

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: IRIS DOWNING

(Case No. 11165)

A hearing was held after due notice on March 4, 2013. 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 center.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to operate a daycare center. This application pertains to certain real property located southwest corner of Road 213 (North Old State Street) and Wild Cherry Street; said property being identified as Sussex County Tax Map Parcel Number 2-30-26.20-19.00. After a hearing, the Board made the following findings of fact:

1. Iris Downing was sworn in to testify on behalf of the Application.
2. The Board found that Ms. Downing testified that she purchased the Property in 2012 and seeks to renovate it.
3. The Board found that Ms. Downing testified that she plans to care for twelve (12) pre-school age children.
4. The Board found that Ms. Downing testified that her hours of operation will be Monday through Friday, 6:00 a.m. to 6:00 p.m.
5. The Board found that Ms. Downing testified that there is adequate parking available.
6. The Board found that Ms. Downing testified that she owns the adjacent property, which is also a daycare facility.
7. The Board found that Ms. Downing testified that she has operated a daycare for thirteen (13) years in the area.
8. The Board found that Ms. Downing testified that the use will not have an adverse effect to the adjacent properties.
9. The Board found that Ms. Downing testified that the use will improve the neighborhood.
10. The Board found that Ms. Downing testified that she will apply for all state agency approvals
11. The Board found that no parties appeared in support of or in opposition to the Application and that the Office of Planning & Zoning did not receive any correspondence in reference to this case
12. 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 uses do 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 special use exception 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 Motion to approve the special use exception 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 2, 2013