

CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS

The Construction and Property Maintenance Code Board of Appeals meeting was held on May 6, 2026, at 3:38 p.m., with Mr. Boggerty presiding. The members present were Mr. Martin and Mr. Neil. Mr. Campana and Mr. Rocha were absent. Staff members present were Mr. Kopp, Ms. Brown, Mr. England, and Ms. Wheeler.

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Martin, and unanimously carried.

2009 Property Maintenance Code Violation (Chapter 3 - General Requirements, Section 302.8 - Motor Vehicles) - Appeal of Citation and Related Fines - 228 Falmouth Way

Mr. Thomas Miller, Code Enforcement Officer, stated that the case for 228 Falmouth Way had been brought into compliance since the last hearing.

Mr. Martin granted the appeal because the violation had been brought into compliance. The motion was seconded by Mr. Neil and unanimously carried.

2009 Property Maintenance Code Citation (Chapter 3 - General Requirements, Section 304.2 - Protective Treatment) - Appeal of Citation and Fines - 34 North State Street

Responding to Mr. Boggerty, Mr. Dave Mengers, Architect with Studio Jade Architects and Engineers, explained that his company had been contracted by Delaware State University to design repairs and restoration to the building located at 34 North State Street. He noted that he was there to represent Delaware State University.

Responding to Mr. Boggerty, Mr. Mengers stated that a representative from Delaware State University was on their way over, but there were some last-minute adjustments to the schedule of the meeting. He noted that Associate Vice President Bernard Pratt was in route to the meeting.

Mr. John Englund, Code Enforcement Officer, reviewed the case history for 34 North State Street.

Bernard Pratt, Vice President for Capital Planning and Facilities, stated that from the time they became aware of the concern, they took the initiative to get everything repaired and address all issues. He noted that they applied for a grant, and the grant was awarded. He further noted that they were in the process of receiving the funds to bring everything up to specifications. He also mentioned that the property was a historic location, so they were going through the required historic review process as well.

Responding to Mr. Martin, Mr. Pratt stated that Mr. Mengers would be stepping in to explain the grant money, since they were waiting for everything to go into the construction phase with the Request for Proposal (RFP).

Responding to Mr. Boggerty, Mr. Mengers stated that he was not the manager of the grant, but that an employee of Delaware State University was.

Responding to Mr. Boggerty, Mr. Menger stated that the grant would be funded upon final review from the National Park Service, and the drawings have been sent to the National Park Service. He

noted that they were waiting for their review and approval, and once that was approved, the grant would be funded.

Responding to Mr. Boggerty, Mr. Mengers estimated that they would likely hear back from the National Park Service within 30 to 60 days regarding the grant. However, given the political status of the organization, he could not guarantee that because they have had some changes in staffing due to presidential direction.

Responding to Mr. Boggerty, Mr. Mengers stated that there was a letter awarding a grant that was sent to Delaware State University.

Responding to Mr. Boggerty, Mr. Mengers clarified that the property was historic and therefore had to go through a lengthy review process.

Eddie Kopp, Chief Code Enforcement Officer for the City of Dover, read into the record a provision of the code in reference to historic buildings. 2009 International Property Maintenance Code, Section 102.6 – Historic Buildings:

The provisions of this code should not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety, and welfare.

Mr. Kopp stated that one (1) of the things that needed to be considered was the provision that it was in the best interest of the public health, safety, and welfare to allow the historic building provision in the code, or was it acceptable. He noted that it would be the decision of the board.

Responding to Mr. Martin, Mr. Pratt stated that they had already taken action to repair the damage. He explained that the roof had been repaired, an inspection had been requested, repairs had been made to the railing, and a team had cleaned up debris outside the property. Temporary repairs were completed to improve the property until the grant funds became available.

Responding to Mr. Martin, Mr. Pratt stated that Plan B would be if they did not get the grant funds, there would be a backup plan. He explained that with the new fiscal year for the state beginning in July, the priority list for projects was already being prepared, and the project would be added to that list if the grant funding did not come through.

Responding to Mr. Martin, Mr. Pratt stated that the project would be at the top of the priority list.

Responding to Mr. Boggerty, Mr. Mengers stated that six (6) months would work. He noted that before construction could begin, they had to wait for a response from the National Park Service, but they were still proceeding with putting the project out to bid with state-qualified contractors experienced in historic preservation. He also noted that they had made detailed efforts to meet the requirements of the U.S. Department of the Interior and the National Park Service. He added that the plans would be reviewed by the Division of Cultural and Historic Affairs, which was located directly across from the building. He mentioned that they have been working with them throughout the process, and they have been familiar with the project, having reviewed and approved it at every step. He explained that they would continue to review it, but it would take about three (3) months to put the project out to bid and award it. After that, building permits would be submitted, and the

restoration would move forward. He added that while he could not guarantee completion within six (6) months, progress would continue.

Responding to Mr. Martin, Mr. Mengers stated that Friends of Old Dover were not a part of the project and that they were dealing directly with the National Park Service and the Division of Cultural and Historic Affairs to make sure that the building was renovated in accordance with national standards that was established by the National Park Service. He noted that they have been coordinating all along with the Division of Cultural and Historic Affairs, as well.

Responding to Mr. Kopp, Mr. Menger clarified that the goal was to have a permit submitted to the Planning and Inspections Office within six (6) months.

Responding to Mr. Mengers, Mr. Kopp stated that from a Code Inspector's view, that was what they were looking for was a good faith effort and submitting the permit with the listed contractors would go a long way.

Responding to Mr. Kopp, Mr. Pratt stated that along the way, they would keep Code Enforcement informed and send over documentation to let them know the stages they were in.

Mr. Martin moved to suspend Code Enforcement action for six months and remove the \$200.00 fine while Delaware State University obtained the necessary permits. The Board also requested that the Code Enforcement Department be kept apprised of project updates. The motion was seconded by Mr. Neil and unanimously carried.

2009 Property Maintenance Code Violation (Chapter 1 - Scope and Administration, Section 108.1 - General) - Appeal of Dangerous Building Citation and Related Fees - 826 Forest Street

Mr. John Englund, Code Enforcement Officer, reviewed the case history for 826 Forest Street.

Ms. Jocelyn Jones stated that she was still in probate.

Ms. Jones stated that she had documentation that she was in probate and that if she was in probate, she should not have a vacant building fee.

Responding to Ms. Jones, Mr. Englund stated that there was no documentation in Kent County records showing that the property was in probate.

Responding to Mr. Englund, Ms. Jones stated that she had the document with the gold seal and had been to the probate office, where it was confirmed that the matter was still in probate. She noted that the documentation was sent over by the realtor, Kelly Brown.

Responding to Mr. Boggerty, Ms. Jones stated that she sent the written letter, but she did not send the document with the golden seal.

Responding to Ms. Jones, Mr. Boggerty stated that in order for that document to be considered, they would need to have the original document.

Responding to Mr. Martin, Ms. Jones stated that she has been in probate since 2021.

Responding to Mr. Martin, Ms. Jones stated that she has had other legal issues with the estate's probate.

Eddie Kopp, Chief Code Enforcement Officer for the City of Dover, stated that the Kent County Pride records show that the property was transferred to Jocelyn Jones on August 21, 2020. He explained that Ms. Jones was testifying that the property would be exempt from the vacant building fees, but the case before the Board was considered a dangerous building case. Since the building came down to life safety and the quality of life for all systems over, there were no exemptions when it came to a dangerous building. He noted that even if the property was not in probate, it would be obsolete. He further noted that probate would just cover the vacant building fees, but as previously stated, the case before them was a dangerous building case. He added that the state of repair has now been ongoing since 2020, and it has been going on for six (6) years, and the building has been sitting there and has been a nuisance.

Responding to Mr. Martin, Mr. Kopp stated that, for the record, the last time the electricity was on was January 2, 2020.

Mr. Englund stated, for the record, that fees could be assessed daily, and currently the fees were at \$1,000. He noted that they only do the highest violation, and usually do that monthly, but those fees could be assessed daily.

Responding to Ms. Jones, Mr. Englund stated that \$1,000 could be for each violation, but they only pick the most severe and issue the citation for one (1) violation each month.

Responding to Ms. Jones, Mr. Englund stated that the most severe violation was that there was no electricity or water to the property.

Responding to Mr. Englund, Ms. Jones stated that they had completed the electrical inspection, and the inspection had passed. She noted that the city would not turn on the electricity because of the outstanding vacant building fees, so it was creating a financial hardship.

Mr. Kopp stated, just for clarification, the total for the case for the course of six (6) years was \$4,100, which was a pretty low number. He noted that the only item that was up for debate would be the last issued citation of \$1,000. He explained that the previous fees, since they were not appealed within the 30 days, the only fine that could be considered would be the \$1,000 fine, the last issued citation.

Ms. Jones stated that when she and her son met with Mr. Englund, they were told that as long as they showed progress on the store repairs, everything would be okay. She noted that she later experienced issues with the contractor, which created additional financial hardship. She further stated that she was not intentionally avoiding the repairs because she was trying to bring the store into compliance with the code. She added that she had to work within her budget and was seeking other resources for assistance.

Mr. Martin moved to deny the appeal for 826 Forest Street. The \$1,000.00 citation fee remains in effect and must be paid within 30 days. The motion was seconded by Mr. Neil and unanimously carried.

Responding to Ms. Jones, Mr. Boggerty stated that she could send the information to Code Enforcement or to the City Clerk's Office.

Mr. Boggerty moved for an adjournment of the Construction and Property Maintenance Code Board of Appeals meeting, seconded by Mr. Martin, hearing no objection, the meeting adjourned at 4:09 p.m.

The meeting adjourned at 4:09 p.m.

Andre M. Boggerty
Chairman

AB/cw