

EXHIBIT 3A

From: [Kopp, Eddie L](#)
To: [Tauchus, Janella M](#)
Cc: [City Clerks Office](#); [Hugg, Dave](#); [Coburn, Ron](#)
Subject: Request for Appeal 20-00003344
Date: Wednesday, January 6, 2021 9:18:57 AM
Attachments: [Scanned Files_001.pdf](#)

Good Morning,

I have received a request for an appeal for case 20-00003344. The property address is 1131 S Bay Rd Kings Cliff Mobile Home Park.

Eddie L. Kopp

City of Dover Code Enforcement
15 Loockerman Plaza
Dover DE 19901
Phone (302)760-4929
Fax (302) 736-4217
E-Mail: ekopp@dover.de.us

From: [Kopp, Eddie L](#)
To: [Ramsey, Megan R.](#)
Subject: RE: Request for Citation - Review of Appeal - 1131 S Bay Rd - Peter Schaeffer Jr.
Date: Wednesday, January 6, 2021 12:15:50 PM

I have uploaded the case 20-00003344 into docuware. It will not allow me to send the PDF file I have created do to the size. I can send it to you in pieces if I need be just let me know.

Eddie L. Kopp

City of Dover Code Enforcement

15 Loockerman Plaza

Dover DE 19901

Phone (302)760-4929

Fax (302) 736-4217

E-Mail: ekopp@doover.de.us

From: Ramsey, Megan R. <mramsey@doover.de.us>
Sent: Wednesday, January 6, 2021 10:12 AM
To: Kopp, Eddie L <ekopp@doover.de.us>
Cc: City Clerks Office <CityClerk@doover.de.us>; Hugg, Dave <dhugg@doover.de.us>; Coburn, Ron <RCoburn@doover.de.us>
Subject: Request for Citation - Review of Appeal - 1131 S Bay Rd - Peter Schaeffer Jr.

Good Morning,

Attached please find an appeal that has been received by the City Clerk's Office from Peter Schaeffer Jr., Esq. in regard to the property located at 1131 S Bay Rd. Please provide the citation which was issued in this matter so that we may determine if this appeal should be heard by the Construction and Property Maintenance Code Board of Appeals.

Thank you,

Megan Ramsey

Administrative Assistant

City of Dover, Delaware

Email: mramsey@doover.de.us

Phone: 736-4462

Fax: 736-5068

From: [Kopp, Eddie L](#)
To: [Ramsey, Megan R.](#)
Cc: [Coburn, Ron](#); [Hugg, Dave](#)
Subject: 20-00003344
Date: Wednesday, January 6, 2021 2:22:38 PM
Attachments: [20-00003344 Appeal.pdf](#)

I was able to compress the file. Here is the documents I am submitting for the appeal.

Eddie L. Kopp

City of Dover Code Enforcement

15 Loockerman Plaza

Dover DE 19901

Phone (302)760-4929

Fax (302) 736-4217

E-Mail: ekopp@dover.de.us

From: [Ramsey, Megan R.](#)
To: gjunge@schmittrod.com; ["Nick Rodriguez"](#)
Cc: [City Clerks Office](#)
Subject: RE: Construction and Property Maintenance Code Board of Appeals Legal Opinion Needed
Date: Monday, January 11, 2021 9:45:45 AM
Importance: High

Good Morning Mr. Junge,

The Construction and Property Maintenance Code Board of Appeals will be hearing this appeal in the meeting scheduled for Wednesday, January 20, 2021 at 3:30pm via WebEx. Can you please advise who has the right of appeal?

Thank you,

Megan Ramsey

Administrative Assistant

City of Dover, Delaware

Email: mramsey@doover.de.us

Phone: 736-4462

Fax: 736-5068

From: gjunge@schmittrod.com <gjunge@schmittrod.com>
Sent: Wednesday, January 6, 2021 4:16 PM
To: Ramsey, Megan R. <mramsey@doover.de.us>; 'Nick Rodriguez' <nrodriguez@schmittrod.com>
Cc: City Clerks Office <CityClerk@doover.de.us>
Subject: RE: Construction and Property Maintenance Code Board of Appeals Legal Opinion Needed

Megan,

It should go forward. He was discussing the issue with me. He was attempting to settle the matter in good faith but had to file the appeal one it was determined we couldn't come to an agreement.

Gary

Gary E Junge | Attorney

Schmittinger & Rodriguez

414 South State Street

Dover, DE 19901

T: (302) 674-0140

This message is intended for the exclusive use of the named addressee and may contain information that is privileged or confidential or otherwise legally exempt from disclosure. If you have received this message in error or are not the named addressee or his or her authorized agent, please notify me immediately by e-mail, discard any paper copies and delete all electronic files of this message.

From: Ramsey, Megan R. <mramsey@doover.de.us>
Sent: Wednesday, January 6, 2021 3:33 PM

To: Nick Rodriguez <nrodriguez@schmittrod.com>; 'gjunge@schmittrod.com' <gjunge@schmittrod.com>

Cc: City Clerks Office <CityClerk@dover.de.us>

Subject: Construction and Property Maintenance Code Board of Appeals Legal Opinion Needed

Importance: High

Mr. Rodriguez:

We have received an appeal for the Construction and Property Maintenance Code Board of Appeals from Mr. Peter Schaeffer which I have attached to this email as well as supporting documentation provided by the Code Enforcement Office. Upon reviewing the case history, the original violation was discovered by Mr. Kopp on November 23, 2020. The appeal was received by Mr. Kopp on January 5, 2021.

Below please see Section 22-1b of the Dover Code:

(b) *Appeals*: Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

Our interpretation of the code is that the determination was made by the building inspector on November 23, 2020 and therefore is outside of the 30 day window allotted. Can you please provide a legal opinion as to whether or not this violation can be appealed?

Thank you,

Megan Ramsey

Administrative Assistant

City of Dover, Delaware

Email: mramsey@dover.de.us

Phone: 736-4462

Fax: 736-5068



January 11, 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:

I have received your request to appeal 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. Per your letter dated December 1, 2020, Violation 255 is uncontested and will not be considered in this meeting. 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.

A meeting of the Construction and Property Maintenance Code Board of Appeals has been scheduled for Wednesday, January 20, 2020 at 3:30 p.m. to hear your appeal. This meeting will be held through WebEx and may be accessed through a computer, smart phone or through a telephone call. Below I have listed the information needed to access the meeting.

Please feel free to contact me by email at cityclerk@dover.de.us or by phone at (302) 736-7008 if you have any questions or concerns.

Dial: 1-408-419-9388

Link: <https://cityofdoverde.webex.com/cityofdoverde/onstage/g.php?MTID=eab13c222214d26e8eb9f8599e7d76756>

Event Number/Access Code: 179 001 7731

Event Password: DOVER

Sincerely,

Megan Ramsey
Administrative Assistant

TAM/mr

S:\APPEALS\2021\1. 1131 S Bay Rd - Appeal - Property Maintenance - Exterior - MHP Investments LLC\Receipt of Appeal - Property Maintenance - Exterior - 1161 South Bay Road.wpd

Construction and Property Maintenance Code Board of Appeals Agenda



January 20, 2021 - 3:30 p.m.

This meeting will be held electronically. Public participation information is as follows:

Dial: 1-408-418-9388

Link:

<https://cityofdoverde.webex.com/cityofdoverde/onstage/g.php?MTID=eab13c222214d26e8eb9f8599e7d76756>

Event number/Access code: 179 001 7731

Event password: DOVER (if needed)

If you are new to WebEx get the app now at <https://www.webex.com/> to be ready when the meeting starts

Adoption of Agenda

1. **Property Maintenance Code Citation (Appendix B - Zoning, Article 3 - District Regulations, Section 8.4 - Uses Prohibited) - Appeal of Violation - 1131 South Bay Road (MHP Investments, LLC)**
2. **Property Maintenance Code Citation (Chapter 114 - Vegetation, Article II - Weeds, Section 114-32 - Maximum Height, Chapter 22 - Buildings and Building Regulations, and the 2009 International Property Maintenance Code) - Appeal of Citation and Fines - 8 South New Street (James Sloven)**
3. **Adjournment**

/mr

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Misc-Agendas\CPMCBA\2021\01-20-2021 CPMCBA AGENDA.wpd

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

November 23, 2020

MHP INVESTMENTS LLC
1051 TUCKERTON RD
MARLTON NJ 08053

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,


Eddie Kopp
Code Enforcement Officer

cc: File

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.

Division of
Code Enforcement
15 Loockerman 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,


Eddie Kopp
Code Enforcement Officer

cc: File

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.

Peter K. Schaeffer, Jr., Esq.

Avenue Law
1073 South Governors Avenue
Dover, DE 19904-6901

Tel: (302) 674-2210
Fax: (302) 674-2099
office@avenuelaw.com

Via 1st Class U.S. Mail and Facsimile

City of Dover
Division of Code Enforcement
15 Loockerman Plaza
Dover, DE 19901
attn: Eddie Kopp
facsimile: 302.736.4217

RE: Case Number: 20-00003344
Kings Cliff Mobile Home Park
1131 S. Bay Road
Dover, DE 19901
City of Dover Letter dated November 23, 2020

REQUEST FOR APPEAL

Dear Mr. Kopp,

Since my prior letter of December 1, 2020, I have been contacted by the City of Dover solicitor Gary E. Junge, Esq. Although attempts were made to come to a resolution, yesterday Mr. Junge gave me notice that the City is of the position that the issue of recreational vehicle lot rentals is a non-conforming use. On behalf of my client, MHP Investments, LLC, we respectfully request an appeal of Violation # 734.

I have cc'd Mr. Junge on this letter, and ask that we schedule a mutually agreeable time to further contest the aforementioned violation.

Thank you in advance for your consideration of this matter.

Respectfully Yours,

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

Peter K. Schaeffer, Jr., Esq. (I.D. 005255)

January 5, 2021

Cc: MHP Investments, LLC
Gary E. Junge, Esq.

Fax

From**To**

Kings Cliffe Mobil Home
Park, Case Number
20-00003344

Number of pages

2

Message

Eddie and Gary,

Please see the attached letter requesting an appeal
for the above matter.

Happy New Year,

Peter K. Schaeffer Jr., Esq

Avenue Law

www.avenuelaw.com<<http://www.avenuelaw.com/>>

1073 South Governors Avenue

Dover DE 19904-6901

New Email address

Email: peter.schaeffer@avenuelaw.com

Phone: 302.674.2210

Fax: 302.674.2099

Avenue Law COVID-19 Update - 11-4-2020

Due to recent developments with COVID-19, it is out of an abundance of caution that Avenue Law has closed our offices to the public until the public health threat is eliminated. Our attorneys and staff will work during this time and will be available via phone, fax and email between the hours of 8:00am - 4:00pm, Monday through Friday. If you have any questions, please reach out to our staff to discuss your options. Please deliver all documents via fax, email (pdf) or mail We will forward pertinent

Peter K. Schaeffer, Jr., Esq.

Avenue Law
1073 South Governors Avenue
Dover, DE 19904-6901

Tel: (302) 674-2210
Fax: (302) 674-2099
office@avenuelaw.com

Via 1st Class U.S. Mail and Facsimile

City of Dover
Division of Code Enforcement
15 Loockerman Plaza
Dover, DE 19901
attn: Eddie Kopp
facsimile: 302.736.4217

RE: Case Number: 20-00003344
Kings Cliff Mobile Home Park
1131 S. Bay Road
Dover, DE 19901
City of Dover Letter dated November 23, 2020

Dear Mr. Kopp,

The property owned by MHP Investments, LLC Tax Parcel Number: ED-05-086.00-01-080.000-000, was purchased from prior owners in June, 2016. At the time of purchase, the prior owner, Richard Thomas, had a manufactured home community in addition to twelve recreational vehicle sites that were set up with electric and sewage specifically for recreational vehicles ("RV's"). It is our understanding that the prior owner began the lot in question as an RV site, and only later obtained permission to operate in addition as a manufactured home community. Therefore, the lots outfitted for RV's were improved specifically for such use, and have been in existence for decades, used solely as RV sites.

I reviewed the City of Dover Code of Ordinances, Chapter 66, as well as 25 *Del.C.* § 7001 *et seq.* and do not see any prohibitions on use of lots for RV's on the cited property. Furthermore, 25 *Del.C.* § 7004 specifically excludes RV's from any requirements imposed on manufactured home communities and does not forbid RV rental lots in conjunction with manufactured home lot rental.

MHP Investments, LLC respectfully contests any finding that RV's must conform to manufactured home requirements as specified by the Department of Housing and Urban Development, and are therefore not subject to prohibitions applied to manufactured homes under Title 25 of the Delaware Code or City of Dover Code of Ordinances specific to manufactured home communities. The application of code sections, whether those of the City

of Dover or Title 25, do not apply to RV's, therefore the prohibition of long-standing RV lot rentals from further use, as stated in Violation 734, is without basis in law.

We respectfully ask that you remove Violation 734. We do not contest Violation 255, and MHP Investments, LLC is currently in progress of compliance with Dover Code of Ordinance § 66-4.

Please feel free to contact Avenue Law regarding any questions or concerns by the City of Dover regarding Violation 734.

Respectfully Yours,

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

Peter K. Schaeffer, Jr., Esq. (I.D. 005255)

December 1, 2020

Cc: MHP Investments, LLC

Section 8. - Manufactured housing (MH) zone.

8.1 *Uses permitted.* In a manufactured housing zone, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any uses, except the following:

8.11 Manufactured homes on individual lots, held in any type of ownership.

8.12 Multiple manufactured homes on a lot, provided that:

- (a) The lot is operated as a condominium, including, but not limited to, condominiums formed pursuant to 25 Del. C., Chapter 71; or
- (b) The lot is operated as a land lease community; and
- (c) There are at least 15 manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a manufactured home. There shall be no mixing of manufactured homes and permanently placed manufactured homes on one lot.

8.13 Permanently placed manufactured homes on individual lots, provided that the home and the lot are under common ownership.

8.14 Multiple permanently placed manufactured homes on a lot, provided that:

- (a) The lot is operated as a condominium including, but not limited to, condominiums formed pursuant to 25 Del. C., Chapter 71; or
- (b) The lot is operated as a land lease community; and
- (c) There are at least 15 permanently placed manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 permanently placed manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a permanently placed manufactured home. There shall be no mixing of manufactured homes and permanently placed manufactured homes on one lot.

8.15 One-family detached homes on individual lots, held in any type of ownership.

8.2 *Conditional uses.* Conditional uses shall be consistent with those conditionally permitted in the one-family residence zones.

8.3 *Accessory uses.* Accessory uses shall be consistent with those permitted in the one-family residence zones, with the following additions and exceptions:

8.31 Management facilities. The following shall be permitted accessory to lots providing home sites for multiple manufactured homes:

- (a) Management offices with rooms for the usual office furniture and supplies, limited to one per lot;
- (b) Storage space for utility connection supplies in quantity, manufactured home accessories and maintenance materials and equipment;
- (c) Laundry facilities equipped with washing machines and dryers;
- (d) Community building facilities, including indoor recreation areas;
- (e) Commercial establishments consistent with uses permitted in the C-1 neighborhood commercial zone, limited to one such establishment per lot;
- (f) One-family detached homes intended for the use of a manager or caretaker, limited to one such dwelling per lot.

8.32 Accessory home occupations. Accessory home occupations shall be permitted consistent with the conditions outlined for home occupations in the one-family residence zones, with the exception that no home occupation shall be permitted if not also permitted by the owner of the lot on which the home is sited.

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.

8.5 *Minimum occupation length.* No lot or home site within the manufactured housing zone reserved for occupation by a manufactured home shall be leased or occupied for residential use except for periods of 30 consecutive days or more.

8.6 *Land lease communities.* The following regulations shall apply to land lease communities within the MH zone:

8.61 The entire land area occupied by a land lease community, regardless of the number of home sites or individual lots therein, shall be maintained in single ownership, or if in multiple ownership, under the provisions of the laws of the state dealing with unit properties and condominiums.

8.62 *Changes to site plan.* After initial site development plan approval of a land lease community, reapproval for the entire community shall not be required prior to the issuance of building permits for alterations to individual manufactured homes, or their accessory buildings such as storage areas and patios, which, in the judgement of the city planner, do not materially alter the site development plan approval by the planning commission and are requested as adjustments to the individual manufactured home sites or lots leased by an individual family and designed for the convenience and comfort of the individual lessee.

8.7 *Performance Standards.* All uses are subject to performance standards as set forth in article 5, section 8.

8.8 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

8.81 For purposes of preparing a site development plan for approval by the planning commission, and all subsequent improvements, alterations or additions, the applicant shall conform to current submission requirements and site development standards as set forth by the National Fire Protection Association publication 501A, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities." Where applicable, the approving authority shall be the fire marshal's office.

8.82 No site development plan proposing the siting of a manufactured home outside of a land lease community shall be approved unless the plan shows the manufactured home is to be permanently placed, as defined in the Dover Code of Ordinances, Chapter 66—Manufactured Homes, Mobile Homes, and Land Lease Communities.

8.9 *Maximum density.* The gross residential density in an MH zone shall not exceed six dwelling units per acre.

8.10 *Signs.* Signs shall meet the regulations found in Article 5—Supplementary Regulations, Section 4—Supplementary Sign Regulations.

(Ord. No. 2016-16, 8-8-2016; Ord. No. 2018-01, 9-24-2018)

Footnotes:

--- (2) ---

Editor's note— Ord. No. 2016-16, adopted August 8, 2016, in effect, repealed § 8 and enacted a new § 8 as set out herein. Former § 8 pertained to similiar subject matter and derived from Ord. of 10-13-1981; Ord. of 3-20-1983; Ord. of 3-24-1986; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-28-2008(2); and Ord. No. 2010-29, adopted January 10, 2011.

City of Dover

February 15, 2019

Kings Cliffe Mobile Home Park
1131 S. Bay Rd.
Dover, DE 19901

Re: **Amendments to the Dover Code of Ordinances and the Dover Zoning Ordinance
Concerning Mobile Homes, Manufactured Homes, and Land Lease Communities**

To whom it may concern,

On September 24, 2018, the Dover City Council adopted Ordinance #2018-01- **Manufactured Homes**. This ordinance follows on previous updates made to the *Dover Code of Ordinances* through Ordinance #2016-16, which was adopted on August 8, 2016. Together these two ordinances update standards and terminology throughout the *Dover Code* related to manufactured homes and mobile homes. They also enact standards for management and maintenance of land lease communities, a type of community which includes manufactured home parks.

As the owner of a land lease community/manufactured home park, you are encouraged to review the two major sections of the *Dover Code of Ordinances* pertaining to manufactured homes and land lease communities. These are the *Dover Code of Ordinances, Chapter 66-Manufactured Homes, Mobile Homes, and Land Lease Communities*, and the *Zoning Ordinance, Article 3 Section 8- Manufactured Housing Zone*. Both sections have been heavily restructured since 2016, so they are worth reading in their entirety to understand how manufactured homes and land lease communities are now regulated in Dover. The sections are enclosed with this letter; they may also be found together with the full *Dover Code* by going to www.cityofdover.com and clicking on the "municipal code" link.

The Planning Office would in particular like to draw your attention to several updated standards for the management and maintenance of land lease communities, described below.

The following are the maintenance responsibilities of owners of land lease communities, unless they are specifically delegated to a homeowner or other party*:

- Maintaining all private streets, access of driveways to these streets, access to fire hydrants, and access to central mailboxes. Streets must be clear of obstructions, including potholes, snow piles, and debris.
- Keeping all common areas in good repair and free of debris. Debris must especially be cleared if they create a fire hazard or potential pest control problem.
- Keeping community landscape areas in good repair and free of overgrowth. Trees over 25 feet in height must also be maintained by the owner. Note that this does not require removal of plant debris produced naturally (i.e. fallen leaves) nor does it compel the owner to enter rented lots without permission of the homeowner.

- Keeping all water, electrical, plumbing, gas, septic, sewer, and other utilities provided by the owner to tenants in good working order. The owner must also maintain the community's stormwater management facilities so that standing water does not accumulate outside of designated retention basins or ponds. Flowing water or water that dissipates within 48 hours is not considered standing water.

*Limitations on what responsibilities can be delegated apply. Please see *Dover Code of Ordinances* Chapter 66 Section 66-4(a)(5).

The following additional requirements also apply:

- Each community must have an associated office within the community, elsewhere in Dover, or elsewhere in Kent County. This office must be open to tenants and others at least 20 hours a week, including at least five hours between the hours of 7am and 8am and/or 5pm and midnight. The office hours must be posted and clearly communicated to residents of the community.
- Each community must have a 24-hour emergency contact available to residents.
- Receipts must be given to tenants for their rent payments. Tenants paying in cash must be given a receipt immediately. Tenants paying by any other method must receive a receipt within two days.
- The community must keep a record of all receipts given for cash payments of rent. Individual records in the record book must be kept for at least three years.
- The community must annually report to the City of Dover (by July 1st) a record of all homes within the community, including the name of the owner of each home, the address of each home, and each owner's address, if different from the home address. A sample report is enclosed with this letter.
- The owner or operator of each community must obtain or keep current an annual business license from the City of Dover to operate the park.
- Only Department of Housing and Urban Development-licensed manufactured homes are permitted to locate to manufactured home parks within Dover. Older mobile home models as well as recreational vehicles may remain if already in a park, but no new ones may be moved in.

Please note that while all the above regulations are effective immediately, the City recognizes that communities may need some time to put into action needed changes to meet the regulations. Please cooperate with City Code Enforcement Staff to resolve any disputes. Please also contact the City's Planning Office at (302) 736-7196 if you have any questions.

Sincerely,
Department of Planning & Inspections



David S. Hugg III
Director, Planning & Community Development

Ed/DSH

ARTICLE 7. - NONCONFORMING BUILDINGS AND USES**Section 1. - Nonconforming buildings and uses.**

The following provisions shall apply to all buildings and uses existing on the effective date of this ordinance, which buildings and uses do not conform to the requirements set forth in this ordinance; to all buildings and uses that become nonconforming by reason of any subsequent amendment to this ordinance and the zoning map which is a part thereof; and to all conforming buildings housing nonconforming uses:

- 1.1 Any nonconforming use, except those nonconforming uses specified in [sub] section 1.5, may be continued indefinitely, but:
 - 1.11 Shall not be enlarged, extended, reconstructed or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this ordinance, nor shall any external evidence of such use such as traffic, noise, vibration, smoke, dust, odor, heat or glare be increased by any means whatsoever; or
 - 1.12 Shall not be changed to another nonconforming use without a special permit from the board of adjustment, and then only to a use which, in the opinion of said board, is of the same or a more restricted nature; or
 - 1.13 Shall not be reestablished if such use has been discontinued for any reason for a period of one year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
- 1.2 Except as provided in paragraph [subsection] 1.4 below, no building which houses a non-conforming use shall be:
 - 1.21 Structurally altered or enlarged; or
 - 1.22 Moved to another location where such use would be nonconforming; or
 - 1.23 Restored for other than a conforming use after damage from any cause exceeding 75 percent of the replacement cost of such building, exclusive of foundations. Any such building damage[d] to a lesser extent may be restored, but not enlarged, and the nonconforming use reinstated within one year of such damage; [however,] if the restoration of such building is not completed

within the said one-year period, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of such building.

1.3 Normal maintenance and repair, structural alteration in, and moving, reconstruction or enlargement of a building which does not house a nonconforming use, but is nonconforming as to the district regulations for lot area, lot width, front yard, side yard, rear yard, maximum height, maximum lot coverage, or minimum livable floor area per dwelling is permitted if the same does not increase the degree of, or create any new nonconformity with such regulations in such building.

1.4 Nothing in this article shall be deemed to prevent normal maintenance and repair of any building, or the carrying out, upon the issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the city planner shall state the precise reason why such alterations were deemed necessary.

1.5 Each of the nonconforming uses specified below is deemed sufficiently objectionable, undesirable, and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district, and blight the proper and orderly development and general welfare of such district and the city to the point that each of such nonconforming uses shall be terminated on or before the expiration of the specified period of time after the effective date of this ordinance; which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use.

1.51 In any residence zone, any nonconforming use of open land, including such uses as a parking lot, junkyard, or open storage yard for materials or equipment, may be continued for three years after the effective date of this ordinance, or after annexation of the property into the City of Dover, provided that, after the expiration of that period, such nonconforming use shall be terminated (see also article 6, section 1.12). Any "mobile home" as that term is defined in article 12 hereof, that was located within the limits of the City of Dover at the effective date of this ordinance [November 22, 1976], or that was in place on any land subsequently annexed into the City of Dover, shall constitute a nonconforming use and shall be permitted to be maintained as a

nonconforming use indefinitely. However, such mobile home shall be required to connect to city sewer and water mains, if available, and such mobile home shall be subject to and shall comply with all other city codes and ordinances applicable to structures and residences.

1.52 In any residence zone, any sign not of a type permitted, or of a permitted type, but greater than two times the maximum permitted size may be continued for one year following the effective date of this ordinance, provided that, after the expiration of that period, such nonconforming use shall be terminated.

1.53 In any residence zone, any non-conforming use of buildings which is not permitted under the provisions of this ordinance may be continued for a period of:

- (a) Twenty years after the effective date of this ordinance, or
- (b) Forty years after the initial construction of the building containing such use or of any addition thereto adding 50 percent or more to the floor area occupied by such use,

whichever is the longer period, provided that, after the expiration of that period, such nonconforming use shall be terminated. However, no such nonconforming use shall be permitted to continue for a period exceeding two years, unless such use shall be operated in conformance with performance standards established in article 5, section 8.

1.6 Residential occupancies that meet the definition of "student home," as provided in article 12 of this ordinance, that can be proven to have been in existence as a student home use prior to the enactment of regulations governing student homes, shall be permitted to remain as legal nonconforming uses as to location and shall not be subject to the conditional use approval requirements set forth in article 10, section 2, provided that all such uses shall be made to conform with all other provisions of article 3, section 2.4, subsection (b), with regard to licensing as a student home, off-street parking requirements and number of students in residence in the student home, within six months of the effective date of the ordinance amendment establishing article 3, section 2.4, subsection (b). Documentation to prove that a student home use existed prior to the enactment of this ordinance shall be limited to executed lease agreements, City of Dover

licensing data, and/or [a] sworn legal affidavit from the owner of record of the property. Failure to bring a nonconforming student home use into compliance within the specified six-month period shall be deemed a violation of this ordinance and subject to penalties as set forth in article 8 of the zoning ordinance [this appendix] and all applicable provisions of [the] Dover Code of Ordinances. Any student home use that existed prior to the enactment of this ordinance, that ceases to exist or that is changed to any form of occupancy other than a student home use for a period in excess of 120 days, shall not be reactivated as a student home use without conditional use approval as set forth in article 3, section 2.4 and article 10, section 1 of this ordinance.

(Ord. of 11-22-1976, § 1; Ord. of 7-12-1993, § 12; Ord. of 2-12-2001; Ord. of 1-13-2003; Ord. of 4-28-2008(2); Ord. No. 2016-16, 8-8-2016)





















CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS

The Construction and Property Maintenance Code Board of Appeals meeting was held on January 20, 2021 at 3:31 p.m. with Chairman Anderson presiding. Members present were Mr. Neil, Mr. Martin and Mr. Rocha. Ms. Steger was absent. Staff members present were Mr. Hugg, Mr. Coburn, Mr. Kopp, Ms. Bowen, Mr. Junge, Ms. Tauchus, and Mrs. Ramsey.

Adoption of Agenda

Mr. Neil moved for approval of the agenda, seconded by Mr. Rocha and unanimously carried.

Due to Mr. Anderson's limited access, Mr. Rocha presided over the remainder of the Construction and Property Maintenance Code Board of Appeals meeting.

Property Maintenance Code Citation (Appendix B - Zoning, Article 3 - District Regulations, Section 8.4 - Uses Prohibited) - Appeal of Violation - 1131 South Bay Road (MHP Investments, LLC)

Mr. Neil stated that he and Mr. Peter Schaeffer, Avenue Law, had a professional relationship. He explained that Mr. Schaeffer had done work for him, the previous owner of the property, which is Kings Cliff. Mr. Neil stated that he was an investigator of a complaint that was made on a change in the leases for the folks there that ended up costing him a large amount of money before it was sold. Mr. Neil asked Mr. Junge if he should recuse himself from this item due to his familiarity with that particular property and with Mr. Schaeffer on the other side, who he regarded as a friend.

Responding to Mr. Neil, Mr. Junge suggested that Mr. Neil recuse himself due to his friendship with Mr. Schaeffer. Mr. Neil recused himself from consideration of this item due to the conflict of interest at 3:34 p.m.

Mr. Schaeffer of Avenue Law and serving as legal representation for MHP Investments, LLC, reviewed the history of 1131 South Bay Road. Mr. Schaeffer introduced Mr. Kevin Vallen, owner of MHP Investments, LLC, who purchased Kings Cliff in June 2016. Mr. Schaeffer stated that on Mr. Vallen's knowledge and belief, he obtained, in negotiating, the purchase of Kings Cliff, recreational vehicle lot rentals, was a continuous use of the property for approximately the past three decades with no interruption in use.

Mr. Schaeffer stated that the City of Dover Ordinance #2018-01, Section 8.4, imposed a ban on year-round dwelling of RV's in a manufactured housing zone. All references to dwelling seemed to indicate that the term was defined as a year-round residential arrangement. He noted that RV's are typically not used as year-round dwellings, and that they are short-term lot rentals of less than six months, as such, there appears to be no violation under ordinance #2018-01. Mr. Schaeffer stated that even if temporary RV lot rentals fit into the definition of dwelling, Appendix B - Zoning, Article 7 - Non-conforming Buildings and Uses, states that any non-conforming use, except those non-conforming uses specified in Subsection 1.5, may be continued indefinitely. He noted that the non-conforming uses not permitted by this indefinite allowance are parking lots, junkyards, or open storage yards for materials and equipments which do not apply to RV lot rentals. Mr. Schaeffer stated that Kings Cliff rents the RV lots on a short-term basis, no longer than six months.

Mr. Schaeffer stated that he previously discussed with Mr. Junge, the purpose statement of ordinance #2018-1, which states that the ordinance is intended to supplement rather than replace Delaware State law, Title 25 - Property, Part VI - Manufactured Home Communities, Chapter 70 - Manufactured homes and Manufactured Home Communities Act, which govern manufactured home community management and Title 24 - Professions and Occupations, Chapter 44 - Manufactured Home Installation, which governs mobile home installation. He stated that neither of these Delaware laws forbid RV lot rentals in an area containing mobile homes.

Mr. Eddie Kopp, Code Enforcement, reviewed the City of Dover Code of Ordinances, Appendix B - Zoning, Article 3 - District Regulations, Section 8.4 - Uses prohibited. He stated that RV's are not considered a manufactured home, there is a difference between a mobile home and a trailer and that what is in Kings Cliff is mixed use. He advised that there are vehicles which are RV's, and mobile homes. Mr. Kopp stated that was where they were running into the conflict.

Responding to Mr. Hugg, Mr. Junge stated that he and Mr. Schaeffer had discussed whether this is continued use. Mr. Junge advised that Mr. Schaeffer's stance was that it is because it was still an RV. He stated that he was not sure that was true. Mr. Junge stated that Mr. Schaeffer's interpretation may prevail if it was appealed to the Supreme Court, but that this was an analogy to a shed being on a property that becomes non-conforming. Mr. Junge stated, regarding Mr. Kopp's statement, that if there was a mobile home on one of the lots that did not meet the current code, it would be grandfathered in until such time as they moved the mobile home. Mr. Junge advised that it does not mean one can move another mobile home on that lot that does not conform with the current code. He stated that he believed the City was on safe footing by saying that because the RV lots are no longer allowed by code, once the RV moves off of that lot, another one cannot be put there.

Responding to Mr. Anderson, Mr. Kopp stated that this violation was complaint driven and that since issuing this violation, he had received two other complaints from tenants.

Responding to Mr. Anderson, Mr. Junge stated that this was not about any particular RV, it was about the use and that it was one interpretation. Mr. Junge stated that this case was open to interpretation, but his take was that since the RV's are there for a period of time, once they left it would no longer be non-conforming, however, that there was no case law on this situation other than the case that Mr. Schaeffer previously mentioned which was not exactly analogous to this case.

Responding to Mr. Rocha, Mr. Junge stated that he was not aware of any code sections dealing with short term rentals. Mr. Junge noted that the lack of case law was not necessarily a detriment. He explained that cases go to court all the time where there is no definitive case law either way. Mr. Junge stated that is what the courts are for, when it enter gray areas, the courts decide, then they have case law moving forward. He stated that if the City did have to go to court and lost, it would not mean that they made the wrong decision, it would just mean the court wanted a different decision.

Responding to Mr. Martin, Mr. Schaeffer stated that 17 lots are utilized for RV's at any one time and that number had not changed since 2016 when it was purchased and presumably that was the same number of lots it had for decades.

Mr. Martin stated that it seemed like a continued use for those lots, but he felt that they would be grandfathered uses since it was that way before there was a change.

Responding to Mr. Rocha, Mr. Kopp stated that the initial complaint was a safety issue. He stated that the complaints he had received were an RV electrical box sparking at lot 152, trash and debris within the community, and the regular coming and going of RV's in the community. Mr. Kopp stated, regarding short-term use, that some of the RV's were well established with skirting around them and appeared to have been there for several years, much more than six months.

Responding to Mr. Rocha, Mr. Kopp stated that the code had been written in 1976 and that it was written based on a manufactured home, which an RV is not, so it does not meet the standard of manufactured home. He stated that there is not a dedicated section in the community for RV's, instead they are mixed in with the manufactured homes.

Responding to Mr. Rocha, Mr. Schaeffer stated that he imagined that there were records of when a RV arrived and left, however that was not in the issue, which instead was whether RV lots could be used at all within a manufactured home community. Mr. Schaeffer stated they could try to get records on specific separate transactions at least from 2016.

Mr. Anderson stated that a few years ago there was a committee to examine non-conforming use and one of the things they found was that if the use of the property is done consistently without an interruption of a year, that the non-conforming use stays valid. He stated that there are non-conforming uses as old as him and at the time, they understood it to be used. He noted that with that in the records, he was weary of changing that interpretation at all.

Mr. Anderson moved to grant the appeal made by MHP Investments, LLC. The motion was seconded by Mr. Martin and unanimously carried.

Property Maintenance Code Citation (Chapter 22 - Buildings and Building Regulations, and the 2009 International Property Maintenance Code) - Appeal of Citation and Fines - 8 South New Street (James Sloven)

Ms. Velvet Bowen, Code Enforcement, reviewed the case history for 8 South New Street.

Mrs. Ramsey advised that she received correspondence from Mr. James Sloven, prior to the meeting, stating he would be unable to attend the meeting and that he would pay the \$100.00 fine and continue to make the necessary repairs to the property (**Attachment #1**).

Mr. Anderson moved that the \$100.00 fine be reinstated, but that it would be frozen at \$100.00. The case would start over again and it would be up to everybody to make sure the repairs were being made. The motion was seconded by Mr. Neil and unanimously carried.

Mr. Martin moved for adjournment, seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 4:16 p.m.

Gerald L. Rocha
Construction and Property Maintenance Code
Board of Appeals Member

GLR/MR/jt

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CPMCBA.wpd

Attachments

Attachment #1 - Correspondence dated January 20, 2021 from Mr. James Sloven

From: [James Sloven](#)
To: [Ramsey, Megan R.](#)
Cc: [City Clerks Office](#)
Subject: Re: Appeal of Citation #19-00003386 and Related Fines - 8 South New Street, Dover Delaware
Date: Wednesday, January 20, 2021 8:26:05 AM

Ms. Ramsey,

I was called in to work today and therefore will be unable to participate in today's teleconference. I will just pay the \$100 fine and continue to make whatever repairs are still necessary.

James Sloven
302-538-0153

-----Original Message-----

From: Ramsey, Megan R. <mramsey@dover.de.us>
To: James Sloven <jsloven@aol.com>
Cc: City Clerks Office <CityClerk@dover.de.us>
Sent: Tue, Jan 12, 2021 2:46 pm
Subject: Appeal of Citation #19-00003386 and Related Fines - 8 South New Street, Dover Delaware

Mr. Sloven:

Attached please find a letter regarding your appeal scheduled to be re-heard virtually by the Construction and Property Maintenance Code Board of Appeals on January 20, 2021 at 3:30pm.

For your convenience, below please find the meeting participation information:

Dial: 1-408-418-9388

Link: <https://cityofdoverde.webex.com/cityofdoverde/onstage/g.php?MTID=eab13c222214d26e8eb9f8599e7d76756>

Event Number/Access Code: 179 001 7731

Event Password: DOVER (if needed)

Thank you,

Megan Ramsey

Administrative Assistant

City of Dover, Delaware

Email: mramsey@dover.de.us

Phone: 736-4462

Fax: 736-5068



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

EXHIBIT 3G

**APPEALS PROCEDURE
CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS**

APPELLANT: MHP Investments LLC

PROPERTY ADDRESS: 1131 S Bay Rd

CASE # 20-00003344

REASON FOR APPEAL: Property Maintenance - Exterior

REVIEWING THE FILE:	Date/Initials
1. Scan the appeal and any supporting paperwork and save it to the appeal folder.	1/6/21 MR
2. In Outlook/Clerk's Office Folders/Drafts/Appeal-Constr & Prop Maint, open the draft email Subject: Request for Citation - Review of Appeal - Address - Name of Appellant. Revise the email for the current appeal and send it to the Case Inspector for this appeal. Copy the Director of Planning and Community Development and the Chief Building Inspector.	1/6/21 MR
3. Review the appeal to ensure it is allowable by code, that the appeal has been submitted within 30 days of the date the citation was mailed, and the appellant is the property owner. Make sure the appellant has provided contact information, including a mailing address and phone number.	G. Junge confirmed that request is appealable on 1/6/21 via email
4. Open APPEALS LISTING-ALL and add the appeal to the listing.	1/6/21 MR
5. Open the S:\APPEALS\current year folder and create a new folder named using the following example: 59 Village Drive - Appeal - Tall Grass and Weeds - Name.	1/6/21 MR
6. If the appeal WAS NOT filed within 30 days of the date the citation was mailed, open Exceeds 30 day Deadline, S:\CLERK'S OFFICE POLICIES AND PROCEDURES\APPEALS\TEMPLATES\CPMCBA save in this appeal folder, and revise for this appeal.	N/A
7. If the appeal WAS filed within 30 days of the date the citation was mailed, in Outlook/Clerk's Office Folders/Drafts/Appeal-Constr & Prop Maint, open the draft email Subject: Appeal - *(Address) - Scheduling of Construction and Property Maintenance Code Board of Appeals Meeting. Revise the email for the current appeal and send it to the Director of Planning and Community Development.	1/8/21 MR
SCHEDULING THE APPEAL HEARING:	

8. A meeting of the Construction and Property Maintenance Code Board of Appeals must be scheduled no sooner than 10 days and no later than 30 days from receipt of the appeal. (Code of Ordinances, Part I Related Laws - Chapter 22 - Buildings and Building Regulations, Article I. - In General, Sec. 22-1 - Construction and property maintenance code board of appeals.). The Planning Director, Code Enforcement Supervisor or Chief Building Inspector, Case Inspector, and the City Hall Conference Room should be available for the meeting. Select a date for the meeting and call the appellant to verify their availability and advise them that they may provide additional support documentation if desired. Call the City Manager's Administrative Assistant to reserve the City Hall Conference Room.	1/11/21 MR
9. In Outlook/Clerk's Office Folders/Drafts/Appeal-Constr & Prop Maint, open the draft email Subject: Appeal -*59 Village Drive (*Sammak) - Documentation for Appeal Hearing. Revise the email for the current appeal and send it to the Case Inspector for this appeal.	N/A
10. Once the date is set, send an Outlook calendar invitation for the meeting to the Director of Planning and Community Development, Code Enforcement Supervisor (PMCBA) or Chief Building Inspector (CCAC), Case Inspector, members of the appeal board/committee, and the City Clerk's Office.	1/8/21 MR
11. Prepare a letter to the appellant notifying them of the time and date of the hearing. Select the appropriate block from S:\Appeals\BLOCKS\BLOCKS\LETTERS TO APPELLANT\Receipt of Appeal and/or Hearing Notification . Copy the Director of Planning and Community Development, City Solicitor, Code Enforcement Supervisor (PMCBA) or Chief Building Inspector (CCAC), and Case Inspector.	1/12/21 MR
12. Prepare the agenda using a specific block, if available. (S:\AGENDAS...MISC AGENDAS ...)	1/12/21 MR
13. Prepare the meeting packet, including the appeal and support documentation provided by the appellant, code citations, and the case documentation provided by the inspector. Redact personal information (leave addresses but remove account numbers, location I.D., account balances, Social Security and driver's license numbers, cell phone numbers, etc.) from the meeting packet according to sample at S:\CLERK'S OFFICE POLICIES AND PROCEDURES\APPEALS\BLOCKS\Sample Redacted Utility Report and save the packet as redacted.	1/13/21 MR
14. Circulate the packet for review and, once approved, update the Meeting Checklist and treat it as with all other meetings, posting the redacted meeting packet.	1/13/21 MR
15. After sending the normal email to the Agendas and Notices email distribution list, in Outlook/Clerk's Office Folders/Drafts/Appeal-Constr & Prop Maint, open the draft email Subject: Printed Packets - Construction and Property Maintenance Code Board of Appeals Meeting - *August 1, 2016 - 3:00 p.m., revise for the current appeal and send the email to the two (2) civilian members advising them that printed copies of the packet will be available at the meeting.	1/13/21 MR
FOLLOWING THE APPEAL HEARING:	
16. Prepare a letter to the appellant notifying them of the hearing action using one of the samples at S:\CLERKS OFFICE POLICES AND PROCEDURES\APPEALS\BLOCKS\BLOCKS - LETTERS TO APPELLANT - Hearing Action . Circulate the letter to the City Clerk for review and approval.	1/21/21 MR

17. Mail the letter to appellant and, using Outlook/Clerk's Office Folders/Drafts/Appeal-Constr & Prop Maint, open the draft email Subject: Notice of Hearing Action ..., email a copy to the Director of Planning and Community Development, Code Enforcement Supervisor or Chief Building Inspector, Case Inspector, City Solicitor, Deputy City Solicitor, City Clerk's Office and, if applicable, to Patricia Marney, Billing Supervisor.	1/22/21 MR
18. Update APPEALS LISTING-ALL .	1/22/21 MR
19. Index the letter and all documentation in Fortis in City of Dover database under "APPEALS."	1/22/21 MR
20. If necessary, set an Outlook calendar event for follow-up action.	N/A

Prepared by: City Clerk's Office /tm

S:\APPEALS\2021\1. 1131 S Bay Rd - Appeal - Property Maintenance - Exterior - MHP Investments LLC\1131 S Bay Rd Kings Cliff Mobile Home Park APPEALS PROCEDURE.wpd Revised 05/25/2018