Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. All questions must be answered. If a question is unknown at this time or not applicable, please explain. Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): _____

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): _____

1. Project Title/Name: Judith B. Demeno, Trustee
2. Location (please be specific): N. side Route 9 (formerly Route 18), 1800 feet W. County Road 281 &E. of Coolspring
3. Parcel Identification #: 3-34-10.00-199.00
4. County or Local Jurisdiction Name: where project is located: Sussex
5. If contiguous to a municipality, are you seeking annexation: N/A
6. Owner's Name: Judith B. Demeno, Trustee

   Address: c/o Morris James Wilson Halbrook & Bayard, LLP P.O. BOX 690, 107 W. Market St.

   City: Georgetown State: DE Zip: 19947

   Phone: 856-0015 Fax: 856-7116 Email: EBayard@morisjames.com
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):

   Address:

   City: State: Zip:

   Phone: Fax: Email:
8. Project Designer/Engineer: N/A

   Address:

   City: State: Zip:

   Phone: Fax: Email:
9. Please Designate a Contact Person, including phone number, for this Project: Eugene H. Bayard 856-0015

Information Regarding Site:

10. Type of Review: [x] Rezoning, if not in compliance with certified comprehensive plan [ ] Site Plan Review [ ] Subdivision

11. Brief Explanation of Project being reviewed: Property has been a commercial location since 1974. Project involves using a residence as a day spa.
If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 1.24 Number of Residential Units: 1 Commercial square footage: including residence less than 3000 sq. ft.

13. Present Zoning: AR-1 with 2 conditional uses & a variance 14. Proposed Zoning: B-1

15. Present Use: Retail sales of clothing & gifts 16. Proposed Use: Addition of a day spa

17. Water: [ ] Central (Community system) [X] Individual On-Site [ ] Public (Utility)
Service Provider Name:

Will a new public well be located on the site? [ ] Yes [x] No

18. Wastewater: [ ] Central (Community system) [ ] Individual On-Site [ ] Public (Utility)
Service Provider Name:

Will a new community wastewater system be located on this site? [ ] Yes [ ] No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):

20. Environmental impacts: None

How many forested acres are presently on-site? How many forested acres will be removed? zero only several shade & boundary trees

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? [ ] Yes [x] No

Are the wetlands: [ ] Tidal Acres:
[ ] Non-tidal Acres:

If "Yes", have the wetlands been delineated? [ ] Yes [ ] No

Has the Army Corps of Engineers signed off on the delineation? [ ] Yes [x] No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? [ ] Yes [ ] No If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? No ground disturbance

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? [ ] Yes [x] No

22. List the proposed method(s) of stormwater management for the site: Additional stormwater management unnecessary, since no new impervious area will be created

23. Is open space proposed? [ ] Yes [x] No If "Yes," how much? Acres: Building footprint will not change. See attached survey

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?

24. Are you considering dedicating any land for community use (e.g., police, fire, school)? [ ] Yes [x] No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: See attached DelDOT Support Facilities Report

What percentage of those trips will be trucks, excluding vans and pick-up trucks? Negligible

26. Will the project connect to state maintained roads? [x] Yes [ ] No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

28. Are there existing sidewalks? [ ] Yes [x] No; bike paths [ ] Yes [ ] No Route 9 in this area has
Are there proposed sidewalks? [ ] Yes [x] No; bike paths [ ] Yes [ ] paved shoulders

Is there an opportunity to connect to a larger bike, pedestrian, or transit network? [ ] Yes [ ] No Unknown at this time

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites? [ ] Yes [x] No

Has this site been evaluated for historic and/or cultural resources? [ ] Yes [x] No

Would you be open to a site evaluation by the State Historic Preservation Office? [x] Yes [ ] No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? [x] Yes [ ] No
Person to contact to arrange visit: Judy Demen phone number: 684-5140

31. Are any federal permits, licensing, or funding anticipated? [ ] Yes [x] No

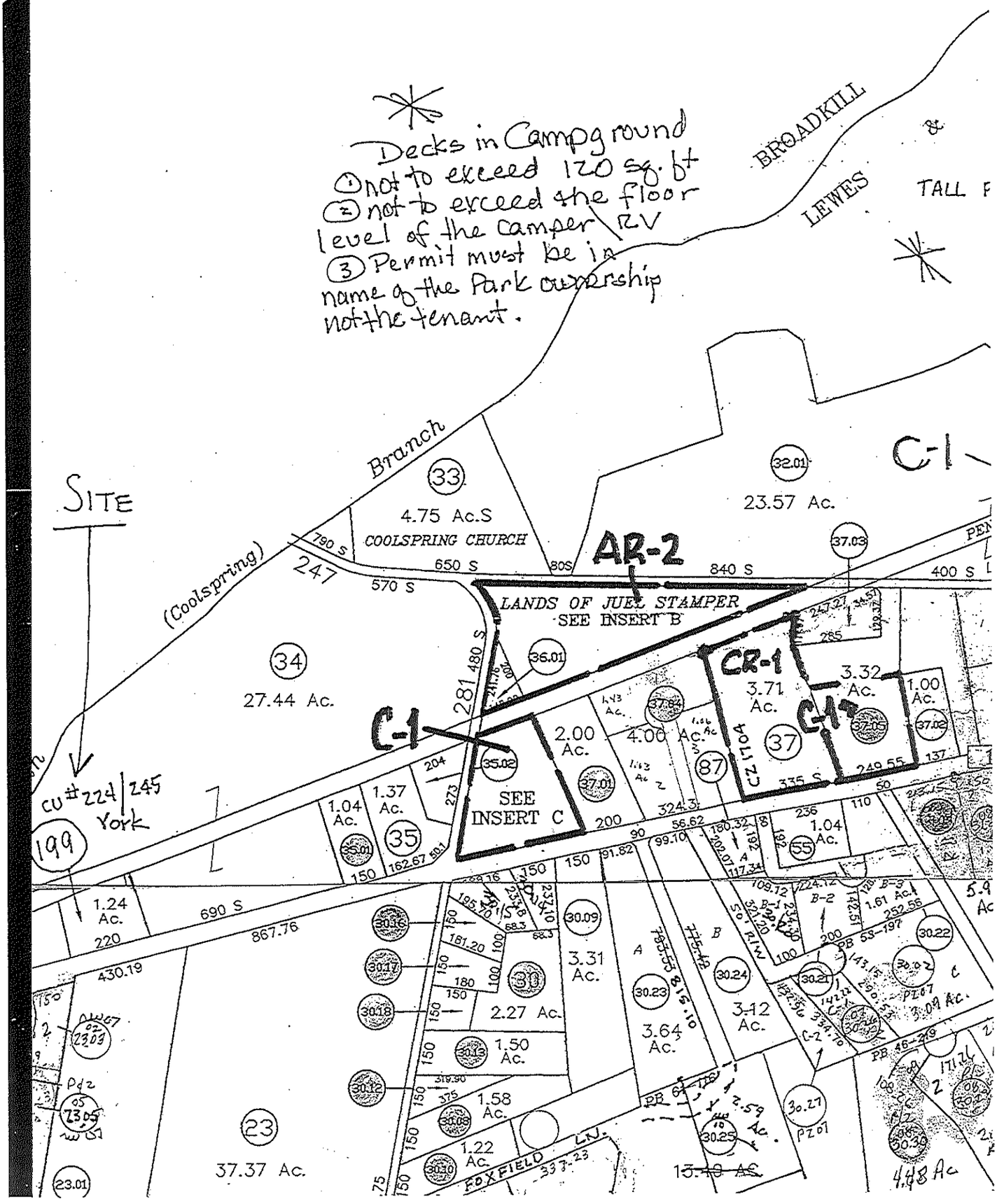
I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

Signature of property owner _____ Date _____

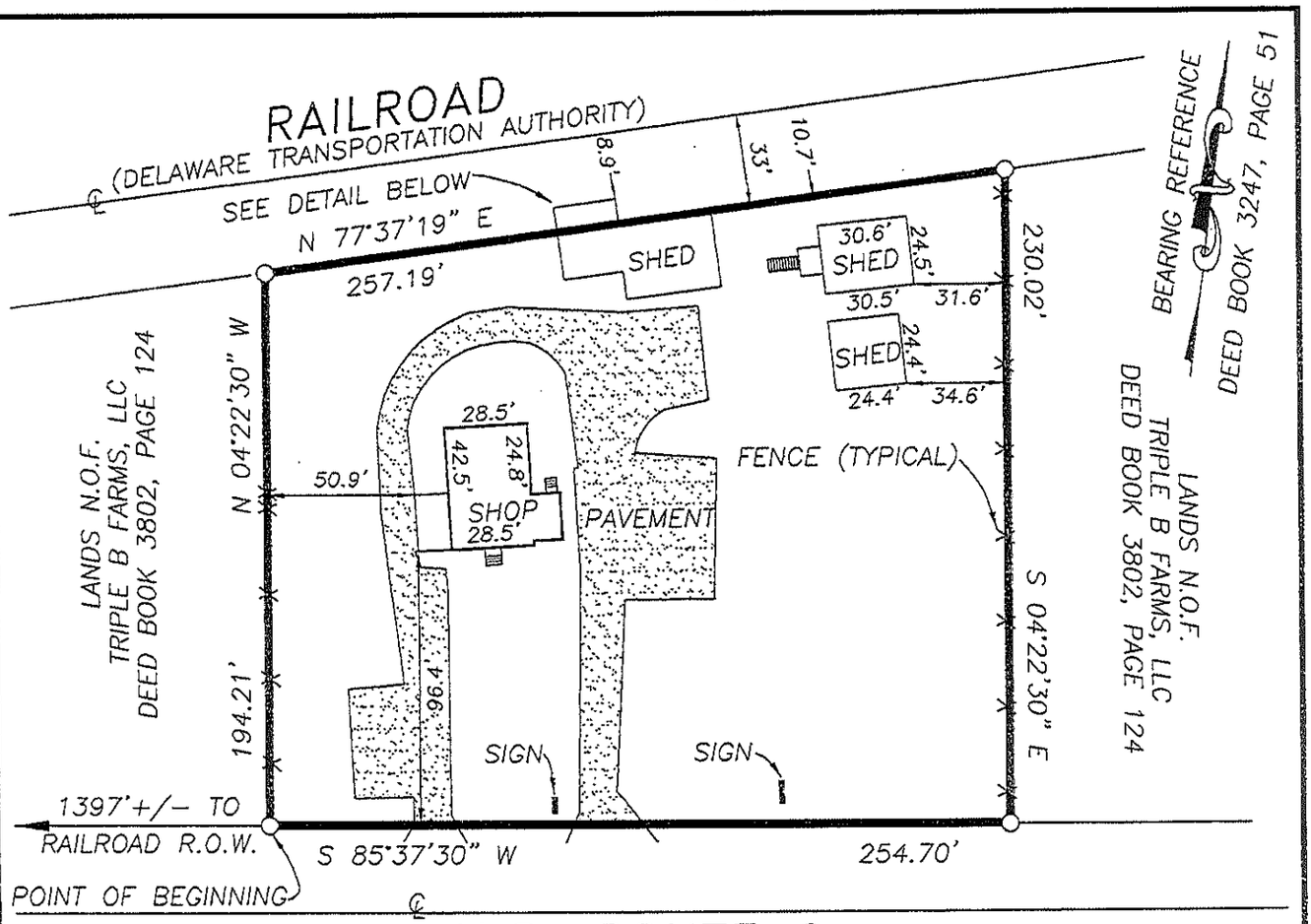
Signature of Person completing form (If different than property owner) Eugene H. Bayard, Attorney Date 5-2-13

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning electronically at Dorothy.morris@state.de.us along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact Dorothy at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.


Decks in Campground
① not to exceed 120 sq. ft
② not to exceed the floor level of the camper \ RV
③ Permit must be in name of the Park ownership not the tenant.
BROADKILL
LEWES
TALL F
SITE
Branch
(Coolspring)
33
4.75 Ac.S
COOLSPRING CHURCH
32.01
23.57 Ac.
C-1
AR-2
37.03
790 S
650 S
80S
840 S
400 S
247
570 S
LANDS OF JUEL STAMPER
SEE INSERT B
34
27.44 Ac.
36.01
281
480 S
CR-1
3.71 Ac.
3.32 Ac.
1.00 Ac.
C-1
2.00 Ac.
4.00 Ac.
37
CZ 1704
87
35.02
SEE INSERT C
37.01
CU #224/245 York
199
1.04 Ac.
1.37 Ac.
35
35.01
1.04 Ac.
55
1.24 Ac.
690 S
867.76
430.19
30.16
30.17
30.18
30.09
3.31 Ac.
30
2.27 Ac.
30.23
3.64 Ac.
30.24
3.12 Ac.
30.21
30.22
30.13
1.50 Ac.
30.12
1.58 Ac.
30.08
1.22 Ac.
30.10
FOXFIELD LN.
23
37.37 Ac.
23.01
30.25
30.27
4.48 Ac

TAX MAP NO. 3-34-10.00, PARCEL 199.00



U.S. ROUTE 9

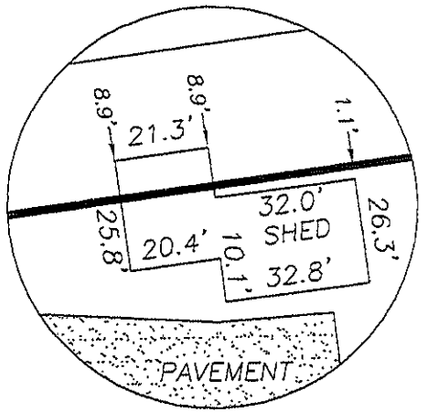
(A.K.A. STATE ROUTE 404)
(A.K.A. COUNTY ROAD 18)
(A.K.A. LEWES-GEORGETOWN HIGHWAY)
(A.K.A. SEASHORE HIGHWAY)
(60' WIDE)

LEGEND:

O FOUND IRON PIPE

NOTES:

1) CLASS "B", SUBURBAN SURVEY
2) SOURCE OF TITLE: DEED BOOK 3247, PAGE 51
3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY
4) SEE CONDITIONAL USE #229
5) SEE BOARD OF ADJUSTMENT CASE NO. 10470-2009 FOR REAR YARD SETBACK
6) SEE DEED BOOK 3999, PAGE 275 FOR EASEMENT AGREEMENT NO. GL-93 IN FAVOR OF THIS PROPERTY FROM THE DELAWARE TRANSIT CORPORATION (FOR ENCROACHMENT INTO RAILROAD)



DETAIL:

SCALE: 1" = 40'

BOUNDARY SURVEY PLAN

PREPARED FOR

JUDITH B. DEMENO, TRUSTEE

FOR PROPERTY KNOWN AS
28711 LEWES-GEORGETOWN HIGHWAY
SITUATED IN
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY
STATE OF DELAWARE
AREA: 1.240± ACRES
SCALE: 1" = 60'
DATE: JULY 23, 2013

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
WWW.ADAMSKEMP.COM

R.B. KEMP, III, P.L.S. 541

PLAN NO. 130716-A

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JUDITH B. DEMENO, TRUSTEE CASE NO. 10470 – 2009

A hearing was held after due notice on September 14, 2009. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of Proceedings

This is an application for a variance from the rear yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from rear yard setback requirements northwest of Route 18, east of Road 290. The Applicant was requesting a 20' variance from the 20' rear yard setback requirement. After a hearing, the Board made the following findings of fact:

1. The Applicant acquired property with an existing encroachment into a railroad right-of-way.
2. Delaware Transit Corporation is willing to allow the building to continue to encroach into the right-of-way, and as a result, the Applicant is requesting a zero setback.
3. A chicken coop has already been removed, and it is possible that the encroachment existed before the zoning ordinance.
4. The Board determined that the variance would not alter the essential character of the neighborhood.
5. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway

Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date October 30, 2009

LAW OFFICES

SCHAB & BARNETT, P.A.

9 CHESTNUT STREET
P.O. BOX 755
GEORGETOWN, DELAWARE 19947
(302) 856-9024
FAX: (302) 856-6360
EMAIL: SCHABBARNETT@COMCAST.NET

WILLIAM SCHAB (DE & MD)
NORMAN C. BARNETT (DE, D.C. & MT)

16698 KINGS HWY., SUITE B
LEWES, DELAWARE 19958
(302) 645-6626
FAX (302) 645-6620

March 10, 2011

TO: Mary Page Bailey, Esq. BY FAX TO 302-577-6630

FROM: Bill Schab, Esquire

RE: Demeno easement

Thanks for speaking with me last week about this and for agreeing to work on it right away so my client can respond to offers on her property, which is for sale. To help you with your task, I am enclosing:

1. The 2005 deed, showing my client's name and address.

2. The survey done when she bought the property which shows the encroaching building (the encroaching "abandoned chicken coop" has been removed).

3. The Sussex County Planning & Zoning Commission decision which allows the encroaching building to remain, sort of contingent on the railroad easement which I said was coming.

4. An easement agreement between the State and another client of mine regarding another property. This form would be fine for the Demeno easement.

The encroaching building was once the garage for the main house. In 1974 the property owner got permission from Sussex County to have a gift/antique shop and to put a 32' x 26' addition on the garage to be used as the store. I don't know exactly when the house and garage were built but I believe it was between 1936 and 1952, so the garage has encroached into the right-of-way for at least 59 years, apparently without any problem.

Please call me if you need more information. Thanks for your help.

WS/plc
enclosures
cc: Judy Demeno w/o enclosures

18-19-11 V

Conditional Use for addition to Gift shop

No. 245

Routes 18

Town or Hamlet Area Lochwings

Beginning point HARLAN G. YORK, SR. C/U #245

Description:

On a motion by Councilman Benson, seconded by Councilman Chandler, be it

RESOLVED, that the application of Harlan G. York, Sr. for a Conditional Use of land in an AR-1 Agricultural Residential District for an addition to an existing Gift Shop located on the north side of Route 18, ½ mile east of Route 290, a public hearing for which was held December 3, 1974, be and the same is hereby granted:

ALL that certain plot, piece, or parcel of land situated in Lewes and Rehoboth Hundred, Sussex County, Delaware; more particularly described as follows:

BEGINNING at a point on the northerly right of way of Route 18; thence north 04° 22' 30" west 194.72 feet to the right of way of Penn Central Railroad; thence north 77° 44' 05" east 257.13 feet to a point; thence south 04° 22' 30" east 82.33 feet to a point; thence south 85° 37' 30" west 34.70 feet to a point; thence south 04°22'30" east 147.69 feet to a point on the northerly right of way of Route 18; thence south 85° 37' 30" west 220.00 feet along said right of way to the point and place of beginning and containing 1.12 acres more or less.

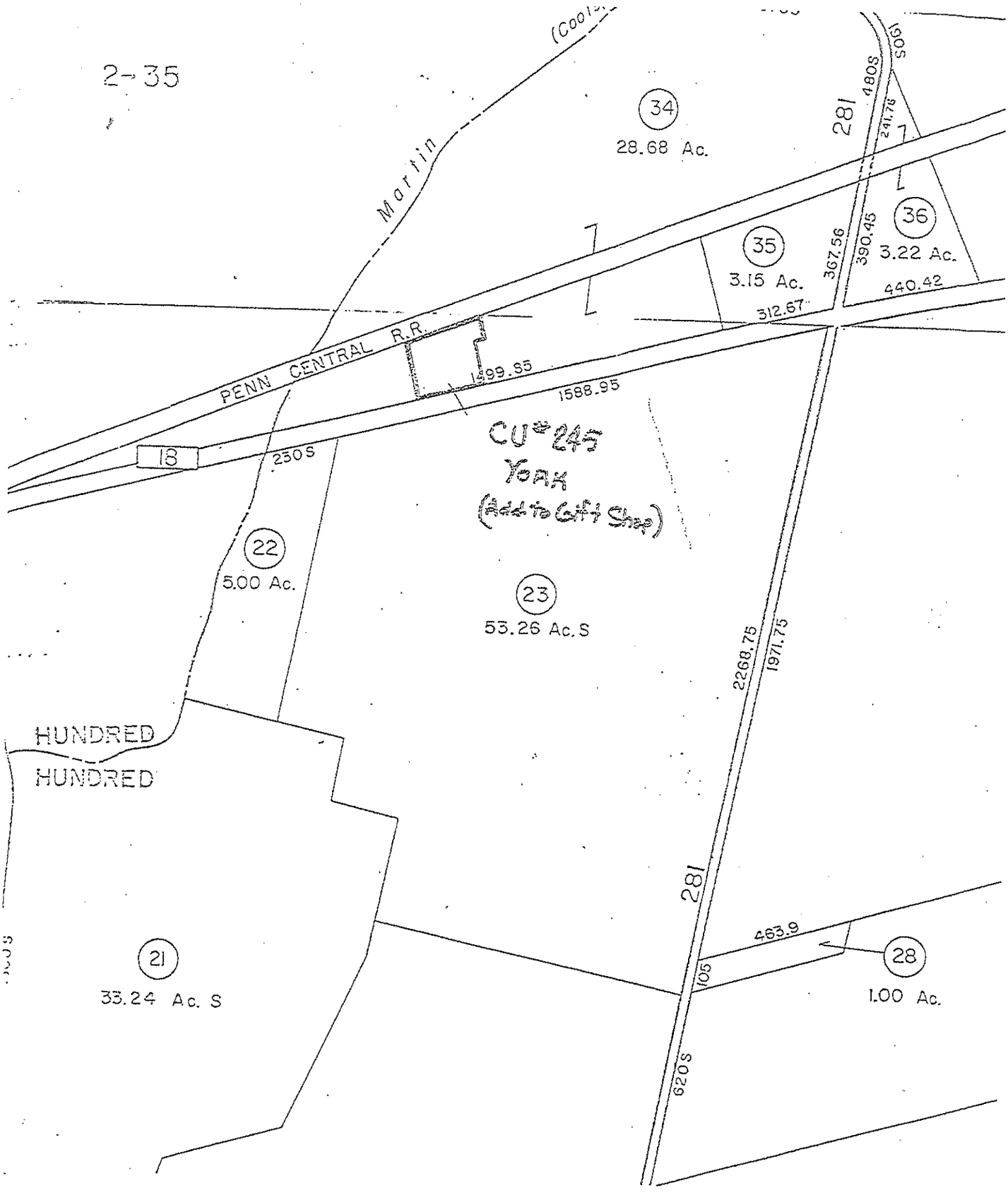
and be it

FURTHER RESOLVED, that this Conditional Use is granted subject to Compliance with the Comprehensive Zoning Ordinance of Sussex County and the following:

1. No outside Storage or display.
2. Subject to site plan review.
3. Site plan be sent to the State Division of Highways for approval.

Upon a vote being taken, the result was:

President of County Council, Hill	Voting yes
Councilman Benson	Voting yes
Councilman Cannon	Voting yes
Councilman Chandler	Voting yes
Councilman Timmons	Voting yes.


2-35
(Cooley)
Martin
34
28.68 Ac.
281
480S
506S
241.78
7
L
35
3.15 Ac.
36
3.22 Ac.
367.56
390.45
440.42
312.67
PENN CENTRAL R.R.
1599.95
1588.95
CU #245
York
(Add to Gift Shop)
18
230S
22
5.00 Ac.
23
53.26 Ac. S
2268.75
1971.75
HUNDRED
HUNDRED
281
463.9
105
28
1.00 Ac.
620S
21
33.24 Ac. S

10.19.11 ✓

Conditional Use for Gift Shop

No. 929

Routes 18

Town or Hamlet Area Cool Springs

Beginning point H. G. York, Sr.

Description:

On a motion by Councilman Benson, seconded by Councilman Cannon, be it

RESOLVED, that the application of Harlan G. York, Sr. for a Conditional Use of land in an AR-1 Agricultural Residential District for a Gift Shop to be located on the north side of Route 18, ½ mile east of Route 290, a public hearing for which was held on August 27, 1974, be and the same is hereby granted:

ALL that certain plot, piece, or parcel of land situated in Lewes and Rehoboth Hundred, Sussex County, Delaware, more particularly described as follows:

BEGINNING at a point on the northerly right of way of Route 18; thence north 04° 22' 30" west 194.72 to the right of way of Penn Central Railroad; thence North 77° 44' 05" east 257.13 feet to a point; thence south 04° 22' 30" east 82.33 feet to a point; thence south 85° 37' 30" west 34.70 feet to a point; thence south 04° 22' 30" east 147.69 feet to a point on the northerly right of way of Route 18; thence south 85° 37' 30" west 220.00 feet along said right of way to the point and place of beginning and containing 1.12 acres more or less.

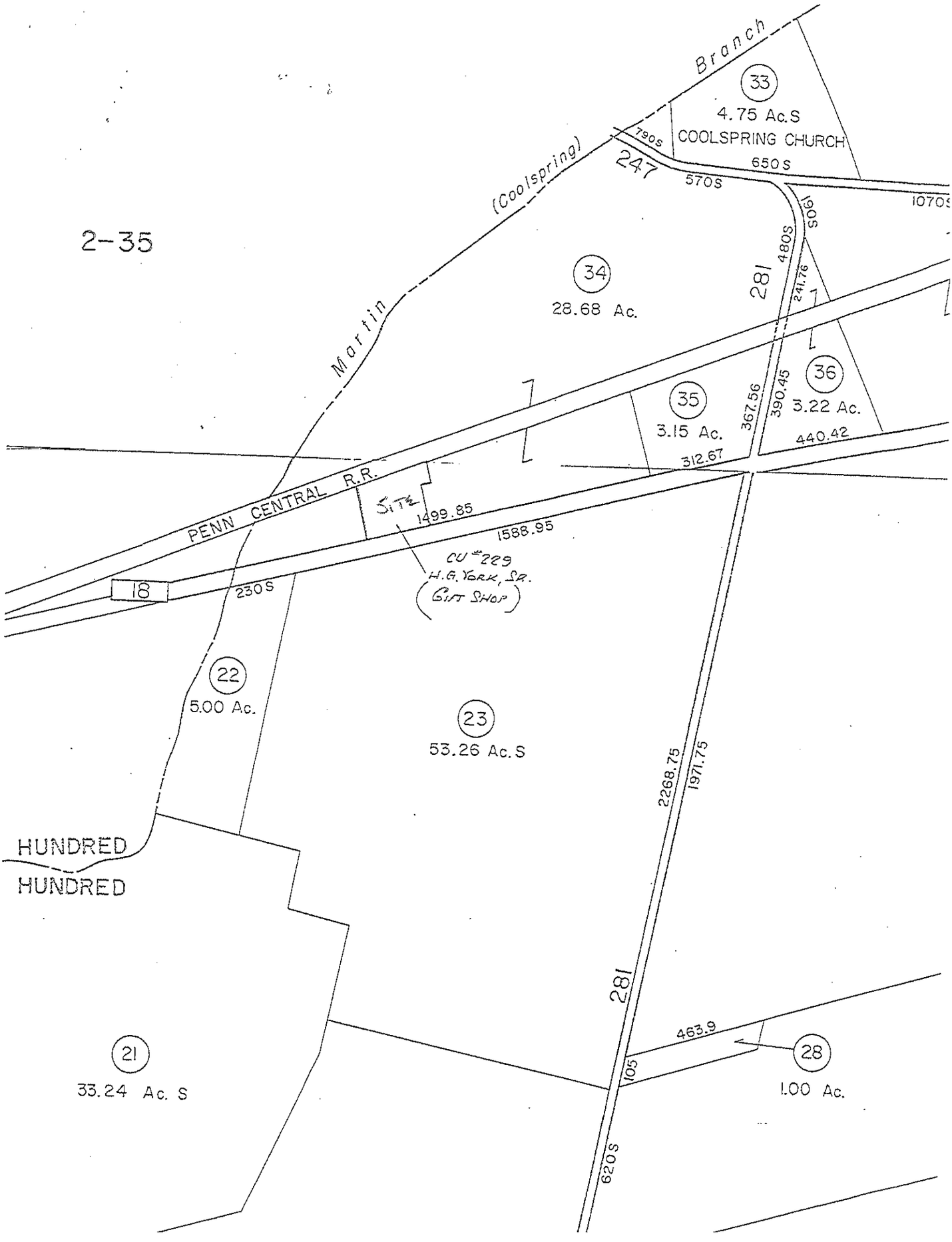
and be it

FURTHER RESOLVED, that this Conditional Use is granted subject to Compliance with the Comprehensive Zoning Ordinance of Sussex County.

Upon a vote being taken, the result was:

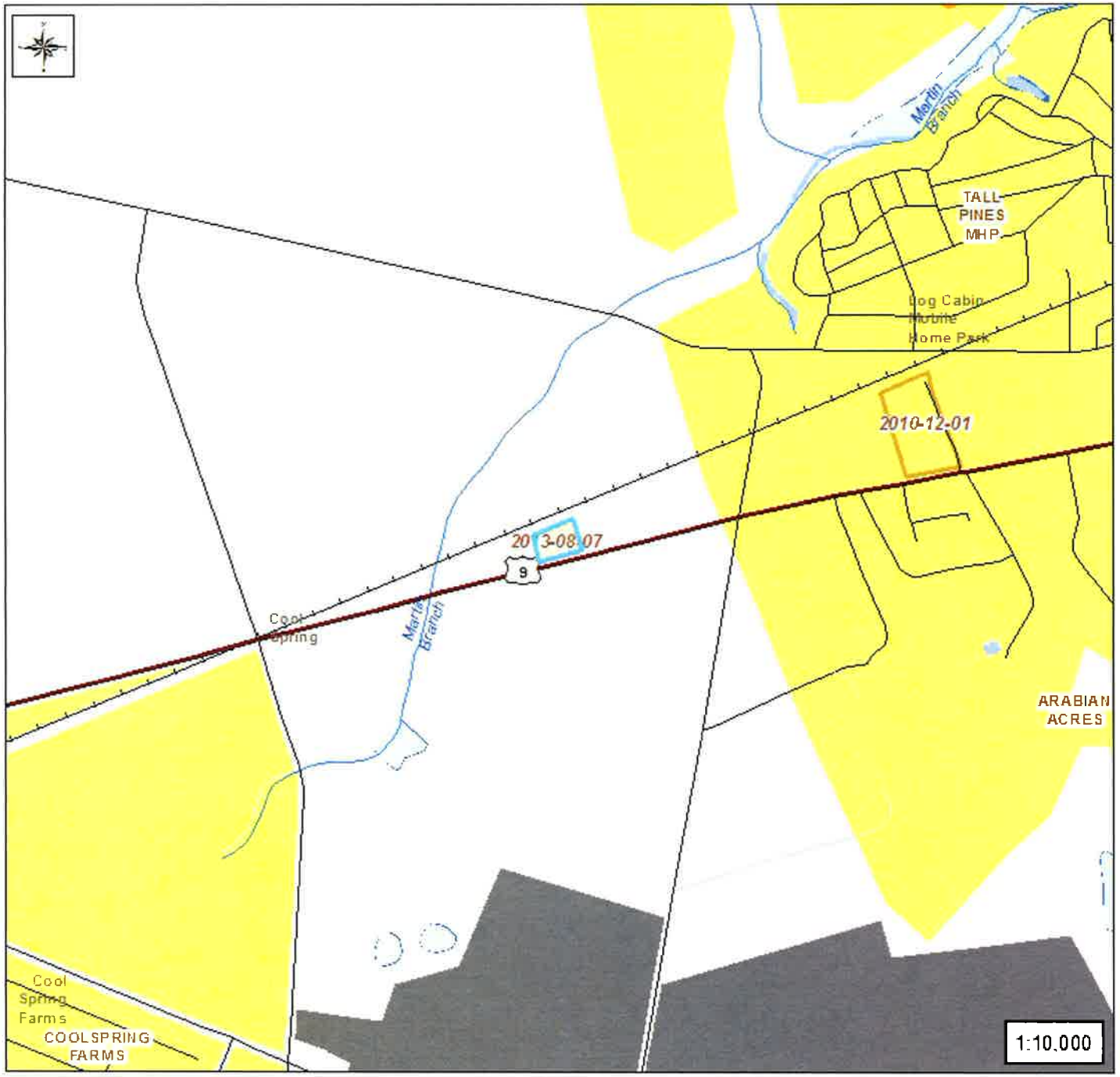
President of County Council, Hill	Voting yes
Councilman Benson	Voting yes
Councilman Cannon	Voting yes
Councilman Timmons	Voting yes
Councilman Chandler	Absent

OK


2-35
Branch
(Coolspring)
Martin
33
4.75 Ac.S
COOLSPRING CHURCH
780S
650S
247
570S
1070S
1905
480S
281
241.76
34
28.68 Ac.
35
3.15 Ac.
367.56
390.45
36
3.22 Ac.
440.42
312.67
PENN CENTRAL R.R.
SITE
1499.85
1588.95
CU #229
H.G. YORK, SR.
(GIFT SHOP)
18
230S
22
5.00 Ac.
23
53.26 Ac.S
2268.75
1971.75
HUNDRED
HUNDRED
281
463.9
105
28
1.00 Ac.
21
33.24 Ac. S
620S

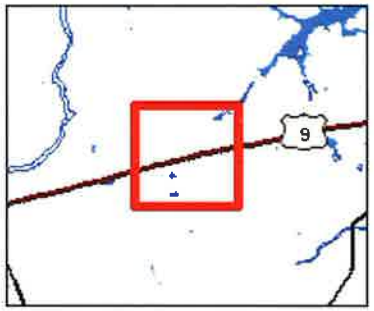
Preliminary Land Use Service (PLUS)

Demeno Property
2013-08-07



Legend
- PLUS Project Areas
- 2010 State Strategies
  - Level 1
  - Level 2
  - Level 3
  - Level 4
  - Out of Play

Location Map

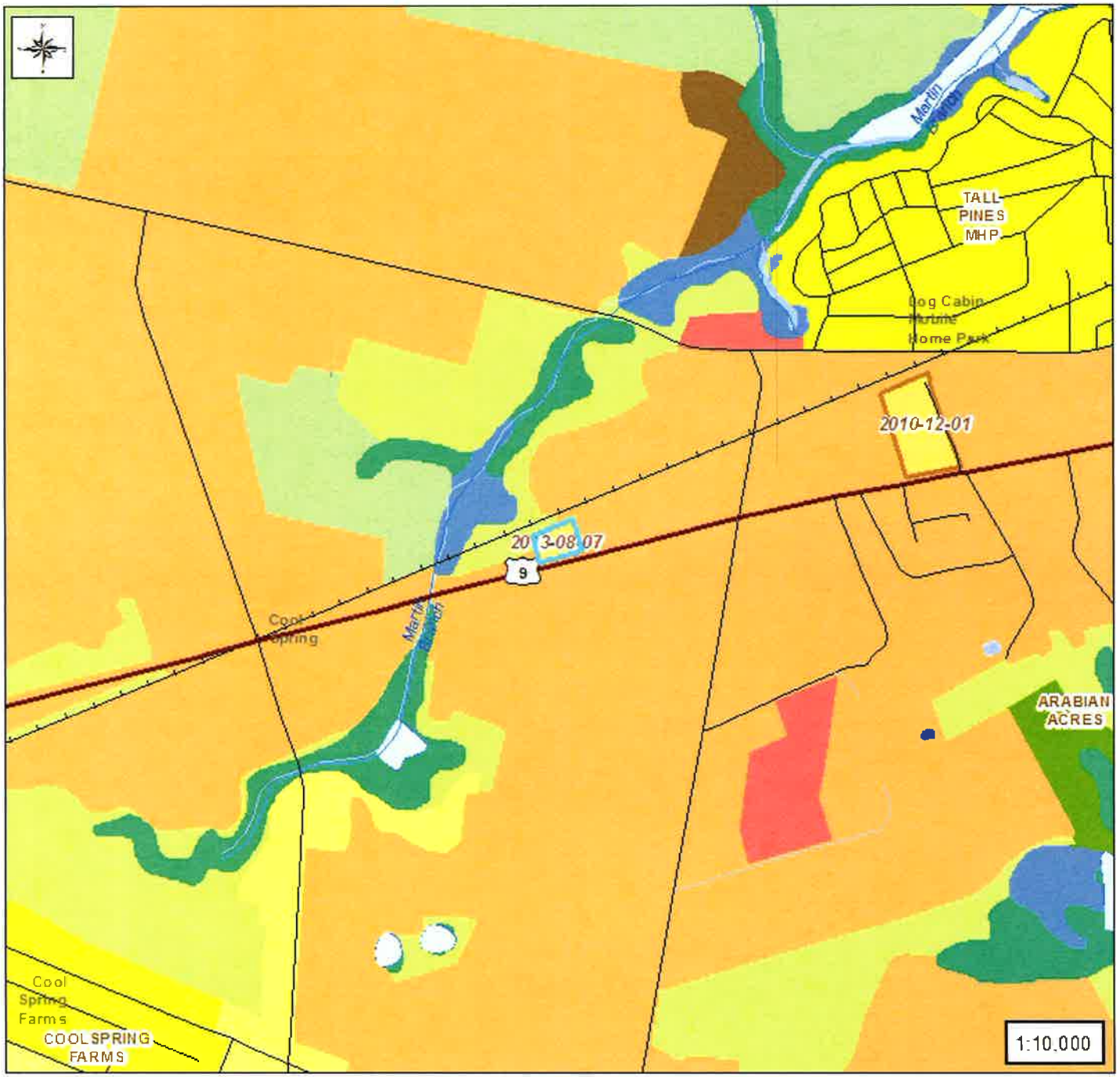


OSPC

Mapping provided by the Delaware Office of State Planning Coordination
www.stateplanning.delaware.gov

Preliminary Land Use Service (PLUS)

Demeno Property
2013-08-07



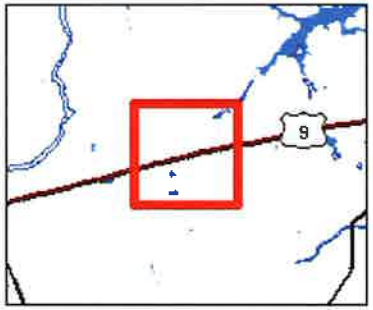
Legend

- PLUS Project Areas

2007 Land Use

- Single Family Dwellings
- Mobile Home Parks/Courts
- Mixed Urban/Built-up
- Farms, Pasture, Cropland
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clearcut
- Man-made Reservoirs and Impoundments
- Open Water
- Emergent Wetlands - Tidal and Nontidal
- Forested Wetlands - Tidal and Nontidal
- Scrub/Shrub Wetlands - Tidal and Nontidal
- Extraction and Transitional

Location Map



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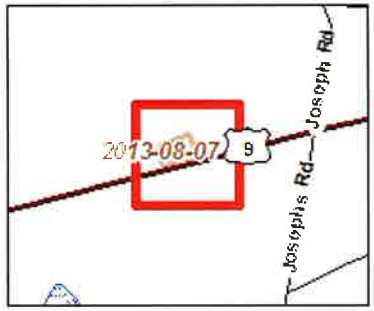
Preliminary Land Use Service (PLUS)

Demeno Property
2013-08-07

Legend
PLUS Project Areas

Location Map



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