

TOWN OF OCEAN VIEW PUBLIC NOTICE
BOARD OF ADJUSTMENT MEETING
December 14, 2017 6:00PM

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, December 14, 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. October 19, 2017 Board of Adjustment Meeting Minutes.

5. **OLD BUSINESS**

- A. **V-352 39 Scarborough Ln. (PIDN: 408.177 / Sussex CTM#: 134-17.00-962.00)**

Application V-352 submitted by the property owners, Gregory and Kathleen BAFFONE, seeking a variance from Article VII, § 140-50-B 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 side yard setback for accessory structures, as defined in Ordinance 214 adopted by Town Council on March 6, 2007 is 3 feet in the Ocean View Beach Club, Residential Planned Community (R.P.C.).

This variance seeks to allow the applicant to place a mechanical unit within the required side yard setback on property zoned R.P.C. located at 39 Scarborough Ln. (PIDN: 408.177 / Sussex CTM#: 134-17.00-962.00).

6. **NEW BUSINESS**

- A. **V-353 94 Central Avenue (PIDN: 060.001 / Sussex CTM#: 134-12.00-524.01)**

Application V-353, submitted by Darrell LONG, seeking a Special Exception to create a Woodworking Shop on property zoned GB-1, located at 94 Central Avenue (PIDN: 060.001 / Sussex CTM#: 134-12.00-524.01).

- B. **V-355 13 Atlantic Avenue (PIDN: 283.000/Sussex CTM#: 134-13.00-29.00)**

Application V-355, submitted by the property owner, John P. ROBERTS, seeking a variance from Article X, § 140-65, of the Land Use and Development

Chapter (L.U.D.C.) of the Town Code which limits the number of wall signs to one per business with a maximum area of ten (10) square feet. The variance seeks to allow the applicant to erect a wall sign that will exceed the maximum number and square footage permissible by Code on property zoned GB-1, located at 13 Atlantic Avenue (PIDN: 283.000 / Sussex CTM#: 134-13.00-29.00).

C. V-359 48 Bennett Point Lane (PIDN: 408.231/Sussex CTM#: 134-17.00-974.00)

Application V-359, submitted by K Hovnanian Homes DE, LLC on behalf of the property owners, Steven & Sheila STRONG, 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 Thirty (30) feet of driveway as measured from the road cartway. The variance seeks to allow the slope of the driveway that exceeds the maximum 8.0% permissible by Code to remain on property zoned Residential Planned Community (RPC) located at 48 Bennett Point Lane (PIDN: 408.231 / Sussex CTM#: 134-17.00-974.00).

D. V-358 81 Central Avenue (PIDN: 048.006/Sussex CTM#: 134-12.00-645.00)

Application V-358, submitted by Mr. Anthony Christopher, on behalf of the property owner, Mariners Bethel United Methodist Church, seeking a variance from Article V, §140-32 of the Land Use and Development Chapter (L.U.D.C.) of the Code which restricts the height of a detached accessory structure to fourteen (14) feet from grade. The variance seeks to allow the applicant to erect three (3) detached accessory structures (bike maintenance shop, pavilion and a HOPE center), that will exceed the maximum permissible height of fourteen (14) feet, on property zoned R-1 located at 81 Central Avenue (PIDN: 048.006 / Sussex CTM#: 134-12.00-645.00).

E. V-356 Muddy Neck & Double Bridges Roads (PIDN: 410.000/Sussex CTM#: 134-17.00-30.03 &30.04)

Application V-356, submitted by Mr. Josh Mastrangelo of Evergreene Homes, on behalf of the property owners, Raze Properties LLC & Berzins, Sigurd E., seeking a variance from Article I, § 116-5-E (2) of the Flood Damage Reduction section of the Environmental Protection Chapter of the Code which requires submission to FEMA, of engineering analyses and technical data reflecting the proposed activity in a special flood hazard area with base flood elevations to show that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard area encroachments, will not increase the base flood elevation more than 1.0 foot at any point.

The variance seeks to allow the applicant to forego this submission and construct all structures on pilings, on property zoned Mixed Use Planned Community (MXPC) located at Muddy Neck and Double Bridge Roads, (PIDN: 410.000 / Sussex CTM#: 134-17.00-30.03 & 30.04).

F. V-357 36 Osprey Lane (PIDN: 261.270/Sussex CTM#: 134-13.00-903.00)

Application V-357, submitted by the property owners, Charles & Deborah Brzezynski, seeking a variance from Article V, §140-28 & §140-32, of the Land Use and Development Chapter (L.U.D.C.) of the Town Code, which requires principal structures and attached accessory structures to maintain a minimum rear yard setback of thirty (30) feet. The variance seeks to reduce the rear yard setback to twenty (20) feet so that the applicants can construct a new dwelling unit, with attached accessory structures at the rear, that will encroach 7.88 +/- feet into the required thirty (30) foot rear yard setback on property zoned R-1, located at 36 Osprey Lane (PIDN: 261.270 / Sussex CTM#: 134-13.00-903.00).

G. V-354 Old Orchard Avenue (PIDN: 408.350 / Sussex CTM#: 134-17.00-11.00)

Application V-354, submitted by Davis, Bowen & Friedel on behalf of the property owner Windansea, LLC, seeking a variance from Article VII, § 140-50-B 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 R-3 zoning requirements. The required setbacks for accessory structures, as defined in Ordinance 214 adopted by Town Council on March 6, 2007 are, five (5) feet front, three (3) feet sides and ten (10) feet rear in the Ocean View Beach Club, Residential Planned Community.

The applicant has installed patios and a walkway within the community, which encroach into the required setbacks on property zoned Residential Planned Community (RPC) located on Old Orchard Avenue (PIDN: 408.350 / Sussex CTM#: 134-17.00-11.00).

7. ADJOURNMENT

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

Posted: December 5, 2017