

August 18, 2023

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City of Dover
Department of Planning & Inspections
15 Loockerman Plaza
Dover, DE 19903

Attn: Ms. Mary Ellen Gray, AICP
Planning Director

RE: **Mt. Zion A.M.E. Church Building Addition
BOA Hearing**
City of Dover, DE
Tax Map No: 2-05-07608-03-3700 & 3800
DBF # 4335A001

Dear Ms. Gray:

On behalf of our client, Mt. Zion A.M.E. Church, we offer the following explanation in support of the application for an area variance. Specifically, the nature of the variance request relates to Article 3 §1.14(a)(v) of the *Zoning Ordinance* which notes that the maximum area for a conditional use in the RG-1 Zone is 20%. The property is unique, as a legally nonconforming lot that was first developed in 1959 as a church prior to the City of Dover Zoning Ordinance being established. The existing building area is currently 44.72%, the proposed building addition would increase the footprint by 12.17%, therefore the total building area for the site would be 56.89%. The following explanations describes how this application meets the four (4) criteria for granting the area variance.

1. The nature of the zone in which the property lies.

The property is currently zoned RG-1 (General Residential). Places of worship is a permitted use, conditionally approved by the Planning Commission. The building and use were established on these parcels prior to the City of Dover Zoning Ordinance being established. The use has not changed since it was established in 1959.

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

There are currently three active churches within one block of this parcel, five active churches within two blocks. Directly across the intersection of Fulton St and N Queen St is Calvary Baptist Church. The current building and proposed addition are brick façade, which is consistent with other buildings within close proximity.

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

This building was constructed prior to the Zoning Ordinance being established and exceeded the building area coverage requirement prior to the Code. The adjacent and neighboring properties also exceed the maximum building area requirement of 20%, therefore this application does not set a precedent for future applications on neighboring properties.

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 church membership is improving, which benefits the community it serves; however, the current building footprint cannot continue to serve the needs of the members and requires additional space. Not permitting the addition as proposed would have an impact on the day-to-day activities and function of the church. The addition provides much needed Sunday School classroom space and additional office space. A second floor to the building is not feasible based on the existing structural components of the building. The extensive renovations required to the original building from a structural standpoint alone would be too costly for the age of the building and not feasible. A second floor to the building would also make the building out of character with the surrounding neighborhood. The first floor of the existing church is elevated several feet above the surrounding homes, and the roof line is equal in height with the adjacent homes. Adding a second floor would elevate the roof line significantly higher and would make the building out of character. The addition as proposed provides added safety elements such as moving the primary entrances to one end of the Sanctuary. Currently the Sanctuary is accessed by two entrances, one at the front and one at the back. The proposed addition allows the members to monitor the public entering and exiting the building. The existing ADA ramp is located on the side of the building. The proposed addition pushes the ADA entrance closer to the street for easier access. Not allowing the addition would limit the church from improving the current condition.

The Zoning Ordinance was established after this establishment was built and used as a place of worship, subjecting this property to a decreased permitted building area. The amendment to the Code has created an exceptional practical difficulty, not created by the applicant, such that the property owner cannot make reasonable modifications to the property that are intended to improve functionality, safety and access to the existing church. The variance, if authorized, will not alter the essential character of the neighborhood or district that is mixed use in nature. The proposed improvements will also improve safety for patrons accessing the church. The variance, if authorized, represents the minimum variance that affords relief and represents the least modification possible to improve the churches' function and safety. The variances, as requested, are shown on the site plan provided with this submission.

If you have any questions or need additional information, please call.

Sincerely,
Davis, Bowen & Friedel, Inc.

A handwritten signature in black ink, appearing to read 'T Metzner', with a stylized, flowing script.

Timothy M. Metzner, RLA, LEED AP ND
Associate / Sr. Landscape Architect