

MINUTES: A Public Hearing was held prior to the regular Quarterly Meeting of the Board of Commissioners of the Town of Henlopen Acres held on Friday, July 8, 2011 at 10:00 a.m. at Town Hall on 104 Tidewaters in Henlopen Acres, Delaware.

PRESENT: Wanda Davis Mayor
David L. Hill Commissioner
Beatrix Richards Commissioner
Frank Jamison Commissioner
David Lyons Commissioner
Thomas A. Roth Town Manager
Sharon Karl Town Clerk
Glen Mandalas Town Solicitor
Katherine McNeilly 55 Rolling Road
Tom Ingram 60 Tidewaters
Gail McDermott 7 Pine Reach
Martin Clark 59 Tidewaters
John Scheurer 62 Tidewaters
Henry DeWitt 55 Fields End

ABSENT: Winifred W. Kee Commissioner
John Staffier Commissioner

1. Public Hearing

Mayor Wanda Davis called the Public Hearing to order at 10:00 am, regarding an Ordinance to Amend Chapter 130 of the Municipal Code of the Town of Henlopen Acres, by amending Section 130-58 relating to the Building Height Restriction. This amendment is to unify and coordinate the language in the code changing the phrase “Living Area” to “Floor Area”. Mayor Davis opened the floor for comments on the proposed amendment.

Mr. Mandalas asked Mr. Roth to confirm that public notice was given fifteen days in advance since this is a Zoning Change. Mr. Roth confirmed.

Mr. DeWitt, 55 Fields End requested that the purpose of this change be explained to him. Mr. Roth said that this change request came from the Planning Commission. Mr. Roth said that currently §130-58 reads; “Height restriction – No building shall exceed 30 feet in height as determined in §130-4, definition of “height,” and in no event shall any building have more than two floors above grade for living area.” The term “living area” is not a defined term in our Code and in several ways it conflicts with flood plan regulations. The Planning Commission concluded that it would be more clear to change the terminology from “living area” since “floor area” is a defined term in our Code under §130-4.

Mayor Davis said that two e-mails were received on the matter. One was from Mr. Coleman, 12 Tidewaters. He said that the term “floor area” needs to be clearly defined. Another e-mail was received from Mr. Stevens, 66 Fields End saying that he agreed with Mr. Coleman.

There were no further comments on the proposed amendment.

Mayor Davis closed the Public Hearing at 10:09 a.m.

Approved: _____, 2012