

**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: **Mark and Irene Gouker**, 217 Carlisle Road  
ATTENDANCE: Irene Gouker, Bill Gouker, Mark Gouker, Jill Gouker, Jonathan Selway

Chairman Bunoski called the Meeting to order at 1:55 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(B)(1)(2), of the Zoning Code establishes a required 25-foot minimum front and rear yard setback for the Property. The Applicant is requesting a variance of twelve (12) inches in the rear setback and an eight (8) inch variance in the front setback to accommodate existing conditions for the purpose of renovations.

Administrative Assistant Brittany Hollis stated the public hearing notice for this meeting was posted on the property (217 Carlisle 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 the Applicants want to make some renovations to their second floor. With these renovations, everything would be staying within the same current footprint. Unfortunately, he had no idea how these violations came to be since all past improvements to the Property appear to have received permits.

Bill Gouker, of 217 Carlisle, testified on behalf of the Applicant. Reiterating that they would be staying within the footprint of the existing building. The application materials that were entered into the record indicated that the encroachments into the side yard setbacks were going to be voluntarily eliminated by the property owners as part of the planned renovations.

Jonathan Selway, the Applicant's architect, reconfirmed the stairs would all be constructed to comply with the current setback requirements.

No one provided testimony in opposition to the application. Letters in support from three other homes on Carlisle Road were entered into the record.

Chairman Steve Bunoski motioned to grant the variance of 12 inches from the rear yard setback and a variance of 8 inches from the front yard setback to allow for the existing conditions and to permit the construction of the second floor. All proposed renovations would be within the same footprint as the first floor.

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 variances. The Board finds that special conditions or exceptional situations existed due to the improvements creating the encroachments had been properly permitted by the Town and could be difficult to remediate.

The hearing was adjourned at 2:24 p.m.