

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHELLE BLATTENBERGER

(Case No. 12458)

A hearing was held after due notice on August 3, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a daycare center.

Findings of Fact

The Board found that the Applicant is seeking a special use exception for a daycare center for 9-12 children. This application pertains to certain real property located on the corner of Sandy Lane and Pine Cone Drive within the Pot-Nets Coveside Manufactured Home Park (911 Address: 36247 Sandy Lane, Millsboro) said property being identified as Sussex County Tax Map Parcel Number 2-34-25.00-27.00-17530. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, email correspondence with the Applicant, the Applicant's child care license, a certificate of formation for Care A Lot Development Center, LLC, Fire Marshal approval, photographs, 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 and two letters 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 she has been operating a day care center for approximately two years in Delaware and that she has over twenty years' experience operating a licensed daycare center in New Jersey.
5. The Board found that Ms. Blattenberger testified that the Property is located in Pot-Nets and is a corner lot with .25 acres.
6. The Board found that Ms. Blattenberger testified that she would like to move to level two in licensing which would allow up to twelve children.
7. The Board found that Ms. Blattenberger testified that the daycare center will not affect the neighboring properties as there is adequate parking onsite. She only anticipates an additional 2 cars per day as most of her clients have multiple children.
8. The Board found that Ms. Blattenberger testified that the hours of operation are Monday – Friday from 7:30 am – 5:30 pm.
9. The Board found that Ms. Blattenberger testified that there is a fenced in back yard.
10. The Board found that Ms. Blattenberger testified that she has received no complaints from neighbors.
11. The Board found that Ms. Blattenberger testified that the Property is up to code with Pot-Nets and the Office of Childcare Licensing.
12. The Board found that Ms. Blattenberger testified that the lot next door is vacant and cannot fit a new manufactured home.
13. The Board found that Ms. Blattenberger testified that the daycare has two employees, one is her husband who resides at the dwelling and another individual who resides in the Pot-Nets development.
14. The Board found that Ms. Blattenberger testified that there have been no issues with noise or lighting.

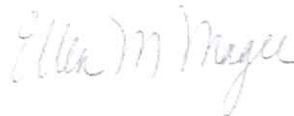
15. The Board found that Lincoln Davis was sworn in to testify in support of the Application. Mr. Davis testified that he represents the landlord and the landlord believes the business is an essential service.
16. The Board found that one person appeared in support of and no one appeared in opposition 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 weighed and considered, 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 with an increase in the number of children served.
 - b. The Property has been used as a daycare for some time and there is no substantial evidence in the record about substantial adverse effects on neighboring and adjacent properties from the existing daycare.
 - c. 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. The playground area will be fenced.
 - d. The hours of the facility are reasonable.
 - e. No substantial evidence was presented which would demonstrate that the daycare facility would have a substantial adverse effect on neighboring and adjacent properties.
 - f. There was no substantial evidence presented that the daycare would create a substantial adverse effect on noise, emissions, lighting, or property values.
 - g. The traffic impact from the daycare should be minimal as it will result in only 2 additional cars per day to the site.

The Board granted the special use exception application 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, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. Mr. Jeffrey Chorman voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

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

Date October 5, 2020.