

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: Chairman Steve Bunoski; Charlene Sturbitts; Martha Fields; Al Rae; Jimmy Oliver and Barrett Edwards
TOWN STAFF: Brittany Sneeringer, Administrative Assistant
APPLICANT: **Christopher & Melissa Whisted**, 146 Brandywine Drive
ATTENDANCE: Christopher Whisted, Melissa Whisted, Ray Saunders,

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 rear yard setbacks.

BOA Member Charlene Sturbitts approved the meeting minutes from the previous BOA meetings that were held on February 17, 2023. BOA Member Jim Oliver seconded the motion. Motion carried 5-0.

Administrative Assistant Brittany Sneeringer stated the public hearing notice for this meeting was posted on the property (146 Brandywine Drive) 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.

Mr. Whisted, of 146 Brandywine Drive, testified that when the addition to the home was constructed, there was an encroachment of 4 inches into the rear setback. He stated that the encroachment was not their doing but something that was inherited with the purchase of the home. Unfortunately, the Town is unable to locate the permit for said addition that was constructed back in the 1980s. South Bethany Building Inspector Joseph Hinks indicated that they needed to obtain a variance to settle the encroachment issue. Granting the variance would allow them to do improvements to the home, such as new windows, siding, etc. Without being granted the variance, in order to be Code compliant, it would be necessary to cut four inches off the structure. This would be very costly.

Therefore, the variance, would cover the structure as it stands. Allowing the continuation of the dwelling in its current location as reflected in the Application.

The Board heard no testimony indicating that granting the variance would cause substantial detriment to the public good or otherwise substantially impair the intent of the Zoning Code.

Chairman Bunoski motioned to grant the variance of four inches from the rear yard setback. By a vote of 5 yeas and 0 nays, the Board concludes that the Applicants have met the standards necessary to demonstrate that an exceptional practical difficulty exists to warrant granting a variance.

The hearing was adjourned at 1:26 p.m.