

**TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT
PUBLIC HEARING AND MINUTES
REQUEST FOR SPECIAL EXCEPTION
FRIDAY, JULY 27, 2018 2PM**

PRESENT: Chairman Steve Bunoski, Al Rae, Martha Fields, Peter Bogatti
ABSENT: Charlene Sturbitts
TOWN STAFF: Joe Hinks, Code Enforcement Constable
Janet Powell, Town Clerk/Recording Secretary
APPLICANT: Simon G. Statter, 301 W 5th St, Lot 152, South Bethany, DE 19930
Richard Schooley, Contractor

Chairman Bunoski called the Hearing to order at 2pm. All parties were sworn in who requested testimony during the hearing.

Old Business: Approval of Minutes

The Board of Adjustment approved February 16, 2018 Minutes for J. Allan and Brenda Hossick. Steve Bunoski motioned the approval and Martha Fields seconded.

New Business: Annual Appointment of the Board of Adjustment Chairman & Secretary effective August 1, 2018. Martha Fields moved to elect Steve Bunoski as Chairman. It was a 3-1 vote (Al Rae, Martha Fields and Peter Bogotti for; Steven Bunoski against). The Board of Adjustment committee unanimously voted Town Clerk, Janet Powell as Secretary (4-1 vote).

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTION 145-38A (2) 25 ft. rear yard setback requirements of the Code of South Bethany and CHAPTER 145 ARTICLE VII §145-28(B) USES PERMITTED AS SPECIAL EXCEPTIONS. The Board of Adjustment held a Public Hearing to consider the request of the owners, Simon G. and Judy Statter at 301 W 5th Street, Lot 152, South Bethany, for a SPECIAL EXCEPTION to authorize the installation of a “temporary structure to accommodate the requirements of physically handicapped persons” when approved as a special exception. The Statters are requesting a special exception approval to install a ramp at the property that will encroach into the property’s required 25 ft. rear setback requirements.

Joe Hinks stated the reason for today’s hearing is because Ms. Statter needs access to the rear patio and they would need a temporary handicapped ramp due to Ms. Statter’s physical condition. Mr. Statter stated for the record that Ms. Statter has Multiple Sclerosis and uses a walker.

Upon discussion, the Board unanimously approved the special exception (4-0 vote) by finding that Ms. Statter is a physically handicapped individual that needs access to the back of the home, the ramp will be a temporary minimal structure, and will not encroach on the neighbors.

The hearing was adjourned at 2:20 p.m.

Attachments:

Applicant Exhibit A – Original application, documents and photos from the Statters.

Town Exhibit A – Town of South Bethany Hearing Notices, correspondence to surrounding neighbors.

Town Exhibit B – Five correspondences in favor of the Statters request (not read during hearing).