

Kent  County

Department of Planning Services
Division of Planning

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STAFF RECOMMENDATION REPORT
September 7, 2017

Application Number : C-17-04 – Booker, Lakeisheia
Present Zoning District : AC (Agricultural Conservation)
Present Use : Residential
Proposed Use : Same with Home Occupation
(*At-Home Day Care*)
Relation to Growth Zone : Inside
Area and Location : 0.34± acre on the southeast corner of Riverside Dr. and Cypress Branch Rd. (Co. Rd. 363), being lot #34 of the Riverside subdivision, south of Dover

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 home occupation 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. There shall be no person engaged or employed other than members of the household residing on the premises.
- D. The use of property shall not change the general character of the neighborhood.
- E. The occupation shall create no noise, traffic, 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 wherein located.

- F. The need for parking generated by such use shall be provided off street and shall be prohibited in the required front yard. Required parking shall be provided in accordance with provisions of Article XVII, Parking.
- G. The following types of uses shall not be considered home occupations: Child-care centers (more than nine children).

II. BACKGROUND INFORMATION:

- The applicant began the administrative processing of a home occupation for an at-home day care, serving no more than nine children, on or around April 25, 2017. The applicant is aware of and is willing to meet the requirements listed above. Additionally, the existing parking and turn around area appears to meet the conditions above (*see enclosed Exhibit B*).
- Several letters of objection were received during this process from neighboring property owners, causing the application to move to a Conditional Use process. Reasons for concern cited included the location of the property at the entry of the Riverside subdivision and potential traffic congestion and safety hazards to children stemming from the location, the concern of conducting business within a residential zoning district, the potential negative impact on property value, and the potential impact on surrounding residents pertaining to their own family's safety and on-street parking abilities.
- 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 medium density residential to the west.
- If approved, the proposed use would be conducted within an existing dwelling and a rear yard fenced-in area, and would remain compliant with the existing zoning district and the Comprehensive Plan.
- The 0.34± 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 #34 of the Riverside subdivision.
- There have been no previous land use applications on the subject property.
- There have been two similar requests in the immediate vicinity:
 - HP-09-01 approved a home day care at property southeast of the subject site, known as 570 Sedgewick Dr.
 - HP-10-05 approved a home day care at property southeast of the subject site, known as 597 Sedgewick Dr.

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