

JAMIE WHITEHOUSE, AICP
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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302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: December 9th, 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.

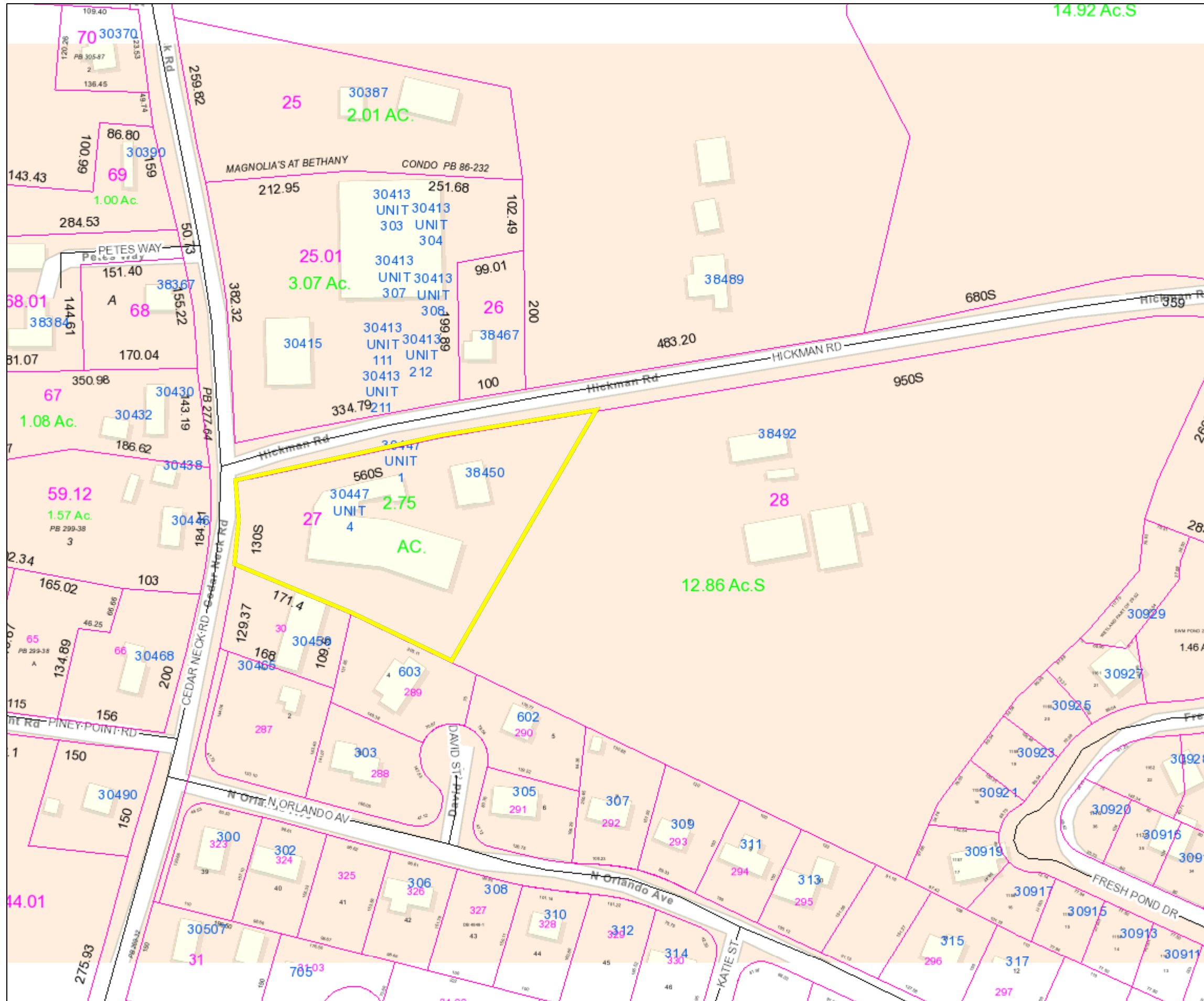
Site Area: 2.35 acres +/-

Tax Map ID.: 134-9.00-27.00





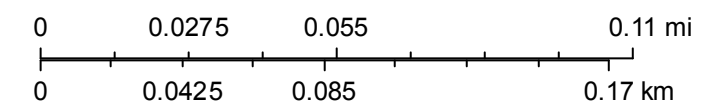
Sussex County

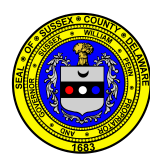


| | |
|------------------------|---------------------|
| PIN: | 134-9.00-27.00 |
| Owner Name | JAKK LLC |
| Book | 4686 |
| Mailing Address | 30447 CEDAR NECK RD |
| City | OCEAN VIEW |
| State | DE |
| Description | RD OCEAN VIEW TO |
| Description 2 | COTTON PATCH HILLS |
| Description 3 | N/A |
|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

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

1:2,257





Sussex County



| | |
|------------------------|---------------------|
| PIN: | 134-9.00-27.00 |
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polygonLayer

Override 1

polygonLayer

Override 1

--- Tax Parcels

--- 911 Address

--- Streets

--- County Boundaries

Tax Ditch Segments

--- Tax Ditch Channel

--- Pond Feature

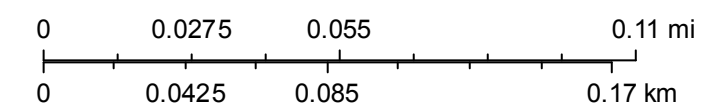
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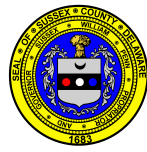
--- Extent of Right-of-Way

--- Municipal Boundaries

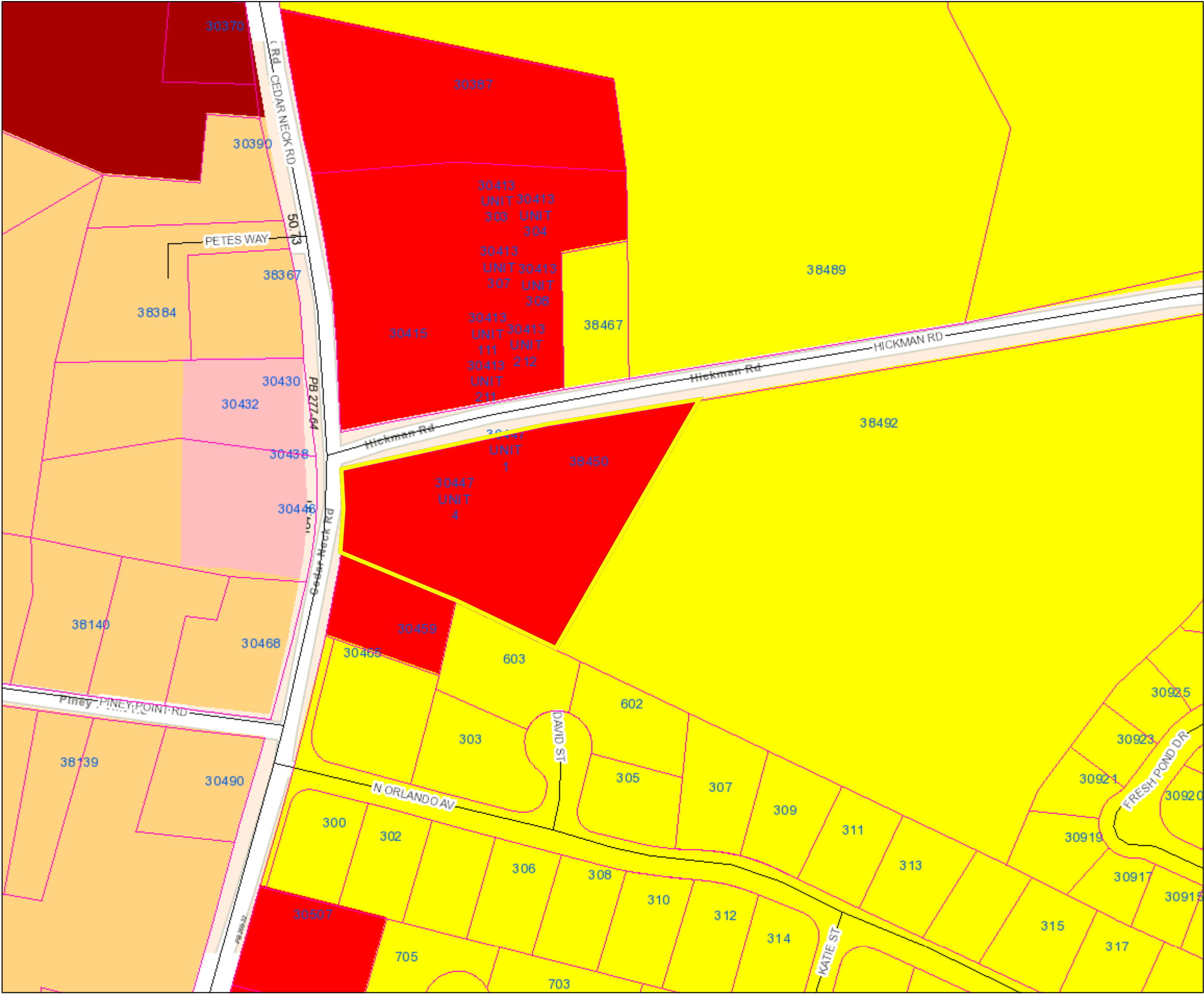
--- TID

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Sussex County

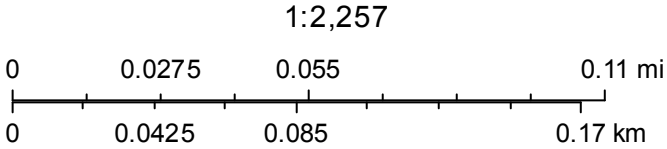


| | |
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| Description 3 | N/A |
| Land Code | |

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets



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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

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: Leves

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: 9/29/2021

Staff accepting application: ces

Location of property: _____

Fee: \$500.00 Check #: 1012

Application & Case #: 202106640

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

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



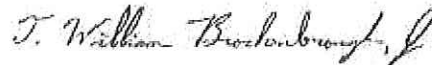
Mr. Jamie Whitehouse
Page 2 of 2
April 12, 2021

restaurant uses are also permitted, the subject development may generate more traffic. Even then, however, 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 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 Andreascavage, 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**

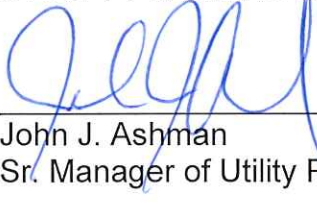
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

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.

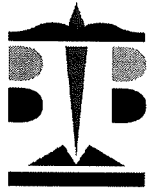
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). 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 OF

Mackenzie M. Peet
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

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 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



EXHIBIT A

Property and Deed Information

PARID: 134-9.00-27.00
JAKK LLC

ROLL: RP
30447 CEDAR NECK RD

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 | 2732/75 |
| 2009 | HICKMAN LLOYD H TRUSTEE | | PO BOX 186 | OCEAN VIEW | DE | 19970 | 2732/75 |
| 2005 | HICKMAN LLOYD H TRUSTEE | | PO BOX 186 | OCEAN VIEW | DE | 19970 | 2732/75 |
| 2003 | HICKMAN LLOYD H TRUSTEE | | PO BOX 186 | OCEAN VIEW | DE | 19970 | 2732/75 |
| 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

| | |
|-----------------|--------|
| Line | 1 |
| 100% Land Value | 27,500 |

100% Values

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

50% Values

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

Permit Details

| 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.

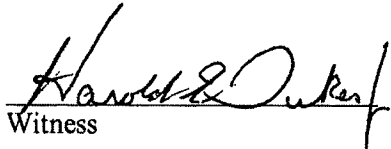
SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

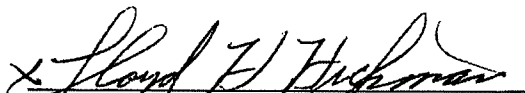
IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal the day and year first above written.

SIGNED, SEALED, AND DELIVERED,

**THE LLOYD H. HICKMAN
REVOCOABLE TRUST
DATED JULY 22, 2002**

IN THE PRESENCE OF:


Witness

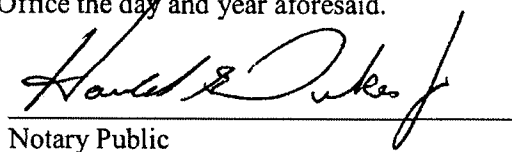

Lloyd H. Hickman, Trustee of the Lloyd
H. Hickman Revocable Trust dated July
22, 2002

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.

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

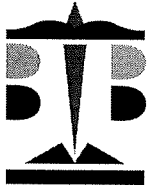

Notary Public

My Commission Expires: _____

Consideration: 2,500,000.00

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|--------------------|-----------------|
| 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

FOR
HICKMAN ROAD NANOBREWERY
38450 HICKMAN ROAD, OCEAN VIEW, DE 19770

| | |
|---------------|---------------------------------------|
| GENERAL | COVER SHEET |
| CS-001 | |
| ARCHITECTURAL | |
| A-101 | EXISTING CONDITIONS & DEMOLITION PLAN |
| A-102 | NEW WORK PLAN |
| SKA-01 | ENLARGED PLAN - BOILER ROOM |

| APPLICABLE CODE | 2013 EDITION |
|---|--------------|
| INTERNATIONAL BUILDING CODE (IBC) | 2013 EDITION |
| INTERNATIONAL ENERGY CONSERVATION CODE (IECC) | 2018 EDITION |
| NATIONAL FIRE PREVENTION CODE (NFPA 101) | 2015 EDITION |
| DELRWARE FIRE REGULATION | 2013 EDITION |

[illegible][illegible]

1. The three-dimensional building is a rectangular prism. The base is a rectangle with a length of 100 feet and a width of 50 feet. The height of the building is 100 feet.
2. The three-dimensional building is a rectangular prism. The base is a rectangle with a length of 100 feet and a width of 50 feet. The height of the building is 100 feet.
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10. The three-dimensional building is a rectangular prism. The base is a rectangle with a length of 100 feet and a width of 50 feet. The height of the building is 100 feet.

The Requirements for Equipment and Structure of Bar provides guidance on the minimum standards for the design, construction and equipment of bars, service bars and similar food establishments.

Admittedly, the use of these systems is not widespread in European reinforced concrete houses (1981), and the technology is not mature enough to be applied in a large number of cases. However, the use of these systems is becoming increasingly widespread, and the following are some of the reasons why:

1. Because many of the major types of stressing equipment are load equipment, a clean design, simple, one-sided system is required. This is the case with the use of the following types of stressing equipment:
 - (a) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (b) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (c) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (d) the use of a crane, with cables, pulleys, and a load spreader or counter;
2. Because many of the major types of stressing equipment are load equipment, a clean design, simple, one-sided system is required. This is the case with the use of the following types of stressing equipment:
 - (a) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (b) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (c) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (d) the use of a crane, with cables, pulleys, and a load spreader or counter;
3. Because many of the major types of stressing equipment are load equipment, a clean design, simple, one-sided system is required. This is the case with the use of the following types of stressing equipment:
 - (a) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (b) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (c) the use of a crane, with cables, pulleys, and a load spreader or counter;
 - (d) the use of a crane, with cables, pulleys, and a load spreader or counter;

Any one of the above types of stressing equipment can be used in a clean design, simple, one-sided system. However, the use of these systems is not widespread in European reinforced concrete houses (1981), and the technology is not mature enough to be applied in a large number of cases. However, the use of these systems is becoming increasingly widespread, and the following are some of the reasons why:

1. Because many of the major types of stressing equipment are load equipment, a clean design, simple, one-sided system is required. This is the case with the use of the following types of stressing equipment:
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 - (c) the use of a crane, with cables, pulleys, and a load spreader or counter;
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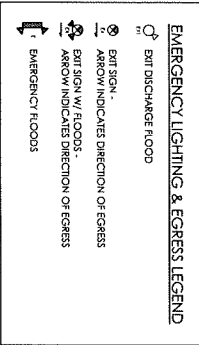
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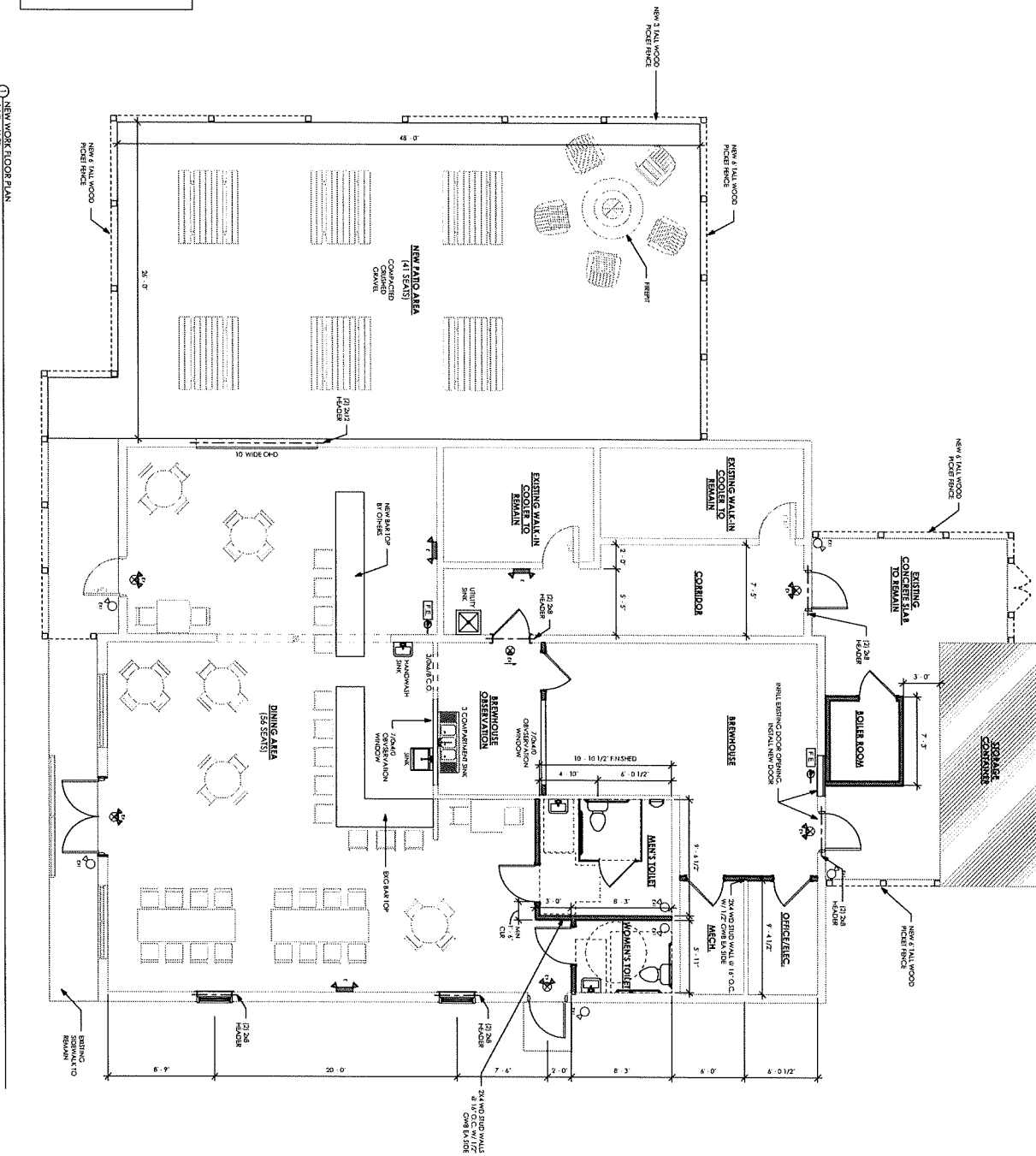
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NEW WORK FLOOR PLAN
1/8" = 1'-0"



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

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PERMIT DRAWINGS
NOT FOR CONSTRUCTION

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JOB NUMBER: 021025
SCALE: 1/8" = 1'-0"
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DESIGNED BY: JAH
APPROVED BY: RGR

Street No.: A-102

Date: 11/15/2021

Job Number: 021025

Scale: 1/8" = 1'-0"

Drawn By: JAH

Designed By: JAH

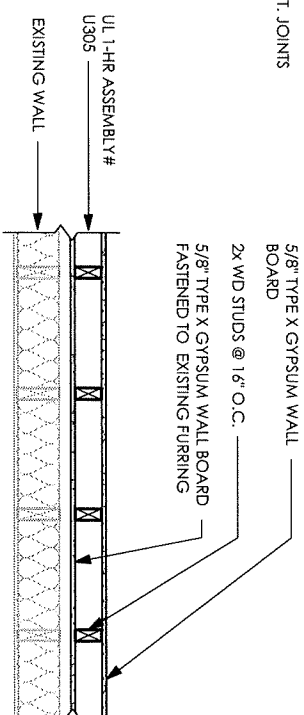
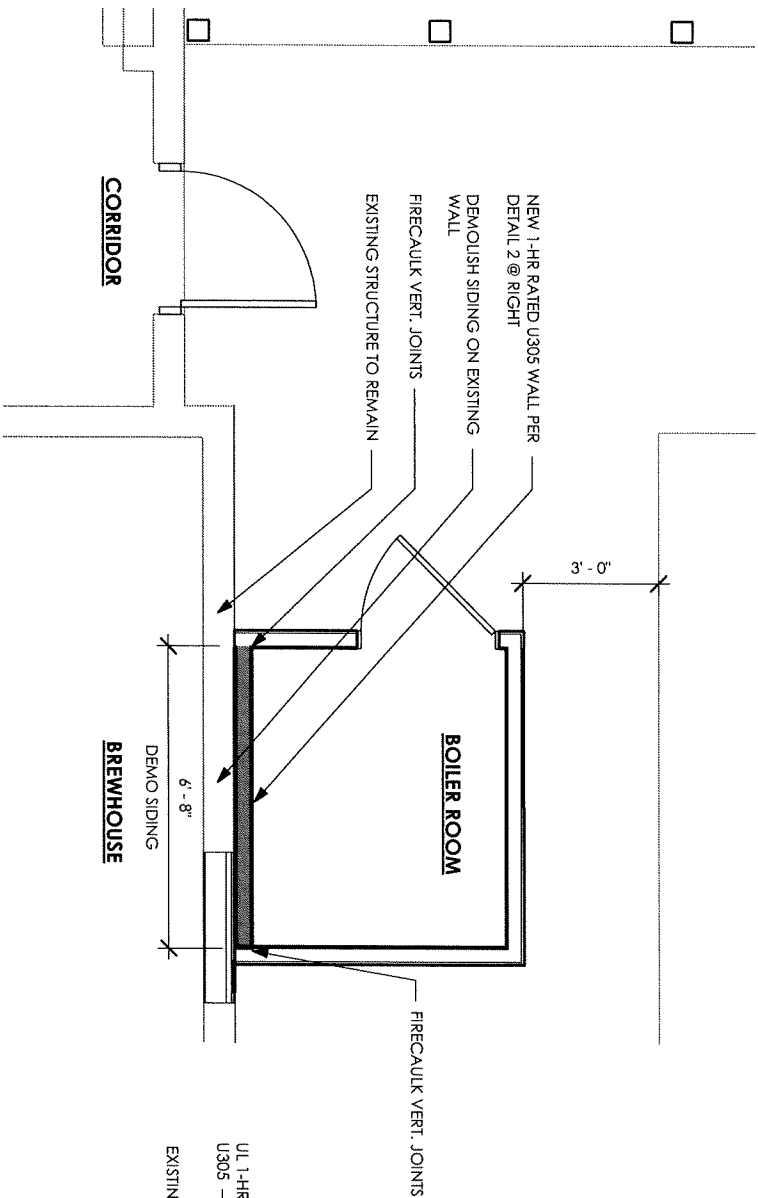
Approved By: RGR

REVISIONS

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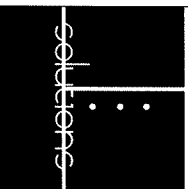
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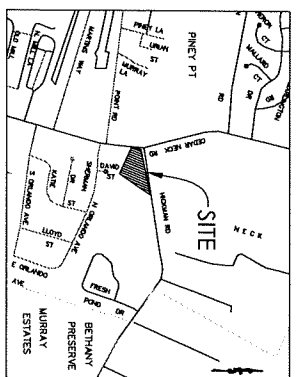
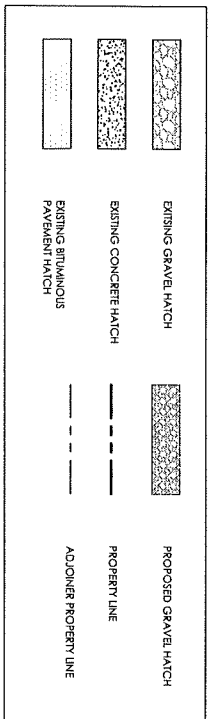
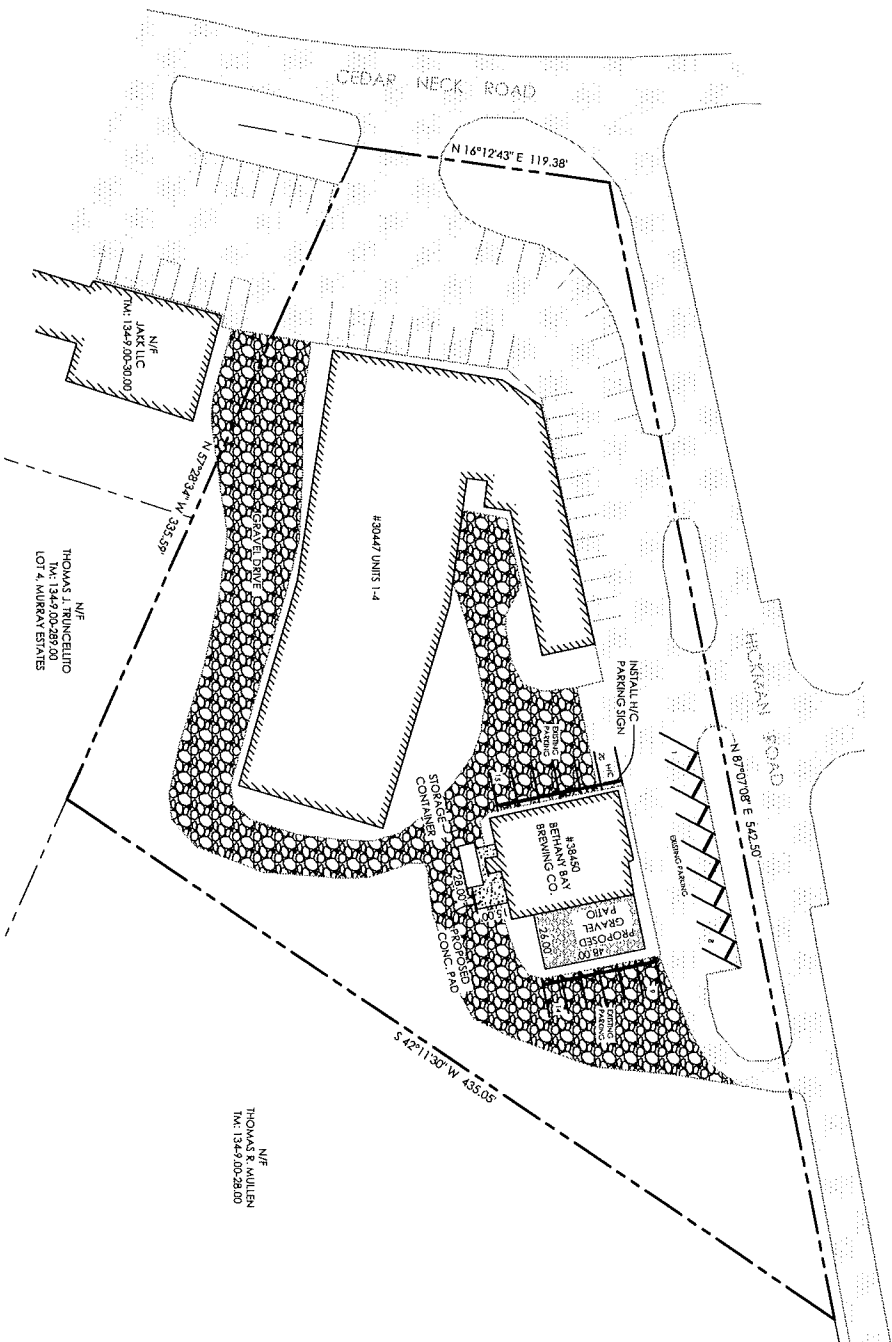


NOTE: ALL PENETRATIONS IN RATED CONSTRUCTION TO BE SEALED WITH APPROVED FIRE SEALANT.

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"

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1. CURRENT OWNER:

- | | |
|--|--|
| 1. CURRENT OWNER: | JACK LUCK JACK LUCK NECK ROAD OCEAN VIEW, DELAWARE 19779 |
| DEVELOPER: | BENJAMIN BAY REBORN CO. |
| 2. TAX REFERENCE: | 2014-002-00 |
| 3. DEDIC REFERENCE: | 4484 / 173 |
| 5. LOT AREA: | 2.13 ACRES +/- |
| 6. PREMISES ADDRESS: | 38450 MCCANN ROAD OCEANVIEW, DE 19779 |
| 7. ZONE: | C-1 GENERAL COMMERCIAL |
| PREVIOUS USE: | RETAIL/ANT |
| PROPOSED USE: | CRAFT REVENUE |
| 8. PROPERTY LINES SHOWN HEREON WERE LOTTED FROM THE CURRENT DEDIC DESCRIPTION. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED. | |
| 9. BUILDING AREA EXISTING: | 2,273 SF |
| PROPOSED: | 2,273 SF |
| 10. PARKING SPACES, EXISTING: | 20 |
| PROPOSED: | 20 |

38450 HICKMAN ROAD, BALTIMORE HUNDRED
OCEAN VIEW, SUSSEX COUNTY, DELAWARE

| DATE | DESCRIPTION |
|------|-------------|
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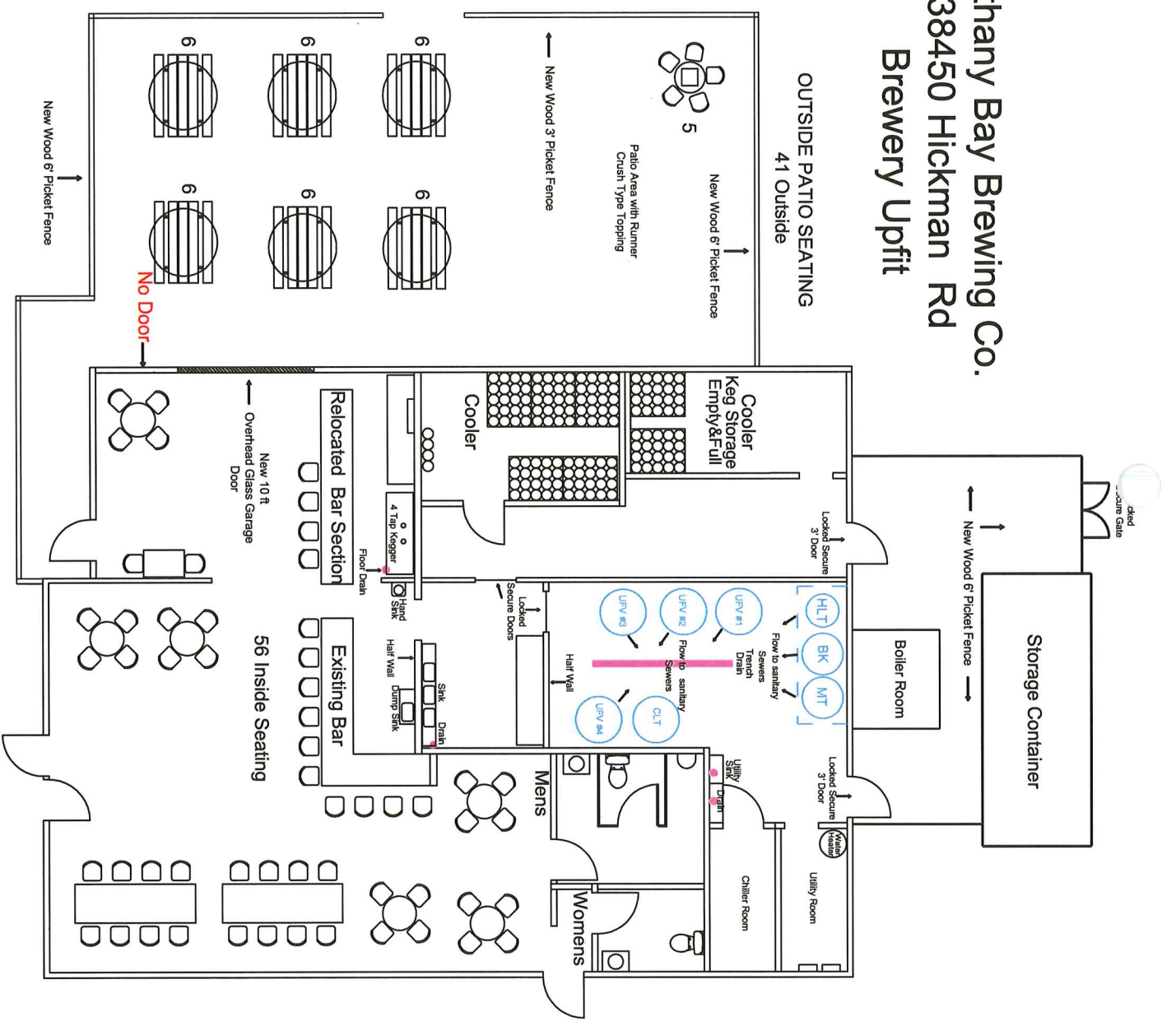
Fuller Hall
ASSOCIATES, INC.
A Wholly Owned Subsidiary
303 N. Bedford St.
Georgetown, DE 19840
T. 302.297.9715
3003 Merrill AVE Road
Solihbury, MD 21804
T. 410.572.8833
www.fullerhall.com Copyright © 2021

solutions
SPECIALTY SERVICES • CUSTOMER SUPPORT

| | | |
|------------|--------------|------------|
| Sheet No.: | Date: | 03-24-2021 |
| | Job Number: | G21025 |
| | Scale: | 1" = 40' |
| | Drawn By: | RAM |
| | Designed By: | |
| | Approved By: | SWF |

File Name:
G:\21025 Site Plan.dwg

Bethany Bay Brewing Co.
38450 Hickman Rd
Brewery Upfit





BAIRD
MANDALAS
BROCKSTEDT LLC

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:

| Use | Parking Spaces Required |
|---|--|
| 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. |
| 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.

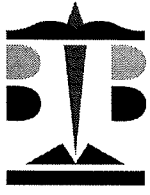
§ 115-165. Joint use and off-site facilities.

- 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^[1]]

- (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



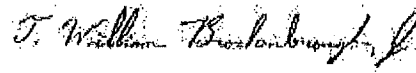
Mr. Jamie Whitehouse
Page 2 of 2
April 12, 2021

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 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

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

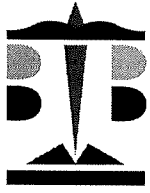
Applicant's Phone Number: (410) 430-6929

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



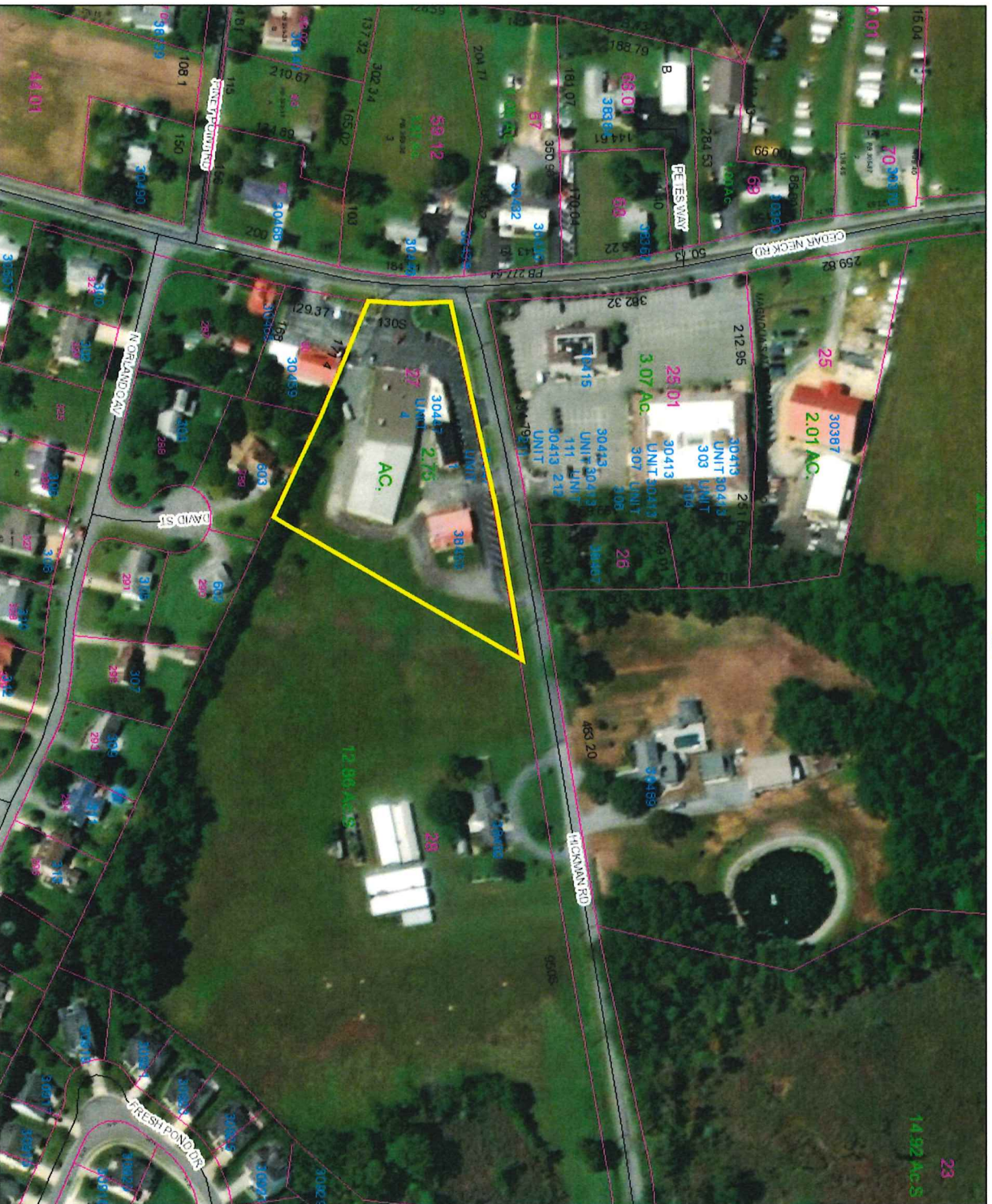
BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Aerial Images

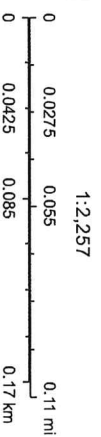


Sussex County



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

- 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

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



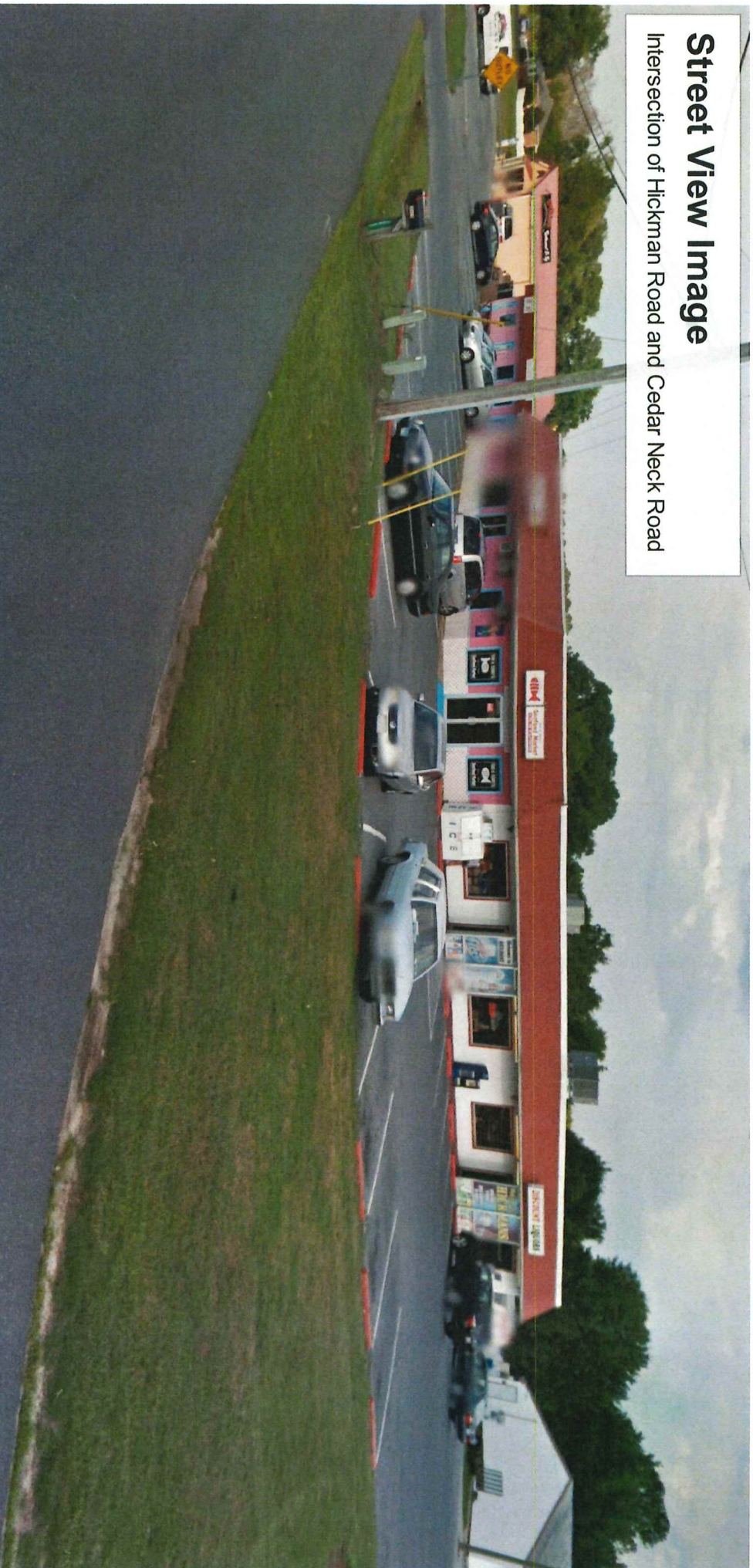


EXHIBIT F






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

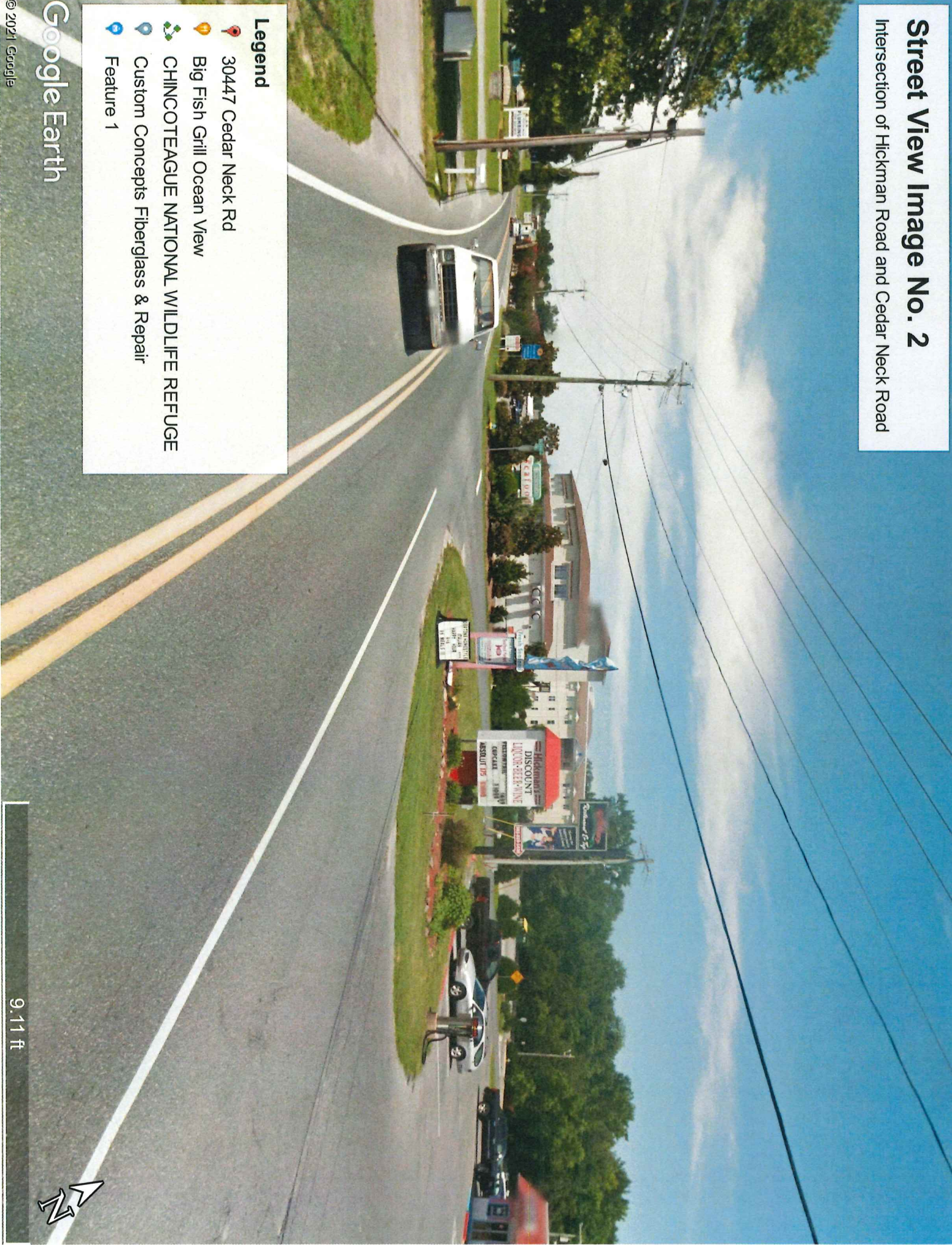


Street View Image No. 2

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

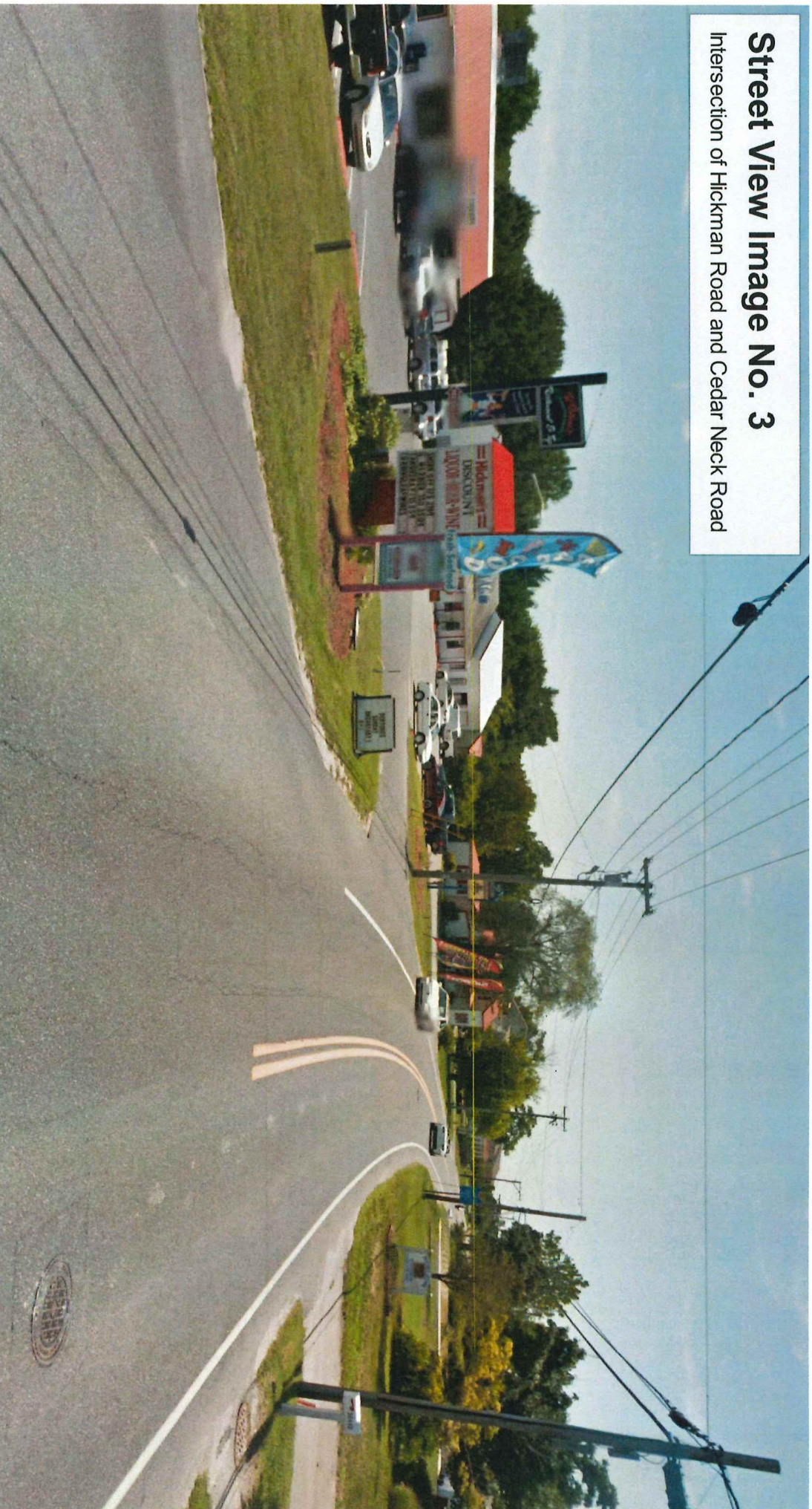


9.11 ft



Street View Image No. 3

Intersection of Hickman Road and Cedar Neck Road



Legend

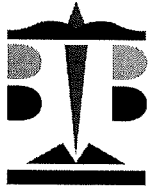
- 30447 Cedar Neck Rd
- Big Fish Grill Ocean View
- CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
- Custom Concepts Fiberglass & Repair
- Feature 1

Google Earth

© 2021 Google

5.58 ft





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT G

Zoning District Map



Sussex County



November 24, 2021

PIN: 134-9-00-27.00

Owner Name JAKK LLC

Book 4686

Mailing Address 30447 CEDAR NECK RD

City OCEAN VIEW

State DE

Description RD OCEAN VIEW TO

Description 2 COTTON PATCH HILLS

Description 3 N/A

Land Code

polygon:layer

Override 1

polygon:layer

Override 1

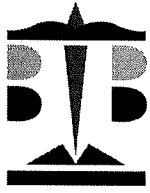
Tax Parcels

911 Address

Streets

1:2,257





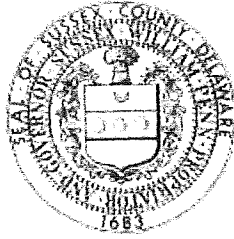
BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT H

Land Use and Permitting History

CONSTABLE
LESTER R. SHAFFER
CHIEF COUNTY CONSTABLE

(302) 855-7810 T
(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.

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.**

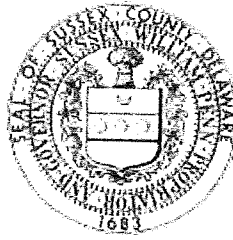
The office is in the County Administration Building, 2 The Circle, Georgetown, Delaware. The office hours are 8:30AM – 4:30PM, Monday through Friday.

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
sussexcountype.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 <brewinop@gmail.com>

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



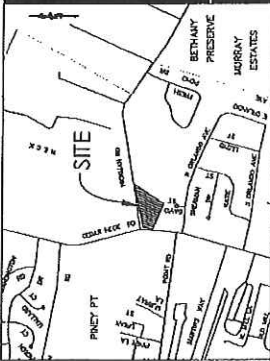
BAIRD
MANDALAS
BROCKSTEDT LLC

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.



solinas

VICINITY MAP
1"=1,000'

July 1999

303 N. Redwood St.
Georgetown, DE 19847
T. 302.277.5715

3003 Morris AVE Road
Jefferson, MO 21004
T. 410.572.8633

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www.solutionspire.com

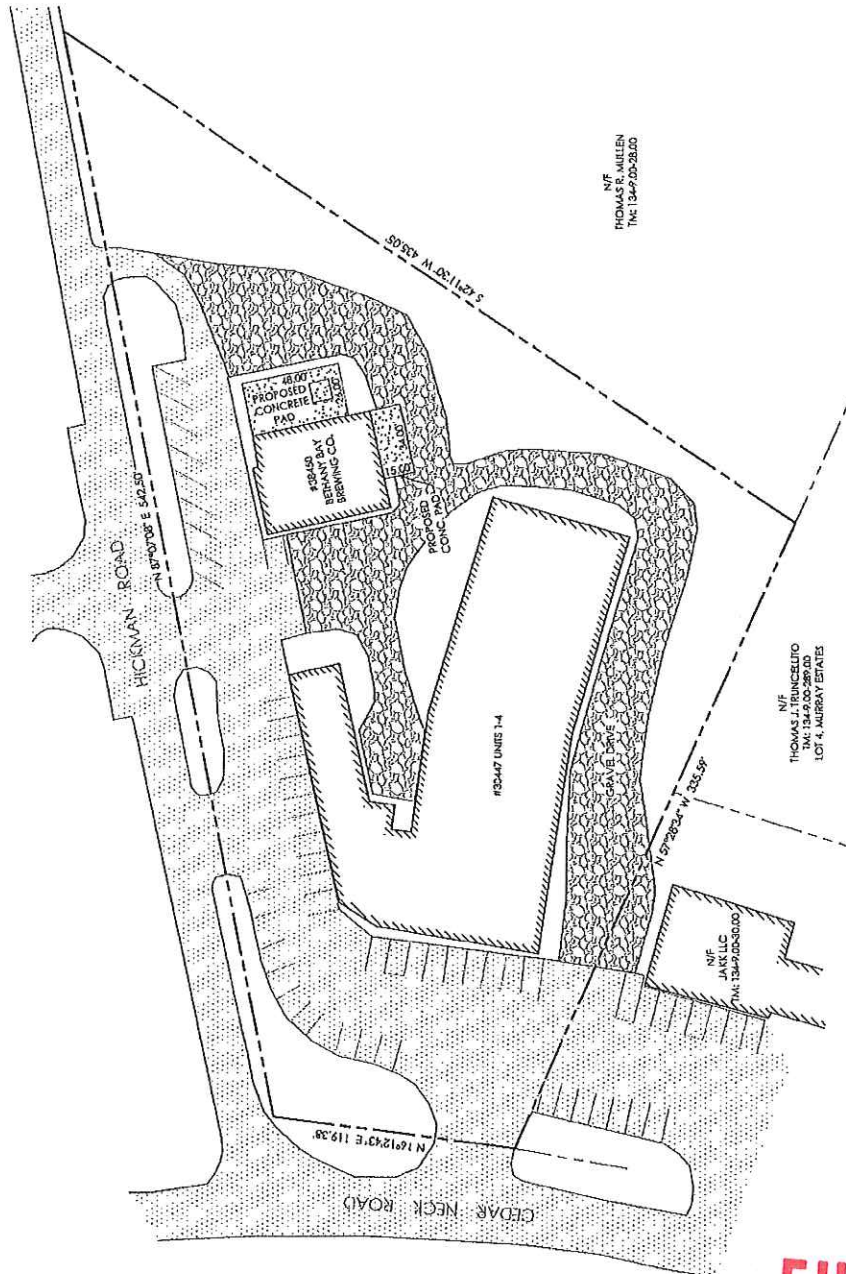
| REVISIONS | |
|-----------|-------------|
| DATE | DESCRIPTION |
| | |
| | |
| | |
| | |

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

| | |
|--------------|---------------------|
| File Name: | C21025 21e plan.dwg |
| Sheet No.: | 1 |
| Date: | 03-24-2021 |
| Job Number: | Q21025 |
| Scale: | 1" = 40' |
| Drawn By: | RAM |
| Designed By: | |
| Approved By: | SWF |

| | |
|----------------------|--|
| 1. CURRENT OWNER: | JACK L. COE |
| DEVELOPER: | 3040 CEDAR STREET ROAD OCEAN VIEW, DELAWARE 19770 |
| 2. TAX REFERENCE: | 134-9-20-37-00 |
| 3. DED REFERENCE: | 4484 / 175 |
| 4. LOT AREA: | 2.25 ACRES +/- |
| 5. PREVIOUS ADDRESS: | 3845 HIGHWAY ROAD OCEAN VIEW, DE 19770 |
| 7. ZONE: | C-1 GENERAL COMMERCIAL |

8. PROPERTY (AND/OR) ADDRESS WAS REPLIED FROM THE CURRENT DEED DESCRIPTION, A KINDLY A SURVEY, AND NOT BEEN PERFORMED.



N/F
THOMAS R. MULLEN
TIN: 1349.00-28.00

N/F
THOMAS J. TRUNCELLO
TM: 134-9.00-289,00
LOT 4, MURRAY ESTATES

FILE COPY



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,

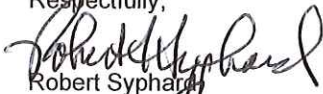
I'm retired and a full time resident of Ocean View. I'm writing this letter in support of the proposed Bethany Bay Brewing Company.

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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