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DIRECTOR OF PLANNING & ZONING  
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**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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

**PLANNING & ZONING COMMISSION**

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



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DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: December 9<sup>th</sup>, 2021

Application: CU 2282 Lawrence Davies

Applicant: Lawrence Davies  
85 Windjammer Drive  
Ocean Pines, MD 21811

Owner: Bethany Bay Brewing Co., LLC  
38450 Hickman Road  
Ocean View, DE 19970

Site Location: The property is lying on the southeast corner of the intersection of Cedar Neck Rd. (S.C.R. 357) and Hickman Rd. (S.C.R. 359)

Current Zoning: General Commercial (C-1) Zoning District

Proposed Use: Microbrewery

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Sussex County

Water: Sussex Shores Water Co.

Site Area: 2.35 acres +/-

Tax Map ID.: 134-9.00-27.00





# Sussex County

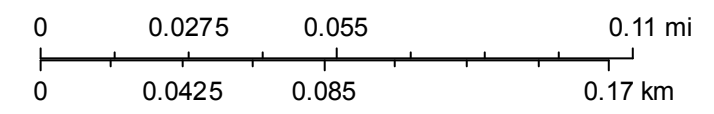


<b>PIN:</b>	134-9.00-27.00
<b>Owner Name</b>	JAKK LLC
<b>Book</b>	4686
<b>Mailing Address</b>	30447 CEDAR NECK RD
<b>City</b>	OCEAN VIEW
<b>State</b>	DE
<b>Description</b>	RD OCEAN VIEW TO
<b>Description 2</b>	COTTON PATCH HILLS
<b>Description 3</b>	N/A
<b>Land Code</b>	

- |              |                   |
|--------------|-------------------|
| polygonLayer | Override 1        |
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|              | Tax Parcels       |
|              | 911 Address       |
|              | Streets           |
|              | County Boundaries |
- Tax Ditch Segments**

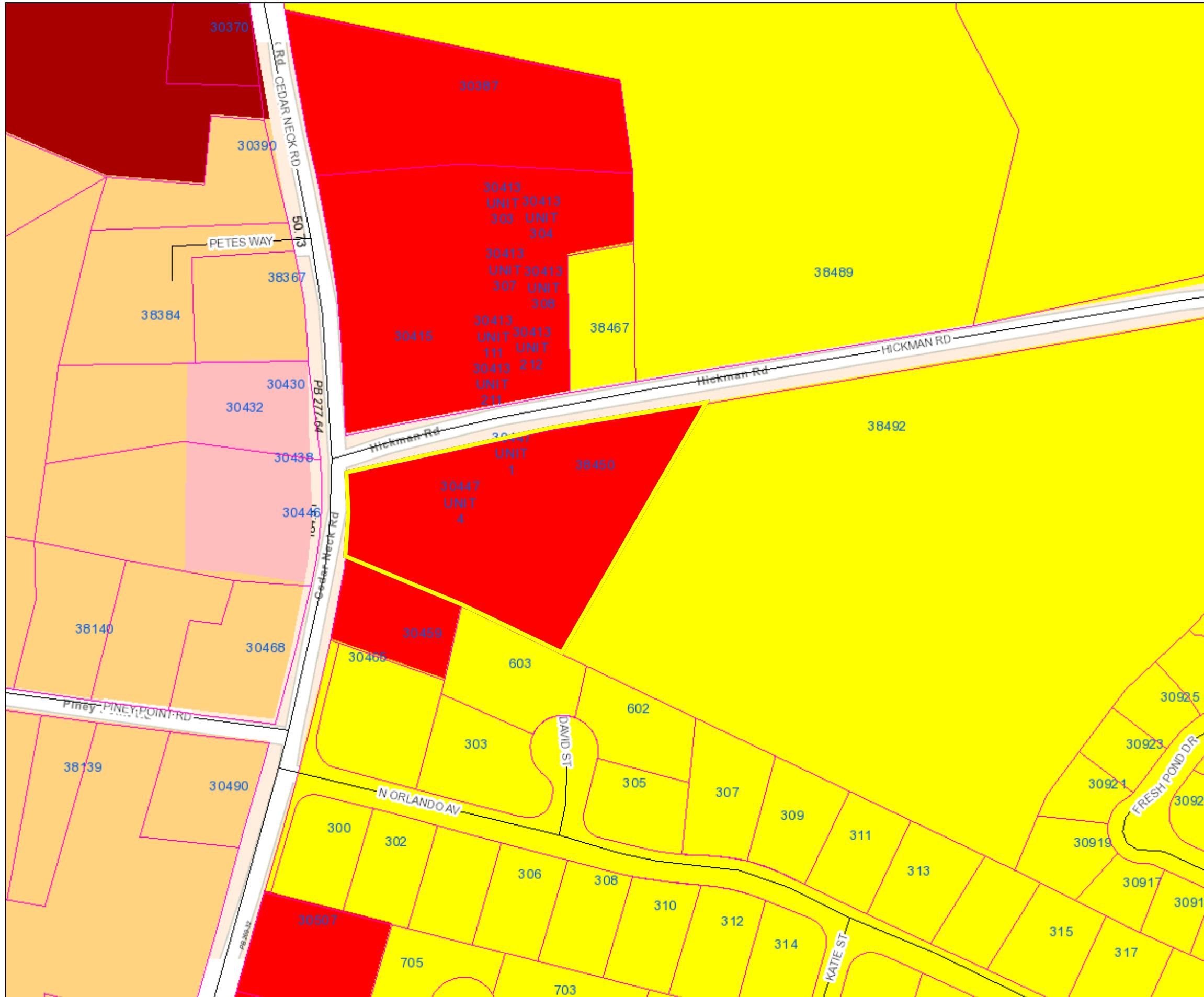
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  - Pond Feature
  - Special Access ROW
  - Extent of Right-of-Way
  - Municipal Boundaries
  - TID

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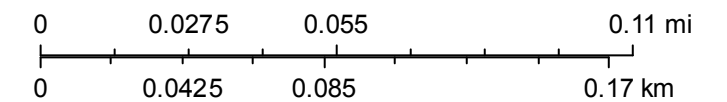
# Sussex County



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- polygonLayer**
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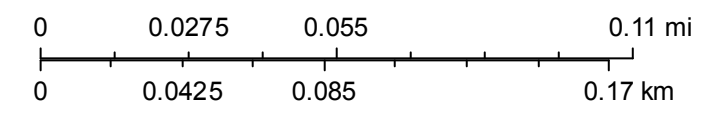
# Sussex County



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<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
  - Override 1
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  - Override 1
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## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: December 2, 2021  
RE: Staff Analysis for CU 2282 Lawrence Davies

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2282 Lawrence Davies to be reviewed during the December 9, 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: 134-9.00-27.00 to allow for a microbrewery. The parcel is lying on the southeast corner of the intersection of Cedar Neck Road (S.C.R. 357) and Hickman Road (S.C.R. 359). The parcel consists of 2.35 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 parcel has a designation of "Coastal Area". The surrounding and adjacent parcels to the north, south, west and east also contain the "Coastal Area" land use designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned General Commercial (C-1). The adjacent properties to the south and east of the subject site are zoned Medium Residential (MR). An adjacent property to the south and properties across Hickman Road are zoned General Commercial (C-1). Properties across Cedar Neck Road are zoned Neighborhood Business (B-1) and General Residential (GR).

Since 2011, there has been nine (9) Conditional Use applications within a 1-mile radius of the application site. Please refer to the attached map and spreadsheet that references the Conditional Use applications within a 1-mile radius of this site that have been approved since 2011.

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





Name	Conditional Use Number	Tax Parcel #	APPLICANT	911 Address or Road Name	Current Zoning	Proposed Use	P&Z Initial Hearing Date	P&Z Decision	P&Z Decision Date	CC Initial Hearing Date	CC Decision Date	CC Decision	Ordinance Number	Application Number	Development Name	Application Rcvd Date	Introduced to CC	Advertised Date	acreage	Assigned Planner	parcel id 2	parcel id 3
134-9.00-12.00	1924	134-9.00-12.00	Colony Pool Service Inc.	DE Route 1	MR	Above Ground Storage Tank	3/8/2012	Recommended Approval	3/22/2012	4/3/2012	4/3/2012	Approved	2247	201400794		1/5/2012	1/24/2012	2/3/2012				
134-9.00-21.00	1986	134-9.00-21.00	Castaways Bethany, LLC	Cedar Neck Rd	MR	Multi-Family Dwelling Structures	4/24/2014	Recommended Approval	5/22/2014	6/17/2014	7/22/2014	Approved	2359				2/3/2014		3/26/2014			
134-9.00-88.00	2085	134-9.00-88.00	Land and Materials Corp (Salt Aire) The	38112 Sandy Cove Rd	GR	multi-family (19 SF dwellings)	7/13/2017	Recommended Approval	7/27/2017	8/22/2017	9/26/2017	Approved	2519			2/8/2017	2/21/2017	6/21/2017			134-9.00-80.01	134-9.00-80.06
134-13.00-72.00	2130	134-13.00-72.00	Evergreene Companies, LLC (pallots corner)	30733 Cedar Neck Rd.	MR	Multi-family (20 Townhomes)	6/14/2018	Recommended Approval	6/28/2018	7/24/2018	10/30/2018	Approved	2609	201800228	Pallots Corner	1/11/2018	1/23/2018		2.38		134-13.00-72.01	
134-9.00-21.00	2131	134-9.00-21.00	CBB Cedar Pines, LLC	Cedar Neck Rd	MR	Multi-Family (30 Units)	6/14/2018	Recommended Approval	6/14/2018	7/24/2018	7/24/2018	Approved	2587	201800515		1/22/2018	2/6/2018		11.53			
134-9.00-21.00	2207	134-9.00-21.00	CBB Cedar Pines, LLC (Marlin Run)	Cedar Neck Rd.	MR	Multi-family (75 SF & TH)	3/25/2021	Recommended Approval	4/8/2021	4/27/2021	4/27/2021	Approved	2772	201910926	Marlin Chase	9/24/2019	2/4/2020		29.34	Lauren		
134-9.00-67.00	2239	134-9.00-67.00	Coastal Properties LLC	30430 & 30432 Cedar Neck Rd	B-1/GR	General Contracting Business	9/24/2020	Recommended Approval	10/8/2020	10/27/2020	10/27/2020	Approved	2749	202005400		5/1/2020	8/11/2020		1.08	Christin		
134-13.00-72.02	2259	134-13.00-72.02	The Evergreen Companies, LLC	Fred Hudson Road	MR	30 single family conominum units	6/24/2021	Recommended Approval	7/22/2021	8/10/2021	8/10/2021	Deferred		201301402		1/5/2021	3/23/2021		11.96	Nick		





Conditional Use Map - CU's Within 1 Mile  
CU 2282 Lawrence Davies  
134-9.00-27.00



File #: CU # 2282

202106640

**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**

38450 Hickman Road, Ocean View, DE 19970

**Type of Conditional Use Requested:**

Microbrewery

**Tax Map #:** 134-9.00-27.00

**Size of Parcel(s):** 2.35 acres

**Current Zoning:** C-1

**Proposed Zoning:** C-U

**Size of Building:** 44' X 58'-6 1/2"

**Land Use Classification:** CO

**Water Provider:** Sussex Shores Water Co.

**Sewer Provider:** County Wastewater Sewer District

**Applicant Information**

**Applicant Name:** Lawrence Davies

**Applicant Address:** 58 Windjammer Drive

**City:** Ocean Pines

**State:** MD

**Zip Code:** 21811

**Phone #:** (410) 430-6929

**E-mail:** brewinop@gmail.com

**Owner Information**

**Owner Name:** Bethany Bay Brewing Co., LLC

**Owner Address:** 38450 Hickman Road

**City:** Ocean View

**State:** DE

**Zip Code:** 19970

**Phone #:** (410) 430-6929

**E-mail:** brewinop@gmail.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** MacKenzie M. Peck

**Agent/Attorney/Engineer Address:** 1413 Savannah Road, Suite 1

**City:** LEWES

**State:** DE

**Zip Code:** 19958

**Phone #:** 302-645-2262

**E-mail:** macKenzie@bmbde.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**



Date: 9/26/2021

**Signature of Owner**



Date: 9/26/2021

**For office use only:**

Date Submitted: 4/29/2021

Fee: \$500.00 Check #: 1012

Staff accepting application: cer

Application & Case #: 202106640

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

NICOLE MAJESKI  
SECRETARY

April 12, 2021

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 **Lawrence Davies** proposed land use application, which we received on April 6, 2021. This application is for an approximately 2.75- acre parcel (Tax Parcels: 134-9.00-27.00). The subject land is located on the southeast corner of Hickman Road (Sussex Road 359) and Cedar Neck Road (Sussex Road 357). The subject land is currently zoned C-1 (General Commercial) and the applicant seeks a conditional use approval for a Microbrewery.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hickman Road, is 370 vehicles per day. The annual average daily traffic volume along Cedar Neck Road from Hickman Road to Fred Hudson Road (Sussex Road 360), is 7,468 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.

DelDOT's description of this application as diminutive in the context of our agreement with the County regarding land development coordination assumes that the use of the site will be limited to the manufacture of beer and similar products. To the extent that ancillary bar or



Mr. Jamie Whitehouse  
Page 2 of 2  
April 12, 2021

restaurant uses are also permitted, the subject development may generate more traffic. Even then, however, DeIDOT does not anticipate this use generating enough trips to meet the minimum TIS warrants.

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 Ms. Annamaria Fumato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff  
Enclosure

cc: Lawrence Davies, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, 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  
Annamaria Fumato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/23/2021**

APPLICATION: **CU 2282 Lawrence Davies**

APPLICANT: **Lawrence Davies**

FILE NO: **CN-1.05**

TAX MAP &  
PARCEL(S): **134-9.00-27.00**

LOCATION: **Lying on the southeast corner of the intersection of Cedar  
Neck Road (SCR 357) and Hickman Road (SCR 359)**

NO. OF UNITS: Click or tap here to enter text.

GROSS  
ACREAGE: **2.35**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

**SEWER:**

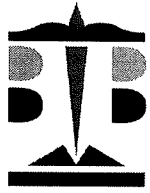
- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **Yes** 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? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- 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? **N/A**
- (8). Comments: **Parcel is currently served with two 8-inch laterals. One on Cedar Neck Road and the other on Hickman Road.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

  
\_\_\_\_\_  
John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Denise Burns



BAIRD  
MANDALAS  
BROCKSTEDT PC

Mackenzie M. Peet  
[mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)  
(302)645-2262

November 29, 2021

**VIA EMAIL ONLY**

Planning & Zoning Department  
c/o Director Jamie Whitehouse  
2 The Circle (P.O. Box 417)  
Georgetown, DE 19947  
Email: [jamie@sussexcountyde.gov](mailto:jamie@sussexcountyde.gov)

**RE: Conditional Use No. 2282 Bethany Bay Brewing Co., LLC**  
**Site: 30447 Cedar Neck Road, Unit 1, Ocean View, Delaware**  
**TMP: 134-9.00-27.00**

Director Whitehouse:

Please accept the exhibits labeled Exhibit A through Exhibit J attached to this letter as Bethany Bay Brewing Co., LLC's supplemental submission for their Conditional Use Application denominated CU No. 2282 to be heard by the Planning & Zoning Commission on December 9, 2021.

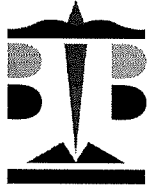
Should you have any questions, please contact us by email at [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com) or by phone at 302-645-2262.

Sincerely,

*/S/ Stephen W. Spence, Esq.*  
*/S/ Mackenzie M. Peet, Esq.*

Stephen W. Spence, Esq.  
Mackenzie M. Peet, Esq.  
SWS/MMP





BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT A

## Property and Deed Information

**Property Information**

Property Location: 30447 CEDAR NECK RD  
 Unit:  
 City: OCEAN VIEW  
 Zip: 19970  
 State: DE  
 Class: COM-Commercial  
 Use Code (LUC): CO-COMMERCIAL  
 Town: 00-None  
 Tax District: 134 - BALTIMORE  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 84-Millville  
 Deeded Acres: 2.7500  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$27,500  
 100% Improvement Value: \$238,900  
 100% Total Value: \$266,400

**Legal**

Legal Description: RD OCEAN VIEW TO  
 COTTON PATCH HILLS

**Owners**

Owner	Co-owner	Address	City	State	Zip
JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
03/30/2017	4686/173	\$2,500,000.00	\$37,500.00	2	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2021	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2020	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2019	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2018	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2017	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2012	HICKMAN LLOYD H TRUSTEE		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	2732/175
2009	HICKMAN LLOYD H TRUSTEE		PO BOX 186	OCEAN VIEW	DE	19970	2732/175
2005	HICKMAN LLOYD H TRUSTEE		PO BOX 186	OCEAN VIEW	DE	19970	2732/175
2003	HICKMAN LLOYD H TRUSTEE		PO BOX 186	OCEAN VIEW	DE	19970	2732/175
2001	HICKMAN LLOYD H DOLLIE M		RR 1 BOX 186	OCEAN VIEW	DE	19970	0/0
1900	UNKNOWN					0	382/564

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	COM	CO	0	0	2.7500	

**Land Summary**

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Line	1
100% Land Value	27,500

**100% Values**

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100% Land Value	100% Improv Value	100% Total Value
\$27,500	\$238,900	\$266,400

**50% Values**

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50% Land Value	50% Improv Value	50% Total Value
\$13,750	\$119,450	\$133,200

**Permit Details**

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Permit Date:	Permit #:	Amount:	Note 1
16-FEB-2021	202014898	\$65,000	HICKMAN'S LIQUORS
14-JUN-2013	201307157	\$0	OFF PREMISE SIGN
27-NOV-2007	25383-13	\$40,000	REPLACE ROOF-RD OCEAN VIEW-COTTON PATCH HIL
09-JUN-2004	25383-12	\$20,000	ADDITION TO BAR-OCEAN VIEW TO PATCH HILLS
23-MAR-1995	25383-11	\$0	SIGN-E/35730'N/HICKMAN RD.
17-FEB-1993	25383-10	\$81,000	PACKAGE STORE ADD.-E/357S/HICKMAN RD.
11-JUN-1990	25383-9	\$0	SIGN-RT.357AT INT.RT.359
11-OCT-1989	25383-8	\$60,000	STORE-SE/RT 357 AT RT 359
27-MAY-1988	25383-7	\$6,000	10 BARNS-S/359INT.RT.357
30-JUL-1986	25383-6	\$7,100	10 BARNS-E/357AT INT.RT.360A
02-DEC-1985	25383-5	\$400	SHED-E/357INT.RT.359
28-JUN-1985	25383-4	\$4,900	7 MINI STORAGE BLDGS-E/357 S/359
08-APR-1985	25383-3	\$2,100	3 STORAGE BARNS-E/357 AT INT.RT.359
28-FEB-1984	25383-2	\$12,000	ADDITIONAL SHOPS-E/357 S/359
11-JAN-1984	25383-1	\$75,000	ADDITION TO STORE-ROUTE 357 INT. RTE.358

12017

BK: 4686 PG: 173

TAX MAP #: 1-34 9.00 27.00 & 1-34  
9.00 30.00

PREPARED BY & RETURN TO:

Tunnell & Raysor, P.A.  
323 Rehoboth Avenue  
Suite E  
Rehoboth Beach, DE 19971  
File No. AS10008/KMH

RECEIVED  
Mar 30, 2017  
ASSESSMENT DIVISION  
OF SUSSEX COUNTY

THIS DEED, made this March 24, 2017,

- BETWEEN -

LLOYD H. HICKMAN, TRUSTEE OF THE LLOYD H. HICKMAN  
REVOCABLE TRUST DATED JULY 22, 2002, as amended of 38492 Hickman Road,  
Ocean View, DE 19970, party of the first part,

- AND -

JAKK LLC, of 34156 Citizens Dr., Lewes, DE 19958, as sole owner, party of the  
second part.

WITNESSETH: That the said party of the first part, for and in consideration of the  
sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt  
whereof is hereby acknowledged, hereby grants and conveys unto the party of the second  
part, and its heirs and assigns, in fee simple, the following described lands, situate, lying  
and being in Sussex County, State of Delaware:

TRACT NO. 1: 1-34 9.00 27.00

ALL that certain piece, parcel, tract, or lot of land lying and being situated in  
Baltimore Hundred, Sussex County, Delaware, being more particularly bounded and  
described as follows, to wit:



BEGINNING for this description at a concrete monument placed on the easterly right-of-way of Road 357 and on the southerly right-of-way of Road 359, at the intersection of said right-of-way lines; thence, from said point of beginning, and by and with the said southerly right-of-way of Road 359, North 87 degrees 07 minutes 8 seconds East, 542.50 feet to a concrete monument and the easterly line of Hickman tract; thence, by and with the said easterly line, South 42 degrees 11 minutes 30 seconds West, 435.05 feet to a concrete monument, a southerly corner for the Hickman property; thence, North 57 degrees 28 minutes 34 seconds West, 335.59 feet to a concrete monument placed on the easterly right-of-way of the aforesaid Road 357; thence, by and with the said easterly right-of-way line, North 16 degrees 12 minutes 43 seconds East, 119.38 feet to the place of Beginning, containing 2.3545 acres of land, be the same more or less, as surveyed by Foresight Services, Registered Surveyors on March 22, 2017.

TRACT NO. 2: 1-34 9.00 30.00

ALL that certain lot, piece or parcel of land with the improvements thereon erected situated in Baltimore Hundred, Sussex County, Delaware lying on the Easterly side of County Road 357 Cedar Neck Road, a short distance North of North Orlando Avenue, and being more particularly bounded and described in accordance with a recent survey prepared by Foresight Services, Registered Surveyors on March 22, 2017.

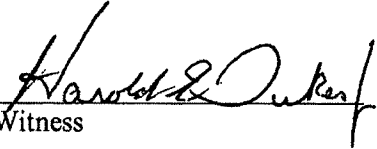
BEGINNING at a concrete monument located on the eastern edge of Cedar Neck Road, said monument being South 16 degrees 12 minutes 43 seconds West a distance of 119.38 of the intersection of Cedar Neck Road and Hickman Road and the corner of Tax Map & Parcel Number 1-34 9.00 27.00 thence with Tax Map and Parcel Number 1-34 9.00 27.00 North 57 degrees 28 Minutes 34 seconds West a distance of 171.21 feet to the corner of Lot 4 Murray Estates and a concrete monument; thence following the edge of Lot 4 South 19 degrees 31 minutes 45 seconds East a distance of 112.42 feet to a concrete monument at the corner of Lot 2 Murray Estates; thence following Lot 2 North 63 degrees 42 minutes 5 seconds West a distance of 168 feet to a concrete monument located at the edge of Cedar Neck Road; thence following Cedar Neck Road North 19 degrees 31 minutes 45 seconds East a distance of 131.11 feet home to the place and point of beginning containing 20.314 square feet.


BEING a portion of the same lands conveyed to Lloyd H. Hickman, Trustee of the Lloyd H. Hickman Revocable Trust dated July 22, 2002 from Lloyd H. Hickman and Dollie M. Hickman, by Deed dated July 22, 2002, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on July 24, 2002, in Deed Book 2732, Page 75.

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

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

SIGNED, SEALED, AND DELIVERED, **THE LLOYD H. HICKMAN REVOCOABLE TRUST**  
IN THE PRESENCE OF: **DATED JULY 22, 2002**

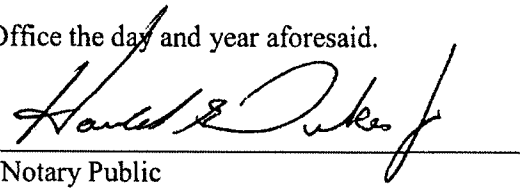
  
Witness

  
Lloyd H. Hickman, Trustee of the Lloyd H. Hickman Revocable Trust dated July 22, 2002

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

**BE IT REMEMBERED**, that on March 24, 2017, personally came before me, the subscriber, Lloyd H. Hickman, Trustee of The Lloyd H. Hickman Revocable Trust dated July 22, 2002, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be its act and deed.

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

  
Notary Public

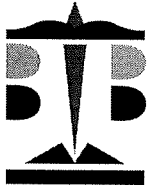
**HAROLD E. DUKES, JR.**  
**ATTORNEY AT LAW WITH**  
**POWER TO ACT AS NOTARY PUBLIC**  
**PER 29 DEL. C SEC 4323 (A)3**

My Commission Expires: \_\_\_\_\_

Consideration: 2,500,000.00

County 37,500.00  
State 37,500.00  
Town Total 75,000.00  
Received: Teresa C Mar 30, 2017

Recorder of Deeds  
Scott Dailey  
Mar 30, 2017 12:12P  
Sussex County  
Doc. Surcharge Paid



BAIRD  
MANDALAS  
BROCKSTEDT LLC

EXHIBIT B  
Preliminary Site Plan  
& Interior Plans

# INTERIOR RENOVATIONS FIT OUT

FOR  
HICKMAN ROAD NANOBREWERY  
38450 HICKMAN ROAD, OCEAN VIEW, DE 19701

## DRAWING INDEX

GENERAL	COVER SHEET
A-101	EXISTING CONDITIONS & DEMOLITION PLAN
A-102	ENLARGED PLAN - BOLLER ROOM
S-001	

## CODE ANALYSIS

SECTION	CODE REFERENCE	SECTION	2017 EDITION
GENERAL	INTERNATIONAL BUILDING CONVENTION CODE (IBCC)		2018 EDITION
	INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC)		2018 EDITION
	INTERNATIONAL FIRE CODE (IFC)		2018 EDITION
PLUMBING	PLUMBING CODE (PC)		2018 EDITION
MATERIALS	INTERNATIONAL BUILDING CONVENTION CODE (IBCC)		2018 EDITION
MECHANICAL	INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC)		2018 EDITION
ELECTRICAL	NATIONAL ELECTRICAL CODE (NEC)		2017 EDITION
FIRE	INTERNATIONAL FIRE CODE (IFC)		2018 EDITION
SPECIALTY	STATE AND LOCAL CODES		
ADDITIONAL	PROJECT SPECIFICATIONS		

**GENERAL NOTES:**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.
2. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
4. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE DESIGNER PRIOR TO INSTALLATION.

## GENERAL NOTES

1. THE DESIGNER HAS CONDUCTED VISUAL GENERAL INSPECTION OF THE EXISTING STRUCTURE AND FOUND NO MAJOR DEFECTS. THE ARCHITECTURAL/MECHANICAL/ELECTRICAL/FIRE AND LIFE SAFETY CODES ARE APPLIED TO THE PROJECT. ALL MECHANICAL/ELECTRICAL/FIRE AND LIFE SAFETY REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.
2. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
4. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE DESIGNER PRIOR TO INSTALLATION.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
7. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE DESIGNER PRIOR TO INSTALLATION.

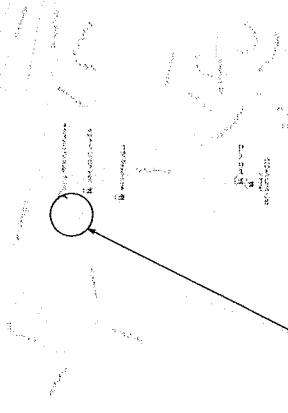
## SINKS

1. A THREE-COMPONENT SINK WITH INTEGRATED STAINLESS STEEL FRONT PANEL SHALL BE INSTALLED IN THE BOLLER ROOM. THE SINK SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.
2. THE SINK SHALL BE INSTALLED IN A COUNTERTOP MADE OF 1 1/2" THICK SOLID SURFACE MATERIAL.
3. THE SINK SHALL BE INSTALLED IN A CABINET MADE OF 3/4" THICK SOLID SURFACE MATERIAL.
4. THE SINK SHALL BE INSTALLED IN A CABINET MADE OF 3/4" THICK SOLID SURFACE MATERIAL.
5. THE SINK SHALL BE INSTALLED IN A CABINET MADE OF 3/4" THICK SOLID SURFACE MATERIAL.
6. THE SINK SHALL BE INSTALLED IN A CABINET MADE OF 3/4" THICK SOLID SURFACE MATERIAL.
7. THE SINK SHALL BE INSTALLED IN A CABINET MADE OF 3/4" THICK SOLID SURFACE MATERIAL.

## REQUIREMENTS FOR EQUIPMENT AND STRUCTURE OF BARS

1. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.
2. THE STRUCTURE OF BARS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.
3. THE STRUCTURE OF BARS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.
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5. THE STRUCTURE OF BARS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND STANDARDS.

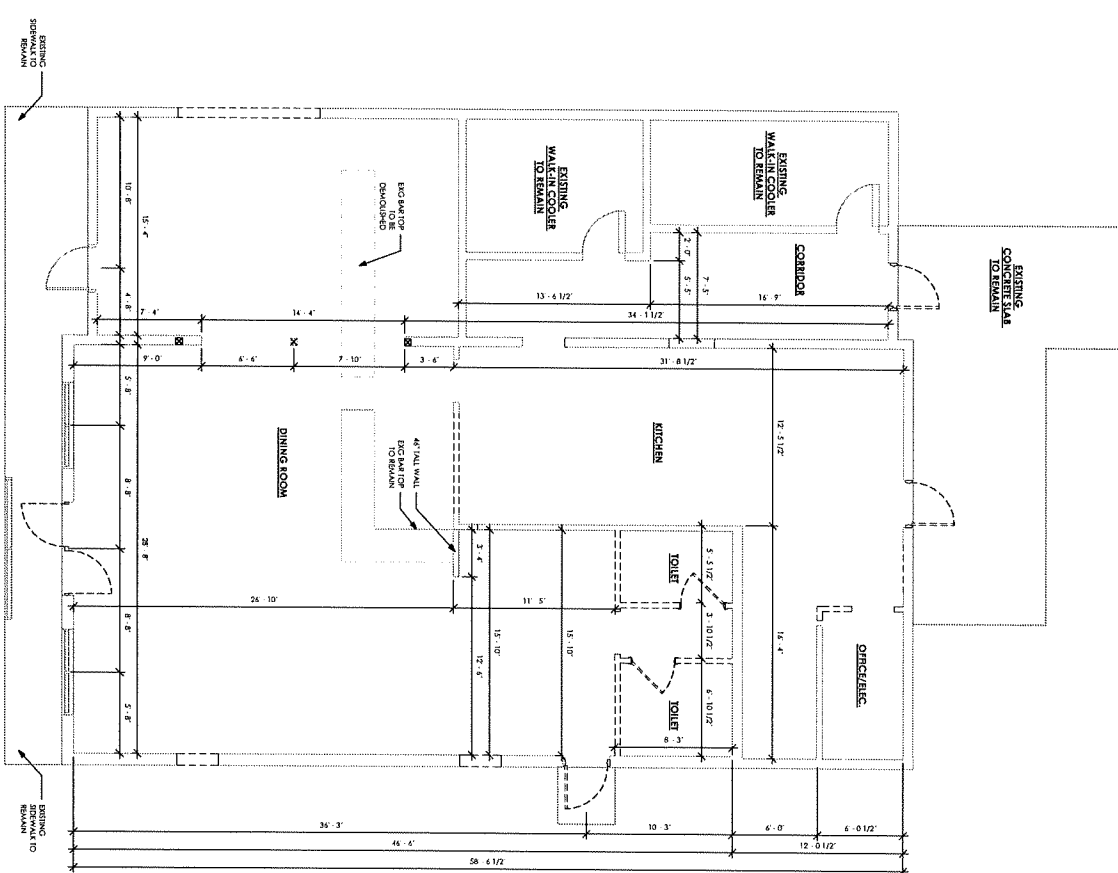
## VICINITY MAP



<h3>COVER SHEET</h3> <p>for <b>INTERIOR RENOVATIONS FIT OUT</b> 38450 HICKMAN RD, OCEAN VIEW, DE 19701 Prepared For: HICKMAN ROAD NANOBREWERY</p>		<h3>REVISIONS</h3> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION							<h3>PERMIT DRAWINGS NOT FOR CONSTRUCTION</h3> <p>CS-001</p>	<p>11/16/2021 Job Number: Q21025 Scale: As indicated Drawn by: JPH Designed by: JPH Approved by: SCR</p>
NO.	DATE	DESCRIPTION											



DEMOLITION LEGEND		DEMOLITION NOTES	
	EXISTING PARTITION TO REMAIN	1.	REMOVE ALL EXISTING PARTITIONS AND WALLS TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.
	EXISTING PARTITION TO BE DEMOLISHED	2.	REMOVE ALL EXISTING PARTITIONS AND WALLS TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.
	EXISTING DOOR & FRAME TO REMAIN	3.	REMOVE ALL EXISTING DOORS AND FRAMES TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.
	EXISTING DOOR & FRAME TO BE DEMOLISHED	4.	REMOVE ALL EXISTING DOORS AND FRAMES TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.
	EXISTING DOOR & FRAME TO BE DEMOLISHED	5.	REMOVE ALL EXISTING DOORS AND FRAMES TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.
	EXISTING DOOR & FRAME TO BE DEMOLISHED	6.	REMOVE ALL EXISTING DOORS AND FRAMES TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.
	EXISTING DOOR & FRAME TO BE DEMOLISHED	7.	REMOVE ALL EXISTING DOORS AND FRAMES TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.
	EXISTING DOOR & FRAME TO BE DEMOLISHED	8.	REMOVE ALL EXISTING DOORS AND FRAMES TO BE DEMOLISHED TO EXPOSE THE STRUCTURE TO BE RENOVATED.



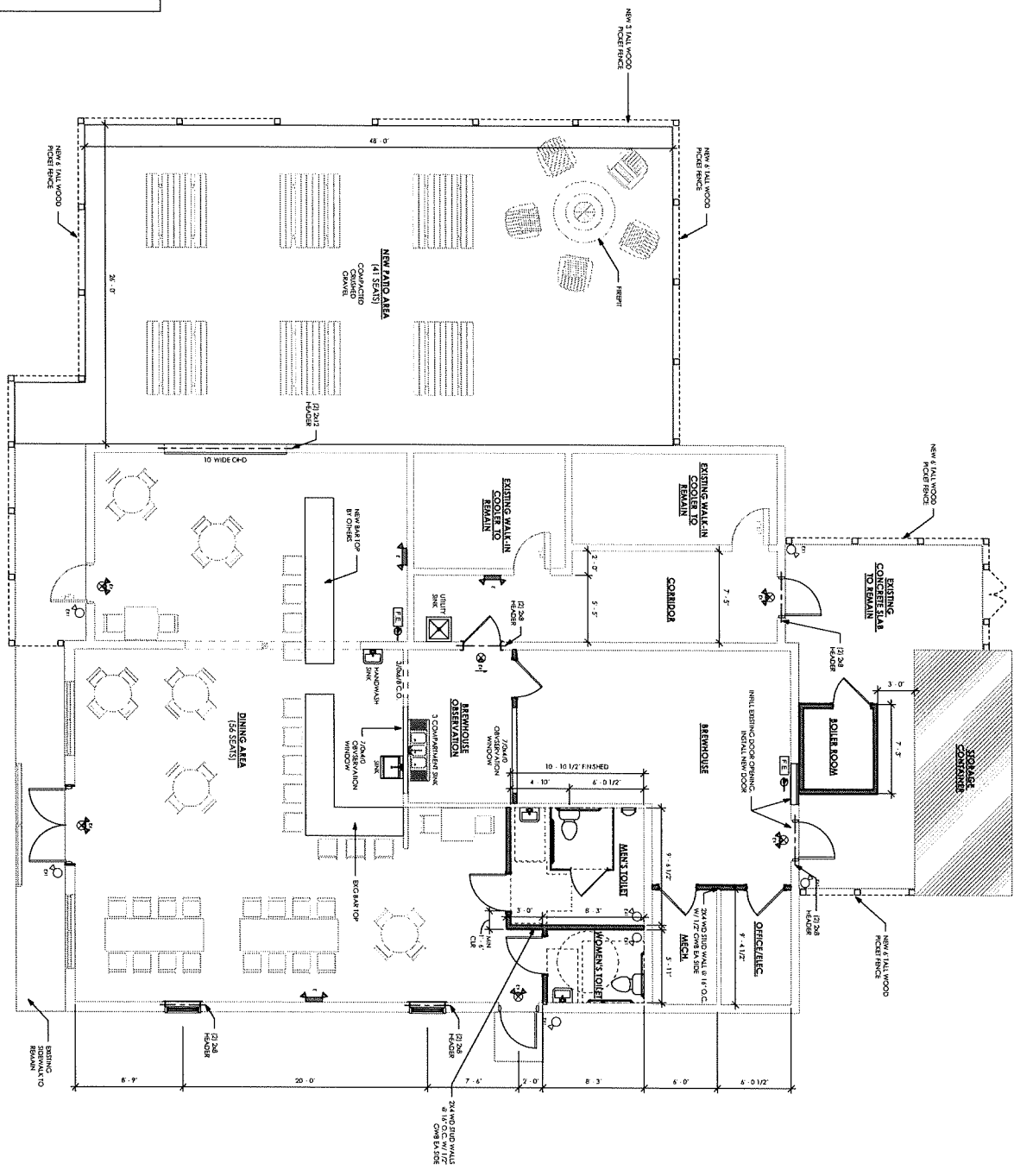
EXISTING CONDITIONS & DEMOLITION PLAN  
1/4" = 1'-0"

<b>PERMIT DRAWINGS</b> NOT FOR CONSTRUCTION	38450 HICKMAN RD, OCEAN VIEW, DE 19970 302-222-2222 www.solutions.com	<b>solutions</b> COMMERCIAL DESIGN & CONSTRUCTION												
	11/15/2021 021005 1/4" = 1'-0" JMR JMR SMR	<b>EXISTING CONDITIONS &amp; DEMOLITION PLAN</b> for <b>INTERIOR RENOVATIONS FIT OUT</b> 38450 HICKMAN RD, OCEAN VIEW, DE 19970 Prepared For: HICKMAN ROAD NANOBREWERY	<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION								
NO.	DATE	DESCRIPTION												

**EMERGENCY LIGHTING & EGRESS LEGEND**

- EXIT DISCHARGE FLOOD
- EXIT SIGN
- ARROW INDICATES DIRECTION OF EGRESS
- EXIT SIGN W/ FLOODS - ARROW INDICATES DIRECTION OF EGRESS
- EMERGENCY FLOODS

NEW WORK FLOOR PLAN  
1/4" = 1'-0"



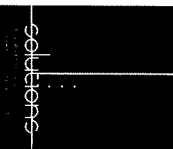
Date: 11/15/2021  
 Job Number: 021025  
 Scale: 1/4" = 1'-0"  
 Drawn By: JH  
 Designed By: JH  
 Approved By: SGR

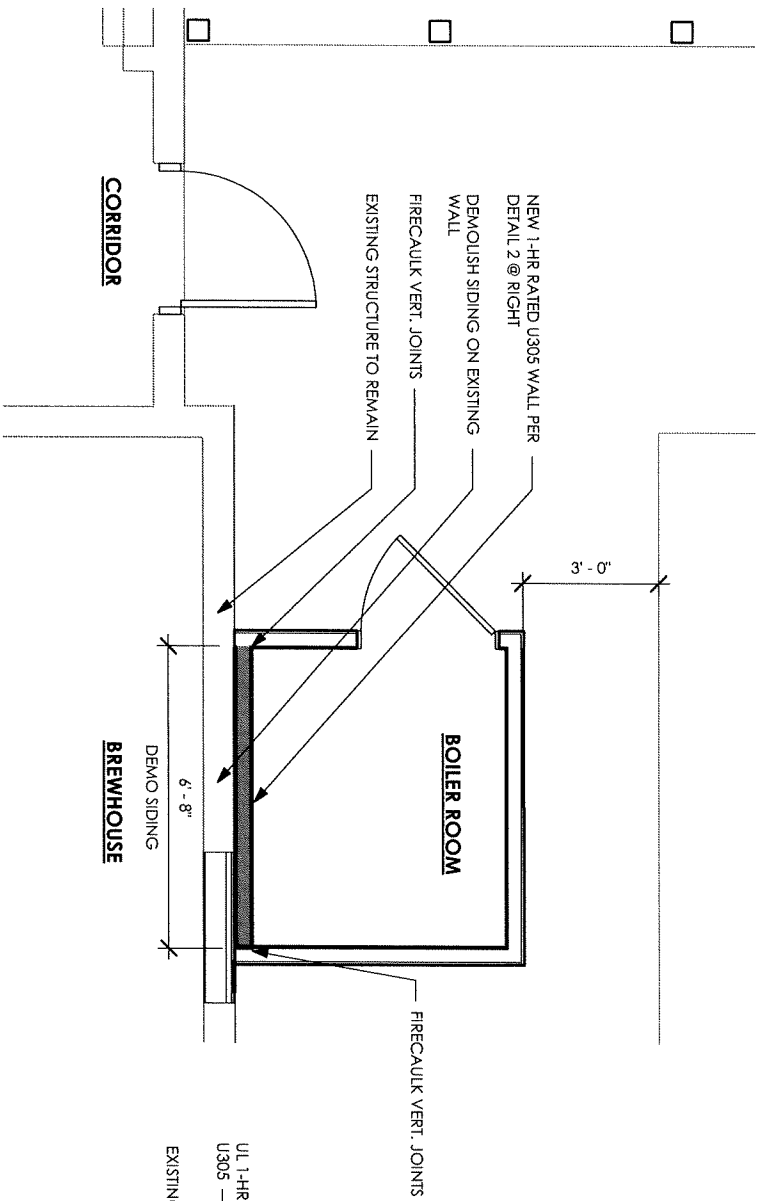
**NEW WORK PLAN**  
 for  
**INTERIOR RENOVATIONS FIT OUT**  
 38450 HICKMAN RD, OCEAN VIEW, DE 19770  
 Prepared For: HICKMAN ROAD NANOBREWERY

REVISIONS		
NO.	DATE	DESCRIPTION

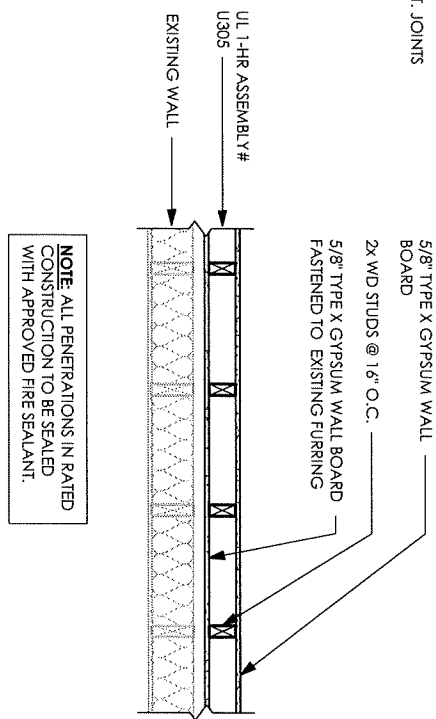
PERMIT DRAWINGS  
 NOT FOR CONSTRUCTION

11/15/2021 11:51 AM  
 38450 HICKMAN RD  
 OCEAN VIEW, DE 19770  
 302.433.7888  
 1000 N. GREENWOOD AVE  
 SUITE 200  
 WILMINGTON, DE 19806

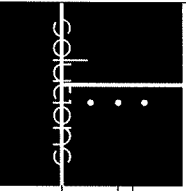




① ENLARGED PLAN AT BOILER ROOM  
3/8" = 1'-0"



③ PROPOSED NEW WALL PLAN SECTION - UL DESIGN # U305 - 1 HR FR WALL  
3/4" = 1'-0"

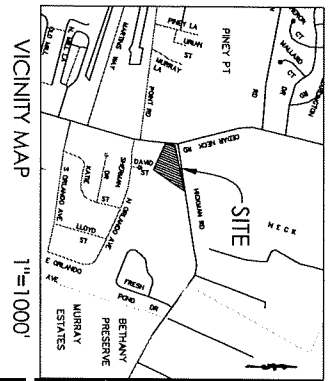
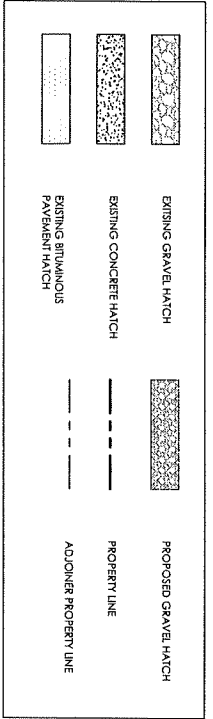
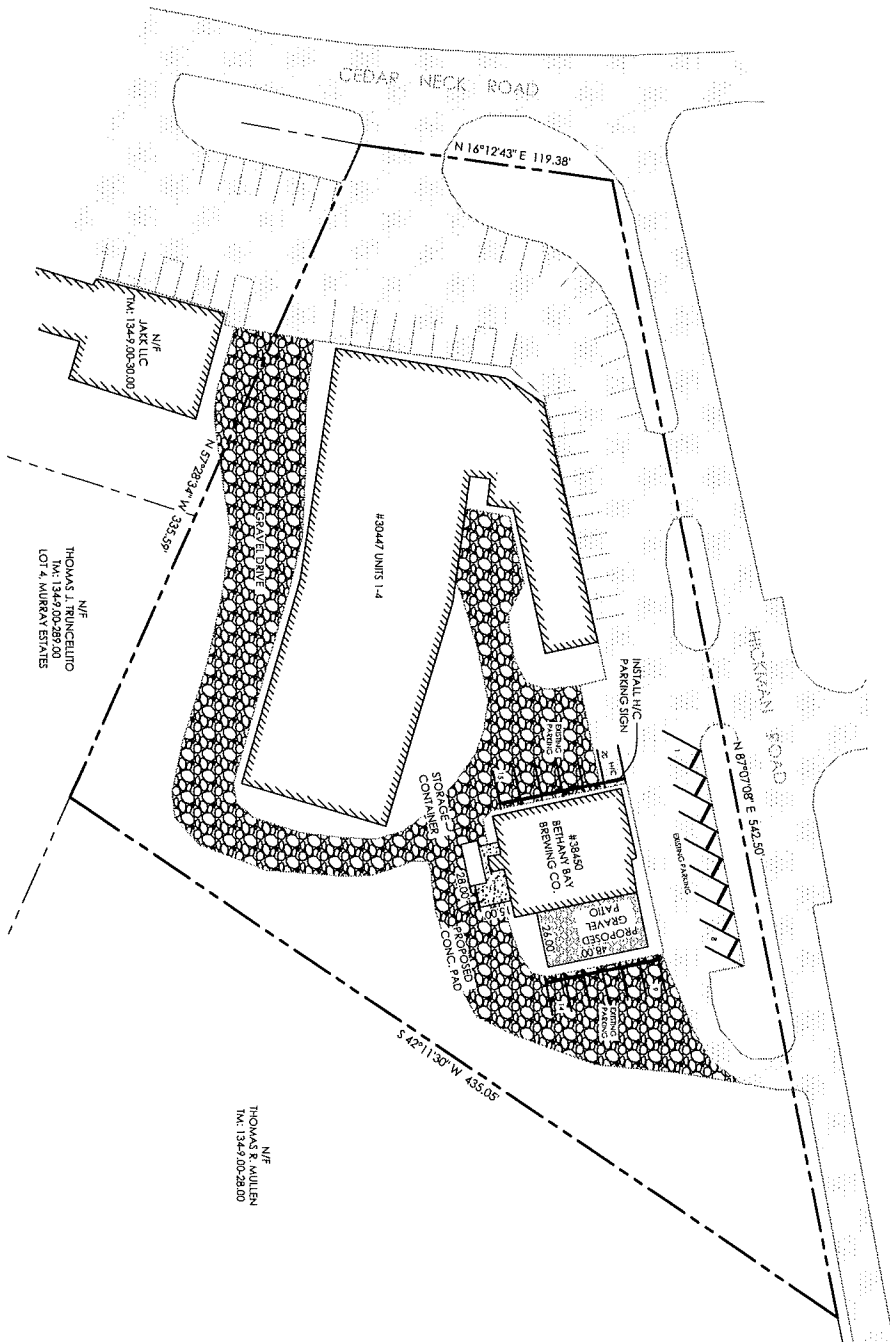


HICKMAN ROAD NANOBREWERY  
INTERIOR RENOVATIONS FIT OUT

SKA-01  
ENLARGED PLAN - BOILER ROOM

FOR FIRE MARSHAL REVIEW

Checked by	SGR
Drawn by	JJH
Date	11/16/2021
Project number	G21025
Scale	As indicated

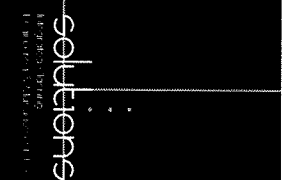


- ### GENERAL NOTES
- CURRENT OWNER: JACK LLC, 3844 CEDAR NECK ROAD, OCEAN VIEW, DELAWARE 19770
  - TAX REFERENCE: 1249.0027.00
  - DEED REFERENCE: 4688 / 173
  - LOT AREA: 2.35 ACRES +/-
  - PREMISE ADDRESS: 38459 HICKMAN ROAD, OCEAN VIEW, DE 19770
  - PERMITS: C-1 GENERAL COMMERCIAL
  - PROPOSED USE: CRAFT BREWERY, RESTAURANT
  - PROPOSED USE: CRAFT BREWERY, RESTAURANT
  - PROPERTY LINES SHOWN HEREON WERE PLOTTED FROM THE CURRENT DEED DESCRIPTION. A BOUNDARY SURVEY HAS NOT BEEN PROVIDED.
  - BUILDING AREA, EXISTING: 2773 SF
  - PROPOSED: 2773 SF
  - PARKING SPACES, EXISTING: 20
  - PROPOSED: 20

### REVISIONS

DATE	DESCRIPTION

**Feller-Hoff**  
 A VINNY COMPANY SUBSIDIARY  
 3 ASSOCIATES, INC.  
 300 N. Redford St.  
 Dover, DE 19901  
 3000 Market Mall Road  
 Salisbury, MD 21804  
 410.326.2822  
 www.fellerhoff.com Copyright © 2021



## SITE PLAN

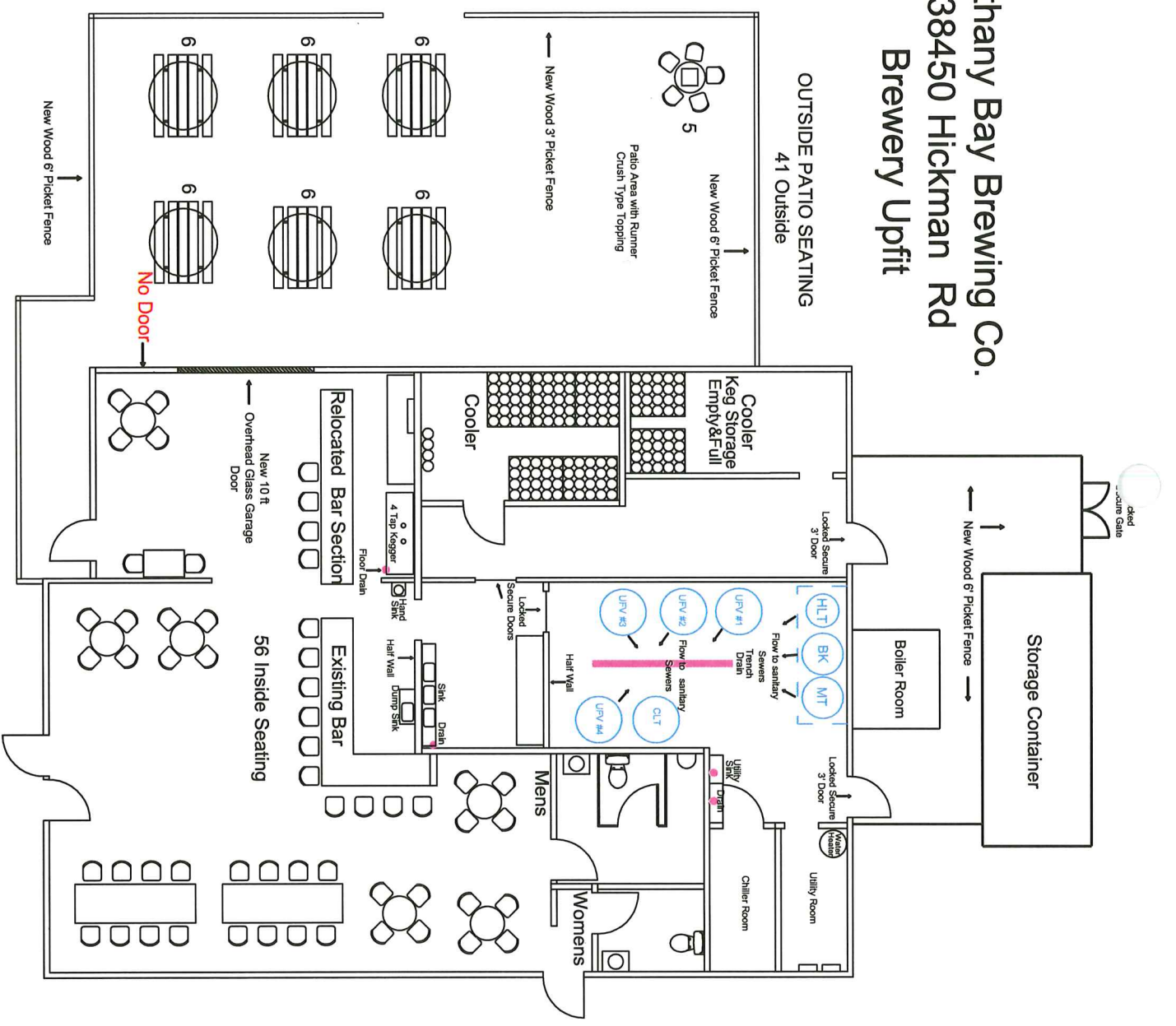
for  
**BETHANY BAY BREWING COMPANY**  
 38459 HICKMAN ROAD, BALTIMORE HUNDRED  
 OCEAN VIEW, SUSSEX COUNTY, DELAWARE

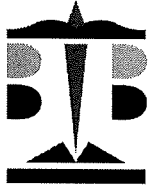
Date: 03-24-2021  
 Job Number: G21025  
 Scale: 1" = 40'  
 Drawn By: RAM  
 Designed By:  
 Approved By: SWF

File Name: C:\1025 Site Plan.dwg  
 Sheet No.: 1

# Bethany Bay Brewing Co.

38450 Hickman Rd  
Brewery Upfit





BAIRD  
MANDALAS  
BROCKSTEDT<sup>LLC</sup>

# EXHIBIT C

## Zoning Code

## Chapter 115. Zoning

### Article XI. C-1 General Commercial District

#### § 115-79. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Bus terminals

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Drive-in theaters

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums

Institutions, educational or philanthropic, including museums, art galleries and libraries

Outdoor amusement places and open-air drive-in theaters. Outdoor amusement places include, but are not limited to, batting cages, skating rinks, waterslides, miniature golf model racing tracks and similar recreational activities. Mobile or fixed-type cranes or lifting devices, not designed, not approved for, not manufactured for or not intended to carry, transport or in any fashion move individual(s) or person(s), shall be prohibited and shall not be used for amusement purposes.

[Added 8-11-1992 by Ord. No. 849; amended 3-30-1993 by Ord. No. 887; 8-22-2006 by Ord. No. 1870]

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines utilizing multilegged structures

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as

a permitted use under § 115-79 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Swimming or tennis clubs, private, nonprofit or commercially operated



## Chapter 115. Zoning

### Article XI. C-1 General Commercial District

#### § 115-82. Height, area and bulk requirements.

- A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100
Other	10,000	75	100

\*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

[Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

\*\*NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

[Added 7-15-1997 by Ord. No. 1157]

- B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

\*NOTE: See also the table of district regulations at the end of this chapter.

\*\*NOTE: See also § 115-194.1.

- C. Maximum height requirements. Maximum height requirements shall be as follows:  
 [Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

## Chapter 115. Zoning

### Article XXII. Off-Street Parking

#### § 115-162. Requirements.

- A. When any building or structure is hereafter erected or structurally altered or any building or structure is converted for any use listed below, accessory off-street parking spaces shall be provided as follows:

<b>Use</b>	<b>Parking Spaces Required</b>
Single-family dwellings, single-family manufactured homes and apartments [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 5-2-2000 by Ord. No. 1371; 10-12-2010 by Ord. No. 2152]	2 per family unit
Multifamily dwellings and townhouses [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 8-15-2006 by Ord. No. 1869]	See Subsection <b>B</b> .
Rooming, boarding- or tourist houses	1 per rental room, plus 2 for the resident owner or manager
Hotels, motels or lodging inns	1 1/2 per rental room or suite, plus 1 per 3 employees. If a restaurant open to the public is operated in connection with such use, additional off-street parking space meeting the minimum requirements for a restaurant must be provided
Eating places, taverns, bars and nightclubs	1 for each 50 square feet assigned for patron use, plus 1 per 2 employees on the largest shift
Indoor commercial recreation	1 per 150 square feet of floor area or 1 per 4 seats for patron use, whichever is applicable to the particular use
Offices, office buildings, banks or other financial offices	1 per 200 square feet of floor area, exclusive of basement, if not used for office or customer service purposes
Retail stores or supermarkets	1 per 200 square feet of floor area used for sales or display of merchandise purposes, plus 1 for each 2 employees on the largest shift
Beauty and barber shops or other personal services	1 per 200 square feet of floor area
Shopping centers	5 per 1,000 square feet of gross leasable area
Furniture and appliance stores	1 per 400 square feet of floor area devoted to sales and display purposes

**Use****Parking Spaces Required**

Funeral homes

1 per 20 square feet of floor area used for seating accommodations, plus 1 per employee

Commercial nurseries, sales of outdoor equipment or furniture or sales of new and used cars, trucks, boats, manufactured homes and campers

2 per salesman during peak period of employment

[Amended 10-12-2010 by Ord. No. 2152]

Car wash establishments

Coin-do-it yourself

2 at waiting area for each lane; 1 at exit area for each lane

Coin-operated automatic drive-through

4 at waiting area for each lane; 2 at exit area for each lane

Employee-operated

8 at waiting area for each lane; 2 at exit area for each lane

Gasoline filling stations

2 for employees, plus 1 for each service bay

Automobile service and repair garages

1 per 500 square feet of floor area, plus 1 per employee during peak period of employment

Wholesaling or manufacturing

1 for every 2 employees on the major shift establishments

Day nurseries, day-care centers or private preschools or kindergartens

1 per 1,000 square feet of floor area, plus 1 per employee

Elementary and junior high or middle schools

3 per room used for administrative purposes, plus 1 per classroom, plus 1 for each 5 seats in the auditorium or gymnasium or other facility open to the public

Senior high, trade and vocational schools, colleges and universities

3 per room used for administrative offices, plus 1 for every 10 pupils enrolled, plus 1 for each 5 seats in the auditorium, gymnasium or other facility open to the public

Stadiums, assembly halls, theaters and community centers

1 per 4 fixed seats in the assembly area or for each 50 square feet of floor area for rooms having movable seats

Public libraries

1 per 400 square feet of floor area for public use, plus 1 per 2 employees

Nursing homes, convalescent homes and homes for the aged

1 for each 4 patient beds, plus 1 per 2 employees on the largest shift

Hospitals

1 for each 3 patient beds, except bassinets, plus 1 per medical staff member, plus 1 per 2 employees on the largest shift

Medical and dental clinics and offices

1 for each 2 employees, plus 4 per doctor or dentist

Churches or other places of worship

1 for each 4 seats

B. Multifamily dwellings and townhouses. The number of off-street parking spaces per dwelling unit shall be as indicated below:

[Amended 8-15-2006 by Ord. No. 1869]

- (1) Two spaces per dwelling unit plus 0.5 space for each bedroom over three bedrooms with a maximum of three spaces per dwelling unit. For one-bedroom and efficiency units, the required number of parking spaces will be 1.5 spaces per unit.

- (2) For each development in excess of 50 units, the required number of parking spaces shall be reduced by 15% from the required number of spaces set forth in Subsection **B(1)** above after those spaces required for the first 50 units have been provided; and for each development in excess of 200 units, the required number of parking spaces shall be reduced by 20% from the required number of spaces set forth in Subsection **B(1)** above after those spaces required for the first 200 units have been provided. In calculating the required parking, the number of one-bedroom and efficiency units shall be proportionally distributed if the development exceeds 50 units. When the total number of parking spaces required for a project has been reduced according to this section, the land area saved shall be used only for open space, landscaping or pedestrian walkways.
- (3) A minimum of one space per dwelling unit must be outside of a private enclosed garage and accessible to guests.
- (4) For the purposes of this section, an "efficiency unit" shall mean a one-story room, the size of which may not exceed 500 square feet, that is not susceptible to permanent division and that contains a kitchen or kitchenette and not more than one bathroom. An efficiency or room that is larger than 500 square feet is considered to be a "one-bedroom unit" for the purposes of this Code. An accessory room shall mean any room in a dwelling unit other than a bedroom, bathroom, kitchen or one living room, one dining room or living-dining room combination, including, but not necessarily limited to, a den, library, family room, game room, patio room, Florida room, bar, nursery, etc. Any room as defined as being an "accessory room" is to be treated in the same manner as a bedroom, and required parking shall be computed accordingly. This shall apply to all residential buildings except detached single-family dwellings.

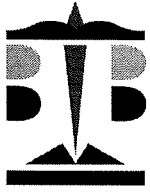
## § 115-165. Joint use and off-site facilities.

- A. All parking spaces required herein shall be located on the same lot with the building or use served.
- B. Shared parking. The Planning and Zoning Commission may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another with a maximum distance from the farthest parking space (or in the case of a parking garage, the pedestrian entrance to the garage) of 600 feet to the public entrances or a lighted, semi-weather-proofed covered walkway leading to the public entrances for commercial uses and with a maximum distance of 600 feet (or in the case of a parking garage, the pedestrian entrance to the garage) to the residential entrances that are being considered in the shared uses and, which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

[Amended 2-14-2006 by Ord. No. 1826<sup>[1]</sup>]

- (1) Location. All uses that participate in a single shared parking plan shall be located on the same lot or on lots that share a common boundary. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.
- (2) Shared parking study. A shared parking study signed and sealed by a Delaware licensed professional engineer in a form acceptable to the Planning Director shall be submitted which clearly establishes those uses that will utilize the shared spaces at different times of the day, week, month and year, including seasonal or mode adjustment factors. The study shall:
  - (a) Be based on the most current Urban Land Institute's shared parking study methodology or other generally accepted methodology;
  - (b) Address the size and type of activities, the composition of occupants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;
  - (c) Provide for a reduction by not more than 50% of the combined parking required for each use;

- (d) Provide for no reduction in the number of spaces reserved for persons with disabilities;
  - (e) Provide a plan to convert the reserved area to parking area if it is ever required; and
  - (f) Be reviewed and approved by the Planning Director and the Planning and Zoning Commission.
- (3) Agreement for shared parking plan. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Planning Director who shall forward a copy to the County Attorney for review and approval. Proof of recordation of the agreement shall be presented to the Planning Director prior to issuance of a certificate of occupancy. The agreement shall:
- (a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
  - (b) Provide a legal description of the land;
  - (c) Include a site plan showing the area of the parking parcel and the open space reserved area which would provide for future parking and any required stormwater management facilities;
  - (d) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
  - (e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
  - (f) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
  - (g) Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
  - (h) Incorporate the shared parking study by reference; and
  - (i) Describe the method by which the covenant shall, if necessary, be revised.
- (4) Change in use. Should any of the shared parking uses be changed, or should the Planning Director find that any of the conditions described in the approved shared parking study or agreement no longer exist or if the Planning Director and Planning and Zoning Commission determine that insufficient parking is an issue, the owner shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection or of providing the number of spaces required for each use as if computed separately. If the Planning Director determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces are provided.
- (5) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this Code and shall specifically be cause for revocation of a certificate of occupancy.
- [1] *Editor's Note: This ordinance also repealed former Subsection C, which immediately followed and provided for the establishment of shared parking spaces by covenant or agreement.*



BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT D

## Service Level Evaluation Request



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

NICOLE MAJESKI  
SECRETARY

April 12, 2021

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 **Lawrence Davies** proposed land use application, which we received on April 6, 2021. This application is for an approximately 2.75- acre parcel (Tax Parcels: 134-9.00-27.00). The subject land is located on the southeast corner of Hickman Road (Sussex Road 359) and Cedar Neck Road (Sussex Road 357). The subject land is currently zoned C-1 (General Commercial) and the applicant seeks a conditional use approval for a Microbrewery.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hickman Road, is 370 vehicles per day. The annual average daily traffic volume along Cedar Neck Road from Hickman Road to Fred Hudson Road (Sussex Road 360), is 7,468 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.

DelDOT's description of this application as diminutive in the context of our agreement with the County regarding land development coordination assumes that the use of the site will be limited to the manufacture of beer and similar products. To the extent that ancillary bar or



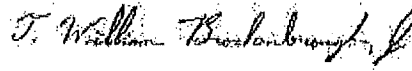
Mr. Jamie Whitehouse  
Page 2 of 2  
April 12, 2021

restaurant uses are also permitted, the subject development may generate more traffic. Even then, however, DelDOT does not anticipate this use generating enough trips to meet the minimum TIS warrants.

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.

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



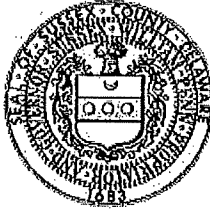
T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff  
Enclosure

cc: Lawrence Davies, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, 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  
Annamaria Furmato, Project Engineer, Development Coordination



**PLANNING & ZONING**  
Jamie Whitehouse, AICP, MRTPI  
Director  
(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 4/5/21

### Site Information:

Site Address/Location: 38450 Hickman Road, Ocean View, DE 19970

Tax Parcel Number: 134-9.00-27.00

Current Zoning: C-1

Proposed Zoning: C-1

Land Use Classification: \_\_\_\_\_

Proposed Use(s): Microbrewery

Square footage of any proposed buildings or number of units: No new building; using existing building

### Applicant Information:

Applicant's Name: Lawrence Davies

Applicant's Address: 58 Windjammer Drive

City: Ocean Pines State: MD Zip Code: 21811

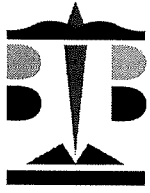
Applicant's Phone Number: (410) 430-6929

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



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

Last updated 3-12-20



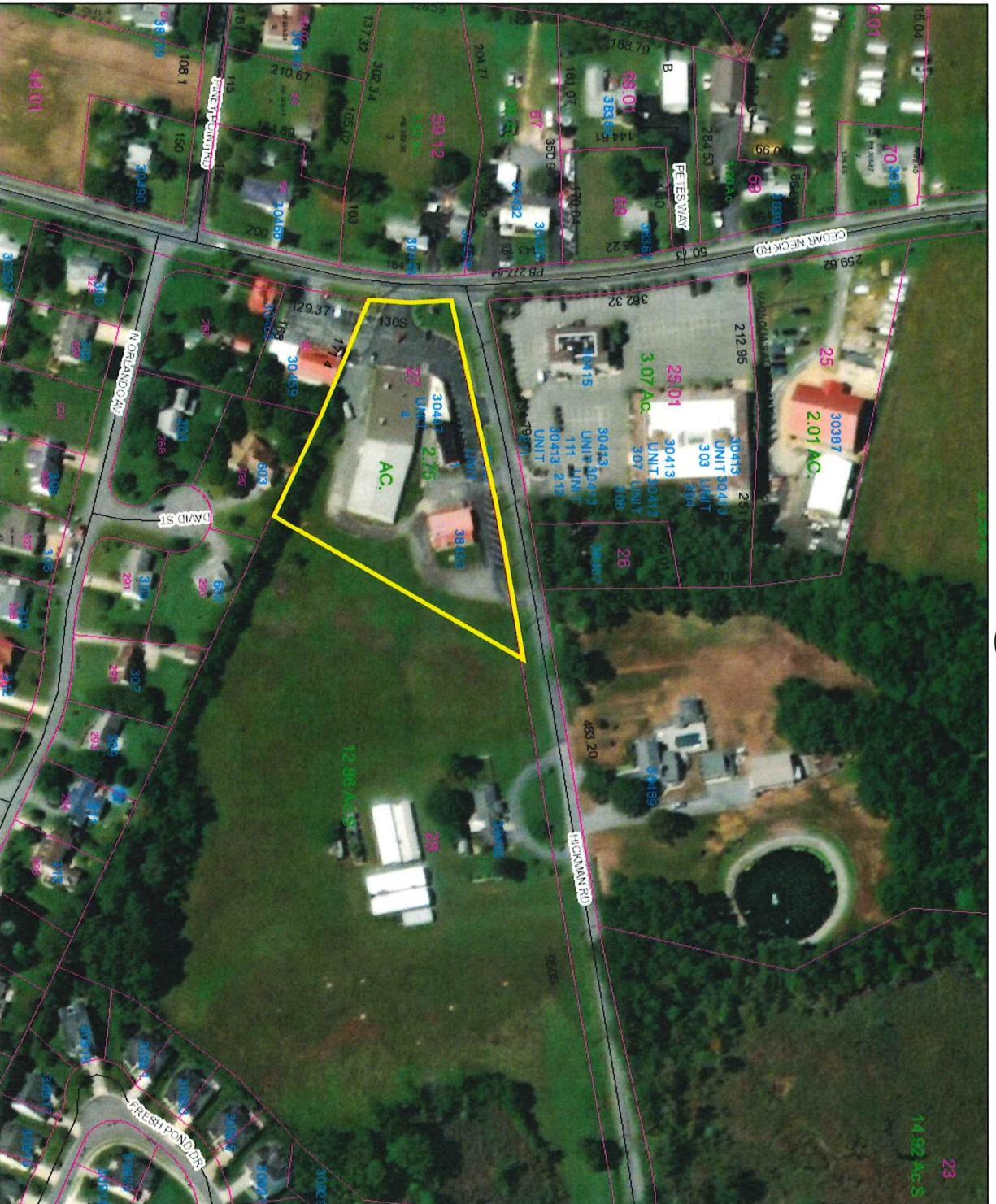
BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT E

## Aerial Images

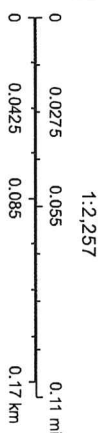


# Sussex County



<b>PN:</b>	134-9-00-27.00
<b>Owner Name</b>	JAKK LLC
<b>Book</b>	4686
<b>Mailing Address</b>	30447 CEDAR NECK RD
<b>City</b>	OCEAN VIEW
<b>State</b>	DE
<b>Description</b>	RD OCEAN VIEW TO COTTON PATCH HILLS
<b>Description 2</b>	COTTON PATCH HILLS
<b>Description 3</b>	N/A
<b>Land Code</b>	






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



# 1992 Aerial Map



## Legend

-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1

Google Earth Pro

Image U.S. Geological Survey

900 ft



# Aerial View



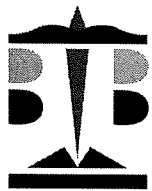
Google Earth

**Legend**

- 30447 Cedar Neck Rd
- Bethany Bay Brewing Company
- Big Fish Grill Ocean View
- CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
- Ellen Rice Fine Art Studio and?
- Feature 1

500 ft





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MANDALAS  
BROCKSTEDT LLC

# EXHIBIT F






## Street Front Images

# Street View Image

Intersection of Hickman Road and Cedar Neck Road



## Legend

-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1

Google Earth

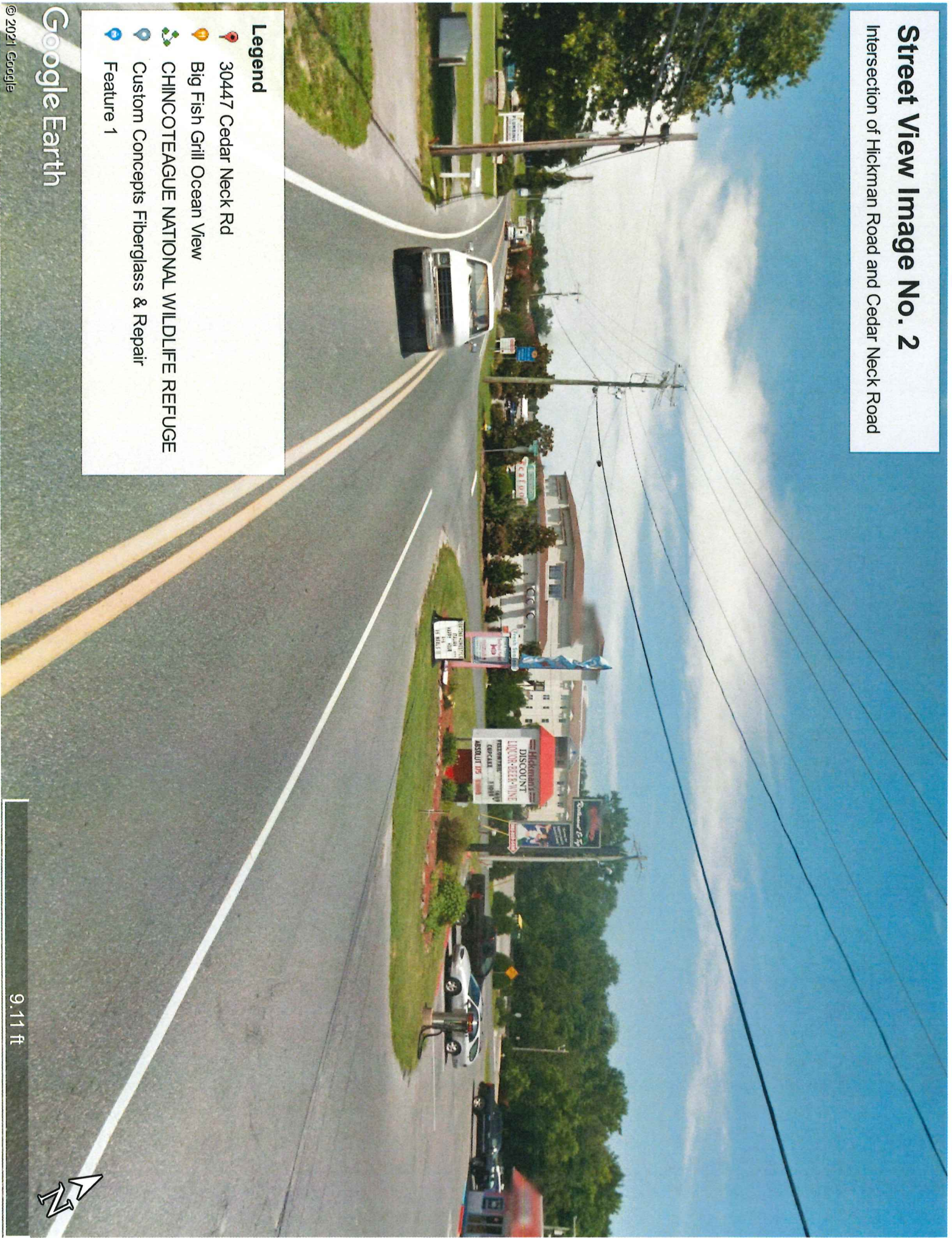
© 2021 Google

6.88 ft








# Street View Image No. 2

Intersection of Hickman Road and Cedar Neck Road



**Legend**

-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1

Google Earth

© 2021 Google

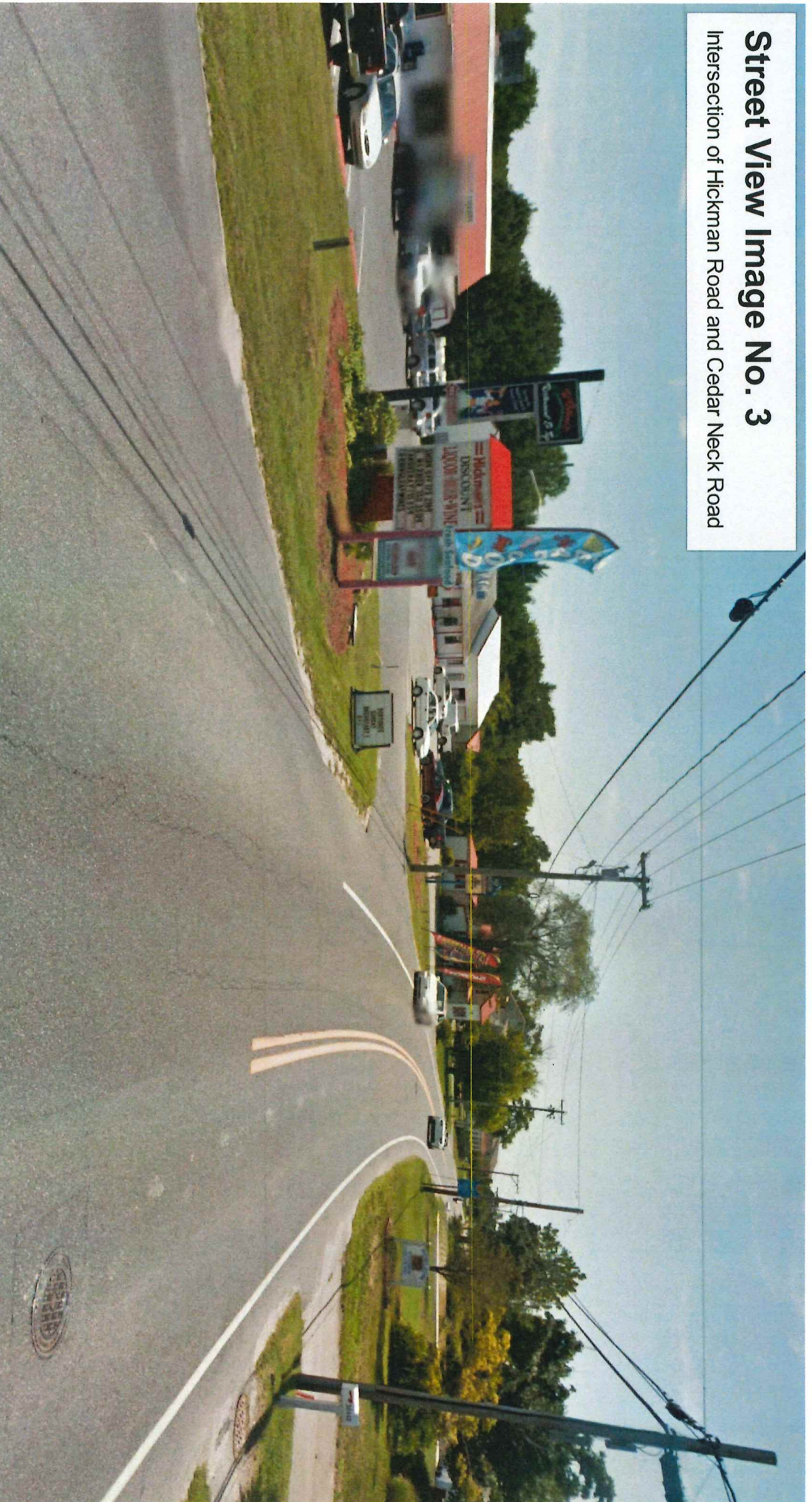
9.11 ft










# Street View Image No. 3

Intersection of Hickman Road and Cedar Neck Road



## Legend

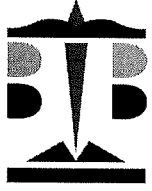
-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1

Google Earth

© 2021 Google

5.58 ft





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BROCKSTEDT LLC

# EXHIBIT G

## Zoning District Map



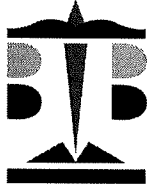
# Sussex County



<b>PIN:</b>	134-9,00-27,00
<b>Owner Name</b>	JAKK LLC
<b>Book</b>	4686
<b>Mailing Address</b>	30447 CEDAR NECK RD
<b>City</b>	OCEAN VIEW
<b>State</b>	DE
<b>Description</b>	RD OCEAN VIEW TO
<b>Description 2</b>	COTTON PATCH HILLS
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygon:layer**  
Override 1
- polygon:layer**  
Override 1
- Tax Parcels
- 911 Address
- Streets



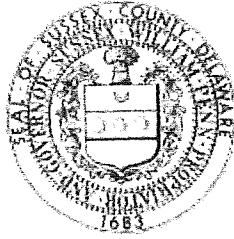


BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT H

## Land Use and Permitting History

CONSTABLE  
LESTER R. SHAFFER  
CHIEF COUNTY CONSTABLE  
(302) 855-7813 F  
(302) 855-7798 F



**Sussex County**  
DELAWARE  
sussexcountycde.gov

## NOTICE OF VIOLATION

August 24, 2021

JAKK LLC  
30447 CEDAR NECK RD  
OCEAN VIEW, DE 19970

REFERENCE NUMBER: 5247  
PARCEL: 134-9.00-27.00  
PARCEL DESCRIPTION: RD OCEAN VIEW TO COTTON PATCH HILLS  
LOCATION: 30447 CEDAR NECK ROAD UNIT 1 OCEAN VIEW

### **Violation: §115-79 FAILURE TO OBTAIN CONDITIONAL USE.**

On 08-24-21 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 above parcel and is described as:

Failure to obtain a conditional use for Micro Brewery on the property.

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Within fifteen (15) calendar days, the owner or occupant is required to comply with the County Code. 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.

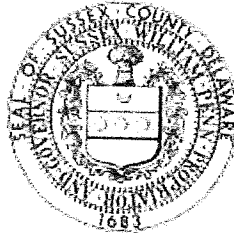
If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

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.

ALAN SHIELDS  
Sussex County Constable

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## NOTICE OF VIOLATION

August 24, 2021

JAKK LLC  
30447 CEDAR NECK RD  
OCEAN VIEW, DE 19970

REFERENCE NUMBER: 5247  
PARCEL: 134-9.00-27.00  
PARCEL DESCRIPTION: RD OCEAN VIEW TO COTTON PATCH HILLS  
LOCATION: 30447 CEDAR NECK ROAD UNIT 1 OCEAN VIEW

**Violation: §115-224. Building without a permit.**

The County Code requires a permit to be obtained for the placement or improvement of any structure. The permit will indicate the required setbacks for the structure or improvement.

On 08-24-21 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 above parcel and is described as:

Building without a permit for the interior remodel.

---

---

---

Within five (5) business days, the owner or occupant is required to obtain a permit for the above described structure and shall discontinue all construction activity until a valid building permit has been issued. 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 Finance Director and Sussex County Planning and Zoning Director.

ALAN SHIELDS  
Sussex County Constable





Larry Davies &lt;brewinop@gmail.com&gt;

**RE: 134-9.00-27.00 Microbrewery**

6 messages

**Jennifer Norwood** <jnorwood@sussexcountyde.gov>

Wed, Aug 25, 2021 at 1:26 PM

To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>  
Cc: "brewinop@gmail.com" <brewinop@gmail.com>

Alan,

I am reaching out to let you know that Mr. Davies has been in contact with our Department regarding his Conditional Use and building permit. I told Mr. Davies I would email an update for your records regarding the violation notice. Since he has contacted Building Code and Planning and Zoning regarding his building permit within the 5-days and cannot obtain a building permit until the Conditional Use process is completed, will he be subject to violation fees.

Thanks,

Jenny

*Jennifer Norwood*

Jennifer Norwood

Planning Manager

Planning and Zoning Department

[2 The Circle](#)

PO Box 417

Georgetown, DE 19947

Office Phone (302)855-7878

Direct Line (302)858-5501

[Jnorwood@sussexcountyde.gov](mailto:jnorwood@sussexcountyde.gov)**Alan Shields** <alan.shields@sussexcountyde.gov>

Wed, Aug 25, 2021 at 1:50 PM

To: Jennifer Norwood <jnorwood@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>, Lester Shaffer <lester.shaffer@sussexcountyde.gov>  
Cc: "brewinop@gmail.com" <brewinop@gmail.com>

Case 5247 Jakk LLC

Thank you Jennifer for the update. I did explain to Mr. Davies that as long he was actively pursuing compliance with the County that we would not issue fines. However I added the Chief Constable in this thread as he would be the deciding factor.

I will continue to monitor this process until a decision has been made per the hearing which has been set for in December.

Thanks again.

Alan W. Shields

Code Enforcement Officer II

County Constable's Office

Georgetown, De. 302-855-7819 Ext. 1711

9/13/21, 11:28 AM

Gmail - RE: 134-9.00-27.00 Microbrewery

Sussex County Government

[Quoted text hidden]

**Larry Davies** <brewinop@gmail.com>  
To: Pete Backus <epbackus@gmail.com>

Wed, Aug 25, 2021 at 1:51 PM

FYI

[Quoted text hidden]

**Larry Davies** <brewinop@gmail.com>  
To: "ayan484@yahoo.com" <ayan484@yahoo.com>

Thu, Aug 26, 2021 at 9:34 AM

----- Forwarded message -----

From: **Jennifer Norwood** <jnorwood@sussexcountyde.gov>  
Date: Wed, Aug 25, 2021 at 1:26 PM  
Subject: RE: 134-9.00-27.00 Microbrewery  
To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>  
CC: brewinop@gmail.com <brewinop@gmail.com>

[Quoted text hidden]

**Larry Davies** <brewinop@gmail.com>  
To: Pete Backus <epbackus@gmail.com>

Sun, Aug 29, 2021 at 8:09 AM

----- Forwarded message -----

From: **Jennifer Norwood** <jnorwood@sussexcountyde.gov>  
Date: Wed, Aug 25, 2021 at 1:26 PM  
Subject: RE: 134-9.00-27.00 Microbrewery  
To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>  
CC: brewinop@gmail.com <brewinop@gmail.com>

[Quoted text hidden]

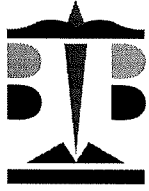
**Larry Davies** <brewinop@gmail.com>  
To: Larry Davies <brewinop@gmail.com>

Mon, Aug 30, 2021 at 7:03 PM

----- Forwarded message -----

From: **Jennifer Norwood** <jnorwood@sussexcountyde.gov>  
Date: Wed, Aug 25, 2021 at 1:26 PM  
Subject: RE: 134-9.00-27.00 Microbrewery  
To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>  
CC: brewinop@gmail.com <brewinop@gmail.com>

[Quoted text hidden]



BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT I

## Letters of Support

**Christin Scott**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 21, 2021 7:52 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 21, 2021 - 7:51pm

Name: David Riseberg

Email address: drise64@gmail.com

Phone number: 410-300-8704

Subject: Bethany Bay Brewing Company

Message: Hello I am writing in support of the zoning application for Bethany Bay Brewing Company. Breweries have become an integral part of many communities in the past few years. They offer a pleasant family friendly gathering place not only for the appreciation of beer but also for people to congregate and enjoy each other's company and to make new friends. They offer a very different environment than bars. Ocean View and the nearby area has no breweries and while I look forward to the new SoDel brewery I believe that will be more of a restaurant feel. I support all efforts to allow the opening of Bethany Bay Brewing Company as soon as is feasible. Thank you

**Christin Scott**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 21, 2021 8:16 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 21, 2021 - 8:16pm

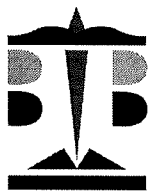
Name: Sharon Alm

Email address: sharonbalm@hotmail.com

Phone number: 2405067513

Subject: Permit for Bethany Bay Brewing Company

Message: I am writing in support of the permit request submitted by the subject business. I live nearby and I support this request and believe this restaurant and brewery will be a great asset to the community. Thank you, Sharon Alm



BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT J

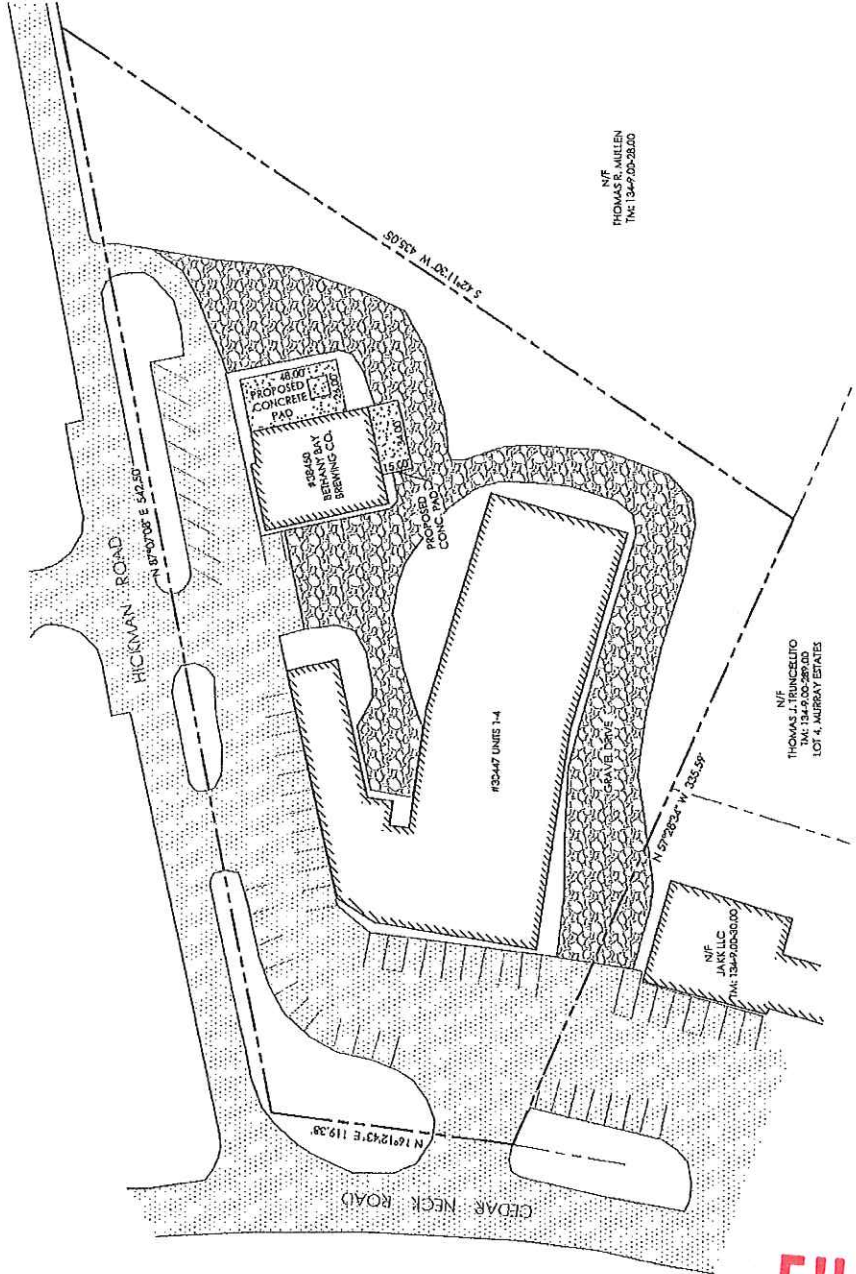
## Proposed Conditions of Approval

**Proposed Conditions of Approval**  
**Bethany Bay Brewing Company C/U 2282**

- A. The Applicant must comply with all State and Federal requirements for the brewery and tasting room operations.
- B. The hours of operation for public access to the microbrewery shall be between 11:00 a.m. and 10:00 p.m., Monday through Sunday.
- C. There shall be no outdoor music on the patio.
- D. Signage shall comply with the sign requirements of the underlying C-1 General Commercial District.
- E. The use shall comply with all parking requirements contained in the Sussex County Code.
- F. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**LEGEND**

	GRAVEL HATCH
	CONCRETE HATCH
	PAVEMENT HATCH
	PROPERTY LINE
	ADJACENT PROPERTY LINE



**FILE COPY**



VICINITY MAP 1"=1000'



Jasper Hill

1501 L. Cottel Street  
 Suite 200  
 2002 Murray Avenue  
 Salisbury, MD 21077  
 Phone: 410.551.1000  
 Fax: 410.551.1001  
 www.jasperhill.com Copyright © 2021

DATE	DESCRIPTION

**SITE PLAN**  
 for  
**38450 HICKMAN ROAD**  
 BALTIMORE HUNDRED  
 OCEAN VIEW, SUSSEX COUNTY, DELAWARE

Date:	03-24-2021
Job Number:	G21025
Sheet No.:	1
Design By:	SWF
Drawing By:	RAM
Scale:	1" = 40'

- GENERAL NOTES**
- CURRENT OWNER: JAXC LLC  
3047 CEDAR NECK ROAD  
OCEAN VIEW, DELAWARE 19750
  - DEVELOPER: BETHANY BAY BREWING CO.
  - TAX REFERENCE: 1349-00-27-00
  - DEED REFERENCE: 489 / 175
  - LOT AREA: 2.25 ACRES +/-
  - PROPOSED ADDRESS: 38450 HICKMAN ROAD  
OCEAN VIEW, DE 19750
  - ZONE: C-1 GENERAL COMMERCIAL
- PROPERTY LINES SHOWN HEREON WERE OBTAINED FROM THE DEPARTMENT OF CONSERVATION AND LAND USE. A FOUNDATION SURVEY HAS NOT BEEN PERFORMED.

N/E  
 THOMAS R. MILLEN  
 TM: 13447-00-28-00

N/E  
 THOMAS J. TRUNCCELLO  
 TM: 13447-00-28-00  
 LOT 4, MURRAY ESTATES



Sussex County Planning and Zoning Commission  
2 The Circle, PO Box 417  
Georgetown, DE 19947

Re: CU 2282  
Lawrence Davies/Bethany Bay Brewing Company

To Whom it May Concern,

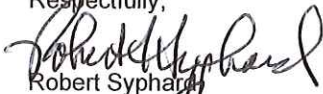
I'm retired and a full time resident of Ocean View. I'm writing this letter in support of the proposed Bethany Bay Brewing Company.

As a former city planner I handled a request to establish a microbrewery in the Town of Bel Air, Harford County, Maryland. The location the brewer chose was very similar to that of the Bethany Bay Brewing Company request: a mixed-use area in close proximity to an existing hiker-biker trail. My office worked closely with the business owner, guiding him through the required Special Exception process while addressing various concerns expressed by area residents (noise, hours of operation, parking, etc.). The microbrewery was approved, opened, and has since flourished. The brewery has become a trail-users gathering space, is supported by area residents and businesses, and has become an economic asset for the community. The use has helped spur additional interest in improving and expanding the hiker-biker opportunities in the area.

I've had the opportunity to speak with Mr. Davies on several occasions regarding the proposed brewery. On a daily basis I watch people access Fresh Pond Park for hiking, biking, hunting and fishing. I firmly believe Bethany Bay Brewing Company will be a great addition to the community, and its location will draw attention to further efforts to improve existing recreational activities provided at Fresh Pond Park. I fully support Mr. Davies' vision and trust the County will determine the use meets all requisite zoning requirements.

I appreciate the opportunity to comment on this proposed use.

Respectfully,

  
Robert Syphard  
30740 Panyard Aly  
Ocean View, DE 19970

RECEIVED

NOV 24 2021

SUSSEX COUNTY  
PLANNING & ZONING

## Christin Scott

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 21, 2021 7:52 PM  
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Phone number: 410-300-8704

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RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 21, 2021 - 8:16pm

Name: Sharon Alm

Email address: sharonbalm@hotmail.com

Phone number: 2405067513

Subject: Permit for Bethany Bay Brewing Company

Message: I am writing in support of the permit request submitted by the subject business. I live nearby and I support this request and believe this restaurant and brewery will be a great asset to the community. Thank you, Sharon Alm

## Jennifer Norwood

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, January 11, 2022 12:13 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Jenny

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, January 11, 2022 - 12:12pm

Name: Brian J Milmoe  
Email address: brianmilmoe@yahoo.com  
Phone number: 5712164342  
Subject: C/U 2282 Lawrence Davies BM, for decision 1/13/22

Message:

C/U 2282 Lawrence Davies BM. The proposed C/U condition as agreed to by the applicant was that there would not be any outside music, without qualification. Note that there are functioning outside speakers currently on the property that have the capability of playing radio, recorded, and/or streamed audio.

At the public hearing, counsel for the applicant stated twice in response to questions posed to her that no live music would be played outside. Clarification is needed, and if the applicant is proposing to play music of any kind outside of the microbrewery, I and many of my neighbors in the Bethany Preserve community (located just south of the property in question off Hickman Road) strongly oppose C/U 2282 on that basis.

Thank you for your consideration.

## Chase Phillips

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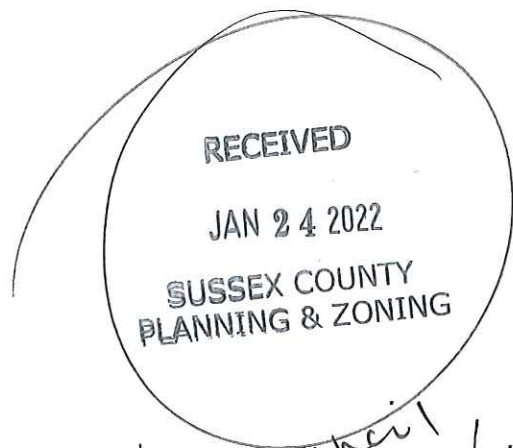
**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Sunday, January 23, 2022 9:39 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

---

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, January 23, 2022 - 9:38am

Name: Bryan Clifford  
Email address: bfcmail1@gmail.com  
Phone number: (609) 203-3154  
Subject: Approval of Bethany Bay Brewery  
Message: Please approve!



*to council  
for 02/01/2022*

**SUPPORT EXHIBIT**

## Jesse Lindenberg

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, January 6, 2022 5:31 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, January 6, 2022 - 5:30pm

Name: Greg Olsen  
Email address: grolsen@gmail.com  
Phone number: 4107077089  
Subject: Bethany Brewing Company

**Message:**

My wife and I own a house in Bethany Beach. We are strongly in favor of review and approval of the alcohol permit for Bethany Brewing Company on Cedar Neck Rd. This sounds like a great business for the area and the permitting process should not be so delayed/arduous as to be a significant business risk for new and up and coming businesses in the area. Please review/approve the permits. Thank you!!

**Jesse Lindenberg**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, January 6, 2022 4:45 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, January 6, 2022 - 4:44pm

Name: Thomas McElroy  
Email address: tmcElroy702@gmail.com  
Phone number: 302-537-1614  
Subject: Zoning Application for Bethany Brewing Company in Ocean View

Message:

To the members of the Sussex County Planning and Zoning Commission - I am a year round resident of the Salt Pond just off of Cedar Neck Rd in Ocean View and am I requesting your expedited decision to review and approve the Application of the Bethany Brewing Company for its planned operations on Hickman Rd in Ocean View, DE. I am not familiar with the details of the application other than it needs the approval fo the Commission. I and other members of my family believe that the proposed location is ideal for a brewery and would be a nice addition to the Ocean View Community along Cedar Neck Rd

My contact information was provided with this notice. Please call me if you need of additonal input Tom McElroy