

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SOUTH LAUREL, LLC

(Case No. 12502)

A hearing was held after due notice on December 14, 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 west side of North Laurel Plaza Road at the intersection of Discount Land Road and Sussex Highway (911 Address: 10771 North Laurel Plaza Road, Laurel) said property being identified as Sussex County Tax Map Parcel Number 2-32-12.00-63.09. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated September 4, 2020, a letter of support from the Applicant's landlord, 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 Gary Campbell was sworn in to give testimony about the Application.
4. The Board found that Mr. Campbell testified that the Property is located in a light industrial park and is leased by the Encounter Praize Church. Currently, the site is used for church service.
5. The Board found that Mr. Campbell testified that, because of the needs of the congregation, the church would like to operate a daycare facility from Monday – Friday with hours of operation between 7:00 am – 5:30 pm.
6. The Board found that Mr. Campbell testified that there is a need for daycares in the area.
7. The Board found that Mr. Campbell testified that there are 4 businesses in the park including an HVAC business, a termite business, an appliance business, and a dance studio.
8. The Board found that Mr. Campbell testified that the daycare will have two employees and serve a maximum of 15 school-aged children.
9. The Board found that Mr. Campbell testified that there will be a fenced area for a playground measuring approximately 762 square feet.
10. The Board found that Mr. Campbell testified that there are bathroom facilities on site.
11. The Board found that Mr. Campbell testified that the Property is located off Route 13 and there is a Dollar General and Food Lion across Route 13.
12. The Board found that Mr. Campbell testified that there is room for a pick-up and drop-off area for parents and that the pick-up and drop-off hours will not affect the neighboring businesses.
13. The Board found that Mr. Campbell testified that the use as a day care center will not substantially adversely affect the uses of neighboring and adjacent properties.
14. The Board found that no one appeared in support of or opposition to the Application.

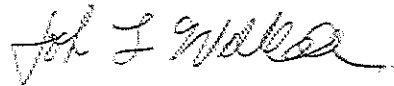
15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the daycare facility 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 on a site currently used for a church.
 - b. The site is located in an industrial park with other businesses.
 - 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



John Williamson
Acting Chair

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

Date February 15, 2021.