

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

**IN RE: COMESHA HAYNES**

**(Case No. 11747)**

A hearing was held after due notice on April 4, 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.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to operate a daycare facility. This application pertains to certain real property located on west side of Cannon Road approximately 1,468 feet south of Wesley Church Road (911 Address: 6968 Cannon Road, Bridgeville); said property being identified as Sussex County Tax Map Parcel Number 5-31-4.00-26.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, a survey of the Property dated August 2, 2011, a drawing of the interior of the building, a letter from the Delaware Department of Transportation ("DelDOT"), and assessment records for the Property.
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 Comesha Haynes was sworn in and testified regarding the Application.
4. The Board found that Ms. Haynes testified that she has operated a daycare at this location since 2012 and she would like to increase the number of children served at the daycare from six (6) to twelve (12) children. The ages of the children range from nine (9) months to seven (7) years old.
5. The Board found that Ms. Haynes testified that she has not received any complaints from neighbors.
6. The Board found that Ms. Haynes testified that the hours of operation range from 6:00 a.m. to 10:00 p.m.
7. The Board found that Ms. Haynes testified that no extra employees are required.
8. The Board found that Ms. Haynes testified that there is adequate parking available.
9. The Board found that Ms. Haynes testified that the use has not and will not substantially adversely affect the uses of the neighboring and adjacent properties.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. 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 operated a daycare facility on the Property since 2012 and has not received any complaints from neighbors.


- b. There is adequate parking on the Property. The hours of the facility are reasonable.
- c. The number of children served at the daycare is limited and is reasonable. The increase in the number of children served is also limited and reasonable. The Applicant does not intend to have additional employees so the number of people on the Property is also limited and reasonable.
- d. No one appeared in opposition to the Application. The lack of opposition is telling since the Property has been used as a daycare facility for several years.
- 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, 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 May 17, 2016.