

ORDINANCE NO. 2266

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CUSTOM WOODWORKING SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 3.802 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of March 2012, a conditional use application, denominated Conditional Use No. 1931 was filed on behalf of Crist and Brian Zook; and

WHEREAS, on the 31st day of May 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1931 be approved with conditions; and

WHEREAS, on the 26th day of June 2012, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1931 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying east of Road 611 (Owens Road) 997 feet north of Road 597 (Tuckers Road) and being more particularly described as:

BEGINNING at an iron pipe on the easterly right-of-way of Road 611 (Owens Road), a corner for these lands and lands of Wayne A. and Doris E. Sommers; thence northerly 427.86 feet along the easterly right-of-way of Road 611 to a concrete monument; thence South 72 degrees, 51 minutes, 45 seconds East, 286.86 feet along lands of Albert Fleshman to a concrete monument; thence South 11 degrees, 6 minutes, 52 seconds

East, 556.97 feet along lands of Harvey H. and Betty Jane Lofland to a fieldstone; thence North 86 degrees, 4 minutes, 43 seconds West, 116.70 feet along Lot #1 of the Bawel Subdivision to an iron pipe; thence North 3 degrees, 55 minutes, 17 seconds East, 193.46 feet along lands of the aforementioned Sommers to an iron pipe; and thence North 86 degrees, 4 minutes, 43 seconds West, 428.29 feet continuing along the aforementioned Sommers Lands to the point and place of beginning, and containing 3.802 acres, more or less. (Tax Map I.D. 4-30-9.00-8.00)

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The use shall be limited to a woodworking shop.
2. Any dumpster on the property shall be screened from view of neighboring properties or roadways.
3. The hours of operation shall be between 8:00 a.m. and 6:00 p.m. Monday through Saturday.
4. One lighted sign, not to exceed 32 square feet in size shall be permitted.
5. The Final Site Plan listing or depicting these conditions shall be subject to the review and approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2266 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF JUNE 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Finding of Facts:

1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a custom woodworking shop to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 3.802 acres, more or less, lying east of Road 611 (Owens Road) 997 feet north of Road 597 (Tucker Road) (Tax Map I.D. 4-30-9.00-8.00)

2. **DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "A" of Owens Road will not change as a result of this application. DelDOT issued a letter of No Objection to recordation of the Site Plan dated June 21, 2012; it is not a letter authorizing Commencement of Entrance Construction. The letter of No Objection is valid for a period of five (5) years.**
3. **The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; and that no on-site or off-site drainage improvements are necessary.**
4. **The Applicants were present at the public hearing. Brian Zook stated that his father, Crist Zook, started the business 38 years ago; they lost their rental structure in 2009 due to fire; in December 2011 they were notified that they would have to vacate their current rental location; they do custom woodworking and cabinetmaking; and they would like to operate this business from Crist Zook's home property.**
5. **The use is of a public or semi-public character and provides a service to the residents of Sussex County.**
6. **There were no parties present in support of or in opposition to this application.**
7. **There is no indication that the use will adversely affect neighboring properties, the community or area roadways.**
8. **Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Conditional Use was approved subject to five (5) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**