

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SHARON DENISE McPHATTER

(Case No. 12439)

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 north side of Johnson Road approximately 0.25 miles east of Dupont Boulevard (Route 113) (911 Address: 18073 Johnson Road, Lincoln) said property being identified as Sussex County Tax Map Parcel Number 1-30-6.00-113.15. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, evidence of liability insurance and childcare licensing, a fire marshal notice, photographs, 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 Sharon McPhatter and Robert McPhatter were sworn in to give testimony about the Application.
4. The Board found that Ms. McPhatter testified that she has 20 years' experience offering exceptional licensed childcare service and the daycare is known as Happy Land Childcare.
5. The Board found that Ms. McPhatter testified that she works with the local schools nearby.
6. The Board found that Ms. McPhatter testified that this request is to enlarge the current daycare center. Her children are off to college and she has room to accommodate more children now.
7. The Board found that Ms. McPhatter testified that a swimming pool appears on the map but was removed from the site 3 years ago.
8. The Board found that Ms. McPhatter testified that there is adequate on-site parking.
9. The Board found that Ms. McPhatter testified that the play area is fenced.
10. The Board found that Ms. McPhatter testified that the hours of operation are Monday through Friday 7:00 am – 5:30 pm, and Saturday hours are available for medical personnel and essential workers from 7:00 am – 3:00 pm.
11. The Board found that Ms. McPhatter testified that there will be two employees.
12. The Board found that Ms. McPhatter testified that there have been no complaints from neighbors and that neighbors have complimented her daycare.
13. The Board found that Ms. McPhatter testified that she lives on the Property.
14. The Board found that Ms. McPhatter testified that the daycare is following state guidelines to keep children and their families safe during Covid-19.
15. The Board found that no one appeared in support of or 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.

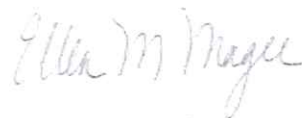
- a. The Applicant proposes to operate a daycare facility with an increase in the number of children served.
- b. The Property has been used as a daycare for some time and there are no complaints in the record about its existence.
- c. Based on a review of the aerial photograph, there is adequate parking on the Property. There is also adequate room for the children to safely play outside. The playground area will be fenced.
- d. The hours of the facility are reasonable.
- 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.
- f. 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.