

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SCOTT ILLIAN & KAREN ILLIAN

(Case No. 11243)

A hearing was held after due notice on August 5, 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 Applicants were seeking a special use exception to operate a daycare facility. The Applicants have requested that the aforementioned requested special use exception be granted as it pertains to certain real property west of Breasure Road north of Louise Street, being Lot 10 within Langrell development; said property being identified as Sussex County Tax Map Parcel Number 1-33-6.00-241.00. After a hearing, the Board made the following findings of fact:

1. Scott Illian and Karen Illian were sworn in to testify on behalf of the Application.
2. The Board found that Mrs. Illian testified that she currently operates a family day care for six (6) children and would like to increase the number of children served to nine (9).
3. The Board found that Mrs. Illian testified that she is the main operator of the day care.
4. The Board found that Mrs. Illian testified that a couple of day care facilities exist in the general area.
5. The Board found that Mrs. Illian testified that she feels that she provides a valuable resource since she has regularly scheduled educational curriculum for the children.
6. The Board found that Mrs. Illian testified that the day care is open Monday through Friday from 7:15 a.m. to 5:30 p.m.
7. The Board found that Mrs. Illian testified that the Applicants have a circular driveway for ease of dropping off and picking up the children.
8. The Board found that Mrs. Illian testified that she cares for children ages one (1) through twelve (12).
9. The Board found that Mrs. Illian testified that she has been operating the family day care for two (2) years.
10. The Board found that Mrs. Illian testified that the lot is surrounded by trees and that the Property has an open, unfenced playground area in the rear yard.
11. The Board found that Mrs. Illian testified that there are no neighbors to the side or rear of the Property.
12. The Board found that Mrs. Illian provided copies of a letter and six (6) cards from area residents in support of the Application.
13. The Board found that there were no parties present in support of or in opposition to the Application.
14. 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 because the Applicants substantiated that there should be no substantial adverse effect on neighboring and adjacent properties by the expansion of the number of children in the daycare facility.

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 September 10, 2013