

**Town of Bethany Beach  
Planning Commission Minutes  
June 21, 2014**

The Bethany Beach Planning Commission held a meeting on June 21, 2014 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, Chairman, who presided; Mike Boswell; John Gaughan; Fulton Loppatto; and Jerry Morris.

Excused members: Faith Denault

Also present: Council members, Rosemary Hardiman, Joseph Healy, and Margaret Young; Building Inspector, Susan Frederick; Administrative Secretary, Lindsey Good; and interested members of the public.

**OPENING OF MEETING**

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

Approval of Agenda

Mr. Morris made a motion to approve the agenda. The motion was seconded by Mr. Boswell and unanimously approved.

Discussion/Approval of the Planning Commission Minutes of April 25, 2014

Mr. Morris made a motion to approve the minutes dated April 25, 2014. The motion was seconded by Mr. Gaughan and unanimously approved.

Announcements/Comments/Updates

***Non-Residential Design Review Update (Denault/Killmer)***

Mr. Killmer reported the following:

There was a Non-Residential Design Review Committee meeting held on May 30<sup>th</sup>. The following applications were approved: 1.) “Beach Break Art” submitted an application for a new door window sign and hanging suspension sign. 2.) “Comics and Gaming” submitted an application for a new wall sign in an existing sign box with a new face and a new door window sign. 3.) “Dream Weaver” submitted an application for a new wall sign in an existing lighted box and window signs. 5.) “Pie” submitted an application for two new wall signs.

***Comments/Updates Regarding the June Town Council Meeting***

Mr. Killmer reported the following:

The Town Council meeting that was held yesterday at 2:00 p.m. was a brief meeting. The following items were discussed and voted on:

- Council voted to hold the Town Council Election on Saturday, September 6<sup>th</sup>, 2014 from 12:00 p.m. – 6:00 p.m.
- Council Voted to hold the Town Council Reorganizational meeting on Monday, September 15<sup>th</sup>, 2014 at 10:00 a.m.
- The following Election Board and Election Officers were appointed:

Board of Election:

Charles McMullen, Chair

Chris Aumiller

Philip Rossi

Election Officers:

Faith Denault, Inspector

Christine Connor, Judge

Cathy Davis, Judge

Suzanne Evans, Judge

Lonny Moore, Judge

Dean Sissler, Judge

Susan-Street Wingate, Judge

Joan Thomas, Judge

- The Final Annual Assessment List was approved.

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

There were no comments or questions at this time.

**PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION**

There were no comments or questions at this time.

**NEW BUSINESS**

***Discuss Proposed Ordinance to Add A New Chapter 425-26 Entitled “The Regulation of Residential Bulk Density in the R-1, R-1A and the R-1B Zoning Districts” to the Town Code of the Town of Bethany Beach***

Mr. Killmer expressed his appreciation to all of the representatives of the building trade industry that attended this meeting to provide input on the proposed ordinance regarding residential building mass, bulk and scale. He stated that this is one of last drafts before the final draft is presented followed by a PowerPoint presentation, which will be sent to the Town Council for

their review and consideration. The Commission is encouraging any suggestions or comments from architects, designers, residential builders and developers. All of those in attendance were introduced to the Commission at this time.

Mr. Killmer explained that for over the past year, the Commission has been reviewing the Bethany Beach Zoning Code and how it currently regulates mass, bulk and scale of residential construction and how it may be improved to address recent concerns over a building's appropriate compatibility within a neighborhood. For the first time trade-offs are being considered to be included in this ordinance, to control bulk density of new residential structures, while also allowing property owners, designers and builders to have options and encouraging architectural diversity when designing new homes.

Mr. Gaughan stated that the Commission has used the approach of inviting representatives of a particular industry to review proposed legislation. Two recent examples are geothermal and solar power in which industry representatives made positive inputs regarding the final draft of the approved legislation. It was found that input from professionals was very valuable to ensure that any decisions moving forward provided flexibility for standards. He encouraged those who are in attendance to provide ideas and alternatives to help the Commission clearly understand their concerns and to suggest a way for the Commission members to accommodate those concerns.

Mr. Killmer opened the discussion to the public at this time.

Scott Edmonston, Architecture Studio, expressed that he feels there needs to be more variation in roof pitch; a maximum should be set for the roof height.

Mike Cummings, Miken Builders, suggested that the main issue with updating the Town Code is that many people are resistant to change. He added that when houses have a more commercial appearance rather than residential, they do not conform to the cottage-style houses in the Town.

Ms. Frederick noted that in the original PowerPoint presentation, she presented a diagram and a positive example of a house with reduced bulk as a result of the eave line being lowered, encouraging the use of dormers.

The following concerns and suggestion were addressed to the Commission: 1.) The verbiage "half floor" be clarified to explain that it is in reference to the height of the planes. 2.) On Page 4 under "Options to Minimize Residential Bulk Density For New Construction and Residential Additions", the verbiage "two and a half stories" be removed because it is too restrictive. 3.) Develop incentives for having a front porch. 4.) Create a percentage requirement, although not a specific percentage requirement. 4.) Create parking space incentives.

Mr. Killmer advised that it would be a great help if written recommendations for the proposed ordinance be submitted to the Commission.

Mr. Killmer questioned if there is a cost difference between building a boxy house versus an architectural structure. Lauren Alberti, a Bethany Beach realtor, replied that structures that are

straight up and down are less expensive to build than a structure with detailed cut-outs, adding that houses don't typically cost as much as the lots.

Mr. Boswell questioned if the issue seen more often is related to working with customers and explaining what they are permitted to build on the lot. Greg Hastings, designer, replied that in most situations he is viewed as the "bad guy" from the customer's point of view, since he has to relay the construction regulations. He added that most customers aren't aware of what the regulations are until they begin the building process.

Ms. Alberti stated that she is involved with the removal of houses and the renovation of houses. She advised the Commissioners that if they prefer specific design elements, they should be directive and descriptive instead of simply making a suggestion. If the ordinance is not clear and concise, the issue will not go away. Mr. Killmer replied that this technique has been attempted before, but mandatory restrictions are not successful.

Mr. Killmer stated that he appreciates all who attended this meeting and provided input. The Planning Commission will hold one more meeting and present a PowerPoint presentation of the Commission's final draft document. He asked for any suggestions to be submitted to Ms. Frederick no later than August. Mr. Gaughan noted that it would also be helpful for the building industry professionals to provide an "A B C D or F" grade on the draft ordinance, and he looks forward to hearing any input.

It was suggested that that since many people are resistant to change, to take small steps towards changing the ordinance.

#### **SUMMARY OF ACTION ITEMS**

- A. The representatives of the trading industry who were in attendance at today's meeting will submit suggestions for the proposed ordinance on Residential Bulk Density.

#### **ADJOURN**

Mr. Morris made a motion to adjourn the meeting. Mr. Boswell seconded the motion and it was unanimously approved. The meeting was adjourned at 10:35 a.m.

The next meeting is scheduled for July 19, 2014 at 9:00 a.m.

Respectfully Submitted:

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Lindsey Good, Admin. Secretary