

ORDINANCE NO. 2639

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE FOR ACCOUNTING, TAX PREPARATION, AND BOOKKEEPING SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.9468 ACRE, MORE OR LESS

WHEREAS, on the 30th day of October 2018, a conditional use application, denominated Conditional Use No. 2161, was filed on behalf of Howard Weston Development Company, LLC; and

WHEREAS, on the 28th day of February 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of March 2019, said Planning and Zoning Commission recommended that Conditional Use No. 2161 be approved with conditions; and

WHEREAS, on the 19th day of March 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. 2161 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 north side of Lewes-Georgetown Highway (Route 9), approximately 0.38 mile west of Sweetbriar Road, and being more particularly described in the attached legal description prepared by Morris James Wilson Halbrook & Bayard, LLP, said parcel containing 0.9468 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 professional office use only.**
- B. As stated by the Applicant, the use shall occur within the existing structure that will be renovated by the Applicant, while maintaining its residential appearance.**
- C. The hours of operation shall be between 7:00 a.m. and 9:00 p.m. Monday through Friday, and 7:00 a.m. and 5:00 p.m. on Saturdays. There shall not be any Sunday hours.**
- D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.**
- E. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- G. The parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.**
- H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side. The sign may be an electronic message display, but it shall be static during non-business operational hours.”**
- I. 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. 2639 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF MARCH 2019.

**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 Howard Weston Development Company, LLC for the consideration of the Conditional Use of land in an AR-1 Agricultural Residential District for a professional office for accounting, tax preparation, and bookkeeping services to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.9468 acre, more or less (lying on the north side of Lewes-Georgetown Highway (Route 9) approximately 0.38 mile west of Sweetbriar Road) (Tax I.D. No. 334-4.00-80.00) (911 Address: 29065 Lewes-Georgetown Highway).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Dennis L. Schrader, Esquire, with Morris James Wilson Halbrook & Bayard LLP, and Mr. John Travis and Mr. Dave Roberts, with Howard Weston Development Company, LLC, were present on behalf of the application; that the property is a 1-acre parcel located in an AR-1 (Agricultural Residential District); that the property is located across the road from the**

Habitat Re-Store site; that the area is slowly evolving into a commercial area which includes Hopkin's Dairy Farm, a gun shop, Millman's Hardware and Appliances, the Moose Club, antique store, etc.; that a single-family house with a garage is currently located on the parcel; that the proposed Conditional Use application is to allow the Applicant to convert a single-family dwelling to allow for accounting services and tax preparation; that the single-family dwelling consists of 1,344 square feet and includes three bedrooms, a living room, kitchen, and restrooms; that the proposal is to make the three bedrooms into offices, to use the living room as a reception area, and that the kitchen and restrooms would remain the same; and that they have the ability to provide eight parking spaces for the clients.

- C. Council also found that the proposed hours of operation are from 7:00 a.m. to 9:00 p.m., Monday through Friday, 7:00 a.m. to 5:00 p.m., Saturdays, and no hours on Sundays; that the property would be landscaped; that the Applicant is requesting a sign with LED lighting; that the Applicant typically does tax preparation by appointment only, and some of the clients drop off information; that there would typically be three employees with two customers at a time; that the hours of operation would be less after tax season; that the proposed use is a public and semi-public use; that the proposed use is consistent with the Delaware Strategies for State Policies and Spending and the Comprehensive Plan; that the proposed use would not have any impact to the neighboring properties; that there would be lighting in the parking area and it would be downward screened; and that the parking area would be paved.
- D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (6A through 6I), Council found that:
1. The proposed Conditional Use is consistent with other uses in this area of Route 9. There are many business uses, commercial zones and conditional uses in the area.
 2. The use as a professional office in this location will benefit the health, safety and welfare of present and future residents of Sussex County by providing such a use in a convenient location.
 3. The Applicant intends to utilize the existing structure on the property as an office. This is consistent with other small business uses along Route 9.
 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
 5. No parties appeared in opposition to this application, and there were two letters in support of the application from neighboring property owners.
 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to nine (9) conditions (A - I), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.