

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
September 17, 2015

1. Board of Adjustment Chair Susan Kerwin called the meeting to order at 6:00 pm with the Pledge of Allegiance. Also in attendance were Board Members Jim Legates, and Bob Bacon. Gene Brendel and John Reddington were not present. Town Solicitor Dennis Schrader, Town Administrative Official Charles McMullen, and Town Clerk Donna Schwartz were also present. The meeting was held at 6:00pm in the Ocean View Town Hall, 32 West Avenue.
2. **COMMISSION BUSINESS** - None
3. **APPROVAL OF THE AGENDA**
A motion was made by Mr. Bacon, seconded by Mr. LeGates, to approve the agenda as amended. The motion carried unanimously 3/0.
4. **APPROVAL OF THE MINUTES**
A motion was made by Mr. Bacon, seconded by Mr. LeGates, to approve the minutes of the July 16, 2015 meeting with corrections. The motion carried unanimously 3/0.
5. **NEW BUSINESS**
 - A. Mrs. Kerwin read the notice for Application V-309. Mr. McMullen was sworn in by Mr. Schrader. Before reading his overview Mr. McMullen asked Ms. Kerwin to review the voting procedure of the Board of Adjustment. Mr. Phillip Hastings was sworn in by Mr. Schrader and stated he wanted to proceed with just three members present.

Mr. McMullen noted to the Board that this application would require an “as built” survey if given approval, and then read his overview. He said the applicant, Mr. Phillip Hastings, from Builder’s Supply of Delmarva, is before the Board this evening seeking a variance from Article X, §140-65 of the Land Use and Development Chapter (L.U.D.C.) of the Code which limits the maximum size of a sign to 24sqft per side with a total sign area not to exceeds 48sqft and requires that the sign be placed a minimum of 10 feet from front street/property line and 20 feet from any other street/property line on a GB1 zoned property. The variance seeks to allow the applicant to erect a sign that would exceed these requirements on GB-1 zoned property located at 61 Atlantic Avenue (PIDN: 201.110 / Sussex CTM#: 134-12.00-1226.00)

The applicant is proposing to erect a sign that is 3’8” wide and 4’8 and 3/16” high totaling 17 +/- square feet per side which in and of itself is within the 24 sq.ft. per side limits allowed by the Code. The support structure which is not normally included in the calculation for sign size would however in this case be inclusive. It is to be calculated when the structure is designated and used as an integral part of the display as noted in §140-62-A (1). Using the dimensions provided by the applicant on the depiction of the sign I have calculated roughly that the size of the sign, including support structure would be approximately 72 sq. ft.

- Bottom portion of the sign at 6.5' high x 8' wide= 52 +/- square feet
- Roof portion of the sign at 5' high x 8' wide/2= 20 +/- square feet
- Total square footage of the sign per side would equal 72 +/- square feet

The block foundation for in which the proposed sign will be placed abuts the sidewalk, installed as part of the SR 26 Mainline project, which is where the front property line is located. The foundation also may surpass the adjacent property line to the east of this parcel. A survey would be required to make this determination.

Mr. Hastings described the sign and what materials it would be made of. Mr. LeGates asked Mr. Hastings if there was a specific need for this sign. Mr. Hastings replied, "No, it doesn't have to be this sign. However, he said they would like the sign to stand out among the other signs on Route 26." Ms. Kerwin asked Mr. Hastings if the sign was to be illuminated. He replied "Yes, there would be lights in the landscaping lighting the sign." Mr. LeGates questioned the width of the columns. Mr. Hastings said they would be 10-12 inches wide. Mr. Schrader asked Mr. Hastings a series of questions including if he felt the circumstances were unique. Mr. Hastings replied that he felt the circumstances were unique because they had lost driveway area due to the Route 26 expansion. Mr. Hastings noted that some of the signs in the surrounding area were larger than what he was asking for. Mr. Schrader also asked if this was the minimum variance he could request and Mr. Hastings replied "yes."

A motion was made by Mr. Bacon, seconded by Mr. LeGates, to grant the variance as presented with the condition that an "as-built" survey is done and presented to Mr. McMullen. The motion carried unanimously 3/0.

6. ADJOURNMENT

A motion was made by Mr. Bacon, seconded by Mr. LeGates, to adjourn at 6:24pm. The motion carried unanimously 3/0.

Respectfully submitted,
Donna M. Schwartz, CMC