CITY OF DOVER
BOARD OF ADJUSTMENT
January 18, 2012

The Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, January 18, 2012 at 9:00 AM with Chairman Sheth presiding. Members present were Mr. Sheth, Mr. Senato, Colonel Ericson, and Mr. Hufnal. Mr. Keller was absent.

Staff members present were Ms. Cornwell, Mrs. Purnell, Ms. Metsch, and Mr. Rodriguez. Also present were Mr. Mark Lloyd and Mrs. Kim Diehl.

APPROVAL OF AGENDA

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

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF NOVEMBER 16, 2011

Mr. Hufnal moved to approve the regular Board of Adjustment meeting minutes of November 16, 2011, as submitted, seconded by Mr. Senato and the motion was unanimously carried with Mr. Keller absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

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 the record is Mark Lloyd.

Representatives: Mr. Mark Lloyd, Property Owner; Mrs. Kim Diehl,Kent Signs

Mr. Mark Lloyd and Mrs. Kim Diehl were 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 stated that the legal notice was published in the Delaware State Newspaper on January 8, 2012 and the public was notified in accordance with the regulations.

Mrs.Diehl presented the case.

Mrs. Diehl stated that in the packet there is a photograph of the existing thirty-two (32) foot sign. They are requesting to increase the size of the pylon sign to forty-eight (48) feet. She stated that code allows for seventy-five (75) square feet with a setback of fifteen (15) feet from the property line. The existing sign is thirty-nine (39) feet back from the edge of the road. She stated that they are requesting to keep the sign at the existing setback and to increase the size of the sign. She stated that they feel that their request does meet the guidelines.

Mr. Sheth stated that the proposed sign definitely looks better than the old sign. He asked if they would be closer to the highway.

Responding to Mr. Sheth, Mrs. Diehl replied no, it would not be closer to the highway. They will be using the existing pole, removing existing 4'x8' sign and asking to increase it to 6'x8'. This would increase the sign by two (2) feet in height. She stated the reason for this request is that originally they were going to remove the 4'x8' sign and put up a LED message center. Upon speaking with the Planner at the City of Dover she was informed that the requirement for a LED message center could only be 70% of the overall sign, therefore; she had to add the additional two (2) feet to the top to make it 70%.

Mr. Sheth asked what the reason for the variance?

Responding to Mr. Sheth, Mrs. Diehl replied that Mr. Lloyd wanted to spruce up the sign and add the LED message center. The only way to add the LED message center is by increasing the size of the sign. Placing the sign fifty-four (54) feet back from the edge of the road (fifteen (15) feet from the right-of-way) would make the message center difficult to read.

Mr. Sheth asked what the hardship was?

Responding to Mr. Sheth, Mrs. Diehl replied that you would not be able to read the sign properly if it was put fifteen (15) foot back, and due to the tree line you would not be able to see the sign. Also, traffic traveling southbound on Rt. 13 would not be able to see the sign. She stated that in the winter it might not be a problem because there are no leaves on the trees, but there would be a problem during the spring, summer, and fall.

Mr. Hufnal asked if there was also a hardship with the parking lot lights as well as the tree line? He stated that you are allowed up to seventy-five (75) feet of signage and you are only increasing it to forty-eight (48) feet.

Responding to Mr. Hufnal, Mrs. Diehl replied that was correct.

Mr. Sheth asked if the old sign could be revised?

Responding to Mr. Sheth, Mrs Diehl stated that if they were to leave the sign at the existing thirty-two (32) square feet you would not be able to get a message center that could be read properly with 70%.

Mr. Senato asked for clarity, that the reason the request for the extra footage would be that they would be able to read the message center clearly?

Responding to Mr. Senato, Mrs. Diehl replied that was correct, because of the sign code the message center could only be 70% of the 32 sq. ft. which would be too small.

Mr. Sheth stated that it was a non-conforming sign.

Responding to them, Ms. Cornwell replied yes, it is with regards to the setback from the right-of-way.

Mr. Sheth asked if there were any questions and there were none.

Mr. Sheth questioned if there were any members who had a conflict of interest and there were none.

Mr. Sheth opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Sheth questioned if there was any correspondence related to this case and there was none.

Colonel Ericson moved to approve variance Applicant # V-12-01 located at 1159 South DuPont Highway owned by Mr. Mark Lloyd based upon testimony and staff recommendations, seconded by Mr. Hufnal and the motion was unanimously carried 4-0 with Mr. Keller absent.

Mr. Senato moved to adjourn the meeting, seconded by Mr. Hufnal and the motion was unanimously carried with Mr. Keller absent.

Meeting adjourned at 9:15 AM

Sincerely,

Maretta Purnell
Secretary