

CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS

The Construction and Property Maintenance Code Board of Appeals meeting was held on June 10, 2026, at 3:32 p.m., with Mr. Boggerty presiding. The members present were Mr. Neil. Mr. Campana and Mr. Rocha were absent. Staff members present were Mr. Kopp, Ms. Brown, Mr. Layfield, Mr. Wood, Ms. Wheeler, and Ms. Martin. Mr. Martin was absent.

ADOPTION OF AGENDA

Mr. Boggerty stated that prior to accepting the agenda, there was a request for modification of Item #2, Property Maintenance Code Violation (Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-403 - Registration and Registration Fee) - Appeal of Registration Fee – 18 Saint Andrews Court would be moved to Item #1.

Mr. Neil moved for approval of the amended agenda, seconded by Mr. Rocha, and unanimously carried (Martin absent).

2009 Property Maintenance Code Violation (Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-403 - Registration and Registration Fee) - Appeal of Registration Fee – 18 Saint Andrews Court

Mr. John England, Code Enforcement Officer, reviewed the case history for 18 Saint Andrews Court.

Mr. McPherson stated that the water leak was caused by a broken flapper valve on the toilet that he was unaware of, and when he returned to the property, he took care of the issue. He noted that he fixed that issue personally. He further stated that once he received the water leakage notice, he took care of it immediately. He explained for the record that they had told him that he could be reimbursed and received a small reimbursement because of the reason that he had taken care of the issue.

Responding to Mr. Boggerty, Mr. McPherson stated that the property was not vacant. He noted that he goes to the property every other weekend since he purchased the property. He further noted that he had provided documents, such as a picture of the property, homeowner's insurance policy, the Verizon files that had the current address on the property, and a copy of the vacant notice (**Attachment #1**).

Responding to Mr. Boggerty, Mr. England stated that the water usage on the property was below the threshold. He also noted that there were several months without any recorded water usage in between.

Responding to Mr. Rocha, Mr. England stated that there has been no recorded water usage since November.

Mr. Boggerty stated that even if someone were to use 500 gallons of water, that would not register for usage.

Mr. McPherson stated that he was the only individual staying at the property, and he only took two (2) showers while he was there for the weekends.

Mr. Kopp stated that, according to the code, the property must be maintained in compliance with all applicable codes, so the grass would have to remain cut.

Mr. England stated that most of the property was in a wooded area, so the property was mostly ivy.

Mr. McPherson stated that he personally took care of the yard and had provided a picture of the house with the yard being maintained (**Attachment #1**).

Mr. England stated that he had a picture of the property from two (2) days ago (**Attachment #2**).

Mr. Boggerty stated that both pictures provided were different in how the yard had been maintained.

Mr. Kopp stated that the question would be the definition of a vacant building. He noted that by Mr. McPherson's own admission, he admitted that he only occupied the property four (4) days a month. He further noted that every other weekend would amount to being at the property for four (4) days a month and that the property was not his primary residence. Based on those facts, he believed that it met the definition of a vacant building.

Responding to Mr. Neil, Mr. Kopp stated that the electric was in minimal use.

Mr. England stated that a few years ago, the average consumption for a family living in a home was around 900 kilowatts, and the kilowatts were around 125, 163, 135, and 204 over the course of several months. He noted that it could be a light bulb in the refrigerator or something to that effect. He added that this was the reason why they could see some usage on the property.

Mr. McPherson stated that the boiler maintained the temperature in the house throughout the winter and that was what was used on the bill. He noted that the exterior lights and a timer-controlled light in the living room turned on at 7:00 p.m. and off at 11:00 p.m. to make it appear that someone was home.

Mr. Kopp stated that the primary issue was the definition of maintaining a vacant building. He noted that, by the property owner's own admission, the property was occupied only four (4) days per month and therefore questioned if that property met the definition of a vacant building.

Responding to Mr. Boggerty, Mr. Kopp stated that the code did not clearly specify the number of days an individual must reside in a building or property for it to be considered occupied. He noted that since it was not clear in the code, it was the reason the matter was before the Board.

Responding to Mr. Rocha, Mr. England stated that the property was brought to his attention in May, and when he started to look back at the files on the utility usage, that was when he noticed there was no usage.

Responding to Mr. Rocha, Mr. England stated that the complaint came from another inspector and that the inspector felt that the property looked vacant based on the visual inspection. He noted that the inspector forwarded it to him to investigate the property more.

Responding to Mr. Rocha, Mr. England stated that there was no indication in the records that utility usage had ceased. He noted that August 31, 2022, was the date he identified while reviewing the files and that it appeared to be the date the property was purchased.

Responding to Mr. Rocha, Mr. McPherson stated that once he retired, he would be moving back to the property. He noted that he hoped to be living at the property between December and February. He added that he was currently working with an architect to do the renovations and had been interviewing contractors.

Responding to Mr. Boggerty, Mr. McPherson stated that the property was livable and that he had internet, a computer, a TV, and a bed. He noted that he came in on Friday evening, maintained the yard, relaxed, and by Sunday afternoon, he was back to his primary residence. He had been doing this since he purchased the property.

Responding to Mr. McPherson, Mr. Neil stated that a house that remained vacant for extended periods could become a target for unauthorized entry, vandalism, or other unlawful activity. He explained that vacant properties could attract individuals seeking shelter or a place to engage in illegal activities, which could result in damage to the interior of the home and affect the neighbors as well. He emphasized that the city's vacant building regulations were intended to prevent situations and protect both property owners and neighbors. He noted that the Board did not want to punish him, but at the same time, the property was a target, and the city could not defend that house. He further noted that the police could not go monitor the property, either. He added that the matter was not driven by money, but that he was costing the city more money than they would be able to collect on the property.

Responding to Mr. Neil, Mr. McPherson stated that he understood his point of view. He explained that he has two (2) great neighbors, and his sister and her husband live in Smyrna, who come to check on the property regularly. He noted that they check on the house and the mail for him. He emphasized that this was why he had confidence that his property was relatively safe and that he had great neighbors who looked out for the property.

Mr. England stated that code required him to have a registered agent, and that was required by code under the Vacant Building Ordinance.

Responding to Mr. Rocha, Mr. Kopp clarified that family members could be a registered agent.

Responding to Mr. Rocha, Mr. Kopp stated that information could be found on the vacant building application and that individuals could put their names as a registered agent.

Mr. Kopp pointed out that if the case were resolved today, Mr. England would no longer have to go out to the property every 30 days to inspect it. He explained that when there was an active vacant building on the property, the Code Enforcement Officer would go out every 30 days to inspect the property. He noted that the biggest issue with vacant buildings was the destruction that was happening to the properties. He stated for the record that those beautiful homes were becoming ugly quickly and some individuals were afraid to say anything. He added that when several unhoused individuals broke into a house, individuals did not want to say anything because they were worried their property would be next, and that was what they were dealing with throughout the city.

Mr. Boggerty stated that it was feasible to have the family be registered, and give some time to be registered agents, and if they become the registered agents, then he would be in compliance, and there would be no upheaval with the property. He noted that every property was subject to something happening and that he was aware that they were being proactive instead of being reactive, but sometimes the hypotheticals would always be hypotheticals. He further noted that if a house was for sale or anything, that would seem to always happen. He added that outside of becoming registered agents, there would be a system in place to be monitored.

Responding to Mr. Rocha, Mr. Kopp clarified that they were discussing the first year vacant building fee and that fee was \$375.

Responding to Mr. Rocha, Mr. Kopp stated that was the normal fee for the first year vacant building fee, and even with the \$375, it would not cover the cost for Code Enforcement to monitor the property and do the required inspections and paperwork. He noted that the fee was minimal and the fee was for a deterrent to prevent the property from being vacant. He added that was the whole intent behind the fee.

Responding to Mr. Rocha, Mr. Kopp clarified that the fee was for the entire year.

Responding to Mr. Rocha, Mr. Kopp stated that maintaining the property and having an agent in place was a requirement regardless of whether it was required by code.

Responding to Mr. Rocha, Mr. Kopp stated that since the property was vacant, it was a requirement and required by code.

Mr. Rocha stated that the property could be registered with the City of Dover as a vacant building, which authorized the city to provide an added layer of protection and required the owner to have a registered agent to help protect the property.

Responding to Mr. Rocha, Mr. Kopp explained that when a building becomes vacant, the city has the right to investigate to ensure the property was secured. If there was no vacant building case, then there would be no active case, and there would be no justification to go and check the back door. He noted that if they could not see from the public right of way with individuals coming and going from the property, they would have no legal right to go back to the property.

Mr. Neil suggested that they hold the appeal in abeyance for 30 days pending having Mr. McPherson's agent be registered with the City of Dover and then suspend the fee if that occurred. If Mr. McPherson did not have his agent registered in 30 days, then that fee took place.

Responding to Mr. Neil, Mr. Kopp stated that the fee had to be paid to get the agent registered. Regardless, he noted that since it was a vacant building, it would be determined whether the building was vacant or not. If the fee was waived and the Board determined the building was not vacant, the case would be resolved. He further noted that there would be no further action from Code Enforcement, and the case would be closed as per the Board's decision. If the Board declared the building vacant, then Code Enforcement would continue with their case.

Mr. Neil mentioned that he would consider the building vacant even for Mr. McPherson's protection at the moment; that way he would be able to have an agent and that would absolve everything.

Mr. England explained that what an agent does, if there was a problem with the property, Code Enforcement could contact the agent and have them come to the property, instead of having the owner come from another state.

Responding to Mr. Rocha, Mr. England clarified that Mr. McPherson was contesting the vacant building registration fee.

Responding to Mr. Rocha, Mr. Kopp stated that requiring a registered agent helped reduce costs because the city first attempted to contact the registered agent before securing vacant properties with board-ups. He noted that board-ups were going between \$2,000 and \$5,000 if the buildings were broken into. He added that to have someone on site, they would be spending a minimum of \$2,000, and that would be a lien on the property every time they would have to board the property. He explained that if a registered agent was in place, the agent could secure the property instead. He noted that the city was required to secure vacant buildings according to code, which increased the cost. He noted that the city was required to secure vacant buildings according to code, which increased the cost. He also explained that having a registered agent could save the property owner money because the agent could secure the property before the city had to do so, noting that most vacant buildings were eventually broken into.

Responding to Mr. Campana, Mr. McPherson stated that he did not have a security system for his property, but he had a doorbell camera in the front of his property and a camera facing the rear, and the camera recorded motion of some sort.

Responding to Mr. Boggerty, Mr. Kopp stated that if the building was declared not vacant, the agent would not be required, and the case would be resolved. He further stated that if the building was declared vacant, then under the requirements of the code, there would need to be a registered agent.

Responding to Mr. Rocha, Mr. Kopp stated that there was not a prorated fee.

Responding to Mr. Campana, Mr. Kopp clarified that it would be easier for Code Enforcement if Mr. McPherson had a registered agent for the property.

Mr. Campana made a motion to have Mr. McPherson have a registered agent within the next 30 days.

Mr. Boggerty stated that an agent was required if the property was registered as vacant.

Mr. Kopp stated that, under Dover Code of Ordinances, Chapter 22, Article XII, Section 22-400 (c)(1), a vacant building is defined as a building, structure, or dwelling that has been unoccupied for more than three consecutive months, or a commercial tenant space greater than 10,000 square feet in an otherwise occupied building that has been left unoccupied for more than three consecutive months.

Mr. Campana pointed out that Mr. McPherson stated that he had been to the property every other week.

Responding to Mr. Boggerty, Mr. Kopp stated that was the reason for the appeal and to be the Board's determination whether four (4) days out of 30 days would be enough for occupancy. He

noted that according to Code Enforcement, they determined that the property was vacant because it was vacant 50% of the time. Four (4) days out of 30 was not even 50% of the time. He emphasized that was his determination as Code Enforcement that the property was vacant, but that it would be the Board to make that decision.

Mr. McPherson stated that he spent his vacation days at the property, which could be up to a week when he has time. Depending on the traffic situation, he noted that he tried to go to the property during the week for three (3) days or over the weekend to get away. He further noted that December was coming up and that he would be at the property more since he would be working with an architect and contractors on the house.

Responding to Mr. Campana, Mr. McPherson stated that he was at the property between six (6) and nine (9) days a month depending on what needed to be done at the property. He noted that in the past four (4) months he has been at the property more because he has been maintaining the property and keeping it clean, such as taking care of the leaves.

Mr. Neil moved to grant the appeal and not place the property of 18 Saint Andrews Court on the Vacant Building Registry. The fee of \$375 was removed. The motion was seconded by Mr. Campana and unanimously carried (Martin absent).

Responding to Mr. McPherson, Mr. Kopp stated that since the property was declared not vacant, the vacant building case was closed, so he did not need to register any agents for the property. He explained that if the property was broken into for any reason, Code Enforcement would attempt to contact him, and if they could not contact him, or if he did not reach out to them within the hour, they would secure the building themselves, and it would be determined a dangerous building.

Responding to Mr. McPherson, Mr. Kopp stated that Code Enforcement does not keep an eye on the property; they did not record the property or agents unless the property was vacant.

Responding to Mr. Campana, Mr. Kopp stated that if they did not have a case on the property, they could not voluntarily accept an agent's information from Mr. McPherson. He noted that the property had to be an active case.

Responding to Mr. Neil, Mr. Kopp stated that the Board has declared the property as not a vacant building, and it was out of Code Enforcement's hands.

Mr. Kopp stated that once Mr. England closed Mr. McPherson's case, the case would be locked, and to keep the integrity of the case, nobody would be able to go into the case and edit the file since it would be locked.

Responding to Mr. McPherson, Mr. Campana stated that the individual could contact the police station, provide their address and his sister's information in Smyrna, and make the police aware of the property in case something happened.

Responding to Mr. McPherson, Mr. Kopp stated that he could put an emergency contact on his electric account.

2009 Property Maintenance Code Violation (Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-403 - Registration and Registration Fee) - Appeal of Registration Fee – 420 Wyoming Avenue

Mr. Boggerty read into the record an email dated June 5, 2026, from Heather Mund, requesting a continuance (**Attachment #2**).

Mr. Boggerty read into the record a letter from Richard Diaz from the Crystal Cove Care Center, regarding Ms. Mund's father, Robert Engles, residing in a long-term facility (**Attachment #3**).

Mr. Kopp stated for the record that Ms. Mund has reached out on several occasions to both him and the City Manager's office. He explained that over the course of the case, there has been one (1) fee paid, and that was for the second year of vacancy for \$750. No other fees have been paid since. He noted that the property was maintained vacant, and neither Ms. Mund nor her father, Mr. Engles, resided at the property. He further noted that both reside in California. He further explained that he had a conversation with Ms. Mund, and she had asked for an extension of the appeal until August. He stated that there has been a history of leniency, from himself and the City Manager's office, which was the reason for the appeal.

Responding to Mr. Campana, Mr. Kopp stated that there have been several fees in the amount of \$5,000 that have been waived.

Responding to Mr. Rocha, Mr. England stated that it has been since 2022.

Mr. Neil stated that the case was a long file and perplexing because he was unsure if they were going to come back.

Mr. Kopp stated that there was an issue with code that did not specify time. He explained that in the current draft vacant building ordinance, it would have the time for long-term care on how long the exemption could be and that it would be up to the Board to determine that the exemption was substantial or would have merit for the situation, which Code Enforcement believed would not. He noted that they were sympathetic to the cause but that the case had been ongoing for a long time and that he believed it was undermining the purpose of long-term care.

Mr. Rocha specified that Ms. Mund stated her father, Mr. Engles, was in rehabilitative care, but the document referred to long-term care, so it was not the same thing. He noted that both Ms. Mund and her father were located in California currently.

Mr. England pointed out that the case was opened up under Code Enforcement Officer Ron Coburn. He stated that Mr. Coburn made a note on July 18, 2023, in the case that the daughter, Ms. Mund, was on site with landscapers and contractors cleaning out the dwelling since she was unsure if Mr. Engles was going to be returning to the dwelling or if the dwelling would be placed on the market for sale.

Responding to Mr. Campana, Mr. England stated that they did not know the condition of the inside of the dwelling.

Responding to Mr. Campana, Mr. England stated that the outside of the dwelling was maintained. He noted that a neighbor was listed as the agent on record.

Mr. Kopp added that Ms. Mund had not been to the property, and one (1) of the requirements was an interior inspection once a year, which had not taken place because they were on the other side of the country. He was unaware of the condition of the inside, and looks could be deceiving.

Mr. England stated that there was no utility information. He noted that there was a time when there was a high usage of utilities. He explained that Ms. Mund was in California and there was a broken pipe and some type of water leak. Ms. Mund got a hold of her agent, who went inside the dwelling, and he could not find any reason for a leak and reported back as such, because there was no water usage.

Responding to Mr. Campana, Mr. England stated that there was not a fine, but a registration fee of \$5,000. He noted that the property was in its fifth year of being a vacant building.

Responding to Mr. Campana, Mr. Kopp stated that the \$5,000 registration fee was for the year.

Responding to Mr. Campana, Mr. Kopp stated that another \$5,000 registration fee would be for the following year, and the whole intent was to occupy the property. He explained that there was a minimum of 12 inspections on the property, one (1) every month. He noted that Mr. England was out to the property 12 times a year and the property remained in the same state.

Responding to Mr. Rocha, Mr. Kopp stated that the cap was \$5,000.

Mr. Campana moved to uphold the Code Official's decision and to declare the property in its fifth year of vacancy. The fifth-year vacant building registration fee of \$5,000 is due within 30 days. The motion was seconded by Mr. Neil.

Responding to Mr. Rocha, Mr. Kopp stated that Ms. Mund was properly notified of the appeal and she acknowledged that the appeal would take place today. He noted that Ms. Mund had her email read into record asking for a continuance, as well. (**Attachment #2**).

Mr. Kopp stated for the record that Mr. Engles was alive and that the property was his. He noted that even though Ms. Mund, who represented him, was unavailable, he could have been available to be online since the information was available to him.

Ms. Wheeler stated that she had talked with Ms. Mund several times last week and at the beginning of the week. She noted that she let Ms. Mund know that they could call her regarding the meeting and put her on speakerphone, but her concern was losing connection. She informed Ms. Mund that the Board would call her back, but Ms. Mund was concerned that she was in a rough area where she did not have a good connection.

Responding to Mr. Boggerty, Ms. Wheeler stated that she gave Ms. Mund several opportunities to be at the meeting. She further stated that a Webex link was given to her and that she was told a phone call would be given to her during the meeting. She explained that Ms. Mund had the proper notification through email, by mail, and by telephone. She noted that Ms. Mund did call and asked if the meeting could be rescheduled, and she was told that the meeting could not be rescheduled because the appeal had to be scheduled within 30 days. She further noted that Ms. Mund stated that she was not aware of that because Mr. Kopp did not explain that to her. She pointed out that she was aware that Mr. Kopp did inform Ms. Mund that she had 30 days to appeal her case.

Mr. Kopp stated for the record that he did advise Ms. Mund when he spoke to her last week that it would be Code Enforcement's recommendation to deny the appeal based on the circumstances.

Responding to Mr. Rocha, Mr. Kopp stated that there was not a lien on the property as of yet. Responding to Mr. Rocha, Mr. Kopp stated that the other fees have been waived up until now.

Responding to Mr. Rocha, Mr. Kopp stated that the big issue with Ms. Mund was that she has been going to the City Manager's office, and it was determined that it was not the right course of action, which was why they were scheduled for the meeting. He noted that in order to appeal a vacant building, it needed to come before the Board and not staff.

Responding to Mr. Campana, Mr. Kopp stated that if the \$5,000 does not get paid, the registration fee would get attached to the taxes, and if the taxes do not get paid, it would go to the monition sale. He noted that the whole intent behind that was to alleviate the vacant building. He added that the endgame was that they wanted the property to be occupied and that they did not want vacant buildings, since vacant properties opened up all kinds of messes.

Responding to Mr. Rocha, Mr. Kopp stated that Ms. Heather Mund was added as the trustee and was the daughter of Mr. Engles, so she had power of attorney.

Mr. Campana moved to uphold the Code Official's decision and to declare the property in its fifth year of vacancy. The fifth-year vacant building registration fee of \$5,000 is due within 30 days. The motion was seconded by Mr. Neil and unanimously carried (Martin absent).

Responding to Mr. Campana, Mr. Kopp stated that they put 30 days on everything and that if the fee goes unpaid for a year, it would get transferred to the taxes. He explained that there was no interest, just a flat fee. All the fines were a flat fee, but the fines could be billed in the way it was written into the code to get transferred to taxes. He noted that they have to have vacant building and grass fines automatically transfer taxes, and they always wait a year before they transfer the fee.

Mr. Boggerty moved for an adjournment of the Construction and Property Maintenance Code Board of Appeals meeting. The motion was seconded by Mr. Rocha and unanimously carried (Martin absent).

The meeting adjourned at 4:24 p.m.

Andre M. Boggerty
Chairman

AB/cw

Attachments

Attachment #1 – Documents provided by Ray McPherson

Attachment #2 – A continuance letter from Heather Mund

Attachment #3 – A letter from Richard Diaz from the Crystal Cove Care Center



US MAIL
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06/08/2026 14:07



06/08/2026 14:07





City of Dover Vacant Building Registration

1.	Amount Due:	\$375.00	LID#:	6680	Amount Paid:	
	Date Due:	6-8-2026	Case #	26-00001749	Date Registered:	
	Vacant Since:	8-31-2022	Tax Parcel #	ED-05-067.13-02-050.000-000		
	Property Address:	18 Saint Andrews Ct. Dover DE 19904				
	Current Property Owner:	Ray C Lee McPherson				
	Address:					
	Phone:		Cellular:			
	E-Mail:					
2.	** Local agent is required for any owner residing outside of Kent County Delaware					
	Responsible Person/Agent:					
	Address:					
	Phone:		Cellular:			
	E-Mail:					

3. Insurance on Building: Y ☐ / N ☐
If Yes: Name of Insurance Company: _____

Exempt from Registration Fee: Y ☐ / N ☐

4. Explanation of Exemption if granted: _____

NOTE: No Exemption if Registered by City of Dover Staff

5. ****If building is for sale or lease—Listed Selling Price: _____

****Attach a copy of the Realtors Listing Sheet (REQUIRED)

6. Owner Signature: _____

Date: _____

Fees as follows:

Buildings vacant one year or less;	\$375.00
Buildings vacant for more than one year but less than two years;	\$750.00
Buildings vacant for more than two years but less than three years;	\$1,500.00
Buildings vacant for more than three years but less than five years;	\$3,000.00
Buildings vacant for five years or longer;	\$5,000.00

Interior Inspection Date _____

OFFICE USE ONLY

ELECTRIC:	Y ☐	N ☐
GAS SERVICE:	Y ☐	N ☐
BASEMENT:	Y ☐	N ☐
SECURED:	Y ☐	N ☐
PHOTO:	Y ☐	N ☐
STRUCTURE SOUND:	Y ☐	N ☐
WEAK FLOORS:	Y ☐	N ☐

From: [Heather Mund](#)
To: [City Clerks Office](#); [Neil, Fred](#); [Christiansen, Robin](#)
Subject: EXTERNAL: Appeal Continuance Date Request
Date: Friday, June 5, 2026 2:20:18 PM

Some people who received this message don't often get email from heather4you@hotmail.com. [Learn why this is important](#)

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk Office,

I would like to ask for a continuance date to address the appeal for the vacant property registration fees. Crystal at the clerks office has been most kind in trying to help me with my request. I am unavailable on June 10 due to my work obligations.

I have included a prior file sent with our appeal. I would also like you to include my neighbor Mr. Steve Leboon at the meeting to help explain my need for a continuance in this matter. He along with many neighbors are watching our property daily and alerting me if there are any concerns.

I would like if you could send any mailings to the address on file but also copy my email since I will not be able to retrieve my physical mail till I return home.

Additionally I am including a letter from the care center my father is in getting rehabilitative help. He is improving after a devastating accident.

Thank you kindly,
Heather Mund

Sent from [Outlook](#)



CRYSTAL COVE
CARE CENTER

To whom it may concern,

Robert Engles is residing in a long-term care facility at Crystal Cove Care Center.

Feel free to contact the facility for any questions or concerns.

Sincerely,

Richard Daiz
Business Office Manager
richard.daiz@crystalcovecc.com