

**CITY OF DOVER**  
**BOARD OF ADJUSTMENT**  
**July 16, 2008**

The Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, July 16, 2008 at 9:00 AM with Chairman Sheth presiding. Members present were Mr. Sheth, Dr. Goate', Mr. Senato, Colonel Ericson, and Mr. Hufnal.

Staff members present were Mrs. Townshend, Ms. Cornwell, and Mr. Rodriguez. Also present were Mr. Bill Austin and Mr. Dick Cathcart. Speaking from the public was Mr. Roy Seven, Jr.

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

**APPROVAL OF AGENDA**

*Mr. Senato 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 MAY 21, 2008**

*Colonel Ericson moved to approve the regular Board of Adjustment meeting minutes of May 21, 2008, as submitted, seconded by Dr. Goate' and the motion was unanimously carried.*

**APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JUNE 18, 2008**

*Colonel Ericson moved to approve the regular Board of Adjustment meeting minutes of June 18, 2008, as submitted, seconded by Dr. Goate' and the motion was unanimously carried.*

**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-08-09:**

255 College Road, Lands of Delaware State University, DSU Sports Annex: Delaware State University 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 maximum size of signage.

Subject property is zoned IO (Institutional/Office Zone) and the Tax Parcel ID # is ED05-067.00-02-47.00-000. The owner of record is Delaware State University.

**Representatives:** Mr. Bill Austin, Austin Signs; and Mr. Dick Cathcart, Delaware State University, Associate Vice President for University Operations.

*Ms. Cornwell stated that the legal notice was published in the Delaware State Newspaper on July 6, 2008 and the public was notified in accordance with the regulations.*

*Mr. Sheth stated that he is an employee of Delaware State University and would therefore, recuse himself from this case. Dr. Goate' took over as co-chairman for this application.*

*Dr. Goate' questioned if any other member of this board had a conflict of interest and there was none.*

Mr. Cathcart provided some background information regarding the project on how they acquired the building and its present use.

Mr. Austin presented facts regarding the placement of the sign.

Mr. Senato stated that this sign has been up for at a least a month now and he drives down this road several times a day. The first time he drove by, the red in the sign caught his eye and he could read "Delaware State University" on the sign. Mr. Austin previously stated that you could not read that part of the sign from the roadway.

Mr. Senato further questioned when contemplating the installation of the sign and the decision was made that you believed that it would be considered to be on campus and did not need a permit, was there any discussion that someone should call the City and inquire because it was so far off the campus? Responding to Mr. Senato, Mr. Cathcart stated that they are also doing construction work under a City of Dover permit and it never occurred to the project manager to do that as he assumed it would be the same as the building permit.

Mr. Senato further questioned if they were given any indication at any given time that they needed a sign permit? Was there any indication given to the City that you would be putting up a sign? Responding to Mr. Senato, Mr. Cathcart stated that there is nothing that he is aware of and of course not the project manager.

Colonel Ericson stated that this board has four (4) criteria that we follow to grant a variance and he does not see where they fit into any of them especially since there was no permit requested. One criteria is if there are any physical conditions of the property or the land that would justify a variance. You mentioned that there are trees blocking the sign; however, the trees are so far away and the red on the sign really does stick out. He could also read the "Delaware State University" on the sign. Another requirement is if the applicant is responsible for the physical conditions to cause the variance and the answer to him is yes.

*Dr. Goate' opened a public hearing.*

**Mr. Roy Seven, Jr. – Representing Mishoe Estates** - Stated that they have property next door to this new facility and what they would like to know is if this variance would in any way affect their property? Responding to Mr. Seven, Ms. Cornwell stated that this application is for sign area only. It is to allow for a larger sign that what is permitted and has no impact on your properties.

Mr. Seven further questioned that in the future, would they be seeking a change in zoning or would it stay the same of I/O? Responding to Mr. Seven, Mrs. Townshend stated that the zoning was changed in the last couple of months so if there were to be an application for rezoning in the

future, notice would go out to property owners within 200 feet. It was recently rezoned from C-3 to I/O and is consistent with the University's intended uses for the foreseeable future.

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

*Mr. Senato moved to deny Application V-08-09 Lands of Delaware State University, DSU Sports Annex at 255 College Road in conformance with Staff recommendations, seconded by Mr. Hufnal and the motion was unanimously carried.*

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

**Meeting adjourned at 9:23 AM**

Sincerely,

Diane Metsch  
Secretary