



City of Dover
Board of Adjustment

Meeting of June 17, 2026
Appeal V-26-03

Location: Property at 1131 S. Bay Road, Dover, Delaware
Known as Kings Cliffe Manufactured Home Park
Part of ED-05-086.00-01-080.000-000

Current Property Owners: Kings Cliffe MHP, LLC

Present Zoning: Residential Area: MH (Manufactured Housing Zone)
Part of parcel also in AEOZ (Airport Environs Overlay Zone): Noise Zone A
Non-Residential Area: Part of Parcel in C-4 (Highway Commercial Zone)

Application Date: Appeal Received May 4, 2026 and with Addendum of May 19, 2026
Scheduled for June 17, 2026 Meeting

Appeal Filed By: Peter K. Schaeffer Jr., Esq. as representative of Kings Cliffe MHP, LLC
Application Signed by Robert B. Shue, Manager Director

Appeal Requested: An Appeal Application has been filed by the owner's representative regarding the Zoning Violation issued as Code Enforcement Case #25-00004632 (and associated Case #20-00003344) and the allowance of a non-conforming use for recreational vehicle lots and recreational vehicle lot rentals. This Appeal pertains to a determination of the City of Dover Division of Code Enforcement to prohibit the addition of new non-conforming mobile homes, house trailers or recreational vehicles (RVs) on lots in the community. This Appeal is related to the enforcement of *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 3 Section 8.4 Uses prohibited with Sections 8.41 and 8.42.

Request for Appeal

Kings Cliffe MHP, LLC (as represented by Peter K. Schaeffer, Jr., Esq. of Avenue Law) has filed an Appeal pertaining to a determination of the City of Dover Division of Code Enforcement to prohibit the addition of new non-conforming mobile homes, house trailers or recreational vehicles (RVs) on lots in the community. This is regarding the Zoning Violation issued as Code Enforcement Case #25-00004632 (and associated Case #20-00003344) and the allowance of a non-conforming use for recreational vehicle lots and recreational vehicle lot rentals.

Property Description

The subject property (parcel) is located on the east side of S. Bay Road and south of Lafferty Lane. It is known as the Kings Cliffe Manufactured Home Park (also previously referenced as the Kings Cliffe Mobile Home Park). It consists of individual unit placements (referred to as 'stands' and 'lots' by the Code) which have lot numbers and may also be referenced by the named internal street network. This portion of the property is zoned MH (Manufactured Housing Zone). There is a portion of the southeast corner of the parcel that is subject to the AEOZ (Airport Environs Overlay Zone): Noise Zone A. The southwest corner of the overall parcel includes other non-residential uses and is zoned C-4 (Highway Commercial Zone).

The development of Kings Cliffe Manufactured Home Park began prior to 1954 and the parcel was part of a larger area annexed into the City of Dover on December 15, 1970 (Application #70-2). In the non-residential area a mini-storage facility was created prior to 1992. See Exhibit 6 – Aerial Map.

Code Citations

Procedures

The Board of Adjustment procedures for Appeals are outlined in the *Zoning Ordinance* and within *Delaware Code*. See the following code citation excerpts.

Dover Code of Ordinances, Appendix B: Zoning, Article 9. Board of Adjustment:
Section 2. Powers and duties:

The board of adjustment shall have the powers and duties as specified in Delaware Code Annotated (22 Del. C. § 301 et seq.) and as articulated below:

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.

Zoning Ordinance, Article 9 §3. Procedure further outlines the procedures for both Variance and Appeal applications. Appeals are subject to a Public Hearing before the Board of Adjustment which must be noticed by publication in the newspaper and by mailed notice to property owners within 200 feet of the subject property. The legal ad was published in the Daily State News and BaytoBayNews.com on June 5, 2026 and Planning Staff completed the mailing of the Notice Letter on June 5, 2026.

The Appeal Application must be filed in writing on prescribed forms and is subject to a filing fee. See Exhibit Series 1 for application submission. The filing fee was paid.

It is noted that this fee or part of fee may be returned to the applicant (*Zoning Ordinance, Article 9 §3.4*) under certain provisions:

Article 9 §3.4 The board of adjustment may, in its discretion, return to the applicant part or all of the fee paid by him in the event that his appeal under section 2.2 Appeal of administrative order, requirement, decision, or determination hereof is partially or wholly successful.

The Appeal Applications (submission items of written application and documents as exhibits) as filed shall consist of the following per the *Zoning Ordinance, Article 9 §3.5*:

Article 9 §3.5 Each variance application or appeal shall fully set forth the circumstances of the case. Every variance application or appeal shall refer to the specific provision of the ordinance involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

- **A copy of the Appeal as filed by Kings Cliffe MHP, LLC, is attached as Exhibits 1A and 1D and related document Exhibits 1B and 1C.**
 - **Exhibit 1A – Application to Board of Adjustment for Appeal.**
 - **Cover Letter dated April 30, 2026 from Peter K. Schaeffer, Jr. Esq. of Avenue Law submitting Appeal Application to Board of Adjustment**
 - **Application Form (3 pages), Application for Mailing List Form, Project Contact List Form, Board of Adjustment Checklist Form**
 - **Application Exhibit A – Copy of January 21, 2021 Letter on Action of the Construction and Property Maintenance Code Board of Appeals**
 - **Application Exhibit B – Copy of Violation Detail for Case Number 25-00004632**
 - **Exhibit 1B – Email to Peter K. Schaeffer Jr. from Dawn Melson-Williams (Planning Staff) on Appeal submission receipt and request to clarify**
 - **Exhibit 1C – Letter of May 11, 2026 from Peter K. Schaeffer, Jr. Esq. to Daniel A. Griffith, Esq. on Kings Cliffe MHP, LLC, Appeal of City of Dover Zoning Violation: Case #25-00004632**
 - **Exhibit 1D – Letter of May 19, 2026 from Peter K. Schaeffer, Jr. Esq. of Avenue Law as ADDENDUM TO APPEAL Application with Separate Narrative and Attachments:**
 - **Addendum Exhibit A – Copy of November 23, 2020 Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 20-00003344**
 - **Addendum Exhibit B - Copy of January 21, 2021 Letter on Action of the Construction and Property Maintenance Code Board of Appeals**
 - **Addendum Exhibit C - Copy of October 17, 2025 Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 25-00004632**

The provisions of *Delaware Code* (22 Del. C. § 301) also note a procedure for Appeals:

22 Del. C. §324 Appeals to board.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Planning Staff requested transmittal of records from the administrative officer (City of Dover, Division of Code Enforcement.

- **Copies of materials from the Case File of City of Dover Division of Code Enforcement are attached as Exhibits 2A to 2O**
 - **Exhibit 2A – Letter of October 17, 2025 as Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 25-00004632**
 - **Exhibit 2B - Letter of February 15, 2019 on Amendments to *Dover Code of Ordinances* and *Zoning Ordinance* concerning Mobile Homes, Manufacturing Homes, and Land Lease Communities to Kings Cliffe Mobile Home Park from Director of Planning & Community Development**
 - **Exhibit 2C - Construction Code and Property Maintenance Boards of Appeals Meeting Minutes from January 20, 2021 Meeting**
 - **Exhibit 2D - *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 3 Section 8. – Manufactured housing (MH) zone (Section 8.4 highlighted)**
 - **Exhibit 2E - Letter of November 23, 2020 as Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 20-00003344 to MHP Investments LLC**
 - **Exhibit 2F - Letter of November 23, 2020 Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 20-00003344 to Kings Cliffe Mobile Home Park**
 - **Exhibit 2G - Letter of December 1, 2020 RE; Case #20-00003344 to Mr. Koop, Division of Code Enforcement from Peter K. Schaeffer, Jr. Esq.**
 - **Exhibit 2H - *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 7 – Nonconforming Buildings and Uses (print date 12/02/2020)**
 - **Exhibit 2I - Photograph Series of Recreational Vehicles in Kings Cliffe with photographs dated 11/13/2020, 11/23/2020, 01/04/2021, 01/06/2021**
 - **Exhibit 2J - *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 7 – Nonconforming Buildings and Uses (print date 7/16/2025)**
 - **Exhibit 2K - *Dover Code of Ordinances*, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities**
 - **Exhibit 2L - *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 3 Section 8. – Manufactured housing (MH) zone (print date 7/16/2025)**
 - **Exhibit 2M - Letter of January 21, 2021 as Letter on Action of the Construction and Property Maintenance Code Board of Appeals**
 - **Exhibit 2N - 42 USC Ch. 70 Manufactured Home Construction and Safety Standards from Title 42 – The Public Health and Welfare**

- **Exhibit 2O -Fax Cover Sheet and Attachments: Letter of November 24, 2025 as Request for Appeal on Case #25-00004632 from Peter K. Schaeffer, Jr. Esq. and Violation Detail Case Number #25-00004682**

Planning Staff requested transmittal of the record from the Construction and Property Maintenance Board of Appeals (CPMBOA). The CPMBOA Board is supported by the City Clerk's Office.

- **Copies of materials from the January 20, 2021 City of Dover Construction and Property Maintenance Code Board of Appeals Meeting on Appeal of Violation – 131 South Bay Road (MHP Investments, LLC) are attached as Exhibits 3A to 3G**
 - **Exhibit 3A - Email Series on Receiving Appeal Request to Construction Code and Property Maintenance Board of Appeals**
 - **Exhibit 3B - Letter of January 11, 2021 to MHP Investments scheduling the Construction Code and Property Maintenance Board of Appeals Meeting**
 - **Exhibit 3C - Construction Code and Property Maintenance Boards of Appeals Agenda for January 20, 2021 Meeting**
 - **Exhibit 3D - Case Packet for Construction Code and Property Maintenance Boards of Appeals for January 20, 2021 Meeting**
 - **Exhibit 3E - Construction Code and Property Maintenance Boards of Appeals Meeting Minutes from January 20, 2021 Meeting**
 - **Exhibit 3F - Letter of January 21, 2021 as Letter on Action of the Construction and Property Maintenance Code Board of Appeals**
 - **Exhibit 3G - Appeals Procedure – Construction and Property Maintenance Code Board of Appeals (for City Clerk's Office actions)**

Action by the Board of Adjustment

It is the responsibility of the Board of Adjustment to hear and decide the Appeal where it has been alleged that the determination of the administrative official was in error in the enforcement of the *Zoning Ordinance*. This Appeal is regarding the Zoning Violation issued as Code Enforcement Case #25-00004632 (and associated Case #20-00003344) and the allowance of a non-conforming use for recreational vehicle lots and recreational vehicle lot rentals. The Appeal is of a determination of the City of Dover Division of Code Enforcement to prohibit the addition of new non-conforming mobile homes, house trailers or recreational vehicles (RVs) on lots in the community.

This Appeal is related to the enforcement of *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 3 Section 8.4 Uses prohibited with Sections 8.41 and 8.42. see Code Excerpt below:

Zoning Ordinance, 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](#).

Background Information

Code Citations

MH (Manufactured Housing Zone) Zoning District

The MH (Manufactured Housing Zone) zoning district regulations are found in the *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 3 Section 8. See Exhibit 4 for a full copy of this code section.

AEOZ (Airport Environs Overlay Zone) Zoning District

The AEOZ (Airport Environs Overlay Zone) zoning district regulations are found in the *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 3 Section 22. There is a portion of the southeastern area of the property that is subject to the AEOZ – Noise Zone A. The AEOZ regulations include provisions that limit certain land uses; these are found in Article 3 Section 22.6 Land use compatibility table. Specifically, mobile home parks or courts and manufactured homes are not permitted in Noise Zone A.

Nonconforming Buildings and Uses

Dover Code of Ordinances, Appendix B – Zoning (*Zoning Ordinance*), Article 7.

Nonconforming Buildings and Uses outlines provisions related to buildings and uses that may not conform to the regulations of the *Zoning Ordinance*. See Exhibit 5 for a full copy of this code section.

Definitions

Specific terms are defined in the *Dover Code of Ordinances*, Appendix B – Zoning (*Zoning Ordinance*), Article 12 – Definitions. See below some of the terms related to this Appeal Application.

Zoning Ordinance excerpt of Definitions:

Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, travel trailer, recreational vehicle, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

Dwelling, one-family: A permanent dwelling unit placed on a permanent foundation and designed and intended for use by only one family. One-family dwellings shall not include manufactured homes or mobile homes but shall include modular homes constructed to the standards of the Dover Code of Ordinances, Chapter 22—Buildings and Building Regulations.

Land lease community: A residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.

Manufactured home means a factory-built, single-family dwelling:

- a. Transportable in one or more sections, which is either eight body feet or more in width and 40 body feet or more in length, or, when erected on site, has more than 400 square feet in living area; and
- b. Designed to be used as a year-round dwelling when connected to the required utilities; and
- c. Manufactured after June 15, 1976, and built in accordance with manufactured home construction requirements promulgated by the federal Department of Housing and Urban Development (The HUD Code).

Mobile home means a factory-built, single-family dwelling:

- a. Transportable in one or more sections, which is either eight body feet or more in width and 40 body feet or more in length, or, when erected on site, has more than 400 square feet in living area; and
- b. Designed to be used as a year-round dwelling when connected to the required utilities; and
- c. Manufactured before June 15, 1976, and not built in accordance with manufactured home construction requirements promulgated by the federal Department of Housing and Urban Development (The HUD Code). Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Modular Home: A factory built housing unit constructed to the standards of the Dover Code of Ordinances, Chapter 22—Buildings and Building Regulations.

Permanently placed manufactured home means a manufactured home that has been placed upon a permanent, unmovable foundation.

Trailer, house: Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "house trailer" shall include vehicles if mounted on temporary or permanent foundations with the wheels removed

GUIDE TO EXHIBITS (ATTACHMENTS)

Exhibit	Description/Author	# Pages
1	Appeal Application Documents	
1A Appeal Application	Application to Board of Adjustment for Appeal: - Cover Letter dated April 30, 2026 from Peter K. Schaeffer, Jr. Esq. of Avenue Law submitting Appeal Application to Board of Adjustment - Application Form (3 pages), Application for Mailing List Form, Project Contact List Form, Board of Adjustment Checklist Form - Application Exhibit A – Copy of January 21, 2021 Letter on Action of the Construction and Property Maintenance Code Board of Appeals - Application Exhibit B – Copy of Violation Detail for Case Number 25-00004632 (Appellant Submission)	9
1B Appeal Submission	Email to Peter K. Schaeffer Jr. from Dawn Melson-Williams (Planning Staff) on Appeal submission receipt and request to clarify	2
1C Appeal Submission	Letter of May 11, 2026 from Peter K. Scheaffer, Jr. Esq. to Daniel A. Griffith, Esq. on Kings Cliffe MHP, LLC, Appeal of City of Dover Zoning Violation: Case #25-00004632	2
1D Appeal Application ADDENDUM	Letter of May 19, 2026 from Peter K. Schaeffer, Jr. Esq. of Avenue Law as ADDENDUM TO APPEAL and Attachments: - Addendum Exhibit A – Copy of November 23, 2020 Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 20-00003344 - Addendum Exhibit B - Copy of January 21, 2021 Letter on Action of the Construction and Property Maintenance Code Board of Appeals - Addendum Exhibit C - Copy of October 17, 2025 Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 25-00004632 (Appellant Submission)	10
2	Code Enforcement Case File documents	
2A	Letter of October 17, 2025 as Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 25-00004632	3

2B	Letter of February 15, 2019 on Amendments to Dover Code of Ordinances and Zoning Ordinance concerning Mobile Homes, Manufacturing Homes, and Land Lease Communities to Kings Cliffe Mobile Home Park from Director of Planning & Community Development	2
2C	Construction Code and Property Maintenance Boards of Appeals Meeting Minutes from January 20, 2021 Meeting	4
2D	<i>Dover Code of Ordinances</i> , Appendix B – Zoning (<i>Zoning Ordinance</i>), Article 3 Section 8. – Manufactured housing (MH) zone (Section 8.4 highlighted)	3
2E	Letter of November 23, 2020 as Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 20-00003344 to MHP Investments LLC	2
2F	Letter of November 23, 2020 Letter of Violation from Code Enforcement Officer and Violation Detail of Case Number 20-00003344 to Kings Cliffe Mobile Home Park	2
2G	Letter of December 1, 2020 RE; Case #20-00003344 to Mr. Koop, Division of Code Enforcement from Peter K. Schaeffer, Jr. Esq.	2
2H	<i>Dover Code of Ordinances</i> , Appendix B – Zoning (<i>Zoning Ordinance</i>), Article 7 – Nonconforming Buildings and Uses (print date 12/02/2020)	4
2I	Photograph Series of Recreational Vehicles in Kings Cliffe with photographs dated 11/13/2020, 11/23/2020, 01/04/2021, 01/06/2021	10
2J	<i>Dover Code of Ordinances</i> , Appendix B – Zoning (<i>Zoning Ordinance</i>), Article 7 – Nonconforming Buildings and Uses (print date 7/16/2025)	3
2K	<i>Dover Code of Ordinances</i> , Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities	6
2L	<i>Dover Code of Ordinances</i> , Appendix B – Zoning (<i>Zoning Ordinance</i>), Article 3 Section 8. – Manufactured housing (MH) zone (print date 7/16/2025)	3
2M	Letter of January 21, 2021 as Letter on Action of the Construction and Property Maintenance Code Board of Appeals	1
2N	42 USC Ch. 70 Manufactured Home Construction and Safety Standards from Title 42 – The Public Health and Welfare	32
2O	Fax Cover Sheet and Attachments: Letter of November 24, 2025 as Request for Appeal on Case #25-00004632 from Peter K. Schaeffer, Jr. Esq. and Violation Detail Case Number #25-00004682	5

3	Construction Code and Property Maintenance Board of Appeals documents	
3A	Email Series on Receiving Appeal Request to Construction Code and Property Maintenance Board of Appeals	5
3B	Letter of January 11, 2021 to MHP Investments scheduling the Construction Code and Property Maintenance Board of Appeals Meeting	2
3C	Construction Code and Property Maintenance Boards of Appeals Agenda for January 20, 2021 Meeting	1
3D	Case Packet for Construction Code and Property Maintenance Boards of Appeals for January 20, 2021 Meeting	28
3E	Construction Code and Property Maintenance Boards of Appeals Meeting Minutes from January 20, 2021 Meeting	4
3F	Letter of January 21, 2021 as Letter on Action of the Construction and Property Maintenance Code Board of Appeals	1
3G	Appeals Procedure – Construction and Property Maintenance Code Board of Appeals (for City Clerk’s Office actions)	3
4	<i>Dover Code of Ordinances</i> , Appendix B – Zoning (<i>Zoning Ordinance</i>), Article 3 Section 8. – Manufactured housing (MH) zone	3
5	<i>Dover Code of Ordinances</i> , Appendix B – Zoning (<i>Zoning Ordinance</i>), Article 7 – Nonconforming Buildings and Uses	3
6	Aerial Map of Kings Cliffe Manufactured Home Park with Location and Zoning Districts (Planning Staff)	1