

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

April 11, 2018

12:00 p.m.

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

Mayor Genshaw then turned the meeting over to Mike Bailey, Building Official.

Mr. Bailey presented **Case No. V-04-18: Tire King LLC**, seeking a variance for having storage containers on the property, located at 23423 Sussex Highway, TMP # 331-5.00-61.00.

Mr. Bailey stated that Tire King had a prior approval to have the storage containers on the property for a two year period, granted back in 2014. However, the renewal in 2016 was overlooked. The Municipal code currently states that storage containers are allowed on the property for up to 120 days, so this would be considered a variance to allow them to remain on the property for two years and would need renewing every two years in the future.

Mr. Bailey stated that Andy Davenport, owner of Tire King, was present to answer any questions.

Mayor Genshaw solicited any questions or comments from the members.

City Manager Anderson, asked what the storage containers are used for.

Mr. Davenport stated that they are for storing tires and other miscellaneous things that he does not want laying around on the property. They allow more space for tires, instead of having an overcrowded building.

City Manager Anderson, asked if there has been any problems and/or complaints from citizens in regards to the storage containers.

Mr. Bailey stated no. They keep the property looking cleaned up and he has received no complaints in the prior years of the storage containers being on the property.

Mr. Fuqua asked if the storage containers were located behind the existing building.

Mr. Davenport stated yes.

Mr. Griffith asked if Mr. Davenport / Tire King LLC owned the storage containers.

Mr. Davenport stated yes.

Mayor Genshaw solicited any questions or comments from the public, there were none.

Mayor Genshaw called for a motion. City Solicitor Griffith made a motion to approve the variance request for having the storage containers on property, located at 23423 Sussex Highway, TMP # 331-5.00-61.00. City Manager Charles Anderson, seconded the motion. Motion so passed with all present voting in favor.

Mr. Bailey presented **Case No. V-05-18: Langston Waples**, seeking a special use exception to start a home daycare at the 118 Pennsylvania Ave property, TMP # 531-13.10-102.00.

Mr. Bailey then read into the record the Code regarding daycare facilities and added that this property is zoned R-1 Low Density Residential.

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 also stated that the square footage of the lot is in accordance with the code, it is 7500 sq. ft. The fencing, however would need to be fixed, as there are some sections of fencing that are missing.

Mr. Bailey stated that Mr. Langston Waples was present for any questions.

Mayor Genshaw solicited any questions from the members.

City Manager Anderson asked how many children would approximately be at the daycare at one time.

Mr. Waples stated no more than 4-5 at one time.

City Manager Anderson asked what the proposed hours of operation would be.

Mr. Waples stated 6 a.m. to 6 p.m., Monday thru Friday. With the exception of some emergency situations, of children whose parents are affiliated with the hospital and may be on call on a Saturday.

Mr. Anderson asked where the proposed pick-up and drop off of the children would take place. He mentioned that Pennsylvania Avenue can be busy at times, and it's feasible to have children dropped off in front of the house, but should consider other options as well.

Mr. Waples stated that, Pennsylvania Ave. would be where some children may be dropped off, but there is also an alley way that runs beside the property that would be ideal to have parent's drop-off and pick-up the children, since there is low traffic that occurs.

Mr. Fuqua asked what the age range of the children would be.

Mr. Waples stated that the children would range in age from infant to 4-5 years of age during the day, and school age to approximately 9 years of age, for after school care.

Mayor Genshaw solicited any questions or comments from the public. There were none.

Mayor Genshaw called for a motion. City Solicitor Griffith made a motion to approve the special use exception request to start a home daycare at property, 118 Pennsylvania Ave, TMP # 531-13.10-102.00. City Manager Charles Anderson, seconded the motion. Motion so passed with all present voting in favor.

Decision

City Solicitor Griffith approved the variance request for Tire King LLC, stating that through past history and experience with the referenced request, the storage containers on the property have not caused any issues in the past. Therefore, he sees no issues with approving the requested variance.

City Manager Anderson seconded the motion and the motion was unanimously approved dated April _____, 2018.

City Solicitor Griffith approved the special use exception request for Langston Waples to start a home daycare. With the understanding that at no time should there be more than 8 children at the daycare center. The hours of operation will be 6 a.m. - 6p.m., Monday thru Saturday to allow for emergency calls on Saturdays. The fencing would need to be fixed and inspected by the City's Code Department.

City Manager Anderson seconded the motion and the motion was unanimously approved dated April _____, 2018.

Mayor Genshaw called for a motion to approve the minutes from the February 7, 2018 Board of Adjustment meeting minutes.

City Manager Anderson made a motion to approve the minutes. City Solicitor Griffith seconded the motion; motion so passed with all present voting in favor.

Mayor Genshaw closed the regular meeting of Board of Adjustment and Appeals at 12:16 p.m.

Daniel A. Griffith, City Solicitor

David Genshaw, Mayor

Charles D. Anderson, City Manager