



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

KRISTOPHER S. CONNELLY, AICP
Assistant Director of Planning Services

STAFF RECOMMENDATION REPORT

October 18, 2018

APPLICATION: A-18-28

APPLICANT: Tracy Crisco
1020 Peach Basket Rd.
Felton, DE 19943

OWNERS: Tracy L. Schanz. c/o Tracy L. Crisco
1020 Peach Basket Rd.
Felton, DE 19943

PROPERTY LOCATION: 1080 Peach Basket Rd., Felton, DE 19943

NATURE OF REQUEST:

A-18-28 Tracy Crisco (Owners: Tracy L. Schanz. c/o Tracy L. Crisco) seeks a variance from the provision prohibiting accessory structures to dominate in area the principal structure and that an accessory structure shall not be located in the front yard or front setback to enable the placement of a manufactured home (**§205-24.D & F(1) of the Kent County Code**). The property is located on the south side of Peach Basket Rd. (Co. Rd. 241), approx. 330 ft. west of Turkey Point Rd. (Co. Rd. 240), north of Felton. Levy Court District: 6th. Zoning District: AR **Tax Map No. SM-00-128.00-02-44.00-000**

The applicant is requesting the variance to place a 10 ft. x 50 ft. manufactured home, totaling 500 square feet. The existing accessory structure is 1,100 square feet.

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 **APPROVAL** of the variance, with the **CONDITION** that the home be placed at least 40' from the front property line, based on the analysis of the four criteria from the applicants 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 AR (Agricultural Residential District). Manufactured homes and detached buildings are a permitted use within the zone, contingent upon meeting all size and setback requirements as set by the Zoning Code of Kent County.

2. The character and uses of the immediate vicinity.

Applicant Response:

Having a building larger than the home is within character of area due to airplane hangar across the road.

Staff Response:

The character of this area is mainly agricultural and residential in nature. The property borders a railroad track to the east. Single family lots exist to the east and west of the subject site. On the north side of Peach Basket Rd. there are larger agricultural properties. The parcel immediately across from the subject site has an approved airstrip. To the south of the subject site is a property zoned BG (General Business) that is a tilled farm. To the southeast, across the railroad tracks on Turkey Point Rd., is an Industrial property improved with an electric substation. The proposed size of the structure in relation to other accessory structures and homes on residential properties is not out of character with the area.

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

Applicant Response:

No impact on neighboring properties.

Staff Response:

The removal of this requirement will not negatively affect other properties in the area as the accessory structure already exists and placing a new home further from the road than the front façade of this building will not be a detriment to the area. Placing the home further from the roadway will increase the safety of the residents in the new home. The property to the west and south is in common ownership with the applicant and to the east is the railroad track. As stated above, the property to the north has a building larger than their home. These properties should not be impacted by this request.

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:

Setback due to busy road and railroad next to property. Stay back from road as much as possible. Moving elderly mother onto property due to health issues so she is closer to me.

Staff Response:

The failure to remove the restriction would create an exceptional practical difficulty as the applicants would be forced to build a larger home that they may not need or be able to afford. Additionally, the home would have to be placed as close to the road as the detached building. The staff recommends that the home be placed at least 40' from the front property line so that the home would be compliant with the permitted front setback in this zoning district.

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 a variance from the provision stating an accessory structure may not dominate in area, extent or purpose the principal use or structure and from the provision that an accessory structure cannot be in the front yard or front setback of a property.
- The applicant wishes to place a 500 sq. ft. manufactured home 91' from the front property line. The existing detached structure is 1,100 sq. ft. and is 29.8' from the front property line.
- The applicant must be aware that the new home must be placed at least 10' from the septic system.
- The subject site is 0.73+/- ac. and is currently improved with an accessory building.
- There are no previous Board of Adjustment applications for the subject site or any in the surrounding area similar to this request.
- The subject site is zoned AR (Agricultural Residential District). The Comprehensive Plan recommends that this area be utilized for low density residential purposes.
- The applicant is advised that, should the request be granted, a Building Permit shall be obtained prior to the commencement of construction. For more information, contact the Division of Planning at (302) 744-2471 or Department of Inspections and Enforcement at (302) 744-2451 between 8:00 a.m. and 5:00 p.m.

ENC: Exhibits A & B