

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KEITH BROCK & CRYSTAL BROCK

(Case No. 11660)

A hearing was held after due notice on November 16, 2015. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, 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 northeast side of Woodbridge Road approximately 0.39 miles south of Scotts Store Road (911 Address: 14281 Woodbridge Road, Greenwood); said property being identified as Sussex County Tax Map Parcel Number 5-30-13.00-18.02. 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 one (1) letter of support to the Application and had not received any correspondence in opposition to the Application.
3. The Board found that Keith Brock and Crystal Brock were sworn in and testified regarding the Application.
4. The Board found that Ms. Brock testified that she currently operates a Level 1 daycare which permits six (6) children. She wants to operate a Level 2 daycare which will allow her to care for up to nine (9) children.
5. The Board found that Ms. Brock testified that her hours of operation are Monday through Friday from 7:00 a.m. to 5:00 p.m.
6. The Board found that Ms. Brock testified that the ages of the children at the daycare range from one to twelve years old.
7. The Board found that Ms. Brock testified that she is the only employee and that her husband is the substitute care provider.
8. The Board found that Ms. Brock testified that there is adequate parking available. Six (6) cars can park in their driveway.
9. The Board found that Ms. Brock testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
10. The Board found that Ms. Brock testified that the play area is fenced in.
11. The Board found that Ms. Brock testified that the surrounding area is mainly residential and farmland.
12. The Board found that Ms. Brock testified that there have been no complaints from her neighbors.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. 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 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 Property is located in a residential and agricultural area and a neighbor has submitted a letter in support of the Application. The Applicants have also spoken with neighbors and they indicated support the Application as well. No one appeared in opposition to the Application.
- c. The Property, as shown on the tax map, is 2.16 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 JANUARY 5, 2016.