



Board of Adjustment Application

Application Information

Property Address: Raymond/Jason Street, Dover, DE 19904

Tax Parcel Number: 2-00-067.00-01-17.00/000

Owner Name: Wilma Mishoe and the Apartments at Mishoe Cove, L.L.C.

Property Zoning: N/A - (Paper Street)

Variance (s) Requested: N/A

*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- This Section is not applicable.

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

I N/A 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.

Sergovic Carmean Weidman McCartney & Owens, P.A.
John A. Sergovic, Jr., Esq.

7/19/23

Signature of Appellants' Counsel

Title, Counsel for Appellants

Date



City of Dover, DE

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

Board of Adjustment Application- cont.

Use Variance- This section is not applicable.

A use variance shall be evaluated on the following criteria. **Please state how your request meets each of these criteria.**

1. That there are physical conditions applying to the land or building for which the variance is sought, which conditions are peculiar to such land or buildings, and have not resulted from any act of the applicant or any predecessor in title; and
2. That the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of all reasonable use of such land or building and the granting of the variance is necessary of the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish this purpose;
3. That granting of the variance under such conditions as the board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this ordinance, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.

Appeal

Please state the administrative order, requirement, decision, or determination that you are appealing. (Provide a copy of the original decision that is being appealed)

The Dover City Planning Commission erred in approving Site Development Plan S-23-06 College Road Apartments at Railroad Avenue/Grove Street. Please see the attached letter for reasoning in support of this appeal. A copy of the original decision is not available at this time and will be provided under separate cover.¹

¹ The attached letter signed by John A. Sergovic, Jr., Esq., is incorporated herein by reference.

APPLICATION FOR MAILING LIST

Application is hereby made to the City of Dover's Department of Planning and Inspections for preparation of a listing of the names and mailing addresses of all property owners within the specified feet of the Subject Site indicated below, and further described on the attached Plan, as they appear on the municipal tax roll.

SUBJECT SITE:

(Address)

Raymond/Jason Street, Dover DE 19904

(Tax Parcel Number)

2 - 0 0 - 0 6 7 . 0 0 - 0 1 - 1 7 . 0 0 / 0 0 0

OWNER OF RECORD:

(Name & Address)

Wilma Mishoe and the Apartments at Mishoe Cove, L.L.C.
353 Rita-Wilma Road, Dover, DE 19904

This application is made in conjunction with my application for the following on the subject property (Check appropriate item):

- ☒ BOARD OF ADJUSTMENT (200 ft.)
☐ ANNEXATION (200 ft.)
☒ OTHER- A fee of \$15.00 will be assessed for the creation and distribution of a mailing list, based on the City of Dover's Data Distribution Policy.
Specify distance _____

Please forward the requested mailing list to the following:

- ☐ Department of Planning & Inspections Staff _____
☐ City Clerks Office
☒ Other: Send to address below

Department of Planning and Community Development
Board of Adjustment
15 Loockerman Plaza
Dover, DE 19901

APPLICANT'S CERTIFICATION

My signature hereon indicates my acknowledgement and understanding of the public notice that will be sent with regards to my application/inquiry.

Applicant's Signature: Wilma Mishoe *

Date: July 17, 2013

For Office Use Only	
Date Prepared: _____	Paid: _____
Preparer's Initials: _____	File Number _____
Date Set: _____	
Sender's Initials: _____	

PROJECT CONTACT LIST

Please print or type the names of individuals who wish to receive correspondence related to the project (D.A.C.) Reports, Meeting Agendas, Decision Notices, etc.

Be sure to include the **name of a contact person** for **ALL** engineering firms, corporations, realtors, etc.

APPLICANT/ OWNER	NAME	ADDRESS	TELEPHONE/FAX E-MAIL
	Wilma Mishoe/Apartments at Mishoe Cove, L.L.C.; 353 Rita-Wilma Road, Dover, DE 19904; 302-465-8889; wmishoe1@comcast.net		

EQUITABLE
OWNER

PROFESSIONAL ENGINEER/
ARCHITECT SURVEYOR

OTHERS

John A. Sergovic, Jr., Esq., 25 Chestnut Street, P.O. Box 751, Georgetown, DE 19947
302-855-1260 / john@sussexattorney.com, Attorney for Appellants, Wilma Mishoe
and The Apartments at Mishoe Cove, L.L.C.

Brian T. Riffin, Esq. 317 duPont Parkway, Suite B, P.O. Box 1016, Middletown, DE
19709 / 302-449-0400 / brian@parkway-law.com, Attorney for Patel College
Properties, LLC and Patel Excess College Road, LLC



Board of Adjustment Check List

_____ Copy of Application

_____ Eight (8) copies of submission items:

_____ Response to Criteria

_____ Survey, Site Plan, Photos, Etc.

_____ Fee

\$300 – residential

\$600 – non- residential

\$300 – appeal

_____ Request for Mailing List Form

_____ Project Contact List Form

_____ Electronic Version

_____ PDF of Survey, Site Plan, Photos, Etc.

_____ Word Document of response to
questions.

Name (Signature) John A. Sergovic, Jr., Esq., Counsel Date 7/19/23
For Appellants

CITY OF DOVER
BOARD OF ADJUSTMENT

Schedule of application deadlines and Board of Adjustment meeting dates for the year of 2023. The submittal procedures for the Board of Adjustment are outlined in *Zoning Ordinance*, Article 9, Section 3. Prior to application submission a pre-application meeting with Planning Staff is required.

<u>MONTH</u>	<u>DEADLINE DATE</u>	<u>MEETING DATE</u>
JANUARY	12/16/2022	01/18/2023
FEBRUARY	01/13/2023	02/15/2023
MARCH	02/10/2023	03/15/2023
APRIL	03/17/2023	04/19/2023
MAY	04/14/2023	05/17/2023
JUNE	05/12/2023	06/21/2023
JULY	06/16/2023	07/19/2023
AUGUST	07/14/2023	08/16/2023
SEPTEMBER	08/18/2023	09/20/2023
OCTOBER	09/15/2023	10/18/2023
NOVEMBER	10/13/2023	11/15/2023
DECEMBER	11/17/2023	12/20/2023
JANUARY	12/15/2023	01/17/2024

For Information Contact:

City of Dover
Department of Planning & Inspections
15 Loockerman Plaza
P.O. Box 475
Dover, DE 19903
(302) 736-7196 Planning Office Phone
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