

CITY OF DOVER
BOARD OF ADJUSTMENT
August 20, 2008

The Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, August 20, 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. Pepper. Also present were Mr. Karl Kaplan, Ms. Sally Inmon, Mr. Matt Robinson, and Mr. Scott Deflavis.

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

APPROVAL OF AGENDA

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

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JULY 16, 2008

Mr. Senato moved to approve the regular Board of Adjustment meeting minutes of July 16, 2008, as submitted, seconded by Mr. Hufnal 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.

Dr. Goate' proceeded as Vice-Chairman at this time as Mr. Sheth, Chairman recused himself because he had a conflict of interest with the first application.

NEW BUSINESS

Applicant #V-08-10:

91 Saulsbury Road, Lands of Carl Kaplan and Tolano Anderson: Carl Kaplan and Tolano Anderson have applied to the City of Dover Board of Adjustment requesting a variance from several requirements of the *Zoning Ordinance*, specifically: Article 3 §26.6 which specifies the number of required parking spaces; Article 3 §26.7 which requires a ten (10) foot landscape buffer along all property lines; Article 3 §27.53 of the *Zoning Ordinance* which requires a twelve (12) foot landscape buffer between the building and parking areas; Article 3 §27.54 pertaining to site access; Article 3 §27.53(d) pertaining to Landscaping; Article 6 §3.5 pertaining to drive aisles.; Article 6 §3.6 pertaining to upright curbing.

Subject property is zoned CPO (Commercial/Professional Office Zone) and subject to the COZ (Corridor Overlay Zone). The Tax Parcel ID # is ED-05-076.07-01-47.00-000. The owners of record are Carl Kaplan and Tolano Anderson.

Representatives: Mr. Carl Kaplan, Property Owner.

Ms. Cornwell stated that the legal notice was published in the Delaware State Newspaper on August 10, 2008 and the public was notified in accordance with the regulations.

Dr. Goate' questioned if there were any members who had a conflict of interest and Mr. Sheth stated that he would recuse himself from this case.

Mr. Kaplan presented his case.

Mr. Hufnal questioned if DeIDOT had previously approved their entrance plan? Responding to Mr. Hufnal, Mr. Kaplan stated that he has been before this Board previously and the variances were approved. DeIDOT took awhile to approve their entrance plan and by the time they got started their application approval had expired and is why he is here before you today. They are presently in the final stages of finishing the site work.

Mr. Senato questioned if the building was going to be renovated or demolished? Responding to Mr. Senato, Mr. Kaplan stated that the building is in the process of being renovated on the inside. The outside will include a handicap ramp and front stoop and they will change the façade.

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 related to this case and there was none.

Mr. Hufnal moved to approve Application V-08-10 Lands of Carl Kaplan and Tolano Anderson in conjunction with staff's recommendation, seconded by Mr. Senato and the motion was unanimously carried.

Mr. Sheth proceeded as Chairman of the meeting at this time.

Applicant #V-08-11

241 South DuPont Highway, Taco Bell, Dover Associates, LLC 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 location of signage.

Subject property is zoned C-4 (Highway Commercial Zone) and the Tax Parcel ID # is ED05-077.06-02-72.02-000. The owner of record is Dover Associates, LLC.

Representatives: Ms. Sally Inmon, Dover Associates, LLC; and Mr. Matt Robinson, Grid Signs.

Ms. Cornwell presented the application.

Ms. Inmon presented their case as well as Mr. Robinson who presented background information regarding the signage request.

Ms. Cornwell stated that the legal notice was published in the Delaware State Newspaper on August 10, 2008 and the public was notified in accordance with the regulations.

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

There were no questioned raised from any Board members.

Mr. Seth 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 approved Application #V-08-11 Taco Bell, Dover Associates, LLC located at 241 South DuPont Highway based upon Staff recommendations, seconded by Mr. Senato and the motion was unanimously carried.

Applicant #V-08-12

131 Saulsbury Road, Gulf Station, Universal Marketing/Project Growth Technologies has applied to the City of Dover Board of Adjustment requesting a variance from the requirements of Article 5 §4.9C of the *Zoning Ordinance* pertaining to the size and location of signage.

Subject property is zoned IO (Institutional/Office Zone), subject to the COZ-1 (Corridor Overlay Zone) and the Tax Parcel ID # is ED05-076.07-01-52.02-000. The owner of record is Universal Marketing/Project Growth Technologies.

Representative: Mr. Scott DeFlavis

Ms. Cornwell presented the application.

Ms. Cornwell stated that the legal notice was published in the Delaware State Newspaper on August 10, 2008 and the public was notified in accordance with the regulations.

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

Mr. DeFlavis presented his case and distributed a current site plan of the property as well as a rendering of the site.

Colonel Ericson stated that City Council enacted a Sign Ordinance. They decided that the size of the sign that is in the Ordinance is sufficient for people to see and to understand the type of business that is located at the site. The idea is to have uniformity throughout the City and to build a sign that is six times larger than what is permitted completely negates the Ordinance. You have not justified to him why you would need this large of a sign and with it being orange and white it would be an eyesore to the neighborhood.

Mr. DeFlavis challenged the way that sign area is calculated the clouds were also included as sign area. Responding to Mr. DeFlavis, Ms. Cornwell stated that the way she calculated the sign, only the Gulf logo was used to calculate sign area. The size of the sign area was calculated by

placing a square around the sign based on the sign regulations. Based on the sign area of the sign and the area of the canopy face the sign on this side of the canopy exceeds the permitted percentage.

Mr. Senato questioned why a smaller sign that would conform to the Gulf colors would not be adequate enough for this area? Why not place the sign parallel to the road because going down this road from east and west the sign would be visible from a long distance even at an angle going east to west. This would give you a large enough sign to conform to the regulations if the Ordinance permits this parallel sign.

Responding to Mr. Senato, Mr. Deflavis stated that placing the sign on this side of the canopy gives it much better visibility. We are trying to give the driving traffic enough time to see the sign. We feel that the safest position to place the sign would be on the short side of the canopy.

Mr. Hufnal questioned if the sign were to be placed parallel to the street on the long side of the canopy, would it then conform? Responding to Mr. Hufnal, Ms. Cornwell stated that in calculating the sign area it would still be slightly over the permitted percentage if they use the full Gulf logo over the canopy.

Colonel Ericson stated that the Gulf symbol is very well known as are the colors and he does not care what size the sign is, you can determine that this is a Gulf station quickly. He does not feel that having a sign that fits the regulations would be any problem. He does not see by reducing the sign that it would cause a reduction in business, because the business that is located there now does not have signs on the canopy and they still do a good business.

Mr. Deflavis stated that they do have one other version of the sign showing the logo that does not exceed the top of the canopy. The logo would be entirely located on the canopy face. (A rendering of this sign was passed out at this time).

Discussion was held among the Board members that additional information was needed from Staff on whether they should consider at this time, an alternate sign.

Ms. Cornwell stated that based on quick calculations the smaller sign which is the alternate sign would occupy twenty-eight (28) percent of the canopy face on the shorter sides and if placed on the long side of the canopy it would occupy 13.4 percent of the canopy face. She state that if the Board did approve this sign, it is a much smaller sign an it would be in keeping with a very similar sign that the Historic District Commission approved for another Gulf station located within the Historic District. The smaller sign still exceeds the percentage requirements on both the short and long sides of the canopy; however, it is clearly much smaller.

Mr. Pepper questioned if there was a reason they could not make the canopy four or five feet instead of three feet which would give you more sign face and increases the ability for the sign to meet the ten percent requirement? Responding to Mr. Pepper, Mr. Deflavis stated that this would be a very expensive option for them; however, it could be considered.

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 table Application #V-08-12 Gulf Station; Universal Marketing/Project Growth Technologies located at 131 Saulsbury Road, seconded by Mr. Hufnal and the motion carried with a 4-1 vote with Mr. Senato against.

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

Meeting adjourned at 9:58 AM

Sincerely,

Diane Metsch
Secretary