

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARY SHARMA

(Case No. 12265)

A hearing was held after due notice on February 4, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a tourist home.

Findings of Fact

The Board found that the Applicants are seeking a special use exception to operate a tourist home. This application pertains to certain real property located on the northeast side of Locust Street approximately 425 feet northwest of N. Poplar Street. (911 Address: 10127 Locust Street, Laurel); said property being identified as Sussex County Tax Map Parcel Number 2-32-12.18-21.00.

1. The Board was given copies of the Application, a letter from Jennifer Norwood to Mary Sharma dated July 16, 2013, a copy of the findings of fact for Case No. 11218, a site plan of the Property dated December 10, 2018, 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 or in opposition to the Application.
3. The Board found that Amar Sharma was sworn in to testify about the Application.
4. The Board found that Mr. Sharma testified that the special use exception expired on September 2018. The Board previously granted a special use exception for the tourist home in 2013.
5. The Board found that Mr. Sharma testified that the home consists of 6 rental rooms. There are no cooking facilities in the individual rooms and there is adequate parking for the tenants. The house consists of 5,700 square feet and is 2 stories tall.
6. The Board found that Mr. Sharma testified that the only changes made to the Property since 2013 is the installation of solar panels on the roof.
7. The Board found that Mr. Sharma testified that the Property is located in a residential area and the use has not substantially affected adversely the uses of adjoining and neighboring properties as it is one of the nicest properties on the street.
8. The Board found that Mr. Sharma testified that there have been no complaints from neighbors.
9. The Board found that Michael Chanoux was sworn in to give testimony about the Application. Mr. Chanoux testified that he is renovating a house on adjacent property and that he was unaware the Property had been used in this fashion since 2013. He did not oppose the request.
10. The Board found that two people appeared in support of and no one appeared 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 tourist home 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.

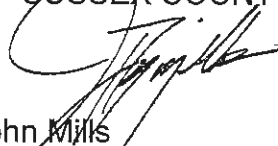
- a. The Property is a large lot consisting of 37,594 square feet as shown on the survey. The lot can comfortably hold a dwelling (to be used as a tourist home).
- b. The tourist home has been in operation on the Property since 2013 and no complaints from neighbors about its use were noted in the record. In fact, one neighbor testified that he was not even aware that the Property had been used as a tourist home.
- c. There was no evidence presented which indicates that traffic, noise, emissions, or light were significantly impacted by the tourist home.
- d. There will only be six (6) total bedrooms used by guests of the tourist home. This number of bedrooms is limited and is reasonable.
- e. There are no cooking facilities in the individual rental rooms and the Applicant has parking for the tenants as is shown on the survey.
- f. While the Property is in a residential community, the use is consistent with residential uses.
- g. No evidence was presented which demonstrated that the tourist home will have any adverse effect on neighboring and adjacent properties; let alone a substantial adverse effect.

The Board granted the special use exception application for a period of five (5) years 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 for a period of five (5) years. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception 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 19, 2019.