

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: APRIL BLACK AND CYNDEE MARTIN

(Case No. 12138)

A hearing was held after due notice on May 7, 2018. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Bruce Mears and Ms. Ellen Magee.

Nature of the Proceedings

This is an application for a Special Use Exception to operate a tourist home (also known as a bed and breakfast inn) (Sections 115-23 and 115-210 of the Sussex County Zoning Code).

Findings of Fact

The Board found that the Applicants are seeking a Special Use Exception to operate a tourist home (also known as a bed and breakfast inn) on a parcel of land zoned AR-1 Agricultural Residential. The property is identified as Sussex County Tax Map and Parcel Number 1-35-16.00-65.00, with a 911 address of 20221 Gravel Hill Road, Georgetown, Delaware.

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

1. The Board was given copies of the Application, a deed to the property, a survey of the property, and a portion of the tax map of the area.
2. Jennifer Walls, of Sussex County, described the case and stated that the Office of Planning and Zoning has received no letters in support of or in opposition to the Application.
3. April Black and Cyndee Martin were sworn in and testified that they are requesting a special use exception for a tourist home (also known as a bed and breakfast inn).
4. The Board found that Ms. Black and Ms. Martin testified that they purchased the subject property in December of 2017.
5. The Board found that Ms. Black and Ms. Martin intend to rent the entire home to one family at a time for rentals. The home will not be rented on a room-by-room basis and the Applicants do not intend to reside in the home with their tenants.
6. The Board found that the property will not be operated as a tourist home or bed and breakfast with staff or with individual rooms rented out.
7. The Board found that based upon the foregoing testimony, a special use exception was not needed.
8. 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 denied as unnecessary for the Applicants' intended use. In addition, the Board determined that the fees paid by the Applicant should be refunded.

Based on the foregoing, the Board denied the special use exception for tourist home / bed and breakfast pursuant to Section 115-23 and 115-210 of the Sussex County Zoning Code as there was no need for the special use exception for the Applicants intended use of the property.

Decision of the Board

Upon motion duly made and seconded, the special use exception for a tourist home (also known as a bed and breakfast inn) pursuant to Section 115-23 and 115-210 of the Sussex County Zoning Code was denied. The Board Members in favor of the denial were Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Bruce Mears, and Ms. Ellen Magee.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date July 10, 2018