

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

**IN RE: EUGENIA CASTREJON**

**(Case No. 12573)**

A hearing was held after due notice on June 21, 2021. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

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 12 children. This application pertains to certain real property located on the west side of Sanfilippo Road approximately 0.21 miles north of Swan Lane (911 Address: 20734 Sanfilippo Road, Bridgeville) said property being identified as Sussex County Tax Map Parcel Number 3-31-2.00-40.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of 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 no correspondence in support of or in opposition to the Application.
3. The Board found that Eugenia Castrejon and Ruby Castrejon were sworn in to give testimony about the Application.
4. The Board found that Ruby Castrejon testified that they received approval from the Fire Marshal for a Level 1 daycare center for up to 12 children.
5. The Board found that Ruby Castrejon testified that the daycare will have three employees.
6. The Board found that Ruby Castrejon testified that there is adequate parking on the site and that there is a separate entrance for the chicken houses.
7. The Board found that Ruby Castrejon testified that there is one neighbor across the road but the next nearest neighbor is approximately 0.5 miles away.
8. The Board found that Ruby Castrejon testified that the hours of operation will be 6:30 am through 5:00 pm.
9. The Board found that Ruby Castrejon testified that the use will not produce much traffic and that this use will not substantially adversely affect the uses of neighboring and adjacent properties.
10. The Board found that Eugenia Castrejon testified that there is a circular driveway for drop off and pick up.
11. The Board found that Eugenia Castrejon testified that there will be a fenced outdoor playground for the children.
12. The Board found that Eugenia Castrejon testified that there is very little traffic on Sanfilippo Road.
13. The Board found that Eugenia Castrejon testified that the neighbors support the Application.
14. The Board found that Eugenia Castrejon testified that they have applied for Childcare Licensing but are waiting on the results of this application.
15. The Board found that no one appeared in support of or in opposition to the Application.
16. 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 12 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 in a rural, agricultural area without many residential neighbors nearby.
- 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. Jordan Warfel, and Mr. John Williamson. 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 September 13, 2021.