

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: TANYA RANDOLPH**

**(Case No. 12271)**

A hearing was held after due notice on March 18, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a daycare center.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to operate a daycare center. This application pertains to certain real property located on the east side of Oak Road, approximately 0.5 miles north of Rifle Range Road (911 Address: 18307 Oak Road, Bridgeville) said property being identified as Sussex County Tax Map Parcel Number 4-30-16.00-32.08.

1. The Board was given copies of the Application, 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 Tanya Randolph was sworn in to testify about the Application.
4. The Board found that Ms. Randolph testified that she has operated a daycare center for 9 years at this location. She has operated a daycare center for a total of 19 years including 10 years at a different location.
5. The Board found that Ms. Randolph testified that she seeks increase the number of children served at the facility. She currently serves 6 children and proposes to serve 9 children.
6. The Board found that Ms. Randolph testified that the facility is a Level One facility and she seeks to operate a Level Two facility.
7. The Board found that Ms. Randolph testified that the facility is 125 feet from the road.
8. The Board found that Ms. Randolph testified that the children are supervised when playing outdoors.
9. The Board found that Ms. Randolph testified that there have been no complaints from neighbors.
10. The Board found that Ms. Randolph testified that the facility will not substantially affect adversely the uses of adjacent and 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 proposes to operate a daycare facility to care for 9 children. The Property has been used for a daycare facility for 9 years and the Applicant seeks to increase the number of children served at the daycare from 6 children to 9 children.

- b. Based on a review of the aerial photograph, there is adequate parking on the Property. The Property is a significant distance from the road and there is adequate room for the children to safely play outside.
- 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 3 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 9 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. John Mills, Mr. John Williamson, 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 April 16, 2019.