

**Town of Bethany Beach
Planning Commission Minutes
May 19, 2012**

The Bethany Beach Planning Commission held a meeting on Saturday, May 19, 2012 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Faith Denault; John Gaughan; Fulton Loppatto; and Chuck Peterson.

Excused members: Mike Boswell

Also present: Susan Frederick, Building Inspector; Lisa Kail, Administrative Secretary.

Mr. Killmer called the meeting to order at 9:00 a.m.

OPENING OF MEETING

Approval of Agenda

Ms. Denault made a motion to approve the agenda. Mr. Gaughan seconded the motion and it was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of April 21, 2012

Mr. Peterson made a motion to approve the minutes dated April 21, 2012. Seconded by Mr. Gaughan, the motion was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer/Denault)

Mr. Killmer reported that the Non-Residential Design Review Committee held a meeting on May 11th for the application that was submitted by Mike and Jane Dickerson, new tenants of “Ocean Plaza Tee’s” for a new awning and sign for property located at 101 Garfield Parkway, Store 7, Lot 105, Block 1 and 3, in the C-1 Commercial Zoning District, Bethany Beach, DE. The application met all of the requirements of the Zoning Code and the Non-Residential Design Guidelines and was approved.

Ms. Frederick noted that an application may be submitted in the near future for a new signage at a restaurant to be developed where the Blue Water restaurant was previously located on Route 26.

Mr. Killmer mentioned that the Non-Residential Design Review Committee has received and reviewed a total of thirty-six (36) applications, since the Committee was established.

Comments/Updates Regarding the May Town Council Meeting (Killmer)

- Council tabled the discussion on an ordinance to amend Chapter 72 (Town Bandstand and Plaza), Section 10 (Security; Indemnity; Insurance) of the Bethany Beach Town Code to allow for compensation for more than one Police Officer on site at the plaza to protect public safety and insure good order.
- Council adopted an ordinance to amend Chapter 425 (Zoning), Article IV (General Provisions), Section 16 (Fences) of the Bethany Beach Town Code.
- Council approved the appointments to Board of Elections and Election Officers.
- Council tabled the vote on amendments to the Town's Comprehensive Development Plan.
- Council approved the contract submitted by L.H. Excavating for the amount of \$28,000 for the removal of trees on the Church/Neff property per recommendations by the Town's arborist.

Comments, Q&A, and Discussion for Planning Commissioner Members (All)

There were not questions or comments for the Planning Commission members at this time.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

NEW BUSINESS

Discuss and Possible Vote on Updating Chapter 453 Flood Damage Prevention Article II Terminology To Conform With FEMA and NFIP Definitions (Killmer)

Mr. Killmer explained that he drafted updated and revised terminology for Chapter 453 Flood Damage Control to conform to FEMA and NFIP definitions. He stated that he is a member of the SP 64 Flood Damage and Storm Water Prevention Committee in Dover, and while reviewing the documents at a meeting, he observed that the Bethany Beach Code does not include a number of necessary definitions. Many terms that are used in Chapter 453 of the Code are not clearly defined, so he added the definitions to the terminology that were non-existent.

Mr. Gaughan questioned what resource was used for the added definitions.

Mr. Killmer replied that the definitions were obtained from either FEMA or the National Flood Insurance Program (NFIP), so the definitions are taken directly from those two sources and are entirely consistent with all of the verbiage Chapter 453 of the Code.

Ms. Frederick noted that the added definition of "Freeboard" states that "Freeboard is not required by NFIP standards, but communities are encouraged to adopt at least one-foot freeboard". She said that the Town has not adopted a one-foot freeboard.

Mr. Killmer explained that the Bethany Beach Town Code has a regulation which states that any future cross face crawl space must have be at a minimum of thirty (30) inches above ground, therefore, it can be encouraged but it is not a requirement.

Ms. Frederick acknowledged that if the Commission considers a regulation to require at least a one-foot freeboard, the height of the first floor would be one foot above base flood level and this would require those structures in areas with grades already at base flood elevation to raise their first floors.

Mr. Killmer asked if verbiage should be included in the terminology for this issue.

Mr. Gaughan stated that it's not required, and asked Ms. Frederick if there are any potential incentives that could be offered to a builder if the Town was to adopt a one-foot freeboard.

Mr. Killmer explained that the homeowner would be eligible for a discount on their flood insurance coverage.

Ms. Frederick said that she performed a walk-around with FEMA, and found that it's a possibility that they will require the Code to be amended to add a minimum above base flood. The issue will be that, should they change the Code, all the houses that were built with the first floor at base flood would then be considered non-conforming and those home owners may face higher flood insurance costs

Mr. Killmer added that flood insurance would have to be purchased outside of FEMA because the property would no longer meet the requirements to be insured by FEMA.

Mr. Peterson commented that the cost of flood insurance would increase as of right now, but it would still be able to be covered by FEMA because it currently conforms to its regulations.

Mr. Killmer stated that he has drafted a detailed document explaining of how much money would be saved by doing that, and it is a significant amount. He will distribute this information at the next meeting.

Ms. Frederick emphasized that it will not be done this way unless there is a regulation stated in the Code. As an example, the first house they stopped at during the FEMA walk-around was below base flood, and the owner filled in all of the flood vents so he could have an additional living space at the ground floor level. The owners prefer having more space.

Mr. Killmer asked if this is an issue that should be pursued.

Mr. Gaughan asked if there is going to be a discussion on potentially modifying the Code to reduce bulk construction, noting that the items discussed would be subjected to having a workshop with builders. He noted that it would be appropriate to discuss this issue during that time.

Ms. Frederick agreed that it would be appropriate to discuss this item at that time.

Mr. Killmer advised that this issue will be added to the agenda when scheduling for the workshop with the builders.

Mr. Killmer noted that this regulation was not approved at the SP 64 Committee because there is a variety of representatives that serve on the committee, including builders, real estate agents, and designers. In addition, the members are from all areas of Delaware, so not all members must manage flooding issues.

Mr. Gaughan asked if real estate agents or the State of Delaware requires disclosure of the fact that the house is at freeboard or floodplain in terms of being for sale.

Mr. Killmer stated that he believes it is not required to provide this information. However, most coastal communities have the flood plains mapped out but most areas in Delaware do not have floodplain maps. He explained that the flooding issue was the main motive for establishing the SP 64 Committee. Many homebuyers or developers purchase parcels of land in communities without realizing that the property is located on a flood plain, since there is no information available. The Committee feels that DNREC should develop flood plain maps of the entire state of Delaware, especially areas that are close to bodies of water.

Ms. Frederick explained that when a home buyer purchases a house, they should receive a copy of the survey which should identify the correct flood zone and they should also receive a copy of a flood elevation certificate which is required for the purchase of flood insurance.

Mr. Peterson added that the homebuyer should also receive a disclaimer that describes any past flooding issues.

Mr. Loppatto said that the homebuyer does not receive elevation maps until they apply for flood insurance.

Mr. Peterson stated that when applying for a loan in this area, all of the flood and elevation information must be submitted to the bank in able for the loan to be approved, so it must be obtained before going to closing in this community.

Mr. Killmer explained there could be additional modifications in regulations that the SP 64 Committee approves. He expressed concern that the State may create regulations from the recommendations, therefore creating a "one size fits all" mentality. In an area with no flooding issues, it would not be necessary to mandate storm water management regulations in their Codes. A set of proposals has been compiled and they will be sent to DNREC to be reviewed and then sent to fifty-seven (57) municipalities in Delaware and to its three (3) counties to obtain their input. The comments and concerns received back will be incorporated and sent back to the SP 64 Committee to review. The entire process should be completed by May 2013. Mr. Killmer added that being on the SP 64 Committee has been a very informative experience, since there are a variety of viewpoints and perspectives from the other members.

Mr. Killmer asked the Commissioners if they are in favor of submitting the drafted updated Article II Terminology for Chapter 453 Flood Damage Prevention of the Code to the Town Council to discuss and vote on. All were in favor.

Mr. Killmer noted that regardless of any amendments that the SP 64 Committee approves, he feels that the Bethany Beach Code is sufficient and has all areas covered, since the Town is located in a flood plain area and storm water management is required.

OLD BUSINESS

Recommendations for Zoning Code Revisions to Address Overall Building Bulk in Residential Areas

Mr. Killmer expressed his appreciation to Ms. Frederick for drafting an excellent document for Zoning Code revisions to address the overall building bulk in residential areas. It was very well done and explained out all issues and offered realistic solutions.

Ms. Frederick reported the following:

At the Planning Commission meeting in March, she presented a list of zoning practices that are commonly used by coastal towns near Bethany Beach that address ways of manipulating individual or a combination of building components to achieve a reduction in overall building bulk.

Ms. Frederick explained that she reviewed the list of zoning practices that she presented to the Planning Commission at the meeting in March. She assessed what could be incorporated into the Town Code and what could be accomplished. After she mailed out the original memo to the Commissioners, she created diagrams to see how they work in practice by looking at actual houses. While reviewing this, she found that various regulations in the Zoning Code were not as effective as she had expected. She drafted the following review of the various components and an overview of whether they should be addressed in some form in the Zoning Code to regulate bulk based upon the general discussion from the March Planning Commission meeting.

1. *The first component, height, is an issue addressed by Sussex County and all other towns and the Town of Bethany Beach already adequately addresses this issue. The current Code permits the heights to be calculated from either grade or base flood. The maximum height, set at 31'-0", is below the height permitted by Sussex County (42'-0") and is also lower than the height permitted in many other coastal areas.*
2. *The second component possible would be to require a percentage of each lot and/or parcel to remain "natural" or green. This concept was rejected based upon rejection by the Town to regulate how much of a lot could be paved or covered.*
- 3 /4. *The third and fourth components listed were to have a Maximum Square Footage or Floor Area Ratio. The concept of regulating the total square footage permitted was summarily dismissed as an idea that had been reviewed and rejected by the Town in the past. Also addressing total square footage was the component addressing interior vaulted spaces (component number ten).*
5. *The fifth component listed was to limit the number of stories permitted. The idea here would be to permit only 2.5 stories from the first floor at or above base flood. A half-story is defined as one that is within the roof area. This would reduce the height of the outside walls at the top level, reducing the overall bulk and boxy-ness.*

6. *The sixth component listed was to limit the total number of bedrooms and baths. This concept does not necessarily reduce overall bulk.*
7. *The seventh component was to require variation in the front façade. The Zoning Code for Bethany Beach already addresses this.*
8. *The eighth component was to require variation in the eave line at the front façade. This concept helps to break up the roof into multiple rooflines of varying heights reducing overall appearance of the bulk. This component can be effective but may not affect the appearance of bulk as strongly as other components.*
9. ***The ninth component was Minimum Roof Pitch. The Zoning Code already addresses this in a minimal way by requiring a minimal pitch of 5:12 on dwellings whose height is measure from base flood. Requiring a minimum roof pitch on all dwellings would lower the walls and get rid of flat roofs and low slope roofs altogether. This would also affect the number of floors and/or size of a third floor possible in some instances. Several recently constructed homes would have had to reduce their third floor areas.***
10. *The tenth component was to require variation in the side and rear elevations. This is a new idea based upon the already existing requirement to vary the front elevation. This would eliminate large flat expanses of wall and increase the perception of space between dwellings.*
11. *The final component is to consider incentives and tradeoffs to encourage elements that the Town finds encourages designs that are sensitive to bulk and size.*

Ms. Frederick recommended that Component #5 would be the best solution. If the number of permitted stories per house were limited, it would generate a building that can't be three (3) full stories with a very flat-pitched roof. It would create the need to have a steeper pitch and have dormers, and it would be more in scale with the houses in the community. The newly constructed houses that are three (3) stories and flat-roofed stand out from a streetscape view. Houses that were constructed in the past were typically built on pilings, and the two (2)-story roofs were steeper pitched and are a more cottage-like structure.

Mr. Killmer questioned Ms. Frederick if she feels the reason that more large houses are being constructed than before is because fewer of the owners of these houses occupy the homes year-round.

Ms. Frederick replied that these large houses are probably not being utilized as rental properties. She also noted that on interior lots, the maximum permitted lot coverage of 40% was less area than the area available within the required setbacks, meaning that there should be some open area remaining (approximately 200 square feet on a typical 40 x 100 lot). On interior lots, newly constructed houses are most often designed to be as far front and to the sides as possible with any remaining area left at the rear. However, on corner lots, new construction can cover the entire lot from setback to setback and not exceed the 40% lot coverage maximum.

Ms. Frederick referenced Sketch #2 which depicts a section through the recently constructed house at 114 Central Avenue. The section on the left is of the existing house as built and it shows that it has 3 stories with minimal ceiling heights and a roof pitch of 5:12. The house was designed to the maximum size permitted under the current code. The section on the right shows the same house but with a maximum third level plate height of three (3) feet. In order not to

obtain usable area on the third floor the roof pitch must become steeper. This substantially reduces the overall height of the structure. Many of these types of homes that are being constructed from the grade level in order to be able to have three (3) floors are having roof pitches of 3:12 or less and could have a flat roof. She referenced to a house on an interior lot that was built from grade, and in the back of the house there is a very flat section of the roof which had to be constructed using membrane, which she considers to be an unappealing material, instead of using the standard asphalt shingles. Ms. Frederick advised that, due to circumstances such as this one, a regulation for a maximum number of permitted stories per parcel should be established.

Mr. Killmer questioned if regulating the number of stories a house may have would physically make it appear smaller.

Ms. Frederick explained that the house would appear smaller because the height of the wall would be reduced from six (6) feet to three (3) feet and the roof pitch would be increase, creating less bulk. From the front view of the house, the height of the sidings would decrease and the eave line height would be more comparable to the existing smaller parcels.

Mr. Gaughan questioned if the 2.5 stories limitation could be achieved by limiting the roof pitch or sharpening it.

Ms. Frederick replied that it can be achieved and she did review this possibility of limiting the permitted roof pitch for all houses to not allow flat roofs, but then the height of dormers would need to be determined. A flat roof is permitted on any structure that determines its height from grade.

Definitions for each story will also need to be established and the different types of roofs will need to be determined.

Ms. Frederick emphasized that a document will need to be created that states all of the appropriate definitions and states what exactly would be permitted.

Ms. Frederick explained that she would also recommend the ninth component, which is to require a Minimum Roof Pitch for all houses, regardless of how the height is determined. It would affect houses built from grade because they are currently using extremely low roof pitches in order to build homes that are as large as can be permitted.

Ms. Frederick advised that if this component was chosen, the Code would have to be amended and definitions would need to be added.

The Commission reviewed the tenth component, which is to require variation in the side a rear elevations.

Mr. Loppatto questioned if chimneys are permitted to extend from the side of the parcel.

Ms. Frederick replied that chimneys are permitted to extend two (2) feet into the setback area, but they are small elements. She added the Code allows eaves and chimneys to extend out into the setback.

Sketches #3 and #4 were reviewed and discussed.

Mr. Loppatto questioned Ms. Frederick if she would recommend variation on one (1) side or two (2) sides.

Ms. Frederick suggested having some variation on at least one (1) side.

Ms. Frederick referenced to the final component listed in the document, which is to consider incentives and tradeoffs to encourage elements that the Town finds encourages designs that are sensitive to bulk and size. She advised that there is currently no incentives to offer since houses are being constructed to the maximum height and size allowable by Code. She recommended considering reducing the permitted lot coverage of corner lots, so the entire area of the lot within setbacks is not covered.

Mr. Loppatto mentioned that, at the last meeting, there was a discussion on whether to limit the permitted height of decks, and he asked if the City of Rehoboth Beach enforces this.

Ms. Frederick responded that the City of Rehoboth does limit the height of decks because they didn't want roof decks or flat roof to be constructed at all. Decks are not permitted above the second floor and are limited to a height of 14 feet above the height of the street.

Mr. Killmer stated that he feels that the Commission should accomplish Component #4 or Component #9. He also agrees that it should be considered to reducing the maximum lot coverage.

Mr. Killmer emphasized that he would like the designers and builders to be in agreement with what is trying to be established by the Commission.

Mr. Killmer asked Ms. Frederick to create a PowerPoint presentation in September that reviews the proposals that were discussed and illustration of houses that would be permitted.

Mr. Gaughan questioned if the Planning Commission is procedurally permitted and has obtained all necessary information in able to hold a Preliminary Plan Review on July 21st for the Addy/Cooper property.

Ms. Frederick responded that all information has been obtained and they will be able to hold the Preliminary Plan Review at that time. She added that the public notice for this meeting would be advertised on June 1st.

Mr. Gaughan stated that the annual meeting for the Bethany West Homeowner's Association is on May 26th, and he advised that the Board should be notified of the Preliminary Plan Review for the Addy/Cooper property.

SUMMARY OF ACTION ITEMS

A. Ms. Frederick will create a PowerPoint presentation in September that displays the proposals that were discussed and illustration of houses that would be permitted.

ADJOURN

Mr. Peterson made a motion to adjourn the meeting. Seconded by Mr. Gaughan, the motion was unanimously approved. The meeting was adjourned at 10:27 a.m.



TOWN OF BETHANY BEACH

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BETHANY BEACH, DE 19930

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MEMORANDUM

DATE: May 8, 2012 **REVISED MAY 15, 2012**

TO: Planning and Zoning Commission

FROM: Susan Frederick

RE: Recommendations for zoning code revisions to address overall building bulk in residential areas.

At the March Planning and Zoning meeting I presented a list of zoning practices that are commonly used by coastal towns near Bethany Beach that address ways of manipulating individual or a combination of building components to achieve a reduction in overall building bulk. Following, and in no special order, is a review of the various components and an overview of whether they should be addressed in some form in the zoning code to regulate bulk based upon the general discussion from that meeting:

1. The first component, height, is an issue addressed by the County and all other towns and the Town of Bethany Beach already adequately addresses this issue. The current code permits the height to be calculated from either grade or base flood. The maximum height, set at 31'-0", is below the height permitted by Sussex County (42'-0") and is also lower than the height permitted in many other coastal areas.
2. The second component possible would be to require a percentage of each lot and/or parcel to remain "natural" or green. This concept was rejected based upon past rejection by the Town to regulate how much of lot could be paved or covered
3. The third and fourth components listed were to have a Maximum Square Footage or Floor Area Ratio. The concept of regulating the total square footage permitted was summarily dismissed as an idea that had been reviewed and rejected by the Town in the past. Also addressing total square footage was the component addressing interior vaulted spaces (component number ten).
4. **The fifth component listed was to limit the number of stories permitted. The idea here would be to permit only 2.5 stories from the first floor at or above base flood. A half-story is defined as one that is within the roof**

5. **area. This would reduce the height of the outside walls at the top level, reducing the overall bulk and boxy-ness.**
6. The sixth component listed was to limit the total number of bedrooms and baths. This concept does not necessarily reduce overall bulk.
7. The seventh component was to require variation in the front façade. The zoning code for Bethany already addresses this.
8. The eighth component was to require variation in the eave line at the front façade. This concept helps to break up the roof into multiple roof lines of varying heights reducing overall appearance of bulk. This component can be effective but may not affect the appearance of bulk as strongly as other components.
9. **The ninth component was Minimum Roof Pitch. The Town Zoning Code already addresses this in a minimal way by requiring a minimal pitch of 5:12 on dwellings whose height is measured from base flood. Requiring a minimum roof pitch on all dwellings would lower the walls and get rid of flat roofs and low slope roofs altogether. This would also affect the number of floors and or size of a third floor possible in some instances. Several recently constructed homes would have had to reduce their third floor areas.**
10. **The eleventh component was to require variation in the side and rear elevations. This is a new idea based upon the already existing requirement to vary the front elevation. This would eliminate large flat expanses of wall and increase the perception of space between dwellings.**
10. **The final component is to consider incentives and tradeoffs to encourage elements that the Town finds encourages designs that are sensitive to bulk and size.**

Highlighted above are four components that I believe can be incorporated, either together or individually, into the Town Zoning Code with minimal inconvenience to property owners but that will successfully impact the overall bulk and appearance of bulk of a dwelling while still allowing for a large home. I recommend that the following additions and changes to the Zoning code be considered, in order of preference:

1. **LIMIT NUMBER OF STORIES TO 2 ½ STORIES FROM FIRST FLOOR**
Limiting the number of stories will:
 - Reduce bulk in a similar way as requiring a minimum roof pitch but this could potentially lower the eave line more.
 - lower the height of the exterior walls
 - lower the roof eaves (from maximum height)
 - prohibit/discourage flat roofs
 - reduce the allowable habitable area on third levels
 - make newer dwellings more compatible and in scale with adjacent older homes

- encourages the use of dormers

Code amendment

- Add to Section 425-27 Exterior design requirements for residential buildings (or to the Table of Dimensional Requirements as footnote under Maximum Height)
 - all structures to have a maximum number of habitable floors from grade or base flood of 2 ½ stories
- Add new definitions
 - Story - That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above it. For the purposes of determining the number of stories the following shall apply:
If the top story of a building is roofed by a dormer(s) covering 50% or more of the floor area, it shall be considered a full story. Floor area under a gambrel or mansard roof shall be considered a full story
 - Half story - A partial story under a gable or hip roof, excluding mansard and gambrel roofs, the wall plates of which on at least two directly opposite sides are not more than three feet above the floor of such story (see also definition of "story").
 - Roof sun decks (and widows walks)- decks located above 25 feet from grade or base flood that are limited to a size not to exceed but be in addition to 10% of the total roof area.
 - Mansard roofs – mansard roofs and roofs of greater than a 12/12 (45 degree) pitch shall be considered as a vertical wall enclosing living space

2. ADOPT A MINIMUM ROOF PITCH FOR THE MAIN ROOF AREA ABOVE THE FIRST FLOOR (OR ABOVE A CERTAIN HEIGHT)

Adopting a minimum roof pitch for all structures will not change the bulk in dwellings that are constructed to 31 feet from their base flood as they will already be required to have a minimum pitch and, in some instances, can be designed to be three stories in height. In order to reduce bulk in dwellings that are constructed to 31 feet above base flood, the minimum roof pitch would need to be increased to more than a 5:12 pitch.

Adopting a minimum roof pitch will:

- lower the height of the exterior walls
- lower the roof eaves
- prohibit/discourage flat roofs
- reduce the allowable habitable area on third levels
- make newer dwellings more compatible and in scale with adjacent older homes
- encourage the use of dormers

- minimum pitch could be adopted for R-1 districts only, where houses tend to be taller and on smaller lots

Code amendment

- Add as new section and/or as a new footnote to the Table of Dimensional Requirements

- Section 425-27 – Exterior Design requirements for residential buildings, (C) Minimum roof slope.

All structures shall have a minimum roof pitch of 5:12 throughout for the main roof area for all roofs located at or above the second floor of living space. Dormers as defined may have roofs that slope less than the minimum but shall be limited to a maximum composite width of less than 40% of the roof eave perimeter.

- Add new definitions
 - Dormer - A framed structure, either gable, shed or eyebrow style, which projects from a roof and has its own roof and sides. No part of a dormer shall extend above the ridge height of the roof from which it projects
 - Roof, main – (to be determined)
 - Roof sun decks (and widows walks)- decks located above 25 feet from grade or base flood that are limited to a size not to exceed but be in addition to 10% of the total roof area.
 - Mansard roofs – mansard roofs and roofs of greater than a 12/12 (45 degree) pitch shall be considered as a vertical wall enclosing living space

3. REQUIRE ALL ELEVATIONS TO CONTAIN VARIATION (REQUIRE ONE OR BOTH SIDE ELEVATIONS TO CONTAIN VARIATION)

Requiring variation in all or one or both side elevations will help in creating a less “boxy” design but may not achieve sufficient reduction in overall scale by itself. Requiring variation in the side elevations will:

- reduce “cavernous” feeling between dwellings, especially between newer dwellings
- add interest to the building design
- make newer dwellings more compatible with adjacent older homes
- allow for additional space between buildings

I recommend making the difference between plans be 4 feet or greater to allow for windows and doors.

Code amendment

- Add as new section
 - Section 425-27 – Exterior Design requirements for residential buildings, (C) Side wall planes.

The wall of any single family residential building in any zoning district facing any side yard lot line shall have a minimum of two planes with a minimum difference between planes of four feet, one of which planes must be not less than 40% nor more than 60% of the square footage of that wall.

4. OFFER INCENTIVES AND TRADEOFFS

As a positive approach, offering code tradeoffs or incentives may work to everyone's advantage. The current code regulates height, setbacks and lot coverage. Tradeoffs with the existing code are difficult if not impossible because the code already permits large structures. Features that would be desirable may include:

- dormers
- open porches and decks
- reduction in lot coverage
- steeper roof pitches
- less flat planes and greater variation in planes

If the design incorporates some element that the town finds as more desirable, then the design may be permitted to:

- have a higher lot coverage (I would recommend reducing the currently permitted 40% to 38% or less – a reduction of 100 square feet minimally).
- permit encroachment into the front or rear setbacks by some percentage or amount
- permit a lower sloped roof area (I would recommend enacting a minimum slope)
- permit a larger third floor area (I would recommend restricting the number of stories permitted)

5. NOT CONSIDERED – REDUCTION IN LOT COVERAGE

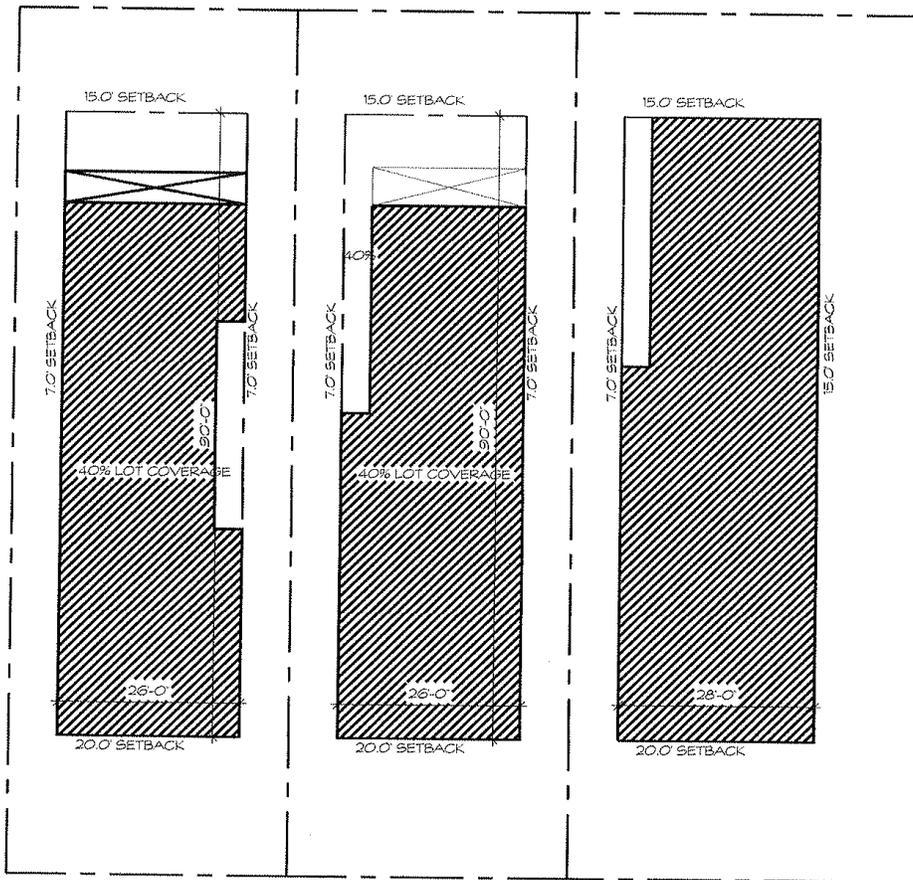
A final component not identified in my original memo would be to revise the lot coverage permitted per lot. Currently the lot coverage permitted is 40% of total lot area. A minimal reduction of 2% would guarantee an additional 100 square feet of open lot area. This could work with the requirement for variation in walls fronting on side lot lines or in some cases reduce the overall length of the building by approximately 4 feet.

Also, the lot coverage of corner lots only could be considered. Currently, on a typical corner lot of 50'x125', 40% lot coverage covers nearly all of the area within required setbacks. This allows for an overly large building footprint that is 25% more or 500 square feet bigger than on interior lots. Reducing the lot coverage on corner lots by 2% would reduce the footprint by 125 square feet.

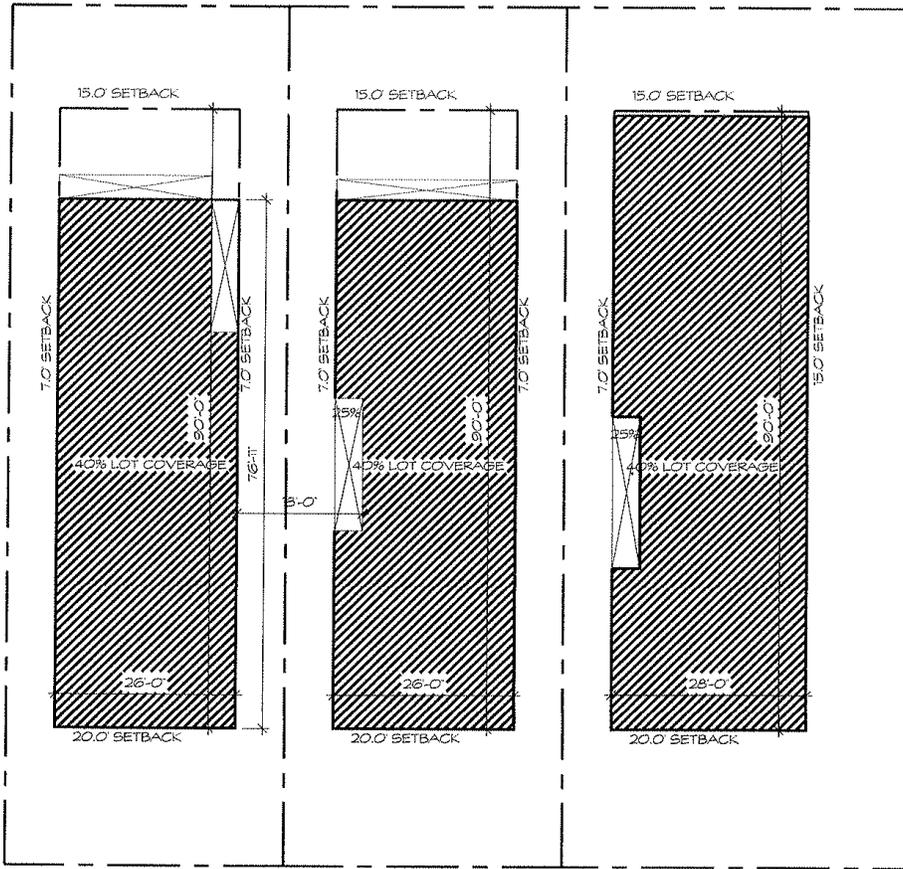
In conclusion, my recommendation would be to incorporate a combination of the above referenced changes into the code. I would recommend that a maximum number of stories of 2 ½ stories be permitted with allowances for dormers and sun decks. I would also recommend that requirements for variation in one or both walls facing side lot lines be required, a minimum depth to be determined. These together would have

a big impact on the bulk of a building. If reducing the number of permitted floors is considered too restrictive, then I would recommend that a minimum roof pitch be required.

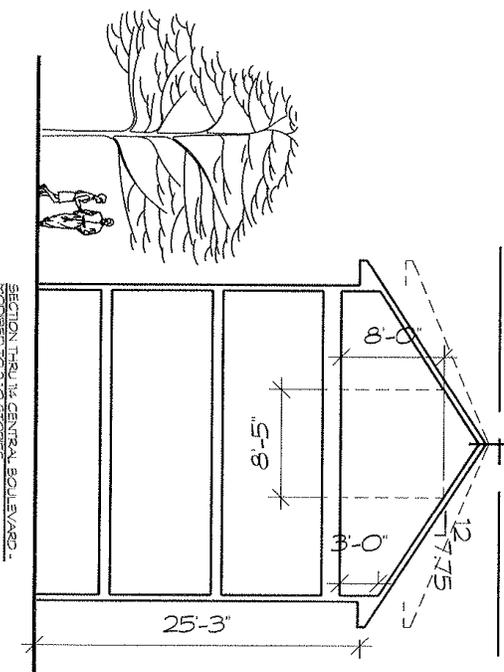
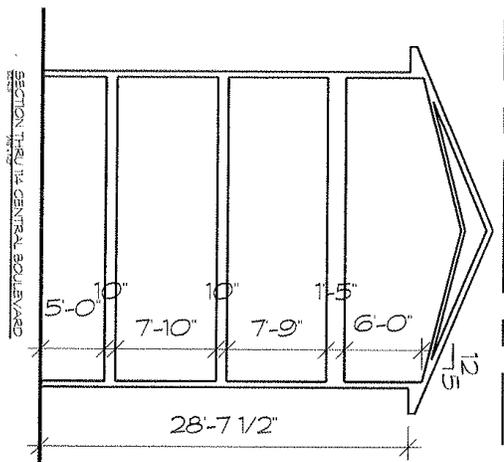
Should you have any questions, please contact me at your convenience.



	PROJECT:	BULK STUDY BETHANY BEACH	GMB FILE #:	SHEET NO. SK -4
	TITLE:	LOT DIAGRAM COMPARISONS 40% SIDE YARD VARIANCE	DESIGN BY:	
			DRAWN BY:	
			SCALE:	
			DATE:	DWG: ? OF ?



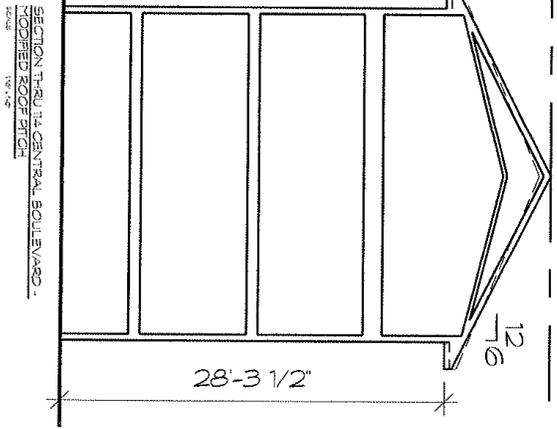
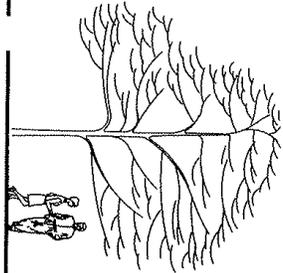
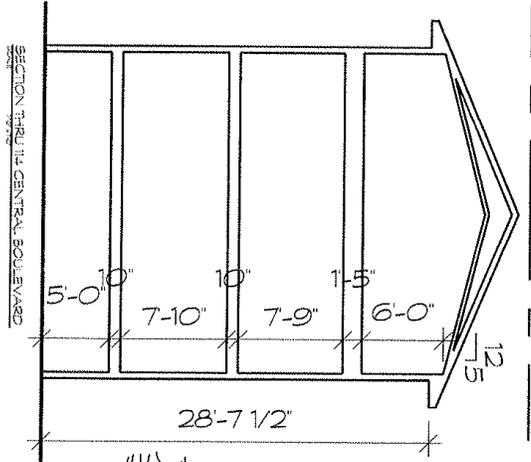
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	TITLE:	LOT DIAGRAM COMPARISONS 25% SIDE YARD VARIANCE	DESIGN BY:	
			DRAWN BY:	
			SCALE:	
			DATE:	DWG: ? OF ?



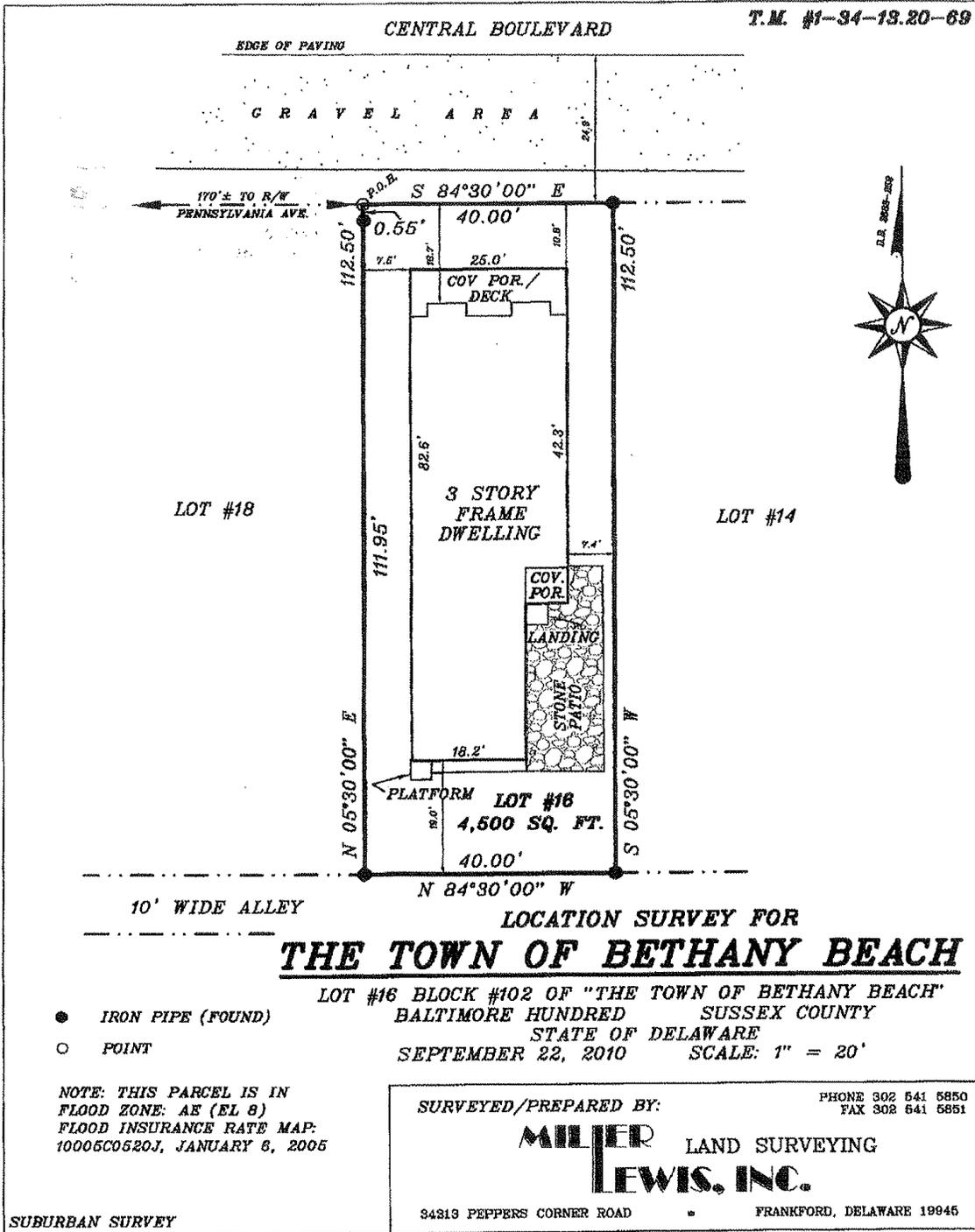
GENERAL TRAINED ARCHITECT

SECTION FOR 114 CENTRAL BOULEVARD
GENERAL TRAINED ARCHITECT

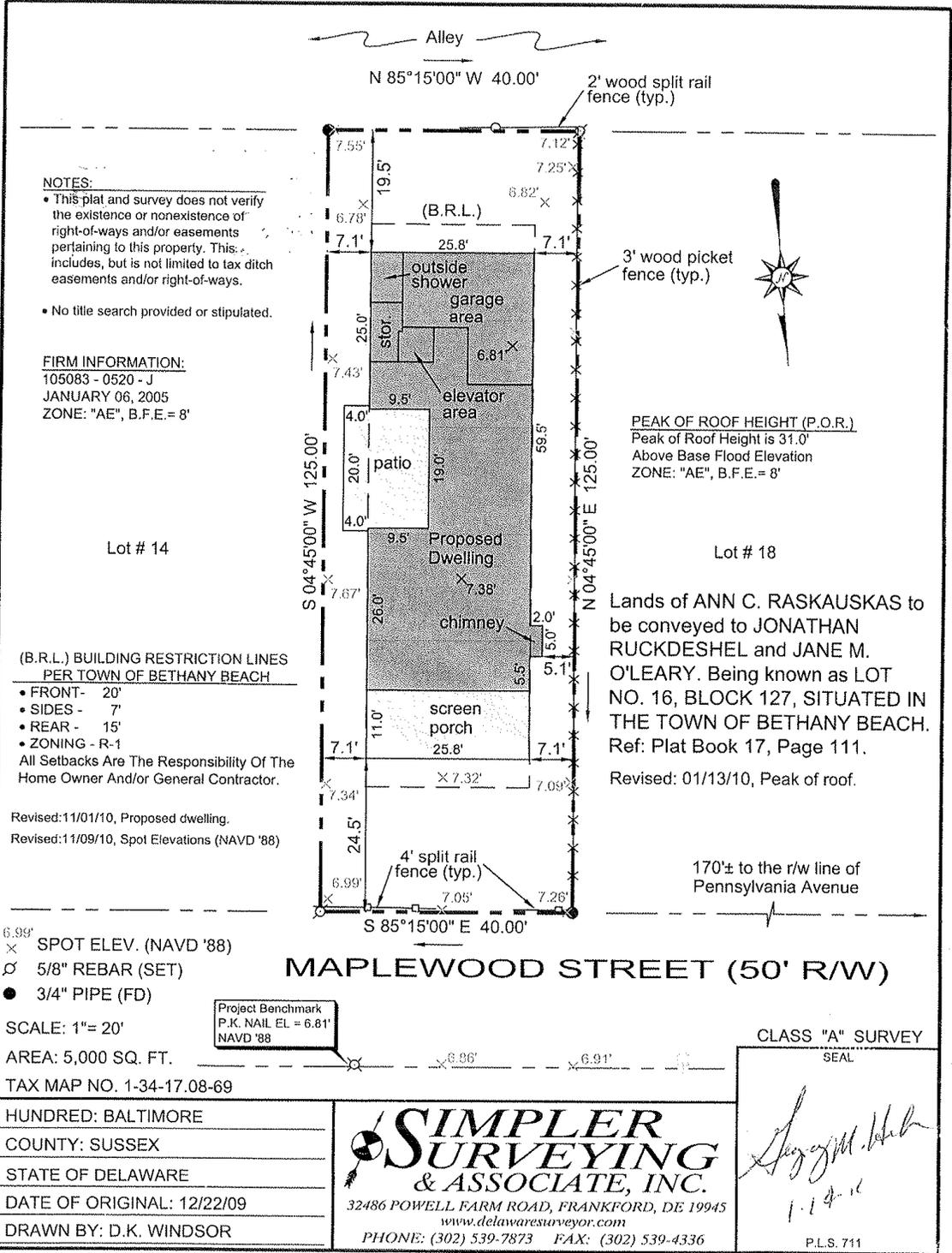
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	TITLE:	114 CENTRAL BOULEVARD EXISTING & 2 1/2 STORIES	DESIGN BY:	SK -2
			DRAWN BY:	
			SCALE:	
			DATE:	DWG: ? OF ?

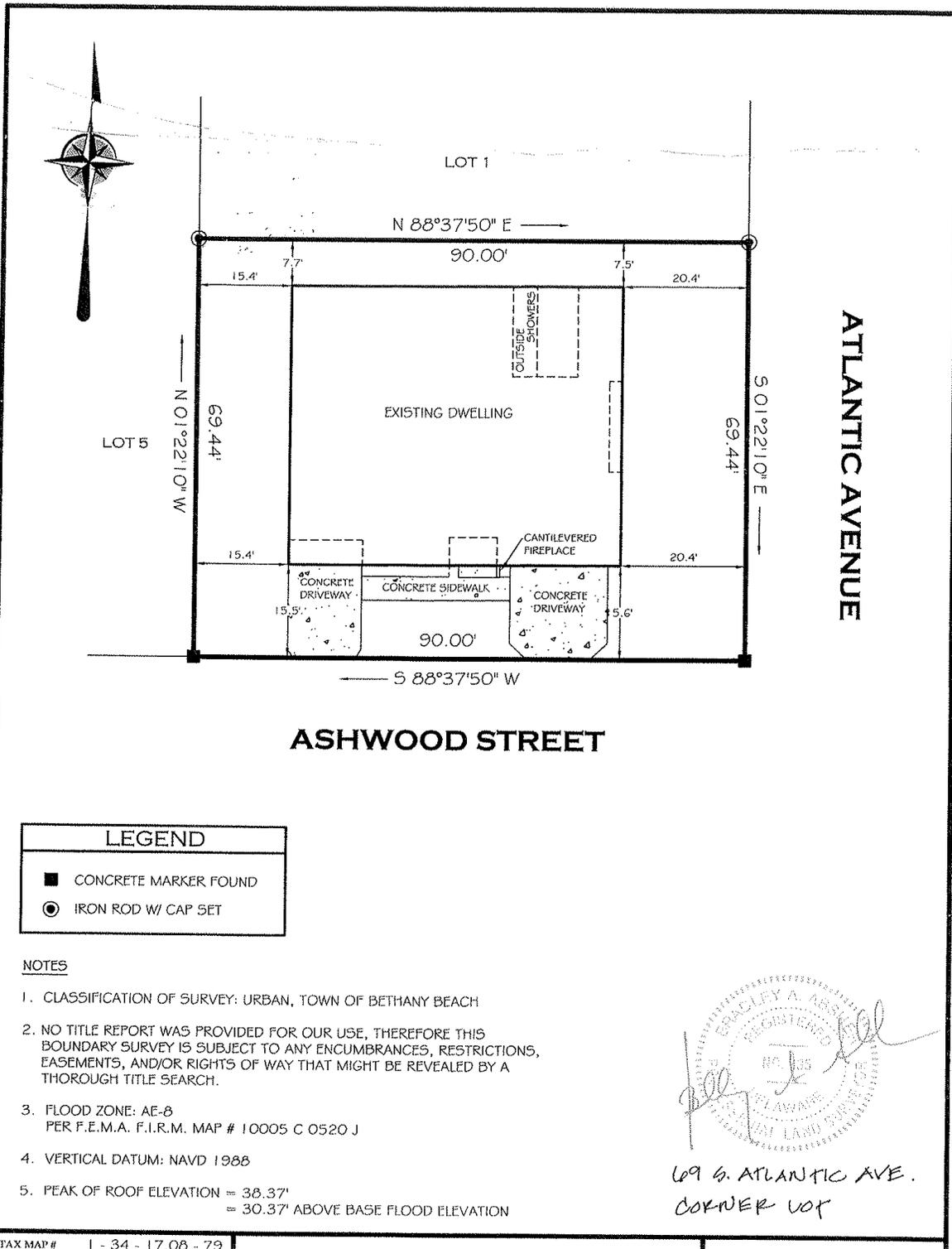


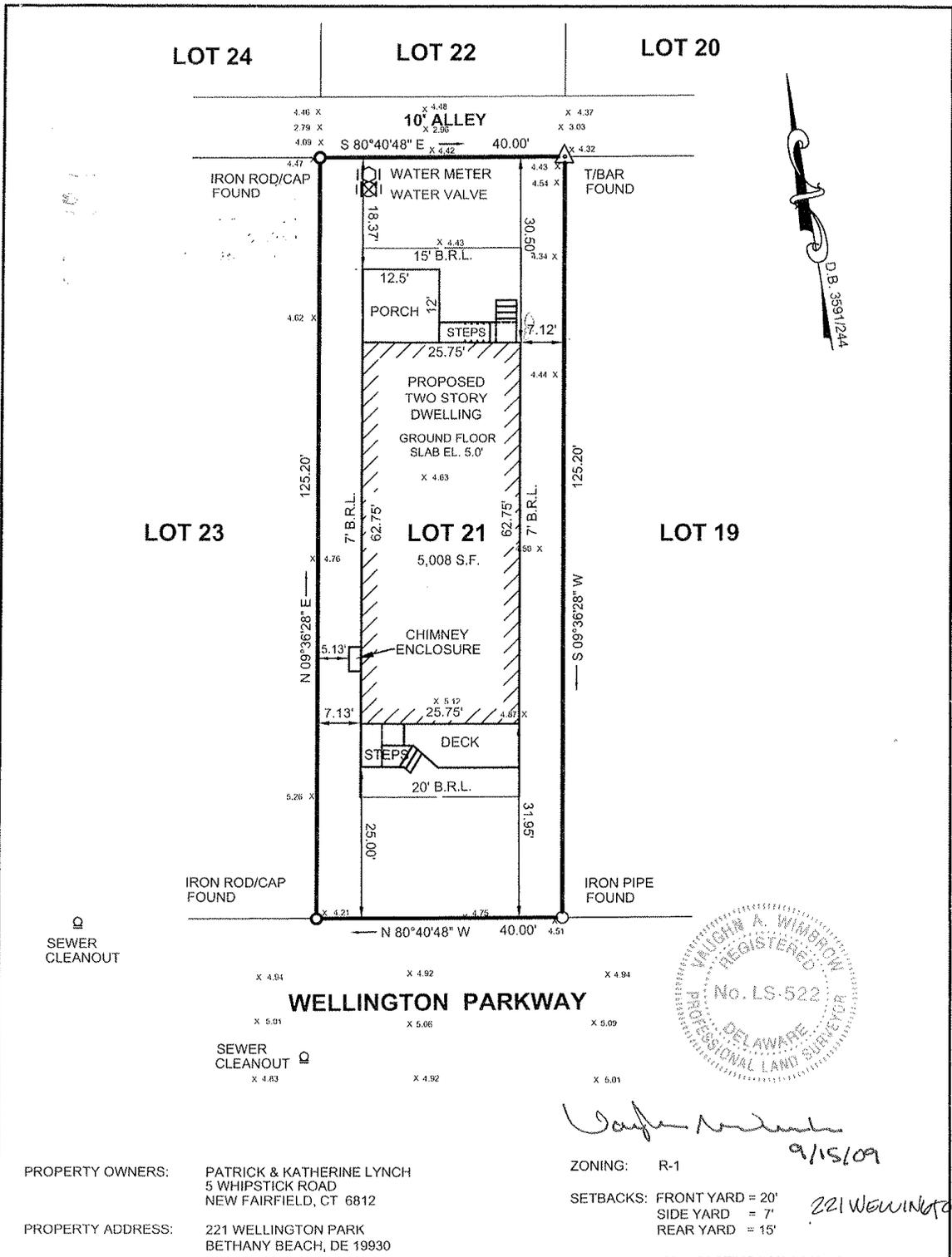
	PROJECT: BULK STUDY BETHANY BEACH	GMB FILE #: DESIGN BY: DRAWN BY:	SHEET NO. SK - 1
	TITLE: 114 CENTRAL BOULEVARD EXISTING & MOD. ROOF PITCH	SCALE: DATE:	DWG: ? OF ?



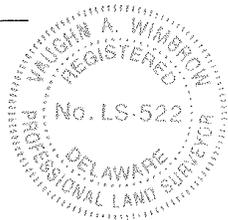
114 CENTRAL BLVD.







D.B. 3591/244



Vaughn A. Wimbrow
9/15/09

PROPERTY OWNERS: PATRICK & KATHERINE LYNCH
5 WHIPSTICK ROAD
NEW FAIRFIELD, CT 6812

PROPERTY ADDRESS: 221 WELLINGTON PARK
BETHANY BEACH, DE 19930

ZONING: R-1

SETBACKS: FRONT YARD = 20'
SIDE YARD = 7'
REAR YARD = 15'

221 Wellington

LOT COVERAGE: EXISTING LOT 5,008 S.F.