

**TOWN OF BETHANY BEACH
TOWN COUNCIL PUBLIC HEARING
AUGUST 19, 2016 – MINUTES**

The Bethany Beach Town Council held a public hearing at 11:00 a.m. on August 19, 2016 in the Town Meeting Room, 214 Garfield Parkway, Bethany Beach, DE 19930. Members present for the meeting were: Jack Gordon, Mayor; who presided; Lew Killmer; Chuck Peterson; Bruce Frye; Rosemary Hardiman; Joseph Healy, and Jerry Morris.

Also present were: Cliff Graviet, Town Manager; and Lisa Kail, Administrative Assistant/Town Clerk.

Mayor Gordon called the public hearing to order. He noted that notice of the meeting was properly posted and advertised as follows:

**TOWN OF BETHANY BEACH
PUBLIC HEARING**

*The Bethany Beach Town Council will hold a public hearing at **11:00 a.m. on Friday, August 19, 2016** in the Town Meeting Room, 214 Garfield Parkway, Bethany Beach, DE.*

The purpose of this hearing is to receive comments on the following:

An Ordinance to Add a New Chapter §425-26 Entitled “The Regulation of Residential Bulk Density in the R-1 and the R1-B Zoning Districts” to the Bethany Beach Town Code

The proposed ordinance is available for inspection in Town Hall, Monday through Friday, from 8:00 a.m. – 4:00 p.m., (except on scheduled holidays), and is also available on the Town’s website www.townofbethanybeach.com

All interested persons are welcome to attend this hearing and to make comment.

Posted: 07/22/2016

Website: 07/22/2016

*Advertised: The Coastal Point Newspaper (07/29/2016)
The WAVE Newspaper (07/26/2016)*

Mayor Gordon reviewed the ground rules and asked those who wished to address the Town Council to sign-in on the paper provided in the back of meeting room.

Mr. Killmer gave a brief synopsis of the ordinance. He explained that over the past few years, the Planning Commission has been working on the proposal being presented today. Several public meetings were held wherein architects, developers, and

homeowners were invited to review the ordinance and offer input. Many of the recommendations have been incorporated into the ordinance as it reads today. The goal of the ordinance is to provide homeowners with trade-offs when designing and constructing their homes so that new homes will be compatible with existing neighborhoods.

Mr. Killmer advised that another public hearing will be held on this proposal in September. Postcards will be mailed to all property owners notifying them of the hearing.

At this time, Ms. Susan Frederick, Building Inspector, provided a Power Point presentation. A copy of the presentation is available upon request in the Town Manager's Office.

Ms. Frederick advised that the Planning Commission studied concerns that were raised regarding whether the massing, bulk, and scale of new residential projects was appropriate and compatible with surrounding residential properties. The greatest impact was found to be specifically in the R-1 and R-1B Zoning Districts due to factors such as greater density, narrower lots, and lower grades requiring the houses to be elevated higher to meet flood regulations.

This new proposed ordinance is the result of the Planning Commission's work and it addresses the regulation of bulk density in the R-1 and R-1B zoning districts.

Mr. Doug Mowrey, Vice-President of the Bethany Beach Landowners Association (BBLA), was recognized. He advised that the BBLA currently has 1100 members. In July 2016, a short email was sent to the membership regarding the proposed bulk density ordinance. A total of 224 BBLA members clicked on the link to the proposed ordinance on the Town's website.

Mr. Mowrey added that in October 2015, Former President of the BBLA, Mike Horne, sent a letter to the Town Council regarding the proposed ordinance. He read excerpts from the letter into the record as follows:

This proposed ordinance, recently referred to the Council by the Planning Commission may, if adopted, affect hundreds of Bethany landowners. The Planning Commission, correctly in our view, studied this complex proposal for several years and solicited and received input from numerous architects, builders and other experts.

The end product necessarily includes many technical terms and jargon familiar to those in the building trades but less so to laypersons.

We ask that Council develop an approach to explain the ordinance and its effects in layman's language.

The Town has used many methods in prior communications efforts including: website postings, drawings, videos, meetings, and letters with background/summary information. Some mix of these seems appropriate for this effort.

Mr. John Walsh, property owner, was recognized. He advised that his first reaction to the ordinance is a positive one. He thought that it may be difficult to implement and suggested that the Town look at regulations recently adopted by Cape Cod, Massachusetts. Their regulations seem to be similar to the Planning Commission's goals in this regard.

For clarification purposes, Mr. Killmer advised that the ordinance would only apply to new construction and major construction (50% or more of the structure). It will not go into effect until one year after its adoption. The Planning Commission worked on this ordinance due to the number of people complaining about large houses not being in proportion to neighboring properties. He explained that a property owner can still build a large house as long as there is architectural diversity.

Mr. John Gaughan, property owner, was recognized. Mr. Gaughan advised that he was a member of the Planning Commission and he voted to forward this proposal to the Town Council for further consideration. He added that he is in favor of the proposal as both a member of the Planning Commission and as a member of the community. He stated that this initiative began because of the many large houses being built in Town. Even though the Comprehensive Development Plan talks about maintaining a beach atmosphere, there aren't enough regulations to discourage the building of large homes. From the beginning there were genuine concerns from the Planning Commission about property owner's rights and what is permitted per the Code. The proposal today provides for tradeoffs that allow individuality rather than simple dictation on what can be built. There are no mandatory requirements for colors or shading.

Mr. Tracy Mulligan, President of the BBLA and property owner, was recognized. He advised that he is expressing his personal views only. He explained that he likes the concept and would like to support the ordinance, but he does not completely understand it. He explained that 17 years ago, he started attending Planning Commission meetings and served as a member of the Town Council. He understands the care and work the Council puts into their positions and the extensive efforts of Planning Commission members. In 2005, he and his wife designed 2 different homes and understood the building process. He tried to apply the new ordinance to the design of his houses and was confused by a few things including the lack of definitions for "story"

and “floor”. He wondered by the R-2 district was not included in the ordinance and why there are different regulations for corner lots. He asked that these issues be addressed before the ordinance is considered for adoption.

Mr. Philip Feliciano, property owner, was recognized. Mr. Feliciano felt that this ordinance takes away the rights of property owners. Land values will be diminished. He urged the Town Council to be careful, because laws have meanings and can be challenged. He asked the members to focus their efforts on other things including public safety and how to deal with possible weather threats (e.g. hurricanes).

Mr. Carl Tull, property owner, was recognized. He thanked everyone for the work they have done on the ordinance. He felt that it is long overdue. Most coastal towns are dealing with the same issue.

Mr. Tracy Mulligan, property owner, addressed the Town Council again. He stated that input was received from builders and architects, but more input is needed from property owners. They need to understand what is being proposed. Families have dreams and aspirations of building beach homes. If people do not understand the proposal, it doesn't get the attention it deserves.

Mayor Gordon advised that another public hearing would be held in September. The Town is doing as much as we can and education can only be taken so far.

Mayor Gordon adjourned the public hearing at 11:55 a.m.

Respectfully submitted:

Lisa A. Kail, MMC
Administrative Assistant/
Town Clerk