

**CONSTRUCTION AND PROPERTY MAINTENANCE
CODE BOARD OF APPEALS
AGENDA**



NOVEMBER 15, 2018 - 4:00 P.M.

REVISED

CITY HALL COUNCIL CHAMBERS

15 LOOCKERMAN PLAZA, DOVER, DELAWARE

REVISED BY REMOVING PROPERTY MAINTENANCE CODE CITATION (CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE XII - VACANT BUILDINGS, SECTION 22-403 - REGISTRATION AND REGISTRATION FEE) - APPEAL OF REGISTRATION FEE - 44 FOREST CREEK DRIVE (JAMES AND DOROTHY SCHULTZ)

AGENDA ADDITIONS/DELETIONS

- 1. CODE CITATION (CHAPTER 46 - FIRE PREVENTION AND PROTECTION, ARTICLE I - IN GENERAL, SECTION 46-8 - MAINTAINING A KNOWN VIOLATION OR HAZARD, (A)(1)) - APPEAL OF CITATION - 500 WEST LOOCKERMAN STREET (DUNCAN CENTER LLC, C/O ROBERT M. DUNCAN)**
- 2. SCHEDULING MONTHLY CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS MEETINGS**
- 3. ADJOURNMENT**

/DD

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\MISC-AGENDAS\CPMCBA\11-15-2018 CPMCBA AGENDA - REVISED.WPD

City of  Dover

November 8, 2018

Duncan Center LLC
C/O Robert M. Duncan
555 Pennsylvania Ave Ext
Dover, DE 19901
lbcduncan555@gmail.com

Re: Appeal of Citation - Maintaining a Known Violation - 500 West Loockerman Street, Dover, DE
Case #: 18-00003042

Mr. Duncan:

I have received your request to appeal the decision of the Fire Marshal and the fine associated with citation #18-00003042 in violation of Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-8 - Maintaining a Known Violation or Hazard, (a)(1) of the Dover Code.

A meeting of the Construction and Property Maintenance Code Board of Appeals has been scheduled for Thursday, November 15, 2018 at 4:00 p.m. in the City Hall Council Chambers, 15 Loockerman Plaza, Dover, DE 19901 to hear your appeal. If you have any additional documentation that you would like the Committee to review when considering your appeal, please provide this information to the City Clerk's Office prior to the appeal hearing.

Please feel free to contact me by e-mail at cityclerk@dover.de.us or by phone at (302) 736-7008 if you have any questions or concerns.

Sincerely,



Traci A. McDowell, MMC
City Clerk

TAM/dld

S:\APPEALS\2018\500 WEST LOOCKERMAN STREET-MAINTAINING A KNOWN VIOLATION-DUNCAN\Receipt of Appeal-Maintaining a Known Violation-500 West Loockerman Street-Duncan.wpd

cc: David Hugg, Director of Planning and Community Development
Nicholas Rodriguez, City Solicitor
William Pepper, Deputy City Solicitor
Jason Osika, Fire Marshal
Tim Taraila, Code Enforcement Supervisor
Ron Coburn, Code Enforcement Officer

From: [Linda Duncan](#)
To: [Devine, Denise](#)
Subject: Re: NOTICE OF APPEAL HEARING - NOVEMBER 15, 2018
Date: Monday, November 12, 2018 5:01:58 PM
Attachments: [Duncan Center Fine.docx](#)

Please see the attached letter. We are not in Dover until next week, so we will miss the meeting.

Thank you

On Thu, Nov 8, 2018 at 5:46 PM Devine, Denise <ddevine@dover.de.us> wrote:

Mr. Duncan,

Attached please find correspondence regarding the Construction and Property Maintenance Code Board of Appeals meeting scheduled for Thursday, November 15, 2018 at 4:00 p.m. to hear your appeal. A paper copy was mailed to you as well.

Thank you,

[Denise L. Devine, MMC](#)

Assistant City Clerk

City of Dover

e-mail: ddevine@dover.de.us

(302) 736-7008 phone

(302) 736-5068 fax

--

Linda

Duncan Center
500 West Lookerman Street
Dover, Delaware 19904

November 12, 2018

Construction and Property Maintenance Code Board of Appeals:

We are not in Dover until after the date set for your meeting, so we would like this letter, in addition to the letters we have already submitted, to represent our position in this matter.

Raymond Williams has found a place to move, but he is unable to reside there until after Thanksgiving. Jason Osika has granted the current extension to him. It was very difficult for Raymond to find another place to live as he does not drive, and he needed a location close something for him to walk to work.

The original citation asked him to leave in just a few days. That was impossible for him. We, however, could not dictate to him when he had to move, or he would have been homeless. Also, we are not in the position to find his housing. Giving us a fine for something we have no control over does not seem fair to us. We said many times that the City should just evict him. At one point we were told that the City would condemn the property; then he would be evicted. The City did not do that. We continued to urge Raymond to move once we were not given any variance or change in zoning, and we believe he was looking. It just took him time.

We paid \$600 to the City to meet with the Board of Adjustment. They told us that the Board of Adjustment was not the correct place to make our plea for change of zoning but that we should go to the City Council. If that was the case, why was the money accepted and the meeting set only to tell us that we were with the wrong Board? In addition, we asked for help from our councilmen who very graciously offered to present our case to the City Council. They were never given that opportunity by the President, Mr. Slavin. He simply had it put to vote allowing no discussion. Now, we are being fined \$500.00 because a tenant was not able to find housing quickly enough.

We are asking you to cancel this citation because we feel it is unfair to us and improperly directed. The one to fine is the tenant who did not move in time, but we would certainly hope that you would never do that as he has enough problems in his life without adding addition burden. Please reconsider your citation as this whole incident has been long and stressful for all.

Sincerely,

Robert and Linda Duncan

RECEIVED

OCT 24 2018

OFFICE OF THE CITY CLERK

Duncan Center
500 West Loockerman Street
Dover, DE 19904

RECEIVED

OCT 24 2018

VIA EMAIL

October 23, 2018

City of Dover Inspections Department:

This letter is our appeal to the citation # 18-00003042 which we recently received pertaining to a space in the basement of the Duncan Center. We would like to appeal this fine because we have told Mr. Williams to vacate the premises due to the City of Dover's not allowing a residence in the building. We have asked Mr. Williams to find a place to live suitable to his requirements. He said he has been looking quite a lot, but he has not found a location as of today. He does not drive, so he has to find a place close enough to work, or he will also be without employment as well as a place to live.

However, it is not our responsibility to find him a place to live. He must do that. If your solution is to condemn his residence, then do it. If you want him evicted, just give him the eviction notice. He seems to believe that the Landlord/Tenant Act gives him more time than you have given him. That is what he tells us. So, we do not feel that citing us a \$500.00 fee is fair as we landlords have asked him several times to vacate. We have done what the City of Dover mandated.

We request a hearing on this citation if this appeal does not suffice. Thank you for your time and consideration.

Sincerely,

Robert and Linda Duncan

Coburn, Ron

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Tuesday, October 23, 2018 8:37 PM
To: Coburn, Ron
Subject: letter to inspections department
Attachments: Citation.docx

This is the letter that we have sent to the Inspections Department. This is quicker, but we have no e-mail address for it.

Linda

Duncan Center
500 West Lookerman Street
Dover, DE 19904

RECEIVED

OCT 24 2018

VIA EMAIL

October 23, 2018

City of Dover Inspections Department:

This letter is our appeal to the citation # 18-00003042 which we recently received pertaining to a space in the basement of the Duncan Center. We would like to appeal this fine because we have told Mr. Williams to vacate the premises due to the City of Dover's not allowing a residence in the building. We have asked Mr. Williams to find a place to live suitable to his requirements. He said he has been looking quite a lot, but he has not found a location as of today. He does not drive, so he has to find a place close enough to work, or he will also be without employment as well as a place to live.

However, it is not our responsibility to find him a place to live. He must do that. If your solution is to condemn his residence, then do it. If you want him evicted, just give him the eviction notice. He seems to believe that the Landlord/Tenant Act gives him more time than you have given him. That is what he tells us. So, we do not feel that citing us a \$500.00 fee is fair as we landlords have asked him several times to vacate. We have done what the City of Dover mandated.

We request a hearing on this citation if this appeal does not suffice. Thank you for your time and consideration.

Sincerely,

Robert and Linda Duncan

Coburn, Ron

From: Coburn, Ron
Sent: Tuesday, October 23, 2018 1:49 PM
To: 'Linda Duncan'
Cc: Osika, Jason A.; Hugg, Dave
Subject: RE: Duncan Center

Mrs. Duncan,

You would need to appeal the citation to the Construction and Property Maintenance Board of Appeals.

I will not dismiss the citation. We can not examine the space without someone giving us access.

Have you started the eviction process of Mr. Williams? Jason and I have already spoken with him , Mr. Williams is aware that he has to vacate.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

-----Original Message-----

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Tuesday, October 23, 2018 1:11 PM
To: Coburn, Ron <RCoburn@dover.de.us>
Subject: Duncan Center

Dear Mr. Coburn:

You asked when you could examine the space in the Duncan Center. You can examine it whenever you want. If Mr. Williams is still there, you will have to condemn the property as you mentioned your department would do.

He has been looking for a place to live, and he tells us he can't find one. In his defense it is difficult because he does not drive and must live close to his work or also lose his job. However, we do not want to pay fines for his living in our apartment.

Thank you

Sent from my iPhone

Coburn, Ron

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Tuesday, October 23, 2018 1:11 PM
To: Coburn, Ron
Subject: Duncan Center

Dear Mr. Coburn:

You asked when you could examine the space in the Duncan Center. You can examine it whenever you want. If Mr. Williams is still there, you will have to condemn the property as you mentioned your department would do.

He has been looking for a place to live, and he tells us he can't find one. In his defense it is difficult because he does not drive and must live close to his work or also lose his job. However, we do not want to pay fines for his living in our apartment.

Thank you

Sent from my iPhone

Coburn, Ron

From: Coburn, Ron
Sent: Monday, October 15, 2018 8:02 AM
To: 'Linda Duncan'
Cc: Hugg, Dave; Osika, Jason A.
Subject: RE: citation Duncan Center

Mr. & Mrs. Duncan,

Since Mr. Williams has vacated the unit as stated in your letter, please contact this office so that FM Osika and myself can do a walkthrough of the space.

Thank you for your cooperation in this matter.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Sunday, October 14, 2018 8:07 PM
To: Coburn, Ron <RCoburn@dover.de.us>
Subject: citation Duncan Center

Please see attachment.
Thank you

Coburn, Ron

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Sunday, October 14, 2018 8:07 PM
To: Coburn, Ron
Subject: citation Duncan Center
Attachments: Mr. Coburn.docx

Please see attachment.
Thank you

Duncan Center
500 West Lookerman Street
Dover, DE 19904

October 15, 2018

Dear Mr. Coburn:

I just returned from a church trip to Israel and received your July 10th letter. (I believe the letter date is incorrect.) I have always tried to abide by the City of Dover's directives; however, this particular case has been unusual. I tried to correct the situation that has been going on since the building was built. I applied to the Board of Adjustment for a variance on the suggestion of Mr. David Hugg. I spent \$600 to be heard only to be told it was not the correct Board to which to apply.

Next, I was told to apply to the City Council for a zoning change. I was told to contact my particular councilmen which I did. Mr. Sudler and Mr. Anderson were both willing to bring this up at council meeting. They also had Mr. Lewis on their side to discuss our request at the meeting. They anticipated having a discussion. They never were given the opportunity to present our case as Mr. Slavin called for the vote even before the discussion. We were told by them that this procedure was not the usual way they do business.

After that we told Raymond Williams that he would have to find another place to live. We told him two times. When you contacted me about his living there, I told you to follow through on your notice that if he did not vacate, you would condemn the space and evict him. I told you in an e-mail to do just that. It was not easy for him to find suitable and affordable housing, but that could not be avoided under the City's decision.

To our knowledge, Mr. Williams has found another place to live. You will find the space in the same condition, minus Mr. Williams, because everything in the space is owned by me, not Mr. Williams. You can inspect it at any time. I do not think the \$500 fine is justified as Mr. Williams has vacated before your deadline. I feel I have already lost the \$600 plus the additional rent of \$6,000 per year with the City's decision. Also, the decision has rendered the space useless.

All that I have done to improve the West end of Dover, I feel that I have not been treated fairly.

Thank you,

Robert Duncan

cc: Mr. David Hugg

cc: Mr. Anderson

cc: Mr. Sudler

Department of
Planning & Inspections
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

July 10, 2018

Duncan Center LLC
C/O Robert M. Duncan
555 Pennsylvania Avenue
Dover DE 19901

RE: 500 W Loockerman Street Dover DE 19904
Duncan Center
Case 18-3042

Dear Mr. Duncan:

On March 1, 2018 this office received a complaint of someone living in the basement at the Duncan Center. On March 2, 2018 a joint inspection was conducted by FM Osika and myself. No one was found but FM Osika left his business card. Mr. Raymond Williams called and stated he lives in the basement. Mr. Williams permitted a walk through of the space.

On March 5, 2018 a letter was sent to you, the owner, to discontinue allowing a residence in the basement. The property is zoned IO (Industrial-Office) which does not permit a residence.

On April 20, 2018 a letter was sent advising you of the right to apply for a variance, with the Board of Adjustment, before May 21, 2018. You complied and this topic was heard by the Board of Adjustments on June 20, 2018.

On July 10, 2018 a letter with the Boards decision was sent stating that a variance was not nor will be granted to allow the space to be used as a residence. A deadline was given to have the building brought into compliance with zoning code and have the "tenant" vacate before August 9, 2018. This decision was sent to City Council members.

At the September 24, 2018 City Council meeting the request to council to continue the use was defeated in a motion. A letter was sent on September 25, 2018 from Department Director David Hugg. Mr. Duncan was advised again to discontinue the unlawful use of the building. The tenant was to be moved out by close of business Friday September 28, 2018.

Contact was made with Mr. Raymond Williams on October 9, 2018 at which time he stated to Mr. Osika and myself that he was informed that everything would be taken care of in regards to his living arrangement. Mr. Oskia and my self informed Mr. Williams that he is to be out no later than November 9, 2018.

Department of
Planning & Inspections
15 Loockerman Plaza
Dover, DE 19901

City of Dover



Phone: (302) 736-7010
Fax: (302) 736-4217

Enclosed is a citation in the amount of \$500.00 for failure to correct the violation. You were given many chances and opportunities to bring the building in compliance. Yourself or a representative is required to meet Mr. Osika and myself at the property on Friday November 9, 2018 at 8:30 am to allow access to the space to ensure compliance.

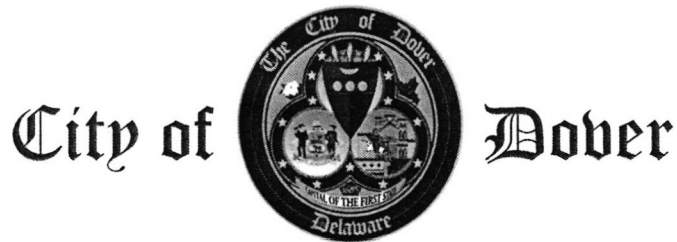
Failure to bring the building into compliance will result in additional fines and/or closure of the building.

A handwritten signature in black ink, appearing to read "Ronald Coburn".

Ronald Coburn
Code Enforcement Officer
City of Dover

cc: Dave Hugg, Director Planning and Inspections
Jason Osika, Fire Marshal

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901



Phone: (302) 736-7011
Fax: (302) 736-4217

OFFICIAL CITATION

Citation # 18-00003042

DUNCAN CENTER LLC
C/O ROBERT M DUNCAN
555 PENNSYLVANIA AVE EXT
DOVER DE 19901

Location of Offense: 500 W LOOCKERMAN ST
Type of Offense: MISC INSPECTION
Date of Offense: October 12, 2018
Time of Offense: 10:23
Date of Issue: October 12, 2018

You are hereby fined for being in violation of the City of Dover Ordinance marked (X) below. Payment must be received by The City of Dover Inspections Dept., 15 Loockerman Plaza, Dover, Delaware prior to October 26, 2018.

Appeals of this citation may be submitted in writing to the City of Dover Inspections Department at the above address. This appeal must be made within 30 days of the date of the offense. Failure to pay this fine may result in the City of Dover seeking collections through an approved collections agency with a collection fee of 35%.

If the violation is not corrected, the City reserves the right to use its own resources or those of a contractor to abate the below violation(s) and to bill the owner of the property for such cost plus administrative fees.

Fines will be doubled if not paid within 14 days from the date the fine was issued or if an appeal is not submitted within 14 days from the date the fine was issued.

RON COBURN
Code Enforcement Officer

Violation: (X) Maintaining a Known Violation

Sec No: DCO Section 46-8 (a) (1)

Fine as per code: \$500.00

7018 1130 0001 2696 3437

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	

Postmark Here



Inspections & Penalties

DUNCAN CENTER LLC
C/O ROBERT M DUNCAN
555 PENNSYLVANIA AVE
DOVER DE 19901

Coburn, Ron

From: Coburn, Ron
Sent: Monday, October 08, 2018 1:04 PM
To: 'Robert Duncn'
Cc: Osika, Jason A.; Hugg, Dave
Subject: RE: Duncan Center

Mr. Duncan,

I hope you are enjoying your time in Israel.

We have attempted to contact Mr. Williams and it appears the number is no longer working.

Can you have your daughter, Erin, contact Jason or I so we can schedule a time to visit the office?

Thank you,

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

From: Robert Duncn <rmduncan555@gmail.com>
Sent: Sunday, October 07, 2018 11:06 AM
To: Coburn, Ron <RCoburn@dover.de.us>
Subject: Re: Duncan Center

I am
In Israel and will be back the 13th.. all the furnishings in the space is mine.. it will remain. Raymond was to find a new apt
.. we have limited communication here.. will call when we return.. Bob Duncan

Sent from my iPhone

On Oct 3, 2018, at 6:50 PM, Coburn, Ron <RCoburn@dover.de.us> wrote:

Mr. Duncan,

Please contact either myself or Jason Osika to schedule an inspection of the space that was previously occupied by Mr. Williams.

We need to verify the space is empty, in compliance with The Boards decision and City of Dover zoning code.

Failure to schedule within 7 days will result in citations being issued.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010

Coburn, Ron

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Saturday, October 06, 2018 4:36 AM
To: Coburn, Ron
Subject: Re: Duncan Center

The furnishings in the crew station are ours, not Raymond's. They will remain - that does not mean he is living there.

Sent from my iPhone

On Oct 3, 2018, at 6:50 PM, Coburn, Ron <RCoburn@dover.de.us> wrote:

Mr. Duncan,

Please contact either myself or Jason Osika to schedule an inspection of the space that was previously occupied by Mr. Williams.

We need to verify the space is empty, in compliance with The Boards decision and City of Dover zoning code.

Failure to schedule within 7 days will result in citations being issued.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

Coburn, Ron

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Saturday, October 06, 2018 4:34 AM
To: Coburn, Ron
Subject: Re: Duncan Center

My daughter contacted Raymond again. I do not know his plan. If you have to condemn the crew station/apartment and evict him, you will have to do it.

Sent from my iPhone

On Oct 3, 2018, at 6:50 PM, Coburn, Ron <RCoburn@dover.de.us> wrote:

Mr. Duncan,

Please contact either myself or Jason Osika to schedule an inspection of the space that was previously occupied by Mr. Williams.

We need to verify the space is empty, in compliance with The Boards decision and City of Dover zoning code.

Failure to schedule within 7 days will result in citations being issued.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

Coburn, Ron

From: Coburn, Ron
Sent: Wednesday, October 03, 2018 11:51 AM
To: 'rmduncan555@gmail.com'; 'Linda Duncan'
Cc: Hugg, Dave; Osika, Jason A.
Subject: Duncan Center

Mr. Duncan,

Please contact either myself or Jason Osika to schedule an inspection of the space that was previously occupied by Mr. Williams.

We need to verify the space is empty, in compliance with The Boards decision and City of Dover zoning code. Failure to schedule within 7 days will result in citations being issued.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

Coburn, Ron

From: Hugg, Dave
Sent: Thursday, September 27, 2018 3:54 PM
To: Linda Duncan
Cc: Tim Slavin; Anderson, David; City Clerks Office; Coburn, Ron
Subject: RE: Duncan Center

I presented the issue as objectively as I could including possible options. By a vote of 6-3 council rejected a motion to forward the request on for consideration. The term "transitional " housing is intended to be limited in duration, certainly not for an ongoing residence.

From: Linda Duncan <lbcduncan555@gmail.com>
Sent: Thursday, September 27, 2018 1:46 PM
To: Hugg, Dave <dhugg@dover.de.us>
Subject: Duncan Center

Mr. Hugg,
Please find attached a letter responding to your letter of September 25.

Linda and Robert Duncan

The Duncan Center
500 West Lookerman Street
Dover, DE 19904

September 27, 2018

Dear Mr. David Hugg, Director of Planning:

This letter is in response to your letter of September 25th. City Council's action was most unusual because our request for a conditional use was put to a vote before it even got discussed in committee. I feel this is a personal affront because I think any other individual requesting similar action would have been given appropriate consideration.

To have Raymond Williams find new living accommodations with just days' notice is cruel and unfair. However, we have given Mr. Williams notice, and he will try to vacate as soon as possible. We believe our Councilman David Anderson, along with two other councilmen, wanted committee discussion. In our conversation with him, he told us it was put to a vote before he could have that discussion, and he said that surprised him very much. He had two alternatives to present, but the one idea he chose, because he thought it to be most applicable, was for the space to be considered for "conditional use." Unfortunately, he was not given the opportunity to present his case.

Now, we are left with evicting Mr. Williams who has been a great asset to the building. He has provided us a sense of security. We are creating another lack of revenue by eliminating a rental. We are left with a non-rentable space as a result. The space is like an apartment, but it cannot be used as such. It is not and would not be conducive to office rental. It is not usable as a storage unit to us because we have too many vacant areas already with NO demand for storage.

Councilman Anderson mentioned that all this should not be necessary as IO Zoning permits transitional housing. Our space is perfect for that use. If this is correct, why can we not continue its present use?

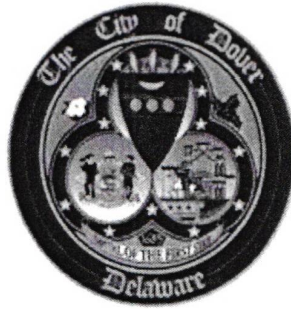
Please let us know why we were not afforded committee discussion. Also, tell us why we are not able to use the apartment for transitional housing? Thank you in advance for your time and consideration.

Sincerely,

Robert M. Duncan

cc: Councilman David Anderson

cc: Council President Tim Slavin



September 25, 2018

Mr. And Mrs. Robert Duncan
555 Pennsylvania Avenue
Dover, DE 19901

RE; Duncan Center, 500 W. Lookerman Street, Dover, DE

Dear Mr. and Mrs. Duncan:

At their meeting on September 24, 2018, City Council considered your request to amend the zoning ordinance for the IO zone or to take other action to authorize the continued use of a portion of the basement of the Duncan Center at 500 W. Lookerman street for a residential use. A mention to forward the request to the Council's Legislative, Finance and Administrative Committee for consideration failed to receive approval. Therefore, no further Council action will occur. The final decision of the Board of Adjustment stands, and the residential use of the facility must cease.

Please make arrangements to have the residential occupancy terminated and the occupant removed by close of business on Friday, September 28, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Hugg III".

David S. Hugg III
Director of Planning, Inspections and Community Development

CC; City Clerk
— Ron Coburn, Code Enforcement

Copy of letter also sent to:

Mr. and Mrs. Robert Duncan
3936 Aloha Lane
Bonita Springs, Florida 34134

Rmduncan555@gmail.com

7018 1130 0000 9692 T000 0ETT 9T02

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	

Postmark
Here

ROBERT DUNCAN
555 PENNSYLVANIA AVE
DOVER DE 19901



Coburn, Ron

From: Osika, Jason A.
Sent: Tuesday, September 11, 2018 8:39 AM
To: Robert Duncn
Cc: Coburn, Ron; Hugg, Dave
Subject: RE: Re Inspection

Good Morning,

Based on the decision by the Board of Adjustments and the letter sent to you from Code Enforcement Officer Ron Coburn, the apartment should have already been vacated. We will be posting the apartment as "condemned" on Wednesday September 12, 2018. If the property is rezoned through the proper process then a discussion could be held in reference to someone utilizing that area (or any other area) as a residential property. Let me know if there are any questions or concerns. Thank you.

Jason Osika
Fire Marshal
City of Dover Fire Marshal's Office
15 Loockerman Plaza
Dover, DE 19901
Office: 302-736-4457
Fax: 302-736-4217
City Email- josika@dover.de.us

From: Robert Duncn <rmduncan555@gmail.com>
Sent: Friday, August 31, 2018 7:55 AM
To: Osika, Jason A. <josika@dover.de.us>
Subject: Re: Re Inspection

Hi Jason.. we have not had Raymond leave because we are working with the council to get it re zoned.. we sent letters sometime ago but you were not sent one.. don't know how your office fits in with the planning and zoning.. anyway my wife Linda met with Dave just a few days ago..naturally if we can't get it re zoned Raymond will have to move but under the circumstances I think things should remain as they are. Thanks Bob Duncan

Sent from my iPhone

On Aug 27, 2018, at 2:19 PM, Osika, Jason A. <josika@dover.de.us> wrote:

Good Afternoon,

Please contact our front staff at 302-736-4457 as soon as possible to schedule a reinspection for the area in the basement of the Duncan Center. This inspection is to ensure that the tenant is no longer living in the building. Let me know if there are any questions or concerns. Thank you.

Jason Osika
Fire Marshal
City of Dover Fire Marshal's Office
15 Loockerman Plaza
Dover, DE 19901

Office: 302-736-4457

Fax: 302-736-4217

City Email- josika@dover.de.us

Coburn, Ron

From: Coburn, Ron
Sent: Monday, August 13, 2018 8:21 AM
To: 'kenneth.brown@gsa.gov'
Cc: Osika, Jason A.
Subject: FW: Fwd:

Mr. Brown,

The custodian was to move out by August 10, 2018.
Mr. Duncan has yet to call to schedule an inspection of the area that was used for sleeping/residence.
I will reach out to Mr. Duncan to get this scheduled.

Matt Brown has informed me that the elevator inspection was completed.

There is no requirement from either the Fire Marshal's office or Code Enforcement for an onsite manager.

Ronald L Coburn Jr
City of Dover
Code Enforcement
302.736.7010
rcoburn@dover.de.us

From: Osika, Jason A.
Sent: Friday, August 10, 2018 4:33 PM
To: Coburn, Ron <RCoburn@dover.de.us>
Subject: FW: Fwd:

Can you please respond to them. Thank you.!

Jason Osika
Fire Marshal
City of Dover Fire Marshal's Office
15 Loockerman Plaza
Dover, DE 19901
Office: 302-736-4457
Fax: 302-736-4217
City Email- josika@dover.de.us

From: Ken Brown - 3PSDG <kenneth.brown@gsa.gov>
Sent: Friday, August 10, 2018 3:10 PM
To: Brown, Matthew <mbrown@dover.de.us>; Osika, Jason A. <josika@dover.de.us>
Cc: Paul Slifer - 3PSNDG <paul.slifer@gsa.gov>; Raymond Nettles - 3PSNDN <raymond.nettles@gsa.gov>
Subject: Re: Fwd:

Hi Mathew, Jason,

Ray Nettles and I stopped at the Duncan center yesterday to review some items.

Just wondering if there is any resolution on the 'residential' issue, and the annual elevator inspection requirement? Both deadlines have passed, correct?

~~~~

Also, If you recall on numerous different occasions we have had difficulty in determining who the actual onsite building manager was, and I believe you guys had issued a requirement of such (we have one in our lease contract with him as well). Bob's most recent statement is that he (bob) is the official onsite building manager, and Chris Whitfield was his backup.

Well, Chris tells us he does not work for Bob and is not a POC, and yesterday we learned from Santiago (custodial worker) that Bob actually sold his Delaware residence about a year ago, and only resides in Florida now. So we are back to no onsite building manager there. At least he keeps it interesting...

Thanks,  
Ken.

-----  
Kenneth G Brown  
Delaware Building/Property Manager  
U.S. General Services Administration - DelVal FO  
J. Caleb Boggs Federal Building & Courthouse  
844 N. King St., Wilmington DE 19801  
O: 302.573.6338  
C: 856.230.3220  
e-Fax: 215.814.6138  
Email: [kenneth.brown@gsa.gov](mailto:kenneth.brown@gsa.gov)

On Wed, Jul 25, 2018 at 9:01 AM, Ken Brown - 3PSDG <[kenneth.brown@gsa.gov](mailto:kenneth.brown@gsa.gov)> wrote:

Mathew,

Thanks for the follow up, much appreciated!

Ken

-----  
Kenneth G Brown  
Delaware Building/Property Manager  
U.S. General Services Administration - DelVal FO  
J. Caleb Boggs Federal Building & Courthouse  
844 N. King St., Wilmington DE 19801  
O: 302.573.6338  
C: 856.230.3220  
e-Fax: 215.814.6138  
Email: [kenneth.brown@gsa.gov](mailto:kenneth.brown@gsa.gov)

On Wed, Jul 25, 2018 at 8:45 AM, Brown, Matthew <[mbrown@dover.de.us](mailto:mbrown@dover.de.us)> wrote:

Mr. Brown,

I have reach out to Mr. Duncan for a resolution. Attached is the life safety code that requires him to have the elevator inspected/load tested. I will follow up with you after this has been resolved.

Also, Jason wanted me to pass along that Mr. Duncan has until August 9<sup>th</sup> to remove the person residing in the basement. We will follow up with an inspection to confirm.

*Matthew C. Brown*

Deputy Fire Marshal (FM-2)

IAAI-FIT, NFPA-CFI

City Of Dover

15 Loockerman Plaza

Dover, DE 19901

302-736-4457- Office

302-736-4217- Fax

[mbrown@dover.de.us](mailto:mbrown@dover.de.us)

**From:** Ken Brown - 3PSDG <[kenneth.brown@gsa.gov](mailto:kenneth.brown@gsa.gov)>  
**Sent:** Tuesday, July 24, 2018 3:37 PM  
**To:** Brown, Matthew <[mbrown@dover.de.us](mailto:mbrown@dover.de.us)>  
**Cc:** Raymond Nettles - 3PSNDN <[raymond.nettles@gsa.gov](mailto:raymond.nettles@gsa.gov)>  
**Subject:** Fwd:

Hey Mathew,

Thanks for discussing the Duncan Building Elevator issue with me. I suspect if it turns out that he hasn't had them inspected in a number of years, not only my federal agencies but also the state senators located in that building may be a bit displeased. If I simply missed the posting, and

Here is the invoice Bob sent me as his evidence of inspection,, which as I said have no indication of it being an inspection,, and see my response below which links the page indicating that the company on the invoice is not authorized to perform such inspections in Delaware.



----- Forwarded message -----

From: **Ken Brown - 3PSDG** <[kenneth.brown@gsa.gov](mailto:kenneth.brown@gsa.gov)>

Date: Thu, Jun 28, 2018 at 2:26 PM

Subject: Re:

To: Robert Duncn <[rmduncan555@gmail.com](mailto:rmduncan555@gmail.com)>

Cc: Paul Slifer - 3PSDG <[paul.slifer@gsa.gov](mailto:paul.slifer@gsa.gov)>, Carrie Vineberg - 3PRND <[carrie.vineberg@gsa.gov](mailto:carrie.vineberg@gsa.gov)>, Christopher Whitfield <[cwhitfield@capcomrealty.com](mailto:cwhitfield@capcomrealty.com)>

Hey Bob,

Glad that you had some work done on these but this isn't the OSHA required annual inspection that should be posted in the elevator (or at lease available upon request). Delaware Elevator Service does not perform the required annual state inspection per their own website. They can however, offer you help in locating a 3rd party authorized inspector.

See the Delaware section.

<https://delawareelevator.com/service-repair/safety-inspections/>

OSHA

1917.116(e)

Elevators and escalators shall be thoroughly inspected at intervals not exceeding one year. Additional monthly inspections for satisfactory operation shall be conducted by designated persons. Records of the results of the latest annual elevator inspections shall be posted in elevators. Records of annual escalator inspections shall be posted in the vicinity of the escalator or be available at the terminal.

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10402](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10402)

Thanks,

Ken.

-----

Kenneth G Brown

Delaware Building/Property Manager

U.S. General Services Administration - DeVal FO

J. Caleb Boggs Federal Building & Courthouse  
844 N. King St., Wilmington DE 19801

O: 302.573.6338

C: 856.230.3220

e-Fax: 215.814.6138

Email: [kenneth.brown@gsa.gov](mailto:kenneth.brown@gsa.gov)

On Wed, Jun 20, 2018 at 12:31 PM, Robert Duncn <[rmduncan555@gmail.com](mailto:rmduncan555@gmail.com)> wrote:

Sent from my iPhone



## Coburn, Ron

---

**From:** Coburn, Ron  
**Sent:** Monday, August 06, 2018 9:59 AM  
**To:** Hugg, Dave  
**Cc:** Osika, Jason A.; Melson-Williams, Dawn  
**Subject:** RE: Duncan

Mr. Hugg,

The only requirement is that the custodian move out. Jason and I will then have to do a follow up inspection to verify the space is no longer being used as a residence.

Mr. Duncan should call to schedule that inspection.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
[rcoburn@dover.de.us](mailto:rcoburn@dover.de.us)

---

**From:** Hugg, Dave  
**Sent:** Monday, August 06, 2018 9:04 AM  
**To:** Coburn, Ron <[RCoburn@dover.de.us](mailto:RCoburn@dover.de.us)>  
**Subject:** FW: Duncan

Ron: FYI. What action does Mr. Duncan have to take (other than to move his custodian out)?

---

**From:** Hugg, Dave  
**Sent:** Friday, August 03, 2018 9:55 AM  
**To:** Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** Duncan

The Duncan's have been away (out of country) and just returned – he asked if he could have until end of next week to address the BOA ruling – I don't recall that there was any deadline for his action but if there was/is I told him that was fine. Not sure who even needs to know.

Department of  
Planning & Inspections  
15 Loockerman Plaza  
Dover, DE 19901



Phone: (302) 736-7010  
Fax: (302) 736-4217

July 10, 2018

Duncan Center LLC  
C/O Robert M. Duncan  
555 Pennsylvania Avenue  
Dover DE 19901

RE: 500 W Loockerman Street

Dear Mr. Duncan:

As per the attached decision from the Board of Adjustment hearing held June 20, 2018, discontinue using the basement Office Suite as a residence. The tenant that currently occupies the space must vacate it on or before August 9, 2018. An inspection of this area must be conducted after that date.

Please feel free to contact me with any questions or concerns.

Sincerely,

Ronald Coburn  
Code Enforcement Officer  
City of Dover

cc: Dave Hugg, Director Planning and Inspections  
Jason Osika, Fire Marshal

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

7017 0660 0001 1040 4762

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

DUNCAN CENTER LLC  
 C/O ROBERT M DUNCAN  
 555 PENNSYLVANIA AVE  
 DOVER DE 19901

DOVER DE 19901  
 JUL 11 2015  
 RC  
 Inspections & Planning

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                      | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <i>7-31</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br/>         If YES, enter delivery address below:<br/> <i>3936 Aloha Ln.<br/>         Bonita Springs FL<br/>         34134 RC</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1. Article Addressed to:</p> <p>DUNCAN CENTER LLC<br/>         C/O ROBERT M DUNCAN<br/>         555 PENNSYLVANIA AVE<br/>         DOVER DE 19901</p>                                                                                                            | <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Registered Mail</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery (or \$500)</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p> |
| <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0001 1040 4762</p>                                                                                                                                                                             | <p>9590 9402 2791 7069 8629 04</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| PS Form 3811, July 2015 PSN 7530-02-000-9053                                                                                                                                                                                                                       | Domestic Return Receipt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

## CITY OF DOVER, DELAWARE

### BUILDING ZONE ORDINANCE DECISION

Case No. V-18-03

Dover, Delaware

Date: June 20, 2018

Applicants: Robert Duncan

Owners: Duncan Center, LLC

Decision of the Board of Adjustment on the Appeal (or application) of: --

#### STATEMENT OF FACTS

The applicant is requesting a variance from *Zoning Ordinance* Article 3, Section 10.1 – Institutional and Office Zone (IO), to allow continued use of a basement suite in the Duncan Center as a residence for a caretaker. The IO Zone does not permit this type of residential use. According to the property owner, the caretaker has used the space continuously for an unspecified number of years, though not longer than the 14 years that have passed since the Duncan Center opened in 2004. This application is to permit the use as an apartment under the zoning.

The 2.18-acre property is zoned IO at the west end of Loockerman Street. It contains a 5-story building with office and public occupancy uses in its northeast corner and a parking lot in the rest of the space. To the northwest of the property is the Old Train Station, on lands owned by the State of Delaware zoned IO. Across Jerusalem Way to the east are a vacant lot and three parcels belonging to the New Jerusalem Baptist Church, zoned C-2 (Central Commercial Zone). Across North Street to the south is the soon-to-be-former campus of Chesapeake Utilities, zoned C-3 (Service Commercial Zone). Finally, across the railroad tracks to the west is a daycare center known as Kidz Inc, zoned IO.

Transitional housing<sup>1</sup> is the only residential use permitted in the IO Zone. Currently, no zones specifically list “resident caretaker” or similar as a

---

<sup>1</sup> Transitional housing is defined in the *Zoning Ordinance*, Article 12, as “a residential facility developed in a one-family dwelling unit that is established to provide transition from homelessness to permanent housing, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through acquisition of stable income and permanent housing.”

permitted use. Before Ordinance #2014-08 was adopted in 2014, some of the City's commercial zones did list "living quarters for the use of the owner or caretaker" as a permitted use. However, this was removed in favor of allowing a broader range of residential uses in commercial zones, with the intention of encouraging mixed-use development (in the C-1, C-1A, C-2, and C-2A zones particularly). A caretaker's residence could be developed in any of these commercial zones under the current code using the mixed-use provisions. However, a caretaker's residence has never been permitted in the IO (Institutional and Office) Zone, either before or after the 2014 ordinance update.

According to the applicant, the basement suite received a Certificate of Occupancy for use as a Crew Station for Norfolk Southern shortly after the Duncan Center opened in 2004. Though this would have been classified as an office use, because the office workers were away-from-home railway workers, more extensive accommodations were installed at the time than would be typical for an office or a break room. The City no longer has the permit document or a C/O document specific to the fit-out of the Crew Station<sup>2</sup>, so the exact extent of the accommodations installed is unclear, but according to applicant's May 17, 2018, letter and a 2005 floor plan provided by the applicant, the accommodations may have included two cots, a full bathroom with shower, lockers, a full or partial kitchen including a fridge, and a living area. The suite was not considered an apartment at the time because it was not a permanent residence for the railway crew who would occasionally sleep there.

An unknown number of years after the opening of the Center, Norfolk Southern moved out, and the current caretaker moved in, without any known alterations to the space. No permit application was filed to convert the office suite into an apartment, and no new C/O was issued for it as an apartment. The old C/O for the office suite cannot serve as a C/O for an apartment unit. Though the office suite has many features in common with an apartment unit, there may be additional items required by the Building Code to achieve a full conversion.

---

<sup>2</sup> City records indicate that permit #05-1865 was issued on May 17, 2006 for commercial renovations to the basement. The plans submitted with this permit application are no longer available. A Certificate of Occupancy associated with this permit was applied for on May 16, 2006. The C/O document itself is no longer available. The City has access to other permits and C/O documents for the building shell and select tenant fit-outs.

The office suite's unpermitted use as an apartment was discovered by the City Fire Marshal during an inspection, following a complaint from one of the building tenants. Because the IO Zone does not allow this type of residential unit, the only way it can be permitted is through a use variance.

Staff recommended denial of the requested variance.

### DECISION

It was the unanimous decision of the Board that the variance be denied.

Delaware courts have distinguished between the two types of variances, the "use" variance and the "area" variance, and the different standards to be applied to them. A use variance "changes the character of the zoned district by permitting an otherwise proscribed use," whereas an area variance concerns only the practical difficulty in using the particular property for a permitted use. *Board of Adjustment v. Kwik-Check Realty*, 389 A.2d 1289, 1291 (Del. 1978). The unnecessary hardship standard is the proper standard to assess a use variance. *Id.* It is necessary to correctly identify the type of variance sought in order to ensure that the right standard is applied to the application. This application presents a request for a use variance because the use is not a permitted use. Under Article 9, §2.12 of the City's zoning ordinance,

[a] variance shall be considered a use variance if it would permit a use of the subject property that would otherwise not be permitted on the subject property. In considering a request for a use variance, the board shall determine that the following criteria exist and document them in their findings of fact:

(a) That there are physical conditions applying to the land or building for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title; and

(b) That the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of all reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as

granted by the board is the minimum variance that will accomplish this purpose; and

(c) That the granting of the variance under such conditions as the board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this ordinance, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.

The Board finds that the property is located in the IO (Institutional and Office Zone) zoning district. The physical condition applying to the building is the current design of the office suite. The history the applicant gives makes clear that the peculiar physical condition did result from a previous act of the applicant.

The Board finds that if the applicant were ordered to cease using the unit as an apartment, he would not be deprived of all reasonable use of the land, because there are many other offices existing within the building that are permitted under the zoning. Even if a new office use did not want to move in, the space could still be used for some other purpose applicable to the building as a whole, such as storage. If the use variance was not granted, the owner and the building tenants would be inconvenienced due to the lack of a 24-hour caretaker presence ready to resolve any security and maintenance issues that arise. However, inconvenience does not justify a use variance.

The Board further finds that allowing a residential use in the IO zone would be a radical departure from the zoning ordinance. Any such change should come from the Planning Commission and City Council, not from the Board of Adjustment.

---

Chairman  
Board of Adjustment

cc: Building Inspector

**Coburn, Ron**

---

**From:** Coburn, Ron  
**Sent:** Thursday, June 21, 2018 11:03 AM  
**To:** Osika, Jason A.  
**Subject:** FW: Decision for V-18-03  
**Attachments:** Dover BOA V-18-03.doc

Just FYI. I will draft a letter upon receiving the final copy of the board's decision.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
[rcoburn@dover.de.us](mailto:rcoburn@dover.de.us)

**From:** Diaz, Eddie  
**Sent:** Thursday, June 21, 2018 10:12 AM  
**To:** Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>  
**Subject:** FW: Decision for V-18-03

Hi Ron,

Dave asked me to forward you the draft notice of decision letter from yesterday's Board of Adjustment meeting. Please let me know if you would also like the final version once it's available; I don't expect too many changes.

Thanks,  
Eddie

**From:** William Pepper <[wpepper@schmittrod.com](mailto:wpepper@schmittrod.com)>  
**Sent:** Wednesday, June 20, 2018 2:14 PM  
**To:** Diaz, Eddie <[ediaz@dover.de.us](mailto:ediaz@dover.de.us)>  
**Cc:** Hugg, Dave <[dhugg@dover.de.us](mailto:dhugg@dover.de.us)>  
**Subject:** Decision for V-18-03

Eddie,

The draft decision is attached.

William W Pepper Sr., Esquire  
Schmittinger and Rodriguez, P.A.  
414 South State Street  
P.O. Box 497  
Dover DE 19903



Voice 302.674.0140

[wpepper@schmittrod.com](mailto:wpepper@schmittrod.com)

## Coburn, Ron

---

**From:** Coburn, Ron  
**Sent:** Wednesday, April 18, 2018 8:53 AM  
**To:** Melson-Williams, Dawn; Hugg, Dave; Osika, Jason A.  
**Cc:** Akers, Gregory C; Taraila, Tim  
**Subject:** RE: Residence at Duncan Center

Dawn,

Thank you so much for this information. I will draft a letter to Mr. Duncan.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
[rcoburn@dover.de.us](mailto:rcoburn@dover.de.us)

**From:** Melson-Williams, Dawn  
**Sent:** Wednesday, April 18, 2018 8:37 AM  
**To:** Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>; Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>  
**Subject:** RE: Residence at Duncan Center

To All:

The property location of the Duncan Center (500 W. Loockerman Street) is zoned IO (Institutional and Office Zone). The IO zone does not have a provision for a 'resident caretaker'. The property began development review in the Spring of 2002 with Site Plan S-02-11 which was revised several times; and the time the property consisted of multiple parcels with several on the south end zoned C-3. A Rezoning Application Z-02-03 took action to bring all parcels (from C-3) to IO; the rezoning was approved in June 2002 before construction and before final Site Plan approval. A building addition was the subject of Site Plan S-03-30 in the Fall of 2003. There was a Conditional Use application C-06-05 Daycare at Duncan Center reviewed by the Planning Commission in 2006 but the plan was not finalized and the use not established.

IO zone at the time of building construction specifically prohibited residences. There have been text amendments regarding the uses in the IO zone in 2007 (related to day care facilities and conditional uses) and in 2014 (Ordin. #2014-08 for a rewrite of the zone to reorganize the uses; and added emergency shelters and transitional housing which have very specific definitions). It is noted that previously a number of the commercial zones did allow for "living quarters for the use of the owner or caretaker" but the use was removed in the rewrite of the commercial zones in 2014. It was not part of the IO zone.

The property owner could pursue an application for variance from the Board of Adjustment. This request would be a "use variance" which has very specific evaluation criteria and are often difficult to prove. See Zoning Ordinance, Article 9.

Dawn Melson-Williams, AICP  
Principal Planner  
City of Dover, Delaware  
Department of Planning & Inspections  
(302) 736-7196 phone

(302) 736-4217 fax  
[dmelson@dover.de.us](mailto:dmelson@dover.de.us)

**From:** Coburn, Ron  
**Sent:** Tuesday, April 17, 2018 4:05 PM  
**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>; Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** RE:

The last question you ask would be for a planner, but it is my understanding that caretaker was removed from the code.

I will send a notice to Mr. Duncan to discontinue the illegal usage. He can always apply for a variance with the Board of Adjustments.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
[rcoburn@dover.de.us](mailto:rcoburn@dover.de.us)

**From:** Hugg, Dave  
**Sent:** Tuesday, April 17, 2018 3:42 PM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** RE:

I agree – does not appear to have been intended as any kind of regular residential use. There is nothing on the plan that says bedroom or bunk area or anything other than office, bath and related uses - but is there an option that he could use to request use of the space for a resident caretaker?

**From:** Osika, Jason A.  
**Sent:** Tuesday, April 17, 2018 1:59 PM  
**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** FW:

Good Afternoon,

Ron and I spoke to Mr. Duncan and he has provided the drawing below. He advised that this was used by the railroad and they were authorized to have two cots in there (which is similar to what Dave Truax advised me). Mr. Duncan believes that Scoot Koenig gave him the C/O. From what I see on the drawing, it is an office (which may have had an area to rest/sleep). I don't believe this has ever been residential. I recommend that we proceed with discontinuing the use of the area as a residence. If you are ok with this, we will notify Mr. Duncan of the same. Let me know if there are any questions or concerns. Thank you.

Jason Osika  
Fire Marshal  
City of Dover Fire Marshal's Office

15 Loockerman Plaza  
Dover, DE 19901  
Office: 302-736-4457  
Fax: 302-736-4217  
City Email- [josika@dover.de.us](mailto:josika@dover.de.us)

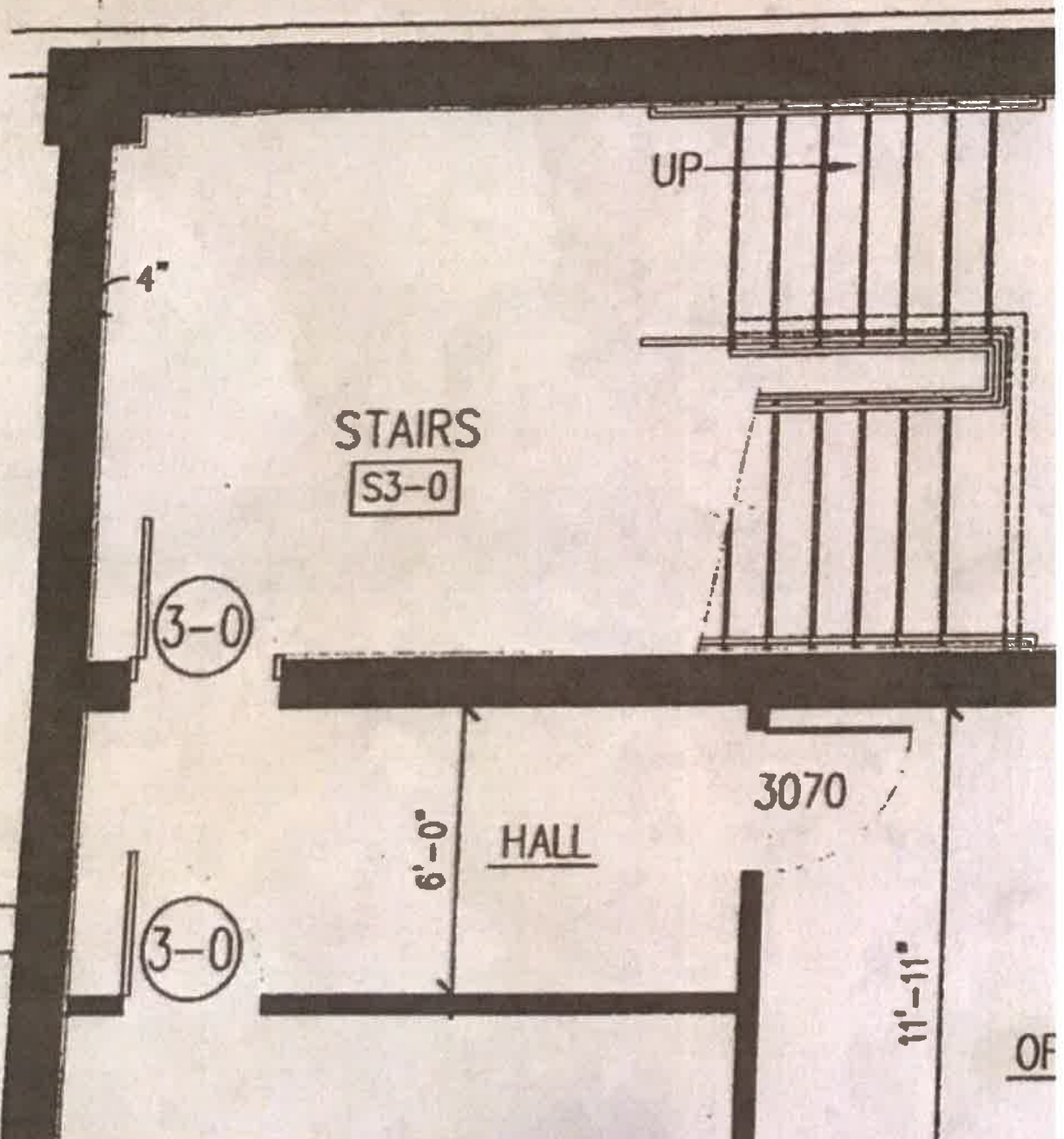
---

**From:** Robert Duncan <[rmduncan555@gmail.com](mailto:rmduncan555@gmail.com)>

**Sent:** Tuesday, April 17, 2018 1:50 PM

**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>

**Subject:**



Sent from my iPhone

---

## Coburn, Ron

---

**From:** Coburn, Ron  
**Sent:** Tuesday, April 17, 2018 4:05 PM  
**To:** Hugg, Dave; Osika, Jason A.  
**Cc:** Akers, Gregory C; Taraila, Tim; Melson-Williams, Dawn  
**Subject:** RE:

The last question you ask would be for a planner, but it is my understanding that caretaker was removed from the code.

I will send a notice to Mr. Duncan to discontinue the illegal usage. He can always apply for a variance with the Board of Adjustments.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
[rcoburn@dover.de.us](mailto:rcoburn@dover.de.us)

---

**From:** Hugg, Dave  
**Sent:** Tuesday, April 17, 2018 3:42 PM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** RE:

I agree – does not appear to have been intended as any kind of regular residential use. There is nothing on the plan that says bedroom or bunk area or anything other than office, bath and related uses - but is there an option that he could use to request use of the space for a resident caretaker?

---

**From:** Osika, Jason A.  
**Sent:** Tuesday, April 17, 2018 1:59 PM  
**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** FW:

Good Afternoon,

Ron and I spoke to Mr. Duncan and he has provided the drawing below. He advised that this was used by the railroad and they were authorized to have two cots in there (which is similar to what Dave Truax advised me). Mr. Duncan believes that Scoot Koenig gave him the C/O. From what I see on the drawing, it is an office (which may have had an area to rest/sleep). I don't believe this has ever been residential. I recommend that we proceed with discontinuing the use of the area as a residence. If you are ok with this, we will notify Mr. Duncan of the same. Let me know if there are any questions or concerns. Thank you.

Jason Osika  
Fire Marshal  
City of Dover Fire Marshal's Office  
15 Loockerman Plaza

Dover, DE 19901  
Office: 302-736-4457  
Fax: 302-736-4217  
City Email- [josika@dover.de.us](mailto:josika@dover.de.us)

---

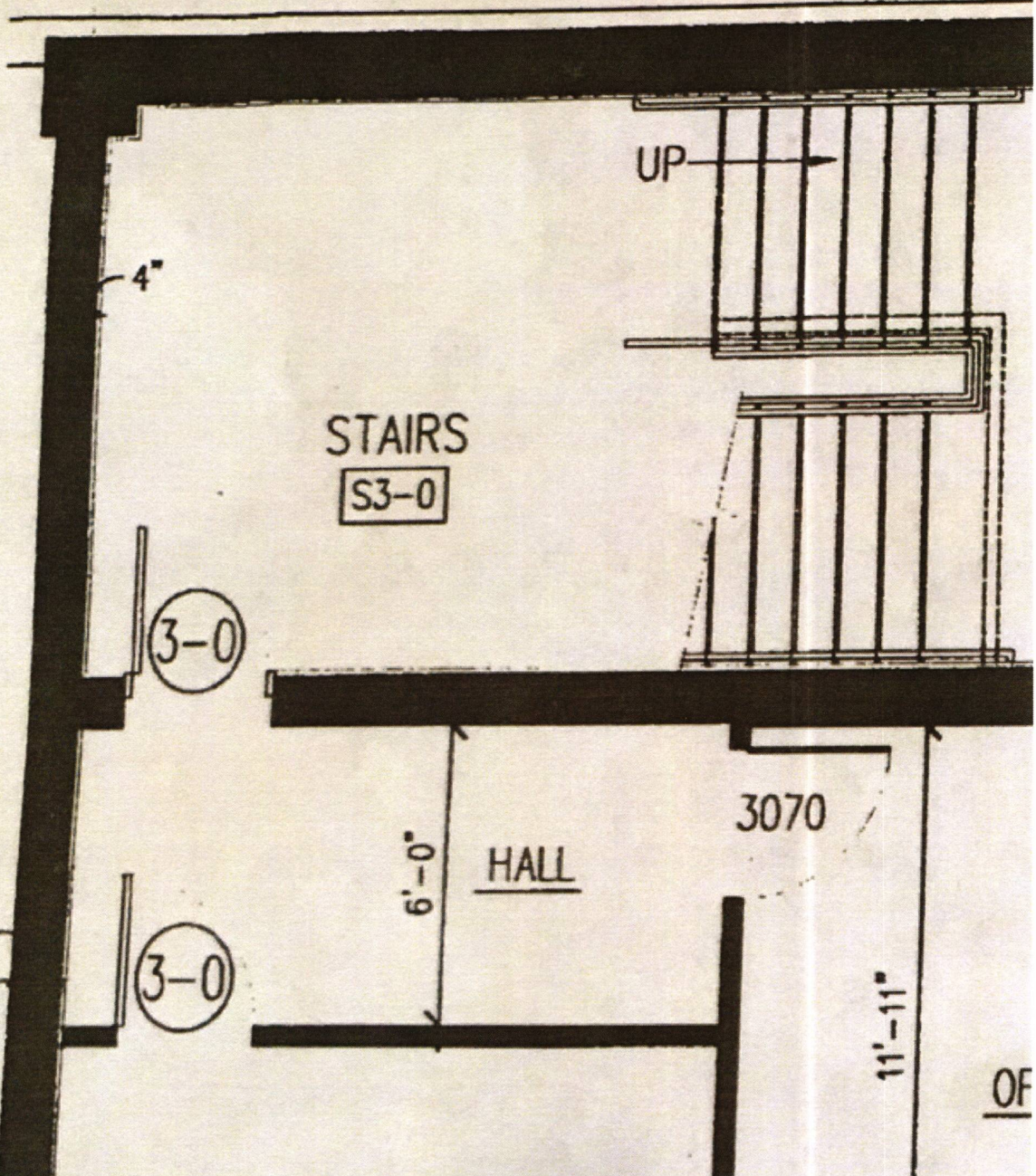
**From:** Robert Duncn <[rmduncan555@gmail.com](mailto:rmduncan555@gmail.com)>

**Sent:** Tuesday, April 17, 2018 1:50 PM

**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>

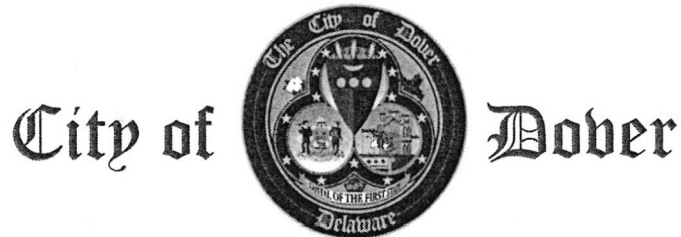
**Subject:**





Sent from my iPhone

Department of  
Planning & Inspections  
15 Loockerman Plaza  
Dover, DE 19901



Phone: (302) 736-7010  
Fax: (302) 736-4217

April 20, 2018

Duncan Center LLC  
C/O Robert M. Duncan  
555 Pennsylvania Avenue  
Dover DE 19901

RE: 500 W Loockerman Street

Dear Mr. Duncan:

The Duncan Center located at 500 W Loockerman Street is zoned IO (Institutional and Office Zone). The IO zone does not allow a provision for 'resident care taker'. IO zone at the time of the building construction specifically prohibited residences.

The plan you provided is for an Office Suite not a residence. There is no permit nor a Certificate of Occupancy on file for the floor plan you provided. This indicates that the work was done without proper approval or inspections.

If you want to propose the use you have advised us of, you may pursue an application for a variance from the Board of Adjustments. This request would be for a "use variance". Failure to make application for the variance before Monday May 21, 2018 will result in the immediate discontinuation of the use as a residential space.

Sincerely,

A handwritten signature in black ink that reads 'Ronald Coburn J.' with a stylized flourish at the end.

Ronald Coburn  
Code Enforcement Officer  
City of Dover

cc: Dave Hugg, Director Planning and Inspections  
Jason Osika, Fire Marshal

7017 0660 0001 1040 0078

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

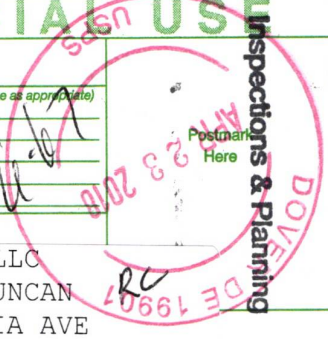
Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

DUNCAN CENTER LLC  
C/O ROBERT M DUNCAN  
555 PENNSYLVANIA AVE  
DOVER DE 19901



PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DUNCAN CENTER LLC  
C/O ROBERT M DUNCAN  
555 PENNSYLVANIA AVE  
DOVER DE 19901



9590 9402 2792 7069 2132 31

2. Article Number (Transfer from service label)

7017 0660 0001 1040 0078

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

4-27

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3936 Aloha Ln.  
Bonita Springs FL 34134  
RC

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

## Coburn, Ron

---

**From:** Coburn, Ron  
**Sent:** Wednesday, April 18, 2018 8:53 AM  
**To:** Melson-Williams, Dawn; Hugg, Dave; Osika, Jason A.  
**Cc:** Akers, Gregory C; Taraila, Tim  
**Subject:** RE: Residence at Duncan Center

Dawn,

Thank you so much for this information. I will draft a letter to Mr. Duncan.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
rcoburn@dover.de.us

**From:** Melson-Williams, Dawn  
**Sent:** Wednesday, April 18, 2018 8:37 AM  
**To:** Coburn, Ron <rcoburn@DOVER.DE.US>; Hugg, Dave <dhugg@DOVER.DE.US>; Osika, Jason A. <josika@DOVER.DE.US>  
**Cc:** Akers, Gregory C <GAKERS@DOVER.DE.US>; Taraila, Tim <ttaraila@DOVER.DE.US>  
**Subject:** RE: Residence at Duncan Center

To All:

The property location of the Duncan Center (500 W. Loockerman Street) is zoned IO (Institutional and Office Zone). The IO zone does not have a provision for a 'resident caretaker'. The property began development review in the Spring of 2002 with Site Plan S-02-11 which was revised several times; and the time the property consisted of multiple parcels with several on the south end zoned C-3. A Rezoning Application Z-02-03 took action to bring all parcels (from C-3) to IO; the rezoning was approved in June 2002 before construction and before final Site Plan approval. A building addition was the subject of Site Plan S-03-30 in the Fall of 2003. There was a Conditional Use application C-06-05 Daycare at Duncan Center reviewed by the Planning Commission in 2006 but the plan was not finalized and the use not established.

IO zone at the time of building construction specifically prohibited residences. There have been text amendments regarding the uses in the IO zone in 2007 (related to day care facilities and conditional uses) and in 2014 (Ordin. #2014-08 for a rewrite of the zone to reorganize the uses; and added emergency shelters and transitional housing which have very specific definitions). It is noted that previously a number of the commercial zones did allow for "living quarters for the use of the owner or caretaker" but the use was removed in the rewrite of the commercial zones in 2014. It was not part of the IO zone.

The property owner could pursue an application for variance from the Board of Adjustment. This request would be a "use variance" which has very specific evaluation criteria and are often difficult to prove. See Zoning Ordinance, Article 9.

Dawn Melson-Williams, AICP  
Principal Planner  
City of Dover, Delaware  
Department of Planning & Inspections  
(302) 736-7196 phone

(302) 736-4217 fax  
[dmelson@dover.de.us](mailto:dmelson@dover.de.us)

---

**From:** Coburn, Ron  
**Sent:** Tuesday, April 17, 2018 4:05 PM  
**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>; Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** RE:

The last question you ask would be for a planner, but it is my understanding that caretaker was removed from the code.

I will send a notice to Mr. Duncan to discontinue the illegal usage. He can always apply for a variance with the Board of Adjustments.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
[rcoburn@dover.de.us](mailto:rcoburn@dover.de.us)

---

**From:** Hugg, Dave  
**Sent:** Tuesday, April 17, 2018 3:42 PM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** RE:

I agree – does not appear to have been intended as any kind of regular residential use. There is nothing on the plan that says bedroom or bunk area or anything other than office, bath and related uses - but is there an option that he could use to request use of the space for a resident caretaker?

---

**From:** Osika, Jason A.  
**Sent:** Tuesday, April 17, 2018 1:59 PM  
**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** FW:

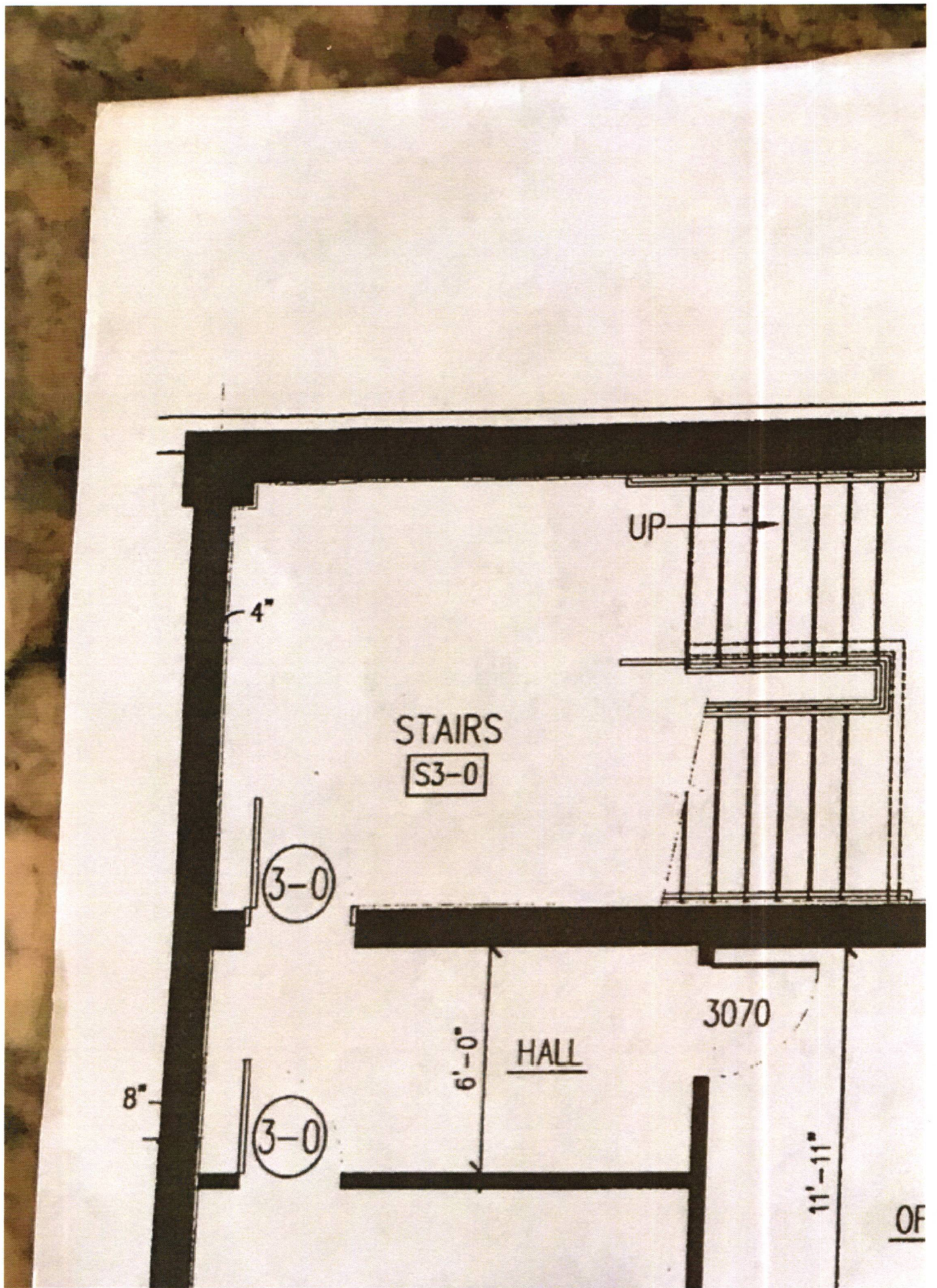
Good Afternoon,

Ron and I spoke to Mr. Duncan and he has provided the drawing below. He advised that this was used by the railroad and they were authorized to have two cots in there (which is similar to what Dave Truax advised me). Mr. Duncan believes that Scoot Koenig gave him the C/O. From what I see on the drawing, it is an office (which may have had an area to rest/sleep). I don't believe this has ever been residential. I recommend that we proceed with discontinuing the use of the area as a residence. If you are ok with this, we will notify Mr. Duncan of the same. Let me know if there are any questions or concerns. Thank you.

Jason Osika  
Fire Marshal  
City of Dover Fire Marshal's Office

15 Loockerman Plaza  
Dover, DE 19901  
Office: 302-736-4457  
Fax: 302-736-4217  
City Email- [josika@dover.de.us](mailto:josika@dover.de.us)

**From:** Robert Duncan <[rmduncan555@gmail.com](mailto:rmduncan555@gmail.com)>  
**Sent:** Tuesday, April 17, 2018 1:50 PM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Subject:**





Sent from my iPhone

## Coburn, Ron

---

**From:** Coburn, Ron  
**Sent:** Tuesday, April 17, 2018 4:05 PM  
**To:** Hugg, Dave; Osika, Jason A.  
**Cc:** Akers, Gregory C; Taraila, Tim; Melson-Williams, Dawn  
**Subject:** RE:

The last question you ask would be for a planner, but it is my understanding that caretaker was removed from the code.

I will send a notice to Mr. Duncan to discontinue the illegal usage. He can always apply for a variance with the Board of Adjustments.

Ronald L Coburn Jr  
City of Dover  
Code Enforcement  
302.736.7010  
[rcoburn@dover.de.us](mailto:rcoburn@dover.de.us)

---

**From:** Hugg, Dave  
**Sent:** Tuesday, April 17, 2018 3:42 PM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** RE:

I agree – does not appear to have been intended as any kind of regular residential use. There is nothing on the plan that says bedroom or bunk area or anything other than office, bath and related uses - but is there an option that he could use to request use of the space for a resident caretaker?

---

**From:** Osika, Jason A.  
**Sent:** Tuesday, April 17, 2018 1:59 PM  
**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** FW:

Good Afternoon,

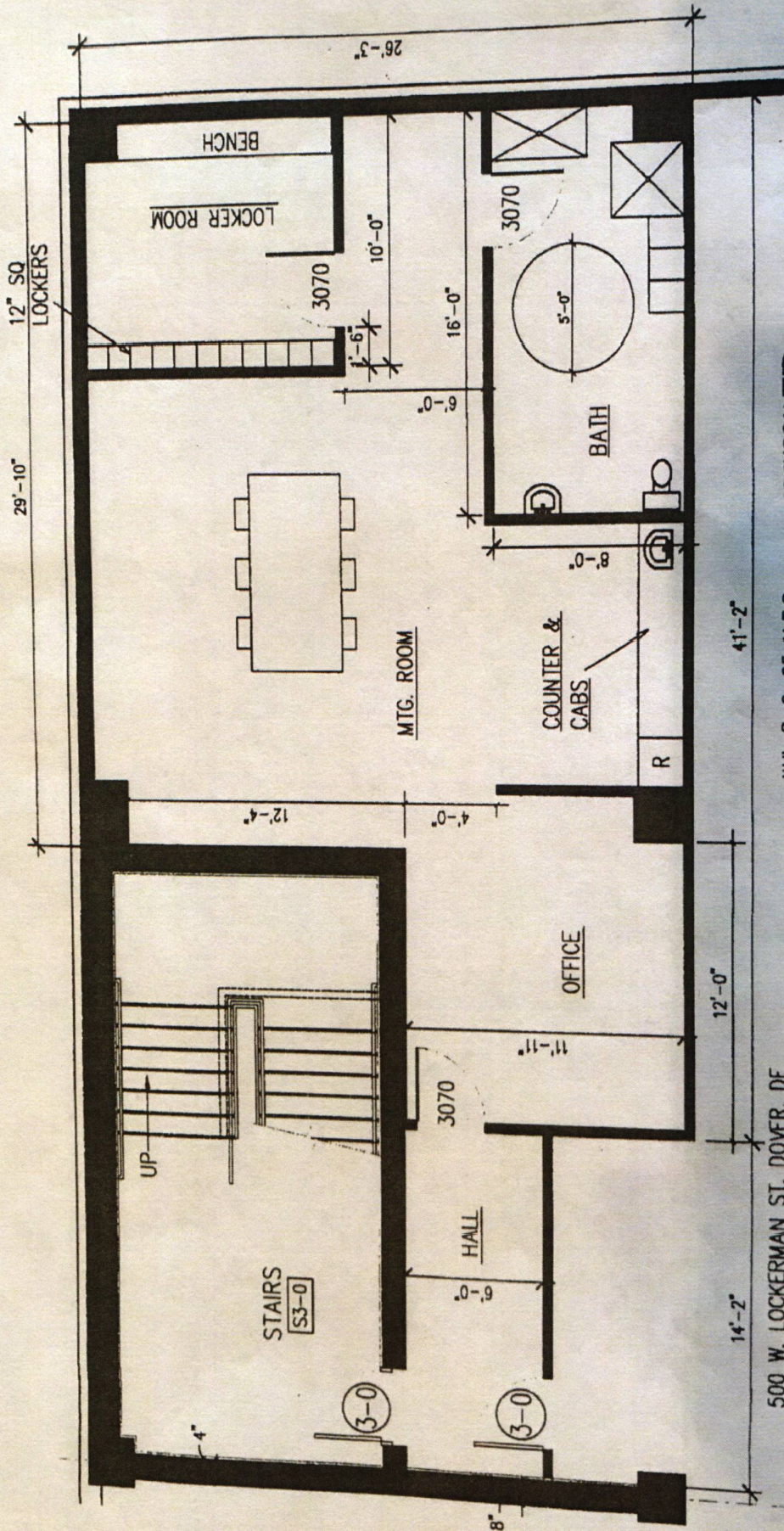
Ron and I spoke to Mr. Duncan and he has provided the drawing below. He advised that this was used by the railroad and they were authorized to have two cots in there (which is similar to what Dave Truax advised me). Mr. Duncan believes that Scoot Koenig gave him the C/O. From what I see on the drawing, it is an office (which may have had an area to rest/sleep). I don't believe this has ever been residential. I recommend that we proceed with discontinuing the use of the area as a residence. If you are ok with this, we will notify Mr. Duncan of the same. Let me know if there are any questions or concerns. Thank you.

Jason Osika  
Fire Marshal  
City of Dover Fire Marshal's Office  
15 Loockerman Plaza

Dover, DE 19901  
Office: 302-736-4457  
Fax: 302-736-4217  
City Email- [josika@dover.de.us](mailto:josika@dover.de.us)

---

**From:** Robert Duncn <[rmduncan555@gmail.com](mailto:rmduncan555@gmail.com)>  
**Sent:** Tuesday, April 17, 2018 1:50 PM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Subject:**

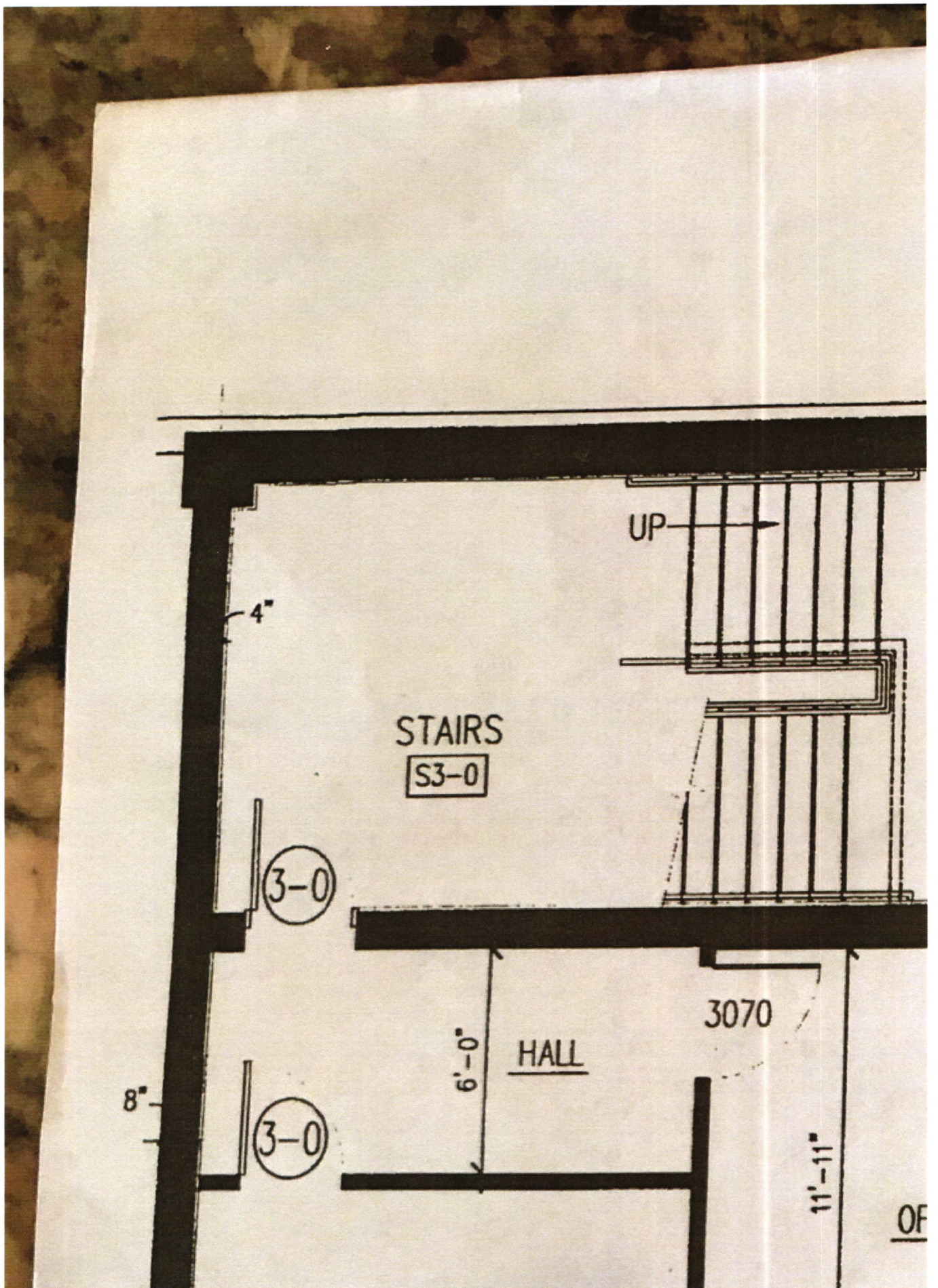


**JACKSON ARCHITECTS, I.A.**  
**ARCHITECTS · PLANNERS**  
 PO BOX 57 · DOVER DELAWARE 19901 (302) 734 7054

WJL 8-2-05 N.T.S

500 W. LOCKERMAN ST. DOVER, DE  
 OFFICE SUITE 001  
 ±890 SQFT

Attn: Joe Bora  
 Karl Autenrieth



Sent from my iPhone

## Coburn, Ron

---

**From:** Osika, Jason A.  
**Sent:** Tuesday, April 17, 2018 1:59 PM  
**To:** Hugg, Dave  
**Cc:** Akers, Gregory C; Taraila, Tim; Coburn, Ron; Melson-Williams, Dawn  
**Subject:** FW:

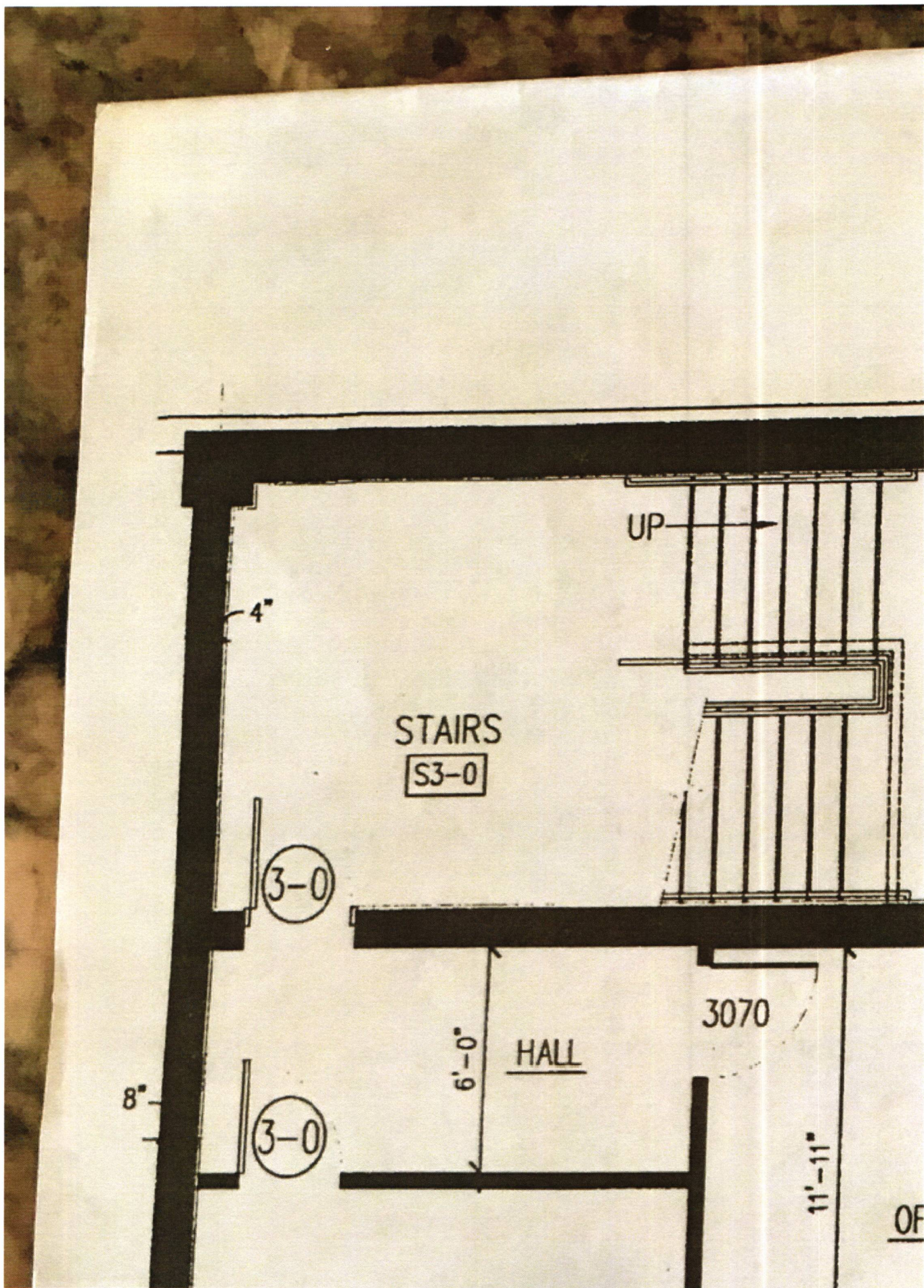
Good Afternoon,

Ron and I spoke to Mr. Duncan and he has provided the drawing below. He advised that this was used by the railroad and they were authorized to have two cots in there (which is similar to what Dave Truax advised me). Mr. Duncan believes that Scoot Koenig gave him the C/O. From what I see on the drawing, it is an office (which may have had an area to rest/sleep). I don't believe this has ever been residential. I recommend that we proceed with discontinuing the use of the area as a residence. If you are ok with this, we will notify Mr. Duncan of the same. Let me know if there are any questions or concerns. Thank you.

Jason Osika  
**Fire Marshal**  
City of Dover Fire Marshal's Office  
15 Loockerman Plaza  
Dover, DE 19901  
Office: 302-736-4457  
Fax: 302-736-4217  
City Email- [josika@dover.de.us](mailto:josika@dover.de.us)

---

**From:** Robert Duncn <[rmduncan555@gmail.com](mailto:rmduncan555@gmail.com)>  
**Sent:** Tuesday, April 17, 2018 1:50 PM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Subject:**





Sent from my iPhone

## Coburn, Ron

---

**From:** Osika, Jason A.  
**Sent:** Monday, April 16, 2018 12:44 PM  
**To:** Melson-Williams, Dawn; Hugg, Dave  
**Cc:** Akers, Gregory C; Taraila, Tim; Coburn, Ron  
**Subject:** RE: Duncan Center

Ron and I will contact Mr. Duncan and advise him what needs to be provided.

Jason Osika  
Fire Marshal  
City of Dover Fire Marshal's Office  
15 Loockerman Plaza  
Dover, DE 19901  
Office: 302-736-4457  
Fax: 302-736-4217  
City Email- [josika@dover.de.us](mailto:josika@dover.de.us)

**From:** Melson-Williams, Dawn  
**Sent:** Monday, April 16, 2018 12:12 PM  
**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>; Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>  
**Subject:** RE: Duncan Center

Why am I requesting this submission of info? I haven't been involved in this concern except for hearing about it at supervisor/staff meetings. It's an active Fire Marshal/Code Enforcement case, the correspondence should come from that group as it appears that some letters have already been sent. I am happy to provide research/info on what the Planning Office has of record for previous application activity to the Planning Commission and info on the Zoning Ordinance requirements as necessary.

I will research the allowable uses in the IO zone that were in place at the time of building construction how they may have changed.

Dawn Melson-Williams, AICP  
Principal Planner  
City of Dover, Delaware  
Department of Planning & Inspections  
(302) 736-7196 phone  
(302) 736-4217 fax  
[dmelson@dover.de.us](mailto:dmelson@dover.de.us)

**From:** Hugg, Dave  
**Sent:** Monday, April 16, 2018 11:26 AM  
**To:** Osika, Jason A. <[josika@DOVER.DE.US](mailto:josika@DOVER.DE.US)>  
**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>  
**Subject:** RE: Duncan Center

Think we need to request that Duncan provide us with sealed final plans that clearly showing there was a caretaker provision included.

Dawn: this probably should come from you.

**From:** Osika, Jason A.

**Sent:** Monday, April 16, 2018 10:56 AM

**To:** Hugg, Dave <[dhugg@DOVER.DE.US](mailto:dhugg@DOVER.DE.US)>

**Cc:** Akers, Gregory C <[GAKERS@DOVER.DE.US](mailto:GAKERS@DOVER.DE.US)>; Taraila, Tim <[ttaraila@DOVER.DE.US](mailto:ttaraila@DOVER.DE.US)>; Coburn, Ron <[rcoburn@DOVER.DE.US](mailto:rcoburn@DOVER.DE.US)>; Melson-Williams, Dawn <[dmelson@DOVER.DE.US](mailto:dmelson@DOVER.DE.US)>

**Subject:** Duncan Center

Good Morning,

I spoke about the Duncan Center in this mornings meeting; however, I wanted to follow up with an email. Kristen ran all of the permits we have for the Duncan Center and there is no permit for the basement work. I spoke to Dave Truax over the weekend and he remembers something in regards to the area being requested to be used for a "caretaker of the property". This was discussed with Ann Marie; however, Dave doesn't remember anything official ever being decided. There is no documentation on this. Dawn has advised that the "caretaker of the property" is no longer in code. We need to decide where to head from this point. Let me know if there are any questions or concerns. Thank you.

Jason Osika

Fire Marshal

City of Dover Fire Marshal's Office

15 Loockerman Plaza

Dover, DE 19901

Office: 302-736-4457

Fax: 302-736-4217

City Email- [josika@dover.de.us](mailto:josika@dover.de.us)

Department of  
Planning & Inspections  
15 Lookerman Plaza  
Dover, DE 19901

City of



Dover

Phone: (302) 736-7196  
Fax: (302) 736-4217

March 5, 2018

Duncan Center LLC  
C/O Robert M. Duncan  
555 Pennsylvania Avenue  
Dover DE 19901

RE: 500 W Lookerman Street

Dear Mr. Duncan:

On Thursday, March 1, 2018, this office received a complaint of an individual living in the lower level of the Duncan Center located at 500W Lookerman Street. Fire Marshal Jason Osika and Code Enforcement Officer Ronald Coburn conducted a joint inspection at the property on March 2, 2018 and found no one at the location. FM Osika left a card on the door of the suspected unlawful dwelling unit. Mr. Raymond Williams called FM Osika and stated he had been renting this location for the past 5 months. On March 5, 2018 FM Osika inspected the premises with Mr. Williams and it was determined that the area was being used as a residence which was not approved on the city approved plans.

This building is an office building and the property is zoned Institutional & Office, having a residence is not a permitted use. Please discontinue renting this location in the lower as a residence and have the current tenant vacant by April 4, 2018.

If you have any questions, please contact Ron Coburn or Jason Osika at 736-7011.

Sincerely,

A handwritten signature in black ink that reads "Ronald R. Coburn". The signature is written in a cursive style with a large, stylized initial "R".

Ronald Coburn  
Code Enforcement Officer

cc: Jason Osika, Fire Marshal  
Dave Hugg, Director Planning and Inspections  
Tim Taraila, Code Enforcement Supervisor

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postmark  
Here

Postage

DUNCAN CENTER LLC  
 C/O ROBERT M DUNCAN  
 555 PENNSYLVANIA AVE  
 DOVER DE 19901



PS Form 3800, April 2015 PSN 7530-02-000-9047 See reverse for Instructions

2969 660T 1000 0990 2102

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DUNCAN CENTER LLC  
 C/O ROBERT M DUNCAN  
 555 PENNSYLVANIA AVE  
 DOVER DE 19901



9590 9402 2792 7069 2141 60

2. Article Number (Transfer from service label)

7017 0660 0001 1039 8962

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Robert M Duncan*  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

3-8-18

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail
- Registered Mail Restricted Delivery (\$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Sec. 46-8. - Maintaining a known violation or hazard.

(a) *Known violation or hazard.* Any person is guilty of maintaining a known violation or hazard if:

- (1) After having been informed in writing by a code enforcement officer of a violation of the fire code, property maintenance code, a city ordinance, or state law existing on property he or she owns or occupies, he or she fails to correct the said violation;
- (2) He or she prevents a fire protection system from functioning as designed;
- (3) He or she knows that a fire protection system will not function as designed and takes no action to repair the fire protection system;
- (4) He or she interferes with any occupant's egress from a building;
- (5) He or she knows of an obstruction that would interfere with any occupant's egress from a building and takes no action to remove the obstruction;
- (6) He or she engages in any act, written or verbal, within city limits that obstructs, delays, hinders or interferes with the operations of the fire department during an emergency.

(b) *Penalties.*

- (1) Any fines issued for violation of this section shall be issued as provided for in Appendix F—Fees and Fines.
- (2) Occupancies that continue to maintain a known violation or hazard may be closed by the code enforcement officer until such time as all violations and hazards have been corrected.

(Ord. of 2-26-2007; Ord. No. 2009-09, 6-22-2009; Ord. No. 2014-21, 9-22-2014.)

Sec. 46-125. - Appeal; hearing.

*Appeal; hearing.* Whenever any person is aggrieved by a decision of the fire marshal with respect to the provisions of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals, as provided for in Chapter 22—Buildings and Building Regulations, Article I—In General, Section 22-1—Construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the fire marshal. Upon receipt of such appeal, the construction and property maintenance code board of appeals shall set a time and place, in not less than ten or more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.