

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

October 5, 2016

12:00 p.m.

Vice Mayor Dan Henderson called the meeting to order with Dolores J. Slatcher, City Manager in attendance. Mr. Joshua E. Littleton, Building Official was also in attendance.

~~Vice Mayor Henderson noted there are two items on the agenda at which time he turned the meeting over to Mr. Littleton.~~

Mr. Littleton presented Case No. V-18-16 Case No. V-18-16: BC Investments, aka Walmart, property owners of 22899 Sussex Hwy, and identified as Tax Map and Parcel 331-6.00-4.01, are seeking a special exception as required by the Zoning Ordinance, Sec. 15-40A Uses by Special Exception (2) Seasonal storage containers. Walmart is asking approval to place thirty (30) storage containers and two (2) refrigerated containers, on site, for storage of holiday merchandise. Mr. Doug Avery, Co-Manager, was available to answer questions.

Mr. Littleton explained the application is about the same as the Board has seen every year; the location of the containers is the same, outside the Fire Lane along the grassy strip near the rear of the building. The two refrigerated containers are placed in the southern parking lot. City Manager Slatcher asked if Mr. Littleton received any complaints last year or had any problems. Mr. Littleton said no. City Manager Slatcher stated we've seen this a number of times without any complaints or problems and this year there is a reduction in the number of storage containers. City Manager Slatcher asked why the reduction in the number? Mr. Avery commented the store has changed their process a little and has reduced the inventory to have more room in the store. Vice Mayor Henderson asked other than the reduction in containers are there any other changes? Mr. Avery replied no. Mr. Littleton noted the containers are usually gone around the 1st of the year. Mr. Avery explained the company starts to remove the containers after the 1st of the year, but due to the number it usually takes a while for all of them to be removed; but Walmart doesn't use them after the holiday season.

Vice Mayor Henderson called for public comment. No one was present in the audience, except for Charles Anderson, Assistant City Manager.

City Manager Slatcher made the motion to approve the special exception for thirty (30) seasonal storage containers and two (2) refrigerated containers for the season at Walmart as there have been no problems with them. Vice Mayor Henderson seconded the motion. Motion passed unanimously in favor of the motion.

The consideration of the second agenda item was delayed until 12:30 p.m. as Mr. Wheatley was detained.

The meeting was resumed at 12:30 p.m. upon Mr. Wheatley's arrival. Mr. Littleton presented Case No. V-19-16: The Porvenir Group, LLC, property owners of a lot on Thompson Street, identified as Tax Map and Parcel 331-5.00-390, are seeking a special exception as required by the Zoning Ordinance, §15.20 Uses by Special Exception (2) Single family semi-detached or two family detached structure. The property owners propose to build a duplex on the property. Mr. Robert C. Wheatley was present to discuss the project.

Mr. Littleton noted Mr. Wheatley provided the City with a survey which showed the footprint of the building; setbacks were adhered to; two (2) paved parking spaces for each unit; additional landscaping on site; and two (2) 8'x12' storage sheds, one for each unit. Assistant City Manager Anderson and Mr. Littleton met with Mr. Wheatley to discuss the drainage on site. Mr. Wheatley will work on a survey to shoot elevations in the street to make sure they can get positive drainage from the site to the street drain system in North St. The nearest catch basin is on North Street. City Manager Slatcher noted the road extends beyond your property. What happens to the property beyond this site, it will be without road frontage? Mr. Wheatley said it was his understanding he was only responsible for the road in front of his property. They plan to do a 2" overlay on the existing road. He went on to say, in lieu, they would be willing to put that money into street improvements if they can get street funding from the State.

City Manager Slatcher asked if the positive drainage work is all done for the private property. Mr. Littleton replied line in grades layouts for the site itself need to be done to be sure if there is positive drainage. We talked with Mr. Wheatley about getting a gutter survey in the street. They can see if there is positive drainage. City Manager Slatcher asked what is the plan if there isn't positive drainage? Mr. Wheatley said runoff is not an issue for the site, any runoff from the parking spaces will stay on site. Mr. Littleton explained the site pavement is approximately 3200 sq. ft. to 3500 sq. ft. which includes parking and the street. The duplex and paved parking are still under 5000 sq. ft. Mr. Wheatley said they don't want flooding. The duplex is marginal now, but they think it can work. If they are required to have engineering plans the development won't happen. These small sites are tough to develop. Every municipal and Sussex County has this problem. If we can't do a duplex, it can't be done financially. City Manager Slatcher stated the question "There will be no flooding based on this development?" Mr. Littleton said he couldn't answer that question. Mr. Wheatley said all intention is that the lot is big enough, it should contain the runoff. City Manager Slatcher asked aren't there a pre-development and post-development regulations? Mr. Littleton responded there is but it's for 5,000 sq. ft. of disturbed area. Assistant City Manager Anderson pointed out the site is exempt from Conservation regulations but that doesn't mean the City's requirements go away. City Manager Slatcher said her concern is that if we approve the request and the development causes flooding onto neighbor's properties. We don't want the City to get into that situation. Mr. Wheatley said the duplex and parking are under 3,000 sq. ft.; roof runoff discharges onto the site. Runoff should dissipate into the site.

Assistant City Manager commented he and Mr. Littleton met to work with the property owner about the road. The 2" overlay doesn't meet City requirements. The pavement ends about half way on the site and turns into gravel. We talked about cost sharing with CTF. When we looked at the street, we discussed if we could use gutter flow to get to the catch basin on North Street. If that doesn't work we can't approve it. We want to prove drainage flow. Assistant City Manager Anderson reminded everyone there was a four-plex on the site and it wasn't flood prone then. He agrees the site can drain as long as the road can be drained. Vice Mayor Henderson asked if the quad was a single family that was converted. Assistant City Manager Anderson said no it was built as a four-plex. It was a block building with bathrooms built onto the back. There were several in the area; the area was very dense. The building became a code issue, and eventually the City tore it down. It was twice the size of the proposed structure.

Vice Mayor Henderson asked if they are required to pave from the spike to the monument. Mr. Wheatley said they are responsible to pave frontage of the property to get the cars off and on the

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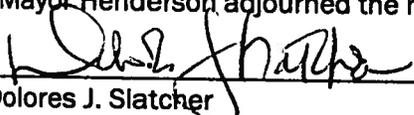
site. It is an excellent idea to try to fix the whole street. Assistant City Manager Anderson explained we need to get some elevation for flow. They decided to elevate the structure by building on a four (4) block foundation. Swales will be on three sides of the building for drainage to the street. Vice Mayor Henderson said the actual paved road appears to be 3235± sq. ft. but the intent is to move east which will increase the area. Assistant City Manager Anderson said if the City can receive CTF funding this will actually turn into two projects. There are parking pads to get to the back of houses along the street and an open remaining lot for development. We also talked about timing of the projects. Mr. Wheatley was agreeable to work with our timing if we can get the street funds.

Vice Mayor Henderson asked if they have discussed the 2" overlay. ACM Anderson said the specs are much higher because of commercial truck traffic, but this street doesn't have the ability to have truck traffic. The City specs are 6" of crusher run and 3" of hot mix. He's discussed the project with the Public Works Director; he'll obtain an estimate for the road paving. City Manager Slatcher commented overlayment of what's already paved should be looked at. Mr. Littleton said the road starts to break up at the east side of Thompson St.; its old tar and chip. Vice Mayor Henderson felt knowing that the land was previously developed made a difference on how he looked at the situation.

Vice Mayor Henderson called for public comment. There was no one in the audience, except the Assistant City Manager Charles Anderson.

City Manager Slatcher motioned to grant a special exception to The Porvenir Group for the lot on Thompson Street, identified as Tax Map and Parcel 331-5.00-390, to go from a single family to a single family semi-detached with the following stipulations: 1) survey on Thompson St shows positive drainage; 2) swales put on site to retain runoff on site; and, 3) any improvements under 5,000 sq. ft. are not required to comply with Sussex Conservation District regulations for storm water management. Vice Mayor Henderson seconded the motion. All present voted in favor of the motion.

Vice Mayor Henderson adjourned the meeting at 12:44 p.m.

By: 

Dolores J. Slatcher
City Manager

