

ORDINANCE NO. 2814

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS

WHEREAS, on the 25th day of February 2021, a conditional use application, denominated Conditional Use No. 2271 was filed on behalf of Chris Brasure; and

WHEREAS, on the 28th day of October 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 4th day of November 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2271 be approved; and

WHEREAS, on the 16th day of November 2021, 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. 2271 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 Baltimore Hundred, Sussex County, Delaware, and lying on the northeast corner of the intersection of Lighthouse Rd. (Route 54) and Dickerson Road (S.C.R. 389) and being more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr., said parcel containing 1.35 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. The buildings shall be used for office use only.**
- B. One lighted sign shall be permitted on this site. The sign shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from S.C.R. 389 with an internal driveway to this site.**
- E. The Final Site Plan shall designate all parking areas associated with this use.**
- F. Any dumpsters or trash receptacles shall be screened from view of neighboring properties and roadways.**
- G. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.**
- 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. 2814 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF NOVEMBER 2021.

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 Chris Brasure for a Conditional Use of land in an AR-1 Agricultural Residential District to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.35 acres, more or less (property lying on the northeast corner of the intersection of Lighthouse Road [Rt. 54] and Dickerson Road [S.C.R. 389] (Tax I.D. No. 533-18.00-25.00) (911 Address: 33095 and 33113 Lighthouse Road, Selbyville).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Timothy G. Willard, Esquire, with the law offices of Fuqua, Willard, Stevens and Schab, P.A., was present on behalf of the Application, together with the Applicant, Chris Brasure; that the Applicant's parents, Carroll and Diane Brasure, were also in attendance; that the company has about 60 employees total; that about 15 employees currently work in the office; that the office may be the largest, independently-owned pest control business in the country; that Carol started the company 50 years ago; that a previous Conditional Use had been sought and approved for the subject property in 2011 for an existing barn for the parking of trucks on-site; that the Applicant is working on securing an alternative site in Roxana where their business trucks may be stored; that the existing home is located on Parcel 24.00 has been used for decades and has been transferred into an office; and that the Brasure's desire to move that business out of the existing dwelling and into a more efficient office.**

C. Council also found that the application is truly for an amendment although it is for a new Conditional Use application; that the amendment is to allow the existing building to be retrofitted into an office; that the Applicant has already been in discussion with Warfel Construction; that the Application would provide an aesthetic improvement to the site and make their business more efficient; that the Application is consistent with existing homes and businesses in the area; that the proposal is consistent with Sussex County's latest Comprehensive Plan update; that the nature of the proposal is of public or semi-public use; that the building would consist of approximately 4,900 square feet; that there are 15 existing parking spaces on-site; that there are currently 12 parking spaces on the adjacent parcel; that the existing entrance would remain on the site and the Applicant is not proposing to change it; and that the only change would be the existing barn-like building on-site which houses the business trucks will be improved to house people and an office space.

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

- 1. This application seeks to amend and replace the existing Conditional Use on this property. Previously, it was approved for a different use as part of the Applicant's business under Conditional Use #1920 and Ordinance #2240. This application amends that prior approval to allow the Applicant to relocate its offices within its business that occurs at this location along Route 54.**
- 2. The use of these properties for offices is in character with the type of development that is occurring generally along this area of Route 54 and particularly in the Route 54 and Dickerson Road intersection. This general location along Route 54 has also been used as part of the family's business for decades. This proposed use is in character with the surrounding zoning and uses in the area.**
- 3. The Applicant intends to use the existing buildings on the site for offices by converting them into office space for the Applicant's company.**
- 4. The use as office space is supported by the Sussex County Comprehensive Plan.**
- 5. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
- 6. The Applicant has stated that access to the area of this Conditional Use will be through the Applicant's existing business that is adjacent to it. DelDOT has reviewed the proposed use and has stated that no Traffic Impact Study is required.**
- 7. There is sufficient space on the properties for parking to serve the office uses.**
- 8. No parties appeared in opposition to this application.**
- 9. Based on the record and recommendation of the Planning and 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.**