CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA
Wednesday, November 18, 2015 at 9:00 AM

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of September 16, 2015 Meeting

NEW BUSINESS

Applicant #V-15-14
1159 North DuPont Highway. Grotto Pizza has requested a variance from the requirements of Article 5 § 4.7 of the *Zoning Ordinance* pertaining to the number of permitted wall signs for property located on an Urban Principal Arterial in order to allow the installation of a wall sign on the north side of the building. Subject property is zoned C-4 (Highway Commercial Zone). The Tax Parcel is ED-05-057.00-01-30.02-000. The owner of record is Northeast Dover Properties, LLC.

ADJOURN
29 Del.C. § 10004(e)(2)

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

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
September 16, 2015

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, September 16, 2015 at 9:00 A.M. with Chairman Sheth presiding. Members present were Mr. Hufnal, Mr. Senato, Mr. Keller, and Chairman Sheth. Colonel Ericson was absent.

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

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda with the omission of Application V-15-12, seconded by Mr. Senato and unanimously carried 4-0. Colonel Ericson was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF AUGUST 19, 2015

Mr. Keller moved to approve the meeting minutes of August 15, 2015 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-15-13

118 Galaxy Drive. Cellco Partnership dba Verizon Wireless has requested a variance from the requirements of Article 4 § 4.16 of the *Zoning Ordinance* pertaining to maximum permitted building height to allow construction of a 158 foot telecommunications monopole and associated facilities. Subject property is zoned IPM (Industrial Park Manufacturing Zone- Planned Industrial Park) and is subject to the AEOZ (Airport Environs Overlay Zone). The Tax Parcel is ED-05-087.00-01-07.13-000. The owner of record is Independent Newspapers Inc.

Mr. Bill Cook Exhibits for the record: Staff Report and plans submitted by the applicant. The legal notice was published in the Delaware State News on September 6, 2015, and the public was notified in accordance with the regulations.

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

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

Representative: Mr. Jonathan Jordan Esquire on behalf of Verizon Wireless, Mr. Michael Fischer P.E. Radio Frequency Engineer, W. Jeffery Nagorny P.E. Civil Engineer

Mr. Jordan stated that the application today was nearly identical to the application brought before the Board of Adjustment in June regarding another property. In both instances the applicant was seeking a height variance. The Zoning District has a 35 foot maximum height. Today instead of going into a lengthy and formal presentation regarding the site and how the site of the tower is chosen the witnesses (Radio Frequency Engineer and Civil Engineer) is present to answer any questions the Board might have. At the request of the Board of Adjustment the witnesses could give a summary of why the height variance is necessary and appropriate.

Mr. Keller suggested that the presentation may lend questions of the Board of Adjustment and they could go in as deeply as they would see fit to inquire.

Mr. Michael Fischer was sworn in by Mr. Rodriquez.

Radio Frequency Design Presentation/Exhibit

Mr. Fischer stated that they were looking for a variance to go above the 35 foot limitation to 150 feet. Cell towers are generally not built at 35 feet, since antennas need to be above the tree lines to go around the surrounding building clutter. Radio signals would not really work at such a low height. There is a water tank near the proposed location that is roughly the same height of the structure they are looking to build. It is the height that other carriers have used in this area. There is no other existing structure within a mile. There are three (3) surrounding Verizon sites that are currently providing services to this area. Additional coverage is needed in the area around the proposed site, and the facility is needed to pull off wireless traffic from the existing sites. He gave a brief overview of the different areas listed on the exhibit. The area would also provide new coverage to the DAFB (Dover Air Force Base), on Route 1, Little Creek Road, Route 9, as well as surrounding buildings and auxiliary roads.

Responding to Chairman Sheth's question regarding the distance between the cell tower and the water tower, Mr. Fischer stated a little over 900 feet.

Responding to Chairman Sheth's question whether the water tower would be an obstacle to the signal for the proposed tower, Mr. Fischer stated no.

Responding to Mr. Hufnal's question whether the radio frequency interfered with any frequencies the DAFB used in their telecommunications, Mr. Fischer stated they did not. Verizon is licensed in four (4) separate frequency bands. If there was ever an issue with interference DAFB could go to Verizon or file a complaint with the FCC (Federal Communications

Commission).

Responding to Mr. Hufnal's question if the DAFB was aware the tower was being proposed, Mr. Jordan stated that in terms of the FAA interference question there was a copy of an email exchange (Exhibit 2) with DAFB in which they requested that there be a reduction in the height of the tower. The applicant agreed with DAFB to propose a 145 foot tower with a five (5) foot lightning rod. The five (5) foot lightning rod is Verizon new standard.

Responding to Chairman Sheth's question whether there was any written communication from the DAFB allowing the tower, Mr. Jordan stated as previously mentioned it was the email exchange (Exhibit 2).

Responding to Mr. Keller's question whether the communication with DAFB initiated with 158 foot height tower that was being requested, Mr. Jordan stated yes, Mr. Herriott had the conversation with DAFB.

Mr. John Herriott was sworn in by Mr. Rodriguez.

Mr. Herriott testified that he contacted the DAFB to make sure they were on board with the possible locations. Dover Air Force Base agreed with all three (3) locations. At that point DAFB agreed to the height of 158 feet. But some time had passed and when the zoning drawings were prepared they had to shift the location of the tower slightly due to the presence of wetlands. He then went back to the DAFB and informed them of the shift of the tower and asked for their approval. He then received an email on September 15, 2015 stating that DAFB approved of the location, but the height of 158 feet was not acceptable, but they could agree to a 150 foot tower that would include the lightning rod. The applicant agreed to the 150 foot tower and DAFB then provided the email agreeing to the 150 foot tower. There was also verbal discussion prior to the email.

Responding to Mr. Hufnal's question whether a reduction in height did not degrade the service in any way, Mr. Herriott stated that the antenna will be lower and it will not be able to pull as much traffic off the surrounding sites since at the edges coverage area the signal will be slightly reduced.

Responding to Mr. Hufnal's question whether it was still adequate to cover what was intended, Mr. Fisher affirmed.

Responding to Mr. Keller's question whether the five (5) feet reduction is absolutely critical, Mr. Fischer stated no, the site will still operate.

Responding to Chairman Sheth's question about the criteria for the 150 feet tower, and whether it needed to match the nearby water tower, Mr. Fischer stated that he thought that AT&T and Sprint were on the water tower. Because antennas on the water tower were at that height does not mean that the Verizon tower has to be the same height. There are various conditions and factors to take into account when designing the facility.

Responding to Mr. Jordan's question about how the signal would get around the water tank, Mr. Fischer stated that if the water tank was much closer then there may be an issue where the signal could be blocked if the antennas were transmitting directly into the water tanks, but at 900 feet apart it would not be an issue.

Responding to Mr. Keller's question whether in the course of site selection the other sites were investigated (raw land sites), Mr. Herriott affirmed. This lot was chosen because it was larger and they were able to fit within the setbacks as compared to the other sites that were closer to wetlands. They did not think they could get the 100 foot separation from the wetlands that is required by the City of Dover code.

Mr. W. Jeffery Nagorny was sworn in by Mr. Rodriguez.

Presentation

Responding to Mr. Keller's question whether there was any regard given to a clear zone or fall zone in case of the collapse of the towers, Mr. Nagorny stated that the fall zone for the tower is something that has to be addressed and evaluated occasionally when the regulations or ordinances of the authority or municipality having jurisdiction requires it. The design of the monopole towers are made in sections such that there are designed weak points. Under wind conditions that exceed the design criteria there would be most likely a failure point somewhere approximately ½ to ⅓ down from the top of the tower, at which point the tower would slightly fold or bend over. There are heavy coax cables that keep things in place if the towers would happen to fold or bend. The Design Standards are such that the towers have a factor of safety built in on the order of 15 to 20 percent. There are wind charts in place that are developed by American Society of Civil Engineers. Once you get inland from the coast the design wind speed is a three (3) second burst of 90 miles an hour, as you get closer to the coast the speed increases because of the potential for hurricane force winds. He was not sure if the wind speed for the City of Dover was 90 or over 100, but the tower is designed for 15 to 20 percent factor of safety above that. They have to look at winds on the order of 120 to 150 miles per hour.

Mr. Nagorny stated that they are proposing a 145 foot tower with a 5 foot lightning rod on the property owned by Independent Newspapers. They are due west within a ½ mile of the northern end of the main runway for the DAFB. If they are within a ½ mile west of the runway it is not really interfering with flight paths, etc. They have reached out and coordinated with DAFB. The height that they were seeking approval for is a little lower than what was originally requested. The tower will have a fence compound, gravel drive off of Galaxy Drive to the site, and equipment shelter on the ground with a natural gas generator (rather than diesel which is typical) due to the proximity of wetlands.

Chairman Sheth opened the public hearing.

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

Chairman Sheth questioned if there was any additional correspondence for the record. Mrs. Townshend stated that it was what was seen from DAFB, tab 2, and applicant Exhibits as

presented during the meeting.

Discussion

Mrs. Townshend stated that the Planning Office received the same information that the applicant received from DAFB. The Planning Office specifically sent something to DAFB because we knew it was in the Airport Environs Overlay Zone (AEOZ). Because all of the Planning Commission application items go to DAFB we made a point to reach out to DAFB and give them the opportunity to comment.

Mr.Hufnal moved to approve the variance V-15-13 based on the testimony given today and based on the revision in response to correspondence with the Dover Air Force Base that the monopole be 145 feet with the proposed lightning rod of 5 feet with the total of the monopole and lightning rod not to exceed a maximum of 150 feet. The motion was seconded by Mr. Senato and unanimously carried 4-0. Colonel Ericson was absent.

Chairman Sheth asked if there were any questions.

Comment(s)/Discussion

Mr. Keller's discussion was in regards to the advisory comments to the applicant, site plan submission, Staff Report and Exceptional Practical Difficulty.

Roll Call Vote

Mr. Keller – Yea on the approval of Variance V-15-13 given that the placement of the tower is in keeping with the surrounding area and in accordance with the IPM Zone for private utility structure, etc.

Mr. Senato – Yea

Mr. Hufnal – Yea

Chairman Sheth - Yea

Motion passed.

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

Meeting adjourned at 9:50 A.M.

Sincerely,
Maretta Savage-Purnell
Secretary

City of Dover

Board of Adjustment

November 18, 2015

V-15-14

Location:	1159 North DuPont Highway
Applicant:	Rogers Sign Co., Inc. for Grotto Pizza
Owner:	Northeast Dover Properties LLC
Tax Parcel:	ED-05-057.00-01-30.02-000
Application Date:	September 3, 2015
Present Zoning:	C-4 (Highway Commercial Zone) SWPOZ (Storm Water Protection Overlay Zone- Tier 3- Excellent Recharge Area)
Road Classification Per Sign Ordinance:	Urban Principal Arterial
Present Use:	Restaurant
Proposed Use:	No Change
Reviewed By:	Bill Cook, Planner I
Variance Type:	Area Variance
Variance Requested:	Increase in the allowed number of wall signs for a property located on an Urban Principal Arterial street to allow the applicant to have a total of 3 wall signs.

Project Description
The property is located at 1159 North Dupont Highway and is occupied by Grotto Pizza. The property consists of a single commercial building on its own lot utilized as a restaurant.

The applicant is requesting an area variance from the requirements of the sign regulations in *Zoning Ordinance* Article 5 §4.7 to allow an increase in the maximum number of wall signs permitted on the building. The maximum number permitted is two (2). The applicant is requesting an additional wall sign to bring the total wall signs to three (3).

Adjacent Zoning and Land Use
A Zoning Map exhibit (Exhibit A) prepared by staff is attached to this report showing the subject property location and surrounding zoning.

The subject property is zoned C-4 (Highway Commercial Zone). The immediately adjacent properties on the same side of the highway are retail, restaurant and recreational uses. Two parcels zoned C-4 located south feature a restaurant (Boston Market) and a small multi-tenant commercial property. The property located north of the subject property is zoned SC-1 (Neighborhood Shopping Center Zone). Dover International Speedway, zoned RC (Recreational and Commercial Zone) is located behind the subject property. The part of the speedway property closest to the subject property is a parking lot.

The Delaware State University campus is located across the highway and is zoned IO (Institutional and Office Zone).

The property is within the SWPOZ (Source Water Protection Overlay Zone- Tier 3 Excellent Recharge Area). This overlay zone includes provisions related to impervious surface area and certain uses in order to protect ground water quality.

Code References
Permitted Signage
The City of Dover sign regulations found in *Zoning Ordinance* Article 5 §4 determine the allowable number, type and dimensional characteristics of signage on a property according to:

- The type of use
- Proximity to residential uses
- Classification of roads on which the property has frontage

The subject property is considered a non-residential use and in a non-residential zone as defined by Article 12 (“Definitions”) of the *Zoning Ordinance.* C-4 (Highway Commercial Zone) is among the non-residential zones specified. The property is not adjacent to residential uses or zones.

The City of Dover sign regulations distinguish three (3) types of roads for purposes of determining allowable signage. North DuPont Highway is an “Urban Principal Arterial” as defined by Article 5 §4.3:

Urban principal arterial: US Route 13, Bay Road, and Court Street between 13 and Bay Road are considered to be urban principal arterials under the provisions of this ordinance. Delaware State Route 1 is not considered to be a road that will provide frontage for any parcel.

Table 1 below shows the maximum number, sign area, height, and minimum required setbacks and exclusion zones for signs on the subject site. The signage requested by the applicant is included in the table for comparison.

Table 1
Allowed and Requested Signage
Urban Principal Arterial
Non-Residential Uses Adjacent to Non-Residential Districts or Uses

Sign Type	Number	Max. Size	Max. Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Allowed Signage*						
Wall &	2/frontage	No max	N/A	< = 15%	N/A	N/A
Monument or Post and Panel &	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
Pylon OR **	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
Pylon**	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet
Requested Signage						
Wall	3/frontage	No max	N/A	< = 15%	N/A	N/A

* Excerpt from "Sign Table" found in *Zoning Ordinance* Article 5 §4.7.

** Denotes that an additional wall sign may be permitted/added in lieu of a freestanding pylon sign.

Definitions

When reviewing wall signage, the following definitions are important:

Wall area: For purposes of calculating wall area, the calculations shall include the height of the wall from ground level to the roofline (mansard roofs also count as wall area), multiplied by the width of the wall (including all architectural features).

Wall sign: Any sign, other than a projecting sign, which is attached to or painted on any wall of any building and projects from the plane of the wall less than 18 inches. A sign attached to the lower slope or face of a mansard roof, canopy, or awning shall be considered a wall sign for purposes of this ordinance. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension

projects beyond or above the enclosed portions of the building. Canopy, marquee, and awning signs are all types of wall signs.

Sign: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign area: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

Sign face: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Unified Comprehensive Sign Plans

Zoning Ordinance Article 5 §4.8.A specifies the purpose and criteria for Unified Comprehensive Sign Plans which may be submitted for review and approval by the Planning Commission if conditions are met. Such plans allow flexibility in allowed signage criteria, including the number of signs. However, the subject property does *not* qualify for this type of plan because the site use, configuration, and linear frontage criteria are not met.

Applicant's Existing Signage

Table 2 summarizes the existing and proposed wall signage on the property including dimensions, location, and permit information. Note that signs referenced in the table as number "1" and "2" were installed on the same permit (#13-348). The locations are noted in the table. Also note that Sign 2 is located on the rear of the building and is visibile only from Dover International Speedway. See Exhibit D prepared by staff showing exisiting signage.

Sign 3 was subsequently installed on a different permit (#13-864). At the time the permit was issued, the approver noted in the permit comments that this sign was to replace Sign 2 located on the rear of the building, and that the sign on the rear of the building shall be removed as the side is only permitted two (2) wall signs.

Sign 3 was installed but Sign 2 was not removed as required. The continued existence of Sign 2 was not discovered by staff until a later inquiry from the applicant requesting code information regarding additional signage on the property, whereby staff found the condition in the course of permit and code research followed by a visual inspection.

Applicant's Proposed Signage

The applicant proposes a 26SF wall sign on the north wall of the building facing the parking area of the adjacent multi-tenant retail building. Refer to Table 2 for Sign 2 description.

Table 2
Existing and Requested WALL Signage
1159 N DuPont Highway (Grotto Pizza)

Ref.	Sign Description & Location	Dimensions	Sign Area	% Wall Area	Permit	
					#	Issued
Existing Signage						
1	Internally illuminated channel letter sign "Grotto Pizza" Building front wall, above main entrance	8' x 13'	104 SF	3.5%	13-348	4/8/2013
2*	Internally illuminated channel letter sign "Grotto Pizza" Building rear wall, facing speedway	2' x 12'	24 SF	0.8%	13-348	4/8/2013
3	Internally illuminated channel letter sign "Grotto's Sports Bar" Building front wall, right (south) side	2' x 22' 6"	45 SF	1.4%	13-864	7/9/2013
Requested Signage						
	Internally illuminated channel letter sign "Grotto Pizza" North-facing side wall	2' x 13'	26 SF	< 15%		

* Sign is illegal non-conforming. See report narrative.

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

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

   Applicant Responses:
   "Highway commercial - Variety of different uses - retail stores/ restaurants
   Across from property - Delaware State University"

   Staff Response:
   The C-4 (Highway Commercial Zone) allows a wide variety of commercial uses, including restaurants. Restaurants can be found in a variety of zones. Freestanding signs and generous wall signage is typical of businesses located on highway corridors such as DuPont Highway in order to identify businesses and provide easy wayfinding to drivers in this busy commercial corridor.

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

   Applicant Responses:
   "Varies Retail Stores and Restaurants:
   Best Buy/ Michaels/ Ashely Furniture/ Dover Downs Hotel and Casino/ TJ Maxx
   T-Mobile/ Vitamin Shoppe/ Pier Imports/ Dover Mall
   Restaurants: Jersey Mikes Subs/ Boston Market/ Chipotle Mexican Grill"

   Staff Response:
   The character of the surrounding area is a mix of commercial, retail, and other uses as is typical a divided highway "strip" corridor. Most of the commercial uses within the area have one (1) wall sign; however, they are permitted two (2) wall signs.

   Refer to photographs submitted by the applicant in Exhibit C.

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

   Applicant Responses:
   "No, Such removal would not seriously affect neighboring properties as this location is completely surrounded by retail stores and restaurants. Our request for (1) small additional wall sign would be for north side of building - sign would face customer parking lot for nearby Best Buy, Michaels Crafts, and Ashley Furniture - along with new retail spaces currently under construction - Jersey Mikes Subs."

   Staff Response:

The addition of one (1) additional wall sign would not seriously affect neighboring properties as the proposed sign is small in sign area relative to area of the wall. The surrounding properties are businesses and no residential areas would be within the viewshed.

It would not be in keeping with the character of some of the other properties within the area as those properties typically have only one or two wall signs.

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

Applicant Responses:
"Exceptional practical difficulty - The applicant has always wanted a sign on north wall of building - reason being; potential customers entering or leaving parking lot at Best Buy, Michaels, or Ashley Furniture only see blank side of very large building. Applicants pylon sign sits out by the Highway and is blocked by tree landscaping from this view point in parking lot facing south, thus losing potential customers that are not local and do not know what this building is."

Staff Response:
Wall signs are permitted on Urban Principal Arterials. The only restriction on the size of the wall sign on an Urban Principal Arterial is that the wall sign shall not exceed fifteen percent (15%) of the wall area of the side of the building on which they are placed. The property has two (2) legal existing wall signs on the building front which are below the 15% threshold.

While staff understands the desire to improve visibility from adjacent properties, the intent of the sign regulations generally is to afford visibility and wayfinding to the business from the right of way, not necessarily from adjacent properties. The sign regulations regarding allowed wall signage are neutral as to placement, allowing businesses to locate the allotted signs on any exterior wall of the building "...to afford the best possible visibility for the traveling public." (*Zoning Ordinance* Art. 5 §4.4.c.5).

The property has a 92 SF freestanding pylon sign with electronic message center. This sign is located at the north corner of the property adjacent to the right of way. There is also a 12 SF monument sign farther south identifying the entrance from the roadway.

Variance Recommendations

Staff does not recommend approval of the variance related to the additional wall sign for reasons as follows:

- The applicant has not demonstrated exceptional practical difficulty as they are already permitted two wall signs.
- Nearby properties typically have one (1) or two (2) wall signs and are similarly regulated.
- Additional signage on the property would be out of character with surrounding and similar businesses since most establishments have signage that meets the sign regulations.
- The granting of a variance for additional wall signage could establish a precedent leading properties to seek variances for signage in excess of the number of wall signs permitted by the sign regulations.

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.

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	Board of Adjustment Application & Criteria Responses (Applicant)	2
B	Zoning Exhibit Map (Staff)	1
C	6 Photographs of surrounding views, Google map (Applicant)	4
D	2 Google Streetview images showing signage visible from the right of way	1

Exhibit A

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

X Area Variance
_____ Use Variance
_____ Appeal
_____ Pre-App Date

Board of Adjustment Application

Application Information

Property Address: 1159 NORTH DUPONT HWY DOVER DE

Tax Parcel Number: ED-05-057.00-01-3.00.002-000

Owner Name: NORTHEAST DOVER PROPERTIES LLC

Property Zoning: C-4 HIGHWAY COMMERCIAL

Variance (s) Requested: Relief from the zoning ordinance requirements Article 5 - Section 4.7 related to maximum wall signs permitted on Urban Principal Arterial Road type.

*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.

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 Dennis E. Silicato 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 | Managing Member (Title) | 9/3/15 (Date)

Area Variance Critera: Grotto Pizza 1159 N. Dupont Hwy Dover DE

1. **Nature of the zone in which the property lies;**

   Highway commercial - Variety of different uses – retail stores / restaurants
   Across from property – Delaware State University

2. **Character of the immediate vicinity and the contained uses therein;**

   Varies Retail Stores and Restaurants:
   Best Buy / Michaels / Ashely Furniture / Dover Downs Hotel and Casino / TJ Maxx
   T-Mobile / Vitamin Shoppe / Pier 1 Imports / Dover Mall
   Restaurants: Jersey Mikes Subs / Boston Market / Chipotle Mexican Grill

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

   No, Such removal would not seriously affect neighboring properties as this location is completely surrounded by retail stores and restaurants. Our request for (1) small additional wall sign would be for north side of building – sign would face customer parking lot for nearby Best Buy, Michaels Crafts, and Ashley Furniture – along with new retail spaces currently under construction - Jersey Mikes Subs.

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 is permitted uses under the provisions of the zoning ordinance.**

   Exceptional practical difficulty – The applicant has always wanted a sign on north wall of building – reason being; potential customers entering or leaving parking lot at Best Buy, Michaels, or Ashley Furniture only see blank side of very large building. Applicants pylon sign sits out by the Highway and is blocked by tree landscaping from this view point in parking lot facing south, thus losing potential customers that are not local and do not know what this building is.

Area Variance Critera: Grotto Pizza 1159 N. Dupont Hwy Dover DE

1. **Nature of the zone in which the property lies;**

   Highway commercial - Variety of different uses – retail stores / restaurants
   Across from property – Delaware State University

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   Varies Retail Stores and Restaurants:
   Best Buy / Michaels / Ashely Furniture / Dover Downs Hotel and Casino / TJ Maxx
   T-Mobile / Vitamin Shoppe / Pier 1 Imports / Dover Mall
   Restaurants: Jersey Mikes Subs / Boston Market / Chipotle Mexican Grill

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

   No, Such removal would not seriously affect neighboring properties as this location is completely surrounded by retail stores and restaurants. Our request for (1) small additional wall sign would be for north side of building – sign would face customer parking lot for nearby Best Buy, Michaels Crafts, and Ashley Furniture – along with new retail spaces currently under construction - Jersey Mikes Subs.

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 is permitted uses under the provisions of the zoning ordinance.**

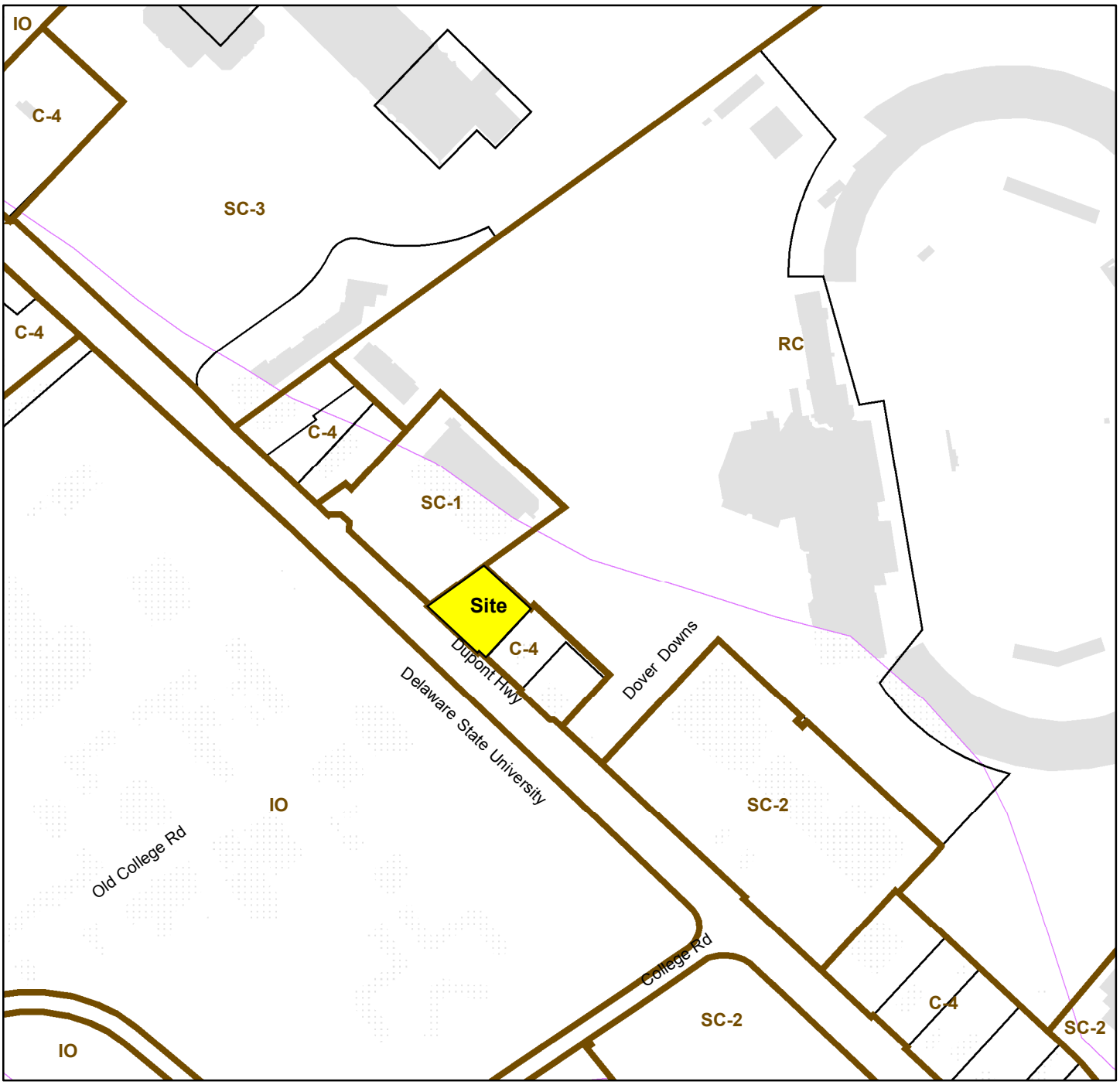
   Exceptional practical difficulty – The applicant has always wanted a sign on north wall of building – reason being; potential customers entering or leaving parking lot at Best Buy, Michaels, or Ashley Furniture only see blank side of very large building. Applicants pylon sign sits out by the Highway and is blocked by tree landscaping from this view point in parking lot facing south, thus losing potential customers that are not local and do not know what this building is.

City of Dover

Department of Planning & Inspections

Exhibit B

Application No.: V-15-14



Title: Grotto Pizza wall signage
Address: 1159 N DuPont Hwy
Parcel ID: ED-05-057.00-01-30.02-000
Zoning: C-4 (Highway Commercial Zone)
Owner: Northeast Dover Properties LLC
Date: 10/13/2015

Legend

- Zoning
- Dover Parcels
- Subject Property
- 2012 Buildings
- SWPOZ Tier 3

N
W
E
S

0 325 650 1,300 Feet

Exhibit C



Photo # 1 View of nearby businesses in parking lot area north of Grotto Pizza



Photo # 2 View of additional nearby business spaces on furthest end of parking lot north of Grotto Pizza



Photo # 3 View of North side of Grotto Pizza Building - showing blank wall that customers view from parking lot.



Photo # 4 View of Grotto Pizza north wall from parking lot.
Please note: Unable to see Grotto Pizza Pylon sign – due to trees in landscaping.



Photo # 5 View of Grotto Pizza – Heading southbound on North Dupont Hwy. Note: Unable to see north side of building – where proposed sign would be installed. The goal to view this sign is from next door parking lot only, not for additional signs to be viewed by Highway travelers.

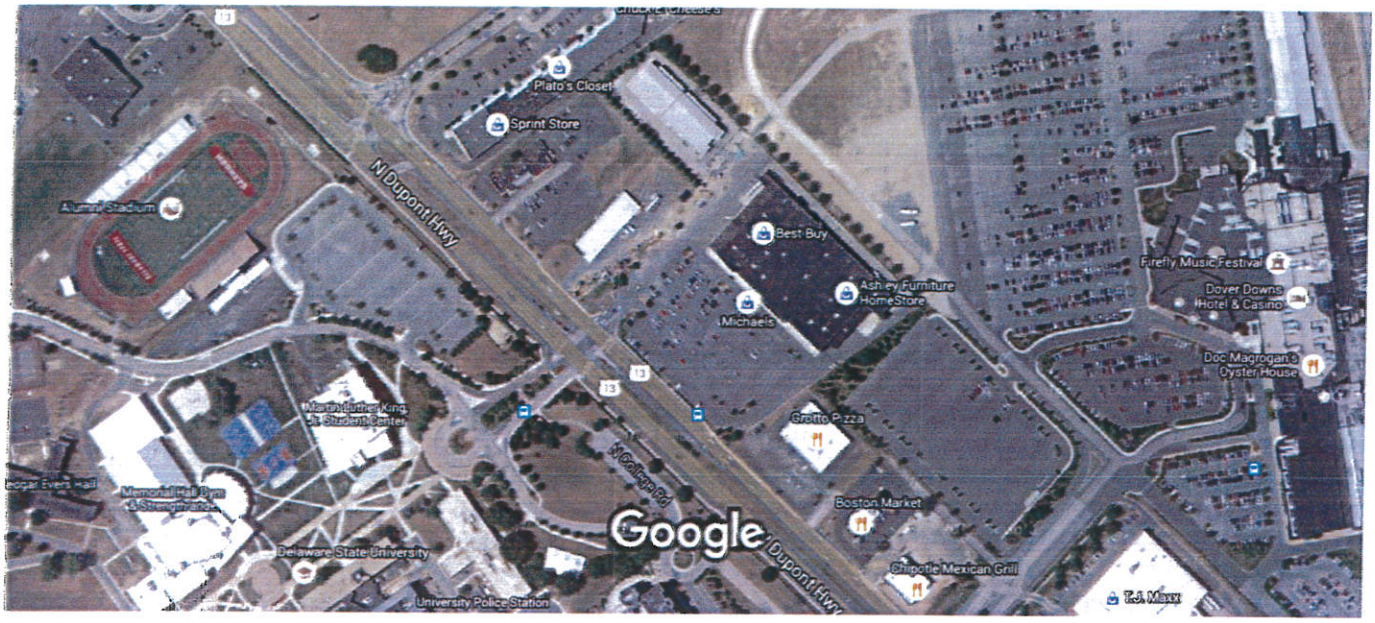


Photo # 6 Photo above shows proposed location of additional wall sign per our request: "Grotto Pizza" 2' tall x 13' wide = Total: 26 sq ft

Google Maps

Google Maps

GROTTO PIZZA 1159 N. DUPONT HWY / DOVER DE



Imagery ©2015 DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2015 Google 200 ft

Exhibit D


"Sign 1"
"Sign 3"
SPORTS BAR
Google earth


Pylon Sign
"Sign 2" (rear)
Monument Sign
SPORTS BAR
Google earth