

**TOWN OF SOUTH BETHANY**  
**BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES**  
**Friday, January 16, 2026, 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: **Ken and Jan Clemmens**, 3 Jamaica Street  
ATTENDANCE: Franklyn Van Dam

Chairman Steve Bunoski called the Meeting to order at 1:35 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 145-37(B)(1)(a), of the Zoning Code establishes a minimum front yard setback of 20 feet. The Applicant is requesting a variance to encroach 8.2 feet into the minimum front yard setback to elevate the existing home while maintaining the footprint and a portion of the front deck.

Administrative Assistant Brittany Hollis was sworn in and testified that notices for the January 16, 2026 hearing were provided as follows: posted at the property on December 12, 2025; published in the Coastal Point newspaper on December 12, 2025; posted at Town Hall and at 4 other locations within Town on December 12, 2025; and mailed to the property owner and owners of property within a radius of 200 feet of the Property on December 15, 2025.

Building Official Joseph Hinks was sworn in and gave an overview of the application. Testifying that the Applicant would like to elevate the existing structure to conform with FEMA. The FEMA requirements necessitated a variance due to the structure being a legal, nonconforming structure that encroaches 8.2 feet into the front yard setback.

Franklyn Van Dam with Garth Enterprises was sworn in and testified that they were wanting to maintain the existing building footprint with a reduced deck size. He testified that it was not feasible to lift the house and move it back. Doing this would create setback issues in the rear of the Property. He also stated that with the home being in the same state as it was when it was originally built, it would be very costly to make it comply with the Zoning Code.

The Applicant, Ken Clemmens, was sworn in and testified that with this desired addition, it would allow for a larger kitchen with a dishwasher. Which they have not had in the home for the past 30 years.

The Board, Applicants, and Mr. Van Dam engaged in a lengthy conversation where it was clarified that the Board would be authorized to grant a variance to encroach into the front yard setback 8.2 feet across the front of the Property., which would apply to the structure and any portions of the deck situated at least 11.8 feet from the front property line. However, the variance would not pertain to

those portions of the deck encroaching into the side yard setback or situated closer than 11.8 feet from the front property line.

Three letters in support to the application were entered into the record as Exhibit B. There was no testimony in opposition to the application.

Steve Bunoski, Chairman, motioned to approve the request for a variance to encroach 8.2 feet into the front yard setback to allow for the structure and those corresponding portions of the deck to be elevated while maintaining the structure's historic footprint. The motion was seconded by Board 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.

The hearing was adjourned at 2:15 p.m.