

**TOWN OF SOUTH BETHANY**  
**BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES**  
**Friday, August 18, 2023, 1:00 p.m.**

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

PRESENT: Charlene Sturbitts; Al Rae; Steve Bunoski and Barrett Edwards  
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Sneeringer, Administrative Assistant  
APPLICANT: **Kathleen Wolfenden**, 152 New Castle Drive  
ATTENDENCE: Kathleen Wolfenden, Ray Saunders, and Mark Redden

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)(2), 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.

Chairman Bunoski motioned to approve the meeting minutes from the previous BOA meetings that were held on April 28, 2023. BOA Member Charlene Sturbitts seconded the motion. Motion carried 3-0.

The Board recognized past BOA Member Martha Fields. Presenting her with a plaque for her years of contribution to the Board.

Administrative Assistant Brittany Sneeringer stated the public hearing notice for this meeting was posted on the property (152 New Castle Drive) on July 14, 2023; the notice was published in the *Coastal Point* newspaper on July 14, 2023; it was posted at Town Hall and on four (4) other locations within Town on July 14, 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 July 14, 2023.

Building Official Joseph Hinks was sworn in and gave an overview of the application. Testifying that the variance was to improve dilapidated stairs that encroach into the setback. The new desired stairs would still encroach into the setback, however, would conform to the code and would encroach less than the existing cracked stairs.

Mark Redden, the contractor, was sworn in and stated that the existing stairs are in such bad condition, he is surprised they are still standing. Placing code compliant non encroaching stairs in this location would be nearly impossible and such renovations would not impact the surrounding neighbors. He also testified that the current homeowner did not construct the stairs in that location. However, without them, there would only be one ingress and egress to the dwelling, causing a safety concern.

Ray Saunders, of 204 W 11<sup>th</sup> Street, was sworn in and testified that he was in support of the application.

No one provided testimony in opposition to the application.

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

By a vote of 3 yeas and 0 nays, granting a variance of one foot, ten inches (1' 10") to allow the reconstruction of the stairway within the rear yard setback.

The hearing was adjourned at 1:27 p.m.