

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

June 7, 2017

12:00 P.M.

Vice Mayor Dan Henderson 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 Inspector was also in attendance.

Vice Mayor Henderson read the request before the Board. **Case No. V-07-17: Lindsey Smith, 520 Delaware Ave.,** is seeking a special exception to operate a day care at her home.

Mr. Bailey read into the Minutes **Sec. 15-14 (a) 2 Uses by special exception** in R-1.

(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.

(1) Country club, regulation golf course and customary accessory uses.

(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 acknowledged Mrs. Smith was present to answer any questions.

Vice Mayor Henderson noted the Board received several letters from the neighbors. The letters basically were concerned with the additional traffic on the street, since they are so close to the Christian Academy.

City Solicitor Fuqua asked Mrs. Smith about the number of children she will have at the day care. Mrs. Smith said the maximum number is six, and that would include her two children; so, four additional children. City Solicitor Fuqua noted land required for recreational space would be 600 sq. ft. Mr. Bailey said it does appear they meet the requirements. They have installed a fence. City Solicitor Fuqua asked about the lot size. Mrs. Smith noted they own the lot next door, but they are deeded separately. City Manager Slatcher said the lot line could be extinguished if necessary to comply with the requirement.

City Solicitor Fuqua talked about the letters submitted. Traffic seemed to be the most concern. The day care will have four vehicles at the most. Mrs. Smith said she could move her car back further in the driveway to allow her clients to park in the driveway to load and unload the children. City Solicitor Fuqua didn't feel that would be necessary. He went on to say he envisions children dropped off in the morning and there all day long. Vice Mayor Henderson asked if any children would do ½ days. Mrs. Smith said she doesn't have her license yet, but she wouldn't rule that out. She could take school age children.

City Solicitor Fuqua said the hours of operation stated were 7:30 am to 5:30 pm. Mrs. Smith said she is willing to be flexible. City Solicitor Fuqua felt a good time frame for the hours would be not to exceed 7:00 am to 6:00 pm.

City Manager Slatcher confirmed the lot size is 60'x150' which exceeds the 7500 sq. ft. requirement.

Vice Mayor Henderson called for public comment. There being none, City Solicitor Fuqua commented we've considered the letters from the opposition related to the traffic created by the other nearby school. This application is for the maximum number of children is six, two being the owner's children. There would be minimal traffic impact. It meets the other requirements. He explained that at some point Council saw a need for day cares and that's why we do this. City Manager Slatcher pointed out the hours of operation were outside the Christian Academy's hours of operation. This may not create as much traffic as perceived.

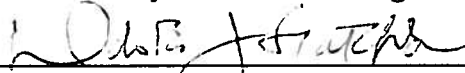
City Solicitor Fuqua motioned to approve the request for a day care with the following stipulations:

- 1) Limited to six children total;
- 2) Hours of operation are 7:00 am to 6:00 pm, Monday through Friday; and,
- 3) Comply with the Building Official regarding the site plan. (Mr. Bailey noted they had submitted a building permit for the fence and it met Code.)

City Manager Slatcher seconded the motion. Motion so passed with all present voting in favor.

Vice Mayor Henderson noted there is no Old Business.

Vice Mayor Henderson 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. Vice Mayor Henderson adjourned the meeting at 12:12 p.m.



Dolores J. Slatcher, City Manager

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