

Administrative Official and Public Works Department Monthly Report for March 14, 2017 Town Council Meeting

(Covers period from 020917 through 030717)

Administrative Official:

- There were 38 building and sign permits and 22 Certificates of Zoning Compliance/Occupancy issued during February 2017.
- To date, we have issued 883 business and rental licenses for CYE17 and staff continues to contact individuals who have not yet obtained business and rental licenses for CYE 17.
- Gross Rental Receipt Tax (GRRT):
 - ✓ Staff has processed GRRT for CYE 2016 as follows:
 - \$87,000 for period 16-1, which covers rental income received during the rental period from January 2016 through June 30, 2016. Payments were due August 15, 2016 and staff is still pursuing delinquent accounts for this period.
 - \$152,000 for period 16-2, which is due February 15, 2017 and covers rental period from July 1, 2016 through December 31, 2016.
- The department continues to:
 - ✓ Phone calls to business owners, insurance companies, management companies, and government agencies to gather missing paperwork for license applications.
 - ✓ Courtesy email reminders to owners for Gross Rental Receipt Taxes.
 - ✓ Updating professional licenses & insurance information in our records.
 - ✓ Reports run to match all monies paid for all licenses & GRRT in Z. drive & Edmunds.
 - ✓ Processed BL, RL & GRRT that were then forwarded to Town & Accounting clerk.
 - ✓ Assumes the duties of the Receptionist in their absence.
- The Board of Adjustment met on February 16, 2017 at 5 P.M. to hear the following applications:
 - ✓ **V-335:** The property owners, Vernon R. & Catherine M. Steffe, seek a variance from Article VII, §140-50-B and Article V, §140-32 of the Land Use and Development Chapter (L.U.D.C.) of the Town Code. Article VII, § 140-50-B allows Town Council to set dimensional regulations within Planned Communities and Article V, §140-32 requires attached accessory structures to maintain the same side yard setback as the principal structure. The minimum side yard setback, as determined by Town Council, for the Residential Planned Community (R.P.C.) of Fairway Village is ten (10) feet, as stated on the Record Plat recorded in the office of the Sussex County Recorder of Deeds on March 25, 2009.

This variance seeks to allow the applicants to maintain an existing trash storage bin that encroaches into the required ten (10) foot side yard setback, on a lot zoned R.P.C., located at 62 Fairway Drive (PIDN: 402.284 / Sussex CTM#: 134-16.00-2043.00). **Denied 4-0.**

- ✓ **V-336:** The property owners, Dean A. & Tammy A. Mitchell, request a variance from Article V, §140-28, and Article XVI, §140-100-D(12)(b)[2] & [3] of the Land Use and Development Chapter (L.U.D.C.) and Article II, §187-10-A of the Streets and Sidewalks Chapter of the Town Code. Article V, §140-28, requires a minimum side yard setback of fifteen (15) feet in the R-1 Zoning District and Article XVI, §140-100-D(12)(b)[2] & [3] and Article II, §187-10-A of the Code require that driveways be a minimum of 5' from any adjacent property line.

This variance seeks to allow the applicants to maintain an existing dwelling unit and driveway that encroach into the required setbacks as indicated in the Town Code on a lot zoned R-1, located at 7 Mitchell Avenue (PIDN: 036.510 – CTM#: 134-12.00-1950.00).

Approved 4-0

- ✓ **V-337:** James C. & Deborah A. Stuart, requesting a variance from Article V, §140-32 of the Land Use and Development Chapter (L.U.D.C.) of the Town Code. Article V, § 140-32 limits detached accessory structures to a maximum height of fourteen (14) feet from grade.

This variance seeks to allow the applicants to construct a detached accessory structure (garage) that will exceed the maximum height allowable by Code, on a lot zoned Residential Planned Community, (R.P.C.), located at 3 Avondale Drive (PIDN: 325.110 / Sussex CTM#: 134-17.00-586.00).

Approved 4-0.

- The Board of Adjustment is scheduled to meet at 5 P.M. on March 16, 2017 to hear the following applications:

- ✓ **V-338:** A request for a variance from Article X, § 140-63-D (2) of the Land Use and Development Chapter (L.U.D.C.) of the Town Code, submitted by Ryan Homes with the permission of the property owner, Berzins Enterprises, Inc., seeking relief from the requirement that Development signs, advertising the sale or rental of a structure being built as part of a land development project, be limited to a maximum size of twelve (12) square feet per side, a total sign area not to exceed 24 square feet and a height of eight (8) feet from grade.

This variance seeks to allow placement of a sign that will exceed the maximum allowable square feet per side and total as well as the maximum height from grade on property zoned R-2 located on the NE Corner of Muddy Neck Rd. & Ogre Dr. (PIDN: 403.153 / Sussex CTM# 134-17.00-826.00).

- ✓ **V-339:** A request submitted by the property owners, Anthony and Tracy Jeremias, seeking a variance from Article V, §140-32 and Article XVI, § 140-100-D (12) (b) [4] of the Land Use and Development Chapter (L.U.D.C.) and Article II, § 187-10-A of the Streets and Sidewalks Chapters of the Town Code. Article V, §140-32, required detached accessory structures to maintain setbacks of ten (10) feet from the rear lot line, fifteen (15) feet from side lot line with a maximum height of fourteen (14) feet and Article XVI, § 140-100-D (12) (b) [4] and Article II, § 187-10-A require that driveways be a maximum of twenty (20) feet wide through the Town Right of Way (ROW).

This variance seeks to allow an existing detached accessory structure (garage) to be within the required side lot line setback and exceed the maximum allowable height on property and an existing driveway to be greater than twenty (20) feet through the Town ROW on property zoned R-1 located at 42 West Avenue (PIDN: 229.000 / Sussex CTM#: 134-12.00-619.00).

- ✓ **V-340:** A variance application submitted by K Hovnanian Homes with the permission of the property owner, Windansea, LLC, seeking relief from Article X, § 140-63-D (2) of the Land Use and Development Chapter (L.U.D.C.) of the Town Code, which limits Development Signs, advertising the sale or rental of a structure being built as part of a land development project, to a maximum size of twelve (12) square feet per side, a total sign area not to exceed 24 square feet, a height of eight (8) feet from grade and one (1) per development entrance.

This variance seeks to allow placement of five (5) additional signs along the frontage of the property parallel with Muddy Neck Rd. that will exceed the maximum allowable square feet per side and total height from grade and number of signs on property zoned RPC located at 38399 Muddy Neck Road (PIDN: 408.00 / Sussex CTM#: 134-17.00-11.00).

- ✓ **V-341:** An application submitted by the property owner Thomas G. McDermott, requesting a variance from Article VII, §140-50-B and Article V, §140-28 of the Land Use and Development Chapter (L.U.D.C.) of the Town Code. Article VII, § 140-50-B sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations if they choose and indicates that dimensional regulations not defined will comply with those required by R-3 zoning requirements. The maximum lot coverage permissible for a lot with a single family home in the Residential Planned Community (R.P.C.) of the Fairway Village is 45% which includes all buildings and structures as stated in §140-28 of the L.U.D.C.

This variance seeks to allow the applicant to construct an in ground pool with decking and patio that will exceed the maximum allowable lot coverage of 45% on a lot zoned R.P.C., located at 33 Fairway Drive (PIDN: 402.330 / Sussex CTM#: 134-16.00-2089.00).

- The Planning and Zoning Commission met on 7 P.M. on February 16, 2017 to review the following applications:
 - ✓ **P-261:** Review previously approved Land Development site plan to add an amenity area containing a pool, clubhouse and parking lot, which will be reviewed as Phase III on land zoned Residential Planned Community (RPC) at 7 Luzerne Dr. (PIDN: 413.113 / Sussex CTM#: 134-16.00-43.02).
Approved with conditions (4-0).
 - ✓ **P-282:** A review of a Final Land Development Plan, submitted by The Evergreene Companies on behalf of the property owners Raze Properties, LLC and Sigurd Berzins - Trustee, to create a community with fifty (50) single family lots and an area set aside for future commercial development on land zoned MXPC (Mixed Use Planned Community), located at S/RD 361 - Parcel B and SW Corner SRD's 361 and 363 – Parcel C - Muddy Neck and Double Bridges Roads (PIDN: 410.000 / Sussex CTM#: 134-17.00-30.03 and 134-17.00-30.04). *Approved with conditions (4-0).*

- The Planning and Zoning Commission is scheduled to meet at 7 P.M. on Thursday, March 16, 2017 to review the following application:
 - ✓ **P-285:** A review of a Final Land Development Plan submitted by Steven J. Collazuol on behalf of the property owners Ann Bennett Collazuol & Steven J. Collazuol in conjunction with application P-285 to combine two parcels of Land for subdivision into six individual parcels of land, on property zoned R-1 (single family residential), located at 34 Woodland Avenue (PIDN's: 116.000 & 116.001 / Sussex CTM#: 134-12.00-317.00 Parcels A & B).
 - ✓ **P-258 & 266:** Review a revision to a previously approved land development site plan to upgrade landscaping at the Ocean View Beach Club (OVBC).
- Staff continues visits to construction sites throughout Town are ongoing to ensure that contractors and property owners have the required building permits and/or business licenses. The Code Compliance person gave 10 verbal violation warnings to contractors who were in violation of the Code for failure to obtain Building Permits and/or Business Licenses.
- Property maintenance violation notices were forwarded to property owners who were not in compliance with the property maintenance requirements of the Code.
- Met with various business owners throughout the month to discuss tenant fit-outs and general business expansions. Discussed all aspects of the tenant fit-out process including Fire Marshal approvals as well as site plan requirements, business licenses, and sign permit requirements.
- Met with several property owners throughout the month to discuss land use and permitting questions.
- February 13th: Met with Russell Archut, a trustee of Mariners Bethel United Methodist Church, to discuss sidewalks and other proposed improvements at the church property.
- February 14th: Met with, Mike Irons, President of the Delaware Shore Division of K. Hovnanian Homes, and Spencer Van Schaak, representative for Windansea/Convergence, LLC, to discuss proposed changes to the entrance signage and landscaping at Ocean View Beach Club along Muddy Neck Road. :
- February 24th: Met with John Hendrickson to discuss proposed 2nd floor renovations at 201 Central. Plans have been revised and contract documents are to be prepared so that the project can be put out for bids.
- Two staff members are scheduled to attend the University of Delaware Institute for Public Administration's Municipal Clerks Training this year.
- Ongoing budget discusses for the department.
- Initial conversations have begun on the Comprehensive Land Use Plan (CLUP) update with our consultant and the recently approved revision to our 2010 / 2013 CLUP is being prepared for forwarding to the Office of State Planning (OSP).

Public Works:

- Projects:
 - ✓ A total of two (2) sealed bids were received for the Y2017 Street Patching and Crack Sealing Project, Project Number 2017-02. Kercher Engineering reviewed the two (2) bid packages and the Town has decided to take no action on the project at this time; instead, the Town has opted to move forward with the Y2017 Street Rehabilitation Project (Micro, etc.), Project Number 2017-03.
 - ✓ The Town received one (1) sealed bid for the Y2017 Street Rehabilitation Project (Micro, etc.), Project Number 2017-03. Contract documents were available for purchase at 201 Central Ave. starting on February 3rd and a mandatory pre-bid meeting was held on Thursday, February 9th. We received one bid for the project from Asphalt Paving Systems, which Kercher Engineering and the Town Solicitor have reviewed.
 - ✓ T2 - Pedestrian Pathway Projects:
 - Sidewalks for Phase III along Central Ave: Bid I still being reviewed by DelDOT.
 - After several property owners indicated once again that they would not sign easements for Phase IV of the sidewalk project, the Town made the decision to forego the project and withdraw from the program. Phase IV sidewalks would have been installed on the West side of both Central and West Avenues from the Town Park to the Assawoman Canal.
- Willow Construction returned and completed work on the damaged beam at the rear entrance of 201 Central Ave. Painting of this beam will take place when painting and caulking of the exterior of the building begins.
- Ongoing budget discussions for department.