

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

**IN RE: NICHOLAS SHEVLAND & HEATHER SHEVLAND**

**(Case No. 11648)**

A hearing was held after due notice on October 5, 2015. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, 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 northwest side of Parker House Road, approximately 0.24 miles south of Beaver Dam Road (911 Address: 33572 Parker House Road, Frankford); said property being identified as Sussex County Tax Map Parcel Number 1-34-16.00-698.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application 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 Heather Shevland and Nicholas Shevland were sworn in and testified regarding the Application.
4. The Board found that Mrs. Shevland testified that the Applicants have operated a daycare in the Frankford area for approximately eight (8) years and they plan to relocate to this property. The Applicants are under contract to purchase this property.
5. The Board found that Mrs. Shevland testified that, at any one time, they care for approximately twelve (12) children between the ages of 2 to 5 years old.
6. The Board found that Mrs. Shevland testified that the use will not substantially adversely affect the surrounding and neighboring properties.
7. The Board found that Mr. Shevland testified that the current owner of the Property is in poor health and the Property is in disrepair.
8. The Board found that Mr. Shevland testified that the Applicants plan to improve the Property and make minor interior changes to accommodate the pre-school. Most of the improvements to the Property will be made to the interior of the building.
9. The Board found that Mr. Shevland testified that there is a paving business located nearby.
10. The Board found that Mr. Shevland testified that a neighbor has indicated support of the Application.
11. The Board found that Mr. Shevland testified that they have not received complaints about their current business.
12. The Board found that Mr. Shevland testified that their hours of operation are Monday through Thursday from 8:00 a.m. to 2:30 p.m. and Fridays 8:00 a.m. to 11:00 a.m.
13. The Board found that Mr. Shevland testified that they will provide a fenced in play area and adequate parking which will be paved.
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 Applicants will have 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 number of children served at the daycare is limited and is reasonable. The Applicant does not intend to have a substantial number of employees.
  - c. There are other businesses in the area, including a nearby paving business.
  - d. No one appeared in opposition to the Application and a neighbor has indicated to the Applicants that it supports the Application.
  - e. 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, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. Norman Rickard was not present and did not participate in the discussion or vote of this 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 November 17, 2015.