

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RODNEY MEARS AND BEVERLY MEARS

(Case No. 11900)

A hearing was held after due notice on January 9, 2017. The Board members present were: Mr. John Mills, Mr. Jeff Hudson and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a Special Use Exception for an assisted living facility (Sections 115-23C(4) and 115-210(3)(d)).

Findings of Fact

The Board found that the Applicant is seeking a Special Use Exception for an assisted living facility on a parcel of land zoned AR-1 Agricultural Residential. The property is identified as Sussex County Tax Map and Parcel Number 1-33 9.00 19.01, with a 911 address of 21322 Paradise Road, Georgetown, Delaware.

After the hearing, the Board made the following finding of fact:

1. The Board was given copies of the Application and a portion of the tax map of the area.
2. Janelle Cornwell, of Sussex County, described the case and stated that the Office of Planning and Zoning has received no letters in opposition to the Application.
3. Rodney Mears and Beverly Mears were sworn in and testified that they are requesting a special use exception for an assisted living facility.
4. The Board found that Mr. and Mrs. Mears testified that they purchased the subject property three years ago.
5. The Board found that Mr. and Mrs. Mears testified that the existing home on the property has been completely remodeled in anticipation of being used as an assisted living facility.
6. The Board found that Mr. and Mrs. Mears testified that the assisted living facility will care for a maximum of four residents, with three bedrooms and two bathrooms, and that only married couples can share a bedroom.
7. The Board found that Mr. and Mrs. Mears testified that there will be nursing staff on the site 24 hours a day every day, and that the staff will prepare meals, disburse medications and generally help with the daily needs of the residents.
8. The Board found that Mr. and Mrs. Mears testified that the facility will be regulated by the Delaware Division of Long Term Care.
9. The Board found that Mr. and Mrs. Mears testified that it is their opinion that the use will not substantially adversely affect the uses of neighboring and adjacent properties.
10. The Board found that Mr. and Mrs. Mears testified that there is adequate parking available on the site.
11. The Board found that Mr. and Mrs. Mears testified that during its operation, the facility will retain its residential character.
12. The Board found that Mr. and Mrs. Mears testified that the use and the property is surrounded by farmland and residential properties, and that the neighbors do not have any objection of the assisted living facility.
13. The Board found that Wayne Pepper was sworn in and testified that he is a neighbor and he is in support of the application.
14. The Board found that Wayne Pepper testified that the applicants have explained their intentions to the neighbors and that the facility will be an asset.
15. The Board found that no parties appeared in opposition to the special use exception application.
16. Based on the findings above and the testimony and evidence presented during the Public Hearing and contained in the Public Record, the Board determined that the Special Use Exception Application should be granted for an assisted living facility on a parcel of land zoned AR-1 Agricultural Residential. The findings below

further support the Board's decision to grant the Special Use Exception Application:

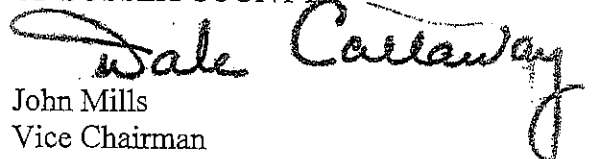
- a. This is a Special Use Exception for a small Assisted Living Facility within an existing home. It will serve no more than 4 people at any one time.
- b. The site is zoned AR-1 and assisted living facilities are authorized as a special use exception in the AR-1 zone with approval from this Board.
- c. No parties appeared in opposition to the Application and there was substantial testimony in support of it.
- d. The proposed Assisted Living Facility will not substantially affect adversely the uses of adjacent and neighboring properties for the following reasons:
 - (i) The use is within an existing home that will maintain its residential character. Its outward appearance will be no different from many of the neighboring properties.
 - (ii) The use is limited to 3 beds or no more than 4 Assisted Living residents. This small size will not create an adverse effect on the neighborhood.
 - (iii) There will not be significant additional traffic generated by the use.
 - (iv) The number of staff required to operate the facility is small and will not adversely affect the neighborhood.
 - (v) The applicant, Beverly Mears, is currently the Director of Nursing at Lifecare at Lofland Park and has stated that she is qualified to operate the facility.
 - (vi) There was no testimony that the use would adversely affect the values of the surrounding or nearby properties.
 - (vii) The property is surrounded by farmland and a few homes. The use will not adversely affect the surrounding properties.
- e. The proposed use provides a needed service to the residents of Sussex County.

Based on the foregoing, the Board approved the special use exception for an assisted living facility pursuant to Section 115-23C(4) and 115-210(3)(d) of the Sussex County Zoning Code.

Decision of the Board

Upon motion duly made and seconded, the special use exception for an assisted living facility pursuant to Section 115-23(4) and 115-210(3)(d) of the Sussex County Zoning Code was approved. The Board Members in favor of the approval were Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


John Mills
Vice Chairman

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

Date 3/8/2017