

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
July 16, 2025

A Regular/Hybrid Meeting of the City of Dover Board of Adjustment was held on Wednesday, July 16, 2025, at 9:17 A.M. in person in the City Council Chambers and using the phone/videoconferencing system Webex. Members present were Chairman Sheth, Mr. Wagner, Mr. Swalm, and Mr. Senato. Mr. Coburn was absent.

Staff members present were City Solicitor Mr. Rodriguez, Mrs. Melson-Williams, Mr. Salzano and Mrs. Savage-Purnell.

APPROVAL OF AGENDA

Mr. Senato moved for approval of the agenda. The motion was seconded by Mr. Swalm and unanimously carried 4-0. Mr. Coburn was absent.

Chairman Sheth asked if there were any questions.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JUNE 18, 2025

The meeting minutes of June 18, 2025, are still being prepared. The meeting minutes will be presented for approval at the next regular meeting.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams mentioned that the next Board of Adjustment Meeting is Wednesday, August 20, 2025, at 09:00 am. We have received at least one Application that will be scheduled for that meeting. We do appreciate City Solicitor Mr. Rodriguez for continuing to serve as Staff to this Board while the City looks for his replacement. He is retiring from service with the City, and we appreciate his work with us in the past.

Mrs. Melson-Williams mentioned for the record that there were no items of Old Business.

Mrs. Melson-Williams read the Procedure Statement for New Business.

Mrs. Melson-Williams noted that the legal notice for this Application was published in the Daily State News on July 9, 2025, and the property owners within 200 feet of the subject site were notified by letter sent by the Planning Office in accordance with the procedures for public notice of a variance application.

Chairman Sheth asked if there were any conflicts of interest.

NEW BUSINESS

Application V-25-03

Property at 506 Pear Street. A Request has been made for a Variance from the requirements of

Zoning Ordinance, Article 5 §1.114, as associated with a proposed above-ground swimming pool. The Variance Request seeks a reduction of the minimum setback from 15 feet to 10 feet from the side property line for the edge of the water containment portion of the swimming pool. The property is zoned RG-1 (General Residence Zone). The owner of record is Kelsey Short. Property Address: 506 Pear Street, Dover, DE. The Tax Parcel ID is ED-05-067.20-01-07.00-000.

Mr. Chris Salzano gave a brief overview of the Application V-25-03 referencing the Staff Review Report and Recommendations.

Mr. Salzano reminded the Board that before them is an Area Variance. There are four tests that need to be considered for Exceptional Practical Difficulty.

Representative: Ms. Kelsey Short, Owner at 506 Pear Street, Dover DE.

Ms. Kelsey Short was sworn in by City Solicitor Mr. Rodriguez.

Presentation

Ms. Short stated that her intention is to get a pool. She moved to the house four years ago. At that time, her intention was to get a fence and a pool. When I was getting the Permit for the fence is when I realized that there was a 15-foot guideline. So, that's why I reached out to you guys just to see if I could proceed with the pool. Chris got me going in the direction of filing an Application to the Board of Adjustments. I have already spoken with both my neighbors on the either side of me. They're completely fine with me getting a pool. I kind of ran through like what could happen and like the reason why I have to do the meeting. They're completely fine with me getting a pool. She asked the Board if they had any questions?

Chairman Sheth said he did not have any questions.

Chairman Sheth asked the Board if they had any questions. There was none.

Mrs. Melson-Williams mentioned that the Report of the summary of the variance request was provided to both the Board of Adjustment as well as the Applicant. That outlines the Code requirements related to the setbacks for pools and then the consideration of the four criteria for the consideration of a variance. Attached to the Report is a series of Exhibits (Exhibit A through F) and those are for the record. The legal notice for this particular Application was published in the Daily State News on June 30, 2025. Property owners within 200 feet of the subject site were notified by letter sent by the Planning Office in accordance with the established procedures for public notice. So, as noted if you're interested in the series of the four criteria, they begin on page 3 focusing on the nature of the zone; the character of the area; if you remove the restrictions, how it would affect the neighbors; and if you did not remove the restriction, how it would affect the property owner. Planning Staff has recommended approval of the variance, noting that swimming pools are accessory to residential uses and residential zones, and the placement of a pool would be fairly consistent with the zone, and the use is expected in a surrounding residential neighborhood. The placement of the pool is in a location that requires a variance of 5 feet. That

would be 10 feet from each of the side property lines and that maximizes the distance from the side property lines to help mitigate any risk to those adjacent properties.

Given the total lot width of 35 feet that would allow for the pool of the size the Applicant is requesting. The pool is going to be placed behind a solid privacy fence that is 6 feet in height. The Applicant did provide us with a series of images of the pool and the potential location in the backyard. Those were included in your packet. This shows the blue house with the red shutters; that is Ms. Short's house. The blue circle on the ground is the approximate location of placement for the pool. If you do not grant the Variance, the property owner would likely not be able to place the pool on the lot as noted by Mr. Salzano as the available space to meet the prescribed setbacks currently in the *Zoning Ordinance* would mean a pool of 5 feet in diameter given the size of the property.

Chairman Sheth opened the public hearing.

Chairman Sheth asked if there was anyone who would like to speak in favor of the Variance Application. There was none.

Chairman Sheth asked if there was anyone else wishing to speak against the Variance Application. There was none.

Chairman Sheth closed the public hearing after seeing no one else wishing to speak.

Chairman Sheth asked if there was any additional correspondence. There was none.

Mrs. Melson-Williams stated that there were no participants online; so, there are no participants for the public testimony. We did not receive any additional correspondence regarding this Application.

Mr. Senato moved to approve Variance Application V-25-03 regarding the request of the Applicant to allow for the edge of the water containment portion of the pool to be 10 feet (less than the 15 feet required) from the side property line because the placement of the swimming pool is consistent with the zoning and the uses expected within the surrounding residential neighborhood. The applicant's requesting a 5-foot variance from 15 feet to 10 feet. The motion was seconded by Mr. Swalm and unanimously carried 4-0.

Mr. Swalm seconded the motion for the same reasons as Mr. Senato except that nature of the zone is consistent as residential seen with the character and immediate vicinity. I believe that it might create a hardship just because of the width of the property. I did read that it was the smallest pool that she was able to get.

Roll Call Vote:

Mr. Senato yes, I stated the reason in the original motion.

Mr. Swalm yes, I stated the reason in the motion.

Mr. Wagner – Yes, I agree with the motion and Staff Recommendations as stated for Application V-25-03.

Chairman Sheth – Yes, very consistent with the Ordinance.

Chairman Sheth stated that the motion is 4 yes votes and zero no votes. Motion approved.

Chairman Sheth asked if there were any other questions? There was none.

Mr. Senato made a motion to adjourn the meeting. It was seconded by Mr. Wagner and unanimously carried 4-0.

The meeting was adjourned at 10:14 A.M.

Sincerely,
Maretta Savage-Purnell
Secretary