CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
April 20, 2016

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, April 20, 2016 at 9:00 A.M. with Chairman Sheth presiding. Members present were Colonel Ericson, Mr. Senato, Chairman Sheth, and Mr. Hufnal. Mr. Keller was absent.

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

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda with the deletion of V-16-03, seconded by Colonel Ericson and unanimously carried 4-0.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF FEBRUARY 17, 2016

Mr. Hufnal moved to approve the meeting minutes of February 17, 2016 with the necessary corrections, seconded by Chairman Sheth and unanimously carried 4-0.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Revision Application V-16-01

Mrs. Townshend, Director of Planning and Community Development stated that the application is subject to public hearing. All public notice for the new application on the agenda today was completed in accordance with code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

Mrs. Townshend stated that the Board of Adjustment approved application V-16-01 on February 17, 2016 for 420 W. Reed Street, 105 S. Kirkwood Street, and 107 S. Kirkwood Street. The applicant had worked closely with the City Manager and the Planning Office while putting together the concept plan with alley access. During the Development Advisory Committee process, a lot of issues were exacerbated by the presence of the alley. The Public Works Department had concerns about the alley as it related to the width and ability to provide trash pickup in the rear. The Fire Marshal had issues regarding access, and another general concern was that the construction of an alley would significantly increase the run off, creating another set of challenges in meeting the State storm water regulations.

During the Development Advisory Committee meeting it was determined that the layout had issues, therefore all agencies met later to discuss ways to resolve them. It was decided that the best way to provide service delivery, management of storm water, etc., was to have driveways from the front and to not have an alley in the rear. One of the requirements that was made through the DAC process was to have trash enclosures so that there would be no issues with trash containers being unsightly in front of the buildings. It so happened that the applicant overhauled his plan based on the comments from the regulatory agencies. The application as a Conditional Use went before the Planning Commission knowing that if the Planning

Commission approved the application it would have to come back before the Board of Adjustment to amend the Variance application for the rear setback. Even during the massive change after working with Staff on the front end, the applicant has been extremely cooperative.

The applicant was informed that since the changes being requested were based on the regulatory comments at the City's initiation, the City would handle it from that perspective. The owner of record is MauTiste Investment Group c/o Michael Maupin. Exhibits for the Record: Staff memorandum and associated plans. Legal Notice was published in the Delaware State News on April 10, 2016. The public was notified in accordance with regulations.

NEW BUSINESS

Revised Application #V-16-01

This is a request by Staff for revisions to application V-16-01.

420 W. Reed Street, 105 S. Kirkwood Street, 107 S. Kirkwood Street. The City Planner has requested modification of variances from the requirements of *Zoning Ordinance* Article 4 §4.2 previously approved by the Board of Adjustment at its meeting of February 17, 2016 pertaining to the minimum lot dimensions, minimum setbacks, and maximum lot coverage for duplex/one-family semi-detached dwellings in the RG-1 zone. In consultation with other city departments, modifications were made to the site design layout. The Tax Parcels are ED-05-076.12-02-65.00-000, ED-05-076.12-02-64.00-000, ED-05-076.12-02-63.00-000. The owner of record is MauTiste Investment Group.

Mr. Bill Cook gave a brief overview of the specifics of the revised variance application, memorandum and associated plan.

Responding to Mr. Hufnal's question whether Table 2 had lesser variance request than Table 1 overall, Mr. Cook stated yes, that would be correct.

Mr. Senato commented that the finished product in Exhibit B became more gradual with the decks in the rear and parking in the front which is a better situation.

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

Chairman Sheth opened the public hearing.

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

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

Mr. Hufnal moved to approve the revised application V-16-01 with the acceptance of Exhibit B and Table 2 which is a lesser variation than the first application and also based on the comments given by Staff with the requested variance changes, second by Colonel Ericson and unanimously

carried 4-0. Mr. Keller was absent.

Chairman Sheth announced that the next meeting will be held on May 18, 2016.

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

Meeting adjourned at 9:18 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary