

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARGARET D. GORMAN, TRUSTEE (Case No. 10941)

A hearing was held after due notice on February 20, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, 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 south of Road 351 (Club House Road) approximately 145.87 feet east of Bird Haven Street being Tract D within Rogers Haven development; said property being identified as Sussex County Tax Map Parcel Number 1-34-8.00-72.00. After a hearing, the Board made the following findings of fact:

1. Teresa Rogers was 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 to up to nine (9) children.
3. The Board found that the Applicant testified that she purchased the Property in January 2012 and has improved the driveway to allow parents to have better access to and parking on the Property.
4. The Board found that the Applicant testified that she will obtain all required approvals from the State of Delaware before increasing the number of children at her daycare and that she has complied with the requirements of the State Fire Marshal's Office.
5. The Board found that the Applicant testified that her hours of operation are 7:00 A.M. to 5:30 P.M. Monday through Friday and that she cares for pre-school and school aged children.
6. The Board found that the Applicant testified that she operated a daycare for sixteen (16) years in her prior home.
7. The Board found that John Warren testified that the nearby roads and ponds are a safety concern and the Applicant should be required to fence in her yard.
8. The Board found that Martha Vogel testified in opposition to the Application. Ms. Vogel lives on property adjacent to this Property and her backyard abuts to the backyard of the Applicant's property. Ms. Vogel testified that she would like to see the Applicant install a fence to buffer the noise of the children and that she would not object to the Application if a fence was installed.
9. The Board found that Ron Shiggins testified in opposition to the Application. Mr. Shiggins expressed concern that the location of the pond in front of White Creek in Bethany in proximity to the Property poses a safety risk.
10. The Board found that the Applicant testified that she would be willing to install a fence if so required by the Board and / or the Office of Child Care Safety.
11. Three (3) persons appeared in opposition to the Application.
12. One (1) persons appeared in support of the Application.
13. The Board found that it received six (6) letters in support of the Application and one (1) letter in opposition to the Application.
14. The Board tabled its decision on this Application until March 5, 2012.
15. At the March 5, 2012, meeting, the Board discussed this case. Mr. John Mills, who was not in attendance at the February 20, 2012, meeting, advised the Board

that he had listened to the audio tapes of the February 20, 2012 hearing and reviewed the documents in the public record.

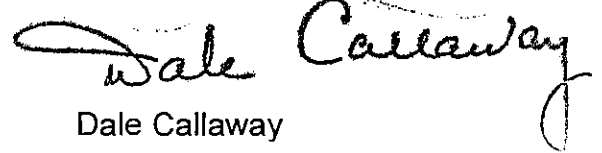
16. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties.

The Board granted the special use exception application finding that it met the standards for granting a special use exception.

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 April 3, 2012