

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHARLENE WILDONGER

(Case No. 12595)

A hearing was held after due notice on August 16, 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 northeast side of Dove Road approximately 0.24 miles southeast of Old Furnace Road (911 Address: 23679 Dove Road, Seaford) said property being identified as Sussex County Tax Map Parcel Number 2-31-12.00-424.00. 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, a building permit application, 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 Charlene Wildonger was sworn in to give testimony about the Application.
4. The Board found that Ms. Wildonger testified that she is requesting a special use exception to operate a large capacity daycare for 12 children in her home.
5. The Board found that Ms. Wildonger testified that the dwelling is 120 feet from Dove Road.
6. The Board found that Ms. Wildonger testified that there is an addition on the rear of the home for the daycare center and there is a fenced play area for the children.
7. The Board found that Ms. Wildonger testified that the hours of operation will be from 7:00 am – 5:00 pm Monday through Friday.
8. The Board found that Ms. Wildonger testified that the daycare is not currently in operation.
9. The Board found that Ms. Wildonger testified that Fire Marshal approval has been received for the daycare.
10. The Board found that Ms. Wildonger testified that there is an above-ground swimming pool on the Property that is locked. Daycare children will not use the pool.
11. The Board found that Ms. Wildonger testified that the rear yard is surrounded by woods.
12. The Board found that Ms. Wildonger testified that there is adequate parking on the Property for drop-off and pick-up.
13. The Board found that Ms. Wildonger testified that there will be one employee who is a licensed certified teacher.
14. The Board found that Ms. Wildonger testified that the use will not substantially adversely affect the uses of neighboring and adjacent properties.
15. The Board found that one person appeared in support of and no one appeared 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 October 18, 2024.