

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
February 21, 2019

1. Board of Adjustment Chair Susan Kerwin called the meeting to order at 7:00 pm with the Pledge of Allegiance. Also in attendance were Board Members John Reddington, Greg Neuner, 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. Mr. Brendel was not present.

2. **APPROVAL OF THE AGENDA**

A motion was made by Mr. Walsh, seconded by Mr. Neuner, to approve the agenda as presented. The motion carried unanimously 4/0.

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Walsh, seconded by Mr. Reddington, to approve the minutes for January 24, 2019 meeting. The motion carried unanimously 4/0.

4. **NEW BUSINESS**

A. V-382 7 Lindsay Lane (PIDN: 405.004/Sussex CTM#: 134-17.00-5.06)

Town Solicitor Dennis Schrader swore in Ken Cimino and Donna Schwartz. Ms. Schwartz confirmed that the application had been advertised, mailed, and posted.

Mr. Cimino read his overview to the Commission. He said Application V-382, submitted by Paul J. Elliot Custom Builder, LLC, on behalf of the property owners Michael G. Roach & Debra Beasley, requesting a variance from Article V, §140-28 of the Land Use and Development Chapter of the Town Code which requires a 15' side yard setback in the R-1 Single-Family Residential District. The property owners seek to maintain an existing outdoor shower and an attached accessory structure (storage shed) that encroach into the required side yard setback on property zoned R-1 Single-Family Residential District located at 7 Lindsay Lane (PIDN: 405.004 / CTM# 134-17.00-5.06).

1. The applicant is requesting a variance from Article V, §140-28 of the Land Use Development Chapter (L.U.D.C.) of the Town Code which requires a 15' side yard setback in the R-1 Single Family Residential District. The outdoor shower and shed were not submitted as part of the original site plan for this property.

Additionally, the owners of the property did not apply for a building permit for the outdoor shower or the attached accessory structure in accordance with the §84-8. Deviation from approved building permit.

Paul J. Elliott, builder of the house, was sworn-in by Mr. Schrader. Mr. Elliott said the problem is with the outside shower and storage shed. The property is irregular shaped and they built them without a surveyor. The shower corner is 7" over and the corner of the shed is over 14". Mr. Elliott stated he had not applied for building permits for the shower and shed.

Mr. Reddington questioned the position of the stairs into the setback. Mr. Cimino replied that the stairs were okay. Mr. Reddington also suggested clipping the corner off the shower to make it fit. Mr. Elliott stated it would look funny with a clipped off corner.

Ms. Kerwin questioned whether turning the shower would help. Mr. Elliott replied no, it is a 4' x 4' shower. Mr. Reddington asked about moving the shed. Mr. Elliott replied that there are windows on the shed.

Ms. Debra Beasley, co-owner of the home, was sworn-in by Mr. Schrader. She said it is a unique lot, pie-shaped, which make the setbacks unusual. Mr. Schrader asked her if the property was in a development. Ms. Beasley replied yes. Mr. Schrader asked Ms. Beasley if these issues would change the essential character of the neighborhood. Ms. Beasley replied no. Mr. Schrader asked Ms. Beasley if the two items being approved would be detrimental to the public welfare. Ms. Beasley replied no. Mr. Schrader asked Ms. Beasley if this was the least modification they could ask for. Ms. Beasley replied yes. Ms. Beasley said they spoke to the neighbors and they have no objection to the variances. She said they were going to send an email. Mr. Schrader noted that if there were covenants with the development they would take precedence over the Board of Adjustment.

Mr. Michael Roach, co-owner of the property, was sworn-in by Mr. Schrader. He told the Commission he spoke to their neighbors and they have no objection to the variances. They were supposed to email a note to the Commission.

Mr. Schrader entered into the record an email from Gary and Elaine Hastings, 10 Lindsay Lane, saying they were not opposed to the variances

There were no public comments. .

A motion was made by Mr. Neuner, seconded by Mr. Reddington, to allow the shower variance. The motion carried unanimously 4/0.

A motion was made by Mr. Neuner, seconded by Mr. Walsh, to allow the shed variance. The motion carried unanimously 4/0.

5. ADJOURNMENT

A motion was made by Mr. Walsh, seconded by Mr. Reddington, to adjourn the meeting at 7:35pm. The motion carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz, CMC