4.1 *Purpose statement.* The purpose of this section is to create a legal framework for a comprehensive and balanced system of signs and other street graphics to facilitate an easy and pleasant communication between people and their environment. The ordinance from which this section is derived is enacted to avoid the visual clutter that is potentially harmful to vehicular and pedestrian safety, property values, business environment and opportunities, and community appearance. With these purposes in mind, it is the intent of this section to authorize the use of signs which are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of individual activities and the community as a whole, and legible in the circumstances in which they are seen, understanding that it is important for the economic vitality of the community as well as individual businesses and institutions that they are clearly identified and their services are understood by the traveling public.

The section further outlines the design requirements for different types of signs. Under consideration in this Application is a variance request for the number of wall signs. See the code excerpt on the design requirements for wall signs.

Article 5 Section 4.4 *Design requirements.*

C. *Wall sign placement.*

1. When wall signs are planned, such signs shall be designed as an integral component of the building facade architectural composition.
2. Wall signs shall be limited in area and number in accordance with the provisions of subsection 4.7—Permitted signs, of this section.
3. Wall signs shall be situated so as not to cover or overlap decorative architectural elements such as cornices, belt courses, and window and doorframe moldings.
4. In cases where only one wall sign is permitted because the lot has one frontage, the business may choose to locate the sign on any exterior wall of the building to afford the best possible visibility for the traveling public.
5. In cases where more than one wall sign is permitted, the city planner or their authorized designee may allow the business to locate the additional wall sign on a different exterior wall of the building to afford the best possible visibility for the traveling public.

The *Zoning Ordinance*, Article 5 §4.7 is a table of permitted signs (Sign Table) for properties based on the specific use, road type, and sign type. This property is a non-residential use in nonresidential district and it has frontage on an urban principal arterial See code excerpt below; the wall sign requirement is highlighted (the subject of this variance request).

Article 5 Section 4.7 *Permitted signs.* Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses and road classification.

Use		Road Type	Permitted Signs						
Specific			Sign Type	Number Permitted	Max. Size	Max. Height	Percentage of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Nonresidential Uses in Nonresidential Districts	Nonresidential Uses	Urban Principal Arterial	Wall	2/frontage	No max	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
			Pylon OR *	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
			Pylon*	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet

*Denotes that an additional wall sign may be permitted/added in lieu of a freestanding pylon sign.

Additionally, the following definitions are part of sign regulations of the *Zoning Ordinance*:

Frontage: For the purposes of this section, the term "frontage" refers to a parcel's property line along a right-of-way, be it public or private, excluding alleys and service drives that are abutting residential properties. The parcel must be directly adjacent to the right-of-way for it to be considered to have frontage.

Sign: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Urban principal arterial: US Route 13, Bay Road, and Court Street between 13 and Bay Road are considered to be urban principal arterials under the provisions of this ordinance. Delaware State Route 1 is not considered to be a road that will provide frontage for any parcel.

Wall area: For purposes of calculating wall area, the calculations shall include the height of the wall from ground level to the roofline (mansard roofs also count as wall area), multiplied by the width of the wall (including all architectural features).

Wall sign: Any sign, other than a projecting sign, which is attached to or painted on any wall of any building and projects from the plane of the wall less than 18 inches. A sign attached to the lower slope or face of a mansard roof, canopy, or awning shall be considered a wall sign for purposes of this ordinance. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building. Canopy, marquee, and awning signs are all types of wall signs. (See figure 5-8).

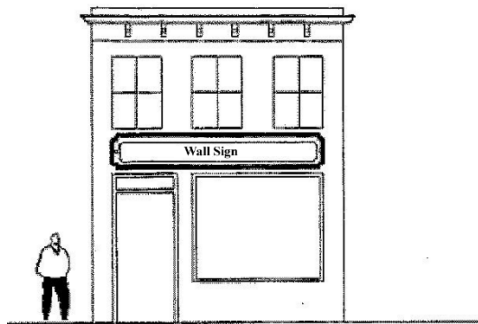


Figure 5-8: Wall Sign

Applicant's Proposed Project and Variances Requested

The Applicant has submitted a Site Map Plan Sheet (Exhibit E). This plan/drawing depicts the proposed new restaurant building and the location of the five Wall Signs identified as A1, A2, A3, A4, and D. Exhibit F are the Cut Sheets depicted the format and sizes of the wall signs. The restaurant building project proposes other signage including refacing the pylon sign, signage internal to the site for the drive-through menu boards, open sign, window signs, etc. The Applicant has requested a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7 associated with the wall signage for a new restaurant building with drive-through and site

improvements. The Variance Request seeks to increase the number of permitted wall signs from two (2) wall signs to five (5) wall signs. One wall sign is proposed on each of the building's elevations and with an additional wall sign on the south elevation near the drive-through pick-up window.

Exceptional Practical Difficulties Tests

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

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

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

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

Review of Application

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

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

Applicant Response: Parcel is zoned C-4, Highway Commercial, which permits the proposed use, a Restaurant and Drive Through as a by right use.

Staff Response:

The subject property is zoned C-4 (Highway Commercial Zone). The C-4 zoning district is a commercial zoning district that allows for a variety of retail stores, restaurants, offices, and service establishments among other uses. The proposed use as a restaurant and drive-through are permitted uses. The C-4 zone has bulk standards related to setbacks for placement of buildings on a parcel. The property is also subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 3 – Excellent Recharge Area) which has provisions related to prohibition of certain uses and limitations on impervious surface coverage to protect water resources. Sign regulations are not related to the zoning district but instead based on use, road classification, and frontage.

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

Applicant Response: There is currently a Grotto's Restaurant to the west and a Chipotle and Vitamin Shoppe to the east of the site. Located to the rear is the Dover Downs Casino and along our frontage is Rt. 13 (DuPont Hwy), a commercial highway which runs through Dover. In addition, the site currently contains a former Boston Market restaurant which is now closed and vacant as a result of the Company's bankruptcy.

Staff Response:

The subject property at 1151 N. DuPont Highway current includes a vacant restaurant building which is proposed for redevelopment with construction of a new restaurant building with drive-through. It is located along a major commercial corridor (DuPont Highway), a road type of urban principal arterial in the sign regulations. The adjoining parcels include a restaurant (Grotto's) and a multi-tenant building with retail stores and a restaurant. To the east are the properties of Bally's Hotel and Casino and the Dover Motor Speedway. To the west, across DuPont Highway, is the main campus of Delaware State University.

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

Applicant Response: The property is located along Rt. 13, a busy commercial highway, with other similar uses adjoining it and located in the vicinity. The request to add three additional walls signs on the proposed building on this side will not negatively impact the adjoining properties which are also commercial uses.

Staff Response:

Planning Staff notes that the variance is to add additional wall signs to the new building walls thus the signs will be attached to the building itself. This request does not increase the number of freestanding signs for the restaurant; it would be eligible to have one freestanding sign (a pylon) which is similar to its neighbors. With the increase from two (2) to five (5) wall signs, this assists the potential customer in identifying the restaurant's location and entry doors as the site would have parking on two sides of the building. The wall signs would be viewable from different approaches to the building to clearly identify its use as a restaurant, but at no location would you be able to view all five signs at once. This property has a shared entrance from North DuPont with another restaurant use. It also has a second approach via a circulation drive along its eastern property line. These wall signs would help guide the customer to the parking areas and drive-through lanes for this restaurant rather than parking on neighboring properties. Therefore, the requested Variance should not impact the use of neighboring lands.

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

Applicant Response: The proposed restaurant and drive through are an entirely new type of fast food restaurant for the Dover market. As such signage is extremely important for advertising the use to those who are not familiar with the Raising Cane's brand. Signage is also particularly important along a commercial highway serving a number of other retail and restaurant uses with limited time to "catch one's eye" as they drive along the highway. In addition, the site served as a Boston Market restaurant for a number of years, so it is imperative to get the word out that the prior use is no longer at this location and has been replaced with a new use.

Staff Response:

The existing format of the property's circulation drive areas and location of the existing entrance (from DuPont Highway and to Bally's Entrance drive) affects the proposed site design layout of building and parking locations. The resulting building placement will create a building with no true rear elevation. The north and east elevations of the building face key parking areas from which building access is gained. The west elevation is the front façade that faces the public street corridor of North DuPont Highway, but it does not include the typical front entry point due to the positioning of the building to gain longer dual-lane drive-through lanes on this property. Four of the wall signs are similar in style and look to present the restaurant name to customers approaching the property/building. The fifth wall sign is to be placed on the wall along the drive-through lane at a height more visible to the drive-through customer in their vehicle and is formatted more like a painted mural (but must be considered a sign by definition). The covered drive-through lanes at the point of ordering and food pick-up are commonplace with fast-food restaurants with such operations. Multiple signs are needed to guide the potential customer (pedestrian or by vehicle) to the correct location. The Planning Staff finds that an exceptional practical difficulty may be determined to be present.

Variance Recommendations

Staff recommends approval of the Variance to allow up to five (5) wall signs for this restaurant with drive-through. Planning Staff finds that the Applicant has strived to demonstrate an exceptional practical difficulty; they would incur by not having this Variance granted.

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

- The *Zoning Ordinance* permits the development of restaurants and drive-throughs in the C-4 zoning district; however, signage is based on uses, road type, and sign type.
- The *Zoning Ordinance* establishes in the sign regulations other design requirements for the placement of wall signs and sizing parameters, i.e. limiting wall sign in size to 15% of the total wall area (height x width of wall). The business can choose which exterior wall to place a sign for its best visibility.
- The increase in the number of wall signs will serve to identify the restaurant location along the road corridor and the location of key entry points into the building.
- For this redevelopment project of a new building and site improvements, a Site Development Plan application will be required subject to the provisions of the *Zoning Ordinance*. In addition to Building Permits for the restaurant's construction, a separate Sign Permit is required.

Advisory Comments to the Applicant

- If granted, the variance becomes null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.
- If the requested variance is granted, the Applicant must still obtain the appropriate Site Development Plan and construction activity Permits approvals for construction of a Building on the property. An Administrative Site Plan is currently under review for this project.
- The placement of signs at the property and building is subject to the provisions of the *Zoning Ordinance*, Article 5 §4. A Sign Permit application is required to be submitted for review. It is noted that there are certain types of signage that do not require a Sign Permit for their placement. Continue consultation with the Planning Office to classify all signage proposed for the project.
- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application Form	1
B	Zoning Map Exhibit (Staff)	1
C	Planning & Inspections View Map – Aerial Map Exhibit (Staff)	1
D	Applicant's Written Responses: Narrative	1
E	Site Map: Wall Signs Sheet (Dated 6/04/2024) showing locations of Wall Signs A1, A2, A3, A4, and D	1
F1	Cut Sheets for W5-8ft (Sign A) and PMRL (0915)	2
F2	Painted City Art Mural (Sign D) dated 6/04/2024	



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

Item 3.

____ Area Variance
 ____ Use Variance
 ____ Appeal
 ____ Pre-App Date

Board of Adjustment Application

Application Information

Property Address: 1151 N. Dupont Highway, Dover, DE

Tax Parcel Number: 2 05 05700.01 3001 000

Owner Name: Tung Ching Lin

Property Zoning: C-4 Highway Commercial

Variance (s) Requested: Variance from the provisions of Section 4.7 of the Dover Code to permit five (5) wall signs

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

Area Variance

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

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

Signature

I Tung Ching Lin do affirm that I am the property owner on which the variance is sought and that all the information provided in this application is accurate to the best of my knowledge and belief.

PDA for Tung Ching Lin Owner 10/17/24
 Signature Title Date

Area Variance:

1. The nature of the zone in which the property lies; Parcel is zoned C-4, Highway Commercial, which permits the proposed use, a Restaurant with Drive Through as a by right use.
2. The character of the immediate vicinity and the contained uses therein; There is currently a Grotto's Restaurant to the west and a Chipotle and Vitamin Shoppe to the east of the site. Located to the rear is the Dover Downs Casino. The parcel sits on Rt. 13 (DuPont Hwy), a commercial highway which runs through Dover. In addition, the site currently contains a former Boston Market restaurant which is now closed and vacant as a result of the Company's bankruptcy.
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; The property is located along Rt. 13, a busy commercial highway, with other similar uses adjoining it and located in the vicinity. The request to add three additional walls signs on the proposed building on this site will not negatively impact the adjoining properties which are also commercial uses.
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance. The proposed restaurant and drive through are an entirely new type of fast food restaurant for the Dover market. As such, signage is extremely important for advertising the use to those who are not familiar with the Raising Cane's brand. Signage is also particularly important along a commercial highway serving a number of other retail and restaurant uses with limited time to "catch one's eye" as they drive along the highway. In addition, the site served as a Boston Market restaurant for a number of years, so it is imperative to get the word out that the prior use is no longer at this location and has been replaced with a new use.

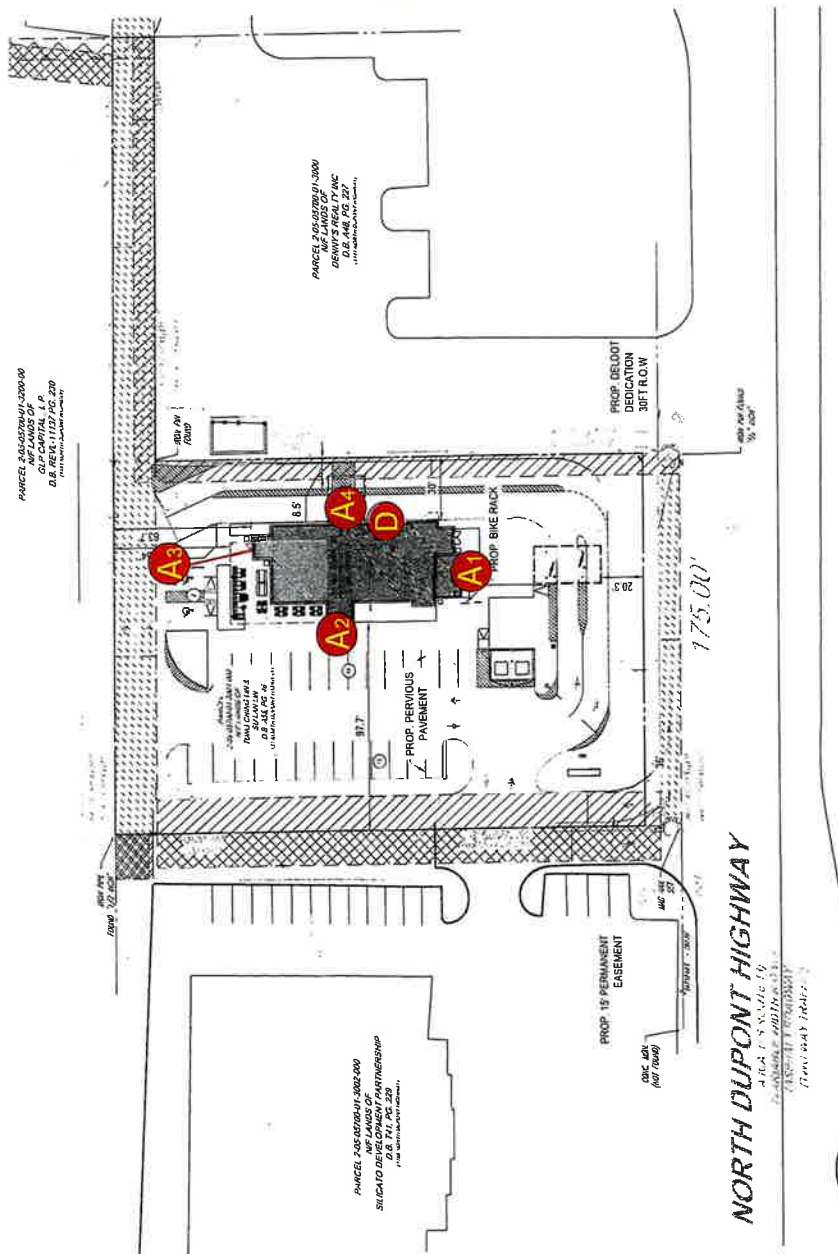
SITEMAP: WALL SIGNS

Qty Description

A1- A4 4 Wall Signs

D 1 Painted Mural/ Wall Sign

Variances required to allow 5 wall signs in excess of 2 permitted wall signs.



Location: Dover, DE

Date: 06/04/2024

Site ID: RC1780

AGI PM: Scott Rogers



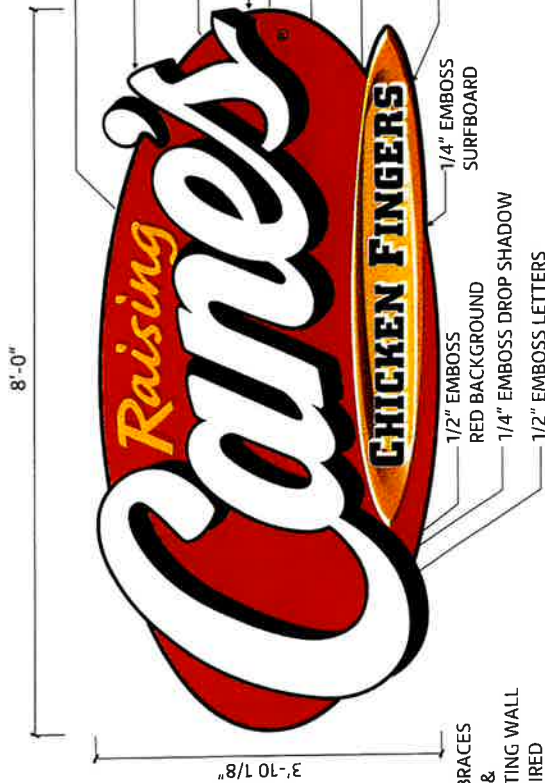
Item 3.

CUTSHEET
WS-8FT

COPY & DROP SHADOW ARE AS
FOLLOWS: 'RAISING' IS FIRST SURFACE
APPLIED TRANSLUCENT VINYL 3M
#3630-015 'YELLOW', DROP SHADOW
IS FIRST SURFACE APPLIED TRANSLUCENT
VINYL 3M #3630-53 'CARDINAL RED'

BORDER IS PAINTED 'BLACK'
BACKGROUND IS SURFACE APPLIED
TRANSLUCENT VINYL 3M #3630-73 'RED'
.150" THERMO FORMED CLEAR
POLYCARBONATE FACE
REGISTER MARK IS PAINTED 'BLACK'
DOUBLE EMBOSSED LETTERS ARE
PAINTED SECOND SURFACE 'WHITE'
EMBOSSED AROUND LETTERS IS
PAINTED SECOND SURFACE 'BLACK'

EMBOSSED SURFBOARD IS AS FOLLOWS:
-SIDES ARE PAINTED TO MATCH
PANTONE #109C 'YELLOW'
-GRAPHICS ARE SECOND SURFACE
APPLIED DIGITAL PRINT



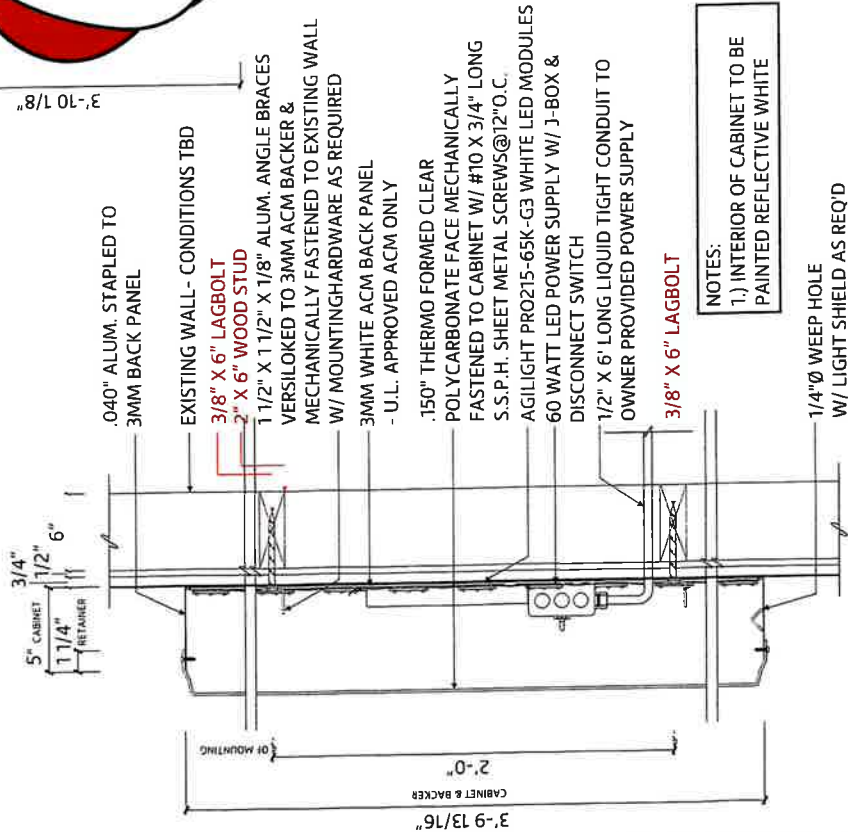
FRONT ELEVATION

24.14
Sign Area

COLOR CHART	
	3M #3630-15 'YELLOW'
	3M #3630-73 'RED'
	3M #3630-53 'CARDINAL RED'

ELECTRICAL DATA	
VOL TAGE	120
AMPERAGE	1.8

NOTES:
1.) INTERIOR OF CABINET TO BE
PAINTED REFLECTIVE WHITE



SECTION



Location: Dover, DE
Date: 06/04/2024
Site ID: RC1180
AGI PM: Scott Rogers



CUTSHEET
 PMRL (0915)
 PAINTED CITY ART MURAL

15'-6"



9'-0"

139.50
 Square Footage

FOR ARTIST RENDERING USE ONLY
 MURAL PROVIDED BY OTHER VENDOR

PAGE 10

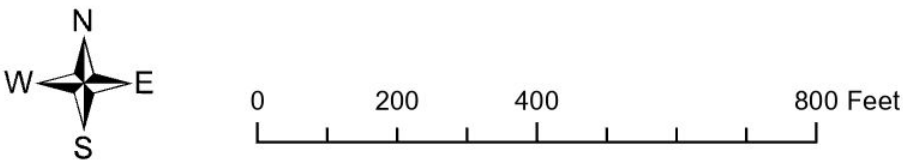


Item 3.

	Location: Dover, DE Site ID: RC1180	Date: 06/04/2024 AGI PM: Scott Rogers
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Title: Property at 1151 N DuPont Hwy - Application for Variances
Addresses: 1151 N DuPont Hwy
Parcel ID: ED05-057.00-01-30.01-000
Zoning: C-4 (Highway Commercial Zone)
SWPOZ (Source Water Protection Overlay Zone: Tier 3 - Excellent Recharge Area Zone)
Owner: Tung Ching Lin
Date: 11/12/2024



Legend



Subject Property



Dover Boundary



2022 Building Footprints



Zoning



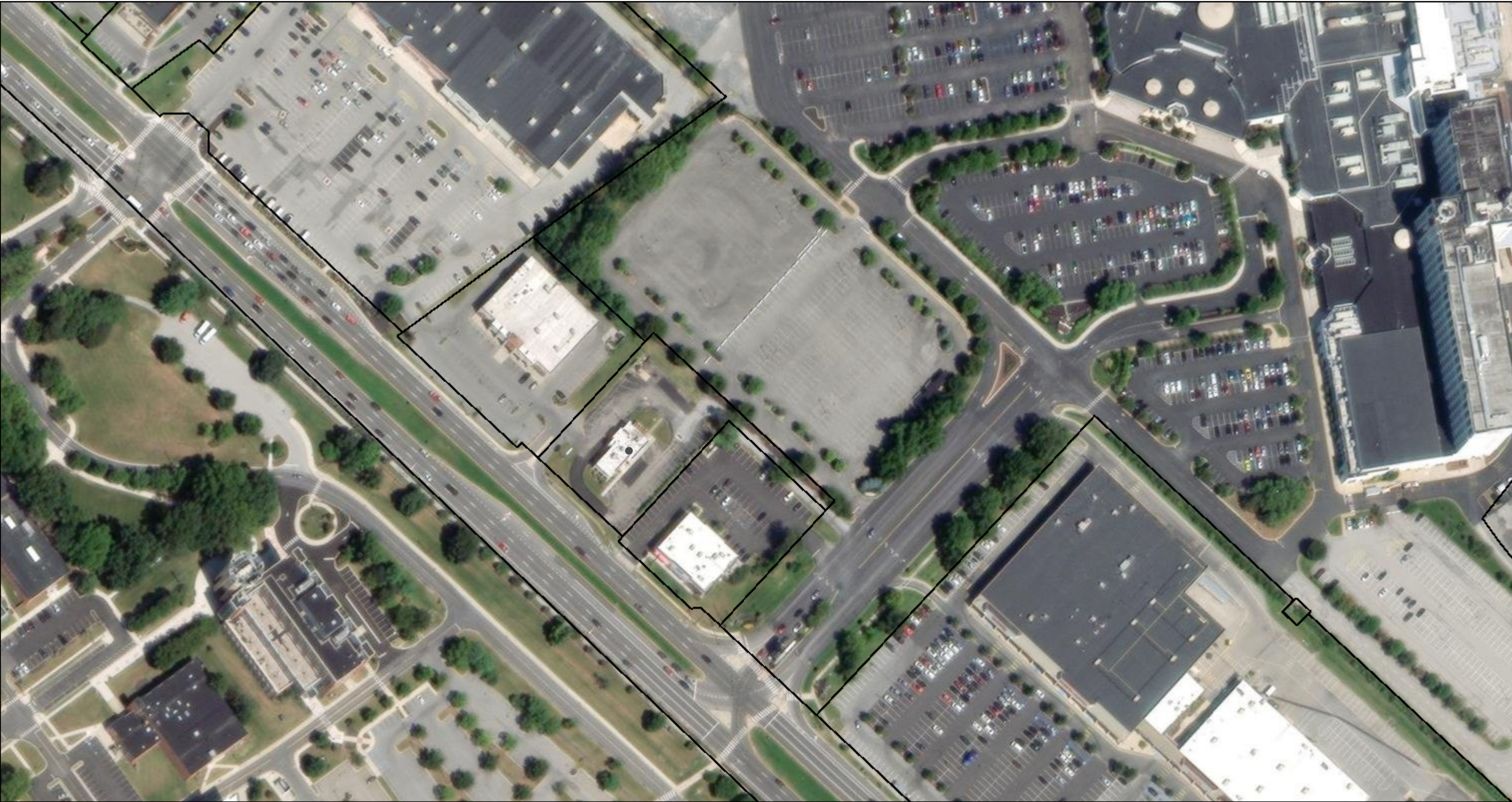
Dover Parcels



Kent County Parcels

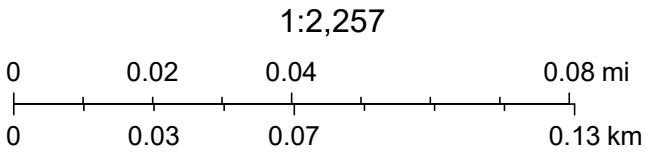
19

Planning & Inspections View Map



8/8/2024, 7:37:15 AM

- Dover_Boundary
- Parcels Outside Dover
- Dover Parcels



Maxar, Microsoft



City of Dover
Board of Adjustment
November 20, 2024
V-24-06

Title: Property at 207 N. West Street- Application for a Variance

Location: Northeast corner of N. West Street and Cecil Street

Address: 207 N. West Street, Dover, DE

Owner: 4BL, LLC

Tax Parcel: ED-05-076.08-02-01.00-000

Application Date: October 17, 2024

Present Zoning: RG-1 (General Residence Zone)

Present Use: Vacant Lot (previous residential dwelling demolished)

Proposed Use: Subdivision into four (4) lots for townhouse units (Cecil Street Townhouses)

Reviewed By: Dawn Melson-Williams, AICP, Principal Planner

Variance Type: Area Variance

Variances Requested: Request has been made for a Variances from the requirements of *Zoning Ordinance*, Article 4 §4.2 for a proposal to subdivide into four (4) townhouse lots. Variance Request 1 seeks a reduction of the minimum lot depth to 84.5 feet from 100 feet. And Variance Request 2 seeks to allow a minimum lot area of 2,366 SF reduced from the required minimum lot area of 3,000 SF for two (2) of the townhouse lots.

Project Description

The property at 207 N. West Street is located at the northeast corner of N. West Street and Cecil Street making it a corner lot. The east side of the property is bounded by an alley. Originally the property included a two-story dwelling that faced N. West Street with a curb cut off Cecil Street for access to a rear driveway and a garage structure in the rear near the alley. The dwelling was demolished (by the City) after it was declared a Dangerous Building by City Council due to its condition.

The parcel is approximately 84.50 feet in width and 144 feet in depth when looking at the previous positioning of the dwelling fronting on N. West Street. The new owner has presented a concept to redevelop the property and subdivide it into four (4) lots fronting on Cecil Street as townhouse units. A Conceptual Plan sheet shows the proposed subdivision proposal (See Exhibit F). Also included is a rendering of the proposed two-story townhouse units; see Exhibit G.

The Applicant has requested a Variance from the requirements of *Zoning Ordinance*, Article 4 §4.2 for a proposal to subdivide into four (4) townhouse lots. Variance Request 1 seeks a reduction of the minimum lot depth to 84.5 feet from 100 feet. And Variance Request 2 seeks to allow a minimum lot area of 2,366 SF reduced from the required minimum lot area of 3,000 SF for two (2) of the townhouse lots.

The subdivision of the existing parcel into four (4) lots would be subject to a separate Conditional Use Plan/Minor Subdivision Plan review process by application to the Planning Commission.

Property and Adjacent Properties: Zoning and Land Use

The 12,168 SF (0.279 acre) +/- property is zoned RG-1 (General Residence Zone). Generally, the area to east of North West Street is residential with several places of worship, small neighborhood commercial establishments, and a park. The area to the west of North West Street between the street and the railroad corridor is more industrial in nature. The adjoining parcels to the north and east (across the alley) are also residential in use and zoned RG-1. Across N. West Street to the west is zoned M (Manufacturing Zone). To the southwest is a parcel zoned M (Manufacturing Zone) and the Rail Haus property zoned C-2A (Limited Central Commercial Zone). To the south across Cecil Street, is a block zoned RG-1 (General Residence Zone) consisting of several places of worship and additional residences.

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

Code Citations

RG-1 (General Residence Zone)

The subject project area is zoned RG-1 (General Residence Zone). *Zoning Ordinance*, Article 3 Section 2 lists the permitted uses, conditional uses, and other provisions of the RG-1 zone. For the proposed redevelopment and subdivision of the property for townhouse units would require a Conditional Use Application with Subdivision Plan. See the following excerpt of the permitted uses in the RG-1 zone.

Article 3 Section 2. General residence zones (RG-1 and RG-2).

- 2.1 *Uses permitted.* In a general residence zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
 - 2.11 Any use permitted in one-family residence zones.
 - 2.12 Garden apartments limited to placement within the RG-2 district only.
- 2.2 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

- 2.3 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.
- 2.4 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:
- (a) Townhouses subject to the following restrictions:
 - i. No more than one dwelling unit shall be permitted upon a lot.
 - ii. No more than four dwelling units shall be permitted in a group of townhouses.
 - iii. Each group of townhouses shall be physically separated from another by no less than two dwelling units of a different housing type from other groups of townhouses on the same side of the street.
 - iv. Townhouse groups shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.
 - (b) Duplex dwellings subject to the following restrictions:
 - i. No more than one dwelling unit shall be permitted upon a lot
 - ii. Duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.
 - (c) Bed and breakfast inns in the RG-1 district only, subject to the following:
 - i. A bed and breakfast inn may only be established within a primary residential structure or an associated accessory structure.
 - ii. The owner of the property shall reside on the premises of the bed and breakfast inn or in an adjacent premises. However, if ownership of the property is in the name of a corporation, partnership, trust, etc., a full-time resident manager/operator/inn-keeper shall reside in the principal structure on the subject property or adjacent property.
 - iii. The principal structure shall contain at least one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household. In addition, one full bathroom shall be provided for each two guestrooms. Each full bathroom shall contain a minimum of one water closet (toilet), one lavatory (sink) and one bathtub or shower stall and shall comply with all applicable building and plumbing codes.
 - iv. The number of guestrooms requested shall be set forth in the application for conditional use. The planning commission shall expressly establish the maximum number of guestrooms permitted for any application for which approval is granted. In no case shall a bed and breakfast inn contain more than ten guestrooms.
 - v. Off-street parking shall be provided at a minimum of two spaces, plus one space per guestroom. Off-street parking shall be prohibited in the front yard, except that such parking which may be customarily accommodated on a single width driveway may be permitted. Required parking may be provided on the premises or off the premises, provided that such off-premises parking is located within 150 feet walking distance of the bed and breakfast property.
 - vi. Lot coverage for a bed and breakfast inn shall not exceed 60 percent of the lot.
 - vii. Signage is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.
 - viii. Meals may be served to residents and overnight guests only. No cooking appliances or kitchenettes shall be permitted within the guestrooms, except small refrigerators and microwave ovens.
 - ix. The stay of overnight guests shall be limited to 30 consecutive days.

- x. The owner/operator of a bed and breakfast inn shall maintain a current City of Dover business license, and the establishment shall be inspected by the City of Dover Fire Marshal and the City of Dover Health Inspector for compliance with all applicable life safety and health and sanitation codes.
- (d) Student homes subject to the following siting and bulk criteria:
 - i. No student home shall be located closer than 500 feet from any other student home.
 - ii. The maximum allowable occupancy shall be four persons or the occupancy limit as determined by the building and fire codes adopted by the City of Dover, whichever is less.
 - iii. Two off-street parking spaces shall be provided per dwelling unit.
 - iv. A student home shall not be permitted to be established within any semi-detached dwelling, duplex dwelling, group dwelling, or townhouse dwelling unit.
 - v. Buildings or groups of buildings on the same lot with 15 or more units on the lot shall not be subject to the student home regulations.
 - vi. Student homes shall be licensed under chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article V [X], Rental Dwellings, of the Code of Ordinances.
 - vii. Student homes shall be subject to the provisions of chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article III [VIII], Leases, of the Code of Ordinances.
- (e) Multiple dwellings limited to placement in the RG-2 district only.
- (f) Professional offices may be permitted on Governors Avenue between Water Street and Mary Street, and on Route 8, subject to the following restrictions:
 - i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.
 - ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.
 - iii. No display of products or goods shall be visible from the street.
 - iv. There shall be no exterior effects such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.
 - v. A minimum of two off-street parking spaces shall be required.
 - vi. No more than four off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one-half feet high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.
 - vii. Signage shall be limited to one sign, not to exceed six square feet in area. No sign may be illuminated.
 - viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than four employees engaged in the operations upon the premises at any given time.
 - ix. The planning commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.
- (g) In order to stimulate limited commercial activity in the RG-1 and RG-2 zones within the city's historic district zone and/or where a historic district property or a property listed on the National Register of Historic Places exists, and to make this area of historic Dover more attractive to tourists and residents, antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages may be permitted as accessory uses incidental to the principal residence, subject to the conditional use approval of the planning commission in accordance with Article 10—Planning Commission, Section 1—Approval of conditional uses, and subject to the following:
 - i. Total floor area of any nonresidential accessory use shall not exceed 2,000 square feet.

- ii. A minimum of two off-street parking spaces shall be required to serve the residence and the accessory use.
- iii. Signage for the accessory use is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.
- (h) Off-street parking.

In the RG-1 zone, there is a set of bulk standards for development outlined in *Zoning Ordinance*, Article 4 Section 4.2. It sets the lot depth for townhouse units at 100 feet and the minimum lot area at 3,000 SF. See code excerpt below; the lot depth and lot area requirements are highlighted (the subject of these variance requests).

Article 4 Section 4.2. [RG-1 zones].

Bulk and parking regulations for general residence zone (RG-1) are as follows (see also article 12, definitions; article 5, supplementary regulations; and article 6, off-street parking, driveways and loading facilities):

	One-Family Dwellings Detached	Duplex/One-Family Semi-Detached and Other Dwellings	Townhouses/One-Family Attached
Minimum required:			
Lot area (sq. ft.)	6,000	5,000	3,000
Lot width (ft.) per dwelling unit	50	25	20
Lot depth (ft.)	100	100	100
Front yard (ft.)	15	15	15
Minimum side yard (ft.)	5	10	10
Rear yard (ft.)	30	30	30
Off-street parking spaces/DU	1	1	1
Maximum permitted:			
Building height			
Stories	2½	2½	3
Feet	35	35	35
Lot coverage	45%	50%	60%

(Ord. of 12-14-1992; Ord. No. 2015-13, 10-12-2015)

Additionally, the following definitions are part of the *Zoning Ordinance*:

Dwelling, attached: A dwelling having one or more walls in common with another dwelling.

Dwelling, one-family: A permanent dwelling unit placed on a permanent foundation and designed and intended for use by only one family. One-family dwellings shall not include manufactured homes or mobile homes but shall include modular homes constructed to the standards of the Dover Code of Ordinances, Chapter 22—Buildings and Building Regulations.

Lot depth: The minimum distance from the street line of a lot to the rear lot line of each lot.

Lot width: The distance between the side lot lines of a lot or between the side lot line and the street line most nearly parallel to the side lot line for a corner lot, measured at the street line and setback line. For odd-shaped or triangular-shaped lots or lots fronting on cul-de-sac streets, the lot width measured at the street line may be reduced to not less

than one-half of the minimum lot width required for the zoning district. If the street line is a curved line, the lot width measurement shall be measured along the arch of the curved line.

Street: A street shown on the official map of the City of Dover and improved to the satisfaction of the planning commission.

Street line: The dividing line between a lot and a street.

Townhouse: A one-family, attached dwelling unit, with one dwelling unit from [the] ground to roof, having individual outside access.

Applicant's Proposed Project and Variances Requested

The Applicant has submitted a Plan Sheet (Exhibit F). This plan/drawing depicts the proposed series of lots for the four townhouse units and lists the minimum (code required) and proposed bulk standards in the RG-1 zone. The dimensions and lot area are given for each lot (Lots 1-4). The placement of each dwelling unit and associated driveways and sidewalks is also shown. The Applicant has requested Variances from the requirements of *Zoning Ordinance*, Article 4 §4.2 for proposal to subdivide into four (4) townhouse lots. Variance Request 1 seeks a reduction of the minimum lot depth to 84.5 feet from 100 feet. And Variance Request 2 seeks to allow a minimum lot area of 2,366 SF reduced from the required minimum lot area of 3,000 SF for two (2) of the townhouse lots.

The Applicant described the project as follows:

Project Background Information: The project is located at the corner of North West Street and Cecil Street within Dover city limits. The existing site of 12,168 square feet previously contained a single-family home with a detached shed and a large concrete parking area. The prior occupant passed away, the home fell into disrepair, and it was recently demolished by the City of Dover.

The proposed re-development of the site entails division into 4 lots. 1,70 +/- square foot, two story townhouses with one car garages will be constructed. The intent is to create homes for young families that are within their financial reach.

Exceptional Practical Difficulties Tests

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

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

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

- (a) the nature of the zone in which the property lies;
- (b) the character of the immediate vicinity and the contained uses therein;

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

Review of Application

As part of the Application, the applicant was asked to summarize how the requested Variance relates to the above criteria. The applicant's responses (Exhibit D and Exhibit E) are provided in Exhibit D and listed below. More detailed statements are found in Exhibit E: Letter of November 8, 2024. Also listed is the Staff assessment of the application in accordance with the required criteria provided below.

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

Applicant Response: The parcel is currently zoned RG-1 (General Residence Zone). The proposed use of townhouses is permitted as a conditional use.

Staff Response:

The subject property is zoned RG-1 (General Residence Zone). The RG-1 zoning district is a residential zoning district that allows for single family detached dwellings and other residential uses (duplexes, townhouses) and commercial type uses as conditional uses. The proposed use as a series of townhouse lots would be a conditional use. The RG-1 zone has bulk standards related to lot size and format and setbacks for placement of buildings on a parcel/lot.

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

Applicant Response: The project lies on the fringe of Residential (RG-1) Zoning District to the east of North West Street, and Industrial/Manufacturing (M) to the west. The Senator Bikeway passes North/South on West Street. Immediately to the south is Mt. Carmel Church of the Living God. To the southwest is the Rail Haus Beer Garden and the former recycling center (now parking for the Rail Haus). To the west is Teal Construction's warehouse and equipment yard. To the north and east are single family residences in varying states of repair, generally trending toward improvement.

Staff Response:

The subject property at 207 N. West Street is a vacant lot after the previous dwelling and accessory structure were demolished. It is a corner lot fronting on two streets. The overall block is residential consisting of single family detached dwellings. Generally, the area to east of North West Street is residential with several places of worship, small neighborhood commercial establishments, and a park. The area to the west of North West Street between the street and the railroad corridor is more industrial in nature. The adjoining parcels to the north and east (across the alley) are also residential in use consisting of single family detached dwellings and zoned RG-1. Across N. West Street to the west is zoned M (Manufacturing Zone). To the southwest is a parcel zoned M

(Manufacturing Zone) and the Rail Haus property zoned C-2A (Limited Central Commercial Zone). To the south across Cecil Street, is a block zoned RG-1 (General Residence Zone) consisting of several places of worship and additional residences.

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

Applicant Response: Allowing the 2 requested variances would not affect the use of neighboring properties. The new townhouses will be two-story units consistent with the height of existing residences. Sixteen of the properties to the north and east do not meet bulk standards for lot width and/or lot area as they pre-date the standards. The average lot area of the proposed lots exceeds the minimum lot area of the RG-1 District; therefore, a slightly "non-conforming" arrangement will not be out of character for the neighborhood. Granting of the variance will allow for four tasteful, well-constructed, affordable homes in an area that was recently dominated by vacant properties.

Staff Response:

Planning Staff notes that the existing parcel is larger when compared to surrounding parcels in the same block. With the reorientation of the lots to front on Cecil Street provides an opportunity for the parcel to be subdivided into a series of lots that would be more comparable in size to surrounding residential parcels. While most of the residential parcels front on the north/south streets such as N. West Street, North Kirkwood Street, etc. there are example of parcels fronting on and positioning the house to face the east/west street or short ends of the block. This lot configuration will result in the rear yards backing up to the side yard of the adjoining parcel to the north. This configuration and house position does exist on the north end of this block. The other nearby properties are separated from the subject parcel by the streets or the alley and therefore have a limited impact on those nearby properties. Therefore, the requested Variance should not impact the use of neighboring lands.

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

Applicant Response: A lot of this size is somewhat out of character in relation to the neighboring homes. To justify the cost of the parcel after the demolition and fines were absorbed, a very large single-family home would need to be constructed to make the project viable. A large single-family home would be very imposing, and frankly, not marketable.

Per Chapter 11 of the Dover 2019 Comprehensive Plan-

Housing and Community Development

Goal 1: Encourage Balanced Housing Opportunities for all Residents of the City

Promote adequate, safe, and affordable housing for all residents in the City.

Recommendation 1: Encourage the Use of Mixed Housing Types

- Evaluate the provisions of the Planned Neighborhood Design and the Senior Citizen Housing Option for residential development.
- Continue to encourage compact and diverse residential development throughout the City.
- Re-evaluate all residential zones development requirements and housing types in the City.
- Evaluate and update Codes to encourage compact and diverse development throughout the City.
- Amend the provisions in the *Zoning Ordinance* for the definition of “family” to remove undue restrictions for members of protected classes.

Recommendation 2: Explore the Feasibility of Allowing Alternative Housing Units Options

- Develop zoning provisions to allow an accessory dwelling unit within one family residence zones for the use of family members.
- Develop zoning provisions for alternative housing options including group housing and transitional housing.

Recommendation 3: Encourage the Development of Affordable Housing

- Work with housing providers and developers to construct affordable rental housing options throughout the City including assessable housing for persons with disabilities.
- Work with housing providers to provide affordable housing to low income residents.
- Continue to work with housing providers to end homelessness and increase the number of permanent supportive housing for the homeless.

Recommendation 4: Promote Residential Development within the City

- Encourage mixed use of existing and new buildings.
- Encourage “in-fill” residential development.
- Encourage housing in the Downtown and other areas that are near transit and multi-modal routes, retail areas, employment and essential services.

The economics of providing affordable homes to working class families drives the need to divide the parcel. While a duplex configuration could be utilized, the opportunity to serve four families instead of two shouldn't be overlooked. The cost of building materials, mortgage rates, and groceries are taking the opportunity of home ownership off the table for Delawareans. Dividing the costs of the development, infrastructure, management and construction of the project by four will allow the homes to meet a price point that is reachable to young families.

Staff Response:

The Planning Staff notes that the size of this parcel presents an opportunity for subdivision into multiple lots and the RG-1 (General Residence Zone) allows for the development of the duplexes and townhouses through a Conditional Use review process. When creating new lots, the lots must comply with the bulk standards provisions. While it may be possible to create a series of lots for a set of duplex units or three townhouse units with the houses facing N. West Street, complete compliance with the setbacks, especially as related to a corner lot (two front yards) may be difficult and would likely result in narrow-width dwelling units and narrow backyard areas. The reorientation of the lots to face onto Cecil Street creates a more reasonable shaped lot for buildable areas and accommodation of off-street parking. The development of four dwelling units as townhouses offers a variety of housing types as infill development in this neighborhood. If these lots were already existing (created prior to 2007), the *Zoning Ordinance* includes provisions for administrative waivers of the bulk standards. Planning Staff finds that an exceptional practical difficulty may be determined to be present.

Variance Recommendations

Staff recommends approval of the Variances that would allow for a proposal to subdivide the parcel into four (4) townhouse lots to be considered. Variance Request 1 would allow a reduction of the minimum lot depth to 84.5 feet from 100 feet. And Variance Request 2 would allow a minimum lot area of 2,366 SF reduced from the required minimum lot area of 3,000 SF for the two (2) townhouse lots in the middle. The Planning Staff finds that the Applicant has strived to demonstrate an exceptional practical difficulty; they would incur by not having this Variance granted.

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

- The *Zoning Ordinance* permits the development of several housing unit types (single family detached, duplexes, and townhouses) in the RG-1 zone.
- The reorientation of the lots to face onto Cecil Street creates a more reasonable shaped lot for buildable areas and accommodation of off-street parking.
- These changes to the bulk standards would be approved by Planning Staff to allow residential redevelopment if the lots already existed as the RG-1 zoning district includes provisions to address lot configurations that were platted before zoning regulations were established.
- For this redevelopment project of townhouse units and the subdivision of land, a Conditional Use Plan and a Minor Subdivision Plan applications will be required subject to the provisions of the *Zoning Ordinance*.

Advisory Comments to the Applicant

- If granted, the variance becomes null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.
- If the requested variance is granted, the Applicant must still obtain the appropriate Conditional Use Plan/Minor Subdivision Plan and construction activity Permits approvals for construction of any Buildings on the property. A Conditional Use Plan is required for the

development of a parcel for a townhouse unit in the RG-1 Zone; this is subject to application and review by the Planning Commission. A Subdivision Plan to divide the property into a series of lots requires an application and review process by the Planning Commission. Contact the Planning Office to discuss steps for application submission.

- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application Form	1
B	Zoning Map Exhibit (Staff)	1
C	Planning & Inspections View Map – Aerial Map Exhibit (Staff)	1
D	Applicant's Written Responses: Narrative	1
E	Supplemental Letter dated November 8, 2024 from Baird Mandalas Brockstedt & Federico, LLC (Attorney for Applicant)	1
F	Sheet BP-1: Board of Adjustment Plan for 207 N. West Street (Subdivision Plan Concept) prepared by Larson Engineering Group, Inc. dated 10/10/2024	1
G	Rendering of Two-Story Townhouses (Concept) provided by Applicant	1



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

Item 4.

____ Area Variance
____ Use Variance
____ Appeal
____ Pre-App Date

Board of Adjustment Application

Application Information

Property Address: 207 N. West Street Dover, DE
Tax Parcel Number: ED-05-076.08-02-01.00-000
Owner Name: 4BL, LLC c/o Cameron Llewellyn
Property Zoning: RG-1
Variance (s) Requested: Lot depth minimum (4 lots), Lot area, (2 lots)

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

Area Variance

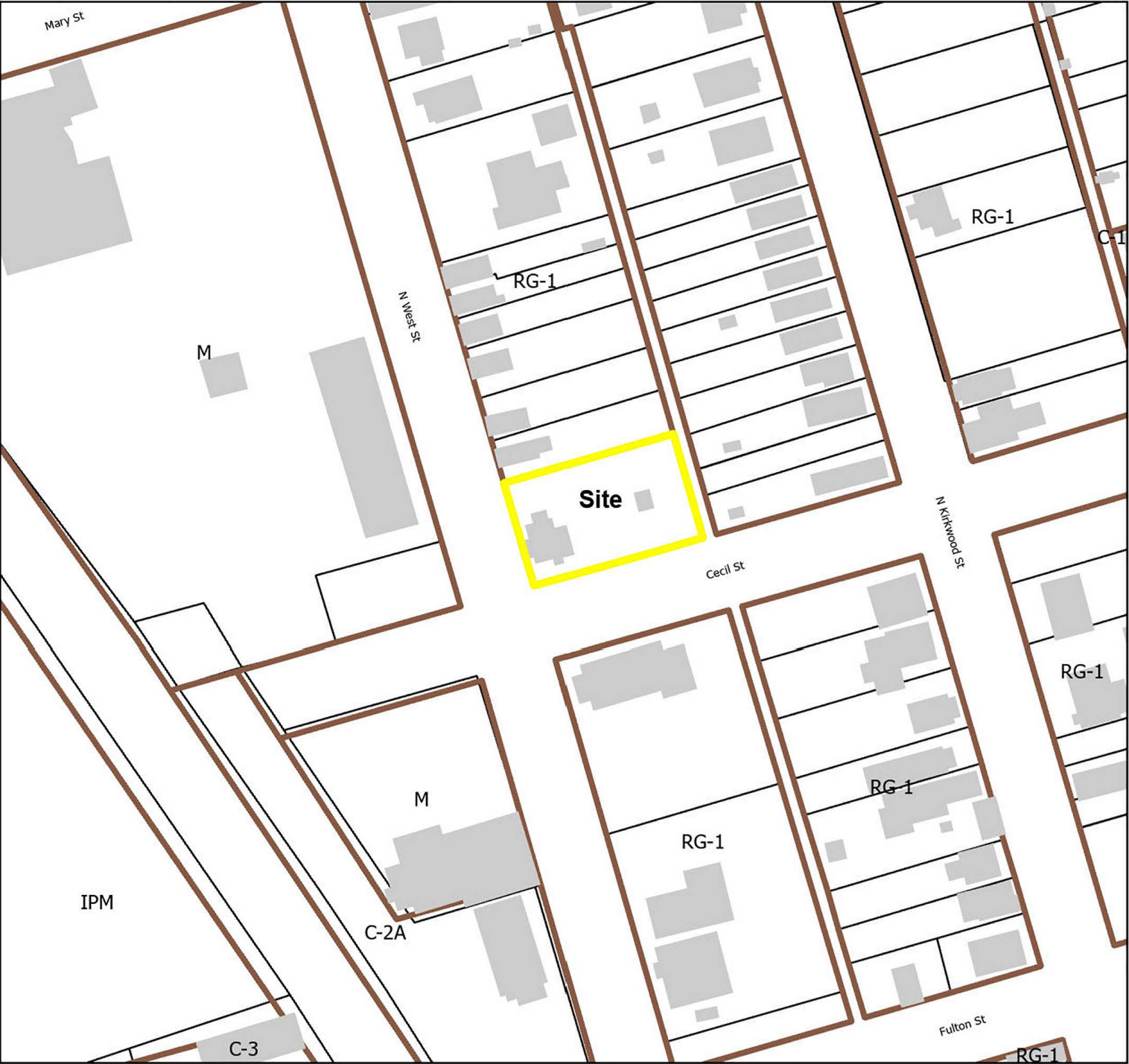
An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

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

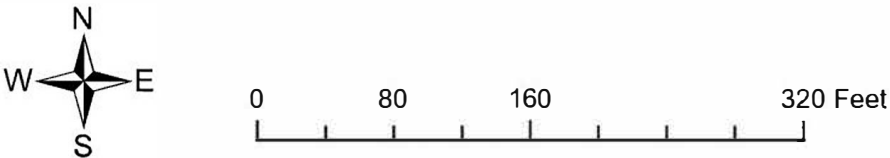
Signature

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

Cameron Llewellyn Owner 10.17.2024
Signature Title Date



Title: Property at 207 N West St - Application for Variances
Addresses: 207 North West Street
Parcel ID: ED05-076.08-02-01.00-000
Zoning: RG-1 (General Residence Zone)
Owner: 4BL, LLC
Date: 11/12/2024



Legend



Subject Property



Dover Boundary



2022 Building Footprints



Zoning



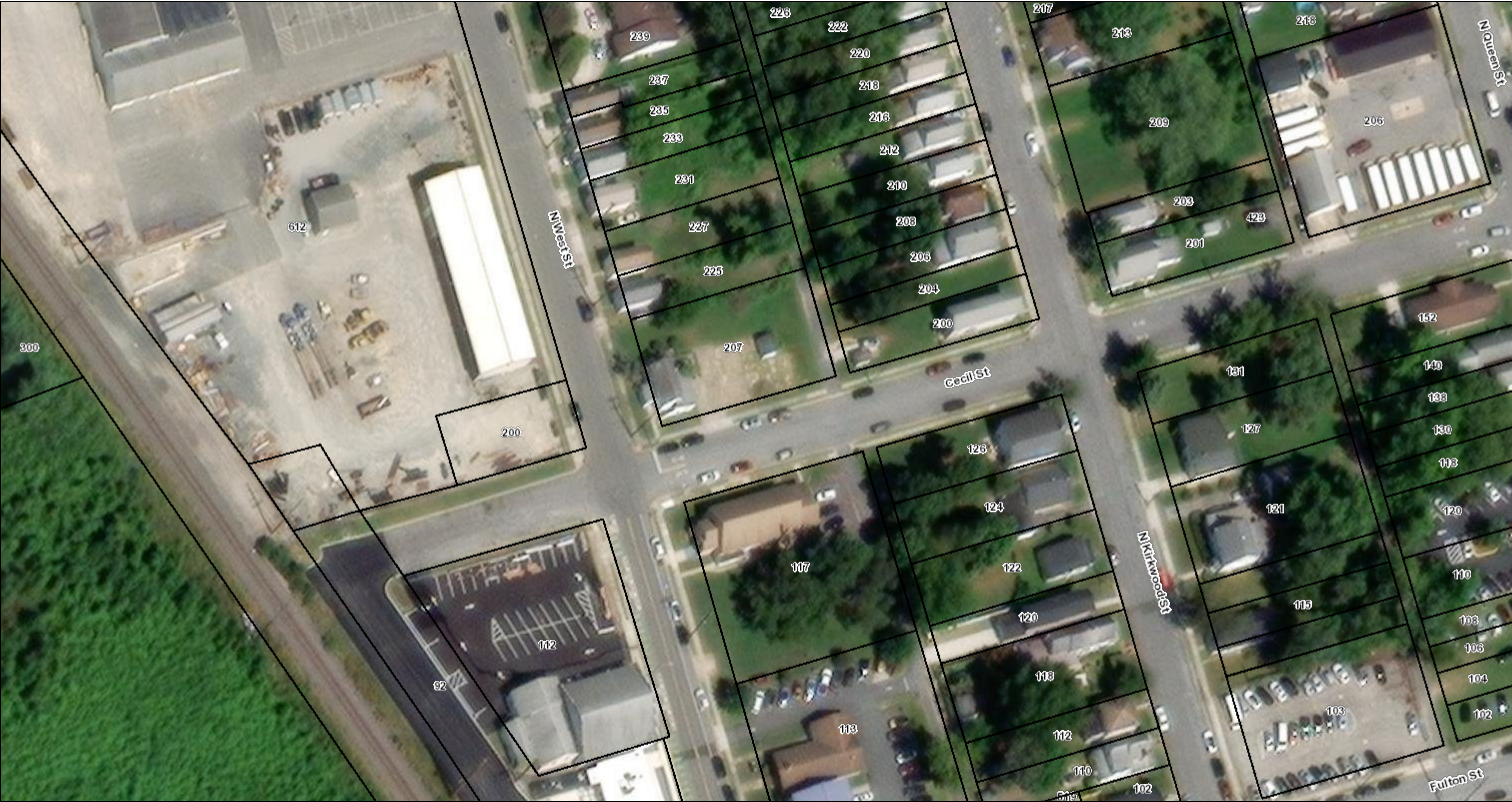
Dover Parcels



Kent County Parcels

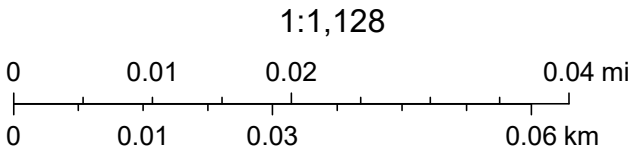
34

Planning & Inspections View Map



11/13/2024, 12:42:24 PM

-  Dover_Boundary
-  Parcels Outside Dover
-  Dover Parcels



Maxar, Microsoft

Applicant: 4BL, LLC (Cecil Street Townhomes, 207 N. West Street)

Variance Request 1: Variance from Article 4, Section 4.2 on required lot depth for 4 townhome lots. The proposed configuration orients the new lots/homes with a lot depth of 84.5 feet in lieu of 100 feet. All building setbacks can be adhered to.

Variance Request 2: Variance from Article 4, Section 4.2 to allow minimum lot area of 2,366 square feet of lot area on the two center townhome lots from the minimum of 3,000 square feet.

Project Background Information: The project is located at the corner of North West Street and Cecil Street within Dover city limits. The existing site of 12,168 square feet previously contained a single-family home with a detached shed and a large concrete parking area. The prior occupant passed away, the home fell into disrepair, and it was recently demolished by the City of Dover.

The proposed re-development of the site entails division into 4 lots. 1,750 +/- square foot, two story townhouses with one car garages will be constructed. The intent is to create homes for young families that are within their financial reach.

The nature of the zone in which the property lies: The parcel is currently zoned RG-1 (General Residence Zone) The proposed use of townhouses is permitted as a conditional use.

The character of the immediate vicinity and the contained uses therein: The project lies on the fringe of Residential (RG-1) Zoning District to the east of North West Street, and Industrial/Manufacturing (M) to the west. The Senator Bikeway passes North/South on West Street. Immediately to the south is Mt. Carmel Church of the Living God. To the southwest is the Rail Haus Beer Garden and the former recycling center (now parking for the Rail Haus). To the west is Teal Construction's warehouse and equipment yard. To the north and east are single family residences in varying states of repair, generally trending toward improvement.

Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses: Allowing the 2 requested variances would not affect the use of neighboring properties. The new townhouses will be 2 story units, consistent with the height of the existing residences. Sixteen of the properties to the north

and east do not meet bulk standards for lot *width and/or lot area*, as they pre-date the standards. The average lot area of the proposed lots exceeds the minimum lot area of the RG-1 District; therefore, a slightly “non-conforming” arrangement will not be out of character for the neighborhood. Granting of the variance will allow for four tasteful, well-constructed, affordable homes in an area that was recently dominated by vacant properties.

Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the zoning ordinance: A lot of this size is somewhat out of character in relation to the neighboring homes. To justify the cost of the parcel after the demolition and fines were absorbed, a very large single-family home would need to be constructed to make the project viable. A large single-family home would be very imposing, and frankly, not marketable.

Per Chapter 11 of the Dover 2019 Comprehensive Plan-

HOUSING AND COMMUNITY DEVELOPMENT

Goal 1: Encourage Balanced Housing Opportunities for all Residents of the City

- *Promote adequate, safe, and affordable housing for all residents in the City.*

Recommendation 1: Encourage the Use of Mixed Housing Types

- *Evaluate the provisions of the Planned Neighborhood Design and the Senior Citizen Housing Option for residential development.*
- *Continue to encourage compact and diverse residential development throughout the City.*
- *Re-evaluate all residential zones development requirements and housing types in the City.*
- *Evaluate and update Codes to encourage compact and diverse development throughout the City.*
- *Amend the provisions in the Zoning Ordinance for the definition of “family” to remove undue restrictions for members of protected classes.*

Recommendation 2: Explore the Feasibility of Allowing Alternative Housing Units Options

- *Develop zoning provisions to allow an accessory dwelling unit within one family residence zones for the use of family members.*
- *Develop zoning provisions for alternative housing options including group housing and transitional housing.*

Recommendation 3: Encourage the Development of Affordable Housing

- *Work with housing providers and developers to construct affordable rental housing options throughout the City including assessible housing for persons with disabilities.*
- *Work with housing providers to provide affordable housing to low income residents.*
- *Continue to work with housing providers to end homelessness and increase the number of permanent supportive housing for the homeless.*

Recommendation 4: Promote Residential Development within the City

- *Encourage mixed use of existing and new buildings.*
- *Encourage “in-fill” residential development.*
- *Encourage housing in the Downtown and other areas that are near transit and multi-modal routes, retail areas, employment and essential services.*

The economics of providing affordable homes to working class families drives the need to divide the parcel. While a duplex configuration could be utilized, the opportunity to serve four families instead of two shouldn't be overlooked. The cost of building materials, mortgage rates, and groceries are taking the opportunity of home ownership off the table for Delawareans. Dividing the costs of the development, infrastructure, management and construction of the project by four will allow the homes to meet a price point that is reachable to young families.



Glenn C. Mandalas, Esq.
(302) 645-2262
glenn@bmbde.com

Item 4.

November 8, 2024

VIA ELECTRONIC MAIL

Dover Board of Adjustment
C/O City of Dover Department of Planning and Inspections
P.O. Box 475
Dover, Delaware 19903

**RE: 207 N. West Street, ED-05-076.08-02-01.00-000
Variance Request**

Dear Chairperson Sheth and members of the Board of Adjustment,

I represent 4BL, LLC and Cameron Llewellyn. This correspondence is supplemental to the Board of Adjustment application filed on October 17, 2024. As noted in the materials filed with the application, we are seeking relief from the zoning code as follows:

Variance Request 1: A variance from the required lot depth of 100 feet (Article 4, Section 4.2) for four townhome lots. The proposed configuration orients the new lots/homes with a lot depth of 84.5 feet. Accordingly, a lot depth variance of 15.5 feet is needed for each of the 4 townhome lots.

Variance Request 2: A variance from the required 3,000 square feet of lot area (Article 4, Section 4.2) to allow a minimum lot area of 2,366 square feet of lot area on the two center townhome lots. Accordingly, a lot area variance of 634 square feet is needed for each of the two center townhome lots.

The project is located at the corner of North West Street and Cecil Street and is in the RG-1 (General Residence Zone). The parcel is 12,168 square feet and previously contained a single-family home with a detached shed and a large concrete parking area. After the prior occupant passed away, the home fell into disrepair, and it was recently demolished by the City.

The proposed re-development of the site includes subdividing it into four lots, and constructing four two-story townhomes of approximately 1,750 +/- square feet with one car garages. The project perfectly aligns with the City's 2019 Comprehensive Plan and is a thoughtful effort to create homes that are within the financial reach of young families.

Indeed, the very first goal identified in the 2019 Comprehensive Plan in the area of Housing and Community Development is to "Encourage Balanced Housing Opportunities for all

Residents of the City.”¹ The Comprehensive Plan’s objectives in support of that goal include “[p]romot[ing] adequate, safe, and affordable housing for all residents in the City,” “[c]ontinu[ing] to encourage compact and diverse residential development throughout the City,” “[r]e-evaluat[ing] all residential zones development requirements and housing types in the City,” and “[e]valuat[ing] and update[ing] Codes to encourage compact and diverse development throughout the City.”² The proposed project is consistent with each of those objectives.

Moreover, the Comprehensive Plan encourages the development of affordable housing by “[w]ork[ing] with housing providers to provide affordable housing to low income residents.”³

Finally, the Comprehensive Plan promotes residential development within the City by “[e]ncourag[ing] ‘in-fill’ residential development,” and “[e]ncourag[ing] housing in the Downtown and other areas that are near transit and multi-modal routes, retail areas, employment and essential services.”⁴

Although the proposed project satisfies many of the Comprehensive Plan’s objectives and recommendations, it will not be possible without the variances requested. The economics of providing affordable homes to working class families drives the need to divide the parcel and obtain the requested relief from the zoning code. Anything less than four units will necessarily increase the individual unit cost to a price point that will not be reachable by most young families.

Critically, as the plan submitted with our Application notes, the average lot area is 3042 square feet for all four lots—which exceeds the minimum lot area of 3000 square feet. So, although we are requesting a lot area variance for the two interior lots, the overall parcel is larger than what is required in the RG-1 Zoning District to satisfy the lot area requirements for four individual lots.

I. Legal Standard

The Delaware Supreme Court has indicated that an area variance, like the ones requested in the current application, does not involve a prohibited use, and “concerns only the practical difficulty in using the particular property for a permitted use.”⁵ Unlike a use variance, an area variance is subjected to the relatively less burdensome ‘exceptional practical difficulty’ test.”⁶ *In Bd. of Adjustment of New Castle Cty v. Kwik-Check Realty, Inc.*, the Court concluded, “[s]uch [exceptional] practical difficulty is present where the requested dimensional change is minimal and the harm to the applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted.”⁷ When addressing an application for an

¹ *Dover 2019 Comprehensive Plan*, at 11-16.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Bd. of Adjustment of New Castle Cty v. Kwik-Check Realty, Inc.*, 389 A.2d 1289, 1291 (Del. 1978).

⁶ *Id.*

⁷ *Id.*

area variance, the *Kwik-Check* Court set forth four factors to be considered by a Board of Adjustment:

[1][T]he nature of the zone in which the property lies[;] [2] the character of the immediate vicinity and the uses contained therein[;] [3] whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring property and uses; [and] [4] whether, if the restriction is not removed, the restriction would create [hardship] for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the use provisions of the ordinance.⁸

Additionally, the applicant for an area variance must not have created the exceptional practical difficulty in order for it to be granted.⁹

One Delaware court described the *Kwik-Check* analysis as "...a determination as to whether the Appellants are experiencing exceptional practical difficulty in their efforts to make normal improvements to their property, which, in turn, is decided by weighing the interest of the applicants against the interest of the public. The balancing of competing interests is the essence of the *Kwik-Check* test."¹⁰

The current application satisfies each of the factors enumerated in *Kwik-Check* and the balancing of interests supports the granting of the relief requested.

Exceptional Practical Difficulty

Here, the exceptional practical difficulty arises from the condition that while the project seeks compliance with the 2019 Comprehensive Plan, the reality of economic concerns coupled with the requirements of the zoning code prohibit the type of project promoted by the 2019 Comprehensive Plan.

Further, while one could argue that the orientation of the lots and the desire to reduce lot size are self-imposed, the Delaware Supreme Court has explained that in Delaware, there is no *per se* bar against a variance for a self-imposed hardship. The question is whether the applicant has adequately demonstrated that the applicant's difficulty justifies the grant of a variance.¹¹ Although aesthetic concerns is not the reason for the requested variances, it is instructive to be aware that the Delaware Supreme Court has even affirmed the grant of an area variance driven

⁸ *Id.* (citation omitted), see also, *Wawa*, 929 A.2d at 831; *Holowka v. New Castle County Bd. of Adjustment*, 2003 WL 21001026, at *5 (Del. Super.).

⁹ See 9 Del. C. §6917(3)(c); *Bd. of Adjustment of Sussex Cty v. Verleysen*, 36 A.3d 326, 330 (Del. 2012).

¹⁰ *Conway & Conway v. Zoning Bd. of Adjustment*, 1998 Del. Super. LEXIS 113, at *10 (Del. Super. Ct. Feb. 20, 1998).

¹¹ *McLaughlin v. Board of Adjustment of New Castle County*, 984 A.2d 1190, 1193 (Del. 2009); See also *Markert v. Board of Adjustment of the City of Rehoboth Beach*, C.A. No. S22A-02-003 CAK, at *17 (Del. Super. Ct. Sept. 26, 2022).

by aesthetic concerns.¹² And in *Boyd v. Heffron*,¹³ the Delaware Superior Court granted a variance were, like here, a project would not be viable due to certain fixed costs (e.g. land costs, building equipment costs, site improvement costs) without the grant of a variance.

Here, a balancing of the owner's interests against those of the public, in view of the 2019 Comprehensive Plan, favors the granting of the relief requested.

II. Application of the *Kwik-Check* Factors

In this instance, the “harm to the applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted.”¹⁴ Each of the *Kwik-Check* factors are addressed below.

(1) The nature of the zone in which the property lies

The parcel is in the RG-1 (General Residence Zone) Zoning District, where the proposed use of townhouses is permitted as a conditional use. Consequently, this first factor supports the granting of the variances requested.

(2) The character of the immediate vicinity and the uses contained therein

The project site is on the fringe of Residential (RG-1) Zoning District to the east of North West Street, and Industrial/Manufacturing (M) to the west. The Senator Bikeway passes North/South on West Street. Immediately to the south is Mt. Carmel Church of the Living God. To the southwest is the Rail Haus Beer Garden and the former recycling center (now parking for the Rail Haus). To the west is Teal Construction's warehouse and equipment yard. To the north and east are single family residences in varying states of repair, generally trending toward improvement. The proposed townhouse use, therefore, is an appropriate transition between the commercial uses and the single-family homes. Thus, this factor supports the granting of the variances requested.

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

Allowing the two requested variances would not affect the use of neighboring properties. The new townhouses will be two story units, consistent with the height of the existing residences. Sixteen of the properties to the north and east do not meet bulk standards for lot width and/or lot area, as they pre-date the current zoning standards. The average lot area of the proposed lots exceeds the minimum lot area of the RG-1 District; therefore, a slightly “non-conforming” arrangement will not be out of character for the

¹² *Marriott Corp. v. Concord Hotel Management, a Div. of Concord Towers Inc.*, 578 A.2d 1097 (Del. 1990).

¹³ 1987 WL 28314 (Del. Super. Dec. 11, 1987).

¹⁴ *Kwik-Check Realty*, 389 A.2d at 1291.

neighborhood. Granting of the variance will allow for four tasteful, well-constructed, affordable homes in an area that was recently dominated by vacant properties. This factor supports the granting of the variances requested.

4) Whether, if the restriction is not removed, the restriction would create [hardship] for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the use provisions of the ordinance.

The existing lot is 12,168 square feet. A lot of this size is somewhat out of character in relation to the neighboring homes. To justify the cost of the parcel after the demolition and fines were absorbed, a very large single-family home would need to be constructed to make the project viable. And given the character of the neighborhood, a large single-family home would be very imposing, likely not marketable, and would defeat the objective of creating affordable housing. This factor supports the granting of the variances requested.

Noted above, “[t]he balancing of competing interests is the essence of the Kwik-Check test.”¹⁵ Balancing the interest of the applicants against the interest of the public demonstrates that an exceptional practical difficulty exists such that the applicant should be granted the relief requested.

Given that my clients have an exceptional practical difficulty, as described above, we respectfully request that the Board grant the requested relief. Thank you for your consideration of this request.

Sincerely,

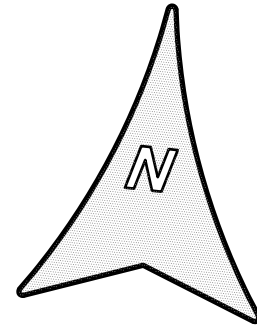
A handwritten signature in dark ink, appearing to read "Glenn C. Mandalas", with a stylized, cursive script.

Glenn C. Mandalas, Esquire

cc:

Mr. Nicholas Rodriguez, Esq.
Mr. Cameron Llewellyn (Tidemark Construction)
Mr. Doug Liberman (Larson Engineering)

¹⁵ *Conway & Conway v. Zoning Bd. of Adjustment*, 1998 Del. Super. LEXIS 113, at *10 (Del. Super. Ct. Feb. 20, 1998).



PROPOSED 10' WIDE DRIVEWAY
(TYPICAL OF 4)

N. WEST STREET
(60' WIDE RIGHT-OF-WAY)

PROPOSED 5' WIDE ENTRY SIDEWALK

CECIL STREET
(60' WIDE RIGHT-OF-WAY)

ALLEY
(12' WIDE RIGHT-OF-WAY)

KIRKWOOD STREET
(60' WIDE RIGHT-OF-WAY)

lands n.o.f.
JOHN & KAREN MARBLE
TAX PARCEL NO.: ED-05-076.08-02-02
DEED REF.: 6100-9
ZONED: RG-1 (GENERAL RESIDENCE)
PART OF ROSEMARY TWILLEY SUBDIVISION
(PLOT BOOK 31, PAGE 3)

lands n.o.f.
BYLER INVESTMENTS LLC
TAX PARCEL NO.: ED-05-076.08-02-12.00
DEED REF.: 12821-122
ZONED: RG-1 (GENERAL RESIDENCE)

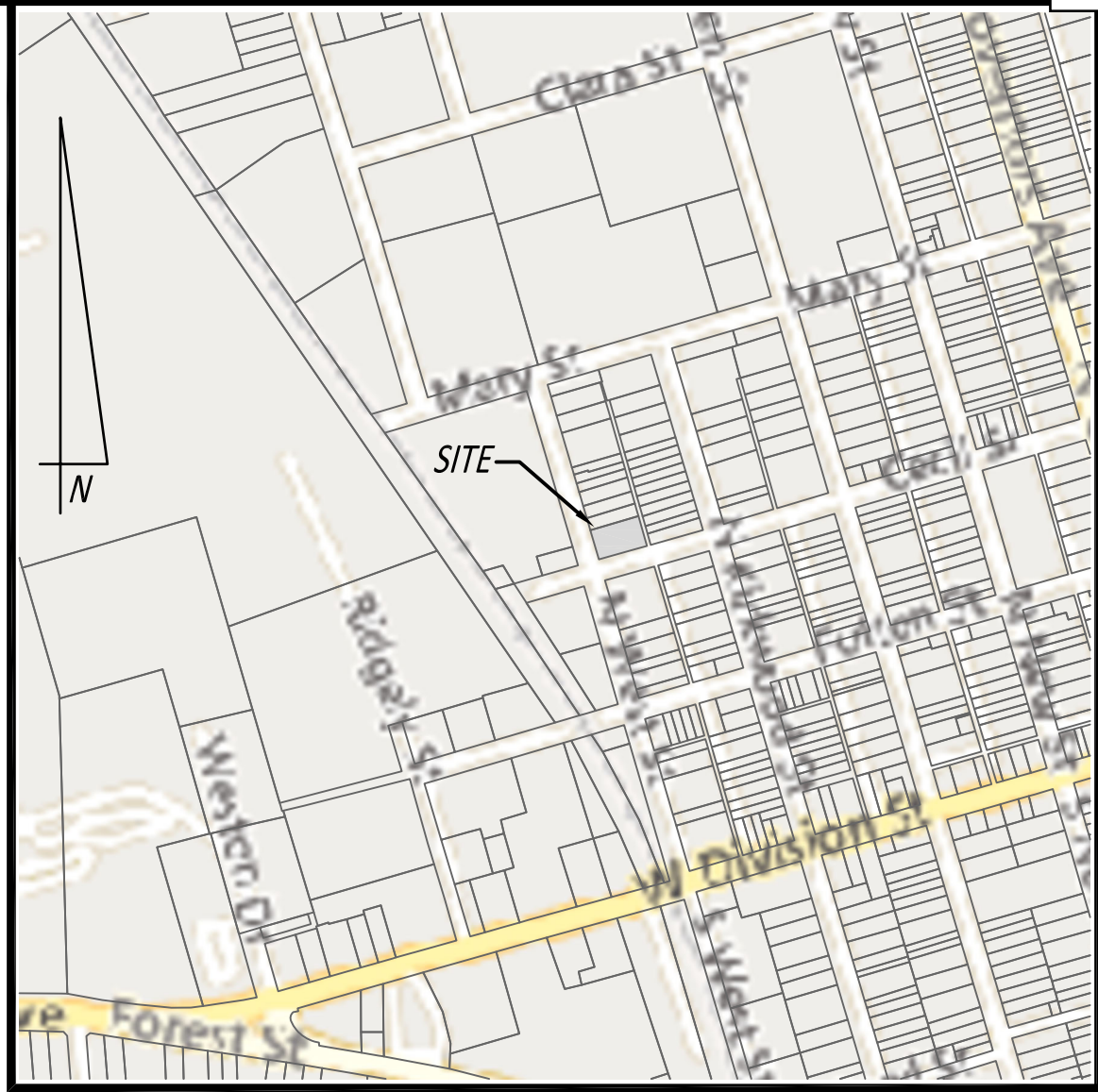
lands n.o.f.
CHARLES C. WHITE
TAX PARCEL NO.: ED-05-076.08-02-13.00
DEED REF.: 015-451
ZONED: RG-1 (GENERAL RESIDENCE)

lands n.o.f.
CHARLES C. & DIANE E. FERGUSON
TAX PARCEL NO.: ED-05-076.08-02-14.00
DEED REF.: 4932-140
ZONED: RG-1 (GENERAL RESIDENCE)

lands n.o.f.
WILLIAM D. & BONNIE L. PENNINGTON
TAX PARCEL NO.: ED-05-076.08-02-15.00
DEED REF.: 2402-305
ZONED: RG-1 (GENERAL RESIDENCE)

VARIANCES REQUESTED

- Variance from Article 4, Section 4.2 to allow a lot area of 2,366 Sq. Ft. for Lots 2 and 3 from the required 3,000 Sq. Ft.
- Variance from Article 4, Section 4.2 to allow a lot depth of 84.50 Ft. from the required 100 Ft.



DATA COLUMN

Plan Purpose: Obtain variances necessary to support subdivision of existing lot into four townhouse lots.

Tax Parcel Number: ED-05-076.08-02-01.00-000

Datum: N.G.V.D.

Site Area: 12,168 Sq. Ft. = 0.279± Acres

Existing Zoning: RG-1 (General Residence)

Bulk Area Standards (Townhouse):

	Minimum	Proposed
Lot Area:	3,000 Sq. Ft.	2,366 Sq. Ft.
Lot Width:	20 Ft.	28 Ft.
Lot Depth:	100 Ft.	84.50 Ft.
Front Yard:	15 Ft.	15 Ft.
Side Yard:	10 Ft.	10 Ft.
Rear Yard:	30 Ft.	30 Ft.
Off-Street Parking:	1 Per DU	1 Per DU

Building Stories:

Maximum	Proposed
3 Story	3 Story

Building Height:

35 Feet	35 Feet
---------	---------

Lot Coverage:

60%	55.0%
-----	-------

Proposed Lot Area:

Lot	Area
1	3,718 Sq. Ft.
2	2,366 Sq. Ft.
3	2,366 Sq. Ft.
4	3,718 Sq. Ft.
Average Lot Area:	3,042 Sq. Ft.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

DATE 10/10/24	SCALE 1"=20'	BOARD OF ADJUSTMENT PLAN FOR 207 N WEST STREET CITY OF DOVER, KENT COUNTY, DELAWARE PREPARED FOR: TIDEMARK	CADD FILE: BOA Plan_Tidemark-West3
JOB NO. 24-022	DRAWN BY YATuroczy		
APPLICATION NO.:	DESIGNED BY: DLiberman		
APPROVED BY: DLiberman	CHECKED BY: DLiberman		
DATE	REVISION		
		LARSON ENGINEERING GROUP INC. CIVIL ENGINEERING & LAND PLANNING 910 SOUTH CHAPEL STREET • SUITE 200 NEWARK, DE 19713 Phone: (302) 731-7434 Fax: (302) 731-8211	SHEET NO.: BP-1
SIGNATURE	DATE		



Cecil Street Townhomes
Dover, Delaware