

**TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT
PUBLIC HEARING AND MINUTES
SPECIAL EXCEPTION
FRIDAY, NOVEMBER 1, 2019 1:00PM**

PRESENT: Chairman Steve Bunoski, Al Rae, Charlene Sturbitts, Martha Fields, Peter Bogatti
TOWN STAFF: Joe Hinks, Code Enforcement Constable
Janet Powell, Town Clerk/Recording Secretary
APPLICANT: BOA 3-2019 Joan A. Bisson, 245 Bayshore Drive
ATTENDENCE: Applicant Joan Bisson and son, Harrold Bisson

CALL TO ORDER

Chairman Bunoski called the Hearing to order at 1:00pm. All parties were sworn in who requested testimony during the hearing.

APPROVAL OF MINUTES BOA2-2019 Juhring were approved.

CHAPTER 145 ARTICLE VII

§145-28(B) USES PERMITTED AS SPECIAL EXCEPTIONS:

The following are permitted as Special Exception Uses: Temporary structures to accommodate the requirements of physically handicapped persons; provided, however, that any such structure shall be the minimum necessary to meet the clearly described and defined needs of the physically handicapped person, as determined by the Board of Adjustment. Such structure shall require a building permit, the application for which shall be referred to the Board of Adjustment. Such structure shall require a building permit, the application for which shall be referred to the Board of Adjustment. The customary application fees for a building permit and for review and hearing before the Board of Adjustment shall be waived. When the need for such temporary structure no longer exists, the Code Enforcement Constable or Town Manager shall require the restoration of the property to conform with the dimensional setback requirements of Article X of this chapter.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, CHAPTER §145-38A (3) Mrs. Bisson is requesting a side variance of two (2) feet for the construction of code compliant steps.

Ms. Bisson is requesting a side variance of two (2) feet wide on her primary access to her dwelling. She stated she is 86, has had two knees replacements, walks with a cane, walks up the narrow steps sideways and has difficulty carrying items. Her son, Harold Bisson's biggest concern is that emergency personnel would not be able to get up the narrow steps in an efficient and timely manner. Martha Fields explained to her that since she filed §145-28(B) Special Exception, when the property sells, or Ms. Bisson is no longer living there, the steps will need to be removed. The BOA agreed the photos were very informative on describing the steps. It was a unanimous vote, approving of the Special Exception variance. The hearing was adjourned at 1:15 p.m.

Attachments:

Exhibit 1 Application, drawing and survey
Exhibit 2 Letter from her physician, Kenneth DeMarco, M.D.
Exhibit 3 Photos of existing stairs
Exhibit 4 Three correspondence from homeowners approving the Special Exception