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To:
City of Dover, Delaware
Department of Planning & Inspections
P.O. Box 475 Dover, Delaware 19903
Re: Cassidy Commons at 101-1001 Cassidy Drive, C-21-01

January 31, 2024

LAND DEVELOPMENT REQUEST FOR WAIVER

Partial Elimination of Sidewalk

To Whom it May Concern:

The applicant requests to partially eliminate the sidewalk requirement as per the Dover, Delaware Code of Ordinances, Article II, Street Construction and Article IV Sidewalk Construction. The particular area of interest is the west side of Cassidy Drive.

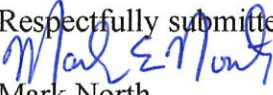
This particular request is in conjunction with a request for an upright curb waiver. The addition of sidewalk without the upright curbing will create a walk with no meaningful separation from the motor traffic way. The existing west pavement edge of Cassidy Drive is not a sufficient distance from the west property line to accommodate the sidewalk, storm water management grades and landscaping without placing the sidewalk right adjacent to the pavement.

The storm water management practices have been designed and approved to utilize sheet run-off of storm events over pavement edges. The storm water management plans are currently approved utilizing this practice. Creating additional impervious surface may also impact the original, currently approved design. In addition, placement of upright curbing and sidewalk will alter the current sheet flow approved design. The site has been forty percent constructed as per the previous approval and changes to the design will have substantial effect on the functionality of the current approved plans. There is also a substantial existing culvert and headwalls that was constructed between building 4 and building 5 as per the approved and active storm water management plan and previous grading plan. The addition of sidewalk to the west side of Cassidy Drive was not considered in the design and construction of the culvert system. Substantial changes would be necessary to accommodate the sidewalk.

The particular existing physical conditions, shape, and topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out. The granting of the waiver will not be injurious to the other adjacent property as such conditions are already existing as per previous approval. The conditions, upon which a request for the waiver is based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.

There is existing and proposed sidewalk along the east side of Cassidy Drive that will accommodate pedestrian traffic along the corridor.

We hope you find this waiver request consistent with the intent and purpose of the city zoning regulations, the city land use plan, and the requirements of this article.

Respectfully submitted,

Mark North