

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DORZET SHORT

(Case No. 12446)

A hearing was held after due notice on July 6, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, 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 day care center. This application pertains to certain real property located on the north side of Old Furnace Road approximately 0.68 mile west of Rementer Road (911 Address: 14181 Old Furnace Road, Georgetown) said property being identified as Sussex County Tax Map Parcel Number 2-31-14.00-24.03. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, inspection reports, a drawing of the house, a survey of the Property dated March 22, 2018, licenses for the daycare, 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 Dorzet Short was sworn in to give testimony about the Application.
4. The Board found that Ms. Short testified that she is requesting a daycare center for 12 children and that she will care for nine children for the next year or two and then will increase to 12.
5. The Board found that Ms. Short testified that the State requires a fenced area for the children to obtain approval to care for 12 children.
6. The Board found that Ms. Short testified that she is licensed by the State of Delaware as a day care provider.
7. The Board found that Ms. Short testified that the Fire Marshal has given approval for 12 children.
8. The Board found that Ms. Short testified that there is adequate parking on site.
9. The Board found that Ms. Short testified that the hours of operation are Monday through Friday 6 am – 6 pm.
10. The Board found that Ms. Short testified that the daycare center is within her home.
11. The Board found that Ms. Short testified that the daycare has been in operation for 14 months and there have been no complaints from neighbors.
12. The Board found that Ms. Short testified that parents pick up their children at different times.
13. The Board found that Ms. Short testified that there are residential and agricultural properties nearby.
14. The Board found that no one appeared in support of or opposition to the Application.
15. 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.

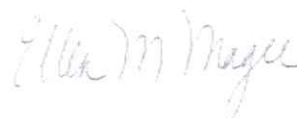
- a. The Applicant proposes to operate a daycare facility to care for 12 children.
- b. Based on a review of the aerial photograph, there is adequate parking on the Property. There is also adequate room for the children to safely play outside.
- c. The number of children served at the daycare is limited and reasonable.
- d. The hours of the facility are reasonable.
- e. The daycare facility has a limited number of employees and will serve as a residence when not in use as a daycare.
- f. The Property is surrounded by residential and agricultural properties.
- g. 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 evidence is telling since the Property has been used as a daycare for some time.

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, 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



Ellen M. Magee
Chair

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

Date August 17, 2020.