

DELAWARE BOARD OF ADJUSTMENTS
October 24, 2017

The scheduled meeting for the Delaware Board of Adjustments was held on October 24, 2017 at Town Hall. Those in attendance were Delmar, Delaware Mayor Michael Houlihan, Director of Public Works Jerome Reid, Attorney Mary Schrider-Fox, Code Enforcement Officer Bounds, Community Development Coordinator Hardin, and Clerk of Council Fisher. Guests: Gloria Murray and Chris Walter. Absent: Town Attorney Waehler.

Called To Order

Mayor Houlihan called the meeting to order. He informed everyone that this is a Public Hearing this evening scheduled for 7:30 p.m.

Approval of Minutes

Upon hearing no amendments for the July, 2017 minutes, Public Works Director Reid made a motion for approval which was seconded by Mayor Houlihan. The motion passed with 2 ayes and Town Attorney Waehler absent.

New Business

Mayor Houlihan introduced Attorney Mary Schrider-Fox as a partner of Town Attorney James Waehler and who will be his substitute this evening for this public hearing. Mayor Houlihan also introduced the Director of Public Works Jerome Reid and himself Delmar, DE Mayor Michael Houlihan as the 3 sitting members of the Delmar, Delaware Board of Adjustments.

Mayor Houlihan also made mention of the Clerk of Council taking the minutes, the Code Enforcement Officer and the liaison between the Town and the Planning and Zoning Commission, the Community Development Coordinator, being at the meeting this evening.

Mayor Houlihan read the Public Hearing notice as it was published in the newspaper and posted on the property.

He asked that if anyone is going to be giving testimony this evening to please stand and Attorney Schrider-Fox administered the Oath to them.

Ms. Gloria Murray identified herself as the petitioner and her special exception request is to have a daycare facility at 603 A Bi-State Blvd, Delmar, DE. She stated that she went to area businesses to get a petition signed in favor of a day care facility coming to the area. She said that everyone she spoke with and everyone who signed the petition stated they would welcome a daycare at that location. She went to the senior housing complex, Golden Meadows, and spoke

with some of the residents and administrative staff. They also signed the petition and informed her that the next closest day care is full and the area is in need of another daycare.

Ms. Murray said that the property has a large parking lot so no vehicles will have to back out onto Bi-State Blvd. She also said that the daycare will be structured with a curriculum and not just a baby sitting service.

Mayor Houlihan said that Mrs. Murray is coming before the Delmar, DE Board of Adjustments prior to getting her license for the daycare, to ensure the Town will allow her to use the building as a child learning center.

Attorney Fox asked Ms. Murray, for the record, what type of businesses did she solicit signatures from? Mrs. Murray stated that she contacted a hair salon, a business selling lawn equipment, a Christian Community Center, an Easy Loan business and another day care facility.

Mrs. Murray said that it is her understanding that the church that currently occupies the other half of the building will be leaving and she has the opportunity to rent the whole building and will not have to share the parking lot with anyone.

Mayor Houlihan explained a little bit about the surrounding area. There is a little bit of everything; from Bryan and Brittingham, which is a hardware store, a hair salon that also does nails, a church, there is an old gas station, a retirement community, a cash register business and another hair and tanning salon. There is a mixture of all sorts of businesses in that area.

Community Development Coordinator Hardin said that he does not feel that her business is out of character with the other businesses in the area. It fits in with the mix. He also sees no adverse reaction to the health, safety and general welfare of her business being at that location. He also said that the Planning and Zoning echoed the same thoughts.

Attorney Schrider-Fox asked for any other comments from the public either for or against this special exception request.

Chris Walter, the owner of the building stood and identified himself. He informed the Board of Adjustments members that the church will be vacating the building and Mrs. Murray will be occupying the whole space. By January 1, 2018, she will be renting the whole building. She will have the whole building inspected by the fire marshal and be in by November 1st to retro-fit it and be inspected by the State for her license and the fire marshal for occupancy. By December 1st, the plan is that she can hopefully be open for operations. The church has agreed to be out of the building by December 1st.

Mr. Walter provided as evidence a new schematic showing the daycare occupying the whole building.

Mayor Houlihan said that on the variance request for parking, the requirements are based under the parking regulations for “Kindergarten or Nursery School” which state six (6) parking spaces plus one (1) for every two (2) employees and one (1) off-street unloading and loading area are required. That may or not be a variable now since the church will be vacating the building.

Community Development Coordinator Hardin asked how many employees there would be so the number of parking spaces can be determined. Mrs. Murray said it would be only herself and one other employee. He said the six (6) required spaces are fixed but the number of spaces for employees is what is needed and an area for the kids to be unloaded and loaded into the vehicles.

Mr. Walter indicated that on the pictures provided by the Community Development Coordinator, shows that there are twelve (12) parking spaces on the side and 4 spaces in the front. Since there are no spaces specifically notated for loading and unloading, the front spaces could be used for that and there will still be enough parking spaces on the side for the six (6) required spaces and the spaces needed for the employees.

Attorney Schrider-Fox stated that variance may not be needed now that the church will be vacating the premises. If all goes as planned, provided her occupancy for the next month is restricted for retro-fitting and not being occupied as an open business, it’s not going to be necessary.

Attorney Schrider-Fox made a motion to approve the special exception request of Gloria Murray for a child care facility at 603A Bi-State Blvd., Delmar, DE. The findings show that it does not adversely affect the health, safety and general welfare of the residents or workers in the area. A child learning center with a curriculum will fit in the neighborhood and not only benefit from it but there seems to be a need as well. Mrs. Murray will need to meet her other requirements as far as parking providing there is no overlap of occupancy on conducting business in the building prior to December 1st. She has limited occupancy of the building for the limited purpose of preparing the building for future occupancy as a day care facility on December 1st or after providing she meets the requirements of the State Licensing Board and the Fire Marshal and the church has vacated the building. Public Works Director Reid seconded the motion which passed with 3 ayes and 0 absent.

Attorney Schrider-Fox stated that if something happens and the church stays, the petitioner will have to come back in front of the Board of Adjustments and request a parking variance. At this time Mrs. Murray asked for her parking variance request to be withdrawn.

To clarify the point, Attorney Schrider-Fox stated that any occupation of business of the building prior to December 1st; which is the date the church should be out of the building; is for the limited purpose of preparing the building for her future occupancy. The child care learning center can only happen December 1st or later provided she has met the state requirements and provided the church has left the building.

Adjournment

The motion for adjournment was made by Attorney Schrider-Fox and seconded by Public Works Director Reid. The motion passed with 3 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council