



City of Dover
Board of Adjustment
January 21, 2026

V-26-01

Title: Property at 736 N. DuPont Highway - Application for a Variance: Signage

Location: North end of the peninsula at Route 13 (North Dupont Highway) and North State Street just south of Leipsic Road

Address: 736 N. DuPont Highway, 738 N. DuPont Highway, 1021 N. State Street, 1027 N. State Street

Owner: Harrington Four Season, LLC and Asher Four Seasons, LLC

Tax Parcel: ED05-068.09-01-07.00-000, ED05-068.09-01-06.00-000, ED05-068.09-01-04.01-000, ED05-068.09-01-04.00-000

Application Date: November 12, 2025

Present Zoning: C-4 (Highway Commercial Zone)

Present Use: Multiple businesses (to be demolished)

Proposed Use: 7-Eleven Convenience Store with Fuel Pumps

Reviewed By: Ann Marie Townshend, AICP, Planning Consultant (Rossi Group)
Dawn Melson-Williams, AICP, Principal Planner

Variance Type: Area Variance

Variances Requested: Request has been made for a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7 associated with signage for a 7-Eleven convenience store with fuel pumps. The Variance Request seeks to allow installation of a pylon sign on the North State Street frontage of the development area and to allow for 99.6 SF of sign area.

Note: This Review Report was initially prepared by staff of the Rossi Group (under a Planning Services contract with the City of Dover). The Report was completed with additional review and editing by the City's Planning Office.

Project Description

The subject property (736 & 738 N. DuPont Highway and 1021 & 1027 N. State Street) is bounded by North State Street on the west and North DuPont Highway on the east, located just

south of the intersection of North State Street and North DuPont Highway, south of TD Bank. A Site Development Plan application (S-25-15) for redevelopment of the four parcels for a 7-Eleven convenience store with gas pumps was granted conditional approval by the Planning Commission on October 20, 2025.

Property and Adjacent Properties: Zoning and Land Use

The 1.52 acre (66,329 SF) +/- property (combination of four parcels) is zoned C-4 (Highway Commercial Zone). Adjoining properties north and south of the subject site are zoned C-4 and include business uses. To the east, across North DuPont Highway, there are additional properties zoned C-4, that also have businesses operating. To the west, across North State Street is the Silver Mill Apartments, zoned RG-1. North DuPont Highway is an Urban Principal Arterial. North State Street is an Urban Minor Arterial.

A Map Exhibit (Exhibit B) prepared by Staff is attached to this Report. It shows the subject property's (development area) location and the surrounding zoning. Map Exhibit C shows an aerial view of the area with its existing buildings (prior to proposed redevelopment).

Code Citations

C-4 (Highway Commercial Zone)

The subject project area is zoned C-4 (Highway Commercial Zone). *Zoning Ordinance*, Article 3 Section 16 lists the permitted uses, conditional uses, and other provisions of the C-4 zone. See the following excerpt of the permitted uses in the C-4 zone.

Article 3 Section 16

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Restaurants.
- (d) Personal service establishments.
- (e) Service establishments.
- (f) Hotels and motels.
- (g) Places of public assembly.
- (h) Bus terminal.
- (i) Wholesale, storage, warehousing, and distribution establishments.
- (j) Indoor or outdoor recreation and amusement establishments.
- (k) Hospitals and medical centers.
- (l) Drive-throughs.

In the C-4 zone, the set of bulk standards for development is outlined in *Zoning Ordinance*, Article 4 Section 4.15 including setbacks, parking, height, FAR (Floor area ratio), lot coverage, etc. These regulations define the buildable area and the placement of the proposed building and fuel pump canopy.

Sign Regulations

The *Zoning Ordinance*, Article 5 Section 4 – Supplementary sign regulations outline the provision for the placement of signs. See the purpose statement in the code excerpt below.

Article 5 Section 4

4.1 Purpose statement. The purpose of this section is to create a legal framework for a comprehensive and balanced system of signs and other street graphics to facilitate an easy and pleasant communication between people and their environment. The ordinance from which this section is derived is enacted to avoid the visual clutter that is potentially harmful to vehicular and pedestrian safety, property values, business environment and opportunities, and community appearance. With these purposes in mind, it is the intent of this section to authorize the use of signs which are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of individual activities and the community as a whole, and legible in the circumstances in which they are seen, understanding that it is important for the economic vitality of the community as well as individual businesses and institutions that they are clearly identified and their services are understood by the traveling public.

The section further outlines the design requirements for different types of signs. Under consideration in this Application is a variance request to allow a pylon sign on the North State Street frontage of the property. Pylon signs are permitted only on Urban Principal Arterials. North State Street is an Urban Minor Arterial. Definitions for these terms are provided in the *Zoning Ordinance*, Article 5 §4.3 Sign Definitions.

Urban minor arterials: Delaware (DE) Route 8 (including all alternative names); McKee Road; Saulsbury Road; College Road; North Street (from Saulsbury Road to the western city limits); Kenton Road (from College Road to DE Route 8); State Street (from Walker Road north to US Route 13 and Wyoming Avenue south to the southern city limits); Loockerman Street; Leipsic Road; Webbs Lane, New Burton Road, Scarborough Road, Walker Road and Governors Avenue (from Division Street to the southern city limits) are considered to be urban minor arterials under the provisions of this section.

Urban principal arterial: US Route 13, Bay Road, and Court Street between 13 and Bay Road are considered to be urban principal arterials under the provisions of this ordinance. Delaware State Route 1 is not considered to be a road that will provide frontage for any parcel.

The *Zoning Ordinance*, Article 5 §4.7 is a table of permitted signs (Sign Table) for properties based on the specific use, road type, and sign type. The North State Street frontage of this is a non-residential use adjacent to a residential district, and it has frontage on an urban minor arterial. See code excerpt below for the permitted signage. Pylon signs are not indicated, and for any sign type the maximum sign area is 32 SF.

Article 5 Section 4.7 Permitted signs. Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses and road classification.

Use		Road Type	Permitted Signs						
Specific			Sign Type	Number Permitted	Max. Size	Max. Height	Percentage of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Adjacent to Residential Use/Zones	Nonresidential Uses	Urban Minor Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet

Additionally, the following definitions are part of sign regulations of the *Zoning Ordinance*:

Adjacent to residential: Property lines which are situated within 200 feet and which front on the same street as a parcel, or group of parcels containing residential uses, or that are zoned for residential uses, excluding residential uses and districts fronting on principal arterial roads.

Frontage: For the purposes of this section, the term "frontage" refers to a parcel's property line along a right-of-way, be it public or private, excluding alleys and service drives that are abutting residential properties. The parcel must be directly adjacent to the right-of-way for it to be considered to have frontage.

Sign: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Pylon sign: A tall freestanding sign that is held up by a pole or poles. The supporting structure must be equal to or narrower than the sign itself. (See figure 5-7.)

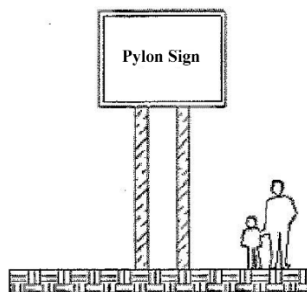


Figure 5-7

Monument sign: A low freestanding sign that is affixed to a base that is equal to or wider than the sign itself. The height of the sign is to be measured from the finished grade to the top of the sign. (See figure 5-3.)

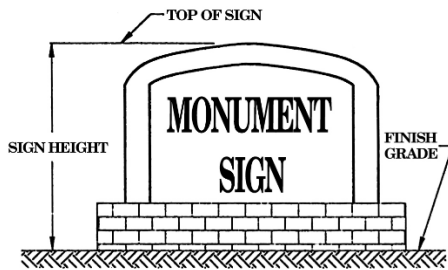


Figure 5-3

Applicant's Proposed Project and Variances Requested

The applicant has submitted a Site Map Plan Sheet (Exhibit E). This plan/drawing depicts the proposed convenience store with fuel pumps under a canopy and the proposed location of the pylon sign on North State Street, identified as P2. Exhibit F includes cut sheets and structural calculations for the proposed pylon sign.

In October, the applicant submitted a Sign Permit Application (Application #25-1482) for signage proposed for the planned 7-Eleven. This submission, along with the Architectural and Signage submission are attached as Exhibit G1 and G2. The City's planning consultant, Rossi Group, reviewed the submission and sent an email to the applicant identifying the necessary corrections (Exhibit H), which led to the applicant's variance application. A pylon sign proposed for the North DuPont Highway, identified as P1 in Exhibit G1 and G2, is permitted as proposed. Other permissible signage includes the four wall signs (A1, A2, and A3), a canopy fascia sign (F1), and directional signage (D1 and D2), which will be reduced in height to four feet.

The Applicant has requested a Variance from the requirements of *Zoning Ordinance*, Article 5 §4.7 associated with the proposed pylon sign (P2) on the North State Street frontage. The proposed pylon sign would be 30 feet tall with a sign area of 99.6 SF.

The *Zoning Ordinance*, Article 5 §4.9 C. includes the following provisions for Gas Station Signage:

C. Gas station signage.

1. Canopy signs.

- (a) Canopy sign height shall not exceed 30 feet.
- (b) Canopy sign copy shall be directed toward a public street.
- (c) Canopy sign area shall be limited to no greater than 20 percent of the area of the canopy face to which the sign is applied.

2. Exempt signs.

- (a) State or federal required price per gallon signage shall not count towards overall sign area for the site, unless they exceed 32 square feet in size.
- (b) Price per gallon signs not exceeding two square feet, located on the pump itself.

As proposed, the price per gallon signage on pylon sign P2 is not exempt from the area calculation because it exceeds 32 SF. It must be counted towards sign area.

Exceptional Practical Difficulties Tests

Zoning Ordinance, Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically, the Board must determine:

Article 9

2.1 Variance – The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.

2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

- (a) the nature of the zone in which the property lies;
- (b) the character of the immediate vicinity and the contained uses therein;
- (c) whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
- (d) 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 a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As part of the Application, the applicant was asked to summarize how the requested Variance relates to the above criteria. The applicant's response (Exhibit D) along with a Staff assessment of the application in accordance with the required criteria is provided below.

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

Applicant Response: The property is located within a commercial zoning district intended to support retail, service, and auto-oriented uses along major transportation corridors. This district accommodates high-volume vehicular traffic and businesses that rely on clear roadway visibility for customer access. Freestanding signage, including pylon-style structures, is consistent with the overall commercial identity of this corridor.

Staff Response: The subject property is zoned C-4 (Highway Commercial Zone), which permits auto-oriented uses along urban principal arterial roads. The C-4 zone in Dover is located along the DuPont Highway (US 13) corridor and along Bay Road. Pylon signs are typical within the C-4 zone along the frontage of the urban principal arterial roadways.

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

Applicant Response: The surrounding area along N. Dupont Highway and North State Street contains a variety of commercial uses, including fuel stations, convenience stores,

restaurants, and retail businesses. These properties commonly utilize freestanding signs positioned close to the roadway to ensure visibility for motorists.

The proposed Sign P2 is located more than 150 feet from the nearest residential property, is oriented perpendicular to the roadway, and is visually buffered by existing mature trees. Its scale, placement, and purpose are consistent with the commercial character of the surrounding area and will not alter or detract from the established corridor.

Staff Response: The subject property has frontage on North DuPont Highway and on North State Street. This area of North State Street is a transition area from the highway corridor and serves as a northern gateway to the residential neighborhoods in central Dover. In turning from North DuPont Highway to North State Street, the visual character of the roadway and surrounding properties changes. The speed limit of North State Street along the property frontage is 25 MPH; while the speed limit of North DuPont Highway along the property frontage is 40 MPH. Immediately surrounding properties on the east side of North State Street are zoned C-4. The property directly across the street is zoned RG-1 (General Residence Zone) and is Silver Mill Apartments. As you travel south along North State Street beyond Hiawatha Lane and Lepore Road, properties are zoned C-1A (Limited Commercial Zone) and C-2A (Limited Central Commercial Zone). These properties are made up of a variety of commercial uses. Exhibit I shows photos of the surrounding area.

The adjacent property to the south of the development properties, Silver Lake Center, has frontage on North State Street and Lepore Road. It is zoned C-4. In 2000, Silver Lake Center was the subject of a Unified Comprehensive Signage Plan (US-00-04). A 12.33-foot-tall monument sign, comprising 78 SF of sign area was approved as part of this plan. This signage replaced a non-conforming 22-foot-tall, 96 SF pylon sign.

Further south, on the west side of North State Street, Compass Pointe, was granted two variances for signage (V-08-20 and V-14-14). V-08-20 allowed for the property to have two one-sided monument signs instead of one, a reduced setback from 10 feet to 3 feet, and an increase in sign area from 32 SF to 51.7 SF. This variance was ultimately superseded by V-14-14, which granted an increase in sign height to 10 feet and an increase in sign area to 48 SF. The sign currently at this location complies with the variances granted through V-14-14.

The addition of a 99.6 SF pylon sign for the 7-Eleven site on North State Street is not in keeping with the character of the surrounding area, as only monument signs are permitted and the proposed pylon sign would be the most prominent sign located on North State Street between North DuPont Highway and Walker Road. Additionally, the sign area requested exceeds the sign area of other signs along this roadway.

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

Applicant Response: Granting this variance will not adversely affect neighboring residential properties or uses. While the City determined that the sign location qualifies as "adjacent to residential" under the Sign Regulations, the proposed pylon sign is located more than 150 feet away from the nearest residential use, is oriented perpendicular to residential views, and is visually screened by existing mature trees. Because of these physical conditions, the sign will not cast light toward residential areas, will not be visible from nearby homes, and will not contribute to glare or illumination spillover.

Although the Sign Regulations limit pylon signs along Urban Minor Arterials and provide stricter standards for signage near residential uses, the primary intent of these restrictions is to prevent incompatible lighting and views affecting residential surroundings. The proposed sign location and directional orientation fully uphold this intent. The sign is positioned to provide visibility for motorists approaching the commercial entrance while maintaining protection of the nearby residences and ensuring continued compatibility with the surrounding environment.

Staff Response: If the restriction regarding a pylon sign on the North State Street property frontage is removed, it would seriously affect neighboring properties and uses. The type of roadway as an urban minor arterial has lower speeds and is a secondary frontage for this development parcel. Even if the site were not adjacent to a residential use and residential zone, a pylon sign would not be permitted on North State Street and sign area of a freestanding sign would be limited to 64 SF. A 30-foot-tall, 99.6-SF sign would change the visual character of North State Street. If the variance is granted, this could serve as a precedent that could vastly change the character of the corridor.

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 a permitted use under the provisions of the *Zoning Ordinance*.

Applicant Response: Strictly requiring a 7-foot, 32-square-foot monument sign would create an exceptional practical difficulty for this property and business use. As a fuel station and convenience store, the success and safe operation of the use rely heavily on advance visibility for motorists traveling at higher roadway speeds. Customers must be able to clearly identify fueling locations and make safe lane changes and turning movements into the site.

In this context, a sign of the size permitted by right would be substantially obscured due to existing vegetation, the geometry of the roadway approach, and the overall commercial scale of the corridor. A reduced monument sign would fail to provide sufficient visibility for drivers, resulting in last-second movements that may create traffic safety concerns and negatively impact business operations.

A pylon-style sign is the industry standard for fuel stations along major arterials because it provides necessary visibility from a distance to support safe decision-making by motorists. Many surrounding commercial uses in the corridor already utilize freestanding signage of similar height and scale.

Therefore, granting the variance enables reasonable signage functionality for a gasoline/convenience store use while continuing to protect adjacent residential properties through proper orientation and screening.

Staff Response: If the variance for a pylon sign and for a sign area of 99.6 SF is not granted, this would not pose an exceptional practical difficulty for the applicant. As previously stated, the site is eligible for a pylon sign that is up to 30 feet in height and up to 150 SF in sign area on the North DuPont Highway frontage of the site. The applicant is permitted to install a monument sign of up to seven feet in height on the North State Street frontage. Additionally, if the sign area is reduced so that the price per gallon signage is 32 SF or less, this signage would not count toward the permitted sign area, allowing for up to 32 SF of branding signage, or a total of 64 SF for the monument.

Variance Recommendations

Staff recommends denial of the Variance to allow a pylon sign of 99.6 SF in sign area on North State Street, an urban minor arterial roadway.

Staff recommends **denial** of the variance for reasons as follows:

- The applicant has not demonstrated that the inability to install a pylon sign creates an exceptional practical difficulty. The subject site has frontage on two streets: on North State Street and on North DuPont Highway. It is permitted to install a pylon sign on the North DuPont Highway frontage and a monument sign on the North State Street frontage.
- Both frontages can present the price per gallon information on the types of freestanding signage allowed and within the sizing parameters allowed by the Sign Regulations found in the *Zoning Ordinance*.
- If the variance is granted, the proposed signage would not be in keeping with the character of the North State Street corridor and surrounding area.
- Granting the variance could establish a precedent that could degrade the visual character of North State Street and other urban minor arterial roadways in Dover.

Advisory Comments to the Applicant

- If granted, the variance becomes null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.
- If the requested variance is granted, the Applicant must still obtain the appropriate Site Development Plan and construction activity Permits approvals for construction of a Building on the property. The Planning Commission granted conditional approval for the Site Development Plan (S-25-15); and it is currently in the check print review phase.
- The placement of signs at the property and building is subject to the provisions of the *Zoning Ordinance*, Article 5 §4. A Sign Permit application is required to be submitted for review. The Sign Permit Application (#25-1482) may need to be revised pending the outcome of this variance request. It is noted that there are certain types of signage that do not require a Sign

Permit for their placement. Continue consultation with the Planning Office to classify all signage proposed for the project.

- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application Form & Letter from Property Owner	2
B	Zoning Map Exhibit (Staff)	1
C	Planning & Inspections View Map – Aerial Map Exhibit (Staff)	1
D	Applicant's Written Responses: Narrative	3
E	Site Map Showing Location of Requested Pylon	2
F	Cut Sheets for Proposed Pylon Sign & Structural Calculations	5
G1	Sign Permit Application (#25-1482) with Attachments	23
G2	Architecture & Signage Plan	22
H	Email to Applicant Noting Sign Noncompliance	1
I	Photos of North State Street Surrounding Area	1