



Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT November 15, 2018

APPLICATION: A-18-34

APPLICANT: McDonald's USA, LLC
Attn: Jonathan Baske
64 Harbor Dr.
Hammonton, NJ 08037

FRANCHISE OWNER: McDonald's Corporation
c/o Charles Ehlers
232 W. Gay St.
West Chester, PA 19380

CORPORATE OWNER: McDonald's Corporation
110 North Carpenter St.
Chicago, IL 60607

PROPERTY LOCATION: 1704 East Lebanon Rd., Dover, DE

NATURE OF REQUEST:

A-18-34 McDonald's USA, LLC (Owner: McDonalds Corp.) seek a variance from the provision that each business shall have only one single-faced wall-mount sign to allow more than one attached sign on a building (**§205-236.A.(1) of the Kent County Code**). The property is located on the south side of E. Lebanon Rd. (DE Rt. 10), approx. 800 ft. west of Bay Rd. (Co. Rd. 7), south of Dover. Levy Court District: 5th. Zoning District: BG. **Tax Map No. ED-00-086.16-03-02.00-000**

The applicant is requesting the variance to place 5 (five) attached signs on the building.

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 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:

See attached

Staff Response:

As shown on Exhibit A, the subject site is zoned BG (General Business District). Attached signs are within the nature of this commercial district, contingent upon meeting all requirements as set by the Zoning Code of Kent County.

2. The character and uses of the immediate vicinity.

Applicant Response:

See attached

Staff Response:

The character of this area is mostly commercial in nature, but an apartment complex exists to the south of the subject site. There are hotels to both the west and the north, across Rt. 10. To the east is a retail shopping center. Both attached and detached signage is within the character of a commercial area. The adjacent businesses have more than one sign on their building and the McDonald's currently has three attached signs.

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

Applicant Response:

See attached

Staff Response:

The removal of this requirement will not negatively affect other properties in the area as the increase to have two additional attached signs will not substantially increase the amount of signage the business has. The applicant has stated that the three existing signs have a total square footage of 115 sq. ft. while the five proposed signs have a total square footage of 77.4 sq. ft. This reduction will ensure there is no negative impact on the neighbors.

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:
See attached

Staff Response:

The failure to remove the restriction would create an exceptional practical difficulty as the applicant would be forced to build signage that is outside the corporate design for the remodel of this restaurant. This may be viewed as a financial impact if they would need to redesign or, based on reduced signage, would have less visibility to passing customers.

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 that a business shall only have one single faced wall mount sign.
- The applicant wishes to place five attached signs on the building. There would be three “M”s, one “McDonalds”, and one “Welcome” sign over a doorway.
- The subject site is 1.19+/- ac. and is currently improved with a fast food restaurant.
- There are four previous Board of Adjustment applications for the subject site, described as follows:
 - A-88-20 was a request from the 25’ setback, the 100 sq. ft. maximum size, and the 30’ maximum height for a detached sign. This request was denied.
 - A-88-77 was a request from the 25’ setback, the 100 sq. ft. maximum size, and the 30’ maximum height for a detached sign. This request was denied.
 - A-88-85 was a request from the 25’ setback, the 100 sq. ft. maximum size, and the 30’ maximum height for a detached sign. This request was denied.
 - A-93-34 was a request to allow a detached sign greater than 35’ in height and larger than 100 sq. ft. in size. This was approved to allow a 60’ tall sign that is 313 sq. ft.
- There are also four variance applications in the surrounding area similar to this request described as follows:
 - A-94-36 was a request to allow more than one double faced sign on the property to the east of the subject site. This request was approved to allow the gas pumps to have signage on them.
 - A-89-49 was a request from the 25’ setback and the 30’ maximum height for a detached sign on the property to the west of the subject site. This request was approved to allow a detached sign for the hotel.
 - A-96-08 was a request from the 35’ setback, the 100 sq. ft. maximum size, and the 35’ maximum height for a detached sign on the property to the west of the subject site. This was approved to allow the replacement of the sign approved as part of A-89-49.

- A-06-21 was a request from the 200 sq. ft. maximum size and 35' height of a detached sign for the property across Rt. 10 from the subject site. This request was approved with modifications to allow the sign to be 200 sq. ft. and 65' in height.
- The subject site is zoned BG (General Business 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

Packet from from Bohler Eng. including:

Cover letter dtd. 9/28/18

Letter addressing variance criteria dtd. 9/28/18

Deeds

Architectural Plan

Site Plan