

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GREEN ACRES FARM, LLC

(Case No. 12026)

A hearing was held after due notice on September 18, 2017. The Board Members present were: Mr. Dale Callaway, Ms. Ellen Magee, 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 tourist home (bed and breakfast inn).

Findings of Fact

The Board found that the Applicant is requesting a special use exception to operate a tourist home (bed and breakfast inn). This application pertains to certain real property located on the north side of Fisher Road (Route 262), 1,667 feet northeast of Hopkins Road (Route 286) (911 Address: 30249 Fisher Road, Lewes); said property being identified as Sussex County Tax Map Parcel Number 3-34-10.00-53.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph of the Property, a letter from the Applicant, a portion of the Sussex County Zoning Code, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Ingrid Hopkins was sworn in and testified regarding the Application.
4. The Board found that Ms. Hopkins testified that the Covered Bridge Inn is a bed-and-breakfast operated on Hopkins Dairy Farm.
5. The Board found that Ms. Hopkins testified that the two hundred (200) year old farm house was renovated and had been in the Hopkins family since it was built.
6. The Board found that Ms. Hopkins testified that the farmhouse is centrally located on 500 acres of preserved Delaware farmland. The adjacent and adjoining properties are all family-owned cropland and the only neighbor is the Applicant's father.
7. The Board found that Ms. Hopkins testified that the requested use will not substantially affect adversely the uses of neighboring properties.
8. The Board found that Ms. Hopkins testified that the home has three (3) bedrooms and two (2) parking spaces per room.
9. The Board found that Ms. Hopkins testified that there are no cooking facilities in any of the rooms.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. 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 inn is located in the middle of a large farm which is subject to agricultural preservation. The farm consists of approximately 500 acres and the areas surrounding the inn are used as farmland by the Applicant's family.

- b. 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.
- c. Adequate parking is available for the guests and there will be no cooking facilities in the individual bedrooms.
- d. 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, Ms. Ellen Magee, 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 November 21, 2017