

MINUTES: Public Hearing of the Board of Commissioners of the Town of Henlopen Acres held on Friday, October 12, 2012 at 9:00 a.m. at Town Hall, 104 Tidewaters in Henlopen Acres, Delaware.

PRESENT: David L. Hill Mayor
Andrew Brittingham Commissioner
Frank Jamison Commissioner
David Lyons Commissioner
Winifred W. Kee Commissioner
John Staffier Commissioner
Beatrix Richards Commissioner
Thomas A. Roth Town Manager
Glen Mandalas Town Solicitor
Diane Beebe Rehoboth Art League
Dick Poole 76 Pine Reach
Elizabeth Poole 76 Pine Reach
Christine Moore 14 Tidewaters
Sheila Bravo Rehoboth Art League
Tim Hidell 96 Tidewaters
Jean Stakias 51 Tidewaters
Herb Wilgis 35 Pine Reach
Jane Wilgis 35 Pine Reach
Maurice Lewis 65 Pine Reach
Julie Lewis 65 Pine Reach
Hetty Hertrich 7 Dodd's Lane

1. **Public Hearing**

Mayor Hill called to order the Public Hearing at 10:00 am. Mr. Mandalas said that this was a zoning amendment. It was published with 15 days advance notice in a paper of general circulation in town. Mr. Mandalas read the ordinance for the record, "An Ordinance to Amend Chapter 130 of the Municipal Code of Henlopen Acres, Delaware, By Amending Section 130-4 Relating to the Definition of "Under Roof." Whereas, the Mayor and Commissioners of the Town of Henlopen Acres find that the regulation of lot and building requirements contribute to the peaceful enjoyment of the Town; and Whereas, the Mayor and Commissioners of the Town of Henlopen Acres desire to clarify which areas should be considered when calculating square footage for the purposes of the Town's lot and building requirements. Be it Ordained, by the Commissioners of the Town of Henlopen Acres, in session met, in the manner following to wit: Section 1. Chapter 130, Section 130-4, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended, be and the same is hereby further amended by inserting alphabetically into Section 130-4(B) a definition of "Under Roof" as follows: Under Roof, All areas including but not limited to, areas covered by a traditional roof with or without pitch or slope and areas whether or not enclosed by walls under cover of a deck or structure above that has been finished to protect the area below from weather. It shall not include areas subject to weather due to a permeable deck or structure above, or any unimproved area. Section 2.

This Ordinance shall become effective immediately upon its adoption by a majority vote of the Commission of the Town of Henlopen Acres.”

Mayor Hill stated that this amendment, that came as a suggestion from the Zoning Officer and Town Manager, and does not relate to any particular matter currently before the Zoning Officer or Commissioners. It is an effort to try and clarify what is or is not included in the permissible 6,000 square feet.

Mr. Dick Poole, 76 Pine Reach asked how this issue came to the attention of the Zoning Officer and Town Manager. Mr. Roth responded that the question has come up in projects being reviewed over several years. There has been some ambiguity whether covered decks are included as square footage. This Ordinance clarifies that ambiguity.

There was no further public comment and the public hearing was closed at 10:07 am.

Approved: January 11, 2013