

Kent County

Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services

Phone: 302/744-2471
FAX: 302/736-2128

MARY ELLEN GRAY, AICP
Division Head

STAFF RECOMMENDATION REPORT April 20, 2017

APPLICATION: A-17-15

APPLICANT/OWNER: Pilgrim Chapel
4792 Milford-Harrington Hwy.
Harrington, DE 19952

PROPERTY LOCATION: 4792 Milford-Harrington Hwy., Harrington, DE 19952

NATURE OF REQUEST:

A-17-15 Pilgrim Chapel seeks a variance from the maximum number of detached signs to enable the placement of a second detached sign (**Sect. 205-234.A(2) of the Kent County Code**). The property is located on the north side of Milford-Harrington Hwy. (DE Rt. 14), approx. 1299' from Killens Pond Rd. (Co. Rd. 384), northwest of Houston. Levy Court District: 4th. Zoning District: AR. Tax Map No.: **MN-00-172.00-01-13.01-000**

The applicant is requesting the variance to place a 32 sq. ft. detached sign at an existing church. The property currently has an existing detached monument sign, which appears to have been placed without obtaining a permit.

I. **STAFF RECOMMENDATION:**

The staff has reviewed the information presented by the applicant and recommends that the Board strongly consider all public testimony in making their decision. The staff recommends **DENIAL** of the variance based on the analysis of the four criteria from the applicant and staff as follows:

II. **RESPONSE TO CRITERIA:**

1. **The nature of the zone where the property lies.**

Applicant Response:
No response provided.

Staff Response:
As shown on Exhibit A, the subject site is zoned AR (Agricultural Residential District). Surrounding properties are also zoned AR. Non-residential uses with detached signage may be within the nature of the AR zoning district, contingent upon

meeting all permitting and zoning requirements pertaining to size, quantity and setbacks.

2. The character and uses of the immediate vicinity.

Applicant Response:

No response provided.

Staff Response:

The character of the surrounding area is primarily agricultural and residential. Lots to the north are primarily undeveloped farm lands, while properties to the east, west and south are developed residentially. The subject site is currently used a church, whose revised site plan has been approved through the Levy Court under CS-00-18. Signage for approved nonresidential uses within this area is to be expected, as they are incidental to the primary use of the subject site. However, signage is size restricted based on placement from the front property line, allowing for larger signs further from the front property line. While the proposed signage does meet all size and setback requirements for the zoning district, the placement of a second sign less than 100 ft. away from an existing, unpermitted sign does appear to be excessive given the lack of commercial uses in this area and the existence of a sign that may be altered and/or relocated to meet the church's needs in a legal manner.

3. Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties.

Applicant Response:

No response provided.

Staff Response:

The overall subject property is 4.0± acres and is designed for a church use with a proposed parsonage on the vacant area just east of the existing parking area. While the removal of this restriction does not appear to negatively affect neighboring property owners as detached signs are to be expected with commercial uses, the zoning code of Kent County requires certain restrictions to be met to protect passersby and reduce clutter throughout a residential area. Staff therefore recommends the placement of a larger sign designed to better meet the needs of the church or the redesign of the existing sign in a legal location.

4. Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property. Economic hardship, standing alone, may justify granting an area variance and the inability to prove one's business or to stay competitive as a result of area limitations may qualify as a legitimate exceptional practical difficulty.

Applicant Response:

The placement of a fixed sign to replace a temporary sign now there. At this time we have a monument that was stationary. This will remain at present location. We are requesting a variance for a new sign that will have the name of the church, times of

services, type of church (which identifies the church), and a message board with hours of services. Pilgrim Chapel continues to spiritually serve the communities and state of Delaware.

Staff Response:

The failure to remove the restriction may not create an exceptional practical difficulty for the applicant currently has one unpermitted detached sign on the subject site, which was originally proposed at 60+ ft. from the front property line, which would allow for a signage up to 100 sq. ft. in area. Additionally, the proposed request is to replace a second unpermitted marquee sign. While the applicant may wish to maintain the existing signage, Staff recommends that the Board strongly consider the implications of an approval to this type of request as it does not appear to uphold the integrity of the Code of Kent County. Staff recommends the existing signage be relocated and/or redesigned in a legal location that may provide adequate space for advertising needs.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Board of Adjustment shall give considerable weight to public testimony received during the public hearing in considering its decision.

III. APPLICATION BACKGROUND INFORMATION:

- The applicant is seeking the above referenced variance to enable the placement of a second detached sign at a church.
- The applicant is proposing a 32 sq. ft. on-premise, detached sign on the subject site. There is currently a detached monument sign to the west of the proposed location, which does not appear to have been permitted.
- The subject site totals 4.0± acres in size and is currently developed as a church.
- Application S-91-13 approved the initial use and was recorded on 3/30/92. This site plan was later amended and approved by Levy Court under application CS-00-18.
- There have no previous Board of Adjustment requests on the subject site and there have been no similar requests in the surrounding area.
- The subject site is zoned AR (Agricultural Residential District). The Comprehensive Plan recommends that this area be utilized for low density residential and highway commercial purposes.
- DelDOT has submitted comments regarding the request (see attachment for details).
- The applicant is advised that, regardless of the decision of the Board, building permits shall be obtained for all existing structures and for any new construction approved. For more information, contact the Department of Inspections and Enforcement at (302) 744-2451.

ENC: Exhibits A - C

Original site plan recorded 3/30/92 showing original proposed location of signage
Signage information from site plan CS-00-18 recorded 8/28/01
DelDOT comments dtd. 4/4/17