

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JENNIFER HIBBS

(Case No. 12017)

A hearing was held after due notice on September 11, 2017. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, 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 Hickman Road (Route 16), 1,861 feet northeast of Woodbridge Road (Route 585) (911 Address: 6449 Hickman Road, Greenwood); said property being identified as Sussex County Tax Map Parcel Number 5-30-4.00-1.02. 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 a drawing of the facility.
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 the Property was previously approved for a special use exception but the approval expired.
4. The Board found that Jennifer Hibbs was sworn in and testified regarding the Application.
5. The Board found that Ms. Hibbs testified that she is the owner of a Level 1 home daycare which allows her to care for up to 6 children at one time and she proposes to move her facility to a Level 2 facility which would allow her to care for up to 9 children at one time. The children will range from six weeks to twelve years old.
6. The Board found that Ms. Hibbs testified that the hours of operation would remain from 7:00 am to 5:00 pm Monday through Friday and she has adequate parking.
7. The Board found that Ms. Hibbs testified that she closed the facility in 2012 because she was pregnant with her third child but she re-opened the facility in April 2017.
8. The Board found that Ms. Hibbs testified that the area near the Property is rural and is surrounded by farmland. The Property consists of 1.25 acres.
9. The Board found that Ms. Hibbs testified that she has received no complaints from any neighbors.
10. The Board found that Ms. Hibbs testified that the proposal will not substantially affect adversely the uses of neighboring 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 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 previously operated a daycare facility on the Property and received no complaints from neighbors.
 - b. There is adequate parking on the Property. The hours of the facility are reasonable.

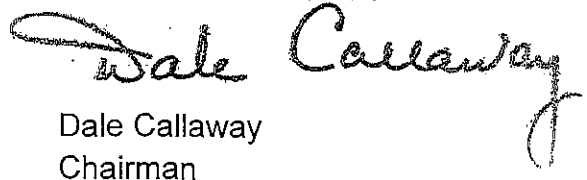
- c. The number of children served at the daycare is limited and is reasonable. The increase in the number of children served is also limited and reasonable.
- d. The Property is surrounded by farmland and is in a rural area.
- e. No one appeared in opposition to the Application. The lack of opposition is telling since the Property was previously used for a daycare facility.
- 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 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, Ms. Ellen Magee, 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 November 7, 2017.