

ORDINANCE NO. 2845

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CRAFT BUSINESS WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS

WHEREAS, on the 20th day of May 2021, a conditional use application, denominated Conditional Use No. 2287 was filed on behalf of Danielle Roach; and

WHEREAS, on the 24th day of March 2022, 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. 2287 be approved; and

WHEREAS, on the 5th day of April 2022, 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 115, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2287 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 Indian River Hundred, Sussex County, Delaware, and lying on the northwest side of Pine Road approximately 0.20 mile south of Oak Drive within the Angola Neck Park Subdivision, and more particularly described in the attached legal document prepared by Berl & Feinberg, LLP, containing 0.34 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 as amended:

- A. The use shall be limited to the Applicant's intended use of converting used wooden barrels into household furnishings and other similar items. No other types of manufacturing shall occur on the site.**
- B. No retail sales shall occur from the site.**
- C. The barrels and other materials used in this business shall only be stored inside or, if outside, in an orderly fashion. Any new structures must comply with all setbacks and their location must be shown on the Final Site Plan.**
- D. All work associated with this use shall occur indoors.**
- E. Because this use is located in a residential subdivision and because no retail sales are permitted from the site, there shall not be any signage advertising the business on the site.**
- F. The failure to comply with any of these conditions may result in a termination of this Conditional Use.**
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Committee.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2845 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF APRIL 2022.

**TRACY N. TORBERT
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 Danielle Roach for a Conditional Use of land in an GR General Residential District for a craft business with outdoor storage to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.34 acres, more or less (property lying on the northwest side of Pine Road) (911 Address: 22928 Pine Road) (Tax Parcel: 234-12.18-41.00).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Ms. Danielle Roach was present on behalf of her Application; that she and her husband started a business a year ago called Crafty Couple; that they purchase empty wooden wine and bourbon barrels; that they sell the barrels as is, and at times have made custom orders, such as making the barrels into furniture or engraving; that there is often not much traffic; that her husband frequently picks up the barrels, which he loads on his trailer; that the receives the barrels from Dogfish Head Brewery and The Painted Stave; that her husband also drives to Pennsylvania to pick up barrels; that if her husband cannot pick up the barrels himself, there are times trucks will deliver the barrels to the property; that the only employees are herself and her husband; that they have no desire for more employees at this time; that they occasionally use stains for custom orders; that all chemicals are stored inside; that the business is her husband's full-time employment; and that the hours are whenever her husband is able to do the work.**
- C. Council also found that currently the barrels are mainly stored in the driveway and inside their garage; that they store about 30-50 barrels outside of their garage; that occasionally there are more barrels depending on the size of the load; that, at the Council hearing, the Applicant provided pictures of how the barrels are stored; that the work done to the barrels is performed inside the garage; that they have adjacent neighbors to the right and left of the property and three neighbors across from the property; that the Applicant provided Council with letters from two neighbors in support of this Application; that she is not aware of any current restrictive covenants of the property; that the property is part of the previous subdivision called, Angola Neck Park; that when they first moved to the property there was no sign for the development; that recently a small sign has been placed stating the development**

name; that there is no current Homeowners Association; that no dues are collected; that there is no common ownership areas; that they are on County sewer; that no one currently maintains the road; and that the road is gravel and unpaved.

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. – f.), Council found that:

- 1. The Applicant seeks this Conditional Use so that she and her husband can continue to operate their small home-based business converting used wooden barrels into furniture and other household-type uses.**
- 2. Based on the testimony given during the hearing, this use is very nearly a home occupation. It could possibly be considered a home occupation under the Sussex County Zoning Code if not for the outside storage of barrels that is proposed.**
- 3. The location is within an existing, but older, subdivision. It does not appear that there are any restrictive covenants that would prohibit this small business use in this location. However, the Commission is reluctant to establish conditional uses to operate a business in an otherwise residential subdivision. As a result, it is appropriate to include limitations on this recommendation.**
- 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.**
- 6. 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 the seven (7) conditions (a. – g.), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**