



City of Dover
Board of Adjustment
February 18, 2026

V-26-02

Title: Property at 429-449 S. New Street (Courtney Square) - Application for a Variance: Fence Height in Front Yard

Location: Northeast Corner of S. New Street and Water Street

Address: 429 – 449 South New Street, Dover DE

Owner: Courtney Square Associates, LLC

Tax Parcel: ED-05-077.09-03-18.00-000

Application Date: January 7, 2025

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

Present Use: Shopping Center (retail stores, service establishments)

Proposed Use: Shopping Center (retail stores, service establishments)

Reviewed By: Savannah Edwards/Ann Marie Townshend, AICP, Planning Consultant (Rossi Group)
Dawn Melson-Williams, AICP, Principal Planner

Variance Type: Area Variance

Variances Requested: Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §7.5 as associated with a proposed fence to allow an increase in the allowable fence height from 4 feet to 8 feet for a chain link fence in three segments along the South New Street property frontage.

Note: This Review Report was initially prepared by staff of the Rossi Group (under a Planning Services contract with the City of Dover). The Report was completed with additional review and editing by the City's Planning Office.

Project Description

The subject property (429 – 449 S. New Street) is bounded by S. New Street on the west, Shotgun Alley on the east, and W. Water Street on the south. It is south of Provident Federal Credit Union. The subject property is known as Courtney Square.

Property and Adjacent Properties: Zoning and Land Use

The 0.93 acre (40,511 SF) +/- property is zoned C-2A (Limited Central Commercial Zone). Adjoining properties north and south of the subject site are zoned C-2A and include commercial uses. To the west, across S. New Street, there are properties zoned RG-4 (General Residence for Multistory Apartments), including the Queens Manor and Owens Manor Apartments and a property zoned C-2A with a dentist's office. To the south, across W. Water Street several properties are zoned IO (Institutional and Office Zone); they include Bayhealth offices and the Morris Correctional Institute.

A Map Exhibit (Exhibit B) prepared by Staff is attached to this Report. It shows the subject property's location and the surrounding zoning.

Code Citations

C-2A (Limited Central Commercial Zone)

The subject project is zoned C-2A (Limited Central Commercial Zone). *Zoning Ordinance*, Article 3 §14 lists the permitted uses, conditional uses, and other provisions of the C-2A zone. See the following excerpt of the permitted uses in the C-2A zone.

Article 3 §14

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Personal service establishments.
- (d) Restaurants.
- (e) Service establishments.
- (f) Hotels.
- (g) Places of public assembly.
- (h) Drive-throughs.
- (i) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (j) Apartments and multi-family dwellings.

In the C-2A zone, the set of bulk standards for development is outlined in *Zoning Ordinance*, Article 4 §4.14 including setbacks, parking, height, FAR (Floor area ratio), lot coverage, etc. These regulations define the buildable area and the placement of the building. The front yard setback (area) in the C-2A zone is 15 feet. As a corner property, the subject site has front yard setbacks (areas) applied to both S. New Street and W. Water Street frontages.

Fence Regulations

The *Zoning Ordinance*, Article 5 §7 – Supplementary regulations applying to all non-residential zones outlines the provision for fences.

Article 5 §7

7.5 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum

height of eight feet above the ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above the ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

Article 5 §1.3 provides clarification for corner lots and their corner visibility area. It limits the height of fences to 3 feet in this area. See code except and diagram of corner visibility area.

1.3 Corner lots.

1.31 *Corner visibility.* In all zones within the city, no structure, fence, wall, landscaping, earthen berm, sign or any other form of obstruction to visibility, in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines as further illustrated in figure 5-1.

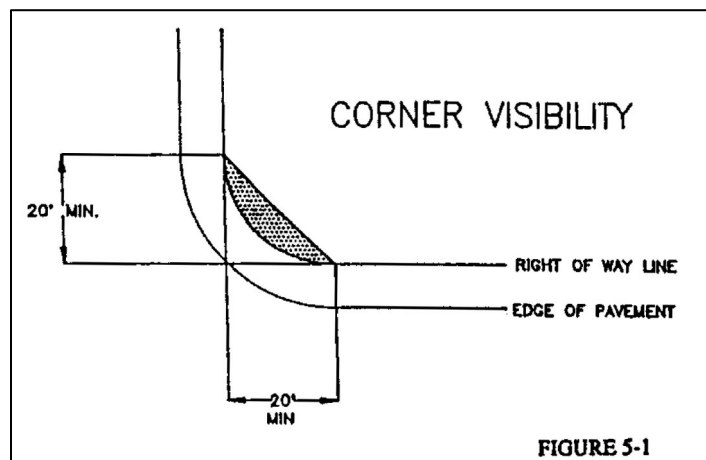


Figure 5-1

1.32 *Yard requirements.* Corner lots are considered to have two front yards. The rear yard for a corner lot shall be the yard that is opposite the street upon which the principal structure fronts. The side yard for a corner lot shall be the yard that is opposite the street adjacent to the side of the principal structure.

1.33 *Fences.* A fence on a corner lot shall comply with the front yard requirement for height along the street upon which the principal structure fronts. A fence on a corner lot shall comply with the side yard requirement for height along the street adjacent to the side of the principal structure.

Applicant's Proposed Project and Variances Requested

The Applicant has submitted a Fence Permit Application (#25-1821) with the description of the requested improvements and a site drawing (Appendix C). This plan/drawing depicts the proposed location of three segments of 8-foot-tall commercial grade chain link fence with no gates to be installed. In total 165 feet of fence will be installed – 30 feet at the north section of the property, 100 feet between the driveways, and 35 feet at the southern end of the property. The proposed fence line will be adjacent to S. New Street and abut the sidewalk.

Following denial of the Fence Permit #25-1821, the Applicant has requested a Variance from the requirements of *Zoning Ordinance*, Article 5 §7 associated with the proposed fencing on the S. New Street frontage. The proposed fencing would be 8 feet tall and chain link. It would be installed in three segments 30 feet, 165 feet, and 35 feet long. No fence would be installed in the driveways.

Exceptional Practical Difficulties Tests

Zoning Ordinance, Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically, the Board must determine:

2.1 Variance – The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.

2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

- (a) the nature of the zone in which the property lies;
- (b) the character of the immediate vicinity and the contained uses therein;
- (c) whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
- (d) whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As part of the Application, the applicant was asked to summarize how the requested Variance relates to the above criteria. The applicant's response (Exhibit D) along with a Staff assessment of the application in accordance with the required criteria is provided below.

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

Applicant Response: The property is zoned C-2A, Neighborhood Commercial. A retail and office zone.

Staff Response: The subject property is zoned C-2A (Limited Central Commercial Zone), which permits retail stores, businesses, professional or governmental offices, personal service establishments, restaurants, service establishments, hotels, places of public assembly, drive-throughs, one family residences, including attached and semi-detached dwellings, and apartments and multi-family dwellings.

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

Applicant Response: The property is a 12,000 square foot strip shopping center which is an area of service commercial to the east, office to the west, south, and north. Morris Correctional is caddy corner to the southwest. Spence's Bazaar is just south of that. The Dover Housing Authority units Owens Manor and Queens Manor are across the street. The Dover Police Department is only a block and a half away. Courthouse parking is to the east. Auto repair is the corner of Governors and Water Sts.

Staff Response: The subject property has frontage on both S. New Street and W. Water Street. S. New Street is classified as a Local road and W. Water Street is a Major Collector. The speed limit of both S. New Street and W. Water Street along the property frontage is 25 MPH. Immediately surrounding properties north and south of the subject site are zoned C-2A and include commercial uses. To the west, across S. New Street, there are properties zoned RG-4 (General Residence for Multistory Apartments), including the Queens Manor and Owens Manor Apartments and a property zoned C-2A with a dentist's office. To the south, across W. Water Street several properties are zoned IO (Institutional and Office Zone); they include Bayhealth offices and the Morris Correctional Institute.

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

Applicant Response: The property is currently being used a public park, and the local residents back their automobiles up to New Street and tailgate all day every day. I have restricted parking for tenants and customers of 30 minutes, and no loitering and no trespassing signs mounted everywhere, which is ignored. In fact, these people have bent the signs backwards, a couple of which have broken off, and loiter and trespass for hours at a time. I have called the police, as have the tenants, numerous times. I have personally asked these people to leave the property numerous times, and they simply return to flaunt the fact that they will do what they want to do when they want to do it. I need to separate my parking from New Street.

Staff Response: If the restriction regarding a four-foot limit to fence height along the property frontage is removed, it would not seriously affect neighboring properties and uses. Many of the surrounding properties already have fences installed at a mixture of

heights. A nearby property, the Morris Correctional Institute, currently has fence installed that is taller than the four foot limit; however, it is unclear when this metal picket-style fence was installed, and it directly relates to the security of the correctional institute.

The applicant's proposal is for an eight-foot-tall chain-link fence. A chain-link fence of that taller height would detract from the visual character of the area and potentially affect neighboring properties and uses.

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: I propose an eight-foot chain link fence, which does not obstruct vision, and which should discourage people from parking on my property and New Street and pass back and forth across an unobstructed property line, between the parking aisles and the right of way. We would not fence the driveways. Four-foot fence is a footrest and will be knocked over as easily as the parking limit signs they have broken. Six-foot fence allows people to pass stuff over the top easily. Eight feet is a discouragement and a clear signal to go away. This fence poses no threat or obstruction to any other property in the city, let alone the immediate neighborhood.

Staff Response: If the variance for an eight-foot-tall fence is not granted, this may pose a practical difficulty for the property owner, but it is unclear as to whether that difficulty could be characterized as exceptional. The loitering described creates problems for the existing businesses in the shopping center. It is unclear whether the addition of an eight-foot-tall chain link fence would curb the loitering issue or whether a six-foot-tall fence would be as effective as the requested eight-foot-tall fence. At the corner of S. New Street and W. Water Fence, the fence would be limited in height to 3 feet in the corner visibility area.

Variance Recommendations

Staff recommends denial of the Variance to allow an eight-foot-tall chain-link fence to be installed along the frontage of the subject property parallel to S. New Street.

Staff recommends **denial** of the variance for reasons as follows:

- An eight-foot-tall chain-link fence would be out of character with the surrounding area and could affect adjacent properties. The use of chain link fencing material would also have a negative visual impact along this street frontage. Using a different style of fence material could mitigate potential effects on neighboring properties.
- There is an existing utility pole within the parking lot near the intersection of Water Street and S. New Street. It is not clear whether this is located on private property or within the right-of-way. The placement of the proposed fence in this location could obstruct access to the utility pole.

- The corner of the property is subject to the corner visibility restrictions provided in the *Zoning Ordinance*, Article 5 §1.3 prohibiting any fence from exceeding three feet in height within the corner visibility zone (a distance of 20 feet from the property corner).
- Staff does note that an 8-foot-tall fence could be placed on the property; however, it would have to meet the building setback requirements of 15 feet for the front setback along S. New Street. This has limited feasibility for implementation as that would place the fence in the row of parking in that area.

If the Board of Adjustment is inclined to approve the variance, the following conditions should be included:

- A survey should be required to ensure that the fence is located entirely on private property and not within the right-of-way, as a survey was not submitted as a part of the application. From the submission, it is not clear where the property line is located as the fence must be located on the private property.
- The fence should be required to begin a minimum of 20 feet from the point where the rights-of-way intersect at the edge of the pavement as shown in Figure 5.1 in the *Zoning Ordinance*, Article 5, §1.3. In addition to these corner visibility requirements, this would ensure that the utility pole is unobstructed.
- The Board should require a style of fence that is more visually appealing and consistent with the character of the area, such as a black aluminum fence. The Board could also limit the height of the fence.
- The fence cannot impede the street frontage sidewalk.

Advisory Comments to the Applicant

- If granted, the variance becomes null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.
- If the requested variance is granted, the Applicant must still obtain the appropriate Fence Permit approvals for construction of a fence on the property. A new Fence Permit Application would need to be submitted including a property survey to depict the proposed fence location in compliance with any variance approval and conditions.
- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application	1
B	Zoning Map Exhibit (Staff)	1
C	Permit Application, including letter, photos, and site maps provided by the applicant	7
D	Applicant Responses to Criteria	1

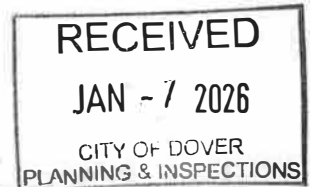


City of Dover, DE
 Department of Planning and Inspections
 P.O. Box 475, Dover, Delaware 19903
 (302) 736-7010 Fax: (302) 736-4217
www.cityofdover.com

EXHIBIT A

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

Board of Adjustment Application



Application Information

Property Address: 429 - 449 SOUTH NEW STREET 19904

Tax Parcel Number: ED05-07709-03-1800

Owner Name: COURTNEY SQUARE ASSOCIATES, LLC

Property Zoning: C-2A

Variance (s) Requested: EIGHT FOOT HIGH CHAIN LINK FENCE IN THREE AREAS BETWEEN WEST PARKING ROW AND NEW STREET RIGHT OF WAY

*Provide eight (8) copies of any survey, drawings, photos, site plan, etc. that may help support your application, and your response to the criteria. The criteria for a use variance and appeal are on the back of the form.

C-2A SWPOZ
C.1970

Area Variance

An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

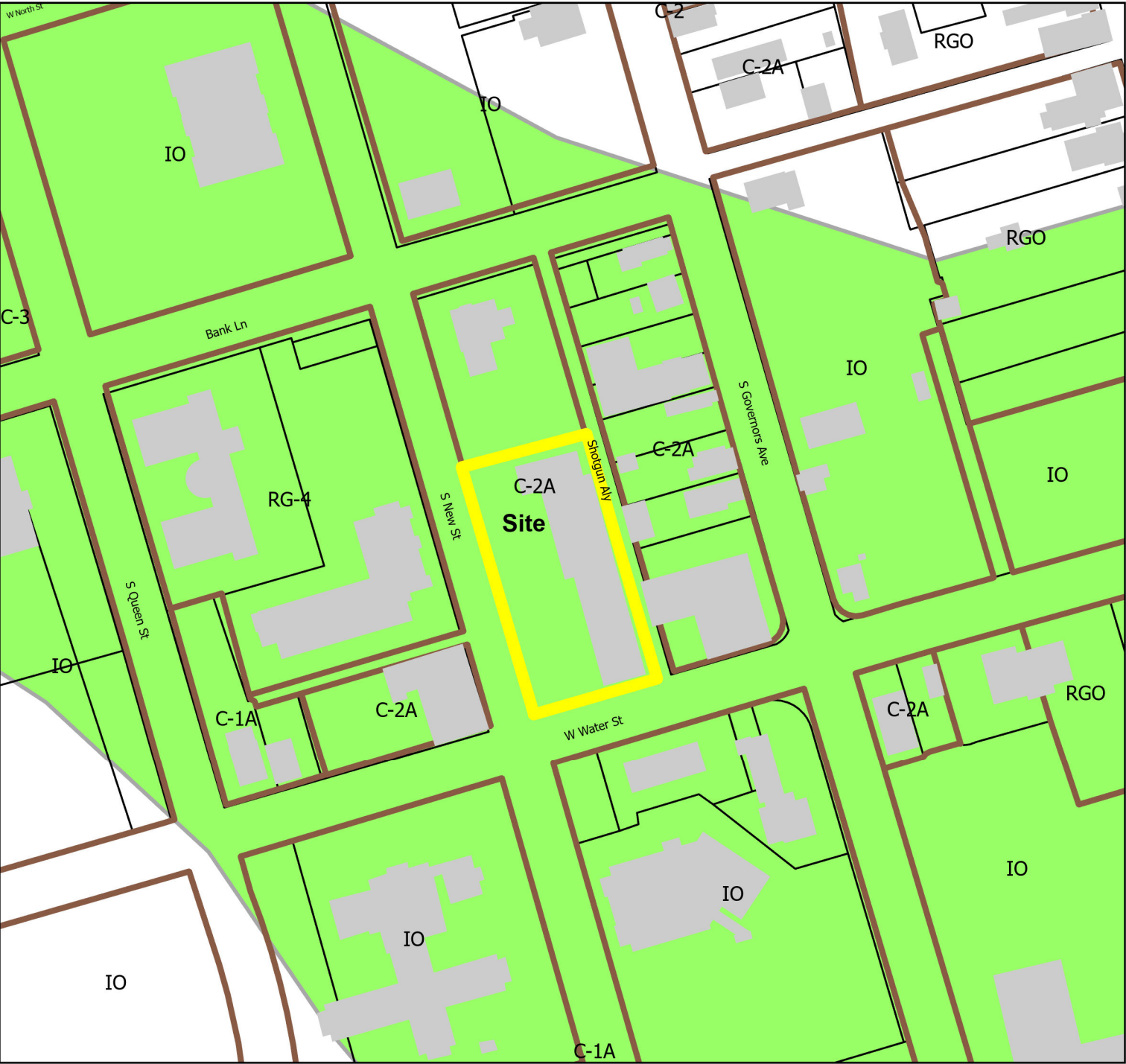
1. The nature of the zone in which the property lies;
2. The character of the immediate vicinity and the contained uses therein;
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

Signature

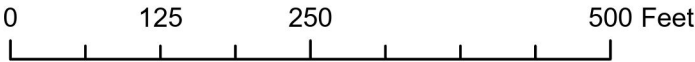
I COURTNEY SQUARE ASSOCIATES, LLC do affirm that I am the property owner on which the variance is sought and that all the information provided in this application is accurate to the best of my knowledge and belief.

Philip M. Ginn Managing Member Jan 6, 2026
 Signature Title Date

PHILIP M. GINN



Title: Courtney Square - Zoning Variance Request
Addresses: 429-449 South New Street
Parcel ID: ED05-077.09-03-18.00-000
Zoning: C-2A (Limited Central Commercial Zone) & Subject to the SWPOZ
Owner: Courtney Square Associates, LLC.
Date: 2/5/2026



Legend

- Subject Property
- Dover Boundary
- Zoning
- Kent County Parcels
- Building Footprints
- Dover Parcels
- SWPOZ Tier 3



City of Dover - BUILDING PERMIT APPLICATION

15 Loockerman Plaza ♦ Dover, Delaware 19901 ♦ (302) 736-7010 ♦ FAX (302) 736-4217
permitsandlicenses@dover.de.us

Office Use Only	
Permit Number _____	
Roll Plans	Fold Plans CD/Email
Date Received _____	
Date Issued _____	
Flood Plain Y N	Taxes Y N
Public Works Y N	KCD Y N
Impact Fee Fixtures Sheet Y N	
C/O Required _____	
Review Approvals	
() Building Plan	Date _____ Initials _____
() Fire Plan	Date _____ Initials _____
() Zoning / Site Plan	Date _____ Initials _____
Total Fee _____	
Fees Paid ()	
Check # _____ Cash _____ Credit _____	
Collected By _____	
Certification in Lieu of Oath	
I hereby certify that I am the owner of record or a contractor authorized by the owner of record to make this application, and that all work will be performed in accordance with the applicable Codes and Ordinances.	
Signature _____	
Print Name _____	
Date _____	

Project Address/Tax Parcel Identification Number	
429 SOUTH NEW STREET DOVER 19904	
Applicant's Name	
COURTNEY SQUARE ASSOCIATES	
Owner Name and Address	Phone # (302-736-2110)
PHILIP MCGINNIS	
E-mail address:	PJM@MCGINNISREALTY.COM
Contractor Name and Address	Phone # ()
TO BE DETERMINED	
E-mail address:	Dover Business License #
BUILDING DETAILS	
Proposed Occupancy _____	Type of work: ☒ New () Addition () Demolition
Type of Construction _____	() Renovation - Interior _____ Exterior _____
Change in Occupancy or Use? Yes or No	() Roof - tear off _____ overlay _____ # of layers _____
If yes, describe the previous use _____	() Alteration () Siding () Solar panels
	() Full Building Demolition () Selective Demolition
	☒ Fence - Height 8 () Pool () Elevator () Shed
	() OTHER _____
Number of Stories _____	Description of Work:
Total Height in Feet _____	SEE ATTACHED
Total Land Area to be Disturbed (in SF) _____	
Proposed Occupant Load _____	
Square Footage All Floors _____	
Total Work Area (in SF) _____	
Sprinkler System? Yes or No	Estimated Value of Construction: \$51,000 ⁰⁰
Fire Alarm System? Yes or No	

Before You Dig! Call Delmarva 811 at (800)282-8555 or other authorized locator. Attention! Please post your issued permit on site and visible from the street.

Brief Description of Work (To Be Completed by Applicant):

install 8-foot fence along
New Street Property Line

To Be Completed By Planning & Inspections Staff

Building Permit #:

Plumbing Permit #:

C/O Required: Y/N

WORK SITE LOCATION

Address: 429 S New St Dover 19904

Parcel ID: ED 05-07709-03-1800-00001

Applicant (Owner or Contractor)	COURTNEY SQUARE ASSOCIATES LLC
Contact Person	PHILIP MCGINNIS
Mailing Address	555 E LOCKERMAN ST
City, State, Zip	DOVER 19904
Telephone	302-736-2710
Fax	302-736-2715
E-mail Address	PJM@MCGINNISREALTY.COM

Does Your Project Propose . . .	Yes	No	If Yes, Describe
an increase or decrease to the quantity of plumbing fixtures at the location? **		✓	
a change in size of the water line serving the location?		✓	
a new water irrigation system?		✓	
a change in size of the sanitary sewer line serving the location?		✓	
relocation of the water meter? ^		✓	
relocation of the water line serving the location or any associated appurtenances? ^		✓	
relocation of the sanitary sewer line serving the location or any associated appurtenances?		✓	
any work within the right-of-way?		✓	
any proposed sidewalk work?		✓	
any proposed concrete work?		✓	
any alteration to any storm drain infrastructure?		✓	
any proposed curb alteration, i.e., new driveway to property?		✓	
any proposed scaffolding to renovate building exterior?		✓	
any proposed tree or shrub plantings within the right-of-way?		✓	
an upgrade in sanitation service?		✓	
a relocation of the existing trash pick-up location?		✓	

EASEMENT*

Yes

No

Is there any existing easement on this property? (utility, drainage, cross access, etc.)

✓

* - It is prohibited to build any structure, including a fence, within an existing easement.

** - An increase in fixtures may be subject to impact fees.

PLUMBING ^	MATERIAL	LOCATION (CHECK ALL THAT APPLY)
Specify material of pipe being installed for water line serving the location, if applicable		☐ Publicly Owned ☐ Privately Owned

I hereby certify that the information provided above is correct and acknowledge that should any differences be identified throughout the course of the project that all renovation project requirements still apply.

PHILIP J MCGINNIS

Philip J McGinnis

12/22/2025

Printed Name of Applicant

Signature of Applicant

Date

THIS FORM MUST BE COMPLETED AND TURNED IN WITH PLUMBING PERMIT APPLICATION OR BUILDING PERMIT APPLICATION.



Ashley Fence LLC
254 Hopkins Cemetery Road
Harrington, DE 19952
(302) 398-7700

Contact:

McGinnis Commercial Real
Estate Co
Philip J McGinnis
S. New & W. Water Street
Dover, DE 19904
(302) 270-0656
pjm@mcginnisrealty.com

Job Location:

S. New & W. Water Street
Dover, DE 19904

Estimate Info:

Date: 12/15/2025
Estimate: McGinnis
Commercial Real Estate
Co (Philip J McG
Rep: Francis Tribbett
Job #485

Furnish & Install

Install 165 feet of 8ft tall commercial grade chainlink fence with NO GATES.
This will be in 3 sections by the sidewalk on S. New Street.



Terms: Upon signing this contract 50% is due. The balance is due when the job is complete. Materials remain Ashley fences until paid in full. Ashley fence will have public utilities marked. All other objects such as sprinkler lines will be up to the customers. If the property pins cannot be located it is recommended to have the property surveyed. Ashley fence will not be responsible if the customer directs us to install outside the property boundaries. The HOA fence specs will be up the customer to acquire. ASHLEY FENCE GUARANTEES ITS WORKMANSHIP FOR 5 YEARS. PERMIT IS INCLUDED IF APPLICABLE

Grand Total \$5,100.00

Down Payment _____

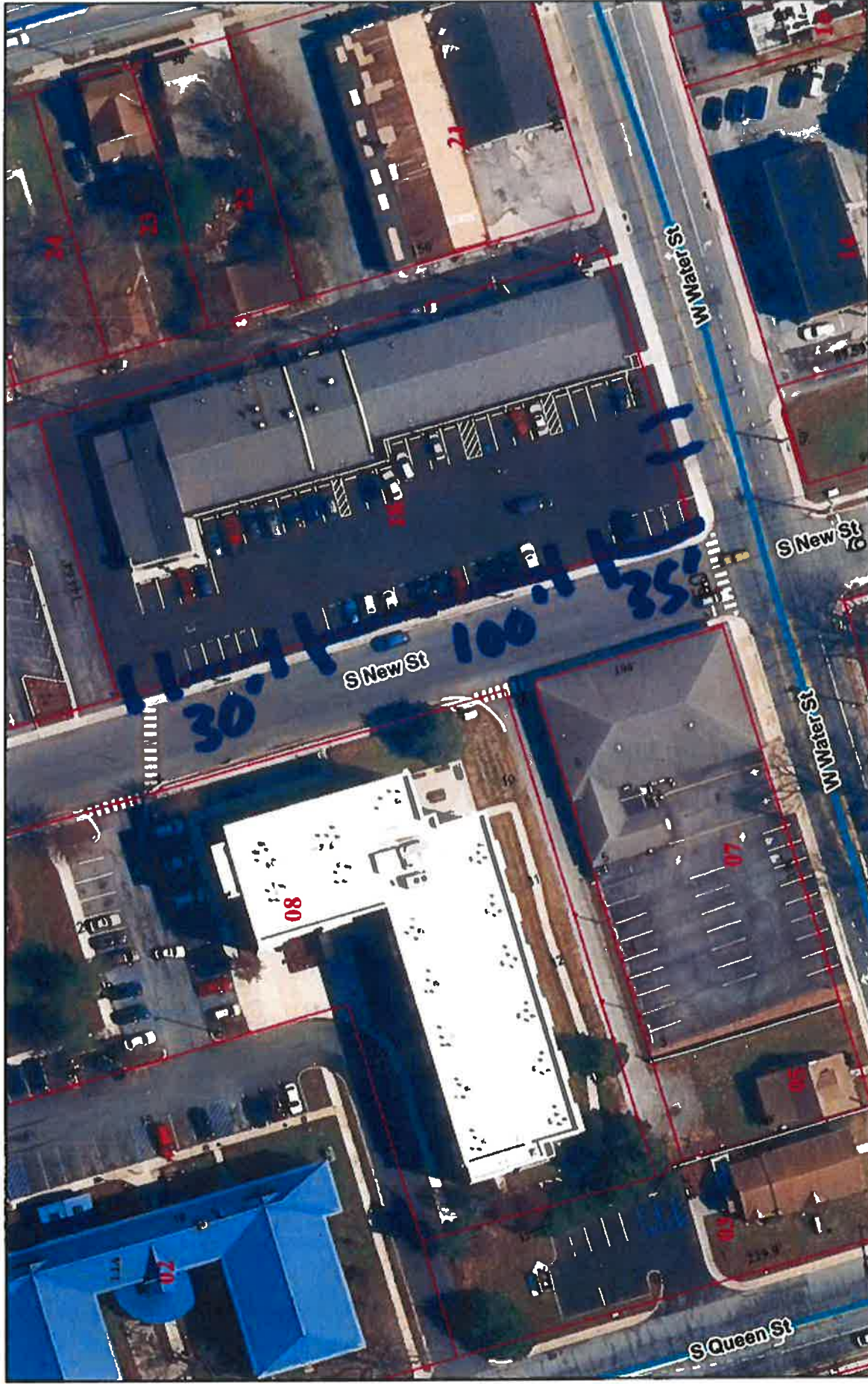
Balance Due _____

I understand and agree with the enclosed contract.

Customer Name _____ Date _____

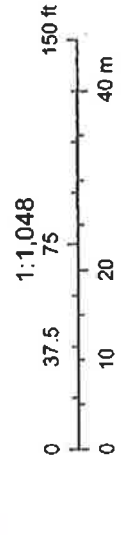
Company Name _____ Date _____

Kent County GIS Map



12/22/2025, 10:16:50 AM

-  Parcels
-  Major Collector
-  Minor Arterial
-  Locals



State of Delaware, Sanborn Map Company, Inc.

PHILIP J McGINNIS
193 Cooper Road
Dover, Delaware 19901
(302) 270 - 0656
pjm@mcginnisrealty.com

December 22, 2025

TO : Dover Planning Department

FR : Philip McGinnis
Courtney Square Associates

RE : Fence Application

To Whom It concerns,

I am the managing partner of Courtney Square Associates, which owns the retail strip at New and Water Streets, in the City of Dover.

We have developed a problem at this property where the local residents treat me like a public park. They back their cars in along New Street and tailgate all day long.

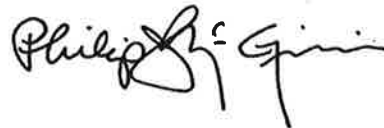
I have called the police repeatedly, and I have intervened personally, and they return within an hour.

I intend to install an eight - foot chain link fence along New Street, obviously not across the curbcuts, so as to cut off access to the sidewalk on New Street, in hopes of driving this activity away from my business. I need a taller fence so people cannot pass alcohol and other things across it, which would not discourage their parking at my property.

These folks are piling up trash, certainly dealing drugs, and causing disruptions to my tenants.

Please let me know what other information you need. Thank you in advance.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip J McGinnis", written in a cursive style.

Philip J McGinnis



NEW STREET LOOKING NORTH
COURTNEY SQUARE PARKING LOT



COURTNEY SQUARE PARKING LOT



TAILGATER WITH LUNCH



TRASH LEFT BY TAILGATERS
BENT SIGNS WARNING 30 MINUTE PARKING



NEW STREET EAST SIDE SIDEWALK

EXHIBIT D

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

The property is zoned C-2A, Neighborhood Commercial. A retail and office zone.

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

The property is a 12,000 square foot strip shopping center which is an area of service commercial to the east, office to the west, south, and north. Morris Correctional is caddy corner to the southwest. Spence's Bazaar is just south of that. The Dover Housing Authority units Owens Manor and Queens Manor are across the street. The Dover Police Department is only a block and a half away. Courthouse parking is to the east. Auto repair is the corner of Governors and Water Sts.

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The property is currently being used a public park, and the local residents back their automobiles up to New Street and tailgate all day every day. I have restricted parking for tenants and customers of 30 minutes, and no loitering and no trespassing signs mounted everywhere, which is ignored. In fact, these people have bent the signs backwards, a couple of which have broken off, and loiter and trespass for hours at a time. I have called the police, as have the tenants, numerous times. I have personally asked these people to leave the property numerous times, and they simply return to flaunt the fact that they will do what they want to do when they want to do it. I need to separate my parking from New Street.

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.

I propose an eight - foot chain link fence, which does not obstruct vision, and which should discourage people from parking on my property and New Street and pass back and forth across an unobstructed property line, between the parking aisles and the right of way. We would not fence the driveways. Four-foot fence is a footrest and will be knocked over as easily as the parking limit signs they have broken. Six-foot fence allows people to pass stuff over the top easily. Eight feet is a discouragement and a clear signal to go away. This fence poses no threat or obstruction to any other property in the city, let alone the immediate neighborhood.