

**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, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2255 John Sommers

Applicant: John Sommers  
101-3 Coastal Highway  
Fenwick Island, DE 19944

Owner: John Sommers  
101-3 Coastal Highway  
Fenwick Island, DE 19944

Site Location: Northwest side of Roxana Road (Rt. 17), approximately 0.55 of a mile southwest of Burbage Road (S.C.R. 353)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Bicycle shop – sales, renting, repair, and storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millville Fire District

Sewer: On-site septic system

Water: On-site well

Site Area: 2.9 acres +/-

Tax Map ID.: 134-15.00-95.03



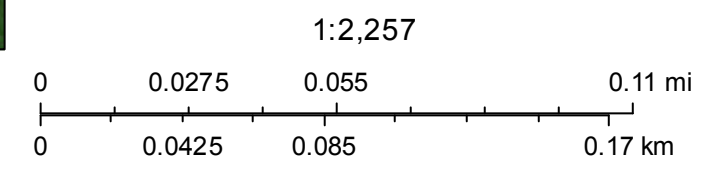


# Sussex County



<b>PIN:</b>	134-15.00-95.03
<b>Owner Name</b>	SOMMERS JOHN J
<b>Book</b>	4648
<b>Mailing Address</b>	101-3 COASTAL HIGHWAY
<b>City</b>	FENWICK ISLAND
<b>State</b>	DE
<b>Description</b>	NW/RT 17
<b>Description 2</b>	LOT B
<b>Description 3</b>	N/A
<b>Land Code</b>	

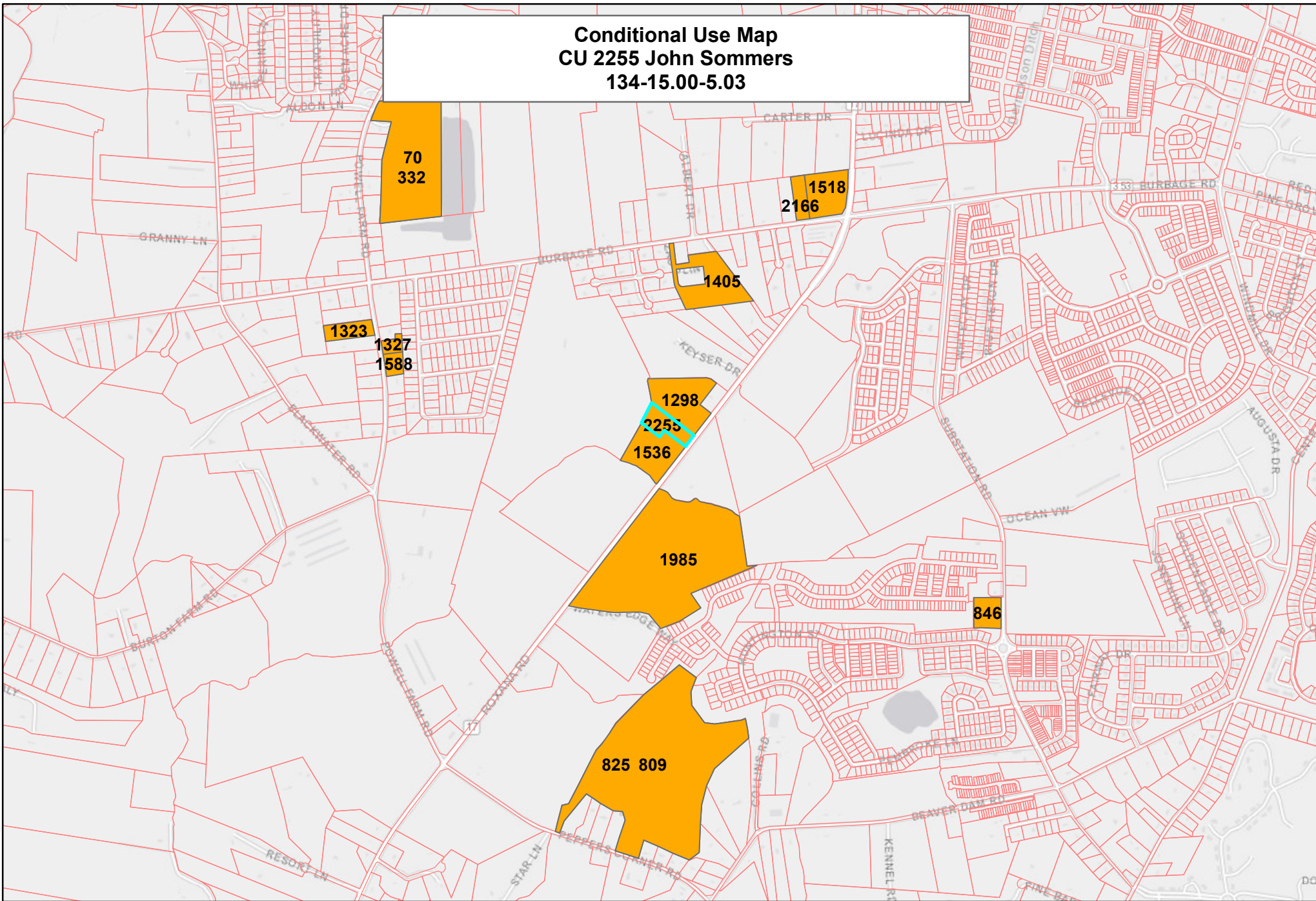
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets



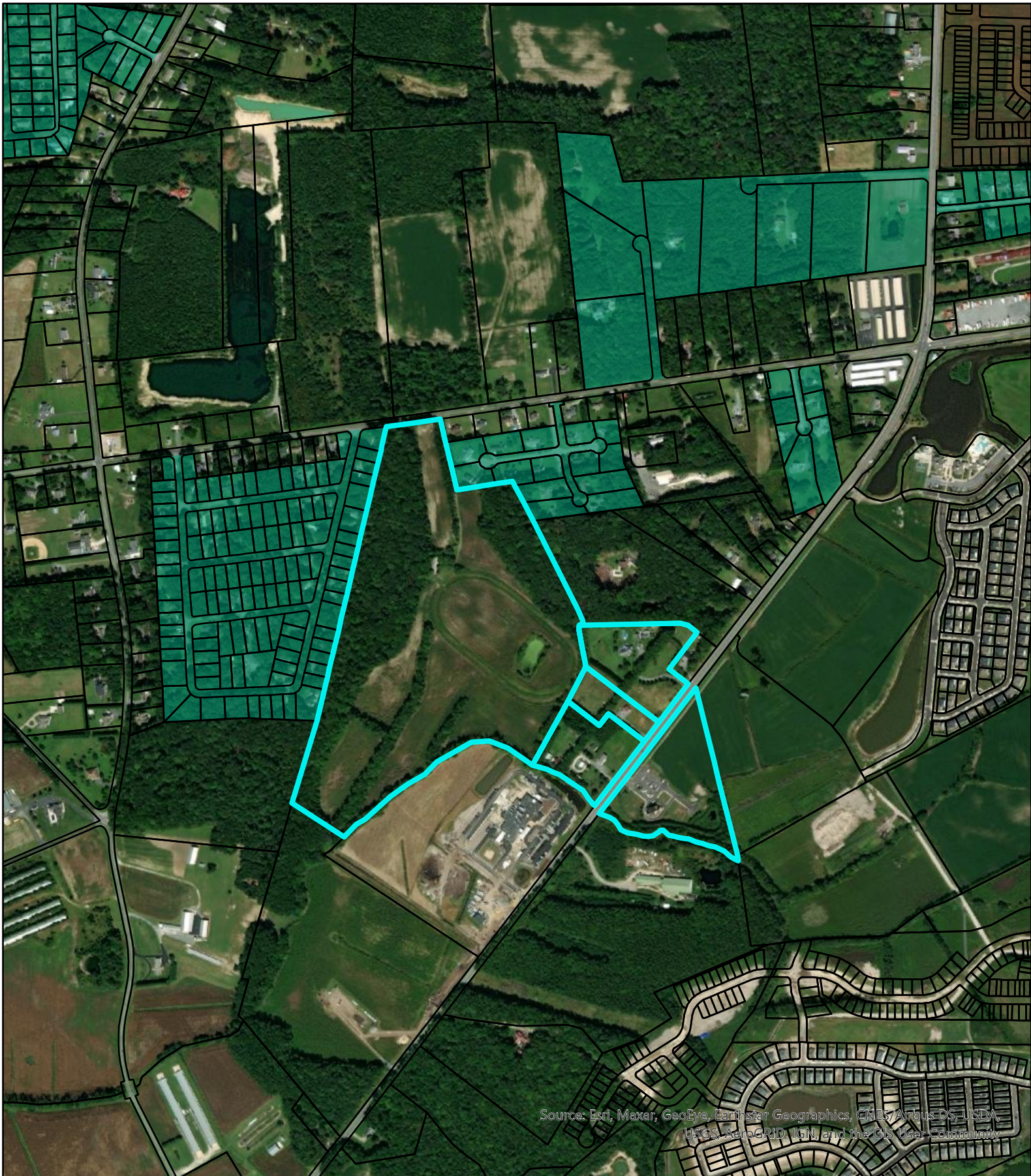


# Sussex County

Conditional Use Map  
CU 2255 John Sommers  
134-15.00-5.03



Mailing List Exhibit CU 2255 (John Sommers)

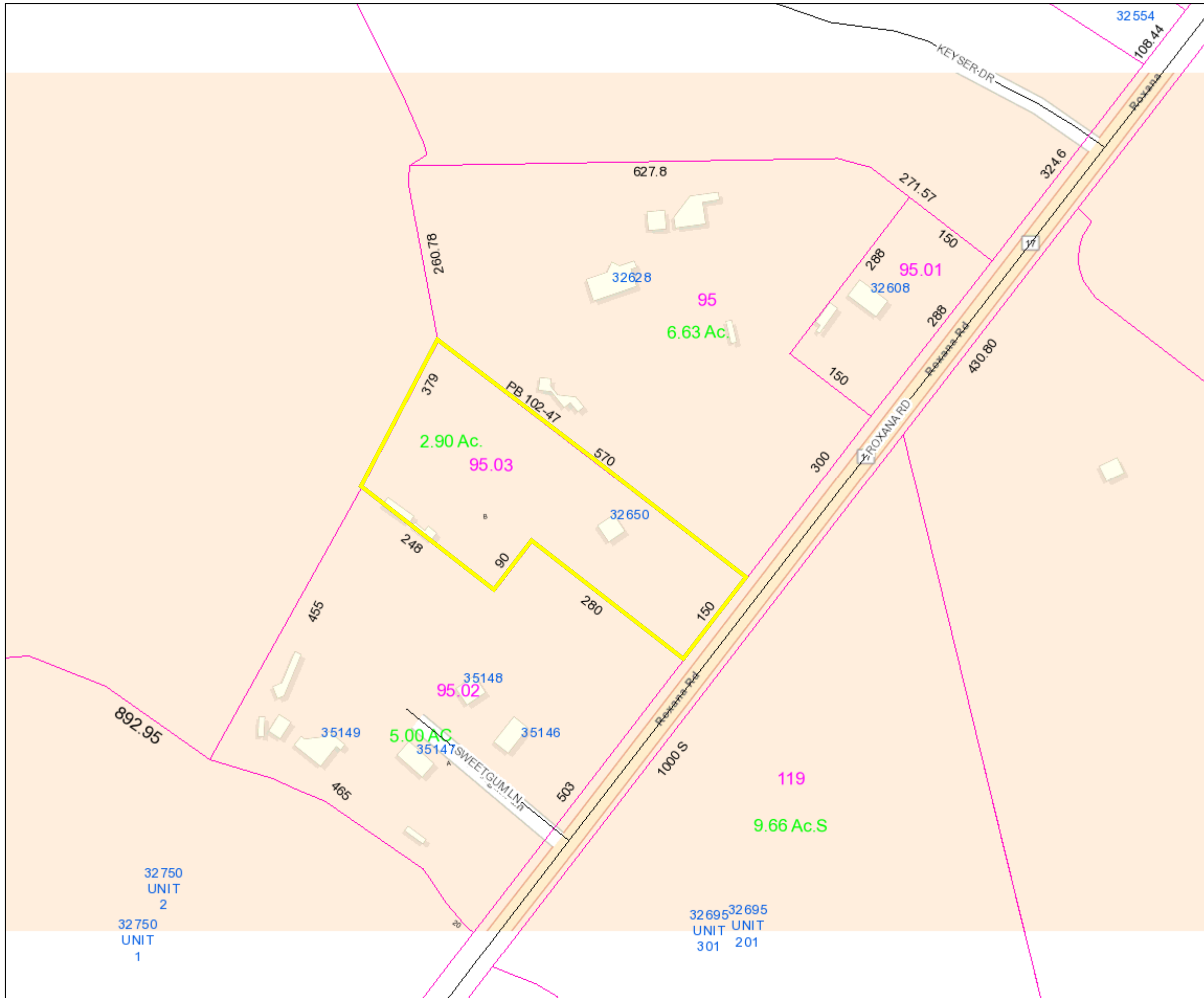


0 0.05 0.1 0.2 Miles





# Sussex County



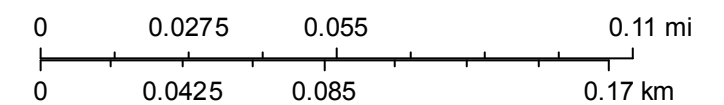
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- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

1:2,257





# Sussex County



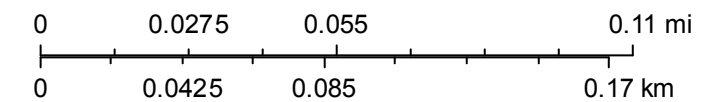
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<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

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- polygonLayer**

  - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

1:2,257



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



**Sussex County**  
DELAWARE  
sussexcountycle.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2255 John Sommers

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This memo provides a background and an analysis for the Planning Commission to consider as a part of the Conditional Use Application for John Sommers (CU 2255) to be reviewed during the August 3<sup>rd</sup>, 2021, 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 (C/U 2255) to allow for a bicycle repair shop to be located on the northwest side of Roxana Road (Rt. 17), approximately 0.55 mile southwest of Burbage Road (S.C.R. 353). The subject property is Tax Parcel 134-15.00-95.03, and the total area of the site is 2.9 acres +/-.

The 2018 Sussex County 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 the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south and west of the subject property also have the land use designation of "Coastal Area." The parcels on the opposite side of Roxana Road (Rt. 17) are within the jurisdiction of the Town of Millville.

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are expected to accommodate residential and economic growth and protect and preserve environmentally sensitive areas. Specifically, the Comprehensive Plan states that a range of housing types, including townhomes and multi-family units, be permitted. Housing is permitted at a density of 2 units to the acre and medium densities (4-12 units per acre) may be appropriate in certain areas. It is envisioned that Coastal Areas encourage retail and offices uses; however, larger shopping centers and office parks could be confined to select locations. Lastly, the Coastal Area designation encourages the expansion of central water and sewer facilities as it is feasible.

The subject property is within an Agricultural Residential (AR-1) Zoning District. The properties to the north, south, east, and west are all within the AR-1 Zoning District. As mentioned above, the parcels on the opposite side of Roxana Road are within the Town of Millville; therefore, there is no zoning designation.

Since 1971, there has been one (1) Conditional Use application filed with the Planning and Zoning Department within a one-mile radius from the subject site. Conditional Use No. 174, to allow for a wood working shop, was initially heard by the Sussex County Council on December 11<sup>th</sup>, 1973,



Staff Analysis  
CU 2278 Branson James  
Planning and Zoning Commission August 12<sup>th</sup>, 2021

and approved. The Ordinance number is currently unknown. Attached is a map that represents both the subject application and C/U 174.

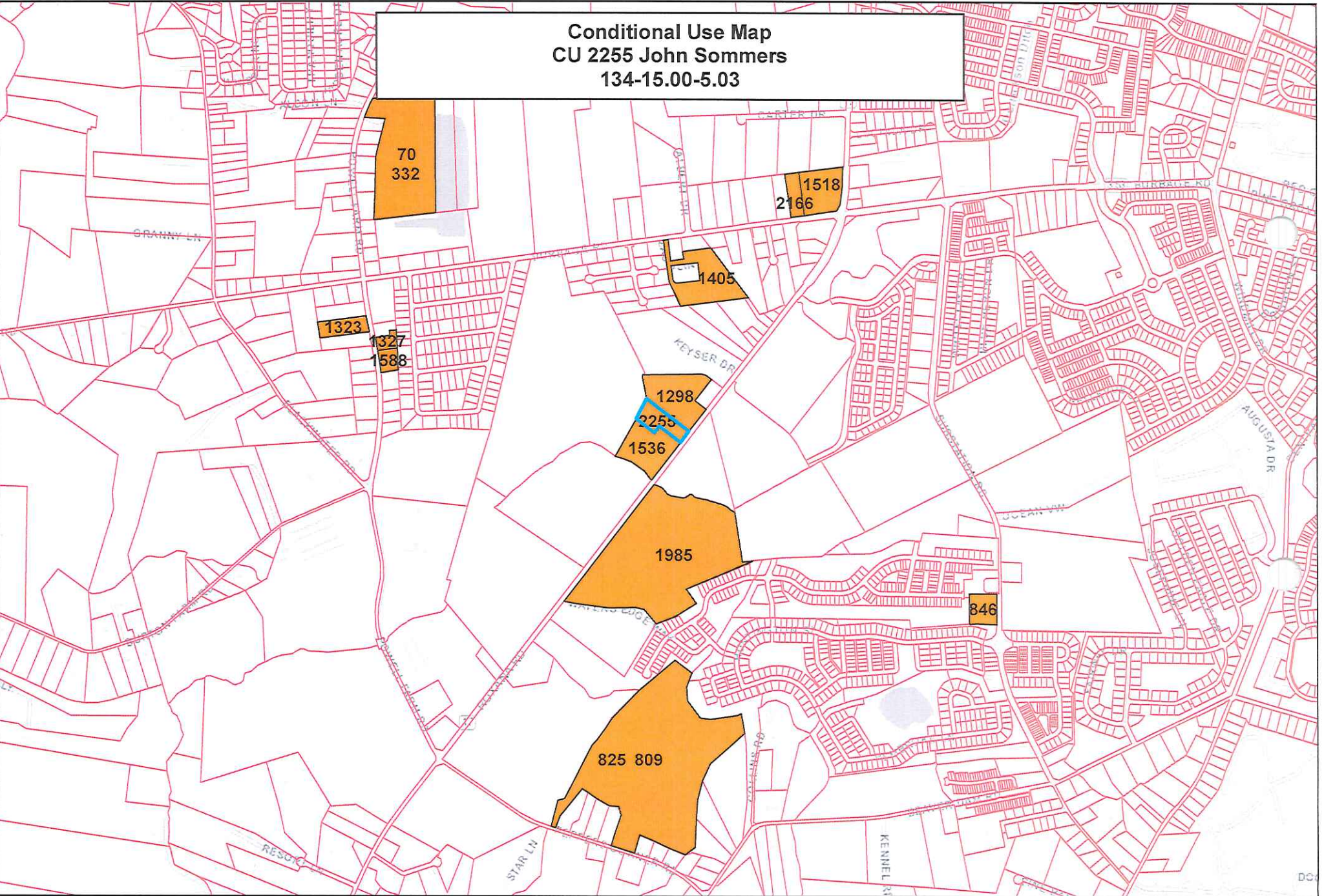
Based on the analysis provided, this Conditional Use request for an events venue, subject to considerations of scale and impact, could be determined to be consistent with the surrounding land uses, zoning, and environment.





# Sussex County

Conditional Use Map  
CU 2255 John Sommers  
134-15.00-5.03



CU #	Tax Parcel ID	APPLICANT	Zoning	Proposed Use	P&Z Recommendation	P&Z Recommendation Date	CC Decision	CC Decision Date
2255	134-15.00-95.03	John Sommers	AR-1	Bicycle sales, repair, storage		<Null>		<Null>
2166	134-11.00-226.01	Deborah Townsend	AR-1	Professional office and business services with residence	Recommended Approval	4/11/2019	Approved	4/30/2019
1985	134-15.00-118.00	Eugenia Athan	AR-1/MR	Storage Facility	Recommended Approval	4/10/2014	Approved	5/20/2014
1969	134-11.00-207.00	Melvin L. Joseph Construction Co.	AR-1	Borrow Pit	Recommended Approval	10/10/2013	Approved	10/15/2013
1900	134-11.00-207.00	Doris D. Turner	AR-1	Borrow Pit	Withdrawn	6/2/2011	Withdrawn	6/2/2011
1588	134-15.00-24.00	Leroy & JoAnn Marvel	AR-1	small engine repair	Recommended Approval	2/10/2005	Approved	3/15/2005
1536	134-15.00-95.02	Mr. Natural Bottled Water	AR-1	office/warehouse	Recommended Approval	4/29/2004	Approved	5/18/2004
1518	134-11.00-227.00	Atlantic Auction Co., Inc.	AR-1	self storage & professional office	Recommended Approval	1/22/2004	Approved	1/27/2004
1405	134-11.00-808.02	Michael G. McCarthy	AR-1	offices & woodshop	Recommended Denial	5/17/2001	Approved	6/19/2001
1327	134-15.00-23.00	Frank Cochran	AR-1	lawn mower repair & boat storage	Recommended Denial	2/24/2000	Approved	3/21/2000
1323	134-15.00-9.04	Theodore B. Simpler	AR-1	office for surveying firm	Recommended Approval	1/12/2000	Approved	2/1/2000
1298	134-15.00-95.00	Lawrence & Susan Kelly	AR-1	nursery/landscaping/garden center	Recommended Approval	7/22/1999	Approved	8/10/1999
846	134-16.00-1.00	Delaware Electric Cooperative	AR-1	public utility electric substation	Recommended Approval	12/26/1985	Approved	1/14/1986
825	134-15.00-122.00	Morris E. Justice	AR-1	borrow pit	Recommended Denial	5/23/1985	Approved	7/23/1985
809	134-15.00-122.00	Morris E. Justice	AR-1	Borrow Pit	Withdrawn	<Null>	Withdrawn	<Null>
332	134-11.00-216.00	Hogsten	AR-1	campground	N/A	<Null>	Denied	<Null>
70	134-11.00-216.00	James & Marie Hogsten	AR-1	Camping Area	N/A	<Null>	Approved	8/29/1972

# 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**

32050 ROYANNA ROAD FRANKFORD DE 19944

**Type of Conditional Use Requested:**

CONDITIONAL USE FOR THE SALES, RENTALS, STORAGE, REPAIRS  
OF BICYCLES AND RELATED ACCESSORIES 8AM-8PM 7 DAYS

Tax Map #: 1-34-15.00-95.03 Size of Parcel(s): 2.9 ACRES

Current Zoning: AR-1 Proposed Zoning: CU Size of Building: 30 X 30

Land Use Classification: \_\_\_\_\_

Water Provider: ON SITE Sewer Provider: ON SITE

**Applicant Information**

Applicant Name: JOHN SOMMERS

Applicant Address: 101-3 COASTAL HWY

City: FENWICK ISLAND State: DE Zip Code: 19944

Phone #: 302 462 5876 E-mail: FENWICKBIKES@COMCAST.NET

**Owner Information**

Owner Name: SAME AS ABOVE.

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

S —

Date: 12.15.2020

**Signature of Owner**

S —

Date: 12.15.2020

**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: \_\_\_\_\_



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

JENNIFER COHAN  
SECRETARY

August 6, 2020

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 **John Sommers** conditional use application, which we received on July 10, 2020. This application is for an approximately 2.90-acre parcel (Tax Parcel: 134-15.00-95.03). The subject land is located on the northwest side of Roxana Road (Sussex Road 52), approximately 2,900 feet southwest of the intersection of Roxana Road and Burbage Road (Sussex Road 353), in Frankford. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility to operate a bicycle sales, rental, and repair business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Roxana Road where the subject land is located, which is from Daisey Road (Sussex Road 370) to Atlantic Avenue (Sussex Road 26), are 4,780 and 6,152 vehicles per day, respectively.

Based on our review, we estimate that the above land uses 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  
August 6, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
John Sommers, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, 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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/6/2021**

APPLICATION: **CU 2255 John Sommers**

APPLICANT: **John Sommers**

FILE NO: **SPS-5.04**

TAX MAP &  
PARCEL(S): **134-15.00-95.03**

LOCATION: **Northwest side of Roxana Road (Rt. 17), approximately 0.55 of a mile southwest of Burbage Road (SCR 353)**

NO. OF UNITS: **Bicycle shop – sales, rental, repair and storage**

GROSS  
ACREAGE: **2.9**

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? **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? **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: **The proposed CU is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service. It is however contiguous to the existing boundary and if annexed into the sewer district significant infrastructure would have to be installed at the property owner's expense to connect to the existing county infrastructure.**
- (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:

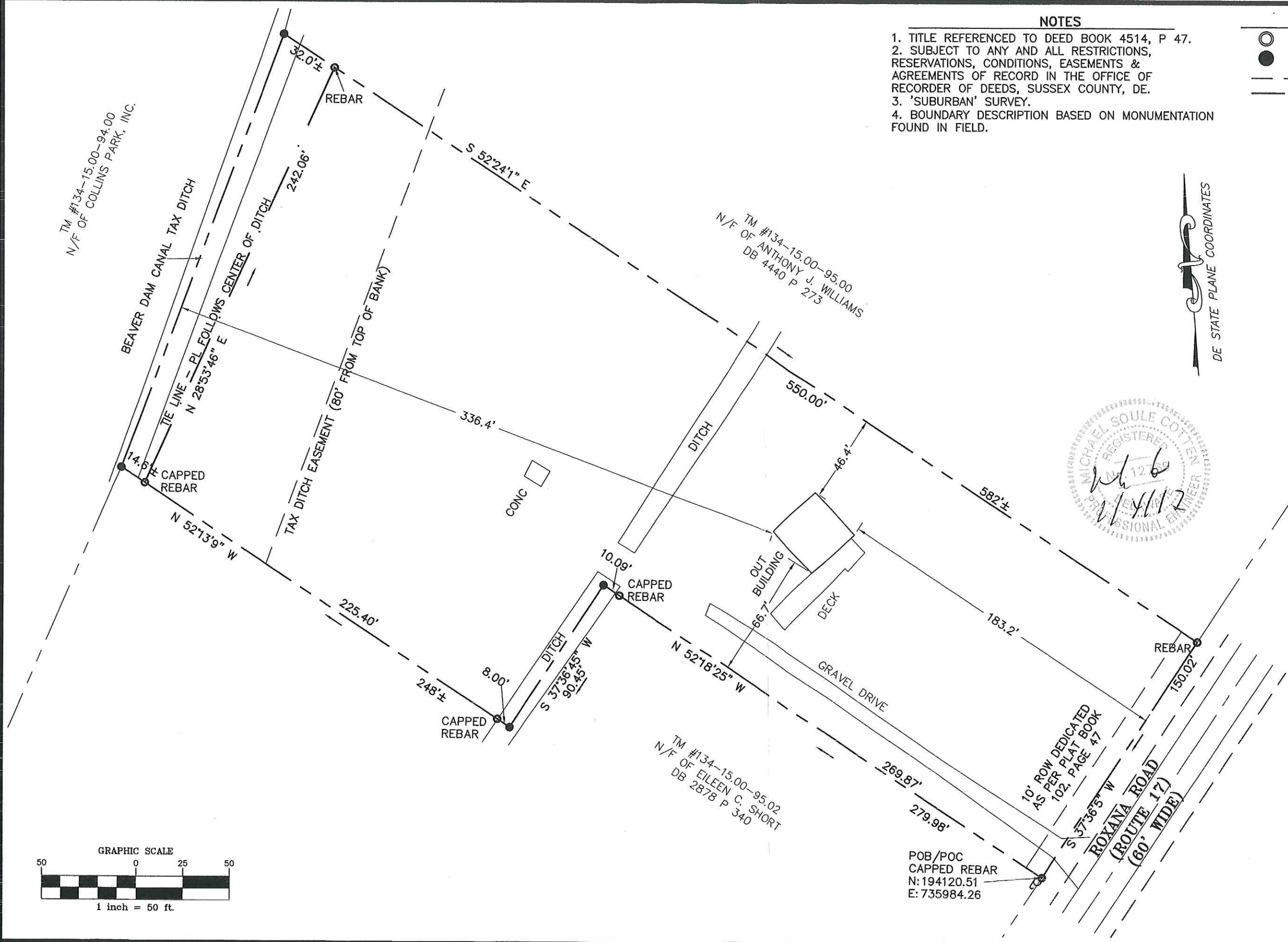
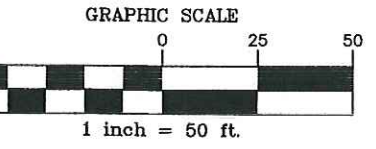


John J. Ashman  
Sr. Manager of Utility Planning & Design Review

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



TM #134-15.00-94.00  
N/F OF COLLINS PARK, INC.



**NOTES**

1. TITLE REFERENCED TO DEED BOOK 4514, P 47.
2. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE.
3. 'SUBURBAN' SURVEY.
4. BOUNDARY DESCRIPTION BASED ON MONUMENTATION FOUND IN FIELD.

**LEGEND**

- IRON PIN FOUND
- POINT
- EDGE OF PAVEMENT
- - - PROPERTY LINE

DE STATE PLANE COORDINATES



**BOUNDARY SURVEY PLAN**

FOR JOHN JOSEPH SOMMERS  
OF THE LANDS N/F OF  
EUGENIA ATHAN  
LOT B,  
LANDS OF LARRY KELLY SUBDIVISION  
ROXANA ROAD  
FENWICK ISLAND, DE 19945  
BALTIMORE HUNDRED  
SUSSEX COUNTY, DELAWARE  
TM# 134-15.00-95.03  
AREA: 107,864±S.F. OR 2.48±AC

**COTTEN ENGINEERING LLC**

CIVIL ENGINEERS  
10087 CONCORD RD.  
SEAFORD DE 19973  
PHONE/FAX (302) 628-9164

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DESIGNED BY: CE	PREPARED BY: CE	JOB # 16-301
DRAWN BY: JCD	DATE: 1/2/2017	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: 1/4" = 50 FEET	

**NOTES**

1. TITLE REFERENCED TO DEED BOOK 4514, P 47.
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**LEGEND**

- IRON PIN FOUND
- POINT
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- - - PROPERTY LINE

DE STATE PLANE COORDINATES



**BOUNDARY SURVEY PLAN**

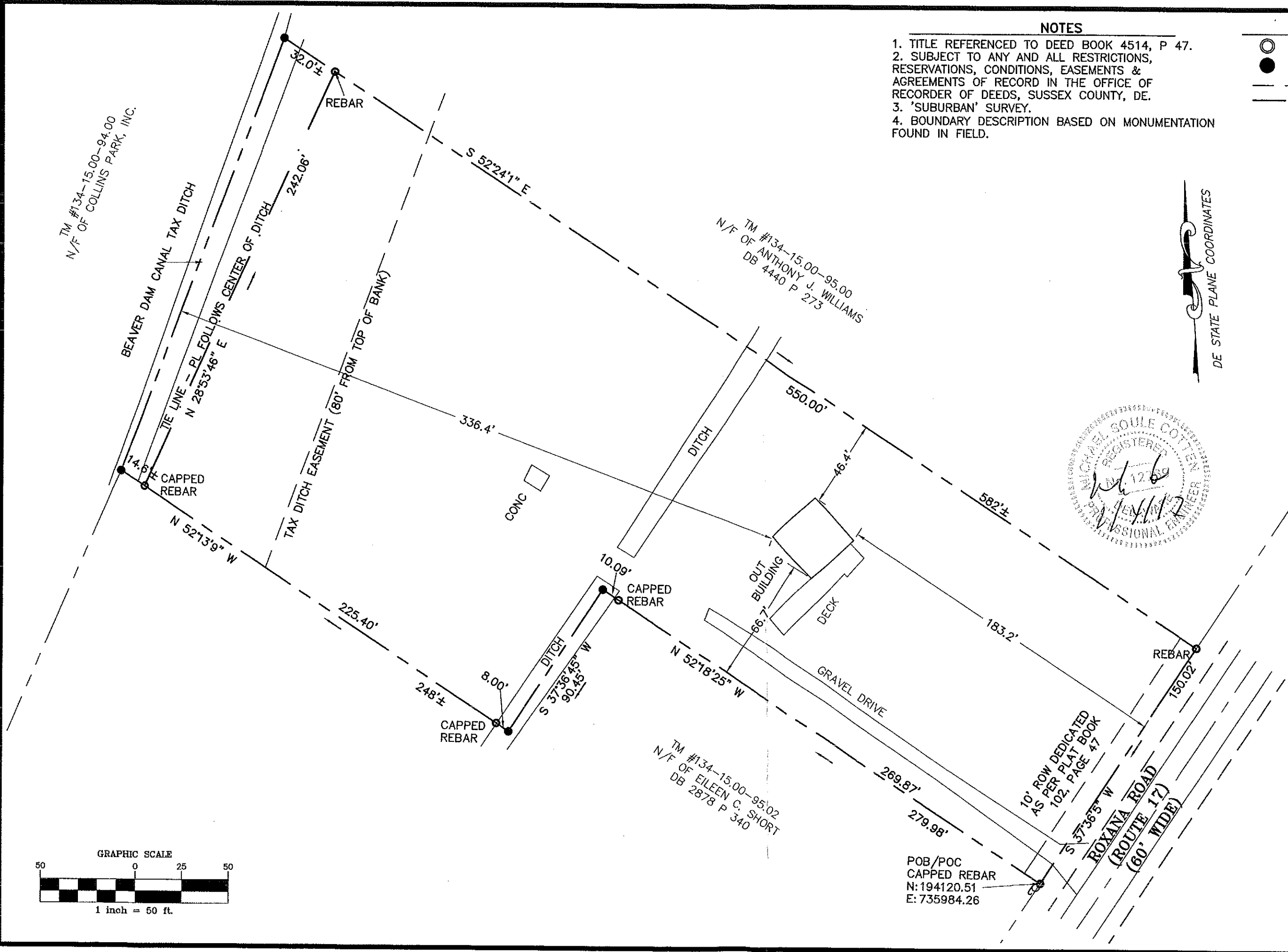
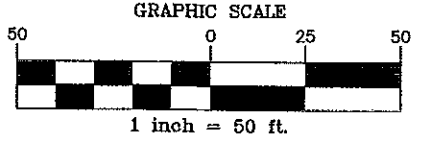
FOR JOHN JOSEPH SOMMERS  
OF THE LANDS N/F OF  
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TM# 134-15.00-95.03  
AREA: 107,864±S.F. OR 2.48±AC

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DESIGNED BY: CE	PREPARED BY: CE	JOB # 16-301
DRAWN BY: JCD	DATE: 1/2/2017	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: 1/4" = 50 FEET	



Alexander M. and Julie Andrews  
32628 Roxana Road  
Frankford, DE 19945  
alecandrews100@gmail.com  
614-582-8810

RECEIVED

August 11, 2021

AUG 12 2021

SUSSEX COUNTY  
PLANNING & ZONING

**Electronically submitted – [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov)**

Hon. Robert C. Wheatley, Chairman  
Sussex County Planning and Zoning Commission  
P.O. Box 417  
Georgetown, DE 19947

Re: File # C/U 2255 – 202015848  
Hearing Date: August 12, 2021  
Applicant: John Sommers  
Conditional Use for Parcel # 1-34-15.00-95.03  
Address: 32650 Roxana Rd., Frankford, DE 19944

Dear Chairman Wheatley:

We write with respect to the above application for a conditional use permit to operate a bicycle sales, rental, storage and repair business at 32650 Roxana Rd. We are the neighboring property owners (Parcel #1-34-15.00-95) adjoining the subject parcel. We respectfully submit the following comments and concerns to be entered into the record at your meeting of August 12, 2021. We regret that we will be unable to attend your meeting due to the press of other events and travel commitments.

The current zoning of and around the subject parcel is AR-1 – Agricultural. Currently, our adjoining property is used for a dwelling and small private horse farm in furtherance of AR-1 zoning, with approved horse fencing, pastures, etc. As noted in staff materials, the area is mainly residential. Those few businesses in the immediate vicinity are low traffic, low volume uses, including, at present, the very welcome Beebe Medical Center, just a few “doors” down Roxana Road.

We are concerned that the allowance of the requested conditional use permit could have an adverse effect on the residential and agricultural setting of the neighborhood. We are also concerned that customers visiting the proposed use would be tempted to stray onto our abutting property to view, pet, or inadvertently interfere with our horses in the pastures next to the subject parcel. This circumstance raises liability issues on our part and could pose a danger to unwary trespassers, and particularly children who may be brought to visit the bike shop. We want to be

sure that our horses are protected and undisturbed, and that Mr. Sommers' customers are also protected.

The above concerns could be alleviated to a great extent by the placement of a line of trees on the subject parcel along its boundary line with our parcel, between the ditch running along Roxana Road and the ditch which crosses the subject parcel approximately midway into the parcel, behind the existing storage shed. Such a tree line, properly designed and placed, could and should provide an effective visual, auditory and pedestrian barrier between our parcels. We request that such a tree line be made a condition of the conditional use permit applied for.

It is also noted that the subject parcel currently has a well which supplies water to old frost-free hydrants on the property. We recently discovered that similar frost-free hydrants on our neighboring property are supplied by the well on the subject parcel, a situation apparently long pre-dating the split of the parcels by prior owner(s). This presents a problem, as operation of the well on the subject parcel causes water to flow from hydrants on our property without warning and in an unwanted fashion. Our back yard can experience flooding when this happens. Accordingly, we request that the applicant be required, as a condition of the conditional use permit sought, to securely cap the underground water line that runs between hydrants on our respective properties at a point before it crosses our property line. This will allow the applicant to operate his well and hydrants on his property without fear that unexpected flooding may occur on our property.

We appreciate your kind attention and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be "John Sommers", written in a cursive style.

Cc: John Sommers – [fenwickbikes@comcast.net](mailto:fenwickbikes@comcast.net)

**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, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2257 (Indian River Volunteer Fire Company, Inc.)

Applicant: Indian River Volunteer Fire Company, Inc.  
32628 Oak Orchard Road  
Millsboro, DE 19966

Owner: Indian River Volunteer Fire Company, Inc.  
32628 Oak Orchard Road  
Millsboro, DE 19966

Site Location: Northeast corner of Oak Orchard Road and Spruce Street, Oak Orchard,  
Millsboro

Current Zoning: General Residential (GR), also split with General Commercial (C-1)

Proposed Use: Boat storage

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County Sewer District

Water: Private Provider

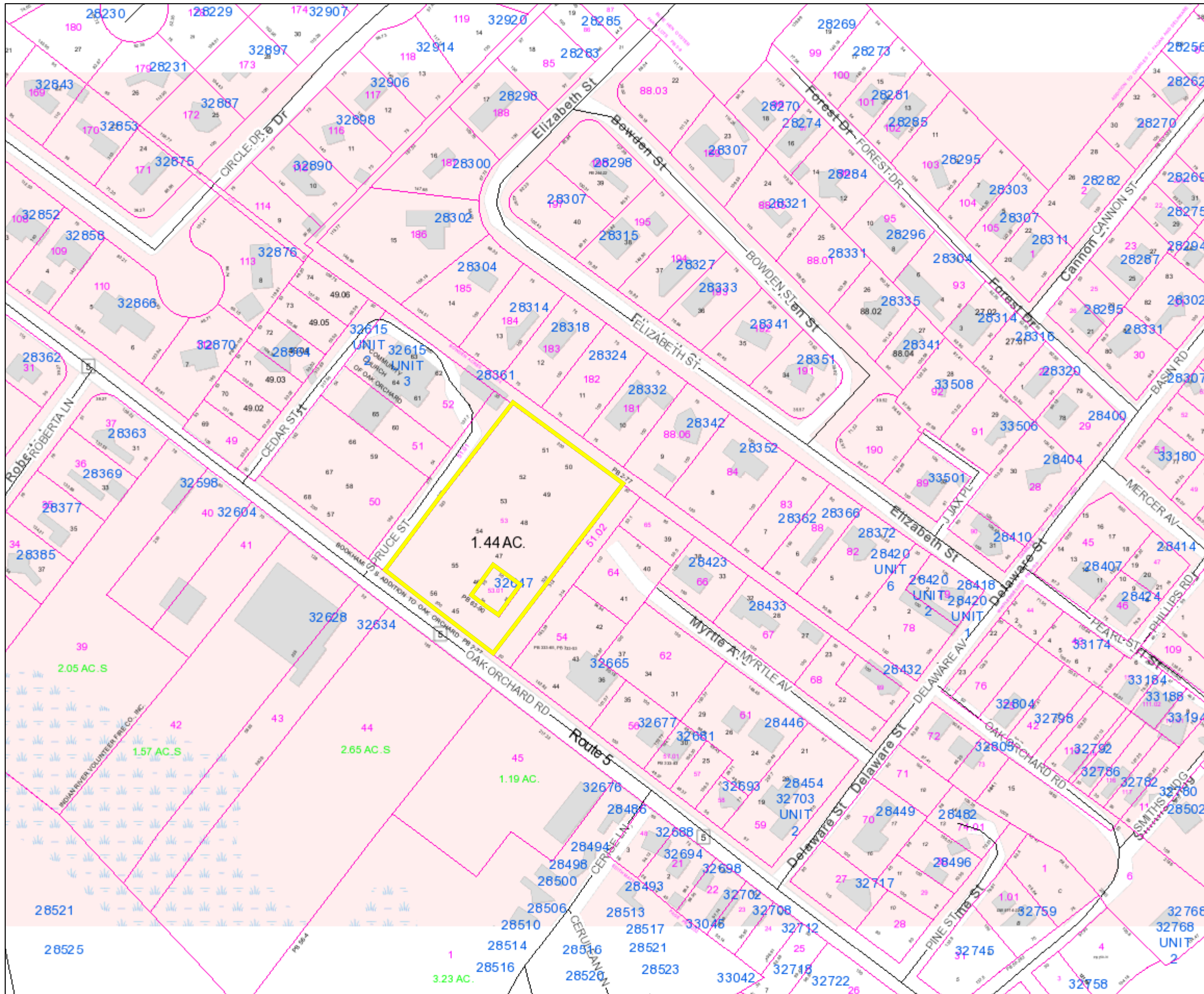
Site Area: 1.006 acres +/- (area for boat storage)

Tax Map ID.: 234-34.08-53.00





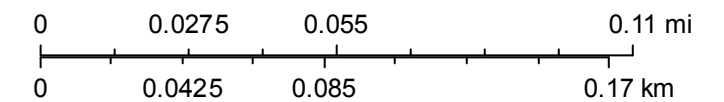
# Sussex County

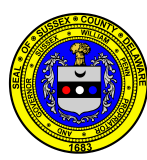


<b>PIN:</b>	234-34.08-53.00	
<b>Owner Name</b>	INDIAN RIVER	VOLUNTEER FIRE CO
<b>Book</b>	799	
<b>Mailing Address</b>	RR 4 BOX 175	
<b>City</b>	MILLSBORO	
<b>State</b>	DE	
<b>Description</b>	OAK ORCHARD	
<b>Description 2</b>	NE/RT 5	
<b>Description 3</b>	7100	
<b>Land Code</b>		

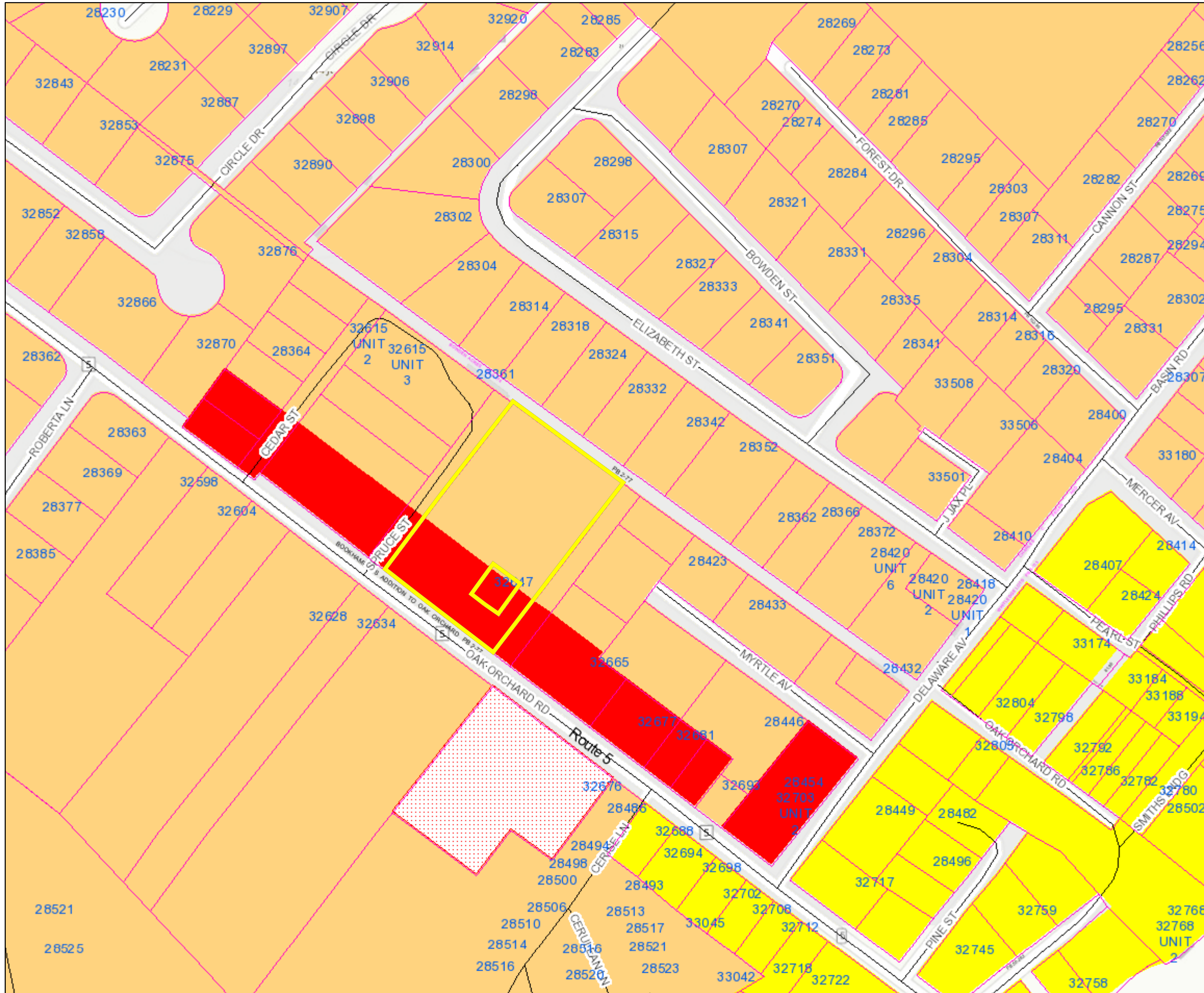
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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# Sussex County



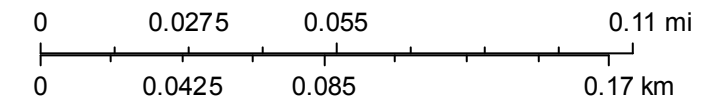
<b>PIN:</b>	234-34.08-53.00
<b>Owner Name</b>	INDIAN RIVER VOLUNTEER FIRE CO
<b>Book</b>	799
<b>Mailing Address</b>	RR 4 BOX 175
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	OAK ORCHARD
<b>Description 2</b>	NE/RT 5
<b>Description 3</b>	7100
<b>Land Code</b>	

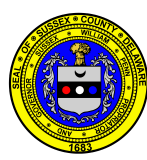
- polygonLayer**

  - Override 1
- polygonLayer**

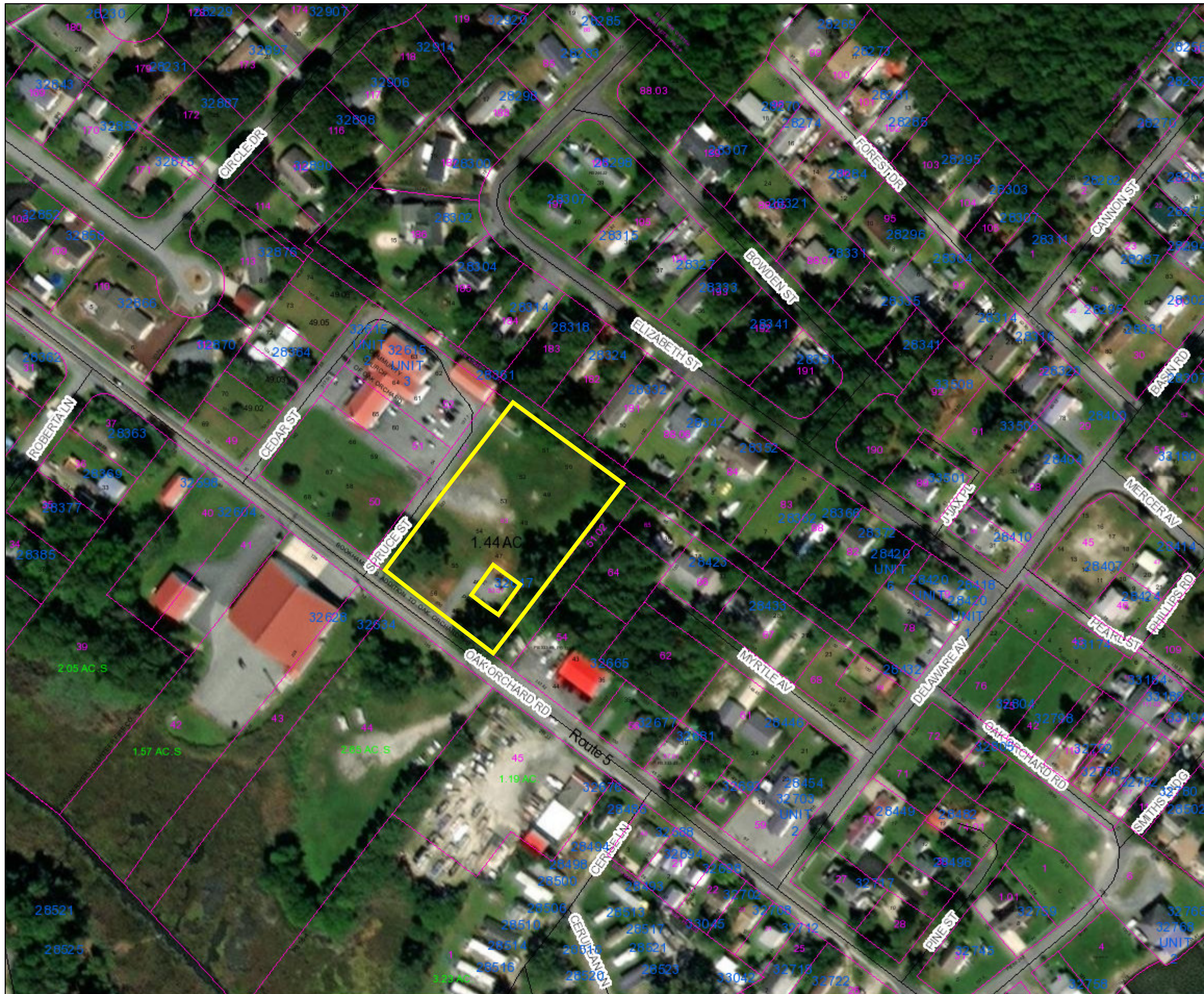
  - Override 1
- Tax Parcels
- 911 Address
- Streets

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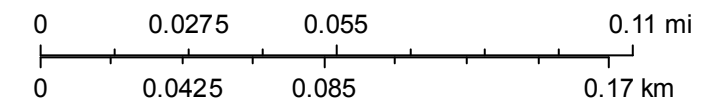
# Sussex County



<b>PIN:</b>	234-34.08-53.00	
<b>Owner Name</b>	INDIAN RIVER	VOLUNTEER FIRE CO
<b>Book</b>	799	
<b>Mailing Address</b>	RR 4 BOX 175	
<b>City</b>	MILLSBORO	
<b>State</b>	DE	
<b>Description</b>	OAK ORCHARD	
<b>Description 2</b>	NE/RT 5	
<b>Description 3</b>	7100	
<b>Land Code</b>		

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

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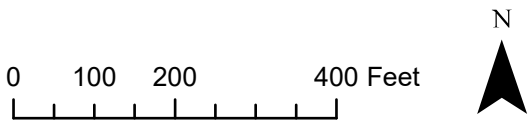




**Mailing List Exhibit for CU 2257  
(Indian River Volunteer Fire Company)**



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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 Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2257 (Indian River Volunteer Fire Company)

---

This memo provides a background and an analysis for the Planning Commission to consider as a part of the Conditional Use application for the Indian River Volunteer Fire Company (CU 2257) to be reviewed during the August 12<sup>th</sup>, 2021, 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.

This Conditional Use application requests an outdoor boat storage yard to be located on the northeast corner of Oak Orchard Road and Spruce Street in Oak Orchard, Millsboro. The property consists of Tax Parcel 234-34.08-53.00 which contains 1.425 acres +/- 1.006 acres (+/-) is proposed to be utilized for the boat storage itself. The remaining portion of Tax Parcel 234-34.08-53.00 is not included in this request.

The 2018 Sussex County 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 the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south and west of the subject property also have the land use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are expected to accommodate residential and economic growth and protect and preserve environmentally sensitive areas. Specifically, the Comprehensive Plan states that a range of housing types, including townhomes and multi-family units, be permitted. Housing is permitted at a density of 2 units to the acre and medium densities (4-12 units per acre) may be appropriate in certain areas. It is envisioned that Coastal Areas encourage retail and offices uses; however, larger shopping centers and office parks could be confined to select locations. Lastly, the Coastal Area designation encourages the expansion of central water and sewer facilities as it is feasible.

The total parcel (TMP: 234-34.08-53.00) is split between the General Commercial (C-1) and General Residential (GR) Zoning District. The site intended for the outdoor boat storage is only located within the GR Zoning District. The properties to the northwest and south east are also split between the C-1 and GR Zoning Districts. The parcels to the north and south (i.e. across the roadway) are with the GR Zoning District. The parcels to the rear of the subject site are technically a part of the Oak Orchard (Orchard Manor subdivision).



Since 1971, there have been 13 Conditional Use applications within a one-mile radius of CU 2257. 9 applications have been approved. 2 applications have been denied. 2 applications have been withdrawn. Attached is a table that summarizes all of these historic applications.

Based on the analysis provided, Conditional Use No. 2257 (Indian River Volunteer Fire Company), subject to considerations of scale and impact, could be considered as consistent with the surrounding land uses, zoning, and environment.

CU Number	Tax Parcel #	APPLICANT	Zoning	Proposed Use	P&Z Decision	CC Decision Date	CC Decision	Ordinance
2257	234-34.08-53.00	Indian River Volunteer Fire Co. Inc.	GR	Boat Storage and Overflow Parking	<Null>	<Null>	<Null>	<Null>
677	234-29.00-222.00	Lawrence Mergenthaler	GR	manufactured home park	Recommended Denial	<Null>	Approved	<Null>
615	234-29.00-222.03	Lawrence E. Mergenthaler	GR	Manufactured Home Park	<Null>	<Null>	Denied	<Null>
1863	234-35.09-6.00	Andrew & Carol Walton	MR	marina/restaurant/etc	Recommended Approval	6/8/2010	Approved	2124
2005	234-34.08-43.00	Indian River Vol. Fire Co., Inc.	GR	BOAT STORAGE FACILITY	Recommended Approval	3/10/2015	Approved	2387
1458	234-34.08-41.00	Indian River Vol. Fire Co., Inc.	GR	expand fire station	Recommended Approval	7/16/2002	Approved	1551
395	234-34.08-45.00	John Satterfield	GR	boat display, sales & services	N/A	<Null>	Approved	<Null>
284	234-34.08-38.02	John Satterfield	GR	water system	N/A	<Null>	Approved	<Null>
864	234-35.05-123.00	Jere M. & Janet M. Coxon	MR	multi-family	Recommended Approval	5/12/1987	Approved	417
260	234-35.05-121.00	Willard Ulrich & Ruth	MR	beauty shop	N/A	<Null>	Denied	<Null>
1188	234-34.12-67.00	Indian River Marina Pier	MR	multi-family	Recommended Approval	7/29/1997	Approved	1160
1088	234-35.09-6.00	Clyde Hull	MR	Marina & Related Uses	Recommended Approval	9/13/1994	Approved	985
275	234-34.08-38.02	John Satterfield	GR	Water System	N/A	<Null>	Withdrawn	<Null>
1816	234-35.09-6.00	Andrew & Carol Walton	MR	Retail/Multi-Family	Withdrawn	3/16/2010	Withdrawn	<Null>

File #: CU 2257  
202016123

## 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

Oak Orchard Road - Tax Parcel #234-34.08-53.00 - 800 feet north of intersection of Oak Orchard Road & Delaware Av

### Type of Conditional Use Requested:

Conditional use approval to utilize the facility as a boat storage yard with fencing and lighting. As well as continuation of overflow parking for the Community Church of Oak Orchard with a portion of the area not being fenced in

Tax Map #: 234-34.08-53.00 Size of Parcel(s): 1.44 acres

Current Zoning: GR Proposed Zoning: \_\_\_\_\_ Size of Building: N/A

Land Use Classification: \_\_\_\_\_

Water Provider: Tidewater Utilities Sewer Provider: Sussex County

### Applicant Information

Applicant Name: Indian River Volunteer Fire Co., Inc.  
Applicant Address: 32628 Oak Orchard Road  
City: Millsboro State: DE Zip Code: 19966  
Phone #: (302) 945-2800 E-mail: patrick.miller@irvfc.com

### Owner Information

Owner Name: Indian River Volunteer Fire Co., Inc.  
Owner Address: 32628 Oak Orchard Road  
City: Millsboro State: DE Zip Code: 19966  
Phone #: (302) 945-2800 E-mail: patrick.miller@irvfc.com

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Patrick C. Miller  
Agent/Attorney/Engineer Address: 32717 Oak Orchard Road  
City: Millsboro State: DE Zip Code: 19966  
Phone #: (302) 236-0416 E-mail: patrick.miller@irvfc.com



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

\_\_\_\_\_

Date: 12/19/20

**Signature of Owner**

\_\_\_\_\_

Date: 12/19/20

**For office use only:**

Date Submitted: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Decision of CC: \_\_\_\_\_



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

JENNIFER COHAN  
SECRETARY

October 8, 2020

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 **Indian River Volunteer Fire Company, Inc.** conditional use application, which we received on September 15, 2020. This application is for a 1.44-acre parcel (Tax Parcel: 234-34.08-53.00). The subject land is located on the northeast side of Oak Orchard Road (Sussex Road 297), approximately 800 feet north of the intersection of Oak Orchard Road and Delaware Avenue (Sussex Road 297A). The subject land is currently zoned GR (General Residential), and the applicant is seeking a conditional use approval to utilize the facility as a boat storage yard with fencing and lighting.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Oak Orchard Road where the subject land is located are 3,035 and 3,906 vehicles per day, respectively.

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.

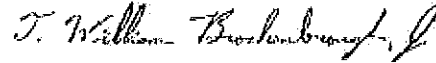
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
October 8, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Indian River Volunteer Fire Company, Inc., Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, 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



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/5/2021**

APPLICATION: **CU 2257 Indian River Volunteer Fire Company Inc**

APPLICANT: **Indian River Volunteer Fire Company Inc**

FILE NO: **OM-19.04**

TAX MAP &  
PARCEL(S): **234-34.08-53.00**

LOCATION: **Northeast corner of Oak Orchard Road and Spruce Street, Oak Orchard**

NO. OF UNITS: **Boat Storage**

GROSS  
ACREAGE: **1.44 acres**

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? **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? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Nicole Messeck** 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**

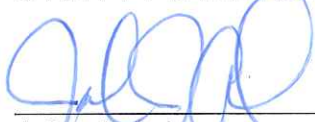
(8). Comments: **Click or tap here to enter text.**

(9). Is a Sewer System Concept Evaluation required? **No**

(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  
Nicole Messeck

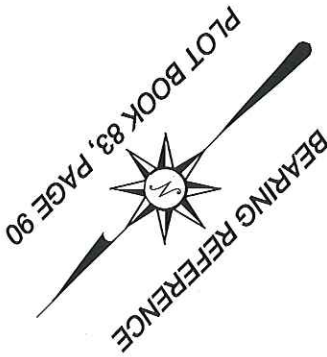
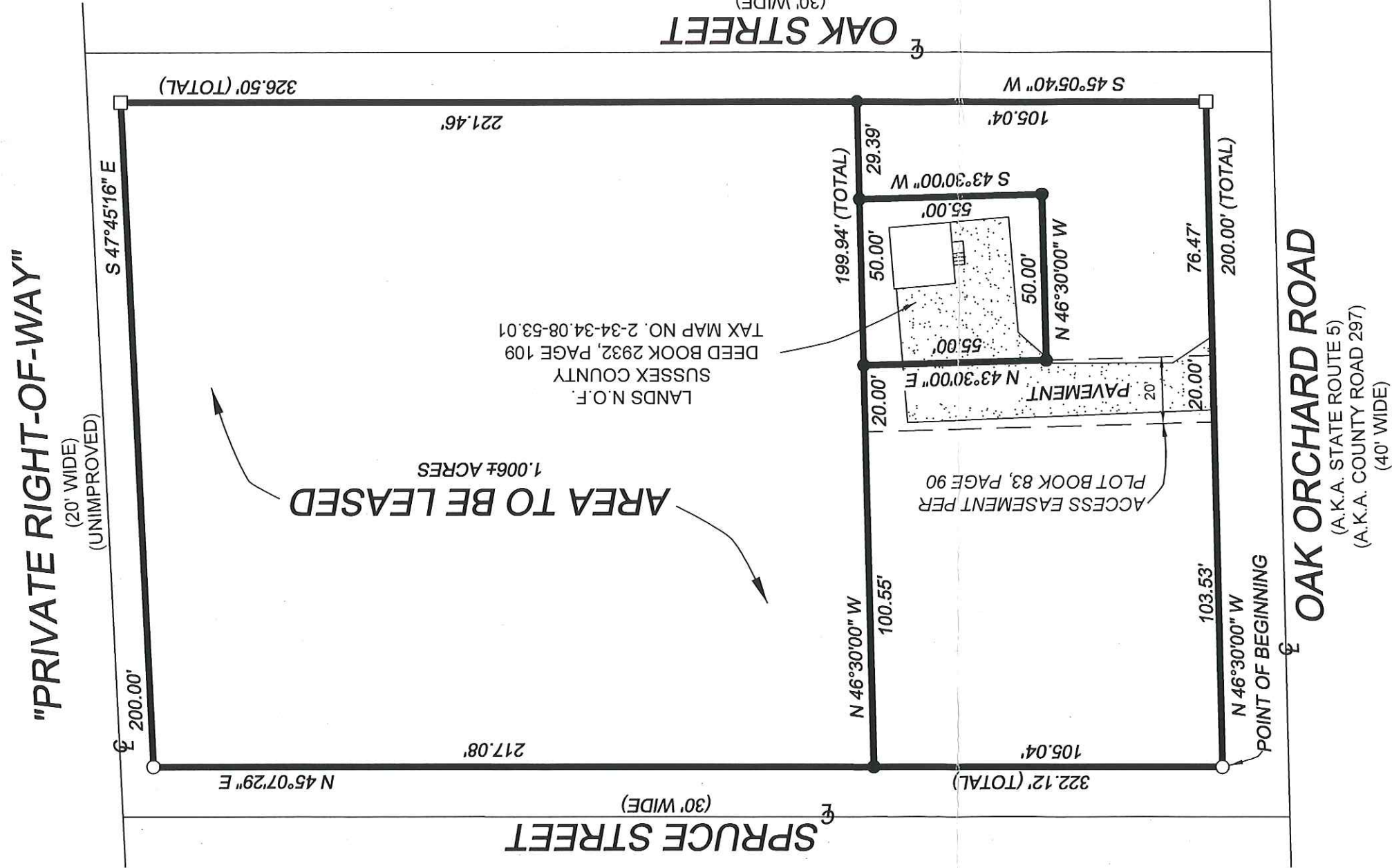
INDIAN RIVER VOLUNTEER FIRE COMPANY, INCORPORATED  
 LOTS 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 & 56  
 BOOKHAMMERS ADDITION TO OAK ORCHARD  
 TAX PARCEL NO. 2-34-34.08, PARCEL 53.00  
 SURVEY CLASSIFICATION: SUBURBAN  
 AREA: 1.425± ACRES (TOTAL)  
 SITUATE IN: INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE

BOUNDARY SURVEY PLAN  
 PREPARED FOR

I, R.B. KEMP, III, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

R.B. KEMP, III, P.L.S. 541

*Karin*



- LEGEND:**
- FOUND IRON PIPE
  - SET IRON BAR
  - FOUND CONCRETE MONUMENT

- NOTES:**
- 1) SOURCE OF TITLE: DEED BOOK 799, PAGE 356
  - 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
  - 3) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
  - 4) AREA: 1.425± ACRES (TOTAL)

OAK ORCHARD ROAD  
 (A.K.A. STATE ROUTE 5)  
 (A.K.A. COUNTY ROAD 297)  
 (40' WIDE)

**Karins and Associates**  
 ENGINEERS • PLANNERS • SURVEYORS  
 NEWARK, DE • GEORGETOWN, DE  
 www.karinsengineering.com



17 POLLY DRUMMOND CENTER \* SUITE 201  
 NEWARK, DELAWARE 19711  
 PHONE: (302) 369-2900  
 128 WEST MARKET STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 DRAWN: MBK  
 CHECKED: RBK  
 DATE: 12-15-2020  
 SCALE: 1" = 40'

**Stephen J. Miller**  
28449 Delaware Avenue  
Millsboro, DE 19966  
(302) 542-4177

RECEIVED  
AUG 03 2021  
SUSSEX COUNTY  
PLANNING & ZONING

July 26, 2021

Sussex County  
Planning & Zoning Commission  
County Administrative Offices  
2 The Circle, PO Box 417  
Georgetown, DE 19947

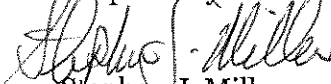
RE: Conditional Use Application #2257 – Indian River Volunteer Fire Co., Inc.

Dear Sussex County Planning & Zoning Commission Members –

I am in favor for the conditional use application in and for the Indian River Volunteer Fire Company and will not be able to attend the public hearing to illustrate my support. Any favorable consideration to be offered towards this conditional use application would be greatly appreciated.

Thank you for any consideration that you could offer.

Respectfully submitted,

  
Stephen J. Miller

**Patrick C. Miller**  
32717 Oak Orchard Road  
Oak Orchard  
Millsboro, DE 19966  
(302) 947-1577 / (302) 236-0416

July 26, 2021

**SUPPORT EXHIBIT**

Sussex County  
Planning & Zoning Commission  
County Administrative Offices  
2 The Circle, PO Box 417  
Georgetown, DE 19947

RE: Conditional Use Application #2257 – Indian River Volunteer Fire Co., Inc.

Dear Sussex County Planning & Zoning Commission Members –

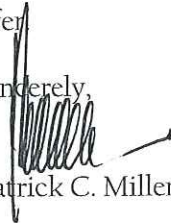
As a property owner of specific parcels of land situated in the Indian River Hundred and being in the development known as Bookhammer's Addition to Oak Orchard, I hereby submit this communication to illustrate my concurrence with the Conditional Use Application #2257 on behalf of the Indian River Volunteer Fire Co., Inc.

It is believed that this conditional use application could foster good corporate and community partners with a collaborative approach for favorable land use options that would benefit the entities involved.

I would ask that any favorable consideration be offered towards this conditional use application in and for the Indian River Volunteer Fire Co., Inc.

Thank you for any consideration that you could offer.

Sincerely,

  
Patrick C. Miller

RECEIVED

JUL 29 2021

SUSSEX COUNTY  
PLANNING & ZONING

**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, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2261 (What Is Your Voice, Inc.)

Applicant: What Is Your Voice, Inc.  
17583 Shady Road, Lewes

Owner: What Is Your Voice, Inc.  
17583 Shady Road, Lewes

Site Location: Southeast of Shady Road (Rt. 276), approximately 1,000 feet south of Coastal Highway (Rt. 1)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Storage units and offices

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

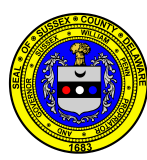
Sewer: Sussex County Sewer District

Water: Private Provider

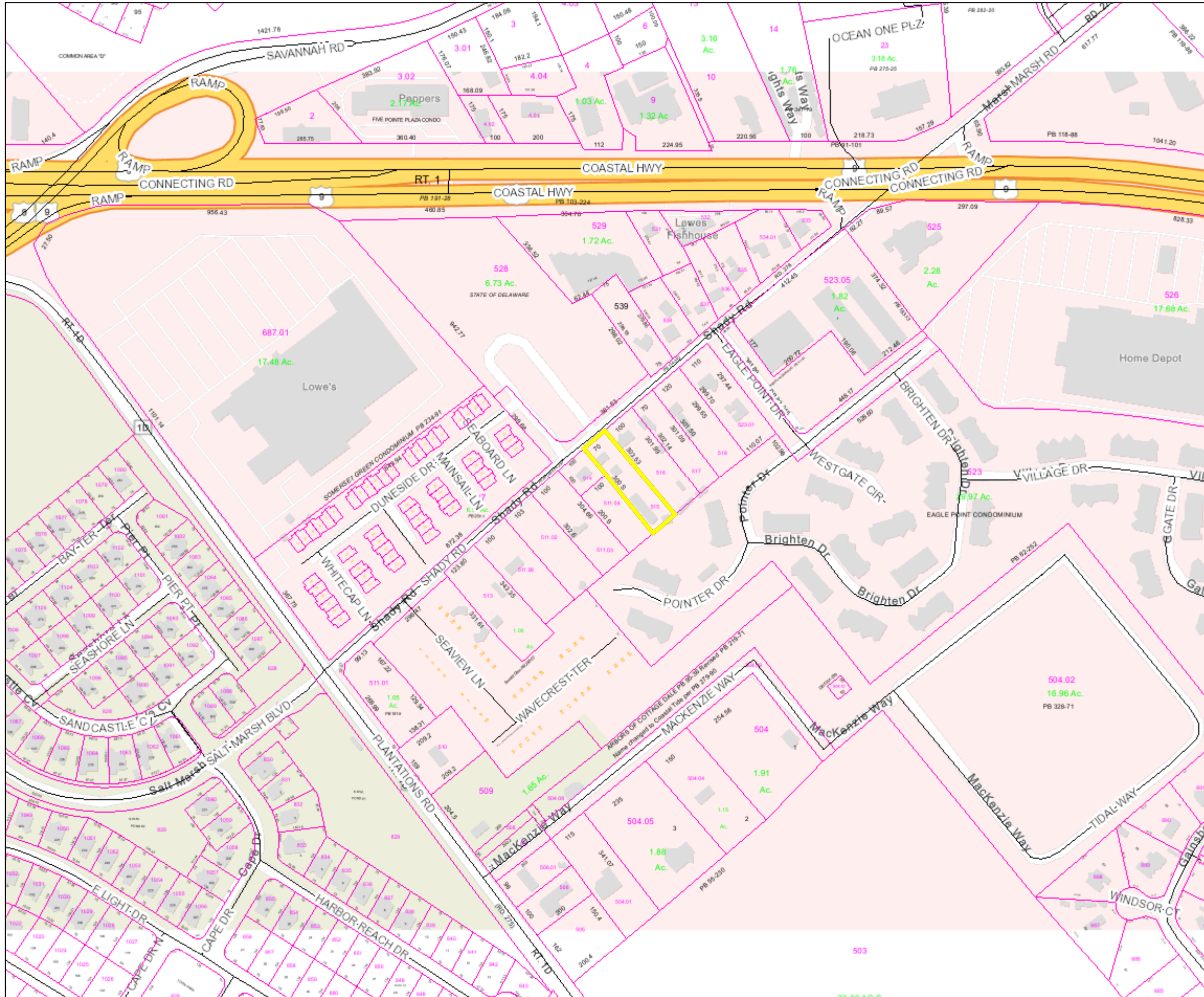
Site Area: 0.63 acre +/-

Tax Map ID.: 334-6.00-515.00





# Sussex County



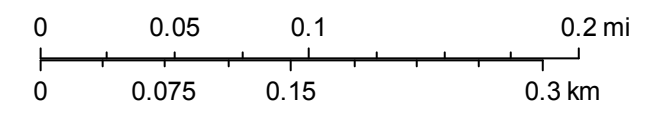
<b>PIN:</b>	334-6.00-515.00
<b>Owner Name</b>	WHAT IS YOUR VOICE INC
<b>Book</b>	5087
<b>Mailing Address</b>	30428 E BARRIER REEF BL
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	RD 276
<b>Description 2</b>	
<b>Description 3</b>	
<b>Land Code</b>	

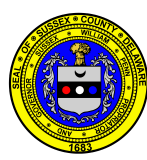
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  - Override 1
- polygonLayer**

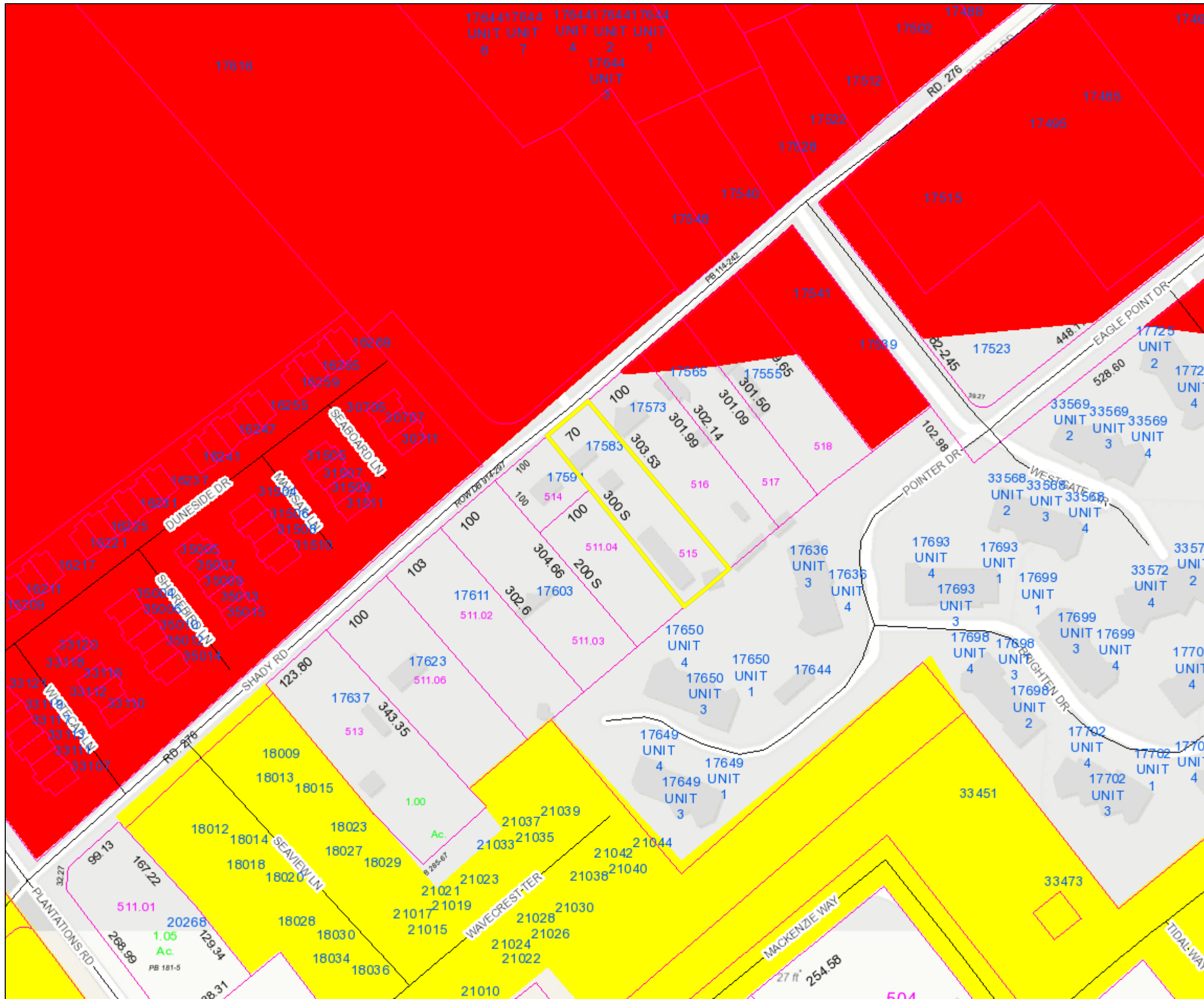
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- ⋯ Tax Parcels
- Streets
- County Boundaries

1:4,514





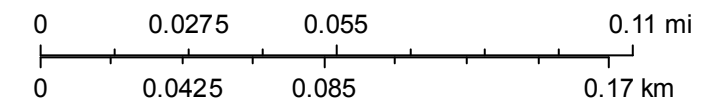
# Sussex County



<b>PIN:</b>	334-6.00-515.00
<b>Owner Name</b>	WHAT IS YOUR VOICE INC
<b>Book</b>	5087
<b>Mailing Address</b>	30428 E BARRIER REEF BL
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<b>State</b>	DE
<b>Description</b>	RD 276
<b>Description 2</b>	
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer  
 Override 1
- polygonLayer  
 Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257







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 Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2261 (What Is Your Voice, Inc.)

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This memo provides a background and an analysis for the Planning Commission to consider as a part of Conditional Use No. 2261 (What Is Your Voice, Inc.) to be reviewed during the August 12<sup>th</sup>, 2021, 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 Conditional Use application (CU 2261), requests storage units and offices to be located on the southeastern side of Shady Road (S.C.R. Rt. 276), approximately 0.21 mile southwest of Coastal Highway (Route 1). The property consists of Tax Parcel 334-6.00-515.00, which contains 0.63 acres +/-.

The 2018 Sussex County 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 the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south and east of the subject property also have the land use designation of "Coastal Area." The properties, which exist on the opposite side of Shady Road, are designated to be a Commercial Area.

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are expected to accommodate residential and economic growth and protect and preserve environmentally sensitive areas. Specifically, the Comprehensive Plan states that a range of housing types, including townhomes and multi-family units, be permitted. Housing is permitted at a density of 2 units to the acre and medium densities (4-12 units per acre) may be appropriate in certain areas. It is envisioned that Coastal Areas encourage retail and offices uses; however, larger shopping centers and office parks could be confined to select locations. Lastly, the Coastal Area designation encourages the expansion of central water and sewer facilities as it is feasible.

The property is zoned Agricultural Residential (AR-1). The properties to the north, south, and east are all within the AR-1 Zoning District. All parcels to the west (i.e. southwest, west, and northwest) on the opposite side of Shady Road are within the C-1 Zoning District. The subject property is adjacent to the Eagle Point residential community (townhomes); and additionally, the Somerset Green residential community (townhomes) is on the opposite side of Shady Road near the site.

Since 1971, there have been 88 Conditional Use applications within a one-mile radius of CU 2261. Included within this analysis are each of the applications that are within 0.5 of a mile. Attached is



a table of the applications within 0.5 of a mile as a well a map that represents their corresponding location.

Based on the analysis provided, this Conditional Use application (CU 2261), to allow for offices and storage units, could be considered to be consistent with the surrounding land uses, zoning, and environment.

CU #	Tax Parcel #	APPLICANT	Zoning	Proposed Use	P&Z Decision	CC Decision Date	CC Decision	Ordinance
1150	335-12.05-7.00	John E. Spiekar, M.D.	AR-1	medical offices	Recommended Approval	4/16/1996	Approved	1085
1759	334-5.00-222.02	Bridle Ridge Properties LLC (AR-1)	AR-1	Multi-Family	Recommended Approval	8/5/2008	Approved	1989
1830	335-12.05-12.00	J & T Properties, LLC	AR-1	out-patient clinic	Recommended Approval	6/8/2010	Approved	2123
1243	335-12.05-5.00	H.L.M.M., LLC	AR-1	Amendment to CU 1028	Recommended Approval	6/2/1998	Approved	1238
152	334-6.00-503.02	William Thompson	AR-1	beauty shop	N/A	<Null>	Approved	<Null>
2261	334-6.00-515.00	What Is Your Voice, Inc.	AR-1	Subject Application 08/12/2021	<Null>	<Null>	<Null>	<Null>
1736	334-6.00-550.02	Matthew Weidman & Karen	AR-1	Towing Services & Vehicle/Boat Storage	Recommended Approval	12/2/2008	Approved	2009
1511	334-6.00-550.00	Anthony I. Freeman	AR-1	produce sales	Recommended Approval	12/16/2003	Approved	1649
1868	335-12.00-1.10	Old Towne Pointe, L.L.C.	AR-1	pharmacy/community service	Recommended Denial	5/24/2011	Approved	2196
1758	334-5.00-222.00	Bridle Ridge Properties LLC (MR)	MR	Multi-Family Dwelling	Recommended Approval	7/28/2008	Denied	<Null>
1680	334-6.00-511.06	Samir Ghabar	AR-1	business park	Recommended Denial	6/5/2007	Denied	<Null>
1490	334-6.00-526.00	Tidewater Utilites, Inc.	AR-1	elevated water storage tank	Recommended Approval	4/29/2003	Approved	1602
1820	334-6.00-511.01	Rheumatology Consultants of DE, PA	AR-1	professional offices	Recommended Approval	7/2/2010	Approved	2136
101	334-6.00-32.00	Joseph Weemstein	C-1	auto body repair shop	N/A	<Null>	Approved	<Null>
2034	334-5.00-215.00	Beachfire Brewery Co., LLC	AR-1	Restaurant and Brewery	Recommended Approval	3/8/2016	Approved	2438
1845	334-6.00-504.02	Rick Banning - Coastal Tide	MR	Multi-family	Recommended Approval	2/23/2010	Approved	2106
499	334-6.00-39.00	Charles West	AR-1	mobile home park	<Null>	<Null>	Withdrawn	<Null>
1428	334-6.00-687.01	Kyle W. Welsh	C-1	sales cart program	Recommended Approval	1/8/2002	Approved	1515
1434	334-6.00-523.00	Grady, Inc.	AR-1	multi-family	Recommended Approval	4/9/2002	Approved	1531
2190	334-5.00-212.00	Steven & Helene Falcone	AR-1	Office	Recommended Approval	1/7/2020	Approved	2699
2106	334-6.00-511.00	MDI Investment Group, LLC	MR	multi-family (52 townhouses)	Recommended Approval	3/20/2018	Approved	2566
	335-12.05-5.00	Dr. Harry J. Anagnostakos		Medical Offices				
1028			AR-1		Recommended Denial	4/27/1993	Approved	888
	334-6.00-550.02	Robert E. Mitchell		mechanics shop for auto & boat repair				
1068			AR-1		Recommended Approval	3/15/1994	Approved	957
	334-6.00-526.00	Rehoboth Home Builders, Inc.		multi-family				
1489			AR-1		Recommended Approval	6/24/2003	Approved	1619
472	335-12.05-12.00	Lydia Rawlings	AR-1	Garage sale	N/A	5/30/1978	Approved	<Null>
1100	335-12.05-7.00	Gordon Berl	AR-1	Multi-Family	Recommended Denial	<Null>	Withdrawn	<Null>
1522	334-6.00-504.02	SSEW LLC.	AR-1	Multi-Family	Recommended Approval	3/30/2004	Approved	1671
2281	334-12.00-7.00	Susan Riter	AR-1	Borrow Pit	Withdrawn	6/8/2021	Withdrawn	<Null>

# All Conditional Uses within 0.5 of a mile of CU 2261 (What Is Your Voice, Inc.)



0 0.07 0.15 0.3 Miles



All orange polygons represent Conditional Use applications. All green polygons represent subdivisions. This map may not contain all necessary elements and principles and should be utilized for general reference only.

Chase Phillips, Planner I

## 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**

17583 Shady Rd., Lewes, DE 19958

**Type of Conditional Use Requested:**

Applicant seeks conditional use approval to use the existing garage for office uses and the one-story pole building for rental storage facilities (4 units) in connection with the Applicant's non-profit corporation.

Tax Map #: 334-6.00-515.00Size of Parcel(s): .63 acresCurrent Zoning: AR-1Proposed Zoning: CUSize of Building: 3,034 sq.ft.Land Use Classification: Coastal AreaWater Provider: private wellSewer Provider: Sussex County**Applicant Information**Applicant Name: What Is Your Voice, Inc.Applicant Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751City: GeorgetownState: DEZip Code: 19947Phone #: (302) 855-1260E-mail: shannonb@sussexattorney.com**Owner Information**Owner Name: What Is Your Voice, Inc.Owner Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751City: GeorgetownState: DEZip Code: 19947Phone #: (302) 855-1260E-mail: shannonb@sussexattorney.com**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: Shannon Carmean Burton, EsquireAgent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751City: GeorgetownState: DEZip Code: 19947Phone #: (302) 855-1260E-mail: shannonb@sussexattorney.com

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

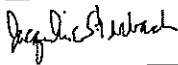
### Signature of Applicant/Agent/Attorney

Shannon Carmean Burton,  
Esquire

Digitally signed by Shannon Carmean  
Burton, Esquire  
Date: 2020.11.09 09:29:34 -05'00'

Date: \_\_\_\_\_

### Signature of Owner



Date: 1/6/2021

### 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: \_\_\_\_\_



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

January 5, 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 **What is Your Voice, Inc.** conditional use application, which we received on December 2, 2020. This application is for an approximately 0.63-acre parcel (Tax Parcel: 334-6.00-515.00). The subject land is located on the southeast side of Shady Road (Sussex Road 276), approximately 1,000 feet southwest of the intersection of Delaware Route 1 and Shady Road, southwest of Lewes. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility as a pole barn storage facility (four units) and an office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Shady Road where the subject land is located are 5,159 and 6,640 vehicles per day, respectively.

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.

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.

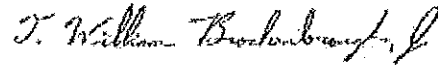




Mr. Jamie Whitehouse  
Page 2 of 2  
January 5, 2021

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: What is Your Voice, Inc., Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, 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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/5/2021**

APPLICATION: **CU 2261 What Is Your Voice Inc.**

APPLICANT: **What Is Your Voice Inc.**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-6.00-515.00**

LOCATION: **Southeast of Shady Road (SCR 276), approximately 1,000 feet south of Coastal Highway (Rt. 1)**

NO. OF UNITS: **Storage Units and offices**

GROSS  
ACREAGE: **0.63 acre**

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 **Christine Fletcher** 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: **Current EDU assessment is 1.90. It shall become necessary to upgrade the size of the lateral if the EDU count exceeds 4.0.**

(9). Is a Sewer System Concept Evaluation required? **No**

(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  
Christine Fletcher

**WRITTEN SUBMISSION**  
**OF**  
**WHAT IS YOUR VOICE, INC.**

**C/U NO. 2261**

**August 12, 2021**

**Shannon Carmean Burton, Esquire**  
**Sergovic Carmean Weidman**  
**McCartney & Owens, P.A.**  
**25 Chestnut St.**  
**P.O. Box 751**  
**Georgetown, DE 19947**  
**(302) 855-1260**

**INDEX**  
**WHAT IS YOUR VOICE, INC.**  
**APPLICATION FOR CONDITIONAL USE NO. 2261**

1. Copy of the Application without exhibits
2. Deed of the lands seeking a conditional use
3. Conditional Use Boundary and Location Plan prepared by Scaled.  
Engineering
4. DelDOT Response Letter to Service Level Evaluation Request
5. Approval Letter for Administrative Variance
6. Letters in Support of Application
7. Google Earth Aerial Image of Property
8. Photographs of the Property
9. Excerpt from the Sussex County Tax Map
10. Statement of Sergovic Carmean Weidman McCartney & Owens, P.A.  
explaining the Application and its compliance with the Comprehensive Plan  
and Zoning Code
11. Proposed Findings of Fact and Conditions

# EXHIBIT "1"

File #: CU 2261

202100823

## 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

RECEIVED

JAN 08 2021

SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

17583 Shady Rd., Lewes, DE 19958

**Type of Conditional Use Requested:**

Applicant seeks conditional use approval to use the existing garage for office uses and the one-story pole building for rental storage facilities (4 units) in connection with the Applicant's non-profit corporation.

Tax Map #: 334-6.00-515.00

Size of Parcel(s): .63 acres

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: 3,034 sq.ft.

Land Use Classification: Coastal Area

Water Provider: private well

Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: What Is Your Voice, Inc.

Applicant Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com

**Owner Information**

Owner Name: What Is Your Voice, Inc.

Owner Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Shannon Carmean Burton, Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com



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

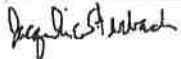
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

**Signature of Applicant/Agent/Attorney**

Shannon Carmean Burton, Esquire  
Digitally signed by Shannon Carmean Burton, Esquire  
Data: 2020.11.09 09:29:34 -05'00'

Date: \_\_\_\_\_

**Signature of Owner**



Date: 1/6/2021

**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: \_\_\_\_\_



# EXHIBIT “2”

**Electronically Recorded Document# 2019000024565 BK: 5087 PG: 328**  
**Recorder of Deeds, Scott Dailey On 7/11/2019 at 8:50:10 AM Sussex County, DE**  
**Consideration: \$325,000.00 County/Town: \$4,875.00 State: \$8,125.00 Total: \$13,000.00**  
**Doc Surcharge Paid Town: SUSSEX COUNTY**

TAX MAP AND PARCEL #: 3-34-6.00-515.00

PREPARED BY & RETURN TO:  
Wolfe & Associates, LLC  
122 Sandhill Drive, Suite 203  
Middletown, DE 19709  
File No. 19-0082/Jellis

**THIS DEED**, made this 30th day of May, 2019,

- BETWEEN -

**POINT CROSSING LLC**, a Delaware limited liability company, party of the first part,

- AND -

**WHAT IS YOUR VOICE, INC.**, a corporation of the State of Delaware, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **TEN and 00/100 Dollars (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**ALL** that certain lot, piece or parcel of Land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, lying on the southerly side of County Route 276, being more particularly described as follows, to wit:

**BEGINNING** at an iron pipe set on the southerly side of the aforesaid County Route 276, then running with the right of way line of Route 276, South 59 degrees 58 minutes 12 seconds West 70.00 feet to an iron pipe found; then, tuning and running with lands now or formerly of Robert J. Gooch, et.ux, and lands now or formerly of Robert I. Harmon, et.ux, South 28 degrees 36 minutes 45 seconds East 304.47 feet to an iron pipe set; then, turning and running with lands now or formerly of Harry H. Norwood, et.ux, North 58 degrees 58 minutes 26

Document# 2019000024565 BK: 5087 PG: 329

Recorder of Deeds, Scott Dailey On 7/11/2019 at 8:50:10 AM Sussex County, DE

Doc Surcharge Paid

seconds East 70.00 feet to an iron pipe set; then, turning and running with lands now or formerly of Colon Works, et.ux, North 28 degrees 36 minutes 17 seconds West 303.26 feet to the place of Beginning.

BEING the same lands and premises which George C Coverdale, by Deed dated 12/21/07 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Record 3534, Page 49 granted and conveyed unto Point Crossing LLC, in fee.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Lewes, Sussex County, Delaware.

IN WITNESS WHEREOF, the said Point Crossing LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by David E. Moon, Jr., Member of Point Crossing LLC, the day and year first above written.

POINT CROSSING LLC

By: David E. Moon, Jr., Member (SEAL)  
David E. Moon, Jr., Member

\_\_\_\_\_  
Witness

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 30th day of May, A.D. 2019, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, David E. Moon, Jr., Member of Point Crossing LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company; that the signature of the Member is in his own proper handwriting and by his authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Colette M. Monaghan  
Notary Public  
My Commission Expires: 11/2

COLETTE M. MONAGHAN  
#6567  
ATTORNEY AT LAW  
NOTARY PUBLIC  
STATE OF DELAWARE  
Pursuant to  
29 Del. C. 4323 (a)(3)

Grantee's Address:  
PO Box 657  
Georgetown, DE 19947

# EXHIBIT “3”





# EXHIBIT “4”



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

January 5, 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 **What is Your Voice, Inc.** conditional use application, which we received on December 2, 2020. This application is for an approximately 0.63-acre parcel (Tax Parcel: 334-6.00-515.00). The subject land is located on the southeast side of Shady Road (Sussex Road 276), approximately 1,000 feet southwest of the intersection of Delaware Route 1 and Shady Road, southwest of Lewes. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility as a pole barn storage facility (four units) and an office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Shady Road where the subject land is located are 5,159 and 6,640 vehicles per day, respectively.

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.

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  
January 5, 2021

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: What is Your Voice, Inc., Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, 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

# EXHIBIT “5”

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



# Sussex County

DELAWARE  
sussexcountyde.gov

November 6, 2020

Sergovic, Carmean, Weidman, McCartney & Owens, P.A.  
Shannon Carmean Burton  
PO Box 751  
Georgetown, DE 19947  
By email to: [shannonb@sussexattorney.com](mailto:shannonb@sussexattorney.com)

RE: Approval Letter for Administrative Variance for Lands of What Is Your Voice, Inc. located at 17583 Shady Rd. (AV-20-06)  
Tax Parcel: 334-6.00-515.00

Dear Ms. Burton:

The request for the Administrative Variance (Section 115-181(E)) for a 0.6-foot variance from the required 10-ft side yard setback requirement for an existing detached garage (Section 115-25(C)) has been approved. The side yard setback distance for the existing detached garage is 9.4-ft.

The documentation presented and found provides a basis for granting of said Administrative Variance. Based on the criteria for the granting of an Administrative Variance it has been determined that:

- The survey submitted with your application established that the lot is unique in shape as it is a narrow and deep lot.
- The property is in an AR-1 (Agricultural Residential District) and has a lot width of less than 100-ft.
- The variance will allow for reasonable use of the property.
- The need for the variance was not created by the applicant. The detached garage was constructed in 1982. The applicant purchased the property in 2019.
- The requested variance is the minimum variance to afford relief and would not alter the essential character of the neighborhood, since the garage has been in its current location for 38-years.
- The Planning Office did not receive any objection to the requested variance.

Please forward Signed and Sealed copies of the survey by Scaled Engineering or another surveying firm, showing the placement of the existing detached garage, to this Department so that the plat/survey can be stamped indicating approval of the Administrative Variance.

The plat/survey must be recorded indicating that the Administrative Variance was granted. Please feel free to contact me with any questions during business hours 8:30am – 4:30pm Monday through Friday at 302-855-7878.



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

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Norwood".

Jennifer Norwood  
Planning and Zoning Manager

# EXHIBIT “6”

Kathleen D. Moon  
32642 Sand Dune Dr.  
Lewes, DE 19958

Sussex County Planning and Zoning  
Sussex County Council

To Whom It May Concern

I am responding to a notice I received for C/U 2261 What is Your Voice, Inc. Located at 17583 Shady Road, Lewes. Tax Parcel # 334-6.00-515.00

I own the property next to this, Tax Parcel # 334-6.00-511.04

I understand that What is Your Voice is applying for Conditional Use of Land in an AR-1 Agricultural Residential district. I support the application and I believe it is an appropriate use of the property. I understand that What is Your Voice is essential to services in the Sussex County area and is a non-profit 501 (c) (3) Corporation. The use of the property will not have an impact on my property or the neighborhood. I strongly recommend approval of the Conditional Use.

I can be reached at the above address for any further notice. I made note of the upcoming public hearings and will attend.

Thank you for allowing me to respond to the notice.

*Kathleen D. Moon*

Kathleen D. Moon

7/27/2021

ERNESTO B. LOPEZ  
STATE SENATOR  
6<sup>th</sup> District



SENATE  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

COMMITTEES  
Education  
Elections & Government Affairs  
Finance  
Transportation

July 28, 2021

RE: Conditional Use No.2261/What is Your Voice, Inc.

Thank you for allowing this important application to come before you for consideration. What is Your Voice, Inc., is an important non-profit 501(c)(3) corporation providing critically needed services to vulnerable populations in Sussex County.

As the Senator from the 6<sup>th</sup> District and, also a neighbor, as the location is in close proximity to my home, I am in full support of their request and the application. Advocating on behalf of this non-profit, has been a tenet of my time in office and their request is more than appropriate within the coastal area in accordance to the Sussex County Comprehensive Plan.

In addition, their use of the property will have no detrimental impact on neighboring properties or roadways. If anything, due to the challenges we are seeing in social service and health related areas, the value of organizations like What is Your Voice, Inc., will continue to grow and the importance placed by government in ensuring they have a place to serve those in need, will enhance the quality of life in our county.

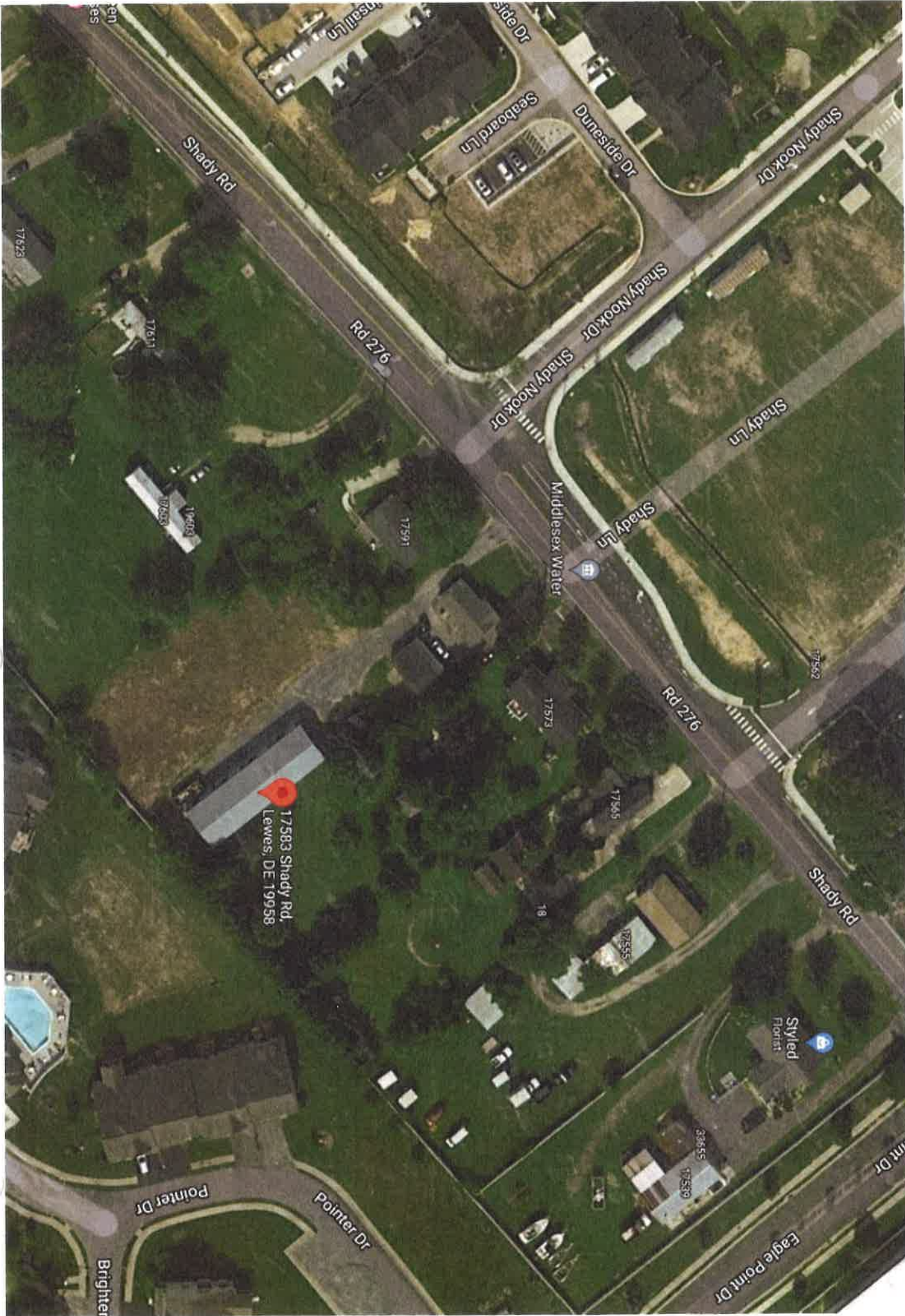
Very truly yours,

A handwritten signature in black ink, appearing to read "Ernie B. Lopez".

Dr. Ernesto B. "Ernie" López  
Senator, District 6  
Lewes

# EXHIBIT "7"





17583 Shady Rd,  
Lewes, DE 19958

Styler  
Floors

Pointer Dr

Pointer Dr

Brighter

Eagle Point Dr

Shady Rd

Rd 276

Duneside Dr

Shady Nook Dr

Shady Nook Dr

Shady Nook Dr

Shady Ln

Middlesex Water

Shady Ln

Rd 276

Shady Rd

Point Dr

# EXHIBIT “8”





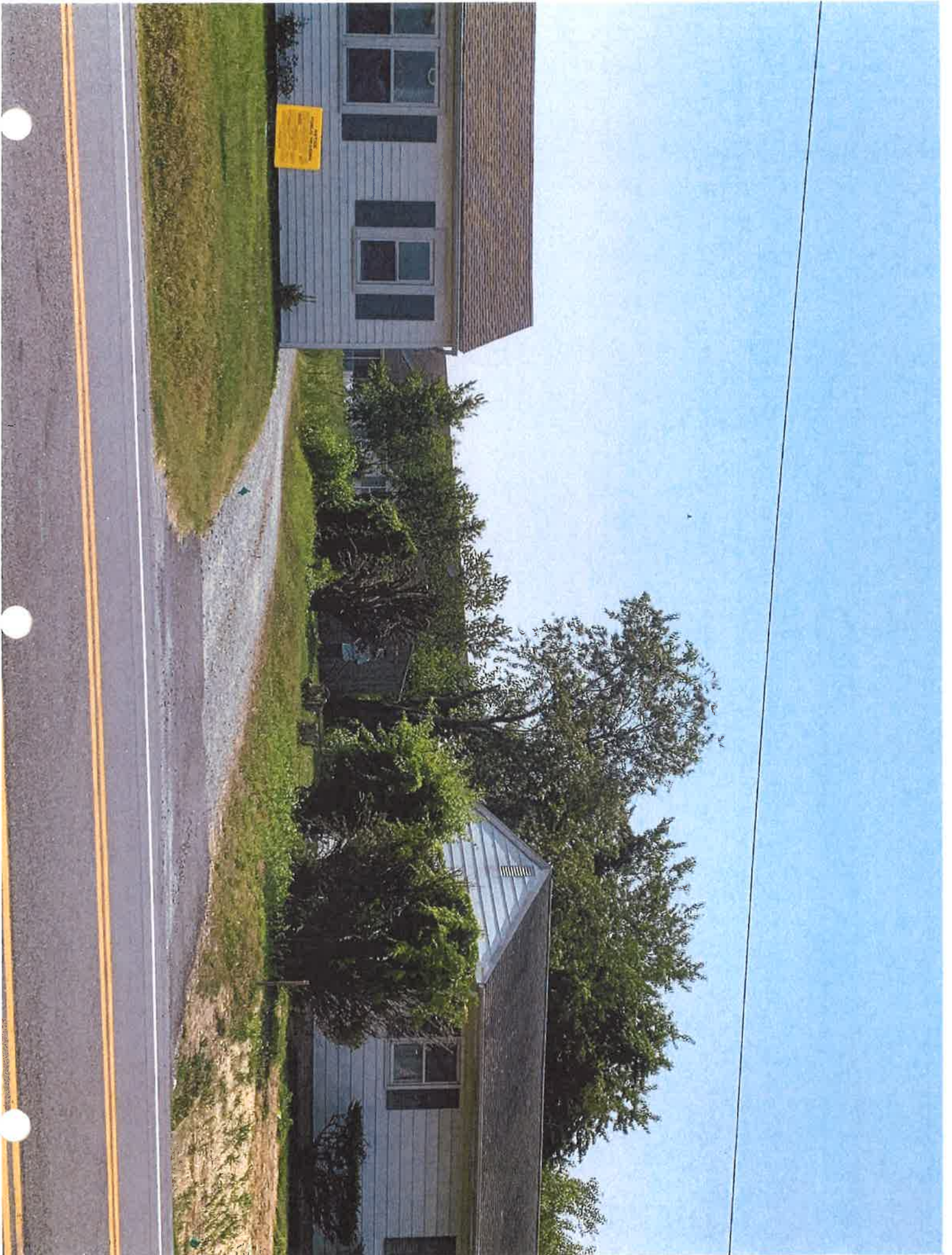
**SOLD**  
BRUNEN & SUTHER  
2024

100























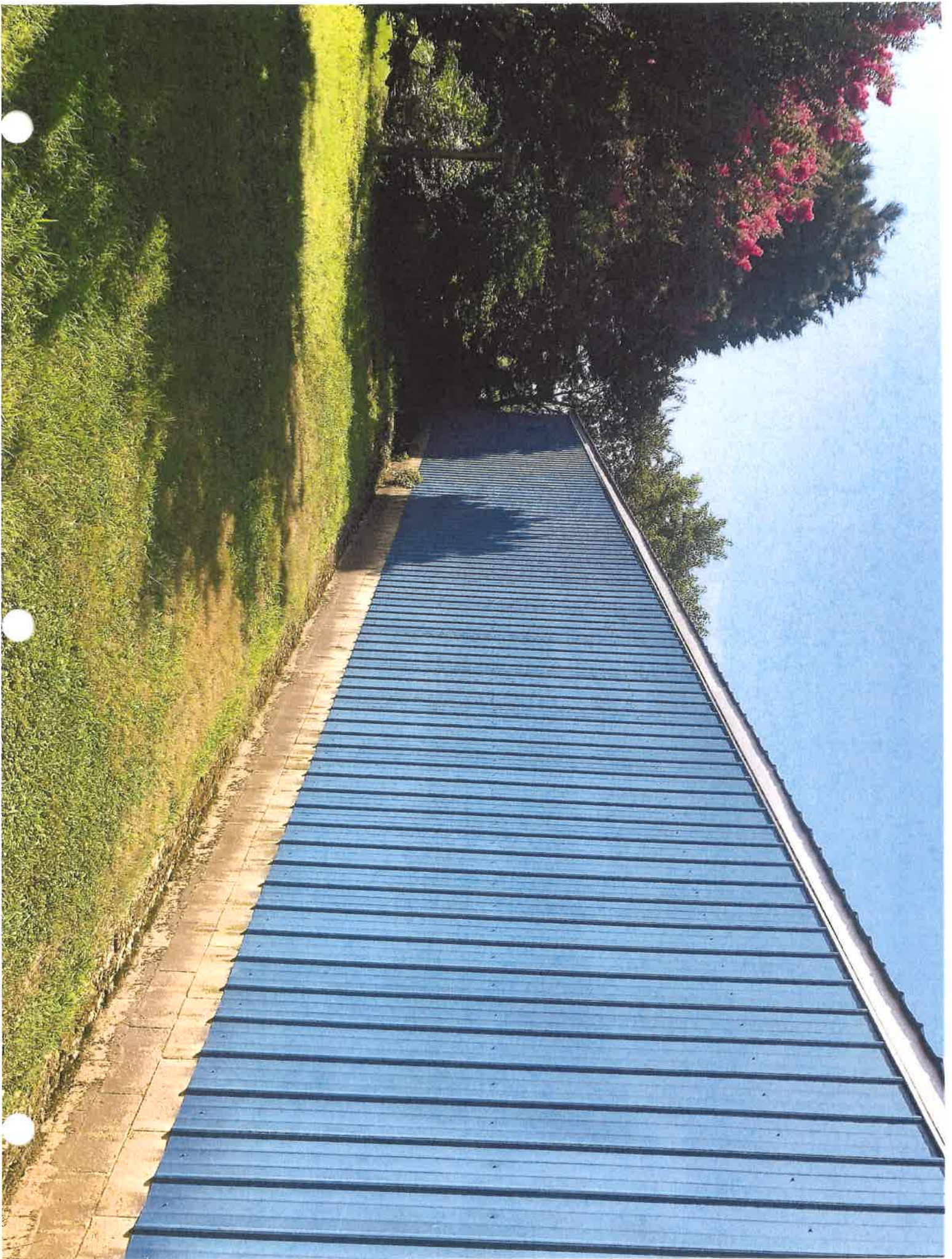












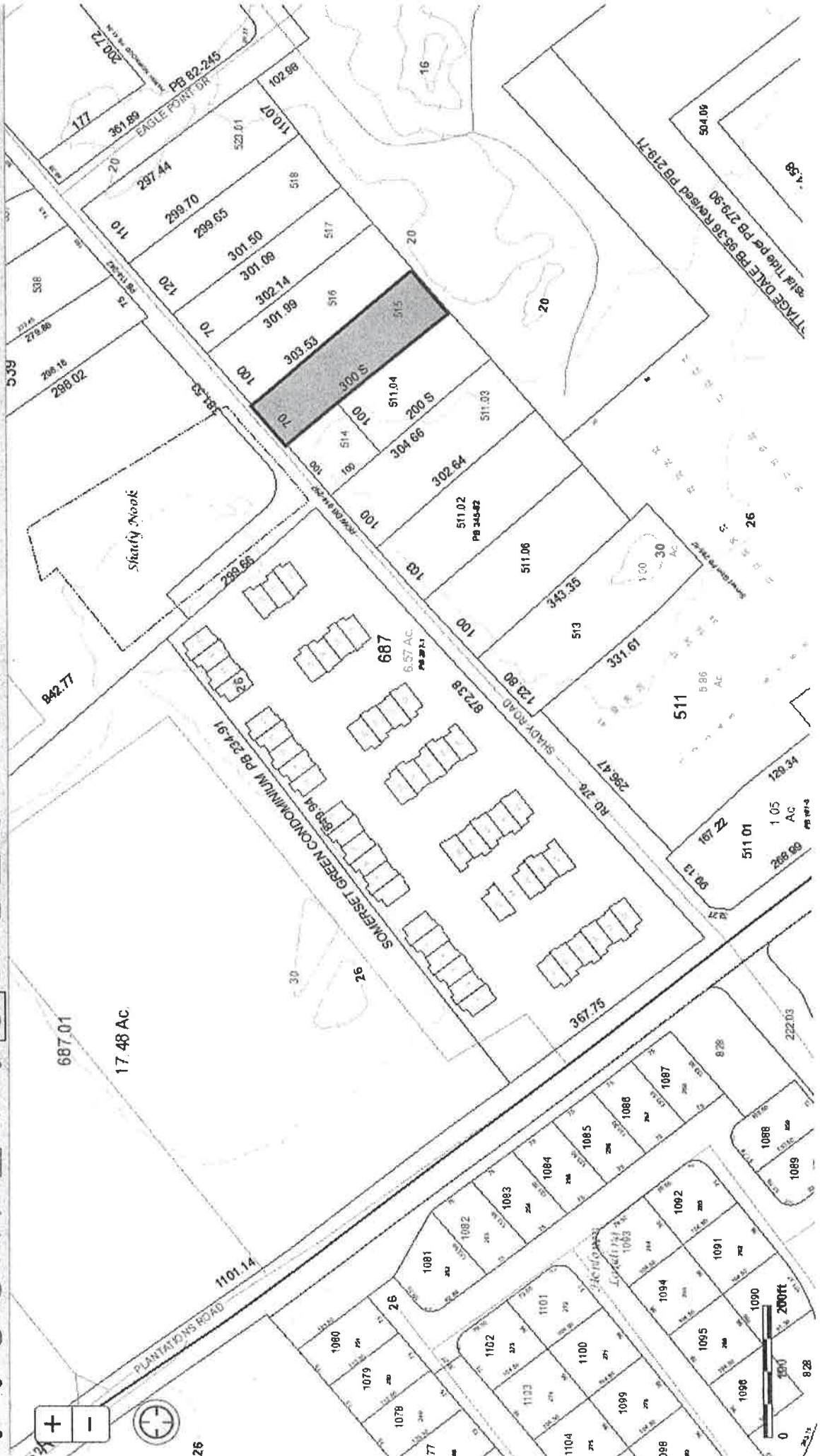


# EXHIBIT “9”



ARID: 334-6.00-515.00

WHAT IS YOUR VOICE INC



# EXHIBIT “10”

## **COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING CODE**

The applicant, What Is Your Voice, Inc. (“What Is Your Voice”), has applied for a conditional use of land in an AR-1 Agricultural Residential District to utilize the existing garage for office uses and the one-story pole building for rental storage facilities consisting of four (4) units in connection with the Applicant’s non-profit corporation. The subject property is located at 17583 Shady Road, Lewes, Delaware, consists of approximately .63 acres of land and is located on the southeast side of Shady Road, approximately 1,000 feet southwest of the intersection of Delaware Route 1 and Shady Road, southwest of Lewes, Delaware. The subject property is identified by Sussex County Tax Mapping as Tax Parcel 334-6.00-515.00 (the “Property”). This conditional use will enable the Applicant to more efficiently provide its essential services to meet the needs of its clients in Sussex County, Delaware.

What Is Your Voice is an established and well-respected non-profit 501(c)(3) corporation which is comprised of fully trained and skilled Domestic Violence Peer Support Advocates. What Is Your Voice was formed in 2013 to provide essential services to its clients to combat domestic violence, family violence and teen violence and is recognized as a trailblazer in their mission to stop the cycle of violence against women and children within Sussex County and throughout the State of Delaware. The Peer Support Advocates provide a holistic and person-centered approach to



enable their clients to seek out freedom and find their voice. The President and Founder of What Is Your Voice, Jacqueline Sterbach, and her team, see themselves as fierce warriors for their clients as they strive to empower voices for today to empower the generations to come.

What Is Your Voice rented the Property from the former owner, Point Crossing LLC for one and a half years before purchasing the Property with the existing improvements on May 30, 2019. During this time, What Is Your Voice was not permitted to use the pole building. Rather, the owner of the Property rented the pole building to third-parties for storage purposes. As a result of the previous rental by the prior owner of the Property, What Is Your Voice was unaware that the use was not permitted without a conditional use permit until they received a Notice of Violation from Sussex County dated September 24, 2019. Although they promptly attempted to engage an engineer to assist them with the site plan for the conditional use application, there were a few setbacks. Due to the demands on the development and construction industry in Sussex County and delays related to Covid-19, it took longer than expected to engage an engineer to prepare the site plan for the conditional use application. In addition, during this process, What Is Your Voice learned that the existing garage which was originally constructed by a predecessor in title in 1982 violated the side yard setback requirement and that it was necessary to obtain an administrative variance to bring the structure into compliance with the

Zoning Code before filing the conditional use application. As a result of these unexpected delays, What Is Your Voice was not able to file this application until January 2021.

What Is Your Voice proposes to utilize an existing garage consisting of approximately 658+/- square feet for office uses and the one-story pole building consisting of approximately 3,034+/- square feet to be used for four (4) rental storage units in connection with its non-profit corporation. In addition, What Is Your Voice intends to continue to utilize the dwelling on the Property for residential purposes as permitted under the Zoning Code in the AR-1 Agricultural Residential District. What Is Your Voice currently has three (3) employees, one (1) of which is onsite and manages the daily office operations. Business hours are 9:00 a.m. until 4:00 p.m. Monday through Thursday. The office will not be open to the public. Although most appointments with clients are conducted via zoom, Peer Support Advocates may meet with clients at the Property by appointment only. There is currently an existing natural forested buffer around most of the perimeter of the Property and a privacy fence in the rear of the Property to limit any impact on adjoining uses or properties. In addition, there are audio and video cameras on the property to monitor activity. There will be no sign on the Property.

The purpose of this conditional use is to enhance What Is Your Voice's ability to efficiently provide essential services to the expanding population in Sussex

County. The proposed use will cause no detrimental impact on surrounding properties or neighborhoods. The property is located along Shady Road, Lewes, Delaware. There are properties opposite the Property and in close proximity to the Property that are currently zoned C-1 General Commercial District, MR Medium Residential District and the Property is in close proximity to Delaware Route 1 (Coastal Highway). Moreover, the area in general is a mixed-use area that includes existing residential and commercial uses. The surrounding land uses to the east, west and north are Coastal Areas and Highway Commercial Areas. The surrounding land uses to the south are Coastal Areas.

DelDOT has determined that the traffic associated with the proposed use is negligible and therefore did not recommend that a Traffic Impact Study be performed for the application. There is an existing gravel driveway and parking area to access the office and storage buildings. Sewer Services are provided by Sussex County. Central water services are not available but the Property is currently served by a private well. In addition, there are no wetlands on the Property.

The proposed use complies with the Sussex County Zoning Code (the "Code"). The Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Code (the "Code"). The purpose of the AR-1 Zoning District is to provide for "a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the

depreciating effect of objectional, hazardous and unsightly uses.” Conditional Uses allowed within the AR-1 District pursuant to Section 115-22 of the Code include, among other uses, agricultural related industries, “as well as residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit.” Thus, the proposed office and storage use are permitted conditional uses under the Code.

The 2019 Comprehensive Plan, Future Land Use Plan (the “Plan”) indicates that the Property has the land use designation Coastal Area, which includes areas around Rehoboth Bay, Indian River Bay and Little Assawoman Bay. The Plan provides that the Coastal Area is a growth area but “additional considerations should be taken into account in this Area that may not apply in other Growth Areas.”<sup>1</sup> The Plan concedes that the “challenge in this region is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates low.”<sup>2</sup> Permitted uses in the Coastal Areas include a range of housing types, such as single-family homes, townhomes, and multi-family units. In addition to residential uses, “[r]etail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with

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<sup>1</sup> 2019 Sussex County Comprehensive Plan at 4-15.

<sup>2</sup> 2019 Sussex County Comprehensive Plan at 4-15.

access along arterial roads. Appropriate mixed-use development should also be allowed.”<sup>3</sup> The Plan further provides that “careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.”<sup>4</sup> The proposed use is an appropriate use in the Coastal Areas and is of a public or semi-public character that will benefit the residents of Sussex County.

For the reasons set forth herein, the proposed conditional use is appropriate under the Code and Plan as it promotes the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County.

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<sup>3</sup> 2019 Sussex County Comprehensive Plan at 4-15.

<sup>4</sup> 2019 Sussex County Comprehensive Plan at 4-15.

# EXHIBIT “11”

**PROPOSED FINDINGS OF FACT AND CONDITIONS**  
**C/U NO. 2261**

Based upon the record presented in support of C/U No. 2261, the application of WHAT IS YOUR VOICE, INC. for a conditional use of land in an AR-1 Agricultural Residential District to utilize the existing garage for office uses and the one-story pole building for rental storage facilities consisting of four (4) units in connection with the Applicant's non-profit corporation, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions:

1. The application of WHAT IS YOUR VOICE, INC. seeks a conditional use of land in an AR-1 Agricultural Residential District to utilize the existing garage for office uses and the one-story pole building for rental storage facilities consisting of four (4) units in connection with the Applicant's non-profit corporation. The Applicant will continue to utilize the existing dwelling as permitted under the Zoning Code in the AR-1 Zoning District.
2. The conditional use of land sought consists of approximately .63 acres of land.
3. The property is located on the southeastern side of Shady Road, approximately .21 miles southwest of the intersection of Delaware Route 1 (Coastal Highway) and southwest of Lewes, Delaware.

4. The subject property is identified by Sussex County Tax Mapping as Tax Parcel 334-6.00-515.00. The property is opposite an existing C-1 General Commercial District and is in close proximity to Delaware Route 1 (Coastal Highway). The area in general is a mixed-use area that includes existing residential and commercial uses.

5. The Applicant is a Delaware 501(c)(3) non-profit corporation which provides essential services to its clients to combat domestic violence, family violence and teen violence and is recognized as a trailblazer in their mission to stop the cycle of violence against women and children within Sussex County and through the State of Delaware.

6. The Applicant rented the property before purchasing it in May 2019. The property was purchased to more efficiently and better serve the Applicant's clients.

7. Sussex County Engineering Department, Utility Division, commented that the property is served by public sewer from Sussex County.

8. The property is served by an individual onsite well.

9. DelDOT commented that a Traffic Impact Study was not recommended and that the proposed use would have a negligible impact on traffic. The Applicant shall comply with all DelDOT requirements, including any entrance improvements.



10. A conditional use of land sought will have no adverse or detrimental impact on neighboring areas or roadways.

11. There is a natural forested buffer along most of the sides and rear of the property, which shall remain, and a privacy fence along the rear of the property. In addition, there are audio and video cameras on the property to monitor activity.

12. The use of the garage shall be limited to office uses and the use of the pole building shall be used for rental storage facilities. The dwelling will be used for residential purposes as permitted under the Zoning Code.

13. The hours of operation of the office will be from 9:00 a.m. through 4:00 p.m. on Monday through Thursday but will not be open to the public. Although most appointments with clients are conducted via zoom, Peer Support Advocates may meet with clients at the Property by appointment only.

14. There are currently three (3) employees, one (1) of which is onsite and manages the daily office operations.

15. There is an existing gravel driveway and parking area to access the office and storage buildings, as shown on the conditional use site plan.

16. The proposed use of the property as an office and storage facilities for the Applicant's non-profit corporation is of a public or semi-public character that will benefit the residents of Sussex County.

17. The property is located in the Coastal Area under the Sussex County Comprehensive Land Use Plan.

18. The proposed use of the property is consistent with the purposes and goals of the Comprehensive Land Use Plan.

19. The conditional use will afford an existing non-profit corporation to expand their current operations to better serve the needs of residents in the rapidly expanding district.

20. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Based upon the record and the above findings, the Planning & Zoning Commission recommends that the County Council approve the applied for conditional use of land as the proposed conditional use is for the purpose of promoting the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of

land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.

Support Exhibit  
RECEIVED

SUPPORT EXHIBIT

Styled.

AUG 10 2021

SUSSEX COUNTY  
PLANNING & ZONING

17541 Shady Road | Lewes, DE 19958

302-827-3225 | styledde.com

August 10, 2021

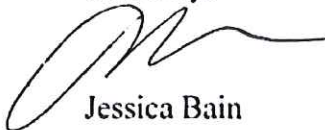
Sussex County Planning & Zoning Department  
Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director  
2 The Circle  
Georgetown, DE 19947

RE: What Is Your Voice, Inc.  
TMP#334-6.00-515.00 / 17583 Shady Rd., Lewes, DE  
Conditional Use No. 2261

Dear Mr. Whitehouse:

Our business, Styled!, is located at 17541 Shady Rd., Lewes, Delaware, which property is in close proximity to the above-referenced property owned by What Is Your Voice, Inc. We are writing to advise that we support What Is Your Voice, Inc.'s request for a conditional use of land to allow them to utilize the existing garage as an office and the pole building for rental storage units in connection with their non-profit corporation. The proposed use will not have an adverse impact on the use of our property or traffic.

Sincerely,



Jessica Bain

**Nick Torrance**

---

**From:** jcecchini57@gmail.com  
**Sent:** Sunday, August 8, 2021 7:41 PM  
**To:** Planning and Zoning  
**Cc:** 'Cecchini, Gretchen'  
**Subject:** RE: C/U2261 - Feedback

**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.

Hello, we are John and Gretchen Cecchini, owners of the condo located at 17650 Pointer Drive #4.

Because we are not full time residents, we are unable to attend either of the public hearings in person.

Our condo, which is an end unit, abuts the property at 17583 Shady Rd, Lewes, (Tax Parcel 334-6.00-515.00) for which an ordinance to grant a conditional use of lang is being requested.

We are concerned about the proposed storage units and offices being proposed for this site due to the increased car and truck traffic and resulting noise, as well as the negative visual impact to the neighborhood.

Storage units can be accessed 24/7 and as such the noise impact will likely negatively impact the quality of the quiet neighborhood.

Should the proposal be approved by the planning and zoning commission, we would very much request a buffer zone of evergreen trees along the fence line to counter act the impact of the commercial activity.

Yours respectfully,

John and Gretchen Cecchini  
230 Kristin Lane  
Allentown, PA 18104  
Telephone: 610-745-0490

RECEIVED

AUG 12 2021

SUSSEX COUNTY  
PLANNING & ZONING

**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: August 12th, 2021

Application: CU 2289 Leah Beach

Applicant: Leah Beach  
8A Saulsbury Street  
Dewey Beach, DE 19971

Owner: James Chaconas  
387 County Road 304  
Floresville, TX 78114

Site Location: Marketplace – Southwest corner of Canal Crossing Road and Central Avenue  
Off-site Parking – Northeast corner of Hebron Road (Rt. 273) and Rehoboth Avenue Extended

Current Zoning: General Commercial (C-1) Zoning District

Proposed Use: Outdoor Marketplace

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Company

Sewer: Sussex County – Central Sewer

Water: City – Rehoboth Beach

Site Area: Marketplace site – Approximately 10,800 square feet  
Off-site parking – P/o 1.98 acres

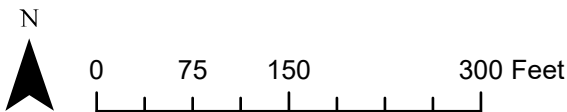
Tax Map ID.: 334-13.20-21.00 (marketplace) & 334-13.19-79.00 (p/o for off-site parking)

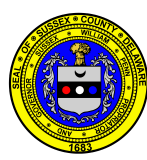


# Concept Map for CU 2289 (Leah Beach)

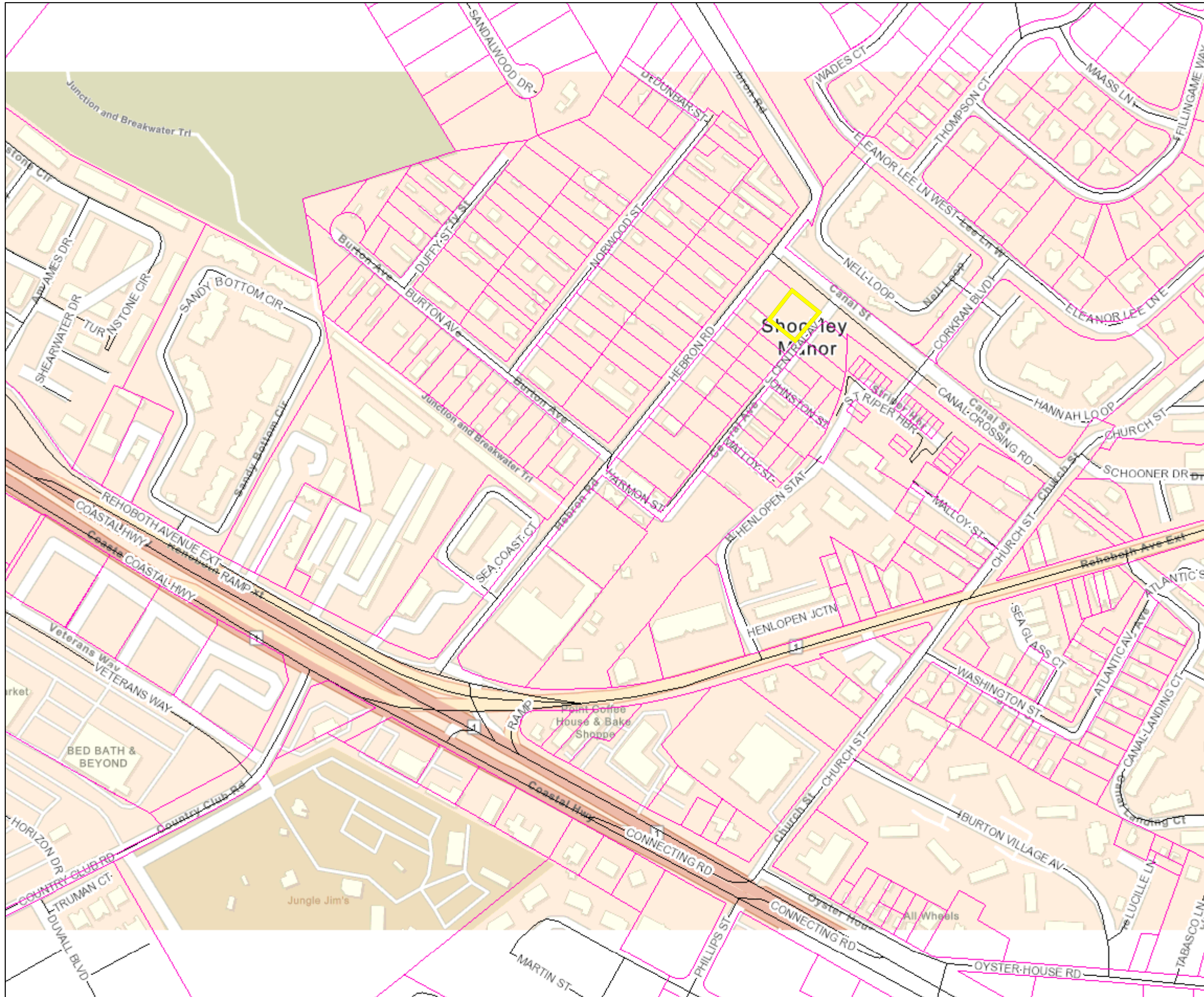


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





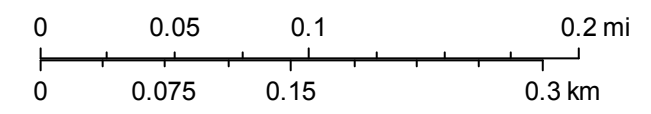
# Sussex County



<b>PIN:</b>	334-13.20-21.00
<b>Owner Name</b>	CHACONAS JAMES N
<b>Book</b>	4119
<b>Mailing Address</b>	387 COUNTY ROAD #304
<b>City</b>	FLORESVILLE
<b>State</b>	TX
<b>Description</b>	SHOCKLEY SUBD
<b>Description 2</b>	LOTS 17 18
<b>Description 3</b>	
<b>Land Code</b>	

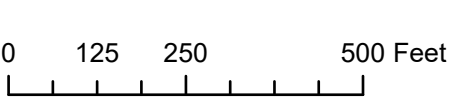
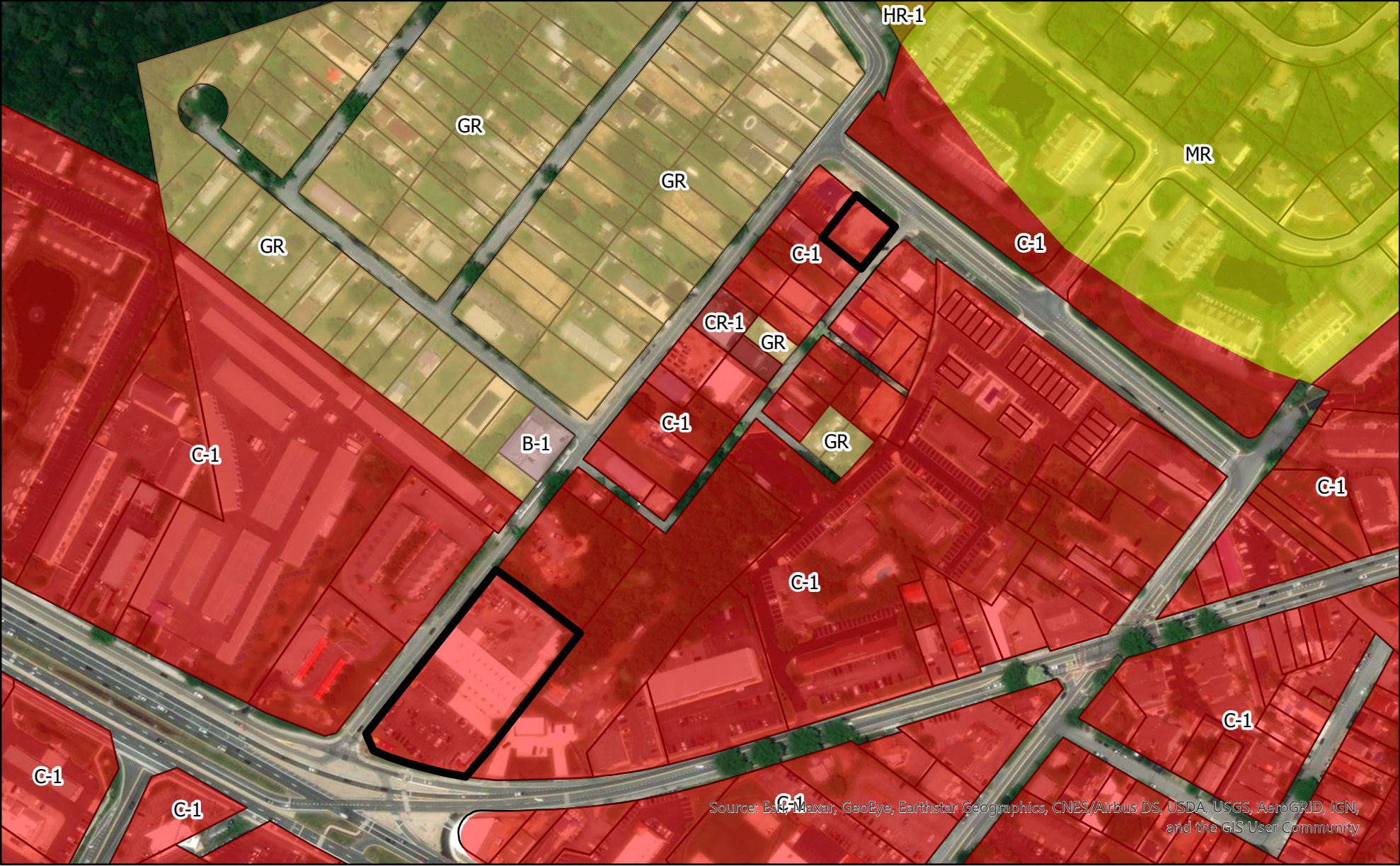
- polygonLayer  
 Override 1
- polygonLayer  
 Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514

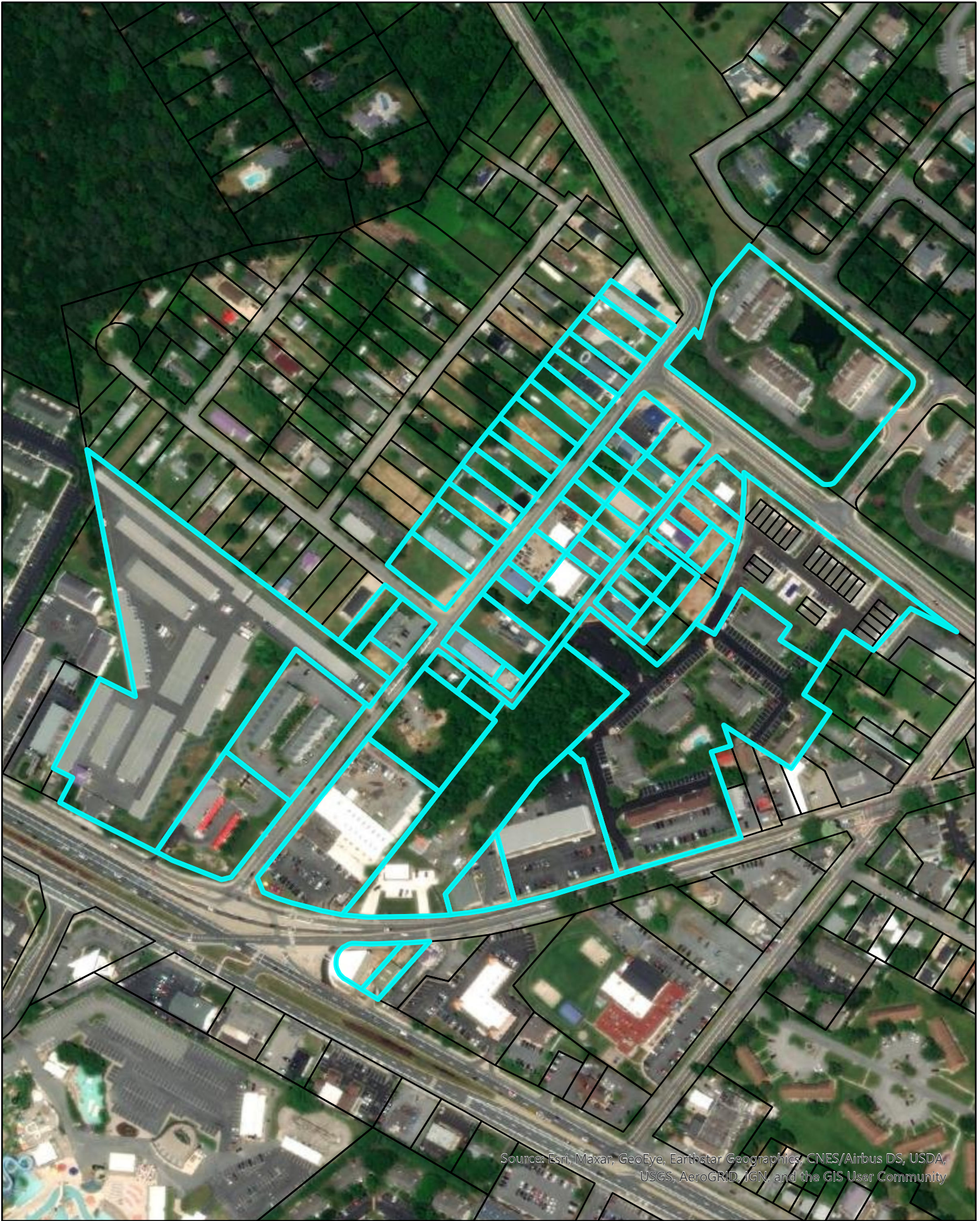




# Zoning Map CU 2289 (Leah Beach)



The purpose of this map is to show the zoning classification for TMP: 334-13.20-21.00 & 334-13.19-79.00 and surrounding parcels. The subject parcels are in bold.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2289 Leah Beach

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This memo provides a background and analysis for the Planning Commission to consider as a part of application Conditional Use No. 2289 (Leah Beach) to be reviewed during the August 2<sup>nd</sup>, 2021 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.

This Conditional Use request is for Tax Parcels 334-13.20-21.00 and 334-13.19-79.00 to allow for an outdoor marketplace and off-site parking to be located in a General Commercial (C-1) Zoning District. Tax Parcel 334-13.20-21.00 (Parcel A) is located on the southwest corner of Canal Crossing Road and Central Avenue, approximately 300 feet east of Hebron Road (Rt. 273). Parcel A is approximately 10,800 square feet which is equivalent to 0.247 acres +/- . Tax Parcel 334-13.19-79.00, Parcel B, is located on the northeast corner of Rehoboth Avenue Extended and Hebron Road. Parcel B is 0.327 acres +/- . Parcel A serves as the subject property for the outdoor marketplace and vendors while a portion of Parcel B is intended to be utilized as off-site parking from which a shuttle will transport attendees to the subject site.

The 2018 Sussex County Comprehensive Plan provides a framework for how land could 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 property has the land use designation of the "Commercial." All neighboring properties are also designated as Commercial.

Vicinities designated to be within the Commercial Area are generally concentrations of retail and services uses along arterial roadways and highways. These areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared toward vehicular traffic. The Commercial Area designation does not include many medium or large-scale commercial uses that are larger in scale and higher in intensity. The Comprehensive Plan notes that mixed use development may be appropriate in these areas.

Both parcels are within a General Commercial (C-1) Zoning District. Additionally, each adjacent parcel (including the opposite side of the roadway) is within a C-1 Zoning District. Canal Corkran, which mainly exists within the Medium Density and High Density Residential Zoning Districts is located along Canal Crossing Road. Other nearby communities include Park Shore (C-1) and a residential area along Norwood and Dunbar Streets which exists in a General Residential (GR) Zoning District.

Aside from the subject application, there have been 40 Conditional Uses within a one-mile radius of the subject property since 1971. 30 have been approved. Six applications have been denied.

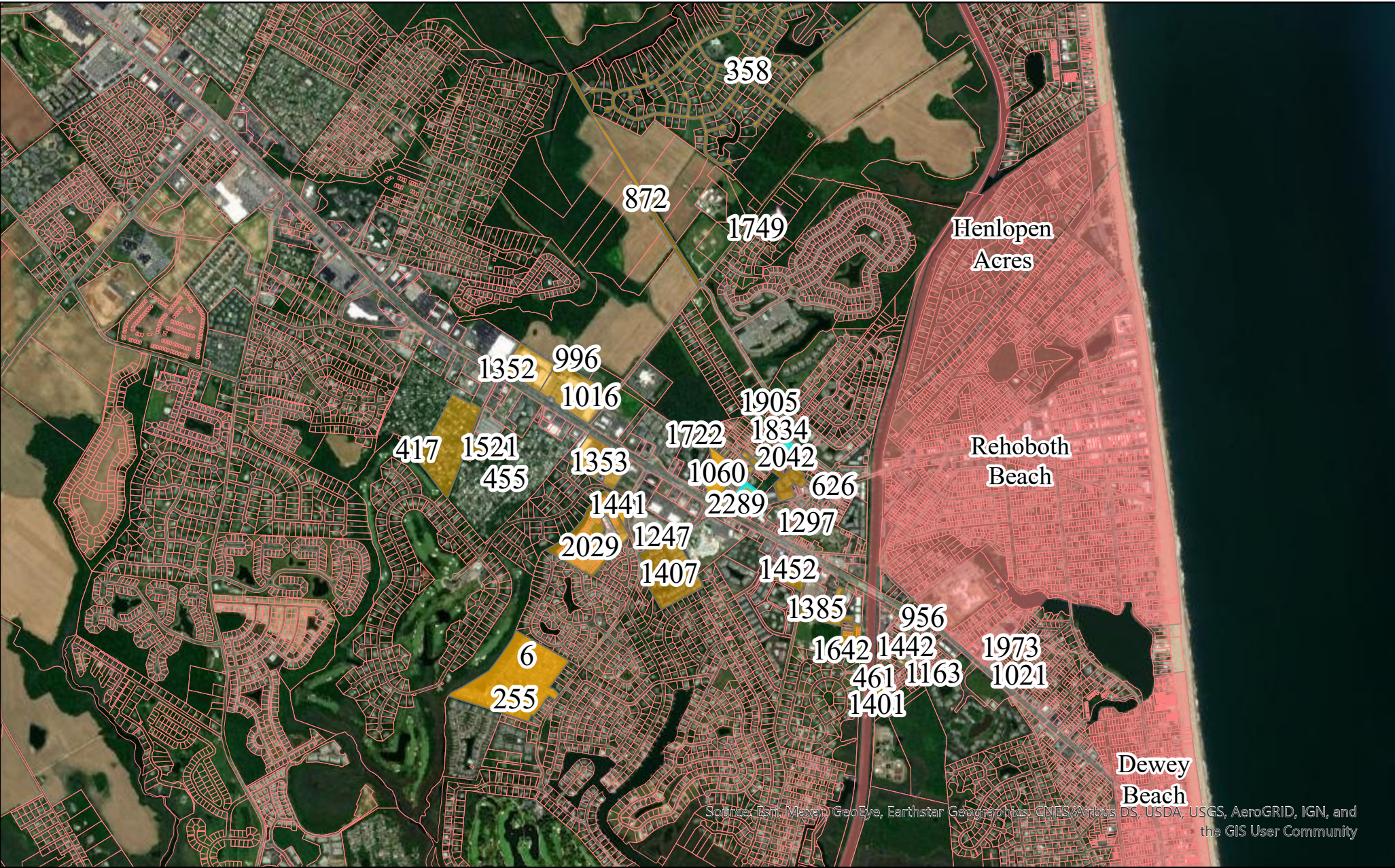


Three applications were withdrawn. Attached to this memo is a table that provides a summary of each application and a map that depicts the locations of each Conditional Use.

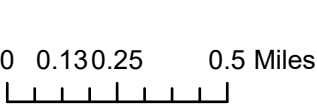
Based on the analysis provided, the Conditional Use to allow for an outdoor marketplace and other similar activities, subject to considerations of scale and impact, could be considered as consistent with the surrounding land uses, zoning, and environment.

CU #	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	CC Decision Date	CC Decision	Ordinance No.
1834	334-13.20-8.01	Richard F. Lynman	GR	storage of umbrella stands	Recommended Approval	10/5/2010	Approved	2150
358	334-7.00-34.00	Ocean Wave Hall Inc	AR-1	private lodge	N/A	<Null>	Approved	<Null>
1905	334-13.15-2.00	West Rehoboth Community Land Trust	GR	Multi-Family Duplex	Recommended Approval	1/3/2012	Denied	<Null>
1352	334-13.00-325.16	Rehoboth Outlets Center 3	C-1	sales of soft/hard goods off carts	Recommended Approval	5/1/2001	Approved	1450
872	334-13.00-361.00	Ocean Wave Hall, Inc.	AR-1	private club	Recommended Approval	9/29/1987	Approved	455
280	334-13.19-65.00	King Solomon Lodge	GR	private club	N/A	<Null>	Withdrawn	<Null>
626	334-13.20-33.00	Chicken Pot, Inc.	C-1	Flea Market	<Null>	<Null>	Approved	<Null>
1297	334-13.20-59.00	J. David Lynam	C-1	outdoor retail sales	<Null>	8/10/1999	Denied	<Null>
1452	334-19.00-163.09	Lutheran Church of Our Savior	C-1	pre-school	Recommended Approval	5/14/2002	Approved	1543
1521	334-13.00-311.00	Storage Equity Partners LP II	AR-1	self storage	Recommended Approval	3/9/2004	Approved	1663
255	334-19.00-13.00	Truitt Family	AR-1	extend manufactured home park	N/A	<Null>	Approved	<Null>
455	334-13.00-311.01	Sea Air Properties Inc	AR-1	addition to existing manufactured home park	N/A	<Null>	Approved	<Null>
417	334-13.00-308.00	Camelot Moible Home Park	AR-1/C-1	addition to existing manufactured home park	N/A	<Null>	Approved	<Null>
1070	334-13.19-63.00	West Side New Beginnings, Inc.	GR	private club/community activity center	Recommended Approval	4/12/1994	Approved	961
1223	334-13.19-61.00	West Side New Beginnings	GR	Private Club & Community Activity Center	Recommended Approval	2/10/1998	Approved	1213
956	334-19.08-165.00	Richard C. Miller	GR	multi-family	Recommended Denial	1/29/1991	Denied	<Null>
1407	334-19.00-154.01	Marsh Harbor L.L.C.	MR	multi-family	Recommended Denial	10/9/2001	Approved	1493
2042	334-13.20-24.00	Beachfire Brewing	C-1	Microbrewery	Recommended Approval	6/7/2016	Approved	2451
2214	334-13.20-25.00	Anthony Crivella & Harold Dukes Jr.	C-1	operate a food truck for a period exceeding three days	Recommended Approval	8/25/2020	Approved	2734
1722	334-13.19-10.00	West Rehoboth Community Land Trust	GR	Multi-Family Dwelling	Recommended Approval	1/30/2007	Approved	1891
1596	334-13.19-2.00	Carole A. Levitsky & Sara Tammany	GR	office bldg	Recommended Approval	11/9/2004	Approved	1725
1973	334-20.09-12.00	Sandhill Homes LLC	MR	Multi-family Dwelling Structure	Withdrawn	<Null>	Withdrawn	<Null>
844	334-20.09-11.00	James W. Tello	MR	multi-family	Recommended Denial	2/4/1986	Denied	<Null>
1021	334-20.09-9.00	Beebe Medical Center, Inc.	MR	60 or Older activities Center	Recommended Approval	10/13/1992	Approved	860
1345	334-13.00-359.00	Glenwood Aviation L.L.C.	C-1	helistop/heliport	Recommended Denial	8/3/2000	Withdrawn	<Null>
1749	334-13.00-337.00	Robin Erthal & Lynda Lake	AR-1	Multi-Family Dwelling	Recommended Denial	10/28/2008	Denied	<Null>
461	334-19.12-21.00	Hayward W Robinson	GR	ticket booth, apartment & related facilities, excursion boat	N/A	<Null>	Approved	<Null>
1442	334-19.12-16.00	Jayant Goyle	GR	multi-family	Withdrawn	2/19/2002	Withdrawn	<Null>
1163	334-19.12-38.02	James J. Doney & Jeffrey Mohr	GR	multi-family	Recommended Approval	10/1/1996	Approved	1106
1401	334-19.12-67.00	Randy Burton	GR	multi-family	Recommended Denial	7/31/2001	Approved	1482
1385	334-19.00-168.00	Bayside Development Group Inc.	AR-1	multi-family	Recommended Approval	5/15/2001	Approved	1457
1642	334-19.08-42.00	Sunrise Ventures L.L.C.	AR-1	multi-family	Recommended Approval	3/28/2006	Approved	1835
1441	334-13.00-325.07	Curtis Ricketts	MR	multi-family	Recommended Approval	3/12/2002	Approved	1525
2029	334-19.00-3.00	Truitt Homestead, LLC	MR	29 Multi-family dwellings	Recommended Approval	11/17/2015	Approved	2426
1353	334-13.00-325.20	Rehoboth Outlets Center 2	C-1	sales of soft/hard goods off carts	Recommended Approval	5/1/2001	Approved	1451
1016	334-13.00-325.06	Jefferson Learning Foundation	C-1	Independent Elementary School	Recommended Approval	9/1/1992	Approved	854
996	334-13.00-325.36	Ronald E. Lankford	AR-1	Family Amusement Park	Recommended Approval	3/21/1992	Denied	<Null>
1060	334-13.00-359.00	Gulf Stream Design Group	C-1	cinema & ice skating rink	Recommended Approval	12/14/1993	Approved	944
1247	334-13.00-325.07	Kings Creek Associates, Inc.	MR	16 Unit Multifamily Dwelling	Recommended Approval	7/21/1998	Approved	1251
6	334-19.00-13.00	J Dorman Johnson	AR-1	manufactured home park	N/A	4/13/1971	Approved	<Null>
2289	334-13.20-21.00	Leah Beach	C-1	Outdoor Special Events	<Null>	<Null>	<Null>	<Null>

# All Conditional Uses within One Mile of CU 2289 (Leah Beach)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



This map may not contain all necessary elements or principles and is suggested to be utilized for general reference only.

Conditional Use data is sourced from Sussex County's Conditional Use layer.

Chase Phillips, Planner I

CU 2289  
202107629

# 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**

19826 CENTRAL AV REHOBOTH BEACH, DELAWARE, 19971

**Type of Conditional Use Requested:**

Reoccurring public art market on site through 2022.

Tax Map #: 334-13.20-21.00 Size of Parcel(s): \_\_\_\_\_

Current Zoning: CO Proposed Zoning: N/A Size of Building: None

Land Use Classification: CO-COMMERCIAL

Water Provider: SUSSEX COUNTY Sewer Provider: SUSSEX COUNTY

**Applicant Information**

Applicant Name: Leah Beach  
Applicant Address: 8A Saulsbury Street  
City: Dewey Beach State: DE Zip Code: 19971  
Phone #: (302) 212-9798 E-mail: leah@developingarts.org

**Owner Information**

Owner Name: James Chaconas  
Owner Address: 387 County Rd 304  
City: Floresville State: TX Zip Code: 78114  
Phone #: (830) 216-2027 E-mail: None

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Denise Moore \*Please contact agent  
Agent/Attorney/Engineer Address: N/A  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: (302) 242-4433 E-mail: delawareagent@yahoo.com



# 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**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - 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.**
- ✓ **DeDOT 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: 5/17/2021

**Signature of Owner**

\_\_\_\_\_

Date: \_\_\_\_\_

**For office use only:**

Date Submitted: 05/18/2021 Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: chase P. Application & Case #: 202107629  
Location of property: 1) 334-13.20-21.00 central Ave. & canal crossing Rd.  
2) 334-13.19-79.00 Rt. 1 & Hebron Rd.  
Subdivision: —  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_





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

ICOLE MAJESKI  
SECRETARY

April 20, 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 **Leah Beach** proposed land use application, which we received on April 16, 2021. This application is for an approximately 0.25-acre parcel (Tax Parcels: 334-13.20-21.00). The subject land is located on the southwest corner of Central Avenue and Canal Crossing Road which is south of the intersection of Canal Crossing Road and Hebron Road (Sussex Road 273). The subject land is currently zoned CO (Commercial) and the applicant seeks to operate a Public Art Market.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hebron Road from Canal Crossing Road to State Route 1 is 3,157 vehicles per day.

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.

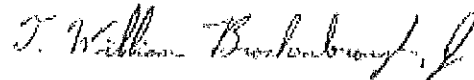
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



April 20, 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:aff

Enclosure

cc: Leah Beach, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, 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: **8/5/2021**

APPLICATION: **CU 2289 Leah Beach**

APPLICANT: **Leah Beach**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-13.20-21.00 & 334-13.19-79.00**

LOCATION: **Southwest corner of Canal Crossing Road and Central Avenue & Northeast corner of Hebron Road and Rehoboth Avenue Extended.**

NO. OF UNITS: **Proposed outdoor market with off-site parking**

GROSS  
ACREAGE: **30,000 +/- square feet**

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? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **Yes** If yes, how many? **1.0**. 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 **Christine Fletcher** 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: **Unknown at this time if bathrooms will be constructed on site.**

(9). Is a Sewer System Concept Evaluation required? **No**

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

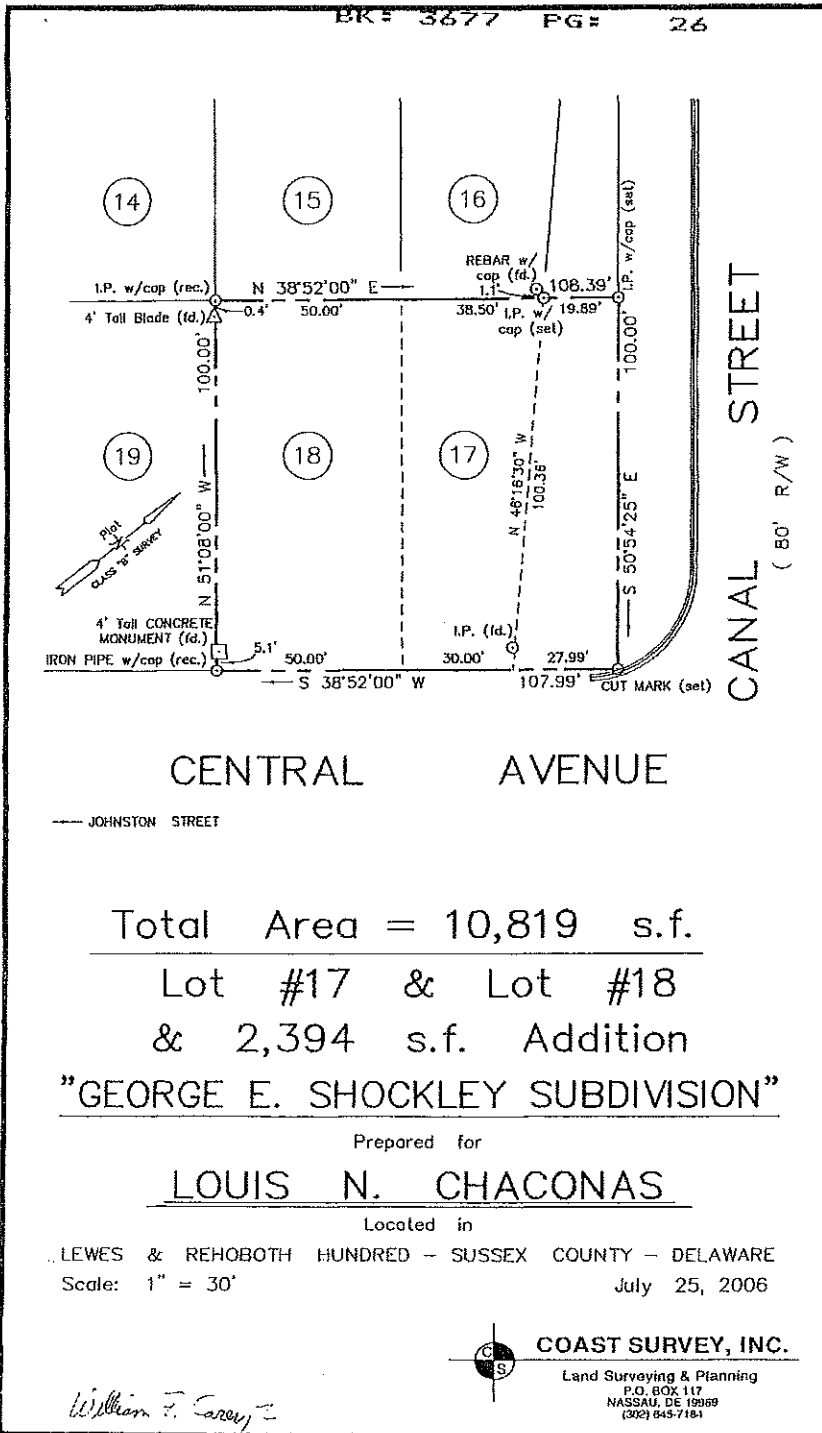
(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher



Total Area = 10,819 s.f.  
 Lot #17 & Lot #18  
 & 2,394 s.f. Addition  
 "GEORGE E. SHOCKLEY SUBDIVISION"

Prepared for  
LOUIS N. CHACONAS

Located in  
 LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE  
 Scale: 1" = 30' July 25, 2006

**COAST SURVEY, INC.**  
 Land Surveying & Planning  
 P.O. BOX 117  
 NASSAU, DE 19069  
 (302) 645-7181

*William F. Carey*

# Creative Market Parking Plan



Overview: Due to the limited parking options available we will be utilizing Quillen's Hardware parking lot that is located near the Creative Market event. To ensure safety we will be hiring a shuttle service that will deliver customers from the Quillen's parking lot to the Creative Market entrance that will continuously run from 5:30pm until 9:00pm. Parking and the shuttle service will be free.

There are 50 parking spaces available at Quillen's Hardware parking lot. We will have liability insurance on the parking lot as well as a parking attendant volunteer on site to coordinate customers and the parking shuttle.

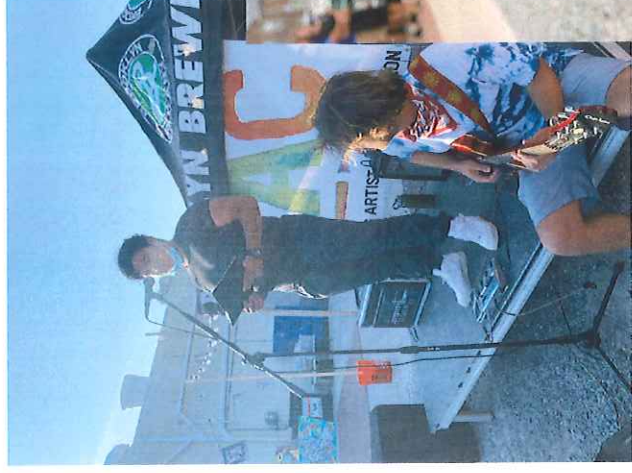
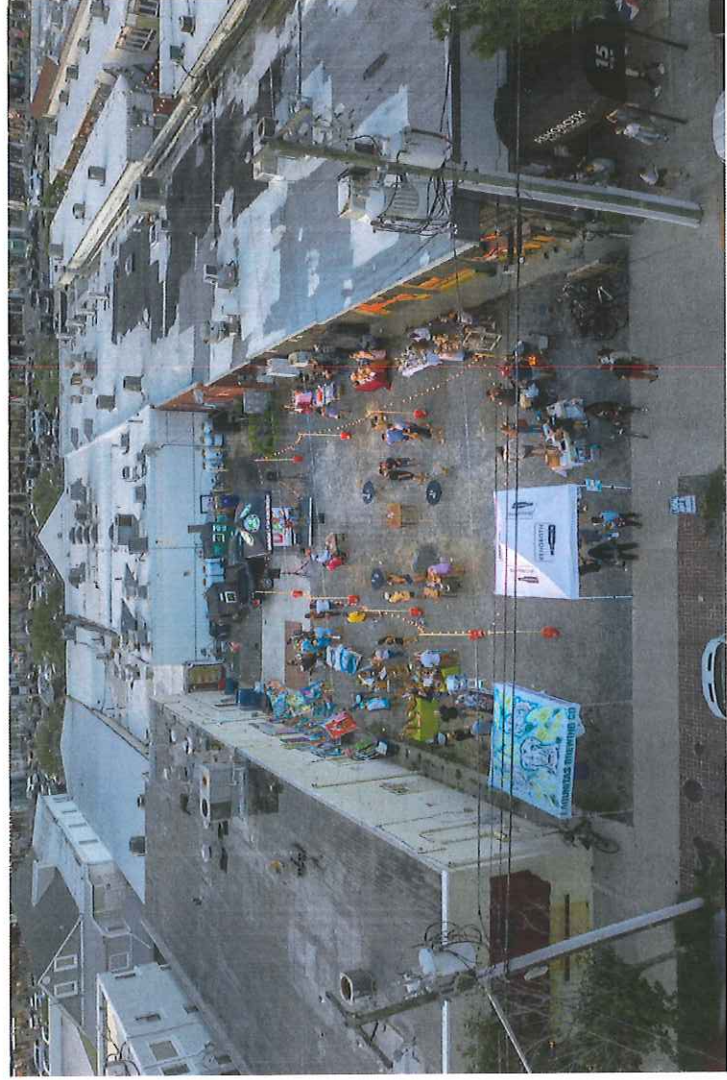




Creative Market was a small event that we did in 2020 on private property in Downtown Rehoboth Beach as a response to the Pandemic. Our goal was to give a platform for local artists and handmade businesses so that they could have access to the general community in an open air market. This market would allow the public to safely gather outdoors to purchase from these handmade artists. Almost all of the major vendor events and markets that many of these artists participate in were cancelled in 2020 so this market was detrimental to their businesses.

We then continued to add in small acoustics musical acts, spoken word, and poetry. The restaurants provided alcohol and food on site for customers to consume.

The event ran from June until late September and we decided to move Creative Market to West Rehoboth for 2021 to continue the program.







We will be transforming this lot located in West Rehoboth across from Tomato Sunshine and Ocean Boulevard Furniture into a weekly open air market which will be weather dependent. We will be building a low lying fence around the perimeter just to ensure crowd control and for contact tracing. There will be a perimeter of tables on site along with a stage for announcements and for small entertainment acts.

All vendors will be 100% artists or handmade small businesses from our local community as well as artists from across the State and surrounding States. There is space for 20 businesses each week and (1) sponsor business on display.

Entertainment on site will be limited to 1-2 man acoustic musical acts as well as single set poets, comedians, or theater groups.

Our vision is to have outdoor weather safe lights strung around the perimeter of the event secured by 16' PVC pipes that are secured in the ground with concrete. We will be constructing a arch way that customers will enter under with marquee letters that spell out Creative Market. There will be an opening in the back of the perimeter fence in case of emergency by our stage.

All alcoholic beverages will be donated to the Developing Artist Collaboration and will be responsibly served by ABC certified bartenders with the proceeds going to our non-profit.

~~Parking will be available on the same lots that Revelation Brewery and Tomato Sunshine utilize with a maximum of 50 cars. There will be a satellite parking lot option for us up Hebron Rd. Parking attendants will be on site of both parking lots as well as to assist with directing traffic, parking on the lots since the parking spots are not marked, and ensuring safe practices for pedestrian crossings.~~

Revelation Brewery will have a food truck on site as well as (2) outdoor Porta Potties (1) ADA complaint and their bathroom facility (also ADA complaint) available for all customers.





**DAC Creative Marketplace**

5 messages

Dan Toohy <vdtoohy@gmail.com>  
To: leah@developingarts.org  
Cc: Joe Chinnici <JRC930@gmail.com>

On behalf of the Canal Corkran Homeowners Association, Joe Chinnici, President and myself, we are wishing the Developing Artists Collaboration success with the new Creative Marketplace you are hosting in West Rehoboth. We also want to recognize you for being a good neighbor and we were appreciative and supportive of the signage that you put out regarding parking in our neighborhood. Details like that show that a lot of thought and effort went into the planning of the event.

We are looking forward to future Monday Evening Marketplaces and hoping for your continued success.

Again, thank you.

Dan Toohy  
Vice President  
Canal Corkran Homeowners Association

Leah Beach <leah@developingarts.org>

Tue, Jun 1, 2021 at 4:26 PM

RECEIVED

JUN 1 1 2021

**SUPPORT EXHIBIT**

SUSSEX COUNTY  
PLANNING & ZONING

**Deborah Miller**

to me, Korey →

Good Morning Kira,

No feedback, just a few thank you's.



...

**Debbie Miller**

Legum & Norman – An Associa Company

Community Manager – Resorts Division

(302) 227-8448 Office

(302) 827-5183 Fax

12000 Old Vine Blvd, Ste 114

Lewes, DE 19958

**SUPPORT EXHIBIT**

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JUN 11 2021

SUSSEX COUNTY  
PLANNING & ZONING



DEVELOPING ARTIST COLLABORATION



April 21, 2021  
Developing Artist Collaboration  
P.O Box 42  
Rehoboth Beach, DE 19971

James Chaconas owner of the property 19826 Central St, Rehoboth Beach, DE 19971 has given us exclusive permission to use the property to have our Creative Market event on Monday evenings from May until October. Please contact his agent Denise Moore if you have any questions.

Sincerely,

Leah Beach

Executive Director Developing Artist Collaboration

302-212-9798

[leah@developingarts.org](mailto:leah@developingarts.org)

Denise Moore

Agent for James Chaconas

302-242-4433

delawareagent@yahoo.com

**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, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2278 (Branson James)

Applicant: Branson James  
17638 Dusty Road  
Georgetown, DE 19947

Owner: Branson James  
17638 Dusty Road  
Georgetown, DE 19947

Site Location: South side of Dusty Road (S.C.R. 443A), northwest of East Trap Pond Road (S.C.R. 62)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Events Venue

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Vincent

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer: On-site septic system

Water: On-site well

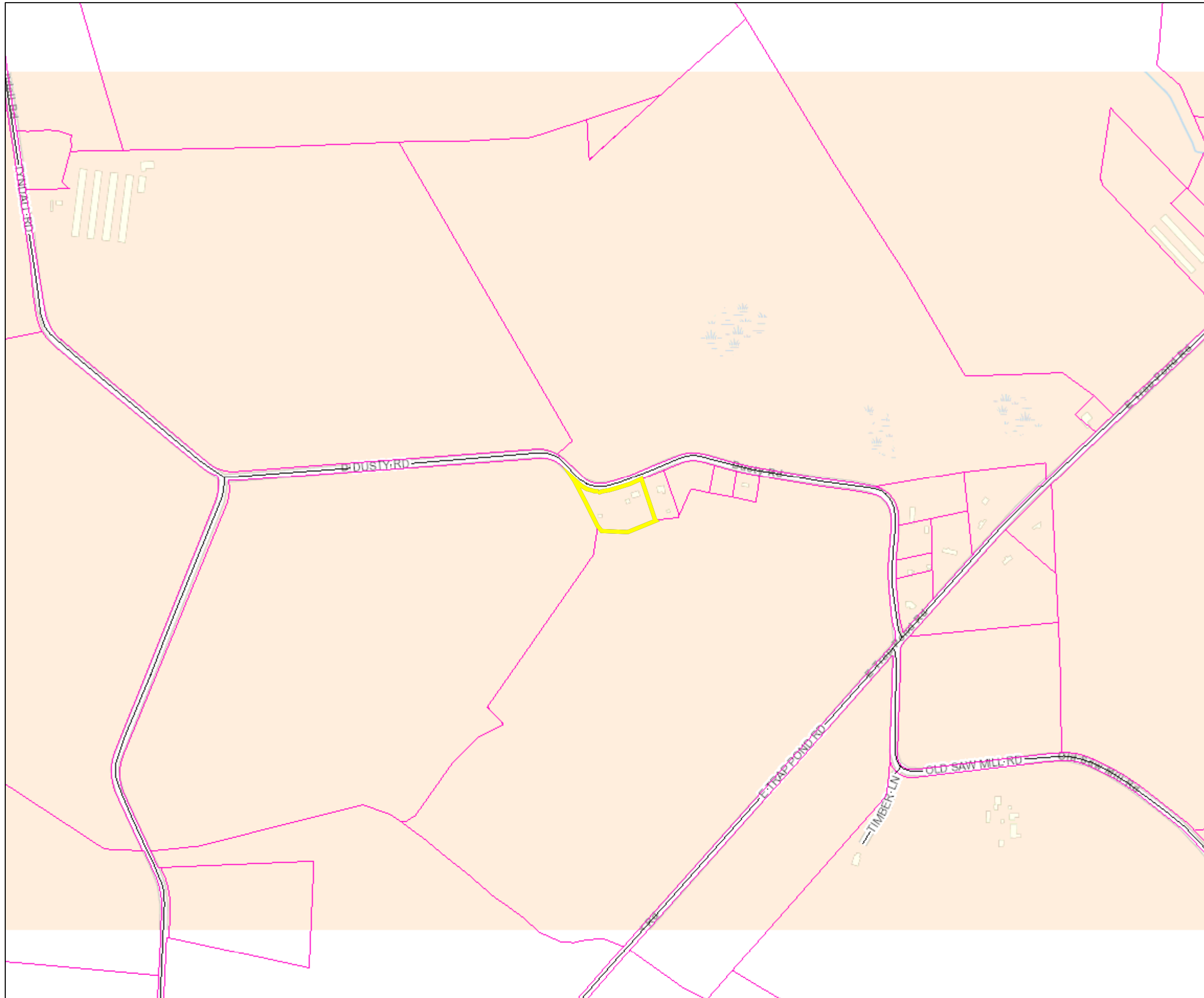
Site Area: 1.9 acres +/-

Tax Map ID.: 231-22.00-16.00





# Sussex County



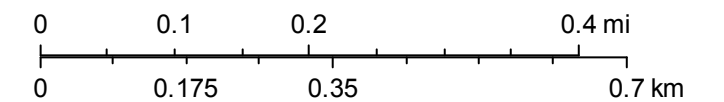
<b>PIN:</b>	231-22.00-16.00
<b>Owner Name</b>	JAMES BRANSON CHRISTOPHER
<b>Book</b>	4903
<b>Mailing Address</b>	17638 DUSTY RD
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	S/DUSTY RD
<b>Description 2</b>	2286' NW/E TRAP POND
<b>Description 3</b>	RD
<b>Land Code</b>	

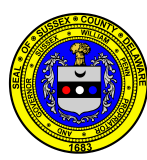
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  - Override 1
- polygonLayer**

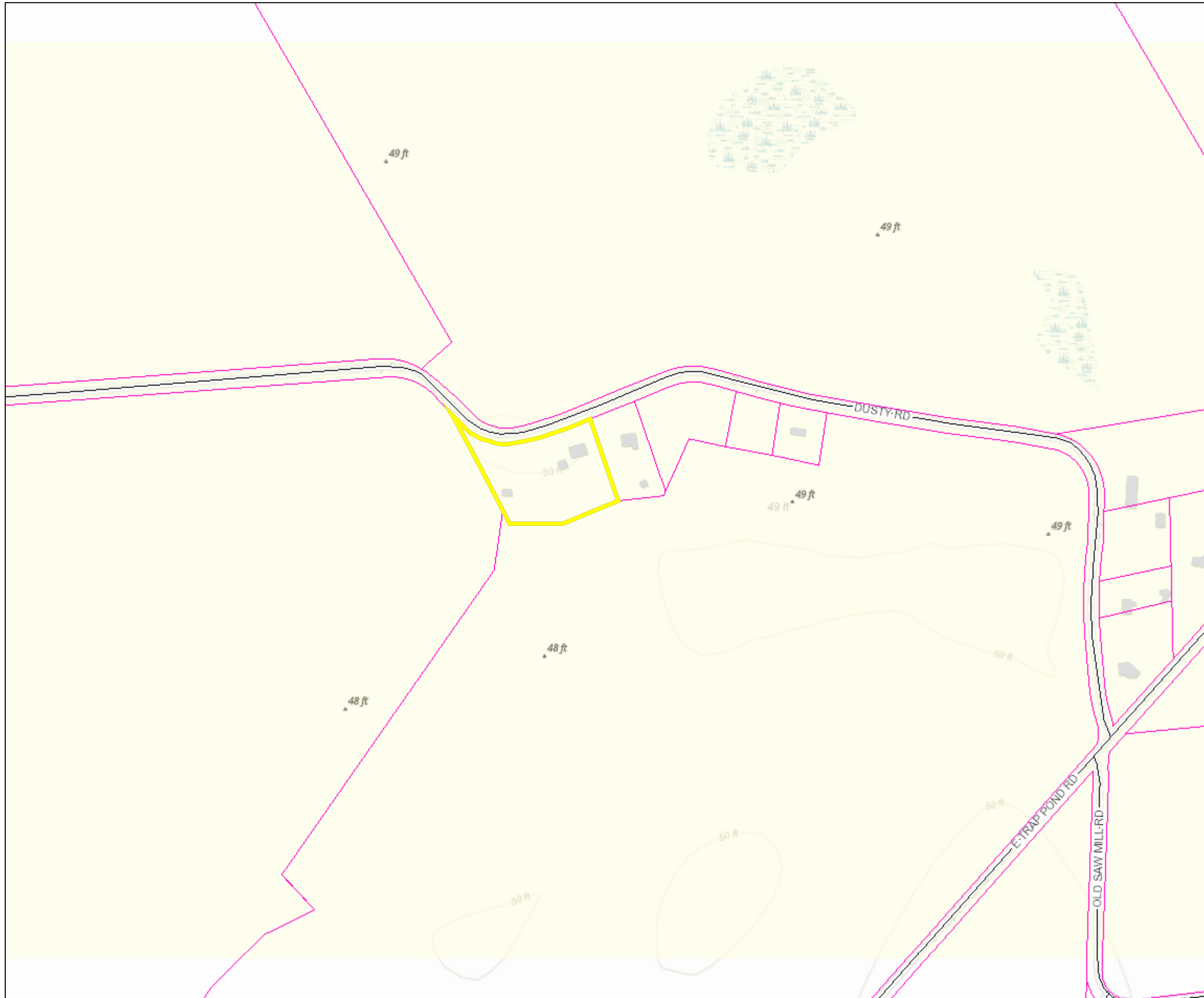
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- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

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# Sussex County



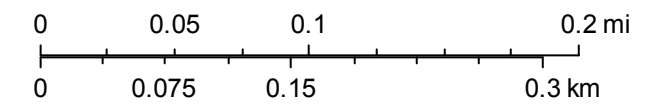
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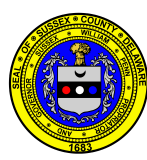
- polygonLayer**

  - Override 1
- polyonLayer**

  - Override 1
- ⋯ Tax Parcels
- Streets

1:4,514





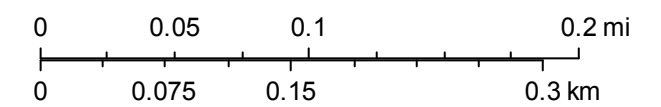
# Sussex County



<b>PIN:</b>	231-22.00-16.00
<b>Owner Name</b>	JAMES BRANSON CHRISTOPHER
<b>Book</b>	4903
<b>Mailing Address</b>	17638 DUSTY RD
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<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels**
- Streets**

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 Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2278 Branson James

---

This memo provides a background and an analysis for the Planning Commission to consider as a part of the Conditional Use Application for Branson James (CU 2278) to be reviewed during the August 3<sup>rd</sup>, 2021, 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 (C/U 2278) to allow for an events venue to be located on the south side of Dusty Road (S.C.R. 443A), approximately 0.48 mile northwest of East Trap Pond Road (S.C.R. 62). The subject property is Tax Parcel 231-22.00-16.00, and the total area of the site is 2.00 acres +/-.

The 2018 Sussex County 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 the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Low Density." The properties to the north, south, east, and west of the subject property also have the land use designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The subject property is within an Agricultural Residential (AR-1) Zoning District. The properties to the north, south, east, and west are all within the AR-1 Zoning District. Staff note the parcels to the west, northwest, and north (3) are within an agricultural easement with the State of Delaware. This easement is titled "Jerry C. Dukes Farm District." No subdivisions exist in relative proximity to the site.

Since 1971, there has been one (1) Conditional Use application filed with the Planning and Zoning Department within a one-mile radius from the subject site. Conditional Use No. 174, to allow for a wood working shop, was initially heard by the Sussex County Council on December 11<sup>th</sup>, 1973,



and approved. The Ordinance number is currently unknown. Attached is a map that represents both the subject application and C/U 174.

Based on the analysis provided, this Conditional Use request for an events venue, subject to considerations of scale and impact, could be determined to be consistent with the surrounding land uses, zoning, and environment.

# All Conditional Uses within One Mile of CU 2278



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 0.13 0.25 0.5 Miles



Orange polygons represent Conditional Use Applications.  
Green polygons represent subdivisions.  
This map may not contain all necessary elements and principles and should be used for general reference only.

Chase Phillips, Planner I

## 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**

17638 Dusty Road Georgetown, DE 19947

**Type of Conditional Use Requested:**

Music/Wedding Venue

**Tax Map #:** 231-22.00-16.00

**Size of Parcel(s):** 2 acres

**Current Zoning:** AR-1

**Proposed Zoning:** n/a

**Size of Building:** n/a

**Land Use Classification:** Low Density

**Water Provider:** well

**Sewer Provider:** n/a

**Applicant Information**

**Applicant Name:** Branson James

**Applicant Address:** 17638 Dusty Road

**City:** Georgetown

**State:** DE

**Zip Code:** 19947

**Phone #:** (302) 604-1186

**E-mail:** bcjames4@gmail.com

**Owner Information**

**Owner Name:** Same as under "Applicant Information"

**Owner Address:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State:** \_\_\_\_\_

**Zip Code:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**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 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

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

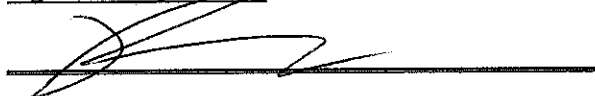
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

### Signature of Applicant/Agent/Attorney



Date: 04/06/2021

### Signature of Owner



Date: 04/06/2021

### 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: \_\_\_\_\_



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

December 21, 2020

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 **Branson James** conditional use application, which we received on November 19, 2020. This application is for an approximately 2.00-acre parcel (Tax Parcel: 231-22.00-16.00). The subject land is located on the south side of Dusty Road (Sussex Road 443A), approximately 2,100 feet east of the Tyndall Road (Sussex Road 444), southwest of the Town of Georgetown. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the property as a music / wedding venue.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along the segment of Dusty Road where the subject land is located is 149 vehicles per day.

The traffic impact of wedding venues necessarily varies with the frequency and size of the events. Generally, DelDOT bases its decision to require a Traffic Impact Study (TIS) on traffic volumes that recur on a daily or weekly basis. Large enough events may require coordination with our Transportation Management Center but they cannot be properly addressed by the TIS process.

Regarding DelDOT's warrants for requiring a TIS, events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Events generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.

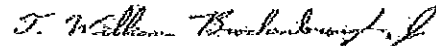
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
December 21, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Branson James, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, 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 Andreescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, 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: **8/5/2021**

APPLICATION: **CU 2278 Branson James**

APPLICANT: **Branson James**

FILE NO: **WSPA-5.01**

TAX MAP &  
PARCEL(S): **231-22.00-16.00**

LOCATION: **South side of Dusty Road (SCR 443A), northwest of East Trap Pond Road (SCR 62).**

NO. OF UNITS: **Event Venue**

GROSS  
ACREAGE: **1.9 acres**

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 4**
- (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? **No**
- 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 Sussex County Engineering Department does not have a schedule to provide sanitary sewer service to this parcel.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

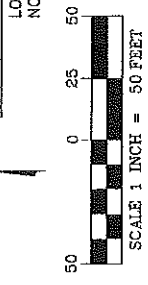
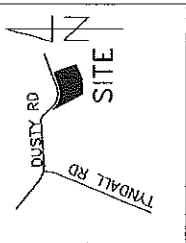


John J. Ashman  
Sr. Manager of Utility Planning & Design Review

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

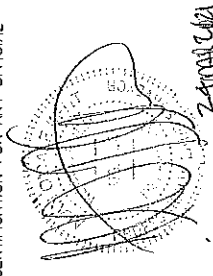
**PLAN DATA:**

1. TITLE REFERENCED TO:  
TM# 231-22.00-16.00 DB 4903, PG 71  
17658 DUSTY ROAD, GEORGETOWN, DE 19947  
NANTICOKE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN.
3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING THE ZONING IS AR-1 AND THE SETBACKS ARE: FRONT-30, SIDE-15, AND REAR -20.



- LEGEND:**
- CONCRETE MONUMENT FOUND
  - CORNER NOT MARKED
  - UTILITY POLE
  - TOP OF BANK
  - EASEMENT
  - PROPERTY LINE
  - ADJOINING PROPERTY LINE
  - BUILDING RESTRICTION LINE
  - OVERHEAD POWER LINE

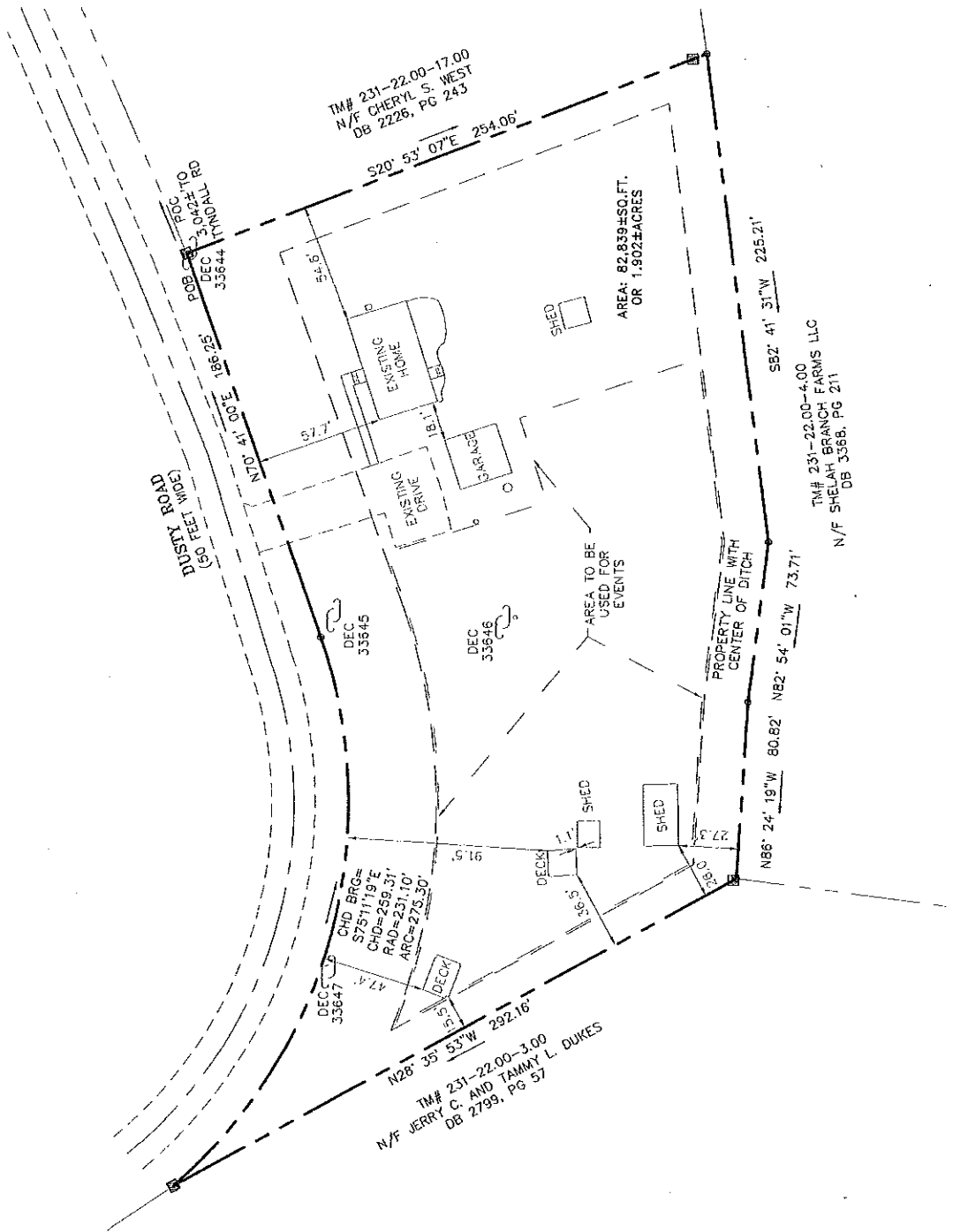
I, ALAN O'DALE KENT, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



ALAN O'DALE KENT, PLS#738, DATE

REV 1, 24 MAR 2021  
NEW DECK LOCATION

JOB # 2021047 THIS IS A SUBURBAN SURVEY	
DATE OF PLAN	22 MAR 2021
DATE OF LAST FIELD WORK	22 MAR 2021
PREPARED BY BRANSON CHRISTOPHER JAMES AND HOPE C. JAMES  PREPARED BY ALAN O'DALE KENT SURVEYING, LLC SEAFORD, DE 19973 (302) 745-1720	



Applicant  
Exhibit

FILE COPY

RECEIVED

AUG 12 2021

SUSSEX COUNTY  
PLANNING & ZONING

June 1, 2021

To Whom It May Concern,

According to our research, Delaware Regulations consider noise a disturbance when "such source exceeds the ambient noise level (55 decibels between 10 p.m. and 7 a.m.) by 10 dBA when measured at the point of complaint origination within the receiving property."

We have recently tested our speaker system above our usual maximum volume along with 2 separate decibel readers and have reason to believe we will have no issues staying within those sound limitations. We tested the levels from several spots along the block as well as in our own home closest to the music and again saw no issue staying within/below limitations.

Proposed Plan:

Starting at 9 p.m. we will make any adjustments needed and begin to walk the perimeter to ensure noise levels are at a reasonable level/not exceeding limitations. Beginning at 10 p.m. we will be on stage to ensure the volume levels are not increased as well as continue to monitor decibel levels at the property limits and near neighboring houses. All needed volume adjustments will be made swiftly and any increase in volume will not be permitted ensuring we stay well within reasonable limitations as we do not plan to be at full volume. At 11 (If permitted) we will lower the volume by approximately 20% until 11:30. At 11:30 we will be cutting the music outside and moving inside with a smaller group for the remainder of the night.

Based off our testing, we will at no point be exceeding limitations in or around neighboring houses; in fact, most readings past our property were below 55 decibels when running above our typical maximum.

Our direct and only next-door neighbors have ensured us several times that the music can hardly, if at all, be heard in their house and do not understand how others can be complaining as it does not bother them. We are hoping to have a letter from them soon to send along as a supporting document.

Thank You,

Branson James





RECEIVED

AUG 12 2021

SUSSEX COUNTY  
PLANNING & ZONING

Applicant  
Exhibit

**FILE COPY**



Applicant  
Exhibit

FILE COPY



At

500

Petition details   Comments   Updates

signatures,

to  
be  
recommendations!  
**Help us keep the  
Rabbit Hole alive!**

## Keep the Rabbit Hole alive!

241 have signed. Let's get to 500!



At 500 signatures, this petition is more likely to be featured in recommendations!



Branson James signed this petition



Branson James started this petition to Sussex County Council Delaware

On August 12th we have our first hearing in regards to obtaining official conditional use permits for the Rabbit Hole. Getting our permits would allow us to host a multitude of events that could appeal to different ages/demographics as well as continue to host the music we know and love. We would like to host events such as; outdoor movie nights, bands/concerts, art markets, weddings, DJs, etc. if approved.





See why other supporters are signing, why this petition is important to them, and share your reason for signing (this will mean a lot to the starter of the petition).

Thanks for adding your voice.



**Jonathan Gerity**

6 hours ago

The Rabbit Hole provides community get together. It is safe and happy times for friends to meet and enjoy themselves

- 
- 1

[Share](#)

[Tweet](#)

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.

**Vinson Baxley**

10 hours ago

The Rabbit Hole has been a great place for people to come together to express themselves during a very difficult time. Branson and Hope have worked very hard to create a safe space for people to enjoy the music and art they love. It is a family environment and many people look forward to... Read more

- 
- 3

Share  
[Tweet](#)

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.



**Ross Jackson**  
10 hours ago

I want dope music m life.

- 
- 1

Share  
[Tweet](#)

**Delete this comment**

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[Delete](#)[Cancel](#)

Thanks for adding your voice.



**Marcus Haynes**

11 hours ago

The Rabbit Hole is the best place to have a family BBQ

- 
- 1

Share

Tweet

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DeleteCancel

Thanks for adding your voice.



**Ali Hamza**

16 hours ago

The rabbit hole is home!

- 
- 1

Share

Tweet

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DeleteCancel

Thanks for adding your voice.



**Andrew Parker**

20 hours ago

For many years I have been a part of the entertainment industry. Seeing so many venues come and go. The Rabbit Hole is one I cannot bear to live without. It has become a second home for me and so many others. I am free to express myself there, in a safe and productive environment.

- 
- 1

[Share](#)

[Tweet](#)

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.



**Mikaella Schmitt**

21 hours ago

I have attended an event here and finally there's something safe within Delaware to go to! As a lifetime resident of Newark, the closest places to unite for events have been in cities outside of our state. It felt nice to be in my home state, in a safe and comfortable environment where I could breathe... Read more

-

- 1

Share

[Tweet](#)

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This comment will be deleted permanently. Are you sure you want to delete it?

[DeleteCancel](#)

Thanks for adding your voice.

**Sean Force**

22 hours ago

The Rabbit Hole has not only been a safe haven for many in the surrounding area during a stressful, negative, and confusing year but has also been a great networking opportunity for many young, upcoming artists of many types to express themselves in a safe, positive and fun manner... Read more

- 
- 4

Share

[Tweet](#)

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[DeleteCancel](#)

Thanks for adding your voice.

**Matthew Heard**

22 hours ago

This is a amazing place and it reaches lots people with all the different venues it provides, and it brings them together In a safe environment

- 
- 4

Share  
[Tweet](#)

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.

**Allison McKay**  
23 hours ago

Branson & Hope created a place for all of us who had nowhere to go and enjoy ourselves, with only our friends. Not only a safe place for us but a safe haven where we can be ourselves. They also provide areas to camp which is a huge lift off everyones shoulders and brings down the...  
[Read more](#)

- 
- - 4

Share  
[Tweet](#)

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.



**John Linhard**

23 hours ago

This is my 2nd home

- 
- 4

Share

Tweet

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This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Thanks for adding your voice.

**Jacquel Grant**

23 hours ago

This has been a great space to meet wonderful people and enjoy creative minds. Music congregation and peace at its finest. There is nothing but love and respect in this space.

- 
- 4

Share

Tweet

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Thanks for adding your voice.

**Candi James**

23 hours ago

This has been a great, artistic, fun outlet in a time of shutdown, fear, solitude, distancing and depression. Humans need other humans - not isolation and restriction.

- 
- 3

Share

Tweet

**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Load more

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To whom it may concern,

This letter is in regards to our next door neighbors, the James's. We were made aware that there were some noise complaints when they were holding events. As their direct neighbor living right next door, unless we are outside we don't hear any music or any kind of noise from inside our home. We are not sure how any other neighbors could hear it. Even when we are outside it's not disturbing the peace. We do not have any issues with them holding any future events. My 74yr. old grandmother also has no issues and she lives with us.

Sincerely,

Melissa Burgess

+

Kevin Todd Jr.

M Burgess

Kevin Todd Jr.

our address:

17656 Dusty Rd  
Georgetown DE  
19947

To Sussex County Planning & Zoning, 8/11/21

The Rabbit Hole has been a home away from home. I have met so many amazing people here and it is the safest feeling venue that I attend. The owners and staff do an amazing job at organizing events and keeping the attendees safe. The Rabbit Hole has helped me find a happy place when I'm not doing well mentally and friends that feel like family that show nothing but love and support. Taking away this venue would hurt and disappoint many people who have loved and cherished memories there. We would love to be able to make more!

Sincerely,  
Miranda Vanarsdale  
105 Nunnery Lane  
Catonsville, MD 21228

August 11<sup>th</sup>, 2021

Dear Planning and Zoning Commission,

I own a nonprofit organization called Kristi's Kats, Inc. and I supplied the gathering license for their last event in June. This was my first time attending an event at this location and in my opinion, it was safe and well organized. We were able to raise over \$300 in profits for my organization. I believe they deserve to continue creating events and I would definitely work with them if given the chance to in the future.

Thank you for your consideration,



Kristi Idnurm



Hope James &lt;hopechristina03@gmail.com&gt;

---

**Fwd: The Rabbit Hole**

1 message

---

**Branson James** <bcjames4@gmail.com>  
To: "Hopechristina03@gmail.com" <Hopechristina03@gmail.com>

Thu, Aug 12, 2021 at 3:56 PM

To whom this may concern,

It has been brought to our attention that The Rabbit Hole may be ceased in providing future productions in the near future. We have been working with Branson and Hope for a short while, but each time we have had the opportunity to help out has been an exemplary experience. Our team has been there to help provide safety and order for the guests, artists, and staff. Trained EMS staff are offered for all events if an issue does arise. We have never had a negative encounter with any of the owners or staff members. Any time anyone had a concern or question about the events it was quickly addressed and handled with care for all parties. The venue provided by The Rabbit Hole offers space for different kinds of events including music, DJs, weddings, birthday parties and any kind of celebration gatherings for families and communities.

We sincerely hope The Rabbit Hole will have the opportunity to continue providing a safe and extraordinary venue for any community that desires a secure location and team for future events.

Thank you for your time,  
Jon Gerity and Liza Poling  
OSC  
Omeglardonstaffing@gmail.com  
4437358114  
4433401227

Sent from Yahoo Mail for iPhone



**Candi James**

16 hours ago

This has been a great, artistic, fun outlet in a time of shutdown, fear, solitude, distancing and depression. Humans need other humans - not isolation and restriction.



[Report](#)



**Vinson Baxley**

3 hours ago

The Rabbit Hole has been a great place for people to come together to express themselves during a very difficult time. Branson and Hope have worked very hard to create a safe space for people to enjoy the music and art they love. It is a family environment and many people look forward to future events here.

They have a great team of people that work hard to be sure events run smoothly and safely.



[Report](#)



**Andrew Parker**

14 hours ago

For many years I have been a part of the entertainment industry. Seeing so many venues come and go. The Rabbit Hole is one I cannot bear to live without. It has become a second home for me and so many others. I am free to express myself there, in a safe and productive environment.



[Report](#)



**Mikaella Schmitt**

14 hours ago

I have attended an event here and finally there's something safe within Delaware to go to! As a lifetime resident of Newark, the closest places to unite for events have been in cities outside of our state. It felt nice to be in my home state, in a safe and comfortable environment where I could breathe and enjoy the nature alongside music.



[Report](#)



**Allison McKay** · 16 hours ago

Branson & Hope created a place for all of us who had nowhere to go and enjoy ourselves, with only our friends. Not only a safe place for us but a safe haven where we can be ourselves. They also provide areas to camp which is a huge lift off everyones shoulders and brings down the percentage of drunk drivers. Keep the ppl safe & the area around as well. There has never been one bad evening at The Rabbit Hole. Always fun, always safe and well taken care of.

♡ 4 · [Report](#)



**Jacquiel Grant**

16 hours ago

This has been a great space to meet wonderful people and enjoy creative minds. Music congregation and peace at its finest. There is nothing but love and respect in this space.

♡ 4

[Report](#)

Hello,

My name is Amber, and I wanted to take the time to express my love for "The Rabbit Hole", owned by Branson and Hope James.

I found this little spot a couple years back through a mutual friend. There was a small event happening and my boyfriend expressed interest in playing there. He is a local DJ and friend to many. Our friend connected us with Branson, and we instantly became friends, and my boyfriend had the opportunity to play the event!

The Rabbit hole is nestled back in the woods, on a beautiful piece of land. Branson and his family take wonderful care of their place and it shows. You can tell they really take pride in themselves with providing a safe space for their friends and family. I had never been to Delaware before, and during my first trip there, I felt nothing but love and acceptance among everyone. I met so many new people who were there for the music and comradery, just as I was. It felt so amazing being away from the stresses of life to dance the night away and meet so many like-minded individuals. Branson and Hope were very polite and always there if anyone needed anything. The events at the Rabbit Hole were so magical and hold a special place in my heart.

This pandemic has brought so much pain, anxiety and confusion. There is so much sadness, loss and a feeling of what will come from the aftermath. More than ever, we are turning to the comforts of the arts to sustain us; my comfort is, as it always has been, music – especially live music. I am quite certain I am not the only individual who feels the same. I feel that what Branson and Hope are doing is beautiful. They are opening their space for others to come and escape the everyday life and pain they may be facing. Even if it is just for a weekend, the feeling you take away from that weekend can last a lifetime. And the friendships are lifelong.

Branson and his family are very professional, responsible and respectful individuals. They are doing this not only for them and their love for music, but for others as well. They have worked so hard, and I believe The Rabbit Hole is very beneficial to many people and should be given the right to stay.


Please consider all the people who love this place. Who travel near and far just to come and dance, to see their friends and to escape life. Who want to smile and laugh and feel free for a few days. We aren't out here to cause we trouble. We are here to spread the message of P.L.U.R.

Peace. Love. Unity. Respect.

Please make The Rabbit Hole an Official Venue and help us spread P.L.U.R. through this beautiful state.

Thank you.

8/12/21

 - Amber Forney

171 E. Penn st.  
Carlisle, Pa. 17013



To Sussex County Planning and Zoning,

8/12/2021

I am writing today to share my experience attending events at "The Rabbit Hole" venue. Every event I have attended here was very well organized and successful overall. Hope and Branson were able to create a wonderful sense of community where visitors feel safe and welcome. Not only have they provided a space for local musicians to share their talent, but they have also allowed local artists a chance to vend and make new connections. I personally vended one of their events last year and had an amazing time. I know from experience that many people struggling with mental health issues can come to The Rabbit Hole and express themselves comfortably. It is a place to relieve stress and feel happy, at home, and connected not only with friends, but with nature. Hope and Branson have done everything in their power to create a positive environment and I would love to see their venue be approved with all official regulations. I know that many attendees of past events feel the same.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Alexa Wiley". The signature is written in black ink and is positioned below the text "Thank you for your consideration,".

RECEIVED

Proposition  
Exhibit

AUG 12 2021

FILE COPY

KNIGHT LIFE PRESENTS:

SUSSEX COUNTY  
PLANNING & ZONING

# THE ABYSS

AUGUST 29TH 2020

LIVE PERFORMANCE BY

# Topstool



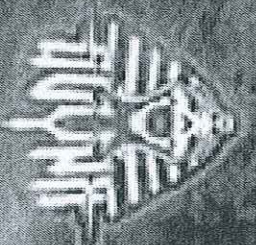
DIRECT SUPPORT BY

& SURPRISE GUESTS

*Into the  
Knight*

# VXX

# MIKKA



SUPPORT IN ALPHABETICAL ORDER

CURRENT **ERANIK WHITES** **WINDYKES** **ONEILA**

REZ ♦ **NAINT** **SEEFLOUR** **SHASHOV** **BORED**

3PM - 3AM | CDC COMPLIANT | MASKS ARE MANDATORY | BYOB

OUTDOOR CAMPING | VENDORS | FLOW ARTISTS WELCOME | NO FIRE | NO PETS

LOCATION: THE RABBIT HOLE | ALTERNATE FAIRTHLINGS



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PLANNING & ZONING

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KNIGHTLIFE PRESENTS

# ICE CREAM WONDERLAND

FEATURING

# SHIZZO

*Into the Knight* RHYATT

DADDY CHILL    BUSTEHD    GUTTA  
ILLUNIVERSE    SIRCASM    SLICE

SATURDAY MAY 8TH 2021  
THE RABBIT HOLE

5/8/21

1:00 AM



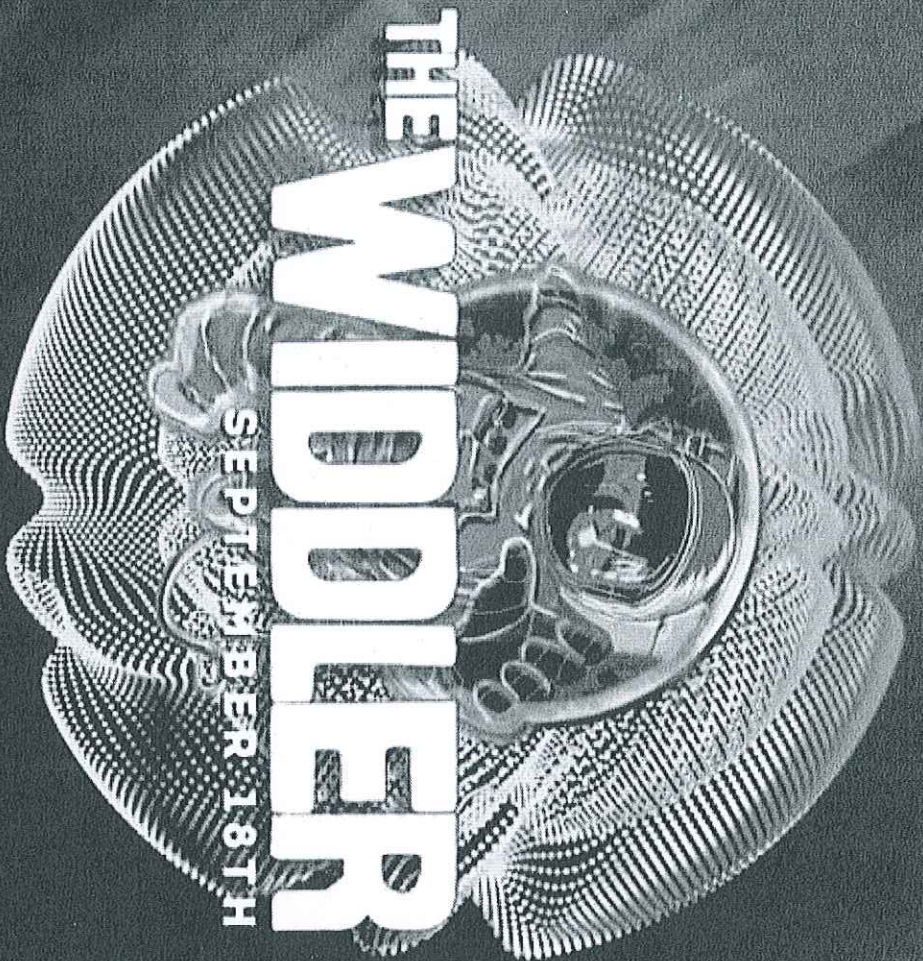
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SUSSEX COUNTY  
PLANNING & ZONING

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KNIGHTLIFE PRESENTS

# THE RABBIT HOLE

GEORGETOWN DELAWARE

GATES OPEN AT 2PM | SUPPORT TBA | 18+ | 21+ W/ ID TO DRINK  
 LIMITED VIP | OUTDOOR OPEN AIR | CAMPING AVAILABLE | VENDORS  
 KANDI STATION | FLOW ARTISTS WELCOME | NO FIRE | NO PETS  
 NO GLASS | NO OUTSIDE ALCOHOL

KNIGHTLIFE PRESENTS SQUARE SPACE



9/18/21

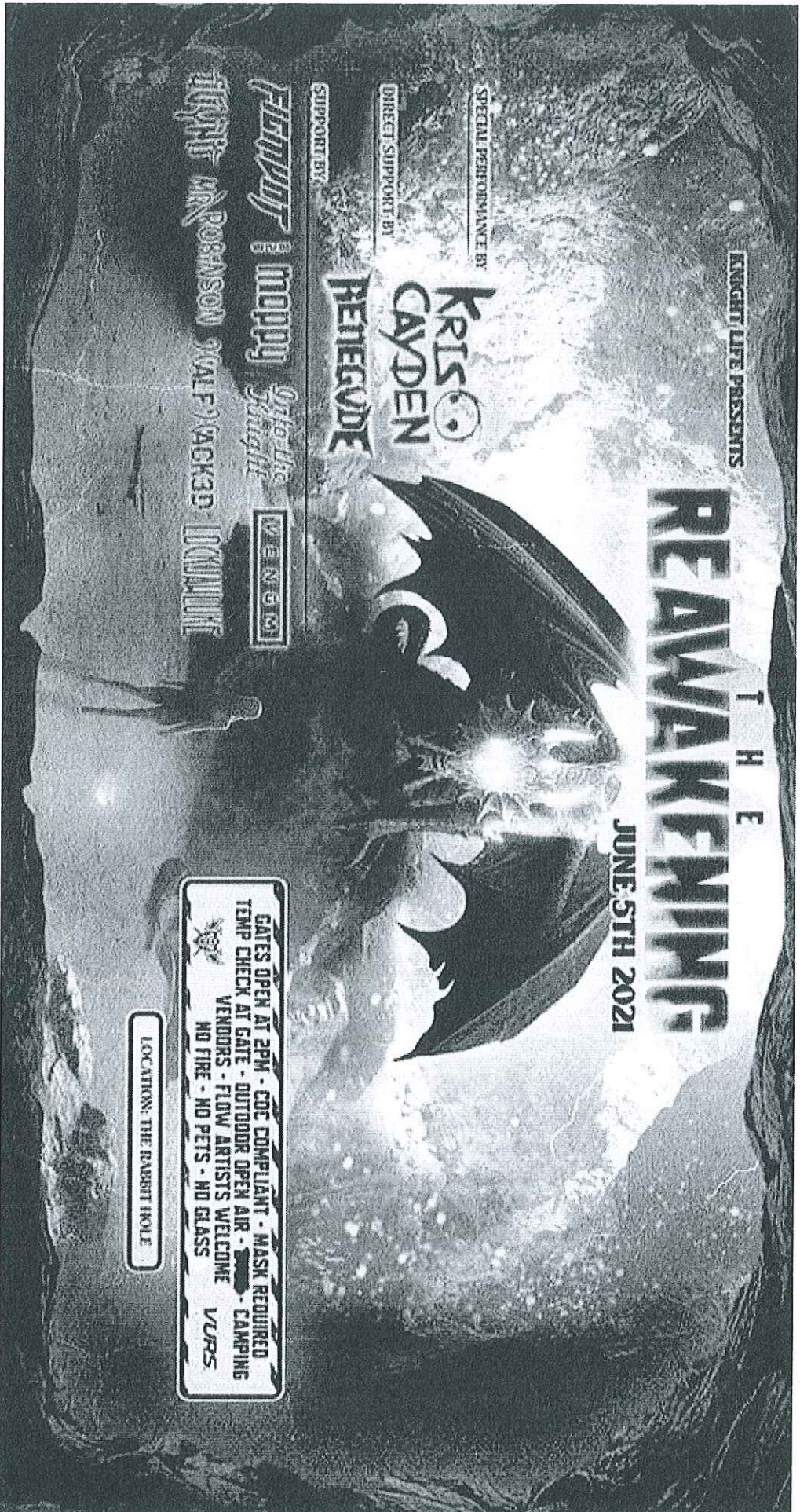


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SUSSEX COUNTY  
PLANNING & ZONING

FILE COPY



6/5/21

shot down 11:30

this is our final song  
because we have to shut  
the F--- down






KNIGHT LIFE PRESENTS  
**INTO THE KNIGHT**  
**+ FRIENDS**

**BIRTHDAY BASH!**

**SET**  
**TIMES!**

OPEN DRINKS	- 4:00-6:00	<b>Big 5</b> BIRTHDAY BASH	- 9:00-9:45
SPECIAL GUEST B2B	- 6:00-6:45	<b>TRIPPIE</b>	- 9:45-10:30
 DJ DJ JALEY/MAKID	- 6:45-7:30	<b>DJ GREY</b>	- 10:30-11:30
<b>CLUBBING</b> B2B	- 7:30-8:15	<i>Into the Knight</i>	- 11:30-1:00
THRILLSHOP	- 8:15-9:00	<b>LONGSTAY</b>	- 1:00-2:00

**THE RABBIT HOLE \$15**

**FILE COPY**

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 Exhibit

10/13/2020

2:00 pm

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Exhibit



~~7/18/2020~~

3 AM





SATURDAY - OCTOBER 31ST

# HAUNTY SPINSTER

## POPPY'S OLLIE

*Into the Jungle* FRESHWAT KINGDOM MOPPY **SIRCASM**

*POPPY'S* ZOMBIE TRAVEL IN *SEOND* *SPINSTER*

OCTOBER 30TH & 31ST 2020  
THE RABBIT HOLE

GEORGETOWN, DELAWARE

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AUG 12 2021

SUSSEX COUNTY  
PLANNING & ZONING

OCT  
30 +  
31 +  
2020



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

RECEIVED

AUG 05 2021

SUSSEX COUNTY  
PLANNING & ZONING

August 5, 2021

Dear Members of the Commission,

This letter expresses our opposition to a Conditional Use application (CU 2278) submitted by Branson James for a music venue (aka The Rabbit Hole) located at 17638 Dusty Road, Georgetown, DE 19947.

There are multiple reasons we believe this application should be denied including: the small size of the property, limited parking and extremely loud music played late into the evening.

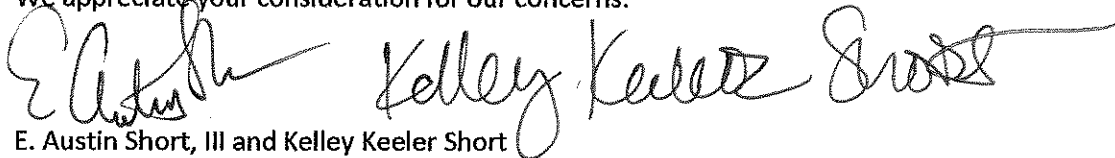
Our property is located approximately one (1) mile from 17638 Dusty Road and we hear the music inside our home with the windows closed. The thumping music is disruptive to our family, including making it difficult for our two young children to sleep at night. We were so inconvenienced by the noise played late into the evenings – in one case as late as 5 a.m. – that we called the state police on three occasions in 2020 (Aug. 29, 2020; October 3, 2020; and October 31, 2020) and two occasions in 2021 (May 8, 2021 and June 5, 2021).

According to the Mike Costello, Government Affairs Manager, Sussex County, the County did not issue any permit for the Rabbit Hole's event on May 8, 2021. A state trooper investigated our complaint and informed us the property owners presented her (the trooper) with a permit from the County for the event and therefore, the police allowed the music to continue until after midnight, even though no permit had been issued.

The property owners are already promoting an upcoming event, currently scheduled for Saturday, September 18, 2021.

We live in a rural farming community, zoned for AR-1 and not conducive to the music venue requested by Branson James.

We appreciate your consideration for our concerns.



E. Austin Short, III and Kelley Keeler Short  
18310 Old Saw Mill Road  
Georgetown, DE 19947

Additional information on flash drive includes:

- photos of their property during the events
- a video from the front door of our home to document the noise level
- a video from the property during an event to document the noise level

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

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AUG 05 2021

SUSSEX COUNTY  
 PLANNING & ZONING

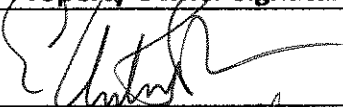

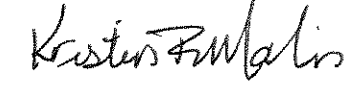
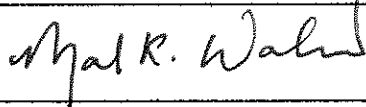





July 2021

Dear Members of the Commission,

This letter expresses our opposition to a Continuing Use application (CU 2278) submitted by Branson James for a music venue (aka The Rabbit Hole) located at 17638 Dusty Road, Georgetown, DE 19947.

There are multiple reasons we believe this application should be denied including: the small size of the property, limited parking and extremely loud music played late into the evening. Additionally, this is a rural farming community, zoned for AR-1 and not conducive to the music venue requested by Mr. James.

We appreciate your consideration for our concerns.

Property Owner Name	Property Owner Signature	Address
E. Austin Short		18310 OLD SAWMILL RD Georgetown
F. Austin Short Jr		28549 Timber Lane Georgetown DE, 19947
Kristen Malin		26342 Big Mill Rd Georgetown
Mark Workman		23307 E. TRAP Pond Rd. Georgetown, DE. 19947
Charles Workman		29086 Subst. Rd Georgetown DE
Tom Colman		25413 E. Trap Pond Rd Georgetown DE 19947
Uma Colman		" "
Serry C Dukes		14052 Dukes Farm Rd Laurel Del 19956
Tary R Dukes		14052 Dukes Farm Rd Laurel, DE 19956



Property Owner Name	Property Owner Signature	Address
Wayne Boyce	Wayne Boyce	19177 Parsons Rd Georgetown, DE 19947
Thomas Moody	Thomas Moody	26853 E Trap Pond Rd Georgetown, DE 19947
Sampy Moody	Sampy Moody	26853 E Trap Pond Georgetown, DE 19947
Shawn E Johnson	Shawn E. Johnson	18675 Old Sawmill Rd Georgetown, DE 19947
Robin Parker	Robin Parker	18109 Dusty Rd Georgetown, DE
Michael Parker	Michael L Parker	18109 Dusty Rd Georgetown, DE
Juan Garcia	Juan Garcia	18137 Dusty Rd Georgetown, DE
William Mears	William Mears	26594 E Trap Pond Georgetown, DE 19947
Joyce Mears	Joyce Mears	18006 DUSTY RD Georgetown, DE 19947
Stephanie Sapp	Stephanie Sapp	
<del>Ford</del> Tyler Callaway	Tyler Callaway	26098 Tyndall Rd Georgetown, DE 19947
<u>Melissa Ritzman</u>	Melissa Ritzman	25916 Lyndall Rd. Georgetown, DE 19947
<u>Evelyn A. Parker</u>	Evelyn A Parker	22514 Cedar Ln Georgetown, DE 19947





