

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ALISON TAYLOR

(Case No. 11913)

A hearing was held after due notice on February 20, 2017. The Board members present were: Mr. John Mills, Mr. Jeff Hudson, 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 east side of DuPont Boulevard approximately 0.74 miles north of Clayton Street (911 Address: 31101 DuPont Boulevard, Dagsboro); said property being identified as Sussex County Tax Map Parcel Number 2-33-10.00-15.00. 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 no correspondence in support of or in opposition to the Application.
3. The Board found that Alison Taylor was sworn in and testified regarding the Application.
4. The Board found that Ms. Taylor testified that the Property is located along Route 113 near Dagsboro and the Property has been used as a daycare for as long as she has known about the Property.
5. The Board found that Ms. Taylor testified that the daycare will serve 24 children aged five (5) years old.
6. The Board found that Ms. Taylor testified that all adjacent properties are commercial properties.
7. The Board found that Ms. Taylor testified that she has spoken with her neighbors and they do not object to the Application.
8. The Board found that Ms. Taylor testified that the hours of operation will be Monday – Friday from 7:00 a.m. – 5:30 p.m.
9. The Board found that Ms. Taylor testified that adequate parking will be provided.
10. The Board found that Ms. Taylor testified that the daycare will not substantially affect adversely the uses of neighboring and adjacent properties.
11. The Board found that Ms. Taylor testified that a playground is located behind the building. The playground is fenced in but will provide parents access to the playground when picking up their children.
12. The Board found that Ms. Taylor testified that she will have three (3) employees.
13. The Board found that Ms. Taylor testified that the building is being rented.
14. The Board found that Ms. Taylor testified that the State has approved of the daycare.
15. The Board found that no parties appeared in support of or in opposition to the Application.
16. 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.

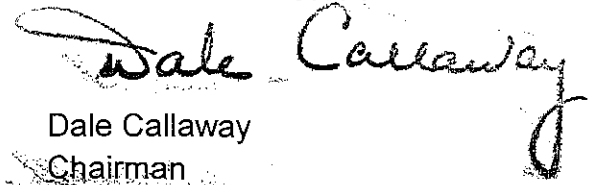
- a. The Property has previously been used as a daycare and no complaints about the daycare or a previous daycare on the Property were noted in the record.
- b. There is adequate parking on the Property. The hours of the facility are reasonable.
- c. The number of children served at the daycare is limited and is reasonable. Likewise, the number of employees is limited and reasonable.
- d. The neighboring properties are commercial properties and the use of this property as a daycare does not appear to conflict with the uses of those properties.
- e. The Property is located along Route 113, which is a well-traveled road.
- 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 some time.
- 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. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. Dale Callaway and Mr. Norman Rickard did not participate in the discussion or vote on this 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 April 14, 2017.