

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HEATHER SHEVLAND

(Case No. 12689)

A hearing was held after due notice on May 2, 2022. 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 daycare facility.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to operate a daycare facility. This application pertains to certain real property located at the north side of 33564 Parker House Road within the Chevy Chase Subdivision (911 Address: 33564 Parker House Road, Frankford) said property being identified as Sussex County Tax Map Parcel Number 134-16.00-697.00 ("the Property"). 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 survey of the Property dated February 25, 2022, Findings of Fact for Case No. 11648, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application and no correspondence in opposition to the Application.
3. The Board found that Heather Shevland was sworn in to give testimony about the Application.
4. The Board found that Ms. Shevland testified that she and her husband are the current owners of The Learning Center Preschool in Ocean View which is located on a lot adjacent to the Property. The existing daycare is subject to a previously issued special use exception.
5. The Board found that Ms. Shevland testified that the Applicants intend to construct a new daycare facility on the Property and that they will be operating the daycare on the neighboring lot until the construction of the new facility is complete. She noted that the existing daycare facility needs significant upgrades and it is easier to start from scratch. She also noted that, by building on the adjacent lot rather than renovating the existing structure, will create a safer environment for the children.
6. The Board found that Ms. Shevland testified that the use will not substantially affect adversely the uses of neighboring and adjacent properties and she believes that the new facility will improve the value of the neighborhood.
7. The Board found that Ms. Shevland testified that the number of families served will remain the same.
8. The Board found that Ms. Shevland testified that the Applicants started their business in 2008, moved to their current location in 2015, and, in 2017, purchased the Property.
9. The Board found that Ms. Shevland testified that their neighbors are very supportive and have made no complaints about the daycare.
10. The Board found that Ms. Shevland testified that the Property is on public sewer but the Applicants will install a well.
11. The Board found that Ms. Shevland testified that the parking is existing and can accommodate fourteen (14) off street vehicles.

12. The Board found that Ms. Shevland testified that the business operates from 8:15 am until 2:30 pm.
13. The Board found that Ms. Shevland testified that their goal is to keep the children in school while building the new building.
14. The Board found that Ms. Shevland testified that the existing playground will be retained.
15. The Board found that Ms. Shevland testified that they are licensed for twelve (12) children ages 2 to 5 years old and they operate 2 sessions for 12 children each session consisting of 3 hours each.
16. The Board found that Ms. Shevland testified that the business has two (2) employees.
17. The Board found that Ms. Shevland testified that there are a few other businesses in the vicinity such as Melson's Funeral Home and a storage business.
18. The Board found that one person appeared in support of and no one appeared in opposition to the Application.
19. 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 unrebutted, 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 at a time.
 - b. Based on a review of the aerial photograph, survey, and tax map, there is adequate parking on the Property. There is also adequate room for the children to safely play outside.
 - c. The Applicant operates a daycare on the adjacent property and there were no complaints about the existing daycare in the record.
 - d. The number of children served at the daycare is limited and reasonable.
 - e. The hours of the facility are reasonable.
 - f. There are other commercial businesses in the area.
 - g. No one appeared in opposition to the Application and the lack of opposition, given the existing daycare on the adjacent property, was telling.
 - h. No evidence was submitted 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 July 11, 2022