

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: JOSEPH STERNER**

**(Case No. 12246)**

A hearing was held after due notice on December 17, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, 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 Applicant is seeking a special use exception to operate a six-bedroom bed and breakfast. This application pertains to certain real property located on the southwest corner of Old Landing Road and Warrington Road (911 Address: 35060 Warrington Road, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel 3-34-12.00-121.01.

1. The Board was given copies of the Application, schematics of the proposed bed and breakfast, a survey of the Property dated September 13, 2015, the Findings of Fact for Board Case no. 11268, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of the Application or in opposition to the Application.
3. The Board found that Joseph Sterner was sworn in to testify about the Application.
4. The Board found that Mr. Sterner testified that, in 2000, a special use exception was granted for a four-bedroom bed & breakfast inn on the Property and, in 2013, a special use exception was granted for a five-bedroom bed & breakfast inn on the Property. Mr. Sterner now seeks a special use exception to allow for a six-bedroom bed & breakfast inn, which is the maximum allowable under the Code.
5. The Board found that Mr. Sterner testified that four bedrooms are located in the main house and one bedroom is in the cottage. Mr. Sterner intends to renovate the old barn on the Property to create a common space for his guests and an additional bedroom. The first level will be common area and the second level will have a loft suite with a deck.
6. The Board found that Mr. Sterner testified that the special use exception will not substantially adversely affect the uses of neighboring or adjacent properties as the new building will replace the dilapidated barn.
7. The Board found that Mr. Sterner testified that the bed & breakfast inn will only increase by one bedroom so it will not affect traffic.
8. The Board found that Mr. Sterner testified that there will be no cooking facilities in the rooms.
9. The Board found that Mr. Sterner testified that there is adequate parking for guests as there are twelve parking spaces on the site.
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 private garage 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.

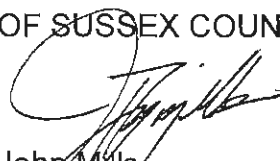
- a. The bed & breakfast inn is located in a residential area on a large property that consists of approximately 1.68 acres. The Property is a large lot and can clearly hold the bed and breakfast inn.
- b. The Applicant is renovating a dilapidated barn and has convinced the Board that this improvement will enhance the aesthetics of the Property. Importantly, the bed & breakfast inn will have no substantial adverse visual impact on neighboring and adjacent properties.
- c. The Applicant proposes to increase the size of the bed & breakfast inn by only one bedroom. Since the increase is so small, the Board finds that the impact on traffic is minimal.
- d. There was no evidence that the bed & breakfast inn would present any substantial adverse effect on neighboring and adjacent properties due to noise, emissions, or lighting related to the bed & breakfast inn.
- e. The Property has adequate parking for guests of the bed & breakfast inn.
- f. No evidence was presented which convinced the Board that the bed and breakfast inn will have any adverse effect on neighboring and adjacent properties; let alone a substantial adverse effect. The lack of evidence is telling since the Property has been used as a bed & breakfast inn for many years.
- g. The size of the bed & breakfast inn is limited to six (6) bedrooms.

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 was approved. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception and variance application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
 John Mills  
 Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date March 5, 2019.