

Town of Cheswold
1856



State of Delaware
1787

**TOWN of CHESWOLD
MINUTES of PUBLIC HEARING
Tuesday – August 16, 2016
Cheswold Town Hall
691 Main Street
6:00 p.m.**

The meeting was called to order by Mayor Robert W. Sine at 6:25 p.m., followed by the Pledge of Allegiance and a Moment of Silence.

The Mayor noted that the meeting was properly posted on July 20 2016, and the agenda properly posted on August 9, 2016.

The Mayor then requested Secretary/Treasurer Callender to complete a roll call of the Council. The following is the result of the roll call:

Vice Mayor Larence Kirby - Present
Secretary/Treasurer Theon Callender – Present
Councilperson Judith Johnson– Present

The Mayor requested the Council to review the agenda and either accept it or recommend changes. The agenda was accepted as presented.

Secretary/Treasurer then provided a synopsis of the following:

- **Purpose of Public Hearings in General** – is to obtain public comment from residents and/or concerned persons on a specific item or issue
- **Purpose of this Public Hearing** – is to review and obtain public comment on a Conditional Use Application from Mr. Olusola Shodiya, to operate a home based virtual car sales business in the R-2 (Parkers Run) Zone of the Town.
- **Conduct of this Public Hearing**
 - Comments will be accepted from the Public that only address the items of issue of the Public Hearing
 - Speakers will be allocated three, (3), minutes to make their comments
 - The Council may ask questions of the speakers. Time spent answering the questions will not be deducted from the speakers allocated three, (3), minutes.
 - The Council will answer questions, at their discretion.
 - Persons deemed to be causing disruption will be asked to leave by the Sargent-at-Arms, (Police Chief Chris Workman)

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ITEMS for COMMENT

Secretary/Treasurer Callender presented the following application synopsis:

- o **Conditional Use Application 2016-07-12-044**– a request from Mr. Olusola Shodiya of 74 Wellington Way, Cheswold, to operate a home based virtual auto sales business within his home, which is located in the Parkers Run, (R-2) Zone. The State of Delaware requires a Certificate of Zoning Compliance prior to issuing a State License and the Land Use Ordinance requires conditional use approval prior to issuing a Zoning Certificate and a Town Business License to the applicant.

It was noted the Planning Commission had reviewed and recommended that the Conditional Use Application be approved at their July 14, 2016 meeting and through PC Memo 16-005.

APPLICANT COMMENT

Mr. Shodiya introduced himself and provided his home address. He confirmed that Town Zoning approval is required in order for him to obtain a license from the State of Delaware to operate an on-line car sales business. He explained that all of his purchases and sales will be conducted over his computer and on the phone and within the confines of his home office and that no vehicles would be kept on his property or in the neighborhood and that there would be no foot traffic associated with his business. He stated that he operated the same business as a resident of Bear, DE, for 10 years, without any complaints or difficulties. His process is to purchase cars at auction and arrange to have them shipped to Africa for sale.

PUBLIC COMMENT

Mr. Geoffrey Boyd of 62 Wellington Way introduced himself as the next door neighbor of Mr. Shodiya. He stated that initially he was opposed to the application, but if there is an assurance that no vehicles will be on site, in the neighborhood for sale and no increase in pedestrian traffic as a result of the business, then he is not opposed. He also suggested that Mr. Shodiya confirm with the Home Owners Association that they could operate a home based business and provided a document from that group. Mrs. Callender assured Mr. Boyd that she had checked the HOA agreement and there was nothing prohibiting Mr. Shodiya from operating his business. Mr. Boyd provided a written document from the HOA concerning home based businesses and after review, Mrs. Callender confirmed that the document permitted “no impact” type businesses, which is the type of service to be provided by Mr. Shodiya.

PUBLIC COMMENT

The Mayor then closed the hearing for the receipt of public comment.

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COUNCIL COMMENT

There were no additional questions posed to the applicant.

COUNCIL DECISION

Although the agenda reflected that a vote would be taken, it was actually supposed to have been scheduled for the Town Council Workshop meeting, immediately following the Public Hearing.

ADJOURNMENT

As the Town Council Workshop was temporarily suspended to conduct the Public Hearing, a motion was made by Secretary/Treasurer Callender to adjourn the Public Hearing and to return to the Town Council Workshop at 6:31 p.m. A second to the motion was made by Councilperson Johnson and the vote carried with a unanimous vote.