

**ORDINANCE NO. 2386**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS SHOP AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.47 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of October 2014, a conditional use application, denominated Conditional Use No. 2004 was filed on behalf of Delmarva Roofing and Coating, Inc.; and**

**WHEREAS, on the 22nd day of January 2015, 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. 2004 be approved with conditions; and**

**WHEREAS, on the 10th day of March 2015, 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. 2004 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 west of Road 631 (Mennonite School Road) 1,800 feet north of Route 16 (Beach Highway) and 3,200 feet south of Route 36 (Shawnee Road) and being more particularly described as follows:**

**BEGINNING at a concrete monument on the westerly right-of-way of Road 631 (Mennonite School Road), a corner for these lands and lands, now or formerly, of William H. Carlisle, Jr.; thence north 89°44'36" west 575.82 feet to a concrete marker; thence north 37°26'27" west 312.17 feet along said Carlisle lands to an iron pipe; thence north 59°50'17" east 685.61 feet along lands, now or formerly, of Mark E. Schwartzentruber to an iron pipe on the westerly right-of-way of Road 631; thence south 16°15' east 619.52 feet along the westerly**

right-of-way of Road 631 to the point and place of beginning, and containing 6.47 acres, more or less.

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:

- A. All parking areas will be clearly shown on the site plan.
- B. There shall not be any outside storage of materials on the site.
- C. No disposal of roofing materials or other debris shall occur on site.
- D. As stated by the Applicant, the hours of operation shall be between 7:00 a.m. and 5:00 p.m., Monday through Friday.
- E. The sign shall be located in the same location as the current sign on the site, and shall be the same size as the existing sign.
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2386 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF MARCH 2015.



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ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

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

- A. This is the application of Delmarva Roofing and Coating, Inc. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a contractors shop and office to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 6.47 acres, more or less, land lying west of Road 631 (Mennonite School Road) 1,800 feet north of Route 16 (Beach Highway) and 3,200 feet south of Route 36 (Shawnee Road) (911 Address: 12982 Mennonite School Road, Greenwood, DE) (Tax Map I.D. #430-5.00-56.00).

- B. Council found that DelDOT commented that a Traffic Impact Study was not recommended, and that the current Level of Service “A” of Mennonite School Road will not change as a result of this application.**
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #1; that use of an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a Concept Plan is not required.**
- D. Council found that this site was formerly approved for a Conditional Use (C/U #494) for Merle Embleton for a maintenance shop and construction equipment yard for a contractor; that it was amended in 1986 (C/U #853) for The Marble Works for the manufacturing of countertops and cultured marble; and that, since the previous Conditional Uses have not been active in excess of two (2) years, those Conditional Use applications are void.**
- E. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Sheldon Swartzentruber was present on behalf of this application and stated that the property has been used for a contractor’s shop; that the use will be the same; that their work is primarily commercial roofing; that they currently have their business in the town limits of Greenwood; that they have outgrown their current facility; that they want to relocate outside of town limits; that he is proposing to move the business from in-town Greenwood to this site; that the site has not been used for business purposes for approximately 6 years; that business hours are intended to be from 7:00 a.m. to 5:00 p.m. weekdays; that he has from 15 to 20 employees; that the existing buildings will be used for storage of roofing materials, insulation, and equipment; that debris from job sites are hauled to landfills; that he would like to retain the existing sign structure on the property and only reface it with their sign; that they have 5 to 10 truck deliveries per week; that he will be directing traffic to and from the site towards Route 16, and away from traveling towards Route 36; that adequate parking exists on the site; that**

**the use will not adversely affect area properties; and that he has talked with all of the neighbors and no one has any opposition that he is aware of.**

**F. Based on the Planning and Zoning Commission's Findings (1 through 4) and Conditions (5a. through f.) and the record created before the Sussex County Council, Council found that:**

- 1. The location has been used for this type of use for many years. Prior Conditional Uses have approved light manufacturing on the site. This type of use is consistent with the prior use of the property.**
- 2. This use will not adversely affect neighboring properties or roadways.**
- 3. The Applicant has stated that the site will be used for storage and offices. The actual construction work associated with the use will occur off-site.**
- 4. No parties appeared in opposition to the application.**
- 5. Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to six (6) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**