

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CARE A LOT CHILD DEVELOPMENT CENTER, LLC

(Case No. 12601)

A hearing was held after due notice on September 13, 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. This application pertains to certain real property located on the north side of Long Neck Road directly across from Julias Lane (911 Address: 32479 Long Neck Road, Millsboro) said property being identified as Sussex County Tax Map Parcel Number 2-34-23.00-304.00. 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 drawing of the site, Office of Childcare Licensing approval, certificate of formation for Applicant, pictures, letters supporting the Application, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received eight 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 four months ago she was approved for a special use exception to operate a daycare center at 32564 Long Neck Road and that location has opened and is at full capacity.
5. The Board found that Ms. Blattenberger testified that she would like to open a second location at 32479 Long Neck Road to address the daycare needs of this area.
6. The Board found that Ms. Blattenberger testified that the site is larger than the site for her other daycare.
7. The Board found that Ms. Blattenberger testified that the site is near Short's Marine.
8. The Board found that Ms. Blattenberger testified that this location would serve preschool and school age children and the other location would be for toddlers.
9. The Board found that Ms. Blattenberger testified that this use would not substantially adversely affect the uses of neighboring and adjacent properties.
10. The Board found that Ms. Blattenberger testified that the surrounding area is mostly commercial and there is a letter of support from the residential neighbor.
11. The Board found that Ms. Blattenberger testified that the entire outdoor play area will be fenced and that, when the children exit the building, they would be within the fenced play area.
12. The Board found that Ms. Blattenberger testified that there would be five employees who work at the center and 25 children served at the center.
13. The Board found that Ms. Blattenberger testified that the hours of operation would be from 6:00 am – 6:00 pm Monday through Friday.
14. The Board found that Ms. Blattenberger testified that there is adequate parking on the Property.
15. The Board found that Ms. Blattenberger testified that the Property is served by public sewer and water.

16. The Board found that no one appeared in support of or in opposition to the Application.
17. 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 25 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. The one residential neighbor has indicated support of the Application.
 - 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. 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 November 1, 2021.