

**MINUTES OF THE MEETING OF THE
CITY OF SEAFORD BOARD OF ADJUSTMENT AND APPEALS**

February 6, 2019

12:00 p.m.

Mayor David Genshaw called the meeting to order with Charles Anderson, City Manager and City Solicitor, Daniel Griffith in attendance. Mike Bailey, Building Official was also present.

Mayor Genshaw called for a motion to approve the minutes of the Board of Adjustment meeting held on January 2, 2019. City Solicitor, Daniel Griffith made a motion to approve the minutes. City Manager, Charles Anderson, seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw then turned the meeting over to Mike Bailey, Building Official.

Mr. Bailey presented **Case No. V-01-19:** Wheaton's Inc., owners of 24960 Dairy Lane Seaford, DE 19973, are seeking a variance to construct and operate a charter school to be located at 24960 Dairy Lane, Seaford, DE 19973. Tax Map and Parcel # 531-12.00-40.00, serving grades K-6.

Mr. Bailey stated that the property was recently annexed in the City and is zoned C-2, Highway Commercial, therefore a variance is required for the property to accommodate a school facility. He also stated that Mark Chura, project manager for the school, was present to answer any questions the Board members or public may have.

Mayor Genshaw solicited any questions from the Board members.

City Manager, Charles Anderson, asked if the school development had gone through the Office of State Planning review process and if so, were there any comments made from DelDOT, or other agencies?

Mr. Chura stated yes. The school was reviewed through the Preliminary Land Use Service (PLUS) process and the only comment made from DelDOT was in regards

to traffic. He stated that all of the comments would be addressed during the development of the school.

City Solicitor, Daniel Griffith, asked Mr. Chura to explain some of the benefits of the school coming to Seaford.

Mr. Chura stated that having the School will improve the areas school choice options and allow a charter school to be closer to student's homes in western Sussex. It will also bring jobs to the area.

Mr. Griffith asked what the time frame for the school opening would be.

Mr. Chura stated that they are planning on opening June 1st of 2020.

Mayor Genshaw, asked if there were any corrections and/or changes from DeIDOT for the roadway entrance/exit of the property.

Mr. Chura stated no. DeIDOT stated that the existing entrance is considered a three-way intersection currently and will remain the same. DeIDOT also determined that a traffic impact study was not needed.

Mayor Genshaw solicited any questions from the public.

Scott Sapna, one of the owners of Penco, a neighboring business to the above referenced property; stated that he had concerns in regards to the traffic that the school will bring including busses and parental drop offs/ pickups. He stated that his business has a lot of contractors and deliveries being made early in the morning, around the time that school normally would be starting.

Mr. Chura stated that he understood his concerns. However, DeIDOT did not feel it was necessary to change the existing entrance or flow of traffic from how it is currently. It is difficult to project the number of students the school will have attend, but initial estimates are approximately 260, however the charter school is different from public schools because there is not the mass amount of students in attendance. There will be some bus service, but again, not like public schools have.

Benjamin Tull, property owner of neighboring lands, came forward to ask if any restrictions will be made to the properties that he owns that are neighboring to the school.

Mr. Anderson stated no. The zoning is continuous, C2 district, so there would be no change. The only effect it would have is zoning separations to include fencing, vegetation, etc.

Mayor Genshaw solicited any further questions or comments from the public. There were none.

Mayor Genshaw called for a motion.

City Solicitor, Daniel Griffith, made a motion to approve the variance request to construct and operate a charter school to be located at 24960 Dairy Lane, Seaford, DE 19973. Tax Map and Parcel # 531-12.00-40.00. City Manager, Charles Anderson, seconded the motion; motion so passed with all members of the Board of Adjustment and Appeals voting in favor of the motion.

With no further business to discuss; Mayor Genshaw called for a motion to adjourn the regular meeting of the Board of Adjustment and Appeals. City Manager, Charles Anderson made the motion to adjourn. City Solicitor, Daniel Griffith, seconded the motion; the regular meeting of Board of Adjustment and Appeals was adjourned at 12:20 p.m. with all members voting in favor of the motion.

Daniel A. Griffith, City Solicitor

David Genshaw, Mayor

Charles D. Anderson, City Manager