

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

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MINUTES: Meeting of the Board of Adjustment of the Town of Henlopen Acres held on Thursday December 18, 2014 at 10:00 a.m. at Town Hall on 104 Tidewaters in Henlopen Acres, Delaware.

PRESENT:	Bob Stevens	Board of Adjustment Chairman
	Marshall Jones	Board of Adjustment
	Kathy McGuinness	Board of Adjustment
	Tim Hidell	Board of Adjustment
	Barbara Shortley	Board of Adjustment
	Thomas Roth	Town Manager
	Lisa Michaels	Town Clerk

1) Call to Order

Chairman Bob Stevens called the meeting to order at 10:00 am. He handed out a roster to each board member with all the members' contact information. Mr. Tim Hidell requested his contact information be changed to include his cell phone number as the primary contact and not his home phone number.

2. Nomination and Election of Chairman and Secretary

Mr. Stevens was nominated to be Chairman by Ms. Barbara Shortley and seconded by Mrs. Kathy McGuinness. Motion passed.

Mr. Marshall Jones was nominated as Secretary by Mrs. McGuinness and seconded by Ms. Shortley. Motion passed.

3. Review and Approval of the Minutes-January 10, 2014

Mr. Jones reviewed the minutes and had two corrections. Page four paragraph three there is a name correction from Mr. Marshall to Mr. Jones. Page five paragraph two the word "to" should precede the word "go". Mrs. McGuinness made a motion to approve the minutes as amended and it was seconded by Ms. Shortley. Motion passed.

4. Review and discussion of Board of Adjustment procedures, forms and administrative matters.

Mr. Stevens reviewed the meeting packet with the Board. He handed out an amended Procedure for Hearing Form (which was reviewed by the Board of Adjustment Attorney, Mr. Berl). He reiterated the need for a recording device to be on at all times during a hearing. Any application made to the Board of Adjustment must meet the standard of an exceptional, practical difficulty in order to be approved by the Board of Adjustment. Mr. Stevens added that most challenges of Board of Adjustment decisions are because a

board member or members didn't properly articulate their reasoning for making their decision. To win a decision from the Board of Adjustments, the applicant must have votes from a majority of all members, which is three in our case.

Mr. Stevens encouraged each member of the Board to attend the training seminar in Dover next year. The Town has DVD's of the seminar. He also reminded the Board that Rehoboth Beach holds their Board of Adjustment meetings the fourth Monday each month and felt attending one would be a good learning experience for each member.

The Town has not had a Board of Adjustment meeting in almost a year and Mr. Stevens attributes that to the excellent job being done by the Town Manager, Mr. Thomas Roth and the Zoning Officer, Mr. Dick Kollar. He also felt the fee of \$1000 to have a case heard by the Board may also be a factor.

5. Future Meetings

A tentative schedule was included in the meeting packet. Mr. Stevens asked the Board members to review the schedule and let him know if there are any conflicts. Mr. Hidell requested the May meeting be changed because it conflicted with the training seminar being held in Dover that he plans on attending. Mr. Roth will make the change.

Mr. Stevens discussed with the Board that he reviewed last years building permits with Mr. Kollar. There were 52 total permits issued of which only five were new construction and the other 35 were minor renovations.

Mr. Jones reminded the Board members that cases presented to them for review cannot be discussed outside the formal hearing, which must be recorded. The Board members cannot go to the property in question and look at the issues being reviewed.

6. Adjournment

A motion to adjourn was made by Mrs. McGuinness and seconded by Ms. Shortley. The meeting was adjourned at 10:27am.

Approved 02/02/2016