

**CITY OF DOVER, DELAWARE**

**BOARD OF ADJUSTMENT  
DECISION**

Case No.

Dover, Delaware

Applicant/

Owner: Wilma Mishoe and the  
Apartments of Mishoe Cove, LLC

Date: July 19, 2023

**STATEMENT OF FACTS**

This is an Appeal filed by Wilma Mishoe and the Apartments of Mishoe Cove, LLC ("Applicants"), from a Decision of the City of Dover Planning Commission ("Commission"), approving a Site Development Plan S-23-06. The Board received a legal opinion dated August 16, 2023 alleging that this Board lacks jurisdiction to hear this Appeal.

This Board has authority to hear Appeals from an administrative official in the enforcement of the Zoning Ordinance and a Site Plan Decision by the Planning Commission clearly is not a determination made by an administrative official and does not vest the Board with power to hear the Appeal. Further, a Site Plan Decision by the City of Dover Planning Commission is not a zoning determination and does not constitute zoning, which is the limit of the authority of this Board.

Since the Application, on its face, shows that this Board is without jurisdiction to hear the Appeal, based upon the statements herein and the legal opinions rendered, the Appeal is summarily dismissed without a convening of the Board.

A handwritten signature in blue ink, appearing to read "K. C. Sheth", is written over a horizontal line.

K. C. Sheth, Chairman of the Board

NHR:rp