

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LULLABY HOUSE, INC.

(Case No. 11714)

A hearing was held after due notice on February 15, 2016. 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 and to use a manufactured home type structure as a daycare building.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to operate a daycare facility and to use a manufactured home type structure as a daycare building. This application pertains to certain real property located on the south side of Lewes-Georgetown Highway, approximately 454 feet west of Harbeson Road (911 Address: 26324 Lewes Georgetown Highway, Harbeson); said property being identified as Sussex County Tax Map Parcel Number 2-35-30.00-99.17. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an undated survey of the Property, and a drawing of the layout of the building.
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 Joseph Gebbia, Jr. and Sherry Gebbia were sworn in and testified regarding the Application.
4. The Board found that Ms. Gebbia testified that they are the owners of Lullaby House in Lewes. The Board has approved their current daycare three different times in 2009, 2012 & 2014. The daycare is currently located at the Village at Five Points in Lewes.
5. The Board found that Ms. Gebbia testified that she and Joseph Gebbia have purchased their own property and wish to relocate the daycare to this property.
6. The Board found that Ms. Gebbia testified that proposed modular home is a 2016 model consisting of approximately 4,000 square feet. The structure will strictly be used for the daycare and they will live in the existing dwelling.
7. The Board found that Ms. Gebbia testified that the use will not substantially adversely affect the surrounding and adjacent properties.
8. The Board found that Ms. Gebbia testified that the neighboring properties are a chicken plant, cemetery, and a neighbor in support of the Application.
9. The Board found that Ms. Gebbia testified that they have had no issues at their current location.
10. The Board found that Ms. Gebbia testified that the children will range in age from birth to five (5) years old but may include school aged children in the future. The Applicant employs twenty-three (23) people and plans to care for approximately fifty (50) children at the new location. The Applicant currently cares for one-hundred (100) children.
11. The Board found that Ms. Gebbia testified that there is adequate parking and the Property consists of 3.5 acres.
12. The Board found that Ms. Gebbia testified that she has been a licensed childcare provider for thirty (30) years.

13. The Board found that Ms. Gebbia testified that there are no issues with the Delaware Department of Transportation ("DelDOT").
14. The Board found that Ms. Gebbia testified that the hours of operation will be 6:00 a.m. to 6:00 p.m.
15. The Board found that Ms. Gebbia testified that that there will be fenced in play area.
16. The Board found that Mr. Gebbia testified that the proposed structure is a modular home and is not a manufactured home.
17. The Board found that nineteen (19) parties appeared in support of the Application.
18. The Board found that no parties appeared in opposition to the Application.
19. The Board found that, since the proposed structure is a modular structure and not a manufactured home type structure, the request for a special use to use a manufactured home type structure was not needed.
20. 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 unrebutted, the Board determined that the application for the special use exception for the daycare 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 near a cemetery and chicken plant and a neighbor has submitted a letter in support of the Application. The neighbors have indicated support the Application as well. No one appeared in opposition to the Application.
 - c. The Property is approximately 3.5 acres, which is a reasonably sized lot.
 - d. The Applicant has operated a similar daycare in Lewes and no complaints were noted about the daycare in the record.
 - 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 for the daycare 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 for the daycare 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 for the daycare.

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 April 5, 2016