

Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT September 7, 2017

Application Number	:	C-17-03 – Sanni, Kemi F.
Present Zoning District	:	AC (Agricultural Conservation)
Present Use	:	Residential
Proposed Use	:	Same with Home Occupation (<i>Auto Wholesale Office</i>)
Relation to Growth Zone	:	Inside
Area and Location	:	0.26± acre on the southwest side of N Marshview Terrace, approx. 250' west of Trumpeters Swan Way, being Lot 107 in the Point Landing subdivision, north of Magnolia.

I. STAFF RECOMMENDATION:

The staff recommends **APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the Code, as follows:

§205-366. Home Occupations

Conditions of this use shall be as follows:

- A. The owner/operator shall secure a zoning certificate of use for a professional office from the Department of Planning Services, Division of Planning. The dwelling shall be the bona fide residence of the operator of the occupation.
- B. The use shall not change the character of the dwelling unit or residential premise nor have any exterior evidence other than an identification sign as provided for in Article XVIII.
- C. Nonmedical facilities shall have no more than one nonresident employed.
- D. Only equipment and facilities that are similar in nature, type and power to what would generally be used for domestic or household purposes shall be permitted.
- E. The use of property shall not change the general character of the neighborhood.

- F. The professional office use shall create no noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any extent greater or more frequent than that usually experienced for an average residential use in the district where located.
- G. Sale or rental of goods, other than those produced on the premises by the home occupation, shall be prohibited.

II. BACKGROUND INFORMATION:

- The applicant began the administrative processing of a professional office home occupation for automobile wholesale on or around May 23, 2017. The applicant is aware of and is willing to meet the requirements listed above. Additionally, the applicant has agreed that the proposed use will not require customer parking, or merchandise to be on the subject site, as this will be used as a paper office only.
- Two letters of objection were received during this process from neighboring property owners, causing the application to move to a Conditional Use process. One neighbor stated there is a concern regarding cars being brought onto the property, leading to issues with traffic and parking, while a different neighbor stated that the use of a home occupation should not be permitted in a residential area and should be conducted on a commercial property.
- One letter was received from a neighboring property owner, stating they had no opposition to the proposed use; however, should the use require customers or merchandise to be brought to the property, they would object to this use.
- The applicant is requesting this use within an existing dwelling within the AC zoning district; therefore it does not fall under the purview of the Adequate Public Facilities Ordinance as no new land development is proposed with this application. [§187-90.2(D)(8)].
- The Comprehensive Plan calls for low density residential uses in this area, with some medium density residential areas to the west of the subject site.
- If approved, the proposed use would be conducted within a designated office area within the existing dwelling and would remain compliant with the existing zoning district and the Comprehensive Plan.
- The 0.26± acre subject site is currently improved with a two-story single-family dwelling. The character of the surrounding area is mainly residential in nature, being lot 107 of the Point Landing subdivision.
- There have been no previous land use application on the subject property, and there have been no similar requests within the immediate area.

III. AGENCY COMMENTS

- A. KENT COUNTY – Department of Public Works, Division of Engineering –
Contact: Brian L. Hall, Engineering Project Manager II**

Requirement & Source:

1. N/A

Comment:

1. The Engineering Division grants “Approval with No Objection to Recordation.”
2. If approved at Planning level, it is not envisioned by staff this proposal will have any adverse impacts to the Kent County Sewer System.

B. DNREC: Division of Fish and Wildlife - Species Conservation and Research Program-

Contact: Kate Fleming, Wildlife Biologist/Environmental Review Coordinator

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site.

This recommendation is offered 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 Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Plot Plan