

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

**Friday, October 6, 2023, 1:00 p.m.**

**This meeting/hearing was conducted both in-person and electronically.**

PRESENT: Charlene Sturbitts; Marlin Van Horn; Steve Bunoski and Barrett Edwards  
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Sneeringer, Administrative Assistant  
APPLICANT: **Harry and Lisa Welch**, 146 Henlopen Drive  
ATTENDANCE: Harry Welch, Ray Saunders, and Ralph Timmons

Town Clerk, Matt Amerling, swore in new Board member Marlin Van Horn.

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, Section 145-38(A)(1) of the Zoning Code establishes a required 25-foot minimum front yard setback for the Property. The Applicant is requesting a variance to encroach 22 inches into the required 25-foot front yard setback to accommodate stairs that were recently constructed on the Property.

Meeting minutes from the previous BOA meeting that was held on August 18, 2023, to be approved during the next BOA hearing on December 1, 2023.

Administrative Assistant Brittany Sneeringer stated the public hearing notice for this meeting was posted on the property (146 Henlopen Drive) on September 1, 2023; the notice was published in the *Coastal Point* newspaper on September 1, 2023; it was posted at Town Hall and on four (4) other locations within Town on September 1, 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 September 1, 2023.

Building Official Joseph Hinks was sworn in and gave an overview of the application. Testifying that the variance was to accommodate steps that were constructed 22 inches into the front yard setback in conjunction with a dwelling that was recently built on the Property. Mr. Hinks also stated that the builder is not to blame in this instance, the construction plans were strictly followed.

The house built on the Property is the approved size and is situated in the approved location. Mr. Hinks testified that there is nothing that can practically be done to remedy the encroachment. Suggesting that there might have been a grading issue that resulted in two additional treads being needed for the stairway, which caused it to extend into the setback.

Ralph Timmons was sworn in and testified that after strictly following the construction plans, the installation of the steps was one of the final stages of the construction process. This encroachment could not really be noticed until reaching the end of the project. Unfortunately, the design of the home does not allow for a redirection of the steps. Mr. Timmons estimated that it would cost between \$25,000 and \$30,000 to remodel the house in a manner that would eliminate the front yard encroachment.

Harry Welch, of 146 Henlopen Drive, was sworn in and testified that the stairs go up the middle of the house, so it does not allow for much change in the direction or location of the stairs. He entered into the record a picture of the front of the house, which was designated as Exhibit 2.

No one provided testimony in opposition to the application.

Ray Saunders, of 204 W 11<sup>th</sup> Street, was sworn in and testified that he had no objection to the application.

Chairman Steve Bunoski motioned to grant the variance.

By a vote of 3 yeas and 0 nays, the motion was approved, and the Board concluded that the Applicant met the standards necessary to demonstrate that an exceptional practical difficulty existed to warrant granting the variance of 22 inches for the stairs that encroach into the front yard setback.

The hearing was adjourned at 1:38 p.m.