

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
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jamie.whitehouse@sussexcountyde.gov



# 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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: February 9<sup>th</sup>, 2023

Application: CU 2376 Jose Hernandez

Applicant: Jose Hernandez  
23086 Hollyville Road  
Harbeson, DE 19951

Owner: Gustavo Hernandez  
1 Neurys Lane  
Newark, DE 19702

Site Location: North side of Hollyville Road (S.C.R. 48), approximately 0.28-miles southwest of the four-way intersection of Harbeson Road (Rt. 5), Indian Mission Road (Rt. 5), Hollymount Road (S.C.R. 48) and Hollyville Road.

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Operation of an existing pool company known as Pool Stars, LLC.

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. John Rieley

School District: Sussex Central School District

Fire District: Millsboro Fire Co.

Sewer: Private On-site Septic

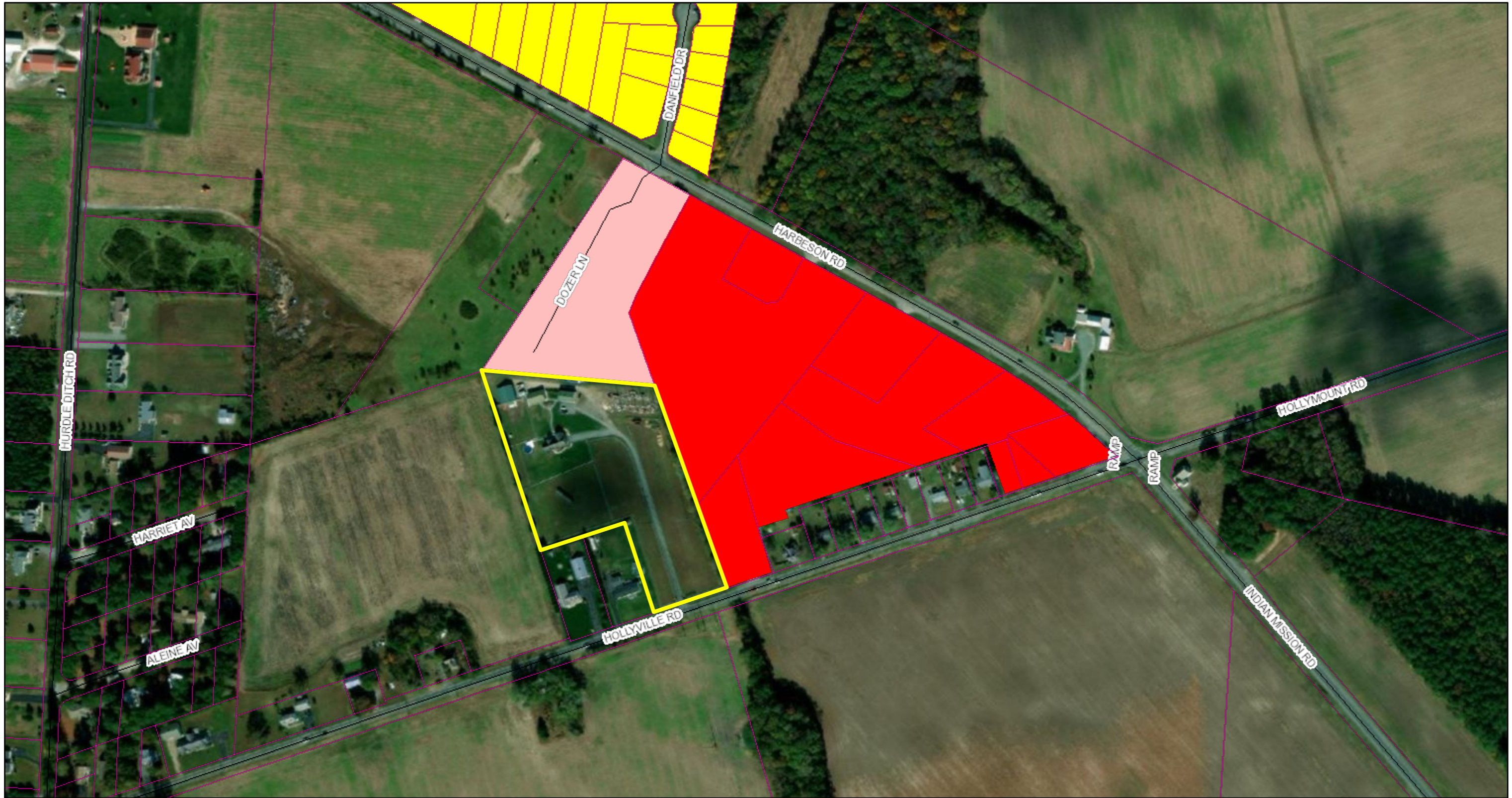
Water: Private Well

Site Area: 6.56-acres +/-

Tax Map ID.: 234-10.00-70.03



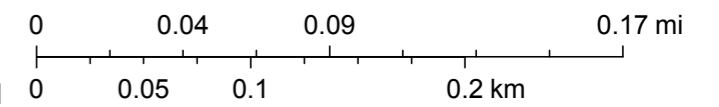
# Sussex County



January 13, 2023

- |                                 |                                  |                             |                               |                         |
|---------------------------------|----------------------------------|-----------------------------|-------------------------------|-------------------------|
| Override 1                      | Agricultural Residential - AR-2  | Neighborhood Business - B-1 | General Commercial - C-4      | Light Industrial - LI-2 |
| Override 1                      | Medium Residential - MR          | Neighborhood Business - B-2 | General Commercial - C-5      | Heavy Industrial - HI-1 |
| Tax Parcels                     | General Residential - GR         | Business Research - B-3     | Commercial Residential - CR-1 | County Boundaries       |
| Streets                         | High Density Residential - HR-1  | General Commercial - C-1    | Institutional - I-1           |                         |
| <b>Zoning</b>                   | High Density Residential - HR-2  | General Commercial - C-2    | Marine - M                    |                         |
| Agricultural Residential - AR-1 | Vacation, Retire, Resident - VRP | General Commercial - C-3    | Limited Industrial - LI-1     |                         |

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Sussex County, Sussex County Government, Maxar

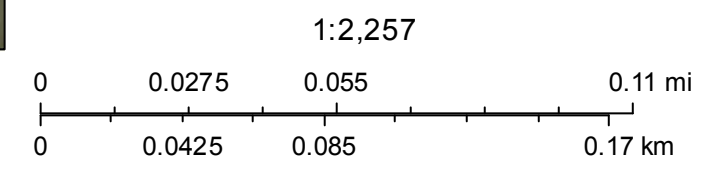


# Sussex County



<b>PIN:</b>	234-10.00-70.03
<b>Owner Name</b>	HERNANDEZ GUSTAVO
<b>Book</b>	5016
<b>Mailing Address</b>	23086 HOLLYVILLE RD
<b>City</b>	HARBESON
<b>State</b>	DE
<b>Description</b>	N/RT 48
<b>Description 2</b>	1270'W/RT 5
<b>Description 3</b>	N/A
<b>Land Code</b>	






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



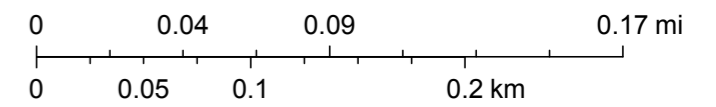
# Sussex County



January 13, 2023

-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:4,514



Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

JAMIE WHITEHOUSE, AICP MRTPI  
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**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Mr. Elliott Young, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: January 24, 2023  
RE: Staff Analysis for CU 2376 Jose Hernandez

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The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2376 Jose Hernandez to be reviewed during the February 9<sup>th</sup>, 2023, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 234-10.00-70.03, to allow for a swimming pool business to be located off Hollyville Road (S.C.R. 48), Harbeson, Delaware. The property is lying on the North side of Hollyville Road, approximately 0.39-miles northeast of the intersection of Hollyville Road and Hurdle Ditch Road (S.C.R. 290). The parcel consists of 6.56-acres +/-.

### Comprehensive Plan Analysis

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 "Low Density". The surrounding and adjacent parcels to the north, south and west also contain the "Low Density" Future Land Use Map designation.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The adjoining parcel to the east and surrounding parcels to the northeast of the subject parcel contain the Future Land Use Map designation of "Commercial".

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car



washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the south and west of the subject property are zoned Agricultural Residential (AR-1) District. The parcel to the north of the subject property is zoned Neighborhood Business (B-1) District and the parcels to the east of the subject property are zoned General Commercial (C-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been seven(7) Conditional Use applications within a mile radius of the application site. Two (2) out of the seven (7) applications were approved by the County Council, while three (3) of the seven (7) were either withdrawn before Commission or Council. The remaining two (2) application have yet to be heard by the County Council. Below is a table with the seven applications and their associated information.

Conditional Use No.	Applicant	Use	Zoning	CC Approval Date	Ordinance No.
2370	William & Carol Emmert	Amendment to CU 1334 for additional building	AR-1	N/A	N/A
2367	Attack Addiction Foundation	Housing for people with disabilities	AR-1	N/A	N/A
2266	MDO Dreamlands, LLC	Hardscaping, decking company, small dumpster rentals	AR-1	Withdrawn	N/A
2238	Michael Parsons	Go-cart track/go-cart repair/sales shop/ concession	AR-1	Withdrawn	N/A
2118	John W. Davidson	Professional office with contractor storage	AR-1	3/20/2018	2570
1991	Cool Springs LL/ Highway One	Outdoor Entertainment Events w/temporary camping facilities during events only	AR-1	Withdrawn	N/A
1978	John W. Davidson	Professional Office w/contractor storage	AR-1	3/8/2014	2340

Based on the analysis provided, the Conditional use to allow for a swimming pool business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.



Application # 202208907

File #: CU 2376

202208907

# 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

23086 Hollyville Road, Harbeson, DE 19951

### Type of Conditional Use Requested:

Applicant requests a conditional use of land for purposes of operating an existing pool company known as Pool Stars LLC on the property.

Tax Map #: 234-10.00-70.03

Size of Parcel(s): 6.56 acres

Current Zoning: AR-1

Proposed Zoning: AR-1w/CU Size of Building: existing buildings

Land Use Classification: low density

Water Provider: existing private well

Sewer Provider: existing private on-site septic system

### Applicant Information

Applicant Name: Jose Hernandez

Applicant Address: 23086 Hollyville Road

City: Harbeson

State: DE

Zip Code: 19951

Phone #: \_\_\_\_\_ E-mail: poolstarsinfo@gmail.com

### Owner Information

Owner Name: Gustavo Hernandez

Owner Address: 1 Neurys Lane

City: Newark

State: DE

Zip Code: 19702

Phone #: (302) 354-1969

E-mail: Hernandezland@gmail.com

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C. Burton, Esquire, Sergovic Carmean Weidman, et al.

Agent/Attorney/Engineer Address: 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com



# Check List for Sussex County Planning & Zoning Applications


The following shall be submitted with the application

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

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

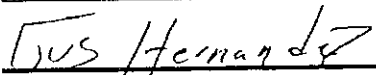
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

### Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_  
Jose Hernandez

Date: 6-15-22

### Signature of Owner

  
\_\_\_\_\_  
Gustavo Hernandez

Date: 6-16-22

Gustavo Hernandez  
For office use only:

Date Submitted: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_

AFFIDAVIT

Jose Hernandez  
Name of Applicant

\_\_\_\_\_  
Petition No.

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

Name: Paul & Patricia L. Diantonio  
Address: 33276 Harbor Reach Road  
Lewes, DE 19958  
SCTM: 234-10.00-70.01, 70.02

Name: C And T Properties LLC  
Address: 20104 Doddtown Road,  
Harbeson, DE 19951  
SCTM: 234-10.00-70.16

Name: Paul W. Kercher II & Carrie  
E. Kercher  
Address: 29055 Pine Avenue, Big Pine Key,  
FL 33043  
SCTM: 234-10.00-70.08

Name: Christopher J & Debbie Connors  
Address: 23034 Hollyville Road, Harbeson,  
DE 19951  
SCTM: 234-10.00-25.00


Name: Raymond W. & Cynthia D. Barry, Jr.  
Address: 23100 Hollyville Road, Harbeson,  
DE 19951  
SCTM: 234-10.00-70.09

Name: Norwood Farm LLC  
Address: 14144 Walton Dr., Manassas,  
VA 20112  
SCTM: 234-10.00-26.00

Name: Lois A. Szymanski  
Address: 23096 Hollyville Road, Harbeson,  
DE 19951  
SCTM: 234-10.00-70.10

Name: R. Wayne Hellens and Michael Hellens  
Address: 20949 Harbeson Rd., Harbeson, DE  
19951  
SCTM: 234-10.00-70.17

Name: Harold E. Dukes, Jr.  
Address: 4 Read St., Rehoboth Beach,  
DE 19971  
SCTM: 234-10.00-70.11

  
\_\_\_\_\_  
Katie Geiszler, Esq., Authorized Agent

SWORN to and subscribed before me this 17<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Notary Public



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

NICOLE MAJESKI  
SECRETARY

May 31, 2022

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 **Jose Hernandez** conditional use application, which we received on May 17, 2022. This application is for portion of a 6.97-acre parcel (Tax Parcel: 234-10.00-70.03). The subject land is located on the north side of Hollyville Road (Sussex Road 48) approximately 1,260 feet west of the intersection with Harbeson Road (Delaware Route 5). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant seeks a conditional use approval to operate a pool contracting business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hollyville Road, which is from Harbeson Road to Harmons Hill Road (Sussex Road 302), is 4,371 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.

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



Mr. Jamie Whitehouse

Page 2 of 2

May 31, 2022

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville  
Project Engineer  
Development Coordination

CJ:afm

cc: Jose Hernandez, Applicant  
Ann Lepore, Sussex County Planning & Zoning  
Sussex Reviewer, Sussex County Planning & Zoning  
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, County Coordinator, Development Coordination  
Matt Schlitter, South District Public Works Engineer, 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  
Annamaria Furmato, 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: **1/13/2023**

APPLICATION: **CU 2376 Jose Hernandez**

APPLICANT: **Jose Hernandez**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-10.00-70.03**

LOCATION: **North side of Hollyville Road (SCR 48), approximately 0.28 miles southwest of the four-way intersection of Harbeson Road (Rt.5), Indian Mission Road (Rt.5), Hollymount Road (SCR 48) and Hollyville Road (SCR 48).**

NO. OF UNITS: **Operation of existing pool company known as Pool Stars, LLC**

GROSS  
ACREAGE: **6.56**

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

**SEWER:**

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 3**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **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: **Click or tap here to enter text.**

(9). Is a Sewer System Concept Evaluation required? **Not at this time**

(10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

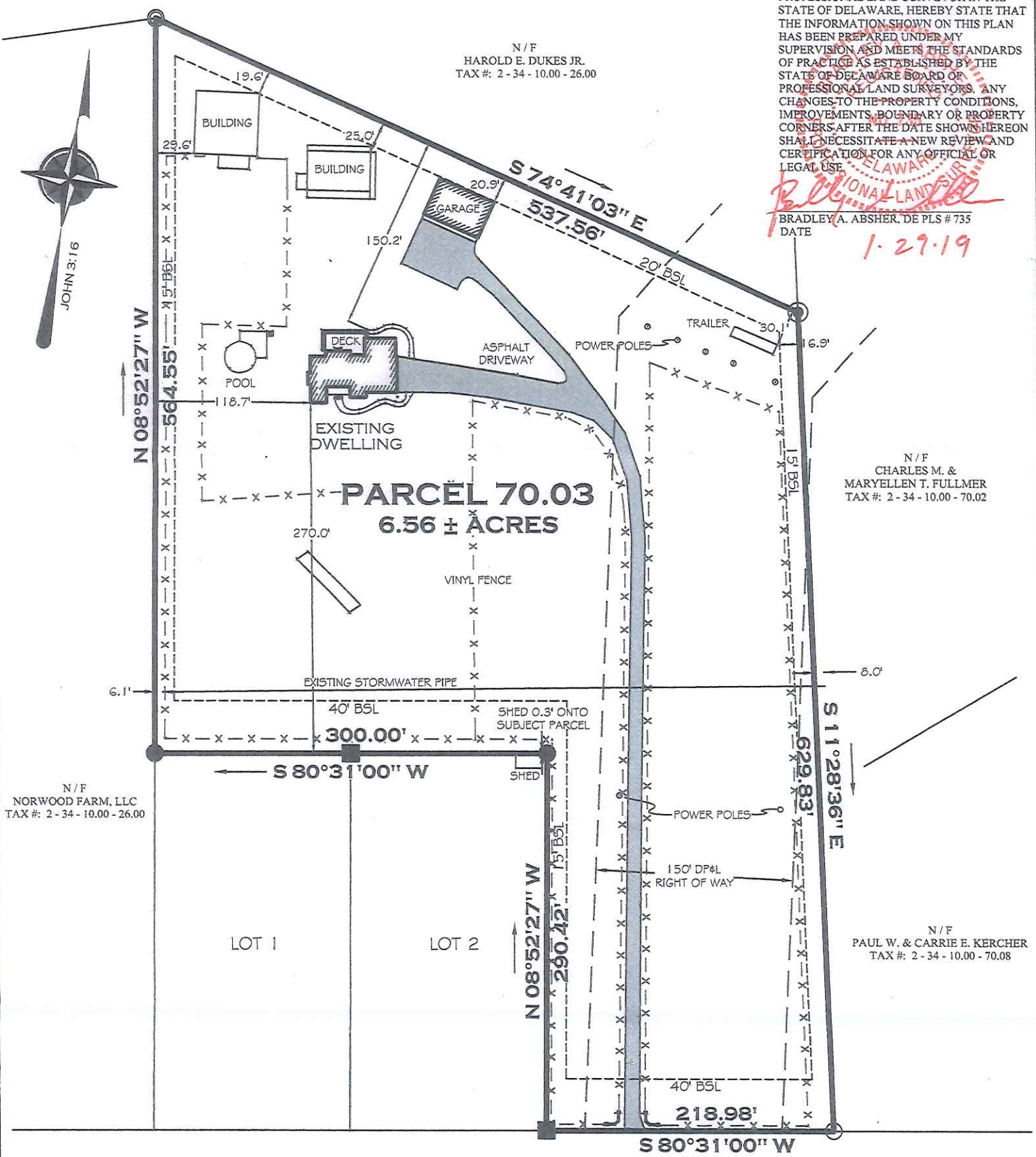


John J. Ashman  
Director of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned

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

*Bradley A. Absher*  
 BRADLEY A. ABSHER, DE PLS # 735  
 DATE 1-29-19



- NOTES**
1. CLASSIFICATION OF SURVEY: URBAN
  2. ZONE: AR-1
  3. BUILDING SETBACK LINES (BSL)  
 FRONT 40'  
 SIDE 15'  
 REAR 20'
- ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.
4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

LEGEND	
	IRON PIPE FOUND
	IRON ROD FOUND
	IRON ROD W/ CAP FOUND
	CONCRETE MONUMENT FOUND
	IRON ROD W/ CAP SET


TAX MAP	2-34 - 10.00 - 70.03
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	INDIAN RIVER
CITY	HARBESON
AREA	6.56 ± ACRES
DEED REF.	4646 / 277
PLAT REF.	69 / 102 & 188 / 93
DRAWN BY	JMH
DATE	01 / 29 / 19
SCALE	1" = 100'
SURVEY #	DE - 05327

**BOUNDARY SURVEY PLAN**

FOR  
**GUSTAVO HERNANDEZ & JOSE J. HERNANDEZ-OLIVARES**

**23086 HOLLYVILLE ROAD, HARBESON, DE 19951**

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
 OCEAN VIEW, DE 19970  
 DE: 302-539-2468  
 MD: 410-430-2092



**WRITTEN SUBMISSION**

**OF**

**JOSE HERNANDEZ  
POOL STARS LLC**

**C/U NO. 2376**

**February 9, 2023**

**Shannon Carmean Burton, Esquire  
Sergovic Carmean Weidman  
McCartney & Owens, P.A.  
25 Chestnut St.  
P.O. Box 751  
Georgetown, DE 19947  
(302) 855-1260**

**INDEX**  
**JOSE HERNANDEZ**  
**POOL STARS LLC**  
**APPLICATION FOR CONDITIONAL USE NO. 2376**

1. Copy of the Application without exhibits
2. Deed of the lands seeking a conditional use
3. Conditional Use Boundary Survey Plan prepared by True North Land Surveying dated 1/29/2019
4. DelDOT Response Letter to Service Level Evaluation Request
5. Letters in Support of Application
6. Google Earth Aerial Image of Property
7. Photographs of the Property
8. Excerpt from the Sussex County Tax Map
9. Statement of Sergovic Carmean Weidman McCartney & Owens, P.A. explaining the Application and its compliance with the Comprehensive Plan and Zoning Code
10. Proposed Findings of Fact and Conditions

1

# 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

23086 Hollyville Road, Harbeson, DE 19951

### Type of Conditional Use Requested:

Applicant requests a conditional use of land for purposes of operating an existing pool company known as Pool Stars LLC on the property.

Tax Map #: 234-10.00-70.03

Size of Parcel(s): 6.56 acres

Current Zoning: AR-1

Proposed Zoning: AR-1w/CU Size of Building: existing buildings

Land Use Classification: low density

Water Provider: existing private well

Sewer Provider: existing private on-site septic system

### Applicant Information

Applicant Name: Jose Hernandez

Applicant Address: 23086 Hollyville Road

City: Harbeson

State: DE

Zip Code: 19951

Phone #: \_\_\_\_\_

E-mail: poolstarsinfo@gmail.com

### Owner Information

Owner Name: Gustavo Hernandez

Owner Address: 1 Neury's Lane

City: Newark

State: DE

Zip Code: 19702

Phone #: (302) 354-1969

E-mail: Hernandezland@gmail.com

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C. Burton, Esquire, Sergovic Carmean Weidman, et al.

Agent/Attorney/Engineer Address: 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com

JUN 17 2022

SUSSEX COUNTY  
PLANNING & ZONING

Application # 202208907



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ Completed Application

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

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

\_\_\_ Provide Fee \$500.00

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

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

\_\_\_ DeIDOT Service Level Evaluation Request Response

\_\_\_ PLUS Response Letter (if required)

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

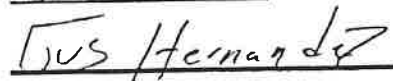
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_  
Jose Hernandez

Date: 6-15-22

Signature of Owner

  
\_\_\_\_\_  
Gustavo Hernandez

Date: 6-16-22

Gustavo Hernandez  
For office use only:

Date Submitted: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_

2

Electronically Recorded Document# 2019000005247 BK: 5016 PG: 144  
Recorder of Deeds, Scott Dailey On 2/15/2019 at 11:14:14 AM Sussex County, DE  
Consideration: \$385,000.00 County/Town: \$5,775.00 State: \$9,625.00 Total: \$15,400.00  
Doc Surcharge Paid Town: SUSSEX COUNTY

Parcel No.: 234-10.00-70.03  
Prepared By:  
Ward & Taylor, LLC  
2710 Centerville Road, Suite 200  
Wilmington, DE 19808  
2019-0271

Return To:  
Gustavo Hernandez  
23086 Hollyville Road  
Harbeson, DE 19951

**THIS DEED**, made this 14<sup>th</sup> day of February, in the year Two Thousand Nineteen,  
(2019)

**BETWEEN** Carol Walker Sussex County and the State of Delaware, party of the first part,

**AND**

Gustavo Hernandez, of Sussex County and the State of Delaware, party of the  
second part,

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said parties of the second part, their heirs and assigns, as sole owner, in fee simple:

ALL that certain lots, pieces or parcels of land, situate, lying and being in Indian River Hundred, City of Harbeson, Sussex County and State of Delaware, as shown on a recent survey prepared by True North Land Surveying, dated January 29, 2019, more particularly described as follows, to wit:

BEGINNING as a set iron bar on the North side of County Road 48, a corner for this land and lands now or formerly of the State of Delaware, said beginning point being 0.24 miles more or less West of State Route 5, said point also being 10 feet offset the centerline of a ditch; thence, by and with County Road 48, South 80 degrees 31 minutes 00 seconds West 218.98 feet to a found concrete monument; thence, turning and running by and with Lot 2, North 08 degrees 52 minutes 27 seconds West 290.4 feet to a found concrete monument; thence turning and running by and with Lot 2, North 08 degrees 52 minutes 27 seconds West 290.42 feet to a found concrete monument, thence turning and running by and with Lot 2, South 80 degrees 31 minutes 00 seconds West 150.00 feet to a found iron bar; thence by and with Lot 1, South 80 degrees 31

**Document# 2019000005247 BK: 5016 PG: 145**

**Recorder of Deeds, Scott Dailey On 2/15/2019 at 11:14:14 AM Sussex County, DE**

**Doc Surcharge Paid**

minutes West 150 feet to a found concrete monument a corner for this land and Lot 1, thence turning and running by and with lands now or formerly of David M. and Delena M. Norwood, North 08 degrees 52 minutes 27 seconds West 564.55 feet to a found iron pipe, a corner for this land' thence turning and running by and with lands now or formerly of Aleine E. Hurdle, South 74 degrees 41 minutes 03 seconds East 537.56 feet to a set concrete monument 10 feet offset the centerline of a ditch, a corner for this land and lands now or formerly of the State of Delaware, thence, turning and running by and with said lands now or formerly of the State of Delaware, and said ditch, South 11 degrees 28 minutes 36 seconds east 629.83 feet to the place of beginning, containing therein 6.562 acres of land, more or less.

**SUBJECT TO ALL covenants, conditions, restrictions and easements of record.**

BEING the same lands and premises which , by Deed dated , and recorded , in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in , did grant and convey unto Carol Walker, in fee.

**GRANTEE'S ADDRESS:**

23086 Hollyville Road  
Harbeson, DE 19951



Document# 2019000005247 BK: 5016 PG: 146

Recorder of Deeds, Scott Dailey On 2/15/2019 at 11:14:14 AM Sussex County, DE

Doc Surcharge Paid

IN WITNESS WHEREOF, the Grantor has set her hand and seal the day and year first above written.

Rachel A. Long  
Witness

Carol Walker (SEAL)  
Carol Walker

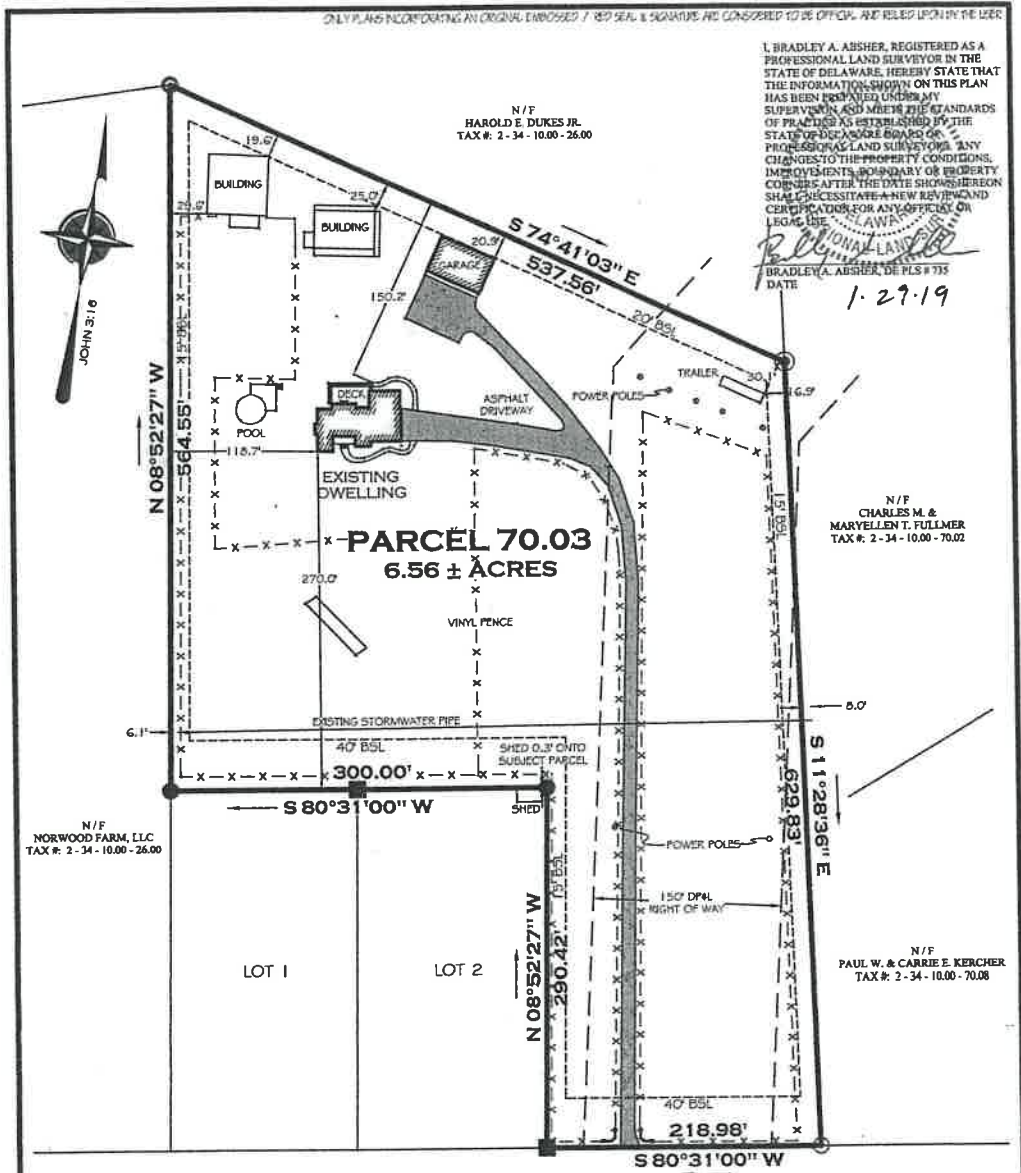
State of Delaware )  
County of Sussex ) SS.

The foregoing Deed was acknowledged before me this 11<sup>th</sup> day of February, 2019, by Carol Walker.

Rachel A. Long  
Notary Public  
Printed Name:  
My commission expires:

RACHEL A. LONG  
Notary Public  
State of Delaware  
My Commission Expires  
11/16/2019

3



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

*Bradley A. Absher*  
 BRADLEY A. ABSHER, DE PLS # 775  
 DATE 1-29-19

N/F NORWOOD FARM, LLC  
 TAX # 2-34-10.00-26.00

N/F CHARLES M. & MARYELLEN T. FULLMER  
 TAX # 2-34-10.00-70.02

N/F PAUL W. & CARRIE E. KERCHER  
 TAX # 2-34-10.00-70.08

**NOTES**

1. CLASSIFICATION OF SURVEY: URBAN
  2. ZONE: AR-1
  3. BUILDING SETBACK LINES (BSL)  
 FRONT 40'  
 SIDE 15'  
 REAR 30'
- ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.
4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

**HOLLYVILLE ROAD  
 50' RIGHT OF WAY**

LEGEND	
○	IRON PIPE FOUND
○	IRON ROD FOUND
○	IRON ROD W/ CAP FOUND
●	CONCRETE MONUMENT FOUND
○	IRON ROD W/ CAP SET

TAX MAP	2-34-10.00-70.03
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	INDIAN RIVER
CITY	HARBESON
AREA	6.56 ± ACRES
DEED REF.	4646 / 277
PLAT REF.	69 / 102 & 188 / 93
DRAWN BY	JMH
DATE	01 / 29 / 19
SCALE	1" = 100'
SURVEY #	DE - 05327

**BOUNDARY SURVEY  
 PLAN**

FOR  
 GUSTAVO HERNANDEZ & JOSE J. HERNANDEZ-OLIVARES

**TRUE NORTH**



**LAND SURVEYING**  
 118 ATLANTIC AVENUE, SUITE 202  
 OCEAN VIEW, DE 19570  
 DE-302-630-2488  
 MD-410-430-2092

23086 HOLLYVILLE ROAD, HARBESON, DE 19951

4



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

NICOLE MAJESKI  
SECRETARY

May 31, 2022

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 **Jose Hernandez** conditional use application, which we received on May 17, 2022. This application is for portion of a 6.97-acre parcel (Tax Parcel: 234-10.00-70.03). The subject land is located on the north side of Hollyville Road (Sussex Road 48) approximately 1,260 feet west of the intersection with Harbeson Road (Delaware Route 5). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant seeks a conditional use approval to operate a pool contracting business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hollyville Road, which is from Harbeson Road to Harmons Hill Road (Sussex Road 302), is 4,371 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.

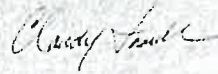
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
May 31, 2022

Please contact Ms. Annamaria Furrato, at Annamaria.Furrato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville  
Project Engineer  
Development Coordination

CJ:afm

cc: Jose Hernandez, Applicant  
Ann Lepore, Sussex County Planning & Zoning  
Sussex Reviewer, Sussex County Planning & Zoning  
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, County Coordinator, Development Coordination  
Matt Schlitter, South District Public Works Engineer, 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  
Annamaria Furrato, Project Engineer, Development Coordination

5

Sussex County Planning & Zoning Department  
Attn: Jamie Whitehouse, AICP, MRTP, Planning & Zoning Director  
2 The Circle  
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC  
TMP#234-10.00-70.03 / 23086 Hollyville Rd, Harbeson, DE  
Conditional Use No. 2376

Dear Mr. Whitehouse:

I/ve own property located at 23100 Hollyville Rd, Harbeson, Delaware, which property is in close proximity to the above-referenced property. We are writing to advise that we support/do not oppose Jose Hernandez's request for a conditional use of land to allow Mr Hernandez to utilize the property in connection with his swimming pool business, Pool Stars LLC. The proposed use will not have an adverse impact on the use of my/our property or traffic.

Sincerely,




Sussex County Planning & Zoning Department  
Attn: Jame Whitehouse, AICP, MRTPI, Planning & Zoning Director  
2 The Circle  
Georgetown, DE 19947

RE Jose Hernandez / Pool Stars LLC  
TMP#234-10.00-70.03 / 23086 Hollyville Rd., Harbeson, DE  
Conditional Use No. 2376

Dear Mr. Whitehouse:

I/we own property located at 23096 Hollyville Rd., Harbeson, Delaware, which property is in close proximity to the above-referenced property. We are writing to advise that we support/do not oppose Jose Hernandez's request for a conditional use of land to allow Mr. Hernandez to utilize the property in connection with his swimming pool business, Pool Stars LLC. The proposed use will not have an adverse impact on the use of my/our property or traffic.

Sincerely,

Luis Qi Szymanski

---

Sussex County Planning & Zoning Department  
Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director  
2 The Circle  
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC  
TMP#234-10 00-70 03 / 23086 Hollyville Rd , Harbeson, DE  
Conditional Use No 2376

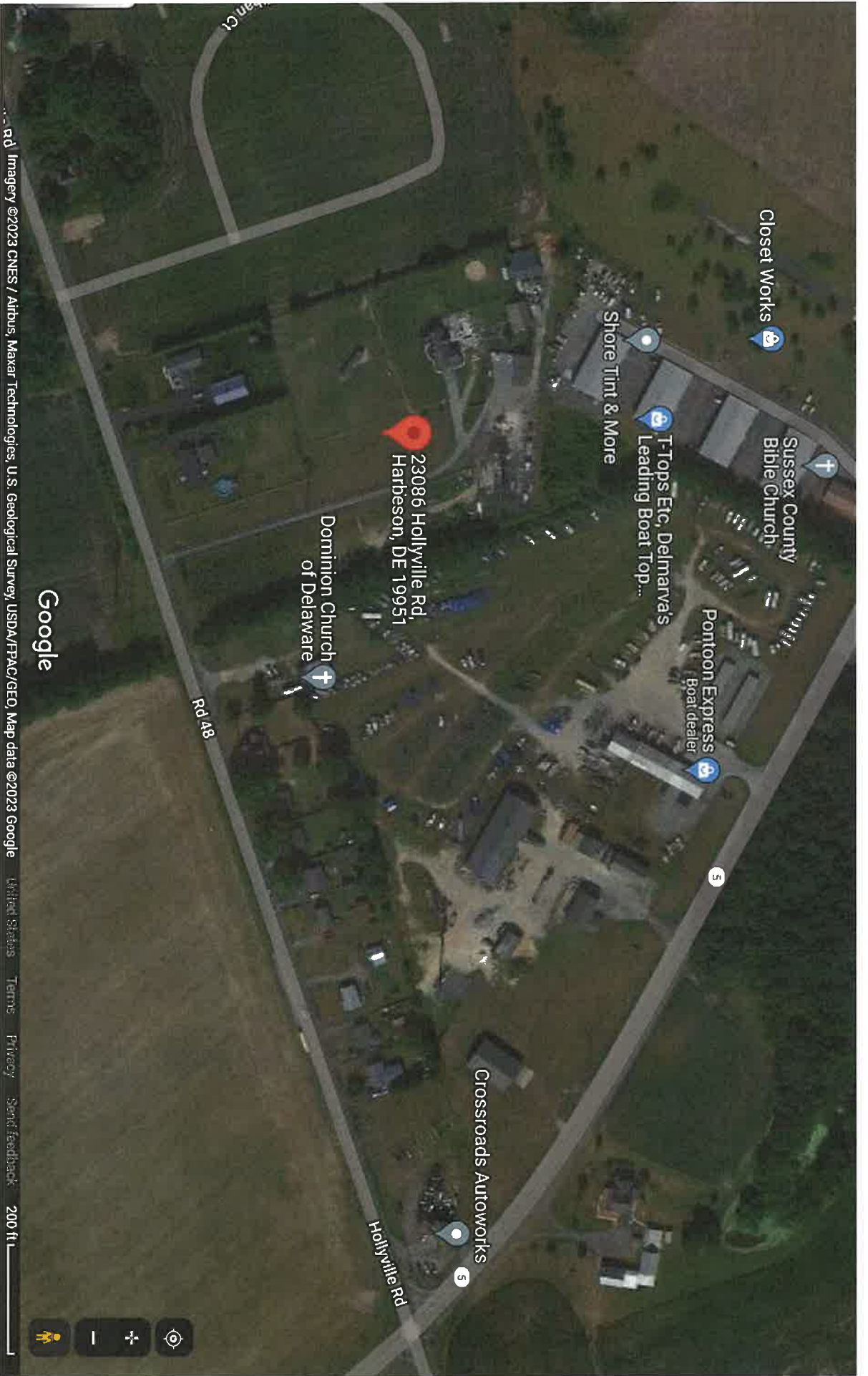
Dear Mr. Whitehouse:

I/we own property located at 22672 Hollyville Rd, Harbeson, Delaware, which property is in close proximity to the above-referenced property. We are writing to advise that we support/do not oppose Jose Hernandez's request for a conditional use of land to allow Mr. Hernandez to utilize the property in connection with his swimming pool business, Pool Stars LLC. The proposed use will not have an adverse impact on the use of my/our property or traffic.

Sincerely,

STEVE BORING  
[Signature]

6



Closet Works

Sussex County Bible Church

Shore Tint & More

T-Tops Etc, Delmarva's Leading Boat Top...

Pontoon Express Boat dealer

23086 Hollyville Rd  
Harbeson, DE 19951

Dominion Church of Delaware

Crossroads Autoworks

Rd 48

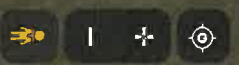
Hollyville Rd

Google

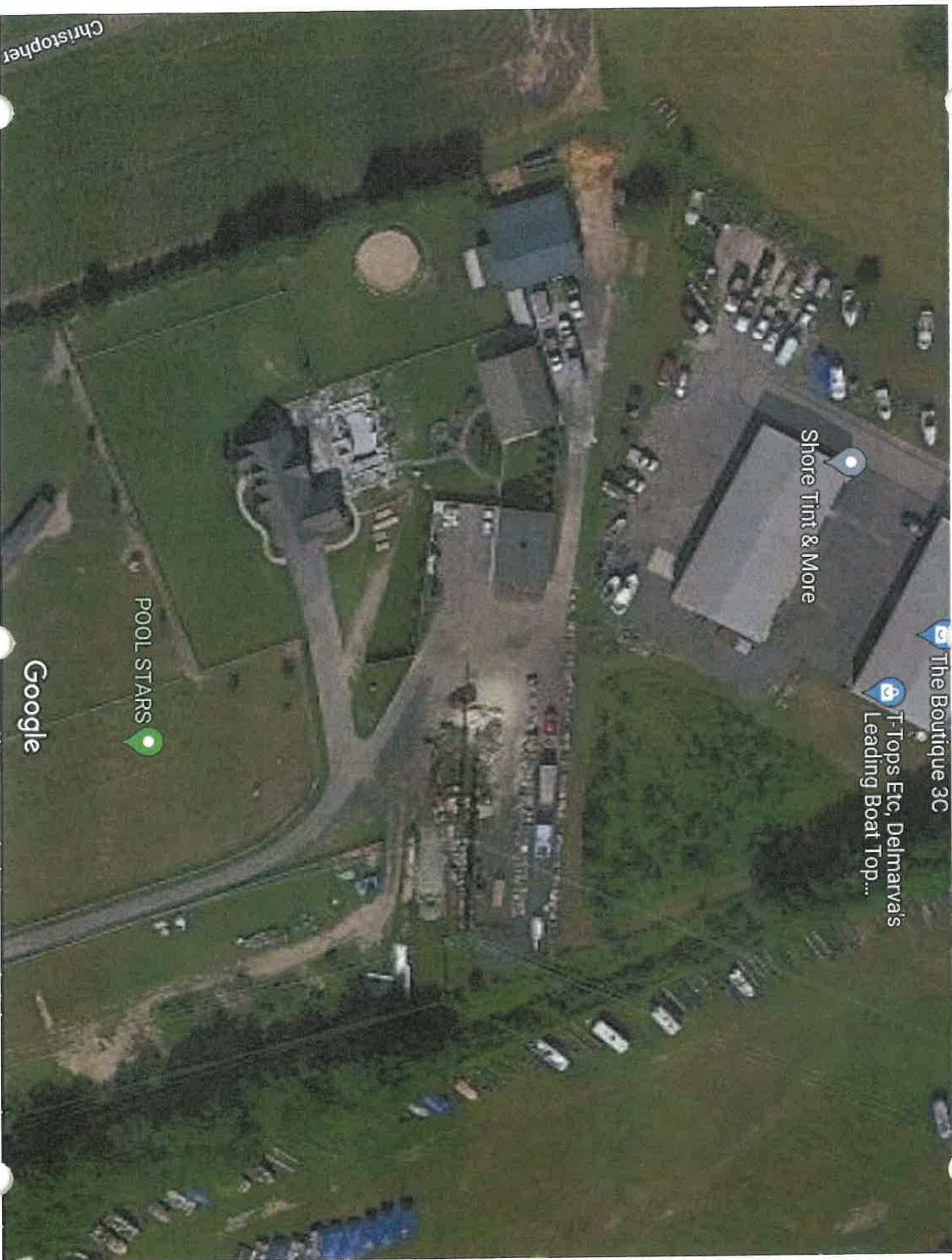
Imagery ©2023 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2023 Google

United States Terms Privacy Send feedback

200 ft



Christopher



Shore Tint & More

The Boutique 3C

T-Tops Etc, Delmarva's  
Leading Boat Top...

POOL STARS

Google

7















8

# SUSSEX COUNTY

D E L A W A R E

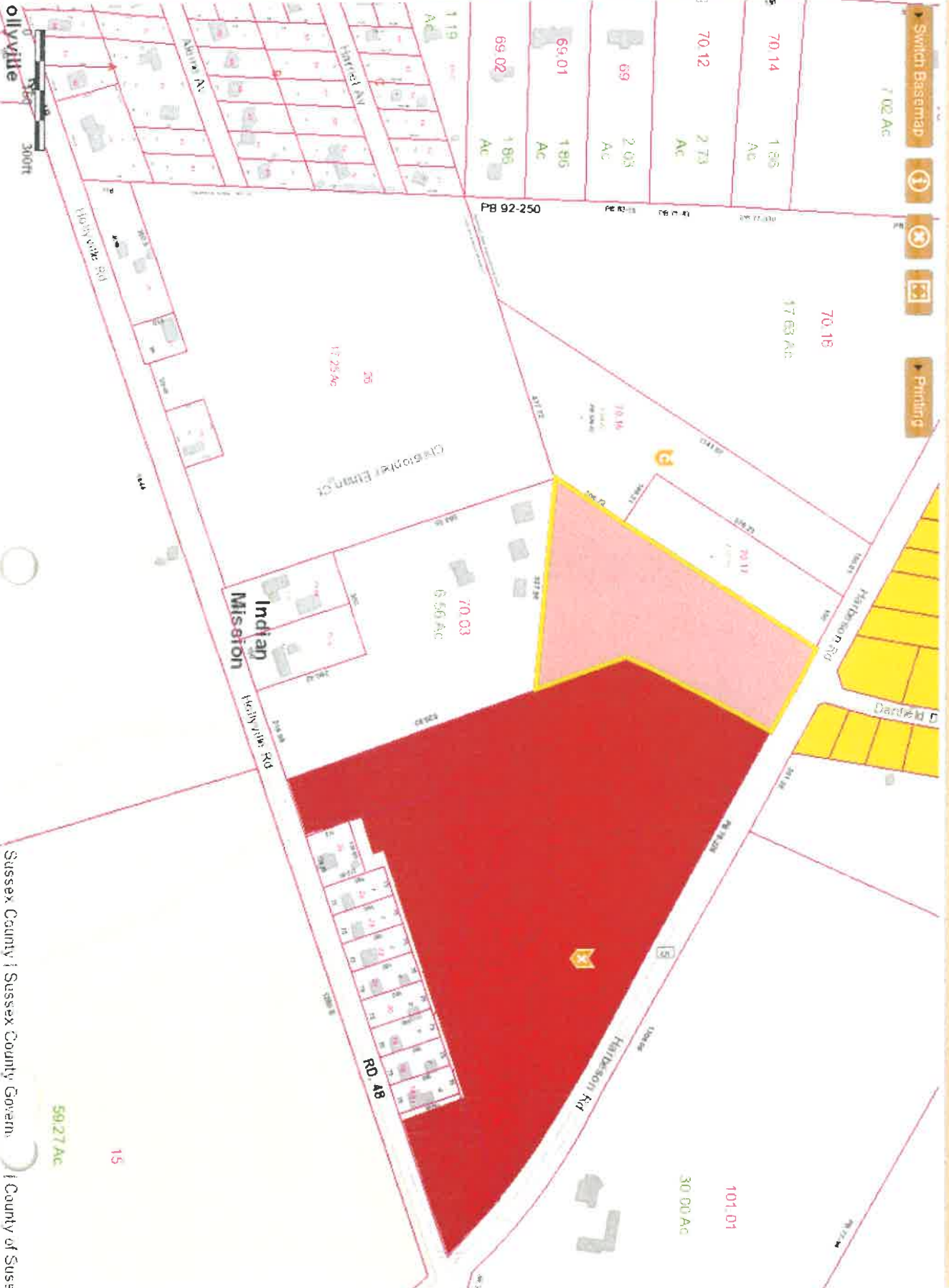
Search

Tax ID

Switch Basemap

Print

Printing



Zoom

9

**COMPLIANCE WITH COMPREHENSIVE PLAN AND  
ZONING CODE OF SUSSEX COUNTY FOR C/U 2376**

The applicant, Jose Hernandez (hereinafter the “Applicant”), seeks an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District (“AR-1”) to utilize existing buildings for office and storage uses in connection with the operation of the Applicant’s existing pool company known as Pool Stars LLC on a certain parcel of land lying and being in Indian River Hundred, Sussex County, Delaware, located on Hollyville Road, consisting of 6.56 acres, more or less. The subject property is designated by Sussex County Tax Mapping as District 234, Map 10.00, Parcel 70.03 (“Subject Property”). The Subject Property is owned by the Applicant’s brother, Gustavo Hernandez. It is a large, deep parcel that is currently improved with a residential dwelling which is used and occupied by the Applicant as a primary residence. In addition to the residential dwelling, the Property is improved with accessory structures that are currently used by the Applicant in connection with the operation of Pool Stars LLC.

Although Pool Stars LLC was not formed until 2021, the Applicant is not new to the industry. The Applicant has provided his clients with an outdoor experience and personalized pool services for over 15 years. The Applicant’s knowledge and experience enables Pool Stars LLC to design,



create and repair pools with the most suitable styles, reliable materials and cost efficiency. In addition to new pool construction, pool renovations and pool equipment repair, Pool Stars LLC creates outdoor living spaces and utilizes the best materials and equipment to achieve the ideal results for the client. This conditional use will enable the Applicant to meet the needs of the expanding population in Sussex County by providing pool related services and creating outdoor living spaces.

The Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Code (the "Code"). The purpose of the AR-1 Zoning District is to provide for "a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses." Conditional Uses allowed within the AR-1 District pursuant to Section 115-22 of the Code include, among other uses, agricultural related industries, "as well as residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit." Thus, the proposed use is a permitted conditional use under the Code.

In addition, the Subject Property is located within an area identified in the Sussex County Comprehensive Plan dated March 2019 ("The Sussex

Plan”) as Low Density. The Sussex Plan provides that the primary uses envisioned in the Low Density Areas include agricultural activities and homes. The Sussex Plan further provides that “[b]usiness development should be largely confined to businesses addressing the needs of these two uses...The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents.”<sup>1</sup>

This location is appropriate for this type of use. It is in an area where other commercial and business uses exist, including a car sales lot, warehousing, a mini-storage facility, a boat sales and storage facility, a house moving and masonry yard as well as other business uses. The properties located to the east are zoned commercial, the property directly to the north of the Subject Property is zoned B-1 Neighborhood Business and there is an existing conditional use to the northwest of the Subject Property.

As permitted by the Code and the Sussex Plan, the Applicant is currently using the Property for residential purposes and for business uses that address the needs of the residents in Sussex County. Pool Stars LLC currently has 10 employees and 6 work trucks, which will be parked in the rear of the Subject Property. Pool Stars LLC is not open to the public, nor do they have a sales facility. The proposed hours of operation are Monday

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<sup>1</sup> Sussex County Comprehensive Plan dated March 2019, at page 4-19.

through Saturday, 7:00 a.m. – 5:00 p.m. There is an existing sign on the Subject Property advertising Pool Stars LLC. The Applicant seeks permission to maintain the existing sign and does not seek permission for any other signs. The Applicant is not proposing any new buildings or structures on the Subject Property. Storage of pool equipment and materials will be maintained in the existing structures or outside. Materials such as pavers, stone, sand, pipes, etc. will be stored outside on the side and the rear of the Subject Property. The proposed use is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area. As acknowledged by The Sussex Plan, Sussex County is the fastest growing county in the State of Delaware. The proposed use will serve the needs of the expanding population in this area by providing pool related services and creating outdoor living spaces for residents in Sussex County.

For the reasons set forth herein, the Applicant's use of the Subject Property is permitted under the Zoning Code and is consistent with the purposes and the goals of the Sussex Plan. The proposed use will not have any adverse impact on neighboring properties or the surrounding area or uses, as it is an extension of an existing commercial and business area. Rather, the Applicant has received the support of neighboring property

owners. In addition, the proposed use will have no adverse impact on traffic in the area. A Service Level evaluation was requested by the Applicant and DelDOT has advised that the traffic impact is diminutive. As a result, DelDOT did not recommend that a traffic impact study be performed for the proposed use. The proposed conditional use will simply facilitate the ability of the Applicant to not only reside at the Property, but to continue to operate his established, local business on the Subject Property and serve the residents of Sussex County.

10

**PROPOSED FINDINGS OF FACT AND CONDITIONS**  
**C/U NO. 2376**

Based upon the record presented in support of C/U No. 2376, the application of Jose Hernandez, for a conditional use of land in an AR-1 Agricultural Residential District for purposes of operating an existing pool company known as Pool Stars LLC, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions:

1. The application of Jose Hernandez seeks a conditional use of land in an AR-1 Agricultural Residential District for purposes of operating an existing pool company known as Pool Stars LLC.

2. The conditional use of land sought consists of approximately 6.56 acres of land lying and being in Indian River Hundred, Sussex County, Delaware, located on Hollyville Road.

3. The property is currently improved with a residential dwelling which is used and occupied by the Applicant as a primary residence. In addition to the residential dwelling, the property is improved with accessory structures that are currently used by the Applicant for his pool company, Pool Stars LLC.

4. The Applicant proposes to continue to operate the existing pool company on the property.

5. The property is served by an individual onsite well and an individual onsite septic system and shall comply with DNREC requirements.
6. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
7. The property is located in the Low Density Area under the Sussex County Comprehensive Land Use Plan.
8. A conditional use of land sought will have no adverse or detrimental impact on neighboring areas.
9. The proposed use is consistent with nearby uses, which include other businesses, offices, contractors and storage areas.
9. The Applicant received letters in support of the application.
10. A Service Level evaluation was requested by the Applicant and DelDOT has advised that a traffic impact study was not recommended.
11. The hours of operation of the business will be from 7:00 a.m. through 5:00 p.m. on Monday through Saturday. Extended hours are permitted to service customers during inclement weather conditions or emergency situations.
12. The business will not be open to the public.
13. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

14. The project shall be subject to all DelDOT requirements regarding entrances and roadway improvements.

15. The conditional use will afford an existing business to continue to operate from their home and service the needs of the community in the rapidly expanding district.

16. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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



Sussex County Planning & Zoning Department  
Attn. Jamie Whitehouse, AICP, MRIP, Planning & Zoning Director  
2 The Circle  
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC  
TMP#234-10.00-70.03 / 23086 Hollyville Rd, Harbeson, DE  
Conditional Use No. 2376

Dear Mr. Whitehouse:

I/we own property located at 23100 Hollyville Rd, Harbeson, Delaware, which property is in close proximity to the above-referenced property. We are writing to advise that we support/do not oppose Jose Hernandez's request for a conditional use of land to allow Mr Hernandez to utilize the property in connection with his swimming pool business, Pool Stars LLC. The proposed use will not have an adverse impact on the use of my/our property or traffic.

Sincerely,

  
Cynthia Barry

Sussex County Planning & Zoning Department  
Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director  
2 The Circle  
Georgetown, DE 19947

RE Jose Hernandez / Pool Stars LLC  
TMP#234-10.00-70.03 / 23086 Hollyville Rd., Harbeson, DE  
Conditional Use No. 2376

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Sincerely,

Luis Qi Szymanski

---

Sussex County Planning & Zoning Department  
Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director  
2 The Circle  
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC  
TMP#234-10 00-70 03 / 23086 Hollyville Rd , Harbeson, DE  
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Sincerely,

STEVE BORING  
[Signature]