

ARCHITECTURAL REVIEW REPORT

Referral by City Planner to Historic District Commission
Meeting of September 17, 2026

Permit: Fence Permit #26-1349

Location: 317 S. Governors Ave, Dover, DE

Tax Parcel: ED05-077.09-04-44.00-000

File Number: HI-26-05

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

Referral of Permit:

The following application Fence Permit #26-1349 for 317 S. Governors Ave is referred by Planning Staff 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 #26-1349 was filed on August 19, 2026, for a Fence project at 317 S. Governors Avenue in Dover, Delaware. The Project outlined in the Permit submission involves placement of a six-foot tan vinyl fence on the side and rear yard of the property. It is proposed to be a tan vinyl fence.

The plan diagram included in the Permit submission shows the fence extending from southern elevation of building in two segments out to the driveway and turning east directly towards neighboring fences. The neighboring properties to the north and south are both businesses, and to the east is a parking lot.

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. The building on the property is also located within the boundaries of a National Register of Historic Places Historic District, specifically the Dover Green Historic District (K-394.27). It is a contributing resource and is described as a mid 19th century, 2 ½ story 3 bay frame house.

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 south side of the building is visible from the public street of South Governors Avenue. 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.” A review of fences on other properties along this block of S. Governors Avenue shows a mix of fencing materials, decorative iron, wood picket, and low brick walls.

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 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 eight (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 allow for the fence to be a maximum of 8 feet in height; however, the Historic District standards place the height limit at 4 feet.

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 #26-1349. 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 at 317 S Governors Avenue for the rear yard as presented in Permit #26-1349 and accompanying documents.

1. Fence Locations: The fence is proposed in the rear yard of the property, adjoining other fences on the adjacent properties. It will be along the southern most property line, and connecting to the rear of the existing structure. The applicant states that the fence is meant to protect the property from security concerns and prevent parking from bakery staff and patrons on property that is not theirs. The fence prevents continued access from the nearby La Baguette Bakery (the adjacent property to the south) to the driveway for parking.
2. Fence Visibility: The fence has visibility from South Governors Avenue. The fence material is proposed as Tan Vinyl; it will provide privacy and not be transparent. The fence has visibility from the adjoining property to the south, but will be obscured from the adjacent property to the north and the parking lots on the north and east by other existing fences.
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*.
4. Fence Material: The Fence is proposed to be tan vinyl as a security fence which will not be transparent and will prevent invasion into the rear of the property. The use of vinyl materials for fences is not specifically addressed in the Historic District; however, wood picket fences are a recommended fence type and material within the Historic District.
5. Fence Materials: The use of a tan vinyl fence material will block views of the property.
6. Current Condition & Location: The property currently does not have a fence around the perimeter; however, some adjoining properties have fences along the adjacent property lines.

Recommendations:

- *Fence Enclosure* - Staff finds that this Fence has clear visibility from S. Governors Avenue. The use of a tan vinyl results in an opaque barrier between the properties and will serve as a sufficient obstacle for anyone attempting to access the property.
- *Fence Height* - While a reduction in height to 4 feet could be considered, it may be impractical because the expressed purpose of this fencing is security.

- *Fence Material* – The use of tan vinyl fencing is generally visible at the point of “public view” at the street frontage. The project can be encouraged to utilize a wooden picket style fence given its location in the Historic District.
- *Fence Gates* – The applicant has not provided information as to the location of fence gates or if any are intended for placement on the property.

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:

- Exhibit 1. Letter of Referral Notice to Applicant dated August 24, 2026
- Exhibit 2. Building Permit #26-1349 Application Form
- Exhibit 3. Email regarding new material and height decision
- Exhibit 4. *Design Standards and Guidelines for the City of Dover Historic District Zone*, Chapter 3, page 3-26 to 3-27
- Exhibit 5. Aerial Map of property
- Exhibit 6. Screen shot Google Streetview