

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

**IN RE: PEACEFUL CHILD, LLC  
(PATRICK SNYDER)**

**(Case No. 12544)**

A hearing was held after due notice on April 19, 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. This application pertains to certain real property located on the southwest side of Coastal Highway (Route 1) approximately 0.31 miles southeast of Hudson Road (911 Address: 14904 Coastal Highway, Milton) said property being identified as Sussex County Tax Map Parcel Number 2-35-16.00-75.00 & 77.00. 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 August 27, 2018, pictures, correspondence supporting the Application, 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 twelve (12) letters in support of and no correspondence in opposition to the Application.
3. The Board found that Patrick Snyder was sworn in to give testimony about the Application.
4. The Board found that Mr. Snyder testified that he and his wife run a small Montessori school at St. Jude Catholic Church where they have a few rooms.
5. The Board found that Mr. Snyder testified that the school is at full capacity and there are many requests for childcare so they have been looking for an additional location.
6. The Board found that Mr. Snyder testified that the Property was previously used as a church and also had a conditional use permit for a yoga studio.
7. The Board found that Mr. Snyder testified that the school will follow the Cape Henlopen School District schedule with a few exceptions.
8. The Board found that Mr. Snyder testified that the hours of operation would be 7:30 am through 5:30 pm.
9. The Board found that Mr. Snyder testified that it would be a separate school and childcare facility to the current school, Little World, but would have similar programs.
10. The Board found that Mr. Snyder testified that grass and nature is important for Montessori learning.
11. The Board found that Mr. Snyder testified that there will not be traditional playground equipment but there will be a fenced play area for safety.
12. The Board found that Mr. Snyder testified that the center will not substantially adversely affect the uses of neighboring and adjacent properties and that the use will be less intense than when it was used for a church.
13. The Board found that Mr. Snyder testified that drop off and pick up times are staggered and there is adequate parking.
14. The Board found that Mr. Snyder testified that there will be approximately 10-12 employees.

15. The Board found that Mr. Snyder testified that the Property is located adjacent to the southbound lanes of Route 1 and the facility is located far from the road. He is unaware of traffic problems related to the prior church or the yoga studio.
16. The Board found that Mr. Snyder testified that he is registered with the Delaware Department of Education for up to 100 children but does not intend to have 100 children at this location.
17. The Board found that Mr. Snyder testified that, because they are regulated by the Department of Education, they get an exception from the Office of Childcare Licensing.
18. The Board found that Mr. Snyder testified that Fire Marshal approval will be the next step in the process.
19. The Board found that Mr. Snyder testified that the building does not have a sprinkler system but he has spoken to the landlord regarding installing a sprinkler system.
20. The Board found that Mr. Snyder testified that the building consists of 5,000 square feet.
21. The Board found that Mr. Snyder testified that the children served would be from 1 year old through 12 years old.
22. The Board found that Mr. Snyder testified that the adjacent property to the southeast is Hudson Fields.
23. The Board found that Christian Hudson, who represents the Applicant's landlord, was sworn in to give testimony in support of the Application.
24. The Board found that Mr. Hudson testified that there are some conditional use permits and some B-1 zoning in the area as well. He noted that approximately 0.5 miles from this property is an existing daycare center and 0.25 miles past that is another daycare center.
25. The Board found that Mr. Hudson testified that this is an ideal location for a daycare center as there is ample outdoor space for children.
26. The Board found that Mr. Hudson testified that there is tremendous demand for private schools and daycare.
27. The Board found that Mr. Hudson testified that he supports the request.
28. The Board found that two people appeared in support of and no one appeared in opposition to the Application.
29. 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 large parcel previously used for a church and yoga studio.
  - 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 daycare is located on property adjacent to Route 1 and there are other daycares in the nearby area.
  - g. There was no evidence that the daycare would have a substantial adverse effect on noise, emissions, traffic, or property values.
  - h. 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.
  - i. The Board's approval is subject to the following condition:

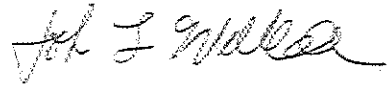
- i. If an outside playground is installed, it must be fenced in.

The Board granted the special use exception with conditions 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 with conditions. 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 with conditions.

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 June 21, 2021