

Applicant: Legislative Hall Parking Garage

Variance Request 1: Variance from City of Dover Code, Appendix B, Article 11, Section 11.211a

Variance Requested 1: Variance to not have a reduction of impervious surface area of 15% from existing conditions to proposed conditions.

Project Background Information: The project is located at the corner of Water Street and Martine Luthe King Boulevard within the City of Dover limits, Kent County, Delaware. The existing site contains a three-story brick building with attached canopy that is approximately 10,536+/- S.F. The site also contains a striped parking lot with a capacity of 150 spaces.

The proposed development of the site consists of a new 133,776+/- three-story parking garage that will accommodate 338 parking spaces for public and private use. As shown on the plan, the existing parking lot will be removed, and the proposed parking garage will sit in a portion of the footprint. The remaining existing footprint will become pervious asphalt. This area will contain parking for Capital police and will house a proposed generator that will serve the parking garage as well as Legislative Hall.

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

The subject parcel is currently zoned IO (Institutional and Office). The current and proposed use is a permitted use within the IO zone.

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

The property currently holds 10,536± S.F. building with a parking facility that has 150 parking spaces. The existing building houses the Del-One credit union.

The character of the area is in the historic district of the city. Various state buildings surround the site making the parking garage a much-needed facility as parking is limited when legislatures are in session.

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

Removing the requirement of a reduction of the impervious area would not have an impact on neighboring properties. The proposed conditions will place the parking garage within a portion of the existing impervious parking lot; the remaining portion of asphalt will be removed and replaced with a pervious pavement.

The reduction from existing to proposed is 5%.

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:

If the variance would not be approved, the proposed garage would hold fewer parking spaces for the constituents and legislatures of the state. Replacing the impervious pavement with a pervious pavement allows for a small reduction in lot coverage. The master plan for the Legislative Hall complex is to expand the existing Legislative Hall; with this expansion, 46 parking spaces are being eliminated. The parking garage is designed to include the eliminated spaces.

Variance Request 2: Variance from City of Dover Code, Appendix B, Article 11, Section 11.211b.

Variance Requested 2: Variance to have more than 33% of the lot within the floodplain.

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

The subject parcel is currently zoned IO (Institutional and Office). The current and proposed use is a permitted use within the IO zone.

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

The property currently holds 10,536± S.F. building with a parking facility that has 150 parking spaces. The existing building houses the Del-One credit union.

The character of the area is in the historic district of the city. Various state buildings surround the site making the parking garage a much-needed facility as parking is limited when legislatures are in session.

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

Removing the required 33% required would allow the state to develop the site for the parking garage within no adverse effect on the surrounding properties. The proposed parking garage is being placed in a portion of the existing footprint of the current parking lot.

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:

With the current mapping of the floodplain, 48.7% of the lot is within the Floodplain AE. To reduce area to the required 33%, a flood study would be required to be performed.

If the variance would not be approved, the study would cause a delay in the construction of the parking garage and lead to continued parking issues within the city.