

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

September 6, 2017

12:00 p.m.

Mayor David Genshaw called the meeting to order with Dolores Slatcher, City Manager and James A. Fuqua, Jr., City Solicitor in attendance. Mike Bailey, Building Official was also present.

Mayor Genshaw turned the meeting over to Mr. Bailey. Mr. Bailey presented **Case No. V-10-17: Ruth Fletcher**, 511 E Third Street, seeks a special exception on behalf of LaShonda Hayman for operating a daycare.

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 exemption.

(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.

Mr. Bailey noted that Mrs. Hayman was present today to answer any questions that the Board may have. Mr. Bailey stated that the property owner of 511 E Third Street, Mrs. Fletcher, was approved in 1993 for a daycare at the property. The property has an existing outdoor area that is enclosed and meets the 100 sq. feet of outdoor play space required. A maximum of twelve children at the daycare would be present at all times, with business hours being conducted between 6 a.m. – 11 p.m. Monday thru Friday.

Mayor Genshaw asked if the daycare would have the same hours as the previous daycare, and if so were there any issues in the past.

Mr. Bailey stated that he was unaware of any issues from the previous daycare with the hours of operation and the hours are the same.

City Solicitor Fuqua stated that the ordinance states that the property (lot size) requirement is 7,500 sq. ft. This property is 90' x 62', which is 5,580 sq. ft. to clarify that it is not a 7,500 sq. ft. lot.

City Solicitor Fuqua asked where the children will be dropped off.

Mrs. Hayman stated that the children would be dropped off in the driveway, or on the curb which leads to the front of the house so they won't have to cross any street.

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City Manager Slatcher, suggested that they be dropped off in the driveway, since the roadway is highly traveled during the day.

Mayor Genshaw called for public comment. There being none, City Solicitor Fuqua commented that it seems to him there would be no issue to having a daycare operating out of the property since there were no previous issues with it being a daycare. It 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 comply with the City ordinances. City Solicitor Fuqua made a motion to approve the Special Use Exception as presented. City Manager Slatcher seconded the motion; motion so passed with all present voting in favor.

Mr. Bailey presented **Case No. V-11-17: Keith Hertzog**, 306 N Bradford Street, seeks a special exception on behalf of Robin Boyd-Thompson for operating a day care in his home.

Mr. Bailey noted that Mrs. Thompson was present today to answer any questions that the Board may have. Mr. Bailey stated that the property lot size requirements are met and currently has a fenced in yard, however the property has never operated as a day care.

City Manager Slatcher asked what the hours of operation would be.

Mrs. Thompson stated, 6 a.m. – Midnight, Monday thru Friday, and 7a.m. - 9 p.m. on Saturdays.

City Solicitor Fuqua asked Mrs. Thompson what the maximum of children would be at the daycare at one time.

Mrs. Thompson stated, the maximum would be twelve.

City Solicitor Fuqua, asked why Mrs. Thompson was open until midnight, Monday thru Friday.

Mrs. Thompson, stated she allows the extra hour for travel or emergency situations for the parent of an infant, who does not get off work until 11 p.m.

Mayor Genshaw solicited any public comments.

Mr. William McCormick, 305 N Bradford Street, came forward to speak. Mr. McCormick stated that he purchased his property on Bradford Street five years ago, and if he had known that during those five years two day cares would be placed on Bradford Street he would not have purchased the property. Mr. McCormick voiced his concerns in regards to Bradford Street, becoming more of a commercialized street, with having a daycare at one end of Bradford Street already, and having a school and eatery at the other end. He is opposed to having yet another property turned into a daycare.

Mr. Bill Davis, 300 N Bradford Street, came forward to speak. Mr. Davis stated that he is directly next door to 306 N Bradford Street, and although he is not opposed to it being a daycare, he did have some concerns he would like to voice to the Board. Mr. Davis stated that the current fencing on the property was installed many years ago, and he would suggest that it be inspected prior to the daycare opening, because the fencing has come loose over the years. He also stated that he has two large dogs, both weighing over 80 lbs., and one being on the more aggressive side; he is concerned about children possibly being drawn to his yard, since he does have an old play space, that the dog may become territorial and be aggressive toward the children, if they do come on the property.

City Solicitor Fuqua commented that he was not familiar with the property being discussed and would like to take a look at the property prior to accepting the request for the Special Use Exception.

City Manager Slatcher suggested to table the decision for now, and the Board members would look at the property following the meeting. All Board members were in agreement.

Mr. Bailey presented **Case No. V-12-17: BC Investments, aka WalMart**, 22899 Sussex Highway, seeks a Special Use Exception to place thirty (30) storage containers, and two (2) refrigerated trailers for storage of holiday merchandise.

Mr. Bailey then read into the record the Code regarding seasonal storage and added that this is zoned a commercial property.

Sec. 15-40A. Uses by Special Exception

(2) Seasonal storage containers subject to the following special requirements:

- a) Any moveable container or trailer shall be allowed to be placed on the premises for a period of time not to exceed 120 days.
- b) The maximum number of containers shall be established by the Board of Adjustment and Appeals.
- c) The containers shall not be placed in fire lanes, and parking spaces nor placed to interfere with access to manholes, water valves or other public utilities.
- d) The containers shall only be placed on the side or rear of the property.
- e) All containers shall be in good condition and kept in good repair.

Mr. Bailey noted that Mrs. Sharon Matthews was present today to answer any questions that the Board may have. Mr. Bailey stated that there have been no previous complaints with having the trailers located behind WalMart.

City Solicitor Fuqua asked if the containers would be placed where they have been in previous years, remain in good condition and stay no longer than the 120 day limit.

Mrs. Matthews stated yes.

Mayor Genshaw solicited any questions from the Public.

Mr. McCormick, 305 N Bradford Street, came forward to ask why WalMart has not built a permanent structure.

Mrs. Matthews stated that they don't need the storage full time, therefore they do not want to build a permanent structure behind the building.

City Solicitor Fuqua stated the Board was very familiar with the request as it is comes here annually. City Solicitor Fuqua made the motion to approve the requested to place the containers for no longer than 120 days and location to be approved by the Building Official. City Manager Slatcher seconded the motion; motion so passed with all voting in favor.

Mayor Genshaw adjourned the meeting at 12:26 p.m. and members of the Board went to look at the property at 306 N. Bradford Street.

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Mayor Genshaw re-opened the Board of Adjustment meeting at 12:43 p.m.

City Solicitor Fuqua stated that after looking at the property at 306 N Bradford Street, he feels that the property meets the requirements of the ordinance, but agrees with the fence being inspected prior to the daycare conducting business.

City Manager Slatcher agreed, saying that it is hard to not allow a daycare, because of previous approvals and daycares are required to have proper licensing through the State.

City Solicitor Fuqua commented that it seems to him there would be no issue to have a daycare operating out of the property. It 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 comply with the City ordinances. City Solicitor Fuqua made a motion to approve the Special Use Exception as presented. City Manager Slatcher seconded the motion; motion so passed with all present voting in favor.

City Solicitor Fuqua made a motion to adjourn the meeting; City Manager Slatcher seconded the motion; motion so passed with all voting in favor. Mayor Genshaw adjourned the Board of Adjustment meeting at 12:47 p.m.

By: _____
Dolores J. Slatcher, City Manager

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