

File #: CU# 2215
201914512

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~~ _____
XXXXXXXXXXXXXXXXXXXX

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

South Side of Rt. 54 (Lighthouse Rd.) at SCR 58B (Bayville Road)

37116 B 37124 Lighthouse Rd

Type of Conditional Use Requested:

Professional Offices

Tax Map #: 533-19.00-26.00

Size of Parcel(s): 1.56 acre

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: 2 Buildings 9,387 sq. ft.

Land Use Classification: Coastal Area

Water Provider: Artesian

Sewer Provider: Sussex County

Applicant Information

Applicant Name: BZ Land, LLC

Applicant Address: 37116 Lighthouse Road

City: Selbyville

State: DE

Zip Code: 19975

Phone #: 302-528-5681

E-mail: zonkobuilders@gmail.com

Owner Information

Owner Name: SAME AS APPLICANT

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

~~Agent/Attorney/Engineer Name:~~ James A. Fuqua, Jr.

~~Agent/Attorney/Engineer Address:~~ 26 The Circle

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-227-7727

E-mail: jimf@fwsslaw.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.**

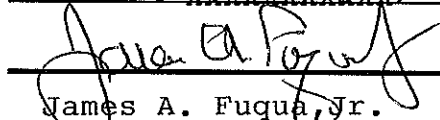
☐ **DeIDOT Service Level Evaluation Request Response**

☐ **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.

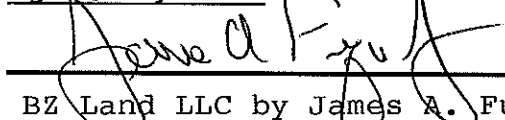
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney


James A. Fuqua, Jr.

Date: December 18, 2019

Signature of Owner


BZ Land LLC by James A. Fuqua, Jr., Esquire

Date: December 18, 2019

For office use only:

Date Submitted: 12/18/19

Staff accepting application: ceh

Location of property: _____

Fee: \$500.00 Check #: 22374

Application & Case #: 201914512

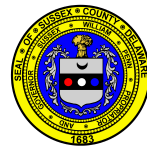
Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



Sussex County



PIN:	533-19.00-26.00
Owner Name	BZ LAND LLC
Book	3556
Mailing Address	37116 LIGHTHOUSE RD
City	SELBYVILLE
State	DE
Description	S/RT 54
Description 2	50' FR COR RT 58B
Description 3	
Land Code	

polygonLayer

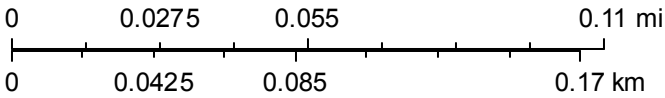
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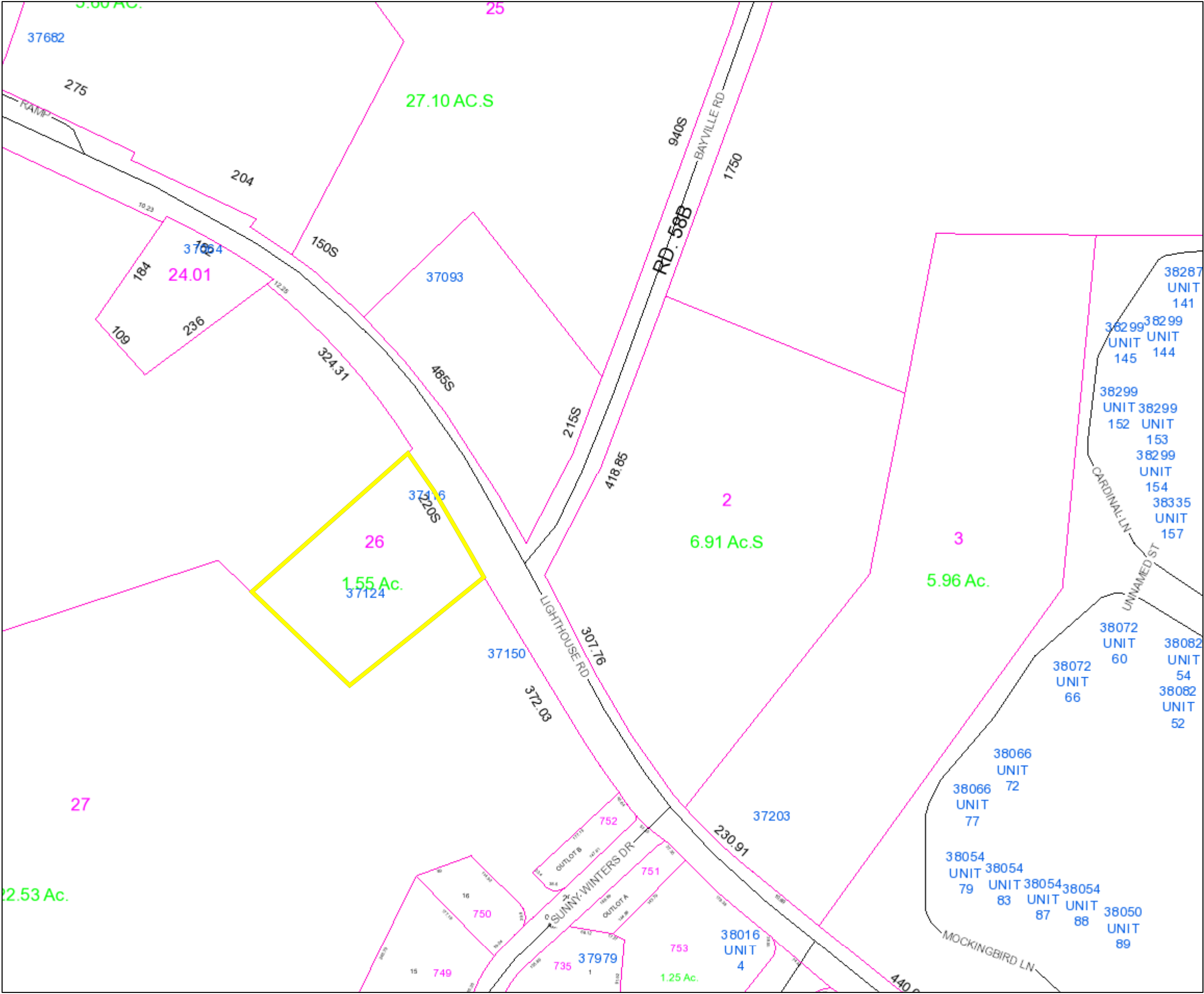
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





Sussex County

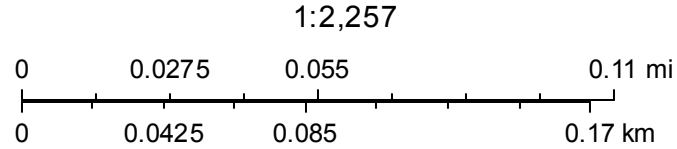


PIN:	533-19.00-26.00
Owner Name	BZ LAND LLC
Book	3556
Mailing Address	37116 LIGHTHOUSE RD
City	SELBYVILLE
State	DE
Description	S/RT 54
Description 2	50' FR COR RT 58B
Description 3	
Land Code	

- polygonLayer

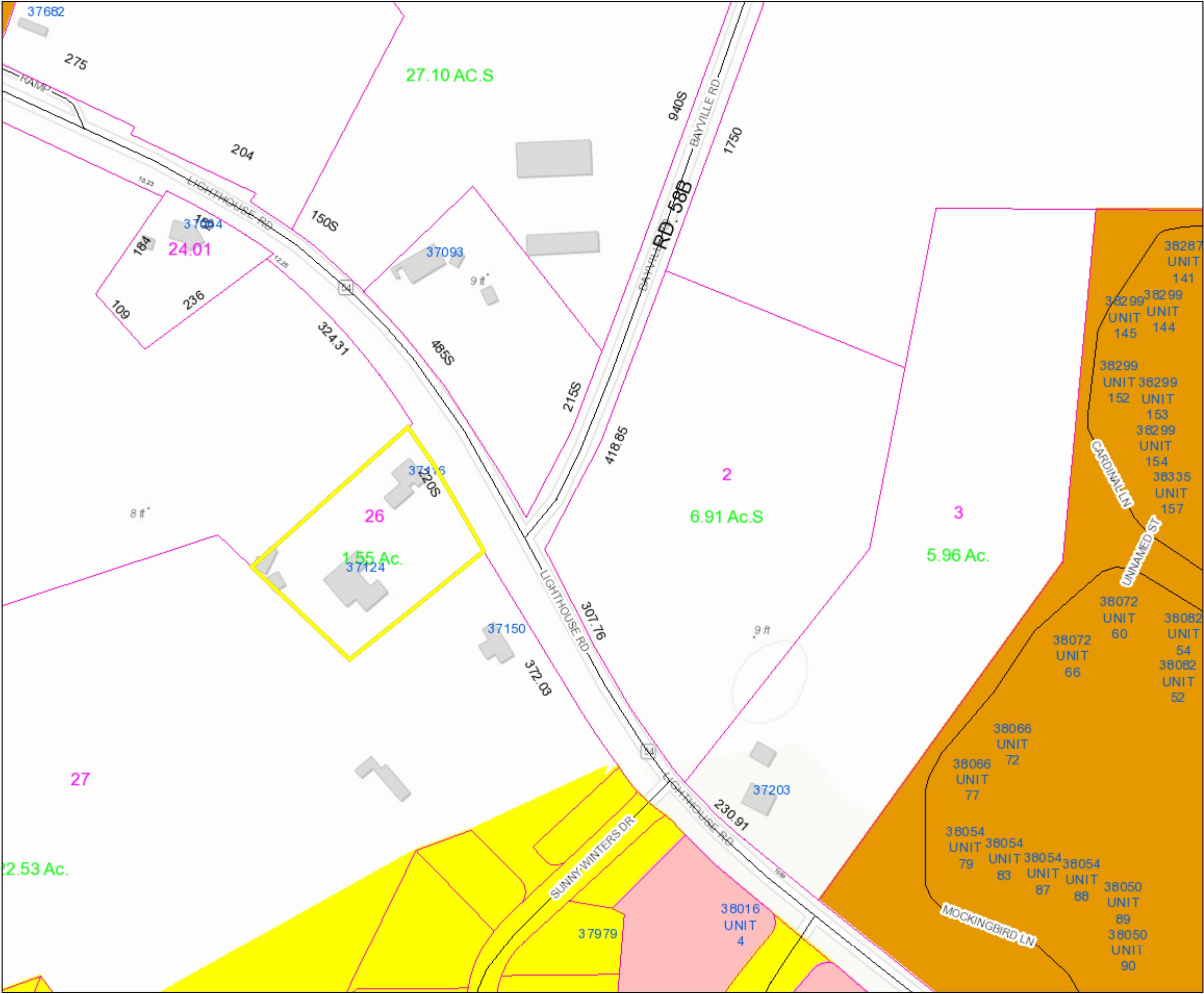
Override 1
- polygonLayer

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Sussex County



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polygonLayer

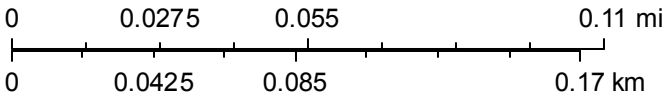
Override 1

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@sussexcountype.gov



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sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 13, 2020
RE: Staff Analysis for CU 2215 BZ Land, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2215 to be reviewed during the May 28, 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 533-19.00-26.00. The current zoning is AR-1 Agricultural Residential, and the request is for professional offices. The parcel is located on the south side of the intersection of Lighthouse Road (Route 54) and Bayville Road (Road 58B). The size of the property is 1.550 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Coastal Area." The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex's County base density of two (2) units per acre is appropriate. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The parcel is located within an Agricultural Residential (AR-1) Zoning District. In addition, each of the parcels that directly border the property are also zoned AR-1. The subject parcel is in proximity to four major subdivisions that are located along Lighthouse Road. Bayview Landing and Mallard Lakes are within a High Residential Zone. The Fenwick Farms and Kennewick subdivisions are within a Medium Residential Zone.

Per *Sussex County Code* (§) 115-22, Conditional Uses are listed for parcels within an AR-1 zone. Dependent upon scale and use, staff notes that professional offices could be considered as a potential Conditional Use.

Since 2011, there has been one Conditional Use application in proximity of the application site. Conditional Use (2065), to allow for the establishment of a craft distillery, was approved on March 14, 2017 and was adopted by County Council through Ordinance No. 2487.



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

JAMIE WHITEHOUSE, AICP MRTPI
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(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for professional offices within an AR-1 Zone could be considered as consistent with the surrounding area, zoning, and uses.



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

PLANNING & ZONING COMMISSION

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



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sussexcountyde.gov
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302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date May 28th, 2020.

Application: (CU 2215) BZ Land, LLC

Applicant: BZ Land, LLC
37116 & 37124 Lighthouse Road
Selbyville, DE 19975

Owner: BZ Land, LLC
37116 Lighthouse Road
Selbyville, DE 19975

Site Location: Located on the south side of the intersection of Lighthouse Road (Route 54) and Bayville Road (58B)

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional
Use Requested: Professional Offices

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Riley

School District: Indian River School District

Fire District: Roxana Volunteer Fire District

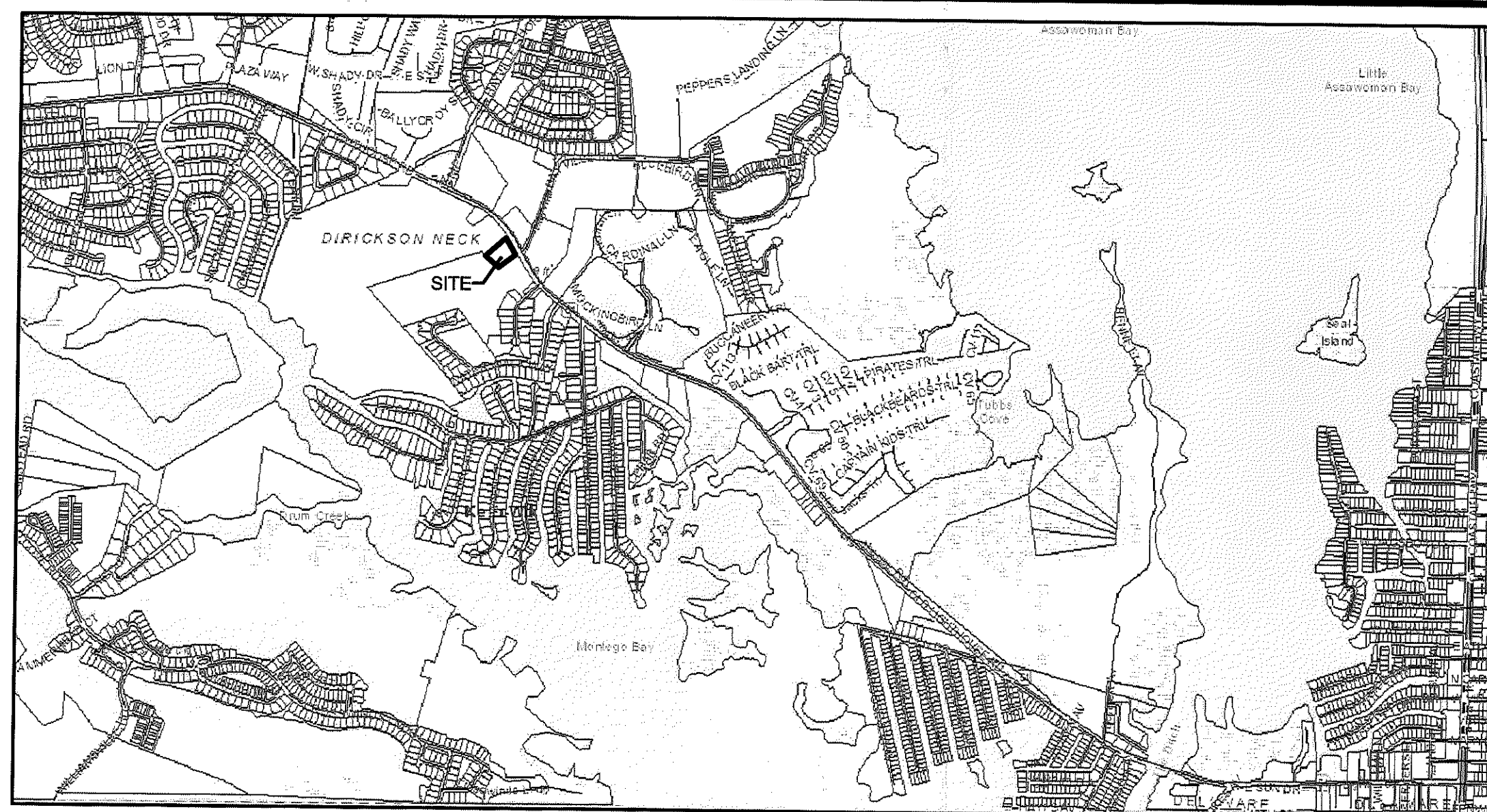
Sewer: Tier 1- Sussex County Unified Sanitary System

Water: Private

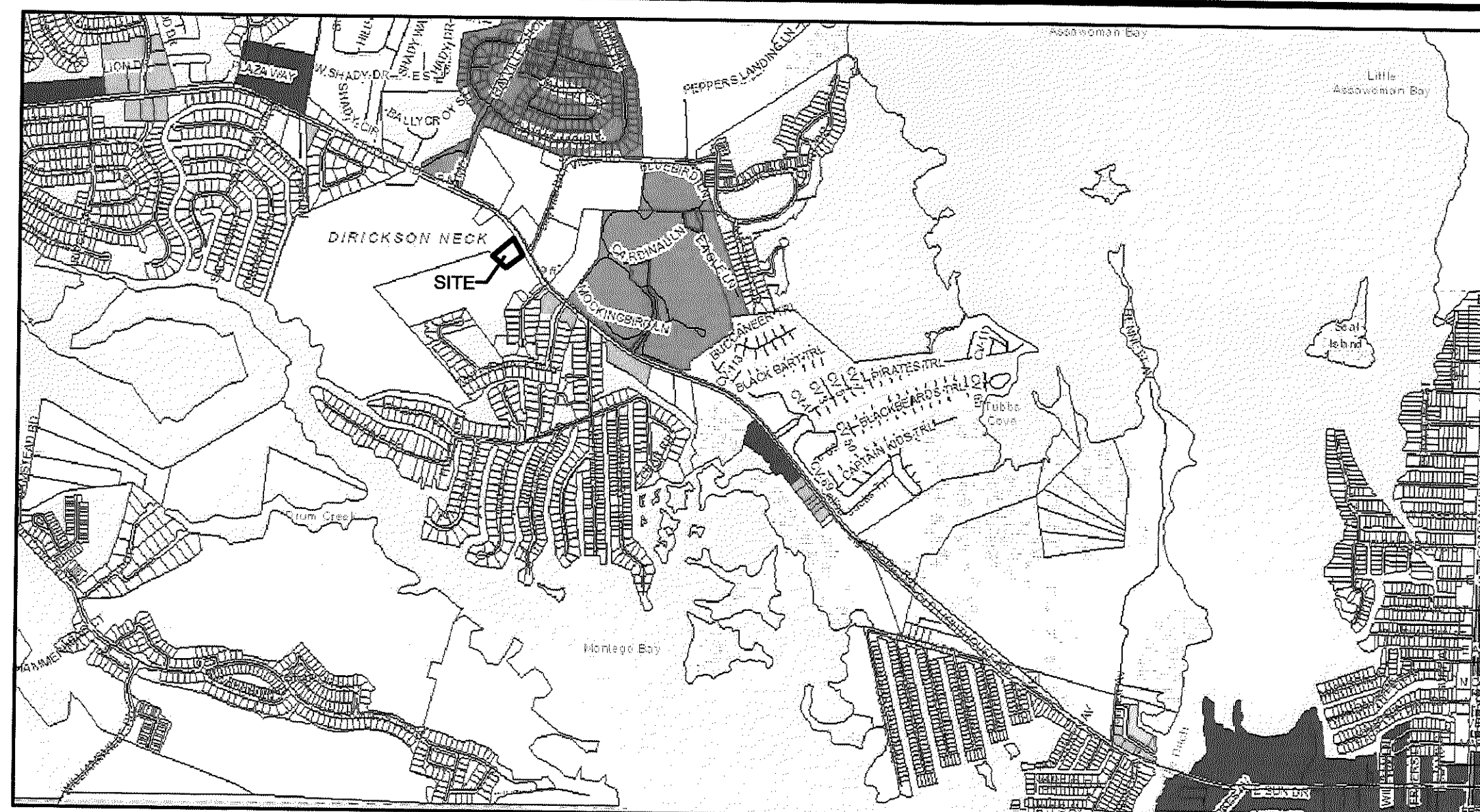
Site Area: 1.5500 acres +/-

Tax Map ID.: 533-19.00-26.00

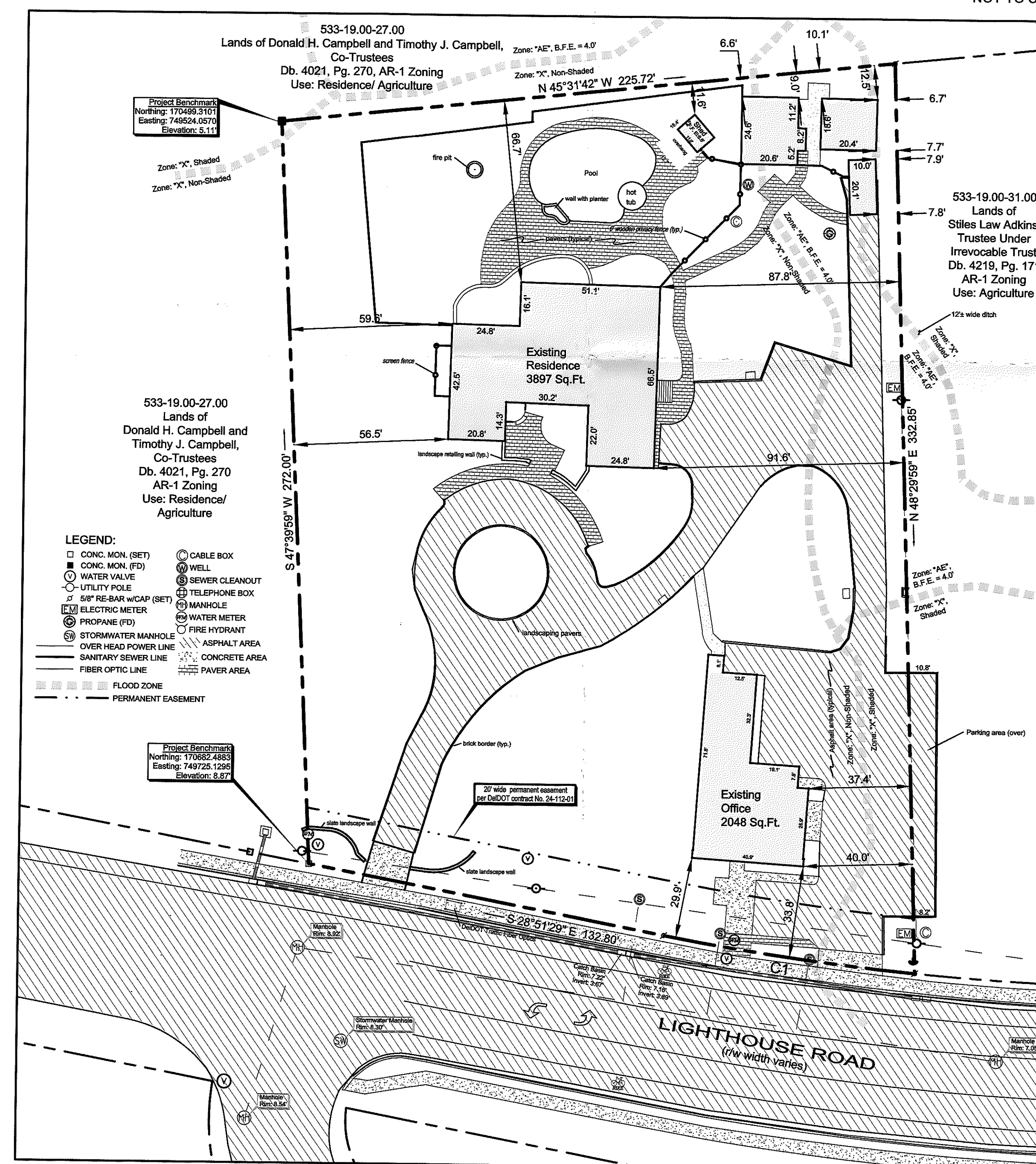




VICINITY MAP
NOT TO SCALE

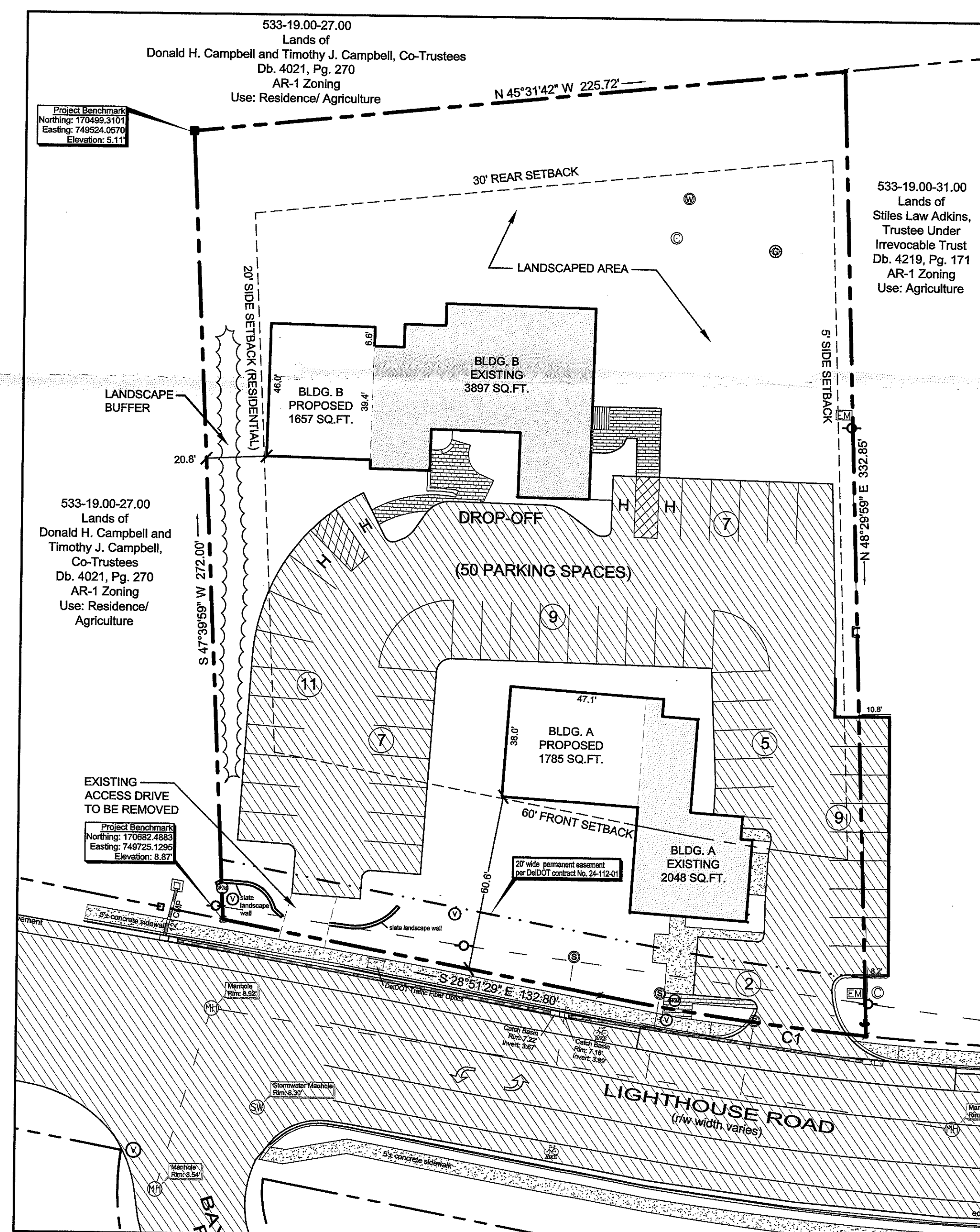


ADJACENT ZONING
NOT TO SCALE



EXISTING CONDITIONS

SURVEY SOURCE: SIMPLER SURVEYING AND ASSOCIATE DRAWING ENTITLED "LANDS OF BZ LAND, LLC", DATED 11/21/18 AND REVISED 12/5/18.



PROPOSED SITE PLAN

PARCEL ZONING DATA:

1. TAX PARCEL:	533-19.00-26.00
OWNER:	BZ LAND, LLC. 37116 LIGHTHOUSE ROAD SELBYVILLE, DE 19975
LOCATION:	DE ROUTE 54 (LIGHTHOUSE ROAD) AT BAYVILLE ROAD (SCR 58B)
2. DEVELOPER:	BZ LAND, LLC. 37116 LIGHTHOUSE ROAD SELBYVILLE, DE 19975
3. PRESENT ZONING:	AR-1
PRESENT LAND USE:	RESIDENCE/ OFFICE
4. PROPOSED ZONING:	AR-1 CONDITIONAL USE
PROPOSED LAND USE:	PROFESSIONAL OFFICE
5. PARCEL 533-19.00-26.00:	1.56 AC. (67832 SQ.FT.)
MIN. LOT FRONTAGE:	150'
EXISTING LOT FRONTAGE:	±228'
LOT WIDTH:	150' EXISTING
LOT DEPTH:	100' ±227'
LOT AREA:	10,000 SQ.FT. EXISTING
SETBACKS:	
FRONT YARD:	60'
SIDE YARD:	5', 20' ADJACENT TO RESIDENTIAL
REAR YARD:	5', 30' ADJACENT TO RESIDENTIAL
BUILDINGS:	BLDG. A BLDG. B TOTAL
EXISTING:	2048 sq.ft. 3897 sq.ft. 5945 sq.ft.
PROPOSED:	1785 sq.ft. 1657 sq.ft. 3442 sq.ft.
TOTAL:	3833 sq.ft. 5554 sq.ft. 9387 sq.ft.
PARKING:	1 SPACE / 200 SQ.FT.
	9387 SQ.FT. / 200 SQ.FT. = 47 SPACES REQUIRED
	50 SPACES PROPOSED

NOTES:
1. SURVEY SOURCE: SIMPLER SURVEYING & ASSOCIATE, INC. FROM A SURVEY TITLED "LANDS OF BZ LAND, INC.", DATED NOVEMBER 21, 2018 AND REVISED DECEMBER 5, 2018. HORIZONTAL DATUM: NAD '83, VERTICAL DATUM NAVD '83
2. THERE ARE NO FEDERAL 404 LANDS ON SITE. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
3. SITE IS IN FLOOD ZONE AE-4 AND ZONE X (SHADED/ UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0654K DATED MARCH 16, 2015.
4. SITE PLAN SUBJECT TO REGULATORY AGENCY COMMENTS.

SURVEYOR'S STATEMENT
I certify that the proposed site plan was compiled under my supervision.

Sarah L. Ford
DE PLS 497

12/11/19
Date

OWNER'S PLAN DEVELOPMENT APPROVAL:
I, as owner of the project shown, hereby approve these plans for recordation as shown or otherwise noted.

Charles Zonko
Charles Zonko

8-13-19
Date

CONDITIONAL USE PLAN

REVISIONS



CONDITIONAL USE PLAN
BZ LAND, LLC.
PROJECT ADDRESS
HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	12/10/19
REVIEW: SLF	
SHEET	
1	
OF 1 SHEETS	



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

JENNIFER COHAN
SECRETARY

May 22, 2019

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 **BZ Land, LLC (Charles Zonko)** rezoning application, which we received on April 26, 2019. This application is for a 1.55-acre parcel (Tax Parcel: 533-19.00-26.00). The subject land is located on the southwest side of Lighthouse Road (Sussex Road 58), just northwest of the intersection of Lighthouse Road and Bayville Road (Sussex Road 58B). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to utilize the two existing buildings for office / medical office / retail use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from West Line Road (Sussex Road 396) to Delaware Route 1, is 7,167 and 9,224 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

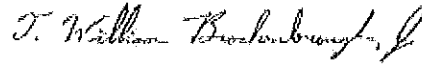
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
May 22, 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

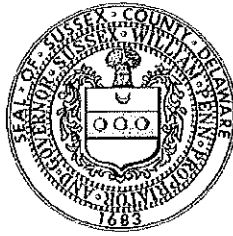
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
BZ Land, LLC (Charles Zonko), Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & 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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

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sussexcountype.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: 4/25/19

Site Information:

Site Address/Location: 37124 Lighthouse Road

Tax Parcel Number: 533-19.00-26.00

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Office/ Residential

Proposed Use(s): Office/ Medical Office/ Retail

Square footage of any proposed buildings or number of units: 11,644 sq.ft. (2 buildings)

Applicant Information:

Applicant's Name: BZ Land LLC (contact: Charles Zonko)

Applicant's Address: 37116 Lighthouse Road

City: Selbyville

State: DE

Zip Code: 19975

Applicant's Phone Number: (302) 528-5681

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



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

MADE CONTACT
5/23/2019
2:16 pm

Last updated 7-27-18

PROPOSED FINDINGS AND CONDITIONS

C.U. # 2215-BZ LAND, LLC

1. The property has a history of residential and office use with a residence and separate office building located on the parcel.
2. The Applicant has operated his construction company from the office since 1983.
3. Under the current Sussex County Comprehensive Plan the property is in the Coastal Area , one of the plan's designated "Growth Areas".
4. The Comprehensive Plan states that in the "Coastal Area", a wide range of housing types should be permitted and that office uses are appropriate.
5. Conditional uses are deemed to be essential and desirable for the general convenience and welfare but require the exercise of planning judgment as to location and site plan.
6. The nature of the area surrounding the property has experienced significant residential growth over the past 20 years.
7. With the conditions stated, the Conditional Use for professional offices will not adversely affect uses or property values in the area and will provide convenient access to professional offices to serve the residents of the area.
8. The recommendations of approval is subject to the following conditions:
 - A. The total area of professional office space including the existing buildings and proposed additions shall not exceed 9,387 square feet.

- B. The existing residence and office building shall substantially maintain their existing residential architecture and appearance. The proposed additions shall maintain a similar architecture and appearance.
- C. The maximum hours of operation open to the public shall be between 8:00 a.m. and 7:00 p.m., Monday through Friday, 8:00 a.m. to 4:00 p.m. on Saturday. This shall not prohibit professionals utilizing the offices from working at other hours or on weekends.
- D. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Any lighting shall be minimal and non-intrusive.
- E. Any dumpsters shall be screened from view of neighboring properties or roadways.
- F. One lighted sign, not to exceed 32 square feet per side, shall be permitted. The lighting shall be on a timer shutting off no later than 10:00 p.m.
- G. The Applicant shall comply with all DelDot requirements concerning entrance, traffic and roadway improvements.
- H. The site shall be served by central water and sewer.
- I. A landscaping plan shall be submitted as part of the Final Site Plan review.
- J. The Applicant shall obtain a formal easement from the owner of the property adjoining on the west, permitting the parking of vehicles. If the easement is not finalized, the required parking shall be relocated onto the Applicant's parcel.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.