

**ORDINANCE NO. 2436**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 7th day of April 2015, a conditional use application, denominated Conditional Use No. 2017 was filed on behalf of Eli and Victoria Zacharia; and**

**WHEREAS, on the 13th day of August 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of September 2015, said Planning and Zoning Commission recommended that Conditional Use No. 2017 be denied; and**

**WHEREAS, on the 22nd day of September 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article V, Section 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2017 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as:**

**All that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of John J. Williams Highway (Route 24), 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision and being more particularly described in Deed Book 3075, Page 89, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 22,500 square feet, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**This Ordinance was adopted subject to the following conditions:**

- 1. The multi-family residential use shall be limited to the existing structure on the property, being the existing residence and the attached garage which has been converted to a residential unit. No additional structure shall be permitted for residential use. This application is for a garage apartment only.**
- 2. All entrances and roadway improvements shall be subject to DeIDOT approvals.**
- 3. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**
- 4. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- 5. The site shall have a minimum of four (4) parking spaces on the premises.**
- 6. In the event the County provides central sewer service to the area at a later date, the Applicant shall be required to abandon the on-site system and connect directly to the County's central sewer system.**
- 7. The location of all buildings, parking areas, and driveways shall be shown on the Final Site Plan and clearly marked on the site itself.**
- 8. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2436 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF FEBRUARY 2016.**



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**ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL**

**The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:**

- A. This is the application of Eli and Victoria Zacharia to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 22,500 square feet, more or less. The property is located northwest of John J. Williams Highway (Route 24) 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision (911 Address: 20336 John J. Williams Highway, Lewes) (Tax Map I.D. 334-18.00-7.00).**
- B. Council found that DeIDOT commented that Level of Service "E" of John J. Williams Highway will not change as a result of this proposed application.**

- C. Council found that the Sussex Conservation District commented that the Applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that no off-site drainage improvements will be required; that it may be possible that on-site drainage improvements will be required; and that no tax ditches are affected.**
- D. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the property is located in the Goslee Creek Planning Area; that the parcel has not been provided with a sewer connection point; that the project is not capable of being annexed into a County operated sanitary sewer district at this time; that conformity to the North Coastal Area Planning Study will be required; that when the County provides central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a Concept Plan is not required.**
- E. Council found that, at the Planning and Zoning Commission hearing, Mr. Lank, Director of Planning and Zoning, advised the Commission that if the use is approved, a minimum of four parking spaces will be required, and that the MR Medium Density Residential zoning classification permits Conditional Use applications for multi-family dwelling structures.**
- F. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Eli Zacharia and Sammy Zacharia were present at the Planning and Zoning Commission hearing and Eli Zacharia was present at the Council hearing; that, in response to questions raised at the Planning and Zoning Commission hearing, Eli Zacharia presented a sketch showing the intended parking area; that they stated they have an attached garage that has been remodeled for extra living space with a kitchen; that Sammy Zacharia or a seasonal employee will reside in the converted garage unit; and that separate electrical meters have already been installed.**
- G. Council found that no parties appeared in opposition to the application.**
- H. Council found that the use will not adversely affect neighboring properties or area roadways.**
- I. Based on the record of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**