

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

November 4, 2020

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 October 7, 2020. City Manager, Charles Anderson, made a motion to approve the minutes. City Solicitor, Daniel Griffith, 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-11-20: Lindsey Smith**, is seeking a special exception to increase the number of children at her daycare from the current six (6) child capacity to nine (9) children; as per Sec. 15-14 (a) (2) Uses by Special Exception of the City of Seaford Zoning Ordinance. The property is located at 520 N Delaware Ave. and zoned R-1 Low Density Residential.

Mr. Bailey stated that Mrs. Smith was present to answer any questions that the Board or public may have.

Mayor Genshaw solicited any questions from the Board members;

City Solicitor, Daniel Griffith, asked if the additional children were relatives of any current children in the daycare.

Mrs. Smith stated yes; two mothers of current children are pregnant and one spot will just be for an additional child.

City Manager, Charles Anderson, asked how long ago Mrs. Smith was approved to have her daycare facility at the above referenced property.

Mrs. Smith stated two years ago.

Mr. Anderson, also asked if Mrs. Smith has had any problems with parking.

Mrs. Smith stated no.

Mayor Genshaw asked what the hours of operation are; would these change at all.

Mrs. Smith stated no, they will remain the same; 7:15 a.m. – 5:00 p.m. Monday through Friday.

With no further questions from the Board members, Mayor Genshaw solicited questions from the public; there were none.

Mayor Genshaw then called for a motion.

City Solicitor, Daniel Griffith, made a motion to approve the special exception request to increase the number of children at the above referenced daycare from the current six (6) child capacity to nine (9) children; as per Sec. 15-14 (a) (2) Uses by Special Exception of the City of Seaford Zoning Ordinance. City Manager, Charles Anderson, seconded the motion.

Mr. Bailey presented **Case No. V-12-20: Tharp Road Properties LLC**, is seeking a variance for a ground sign setback per Sec. 15-67 (b)(2)(C) of the City of Seaford Zoning Ordinance. The property is located at 22929 Sussex Highway, Tax Map and Parcel # 331-6.00-009.01; zoned C-2, Highway Commercial District.

Mr. Bailey stated that David Cantera, Dave Kukush, John Papili, and Fred Wittig, were present for any questions that the Board or public may have.

Mayor Genshaw, solicited any question from the Board members;

City Manager, Charles Anderson, clarified that the referenced property requires a five (5) foot minimum setback for signage.

Mr. Bailey stated yes.

Mr. Anderson then asked what the setback for the signage was that the applicants are requesting.

Mr. Dave Kukush, Bohler Engineering, stated the requested setback would be 1.8 feet from the side intention lot line.

Mr. Anderson then asked, if the foundation of the sign would still remain within the property owners property line.

Mr. Kukush, stated yes.

Mr. Anderson asked if the requested setback will still allow for maintenance of the sign.

Mr. Kukush, stated yes.

City Solicitor, Daniel Griffith, asked what the proposed size of the sign would be.

Mr. Kukush, stated that he did not have the exact measurements at that moment, however, they fit within the code requirement; setback is the only variance request.

Mr. Anderson stated that to clarify sizing for Mr. Griffith; a 10ft. x 15ft. is the maximum footage for a sign in the referenced zoning, therefore the sign would be no larger than that.

With no further questions from the Board members, Mayor Genshaw solicited questions from the public; there were none.

Mayor Genshaw then called for a motion.

City Solicitor, Daniel Griffith, made a motion to approve the variance for a ground sign setback per Sec. 15-67 (b)(2)(C) of the City of Seaford Zoning Ordinance for the referenced property. City Manager, Charles Anderson, seconded the motion.

Mr. Bailey presented **Case No. V-13-20 Grotto Pizza Seaford LLC**, on behalf of Tharp Road Properties LLC seeks a variance per sec. 15-68(a)(4) for two (2) off-premise shopping center signs to be placed on the Grotto Pizza property, located at 22925 Sussex Highway, Tax Map and Parcel #331-6.00-009.00; zoned C-2, Highway Commercial District.

Mayor Genshaw asked if the proposed signs were for Grotto Pizza.

Mr. Kukush, stated the two signs will be for the proposed shopping center, but will have room for placement of a Grotto Pizza sign.

Mayor Genshaw solicited any further questions from the Board members;

Mr. Anderson asked if they have received consent from the property owners for the signs to be placed on their property.

Mr. Kukush, stated yes.

Mr. Griffith asked if the signs will be illuminated.

Mr. Kukush, stated no.

With no further questions from the Board members, Mayor Genshaw solicited questions from the public; there were none.

Mayor Genshaw then called for a motion.

City Solicitor, Daniel Griffith, made a motion to approve the variance per sec. 16-68 (a)(4) for two (2) off premise shopping center signs to be placed on the Grotto Pizza property, located at the above referenced address. City Manager, Charles Anderson, seconded the motion.

Decision

City Solicitor Griffith approved the special exception request for Lindsey Smith, property owner of 520 Delaware Avenue, Tax Map and Parcel # 531-13.06-71.00, Zoned R-1 Low Density Residential; to increase the number of children at her daycare from the current six (6) child capacity to nine (9); having there have been no issues with parking or other related issues during her operations in the last two years. Her hours of operation will also remain the same as the current; 7:15 a.m. to 5 p.m. Monday through Friday.

City Solicitor Griffith approved the variance request for Tharp Road Properties LLC, located at 22929 Sussex Highway, Tax Map and Parcel # 331-6.00-009.01, Zoned C-2 Highway Commercial District, to permit a ground sign to be placed closer to the roadway, than the 5 ft. minimum required by Code for the referenced zoning.

City Solicitor Griffith approved the variance request for Grotto Pizza Seaford LLC, on behalf of Tharp Road Properties LLC, located at 22925 Sussex Highway, Tax

Map and Parcel # 331-6.00-009.00, Zoned C-2 Highway Commercial District, to permit for two (2) off-premise shopping center signs to be placed on the Grotto Pizza property. This is with the consent of the property owners.

City Manager Anderson seconded the motions and the motion was unanimously approved dated February 3, 2021.

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 Solicitor, Daniel Griffith, made a motion to adjourn. City Manager, Charles Anderson, seconded the motion; the regular meeting of Board of Adjustment and Appeals was adjourned at 12:10 p.m.

Daniel A. Griffith, City Solicitor

David Genshaw, Mayor

Charles D. Anderson, City Manager