

TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT VIRTUAL PUBLIC HEARING MINUTES
Friday, September 4, 2020 1 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: **Kathleen Wood, Homeowner, 414 Periwinkle Road, Lot 86**
ATTENDANCE: Kathleen Wood (Virtual)

Chairman Bunoski called the Meeting/Hearing to order at 1p.m. All parties were sworn in who requested testimony during the hearing. The Hearing minutes for Frank and Susan Proden, Lot 14, 500 N Ocean Drive were approved. Chairman Bunoski welcomed Jim Oliver, newest member of the BOA. The annual BOA election was held for Chairman and Secretary. Charlene Sturbitts nominated Steve Bunoski as Chairman and Martha Fields seconded the nomination. Chairman Bunoski nominated Martha Fields as Secretary and Jim Oliver seconded the nomination.

Pursuant to 22 DEL. C SECTION 327 (A) and Article XI, Section 145-38E (3) Maximum footprint: 1700 square feet, including steps, decks more than six inches above ground level and porches. However, for every lot size over 5,000 square feet, the maximum footprint shall be increased by 20 square feet. The Board of Adjustment will hold a virtual Public Hearing to consider the applicant's request for a small increase in the footprint for purpose of a rear emergency exit.

Mr. Joe Hinks explained that aside from the regular setbacks, there are also footprint setbacks in the Cat Hill section of town where the Wood's home is located. It is not a setback issue, but their home's footprint is maxed. Joe reviewed a 2002 survey that the home is actually 25 sq. ft. larger in footprint than allowed. Ms. Wood's request for an 8x10 deck (80 sq. ft.) and estimating steps at 60 sq. ft. in addition to the already 25 ft larger footprint would total 165 sq. ft. overage of the town code's footprint.

Ms. Wood's requesting a second entrance/exit into her screened porch on her second floor and providing a second exit from her home. Her husband has many health issues and she wants to provide an exit near his bedroom. She is requesting a screened door, an 8x10 deck, stairs along the side of the house and a landing at the bottom of the stairs. The 8x10 deck would provide space in case any emergency services where a gurney can access and enter into the home. The request is within established town code setbacks; but will be an overage in the maximum footprint.

The BOA members felt that the 8x10 deck was not an exceptional practical difficulty and added to the overage of the footprint. The BOA unanimously voted to deny the original request with the 8x10 deck but modified the request to allow Ms. Wood to build a screened door, stairs and an acceptable landing under the Town of South Bethany building code requirements.

Janet Powell, Town Clerk received one email from Jocelyn Cenna, 408 Black Gum Road stating she had no issue with the Wood's request for a small increase in the lot footprint for a rear exit.

The hearing was adjourned at 1:58 p.m.

Exhibit 1 Variance application package including letter, survey and drawings
Exhibit 2 Correspondence from Jocelyn Cenna, 408 Black Gum Drive