

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
April 18, 2019

1. Board of Adjustment Vice Chair John Reddington called the meeting to order at 7:15 pm with the Pledge of Allegiance. Also in attendance were Board Members Gene Brendel, and Greg Neuner. 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. Walsh and Mrs. Kerwin were not present.

2. **APPROVAL OF THE AGENDA**

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

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Neuner, seconded by Mr. Brendel, to approve the minutes for February 21, 2019 meeting. The motion carried unanimously 3/0.

4. **NEW BUSINESS**

A. V-384 3 Favata Place (PIDN:413.058/Sussex CTM# 134-16.00-906.00)

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 Board. He said Application V-384, submitted by the property owners Wayne M. & Jacqueline W. Bogovich, for a variance from Article VI, §140-35-A(2)(b) of the Land Use and Development Chapter of the Town Code. Article VI, §140-35-A(2)(b) permits a deck to project no more than 10 feet into the required rear yard setback as long as the maximum height from grade does not exceed 24 inches. The applicant seeks to install a deck with handrails that will exceed the maximum overall height from grade and project approximately 8.2 feet into a required rear yard setback on a property zoned MXPC (Mixed-Use Planned Community District) located at 3 Favata Place (PIDN:413.058/Sussex CTM# 134-16.00-906.00).

In Town comments Mr. Cimino said, the applicant is requesting a variance from Article V, §140-35-A(2)(b) of the Land Use Development Chapter (L.U.D.C.) of the Town Code which permits a deck to project no more than 10 feet into the required rear yard setback as long as the maximum height from grade does not exceed 24 inches. The applicant seeks to install a deck with handrails that will exceed the maximum overall height from grade and project approximately 8.2 feet into a required rear yard setback on a property zoned MXPC (Mixed-Use Planned Community District) located at 3 Favata Place.

The applicant wishes to construct a deck with a railing that will project into the rear yard setback by approximately 8.2 feet. The rear yard property line is skewed causing this deck to encroach into the rear yard setback. Due to the slope of the rear yard, this deck will need to be approximately 26 inches from grade at the far end for the walking surface to remain level. The applicant wishes to install railings for the safety

of the occupants in the home. Mr. Cimino stated there was uniqueness to the property and was an exceptional practical difficulty not created by the applicant. He said the variance would have no ill effect on the neighborhood.

Mr. Cimino said the Office of Planning, Zoning and Development had no objection to this variance.

Mr. Wayne Bogovich, applicant, was sworn-in by Mr. Schrader. He stated his mother-in-law lives with them and he wants the deck to be flush with the house, so she doesn't trip and fall. He stated he also has grandchildren that need a railing to go up and down the steps.

Mr. Neuner questioned if this was actually two variances, one for the height of railing and the deck being built into a setback.

A motion was made by Mr. Neuner, seconded by Mr. Brendel, to approve the variance for height and setbacks. The motion carried unanimously 3/0.

5. ADJOURNMENT

A motion was made by Mr. Brendel, seconded by Mr. Neuner, to adjourn the meeting at 7:57pm. The motion carried unanimously 3/0.

Respectfully submitted,
Donna M. Schwartz, CMC