

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

**IN RE: ROBIN SALISBURY & MICHELE SALISBURY**

**(Case No. 12353)**

A hearing was held after due notice on September 9, 2019. The Board members present were: Ms. Ellen Magee, Mr. John Williamson, 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 Applicants are seeking a special use exception to operate an existing 3-bedroom dwelling as a Bed and Breakfast. This application pertains to certain real property located on the south side of Double Bridges Road approximately 627 feet east of Parker House Road (911 Address: 36700 Double Bridges Road, Frankford); said property being identified as Sussex County Tax Map Parcel Number 1-34-19.00-69.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the property dated June 18, 2019, pictures, 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 Robin Salisbury was sworn in to testify about the Application.
4. The Board found that Mr. Salisbury testified that the house was built to accommodate a bed and breakfast and the house consists of 4,500 square feet with 4 bedrooms and 4.5 bathrooms. Only three bedrooms will be available for guests.
5. The Board found that Mr. Salisbury testified that the site will emphasize health and wellness and a vegan / vegetarian breakfast will be served.
6. The Board found that Mr. Salisbury testified that there will be no cooking facilities in guestrooms.
7. The Board found that Mr. Salisbury testified that the Property is a large lot with adequate parking for guests.
8. The Board found that Mr. Salisbury testified that the nearest neighbor is approximately 180 feet from their house. The house is 300 feet from the road and 80 feet from state-owned lands as well.
9. The Board found that Mr. Salisbury testified that there is a pool on the Property.
10. The Board found that Mr. Salisbury testified that the use will not substantially affect adversely the uses of adjacent and neighboring properties.
11. The Board found that two people appeared in support of and no one appeared in opposition to the Application.
12. 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 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 3.44 acres more or less as shown on the survey. The lot can comfortably hold a dwelling (to be used as a bed and breakfast).
  - b. The Property is largely secluded as it is adjacent to state-owned lands and is a large lot. The house is a significant distance from neighboring lands.

- c. There was no evidence presented which indicates that traffic, noise, emissions, or light were significantly impacted by the bed and breakfast.
- d. There will only be three (3) total bedrooms used by guests of the bed and breakfast. This number of bedrooms is limited and reasonable.
- e. There are no cooking facilities in the individual rental rooms and the Applicants have parking for the tenants.
- f. The Property is in a residential community and the use is consistent with residential uses.
- g. No evidence was presented which demonstrated that the bed and breakfast 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 Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application. Dr. Kevin Carson and Mr. Jeffrey Chorman did not participate in the discussion or vote on this application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Ellen M. Magee  
Chair

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

Date November 19, 2019