CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
February 17, 2016

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, February 17, 2016 at 9:00 A.M. with Chairman Sheth presiding. Members present were Colonel Ericson, Mr. Keller, Chairman Sheth, and Mr. Hufnal. Mr. Senato 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 as submitted, seconded by Colonel Ericson and unanimously carried 4-0.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JANUARY 13, 2016

Mr. Keller moved to approve the meeting minutes of January 13, 2016 with the necessary corrections, seconded by Mr. Hufnal and unanimously carried 4-0.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

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

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

NEW BUSINESS

Applicant #V-16-01

420 W. Reed Street, 105 S. Kirkwood Street, 107 S. Kirkwood Street. MauTiste Investment Group c/o Michael Maupin has requested a variance from the requirements of *Zoning Ordinance* Article 4 §4.2 pertaining to the minimum lot dimensions, minimum setbacks, and maximum lot coverage for duplex/one-family semi-detached dwellings in the RG-1 zone. Subject property is zoned RG-1 (General Residence Zone). 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. Cook Exhibits for the record: Staff Report and plans submitted by the applicant. The legal notice was published in the Delaware State News on February 7, 2016, and the public was notified in accordance with the regulations.

Mr. Bill Cook gave a brief overview of the application.

Responding to Colonel Ericson's question if for some reason the properties should be built and people are not willing to take the risk to purchase could the buildings be converted to apartments and what would be the process in RG-1. Mrs. Townshend stated that they would not be able to convert them to apartments in the RG-1 zone, but they could be duplex rentals.

Responding to Colonel Ericson's question whether the purpose was to have home ownership, Mrs. Townshend stated yes. The applicant is working with NCALL and other housing partners to link into those opportunities as people are looking to purchase homes. In reality there is no requirement or guarantee to be owner occupied, but as a developer and as a goal we want to provide quality housing which is lacking at the current time in that area.

Responding to Mr. Keller's question if the property was sold and became a rental house is there any restrictions that could be placed on rental occupancy (the number of people occupancy the dwelling), Mrs. Townshend stated that it would refer to the definition of family dwelling therefore each duplex unit would be considered one family dwelling. You would not be able to have a rooming house or rent rooms, but if you had a family of five that shared bedrooms it would be allowed. There are a lot of dynamics in the area and while home ownership is a significant priority so is improving the housing stock in general. Quality rental units are still preferable to dilapidated buildings and vacant properties.

Mr. Hufnal stated that fire codes also regulate rentals as having only two (2) persons per bedroom.

Mrs. Townshend stated that she would need to verify it with the Fire Marshal.

Representative: Mr. Michael Maupin, Owner & CEO of MauTiste Investment Group

Mr. Michael Maupin was sworn in by Mr. Rodriguez.

Mr. Maupin testified that the company has been in business for roughly eighteen (18) years developing in the inner city (typically in the blighted areas). As their business motto they look at the blighted areas to rehabilitate them through new construction. When they take the risk to develop in some of the areas they need a little help from the city and funding partners. They have done quite a few projects similar to this and everyone has been successful. He stated that he is a developer from Pennsylvania, but is now established in Milford and will be focusing on this area quite extensively. They came down for a homeownership opportunity with the goal to create the housing stock within the City of Dover for the home ownership. He understood the high truancy of the rent rate in the City of Dover and increasing the rent stock is not beneficial. In the beginning sometimes it is difficult to get people to take a leap of faith to buy in a depressed neighborhood. Over the years he has seen a transition of homeownership after the developer has improved rentals. This project is somewhat different because NCALL stipulates that the building will be particularly for homeownership and secondly they just received the Downtown Development District grant. He has worked in the past with Habitat for Humanity. Development density in an area helps improve the area more quickly when you are doing more units. He is

100% devoted to homeownership on this project, however; they cannot get stuck on it. For example, there could be a possibility that there is a complement total of six (6) units and only four (4) are sold as homeownership and two (2) are rented for a period of time, but the ultimate goal is homeownership. Overall, these units will blend in with the neighborhood very well.

Responding to Chairman Sheth's question regarding the price range of each duplex unit, Mr. Maupin stated $130,000-$135,000.

Responding to Chairman Sheth's question regarding the percentage of rentals and homeownerships in the past projects, Mr. Maupin stated that in different states when they first started all units were rentals and over the years they have become homeownership. He was not sure of the percentage at the current time.

Responding to Chairman Sheth's question what he was forecasting for the City of Dover project, Mr. Maupin stated that he was forecasting all of them to be homeownership. He plans to start construction late March or early April with the completion target date late summer. He thinks that within six (6) months afterwards they should have most of them sold. They will be held for a reasonable period of time to be sold.

Responding to Chairman Sheth's question whether he would have any partners such as Dover Housing Authority, Section 8, or Delaware State Housing Authority, Mr. Maupin stated that he did not have any partners or discussed anything pertaining to rental. The houses will be officially listed for sale. He has been working with a real estate agent since the beginning of the project. Part of the design used was taking into consideration what they thought would be the best design for sale.

Responding to Mr. Keller's question regarding the off street parking and if no more than one (1) car could park in the driveway at rear of the structure, Mr. Maupin stated that it was thought about if they did not do the deck they could extend the driveway. Aesthetically a deck off the rear of the house would be far more attractive and functional.

Responding to Mr. Keller's question whether the deck would be at grade, Mr. Maupin concurred with a kitchen access.

Mr. Maupin stated that they could accommodate very easily the code requirement for the parking. The city manager recommended us to look at the proposed driveway access to the rear being dedicated. This is something that the city is looking at as a whole in order to reduce the amount of congestion. Also, if it is dedicated they forgo the risk of people parking and blocking others.

Responding to Mr. Keller's question whether as a dedicated way would there be trash pickup, Mrs. Townshend stated that it would need to be evaluated by Public Works because of the width. Mrs. Townshend stated she would also need to work more with Code Enforcement because the Code requirement states that regardless of where your trash pickup is the trash container is not supposed to be stored in front of the house.

Responding to Mr. Keller's question regarding no on street parking restrictions, Mr. Cook stated that it was a question that was currently being look at. He was not sure of the current status at the time.

Responding to Mr. Keller's comment regarding the number of vehicles parked on the aerial photograph on Kirkwood Street if there was a posted time limit, Mrs. Townshend stated on street parking is definitely permitted on Kirkwood Street other than within sight distance of a corner or driveway. She believes that on street parking is permitted on Reed Street. The one way street going west is not restricted.

Responding to Mr. Keller's question regarding the Advisory Comments to the Applicant and if there was a definition of work that is considered commencement of the activity. Is it a physical construction Permit or does he have one (1) year within to obtain all of the Permits and undertake demolition and construction. City Solicitor Mr. Rodriguez and Mrs. Townshend stated that the one (1) year commencement is treated as construction. Mr. Maupin has already submitted his application for Planning Commission next month.

Mr. Maupin stated that he would have absolutely no problem starting as soon as possible.

Responding to Chairman Sheth's question that the project could be completed within 3-4 months, Mr. Maupin stated they could be finish within five (5) months maximum which would also include the demolition.

Mr. Maupin stated that a lot of times when you speak of hardship that financial hardship should not be considered, but in reality it is. There is a lot of cost associated with demolition of the old Square Club building. As a result of the cost has to be spread over some level of development density to make it feasible for him to do the project. A lot of painstaking design and thought goes into how they can do a project that works both aesthetically and conforms as much as possible to what the city requirements are and then also works economically.

Mr. Keller commented that the requested variances do not appear to be out of character for the zone or surrounding area. Anyone with any historical knowledge of Dover and the existing Square Club building, would know that demolition, and the initiation of this project would be a plus for the community in general and specifically for that area.

Mr. Hufnal commented that it was a very beneficial project for the City of Dover. It is within eye sight of the Duncan Center. It adds with the demolition of the building and the addition of the new homes which are very attractive according to the diagram. It also adds to the properties in the surrounding area. It certainly relates to the objectives of the City of Dover in improving the housing and homeownership. It looks like a worthwhile project.

Mr. Maupin stated that the DDD grant is a great way to stimulate development because some of the projects cannot happen without the grant.

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.

Colonel Ericson moved to approve application V-16-01based upon the testimony given and the Staff Report, second by Mr. Hufnal and unanimously carried 4-0. Mr. Senato was absent.

Mr. Hufnal moved to adjourn the meeting, seconded by Colonel Ericson and unanimously carried4-0. Mr. Senato was absent.

Meeting adjourned at 9:42 A.M.

Sincerely,
Maretta Savage-Purnell
Secretary