

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

August 2, 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. Michael Bailey, Building Official was also in attendance. Mayor Genshaw turned the meeting over to Mr. Bailey.

Mr. Bailey presented **Case No. V-09-17: Pennsylvania Ave Properties, LLC**, 125 Pennsylvania Ave seeks a special exception on behalf of Tory Matthews for operating a day care.

Mr. Bailey noted that Ms. Matthews was present today to answer any questions that the Board may have. Mr. Bailey stated that Ms. Matthews currently operates a day care out of her home at 207 E Poplar Street which was approved by the Board on November 3, 2010. He added that this is the old Temple Sellers office.

Mr. Bailey then read into the record the Code regarding daycare and added that this is zoned a residential property.

Sec. 15-14. Uses by special exception.

(2) Day-care centers, kindergartens, pre-schools, day nursery schools, and orphanages, subject to the following special requirements;

(A) At least one hundred (100) square feet of outdoor play space per child be provided.

(B) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four (4) and shall be subject to all setback requirements for the district within which it is located.

(C) The minimum lot area for each six (6) or remainder over the multiple of six (6) children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located, provided, however, that no lot less than seven thousand five hundred (7500) square feet shall be used for such purposes; and provided further that no more than forty (40) children shall be accommodated at any time on a lot.

Building Official Bailey noted that this lot does meet the requirement as specified by the Code.

City Solicitor asked how many children were being proposed. Ms. Matthews stated that she is allowed 14 children as far as state licensing is concerned. She added that the building is 900 square feet and the maximum amount of children that she will be allowed by licensing will be 25 children. Mr. Rider who is the property owner will be installing a fence for her for the play area in the back of the building. Mr. Rider came forward stating that the plan for the play area will be to use the back of the lot using the corner of the alley and the southeast property marker.

City Manager Slatcher asked if there have been any complaints received about Ms. Matthews current day care. Building Official Bailey stated that there has not been and he received no correspondence from any property owners in the area in reference to this application.

City Solicitor Fuqua asked Ms. Matthews if she was just relocating to this new location. Ms. Matthews stated that was correct. She added that she has a goal to go larger and have her own center so she is working towards that by making the move to a bigger facility.

City Manager Slatcher asked if the drop off point for parents would be Bradford Street or Pennsylvania Ave. Ms. Matthews said she was planning for Pennsylvania Ave but was open to

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suggestions from the Board. City Manager Slatcher stated that Bradford Street may be a better option for safety concerns. She added that Pennsylvania Ave is a busy road that may cause more safety concerns.

Mayor Genshaw called for public comment. There being none, City Solicitor Fuqua commented this is an existing use of the building, will be a service to the residents, and does not adversely affect the area. He added that all of the proper licensing through the State will need to be met and they would need to comply with the City requirements with fencing, etc. with a maximum of 25 kids at the daycare facility. City Solicitor Fuqua made a motion to approve the special exception for this day care at 125 Pennsylvania Avenue for the reasons he has so stated. City Manager Slatcher seconded the motion. Mayor Genshaw asked for any questions and City Manager Slatcher asked City Solicitor should we address the hours of operations. He said yes and proceed to discuss with Ms. Matthews what the hours of operation would be. She stated that she usually does from 7:00 a.m. until 5:30 p.m. City Solicitor Fuqua asked if from 6:00 a.m. until 6:00 p.m. Monday through Friday would work for her and Ms. Matthews agreed. Therefore, he amended his motion to include the hours of operation. City Manager seconded the amended motion. Motion so passed with all present voting in favor.

Mayor Genshaw noted there is no Old Business.

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 12:07 p.m.

By: _____
Dolores J. Slatcher, City Manager

/tnt