

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LATONYA BRUCE

(Case No. 12717)

A hearing was held after due notice on July 18, 2022. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey 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 on the southeast side of Coverdale Road within the Messick Subdivision (911 Address: 20687 Coverdale Road, Bridgeville) said property being identified as Sussex County Tax Map Parcel Number 430-23.00-75.00 ("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, literature on the proposed daycare, 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 LaTonya Bruce was sworn in to give testimony about the Application.
4. The Board found that Ms. Bruce testified that the need for child care is in high demand and expanding would be the answer to some families' prayers.
5. The Board found that Ms. Bruce testified that she has raised three (3) children of her own and she always wanted to be a teacher but owning her own business became a reality in 2020. She noted that she has an Associate's Degree in business administration and completed Training in Early Childhood Education I and II and she plans in the fall to continue her education.
6. The Board found that Ms. Bruce testified that she opened the daycare on September 13, 2021, with two (2) children, ages eight (8) weeks and four (4) years old and, by November 8, 2021, she was at full capacity serving six (6) children as a Level I facility.
7. The Board found that Ms. Bruce testified that she is in the process of going to Level II, which is large family, but she needs this approval prior to doing so. She also has other requirements to meet before opening the Level II facility.
8. The Board found that Ms. Bruce testified that there are currently five (5) children in her program, aged 1 to 4 years old.
9. The Board found that Ms. Bruce testified that her indoor capacity measurements can accommodate up to fifteen (15) kids based on the Office of Child Care Licensing pre-inspection but they only allow a total of twelve (12) children for large family daycares.
10. The Board found that Ms. Bruce testified that her outdoor space has a front entrance and play area has 600 square feet. She noted that the play area is fenced in for the safety of the children.
11. The Board found that Ms. Bruce testified that her social media advertising has been very productive and she gets call weekly for infants but she is unable to take on new children because she is at capacity.

12. The Board found that Ms. Bruce testified that the children she cares for now are all there between 7:30 am and 5:00 pm and they arrive anywhere between 7:00 am and 8:00 am.
13. The Board found that Ms. Bruce testified that she allows the parents to park on her grass if needed.
14. The Board found that Ms. Bruce testified that her home was built in 2010 and has central HVAC and the living room and dining room are the main area for the children. She noted that meals are served in the kitchen.
15. The Board found that Ms. Bruce testified that the neighbors on one side recently upgraded their home and the neighboring property on the other side is vacant. She noted that the property across the street is used as farmland.
16. The Board found that Ms. Bruce testified that a large part of the Property is wooded.
17. The Board found that Ms. Bruce testified that she has two individuals that will be assisting her.
18. The Board found that Ms. Bruce testified that her playground was built to the standards of the Level II facility and possible expansion.
19. The Board found that Ms. Bruce testified that she does not see any issues with traffic in the morning. She noted that, between 6:00 am and 7:00 am, the majority of traffic is from the concrete plant down the road and school buses.
20. The Board found that Ms. Bruce testified that she parks in the rear of the home.
21. The Board found that Ms. Bruce testified that she had a parent park on the road once and informed them to park on her grass rather than in the road.
22. The Board found that Ms. Bruce testified that her additional employees and her family would park in the rear also or on the grass.
23. The Board found that Ms. Bruce testified that the driveway is empty after drop off.
24. The Board found that Ms. Bruce testified that, once she can increase her capacity, she will have school-age children and they will have school bus pick up at the Property.
25. The Board found that Ms. Bruce testified that her hours of operation are 6:00 am to 11:00 pm but she is currently operating from 7:00 am until 5:30 pm. She noted that she cannot do the night shift at this time because she cannot overlap children as it would put her out of compliance with her license.
26. The Board found that Ms. Bruce testified that she anticipates some of the children in the daycare to be siblings.
27. The Board found that Ms. Bruce testified that, if she takes on multiple children for evening care, it will only be one family.
28. The Board found that Ms. Bruce testified that age range also plays a factor in the number of children that can be in her care.
29. The Board found that Ms. Bruce testified that she has had no complaints since she opened the daycare.
30. The Board found that Ms. Bruce testified that the primary use around her is farming and residential.
31. The Board found that no one appeared in support of or in opposition to the Application.
32. 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 at a time.

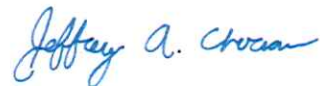
- b. Based on a review of the aerial photograph, survey, and tax map, there is adequate parking on the Property. There is also adequate room for the children to safely play outside.
- c. The Applicant operates a daycare on the Property and there were no complaints about the existing daycare in the record.
- d. The number of children served at the daycare is limited and reasonable.
- e. The hours of the facility are reasonable.
- f. No one appeared in opposition to the Application and the lack of opposition, given the existing daycare on the Property, was telling.
- g. 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



Jeffrey Chorman
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date September 12, 2022.