

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LULLABY HOUSE, INC

(Case No. 11235)

A hearing was held after due notice on July 15, 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 facility.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to operate a daycare facility and to expand the number of children in an existing daycare facility. The Applicants have requested that the aforementioned requested special use exception be granted as it pertains to certain real property located north of Savannah Road north of North Village Main Boulevard, within Villages of Five Points; said property being identified as Sussex County Tax Map Parcel Number 3-35-12.00-1.13 Units 11, 13, 15, 35, and 37. After a hearing, the Board made the following findings of fact:

1. Joseph Gebbia and Sheri Gebbia were sworn in to testify about the Application.
2. The Board found that Mrs. Gebbia testified that she is one of the owners of Lullaby House, Inc.
3. The Board found that Mrs. Gebbia testified that the existing daycare serves children from ages birth to five (5) years of age.
4. The Board found that Mrs. Gebbia testified that there is a great need for expansion due to a long waiting list for the daycare facility.
5. The Board found that Mrs. Gebbia testified that the proposed daycare will be located in nearby Units 35 and 37 and that the existing daycare is located in Units 11, 13, & 15.
6. The Board found that Mrs. Gebbia testified that the proposed daycare will be a preschool for sixty (60) children ages three (3) to five (5) years old.
7. The Board found that Mrs. Gebbia testified that the hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday and that the daycare is closed on major holidays.
8. The Board found that Mr. Gebbia testified that the Applicant currently occupies 4,500 square feet and seeks to use an additional 3,000 square feet and that there is adequate parking for both facilities.
9. The Board found that Mrs. Gebbia testified that the Applicant seeks to increase the number of children served in the existing daycare at Units 11, 13, and 15.
10. The Board found that Mrs. Gebbia testified that the Applicant is working with the State of Delaware for all necessary approvals.
11. The Board found that Mrs. Gebbia testified that only interior remodeling will be completed in the units.
12. The Board found that Mrs. Gebbia testified that the ceiling is constructed to create a sound barrier from the residential area above the facility.
13. The Board found that Mrs. Gebbia testified that the existing outdoor area for the proposed daycare will continue to be used as a picnic area.
14. The Board found that Mrs. Gebbia testified that there will not be a substantial adverse effect to the surrounding neighbors or properties with the proposed daycare.
15. The Board found that Mrs. Gebbia testified that there have been no complaints from the neighbors.


16. The Board found that Mrs. Gebbia testified that the families in the development support the daycare.
17. The Board found that twenty two (22) parties appeared in support of the Application.
18. The Board found that the Office of Planning & Zoning received six (6) letters in support of the Application.
19. The Board found that no parties appeared in opposition to the Application.
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 the proposed daycare facility in Units 35 & 37, and for the additional children for the existing daycare in Units 11, 13, & 15. The Board found that the uses do not substantially affect adversely the uses of the adjacent and neighboring properties.

The Board approved 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 approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman. No Member voted against the Motion to Approve 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 August 20, 2013