

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: VONNY BYRD / GOOD BEGINNINGS PRE-SCHOOL

(Case No. 11823)

A hearing was held after due notice on August 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.

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 the southwest corner of Penn Street and Woodland Ferry Road (911 Address: 10024 Woodland Ferry Road, Laurel); said property being identified as Sussex County Tax Map Parcel 2-32-12.14-55.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph, a portion of the tax map of the area, and an undated survey of 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 Vonny Byrd was sworn in and testified regarding the Application. Ms. Byrd submitted to the Board pictures of the daycare and list of licensing requirements.
4. The Board found that Ms. Byrd testified that she has operated a daycare at this location for eleven (11) years and new State of Delaware regulations for evacuation cribs require her to expand her daycare. The additional four-hundred (400) square feet will accommodate the required evacuation cribs. The cribs are large and take up a significant amount of space.
5. The Board found that Ms. Byrd testified that she owns the adjacent property and there is a baseball complex nearby. The surrounding area is generally rural.
6. The Board found that Ms. Byrd testified that the proposed addition will extend into an existing playground area. There are two (2) playground areas available.
7. The Board found that Ms. Byrd testified that there will be no change to the available parking.
8. The Board found that Ms. Byrd testified that she will be able to care for up to fifty (50) children, ages birth to school age.
9. The Board found that Ms. Byrd testified that she has seven (7) employees.
10. The Board found that Ms. Byrd testified that the use does not substantially adversely affect the uses of the neighboring and adjacent properties.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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 has operated a daycare facility on the Property for eleven (11) years and no complaints about the facility was noted in the record.
 - b. There is adequate parking on the Property and a playground area for the children.

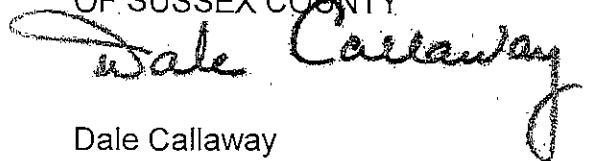
- c. The number of children served at the daycare is limited and is reasonable. The increase in the number of children served is also limited and reasonable.
- d. The Applicant is building the addition to accommodate new regulations set forth by the State of Delaware to require evacuation cribs.
- e. The area surrounding the Property is rural in character. The Applicant actually owns adjacent property and a property nearby is used for a baseball complex. There was no evidence that the daycare facility was out of character for the neighborhood or that the use would substantially affect adversely the uses of neighboring and adjacent properties.
- f. 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.
- g. 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 18, 2016.