AGENDA
CITY OF DOVER BOARD OF ADJUSTMENT
WEDNESDAY – January 18, 2012 9:00 AM – CITY HALL

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES OF November 16, 2011 MEETING

NEW BUSINESS

Applicant #V-12-01:
1159 South DuPont Highway: Mark Lloyd has applied to the City of Dover Board of Adjustment requesting a variance from the requirements of Article 5 §4.7 of the *Zoning Ordinance* pertaining to signage.

Subject property is zoned C-4 (Highway Commercial Zone). The Tax Parcel ID # is ED05-086.05-02-15.00-000. The owner of record is Mark Lloyd.

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
NOVEMBER 16, 2011

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, November 16, 2011 at 9:00 AM with Vice Chairman Ericson presiding. Members present were, Mr. Keller, Colonel Ericson, Mr. Senato, and Mr. Hufnal. Mr. Sheth was absent.

Staff members present were Ms. Cornwell, Ms. Metsch and Mr. Rodriguez. Also present were Mr. Alvin French, Mrs. Ami Sebatian-Hauer and Mr. Steve Cashmere (In the Audience).

APPROVAL OF AGENDA

Mr. Keller moved to approve the agenda as submitted, seconded by Mr. Hufnal and the motion was unanimously carried 4-0 with Mr. Sheth absent.

Mr. Keller stated that he had one noted correction necessary to the minutes of October 26, 2011. A word correction found on Page #10; second line beginning with Mr. Keller, change the word "the" to "he", second by Colonel Ericson and the motion was unanimously carried 4-0 with Mr. Sheth absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF OCTOBER 26, 2011

Mr. Keller moved to approve the regular Board of Adjustment meeting minutes of October 26, 2011 as amended, seconded by Colonel Ericson and the motion was unanimously carried 4-0 with Mr. Sheth absent.

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-11-13:

455 & 459 New Castle Avenue: The Dover Housing Authority has applied to the City of Dover Board of Adjustment requesting a variance from the requirements of Article 5 §1.52 of the *Zoning Ordinance* pertaining to porches.

Subject property is zoned RG-1 (General Residence Zone). The Tax Parcel ID # is ED05-077.10-01-22.00-000. The owner of record is Dover Housing Authority.

Representative: Mr. Alvin French, French and Ryan Architects; Mrs. Ami Sebatian-Hauer, Executive Director of Dover Housing Authority; and Mr. Steve Cashmere, Dover Housing Authority (in the audience).

Mr. French was sworn into the record.

Ms. Cornwell provided an overview of the application. Staff submitted for the record the Staff

Report, application, Site Plan, drawings, architecture elevations, and photographs.

Ms. Cornwell further stated that legal notice was published in the Delaware State Newspaper on November 6, 2011 and the public was notified in accordance with the regulations.

Colonel Ericson questioned whether there were any members of the Board with a conflict of interest and there was none.

Mr. French stated that his firm is the architect for the Dover Housing Authority. They have done several projects that are currently ongoing for the Dover Housing Authority at this time. One of the projects that they have done for Senate View was a study to upgrade and renovate, over time as funding becomes available, the entire Senate View project. Currently, the addresses of the two units you see today for the porch variance has come about because of a fire incident that destroyed one of the units and got into the adjacent unit with damaged to it.

Mr. French further stated that the information that has been received from Staff and their responses are pretty much self-explanatory. Although, he would point out the reason for the variance is to improve the appearance of the apartments. These units were built back in the 1950's as barracks for Dover Air Force Base. They do not look any different from that time and are obviously in need of improvement.

Mr. French further stated that they have designed the facades to include new windows. The façade of the porch front does encroach. There were two (2) various setbacks; one in the front yard for thirty (30) feet and one at twenty-five (25) feet that has been enforced at different times. They feel that the variance for the porch is an aesthetic to increase the appearance of the units to give it a more unified look specifically with the renovations that were done to the housing to the south of this request. It is his understanding that the porch size on those units is a variance that was granted similarly to what we are asking for today. We would like to be in keeping with those units and is the reason for the size of our request. It provides more protection for the front door than the smaller size does and makes the entire project, when and if it is completed, look more aesthetically pleasing.

Mr. Hufnal questioned when you state "the units to the south" where are those located in relation to this variance request? Responding to Mr. Hufnal, Mr. French stated that they are located across the street.

Mr. Hufnal further questioned that 455 and 459 what lot numbers do they correspond to? Responding to Mr. Hufnal, Mr. French came forward to the Board members and indicated on the map that was in their packets where these units were located.

Mr. Hufnal further questioned with the changes only being requested on two (2) of the lots, is it in the foreseeable future that you would want to do this on other lots? Responding to Mr. Hufnal, Mr. French stated that yes they would. We understand that those lots would have to be requested individually and the balance of what would take place would be dependent on future funding.

Mr. French further stated that with regards to Senate View even though there is a separate apartment complex to the south, they are literally located within the same neighborhood. They are in great need of renovation. The fact that we need to renovate two (2) of them destroyed by fire, now is the time to institute some of these elements they had designed in the overall future renovation of that apartment complex.

Mr. Hufnal questioned that this Board granted variances for the apartment complex to the south? Responding to Mr. Hufnal, Ms. Cornwell stated that yes; the complex received multiple variances due to encroachment of the porches and buildings into the front yard and side yard setbacks.

Mr. Hufnal further stated that these were built prior to the *Zoning Ordinance* and this is why they need a variance? Responding to Mr. Hufnal, Ms. Cornwell stated yes, this could be one of the reasons and Staff would also note that while the Plan shows separate lots, at one point, they were all combined so that this is now one very large parcel.

Mr. Keller questioned if Staff knew the timeframe in which the *Zoning Ordinance* was established; therefore, making this legal non-conforming? Responding to Mr. Keller, Ms. Cornwell stated that zoning went into effect in the City of Dover in the 1960's so if these units were built in the 1940' or 1950's they would pre-date zoning regulations within the City of Dover.

Mr. Senato questioned if the zoning on porches was recent? Responding to Mr. Senato, Ms. Cornwell stated that it was a different application in 2006/2007. When the application came before the Board for a portion right down the street for encroachment of porches into the front yard, renovations were made to all of the properties and included front porches and new facades.

Mr. Senato further stated that he had two (2) pictures in his packet; one with and one without porches. You are saying that any of the units in this area that do not have porches you would have to come back eventually, when money is available, to ask for variances to place porches on the other homes to be conforming all the way through the project. Responding to Mr. Senato, Mr. French stated that this is their understanding.

Ms. Cornwell stated that for clarification, the photograph that was provided in your packet for the front porches is the neighboring development, it is not this application. They are only using this as an example. It was noted that during their pre-application meeting that they could ask for all of the properties because it is one large parcel. The variance would expire after one year and they were not sure as to when funding would be available to move forward.

Mr. Hufnal stated that this would have been his question on why they could not do these all at one time rather than separately; however, they would expire in one year. Responding to Mr. Hufnal, Ms. Cornwell stated that this is correct. If their funding did not come through, the variance would expire and they would end up coming back. You have seen that recently with several projects where the funding did not go through.

Mrs. Sebatian-Hauer was sworn into record.

Mr. Senato questioned how many units do they have that they would have to add porches to? Responding to Mr. Senato, Mrs. Sebatian-Hauer stated that there are sixty (60).

Colonel Ericson stated that this project could take ten (10) years and in the intervening time, they may decide to knock them all down and put something else in. To be safe with regards to the one year restriction, we would have no other choice then to take this issue up several more times when funding becomes available.

Mr. Keller questioned if the existing small porch was the original construction or has that been added in a more recent time? Responding to Mr. Keller, Mr. French stated that the portico shown on the plan was probably original. He is not sure as it was so long ago.

Mr. Keller further questioned that this would be legal non-conforming because it extends into the current thirty (30) foot front yard setback? Responding to Mr. Keller, Ms. Cornwell stated that if it extends more than six (6) feet into the thirty (30) foot setback, it would be legal non-conforming. If it does not extend within six (6) feet, it is legal by right. Porches per the code can be as wide and long as long as they are within the setback. If they come into the front yard setback, the maximum that they could be is six (6) feet farther into the front yard setback and could only be eight (8) feet in width. With this variance, they would be coming approximately ten (10) more inches into the setback and then going out thirteen and half (13 ½) feet or five feet three inches on either side.

Mr. Keller further questioned if Staff could clarify the condition of legal non-conforming? By virtue of the dimension Staff just noted, they would be increasing the degree of non-conformance correct? Responding to Mr. Keller, Ms. Cornwell stated that this is correct. The existing building is already encroaching into the thirty (30) foot setback so they would be further encroaching.

Mr. Keller further stated that when the Board looks at applications, they consider four (4) items of criteria one of which he has not necessarily heard testimony as to whether or not this would represent an Exceptional Practical Difficulty. To him, it seems to be a practical difficulty with the request to extend the porch area; however, not necessarily a case that is extremely unique or otherwise exceptional in some manner.

Mr. Keller further stated that one thing that does stand out to him is that the requested dimension is minor in nature. He is not a strong proponent of increasing the degree of non-conformity if the property is legal non-conforming. Typically, the requirement is to allow improvements within those areas so as to not increase the degree of non-conformity. However, the degree of encroachment is minor in nature and would be in keeping with the neighborhood and would be an improvement to the look and architectural view of the property.

Mr. Hufnal stated that Exceptional Practical Difficulty comes from the difficulty to provide architectural elements without further encroachment into the front yard setback. The building is already located within the front yard setback and considered non-conforming. Aesthetically, the addition of the porch width is not the biggest concern rather the ten inches since it is a minimal amount.

Colonel Ericson stated that he feels they made a good point in that an eight (8) foot wide porch is not desirable because the columns are existing and that would put them in front of the windows. Responding to Colonel Ericson, Mr. French stated that this provides more symmetry to the façade.

Mr. Senato questioned that with regards to the drawing that was provided, the original building is non-conforming and it has never been corrected through the Code so we are adding another variance for something that is already not in compliance? Responding to Mr. Senato, Ms. Cornwell stated that it is not another variance. Staff recognized that the building is legal non-conforming and what they are asking for is a variance to allow the porch to encroach into the setback both depth and width.

Mr. Senato further stated that regardless of whether the Code has been updated with this encroachment which is now thirty (30) feet and not twenty-five (25) feet, we would still have one part that is already non-conforming and then contemplating a variance for another non-conforming use when there is already one there.

Mr. Keller stated that with the change in the setback from twenty-five (25) feet to thirty (30) feet, five (5) feet deeper into the property even a portion of the building as a result of the thirty (30) foot setback established by Zoning Code places a portion of the building within the setback. With the establishment of the new setback, any improvement within that area at the time of the establishment of the thirty (30) foot setback became legal non-conforming. It would seem that there is a provision within the Ordinance that, by virtue of that legal non-conformance provision, any improvement could be made within that legal non-conforming area so as not to increase the degree of non-conformity. The necessity for the variance is because of the expansion of the new proposed construction extended forward beyond the original twenty-five (25) foot setback line. He thinks that the Ordinance still provides for that.

Responding to Mr. Keller, Ms. Cornwell stated that they could do normal maintenance and repair; however, they cannot further encroach. Anyone's front porch could come out six (6) feet into the setback; however this comes about ten (10) inches further so they would need the variance for that and for the width. The building is legal non-conforming and they would not need a variance for that as it is recognized as such.

Colonel Ericson stated that if you look at the variance Section 2.1 it states "Is this project contrary to public interest?" It would seem that the porches would improve the looks of the building in this area. With regards to hardship and Exceptional Practical Difficulty it would seem to him that if they put up a porch that would meet the requirements; if the posts were located in front of the windows, it would be a negative impact. Also, under the Exceptional Practical Difficulties test it states "In granting variances, the Board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice done."

Mr. Keller stated with regards to precedent setting; each property is unique. The next application may want to extend thirty (30) feet into the setback line. He would only hope that this first application would not set precedent for a ten (10) foot encroachment as opposed to a twenty (20) foot encroachment and he is not so sure that this would follow through as a mandate for approval of all subsequent variances. Responding to Mr. Keller, Colonel Ericson stated that it would only

set a standard for this area only as there are other buildings in this area that have similar porches.

Mr. Hufnal stated that the porches would be in keeping with the neighborhood as there are others that are within the area that are similar to what they are proposing as well as similar in size.

Colonel Ericson opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Colonel Ericson questioned if there was any correspondence received for this application and there was none.

Mr. Keller moved to approve Applicant #V-11-13 located at 455 & 459 New Castle Avenue owned by the Dover Housing Authority, as the application does meet the legal standards necessary and in light of the testimony given, the information provided, Staff Report and recommendation. He finds that the Zoning Ordinance would be substantially met with compliance, the requested application is minimal in nature, and the spirit of the Zoning Ordinance would be observed, seconded by Mr. Hufnal and the motion was carried 3-1 with Mr. Senato opposed and Mr. Sheth absent.

OTHER BUSINESS:

2012 Meeting Schedule

Ms. Cornwell stated that the 2012 meeting schedule was included in your packet. The second column is the meeting dates for the Board of Adjustment and the first column is the date in which they have to make the application with our office. The Board will still meet on the third Wednesday of the month.

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

Meeting adjourned at 9:41 AM

Sincerely,

Diane Metsch
Secretary

City of Dover

Board of Adjustment

January 18, 2012

V-12-01

Location:	1159 South DuPont Highway
Applicant:	Mark Lloyd
Owner:	Mark Lloyd
Tax Parcel:	ED-05-086.05-02-15.00-000
Application Date:	December 16, 2011
Present Zoning:	C-4 (Highway Commercial Zone)
Present Use:	Commercial
Reviewed By:	Janelle M. Cornwell, AICP
Variance Type:	Area Variance
Variance Requested:	Allow a pylon sign to be located within the required fifteen (15) foot setback from the right-of-way.

Project Description:
The applicant is requesting a variance from the *Zoning Ordinance* of Article 5, Section 4.7 Supplementary Regulations to allow a pylon sign to be located within fifteen (15) feet of the property line. Specifically, they are requesting a variance to allow a pylon to be located approximately on the property line in the existing location.

Adjacent Land Uses
The adjacent properties are commercial and recreational uses. The properties to the north are zoned C-4 (Highway Commercial Zone). The properties to the west across South DuPont Highway are zoned C-4 (Highway Commercial Zone) and SC-2 (Community Shopping Center Zone). The properties to the south are zoned C-4 (Highway Commercial

Zone). The properties to the east across the Puncheon Run Connector are zoned ROS (Recreational Open Space Zone).

Code Citation

4.7 *Permitted signs.* Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses and road classification.

Use	Road Type	Sign Type	Number Permitted	Max Size	Max Height	% of Wall	Setback (R.O.W.)	Exclusion Zone
Non-Residential Uses in Non-Residential Districts	Urban Principal Arterial	Pylon OR*	1 per frontage	75 SF	30 ft.	N/A	15 ft.	150 ft.

Exceptional Practical Difficulties Tests

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 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.

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

Applicant Responses:
This property is zoned C-4 Highway Commercial. All the neighboring properties are also commercial.

Staff Response:

The property is zoned commercial and is surrounded by commercial uses. Signage is determined based on road classification. The property is located on an Urban Principal Arterial. An Urban Principal Arterial allows for a freestanding pylon sign. A number of the other signs within the area are pylon signs.

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

Applicant Responses:
All the properties surrounding our property are all commercial. The neighboring property to our south has a sign that is setback the same distance as our existing sign. The vacant property to our north has a pole sign with no current sign on it at a similar setback as our existing sign. There are other neighboring properties with much larger signs than what we are requesting. Carroll's Corner Shopping Center is across the street from us. They have a pylon sign that is well over 300 sq. ft. on their site. Granting of this variance would be keeping with the character of the neighborhood as all surrounding properties are zoned C-4 and are being used as such.

Staff Response:
The character of the vicinity is primarily commercial. There are pylon signs within the area. Some of the other pylon signs within the area would be considered legal non-conforming with regards to setback, size, and height.

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

Applicant Responses:
We do not feel that granting of this variance would have any negative effect on the neighboring properties. We have an existing 32 sq. ft. sign that is set approximately 2' back from the property line. This is a legal non-conforming sign. We are asking to add an additional 16 sq. ft. to this sign by increasing the sign from the existing 4'x8' to 6'x8' sign with an LED message center. We originally were just going to reface the existing sign and no permit would have been required. When we me with the city to discuss our plan we were told a variable message board can only be 70% of the existing 32 sq. ft. sign would have been too small to be readable according to message center specifications. The proposed sign will be a total of 48 sq. ft. The code allows for a 75 sq. ft. sign setback 15 feet. The existing sign is 39' from the edge of the road. Granting this variance would not block visibility of any other businesses in the surrounding area and therefore would not have any negative effects.

Staff Response:
The reduction in the setback of the sign would not seriously affect neighboring properties as the proposed sign would be in its current position. It would be in keeping with the character of some of the other pylon signs within 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 Responses:
   If we were to place the sign at the 15 foot setback the sign would have impeded visibility to traffic traveling southbound on Rt 13 due to the required trees on the property. As stated above the existing sign is 39' back from the edge of the road. Placing a sign 54' back from the edge of the road will make the sign much harder to see. Due to the DelDOT right-of-way we feel the 15' setback will impose a hardship and exceptional practical difficulty on our company. Granting this variance would not have any negative effects on visibility of traffic. The existing sign does not impeded traffic visibility and increasing the height of the sign by 2' will not change that visibility. We are not asking to move the sign any closer to the road we are only asking to add a 2'x8' section to the top of the existing sign. As stated above the code allows for a 75 square foot sign at this location. We are only asking to have a 48 square foot at the existing setback. If we were to move the sign back to the required 15' setback this would also increase our cost. As stated above we were originally going to reface the existing sign. We are already adding the additional cost of enlarging the sign due to the regulations on message boards. Having to pay a second additional cost of moving the pole will cause financial hardships on our company.

   Staff Response:
   Pylon signs are permitted within on Urban Principal Arterials. While a pylon sign could be setback fifteen (15) feet from the right-of-way meeting the requirements of the *Zoning Ordinance* the increase in the setback would impact the visibility of the sign. The sign is currently thirty-nine (39) feet back from the edge of the road. An additional fifteen (15) feet further back would have the sign back from the edge of the road fifty-four (54) feet. The right-of-way is significantly wider than the actual roadway. The photos show distance from the edge of the road to the sign. The photos also show existing trees and parking lot lights that would obstruct the sight line of the sign if the sign were setback the required fifteen (15) feet.

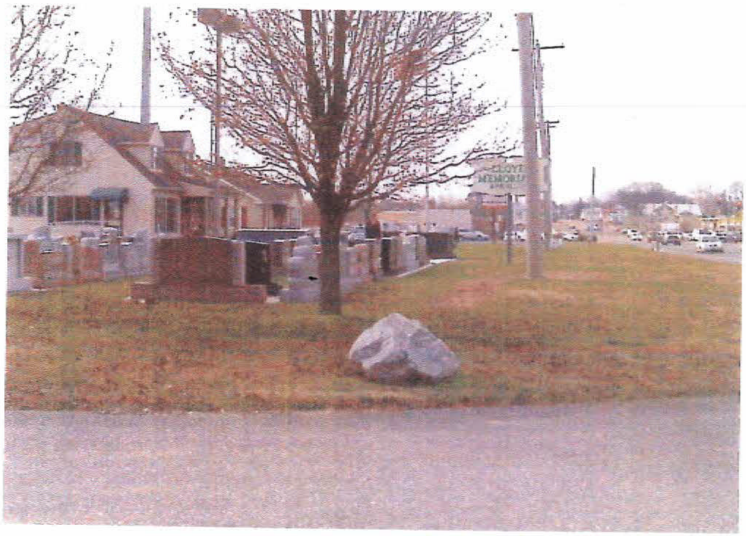
   The exceptional practical difficulty comes from the difficulty to provide adequate visibility for the sign without encroachment into the front yard setback. As shown on the site plan, the existing sign is located within the setback and is considered legal non-conforming.

Variance Recommendation:
Staff recommends approval of the sign setback variance for reasons as follows:

- The applicant has demonstrated exceptional practical difficulty as the installation of a sign fifteen (15) feet from the right-of-way would not be easily visible from the

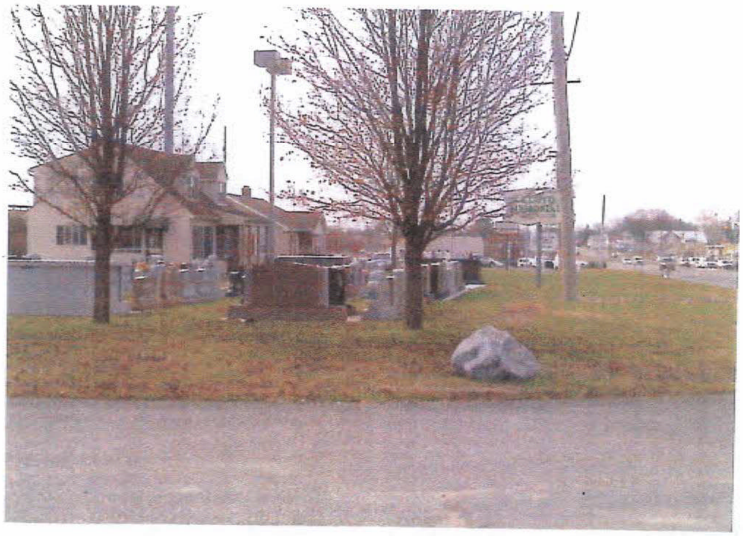
road due to existing trees, and parking lot lights and the large amount of right-of-way that is grass.

- The sign is thirty-nine (39) feet back from the edge of the road an increase of an additional fifteen (15) feet for a total of fifty-four (54) feet from the edge of the road would reduce the visibility of the sign.
- The placement of a sign in its current location would not be out of character with the surrounding neighbors as there are other signs within the area with a similar setback.
- The placement of the sign is currently considered legal non-conforming with regards to the setback. The sign is located on the property line.



Trees on North end of property that will block Southbound traffic's visibility if sign is moved to required 15' set back







Signs that neighbor our property





APPROVED BY:

DESCRIPTION:

DESIGN BY: JY

ALL DESIGNS PROPERTY OF

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
12/6 Pre-App Date JMC

V-12-01

Board of Adjustment Application

Application Information

Property Address: 1159 S. DuPont Hwy. Dover 19901

Tax Parcel Number: ED-05-086.-05-02-18.00-000

Owner Name: Mark L. Lloyd

Property Zoning: C-4 Highway Commercial

Variance (s) Requested: Area Variance. We are requesting to leave a legal non conforming sign at its existing location and add 16 sq ft to the sign.

*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.

12-7000001

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 Mark L. Lloyd 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.

Mark L. Lloyd	OWNER	12/15/11
Signature	Title	Date

Board of Adjustment Application

Lloyd Memorials
1159 S. DuPont Hwy
Dover, DE 19901

1. This property is zoned C-4 Highway Commercial. All the neighboring properties are also commercial.

2. All the properties surrounding our property are all commercial. The neighboring property to our south has a sign that is setback the same distance as our existing sign. The vacant property to our north has a pole with no current sign on it at a similar setback as our existing sign. There are other neighboring properties with much larger signs than what we are requesting. Carroll's Corner Shopping Center is across the street from us. They have a pylon sign that is well over 300 sq ft on their site. Granting of this variance would be keeping with the character of the neighborhood as all surrounding properties are zoned C-4 and are being used as such.

3. We do not feel the granting of this variance would have any negative effect on the neighboring properties. We have an existing 32 sq ft sign that is set approximately 2' back from the property line. This is a legal non conforming sign. We are asking to add an additional 16 sq ft to this sign by increasing the sign from the existing 4'x8' to a 6'x8' sign with an LED Message Center. We originally were just going to reface the existing sign and no permit would have been required. When we met with the city to discuss our plan we were told a variable message board can only be 70% of the entire sign. The size of a message board that was only 70% of the existing 32 sq ft sign would have been too small to be readable according to message center specifications. The proposed sign will be a total of 48sq ft. The code allows for a 75 sq ft sign set back 15 feet. The existing sign is 39' from the edge of the road. Granting this variance would not block visibility of any other businesses in the surrounding area and therefore would not have any negative effects.

4. If we were to place the sign at the 15 foot setback the sign would have impeded visibility to traffic traveling southbound on Rt 13 due to the required trees on the property. As stated above the existing sign is 39' back from the edge of the road. Placing a sign 54' back from the edge of the road will make the sign much harder to see. Due to the Del Dot right of way we feel the 15' setback will impose a hardship and exceptional practical difficulty on our company. Granting this variance would not have any negative effects on visibility of traffic. The existing sign does not impede traffic visibility and increasing the height of the sign by 2' will not change that visibility. We are not asking to move the sign any closer to the road we are only asking to add a 2'x8' section to the top

File Copy V-12-01

of the existing sign. As stated above the code allows for a 75 square foot sign at this location. We are only asking to have a 48 square foot at the existing setback. If we were to move the sign back to the required 15' setback this would also increase our cost. As stated above we were originally going to reface the existing sign. We are already adding the additional cost of enlarging the sign due to the regulations on message boards. Having to pay a second additional cost of moving the pole will cause financial hardships on our company.

411 City of Dover in-71) Department of Pli.....ng and Inspections P.O. Box 475, Dover, Delaware 19903 (302) 736-7010 Fax: (302) 736-4217 www.cityddover.com Board of Adjustment Application

1(Area Variance

Use Variance

Appeal

Pre-App DateCtiffe..

Application Information

Property Address: 5 1990/

Tax Parcel Number: 4-25- e" 0 -Of -/a.

Owner Name: /214-,-/? Z. 240$

Property Zoning: C way co re? neeci

Variance (s) Requested: Area. \kr r ance, We qç.reriskin.) -1-0)aan hict-I non Coniorninj 315 n cth 1+S gt.X Lito, ocaitati can a add U0 5t4+ -ID 14i5i5h.

*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.

do affirm that I am the property owner on which the

varia e is sought and at all the information provided in this application is accurate to the best of my lthowledge a9fl be • f.

BOA Application. -Adopted 11-3-10

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Board of Adjustment Application

Lloyd Memorials

1159 S. DuPont Hwy

Dover, DE 19901

1. This property is zoned C-4 Highway Commercial. All the neighboring properties are also commercial.

2. All the properties surrounding our property are all commercial. The neighboring property to our south has a sign that is setback the same distance as our existing sign. The vacant property to our north has a pole with no current sign on it at a similar setback as our existing sign. There are other neighboring properties with much larger signs than what we are requesting. Carroll's Corner Shopping Center is across the street from us. They have a pylon sign that is well over 300 sq ft on their site. Granting of this variance would be keeping with the character of the neighborhood as all surrounding properties are zoned C-4 and are being used as such.

3. We do not feel the granting of this variance would have any negative effect on the neighboring properties. We have an existing 32 sq ft sign that is set approximately 2' back from the property line. This is a legal non conforming sign. We are asking to add an additional 16 sq ft to this sign by increasing the sign from the existing 4'x8' to a 6'x8' sign with an LED Message Center. We originally were just going to reface the existing sign and no permit would have been required. When we met with the city to discuss our plan we were told a variable message board can only be 70% of the entire sign. The size of a message board that was only 70% of the existing 32 sq ft sign would have been too small to be readable according to message center specifications. The proposed sign will be a total of 48sq ft. The code allows for a 75 sq ft sign set back 15 feet. The existing sign is 39' from the edge of the mad Granting this variance would not block visibility of any other businesses in the surrounding area and therefore would not have any negative effects.

4. If we were to place the sign at the 15 foot setback the sign would have impeded visibility to traffic traveling southbound on Rt 13 due to the required trees on the property. As stated above the existing sign is 39' back from the edge of the road. Placing a sign 54' back from the edge of the road will make the sign much harder to see. Due to the Del Dot right of way we feel the 15' setback will impose a hardship and exceptional practical difficulty on our company. Granting this variance would not have any negative effects on visibility of traffic. The existing sign does not impede traffic visibility and increasing the height of the sign by 2' will not change that visibility. We are not asking to move the sign any closer to the mad we are only asking to add a 2'x8' section to the top

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of the existing sign. As stated above the code allows for a 75 square foot sign at this location. We are only asking to have a 48 square foot at the existing setback. If we were to move the sign back to the required 15' setback this would also increase our cost. As stated above we were originally going to reface the existing sign. We are already adding the additional cost of enlarging the sign due to the regulations on message boards. Having to pay a second additional cost of moving the pole will cause financial hardships on our company.