

TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES
Friday, April 4, 2025 1:00 p.m.

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

PRESENT: Steve Bunoski, Charlene Sturbitts, Jim Oliver, Patty Jaicks, and Barrett Edwards
TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Hollis, Administrative Assistant
APPLICANT: **D. Tyler Gearhart**, 3 North 2nd Street
ATTENDANCE: Christine Keefe and Katie Long

Chairman Steve Bunoski called the Meeting to order at 1:00 p.m. All parties were sworn in who requested testimony during the hearing.

BOA Member Jim Oliver motioned to approve the meeting minutes from the previous BOA hearing that was held on December 6, 2024. Chairman Bunoski seconded the motion. Motion carried 4-0.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, Section 145-37(B)(1)(a), of the Zoning Code establishes a required 20-foot minimum front yard setback for the Property. The Applicant is requesting a variance of 1.8 feet to rebuild the existing stairway within the current footprint of the stairway, as more particularly described in the application materials submitted by the Applicant.

Administrative Assistant Brittany Hollis stated the public hearing notice for this meeting was posted on the property (3 N. 2nd Street) on February 28, 2025; the notice was published in the *Coastal Point* newspaper on February 28, 2025; it was posted at Town Hall and on four (4) other locations within Town on February 28, 2025; 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 28, 2025.

Building Official Joseph Hinks was sworn in and gave an overview of the application. Testifying that the stairway in questions needs more than just repaired but replaced to comply with the Town's Code. The stairs were constructed back in 1967. This predates the adoption of the current Zoning Code. Mr. Hinks testified that the intent was to reconstruct the stairs within the current footprint.

The Applicant, Tyler Gearhart who co-owns the home with his two sisters, was sworn in. He testified that the stairs were original to the home and had never been changed. With the current state of the stairs, they were unsafe, and need replaced. Although some aesthetic changes will be made, he confirmed the rebuilt stairs will be within the existing footprint. Denial of the variance request would cause the Applicant to lose the main entrance to his home. This would also result in an unsafe entrance.

Residing behind the Applicant, Christine Keefe, owner of 6 N. 3rd Street, testified in favor of the variance request. She stated she experienced the same situation when renovating her own property a few years prior.

Katie Long was sworn in and testified that they lived right next door and had no negative feedback regarding the variance.

No one provided testimony in opposition to the application.

Steve Bunoski, chairman, motioned to approve the request for a variance of 1.8 feet from the 20-foot front yard setback to rebuild the stairs within the existing footprint. The motion was seconded by BOA member, Charlene Sturbitts.

By vote of 4 yeas and 0 nays, the Board concludes that the Applicant met the standards necessary to demonstrate an exceptional practical difficulty. Therefore, **GRANTING** the Applicant's request for a variance of 1.8 feet from the 20-foot front yard setback to rebuild the existing stairs within the current footprint.

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