

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

December 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 October 3, 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-10-18: Kids Are People Too, 721 Third Street,** Tax Map and Parcel 431-5.00-351.00, seeks a special exception to have childcare facility in a residential dwelling. The property is zoned R-2, medium density residential.

Mr. Bailey referred to Sec. 15-14. Uses by special exception.

(a) The following uses shall be permitted as a special exception when authorized by the Board of Adjustment subject to Article 8 of this Chapter.

(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) feet 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 stated that the property has enough square footage to have the childcare facility, however a fence would be required. He also stated that Mrs. Jones, property owner, was present for any questions.

Mayor Genshaw solicited any questions or comments from the Board.

City Solicitor, Daniel Griffith, asked if the name, Kids Are People Too, will be the name for the Childcare facility.

Mrs. Jones stated yes. Prior to her current job at the bank she had a daycare at her residence and it was the same name.

Mr. Griffith asked if the property had fencing when the childcare facility was there previously.

Mrs. Jones stated no.

City Manager, Charles Anderson, asked about the number of children that would be attending.

Mrs. Jones stated four full time and two part-time, before and after school.

Mr. Anderson asked about the hours of operation.

Mrs. Jones stated she would operate 6 a.m.-6 p.m., Monday thru Friday.

Mr. Griffith asked the age of the children that would be attending.

Mrs. Jones stated infants to 12 years. That would be dependent on the need of childcare, but school aged kids no older than 12 years of age.

Mr. Griffith asked if she had already received state approval.

Mrs. Jones stated no. She was told she would need to be approved through the City first as preliminary approval, before further approval through the state.

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

With no further questions or comments, the Mayor called for a motion.

City Solicitor, Daniel Griffith, made a motion to approve the special exception to have childcare at the referenced location subject to fencing being installed and state approval. City Manager, Charles Anderson, seconded the motion; motion so passed with all present voting in favor.

Mr. Bailey presented **Case No. V-11-18: Family Dollar Seaford**, 535 E Stein Highway; Tax Map and Parcel 431-2.00-13.00 is requesting a variance from Section 15-74 a) of the City of Seaford zoning ordinance to provide 9x18' parking spaces.

Mr. Bailey stated that the property zoning is C-1 General Commercial. The store burnt down in late August, early September. They are working on plans to rebuild the site. The store will be similar to the previous with possibly a little more square footage. They are wanting to change the loading docks from the current west side and have them on the east side of the building. This change is causing the need to change the parking space layout to accommodate the trucks. The current parking space size is approximately 9x18'.

Mr. Bailey stated that Chris Mondoro with Bohler Engineering was present to answer questions.

Mayor Genshaw solicited any questions or comments from the Board.

City Solicitor, Daniel Griffith, stated that Mr. Bailey covered some of the information but asked that Mr. Mondoro explain that the compliance would fall under unnecessary hardship.

Mr. Mondoro stated, that the building did burn down, but they are trying to use as much of the existing slab that they can. Family Dollar does not own the property and is trying to rebuild as soon as possible while trying to save on as many expenses as they can. Previous approval was for 9x20' spaces, however some of the current spacing at the property are approximately 9x14'. He also stated that

loading at the location use to take place somewhat on Stein Highway. By moving the loading docks, it will allow that to take place on the property instead of the Highway.

City Manager, Charles Anderson, asked Mr. Mondoro that if the spaces were the required 10x20' at the required amount of spaces, that the surface of the site would have to be expanded and the Stormwater management facility would have to be larger.

Mr. Mondoro stated yes.

Mayor Genshaw asked if the spaces where the loading dock is proposed, will be lost.

Mr. Mondoro stated some of the spaces will be used during that time, however cones could be placed in the spaces prior to the truck arrival to block customers from using those spaces.

Mr. Anderson asked, Mr. Bailey, if in the history of the site, any complaints about the parking have been received by his department.

Mr. Bailey stated no. Most of the customer's park in the front of the store and in his experiences of driving by or at the store, the side parking lot was rarely used

Mr. Mondoro stated that typically the Family Dollar stores have 28-35 spaces.

Mr. Anderson asked about the number of spaces this site is proposed to have.

Mr. Mondoro stated 34.

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

With no further questions or comments, the Mayor called for a motion.

City Solicitor, Daniel Griffith made a motion to approve the requested variance from Section 15-74 a) of the City of Seaford zoning ordinance to provide 9x18' parking spaces at the referenced location. City Manager, Charles Anderson, seconded the motion; motion so passed with all present voting in favor.

Mr. Bailey presented **Case No. V-12-18: Family Dollar Seaford**, 535 E Stein Highway; Tax Map and Parcel 431-2.00-13.00 is requesting a variance from the required number of parking spaces required.

Mr. Bailey stated that Family Dollar Seaford, is requesting to reduce current number of parking spaces from 43 spaces to 34. The ordinance states that a retail space requires one space for each 200 ft. of floor area. The building size will be approximately 8,591 sq. ft., so would require 43 spaces.

Mayor Genshaw solicited any questions or comments from the Board.

Mayor Genshaw stated that in previous discussion, it doesn't seem that parking is an issue at the property.

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

With no further questions or comments, the Mayor called for a motion.

City Solicitor, Daniel Griffith, made a motion to approve the variance request to reduce the minimum amount of parking spaces from 43 to 34. 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 12:14 p.m.

Daniel A. Griffith, City Solicitor

David Genshaw, Mayor

Charles D. Anderson, City Manager