

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GERALDINE MARIE PIPER

(Case No. 12252)

A hearing was held after due notice on January 7, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, 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 day care center for up to twelve children within an existing structure. This application pertains to certain real property located on the west side of Susan Beach Road approximately 0.3 miles north of White Deer Road (911 Address: 36298 Susan Beach Road, Delmar) said property being identified as Sussex County Tax Map Parcel Number 5-32-11.00-17.00.

1. The Board was given copies of the Application, drawings of the building, 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 no correspondence in support of or in opposition to the Application.
3. The Board found that Geraldine Piper was sworn in to testify about the Application.
4. The Board found that Ms. Piper testified that she currently operates a day care center for six children on the Property and seeks to expand the daycare to 12 children. Her daycare has been in operation for 4 years.
5. The Board found that Ms. Piper testified that hours of operation are 7 a.m. – 5:30 p.m. Monday through Friday.
6. The Board found that Ms. Piper testified that parking has not been an issue as up to 9 cars can park in the driveway.
7. The Board found that Ms. Piper testified that she has 1 employee.
8. The Board found that Ms. Piper testified that the building consists of 1,800 square feet – of which ½ is used for the daycare.
9. The Board found that Ms. Piper testified that she owns neighboring lands and she spoke with her other neighbor about the application and the neighbor does not object. There have been no complaints about the daycare.
10. The Board found that Ms. Piper testified that the daycare will not substantially affect adversely the uses of adjacent and neighboring properties as the property is located in a very rural area.
11. The Board found that one person appeared in support of and no parties appeared 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 proposes to operate a daycare facility to care for 12 children. The Property has been used for a daycare facility for 4 years and the Applicant seeks to increase the number of children served at the daycare from 6 children to 12 children.


- 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. The Board also notes that the approval of this application will result in only 6 additional children being served at the facility. This increase is a small one.
- d. 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. The lack of opposition is telling since the daycare facility has been on the Property for 4 years and the Board would expect opposition to present evidence of a substantial adverse effect if such effect existed.

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, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


John Mills
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date March 5, 2009.