

**TOWN OF OCEAN VIEW PUBLIC NOTICE**  
**BOARD OF ADJUSTMENT MEETING**  
**September 21, 2017 5:00PM**

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a meeting will be held at 5:00pm or as soon as possible thereafter on Tuesday, September 21, 2017, in the Ocean View Town Hall located at 32 West Avenue to consider matters set out in the attached agenda. The applicable material may be examined prior to the hearing by all interested parties on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 a.m. and noon and 1 through 4 p.m., Monday through Friday.

**AGENDA**

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE**
2. **COMMISSION BUSINESS**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
  - A. June 15, 2017 Board of Adjustment Meeting Minutes.
5. **NEW BUSINESS**
  - A. **V- 346 50 Bennett Point Lane (PIDN: 408.232 / Sussex CTM#: 134-17.00-975.00)**

Application V-346, submitted by K Hovnanian Homes of DE, LLC, with the permission of the property owners JoAnn and Jeff TATNALL, seeking a variance from Article II, §187-10-C of the Streets and Sidewalks Chapter of the Town Code which requires that grades on private driveways should not exceed 8%, unless specifically authorized by the Town, and in no case shall the grade exceed 5% for the first 30 feet of driveway as measured from the road cartway. This variance seeks to allow a driveway, built by the applicant for the property owners, that exceeds the maximum grades permissible by Code to remain as it has been constructed on property zoned Residential Planned Community (RPC).
  - B. **V-348 4 Tingle Street (PIDN: 101.000 / Sussex CTM#: 134-12.00-307.00)**

Application V-348, submitted by the property owners, Joseph and Wendy PLUSCHT, seeking a variance from Article XVI, § 140-100-D (12) (b) [2] & [4] and Article II, § 187-10-A each of which require driveways to be a minimum of five (5) feet from any adjacent property line and a maximum width of twenty (20) feet through the Town Right of Way (ROW).

This variance seeks to allow an existing driveway to be greater than twenty (20) feet through the Town ROW on property zoned R-1.

**C. V-349 135 October Glory Avenue (PIDN: 330.670 / Sussex CTM#: 134-16.00-1614.00)**

Application V-349, submitted by Mr. Tim Metzner of Davis, Bowen & Friedel, Inc., on behalf of the property owner Rosemarie BELL, seeking a variance from Article VII, § 140-50-B and Article V, §140-28 and §140-33 of the Land Use and Development Chapter (L.U.D.C.) of the Town Code. §140-50-B sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations and indicates that dimensional regulations not defined will comply with those set forth in §140-28 (R-2) for single family parcels. The required rear yard setback per the Bear Trap Dunes (BTD) Residential Planned Community (R.P.C.) conditions set by Town Council is 30 feet, the maximum projection into a required rear yard setback by uncovered steps is four (4) feet as indicated in §140-33 and lot coverage for a single-family parcel in the R.P.C. of Bear Trap Dunes is 45% as stated in §140-28 of the L.U.D.C.

This variance seeks to allow the applicant to exceed the maximum allowable lot coverage and maintain an existing deck with steps, both of which encroach into the required thirty (30) foot rear yard setback on property zoned Residential Planned Community (R.P.C.).

**D. V-350 39 Central Avenue (PIDN: 239.000 / Sussex CTM#: 134-12.00-609.00)**

Application V-350, submitted by Mr. Richard Nippes of the Ocean View Historical Society with the permission of the property owner, the Town of Ocean View, seeking a variance from Article V, §140-28 and Article VI, §140-35-B(2)(b)(c) of the Land Use and Development Chapter (L.U.D.C.). Article V, §140-28 requires that the maximum lot coverage not exceed 35% and Article VI, §140-35-B(2)(b)(c) requires patios at grade be no closer than ten (10) feet to rear and side property lines.

This variance seeks to allow the applicants to construct improvements that will increase the lot coverage beyond the 35% threshold and patios at grade that will encroach into the required ten (10) foot rear and side setback

## **6. ADJOURNMENT**

Note: The agenda items as listed may not be considered in sequence.

Posted: September 5, 2017