



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT May 17, 2018

APPLICATION: A-18-10

APPLICANT / OWNER: Diamond State Pole Buildings, LLC
4601 S DuPont Hwy
Dover, DE 19901

PROPERTY LOCATION: 7288 S DuPont Hwy, Felton, DE 19943

NATURE OF REQUEST:

A-18-10 Diamond State Pole Buildings seeks a variance from the provision allowing one single-faced wall-mount sign for each business which fronts on a state or county road to allow for additional attached signs (**§205-236.A(1) of the Kent County Code**). The property is located on the west side of S. DuPont Hwy. (US Rt. 13), approx. 1,960' south of Walnut Shade Rd. (DE Rt. 10A), southeast of Woodside. Levy Court District: 5th Zoning District: BG. **Tax Map No. NM-00-111.00-01-38.00-000.**

The applicant is requesting the variance to enable the placement of three attached signs for one road frontage, S DuPont Hwy. Kent County Code currently allows one attached sign per road frontage per business; therefore the proposed business would be allowed one attached sign. The proposed signage does appear to fall within the maximum allowed sign area for the structure, which is 15% of the area of the building front.

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 **MODIFIED APPROVAL** of a variance to provide for one additional attached sign, for a total of two attached signs, on the north elevation of the subject building. This recommendation is 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.

Staff Response:

As shown on Exhibit A, the subject site is zoned BG (General Business District). The surrounding properties are similarly zoned commercial (BG) and residentially as part of the AR (Agricultural Residential) and RMH (Residential Manufactured Home) zoning districts. Commercial offices and strip centers are within the nature of the BG zoning district.

2. The character and uses of the immediate vicinity.

Applicant Response:

No response.

Staff Response:

The character of the surrounding area is a mixture of low-density, commercial and residential properties. The property to the north is also zoned BG and is occupied by a recently approved church. Properties to the south are improved with single-family dwellings and a vacant commercial building. The portion of the Route 13 corridor where the subject site is located is a heavily wooded area, which defines much of the character around the subject site.

The subject site was approved for a conditional use site plan for warehousing and a strip shopping center in 2015. Attached signage for the southern building on the site was contemplated in this approval, and was provided for in the gables and dormers along the front of the subject building. Signage along the east elevation (parallel to Route 13) was not contemplated in the approval or in the overall design and aesthetic of the building. Given the proposed office will be occupying two suites in the subject building, approval of a second sign along the front of the building will be keeping in character with the approved site design, which has a minimal impact on the surrounding area. In turn, approval of a third sign on the east side of the subject building may be seen as excessive in nature and out of character with the area that is comprised of both residential and nonresidential uses.

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

Applicant Response:

There will be no impact to any neighboring property. The signs are only visible for our parking lot.

Staff Response:

The removal of the restriction in its entirety may negatively affect neighboring properties in the area, as it does appear that a significant number of properties in the immediate vicinity are currently undeveloped. Should the request be granted without modification, this may lead to an undesirable signage trend should the vacant

properties be developed. Staff recommends the Board strongly consider the implications of an approval of this request on the integrity of the Kent County zoning code and recommends a modified approval to allow for the two signs contemplated in the original site plan approval.

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:

Existing code allows for one sign for each tenant occupied space. Eliminating the two signs facing north towards the parking lot will have huge impacts on the aesthetic of the structure and cause unnecessary costs once the existing tenant leaves and a new tenant occupies each unit. There will be hardship for both labor and cost to add the sign for future tenants.

Staff Response: The failure to remove the restriction limiting the number of attached signs allowed may not create an exceptional practical difficulty for the applicants, as the design of the building and site plan was already adopted with signage taken into consideration. While the code requirements may impose a difficulty on the applicant's business plan, the request may be viewed as excessive and should be viewed as a perceived inconvenience to the applicant. Should the request be denied or modified, the applicants maintain the ability to install an attached sign and a detached sign on the site.

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 requesting the variance to enable the placement of three attached signs along one road frontage, S. DuPont Hwy. The Code currently allows one attached sign per road frontage; therefore, the structure would be allowed one attached sign per tenant occupied space. The tenants will be occupying two suites in the building. Although the front of the subject building fronts a parking area, the only road frontage on the site is that of S DuPont Hwy.
- The proposed signage includes one 26.6 sq. ft. sign along the east (side) of the structure and two 10.4 sq. ft. signs on the north (front) of the building.
- The proposed warehouse and commercial buildings on the site were approved for a conditional use requiring site plan review under application CS-15-04.
- The site is 6.48± acres in size and is improved with two commercial structures that

- are currently under construction.
- There have been no previous Board of Adjustment applications on the subject site.
 - The subject site is zoned BG (General Business District). The Comprehensive Plan recommends that this area be utilized for highway commercial purposes.
 - The applicant should be advised that building permits must be obtained for any and all approved signage prior to installation. For more information, please contact the Division of Inspection and Enforcement at (302)744-2451.

ENC: Exhibits A-B