

**TOWN OF SOUTH BETHANY**  
**BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES**  
**Friday, September 4, 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: **Dolan and Delia Sullivan, Lot 17, 128 Bayshore Drive**  
ATTENDENCE: Dolan Sullivan, homeowner and James Tom Mitchell, 125 Bayshore Drive

Chairman Bunoski called the Meeting to order at 2:05 pm. All parties were sworn in who requested testimony during the hearing.

Pursuant to 22 DEL. C SECTION 327 (A) and Article XI, Section 145-38A (1) 25 Feet front 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 128 Bayshore Drive, South Bethany desire to replace dilapidated steps to current building code in front setback.

Mr. Joseph Hinks stated the home at 128 Bayshore Drive is an older home built around 1984 and is encroaching on the front setback; making the home non-compliant. The request for the new construction replacing the existing entrance will also be non-compliant; but will provide up-to-date safety code.

Mr. Sullivan is requesting a variance to the front yard setback requirement for an existing non-conforming home. The intention is to tear down the existing front entrance way and rebuild a new entrance way that conforms to safety codes and will provide safer ingress/egress to the home.

Mr. Sullivan has submitted two options. The first option consists of a new structure that would be no wider than the existing entrance way (6'3"). The design will be 5'.6" wide by 17'.2" in length. The steps would recess and would begin below the south front window. A gable shed style rood would be constructed above the landing and run the length of the front of the house, 24'.3. This new landing will allow for a safe entrance/exit and provide a sitting area.

The second option would consist of a landing area no wider and no longer than the existing structure. It would provide ingress/egress from two sides via stairs. Stairs would finish to a landing area and would not extend beyond either end of the house. A gable shed style roof would be constructed above the landing an extend to cover the landing area.

Janet Powell, Town Clerk received no correspondence regarding this property.

Upon deliberating on the two options provided, four BOA members: Chairman Bunoski, Martha Fields, Charlene Sturbitts and Jim Oliver voted for Option One, the larger entrance structure. Mr. Rae voted for Option Two, creating a new structure based on the measurements of the existing structure. The vote was 4-1, in favor of Option One; the larger entrance structure.

The hearing was adjourned at 3:50 p.m.

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