

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: **John Roberts & Debra Berke**, 110 New Castle Drive
ATTENDENCE: Steven Kansak and David Ellicott

Chairman Steve 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(A)(2), of the Zoning Code establishes a required 25-foot minimum rear yard setback for the Property. The Applicants are requesting a variance of 4/4 feet to relocate the stairs to encroach within the rear yard setback as part of a project to expand and rebuild the rear deck, as more particularly described in the application of materials submitted by the Applicants.

Administrative Assistant Brittany Hollis stated the public hearing notice for this meeting was posted on the property (110 New Castle Drive) 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 testimony that he was unsure of what exactly was being requested other than steps that were to protrude into the setback.

The Applicants' designer, Steven Kansak, was sworn in and testified that they were planning to remove a portion of the rear structure that currently has a total encroachment of 1 foot into the side yard setback. With the proposed renovation, they would be replacing the current stairs. The stairs as they exist only consist of about 3 steps, which are needed to reach the back patio and boat dock. The designer stated that if this variance were denied, the stairs would have to protrude into living space.

Applicant John Roberts was sworn in and testified to the date the home was constructed, which was 1985. Mr. Roberts and Ms. Debra Berke purchased the home in 2001. The proposed renovations include the addition of a master bedroom. He stated that the stairs cannot be located in a different location due to it creating an undesirable floor plan. This would leave foot traffic having to go through the master bedroom to access the backyard. The new master bedroom could also not be placed in another location within the home without breaking up the current open floor plan between the great room and the patio. Mr. Roberts stated that given their age this addition would create first floor living, allowing them to reside longer in their home. He stated that with the home being angled on the Property, creating a skewed setback. The main hardship expressed by the homeowners if the variance was not granted would be the loss of about 40 square feet of livable space.

David Ellicott of Shore Home Improvements was sworn in and elaborated on the elevation and construction of the Property. With wanting to create access to the canal by the use of stairs coming off the back of the Property, recessing the stairs within the living space would not be ideal due to the loss of valuable square footage. He indicated that causing the stairway to exit parallel to the lagoon, instead of directly at it, a variance of only 1.9 feet would be needed for the stairway. Joe Hinks was in support of this new proposed configuration of the stairs. It accomplished the Applicants' goal with as minimal intrusion into the setback as possible.

One letter of no objection was included in the record as part of the submitted application.

No one provided testimony in opposition to the application.

Steve Bunoski, chairman, motioned to approve the request for a variance of 1.9 feet from the 25-foot rear yard setback to relocate the stairs in a manner that would have them running parallel to the canal and the structure. This would be part of a project to rebuild and expand the existing deck. BOA member, Patty Jaicks seconded the motion.

By vote of 4 yeas and 0 nays, the Board concludes that the Applicant met the standards necessary to demonstrate an exceptional practical difficulty and by agreeing to relocate the steps, the Applicants have made a good faith effort to minimize the extent of the variance request. Therefore, **GRANTING** the Applicant's request for a variance of 1.9 feet from the 25-foot rear yard setback.

The hearing was adjourned at 2:45 p.m.