

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

April 3, 2019

12:00 p.m.

Mayor David Genshaw called the meeting to order with City Manager, Charles Anderson and Mike Bailey, Building Official, present.

Mayor Genshaw called for a motion to approve the minutes of the Board of Adjustment meeting held on March 13, 2019. City Manager, Charles Anderson, made a motion to approve the minutes. Mayor Genshaw seconded the motion; motion so passed with all present voting in favor.

Mr. Bailey presented **Case No. V-03-19: Modular On-Site Development** seeks a variance for encroachment of front and side yard setbacks. The property is located at 518 E King Street, Tax Map and Parcel #431-5.00-194.01. The property is located in an R-2 Medium Density Residential zoning district.

Mr. Bailey stated that the front yard setback required is 15ft. minimum. The current setback is 14.8 ft. and the side yard setback is 5.9 ft., with a minimum requirement of 6 ft. When the survey drawing was submitted for the new construction the setback requirements were met. Once the construction was completed, the field survey showed the setbacks were off by inches from the original plans.

Mr. Bailey stated that Anthony Andrews, 102 Windward Court, Stevensville, Maryland, was present representing Modular On-Site Development, to answer any questions the board or public may have.

Mayor Genshaw solicited any questions from the board members.

City Manager, Charles Anderson, asked what happened and/or how the encroachment of the setbacks occurred.

Mr. Andrews stated that the gentleman who constructed the foundation was off in his measurements and it was not known until the final survey was completed.

Mayor Genshaw solicited any questions from the public; there were none.

With no further questions, Mayor Genshaw called for a motion.

City Manager, Charles Anderson, made a comment prior to the motion to include that in the R-2 zoning, the code does allow for houses to be closer to the front yard setback if the adjoining houses are closer, and with the area the house is in, many houses are closer to the front yard setback. With that being said, Mr. Anderson made a motion to approve the variance for the encroachment of the front and side yard setbacks. Mayor Genshaw seconded the motion; motion was unanimously approved with all members of the board voting in favor.

Mr. Bailey presented **Case No. V-04-19: Church of God** seeks a variance to lease an ancillary building on the campus (formally the gymnasium) to a business that proposes to create an indoor play area. The property is located at 425 E. Stein Highway, Tax Map and Parcel #431-2.00-5.00 and located in an R-2 Medium Density Residential zoning district.

Mr. Bailey stated that previously, the location was used for a daycare. The business anticipated to move in will be similar to “Beach Bounce”, which will include inflatables, etc. for children. He also mentioned that the Pastor of the church, church members, the realtor and a relative of the person opening the business, present to answer any questions.

Mayor Genshaw solicited any questions from the board members.

Mayor Genshaw asked why this would be a variance request to come through Board of Adjustment.

Mr. Bailey stated that because the property is zoned residential, it is a variance to allow the business to operate in that zone, because it is considered commercial.

Mr. Anderson also stated that buildings that are approvable for this type of request are in C-1 and C-2 zoning districts.

Mr. Anderson asked if there is a subdivision or sale of the property proposed.

Pastor Dan Southern, stated no. The Church will continue to own the property and lease out the building.

Mr. Anderson asked where patrons will be able to park on the property.

Pastor Dan Southern stated that they will be able to use the existing parking lots on the property; the proposed times of business will not interfere with the time of Church services.

Mr. Anderson asked about the hours of operation.

Willshira Koglue; sister of person opening business; came forward. Mrs. Koglue stated that the times of operation will be Tuesday thru Friday, 10:00 a.m. - 8 p.m. and 10:00 a.m. – 9:00 p.m. on Saturdays. This would allow more time for birthday parties, events, etc. to take place upstairs.

Mr. Anderson asked if there is sufficient lighting in the parking lot for evening hours of the business.

Pastor Dan Southern stated yes. There is lighting on the outside of both buildings facing the parking lots.

Mayor Genshaw solicited any questions from the public; there were none.

With no further questions, Mayor Genshaw called for a motion.

City Manager Anderson, made a motion to approve the variance request to lease the ancillary building on the property to a business that proposes to create an indoor play area. With the stipulation that the hours of operation be Tuesday thru Friday 10:00 a.m. – 8:00 p.m. and Saturday, 10:00 a.m. – 9:00 p.m. Mayor Genshaw seconded the motion; motion was unanimously approved with all board members present voting in favor.

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 a motion to adjourn. Mayor Genshaw seconded the motion; the regular meeting of Board of Adjustment and Appeals was adjourned at 12:13 p.m.

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David Genshaw, Mayor

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Charles D. Anderson, City Manager