CITY OF DOVER
BOARD OF ADJUSTMENT
June 20, 2012

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, June 20, 2012 at 9:00 AM with Chairman Sheth presiding. Members present were Mr. Sheth, Mr. Keller, Mr. Hufnal, Colonel Ericson, and Mr. Senato.

Staff members present were Ms. Cornwell, Mrs. Purnell, and Mr. Rodriguez. Also present at the meeting were William Boyles, Kevin Minnich, Jim Matthews, William Byler Jr., Pastor Norman Hutchins, Mike Harrington Sr., and Pete Arcona.

APPROVAL OF AGENDA

Mr. Senato moved to approve the agenda as submitted, seconded by Mr. Hufnal and the motion was unanimously carried 5-0.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF MAY 16, 2012

Mr. Keller moved to approve the regular Board of Adjustment meeting minutes of May 16, 2012 as submitted, seconded by Mr. Hufnal and the motion was unanimously carried 5-0.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Ms. Cornwell presented to the audience the policies and procedures that would be followed during these hearings.

NEW BUSINESS

Applicant #V-12-04:

327 Martin Street, EJB Inc. has requested variances from the requirements of Article 3 §10.3, Article 3 § 10.31, Article 4 §4.15 and Article 6 §3.1 of the *Zoning Ordinance* pertaining to the driveway width, parking located within the setbacks and the overall number of required off street parking spaces.

Subject property is zoned IO (Institutional and Office Zone). The Tax Parcel ID # is ED05-077.10-01-48.00-000. The owner of record is EJB Inc.

Representatives: Mr. William Boyles and Mr. Kevin Minnich

Mr. Boyles and Mr. Minnich were sworn in.

Ms. Cornwell provided an overview of the application and submitted for the record the Staff Report, Site Plan, and Photos.

Ms. Cornwell stated that the legal notice was published in the Delaware State Newspaper on June 10, 2012 and the public was notified in accordance with the regulations.

Mr. Sheth questioned if there was any member who had a conflict of interest.

Mr. Ericson stated that he had served as a member on the Board for Serenity Place for ten (10) to fifteen (15) years and has been a non-member for five (5) years and asked Mr. Rodriquez if it was a conflict of interest. He stated that he has never had a financial interest in the organization. Responding to Mr. Ericson, Mr. Rodriquez replied that since Mr. Ericson is no longer on the board, and has not been for five (5) years that he did not find a conflict of interest.

Mr. Boyles stated that the property owner is EJB Inc. They operate the business as Serenity Place which is an adult male halfway house. It is a licensed treatment facility by the State of Delaware and has been in business for twenty-one (21) years at that location. Well over one thousand (1000) men with substance abuse issues have been served. On June 7, 2011 there was a significant fire and the main house was lost. Since that time the main house was demolished and the debris was removed from the site. It went through a rezoning process as they are not able to rebuild on that location. It was formerly zoned C-4 and the organization was considered a nonconforming use. The code does not permit rebuilding. Upon working with the City the property was rezoned from Highway Commercial (C-4) to Institutional Office (IO). At the current time the owner is designing and engineering a site plan for the future building along with the off street parking challenges. Looking at the site plan this is a small parcel that is irregularly shaped. The parcel narrows towards the back and there is also an existing building towards the left front part of the property formerly the old Gun Shop Hobby Store. The variance request is to include as many off street parking spaces as possible in order to meet their objectives. Many scenarios have been developed to work towards a solution. The pictures included in the application show the general areas that are all zoned C-4. Many of the properties in the area have pavement near the curb with parking. Matthew Tires is located to the north and has some front end parking. Across the street is the used car lot and Battery Warehouse which has parking near the curb. Down the street is the old Captain John's restaurant which has paving near the curb and parking in the back of the building. The area in general is already characterized by parking near the curb.

Mr. Boyles further stated that the current location that was founded 21 years ago took a long time to find and there were many challenges. We were successful in locating the property with the help of Edward Bennett. It has been a very good location and it is central to transportation whether on foot or using the mass transit system. Down the street is another halfway house or group home for recovering addicts. There are no other residential properties near the location. He did not receive the variance as to whether the business would remain open and he would be challenged to look for a new location in the City of Dover. There could be some neighbors who might not be in favor of their new location. The business has had good reports from the City of Dover and he does not want to cause any problems. We have worked closely over the years with the City of Dover and consider them partners. Serenity Places provides an essential and critical service to the Dover area. In the future our goal is to expand and be able to serve women. There is no facility at the current time with that type of service in the Dover area.

Mr. Boyles further stated that the business had insurance proceeds from the fire. There is a recoverable appreciation component that is held back until we are able to rebuild at the location and exceed the amount of funds given to the business. The amount of $45,000 would be recovered; however; we would lose that amount if we had to find a new location. We are a non-

profit organization. Any funding that we would lose for rebuilding is significant. He asked to be given a favorable vote with regards to the variances. We look forward to serving the community and provide services to those in needs.

Mr. Sheth questioned if the site was the previous gun shop? Responding to Mr. Sheth, Mr. Boyles replied that there used to be a gun shop at the location; however, it was renovated approximately seven (7) years ago as an administrative office/counseling building. We provide open meetings to those in recovery in the Dover area. We have roughly ten (10) meetings a week that consist of AAA, NA, and all types of Twelve Steps recovering meetings. These meetings focus mainly on substance abuse recovery. The new facility would be the same and expand on how we serve the community.

Mr. Sheth further questioned if this property was previously owned by Edward Bennett? Responding to Mr. Sheth, Mr. Boyles replied yes. Bennett Security is located next door and is owned by Mr. Bennett's son.

Mr. Boyles further stated that the photo included with the application that shows the former driveway and the previously wood house. At one point we did a project that consisted of a two car driveway and garage. Mr. Byler was involved with the project as we did renovation and paving to make it more useable space. More off-street parking was made available. This was done so that we could get as many vehicles off the street at that time. We have been operating for 21 years with two parking spaces. He does realize that they need to provide more off-street parking. We want to maximize the spaces.

Col. Ericson asked if he could address the street traffic in front of Serenity Place? Responding to Col. Ericson, Mr. Boyles replied that the bulk of the traffic is from the armored car service. Access to Route 13 was blocked off near the travel agency and a fence was installed many years ago. Traffic now comes around and travels down Martin Street if they are going north. We do get incoming and outgoing traffic from the used car lot. There are some pedestrians on the street. There is very little traffic in the area and is out of way. There is one parcel that has a sidewalk. It is a quiet area.

Col. Ericson questioned if he had a preference of the scenarios? Staff recommended scenario three (3). Responding to Col. Ericson, Mr. Boyles replied that different layouts of the scenarios were given depending on the priority of meeting the code requirements. Scenario three (3) does provide for more off-street parking. They would like to maximize the number of off-street spaces. More than 50% of the men who come to Serenity Place do not have driver's license. Of the remaining fifty percent (50%), twenty five percent (25%) have a vehicle and twelve percent (12%) are able to keep the vehicle on the road. It takes money to own and operate the vehicle. They have very few clients who have vehicles. Maybe fifteen percent (15%) overall on average would have a vehicle that they would be able to maintain. They have been using the street and driveway for many years.

Mr. Senato stated that the Battery Warehouse which is a private enterprise located across the street generates a lot of traffic in the area; however, most of their parking would be in front of the business, therefore; it wouldn't be any interference. Responding to Mr. Senato, Mr. Boyles replied yes. It recently changed ownership. A new access from Route 13 has been provided.

Mr. Senato questioned if the Battery Warehouse's street exit was facing Royal Farms and making the right turn? Responding to Mr. Senato, Mr. Boyles replied yes.

Mr. Senato questioned if there were any residents at the other end of the street? Responding to Mr. Senato, Mr. Boyles replied that there is a private organization and they may house individuals periodically.

Mr. Sheth stated that the daycare is no longer in business.

Mr. Hufnal stated that the traffic at the south end of the street probably goes out to Miller Drive to get to Route 13. Responding to Mr. Hufnal, Mr. Boyles replied yes. Anyone heading south or does not want to deal with the multiple lights related to going north will use that route. This route is also used during rush hour because it is hard to get out of Martin Street.

Mr. Keller questioned out of the three (3) layouts that were proposed if there were any engineering difficulties greater in one than the other? Responding to Mr. Keller, Mr. Minnich replied that he wanted to see the different options. He did not intend to present it before the Board of Adjustment to make a decision. The seven spaces would require a lot of black top and may need all three (3) variances. His concern was the number of variances the proposal would need from the Board of Adjustment. He thought that option three (3) was a little excessive and option one (1) would be great. Option two (2) would be the better choice of the three (3) options, because there are five (5) parking spaces and it is functional. When you get into option three (3) there will be functional problems getting the cars out of the handicap space. If we need to squeeze in seven (7) spaces we would have to make it work.

Mr. Senato questioned if option (2) two would be the primary choice? Responding to Mr. Senato, Mr. Minnich replied yes, that would be his choice as an Engineer and Designer. With option (2) two you will have a reduction in parking and also in the twenty (20) foot setback.

Mr. Hufnal questioned if he would be able to survive with option (2) two? Responding to Mr. Hufnal, Mr. Minnich replied yes. He thought that Scenario 1 is great. It would leave more green space on the site.

Mr. Keller stated that it had been noted that layout number three (3) with the seven (7) spaces does bring the property into greater conformance with the regulation requirements. If you require nine (9) it would give you seven (7) spaces. If you go with option three (3) it would give you more off-street parking.

Mr. Hufnal stated that one of the objectives of the area is to eliminate as much on-street parking as possible. Option three (3) would allow for more parking on the premises.

Mr. Sheth questioned if the applicant would be satisfied with Scenario 3? Responding to Mr. Sheth, Mr. Minnich replied yes, he was giving his thoughts as an Engineer and Designer.

Col. Ericson questioned if Staff had any comments on Scenario 2 or Scenario 3? Responding to Col. Ericson, Ms. Cornwell replied that Staff is fine with either Scenario 2 or Scenario 3. They

both require the same number of variances. It would be an issue between the numbers of overall parking spaces that would be reduced. Scenario 2 would allow for easier access to get in and out of the handicap parking space and to get out of the parking lot.

Col. Ericson stated that he has parked in the area several times and is amazed of the small amount of traffic on that street. He questioned if Scenario 2 two would save money? Responding to Col. Ericson, Mr. Minnich replied yes, it would be less black top.

Mr. Senato questioned Mr. Boyles of his preference between Scenario 2 and Scenario from a monetary value and egress or ingress? Responding to Mr. Senato, Mr. Boyles replied that it is easier to get in and out with Scenario 2. We are all about saving money especially if we do not have to put down black top. The existing block building is approximately 680 sq. ft. It has a 20x20 area with a small office and ADA compliant bathroom. The code requires us to have three (3) off street parking just for that building. Previously there was no off-street parking. He is the only employee at Serenity Place. Some of the services are contracted out part-time. The majority of the time there is only one vehicle on the premises. All business is currently managed in that office. Once the new building is built the office will be relocated to the main building. Three (3) of the spaces that are required are related to the small building. He would rather spend less money if possible. We would like to continue business and provide services in the same location.

Mr. Sheth questioned if there were any problems in the past with parking when businesses such as Rodney Restaurant, Hardees, Captain John's, and the Mexican Restaurant were opened. Responding to Mr. Sheth, Mr. Boyles replied no. There were many open parking spaces that were not being used on both sides of the street. There are three (3) parking spaces next door and only one (1) space is being used.

Col. Ericson questioned if Scenario 2 was selected and in the future you needed more parking spaces would there be much expense or problems expanding? Responding to Col. Ericson, Mr. Minnich replied no, you have expanding capability.

Mr. Ericson stated that he rarely saw any vehicles in the parking spaces other than when there were meetings.

Mr. Boyles stated that the width of the street is very wide compared to other streets.

Mr. Sheth stated that the Board of Adjustment should not worry about the cost.

Col. Ericson stated that he was concerned what the ramifications were for any nonprofit because there is always a big consideration for funds. He did not want them to be in a hardship situation.

Mr. Hufnal questioned if Scenario 3 was approved as Staff recommended and they only wanted to put in Scenario 2 could they still do this because it would be a lesser restriction than what was approved? Responding to Mr. Hufnal, Ms. Cornwell replied that if the Board of Adjustment approved Scenario 3 then it would have to be put into effect. Scenario 2 would grant five (5) off-street parking spaces and you would have approved seven (7) off-street parking spaces. They would not be in-compliance with the variance granted.

Mr. Sheth questioned if cost was an issue? Responding to Mr. Sheth, Mr. Boyles replied yes, as a non-profit organization we prefer not to spend money. By adding five (5) spaces, it is an addition to the previous spaces. We would value saving money.

Mr. Sheth questioned what was the cost of the project? Responding to Mr. Sheth, Mr. Boyles replied that the total project cost is roughly $600,000.

Mr. Senato questioned which scenario would be better in regards to parking? Responding to Mr. Senato, Mr. Boyles replied Scenario 2.

Mr. Keller stated that his only concern would be the number of incoming and outgoing residents, the one (1) employee parking space on a daily basis, and the occasionally part-time contractors. He questioned if there has ever been a problem with residents having abandoned vehicles that utilized the parking spaces? Responding to Mr. Keller, Mr. Boyles replied no. We have total control over client vehicle use and whether they are permitted to bring a vehicle. Occasionally we have had a vehicle breakdown; however, they can't keep it there. They must return the vehicle to a family member or relative.

Col. Ericson questioned where Mr. Boyles parks his vehicle and if it was parked in front of the old gun shop? Responding to Col
. Ericson, Mr. Boyles replied yes. He will continue to park at the same location since it is closer to the office.

Mr. Sheth opened a public hearing.

Mr. Jim Matthews was sworn in.

Mr. Matthews stated that he was the owner of the property adjacent to Serenity Place. He considers Mr. Boyles an excellent neighbor. If Mr. Boyles was ever to move on to another non-profit position, he would hope that his replacement would be of the same high level. He had issues regarding the minimum number of off-street parking spaces. He was the owner of the hotel that will be opening in October or November. He thinks that traffic will increase on Martin Street upon the opening of his hotel. He noticed in the six (6) years that he has been working on his project that the traffic on Court Street is becoming more backed up as people try to negotiate going east to make a left turn to the shopping center or South or where Court Street becomes Little Creek Road. He regularly has to wait for two (2) or three (3) light changes during the 8:00 to 9:00am and 3:00pm hours. There are two (2) closed restaurants. He asked if they were going to remain closed? He did not have an issue with Serenity Place as his next door neighbor because of Mr. Boyle's excellent management. He was pleased to hear that Mr. Boyles has control of all his client vehicle and parking. Since this is the case then you have a solution to the problem and he thinks that there should be no parking for the residents. He asked if this be taken into consideration? His major issue was the old gun shop. The old gun shop is currently being used as Mr. Boyle's office and the Twelve Steps program. During the meetings there is too much on-street parking. He does not park his car on the street. He is concerned about over flow issues when he opens his luxury hotel and the old gun shop being treated as a single use operation.

Mr. Sheth questioned how many room were in the hotel? Responding to Mr. Sheth, Mr. Matthews replied he has twenty (20) rooms and nine (9) units.

Mr. Matthews further stated that there is currently not enough off-street parking. He mentioned the 150 foot rule that he saw on the website. He was opposing heavy overflow parking. He questioned what the number of beds and residents at Serenity Place was because he did not understand the parking? Responding to Mr. Matthews, Ms. Cornwell replied that the proposal is for 18 (eighteen) beds and based on the number of beds it equals to the number of required off-street parking. He asked if the required number of off-street parking is six (6) and three for the office? Responding to Mr. Matthews, Ms. Cornwell replied yes, for a total of nine spaces. The office use regardless of use is required to provide three (3) parking spaces based on the size of building.

Mr. Matthews stated that he strongly opposed the variance.

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

Mr. Sheth questioned if there was any correspondence for the record and there was none.

Mr. Keller stated that there was a matter of concern with the potential use of Martin Street as to the amount of traffic volume because one or two places are currently closed does not mean that they will be closed permanently. We have to bring the property as close to compliance with the higher capacity of seven (7) spaces for off-street parking.

Col. Ericson stated that he used the street when the Captain John's restaurant was open and he observed very few cars leaving the restaurant and using Martin Street, he would support Scenario 2 or Scenario 3.

Mr. Hufnal stated that for the record and clarification Scenario 1 provides three (3) off-street parking spaces, Scenario 2 provides five (5) off-street parking spaces, and Scenario 3 provides seven (7) off-street parking spaces. Staff recommended Scenario 3 for parking.

Col. Ericson moved to approve the variance for Application #V-12-04, located at 327 Martin Street, based on the testimony given and Staff recommendation that Scenario 3 will be the required parking of seven (7) spaces, seconded by Mr. Keller and the motion was unanimously carried 5-0.

Applicant #V-12-05:
506-516 Jefferic Blvd., Frontline Ministries has requested a variance from the requirements of Article 6 §3.1 of the *Zoning Ordinance* pertaining to the overall number of required off street parking spaces for a place of worship.

Subject property is zoned C-4 (Highway Commercial Zone). The Tax Parcel ID # is ED05-068.09-01-28.01-000. The owner of record is Harrington Properties, LLC.

Representatives: Mr. William Byler Jr., Mr. Mike Harrington Sr., and Pastor Norman Hutchins were sworn in.

Ms. Cornwell provided an overview of the application and submitted for the record the Staff Report, Site Plan, and maps.

Ms. Cornwell stated that the legal notice was published in the Delaware State Newspaper on June 10, 2012 and the public was notified in accordance with the regulations.

Mr. Sheth questioned if there was any member who had a conflict of interest.

Mr. Sheth disclosed his conversation with Mr. Byler and Mr. Harrington but did not see a conflict of interest.

Mr. Hufnal stated that he previously had a real estate license with Harrington Realty, but no active license at the current time. He has no financial interest with the property.

Mr. Byler stated that they are requesting a reduction of the required number of off-street parking spaces and we are nine (9) spaces short as occupied. This would include the requirements of the sanctuary and fellowship hall that is considered concurrent uses. The occupant load required for those two spaces is 710 people and that is the requirement of 178 parking spaces. Pastor Hutchins will speak to non-concurrent uses of these spaces within the ministry structure and how they function. The current average attendance on any given Sunday is 300 people. This is a requirement for 75 (seventy-five) parking spaces. The sanctuary seating capacity is currently 462 seats and the sanctuary is filled with 462 chairs for the 300 persons attending. There is also aisle space provided. The non-concurrent uses of these two (2) spaces will easily meet the City off-street parking requirements. On the conceptual parking and seating plan that was submitted eighteen (18) spaces have been added to the existing paved area on the site. This brings the total number of available spaces to 169 which meet the 116 parking space requirement for the non-concurrent use of the sanctuary and fellowship hall.

Mr. Byler further stated that Mr. Dave Truax, City Fire Marshal has reviewed the conceptual plan and approved it as submitted. They had copies of all email correspondence from Mr. Truax if the Board of Adjustment would like a copy. This was Mr. Truax's response to our request to review the plan before the Board of Adjustment meeting took place. This was done because the City was concerned that Mr. Truax would weigh in on the addition of eighteen (18) parking spaces. We wanted to make sure fire lanes and other requirements would be met. We are aware that the site lies within the SWPOZ (Source Water Protection Overlay Zone) Tier 3 area of the city. They are aware that they would not be able to expand the impervious cover of the site for the additional nine (9) spaces that are needed or required for the concurrent use of the sanctuary and fellowship hall. We would understand the limitation to demonstrate exceptional practical difficulty requirement necessary for a variance request.

Mr. Byler further stated that they did not see any negative impact in the adjoining neighborhood should this variance be granted. We redesigned the parking layout of the existing paved area by adding the additional eighteen (18) spaces. The site is at its maximum. The existing property layout and the building footprint configuration on the property will not allow us to add the nine (9) spaces that are needed.

Mr. Keller questioned the title and occupation of Mr. Dave Truax? Responding to Mr. Keller, Ms. Cornwell replied that he is the City of Dover Fire Marshal.

Pastor Norman Hutchins stated that he is the pastor of Frontline Ministries. This church was birthed nine (9) years ago through a social services ministry. He lived in Los Angeles, California since 1985, but was a graduate of Sussex County. After receiving his Doctorate Degree he was inspired to move back to Sussex County to work with the community. His specialty in California was with the church that he was a member under Pastor Charles Blake leadership along with a congregation of 25,000 members. He was hired as the Director of Social Services. A large portion of the church funds went to the ill of the community. When we birthed Frontline Ministries as a social services ministry that was our focus from the beginning. We wanted to assist with rent, housing, electric, food, clothing, etc.

Pastor Hutchins stated that Mr. Harrington leased the building located at 595 N DuPont Hwy to him. It was originally a bike shop. Mr. Harrington gave us permission to use his parking lot. The church began to grow. After having three (3) services in the building we moved to St. Andrews in their fellowship hall. We were there for two (2) years. We began to acquire property in areas where we could develop our outreach ministries. Mr. Harrington was kind enough to allow us to lease the property located at 514 Jefferic Boulevard. This property has allowed us to expand our outreach ministry such as the back to school drive for the community, Thanksgiving and Christmas dinner. We have also been able to expand the social services ministry.

Pastor Hutchins stated that their intentions are geared toward developing the property located at 506-516 Jefferic Boulevard that will house all of the ministries that we want to develop such as social services and community development department that will work under a separate 501(c)(3) status so that we can build our senior citizens complex and transitional housing for children who age out of the foster care system and have nowhere to live. We currently do this, but on a smaller scale. This facility will be the administrative office to help take this project to another level. At no time will the sanctuary and dining hall be used at the same time. We have a parking lot crew that park cars to ensure that no vehicle is parked on the side or behind the building. He does not have a written statement, but he has a verbal agreement with Kmart as an overflow parking lot. For the two (2) years that we were at Saint Andrews we used the Kmart parking lot

Mr. Senato questioned the total number of seats in the sanctuary? He asked if there were 462 seats because the plan stated 443? Responding to Mr. Senato, Mr. Byler replied that there were 462 seats in the sanctuary.

Mr. Hufnal questioned if it included the nineteen (19) seats on the stage? Responding to Mr. Hufnal, Mr. Byler replied yes, that is the total occupancy.

Mr. Senato questioned if the variance was only dealing with the parking lot? Responding to Mr. Senato, Ms. Cornwell replied yes.

Col. Ericson questioned Pastor Hutchins if the variance was disapproved what hardship would he face? Would you still be able to use the facility? Responding to Col. Ericson, Pastor Hutchins

replied that they have made a major financial investment in the property. We have developed the administrative office that employees six (6) people, the school of ministry, bookstore, and the sanctuary. It is hard to even think about what would happen if we did not get the variance.

Col. Ericson questioned if the facility could still be used? Responding to Col. Ericson, Pastor Hutchins replied we could not fulfill the vision of the church.

Mr. Sheth questioned if the entire occupancy were used at a given time. Responding to Mr. Sheth, Pastor Hutchins replied no. The Sunday morning average attendance is roughly three hundred (300) people. The fellowship hall will only be used for special events. If we have a church service it's the same people who walk from the sanctuary to the fellowship hall, there are no extra people.

Mr. Keller stated that in his review of what was submitted to the Board of Adjustment he had a concern regarding the 443 seats in the sanctuary and assembly room. He asked why it couldn't be reduced to four hundred and seven (407) seats and avoid any necessity for a variance given the information provided whereas the attendance is approximately 25%-30% less than capacity in any event on a usual basis? If the attendance exceeded four hundred sixty-two (462) you would have to apply for another variance for parking variation. He asked why the last two rows of chairs were not eliminated and have no necessity for a variance? Responding to Mr. Keller, Ms. Cornwell replied that the building code based on the square footage, occupancy, and size of the building would state how many is the maximum number of seats that would be permitted in that space. Based on building code you can't reduce the number of seats allowed in the building. There is no room to expand the sanctuary based on the square footage. The information submitted was based on Mr. Byler expertise and the Building Code.

Mr. Keller questioned if he could be enlighten on the joint facility section of the *Zoning Ordinance?* He questioned if the parking spaces included the parking spaces of the adjoining property originally owned by Frontline Ministries known as the South Campus that was provided on the plan? He would like to have been provided with an engineering plan or survey that delineated the property line and the delineation of the two (2) separate properties. They are two (2) separate entities. He wanted to know if a joint use or cross easement agreement is required in this instance where they are critical to the fulfilling of the parking space requirements. Responding to Mr. Keller, Ms. Cornwell replied that the agreement would be between the property owner and the tenant. If they are renting both spaces and have a lease then by default this gives them the ability to use both properties for the same use. The church is renting both properties; therefore, from a City standpoint they don't need a written or verbal agreement because they are renting and using both spaces for the same use.

Mr. Keller questioned if the property was separately owned by the ministries? Responding to Mr. Keller, Mr. Sheth replied that Mr. Harrington owns both properties.

Mr. Harrington stated that when the church originally came to Dover they first rented the building located at 595 N. DuPont Highway. We submitted for a permit and at that time the City required him to have a joint use agreement. This agreement is in place; however, both properties are owned by Mr. Harrington and leased by the Frontline Ministries.

Mr. Hufnal stated that upon looking at the plan it looked as if Frontline Ministries owned the southern portion of the property. Responding to Mr. Hufnal, Mr. Harrington replied that it may have been drawn that way on the plan, but Harrington Realty, LLC is the owner of both properties.

Mr. Hufnal questioned if it was the property located at 506-516 Jefferic Boulevard? Responding to Mr. Hufnal, Mr. Harrington replied yes, Frontline Ministries rents both properties.

Mr. Keller stated that in the information provided the South Campus property would no longer be used by the church. He questioned if the property was sold what are the ratifications and impacts on those necessary twelve (12) parking spaces used by the ministry? Since it is all under one (1) ownership, and covered by two (2) separate leases he asked what were the terms of the lease? Responding to Mr. Keller, Mr. Harrington replied five (5) years.

Ms. Cornwell stated that before they occupied the entire shopping center there were other uses within the shopping center. That could be joint facilities and we recognized that there were multiple uses and the overall parking spaces worked. Currently they are the only tenant and needs a certain number of parking spaces.

Mr. Sheth questioned if they could sub-lease the south campus building? Responding to Mr. Sheth, Ms. Cornwell replied if Frontline Ministries does not renew the lease for the south property then per the *Zoning Ordinance* they could still occupy and utilize the parking spaces because they are within 150 feet of the property and would be used at different times. There is only one use for the entire site.

Mr. Keller questioned that upon Mr. Sheth clarification the joint facility section is not necessary applicable to their plight today? Responding to Mr. Keller, Ms. Cornwell replied no, not for today.

Mr. Hufnal questioned if Frontline Ministries could apply for another variance and come back in the future and ask for more seats because they are limited on seats according to square footage? Responding to Mr. Hufnal, Ms. Cornwell stated that the Building Code would not allow for them to expand any further.

Mr. Hufnal questioned that the variance that is being asked to be approved today is the maximum based on the current square footage of the building. Responding to Mr. Hufnal, Ms. Cornwell replied yes.

Mr. Sheth opened a public hearing.

Mr. Pete Arcona was sworn in.

Mr. Pete Arcona had concerns regarding the private street Draper Drive. He wanted to know how it would be impacted by this variance? Responding to Mr. Arcona, Ms. Cornwell replied that Frontline Ministries stated that they have parking attendees to make sure people are parking correctly. Mr. Arcona could ask Frontline Ministries parking attendants to make sure no one is parking on Draper Drive because it is a private area.

Mr. Arcona stated that he has not had any problems with Frontline Ministries or Mr. Harrington and his concerns could be resolved by getting Frontline Ministries contact information and give it to his tenant should any problems occur.

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

Mr. Sheth questioned if there was any correspondence for the record and there was none.

Mr. Senato made a motion for application V-12-05 to approve the variance to allow for a reduction in the number of off-street parking spaces to 169 from 178 to include the advisory comments that the use of the Fellowship Hall and Sanctuary will not be used at the same time, the parking area behind the building will need to be marked as one way as this area does not meet code for two way traffic flow, and if the church adds additional seats in the future another variance would need to be requested to address the increase in the required number of off-street parking spaces, seconded by Mr. Hufnal and the motion was unanimously carried 5-0.

Mr. Keller moved to adjourn the meeting, seconded by Mr. Hufnal and the motion was unanimously carried 5-0.

Meeting adjourned at 10:27 AM

Sincerely,

Maretta Savage-Purnell
Secretary