

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
November 15, 2018

1. Board of Adjustment Vice-Chair John Reddington called the meeting to order at 6:40 pm with the Pledge of Allegiance. Also in attendance were Board Members Gene Brendel, John Reddington, and Don Walsh. Planning & Zoning Director Ken Cimino, Town Solicitor Dennis Schrader, and Town Clerk Donna Schwartz. The meeting was held in the Ocean View Town Hall, 32 West Avenue. Ms. Kerwin and Mr. Neuner were not present.

2. **APPROVAL OF THE AGENDA**

A motion was made by Mr. Brendel, seconded by Mr. Walsh, to approve the agenda as presented. The motion carried unanimously 3/0.

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Walsh, seconded by Mr. Brendel, to approve the minutes for October 18, 2018 meeting. The motion carried unanimously 3/0.

4. **NEW BUSINESS**

A. V-372 55 West Avenue (PIDN:269.001/Sussex CTM#: 134-13.00-16.00)

Mr. Schrader swore in Ken Cimino and Donna Schwartz. Ms. Schwartz noted that this application was properly noticed and posted. Mr. Cimino read his overview. He said the applicant, Mr. George Keen has submitted application V-372 with permission of the property owner, the Ocean View Church of Christ, seeking a variance from Article X, §140-65 of the Land Use and Development Chapter (L.U.D.C.) of the Town Code. §140-65 limits freestanding signs for a single business site to one per site with a maximum 24 square feet per side, total sign area should not exceed 48 square feet and the sign shall have a maximum height of 12 feet measured from grade. The applicant wishes to install one freestanding sign that will exceed the maximum per side total square footage of 24 square feet maximum sign area of 48 square feet.

Mr. Cimino said in his town comments that the applicant is requesting one freestanding sign for the Ocean View Church of Christ. The sign will be approximately 12'+/- high, 13.62'+/- wide including the post. The sign will be double-sided. The total square footage of each of the signs will be approximately 99'+/- sqft per side with a total sign area of 198'+/- sqft. As proposed, the sign will exceed the per side total square footage of 24sqft, exceed the total sign area of 48sqft. The signs will be internally illuminated.

Mr. George Keen was present representing the Ocean View Church of Christ and was sworn in by Mr. Schrader. Mr. Keen said that he talked with the people who previously objected and cleared up some confusion with Vicki York. Mr. Keen said they are going to remove the brick wall, and the lettering. They will also move the flagpoles. The sign is smaller than the last one presented to the Board of Adjustment by several feet. The height is now 12' instead of 16'.

Mr. Lynn Rogers was sworn-in by Mr. Schrader and he explained how they started from scratch in designing a smaller sign. They shrunk the size of the sign and the cross. Mr. Brendel asked Mr. Keen why they need such a large sign. Mr. Keen said they wanted to use their new logo on the sign. Mr. Rogers said they are trying to modernize to get younger participants to join church. Mr. Reddington asked what the cross is made of. Mr. Rogers replied aluminum and acrylic components. The brightness of the lighting is adjustable. They do not want the cross to overpower the message board. Mr. Brendel asked how long the message board would be lit. Mr. Rogers replied 24 hours a day. Mr. Schrader asked if this would be one of the larger signs on Route 26. Mr. Rogers agreed but noted others were larger.

No comments were made by the public. Mr. Schrader noted there were two letters of opposition; one from Nancy Weinman, and the other from Jane and Paul Galvin.

A motion was made by Mr. Walsh, seconded by Mr. Brendel, to approve the sign as presented with the removal of the items discussed. The motion carried unanimously.

B. V-375 Muddy Neck Road & Double Bridges Road, Tidal Walk. (PIDN: 410.000/ Sussex CTM#: 134-17.00-30.04)

Mr. Cimino read his overview. He said the applicant, Ms. Erin Herman has submitted application V-375 with permission of the property owner, EVG-FT Ventures LLC, seeking a variance from Article X, §140-63-D (2) of the Land Use and Development Chapter (L.U.D.C.) of the Town Code, which limits Development signs advertising the sale or rental of a structure being built as part of a land development project to a maximum size of 12sqft per side, total sign area shall not exceed 24sqft and a height of eight (8) feet from grade. The applicant wishes to install one (1) development sign for the Tidal Walk subdivision along the frontage of the property parallel with Muddy Neck Road. The proposed sign will exceed the maximum per side total square footage of 12sqft, maximum sign area of 24sqft and the maximum height from grade of eight (8) feet on a property zoned MXPC (Mixed Use Planned Community) located at Muddy Neck Road and Double Bridges Road.

Ms. Schwartz commented that the application had been properly noticed and posted. Mr. Cimino said in his town comments that the applicant is requesting one (1) development sign for the Tidal Walk subdivision along the frontage of the property parallel with Muddy Neck Road. The proposed sign will exceed the maximum per side total square footage of 12sqft, maximum sign area of 24sqft and the maximum height from grade of eight (8) feet.

As proposed, the sign will be 32sqft per side with a total square footage of 64sqft and be a height of eleven (11) feet from grade.

Mr. Ronald Wilkins, of Evergreene Homes, was present and sworn-in by Mr. Schrader. Mr. Wilkins explained that Tidal Walk is a new community and they would like to let people know it is there. He said the sign is double sided and about the size of the other real estate signs in that area. Mr. Wilkins said they hoped to have a model up by Memorial Day. They would like to keep the sign on location for a year or when they finish phase one.

Mr. Reddington asked if he thought the sign is temporary and could come down after a while. Mr. Wilkins replied yes perhaps after phase one. He said they hope to have the model open by Memorial Day.

There were no public comments.

A motion was by Mr. Brendel, seconded by Mr. Walsh, to approve the sign during until the completion of phase one of the planned construction. The motion carried unanimously 3/0.

5. **ADJOURNMENT**

A motion was made by Mr. Walsh, seconded by Mr. Brendel, to adjourn the meeting at 7:10pm. The motion carried unanimously 3/0.

Respectfully submitted,
Donna M. Schwartz, CMC