

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHARLES GREAVES AND CHRISTY GREAVES

(Case No. 11721)

A hearing was held after due notice on February 29, 2016. The Board Members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, 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 are requesting a special use exception to operate a bed and breakfast. This application pertains to certain real property located on the north side of Broadkill Road approximately 655 feet west of Reynolds Road (911 Address: 26285 Broadkill Road, Milton); said property being identified as Sussex County Tax Map Parcel Number 2-35-15.00-4.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated January 11, 2015, from the Applicant, pictures of the Property, and literature regarding the Mansion Farm.
2. The Board found that the Office of Planning and Zoning received one (1) letter in support of the Application and had not received any correspondence in opposition to the Application.
3. The Board found that Charles Greaves, Christy Greaves and Ron Ladue were sworn in and testified regarding the Application.
4. The Board found that Mr. Greaves testified that the Applicants purchased the Property in 2005. The Applicants plan to move and feel the bed and breakfast is the best use for the Property.
5. The Board found that Mr. Greaves testified the bed and breakfast will benefit the Town of Milton and the existing dwelling is ideal for a bed and breakfast.
6. The Board found that Mr. Greaves testified the Property is surrounded by farmland and the nearest dwelling is approximately 400 feet away and is owned by the Applicant.
7. The Board found that Mr. Greaves testified there is a need for such a facility.
8. The Board found that Mr. Greaves testified the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
9. The Board found that Mr. Greaves testified there are up to 14 parking spaces on the Property and there will be no cooking facilities in the individual rooms.
10. The Board found that Mr. Ladue testified that the Property is registered with the National Historic Trust.
11. The Board found that Mr. Ladue testified that the surrounding property is in the Agriculture Preservation program and there is commercial zoning nearby.
12. The Board found that Mr. Ladue testified that Delaware Tourism and Milton Chamber of Commerce view the proposed bed and breakfast as an asset to the community. The Sussex County Economic Development Department supports the Application and the 8% accommodation tax will benefit Southern Delaware tourism.
13. The Board found that Mr. Ladue testified that there is minimal impact to the neighboring property.
14. The Board found that Mr. Ladue testified that the proposed bed and breakfast will have six (6) bedrooms available.

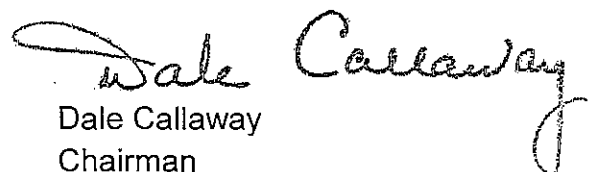
15. The Board found that Mr. Ladue testified that the history of the Property will attract visitors.
16. The Board found that Mr. Ladue testified that there is adequate parking available.
17. The Board found that Dr. Greaves testified that she supports the Application. The surrounding farmland consists of approximately 134 acres and the proposed use will not substantially adversely affect the uses of neighboring and adjacent properties.
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the bed and breakfast inn will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The Property is a large lot consisting of nearly 2 acres as shown on the survey.
 - b. The dwelling is a large building which is registered with the National Historic Trust. The history of the Property and the development thereof will likely make this Property a tourist attraction.
 - c. The Property is located adjacent to 134 acres of farmland which has been placed in the Agricultural Preservation Program. There is no evidence in the record which indicates that the use of the Property would adversely affect the agricultural uses of the surrounding lands. It should also be noted that the Property is approximately 400 feet away from the nearest dwelling and that there are commercial properties nearby as well.
 - d. Adequate parking is available for the guests and there will be no cooking facilities in the individual bedrooms.
 - e. No evidence was presented which would demonstrate that the bed and breakfast will have a substantial adverse effect on neighboring and adjacent properties.

The Board granted 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 special use exception application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception 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 April 5, 2016