CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA
Wednesday, April 18, 2018 at 9:00 AM

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

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of January 17, 2018 Meeting

COMMUNICATIONS & REPORTS

1. Reminder: The next Board of Adjustment regular meeting is scheduled for May 16, 2018 at 9:00am in the City Council Chambers.

NEW BUSINESS

Applicant #V-18-01

35 and 39 North New Street. Larlham Construction, LLC has requested two variances from the requirements of the *Zoning Ordinance.* The first request pertains to Article 4 §4.4 regarding the minimum lot area requirement. Specifically, the applicant seeks to permit a total lot size for Lot #2 of 1,650 SF, instead of the required minimum lot size of 1,800 SF. The second waiver request also pertains to Article 4 §4.4 regarding the minimum lot depth. The applicant is proposing that all three lots have an average depth of 91.6 ft., instead of the required 100 ft. minimum lot depth. The site is located on the east side of North New Street, just south of Fulton Street. The site currently contains two parcels, with the parcel addressed as 35 North New Street being 0.14 acres +/- and the parcel addressed as 39 North New Street being 0.07 acres +/-. The two parcels combined are 0.21 acres +/- in size. Part of the proposal is to create three (3) new parcels on the site and reorient them to face north to Fulton Street. Subject property is zoned RG-3 (Group Housing Zone). Tax Parcel: ED-05-076.08-05-39.00-000 and ED-05-076.08-05-40.00-000. The owners of record are Larlham Construction, LLC

Applicant #V-18-02

59 Park Drive. Robert A. Payne and E. Jane Warren have requested a variance from the requirements of the *Zoning Ordinance.* The request pertains to Article 5 §11.21 regarding the requirement to maintain natural open space in a flood hazard area. Specifically, the applicant seeks to permit construction of a sidewalk from a planned new house located outside the flood hazard area, through the flood hazard area, to Greenhill Road. The site is located on the east side of Park Drive, just north of Greenhill Road. The site contains one parcel addressed as 59 Park Drive and is 0.78 +/- acres. Subject property is zoned R-10 (One Family Residence Zone). Tax Parcel: ED-05-077.06-01-14.00-000. The owners of record are Robert A. Payne and E. Jane Warren.

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 17, 2018

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, January 17, 2018 at 9:07 A.M. with Vice Chairman Ericson presiding. Members present were Vice Chairman Ericson, Mr. Keller, Mr. Hufnal and Mr. Senato. Chairman K.C. Sheth was absent.

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

APPROVAL OF AGENDA

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

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF NOVEMBER 15, 2017

Mr. Hufnal moved to approve the meeting minutes of November 15, 2017 with any necessary corrections. The motion was seconded by Mr. Senato and unanimously carried 4-0. Chairman Sheth was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF DECEMBER 20, 2017

Mr. Keller moved to approve the meeting minutes of December 20, 2017 with any necessary corrections. The motion was seconded by Mr. Hufnal and unanimously carried 4-0. Chairman Sheth was absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mr. Dave Hugg, Planning Director of Planning and Inspections stated that the meeting today will be conducted in accordance with the motion of the Agenda. There is one (1) application on the agenda under Old 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.

OLD BUSINESS

Applicant #V-17-17.
299 College Road. Stephen E. Lumor has requested a variance from the requirements of the

Zoning Ordinance, Article 4 §4.8 pertaining to maximum lot coverage for multiplex dwellings in the RM-2 (Medium Density Residence) Zone. Specifically, the applicant seeks to increase the maximum lot coverage on the site from 35% to 40%. The site is located on the north side of College Road west of Mishoe Street, and adjacent to Conwell Street. It is 0.42 acres +/- in size and zoned RM-2 (Medium Density Residence Zone). Tax Parcel: ED-05-067.00-02-26.00-000. The owner of record is Stephen E. Lumor.

Exhibits for the Record: Staff Report, zoning exhibit, and statement and plans submitted by the applicant. Legal Notice was published in the Delaware State News on January 7, 2018. The public was notified in accordance with regulations.

Mr. Diaz gave a brief overview of the application.

Mr. Hufnal commented on the Memo of January 9, 2018 with the background information of the Variance Application and Code requirements for multiplexes. At the last meeting, there were a lot of comments regarding what "multiplexes" meant and what it covered. This memo was very helpful in clearing up the questions. Mr. Hufnal and Vice Chairman Ericson thanked Mr. Diaz for preparing the Memo which would add a lot to allow the Board to make the proper decision.

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

Representative: Mr. Mark Strickland PE, Century Engineering

Mr. Strickland was sworn in by Mr. Rodriguez.

Mr. Strickland testified that Mr. Diaz gave a very thorough explanation of the research and findings. They did look into the parcel history and found that was originally described as two (2) lots in the 1899 College Settlement subdivision that was never developed. Looking at the historical area imagery, you can tell that between 1956 and 1961 there was a house constructed on the property that looks to be centered between what would have been Lots 145-146 indicating that at that time the lots were already consolidated. At this point in time the reference to the two (2) Lots on the deed is simply a reference to describe the boundaries of the property as it was originally delineated by the two (2) Lots in the subdivision. It is no longer two (2) Lots; again it is just using those two (2) Lots as reference to describe the boundaries of the property. The owner of the parcel is Steven Lumor and not Enyam LLC as it was originally stated in the plans. The plans have been amended to reflect the correction. All documentation going forward should reference Steven Lumor as the owner of the property. Upon research the only restriction on the property is the DelDOT right-of-way and permanent easement that is dedicated along College Road.

Mr. Hufnal questioned if the reason mainly for the variance was because of the restrictions that DelDOT put on the entrance to provide for the extra space, curbing and also the part required for the parking lot and that it had nothing to do with the housing itself. Mr. Strickland replied that is correct. They had the house designed to be slightly under 35% impervious originally and then during the planning process they had a recommendation from DelDOT to widen the entrance by

4- feet. From the Fire Marshal, they did not have to delineate a fire lane, but to expand the width of the area behind the parking spaces so that emergency vehicles could access the site. They made those two (2) improvements to expand the area of imperviousness to help DelDOT and the Fire Marshal access the site and that is what put them over the 35%.

Mr. Keller questioned the consolidation and the one lot that is in effect, and if there were any legal actions that changed the original subdivision plan (as there are still Lots 145 and 146). Mr. Strickland replied that they did not have any record plan of consolidation of the two (2) parcels other than them being described as one (1) parcel on the current deed. Describing the parcel using those two Lots is as a reference to the boundaries, not actually that it is two (2) Lots.

Mr. Keller commented that he agreed with the statement and in fact the deed of transfer from the City of Dover to Stephen E. Lumor cites the two (2) Lots (parcel of land, etc.).

Mr. Keller asked Mr. Diaz with the City's Recommendation for Approval of the application whether the City's position was still in favor of specific language in any motion for approval that the Site shall hereby be declared as a multiplex use only. Mr. Diaz replied that the City's Recommendation would be that the decision include the language stating that the variance would only be granted if a multiplex were constructed on the Lot. If it was a different kind of residential use, then the restrictions should remain as is in the *Zoning Ordinance*.

Mr. Keller asked in so doing, is he correct in thinking that thereby this multiplex is constructed and five (5) years from now burns to the ground, the land is sold to some other entity, any reconstruction would still have to comply with the multiplex increase in the density which we are talking about from 35 to 40 percent.

Mr. Diaz replied that if the new owner five years later wanted to build another multiplex then they could use the variance that is granted today (if granted). If they were to build something else they would not be able to. The reason for the recommendation is that there is a demonstrated need with this project for an increase in lot coverage, but the City does not believe that the increase would automatically be needed with a single family or townhouse 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 variance application V-17-17 based on the new information received today, Staff comments, and Staff recommendations that the variance apply only to the use of the property as a multiplex. The motion was seconded by Mr. Senato. Motion carries 4-0. Chairman Sheth was absent.

Mr. Senato thanked Mr. Diaz for his diligence and expertise in bringing all the information that was needed to this meeting, and he commended him for the work that was well done. They all concurred.
Vice Chairman Ericson stated that the next meeting will be held on February 21, 2018. He asked if the members present would be able to attend the meeting as the Chairman will not be present.

Mr. Senato stated that he would be in Florida until March 11, 2018.

Vice Chairman Ericson stated that if anyone could not attend the meeting to please call the Planning Office so that the meeting can be canceled and rescheduled.

Mr. Keller stated that he has been summoned for Jury Duty, but he submitted a return to decline due to his age. He will contact Vice Chairman Ericson once he receives the decision.

Meeting adjourned at 9:39 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary

City of Dover

Board of Adjustment

March 21, 2018

V-18-01

Location:	35 and 39 North New Street, Dover DE
Applicant:	Larlham Construction, LLC
Owner:	Larlham Construction, LLC
Tax Parcels:	ED-05-076.08-05-39.00-000 and ED-05-076.08-05-40.00-000
Application Date:	February 08, 2018
Present Zoning:	RG-3 (Group Housing Zone)
Present Use:	Vacant
Proposed Use:	Townhomes (3 residential units)
Reviewed By:	Julian Swierczek, Planner I
Variance Type:	Area Variance
Variances Requested:	To allow a decrease in the minimum allowable lot size for Lot #2 from 1,800 SF to 1,650 SF, and to allow a decrease in the minimum lot depth for all three (3) new lots from 100 feet to an average of 91.6 feet

Project Description

The applicant proposes creating three (3) new parcels of land out of the two (2) currently existing parcels, so as to build three (3) new townhouses. The new parcels would no longer face west to North New Street, but rather north to Fulton Street. The first requested variance is from the provisions of *Zoning Ordinance,* Article 4 §4.4, specifically the minimum required lot size for a group dwelling unit in the RG-3 (Group Housing Zone). In the RG-3 Zone, a townhouse (group dwelling) has a minimum lot size of 1,800 SF, but the applicant is requesting the minimum lot size for Lot #2 of the proposed development be reduced to 1,650 SF.

The applicant is further requesting a second variance, also from the *Zoning Ordinance,* Article 4 §4.4, specifically the minimum lot depth required for a group dwelling unit in the RG-3 (Group Housing Zone). In the RG-3 zone, a lot is required to have a minimum depth of 100 feet. The average lot depth of the three (3) proposed new lots would be 91.6 feet.

This project has not yet been reviewed by the Planning Commission; submission of a Minor Subdivision Plan application is required.

Adjacent Land Uses

The properties were subject to a rezoning application Z-15-03 that went before Planning Commission at its July 20, 2015 meeting and was subsequently recommended for approval by the Planning Commission to the City Council. As approved by City Council, Z-15-03 changed the zoning of the two properties from RG-1 (General Residence Zone) to RG-3 (Group Housing Zone). The application to rezone was made as the owners of the properties at the time stated they wanted to be able to build townhouses on the site. The Planning Staff had recommended approval of the rezoning from RG-1 to RG-3 as the housing styles permitted in the RG-3 zone were consistent with the Downtown Development District and Restoring Central Dover Plans.

The properties are now zoned RG-3 and are located on the east side of North New Street south of Fulton Street, and are immediately surrounded by properties zoned RG-1 to the west, south, and east. The property to the north across Fulton Street is zoned IO (Institutional and Office Zone) and is the tennis courts for Wesley College. The properties that are zoned RG-1 are mostly developed as residential properties. The subject parcels are within the Downtown Development District and "Restoring Central Dover" study area, where the City is working to promote homeownership and residential development.

A Zoning Map Exhibit (Exhibit A) showing adjacent zoning districts can be found in the attachments to this Report.

Code Citations

According to *Zoning Ordinance,* Article 3 §3.12, One-family group dwellings such as townhouses are a permitted use in the RG-3 Zone. Townhouses are given a definition in *Zoning Ordinance,* Article 12 to distinguish them from one-family detached dwellings, which are also permitted in the RG-3 Zone and have differing bulk standard requirements. The *Zoning Ordinance* further defines an attached dwelling as well as a multiple dwelling,

as both definitions also apply towards the understanding of a townhouse in the context of a group dwelling.

> *Zoning Ordinance* Article 12
> Townhouse: A one-family, attached dwelling unit, with one dwelling unit from [the] ground to the roof, having individual outside access.
>
> Dwelling, attached: A dwelling having one or more walls in common with another dwelling.
>
> Dwelling, multiple: A building, or portion thereof, containing more than two dwelling units.
>
> Dwelling, one-family: A permanent dwelling unit placed on a permanent foundation and designed and intended for use by only one family. One-family dwellings shall not include manufactured homes or mobile homes but shall include modular homes constructed to the standards of the Dover Code of Ordinances, Chapter 22—Buildings and Building Regulations

Zoning Ordinance, Article 4 §4.4 lists the bulk and area standards for different types of residential uses in the RG-3 zone. Townhouses are not listed specifically. However, the format of the townhouse fits the definition of a "group dwelling." Table 1 below summarizes the requirements applying to "group dwellings" and compares them to the applicant's proposed project. The standards requiring a variance is highlighted.

Table 1: Zoning Requirements and Requested Bulk Standards
V-18-01 Larlham Construction, LLC at 35 and 39 N New St

	RG-3 (Group Housing Zone)	**Applicant's Project**		
Residence Type:	***Group Dwellings***	***Townhomes (Group Dwellings)***		
Standard:	***Requirements***	***Proposed***		
Minimum requirements per dwelling unit:		Lot 1	Lot 2	Lot 3
Lot area (sq. ft.)	1,800	5,174 +/-	1,650 +/-	2,998 +/-
Lot width (ft.)	18	32.6 +/-	18	32.6 +/-
Lot depth (ft.)	100	91.6 +/-	91.6 +/-	91.6 +/-
Front yard (ft.)	15	16	16	16
Minimum side yard (ft.)	15	15	N/A	15.2 +/-
Off-street parking spaces	1/DU	3	0	0
Maximum permitted:				
Building Height (stories)	3	3	3	3
Building Height (ft.)	35	34.8 +/-	34.8 +/-	34.8 +/-
Building Coverage	45%	42.04%	34.18%	18.35%

Applicant's Proposed Project

The applicant proposes subdividing the two parcels into three and reorienting them to face north to the Fulton Street frontage instead of west to North New Street. The three new lots would each contain a new townhouse unit. The applicant has identified the new lots as Lots #1, #2, and #3.

Lot #1 is the lot furthest to the east and is also the largest with 5,174 SF. It is proposed to have one 3-story house, 34.8 ft. in height, and have a footprint of 550 SF. There is also a parking lot on the site which contains 3 parking spaces for the use of all three townhouse units. This parking lot is to be accessed via an unnamed alley that runs south from Fulton Street to Division Street and the parking lot area is approximately 1,625 SF.

Lot #2 is proposed to have a similar 3-story townhouse unit with a building height also of 34.8 ft and a building footprint of approximately 564 SF. Lot #2 is proposed to have an overall lot area of 1,650 SF. This is 150 SF short of the required minimum of 1,800 SF as stated in Article 4 §4.4 of the *Zoning Ordinance*.

Lot #3 is the westernmost lot of the proposed project and like the other two, is proposed to have a 3-story townhouse of approximately 34.8 ft. in height with a building foot print of 550 SF.

All three lots are proposed to have an average lot depth of approximately 91.6 ft. This is short of the required 100 ft. minimum lot depth as stated in Article 4 §4.4 of the *Zoning Ordinance*.

A site plan of the applicant's proposed project, received February 08, 2018, can be found in in Exhibit D.

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

The applicant has included an explanation as to the nature of the request as follows:

> "The current configuration of the parcels have both fronting on North New Street; therefore, having New Street addresses. The owner's intention when purchasing the parcels was to apply for a Minor Lot Line Adjustment to have both parcel front on Fulton Street to make them easier to find tenants once a townhome was constructed. After the purchase of the parcels and in subsequent research and conversation with the City of Dover Planning Office, it came to light that the parcels were zoned RG-3, not RG-1, and to make the investment worth the purchase, the owner pushed forward to pursue the townhome concept as allowed under RG-3 zoning. For this concept to become reality, there are (2) variances that are being requested:
>
> 1) As shown on our plan, the minimum lot area requirement is 1,800 sq. ft. Proposed Lot #2 would have a lot area of 1,650 sq. ft. 150 sq. ft. less than required.
> 2) As shown on our plan, the minimum lot depth requirement is 100'. All (3) lots proposed would have an average depth of 91.6', 8.4' less than required.
>
> After careful consideration of what the Board of Adjustment is responsible for considering and knowing that that proposing to add (1) lot in addition to the (2) existing AND proposing to rotate lot frontages to Fulton Street rather that North New Street may not look favorable on the surface, but the owner believes that the result will be a benefit to himself and the City of Dover. The look and finish of a townhome facing the tennis courts, with landscaping around the finished structure will be appealing, easier to find tenants willing to rent, and hopefully raise the value of the properties in the immediate area."

As a part of the application, the applicant was further 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. These responses may also be found in Exhibit C together with additional background information provided by the applicant. The applicant responded to points 1 and 2 jointly, and points 3 and 4 jointly.

1. The nature of the zone in which the property lies.
2. The character of the immediate vicinity and the contained uses therein.

Applicant Response:

"The parcels are located at the intersection of North New Street and Fulton Street. Subject lots currently are currently vacant and 'front' North New Street (Parcel 39.00 fronts on both North New Street and Fulton Street) and are both zoned RG-3. With the exception of the Wesley College properties along Fulton Street which are zone

I/O, the majority of the surrounding parcels are zoned for residential use, more specifically RG-1."

Staff Response:

1. The RG-3 (Group Housing Zone) specifically allows for the construction of one family detached dwelling units and townhouse units. It should be noted that, were the parcels not to be further subdivided and reoriented to face north to Fulton Street, the bulk standards for one family detached dwellings in the RG-3 would provide approximately 38 ft. x 24 ft. of potential development area on the parcel currently addressed as 39 North New Street, and 69 ft. x 35 ft. of potential development area at 35 North New Street. However, neither of the lots today meet the required minimum lot size of 6,000 sq. ft. or minimum lot width of 50 ft. as required by today's code for a single-family detached dwelling in the RG-3 zone. The parcel addressed as 39 North New Street further doesn't meet today's code for minimum lot depth of 100 ft. This current arrangement would have the parcels maintain a North New Street address which the applicant attests is one of the main reasons to seek the subdivision and new addressing of the parcels to face Fulton Street.

   The 2015 application Z-15-03, rezoning the property to RG-3, was supported by Planning Staff and approved by the Planning Commission and City Council because it was thought this site's close proximity to Downtown Dover meant a higher density residential zone would be conducive with a more densely populated and active downtown Dover. While the RG-3 allows the use for townhouse units, variances appear necessary to meet the bulk standards. The submission does not look at creating three townhouse lots facing North New Street.

2. The character of the immediate vicinity is residential, with predominately single-family homes. The nearby lots are generally narrow, meaning the new addition of townhomes would generally fit in with the surroundings if the zoning classification allows for townhouses. The site is also in close proximity to Downtown Dover, where there are services available. As vacant lots, this is an opportunity for infill development of additional residential units in an existing residential area.

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

Applicant Response:

"One of the reasons for the configuration proposed is to have the lots front on Fulton Street for Fulton Street addresses. Will that impact the neighboring properties

negatively, we do not believe so. The surrounding area has an abundance of single family homes, some in decent shape, most not. We feel that the addition of this townhome will have a visually better impact on said area and can only be favorable. Also, this configuration would have a more favorable impact for the city and the owner. The owner can market and entice tenants with a Fulton Street address with a view of the tennis courts and the city would benefit from taxes on the extra lot along with impact fees, permits, utilities, etc. The concept could also work by simply subdividing the lots as-is facing North New Street, but even then, variances would still be required, and those requests would have been much more difficult to grant as the depths would have been shorter and lots areas would have been a bit smaller. While the lots would be slightly wider, it would make meeting the City zoning requirements a little more difficult, specifically the depth and/or areas of the lots being proposed. They would also be more problematic to market with New Street addresses. The owner does have an option to build (2) separate single family homes, but if the zoning allows for a townhome and he can meet nearly all the requirements but the (2) which requires minimal variances, it makes more financial sense to try and maximize the return on his investment and we hope that the Board agrees."

Staff Response:

3. With a proposal of reconfiguration of the properties to create lots for townhouse units, the units can be placed to meet the setback requirements on both the North New Street and Fulton Street frontages. Building height and lot coverage are in compliance with Code requirements. The requested variances deal with the format of the proposed lots. The existing property (2 lots) are impacted by their corner location and their shape (saw-tooth property line). The Planning Staff does not believe that the removal of the restriction would have a detrimental effect on the surrounding neighborhood. The variances requested for lot depth and general lot size for Lot #2 are both features not generally visible to the neighboring community. The neighborhood consists of lots small in width and smaller in the minimum lot size required by today's code.

4. If the guidelines were not removed, it would make the owners intended development for townhouses facing Fulton Street impossible. The site currently consists of two parcels and therefore would not permit 3 townhouses without some reconfiguration to create 3 parcels. However, the existing parcels could be developed with a one family detached dwelling unit on each parcel, with the existing lot sizes being considered legal, non-conforming. The current orientation towards North New Street has been described by the applicant as being difficult because of the negative news coverage of crime on North New Street. The applicant believes the reorientation of the site to Fulton Street would help in finding residents.

Variance Recommendations

Staff recommends approval of the variance to decrease the minimum lot coverage for the proposed Lot 2 from 1,800 SF to 1,650 SF, as well as the variance to reduce the minimum lot depth on all three (3) proposed lots from 100 ft. to 91.6 ft. for reasons as follows:

- The proposed use for townhouse units is in keeping with the nature and allowable uses in the RG-3 Zone and the residential character of the surrounding area.
- The site is near to Downtown Dover and the services provided there, where Planning Staff and the Planning Commission have decided higher density residential units are desirable in increasing Downtown Dover's vibrancy.
- The surrounding neighborhood has many vacant or underutilized lots and the construction of three new townhomes would be welcomed improvement to the neighborhood's character.
- If the variances were not to be granted, the applicant would likely be made to develop the parcels as-is, facing North New Street which they believe will be more difficult in their efforts to find tenants.
- The lots as they are, are smaller than Code requires now for one-family detached dwellings, so any new single family detached dwelling construction would result in only 2, somewhat smaller houses with small yards.

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.

GUIDE TO ATTACHMENTS

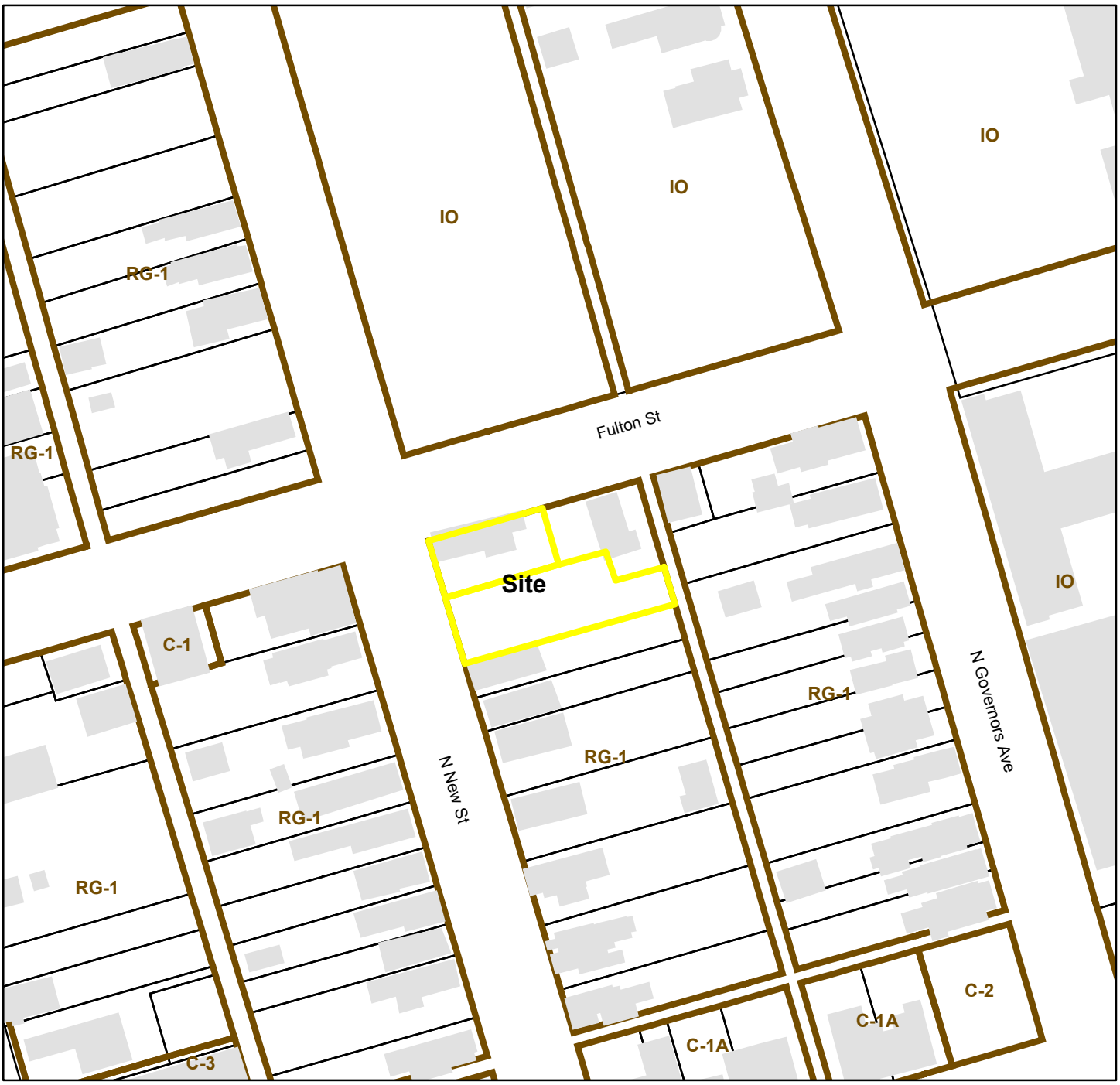
Exhibit	Description/Author	# Pages
A	Zoning Map Exhibit (Staff)	1
B	Board of Adjustment Application	1
C	Applicant Statement (Applicant)	2
D	Current Site Plan/ Minor Subdivision Plan, received 02/08/18 (Applicant)	1 (24”x36”)

City of Dover

Department of Planning & Inspections

Exhibit A

Application No.:V-18-01



Title: Larlham Construction LLC @ 35 & 39 N New St
Address: 35 & 39 North New Street
Parcel ID: ED-05-076.08-05-39.00-000, ED-05-076.08-05-40.00-000
Zoning: RG-1
Owner: Larlham Construction LLC
Date: 3/13/2018

Legend

- Subject Properties
- Dover Parcels
- Zoning
- 2012 Buildings

N
W
E
S

0 50 100 200 Feet

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

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

Board of Adjustment Application

Application Information

Property Address: #35/#39 N New Street, Dover, DE 19901

Tax Parcel Number: ED-05-076.08-05-39.00/40.00-000

Owner Name: Larlham Construction, LLC

Property Zoning: RG3

Variance (s) Requested: Area Variance for Lot #2 (proposed) to have area less than 1,800 SF.; Variance for all (three) proposed lots to be less than 100' in depth.

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

18-7000007

— **Area Variance**

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

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

Signature

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

[signature] Title Date

Signature

Elliott Surveying
Professional Land Surveying

- MINOR SUBDIVISION PLANNING & DESIGN
- MINOR LOT LINE ADJUSTMENTS
- LOT CONSOLIDATIONS
- FLOOD CERTIFICATIONS
- CONSTRUCTION STAKEOUTS & AS-BUILTS
- RESIDENTIAL/COMMERCIAL/ FARM SURVEYING
- ENGINEERING/SITE PLANNING
- TOPOGRAPHIC SURVEYING

"SERVING NEW CASTLE, KENT, AND SUSSEX COUNTIES"

Elliott Survey, Corp. - 332 Audrey Lane Smyrna, DE 19977 Ph: (302) 678-8115 Fax: (302) 678-8255

08-Feb-2018

City of Dover Board of Adjustment
Attn: City of Dover Planning Office
PO Box 475
Dover, DE 19901
Ph: (302) 736-7010

RE: Variance Requests for "Lariham Construction, LLC" Application

City of Dover Planning Associate,

As per the requirements set forth by the City of Dover Board of Adjustment Application regarding the proposed minor subdivision and townhome concept on tax parcels: ED-05-076.08-05-39.00-000 (#35 North New Street) & ED-05-076.08-05-40.00-000 (#39 North New Street), this letter will provide the necessary information as to the nature of the variances requested as well as the explanations as to why they are being requested.

Nature of Request:

The current configuration of the parcels have both fronting on North New Street; therefore, having New Street addresses. The owner's intention when purchasing the parcels was to apply for a Minor Lot Line Adjustment to have both parcel front on Fulton Street to make them easier to find tenants once a townhome was constructed. After the purchase of the parcels and in subsequent research and conversations with the City of Dover Planning Office, it came to light that the parcels were zoned RG-3, not RG-1, and to make the investment worth the purchase, the owner pushed forward to pursue the townhome concept as allowed under RG-3 zoning. For this concept to become reality, there are (2) variances that are being requested:

1) As shown on our plan, the minimum lot area requirement is 1,800 sq. ft. Proposed Lot #2 would have a lot area of 1,650 sq. ft., 150 sq. ft. less than required.
2) As shown on our plan, the minimum lot depth requirement is 100'. All (3) lots proposed would have an average depth of 91.6', 8.4' less than required.

After careful consideration of what the Board of Adjustment is responsible for considering and knowing that that proposing to add (1) lot in addition to the (2) existing AND proposing to rotate lot frontages to Fulton Street rather than North New Street may not look favorable on the surface, but the owner believes that the result will be a benefit to himself and the City of Dover. The look and finish of a townhome facing the tennis courts, with landscaping around the finished structure will be appealing, easier to find tenants willing to rent, and hopefully raise the value of the properties in the immediate area.

The Nature of the Zone in Which the Property Lies and the Character of the Immediate Vicinity and the Contained Uses Therein:

The parcels are located at the intersection of North New Street and Fulton Street. Subject lots currently are currently vacant and "front" North New Street (Parcel 39.00 fronts on both North New Street and Fulton Street) and are both zoned RG-3. With the exception of the Wesley College properties along Fulton Street which are zoned I/O, the majority of the surrounding parcels are zoned for residential use, more specifically RG-1.

If the Restriction Upon Applicant's Property Were Removed, Would Such Removal Seriously Affect Neighboring Properties and Uses AND if the Restrictions is Not Removed, Would that 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:

One of the reasons for the configuration proposed is to have the lots front on Fulton Street for Fulton Street addresses. Will that impact the neighboring properties negatively, we do not believe so. The surrounding area has an abundance of single family homes, some in decent shape, most not. We feel that the addition of this townhome will have a visually better impact on said area and can only be favorable. Also, this configuration would have a more favorable impact for both the city and the owner. The owner can market and entice tenants with a Fulton Street address with a view of the tennis courts and the city would benefit from taxes on the extra lot along with impact fees, permits, utilities, etc. The concept could also work by simply subdividing the lots as-is facing North New Street, but even then, variances would still be required, and those requests would have been much more difficult to grant as the depths would have been shorter and lots areas would have been a bit smaller. While the lots would be slightly wider, it would make meeting the City zoning requirements a little more difficult, specifically the depths and/or areas of the lots being proposed. They would also be more problematic to market

Elliott Surveying
Professional Land Surveying

- MINOR SUBDIVISION PLANNING & DESIGN
- MINOR LOT LINE ADJUSTMENTS
- LOT CONSOLIDATIONS
- FLOOD CERTIFICATIONS
- RESIDENTIAL/COMMERCIAL/ FARM SURVEYING
- ENGINEERING/SITE PLANNING
- TOPOGRAPHIC SURVEYING

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with New Street addresses. The owner does have an option to build (2) separate single family homes, but if the zoning allows for a townhome and he can meet nearly all the requirements but the (2) which requires minimal variances, it makes more financial sense to try and maximize the return on his investment and we hope that the Board agrees.

We feel these are reasonable requests considering the limitations that exist and approval of these variance in no way impacts the city, the local area, or any businesses in the area negatively. The owner is willing to do everything he can within his power, and within reason, to appease the Board and the City if approval is granted. It is our hope that the Board feels the same way as the owner of the properties feels. We look forward to your response and we thank you for your time and consideration on this matter.

Thank you,

Nik Patel
Elliott Surveying, Corp.
For: Lariham Construction, LLC

DATA COLUMN:

KENT PROPERTY ID # - ALL OF: ED-05-068.09-05-11.00-000
ED-05-068.09-01-13.00-000
ED-05-068.09-01-18.03-000

ZONING CLASSIFICATION: RG3 - RESIDENTIAL GROUP HOUSING ZONE

PROPERTY ADDRESS: PARCEL 39.00 - 35 NORTH NEW STREET
DOVER, DELAWARE 19901
PARCEL 40.00 - 39 NORTH NEW STREET
DOVER, DELAWARE 19901

OWNER OF RECORD: LARLHAM CONSTRUCTION, LLC
1529 JUDITH ROAD
HARTLY, DELAWARE 19953

SURVEYOR: ELLIOTT SURVEYING, CORP.
332 AUDREY LANE
SMYRNA, DELAWARE 19977

– BUILDING SETBACKS - CITY OF DOVER ZONING ORDINANCE

FRONT YARD SETBACK	15'
SIDE YARD SETBACK	15'
REAR YARD SETBACK	30'

– PROPOSED TOWNHOUSE DATA

UNIT #1	1,564 SQ. FT.
UNIT #2	1,620 SQ. FT.
UNIT #3	1,564 SQ. FT.
BUILDING SIZE - TOTAL	4,788 SQ. FT.
BUILDING HEIGHT - ALLOWED	70'
BUILDING HEIGHT - PROPOSED	34.8'
BUILDING # OF STORIES - ALLOWED	5
BUILDING # OF STORIES - PROPOSED	3

– SITE ACREAGE

SITE ACREAGE - PARCEL 39.00 - EXISTING	5,947 SQ. FT. +/-
SITE ACREAGE - PARCEL 40.00 - EXISTING	3,875 SQ. FT. +/-
SITE ACREAGE - LOT #1 - PROPOSED	5,174 SQ. FT. +/-
SITE ACREAGE - LOT #2 - PROPOSED	1,650 SQ. FT. +/-
SITE ACREAGE - LOT #3 - PROPOSED	2,996 SQ. FT. +/-
SITE ACREAGE - TOTAL	9,822 SQ. FT. +/-

– TOTAL NUMBER OF PARCELS

PARCELS - EXISTING	2
PARCELS - PROPOSED	3

DATA COLUMN - CONTINUED:

– PARKING

OFF-STREET PARKING SPACES - REQUIRED	3
OFF-STREET PARKING SPACES - PROPOSED	3

SANITATION - EXISTING	CITY OF DOVER
PERMITTED IMPERVIOUS COVERAGE - ALLOWED	100%
PERMITTED IMPERVIOUS COVERAGE - EXISTING	NONE - PARCELS "VACANT"
PERMITTED IMPERVIOUS COVERAGE - PROPOSED	LOT #1 - 730 SQ. FT. (14.1%)
	LOT #2 - 720 SQ. FT. (43.6%)
	LOT #3 - 730 SQ. FT. (24.3%)
SITE DISTURBANCE	2,180 SQ. FT. +/-
MONUMENTS FOUND	2
MONUMENTS PROPOSED	8
WATER/SEWER	CITY OF DOVER
WATER	CITY OF DOVER
EXISTING USE	"RESIDENTIAL"
PROPOSED USE	"RESIDENTIAL"
HORIZONTAL DATUM	DVR 8561-203

LINE TABLE		
NO.	BEARING & DISTANCE	
L1	S 08°17'00" E	20.44'
L2	N 81°43'51" E	29.22'
L3	S 08°17'00" E	25.59'

GENERAL NOTES:

1. IMPROVEMENTS ARE LOCATED AS SHOWN. IMPROVEMENT DIMENSIONS ARE SHOWN FOR CONFORMITY PURPOSES ONLY, ANY OTHER USE OF SAID DIMENSIONS SHALL BE AT THE RISK OF THE USER(S). ELLIOTT SURVEYING, CORP. SHALL BEAR NO LIABILITY OF MISUSE OF SAID DIMENSIONS.
2. LOT SHOWN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. ALL CERTIFICATIONS HEREON ARE VALID FOR THIS PLAN AND COPIES THEREOF, ONLY IF SAID PLAN AND COPIES BEAR THE IMPRESSION SEAL AND SIGNATURE, IN RED INK, OF THE LICENSED LAND SURVEYOR WHOSE NAME APPEARS HEREON. THIS PLAN IS NOT TO BE DUPLICATED/COPIED/TRANSMITTED FOR ANY REASON WITHOUT THE WRITTEN CONSENT OF ELLIOTT SURVEYING, CORP. FURTHERMORE, ELLIOTT SURVEYING, CORP. SHALL BEAR NO LIABILITY FOR UNAUTHORIZED USE OF THIS MAP.
4. WE HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FOR THE INDIVIDUAL(S) NOTED BELOW, NO RESPONSIBILITY IS IMPLIED AND/OR ASSUMED BY THE SURVEYOR TO ANY FUTURE LAND OWNER OR OCCUPANT.
5. THIS PLAN IS BASED UPON THE RECORD PLAT(S) NOTED AND/OR DEED RECORDS SHOWN THUS (D/R), AND PHYSICAL EVIDENCE FOUND.
6. NO CERTIFICATION AS TO TITLE TO THE SUBJECT LOT IS EXTENDED AND/OR ASSUMED BY THE PREPARER HEREOF.
7. FLOOD MAP PANEL 10000C0152H EFFECTIVE 07/07/2014 REVEALS NO IMPACT ON THIS PROPERTY.
8. SOURCE OF TITLE TO PARCELS 39.00 & 40.00 BEING D/R 8561-203, DATED 31-MAR-2017.
9. PART II CHAPTER 190, ARTICLE III, SECTION 190-10 OF THE CODE OF KENT COUNTY REQUIRES THAT NO PERSONS SHALL DISCHARGE OR CAUSE TO BE DISCHARGED ANY STORMWATER, SURFACE WATER, UNCONTAMINATED GROUNDWATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, UNCONTAMINATED NON-CONTACT COOLING WATER OR UNPOLLUTED INDUSTRIAL PROCESS WATERS TO ANY SANITARY SEWER. THIS SHALL INCLUDE CONFIDENTIAL SECTION 110-231 OF THE CITY OF DOVER CODE DEFINES STORM SEWER AS ". . ANY SYSTEM USED FOR CONVEYING RAIN WATER, SURFACE WATER, CONDENSATE, COOLING WATER OR SIMILAR LIQUID WASTES, EXCLUSIVE OF SEWAGE." THE CONTRACTOR, DEVELOPER, OWNER, AND DESIGNERS SHALL ENSURE DURING CONSTRUCTION THAT NO ILLEGAL DISCHARGES TO THE SANITARY SEWER SYSTEM ARE CREATED WITH THE SITE IMPROVEMENTS.

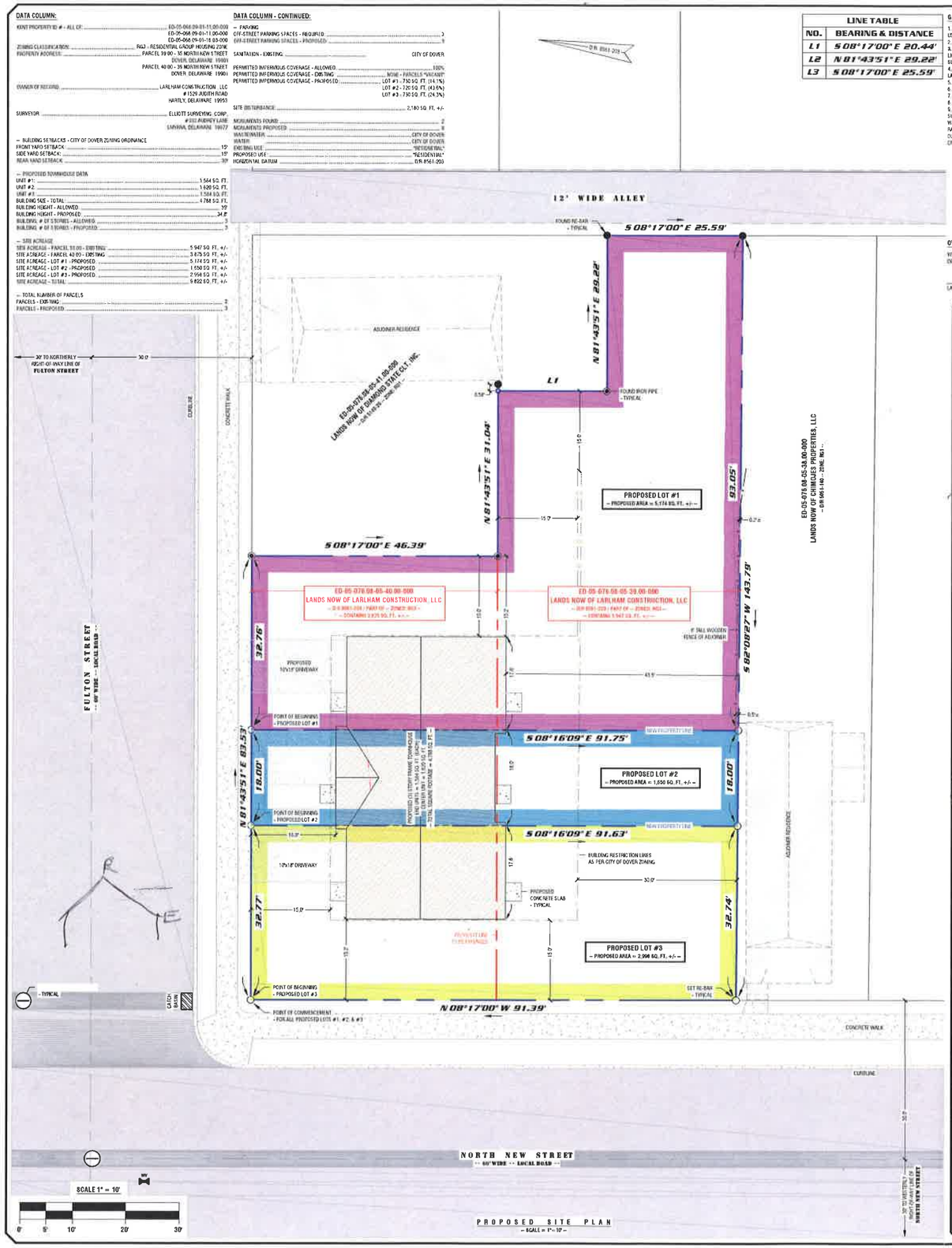
OWNER CERTIFICATION:

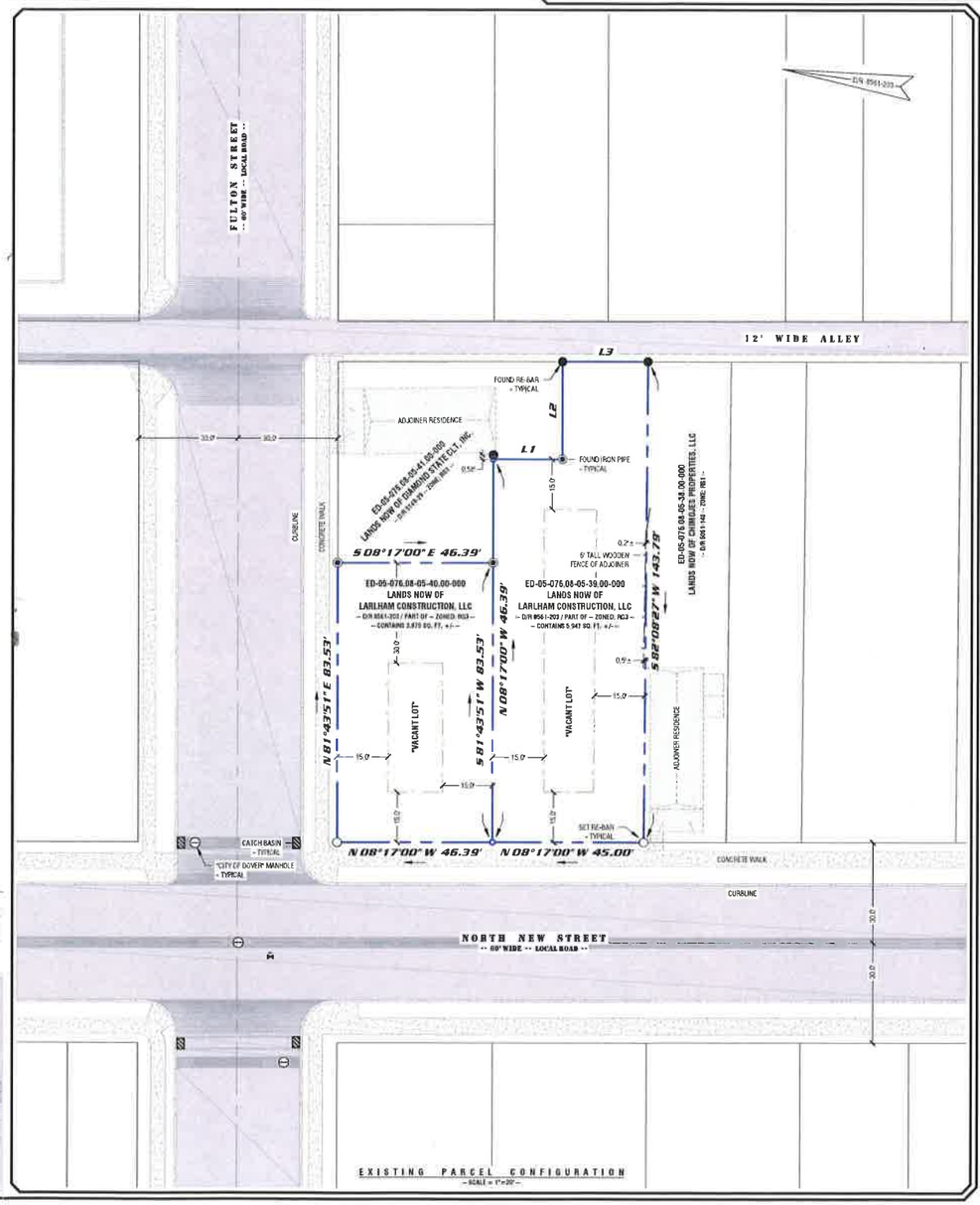
WE, LARLHAM CONSTRUCTION LLC, HEREBY CERTIFY THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

LARLHAM CONSTRUCTION LLC — DATE









SURVEYOR CONTACT INFORMATION

ELLIOTT SURVEYING, CORP.

OFFICE LOCATION:
490 N. DUPONT HIGHWAY, DOVER, DE 19901

MAILING ADDRESS:
332 AUDREY LANE, SMYRNA, DE 19977

PHONE: (302) 678-8115 FAX: (302) 678-8255

SURVEYORS CERTIFICATION

I, WILLIAM A. ELLIOTT, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

WILLIAM A. ELLIOTT, PLS

REG. NO. DATE

REVISIONS

MARK	DATE	DESCRIPTION

OWNERS INFORMATION

LARLHAM CONSTRUCTION, LLC

Info Plan 1/29/18

#1529 JUDITH ROAD
HARTLY, DELAWARE 19953

CLASS "A" SURVEY

SITE PLAN AND MINOR SUBDIVISION PLAN PREPARED FOR

LARLHAM CONSTRUCTION, LLC

#35 & #39 NORTH NEW STREET
DOVER, DELAWARE 19901

TAX MAP #: ED-05-076.08-05-39.00-000
TAX MAP #: ED-05-076.08-05-40.00-000

EAST DOVER HUNDRED
CITY OF DOVER, KENT COUNTY, DELAWARE

DRAWN BY:	NIK PATEL
CHECKED BY:	W. A. ELLIOTT
SCALE:	AS NOTED
DATE:	20-JAN-2018
DATE OF FLD WRK:	JAN-2018
DATE CRNRS SET:	TBD
FIELD BOOK/PAGE:	N/A
SCJ FILE NAME:	Larlham_NewSt
DRAWING #:	Larlham_NewSt
CONTRACT #:	Larlham_NewSt

SHEET 1 OF 1

City of Dover

Board of Adjustment

April 18, 2018

V-18-02

Location:	59 Park Drive, Dover DE
Applicant:	Robert A. Payne and E. Jane Warren
Owner:	Robert A. Payne and E. Jane Warren
Tax Parcel:	ED-05-077.06-05-01.14-000
Application Date:	March 07, 2018
Present Zoning:	R-10 (One-family residence Zone)
Present Use:	vacant lot
Proposed Use:	One-family residence
Reviewed By:	Julian Swierczek, Planner I & Eddie Diaz, Planner I
Variance Type:	Area Variance
Variances Requested:	To permit construction of a sidewalk from a planned new house located outside the flood hazard area, through the flood hazard area, to Greenhill Road.

Project Description

The applicant proposes to construct a sidewalk from a planned new house located outside of the flood hazard area, through the flood hazard area, to Greenhill Road. The requested variance is from the provisions of *Zoning Ordinance,* Article 5 §11.21, specifically the requirement to maintain all flood hazard areas as natural open space.

Adjacent Land Uses

The property is zoned R-10 and is located at the northeast corner of Park Drive and Greenhill Road. It is immediately surrounded by properties also zoned R-10 to the north, south, and east. The property to the west across Park Drive is zoned ROS (Recreational and Open Space Zone) and is a park. The properties that are zoned R-10 are all developed as one-family residences.

A Zoning Map Exhibit (Exhibit A) showing adjacent zoning districts can be found in the attachments to this Report.

Code Citations

According to *Zoning Ordinance,* Article 3 §1.12, One-family detached dwellings, not to exceed one such dwelling per lot, are a permitted use in the R-10 zone.

Article 5 § 11.21 states that all flood hazard areas shall remain as natural open space, except for the construction of roads authorized by the City of Dover and/or the Delaware Department of Transportation. Article 5 §11.21(a) further defines that for this section of the Code, natural open space is defined as an area of land that excludes buildings, structures, and impervious surface from being constructed on or located within the area. For evaluating flood hazard areas, patios, cement slabs, sidewalks, and other similar constructs are considered to be structures and are similarly prohibited.

Zoning Ordinance Article 12

Flood hazard area: Land area delineated on the Federal Emergency Management Agency's (FEMA's) Community Flood insurance Rate Map as being within the limits of the 100-year floodplain, and any lands subsequently identified by FEMA as being within the limits of the 100-year floodplain as a result of any revision to the community flood insurance rate map approved by FEMA, or by issuance of a conditional letter of map revision issued by FEMA.

One-family detached dwelling: A one-family dwelling on an individual lot with private yards on all four sides of the house.

Applicant's Proposed Project

As shown in Exhibit B, parts 1 & 2, the east side of the applicants' 33,124 SF parcel is located outside of the floodplain, per the Letter of Map Amendment (LOMA) issued to the applicants by FEMA on July 21, 2017[1] (Exhibit D). The west side of the parcel, adjacent to Park Drive and the street corner, remains inside the 100-year floodplain (flood hazard area). The applicant proposes to construct a new house parallel to Park Drive on the east

[1] Case No. 17-03-1933A, affecting Flood Insurance Rate Map (FIRM) panel 10001C0167H.

side of the parcel, outside of the floodplain. However, the entrance sidewalk to the house would cross through the floodplain to reach Greenhill Road. The design and exact layout of the house has yet to be decided, but a site plan showing the approximate location of the house and sidewalk can be found in Exhibit C. The applicant seeks a variance from Article 5 § 11.21 to allow construction of the house's entrance sidewalk through the floodplain.

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. These responses may also be found in the attachments together with additional background information provided by the applicant.

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

   Applicant Response:
   "The property is located in R-10 zoning which is single family residence."

   Staff Response:
   The R-10 Zone permits certain agricultural uses; one family detached dwellings on 10,000 square foot lots; public buildings; and varied conditional and accessory uses. The applicants' proposed house is considered an appropriate use for the R-10 Zone.

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

Applicant Response:
"The lot is in a mature subdivision and it is adjacent to a park. All of the existing lots along Park Drive, and some on Greenhill Road, are at least partially in the flood plain.

The immediate area is exclusively single family residential. The lot is a corner lot and is the only existing undeveloped lot in the subdivision. The subdivision has setbacks of 40' and, since this is a corner lot, the 40' setback is required on both Park Drive and Greenhill Road. These setbacks are in comparison with a 25' setback on each street required by the City of Dover. All of Park Drive, and part of Greenhill Road, (the property lot fronts both streets) is in the flood plain."

Staff Response:
Staff concurs with the applicant's assessment of the immediate vicinity. The Eastover Hills subdivision dates to 1936 but the area was annexed into the City in 1962. It is expected that most of the houses in the subdivision would have been developed well before the City's current restrictions on floodplain development were instituted, and perhaps even before FEMA started mapping floodplains.

The R-10 Zone requires 25-foot front yard setbacks along Park Drive and Greenhill Road, which are superseded by the 40-foot front yard setbacks required by the property's deed restrictions as shown in Exhibits B & C. However, the factor most limiting the placement of the house is the floodplain, which has caused a proposed house location estimated to be 80 feet from the west property line and 50 feet from the south property line.

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

Applicant Response:
"All setbacks, both City of Dover and more stringent neighborhood setbacks, will be maintained.

All other houses in the immediate neighborhood have sidewalks (some also have driveways) going to the street. These sidewalks (and driveways) are in the floodplain. It is standard in the neighborhood to have a sidewalk coming from the entrance of the house to the street.

The removal of the restriction will not seriously affect the houses and property in the neighborhood because all houses have sidewalks to a street. This request is only for a slight encroachment into the flood zone to place a sidewalk onto Greenhill Road. This would not affect the architectural integrity of the neighborhood or neighboring properties and their uses."

Staff response:
Staff concurs with the applicant that removing the restriction will not seriously

affect the neighboring properties. An entrance sidewalk is considered a typical feature of a one-family dwelling and the one built for this house would not look significantly different from other ones in the neighborhood. Examples of existing sidewalks and steps in the area are given in Exhibits E and F. Due to the small surface area of the sidewalk expected (see applicant response below) the sidewalk is also not expected to exacerbate flooding in the area.

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:
"Article 5, Section 11.21 prohibits building in the flood plain.

We are able to build on the lot (not in the flood plain) but we are unable to reasonably put a sidewalk to either street since both streets are in the flood plain. This is a double corner lot and we have chosen to use as a single lot (rather than subdivide) so there is less environmental impact.

We have done a Letter of Map Amendment (LOMA) to have the flood plain elevation line match the survey that was done when we bought the property in 2016, at considerable expense to us. We did that so that we would have more freedom on where to place the house on the lot and still build outside the flood plain.

The request for a sidewalk to Greenhill Road has minimal encroachment through the flood plain and will allow elderly visitors to come to the door without having to go up steps or go on a very long sidewalk. We have calculated the square footage of sidewalk would be approximately 616 square feet if we are forced to put a sidewalk out back to the alley to get to the front door. We are requesting a variance through the flood plain that will require approximately 324 square feet to 356 square feet directly out to Greenhill Road on a relatively flat surface, depending on where the final plot plan of the house is placed (the entire house will be outside of the flood zone). The final plot plan placement is to be performed by Becker Morgan. We calculated we will have less square footage of sidewalk going incrementally through the flood zone than if we tried to put a sidewalk outside the flood zone. Our goal is to create less environmental impact. It would also create further economic hardship to have to put in a very long sidewalk.

We paid for the survey before we purchased the lot because we had heard about flood zone issues. The property had been vacant since 1937 when the subdivision was established. It was only until we were sure we could build on the lot, outside of the flood plain, that we decided to purchase the lot. We chose to keep the double lot as one single lot rather than subdivide so that we would have plenty of green space surrounding the house lot. After we bought the lot, we proceeded with the Letter of Map Amendment (LOMA) through FEMA to ensure that we could reasonably place a

house on the lot and still maintain green space where desired. This was done at considerable expense to us as we needed to hire Becker Morgan to prepare the LOMA. The LOMA brings the FEMA flood plain maps in line with the survey flood plain lines so there is one common 100-year flood plain line. There have been other LOMAs done in the neighborhood on both Park Drive and Greenhill Road.

Our goal is to create the most aesthetically pleasing sidewalk, maintain the architectural integrity of the neighborhood and give a reasonable flat short distance from our front door to the street.

Staff Response:
Based on the maps in Exhibit B, the entire Greenhill Road frontage is not the floodplain, so a sidewalk would not have to go all the way to the back alley to avoid entering it. However, based on the current proposed orientation of the house a sidewalk leading from the front porch to Greenhill Road would nevertheless have to take an unusual route to avoid the floodplain, going first south, then east past the rear of the house, then south again, instead of straight south. As the applicant states, the length and area of the sidewalk could double if the indirect route was required. A long sidewalk could encourage visitors to simply cut across the lawn instead of use it.

One way to make feasible a short sidewalk that is also outside the floodplain would be to reorient the house, so that it faces Greenhill Road instead of Park Drive. If the concept plan shown in Exhibit C were rotated 90 degrees to the south, the porch steps would be in an ideal location to allow direct access from the house to Greenhill Road in an appropriate location. Planning Staff would regard this as an extreme solution however based on the nature of the variance requested.

Taking into consideration the house's need for a front entrance sidewalk, the current concept's desirable orientation towards the park across the street, and the roundabout route that a sidewalk would otherwise need to avoid the floodplain, Staff believes enforcing the floodplain restrictions would create an unnecessary hardship for a normal site improvement in this case.

Variance Recommendations
Staff recommends approval of the requested variance to allow construction of a sidewalk from the proposed house through the floodplain (flood hazard area) to Greenhill Road. Approval is recommended for the following reasons:

- The proposed use as a one-family dwelling is in keeping with the nature of the R-10 Zone and the residential character of the surrounding area.
- The house having an entrance sidewalk is not expected to negatively impact surrounding properties, nor is the sidewalk expected to exacerbate flooding in the area due to the proposed design minimizing the amount of pavement added.
- Considering the measures that would have to be taken to build a sidewalk that does not enter the floodplain, including building an unusually long sidewalk or rotating

the house, Staff believes enforcing the floodplain regulations for the sidewalk creates an unnecessary hardship.

Note: The board may in their motion wish to also permit the applicant to build a sidewalk that reaches Park Drive, in case the final house and site design calls for a sidewalk that goes to this street frontage instead of Greenhill Road.

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

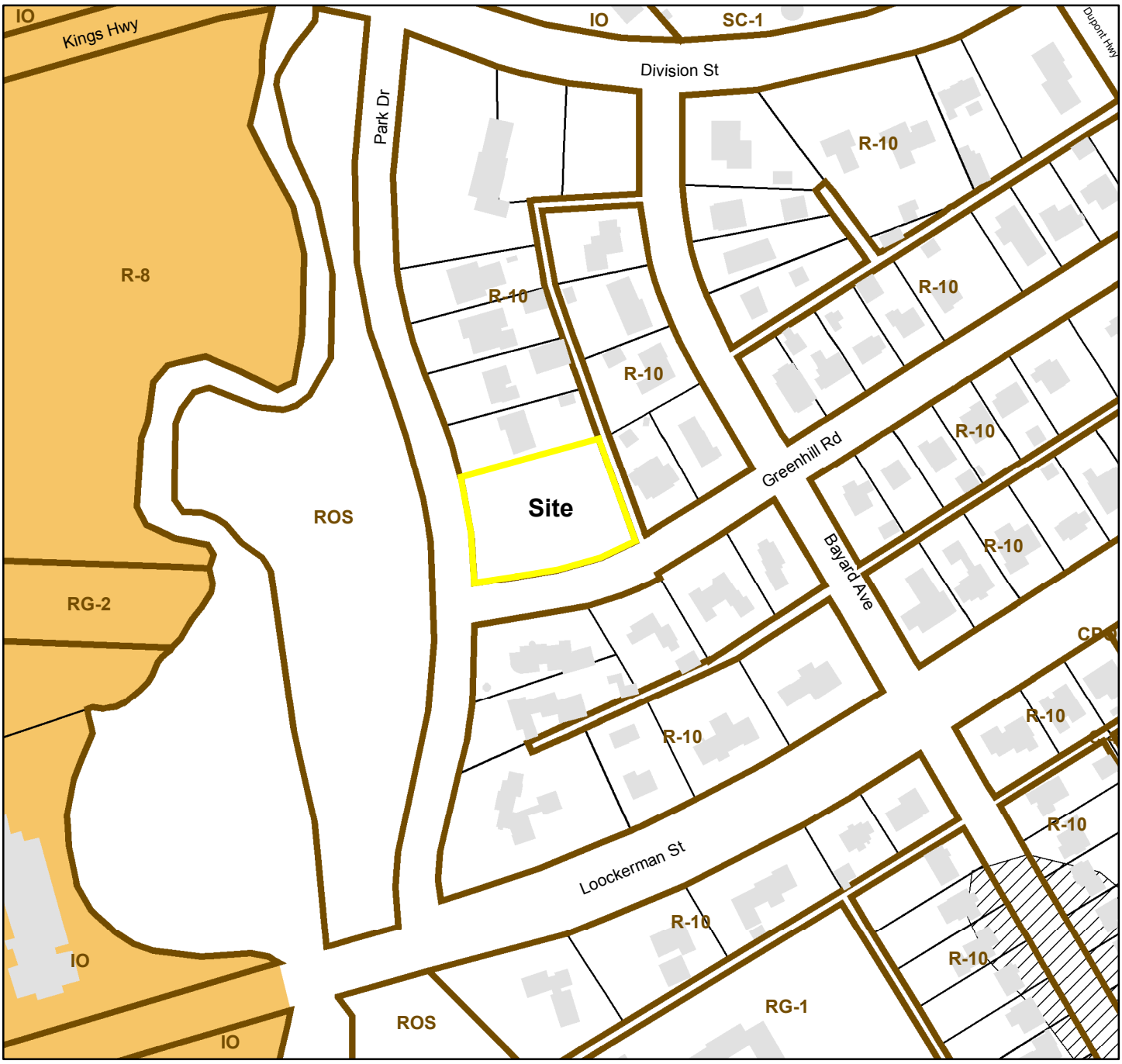
GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	Zoning Map Exhibit (Staff)	1
B	Part 1: Plot Plan with floodplain information, dated June 19, 2017 (Applicant) Part 2: Full Plot Plan with Site Data Information (Applicant)	2
C	Site plan of the applicant's proposed project (Applicant)	1
D	Letter from the engineer stating that FEMA has accepted their surveyed lines indicating the actual floodplain, with accompanying documentation from FEMA. (Applicant)	6
E	Map Showing LOMA granted by FEMA on July 21, 2017 (Applicant)	1
F	Photographs showing neighboring houses' sidewalk access through the flood hazard area (Applicant)	4
G	Applicant responses to variance criteria	2

City of Dover

Department of Planning & Inspections

Exhibit A
Application No.: V-18-02



Title: Lands of Robert A. Payne and E. Jane Warren
Address: 59 Park Drive
Parcel IDs: ED-05-077.06-01-14.00-000
Zoning: R-10
Owner: Robert A. Payne and E. Jane Warren
Date: 04/11/2018

Legend

- Subject Property
- Dover Parcels
- Zoning
- 2012 Buildings
- Kent County Parcels
- Dover Boundary

N
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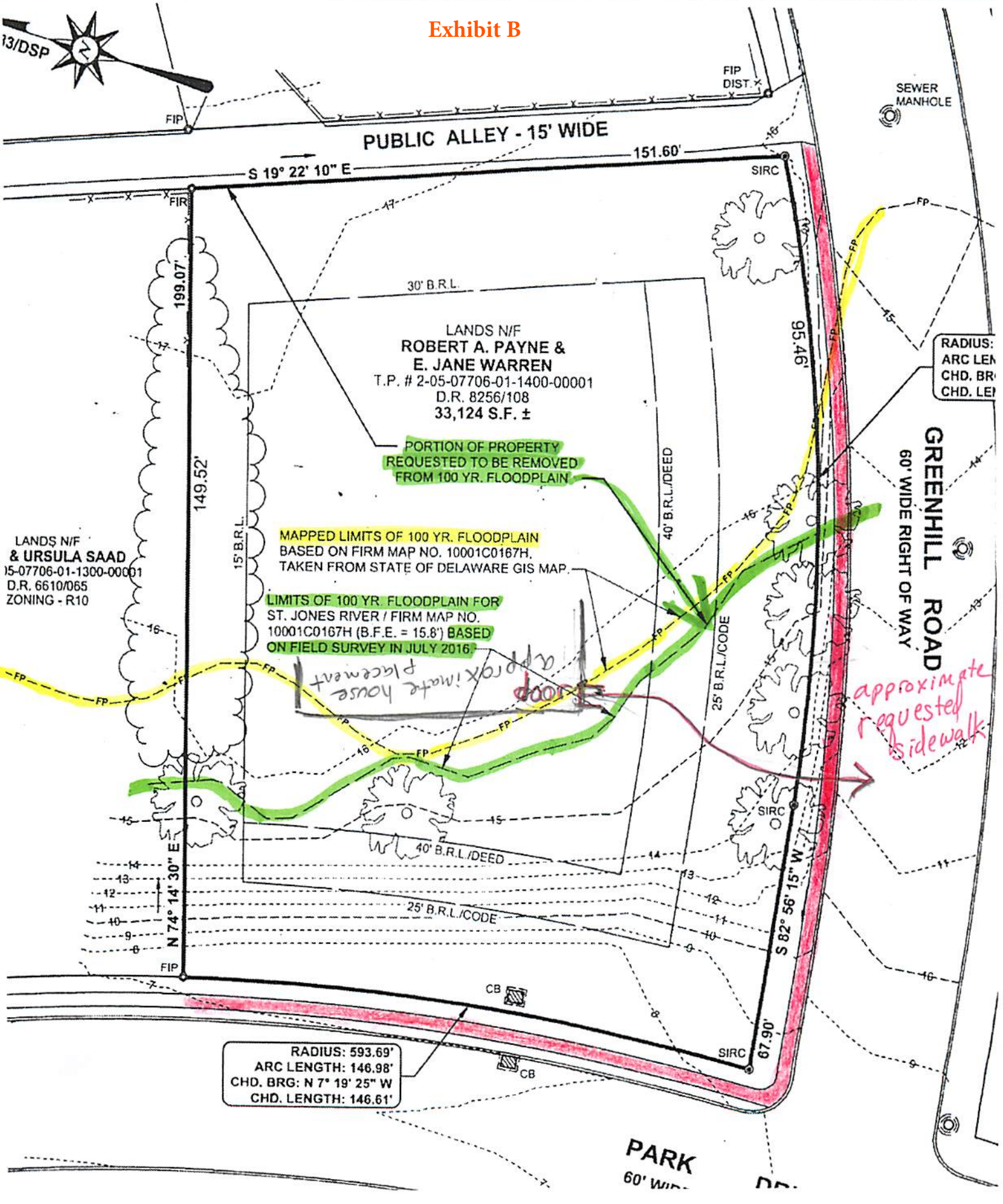
0 125 250 500 Feet

existing sidewalks

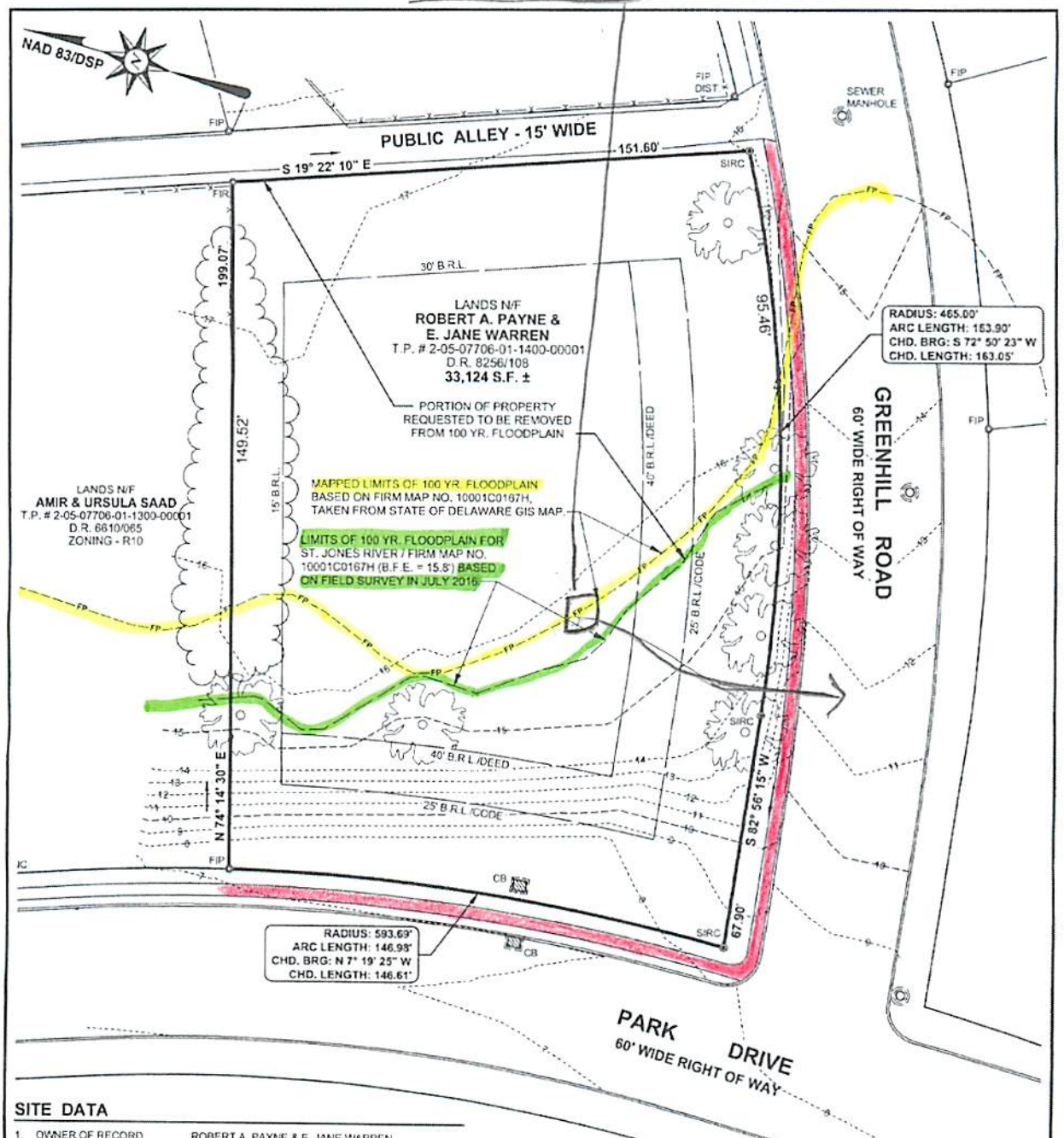
original flood plain

new floodplain based on survey → LOMA (Letter of Map Amendment) granted by FEMA paid for by owner July 2017

Exhibit B



ENTRANCE DOOR + STEPS



SITE DATA

1.	OWNER OF RECORD:	ROBERT A. PAYNE & E. JANE WARREN 1915 RED MAGNOLIA CT. KINGWOOD, TX 77339
2.	PROPERTY LOCATION:	59 PARK DRIVE DOVER, DE 19901
3.	PARCEL NUMBER:	8-00-13000-013000-00001
4.	DEED REF. SUMMARY:	BOOK 8256 PG. 108
5.	PLAT REF. SUMMARY:	EASTOVER HILLS - P.B. 01 PG. 30
6.	PARCEL AREA:	33,124 S.F. / 0.7604 ACRES ±
7.	ZONING CLASSIFICATION:	R10 - CITY OF DOVER RESIDENTIAL ZONE
8.	SETBACKS:	R10 - ONE FAMILY RESIDENCE FRONT YARD: 25 FEET CODE / 40 FEET DEED RESTRICTION SIDE YARD: 15 FEET MIN. / 30 FEET TOTAL REAR YARD: 30 FEET
9.	SURVEY DATUM:	NGS MONUMENTS VERTICAL: NAVD 88 - T36 HORIZONTAL: NAD 83 / DSP

JEFFREY C. LOCKE REGISTERED No. 780 PROFESSIONAL LAND SURVEYOR DELAWARE

0 15 30
SCALE: 1" = 30'

GENERAL NOTES :

1. BOUNDARY AND TOPOGRAPHIC DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN JULY OF 2016.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION. NO TITLE EXAMINATION PERFORMED.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.

SURVEY LEGEND

ITEM	EXISTING	PROPOSED
CONCRETE MONUMENT	FCM	SCM
IRON PIPE	FIP	SIP
IRON ROD	FIR	SIR
IRON ROD W/ CAP	FIRC	SIRC

BOUNDARY & TOPOGRAPHIC SURVEY
LANDS OF ROBERT A. PAYNE & E. JANE WARREN
PREPARED FOR FEMA LOMC APPLICATION
59 PARK DRIVE - CITY OF DOVER
KENT COUNTY, DELAWARE

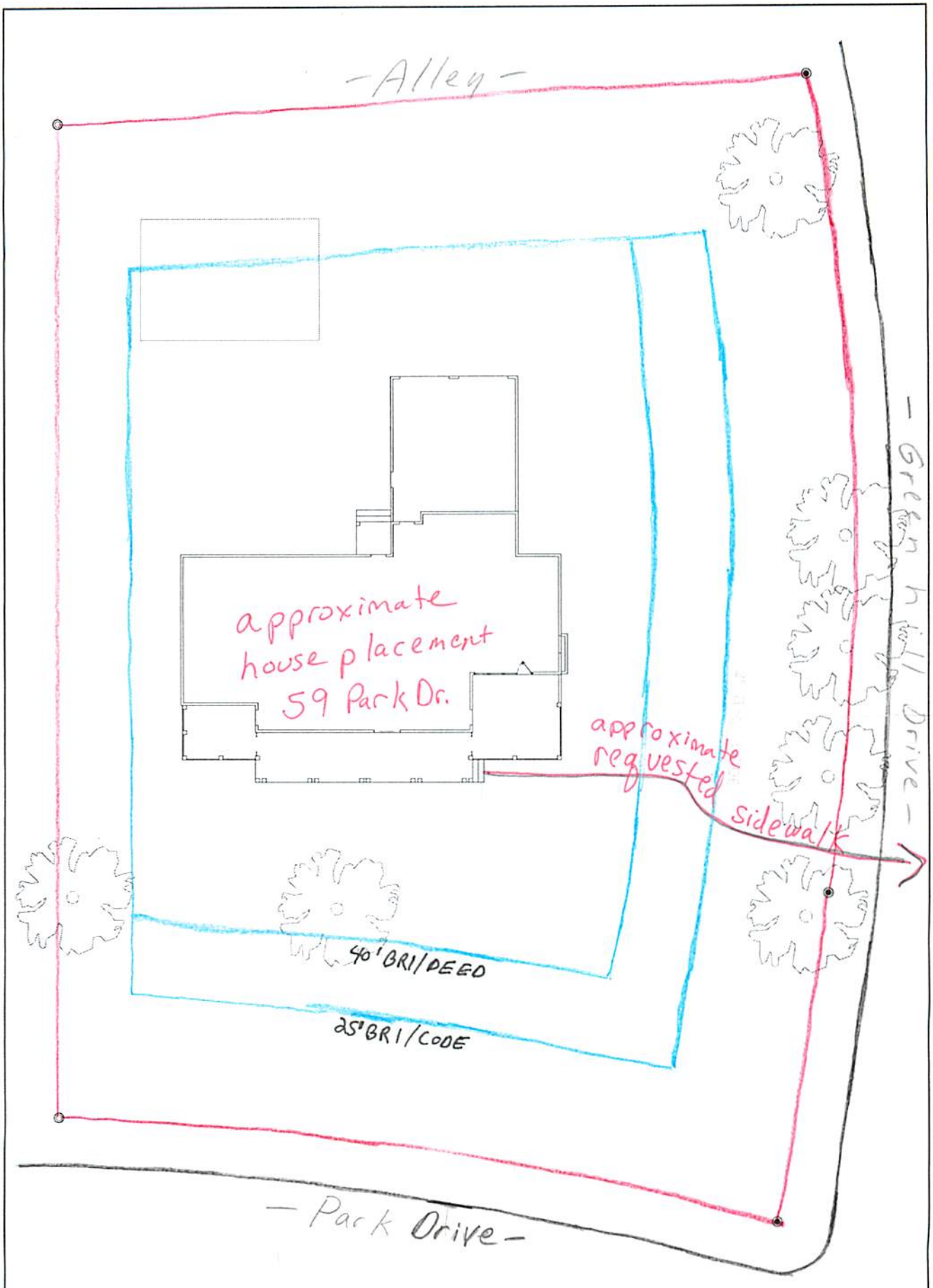
BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG 2016160.00
SCALE 1" = 30'
DATE 06/19/2017
DRAWN BY J.C.D.
1

F:\AutoCAD\Projects\2016\2016160\DWG\2016160-SVY-C3D15.dwg, Jun 19, 2017 - 4:53pm

existing sidewalks
original floodplain
surveyed floodplain (accepted by FEMA with LOMA done by Becker Morgan & paid for by owner July 2017)

Exhibit C



SP

Payne Warren Custom Home
59 Park Drive
Dover, DE 19901

PRELIMINARY DRAWING FOR OWNER'S APPROVAL

Drawn by Michael Purnell
All Copy Rights Reserved

No.	Revision/Issue	Date
1	Preliminary Review Set	2/13/18

Exhibit D

janie.warren@outlook.com

From: J. C. Dodd <jcdodd@beckermorgan.com>
Sent: Tuesday, July 25, 2017 6:55 AM
To: Bob Payne; Janie Warren
Subject: Payne / 59 Park Drive - FEMA LOMA Removal Response
Attachments: 17-03-1933A-cover.pdf; 17-03-1933A-100006.pdf; Payne-FEMA-Survey-11x17-2017-07-17.pdf

Good Morning Bob/Janie,

Attached is documentation received from FEMA on "removal" of a portion of lands on subject property for your records. They have recognized the surveyed line (base flood elev. 15.8') as the limits of the 100-year floodplain. I have also attached copy of survey provided for LOMA application and accepted by them that depicts the limit of floodplain going forward.

Let me know if there are any additional questions or concerns.

Thanks, j.c.

J.C. Dodd, Prof. Land Surveyor
Senior Associate
BECKER MORGAN GROUP, INC.
Delaware | Maryland | North Carolina
302.734.7950x217 o | 302.242.8775 m
jcdodd@beckermorgan.com
www.beckermorgan.com
Facebook | LinkedIn

Documentation from Becker Morgan in July 2017 show FEMA accepted survey lines showing actual flood plain on lot at 15.8'. Original survey per formed July 2016. Property owner paid for Letter of Map Amendment (LOMA) so that portion of property would be "removed" from flood plain as reflected on survey.

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF DOVER, KENT COUNTY, DELAWARE	A portion of Lots 41 and 42, Eastover Hills, as described in the Deed recorded as Instrument No. 2016-303013, in Book RE, Volume 8256, Page 108, in the Office of the Recorder of Deeds, Kent County, Delaware The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 100006	
AFFECTED MAP PANEL	NUMBER: 10001C0167H	
	DATE: 5/5/2003	
FLOODING SOURCE: ST. JONES RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY:39.161164, -75.517677 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
41-42	--	Eastover Hills	59 Park Drive	Portion of Property	X (shaded)	--	--	15.8 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at a set iron rod with cap at the intersection of northerly right of way of Greenhill Road and westerly right of way of public alley and at a corner for this parcel; thence from said POINT OF BEGINNING and with Greenhill Road northerly right of way 1) along an arc of a circle curving to the right and having a radius of 465.00 feet with an arc length of 95.46 feet to a point; thence leaving said Greenhill Road right of way and crossing lands of Robert A. Payne and E. Jane Warren the following fourteen courses and distances 2) North 43°07'12" West 21.18 feet, thence 3) North 72°51'34" West 17.46 feet, thence 4) North 55°25'50" West 20.81 feet, thence 5) North 70°43'44" West 11.11 feet, thence 6) North 57°33'57" West 7.99 feet, thence 7) North 30°17'22" West 13.91 feet, thence 8) North 35°57'31 " West 19.46 feet, thence 9) North 01°35'24" East 16.29 feet, thence 10) North 20°41'56" West 4.25 feet, thence 11) North 46°52'22" West 29.36 feet, thence 12) North 17°43'45" West 6.60 feet, thence 13) North 22°26'46" East 14.39 feet, thence 14) North 14°39'53" West 2.64 feet, thence 15) North 20°17'25" West 6.90 feet to a point in line with lands of Amir & Ursula Saad, thence with said lands of Saad 16) North 74°14'30" East 149.52 feet to a found iron rod in line with the westerly right of way of public alley and at a corner for this parcel; thence with said public alley 17) South 19°22'10" East 151.60 feet to the POINT AND PLACE OF BEGINNING

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency

Washington, D.C. 20472

July 21, 2017

MR. J.C. DODD
BECKER MORGAN GROUP, INC.
309 SOUTH GOVERNORS AVENUE
DOVER, DE 19904

CASE NO.: 17-03-1933A
COMMUNITY: CITY OF DOVER, KENT COUNTY, DELAWARE
COMMUNITY NO.: 100006

DEAR MR. DODD:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can quality for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

LOMA granted by FEMA 7/21/17 for 59 Park Drive (as reflected on flood maps)

17-03-1933A-100006 07/21/2017 DL

Revalidations (1)

Exhibit E

:e a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the

Please be sure to enable popups for this site.

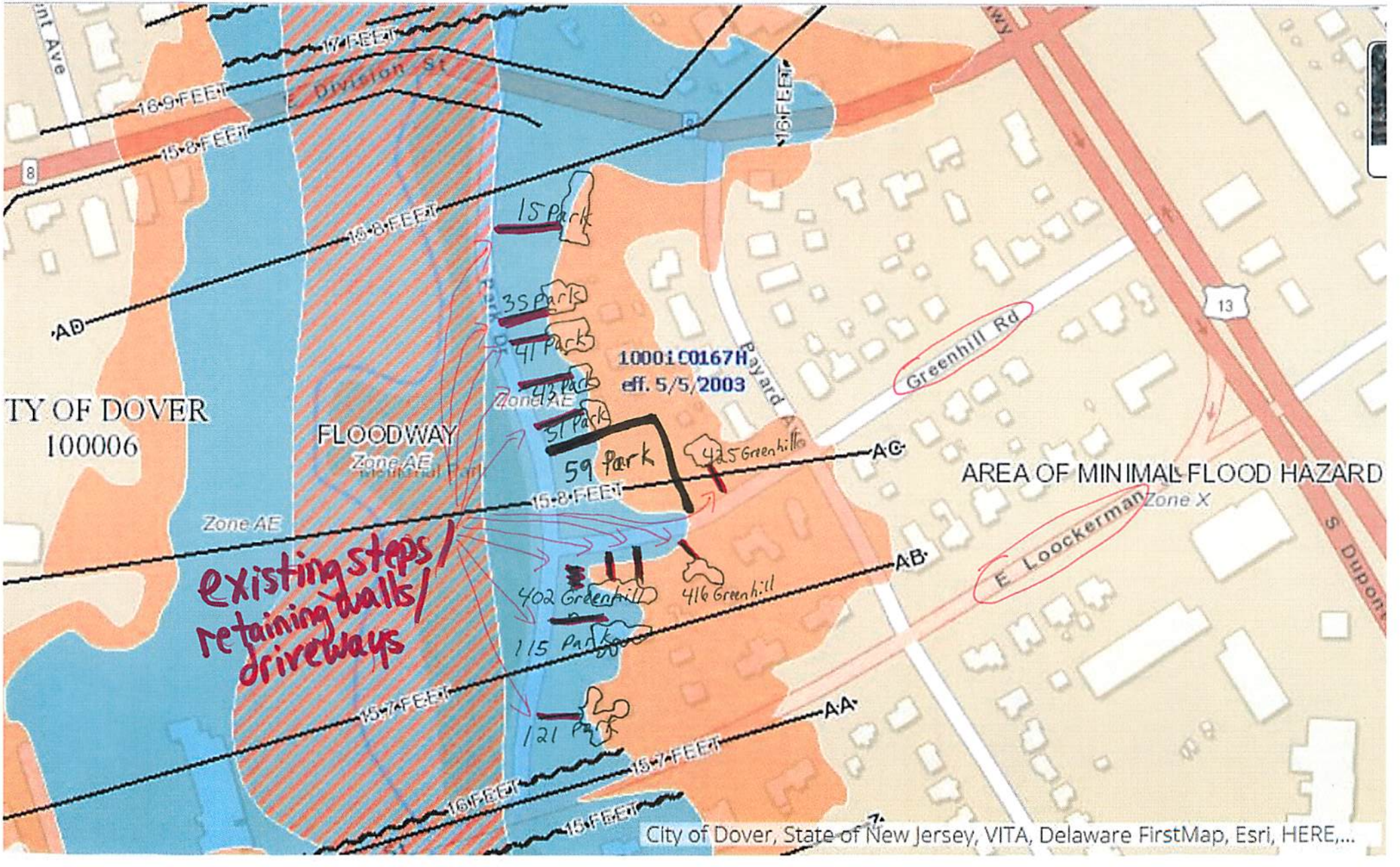
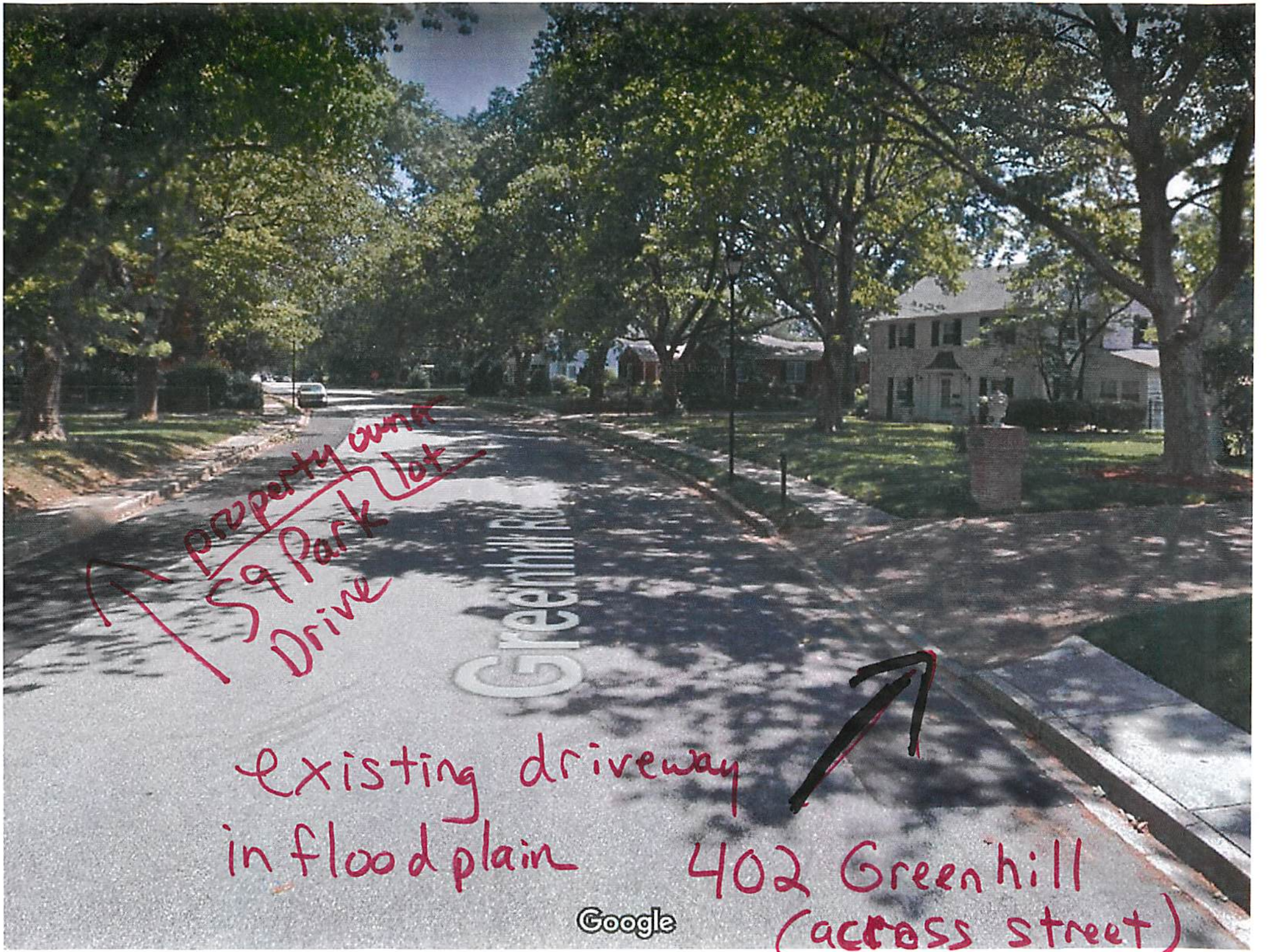
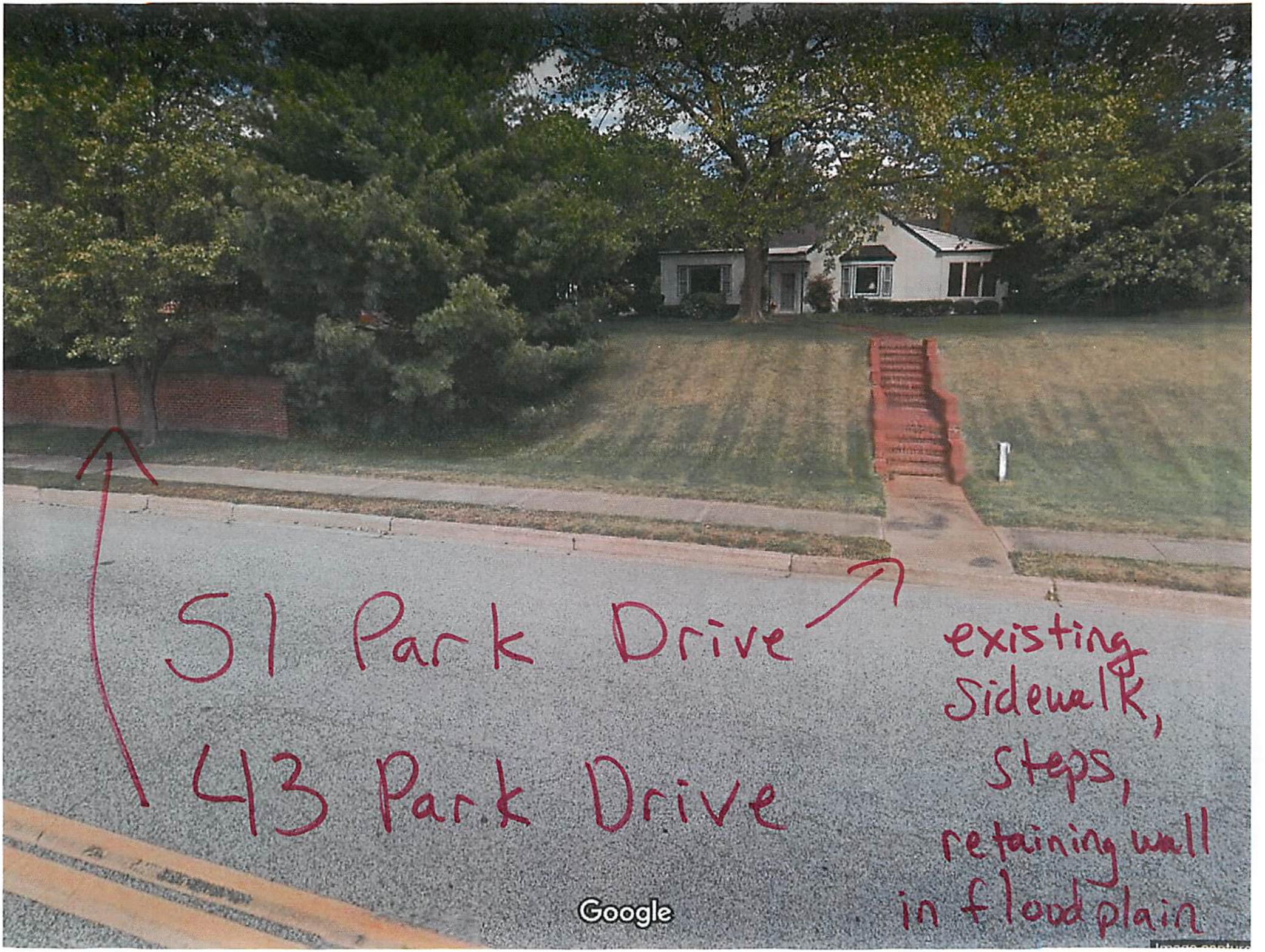


Exhibit F




property owner
Sq Park Lot
Drive
existing driveway
in floodplain
402 Greenhill
(across street)
Google


402 Greenhill
existing steps/sidewalk in floodplain
(across street)


51 Park Drive
143 Park Drive
existing sidewalk, steps, retaining wall in floodplain
Google

Board of Adjustment Application for City of Dover, DE

Area Variance request for 59 Park Drive, Dover DE 19901

The nature of the zone in which the property lies:

The property is located in R-10 zoning which is single family residence.

The character of the immediate vicinity and the contained uses therein:

The lot is in a mature subdivision and it is adjacent to a park. All of the existing lots along Park Drive, and some on Greenhill Road, are at least partially in the flood plain.

The immediate area is exclusively single family residential. The lot is a corner lot and is the only existing undeveloped lot in the subdivision. The subdivision has setbacks of 40' and, since this is a corner lot, the 40' setback is required on both Park Drive and Greenhill Road. These setbacks are in comparison with a 25' setback on each street required by the City of Dover. All of Park Drive, and part of Greenhill Road, (the property lot fronts both streets) is in the flood plain.

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

All setbacks, both City of Dover and more stringent neighborhood setbacks, will be maintained.

All other houses in the immediate neighborhood have sidewalks (some also have driveways) going to the street. These sidewalks (and driveways) are in the floodplain. It is standard in the neighborhood to have a sidewalk coming from the entrance of the house to the street.

The removal of the restriction will not seriously affect the houses and property in the neighborhood because all houses have sidewalks to a street. This request is only for a slight encroachment into the flood zone to place a sidewalk onto Greenhill Road. This would not affect the architectural integrity of the neighborhood or neighboring properties and their uses.

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

Article 5, Section 11.21 prohibits building in the flood plain.

We are able to build on the lot (not in the flood plain) but we are unable to reasonably put a sidewalk to either street since both streets are in the flood plain. This is a double corner lot and we have chosen to use as a single lot (rather than subdivide) so there is less environmental impact.

We have done a Letter of Map Amendment (LOMA) to have the flood plain elevation line match the survey that was done when we bought the property in 2016, at considerable expense to us. We did that so that we would have more freedom on where to place the house on the lot and still build outside the flood plain.

The request for a sidewalk to Greenhill Road has minimal encroachment through the flood plain and will allow elderly visitors to come to the door without having to go up steps or go on a very long sidewalk.

We have calculated the square footage of sidewalk would be approximately 616 square feet if we are forced to put a sidewalk out back to the alley to get to the front door. We are requesting a variance through the flood plain that will require approximately 324 square feet to 356 square feet directly out to Greenhill Road on a relatively flat surface, depending on where the final plot plan of the house is placed (the entire house will be outside of the flood zone). The final plot plan placement is to be performed by Becker Morgan. We calculated we will have less square footage of sidewalk going incrementally through the flood zone than if we tried to put a sidewalk outside the flood zone. Our goal is to create less environmental impact. It would also create further economic hardship to have to put in a very long sidewalk.

We paid for the survey before we purchased the lot because we had heard about flood zone issues. The property had been vacant since 1937 when the subdivision was established. It was only until we were sure we could build on the lot, outside of the flood plain, that we decided to purchase the lot. We chose to keep the double lot as one single lot rather than subdivide so that we would have plenty of green space surrounding the house lot. After we bought the lot, we proceeded with the Letter of Map Amendment (LOMA) through FEMA to ensure that we could reasonably place a house on the lot and still maintain green space where desired. This was done at considerable expense to us as we needed to hire Becker Morgan to prepare the LOMA. The LOMA brings the FEMA flood plain maps in line with the survey flood plain lines so there is one common 100 year flood plain line. There have been other LOMAs done in the neighborhood on both Park Drive and Greenhill Road.

Our goal is to create the most aesthetically pleasing sidewalk, maintain the architectural integrity of the neighborhood and give a reasonable flat short distance from our front door to the street.

March 7, 2018