

PLANNING & ZONING COMMISSION

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R. KELLER HOPKINS
J. BRUCE MEARS
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Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: June 24, 2021

Application: CU 2254 Richard L. Tilghman Jr. and Kelsey R. Dickerson

Applicant: Richard L. Tilghman Jr. & Kelsey R. Dickerson
8227 W. Line Road
Delmar, DE 19940

Owner: Richard L. Tilghman Jr. & Kelsey R. Dickerson
8227 W. Line Road
Delmar, DE 19940

Site Location: 8227 W. Line Road
Delmar, DE 19940

Current Zoning: General Residential (GR)

Proposed Use: No zoning change is proposed

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: Mr. Rieley

School District: Delmar School District

Fire District: Delmar Fire Department

Sewer: Private, on-site septic

Water: Private, on-site septic

Site Area: 1.021 ac. +/-

Tax Map ID.: 532-19.00-52.00





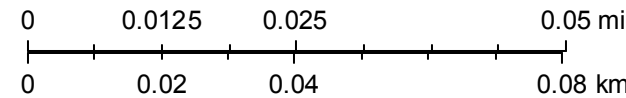
Sussex County



PIN:	532-19.00-52.00
Owner Name	TILGHMAN RICHARD L JR
Book	4632
Mailing Address	8227 W LINE RD
City	DELMAR
State	DE
Description	N / MD LINE RD
Description 2	512
Description 3	N/A
Land Code	

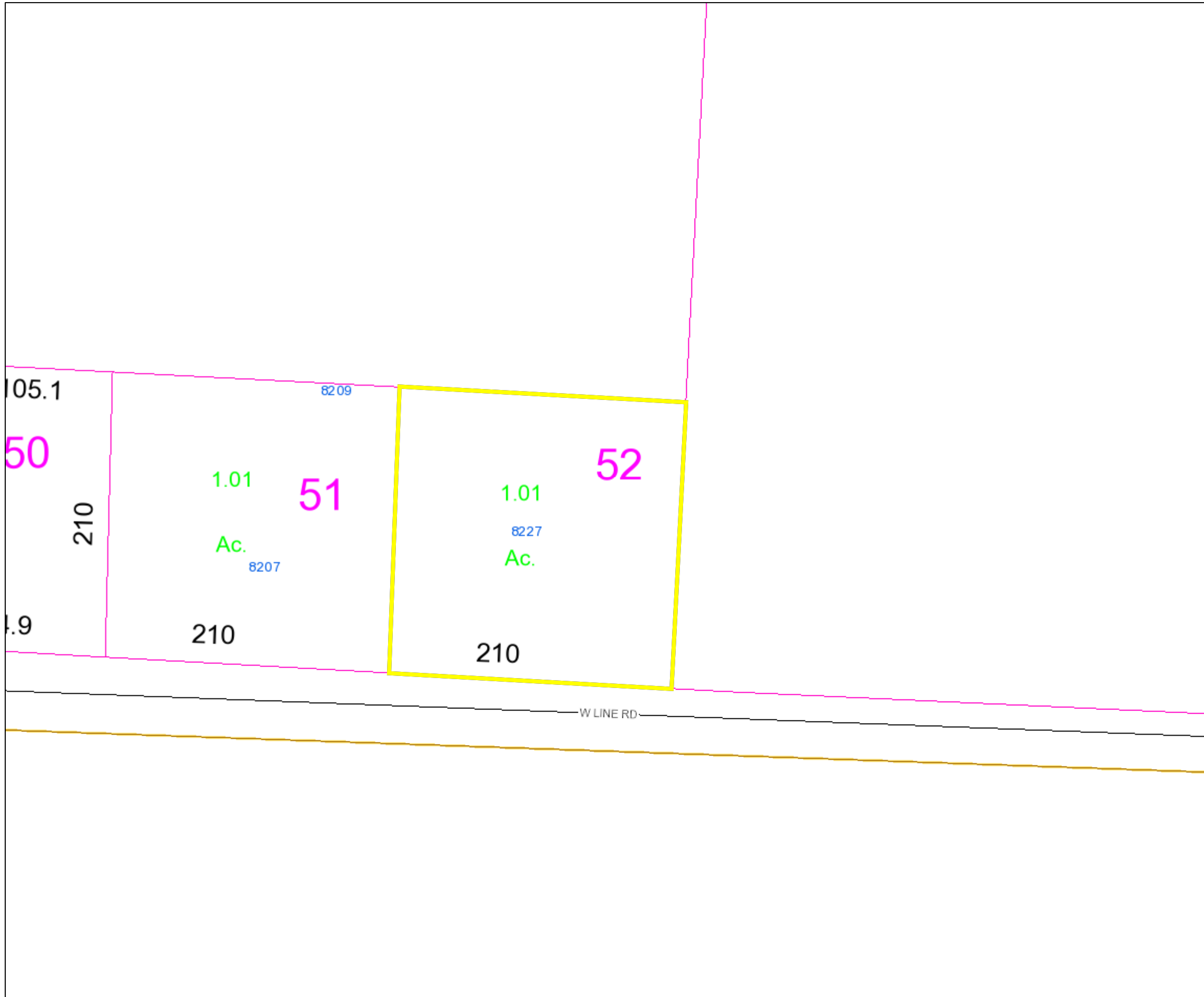
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128





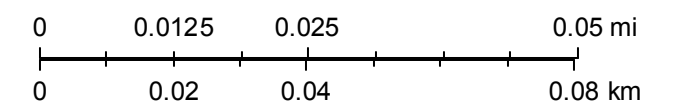
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- County Boundaries

1:1,128







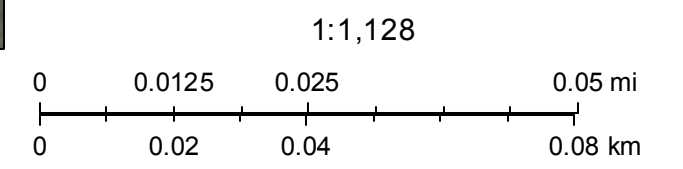


Sussex County



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-  911 Address
-  Streets
-  County Boundaries



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 14th, 2021
RE: Staff Analysis for CU 2254 Richard Tilghman and Kelsey Dickerson Tilghman

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2254 Richard Tilghman to be reviewed during the June 24th, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 532-19.00-52.00 to allow for a Conditional Use of land in a General Residential (GR) Zoning District for an auto glass tinting shop. The parcel is located on the north side of West Line Road (S.C.R. 512), approximately 0.24 mile east of Old Racetrack Road (S.C.R. 502), in Delmar. The area of the site is approximately 1.021 acre +/- . The state boundary between Maryland and Delaware is on the south side of West Line Road (S.C.R. 502).

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 the “Developing Area” All neighboring properties are also designated as “Developing Area.”

The Developing Area land use designation recognizes that a range of housing types should be permitted. These types include single-family homes, townhouses, and multifamily units. Commercial uses could be considered at appropriate intersections and corridors. A variety of office uses would be appropriate in many areas. Appropriate mixed-use development should also be allowed. This designation also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient service.

The property is within a General Residential (GR) Zoning District. Additionally, each adjacent parcel is also within the GR Zoning District. Parcels on the southern side of West Line Road are within the Agricultural – Rural (A-1) Zoning District as regulated by Wicomico County, Maryland.

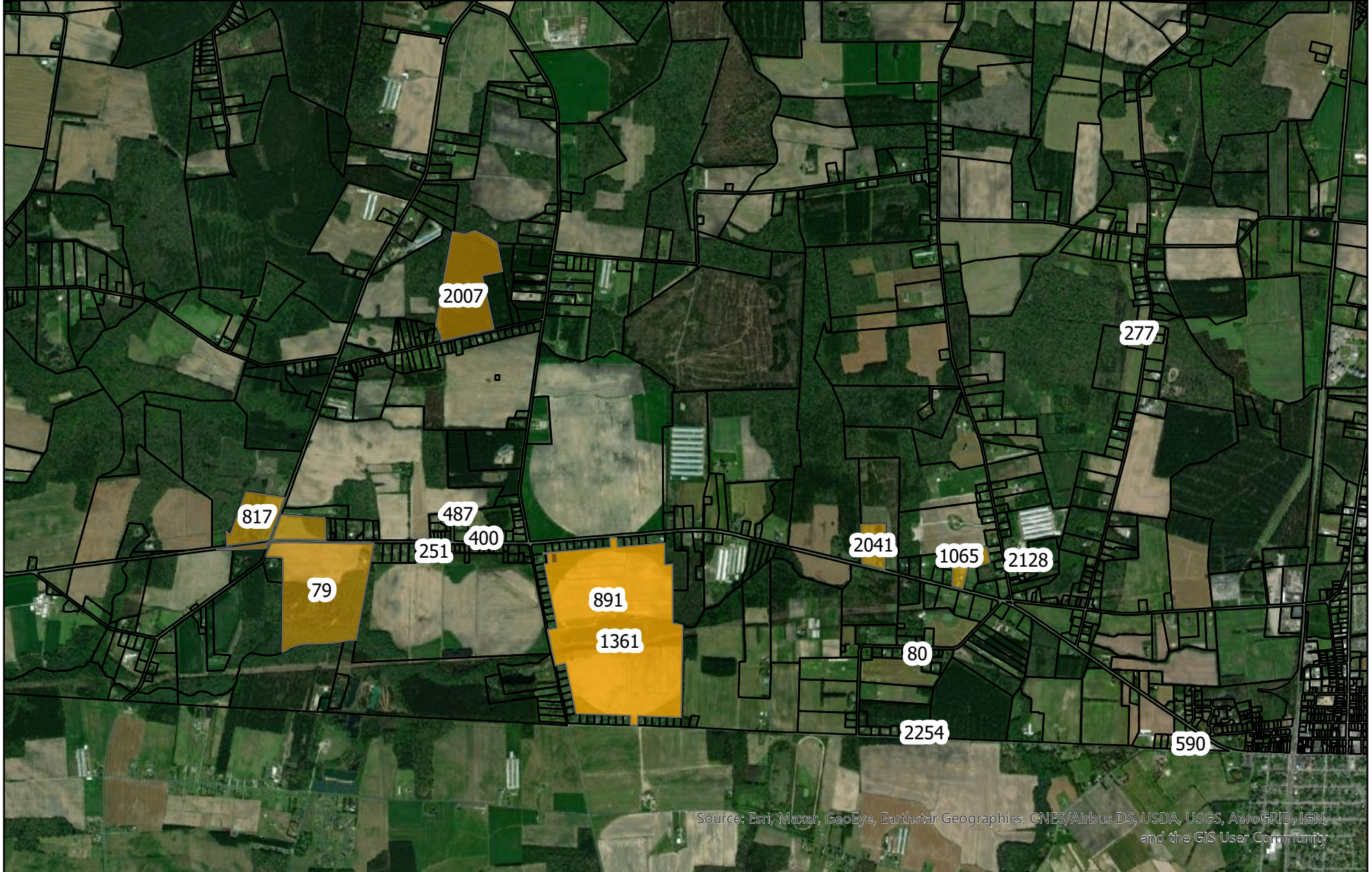
Since 1971, there have been 16 Conditional Uses within a one-mile radius of the subject property. Ten applications have been approved. Three applications have been denied. Three applications were withdrawn. Attached to this memo is a table that provides a summary of each application as well as a map that depicts all locations relative to the subject property.



Based on the analysis provided, the Conditional Use to allow for an auto glass tinting shop, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

CU #	Tax Parcel #	APPLICANT	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision
590	592-20.00-32.00	Daniel L. Ward	Repair Shop	<Null>	<Null>	<Null>	Approved
2254	592-19.00-52.00	Richard L. Jr. & Kelsey R. Dickerson Tightman	Auto Glass Tinting Shop	<Null>	<Null>	<Null>	Approved
80	592-19.00-40.00	Woodrow Humphries	car sales lot	N/A	<Null>	<Null>	Approved
1361	592-19.00-1.00	Joseph & Daniel Moore	relocation & amend CU 891 borrow pit	Recommended Approval	10/12/2000	2/29/2001	Approved
79	592-18.00-18.00	Robert Hastings	car sales lot	N/A	<Null>	<Null>	Approved
251	592-18.00-90.00	Lloyd L. Adkins	automobile repair shop & sales	N/A	<Null>	<Null>	Denied
2041	592-19.00-7.00	Scott Randall Witzke	Retail Auto Sales	Recommended Approval	2/11/2016	6/7/2016	Approved
1065	592-19.00-12.08	Joseph Mast	multi-family	Recommended Denial	3/10/1994	3/29/1994	Approved
277	592-19.00-4.00	Richard E Johnson & Johnson's Used Cars	automotive repair shop & used car lot	Recommended Approval	3/28/1985	4/28/1985	Approved
817	592-18.00-7.00	William Edward Hastings	amend CU 79 removal of 10-yr time limit	Recommended Approval	6/14/2018	10/23/2018	Approved
2128	592-19.00-12.21	Larry Martin	Auto Repair Shop	N/A	<Null>	<Null>	Withdrawn
487	592-18.00-27.00	Carroll Gravenor	auto sales lot & office	Recommended Approval	2/12/2015	3/31/2015	Approved
2007	592-11.00-25.00	Delaware Electric Cooperative, Inc.	ELECTRICAL SUBSTATION	N/A	<Null>	<Null>	Withdrawn
388	592-18.00-27.00	Gravenor	Used Car Sales & Salvage	N/A	<Null>	<Null>	Withdrawn
400	592-18.00-27.00	Carroll's Used Cars	Used Car Sales	N/A	<Null>	<Null>	Withdrawn
422	592-18.00-27.00	Carroll Gravenor & Carroll's Used Cars	Used Car Sales Lot & Building	N/A	<Null>	6/28/1977	Denied
891	592-19.00-1.00	Joseph & Daniel Moore	Borrow Pit	Recommended Approval	10/13/1988	12/27/1988	Approved

All Conditional Uses Within One Mile of CU 2254 (Richard Tilghman)



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



0 0.25 0.5 1 Miles

Please see attached table for interpretation and all attributes

File #: CU# 2254
202015103

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

8227 W. LINE ROAD, DELMAR, DE. 19940

Type of Conditional Use Requested:

AUTO GLASS TINTING SHOP

Tax Map #: 532-19.00-52.00

Size of Parcel(s): 1.021 Ac. ±

Current Zoning: GR

Proposed Zoning: N/A

Size of Building: 26' X 30'

Land Use Classification: _____

Water Provider: ONSITE

Sewer Provider: ON SITE

Applicant Information

Applicant Name: RICHARD L., JR. + KELSEY R. DICKERSON TILGHMAN

Applicant Address: 8227 W. LINE ROAD

City: DELMAR

State: DE.

Zip Code: 19940

Phone #: 443-880-3695

E-mail: _____

Owner Information

Owner Name: SAME AS ABOVE

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MILLER - LEWIS, INC.

Agent/Attorney/Engineer Address: 1560 MIDDLEFORD ROAD

City: SEAFORD

State: DE.

Zip Code: 19973

Phone #: 302-629-9895

E-mail: stevesell@esc.millerlewisinc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 11/2/2020

Signature of Owner

Date: _____

For office use only:

Date Submitted: 12/1/2020

Fee: \$500.00 Check #: 117

Staff accepting application: CDZ

Application & Case #: 202015103

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
 - 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.
- De/IDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 11/27/20

Signature of Owner



Date: 11/27/20

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____
Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

October 15, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Richard Tilghman** conditional use application, which we received on September 17, 2020. This application is for an approximately 1.1-acre parcel (Tax Parcel: 532-19.00-52.00). The subject land is located on the north side of West Line Road (Sussex Road 512), approximately 1,300 feet west of the intersection of West Line Road and Old Racetrack Road (Sussex Road 502), west of Delmar. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a 780 square-foot portion of the facility to operate an automotive window film installation business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of West Line Road where the subject land is located is 2,105 vehicles per day.

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

Mr. Jamie Whitehouse
Page 2 of 2
October 15, 2020

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

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

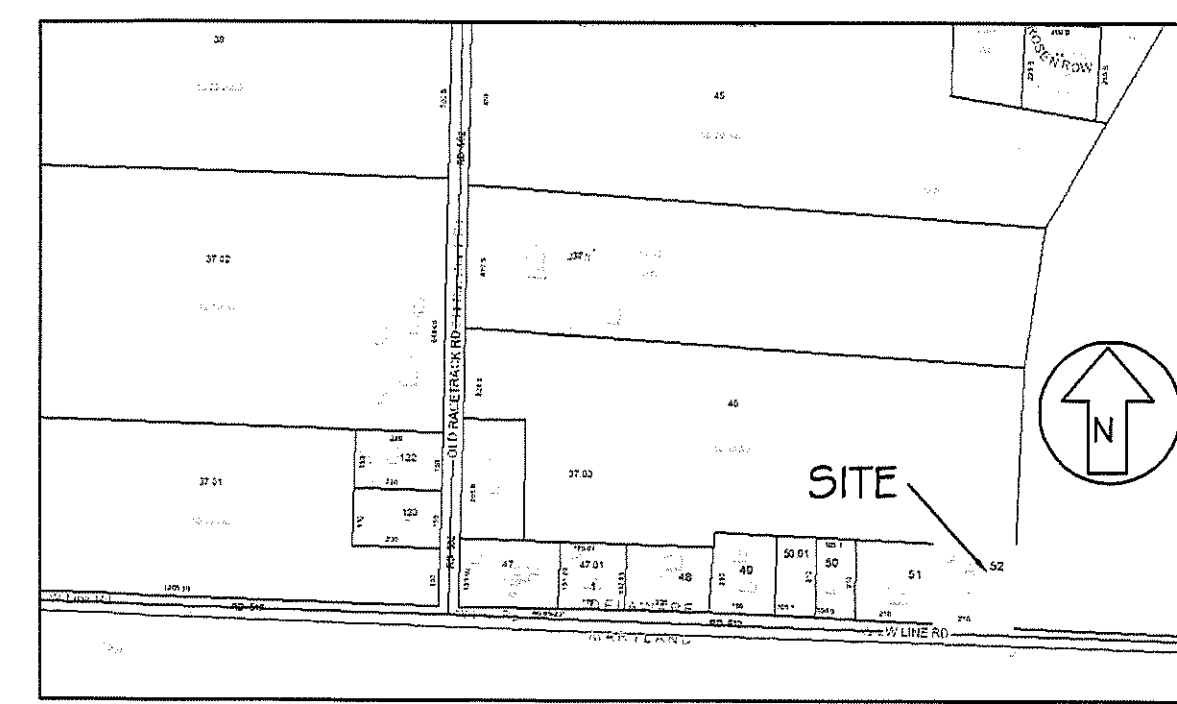
Sincerely,



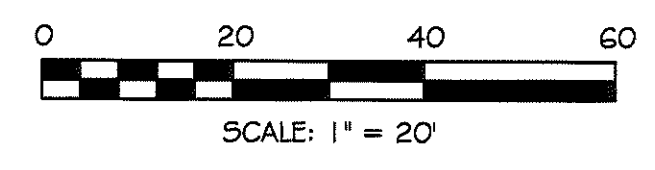
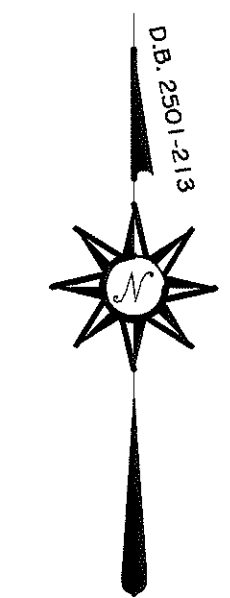
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Richard Tilghman, Applicant
Russell Warrington, Sussex County Planning & Zoning
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



VICINITY MAP



DATA COLUMN:

T.M.# 532-19.00-52.00
 ZONING: GR GENERAL RESIDENTIAL
 SETBACK REQUIREMENTS:
 FRONT: 40'
 SIDE: 10'
 REAR: 10'
 OWNER: RICHARD L., JR. & KELSEY DICKERSON TILGHMAN
 SITE ADDRESS: 8227 WEST LINE ROAD, DELMAR, DE. 19940
 TRACT AREA: 1.021 ACRES ±
 ACCESS: 5.C.R. 512 (WEST LINE ROAD)
 PROPOSED BUILDING AREA: 780 SQ. FT. ±
 PROPOSED USE: AUTO GLASS TINTING SHOP
 WATER AND SEWER: INDIVIDUAL ON-SITE
 OWNER SHALL COMPLY WITH ALL DELDOT ENTRANCE AND ROADWAY IMPROVEMENT REQUIREMENTS

FIRE MARSHAL NOTES:

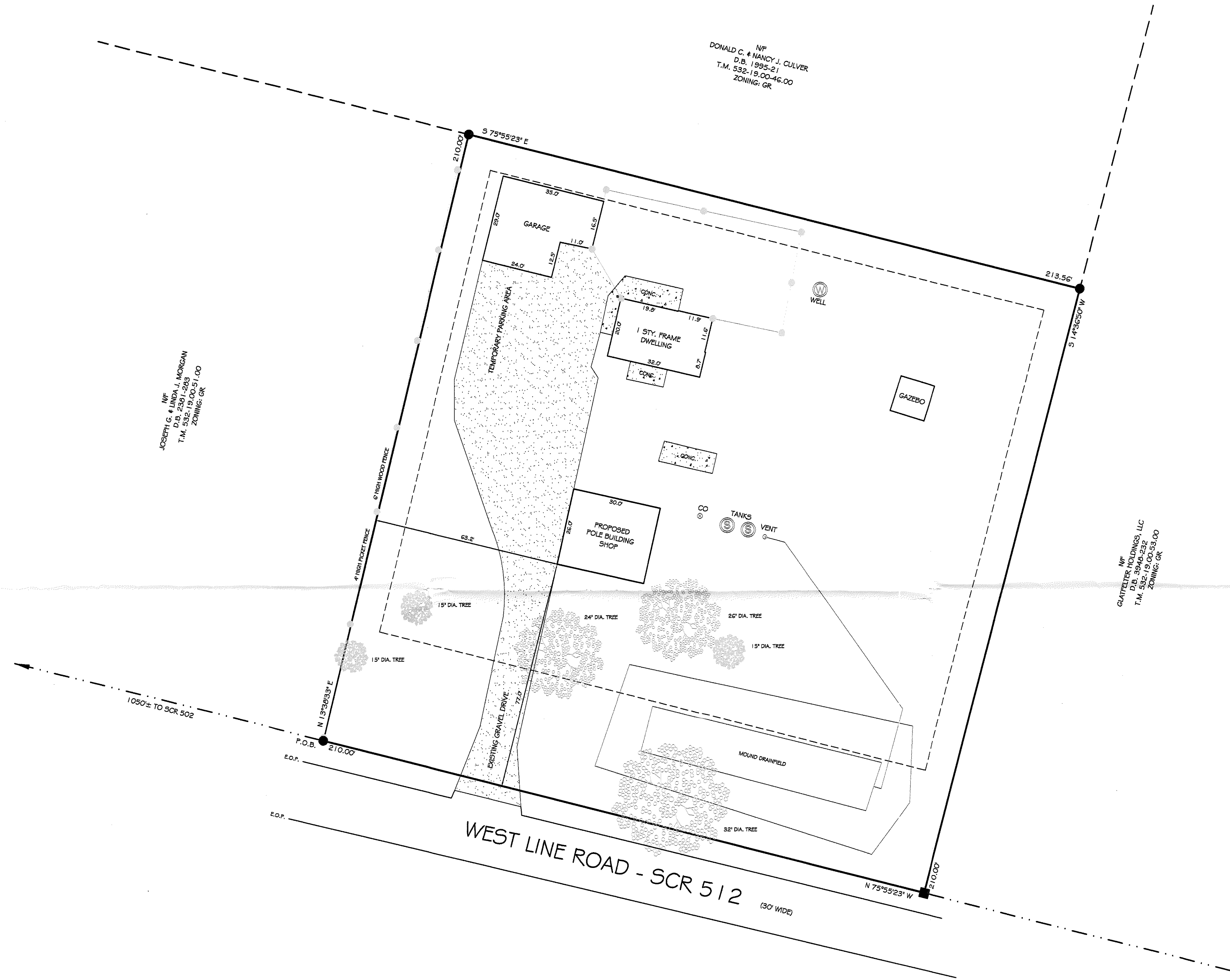
MAX HEIGHT: 3 STORIES, 42 FEET
 CONSTRUCTION TYPE: NFPA TYPE: VB (POLE SHED METAL SIDING)
 ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PROTECTION REGULATIONS.
 PROPOSED USE: AUTO ACCESSORY STORE
 EXISTING BUILDING AREA: 11,792 SQ. FT. ±
 LOCATION OF FIRE LANES, THEIR WIDTHS, AND THEIR MARKINGS, FIRE LANE SIGNS, WORDING AND 4" LINES OF DEMARCATION, AND YELLOW PAINTED CURBING ARE TO BE SHOWN ON THE PLAN WHERE APPLICABLE.
 THE BUILDING SHALL BE ACCESSIBLE TO EMERGENCY APPARATUS A MINIMUM OF 50% OF THE BUILDING SHALL BE ACCESSIBLE BY EMERGENCY SERVICES PERSONNEL

REQUEST FOR CONDITIONAL USE FOR
 AUTO GLASS TINTING SHOP
 LANDS OF
RICHARD L., JR. & KELSEY R. DICKERSON
TILGHMAN

NF
 DONALD C. & NANCY J. CULVER
 D.B. 1995-21
 T.M. 532-19.00-46.00
 ZONING: GR

NF
 JOSEPH G. & LINDA J. MORRAN
 D.B. 2001-203
 T.M. 532-19.00-51.00
 ZONING: GR

NF
 GLATFELTER HOLDINGS, LLC
 D.B. 2004-232
 T.M. 532-19.00-53.00
 ZONING: GR



- MONUMENTATION
- IRON PIPE (FOUND)
 - CONCRETE MONUMENT (FOUND)
 - ▲ IRON ROD (FOUND)

THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN

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

STEPHEN M. SELLERS, PLS 566 _____ DATE _____

DATE	REVISION

MILNER LEWIS, INC.
 LAND SURVEYING
 1560 MIDDLEFORD RD.
 SEAFORD, DELAWARE 19973
 PH: 302-629-9695 FAX: 302-629-2391

HUNDRED	COUNTY
LITTLE CREEK	SUSSEX
STATE	DRAWN BY
DELAWARE	SMS
REF.	FILE NO.
4632-74	TILGHMAN 532-19-52
OCTOBER 29, 2020	