CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA
Wednesday, February 15, 2017 at 9:00 AM

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of January 18, 2017 Meeting

COMMUNICATIONS & REPORTS

1. Reminder: The next Board of Adjustment regular meeting is scheduled for March 15, 2017 at 9:00am in the City Council Chambers.

NEW BUSINESS

Applicant #V-17-03
1218 Harrison Drive. Thornton and Lisa Spellman have requested a variance from the requirements of Article 4 §4.1 of the *Zoning Ordinance* pertaining to the maximum permitted lot coverage to retroactively allow construction of a 15-foot by 52-foot driveway. Subject property is zoned R-8 (One Family Residence Zone). The Tax Parcel is ED05-068.14-03-49.00-000. The owners of record are Thornton L Spellman Sr. and Lisa Spellman.

Applicant #V-17-04
218 West Reed Street. Marion Lott Sr. and Renora H. Lott have requested a variance from the requirements of the *Zoning Ordinance*, Article 3 §13.1 pertaining to permitted uses in the C-2 Zone and Article 7 §1.11 and 1.21 pertaining to expansion of nonconforming uses in order to allow construction of a 30-foot by 16-foot addition to a one-family dwelling. Subject property is zoned C-2 (Central Commercial Zone). The Tax Parcel is ED05-077.09-01-38.00-000. The owners of record are Marion L. Lott and Renora H. Lott.

Applicant #V-17-05
53 Roosevelt Avenue. JCD Investments LLC has requested a variance from the requirements of Article 6 §3.11 of the *Zoning Ordinance* pertaining to the maximum number of parking spaces to allow construction of three (3) parking spaces beyond the maximum eleven (11) permitted for a total of fourteen (14) spaces. Subject property is zoned C-4 (Highway Commercial Zone). The Tax Parcel is ED05-077.17-05-73.00-000. The owner of record is JCD Investments 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
January 18, 2017

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, January 18, 2017 at 9:02 A.M. with Vice Chairman Ericson presiding. Members present were Vice Chairman Ericson, Mr. Hufnal, Mr. Keller and Mr. Senato. Mr. Sheth was absent.

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

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda as submitted. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Sheth was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF DECEMBER 21, 2016

Mr. Keller moved to approve the meeting minutes of December 21, 2016, seconded by Mr. Hufnal and unanimously carried 4-0. Mr. Sheth was 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 are two (2) new applications on the agenda 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 applications 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-17-01

118 Galaxy Drive. Cellco Partnership dba Verizon Wireless has requested a variance from the requirements of Article 4 § 4.16 of the *Zoning Ordinance* pertaining to maximum permitted building height to allow construction of a 158 foot telecommunications monopole and associated facilities. Subject property is zoned IPM (Industrial Park Manufacturing Zone- Planned Industrial Park) and is subject to the AEOZ (Airport Environs Overlay Zone). The Tax Parcel is ED-05-087.00-01-07.13-000. The owner of record is Independent Newspapers Inc. *Variance #V-15-13 was approved by the Board of Adjustment at its meeting of September 16, 2015. The variance expired because construction did not commence.*

Exhibits for the Record: Staff report and plans submitted by the applicant. Legal Notice was published in the Delaware State News on January 8, 2017. The public was notified in accordance with regulations.

Mr. Cook gave a brief overview of the application. He noted that the agenda and public notice were released referencing a requested 158-foot tower height. The correct height requested for the proposed monopole is 150 feet.

Responding to Mr. Senato's question whether there was any reason for the procrastination from the year ago approval, Vice Chairman Ericson replied that it will be discussed shortly.

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

Representative: Mr. Jonathan Jordan, Attorney and Mr. Jeff Nagorny, Civil Engineer.

Mr. Jeff Nagorny was sworn in by Mr. Rodriguez.

Mr. Jordan stated that Mr. Cook did an outstanding job laying out the case. He will be missed. The entire Planning Staff is wonderful to work with. In terms of Mr. Senato's question it was just a matter of Verizon managing maybe thousands of sites in the Mid-Atlantic area and trying to coordinate the construction. They just were not ready to start building at the time. He would like to incorporate the previous record into this record, especially the reports that talked about why they needed the site and particular height, etc. He spoke with Mr. Cook regarding not having to bring back the witnesses; however, he wanted Mr. Nagorny to confirm that nothing had changed since September 2015 with any of the factors that went into the variance. He asked Mr. Nagorny if he agreed with the statement and if he had anything to add? Mr. Nagorny replied that the only change was what was already mentioned by Mr. Cook regarding the height. Originally it was a 150-foot structure with an 8-foot lightning rod. Apparently, the heights of lightning rods can vary. So now we have a 145-foot monopole with a 5-foot lightning rod, with a maximum height of 150 feet, otherwise everything else remains the same.

Mr. Keller referred to the Staff Report references in exhibit C which is the reduced size plan (plan sheets T-1 thru Z-8) and noted that there were certain references to a height of 158 feet to the top of the lightning rod and it should be corrected to 150 feet at the top of the lightning rod. He agrees whole heartily with that, but he noted that there were other spots within the plan sheets (mainly T-1), he would like to affirm that wherever there is a reference in those plan sheets to a 158 feet, that it should be changed to a total height of 150 feet. Mr. Cook replied that is correct.

Mr. Nagorny stated that they typically prepare a set of zoning drawings which does not contain all of the technical details that are submitted for the Building Permit. They then prepared a set of construction drawings which is dated November 22, 2016. The plans that were referenced by Mr. Keller were dated August 2015. He did not know if it was necessary to submit as an exhibit, but he had a copy of the drawing which is much more substantial. He concurred with Mr. Keller that the permanent plans that will be submitted will reflect the maximum height of 150 feet including the lightning rod.

Responding to Vice Chairman Ericson's question whether they contacted Dover Air Force Base regarding the AEOZ Noise Zone, Mr. Nagorny replied yes. In the zoning decision V-15-13 he has a copy of the statements of facts that indicates the original variance application sought a monopole with a height of 158 feet, but upon consultation with Dover Air Force Base, applicant was asked to reduce the height to a total of 150 feet which is the variance sought in the present application with the approval of Dover Air Force Base.

Vice Chairman Ericson opened the public hearing.

Vice Chairman Ericson questioned if there was any additional correspondence for the record. There was none.

Vice Chairman Ericson closed the public hearing after seeing no one wishing to speak.

Mr. Hufnal moved to approve application V-17-01 with regards to the previously approved and subsequently expired variance V-15-13 the facts, conditions, and proposed constructions are unchanged from the last meeting in September of 2015, the height has been corrected from 158 feet to 150 feet. The motion was seconded by Mr. Hufnal and was unanimously carried 4-0. Mr. Sheth was absent.

Applicant #V-17-02

341 Saulsbury Road. Whatcoat United Methodist Church has requested a variance from the requirements of Article 5 § 4.7 of the *Zoning Ordinance* pertaining to the maximum permitted sign area for a monument sign located on an Urban Minor Arterial street in order to allow construction of a 24 square foot monument sign. Subject property is zoned RG-1 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The Tax Parcel is ED-05-067.19-02-10.00-000. The owner of record is Whatcoat Methodist Church.

Exhibits for the Record: Staff report and plans submitted by the applicant. Legal Notice was published in the Delaware State News on January 8, 2017. The public was notified in accordance with regulations.

Mr. Cook gave a brief overview of the application.

Responding to Colonel Ericson's question if a 12-foot sign would be a safety potential hazard because people would have to slow down to read the sign, Mr. Cook stated that it was a concern or part of the recommendation for allowing the 24-foot sign, because the 12-foot sign would be a small. There is a safety hazard in that most people will not slow down or be distracted and spend too much time trying to read the sign.

Responding to Mr. Hufnal's question whether the sign table was one of the factors being reviewed for requirement changes, Mr. Cook replied yes. They have identified a lot of issues. One is the issue of conditional uses in residential zones is not addressed very well in the sign table.

Vice Chairman Ericson questioned if there was any member present who had a conflict of

interest and there was none.

Mrs. Kim Diehl was sworn in by Mr. Rodriguez.

Representative: Mrs. Kim Diehl, Owner of Kent Signs.

Mrs. Diehl testified that Mr. Cook gave an overview of majority of the application. She stated that there is a 32 square foot existing changeable letter sign currently on the property. They would like to remove the 32 square foot sign that sits further back on the property and replace it with a sign closer to the road; however, still within the required setbacks. There is no variance being requested for a setback. This would be a reduction from an existing 32 square foot sign to a 24 square foot sign.

Responding to Mr. Keller's question of whom she represents, Mrs. Diehl replied she is with Kent Sign Company, but she is representing her client Whatcoat Methodist Church.

Mr. Keller questioned the circumstances surrounding the absence of specific uses sited in Exhibit B related to the sign table, and suggested that if there was any question whether the Board should perhaps consider a Conditional Use approval in addition to the specifics in the variance application for the sign itself. He was wondering if it would clear up any questions as to whether the approximate location of the house of worship (the church) since there is not a specific reference to that type of a use within that RG-1 Zone. He would not mind at all in recommending additional provisions for approval of the church Conditional Use in addition to the sign provision requested, if that is otherwise somewhat questionable. Mrs. Townshend replied that the issue is the residential zone allow churches (a place of worship) as a Conditional Use. There is no concern that the Zoning Ordinance does not allow for the church to be there, the issue is just with the sign table. The only issue the Board needs to consider is whether the church can have a variance to increase the sign area from 12 square feet to 24 square feet.

Mr. Keller stated that upon reviewing the staff report that was his thought, but then with some of the discussion it seemed to lean some question as to whether or not it was an allowable Conditional Use. Mrs. Townshend replied it was not an issue. The one family residence zones allow for places of worship and the general residence zones points back to that. The issue of the churches location there is okay. As a matter of fact, staff has been going through a process of expiring non-conforming uses in residential zones and this is not one that staff has addressed as a non-conforming use because it is allowed as a Conditional Use.

Vice Chairman Ericson opened the public hearing.

Vice Chairman Ericson closed the public hearing after seeing no one wishing to speak.

Vice Chairman Ericson questioned if there was any additional correspondence for the record. There was none.

Mr. Hufnal moved to approve application V-17-02 based on the testimony given today and also on Mr. Cook's excellent synopsis of the variance and staff recommendations. The motion was

seconded by Mr. Keller and was unanimously carried 4-0. Mr. Sheth was absent.

Mrs. Townshend shared that this was Mr. Cook's last meeting with the City of Dover. On Monday he will start a new job with the City of Alexandria, Virginia. We wish him well. We are sad to see him go, but we think that this is a new and exciting experience and hopes he enjoys it. He has truly improved the quality of the Board of Adjustment report. We will continue the practices that he has started.

The Board members also stated that they will miss Mr. Cook and the excellent and easy to understand and read synopsis of the reports.

The Board had a brief discussion of the table.

Mr. Hufnal moved to adjourn the meeting, seconded by Mr. Keller and unanimously carried 4-0. Mr. Sheth was absent.

Meeting adjourned at 9:38 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary

City of Dover

Board of Adjustment

February 15, 2017

V-17-03

Location:	1218 Harrison Drive
Applicant/Owner:	Thornton L. Spellman Sr. & Lisa Spellman
Application Date:	December 23, 2016
Tax Parcel:	ED05-068.14-03-49.00-000
Present Zoning:	R-8 (One Family Residence Zone)
Present Use:	Residence
Reviewed By:	Eddie Diaz
Variance Type:	Area Variance
Variance Requested:	Variance from the impervious coverage limit of 35% to permit a 15ft. x 52ft. driveway installed without a permit.

Project Description:
The applicants are seeking a variance from Article 4, Section 4.1 of the *Zoning Ordinance*, the bulk standard requirements of the R-8 Zoning District, specifically as those requirements relate to lotcoverage. The applicants are requesting a variance to exceed the maximum 35% lot coverage and allow a total of 39.8% lot coverage, up from an existing nonconforming 38.5% lot coverage. The increase in lot coverage subject to this variance is therefore 1.3% of the total lot area.

Adjacent Land Uses
The property has dual frontage, to the front on Harrison Drive and to the Rear on White Oak Road. However, driveway access is only from Harrison Drive. Lands to the north, east, and west, adjacent to the property and across Harrison Drive, are all similarly zoned R-8 properties. To the south across White Oak Road are a number of commercial and institutional uses, including a

convenience store, a liquor store, a church, and a painting contractor's office, all zoned C-1. A Zoning Map Exhibit (Exhibit A) prepared by staff is found in the attachments to this report.

Code Citations
The table below presents the required bulk standards for all properties in the R-8 Zone, as specified in the *Zoning Ordinance,* Article 4 Section 4.1.

TABLE INSET:

Minimum required:			
	Lot area (sq. ft.)		8,000
	Lot width (ft.)		70
	Lot depth (ft.)		100
	Front yard (ft.)		25
	Minimum side yard (ft.)		10
	Total both side yards (ft.)		20
	Rear yard (ft.)		30
	Livable floor area/DU (sq. ft.) 1,200		
	Off-street parking spaces/dwelling units		2
Maximum permitted:			
	Building height		
		Stories	2 1/2
		Feet	35
	Lot coverage		35%

Applicants' Project
The applicants have installed a 15ft x52ft (780 S.F.) driveway to replace a previously existing, deteriorating 676 S.F. driveway. The requested variance would allow for the total lot coverage (house, garage, driveway, pool patio, and shed) on the property to exceed the 35% maximum lot coverage for a total of 39.8% lot coverage. The property has an existing nonconforming lot coverage of 38.5%; the increase in lot coverage subject to this variance is therefore 1.3%.

The project began with a citation from City Code Enforcement (Case #15-3784) requiring the applicants to repair or replace their deteriorating driveway. On August 16, 2016 the Department of Planning and Inspections received a Building Permit Application (#16-1270) from the applicants to replace the existing 676 S.F. driveway with a 780 S.F. new one. The Building Permit could not be approved because the property was already over maximum lot coverage, and installing a larger driveway would have further increased the nonconformity. However, at the time of the permit application the new driveway had already been installed without the permit. The applicants were given the option of removing part of the new driveway or applying to the Board of Adjustment to legalize the work.

The applicants provided a diagram of the driveway with their Building Permit Application, which is provided as Exhibit C in the attachments to this report. The old driveway is represented by the dotted outline, and the new driveway is represented by the 15ft. x 52ft. rectangle. Both are connected to a smaller driveway which leads between the lot's driveway entrance and the house's garage.

Exceptional Practical Difficulties Tests
Article 9, Section 2 of the *Zoning Ordinance* dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. In order to grant a variance, the Board must determine that an exceptional practical difficulty exists.

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 done.

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

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

Review of Application
As part of the application, the applicant was asked to summarize how the requested variance relates to the criteria.

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

   Applicant Response:
   "We live at 1218 Harrison Dr., Dover which is a zone R8 area. The City of Dover cited our property due to a dilapidated driveway."

   Staff Response:
   The property is zoned R-8 (One Family Residence Zone) and is located in the White Oak Farms neighborhood. The area consists of one family detached homes on lots of largely uniform size. The R-8 Zone requires a maximum lot coverage of 35%.

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

Applicant Response:
"We had an existing extended driveway that was decaying according to the citation from the city of Dover notice. The citation required us to replace the decaying driveway. Part of the deterioration was caused by our truck and trailer being driven onto it. The truck is a Chevrolet Silverado 2500 with a 20-ft. trailer that holds our lawnmower equipment. Upon seeking quotes to replace the deteriorated portion of the driveway, we decided that it made sense to go ahead and replace the entire extended driveway by an additional 1 foot wider all the way down to the walkway instead of angling it. This extension would also allow us to alleviate another issue that we were having which is that we cannot park the truck and trailer on the street due to previous thefts (truck has been broken into three times) and the lawn care equipment on the trailer. Our insurance company has advised us to park on our private property."

Staff Response:
In one-family residential areas such White Oak Farms, it is relatively common for property owners to increase the size of their driveways, especially when they have large vehicles such as the one the applicant describes. To maintain neighborhood character, City Ordinances (chiefly *Dover Code of Ordinances*, Chapter 106, Section 106-123, *Zoning Ordinance*, Article 4 Section 4.1, and *Zoning Ordinance* Article 6 Section 1.2) include provisions to ensure such vehicles are properly parked. These include regulations against parking utility trailers on the street, a required minimum two off-street parking spaces for every dwelling, and the requirements that utility trailers be parked behind the front setback line of a house and be screened from adjacent lots. The property as currently improved allows for legal parking of a trailer.

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

Applicant Response:
"If the restriction is not [sic] removed, it would not have any impact on our neighbor's property or their use."

Staff Response:
No problems stemming from the already existing new driveway have been brought to the attention of the Planning & Inspections Department. Visually, the new driveway is an improvement over the deteriorating old one.

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

Applicant Response:
"If the restriction is not removed, it would create a tremendous hardship. The work costs us almost $5,000. This is a tremendous amount of money for us to have saved to get the best

job done for our property. It was our intent to ensure that the work was done by a reputable company so that we would not have to worry about it deteriorating as rapidly as the first extension that was done. It took a while to save the money and even then we ended up paying more than we had anticipated. We cannot afford to do landscaping to cover the area should the cement have to be removed. The work is a definite improvement to the deteriorated cement. In addition, we would have to park the truck and trailer with our lawn care equipment on the street which would increase our liability and take up two to three parking spaces whereas parking is already at a premium since most homes have more than two cars and we can only park on one side of the street."

Staff Response:
Construction work subject to a variance application already being completed is not guaranteed grounds for the granting of a variance, though the Board may consider this situation as a factor. The Board may also factor financial difficulty when considering a variance request. Regardless of these factors, however, Staff believes an exceptional practical difficulty exists for this property. To replace the driveway without a variance, the applicants would have had to install a new driveway the same size as or smaller than their old one, which would be a hardship given the size of their vehicles. In conversation with the applicants, Staff learned that due to the narrowness of their driveway entrance (estimated 14 ft. wide), leaving their driveway the applicants frequently found themselves running over the grass, leading to erosion both on their property and in the right-of-way. This damage could potentially lead to future, repeated property maintenance code violations; a driveway adequately wide to support the car and trailer is the best way to prevent this erosion.

In addition to the responses above, the applicants also provided answers to the three questions needed for a use variance. Although the applicants did not need to answer these questions, their responses are included in the attachments for the Board's consideration.

Variance Recommendation:
Staff recommends approval of the variance to exceed the 35% impervious coverage limit for the property, allowing an increase from 38.5% to 39.8%, for the following reasons:

- The existing new driveway removes the deterioration and erosion problems of the old one and improves the visual character of the immediate vicinity.
- Replacing the driveway in its old configuration would have led to continuance of past property maintenance issues, and caused exceptional practical difficulty to the applicants by forcing them to contend with potential future code enforcement by the City indefinitely.

Advisory Comments to the Applicant

- If a variance is not granted, the applicants will be required to reduce the impervious coverage on the lot to 38.5% or less, either by reducing the size of the driveway through removal of 108 S.F. of paved area, or by removing some other equivalent impervious surface on the property.

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	Zoning Map Exhibit (Staff)	1
B	Applicant Statements (Applicant)	1
C	Site Diagram (Applicant)	1

City of Dover

Board of Adjustment

February 15, 2017

V-17-04

Location:	218 W. Reed Street
Applicant:	Lands of Marion L. Lott Sr.
Owner:	Marion L. Lott Sr. and Renora H. Lott
Tax Parcel:	ED-05-077.09-01-38.00-000
Application Date:	January 12, 2017
Present Zoning:	C-2 (Central Commercial Zone)
Present Use:	(One-family detached dwelling)
Reviewed by:	Tracey Harvey
Variance Type:	Use Variance
Variance Requested:	Allow for the expansion of a nonconforming use (a one-family dwelling)

Project Description:
The property is located at 218 W. Reed Street and is occupied by a one family detached dwelling. The applicant is requesting a variance from the requirements of the *Zoning Ordinance* of Article 7, Section 1.11 and 1.21 pertaining to expansion of nonconforming uses and Article 3, Section 13.1 pertaining to permitted uses in the Central Commercial Zone (C-2), to allow for the construction of a 30-foot by 16-foot addition to a one family dwelling.

Adjacent Zoning and Land Uses
The properties to the east and south are zoned C-2 (Central Commercial Zone). The properties to the north and west are zoned RG-1 (General Residence Zone). The property is in a row of two houses along the west end of Reed Street with a church on the corner of Reed Street and New Street. The properties on the north side of the street consist of two

houses and one home located on the south end corner of Reed Street and New Street. All the land surrounding the property consist of residential and commercial properties.

A zoning map exhibit (Exhibit A) prepared by staff is attached to the report showing the subject property location and surrounding zoning.

General Information

The property was built in circa 1940 and purchased by the applicant in 1993. The applicant made application for a Building Permit #16-1836 on November 21, 2016. The permit proposes to construct a 16x30 rear addition to the building. The legal nonconforming use under the provisions of Article 7, Section 1.11 and 1.21 of the *Zoning Ordinance* does not allow for the enlargement, extension or reconstruction of a legal non-conforming building.

Code Citations

Article 7 Section 1 - Nonconforming buildings and uses

1.1 Any nonconforming use, except those nonconforming uses specified in [sub]section 1.5, may be continued indefinitely, but:

> 1.11 Shall not be enlarged, extended, reconstructed or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this ordinance, nor shall any external evidence of such use such as traffic, noise, vibration, smoke, dust, odor, heat or glare be increased by any means whatsoever; or
>
> 1.12 Shall not be changed to another nonconforming use without a special permit from the board of adjustment, and then only to a use which, in the opinion of said board, is of the same or a more restricted nature; or
>
> 1.13 Shall not be reestablished if such use has been discontinued for any reason for a period of one year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

1.2 Except as provided in paragraph (subsection) 1.4 below, no building which houses a non-conforming use shall be:

> 1.21 Structurally altered or enlarged.

Article 3 Section 13 – Central commercial zone (C-2)

13.1 *Uses permitted.* In a central commercial zone (C-2), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail Stores.

(b) Restaurants.

(c) Hotels, including bed and breakfast inns.

(d) Art galleries and studios.

(e) Service establishments.

(f) Personal service establishments.

(g) Business, professional, and government offices.

(h) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted in the first floor on the street frontage of Loockerman Street

Review Standard for a Use Variance
The *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 done.

2.12 Use Variance. A variance shall be considered a use variance if it would permit a use of the subject property that would otherwise not be permitted on the subject property. In considering a request for a use variance, the board shall determine that the following criteria exist and document them in their findings of fact:

(a) That there are physical conditions applying to the land or building for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title; and

(b) That the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of all reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish this purpose; and

(c) That the granting of the variance under such conditions as the board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this ordinance, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.

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. That there are physical conditions applying to the land or building for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title.

   Applicant Response:
   Our home was built in the early 1940's. We purchased it in 1993 with the intention of making improvements on our kitchen, dining room/den. Our kitchen will not

accommodate any modern appliances: (i.e.) modern refrigerator, stove, island, cabinets, etc.

We have 3 adult children, 7 grandchildren, 2 great grandchildren, as well as a son-in-law and daughter-in-law. We are also foster parents and have no less than 3 foster children at a time.

Our present dining room/den does not accommodate our large family gatherings (or tend to make it very difficult).

Staff Response:
The property is zoned C-2 Central Commercial Zone and the use of the building as a one family residence is a legal non-conforming use, the *Zoning Ordinance* under Article 7 Section 1.11 and 1.21 does not allow for any enlargements or extensions to the non-conforming use. The properties facing the opposite side of the street are zoned RG-1 (General Residence Zone) and all are residential uses. The property is also surrounded on either side by other similarly zoned properties that are also nonconforming residential uses. The physical condition of the property and its use has not resulted from any act of the applicant. The property was zoned RG-1 but zoning map records indicated that it is part of a block of land rezoned to C-2 by the 1970's.

2. That the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of all reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish this purpose.

Applicant Response:
Our home is a two-story Victorian house on a lot that is approximately 40x88 with no buildings approximately 50 yards from the rear boundary of our property line. If the restrictions are not removed, it will affect our quality of life. In that, it will place limitations on the quality of our family time and family gatherings.

Staff Response:
Staff concurs with the applicant's assessment that if the restrictions are not removed, it would deprive the applicant of a reasonable use of the building by not allowing the expansion of the dwelling to accommodate modern aspects of a kitchen and dining areas.

3. That the granting of the variance under such conditions as the board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this ordinance, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.

Applicant Response:
We are petitioning to expand on the rear of our home. The extension will be a 30x16 addition which will be used for a modern kitchen and dining room.

Staff Response:
The applicant's property lies within the Restoring Central Dover area and the Downtown Development District designations which places emphasis on improving the housing stock in this area. The applicant's request to expand the property is also consistent with goals of the 2008 Comprehensive Plan and the City of Dover 2015-2019 Consolidated Plan by supporting revitalization of Downtown neighborhoods and preserving the existing housing stock. The expansion to the rear of the home will not change the character as viewed from the street to be detrimental to the public welfare. The building is currently an occupied residence and the use of the building will remain a single family detached dwelling.

Variance Recommendation:
Staff recommends approval of the use variance to allow for the expansion of the non-conforming use for reasons as follows:

- The applicant has demonstrated that adherence to the requirements of the ordinance would leave him with no real viable use of the property, given the size of his home is too small and would affect his quality of life.

- The variance requested is the minimum variance necessary to provide for reasonable use of the land.

- The expansion of the building would not change the character of the neighborhood and will not be detrimental to the public welfare. The expansion of the building is consistent with improving and preserving the existing housing stock in the Downtown area which is outlined in the City's most recent Comprehensive Plan and Consolidated Plan.

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. Review of Building Permit 16-1836 will continue. A Building Permit must be approved and issued prior to the start of construction activities.

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	Zoning Exhibit Map (Staff)	1
B	Applicant Responses (Applicant)	2
C	Photographs of building	4

City of Dover

Board of Adjustment

February 15, 2017

V-17-05

Location:	53 Roosevelt Avenue
Applicant:	James Medved
Owner:	JCD Investments LLC
Tax Parcel:	ED05-077.17-05-73.00-000
Application Date:	January 12, 2017
Present Zoning:	C-4 (Highway Commercial Zone)
Present Use:	Vacant
Proposed Use:	Medical Office Building
Reviewed By:	Eddie Diaz
Variance Type:	Area Variance
Variance Requested:	To allow an increase to exceed the maximum parking spaces permitted for medical offices.

Project Description
The applicant is requesting a variance from the *Zoning Ordinance* requirements of Article 6 §3.1 and §3.11 as they relate to the maximum number of allowed parking spaces for the property's proposed use as a medical office. The applicant proposes to build a 2,520 S.F. building which would ordinarily require a minimum of nine (9) parking spaces and a maximum of eleven (11) parking spaces. The applicant is requesting that the building be served by fourteen (14) spaces.

Adjacent Land Uses
The property is zoned C-4 and is located on Roosevelt Avenue just west of the intersection with South DuPont Highway. The area is a mix of residential, office, and retail/commercial uses. The properties to the north and west of the subject property are one-family residences zoned R-8 (One-Family Residence Zone). To the immediate west is a hair salon zoned C-1 (Neighborhood Commercial Zone). The property across the street to the south is also zoned C-4 and is occupied by a medical office building. To the east and south are other commercial properties zoned C-4 and characteristic of South DuPont Highway. A Zoning Map Exhibit (Exhibit A) prepared by staff is found in the attachments to this report.

Code Citations
The use as a medical office is considered a professional office and is permitted in the C-4 zone as outlined in *Zoning Ordinance* Article 3 §16.1(b).

The "Zoning Bulk and Parking Regulations" found in *Zoning Ordinance* Article 4 §4.14 for parking in the C-4 zoning district require the greater of one (1) off-street parking space per 300 S.F. of floor area or one (1) parking space per employee. Calculations under the provisions of *Zoning Ordinance* Article 6 §3.1 for "Medical Offices-All types" are the same as the zoning district regulations for parking. The office building is to have seven (7) employees and 2,520 S.F. of floor area. By employee count the building would be required to have seven (7) parking spaces, and by floor area the building would be required to have nine (9) parking spaces. Therefore, the calculation based on floor area governs.

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."

Applicant's Proposed Project
Under the above provisions, the proposed office building would require a minimum of nine (9) parking spaces, and increasing this number by the maximum 25 percent would result in a maximum of eleven (11) spaces. The applicant is proposing a 55 percent increase to fourteen (14) spaces.

The fourteen spaces are proposed at the rear of the property. Entrance would be from the western portion of the site's Roosevelt Avenue entrance, next to the parking lot entrance of the hair salon next door. The applicant submitted a conceptual site plan showing the proposed layout of the site, shown in Exhibit D in the attachments to this report. The applicant also submitted Exhibits C and E which show the current condition of the site.

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 four 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[1]:
   "The parcel of land, tax parcel # ED-05-077.17-05-73.00-000 is located in the C4 commercial zoning district approximately 50 feet from the intersection of U.S. Route 13. The property is surrounded by the C4 – Commercial Zone to the east and the R-8 Residential Zone to the west and north. The property consists of a vacant wooded lot that is 100 feet wide by 153.50 feet deep or 15,350 sf (0.352 acres)."

   Staff Response:
   The C-4 zone permits business, professional or governmental offices, personal service establishments, hospitals and medical centers, and drive-throughs among other uses. Certain conditional uses are permitted as well, including crematories and multi-family dwellings.

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

[1] The applicant did not provide separate responses to the four criteria. The applicant responses provided in this report are drawn from the applicant's full response (Appendix B), which is contained in the application packet.

Applicant Responses:
"A hair salon which operates in a 26' wide by 40' deep (1040 sf) one story building is located on the property immediately to the west of the site. The parking area behind the hair salon is large enough to park 10 or more automobiles. H and H Electric Company operates from several buildings with a 15 automobile parking lot on the adjoining property east of the subject site. Single story brick ranch style homes are located on Orchard Avenue and contain rear yards that abut the subject property to the north. A large pole barn structure is located in one of the rear yards directly adjacent to the site. South of the subject site on the opposite side of Roosevelt Avenue is a large medical office building (7800 sf+/-).

The remaining sections of the immediate neighborhood to the west of the hair salon contain residential dwellings on the north side of Roosevelt Avenue. The entire area on the south side of Roosevelt Avenue consists of large commercial and office type buildings and uses."

Staff Response:
The property is located in a small transitional area between large commercial uses on South DuPont Highway, and residential areas to the west and north, including houses fronting on Roosevelt Avenue and on Orchard Avenue in the Morris Estates neighborhood to the north. As the applicant suggests from the description above, the area is largely automobile-dependent, with several large parking lots nearby. There are a number of gaps in the sidewalk network nearby, and no safe crossing across Roosevelt Avenue or South DuPont Highway at their intersection.

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

Applicant Responses:
"The granting of a variance to permit the additional five (5) parking spaces for the project in no way would seriously affect the neighboring properties and uses which surround, or are in the vicinity of, the site for the following reasons:

1. The proposed medical office use is similar in nature to the other commercial uses surrounding the project site.
2. The immediate surrounding uses (hair salon, electric supply, medical offices) generate similar traffic trips and traffic circulation patterns to the proposed use. Therefore no increase in traffic intensity over and above what is normally experienced on Roosevelt Avenue is expected.
3. The residential properties to the north of the site will be properly screened in accordance with the municipal code to eliminate visual impacts, headlight glare and noise from the small parking lot.
4. The total number of parking spaces proposed and the area of the proposed parking lot is similar in size to the immediate surrounding parking lots that exist for the adjoining commercial sites.

5. The hours of operation for the medical office will be 8:30 am to 5:00 pm, Monday thru Friday. Therefore, the operation of the facility is not expected to impact the adjoining residential uses to the north in the evening or night time hours."

Staff Response:
Staff concurs that traffic circulation patterns are unlikely to be seriously affected by the addition of another driveway entrance to Roosevelt Avenue close to the entrances for the neighboring businesses. The hours of operation and required screening will reduce the impact of the parking on neighboring residences. In addition, the proposed site layout places the parking in the rear, maintaining the pattern of residential-style front yards on the north side of Roosevelt Avenue.

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:
"The pediatric medical office will operate with two (2) physicians with a five (5) employee support staff requiring seven (7) parking spaces. This daily employee base is typical of any small medical office operation. Assuming the staff physicians attend to 3 or 4 patients per hour (typical), the seven (7) remaining parking spaces are adequate for the purposed use. And 14 parking spaces are reasonable for the site operations. If the requested variance is not granted by the Board of Adjustment, the applicant will not be able to function properly and provide adequate, safe, off street parking at the site utilizing the permitted use in the C4 zone.

In addition, if the variance requested is not granted, patrons of the medical facility will be forced to use on-street parking in front of the site on Roosevelt Avenue. On-street parking is undesirable at this location due to the limited site distance that exists when motorists are making a right from US Route 13 onto Roosevelt Avenue. Also, there is no sidewalk constructed anywhere on the north side of Roosevelt Avenue and the topography on the front lawns will force individuals to walk in the street. Both of these conditions are life safety in nature and impose hazards to individuals if the additional parking is not permitted."

Staff Response:
Staff concurs with the applicant's statement of the necessity of parking due to the volume of patients, number of staff, frequency of appointments and patient turnover. A medical office functions 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.

Staff also concurs that being forced to use on-street or other off-site parking would present a hardship for this site and could pose safety concerns. Walking in the street

to get to the office would present the safety hazards the applicant describes. In addition, the presence of on-street parking may be an inconvenience to neighboring property owners. Visitors could potentially park in one of the nearby large parking lots belonging to other businesses, but this would require unsafe crossing at the intersection of South DuPont Highway and Roosevelt Avenue.

Variance Recommendation
Staff recommends approval of the variance for the increase in parking to a total of 14 spaces at 53 Roosevelt Avenue for reasons as follows:

- The proposed variance would not be out of character for the zone and the surrounding uses.
- The parking proposed by the applicant is reasonable considering the demands of the business as stated.
- Requiring employees or visitors to find off-site parking would result in unsafe street crossings or walking in the street.
- Staff notes that the need to draft an ordinance to address maximum parking issues has been discussed with the Board of Adjustment. Unfortunately, text amendments have not yet been completed in this regard.

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 through the Planning Commission, and appropriate permits from the City of Dover Department of Planning & Inspections and other agencies.

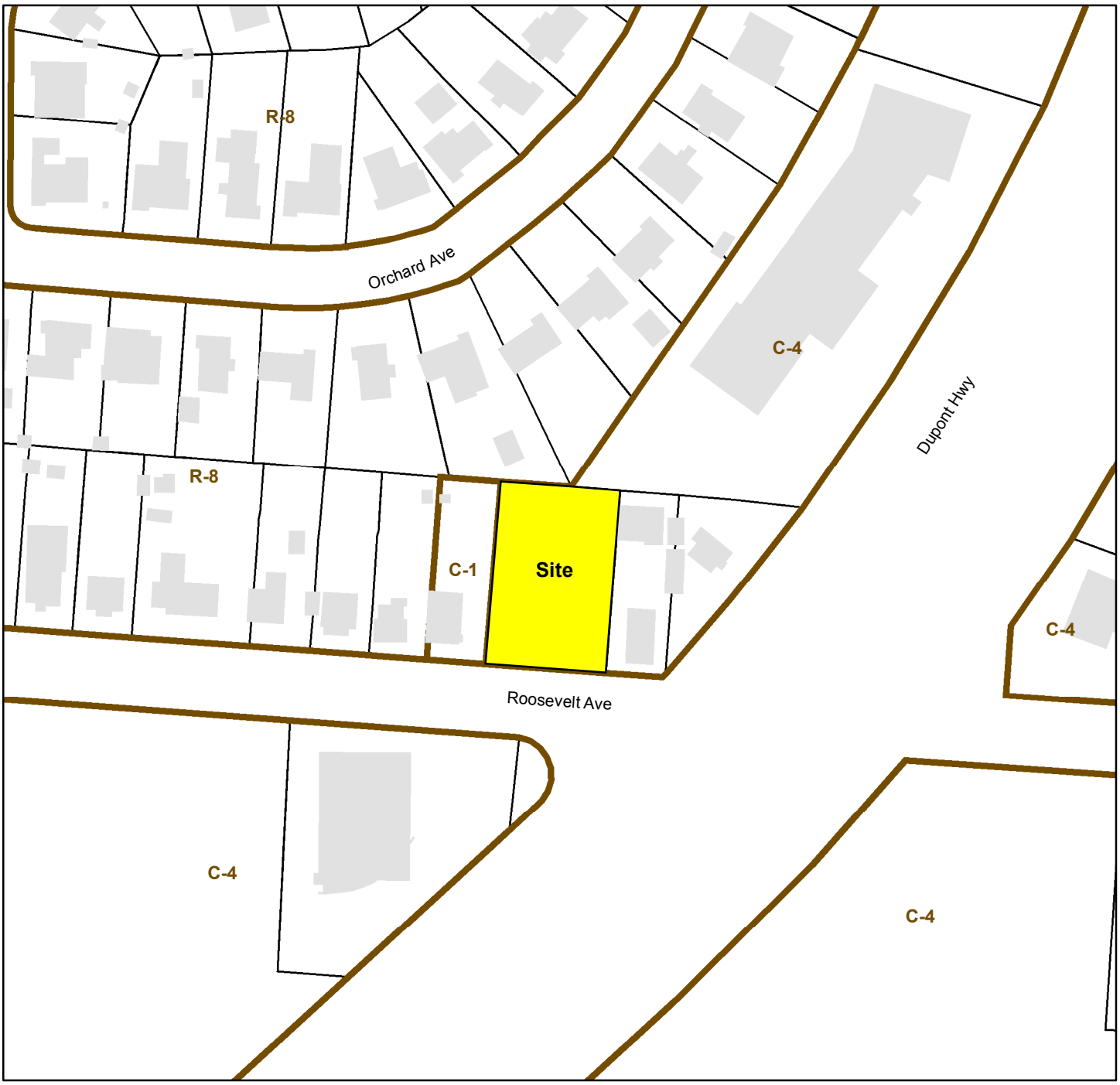
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B	Applicant Statement (Applicant)	2
C	Site Aerial (Applicant)	1
D	Conceptual Site Plan (Applicant)	1
E	Parcel Survey Plan (Applicant)	1

City of Dover

Department of Planning & Inspections

Application No.: V-17-05



Title: Lands of JCD Investments LLC
Address: 53 Roosevelt Avenue
Parcel ID: ED05-077.17-05-73.00-000
Zoning: C-4
Owner: JCD Investments LLC
Date: 2/7/2017

Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

N
W E
S

0 75 150 300 Feet

ENGINEERING & PLANNING

Municipal
Consulting
Construction
Residential
Commercial
Industrial
Construction Management

KEY ENGINEERS
established 1974

~Celebrating Over 43 Years of Excellence~

SURVEYING

Residential
Commercial
Industrial
Governmental
Construction

January 10, 2017

RE: PROJECT NARRATIVE
Information To Support Area Variance for
Proposed Kent Pediatrics Medical Building
53 Roosevelt Avenue, City of Dover Delaware
(KEI#36-42)

JCD Investments, LLC (aka Kent Pediatrics) is proposing to construct a one story 42' x 60' medical office building located on the vacant property known as 53 Roosevelt Avenue in the City of Dover, Delaware. The total floor area of the medical office will be 2520 sf.

The parcel of land, tax parcel # ED-05-077.17-05-73.00-000 is located in the C4 commercial zoning district approximately 50 feet from the intersection of U.S. Route 13. The property is surrounded by the C4 - Commercial Zone to the east and the R-8 Residential Zone to the west and north. The property consists of a vacant wooded lot that is 100 feet wide by 153.50 feet deep or 15,350 sf (0.352 acres).

A hair salon which operates in a 26' wide by 40' deep (1040 sf) one story building is located on the property immediately to the west of the site. The parking area behind the hair salon is large enough to park 10 or more automobiles. H and H Electric Company operates from several buildings with a 15 automobile parking lot on the adjoining property east of the subject site. Single story brick ranch style homes are located on Orchard Avenue and contain rear yards that abut the subject property to the north. A large pole barn structure is located in one of the rear yards directly adjacent to the site. South of the subject site on the opposite side of Roosevelt Avenue is a large medical office building (7800 sf+/-).

The remaining sections of the immediate neighborhood to the west of the hair salon contain residential dwellings on the north side of Roosevelt Avenue. The entire area on the south side of Roosevelt Avenue consists of large commercial and office type buildings and uses.

The applicant proposes a 2520 sf medical Pediatric office that will contain 14 parking spaces together with other stormwater management, lighting and landscaping amenities. In accordance with the Municipal code, one (1) parking space per 300 sf of building area is required for medical office uses in the C4 Commercial Zone. This translates into nine (9) parking spaces that would be required for the site.

Article 6, Section 3.11 of the Municipal Code indicates that the maximum number of parking spaces shall not exceed 25 percent over the number of spaces required by the Code. Since the applicant proposes 14 parking spaces for the development, the proposed parking exceeds the Municipal Code by 55 percent or 5 parking spaces, and a variance from the Board of Adjustment is necessary.

The granting of a variance to permit the additional five (5) parking spaces for the project in no way would seriously affect the neighboring properties and uses which surround, or are in the vicinity of, the site for the following reasons:

1. The proposed medical office use is similar in nature to the other commercial uses surrounding the project site.

2. The immediate surrounding uses (hair salon, electric supply, medical offices) generate similar traffic trips and traffic circulation patterns to the proposed use. Therefore no increase in traffic intensity over and above what is normally experienced on Roosevelt Avenue is expected.

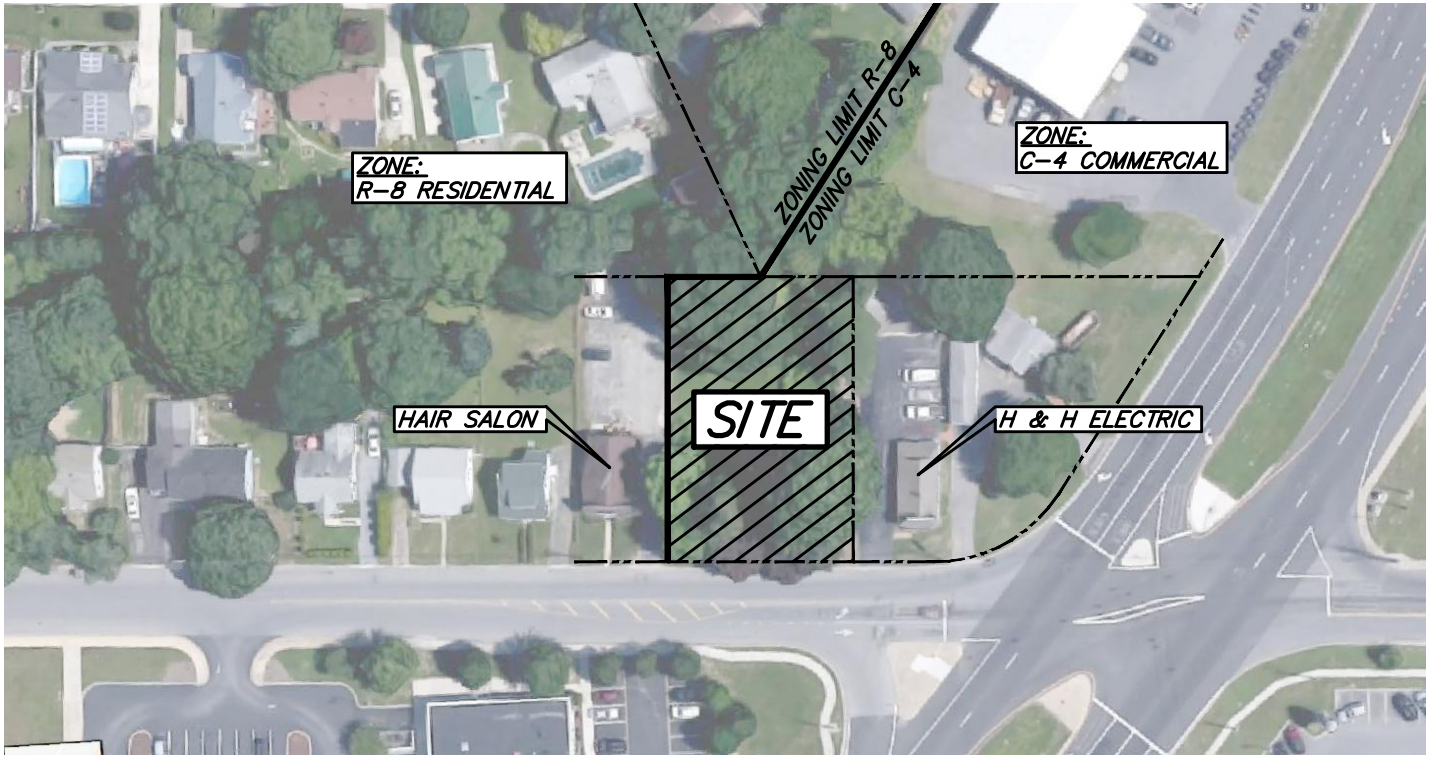
3. The residential properties to the north of the site will be properly screened in accordance with the municipal code to eliminate visual impacts, headlight glare and noise from the small parking lot.

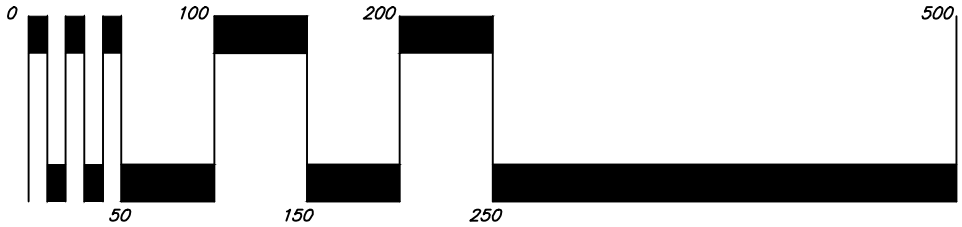
4. The total number of parking spaces proposed and the area of the proposed parking lot is similar in size to the immediate surrounding parking lots that exist for the adjoining commercial sites.

5. The hours of operation for the medical office will be 8:30 am to 5:00 pm, Monday thru Friday. Therefore, the operation of the facility is not expected to impact the adjoining residential uses to the north in the evening or night time hours.

The pediatric medical office will operate with two (2) physicians with a five (5) employee support staff requiring seven (7) parking spaces. This daily employee base is typical of any small medical office operation. Assuming the staff physicians attend to 3 or 4 patients per hour (typical), the seven (7) remaining parking spaces are adequate for the purposed use. And 14 parking spaces are reasonable for the site operations. If the requested variance is not granted by the Board of Adjustment, the applicant will not be able to function properly and provide adequate, safe, off street parking at the site utilizing the permitted use in the C4 zone.

In addition, if the variance requested is not granted, patrons of the medical facility will be forced to use on-street parking in front of the site on Roosevelt Avenue. On-street parking is undesirable at this location due to the limited site distance that exists when motorists are making a right from US Route 13 onto Roosevelt Avenue. Also, there is no sidewalk constructed anywhere on the north side of Roosevelt Avenue and the topography on the front lawns will force individuals to walk in the street. Both of these conditions are life safety in nature and impose hazards to individuals if the additional parking is not permitted.





Graphic Scale:

1 Inch= 100 Feet

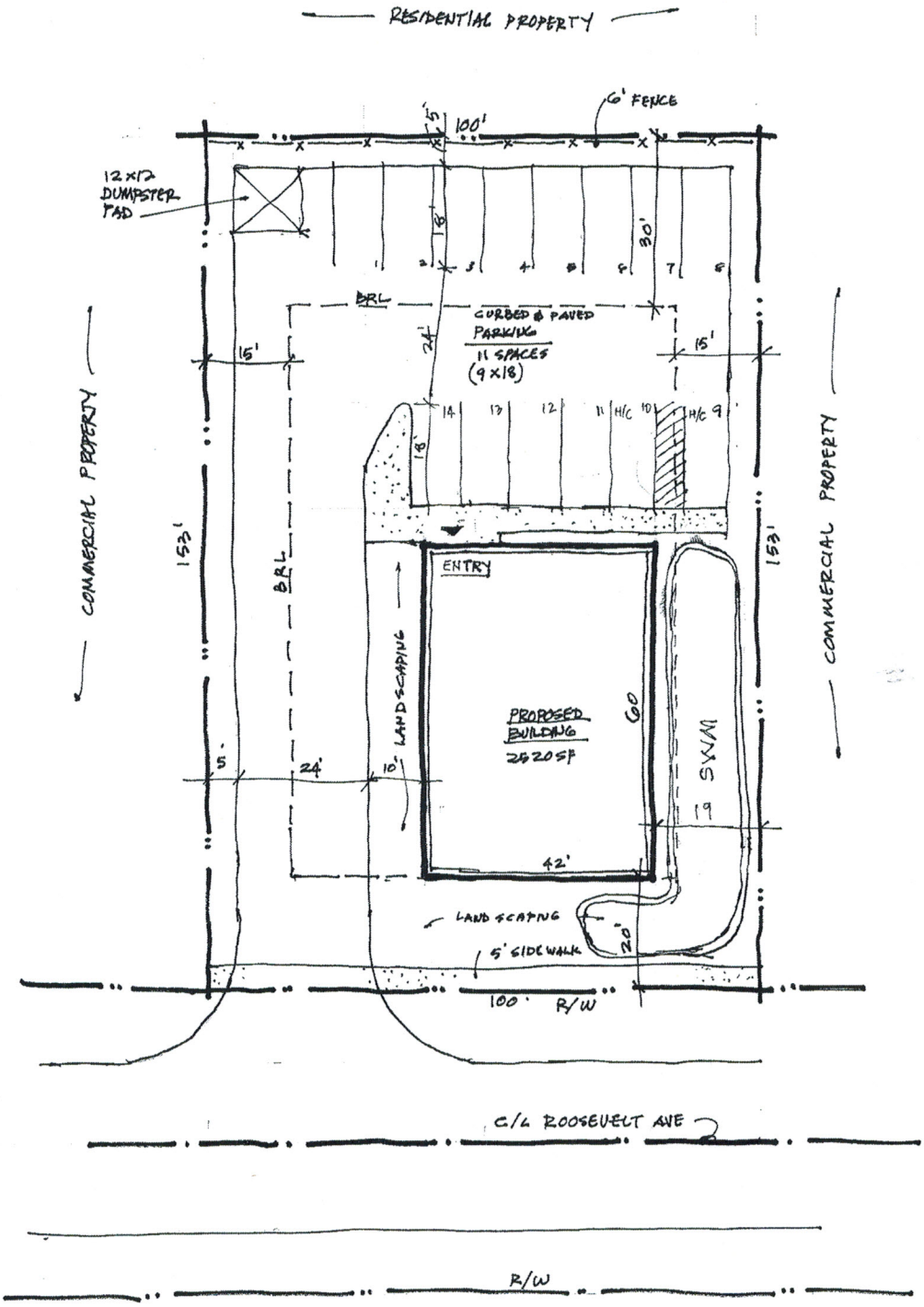
REPRODUCTION, ALTERATION AND AMENDMENT OF THIS PLAN SHALL BE PERFORMED ONLY BY KEY ENGINEERS, INC. AND SHALL BE PERFORMED UNDER THE ABSOLUTE DIRECTION OF THE LICENSED PROFESSIONAL WHOSE NAME AND SIGNATURE APPEARS HEREON.

REV.	DATE:	DESCRIPTION	DRWN.	CHKD.

Surrounding Zoning and Use Map

Tax Map Parcel No. ED-05-077.17-05-73.00-00
Lots No. 18 & 19
53 Roosevelt Avenue

City of Dover
Delaware



CONCEPTUAL SITE PLAN

1" = 20'

.35 ACRES

NORTH

KENT PEDIATRICS

53 ROOSEVELT AVE ZONED C-4

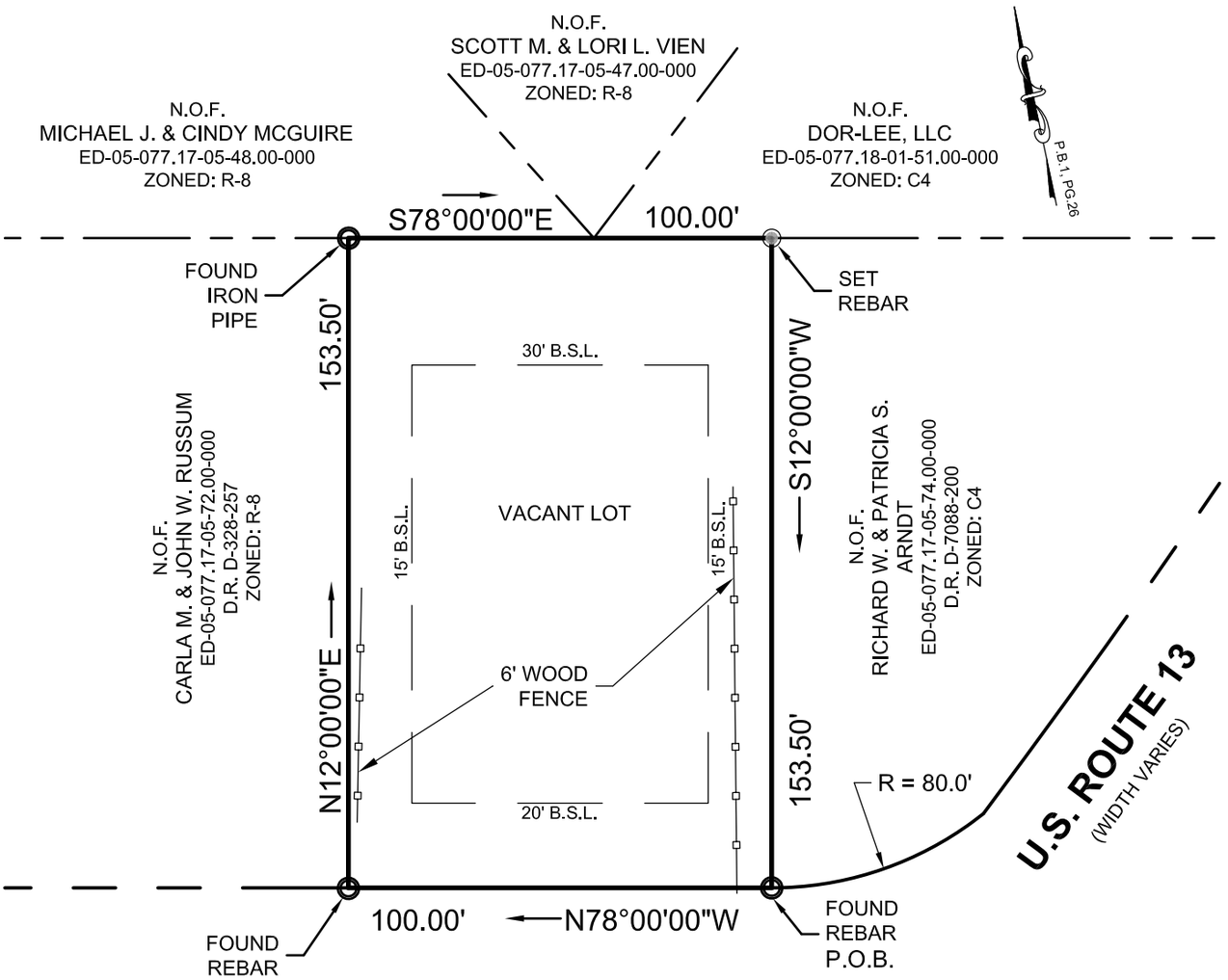
MAP # 2-05-07717-05-7300-00001

REV. - 21 SEPT 2016
17 SEPT 2016

SK-1

WILLIAM BYLER JR - ARCHITECT

M:\M4400s\00-49\M-4414\KENT PEDIATRICS\dwg\MS-KENT PEDIATRICS.dwg 11/9/2016 3:01:03 PM EST



ROOSEVELT AVENUE

(WIDTH VARIES)

P.O.B.-POINT OF BEGINNING

NOTES

1. TAX MAP PARCEL NO. ED-05-077.17-05-73.00-000
2. ZONING: C4 (FRONT YARD: 20'; SIDE YARD: 15'; REAR YARD: 30' ADJOINING A RESIDENCE ZONE)
3. SELLER: RICHARD & PATRICIA ARNDT (DEED REFERENCE D-7655-130, P.B.1, PG.26)
4. LOT AREA = 15,350.0± SQ.FT. (0.352± ACRES)
5. DATE OF FIELD SURVEY- 11/2/16
6. PROPERTY MAY BE SUBJECT TO RESTRICTIONS AND EASEMENTS DESCRIBED IN DEED RESTRICTIONS OR AS FOUND IN SUBSEQUENT TITLE SEARCH.
7. THIS PLAN SHALL NOT BE REPRODUCED, TRANSMITTED OR COPIED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER RESPONSIBLE FOR ITS CONTENTS.
8. BUILDING STRUCTURE LOCATING DIMENSIONS SHOWN ARE FOR THE PURPOSE OF CHECKING COMPLIANCE WITH ZONING & DEED RESTRICTIONS ONLY. NO LIABILITY WILL BE ACCEPTED IF THESE DISTANCES ARE USED FOR ANY OTHER PURPOSE .
9. DECLARATION IS MADE TO ORIGINAL PURCHASER OF SURVEY. SURVEY IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF ENGINEER.
10. NO TITLE EXAMINATION FURNISHED TO OR PERFORMED BY THE PREPARERS HEREOF.

PARCEL SURVEY PLAN

OF

INGRAM LOTS, LOT NO. 18 & 19

53 ROOSEVELT AVENUE

DOVER, DE

FOR

JCD INVESTMENTS, LLC

SITUATE IN: CITY OF DOVER, EAST DOVER HUNDRED, KENT COUNTY, STATE OF DELAWARE

CLASS 'B' SURVEY

I HEREBY DECLARE THAT THIS SURVEY PLAN ACCURATELY SHOWS THE BOUNDARY OF THIS PARCEL AS DETERMINED BY EVIDENCE FOUND IN THE FIELD AND WITH DEEDS OF RECORD, THAT IT ACCURATELY DEPICTS ALL IMPROVEMENTS AS LOCATED ON THE PREMISES DESCRIBED, AND THAT THERE ARE NO ENCROACHMENTS UPON THE PREMISES DESCRIBED BY THE IMPROVEMENTS OF ANY ADJOINING PREMISES.

GREGORY R. SCOTT, P.E. _____ DATE

SCOTT ENGINEERING, INC.
Consulting Engineers · Surveyors · Land Planners
22 Old Rudnick Lane, Suite 2
Dover, DE 19901
302-736-3058

DRAWING NO.	M-4414	SCALE:	1"=40'
DRAWN BY.	S.E.I.	FLD. BK. NO.	MS-52