

**TOWN OF SOUTH BETHANY**  
**BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES**  
**Friday, December 16, 2022, 1:00 p.m.**

**This meeting/hearing was conducted electronically.**

PRESENT: Chairman Steve Bunoski; Charlene Sturbitts; Martha Fields; Jimmy Oliver and Barrett Edwards  
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Sneeringer, Administrative Assistant  
APPLICANT: **Carl and Mary Ann Slocomb**, 115 Elizabeth Court, Lot 36  
ATTENDENCE: Carl Slocomb, Mary Ann Slocomb, Rick Evans

Chairman Bunoski called the Meeting to order at 1:00 p.m. All parties were sworn in who requested testimony during the hearing.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTIONS 145-38(A)(1), TWENTY-FIVE (25) FT front yard setback requirements and 145-38(A)(2), TWENTY-FIVE (25) FT rear yard setback requirements of the Code of South Bethany. The Board of Adjustment will hold a Public Hearing to consider the homeowner's request for a variance of encroachment into the front and rear yard setbacks.

The annual election was held to appoint the new Chairperson and Secretary. Martha Fields, board member, nominated Chairman Bunoski to continue as Chair. Seconded by James Oliver, board member. Chairman Bunoski nominated BOA member Martha fields to remain as Secretary. Seconded by Charlene Sturbitts, board member.

Chairman Bunoski approved the meeting minutes from the previous BOA meetings that were held on November 18, 2022. BOA Member James Oliver seconded the motion. Motion carried 5-0.

Town Code Enforcement Constable Joseph Hinks stated the applicants are looking to do a renovation to their existing home. Per the original survey, done in 1984, the Property was in compliance with the Zoning Code. However, did not comply after the review of the 2022 survey. Mr. Hinks explained that a total of four variances were being requested. These variances include the front steps which would encroach by 3.5 feet into the front yard setback, the addition would encroach 4.6 feet into the front yard setback, the corner of the house currently encroaches 0.4 feet into the rear yard setback, and the shower currently encroaches 2.6 feet into the rear yard setback.

Mr. Hinks testified that part of the issue the applicants are facing is the location on a cul-de-sac, which has created an irregular front yard setback. Therefore, producing construction difficulties.

Administrative Assistant Brittany Sneeringer stated the public hearing notice for this meeting was posted on the property (115 Elizabeth Court) on November 9, 2022; the notice was published in the *Coastal Point* newspaper on November 11, 2022; it was posted at Town Hall and on four (4) other locations within Town on November 10, 2022; and was sent via mail to the property owner and owners of property within a radius of two-hundred (200) feet of the property on November 9, 2022.

Mr. Rick Evans, contractor for the applicants, was sworn in and testified that with the home's small footprint, it leaves very little space to work with. If they were to push the addition back to comply with

the setback requirements, there would not be sufficient space. Therefore, potentially losing the screened porch and access door.

Carl Slocomb, of 115 Elizabeth Court, clarified that the requested variance of the front steps is aesthetic. However, when trying to create a usable kitchen within the setback, they were unsuccessful. Mr. Slocomb stated that about 150 square feet of buildable area is not usable due to the irregular shape of the Property.

Chairman Bunoski motioned to grant the four variances as detailed in the application and accompanying survey. By a vote of 3 yeas and 1 nays, the Board concludes that the Applicants have met the standards and demonstrated an exceptional practical difficulty.

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

Exhibit 1      The application and surveys  
Exhibit 2      Notices