

AVENUE LAW

Bankruptcy | Civil Litigation

20184 Coastal Highway Ste 205 Rehoboth Beach DE 19971-8020

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April 30, 2026

Via USPS Priority Mail Express & email

City of Dover

Department of Planning and Inspections

P.O. Box 475

Dover, DE 19903

dmelson@dover.de.us

RE: Kings Cliffe MHP, LLC
Appeal of Zoning Violation 733, dated 10/17/2025

Dear Sir or Madam,

I, **Peter K. Schaeffer, Jr., Esq.**, represent Kings Cliffe MHP, LLC regarding the above referenced appeal.

Attached are eight (8) copies of the Board of Adjustment Application with attachments, and filing fee of \$300.00. In addition, a .pdf version was sent via email to Ms. Dawn Melson. Upon receiving, can you please acknowledge, and confirm whether or not this matter may be heard on May 20, 2026.

As to the hearing, I respectfully request that my client and I can attend remotely.

Thank you in advance for your attention to this matter,

/s/ Peter K. Schaeffer, Jr., Esq.

Peter K. Schaeffer, Jr., Esq.

Cc: Shue, Robert

Attn: Board of Adjustment Application w/ attachments

Filing Fee \$300.00 chk. # 12317



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

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

Board of Adjustment Application

Application Information

Property Address: King Cliffe Mobile Home Park, 1131 S. Bay Road, Dover, DE 19901

Tax Parcel Number: ED-05-086.00-01-080.000-000

Owner Name: Kings Cliffe MHP, LLC

Property Zoning: MH (Manufactured Housing Zone) per City of Dover Code of Ordinances – Appendix B: Zoning.

Variance (s) Requested: The Applicant (“Kings Cliffe”) is appealing the City of Dover refusal to honor allowance of a nonconforming use for recreational vehicle lots that was granted by the City of Dover on January 21, 2021, attached hereto at Exhibit A. Between January 2021 and October of 2025, Kings Cliffe engaged in recreational vehicle lot rentals per this City of Dover 2021 appellate decision. On October 17, 2025, the same violation for the same Code (Appendix B, Article 3. District Regulations, Section § 8.4) was reissued by the City of Dover, attached hereto at Exhibit B. This violation contradicts the City of Dover 2021 decision allowing Kings Cliffe to provide recreational vehicle lot rentals.

On April 24, 2026, the Delaware Superior Court stated that an appeal be filed with the City of Dover to determine why there was a reversal of the 2021 Appeal decision in favor of Kings Cliffe as to § 8.4. This appeal is filed in order to determine why the City of Dover Division of Code Enforcement reversed the 2021 appeal decision in favor of Kings Cliffe allowing recreational vehicle lot rentals.

*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.

Eight (8) copies of the City of Dover grant of appeal dated January 21, 2021 are attached, and eight (8) copies of the City of Dover reissuance of zoning violation dated October 17, 2025 are attached.

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: Response: Kings Cliffe Mobile Home Park is a manufactured home community and recreational vehicle lot rentals. The City of Dover issued a violation banning recreational vehicles within Kings Cliffe, and on appeal to the City of Dover, the violation was dismissed, allowing recreational vehicle lot rentals until an identical violation was issued in October, 2025 (Exh. B), again banning recreational vehicle lot rentals.
2. The character of the immediate vicinity and the contained uses therein: Kings Cliffe is surrounded by commercial uses on its north and east boundaries, and abutting the Dover Air Force Base on the south and west boundaries.
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses: Response: No. Per evidence submitted in the 2021 Appeal, it was established that Kings Cliffe rented to both manufactured homes and recreational vehicles for decades. There is no evidence that recreational vehicles imposed any affect on neighboring properties. Between the 2021 Appeal and October, 2025 re-issue of the § 8.4 violation, there is no evidence of any effect on neighboring properties for recreational vehicle placement on the Kings Cliffe property during the 4 years between 2021 and 2025.
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: Response: Yes. Kings Cliffe MHP, LLC purchased the Kings Cliffe Manufactured Home Community in 2022. Kings Cliffe relied on the City of Dover 2021 appeal decision allowing recreational vehicles on the property. In conjunction with the 2025 Violation notice against recreational vehicles, City of Dover Electric has refused to provide electricity to lots designated for recreational vehicles, causing substantial financial decrease to Kings Cliffe operations by lost rent. Kings Cliffe also notes that the withdrawal of electric services, which Kings Cliffe can obtain nowhere else than the City of Dover, appears to be a violation of 22 Del.C. § 325, which "stays all proceedings in furtherance of the action appealed from" unless the City issues a specific written certification to the board of adjustment that a stay would cause "imminent peril to life or property." Refusal to provide electric utilities appears to violate this statutory automatic stay.

Signature

I Robert B. Shue 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.

Robert B. Shue Managing Director 4-29-26
Signature Title 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

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. Response: N/A.
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. Response: Kings Cliffe wishes to enforce the 2021 appeal decision (Exh. A) allowing recreational vehicles on the Kings Cliffe property. Should this appeal show that there has been a change in circumstances upon which the prior appeal was decided in Kings Cliffe's favor, Kings Cliffe asks that such allegations of change be provided to counsel for Kings Cliffe, as the City of Dover has not alleged any such changes to date.
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. Response: During the 2021 appeal process, evidence was presented regarding use of recreational vehicles on the subject property for decades. There was no evidence that such use was injurious to the neighborhood, nor was a change in character, nor was detrimental to the public welfare. Between 2021 and the 2025, again there are no allegations of detrimental effects to the neighborhood.

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)

Response: Please see Violation 733, dated October 17, 2025, attached hereto at Exh. B.

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: King Cliffe Mobile Home Park, 1131 S. Bay Road, Dover, DE 19901

(Tax Parcel Number) ED-05-086.00-01-080.000-000

OWNER OF RECORD: Kings Cliffe MHP, LLC, 1131 S. Bay Road, Dover, DE 19901
(Name & Address) _____

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

N/A: BOARD OF ADJUSTMENT (200 ft.)

N/A: ANNEXATION (200 ft.)

N/A: 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

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: [Signature]

Date: 4-29-26

For Office Use Only	
Date Prepared: _____	Paid: _____
Preparer's Initials: _____	File Number _____
Date Sent: _____	
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
	Avenue Law, 20184 Coastal Hwy., Suite 205, Rehoboth Beach, DE 19971, peter.schaeffer@avnuelaw.com , Counsel for Applicant		

EQUITABLE OWNER	
N/A	

PROFESSIONAL ENGINEER/ ARCHITECT SURVEYOR	
N/A	

OTHERS	
	Avenue Law, 20184 Coastal Hwy., Suite 205, Rehoboth Beach, DE 19971, peter.schaeffer@avnuelaw.com , Counsel for Applicant



City of Dover, DE
Department of Planning and Inspections
P.O. Box 475, Dover, Delaware 19903
(302) 736-7196 Fax: (302) 736-4217

Board of Adjustment Check List

X Copy of Application

X Eight (8) copies of submission items:

___ Response to Criteria

___ Survey, Site Plan, Photos, Etc.

X Fee (Effective 9.1.2024)

\$325 – residential

\$625 – non- residential

\$300 – appeal

X Request for Mailing List Form

X Project Contact List Form

X Electronic Version

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

X Word Document of response to
questions.

4-29-26

Name (Signature)

Date



January 21, 2021

MHP Investments, LLC
1051 Tuckerton Road
Marlton, NJ 08053

Avenue Law
Attn: Peter K. Schaeffer, Jr., Esq.
1073 South Governors Avenue
Dover, DE 19904
peter.schaeffer@avenuelaw.com

Re: Appeal of Violation - Dover City Code of Ordinances - 1131 South Bay Road, Dover, DE Case #: 20-00003344

MHP Investments, LLC:

On Wednesday, January 20, 2020, the Construction and Property Maintenance Code Board of Appeals considered your appeal of the violation of the Dover City Code of Ordinances - Appendix B - Article 3, Section 8.4 - Uses Prohibited at 1131 South Bay Road, Dover Delaware. Section 8.4 of the Dover Code states the following:

Section 8.4 *Uses prohibited*. The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22, Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

After reviewing the case history and considering your testimony, it was the decision of the Board to grant your appeal.

If you have any questions regarding this matter, please contact the Department of Planning and Inspections at (302) 736-7010.

Sincerely,

Megan Ramsey
Administrative Assistant

TAM/mr

S:\APPEALS\2021\1. 1131 S Bay Rd - Appeal - Property Maintenance - Exterior - MHP Investments LLC\Hearing Action - 1131 S Bay Road - MHP Investments, LLC.wpd

cc: Nicholas Rodriguez, City Solicitor
Gary Junge, Deputy City Solicitor
David Hugg, Director of Planning and Community Development
Ronald Coburn, Inspector
Eddie Kopp, Inspector

VIOLATION DETAIL

PAGE 1

CASE NUMBER 25-00004632
PROPERTY ADDRESS 1131 S BAY RD

VIOLATION: 733
DESCRIPTION: 733 ZONING VIOLATION
LOCATION: PROPERTY

QUANTITY: 1
DATE: 10/17/25

NARRATIVE :

Discontinue the use of mobile homes, house trailers, and recreational vehicles located within the property know as Kings Cliffe MHP, LLC.

No new non conforming mobile home, house trailer or recreational vehicle can be added to the community.

Any mobile home, house trailer or recreational vehicle that was pre-existing prior to September 24, 2018 is deemed non-conforming. The non conforming status is for the vehicle or structure and not for the lot.

Any mobile home, house trailer, or recreational vehicle brought into the community after September 24, 2018 is in violation of Appendix B, Article 3. District Regulations, Section 8.- Manufactured housing (MH) zone.

8.4 Uses prohibited. The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22, Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

ORDINANCE DESCRIPTION :

City of Dover Zoning violation(s).

CORRECTIVE ACTION REQUIRED :

Correct zoning violation(s) as directed in the time frame provided.

EXHIBIT B

EXHIBIT 1B

From: [Melson-Williams, Dawn](#)
To: ["Peter Schaeffer"; Griffith, Daniel A.](#)
Cc: [Duca, Sharon](#)
Subject: Receipt of Appeal to City of Dover Board of Adjustment RE: Kings Cliffe Appeal
Date: Tuesday, May 5, 2026 4:44:00 PM
Attachments: [image001.png](#)

Mr. Schaeffer:
RE: Kings Cliffe Appeal

The Planning Office acknowledges receipt of your email of May 4, 2026 with attachments and the hard copies (by Priority Mail Express delivery of 5/4/2026) of the Appeal Application RE: Kings Cliffe MHP, LLC Appeal of Zoning Violation 733 dated 10/17/2025 (Case #25-00004632). This Appeal Application is filed with the City of Dover Board of Adjustment. This submission includes a cover letter, application forms, Exhibits And B, and the filing fee.

The Planning Office will schedule this Appeal for the Board of Adjustment meeting of Wednesday, June 17, 2026 at 9:00am. While we did see that your Letter asked if the matter could be heard on May 20, 2026, this May meeting date of the Board of Adjustment is not available. The May meeting date is not feasible due to the deadlines/tasks needed to complete public notice and other meeting preparations for the Appeal to be heard. The submission was received after the April filing deadline for items to be scheduled for the Board's May Meeting. This submission was received prior to the May 15, 2026 filing deadline for items to appear at the June 17, 2026 Board of Adjustment Meeting and as such will be scheduled for June. The Board of Adjustment Meetings are Hybrid (both In-Person and Virtual) Meetings; however, it is highly encouraged that the Applicant appear in-person at the meeting if possible.

The Planning Staff has noticed in your submission for the Appeal Application that responses were provided on the Application form under the criteria items for Area Variances and Use Variances. The responses in these sections are not where you present information on the Appeal as Area Variances and Use Variances are a different process and criterion consideration before the Board of Adjustment. For Appeals, we suggest that a separate narrative of your Appeal Request (describing the interpretation that is claimed) and referencing the Exhibits A and B be submitted. You may submit this separately by pdf to the Planning Office to be included in the application submission.

In the future, you will receive more detailed information on the Board of Adjustment Meeting for June. If you have any questions on this process, please contact me as Planning Office staff.

Dawn Melson-Williams, AICP
Principal Planner
City of Dover, Delaware
Department of Planning & Inspections
(302) 736-7196 Planning Office phone
(302) 736-4217 fax

dmelson@dover.de.us

From: Peter Schaeffer <peter.schaeffer@avenuelaw.com>

Sent: Monday, May 4, 2026 11:01 AM

To: Griffith, Daniel A. <DGriffith@whitefordlaw.com>; Melson-Williams, Dawn
<DMelson@dover.de.us>

Subject: EXTERNAL: Kings Cliffe Appeal

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dan and Dawn,

Attached is the .pdf of the Appeal Application. Eight hard-copies and check for \$300.00 were sent to the City of Dover and picked up on May 2, 2026 by J Allen. Thank you in advance for your consideration of this matter.

Peter K. Schaeffer Jr., Esq

Avenue Law
avenuelaw.com

20184 Coastal Highway Ste 205
Rehoboth Beach DE 19971-8020

Email: peter.schaeffer@avenuelaw.com

Phone: 302.674.2210

Fax: 302.674.2099



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AVENUE LAW

Bankruptcy | Civil Litigation

20184 Coastal Highway Ste 205 Rehoboth Beach DE 19971-8020

Tel: (302) 674-2210

office@avenuelaw.com

May 11, 2026

Via email

Daniel A. Griffith, Esq.
Courthouse Square
600 North King Street, Suite 300
Wilmington, DE 19801
dgriffith@whitefordlaw.com

**RE: Kings Cliffe MHP, LLC, Appeal of City of Dover Zoning Violation
Case #25-00004632**

Dear Dan:

Thank you for the teleconference last week. I'm writing because of the email I received from Dawn Melson at City of Dover after we talked (you were cc'd). It is my understanding that your representation is involved in this matter, so I am uncomfortable dealing directly with Ms. Melson. I respectfully request that if she/City of Dover has any issues, that such issues are presented to me via you.

Ms. Melson's email yesterday (you were cc'd) does raise some significant issues, as follow:

- A representation was made to Superior Court by you that the appeal process was available, and that appeal hearings occur monthly. As a result of this representation, I timely filed the Appeal Application for a hearing on May 20, 2026. Ms. Melson states that this date is not available. I believe such position contradicts what was stated to Judge Green-Streett.
- Ms. Melson states the Appeal Application requests consideration of area variances and use variances. It does not. On the first page of my client's Appeal Application, the designation "Appeal", not "Area Variance" or "Use Variance", is clearly noted. As my client's request is not asking for changes in area type or use, Ms. Melson's claim that public notice is required appears incorrect. Public notice for a use that has been ongoing for decades and that the City of Dover granted in the 2021 appeal in my Client's favor is unnecessary. No "change" is being requested that would require public notice.
- Ms. Melson's claim that the Appeal Application is incorrect without any mention of specific omissions or unsuitable details appears to be an exercise typically described as "arbitrary and capricious". The pleadings in the Superior Court case filed earlier and the statements in the Appeal Application make it quite clear that Kings Cliffe is seeking City of Dover compliance with its own

decision made in 2021 regarding the use of lots for recreational vehicles. Use of recreational vehicle lots occurred both before and after 2021 as a result of the prior appeal, and the recent self-generated reversal of the City's decision to continue to allow such use was done with no explanation how the City justifies reversal of its own decision.

- 22 *Del.C.* § 325. Per statute, the present appeal stays all proceedings in furtherance of the recent violation regarding recreational vehicles. The City's *ultra vires* suspension of electric utilities, unavailable anywhere else, is a violation of this statute as well as an unconstitutional taking that has been present since October, 2025. I respectfully request that you provide legal advice to your client to resume providing electricity to Kings Cliffe recreational vehicle lots (as well as any necessary electric hardware needed, *i.e.*,) electric meters.

Should the City of Dover refuse to hold a hearing on May 20 and not dispense with the affectation of confusion as to what the appellant is seeking, the most appropriate avenue appears to be a motion to reopen the Superior Court matter. I await a response well prior to May 20, 2026.

Yours,

/s/ Peter K. Schaeffer, Jr., Esq.

Landlord by Peter K. Schaeffer, Jr., Esquire

cc: Kings Cliffe MHP, LLC

AVENUE LAW

Bankruptcy | Civil Litigation

20184 Coastal Highway Ste 205 Rehoboth Beach DE 19971-8020

Tel: (302) 674-2210

office@avenuelaw.com

May 19, 2026

Via USPS Priority Mail Express & email

City of Dover

Department of Planning and Inspections

P.O. Box 475

Dover, DE 19903

dmelson@dover.de.us

RE: Kings Cliffe MHP, LLC

Appeal of Zoning Violation 733, dated 10/17/2025

ADDENDUM TO APPEAL APPLICATION

Dear Sir or Madam,

I, **Peter K. Schaeffer, Jr., Esq.**, represent Kings Cliffe MHP, LLC regarding the above-referenced appeal. The Appeal Application was submitted via email on May 4, 2026 with hard-copy via Priority Mail delivered the same day.

On May 5, 2025, the City of Dover responded via email requesting that the information contained in the Appeal Application be presented in a separate narrative to supplement the existing information already provided, which follows:

SEPARATE NARRATIVE

This is an appeal pursuant to the City of Dover Code of Ordinances, APPENDIX B – ZONING, ART. 9. – BOARD OF ADJUSTMENT, Section 2, - Powers and Duties:

2.2 Appeal of administrative order, requirement, decision, or determination. The board shall have the authority to hear and decide appeals where it is alleged there is any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. Appeals to the board may be made by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of an administrative officer.

On November 23, 2020, the City of Dover Division of Code Enforcement, via Code Enforcement Officer Eddie Kopp, issued a formal zoning violation (the "2020 Violation") against the Kings Cliffe Manufactured Home Park ("Kings Cliffe").¹ The 2020 Violation (Case Number: 20-00003344) alleged that the continued use of recreational vehicles ("RVs") on Kings Cliffe Manufactured Home Park violated Appendix B, Article 3, Section 8.41 of the City of Dover Code of Ordinances. This specific ordinance provides that mobile homes, house trailers, and recreational vehicles are prohibited as principal uses on a rented lot, stipulating that such structures or vehicles used as dwellings upon the effective date of the ordinance be deemed non-conforming uses.

¹ Exhibit A to Petition.

On January 20, 2021, a formal administrative hearing was held before the City of Dover Construction and Property Maintenance Code Board of Appeals. Following the presentation of comprehensive testimony and evidence - specifically regarding the property's historical, grandfathered use of the RV lots - the Board of Appeals evaluated the merits of the City's application of Section 8.41. On January 21, 2021, the Board of Appeals issued a formal written decision ruling in favor of the property owner, granting the appeal, and effectively overturning the violation, thereby permitting the continued legal use of the RV rentals on the property.²

Four years after the matter was conclusively settled, the City of Dover abruptly and inexplicably reversed course. On October 17, 2025, the City of Dover Division of Code Enforcement, again via Officer Eddie Kopp, issued a new zoning violation to Kings Cliffe (the "2025 Violation").³ A direct comparison of the administrative records reveals that the 2025 Violation (Violation 733, Case Number 25-00004632) is factually, legally, and practically identical to the fully adjudicated 2020 Violation.¹

Point of Comparison	2020 Violation (Adjudicated & Dismissed)	2025 Violation (Currently Contested)
Issuing Authority	City of Dover Div. of Code Enforcement	City of Dover Div. of Code Enforcement

² Exhibit B to Petition.

³ Exhibit C to Petition.

Issuing Officer	Eddie Kopp	Eddie Kopp
Target Property	1131 S. Bay Road, Dover, DE	1131 S. Bay Road, Dover, DE
Code Section Cited	Appendix B, Article 3, Section 8.41	Appendix B, Article 3, Section 8.41
Conduct Targeted	Use of RVs on lots within the community	Use of RVs on lots within the community
Required Action	Discontinue use of RVs	Discontinue use of RVs

It is Kings Cliffe's position that the current violation is improper because of the 2021 appeal decision permitting use of lots for RVs. Per Delaware precedent, once the decision to allow RV use was made, it cannot be revoked, which is precisely what occurred here.

The rules regarding the finality of decisions in zoning cases are no different from such rules in other areas of the law. In particular, the principles of res judicata and collateral estoppel apply in zoning cases and have resulted in the rule that ordinarily a board of appeals or adjustment has no power to reopen or review its own decision by vacating, revoking, rescinding or altering if after it has been made. *Kollock v. Sussex County Board of Adjustment*, 526 A.2d 569, 572 (Del. Super. Ct. 1987): *citing* 3 A. Rathkopf and D. Rathkopf, *The Law of Zoning and Planning* § 48.01 (4th ed. 1986).

With no explanation, the Division of Code Enforcement reversed the 2021 RV use permission and enforced this violation by refusing electric utilities to all RV lots. Kings Cliffe has no other available source for electricity.

This appeal requests that the Board of Adjustment honor its 2021 decision to allow RV's on lots in Kings Cliffe.

In addition, pursuant to Delaware law, 22 *Del. C.* § 325, the initiation of an appeal process automatically "stays all proceedings in furtherance of the action appealed from," unless the municipality issues a specific, written certification to the board of adjustment that a stay would cause "imminent peril to life or property". The City of Dover issued no such certification, therefore the suspension of electric utilities is illegal.

As to the hearing, I respectfully request that my client and I can attend remotely.

Thank you in advance for your attention to this matter,

/s/ Peter K. Schaeffer, Jr., Esq.
Peter K. Schaeffer, Jr., Esq.

Cc: Shue, Robert
Daniel A. Griffith, Esq.

Division of
Code Enforcement
15 Lookerman Plaza
Dover, DE 19901

City of Dover



Phone: (302) 736-7011
Fax: (302) 736-4217

November 23, 2020

KINGS CLIFF MOBILE HOME PARK
1131 S BAY RD
DOVER DE 19901

RE: Property address: 1131 S BAY RD
Tax Parcel Number: ED-05-086.00-01-080.000-000
Case Number: 20-00003344

Dear Sir/Madam:

On November 23, 2020, Code Enforcement Officer Eddie Kopp with the City of Dover, Department of Inspections conducted an inspection at 1131 S BAY RD.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by December 23, 2020, to ensure compliance.

You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

Sincerely,

A handwritten signature in black ink, appearing to read "Eddie Kopp".

Eddie Kopp
Code Enforcement Officer

cc: File

VIOLATION DETAIL

PAGE 1

CASE NUMBER 20-00003344
PROPERTY ADDRESS 1131 S BAY RD

VIOLATION: 255 QUANTITY: 1
DESCRIPTION: 255 REPAIR OR REPLACE DRIVEWAY DATE: 11/23/20
LOCATION: ENTIRE MH PARK

NARRATIVE :

Repair the streets located within the Kings Cliff Mobile Home Park. The streets located within the park are deteriorated and in need of repair and/or paving. A permit may be required to pave the community.

Dover Code Of Ordinance Sec. 66-4. - Land lease communities.

(a) The following regulations shall apply to the maintenance of land lease communities: (1) Private road access. It shall be the responsibility of land lease community owners to maintain all private streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes so as to be clear from obstructions, including, but not limited to, potholes, snow piles, and debris.

ORDINANCE DESCRIPTION :

SECTION PM 302.3 DRIVEWAY SURFACE

CORRECTIVE ACTION REQUIRED :

REPAIR OR REPLACE DAMAGED AND/OR DETERIORATED DRIVEWAY

VIOLATION: 734 QUANTITY: 1
DESCRIPTION: 734 DCO VIOLATION DATE: 11/23/20
LOCATION: KINGS CLFF MHP

NARRATIVE :

Discontinue adding new non approved homes to the property. Only Department of Housing and Urban Development licensed manufactured homes are permitted to located on the property. No new non approved homes may be added to the property. As of November 23, 2020 the following homes has been recorded as pre-existing: Lot 1, 1A, 42, 54, 60, 74, 89, 108, 109, 110, 132, 138, 142, 147, and 149.

ORDINANCE DESCRIPTION :

Dover City Code of Ordinances

CORRECTIVE ACTION REQUIRED :

Correct violation notice in the time frame provided.

EXHIBIT A

City of Dover

January 21, 2021

MHP Investments, LLC
1051 Tuckerton Road
Marlton, NJ 08053

Avenue Law
Attn: Peter K. Schaeffer, Jr., Esq.
1073 South Governors Avenue
Dover, DE 19904
peter.schaeffer@avenuelaw.com

Re: Appeal of Violation - Dover City Code of Ordinances - 1131 South Bay Road, Dover, DE Case #: 20-00003344

MHP Investments, LLC:

On Wednesday, January 20, 2020, the Construction and Property Maintenance Code Board of Appeals considered your appeal of the violation of the Dover City Code of Ordinances - Appendix B - Article 3, Section 8.4 - Uses Prohibited at 1131 South Bay Road, Dover Delaware. Section 8.4 of the Dover Code states the following:

Section 8.4 *Uses prohibited*. The following uses are specifically prohibited:

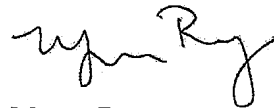
8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22, Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

After reviewing the case history and considering your testimony, it was the decision of the Board to grant your appeal.

If you have any questions regarding this matter, please contact the Department of Planning and Inspections at (302) 736-7010.

Sincerely,



Megan Ramsey
Administrative Assistant

TAM/mr

S:\APPEALS\2021\1. 1131 S Bay Rd - Appeal - Property Maintenance - Exterior - MHP Investments LLC\Hearing Action - 1131 S Bay Road - MHP Investments, LLC.wpd

cc: Nicholas Rodriguez, City Solicitor
Gary Junge, Deputy City Solicitor
David Hugg, Director of Planning and Community Development
Ronald Coburn, Inspector
Eddie Kopp, Inspector

Division of
Code Enforcement
15 Loberkerman Plaza
Dover, DE 19901

City of Dover



Phone: (302) 736-7011
Fax: (302) 736-4217

October 17, 2025

LLC KINGS CLIFFE MHP
13 MCKEAN ST.
REHOBOTH BEACH, DE 19971

RE: Property address: 1131 S BAY RD
Tax Parcel Number: ED-05-086.00-01-080.000-000
Case Number: 25-00004632

Dear Sir/Madam:

On October 15, 2025, a Code Enforcement Officer with the City of Dover, Department of Inspections, inspected 1131 S BAY RD.

Attached are the Code violations found during the inspection.

A follow-up inspection must be conducted by **November 17, 2025**, to ensure compliance. Failure to comply will result in citation(s) being issued.

It is the responsibility of the property owner/agent to contact this office to schedule all inspections.

Please contact this office with a date and time convenient for you to conduct the re-inspection. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

Sincerely,

Eddie Kopp

Eddie Kopp
Code Enforcement Officer

cc: File

EXHIBIT C

VIOLATION DETAIL

PAGE

1

CASE NUMBER 28-00004632
PROPERTY ADDRESS 1131 S BAY RD

VIOLATION: 733
DESCRIPTION: 733 ZONING VIOLATION
LOCATION: PROPERTY

QUANTITY 1
DATE: 10/17/25

NARRATIVE :

Discontinue the use of mobile homes, house trailers, and recreational vehicles located within the property know as Kings Cliffe MHP, LLC.

No new non conforming mobile home, house trailer or recreational vehicle can be added to the community.

Any mobile home, house trailer or recreational vehicle that was pre-existing prior to September 24, 2018 is deemed non-conforming. The non conforming status is for the vehicle or structure and not for the lot.

Any mobile home, house trailer, or recreational vehicle brought into the community after September 24, 2018 is in violation of Appendix B, Article 3, District Regulations, Section 8.- Manufactured housing (MH) zone.

8.4 Uses prohibited. The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22, Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

ORDINANCE DESCRIPTION :

City of Dover Zoning violation(s).

CORRECTIVE ACTION REQUIRED :

Correct zoning violation(s) as directed in the time frame provided.

EXHIBIT C