

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



Sussex County

DELAWARE
sussexcountyde.gov

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 13th, 2022

Application: C/U 2323 Leslye Brossus

Applicant: Ms. Leslye A. Brossus
31631 Reading Street
Millville, DE 19970

Owner: Ms. Leslye A. Brossus
31631 Reading Street
Millville, DE 19970

Site Location: 31631 Reading Street, Millville. The property is lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road (Route 349) and is Lot 45 within the Banks Acres Subdivision.

Current Zoning: General Residential (GR) District

Proposed Use: Treehouse & Yurt for Short Term Rentals

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Sussex County

Water: Private (Well)

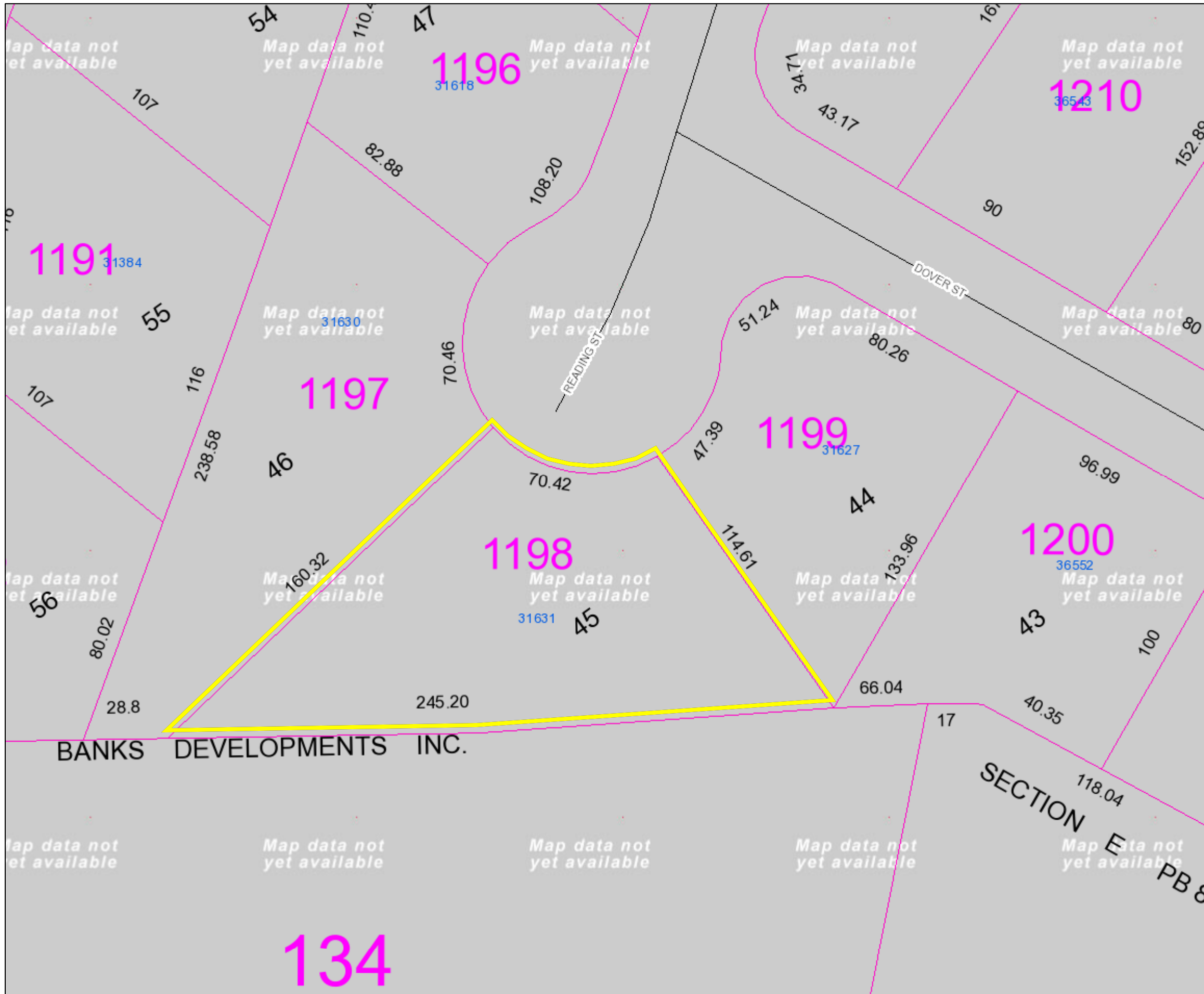
Site Area: 0.26 acres +/-

Tax Map ID: 134-12.00-1198.00





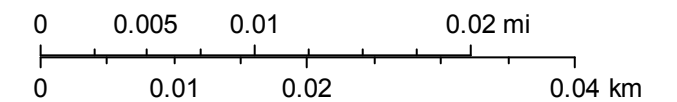
Sussex County



PIN:	134-12.00-1198.00
Owner Name	BROSSUS LESLYE A
Book	2635
Mailing Address	31631 READING ST BANKS
City	MILLVILLE
State	DE
Description	BANKS ACRES
Description 2	LOT 45
Description 3	T#22032
Land Code	

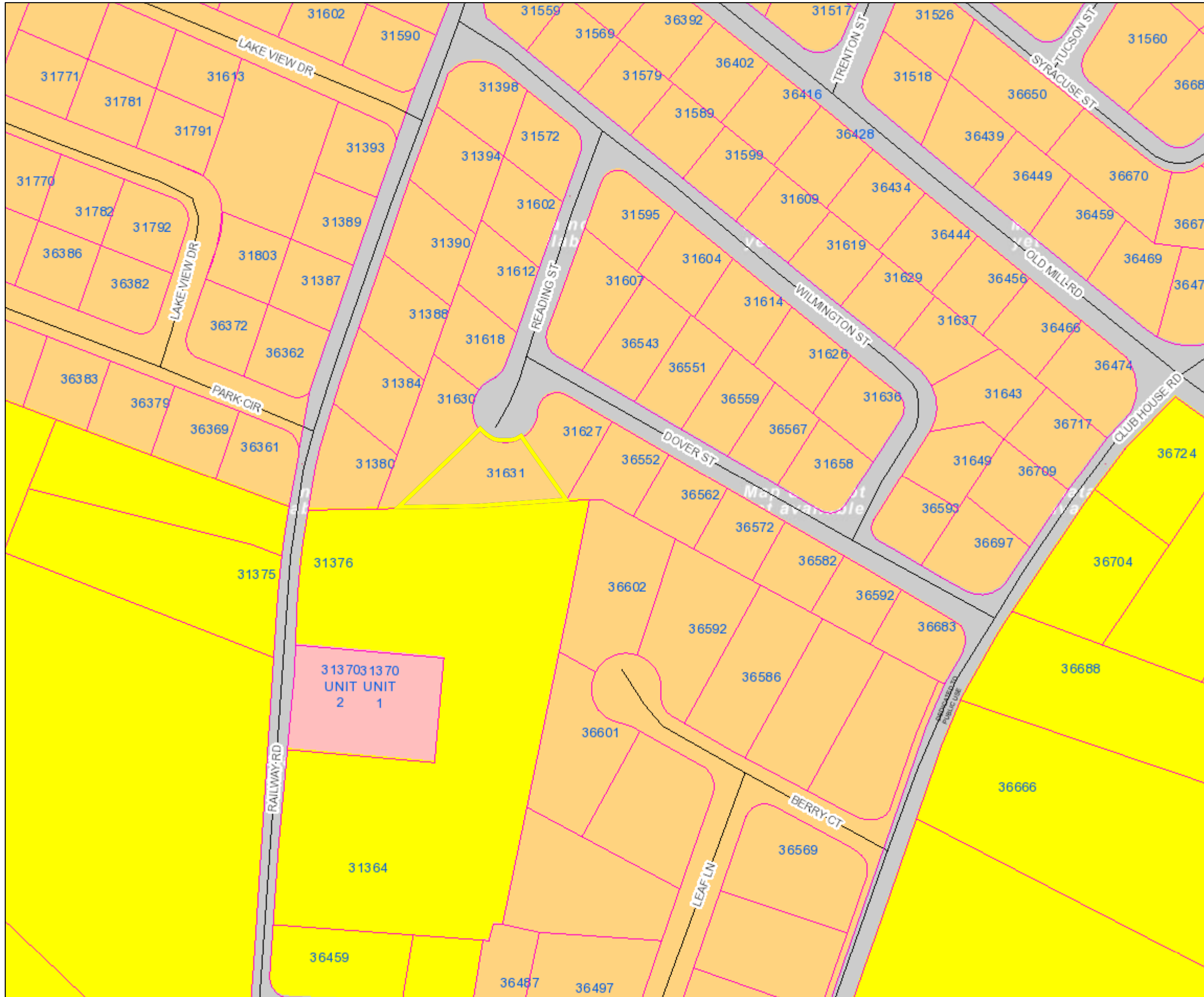
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Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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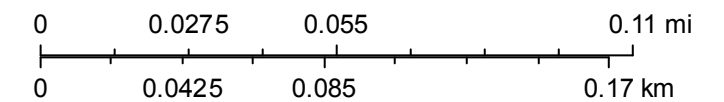
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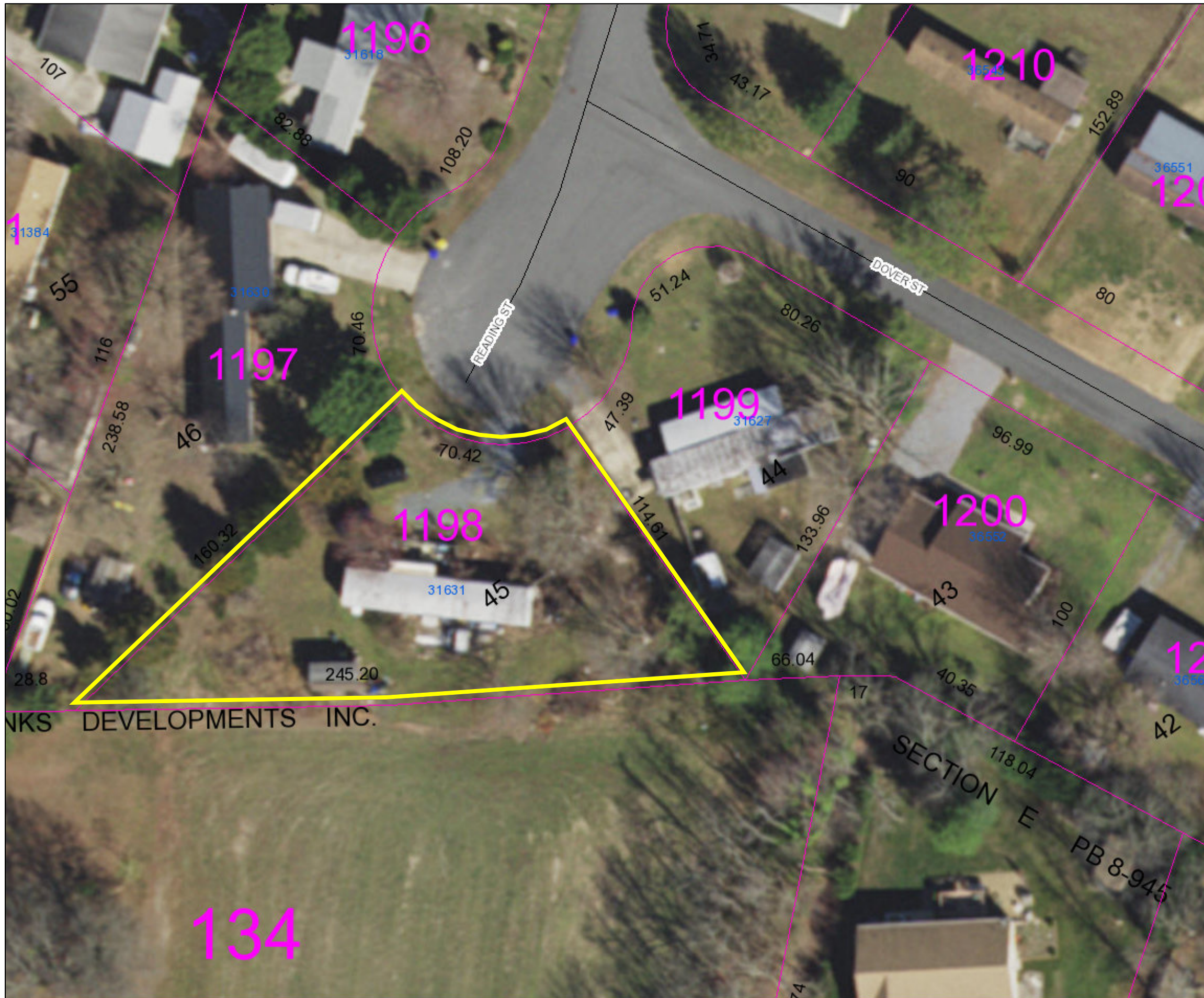
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- Streets

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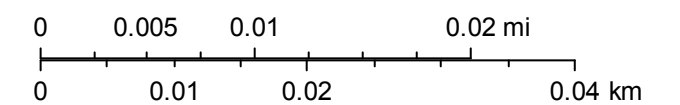
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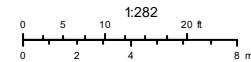
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Delaware Flood Planning Tool

Location is **NOT WITHIN** the FEMA 100-year floodplain.



August 25, 2022

Effective Flood Hazard Areas

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Base Flood Elevation
- LiMWA
- Cross Sections
- Transect

Preliminary Flood Hazard

- A
 - AE
 - AE, FLOODWAY
 - X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Contours**
- INDEX
 - DEPRESSION
 - HIDDEN
 - INTERVAL

Flood Zone (at Point): X

FEMA Issued Flood Map: 10005C0511K

Map Date: 3/16/2015

Subwatershed (HUC12): White Creek-Indian River Bay

Tax Parcel: 134-12.00-1198.00

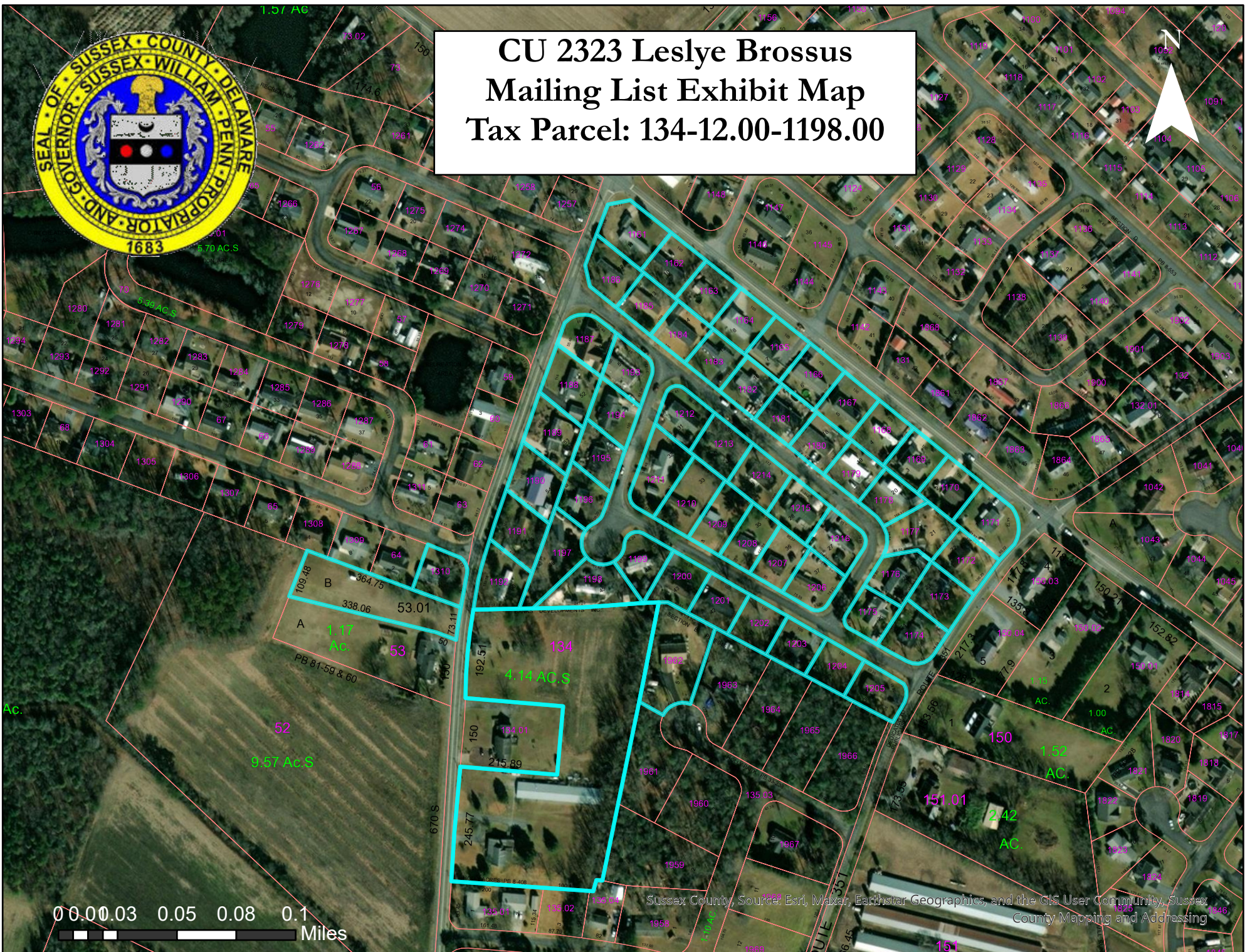
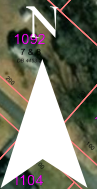
Address (estimated): 31631 READING ST
MILLVILLE, DE 19967

Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode	PIN
BOSSE DONALD GEORGE & ANGELIQUE	PRUNELLA BOSSE	11700 STONEWOOD LN	ROCKVILLE	MD	20852	134-12.00-1202.00
HILLERMAN IAN B	JULIE CORLETTA	1200 BRASHEARS ST	ANNAPOLIS	MD	21403	134-12.00-1170.00
BURMAN ROBERT A & LAURA C	<Null>	1335 HEAPS RD	WHITEFORD	MD	21160	134-12.00-1209.00
FINKELSTEIN ARVIL D MARY C	<Null>	4224 NECKER AVE	BALTIMORE	MD	21236	134-12.00-1214.00
GREER STEVEN H	CATHERINE A GREER	36562 DOVER ST	OCEAN VIEW	DE	19970	134-12.00-1201.00
ZUKAS MICHAEL	<Null>	PO BOX 880	BETHANY BEACH	DE	19930	134-12.00-1163.00
OWENS MARY E	OWENS MICHAEL B	3603 LOWELL PLACE	WHEATON	MD	20902	134-12.00-1190.00
WAGUS EDWARD O GAIL A WAGUS	<Null>	8 QUARTS GARTH	MIDDLE RIVER	MD	21220	134-12.00-1211.00
BROSSUS LESLYE A	<Null>	31631 READING ST # BANKS	MILLVILLE	DE	19970	134-12.00-1199.00
MULLIN JAMES F	JANET L MULLIN	PO BOX 35	OCEAN VIEW	DE	19970	134-12.00-1169.00
SEALS LETHA	<Null>	36416 OLD MILL RD	OCEAN VIEW	DE	19970	134-12.00-1165.00
FONZI DAVID L & JANET A	FITZGERALD	492 BRIDGE VALLEY RD	PEQUEA	PA	17565	134-12.00-1210.00
CESARINI ELVESIA	<Null>	3421 BROOKWOOD DR	FAIRFAX	VA	22030	134-12.00-1168.00
WEST RICHARD K	<Null>	31579 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1184.00
BALDO C DAVID	<Null>	30429 HUNTER CT	MILLVILLE	DE	19967	134-12.00-1171.00
PECK GLEN D	<Null>	31612 READING ST	MILLVILLE	DE	19970	134-12.00-1195.00
SCHWARZKOPF PATRICIA	ROBERT SCHWARZKOPF	118 HOLLYWOOD DR	OCEAN VIEW	DE	19970	134-12.00-1162.00
HEITE EDWARD C	<Null>	36683 CLUB HOUSE RD	OCEAN VIEW	DE	19970	134-12.00-1205.00
HUTCHINS LARRY	<Null>	36582 DOVER ST	OCEAN VIEW	DE	19970	134-12.00-1203.00
KITTRIDGE MICHAEL P	<Null>	2117 ROBERTSON RD	BEL AIR	MD	21015	134-12.00-1216.00
RAUBAUGH JUDITH A	<Null>	31390 RAILWAY RD	MILLVILLE	DE	19970	134-12.00-1189.00
ROBINSON EDWARD	DIANE ROBINSON	36428 OLD MILL RD	OCEAN VIEW	DE	19970	134-12.00-1166.00
STEELE JAMES F DOROTHY L	<Null>	36593 DOVER STREET	OCEAN VIEW	DE	19970	134-12.00-1175.00
HENISE WANDA J	<Null>	31643 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1177.00
RUSSELL JOSEPH ALBERT III	DANIELLE MARIE HINCHEY	2411 EVANS DR	SILVER SPRING	MD	20902	134-12.00-53.01
PEMBERTON NORMAN C	<Null>	PO BOX 239	MILLVILLE	DE	19970	134-12.00-1193.00
DEVER JOHN	WILLIAM DEVER	407 DARE RD	YORKTOWN	VA	23692	134-12.00-1173.00
QUILLIN JENNINGS B II	TAYLOR M QUILLIN	31649 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1176.00
HUDSON BARRY I	<Null>	718 GOLDEN BEACH BLVD #6	VENICE	FL	34285	134-12.00-1206.00
DESOUZA ANDRE	<Null>	31619 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1180.00
GWINN SAMANTHA	DENNIS ALEXANDER GWINN	36567 DOVER ST	OCEAN VIEW	DE	19970	134-12.00-1207.00
BALASUS JOSEPH E	AMY S BALASUS	203 CAVASBACK CT	DAGSBORO	DE	19939	134-12.00-1213.00
BROSSUS LESLYE A	<Null>	31631 READING ST BANKS AC	MILLVILLE	DE	19970	134-12.00-1198.00
GENTILE ANTOINETTE MARIE	C/O SUZANNE C FLOEGEL	412 WATERS WATCH MD	BALTIMORE	MD	21220	134-12.00-1204.00
MULLINS EUGENE JR	<Null>	34112 DUPONT BLVD	FRANKFORD	DE	19945	134-12.00-1197.00
MEARS BRUCE	GARY E MURRAY	34490 GORDON DR	FRANKFORD	DE	19945	134-12.00-134.00
MUSHLIT LAWRENCE P & JOANNE M	MUSHLIT	70 WORRELL DR	SPRINGFIELD	PA	19064	134-12.00-1167.00
OJEDA NELSON	RILYN COLON MARILYN COLON O.	42 OVERHILL RD	COATESVILLE	PA	19320	134-12.00-1185.00
SLAVINSKI FRANCIS E & NANCY S	<Null>	7029 LONG VIEW RD	COLUMBIA	MD	21044	134-12.00-1192.00
MAJEROWICZ WALTER W & ELIZABETH M	<Null>	327 W FORREST AVE	SHREWSBURY	PA	17361	134-12.00-1200.00

UTTENREITHER DONALD F JR & KAREN LYNNE	UTTENREITHER	202 ASHWOOD RD	BALTIMORE	MD	21222	134-12.00-1310.00
RADUSZEWSKI FRANK E CLAUDIA C	RADUSZEWSKI	36602 BERRY CT	OCEAN VIEW	DE	19970	134-12.00-1962.00
MANCINI MARY ANN & JANICE B	MCGILL	837 AMOSLAND RD	MORTON	PA	19070	134-12.00-1208.00
MCLAUGHLIN JUDITH M	<Null>	1702 ROBBINS PL	WILMINGTON	DE	19805	134-12.00-1178.00
FLUHARTY RALPH JAMES	<Null>	31629 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1179.00
LEAMAN J ROBERT	LESLIE D LEAMAN	1240 SLATE HILL ROAD	PEACH BOTTOM	PA	17563	134-12.00-1215.00
RAMSEY MICHAEL JAY	DEBRA ANN RAMSEY	11064 MORGAN DR	SHIPPENSBURG	PA	17257	134-12.00-1188.00
WALTMAN DOUGLAS W DAVID B	WALTMAN MICHAEL S	110 GERALD AVE	SHILLINGTON	PA	19607	134-12.00-1186.00
MACQUARRIE HANNAH R	<Null>	31599 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1182.00
LANNON THOMAS V	<Null>	36402 OLD MILL RD	MILLVILLE	DE	19970	134-12.00-1164.00
SNODGRASS SCARLETT D	<Null>	31609 WILMINGTON ST	MILLVILLE	DE	19970	134-12.00-1181.00
BINDER ABIGAYLE	<Null>	31384 RAILWAY RD	OCEAN VIEW	DE	19970	134-12.00-1191.00
MITCHELL BRITTNEY	<Null>	36372 OLD MILL RD	OCEAN VIEW	DE	19970	134-12.00-1161.00
OWENS MICHAEL BRUCE MARY	ELIZABETH OWENS	3603 LOWELL PL	WHEATON	MD	20902	134-12.00-1196.00
FAIRFAX LINDA S	<Null>	31589 WILMINGTON ST	OCEAN VIEW	DE	19970	134-12.00-1183.00
KERN MARY LOU	<Null>	8416 NUNLEY DR APT C	PARKVILLE	MD	21234	134-12.00-1194.00
MOORE DONNA H	<Null>	31398 RAILWAY RD	OCEAN VIEW	DE	19970	134-12.00-1187.00
GRAHAM WILLIAM M & SHARON L	<Null>	PO BOX 476	MILLVILLE	DE	19970	134-12.00-1212.00
GUIMOND PAUL F	LISA K GUIMOND	36697 CLUB HOUSE RD	OCEAN VIEW	DE	19970	134-12.00-1174.00
CHENOWETH THOMAS M	<Null>	PO BOX 438	OCEAN VIEW	DE	19970	134-12.00-1172.00



**CU 2323 Leslye Brossus
Mailing List Exhibit Map
Tax Parcel: 134-12.00-1198.00**

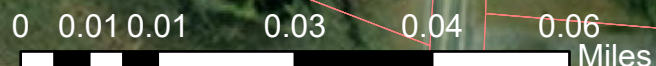




**CU 2323 Leslye Brossus
Location Map
(NOTE: Buffer enclosing 210
feet of Subject Site)**



4.14 AC.S



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Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 7, 2022
RE: Staff Analysis for C/U 2323 Leslye Brossus

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2323 Leslye Brossus to be reviewed during the October 13th, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 134-12.00-1198.00 to allow for a treehouse and yurt structure for the purpose of providing short-term rentals. The property is lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road (Route 349) and is Lot 45 within the Banks Acres Subdivision. The property is located approximately 0.17 mile north of the town limits of the Town of Millville. The property consists of 0.26 acres +/-.

Further Site Considerations

Staff note that Building Permits were obtained for a 12-ft x 10-ft lean to, two (2) outdoor restrooms of 3-ft by 8-ft (BP # 160045, which was issued on 6/25/2021,) and a 12-ft x 14-ft treehouse 7 to 8-ft in height with a 8-ft by 12-ft deck (BP #140685, which was issued on 9/17/2020). This information has been included in the Commission's packet this evening.

County records indicate that there are no Tax Ditches or related Tax Ditch Rights-of-Way (ROW) located on the property.

The property is not located within any established Transportation Improvement District (TID).

The property is located within Flood Zone "X" – Areas determined to be outside of the 0.2 Percent Annual Chance Flood Zone.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." All surrounding properties to the north, south, east and west of the subject site contain the Future Land Use Map designation of "Coastal Area."



As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the General Residential (GR) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25).

The adjacent parcels to the north, west and east of subject property lying within the Banks Acres Subdivision are zoned General Residential (GR) District. The property immediately to the south of the subject property is zoned Medium Density Residential (MR) District. It should also be noted that a single parcel to the south is zoned Neighborhood Business (B-1) District.

The properties further west on the opposite side of Railway Road (S.C.R./Route 350) within the Banksville Park Subdivision are also zoned General Residential (GR) District. The properties to the south of Banksville Park, also located on the opposite side of Railway Road (S.C.R./Route 350), are zoned Medium Density Residential (MR) District.

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been two (2) Conditional Use applications within a 0.30-mile radius of the application site. The first application is for C/U 1148 Great Scott Broadcasting to allow for a radio broadcast tower to be located in an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, February 22, 1996. The Sussex County Council approved the use at their meeting of Tuesday, March 12, 1996, and the change was adopted through Ordinance No. 1081. The second application is for C/U 2206 Linder & Company, Inc. (Evans Farm) to allow 200 multifamily units to be located in an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, April 8, 2021. The Sussex County Council approved the use at their meeting of Tuesday, June 15, 2021, and the change was adopted through Ordinance No. 2776.

A Supplemental Map has been supplied which provides the location of all other Conditional Uses which are greater than 0.30-mile distance from the subject site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a treehouse and yurt structure for the purpose of providing short-term rentals, subject to

considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Conditional Use Applications (w/in a 0.30 mile radius of the subject site)*								
Application Number	Application Name	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
C/U 1148	Great Scott Broadcasting	AR-1	Radio Broadcast Tower	Recommended Approval	2/22/1996	Approved	3/12/1996	1081
C/U 2206	Linder & Company (Evans Farm)	AR-1	200 Multifamily Units	Recommended Approval	4/8/2021	Approved	6/25/2021	2776



**Sussex County
Building Permit**
P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number
202011427
Issue Date: 09/17/2020
Expire Date: 09/17/2021

Permit Type: ACCESSORY STRUCTURE OUT OF TOWN

Parcel ID	Address	Zone Code
134-12.00-1198.00	31631 READING STREET	GR

Owner Information	Applicant Information
Name: BROSSUS LESLYE A Phone:	Name: BROSSUS LESLYE A Phone:

Contractor Information	
Name: BROSSUS LESLYE A CID: 1011143 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: SHEDS Construction Type: Estimated Cost of Construction: \$ 2,832 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: 30.00 /30 Side Setback: 5.00 /10/DECK Rear Setback: 5.00 /10/DECK Corner Setback: / Maximum Building Height: 42 Location Description: BANKS ACRES READING ST LOT 45 SEC E T#22032 FLOOD ZONE Flood Zone: XP511K _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT<400'

Scope of Work:

12 X 14- 3 SEASON W/8 X 12 DECK EVERYTHING IS 7 OR 8 FT HIGH (TREEHOUSE)

Permit Details:

Signature of Approving Official

Signature of Owner/Contractor

Building Permit Acknowledgement:

I fully understand the Zoning Requirements of this permit.

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction. I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property. THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number	BP-140685	TOTAL FEES:	\$ 20.58
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Building Description

Total Bedrooms:

Heat Type:

Full Baths:

Half Baths:

Roofing:

Total Rooms:

Exterior Walls:

Basement:

Foundation Type:

Interior Walls:

Fireplace Type:

Flooring:

Air Conditioning: N

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater

No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds

Must conform to the location approved by the park.

_____ Farm-Use Permits

Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

_____ Fences

Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

_____ Parcel Setbacks

All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

_____ Pools (Above-Ground)

Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

_____ Pools (In-Ground)

A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

_____ Pools or Guest Homes

No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

_____ Tax Ditch

Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.



**Sussex County
Building Permit**

P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number

202109684

Issue Date: 06/25/2021
Expire Date: 06/25/2022

Permit Type: **ACCESSORY STRUCTURE OUT OF TOWN**

Parcel ID	Address	Zone Code
134-12.00-1198.00	31631 READING STREET	GR

Owner Information	Applicant Information
Name: BROSSUS LESLYE A Phone: 302-228-1512	Name: BROSSUS LESLYE A Phone: 302-228-1512

Contractor Information	
Name: BROSSUS LESLYE A CID: 1011143 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

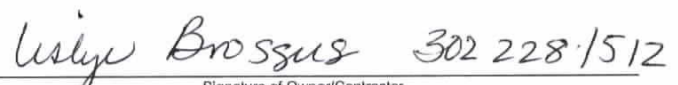
Building Information
Proposed Use: MISC COST Construction Type: Estimated Cost of Construction: \$ 5,000 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: <u>30.00</u> / _____ Rear Setback: <u>5.00</u> / _____ Side Setback: <u>5.00</u> / _____ Corner Setback: _____ / _____ Maximum Building Height: _____ Location Description: _____ FLOOD ZONE <u>BANKS ACRES LOT 45 T#22032</u> Flood Zone: _____ _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: ACC STRUCT<400'
Scope of Work:
LEAN TO 12X10 3X8 (2) OUTSIDE RESTROOMS

Permit Details:

 Signature of Approving Official

 Signature of Owner/Contractor Leslye Brossus 302 228 1512

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction.

I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property.

THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number	BP-160045	TOTAL FEES:	\$ 32.00
---------------	-----------	-------------	----------



Building Description

Total Bedrooms:

Full Baths:

Half Baths:

Total Rooms:

Basement:

Interior Walls:

Flooring:

Heat Type:

Roofing:

Exterior Walls:

Foundation Type:

Fireplace Type:

Air Conditioning: N

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater
No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures
Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds
Must conform to the location approved by the park.

_____ Farm-Use Permits
Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

_____ Fences
Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

_____ Parcel Setbacks
All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

_____ Pools (Above-Ground)
Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

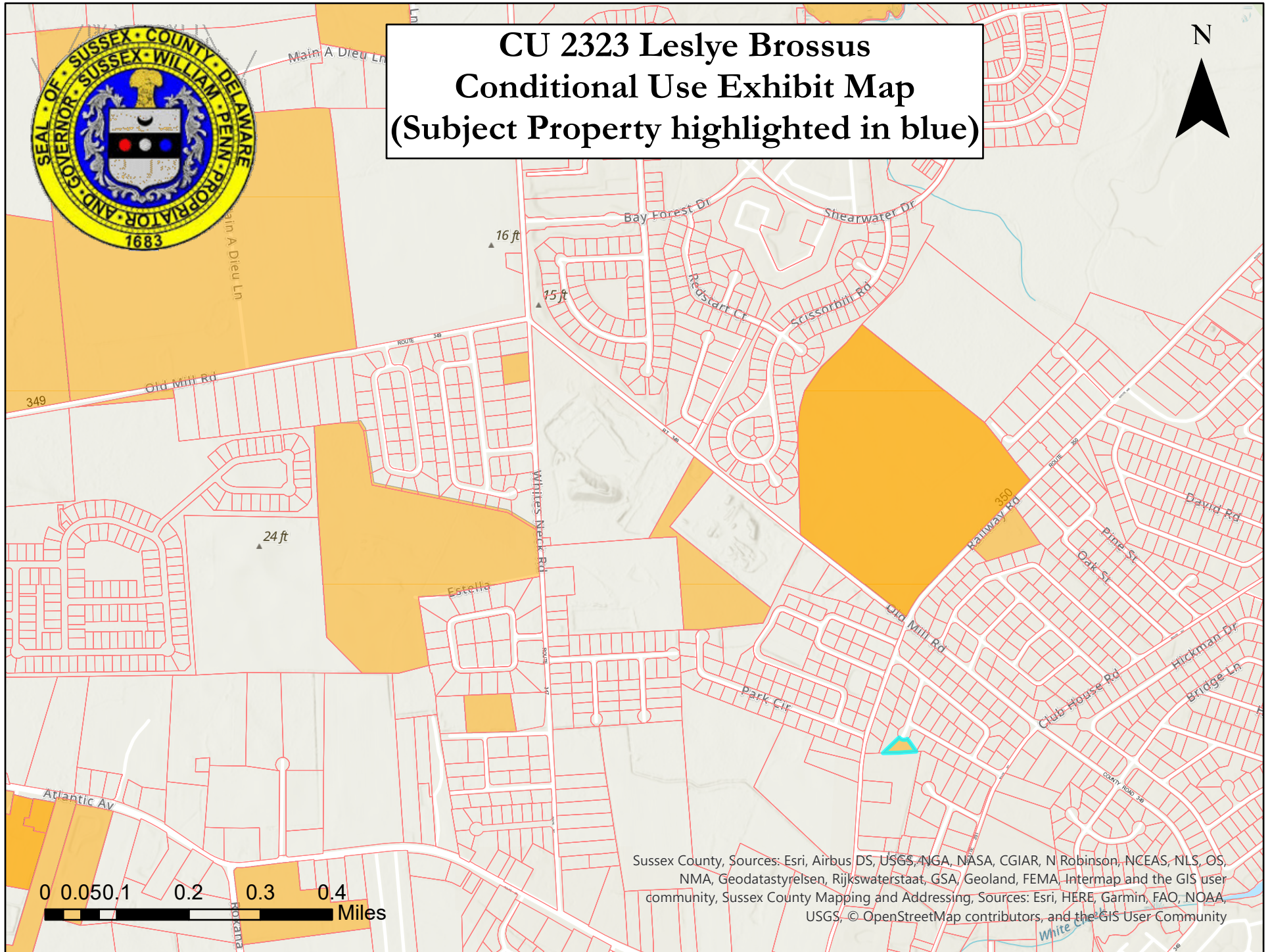
_____ Pools (In-Ground)
A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

_____ Pools or Guest Homes
No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

_____ Tax Ditch
Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.



CU 2323 Leslye Brossus Conditional Use Exhibit Map (Subject Property highlighted in blue)



Sussex County, Sources: Esri, Airbus DS, USGS, ANGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Mapping and Addressing, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

File #: CU 2323
202116761

Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

31631 Reading Street, Millville, DE 19970

Type of Conditional Use Requested:

existing tree house & yurt for short term rental

Tax Map #: 134-12-00-1198-00 Size of Parcel(s): 1/3 acre

Current Zoning: GR Proposed Zoning: GR Size of Building: 18x10

Land Use Classification: Residential

Water Provider: well Sewer Provider: Sussex Co.

Applicant Information

Applicant Name: Leslye Brossus
Applicant Address: 31631 Reading St
City: Millville State: DE Zip Code: 19970
Phone #: 302-228-1512 E-mail: leslye.brossus@gmail.com

Owner Information

Owner Name: ^ Same as applicant
Owner Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

___ Provide eight (8) copies of the ^{1 full copy} Site Plan or Survey of the property

- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o Deed or Legal description

___ Provide Fee \$500.00

___ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

___ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

___ DeIDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

Leslye Brossus

Date: Sept 21, 2021

Signature of Owner

Leslye Brossus

Date: Sept 21, 2021

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 31631 Reading Street Millville, DE 19970

Parcel #: 134-12.00-1198.00

Site Address: _____

Parcel #: _____

Applicant Name: Leslye Brossus

Owner Name: ^ Same

Type of Application:

Conditional Use: _____

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: 9/21/21 11-16-2021

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Leslye Brossus
Applicant Address: 31631 Piccadilly St
City: Millville State: DE Zip: 19970
Phone #: 302-228-1512 E-mail: leslyebrossus@gmail.com

Owner Information

Owner Name: Same
Owner Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: -
Engineer/Surveyor Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Agent/Attorney Information

Agent/Attorney Name: -
Agent/Attorney Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Other

Name: -
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____



Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33021014-0126 Megan D. 11/16/2021 01:01PM

PERMITS / INSPECTIONS
CONDITIONAL USE - FEE
2021 Item: 202116761|Z010 100.00

100.00

Subtotal 100.00
Total 100.00

CHECK 100.00
Check Number 2539

Change due 0.00

Paid by: LESLYE BROSSUS

LESLYE BROSSUS
10-40761
Nov 16, 2021
Sussex Co Council \$ 100.00
One hundred and 00/100 DOLLARS
Leslye Brossus
apto. cond use

Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

June 23, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Leslye Brossus** proposed land use application, which we received on June 11, 2021. This application is for an approximately 0.25-acre parcel (Tax Parcels: 134-12.00-1198.00). The subject land is located at the end of Reading Street in the Banks Acres subdivision near Ocean View. The closest State maintained road is Railway Road (Sussex Road 350), Reading Street connects to the south side of Wilmington Street which then connects to the east side of Railway Road. The subject land is currently zoned GR-1 (General Residential). The applicant seeks a conditional use approval to build a Summer Yurt (a 16-foot round bell tent) and a tree house for short term rental.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Railway Road from Old Mill Road (Sussex Road 349) to Atlantic Avenue (State Route 26) is 1,194.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse

Page 2 of 2

June 23, 2021

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Leslye Brossus, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/29/2022**

APPLICATION: **CU 2323 Leslye Brossus**

APPLICANT: **Ms. Leslye A. Brossus**

FILE NO: **NM-1.03**

TAX MAP &
PARCEL(S): **134-12.00-1198.00**

LOCATION: **31631 Reading Street, Millville. Lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road (SCR 349) and is Lot 45 within the Banks Acres subdivision.**

NO. OF UNITS: **Treehouse and Yurt for Short Term Rentals**

GROSS
ACREAGE: **0.26**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The property is currently served with a 6-inch lateral. The increase in density will require the installation of an 8-inch lateral. Contact Mr. Richard Jackson regarding the requirements for the lateral install. An additional pipeline inspection will be required to ensure that proper means and methods were used when tying in the additional Treehouse and Yurt.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

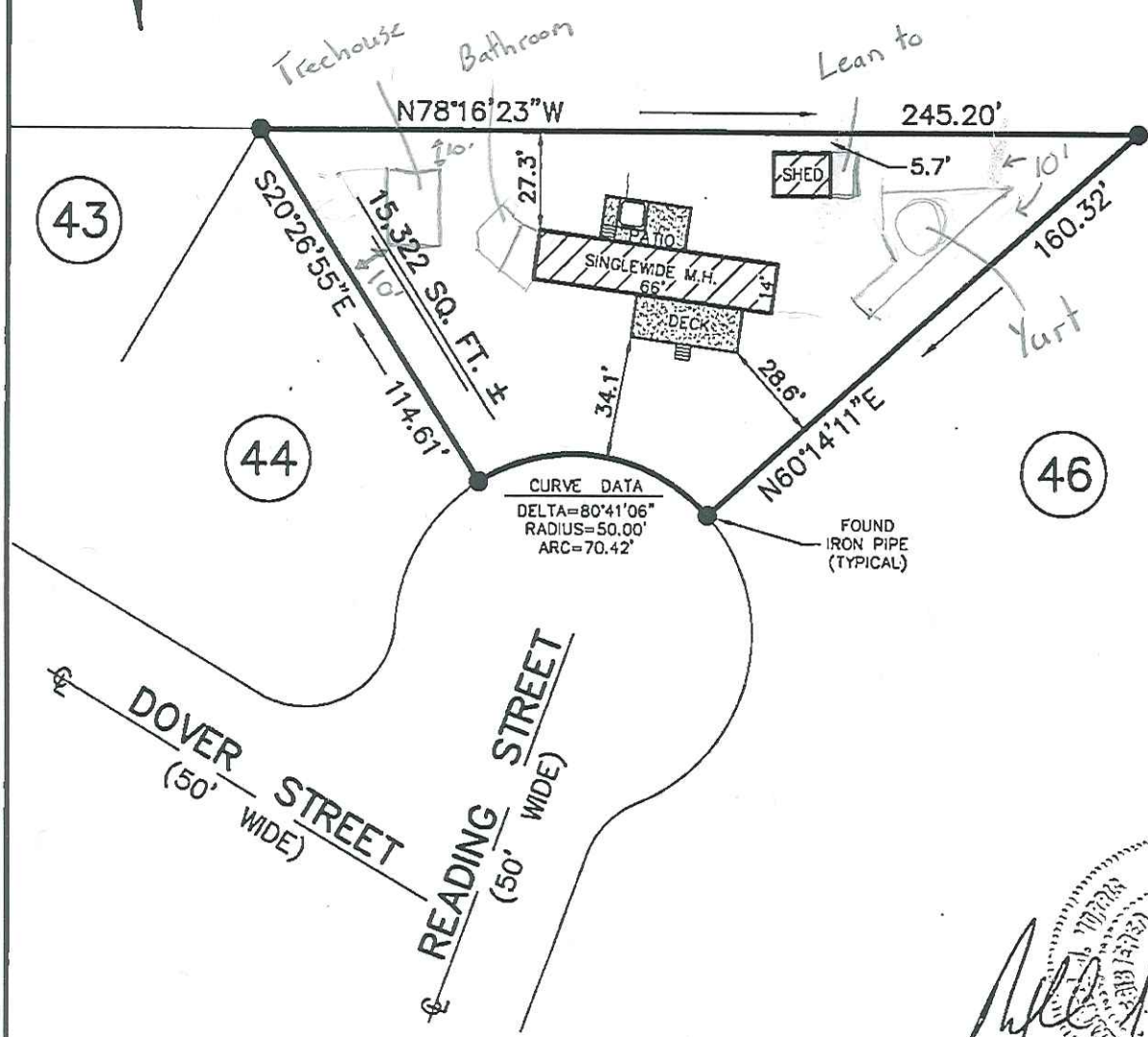


John J. Ashman
Sr. Manager of Utility Planning & Design Review

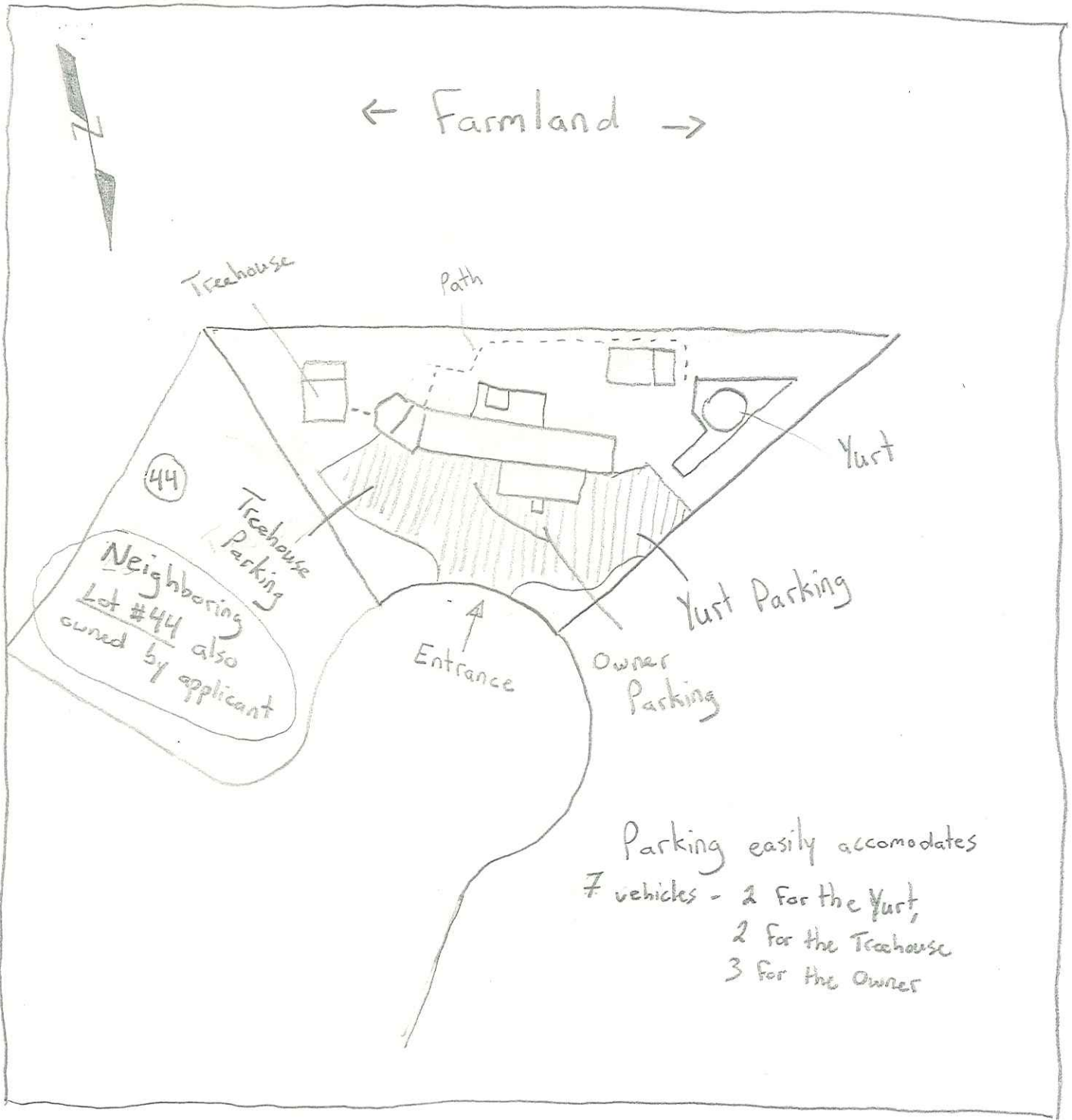
Xc: Hans M. Medlarz, P.E.
Lisa Walls
Denise Burns



LANDS OF:
MARTHA M. MURRAY



DELAWARE SURVEYING SERVICES MAXWELL J. MORRIS, PLS P.O. BOX 1121 MILLVILLE, DE. 19970 (302)537-7094 * FAX (302)537-6534	DATE: DEC. 7, 2005	DEED REF: D.B. 2635, P. 73 PLOT REF: P.B. 15, P. 46 TAX MAP #: 1-34-12.00-1198.00
	SCALE: 1" = 50'	BOUNDARY & LOCATION SURVEY CLASS "B" SURVEY
DESCRIPTION: LOT 45, SECTION 'E', "BANKS DEVELOPMENTS INC." BALTIMORE HUNDRED * SUSSEX COUNTY * DELAWARE	DRAWING #: 05-098	



← Farmland →

Treehouse

Path

Yurt

44

Treehouse Parking

Neighboring Lot #44 also owned by applicant

Yurt Parking

Entrance

Owner Parking

Parking easily accomodates 7 vehicles - 2 For the Yurt, 2 For the Teechouse, 3 For the Owner

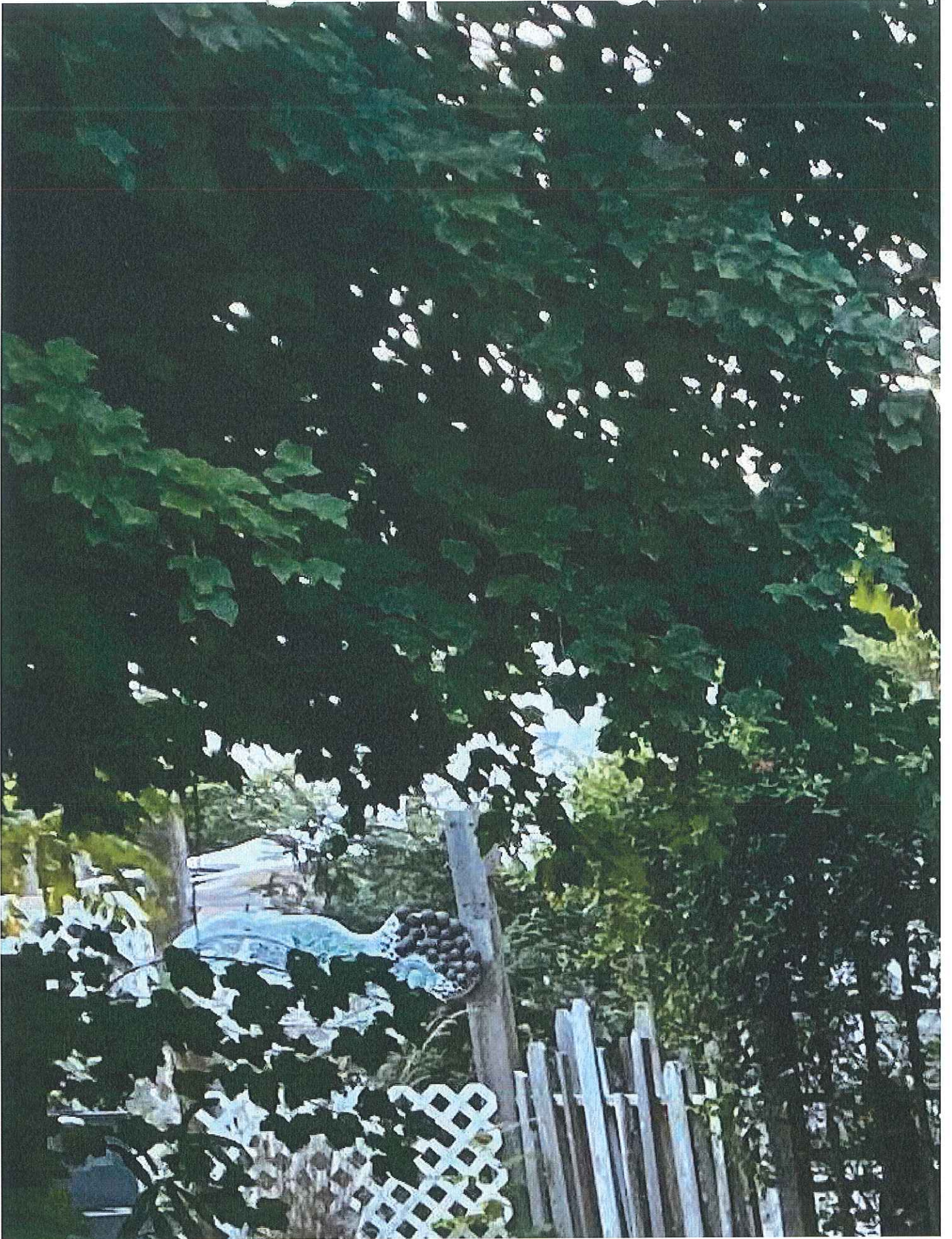
Ashley Paugh

From: Leslye Brossus <leslyebrossus@gmail.com>
Sent: Tuesday, September 21, 2021 11:19 AM
To: Ashley Paugh
Subject: Planning & Zoning Application for Conditional Use

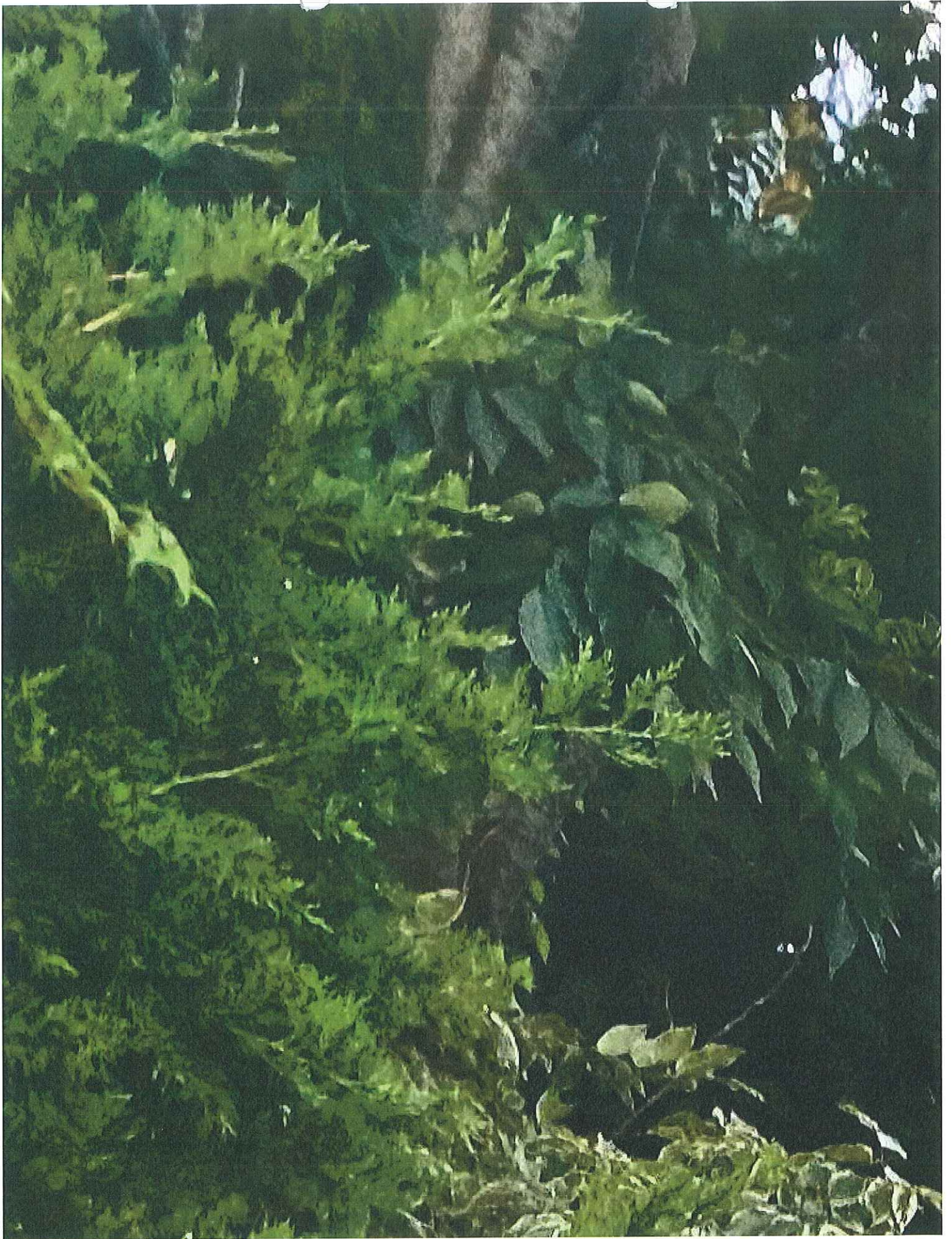
CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

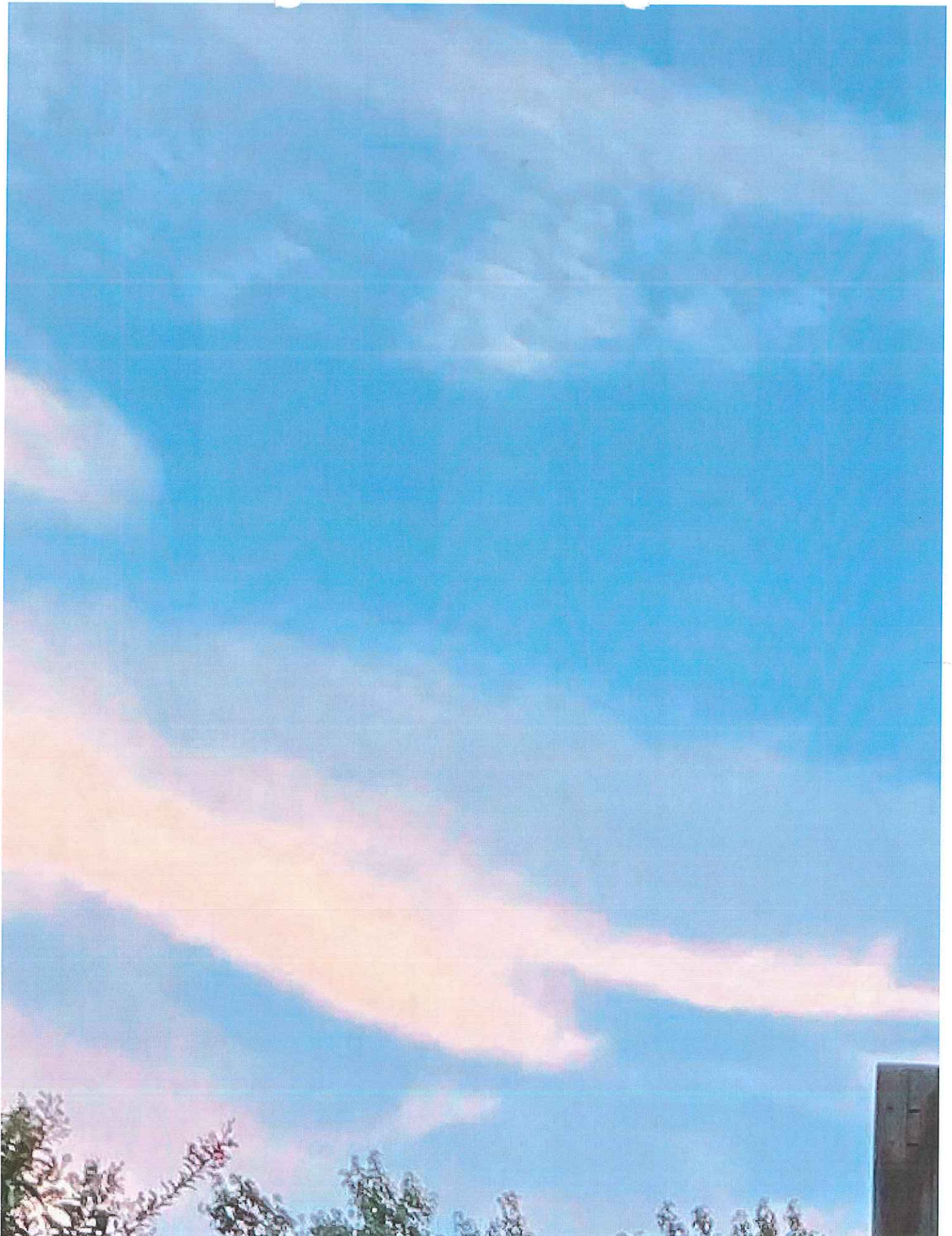
Here's the photos-











Ashley Paugh

From: Leslye brossus <leslyebrossus@gmail.com>
Sent: Tuesday, November 16, 2021 1:03 PM
To: Ashley Paugh
Subject: Brossus conditional use app



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.

Sent from my iPhone

9/23 - 9/25/22

the nest was the perfect little cozy place to come back to after a day at the beach! we've been looking forward to this trip for months, and it didn't disappoint. we're celebrating our two year anniversary and couldn't have asked for a more perfect way to celebrate! Leslye was the absolute sweetest, and went above & beyond to ensure we were comfortable. we'll definitely be back!



sarah +
ava

CU 2323

RECEIVED

Opposition
Exhibit

SEP 19 2022

SUSSEX COUNTY
PLANNING & ZONING

September 14, 2022

Good Afternoon Planning Director – Jamie Whitehouse,

I'm taking the time to construct this letter, because my husband and I aren't able to attend the public hearing. We're VERY concerned about the upcoming public hearing for Lot 45 within the Banks Acres subdivision, 31631 Reading Street, Millville, DE.

We're homeowners in this small residential district. Since purchasing our property, we've witnessed this community slowly improving with homeowners who care about their property. About half the homeowners are full time residents.

An agenda hasn't been posted at the time of this writing. If I wait to view the agenda, I won't have this letter of several concerns delivered in time.

Concern #1 – permits

1. Did this individual, Leslye Brossus, ever obtain permits to construct these two structures on the property?

Concern #2 – public sewer hookup for the yurt and the treehouse

2. Have the two structures been hooked up to public sewer? If not, where are the tenants relieving themselves? Where are they washing themselves and cleaning up their dishes?

Concern #3 – excessive use of the roads in this small subdivision with renters coming and going

3. Many rentals are offered throughout the season, May 15 – September 15. That's a lot of extra traffic in the development.
4. Who's responsibility is it to keep the roads in good condition, since this small residential area doesn't have an HOA?

Concern #4 – commercial business approval

5. Once this property is given permission to run a commercial business, what's to stop others from applying to run a business? What law will be put in place to STOP others from applying for a commercial business license?

Concern #5 – trash

2525

6. Will there be enough trash containers/a dumpster fenced in and routine trash collection? We don't need issues with an array of critters in the neighborhood. Other neighborhoods are having issues with rats.

Thank you for considering each point/question posed before voting to approve allowing this woman to run a business in a residential area.

Residents,

Bob and Leslie Leaman

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



Sussex County

DELAWARE
sussexcountyde.gov

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 13th, 2022

Application: CU 2324 Bedell Automotive

Applicant: Zachary Bedell
34262 Central Avenue
Frankford, DE 19945

Owner: Sheree Bedell
35936 Pendel Avenue
Frankford, DE 19945

Site Location: Located on the west side of Central Avenue (S.C.R. 84), approximately 500-feet south of the intersection of Central Avenue and Substation Road (S.C.R. 366)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Automotive repair shop (boats included)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millville Fire Co.

Sewer: On-site Septic

Water: On-site Well

Site Area: 5.00 ac. +/-

Tax Map ID.: 134-16.00-700.02





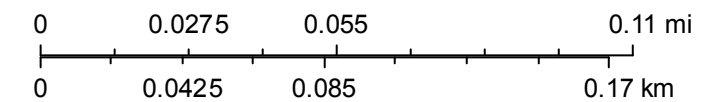
Sussex County



PIN:	134-16.00-700.02
Owner Name	BEDELL SHEREE J
Book	5468
Mailing Address	35936 PENDEL AVE
City	FRANKFORD
State	DE
Description	HERBERT G ZINSZER
Description 2	SUBDIV 5 AC
Description 3	N/A
Land Code	

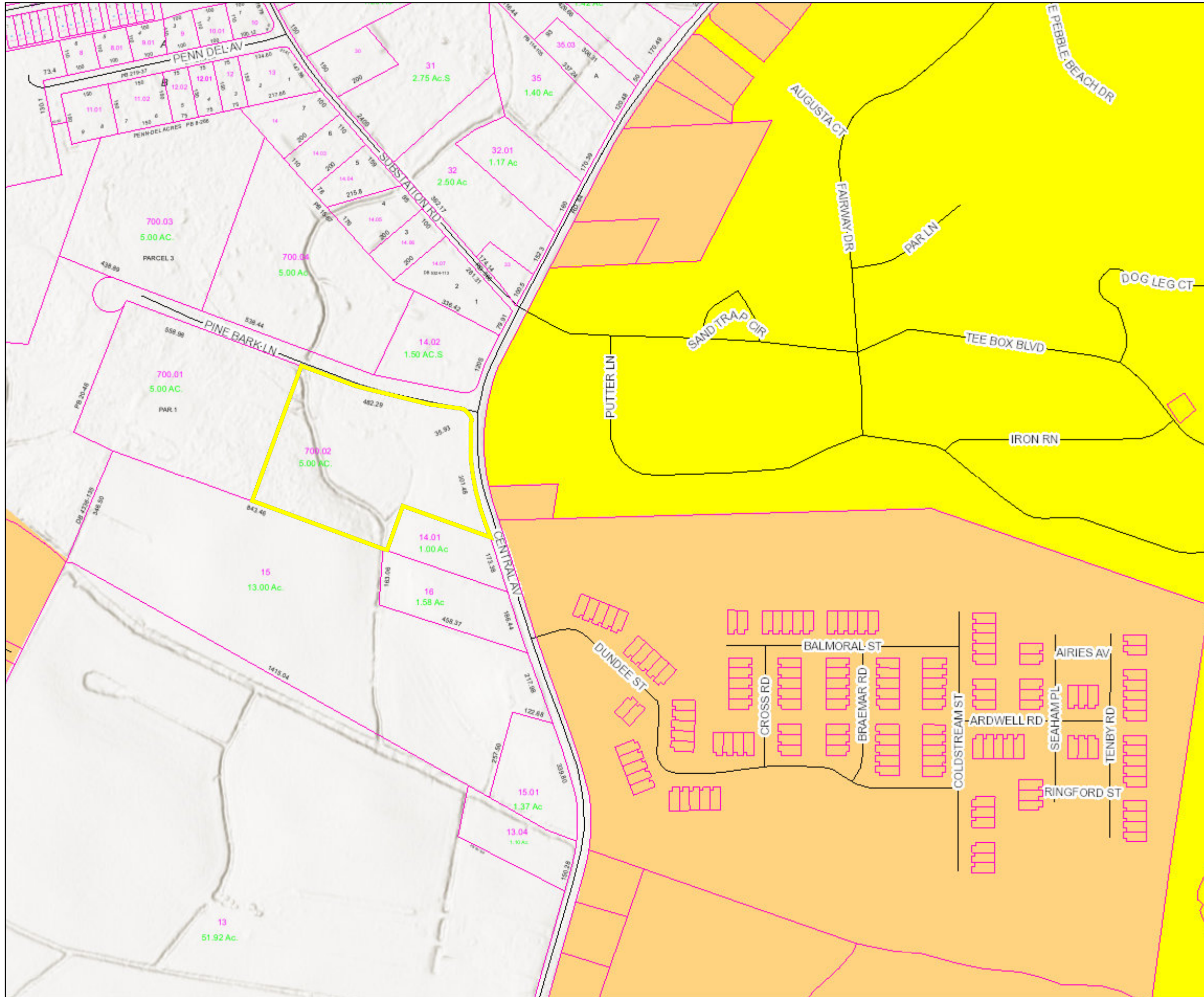
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





Sussex County



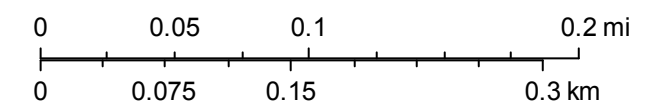
PIN:	134-16.00-700.02
Owner Name	BEDELL SHEREE J
Book	5468
Mailing Address	35936 PENDEL AVE
City	FRANKFORD
State	DE
Description	HERBERT G ZINSZER
Description 2	SUBDIV 5 AC
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

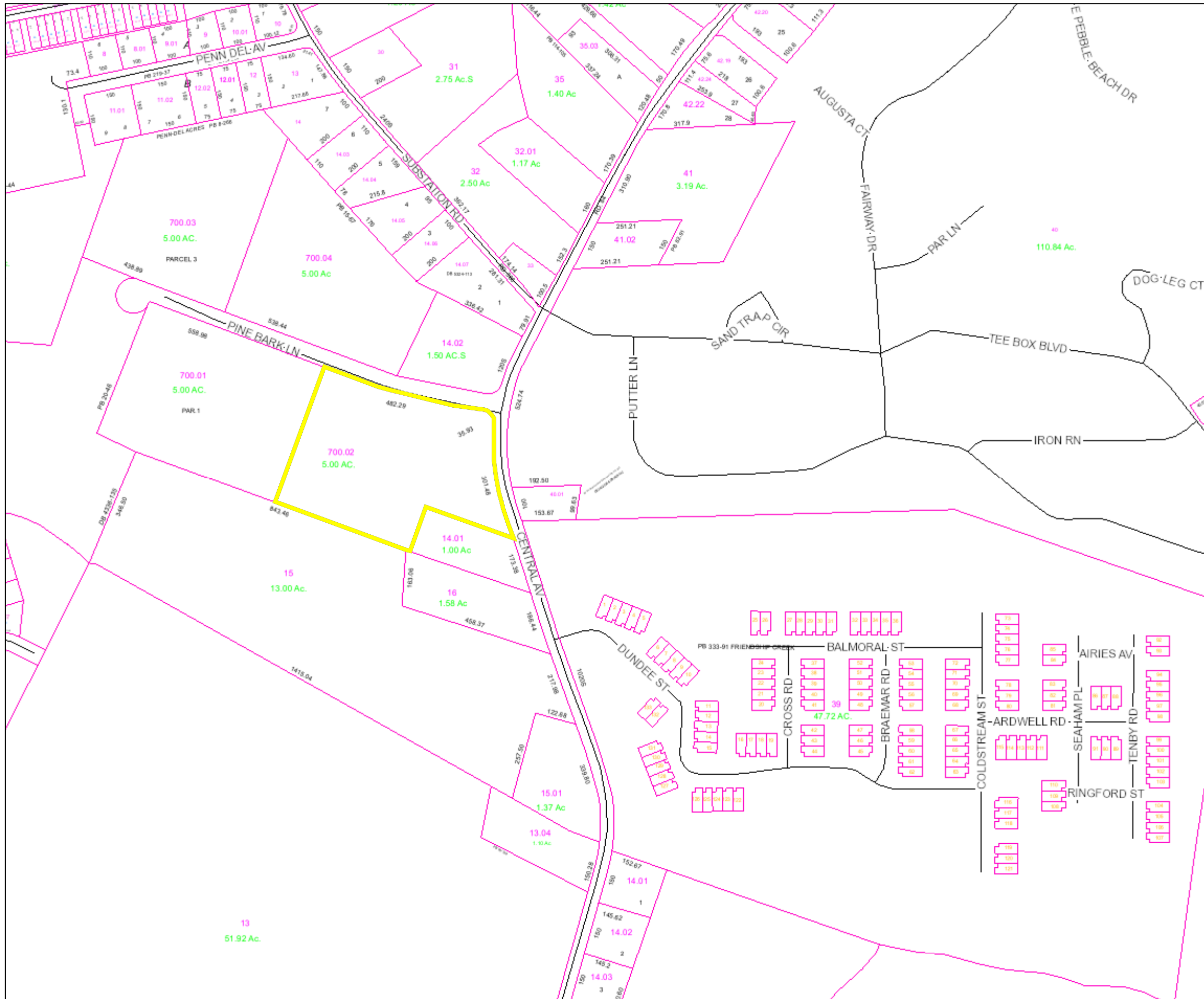
 - Override 1
- Tax Parcels
- Streets

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Sussex County



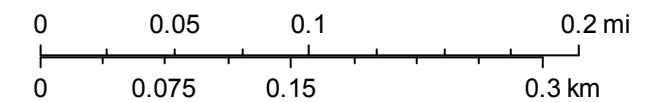
PIN:	134-16.00-700.02
Owner Name	BEDELL SHEREE J
Book	5468
Mailing Address	35936 PENDEL AVE
City	FRANKFORD
State	DE
Description	HERBERT G ZINSZER
Description 2	SUBDIV 5 AC
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

1:4,514



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: October 3, 2022
RE: Staff Analysis for CU 2324 Zachary Bedell

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2324 Zachary Bedell to be reviewed during the October 13th, 2022, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 134-16.00-700.02, to allow for an automotive and boat repair business, to be located at 34282 Central Avenue Frankford, Delaware. The property is lying on the west side of Central Avenue (S.C.R. 84), approximately 500 feet southwest of the intersection of Substation Road (S.C.R. 366 and Central Avenue. The parcel consists of 5.00-acres +/- and also contains a Tax Ditch ROW (80-foot to TOB) which runs through the center of the property.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Coastal Area." The adjoining parcels to the north, west, and south also have a Future Land Use Map designation of "Coastal Area." The parcels to the east, across Central Avenue also have a Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, west, and south of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the east of the subject property, on the opposite side of Central Avenue



(S.C.R. 84), the parcels contain a mix of General Residential (GR) and Medium-density Residential (MR) Districts.

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there has been four (4) Conditional Use application within a one (1) mile radius of the application site. The first application was Conditional Use No. 1896 for Timmothy Miller to allow for mulch, RV and boat storage to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, August 2nd, 2011; and this change was adopted through Ordinance No. 2206. The second application was Condition Use No. 2142 for Ribera Development, LLC to allow for one-hundred thirty-five (135) townhomes to be permitted within a General Residential (GR) Zoning District. This application was approved by the Sussex County Council on Tuesday, November 13th, 2018; and this change was adopted through Ordinance No. 2612. The third application is Conditional Use No. 2305 for Barnhill Preserve of Delaware, LLC to allow for a Zoological Park to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, March 22nd, 2022; and this change was adopted through Ordinance No. 2843. The fourth and fifth applications are Conditional Use Nos. 2338 for Lora Collins and 2339 for Ron Sutton, both of which have yet to have pubic hearings in front of the County Council, leaving them currently undecided.

Based on the analysis provided, the Conditional use to allow for an automotive and boat repair business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

34262 Pen de Central Ave 19945 frankford De

Type of Conditional Use Requested:

Automotive repair Shop boats included

Tax Map #: 134-16.00-700.02 Size of Parcel(s): _____

Current Zoning: AR-1 Proposed Zoning: No change Size of Building: _____

Land Use Classification: _____

Water Provider: well Sewer Provider: Septic System

Applicant Information

Applicant Name: Zachary Bedell
Applicant Address: 34262 Central Ave
City: Frankford State: De Zip Code: 19945
Phone #: 302-339-5892 E-mail: _____

Owner Information

Owner Name: Sherice Bedell
Owner Address: 35936 Pen DL Ave
City: Frankford State: DE Zip Code: 19945
Phone #: 302-682-7822 E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

___ Provide eight (8) copies of the Site Plan or Survey of the property

- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o Deed or Legal description

___ Provide Fee \$500.00

___ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

___ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

___ DelDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner



Date: 10-27-21

For office use only:

Date Submitted: 11/17/21

Fee: \$500.00 Check #: 523

Staff accepting application: cej

Application & Case #: 202116815

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 04202 34282 Central Ave
Prattville AL 36067

Parcel #: 139-16.00-700.02

Site Address: _____

Parcel #: _____

Applicant Name: Zachary Bedell

Owner Name: Sherene Bedell

Type of Application:

Conditional Use:

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: _____

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Zachary Bedell
Applicant Address: ~~35936 Pen Del Ave~~ 34252 Centert Ave
City: Frankford State: De Zip: 19945
Phone #: 302-334-5592 E-mail: ryzach1000@gmail.com

Owner Information

Owner Name: Sheree J. Bedell
Owner Address: 35936 Pen Del Ave
City: Frankford State: De Zip: 19945
Phone #: 302-682-7823 E-mail: ryzach2@mchsi.com

Engineer/Surveyor Information

Engineer/Surveyor Name: _____
Engineer/Surveyor Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____



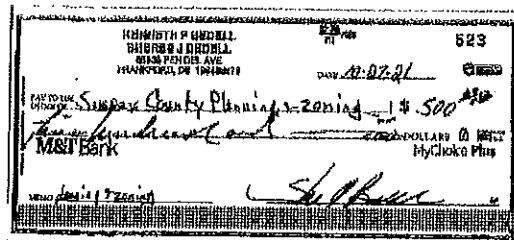
Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33021026-0061 Lindsey S-11/17/2021 01:49PM

PERMITS / INSPECTIONS
CONDITIONAL USE - FEE
2021 Item: 202116815|2010 500.00

	500.00
Subtotal	500.00
Total	500.00
CHECK	500.00
Check Number 0523	
Change due	0.00

Paid by: KENNETH SHEREE BEDELL



Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

September 3, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Zachary Bedell** proposed land use application, which we received on August 18, 2021. This application is for an approximately 5.00- acre parcel (Tax Parcel: 134-16.00-700.02). The subject land is located on the southwest corner of Central Avenue (Sussex Road 84) and Pine Bark Lane. The subject land is currently zoned AR-1 (Agriculture Residential) and is looking for a conditional use approval for an automotive repair shop (boats included).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Central Avenue from the Ocean View limits to Peppers' Corner Road (Sussex Road 365), is 2,433 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
September 3, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

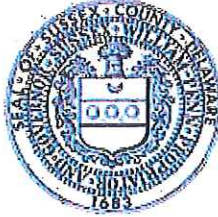


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Zachary Bedell, Applicant
Chase Phillips, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form shall be submitted to the Planning and Zoning Office and a response shall be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 08/18/2021

Site Information:

Site Address/Location: 34282 Central Avenue, Frankford, DE 19945

Tax Parcel Number: 134-16.00-700.02

Current Zoning: AR-1

Proposed Zoning: NO change proposed

Land Use Classification: coastal Area - residential

Proposed Use(s):

Automotive Repair Shop (boats included)

Square footage of any proposed buildings or number of units: 1,000 - 2,500 square feet
- proposed pole building

Applicant Information:

Applicant's Name: Zachary Bredell

Applicant's Address: 34282 Central Avenue

City: Frankford State: DE Zip Code: 19945

Applicant's Phone Number: 302-339-5592

Applicant's e-mail address: ryzach1000@gmail.com



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Last updated 3-12-20

**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Ken Briggs**

DATE: **9/30/2022**

APPLICATION: **C/U 2324 Bedell Automotive**

APPLICANT: **Zachary Bedell**

FILE NO: **SPS-5.04**

TAX MAP &
PARCEL(S): **134-16.00-700.02**

LOCATION: **West side of Central Ave (S.C.R. 84) approximately 350 feet
south of Substation Road (S.C.R. 366)**

NO. OF UNITS: **1**

GROSS
ACREAGE: **5.00**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? .
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? . Is it likely that additional SCCs will be required? **N/A**
If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**

Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **Yes**

(8). Comments: **Property could be served if annexed into the sewer district however, owner would be responsible for substantial infrastructure to obtain a connection point.**

(9). Is a Sewer System Concept Evaluation required? **Not at this time**

(10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

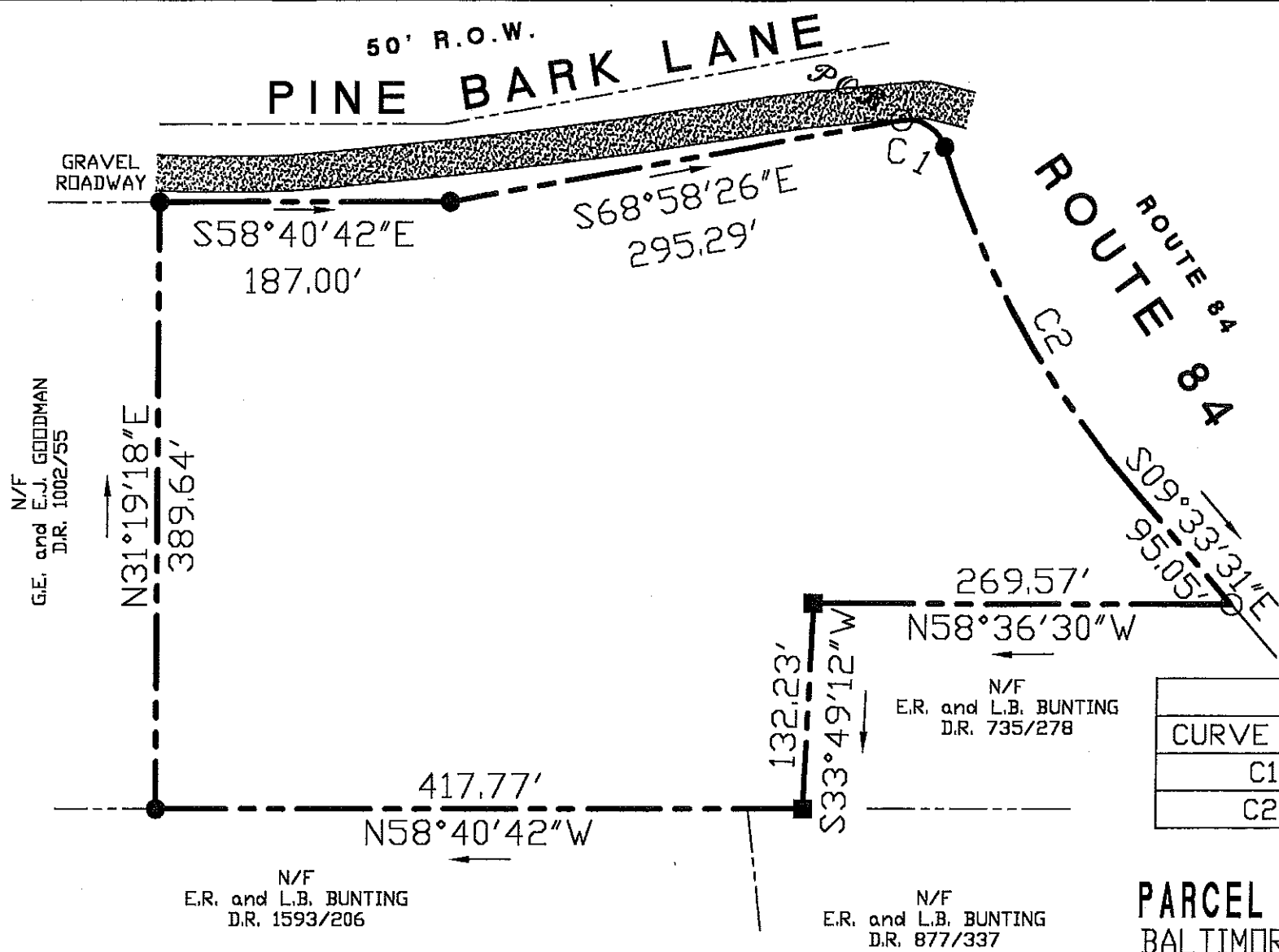
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

DRAWING NUMBER
1 BF - 225



LEGEND:

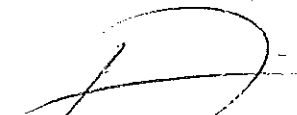
- = IRON PIPE FOUND
- = IRON PIPE TO BE SET
- = CONCRETE MARKER FOUND
- P.O.B. = POINT OF BEGINNING

DEED REF: BOOK 889, PAGE 210
PLOT REF: BOOK 20, PAGE 46
CLASS "B" SURVEY

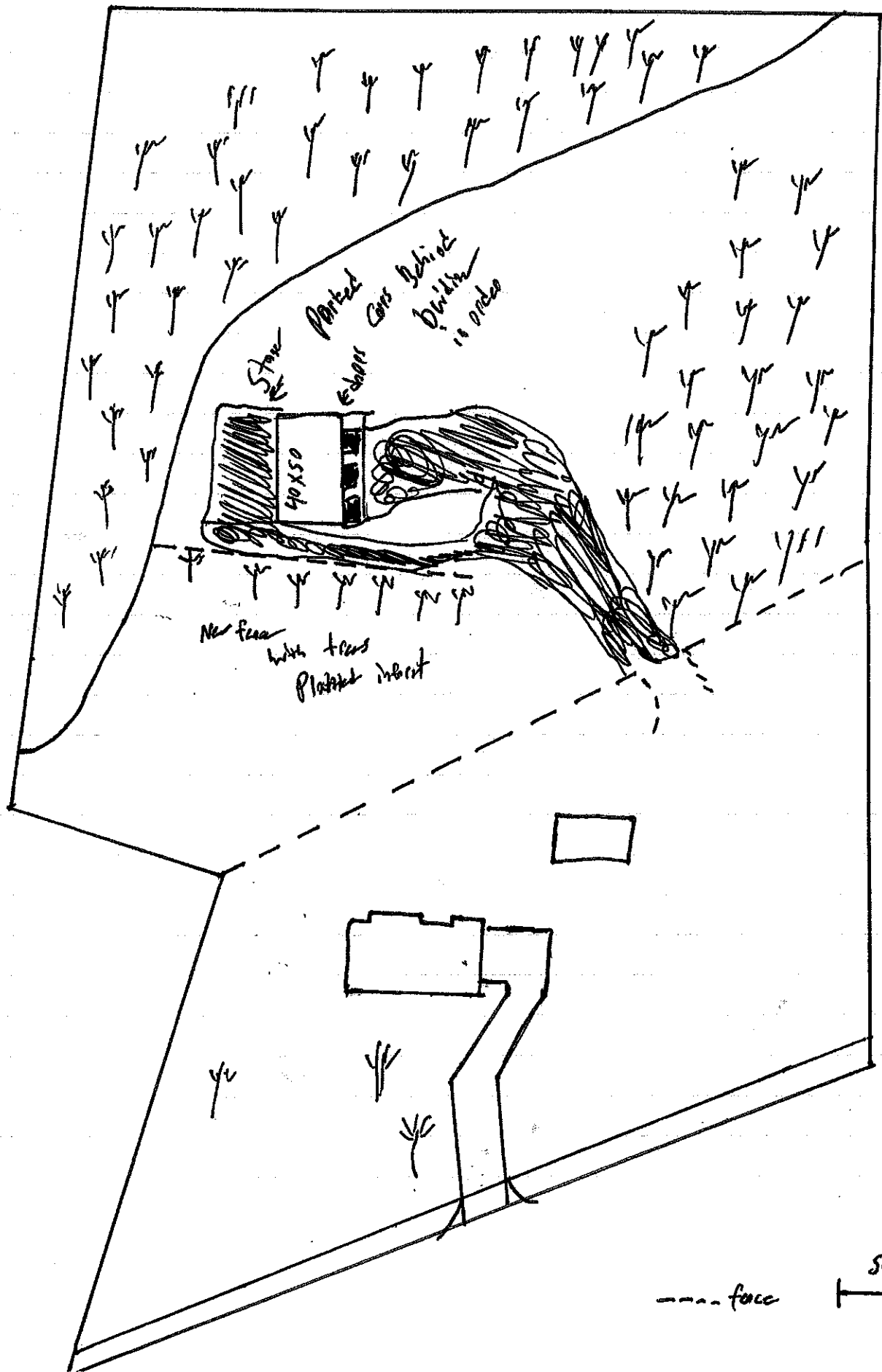
CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD DIRECTION	CH. DIST.
C1	35.93	25.00	N27°48'04"W	32.92
C2	256.43	640.83	S01°54'19"W	254.72

PARCEL OF HERBERT G. and ELIZABETH V. ZINZER
BALTIMORE HUNDRED - SUSSEX COUNTY - DELAWARE

-I HEREBY STATE THAT THIS LOT SURVEY WAS PERFORMED IN ACCORDANCE WITH ACCEPTABLE LOCAL SURVEYING STANDARDS FOR THE EXCLUSIVE USE OF THE PRESENT OWNER AND THOSE WHO PURCHASE OR ISSUE TITLE INSURANCE TO THIS LOT WITHIN SIX MONTHS FROM THE MOST RECENT DATE HEREON. THIS SURVEY IS NOT TRANSFERABLE.
-UNLESS THIS PLAT HAS AN EMBOSSED SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
-THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NONEXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING OR AFFECTING THIS LOT.
-NO TITLE SEARCH WAS PROVIDED OR STIPULATED.


DANIEL J. McCANN, PLS 634

<p>McCANN, Inc.</p> <p>Established 1968</p> <p><i>Our History is Your Security</i></p> <p>SURVEYING * SITE PLANNING</p> <p>GEORGETOWN, DE. BETHANY, DE. DOVER, DE.</p> <p>(302) 856-7956 (302)539-0202 (302)674-4777</p>	DATE: AUGUST 19, 2003
	AREA: 5.00± ACRES
	SCALE: 1" = 100'
	DWN.BY: DAN
	F.B. 166/81
	W.D. 03-08-3026
T.M. 1-34-16.00-700.02	



Planted Area Behind Division
 in video

New fence
 with trees
 Planted in front

40x50

50 ft

--- face

Elliott Young

From: Ron Goodman <rgoodman@preferred-fire.com>
Sent: Friday, September 30, 2022 3:53 PM
To: Planning and Zoning
Subject: C/U2324 - Zachary Bedell

pposition
Exhibit
RECEIVED

Follow Up Flag: Follow up
Flag Status: Completed

SEP 30 2022

Categories: Lauren

SUSSEX COUNTY
PLANNING & ZONING

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.

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

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

RECEIVED

OCT 03 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Elliott Young

From: Sean Cummings <scummings@mikenbuilders.com>
Sent: Friday, September 30, 2022 5:16 PM
To: Elliott Young
Cc: Zoe Cummings
Subject: Zachary Bedell - 34282 Central Ave, Frankford, DE 19945

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.

Good evening,

My name is Sean Cummings. My wife, Zoe Cummings, and I are writing in response to the sign erected regarding a public hearing for the above property.

We are OPPOSED to this going ahead.

The owner already operates in the evenings and through the night and his property has become a junkyard. We are concerned it will worsen if he is legally given the ok to operate.

He also uses our road 'Pine Bark Ln' and has clients wait along there. Some of these clients are unsettling to say the least.

We have a 5 year old who catches the bus right out front and also have 2 younger children who will one day be doing the same. We don't like the idea of them being out there with this property right next door.

Please feel free to call myself or my wife to discuss.

Sean 202-381-0471
Zoe 302-448-1662

Kind regards,
Sean Cummings

RECEIVED

OCT 03 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Get [Outlook for iOS](#)

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

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.

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

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.

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

•

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

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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

RECEIVED

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





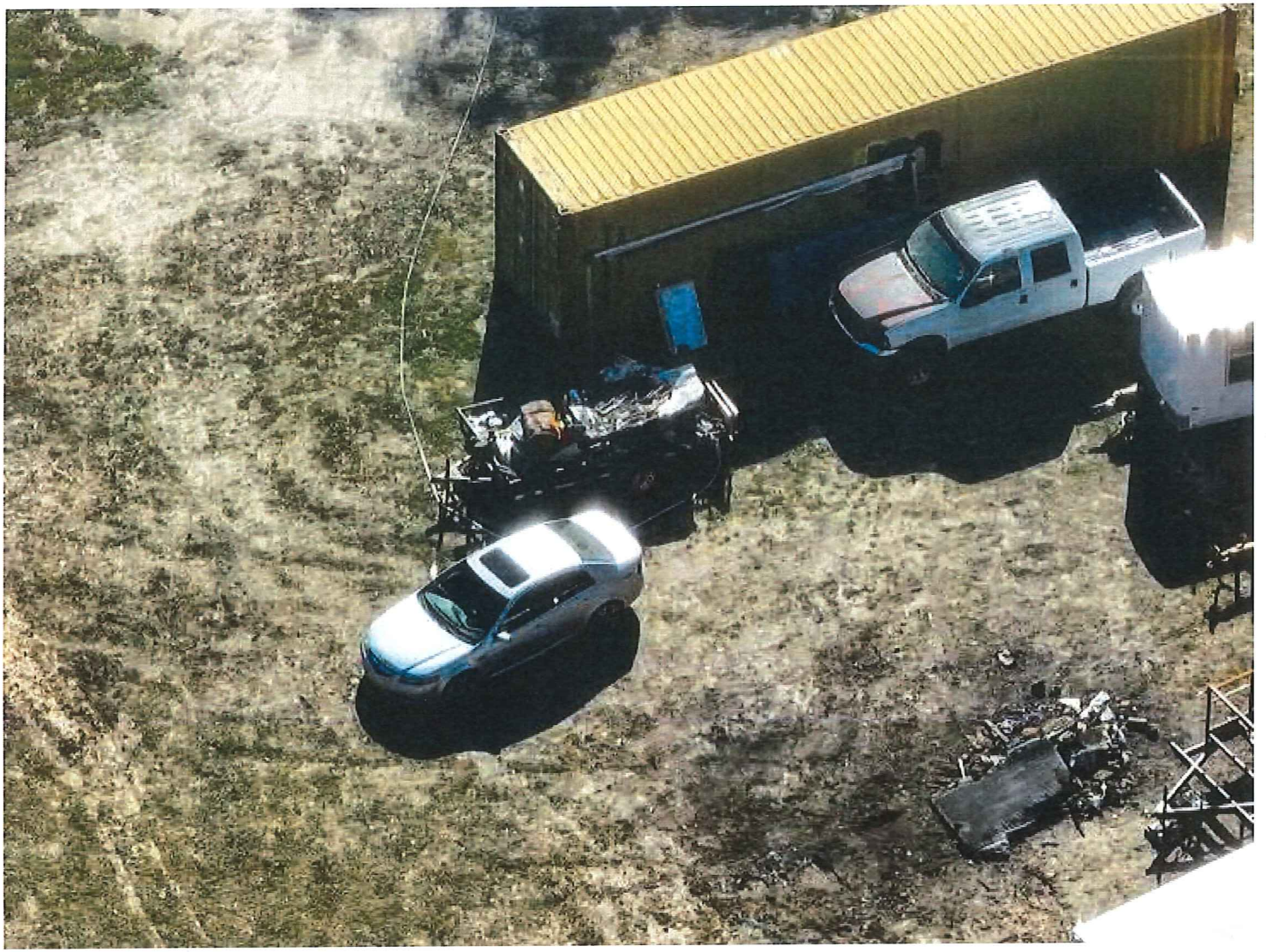














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Thank you,

Ronald R. Goodman





Jamie Whitehouse

From: TomFord <tjford51@aol.com>
Sent: Thursday, October 13, 2022 11:06 AM
To: Jamie Whitehouse
Cc: ryzach1000@gmail.com; ryzach2@mchsi.com
Subject: C/U 2324

Received after
PZC Public Hearing
before
CC Public Hearing

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SUPPORT EXHIBIT

Jamie,

On today's agenda is an application for a Public Hearing C/U 2324

Please include my comments on the Above C/U for Zachary Bedell application to provide Automotive and Boat maintenance services on his Central Ave. property.

I live just over a mile from the subject property and own several vehicles from which Zach has serviced. He is a talented and skilled mechanic that works on vehicles not typically serviced by local repair shops such as Dump/ Construction trucks and diesel engines. His property would support this operation without any undue hardship to surrounding neighbors.

I find his unique service very valuable to the area and fully support the Commissions approval of his application.

Tom Ford
35227 Bayard Rd.
Frankford, DE 19945