

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date July 23, 2020.

Application: (CU 2233) Brothers Landscaping, LLC

Applicant: Brothers Landscaping, LLC
24516 German Road
Seaford, DE 19973

Owner: Ualfred and Ismar Chun
24516 German Road
Seaford, DE 19973

Site Location: 24516 German Road
Seaford, DE 19973

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional
Use Requested: Landscaping Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Wilson

School District: Seaford School District

Fire District: Seaford Fire District

Sewer: Tier 4- System Optional Area

Water: Private

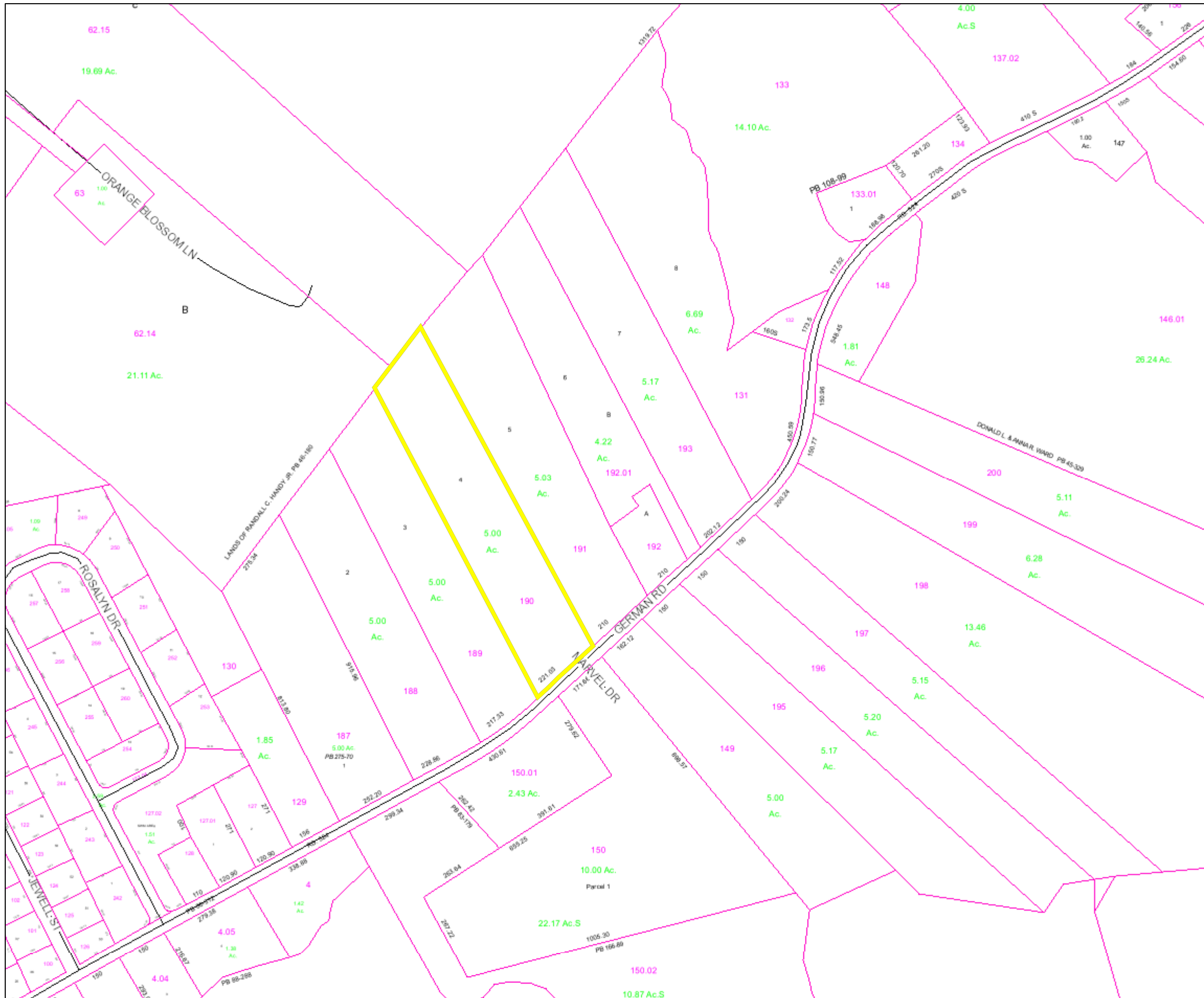
Site Area: 5.00 acres +/-

Tax Map ID.: 231-13.00-190.00





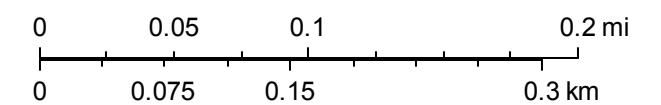
Sussex County



PIN:	231-13.00-190.00	
Owner Name	CHUN	CASTRO
	UALFRED E	
Book	5121	
Mailing Address	24516 GERMAN RD	
City	SEAFORD	
State	DE	
Description	LANDS OF RANDALL C	
Description 2	HANDY JR LOT 4	
Description 3	NW/RT 524 CT#43155	
Land Code		

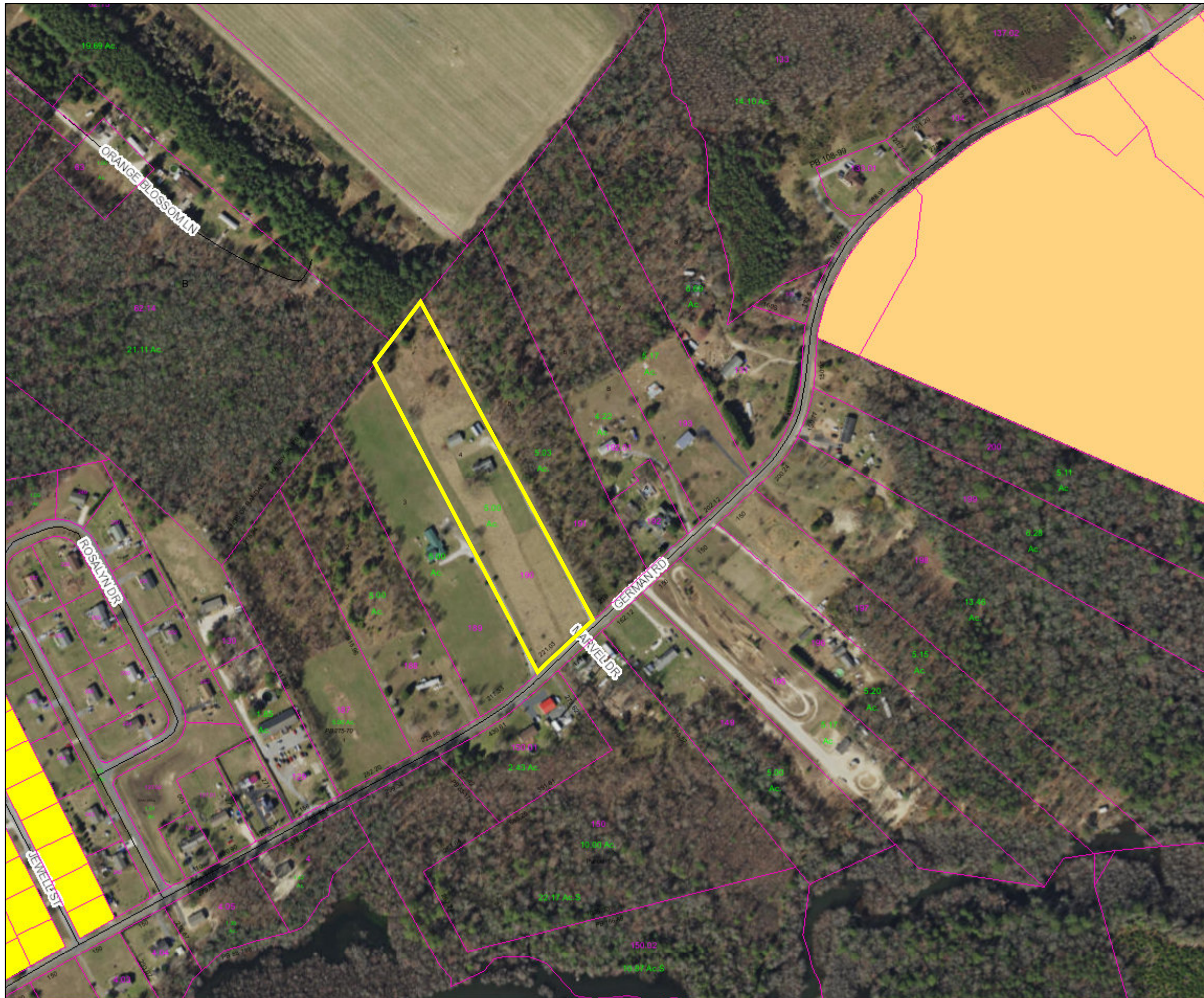
- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets
- County Boundaries
- DOE School Districts

1:4,514





Sussex County



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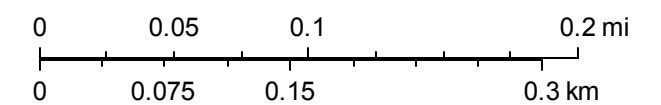
polygonLayer

Override 1

Tax Parcels

Streets

1:4,514





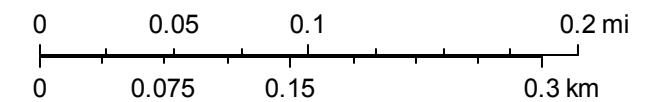
Sussex County



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- Override 1
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- Override 1
- Tax Parcels
- Streets
- County Boundaries
- DOE School Districts

1:4,514



File #: CU 2233
Application # 202005023

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

JUN 06 2020

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

24516 German Rd, Seaford

Type of Conditional Use Requested:

Tax Map #: 231-13.00-190.00

Size of Parcel(s): 5.00 Acres

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: _____

Land Use Classification: Residential

Water Provider: Well

Sewer Provider: septic

Applicant Information

Applicant Name: Brothers Landscaping, LLC

Applicant Address: 24516 German Rd

City: Seaford

State: DE

Zip Code: 19973

Phone #: 302-528-7673

E-mail: brothersgrading73@gmail.com

Owner Information

Owner Name: Walfred Chun / Ismar Chun

Owner Address: 24516 German Rd

City: Seaford

State: DE

Zip Code: 19973

Phone #: 302-528-7673

E-mail: brothergrading73@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Barry Hall - Solutions IPem

Agent/Attorney/Engineer Address: 3003 Merritt Mill Road

City: Salisbury

State: MD

Zip Code: 21804

Phone #: 410-572-8833

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**
 - 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.**

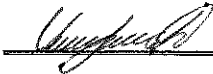
- ___ **DeIDOT Service Level Evaluation Request Response**

- ___ **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.

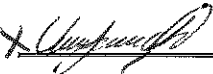
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

X  _____

Date: 03-19-2020

Signature of Owner

X  _____

Date: 03-19-2020

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 24516 German Rd
Seaford DE 19973

Parcel #: 231 - 1300 - 190.00

Site Address: 24516 German Rd
Seaford DE 19973

Parcel #: 231 - 13.00 - 190.00

Applicant Name: Brother's Landscaping, LLC

Owner Name: Walfred Chun / Ismar Chun

Type of Application:

Conditional Use: _____

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: _____

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Brother's Landscaping LLC
 Applicant Address: 24516 German Rd
 City: Seaford State: DE Zip: 19973
 Phone #: 302-528-7673 E-mail: brothersgrading73@gmail.com

Owner Information

Owner Name: Wolfred Chun / Ismar Chun
 Owner Address: 24516 German Rd
 City: Seaford State: DE Zip: 19973
 Phone #: 302-528-7673 E-mail: brothersgrading73@gmail.com

Engineer/Surveyor Information

Engineer/Surveyor Name: Barry Hall - Solutions IPEM
 Engineer/Surveyor Address: 3003 Merritt Mill Road
 City: Salisbury State: MD Zip: 21804
 Phone #: 410-572-8833 E-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____
 Agent/Attorney Address: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ E-mail: _____

Other

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ E-mail: _____





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

JENNIFER COHAN
SECRETARY

January 31, 2020

Mr. Jamie Whitehouse, Acting Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Ismar Chun / Ualfred Chun** conditional use application, which we received on January 15, 2020. This application is for an approximately 5.00-acre parcel (Tax Parcel: 231-13.00-190.00). The subject land is located on the northwest side of German Road (Sussex Road 524), approximately 4,490 feet northeast of the intersection of German Road and Concord Pond Road (Sussex Road 516), east of Seaford. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to operate a landscaping business.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of German Road where the subject land is located is 815 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.

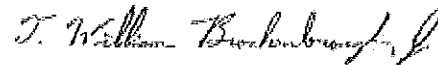
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
January 31, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

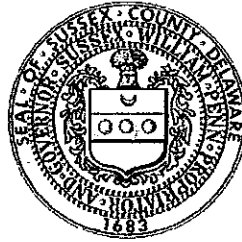
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Ismar Chun and Ualfred Chun, 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
James Argo, South District Project Reviewer, Maintenance & Operations
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

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 DeDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 1/16/20

Site Information:

Site Address/Location: 24516 German Rd Seaford, DE 19973

Tax Parcel Number: 231-13.00 - 190.00

Current Zoning: AR-1

Proposed Zoning: Cu

Land Use Classification: Residential

Proposed Use(s): Back of property, parking, employee cars and our business vehicles and equipment. No Customers.

Square footage of any proposed buildings or number of units: 1 shed

Applicant Information:

Applicant's Name: Brothers Landscaping, LLC

Applicant's Address: 24516 German Rd

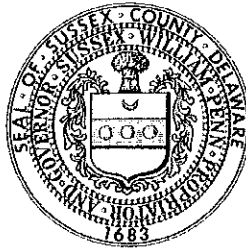
City: Seaford State: DE Zip Code: 19973

Applicant's Phone Number: 302-528-7673

Applicant's e-mail address: Brothersgrading73@gmail.com



CONSTABLE
LESTER R. SHAFFER
CHIEF COUNTY CONSTABLE
(302) 855-7819 T
(302) 855-7798 F



Sussex County
DELAWARE
sussexcountyde.gov

NOTICE OF VIOLATION

January 15, 2020

ZUNUN AMILCAR BONI ORTIZ
17573 DAVIS RD
GEORGETOWN, DE 19947

REFERENCE NUMBER: 3261
PARCEL: 231-13.00-190.00
PARCEL DESCRIPTION: LANDS OF RANDALL C HANDY JR LOT 4 NW/RT 524
CT#43155
LOCATION: 24516 GERMAN ROAD SEAFORD

Violations: §115-22. Illegal Business in AR District.

The County Code requires a Conditional Use application that may be submitted to the Sussex County Planning & Zoning Department for consideration by the Planning & Zoning Commission. Based on the site visit, the property is in violation of County Code as described:
Landscaping business

On 01/15/20 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the parcel described above.

Within fifteen (15) calendar days, the owner or occupant is required to obtain a permit for the above described structure. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

§ 115-229 Violations and penalties.

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this

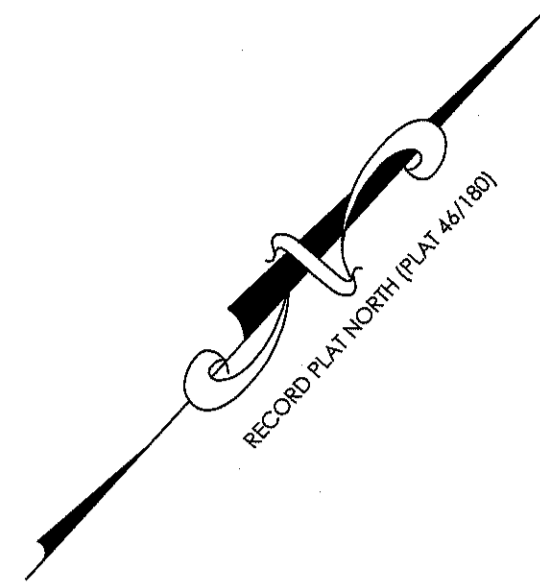
chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

The office is in the County Administration Building, 2 The Circle, Georgetown, Delaware. The office hours are 8:30AM – 4:30PM, Monday through Friday.

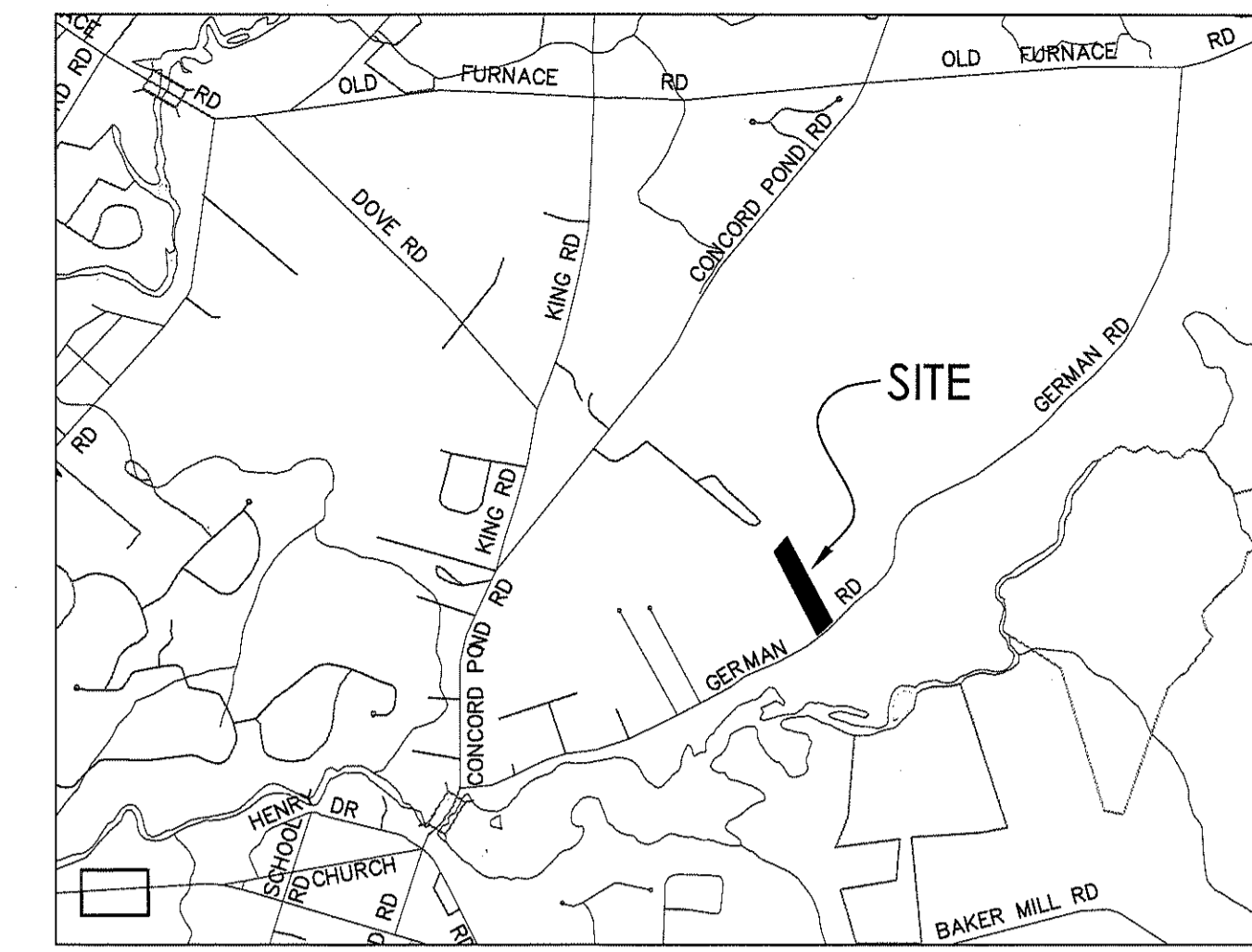
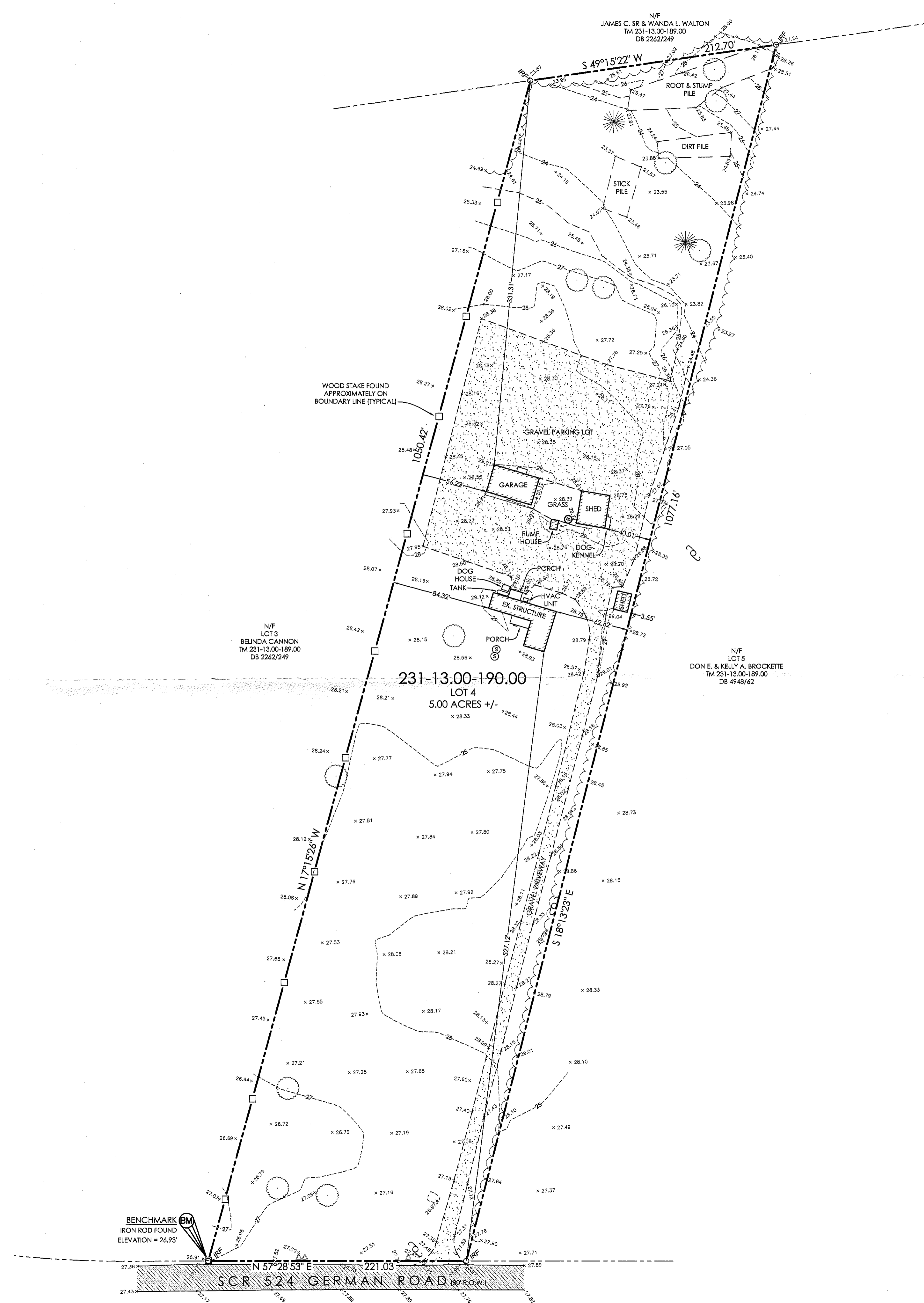
This Notice of Violation is being issued under the authority of the Sussex County Planning and Zoning Director.

KELLY PASSWATERS
Sussex County Constable



LEGEND

PROPERTY LINE	---
DJOINING PROPERTY LINE	- - - -
IRON ROD FOUND	IRFO
BENCH MARK	BM
SPOT ELEV. LABEL	x 19.25
MAJOR CONTOUR	---
MINOR CONTOUR	- - - -
EDGE OF CONCRETE	---
EDGE OF PAVEMENT	---
EDGE OF GRAVEL	---
PAVEMENT HATCH	▨
CONCRETE HATCH	▨
GRAVEL HATCH	▨
BUILDING OUTLINE	▨
BUILDING HATCH	▨
MAILBOX	△
SANITARY MANHOLE	⊙
WELL	⊙
UTILITY POLE	⊙
TREE LINE	~
DECIDUOUS TREE	⊙
CONIFEROUS TREE	⊙



VICINITY MAP
SCALE: 1" = 2000' +/-

GENERAL NOTES

- CURRENT OWNER: UALFRED E. & ISMAR HERBERT CHUN CASTRO
24516 GERMAN ROAD
SEAFORD, DELAWARE 19973
- TAX REFERENCE: 231-13.00-190.00
- DEED REFERENCE: 5121/122
- PLAT REFERENCE: 46/180
- BASED UPON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 10005C0268L, PANEL 288 OF 640, WITH AN EFFECTIVE DATE OF JUNE 20, 2018, THIS SITE IS LOCATED WITHIN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- SETBACKS PER ZONING CODE:
FRONT = 40'
SIDE = 15'
REAR = 20'
- ZONED: AR-1, AGRICULTURAL RESIDENTIAL
- ELEVATION DATUM SHOWN HEREON IS REFERENCED TO NAVD 1988 DATUM.



solutions
Integrated Planning
Engineering & Management, LLC

303 North Bedford Street
Georgetown, DE 19147
T. 302.297.9215
3003 Merritt Hill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com Copyright © 2020

Seal
Date

REVISIONS	
NO.	DESCRIPTION

BOUNDARY SURVEY PLAN WITH EXISTING CONDITIONS
OF THE LANDS OF
**UALFRED E. CHUN CASTRO &
ISMAR HERBERT CHUN CASTRO**
NANTICOKE HUNDRED
SUSSEX COUNTY, DELAWARE

SURVEYOR'S CERTIFICATION

I, BARRY M. HALL, CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, INFORMATION, AND BELIEF, THE BOUNDARY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE ACCEPTED SURVEYING STANDARDS FOR A SUBURBAN CLASS SURVEY.

SOLUTIONS I.P.E.M., LLC.
by BARRY M. HALL, AGENT

Barry M. Hall
BARRY M. HALL
PROFESSIONAL LAND SURVEYOR DE NO. 618
3003 MERRITT HILL ROAD,
SALISBURY, MD 21804
410-572-8833



Date:	02-25-2020	MRB	BMH
Job Number:	S20009	1"=50'	
Scale:			
Drawn By:			
Designed By:			
Approved By:			

Sheet No.: 1
File Name: S20009-TOPO.DWG