

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

January 4, 2017

12:00 P.M.

Mayor David Genshaw called the meeting to order with the following Board members in attendance: Dolores J. Slatcher, City Manager and James A. Fuqua, Jr., City Solicitor. Joshua Littleton, Building Official was also in attendance. Mayor Genshaw turned the meeting over to Mr. Littleton.

Mr. Littleton presented **Case No. V-01-17: North State Street Properties**, property owners of 217 William Ross Lane, Governor's Grant, Tax Map and Parcel 531-10.00-306.00. They are seeking relief from the Zoning Ordinance, §15-21 Area and bulk regulations, (4) Building setback line and (6) Rear yard setback. Mr. Littleton explained this single-family house was constructed this past year. When the original footprint was presented it showed the house meeting the setbacks in R-2. However, the post survey showed the encroachment – in the front 1.6' and in the rear less than one foot. The setbacks for R-2 are twenty foot (20') rear yard and fifteen foot (15') front yard.

Mr. Curtis Larrimore, representing North State Street Properties explained when the basement was put in, because of the water table and the farm land to the rear of the property, the elevation was raised which caused the need for an extra step. Mr. Littleton explained this extra tread and riser was pushed into the setbacks. The setback is measured from the edge of the step to the property line. City Solicitor Fuqua said basically the variance is only for the steps. He pointed out that a lot of zoning ordinances permit steps in the setbacks. If you measure from the bottom edge of the step, this basically reduces the size of the lot. However, this is not how we determine the setbacks.

Mayor Genshaw called for public comment. There being none, City Solicitor Fuqua commented this is a minor type of situation, and in no way, will it adversely affect the property values, the use of the property or be out of character in the neighborhood. No one would notice it. He did comment that consideration should be given to this condition in the future. Based on those facts, City Solicitor Fuqua made the motion to approve the setback variance as presented. City Manager seconded the motion. Motion so passed with all present voting in favor.

Mr. Littleton presented **Case No. V- 02-17: Boyd Properties, LLC**, property owners of 100 Megan Ave, Tax Map and Parcel 531-10.00-236.08 is seeking relief from the Zoning Ordinance, §15-50 Uses by Right in an M-1 Light Industrial District, in order to have a warehouse space with retail sales showroom. Mr. Scott Frye, was present who is the potential tenant was introduced. Mr. Littleton explained Mr. Frye would like to have a warehouse and retail showroom at this location. He and Mr. Boyd previously came to the City to discuss this. He currently has his business located on Norman Eskridge Hwy and needs to relocate it soon.

City Manager Slatcher informed the Board, staff has discussed this type of situation and she plans to bring it before the Council for consideration of modifying the Ordinance. The City is seeing more businesses such as this one, for instance a woodworking shop with a retail showroom, looking for a location to house their shops and retail spaces.

Mr. Littleton explained the location of the building is the last building in the warehouse complex owned by Mr. Boyd in the Industrial Park at the end of Megan Drive. Right now, the warehouse is a shell building that will require a tenant fit-out by Mr. Frye. City Manager Slatcher noted to the west is a residential area and to the south is the City's pumping station. Mayor Genshaw asked if Mr. Frye would use the whole building and Mr. Frye replied in the affirmative. Mr. Littleton added the City asked Mr. Frye for the scope of his day to day operations, the number of customers, etc. City Solicitor Fuqua said that originally when the industrial district was developed, it wasn't meant for use of the general public. But since economic development is important to the City, modification may be needed. He went on to say in M-1 warehouses and distribution facilities are permitted along with administrative activities and offices are permitted. He also noted that building material sales yards are a permitted use; if this was outside it would be permitted. While Mr. Frye's situation isn't exactly permitted, it is very similar to uses that are allowed. Therefore, for these reasons, City

Solicitors Fuqua made the motion to approve the variance as it will have no adverse effect on the area as it is similar to permitted uses and seems to be beneficial to the City. City Manager seconded the motion. Motion so passed with all present voting in favor.

Mr. Littleton presented **Case No. V-03-17: Seaford Village, LLC**, property owners of Tax Map and Parcel 331-5.00-50.00, Sussex Highway, are seeking relief from the Zoning Ordinance §15-67 Signs in Commercial and Industrial Districts, (b)(2)(A) Ground signs, in order to install a ground sign larger than permitted. Mr. Littleton introduced Mr. Kevin Coutts, Ms. Laurie Noel, and Mr. Ron Thomas from WJ Strickler Signs, Inc. and Ms. Judy Walters, Associate Broker for Tomarchio Enterprises.

Mr. Littleton explained the existing sign on Sussex Highway currently doesn't meet the code regarding the size allowed. The sign is on the north side of the entrance. They are proposing to relocate the sign to the south side where it doesn't affect visibility. The representatives from Strickler Signs prepared a short video for the Board to have a better understanding of the size of the signs and the locations. The video showed the existing sign and the proposed sign (superimposed on the new location) as you drive by them heading south on Sussex Hwy. The video also showed the same scenarios driving north on Sussex Hwy. The Board felt the video was very beneficial as it gave a clear picture of the area and both signs. City Manager Slatcher stated moving the sign to the south side was a betterment altogether as it removes obstacles for people looking north. City Solicitor Fuqua talked about the size of the existing sign. Mr. Littleton noted it was installed in '84-'85. City Solicitor Fuqua noted it is considered non-conforming then.

Mr. Littleton commented Seaford Village is probably our largest commercial site and the proposed sign is also the largest commercial sign in Seaford. Ms. Walters said the center is 198,312 sq. ft., fully occupied except for 1,500 sq. ft. The center has thirty-one (31) tenants. Mr. Littleton noted we've had issues with smaller signs placed around the site and have asked the tenants to remove them. He felt the larger signs will help clean up the signs scattered around the site and give the tenants better signage.

Mayor Genshaw called for public comment. There was none.

City Solicitor Fuqua noted under the circumstances, the existing sign exceeds the current permitted square footage for a ground sign. It's very unusual to have this many businesses in one location. Logically, the permitted size is for one tenant, and in this case, there are thirty-one (31) tenants. The new sign can't adversely affect the area and it won't interfere with vehicles exiting the property. Therefore, City Solicitor Fuqua made the motion to approve the new sign and locations, as presented. City Manager Slatcher seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw asked for a motion to adjourn. City Solicitor Fuqua so moved; City Manager Slatcher seconded the motion. Motion so passed with all present voting in favor. Mayor Genshaw adjourned the meeting at 12:16 p.m.

By: \_\_\_\_\_  
Dolores J. Slatcher, City Manager