

PLANNING & ZONING COMMISSION

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R. KELLER HOPKINS
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Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 28th, 2022

Application: 2022-05 Lands of John and Anna Marie LeCates

Applicant: John and Anna Marie LeCates
20987 Ann Avenue
Rehoboth Beach, DE 19971

Owner: John and Anna Marie LeCates
20987 Ann Avenue
Rehoboth Beach, DE 19971

Site Location: The site is located on the southwest side of Conleys Chapel Road (S.C.R. 280-B), approximately 0.2 mile west of Qual Drive.

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 5 – Mr. Rieley

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: On-site septic systems

Water: On-site well

TID: Within

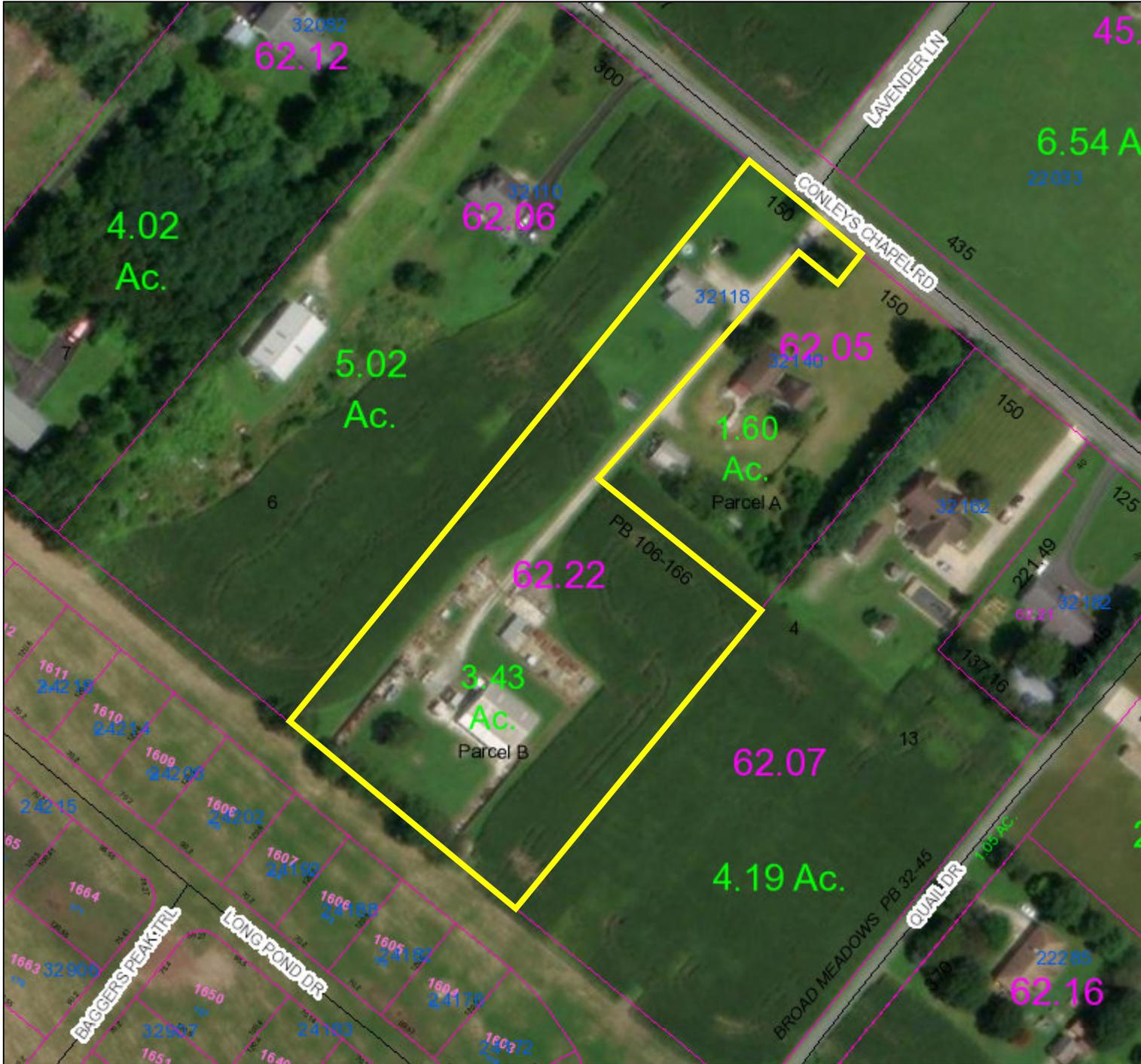
Site Area: 5.03 acres +/-

Tax Map ID: 234-11.00-62.05, 62.22



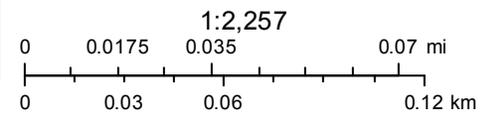


Sussex County



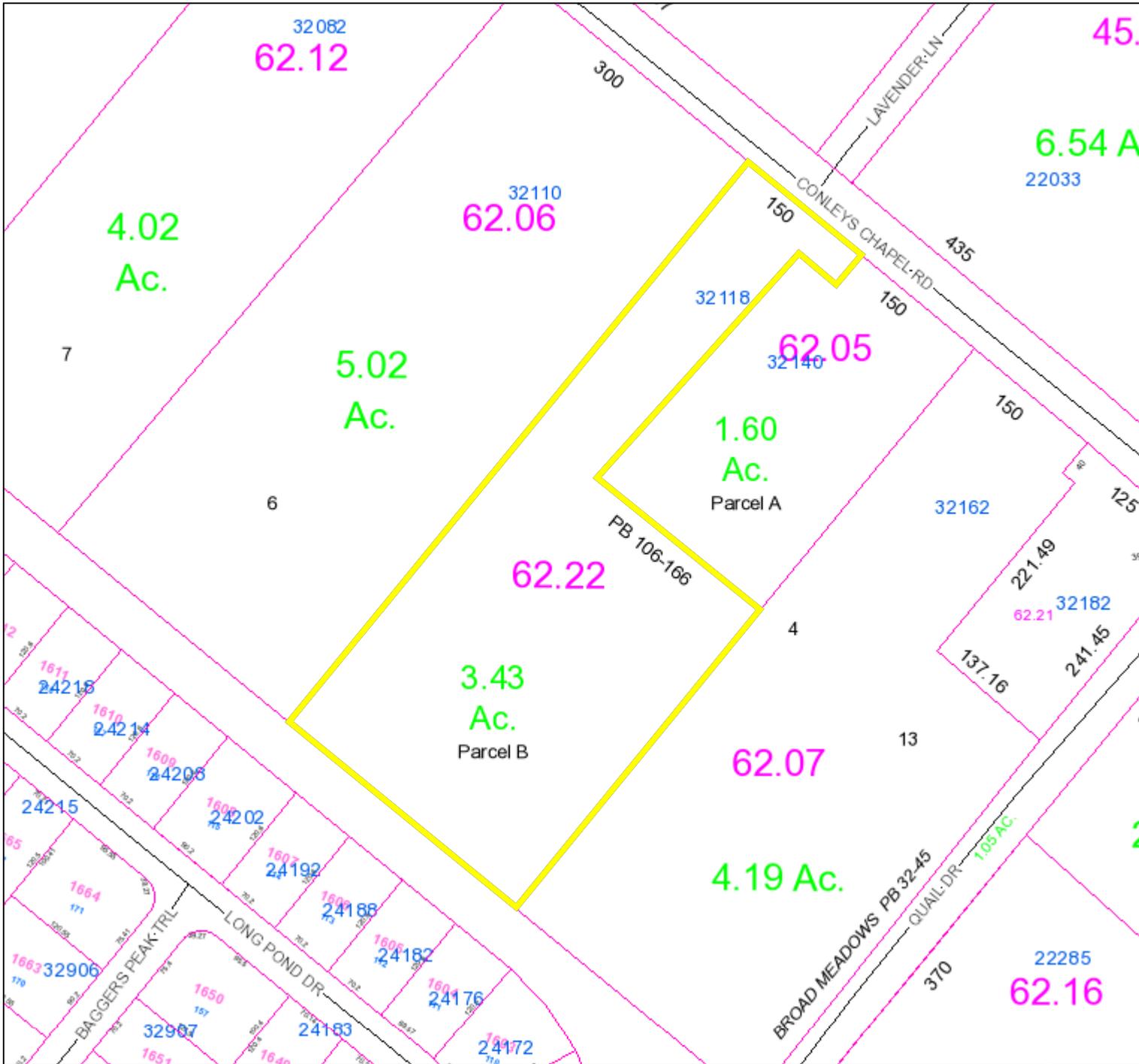
PIN:	234-11.00-62.22
Owner Name	LECATES JOHN
Book	3382
Mailing Address	20987 ANN AVE
City	REHOBOTH BEACH
State	DE
Description	SW/CONLEYS CHAPEL RD
Description 2	1540'NW/RT 277
Description 3	PARCEL B
Land Code	

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



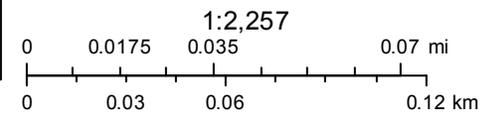


Sussex County



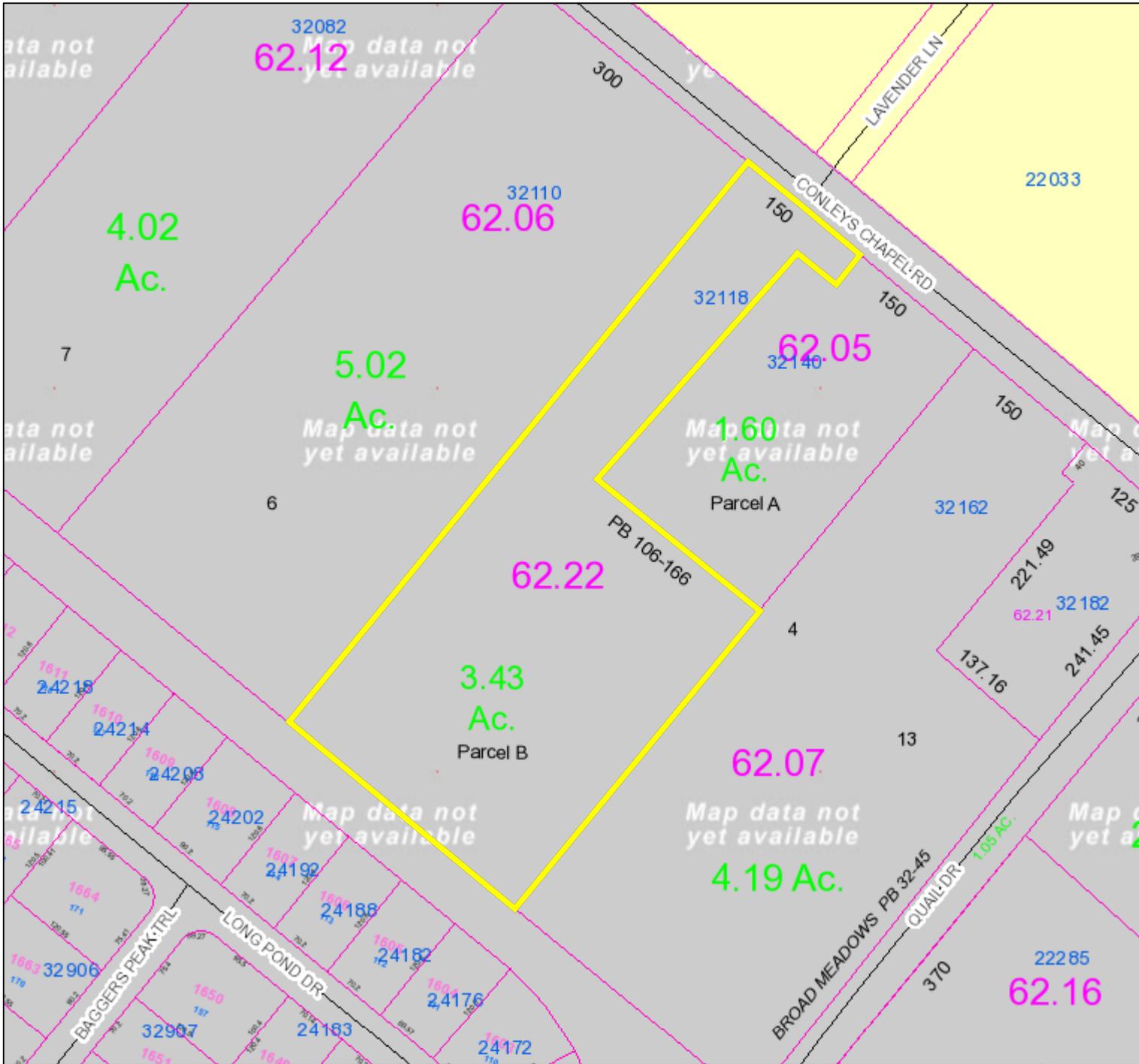
PIN:	234-11.00-62.22
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- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries





Sussex County



PIN:	234-11.00-62.22
Owner Name	LECATES JOHN
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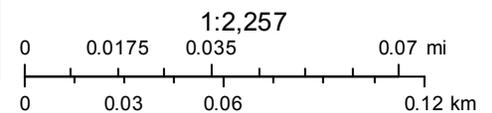
polygonLayer

Override 1

polygonLayer

Override 1

-  Tax Parcels
-  911 Address
-  Streets



File #: 2022-05
Pre-App Date: _____

Sussex County Major Subdivision Application Application: 202202040

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

Previous Application: 2020-04

Type of Application: (please check applicable)

Standard:
Cluster:
Coastal Area:

Location of Subdivision:

Rd 280B LEWES, DE 19958

Proposed Name of Subdivision:

Tax Map #: 234-11.00-62.05 & 62.22 Total Acreage: 5.03 ac +/-

Zoning: AR-1 Density: _____ Minimum Lot Size: _____ Number of Lots: 3

Open Space Acres: _____

Water Provider: _____ Sewer Provider: _____

Applicant Information

Applicant Name: John H LeCates
Applicant Address: 20987 Ann Ave.
City: Rehoboth State: DE Zip Code: 19971
Phone #: 302 236 2705 E-mail: _____

Owner Information

Owner Name: John H & Anna M LeCates
Owner Address: 20987 Ann Ave
City: Rehoboth State: DE Zip Code: 19971
Phone #: 302 236 2705 E-mail: me109346@yankee.com
Meissa Brzezelsky (Correspondent) Cell: 302-752-0066

Agent/Attorney/Engineer Information

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



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

___ Completed Application

___ Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)

- o Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- o Provide compliance with Section 99-9.
- o Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

___ Provide Fee \$500.00

___ Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) 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.

___ PLUS Response Letter (if required) Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)

___ 51% of property owners consent if applicable

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 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

X John H. Le Cates

Date: 2-14-2022

Signature of Owner

X John H. Le Cates

Date: 2-14-2022

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

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

33021578-0017 Lindsey S 02/14/2022 11:20AM

PERMITS / INSPECTIONS
SUBDIVISION - FEE
2022 Item: 202202040/2005 500.00

500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 0350

Charge due 0.00

Paid by: JOHN LECATES

JOHN H. LECATES 01-27	360
PERMIT DIVISION	DATE 2-14-22
PAID TO: Sussex County Commission	\$ 500.00
Five hundred and 00/100	DOLLARS & CENTS
West Bank	
Subdivision	John H. Lecates

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

JENNIFER COHAN
SECRETARY

September 22, 2017

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
John Lecates
Tax Parcel # 234-11.00-62.22
SCR 280B – Conleys Chapel Road
Indian River Hundred, Sussex County

Dear Ms. Cornwell:

The Department of Transportation has reviewed the Minor Subdivision Plan dated June 15, 2017 (last revised July 25, 2017), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel

John Lecates
Ms. Janelle Cornwell
Page 2
September 22, 2017

that jurisdiction to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,



Steve Sisson
Sussex County Subdivision Engineer
Development Coordination

cc: Stephen Sellers, Miller Lewis
Jessica L. Watson, Sussex Conservation District
William Kirsch, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Todd Sammons, Subdivision Engineer
Jonathan Moore, Sussex County Reviewer

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/11/2022**

APPLICATION: **2022-05 Lands of John and Anna Marie LeCates**

APPLICANT: **John and Anna Marie LeCates**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-11.00-62.05 & 62.22**

LOCATION: **Lying on the southwest side of Conleys Chapel Road (SCR 280-B, approximately 0.2 mile west of Quail Drive.**

NO. OF UNITS: **3 single-family lots**

GROSS
ACREAGE: **5.03 +/-**

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 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (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? **N/A**. 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? **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? **No**
- (8). Comments: **The proposed subdivision of land is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (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

MILNER
LEWIS, INC. LAND SURVEYING

1560 MIDDLEFORD RD.

• SEAFORD, DE. 19973

March 23, 2020

Sussex County Planning and Zoning Commission
2 The Circle
P. O. Box 417
Georgetown, DE. 19947

RE: JOHN H. & ANNA MARIE LECATES, T.M.#234-11.00-62.22
MAJOR SUBDIVISION

Dear Mr. Whitehouse,

The subject major subdivision will be submitted to Planning and Zoning Commission soon. On behalf of the applicant we respectfully request a waiver of the topographic, 30 buffer zone and county street construction requirement due to the minimal number and size of the lots.

Please feel free to call or email with any questions you may have.

Sincerely,



Stephen M. Sellers, PLS

enclosure

RECEIVED
10/20/2020
GROUNDWATER



563846

25092 Oak Road Phone & Text: (302) 629-2989
Seaford, DE 19973 Email: jayduke@comcast.net

SITE EVALUATION APPROVAL PAGE

The soils on this site are approved when the following is completed in full and signed by the approving authority. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit. All references to the Regulations refer to The Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems Amended 1/11/2014.

Owner(s) Name: John & Anna Marie LeCates **Tax Map #:** 2-34-11-62.22
Lot #: B
Address: 20987 Ann Ave. **Phone:** (302) 236-4939
Rehoboth Beach, DE 19971 **Email:** jayduke@comcast.net

Initial System Type: Low-pressure pipe (LPP) on-site wastewater treatment and disposal system (OWTDS). See Exhibit O in the Regulations. Other OWTDS options include any conventional/alternative technologies approved by DNREC. *This property is located within the Inland Bays or Chesapeake Bay Watersheds; Nitrogen Reducing Technologies meeting PSN3 must be incorporated in the design of the OWTDS.*

Location of Drain Field: In the vicinity of soil borings (SB) #1 - #3 (hatched area on the plot plan).

Depth to Limiting Zone: 36" to redox depletions & concentrations.

Replacement System Type: Same as above if space permits. Otherwise, the replacement system may be sand-lined in the vicinity of the initial system.

Location of Drain Field: In the immediate vicinity of soil borings referred to above.

Depth to Limiting Zone: Same as above.

Design Comments

1. Maintain all isolation distances specified in Exhibit C of the Regulations.
2. Maintain a 100' isolation distance from all domestic wells and 150' from all public wells.
3. If the 100' isolation distance to the existing domestic well cannot be maintained, it can be reduced to a minimum isolation distance of 50', in accordance with Exhibit C of the Regulations.
4. **To avoid soil compaction, the area in the vicinity of the proposed drainfield should be identified and protected from any vehicular traffic or stockpiling of any material. In addition, any tree removal in this vicinity should be conducted according to DNREC strict guidelines.**

Instructions to the Property Owner

1. Contact a Class C System Designer.
2. A permeability rate of 80 minutes per inch (mpi) has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 629-2989 or DNREC [(302) 856-4561 in Sussex or (302) 739-9947 in Kent] for testing information.
3. Read the attached Site Evaluation Report for additional information.

Report prepared by: Joseph C. Duke, Jr., CPSS **Date of report:** October 19, 2020
Class "D" License #: 4048

For Official Use Only

Field checked: _____ **Expiration Date:** 10/21/25
DNREC Reviewing Soil Scientist J **Approval Date:** 10/21/20

Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

IF THERE ARE QUESTIONS REGARDING THIS REPORT CONTACT CLASS D LICENSEE
THE CLASS D LICENSEE IS RESPONSIBLE FOR ERRORS/OMISSIONS



25092 Oak Road
Seaford, DE 19973

Phone & Text: (302) 629-2989
Email: jayduke@comcast.net

SITE EVALUATION REPORT PAGE

Owner(s) Name: John & Anna Marie LeCates **Tax Map #:** 2-34-11-62.22
Lot #: B

Address: 20987 Ann Ave. **Phone:** (302) 236-4939
Rehoboth Beach, DE 19971 **Email:** jayduke@comcast.net

Property Location: SW side of Conley's Chapel Road

Acreage: 3.43 acres±

Date of Evaluation: 10/13/2020

Central Water Available: No

Wooded: No

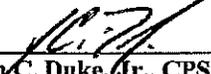
2007 SWMP: None per DNREC Navigator

FEMA V zone: None per DNREC Navigator

HUC 12: 20403030101

<u>Soil Profile #:</u>	<u>Limiting Zone Depth:</u>	<u>Limiting Zone Inferred From:</u>	<u>Subgroup Taxonomic Classification:</u>	<u>Free Water:</u>
SB #1	36"	redox concentrations & depletions	Oxyaquic Paleudult	>60"
SB #2	36"	redox concentrations & depletions	Oxyaquic Paleudult	>60"
SB #3	36"	redox concentrations & depletions	Typic Paleudult	>60"

Summary of Evaluation: This site evaluation was conducted to assess the soil's suitability for siting an OWTDS. The evaluated portion of this parcel occupies a nearly level to gently sloping landscape position of a broad interstream divide that was part of an agricultural field at the time of this evaluation. The evaluated soils in the vicinity of SBs #1 - #3 (hatched area) are moderately well drained and moderately permeable. The soils in this vicinity meet the current regulatory requirements for an LPP OWTDS. *This property is located within the Inland Bays or Chesapeake Bay Watershed; Nitrogen Reducing Technologies meeting PSN3 must be incorporated in the design of the OWTDS.* Soil borings were located in reference to the structures that are depicted on the survey by Miller-Lewis Inc. of Seaford, DE.

Report prepared by: 
Joseph C. Duke, Jr., CPSS

Date of report: October 19, 2020
Class "D" License #: 4048

Note: Information contained in this Site Evaluation Approval & Report and shown on the accompanying plot plan reflects current Delaware Department of Natural Resources and Environmental Control (DNREC) policies and procedures at the time of evaluation. Changes made to the property or to adjacent properties after the evaluation was conducted may preclude or modify wastewater disposal regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate, it does not guarantee a wastewater disposal permit and should not be construed as a survey. All information should be verified by interested parties prior to design and installation of the wastewater disposal system. Interpretations made in this evaluation are intended for siting and design of an on-site wastewater disposal system only and are not suitable for other uses. Unless this report has been reviewed and approved by DNREC, it constitutes only a technical opinion rendered and does not constitute an approval for siting or design of any wastewater disposal system on this site.

SUSSEX COUNTY

Layers Search Basemaps Select Area

Print Help

Hide search results >>

Search results

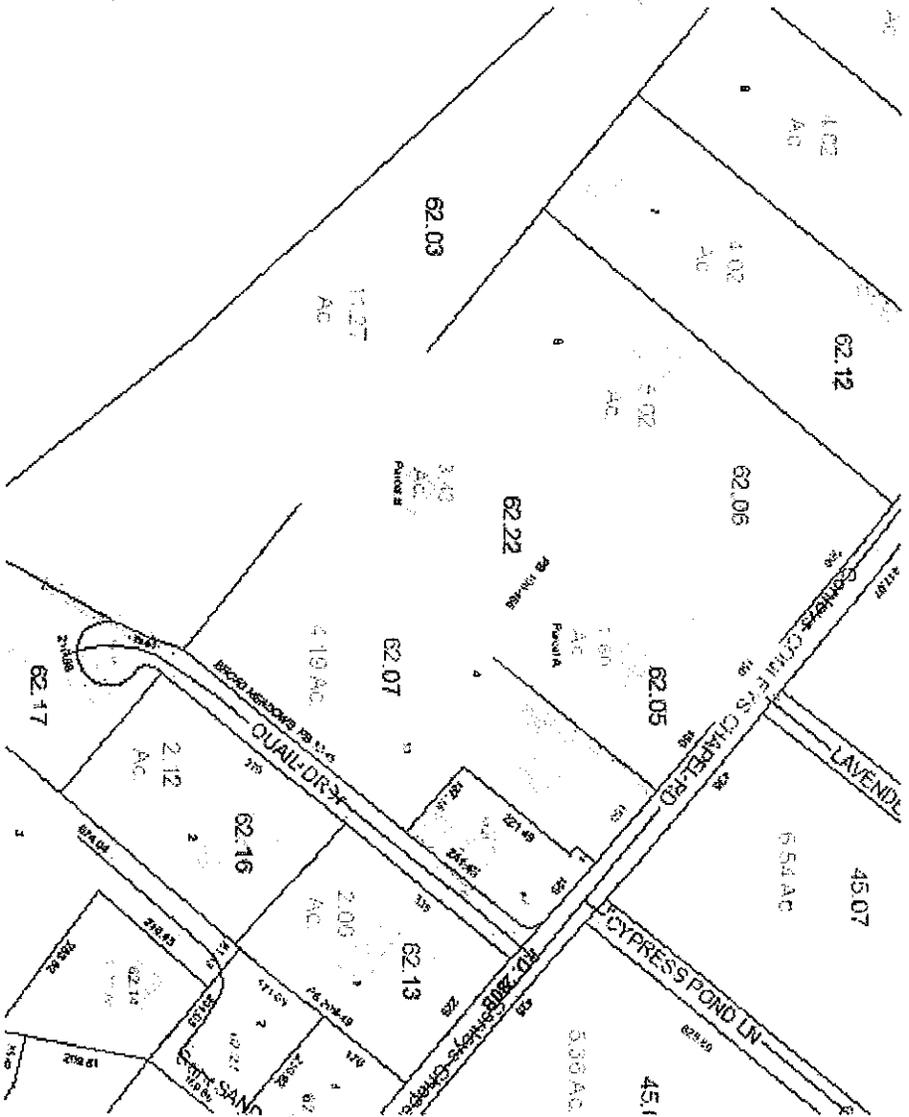
Clear Selected

Selected Features:

Parcels (1)

1) 234-11.00-62.22

Zoom



Book	3382
Page	267
Owner Name	LECATES JOHN
Second Owner Name	ANNA MARIE LECATES
Mailing Address	20987 ANN AVE
City	REHOBOTH BEACH
State	DE
Sewer Account	

Selected Features (1)

SUSSEX COUNTY

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Basemaps

Select Area

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Search results

Clear Selected

Selected Features:

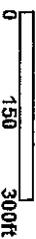
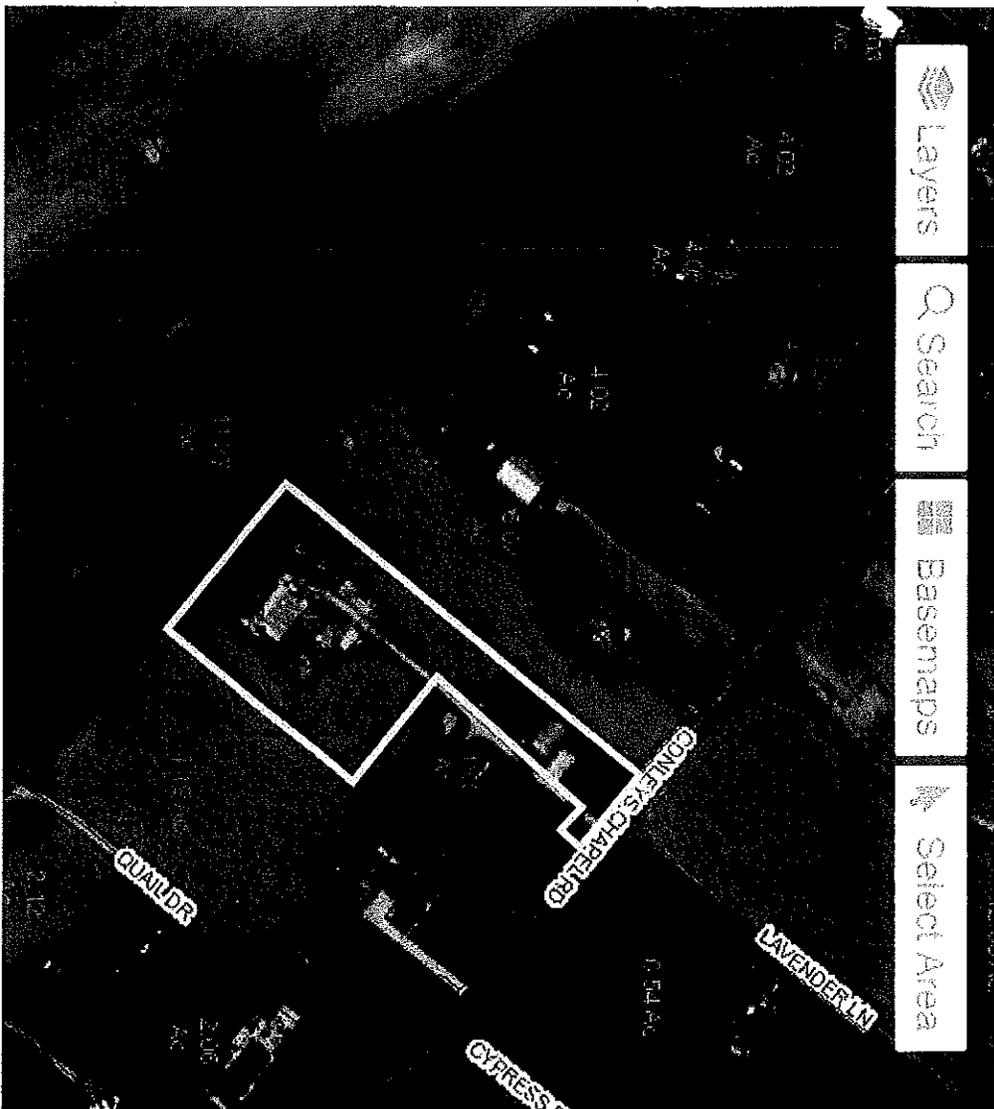
Parcels (1)

>

1) 234-11.00-62.22

Zoom

Book	3382
Page	267
Owner Name	LECATES JOHN
Second Owner Name	ANNA MARIE LECATES
Mailing Address	20987 ANN AVE
City	REHOBOTH BEACH
State	DE
Description	SW/CONLEYS CHAPEL



Selected Features (1)



25092 Oak Road
Seaford, DE 19973

Phone & Text: (302) 629-2989
Email: jayduke@comcast.net

Soil Profile Note Page

Property Owner: L. Carter Date: 10/13/2020
Property Location: S/ Conroy Chapel Rd Lot #: B

Soil Boring#: 1 Slope: 1-2 % Relief: gently sloping
Estimated Permeability: 80 MPI Limiting Zone: 36" to redox depth: core
Taxonomic Classification: Oxyaquic Paleudult Free Water: >60 "
GPS: N 38° 41 ' 02.36 " W 75° 11 ' 27.76 "

Horizon	Depth below soil surface	Matrix Color	Mottles	Ab. S. Con.	Texture	Structure	Const.
A _p	0 - 8	10YR 4/3	—	—	sl	2 ang	f
E _p	8 - 20	10YR 4/4	—	—	fsd	2 msh	f
B _{t1}	20 - 30	10YR 5/6	—	—	fsd	2 msh	f
B _{t2}	30 - 36	10YR 4/4	—	—	sl	1 msh	f
C ₁	36 - 48	2.5Y 4/1	10YR 6/8 1/2 10YR 4/2	cr	sl	1 msh	f
C ₂	48 - 60	10YR 4/2	5YR 9/8	cr	sd	1 msh	f

Described By: _____

Soil Boring#: 2 Slope: 1-2 % Relief: gently sloping
Estimated Permeability: 60 MPI Limiting Zone: 36" to redox depth: core
Taxonomic Classification: Oxyaquic Paleudult Free Water: >60 "
GPS: N 38° 41 ' 02.97 " W 75° 11 ' 25.76 "

Horizon	Depth below soil surface	Matrix Color	Mottles	Ab. S. Con	Texture	Structure	Const.
A _p	0 - 8	10YR 4/2	—	—	fsd	2 ang	f
B _{t1}	8 - 30	10YR 4/6	—	—	fsd	2 msh	f
B _{t2}	30 - 36	10YR 4/4	—	—	sl, sd	1-2 msh	f
B _{t3}	36 - 46	10YR 4/4	10YR 4/8 10YR 4/2	cr	usd	2 msh	f
C	46 - 60	2.5Y 4/4	10YR 4/2 10YR 4/8 1/2	cr	usd	m	f
-	-	-	-	-	-	-	-

Described By: _____

Joseph C. Duke, Jr. CPSS, Class D License #: 4048

SB# 3, 40" to redox, 40 mpi, Typic Paleudult FW= >60"
GPS: N 38° 41 ' 04.23 " W 75° 11 ' 27.61 "

PARID: 234-11.00-62.22
 LECATES JOHN

ROLL: RP
 32118 CONLEYS CHAPEL RD

Property Information

Property Location:	32118 CONLEYS CHAPEL RD
Unit:	
City:	LEWES
State:	DE
Zip:	19958
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	234 - INDIAN RIVER
School District:	6 - CAPE HENLOPEN
Council District:	3-Burton
Fire District:	82-Lewes
Deeded Acres:	3.4300
Frontage:	0
Depth:	.000
Irr Lot:	
Zoning 1:	AR-1-AGRICULTURAL/RESIDEINTIAL
Zoning 2:	-
Plot Book Page:	106 166/PB
100% Land Value:	\$12,000
100% Improvement Value	\$25,400
100% Total Value	\$37,400

Legal

Legal Description	SW/CONLEYS CHAPEL RD 1540'NW/RT 277 PARCEL B
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Owners

Owner	Co-owner	Address	City	State	Zip
LECATES JOHN	ANNA MARIE LECATES	20987 ANN AVE	REHOBOTH BEACH	DE	19971