

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SHERI GEBBIA

(Case No. 11812)

A hearing was held after due notice on August 1, 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 south side of Lewes-Georgetown Highway (Route 9) approximately 0.75 miles east of Harbeson Road (911 Address: 26850 Lewes-Georgetown Highway, Harbeson); said property being identified as Sussex County Tax Map Parcel Number 2-35-30.00-58.05. 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, and an aerial photograph of the Property.
2. The Board found that the Office of Planning and Zoning received twenty-one (21) letters of support to the Application and received no correspondence of support to the Application.
3. The Board found that Sherri Gebbia was sworn in and testified regarding the Application.
4. The Board found that Ms. Gebbia testified that the proposed daycare facility will be located at the old Donut Connection in Harbeson.
5. The Board found that Ms. Gebbia testified that there will be no adverse effect on neighboring properties. The neighboring properties are the Harbeson Business Park and Peachtree Acres.
6. The Board found that Ms. Gebbia testified that Peachtree Acres and many of the businesses in the Harbeson Business Park signed the petition supporting the Application.
7. The Board found that Ms. Gebbia testified that a vacant field adjacent to a railroad track is located nearby as well.
8. The Board found that Ms. Gebbia testified that hours of operation will be Monday through Friday, from 6:00 a.m. to 6:00 p.m. and the age of the children served will be from birth to five (5) years old.
9. The Board found that Ms. Gebbia testified that the Applicant cares for approximately sixty-five (65) children and has nineteen (19) employees.
10. The Board found that Ms. Gebbia testified that there is adequate parking and a fenced-in playground on the Property.
11. The Board found that Ms. Gebbia testified that the State of Delaware has no objection to this location and that the use at this location is temporary until their new building is completed within in the next month.
12. The Board found that ten (10) parties appeared in support of the Application.
13. The Board found that no parties appeared 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 unrebutted, 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.

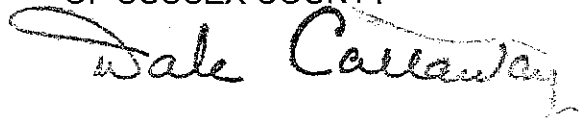
- a. The Applicant seeks to operate a daycare servicing 65 children for a temporary period of time while the construction of its permanent daycare facility is being completed. The Board previously granted approval for the Applicant for this use at the other location.
- b. The Property is a commercial property previously used for a donut store and is located near a business park. A petition in support of the Application was submitted and signed by businesses within that business park. The use appears consistent with other uses in the area.
- c. There is adequate parking on the Property. The hours of the facility are reasonable.
- d. No one appeared in opposition to the Application. Rather, the Board received numerous letters and emails supporting the Application and ten individuals appeared in support of the Application as well.
- 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 October 4, 2016.