

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PENNY T. ROVILLARD (Case No. 10939)

A hearing was held after due notice on February 6, 2012. The Board members present were: 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 east of Road 48 (Hollyville Road) 1,655 feet north of Road 302 (Avalon Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-16.00-5.01. After a hearing, the Board made the following findings of fact:

1. Anthony Rovillard and Penny Rovillard were present to testify about the Application on behalf of the Applicant.
2. The Board found that the Applicant testified that she seeks to increase the number of children in her daycare from six (6) children to up to fifty three (53) children.
3. The Board found that the Applicant testified that she has operated a daycare on the Property since 1998.
4. The Board found that the Applicant testified that her hours of operation are 7:30 A.M. to 5:30 P.M. Monday through Friday and that she cares for children from ages 1 to 13.
5. The Board found that the Applicant testified that her driveway and the Property can accommodate up to fourteen (14) cars at one time and that the parents are mainly on property at drop-off and pick-up times only.
6. The Board found that the Applicant testified that she will fence in a play area and that she will have all agency approvals prior to further expansion.
7. The Board found that the Applicant testified that the developer was aware of her daycare business when she purchased the Property.
8. The Board found that Joyce May and Steven May testified in opposition to the Application. The Mays testified that they share a driveway with the Applicant and have owned the neighboring property since 1997.
9. The Board found that the Mays testified that they are not opposed to the current daycare facility but they have concerns that an increase of up to fifty three (53) children may affect their privacy. The Mays testified that they oppose such a large business in a residential area.
10. The Board found that the Mays disagree that ample parking exists and they submitted pictures of the Property.
11. The Board found that in rebuttal, the Applicant testified that she seeks to expand their business to care for approximately 12 to 15 children and that the increase is needed to cover expenses to care for their family.
12. The Board found that the Applicant testified that she maintains the driveway and respect their neighbors' privacy. The Applicant also testified that Shore Maintenance is only 400 yards away on Holly Hill Road.
13. The Board found that no parties appeared in support of the Application.
14. The Board found that two (2) parties appeared in opposition to the Application.

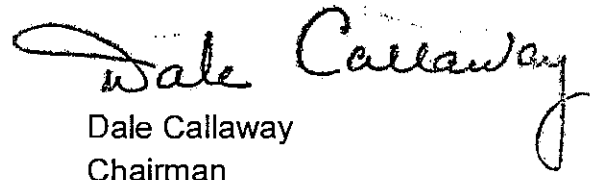
15. The Board found that the Planning & Zoning Department received two (2) letters in opposition to the application including one from Joyce May and Steven May
16. The Board tabled its decision on this Application until its meeting on February 20, 2012.
17. At the February 20, 2012 meeting, the Board discussed the case. Mr. Dale Callaway, who was not in attendance at the February 6, 2012 meeting advised the Board that he had listened to the audio tapes of the February 6, 2012 hearing and he had reviewed the documents in the public record.
18. The Board tabled its decision on this Application until its meeting on March 5, 2012.
19. At the March 5, 2012, meeting, the Board discussed this case.
20. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception for a daycare operation of up to twelve (12) children because the increase in the number of children served to up to twelve (12) children would not substantially affect adversely the uses of adjacent or neighboring properties. The Board determined that an increase in the number of children served at the daycare operation to fifty three (53) children would, however, substantially affect adversely the uses of adjacent or neighboring properties. Accordingly the Board granted the Application for a special use exception for a daycare facility but limited the number of children to be served at the facility to twelve (12) children.

The Board granted the special use exception application for a daycare facility serving up to twelve (12) children finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the application for a daycare facility serving up to twelve (12) children 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 April 3, 2012