

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SHANNON NEAL / SUSSEX FAMILY YMCA

(Case No. 12549)

A hearing was held after due notice on May 3, 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 26 children. This application pertains to certain real property located on the southwest side of Church Street approximately 156 feet northeast of Coastal Highway (Route 1) (911 Address: 20080 Church Street, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number 3-34-13.20-53.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey dated September 12, 2005, 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 no correspondence in support of or in opposition to the Application.
3. The Board found that Shannon Downing and Tanesha Hopkins were sworn in to give testimony about the Application.
4. The Board found that Ms. Downing testified that she is requesting a special use exception to run a licensed child care program at the Sussex Y.M.C.A.
5. The Board found that Ms. Downing testified that there are current childcare programs at the facility but those programs are not licensed and a special use exception is needed to proceed with licensing.
6. The Board found that Ms. Downing testified that the Applicant noticed a need for services after the pandemic hit.
7. The Board found that Ms. Downing testified that the hours of operation will be 7:00 am – 6:00 pm, Monday through Friday.
8. The Board found that Ms. Downing testified that there are 2 – 3 employees and there will be a maximum of 26 children at the center.
9. The Board found that Ms. Downing testified that the children served will be from 5 years old through 12 years old.
10. The Board found that Ms. Downing testified that the Property is owned by the Cape Henlopen School District. According to Ms. Hopkins, there is 16 years left on the lease with the school district.
11. The Board found that Ms. Hopkins testified that this program is to serve families during times of emergency such as the pandemic and to offer summer programs.
12. The Board found that Ms. Hopkins testified that the childcare center will not create any traffic issues.
13. The Board found that Ms. Hopkins testified that she anticipates the center will be used by summer 2022 and for school in-service days.
14. The Board found that 11 people appeared in support of and no one appeared in 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 up to 26 children.
- b. Based on a review of the aerial photograph and survey, there is adequate parking on the Property. There is also adequate room for the children to safely play outside.
- c. The Property is currently used for a Y.M.C.A. with other various programs and this use is consistent with the other uses of the site.
- d. The number of children served at the daycare is limited and reasonable.
- e. The hours of the facility are reasonable.
- f. The daycare facility has a limited number of employees.
- g. There was no evidence that the use would present any traffic concerns.
- 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.

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.

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 July 12, 2021