

**CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA**

Wednesday, November 15, 2017 at 9:00 AM

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

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of July 19, 2017 Meeting

COMMUNICATIONS & REPORTS

1. Reminder: The next Board of Adjustment regular meeting is scheduled for December 20, 2017 at 9:00am in the City Council Chambers.

NEW BUSINESS

Applicant #V-17-16

545 North DuPont Highway. TLM Realty has requested a variance from the requirements of the *Zoning Ordinance*, Article 5 §4.7 pertaining to permitted signs. Specifically, the applicant seeks to permit two additional (2) wall signs over the maximum two (2) wall signs allowed for a building with a single street frontage. The site is located on the east side of North DuPont Highway north of Townsend Boulevard. It is 0.86 acres +/- in size and is currently occupied by a Panera Bread Restaurant. Subject property is zoned C-4 (Highway Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone). Tax Parcel: ED-05-068.09-01-34.01-000. The owner of record is Dover DE Retail, LLC and the applicant is TLM Realty Corp.

ADJOURN

29 Del. C. § 10004(e)(2)

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
July 19, 2017

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, July 19, 2017 at 9:04 A.M. with Chairman Sheth presiding. Members present were Chairman Sheth, Mr. Keller, Colonel Ericson and Mr. Senato. Mr. Hufnal was absent.

Staff members present were Mr. Dave Hugg, Mrs. Purnell, Mr. Diaz, Mr. Swierczek, and City Solicitor Mr. Rodriguez.

APPROVAL OF AGENDA

Colonel Ericson moved to approve agenda as submitted. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Hufnal was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF MAY 17, 2017

Mr. Keller moved to approve the meeting minutes of May 17, 2017 with any necessary corrections. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Hufnal was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JUNE 21, 2017

Mr. Keller moved to approve the meeting minutes of June 21, 2017 with any necessary corrections. The motion was seconded by Colonel Ericson and unanimously carried 4-0. Mr. Hufnal was absent.

Chairman Sheth introduced and welcomed the new Planner Mr. Julian Swierczek.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mr. Dave Hugg, Interim Planning Director of Planning and Inspections stated that the meeting today will be conducted in accordance with the agenda. There are two (2) applications on the agenda under New Business. The Application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor, they will recess to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new applications on this agenda was completed in accordance with Code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

NEW BUSINESS**Applicant #V-17-12**

550 Bay Road. Bay Road One, LLC has requested a variance from the requirements of the *Zoning Ordinance*, Article 6 §3.11 pertaining to the maximum number of parking spaces permitted, and a variance from the requirements of the *Zoning Ordinance*, Article 5 §7.22 pertaining to the landscape component of the opaque barrier requirement. Specifically, for the first variance request the applicant proposes 119 parking spaces, 14 over the 105 permitted for Phase 1 of the project; in future phases the project will no longer require this variance. For the second variance request, the applicant proposes to eliminate the landscape component of the opaque barrier required along the northern edge of the properties. Subject property is zoned C-4 (Highway Commercial Zone). Tax Parcels are ED-05-077.00-01-10.01-000 and ED-05-077.00-01-11.00-000. The owner of record is Bay Road One LLC.

Exhibits for the Record: Staff report, zoning exhibit, statements and plans submitted by the applicant. Legal Notice was published in the Delaware State News on July 9, 2017. The public was notified in accordance with regulations.

Mr. Diaz gave a brief overview of the application.

Mr. Senato questioned the landscape option as to whether it had to go before the Planning Commission before the Board of Adjustment could make a decision and if the application needed to be tabled. Mr. Hugg replied that the application went before the Planning Commission on Monday, July 17, 2017 and was approved with the requests that were related to the Site Plan, recognizing that these two (2) items had to come before the Board of Adjustment for consideration. The overall Site Plan of the project and phase development which includes the parking layout is subject to the Board of Adjustment's decision on the waiver of the parking and variance requirements. All issues were addressed at the Planning Commission meeting.

Chairman Sheth mentioned the procedure regarding the Planning Commission decision and the Board of Adjustment decision on the application and that the Board of Adjustment decision could not be superseded by the Planning Commission decision. The Board decision is only overruled by Superior Court.

Colonel Ericson questioned if the Board would disapprove the application could it go back to the Planning Commission and they overrule the Board of Adjustment decision. He asked which agency should be considered: The Planning Commission or the Board of Adjustment. Mr. Rodriguez replied that is before the Board of Adjustment to make a decision now, and depending upon the Board's decision it might have to go before the Planning Commission again.

Colonel Ericson questioned if the Planning Commission could overrule the Board of Adjustment decision. Mr. Rodriguez replied that he did not think that the Planning Commission could overrule the Board of Adjustment decision. The Planning Commission would have to adjust their thinking about the decision.

Mr. Diaz stated that Staff recommendation was that the Board approve the variance for the parking and deny the variance for the opaque barrier. Staff does not believe that the addition of

the 14 parking spaces would cause a problem for any of the neighboring properties in the long run. There does seem to be an exceptional practical difficulty with regard not being able to have enough parking spaces for the number of employees in the future. There were concerns with the opaque barriers. If they eliminated the landscape component as requested, it would be detrimental to residential property owners that are joining the properties to the north. There is currently vegetation in the area, but we are not sure if it will be kept by the applicant or neighboring property owners.

Chairman Sheth questioned whether this was a variance for the entire project and not just a particular building and he questioned the amount of parking. Mr. Diaz replied that the first variance is to increase the parking on site for Phase 1 of the project above the maximum number of spaces permitted by *Zoning Ordinance*. Mr. Hugg replied that based on the Site Plan they would be under the threshold and have more than adequate parking for the entire site as it develops, but because of the phasing of the project and the needed construction of the parking lot for Phase 1 it technically results in over parking.

Chairman Sheth questioned what would happen in the future if the project is not completed and/or it is sold to someone else as a separate entity. Mr. Hugg replied that all of the conditions proposed would go to the successor or heirs. In an unlikely event if nothing else would be done, this would be the only building on the site. The applicant testified at the Planning Commission meeting that their plans were to grow the business and the firm. Perhaps if you look at the Site Plan, the number one building would be offset from the center line with the idea of there being an addition to the building. The 14 spaces would get absorbed in the future growth no matter what happened. Regarding the landscaping, he mentioned that the site layout is tight on one edge and there is an existing row of trees that adequately screens the residential neighborhood to the north. The trees are on private property.

Mr. Keller questioned whether there was any contemplation of a subdivision of the property or subsequent sale of those lots to the southwest. Mr. Hugg replied that nothing has been presented.

Mr. Keller questioned whether it is a firm that is currently within one ownership. Mr. Hugg replied right.

Mr. Keller stated that he at one point he wondered why the parking space allowance was not looked at against the entire property as opposed to that one building site proposed as building number one, but he understands why.

Mr. Keller questioned whether or not the building for Century Engineering is to be occupied and leased and not sold as a singular portion of the overall property. Mr. Hugg replied that to his knowledge there is no subdividing or condominium ownership proposed for the property.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Representative: Mr. Alex Schmidt, Century Engineering Inc.

Mr. Alex Schmidt was sworn in by Mr. Rodriguez.

Mr. Schmidt testified that this is the future home of Century Engineering. They have been in Delaware for 30 years. They are excited about coming back to Dover and being a part of the community in the future. The person who owns Bay Road One LLC is the same person who owns Century Engineering, so the intent is that this will be our future home for the next 30 years and beyond. There has been some discussion about subdividing the property, but the intent at the current time is not to do that. If they had a tenant that came along and expressed some interest in purchasing the property in the future, they might need to come back before the Planning Commission. What they currently submitted to the Planning Commission was a massive plan for four (4) basic constructions (4 buildings). The building in the rear is on its own separate parcel and could be sold now. Each building will need to come back as an Administrative application to Planning Staff. If the application was denied today, they would go back and make changes as they are able in order to address those projections of the application. He did not think that there was anything significant that needed to go back before the Planning Commission. The applicant is asking to be allowed more than the maximum amount of parking for Phase 1 only for their building. Once the second building is constructed they will come back in compliance with the parking requirements. The applicant is asking because at the current time there is 10,000 S.F. and they have 38 parking spaces and people are parking on the street and double parked in the lots. He figured at 25,000S.F. they would need at least 110 spaces based on what they use now. This does not account for when they have large meetings and they need to park. There have been issues with person(s) parking on Route 13 and behind the office. They want to make sure they have enough parking at their new office so that persons are not parking on the street. This is really from a safety standpoint of persons that come to their building and that they do not have to walk from off-street parking to their site. It is also for the people who live in the area so that they are not using residential parking spaces. He stated that regarding the landscape and the fence, the site layout is established by their entrance. They want their entrance to line up with the front of their new building in the center of the site. This is what they used to establish the parking lot around the building. Unfortunately, it only leaves roughly 4-feet on the edge of the property dividing it from the residential property. They will need to put up some type of fencing along with the landscaping outside the fence; however, it will not be very well maintained. It will not be easy for them to maintain because there is not going to be much space. They are thinking that it will be maintained by the residents although that is not their intent. They are offering to put a 6-foot privacy fence and that would provide the required screening. There is currently a mobile home sales office and 40 old mobile homes along the property line. He noted that Staff made a recommendation regarding the trees, but he expressed if the residents choose to take the trees down, that would be their decision. He did not think that it was fair to say to them to assume that they will keep the trees there or we have to plant trees because they may cut the other ones down. He asked if the Board would keep that in mind.

Colonel Ericson questioned the distance of the 6-foot privacy fence. Mr. Schmidt replied the fence would go the full length of the property at Building 4 and the length of Building 3 near the residential properties.

Colonel Ericson questioned the area near Building 1. Mr. Schmidt replied that Building 1 is not a requirement at the current time because it abuts commercial property.

Chairman Sheth questioned whether a fence was currently there. Mr. Schmidt replied that there was a chain-link fence along the entire property. They would like to take it down and replace it with a nicer fence.

Colonel Ericson questioned whether you would be able to see through the privacy fence. Mr. Schmidt replied no. They would like to install a white vinyl privacy fence.

Colonel Ericson questioned whether the privacy fence that you cannot see through met the requirements of something blocking the view and would be an adequate replacement for the plants. Mr. Diaz replied that the purpose for the opaque barrier is to provide both visual and sound screening. The fence alone would be an adequate visual barrier. Considering the warehouse use and potential of loading and unloading activities, Staff felt it was important to have the vegetation also because it is more effective as the sound screening.

Colonel Ericson questioned whether there were any plans on how wide or tall the opaque barrier is to be. Mr. Diaz replied that there are two ways to do the landscaping. One way is a row of evergreen trees which can grow 20-30 feet tall, and the other is a hedge that typically grows to the height of the fence.

Colonel Ericson questioned whether either would fit on a 4-foot wide piece of property. Mr. Diaz replied that he did think the hedge would fit.

Mr. Senato mentioned that normally evergreen trees bottom (up to 6-feet) becomes bad after 10 years, so he did not think it would be a very good barrier for long term.

Mr. Senato questioned if the area was the south side for the barrier of trees. Mr. Diaz replied it is the north side. Mr. Schmidt replied that they are only required to install a 4-foot fence at the flex (Warehouse Building 4) space portion. Mr. Diaz replied that the 4-foot fencing would be in the front yard areas, but it could not be 4-feet because the property does not have any street frontage. Since it does not have a front yard the fence would have to be 6-feet high. Mr. Schmidt stated that the Planning Commission stated that the front yard only needed a 4-foot fence, but if the Board of Adjustment would grant the variance it would allow the 6-foot fence.

Chairman Sheth mentioned other businesses in the area with the same issues regarding the fence and vegetation.

Mr. Diaz stated that if it was a 4-foot fence for this project, the requirement for the opaque barrier would supersede and become 6-feet because 4-feet would not be adequate because it has to be above eye level.

Mr. Schmidt stated that they do not know what the flex space (building) is going to be and it is not necessarily going to be warehousing. His concern was that they did not feel that any vegetation will provide any additional buffer. They would just like to put a fence in and not have to worry

about maintaining the other side. If the Board feels that the 6-feet is not sufficient then they could go to 8-feet if that would help alleviate some of the concerns.

Mr. Keller asked for clarification regarding Exhibit C regarding the 6-foot fence as opposed to the 4-foot fence and the locations. Mr. Schmidt stated that the fence would be 6-feet from Martin Street toward the middle of the site, back to the end of Cowgill Street; in the side yard 6ft. is allowed. He did not necessarily agree with Mr. Diaz's statement that the Code requires a higher fence with an opaque barrier. He was not sure that the Code specifically states any height whatsoever. The Code does only allow a 4-foot fence in the front yard.

Mr. Hugg asked if you would concur with one of the observations that there are places where there may be sufficient room to get some additional landscaping so that you are minimizing the amount of fence. He realizes that there are some tight spaces. Mr. Schmidt replied that there is, but to his understanding regardless if there is landscaping placed or not, there still has to be fencing. He agrees that there are areas where landscaping could be placed in addition to the fence.

Mr. Hugg questioned whether the applicant was willing to look at those other areas. Mr. Schmidt replied that they were willing to do that.

Mr. Senato questioned whether shrubs and trees would need to be removed/eliminated in order to put up the fencing. Mr. Schmidt replied on his side of the property, yes. He was not sure if they would impact anything on the north side on the private property.

Mr. Senato questioned the percentage of parking spaces that will be full at all times. Mr. Schmidt replied that at any given time they will probably have between 60-80 spaces full with regular full-time employees. They currently have six (6) fleet vehicles that is included in the number as well as 10 survey crew vehicles that will be there in the morning, but will leave throughout most of the day.

Mr. Senato questioned whether 20%-30% of the parking spaces will be vacant throughout the day one time or another and he was asking for fourteen (14) more spaces. Mr. Schmidt replied yes. There will also be forty (40) construction inspection staff on site periodically for training.

Chairman Sheth questioned whether the applicant would build the plan according to the Planning Commission requirements. Mr. Schmidt replied that upon his understanding if the Board of Adjustment would deny the application and this would eliminate some of the parking and would require some redesign.

Mr. Keller stated that he did not have any concerns with the parking variance request. It seems reasonable and rationale to him to have it go in at Phase 1 as long as the plan appears to be the fact of subsequent development expansion, etc. The additional spaces would be absorbed within the future and growth development of the overall site. However, with the second part of the variance request he was concerned with a couple of items regarding the fencing and necessity for the vegetation because he did not have anything presented to him which truly exhibits how much vegetation, screening, or plantings is on the residential properties. Exhibit B was submitted as an aerial view, but it is not enough to show anything of what truly exists along those residential

properties in his estimation. He was troubled that the burden of landscaping and the zoning requirements is incumbent upon the applicant to do what is required as opposed to throwing that burden if you will upon the residential abutters. Whether the trees on the property are in good shape or coming down tomorrow, we don't really know. He thinks a reliance on the abutting residential property owners is somewhat dodging a responsibility we have upon the developer and you the applicant to fulfill as best as possible per the requirements of the planning section. He could not think of anyone better suited either than Century Engineering as opposed to one of the residential owners to make some minor changes in the design plan to afford a greater width for the planting area. He did not know the individuals involved or the residential owner's livelihood, but he knows that Century Engineering does a super job at designing or perhaps redesigning in this case. It seems to him that it would be somewhat minimal to bring about a greater width in those areas where the distance may be only 4-feet from the edge of the applicant's proposed travel way to the property line. It appears upon looking at the plans that there were some minor areas where adjustment in the travel way could afford a little space whether the City Planning Department would agree to trees as opposed to shrubs, anything he would think for Century Engineering's perspective would lend to the aesthetics of the property as well as opposed to straight 6-foot or 8-foot fencing.

Mr. Hugg stated that the second matter before the Board of Adjustment only gets to whether or not this variance is approved or not. If it is approved that is one thing, if it is denied then how it gets figured out with the applicant is with Planning Staff and Planning Commission. In this particular case because it is a Master Plan those adjustments would be made as an Administrative Site Plan approved correction. The Board only needs to be comfortable with the question of whether or not they believe that the proposed solution is a fence in those areas limited in terms of space and if it is an adequate barrier or buffer and does not require vegetation as well.

Mr. Senato stated that it looks as if there has to be some type of barrier to protect the homes in the area.

Colonel Ericson questioned the applicant if the variance was denied regarding the fence what impact would it have on his design. Mr. Hugg replied that the Board is not disapproving the fence because the fence is not before the Board. What is before the Board is the vegetation.

Colonel Ericson questioned the applicant if the variance was denied regarding the vegetation what impact would it have on his design. Mr. Schmidt replied if this was not Century Engineering and the variance was disapproved what would likely happen is there would be a 6-foot chain-link fence with slats and a 4-foot chain-link fence with slats in front of the warehouse area and 4-foot hedges. As he understands that would meet the requirements of the Code. There is not specific height written in the Code. Mr. Diaz replied that the height is written in the Code as 6-feet. Mr. Schmidt stated that he thinks in his case a privacy fence would look nice. If they do not get the variance to remove the landscaping, they would probably put up a 6-foot hedge.

Mr. Keller questioned for a screening portion if some of the trees could be interspersed with it being some trees and some hedges of various plantings. Mr. Diaz replied correct.

Mr. Keller questioned whether it had to be solid throughout with any one particular variety of planting a tree. Mr. Diaz replied no.

Mr. Keller referred to the City's Staff recommendations which stated "The practical difficulty of planting the landscape component does not appear to be exceptional, as there are a number of solutions that would allow planting in a confined space." He stated that he agreed with the statement and with the information that a variety of plantings could go along there does not necessarily mean that it is a difficult matter for providing the screening in conjunction with the fencing. Would that kind of a rationale eliminate the need for any redesign even of the roadway that is currently being shown. He questioned if it had to be solid. Mr. Diaz replied yes. He questioned if there were plants in different locations would you anticipate all of it as a closing in of the area. Mr. Diaz replied that the landscaping has to be continuous. Mr. Keller stated that even with tree plantings there is always spacing to anticipate growth of the trees.

Chairman Sheth questioned whether it would make a difference regarding the fence versus footing space because a variance asks for parking spaces. Colonel Ericson stated that he did not have an objection to the parking spaces. Mr. Rodriguez stated that the only issue is the vegetation beyond the fence.

Chairman Sheth questioned how the applicant could assure the Board of what will be done. Mr. Schmidt replied that it is a difficult answer because he could not state that he could install exactly this number of trees or hedges. He would state that everywhere they have space they would pull the fence in as far as they could and plant what they thought would grow successfully on the other side of the fence.

The Board continued to discuss the height of the fence, vegetation, and landscaping as they compared the same situation with other businesses in the area and options if the application was denied.

Mr. Schmidt stated that he was not sure if the Board would be able to amend the application, but he would be willing to commit to providing landscape in all areas where there is more than 5 feet of space per the current design from the property line. There would be two (2) areas where there would be no landscaping provided.

Mr. Keller questioned whether the applicant had any idea of a linear run. Mr. Schmidt replied it would be less than 30 feet.

Mr. Keller questioned whether there was a minimum height requirement on the vegetation that is proposed. Mr. Diaz replied that the shrubs are supposed to grow to a minimum of 6 feet and the trees are supposed to be planted at a minimum of 6 feet.

Colonel Ericson commented that the Board would like to go back to the basics which is the area variance requirements. The Board needs to consider the nature of the zone in which the property lies which he did not see any problems; the character of the immediate vicinity and the contained uses therein where there is commercial property against residential property which is a problem; and whether, if the restriction upon the applicant's property were removed, such removal would

seriously affect neighboring properties and uses. If he was to buy a house on one of those three (3) properties and if he did not have some type of buffer, it would bother him. 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*. The question is whether the applicant has met all of the requirements. Colonel Ericson stated that he would like to see the code followed.

Mr. Keller commented that he had not yet been convinced that there is a supportable position for a variance of the vegetation landscape.

Chairman Sheth opened the public hearing.

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

Chairman Sheth questioned if there was any additional correspondence for the record. There was no correspondence from the public.

Mr. Keller moved to approve application V-17-12 the requested Variance Item #1 to increase the parking on site for Phase I of the project above the maximum number of spaces permitted by Zoning Ordinance, based upon Staff Report, testimony given today and the well laid out reports submitted by City Staff. He moved to deny requested Variance Item #2 which is a request to eliminate the landscape component of the Opaque Barrier requirement along the northern edge of the property in question. The denial is based upon the City's Report and while meeting aspects under the Board's consideration for nature and use of the general area but for failure to demonstrate Exceptional Practical Difficulty associated with the request to eliminate the landscape component. The motion was seconded by Colonel Ericson.

Chairman Sheth asked if there were any questions. Mr. Senato commented that he disagreed with the motion being combined and would like to amend that the motion to be voted on separately because of the two separate issues.

Mr. Senato moved to amend the motion so that the two (2) separate issues would be voted on separately. The amended motion was seconded by Chairman Sheth.

Roll Call Vote in favor of amendment

Chairman Sheth – yes

Mr. Keller – yes

Mr. Senato – yes

Colonel Ericson – yes

Roll Call Vote for requested Item #1: Parking Increase in Phase I as mentioned previously for approval.

All in favor of approval (vote 4-0 of the members present) Mr. Hufnal was absent.

Roll Call Vote for requested Item #2: Elimination of Landscape component as mentioned previously to be denied.

Chairman Sheth – yes for denial

Mr. Keller – yes for denial

Mr. Senato – yes for denial

Colonel Ericson – yes for denial

All in favor of denial. (vote 4-0 of the members present) Mr. Hufnal was absent.

Applicant #V-17-13

20 and 28 Spruance Road. Matthew L. Smith has requested a variance from the requirements of the *Zoning Ordinance*, Article 3 §2.1 pertaining to permitted uses in the RG-1 Zone, and Article 7 §1.5 pertaining to nonconforming uses in residential zones. Specifically, the applicant seeks to permit continued operation of the school bus vehicle storage lot currently on the properties. The use of the properties was determined to be a nonconforming use in a residential zone by the Planning Office, and in accordance with Article 7 §1.5 and Council action the property must come into compliance with the *Zoning Ordinance* either by discontinuing the existing use or using a sanctioned method of permitting the existing use. Subject property is zoned RG-1 (General Residence Zone). Tax Parcels are ED-05-068.18-04-48.00-000 and ED-05-068.18-04-47.00-000. The owners of record are Matthew L. and Rosa L. Smith.

Exhibits for the Record: Staff Report, zoning exhibit, and statements submitted by the applicant. Legal Notice was published in the Delaware State News on July 9, 2017. The public was notified in accordance with regulations.

Mr. Diaz gave a brief overview of the application.

Representative: Mr. Matthew L. Smith, Owner.

Mr. Matthew L. Smith was sworn in by Mr. Rodriguez.

Mr. Smith testified that he needed and wanted approval of the variance to remain on the property. He was informed that a letter was sent, but he did not receive a letter. The property has been a bus service for over 60 years. He has owned it for 20 years. This is the first time he has ever had an issue. Children are in need of the bus service and some would not be able to go to school without the service. The buses cannot be parked just anywhere. The neighbors in the area do not have a problem with the buses being parked in that area. He also owns the house next door to the bus parking lot. Improvements such as black top have been made to the lot because it was previously dirt and it is a fenced area. He asked the Board to consider his testimony in granting the variance so that he can continue to stay in business. He would appreciate whatever the Board could do.

Mr. Senato questioned whether he was before the Board for a variance due to a change in the Planning & Zoning Ordinance within the City. Mr. Smith replied that he was before the Board to come into compliance. Mr. Hugg replied that the property was rezoned RG-1 as part of the 2008

Comprehensive Plan which designates an underlying Land Use Classification for all properties in the City. Planning records indicate that prior to 2009, the property was split-zoned, with 20 Spruance Road being zoned C-3 and 28 Spruance Road being zoned R-7. Both parcels on the property were rezoned to RG-1 as part of the 2009 Comprehensive Rezoning.

Mr. Keller questioned whether there was any period of time that the applicant had any plans to discontinue the bus operation in the future. Mr. Smith replied no sir, it is his livelihood and bread and butter.

Mr. Keller stated that he can appreciate very much the time period that the business has been expended and been used and the issue as a result of the rezoning in the City's Comprehensive Plan change. At the same time, he has to respect the City's effort to bring about the discontinuance of nonconforming uses. He applauds the applicant in the appearance by the virtue of the photographs given as he referenced Exhibit B which is very well maintained property and not a trash deposit site.

Mr. Keller questioned whereas when variances run with the land once approved would it be possible to have an approval whereby this nonconforming use would continue for a period of years then extinguished as opposed to run with the land forever and a day if it was approved. Colonel Ericson replied it might depend on the applicant's ability to have family members or someone else to purchase later on thus making it more difficult. It is understood that if something else is built for some other purpose they would have to come before the Board for another variance. As long as it remains in this capacity, it could go from now on. Mr. Hugg replied that this is a Use Variance and as long as this use continues as is, then it will be allowed to remain. Nonconforming Uses cannot be extended or enlarged, the applicant would be prohibited from demolishing a house next door or buying a house across the street to store more buses. Otherwise, unless there was some type of restrictions on the time period to revisit then the use still remains the same. It appears that everything that we have seen is perfectly acceptable although a nonconforming use of the property that is in no way fault or brought about by an action of the applicant.

Mr. Keller questioned Mr. Hugg's statement regarding absent the action by City Council was he wrong in thinking that this was a traditional nonconforming use and without the need to bring about this sunseting of nonconforming uses this use could have remained forever and a day for the existing use as a traditional nonconforming use as long as the degree of nonconforming is not increased. Mr. Hugg replied correct. This became a nonconforming use by a series of government actions and rezoning from the City's Comprehensive Plan.

Mr. Keller asked that if 50 years from now the applicant intends to stop the school bus nonconforming use at that point would it become a conforming use. Mr. Hugg replied yes, it would become a conforming use. If the applicant sells the business and it is no longer a bus operation, it would cease that operation.

Colonel Ericson questioned what happens if the business was sold to someone else and the new owner wanted to keep the school bus operation. Mr. Rodriguez and Mr. Hugg replied it could remain a school bus operation. Mr. Rodriguez replied that the only difference would be if Mr.

Smith the applicant intended to change the business in any way. The applicant cannot change the business and make it more nonconforming than it is at the present time. You would have to find exceptional practical difficulty because it is a use variance as opposed to an area variance.

Chairman Sheth stated that all daycare centers and funeral services are nonconforming. When a daycare is sold, it stills remain nonconforming.

Mr. Hugg stated that he was not sure of the maximum parking capacity of the site, but the thing that would most likely change is if the applicant decided to build a maintenance shop, but what he currently has as well as the parking capacity is allowed.

Mr. Keller questioned if the applicant wanted to build a maintenance shop to service the buses, etc. Mr. Hugg replied that the applicant would have to come to the City to change the zoning because of the Comprehensive Plan as it would not be a permitted use.

Mr. Hugg commended the applicant on a very neat and well maintained site and he has not received any complaints.

Chairman Sheth opened the public hearing.

Mr. E. Vernon Ingram Jr. of 402 Greenhill Road, Dover Delaware and also owner of Delaware Auto Center was sworn in by Mr. Rodriguez.

Mr. Ingram stated that he wished he could be just as half as good as the applicant Mr. Smith who has renovated over 14 homes in the area. He has been also given the pleasure of continuing his business. It is hard to find a place to put a school bus.

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

Chairman Sheth questioned if there was any additional correspondence for the record. There was no correspondence from the public.

Colonel Ericson moved to approve application V-17-13 variance request based on the Staff Report and testimony today, to exempt the properties from the requirement that nonconforming uses in residential zones sunset after the specified time. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Hufnal was absent.

Mr. Senato moved to adjourn the meeting, seconded by Colonel Ericson and unanimously carried 4-0. Mr. Hufnal was absent.

Meeting adjourned at 10:35 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary



City of Dover

Board of Adjustment

November 15, 2017

V-17-16

Location:	545 North DuPont Highway
Applicant:	Scott Loiselle c/o L2M Architects Ray Thomas c/o Lemek LLC Michael Oestreich c/o TLM Realty Corp.
Owner:	Dover Delaware Retail, LLC
Tax Parcel:	ED-05-068.09-01-34.01-000
Application Date:	October 5, 2017
Present Zoning:	C-4 (Highway Commercial Zone)
Present Use:	Restaurant
Reviewed By:	Eddie Diaz
Variance Type:	Area Variance
Variance Requested:	To permit two (2) wall signs over the maximum two (2) wall signs permitted for properties with a single street frontage, for a total of four (4) wall signs

Project Description

The applicant has constructed on the property a Panera Bread restaurant (Site Plan S-16-23 and Subdivision Plan SB-17-02). There are two (2) existing wall signs on the restaurant property, and the restaurant also has a tenant panel on the Capital Commons shopping center's existing pylon sign. The applicant proposes to install two (2) additional wall signs on the restaurant building. All of the existing signs have been installed in compliance with the *Zoning Ordinance*, based on the property's frontage on North DuPont Highway (an "Urban Principal Arterial" street). However, the two (2) new proposed wall signs are not permitted because there is not a second street frontage for the restaurant that would permit additional wall signs. The applicant is requesting a variance from the Supplementary Sign Regulations as specified in the *Zoning Ordinance*, Article 5 §4.7 in order to allow the two additional wall signs.

The applicant's full sign package can be found in Exhibit D. The sign package shows the appearances and locations of the two existing wall signs and two proposed wall signs. The package also shows menu boards (not considered signs by the Planning Office) and directional signs (which do not require permits as they are under 5 SF in area).

Adjacent Land Uses

This property is part of the Capital Commons Shopping Center (addressed as 545, 515, and 505 North DuPont Highway). The shopping center is zoned C-4. The main building of the shopping center is located to the east of the site and contains two retail establishments (Big Lots and Burlington). Southeast of the site across the center's main parking lot is a vacant lot which has been approved for another restaurant use (Longhorn Steakhouse, Site Plan S-17-13, also the subject of withdrawn variance application V-17-15). A pylon sign for the common use of all the establishments in the shopping center is located midway between the two restaurant sites. The shopping center overall is located at the intersection of North DuPont Highway and Townsend Boulevard; however, the Panera Bread site does not have a second street frontage.

Directly adjacent to the site to the north is a Holiday Inn hotel. A sampling of the other businesses and institutions in the area include a loan center, an insurance agency, a tattoo parlor, a gas station, a children's learning center, and a church. All of these properties are mostly zoned C-4, with a small amount zoned C-2A (Limited Central Commercial Zone). To the northeast of the site are one-family residences in the Towne Point subdivision, zoned R-8 (One-Family Residence Zone).

A map of the property and surrounding area may be found in Exhibit A.

Code Citations

The City of Dover sign regulations found in *Zoning Ordinance* Article 5 §4 determine the allowable number, type and dimensional characteristics of signage on a property according to:

- The type of use
- Proximity to residential uses
- Classification of roads on which the property has frontage

The proposed restaurant is considered a permitted, non-residential use not located adjacent to a residential use as specified in Article 5 §4.3 of the *Zoning Ordinance*.

The City of Dover sign regulations distinguish three (3) types of roads for purposes of determining allowable signage. North DuPont Highway is an “Urban Principal Arterial” as defined by Article 5 §4.3.

The entire “Sign Table” from *Zoning Ordinance* Article 5 §4.7 is presented in Exhibit B. The section pertaining to this project is highlighted at the bottom of the table.

This section is what applies to “Nonresidential Uses in Nonresidential Districts” as shown in the vertical text on the left, and shows the sign types, maximum number of signs, sign area, sign height, and minimum required setbacks and exclusion zones for signs on properties fronting on “Urban Principal Arterial” streets.

For this property, two wall signs are permitted based on the property’s frontage on North DuPont Highway. The signs granted by North DuPont Highway have no specific maximum size, but are limited to being no more than 15% of the size of the facade they are on.

The two additional signs, if granted a variance, would have no size limitations specified in the *Zoning Ordinance*. **The Board of Adjustment in choosing to grant a variance may accept the signs as proposed or impose a different area limitation.** Any future signs that replace the two signs permitted by variance would be limited in area to either the Board’s specification or the area of the accepted signs.

To promote flexibility in signage designs, wall signs may be placed on any façade of the building. (See *Zoning Ordinance* Article 5 §4.4(C)(5).)

The table below compares what is permitted under *Zoning Ordinance* Article 5 §4.7 to the applicant’s existing and proposed signage:

Table 1

Allowed and Requested Signage, 545 North DuPont Highway

Sign #	Description	Location		Max size	Max height	% of Wall Area
1	Existing "Panera Bread" lettering	south façade	Permitted	No max	N/A	15%
			Requested	35.67 SF		2.2%
2	Existing "Panera Bread Drive Thru" lettering	west façade	Permitted	No max	N/A	15%
			Requested	42.44 SF		3.1%
3	Proposed "Panera Bread" lettering	north façade	Permitted	not permitted	N/A	N/A
			Requested	35.67 SF		2.2%
4	Proposed "Panera Bread" & logo, painted sign*	north façade	Permitted	not permitted	N/A	N/A
			Requested	94.74 SF		5.8%

*This sign is displayed on a 282 SF painted background comprising 17.2% of the wall area.

**Pylon sign tenant panel not included in the above table, as the regulations for pylon signs do not include regulations for individual panels.

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 a part of the application, the applicant was asked to state how the requested variance relates to the above four criteria. The applicant's responses are provided below, along with a staff assessment of the application in accordance with the required criteria. The applicant's responses are also provided in Exhibit C.

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

Applicant Response:

"C-4 Highway commercial zone – generally oriented toward buildings along the highway, larger buildings often with parking fields in front. Including business uses, mercantile, hotels, gas stations and restaurants."

Staff Response:

Staff concurs that the C-4 zone permits a wide variety of businesses, including restaurants. The basic building and site typology used by the restaurant, i.e. a freestanding building housing a single eating establishment and surrounded by parking, is common along DuPont Highway. The existing signage is equivalent in character to other signs in the zone and along the highway, and the smaller of the two proposed signs (Sign 3 in Table 1) is also equivalent. Large painted signs (Sign 4 in Table 1) however are uncommon.

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

Applicant Response:

"Subject site is an out-parcel in front of a retail building that is currently occupied by big-box retailers Burlington, and Big Lots. Immediately North of the site, across a common drive aisle is the Holiday Inn Express; additional business use building are further north; the southern end of the development is bordered by Townsend Blvd., beyond which, to

the south, uses include business, mercantile, and gas stations. West of the site, across North Dupont Hwy. are business uses and additional mercantile properties.”

Staff Response:

Staff concurs with the applicant regarding the commercial nature of the immediate area. Staff will also emphasize that the nature of the immediate area is determined in large part by the highway environment. In front of the site there are three (3) northbound lanes and three (3) southbound lanes. There is a marked need for signage that is appropriate to the size and speed of the roadway in order to promote traffic safety.

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

Applicant Response:

“Removal of the restriction will not adversely affect neighboring properties, as the request is for a limited increase in the allowable area and number of signs effecting only one elevation, the west elevation, and that elevation is perpendicular to North Dupont Hwy., the impact is limited to one adjacent property and faces an internal access drive.

Two signs are being requested through this variance.

1. An internally illuminated, channel letter sign mounted on the [north] façade located closest to North Dupont Highway to provide visibility, and way-finding to southbound vehicles on North Dupont Hwy..

- a. The sign is the same size, finish and type as previously approved building signage, currently installed.

- b. It is proportional to the portion of the elevation to which it is attached, and scaled to be legible by traffic on the adjacent roadway.

- c. The requested sign is simple, monochromatic, and will not cause distraction to drivers, nor detract from the building aesthetic, or street fabric.

- d. The style, size and number of signs in aggregate (existing signs, plus signs (2) to be added through this variance request) are consistent with existing style, size and number of signs on similar sized restaurants in the same zone. Therefore, removal of the restriction will not perpetuate other requests for variance.

2. A painted graphic to be installed on the [north] elevation is proposed to improve the aesthetic quality of the same elevation by breaking down the open area presently lacking articulation of material or finish.

- a. The scale of the painted graphic and its placement in the large open area toward the rear side of the [north] elevation is consistent with the original design intent of the building.

b. The painted graphic, illustrated at the rear end of the [north] elevation, which is perpendicular to North Dupont Hwy., is screened from most vehicular traffic on North Dupont Hwy. by the hotel on the adjacent parcel. Visibility of the painted graphic is mostly oriented toward the common driveway access aisle and the internal drive thru lane, thereby limiting its impact to adjacent properties and roadways.

c. The use of limited colors, and a palette consisting of shades of the building palette makes for a subtle brand expression that will not detract from the aesthetic, and serves to continue the existing vocabulary of forms and materials established by the existing building.

d. The painted graphic serves to articulate the open area of the west elevation, primarily to the aesthetic benefit of customer on-site, in the drive-thru lane, and seeks to improve their experience of the building.”

Staff Response:

This Staff response responds to applicant’s points #1 and #2 separately.

1. For the first, smaller sign (Sign 3 in Table 1), Staff concurs that the style and size of the sign is consistent with those on similar restaurants in the C-4 zone.

The applicant is also somewhat correct in saying the number of signs requested is consistent with the number of signs on similar restaurants. There are two primary methods freestanding restaurants along DuPont Highway have taken to get four or more wall signs. One method is to locate at a street corner, where the second street frontage grants two additional signs. For instance, the Longhorn Steakhouse restaurant approved for this same shopping center will be permitted four wall signs due to its corner location. The other method is to be included in a Unified Comprehensive Sign Plan for a larger complex, which allows the Planning Commission to approve additional signage. The last restaurant to take advantage of this was the Outback Steakhouse at 1574 North DuPont Highway (Sign Plan US-16-03, an amendment to Sign Plan US-15-02 for Dover Town Center), which was permitted five wall signs. Other restaurants along DuPont Highway may have signs that predate current sign regulations.

Staff does not believe Sign 3 will adversely affect neighboring properties. As the applicant states, the design of the sign is identical to Sign 1 and the major part of Sign 2, both already installed. The sign is proportional to the building and is scaled to be read from the roadway. When property owners seek to exceed the sign regulations, Staff concern is typically with whether the additional signage is excessive in nature, such that it may distract passing drivers or spark competition for larger signs from neighboring businesses. However, the size of the sign (35.67 SF) is small compared to most signs on DuPont Highway, being only about 4 SF larger than the maximum for local streets (32 SF). For this reason, Staff does not believe adding Sign 3 would cause the building signage to be excessive.

2. For the second, larger sign (Sign 4 in Table 1), the applicant's argument hinges on the sign being an integral part of the architecture of the building. The architecture of the building went through four iterations during the Site Plan and Building review processes, and at various points Planning Staff did have concerns that the north façade, on which this sign is painted, would present as a blank wall without some additional architectural detailing. Blank walls are in conflict with the City's building and architectural design guidelines as outlined in *Zoning Ordinance* Article 5 Section 19.

The initial architectural submission, dated October 6, 2016 and shown in Exhibit E1, showed a north wall that was almost entirely blank. A revised submission, dated November 11, 2016 and shown in Exhibit E2, was the version shown to the Planning Commission for Conditional Approval. This version included a row of windows on the wall which improved the architecture of the north façade. A second revised submission, dated December 22, 2016 and shown in Exhibit E3, was presented to the Planning Commission on January 17, 2017 as a revision to the original plan. This version moved the drive thru to the north side of the building, again altering the north wall's appearance; a large sign replaced the windows as the main feature of the façade. The final version of the architecture is that actually built, shown in the photographs in Exhibit F, as well as in Exhibit D along with the proposed signs. This version features both windows and the proposed large sign as features of the wall.

Throughout the review process, Staff did not specifically endorse using signs as a method of improving the architecture of the building. Staff instead noted repeatedly that the signs shown through the various iterations would be reviewed separately from the main architecture of the building. Staff believes that the current appearance of the north wall of the building, including the windows put in with the final iteration, is sufficient to overcome prior concerns about having the north wall present as blank. Though the sign may, depending on one's opinion, improve the architecture of building, at present no further architectural improvements are needed to meet code requirements.

The applicant claims this sign will be screened from passing traffic by the adjacent hotel, but based on the Site Plan, Staff believes this is unlikely. As shown on page 5 of Exhibit D, the sign is directly across from the parking lot of the hotel, not the hotel itself. At best the sign may be somewhat screened by the awning over the hotel entrance. Staff believes it more likely the sign will be in full view of passing traffic. Unlike the first sign, this sign is very large, especially when the 282 SF background is included, to the point the sign area could be considered excessive. As such it may prove an unsafe distraction to passing drivers.

Even if the sign were not visible to drivers, it would still impact the hotel itself. While hotels do tend to benefit from having restaurants nearby, hotel guests would not need two signs on the north face of the building to tell them Panera is there.

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 hardships will be created for the owner and further potential exists that hardships may be created for the customers of the business. Specifically, without the removal of the restriction, 50% of the vehicular traffic has limited or obscured visibility of the building mounted signage. The requested variance for the building mounted sign on the [north] elevation provides visibility to southbound traffic on North Dupont Hwy., which is otherwise screened by a combination of traffic speed and density. The proposed signage mounted on the [north] elevation is visible from a further distance to the southbound drivers on North Dupont Hwy., and provides more time for reactions necessary to enter the shopping center, than that provided currently.

Hardships to mitigate the poor visibility to southbound drivers may have been addressed by other methods including the potential for installation of a monument sign, or pylon sign. However the restrictions imposed by the code regarding setbacks and exclusion areas make both options unfeasible. Presence of existing sidewalks and the drive thru lane limit the available placement of either type of sign in a practical method to achieve the stated objective of providing visibility to southbound drivers.

In closing I would submit that removal of the restriction and approval of this variance request will serve to improve the commercial viability of the site, improve building and site oriented aesthetics, reinforce the developing street fabric along the North Dupont highway corridor, in a way consistent with solutions employed by similar businesses.”

Staff Response:

Staff does believe that having no building signage facing north, so as to visible to southbound drivers, presents an impediment to operation of the business and possibly a hardship. There are a number of ways the applicant might have overcome this hardship. One would have been to design the site from the beginning so that there was room for a freestanding sign facing north. Staff concurs that the current design of the site does not allow room for a freestanding sign which would be permitted by code. During Site Plan review, Staff did not advise the applicant of this fact, because it was thought the shopping center main pylon would be sufficient freestanding signage.

Another way to overcome the hardship would have been to install the sign currently on the west façade on the north façade instead. There may be an unstated reason signage is needed on the west façade. A third way would have been to design the restaurant’s tenant panel on the shopping center main pylon so as to be more visible to southbound drivers. At present this panel is not very visible from a distance; it may be more oriented to visibility from the parking lot. A final way would have been to establish a Unified Comprehensive Sign Plan for Capital Commons. Staff has presented this option to all involved applicants throughout the development of every property in the shopping center, but as yet none have taken it up, for unknown reasons.

In all four of the above cases, the applicant may have to overcome an adverse existing condition to achieve a signage solution permitted by code, either by making alterations to the site, relocating/redesigning existing signs, or achieving a cooperation with the property owner and other tenants that might not be possible. To an extent these existing conditions are self-imposed, but only to an extent. The first two cases might have been overcome by better coordination with planning staff, while for the second two, the size of the tenant panel and the overall direction of a signage strategy for the shopping center are likely beyond the applicant's control.

The applicant's argument does not establish that both signs are needed in order to provide visibility of the restaurant to southbound drivers, and does not indicate which sign would be better suited to overcoming this hardship. Staff believes that Sign 3 would be better suited, due to its position higher up and closer to the roadway.

As Zoning Ordinance requirements for architecture are met, Staff would not consider the current appearance of the building to be a hardship with regard to the aesthetic improvements Sign 4 is supposed to provide. If the applicant personally believes something is needed to improve the appearance of the north wall, any number of alterations could be made, such as a mural painted on the wall instead of a sign.

Variance Recommendation

Staff recommends the Board act separately on Sign 3 and Sign 4.

Staff recommends approval of a variance to permit a 35.67 SF sign on the north face of the building, as shown in the applicant's sign package, for the following reasons:

- The size of this requested sign is not excessive and would be in character for the zone and the surrounding uses.
- North-facing signage is necessary to advertise the presence of the restaurant to southbound drivers. At present, the only north-facing sign is the tenant panel on the pylon, which appears to be too small to be read effectively from the southbound lanes.
- There are significant obstacles to installing code-compliant north-facing signs.

Staff recommends **denial** of a variance to permit a 94.74 SF sign on the north face of the building, for the following reasons:

- Staff would consider the size of this requested sign to be excessive. The sign appears to be in an unscreened location where it would negatively impact the adjacent hotel and southbound traffic.
- The sign is not needed to advertise the presence of the restaurant to southbound drivers because this would already be accomplished with Sign 3.
- The current appearance of the north wall does not present a hardship to the applicant or a detriment to neighboring properties. Further architectural detailing is not needed to meet

code requirements, therefore granting a variance on the basis of the sign's claimed aesthetic improvements would be inappropriate.

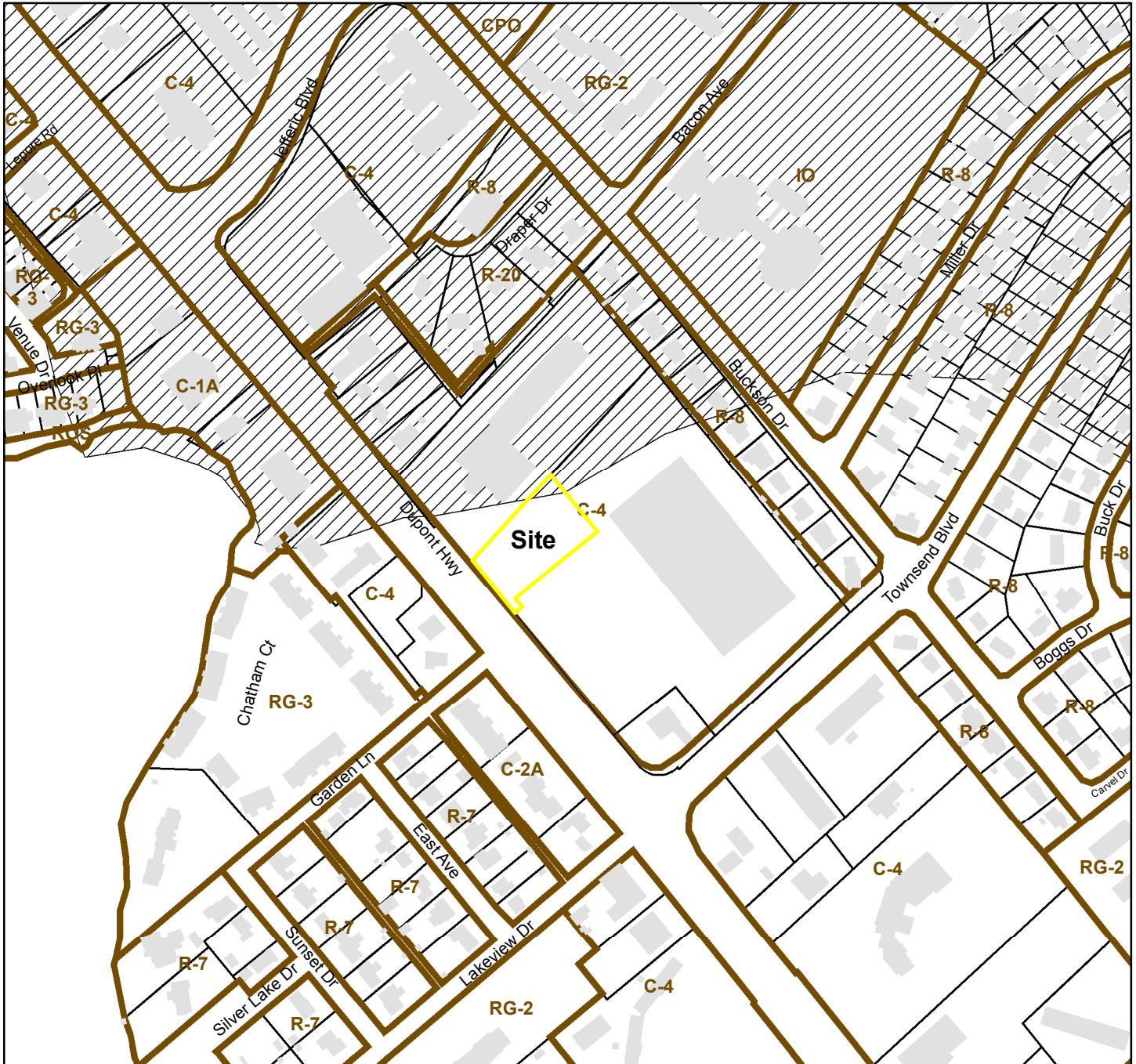
- Planning Staff does not generally endorse signage as a means of improving the appearance of a building. If the applicant believes aesthetic improvements are needed on the north wall, this can be achieved in a variety of other ways.

Advisory Comments to the Applicant

- If granted, variances become 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.

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	Zoning Exhibit Map (Staff)	1
B	Sign Table from <i>Zoning Ordinance</i> Article 5 Section 4.7 (Staff)	1
C	Applicant Responses to Criteria	1
D	Applicant's Proposed Sign Package	7 (11"x17")
E	Prior Architectural Concepts for the Building (applicant):	
	E1 Initial Submission, 10/6/16	1
	E2 Revised Submission, 11/16/16	1
	E3 Second Revised Submission, 12/22/16	6
F	Photos of Existing Building (staff)	3



Title: Panera Bread
 Address: 545 N DuPont Highway
 Parcel IDs: ED-05-068.09-01-34.01-000
 Zoning: C-4
 Owner: TLM Realty
 Date: 11/7/2017

Legend

- Subject Property
- Dover Parcels
- Zoning
- 2012 Buildings
- Kent County Parcels
- Dover Boundary



0 200 400 800 Feet

Zoning Ordinance , Article 5 §4.7

SIGN TABLE									
Use		Road Type	Permitted Signs						
	Specific		Sign Type	Number Permitted	Max. Size	Max. Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Residential Uses and Nonresidential Uses in Residential Districts	Single-Family Detached	All Streets	Signs permitted in § 4.5 only						
	Semi-Detached								
	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 Mobile Home Parks	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
Nonresidential Uses Adjacent to Residential Districts or Uses	Places of Worship	Urban Principal Arterial	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
	Daycare Centers		Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	10 feet	20 feet
	Approved Conditional Uses		Post** &	1/frontage	16 S.F.	7 feet	N/A	5 feet	5 feet
	Educational/ Institutional		Pylon*	1/frontage	32 S.F.	30 feet	N/A	30 feet	50 feet
	All Other Approved Nonresidential Uses	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
Nonresidential Uses in Nonresidential Districts	Nonresidential Uses	Urban Principal Arterial	Wall &	2/frontage	No max	N/A	< = 15%	N/A	N/A
			Monument or Post and Panel &	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
			Pylon OR *	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
			Pylon*	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet
		Urban Minor Arterial	Wall &	2/frontage	64 S.F.	N/A	< =15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	64 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

* Denotes that an additional wall sign may be permitted/added in lieu of a freestanding pylon sign.

** Post sign would be in lieu of a monument sign or post and panel sign.

DATE: 12 October 2017

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

RE: Original Bldg Permit #**17-309**
Panera Bread
545 North Dupont Highway
Dover, DE 19901

Dear Mr. Diaz:

Please find the below responses to the Board of Adjustment Application form in support of a request for an area variance.

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;

RESPONSE:

C-4 Highway commercial zone – generally oriented toward buildings along the highway, larger buildings often with parking fields in front. Including business uses, mercantile, hotels, gas stations and restaurants.

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

RESPONSE:

Subject site is an out-parcel in front of a retail building that is currently occupied by big-box retailers Burlington, and Big Lots. Immediately North of the site, across a common drive aisle is the Holiday Inn Express; additional business use building are further north; the southern end of the development is bordered by Townsend Blvd., beyond which, to the south, uses include business, mercantile, and gas stations. West of the site, across North Dupont Hwy. are business uses and additional mercantile properties.

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

RESPONSE:

Removal of the restriction will not adversely affect neighboring properties, as the request is for a limited increase in the allowable area and number of signs effecting only one elevation, the west elevation, and that elevation is perpendicular to North Dupont Hwy., the impact is limited to one adjacent property and faces an internal access drive.

Two signs are being requested through this variance.

1. An internally illuminated, channel letter sign mounted on the west façade located closest to North Dupont Highway to provide visibility, and way-finding to southbound vehicles on North Dupont Hwy..
 - a. The sign is the same size, finish and type as previously approved building signage, currently installed.
 - b. It is proportional to the portion of the elevation to which it is attached, and scaled to be legible by traffic on the adjacent roadway.
 - c. The requested sign is simple, monochromatic, and will not cause distraction to drivers, nor detract from the building aesthetic, or street fabric.
 - d. The style, size and number of signs in aggregate (existing signs, plus signs (2) to be added through this variance request) are consistent with existing style, size and number of signs on similar sized restaurants in the same zone. Therefore, removal of the restriction will not perpetuate other requests for variance.



2. A painted graphic to be installed on the west elevation is proposed to improve the aesthetic quality of the same elevation by breaking down the open area presently lacking articulation of material or finish.
 - a. The scale of the painted graphic and its placement in the large open area toward the rear side of the west elevation is consistent with the original design intent of the building.
 - b. The painted graphic, illustrated at the rear end of the west elevation, which is perpendicular to North Dupont Hwy., is screened from most vehicular traffic on North Dupont Hwy. by the hotel on the adjacent parcel. Visibility of the painted graphic is mostly oriented toward the common driveway access aisle and the internal drive thru lane, thereby limiting its impact to adjacent properties and roadways.
 - c. The use of limited colors, and a palette consisting of shades of the building palette makes for a subtle brand expression that will not detract from the aesthetic, and serves to continue the existing vocabulary of forms and materials established by the existing building.
 - d. The painted graphic serves to articulate the open area of the west elevation, primarily to the aesthetic benefit of customer on-site, in the drive-thru lane, and seeks to improve their experience of the building.

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.

RESPONSE:

If the restriction is not removed hardships will be created for the owner and further potential exists that hardships may be created for the customers of the business. Specifically, without the removal of the restriction, 50% of the vehicular traffic has limited or obscured visibility of the building mounted signage. The requested variance for the building mounted sign on the west elevation provides visibility to southbound traffic on North Dupont Hwy., which is otherwise screened by a combination of traffic speed and density. The proposed signage mounted on the west elevation is visible from a further distance to the southbound drivers on North Dupont Hwy., and provides more time for reactions necessary to enter the shopping center, than that provided currently.

Hardships to mitigate the poor visibility to southbound drivers may have been addressed by other methods including the potential for installation of a monument sign, or pylon sign. However the restrictions imposed by the code regarding setbacks and exclusion areas make both options unfeasible. Presence of existing sidewalks and the drive thru lane limit the available placement of either type of sign in a practical method to achieve the stated objective of providing visibility to southbound drivers.

In closing I would submit that removal of the restriction and approval of this variance request will serve to improve the commercial viability of the site, improve building and site oriented aesthetics, reinforce the developing street fabric along the North Dupont highway corridor, in a way consistent with solutions employed by similar businesses.

If you should have questions or concerns, please feel free to contact me at your convenience.

Respectfully,

Scot Loiselle, AIA, LEED AP
410.863.1302 x130
sloiselle@L2M.com

Copies: 16.181
Ray Thomas – Lemek LLC.

Attachments:
Signage submittals (sheets 29753.1- 29753.9)

EXISTING SIGN TO REMAIN

9'-0" A.F.F.
Clearance



EAST ELEVATION: 1/8" = 1'-0"

Exhibit D

ARTWORK EXCLUSIVE PROPERTY OF

SINCE1917

MANDEVILLE SIGN

making your mark.

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100401-334-7799

PHONEFAX

www.mandevillesign.com

WEB

APPROVALS	
Signatures Required Before Release to Production	
Engineering	
BY	DATE
Sales	
BY	DATE
Estimating	
BY	DATE
Production	
BY	DATE
Quality Control	
BY	DATE

PDF NAME

REVISIONS			
NO.	BY	DESCRIPTION	DATE
1	WD	increase main sign size	05/05/17
2	WD	add window vinyl details	05/05/17
3	WD	change letters to face-lit	05/05/17
4	WD	rev. arched logos to linear	
5	JO	Rmv wndw grfx	06/28/17
6	JO	Add Drive Thru	06/29/17
7	WD	change sign sizes, move blade	07/21/17
8			
9			
10			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

29753-1

CUSTOMER

STORE NUMBER3810

Capital Commons
DOVER, DE

LOCATION

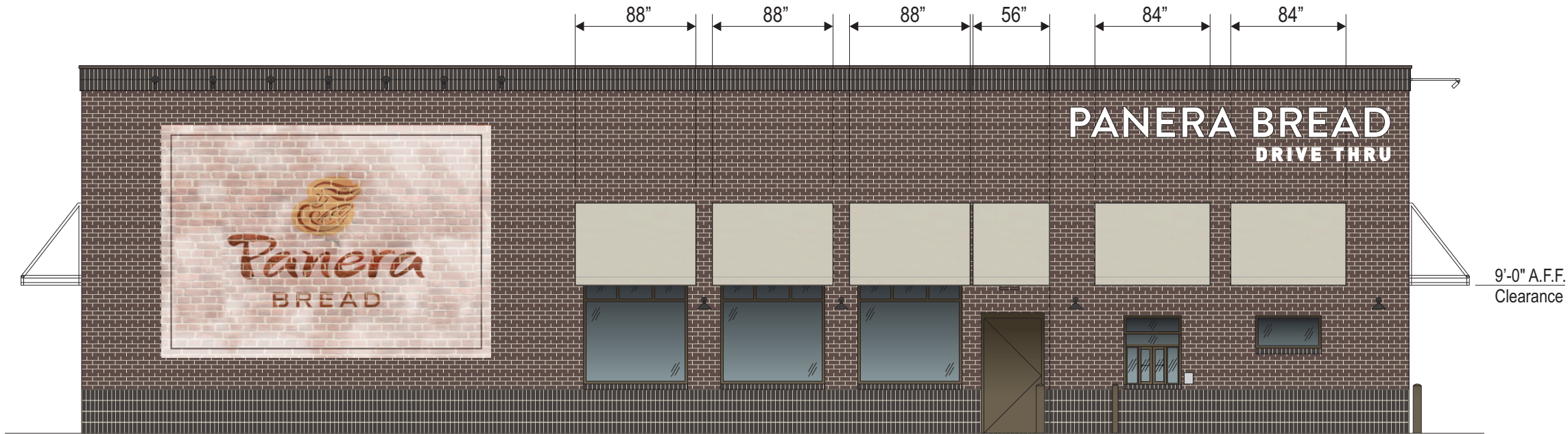
PROJECT MANAGERCarla M.

WD04/24/17

ARTISTDATE

29753.1

DRAWING NAME



WEST ELEVATION: 1/8" = 1'-0"

EXISTING AWNINGS

ALL EXISTING AND PROPSOED PANERA BREAD
CHANNEL LETTERS ARE 22"



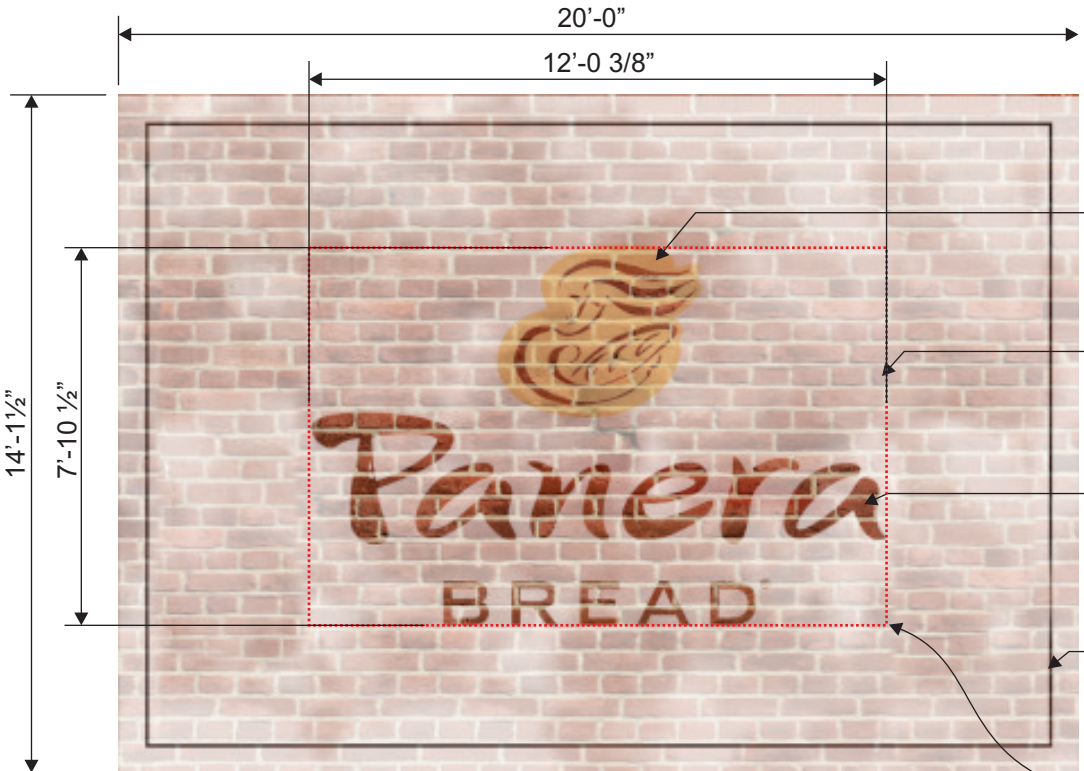
SCALE: 3/8" = 1'-0" 35.67 Sq.Ft.

INTERNALLY ILLUMINATED CHANNEL LETTERS:

- (#7328 WHITE) 3/16" ACRYLIC FACES
- BLACK 1" TRIM CAP
- 3" DEEP ALUM. RETURNS PAINTED BLACK
- .040 ALUMINUM BACKS
- (WHITE) L.E.D. ILLUMINATION
- LOW VOLTAGE OUTPUT POWER SUPPLIES
- U.L. AND MFG. LABELS OUT OF VIEW
- WEEP HOLES REQUIRED



SIGN ELEVATION: 3/8" = 1'-0"
6.77 SQ.FT.



DETAIL: 1/4" = 1'-0"

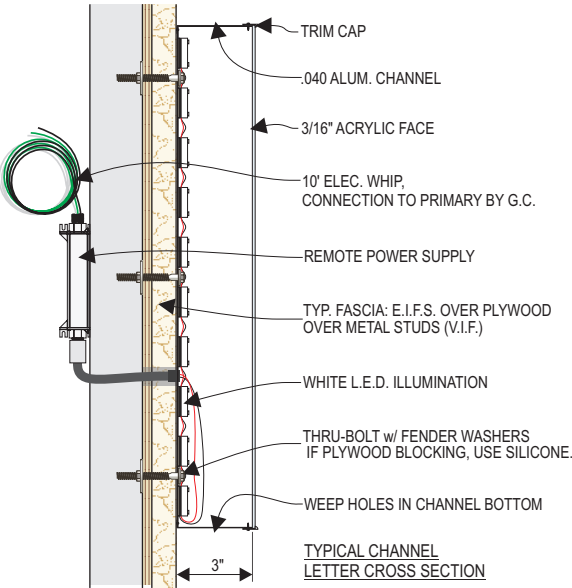
PANERA YELLOW

ALL "BROWN" AREAS
TO BE UNPAINTED BRICK

WHITE (P1, BM 2152-70)
20% TRANSPARENCY
OVER BRICK FOR
"DISTRESSED" LOOK

BLACK LINE FRAME

AREA OF LOGO: 94.74 S/F



ARTWORK EXCLUSIVE PROPERTY OF
SINCE 1917

MANDEVILLE SIGN
making your mark.

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100 401-334-7799
PHONE FAX

WEB www.mandevillesign.com

APPROVALS	
Signatures Required Before Release to Production	
Engineering	
BY	DATE
Sales	
BY	DATE
Estimating	
BY	DATE
Production	
BY	DATE
Quality Control	
BY	DATE

REVISIONS			
NO.	BY	DESCRIPTION	DATE
1	WD	reduce sign size	05/05/17
2	WD	rev. arched logos to linear	05/17/17
3	JO	PAINTED WALL GRAPHIC	06/28/17
4	WD	change sign sizes	07/21/17
5			
6			
7			
8			
9			
10			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

29753-1

CUSTOMER

STORE NUMBER 3810

Capital Commons
DOVER, DE

LOCATION

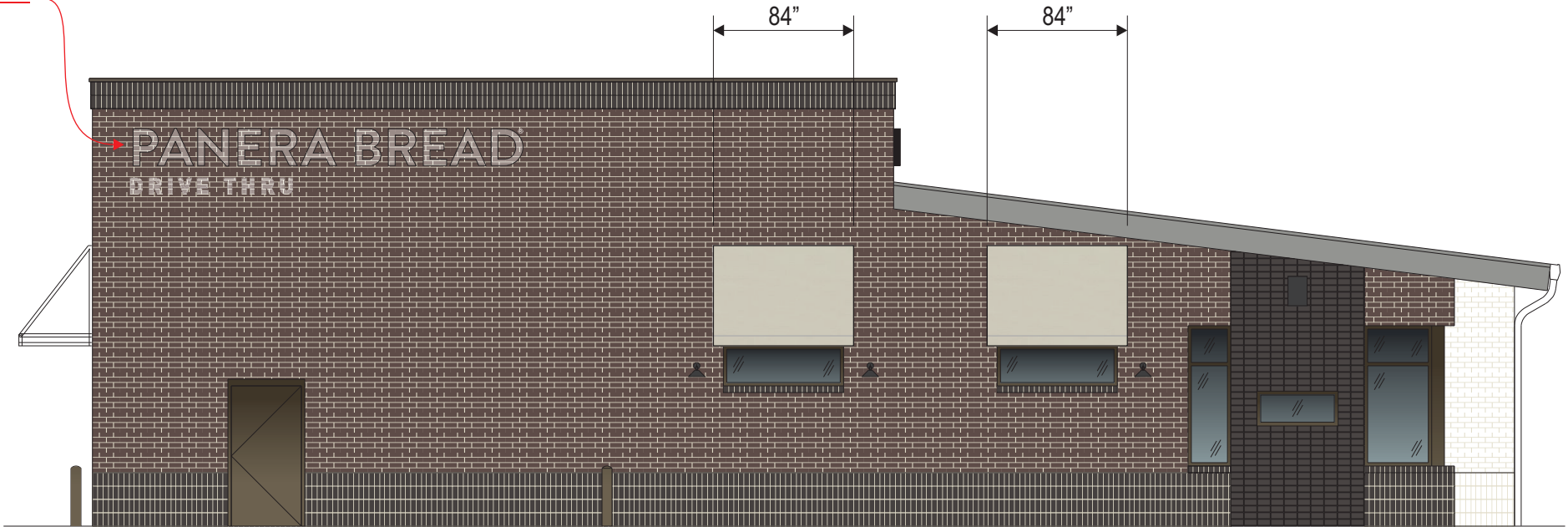
PROJECT MANAGER Carla M.

WD 04/24/17
ARTIST DATE

29753.2

DRAWING NAME

EXISTING SIGN TO REMAIN



SOUTH ELEVATION: 1/8" = 1'-0"

EXISTING AWNINGS

SINCE

ARTWORK EXCLUSIVE PROPERTY OF

1917



MANDEVILLE SIGN

making your mark.

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100401-334-7799

PHONEFAX

www.mandevillesign.com


WEB

APPROVALS	
<i>Signatures Required Before Release to Production</i>	
Engineering	
BY	DATE
Sales	
BY	DATE
Estimating	
BY	DATE
Production	
BY	DATE
Quality Control	
BY	DATE

REVISIONS			
NO.	BY	DESCRIPTION	DATE
1	WD	reduce sign size	05/05/17
2	WD	rev. arched logos to linear	05/17/17
3	JO	PAINTED WALL GRAPHIC	06/28/17
4	JO	Add D/T "PANERA"	06/29/17
5	WD	sign changes	07/21/17
6			
7			
8			
9			
10			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

29753-1



CUSTOMER

3810

STORE NUMBER

Capital Commons
DOVER, DE

LOCATION

Carla M.

PROJECT MANAGER

WD04/24/17

ARTISTDATE

29753.3

DRAWING NAME



NORTH ELEVATION: 1/8" = 1'- 0"

EXISTING AWNING

SINCE

ARTWORK EXCLUSIVE PROPERTY OF

1917

MANDEVILLE SIGN

making your mark.

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100401-334-7799

PHONEFAX

www.mandevillesign.com

WEB

APPROVALS	
Signatures Required Before Release to Production	
Engineering	
BY	DATE
Sales	
BY	DATE
Estimating	
BY	DATE
Production	
BY	DATE
Quality Control	
BY	DATE

PDF NAME

REVISIONS			
NO.	BY	DESCRIPTION	DATE
1	JO	Rvs Blade, add Chnl ltrs	06/28/17
2	JO	Add Drive Thru	06/29/17
3	WD	change sign sizes, move blade	07/21/17
4	WD	sign changes	07/21/17
5			
6			
7			
8			
9			
10			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

29753-1

CUSTOMER

STORE NUMBER

3810

Capital Commons
DOVER, DE

LOCATION

PROJECT MANAGER

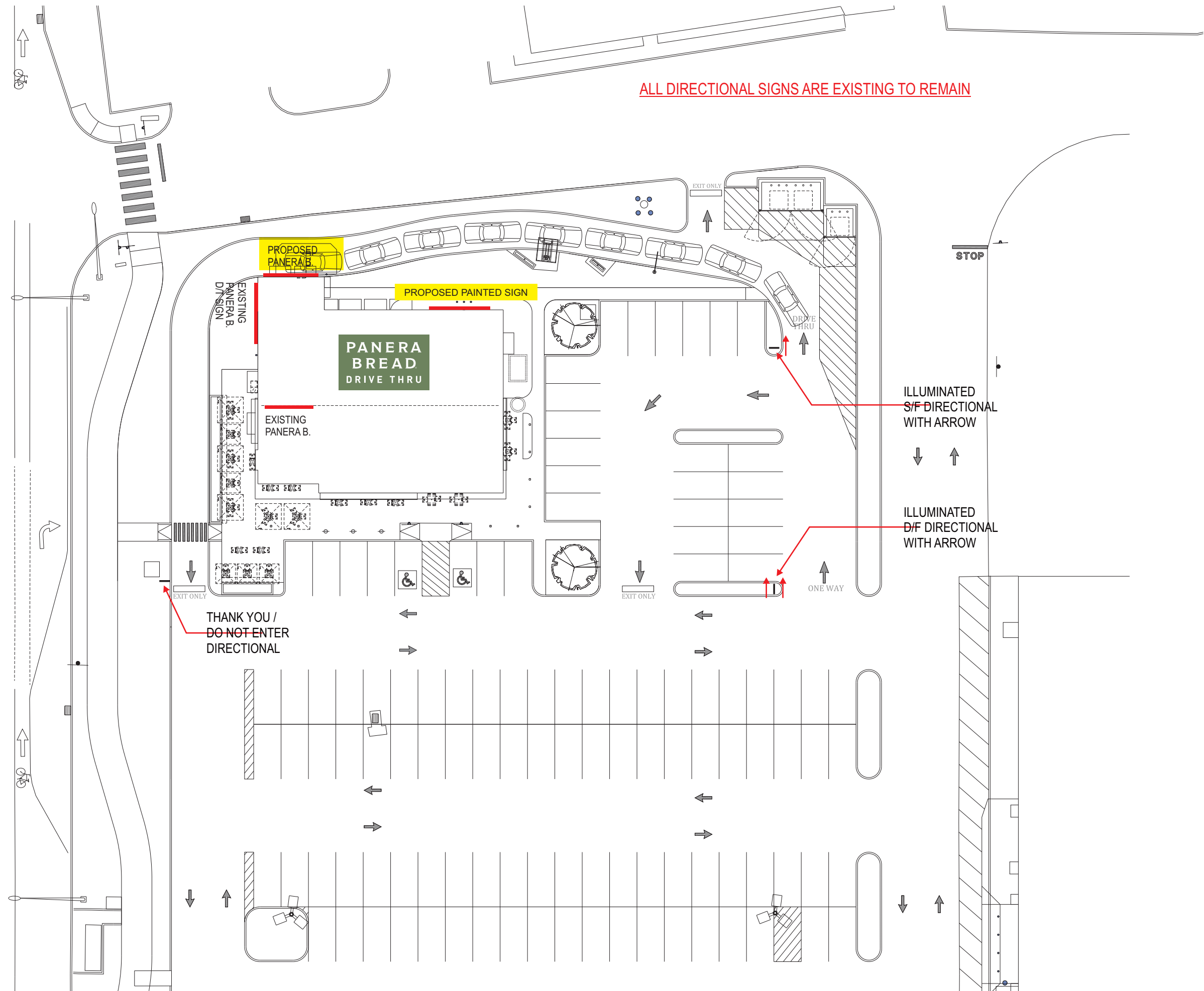
Carla M.

WD04/24/17

ARTISTDATE

29753.4

DRAWING NAME




ALL DIRECTIONAL SIGNS ARE EXISTING TO REMAIN

SINCE

ARTWORK EXCLUSIVE PROPERTY OF

1917



MANDEVILLE SIGN

making your mark.

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100 401-334-7799
PHONE FAX

WEB www.mandevillesign.com

APPROVALS

Signatures Required Before Release to Production

Engineering

BY DATE

Sales

BY DATE

Estimating

BY DATE

Production

BY DATE

Quality Control

BY DATE

PDF NAME

REVISIONS

NO.	BY	DESCRIPTION	DATE
1	WD	bldg. signs shown	07/21/17
2			
3			
4			
5			
6			
7			
8			
9			
10			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

29753-1

PANERA BREAD DRIVE THRU

CUSTOMER

STORE NUMBER 3810

Capital Commons DOVER, DE

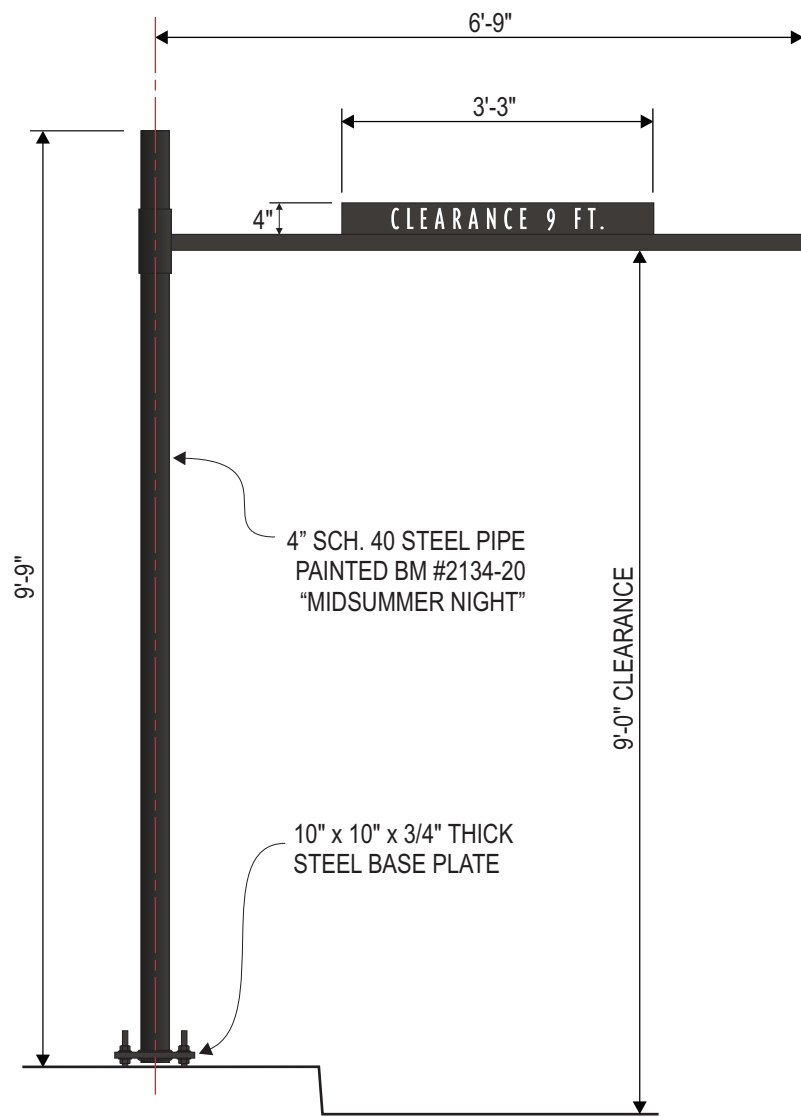
LOCATION

PROJECT MANAGER Carla M.

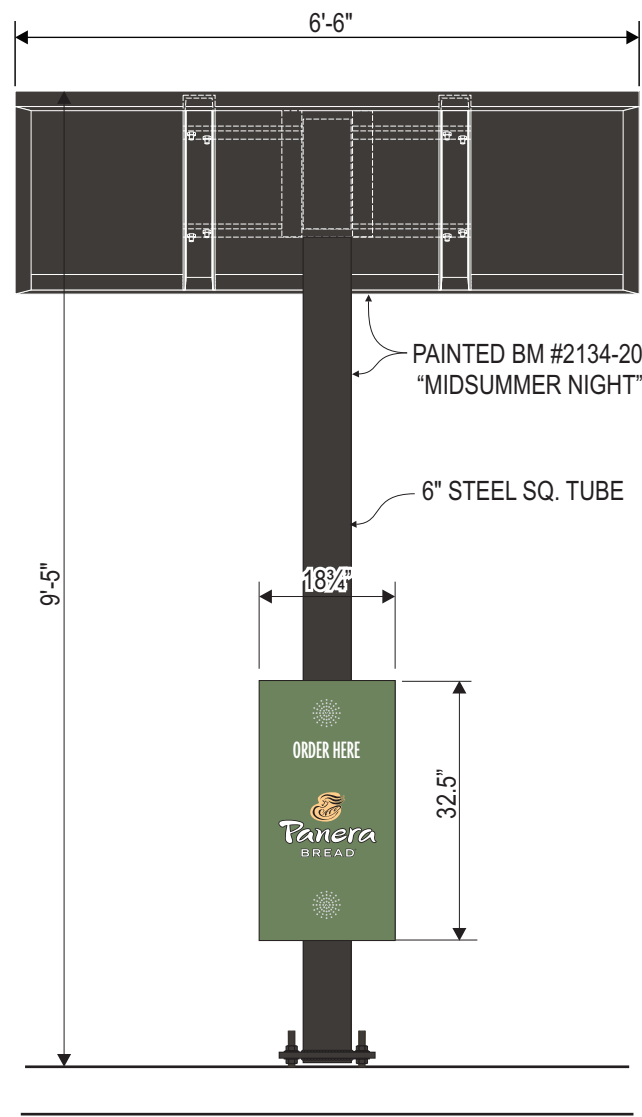
WD 04/24/17
ARTIST DATE

29753.6

DRAWING NAME



EXISTING D/T HEIGHT CLEARANCE BAR
1/2" = 1'-0"



EXISTING D/T CANOPY ELEVATION
1/2" = 1'-0"




EXISTING PREVIEW BOARD ELEVATION
1/2" = 1'-0" 21.97 sq.ft.

EXISTING MENU BOARD ELEVATION
1/2" = 1'-0" 34.98 sq.ft.

ARTWORK EXCLUSIVE PROPERTY OF

SINCE 1917



MANDEVILLE SIGN

making your mark.

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100 401-334-7799
PHONE FAX

www.mandevillesign.com

APPROVALS

Signatures Required Before Release to Production

Engineering

BY DATE

Sales

BY DATE

Estimating

BY DATE

Production

BY DATE

Quality Control

BY DATE


PDF NAME

REVISIONS

NO.	BY	DESCRIPTION	DATE
1	XX	xxxxxxxxxxxx	00/00/00
2			
3			
4			
5			
6			
7			
8			
9			
10			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

29753-1



PANERA BREAD

DRIVE THRU

CUSTOMER

3810

STORE NUMBER

Capital Commons
DOVER, DE

LOCATION

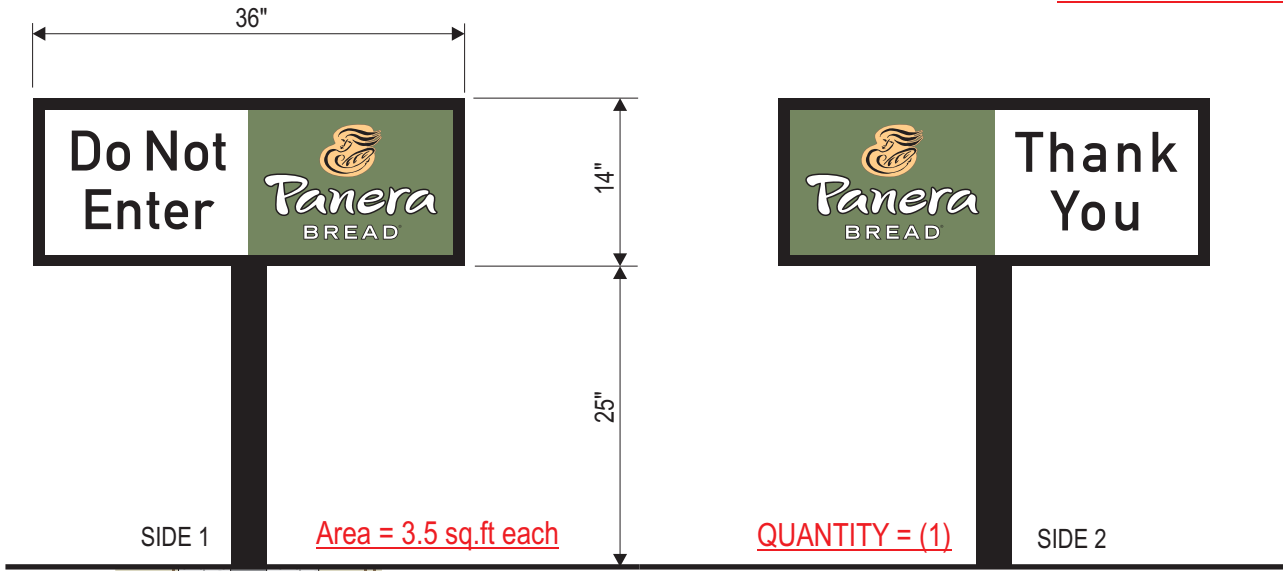
Carla M.

PROJECT MANAGER

WD 04/24/17
ARTIST DATE

29753.8

DRAWING NAME

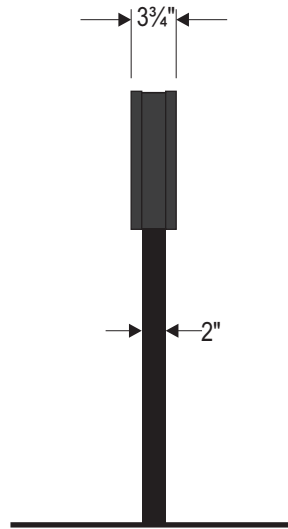


D/F SPLIT-FACE DIRECTIONAL SIGN w/ LOGO

DIRECT BURIAL IN
FREE-FORMED
CONCRETE FOOTING

DIRECTIONAL SIGNS
3/4" = 1'-0"

ALL DIRECTIONAL SIGNS ARE EXISTING TO REMAIN



END VIEW
3/4" = 1'-0"

INTERNALLY ILLUMINATED EXISTING DIRECTIONAL SIGNS:

- (BLACK) PAINTED 3/4" DEEP .063 ALUM. RETURNS & 1" ALUM. RETAINERS
- CLEAR POLYCARBONATE SIGN FACES
- DIGITALLY PRINTED VINYL GRAPHICS APPLIED to 2ND SURFACE:
 - OPAQUE PMS 5757u GREEN BACKGROUND,
 - WHITE Panera Bread w/ BLACK OUTLINES
 - PANTONE 1355 PEACH LOGO w/ BLACK DETAILS
 - BLACK MESSAGE COPY & ARROWS IF REQUIRED
- HIGH OUTPUT FLUORESCENT ILLUMINATION
- ELECTRICAL REQUIREMENTS = .5 AMP EA. @ 120 VOLTS
- (BLACK) 2" DEEP X 3" WIDE X 1/4" WALL ALUMINUM TUBE POSTS
- (BLACK) PAINTED FINISHED .080 ALUM. BACKS ON SINGLE FACE SIGNS
- DIRECT BURIAL IN FREE-FORMED CONCRETE FOOTING



D/F SPLIT-FACE DIRECTIONAL SIGN w/ LOGO




S/F SPLIT-FACE DIRECTIONAL SIGN w/ LOGO

SINCE

ARTWORK EXCLUSIVE PROPERTY OF

1917



MANDEVILLE SIGN

making your mark.

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100 401-334-7799
PHONE FAX

WEB www.mandevillesign.com

APPROVALS

Signatures Required Before Release to Production

Engineering

BY DATE

Sales

BY DATE

Estimating

BY DATE

Production

BY DATE

Quality Control

BY DATE


PDF NAME

REVISIONS

NO.	BY	DESCRIPTION	DATE
1	XX	xxxxxxxxxxx	00/00/00
2			
3			
4			
5			
6			
7			
8			
9			
10			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

29753-1



PANERA BREAD
DRIVE THRU

CUSTOMER

STORE NUMBER 3810

Capital Commons
DOVER, DE

LOCATION

PROJECT MANAGER Carla M.








WD 07/24/17
ARTIST DATE

29753.9

DRAWING NAME

EXTERIOR MATERIALS:

INDICATED BY  SYMBOL

-  MASONRY ENDICOTT MODULAR BRICK DESERT IRONSPOT LIGHT - VELOUR FINISH
MORTAR COLOR - FLAMINGO BRIXMENT C295 - BUCKSKIN
-  MASONRY ENDICOTT MODULAR BRICK DARK IRONSPOT - SMOOTH FINISH
MORTAR COLOR - FLAMINGO BRIXMENT C70 - GRAPHITE
-  PREFINISHED ALUMINUM COPING, COLOR: TERRA COTTA
-  PREFINISHED ALUMINUM COPING, COLOR: BURGUNDY
-  EIFS - MANUFACTURER: PAREX FINISH: SAND COARSE TEXTURE
COLOR: P-70 BENJAMIN MOORE #2154-50 STRAW
-  BRONZE ALUMINUM STOREFRONT W/ 1" INSULATED CLEAR GLAZING.
-  BRAKE METAL, FINISH TO MATCH ADJACENT STOREFRONT

BAKERY CAFE:
#3810

SYSTEM: G3 (CUSTOM)
PROTOTYPE UPDATE: 2016-05

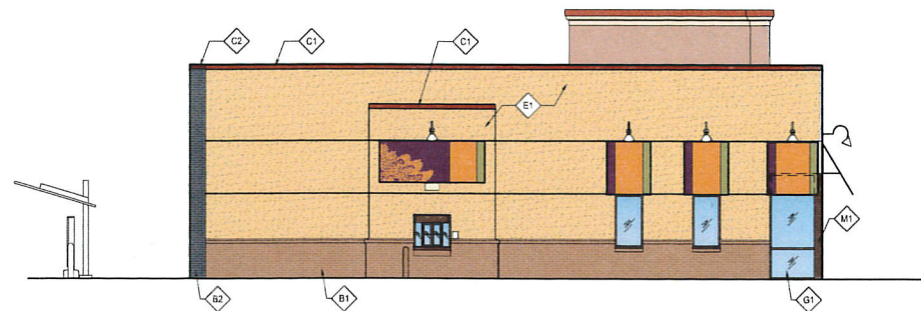


L2M
811 Commodore Park Drive, Suite 113
Crownpoint Business Park at BWH
Crownpoint, Maryland 21031
L2M@L2M.com
Phone: 410.863.1302
Fax: 410.863.1308

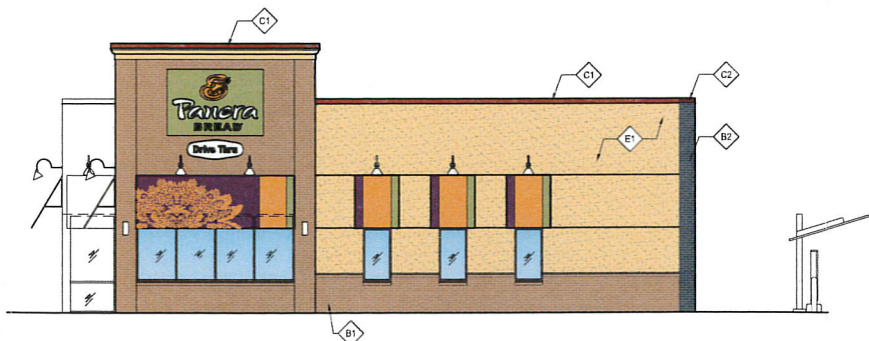
L2M
ARCHITECTS

I certify that these documents were prepared
or approved by me, and that I am a duly
licensed architect under the laws of the
state of Maryland Lic. 8839 Exp. 07
December 2017.

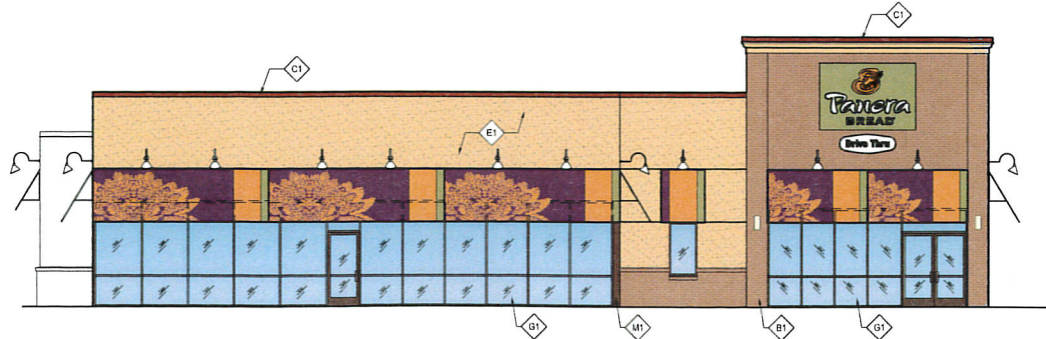
Exhibit E1



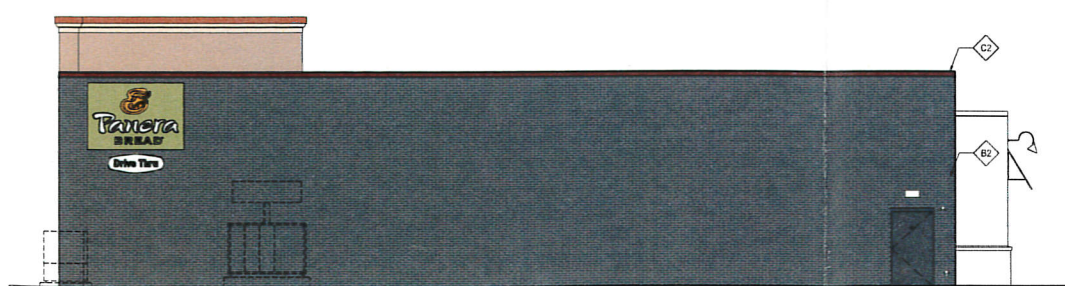
23 WEST/SIDE ELEVATION
SCALE: 1/8" = 1'-0"



11 EAST/SIDE ELEVATION
SCALE: 1/8" = 1'-0"



24 SOUTH/FRONT ELEVATION
SCALE: 1/8" = 1'-0"



12 NORTH/REAR ELEVATION
SCALE: 1/8" = 1'-0"

BAKERY CAFE #3810
CAPITAL COMMONS
DOVER, DELAWARE



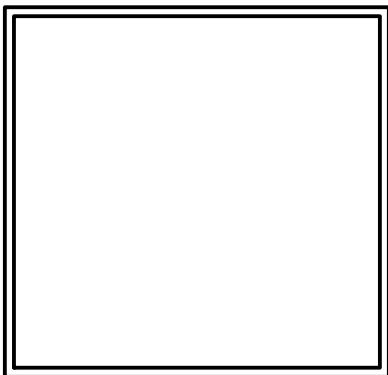
REVISION

ISSUE DATE: -
PROJECT NUMBER: 16.181
DRAWN BY: MM

SHEET NO:

SK-1

EXTERIOR
ELEVATIONS
FILE: 16.181 - RELEV.dwg



REVISION

EXTERIOR MATERIALS:

INDICATED BY  SYMBOL






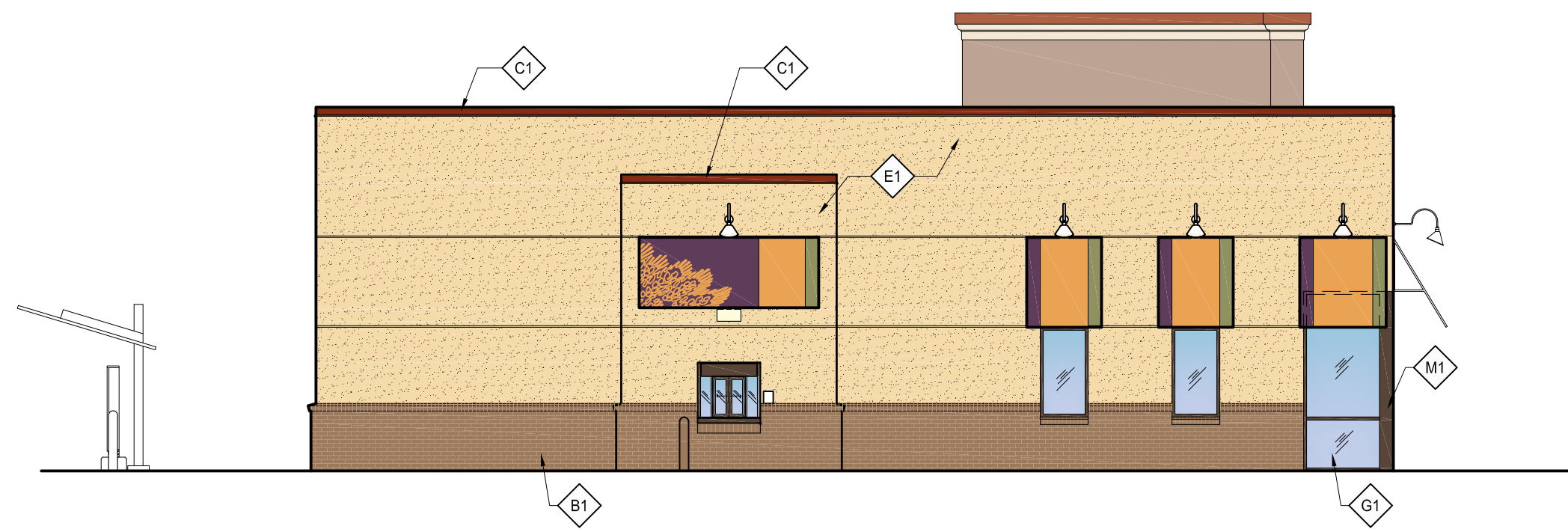
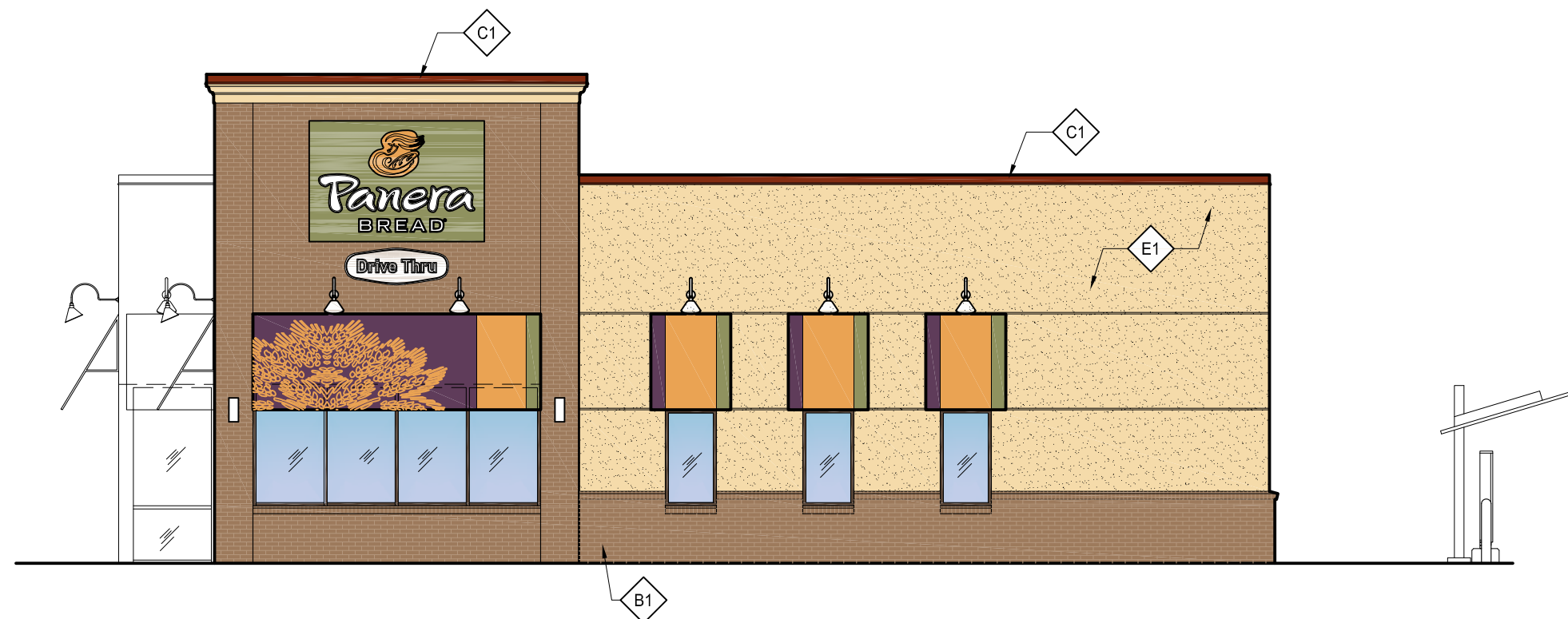
-  MASONRY ENDICOTT MODULAR BRICK DESERT IRONSPOT LIGHT - VELOUR FINISH
MORTAR COLOR - FLAMINGO BRIXMENT C295 - BUCKSKIN
-  PREFINISHED ALUMINUM COPING, COLOR: TERRA COTTA
-  EIFS - MANUFACTURER: PAREX FINISH: SAND COARSE TEXTURE
COLOR: P-70 BENJAMIN MOORE #2154-50 STRAW
-  BRONZE ALUMINUM STOREFRONT W/ 1" INSULATED CLEAR GLAZING.
-  BRAKE METAL, FINISH TO MATCH ADJACENT STOREFRONT

Exhibit E2

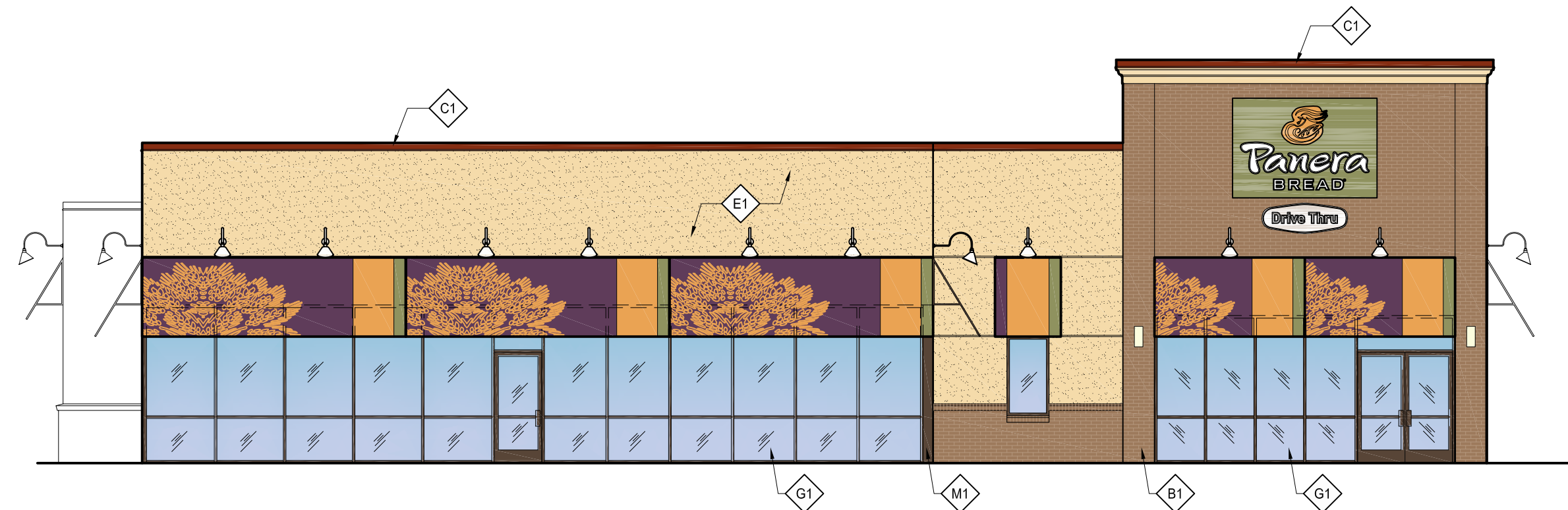
23 WEST/SIDE ELEVATION
SCALE: 1/8" = 1'-0"



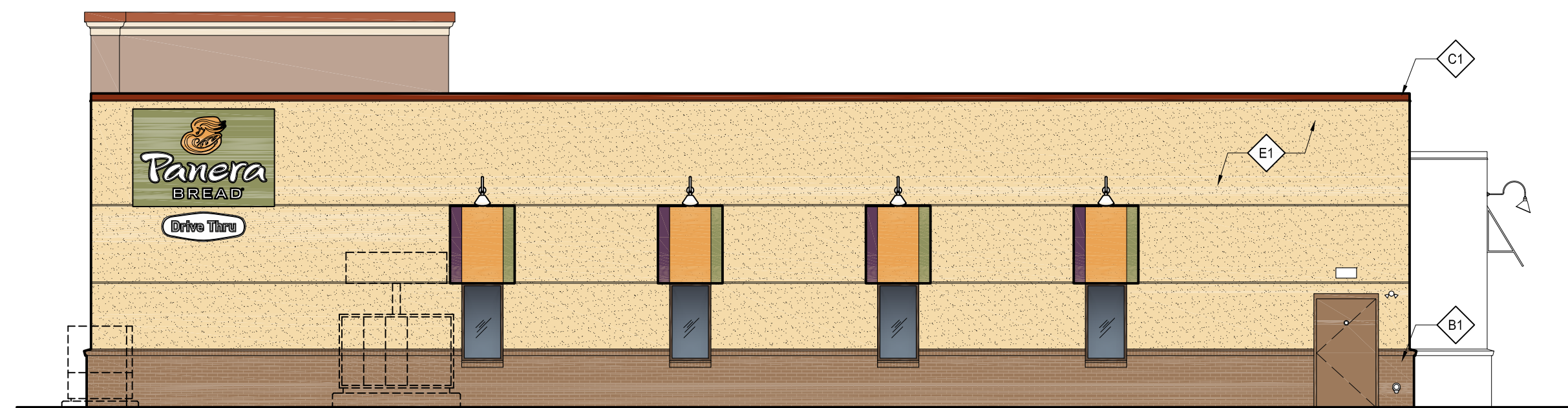
11 EAST/SIDE ELEVATION
SCALE: 1/8" = 1'-0"

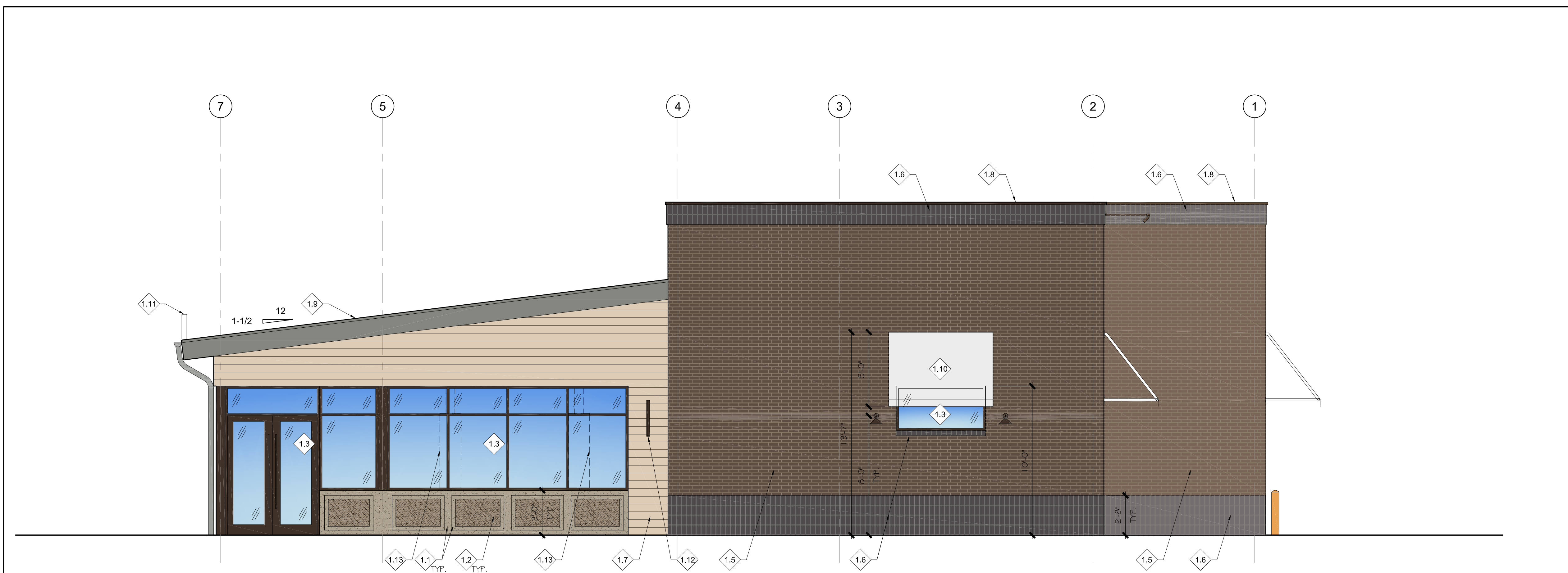


24 SOUTH/FRONT ELEVATION
SCALE: 1/8" = 1'-0"



12 NORTH/REAR ELEVATION
SCALE: 1/8" = 1'-0"





22 EAST ELEVATION
SCALE: 1/4"=1'-0"

GENERAL NOTES:

A. ALL EXTERIOR SIGNAGE UNDER SEPARATE PERMIT.

B. SEE SPECIFICATIONS FOR TEMPERED GLAZING REQUIREMENTS PER SGCC – 16 CFR 1201.

KEYED NOTES: INDICATED BY SYMBOL

1.1

EIFS– DRYVIT WITH LIMESTONE FINISH (TYP.), COLOR: BENJAMIN MOORE 985 – INDIAN RIVER (P110)

1.2

EIFS– DRYVIT WITH LIMESTONE FINISH (TYP.), COLOR: BENJAMIN MOORE 998 – CABOT TRAIL (P98)

1.3

ALUMINUM STOREFRONT – DARK BRONZE ALUMINUM W/ 2" PROFILE & 1" INSULATED CLEAR GLAZING

1.4

ALUMINUM STOREFRONT – DARK BRONZE ALUMINUM W/ 2" PROFILE & 1" INSULATED SPANDREL GLAZING

1.5

BRICK VENEER – ENDICOTT: ARIOSTEA: MODULAR SMOOTH FACE COLOR: EXECUTIVE IRONSPOT (1/3 RUNNING BOND)

1.6

BRICK VENEER – ENDICOTT: ARIOSTEA: MODULAR SMOOTH FACE COLOR: DARK IRONSPOT SMOOTH (SAILOR COURSE AND ROWLOCK)

1.7

FIBER CEMENT LAP SIDING – ALLURA; CEDAR LAP: FINISH – SMOOTH, COLOR – LIGHT MAPLE, WIDTH 6–1/4" (5" EXPOSURE)

1.8

DARK BRONZE PRE-FINISHED METAL COPING. 4" MAXIMUM HEIGHT, TYP., U.N.O.

1.9

MBCI 'ULTRA-DEK' STANDING SEAM METAL ROOFING. COLOR 'SLATE GRAY' KYNAR 300 FINISH

1.10

SUNBRELLA FABRIC AWNING WITH OPEN ENDS. FABRIC COLOR WHITE. SEE DETAILS ON SHEET SG-4.1. AWNING UNDER SEPARATE PERMIT.

1.11

PIN MOUNTED INTERNALLY ILLUMINATED WHITE FACED CHANNEL LETTERS & BLACK RETURNS W/ REAR RACEWAY. MATCH RACEWAY WITH ROOFING COLOR. 20" "P". SIGNAGE UNDER SEPARATE PERMIT.

1.12

NON-ILLUMINATED BLADE SIGN. SEE SIGNAGE PLAN ON SHEET SG-2.1. SIGNAGE UNDER SEPARATE PERMIT.

1.13

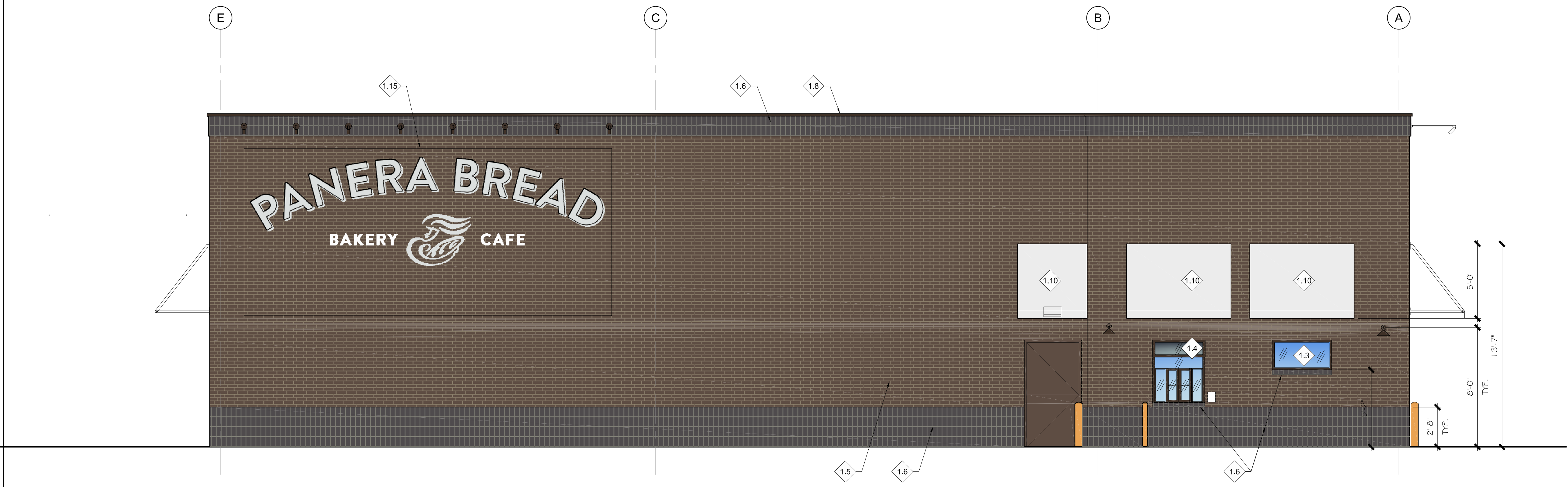
INTERIOR MARKETING BANNER, SEE SIGNAGE PLAN ON SHEET SG-2.1.

1.14

VINYL GRAPHIC BY SIGN VENDOR. SIGNAGE UNDER SEPARATE PERMIT.

1.15

PAINTED SIGN, WHITE. SIGNAGE UNDER SEPARATE PERMIT.



24 NORTH ELEVATION
SCALE: 1/4"=1'-0"

Exhibit E3

BAKERY CAFE:
#3810
SYSTEM: G3 (CUSTOM)
PROTOTYPE UPDATE: 2016-1-03

L2M
811 Cromwell Park Drive, Suite 113
Crownell Business Park at BW1
Glen Burnie, Maryland 21061
L2M@L2M.com 410.863.1302
Phone 410.863.1308
Fax

ARCHITECT OF RECORD:
Jeffrey D Mahler
architect
948 Bancroft Ave.
Annapolis, MD 21402
410-863-1302
Jeffrey D Mahler, RA, AIA
Practicing as an individual

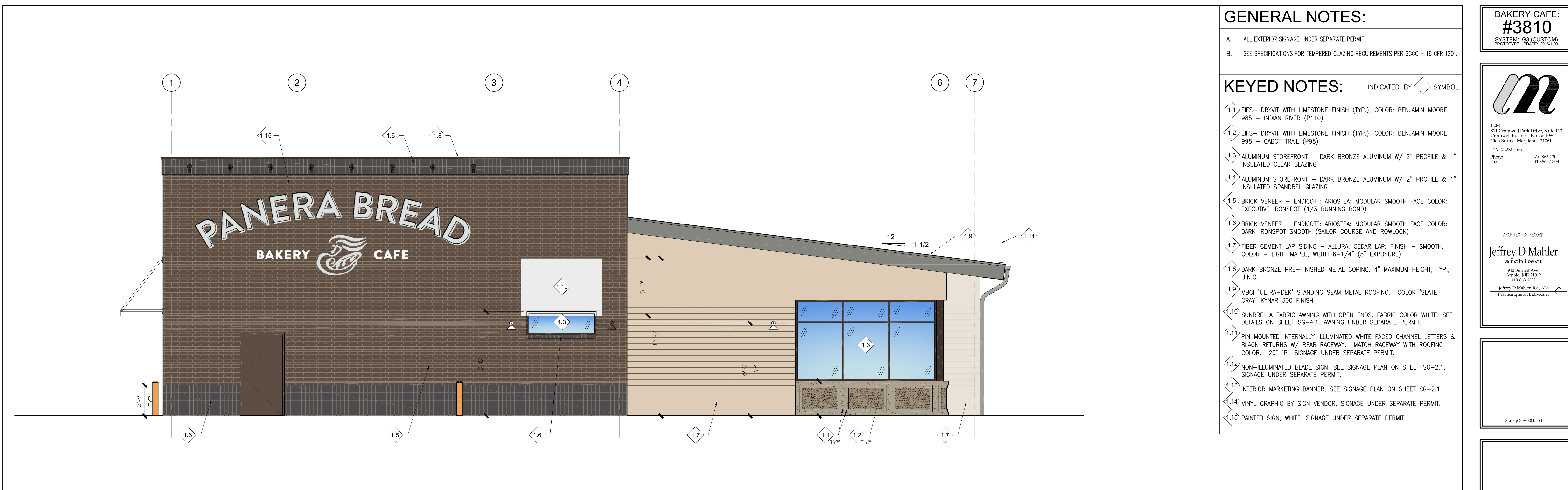
State # SS-0006538

BAKERY CAFE #3810
CAPITAL COMMONS
DOVER, DELAWARE

REVISION

ISSUE DATE: --
PROJECT NUMBER: 16.181
DRAWN BY: MIM

SHEET NO:
A-5.2
EXTERIOR
ELEVATIONS
FILE: 16.181 - A-5.1.dwg



GENERAL NOTES:

- A. ALL EXTERIOR SIGNAGE UNDER SEPARATE PERMIT.
B. SEE SPECIFICATIONS FOR TEMPERED GLAZING REQUIREMENTS PER SGCC – 16 CFR 1201.

KEYED NOTES:

- INDICATED BY SYMBOL
- 1.1 EIFS– DRYVIT WITH LIMESTONE FINISH (TYP.), COLOR: BENJAMIN MOORE 985 – INDIAN RIVER (P110)
1.2 EIFS– DRYVIT WITH LIMESTONE FINISH (TYP.), COLOR: BENJAMIN MOORE 998 – CABOT TRAIL (P98)
1.3 ALUMINUM STOREFRONT – DARK BRONZE ALUMINUM W/ 2" PROFILE & 1" INSULATED CLEAR GLAZING
1.4 ALUMINUM STOREFRONT – DARK BRONZE ALUMINUM W/ 2" PROFILE & 1" INSULATED SPANDREL GLAZING
1.5 BRICK VENEER – ENDICOTT: ARIOSTEA: MODULAR SMOOTH FACE COLOR: EXECUTIVE IRONSPOT (1/3 RUNNING BOND)
1.6 BRICK VENEER – ENDICOTT: ARIOSTEA: MODULAR SMOOTH FACE COLOR: DARK IRONSPOT SMOOTH (SAILOR COURSE AND ROWLOCK)
1.7 FIBER CEMENT LAP SIDING – ALLURA: CEDAR LAP: FINISH – SMOOTH, COLOR – LIGHT MAPLE, WIDTH 6–1/4" (5" EXPOSURE)
1.8 DARK BRONZE PRE-FINISHED METAL COPING. 4" MAXIMUM HEIGHT, TYP., U.N.O.
1.9 MBCI 'ULTRA-DEK' STANDING SEAM METAL ROOFING. COLOR 'SLATE GRAY' KYNAR 300 FINISH
1.10 SUNBRELLA FABRIC AWNING WITH OPEN ENDS. FABRIC COLOR WHITE. SEE DETAILS ON SHEET SG-4.1. AWNING UNDER SEPARATE PERMIT.
1.11 PIN MOUNTED INTERNALLY ILLUMINATED WHITE FACED CHANNEL LETTERS & BLACK RETURNS W/ REAR RACEWAY. MATCH RACEWAY WITH ROOFING COLOR. 20" 'P'. SIGNAGE UNDER SEPARATE PERMIT.
1.12 NON-ILLUMINATED BLADE SIGN. SEE SIGNAGE PLAN ON SHEET SG-2.1. SIGNAGE UNDER SEPARATE PERMIT.
1.13 INTERIOR MARKETING BANNER, SEE SIGNAGE PLAN ON SHEET SG-2.1.
1.14 VINYL GRAPHIC BY SIGN VENDOR. SIGNAGE UNDER SEPARATE PERMIT.
1.15 PAINTED SIGN, WHITE. SIGNAGE UNDER SEPARATE PERMIT.

BAKERY CAFE:
#3810
SYSTEM: G3 (CUSTOM)
PROTOTYPE UPDATE: 2016-1-03

L2M
811 Cromwell Park Drive, Suite 113
Crownell Business Park at BWI
Glen Burnie, Maryland 21061
L2M@L2M.com 410.863.1302
Phone 410.863.1306
Fax

ARCHITECT OF RECORD:
Jeffrey D Mahler
architect
948 Bancroft Ave.
Annapolis, MD 21402
410-863-1302
Jeffrey D Mahler, RA, AIA
Practicing as an individual

State # SS-0006538

22 WEST ELEVATION
SCALE: 1/4"=1'-0"



24 SOUTH ELEVATION
SCALE: 1/4"=1'-0"

BAKERY CAFE #3810
CAPITAL COMMONS
DOVER, DELAWARE

REVISION

ISSUE DATE: --
PROJECT NUMBER: 16.181
DRAWN BY: MIM

SHEET NO:
A-5.1
EXTERIOR
ELEVATIONS
FILE: 16.181 - A-5.1.dwg

View from northwest



View from southwest



View from northeast



north elevation

Exhibit F



view from northwest



view from southwest

