

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SAMAIDA SPROGELL

(Case No. 11957)

A hearing was held after due notice on May 1, 2017. 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 west side of Whispering Lane approximately 300 feet from Hidden Acre Drive within Hidden Acres subdivision (911 Address: 34314 Whispering Lane, Frankford); said property being identified as Sussex County Tax Map Parcel Number 1-34-11.00-729.00. 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, an aerial photograph of the Property, and a copy of the Findings of Fact for Case No. 10955.
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 Samaida Sprogell was sworn in and testified regarding the Application.
4. The Board found that Ms. Sprogell testified that she has lived on the Property since 1984, in.
5. The Board found that Ms. Sprogell testified that 2012, the Board approved a previous application for the daycare but the approval expired when she had to obtain a septic system.
6. The Board found that Ms. Sprogell testified that the daycare has existed on the Property since 1994 and she wishes to add three children to her daycare.
7. The Board found that Ms. Sprogell testified that the back yard is fenced in but she may walk around the neighborhood with the children.
8. The Board found that Ms. Sprogell testified that the daycare will not affect the neighborhood any different than it has in the past.
9. The Board found that Ms. Sprogell testified that she has been living at the location since 1984 with no neighbor complaints.
10. The Board found that Ms. Sprogell testified that the hours will be Monday through Friday from 7:30 a.m. to 5:30 p.m.
11. The Board found that Ms. Sprogell testified that, at most, there will be ten children at the daycare.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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 1994 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 reasonable. The increase in the number of children served 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 many 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 16, 2017