

**TOWN OF SOUTH BETHANY**  
**BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES**

**Friday, April 28, 2023, 1:00 p.m.**

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

PRESENT: Charlene Sturbitts; Martha Fields; Al Rae; Jimmy Oliver and  
Barrett Edwards

TOWN STAFF: Brittany Sneeringer, Administrative Assistant

APPLICANT: **Paul & Kerry Sevilis**, 416 Victoria Road

ATTENDANCE: Kerry Sevilis, Ray Saunders, Steve Bunoski, Rodeny Hearne

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTIONS 145-38(D)(2), TWENTY (20) 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 three feet six inches (3'6") into the rear yard setbacks.

Chairman Steve Bunoski recused himself from the decision of the hearing due to the Property being constructed by his parents.

Administrative Assistant Brittany Sneeringer stated the public hearing notice for this meeting was posted on the property (416 Victoria Road) on March 24, 2023; the notice was published in the *Coastal Point* newspaper on March 24, 2023; it was posted at Town Hall and on four (4) other locations within Town on March 24, 2023; 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 March 24, 2023.

Mrs. Sevilis, of 416 Victoria Road, was sworn in and testified that the deck located on their property, that came with the purchase of the home, is starting to sink. Resulting in much needed repair. With the repair, they would like to change the direction of the stairs, along with the decking material. However, the existing encroachment of 3 feet, 6 inches, would not change.

Ray Saunders, of 204 W 11<sup>th</sup> Street, was sworn in. He questioned whether the steps could be built underneath the deck. Stating the Property Owners were trying to take advantage of the historical encroachment by rebuilding.

Chairman Bunoski testified that when the home was originally built it was not considered "South Bethany." Stating the deck was built in compliance with the laws of Sussex County. The only way to eliminate the encroachment would be to tear down the whole deck and rebuild. This would be due to the location of the footers.

Rodney Hearne was sworn in and spoke on Mrs. Sevilis' behalf. He explained that the steps could not practically be placed elsewhere on the property. Having the steps come up through the middle would result in a loss of 50 to 60 square feet.

BOA Member Jim Oliver motioned to grant the variance. Concluding that the Applicant has met the standards necessary to demonstrate an exceptional practical difficulty.

By a vote of 4 yeas and 0 nays, granting a variance of three feet six inches (3'6") from the rear yard setback.

The hearing was adjourned at 1:50 p.m.