

# Town of Henlopen Acres

104 Tidewaters  
Henlopen Acres, DE 19971

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**MINUTES:** The Commissioners of the Town of Henlopen Acres held a Public Hearing at **10:00am on Friday, June 8, 2018** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

<b>PRESENT:</b>	Joni Reich	Mayor
	John Staffier	Commissioner
	Andrew Brittingham	Commissioner
	Frank Jamison	Commissioner
	Tim Hidell	Commissioner
	Beatrix Richards	Commissioner
	Thomas Roth	Town Manager
	Lisa Michaels	Town Clerk
	Glenn Mandalas, Esq.	Town Solicitor
	Barbara Shortley	59 Pine Reach
	Richard Thompson	44 Rolling Rd
	Bob Stevens	66 Fields End
	Wendy Jacobs	24 Rolling Rd
	John Scheurer	62 Tidewaters
	Karyn Bolland	5 Dodds Lane
	Chris Flood	Cape Gazette

## **[The Minutes are Not Verbatim]**

### **1. Call to Order-**

The Public Hearing was called to order at 10:01 am by Mayor Joni Reich.

- 2. A public hearing will be conducted by the Mayor and Commissioners to hear comments relating to a proposed ordinance amending Chapter 130 of the Municipal Code. This ordinance would amend Section 130-12 by adding subsection F., “Legally nonconforming fences may be repaired or replaced”; and adding subsections, “(1) A fence being replaced must be erected in the same location”, “(2) Any change in material must be approved by the Environmental Approval Committee”, “(3) A fence nonconforming in height must be replaced in compliance with the current Code”, and “(4) A nonconforming fence being replaced will remain legally nonconforming”.**

Mayor Reich began the Public Hearing by reading the proposed Ordinance in its entirety and sharing with the Commissioners the two written comments received from residents Andrew Cherner, 68 Pine Reach and Bob Stevens, 66 Fields End.

Ms. Reich also gave some background on the current Code, which since 1999, only allows fences in yards that have pools and those fences cannot be visible from the street. There are currently eleven properties in Town that have fences without a pool and are considered legally non-conforming.

**Bob Stevens-66 Fields End**

Mr. Stevens voiced his opposition to the proposed Ordinance and instead feels the Town should require any non-conforming fence be torn down prior to the sale of the property. He feels the non-conforming status was granted to the original property owner only and is not meant to last into perpetuity,

Commissioner John Staffier commented to Mr. Stevens that there are other types of non-conforming structures in Town, and inquired if Mr. Stevens felt they should be required to be removed prior to the sale of the property. Mr. Stevens responded yes.

**John Scheurer-62 Tidewaters**

Mr. Scheurer voiced his strong disagreement with Mr. Stevens proposal and feels the Ordinance should be passed to allow the current fence owners the ability to repair or replace their fence. Furthermore, Mr. Scheurer believes all properties in Town should have the ability to erect a fence in their back yard with strict guidelines and approval from the ERC.

**Karyn Bolland-5 Dodds Lane**

Ms. Bolland voiced her support for the proposed Ordinance. She has a fence on her property that is non-conforming and is in need of repair. Her family purchased the house specifically because it had a fence. She would like the option to replace the fence to create a better aesthetic appearance.

There no other comments and the Public Hearing was closed at 10:15am.

**Approved 07/13/2018**