CODE BOARD OF APPEALS

The Code Board of Appeals meeting was held on September 10, 2026, at 3:30 p.m., with Dr. Sudler presiding. The members present were Dr. Pillsbury, Ms. Main, Mr. Neil (via Webex), and Mr. LeBoon. Staff members present were Mr. Kopp, Mr. Layfield, Ms. Wheeler, and Ms. Martin.

ADOPTION OF AGENDA

Dr. Pillsbury moved for approval of the agenda, seconded by Ms. Main, and unanimously carried.

DOVER CODE ORDINANCE VIOLATION: (Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 1, Section 106-130 - Wrecked, Nonoperating, Improperly Parked, or Improperly Parked or Equipped Vehicles) - 846 Monroe Terrace

Dr. Sudler recognized Ms. Shelley Evans and asked her to explain the basis of her appeal.

Ms. Evans stated that her husband had undergone major surgery and had significant mobility limitations. She explained that, on the date of the citation, she briefly pulled the vehicle onto the grass directly in front of the residence so that her husband could safely exit near the front door. She stated that he had a disability parking placard and could not safely walk the additional distance or navigate the slope from the driveway.

Ms. Evans also raised concerns regarding prior discussions about parking a bobtail tractor in her driveway. She stated that she had previously been advised that the bobtail was permitted under the ordinance but then on July 16, 2026, a citation was issued without a new written warning.

Mr. Matthew Layfield, Code Enforcement Officer, stated that on July 16, 2026, at approximately 9:30 a.m., he observed Ms. Evans's Hyundai parked in the front yard in violation of Dover Code Section 106-130. He stated that this was the fourth occurrence of a vehicle being parked on the grass since December 2024 and that a citation was issued for maintaining a known violation.

Mr. Eddie Kopp, Chief Code Enforcement Officer, clarified that the bobtail was not the subject of the appeal, that there was no active or pending Code Enforcement action concerning the bobtail, and that the matter was before the Board concerned only the vehicle parked on the grass. He explained that a bobtail is the tractor or motor-vehicle portion of a tractor-trailer. He noted that a recently adopted ordinance addressing commercial vehicles had not yet been codified as of the meeting date.

Mr. Kopp stated that Code Enforcement considered the incident a repeated violation based on prior cases involving vehicles parked on the grass at the property. He explained that, because the condition constituted a known violation, Code Enforcement's interpretation was that an additional 30-day correction period was not required before issuing a citation. At the Board's request, Mr. Layfield identified Dover Code Chapter 46, Section 46-8, Maintaining a Known Violation or Hazard. Mr. Kopp read the relevant provision into the record and cited cases dated February 14, 2023; December 9, 2024; May 16, 2025; December 12, 2025; and July 16, 2026, as evidence that written notice had previously been provided.

Responding to Dr. Sudler, Ms. Evans disputed that all prior matters involved the same violation and stated that some concerned the bobtail. Mr. Kopp confirmed from the case history that the cited matters involved vehicles parked or stored in the front yard.

Responding to Ms. Main, Mr. Layfield responded that the ordinance did not establish a minimum length of time a vehicle must remain on the grass before a violation occurs.

The Board reviewed the photograph associated with the current citation. Mr. Kopp stated that the photograph showed an unoccupied vehicle parked on the grass in front of the residence. He explained that Section 106-130 did not include an exception for temporary loading or unloading and stated that Code Enforcement's role was to interpret and enforce the ordinance as written.

Mr. Kopp read into the record the description of the February 14, 2023 case, which directed the property owners to remove the vehicle from the grass and park only on an approved parking surface. In response to questions from the Board, staff stated that the bobtail was present in the driveway during at least two of the prior incidents.

The Board recessed briefly so that staff could locate and display prior citation letters and photographs. Upon reconvening, Ms. Wheeler displayed citation correspondence and photographs dating to 2023 **(Attachment #1).**

Responding to Dr. Sudler and Dr. Pillsbury, Ms. Evans stated that she did not have a physician's letter with her but could obtain one. She displayed her husband's disability parking placard, issued in July 2025, and medical equipment used for his leg. She stated that her husband underwent surgery in June 2025 and continued to have severe mobility and balance limitations.

Responding to Mr. Leboon, Ms. Evans stated that pulling fully into the driveway would add approximately five to seven feet and require her husband to walk on the sloped driveway. She noted that positioning the vehicle directly in front of the door minimized the distance and allowed him to enter safely.

Responding to Dr. Sudler, Ms. Evans stated that she moved the vehicle approximately five minutes after her husband entered the residence and that, at other times, the vehicle was parked in the driveway in front of the bobtail.

Responding to Dr. Pillsbury, Ms. Evans stated that she was a licensed commercial driver, the bobtail remained in active use, and she was generally home only three or four days each month. She stated that her daughter had been responsible for one earlier occurrence while Ms. Evans was moving the bobtail.

Mr. LeBoon reviewed Ms. Evans's written appeal and asked about a prior photograph showing a vehicle on the grass when the bobtail was not in the driveway. Ms. Evans acknowledged that occurrence and explained that the vehicle had been moved temporarily while the bobtail was being taken out and was returned to the driveway after daylight. She reiterated concerns about her communications with Code Enforcement.

Responding to Ms. Evans, Mr. Kopp stated for the record his telephone conversation with Ms. Evans. He stated that the call had been placed on speakerphone because she was upset and was witnessed by staff. He stated that he advised Ms. Evans that he did not have authority to override the ordinance and that a disagreement with Code Enforcement's interpretation had to be appealed to the Code Board of Appeals. He stated that he then transferred her call to the City Clerk's Office. Based on the evidence and Code Enforcement's interpretation of the ordinance, Mr. Kopp recommended denial of the appeal.

Mr. Neil suggested that Ms. Evans explore whether a paved extension or parking pad could be approved to provide safer access and prevent future violations. Mr. Kopp clarified that a zoning variance did not apply to the ordinance before the Board, but Ms. Evans could apply for a permit to extend the driveway. He stated that approval could not be guaranteed because the review could involve Planning and Inspections, Public Works, wastewater, zoning, lot coverage, and utilities. He

further stated that any amendment to the ordinance would need to be submitted to City Council through the committee process.

Responding to Ms. Main, Mr. Kopp stated that Code Enforcement officials are required to interpret and enforce the code based on their training and certifications and that the Board could review that interpretation but could not modify the ordinance in this proceeding.

Dr. Sudler stated that the Board needed a legal opinion regarding the application of the Americans with Disabilities Act (ADA) and reasonable accommodation to the facts of the appeal before deciding. Dr. Pillsbury agreed that legal guidance would assist the Board in this case and in addressing similar circumstances in the future. Ms. Evans stated that she considered postponing the meeting for a legal review to be fair and asked whether she would receive notice of the continued hearing. Dr. Sudler confirmed that she would be notified when the matter was rescheduled.

Mr. LeBoon moved to postpone consideration of the appeal until the Board received legal advice regarding how the Americans with Disabilities Act conforms with and impacts this case. The motion was seconded by Dr. Pillsbury and unanimously carried.

Dr. Pillsbury moved for adjournment of the Code Board of Appeals meeting, seconded by Ms. Main, hearing no objection, the meeting adjourned at 4:28 p.m.

The meeting adjourned at 4:28 p.m.

Dr. Roy Sudler, Jr.
Chairman

RS/rm