CITY OF DOVER, DELAWARE
BOARD OF ADJUSTMENT MEETING 7/15/2026
Wednesday, July 15, 2026 at 9:00 AM

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

AGENDA

IN-PERSON & VIRTUAL MEETING

This Board of Adjustment Meeting for July 15, 2026 will be held in City Hall, City Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio/video conferencing system as an electronic means of communication. See participation information below to join by phone or computer.

PUBLIC PARTICIPATION INFORMATION
To Attend City of Dover Board of Adjustment Meeting of July 15, 2026

Join by Phone: Dial +1-650-479-3208
Access Code: 253 481 93618
Password from Phones: 36837262

Join Online: https://bit.ly/BOA07152026
Webinar Number: 2534 819 3618
Webinar Password: DoverBOA

If you are new to Webex, get the app now at https://www.webex.com/ to be ready when the meeting starts. For problems accessing the meeting, please call the Planning Office at (302) 736-7196.

Written comments are accepted via mail to City of Dover – Board of Adjustment, P.O. Box 475 Dover, DE 19903 and via email at compplan@doverde.gov .

WELCOME

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Adoption of Minutes of June 17, 2026

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Board of Adjustment Meeting date is Wednesday, August 19, 2026 at 9:00 AM.

OLD BUSINESS

NEW BUSINESS

The following Variance Application was filed for Review and Public Hearing before the Board of Adjustment:

2. **Application #V-26-04 Proposed Fence at 131 Rosemary Road Variance Request**
   Property at 131 Rosemary Road. A Request has been made for a Variance from the requirements of *Zoning Ordinance,* Article 5 §7.5 as associated with a proposed fence to allow an increase in the allowable fence height in the front yard to 6 feet for a galvanized chain link fence with one gate surrounding an area of the parcel. The property is zoned M (Manufacturing Zone) and subject to the AEOZ (Airport Environs Overlay Zone) - APZ II (Accident Potential Zone II). The owner of record is Blue Collar Guild, LLC. Property Address: 131 Rosemary Road, Dover DE. The Tax Parcel ID is ED-05-077.16-02-12.03-000.

PUBLIC COMMENT OPPORTUNITY - An opportunity is given for members of the public to provide comments to the Board of Adjustment not specifically related to Applications with Public Hearings.

ADJOURN

Posted Agenda: July 8, 2026

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES

June 17, 2026

A Regular/Hybrid Meeting of the City of Dover Board of Adjustment was held on Wednesday, June 17, 2026, at 9:04 A.M. in person in the City Council Chambers and using the phone/videoconferencing system Webex. Members present were Mr. Wagner, Mr. Senato, Ms. Brinkley, Mr. Albert "Bill" Holmes Jr and Mr. Ron Coburn (out at 9:18 A.M. and in at 11:04 A.M).

Staff members present were City Solicitor Mr. Daniel Griffith, Acting Solicitor for the Board Mr. Glenn Mandalas, Mrs. Melson-Williams, Mrs. Walls, Mr. Dewey, Mr. Kopp and Mrs. Brown.

APPROVAL OF AGENDA
Mr. Coburn moved for approval of the agenda. The motion was seconded by Mr. Holmes and unanimously carried 5-0.

Mr. Holmes motioned to move the Old Business to the end of the meeting. The motion was seconded by Ms. Brinkley and unanimously carried 5-0.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF May 20, 2026
Mr. Holmes moved for approval of the Meeting Minutes of May 20, 2026, with any necessary corrections. The motion was seconded by Ms. Brinkley and unanimously carried 5-0.

COMMUNICATIONS & REPORTS
Chairman Senato mentioned that the next Board of Adjustment Meeting is Wednesday, July 15, 2026, at 09:00 A.M.

Mrs. Melson-Williams stated that there will be a meeting on July 15 as there is a variance application that made the submission deadline.

Mrs. Melson-Williams introduced Mr. Alex Dewey, who is a new Planner I with the City of Dover.

Chairman Senato asked if there were any other items.

Mrs. Melson-Williams mentioned that there are no other items. The Planning Staff has no other items right now.

NEW BUSINESS
Mrs. Melson-Williams read the Procedure Statement for New Business.

Mrs. Melson-Williams noted that the public notice for items on this agenda was completed in accordance with the code requirements and will be noted specifically for this item. The Meeting Agenda was posted on June 10, 2026, in accordance with the Freedom of Information Act requirements.

Chairman Senato asked if there were any conflicts of interest.

Mr. Corburn recused himself at 9:18 A.M, due to him being the previous Code Enforcement Supervisor for this case.

Appeal Application #V-26-03
Property at 1131 S. Bay Road known as Kings Cliffe Manufactured Home Park. An Appeal Application has been filed by the owner's representative regarding the Zoning Violation issued Code Enforcement Case #25-00004632 (and associated Case #20-00003344) and the allowance of a non-conforming use for recreational vehicle lots and recreational vehicle lot rentals. This Appeal pertains to a determination of the City of Dover Division of Code Enforcement to prohibit the addition of new non-conforming mobile homes, house trailers or recreational vehicles (RVs) on lots in the community. This Appeal is related to the enforcement of Dover Code of Ordinances, Appendix B – Zoning (*Zoning Ordinance*), Article 3 Section 8.4 Uses prohibited with Sections 8.41 and 8.42. The subject area of the property is zoned MH (Manufactured Housing Zone). The owner of record is Kings Cliffe MHP, LLC. Property Address: 1131 S. Bay Road, Dover DE. Tax Parcel: part of ED-05-086.00-01-080.000-000.

Mrs. Melson-Williams gave a brief overview of the Appeal of Application V-26-03 referencing the Staff Review Report and Recommendations.

The Summary Report for this Application, including the list of Exhibits labeled Exhibits 1 (one) through 6 (six) is entered for the record. The public notice for this Appeal was published in the Daily State News on June 5, 2026. The property owners within 200 feet of the subject site were notified by letter sent by the Planning Office in accordance with the established procedures for the public notice.

Representatives: Mr. Peter K. Schaeffer, Jr., Esq., Solicitor for the Kings Cliffe Manufactured Home Park. Mr. Graham Shue and Mr. Robert Shue, Owners for the Kings Cliffe Manufactured Home Park attended virtually.

Due to Mr. Schaeffer being an attorney in the State of Delaware, he did not need to be sworn in.

Presentation
Mr. Schaeffer stated that this matter is essentially the same issue that was before the Board previously. On behalf of Kings Cliffe, he explained that on November 23, 2020, the City's Code Enforcement Division issued an open violation prohibiting the continued use of the pre-existing recreational vehicle rental locations on the property based on provisions of the City Code.

He referenced Appendix B, Article 3 District Regulations, Section 8.1, explaining that the 2017 ordinance essentially prohibited mixed-use properties. Under his interpretation, a property could either be a manufactured home park or an RV park, but it could not operate as both on the same property.

Mr. Schaeffer stated that Kings Cliffe appealed the November 2020 zoning violation. Following the hearing, the City overturned the zoning violation on January 21, 2021, allowing Kings Cliffe to continue using its RV lots. He noted that the January 2021 hearing minutes, which were included as exhibits, contain extensive details regarding the property's uses.

He explained that the 2021 decision allowed the continued rental of certain sites for recreational vehicles. From 2021 through 2025, Kings Cliffe continued what he described as an eight-decade-long use of the RV lots. He stated that, as a result of the City's 2021 appeal decision, proof of the established use was documented in the Board's minutes and exhibits. He further stated that no testimony was presented disputing the long-standing use of the property.

Mr. Schaeffer stated that in October 2025, after several years of continued operation, the City again issued a notice prohibiting the use of the RV rental lots. He argued that this action effectively overturned the City's own 2021 decision. He stated that no explanation had been provided as to why the 2021 appeal decision had apparently been reversed in 2025. He concluded that Kings Cliffe had continued using the property without objection following the 2021 decision and was asking the City to abide by its prior ruling allowing the continued use approved in January 2021.

As a legal matter, Mr. Schaeffer stated that Kings Cliffe relied on the case of *Kollock v. Sussex County Board of Adjustment*. He explained that cases involving rezoned properties and existing uses becoming nonconforming after zoning changes have long been recognized under Delaware law and throughout the United States. He stated that these situations have existed for decades and that Delaware courts have previously addressed the issue. Referring to the Kollock case, he asserted that the government does not have the authority to reopen or revisit its own prior decision by vacating or reversing it after it has become final.

Mr. Schaeffer continued by stating that once a governmental decision has been made, it cannot later be rescinded or altered. He referenced a 1987 Delaware judicial opinion, which he stated was upheld in 2010 in *Ridd v. Board of Adjustment of Sussex County*. He explained that there has historically been a consistency requirement whereby a decision, once made, is subject to the legal doctrine of *res judicata*, meaning that the same parties cannot relitigate an issue that has already been fully litigated.

Mr. Schaeffer asked whether there were any questions at that point. Mr. Schaeffer indicated he was prepared to answer questions but noted that he understood, based on earlier comments by Ms. Melson-Williams, that questions would likely be held until both the appellant and the Planning Office had completed their presentations.

Mrs. Melson-Williams stated that this would be at the Board's discretion, with advice from legal counsel if necessary. It was suggested that allowing both sides to present first would help keep the proceedings organized. The Chair added that Board members could ask questions after hearing both presentations so they would have all of the information before them.

Mr. Schaeffer then added one additional legal point. He stated that Delaware law precludes enforcement of a zoning violation while an appeal is pending. Specifically, he cited Title 22, Del. Code Section §325, explaining that an appeal stays all proceedings in furtherance of the action being appealed unless the enforcing officer certifies to the Board of Adjustment that a stay would, in the officer's opinion, cause imminent peril to life or property.

Mr. Schaeffer stated that Kings Cliffe had testified that, despite the 2025 reissued violation, it had experienced multiple interruptions relating to its RV rentals. He argued that the City had gone beyond merely filing a violation notice by taking additional actions that were not

authorized while the appeal remained pending. He characterized those actions as extra-jurisdictional and inconsistent with the statutory appeal process.

He requested that, should the Board delay its decision for any reason; it should at least instruct the City to provide a letter addressing the matter.

Mr. Schaeffer stated that the Construction and Property Maintenance Code Board of Appeals had addressed this issue previously and had overturned the violation in 2021. He asserted that Kings Cliffe had continued to rely on that decision and had maintained its lawful nonconforming use based on the reasons discussed during the earlier proceedings.

Representative: Mr. Daniel Griffith, Solicitor for the City of Dover. Mr. Eddie Kopp, Chief Code Enforcement Officer for the City of Dover, was also present.

Presentation
Mr. Griffith stated that the use of recreational vehicles is not permitted under the City's zoning ordinance, noting that Article 3, Section 8.4 clearly provides that RV use is not a permitted use in the applicable zoning district. He emphasized that this was not a new issue and was the same position the City had taken during the 2021 proceedings.

He referred the Board to the January 2021 Construction and Property Maintenance Code Board of Appeals meeting minutes included in the hearing packet. He noted that, during those proceedings, then-Board member and current City Council Member David Anderson explained that although the use was not conforming under the *Zoning Ordinance*, he believed it should be allowed to continue because the property had been used in that manner for such a long period of time.

Mr. Griffith stated that Mr. Anderson's position was essentially that the longstanding nature of the property's use justified recognizing it as a legal nonconforming use, or, in other words, that it was "grandfathered." He explained that if the property remained in the same condition today as it was in January 2021, the parties likely would not be before the Board. Instead, he argued, the issue arose because five (5) years had passed and the nonconforming use had expanded. He stated that, as a matter of law, a legal nonconforming use may not be expanded or changed beyond what was previously recognized.

Mr. Griffith directed the Board to Exhibit 5, which contained Article 7 of the City's Zoning Ordinance governing nonconforming uses. He read the applicable provision stating that any nonconforming use, except those specifically identified, may continue but "shall not be enlarged, extended, reconstructed, or placed on a different lot or parcel of land occupied by such uses."

He explained that recognition as a legal nonconforming use does not grant unlimited authority to expand that use. Rather, the use is limited to the scope that existed when it was recognized.

The presenter stated that the reason the parties were before the Board in 2025 was not to relitigate the 2021 decision but because, in the City's view, the use had expanded beyond what was approved in 2021. He asserted that there were additional RV uses on the property beyond those previously recognized.

He further stated that the City's position was that the issue involved not only an expansion of the nonconforming use but also the manner in which the property was being used. He reiterated that if the property remained in the same condition as it was in January 2021, the City would not have challenged the use.

In conclusion, Mr. Griffith stated that the Appeal should be denied because the City believed the expansion constituted an impermissible enlargement of a legal nonconforming use. He then indicated that, unless the Board had questions for him, he would ask Mr. Kopp to come to the podium to discuss the factual history of the property and answer questions based on his personal knowledge.

Mr. Eddie Kopp stated that he is the Chief Code Enforcement Officer for the City of Dover and that he is one (1) of the two (2) licensed Manufactured Home Installer Inspectors, which is a State license.

Mr. Griffith asked Mr. Kopp if he was employed by the City in 2020/2021?

Mr. Kopp stated that he was and that he was an Inspector I.

Mr. Griffith asked Mr. Kopp what he recalled about the violation that was demonstrated back in November?

Mr. Kopp testified that, in 2020, a violation notice was issued concerning the operation of RVs within the park. He stated that the notice identified the pre-existing RVs that were located on the property at that time.

Mr. Griffith asked whether Mr. Kopp had been present at the January 2021 Code Board of Appeals meeting when the violation was appealed.

Mr. Kopp testified that he had.

Mr. Griffith asked whether Mr. Kopp recalled the outcome of that Appeal.

Mr. Kopp testified that he was present at the January 2021 violation appeal hearing and recalled the outcome. He further testified that, in connection with their duties for the City, they had consistently observed the condition of the property over the previous five years. Mr. Kopp explained that, in late 2025, the City's office received a complaint regarding recreational vehicles (RVs) and general conditions within the community. Following an investigation, staff determined that additional RVs had been placed in the park beyond those inventoried during the previous case. Specifically, several new RVs were identified on sites that had not previously contained RVs, such as lots 81, 120, 137 and 150. As a result, an additional violation notice was issued.

Mr. Griffith asked him if he was aware of the January 2021 decision when he issued the 2025 notice.

Mr. Kopp confirmed that he was aware of the January 2021 decision when issuing the new violation notice and stated that they believed the property's use had expanded beyond what had

previously been approved.

Mr. Griffith asked him if he is generally familiar of the *Dover Code of Ordnances* pertaining to code violations.

Mr. Kopp stated that yes, he is.

When asked about safety concerns, Mr. Kopp testified that RVs are not regulated under the International Building Code or in the same manner as manufactured homes. While the City of Dover has manufactured home standards, there are no local inspection requirements or code provisions governing on RVs placement alongside code-compliant manufactured homes. Mr. Kopp stated this creates safety concerns because there are no inspection or oversight processes to ensure compliance when RVs are located adjacent to manufactured homes.

Mr. Kopp further testified that the complaint received by the City expressed concerns about both the number of RVs and the overall condition of the property. Mr. Kopp confirmed that, during the 2025 inspection, the property was not being used in the same manner as it had been at the time of the January 2021 decision.

Following the testimony, Mr. Griffith indicated they had no further questions, and the Chair opened the floor for questions from the Board.

Mr. Wagner asked whether the Board's responsibility was to determine if a variance was necessary or whether it should instead focus on the property's compliance with the current ordinance.

Mr. Mandalas explained that the matter before the Board was an Appeal, not a variance request. He stated that a variance involves determining whether relief from the zoning code should be granted; whereas, an Appeal requires the Board to determine whether the Code Official correctly interpreted and applied the ordinance. Mr. Mandalas explained that the 2021 decision addressed the property's use at that time.

Mr. Mandalas continued to explain that Mr. Schaeffer argued that the issue had already been adjudicated and that the previous Board's decision allowed the continued rental of RVs at the property. The City's position was that the current matter involved a different issue because the use had expanded since 2021. Therefore, the Board's task was to determine whether an expansion of the nonconforming use had occurred and, if so, whether that expansion was permitted under the ordinance.

Mr. Schaffer emphasized that the case involved interpretation of the prior Board decision and the doctrine of nonconforming use rather than a traditional variance analysis.

Mr. Holmes noted that he drove through the property and is aware of multiple residents that are worried that the outcome of this Appeal will have a direct impact on them.

Mr. Schaffer addressed concerns raised by nearby residents, stating that many of the RV occupants were traveling federal contractors who preferred extended stays in RVs rather than hotels. The representative stated that these tenants generally posed little risk to neighboring

property values or community safety.

In response to Ms. Brinkley's question, Mr. Schaeffer stated that electrical service continued to the existing RV locations but that, after October, no new electrical service had been installed for additional RV sites.

Chairman Senato asked whether maintaining the same conditions that existed under the 2021 approval would avoid a violation.

Mr. Schaffer responded that no additional RV lots had been created since 2021 and referenced testimony supporting that position.

Ms. Brinkley stated that she understands that Mr. Schaffer has said that there were no new lots but were there any new RVs placed on lots that were being used in 2021.

Mr. Schaffer stated that no new RVs had been placed on the lots between 2021 and 2025.

Mr. Mandalas asked Mr. Kopp if lots 81, 120, 137 and 150 were in use in 2021.

Mr. Kopp responded that they are new lots. He noted that he had consulted with the previous owners and confirmed that these were new lots.

Mr. Schaffer stated that was a hearsay statement.

Mr. Mandalas stated that he is aware that there was a court proceeding regarding this matter, it was filed in Superior Court challenging the violation. The outcome was that the Judge requested that this matter be brought in front of the Board of Adjustment for the City of Dover. He did ask whether the Judge issued a statement on whether the City had already heard this matter.

Mr. Schaffer stated that no due to it being an expansion of use and that he wanted it to come to the Board of Adjustment.

Mr. Griffith stated that is correct and that the Judge did not touch on the merits of the case.

Mr. Mandalas confirmed that the court had determined the applicant was first required to exhaust the administrative appeal process before the Board. He explained that the Board was therefore responsible for deciding whether the current use represented an impermissible expansion beyond what had been approved in 2021.

Mr. Mandalas asked Mr. Kopp if Kings Cliffe went back to only using the lots that were being used in 2021, if the violation would be withdrawn.

Mr. Kopp stated that is correct and it would not be challenged by the City.

Mr. Mandalas summarized the City's position by stating that the 2021 decision permitted the park to continue operating at the intensity of use that existed at that time. The City's contention was that the 2025 violation resulted from an increase in the intensity of use through additional occupied RV sites beyond those existing in 2021. Consequently, the Board must determine

whether such an expansion occurred and, if so, whether it was permissible under the prior approval and applicable zoning regulations.

Mr. Schaffer questioned why the electric was turned off to all the lots, rather than only to those alleged to be newly added. He stated that his client suffered some pretty significant economic damage due the not being able to use any of the rental lots.

Mr. Schaffer closed by stating that he would just like to point out the owner has invested millions of dollars in this property. It is in the owner's interest to protect that investment. He does think that this is a key point. He believed Mr. Kopp raised some type of unspecified safety issue here. It is not in Kings Cliffe's interest to do anything but protect safety, keep current tenants happy, and attract new tenants as needed. Mr. Schaffer also pointed point out that the operations of the manufactured home community provide a lower-cost alternative to other types of housing.

He thinks, as the City might be aware, there have been discussions regarding housing, not only reducing allowable lot sizes to make housing more affordable but also designating certain areas within cities and towns as low-cost housing, which may become a state-mandated requirement. Kings Cliffe is a prime example of that and could be very beneficial in helping meet that quota without having to redevelop other areas. It has traditionally operated in this manner for many decades and has been beneficial to the City. With an interest in keeping the community safe, that is one (1) more area that he believes will not place as much demand on City services such as fire, police, and ambulance, allowing those agencies to focus their efforts elsewhere. So, that's sort of the moral and economic underlying rationale. The real issue here is whether this constitutes an expansion of use and that is just not the case here.

Mr. Mandalas asked Mr. Kopp to clarify what evidence does he think exists of the expansion of use?

Mr. Kopp responded that he had been the Inspector on the initial case and personally did an inventory of the park. He stated that he also served as the Inspector during the 2025 investigation and again physically inventoried the park to verify compliance and determine which RVs had been added. He explained that one of the tools he used was the reference map and that he inspected the park based on that map. To his knowledge, the map had not changed between 2021 and 2025, and his findings were based on his firsthand observations.

Mr. Mandalas stated that, if the map had not changed, there could not be any additional lots because the same number of lots existed in 2025 as in 2021. He continued to state that some of the lots may not have had RVs in 2021, but those same lots did have RVs in 2025.

Mr. Kopp stated that is correct. Mr. Kopp further clarified that the parcel map had not changed and that the parcel lines remained the same. He explained that what had changed was the equipment located on the lots.

Chairman Senato stated that he was not lawyer but that he wanted to offer his thoughts after hearing from both sides. He explained that, based on his understanding, there had been RVs on the property at one (1) point, followed by a change in the Code that allowed certain existing conditions to remain. He stated that he was getting the impression that the RVs had once been in compliance with the Code and that, after the Code changed, additional RVs had been added.

Mr. Kopp asked to clarify the timeline. He stated that the Code had been adopted in 2018 and that the case initiated in 2020 was based on the 2018 Code. He explained that what brought the property into compliance was the Construction and Property Maintenance Code Board of Appeal's prior Appeal decision. He stated that, although he believed the property still did not comply with the Code in his professional opinion, the existing conditions had been allowed to remain as a result of that Appeal. He further explained that the current violation was based on the expansion beyond what had been allowed through the Appeal. In his opinion, the units covered by the Appeal were considered existing, but once additional RVs were added beyond those approved, they were no longer protected under the prior Appeal.

Mr. Mandalas stated that he was reviewing the January 2021 meeting minutes and he read part of the minutes out loud, "Responding to Mr. Martin, Mr. Schaeffer stated that 17 lots are utilized for RVs at any one time and that number had not changed since 2016 when it was purchased and presumably that was the same number of lots it had for decades." He stated that his presumption was that the 2021 decision had been based on 17 lots and he asked whether more than 17 lots were now being used for RVs.

Mr. Schaeffer stated that he believes back in 2020 there were actually 20 lots designated as RV lots. However, in 2020, only 17 of them were occupied at that point.

Mr. Griffith thanked Mr. Mandalas for narrowing down this very complex issue to the essence of what they are here for and believes that they can come to some agreement that the January 2021 Construction and Property Maintenance Code Board of Appeals granted 17 lots. They are fine with that. If it is the decision of this Board of Adjustment that 17 lots can be used consistent with 2021, then anything beyond that would be an expansion. But at that number of 17, there would be no violation.

Mr. Schaeffer disagreed, stating that the 2021 Appeal decision did not specify a number of lots. He said the decision only allowed the rental of RVs and that the 2021 hearing minutes, which were not provided until earlier that week, did not establish a 17-lot limit. He stated that he did not believe such a limitation was correct.

Chairman Senato stated that when they are dealing with Code, that this Board must take into consideration very seriously the codes. They do not want to set the wrong precedence for other mobile home parks. He noted that if the codes stipulate 17 lots for RV vehicles and then there are more than the 17, that according to the Inspector becomes a violation. He thinks that they seriously must consider what the Code stipulates.

Mr. Mandalas clarified that is not the Code that stipulates how many lots but the minutes from the meeting. The meeting minutes were presumably adopted by that Board and if there was to be a correction then they would have had to amend the minutes. They are just minutes; they are not Code, so they do not bind them. Those minutes are persuasive and this Board can rely upon them as they can rely on the other evidence that has been presented.

Mr. Schaeffer agreed with Mr. Mandalas that whatever is in the meeting minutes is not necessarily sworn testimony. His understanding is that there are 21 lots designated and believed to be RV. One of the types of designation was that the electrical service provided to the RV lots was different based on the use. Mr. Schaeffer further stated that the type of electrical equipment

used to provide electricity to those 21 lots was different. He pointed out that the Code which they relied on for the appeal in 2020 and the Code that is today, does not say that you can have x percentage of preexisting RV lots or x number of RV lots. It simply states that you can't have RV lots. He believes that arguing about the four (4) extra lots is beyond the scope of the hearing today.

Mr. Wagner noted that he is trying to come up with an open-minded honest conclusion with the Board.

Mr. Mandalas stated that he believed the issues were becoming more narrowly focused. He stated that the question before the Board was that there was clearly an approval in 2021 for, at a minimum, 17 lots. The question he asked was whether that approval was limited to those 17 lots or whether it was broader and allowed all 21 RV lots to be used as RV rentals.

Mr. Mandalas stated that this was the first question for the Board. If the Board determined that the 2021 approval was broad enough to include all 21 lots, then the matter would be resolved. However, if the Board determined that the approval was not broad enough to cover all 21 lots but did apply to the 17 lots, then the Board would need to consider a different question. He stated that the next question would be whether the use had expanded to all 21 lots. If it had, the Board would then need to determine whether that expansion was permissible. If the Board found that the expansion was permissible, then the property could continue operating as it currently was, and the City would withdraw the Notice of Violation. If the Board found that the expansion was not permitted, then it could uphold the Notice of Violation.

Ms. Brinkley asked if Mr. Kopp counted 17 or 21 lots when he did his inspection.

Mr. Kopp clarified that there were 15 lots from his case #20-00003344. Those 15 lots consist of lots 1, 1A, 42, 54, 60, 74, 89, 108, 109, 110, 132, 138, 142, 147 and 149. These lots were part of the inspection conducted November 23, 2020.

Mr. Schaeffer asked Mr. Kopp if he provided an inventory of what he counted during 2020 to anybody, such as the Recorder of Deeds?

Mr. Kopp stated that it is part of the case file. It is within the Notice of Violation that was sent to the property owner at the time, Kings Cliffe Mobile Home Park.

Mr. Schaeffer asked if those lots had RVs on them in 2020.

Mr. Kopp stated that is correct.

Mr. Schaeffer questioned whether Mr. Kopp had counted any vacant lots.

Mr. Kopp stated that no, they were specific for the RV lots. He consulted with the ownership as well and they confirmed it.

Mr. Schaeffer asked if it was fair to say that there could have been additional lots that at the time of the inventory did not have recreational vehicles on them.

Mr. Kopp stated that there could had been, yes.

Mrs. Melson-Williams noted, for the Board's reference, that Exhibit 3D was the case file and that the violation details listed the lot numbers previously referenced by the Inspector. She stated that the information was provided to assist the Board in keeping the paperwork organized.

Mr. Schaeffer pointed out for the record, Mr. Kopp said that the page with the inventory only referenced lots with the RVs on them and not the vacant lots.

Mr. Schaeffer commented that he did Bate stamp the documents as well to make them easier. He explained that when reviewing a large number of exhibits, it is often easier if the pages are numbered so participants can be directed to a specific page rather than searching for exhibits by letter.

Mrs. Melson-Williams from the Planning Office responded that the exhibit packet had been prepared and organized for the Board. She explained that the packet distributed to the Board included exhibit labels by letter, with the "1" series representing the appellants' exhibits, the "2" series representing the Code Enforcement exhibits, and the "3" series representing the Construction and Property Maintenance Board of Appeals' materials. She further noted that the meeting packet posted on the City's website included page numbers at the bottom of each page so those following electronically could be directed to specific page numbers.

Ms. Brinkley questioned that based on the information presented, possibly, there may not have been an expansion of lots, although she was not certain.

Mr. Schaeffer explained that it does not appear that the Board had documentation establishing an expansion other than the communications that had been presented. He further stated that he believed there were different types of lots, with RV lots differing from the manufactured home lots, and that while certain lots were available, they were not necessarily being used. He noted that there was an availability of a total of 21 lots (for RVs).

Ms. Brinkley stated that, however, there was an expansion of new RVs being placed on the lots.

Mr. Schaefer stated that there had been no expansion beyond what was previously there. He further clarified that the term "expansion" did not necessarily refer to an increase in the number of lots. He explained that, based on case law addressing zoning decisions, "expansion" generally means a higher or greater use of what already exists.

Mr. Griffith stated that that Mr. Mandalas had helpfully pointed out what the Board did in 2021. He continued to state that Mr. Schaffer, who had previously represented Kings Cliffe in 2021, told the Board back then that there are 17 lots being utilized at any one time and that the number had not changed since 2016. He further stated that he presumed the same number of lots had existed for decades. Based on that understanding, he stated that anything beyond 17 lots would constitute an expansion. He further noted that expansion is not limited to an increase in the number of lots but rather is defined by the Code. Mr. Griffith referenced Article 7, Section 1 of the *Zoning Ordinance*, noting that a nonconforming use "shall not be enlarged, extended, or moved to a different portion of the property." He stated that, if additional lots beyond the original 17 were being used, that would constitute an expansion under the Code.

Mr. Schaeffer further stated that he was not a fact witness and that, at the time, if he had referred to 17 lots, it was based on the information available to him.

Public Hearing

Chairman Senato opened the Public Hearing at 10:33 A.M for those to speak in against this item.

No one spoke.

Chairman Senato asked if anyone would like to speak in favor of this item.

Mr. Robert Shue, appearing via Webex, was sworn in by Acting Solicitor for the Board, Mr. Mandalas.

Mr. Shue apologized for participating while driving to a meeting in New York City and stated that he hoped everyone could hear him. He emphasized that the appellant was not attempting to expand the RV use within the park. Rather, he stated that they had been informed that if an RV left the property, it could not be replaced with another RV, which he said was contrary to what they had been told when they purchased the park.

Mr. Shue stated that their purchase of the park had relied upon the existing use of RVs, as that use was an integral part of the overall investment. He further stated that the property receives weekly inquiries from individuals seeking affordable housing and explained that the RVs are smaller than manufactured homes, allowing them to be rented at lower rates. He added that the property manager, Carol Beard, regularly speaks with single mothers with children and small families seeking affordable housing.

Mr. Shue stated that the park is a long-term investment for his family and that they are also purchasing other parks. He emphasized that their goal is not to acquire properties, increase rents, and quickly resell them, but rather to provide safe, family-friendly communities. He stated that, if asked, the police who monitor the park would confirm that conditions had improved substantially, including the removal of drug dealers and other undesirable activity. He concluded by stating that he believed they were doing the right thing for the City of Dover and the State of Delaware and thanked the Board for its time.

Mr. Graham Shue, appearing via Webex, was sworn in by Acting Solicitor for the Board, Mr. Mandalas.

Mr. Graham Shue stated that he would keep his comments brief and echoed the remarks made by his father, Mr. Robert Shue. He stated that the park was a family investment and that the property manager, Carol Beard, could attest that they receive daily calls from individuals seeking affordable housing. He stated that there was a waiting list of more than 60 people seeking to move into the park but that they had been unable to accommodate those requests because of the matter before the Board.

Mr. Graham Shue further stated that, over the past several years, the family had worked to improve the park and create affordable housing opportunities within the City of Dover. He reiterated that the property was a long-term family investment rather than one owned by

institutional investors seeking short-term profits. He concluded by expressing hope that they could continue working with the City and providing affordable housing.

Mrs. Melson-Williams thanked the virtual participants for their comments and informed the Chair that all attendees participating virtually had been heard. She further stated that no written comments had been received regarding the Appeal and that all documents submitted consisted of the series of Exhibits that had already been entered into the record.

Chairman Senato closed the Public Hearing at 10:39 A.M.

Chairman Senato stated that he wished to share his thoughts on the matter. He indicated that he believed the figure of 17 lots was central to the case and stated that the Board needed to carefully consider the evidence presented by the Inspections Department. He noted that, whether the Board focused on the 17 lots or another interpretation, the issue before the Board involved the alleged violation relating to the RV lots and the evidence presented. He concluded that the Board would ultimately need to determine whether the prior approval was limited to 17 lots or extended beyond that.

Mrs. Melson-Williams from the Planning Office asked the Acting Solicitor for the Board whether there was an opportunity for closing comments from both the administrative officer on behalf of the City and the appellant.

Mr. Mandalas confirmed that the Board's Rules and Procedures do allow for closing comments and they will hear from the City first.

Mr. Griffith thanked the Acting Solicitor for the Board for narrowing the issues, which he believes are very narrow now. He explained that the question was whether the current use represented an expansion beyond what had been permitted by the Board in 2021. He stated that the Board should look back to the 2021 decision to determine exactly what had been permitted. He noted that the starting point was what existed before the 2021 Appeal, explaining that the use was not permitted under the Code but had been allowed to continue as a "grandfathered" condition through the Board's decision. He further stated that the evidence presented to the Board in 2021 reflected 17 RV lots and that it had been represented at that time that this had been the longstanding condition of the property.

Mr. Griffith stated that the evidence presented in the 2021 appeal reflected that there had been 17 RV lots for many years and that no change to that number had been identified. He explained that, although the use was not permitted under the Zoning Code, the Board had approved the continuation of that existing nonconforming use.

He stated that the issue before the Board was whether the current use represented an expansion beyond what had been approved in 2021. He explained that, under the City of Dover *Zoning Ordinance,* a nonconforming use may not be expanded and that expansion is prohibited by definition. He stated that the 2021 Board decision permitted 17 nonconforming RV lots and that anything beyond those 17 lots would constitute an expansion.

Mr. Griffith further stated that this framework would simplify the Board's motion. He explained that the Board could make a motion to limit the number of nonconforming RV lots to 17. He

noted that, if such a motion carried, the Appeal would be denied, and the nonconforming use would be limited to 17 lots. If the motion failed, the Appeal would be granted, and the appellant would be permitted to continue using the greater number of lots. He concluded that the issue before the Board had been narrowed to whether the number of nonconforming RV lots should be limited to 17.

Mr. Schaeffer stated that he believed Mr. Griffith had clarified the issue. He stated that, under the Zoning Code, the nonconforming RV use had been permitted, and that the question before the Board was whether that permitted use was limited to 17 lots or extended to all 21 lots.

Mr. Schaeffer further stated that no evidence had been presented demonstrating that the additional four (4) lots had been added after the prior approval. He noted that all parties have stated that there are currently 21 designated RV lots. He stated that Mr. Kopp had confirmed that when he counted the 15 lots during his inspection, he counted only those lots that were occupied by RVs at that time, rather than all designated RV lots. He continued to state that in 2021, he made a comment that there were 17, but he believes that he was incorrect. He further stated that no evidence had been presented demonstrating that the additional four (4) lots created any imminent and irreparable harm to the park. Mr. Schaeffer requested that, if the Board chooses to approve the Appeal, it approves the use beyond the limitation of 17 lots to 21 lots.

Ms. Brinkley moved to limit the number of nonconforming lots to 17. The motion did not receive a second. As a result, the motion was lost.

Mr. Wagner moved to limit the use at Kings Cliffe to 17 legally non-conforming lots and there by permitting on these lots RVs, mobile homes and house trailers. The motion was seconded by Mr. Holmes.

Mr. Mandalas stated that the courts have said they will not go searching the record to see why a particular member voted.

Roll Call Vote

Mr. Wagner – I vote no because I believe 21 was proper.

Mr. Holmes – I vote in favor of the motion for all reasons given, the exhibits and testimony that he heard today. He also feels that something like this is needed in Dover, as there are a lot of people coming to Dover for work. These people will only be here for a few months, and they have these RVs that they travel in and they live in. A place like this is needed in Dover so that they can live temporarily.

Ms. Brinkley – I move to limit the number to 17 because I believe there was an expansion. She stated that came from their legal representation today, that from 17 to 21, may have been a mistake but it was an expansion of Article 7 if they do 21. She moves that they deny the 21.

Mr. Mandalas asked Ms. Brinkley if she was voting in favor of limiting the number to 17 lots.

Ms. Brinkley stated yes.

Chairman Senato – I vote in favor of the motion to hold it to the 17 with all the information given by both parties and based on a prior Board. I stand by the 17.
Mr. Mandalas wanted to clarify the second vote. He was not sure if the vote was in favor of 17 or 21 lots.

Mr. Holmes stated that he voted in favor of the motion to limit it to the 17 lots. He believes that if they want to use the 21 lots than they should be able to come back to the City to apply for the other four (4) lots.

There are three (3) members in favor of the motion to limit the number to 17 non-conforming lots in King Cliffe for RVs and associated type of uses and one (1) no to grant the appeal. Vote 3-1. With that vote, the motion carried.

Mrs. Melson-Williams stated that a written notice reflecting the Board's action taken that day would be prepared and provided to the appellant. She then advised the Chair that he could proceed with the remainder of the meeting.

Public Comments Opportunity

Chairman Senato opened the meeting to the public giving an opportunity to make comments to the Board. He asked if there was anyone who wished to speak?

Mr. Robert Shue, via Webex, stated that he has no comment.

Ms. Ruth Morris, Kings Cliffe, 1131 S. Bay Road Trailer 105, was sworn in by Acting Solicitor for the Board, Mr. Mandalas.

Ms. Ruth Morris stated that she had listened to the comments from all parties and was curious why the use would be limited to 17 lots. She questioned whether the vacant lots, if not all occupied at the same time, could still total 21 lots. She stated that, in her opinion, nothing had expanded and that all 21 lots had not been used simultaneously.

Ms. Morris explained that the park has extra lots available for campers and temporary workers who stay for three (3) to six (6) months and that those accommodations are convenient for the community. She stated that the RVs are no different than the manufactured homes, as the owners do not know who will ultimately rent either type of unit. She added that some tenants may be good and others may not, but she believed the RVs benefit the community and provide a convenient housing option.

Ms. Morris stated that she is a resident of Lot 105, that her son resides at Lot 16, her sister resides at Lot 14, and her uncle resides at Lot 40. She expressed her support for allowing the use of all 21 lots and questioned what harm would result from allowing 21 lots instead of 17. She further noted that the Inspector had testified that he counted the 17 occupied lots but did not count the vacant lots that were present and known to exist. Ms. Morris concluded by stating that she was in favor of Kings Cliffe.

Mr. Mandalas clarified that the Board’s decision today was really related to whether the Code Enforcement Officer made a proper determination or not under the law that was in place. There

certainly is an opportunity for this appellant to file a new application asking for a variance, which is a different question to expand to the 21 lots. If they do, he hopes that Ms. Morris comes and testifies in favor of it.

Ms. Morris explained that she is afraid that they are not expanding to the 21 lots because the Code Enforcement Officer only counted the 17.

Mr. Mandalas stated that this decision had already been made.

Ms. Melson-Williams reminded the Chair that earlier, he moved what was the item of Old Business on the Draft Rules of Procedure and if he would like to go back to that now, staff stands ready to.

Chairman Senato stated that there would be a short recess.

The meeting was recessed at 11:00 A.M and the meeting was reconvened at 11:04 A.M.

OLD BUSINESS

Chairman Senato stated that the Board had been working on the proposed Rules of Procedure presented by the City Solicitor for approximately nine (9) months and noted that a tremendous amount of effort had been invested in reviewing and revising the document.

Chairman Senato stated that he believed the Board needed a break from the discussion and proposed postponing any further discussion or vote on the Rules of Procedure. He suggested tabling the matter until a future meeting, at a time to be determined by the Chair, to allow the Board an opportunity to step back from the issue before continuing its review.

Chairman Senato moved to postpone the discussion on the Update on Draft Rules of Procedure for Board of Adjustment to a future meeting. The motion was seconded by Mr. Brinkley and unanimously carried 5-0.

Roll Call Vote

Mr. Wagner – Yes

Mr. Holmes – Yes

Ms. Brinkley – Yes

Mr. Coburn – Yes

Chairman Senato – Yes

There were five (5) members in favor of postponing discussion of the Update on the Draft Rules of Procedure for the Board of Adjustment to a future meeting, with no members opposed. The motion carried unanimously.

Ms. Melson-Williams stated that, before the meeting was officially adjourned, staff wanted to

note that they had not been prepared to continue discussion of the Draft Rules of Procedure at this meeting. She explained that staff had not yet incorporated the Board's discussion from the May meeting, which had been based on the first draft of the document. She stated that both staff and the City Solicitor, Mr. Griffith, still had additional work to complete based on the Board's comments. She added that it had not been possible to have a revised draft ready for that today's meeting, but that staff would continue working on it.

Mr. Holmes stated that he wanted to ensure the matter would not forgotten, noting that boards and commissions often postpone items with the intention of addressing them in the future, only for the issue never to be returned. He expressed hope that the Rules of Procedure could be brought back for consideration sometime in the fall, acknowledging that everyone had busy schedules but emphasizing the importance of completing the project.

Chairman Senato stated that he agreed and did not intend to let the matter remain unresolved. He stated that, following discussions with the City Solicitor, Mr. Griffith, the matter would be brought back within a reasonable period of time. He explained that it simply needed to be placed on hold temporarily but assured the Board that it would return for further consideration.

Mr. Holmes made a motion to adjourn the meeting. It was seconded by Mr. Coburn and unanimously carried 5-0.

The meeting was adjourned at 11:09 A.M.

Sincerely,

Ashley Walls
Acting Secretary

City of Dover
Board of Adjustment
July 15, 2026

V-26-04

Title:	Property at 131 Rosemary Road - Application for a Variance: Fence Height in Front Yard
Location:	Northeast side of Rosemary Road, north of Lafferty Lane
Address:	131 Rosemary Road, Dover DE
Owner:	Blue Collar Guild, LLC
Tax Parcel:	ED-05-077.16-02-12.03-000
Application Date:	May 13, 2026
Present Zoning:	M (Manufacturing Zone) and AEOZ – APZ II (Airport Environs Overlay Zone – Accident Potential Zone II)
Present Use:	Manufacturing, Warehousing, Wholesale Storage, and Storage (wholesale storage and warehousing, transshipment and distribution, logistics support)
Proposed Use:	Manufacturing, Warehousing, Wholesale Storage, and Storage (wholesale storage and warehousing, transshipment and distribution, logistics support)
Reviewed By:	Alex Dewey, Planner I Dawn Melson-Williams, AICP, Principal Planner
Variance Type:	Area Variance
Variances Requested:	Request has been made for a Variance from the requirements of *Zoning Ordinance,* Article 5 §7.5 as associated with a proposed fence to allow an increase in the allowable fence height from 4 feet to 6 feet for a chain link fence within the required 40-foot front yard.

Project Description
The subject property (131 Rosemary Road) is located on Rosemary Road just north of Lafferty Lane, west of Horsepond Road. The applicant proposes installing a six-foot fence within the required 40-foot front yard setback. The proposed setback of the fence (distance from the front property line) is not identified.

The subject site was developed under the Conditional Use Site Plan C-20-01. It includes four flex-space/warehouse buildings and associated side improvements.

The east and south portions of the subject parcel are within the Special Flood Hazard Area (1% Annual Chance Flood/100-year floodplain), which restricts development and structure placement. The proposed fence would be located outside of the Special Flood Hazard Area. Exhibit (E) shows the Special Flood Hazard Area on and surrounding the parcel in the color blue, labeled as AE.

Property and Adjacent Properties: Zoning and Land Use
The 2.88-acre (125,452.80 SF) +/- property is zoned M (Manufacturing Zone) and AEOZ (Airport Environs Overlay Zone) - APZ II (Accident Potential Zone II). Surrounding properties are zoned IPM and C-3 and primarily include warehousing, contractor yards, and industrial uses. The property located at the northwest corner of Rosemary Road and Lafferty Lane is zoned C-3 and includes a residential structure and detached garage. It is unclear if this property is a non-conforming residential use. To the south across Lafferty Lane, properties are zoned M and with R-8 zoning further east.

A Map Exhibit (Exhibit B) prepared by Staff is attached to this Report. It shows the subject property's location and the surrounding zoning.

Code Citations
M (Manufacturing Zone)
The subject project is zoned M (Manufacturing Zone). *Zoning Ordinance*, Article 3 §19 lists the permitted uses, conditional uses, and other provisions of the M zone. See the following excerpt of the permitted uses in the M zone.

> Article 3 §19
> 19.1 *Uses permitted.* In a manufacturing (M), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8 and subject to the site development plan approval as set forth in article 10, section 2:
> (a) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel used shall be oil, gas or electricity; together with accessory uses incidental to the use.
> (b) Research, design and development laboratories.
> (c) Wholesale storage and warehousing, transshipment and distribution, logistics support.
> (d) Building contractors' yards.
> (e) Public utilities uses.
> (f) Ministorage facilities, subject to the following regulations:
> (i) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.

(ii) No outside storage, except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
(iii) No individual unit may be used for retail, garage sale or any other commercial activities.
(iv) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.
(v) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.
(vi) All other bulk requirements of this ordinance are met.

(g) Railroad yards, sidings, and storage facilities.
(h) Marijuana cultivation facilities, marijuana manufacturing facilities, and marijuana testing facilities subject to the requirements outlined in article 5, section 24.
(i) Accessory uses:

(a) On-site offices, clinics, food service facilities, recreation facilities and child day care services collocated within the permitted use and limited to exclusive use by employees, and such other accessory uses and structures clearly incidental to, and customary to and associated with the permitted use.
(b) The following uses may be permitted as conditional uses if approved by the planning commission in accordance with the provisions and procedures set forth in article 10, section 1 and any specified requirements set forth below:

(1) Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail uses do not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.
(2) Outside storage which is incidental to the primary uses on the lot, within a completely enclosed and secure area appropriately screened from public view and not in any required setback from property lines.

In the M zone, the set of bulk standards for development is outlined in *Zoning Ordinance*, Article 4 §4.16 including setbacks, parking, height, FAR (Floor area ratio), lot coverage, etc. These regulations define the buildable area and the placement of the building. The front yard setback in the M zone is 40 feet, the rear yard setback (area) is 20 feet, and the side yard setback is 20 feet on both sides.

For All Permitted Uses	*M*
Lot width (ft.)	100
Lot depth (ft.)	150
Front yard (ft.)	40
Side yard (ft.)	20
Rear yard (ft.)	20
Side or rear yard which adjoins a residential zone (ft.)	50

AEOZ (Airport Environs Overlay Zone)

The subject project is located within the AEOZ (Airport Environs Overlay Zone) - APZ II (Accident Potential Zone II). *Zoning Ordinance*, Article 3 §22 lists the permitted land uses, exemptions, development standards, and other provisions of the AEOZ zone. This property is located within the APZ II – Accident Potential Zone II of AEOZ. See the following excerpt summarizing AEOZ and APZ II zones:

> Article 3 §22
> 22.3 *Accident potential zones and noise zones*. The AEOZ is comprised of two basic regulatory components: accident potential zones and noise zones. This section establishes three accident potential zones and four noise zones. The boundaries of each of these zones are delineated on the City of Dover Zoning Map and are further described as follows:
> (a) *Accident potential zones:*
> (1) *Clear zone (CZ)* is that area immediately adjoining the end of a runway and which extends outward from the edge of the runway a distance of 3,000 feet and which is 3,000 feet in width (1,500 feet to either side of the centerline of the airport runway);
> (2) *Accident potential zone I (APZ I)* is that area immediately adjoining the outer edge of the CZ and which extends outward from the boundary of the CZ a distance of 5,000 feet, and which is 3,000 feet in width; and
> (3) *Accident potential zone II (APZ II)* is that area immediately adjoining the outer edge of the APZ I and which extends outward from the boundary of the APZ I a distance of 7,000 feet, and which is 3,000 feet in width.
> (b) *Noise zones:*
> (1) *Noise zone A (DNL A)* is that area within and bounded by DNL contour lines of between 65 decibels and 69 decibels of noise pressure.
> (2) *Noise zone B (DNL B)* is that area within and bounded by DNL contour lines of between 70 decibels and 74 decibels of noise pressure.
> (3) *Noise zone C (DNL C)* is that area within and bounded by DNL contour lines of between 75 decibels and 79 decibels of noise pressure.
> (4) *Noise zone D (DNL D)* is that area within and bounded by DNL contour lines of 80 decibels and subject to noise pressure of 80 decibels and greater.
>
> 22.4 *Exemptions.* The following uses and structures are exempt from compliance with the provisions of this section:
> (a) *Additions to existing one-family dwellings.* Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.
> (b) *Additions to existing non-residential buildings.*
> (1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.
> (2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.
> (c) *Temporary uses.* Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed five days.
> (d)*Temporary structures.* Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance appendix are permitted, so long as such uses and associated structures are constructed incidental to a permitted use.
> (e) *Accessory uses and structures.* Accessory uses and structures incidental to a permitted principal structure or use.
>
> 22.5 *Land use and development standards.* Any building or portion thereof constructed or placed within the AEOZ shall comply with the following standards:

(a) Unless specifically exempted under subsection 22.4 above, land uses shall be permitted or prohibited in accordance with subsection 22.6, land use compatibility table.
(b) Proposed structures situated within noise zones A through D shall be constructed with noise attenuation features to achieve the minimum interior noise level reductions specified by building type in subsection 22.6, land use compatibility table.
(c) In APZ I and APZ II, no structure may be erected over 60 feet in height, regardless of zoning district bulk regulations of the individual zoning district.
(d) All building permit applications for construction of new buildings or building additions not exempted under section 22.4, within AEOZ shall be accompanied by a written statement from a licensed architect or engineer, which lists all construction materials to be used and the resultant interior noise level reductions to be achieved. The written analysis provided by the engineer or architect shall demonstrate that the proposed construction will achieve compliance with the minimum required interior noise level reductions specified in subsection 22.6, land use compatibility table.

Fence Regulations

The *Zoning Ordinance*, Article 5 §7 – Supplementary regulations applying to all non-residential zones outlines the provision for fences. For a non-residential property, a fence is limited to a height of 4 feet when located in the front yard (setback). The maximum fence height is 8 feet when located in the side yard or rear yard.

Article 5 §7
7.5 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas and shall be limited to a maximum height of eight feet above the ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above the ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

Applicant's Proposed Project and Variances Requested

The Applicant submitted a Fence Permit Application (#26-743) with the description of the requested improvements and a site drawing (Exhibit C). This plan/drawing depicts the proposed location of segments of 6-foot-tall commercial grade chain link fence with one gate to be installed to the northeast. As the proposed fence would exceed four feet in height within the required 40-foot front yard, the Planning Office issued a letter denying the Permit. The fence would be installed around an area that is currently parking. In total 292 feet of fence is proposed to be installed – 70 feet at the northwestern entrance side of the parking lot, 150 feet at the northeast and southwest portion of the parking lot, and 56 feet at the southeastern end of the parking lot.

Following denial of the Fence Permit #26-743, the Applicant applied for a Variance from the requirements of *Zoning Ordinance,* Article 5 §7.5 associated with the proposed fencing on the Rosemary Road frontage. The proposed fencing would be six feet tall, within the required 40-foot front yard. It would be installed in four segments: 70 feet, 105 feet, 56 feet, and 105 feet long. The gate is to be 44 feet long facing the entrance to the existing parking lot section.

Exceptional Practical Difficulties Tests

Zoning Ordinance, Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically, the Board must determine:

> 2.1 Variance – The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.
>
> 2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:
>
> (a) the nature of the zone in which the property lies;
> (b) the character of the immediate vicinity and the contained uses therein;
> (c) whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
> (d) whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As part of the Application, the applicant was asked to summarize how the requested Variance relates to the above criteria. The applicant's responses (Exhibit D) along with a Staff assessment of the application in accordance with the required criteria are provided below.

1. **The nature of the zone in which the property lies.**

   Applicant Response: The subject property contains approximately 2.88 acres and is located within the Manufacturing (M) Zoning District and Airport Environmental Overlay Zone (AEOZ). The property is improved with multiple warehouse and flex-space buildings intended for manufacturing, warehousing, wholesale storage, and contractor-oriented uses. The property lies immediately north of Dover Air Force Base within an area characterized by industrial and commercial development.

   Staff Response: The subject property is zoned M (Manufacturing Zone) and is developed with multiple warehousing and flex space buildings. The subject site is located in the AEOZ (Airport Environs Overlay Zone) - APZ II (Accident Potential Zone II). According to the *2019 Comprehensive Plan,* Map 12-1: Land Development Plan, the subject site and immediately surrounding area are planned for industrial use.

2. **The character of the immediate vicinity and the contained uses therein.**

   Applicant Response: The surrounding area is characterized by industrial, manufacturing, contractor service, and warehouse uses. Adjacent and nearby properties include a food

production facility serving a regional pizza restaurant chain, a commercial construction company's equipment yard, and multiple warehouse and flex-space facilities. Aerial imagery and existing site conditions demonstrate that outdoor storage of equipment, vehicles, and materials is already a common feature of the immediate vicinity. The character of the area is distinctly industrial rather than residential or mixed-use in nature. The requested six-foot fence is entirely consistent with the established development pattern and would not introduce a use or visual condition that is out of character with the surrounding businesses.

Staff Response: The area immediately surrounding the site is an industrial area that includes a mix of warehousing, industrial uses, and contracting yards. The development includes single and multi-tenant buildings with parking lot areas. Likewise, it is identified as the Industrial Land Use Category in the *2019 Comprehensive Plan*. The properties on Rosemary Road are zoned M (Manufacturing Zone), except for the northwest corner of Rosemary Road and Lafferty Lane, which is zoned C-3 (Service Commercial Zone).

3. **Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses.**

Applicant Response: The proposed fence is located internal to the complex and away from public road frontages. The enclosure will be substantially screened by existing buildings, landscaping, and site improvements, minimizing visibility from adjoining properties and public rights-of-way. Because the properties in the complex are separate tax parcels, they are subject to a "front yard setback" just as if they were in a residential area. The fence will not adversely affect neighboring properties, traffic circulation, public safety, or the general character of the area.

Staff Response: The subject property is one of four properties that fronts the cul-de-sac of Rosemary Road. The location of the fence is over 300 feet from Lafferty Lane. Therefore, the presence of the six-foot fence within the front yard setback, along Rosemary Road would be visible to only to the other properties located on Rosemary Road. It would unlikely affect the neighboring properties and uses.

4. **Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the *Zoning Ordinance*.**

Applicant Response: The proposed fenced area is intended to provide secure outdoor staging and storage for materials associated with a warehouse tenant's operations. The tenant routinely stores electrical equipment, refrigeration components, and related construction materials that cannot reasonably be accommodated entirely within the leased interior space. These materials are valuable, portable, and frequent targets of theft. A four-foot fence provides little meaningful deterrence and does not offer an adequate level of security for the intended use of the property. Without the requested relief, the tenant's ability to utilize the property for its intended industrial purpose would be substantially impaired. The inability to provide a secure staging area would jeopardize the tenant's

occupancy and create an exceptional practical difficulty for both the tenant and property owner.

The requested six-foot fence represents the minimum relief necessary to provide reasonable security for the intended industrial use of the property. The request does not seek approval of a prohibited use. Manufacturing, warehousing, wholesale storage, and contractor-oriented uses are already permitted within the zoning district. The request merely seeks a reasonable security measure necessary to support those permitted uses.

Staff Response: The inability to install a six-foot-tall fence would interfere with the property owner's ability to conduct business that is otherwise permitted within the zone. Additionally, the portion of the property where the fence is proposed is approximately 75 feet in depth, making it difficult to meet the 40-foot front yard setback in order to place a fence that is taller than 4 feet in height. The fence placement is also limited by the location of the parking lot area it is intended to enclose. The existence of floodplain on the south portion of the parcel also limits development on this portion of the parcel. Combined, these factors create an exceptional practical difficulty relating to development and use of the southern portion of the parcel. As shown on the Exhibit plans submitted by the applicant, the fence would be located outside of the floodplain.

Variance Recommendations
Staff recommends approval of the Variance to allow a six-foot-tall chain-link fence to be installed along the frontage of the subject property parallel to Rosemary Road.

Staff recommends **approval** of the variance for reasons as follows:

- A six-foot-tall chain-link fence would not be out of character with the surrounding area. The proposed fence does not appear to have an effect on adjacent properties.
- The inability to install a six-foot-tall fence would interfere with the property owner's ability to conduct business that is otherwise permitted within the zone and that needs security provisions.
- The proposed six-foot-tall chain-link fence would be located outside of the floodplain (Special Flood Hazard Area).
- The depth of the property of approximately 75 feet where the parking lot is located makes it difficult enough for the fencing to meet the 40-foot setback requirement from the front of the property to install the proposed six-foot-tall fence.

Advisory Comments to the Applicant

- If granted, the variance becomes null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.

- Staff further recommends that if the Board approves the requested variance, the approved setback from the right-of-way be identified in the motion. The proposed setback (distance from the front property line/right-of-way) of the fence is not specified in the application materials.

- If the requested variance is granted, the Applicant must still obtain the appropriate Fence Permit approvals for construction of a fence on the property. Fence Permit Application would need to be revised and resubmitted to depict the proposed fence location in compliance with any variance approval and conditions.

- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application	2
B	Zoning Map Exhibit (Staff)	1
C	Permit Application	8
D	Applicant Responses to Criteria, including letter, photos, and site maps provided by the applicant	4
E	Map of Special Flood Hazard Area (Floodplain)	1

City of Dover, DE
Department of Planning and Inspections
P.O. Box 475, Dover, Delaware 19903
(302) 736-7010 Fax: (302) 736-4217
www.cityofdover.com

FILE COPY
FILED IN
DOCUWARE

X Area Variance
___ Use Variance
___ Appeal
___ Pre-App Date

Item 2.

RECEIVED
JUN 11 2026
CITY OF DOVER
PLANNING & INSPECTIONS

Exhibit A

Board of Adjustment Application

Application Information

Property Address: 131 ROSEMARY ROAD DOVER, DE 19904

Tax Parcel Number: ED-05-077.16-02-12.03-000

Owner Name: BLUE COLLAR GUILD

Property Zoning: M / AEO2

Variance (s) Requested: Article 5, Sec 7.5 Fence Height

*Provide eight (8) copies of any survey, drawings, photos, site plan, etc. that may help support your application, and your response to the criteria. The criteria for a use variance and appeal are on the back of the form.

26-7000004

Area Variance

An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

1. The nature of the zone in which the property lies;
2. The character of the immediate vicinity and the contained uses therein;
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

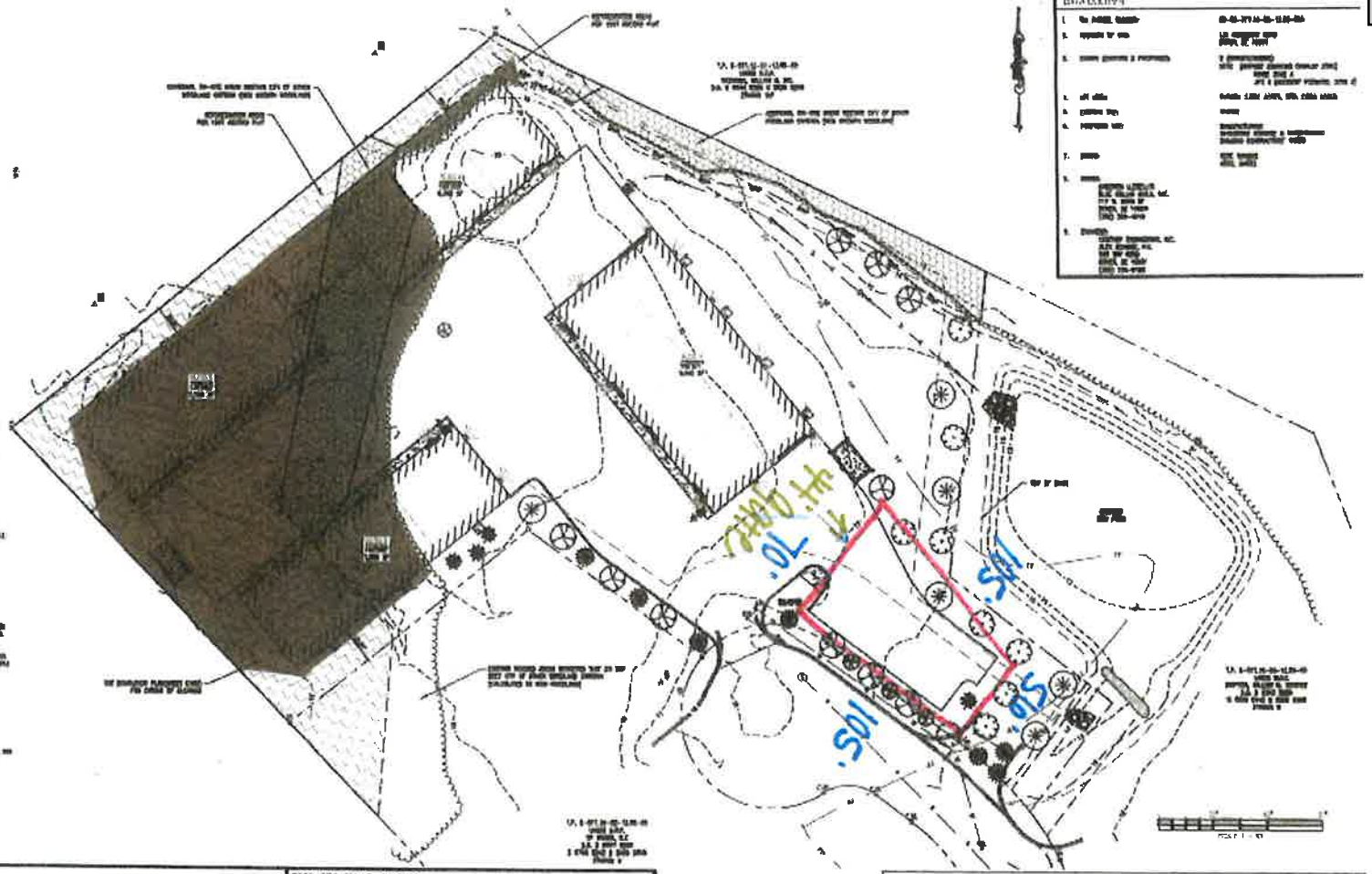
Signature

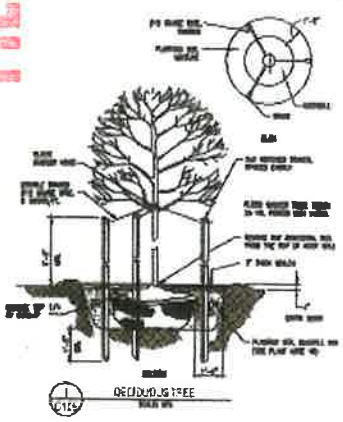
I CAMERON LLEWELLYN do affirm that I am the property owner on which the variance is sought and that all the information provided in this application is accurate to the best of my knowledge and belief.

Signature | MANAGING PARTNER (Title) | 06/10/2026 (Date)

FILED IN DOCUWARE

FILE COPY





PLANTING NOTES

TREE MITIGATION PLAN NOTES

REQUIRED SITE PLANTING CALCULATIONS

LEGEND

PLANTING SCHEDULE

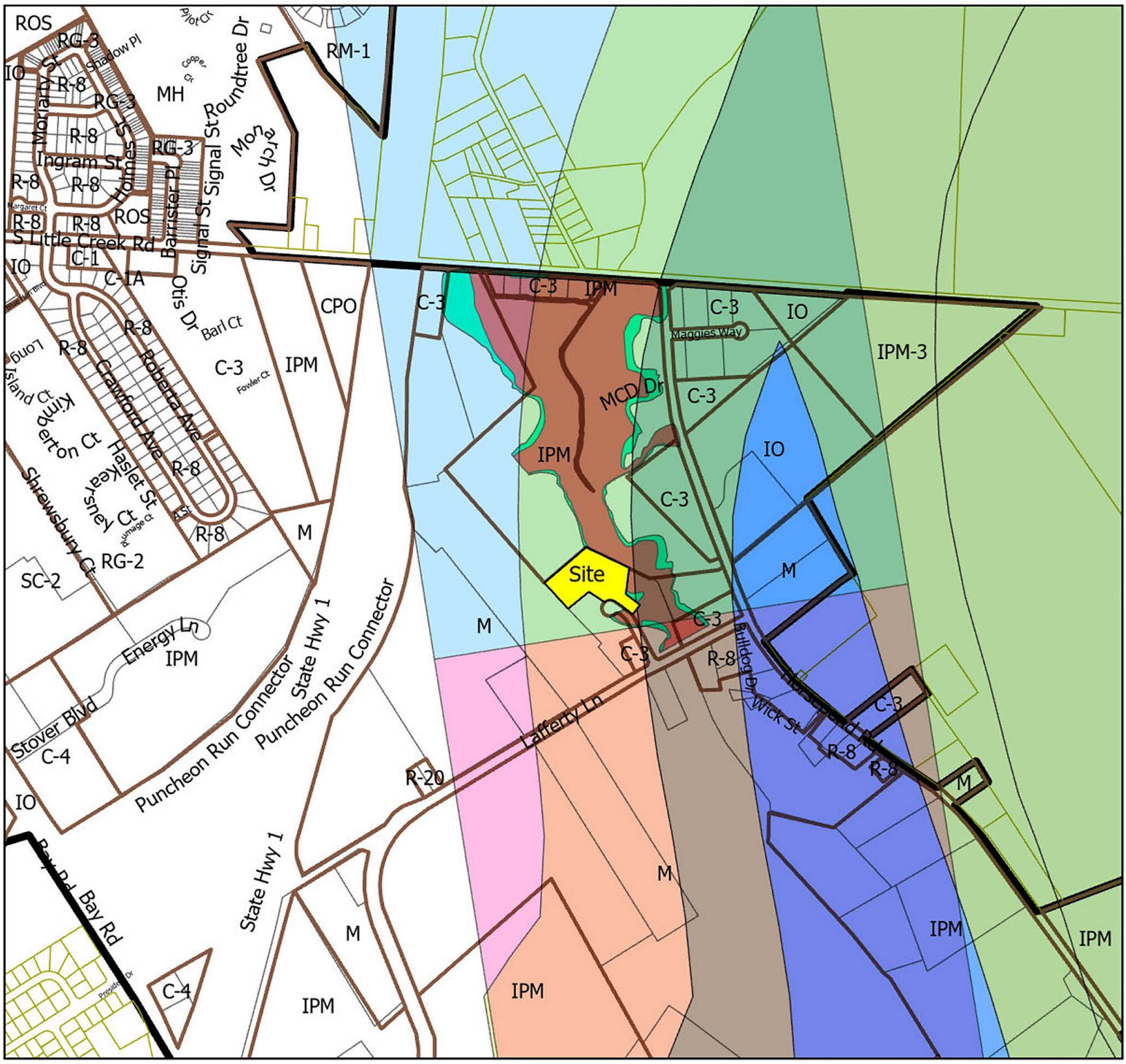
City of Dover

Department of Planning & Inspections

Exhibit B

Application No.: V-26

Item 2.



Title:	Variance for Proposed Fence
Ordinance #:	2026-743
Addresses:	131 Rosemary Road
Parcel ID:	ED-05-077.16-02-12.03-000
Present Zoning:	M (Manufacturing) and AEOZ - APZ II
	(Airport Environs Overlay Zone - Accident Potential Zone II)
Owner:	Blue Collar Guild, LLC
Date:	7/7/2026

0 500 1,000 2,000 Feet

N W E S

Legend

- Subject Property
- Special Flood Hazard Area
  - A
  - AE
  - X
- Noise Zone Areas Layer
  - Noise Area D
  - Noise Area C
  - Noise Area B
  - Noise Area A
- Airport Environs Overlay Zone
  - APZ I
  - APZ II
  - CZ
  - Zoning
  - Kent County Parcels
  - Dover Boundary
  - Dover Parcels

Exhibit C

City of Dover - BUILDING PERMIT APPLICATION

15 Loockerman Plaza ♦ Dover, Delaware 19901 ♦ (302) 736-7010 ♦ FAX (302) 736-4217
permitsandlicenses@dover.de.us

Project Address/Tax Parcel Identification Number

131 ROSEMARY RD DOVER, DE 19901 / 2-05-07716-02-1203-00001

Applicant's Name

SARA BROOKS

Owner Name and Address BLUE COLLAR GUILD LLC Phone # ( ) 302-359-4646

E-mail address:

Contractor Name and Address FORREST FENCE CO Phone # (302)-284-9674

E-mail address: SARA@FORRESTFENCING.COM Dover Business License # 26-00013509

BUILDING DETAILS

Proposed Occupancy _____

Type of Construction _____

Change in Occupancy or Use? Yes or No

If yes, describe the previous use _____

Type of work: ( ) New ( ) Addition ( ) Demolition
( ) Renovation – Interior ___ Exterior ___
( ) Roof – tear off ___ overlay ___ # of layers_____
( ) Alteration ( ) Siding ( ) Solar panels
( ) Full Building Demolition ( ) Selective Demolition
(X) Fence - Height 6' ( )Pool ( ) Elevator ( )Shed
( ) OTHER _____

Number of Stories _____

Total Height in Feet _____

Total Land Area to be Disturbed (in SF) _____

Proposed Occupant Load _____

Square Footage All Floors _____

Total Work Area (in SF) _____

Description of Work:

292' OF 6' GALVANIZED CHAIN LINK FENCE WITH 1 GATE

Sprinkler System? Yes or No

Fire Alarm System? Yes or No

Estimated Value of Construction: $21,800.00

Before You Dig! Call Delmarva 811 at (800)282-8555 or other authorized locator. Attention! Please post your issued permit on site and visible from the street.

Office Use Only

Permit Number 26-743

Roll Plans Fold Plans CD/Email

Date Received 5/13/26

Date Issued _____ CC-N

Flood Plain (Y) N Taxes Y (N)

Public Works (Y) N KCD Y (N)

Impact Fee Fixtures Sheet Y (N)

C/O Required _____

Review Approvals

( ) Building Plan Date____ Initials____

( ) Fire Plan Date____ Initials____

M/AEDZ AP2# N/A

( ) Zoning / Site Plan Date____ Initials____

Total Fee 193.00

Fees Paid ( )

Check #_____ Cash _____ Credit _____

Collected By _____

Certification in Lieu of Oath

I hereby certify that I am the owner of record or a contractor authorized by the owner of record to make this application, and that all work will be performed in accordance with the applicable Codes and Ordinances.

Sara Brooks

Signature

SARA BROOKS

Print Name

05/13/2026

Date

Brief Description of Work (To Be Completed by Applicant):	To Be Completed By Planning & Inspections Staff
292' OF 6' GALVANIZED CHAIN LINK FENCE WITH 1 GATE	Building Permit #: Plumbing Permit #: 26-743 C/O Required: Y/N

WORK SITE LOCATION	Address: 131 ROSEMARY RD DOVER, DE 19901
	Parcel ID: 2-05-07716-02-1203-00001

Applicant (Owner or Contractor)	FORREST FENCE CO
Contact Person	SARA BROOKS
Mailing Address	9867 S DUPONT HWY
City, State, Zip	FELTON, DE 19943
Telephone	302-284-9674
Fax	
E-mail Address	SARA@FORRESTFENCING.COM

Does Your Project Propose . . .	Yes	No	If Yes, Describe
an increase or decrease to the quantity of plumbing fixtures at the location?**		✓	
a change in size of the water line serving the location?		✓	
a new water irrigation system?		✓	
a change in size of the sanitary sewer line serving the location?		✓	
relocation of the water meter?^		✓	
relocation of the water line serving the location or any associated appurtenances?^		✓	
relocation of the sanitary sewer line serving the location or any associated appurtenances?		✓	
any work within the right-of-way?		✓	
any proposed sidewalk work?		✓	
any proposed concrete work?		✓	
any alteration to any storm drain infrastructure?		✓	
any proposed curb alteration, i.e., new driveway to property?		✓	
any proposed scaffolding to renovate building exterior?		✓	
any proposed tree or shrub plantings within the right-of-way?		✓	
an upgrade in sanitation service?		✓	
a relocation of the existing trash pick-up location?		✓	

EASEMENT*	Yes	No
Is there any existing easement on this property? (utility, drainage, cross access, etc.)		✓

**-It is prohibited to build any structure, including a fence, within an existing easement.*
*** - An increase in fixtures may be subject to impact fees.*

PLUMBING ^	MATERIAL	LOCATION (CHECK ALL THAT APPLY)
Specify material of pipe being installed for water line serving the location, if applicable		_____ Publicly Owned _____ Privately Owned

I hereby certify that the information provided above is correct and acknowledge that should any differences be identified throughout the course of the project that all renovation project requirements still apply.

SARA BROOKS — Printed Name of Applicant

Sara Brooks — Signature of Applicant

05/13/2026 — Date

THIS FORM MUST BE COMPLETED AND TURNED IN WITH PLUMBING PERMIT APPLICATION OR BUILDING PERMIT APPLICATION.

INVOICE

Forrest Fence Co
9867 S. DuPont Hwy,
PO Box 21
Felton, DE 19943
(302) 284-9674

Sales Representative
Cody Davis
Cody@forrestfencing.com

Forrest Fence

Tidemark Construction
Job #24705 - Tidemark Construction- Lafferty Chain Link
Dover, DE 19904

Invoice #	14411
Date	5/8/2026
Amount Due	$21,800.00
Due Date	Due on Receipt

Item	Description	Qty
E1 - Chain Link	We are pleased to quote on your fencing requirements. We propose to supply and install the following: 292 of Commercial 6' Galvanized Chain link system plus gates. Mesh: 2" x 9 gauge x 72" KT Galv Top rail: 1-5/8" Galv SS20 Line post: 2" x 8' Galv SS40 Terminal post: 2.5" x 9' Galv SS40 (Braced) All post include 80lbs wet mixed concrete per post. Coil wire: COIL WIRE 8 gauge White Top lock privacy slats Gate 1: 44.00' Double Slide gate w/hardware	1.00
		
E1a - Concrete	Concrete (1 bag per post)	0.00

Minimum payment of 50 % due at signing of contract.
** DEDUCT 2% FROM TOTAL AMOUNT IF PAYMENT MADE IN FULL AT SIGNING.
Final payment due at completion.

PAYMENTS MADE BY CHECK MAIL TO:
PO BOX 21, FELTON, DE 19943

Sub Total	$21,800.00
Total	$21,800.00
Amount Paid	$0.00
Balance Due	$21,800.00

*Card payment may incur a surcharge which is calculated at checkout.

Make a payment >

Verified secure

Customer Signature

Date

SPECIAL INSTRUCTIONS

Thank you for using Forrest Fence Co & Forrest Outdoor Living. Attached is your final invoice for the completion of your project. Below is a link to pay now. Checks can be mailed to the address below or we would be happy to schedule our Project Manager to visit on site to do a walk around of your project. Please advise if you would like to schedule.
If you could please share your experience with others on our Facebook page or Google Business page we would greatly appreciated the feedback. Links below:

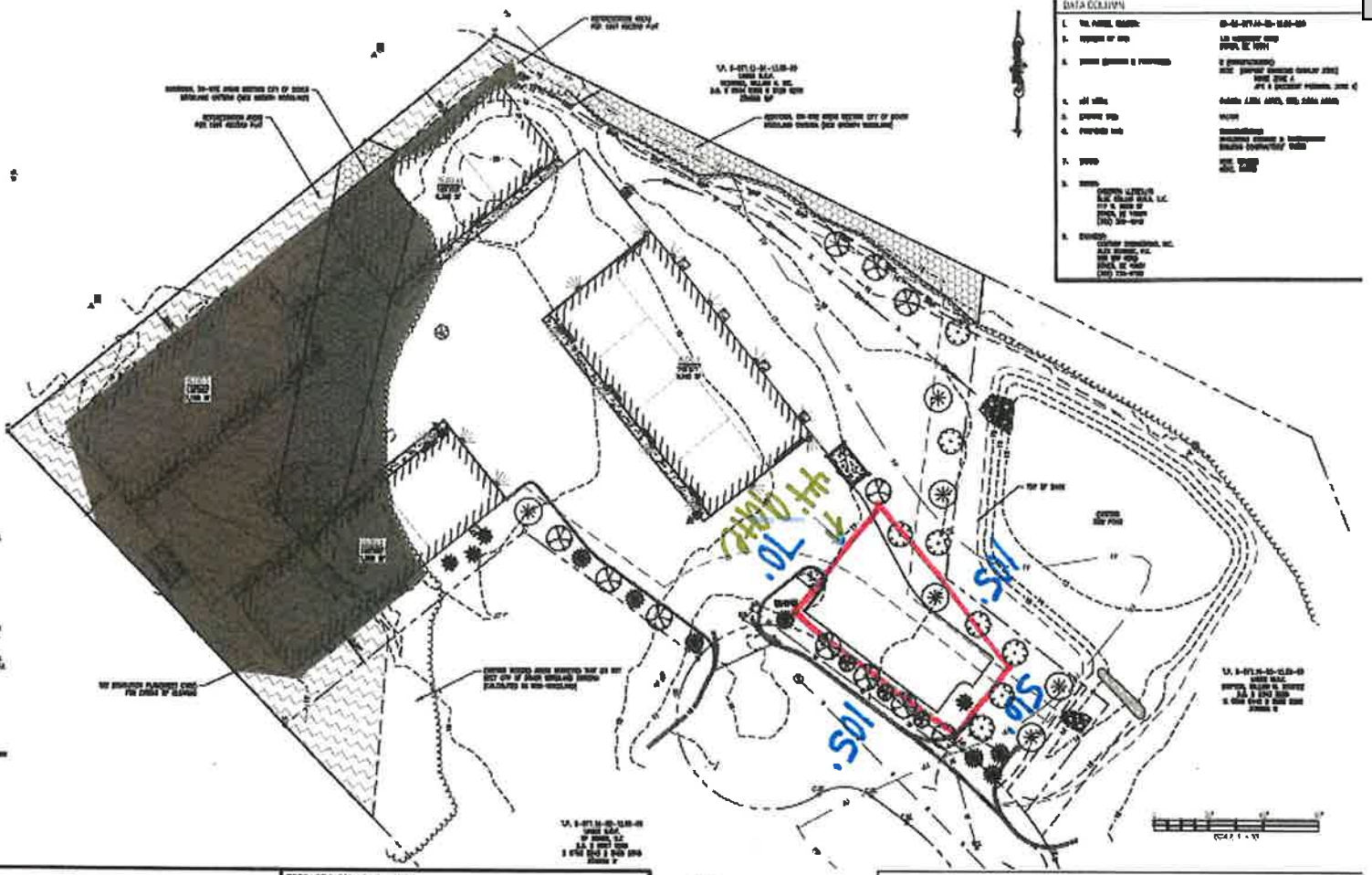
Facebook review

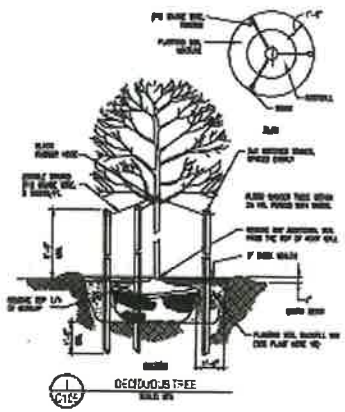
Google Business review

PAYMENT OPTIONS

1. Pay online with E-Check/ACH (NO FEE, strongly recommended)

1. Click on the green **MAKE A PAYMENT** button at the top of this invoice using a mobile device or computer.
2. Choose the amount you want to pay, then click the blue button for "E-Check"
3. Click the button "Pay with bank account"
4. Click "Continue" to find your bank
5. Once you've found your bank, log in with your username and password. It might ask for additional verification for security.
6. Choose the account you wish to pull from
7. Enter your full name and email address to receive a receipt, then click "Authorize Account"
8. Verify the information is correct and then click "Confirm" to complete the payment.





PLANTING NOTES

TREE MITIGATION PLAN NOTES

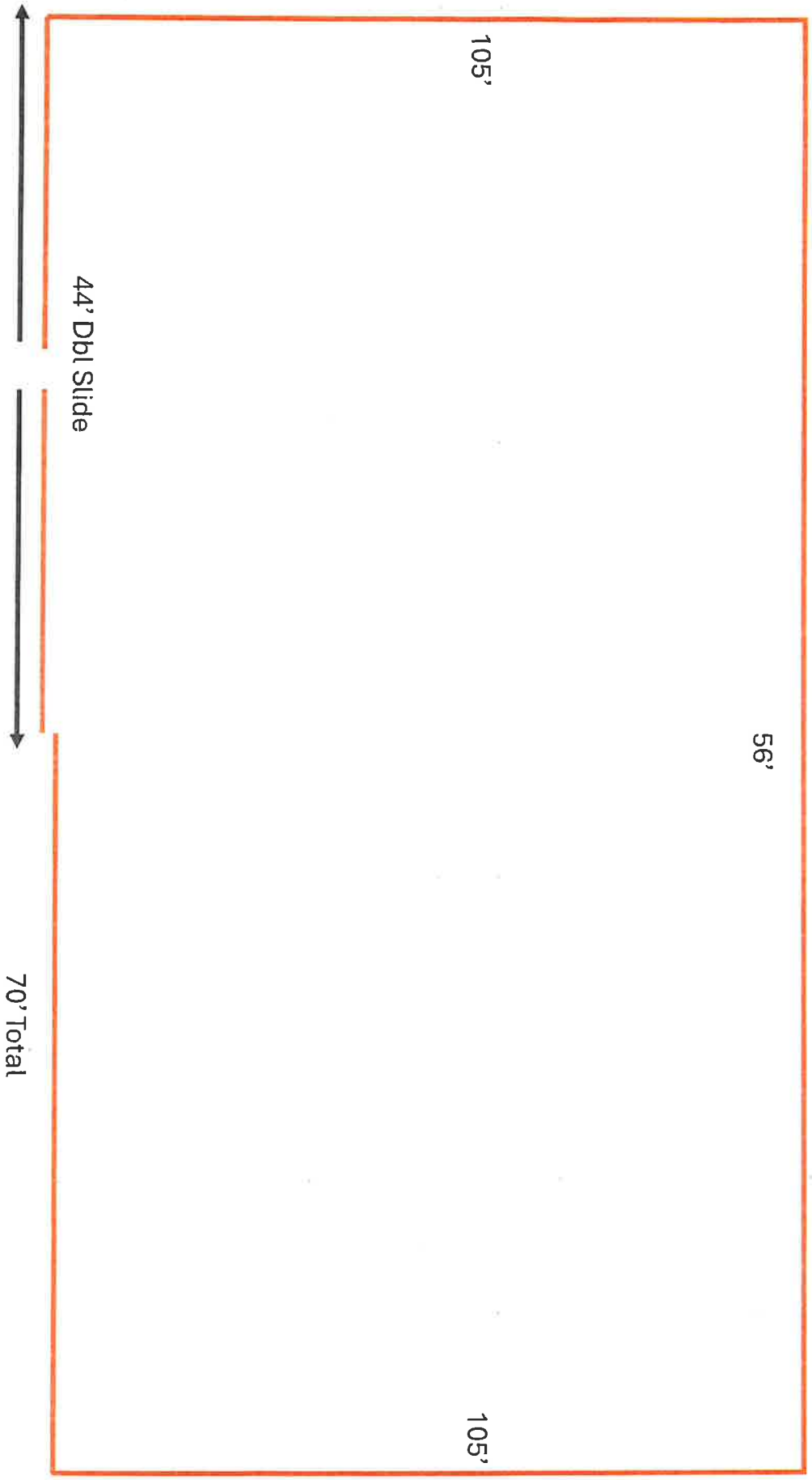
REQUIRED SITE PLANTING CALCULATIONS

LEGEND

PLANTING SCHEDULE

MARK	QUANTITY	SYMBOL	BOTANICAL	COMMON	PLANTED SIZE	NOTES

CERTIFICATION OF PLAN ACCURACY


105’
44’ Dbl Slide
56’
70’ Total
105’

City of Dover

June 9, 2026

Cameron Llewellyn
Blue Collar Guild LLC
117 W. Reed Street
Dover, DE 19904

RE: Fence Permit Application Denial (#26-743)
Tax Parcel: ED05-077.16-02-12.03-000

Dear Mr. Llewellyn:

We have reviewed your permit application (326-743) for a proposed fence to be located on the property at 131 Rosemary Road in Dover, Delaware. Unfortunately, we are unable to issue the permit, as the fence is proposed to be six feet in height and within the required front yard of the parcel. This does not comply with the *Zoning Ordinance*, Article 5 §7.5, which limits fences to four feet above the ground when situated in the front yard. The required front yard in the M (Manufacturing Zone) is 40 feet.

The *Zoning Ordinance*, Article 5, §7.5 states the following:

> 7.5 *Fences.* **Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas**, and shall be limited to a maximum height of eight feet above the ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above the ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

If you wish to file an application to the Board of Adjustment to request a variance from these restrictions, please contact the Planning Office during normal business hours at (302) 736-7196.

Sincerely,
Department of Planning & Inspections

Dawn Melson-Williams, AICP
Principal Planner

cc: Sara Brooks Forrest Fencing

DEMW:amt

CONSTRUCTION PLANS

FOR

BLUE COLLAR GUILD, LLC
ROSEMARY ROAD WAREHOUSES

DOVER, DELAWARE 19901

CENTURY ENGINEERING, INC.

ADDRESS:
550 BAY ROAD
DOVER, DE 19901
P: (302) 734-9188 F: (302) 734-4589

WEBSITE:
www.centuryeng.com

EMAIL:
ce@centuryeng.com

PROJECT

SHEET TITLE

CONSTRUCTION
SITE LAYOUT

FINAL SITE PLANS

MAY, 2020

DRAWN: DFS
CHK'D BY: MDS

SCALE: 1" = 30'
SHEET NO: C103
PROJECT NO: 19004811

DESCRIPTION
DATE

REVISIONS

This drawing is the property of Century Engineering, Inc. and shall not be used in any manner without the written consent of Century Engineering, Inc. Do not scale drawing. Use figured dimensions only. All dimensions must be verified on the job before any work is started. Report any discrepancies to the engineer before proceeding with the work. Century Engineering, Inc. assumes no responsibility for any deviations in dimensions or conditions on the job from those shown on the drawings. Any changes made to these drawings without the written consent of Century Engineering, Inc. will relieve Century Engineering, Inc. of all responsibility for the job as shown. The reproduction of these plans for any purpose other than authorized is forbidden.

FINAL PLAN

CITY OF DOVER BOARD OF ADJUSTMENTS
STATEMENT OF JUSTIFICATION

Exhibit D

Applicant: Bill Collar Guild, LLC

Property Address:
131 Rosemary Road
Dover, Delaware

Tax Parcel:
ED-05-077.16-12-03.00-000

Requested Relief

We respectfully request an Area Variance from the fence height requirements applicable to the subject property to permit the installation of a six-foot-high security fence surrounding a material staging area serving a tenant at 131 Rosemary Road.

Property Description

The subject property contains approximately 2.88 acres and is located within the Manufacturing (M) Zoning District and Airport Environmental Overlay Zone. The property is improved with multiple warehouse and flex-space buildings intended for manufacturing, warehousing, wholesale storage, and contractor-oriented uses.

The property lies immediately north of Dover Air Force Base within an area characterized by industrial and commercial development.

Character of the Area

The surrounding area is characterized by industrial, manufacturing, contractor service, and warehouse uses. Adjacent and nearby properties include a food production facility serving a regional pizza restaurant chain, a commercial construction company's equipment yard, and multiple warehouse and flex-space facilities.

Aerial imagery and existing site conditions demonstrate that outdoor storage of equipment, vehicles, and materials is already a common feature of the immediate vicinity. The character of the area is distinctly industrial rather than residential or mixed-use in nature.

The requested six-foot fence is entirely consistent with the established development pattern and would not introduce a use or visual condition that is out of character with the surrounding businesses.

Minimal Impact

The proposed fence is located internal to the complex and away from public road frontages. The enclosure will be substantially screened by existing buildings, landscaping, and site improvements, minimizing visibility from adjoining properties and public rights-of-way. Because the properties in the complex are separate tax parcels, they are subject to a “front yard setback” just as if they were in a residential area.

The fence will not adversely affect neighboring properties, traffic circulation, public safety, or the general character of the area.

Practical Difficulty

The proposed fenced area is intended to provide secure outdoor staging and storage for materials associated with a warehouse tenant's operations. The tenant routinely stores electrical equipment, refrigeration components, and related construction materials that cannot reasonably be accommodated entirely within the leased interior space.

These materials are valuable, portable, and frequent targets of theft. A four-foot fence provides little meaningful deterrence and does not offer an adequate level of security for the intended use of the property.

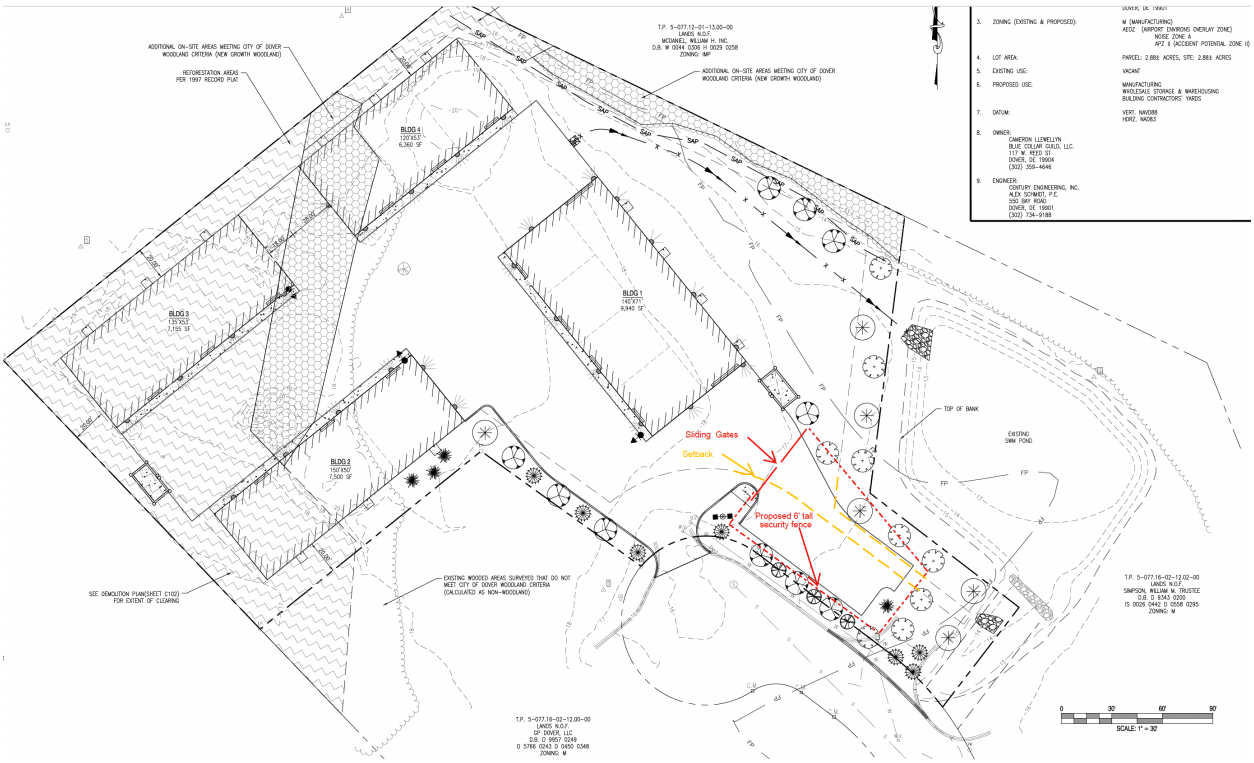
Without the requested relief, the tenant's ability to utilize the property for its intended industrial purpose would be substantially impaired. The inability to provide a secure staging area would jeopardize the tenant's occupancy and create an exceptional practical difficulty for both the tenant and property owner.

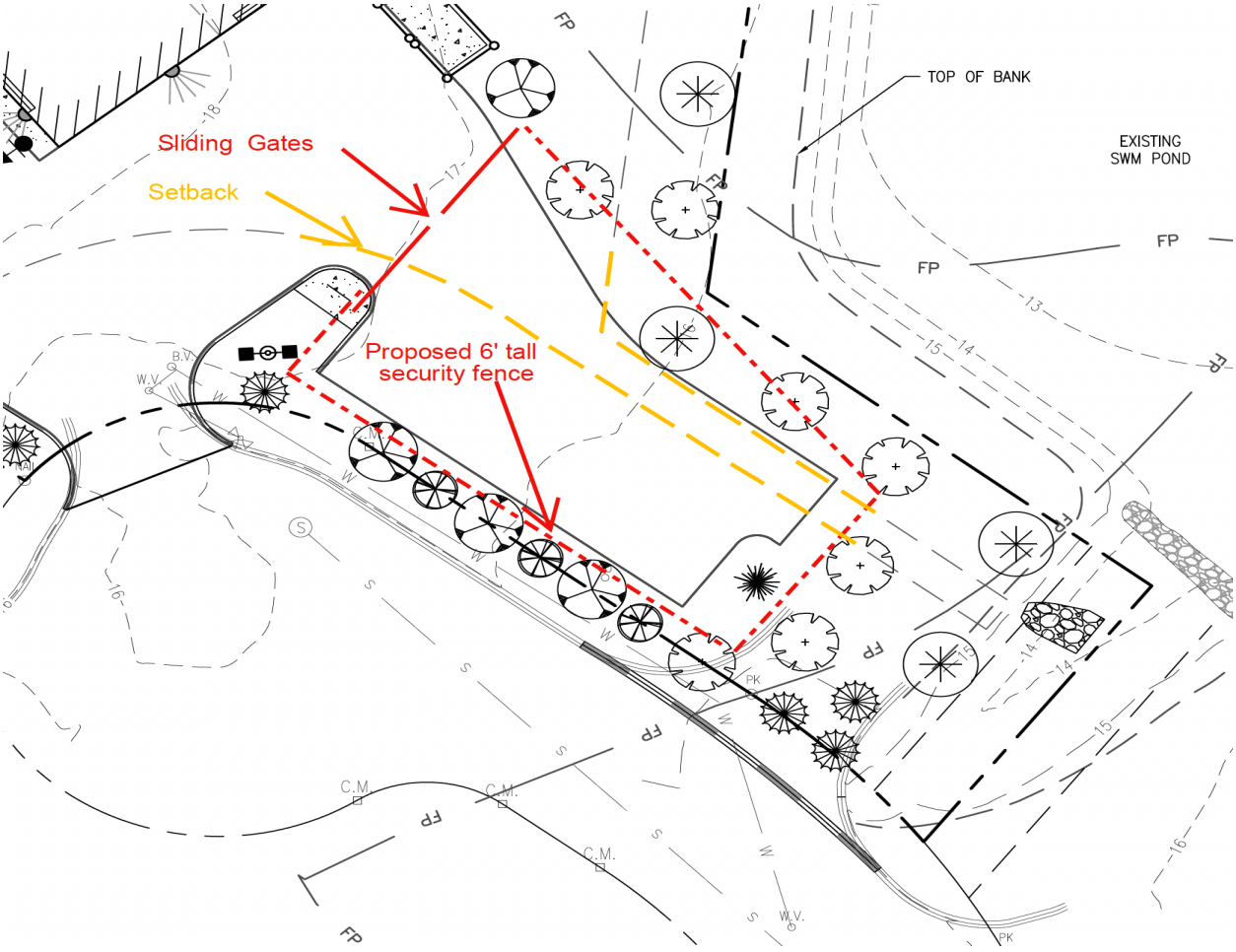
Minimum Relief Necessary

The requested six-foot fence represents the minimum relief necessary to provide reasonable security for the intended industrial use of the property. The request does not seek approval of a prohibited use. Manufacturing, warehousing, wholesale storage, and contractor-oriented uses are already permitted within the zoning district. The request merely seeks a reasonable security measure necessary to support those permitted uses.

Conclusion

For the reasons stated herein, we respectfully request approval of the variance to permit the installation of a six-foot security fence as depicted on the enclosed site plan.


Sliding Gates
Setback
Proposed 6' tall security fence
TOP OF BANK
EXISTING SWM POND
BLDG 1
BLDG 2
BLDG 3
BLDG 4
ADDITIONAL ON-SITE AREAS MEETING CITY OF DOVER WOODLAND CRITERIA (NEW GROWTH WOODLAND)
REFORESTATION AREAS PER 1997 RECORD PLAT
EXISTING WOODED AREAS SURVEYED THAT DO NOT MEET CITY OF DOVER WOODLAND CRITERIA (CALCULATED AS NON-WOODLAND)
SEE DEMOLITION PLAN(SHEET C102) FOR EXTENT OF CLEARING
SCALE: 1" = 30'


Sliding Gates
Setback
Proposed 6' tall security fence
TOP OF BANK
EXISTING SWM POND
FP
C.M.
W.V.
PK




FRONTLINE PEST CONTROL
TIDEMARK CONSTRUCTION
TIDEWATER UTILITIES
ELEVATED EXTRACTS
CONDOR TECHNOLOGIES
131 Rosemary Rd
TYSON ENTERPRISES
COMPLIANCE ENVIRONMENTAL
NILE FREIGHT
CONSTRUCTION MATERIAL STORAGE
GEORGE & LYNCH
GROTTO DOUGH PRODUCTION
Rosemary Rd
Lafferty
5th St
FRITO LAY

Delaware Flood Planning Tool

Exhibit E



Point Text

Effective Flood Hazard Areas

- A
- AE
- AE, Floodway
- AO
- VE
- X, 0.2 Pct. Annual Chance Flood Hazard
- Base Flood Elevation
- LiMWA
- Cross Sections
- Transect
- LOMA
- LOMR

Preliminary Flood Hazard

- A
- AE
- AE, Floodway
- X, 0.2 Pct. Annual Chance Flood Hazard

Contours

- Index
- Depression
- Hidden
- Interval

DNREC Building Line

- No Build Line

0 62.5 125 250 ft

State of Delaware, Department of Natural Resources and Environmental Control

July 7, 2026