

# Kent County

## Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP  
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## **KENT COUNTY BOARD OF ADJUSTMENT AGENDA**

**November 19, 2020  
6:30PM**

The Kent County Board of Adjustment will hold a Public Hearing on **Thursday, November 19, 2020 at 6:30 p.m.** in Room 203, Kent County Complex, Levy Court Chamber, 2<sup>nd</sup> Floor, 555 Bay Rd, Dover, Delaware, to hear and decide the following applications and appeal:

**Board Members will meet in the Levy Court Chamber. While applicants and public are welcome to attend, capacity is limited due to social distancing. Telephone Conference Calling is available: Call In Number is: 1-800-377-8846 Participant Passcode: 92535882#**

### **I. PUBLIC HEARING:**

**CALL TO ORDER**

**ROLL CALL AND DETERMINATION OF QUORUM**

**INTRODUCTION OF STAFF**

**THE PLEDGE OF ALLEGIANCE**

**ADDITIONS AND OR ALTERATIONS TO AGENDA**

**PUBLIC HEARING INTRODUCTION**

**STATEMENT BY COUNSEL**

**PUBLIC HEARING**

Receipt of testimony on the following applications in accordance with the procedures outlined below:

1. Reading of the Legal Notice and presentation of exhibits by the Planning Staff.
2. Testimony by the Applicant and others in favor of the application.

3. Testimony by those opposed to the application.

**A-20-39 Michael J. & Ashleigh L. Malloy**  
**A-20-40 Love Drives, LLC (Owner: S & R, LLC)**  
**A-20-41 Pole Buildings Unlimited, Inc (Owner: Dorothy J. Myers)**

Receipt of testimony on the following appeal in accordance with the procedures outlined below:

1. Introduction of the request for appeal by hearing officer.
2. Testimony by the appellant.
3. Testimony by Kent County representative.
4. Testimony from other members of the public.

**A-20-38 Go 4 Play, Inc., d/b/a Bendover (Property Owner: 5455 Dupont Highway LLC)**

## **II. BUSINESS MEETING:**

### **CALL TO ORDER**

### **MINUTES**

**Approval of the Business Meeting Minutes of October 15, 2020.**

### **NOTICE OF DECISIONS**

**Approval of the Notices of Decision from the October 15, 2020 meeting.**

### **OLD BUSINESS**

**None.**

### **NEW BUSINESS**

**Deliberation and action on applications heard at the Public Hearing.**

**Deliberation and action on appeal heard at the Public Hearing.**

## **ADJOURNMENT**

**As a courtesy to other participants in this hearing, a maximum of five (5) minutes will be allotted to any person who wishes to provide testimony for any application or appeal. The Chairperson of the Board of Adjustment has the discretion to allow additional time if deemed to be necessary.**

The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items, including Executive Sessions or the deletion of Executive Sessions, which arise at the time of the Meeting.

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**DATE OF PUBLICATION: November 2, 2020**

### LEGAL NOTICE

The Kent County Board of Adjustment will hold a Public Hearing on **Thursday, November 19, 2020 at 6:30 p.m.** in Room 203, Kent County Complex, Levy Court Chamber, 2<sup>nd</sup> Floor, 555 Bay Rd, Dover, Delaware, to hear and decide the following applications and appeal:

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### APPLICATIONS:

**A-20-39 Michael J. & Ashleigh L. Malloy** seek a variance from the required 30 ft. rear setback to construct a porch (§205-397.2.C.(1) of the Kent County Code). The property is located on the southeast side of Peach Peddler Path, 250 ft. northeast of Arbor Glen Way, being lot 87 of Townsend Fields, east of Camden. Levy Court District: 5th. Zoning District: AC. **Tax Map No. NM-00-103.04-01-23.00-000**

**A-20-40 Love Drives, LLC (Owner: S&R Properties, LLC)** seeks a variance from the requirement that a child care facility have an outdoor play area of at least 50 sf. per child to operate a child care facility (§205-274.A.(1) of the Kent County Code). The property is located at the intersection of Salt Creek Dr. and N. DuPont Hwy. (U.S. Rt. 13), specifically the Shoppes at Fieldstone Village Shopping Center, north of Dover. Levy Court District: 3rd. Zoning District: BG. **Tax Map No. LC-00-046.00-02-55.01-000**

**A-20-41 Pole Buildings Unlimited, Inc. (Owner: Dorothy J. & Richard L. Myers)** seeks a variance from the requirement that an accessory structure shall not be located in the front yard unless that structure is at least 100 ft. from the front property line to construct a pole building (§205-24.F.(1) of the Kent County Code). The property is located on the west side of Deep Grass Ln. (CR 384), .55 miles north of Teatown Rd. (CR 384A), south of Houston. Levy Court District: 4th. Zoning District: AR. **Tax Map No. MN-00-189.00-01-38.00-000**

**APPEAL:**

**A-20-38 Go4Play, Inc. d/b/a Bendover (Owner: 5455 DuPont Highway LLC)** seeks an appeal of an administrative decision pursuant to §205-399 regarding the determination that a business is an Adult Entertainment Establishment. (**§205-6 of the Kent County Code**). The property is located at the northwest corner of Main St. (CR 45) and N. DuPont Hwy. (U.S. Rt. 13), east of Cheswold. Levy Court District: 3rd. Zoning District: BG. **Tax Map No. LC-00-046.02-01-32.00-000**

Additional information pertaining to the above referenced applications and appeal may be obtained at the Department of Planning Services, Division of Planning, 555 Bay Rd., Dover, Delaware. Office hours are 8:00 a.m. to 5:00 p.m.

**Scott C. Blaier**, Hearing Officer