

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

**IN RE: CARE A LOT CHILD DEVELOPMENT CENTER, LLC**

**(Case No. 12521)**

A hearing was held after due notice on February 1, 2021. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Mr. John T. Hastings, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is seeking a special use to operate a day care center for up to 35 children. This application pertains to certain real property located on the south side of Long Neck Road directly across from Lingo Lane (911 Address: 32564 Long Neck Road, Millsboro) said property being identified as Sussex County Tax Map Parcel Number 2-34-23.00-311.10. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a family child care license, a certificate of formation for Care A Lot Child Development Center, LLC, a drawing of the Property, an invoice for a fence, pictures, 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 four (4) letters in support of and no correspondence in opposition to the Application.
3. The Board found that Michelle Blattenberger was sworn in to give testimony about the Application.
4. The Board found that Ms. Blattenberger testified that she is requesting to operate a daycare center to be used for up to 35 children ages 6 weeks old to 12 years old.
5. The Board found that Ms. Blattenberger testified that the building is a stand-alone building consisting of approximately 1,900 square feet.
6. The Board found that Ms. Blattenberger testified that there is a car wash, restaurant, and deli nearby. She believes that this is an ideal location for the daycare and that the center is needed. She noted that she already has a waiting list of 20 children.
7. The Board found that Ms. Blattenberger testified that there is adequate parking for drop off and pick up.
8. The Board found that Ms. Blattenberger testified that the building is 65 feet from the road.
9. The Board found that Ms. Blattenberger testified that a fenced off playground area will be constructed to the side of the building.
10. The Board found that Ms. Blattenberger testified that the front door will be locked during the day and the only way for a child to leave will be in the company of parent or guardian.
11. The Board found that Ms. Blattenberger testified that there are two bathrooms on the premises.
12. The Board found that Ms. Blattenberger testified that the Applicant currently has 3 employees but will immediately move to 6 employees when this facility opens.
13. The Board found that Ms. Blattenberger testified that approval has been given by Fire Marshal. She noted that the building did not need sprinklers and that hard wired smoke detectors are installed.

14. The Board found that Ms. Blattenberger testified that the Property is served by public sewer and water.
15. The Board found that Ms. Blattenberger testified that the facility will be open from 6:00 am – 6:00 pm.
16. The Board found that Ms. Blattenberger testified that this use will not adversely affect the uses of neighboring and adjacent properties.
17. The Board found that no one appeared in support of or in opposition to the Application.
18. 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 to care for up to 35 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.
  - f. The Property is surrounded by commercial properties and neighbors have advised the Applicant that they do not object to the request.
  - 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 Board granted the special use exception 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, Mr. Travis Hastings, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application and variance application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



John Williamson  
Chair

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

Date April 12, 2021