

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JUDITH SKINNER

(Case No. 11410)

A hearing was held after due notice on June 16, 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. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property located southeast of Route 36 (Shawnee Road) 1,200 feet northeast of Route 620 (Abbotts Pond Road) (911 Address: 16758 Shawnee Place, Milford, Delaware); said property being identified as Sussex County Tax Map Parcel Number 1-30-6.00-5.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Judith Skinner and Deborah Case were sworn in to testify on behalf of the Application.
3. The Board found that Ms. Case testified that the daycare will be on her mother's property which is 2.8 acres.
4. The Board found that Ms. Case testified that the Property is wide and deep.
5. The Board found that Ms. Case testified that a residence is located on the Property with a building located in the rear.
6. The Board found that Ms. Case testified that her mother lives on the Property.
7. The Board found that Ms. Case testified that the existing building was once used as a small nursing home and that she wants to use the building for a daycare.
8. The Board found that Ms. Case testified that there is adequate parking available.
9. The Board found that Ms. Case testified that trees are located on the sides of the Property and that the building is a good distance from neighboring properties.
10. The Board found that Ms. Case testified that the neighbors do not object to the Application.
11. The Board found that Ms. Case testified that she will operate the daycare and that her hours of operation are Monday through Friday from 7:00 a.m. to 5:00 p.m.
12. The Board found that Ms. Case testified that the ages of the children range from birth to twelve (12) years old.
13. The Board found that Ms. Case testified that she plans to care for twelve (12) children.
14. The Board found that Ms. Case testified that she currently runs a daycare in the building now.
15. The Board found that Ms. Case testified that this approval will be for the other side of the building.
16. The Board found that Ms. Case testified that she plans to operate two (2) separate daycares on the Property with children ages birth to three (3) years old on one side and the older children on the opposite side.
17. The Board found that Ms. Case testified that there will be twelve (12) children on each side.
18. The Board found that Ms. Case testified that the current daycare is operated in Unit 16758B and she obtained a special use exception for that daycare.
19. The Board found that Ms. Case testified that the new daycare will be located in Unit 16758A.

20. The Board found that Ms. Case testified that the use does not substantially adversely affect the surrounding and neighboring properties.
21. The Board found that Ms. Case testified that she has not received any complaints about her daycare from neighbors
22. The Board found that no parties appeared in support of or in opposition to the Application.
23. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception. The proposed use will not substantially affect adversely the uses of neighboring and adjacent properties. The Applicant has operated a daycare on the Property for some time without complaint from neighbors and this special use exception will allow her to care for more children. The Property is large, has adequate parking, and is surrounded by trees. No evidence was presented that the proposed use would substantially affect adversely the uses of neighboring and adjacent 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 5, 2014.