

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DEKETRA MATOS & VICTOR MATOS

(Case No. 11618)

A hearing was held after due notice on August 3, 2015. 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 are requesting a special use exception to operate a daycare facility. This application pertains to certain real property located on the south side of Ross Street approximately 226 feet west of Bridgeville Highway (911 Address: 201 Ross Street, Seaford); said property being identified as Sussex County Tax Map Parcel Number 3-31-5.00-9.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey dated April 28, 2015, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Deketra Matos and Victor Matos were sworn in and testified regarding the Application.
4. The Board found that Ms. Matos testified that the Applicants recently purchased the Property and wish to move her daycare business to this property.
5. The Board found that Ms. Matos testified that the hours of operation are 7:00 a.m. to 7:00 p.m., Monday through Friday.
6. The Board found that Ms. Matos testified that at the ages of children range from birth to twelve (12) years old.
7. The Board found that Ms. Matos testified that at she ran a daycare at her previous address for two (2) years.
8. The Board found that Ms. Matos testified that she will have one (1) employee.
9. The Board found that Ms. Matos testified that the neighbors are in support of the Application.
10. The Board found that Ms. Matos testified that she will care for twelve (12) children.
11. The Board found that Ms. Matos testified that there is an adequate parking area.
12. The Board found that Ms. Matos testified that the yard is fenced in.
13. The Board found that Ms. Matos testified that the area is residential and the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the daycare facility will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Applicant has a fenced-in back yard for a playground area and there is adequate parking on the Property. The hours of the facility are reasonable.
- b. The Property is located in a residential area and the neighbors have indicated to Ms. Matos their support of the Application. No one appeared in opposition to the Application.
- c. The Property, as shown on the tax map, is 0.503 acres, which is a reasonably sized lot.
- d. No evidence was presented which would demonstrate that the daycare facility would have a substantial adverse effect on neighboring and adjacent 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 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
Chairman

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

Date September 15, 2015.