

Kent County

Department of Planning Services Division of Planning

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STAFF RECOMMENDATION REPORT September 3, 2020

Application Number	:	C-20-07 Miller, Raymond W. & Lisa Mae
Present Zoning District	:	AR (Agricultural Residential)
Present Use	:	Residential
Proposed Use	:	Same with farm machinery/equipment repair and service
Relation to Growth Zone	:	Outside
Area and Location	:	9.5± acres on the west side of Tower Rd (Co. Rd. 218), 426' from Westville Rd. (Co. Rd. 52), west of Wyoming.

I. STAFF RECOMMENDATION:

The staff recommends **APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the Code below.

§205-289. Farm machinery/equipment repair and service

Conditions of this use shall be as follows:

1. All repair and service must be within a completely enclosed building.
2. Size of farm shall be a minimum of 100 acres.
3. To assure preservation of the agricultural character of the neighborhood, the repair and service activity shall be designed so that the appearance of the premises remains that of an agricultural area.
4. Any outside storage shall be screened from view from access streets and adjoining properties with a landscape buffer.
5. No junk (as defined in this chapter) shall be stored on-site.
6. The operation shall be conducted at least 200 feet from any property line and 300 feet from any dwelling located on an adjoining property.
7. The operation shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.
8. Vehicles that are licensed for over-the-road use shall be prohibited.

9. All requirements, regulation and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.
- The Board of Adjustment granted approval on June 18, 2020 for application A-20-14, for variances from conditions 2. and 6. above; the required minimum farm size of 100 acres, minimum setback of 200' from any property line, and 300' from any dwelling located on an adjoining property to allow the conditional use for farm machinery/equipment repair and service on a 9.5+ acre parcel, approximately 146' from adjacent property lines, and 244' from any dwelling located on an adjoining property.

II. BACKGROUND INFORMATION:

- The applicant is proposing a 4,500 sq. ft. pole building for farm machinery/equipment repair and service on the subject site.
- The 9.5± acre site is currently improved with a single-family detached dwelling. The property owner will continue to reside in the dwelling on the parcel.
- One letter of objection has been received from neighboring property owners.
- The character of this area is both residential and agricultural in nature. Properties to the immediate north, east, and south are improved residentially, while the property to the west is more agricultural in nature but still appears to have been approved with residential structures.
- There has been only one previous land use application on the subject property, which was mentioned above, to vary from the conditions to allow for the submission of a farm machinery/equipment repair and service conditional use application.
- There have been several previous home occupations or conditional use applications in the near vicinity.
 - C-86-08, for a property located approx. 0.46 miles west of the subject site on Westville Rd., to allow for a home occupation day care. The applicants were granted approval on September 23, 1986.
 - C-97-11, for a property located approx. 0.28 miles south west of the subject site on Westville Rd., to allow for home occupation professional office for boat motor repairs. The application was withdrawn.
 - HP-08-18, for a property located approx. 851' west of the subject site on Westville Rd., to allow for a professional office – auto wholesale. The application was withdrawn.
 - HP-13-03, for a property located approx. 375' south of the subject site on Westville Rd., to allow for a home occupation gunsmith. The applicants were granted approval on May 7, 2013.
 - HP-14-10, for a property located adjacent to the southern property line on Tower Rd., to allow for a home occupation home daycare. Objections were received for the application and the applicant did not apply for conditional use.

III. AGENCY COMMENTS

- A. **KENT COUNTY – Department of Public Works, Division of Engineering –**

Contact: Brian L. Hall, Engineering Project Manager II

Requirements & Sources:

1. N/A

Comment:

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

B. Delaware Department of Transportation

Contact: Joshua J. Schwartz

Comment:

1. The subject property contact DelDOT to schedule a pre-submittal meeting to determine the expected ADT.

IV. OWNER/APPLICANT:

The owner shall be aware of and be prepared to comply with all comments regarding this project stated in this report and any additional requirements that may be placed by the Levy Court through the Conditional Use process. All comments and conditions must be addressed prior to commencement of operations.

The applicant is determining the best location for the gravel entrance and driveway to the projected building. He will be required to obtain DelDOT and Fire Marshall approval prior to the issuance of the building permit. The applicant is advised that if he connects to well or septic, DNREC approval will be required.

This recommendation is offered 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
Letter of Opposition