



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

____ Area Variance
____ Use Variance
____ Appeal
____ Pre-App Date

A

Board of Adjustment Application

Application Information

Property Address: 1494 McKee Rd, Dover, DE 19904

Tax Parcel Number: 2-05-067.00-01-0900-000

Owner Name: Abhay Patel

Property Zoning: R8

Variance (s) Requested: Relief from 50' maximum front yard setback due to parcel (portion of) being in the Corridor Overlay Zone (COZ-1)

*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.

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

Abhay Patel

I _____ 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.

DocuSigned by:

Abhay Patel

Owner

6/14/2024 | 11:57 PDT

Signature

Title

Date



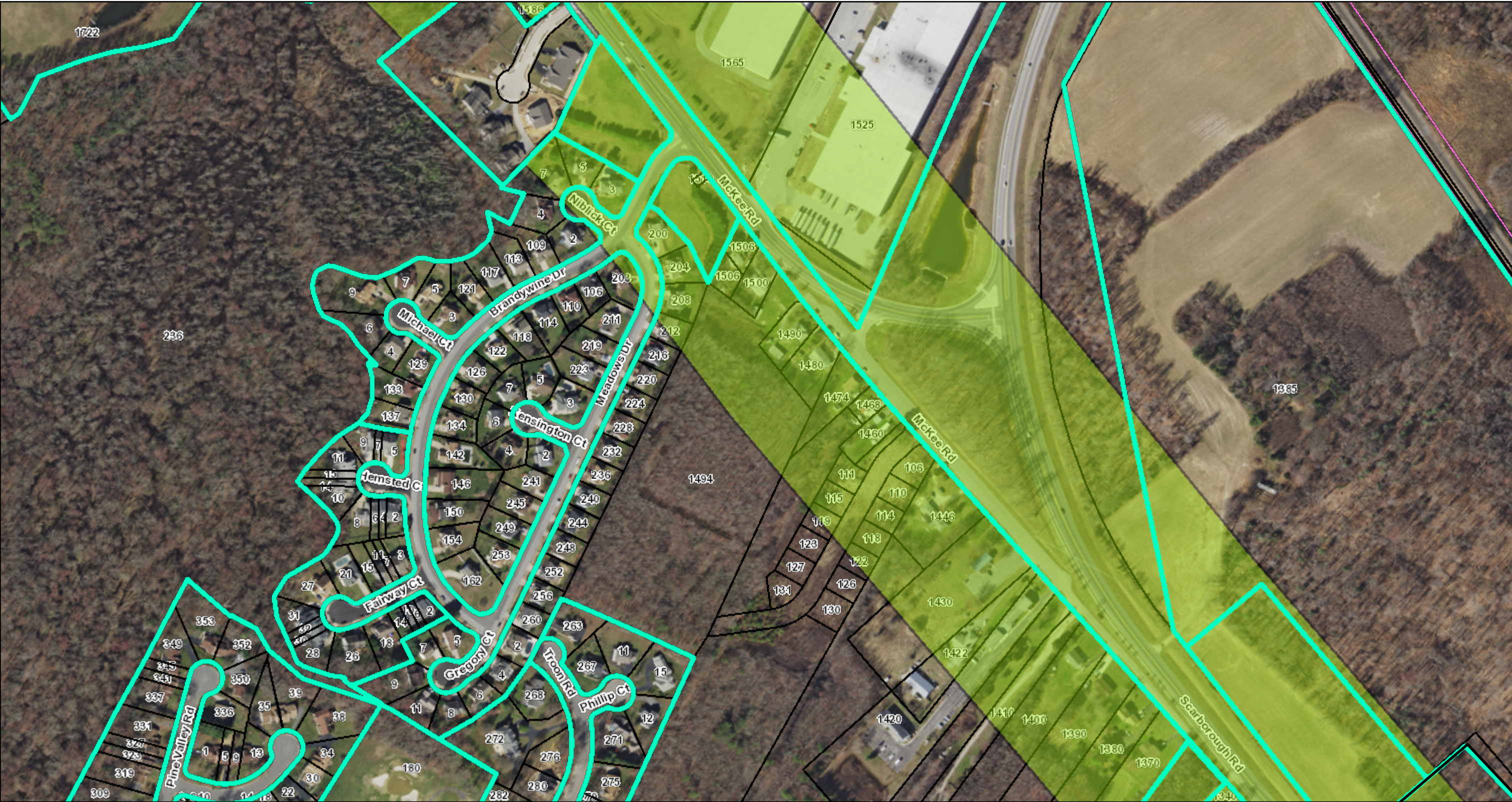
Title: Property at 1494 McKee Rd. - Application for Variances
Addresses: 1494 McKee Rd.
Parcel ID: ED-05-067.00-01-09.00-000
Zoning: R-8 (One-Family Residence Zone)
COZ-1 (Corridor Overlay Zone)
Owner: Abhay Patel (Equitable Owner noted in submitted documents as India U.S. Society of Delaware)
Date: 07/09/2024

Legend

-  Dover Boundary
-  2012 Buildings
-  Zoning
-  Dover Parcels
-  Kent County Parcels
-  Corridor Overlay Zone

Planning & Inspections View Map

C



7/8/2024, 4:30:35 PM

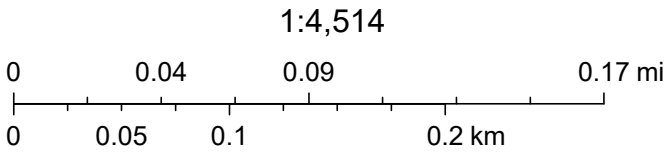
DE_Imagery_2017

- Red: Red
- Green: Green
- Blue: Blue
- Dover_Boundary
- Tier 1 Secondary Wellhead Protection Area
- Tier 2 Primary Wellhead Protection Area
- SWPOZ Source Water Protection Overlay Zones - Tier 3 Excellent Recharge Areas

- Noise Zone Areas

 - 65 DNLA
 - 70 DNL B
 - 75 DNL C
 - 80 DNL D
 - H Historic District
 - COZ-1 Corridor Overlay Zone
- AEOZ Airport Environs Overlay Zone

 - APZ I
 - APZ II
 - CZ
 - Zoning Boundary Line
 - Parcels Outside Dover
 - Dover Parcels



Surdex Corp, Maxar

June 10, 2024

D

Nik Patel
Avi Consulting Group, LLC
897 W Birdie Ln
Magnolia, DE 19962
Email: nikhil@nikhilassociate.net
Phone: 302-270-2917

City of Dover Planning Office
City Hall, 15 Loockerman Plaza
Dover, Delaware 19901
Phone: 302-736-7196

Board of Adjustment
City of Dover
City Hall, 15 Loockerman Plaza
Dover, Delaware 19901

RE: Variance Request for Parcel #2-05-06700-01-0900-000

Dear Members of the Planning Office and Board of Adjustment,

I am writing on behalf of Abhay Patel, Owner of the vacant 10 acre parcel located at 1494 McKee Rd, Dover, DE 19904, (Equitable Owner, India U.S. Society of Delaware, mailing address being 1712 Windswept Ct, Dover, DE 19901.

We are requesting a variance to the minimum 40' and maximum 50' front yard setback requirements set forth in the City of Dover's zoning regulations for the above-referenced parcel. The request is necessary due to the unique layout of the property and the Corridor Overlay Zone (COZ-1) designation affecting the eastern 390' (+/-) portion of the parcel. This variance is critical in order to proceed with a conditional use application for a Community Center that is being proposed on site.

Below, I outline the justification for each aspect of the variance request:

1. The Nature of the Zone in Which the Property Lies

The subject property is located, partially, in the Corridor Overlay Zone (COZ-1) and is zoned R-8. The Corridor Overlay Zone (COZ-1) is established to promote superior urban corridor development, foster coordination among corridor properties and adjacent lands, preserve the functionality and efficiency of the roadway, and achieve a visually balanced streetscape that is friendly to both pedestrians and motorists. The R-8 zoning permits residential development at a density of 8 units per acre, characterized by residential uses including single-family homes and related community facilities. Specific permitted uses in R-8 zones include one-family detached dwellings, public buildings and structures, and places of worship, subject to planning commission approval.

2. The Character of the Immediate Vicinity and the Contained Uses Therein

The immediate vicinity of the parcel consists of single-family residential properties, manufacturing facilities (across the street), professional offices, and a few churches. The area is diverse in its uses, and the introduction of a Community Center would complement the existing community-oriented facilities. The proposed Community Center will serve as a communal space for the Indian community, providing recreational and social services that are currently lacking in the area.

3. Whether, If the Restriction Upon the Applicant's Property Were Removed, Such Removal Would Seriously Affect Neighboring Properties and Uses

Removing the front yard setback requirement would not adversely affect neighboring properties. The proposed Community Center is designed to be consistent with the character of the neighborhood and will enhance the community's amenities. The placement of the Community Center further back on the parcel, as requested, ensures that it does not interfere with the privacy or views of surrounding properties. Additionally, the design includes landscaping and buffering to maintain the aesthetic harmony of the area.

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

The existing layout of the parcel, with its limited frontage along the right-of-way (approximately 138' +/-), however, as the southern property line (150' +/-) and northern property line (161') head in west towards the rear of the property, they narrow slightly to a width of approximately 64', significantly constraining the placement of the proposed 9,700 sq ft Community Center and parking area within the front portion of the property as the statute requires.

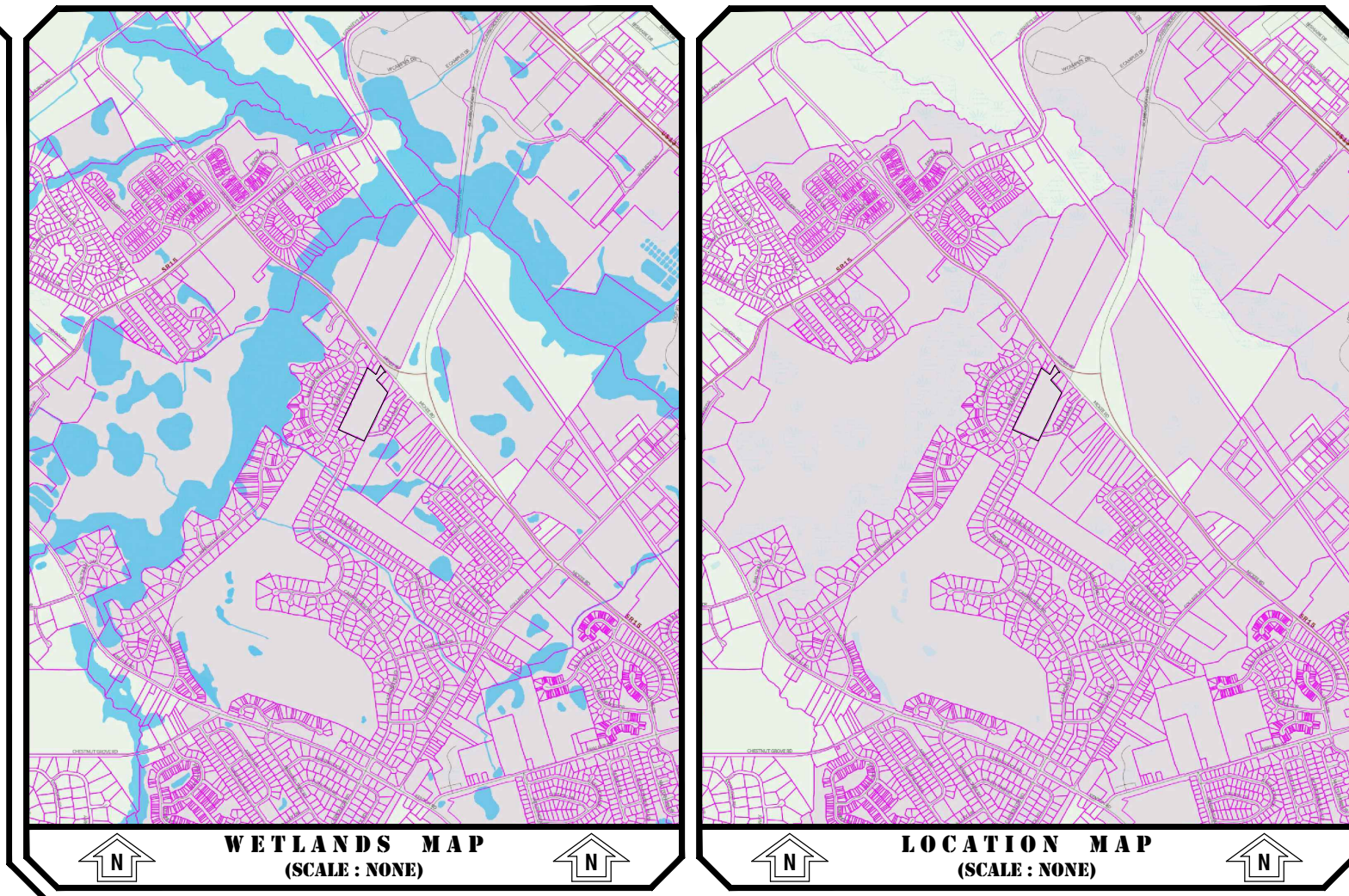
Adhering strictly to the 40' to 50' setback requirements would make it impractical to position the Community Center in a manner that accommodates both functionality and compliance with the zoning ordinance. This restriction creates a hardship as it limits the ability to develop the site effectively for the intended community use, thereby hindering the project's feasibility and the community's benefit.

Thank you for considering our request. We look forward to your positive response and are available for any further information or discussion needed.

Sincerely,

Nik Patel
Avi Consulting Group, LLC
897 W Birdie Ln
Magnolia, DE 19962
On Behalf of Abhay Patel and India U.S. Society of Delaware

CURVE TABLE			
NO.	RADIUS	DELTA	ARC
C1	R=25.00'	D=100°55'25"	A=44.036'
	CHORD TIE: N 81°59'27" W 38.56'		



SURVEYOR

BLIND *TO* *TTT*

Surveying

STATE ROUTE #15 -- MCKEE ROAD
(MCRT56 - MINOR ARTERIAL)

DATA COLUMN:

[illegible]

GENERAL NOTES:

[illegible]

PLAN PREPARED BY

ELLIOTT Surveying

332 AUDREY LANE, SMYRNA, DE 19977
PHONE: (302) 678-8115 FAX: (302) 678-8255

SURVEYORS CERTIFICATION

I, WILLIAM A. ELLIOTT, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

WILLIAM A. ELLIOTT, PLS
REG. NO. DATE

[illegible]

OWNERS INFORMATION

ABHAY PATEL

111 S WEST STREET
DOVER, DELAWARE 19904

CONCEPTUAL PLAN PREPARED FOR

**INDIA U.S. SOCIETY
OF DELAWARE**

1506 McKEE RD
DOVER, DELAWARE 19904

TAX MAP #: 2-05-06700-01-0900-000

EAST DOVER HUNDRED
CITY OF DOVER
KENT COUNTY, DELAWARE

DRAWN BY:	NRK
CHECKED BY:	-
SCALE:	1"=50'
DATE:	20-NOV-2023
DATE OF FLD WRK:	N/A
DATE CRNRS SET:	N/A
FIELD BOOK/PAGE:	N/A
SCJ FILE NAME:	McKEE_RD
DRAWING #:	1494_McKEE_RD
CONTRACT #:	1494_McKEE_RD

SHEET 1 OF 1