

MEMORANDUM

KENT COUNTY DEPARTMENT OF
PLANNING SERVICES
555 BAY ROAD
DOVER, DELAWARE 19901



TO: Regional Planning Commission

CC: Craig Eliassen, Esquire

FROM: Sarah E. Keifer, AICP, Director, Department of Planning Services

DATE: November 1, 2018

SUBJECT: Loganberry Village (SL-10-06)

The applicant seeks reconsideration of a Condition of Approval (Note #28 on the Recorded Plans) for the Loganberry Village Subdivision.

Original Condition of Approval (Note #28): Basements shall be prohibited throughout this subdivision. Homes shall be constructed on crawl spaces that include a sump pump and a moisture vapor barrier composed of vinyl material a minimum of 6 mil thickness.

Proposed Revision to Note #28: Full basements and crawl spaces shall include a sump pump and all foundation types shall include a moisture vapor barrier composed of vinyl material a minimum of 6 mil thickness. If the builder chooses to construct a full basement, prior to issuing a building permit, a geotechnical engineer shall provide certification that the lowest basement floor elevation will be a minimum of 12 inches above the groundwater elevation. Full basements shall not be permitted without this certification.

STAFF RECOMMENDATION: The Planning Staff has reviewed the request by the applicant and recommends that the reconsideration be **Denied**. There are concerns about the proximity of delineated wetlands, as well as drainage concerns for the area and indications of poorly drained soils and a high water table which indicate the homes within this subdivision should be prohibited from utilizing basement foundations as previously determined by the Regional Planning Commission. This note was included to eliminate impacts to future residents in this development and was agreed to by the previous owner of the development prior to being recorded by Kent County.

§187-80 states: Where it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the applicant because of unusual topography or other conditions which are not self-imposed or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Commission may modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter or be contrary to the goals and objectives of the Comprehensive Plan for the County.

NOTE: §187-81 (A) Provides that a waiver or modification may only be granted by the affirmative vote of $\frac{3}{4}$ of the Commission members present. Any number of negative votes greater than one would prevent the waiver from being granted.

Should you have any questions, please do not hesitate to contact me directly. Thank you.

ENC: Exhibits A & B
RPC Public Hearing Minutes dated December 2, 2010