

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LULLABY HOUSE, INC. (Case No. 10925)

A hearing was held after due notice on January 23, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, 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 daycare facility.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to operate a daycare facility on certain real property located north of Route 9 (Savannah Road) southeast corner of North Village Main Boulevard and east of Edgemoor Street, being within the Village of Five Points; said property being identified as Sussex County Tax Map Parcel Number 3-35-12.00-1.13. After a hearing, the Board made the following findings of fact:

1. Joseph Gibbia, Sherry Gibbia, and Pamela Weddle were present to present the Application on behalf of the Applicant.
2. The Applicant currently operates a daycare facility on Savannah Road in Lewes in a residential neighborhood and has outgrown that facility.
3. The Applicant testified that they have not received any noise complaints at their present location.
4. The Applicant seeks to move the Village of Five Points in order to expand their business so that they can provide care for up to sixty (60) children aged birth to five (5) years old.
5. The hours of operation for the proposed day care would be Monday through Friday from 6:00 a.m. to 6:00 p.m.
6. The surrounding businesses do not object to the Application.
7. The Property has adequate space for parking.
8. The Property is near other commercial establishments including the Green Turtle restaurant and bar.
9. 19 persons appeared in favor of the Application.
10. No persons appeared in opposition to the Application.
11. The Board received one letter from a nearby property owner in opposition to the Application.
12. The Village of Five Points Property Owners Association submitted a letter in support of the Application.
13. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties.

The Board granted the special use exception application finding that it met the standards for granting a special use exception. This approval was conditioned on the Applicant obtaining a license from the State of Delaware to operate a daycare facility and that the hours of operation be Monday through Friday from 6:00 a.m. to 6:00 p.m.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the 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 February 21, 2022.