

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARY FORD & JUDY HEDRICK

(Case No. 11268)

A hearing was held after due notice on September 23, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a bed and breakfast.

Findings of Fact

The Board found that the Applicants were seeking a special use exception to operate a bed and breakfast. The Applicants have requested that the aforementioned requested special use exception be granted as it pertains to certain real property southwest corner of Road 275 (Warrington Road) and Road 274 (Old Landing Road); said property being identified as Sussex County Tax Map Parcel Number 3-34-12.00-121.01. After a hearing, the Board made the following findings of fact:

1. Mary Ford was sworn in to testify on behalf of the Application.
2. Adam Gerber, Esquire, was present to present the Application on behalf of the Applicants.
3. The Board found that Mr. Gerber stated that, in 1998, the Board granted a special use exception to operate a bed and breakfast housing four (4) bedrooms on the Property.
4. The Board found that Mr. Gerber submitted copies of the Findings of Fact evidencing that decision.
5. The Board found that Mr. Gerber stated that the Applicants want to expand the bed and breakfast to include five (5) bedrooms.
6. The Board found that Mr. Gerber stated that the original use was to operate with four (4) bedrooms.
7. The Board found that Mr. Gerber stated that there is adequate parking available on the Property.
8. The Board found that Mr. Gerber stated that the fifth bedroom will be in the existing pool house and that the pool has been removed from the Property.
9. The Board found that Ms. Ford, under oath, affirmed the statements made by Mr. Gerber.
10. The Board found that Ms. Ford testified that she has owned and operated the business for ten (10) years.
11. The Board found that Ms. Ford testified that there is no pool on the Property.
12. The Board found that Ms. Ford testified that the main dwelling was constructed in 1899.
13. The Board found that Ms. Ford testified that there are twelve (12) parking spaces.
14. The Board found that Ms. Ford testified that there will be no adverse effect on neighboring properties.
15. The Board found that Ms. Ford testified that the neighbors support the Application.
16. The Board found that Ms. Ford testified that she has operated the business since purchasing it in 2003.
17. The Board found that Ms. Ford testified that there will be no cooking facilities in the proposed bedroom.

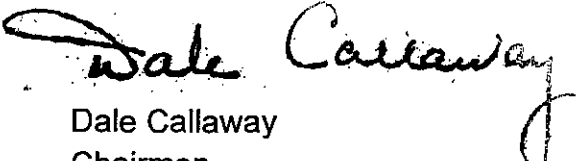
18. The Board found that Ms. Ford testified that the pool house will serve as the fifth bedroom and that the pool house has its own bathroom.
19. The Board found that Linda Bova was sworn in and testified in support of the Application.
20. The Board found that Ms. Bova testified that she is a local real estate agent and is familiar with the Property.
21. The Board found that Ms. Bova testified that the additional bedroom will not substantially adversely affect the neighborhood and that there is adequate parking on the Property.
22. The Board found that Ms. Ford testified that the bedroom to be added is eight (8) feet by ten (10) feet and is already part of the pool house.
23. The Board found that one (1) party appeared in support of the Application.
24. The Board found that no parties appeared in opposition to the Application.
25. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception because the use will not substantially affect adversely the uses of neighboring and adjacent properties. The Board's approval allows the Applicant to operate a bed and breakfast on the Property with five (5) bedrooms.

The Board approved the special use exception application finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

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

Date November 5, 2013