

CU 2189 Grace Malone

File #: CU 2189
201906027

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

Laurel Road, Laurel DE

Type of Conditional Use Requested:

Event Venue

Tax Map #: 332-2.00-75.00

Size of Parcel(s): 5 acres

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: 48x60

Land Use Classification: _____

Water Provider: Well

Sewer Provider: septic

Applicant Information

Applicant Name: Grace Malone

Applicant Address: 31275 E. Line Rd

City: Delmar

State: MD

Zip Code: 21875

Phone #: 410-603-5367

E-mail: _____

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

Chace E. Malone

Date: 5/23/19

Signature of Owner

Chace Malone

Date: 5/23/19

For office use only:

Date Submitted: 5/23/19

Staff accepting application: CCN

Location of property: _____

Fee: \$500.00 Check #: 3897

Application & Case #: 2019 06027

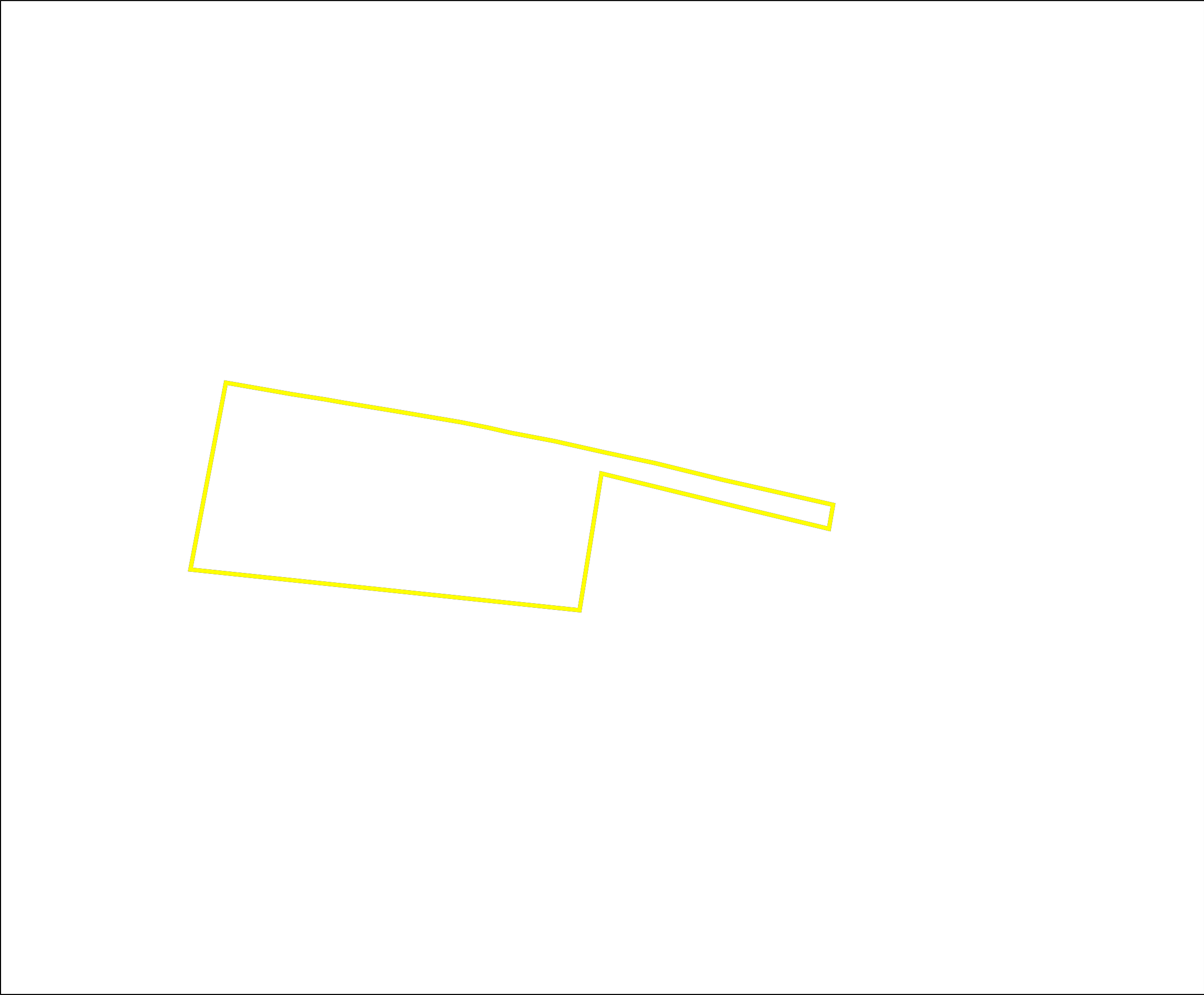
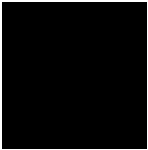
Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____




PIN:	332-2.00-75.00
Owner Name	MALONE GRACE E
Book	4473
Mailing Address	31275 E LINE RD
City	DELMAR
State	MD
Description	S/RT 24
Description 2	950' EAST OF RT 13
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

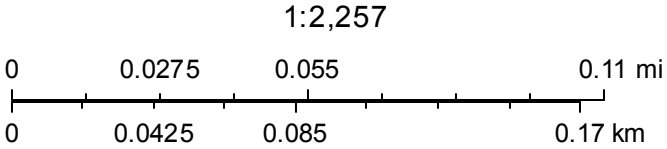
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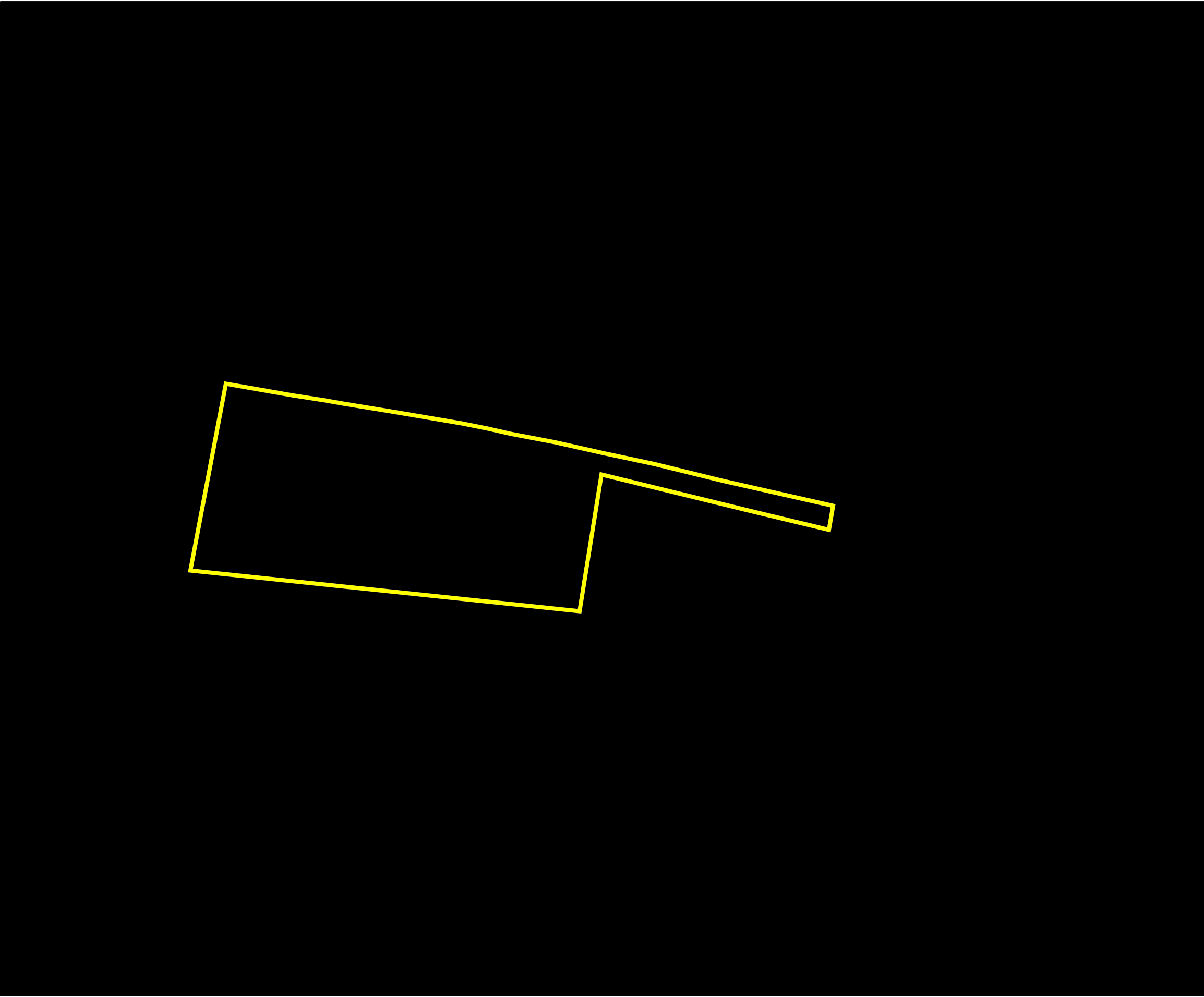
 Tax Parcels

911 Address

 Streets

 County Boundaries



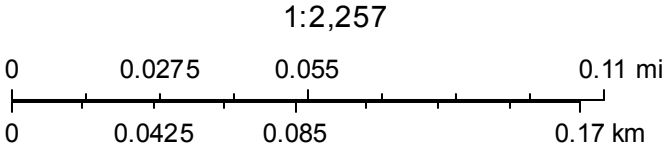


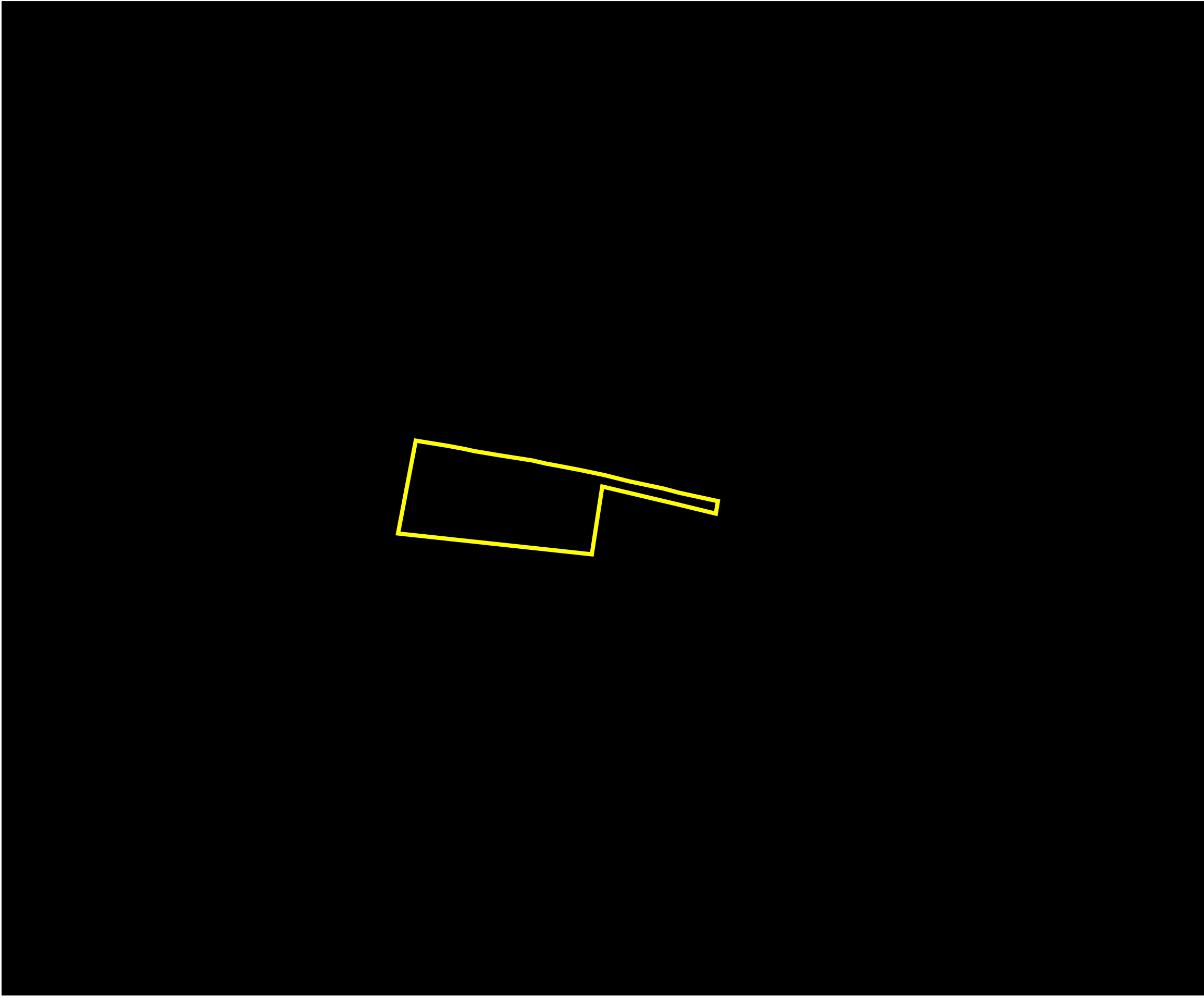
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polygonLayer

Override 1

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

General Commercial - C-1

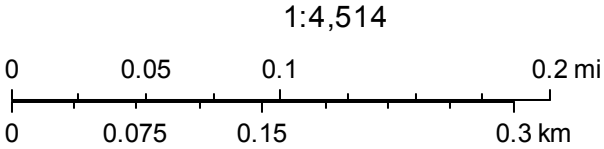
Commercial Residential - CR-1

Marine - M

Limited Industrial - LI-1

Limited Industrial - LI-2

Heavy Industrial - HI-1



- NOTES
1. THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY GRACE E. MALONE, 31275 E. LINE ROAD, DELMAR, DE. 19940

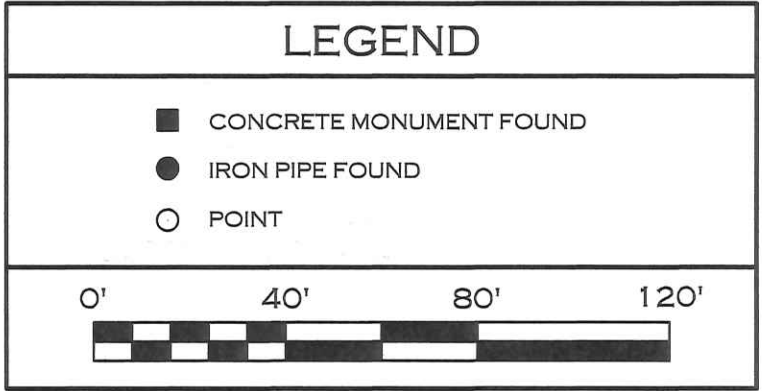
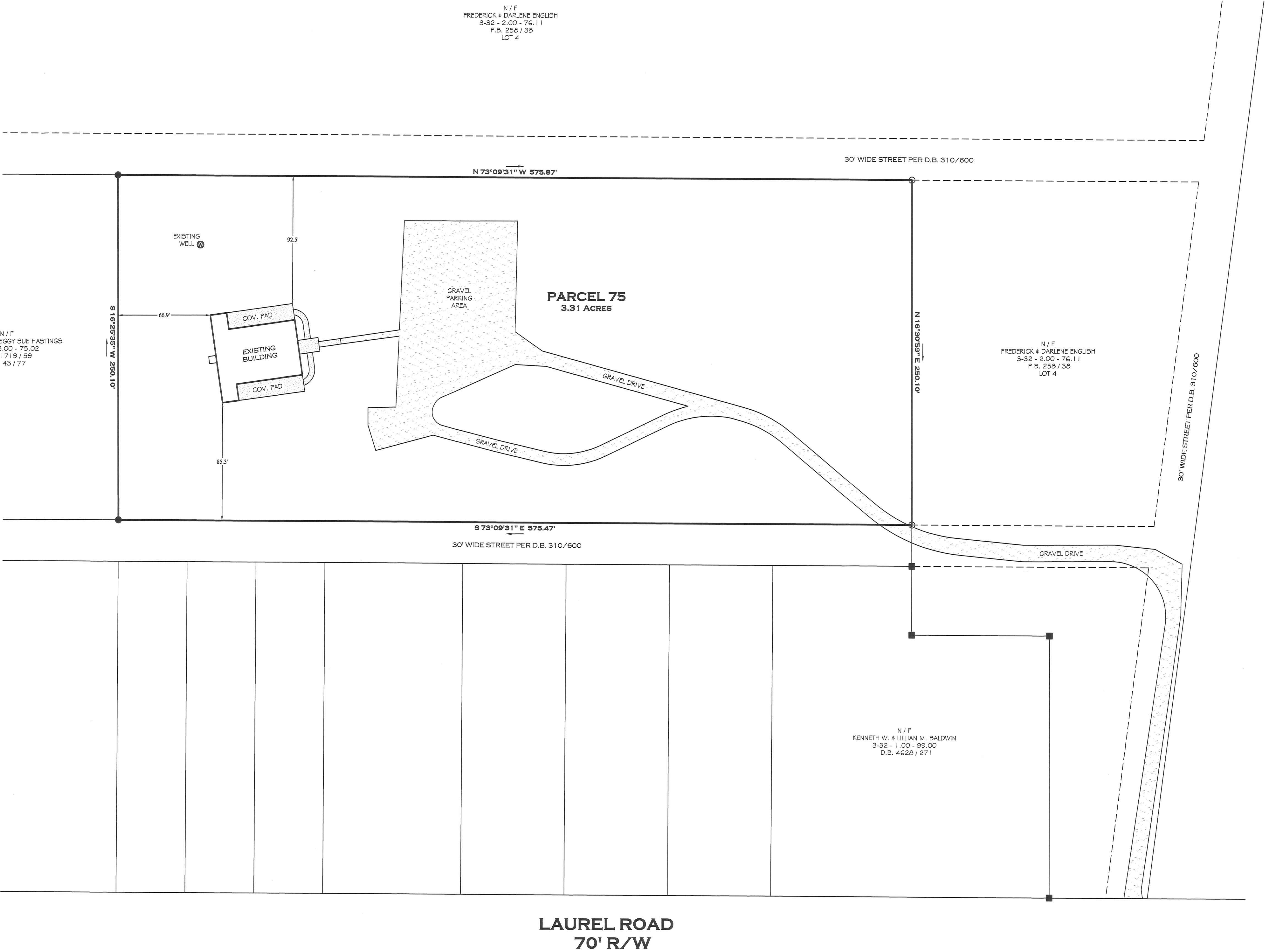
2. DEED BOOK REF: 4473 / 14

3. PLAT REF: 310 / 600

4. ZONING: AR-1
SETBACKS: FRONT = 30'
SIDE = 15'
REAR = 20'

5. CLASSIFICATION OF SURVEY: URBAN

6. OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.



TAX MAP #	3-32 - 2.00 - 75.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LITTLE CREEK
TOWN	- - -
AREA	- - -
DEED REF.	4921 / 290
PLAT REF.	310 / 600, 256 / 36
DRAWN BY	CJP
DATE	05 / 30 / 19
REVISED	- - -
SCALE	1" = 40'
SURVEY #	DE - 04939

SITE PLAN

LANDS OF

GRACE E. MALONE

LAUREL ROAD, LAUREL DE. 19956

BRADLEY A. ADAMS
REGISTERED
NO. 715
DELAWARE
PROFESSIONAL LAND SURVEYOR

TRUE NORTH

LAND SURVEYING

118 ATLANTIC AVENUE, SUITE 202
OCEANVIEW, DE 19970
DE 302-839-2489
MD 410-430-2092
WEB: TRUENORTHLS.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 June 11, 2020

Application: CU 2189 Grace Malone

Applicant/Owner: Grace Malone
31275 E. Line Rd.
Delmar, MD 21875

Site Location: A landlocked parcel lying on the south side of Laurel Rd., approximately 0.38 mile east of Sussex Hwy.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Event Venue

Comprehensive Land Use Plan Reference: Developing Area

Councilmatic District: Mr. Rieley

School District: Laurel School District

Fire District: Laurel Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 4.59 ac. +/-

Tax Map ID.: 332-2.00-75.00





Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 6th, 2020
RE: Staff Analysis for CU 2189 Grace Malone

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2189 Grace Malone to be reviewed during the June 11th, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 332-2.00-75.00 to allow for an event venue to be located on a land locked parcel lying on the south side of Laurel Rd, approximately 0.38 mile east of Sussex Highway. The size of the property is 4.59 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the property has the land use designation of "Developing Area".

The entire tract of land between Sussex Highway to the west, and Old Stage Rd to the east is designated as Developing Area. The Developing Areas land use designation recognizes that "a range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home."

The property is zoned AR-1 (Agricultural Residential Zoning District). All of the adjoining properties are zoned AR-1. Most of the adjoining parcels contain single-family dwelling houses. The County's online zoning map shows no Conditional Use approvals within a 1-mile radius of the application site within the past decade.

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for an events venue, subject to consideration of scale, impact and intensity, could be considered as consistent with the land use, area zoning and uses.



**GRACE E. MALONE
C/U 2189**

TABLE OF CONTENTS

Exhibits:

Site Plan	A
Area Zoning Map	B
Proposed Findings of Fact	C
Proposed Conditions	D

1. THE PROPERTY SURVEYOR RECORD IS CURRENTLY CONTROLLED BY JAMES E. MAULDIN, JR., 2775 E. LONE HORN, DENVER, CO 80240
2. CALCULATION: $4873 / 14$
3. PLAT: 310 / 260
4. ZONING: ARE:
 RESIDENTIAL: FRONT = 87
 SIDE = 15
 REAR = 20
5. CLASSIFICATION OF SURVEY: URBAN
6. OTHER INFORMATION: THIS SURVEY PLAT DOES NOT VERIFY THAT A DISTANCE FOR THE NORTH LINE OF THE SUBDIVISION IS A SUFFICIENTLY CLOSE TO THE PROPERTY AND THE RESEARCH WORK WOULD BE LESS PERFORMABLE.



SITE PLAN

LANDS OF

GRACE E. MALONE

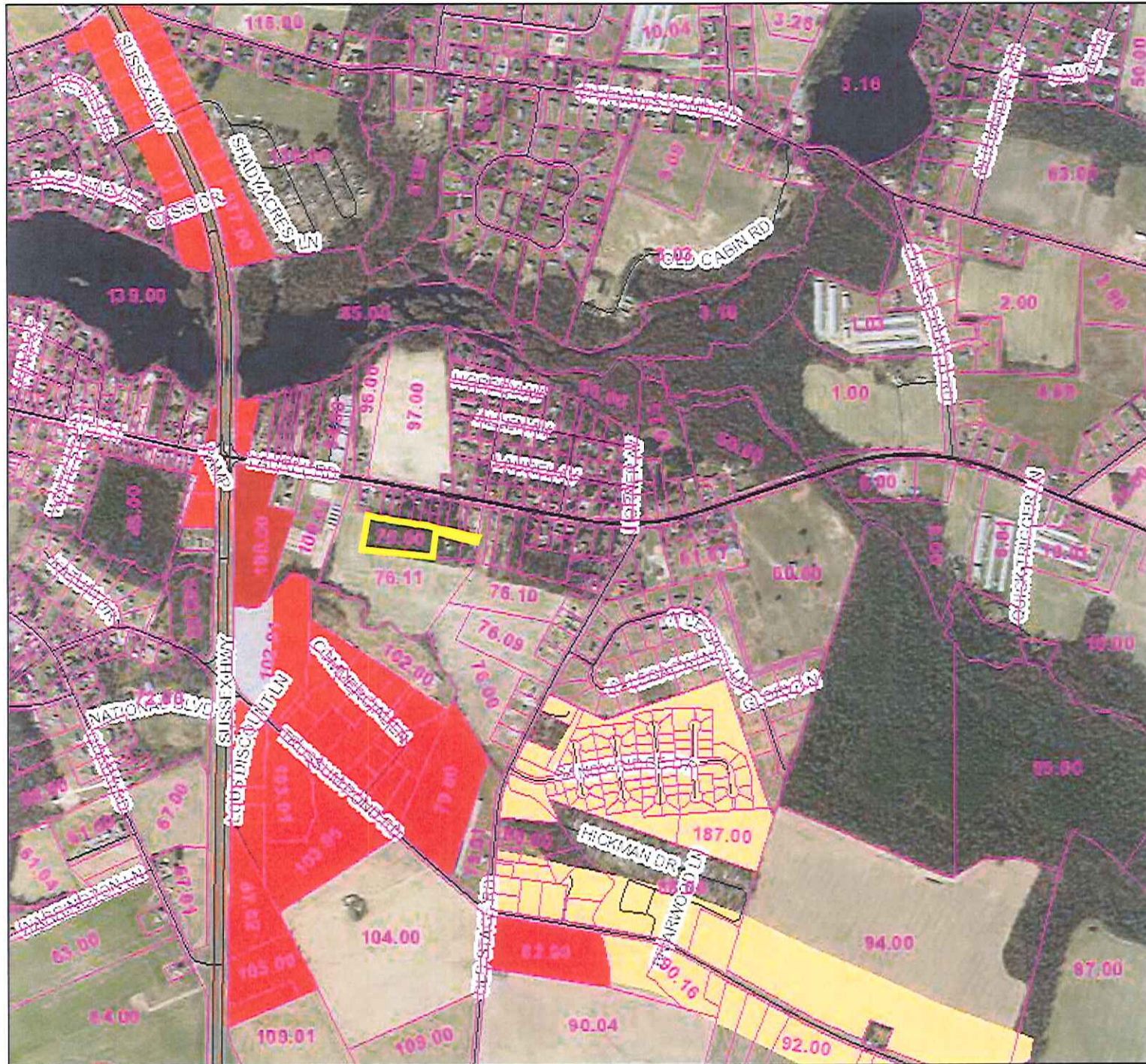
LAUREL ROAD, LAUREL DE, 19956



LAND SURVEYING
116 ATLANTIC AVENUE, SUITE 200
LYNN, MA 01901
TEL: 617/552-1100
FAX: 617/552-1101
WWW: THE SURVEYORS ASSOCIATION



Sussex County



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polygonLayer

Override 1

polygonLayer

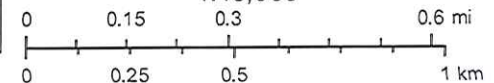
Override 1

□ Tax Parcels

— Streets

CR-1 Dark Red
C-1 Light Red
LI-1 Gray

1:18,056



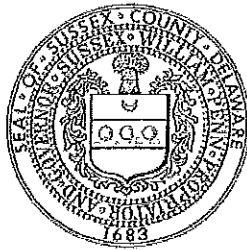
PROPOSED FINDINGS OF FACT
GRACE MALONE C/U #2189

1. The property is a 4.59 +/- acre parcel owned by the applicant. The property is zoned AR-1 and is located less than one-half mile from the intersection of Rt. 24 and the Rt. 13 Highway.
2. The property is presently improved with a 40x60 pole building with a lean-to on each side.
3. The applicant intends to hold events at the subject property, including, by way of example, weddings, birthday parties, funeral gatherings, and similar events.
4. The subject property is served with on-site water and sewer.
5. The proposed use will not generate any significant adverse effect on traffic, or adversely affect area roadways.
6. The use will not adversely affect the neighboring or adjacent properties.
7. The presence of an event venue at the subject property provides a useful service to local residents.
8. The proposed use is consistent with the Comprehensive Plan.
9. The subject property is located in close proximity to a major highway, and in an area where development is presently occurring.

**PROPOSED
CONDITIONS
GRACE MALONE C/U #2189**

1. This approval is for an event venue, permitting events including, by way of example and not limitation, weddings, birthday parties, and funeral gatherings.
2. One lighted sign, not to exceed thirty-two (32) square feet shall be permitted on the subject property.
3. No events on the subject property shall begin prior to 8:00 a.m. or end later than 11:00 p.m. Music shall end not later than 10:00 p.m.
4. Events shall be restricted to Friday, Saturday and Sunday, with the ability of small groups (not exceeding 20 people) to be present at the venue Monday through Thursday for event planning purposes.
5. Parking shall be on the subject property, and not on area roadways.
6. Parking areas for vehicles shall be clearly shown on the Final Site Plan, and parking barriers shall be placed on the site itself.
7. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.
8. Any pole mounted or other security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
9. The Final Site Plan showing this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 4/17/19

Site Information:

Site Address/Location: Laurel Rd

Tax Parcel Number: 332-2.00-75.00

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: _____

Proposed Use(s):

Event Venue

Square footage of any proposed buildings or number of units: existing

Applicant Information:

Applicant's Name: Grace E Malone

Applicant's Address: 31275 E Line Rd
City: Delmar State: MD Zip Code: 21875

Applicant's Phone Number: 410 603 5367

Applicant's e-mail address: Lucky5garage@901.com

LEFT MESSAGE
1:42 pm
5/17/2019





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

JENNIFER COHAN
SECRETARY

May 16, 2018

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Grace E. Malone** conditional use application, which we received on April 17, 2019. This application is for a 4.59-acre parcel (Tax Parcel: 332-2.00-75.00). The subject land is located on the south side of Delaware Route 24, approximately 1,400 feet southeast of the intersection of Delaware Route 24 and US Route 13. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing facility as an event venue.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from US Route 13 to Shiloh Church Road (Sussex Road 74), are 7,371 and 9,486 vehicles per day, respectively.

Regarding DelDOT's warrants for requiring a TIS, special events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Special 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.

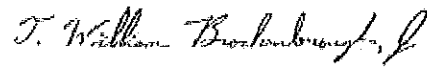
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
May 16, 2019

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
Grace E. Malone, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Susanne Laws, Sussex County Subdivision 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



RECEIVED

SEP 10 2019

SUSSEX COUNTY
PLANNING & ZONING

MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE: September 10, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-1 – Log Cabin Hill Farm
- CU 2189 – Grace Malone
- CZ 1890 – W & B Hudson Family LTD
- CZ 1899 – Harbeson Farm Revex, LLC

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH

Enclosures



CU 2189
TM #332-2.00-75.00
Grace Malone

Soil Map—Sussex County, Delaware
(Grace Malone)



Natural Resources
Conservation Service


Web Soil Survey
National Cooperative Soil Survey

8/30/2019
Page 1 of 3


Soil Map—Sussex County, Delaware
(Grace Malone)


MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 19, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HsA	Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes	4.8	100.0%
Totals for Area of Interest		4.8	100.0%

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations--Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
HsA—Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes							
Henlopen	40	Not limited		Not limited		Not limited	
Rosedale	30	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00
Urban land	20	Not rated		Not rated		Not rated	

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 19, Sep 14, 2018

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Sussex County, Delaware		
Map Symbol	Map Unit Name	Farmland Classification
HsA	Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes	Not prime farmland

Data Source Information

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 19, Sep 14, 2018

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

HsA Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.
- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
 - 1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.
 - 2. AFTER CONSTRUCTION:

Maintain vegetation.
- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.
- D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

- A. Any Storm flood hazard area affected? ☐ Yes ☒ No
- B. Would the proposed project necessitate any off-site drainage improvements?
NOT likely
- C. Would the proposed project necessitate any on-site drainage improvements?
Possibly
- D. Any Tax Ditch affected? ☐ Yes ☒ No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/29/2020**

APPLICATION: **CU 2189 – Grace Malone**

APPLICANT: **Grace Malone**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **332-2.00-75.00**

LOCATION: **A landlocked parcel lying on the south side of Laurel Rd. (Rt. 24), approximately 0.38 mile east of Sussex Hwy (Rt. 13)**

NO. OF UNITS: **Event Venue**

GROSS
ACREAGE: **4.59 +/-**

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? **Municipal Growth & annexation Area**
- (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? **No** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** 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 proposed CU is located in the Growth & Annexation area of the Town of Laurel. The Sussex County Engineering Department does not have a plan nor schedule to provide sanitary sewer service.**

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

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned



October 4, 2019

Ms. Grace Malone
31275 E. Line Road
Delmar, MD 21875

RE: Notice of Violation – Grace Malone
TMP# 332-2.00-75.00

Dear Ms. Malone,

The Delaware Sediment and Stormwater Law and Regulations require that land disturbances of 5,000 square feet or more obtain an approved sediment and stormwater plan. The District was made aware that a 40 x 60 pole building and associated parking were placed on this parcel, totally around 25,000 square feet, without a sediment and stormwater plan. The site is in violation of **7 Del. C., Chapter 60 and the Federal National Pollutant Discharge Elimination System (NPDES) requirements, as well as 7 Del. C. Chapter 40, Delaware's Sediment and Stormwater Regulations.**

The following items must be addressed in order to bring the above referenced site into compliance with the Delaware Sediment and Stormwater Law and Regulations and addressed according to the timeline set forth by this letter.

1. Hire a qualified stormwater professional to design a sediment and stormwater plan for the above referenced parcel. Contact the Sussex Conservation District by **October 30, 2019** as to who will be designing the sediment and stormwater plan.
2. Submit to the Sussex Conservation District by **December 2, 2019** a sediment and stormwater plan for the proposed construction activity.

Failing to address any of the conditions contained within this letter may result in further enforcement action and referral to the Department of Natural Resources and Environmental Control (DNREC). If there are any questions or concerns pertaining to this correspondence and/or the deadlines above, please contact me at 302-856-2105.

Sincerely,

Jessica L. Watson

Jessica L. Watson
Program Manager

CC: Ms. Jamie Rutherford, DNREC Sediment and Stormwater Program
Ms. Janelle Cornwell, Planning and Zoning
Mr. Jamie Whitehouse, Planning and Zoning
Mr. David Baird, District Coordinator

CU 2189 Grace Malone

Opposition Comments and Exhibits

NOTICE: PLANNING & ZONING COMMISSION PUBLIC HEARING

Sussex County

This card is to notify all property owners within 200 feet of the subject site of upcoming public hearing before Planning and Zoning Commission for the following application:

C/U 2189 GRACE MALONE - AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS. The property being a landlocked parcel of land lying on the south side of Laurel Rd., approximately 0.38 mile east of Sussex Hwy. (Rt. 13). 911 Address: N/A. Tax Parcel: 332-2.00-75.00.

All persons interested shall have a reasonable opportunity to be heard. If unable to attend the public hearing, written comments will be accepted however they shall be received prior to the public hearing.

The above application is available for review in the Planning and Zoning Department, County Administrative Building, 2 The Circle Georgetown, DE 19947.



Planning Director: Janelle M. Cornwell, AICP | Phone: (302) 855-7878 | Fax: (302) 854-5071

RECEIVED

SEP 10 2019

SUSSEX COUNTY
PLANNING & ZONING

AGAINST PROPOSAL C/U 2189 FOR CONDITIONAL USE OF
LAND IN AGRICULTURAL RESIDENTIAL DISTRICT FOR
AN EVENTS VENUE. REASONS BEING: NOISE, TRAFFIC
PROPERTY VALUE, TRASH ETC. (CAR LIGHTS)
(TRESPASSING) (ALCOHOL CONSUMPTION)
William and Peggy Sue Hastings
11280 Laurel Rd
Laurel, DE 19956
(East side) 302-875-5139

RECEIVED

SEP 10 2019

SUSSEX COUNTY
PLANNING & ZONING

Claudia Downes
11234 Laurel Road
Laurel, Delaware
19956 245-0051

OVER

Jenifer + Clayton Caudill

11242 Laurel Rd

Laurel, De 302-265-8062

302-265-8441

Gerald + Janet Devine
31902 Old Stage Rd
Laurel DE 19956

Paula Buttingham
31918 Old Stage Rd.
Laurel, DE 19956

James C. Windsor
31494 Greenhouse Lane
Laurel, De J C Windsor

Gregory Cannon
11273 Laurel Rd
Laurel DE 19956

Falt M. Rice
11201 Laurel Rd
Laurel, De Falt M Rice

Kenneth W. Baldwin

11208 Laurel Rd.

Laurel, DE

David M Sales

11252 Laurel Rd

Laurel, DE

Ray Vincent

747-1111 11235 LAUREL RD.
Laurel Del 1995

NOTICE: PLANNING & ZONING COMMISSION PUBLIC HEARING

Sussex County

This card is to notify all property owners within 200 feet of the subject site of upcoming public hearing before Planning and Zoning Commission for the following application:

C/U 2189 GRACE MALONE - AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS. The property being a landlocked parcel of land lying on the south side of Laurel Rd., approximately 0.38 mile east of Sussex Hwy. (Rt. 13). 911 Address: N/A. Tax Parcel: 332-2.00-75.00.

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Planning Director: Janelle M. Cornwell, AICP | Phone: (302) 854-5071 | Fax: (302) 854-5071

RECEIVED

SEP 10 2019

SUSSEX COUNTY

PLANNING & ZONING

AGAINST PROPOSAL C/U 2189 FOR CONDITIONAL USE OF LAND IN AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE. REASONS BEING: NOISE, TRAFFIC PROPERTY VALUE, TRASH ETC. (CAR LIGHTS) (TRESPASSING) (ALCOHOL CONSUMPTION)

Terry Pothett
11302 LAUREL Rd

Robert C. McGehee
11318 Laurel Rd.
Laurel, DE

Cornel Strahly

Mary L. Strahly
Daryl Strahly

Sam Johnson
Scott Kevork

11298 Laurel Rd Laurel DE

11330 LAUREL Rd Laurel, DE

LAUREL ROAD LAUREL DE

11285 Laurel Rd

11299 Laurel Rd Laurel DE

OVER

Stephen Ames

11313

Laund Rd

Frederick B + Darlene M. English

5408 NEALS SCHOOL RD

SEAFORD, DE 19973

302-629-2218

PROPERTY OWNERS ON THE SOUTH & WEST
SIDE OF PROPOSED PARCEL.

**PROPOSED FINDINGS OF FACT FOR DENIAL OF
CONDITIONAL USE #2189
APPLICATION OF GRACE MALONE
SUSSEX COUNTY TAX PARCEL NO. 332-2.00-75.00
SUBMITTED BY ROBERT V. WITSIL, JR., ESQ.
ON BEHALF OF FREDERICK B. ENGLISH
AND DARLENE M. ENGLISH
JUNE 11, 2020**

The Planning and Zoning Commission determines that the application for a Conditional Use for an Events Venue in an AR-1 Agricultural Residential District for the 4.59 acre parcel located on the south side of Laurel Road, Route 24, in Little Creek Hundred, Sussex County, DE, should be denied based upon the following findings of fact and reasons:

**I. THE PROPOSED USE IS NOT COMPATABLE WITH THE
SURROUNDING RESIDENTIAL PROPERTIES AND AGRICULTURAL
USES OF THE ADJACENT FARMLAND.**

The Conditional Use provisions of Section 115-171 of the Sussex County Code require the Commission to consider the possible impact of a proposed use upon neighboring property owners and to exercise of planning judgment on the location and site plan for the use. The proposed use of a pole barn as an event venue is clearly a commercial operation. (photo, Exhibit 1) Sussex County Tax Parcel Maps and exhibits submitted by the Applicant and opponents depict the residential nature of the surrounding AR-1 parcels and the 4 agricultural parcels lying to the south of the Malone property, totaling 37.4 acres, owned by Frederick and Darlene English (Tax Parcels 322-2.00 76.00; 76.09;76.10;76.11). (Exhibit 2) The Malone parcel is immediately adjacent to approximately 12 residential properties on the north and east side of the site, all of which front on Route 24.

(Exhibits 3 – 8) There are other working farms in the area in addition to a nursery operation across Route 24 from the site.

Ed Higgins, Realtor, of Griffin/Higgins Team ReMax, stated that: use of the surrounding residential parcels would be detrimentally affected by the proposed use; that the proposed use would detrimentally affect surrounding residential property values; that the market value and marketability of the four farm parcels owned by Frederick English would be detrimentally affected by the proposed Conditional Use and that the proposed commercial event venue is not compatible with the general residential and agricultural nature of the vicinity.

The neighboring residential parcels are described, together with Grace Malone's lots on a 177 parcel subdivision entitled "Plot of Mrs. Katie H. Walson," recorded in Deed Book 310, Page 600, on or about May 20, 1946. (Exhibits 9A and 9B) That Plot clearly depicted residential lots, most of which were 50 x 125 feet in size. The Plot describes 30 foot wide streets which have never been developed.

The deed to Grace Malone dated November 16, 2015 (Deed Book 4473 page 14) contains the following restrictions which are indicative of residential development. (Exhibit 10)

"This conveyance is subject to Restrictions as follows:

1. Only one (1) detached dwelling may be placed or erected on any lot. A mobile home dwelling may not be placed on the subject property.
2. Any dwelling unit of conventional construction shall have a minimum of 1,200 square feet of living area.

3. No commercial chicken house shall be permitted on the property.
4. The property shall be maintained in an attractive condition and no trash, garbage or refuse shall be permitted on any portion of the property.
5. No unregistered vehicles or wholly or partially dismantled vehicles shall be permitted on the property unless housed in a garage or similar structure.”

At least 21 property owners have executed petitions in opposition to Conditional Use #2189, citing “noise, traffic, property values, trash, car lights, trespassing and alcohol consumption” as reasons for their opposition. (Exhibit 11) By all reasonable estimates, an event venue for weddings and parties is a celebratory and noisy activity. Amplified music can be anticipated. Outdoor activities can be expected. Service of alcoholic beverages, and possibly BYOB, whether licensed or not, is likely. Weekend, holiday and evening hours are peak operating time for such venues, but that is also the time when neighboring property owners expect to enjoy their residential lifestyle and outdoor activities. (Exhibit 15 and 16 – “Southern Charm” promotional materials) The “Proposed Conditions” submitted by the applicant states that events shall be on Fridays, Saturdays and Sundays, and that groups not exceeding 20 persons will be present Monday through Thursday for planning purposes. There is an inescapable conclusion that the proposed use of the Malone property is incompatible with the surrounding residential uses.

The proposed Conditional Use will not be compatible with the adjacent and neighboring agricultural farming operations on the Englishs’ parcels. It is

reasonable to assume that, if approved, there would be complaints from the owners and/or guests of the event venue concerning noise, dust, odors, use of agricultural chemicals, farming operations in general and possible night time farming operations on the English parcels. It is also reasonable to anticipate that the annoyance or inconvenience experienced by event venue owners and/or guests from adjacent farming operations on the Englishs' properties will lead to complaints to County officials about farming operations to attempt to curtail Mr. English's permitted farming use in the AR-1 District. The Englishs have acquired preliminary approval for a 4 parcel residential subdivision of their 37.435 acre from the Planning and Zoning Commission in December 2017 (2017-12). (Exhibit 17) Accordingly, they also have the same concerns as the surrounding residential property owners have about the detrimental impacts of the proposed Conditional Use on residential properties, in addition to the impact that the proposed conditional Use will have on the future sale of those lots.

II. THE PROPOSED USE IS NOT APPROPRIATE IN THE DEVELOPING DISTRICT.

Planning Director Cornwell's September 5, 2019 Memorandum states the Malone parcel is located in the Developing Area as indicted on the Future Land Use Map of the 2018 Sussex County Comprehensive Plan Update, that all adjoining parcels to the Malone lots are zoned AR-1, that most adjoining parcels are single family dwellings, and that there is no other Conditional Use within a mile radius of the site. (Exhibit 14) Opponents contended that the proposed

Conditional Use is not in compliance with the “Developing Areas” guidelines of the 2018 Sussex County Comprehensive Development Plan which states at Page 4-14:

A range of housing types are appropriate in the Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed.

The proposed site is not located at an “appropriate intersection.” The described access to the Malone property from Route 24, is across the lands of Mr. English via a “30 foot wide unimproved street” indicated on the 1946 plat of Mrs. Katie H. Walson. An approximately 10 foot wide gravel and partial asphalt drive has been laid in anticipation of the proposed use without notice to or permission of the Englishs. (Exhibits 4,5) The driveway is not sufficient for oncoming vehicles to pass. The drive is not illuminated and is not located on land owned by Grace Malone. No sign may be located at the entrance drive at Route 24 as Mr. English owns the land adjacent to Route 24. Access to the drive through the Englishs’ parcel from Route 24 is narrow and dangerous. At the end of any event, many vehicles will be departing at approximately the same time, causing a dangerous traffic situation.

The proposed site is not an appropriate “selected area.” It is surrounded by both residential properties and on-going agricultural farming uses. The type of use - parties and events during the evenings, weekends and holidays - is difficult to regulate and police. It is likely that both indoor and outside activities will occur,

subjecting neighbors to noise and late hour activity. The event venue will create unreasonable noise and potentially dangerous traffic conditions caused by party and event attendees who may have been consuming alcoholic beverages on the premises.

III. THE PROPOSED CONDITIONAL USE IS NOT IN COMPLIANCE WITH THE OBJECTIVES AND GOALS OF THE 2018 SUSSEX COUNTY COMPREHENSIVE PLAN.

The 2018 Sussex County Comprehensive Plan, certified by Governor Carney on March 19, 2019 states, at Section 4.4, that the Plan's primary goal is to ... "Conserve the County's agricultural economy by promoting farming and preserving agricultural land values and agribusiness." The proposed use threatens the farming and agricultural uses on the adjoining lands of Frederick English.

The 2018 Comprehensive Plan, at Page 4-15, states the guideline that for Developing Areas, "central water and sewer facilities are strongly recommended." The plan submitted for Conditional Use #2189 indicates that water is provided by a well. No central sewer service is available. A Septic Plot Plan prepared for the Malone parcel indicates a septic tank and "pressure dosed stone trenches" in the northeast corner of the parcel with the following notes:

100 persons max per event; 2 events per week; (minimal kitchen use);
1,500 gal/day discharged; equalized over 7 days with 450 gal/day sent
to drain field.

The list of proposed conditions submitted by the applicant does not state a limitation on the number of attendees, however it clearly indicates that there will be more than two events per week, as there will be events on Fridays, Saturdays

and Sundays and that groups not exceeding 20 persons will be present Monday through Thursday for planning purposes. Those numbers of events and planning sessions exceed the stated capacity of the drainfield. The drain field is located at the minimum allowable 100 foot distance from the well on lands of William Lee and Peggy Sue Hastings. The Hastings are very concerned about the proximity of the proposed septic system to their drinking water well.

The 2018 Comprehensive Plan states in Section 4.7 (page 57) the Future Land Use Goals, Objectives and Strategies, and specifically:

Goal 4.4 Minimize the adverse impacts of future development on existing development.

Objective 4.4.1 Ensure that new development compliments the character of surrounding communities.

Objective 4.5.2 Reduce the challenge placed on farmers by new development.

The proposed Conditional Use does not meet these goals and objectives.

IV. THE PROPOSED CONDITIONAL USE IS NOT IN COMPLIANCE WITH SECTION 115-19 OF THE SUSSEX COUNTY CODE ADDRESSING THE PURPOSE OF THE AGRICULTURAL-RESIDENTIAL DISTRICT TO PROTECT AGRICULTURAL OPERATIONS AND ACTIVITIES FROM OBJECTIONABLE USES OR WITH THE CONDITIONAL USE PROVISIONS OF SECTION 115 -71 and 173.

§ 115-19 PURPOSE.

The purpose of these districts 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 objectionable, hazardous and unsightly uses. They should also protect established agricultural operations and activities. These districts are also intended for protection of watersheds, water resources, forest areas and scenic values and, at the same time, to

provide for low-density single-family residential development, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The AR regulations seek to prevent untimely scattering of more-dense urban uses, which should be confined to areas planned for efficient extension of public services.

The proposed Conditional Use does not protect or promote the established agricultural operations and activities of Frederick English. The proposal is not compatible with the adjacent residential development.

The proposed use also does not meet the criteria of Section 115- 71, which defines the purpose of Conditional Uses:

§ 115-71 PURPOSE

The purpose of this article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the county, require the exercise of planning judgment on location and site plan.

The proposed Conditional Use is not a public or semi-public use, but is a commercial use operated by private individuals. No evidence was presented that it would be an “essential” use. The applicant has not provided a Preliminary Site Plan with the application as required by Section 115 – 173 which contains all of the site and development information required by Article XXVII, Section 115-220.

§ 115-173 PRELIMINARY SITE PLAN

A preliminary site plan complying with the requirements of Article XXVIII shall accompany an application for approval of a conditional use under this Article, together with such information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the

neighborhood and surrounding properties. Procedures for approval of a conditional use and approval and amendment of site plans are contained in Article XXVIII.

V. LEGAL ACCESS TO THE MALONE PROPERTY IS UNCLEAR

It is an applicant's burden of proof to show proper entrance rights to the property. Mr. English has testified that there has never been a lane or entrance across his property into the property presently owned by the applicant for over 40 years during his and his family's ownership. Mr. English has not granted permission to cross his land to the applicant nor anyone else for over twenty years of time. The applicant proposes to gain access through an area of Mr. English's land that has been previously designated on the Plot of Mrs. Katie H. Walson as a "paper street" – a street which has never been used or developed since 1946. Most of the lots designated on the Walson plot have been merged into two or more lots. Many, if not all, of the lots have been developed with houses, and structures (including chicken houses) extending through and across the previously platted private streets. (see aerial parcel map, Exhibit 2)

The area of the entrance drive to the Malone venue site was clearly originally intended for access to the residential lots indicated on the plot and not as a commercial entrance. In the event that the unimproved streets as indicated on the 1946 Walson plot have been abandoned by the lack of use and development in the roadway, the Malone property may have only an easement by necessity or prescription for the purpose of gaining entrance for only residential purposes, as there has never been any prior use of the access area for commercial purposes. In

either event, there exists no clear right of access to the Malone property for commercial event venue purposes.

As a condition of approval, the application requests a condition that:

“2. One lighted sign, not to exceed thirty-two (32) square feet shall be permitted on the subject property.”

It is unclear whether the intended area of the sign is on the Malone property or within the entrance area claimed by the applicant through the English's property. If it is the intention to have a sign at the corner of the claimed access lane and Route 24, there is no legal right for the applicant to have a sign within the entrance area that extends through the English's property.

VI. A DOUBT EXISTS AS TO WHETHER THE APPLICANT HAS COMPLIED WITH ISSUED BUILDING PERMITS OR WHETHER NECESSARY AGENCY REVIEW OF PLANS HAS OCCURRED.

Building Permit #201808188 was issued by Sussex County on August 2, 2018 for a “40 x 60 Farm Pole Building; 12 x 60 Lean To” for a project description as a “Farm Bldg.” (Exhibit 14) The “event venue” building has apparently been transformed from the farm pole building without the issuance of further permits. There appears to be a violation because building permits are required for interior work, electrical installation, plumbing for toilets and sinks and for the “Bathroom Addition” to the “farm building.” (Compare Exhibit 13 showing a bathroom addition to Exhibit 14 – the building permit) As of the time of the last scheduled public hearing on October 2, 2019, Sussex Conservation District had not received plans or permit applications for disturbance of soils in

excess of 5,000 sq. ft. for driveway, construction, septic and parking areas, as is required by its regulations. Opponents submitted e-mail transmissions from Jessica Watson, Program Manager at SCD, indicating that the owner of the Malone property was issued a violation letter in October 2019, which was re-sent in December 2019 and with a notation that if the property is to be used as a commercial operation, a detailed sediment and stormwater plan was required. Despite the fact that the Malone application was pending at that time in 2019 and that the building had been constructed, no plans were submitted and no plans have been submitted as of the present date. (Exhibit 18)

Mr. English reports that significant burning of trees and shrubs cut from the site occurred during the burning ban period of the summer of 2019. Mr. English expressed his doubts concerning the event venue owner's and operator's future compliance with any conditions placed upon the operation of the facility due to the presently apparent non-compliance of the owner with existing permitting requirements. There are additional concerns about the alleged violations relating to building permits, Soil Conservation District issues and burning ban violations. The Soil Conservation District has indicated that its agents informed Mr. Malone that submission of plans to that agency was necessary for use of the property for an event venue. That agency has not yet received plans and a request for review from the applicant. These issues raise doubt about the applicant's compliance with required permit processing and concern about the applicant's future compliance with any conditions of approval

(such as hours of operations, minimization of noise, limitation of activities and maximum occupancy). Sussex County has limited staff and equipment to regulate such conditions.

VII. THE COMMISSION HAS PREVIOUSLY RECOMMENDED APPROVAL OF EVENT VENUE CONDITIONAL USES ONLY WHERE ADJACENT LANDS HAVE BEEN OWNED AND OPERATED BY THE APPLICANT AND WHEN NO OPPOSITION HAS BEEN EXPRESSED TO THE PROPOSAL.

Conditional Use applications for event venues have been previously approved for Vanderwende Acres (C/U 2165) and Ingrid Hopkins (C/U 2177). Both applications concerned venues that were surrounded by many acres of farmland owned by the applicants. Neither application was opposed. The Commission recommended denial of C/U 2163 (William McQueen) for reasons that parking was split across Route 16 and created a “dangerous situation.” The application of Madeline Troescher (C/U 2174) was withdrawn after significant opposition was raised at the Commission’s hearing addressing the residential nature of the surrounding development, the unlighted, unsafe nature of the tar and chip entrance lane and neighbors’ concerns about noise, traffic and the difficulty of policing of operating hours and the proposed conditions by a limited County staff. (A subsequently submitted application by Madeline Troescher for a Special Exception for a Bed & Breakfast at the same location was recently denied by the Board of Adjustment on June 1, 2020)

The County Council followed the Commission's recommendations in each case, approving C/U 2165 and C/U 2177 and denying C/U 2163 by 5-0 votes in each application.

In light of the previous decisions of the Commission and Council, it is appropriate to deny the application for all of the above mentioned reasons and for the following summarized rationale:

1. The proposed commercial event venue is not compatible with the general residential and agricultural nature of the vicinity. Maps and exhibits submitted into the record depict the residential zoning of the surrounding AR-1 parcels and the 4 agricultural and residential nature of Frederick and Darlene English's parcels lying to the south of the Malone property, totaling 37.4 acres. (Tax Parcels 322-2.00 76.00; 76.09; 76.10; 76.11). The Malone parcel is immediately adjacent to approximately 12 residential properties on the north and east side of the site, all of which front on Route 24. Significant evidence was submitted by opponent that use of the surrounding residential parcels would be detrimentally affected by the proposed use. The proposed use would detrimentally affect surrounding residential property values; the market value and marketability of the four farm parcels owned by Frederick English would be detrimentally affected by the proposed Conditional Use. Twenty-one property owners executed petitions in opposition to Conditional Use #2189, citing "noise, traffic, property values, trash, car lights, trespassing and alcohol consumption" as reasons for their opposition. (Exhibit 10) An event venue for weddings and parties is, by its very nature a celebratory and noisy activity. Amplified music can be anticipated. Outdoor activities can be expected. Service of alcoholic beverages, and possibly BYOB, whether licensed or not, is likely. Weekend, holiday and evening hours are peak operating time for such venues, but that is also the time when neighboring property owners expect to enjoy their residential lifestyle and outdoor activities. Restrictions in the 2015 deed to Grace Malone clearly indicated that the property is to be used for residential purposes. There is an inescapable conclusion that the proposed use of the Malone property is incompatible with the surrounding residential uses and contradictory to the intent of the 1946 plat that includes the Malone property. Additionally, the proposed Conditional Use will not be compatible with the adjacent and neighboring agricultural farming operations on the Englishs' parcels which include equipment noise, dust, odors, use of agricultural chemicals, farming operations in general and possible night time farming operations. It is also reasonable to anticipate that the annoyance or

inconvenience experienced by event venue owners and/or guests from adjacent farming operations on the Englishs' properties will lead to unwarranted complaints to County officials about legitimate farming operations. The Englishs have acquired preliminary approval for a 4 parcel residential subdivision of their 37.435 acre from the Planning and Zoning Commission in December 2017 (2017-12). (Exhibit 17) Accordingly, they would also be detrimentally impacted by the proposed Conditional Use on their residential properties and on the future sale of those lots.

2. The proposed Conditional Use is not in compliance with the the 2018 Sussex County Comprehensive Development Plan. The "Developing Areas" guidelines of the Plan, at Page 4-14, state:

"A range of housing types are appropriate in the Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed."

The proposed site is not located at an "appropriate intersection." The described access to the Malone property from Route 24, is through the r. English's via a "30 foot wide unimproved street" indicated on the 1946 plat of Mrs. Katie H. Walson, which describes a residential subdivision. No sign may be located at the entrance drive at Route 24 as Mr. English owns the land adjacent to Route 24. Access to the narrow drive from Route 24 is confusing and dangerous. At the end of any event, many vehicles will be departing at approximately the same time, causing a dangerous traffic situation. The proposed site is not an appropriate "selected area." It is surrounded by both residential properties and on-going agricultural farming uses. The type of use - parties and events during the evenings, weekends and holidays - is difficult to regulate and police.

3. The proposed Conditional Use does not meet the goals and objectives of the 2018 Sussex County Comprehensive Plan, Section 4.4, to "Conserve the County's agricultural economy by promoting farming and preserving agricultural land values and agribusiness." The proposed use threatens the farming and agricultural uses on the adjoining lands of Frederick English. The proposed use does not comply with the guidelines of the 2018 Comprehensive Plan, at Page 4-15, that for Developing Areas, "central water and sewer facilities are strongly recommended." The Site Plan submitted for Conditional Use #2189 indicates that water is provided by a well. No central sewer service is available. The proposed Conditional Use does not comply with the Plan's Goal at Section 4.4 to "Minimize the adverse impacts of future development on existing development" and the Objectives to:

Ensure that new development compliments the character of surrounding communities (Objective 4.4.1); and

Reduce the challenge placed on farmers by new development (Objective 4.5.2).

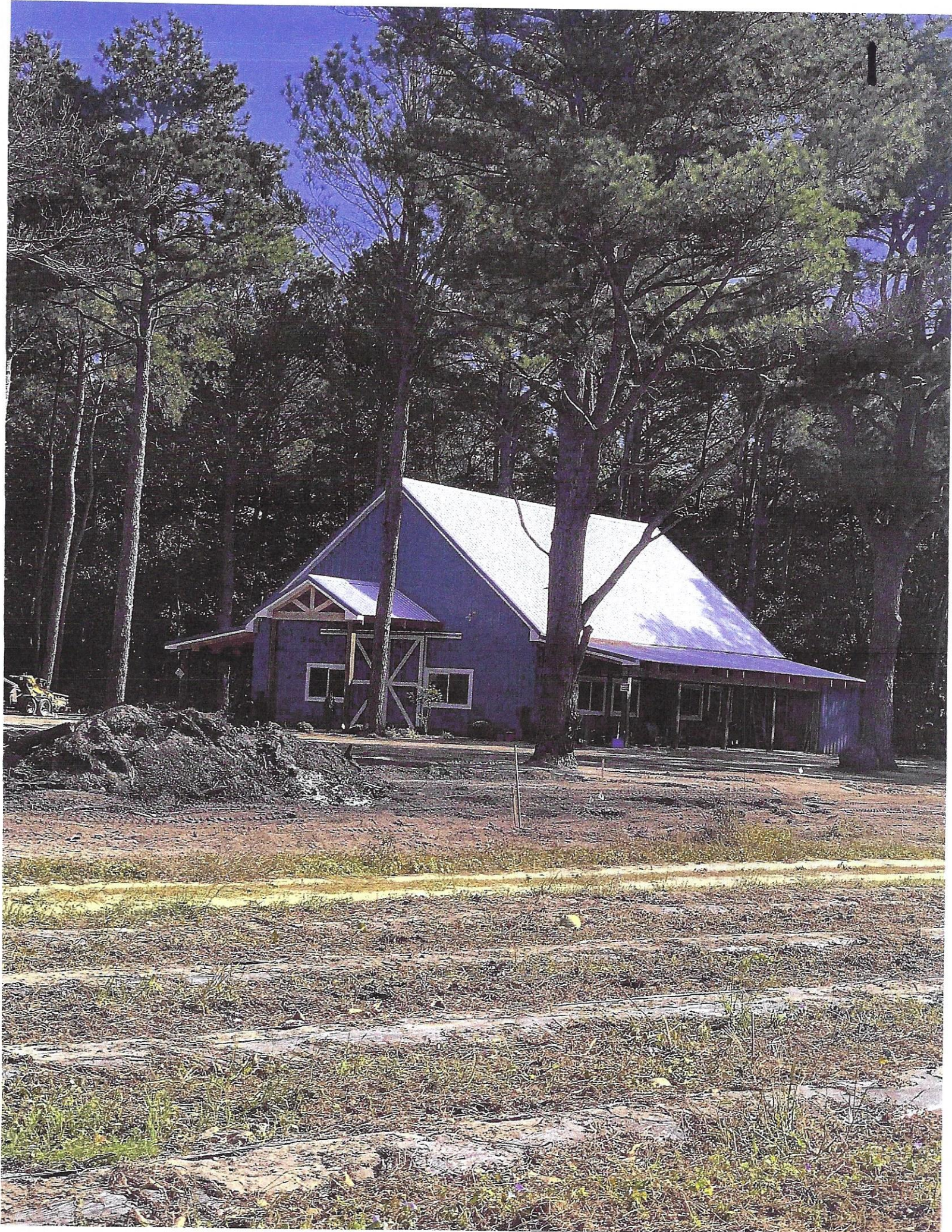
4. The proposed Conditional Use is not in compliance with section 115-19 of the Sussex County Code addressing the purpose of the Agricultural-Residential district to protect agricultural operations and activities from objectionable uses. The proposed Conditional Use does not protect or promote the established agricultural operations and activities of Frederick English. The proposal is not compatible with the adjacent residential development. The proposed use is not in compliance with the provisions of Conditional Use Section 115-71, as it is not a public or semi-public use, but is a commercial use operated by private individuals. No evidence was presented that it would be an “essential” use. The applicant has not provided a Preliminary Site Plan with the application as required by Section 115 – 173 and Section 115-220.

5. There exists no clear right of access to the Malone property for commercial event venue purposes. No permission was granted from Frederick English to Grace Malone to use the area for an access drive. The area of the entrance drive to the Malone venue site was clearly originally intended for access to the residential lots indicated on the 1946 Walson plat and not as a commercial entrance. In the event that the unimproved streets as indicated on the 1946 Walson plat have been abandoned by the lack of use and development in the roadway, the Malone property may have only an easement by necessity or prescription for the purpose of gaining entrance for residential purposes. There has never been any prior use of the access area for commercial purposes. In either event, it is the Applicant’s burden to prove proper entrance rights to the property and the Commission finds that access rights are unclear at this time.

6. Mr. English reports that significant burning of trees and shrubs cut from the site occurred during the burning ban period of the summer of 2019. Although the Planning and Zoning Commission does not enforce alleged burning ban violations, it can be concerned about the applicant’s apparent non-compliance with building permits and Soil Conservation District regulations. Such non-compliance gives the Commission doubts as to the applicant’s intent to comply with any conditions approval such as limitation on hours of operations, minimization of noise, limitation of activities and maximum occupancy limits.

7. The Commission has recommended denial of similar event venues where the neighboring residential property owners have objected to potential noise, traffic hazards and the commercial nature of the proposed use. The propose use is

significantly different from the two applications approved by the Council where significant areas of surrounding lands were owned exclusively by the applicants.







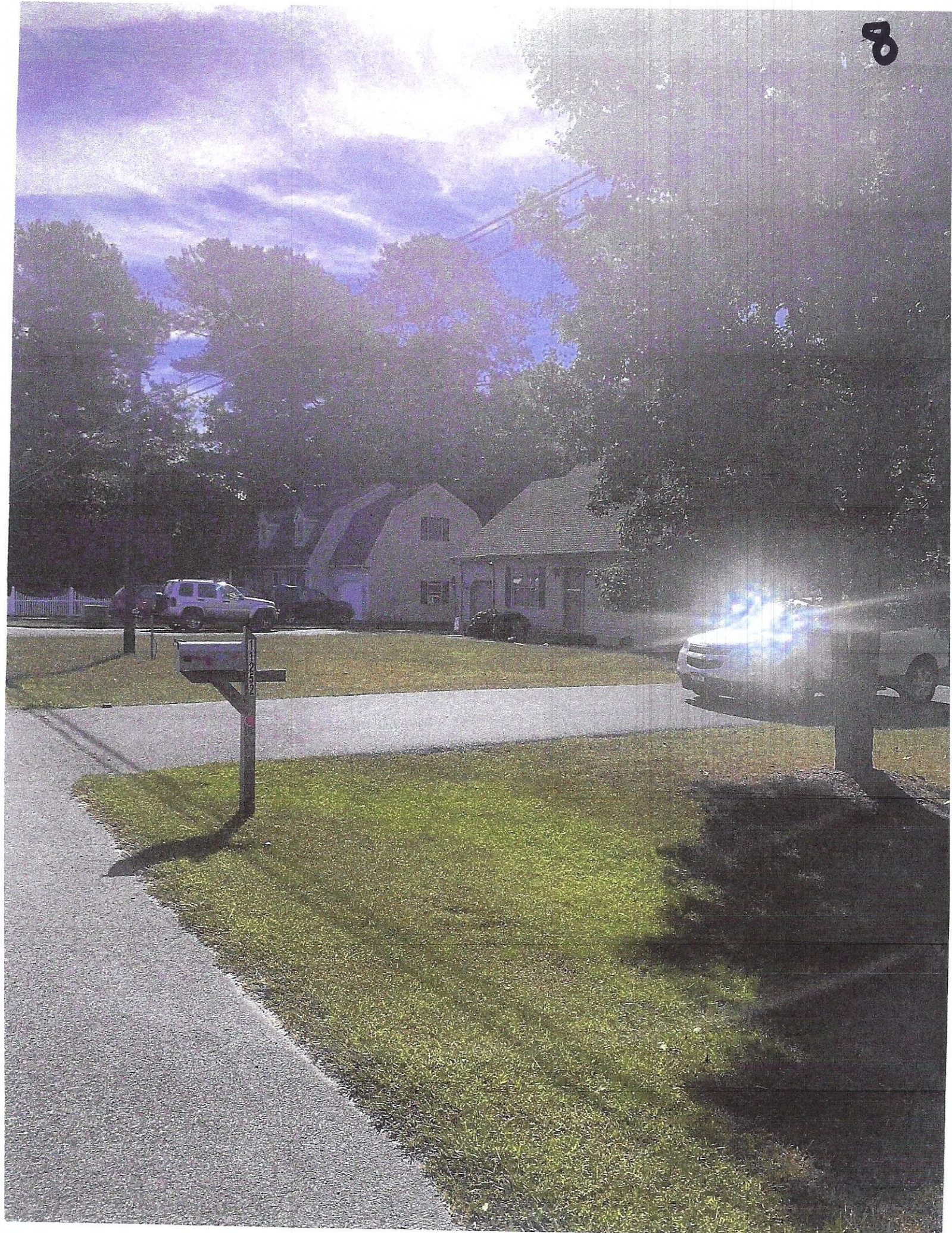
5





7





STREET																						
155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177
111	110	109	108	107	106	105	104	103	102	101	100	99	98	97	96	95	94	93	92	91	90	89
							50							50				50			50	

STREET																					
68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89
20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	100	82 1/2
							50							50				50	100	50	50

RO TO LAUREL

PLOT OF LOTS OF
S. KATIE H. WALSON.
LAUREL DEL

600

98

PUBLIC ROAD

133	132	131	130	129	128	127	126	125	124	123	122	121	120	119	118	117	116	115	114	113	112	111	110	109	108	107	106
50'					125'	50'						50'	125'								50'	125'					

STATE HIGHWAY

35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73
50'																																						

MILLSBORO TO L

STATE HIGHWAY MILLSBORO TO LAUREL

RECEIVED
MAY 20 1900
J. B. BROWN

PLOT OF
MRS. KATIE
LAUREL

TM #: 3-32-2.00-75.00
PREPARED BY & RETURN TO:
The Smith Firm, LLC
8866 Riverside Drive
Seaford, DE 19973
File No. S15-214/

This Deed, made this 16th day of November, 2015,

- BETWEEN -

GINGER P. WILLIAMS f/k/a GINGER P. NICHOLS, of 30685 Hawks Way,
Delmar, MD 21875, party of the first part.

- AND -

GRACE E. MALONE, of 31343 Shavox Rd., Salisbury, MD 21804, as sole owner,
party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Thirteen Thousand Seven Hundred Seventy and 00/100 Dollars (\$13,770.00)**, 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 her 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 and parcel of land, situate, lying and being in Little Creek Hundred, Sussex County, State of Delaware, being known and designated as LOT NO. 6, LOT NO. 82, LOT NOS. 93-103 AND THE WESTERLY HALF OF LOT 104, THE WESTERLY HALF OF LOT NO. 162, LOT NOS. 163, LOT 164-173, being more particularly referenced upon a plot of lots surveyed by Monroe T. Gunn, Surveyor.

BEING a portion of the same lands conveyed to Ginger P. Nichols from Gary L. Nichols, by Deed dated February 7, 1992, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on February 10, 1992, in Deed Book 1829, Page 149.

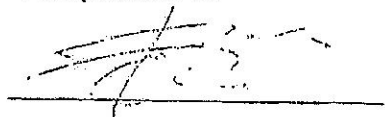
This conveyance is subject to Restrictions as follows:

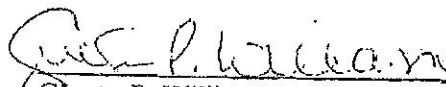
1. Only one (1) detached dwelling may be placed or erected on any lot. A mobile home dwelling may not be placed on the subject property.
2. Any dwelling unit of conventional construction shall have a minimum of 1,200 square feet of living area.
3. No commercial chicken houses shall be permitted on the property.
4. The property shall be maintained in an attractive condition and no trash, garbage or refuse shall be permitted on any portion of the property.
5. No unregistered vehicles or wholly or partially dismantled vehicles shall be permitted on the property unless housed in a garage or similar structure.

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

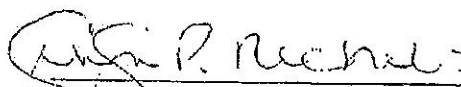
IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:



 (SEAL)
Ginger B. Williams



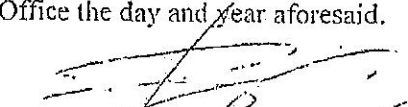
 (SEAL)
Ginger P. Nichols

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on November 16, 2015, personally came before me, the subscriber, Ginger P. Williams, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

BLAKE WILLIS CAREY
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3


Notary Public

My Commission Expires: _____

NOTICE: PLANNING & ZONING COMMISSION PUBLIC HEARING

Sussex County

This card is to notify all property owners within 200 feet of the subject site of upcoming public hearing before Planning and Zoning Commission for the following application:

C/U 2189 GRACE MALONE - AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS. The property being a landlocked parcel of land lying on the south side of Laurel Rd., approximately 0.38 mile east of Sussex Hwy. (Rt. 13).
911 Address: N/A. Tax Parcel: 332-2.00-75.00.

All persons interested shall have a reasonable opportunity to be heard. If unable to attend the public hearing, written comments will be accepted however they shall be received prior to the public hearing.

The above application is available for review in the Planning and Zoning Department, County Administrative Building, 2 The Circle Georgetown, DE 19947.



Planning Director: Janelle M. Cornwell, AICP | Phone: (302) 855-7878 | Fax: (302) 854-5071

AGAINST PROPOSAL C/U 2189 FOR CONDITIONAL USE OF LAND IN AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE. REASONS BEING: NOISE, TRAFFIC, PROPERTY VALUE, TRASH ETC. (CAR LIGHTS) (TRESPASSING) (ALCOHOL CONSUMPTION)

Terry Pickett
11302 Laurel Rd
Robert C. McElroy
11318 Laurel Rd.
Laurel, DE

Corene Strachly

Mary L. Stokley
Daryl Strachly

Sam Johnson
Scott Kewell

11290 Laurel Rd Laurel DE

11330 LAUREL Rd Laurel DE

LAUREL ROAD LAUREL DE

11285 Laurel Rd

11299 Laurel Rd Laurel DE

Stephen Ames

11313

LAUND RD

Frederick B + Darlene M. English

5408 NEALS SCHOOL RD

SEAFORD, DE 19973

302-629-2218

PROPERTY OWNERS ON THE SOUTH & WEST
SIDE OF PROPOSED PARCEL.

Jenifer + Clayton Caudill

11242 Laurel Rd

Laurel, De 302-265-8062

302-265-8441

11C
Serald + Janet Devore

31902 Old Stage Rd

Laurel DE 19956

Paula Buttingham

31918 Old Stage Rd.

Laurel, DE 19956

James C. Windsor

31494 Greenhouse Lane

Laurel, De J C Windsor

Gregory Cannon

11273 Laurel Rd

Laurel DE 19956

Falk M. Rice

11201 Laurel Rd

Laurel, De

Falk M. Rice

Ray Vincent

~~11235~~ 11235 LAUREL RD.

Laurel Del 1995

Kenneth W. Baldwin

11208 Laurel Rd.

Laurel, DE

David M Sales

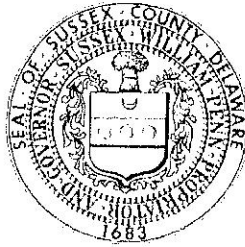
11252 Laurel Rd

Laurel, DE

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



12
Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, AICP, Planning & Zoning Manager
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 5, 2019
RE: Staff Analysis for CU 2189 Grace Malone

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2189 Grace Malone to be reviewed during the September 12, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 332-2.00-75.00 to allow for an event venue to be located on a land locked parcel lying on the south side of Laurel Rd, approximately 0.38 mile east of Sussex Highway. The size of the property is 4.59 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the property has the land use designation of "Developing Area".

The entire tract of land between Sussex Highway to the west, and Old Stage Rd to the east is designated as Developing Area. The Developing Areas land use designation recognizes that "*a range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.*"

The property is zoned AR-1 (Agricultural Residential Zoning District). All of the adjoining properties are zoned AR-1. Most of the adjoining parcels contain single-family dwelling houses. The County's online zoning map shows no Conditional Use approvals within a 1-mile radius of the application site within the past decade.

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for an events venue, subject to consideration of scale, impact and intensity, could be considered as consistent with the land use, area zoning and uses.



TREES WITHIN 10' OF TRENCHES
ARE TO BE REMOVED

LOCATE TANKS 150'+ FROM EXISTING
ON SITE WELL & NOT CLOSER THAN
2' FROM STONE TRENCHES

PROVIDE PROTECTION FROM DAMAGE BY
VEHICLES FOR SEPTIC & DOSING TANKS

4 TRENCHES ~ 56' LONG x 3' WIDE
SPACED 6' o.c.
SEE SHEETS 3 & 4

INSTALL 4" DIA SCH 40
PVC PIPE BETWEEN
SEPTIC & DOSING TANKS

-2,800 GAL DOSING TANK
150'+ REQ'D FROM PUBLIC WELL
SEE SHEET 2

2,800 GAL SEPTIC TANK
WITH ZABEL A-300 FILTER
AT OUTLET AND ACCESS
RISERS AT INLET AND OUTLET
150'+ REQ'D FROM PUBLIC WELL

— SOIL BORING
PER SITE
EVALUATION
(TYP)

- EXISTING POLE BUILDING TO BE
USED FOR WEDDING
CELEBRATIONS
100 PERSONS MAX. PER EVENT
2 EVENTS PER WEEK MAX
(MINIMAL KITCHEN USE)

1,500 GAL/DAY DISCHARGED

EQUALIZED OVER 7 DAYS WITH
450 GAL/DAY SENT TO
DRAINFIELD

- 12"x12" CONCRETE ENCASEMENT or
- 4" DUCTILE IRON PIPE or
- 4" SCH 80 PVC or
- 6" DIA SCH 40 PVC ENCASING THE 4" SCH 40 PVC

APPROVED
SOILS
LINE

PORCH

PORC

PORC

RESTROOM
ADDITION

ELL—
SIFIED
WELL)

EXISTING WELL—
(TO BE CLASSIFIED
AS A PUBLIC WELL)

575'±

2" DIA SCH 40 PVC —
24" MIN BELOW GRADE
30' LONG

A diagram of a rectangular area. It consists of a central shaded rectangle with diagonal lines. Above and below this shaded area are two horizontal rectangles, each labeled "PORCH". To the right of the diagram, a vertical dimension line indicates a total height of 40'. To the left, a horizontal dimension line indicates a width of 12'.

RADIUS → RESTROOM
ADDITION

575'±

SAND-LINED SYSTEM IN AREA
OF INITIAL SYSTEM, WHICH IS
TO BE EXCAVATED

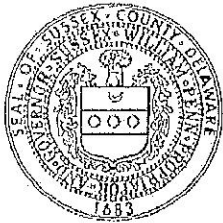
3.7 ACRES - TOTAL SITE AREA
0.45 ACRES TO REMAIN PERVIOUS TO
SATISFY DNREC DENSITY REQUIREMENTS



MALONE

(302) 422-9568

SHEET: 1



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

14
Application Number

201808188

Issue Date: 08/02/2018
Expire Date: 08/02/2019

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

Parcel ID	Address	Zone Code
332-2.00-75.00	99999 UNKNOWN, UNKNOWN	AR-1

Owner Information	Applicant Information
Name: MALONE GRACE E Phone:	Name: MALONE GRACE E Phone:

Contractor Information		
Name:	MALONE GRACE E	License Number:
CID:	62054	License Exp. Date:
Phone:		Insurance Exp. Date:

Building Information
Proposed Use: POLE BARN Construction Type: Estimated Cost of Construction: \$ 18,720 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: 100' Distance from any other Mobile Home or Accessory Structure: _____

Property Information
Measurements taken from Property Lines Front Setback: 50.00 / Rear Setback: 50.00 / Side Setback: 50.00 / Corner Setback: / Maximum Building Height: Location Description: FLOOD ZONE S/RT 24 950' EAST OF RT 13 Flood Zone: XP416L _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.

Project Description: **FARM BLDG**

Scope of Work:

40X60 FARM POLE BUILDING 12X60 LEAN TO

Permit Details:

Signature of Approving Official

Signature of Owner/Contractor

Building Permit Application:

I fully understand the Zoning Requirements of this permit.

ZONING AND BUILDING PERMIT will expire one (1) year from the date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as "actual construction". Permit must be renewed prior to expiration date.

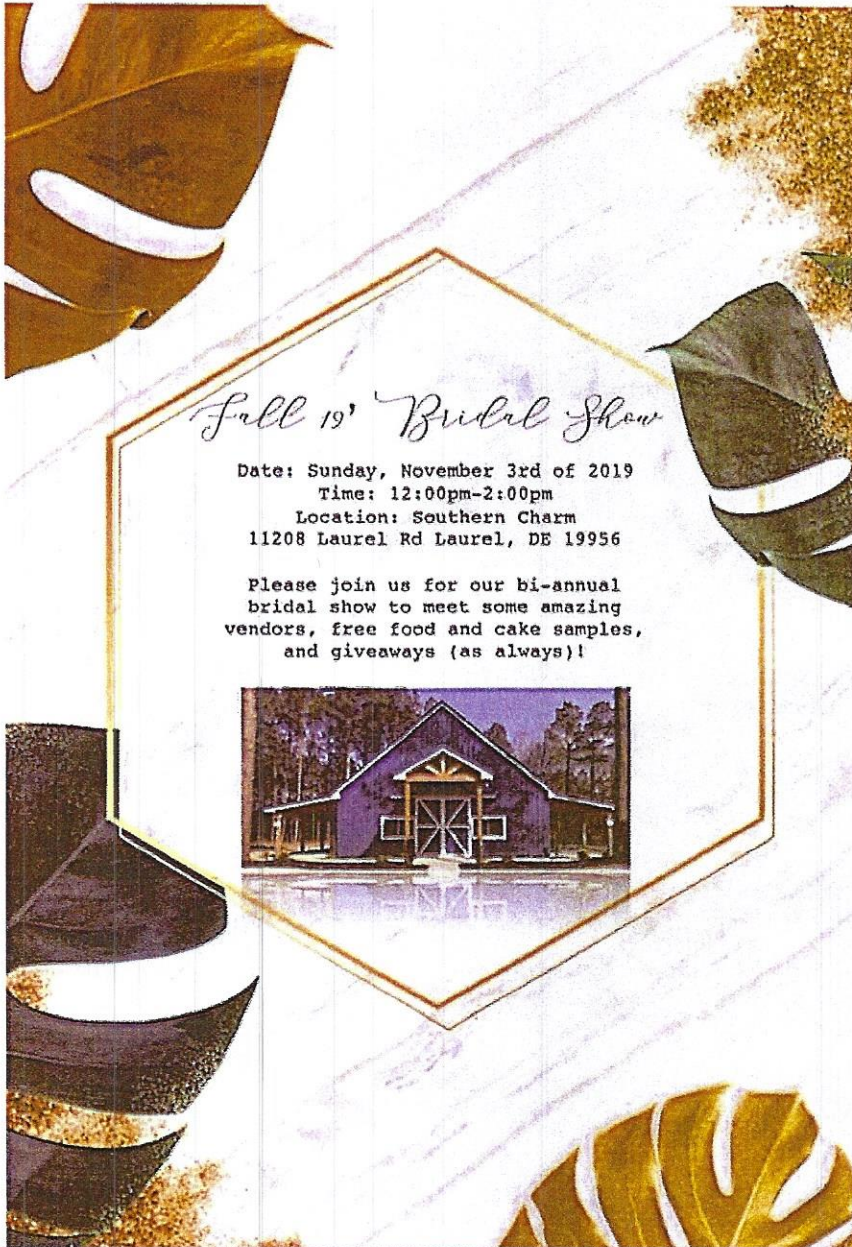
ASSESSORS AND INSPECTORS HAVE A RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment, Planning and Zoning, and Building Code Officials to enter upon said premises during the construction of which this PERMIT is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property, said consent being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

Permit Number BP-95223

TOTAL FEES: \$ 108.30





The Southern Venues

· 4 hrs ·

Please like and share!

Brides-to-be can pre-register at
www.thesouthernvenues.com/!

For info on how to become a vendor at our show,
 e-mail us at thesouthernvenues@gmail.com!

#EasternShoreBridalShow #MarylandBridalShow
 #DelawareBridalShow #BiAnnual #BridalShow
 #FreeEntry #WeddingVenue #WeddingBarn
 #DelmarVenue #MarylandVenue #SBEvents
 #SBWeddings #SouthernVenues #SouthernCharm
 #SouthernChapel #SVWeddings #SVEvents
 #SouthernBelle #DreamWedding
 #FairytaleWedding #SouthernBelleBride
 #MarylandPride #Love #Romance #Elegance
 #Happiness #EndlessPossibilities #ThreeLocations

4

3 Shares

Like

Comment

Share



Write a comment...

16

2020 AVAILABLE SATURDAY'S

at Southern Charm

JANUARY 4, 11, 18, 25

FEBRUARY 1, 8, 15, 22, 29

MARCH 7, 14, 28

APRIL 4, 11, 18, 25

MAY 9, 16, 23, 30

JUNE 6, 13, 27

JULY 4, 11, 18, 25

AUGUST 1, 8, 15, 22, 29

SEPTEMBER 5, 12, 19, 26

OCTOBER 3, 10, 17, 24, 31

NOVEMBER 7, 14, 21, 28

DECEMBER 5, 12, 19, 26

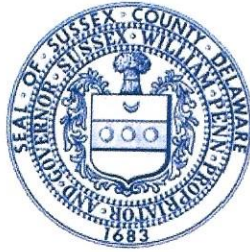
The Southern Vent
· 23 hrs ·

Like

Comment



Write a comment...



17 Sussex County

December 28, 2017

Frederick B. & Darlene M. English
5408 Neals School Rd
Seaford, DE 19973

RE: Notice of Decision 2017-12 – Preliminary Approval – Subdivision of 37.435 acres of land into four (4) single family lots on the west side of Old Stage Rd. (Rd. 461) and south of Laurel Rd. (Rt. 24).
Tax Parcel: 332-2.00-76.00

Dear Mr. & Mrs. English,

At their meeting on December 14, 2017 the Planning Commission granted **preliminary approval** to the subdivision of 37.435 acres into four (4) single family lots, each with road frontage (2017-12). A variance from the required 150 ft. road frontage was previously granted on October 2, 2017 for Lot 4 by the Sussex County Board of Adjustment.

The Final Subdivision Plan must comply and/or respond to comments from Staff's Review Letter dated October 20, 2017 including the submission of a soil feasibility study to the Planning and Zoning Office.

Please feel free to contact me with any questions during business hours 8:30am – 4:30pm Monday through Friday at 302-855-7878.

Sincerely,

Samantha Bulkilvish

Samantha Bulkilvish
Planner I

CC: Miller-Lewis, Inc.



18

Re: Grace Malone

From: Jessica Watson <jessica.watson@sussexconservation.org>

To: Rob Witsil <rob@witsillaw.com>

Date: 6/4/2020 7:20 AM

Hello Rob,

I made a mistake in my summary. I only issued the violation letter in October and resent again in December asking for an update.

Just wanted to clarify.

Thank you,

Jessica

Jessica Watson

Program Manager

jessica.watson@sussexconservation.org

20728 N. Dupont Blvd, Unit 317

Georgetown, DE 19947

302-856-2105 ext. 107 (office)

302-381-6136 (cell)

sussexconservation.org

**Sussex
Conservation
District**

On Wed, Jun 3, 2020 at 9:49 PM Rob Witsil <rob@witsillaw.com> wrote:

Thank you for your information. I will present it in a professional manner.

Sent from my iPhone

On Jun 3, 2020, at 3:51 PM, "jessica.watson@sussexconservation.org" <jessica.watson@sussexconservation.org> wrote:

Hello Rob,

Per our conservation this afternoon – the following is a summary of our communication with the property owner for the Grace Malone project.

18

1. SCD issued violation letters on 10/4/19 and 12/12/19.
2. We met with the property owner and the design engineer onsite to review and discuss permitting options on 2/6/2020.
 - a. **Options 1:** The property owner could use the property for Residential purposes only and build his home. This means – that he would not file the conditional use permit and the property would not be used as a business. – If he wanted to pursue this option – then he would need to obtain a Residential Standard Plan.
 - b. **Option 2:** If the property owner wishes to operate a business – then a sediment & stormwater plan would need to be submitted to SCD. The property owner would then pursue the conditional use permit. This option would require a detailed sediment and stormwater plan.
3. 4/1/20 –I contacted the design engineer for an update and was notified that the property owner was undecided on which option to pursue.

Please let me know if you have any other questions.

Sincerely,

Jessica

Jessica Watson

Program Manager

jessica.watson@sussexconservation.org

<image003.png>

20728 S. Dupont Blvd. Unit 317

Georgetown, DE 19947

302-856-2105 ext. 107 (office)

302-381-6136 (cell)

sussexconservation.org