

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

**Friday, May 31, 2024, 1:00 p.m.**

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

PRESENT: Steve Bunoski, Jim Oliver, Charlene Sturbitts, Al Rae, and Barrett Edwards  
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Hollis, Administrative Assistant  
APPLICANT: **Martin & Elizabeth Stanton**, 163 Brandywine Drive  
ATTENDANCE: Carib Martin and Carol Grenier

Chairman Bunoski called the Meeting to order at 1:46 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)(2)(3), of the Zoning Code establishes a required 25-foot minimum front and rear yard setbacks for the Property. As well as an 8-foot setback for the side yards. The Applicant is requesting a variance of multiple minor encroachments to keep the existing structure within the setbacks with the addition of a stonewall and firepit.

Administrative Assistant Brittany Hollis stated the public hearing notice for this meeting was posted on the property (200 Russell Road) on April 26, 2024; the notice was published in the *Coastal Point* newspaper on April 26, 2024; it was posted at Town Hall and on four (4) other locations within Town on April 26, 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 April 26, 2024.

Building Official Joseph Hinks was sworn in and gave an overview of the application. Testifying that the purpose of the variance was to allow for the renovations of this non-conforming structure in a manner that would allow the existing encroachments to remain. Even with the significant changes the homeowners want to make to the property, they would be maintaining in the existing footprint and framework of the structure. The desired stone wall and firepit would also be permanent structures. However, they are not permitted exceptions and would not be permitted within the setbacks under the Zoning Code.

Carib Martin, the architect for the project, testified on behalf of the Applicant. Stating that due to the home being skewed on the property, the corners of the building extend just over the setbacks. He ensured that they would be working within the existing footprint of the home. Unable to provide exact figures, he testified that the alternative approach of tearing down and building new would be significantly more costly than the planned renovations. He also indicated that the stone wall and firepit were not necessary additions to the structure.

Carol Grenier, neighbor to 163 Brandywine, expressed concern over how these renovations would impact her view. The Applicant, Mr. Martin Stanton, responded that the improvements would not significantly impact her view. Worried about oversized structures, she had concerns about impervious

coverage as well as questioning the height of the structure, to which Mr. Hinks testified they would be well within the height limits.

The Applicants, Elizabeth and Martin Straton, stated for the record that due to sentimental reasons, such as being friends with the former owners and meeting at the home as kids, they did not want to tear the existing home down. Building a much larger home would block the view of several neighbors, since the home sits on a corner lot. Mr. Stanton indicated that the stone wall and firepit were secondary to their overall desire to keep and renovate the home in the footprint which it currently sits.

No one provided testimony in opposition to the application.

Charlene Sturbitts, Board member, motioned to approve the request for the variances of 0.1 feet from the front yard setback, 0.1 feet from the east side yard setback, 0.6 feet from the rear yard setback, and 2.7 feet from the west side yard setback. This followed with a second from Board member, Al Rae.

By a vote of 4 yeas and 0 nays, the motion was granted. The Board concluded that the Applicants met the standards necessary to demonstrate that an exceptional practical difficulty existed to warrant granting the variances detailed herein.

A motion was also made and seconded to deny the request to allow the stone wall and firepit to be located within the setback area. By a vote of 4 yeas and 0 nays, the request was denied. The stone wall and firepit were not included in the list of exceptions of structures that could be considered within the setback pursuant to § 145-38.I. Even if the stone wall were to be classified as a fence, no evidence was presented that it would be “a retaining wall or a wall of a building or a fence enclosing a swimming pool” as permitted under § 145-11. Therefore, no lawful justification was presented to overturn the decision of the Building Inspector.

The hearing was adjourned at 2:48 p.m.