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October 11, 2021

Town of Millville  
36404 Club House Road  
Millville, DE 19967

Attn: Debbie Botchie  
Town Manager

Re: Banks Wine and Spirits  
Preliminary Site Plan Review  
Millville, Delaware  
GMB File No. R210049.00

Dear Ms. Botchie:

We have completed our review of the Banks Wine and Spirits Preliminary Plan, for the expansion of the existing parking lot and the addition of a storage building. The site is located on Tax Map Parcel 134-12.00-410.00 and 134-12.00-411.01 and zoned C-2. Specific comments were made regarding individual components of the submittal and are discussed below.

**General**

1. According to Town Code Section 155-36 Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
  - B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. Any remaining portion of the building or structure shall be removed from the premises without delay, and in any case, within 180 days of the date of the damage;
  - C. In the event that the cost of repair or replacement is 50% or less of the physical value, the building or structure may be repaired and used for the same purposes, provided that the original nonconformity is not exceeded, and repair or reconstruction is begun within 180 days of the date the building or structure was damaged. The new construction must comply with all new or revised ordinances other than the original noncompliance;

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CHRISTOPHER J. PFEIFER, P.E.

- D. When a conforming or nonconforming building is destroyed by fire, explosion, or by any other cause, the debris from such building shall be removed from the premises within 30 days so that the same shall not remain as a nuisance thereon;
- E. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;
- F. Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which does not meet all the yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal to the Board of Adjustment, provided:
  - (1) The total permitted building coverage is not exceeded;
  - (2) The accessory building and/or any addition do not violate any other requirements of this chapter, such as but not limited to height, setback, and parking; and;
- G. If any such nonconforming use of land ceases for any reason for a period of more than a year and a day, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

**The existing structures on the site are lawful. The setbacks have changed in the C-2 district, since the original site plan and the location of RT 26 has moved towards the existing building during the expansion of RT 26. The proposed plan is for a nonconforming, lot that as proposed does meet the requirements of section 155-36 of the Town Code.**

- 2. Per Town Code Section 155-17, Subsection C. Paragraph 1: Accessory buildings which are not a part of the main building, and are not a detached accessory garage, may be constructed in a rear yard setback area, provided that such accessory building does not contain more than 400 square feet of area in the Residential District or 600 square feet of area in another permitted district, and provided that the accessory building shall be located at least five feet from a side lot line and at least five feet from a rear lot line. **The proposed detached accessory structures (relocated shed and trash enclosure) within the side yard setbacks, do meet this requirement.**
- 3. Per the Town Code Section 155-66, Paragraph E, Item 3, Part h: The Preliminary plan shall show the locations, names and existing widths of adjacent street rights-of-way and curblines; **Please label the width of the exiting curb lines on Atlantic Ave and Town Center Drive.**
- 4. Per the Town Code Section 155-66, Paragraph E, Item 3, Part i: The Preliminary plan shall show the location, width and purpose of all existing and proposed

easements, setbacks, reservations and areas dedicated to public use within or adjoining the property; **Please label the easement and the width of the easement for Town Center Drive.**

5. On sheet C-001 please review the Site Data Table.

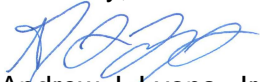
- a. Item 13 Parking: Per Town Code Section 155 Attachment 1 the parking requirements for a retail store are 1 space per 300sf of the area used for sales or display of merchandise and 1 space per employee. The calculation shown is correct, but it is still listed as 1 space per 250sf of sales above the calculation.

**The Developer should forward the following permits/approvals to the Town of Millville and George, Miles & Buhr, LLC as the project progresses.**

1. Office of State Fire Marshal – Site Approval.
2. Sussex Conservation District – Site Approval.
3. Any other Permits/approvals necessary to develop the project.

If you have any questions, please contact me at 302.628.1421. Thank you.

Sincerely,



Andrew J. Lyons, Jr., P.E.  
Sr. Project Manager

AJL/jad