

**TOWN OF SOUTH BETHANY  
BOARD OF ADJUSTMENT PUBLIC HEARING  
FRIDAY, DECEMBER 1, 2017 3PM  
MINUTES**

**BOARD:** Chairman Steve Bunoski, Al Rae, Martha Fields, Charlene Sturbitts, Peter Bogetti

**TOWN STAFF:** Joe Hinks, Code Enforcement Constable  
Janet Powell, Town Clerk/Recording Secretary

**APPLICANT:** BOA Application 4-2017, Kelvin D. and Jenene S. Hardy  
Lot 59 and P/O Lot 58, 143 Brandywine Drive

Chairman Bunoski called the hearing to order at 3:25 pm. All parties were sworn in who requested testimony during the hearing.

The hearing is a request for a variance of Article XI, Section 145-38 A (3) side yard setback requirement of the Code of South Bethany, including Section 145-37 Editor's Note. Mr. & Mrs. Hardy, requested a variance from the side yard setback, totaling 5'8" to construct a new home.

Mr. Hinks explained Section 145-37 Editor's Note, Ordinance 121-03 passed in 2004, stating an increased larger size lot will have side setbacks that also increase. A standard lot at 50' width has 8' setbacks on each side; 16' total. A 70' larger lot will have increased side setback of 11'5" on each side; 23' total.

The Hardy's purchase their 1960's rancher in 2001. The home is 70' wide on 8' side yard setbacks, prior to the Ordinance that passed in 2004. Mr. Hardy plans are to tear down the existing home and rebuild a completely new two-story structure. Mr. Hardy is requesting that the property be grandfathered in to the 8' side setbacks that were in existence with the current home.

Town Clerk Janet Powell stated there were no written correspondence for or against the variance. Mrs. Jane Bonbright, 139 Brandywine Drive, was sworn in and stated she had no problem with the Hardy's variance request.

The Board decided since the Hardy's will tear down the existing home and completely rebuild a new structure, they will need to abide to the current town code ordinance.

The Board voted: Mr. Rae, Mrs. Fields and Mr. Bogetti declined the variance request.

Mr. Bunoski and Ms. Sturbitts were for the variance.

Therefore, 3 to 2 DENY of the variance request.

Mr. Hardy left the room at 4:30 p.m.

The hearing was adjourned at 4:35 p.m.

**Attachment:** 143 Brandywine Drive Variance Request  
Survey from Simpler Surveying and Bay to Beach Builders, Inc.