

TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES
Friday, December 10, 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
ABSENT: Jimmy Oliver
TOWN STAFF: Joe Hinks, Code Enforcement Officer and Janet Powell, Town Clerk
APPLICANT: **BOA #7 - Edward Turulski, 204 Carlisle Road**
ATTENDANCE: Edward Turulski, Sara Long on 205 Carlisle Road, Dr. Tanenbaum, 148 Henlopen Dr.

Chairman Bunoski called the Meeting to order at 1:00 pm. All parties were sworn in who requested testimony during the hearing. Steve Bunoski motioned to approve the Keefe/Stefani minutes and the Abbott minutes; Charlene Sturbitts seconded the motion.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTION 145-38(B)(1)(3) 25 FT front yard setback and 10 FT side yard setback requirements of the Code of South Bethany. The Board of Adjustment will hold a virtual Public Hearing to consider the homeowner's request for a 1 FT 6 INCHES (1'6") front yard variance and approximately 7 FT for a side yard variance on the existing home.

Mr. Turulski presented to Joe Hinks a building permit application for an addition which would be compliant to current code. Upon reviewing the 2019 Boundary Survey Plan, Joe Hinks could not approve the application due to existing areas in the front and right side of the home that are non-conforming. Since the addition will be a substantial improvement, the two nonconforming areas will need to be compliant prior to approving any additional building.

Town Clerk Janet Powell received one correspondence from John and Linda Whitney, 105 Boone Road stating they are not in favor of the variance request. Mr. Turulski said he discussed the variance with Mr. Whitney explaining the variance and addition. Sarah Long, 205 Carlisle Road and Edward Cackoski, 206 Carlisle Road both called in and said they were in favor of the variance request. The garage on the right side had been there since 1959 and did not bother either homeowner. They both agreed the addition would provide improvements to the home and appearance to the community.

Al Rae, Charlene Sturbitts and Martha Fields said they would consider approving the variance for the front; but would not approve the right-side setback variance; hence denying the total variance request. Charlene Sturbitts was sympathetic to the homeowner and felt the right-side variance could be "grandfathered" in. Mr. Turulski suggested if he demolished the right-side area that is encroaching, would they consider approving the front variance.

Mr. Hinks suggested the ORDER should state: the building permit is good for one year; the Board of Adjustment approved the front encroachment and the garage on the right-side setback of the property shall be conformed to the current code standards prior to the Certificate of Occupancy Issuance. The 2019 boundary survey plan (Exhibit 1) will need to be a revised showing the right side of the home and garage is in compliant to current code standards. The four BOA members voted in agreement with the terms of said ORDER.

The hearing was adjourned at 1:48 p.m.

Exhibit 1	Variance application package including letter, plat survey and photos
Exhibit 2	Correspondence from John and Linda Whitney, 105 Boone Road, South Bethany