

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TIRANA WHITE

(Case No. 12438)

A hearing was held after due notice on June 15, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, and Mr. John Williamson.

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 day care center. This application pertains to certain real property located on the south side of Coastal Highway (Route 1) opposite the ramp to Argos Corner Road (911 Address: 9010 Coastal Highway, Milford) said property being identified as Sussex County Tax Map Parcel Number 2-30-8.00-20.01. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, letters supporting the Application, a survey dated October 4, 2019, a septic installation plan, a legal description, photographs of the classrooms, certificates, 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 fourteen (14) letters in support of the Application and no correspondence in opposition to the Application.
3. The Board found that Tirana White was sworn in to give testimony about the Application.
4. The Board found that Ms. White testified that she has over 16 years' experience in childcare and has managed two local childcare facilities.
5. The Board found that Ms. White testified that the center will be open Monday through Friday from 5:30 am to 7:30 pm with Saturday hours of 6:30 am to 12:30 pm for working parents.
6. The Board found that Ms. White testified that the center will have a curriculum and will enroll in the Delaware Stars Program.
7. The Board found that Ms. White testified that the Property is located along Route 1 and DelDOT have approved the entrance to the Property.
8. The Board found that Ms. White testified that there is adequate parking on site.
9. The Board found that Ms. White testified that the site will have 6 foot tall fencing on the side of the property and 4 foot tall fencing in front for safety. The play area will also be fenced.
10. The Board found that Ms. White testified that the center will bring additional jobs to the area and will employ up to 15 employees and will serve up to 30 children.
11. The Board found that Ms. White testified that the use will not substantially adversely affect the uses of adjacent and neighboring properties.
12. The Board found that Ms. White testified that there is a home on a neighboring lot but there is a row of trees between the daycare center and the home.
13. The Board found that no one appeared in support of or opposition to the Application.
14. 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.

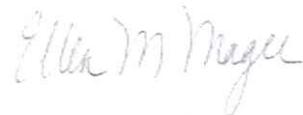
- a. The Applicant proposes to operate a daycare facility to care for up to 30 children.
- b. Based on a review of the aerial photograph, there is adequate parking on the Property. There is also adequate room for the children to safely play outside. The playground area will be fenced.
- c. The number of children served at the daycare is limited and reasonable.
- d. The hours of the facility are reasonable.
- e. The Property is surrounded by a residential property and Route 1. There are multiple letters of support in the record.
- f. 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.
- g. There was no evidence presented that the daycare would create a substantial adverse effect on noise, emissions, lighting, or property values.

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 Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, and Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application. Mr. Brent Workman did not participate in the discussion or vote on this application

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

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

Date August 4, 2020.