

TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES

Friday, December 1, 2023, 1:00 p.m.

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

PRESENT: Charlene Sturbitts; Marlin Van Horn; Steve Bunoski, Jim Oliver, Al Rae, and Barrett Edwards
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Hollis, Administrative Assistant
APPLICANT: **Ronald Wuslich**, 130 Petherton Drive
ATTENDENCE: Allison Watson and George Campbell

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)(2) of the Zoning Code establishes a required 25-foot minimum front yard setback for the Property. The Applicant is requesting a variance to encroach 4 feet into the required 25-foot rear yard setback to accommodate construction of a new stairway.

Meeting minutes from the previous BOA meetings to be approved at the next BOA hearing.

Administrative Assistant Brittany Hollis stated the public hearing notice for this meeting was posted on the property (130 Petherton) on October 27, 2023; the notice was published in the *Coastal Point* newspaper on October 27, 2023; it was posted at Town Hall and on four (4) other locations within Town on October 27, 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 October 27, 2023.

Building Official Joseph Hinks was sworn in and gave an overview of the application. Testifying that the variance was to accommodate the installation of a stairway leading to the second-floor deck.

The Applicant, Mr. Ronald Wuslich of 130 Petherton Drive, was sworn in. Testifying he was seeking a 4-foot variance to install a new stairway that would lead from the second-floor deck, directly to the fenced backyard below. This would allow for his dogs to be let out directly into the fenced area without having to walk down the existing interior stairway or exterior stairway that leads from said second floor to the ground level of the front yard. Mr. Wuslich stated that the current stairways do not accommodate access to the fenced yard. With the impracticality of moving the fence, due to the cost and obstruction of pine trees in his yard, the additional stairway is the only solution. He included that a fence in front of the Property would be undesirable, having a negative impact on the appearance of his home.

Allison Watson, the partner of the Applicant, was sworn in and confirmed that relocating the fence is unfeasible. Testifying that the main concern was that Mr. Wuslich has fallen down the existing stairs previously trying to take his dogs out. Granting the variance would eliminate the fall risk.

George Campbell, the Applicant's contractor, testified that installing a fence to encompass either of the current stairways or even a doggie door from the stairway to the fenced rear yard would not be practical solutions to the problem.

No one provided testimony in opposition to the application.

Chairman Steve Bunoski motioned to grant the variance to install stairs to the second-floor deck that will encroach 4 feet into the setback.

By a vote of 0 yeas and 5 nays, the motion was denied. The Board concluded that the Applicant did not meet the standards necessary to demonstrate that an exceptional practical difficulty existed to warrant granting the variance. The Board found that special conditions or exceptional circumstances did not exist because an entrance to the rear fenced yard was not necessary since two means of egress from the second floor of the home already existed.

The hearing was adjourned at 1:56 p.m.