CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA
Wednesday, September 21, 2016 at 9:00 AM

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of August 17, 2016 Meeting

OLD BUSINESS

Applicant #V-16-06
1310-1324 Forrest Avenue. Margaret H. Johnson has requested a variance from the requirements of *Zoning Ordinance* Article 3 §27.66 pertaining to the maximum allowed height of buildings located with the COZ-1 (Corridor Overlay Zone). Subject property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1. Tax Parcels are ED-05-076.10-01-01.00-000, ED-05-076.10-01-02.00-000, ED-05-076.10-01-03.00-000, ED-05-076.10-01-04.00-000, ED-05-076.10-01-04.01-000. The owner of record is Margaret H. Johnson. *At its meeting of June 15, 2016 the Board of Adjustment conducted a public hearing but deferred action.*

NEW BUSINESS

Applicant #V-16-12
100 North DuPont Highway. Wells Fargo Bank has requested an area variance from the requirements of *Zoning Ordinance* Article 6 Sections 3.4, 3.6, and 3.11 pertaining to minimum parking space size, requirement for curbing, and the maximum number of parking spaces in order to perform site improvements relating to parking and traffic circulation on the subject property. Subject property is zoned C-4 (Highway Commercial Zone). Tax Parcels ED-05-068.18-01-26.00-000, ED-05-068.18-01-27.00-000, ED-05-068.18-01-24-00-000. The owners of record are Paul & Justine Davis Revocable Trust Agreement and Kings Highway Land Partners LLC.

ADJOURN
29 Del.C. § 10004(e)(2)

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
August 17, 2016

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, August 17, 2016 at 9:04 A.M. with Chairman Sheth presiding. Members present were Chairman Sheth, Mr. Hufnal and Mr. Keller. Colonel Ericson and Mr. Senato were absent.

Staff members present were Mrs. Townshend, Mrs. Purnell, Mr. Diaz, and City Solicitor Nick Rodriguez.

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda with the removal of the Old Business Item V-16-06 due to no updates, seconded by Mr. Keller and unanimously carried 3-0. Colonel Ericson and Mr. Senato were absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JULY 20, 2016

Mr. Keller moved to approve the meeting minutes of July 20, 2016 with the necessary corrections, seconded by Mr. Hufnal and unanimously carried 3-0. Colonel Ericson and Mr. Senato were absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mrs. Townshend, Director of Planning and Community Development stated that the meeting today will be conducted in accordance with the agenda. There is now one (1) agenda item under New Business. The application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor, they will recess to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new application on this agenda was completed in accordance with code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

NEW BUSINESS

Applicant #V-16-11

409 South DuPont Highway and 324 Martin Street. Lance Moffa has requested an area variance from the requirements of *Zoning Ordinance* Article 5 §4.7 pertaining to the number of signs permitted on the property in order to retain an abandoned non-conforming pylon sign, and the requirements of *Zoning Ordinance* Article 5 §7.4 pertaining to outdoor storage trailers. Subject property is zoned C-4 (Highway Commercial Zone). Tax Parcel ED-05-077.10-01-41.00-000. The owner of record is S & C Enterprises Inc.

Exhibits for the Record: Staff Report and plans submitted by the applicant. Legal Notice was published in the Delaware State News – on August 4, 2016. The public was notified in accordance with regulations.

Mr. Diaz gave a brief overview of the application.

Mr. Keller questioned whether there were any storage buildings, standalone moveable buildings, and if there were none there today is there a process through the City by which they would be obligated to make application for a temporary placement. Mr. Diaz replied by stating that there is a permit application to place storage trailers on a site and it is available in the office.

Responding to Mr. Hufnal's question even if they applied for a storage permit, the permit is only allowed for up to 18 months, Mr. Diaz replied that is correct.

Responding to Mr. Hufnal's question that the applicant would either have to build something to take care of the storage trailer or remove the trailer. Mr. Diaz concurred. Mrs. Townshend added that there is a permit application for the storage trailers in the office, but it cannot be approved because it does not comply with the Zoning requirements which is why it is part of the variance request. It exceeds the 2% of the floor area and it is not screened.

Responding to Mr. Hufnal's question if the applicant was to build a storage building they would be allowed to have a construction trailer for a period of time until the storage building is built, Mr. Diaz concurred.

Mr. Hufnal questioned whether there is a time limit on that trailer or as soon as the building is complete and the applicant has received Certificate of Occupancy of the building then they would need to remove the construction trailer. Mrs. Townshend stated that usually it is required to be removed when they issue the Certificate of Occupancy.

Responding to Chairman Sheth's question whether there is any history of the signs, Mrs. Townshend stated that there have been a number of Sign Permit applications on this property over the years. There was a Code Enforcement case related to the changeable copy sign that was put up without a permit and the timing did not comply. There has been a little bit of history in terms of the signs and which signs was going to be used has changed over time as the business has evolved on the site.

Responding to Chairman Sheth's question whether the permit had expired, Mrs. Townshend stated that the permit was not issued because it did not meet the Zoning requirements. With a changeable copy sign, you cannot be more than 70% of the sign face.

Responding to Mr. Keller's question whether there had been any inspections of the storage trailers in the past 18 months by the City Code Enforcement Officers, Mrs. Townshend replied no, just the observation that the storage trailers are there, but no formal inspection that she was aware of.

Representative: Mr. Charles Rayborn, Representative for the Owner of Capital Pawn

Mr. Charles Rayborn was sworn in by Mr. Rodriguez.

Mr. Rayborn testified that the first issue that he had was there are two businesses not one business. They are trying to obtain the permit and business license for the second business.

Responding to Mr. Diaz's question whether it was correct that the business was under common ownership, Mr. Rayborn replied that is correct.

Exhibits

Mr. Rayborn referred to other businesses in the City of Dover that had two (2) pylon signs.

Mr. Rayborn stated that the main issue is on the dome building which if permitted will be the Car Pawn. It is a separate business and they are currently waiting to receive the Business License. Personally, he does not understand how other businesses in the area can do what they are trying to do.

Chairman Sheth reminded the applicant that one illegal item does not legalize another item. Mr. Rayborn replied that he understood.

Mrs. Townshend stated that she wanted to address the issue of the number of businesses. Again, the Sign Ordinance does not permit one pylon per business. If that was the case, then every shopping center could have ten (10) pylons. What we typically see with the locations up and down the highway that have multiple businesses is one pylon with multiple faces on it. There may be one (the car wash on Rt. 13) shown in the packet is a nonconforming sign. The way the Ordinance is structured is that over time through dealing with abandoned signs it phases out the nonconformity. This is the way the Ordinance is set up, but there are many examples of multiple businesses with one pylon sign with multiple sign faces. As it relates to the storage trailers, that is something that we can certainly make a priority and have Code Enforcement focus more heavily on. She is sure there are more violations out there. When violations come up, they are addressed.

Mr. Rayborn commented that they are losing money daily by not having a Business License for the Car Pawn. Does that mean that they are being singled out by not complying when other people are not complying? Chairman Sheth replied no, there is no unfair practice and he reiterated what Mrs. Townshend stated earlier regarding other violators.

Mr. Rayborn stated that he felt like it was some type of selective enforcement. Mrs. Townshend stated that the office has five (5) Code Enforcement Officers for the entire City. It is obvious that they do not catch every violation.

Mr. Hufnal commented that both signs were abandoned and on April 6, 2015 someone made an application to reface Sign # 1 which at that time was (Vapor Dome) and the Planning Office approved the Sign Permit under the condition that Sign # 2 would be removed. Vapor Dome then went out of business and their sign was removed, but on June 10, 2015 another application was received to reface Sign # 2 and that Sign Permit was denied because that sign was supposed to

have been removed and it never was, but instead got refaced anyway. Mr. Hufnal asked what happened? Mr. Rayborn replied that he would need to check because he was not quite sure. He stated that at the last meeting that he attended he was told that if they tore down the sign at the dome, have a meeting and the Board of Adjustment may or may not approve it and then after the meeting put the sign back up and everything will be ok. Now does that make sense, again; does that make sense?

Responding to Mrs. Townshend's question on whether he was told to put it up after the meeting, Mr. Rayborn replied he was told to take it down and even had someone from the City to state they would come and take it down for you. Have this meeting take it down, then put it back up, you will be ok. Were we at the same meeting? Mrs. Townshend stated that she was unware of that and any indication that the City would remove the sign for you. Mr. Rayborn asked Dr. Warfield if she attended the meeting? Dr. Warfield replied yes.

Mr. Keller stated that Mr. Diaz has pointed out that there are other alternatives types of signs that could legally be put around, near, or on the dome building portion of the property, is that correct? Mr. Diaz replied yes sir. The property would be allowed two (2) wall signs per frontage, one (1) monument sign per entrance or one (1) post and panel sign per entrance in addition to the pylon sign.

Mr. Keller stated that he was not aware of what Mr. Rayborn just stated to Mrs. Townshend, but could it possibly be that the pylon sign has to come down, but there are other provisions for alternatives types of signs that could be legally put up. Mr. Rayborn stated that the uniqueness of the shape of the dome prohibits a professional sign to be there. There is electricity running through the sign and they are paying a bill every month and they are not able to use it.

Responding to Mr. Keller's question whether the sign was currently displaying anything, Mr. Rayborn replied that it is not doing anything. They are just getting a bill.

Responding to Mr. Hufnal's question whether it was Sign # 1, Mr. Rayborn replied, yes sir. Mr. Hufnal stated that the Board of Adjustment approved Sign # 1 to be there and Sign # 2 to be removed and it never was, it was refaced.

Mrs. Townshend stated that on the Exhibit Map it shows the location of Sign # 1 and Sign # 2, and asked if that was what he was referring to. Mr. Hufnal questioned if Sign # 1 was the legal sign, Mrs. Townshend replied that technically either one could be a legal sign, but they cannot both stay without a variance.

Responding to Mr. Hufnal's question whether Sign # 2 would be on Martin Street, Mr. Rayborn replied that it was two different addresses and that would be correct. (however, Mr. Rayborn said this is correct, but this is incorrect because both signs are on Route 13). Mrs. Townshend replied that Martin Street is not a principal arterial street. Mr. Hufnal stated that you could have the sign on Route 13, but you cannot have it on Martin Street.

Responding to Mr. Rayborn' s question how could they have the sign previously, Mrs. Townshend stated that it was nonconforming and probably existed prior to the zoning regulations.

Mr. Keller commented that he would presume that the applicant's potential customers would be up and down Route 13 as opposed to Martin Street, Mr. Rayborn replied both ways.

Mr. Keller stated that as he looked at the photographs he noticed 20-30 cars on northbound US 13 and there was not a vehicle on Martin Street. Mr. Rayborn replied that it could be the time of the day. It would benefit our business if they could have a sign at the dome and it is a separate business.

Mr. Keller questioned whether with an application if a monument sign could be placed on the dome?

Mr. Diaz emphasized that neither a monument signs or nor a post and panel sign would actually be placed on the building; it would be placed in the ground. It is difficult to put a wall sign on the building, but they have other options.

Responding to Mr. Keller's question regarding the submitted photos for February 2015 which depicts the storage trailer that has exceeded the 18-months that were allowed for the storage trailers for the one by the larger building which is now the Pawn business. Mr. Rayborn replied correct.

Responding to Mr. Keller's question regarding what is being stored in the storage trailer, Mr. Rayborn replied tools and items used for collateral for a loan.

Responding to Mr. Keller's question whether the storage trailers are owned by the owner of Capital Pawn, Mr. Rayborn replied no; they are rented.

Responding to Mr. Keller's question whether with that type of usage would the applicant contemplate a need for that type of usage storage, Mr. Rayborn replied that it is imperative that they have the storage trailers.

Mr. Keller stated that he has seen, heard, and read all kinds of uses imaginable for some of these storage containers even that they occasionally have been used as housing. Mr. Rayborn stated that his storage trailers are open for inspection 24/7, 365 days of the year. The storage trailers contain tools.

Mr. Keller questioned if regarding the construction of any accessory building, etc. whether the City has requirements for dimensional, fire code requirements, electrical service, sanitary conditions, etc. Mrs. Townshend replied that for accessory storage there are requirements but the requirements are not as high as they would be for an occupyable building. If it is just storage it is not required to have electricity. They could have a shed or storage building as an accessory structure. There are a number of businesses that have sheds similar to what you would have at a residence and that is permitted by Code.

Mr. Keller stated that it was noted in the City's Staff Report that there are certainly options if the storage trailers have to be removed that an accessory building could be provided by the applicant of likable dimensions or whatever fashion.

Mr. Rayborn questioned who would provide the accessory building, Mr. Keller replied the owner and/or tenant.

Mr. Keller stated that in any event he was not aware of an abundance of these types of shipping storage units within the City of Dover providing for accessory building usage. There is a time limitation for a reason on the storage trailers.

Responding to Mr. Rayborn's question that at the end of 18-months he would need to reapply for a permit, Mrs. Townshend replied that if a variance is granted to allow them to stay permanently then the 18-months would not apply, but if a variance is not granted at the end of 18-months if it is in accordance with the Code requirements they would be removed. They are permitted to be on the property on a temporary basis. Kmart and Walmart used to have the temporary storage trailers. They use to bring them in around Christmas time or the fall months when they would be having more stock than normal and then after that season they would remove them. That is the way the Code is set up to have the storage trailers for a temporary storage use and not a permanent storage use. If it is to be permanent that would need to be a part of a variance.

Chairman Sheth commented that he understood that this was during the construction up to 18-months. Mrs. Townshend replied that construction is separate. The 18-month limitation means after the 18-month the storage trailers are removed, not that you reapply because at that point they are no longer temporary.

Mr. Keller stated that typically with business expansion or a growth in inventory sales those types of business or structural expansions are handled by virtue of building another building, adding on to another building or adding on to the original structure as a natural part of your growth of the business. It is not starting to place storage trailers all over the site to accommodate your increase in business in his estimation. Those temporary seasonal types of increased of sale stocks as pointed out by Mrs. Townshend he fully understands, but the Code reads to him is that it addresses those needs for temporary usage. The Code is restrictive in that manner for that reason. As pointed out by Mr. Rayborn, if the storage trailer was removed today and if he came in to the office to put up another storage trailer tomorrow he thinks it is somewhat of a circumvention of the intent and purpose of the Code in his estimation. He was not aware of how much cost would be involved with an accessory building that would be a permanent type structure to accommodate the applicant's security for the items that are currently there as collateral for a loan. He hesitates to say that the temporary storage buildings are not an appropriate use for a continual ongoing need of that sort.

Mr. Rayborn asked for clarification if Mr. Keller said "appropriate" or "inappropriate", Mr. Keller replied not appropriate.

Mr. Rayborn stated that there will be a point where it will level off and he thinks that it is getting to that point. They have been growing, but now they are leveling off. He does not think that they are going to need additional storage beyond what they have now

Responding to Mr. Keller's question whether he would continually need the additional storage trailer, Mr. Rayborn replied yes sir, to keep the median (what they have now).

Responding to Mr. Hufnal's question whether he had any plans of adding a building to take care of the storage, Mr. Rayborn replied that they are not the owners of the property and they have not had that discussion with the owner.

Responding to Mr. Keller's question whether there was any inclination to use the dome building as secured storage, Mr. Rayborn replied that the structure would not allow that. It would not be secured. They are trying to obtain a Business License to conduct business out of the dome, that is all they are trying to do which is pretty simple.

Responding to Mr. Keller's statement that the one (1) storage unit as of February 2015 has currently grown to two (2) storage units and question of when the second unit was placed on the site, Mr. Rayborn replied that both storage units were placed on the site at the same time. Mr. Keller stated that there was no such evidence of it in the second photo and that was his reason for asking. Mr. Rayborn commented that by him being from out of town he was not quite sure; he asked Dr. Warfield were they put there at the same time. He then stated that they were staged in.

Dr. Kim Warfield was sworn in by Mr. Rodriguez.

Responding to Mr. Keller's question of the length of time the second storage unit has been on the property, Dr. Warfield replied that the storage unit has not been on the property for 18-months. It has been on the property approximately 12-14 months. The storage units were put on the property after the business started.

Mr. Hufnal asked for clarification that in the past the dome building used to be the Vapor Dome and they went out of business and the building is currently vacant. Dr. Warfield replied that Vapor Dome went out of business. Mr. Rayborn replied that they are currently using the dome building on the weekend to display tools outside of the building. The building again is not vacant, but it is not a viable business at the current time.

Responding to Mr. Hufnal's question whether he was renting the entire parcel, Mr. Rayborn replied yes. He was renting the entire parcel.

Responding to Mr. Hufnal's question regarding how long the Pawn Shop business has been at the location on Martin Street, Mr. Rayborn replied 16-17 months.

Responding to Mr. Hufnal's question whether the storage trailers have been utilized the entire 16-17 months or just in the past 12-months, Mr. Rayborn replied in the past 12-months. They have some storage inside the main building, but they have outgrown that storage. That is the reason for the need of the storage trailers.

Responding to Mr. Hufnal's question whether in his lease if there was an addition for storage to eliminate the trailers and would it be your responsibility or the owner, Mr. Rayborn replied that he was not sure because this issue has never been discussed.

Responding to Mr. Hufnal's question whether his lease covered the use of the dome building, Mr. Rayborn replied that is correct.

Mr. Keller pointed out for the basis of his statement that Mr. Rayborn's submission of his exhibits dated February 2015 shows a storage trailer by the Pawn Shop, that would equate to 18-months presently. Mr. Rayborn stated that he understood.
Responding to Mr. Hufnal's question regarding if the application is not approved and the storage trailers are on the property do they get 18-months from today or from the time they were placed on the property to have them removed, Mrs. Townshend replied no. The office cannot issue a permit even for the 18-months because of the square footage (the 2% of the floor area), but they would take it from today forward; they would not go back. Mr. Hufnal stated that is correct regarding the 2% of the floor area.

Chairman Sheth stated that the same storage trailer is not allowed if they were to submit a permit. Mrs. Townshend replied that is correct.

Mr. Rayborn stated that it is a unique situation by it being two (2) different addresses on the same parcel and wanted to know why they could not use the entire parcel. Mrs. Townshend replied that there are a lot of places in the City that have multiple addresses on one parcel. The uniqueness of this is perhaps that one of the street frontage is urban principle arterial where the other is not. It happens on corner lots and the difference with this is that it is more of triangle.

Responding to Mr. Keller's statement that there is no prohibition against advertising two (2) businesses on that entire property of ownership and no prohibition against advertising two (2) different businesses on one (1) pylon sign, Mrs. Townshend replied not at all.

Mr. Keller questioned as he referred to the handout of a photo on page 4 reflecting a pylon sign for 324 Martin Street, whether the view of the sign was facing south along Route 13. Mr. Rayborn replied that is correct.

Responding to Mr. Keller's question whether there was another sign above the Capital Pawn Sign, Mr. Rayborn replied it was an LED sign for promotions. The LED sign is strictly the Pawn side of it.

Mr. Hufnal stated that he recalls approval for the parcel in the front and when something is built there the sign will not be visible on Route 13. Mr. Rayborn replied that is correct. Mrs. Townshend replied that last month the Board of Adjustment approved a variance for the setback of a building on the adjacent property. That very well could block the sign.

Responding to Mr. Keller's question whether the sign was currently at its maximum allowable height, Mrs. Townshend replied that she did not believe that you can have 30-feet in height and she does not believe that those signs are 30-feet in height.

Responding to Chairman Sheth's question of the issue, Mr. Hufnal replied that the second sign on Martin Street was the one that was supposed to be removed and it should be removed. The one on South DuPont Highway is a good tall visible sign that could advertise two (2) properties if needed. It is a pylon sign that the Board of Adjustment approved a long time ago and that one should remain. The sign on Martin Street will be blocked anyway once the new building goes up

in the front.

Responding to Mr. Rayborn's question regarding what new building, Mrs. Townshend replied the new building on the adjacent property.
Responding to Mr. Keller's question whether the option was still available to the owner or tenant of which sign they would like to remove unless a variance is granted. Mrs. Townshend replied yes.

Mr. Keller also agreed with Mr. Hufnal's previous comments and stated that given the history and the expression that the storage trailers would be used in effect in perpetuity expires today. To remove today and replace tomorrow is a circumvention of the intent of the provision of the statue allowing an accommodation otherwise for some temporary storage and usage.

Chairman Sheth stated that City ordinance does not allow permanent storage trailers. Mr. Keller stated no, but as stated by Mr. Rayborn if the storage trailer is removed today, then he would come in tomorrow and get a temporary storage permit. A variance runs with the land and is not to a particular tenant on any particular given time which is another important aspect that the Board of Adjustment has to give consideration to in the granting of a variance. If it was granted today, then 6-months from now the business closes and moves then the next tenant would have the availability of the variance granted.

Mr. Keller also stated that during the discussion of these kinds of matters it's a self-imposed hardship when a sign was required to be removed and it was not, but instead refaced. The time, effort, and expense was contrary to what was issued by the City and also those types of activities are not to be rewarded. They are not necessarily an instance which it creates a penalty, but not something that is taken lightly. If the City states to do one thing and the owner or applicant does something contrary to that, they oppose upon themselves the subsequent hardship involved with the violation of the direction of the City.

Chairman Sheth reiterated if the applicant applied for a permit for the same storage trailer for 18-months it cannot be approved by the City. They will need to meet the code requirements.

Mr. Keller stated that given the situation that Chairman Sheth relates, there would be nothing to preclude that same person, given notice of a denial, to say I would like to apply for a variance.

Mr. Keller commented that there appears to be alternatives to the signage. One or the other whichever is most advantageous to the tenant or owner could be utilized, but it requires the removal of the other sign. If the business has leveled off to an amount of business where the applicant is somewhat stabilized in the need for extra storage, it appears as though it may be the time to give consideration to the construction of an accessory building to a degree to accommodate your leveled off security and storage needs and to avoid a continuing need for these independent storage trailers.

Responding to Mr. Keller's question whether a painting on the dome building that would read "Car Pawn" be allowed and considered a building face sign, Mrs. Townshend replied yes. It would be a wall sign.

The photo Mr. Rayborn submitted shows the blue and yellow stripe around the dome building as being attractive in addition to possibly having the advertising co-located on one Pylon Sign for a Car Pawn as well as the Pawn Shop sign. The applicant could still have a sign on either side of the dome building and still have an adequate identification that the second business is there.

Mr. Rayborn stated that it would have to be small lettering because you would not want the lettering to bend at the top of the dome building. Also, you would not be able to see it.

Responding to Chairman Sheth's question whether the big letters the applicant wanted was "PAWN", Mr. Rayborn replied no, he needs both "CAR PAWN". Chairman Sheth stated that the Board of Adjustment was not trying to make the decision on what was the best thing; they were only giving options. Mr. Rayborn stated that he understood. Mr. Keller also stated that it was just a thought; it was not an imposition of anything. Chairman Sheth stated that a pylon sign could have both of the signs.

Mr. Hufnal questioned that instead of putting the sign on the building if they could have a free standing monument sign. Mrs. Townshend replied yes. A Monument Sign can be 10-feet in height.

Mr. Rayborn questioned how he could get a Business License and utilize the dome building.

Mrs. Townshend stated that the zoning violations need to be resolved before an additional Business License can be issued.

Mr. Rayborn questioned whether the City would provide him with the list of issues that are deemed in violation that need to be corrected so that they can obtain the Business License for the dome building. Mrs. Townshend replied that the current issues are the sign and storage that need to be resolved before another Business License can be issued.

Responding to Mr. Keller's question that whatever is required will the City work with the applicant to meet the requirements of the issuance of the second Business License, Mrs. Townshend replied yes.

Responding to Chairman Sheth's question whether there was any business at the dome building at the current time, Mr. Rayborn replied that they were not using the building. It is locked. They are paying for the sign and to lease the building.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Chairman Sheth opened the public hearing.

Chairman Sheth closed the public hearing after seeing no one else wishing to speak.

Chairman questioned if there was any additional correspondence for the record. There was

none.

Mr. Hufnal moved to confirm Staff recommendations of the denial of variance application V-16-11 to allow the second pylon sign. Sign # 1 is to remain on the property and the other sign be removed. The motion was seconded by Mr. Keller and unanimously carried 3-0. Colonel Ericson and Mr. Senato were absent.

Mr. Keller moved to deny variance application V-16-11 pertaining to the outdoor storage trailers in conjunction with the additional exhibits submitted today, Staff Report, and testimony of the representative of the owner in today's meeting. The applicant or tenant can decide which pylon sign to remove based on their need. The motion was seconded by Mr. Hufnal and unanimously carried 3-0. Colonel Ericson and Mr. Senato were absent.

Mr. Diaz stated for clarification that both signs are on Route 13. There are no pylon signs on Martin Street. Because the Sign Permit was originally issued for Vapor Dome that went out of business so he is not certain that the Sign Permit is still active. At this point, he would consider both signs to be equal.

Mr. Keller moved to adjourn the meeting, seconded by Mr. Hufnal and unanimously carried 3-0. Colonel Ericson and Mr. Senato were absent.

Meeting adjourned at 10:11 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary

City of Dover

Board of Adjustment

September 21, 2016

V-16-12

Location:	100 North DuPont Highway
Applicant:	Wells Fargo Bank
Owner:	Paul & Justine Davis Revocable Trust Agreement and Kings Highway Land Partners LLC
Tax Parcel:	ED-05-068.18-01-26.00-000, ED-05-068.18-01-27.00-000, ED-05-068.18-01-24.00-000
Application Date:	August 11, 2016
Present Zoning:	C-4 (Highway Commercial Zone)
Present Use:	Bank
Reviewed By:	Bill Cook
Variance Type:	Area Variance
Variance Requested:	Variances from the requirements of *Zoning* Ordinance Article 6 §3.4, 3.6, and 3.11 To allow a reduction in the minimum parking space size, to waive the requirement for curbing of parking areas, and to allow an increase in the maximum number of parking spaces permitted.

Project Description

As a preface to the applicant responses to variance criteria, the applicant provided the following description of the project:

"Wells Fargo Bank is interested performing some site improvements at their location at 100 N. DuPont Highway to improve the traffic circulation and parking for its customers and employees. These improvements include the addition of parking spaces, relocating the ATM's away from the access point from N. DuPont Highway, improve drive-up access to the ATM, and to modify the on-site parking configuration to improve existing non-conforming parking spaces. In order to achieve the desired layout, some relief is required from the Board of Adjustment."

Existing Condition

Exhibit B shows existing site conditions. The bank building and most parking is located on two (2) parcels under common ownership that front on North DuPont Highway, with one corner parcel also fronting on Maple Parkway (Parcels ED-05-068.18-01-**26**.00-000 and ED-05-068.18-01-**27**.00-000, owned by Paul & Justine Davis Revocable Trust Agreement) hereafter referred to as Lots 26 and 27. Additional parking is located on a portion of an adjacent parcel located to the west (Parcel ED-05-068.18-01-**24**.00-000) owned by Kings Highway Land Partners LLC hereafter referred to as Lot 24. The total number of parking spaces currently serving the business is 30. There are 22 spaces located on Lots 26 and 27, and 8 spaces located on Lot 24.

Proposed Condition

Exhibit C shows the proposed site work. Work on Lots 26 and 27 consists of changes to the parking configuration, drive aisles, ATM locations, and sidewalks. Work on Lot 24 consists of an improved entrance drive from Maple Parkway which is designed to access the bank property as well as the primary occupant of the site, a 36,185 S.F. +/- grocery store. Additional parking spaces are located along the entrance drive. The grocery store project (Application S-16-14) was conditionally approved by the Planning Commission at its meeting of July 18, 2016. Upon completion of the site work the plan proposes a total of 43 spaces for use by Wells Fargo. Eighteen (18) spaces would be located on Lots 26 and 27, and 25 spaces would be located on Lot 24.

The applicant is seeking variances related to the following, which will be described in greater detail in the "Code Citations and Requested Variances" section that follows:

- A reduction in the minimum parking space size, in order to accommodate angled parking on Lots 26 and 27.
- A waiver of the requirement for upright 6" curbing in all driveways and parking areas in order to allow portions of the site on Lots 26 and 27 to be constructed without curbing.
- An increase in the maximum number of parking spaces permitted to allow 43 spaces for use by Wells Fargo.

Adjacent Land Uses
Refer to the Zoning Map (Exhibit A). The property consists of parcels located on the west side of North DuPont Highway and north of Maple Parkway. Properties immediately surrounding and across the highway are also zoned C-4 (Highway Commercial Zone). A portion of Lot 24 and an adjacent parcel are zoned IO (Institutional and Office Zone). Five (5) properties shown on Exhibit A north of Lots 26 and 27 and fronting North DuPont Highway will be consolidated with Lot 24 as part of the grocery store project. A separate lot will be created for the rear portion of existing Lot 24 (which is currently split-zoned IO and C-4) so that the new lot will be zoned IO. The former Playtex site located on the south side of Maple Parkway is vacant and zoned SC-1.

Code Citations and Requested Variances
Banks are neither expressly permitted nor prohibited in the C-4 zone and are considered by this office as a permitted type of service establishment as a primary use, and could additionally be considered a type of office use. "Service Establishments" and "Business, professional or governmental offices" are permitted uses in C-4. "Drive-throughs" are a permitted accessory use in C-4 and the bank has drive-through service.

Minimum Parking Space Size
Zoning Ordinance Article 6 §3.4 specifies that the minimum parking space dimensions shall by 9 feet wide and at least 18 feet in length.

The ordinance is silent regarding dimensions for angled spaces. Additionally, the placement of concrete parking bumpers within the minimum parking space footprint is not specified.

Variance Request: Reduction in Minimum Parking Space Size
Referring to Exhibit C, eleven (11) spaces are shown on the east side of the property (Lots 26 and 27) abutting North DuPont Highway. Of these, ten (10) are angled.

The proposed spaces appear to comply with the 9' width requirement. As proposed, the parking spaces are striped such that the rear of the parking spaces are shown to terminate 18. 95' from the front property line abutting the North DuPont Highway right-of-way. Concrete parking bumpers are provided. The plans show that the distance from the parking bumpers to the rear of the parking spaces is 16.65'. The proposed drive aisle between the parking spaces and the sidewalk fronting the building is 16 feet.

The applicant is requesting a reduction in the parking space length from 18' to 16.65 for the angled spaces fronting North DuPont Highway, measured from the concrete parking bumpers at the front of the spaces to the rear of the spaces.

Upright Curbing Requirement
Zoning Ordinance Article 6 §3.6(b) requires all permanent parking areas to be enclosed with upright curbing at least six (6) inches in height. The planning commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area.

Variance Request: Partial Elimination of Upright Curbing Requirement
The existing parking lot does not have curbing along the North DuPont Highway and Maple Parkway frontages. The parking lot is flush with the sidewalk in the right-of-way.

The applicant is requesting that the proposed site work retain this curbless condition at those locations. Curbing is provided in other locations on Lots 26 and 27, and curbing is shown for the work proposed on Lot 24.

Maximum Number of Off-Street Parking Spaces
The "Zoning Bulk and Parking Regulations" found in *Zoning Ordinance* Article 4 §4.15 for parking in the C-4 zoning district requires the greater of one (1) off-street parking space per 300 S.F. of floor area or one (1) parking space per employee.

Zoning Ordinance Article 6 §3.11 states that "the maximum number of parking spaces shall not exceed 25 percent over the number of parking spaces required by the code."

Table 1 shows a summary of the required, maximum, and requested parking provisions for the site under the proposed scenario for the site.

Table 1
Off-Street Parking Calculations
100 North DuPont Highway (V-16-12)

		Parking Spaces
As Required by Floor Area, C-4 Zone (1)		
Existing Structure (S.F.)	5,269	
Required		18
Maximum Permitted		23
As Required by Employee Count		
Number of Employees	24	
Required		24
Maximum Permitted		30
Requested		
To be constructed on Lot 26 & 27		18
To be constructed on Lot 24		25
Total Requested		**43**

(1) Code requires the greater of either calculation method

Variance Request: Increase in Maximum Number of Off-Street Parking Spaces
The proposed site work is shown in Exhibit C. On Lots 26 and 27, 18 angled spaces are proposed adjacent to the North DuPont Highway and Maple Parkway frontages. An additional short term parking area is shown near the south side of the building near the ATMs. On Lot 24, 25 spaces are shown along the proposed entrance drive from Maple Parkway.

The applicant is requesting an increase in the maximum number of parking spaces for use by Wells Fargo. The maximum permitted is 30 spaces. The applicant is requesting 43 spaces.

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 a part of the application, the applicant was asked to state how the requested variance relates to the above three criteria. The applicant's responses are provided below, along with a staff assessment of the application in accordance with the required criteria.

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

   Applicant Responses:
   "The subject site is located in the C-4 Zone which has been designed for commercial uses. The existing Wells Fargo Bank is a permitted use in the C-4 Zone. The surrounding properties also permit commercial/industrial uses, therefore, would not be expected to be negatively impacted by the requested relief or require any special provisions."

   Staff Response:
   The C-4 (Highway Commercial Zone) permits retail stores, restaurants, business, professional or governmental offices, hotels, and numerous other uses. Drive-in facilities accessory to any permitted use are permitted. Certain conditional uses are

permitted when they are accessory to a permitted use on the same lot, as well as residential uses including multi-family and one-family residences.

C-4 is found primarily along DuPont Highway and Bay Road and is generally characterized by generous parking and a site layout that prioritizes motorist convenience. Banks with drive-throughs are common in C-4.

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

Applicant Responses:
"The subject site consists of a single two-story building that is utilized as a Wells Fargo Bank branch as well as provides its customers access to wealth management and financial management advisors, mortgage and other loan officers, and various other financial services. In addition, this location is used for employee training purposes. As a result of providing the variety of services to its customers, Wells Fargo has approximately 24 employees that could be in this facility at any given time and this branch is the busiest location in the region. As a result, the existing available parking is often insufficient. Accordingly, the proposed application includes additional parking on the adjacent property to the west of the subject site. The appropriate easement agreements will be provided to allow for its use.

The adjacent property to the west is currently under review for redevelopment by others. As part of this application, we have coordinated with the adjacent development team to ensure that the two developments are consistent. The adjacent properties are zoned for either commercial or industrial uses."

Staff Response:
Within the immediate vicinity, many adjacent properties between Maple Parkway and Kings Highway are being consolidated for the forthcoming grocery store as previously described. Other nearby businesses across North DuPont Highway are a mix of food establishments, service establishments, and other uses. Also located nearby on Kings Highway are professional offices and housing of various types.

The property is in character with the surroundings, which could be described as mixed-use highway commercial that serves local and regional traffic.

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

Applicant Responses:
"Based on the existing conditions, the facility has the need for additional parking beyond the requirements outlined in the ordinance. There are no proposed uses as part of this application. As a result, the increase in parking will provide an overall positive impact to the site and the adjacent roadways.

The parking spaces along the frontage of N. DuPont Highway are important to the operations of the bank due to their location to the main doorway. These spaces are shorter in length than the minimum requirement of 18 feet. The proposed modifications are improving this existing condition to make the stall length as close to 18 feet as possible. The proposed layout will minimize the amount of overhang into the N. DuPont Highway right-of-way which will provide an improvement to this area.

The surface grades are a consistent plane from the right-of-ways in N. DuPont Highway and Maple Parkway on to the subject site. Under existing conditions, no curbing is provided as it would result in a 6" high protrusion in a pedestrian area. This could result in a 'tripping hazard'. For similar reasons, we are requesting that this relief be granted to maintain the existing conditions and would provide a safer condition for walk-up customers."

Staff Response:
Staff believes that the proposed site work would not negatively impact surrounding properties and uses. The proposed work on Lots 26 and 27 improves the layout and parking on an existing site that has numerous constraints. The building is close to the road, and the angled parking provides a reasonable arrangement to allow parking in front of the lot. The installation of parking bumpers is desirable in order to prevent vehicle overhang that could encroach into the DuPont Highway sidewalk right-of-way, and to prevent vehicles from inadvertently driving from the property into the right-of-way.

The proposed additional parking on Lot 24 would be a desirable location for long-term employee parking in order to provide convenient parking availability closest to the building for Wells Fargo customers. The grocery store to be constructed on Lot 24 has ample parking near the building as required by code. The Lot 24 property owner and Wells Fargo have worked cooperatively to devise a parking agreement that lets Wells Fargo utilize a portion of the property for parking.

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 Responses:
"As indicated above, this location is the busiest branch in the region. Accordingly, there is a very active customer base that utilizes the on-site pedestrian/vehicular circulation and parking spaces on a daily basis. These improvements are intended to create a safer environment for the customers, employees, and the community at large by creating additional employee parking. In order to create the safer environment, we have provided a solution with the consent of the adjacent property owner to utilize a portion of their property. The Wells Fargo property is unique in that the extremely active community has resulted in the need for a high number of

employees. The structure is a 2-story building which allows for the ability to provide a variety of financial services that the customers in the City of Dover require in one location. Some of which include financial and wealth management, mortgage and other personal loans, safe deposit boxes, regular banking needs, and other services as required. Without the granting of the required relief, the facility will often be without available parking spaces which could result in customers parking in non-designated spaces. This haphazard parking will impact the on-site vehicle circulation and potentially result in vehicles stacking into N. DuPont Highway."

Staff Response:
Staff concurs with the applicant's statement of the necessity of parking over the maximum due to the number of employees on site and volume of customers. Staff also recognizes that the nature of the banking business has evolved to offer a wide variety of financial services to the community.

A bank operation, which could be considered to have elements of retail, service, and office functions, may operate in an intense and efficient space whereby the demands for floor area within the structure do not align with the traditional parking requirement calculation which is based on floor area. The *Zoning Ordinance* does not impose an additional requirement for parking based on the property's use as a bank. Staff, the Board of Adjustment, and the Planning Commission have all recognized the need to revisit parking regulations for certain uses.

With regard to the parking stall length, the existing conditions on the site justify the variance request, as the installation of parking bumpers prevents conflicts with parked cars and the frontage sidewalk, and the location of the building does not allow for further modifications in the site layout in this area to accommodate the stall depth of 18 feet.

Variance Recommendation
Staff recommendations for the variance requests are as follows:

<u>Reduction in Minimum Parking Space Size</u>

- Staff recommends approval of the variance for a reduction in the minimum parking space length to permit the parking spaces along the North DuPont Highway frontage to measure 16.65 feet in length measured from the proposed locations of the concrete bumpers.
- The available depth of the parking spaces is limited by the existing conditions on the property including the existing building location as well as requirements related to the width of the drive aisle.

<u>Partial Elimination of Upright Curbing Requirement</u>

- Based on the information presented, Staff believes that Board action is <u>not</u> required.
- The curbless areas on Lots 26 and 27 are acceptable as an existing condition.
- Curbing is shown in the proposed parking areas on Lot 24.

- If the applicant desires to eliminate curbing on Lot 24, and can demonstrate that a partial elimination of curbing would facilitate storm water management, a waiver can be sought from the Planning Commission.

Increase in Maximum Number of Off-Street Parking Spaces

- Staff recommends approval of the variance to permit an increase in the maximum number of off-street parking spaces.
- The parking proposed by the applicant is reasonable considering the parking demand of the business as stated, based on the number of employees and customers.

Advisory Comments to the Applicant

- If granted, variances become 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.
- Improvements to the property are subject to Site Development Plan approval processes and appropriate permits from the City of Dover Department of Planning & Inspections and other agencies.

GUIDE TO ATTACHMENTS

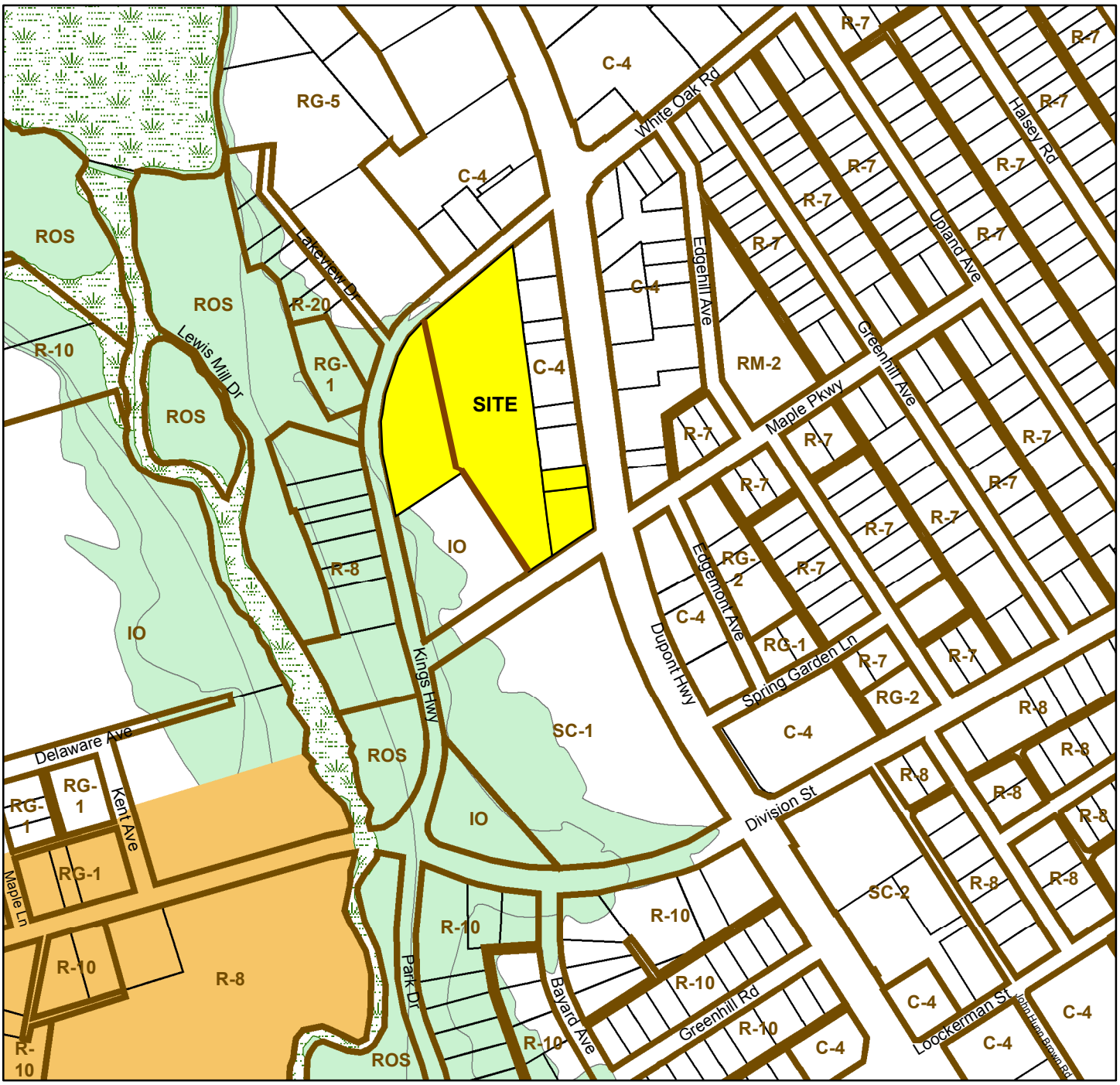
Exhibit	Description/Author	# Pages
A	Zoning Exhibit Map (Staff)	1
B	Site Plan, *existing condition* (Applicant)	1 (11" x 17")
C	Site Plan, *proposed* (Applicant)	1 (11" x 17")

City of Dover

Department of Planning & Inspections

Exhibit A

Application No.: V-16-12



Title: Wells Fargo Bank Parking
Street Address: 100 N DuPont Hwy
Parcel ID: ED-05-068.18-01-26.00-000
ED-05-068.18-01-27.00-000
ED-05-068.18-01-24-00-000
Zoning: C-4 (Highway Commercial Zone)
Owner: Paul & Justine Davis Revocable Trust Agreement and Kings Highway Land Partners LLC
Date: 8/23/2016

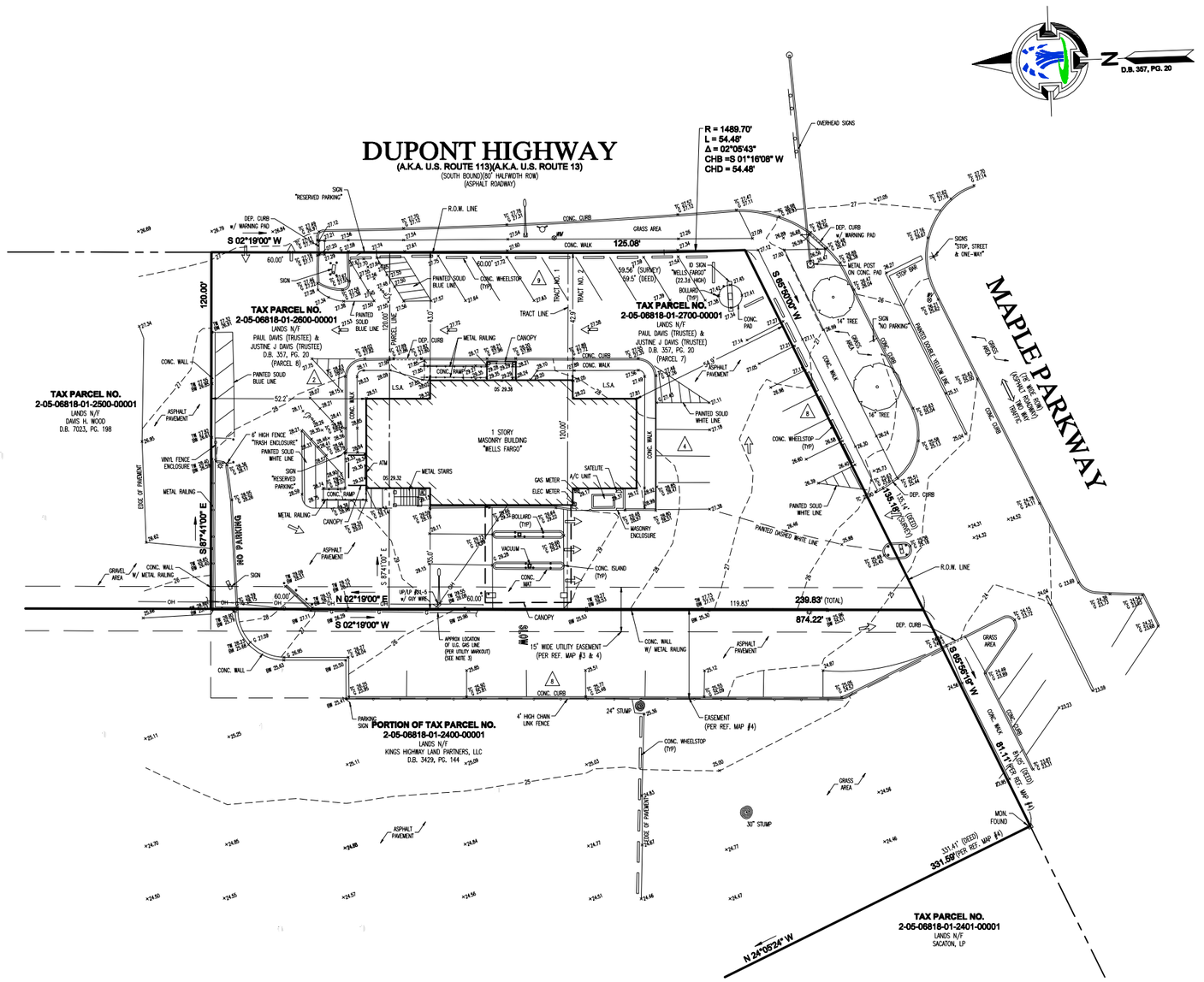
0 250 500 1,000 Feet

N W E S

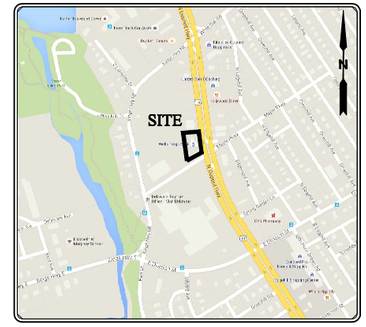
Legend

- Zoning
- Dover Parcels
- Subject Property
- Historic District
- Wetland Areas
- Flood Hazard Zones

FLOOD NOTE: By graphic plotting only, this property is located in ZONE 'X' (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) of the Flood Insurance Rate Map, Map No. 10001C0167H. Which bears a preliminary date of 05/05/2003. By telephone you can call the National Flood Insurance Program at (1-800-638-6620) to learn if this community currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.



VICINITY MAP



NOT TO SCALE

PORTION OF TAX PARCEL NO. 2-05-06818-01-2400-00001

NOTES

1. PROPERTY KNOWN AS TAX PARCEL NO. 2-05-06818-01-2600-00001 & 2-05-06818-01-2700-00001 AND PORTION OF TAX PARCEL NO. 2-05-06818-01-2400-00001, AS IDENTIFIED ON THE OFFICIAL TAX MAPS OF KENT COUNTY, CITY OF DOVER, STATE OF DELAWARE.
2. 18,011 S.F. OR 0.413 AC. (TAX PARCEL NO. 2-05-06818-01-2700-00001)
   7,200 S.F. OR 0.165 AC. (TAX PARCEL NO. 2-05-06818-01-2600-00001)
   25,211 S.F. OR 0.578 AC. (TOTAL)
3. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. ALL LOCATIONS AND SIZES ARE BASED ON UTILITY MARK OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBUILT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE THE PREPARATION OF DESIGN PLANS AND/OR EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANY.
4. THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY BLUE MARSH ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON. **THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT**
5. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.
6. THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS, WRITTEN OR IMPLIED.
7. ELEVATIONS ARE BASED UPON (NAVD 88) DATUM ESTABLISHED ONSITE UTILIZING GLOBAL POSITIONING SYSTEM DATA COLLECTION.
8. ENCROACHMENTS AND VAULTS, IF ANY, BELOW SURFACE NOT SHOWN HEREON.
9. PER CONTRACTUAL AGREEMENT WITH BLUE MARSH ASSOCIATES, INC. AND CLIENT PARTIAL BOUNDARY AND TOPOGRAPHY SHOWN FOR PORTION OF TAX PARCEL NO. 2-05-06818-01-2400-00001.

REFERENCES

1. THE OFFICIAL TAX MAPS OF KENT COUNTY, CITY OF DOVER, STATE OF DELAWARE.
2. MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, KENT COUNTY, DELAWARE AND INCORPORATED AREAS", MAP NUMBER 10001C0167H, EFFECTIVE DATE 05/05/2003.
3. MAP ENTITLED "RIDGEWOOD, DEVELOPED BY RALPH R TISCHER & ERNEST V KEITH, DOVER, DELAWARE." PREPARED BY JOHN B CARSON, DATED 9/15/1945, RECORDED AS P.B. 1, PG. 270.
4. MAP ENTITLED "PRELIMINARY PLAN KINGS HIGHWAY LAND PARTNERS, LLC, CITY OF DOVER, EAST DOVER HUNDRED, KENT COUNTY, DE," PREPARED BY LRHA INSITE DESIGN, DATED: JULY 31, 2008.

Exhibit B

LEGEND OF SYMBOLS & ABBREVIATIONS

25 / 27	CONTOUR (MAJOR/MINOR)	METAL RAIL	BOLLARD
× 27.00	SPOT ELEVATION	CHAIN LINK FENCE	SIGN
× TC 27.50	TOP OF CURB ELEVATION	WOOD FENCE	PAINTED ARROWS
× G 27.00	GUTTER ELEVATION	OVERHEAD WIRES	PARKING COUNT
× TW 28.55	TOP OF WALL ELEVATION	APPROXIMATE LOCATION OF UNDERGROUND GAS LINE	HANDICAP
× BW 27.05	BOTTOM OF WALL ELEVATION	UTILITY POLE	AREA LIGHT
× DS 27.00	DOOR SILL ELEVATION	UTILITY POLE WITH LIGHT	STREET LIGHT
		WATER METER	INLET
		WATER VALVE	CLEAN OUT
		PROPERTY CORNER EVIDENCE	ELECTRIC METER
(TRACT I)		DEED DESIGNATION	HYDRANT
			GAS METER
			GAS VALVE
			MANHOLE

GRAPHIC SCALE

20 0 10 20 40 80

SCALE : 1 " = 20'

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THAT THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS. THAT THE PROPERTY LINES AND RELATIONSHIP OF BUILDINGS AND OTHER STRUCTURES TO THE PROPERTY LINES AND THE LAND INDICATED HEREON IS CORRECT, AND THAT THERE ARE NO ENCROACHMENTS OF BUILDINGS OR STRUCTURES ONTO SAID LAND.

THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.

NOT VALID UNLESS SEALED IN INK

BRUCE W. FLORA — DATE

DELAWARE PROFESSIONAL LAND SURVEYOR #S6-0000535

DATE:	6/10/2016
SCALE:	1" = 20'
FIELD BK. NO:	16-05
PROJECT NO.:	16-B113-131
DRAWN BY:	N.R.G./J.J.P.
REVIEWED BY:	T.D.M./J.J.W.
REV-1:	
REV-2:	
REV-3:	
REV-4:	
REV-5:	

BOUNDARY & TOPOGRAPHIC SURVEY

WELLS FARGO

DUPONT HIGHWAY & MAPLE PARKWAY

TAX PARCEL NO. 2-05-06818-01-2600-00001 & 2-05-06818-01-2700- 00001

AND PORTION OF TAX PARCEL NO. 2-05-06818-01-2400-00001

CITY OF DOVER (EAST DOVER HUNDRED), KENT COUNTY, STATE OF DELAWARE

BLUE MARSH ASSOCIATES, INC

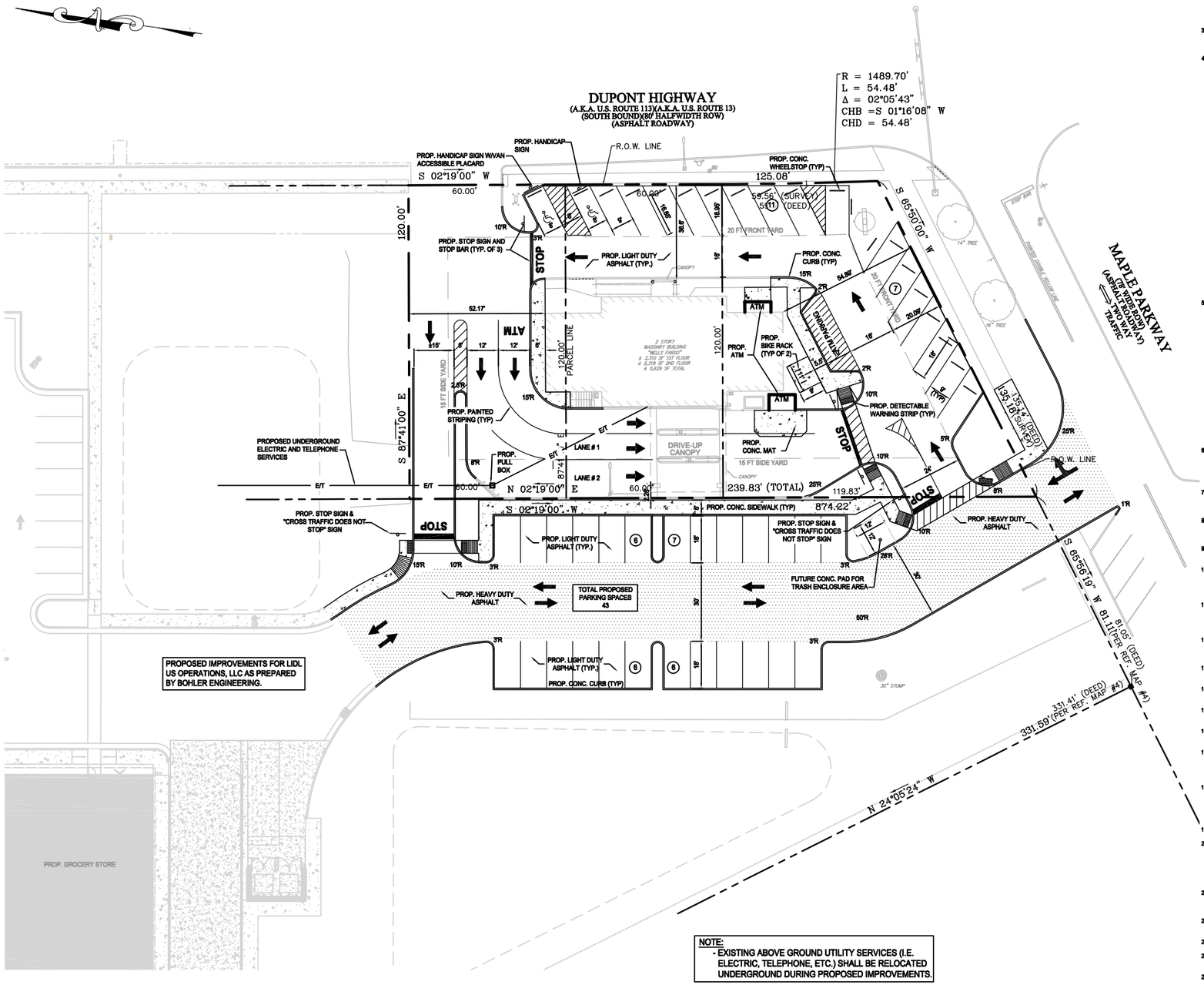
LAND SURVEYORS & PLANNERS

P.O. BOX 563 - 2385 TABATHA DRIVE
WARRINGTON, PA 18976-2370
215-278-4053 (MAIN) EXT. 201
215-278-4058 (DIRECT)
215-343-0218 (FAX)

1541 ROUTE 37 EAST, SUITE B
TOMS RIVER, NJ 08753
215-278-4053 (MAIN) EXT. 250
215-278-4058 (DIRECT)
732-929-8915 (FAX)

www.BlueMarshAssociates.com

SHEET: 1 OF 1



SITE PLAN NOTES:

1. SUBJECT PROPERTY IS LOCATED AT 100 NORTH DUPONT HIGHWAY (A.K.A. U.S. ROUTE 13) IN THE CITY OF DOVER AND IS KNOWN AS TAX PARCEL NUMBERS 2-05-06818-01-2600-00001, 2-05-06818-01-2700-00001, AND A PORTION OF 2-05-06818-01-2700-00001.

2. PROPERTY OWNERS: PAUL AND JUSTINE DAVIS, 5233 S. DUPONT HIGHWAY, DOVER, DE 19901-9434; KINGS HIGHWAY LAND PARTNERS, LLC, c/o DAVIS WOOD, P.O. BOX 349, FREDERICA, DE 19946

3. APPLICANT: WELLS FARGO BANK, N.A., 840 STAGECOACH CIRCLE, FREDERICK, MD 21701

Exhibit C

4. ZONING INFORMATION:
   - PROPERTY IS LOCATED IN THE C-4 (HIGHWAY COMMERCIAL ZONE)
   - RETAIL/OFFICE USES ARE PERMITTED USES

BULK SCHEDULE:

REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
MIN. LOT WIDTH (FT)	150'	± 190'	± 190'
MIN. LOT DEPTH (FT)	150'	± 120' (EN)	± 120 (EN)
MIN. FRONT YARD (FT)			
N. DUPONT HIGHWAY	20'	±36.6'	±36.6'
MAPLE PKWY	20'	±54.9'	±54.9'
MIN. SIDE YARD (FT)			
WEST (FT)	15'	±2.25' (EN)	±2.25' (EN)
NORTH (FT)	15'	±46.3'	±52.17'
MIN. REAR YARD (FT)	15' OR BLDG HEIGHT	N/A	N/A
MIN. SIDE OR REAR YARDS WHICH ADJOIN A RESIDENTIAL ZONE (FT)	30'	N/A	N/A
OFF STREET PARKING			
1 PER 300 SF OF FLOOR AREA	19	21	43* (V)
1 PER EMPLOYEE	24		
MAX. BUILDING HEIGHT			
STORIES	6	2	2
FEET	70'	<70'	<70'
MAX. FLOOR AREA RATIO	4.0	0.26	0.26

(EN) = EXISTING NON-CONFORMITY (V) = VARIANCE
* = PER ORDINANCE ARTICLE 6 SECTION 3.11 THE MAXIMUM NUMBER OF PARKING SPACES ARE LIMITED TO 25% OVER THE NUMBER OF SPACES REQUIRED BY THE CODE.

5. PARKING REQUIREMENTS:

PARKING CRITERIA FOR RETAIL USES IN THE C-4 ZONE: 1 SPACE/300 SF FLOOR AREA OR 1 PER EMPLOYEE (WHICHEVER IS GREATER)

WELLS FARGO BANK = (5,269 SF/300) = ±17.6 OR 18 PARKING SPACES BY SF; 24 EMPLOYEES = 24 PARKING SPACES BY EMPLOYEE
24 PARKING SPACES REQUIRED (ART. IV-SECTION 4.15)
30 MAX. NUMBER OF PERMITTED PARKING SPACES (ART. VI-SECTION 3.11)
21 EXISTING PARKING SPACES
43 TOTAL PROPOSED PARKING SPACES (V)

PARKING STALL SIZE: (ART. VI-SECTION 3.4)
REQUIRED SIZE MIN. 9' x 18'
EXISTING SIZE VARIES FROM 9' x ± 11' TO 9' x 18' (EN)
PROVIDED SIZE VARIES FROM 9' x ± 18.5' TO 9' x 18' (V)

DRIVE AISLE WIDTH: (ART. VI-SECTION 3.5)
REQUIRED: MIN. 10' FOR ONE-WAY/20' FOR TWO-WAY
PROVIDED: 16' MIN. FOR ONE-WAY (COMPLIES)

6. BICYCLE PARKING REQUIREMENTS: (ART. VI-SECTION 3.10)
REQUIRED = 1 SPACE PER 20 PARKING SPACES
43 PARKING SPACES/20 = 2.15 OR 3 BICYCLE PARKING SPACES REQUIRED
PROPOSED = 4 BICYCLE PARKING SPACES (COMPLIES)

7. MIN. 6" UPRIGHT CURB REQUIRED AT ALL PERMANENT PARKING AREAS (ART. VI-SECTION 3.6)
EXISTING = NO CURBING ON-SITE ALONG THE FRONTAGE OF N. DUPONT HIGHWAY AND MAPLE PARKWAY (EN)
PROPOSED=NO CURBING ON-SITE ALONG THE FRONTAGE OF N. DUPONT HIGHWAY AND MAPLE PARKWAY (V)

8. TRASH ENCLOSURE REQUIREMENTS: (SECTION 407.H.2)
REQUIRED = 1 ENCLOSURE PER BUILDING
PROPOSED = 1 ENCLOSURE (COMPLIES)

9. THESE PLANS HAVE BEEN DESIGNED BASED ON A BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY BLUE MARSH ASSOCIATES, INC. DATED 6/10/16. SURVEY IS CONSIDERED PART OF THE DESIGN DRAWINGS.

10. CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND REVIEWING ALL RELEVANT TECHNICAL/DESIGN DOCUMENTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING PRIOR TO CONSTRUCTION:
   - GEOTECHNICAL REPORT IF AVAILABLE.

11. ONLY SIGNED AND SEALED COPIES OF THE DESIGN DRAWINGS SHOULD BE UTILIZED FOR CONSTRUCTION PURPOSES. NORTH STAR DESIGN, LLC. IS NOT RESPONSIBLE FOR ANY CLAIMS DUE TO THE CONTRACTOR CONSTRUCTING WITH INCORRECT PLANS. CONTRACTOR SHALL VERIFY THEY ARE WORKING OFF OF THE LATEST DESIGN DOCUMENTS PRIOR TO COMMENCING CONSTRUCTION.

12. UNLESS SPECIFICALLY IDENTIFIED OTHERWISE, IN THE EVENT OF CONFLICTING INFORMATION BETWEEN THESE PLANS AND THE GEOTECHNICAL REPORT, THE GEOTECHNICAL REPORT WILL GOVERN. CONTRACTOR SHOULD IMMEDIATELY ADVISE DESIGN ENGINEER IN WRITING OF CONFLICT.

13. CONTRACTOR IS RESPONSIBLE TO HAVE ALL APPLICABLE PERMITS ON SITE DURING CONSTRUCTION. CONTRACTOR SHALL REVIEW ALL APPLICABLE PERMITS AND SHALL BE FAMILIAR WITH ALL ASSOCIATED COMMENTS/CONDITIONS PRIOR TO CONSTRUCTION.

14. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4,000 PSI AT 28 DAYS UNLESS OTHERWISE IDENTIFIED ON THESE PLANS.

15. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, LOCAL AND THE LATEST OSHA STANDARDS AND REQUIREMENTS AT ALL TIMES.

16. CONTRACTOR IS SOLEY RESPONSIBLE FOR THE DETERMINING THE MEANS AND METHODS TO CONSTRUCT THE PROPOSED IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION.

17. ALL HANDICAP PARKING SPACES AND ACCESSIBLE ROUTES SHALL BE CONSTRUCTED TO COMPLY WITH THE VARIOUS AGENCIES THAT HAVE JURISDICTION (I.E. THE "AMERICANS WITH DISABILITIES ACT (ADA)" AND THE NJ BARRIER FREE REGULATIONS OR THE REQUIREMENTS OF THE JURISDICTION WHERE THE PROJECT IS TO BE CONSTRUCTED). THE MOST STRINGENT REGULATION GOVERNS.

18. NORTH STAR DESIGN, LLC. IS NOT RESPONSIBLE FOR JOB SITE SAFETY. THE OWNER OR GENERAL CONTRACTOR IS RESPONSIBLE TO DESIGNATE AN INDIVIDUAL RESPONSIBLE FOR CONSTRUCTION SITE SAFETY IN ACCORDANCE WITH THE UNIFORM CONSTRUCTION CODE. NORTH STAR DESIGN, LLC AND/OR IT'S SUBCONSULTANTS HAVE NO AUTHORITY TO EXERCISE ANY CONTROL OVER ANY CONTRACTOR IN CONNECTION WITH THEIR WORK AND/OR SAFETY PROCEDURES. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR JOB SITE SAFETY.

19. CONTRACTOR RESPONSIBLE TO MAINTAIN A SECURE SITE DURING CONSTRUCTION.

20. EXISTING CONDITIONS MAY HAVE CHANGED DURING THE APPROVAL PROCESS. CONTRACTOR TO VERIFY ALL EXISTING FEATURES PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES SHALL BE IMMEDIATELY PROVIDED TO DESIGN ENGINEER IN WRITING. NO ADDITIONAL COMPENSATION WILL BE PAID TO CONTRACTOR AS A RESULT OF ANY DISCREPANCY WITHOUT OBTAINING WRITTEN APPROVAL TO PROCEED FROM THE DESIGN ENGINEER. ANY DEVIATION FROM THE APPROVED PLAN WITHOUT WRITTEN APPROVAL IS AT THE CONTRACTORS OWN RISK AND NORTH STAR DESIGN, LLC SHALL BE INDEMNIFIED BY CONTRACTOR FROM RESULTING COSTS.

21. CONTRACTOR IS RESPONSIBLE TO ENSURE THAT THE EXISTING SITE FEATURES ON THE ADJACENT PROPERTIES ARE NOT NEGATIVELY IMPACTED DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ANY DAMAGED FEATURES TO A CONDITION EQUAL OR BETTER THAN THAT WHICH WAS PRESENT PRIOR TO START OF CONSTRUCTION.

22. CONTRACTOR IS RESPONSIBLE TO REMOVE ALL CONSTRUCTION DEBRIS FROM SITE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS. NO CONSTRUCTION DEBRIS IS PERMITTED TO BE BURIED ON SITE.

23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY TRAFFIC CONTROL MEASURES.

24. ALL TRAFFIC CONTROL SIGNAGE SHALL COMPLY WITH THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", LATEST EDITION AS ISSUED BY THE U.S. FEDERAL HIGHWAY ADMINISTRATION.

25. THE CONTRACTOR SHALL CONTACT THE DELAWARE STATE UTILITY ONE CALL SYSTEM PRIOR TO START OF CONSTRUCTION AND IS RESPONSIBLE TO PROTECT EXISTING UTILITIES DURING CONSTRUCTION.

26. SUBJECT SITE IS LOCATED OUTSIDE OF THE 500 YEAR FLOOD ZONE AS DEPICTED ON THE FEMA PANEL MAP #10001C0167H, DATED 5/5/03.

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

811 Know what's below. Call before you dig.

NorthStarDesign LLC
CIVIL & CONSULTING ENGINEERS
PHONE: 908-968-3499 FAX: 908-968-3291
361 ROUTE 31, BLDG E, SUITE 1404
FLEMINGTON, NEW JERSEY 08822
WWW.NORTHSTARDESIGNLLC.COM

REV.	DATE:	REVISION COMMENT:	BY:

ZONING PLAN FOR WELLS FARGO

PARCEL ID#:ED05-068.18-01-26.00 AND 27.00
100 N. DUPONT HIGHWAY
CITY OF DOVER
KENT COUNTY, DELAWARE

T. F. PUGSLEY, Jr.
PROFESSIONAL ENGINEER
DE LICENSE No.17134

SHEET TITLE:
ZONING PLAN

SHEET NO.:
1
OF 1

DESIGN DATE:	8/12/16
DRAWN BY:	TSM
CHECKED BY:	TFP
DRAWING SCALE:	As Shown
PROJECT #:	14-007
CAD FILE:	14-007ZB00

REV 0	8/12/16