

ARCHITECTURAL REVIEW REPORT

Referral by City Planner to Historic District Commission
Meeting of November 20, 2025

Permit: Fence Permit #25-1463

Location: 55 Kings Highway SW, Dover
Merrill Lynch Office Building located on the east side of Kings Highway SW

Tax Parcel: ED-05-077.05-04-62.00-000

File Number: HI-25-04

Present Zoning: C-2A (Limited Central Commercial Zone)
H (Historic District Zone)

Referral of Permit:

The following application Fence Permit #25-1463 for 55 Kings Highway SW is referred by the City Planner to the Historic District Commission for consultation regarding the issuance of the Architectural Review Certificate for a Fence project. Applications for certain types of construction activity within the Historic District Zone (H) are reviewed by the City Planner (or Staff as designated) for Architectural Review Certification as part of the Building Permit application review process. Staff is referring the Permit for review under the provisions of *Zoning Ordinance*, Article 10 Section 3.22(A) and (B). See below.

Section 3.22 Architectural review certification by the city planner.

- (A) An architectural review certificate for specific classes of building permits, including Fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.
- (B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

Permit Information:

Fence Permit #25-1463 was filed on October 8, 2025 for a Fence project at 55 Kings Highway SW in Dover, Delaware; this is the site of the Merrill Lynch Office Building. The Project outlined in the Permit submission involves placement of a six-foot vinyl Fence on the side (north) property line and along the rear (east) property line. It is proposed to be tan in color in the privacy (solid) fence format.

The existing office building is setback 15.3 feet from the front property line. The plan diagram included in the Permit submission shows the fence beginning at the front property corner (near the street frontage sidewalk and forward of the building) and running east along the entrance

drive that provides access to the rear parking lot. The fence then turns and runs along the rear property line between the row of parking spaces and the tree plantings on the adjoining property. The neighboring property to the north and east is the State's DNREC Office Building including the Richardson & Robbins Building. The entire fence is proposed at a height of 6 feet.

The project site is located within the local Historic District Zone (H) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections. This building is also located within the boundaries of a National Register Historic District, specifically the Victorian Dover Historic District.

Staff Review of Permit for Architectural Review Certification:

Project activities are reviewed for compliance with the *Zoning Ordinance* and the *Design Standards and Guidelines for the City of Dover Historic District Zone* as stated in *Zoning Ordinance*, Article 10 Section 3.25(A).

Article 10 Section 3.25 *Architectural review standards.*

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

The proposed fence along the side property line is visible from the public street of Kings Highway SW. The proposed location of both segments of the fence are visible from public property. The "public view" is defined in the *Zoning Ordinance* as "that which can be seen readily from a public street, public building or public property, excluding views from alley rights-of-way."

Portions of the rear fence would be blocked from view from Kings Highway SW by the mass of the building. A review of fences on other properties along this block of Kings Highway shows multiple properties with black metal picket style fences which appear to be 3 to 4 feet in height that are visible from the street. The only exception is the property at 2 Kings Highway NE where a taller fence was authorized by the Historic District Commission with HI-19-04 (metal fence replaced a previous wood picket fence and chain-link fence).

In reviewing the proposed project for Architectural Review Certification, Staff referenced various sections of Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings of the *Design Standards and Guidelines for the City of Dover Historic District Zone* which presents the Recommended, Not Recommended, and Inappropriate approaches to construction of various elements in the Historic District.

This Request should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines for the City of Dover Historic District Zone*. Specifically, Chapter 3 page 3-26 includes the discussion of Fences in the Historic District zone where it states that site Fences and walls "should not exceed 4'0" in height and then discusses the Recommended, Not Recommended, and Inappropriate practices associated with Fences and walls as related to materials. Chapter 3 presents the information on the appropriate

Fence materials for use in the Historic District. Wood picket style Fences and cast iron (metal) fencing are Recommended.

Staff also looked at the provisions for Fences in the *Zoning Ordinance*. For non-residential properties, the *Zoning Ordinance* limits the height of Fences to four (4) feet within the front yard setback (Article 5 §7.5) and with other provisions for increases in Fence height to 8 feet for side yards, rear yards, and the second front yard on corner lots. The front yard setback in the C-2A zoning district is 15 feet. Thus, the Zoning Ordinance would require that the first 15 feet of the Fence on the side property line be limited to 4 feet in height.

Historic District Commission Action

The Historic District Commission should consider the Fence project and take action in regard to the Architectural Review Certification for the Fence Permit #25-1463. The Historic District Commission may add conditions for the Fence segments in order to comply with the character of the property within the Historic District. The fence height and the fence materials must be considered.

Staff Findings from Review of Fence Permit:

Staff findings and recommendations are summarized as follows for the Fence project as presented in Permit #25-1463 and accompanying documents.

1. Fence Locations: The fence segments are proposed on the side (north) property line and the rear (east) property line. No Fence is proposed on the other side (south) property line or along the front property line. It is unclear if the fence is meant to screen the adjacent properties or if the fence is for security reasons. The Fences do not limit access to the rear parking lot area from Kings Highway and adjacent properties.
2. Fence Visibility: The Side Fence segment will be very visible from Kings Highway and will also block the view of the north elevation of the office building. It also will block the view of the drive aisle and partially block the view of the northern portion of the rear parking lot. Only a portion of the north end of the Rear Fence would be visible from Kings Highway when looking down the entrance drive with the remaining Rear Fence is blocked by the building. The fence segments would be visible from the adjoining properties.
3. Fence Height – Proposed at 6 feet: The *Design Standards and Guidelines* say that generally the height of a Fence should not exceed 4 feet. The 6-foot Fence exceeds the recommended height of the *Design Standards and Guidelines*. The Fence is also limited to 4 feet in height when located in the front yard setback; for this property that is a distance of 15 feet of the Side Fence.
4. Fence Material: The Fences are proposed to be tan vinyl as a solid privacy panel between a posts system for installation. The use of vinyl products is typically not recommended for use in the Historic District; however, there are examples that have been approved for Fences with conditions for use of wood products, materials with a wood grained appearance (non-shiny), or other composite materials in a neutral color (tan/clay).

5. Fence Materials: The use of a solid (privacy) fence material will block views of the subject property and its rear parking lot from the adjoining properties and also from passersby on the public street and sidewalk.
6. Current Condition & Location: The property currently does not have fences along the property lines. Some vinyl fence materials appear to have been used immediately at the rear of the building to screen mechanical equipment (next to the building) and for a freestanding equipment or dumpster enclosure at the southeast corner of the parking lot. These items are not visible from Kings Highway SW.

Recommendations:

- *Side Fence* - Staff finds that this Fence is visible from Kings Highway and as a solid fence creates a very heavy looking barrier between the office building and the State building/property. On this north side, the properties appear to share a grass lawn area and the installation of a fence seems out of character. The fence would likely block views for those driving on the entrance/exit to the parking lot and also for pedestrians using the street frontage sidewalk and sidewalks on the adjoining property near the rain garden. Staff recommends elimination of the Side Fence segment. Consideration could be given to reduce this Fence to a height of 4 feet for its entire length and to utilize a black metal picket-style fencing. The side fence could begin further back behind the front face of the building and beyond the front yard setback to appear to be part of the back area of the property.
- *Rear Fence* - Staff finds that the Rear Fence location generally has limited visibility from the public way of Kings Highway due to the office building location. The 6-foot height and solid privacy fence style appears to be used to create barrier between rear parking lot and the State property to the east. This will limit visibility to and from the property to the east. Given the location of the Fence, an allowance for it to remain at the height of 6 feet could be granted. Additional consideration about the type/color of the vinyl material for fence construction could be evaluated.

Advisory Comments:

1. The applicant shall be aware that issuance of a Fence Permit is required prior to the commencement of construction. The Fence Permit Application will be subject to the conditions of approval established and may be required to be updated, if necessary, to comply with these conditions established through the Architectural Review Certification process.

Attachments:

- Letter of Referral Notice to Applicant dated November 13, 2025.
- Building Permit #25-1463 Application Form and Permit submission documents
- *Design Standards and Guidelines for the City of Dover Historic District Zone*, Chapter 3, page 3-26 to 3-27.
- Aerial Map of property
- Screen shot Google Streetview.