

TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES
Friday, March 22, 2024, 1:00 p.m.

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

PRESENT: Marlin Van Horn; Steve Bunoski, Jim Oliver, and Barrett Edwards
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Hollis, Administrative Assistant
APPLICANT: **Marc and Kathleen Baffone**, 200 Russell Road
ATTENDANCE: Kathleen Baffone, Mayor Tim Saxton, Robert Gensler

Chairman Bunoski called the Meeting to order at 1:13 p.m. All parties were sworn in who requested testimony during the hearing.

Board member Marlin Van Horn motioned to approve all minutes from hearing dates ranging from August 2023 – December 2023. BOA member Jim Oliver seconded the motion. Motion carried 3-0.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, Section 145-38(D)(1)(2)(3), of the Zoning Code establishes a required 25-foot minimum front, side, and rear yard setbacks for the Property. The Applicant is requesting a variance of multiple minor encroachments. Ranging from 5 inches to 24 inches for the purpose of replacement and repair of existing structures.

Administrative Assistant Brittany Hollis stated the public hearing notice for this meeting was posted on the property (200 Russell Road) on February 16, 2024; the notice was published in the *Coastal Point* newspaper on February 16, 2024; it was posted at Town Hall and on four (4) other locations within Town on February 16, 2024; 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 February 15, 2024.

Building Official Joseph Hinks was sworn in and gave an overview of the application. Testifying that because the Property was 81 feet wide, the setback requirement was an aggregate of 25.77 feet. Stating that the screened in porch encroached into the setback between 2.5 feet and 2.7 feet. Testifying that the porch has been in the same location for 43 years. Wanting to elevate the dwelling, the porch would remain in the current footprint area.

Kathleen Baffone, of 200 Russell Road, testified that in order to be compliant with Code, the porch as it stands would have to be significantly cut down in size. Not only would this be undesirable, but it would also be prohibitively expensive.

Ms. Baffone's builder stated that said change to the porch could cost up to \$15,000. Testifying that reducing the size of the porch by 2 ½ feet would have a negative effect on its usability. Making it function more like a wrap around walkway.

Mayor Tim Saxton was sworn in and testified he was not opposed to the variance request. However, he wanted to make sure that his request would not lead to additional variance requests in the future.

No one provided testimony in opposition to the application.

Chairman Steve Bunoski motioned to grant the variances ranging between 2.5 feet and 2.7 feet from the side yard setback to allow for the screened in porch to remain in the existing footprint of the porch once the dwelling on the Property is raised.

By a vote of 3 yeas and 0 nays, the motion was approved. The Board concluded that the Applicant did meet the standards necessary to demonstrate that an exceptional practical difficulty existed to warrant granting the requested side yard setback variance. This is due to the encroachments existing for approximately 43 years as well as those encroachments being a costly fix. The Board concluded that with the Property being a uniquely shaped corner lot this violation could remain except for the fact that they were looking to elevate the structure, which is something the Town of South Bethany encourages.

The hearing was adjourned at 1:51 p.m.