

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

STAFF RECOMMENDATION REPORT September 7, 2017

Application Number	:	C-17-05 – Thompson, Shirley
Present Zoning District	:	AC (Agricultural Conservation)
Present Use	:	Residential
Proposed Use	:	Same with Home Occupation (<i>Life Consultant</i>)
Relation to Growth Zone	:	Outside
Area and Location	:	2+/- acres on the southwest corner of Forrest Ave. (DE Rt. 8) and Artis Dr. (Co. Rd. 197), west 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.

Pursuant to Article XVIII, should this application be approved, the applicant may apply for the placement of one identification sign identifying the approved home occupation, not to exceed six square feet in area or a height of five feet above grade. This provision does not allow for the placement of wall-attached signage, and no signage shall be placed on the subject site without first receiving approval from Kent County Planning Services.

II. BACKGROUND INFORMATION:

- The applicant began the administrative processing a home occupation for life consulting on or around February 13, 2017. The applicant is aware of and is willing to meet the requirements listed above. Additionally, the applicant is aware that noncompliance with the above requirements may lead to the revocation of approval for this use.
- A letter of objection was received during this process from a neighboring property owner, causing the application to move to a Conditional Use process. Reasons for concern cited included the high number of traffic incidents in this area, the lack of parking on the property and along Sharon Hill Rd., Artis Dr., and Forrest Ave., where the property is located, and the potential for traffic congestion from the approval of the proposed 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 a small area of highway commercial northwest of the subject site and a small area of neighborhood commercial northeast of the subject site.
- If approved, the proposed use would be conducted within a designated area within the existing dwelling and would remain compliant with the existing zoning district and the Comprehensive Plan.
- The 2.0± acre subject site is currently improved with a two-story single-family dwelling. The character of the surrounding area is mainly residential in nature, with two nearby commercial uses.
- There have been no previous land use applications on the subject property.
- There have been three similar requests in the immediate vicinity:
 - HP-06-28 approved a home day care at property northwest of subject site, known as 2812 Sharon Hill Rd.
 - C-98-12 approved a home occupation for pet care and pet lodging on the neighboring property to the west known as 2483 Forrest Ave.
 - C-05-29 approved a dog grooming establishment at a property northwest of the subject site, known as 2844 Sharon Hill Rd.

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.”

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