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September 15, 2023

Mrs. Dawn Melson-Williams, AICP
Head Planner
City of Dover Department of Planning
17 Loockerman Plaza
Dover, DE 19901

RE: **Variance Requests**
LOT 8 – GARRISON OAK BUSINESS AND TECHNOLOGY CENTER
Dover, Delaware
2009076.09

Dear Dawn:

On behalf of our client, SLS Equity Partners, Becker Morgan Group, Inc. is hereby submitting two (2) variance requests for the parcel referenced above. The subject parcel is identified as district-map-parcel number LC-05-068.00-02-08.00-000 otherwise known as Lot 8 of the Garrison Oak Business and Technology Center. The following information is enclosed in support of this request:

1. One (1) signed Board of Adjustment Application.
2. One (1) Board of Adjustment Checklist.
3. Eight (8) copies of the Site Plan Exhibits.
4. A check in the amount of \$600.00 (forwarded by the applicant).

SLS Equity Partners, the equitable owner, proposes to develop the property with a bulk cold storage and distribution building, associated parking, and stormwater improvements. These facilities, located across the county, generally range in height from 40' up to 100' feet. The code does not restrict the number of stories that can be built in the IPM-2 zone, nor does it limit height per se. The structure can only be as high as the distance to the nearest property line. To maximize the usability of the site, we are requesting a variance from Article 4 section 4.16 Maximum Permitted Setback Requirement (Maximum setback) Maximum permitted lot coverage. We are requesting a variance in terms of allowing portions of the building, which could approach 100 feet in height, to be constructed closer to the front and side property lines than allowed by code. Additionally, to maximize the use on site, we are requesting a variance to allow for the additional impervious cover over the maximum allowable of 65% to 71%.

The table in Article 4 section 4.16 stipulates that parcels within the IPM-2 zone, contain no limit to building stories but does limit the height "to distance to nearest lot line." In short, the building's height cannot exceed the distance to the nearest lot line. As shown on Exhibit 1, the building shown has been located 60' from the western property line and 88' from the northern property line. As these cold storage facilities tend to approach 100' in height the applicant is requesting that the building be permitted to be constructed no closer than 60' to the western property line and closer than 88' to the northern property line. As the final design of which sections of the building will approach the maximum height of 100 feet, permitting the request would allow the final building height to not be constrained within the footprint shown.

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Additionally, the table within Article 4 section 4.16 stipulates that parcels within the IPM-2 zone have a maximum lot coverage of 65%. Exhibit B depicts the current preliminary layout for the building, shipping, and lot layout of the facility. To maximize the use of the property for the specific facility, the applicant is requesting that the maximum allowable impervious coverage for the lot be increased to no greater than 71%. The extra 6% will allow for accommodations for both trailer storage and vehicle parking on the lot. While the project, should it go forward, would be requesting a waiver from the planning commission for the amount of parking needed for employees, as code far exceeds the city's requirements. The final plan would work towards reducing that coverage closer to the 65% but would not exceed 71%.

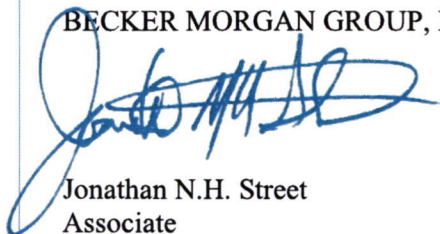
Attached to this letter we have outlined the four (4) criteria concerning the area variance for each. They are titled, "*Setbacks As It Relates to Building Height and Allowable Lot Coverage*". These attachments outline the city's four criteria with regards to, the nature of the zone, the character in the immediate vicinity, whether removing the restriction would adversely impact the neighboring parcels, and the unnecessary hardship to develop the property.

With this application we are requesting to be placed on the Board of Adjustment schedule for October 18, 2023.

Please contact me should you have any questions or require additional information.

Sincerely,

BECKER MORGAN GROUP, INC.



Jonathan N.H. Street
Associate

JNS/rlh

Cc: Shira Weisz, CPA

Enclosures

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VARIANCE CRITERIA: SETBACKS AS IT RELATES TO BUILDING HEIGHT

1. The nature of the zone where the property lies:

The parcel subject to this request is zoned IPM-2 and lies on the northeast side of the Garrison Oak Business and Technology Center.

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

The subject parcel is located within a planned industrial and technical park. The surrounding parcels are all zoned IPM-2 and are in various states of development. Although located on adjacent parcels, the areas to the parcels south are open space and stormwater management areas for the Technical Center.

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

Removal of the restriction from the setback requested on the property would not adversely affect the neighboring properties. The closest neighboring parcels to the west and south of the subject parcel are lots 9 and 3 respectively. The building envelopes of these two lots are roughly 200' away from the common parcel line. The intent of the setback requirement is to provide spacing of the structures within the park between the properties. There is no adverse impact to either of the surrounding Lots as natural features and sewer infrastructure on both lots prevent the construction of structures within close proximity to the shared parcel line. Separation of the buildings would remain at least 260 feet apart, depending on the layout.

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 development of the property as proposed would be impacted if the restriction is not removed as it would limit the potential end users in an already narrow market. These cold storage facilities are located across the country and designed to provide shorter transport times for perishable goods between the producer and the end user. The stored items include products like fruits and vegetables, fresh meat, etc. These facilities can vary in size and shape depending on the end user. The intent is to create a development package for the developer to utilize for end user. The City of Dover began this process by creating the Technology Center more than 13 years ago by subdividing the land, building the roads, and infrastructure, and we are intending on continuing that effort by providing a lot ready for a facility. Removal of the restriction would not alter the essential character of the neighborhood or corridor in the area as this is a planned industrial park/center which can be developed in a number of different uses. Currently the Center contains two power generating stations, (solar and Gas Fired), Manufacturing Plant (Uzin Utz), and Advantech's Corporate headquarters. These buildings or facilities vary in both shape and size, this new facility would not alter that character.

VARIANCE CRITERIA: ALLOWABLE LOT COVERAGE

1. The nature of the zone where the property lies:

The parcel subject to this request is zoned IPM-2 and lies on the northeast side of the Garrison Oak Business and Technology Center.

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

The subject parcel is located within a planned industrial and technical park. The surrounding parcels are all zoned IPM-2 and are in various states of development. Although located on adjacent parcels, the areas to the parcels south are open space and stormwater management areas for the Technology Center.

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

Removal of the restriction of 65% to a 71% impervious coverage would not adversely affect the neighboring parcels or the Technology Center as a whole. When the stormwater management for the entire Technology Center was designed, it was assumed that each lot would be developed maximizing the overall impervious of 65%. Any additional increase of impervious cover would need to be managed on site per the State of Delaware Stormwater regulations.

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.

As previously stated, the development of the property as proposed is looking to provide supply chain style warehousing for the peninsula and the surrounding area. The vast majority of the impervious on site is linked to trailer maneuvering and storage. The types of trailers typically utilizing these facilities are the larger interstate type trailers, known as a WB-67. The spaces needed to maneuver are roughly the same size as the length of trailer and cab causing the drive isles to be between 75-80' in width. These facilities usually contain a one-to-one ratio or even a two to one ratio of loading dock doors to trailer storage spaces. Currently the site has roughly a one-to-one ratio of loading bays to storage trailer bays and we would be looking to maximize this ratio as much as possible for the feasibility of the use. Removing this restriction would allow the site to maximize the amount storage spaces available. If the restriction is maintained at 65%, the trailer storage areas will be removed, and the project as designed not feasible.