



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT November 1, 2018

Application Number : C-18-07 Price, Raymond E. Jr.
Present Zoning District : AR (Agriculture Residential)
Present Use : Residential
Proposed Use : Residential w/ Home Based Contractor- Plumbing
Relation to Growth Zone : Outside
Area and Location : .46± acres located on the north side of Halltown Rd. (DE Rt. 8), approx. 645± ft. east of Crystal Rd., west of Dover.
Property Identification Number : WD-00-073.04-01-29.00-000

I. STAFF RECOMMENDATION:

The staff recommends **APPROVAL** based on the information submitted, as the application demonstrates compliance with conditions outlined in Section §205-397.7 (Home-based Contractor Establishments, No Outdoor Storage.) which include the condition that no equipment, supplies, or commercial vehicles shall be stored outdoors and that the hours of operation are limited to 7:00 a.m. and 10:00 p.m.

A. Code Requirements

1. The subject property shall remain the primary residence of the home-based contractor business and shall remain the primary residence of the owner of the business for the entire length of time that the business exists on the subject property.
2. Approval of a home-based contractor establishment shall be location-specific and shall not be transferable to another location.

3. Approval of a home-based contractor establishment shall be applicant/owner-specific and shall not be transferred or conveyed to another person without reapproval.
4. Except for vehicles already permitted by the parking regulations of Chapter **205**, Zoning, all other vehicles and construction equipment shall be stored within a building.
5. Retail sale of goods and products shall be prohibited on the premises.
6. The hours of operation shall be limited to 7:00 a.m. and 10:00 p.m.
7. Accessory buildings planned to house a home-based contractor establishment must be set back at least 30 feet beyond the rear elevation of the dwelling and be at least 15 feet off the side and rear lot lines. The building may also be no larger than 5% of the lot area. The applicant received a variance from this provision as outlined below to allow the use of his 1,464 sq. ft. building located even with the rear elevation of the home and 11 ft. from the side lot line.

II. BACKGROUND INFORMATION:

- The subject site is 21,000 sq. ft. in size and is zoned AR (Agricultural Residential).
- The parcel is currently improved by a dwelling, detached garage and a swimming pool.
- The character of the surrounding area is mainly residential in nature with residential dwellings existing in all directions.
- The applicant has been running his contractor plumbing business out of his home and garage and is now trying to legalize that use.
- The applicant submitted application HP-18-16 to go through the administrative process for approval of this business. He notified 17 adjacent property owners and received eight no objections and one objection.
- The AR zoning district allows for this as a Permitted Use, but an objection from one or more neighbors requires the application to be processed as a Conditional Use not requiring Site Plan.
- The reason the neighbor objected to the business is:
 - *“Typical contractor business has early start time and late evening hours-creating more traffic and noise at these off hours – we believe these activities should be reserved for areas zoned for business.”*
- The Comprehensive Plan calls for low density residential use in this area.
- There has been one previous land use application on the subject site in addition to the home occupation listed above. A-18-13 Raymond E. Price Jr. was a request for variances from three code sections as follows:
 - **23% maximum impervious coverage** – The Board approved this request to allow up to 37% coverage.
 - **Home-based contractor structure must be 30 ft. beyond rear elevation of home and 15’ from side and rear lot lines** – The Board approved this request to allow the existing building to be even with the rear elevation of the home and 11 ft. from the side property line.

- **Home-based contractor structure may be no greater than 5% of the lot area** – The Board approved this request to allow for the existing 1,464 sq. ft. building to be used for the business. The maximum allowable size was 1,050 sq. ft.

III. AGENCY COMMENTS

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS

Comment:

1. The Engineering Division grants “Approval With No Objection To Recordation”.

IV. OWNER:

The owner shall be aware of and be prepared to comply with all comments regarding this project stated in this report. All comments must be addressed prior to having the violation be cleared.

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 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