

**CITY OF DOVER**  
**BOARD OF ADJUSTMENT**  
**February 20, 2008**

The Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, February 20, 2008 at 9:00 AM with Vice-Chairman Dr. Goate' presiding. Members present were Dr. Goate', Colonel Ericson, and Mr. Hufnal. Mr. Sheth and Mr. Senato were absent.

Staff members present were Mrs. Townshend, Ms. Cornwell, and Mr. Rodriguez. Also present were Mrs. Kim Diehl, Mr. Robert Hartley, Mr. Victor Patel, Mr. John Kelly, Mr. John Lester, and Mr. Todd Webb.

*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 JANUARY 16, 2008**

*Mr. Hufnal moved to approve the regular Board of Adjustment meeting minutes of January 16, 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-08-02**

201 Stover Blvd., Lands of Eagle Hospitality Group: Eagle Hospitality Group 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 the size, height, and location of signage.

Subject property is zoned C-4 (Highway Commercial Zone), is subject to the AEOZ (Airport Environs Overlay Zone), and the Tax Parcel ID # is ED05-077.00-03-02.00-000. The owner of record is Eagle Hospitality Group.

**Representatives:** Mrs. Kim Diehl, Kent Sign Company; and Mr. Robert Hartley, Representative of Mainstay Suites and Eagle Hospitality Group.

Ms. Cornwell presented the application.

Mrs. Townshend stated that legal notice was published in the Delaware State News on February 10, 2008 and the public was notified in accordance with the regulations.

*Dr. Goate' questioned if there were any members that had a conflict of interest and there was none.*

Mr. Hartley presented his case.

*Dr. Goate' opened a public hearing and closed the public hearing after seeing no one wishing to speak.*

*Dr. Goate' questioned if there was any correspondence received regarding this application and there was none.*

*Mr. Hufnal moved to approve Application #V-08-02 201 Stover Boulevard, Lands of Eagle Hospitality Group because it is in conjunction with Staff's recommendation and approval and because we have done other hotels in the City that have been granted similar variances regarding the height of the sign because of window placement and is still within the height that we have allowed on others. Also, increasing the size of the sign would be comparable to the sixty (60) square feet that they have requested and we have allowed this in a previous variance, seconded by Colonel Ericson and the motion was unanimously carried.*

**Applicant #V-08-03**

1706 North DuPont Highway, Lands of 44 AASHA Hospitality: 44 AASHA Hospitality 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 the size and height of signage.

Subject property is zoned C-4 (Highway Commercial Zone) and the Tax Parcel ID # is ED05-057.01-02-07.01-000. The owner of record is 44 AASHA Hospitality.

**Representatives:** Mrs. Kim Diehl, Kent Sign Company; and Mr. Victor Patel, Hotel Owner.

Ms. Cornwell presented the application.

Mrs. Townshend stated that legal notice was published in the Delaware State News on February 10, 2008 and the public was notified in accordance with the regulations.

*Dr. Goate' questioned if there were any members that had a conflict of interest and there was none.*

Mrs. Diehl presented their case.

Mr. Hufnal stated that with regards to the sign in the center as he sees it, the peak sign is the one right in the middle of the three triangular pieces and this is correct; however, you are allowed two, but are only putting the one there. It is higher than the height limitation; however, you have to put it there because it looks like the windows are directly underneath. Responding to Mr. Hufnal, Mrs. Diehl stated that they would have been allowed to have this signage that everyone else has along Route 13 and that the sign does meet all codes and a variance would not be required if they were allowed to have the signage that is permitted in the Code along Route 13.

They do have a Route 13 address; therefore were surprised when they were not allowed to utilize the Route 13 signage Codes.

Ms. Cornwell stated that the Comfort Inn signage was issued prior to the 2001 update of the Sign Regulations and was permitted by right. The Holiday Inn Express has frontage on Route 13 and the increased height, increased sign area and the pylon sign went through a Unified Sign Plan and was permitted by the Planning Commission.

Mr. Hufnal further stated that he did not understand why they needed this large of a sign. Responding to Mr. Hufnal, Mrs. Diehl stated that they were hoping to get this size sign because it would meet what is permitted for Route 13 signage. Her client has stated that they would be willing to downsize to a ninety (90) square foot sign if allowable. They are 475 feet off of the road and they do face Route 13. There is one other building in front of them which is the Wendys'/Exxon Gas Station and because of where they are sitting; they would hope not to go to small.

*Dr. Goate' opened a public hearing and after seeing no one wishing to speak closed the public hearing.*

*Mr. Hufnal moved to approve Item #1 regarding the height issue on the building, for the same reason that we did before, because of the windows located beneath it with the sign in the gable as per Staff recommendation, seconded by Dr. Goate'. The motion passed with a 2-1 vote with Colonel Ericson opposed.*

*Dr. Goate' moved to approve the sign area of the wall sign of 130 square feet, seconded by Mr. Hufnal. The motion passed with a 2-1 vote with Colonel Ericson opposed because it is in considerable excess and he does not see where they proved that it would be necessary to have a sign of this size. (This motion was withdrawn)*

*Colonel Ericson moved to deny the sign area of the wall sign area of 131.1 square feet (A second the motion was not made)*

*Mr. Hufnal moved to grant the variance with a reduction to 92 S.F., seconded by Dr. Goate' and the motion was carried with a 201 vote with Colonel Ericson opposed.*

*Ms. Cornwell stated that they are asking for a fifty (50) foot monument sign and their case is that they are not permitted a pylon sign so they would like a taller monument sign. It is clearly back from Cedar Chase Drive; however, is not visible from the residential district and would actually face Route 13 in the back of the Exxon Station where they could get the thirty-two (32) square feet and they would like additional square footage as it is much further away from Cedar Chase Drive and it's distance from Route 13 and turning onto Cedar Chase Drive, you would be able to see the monument sign.*

*Dr. Goate' moved to approve the monument sign as presented by Ms. Cornwell's statement above, seconded by Mr. Hufnal. The motion was carried with a 2-1 vote with Colonel Ericson opposed.*

*Mrs. Diehl verified that they would be permitted to place a ninety-two (92) square foot wall sign.*

**Applicant #V-08-04**

406-410 South Governors Avenue, Lands of Kelly and Patterson: J. Todd Webb has applied to the City of Dover Board of Adjustment requesting a variance from the requirements of Article 6 §3.9 of the *Zoning Ordinance* pertaining to the percentage of parking that the Planning Commission is permitted to reduce.

Subject property is zoned C-2A (Limited Central Commercial Zone) and the Tax Parcel IDs # are ED05-077.09-03-27.00-000, ED05-077.09-03-28.00-000, ED05-077.09-03-29.00-000, and ED05-077.09-03-30.00-000. The owners of record are John & Laura Kelly and Dorothy Patterson.

**Representatives:** Mr. John Kelly, Property Owner; Mr. John Lester, and Mr. Todd Webb.

Mr. Kelly presented his case.

Mrs. Townshend stated that legal notice was published in the Delaware State News on February 10, 2008 and the public was notified in accordance with the regulations.

*Dr. Goate' questioned if there were any members that had a conflict of interest and there was none.*

*Dr. Goate' opened a public hearing and after seeing no one wishing to speak closed the public hearing.*

*Dr. Goate' questioned if there was any correspondence received regarding this application and there was none.*

*Mr. Hufnal moved to approve Applicant #V-08-04 406-410 South Governors Avenue, Lands of Kelly and Patterson because there are other buildings within this immediate area that have shared parking and utilized public parking lots and in conjunction with Staff's recommendation, seconded by Colonel Ericson and the motion was unanimously carried.*

**Meeting adjourned at 9:42 AM**

Sincerely,

Diane Metsch  
Secretary