

**ORDINANCE NO. 2630**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE AND INVESTING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5005 ACRE, MORE OR LESS**

**WHEREAS, on the 26th day of July 2018, a conditional use application, denominated Conditional Use No. 2153, was filed on behalf of Cassandra Toroian; and**

**WHEREAS, on the 10th day of January 2019, 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. 2153 be approved with conditions; and**

**WHEREAS, on the 5th day of February 2019, 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. 2153 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest side of Airport Road, approximately 100 feet southeast of Old Landing Road, and being more particularly described in the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 0.5005 acre, 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. The use shall be limited to a real estate and investing office.**
- B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- C. Any pole-mounted lights shall be downward screened so that the lights do not shine on neighboring properties or roadways.**

- D. The hours of operation shall be weekdays only, from 8:00 a.m. until 6:00 p.m. There shall not be any weekend hours.**
- E. The Applicant shall comply with all DelDOT entrance and roadway improvement requirements.**
- F. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- G. Parking in the front yard setback shall be permitted. This is consistent with other properties in the area. No parking spaces shall have direct access to Airport Road and no vehicles shall be permitted to back out of a parking space directly onto Airport Road.**
- H. 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. 2630 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF FEBRUARY 2019.**

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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 Cassandra Toroian for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a real estate and investing office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.5005 acre, more or less (lying on the southwest side of Airport Road, approximately 100 feet southeast of Old Landing Road) (Tax Parcel 334-13.00-181.00) (911 Address: 35568 Airport Road, Rehoboth Beach).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Taylor E. Trapp, Esquire, with Tunnell & Raysor, P.A., and Ms. Cassandra Toroian, the Applicant, were present on behalf of the application; that the Applicant's Sussex County office is a small professional office with four (4) full-time staff members and one (1) part-time staff member; that the Applicant is currently renting office space at another location; that the request for a Conditional Use of land in this location is consistent with the Comprehensive Plan; that the property is more suited for a business use than a residential use due to its close proximity to Route 1; that there are fourteen (14) other businesses in the area and the character of the community is moving towards business; that the proposed use is similar to the other uses in the area and it would not have an adverse impact on the neighborhood; that the Applicant would maintain the residential look of the property; and that the Applicant has increased the curb appeal since purchasing the property.**
- C. Council also found that DelDOT did not require a Traffic Impact Study; that this business would not generate increases in noise or traffic; that there would be a limited number of clients visiting the site; that most of the Applicant's clients do not physically meet at the site and usually communicate via telephone, e-mail, video or other electronic means; that the Applicant established the business 10 years ago; that she helps in the community; that she needs more office space; that she sees less of her clients in the office; that with more space, she could have more people in this facility; that she would like to display a sign for the business; that there is existing lighting on the house and garage; that the hours of operation would be Monday through Friday with no weekend hours; that the current hours of operation are 8:30 am to 5:00 pm, but**

she would like to extend them to 8:00 am to 5:00 pm on weekdays; and that she has an average of one (1) to two (2) clients a week.

**D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (8A – 8H), Council found that:**

- 1. The site is located along Airport Road, which is near Route 1, and which has become a busy access road to Route 1. This is an appropriate location for this use.**
- 2. There are approximately 14 other businesses in this immediate vicinity. This area is trending towards business uses and this proposed use is consistent with the trend of development along Airport Road.**
- 3. The use is relatively small in nature with a small number of employees and few on-site customers.**
- 4. The use will not generate any significant traffic and it will not adversely affect nearby roadways.**
- 5. The use will not adversely affect the neighborhood or adjacent properties.**
- 6. The use as a real estate and investing office is located conveniently for use by Sussex County residents.**
- 7. The Applicant has stated that the property will maintain its residential appearance.**
- 8. 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 eight (8) conditions (A - H), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**