

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

September 5, 2018

12:00 p.m.

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

Mayor Genshaw called for a motion to approve the minutes of the Board of Adjustment meeting held on May 2, 2018. City Solicitor, Daniel Griffith, made a motion to approve the minutes. City Manager, Charles Anderson, seconded the motion; motion so passed with all present voting in favor.

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

Mr. Bailey presented **Case No. V-07-18: BC Investments, aka WalMart, 22899 Sussex Highway, Tax Map and Parcel 331-6.00-4.01**, seeking a special exception to place twenty-five (25) storage containers, behind the building for holiday merchandise and layaway storage.

Mr. Bailey stated that this is a request received every year from WalMart during this time of the year. There have been no issues in the past with them having these containers.

Mr. Bailey stated that Joe Lough was present representing WalMart and was in attendance to answer any questions regarding the request.

Mr. Griffith asked if the containers were in fire lanes or parking spaces. Mr. Bailey stated that they are not; they are behind the curbing on the back side of the building and they do not interfere with any utilities.

City Manager Anderson asked if they requested 25 containers last year as well. Mr. Lough stated that, in years past, they have requested 30 but they feel that 25 will meet their need.

City Manager Anderson stated that, in the Code, it states that the containers are allowed for 120 days. He asked Mr. Lough when the containers were coming in and if that was enough time for them. Mr. Lough stated that 5 containers are coming in this month with the rest to come in sometime in October. He added that they will be removed within the 120-day time frame.

Mayor Genshaw asked if there was any public comment regarding the request, there was none.

Mayor Genshaw called for a motion. City Solicitor Griffith made a motion to approve the special exception request to place twenty-five (25) storage containers, behind the building for holiday merchandise and layaway storage, located at 22899 Sussex Highway, TMP # 331-6.00-4.01 for a 120-day period since the request was in compliance with Code Section 15-40A. City Manager Charles Anderson, seconded the motion. Motion so passed with all present voting in favor.

Mr. Bailey presented New Business #2, **Case No. V-08-18: Harim Millsboro, LLC, on behalf of Little Sprouts Learning Academy LLC**, 126 N Shipley Street; Tax Map and Parcel # 531-13.10-019.00 seeks a special exception to have childcare at the location to include infant to pre-k aged children.

Mr. Bailey distributed some photos of the site to all of the members.

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 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.

Mr. Bailey added that this property is on the agenda tomorrow night for the Planning and Zoning Commission for a subdivision request.

Ms. Karen Schreiber was present representing Little Sprouts Learning Academy and to answer any questions.

Ms. Schreiber stated that they currently have an agreement of sale and the property is under contract. They will have infant to school aged children at this facility.

Mayor Genshaw asked how many children they expected to have. Ms. Schreiber stated that the building can hold a maximum of 180-200 children. She added that there is a current need of infant child care in the area.

Mayor Genshaw asked where she expected to have the outdoor play area since there is a lot of paving parking area on the site. Ms. Schreiber stated that on the back (north) side of the property where there is a lot of parking, they plan to cover the parking to create outdoor play space. She added that if the does not work out, they plan to look at doing something in front of the building. They are currently in the process of getting quotes for both options. Mayor Genshaw asked Mr. Bailey if the setbacks requirements would meet that. Mr. Bailey stated that he believes that it would comply, however, a variance may be needed. He added that it depends on the how the subdivision requests go at tomorrow night's meeting.

City Manager Anderson asked if they plan to expand the number of children from what they currently have at their existing location in the City of Seaford. Ms. Schreiber stated that they are approved for 126 children at their current facility so they do plan to expand.

City Manager Anderson asked what the hours of operation would be. Ms. Schreiber stated that they would be 6:30 a.m. until 6:30 p.m. Monday through Friday. She added that there are times that staff meetings and trainings are held outside of those hours.

City Manager Anderson asked if they have a current state license for the child care. Ms. Schreiber stated that they will have to apply to have extra children at the new location.

City Manager Anderson asked if they would use the circle area in the front of the building for children to be dropped off and picked up. Ms. Schreiber stated that is their plan. She added that drop offs occur during the hours of 6:30 a.m. until 9:00 a.m. and pick ups typically start at 3:00 unless a child has an appointment or is sick.

City Manager Anderson asked if they were going to maintain their current facility as well or move to the new location. Ms. Schreiber stated that they plan to move their business to this new location.

Mayor Genshaw asked if there was any public comment regarding the request, there was none.

Mayor Genshaw called for a motion. City Solicitor Griffith made a motion approve the special exception to have a childcare location at 126 N Shipley Street pending the approval of the Planning and Zoning meeting tomorrow evening. City Manager Anderson seconded the motion; motion so passed with all present voting in favor.

Decision

City Solicitor Griffith approved the special exception request for Walmart, stating that the containers will not be blocking any parking spaces or fire lanes. The containers will be moved prior to the 120-day time limit that the code allows. He added that these containers have been placed there in the past with no issues. The terms of the special exception request were in compliance with Code section 15-40A.

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

City Solicitor Griffith approved the special use exception request for Harim Millsboro, LLC on behalf of Little Sprouts Learning Academy, LLC. The hours will be from 6:30 a.m. until 6:30 p.m., Monday through Friday. This is subject to approval of the Planning and Zoning commission at their meeting tomorrow evening.

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

Mayor Genshaw called for a motion to approve the minutes of the Board of Adjustment meeting held on May 2, 2018. City Solicitor, Daniel Griffith, made a motion to approve the minutes. City Manager, Charles Anderson, seconded the motion; motion so passed with all present voting in favor.

With no further business to discuss; Mayor Genshaw called for a motion to adjourn the regular meeting of the Board of Adjustment and Appeals. City Solicitor, Daniel Griffith made a motion to adjourn. City Manager Charles Anderson seconded the motion; the regular meeting of Board of Adjustment and Appeals was adjourned at 12:15 p.m.

Daniel A. Griffith, City Solicitor

David Genshaw, Mayor

Charles D. Anderson, City Manager