

TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES
Friday, May 20, 2022, 1:00 p.m.
This meeting/hearing was also conducted electronically.

PRESENT: Chairman Steve Bunoski; Al Rae; Charlene Sturbitts; Martha Fields; Jimmy Oliver; Barrett Edwards
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Matt Amerling, Town Clerk
APPLICANT: **Paulette Chapman**, 161 New Castle Drive, Lot 68
ATTENDENCE: Paulette Chapman; Elizabeth Fediay, 162 New Castle Drive; & Danila Weatherly, 160 New Castle Drive

Chairman Bunoski called the Meeting to order at 2:55 p.m. All parties were sworn in who requested testimony during the hearing.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTION 145-38(A)(1), TWENTY-FIVE (25) FT front yard setback requirements of the Code of South Bethany. The Board of Adjustment will hold a Public Hearing to consider the homeowner's request to move her house forward, encroaching twelve inches (12") into the front yard setback.

Town Clerk Matt Amerling stated the public hearing notice for this meeting was posted on the property (161 New Castle Drive) on April 8, 2022; the notice was published in the *Coastal Point* newspaper on April 8, 2022; it was posted at Town Hall and on four (4) other locations within Town on April 8, 2022; and was sent via certified mail to the property owner and owners of property within a radius of two-hundred (200) feet of the property on April 8, 2022.

Town Code Enforcement Constable Joseph Hinks stated the variance request was to move the house one foot (1') forward into the setback. As part of the renovations, the Property would be brought into compliance with the floodplain regulations.

Ms. Paulette Chapman, of 161 New Castle Drive, stated the request was for a one-foot (1') variance to move the house forward on the Property. The variance represented a 1/25th deviation from the front setback requirement. The result of moving the house forward would be to allow the rear deck to be 60" in order to create the appropriate Americans with Disabilities Act (ADA) turnaround radius in case her mother was someday in a wheelchair. Ms. Elizabeth Fediay, resident of 162 New Castle Drive, was sworn in and testified that she did not object to the variance. Ms. Danila Weatherly, also a resident of New Castle Drive, was sworn in and testified that she had no objection to the variance because it would not negatively impact anyone and the variance should be granted if the ADA regulations require a sixty-inch (60") turning radius. Letters from Ted and Susan Girard, 159 New Castle Drive, and Michael and Elise Loftus, 163 New Castle Drive, in support of the variance request were entered into the record as Exhibit C.

BOA member Jim Oliver asked Ms. Chapman if her goal in applying for this variance to move her house forward one foot (1') into the front yard setback was to create more space for her rear deck. Ms. Chapman stated yes.

Chairman Bunoski motioned to approve a twelve (12)-inch variance as requested by the Applicant. Ms. Fields seconded the motion. Motion denied 4-1 (Chairman Bunoski voted FOR). The majority of the Board concluded the Applicant has not met the standards necessary to demonstrate that an exceptional practical difficulty exists to warrant granting a twelve-inch (12") variance to allow the house to be relocated into the front yard setback. The possibility for the deck to need to be used for a wheelchair in the future is

currently theoretical. Additionally, the variance would include moving the entire house into the setback, which is far more intrusive than just having the deck encroach into the rear setback, of which request the Board previously denied (in part). Finally, the Board found there were no special conditions or exceptional situations specific to the Property that established an exceptional practical difficulty.

The hearing was adjourned at 3:29 p.m.

- Exhibit A Certified letters to neighbors & Town public hearing notice from the April 8, 2022, *Coastal Point* newspaper
- Exhibit B Variance application package including letter, plat survey and photos
- Exhibit C Correspondence from residents in favor of variance