

**TOWN OF SOUTH BETHANY**  
**BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES**  
**Friday, October 30, 2020 1:00 p.m.**

**This meeting/hearing was conducted electronically pursuant to  
Governor Carney's State of Emergency Declaration effective March 13, 2020.**

PRESENT: Chairman Steve Bunoski, Charlene Sturbitts, Martha Fields, Al Rae, Jimmy Oliver  
TOWN STAFF: Joe Hinks, Code Enforcement Officer and Janet Powell, Town Clerk  
APPLICANT: **Derek and Rebecca Abbott, 134 Petherton Drive, Lot 20, South Bethany, DE**  
ATTENDENCE: Rebecca Abbott, Mr. Leo Scanlon, 129 Brandywine, Mr. James Work, 154 Anchorage Dr.

Chairman Bunoski called the Meeting to order at 1:30 pm. All parties were sworn in who requested testimony during the hearing.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTION 145-38(A)(3) 8 FT. side yard setback requirements of the Code of South Bethany. The Board of Adjustment will hold a virtual Public Hearing to consider the request of the owners at 134 Petherton Drive, Lot 20, South Bethany, an exemption from existing side yard setbacks ranging from 5 inches to 1 Foot 7 inches.

The house was built in 1981 within the setbacks and in compliance with the code. Due to current town code, the left side the house is over the setback by 4 inches. The right side of the home is in the setback; but the stairwell and walkway are currently in excess of 1 foot, 7 inches over the setback.

The Abbotts presented renovations to Joe Hinks, Town Code Enforcer. Since this is a substantial improvement, Mr. Hinks could not approve the renovations to a non-conforming home. Therefore, the Abbotts have requested a variance hearing.

The proposed renovations consist of an extension of the ground level in order to create a foundation for the proposed bedroom additions on the first and second levels. The Abbotts will commit to extend the left side along the existing site-line and will not go beyond the existing footprint of the home. On the right side of the home they would like to extend the existing stairwell down into the backyard; along the side of the home. The current stairwell width does not meet the 3 ft minimum code at the top second floor level due to an overhang, so they would like to correct the width of the stairwell for safety reasons and to comply with the current code.

Janet Powell, Town Clerk received no correspondence regarding this property. Mr. Leo Scanlon said when he raised his house it required a larger stairwell and feels FEMA restrictions and flood plan limits does create an issue with stairwells when you raise your home. Mr. James Work stated his home is an older home and likes the older cottages; but feels renovations to an older home up to town code can be as a struggle, restricted and as expensive as rebuilding.

Since there are no changes in the site-lines; the BOA agreed to support the variance due to Exceptional Practical Difficulty. The hearing was adjourned at 2:03 p.m.

Exhibit 1 Variance application package including letter, plat survey and photos

The BOA also approved the September 4<sup>th</sup> Kathleen Wood and Dolan Sullivan minutes.