



**CITY OF DOVER, DELAWARE
BOARD OF ADJUSTMENT MEETING
Wednesday, August 20, 2025 at 9:00 AM**

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

AGENDA

IN-PERSON and VIRTUAL MEETING

This Board of Adjustment Meeting for August 20, 2025 will be held in City Hall, City Council Chambers. This 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 the participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION
To Attend City of Dover Board of Adjustment Meeting of August 20, 2025**

Join by Phone: Dial 1-650-479-3208
Access Code: 253 341 75474
Password for Phones: 36837262

Join Online: <https://bit.ly/BOA08202025>
Webinar Number: 2533 417 5474
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@dover.de.us.

WELCOME

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Adoption of Minutes of June 18, 2025
- [2.](#) Adoption of Minutes of July 16, 2025

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Board of Adjustment Meeting date is Wednesday, September 17, 2025 at 9:00 AM.

OLD BUSINESS**NEW BUSINESS**

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

3. Application #V-25-04 Calvary Baptist Church Sign Variance Request

Property at 2285 Forrest Avenue. A Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7, as associated with a proposed monument sign. The Variance Request seeks an enlargement of the allowable sign area from 12 SF to 70 SF and an increase of the allowable height from 7 feet to 13-feet 7-inches. The property is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Calvary Baptist Church of Dover Delaware Inc. Property Address: 2285 Forrest Avenue, Dover, DE. The Tax Parcel ID is ED-05-075.00-01-06.00-000.

ADJOURN

Posted Agenda: August 13, 2025

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 18, 2025

A Regular/Hybrid Meeting of the City of Dover Board of Adjustment was held on Wednesday, June 18, 2025, at 9:00 A.M. in person in the City Council Chambers and using the phone/videoconferencing system Webex. Members present were Chairman Sheth, Mr. Wagner, Mr. Swalm, Mr. Coburn, and Mr. Senato.

Staff members present were City Solicitor Mr. Rodriguez, Mrs. Melson-Williams, Mr. Salzano and Mrs. Mullaney.

APPROVAL OF AGENDA

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

Chairman Sheth asked if there were any questions.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF APRIL 16, 2025

The meeting minutes of April 16, 2025, were approved by Mr. Senato with the necessary corrections. The motion was seconded by Mr. Swalm and unanimously carried 5-0.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams mentioned that the next Board of Adjustment Meeting is Wednesday, July 16, 2025, at 09:00 am. We have received at least one Application that will be scheduled for that meeting. We do appreciate City Solicitor Mr. Rodriguez for continuing to serve as Staff to this Board while the City looks for his replacement. He is retiring from service with the City, and we appreciate his work with us in the past.

Chairman Sheth wanted to let all of the Board members know that we are charged with the interpretation of the City Ordinance. And we do not create the City Ordinance. We do not make the Ordinance. We have been entrusted to make the interpretation with the help of Dawn and with the City's Solicitor as a legal entity. Lately, I see with the application that sometimes they are working on an objective basis as a member. You are a semi-judge to judge it. Many times the Application has a lot of subjectivity. They can do that, but our responsibility is not to look at the Application subjectively, but objectively. You are strictly interpreting the Ordinance and that's what they applied for. It's whether you can approve, whatever they have applied for; and in this case, it's a variance. He mentioned to Dawn that his understanding regarding this Application is an Ordinance about five chickens. Mrs. Melson-Williams suggested to Chairman Sheth that she read the statement of how business will transpire, and then we move into the actual application. At that time, those items can be placed on the record. Chairman Sheth said sure, thank you.

So, with what we know whatever we have, and what we can do, we all have to be responsible to remember that. To all the people in the audience, he suggests that you make it as limited as

possible when you give your presentation. Everyone who wishes to speak will be given an opportunity to do so. He asks if everyone could stick to the point. Thank you.

Mrs. Melson-Williams mentioned for the record that there were no items of Old Business.

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

Mrs. Melson-Williams noted that the legal notice for this Application was published in the Daily State News on June 8, 2025, and the property owners within 200 feet of the subject site were notified by letter sent by the Planning Office in accordance with the procedures for public notice of variance application.

NEW BUSINESS

Application V-25-02

Property at 196 Merion Road. A Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 3 §1.15(e)(ii) as associated with the keeping of chickens. The Variance Request seeks an increase in the minimum allowable number of chickens that can be housed on a property from the 5 chickens permitted by code to 20 chickens or at least 14 chickens. The property is zoned R-10 (One-family Residence Zone). The owner of record is Maria Boris. Property Address: 196 Merion Road, Dover, DE. The Tax Parcel ID is ED05-067.09-01-61.00-000.

Mr. Chris Salzano gave a brief overview of the Application V-25-02 referencing the Staff Review Report and Recommendations. It's a request for relief from the number of chickens allowed to be kept by the Ordinance. This is an Area Variance so there are four things that the Board should be considering in their decision along with Staff Report and Recommendations. The first of which is the nature of the zone. In this case, it is in the R-10 zone; so, keeping chickens is a permitted accessory used to residential use in this zone. The second is the character of the immediate vicinity and uses in the Fox Hall subdivision. It consists of single-family residences and largely residential detached dwellings. There are fenced yards throughout Fox Hall. To this Office and Planning Staff's knowledge, there are not any other active backyard chicken flocks. The third thing to consider is whether if the restriction were removed such removal would substantially affect the neighboring parcels and property owners. The existing coop is located behind a fence, and it meets all the setbacks and other requirements associated with the keeping of chickens. It's purely the number of chickens that has been exceeded in this case; so, Staff does not believe that there will be any negative impacts on adjacent properties. Lastly, if the restriction were not removed, whether that would create unnecessary hardship or exceptional practical difficulty on the property owner. In this case, the number of chickens and based on the information Staff has received, the primary issue of removing the chickens would just be a reduction in the number of chickens and potentially an economic hardship for the Boris family.

Chairman Sheth asked what is the Ordinance and how many chickens a property owner is allowed? Mr. Salzano replied you are allowed to have a total of five chickens per the Ordinance. The Boris family currently has 17 chickens. At the time of filing, they had 20 chickens.

Chairman Sheth asked how did it happen from 5 to 17 chickens? Mr. Salzano replied they googled what the number of chickens they could have in the City was and Google did not return adequate information for them.

Chairman Sheth mentioned he understood the information about the solution for the problem but asked what is the interpretation of the Ordinance? He stated that the number increased unknowingly by the applicant. Mr. Salzano said yes.

Chairman Sheth mentioned that the City has not enforced it because they didn't find it or they did not look for it and/or it just happened.

Mr. Salzano mentioned that we are here actually because of a Code Enforcement case. The City was informed that there was a number of chickens that were exceeding the allowable number and Code Enforcement went out to confirm. Once confirmed, Code Enforcement began enforcement action. At the time the action commenced, the Applicant came in the Office shortly after to apply for this variance. If this variance is not granted, then enforcement will continue and the number of chickens will have to be reduced to five.

Chairman Sheth mentioned he has been a Board member for roughly 32 years and asked how we decide is a law. Since this is an unusual case and if something happened unknowingly, but that's fine. Now we can just correct it, but it's not what we are use to on this Board.

Chairman Sheth mentioned you answered my question, right? You told us five chickens were the limit and whatever happened unknowingly. Then finally you found out and they tried to correct it. They would like to have that many chickens now with proper procedures. This Board has to decide whether they agree or not agree to allow or not allow because whatever we decide here, the Board members will have to discuss if it is a precedent.

Chairman Sheth asked if there were any additional questions?

Mr. Coburn mentioned he wanted to make sure he understood. This was a Code Enforcement complaint that came in. Mr. Salzano replied yes, this is a Code Enforcement complaint that came in.

Mr. Swalm mentioned he wanted to make sure he understood as well that the Applicant "Goggled" the number of chickens they could have on their property, but they received the wrong answer. The Applicant decided to increase the number of chickens on their own. Before they even purchased the chickens and flock, they "googled" the number to try and make sure that they would be in conformance with the Ordinance. Google returned bad information for them, and they ended up with more chickens than they were allowed in the City. He asked to be clear, they didn't have five and then wanted to increase it. They got them all at the same time. Mr. Salzano replied yes.

Mr. Senato mentioned he has been a Board member roughly 33 years and this is the first time I've had redacted paperwork in a hearing. Everyone knows the meaning of "redacting". Which means items are to be examined prior to the public view or meetings such as this and maybe some of this information which I would have any privilege to I don't because it is redacted. I'm

against redacting. Maybe under the law have a right to, but in order for me to make a fair and unbiased decision with all the information seems impossible in my mind at this time. Now, we are here as Chairman Sheth has so graciously said to find out the provisions of the Ordinance and whether there is a hardship. Whether there is redactive information or not, that would help to make my decisions “yay or nay.”

Chairman Sheth mentioned to Mr. Senato that you just simply present what the case is about. We are going to start the hearing now. At that time, this question is related to the Applicant than other people. At the same time, remember your responsibility is interpretation of the Ordinance and what the case is about.

Mrs. Melson-Williams noted for the record that Planning Staff in reviewing the information, the narrative, and the exhibits that the applicant submitted initially had concerns with some of the content and the ability to have public viewing and board viewing of those items due to the Freedom of Information Act limitations. There were a number of items and statements that we did redact because of what types of items those were. Certainly, the Applicant before you, this morning can make reference to those. But that is going to be her prerogative to do so. The Staff felt that certain items needed to be redacted, and we have noted the redaction in the packet. The application file does contain a full version of her submission. But in the best interest of things related to court actions, other legal matters, and HIPPA (Health Insurance Portability and Accountability Act) from a health perspective, Planning Staff took action to redact certain items. We did consult with the City's Solicitor in that regard before preparing that packet for you. So, I think now's the opportunity that you'll be hearing from the Applicant. The Applicant may actually share some of that information, but that's her prerogative and her decision to do so in presenting her case to you as the Board.

Mr. Senato mentioned, then perhaps, to make it easy, at least for me that information that you just said to me prior to and talking to the City Solicitor, maybe a note should have been under the recommendations going under your section in the back. I would know prior to making these statements without getting kicked and blamed that how I feel about redaction. And in my opinion, that statement should have been (not necessarily in the recommendations), but in the comments on the back.

Chairman Sheth mentioned that his feeling is eventually any correction has to be done by City Council. They are the ones that have the right to add, eliminate, or whatever to the Ordinance. We (the Board) are not going to worry about it. If the City thinks that they are doing the wrong thing, we're going to draw it to their attention, and get the information to the public. In the past we have made corrections of the Ordinance. Let's say we don't take that responsibility. If you want to take responsibility, you don't have the right.

Mrs. Melson-Williams mentioned that Chris was speaking from the Staff Summary Report that was provided to the Board and to the Applicant. It detailed the Code Requirements. The information that the Board of Adjustment is charged with judging an Area Variance against that is those four criteria items. Attached to that Report was the series of Exhibits. Exhibits A through F for the Record.

Those Exhibits include the actual Application by the Applicant, her written narrative, a number of map diagrams showing the location of the property that were added by Staff, and then the series of Exhibits that we were able to include in the submission for a distribution to you.

Representative: Mrs. Maria Boris, Owner

Mrs. Maria Boris was sworn in by City Solicitor Mr. Rodriguez.

Presentation

Mrs. Maria Boris stated that she resides at 196 Merion Road in the Woodlands of Fox Hall.

The chicken coop and all this chicken stuff started out as my son's project in Culinary Arts and Ag Science at Caesar Rodney School District. He was school choice because of my mother-in-law's request. She was dying at that time, and she asked me, "Maria, would you make sure that all my grandchildren graduate from Caesar Rodney School District;" and I said yes. So, again, just to reiterate, this all began as a request of, at that time, my 10th grade son Joshua Boris, for me and his father to allow chickens in the backyard. At first, I was like, are you crazy? Are you out of your mind? And then as he presented his case, he told me about what he knew and how you know he's a football player and he wrestles. Mom, this would be a good thing. We plant things and then we put them on our table. Basically, it's healthy eating. As a matter of fact, he was made fun of in school because he was in Culinary Arts, played football, and wrestled for the high school. His response was what's wrong with eating healthy? So, I'm not sure if that's relevant or irrelevant, but that's how it all started. So, when we started out with, I would say three chickens. Then we fell in love with the chickens. She asked who were parents in the room. I am a parent. My experience with my son is that if he has a turtle, he will love it for six months and then later on it will become my turtle. So, we increased our chicken flock based on the false information that we got from the internet. I am fully agreeable to admit that this was not a scholarly source. I googled; can I have chickens in Dover Delaware? And the response was yes, chickens are allowed in Dover, and you can have up to 25. They must be kept in chicken coops that are 10 feet away from structures and 3 feet from the property lines, etc. The key word here was 25. Just like Mr. Salzano said, at the time of the Application, we had 20. We do live in the Woodlands of Fox Hall where I grew up and we still have a lot of foxes. Due to wildlife, we now have 17 chickens. I do want to share that the chickens are also registered with the Delaware Department of Agriculture. I'm not sure if that would make any difference. Mrs. Boris said to Mr. Senato, I can identify as a nurse and a teacher that you need that information to make an informed decision and a fair decision. So, if I have your permission may I share those documents with you? Mr. Senato stated for the record, yes and thank you. Ms. Boris said thank you.

Mrs. Boris shared the items (articles) with the Board.

Mrs. Boris stated that the first article is when our home was destroyed. The upper deck was destroyed by a storm in April of 2019 as you can see as evidence in the newspaper article. Our back yard for many years as we looked out our kitchen window, it became difficult, because all we could think about was that storm. As she referred to destruction on the slide, to the left was her son's room. He was 8 or 9 years old at that time. We were out of our home for seven months. So, that's one.

But now that we have the chicken flock in our backyard, we see it as life instead of death. And every structural engineer that came on our property during that time of assessment, said, "Was this room empty? Was this room occupied at the time of event?" And my answer was NO. And they asked did the person make it? And I had to walk away. Because that meant, did they die? Did they live? So that's one. And then the second one that I presented to Mr. Senato, was my traumatic car accident. I have the Police Report.

Chairman Sheth mentioned that his issue here is how many chickens you can have. I'm sorry that Mr. Senato has asked questions and you tried to answer them. The issue is can you have more than five chickens or not. You have not done anything wrong on this or that, but there's no sense for the Board to listen to all this to make a decision. That's what I am saying. I'm not trying to be rude. I hope you don't think that. Mrs. Boris said no. Chairman Sheth said in the meeting properly they should be here with the permission of the attorney.

Mrs. Boris said okay. It sounds to me like, you know, as a nurse and a teacher, how can you make an informed decision without the facts? Chairman Sheth mentioned, he understands the right thing. Unfortunately, we don't keep "Google" to be here as the witness. A Google is a general view that people get.

Chairman Sheth mentioned that Dover is a greater Dover area than within the City limits of Dover. I have no idea.

Mrs. Boris said she understood.

Chairman Sheth mentioned he appreciates the help.

Mrs. Boris said, thank you.

Chairman Sheth asked if there were any more things she wanted to add? Mrs. Boris said yes. So, it was dramatic for the accident and the last one where she was in a battle for her son's custody. He's my only child. He is now 18, but it was only months before he turned 18. A lot of people probably said ride it out. But no, that's my child.

That's not how my mother raised me, which is right here. She's right here. You don't give up on your children. So as a result, I looked at those flocks as my emotional support animals. They are registered under the emotional support animal and under the Americans with Disabilities Act of 1973. I have that documentation as well. I understand this is about the number, but I feel that, you know, like just like a nurse, you come to me with chest pain. If I don't have your vital signs, if I don't have your EKG, how can I help you, sir?

Chairman Sheth said thank you very much.

Mrs. Boris said, "Thank you."

Chairman Sheth asked if there were any questions.

Mrs. Boris mentioned moving forward, I think if there's ever a variance like this, a waiver would be nice. Like if the applicant is comfortable with the public knowing the facts, they could just sign a waiver that the City can share with the public. That would be an easy fix.

Mr. Coburn said, so let me understand this. You had 20 chickens, and now you are down to 17, right? Mrs. Boris said yes.

Mr. Coburn said secondly, what is the life expectancy of the chickens that you have?

Mrs. Boris said I am not an expert on chicken(s) unfortunately. I don't claim to be an expert. I don't honestly know the life expectancy of the chickens.

Mr. Coburn mentioned that he did a little research, and chickens can live up to twelve years. Mrs. Boris said okay and that was good to know.

Mr. Coburn mentioned secondly you use the chickens as emotional support, but you also mentioned in your thing about eggs. I don't know if you know, but the average chicken can only lay eggs for three to five years. So, after that point you are not going to get any more eggs. Mrs. Boris said okay.

Chairman Sheth asked if there were any questions.

Mrs. Boris said I saw that there were five public comments. I just want to take note that the first one came from 20 Sandwich Court, Dover Delaware. That is not at all in close proximity to my property. That is way off on Troon Road. Chairman Sheth said we will make sure it is corrected. The Peer family, as you can see, now live in Idaho. I don't understand how the son lives there, so I don't understand how the Board can listen to them.

Chairman Sheth mentioned that we have listened to you, and we must listen to everyone else. If there is anything that is not right, Mrs. Dawn will not allow it. Thank you very much. You will not get injustice.

Mrs. Boris said, I feel like this is America and I should have the right to speak the facts, thank you. Chairman Sheth said, you are welcome.

Chairman Sheth opened the public hearing.

Chairman Sheth asked if there was anyone who would like to speak in favor of the Variance Application.

My name is **Ms. Nanette Holmes**. I own the house directly next door to the Boris'. I live at 188 Merion Road, and I have been there for 33 years. I am probably the only house in Fox Hall that has chickens on both sides. I would like to say that I am fully in support of this Variance to allow it to increase to 15. I have found the chickens to be enjoyable. We love watching them. My grandchildren have been growing up with them next door and been able to watch the life cycle of them and harvest eggs. They make no more noise than the birds that come into my backyard or the dogs that bark in the neighborhood. I never noticed a smell from the chickens except when

I've been in the coop itself. They eat bugs. They eat scraps, which I love because I take my scraps out and feed the chickens. They provide fresh eggs for the family and for us occasionally. I also know that they donate eggs to the Modern Maturity Center and some other places. Having the chickens next door goes with my own mindset of you need to teach the public self-sustainability as much as possible. I have a garden, and grow fruits and vegetables, which is to me no different than having chickens. I am fully in support of them being able to keep all their chickens. Thank you.

Chairman Sheth, thank you ma'am.

My name is **Mr. Jay Paul Jones**, and I live at 180 Merion Road. I am in total support of the Variance that is being requested. We live two doors down. I have five chickens on the right-hand side. The chickens have not been a problem, and I have no objection to them having that number even though I only had five. Thank you.

Chairman Sheth, thank you so much.

My name is **Ms. Karen Cecchetti**. I live at 214 Merion Road which is two houses northwest of the property seeking the Variance to keep more than five chickens on the property. I'm not the complainant; let's put that on record. I have lived at my residence since 1978 as a result of an Air Force move to Dover. This was a great neighborhood to live in and to raise children. Now, it is what I would call a deteriorating neighborhood.

Chairman Sheth said excuse me ma'am. Can I correct you? She said, yeah. Chairman Sheth asked are you speaking in favor or against? I'm sorry. Are you speaking in favor or against? Ms. Cecchetti said against. Chairman Sheth asked if she could wait until the ones who are in favor finish.

Chairman Sheth asked if there was anyone else wishing to speak in favor of the Application. He said you did not raise your hand, that's why I didn't call on you. Would you like to come now? Ms. Cecchetti is speaking against.

My name is **Ms. Amelia Knighting**. I live at 107 Oakmont Drive since 1987. My grandson was dramatically affected by the tornado behavioral wise. I would support him when he asked for something that would help his behavior. When he started the chickens, I was very happy because, you know, this is going to support the family also. The healthy eating that he wasn't getting in the school. With the 4-H Club, I support whenever they have activities and the Delaware State Fair. I also go every year to the Delaware State Fair to support all the young boys and girls in the Agricultural Department. I was very happy with that, and it also helped my grandson. My daughter was also involved later on. We all look at the chickens as our own pets and part of the family. Later on, unexpectedly the chickens grew in numbers. I didn't know about the limit of the chickens. All we know is the family was happy. My grandson's traumatic experience from the tornado deteriorated and the chickens became part of our family. I also benefited by sharing the eggs that my daughter, son-in-law, and my grandson got from raising these chickens. The dancers from the Modern Maturity Center also get their eggs from me. I am very in favor of you approving that they continue to raise the number of chickens. Thank you very much for the time. Chairman Sheth said thank you.

Chairman Sheth asked if there was anyone else wishing to speak in favor of the Variance Application.

Chairman Sheth asked if there was anyone else wishing to speak against the Variance Application.

Chairman Sheth asked if there was anyone wishing to speak against to please raise their hand.

Again, my name is **Ms. Karen Cecchetti**. I live at 214 Merion Road which is two houses northwest of the property seeking the Variance to keep more than five chickens on the property. I've lived at my residence since 1978 as a result of an Air Force move to Dover. This was a great neighborhood to live in and to raise children. Now, it is what I would call a deteriorating neighborhood in part due to lack of oversight of *Zoning Ordinances*. Our houses tend to be one of our biggest purchases in life. We put our time and our money into our homes hoping that the time and money is well spent. This neighborhood has no HOA (Homeowners Association), which means that any infraction of the *Zoning Ordinances* is left to the City of Dover; then there lies the problem. In this particular case, involving the Ordinance that allows the five chickens to be permitted, there seems to be a lack of oversight from the City of Dover. The 196 Merion Road residence already has over the five chickens permitted. What oversight has been done by the City and what was the ultimate penalty? Apparently, none to date because here we are at City Hall with the petitioners seeking even more chickens. According to the City ordinance regarding keeping of chickens for domestic purposes, not only are you permitted no more than five chickens on any residential lot, which has to be greater than 10,890 square feet. If you fail to comply with the *Zoning Ordinance* effective June 1, 2016, you must remove the chickens. We live within a residential community in the City of Dover. We don't live in the country; we don't live on a farm. Well, I understand the appeal of backyard chickens. I think you must also consider the broader impact of *Zoning Ordinances* have on our neighborhoods in terms of health, safety, and quality of life. Chicken can present legitimate health and sanitation concerns. Chickens can carry diseases such as salmonella and avian flu which can pose serious risks especially with children, the elderly, and immune compromised individuals. If not managed properly, chicken waste can accumulate quickly leading to odors, attracting rodents and insects, and degrading the cleanliness of nearby properties. Additionally, there is the concern of the negative effect on our property value. Then you have the regulating perspective from the City of Dover to monitor and enforce these Ordinances. For all of these reasons, I respectfully request that the City deny this requested variance as well as consider removing the current chickens due to non-compliance with the original sounding Ordinances. Protecting the health and property values in quality of life of all the residents of the City of Dover should remain your top priority. Thank you.

Chairman Sheth asked if there was anyone else wishing to speak against the Variance Application.

Mrs. Melson-Williams mentioned Mr. Chair, I do need to check online. We do have one participant online; I need to see if they wish to speak.

We are on public hearing as part of Variance Application V-25-02. We have one participant online. Mrs. Melson-Williams asked the person on-line if they wished to speak. No one on-line wished to speak. For the record, the on-line person is Mr. James Keller.

Mrs. Melson-Williams also entered into the record the written correspondence from the following that was received via email to the Planning Office: The letters were read and provided to Board members.

Letter from Steven & Gail Nemcic of 20 Sandwich Court, Dover DE, 19904. They are opposed to the Variance Request V-25-02.

Letter from Anthony & Linda Peer property owners of 195 Merion Road, Dover DE, 19904. They are opposed to the Variance Request V-25-02.

Letter from Kelly & Denny Connell of 203 Merion Road, Dover DE 19904. They are in favor of the Variance Request V-25-02.

Mr. Chair, these are the written comments that were received. Mrs. Melson-Williams noted that the Applicant in her submission did have some comments in support from a couple of other neighbors and those were included in your packet in the Applicant's response. I believe we may have heard from at least one of those families today.

Chairman Sheth mentioned that he seen a basketball goal on Oakmont Road. He mentioned that it was difficult to drive on Oakmont Road due to the basketball goal. He asked Code Enforcement to look into having the basketball goal removed from the road.

Chairman Sheth asked if there was any additional correspondence. There was none.

Mr. Wagner asked for clarification if the Applicant mentioned that there were five additional responses. Mrs. Melson-Williams replied that the additional written responses that were received were three (3). And that the packet was provided to the members of the Board and a copy was also handed by Staff to the Applicant when she arrived at the meeting today.

Chairman Sheth asked if were any more questions by the Board members? There was none.

Chairman Sheth asked if there were any conflicts of interest.

Mr. Senato moved to deny Variance Application V-25-02 regarding the Applicant's request to increase the current legal of 5 chickens to 20 chickens. I feel that other information received here by various ladies and gentlemen that presented their case, I see that there is no hardship. I hear a lot of other comments made but nothing that convinces me that there is a hardship here. And, if it is passed, a precedent could be set where other homeowners or people that have the legalized five chickens in their yards, then we give an opportunity to keep raising up to that quality of 20. Therefore, I move that the Variance Application be denied. The motion to deny was seconded by Mr. Coburn and unanimously carried 5-0.

Chairman Sheth asked if there were any questions regarding the motion to deny.

Roll Call Vote (Supporting the motion to deny the Variance Application)

Yes – to deny

- Mr. Senato – yes – He supports the motion as mentioned.
- Mr. Wagner – yes – He supports the motion to deny and I’m strictly staying away from the motion. I'm referring to Exceptional Practical Difficulty (tests) which explains what our role is and I'm referring to Section D for the vote.
- Mr. Swalm – yes - I support the motion as well. I don’t believe that there is an Exceptional Practical Difficulty.
- Mr. Coburn – yes - I support motion. I feel there will be no undue hardship to reduce to the 5 per City Code. And if they kept the 17 as proposed by the City, who is going to monitor that. I think there would be a hardship on the City to keep a check on all these chickens every year. Like I said, the chickens can live up to twelve years; so, reduce the chickens to 5.
- Chairman Sheth – yes - I'm supporting the motion. I have an issue here that when we do something *unknowingly* and then we legalize it, that is my biggest issue on this one. So, I can understand Applicant’s feeling but cannot legalize it because the way you feel emotionally. So, I'm supporting the motion.

Chairman Sheth stated that the motion is 5 yes votes and zero no votes. Motion to deny carried.

Chairman Sheth asked if there were any other questions? There was none.

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

The meeting was adjourned at 10:14 A.M.

Sincerely,
Maretta Savage-Purnell
Secretary

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
July 16, 2025

A Regular/Hybrid Meeting of the City of Dover Board of Adjustment was held on Wednesday, July 16, 2025, at 9:17 A.M. in person in the City Council Chambers and using the phone/videoconferencing system Webex. Members present were Chairman Sheth, Mr. Wagner, Mr. Swalm, and Mr. Senato. Mr. Coburn was absent.

Staff members present were City Solicitor Mr. Rodriguez, Mrs. Melson-Williams, Mr. Salzano and Mrs. Savage-Purnell.

APPROVAL OF AGENDA

Mr. Senato moved for approval of the agenda. The motion was seconded by Mr. Swalm and unanimously carried 4-0. Mr. Coburn was absent.

Chairman Sheth asked if there were any questions.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JUNE 18, 2025

The meeting minutes of June 18, 2025, are still being prepared. The meeting minutes will be presented for approval at the next regular meeting.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams mentioned that the next Board of Adjustment Meeting is Wednesday, August 20, 2025, at 09:00 am. We have received at least one Application that will be scheduled for that meeting. We do appreciate City Solicitor Mr. Rodriguez for continuing to serve as Staff to this Board while the City looks for his replacement. He is retiring from service with the City, and we appreciate his work with us in the past.

Mrs. Melson-Williams mentioned for the record that there were no items of Old Business.

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

Mrs. Melson-Williams noted that the legal notice for this Application was published in the Daily State News on July 9, 2025, and the property owners within 200 feet of the subject site were notified by letter sent by the Planning Office in accordance with the procedures for public notice of a variance application.

Chairman Sheth asked if there were any conflicts of interest.

NEW BUSINESS

Application V-25-03

Property at 506 Pear Street. A Request has been made for a Variance from the requirements of

Zoning Ordinance, Article 5 §1.114, as associated with a proposed above-ground swimming pool. The Variance Request seeks a reduction of the minimum setback from 15 feet to 10 feet from the side property line for the edge of the water containment portion of the swimming pool. The property is zoned RG-1 (General Residence Zone). The owner of record is Kelsey Short. Property Address: 506 Pear Street, Dover, DE. The Tax Parcel ID is ED-05-067.20-01-07.00-000.

Mr. Chris Salzano gave a brief overview of the Application V-25-03 referencing the Staff Review Report and Recommendations.

Mr. Salzano reminded the Board that before them is an Area Variance. There are four tests that need to be considered for Exceptional Practical Difficulty.

Representative: Ms. Kelsey Short, Owner at 506 Pear Street, Dover DE.

Ms. Kelsey Short was sworn in by City Solicitor Mr. Rodriguez.

Presentation

Ms. Short stated that her intention is to get a pool. She moved to the house four years ago. At that time, her intention was to get a fence and a pool. When I was getting the Permit for the fence is when I realized that there was a 15-foot guideline. So, that's why I reached out to you guys just to see if I could proceed with the pool. Chris got me going in the direction of filing an Application to the Board of Adjustments. I have already spoken with both my neighbors on the either side of me. They're completely fine with me getting a pool. I kind of ran through like what could happen and like the reason why I have to do the meeting. They're completely fine with me getting a pool. She asked the Board if they had any questions?

Chairman Sheth said he did not have any questions.

Chairman Sheth asked the Board if they had any questions. There was none.

Mrs. Melson-Williams mentioned that the Report of the summary of the variance request was provided to both the Board of Adjustment as well as the Applicant. That outlines the Code requirements related to the setbacks for pools and then the consideration of the four criteria for the consideration of a variance. Attached to the Report is a series of Exhibits (Exhibit A through F) and those are for the record. The legal notice for this particular Application was published in the Daily State News on June 30, 2025. 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 public notice. So, as noted if you're interested in the series of the four criteria, they begin on page 3 focusing on the nature of the zone; the character of the area; if you remove the restrictions, how it would affect the neighbors; and if you did not remove the restriction, how it would affect the property owner. Planning Staff has recommended approval of the variance, noting that swimming pools are accessory to residential uses and residential zones, and the placement of a pool would be fairly consistent with the zone, and the use is expected in a surrounding residential neighborhood. The placement of the pool is in a location that requires a variance of 5 feet. That

would be 10 feet from each of the side property lines and that maximizes the distance from the side property lines to help mitigate any risk to those adjacent properties.

Given the total lot width of 35 feet that would allow for the pool of the size the Applicant is requesting. The pool is going to be placed behind a solid privacy fence that is 6 feet in height. The Applicant did provide us with a series of images of the pool and the potential location in the backyard. Those were included in your packet. This shows the blue house with the red shutters; that is Ms. Short's house. The blue circle on the ground is the approximate location of placement for the pool. If you do not grant the Variance, the property owner would likely not be able to place the pool on the lot as noted by Mr. Salzano as the available space to meet the prescribed setbacks currently in the *Zoning Ordinance* would mean a pool of 5 feet in diameter given the size of the property.

Chairman Sheth opened the public hearing.

Chairman Sheth asked if there was anyone who would like to speak in favor of the Variance Application. There was none.

Chairman Sheth asked if there was anyone else wishing to speak against the Variance Application. There was none.

Chairman Sheth closed the public hearing after seeing no one else wishing to speak.

Chairman Sheth asked if there was any additional correspondence. There was none.

Mrs. Melson-Williams stated that there were no participants online; so, there are no participants for the public testimony. We did not receive any additional correspondence regarding this Application.

Mr. Senato moved to approve Variance Application V-25-03 regarding the request of the Applicant to allow for the edge of the water containment portion of the pool to be 10 feet (less than the 15 feet required) from the side property line because the placement of the swimming pool is consistent with the zoning and the uses expected within the surrounding residential neighborhood. The applicant's requesting a 5-foot variance from 15 feet to 10 feet. The motion was seconded by Mr. Swalm and unanimously carried 4-0.

Mr. Swalm seconded the motion for the same reasons as Mr. Senato except that nature of the zone is consistent as residential seen with the character and immediate vicinity. I believe that it might create a hardship just because of the width of the property. I did read that it was the smallest pool that she was able to get.

Roll Call Vote:

Mr. Senato yes, I stated the reason in the original motion.

Mr. Swalm yes, I stated the reason in the motion.

Mr. Wagner – Yes, I agree with the motion and Staff Recommendations as stated for Application V-25-03.

Chairman Sheth – Yes, very consistent with the Ordinance.

Chairman Sheth stated that the motion is 4 yes votes and zero no votes. Motion approved.

Chairman Sheth asked if there were any other questions? There was none.

Mr. Senato made a motion to adjourn the meeting. It was seconded by Mr. Wagner and unanimously carried 4-0.

The meeting was adjourned at 10:14 A.M.

Sincerely,
Maretta Savage-Purnell
Secretary



City of Dover
Board of Adjustment
August 20, 2025
V-25-04

Title: Calvary Baptist Church Request for Area Variance for a Monument Sign

Location: South side of Forrest Avenue, West of Dover High Drive, and East of Artis Drive

Address: 2285 Forrest Avenue, Dover, DE

Owner: Calvary Baptist Church of Dover, Delaware, Inc.

Tax Parcel: ED-05-075.00-01-06.00-000

Application Date: July 01, 2025

Present Zoning: R-10 (One Family Residence Zone) and COZ-1 (Corridor Overlay Zone)

Present Use: Place of Worship/Church (Under Construction)

Proposed Use: Church with 13 ft 7 in tall, 70 SF Monument Sign

Reviewed By: Chris Salzano, AICP, Planner II

Variance Type: Area Variance

Variations Requested: Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7 to allow for a larger sign area and sign height

Project Description

Property at 2285 Forrest Avenue. A Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7, as associated with a proposed monument sign. The Variance Request seeks an enlargement of the allowable sign area from 12 SF to 70 SF and an increase of the allowable height from 7 feet to 13-feet 7-inches. The property is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner

** Correction to Zoning, only a 25-acre tract (later subdivided for this subject parcel) was rezoned from RM-2/COZ-1 to R-10/COZ-1 with Rezoning Application Z-22-02, Adopted by Ordinance #2022-11 by City Council action on 10/10/2022.

of record is Calvary Baptist Church of Dover, Delaware, Inc. Property Address: 2285 Forrest Avenue, Dover, DE. The Tax Parcel ID is ED-05-075.00-01-06.00-000.

Property and Adjacent Properties: Zoning and Land Use

The property is zoned R-10 (One Family Residence Zone). The property is 50.20± Acres according to City GIS systems (Exhibit F). The property contains a place of worship currently under construction per Conditional Use Site Plan C-19-06 Calvary Baptist Church. The adjacent properties on Forrest Avenue are zoned RM-2 and IO. The lots to the immediate north across Forrest Avenue are in the County. The lot to the immediate south is a vacant lot zoned RM-2 (Medium Density Residence Zone) which is proposed for development as an apartment complex S-24-06/S-23-04 Leander Lakes III.

A Map Exhibit (Exhibit F) prepared by Staff is attached to this Report. It shows the subject property's location and the surrounding zoning. Map Exhibit G shows an aerial view of the area.

Code Citations

R-10 (One Family Residence Zone)

The subject project area is zoned R-10 (One Family Residence Zone). *Zoning Ordinance*, Article 3 §1 lists the permitted uses, conditional uses, and other provisions of the R-10 zone. Per the *Zoning Ordinance*, Article 3 §1 places of worship are included as a conditional use in One-Family Residence zones per the *Zoning Ordinance* Article 3 §1.14.

COZ-1 (Corridor Overlay Zone)

The subject project area is also subject to the COZ-1 (Corridor Overlay Zone). *Zoning Ordinance* Article 3 § 27 establishes the purpose of the COZ-1 Zone as to promote superior urban corridor development, foster coordination and linkage among corridor properties, preserve the functionality and efficiency of the roadway and achieve a visually balanced streetscape environment which is friendly to pedestrians and motorists alike. Per the *Zoning Ordinance* Article 3 § 27.4 permitted uses in the COZ-1 (Corridor Overlay Zone) are governed by those provisions of this ordinance related to the specific zoning district designations of each property as depicted on the Zoning Map.

Sign Regulations

The *Zoning Ordinance*, Article 5 § 4 – Supplementary sign regulations, outlines the provisions for the placement of signs. See the purpose statement in the code excerpt below.

Article 5 Section 4

4.1 *Purpose statement.* The purpose of this section is to create a legal framework for a comprehensive and balanced system of signs and other street graphics to facilitate an easy and pleasant communication between people and their environment. The ordinance from which this section is derived is enacted to avoid the visual clutter that is potentially harmful to vehicular and pedestrian safety, property values, business environment and opportunities, and community appearance. With these purposes in mind, it is the intent of this section to authorize the use of signs which are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of individual activities and the community as a whole, and legible in the circumstances in which they are seen, understanding that it is important for the economic vitality of the community as well

as individual businesses and institutions that they are clearly identified and their services are understood by the traveling public.

The section further outlines the design requirements for different types of signs. Under consideration in this application is a variance request for the size and height of a Freestanding Sign. See the code excerpt on the design regulations are for Freestanding Signs.

Article 5 §4.4 Design requirements

A. *Freestanding signs.*

1. Freestanding signs and attendant structures and bases shall be designed as an integral part of the site development and shall be coordinated and compatible with site grading, utility placements, landscaping and architectural elements.
2. Freestanding signs and associated landscaping shall be situated and maintained so as not to impair or block visibility of motorists and/or pedestrians traveling within the public street right-of-way or entering, exiting or crossing vehicular site entrances. No sign or landscaping in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines.
3. Freestanding signs shall be situated on the site and dimensioned so as not to substantially impair or block the visibility of adjacent buildings and/or existing signs.
4. All freestanding signs shall respect the exclusion zone. When a sign is not permitted within the exclusion zone, one additional wall sign may be permitted in accordance with the wall sign regulations.
5. When the presence of an existing freestanding sign on an adjoining property precludes a property from placing a freestanding sign due to exclusion zone provisions, the adjoining property owners and/or business interests may share a single freestanding sign structure in accordance with the provisions of subsection 4.9—Supplementary sign provisions, F—Shared freestanding signs, of this section.
6. Location of monument signs and post and panel signs may be approved by the Planning Commission as part of a Site Development Plan Approval process.

The *Zoning Ordinance*, Article 5 § 4.7 is a table of permitted signs (Sign Table) for properties based on specific use, road type and sign type. This property is a non-residential use in a residential district and it has frontage on an urban minor arterial (All Streets) . See code excerpt below; the monument sign requirement is highlighted (the subject of this variance request).

Article 5 Section 4.7 *Permitted signs.* Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses, and road classification.

District	Use	Road Type	Sign Type	Max Number Permitted	Max Size	Max Height	% Wall Area	Setback	Exclusion Zone
Residential Uses and Nonresidential Uses in Residential Districts	Single-Family Detached/ Semi-Detached	All Streets	Signs permitted in § 4.5 only						
	Professional Office	All Streets	Post or Monument	1/entrance	12 S.F.	7 feet	N/A	5 feet	20 feet
			Wall	1/frontage	16 S.F.	N/A	≤ 15%	N/A	N/A
	Subdivisions Multi-Family Residential Uses Manufactured Housing Communities	All Streets	Wall	1/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel	2/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet

District	Use	Road Type	Sign Type	Max Number Permitted	Max Size	Max Height	% Wall Area	Setback	Exclusion Zone
Nonresidential Uses Adjacent to Residential Districts or Uses	Places of Worship Daycare Centers Approved Conditional Uses Educational/Institutional All Other Approved Nonresidential Uses	Urban Principal Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	10 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	5 feet
			Pylon*	1/frontage	32 S.F.	30 feet	N/A	30 feet	50 feet
		Urban Minor Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
		Urban Local/Collector	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet

Additionally, the following definitions are part of sign regulations of the *Zoning Ordinance*:

Changeable sign: A sign with the capability of content change by means of manual or remote input, includes the following types:

- (1) Manually activated: Changeable sign whose messages, copy or content can be changed manually on a display surface.
- (2) Electrically activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message center."

Frontage: For the purposes of this section, the term "frontage" refers to a parcel's property line along a right-of-way, be it public or private, excluding alleys and service drives that are abutting residential properties. The parcel must be directly adjacent to the right-of-way for it to be considered to have frontage.

Monument sign: A low freestanding sign that is affixed to a base that is equal to or wider than the sign itself. The height of the sign is to be measured from the finished grade to the top of the sign. (See figure 5-3.)

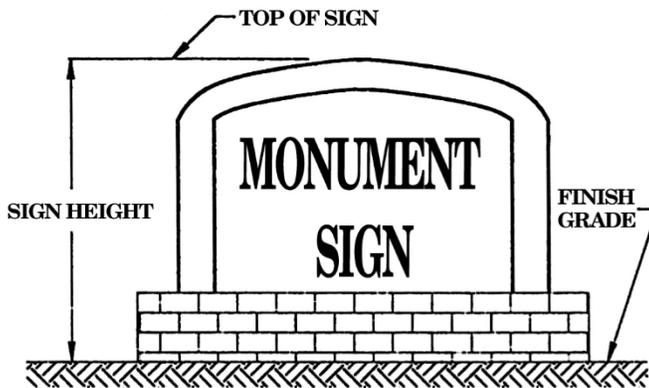


Figure 5.3 Monument Sign

Sign: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign face: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Sign area: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

Sign height: The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming, filling or excavating solely for the purpose of locating the sign shall be computed as a part of the sign height.

Urban principal arterial: US Route 13, Bay Road, and Court Street between 13 and Bay Road are considered to be urban principal arterials under the provisions of this ordinance. Delaware State Route 1 is not considered to be a road that will provide frontage for any parcel.

Applicant's Proposed Project and Variances Requested

The applicant is seeking to place a monument sign at the property and has requested an area variance to allow a larger sign area and taller sign height. The Applicant has submitted a site plan (Exhibit E) that shows the entrance area of the lot, location of the proposed sign. The Exhibit shows the location of the sign east of the entrance. The proposed sign is 13ft 7in tall, and has a 70SF sign area, of which 70% is a changeable sign as an electronic message center (EMC).

The Applicant described the project as follows: The placement of a 13ft 7in tall 70SF Monument Sign at the entrance to the property. The Applicant also provided a rendering; See Exhibit D. The Applicant also provided an additional narrative, which Planning Staff has transcribed below.

Dear Planning Department,

Thank you for your time and consideration regarding this signage variance request. On behalf of Cavalry Baptist Church, I'd like to outline the purpose and justification for the proposed sign.

The primary intent of the sign is to clearly and safely identify the church for members, guests, and first-time visitors. Given the church's location along a busy, fast-moving roadway, visible and timely signage is essential for safe access to the entrance and parking lot. The proposed sign has been thoughtfully scaled to the size of the property and designed not only for visibility, but also to complement the church's architectural style.

A key design feature is the top portion of the sign, where "Calvary" is presented in 12-inch-tall lettering. This size was chosen based on well-established signage standards, which show that a 12-inch letter is legible from up to 1,200 feet away for drivers – providing crucial reaction time to safely identify and enter the property. Reducing the letter size would compromise both readability and safety.

The sign also includes a modest electronic message center that functions as a digital bulletin board for the church and surrounding community. It will display up to five lines of 12-inch-tall text to welcome visitors and highlight events such as prayer breakfasts, Bible studies, and community programs. Reducing the size of the display would hinder legibility from the road, diminishing its effectiveness.

Equally important, the sign is designed to enhance-not detract from-the surrounding landscape. Brickwork and professional landscaping are included to ensure the sign blends tastefully with the architecture of the church and the broader environment.

Its worth noting that the scale of our sign is modest in comparison to neighboring signage. Dover High School nearby features a significantly larger sign and campus, and directly across the street stands a billboard over 500 feet in size. Within this context, our proposed sign is both appropriate and proportionate.

In summary, this signage proposal reflects the smallest practical size needed to safely and effectively meet the church's needs. It ensures visibility, improves navigation, fosters community connection, and does so with architectural and visual harmony. We respectfully request your support in approving this variance.

*Sincerely,
Seth Greenberg
Eastern Shore Signs & Graphics
On behalf of Calvary Baptist Church*

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 are provided in Exhibit B – Written Narrative listed below. The Staff assessment of the application in accordance with the required criteria is provided below.

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

Applicant Response:

The nature of the zone the property lies in is currently zoned R-10, one family residential. The use prior was farmland. The current use will be a church. The surrounding properties are a high school, church, residential, farmland, and barber shop.

Staff Response:

The subject property is zoned R-10 (One Family Residence Zone), and a place of worship/church is under construction on the parcel. The R-10 (One Family Residence Zone) allows a variety of uses, including the raising of field and garden crops; one-family detached dwellings; public buildings, structures, and uses, including parks, and playgrounds. The R-10 (One family Residence Zone) also allows various conditional uses including places of worship, including parish houses and schools including nursery schools, kindergartens and day care centers; railroad and public utility rights-of-way and structures necessary to serve areas within the city; Country clubs or other annual membership clubs, catering exclusively to members and their guests and accessory private playgrounds, gold courses, swimming pools, tennis courts and recreation buildings not

conducted as business enterprises; and Adult day care facilities. The surrounding land uses, as mentioned, include a High School, a church, residential apartments, and farmland. In the narrative, the applicant mentions that the surrounding signage, including the High School and an existing billboard, are larger than their sign. The Dover High School is subject to a Comprehensive Unified Sign Plan US-14-01, which allows the school campus to have larger signs than typically allowable on this road and more signage as approved through a Planning Commission review process. Furthermore, the aforementioned billboard is in Kent County and not in the City of Dover.

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

Applicant Response: The character of the neighborhood is a high school, residential, single family and apartments with commercial uses as well. Across Forrest Avenue is under county jurisdiction.

Staff Response: Forrest Avenue is a gateway into the City from the west and becomes a commercial corridor with residential users throughout. The speed limit is 35mph along Forrest Avenue, and there is a traffic sign/stop light at the intersection of Forrest Avenue and Dover High Drive. The Calvary Baptist Church entrance is from Forrest Avenue and is being developed with a right turn lane in and a left turn lane. The area surrounding the subject property includes apartments (Leander Lakes Apartments), Dover High School, residential users, and another nearby church, Dover Christian Church at 1738 Forrest Avenue. There is a vacant lot directly to the south of the church building, which is zoned RM-2 and proposed for future development as an apartment complex. In Kent County, on the north side of Forrest Avenue, are a mix of commercial and residential properties.

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

Applicant Response: If the restrictions upon this applicant's property were removed, such removal would not seriously affect neighboring properties and uses. The properties across the street are located in Kent Co. and are allowed by code larger signs. That is why there is an approximately 575 square foot and 30 foot tall billboard across the street. By erecting this sign it will not adversely affect the neighboring properties.

Staff Response: The proposed sign will be located at the entrance to the Calvary Baptist Church on Forrest Avenue. Based on plans provided by the applicant, the proposed sign would be 13ft 7in tall, and 70 square feet in size, which is substantially larger than the City's sign ordinance would allow, even if this were a commercial property not adjacent to residential on this same road. The sign is setback twenty feet from the road per the applicant's Sign Permit application and would therefore be clearly visible to motorists traveling on Forrest Avenue. Despite the large size, the proposed sign should not affect the use of neighboring lands.

- 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: If the restriction is not removed, the restriction would create an unnecessary hardship or exceptional practical difficulty, which would not be adequately identifying the entrance of the church for non parishioners who visit for weddings, funerals and other sacraments. With the speed and width of the road along with the size of the campus, this is the minimum variance that we can ask for. It is in keeping with the neighborhood.

Staff Response:

The *Zoning Ordinance*, Article 5 §4.7 states sign area in this case has an allowable square footage of 12 feet. There are two potential tables shown above (pages 3 – 4) which could be read for the applicable sign regulations. Staff is looking at this under the more strict definition of a nonresidential use within a residential district allowing a 12ft sign area and 7ft sign height because of the property’s zoning and the surrounding character. However, the sign regulations could also be looked at as shown on the second table, as a place of worship adjacent to a residential zone, which would allow a 32 SF sign area and 7ft sign height. Forrest Avenue is classified under the Sign Ordinance as an Urban Minor Arterial. This portion of Forrest Avenue has a speed limit of 35 miles per hour. As the applicant noted in their narrative the Dover High School is nearby and the intersection to Dover High Drive features traffic signals further calming traffic. The Sign Regulations allow for the placement of freestanding signage on this property. The sign proposed is more than double in size the allowable sign area and almost twice the allowable sign height. Planning staff does not believe an unnecessary hardship or exceptional practical difficulty has been established by the Applicant. However, there is potential for confusion as to which provisions of the Sign Regulations should be applied (See Recommendation discussed below)

Variance Recommendations

Planning Staff looked at the sign regulations to determine the sign regulations to apply to this site (See Tables 1 and 2 above and the discussion regarding Unified Sign Plan potential). This portion of Forrest Avenue falls within a residential district; therefore, the sign is being reviewed against standards for a Non-residential Use within a Residential District (Table 1), giving it a maximum allowable square footage of 12 feet and a maximum height of 7 feet. Previously, another church (Dover Christian Church), located at 1738 Forrest Avenue, pursued an Area Variance (V-18-12) to increase the sign area to 32 square feet for their monument sign. A monument sign the size of 32 square feet is allowable on this road for Nonresidential Uses that are adjacent to a Residential District (Table 2). This example treats the sign and property as if it were simply adjacent to a residential district, as opposed to within a residential district.

If the Applicant were to pursue a Unified Sign Plan, the property would need to meet the definition of a Unified Campus or Complex per the *Zoning Ordinance* Article 5 § 4.3 and meet the following criteria per the *Zoning Ordinance* Article 5 § 4.8:

Unified campuses and complexes: The term "unified campuses and complexes" means:

- (1) Any "shopping center" as the term is defined in the zoning ordinance.
- (2) Or, any group of three or more principal structures under common management and operation, located on one or more contiguous properties;
- (3) Or, any single commercial or institutional parcel which has more than 400 linear feet of frontage on a principal arterial roadway which is occupied by a conforming commercial or institutional use. Unified campuses and complexes include, but are not limited to, shopping centers; entertainment, educational, medical, governmental, or religious campuses; office complexes; and industrial parks.

4.8 Unified Comprehensive Signage Plan.

A. *Purpose statement.* Recognizing that large campuses and complexes have signage needs that may not be adequately addressed by traditional sign regulations, this subsection of the ordinance is intended to allow a procedure for approval of a unified comprehensive signage plan for these Unified Campuses and Complexes.

1. Campuses and complexes are required to follow all standard signage requirements, as embodied elsewhere in this section, unless they choose to apply to the planning commission for comprehensive signage plan approval. All such plans must embody a thorough review of all existing signs.
2. Any proposed shopping center or group of three or more principal structures under common management and operation located on one or more contiguous properties is required to submit an application for comprehensive signage plan approval to the planning commission.
3. Any business or institution which has more than 400 linear feet of frontage on a principal arterial may submit an application for comprehensive signage plan approval.

B. *Design guidelines for unified comprehensive signage plans.*

1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.
2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4—Design requirements of this section, as well as all specific design guidelines found in this section.
3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.
4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.
5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.

The property size is 52.20 acres per the City's GIS systems, while large one building on a property does not constitute a campus as defined by the *Zoning Ordinance* Article 5 §4.1. The site is not eligible to pursue the Unified Sign Plan process as it currently does not consist of multiple buildings. The property is not zoned as an institutional or commercial parcel and does not have more than 400 linear feet of frontage along a principal arterial roadway.

Staff recommends **denial** of the Variance as proposed for a Monument Sign of 13ft 7in total, 70SF for reasons as follows:

- The proposed sign does not meet the definition of a Monument Sign as it is taller than it is wide.
- The proposed base at 40in increases the overall sign height by over 3ft.
- The *Zoning Ordinance* does not permit signs of this size on this road, and the proposed sign would double the normally allowable square footage and height allowances. (Per the *Zoning Ordinance* Article 5 § 4.7 Table 1 and Table 2)
- The applicant has not provided any clear evidence for the safety of motorists argument.
- If the variance is not granted, the property owner will still be able to put up a sign that follows the City's sign ordinance appropriately upon approval of a compliant sign permit.
- Staff recommends an alternative option by allowing the applicant to implement signage as per the *Zoning Ordinance*, Article 5 § 4.7 Table 2.
- Staff recommends an alternative Monument Sign of 32SF and 7ft tall using the provisions of the *Zoning Ordinance* Article 5 § 4.7 Table 2 for a sign on an Urban Minor Arterial. This will reduce the overall sign area and sign height from the initial proposal.
- This middle ground alternative would allow the applicant to have right-sized signage for this portion of Forrest Avenue, at a size that would normally be allowed for this road type.
- If the 32 square foot 7 foot tall Monument Sign suggestion is accepted, the applicant will be able to put up a sign that is in character with Forrest Avenue as a corridor.

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.
- If the variance is granted, a Sign Permit is required prior to the commencement of the construction/installation of the sign. Must submit a revised Sign Permit for Permit #25-844.
- 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 Form	1
B	Written Narrative	1
C	Applicant's Supplementary Narrative	2
D	Applicant's Rendering	1
E	Applicant's Site Plan	1
F	Site Map – Plain	1
G	Site Map – Satellite	1



V-25-04

Exhibit A

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

Item 3.

Board of Adjustment Application

RECEIVED
 JUL 1 - 2025
 CITY OF DOVER
 PLANNING & INSPECTIONS

Application Information

Property Address: 2285 Forrest Ave Dover, DE 19904
 Tax Parcel Number: ED05-075.00-01-06.00
 Owner Name: Calvary Baptist Church of Dover
 Property Zoning: _____
 Variance (s) Requested: _____

*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.

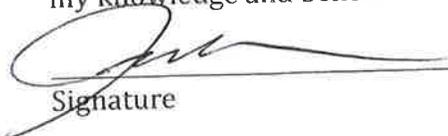
Area Variance

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 Julius Howell Hick 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

Chair of Trustee Board
 Title of Calvary Baptist

6/27/25
 Date

25-7000004

1. The nature of the zone the property lies in is currently zoned R-10, one family residential. The use prior was farmland. The current use will be a church. The surrounding properties are a high school, church, residential, farmland, and barber shop.
2. The character of the neighborhood is a high school, residential, single family, and apartments with commercial uses as well. Across Forrest Ave is under county jurisdiction.
3. If the restrictions upon this applicant's property were removed, such removal would not seriously affect neighboring properties and uses. The properties across the street are located in Kent Co. and are allowed by code larger signs. That is why there is an approximately 575 square foot and 30 foot tall billboard across the street. By erecting this sign, it will not adversely affect the neighboring properties.
4. If the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty, which would be not adequately identifying the entrance of the church for non parishioners who visit for weddings, funerals, and other sacraments. With the speed and width of the road along with the size of the campus, this is the minimum variance that we can ask for. It is in keeping with the neighborhood.

FILED IN
DOCUWARE

FILE COPY

Dear Planning Department,

Thank you for your time and consideration regarding this signage variance request. On behalf of Calvary Baptist Church, I'd like to outline the purpose and justification for the proposed sign.

The primary intent of the sign is to clearly and safely identify the church for members, guests, and first-time visitors. Given the church's location along a busy, fast-moving roadway, visible and timely signage is essential for safe access to the entrance and parking lot. The proposed sign has been thoughtfully scaled to the size of the property and designed not only for visibility, but also to complement the church's architectural style.

A key design feature is the top portion of the sign, where "Calvary" is presented in 12-inch-tall lettering. This size was chosen based on well-established signage standards, which show that a 12-inch letter is legible from up to 1,200 feet away for drivers - providing crucial reaction time to safely identify and enter the property. Reducing the letter size would compromise both readability and safety.

The sign also includes a modest electronic message center that functions as a digital bulletin board for the church and surrounding community. It will display up to five lines of 12-inch-tall text to welcome visitors and highlight events such as prayer breakfasts, Bible studies, and community programs. Reducing the size of the display would hinder legibility from the road, diminishing its effectiveness.



Equally important, the sign is designed to enhance-not detract from-the surrounding landscape. Brickwork and professional landscaping are included to ensure the sign blends tastefully with the architecture of the church and the broader environment.

It's worth noting that the scale of our sign is modest in comparison to neighboring signage. Dover High School nearby features a significantly larger sign and campus, and directly across the street stands a billboard over 500 feet in size. Within this context, our proposed sign is both appropriate and proportionate.

In summary, this signage proposal reflects the smallest practical size needed to safely and effectively meet the church's needs. It ensures visibility, improves navigation, fosters community connection, and does so with architectural and visual harmony. We respectfully request your support in approving this variance.

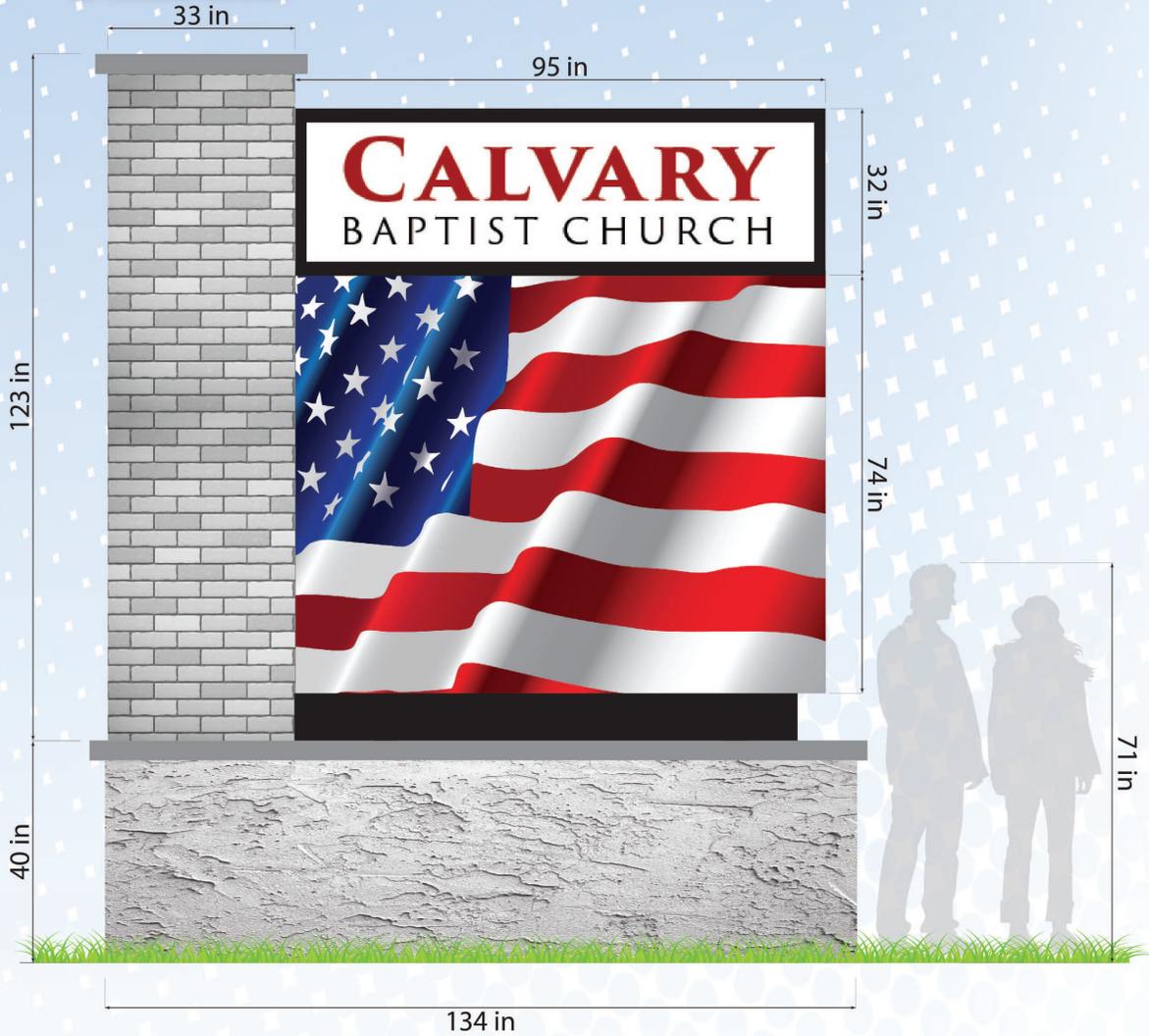
Sincerely,

Seth Greenberg

Eastern Shore Signs & Graphics

On behalf of Calvary Baptist Church

EASTERN SHORE SIGNS & GRAPHICS



Sign area: Top Sign - 21 Sqft, Bottom Sign - 49 sqft, Total sqft - 70 sqft
 LED portion is 70% of sign area $49/70 = 70$ percent
 Total Height: 13ft 7in

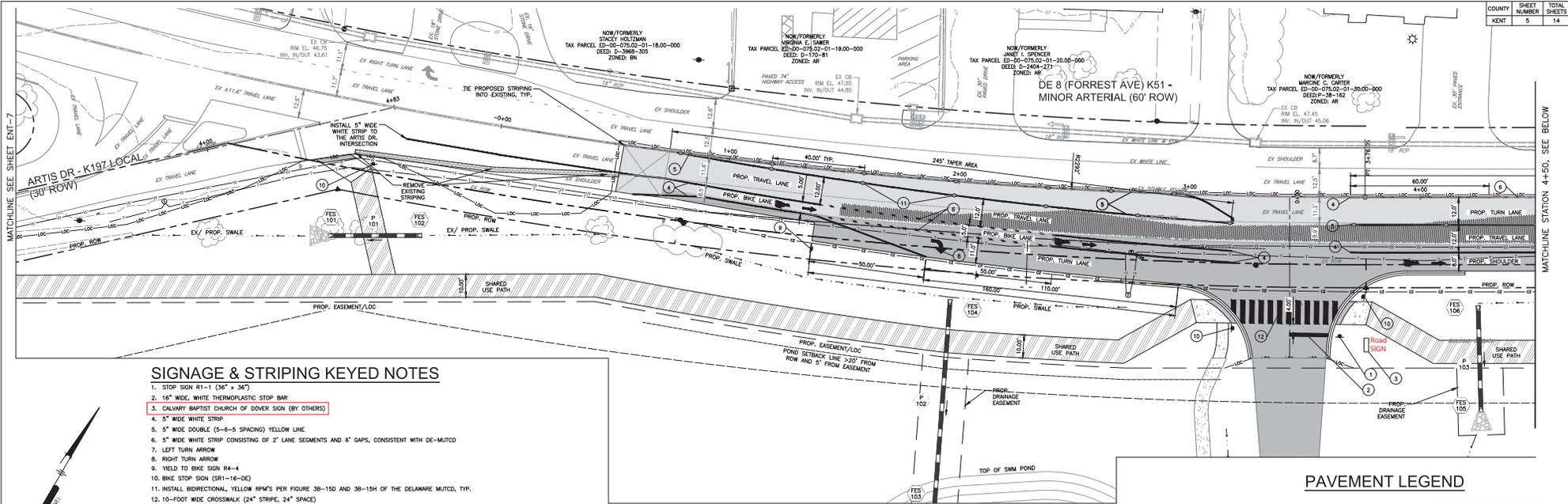
302-747-7535

**PLEASE
NOTE**

1. PROOF READ AND SPELL CHECK ALL TEXT AND GRAMMER!
2. COLORS ON YOUR SCREEN ARE NOT THE ACTUAL COLOR
3. ANY CHANGES TO PROOF, MAY TAKE 3-5 BUSINESS DAYS
4. VEHICLES MUST BE WASHED -NO WAX- IF DIRTY, CLEANING FEE APPLIED
5. DEPOSIT MUST BE GIVEN BEFORE PRODUCTION BEGINS



COUNTY	SHEET NUMBER	TOTAL SHEETS
KENT	5	14



SIGNAGE & STRIPING KEYED NOTES

1. STOP SIGN R1-1 (36" x 36")
2. 16" WIDE, WHITE THERMOPLASTIC STOP BAR
3. CALVARY BAPTIST CHURCH OF DOVER SIGN (BY OTHERS)
4. 5" WIDE WHITE STRIP
5. 5" WIDE DOUBLE (5-8-5 SPACING) YELLOW LINE
6. 5" WIDE WHITE STRIP CONSISTING OF 2' LANE SEGMENTS AND 6' GAPS, CONSISTENT WITH DE-MUTCD
7. LEFT TURN ARROW
8. RIGHT TURN ARROW
9. YIELD TO BIKE SIGN R4-4
10. BIKE STOP SIGN (SR1-14-DE)
11. INSTALL BIDIRECTIONAL, YELLOW RPM'S PER FIGURE 38-15D AND 38-15H OF THE DELAWARE MUTCD, TYP.
12. 10-FOOT WIDE CROSSWALK (24" STRIPE, 24" SPACE)

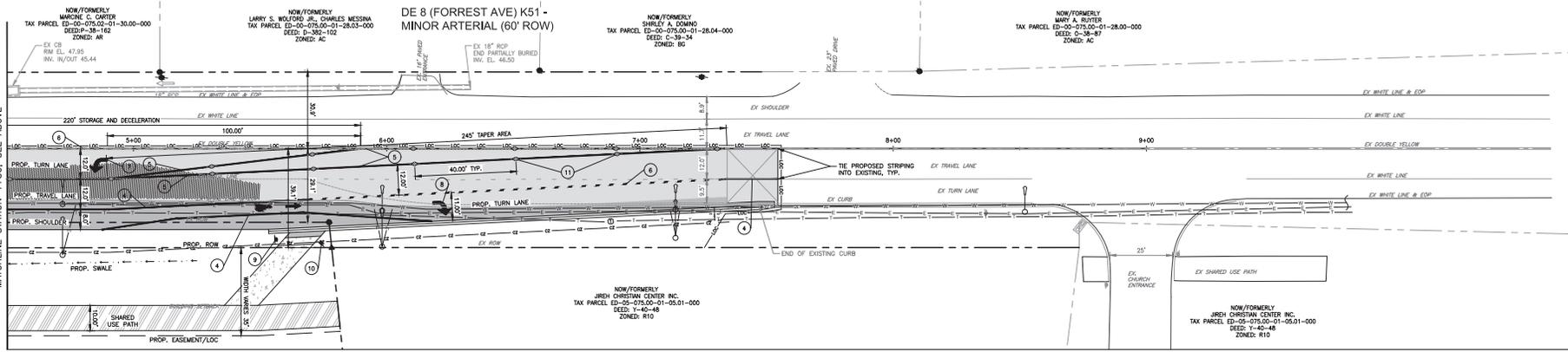
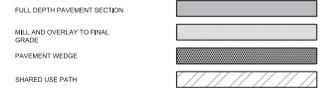
SIGNAGE & STRIPING PLAN

SCALE: 1" = 20'

NOTES:

1. ALL SIGNING AND STRIPING SHALL BE IN ACCORDANCE WITH THE CURRENT DELAWARE MUTCD STANDARDS.
2. BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING SIGNS, REFERENCE DELDOT STANDARD DETAIL T-15.
3. TIE PROPOSED STRIPING INTO EXISTING.

PAVEMENT LEGEND



SIGNAGE & STRIPING PLAN

SCALE: 1" = 20'



PO BOX 2, 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

ENTRANCE SIGNAGE & STRIPING PLAN
FOR
CALVARY BAPTIST CHURCH OF DOVER
EAST DOVER HUNDRED - CITY OF DOVER
KENT COUNTY - STATE OF DELAWARE

REVISIONS	DATE	DESCRIPTION
REVISIONS PER DELOIT COMMENTS	2/18/21	
REVISIONS PER DELOIT COMMENTS	4/14/21	
FINAL PLANS	11/10/21	

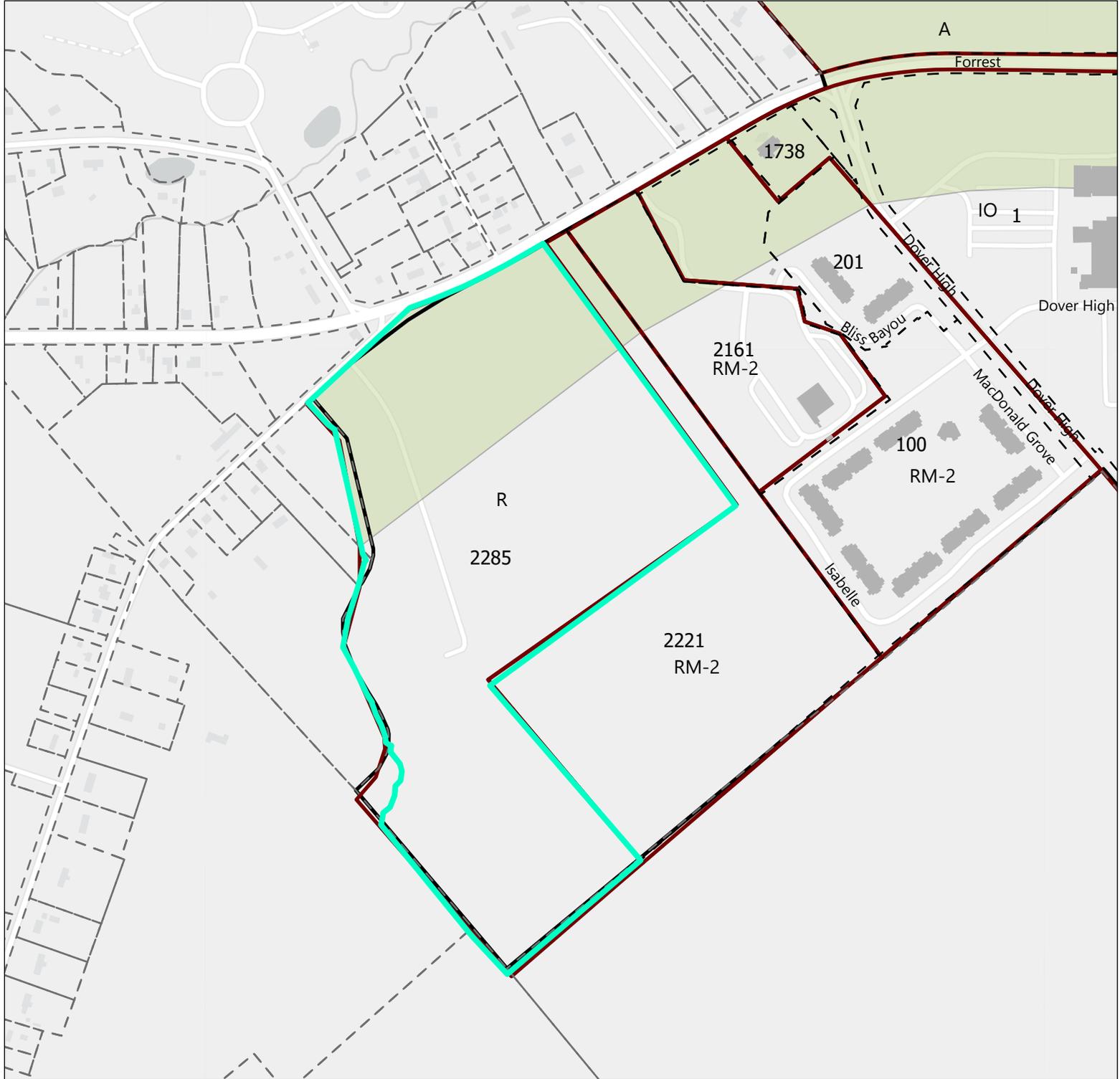
101 S. BRADFORD ST.
DOVER, DE 19904
P.O. BOX 548
DOVER, DE 19903
T: 302.744.9873
F: 302.672.6428

SCALE: 1" = 20' GRAPHIC SCALE: 0 20 40

DESIGNED BY: GAH CHECKED BY: DMH DRAWING NAME: DRAWING NO.: SHEET NO.: ENT-5

DATE: 12-10-20 COMM. NO.: N/A FILE NO.: TAM2001 SHEET NO.: ENT-5

©2021 MOUNTAIN CONSULTING



Title: Calvary Baptist Church Sign Variance Request
Address: 2285 Forrest Avenue
Parcel ID: ED-05-075.00-01-06.00-000
Existing Zoning: R-10 and COZ-1
Owner: Calvary Baptist Church of Dover Delaware Inc
Date: 08/13/2025



Legend

- Dover Parcels
- Dover Boundary
- Zoning
- Parcels Outside Dover
- Corridor_Overlay
- Subject Property



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Legend

- Dover Parcels
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- Corridor_Overlay_Zone
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