

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: RICHARD E. TUCKER**

**(Case No. 11389)**

A hearing was held after due notice on May 5, 2014. 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. This application pertains to certain real property located southwest of Route 54 (Lighthouse Road) 2,400 feet northwest of Road 389 (Dickerson Road); said property being identified as Sussex County Tax Map Parcel Number 5-33-18.00-61.02. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received two (2) letters in support of the Application and no letters in opposition to the Application.
2. Sharon Gump and Reverend Jim Penuel were sworn in to testify about the Application.
3. The Board found that Rev. Penuel testified that he is the pastor at Bayside Chapel and that Bayside Chapel plans to offer after school care at the church located on the Property.
4. The Board found that Rev. Penuel testified that the Indian River School District provides bus transportation for the students.
5. The Board found that Ms. Gump testified that she is leading the project for the Boys & Girls Club and that she has filed applications with the relevant state agencies for approvals.
6. The Board found that Ms. Gump testified that the after school care would begin during the next school year.
7. The Board found that Ms. Gump testified that the Boys & Girls Club will offer care from 3:00 p.m. to 6:00 p.m. during the school year and that the summer hours will be from 7:00 a.m. to 6:00 p.m.
8. The Board found that Ms. Gump testified that care would also be provided during in-service and holidays when school is not in session.
9. The Board found that Ms. Gump testified that the age of the children will range from five (5) years old to eleven (11) years old.
10. The Board found that Ms. Gump testified that the Applicant will care for a maximum of thirty (30) children.
11. The Board found that Rev. Penuel testified that there is adequate parking available. The Board found that Rev. Penuel testified that the use will not substantially adversely affect the surrounding and adjacent properties.
12. The Board found that Rev. Penuel testified that the area is predominantly farmland with some businesses in a nearby industrial park.
13. The Board found that one (1) person appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. 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 Property is being used for a church and the Applicant intends to extend daycare services at reasonable hours to children in the area. The Property has adequate parking for the daycare and the Property is located near farmland and an industrial park. The Applicant is working with other state agencies for all other necessary approvals. There was

no evidence presented which would indicate that the use would substantially affect adversely the uses of neighboring and adjacent properties.

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

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved. 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*

Dale Callaway  
Chairman

If the use is not established within one (1)  
year from the date below the application  
becomes void.

Date June 3, 2014