

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
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PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Ashley Paugh

From: Alan Helmstetter <alanhelm@yahoo.com>
Sent: Sunday, October 9, 2022 1:29 PM
To: Planning and Zoning
Cc: tom.bason@forestlanding.org; Alan Helmstetter
Subject: C/U 2324 Zachary Bedell

Categories: Ashley

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Dear Sir/Madam,

This email is in reference to the application and hearing for C/U 2324 Zachary Bedell (34282 Central Ave, Frankford DE).

We planned to attend the hearing in person, but my wife was recently diagnosed with breast cancer and is undergoing chemotherapy, so I do not want to take a chance of bringing COVID-19 home with her compromised condition.

We purchased our house at Forest Landing in September 2021. At that time the property in question was not like it turned out to be months later.

We moved in December 2021 and the property had gotten worse. Going into 2022 the property became an eye sore with there being many cars, small trucks, large trucks, dump trucks, boats, and motor homes (some of them broken down) haphazardly parked all over the property to the right of their house in front of the storage shed in plain site of Central Ave and Forest Landing.

In addition to the property being unsightly, on numerous occasions we could hear what sounded like a boat motor being revved (I guess being worked on) at night around 11-11:30 PM.

In March 2022 I called Sussex County to find out what could be done about the unsightly property. I was told there had been many other prior complaints, and that in November 2021 the owner had filed for business use to have a repair shop on the property for which there will be a hearing.

It's interesting that recently many of the vehicles have been cleared off the property.

Concerns:

This being a residential area, many homeowners including ourselves are concerned about the following if their request is approved:

- Hurting the value of our residential properties
- Being unsightly
- Noise pollution
- Potential accidents on Central Ave (road is not wide enough to accommodate access to the property)

Thank you for taking this into consideration.

Sincerely,

Alan Helmstetter and Patricia Brown
Forest Landing
36210 Tee Box Blvd
Frankford DE 19945
973-580-4834

Ashley Paugh

From: f_lohmeyer@hotmail.com
Sent: Sunday, October 9, 2022 8:53 PM
To: Planning and Zoning
Subject: Hearing Oct, 13, 2022 - Zacchary Bedell

Categories: Ashley

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To: Sussex County Planning & Zoning Board
Atten: Zoning Commission

Case #: Conditional Use 2324
Subject: Zacchary Bedell, Central Ave, Frankford, DE
Business: Repair Shop

The purpose of this message is to submit complaints against the above-referenced individual, whose property is next-door to my mother, Ms. Margaret Crosby at 34250 Central Ave., Frankford.

This individual continues to do business in a residential zone *with no license*, in spite of several citations already made against him.

His actions are damaging our property values besides severely lessening our quality of life, for the following reasons:

- Property is an unsightly mess, a disgrace; cars, trucks and shipping containers are continuously dumped;
- Environmental issue: it is very probable that substantial amounts of crank oil are being dumped into the ground;
- Disrespect of the law and to a law enforcement Constable; during Covid pandemic, the individual continued to operate at
- night, to be out of sight from the law;
- Unacceptable noise at all hours of day and night;
- Racing of vehicles up and down Central Avenue.

Aside from the above issues, the point is: why is Mr. Bedell being permitted to operate with no license in a residential zone?

We will be attending the October 13, 5pm meeting, at the Georgetown County Court House to voice our complaints in person.

It is time for this individual to be brought before the law in order to definitively terminate his unacceptable actions.

Sincerely,
Frances M. Lohmeyer
cell: (845) 826 - 2065

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RECEIVED

OCT 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition to C/U 2324 Zachary Bedell

We are writing to voice our strong opposition to C/U 2324 Zachary Bedell unless there are conditions placed upon their conditional use grant. If you review the history of this property, they have had numerous violations since the beginning of 2018. They have been operating an illegal business out of their residence since then and disregarded the rules of the county numerous times.

If you were to grant a conditional use, we would hope strict operational hours would be one of the conditions. Currently, they operate at all hours of the day and night. It is not uncommon for us to hear boat motors being revved at two or three in the morning, especially during the summer months.

Also, as a direct adjacent property owner, we would request a fence or other type of permanent buffer to shield the vehicles they are collecting in the back yard, along with a limit on the number of vehicles they are allowed to keep on the property. Often times there are over 20 broken down vehicles and/or boats, many of them unregistered and untagged. We would prefer a more permanent fence and/or buffer than the use of shipping containers.

Additionally, we would request they have a designated entrance to the property. At this time, they use their entire front yard as an entrance and exit to the property. Rarely do their clients use their existing driveway.

Finally, we would ask what regulations the county has on these types of businesses because we are concerned with fluids leaking out of cars and/or boats and entering the tax ditch that runs downstream through their property onto ours.

Again, thank you for your time and consideration in this matter and hope while we are opposed to the conditional use, we would hope that if you ultimately decide to grant it you impose operating hours, a buffer, a safer entrance and regulations on maintaining the property.

Sincerely,
Tyler & Karen Hickman

FILE COPY
Opposition
Exhibit

Ashley Paugh

From: Judy Goodman <jgoodman@preferred-fire.com>
Sent: Friday, October 7, 2022 2:24 PM
To: Planning and Zoning
Subject: C/U2324

Categories: Christin, Ashley

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

This is in response to the notice I received regarding 34282 Central Ave, Frankford. Several years ago we purchased 5 acres on Pine Bark Lane with the hope of building our home. Since then the property mentioned above has been looking like a junk yard, with containers, boats and other items cluttering the yard. It doesn't look like a "business ". We used to be proud to show off our future come location; now it's an embarrassment and for sure our property value has decreased. Also please take into consideration what this does to the environment, especially the water that runs along the end of that property and runs through ours. There are beautiful new homes in the area and I'm sure none appreciate what is happening here. I hope and pray this will not be approved.

Judy Goodman
Property Owner, Pine Bark Lane

Ashley Paugh

From: Judy Goodman <jgoodman@preferred-fire.com>
Sent: Friday, October 7, 2022 2:26 PM
To: Planning and Zoning
Subject: Fwd: C/U2324

Categories: Ashley, Christin

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From: Judy Goodman <jgoodman@preferred-fire.com>
Sent: Friday, October 7, 2022 2:23 PM
To: pandz@sussexcountye.gov <pandz@sussexcountye.gov>
Subject: C/U2324

This is in response to the notice I received regarding 34282 Central Ave, Frankford. Several years ago we purchased 5 acres on Pine Bark Lane with the hope of building our home. Since then the property mentioned above has been looking like a junk yard, with containers, boats and other items cluttering the yard. It doesn't look like a "business ". We used to be proud to show off our future home location; now it's an embarrassment and for sure our property value has decreased. Also please take into consideration what this does to the environment, especially the water that runs along the end of that property and runs through ours.

There are beautiful new homes in the area and I'm sure none appreciate what is happening here. I hope and pray this will not be approved.

Judy Goodman
Property Owner, Pine Bark Lane

Elliott Young

From: David Goodman <davewgoodman@icloud.com>
Sent: Tuesday, October 11, 2022 11:43 AM
To: Elliott Young
Subject: For C/U 2324 Zachary Bedell

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Hello Elliot Young,

This is one of two pages for our complaint for the hearing on October 13th.

Thank you,

Dave Goodman

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OCT 11 2022

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Planning & Zoning.

October 7th, 2022

(We own 23 continuous acres to this property)

In Reference to C/U 2324 Zachary Bedell hearing on October 13th, at 5 pm

I spoke to Chief Constable Schaffer about the illegal business, absolute unsightly mess with multiple vehicles, scrap metal etc. at Zachary Bedell house multiple times since at least 2020 on, Mr. Schaffer told me he was fining Mr. Bedell for code violations & the fines will double every time which apparently, they have at least twice, and the county has an open case on hold, which they will reopen once Mr. Bedell's conditional use case is denied. Chief Constable Schaffer told me sometime around October 2020, when inquiring about an update on the Bedell case, Constable Schaffer told me that Mr. Bedell shows him absolutely no respect and that he shows absolutely no respect for the law!

Sometime approximately in late 2020 or so, Mr. Bedell apparently started working on vehicles after 5 pm and on weekends when no inspectors could conduct a surprise visit. Constable Schaffer did tell me that during covid lockdown it took many months for a court hearing, so the situation kept dragging on Mr. Bedell was taking full advantage of the situation. I spoke to Constable Schaeffer last week and he told me it still takes about 4 months for a hearing. Chief Schaffer did tell me that he can do nothing more until Mr. Bedell loses conditional case (Mr. Bedell applied for conditional use on Nov 17th, 2021.) Constable Schaffer did tell me that since there is an open case for Mr. Bedell that he could not disclose further information.

Unfortunately for his neighbors, Mr. Bedell has continued to conduct his illegal after hours and weekend business. Additionally adding multiple metal storage shipping containers, that were apparently brought in during the cover of darkness, this according to a neighbor that lives across the street in the Forest Landing community who heard and saw the movement.

I also spoke to attorney Herald Dukes; he told me that the top consideration for any conditional use case is that it cannot negatively affect the value of his neighbors' properties. Obviously by allowing Mr. Bedell to operate an auto repair business, auto salvage yard, scrap metal yard/dump, not to mention the high probability of the harmful environmental impact and would obviously cause a significant decrease in all his neighbor's property values. (who wants to live next to a junk yard?)

On 10/10/2022 I spoke to officer carpenter with the Delaware Resource & Environmental crime unit, I told him of the appearance of burning for purpose of a salvage operation & that at this time we do not wish to cause Mr. Bedell or the owners of the property Sheree & Kenneth Bedell any financial hardship, but only to end this illegal operation completely. Officer Carpenter suggested that he would just go over to Mr. Bedell's, look over & give a warning only.

Delaware open burning Regulation 1113; The purpose of this regulation is to control air emissions by establishing rules for open burning activities. This regulation applies to all open burning activities in Delaware, it is unlawful to burn the following: I listed just a few.

- Industrial waste; means any waste produced by a manufacturing process – hence all automotive parts.
- Refuse; garbage, rubbish, or trade waste.

- Rubbish; Means waste solids or liquids including but not limited to rags, leather, rubber, carpets, tin cans, glass, tires, or waste oil.
- Title 7 Natural Resources & Environmental control Delaware Administrative code.

Section 4.0 Prohibitions & Related Provisions. (I listed only a few)

4.1 No person shall cause or allow open burning of refuse.

4.2 No person shall cause or allow open burning in the conduct of a salvage operation.

4.4.2 The open burning impacts a person's health, comfort, use, or enjoyment of his or her real property.

Environmental & Health Impacts Of Open Burning, (Wisconsin Department of Natural Resources)

Environmental Impacts of Smoke; Burning prohibited materials, such as garbage, plastic or painted materials is harmful to the environment because these materials release toxic chemicals that pollute our air. Polluted air can be inhaled by humans & animals and deposited in the soil & surface water & on plants. Residue from burning contaminates the soil and the ground water & can enter the human food chain through crops. In addition, certain chemicals released by burning can accumulate in animals & humans. Smoke & soot can travel long distances.

Lastly, I inquired of Constable Schaffer why the owners of the property, Mr. Bedell's parents have not been held accountable for this illegal activity, auto salvage yard, scrap metal yard, destruction of their neighbor's property values, quality of life as well as a high probability of an environmental disaster, an answer was not provided.

In closing, we **STRONGLY OPPOSE** this conditional use for Zach Bedell. We request the County put an end to this illegal activity as well as have the owners Sheree and Kenneth Bedell held totally & completely responsible for removing all vehicles, scrap metal, trash, metal storage containers etc. in accordance with Sussex Counties residential codes.

We love this area & only wish to keep it beautiful & environmentally sound as well as maintain the integrity of the property value.

David & Kelly Goodman

35977 Pine Bark lane,
Frankford DE 19945

Ann Lepore

From: Ron Goodman <rgoodman@preferred-fire.com>
Sent: Thursday, October 6, 2022 4:40 PM
To: Planning and Zoning
Subject: FW: C/U2324 - Zachary Bedell
Attachments: Central Ave (1 of 21).jpg

Opposition
Exhibit

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

In my letter dated 9/30/22 I said that Mr. Bedell had cleaned up his lot ... but this is not the case. All he did was hide all of the vehicles, storage containers and other junk behind his house so that it was not visible from the street. Please see this aerial view of his back yard. I'm sure that you wouldn't want to live next to this mess. Please don't let this this zoning change go through.

Thank you, Ron Goodman

From: Ron Goodman
Sent: Friday, September 30, 2022 3:53 PM
To: pandz@sussexcountyde.gov
Subject: C/U2324 - Zachary Bedell

As a property owner whose property is right next to Mr. Bedell's property, I am extremely upset that this change in zoning is even being considered by Zoning Commission. I have a 5 acre lot which borders Mr. Bedell's property along Pine Bark Lane. My wife and I bought this land a few years back with plans to build our retirement home there in a couple of years. I never would have bought this land if I'd known that Mr. Bedell's property would be turned into a car and boat repair shop. For the last several years his property has been an eyesore with multiple boats, cars and construction equipment littering the land – so much so, that it basically looked like a junk yard. I know that other neighbors have complained – and that he has been fined by local authorities for various zoning violations. He has just recently cleaned up his property, at least the front yard anyway ... for there are still several boats and cars strewn throughout the backyard of the house. I can see this from my property. I can only imagine the negative environmental impact that an auto/boat repair business would have on the local environment ... not to mention the impact to the neighboring homeowners relying on well water. Has the EPA, DNREC or Sussex County Environmental Services been notified of this possible zoning change, along with the impending environmental hazards? With nothing but existing houses and new residential housing developments being built in this area ... how can a zoning change application such as this even be considered? My property value, as well other neighboring property values, will surely go down - and I will surely not be building our retirement house on our piece of land if the zoning change is approved. As an owner of an adjacent parcel of land, please put me down as being strongly opposed to the zoning change.

Thank you,

Ronald R. Goodman





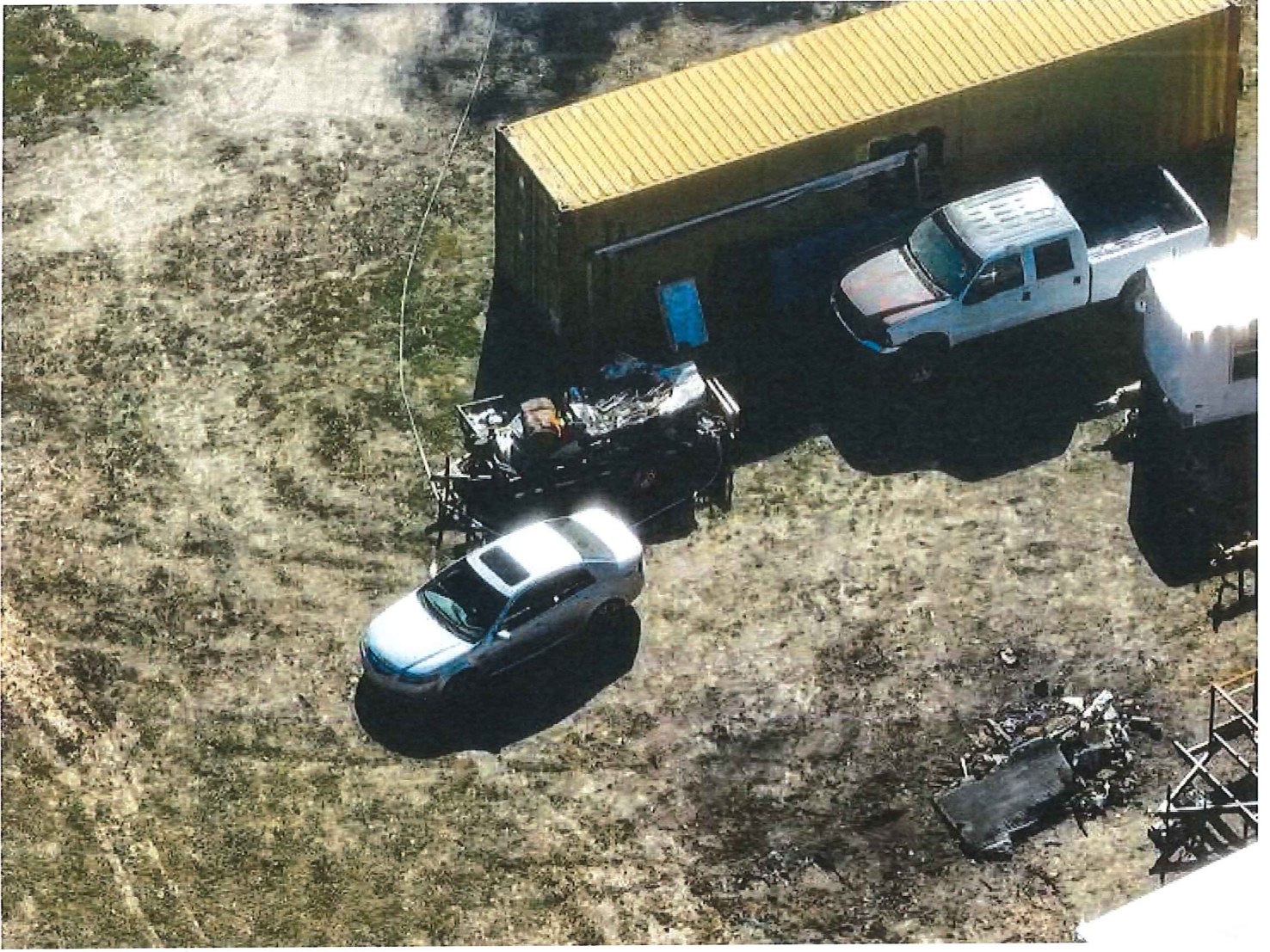














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Ronald R. Goodman



