

**CITY OF DOVER  
BOARD OF ADJUSTMENT  
November 19, 2008**

The Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, November 19, 2008 at 9:00 AM with Chairman Sheth presiding. Members present were, Mr. Sheth, Colonel Ericson, Mr. Senato and Mr. Hufnal. Dr. Goate' was absent.

Staff members present were Mrs. Townshend, Ms. Cornwell, and Mr. Rodriguez. Also present was Mr. Dale McCalister.

*NOTE: These minutes were prepared using the "Action Minutes" format.*

**APPROVAL OF AGENDA**

*Colonel Ericson moved to approve the agenda as submitted, seconded by Mr. Hufnal and the motion was unanimously carried.*

**APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF OCTOBER 15, 2008**

*Mr. Hufnal moved to approve the regular Board of Adjustment meeting minutes of October 15, 2008 as submitted, seconded by Colonel Ericson and the motion was unanimously carried.*

**OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

Mrs. Townshend presented to the audience the policies and procedures that would be followed during these hearings.

**NEW BUSINESS**

**Applicant #V-08-20:**

800 North State Street, Compass Point, LLC has applied to the City of Dover Board of Adjustment requesting a variance from the requirements of Article 5 §4 of the *Zoning Ordinance* pertaining to the size, location, and number of signs.

Subject property is zoned C-2A (Limited Central Commercial Zone) and the Tax Parcel ID # is ED05-067.12-01-08.00-000. The owner of record is Compass Point, LLC.

**Representatives:** Mr. Dale McCalister, First State Sign Company.

Mrs. Townshend presented the application.

*Mrs. Townshend stated that the legal notice was published in the Delaware State Newspaper on November 9, 2008 and the public was notified in accordance with the regulations.*

*Mr. Sheth questioned if any member of the Board had a conflict of interest and there was none.*

Mr. McCalister presented his case.

Mr. Hufnal questioned on the southern most sign, you have requested the sign at 51.7 square feet and the City would compromise by going to 45 square feet. Is ten percent that big of a difference? Responding to Mr. Hufnal, Mr. McCalister stated that from the standpoint that the height of the sign would become smaller, we do not feel that the ten percent reduction is needed. The reason we need the larger sign area is because we need to list the tenants. When you make it smaller, the thirty square feet becomes smaller and we don't want to make the Compass Point sign smaller because signage is critical for the other tenants. They do not want to lose the thirty square feet. Once the sign area becomes smaller and lower to the ground, it becomes hard to read.

Mr. Hufnal further stated that you state that you cannot cover up the utility box which looks to be about six to seven feet tall. Even if you could cover it, it probably would not cover the height of this utility box as it will show above the sign. Responding to Mr. Hufnal, Mr. McCalister stated that if he could have covered it he would have.

Colonel Ericson questioned with regards to the large building, how many tenants are you anticipating in this building? Responding to Colonel Ericson, Mr. McCalister stated that he was unsure as they would cut it up to get as many tenants in it as possible; however, the owner would like to have two tenants per floor if possible. The owner is in negotiations with one tenant to take over one whole floor.

Colonel Ericson further stated that the reason he asked this questions was because there are three places for names, will you put more than one name in each block? Responding to Colonel Ericson, Mr. McCalister stated that he would be placing two names in each block as we are only anticipating that many tenants on each floor. We are not looking to place names on the sign they are looking to place logos on the sign. The thing is not to build the box as shown. We are going to place individual plaques on the sign. We do not like the box look and it was just a way to show you the square footage. We have a total of thirty square feet for tenants and we do not know the total number of tenants. The thirty feet is showing you what we have in terms of tenant signage and we did it for multiple floors. We would like to only place five or six tenants on this sign and this is why we feel that we cannot reduce the sign by ten feet because there could be multiple tenants on any given floor in this building.

Mr. McCalister suggested that Mr. Zimmerman should take the fence and make an architectural scallop.

Mr. Hufnal stated that the northern most sign is in line with the fence; however, you have a taller sign than the fence. If we were to approve this, would he increase the size of the fence at the sign only? Responding to Mr. Hufnal, Mr. McCalister stated that he could do this. If we took the box affect out and took the fence and scalloped it, it would tie in and be much more appealing. He feels that this sign should be approved contingent upon modifying the design of the sign to concave into the fence to make it more aesthetically appealing.

Mr. Hufnal stated that he feels that the view of the sign with it contouring into the fence and redoing the fence at the sign would make it much more appealing and he would be more inclined to approve it.

Mr. Senato questioned the view of the sign on the north side, is this the look that it will present that was in the pictures provided to them? First of all they are large and he thought there was some kind of setback from the sidewalk on both sides and we are talking about adding a second sign. He feels that this will somehow set a precedent.

Colonel Ericson stated that he is disturbed about the number of signs as it looks like too much to him. The diagrams that were provided to us, the brick that they put in here does not match the other so it will blend better into the environment than it does in these photographs. He does not like two signs here as it is almost overkill to him.

Mrs. Townshend stated with regards to precedence she does believe that this is a unique site and you will probably see no other site come forward with these constraints. The entire site is within the flood plain. Most of the site is within seventy-five (75) feet of Silver Lake. Even for Mr. Zimmerman to remove the building that was there and to rebuild he was constrained to only using the existing building footprints and not expanding impervious cover beyond what was there. There is not a good place to place a double sided monument sign.

*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 and there was none.*

Mrs. Townshend recommended taking each sign variance request as separate motions.

*Colonel Ericson moved to approve Applicant V-08-20 Compass Point to allow for two (2) one sided signs being built at this site, seconded by Mr. Hufnal and the motion was unanimously carried.*

*Mr. Hufnal moved to approve Applicant V-08-20 Compass Point to grant the setback of less than ten (10) feet on the northern most sign to coincide with the fence line which would be 3+/- feet to go in line with the fence, seconded by Colonel Ericson and the motion was unanimously carried.*

*Mr. Senato moved to approve Applicant V-08-20 Compass Point on the northern side and that the back fence coincides with the sign area of 51.7 feet. Mr. Senato withdrew this motion as there was further discussion regarding it. There was no second on the motion.*

*Mr. Hufnal moved to approve Applicant V-08-20 Compass Point for the sign as requested with the requirement that they reconfigure the sign in conjunction with the contour of the fence at 51.7 feet, seconded by Mr. Hufnal and the motion was unanimously carried.*

*Colonel Ericson moved to approve Application V-08-20 Compass Point for the southernmost sign as designed and described, seconded by Mr. Hufnal and the motion was unanimously carried.*

**Other Business**

Mr. Senato stated that he would like to comment on Colonel Ericson being nominated as Chairman. He was absent for the October meeting and found this out by placing a call to City

Hall. He would have liked some kind of contact to have been made with him regarding the decision. He recommended that this be done in the future.

Mr. Hufnal questioned if the City of Dover had in a place a rule for committees that if you have a vacancy on the committee is there a time requirement of when that person has to be replaced? Responding to Mr. Hufnal, Mrs. Townshend stated that we would have to look into that; however, Dr. Goate' has not been removed nor has he removed himself from the Board of Adjustment. Contact needs to be made with him to see how he is doing and if he will be able to continue.

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

**Meeting adjourned at 10:11 AM**

Sincerely,

Diane Metsch  
Secretary