

**Town of Bethany Beach
Planning Commission Meeting
May 16, 2016**

The Bethany Beach Planning Commission held a meeting on Saturday, May 16, 2016 at 9:00 a.m. in the Town Meeting Room.

Present: Lew Killmer, Chairman, who presided: Mike Boswell, Diane Fogash; John Gaughan, Fulton Loppatto; Jerry Morris and Susan Frederick (Building Inspector).

Also present: Lisa Kail, Administrative Assistant and interested members of the public.

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

Approval of the Agenda

Ms. Fogash made a motion to approve the agenda. Seconded by Mr. Morris, the motion was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of March 21, 2015

Approval of the minutes was tabled until next month's meeting.

Announcements/Comments /Updates

There were no announcements.

Non-Residential Design Review Committee Update

Mr. Killmer advised that the Non-Residential Design Review Committee met earlier this month and approved three (3) applications as follows:

- Ms. Jean Baldwin, tenant at 108 Garfield Parkway requested a new sign in an existing light box for her new business called "All About the Beach".
- Ms. Dana Banks, tenant at 98 Garfield Parkway requested a new hanging sign and a number of window signs for her business called "Dana's Pantry.
- Anna and Jason Nguyen, tenants at 776 Garfield Parkway requested to replace two existing lighted box wall signs for their new restaurant, "Zen Saigon Restaurant."

Mr. Killmer noted that on May 29th, the Committee will review and application submitted by Mr. Matt Merrick, tenant at 97 Garfield Parkway for a new hanging sign for a new business called "The Jetty Deli."

Comments/Updates Regarding the May Town Council Meeting

Mr. Killmer advised that at yesterday's Town Council meeting, the Council held two (2) first readings on ordinances dealing with windblown and temporary signs. The Council voted to accept ownership of Garfield Parkway from the State of Delaware and also voted to approve an amendment to the Schedule of Fees dealing with water impact fees.

Public Comment/Questions for the Planning Commission

There were no comments.

Final Attempt To Obtain Public Comment Regarding The Proposed New Ordinance Regulating Residential Bulk Density

Mr. Killmer advised that the Planning Commission has been working on this ordinance for the past two (2) years. There have been four (4) public hearings on the ordinance as well as a detailed PowerPoint presentation. This is the last attempt for the Planning Commission to hear public comments on the ordinance. The Commissioners want to hear what people like and/or dislike about the ordinance. After today's meeting, it is the Planning Commission's hope that this will be moved forward to the Town Council. The Town Council will need to have a public hearing before it can be presented for adoption.

Mr. Greg Hastings, Hastings Associates, LLC, from Ocean View, DE was recognized. Mr. Hastings presented the Commission a set of varied designs that comply with the regulations in the proposed ordinance. He also showed them a design that follows the existing ordinance. The designs were prepared using a current client's wish list for a home and how the new ordinance would affect them. *(Note: Copies of the drawings are available at Town Hall.)*

Mr. Hastings asked who is pushing this ordinance. He explained that, in his opinion, nobody has attending the meetings regarding this ordinance, because nobody feels that a change is needed to the current building regulations. Change has happened with the size/style of homes, because three (3) generations are vacationing and sharing one home in Bethany Beach. He asked why the Planning Commission is trying to control the size and aesthetics of homes.

Mr. Killmer advised that since 1975, there has been a significant increase in year-round population. IN 1975, most properties were rentals owned by investors. People are living here now and year-round residents do not want to have a McMansion next to them.

Referring back to the drawings, Mr. Hastings noted that his clients would like 7 (seven) bedrooms, 7 (seven) bathrooms and an elevator. Using the newly proposed ordinance, the size of the house would dramatically reduce. He also thought that there were contradictions throughout the ordinance.

Mr. Killmer explained that trade-offs are provided in the ordinance.

Mr. Gaughan explained that the idea here is to get suggestions from developers and architects that the Commissioners can incorporate into the ordinance.

Mr. Loppatto added that the Commissioners want people to be able to build a nice house with useful space and make them look attractive. The big box style homes being built today are not attractive.

Mr. Hastings explained that he agreed with the mission, but investors want the most space and most bedrooms they can get.

There was a discussion about family's needed 7 (seven) bathrooms in one house and whether or not the Town should regulate this. It was pointed out that there are other communities that regulate the number of bathrooms. Could be an option.

Mr. Gaughan stated that limiting bathrooms seems too intrusive. The Town should not tell a property owner how many they can have. It is their space and they should be able to do what they want. Parking spaces regulations are okay. Who is he to try to impose that on somebody that spent a million dollars on a piece of property. Having said that, he knows that other communities limit them.

Susan – Don't want to limit people. Overshadowing adjoining properties. Little houses with a giant house next to it. Wants things to fit in scale with the neighborhood and be respectful of their neighbors.

Hastings – Need curb appeal in front. Focus should be how can we implement means and ways that the front has more character. Put in language that you have offsets and those plains – have good direction, but the percentages need to be expanded. Step encroachment. Taboo here is step encroachment. Allowed for 42 inch max step. Front entrance on second floor. You don't want a 42 inch max step. Embellish on that. Allow them further encroachment. 42 inches is too narrow.....Wider steps with a curve landing.....would be an option.

Marnie – six foot stair case should be allowed if it is in-keeping with the house. There is a proportion in design that can be done.

Do an average for steps. There is a practical plan. Agrees with Greg and Marnie.....Identifying connection to front of house. Give us leeway

Marnie, Greg and John are to work on parameters.....agrees with concept, but want to be able to give clients options while keeping BB character. Code is confusing. Houses are being used as examples are built by current code.....

Morris – percentages and steps – can you work on it

Lew – Not trying to be adversarial – trying to be accommodating for people who live here.....You have sixty days or we are moving on.....

Boswell – Redline what you think we should change.....Will meet again and try to work together on this.

Bill Leager – property owner – big family – his dad recently retired – protecting people from homes that are being used as investment. Bought a box. It would comply with new regulations. Redesigned the house. The new FEMA regulations had to rebuild the home. His parents had to be one the first floor. FEMA regulations passed very quickly. His property value took a hit. When this ordinance passes, many properties will be devalued. Those large homes are here.....They are here now.....This isn't really going to change the look of the Town.

John Hendrickson, history – lot sizes are too small.....how land perked.....made the rules for how many bedrooms.....BB zoning ordinance is one of the least restrictive....side yard setbacks small.....This is an economic problem. People will go some place else....Tired of boxes....This ordinance gives and takes.....All we design is the front....Likes the idea of top floor being reduced. Don't restrict bathrooms.....1/2 of them cheat and will put it in anyway. If they want 7 bedrooms, they should have them. People need bigger homes. Inverted floor plans are nice. Don't think clients will go somewhere else. Good design challenge. It is going to cause hard feelings and change property values.....Battling FEMA for 2 years.....Likes the idea of tradeoffs. Let's do something about the steps. Need to know where the front door is. Big boxes – can't tell. In support of this, but his clients....As long as they give – maybe give more....

Gaugan – please give ideas for sides of the house also – not just the front of the house.

Hendrickson – setbacks need to be looked at. 1600 sq. ft. most new houses have elevators.

Elevators are the new thing....Side elevations are

Steps, percentage on third floor, other trade offs, (Morris) recommendations.....Have input before we have meeting.

Lew – will have a meeting in August 22 will be meeting. First week of August PC members to review the information – August 8th – 2 weeks before the meeting. Wants this to be successful.

Proposal To Remove Section §454-4(E) From The Town's Code.

Section 453-4 (E) – Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a flood hazard map, the area shall be considered as special flood hazard area.

If not removed this would mean that properties in non-flood hazard areas would have to be considered the same as those in adjacent Special Flood Hazard Areas (SFHA). This would mean that nearly all of Bethany Beach is in a SHFA.

. Take out - Morris/Gaughan

Update Section §454-21(D) of the Town Code

All new construction of buildings and structures and substantial improvements to existing buildings and structures, that are to be located in SFHA shall meet the following requirements:

(D) Electrical systems, equipment and components, and heating, ventilating, air conditioning and plumbing appliances, plumbing fixtures, duct systems and other service located at or above the elevation of the lowest floor.

B. Get a much reduced insurance rate..... Gaughan (as amended) /Fogash

in the bottom of any ductwork shall be at base flood elevation plus eighteen (18) inches. This must be included in the ordinance in order to receive FEMA credit for freeboard.

Update Section §453-24 (B) of the Town Code That Eliminates Freeboard Requirements For Gas Or Liquid Storage Tanks.

Above ground tanks in SHFA shall be elevated and anchored to or above the base flood elevation plus 18” or shall be anchored at-grade and designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

Tabled – Susan to check on wording

Update Section §453-28 Accessory Structures To More Clearly Define When Accessory Structures Must Comply To The Updated Flood Damage Prevention Ordinance.

Exempt all of the requirements listed under §453-28 (A-G) for accessory structures that are two hundred (200) square feet or less.

D. Susan read list of accessory structures into the record – Morris less than 200 square feet should be considered.....Tabled – Susan and Lew will talk

Update Section §425-16D (2-3) of the Town’s Zoning Code to Permit Fences In Residential Zoning Districts to Have a New Maximum Height of Four (4) Feet Six (6) Inches From the Previous Maximum Height of Four (4) Feet.

(2) Fences bordering side lot line. No fence or portion of a fence bordering or parallel to a side lot line shall exceed **four (4) feet six (6) inches** in height, and any portion of a

fence bordering a side lot line which is within two feet of a front lot line shall be graded to match the height of any fence bordering the front lot line.

(3) Fences bordering the rear lot line. No fence or portion of a fence bordering

E. BOA hearing.....perimeter fence for the fence for the pool.....perimeter fence in Town is limited to 4 ft. pool requirements are 4 ft. 6 inches.....instead of having two fences.....Change maximum height for 4.6 inches.....Gaughan/Fogash....

Morris making them one sentence.....??? Leave alone.....Yba

10:50

Subdivision next month