

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SEMAAN ABOUD

(Case No. 12081)

A hearing was held after due notice on January 8, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, 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 seeking a special use exception to operate a daycare facility. This application pertains to certain real property located on the north side of Long Neck Road, approximately 3,293 feet east of the intersection of School Lane, Banks Road, and Long Neck Road. (911 Address: 32695 Long Neck Road, Millsboro); said property being identified as Sussex County Tax Map Parcel Number 2-34-24.00-40.09.

1. The Board was given copies of the Application, a letter from the Applicant, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received one (1) letter of support to the Application and no correspondence in opposition to the Application.
3. The Board found that Tanya Gibbs was sworn in to testify about the Application. Ms. Gibbs submitted exhibits to the Board to review.
4. The Board found that Ms. Gibbs testified that she has been a licensed child-care provider for 12 years. She currently operates a home daycare.
5. The Board found that Ms. Gibbs testified that she wants to provide quality childcare in the area.
6. The Board found that Ms. Gibbs testified that the Property is located in Long Neck and her unit consists of approximately 1,500 square feet.
7. The Board found that Ms. Gibbs testified that there is adequate space for parking and for a fenced-in play area.
8. The Board found that Ms. Gibbs testified that there is a unit adjacent to her rental unit and she hopes to expand her business to the unit at some point. Neighboring units are commercial units.
9. The Board found that Ms. Gibbs testified that the landlord is a surgeon and he owns nearby properties as well.
10. The Board found that Ms. Gibbs testified that the facility will not adversely affect nearby businesses.
11. The Board found that Ms. Gibbs testified that the facility will be open Monday through Friday from 6:30 a.m. to 5:30 p.m. The facility will serve approximately thirty (30) children aged pre-school to age 12.
12. The Board found that Ms. Gibbs testified that the facility is located away from the road.
13. The Board found that Ms. Gibbs testified that the facility will employ 6-8 persons.
14. The Board found that Ms. Gibbs testified that the use will not substantially affect adversely the uses of neighboring and adjacent properties.
15. The Board found that no persons 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 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 proposes to operate a daycare facility in a commercial unit near other commercial businesses. There is a nearby medical office and commercial space.
- b. There is adequate parking on the Property. The hours of the facility are reasonable. The Property also has space for a fenced-in playground.
- c. The number of children served at the daycare is limited and is reasonable.
- d. The Property is surrounded by commercial properties and is in a commercial area.
- e. No one appeared in opposition to the Application and no evidence was presented which would demonstrate that the daycare facility would have a substantial adverse effect on neighboring and adjacent properties. Rather, the Board received a letter of support from a nearby business owner.

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. Bruce Mears, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application. Mr. John Mills 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) from the date below the application becomes void.

Date March 6, 2018