

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
October 20, 2016

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, Gene Brendel, Don Walsh and John Reddington. Town Administrative Official Charles McMullen, and Town Solicitor Dennis Schrader were also present. The meeting was held in the Ocean View Town Hall, 32 West Avenue.
2. **APPROVAL OF THE AGENDA**
A motion was made by Mr. Reddington, seconded by Mr. Walsh, to approve the agenda as presented. The motion carried unanimously 5/0.
3. **APPROVAL OF THE MINUTES**
A motion was made by Mr. Reddington, seconded by Mr. Walsh, to approve the minutes of the July 14, 2016 meeting as presented. The motion carried unanimously 5/0.
4. **COMMISSION BUSINESS** – none
5. **NEW BUSINESS**
 - A. **V-331 13 Columbia Avenue (PIDN: 094.940)**

Mr. McMullen was sworn in by Mr. Schrader. He stated the notice for this application was advertised in the Coastal Point on September 30, 2016. He said the property owners, Kevin and Christina Doughty, have submitted Application V-331 seeking a variance from Article IV, §140-25-C-3(1)[b] of the Land Use and Development Chapter (L.U.D.C.) of the Town Code which requires Major recreational equipment (Boat and trailer) to be parked or stored within a garage or behind the nearest portion of a building to a street and § 203-1 of the Town Code which restricts the parking of trailers on parcels within the Town.

This variance seeks to allow the applicants to park a boat and trailer that do not comply with the requirements set forth in the Town Code on property zoned R-1, at 13 Columbia Avenue (PIDN: 094.940 / Sussex CTM# 134-12.00-2139.00).

The applicants have provided responses to the questions on the Standards for Relief form that is required by all applicants. They have also provided photos of the area so as to provide a clearer picture of the lot and the area where they are required by Code to park the trailered boat. Mr. McMullen then read the answers to the Board of Adjustments Standards for Relief supplied by the property owner and included in the application.

The applicants recently sought relief by requesting that Town Council consider relaxing or changing the existing sections of the Code that govern the parking of major recreational equipment and trailers however, Council decided not to intervene. The applicant then opted to request a variance from the Code as noted above.

The parcel was granted a variance on September 24, 1992 when then property owner, Mary Ellen Double, applied for and was granted a variance for a 3'10" encroachment of an attached shed into the required side yard setback on the west side of the dwelling unit.

Mr. & Mrs. Doughty purchased the lot in the community known as The Cottages on White Creek on August 13, 2014. They were notified by the Town on August 15, 2015 and October 6, 2015 that their boat with trailer was improperly parked on their lot. Mr. Doughty has indicated that his ability to comply with the Code is restricted due to the number of trees on his property and his only access to his parcel being via a driveway across the Town right of way (R.O.W.).

Mr. Kevin Doughty was present and sworn-in by Mr. Schrader. He stated he has tried everything possible and cannot do what the code says based on limitations with his property such as a swale and mature trees.

Mr. LeGates asked if the Cottages of White's Creek was considered a boating community. He asked Mr. Doughty if he had a boat when he moved in and if Mr. Doughty had discussed storage of a boat with his neighbors. Mr. Doughty said he did not have a boat when he moved in and had talked with the neighbors and found no one that has a problem with him storing his boat in the driveway.

Mr. Brendel asked about storing the boat in the garage. Mr. Doughty stated he cannot use the garage. Mr. Reddington asked about storing it in a boat yard or boat slip. Mr. Doughty stated that kind of storage costs lots of money, and he can't afford to do that. Mr. Reddington also asked if the Cottages of White's Creek has a Homeowner's Association. Mr. Doughty replied yes, and that he had spoken to some of the members, Mr. Wichmann and Mr. Damiano. They told him they had no problem with him parking the boat in the driveway. He said he did not have a letter stating this from the HOA.

Ms. Kerwin asked if he'd considered removing some of the trees so he could park the boat on the side of the house. Mr. Doughty stated that would still not provide enough room. Mr. Reddington asked how big his boat was. Mr. Doughty replied 20'. Mr. Walsh questioned how happy he was with the size of the boat. Mr. Doughty replied he was very happy and would not be trading up in size any time soon.

Ms. Patty Mallon, 11 Columbia Avenue, spoke in favor of allowing Mr. Doughty to keep his boat in the driveway. She stated she doesn't want to see him have to construct a new driveway. Mr. Schrader questioned whether she knew if the HOA had and covenants regarding boats in the driveway. She could not answer Mr. Schrader's questions about the covenants.

Mr. Schrader questioned how long Mr. Doughty had owned the property. Mr. Doughty replied two-years. Mr. Schrader asked if he'd been cited for any violations. Mr. Doughty replied "yes." Mr. Schrader explained to Mr. Doughty that covenants of the HOA are not subject to change by the Board of Adjustment. Mr. Doughty said he understood.

Ms. Kerwin asked where he stored the boat in the winter time. Mr. Doughty stated he stores the boat at Bob's Marine during the winter. He said he cannot store the boat there in the summer they do not allow summer storage.

A motion was made by Mr. Reddington, seconded by Mr. LeGates, to deny the variance request application. Mr. Reddington told Mr. Doughty that there were plenty of places around Ocean View to keep a boat besides his driveway. Mr. LeGates stated he had similar feelings and the driveway was not a practical solution or look for the neighborhood. The motion carried unanimously 5/0.

6. **ADJOURNMENT**

A motion was made by Mr. Brendel, seconded by Mr. Reddington, to adjourn the meeting at 6:35pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, CMC