

ARCHITECTURAL REVIEW REPORT

Referral by City Planner to Historic District Commission
Meeting of May 18, 2023

Permit: Fence Permit #23-781

Location: 147 S. New Street, Dover
Located on the east side of South New Street to the north of (but not adjacent to) West Loockerman Street

Tax Parcel: ED-05-077.09-01-48.00-000

File Number: HI-23-01

Present Zoning: C-2 (Central Commercial Zone)
H (Historic District Zone)

Referral of Permit:

The following application **Fence Permit #23-781** for 147 S. New Street is referred by the City Planner to the Historic District Commission for consultation regarding the issuance of the Architectural Review Certificate for a Fence project. Applications for certain types of construction activity within the Historic District Zone (H) are reviewed by the City Planner (or Staff as designated) for Architectural Review Certification as part of the Building Permit application review process. Staff is referring the Permit for review under the provisions of *Zoning Ordinance*, Article 10 Section 3.22(A) and (B). See below.

Section 3.22 Architectural review certification by the city planner.

- (A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.
- (B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.

Permit Proposal:

Fence Permit #23-781 was filed on May 12, 2023 for a fence project at 147 S. New Street in Dover, Delaware. The Project outlined in the Permit submission involves placement of a six-foot vinyl fence along the south property line spanning from the restaurant building at 147 S. New Street to the building located on 231 W. Loockerman Street. This fence is to replace an existing wood fence that is damaged. The fence segment is not visible due to the demolition of the building on the adjacent property at 235-239 West Loockerman Street.

The project site is located within the local Historic District Zone (H) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections. This building is also located within the boundaries of a National Register Historic District, specifically the Victorian Dover Historic District.

Staff Review of Permit for Architectural Review Certification:

Project activities are reviewed for compliance with the *Zoning Ordinance* and the *Design Standards and Guidelines for the City of Dover Historic District Zone* as stated in *Zoning Ordinance*, Article 10 Section 3.25(A).

3.25 Architectural review standards.

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.

The current location of this fence segment is in the “public view”, and it is deemed visible from the public ways of the adjacent streets. Public view is defined in the *Zoning Ordinance* as “that which can be seen readily from a public street, public building or public property, excluding views from alley rights-of-way.”

In reviewing the proposed project for Architectural Review Certification, Staff referenced various sections of Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings of the *Design Standards and Guidelines for the City of Dover Historic District Zone* which presents the Recommended, Not Recommended, and Inappropriate approaches to construction of various elements in the Historic District.

This Request should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines for the City of Dover Historic District Zone*. Specifically, Chapter 3 page 3-26 includes the discussion of fences in the Historic District zone where it states that site fences and walls “should not exceed 4’0” in height and then discusses the Recommended, Not Recommended, and Inappropriate practices associated with fences and walls as related to materials. Chapter 3 presents the information on the appropriate fence materials for use in the Historic District. Wood picket style fences and cast iron (metal) fencing are Recommended.

Staff also looked at the provisions for fences in the *Zoning Ordinance*. The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases fence height to 6.5 feet for side yards, rear yards, and the second front yard on corner lots.

Historic District Commission Action

The Historic District Commission should consider the proposal for the fence project and take action in regard to the Architectural Review Certification for the Fence Permit #23-781. The Historic

District Commission may add conditions for the fence in order to comply with the character of the property within the Historic District.

Staff Findings from Review of Building Permit:

Staff findings and recommendations are summarized as follows for the proposed fence project as presented in Permit #23-781 and accompanying documents.

1. Fence Location: The proposed fence is to be located along a side property line. The fence segment runs from the rear of the restaurant building at 147 S. New Street east until it meets the rear of an adjacent building located on the property at 231 W. Loockerman Street.
2. Fence Visibility: The fence segment is now visible due to the demolition of a building on the adjacent property at 235-239 West Loockerman Street. If the adjacent building was still there, then this fence segment would not be subject to Architectural Review Certification and could be approval for the proposed height and material.
3. Fence Height – 6 ft. along a side property line: The *Design Standards and Guidelines* say that generally the height of a fence should not exceed 4 feet. The proposed 6 feet fence exceeds the recommended height of the *Design Standards and Guidelines*. There is an existing wood fence at this location that appears to be approximately 6 feet in height. The existing fence would be considered legal non-conforming and could be repaired as a wood fence. This height could also be authorized for a replacement fence if found to be compatible.
4. Fence Material: The proposed fence is to be made of white vinyl as a solid panel between posts system. The use of vinyl products is typically not recommended for use in the Historic District; however, there are examples that have been approved for fences with conditions for use of wood products, materials with a wood grained appearance (non-shiny), or other composite materials in a neutral color (tan/clay).

Advisory Comments and Recommendations:

1. The applicant shall be aware that issuance of a Fence Permit is required prior to the commencement of construction. The Fence Permit Application will be subject to the conditions of approval established and may be required to be updated if necessary, to comply with these conditions established through the Architectural Review Certification process.

Attachments:

- Letter of Referral Notice to Applicant dated May 16, 2023
- Building Permit #23-781 Application Form and Permit submission documents
- *Design Standards and Guidelines for the City of Dover Historic District Zone*, Chapter 3, page 3-26.