

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

September 7, 2016

12:00 p.m.

Mayor David Genshaw called the meeting to order with Dolores J. Slatcher, City Manager and James A. Fuqua, Jr., City Solicitor present. Joshua E. Littleton was also in attendance.

Mayor Genshaw turned the meeting over to Mr. Littleton who presented **Case No. V-15-16 – Case No. V-15-16: Fevzi Darilmaz, property owner of 23412 Sussex Hwy, (Seaford Eagle Diner), identified as Tax Map and Parcel #331-5.00-60.01**, is seeking relief from the Zoning Ordinance. The owner proposes to expand the restaurant and due to the limitations of the parcel, two variances are requested:

- 1) §. 15-42 Area and bulk requirements, (5) side yard setbacks – the request is for a 15' setback on the north side of the property. A 20' setback is required; and,
- 2) §15-75 Off-street Parking requirements, (6) Restaurant – The request is to reduce the number of required parking spaces from 54 to 43 because of the code requirement for a dumpster enclosure.

Mr. Littleton noted the site plan will go to the Planning and Zoning Commission on September 8, 2016. He explained the project will include demolition of the diner, a slight expansion of the building size, increasing the seating area, and, slight amount of additional paving. It will be the same layout but a new building. City Solicitor Fuqua asked if they are maintaining the existing footprint? Mr. Cotten said the plan is to add five feet on the north side. Mr. Littleton added the storage sheds will be removed. City Solicitor Fuqua asked about the space between the diner and Sears. City Manager Slatcher said it's mostly grass. Mr. Littleton said it is a drainage area. So basically its passive, replied City Solicitor Fuqua. City Manager Slatcher asked about the banquet room. Mr. Littleton said he determined the parking requirements based on the dining area – 1 parking space for each 50 sq. ft. of patron space, which came out to 54 parking spaces. The site currently has 43, but are requesting 41 due to the City's requirement for a dumpster area. Mayor Genshaw asked how many currently existed? Mr. Cotton said 43. When trucks make deliveries they have difficulty. City Solicitor Fuqua asked about the setback on the south side. Mr. Littleton explained there is storm water drainage between the hotel property, paving, a 25' drive aisle and 5' sidewalk. City Solicitor Fuqua said the purpose of the variance then is to maximize the space on the south side. As far as parking, whatever is required is required. Will this cause a problem for customers or somewhere else? If the lot is filled, it could overflow. Mr. Cotten didn't anticipate a problem as they have a letter from Sears which states the diner customers could use the Sears lot.

City Solicitor Fuqua felt the new diner was very attractive. It will be a major asset to the highway.

Mayor Genshaw called for public comment. There was none.

City Solicitor Fuqua summarized the case based on what was stated, obviously it's on the highway, there is an open space between the property next door so it doesn't appear it will have a negative impact of the Sears property. The overall intent is a definite improvement as well as functional. There isn't any adverse effect on the neighboring properties. It's an expansion of an existing business that's been there a long time. The owners have an agreement for the overflow parking. Based on these facts, both variances are justified: the request for a 5' relief in the required side yard setback and the relief from the required number of parking spaces from 54 to 41. Based on those facts, City Solicitor Fuqua made the motion to approve. City Manager Slatcher seconded the motion. She did

ask the City Solicitor if the City should have a copy of the agreement between Sears and the diner. He agreed, City Manager seconded the motion; Motion so carried with all present voting in favor.

Mr. Darilmaz is to provide the City with a copy of the agreement when it is signed. .

Mr. Littleton presented **Case No. V-17-16: Love Inc. of Delmarva Inc., property owners of 703 E. King St., identified as Tax Map and Parcel(s) 431-5.00-330 & 331**, is seeking a variance from the Zoning Ordinance, Sec. 15-18 Uses by Right in a R-2 Medium Density Residential District. The agency wishes to use the property as a resource and training center which is not a use by right in an R-2 district. He introduced Mrs. Lynn Betts and Ms. Susan Kent of Love Inc. of Delmarva Inc.

City Manager Slatcher commented that the history of the building is office space, day care, etc. it was not built for residential use. Mr. Littleton mentioned it was originally the JP Court. When the Court moved the building was renovated by the hospital for a day care facility; it then became a print shop for the hospital. City Solicitor Fuqua noted when the building was constructed the State didn't have to comply with the zoning ordinance. Even though its R-2, its always been used as a business, commercial and institutional use.

Mrs. Betts said she was surprised the building was zoned residential. She thanked Mr. Littleton and Assistant City Manager Anderson for their help in getting to this point. Mrs. Betts then spoke to the program – it is community based because Seaford and Western Sussex is underserved. We need to provide a little better coordination of resources rather than sending the underserved to New Castle County or Kent County. The benefits will be housing, mental health and addictions, a place where existing non-profits can come together. There may be times when they are doing a training, they may have a couple of dozen people in the building; the training is state-of-the-art. Ms. Kent continued by saying we are filled with meaningful resources in the State of Delaware but there is a disconnect in Sussex County. People shouldn't be homeless as long as they are, when resources are plentiful. She sits on the Board of the Continuum Care which is an elite agency that provides permanent supportive housing and other services for the homeless, but not any of the people who are receiving funding for that are based in Sussex County. We have a problem getting homeless people to resources. We want to help people who aren't getting the resources.

Mr. Littleton commented that just to make this clear, this would not be a site for sleeping purposes. Mrs. Betts said Code Purple is involved but we are not using the location for a shelter. Churches have come together in the area to house the homeless during weather issues. She went on to say, they would be open for Saturday training, and probably 9 a.m. to 4 p.m. weekdays. In cold weather, they will have community dinners on Friday evenings from 7-9 p.m. and use the site as a staging area for transportation to the Code Purple host sites. At some point they may become qualified in case of emergencies, Ms. Kent added they have talked with the neighbors who are happy to see them occupy the property. Mrs. Betts added Lofland, the hospital, St. Luke's and Teen Challenge are close by.

City Solicitor Fuqua asked for clarification on the submitted interior layout. He commented it was set up for day care rooms, but isn't going to be a day care. Mrs. Betts noted it is feasible because as part of the re-entry process folks could use this as a meeting place, since no other place is available.

There was discussion revolving around the food preparation for the Friday dinners. Initially they will be prepared off site. They will have a microwave and refrigerator. In the future they want to have a commercial kitchen for training and entry into the job market, but not on an entry level position.

City Solicitor Fuqua clarified that is not an emergency shelter for overnight housing, unless a great emergency occurs.

City Solicitor Fuqua commented that is sounds very needed and beneficial to the community. He doesn't want a lot of people hanging around. Mrs. Betts said we don't either. This is a professional site; by invitation or education. It won't be peer run. No drop-ins unless Code Purple is in need of a temporary place. Mayor Genshaw said so no one will be hanging out around the outside. Ms. Kent said it won't be a daily hangout.

Mayor Genshaw called for public comment. No one came forward.

City Solicitor Fuqua said at first he wasn't sure about this in a residential area, but it seems to be the ideal location. It's close to assisted living, the hospital and the lake. Based on these facts, City Solicitor Fuqua made the motion to approve the requested use as a resource and training center. City Manager Slatcher seconded the motion. Motion so passed with all present voting in favor.

There being no other business, Mayor Genshaw adjourned the meeting at 12:20 p.m.

By: _____
Dolores J. Slatcher
City Manager