

CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS

The Construction and Property Maintenance Code Board of Appeals meeting was held on July 29, 2026, at 3:30 p.m., with Mr. Boggerty presiding. The members present were Mr. Neil, Mr. Rocha, Mr. Campana, and Mr. Martin (in at 3:33 p.m.). Staff members present were Ms. Brown, Mr. England, Mr. Mayfield, Mr. Wood (in at 3:31 p.m.), Ms. Wheeler, and Ms. Martin.

ADOPTION OF AGENDA

Mr. Rocha moved for approval of the agenda, seconded by Mr. Neil, and unanimously carried.

2009 Property Maintenance Code Violation (Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-403 - Registration and Registration Fee) - Appeal of Registration Fee - 131 Orchard Avenue

Mr. John England, Code Enforcement Officer, reviewed the case history for 131 Orchard Avenue.

Ms. Bobbi Hobbs stated that she was trying to understand the reason why she was there, since she lived at the dwelling.

Responding to Mr. Boggerty, Ms. Hobbs stated that she resided in her house every day. She further stated that she had home insurance and a new roof that was two (2) years old. She explained that if there was a problem with weeds in the backyard bleeding into her yard, it was from the neighbor behind her.

Responding to Mr. Boggerty, Ms. Hobbs clarified that the house was her primary residence and that she lived alone in her house since her partner died in 2013. She stated that she had to fight for her dwelling for two (2) years. She noted that her grandchildren come over from time to time, and she had a friend come stay with her as well.

Responding to Mr. Boggerty, Mr. England stated that they were solely basing the vacant building status on the utility usage and that at one (1) time there was tall grass.

Responding to Mr. Boggerty, Mr. England stated that the grass violation had been resolved.

Responding to Mr. Neil, Ms. Hobbs stated that she did flush her toilets.

Responding to Ms. Hobbs, Mr. England clarified that there was a minimum water usage of 1,000 gallons.

Ms. Hobbs stated that they lived in a third-generation cancer state in Delaware and that people were dying from the water because, according to her, the state's single large aquifer had been polluted by the military base and nuclear power plants. She noted that this was why she did not use the water as she should and had never drunk the water.

Responding to Mr. Neil, Ms. Hobbs stated that she was the only person living at the dwelling.

Responding to Mr. Martin, Mr. England stated that the electric usage was minimal and was around 240 kilowatts.

Responding to Mr. England, Mr. Boggerty stated that it could be the refrigerator, washer, or microwave running sometimes.

Responding to Mr. Boggerty, Mr. England stated that typically the electricity usage was around 100 kilowatts.

Responding to Mr. Rocha, Mr. Layfield stated that the reason the property was in question was that the grass was over 12 inches and a door hanger was left on the door. He explained that he had come back a week later and the door hanger was never removed. He then notified Mr. England of a possible vacant building.

Mr. England stated that he understood the minimum water usage of 1,000 gallons. He noted that a discrepancy could be that the records only reflected two months of no usage, but there were 24 months without any readings, and asked that this be taken into consideration.

Responding to Mr. Rocha, Mr. England clarified that there were no readings for two (2) years. He noted that the last water reading was September of 2024.

Responding to Mr. Boggerty, Ms. Hobbs stated that she has been alone since 2013. She noted that she had never received a certified letter and that the letter had never gone through the Post Office. She added that she had contacted the Post Office regarding the matter.

Mr. Neil stated that they needed to do some door knocking. He made a motion to defer the matter and requested that Code Enforcement return to the property to conduct a random visit. He explained that if Ms. Hobbs answered the door, it would confirm that she was residing at the property. If she did not answer, despite later stating that she did not hear the knock, he stated he would question whether she was living in the home.

Mr. Neil made a motion to defer the matter and requested that Code Enforcement return to the property to conduct a random visit. The motion was seconded by Mr. Campana.

Responding to Mr. Rocha, Ms. Hobbs clarified that her fiancé had passed in 2013.

Responding to Mr. Rocha, Ms. Hobbs stated that she has been paying for the electric, water, and the mortgages since 2013.

Responding to Mr. Rocha, Ms. Hobbs stated that the property was in the estate's name since they were only engaged.

Responding to Mr. Rocha, Ms. Hobbs stated that the property was not in the estate's name currently.

Responding to Mr. Rocha, Ms. Hobbs stated that the property was in her name and that her name was on the will.

Responding to Mr. Rocha, Ms. Hobbs stated that the property has been hers since 2015.

Responding to Mr. Rocha, Ms. Hobbs clarified that for two (2) years she paid the mortgage, insurance, and utilities. She noted that she was locked out of her house for two (2) years. She added that she had lived on the property since 1997.

Mr. Boggerty questioned what would happen if Ms. Hobbs happened to be away from the property at the time of the visit, such as being on vacation.

Responding to Mr. Neil, Mr. Boggerty stated that it would be difficult to ask, since Code Enforcement should not monitor an individual's comings and goings, or expect an individual to remain at the dwelling waiting for a visit. He noted that he was not questioning Code Enforcement's quality of work, but what would happen if Ms. Hobbs had to make an errand to pick up the grandchild. He added that for that reason he could not vote yes to the motion.

Responding to Mr. Neil, Mr. Boggerty stated that the grass was cut and that the case had been closed.

Mr. Campana stated that Code Enforcement did not need to be the police and that the Board needed to withdraw the motion to conduct a random visit.

Mr. Neil made a motion to defer the matter and requested that Code Enforcement return to the property to conduct a random visit. The motion was seconded by Mr. Campana and failed unanimously.

Responding to Mr. Rocha, Mr. England stated that when he took over the job as the Vacant Building Inspector, the threshold for one (1) individual of water usage was 1,000 gallons. He explained that if it was for a family of four (4), the water usage should register at 4,000 gallons. On the aspect of electricity, he was unsure of how many individuals, but the norm was 900 kilowatts for a residence.

Responding to Mr. Rocha, Mr. England stated that for one (1) individual, an estimate of 900 kilowatts would be usage for running the refrigerator, washer, dryer, and lights. He noted that the minimal kilowatts would be a refrigerator running.

Responding to Mr. Rocha, Mr. England stated that 100 kilowatts would be minimal lighting, such as a porch light that came on with a timer.

Ms. Sierra Brown, Code Enforcement Officer, stated that those numbers were previously received as a national average. She noted that those numbers were not set in stone, but it was an approximate average across the national level.

Mr. England suggested that the Board have the Department of Water and Wastewater inspect the water meter to verify its accuracy. He stated that two (2) years was a long time for no water usage. He noted that if the Board chooses to consider the suggestion, then they will follow up in a meeting next month.

Mr. Boggerty stated that he would like the Board to meet and discuss the issue of using water consumption as evidence in vacant building cases. He explained that the uncertainty surrounding the water usage, which was presented by City Manager Sharon Duca, had affected the argument.

He emphasized that his comments were not directed at Code Enforcement but suggested that the Board develop a policy or procedure since there was nothing that the Board could stand on.

Mr. Neil stated that they were considering a vacant building ordinance currently and suggested that Mr. Eddie Kopp be contacted if the Board had anything to contribute. He explained that the reason for the vacant building ordinance was that if the dwelling was vacant for any period, it could get destroyed by individuals who were looking to cause problems. That would not just affect the dwelling, but it would affect the neighborhoods. He noted that the individual's dwelling and the values of the neighbors' properties were being destroyed.

Mr. Campana moved to grant the appeal at 131 Orchard Avenue and not place the property on the Vacant Building Registry. The registration fee of \$375 was removed. The motion was seconded by Mr. Neil and unanimously carried.

2009 Property Maintenance Code Violation (Chapter 3 - General Requirements, Section 302.1 - Sanitation) - Appeal of Citation #25-00003074-09 and Related Fines (Junk & Debris) - 838 Monroe Terrace

Mr. Matthew Layfield, Code Enforcement Officer, reviewed the case history at 838 Monroe Terrace for Citation #25-00003074-09 – Junk and Debris.

Responding to Mr. Boggerty, Mr. Layfield stated that he took pictures as of today (**Attachment #1**).

Responding to Mr. Boggerty, Mr. Layfield stated that the property was still in the same condition. He explained that there was still a dismantled engine in the driveway and debris on the side of the garage and house.

Responding to Mr. Boggerty, Ms. Staats stated that she agreed with Mr. Layfield that the property was still in the same condition.

Responding to Ms. Staats, Mr. Layfield stated that he had spoken to her early on when they were handling the fence.

Responding to Mr. Layfield, Ms. Staats stated that he spoke to her one (1) time, but it was not regarding the fence. She noted that it was regarding him taking pictures of the front of the house and the back of someone else's house. She emphasized that the picture he took was of the wrong house and stated that it was only one (1) citation that she had received. She mentioned that she was unaware of the other citations. She further mentioned that two (2) of the pictures that were presented he had never spoken to her about.

Responding to Ms. Staats, Mr. Layfield stated that she had received at least two (2) citations for trash and debris and that they were posted onto the property.

Responding to Mr. Secrest, Mr. Layfield stated that he met with him and explained that the trash and debris were the items in the driveway and on the side of the house.

Responding to Mr. Layfield, Mr. Secrest agreed that they did meet but noted that he did not agree on the items that were pointed out to be trash. He stated that he explained the items were not trash, but rather materials intended to be used for a specific purpose.

Responding to Mr. Secrest, Mr. Layfield stated that junk and debris included anything that was not ordinary or was not intended to be in the yard.

Responding to Mr. Layfield, Mr. Secrest cited the 2009 International Property Maintenance Code, specifically Section 302.1, and argued that the code addressed conditions that were unsanitary or constituted a public health or safety hazard. He asserted that the code did not state that an item was a violation simply because it lacked purpose. He further argued that whether an item had a purpose was subjective, explaining that the items had a purpose to him, even if others did not view them that way.

Responding to Mr. Layfield, Mr. Secrest stated that the broken-down engine was slated to go in his jeep.

Responding to Mr. Secrest, Mr. Layfield stated that the windows have remained in the same location for over a year.

Responding to Mr. Layfield, Mr. Secrest stated that he had not gotten around to addressing the windows.

Ms. Sierra Brown, Code Enforcement Officer, concurred that Mr. Secrest was correct regarding a portion of the 2009 International Property Maintenance Code that he cited. She noted that Section 302.1, *Sanitation*, states “that all exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies or controls, in a clean and sanitary condition.” She acknowledged Mr. Secrest's comments regarding items that might be useful to one (1) individual but not to another and stated that she understood his perspective. She explained, however, that construction materials, vehicle maintenance materials, and similar items were also subject to additional regulations governing their storage and maintenance.

Responding to Mr. Secrest, Ms. Brown stated that she was citing the Dover Zoning Code.

Responding to Ms. Brown, Mr. Secrest stated that they were not being cited for the Dover Zoning Code, but they were being cited for the 2009 International Property Maintenance Code.

Responding to Mr. Secrest, Ms. Brown explained that as far as the vehicle engine, any vehicle maintenance could not be done in a residential zone. She further explained that any storage of vehicle maintenance parts, lifts, and similar items could not be stored in the exterior portion of a residential zone.

Responding to Mr. Secrest, Ms. Brown stated that it was according to the Dover Zoning Code. She explained the construction materials, windows, doors, and similar items could be there if they were prepared to be used, such as windows being replaced.

Responding to Mr. Secrest, Ms. Brown stated that, under the city's interpretation of the 2009 International Property Maintenance Code, materials that were not being used for their intended purpose, such as doors, windows, and similar items, could be considered violations. She further noted that tires posed an issue because they could collect stagnant water, which could be a breeding ground for mosquitoes.

Responding to Mr. Secrest, Ms. Brown clarified that, even if the tires were not currently holding stagnant water, they had the potential to collect stagnant water. She stated that, based on that potential, the tires would be considered junk and debris under the city's interpretation of the code.

Responding to Mr. Boggerty, Mr. Secrest clarified that the engine shown in the photograph had been purchased recently.

Responding to Mr. Boggerty, Mr. Layfield clarified that the citations dated back to June 2025. He stated that the point was that the yard was supposed to be clean and in sanitary condition.

Responding to Mr. Boggerty, Ms. Brown stated that the case started on June 23, 2025.

Responding to Mr. Rocha, Mr. Secrest stated that the fence had been repaired. He further explained that he was unsure whether the fence belonged to their property because it faced the opposite direction of their yard. He noted that the fence had been installed with the boards facing inward toward their property.

Mr. Layfield stated that the case pertaining to the fence was closed as non-compliant.

Responding to Mr. Secrest, Ms. Brown explained that, when someone purchases a home, it may not always be clear who owned or was responsible for that structure. She stated that the city was not a surveying authority and that property lines shown on the city's GIS mapping were not guaranteed to be 100% accurate. She advised that, when there was a question regarding property boundaries or ownership of a structure, the best course of action was to get a surveyor.

Responding to Mr. Martin, Mr. Layfield stated that the appellant has 30 days to appeal once they receive the citation.

Responding to Mr. Martin, Mr. Layfield clarified that Ms. Staats was only appealing the current citation, since the other citations have passed the 30 days. He noted that Ms. Staats has been receiving \$1,000 for multiple citations.

Mr. Secrest stated that Mr. Layfield has been coming out to the property and hitting them with fines because they have not been moving their items.

Responding to Mr. Martin, Ms. Wheeler stated that, pertaining to Citation #25-0004119-07, they have not gotten to that item.

Responding to Mr. Rocha, Mr. Layfield stated that the fine for Citation #25-00003074-09 was \$1,000 since they could only go up to \$1,000 each month every 30 days.

Responding to Ms. Staats, Mr. Layfield stated that he was unsure of the total amount of fines that she owed.

Mr. Boggerty stated that the three (3) citations could not be combined and had to be addressed separately. He noted that the matter was on Item #3 and the fine was \$1,000.

Mr. Neil moved to uphold the Code Enforcement Officer's decision and deny the appeal for 838 Monroe Terrace. The motion was seconded by Mr. Rocha.

Responding to Mr. Martin, Ms. Staats stated that they have not received the notices.

Responding to Mr. Martin, Mr. Secrest stated that they were not aware of all the citations until he put in a FOIA request and received a printout of all the citations. He noted that they were aware of a few citations but did not realize how many they had. He further noted that Mr. Layfield made the comments that he had posted the citations on the door, but that there were maybe two (2) citations.

Responding to Mr. Martin, Ms. Staats stated that recently they have had their teenager living in their home and has picked up their mail, so they have not always received their mail. She noted that maybe that was why they never received the citations, but she was not aware of the citations. She added that Mr. Layfield had never spoken to her except for once.

Mr. Layfield stated that most correspondence had been mailed.

Responding to Mr. Layfield, Ms. Staats stated that he had never spoken with her, so she was unaware of the citations. She further stated that he continued to refer to the items as junk and debris, but the photographs should have made it clear what was considered junk and debris.

Responding to Mr. Layfield, Mr. Secrest stated that he would like verification, and that it was not most of the communication, since they only communicated one (1) time.

Ms. Brown stated that Mr. Layfield had photographs included in the case file when he posted the returned mail on the door. She explained that any mail returned to Code Enforcement by the Post Office was posted on the property, which included photographs of the posting. She further explained that the envelopes from the Post Office showed the dated attempts that were made to deliver the mail and were marked as unclaimed.

Mr. Neil moved to uphold the Code Enforcement Officer's decision and deny the appeal for 838 Monroe Terrace. The \$1,000 citation fee remains in effect. The motion was seconded by Mr. Rocha and unanimously carried.

2009 Property Maintenance Code Violation (Chapter 3 - General Requirements, Section 302.1 - Sanitation) - Appeal of Citation #25-00004119-07 and Related Fines (Tires) - 838 Monroe Terrace

Mr. Matthew Layfield, Code Enforcement Officer, reviewed the case history at 838 Monroe Terrace for Citation #25-00004119-07 – Tires.

Responding to Ms. Staats, Mr. Layfield stated that she was not currently in compliance with the tire violation.

Responding to Mr. Layfield, Ms. Staats stated that tires were moved from the back to the front yard. She further stated that the tires were painted because they were planters and they were not in violation.

Responding to Mr. Layfield, Ms. Staats stated that she moved the stack of two (2) tires.

Responding to Ms. Staats, Mr. Layfield stated that there was still a tire behind the vehicle and two (2) where the white canister was placed (**Attachment #1**).

Responding to Mr. Secrest, Mr. Layfield stated that he observed the tire behind the vehicle at an angle and noted that the tire had a rim attached (**Attachment #1**).

Responding to Ms. Staats, Mr. Layfield stated that even though it was a spare tire, it was a tire. He further stated that those two (2) tires remained in the same spot (**Attachment #1**).

Responding to Mr. Rocha, Mr. Layfield stated that since last year, the fees were up to \$1,000.

Responding to Mr. Layfield, Mr. Rocha stated that he understood that there were two (2) different instances and understood the reason for the citations. However, he noted that since the same violation was being cited, it should not be considered an additional violation.

Responding to Mr. Rocha, Mr. Layfield stated that there were two (2) separate codes, the tire code and the junk and debris code, which fell under Section 302.1, *Sanitation*.

Responding to Mr. Boggerty, Mr. Layfield stated that there were separate subsections for tires and junk and debris and that the violations should have been listed under them.

Responding to Mr. Rocha, Mr. Layfield stated that the tires fall under the Dover Code of Ordinance.

Responding to Mr. Rocha, Mr. Layfield stated that it was part of the 2009 International Property Maintenance Code. He further stated that due to Sanitation, it had to deal with the same issue of keeping the property clean. He noted Ms. Brown's comment regarding the fire risk of keeping old tires around and how tires would be one (1) of the hardest things to put out. He further noted that tires bred mosquitoes.

Mr. Rocha stated that Ms. Staats was being cited under the same code, so she did not need to be fined a \$2,000 fine for both citations.

Mr. Neil stated that tires were a harbinger of mosquitoes and all kinds of pests. He explained that the concern was not only for them, but for their neighbors and family members. The tires were a problem because of the pests that would use the tires as well as the other items to continue to grow and foster. He noted that it was a cleanliness and safety issue.

Responding to Mr. Neil, Mr. Secrest stated that he was in complete agreement.

Mr. Neil stated that he was not interested in taking their money but was interested in seeing that the yard was cleaned up. He further stated that this included the neighbors because they were dragging down their neighborhood.

Mr. Rocha accepted the appeal for 838 Monroe Terrace on the condition that all items, including tires and debris in the yard, are removed by August 29, 2026. The \$1,000 citation fee has been removed. The motion was seconded by Mr. Martin and unanimously carried.

2009 Property Maintenance Code Violation (Chapter 3 - General Requirements, Section 302.8 - Motor Vehicles) - Appeal of Citation #26-00001174-01 and Related Fines - 838 Monroe Terrace

Mr. Matthew Layfield, Code Enforcement Officer, reviewed the case history at 838 Monroe Terrace for Citation #26-00001174-01 – Motor Vehicle (**Attachment #1**).

Mr. Secrest stated that they agreed to the motor vehicles and that they were in violation.

Mr. Boggerty stated that, in lieu of argument, the appellant agreed that they had violated the appeal.

Mr. Secrest stated that he would like to have an itemized list of what needed to be cleaned up in the yard. He noted that he needed to know what Mr. Layfield considered junk and debris, and what needed to be removed from the yard.

Mr. Secrest stated that he did not know what Mr. Layfield referred to as junk and debris. He noted that the pictures of items could be anything in the yard. He further noted that he needed to know precisely what junk and debris were.

Ms. Staats stated that she did not understand why violations were being cited separately instead of addressing all issues during the initial visit. She questioned why items such as junk and debris, tires, and bicycles were cited during separate visits when they were presented during the first inspection and shown in the original photographs.

Mr. Boggerty stated that he understood their questions and that they would ensure that they would get addressed.

Responding to Mr. Boggerty, Ms. Wheeler stated that the Board would still need to take a vote, even though the appellant agreed with the violation.

Mr. Martin moved to uphold the Code Enforcement Officer's decision and deny the appeal for 838 Monroe Terrace. The \$100 citation fee remains in effect. The motion was seconded by Mr. Rocha and unanimously carried.

Responding to Mr. Boggerty, Mr. Layfield stated that he has been working with Ms. Staats and Mr. Secrest through the process and had provided multiple extensions and explanations regarding the requirements. He noted that he worked with individuals but expressed frustration when communication and issues were not addressed.

Responding to Mr. Rocha, Mr. Layfield clarified that the tires used for flower bed purposes may need to be buried because tires left sitting in the yard could still collect water and create issues.

Responding to Mr. Secrest, Mr. Layfield clarified that if the tires were fixed in such a way that they could not hold standing water, and were filled with dirt, that would be okay.

Responding to Ms. Staats, Mr. Layfield stated that he did not cite her for the tires as of today.

Responding to Mr. Layfield, Mr. Martin suggested that he compare calendars and figure out a time in the next week to visit the property and discuss what needs to be removed from the property.

Responding to Mr. Martin, Mr. Layfield stated that he would bring Mr. Kopp with him to the property for that discussion with Ms. Staats and Mr. Secrest.

Responding to Mr. Secrest, Mr. Layfield stated that there was the Dover Code of Ordinance, which could be found on the City of Dover website. He further stated that Code Enforcement followed the 2009 International Property Maintenance Code.

2009 Property Maintenance Code Violation (Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-403 - Registration and Registration Fee) - Appeal of Registration Fee – 236 North Governors Avenue

Mr. John England, Code Enforcement Officer, stated that based on the last hearing, they were advised to do a home visit to 236 North Governors Avenue. He explained that he, Chief Code Enforcement Officer Eddie Kopp, and Code Enforcement Officer Thomas Miller went out to the property on July 23rd at 11:03 a.m. and knocked on the door. They rang the doorbell numerous times, and there was no answer. He noted that he had observed the foyer light on inside the dwelling and the roof condition. He further noted that there has been no attempt to protect the roof or the contents inside the house. He added that the phone number that was on the utility account was out of service, so he could not contact Ms. Good. He stated that he has brought to the Board's attention how the water meter worked, and they reviewed the utilities. He noted that as of July 1st, the water usage reading had jumped to 1,000 gallons and the electricity usage jumped to 1,584 kilowatts, but they were still not able to make contact with Ms. Good at the residence.

Responding to Mr. Rocha, Mr. England stated that the violations were for a separate case and he had issued citations for those violations.

Mr. Rocha moved to deny the appeal based on the information provided by Code Enforcement, including the increase in utility usage and the condition of the roof. He stated that he could not imagine anyone residing at the property given the condition of the roof, the amount of rain the city had received, and the same foyer light remained on.

Responding to Mr. Campana, Mr. Rocha stated that the appeal the Board was trying to deny was for the vacant building.

Responding to Mr. Campana, Mr. Rocha stated that the roof violation was a separate case.

Mr. Rocha moved to uphold the Code Enforcement Officer's decision to declare the property at 236 North Governors Avenue vacant in its first year. The \$375 vacant building registration fee remains in effect. The motion was seconded by Mr. Martin and unanimously carried.

Mr. Neil moved for an adjournment of the Construction and Property Maintenance Code Board of Appeals meeting. The motion was seconded by Mr. Rocha and unanimously carried.

The meeting adjourned at 4:28 p.m.

Andre M. Boggerty
Chairman

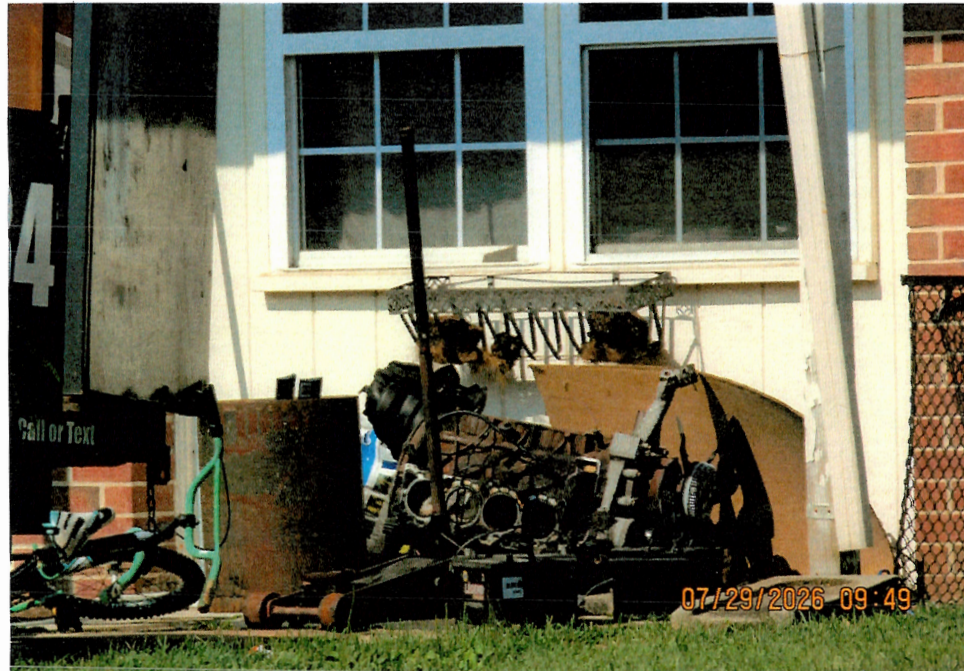
AB/cw

Attachments

Attachment #1 – 838 Monroe Terrace pictures provided by M. Layfield

Attachment #2 – 236 North Governors Avenue Property pictures provided by J. England









07/29/2026 11:20



07/29/2026 11:21