

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date August 27, 2020.

Application: (CU 2220) Sussex Land Company

Applicant: Victor Little
11412 Holly Tree Road
Lincoln, DE 19966

Owner: Mark A. Casey
28517 Warwick Road
Millsboro, DE 19960

Site Location: Located on the west side of Holly Tree Road, approximately 0.21 mile south of Fleatown Road

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Fence Construction Business and Outside Storage of Construction Materials

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Burton

School District: Milford School District

Fire District: Ellendale Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 6.00 acres +/-

Tax Map ID: 230-20.00-9.09





Sussex County

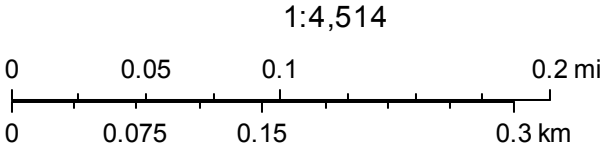


PIN:	230-20.00-9.09	
Owner Name	SUSSEX	LAND
	COMPANY LLC	
Book	4534	
Mailing Address	25051 WARD FARM LN	
City	MILLSBORO	
State	DE	
Description	RAILROAD MEADOWS	
Description 2	LOT 7 CT#49834	
Description 3	N/A	
Land Code		

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries





Sussex County

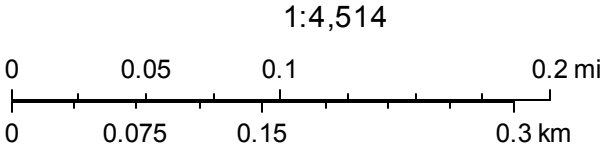


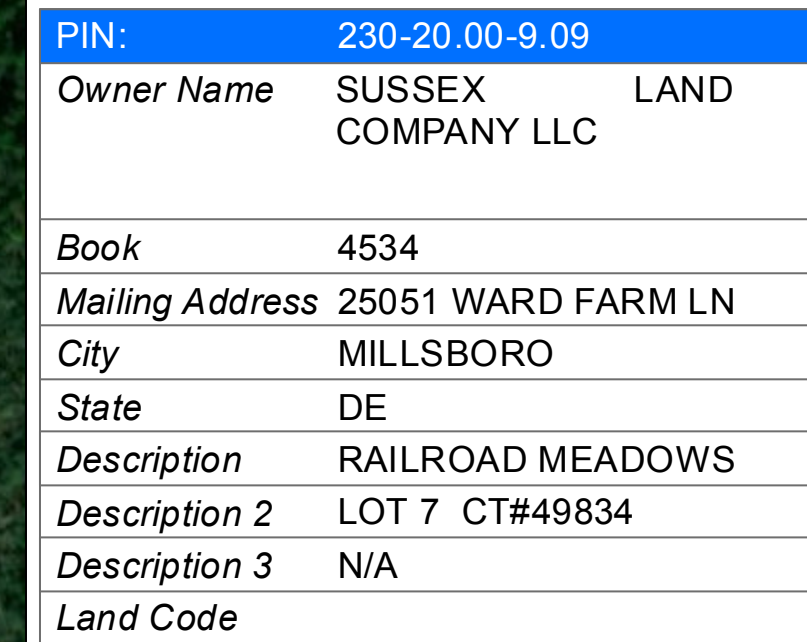
PIN:	230-20.00-9.09	
Owner Name	SUSSEX LAND COMPANY LLC	
Book	4534	
Mailing Address	25051 WARD FARM LN	
City	MILLSBORO	
State	DE	
Description	RAILROAD MEADOWS	
Description 2	LOT 7 CT#49834	
Description 3	N/A	
Land Code		

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets





 County Boundaries



Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 21, 2020
RE: Staff Analysis for CU 2220 Sussex Land Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2220 Sussex Land Company to be reviewed during the August 27, 2020 Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for tax parcel 230-20.00-9.09 to allow for a fence construction business and for outdoor storage of construction materials to be located on the west side of Holly Tree Road, approximately 0.21 mile south of Fleatown Road. The property address is 11412 Holly Tree Road in Lincoln, Delaware. The size of the property is 6.00 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 "Low Density Area."

The adjacent parcels to the north, south and east are also designated as "Low Density Areas." The primary uses envisioned in "Low Density Areas" are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in "Low Density Areas" should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The properties to the west of the parcel are designated as a "Developing Area." "Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. 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.

Additionally, the property is zoned Agricultural Residential (AR-1) Zoning District. The properties located to the north, south, and east of the subject site are zoned Agricultural Residential (AR-1) Zoning District. The properties located to the west are zoned General Residential (GR), with a single property off of Fleatown Road being zoned Heavy Industrial (HI-1) Zoning District.

Since 2011, there has been one Conditional Use application within a 1-mile radius of the application site. This application is Conditional Use (CU 2218), which was a proposal to allow for a small machine shop to be located within an Agricultural Residential (AR-1) Zoning District. This application was dismissed by the Planning and Zoning Commission at their meeting of Thursday, August 13, 2020 on the basis that the proposed use could be permitted as a home occupation. This application is scheduled to be heard by County Council at their upcoming meeting scheduled for Tuesday, September 22, 2020.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CU# 2220
RECEIVED

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

JAN 07 2019

SUSSEX COUNTY
PLANNING & ZONING

2008 202000211

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

11412 Holly Tree Road, Lincoln, Delaware 19960

Type of Conditional Use Requested:

Applicant requests a conditional use for purposes of operating an existing fence-construction business known as Breakwater Custom Fence, LLC, on the property and for outdoor storage of construction materials behind an existing 7' fence.

Tax Map #: 2-30-20.00-9.09

Size of Parcel(s): 6.0 acres

Current Zoning: AR-1

Proposed Zoning: AR1/CU

Size of Building:

Exhibit house & existing pole barn
48.2'x27.3' 80.6'x40.4'

Land Use Classification: Res - Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

Applicant Information Equitable Owner

Applicant Name: Victor Little

Applicant Address: 11412 Holly Tree Road

City: Lincoln

State: DE

Zip Code: 19960

Phone #: 302-245-4290

E-mail: vic2nd@yahoo.com

Owner Information

Owner Name: Sussex Land Company

Owner Address: 25051 Ward Farm Lane

City: Millsboro

State: DE

Zip Code: 19966

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ 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

Sign Here

Date: 12-31-19

Signature of Owner

Sign Here

Date: _____

For office use only:

Date Submitted: 1/7/2020

Staff accepting application: cen

Location of property: _____

Fee: \$500.00 Check #: 1094

Application & Case #: 202000211

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ___ Completed Application
- ___ Provide eight (8) copies of the Site Plan or Survey of the property
 - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - o Provide a PDF of Plans (may be e-mailed to a staff member)
 - o Deed or Legal description
- ___ Provide Fee \$500.00
- ___ Optional - Additional Information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ___ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- ___ 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

Sign Here

Date: _____

Signature of Owner

Sign Here

Sussex Land co per Donald Ward Date: 12/24/19

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

CUSTOMER COPY



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

JENNIFER COHAN
SECRETARY

June 13, 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 **Victor Little, Jr.** conditional use application, which we received on May 23, 2019. This application is for an approximately 6.00-acre parcel (Tax Parcel: 230-20.00-9.09). The subject land is located on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 3,200 square-foot building to operate a fencing and decking business with outdoor storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Holly Tree Road where the subject land is located, which is from Ponder Road (Sussex Road 232) to Fleatown Road, is 661 vehicles per day.

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

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



Ms. Janelle M. Cornwell
Page 2 of 2
June 13, 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
Victor Little, Jr., 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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/17/2020**

APPLICATION: **CU 2220 Sussex Land Company**

APPLICANT: **Victor Little**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **230-20.00-9.09**

LOCATION: **Located on the west side of Holly Tree Road, approximately
0.21 mile south of Fleatown Road.**

NO. OF UNITS: **Fence construction business with outside storage of materials**

GROSS
ACREAGE: **6.0 +/-**

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

SEWER:

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

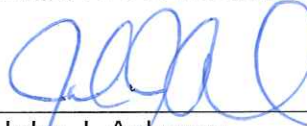
(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed Conditional Use is in a Tier 3 area for sewer service. The Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service to this parcel.**

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

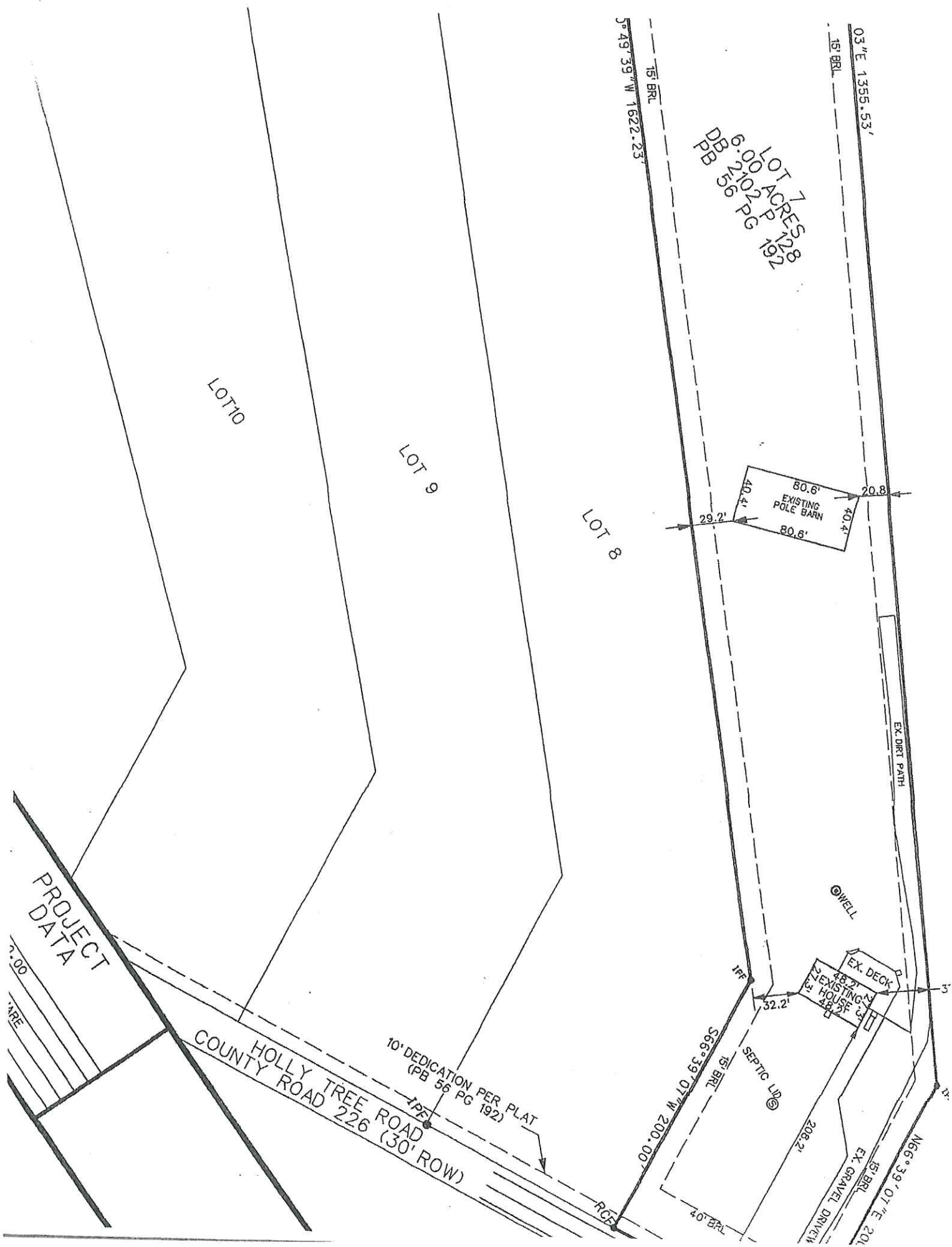
(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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



Property Owner Sussex Land Co
Don WILCO

11412 Holly Tree Road

Lincoln Co 19960

350' 1/2" wood fence
principal LOT 8
Fence Just inside property line

All fencing
inside property
line,

TOTAL 860'
7' wood fence
376' 4' chain link fence

10.277 wood 12.909
2632.00 cfs

10' DEDICATION PER PLAT
(PB 56 PG 192)

HOLLY TREE ROAD
COUNTY ROAD 226 (30' ROW)

LOT 7 RES 8
1000 sq ft
DBB

EXISTING POLE BARN
80.6' 40.4' 40.4' 80.6'

wood fence
160'

4' tall
Chain Link
Fence

EXISTING HOUSE
48.2' 48.2'

EX GRAVEL DRIVE
15' BRL

EX DIRT PATH

WELL

SEPTIC LID

566.39.07 W 200.00

15' BRL

350' 1/2" wood fence
principal LOT 8

existing wood fence
principal LOT 8

PROJECT
DATA

INDEX
VICTOR LITTLE, JR.
APPLICATION FOR CONDITIONAL USE NO. 2220

1. Purchase and Sale Agreement
2. Applicant's Sketch of the Fence Location, Home and Existing Pole Barn on Survey of the Railroad Meadows Subdivision, Lot Numbers 10, 9, 8 and 7, the Applicant's lot
3. Pictures of Existing Home and Fence Area of Applicant's Existing Fencing Business and Pole Barn
4. Deed Restrictions for Railroad Meadows
5. Circulating First Amendment to the Deed Restrictions for Railroad Meadows
6. State of Delaware Department of Transportation Support Facilities Report & Letter of No Objection
7. Application Seeking Conditional Use
8. Statement of Sergovic Carmean Weidman McCartney & Owens, P.A. explaining the application and its compliance with the Zoning Ordinance and the Sussex County Comprehensive Plan dated March 2019
9. Proposed Findings of Facts

AGREEMENT OF PURCHASE AND SALE

SELLER: Sussex Land Co. of 25051 Ward Farm Ln, MILLSBORO, DE 19966 PHONE (302)934-9636
EIN # 51-0315170 AGREES TO SELL AND CONVEY UNTO

PURCHASER: Victor J. Little Jr. and/ or Vanus Garron Lee Little of 11412 Holly Tree Rd, Lincoln, DE 19960
PHONE (H) 302-245-4290 AND PURCHASER HEREBY AGREES TO PURCHASE FROM

SELLER THE PROPERTY IDENTIFIED AS

11412 Holly Tree RD, Lincoln, Delaware 19960 being six acres improved by a dwelling.

TAX MAP # 2-30-20-9.09 UPON THE FOLLOWING TERMS AND CONDITIONS:

PURCHASE PRICE \$87,753.16

CASH BALANCE DUE AT SETTLEMENT To be determined. Purchaser agrees to pay the sum of \$1200.00 per month beginning 9/1/19 to seller to amortize above amount at eight(8) percent annual interest. The cash balance due at settlement will be determined based on principal balance at time of settlement.

TERMS OF PURCHASE: Cash at settlement

SETTLEMENT: Since time is of the essence, settlement shall occur at the office of Haller and Hudson, on or before 1/31/2024.

TRANSFER TAX: At settlement, all transfer tax shall be paid by purchaser. Seller shall pay cost of deed. All other costs shall be paid by purchaser.

TITLE: Title conveyed to purchaser (s) shall be good and merchantable, free and clear of all liens and encumbrances, except restrictions of record and existing easements.

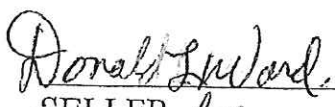

FORFEITURES: Should the purchaser(s) fail to make payments and/or settlement as specified above, the sums paid as well as any improvements made by purchaser shall be retained by seller as liquidated damages and contract shall become invalid.



PRORATIONS: Purchaser agrees to reimburse sellers for any and all county tax bills due after date of this contract as well as any costs related to construction permits etc.

BINDING COVENANTS: This agreement shall be binding upon all parties themselves, their heirs, executors, administrators, successors, or assigns. This agreement shall not be modified or changed except by written changes acknowledged and initialed or signed by all parties.

SPECIAL TERMS: If settlement does not occur by 1/31/2024 this contract shall be null and void and purchaser hereby agrees to relinquish any and all interest he may have in any additions and/or improvements made to above property. Such improvements must be approved by all agencies as well as above owners. If settlement does not occur as per above, any and all improvements and all payments made will be retained by seller as liquidated damages. Purchaser agrees that above property is being purchased in "as is" condition with no warranties, expressed or implied.

In witness whereof, the parties hereunto set their hands and seals.

 8/16/19
SELLER for DATE
 Susan Ford LLC

 8.16.19
PURCHASER DATE


11412 Molly Rec
ROAD
Lincoln Dc
19960

8/25/82
RECEIVED
TOLSON
6/20/82
BBB

Privacy! Lose your property line

LOT 10

LOT 9

350' - 1' wood fence
pruned LOT 8
Fence just inside property line

all fencing
inside property
line.

TOTAL 860'
7' wood Fence
376' 4' chain link
Fence

10.277 wood 12.909
2632.00 ch

10' DEDICATION PER PLAT
(PB 56 PG 192)

10' DEDICATION (PB 56 PC)
HOLLY TREE ROAD 226
COUNTY ROAD 226 (30' ROW)

PROJECT DATA







RAILROAD MEADOWS

DEED RESTRICTIONS

1. All lots shall be used exclusively for residential purposes.
2. All stick built, modular, or double-wide dwellings shall be a minimum of one thousand (1000) square feet of living space (exclusive of garages, porches, decks, etc.).
3. All single wide mobile homes placed on any parcel shall have a minimum of 840 square feet of living space.
4. No mobile homes manufactured more than seven years prior to the year of placement shall be permitted on any parcel.
5. The keeping of junked objects (unlicensed cars, trucks, lawn tractors, or garden tractors, etc.) or any other junk or refuse of any kind on any lot shall be prohibited. All lots shall be maintained with a neat and presentable appearance at all times, which shall include regular grass cutting.
6. No commercial operations of swine, sheep, goats, fowl or cattle shall be permitted on any lot at any time. Pets shall be exempt from this restriction, however, they shall be kept under the control of the owner at all times and shall not maintain objectionable noise or odor.
7. Once construction of any building has begun, the exterior portion shall be finished within one year from the date of commencement.
8. All entrances from the state maintained road shall be in accordance with rules and regulations promulgated by the Delaware Department of Transportation.
9. Any restriction contained herein shall be null and void if it is in conflict with any law or regulation of the state or county.
10. The property owners of the lands of this minor subdivision shall individually and collectively have the right, power and authority to enforce the restrictions and covenants that run with the land and are contained herein. If enforcement is required, said property owners, their successors or assigns, shall recover from the offending party, the costs, expenses and fees incurred in the enforcements.
11. These restrictions and covenants may be changed only by the written agreement of the owners of at least seven (7) of the properties in this minor subdivision.

This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure, and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any, or inconvenience which may result from such normal agricultural uses and activities.

Tax Map Nos. 2-30-20.00-9.00 through 9.14
Prepared by and Return to:
Sergovic Carmean Weidman McCartney & Owens, P.A.
25 Chestnut St.
Georgetown, DE 19947

**FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD
MEADOWS SUBDIVISION**

**THIS FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD
MEADOWS SUBDIVISION** (the "First Amendment") is made and executed on the _____
day of the last execution by any party to this document, by no less than seven (7) Lot Owners,
being **MICHAEL C. ONUSKO** (Owner of Lot No. 1), **GEORGINA CHAVEZ CALLES** and
PATISHTAN R. VENEGAS HONORIO (Owner of Lot No. 2), **RONALD C. LIGGETT** and
DOLORES B. LIGGETT (Owner of Lot No. 3), **WILLIAM F. HERMSTEDT** and **HOLLY
L. HERMSTEDT** (Owner of Lot No. 4), **ELAINE JANE SHANER** (Owner of Lot No. 5),
ANNETTE K. WRIGHT (Owner of Lot No. 6), **SUSSEX LAND COMPANY, LLC** (Owner
of Lot No. 7), **CYNTHIA L. BROWN** (Owner of Lot No. 8), **RICHARD L. WILSON** (Owner
of Lot No. 9), **STEVEN E. NEWMAN** and **CHRISTINE K. NEWMAN** (Owner of Lot No.
10), **DANIELLE C. KELZ** and **SHAWN R. KELZ** (Owner of Lot No. 11), and **MARTIN
VILLAGOMEZ CASTRO** and **JAIME R. ESPINOZA** (Owner of Lot No. 12) (hereinafter
collectively referred to as the "Lot Owners").^{1, 2}

¹ Lot numbers are pursuant to the record subdivision plat of Railroad Meadows Subdivision, a copy of which is attached hereto as Exhibit "1."

² If less than all, but more than seven (7) Lot Owners listed above execute this document, any unexecuted consent shall not be recoded. However, the Amendment will nevertheless be binding on all of the subject to the Restrictions for Railroad Meadows.

WHEREAS, Sussex Land Company, LLC, the Developer, caused certain Restrictions to be imposed pursuant to the Deed Restrictions for Railroad Meadows Subdivision, of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in the following Deeds of record: 1) Deed Book 2161 at Page 352; 2) Deed Book 3374 at Page 320; 3) Deed Book 3304 at Page 191; 4) Deed Book 2873 at Page 22; 5) Deed Book 3395 at Page 125; 6) Deed Book 2403 at Page 36; 7) Deed Book 2184 at Page 169; and 8) Deed Book 3131 at Page 94 (hereinafter "the Restrictions"); the Deeds for the following Lot Nos. 2 (Deed Book 4949 at Page 144), 7 (Deed Book 4534 at Page 208), 9 (Deed Book 3991 at Page 261) and 12 (Deed Book 4602 at Page 258), do not specifically reference the Restrictions for Railroad Meadows Subdivision, however the Lot Owners of such lots agree that they are bound to the above Restrictions under a common development plan and agree to amend the Restrictions for Lot 7 of the Railroad Meadows Subdivision as provided herein.

WHEREAS, the Restrictions provide that they may be amended by and with the written consent of no less than seven (7) Owners of all the lots shown on the Record Plot, of the Railroad Meadows Subdivision, recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware in Plot Book 56 at page 192 (the "Record Plat"); and

NOW THEREFORE, the Lot Owners, with the consent of no less than seven (7) Lot Owners of Railroad Meadows Subdivision, by written Consent to this First Amendment to Deed Restrictions for Railroad Meadows Subdivision, hereby amends the aforesaid Restrictions applying to the lands and property of Railroad Meadows Subdivision as such is depicted in the Record Plot, as follows:

1. The Restrictions for Railroad Meadows Subdivision shall be amended by deleting Paragraph 1 in its entirety for Lot No. 7 and substituting in lieu thereof, the following:

1. In addition to residential use, Lot No. 7, and only Lot No. 7, may be used for non-residential uses limited to part of Lot No. 7 may be utilized for outdoor storage of construction materials behind the existing seven (7) foot fence. Further, operation of a construction business on Lot No. 7 is permitted and is an allowed and authorized use of Lot 7.

2. Other than as above, the Restrictions are hereby ratified and affirmed.

3. This Amendment may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, and such counterparts shall, together, constitute and be one and the same instrument.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this ____
____ day of _____, 2019.

Witness

, Owner Lot No. ____

STATE OF _____:
:ss.
COUNTY OF _____:

BE IT REMEMBERED, That on this _____ day of _____, A.D. 2019,
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,
_____, party to this Indenture, known to me personally to be
such, and he/she acknowledges said Indenture to be his/her act and.

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

NOTARY PUBLIC



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

JENNIFER COHAN
SECRETARY

June 13, 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 **Victor Little, Jr.** conditional use application, which we received on May 23, 2019. This application is for an approximately 6.00-acre parcel (Tax Parcel: 230-20.00-9.09). The subject land is located on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 3,200 square-foot building to operate a fencing and decking business with outdoor storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Holly Tree Road where the subject land is located, which is from Ponder Road (Sussex Road 232) to Fleatown Road, is 661 vehicles per day.

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

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



Ms. Janelle M. Cornwell
Page 2 of 2
June 13, 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
Victor Little, Jr., 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

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

33016410-0008 Megan D. 01/07/2020 11:29AM

PERMITS / INSPECTIONS

CONDITIONAL USE - FEE

2020	Item: 202000211 2010	500.00
------	----------------------	--------

500.00

Subtotal	500.00
----------	--------

Total	500.00
-------	--------

CHECK	500.00
-------	--------

Check Number 1094

Change due	0.00
------------	------

Paid by: BREAKWATER CUSTOM FENCE

BROOKHAVEN CUSTOM FENCE LLC
 11419 HOLLY VISTA RD
 LINDSEY, DE 19046-0041
 PL. 302-684-1773

1094
 #64511
 T14

12-31-19

Due 6/22/20

Paid to the
 Order of: Superior Concrete \$500.00

Superior Concrete

PNC BANK
 PNC BANK, N.A.

Superior Concrete, Inc.

Thank you for your payment

CUSTOMER COPY

File #: _____

Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

JAN 07 2019

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

11412 Holly Tree Road, Lincoln, Delaware 19960

Type of Conditional Use Requested:

Applicant requests a conditional use for purposes of operating an existing fence-construction business known as Breakwater Custom Fence, LLC, on the property and for outdoor storage of construction materials behind an existing 7' fence.

Tax Map #: 2-30-20.00-9.09

Size of Parcel(s): 6.0 acres

Current Zoning: AR-1

Proposed Zoning: AR1/CU

Size of Building:

Exhibit house & existing pole barn
48.2'x27.3' 80.6'x40.4'

Land Use Classification: Res - Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

Applicant Information Equitable Owner

Applicant Name: Victor Little

Applicant Address: 11412 Holly Tree Road

City: Lincoln

State: DE

Zip Code: 19960

Phone #: 302-245-4290

E-mail: vic2nd@yahoo.com

Owner Information

Owner Name: Sussex Land Company

Owner Address: 25051 Ward Farm Lane

City: Millsboro

State: DE

Zip Code: 19966

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ 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

Sign Here

Date: 12-31-19

Signature of Owner

Sign Here

Date: _____

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

- ___ Provide eight (8) copies of the Site Plan or Survey of the property
- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - o Provide a PDF of Plans (may be e-mailed to a staff member)
 - o Deed or Legal description

___ Provide Fee \$500.00

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

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

___ DelDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Sign Here

Date: _____

Signature of Owner

Sign Here

Sussex Land co per Donald Ward Date: 12/24/19

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Recommendation of PC Commission: _____

Date of PC Hearing: _____

Decision of CC: _____

Date of CC Hearing: _____

AFFIDAVIT

Victor Little
Name of Applicant

Petition No.

The below listed persons are the true and lawful owners of all lands lying within two hundred (200) feet of all the boundaries of the property which is the subject of the above mentioned petitioner. I do solemnly swear that the names and addresses are true and correct and represent a complete listing of all owners of lands within two hundred (200) feet of the subject property which is the subject of this petition.

Name: Michael C. Onusko
Address: 18518 Fleetown Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.00

Name: Trinity Commercial Holdings, LLC
Address: 3415 Wrangle Hill Road, Ste 1
Bear, DE 19701
SCTM: 2-30-19.00-109 and 111

Name: Georgina Chavez Calles
& Honorio R. Patishtan Venegas
Address: 11340 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.04

Name: Cynthia L. Brown
Address: 11420 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.10

Name: Ronald C & Dolores B Liggett
Address: 11356 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.05

Name: Richard L. & Kathie R. Wilson
Address: 11446 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.11

Name: William F. & Holly L. Hermstedt, Jr.
Address: 11360 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.06

Name: Steven E. & Christine K. Newman
Address: 11476 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.12

Name: Elaine J. Shaner
Address: 11386 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.07

Name: Danielle C. Kelz, Shawn R. Kelz &
Frank J. Praley, III
Address 4 Joyce Lane
Glen Burnie, MD 21061
SCTM: 2-30-20.00-9.13


Name: Annette K. Wright
Address: 11390 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.08

Name: Martin Villagomez-Castro & Jaime
R. Espinoza
Address: 11488 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.14

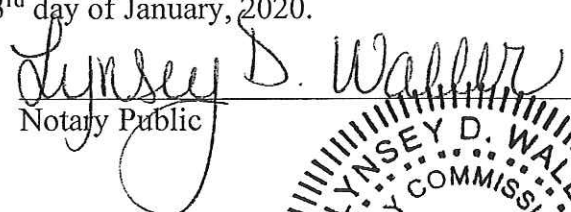
Name: L G Investments and Farming, LLC
Address: P.O. Box 211
Ellendale, DE 19941
SCTM: 2-30-20.00-13.00 & 2-30-19.00-
107 and 110

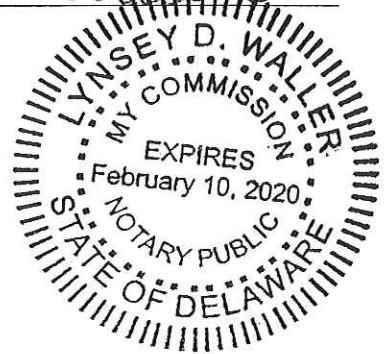
Name: LFW Delaware Holdings 2015 LLC
Address: 5445 Triangle Parkway, Ste 320
Peachtree Corner, GA 30092
SCTM: 2-30-20.00-12.00 & 2-30-19.00-112

Name: Gregory D Hall Properties, LLC
Walton Hall Land Tr, LLC
Address: 4080 Ridge St.
Fair Oaks, CA 95628
SCTM: 2-30-20.00-7.00


John A. Sergovic, Jr., Esquire
Signature of Authorized Agent

SWORN to and subscribed before me this 3rd day of January, 2020.


Notary Public





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

JENNIFER COHAN
SECRETARY

June 13, 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 **Victor Little, Jr.** conditional use application, which we received on May 23, 2019. This application is for an approximately 6.00-acre parcel (Tax Parcel: 230-20.00-9.09). The subject land is located on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 3,200 square-foot building to operate a fencing and decking business with outdoor storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Holly Tree Road where the subject land is located, which is from Ponder Road (Sussex Road 232) to Fleatown Road, is 661 vehicles per day.

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

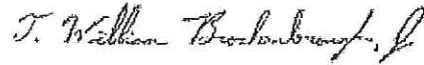
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
June 13, 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
Victor Little, Jr., 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

GROUND WATER

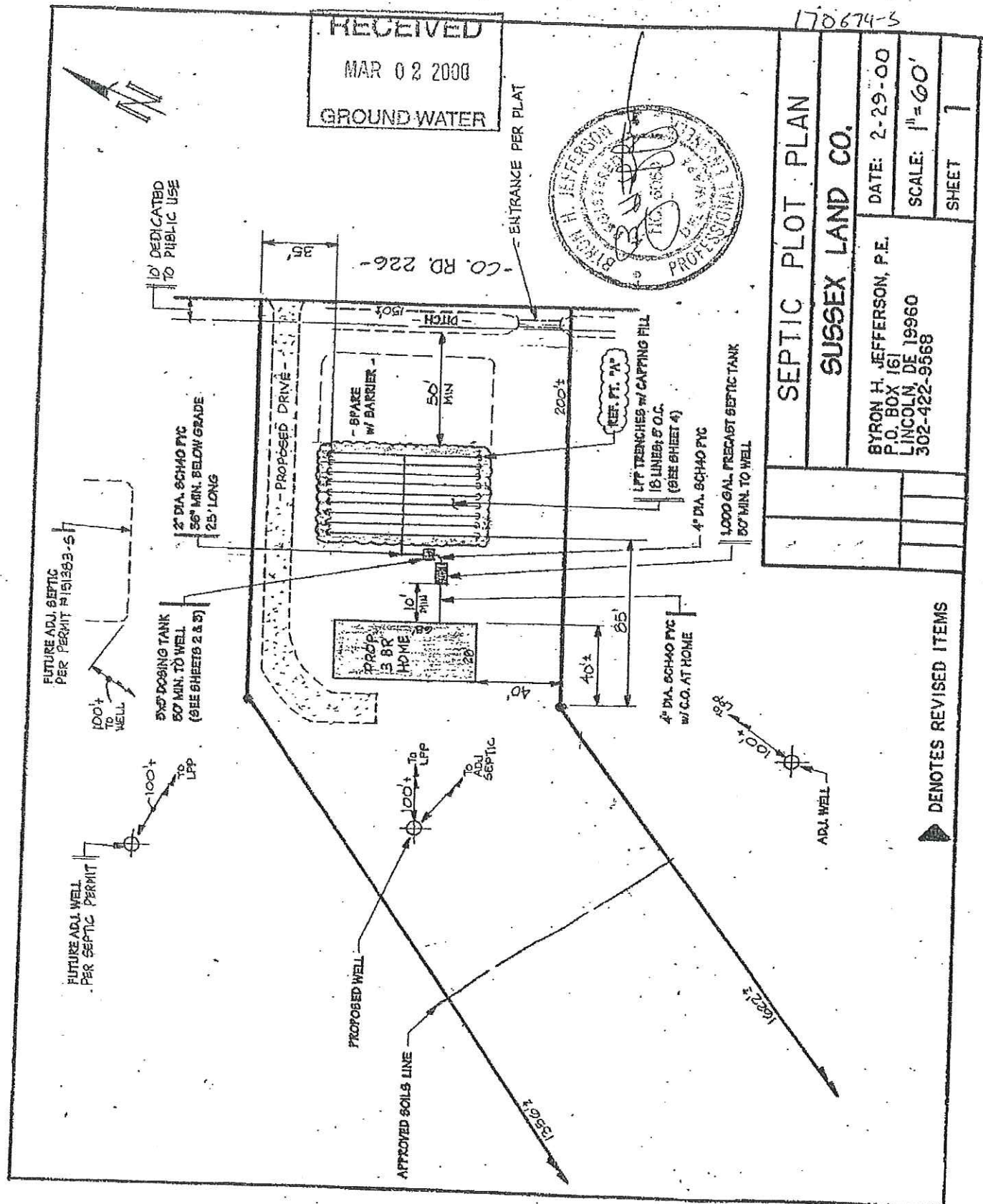
SUSSEX LAND CO.

BYRON H. JEFFERSON, P.E.

LINCOLN, DE 19960
302-422-9568

LEHS

DENOTES REVISED ITEMS



AGREEMENT OF PURCHASE AND SALE

SELLER: Sussex Land Co. of 25051 Ward Farm Ln, MILLSBORO, DE 19966 PHONE (302)934-9636
EIN # 51-0315170 AGREES TO SELL AND CONVEY UNTO

PURCHASER: Victor J. Little Jr. and/ or Vanus Garron Lee Little of 11412 Holly Tree Rd, Lincoln, DE 19960
PHONE (H) 302-245-4290

AND PURCHASER HEREBY AGREES TO PURCHASE FROM
SELLER THE PROPERTY IDENTIFIED AS

11412 Holly Tree RD, Lincoln, Delaware 19960 being six acres improved by a dwelling.

TAX MAP # 2-30-20-9.09 UPON THE FOLLOWING TERMS AND CONDITIONS:

PURCHASE PRICE \$87,753.16

CASH BALANCE DUE AT SETTLEMENT To be determined. Purchaser agrees to pay the sum of \$1200.00 per month beginning 9/1/19 to seller to amortize above amount at eight(8) percent annual interest. The cash balance due at settlement will be determined based on principal balance at time of settlement.

TERMS OF PURCHASE: Cash at settlement

SETTLEMENT: Since time is of the essence, settlement shall occur at the office of Haller and Hudson, on or before 1/31/2024.

TRANSFER TAX: At settlement, all transfer tax shall be paid by purchaser. Seller shall pay cost of deed. All other costs shall be paid by purchaser.

TITLE: Title conveyed to purchaser (s) shall be good and merchantable, free and clear of all liens and encumbrances, except restrictions of record and existing easements.

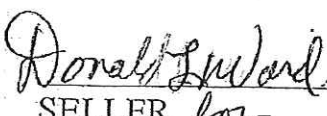
FORFEITURES: Should the purchaser(s) fail to make payments and/or settlement as specified above, the sums paid as well as any improvements made by purchaser shall be retained by seller as liquidated damages and contract shall become invalid.

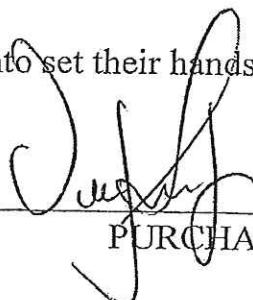
PRORATIONS: Purchaser agrees to reimburse sellers for any and all county tax bills due after date of this contract as well as any costs related to construction permits etc.

BINDING COVENANTS: This agreement shall be binding upon all parties themselves, their heirs, executors, administrators, successors, or assigns. This agreement shall not be modified or changed except by written changes acknowledged and initialed or signed by all parties.

SPECIAL TERMS: If settlement does not occur by 1/31/2024 this contract shall be null and void and purchaser hereby agrees to relinquish any and all interest he may have in any additions and/or improvements made to above property. Such improvements must be approved by all agencies as well as above owners. If settlement does not occur as per above, any and all improvements and all payments made will be retained by seller as liquidated damages. Purchaser agrees that above property is being purchased in "as is" condition with no warranties, expressed or implied.

In witness whereof, the parties hereunto set their hands and seals.


SELLER for
Sussex Land Co. LLC
8/16/19
DATE


PURCHASER
8.16.19
DATE

01870

#02102 #128

2-30 20.00 9.00 Prepared by Howard W. Hudson, Jr., 101
South Bedford Street, Georgetown, DE 19947

THIS DEED, made this 27th day of JANUARY
in the year of our LORD one thousand nine hundred and
Ninety-six,

BETWEEN, SONNYA D. DENNIS, of R.D. 1, Box 437, Lincoln,
Delaware 19960, party of the first part,

-and-

SUSSEX LAND CO., a Delaware partnership, of R.D. 3, Box 326,
Millsboro, Delaware 19966, party of the second part.

WITNESSETH, That the said party of the first part, for and
in consideration of the sum of ONE DOLLAR (\$1.00)-----
lawful money of the United States of America and other
valuable consideration, the receipt whereof is hereby
acknowledged, hereby grants and conveys unto the said party
of the second part,

ALL that certain tract, piece or parcel of land lying
and being situated in Cedar Creek Hundred, Sussex County,
Delaware, as shown on a Boundary & Subdivision Plan for
property to be known as "Railroad Meadows" dated September
14, 1995, in the Office of the Recorder of Deeds in and for
Sussex County, Delaware, in Plot Book 55 at Page 147, and
being more particularly described as follows, to-wit:

BEGINNING at a concrete monument to be set located on
the westerly right-of-way of County Road 226; thence by and
with said right-of-way South 23 degrees 20 minutes 53
seconds East 1621.52 feet to a concrete monument marking the
beginning of a curve; said curve having a radius of 534.36
feet; a delta of 30 degrees 59 minutes 50 seconds; an arc
distance of 289.09 feet; and a bearing of South 38 degrees
50 minutes 48 seconds East with a chord distance of 285.58
feet to an iron pipe to be set; thence continuing along by
and with lands now or formerly of Irene V. Houseman South 23
degrees 20 minutes 53 seconds East 480.71 feet to a found
concrete monument; thence turning and running by and with a
common boundary line for this land and lands now or formerly
of Irene V. Houseman South 65 degrees 26 minutes 23 seconds

LAND OFFICE
HALLER & HUDSON
GEORGETOWN, DELAWARE
19947

3329 333

1/24/96

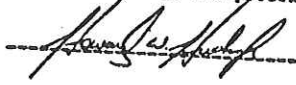
TR-TX ST 1678.00

4020 111 1/24/96 CTR-TX SU 839.00

#02102 #130

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

SIGNED, SEALED, DELIVERED and Witnessed in the presence of



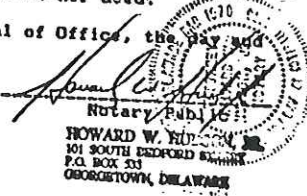
 (SEAL)
Sonnya D. Dennis

(SEAL)

STATE OF DELAWARE :
: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 11th day of January, in the year of our LORD one thousand nine hundred and ninety-six, personally came before me, a Notary Public in and for the State and County aforesaid, Sonnya D. Dennis, party to this Indenture, known to me personally to be such, and acknowledge this Indenture to be her deed.

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


Notary Public
HOWARD W. HUDSON, JR.
101 SOUTH BEDFORD SQUARE
P.O. BOX 333
GEORGETOWN, DELAWARE

RECORDED DEEDS
FRANKLIN COUNTY, MISSOURI

SS JAN 24 PM 3:42

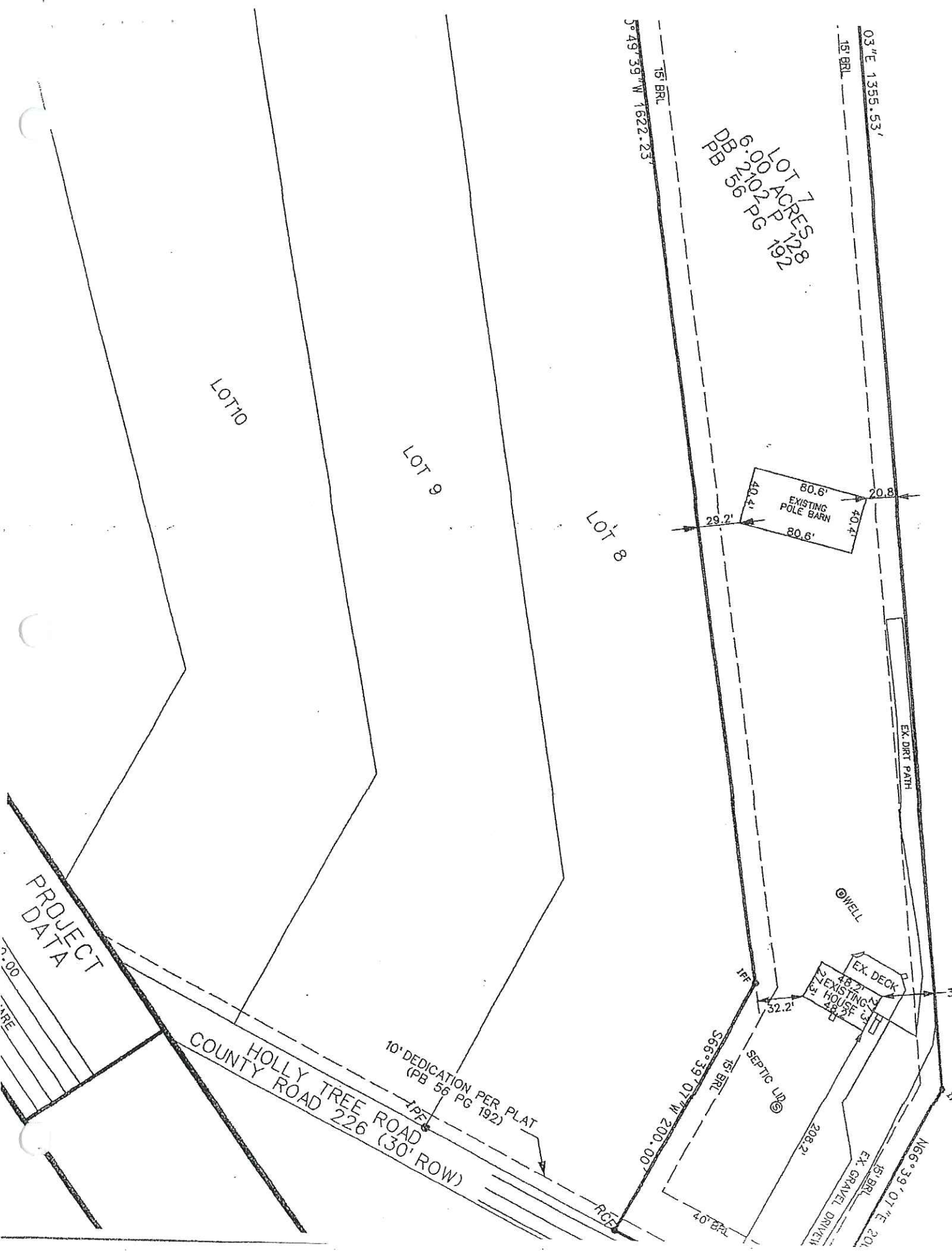
SUSSEX COUNTY
DOC. SURCHARGE PAID

1996.

JAN 25 1996

LAW OFFICES
HALLER & HUDSON
GEORGETOWN, DELAWARE
19847

8-20-96 Sussex Land Co
RD 3 Box 326
Millsboro De 19966



03"E 1355.53'
15' BRL

LOT 8
100' PG 192
DB

15' BRL
S 66° 39' 07" W 1622.23'

80.6'
40.4'
EXISTING POLE BARN
40.4'
80.6'

20.8'

LOT 8

EX. DIRT PATH

WELL

EX. DECK
48.2'
EXISTING HOUSE
48.2'
48.2'

15' BRL

SEPTIC LID

S 66° 39' 07" W 200.00'

HOLLY TREE ROAD
COUNTY ROAD 226 (30' ROW)

10' DEDICATION PER PLAT
(PB 56 PG 192)

PROJECT
DATA

2.00

WIRE

N 66° 39' 07" E 201.14'

EX. GRAVEL DRIVEW

208.2'

15' BRL

RCE

Property Owner Sussex Land Co
Don WILCO

11412 Holly Tree
Road

Lincoln Dr
19960

350' wood fence
just inside property line

LOT 7 RESUB
0.002 PG
DB 56

350' wood fence
just inside property line

LOT 10

LOT 9

All fencing
inside property
line.

TOTAL 860'
7' wood fence
376' 4' chain link fence

EXISTING
POLE BARN

7' wood fence
privacy

4' tall
chain link
fence

WELL

EX. DECK

EXISTING
HOUSE

EX. GRAVEL DRIVE

SEPTIC LID

15' BRL

15' BRL

15' BRL

15' BRL

PROJECT
DATA

HOLLY TREE ROAD
COUNTY ROAD 226 (30' ROW)

10.277 wood 12.909
2632.00 ch

10' DEDICATION PER PLAT
(PB 56 PG 192)

15' BRL

15' BRL

15' BRL

15' BRL

15' BRL

15' BRL

**COMPLIANCE WITH THE ZONING CODE AND
SUSSEX COUNTY COMPREHENSIVE PLAN DATED MARCH 2019**

The Applicant, Victor Little, Jr. (hereinafter the “Applicant”), has applied for a conditional use of land in an AR-1 Agricultural Residential District for the purposes of operating a fence-construction business, Breakwater Custom Fence, LLC, on the Subject Property. The lands subject to Conditional Use No. 2220 contain approximately 6.00 acres of land, more or less, consisting of District 2-30, Map 20.00, Parcel 9.09, lying and being in Cedar Creek Hundred, Sussex County lying on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224)(“Subject Property”). Located on the approximately 6.00 acres is one (1) existing building, a house with dimensions 48.2 feet by 27.3 feet, which is the residence of the Applicant, an existing pole barn with the dimensions 80.6 feet by 40.4 feet, and an existing 7-foot-tall fence. The Applicant seeks a conditional use to operate the aforementioned business on the Subject Property and to store materials related to his business.

The Subject Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Ordinance (“the Code”). The purpose of the AR-1 Zoning District is 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. Conditional Uses allowed within the AR-1 District pursuant to Sussex County Code Section 115-22, include residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit.

The Sussex County Comprehensive Plan dated March 2019 (hereinafter the “Plan”), under which this application is submitted, finds the Subject Property to be located in the Developing

Area. "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."¹ The proposed use is to operate the business of the Applicant on the property and thus falls within the permitted uses as identified by the Plan.

The conditional use if granted will not adversely affect neighboring uses. on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224). The Applicant has been operating his business on the Subject Property for the past ten (10) years and his use and operations have become a part of this community. The Applicant intends to have no more than five (5) employees at the Subject Property during any period of time. The proposed hours of operations are six (6) days a week with hours on Monday through Saturday from 8:00 a.m. through 5:00 p.m. The Applicant seeks to place a non-illuminated sign which complies with the Code which advertises the Applicant's business.

The Applicant has received no complaints from surrounding property owners with regard to the proposed use. In addition, the proposed use will not have an adverse impact on traffic in the area. A Service Level evaluation was requested by the Applicant and DelDOT has advised that a traffic impact study was not recommended. Moreover, the Applicant is unaware of any opposition to the proposed use and submits that the proposed conditional use will facilitate the ability of the Applicant to operate his business on the Subject Property.

¹ Sussex County Comprehensive Plan dated March 2019, at pages 4-14 – 4-15.

PROPOSED FINDINGS OF FACT
CU NO. 2220

Based upon the record presented in support of C/U No. 2220, the application of Victor Little, Jr. for conditional use of land in an AR-1 Agricultural Residential District for the purposes of operating an existing fence-construction business, Breakwater Custom Fence, LLC, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions:

1. The application of Victor Little, Jr. seeks a conditional use of land in an AR-1 Agricultural Residential District for the purpose of operating a fence-construction business, Breakwater Custom Fence, LLC.

2. The conditional use of land sought consists of approximately 6.00 acres of land, more or less, consisting of District 2-30, Map 20.00, Parcel 9.09, lying and being in Cedar Creek Hundred, Sussex County lying on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224) ("Subject Property"). Located on the approximately 6.00 acres is one (1) existing building, a house with dimensions 48.2 feet by 27.3 feet, used as the Applicant's residence, an existing pole barn with the dimensions 80.6 feet by 40.4 feet, and a 7 foot-tall fence, designed to screen the Applicant's business uses from view by the public.

3. The Applicant does not propose any new structures on the Subject Property.

4. The Subject Property is served by an individual on-site well and an individual on-site septic system which complies with DNREC requirements.

5. The proposed use complies with the Sussex County Comprehensive Plan dated March 2019 as set forth in the booklet submitted by the Applicant.

6. No complaints have been raised concerning the proposed use of the Subject Property as it has been operated by the Applicant during the 10-year period pre-dating this Application.

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

8. A Service Level evaluation was requested by the Applicant and DelDOT has advised that a traffic impact study was not recommended.

9. No wetlands shall be disturbed under this application.

10. The proposed hours of operations are six (6) days a week with hours on Monday through Saturday from 8:00 a.m. through 5:00 p.m.

11. The conditional use will afford an existing Sussex County businessman to continue to operate his business from the property and service the needs of the community in the rapidly expanding residential and commercial uses in close proximity to the Applicant's property.

Based upon the record and the above findings, Planning and Zoning Commission recommends approval of the applied for conditional use of land to the County Council finding that the proposed conditional use is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.