

RESOLUTION NO. R 020 81

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MARINE SALES, SERVICE, AND STORAGE, SMALL ENGINE SALES AND SERVICE, AND PRODUCE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES, MORE OR LESS

WHEREAS, on the 12th day of November, A. D. 1980, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for Marine Sales, Service and Storage, Small Engine Sales and Service, and Produce Sales, denominated C/U #609, was filed on behalf of Albert C. Freischmidt; and

WHEREAS, on the 18th day of December, A. D. 1980, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #609 be deferred; and

WHEREAS, on the 6th day of January, A. D. 1981, of Sussex County on C/U #609 said Council deferred action pending recommendation from the Planning and Zoning Commission of Sussex County; and

WHEREAS, on the 22nd day of January, A. D. 1981, the Planning and Zoning Commission recommended that C/U #609 be approved; and

WHEREAS, on the 24th day of February, A. D. 1981, the County Council of Sussex County considered the public comments and the recommendations of the Planning and Zoning Commission and the County Council having found as follows:

(a) That the Conditional Use applied for is for the general convenience and welfare of the inhabitants of Sussex County;

(b) That the location is appropriate for the Conditional Use applied for and not in conflict with the Comprehensive Plan;

(c) That the public health, safety, morals and general welfare of the inhabitants of Sussex County will not be adversely affected;

(d) That adequate off-street parking facilities will be provided;

(e) That the necessary safeguards will be provided for

the protection of surrounding property, persons and neighborhood values; and

(f) That the additional standards of Ordinance 1, Article 10, Section 1, et seq., will be complied with,

NOW, THEREFORE,

BE IT RESOLVED that the application of Albert C. Freischmidt for a Conditional Use of land in an AR-1 Agricultural Residential District for Marine Sales, Service, an Storage, Small Engine Sales and Service, and Produce Sales to be located in Broadkill Hundred, Sussex County, be and the same is hereby granted;

BE IT FURTHER RESOLVED that the description of the land which is the subject of this application is more particularly described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in the Broadkill Hundred, Sussex County, Delaware, and lying on the easterly side of Route 1 and bounded as follows:

BEGINNING at an iron pipe set on the easterly right of way of Route 1, approximately 450 feet south of Route 234, a corner for this subject land and lands now or formerly of Conrad H. Fassell; thence north  $85^{\circ}$  31' 04" east 400.43 feet along lands now or formerly of Conrad H. Fassell and lands now or formerly of Carrie H. Leverage to an iron pipe, a corner for this subject land and lands now or formerly of Carrie H. Leverage and lands now or formerly of James Lee Carpenter; thence south  $06^{\circ}$  15' 32" east 164.19 feet along lands now or formerly of James Lee Carpenter to an iron pipe a corner for this subject land and lands now or formerly of James Lee Carpenter and lands now or formerly of Henry E. Atkins; thence south  $59^{\circ}$  15' 15" west 166.95 feet along lands now or formerly of Henry E. Atkins to an iron pipe set on the easterly right of way of Route 1; thence north  $51^{\circ}$  33' west 349.40 feet along the easterly right of way of Route 1 to the point and place of beginning and containing 1.3 acres more or less;

BE IT FURTHER RESOLVED that this Conditional Use is granted

subject to compliance with Ordinance No. 1, the Comprehensive Zoning Ordinance of Sussex County, as amended;

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to the following special conditions:

1. There shall be no commercial dry boat storage. Permitted boat storage shall be limited to boats being kept for repairs.

2. Produce sales shall be limited to items grown on these premises and shall be conducted out of the existing structure (312' x 24.6') and labelled on the plat submitted with the application as "chicken house". This structure will also house the repair shop storage facilities.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 020 81 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 24TH DAY OF FEBRUARY, 1981.

Emogene P. Ellis  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL