

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

**IN RE: JARED & DAWN LINEWEAVER**

**(Case No. 11880)**

A hearing was held after due notice on November 21, 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 north side of Atlanta Road approximately .82 miles west of Bucks Branch Road (911 Address: 21227 Atlanta Road, Seaford); said property being identified as Sussex County Tax Map Parcel Number 5-31 3.00 59.04. 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 no correspondence in support of or in opposition to the Application.
3. The Board found that Dawn Lineweaver was sworn in and testified regarding the Application.
4. The Board found that Mrs. Lineweaver testified that she currently operates a daycare at the site, and that she is looking to expand to serve 9 children, including 3 dropped off before school and 3 dropped off after school.
5. The Board found that Mrs. Lineweaver testified that the Property is located next to a large tract and there is only one neighbor next to the Property. She is not aware of any issues with any neighboring properties.
6. The Board found that Mrs. Lineweaver testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
7. The Board found that Mrs. Lineweaver testified that the daycare will care for nine (9) children.
8. The Board found that Mrs. Lineweaver testified that the pre-school will operate Monday through Friday. The children are dropped off and picked up at various times so there will be no adverse effects on local traffic.
9. The Board found that Mrs. Lineweaver testified that the Property will have adequate parking.
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 seeks to operate a daycare servicing approximately 9 children.
  - b. The Property is adjacent to an open field and there are some residences nearby. 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. There was no evidence that the daycare would adversely impact traffic, noise, or the character of the neighborhood.
  - e. No one appeared in opposition to the Application.
  - f. 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 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 2/1/2017