



TOWN OF OCEAN VIEW, DELAWARE
BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

admintov@oceanviewde.com / www.oceanviewde.com



Fee: \$ 750.00

V - 411

Variance is defined as relief from the strict application of the provisions of Chapter 140 of the Code when, owing to special conditions or exceptional situations, a literal interpretation of this Chapter will result in exceptional practical difficulties to the property owner.

Application, requesting a variance from the Code of the Town of Ocean View, is hereby made for property located at: 38 Luzerne Drive Ocean View 19970. The Justification for the Variance

(Explanation of Hardship) is: Extension of Covered area of lot.

Current max is 45% and current improvement plans would extend it to +/-50%.

I/We, the property owner(s) and/or applicant(s) do certify that all information and documents provided for this application are accurate, to the best of our knowledge, and I/We further understand that a hearing will not be scheduled until this application is complete as determined by the Administrative Official of the Town of Ocean View.

Owner(s) of Record (Print): Calvin E. Warren Phone #: [REDACTED]

Address of residence: 38 Luzerne Drive Ocean View DE 19970

Signature(s): [Signature] Date: 10/26/20
(Property Owner(s))

Applicant(s) (Print): same as above Phone #: _____

Address: _____

Signature(s): _____ Date: _____
Applicant(s)

TOWN USE ONLY:

Administrative Official Signature: _____

Va1 38 Luzerne Drive
(PIDN: 413.049 / CTM# 134-16.00-897.00)

CO NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held for Application V-411, submitted by the property owner, Calvin E. Warren, for a variance from Article VII, §140-50-B of the Town Code, which sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a maximum lot coverage of 45% in accordance with Article VI, §140-28 and §140-29 of the Town Code.

Va: The property owner wishes to construct a paver patio and walkway that would exceed the maximum lot coverage on property zoned MXPC (Mixed-Use Planned Community), located at 38 Luzerne Drive (PIDN: 413.049 / CTM# 134-16.00-897.00).

Date Received: 12/1/20 Date Advertised: 1/22/21 Hearing Date: _____

BOARD OF ADJUSTMENT USE ONLY:

Approved: _____
Date *Chairperson, Board of Adjustment*

Denied: _____
Date *Chairperson, Board of Adjustment*

Town of Ocean View

******RECEIPT FOR TOWN FEES******

Financial Good Standing	
Taxes current?	Checked:
Yes	JO
Invoices, if any, current?	
N/A	JO
Water charges, if any, current?	
N/A	JO

DATE 01/19/2021	PROPERTY OWNER NAME Warren
PIDN 413.049	PROPERTY LOCATION 38 Luzerne Drive

MCSJ Acct #	Description of Fees	Amount
01-400-120-105	Building Permit # _____	
01-400-120-110	Sign Permit # S- _____	
01-400-120-115	Impact Fees (\$1,436.00 per New Construction for Capital Costs)	
01-400-120-120	Impact Fees (\$ 500.00 per New Construction for ESEF Program)	
01-400-120-120	ESEF @ .5%	0.00
01-400-120-125	Single Lot Development Fee	
01-400-125-175	P- _____ P&Z V-411 Board of Adj Fees	750.00
01-400-120-130	Other Fee (circle): Deed Recordation Bid Package	
	Other (describe): _____ Subtotal	\$ 750.00
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL FOR MCSJ FINANCE MODULE (General Fund Money Market)	\$ 750.00
01-400-121-110	Temp Bus License # _____	
01-400-121-135	Business License # _____	
01-400-121-155	Rental License # _____	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL FOR MCSJ A/R MODULE (General Fund Money Market)	\$ -
01-400-115-003	Real Estate Transfer Tax @ 1.5% (Transfer Tax Acct)	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL TRANSFER TAX MONEY MARKET ACCOUNT	\$ -
05-400-101-102	Water Permit # _____ (Water Fund)	
05-400-101-103	Water Service Connection (Water Fund)	
05-400-101-104	Water Inspection (Water Fund)	
	Subtotal	\$ -
05-400-201-110	CREDIT CARD CONVENIENCE FEE: Water 3%	
	TOTAL WATER SYSTEM CHECKING ACCOUNT	\$ -
	TOTAL DEPOSIT RECEIVED (May pay on one check)	\$ 750.00

Payment received by: **JO** Check #/CC Auth Code **ck# 125**
 Name on Check if not Property Owner _____ Date Received **1/19/21**

Updated: cal 06/15/2015

SINCE 1889



TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor

Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

admintov@oceanviewde.com / www.oceanviewde.com

SINCE 1889



NOTICE

To: ALL APPLICANTS FOR VARIANCES, SPECIAL USE EXCEPTIONS, CONDITIONAL USES, BUILDING PERMITS AND OTHER PERMITS

Re: Homeowners' Associations and Restrictive Covenants and Conditions

Applicants for variances, special use exceptions, conditional uses, building permits and other permits, such as home based businesses, are required to comply with all Town Codes and with all deed restrictions applicable to their property.

Compliance with Town Codes and the granting of a Town variance, special use exception, conditional use, building permit or other permit does not eliminate the need for applicants to comply with deed restrictions applicable to their property or have their homeowners' association approval.

If a conflict exists between the requirements of deed restrictions and Town Codes, the more restrictive applies.

The Town will enforce its codes, but not deed restrictions, which will include *per diem* fines and court costs.

A violation of a deed restriction may result in legal action by a person authorized to enforce the deed restrictions and the applicant may be liable for the court costs and reasonable attorney fees incurred by the person enforcing the deed restrictions.

In order for the Board of Adjustment to grant a special use exception or variance, the Board must find that the applicant has proven the following:

STANDARDS FOR GRANTING OF VARIANCES

1. **Uniqueness**
 - a. Unique physical circumstances or conditions (such as irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the property).
 - b. That unnecessary hardship or exceptional practical difficulty is due to such unique conditions, and not to general circumstances or conditions and cannot be developed in strict conformity.
2. **Cannot otherwise be developed**
 - a. There is no possibility the property can be developed in strict conformity with the zoning ordinance.
 - b. That the variance is necessary to enable reasonable use of the property.
3. **Not created by the applicant**
 - a. The unnecessary hardship or exceptional practical difficulty cannot have been created by the applicant.
4. **Will not alter the essential character of the neighborhood**
 - a. The variance will not alter the essential character of the neighborhood.
 - b. The variance will not substantially or permanently impair the appropriate use or development of adjacent property.
 - c. The variance will no be detrimental to the public welfare.
5. **Minimum variance**
 - a. The variance is the minimum that will afford relief.
 - b. The variance will represent the least modification possible of the regulation in issue.

STANDARDS FOR GRANTING A SPECIAL USE EXCEPTION

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.
2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code (for instance, time limitations).

BOARD OF ADJUSTMENTS STANDARDS FOR RELIEF

In order for the Board of Adjustment to grant a variance or a special use exception, the Applicant **must** be prepared to answer the following questions and address the following factors:

VARIANCES

1. Uniqueness

- a. Do you have a unique circumstance or condition, such as, irregularity, narrowness or shallowness of lot size or shape or exceptional typographical or other physical condition peculiar to the property? If so, please explain:

A unique design to afford access to the rear of the property and patio without compressing or destroying the green landscape between properties. The property does narrow a bit toward the rear. The design plans were approved by both the HOA and property managers.

- b. Is there an exceptional practical difficulty due to such unique condition (and not related to general circumstances or conditions)? If yes, please explain:

There is not exceptional practical difficulty due to such unique condition.

2. Possibility of Development

- a. Can the property be developed in strict conformity with the zoning ordinance without a variance? If not, please explain:

No. The walkway and patio exceed the max lot coverage by approximately 5%, based on information provided.

b. Is the variance necessary to enable reasonable use of the property?

Yes. The variance is needed to complete the plans as designed.

3. Has the difficulty been created by the Applicant? If not, please explain:

No.

4. Effect on Surroundings

a. Will the variance alter the essential character of the neighborhood?

Not at all. Will enhance the rear view of the property.

b. Will the variance substantially or permanently impair the appropriate use for development of adjacent property?

Not at all. One adjacent property already has a pation installed (by the same contractor) and the other plans to do so at some point.

c. Will the variance be detrimental to the public welfare?

Not at all.

5. Extent of variance

- a. Will the variance represent the least modification possible of regulations at issue?

Yes. Minimal modification of allowed coverage area.

- b. Is the variance necessary to afford relief?

Yes.

- c. Will the variance represent the least modification possible of regulations at issue?

Yes.

SPECIAL USE EXCEPTION

1. Will the exception substantially affect adversely the uses of adjacent and neighboring property?

No.

2. Are there any other requirements, which are applicable to the specific exception being requested (for example, time limitations)?

None.

October 28, 2020

Town of Ocean View, Delaware

Board of Adjustment

Re: Request for Variance to complete Landscaping Plan

Dear Directors:

Please accept this request for a variance to complete the patio and walkway as part of my final improvements to the residence. This improvement will complete the planned concept for the property.

I was unaware that the maximum for the lot was set at 45% and that these improvements will extend it to approximately +/-50 %.

I will be providing the required documentation from the surveyor that are required. The completed application and fee are attached.

I hope that you will seriously consider allowing this variance which not only will complete the plan but will enhance the value and beauty of the property.

Thank you for your consideration.



Calvin E. Warren

38 Luzerne Drive #49, Silver Woods

Ocean View, DE 19970

[REDACTED]



35370 Atlantic Ave.
Millville, DE 19967
302-541-5312
Fax 302-541-5313
www.excelpmllc.com

July 31, 2020

Calvin Warren
38 Luzerne Drive
Ocean View, DE 19970

PROPERTY ADDRESS: Same as Above

RE: Stone Edging 6 x 8, 645 Sq. Ft. Patio, Stone Edging on Walkway

Dear Calvin:

We are pleased to inform you that the Architectural Committee (ARC) has approved your installation of your patio and stone edging. All installations will be in spec with the application submitted.

This approval is pending the following requirements:

- All county, state and federal approvals and permits is the owner's responsibility.
- Any changes to the original ARC request or design must be resubmitted in writing and approved before changes can be made
- All costs associated with this project are the owner's responsibility
- All building materials must match existing style, color, quality and manufacture
- Construction must be completed in a timely manner
- All building permits are the responsibility of owner.
- No storage of construction materials or dumping or rock/ debris piles in the street.
- This structure must be within the required building restriction/ property lines and are the responsibility of the owner to verify. Construction in any easement is not permitted.

Thank you for your cooperation.

Best regards,

Dave Baldo
Excel Property Management, LLC



SEQUOIA
LANDSCAPING, INC

P.O Box 770
Selbyville, DE 19975

HARDSCAPING & LANDSCAPING AGREEMENT

Agreement made, effective as of July 22, 2020, between Sequoia Landscaping, Inc., of 30836 Dupont Blvd., Dagsboro, Delaware 19939 ("Contractor"), and Calvin Warren, of 38 Luzerne Drive, Ocean View, DE 19970 ("Owner").

SECTION ONE: DESCRIPTION OF WORK

Contractor agrees to provide all the materials, equipment and labor to perform the following described work, at 38 Luzerne Drive, Ocean View, DE 19970, (hereinafter the "Project Site"):

As specified on Estimates #8210, #8211 & Design attached and incorporated hereto as Exhibit A.

Hardscaping Warranty Information: Work completed is guaranteed for a period of five (5) years from completion date for all workmanship and installation. Please refer to the manufacturer's manual for material warranty. After the warranty period, labor and installation to repair or replace manufacturer's equipment is NOT included in the manufacturer's warranty. Warranty does not cover pavers damaged by owner, owner's guests and/or other contractors.

PLEASE NOTE: Poly Sand is not under warranty. It must be maintained by the homeowner every couple of years as it wears out with time.

Seeding around the patio is included in the price. If client would like new sod installed, there will be an additional charge.

Plant Warranty: Plants & Trees have a one-year warranty and will be replaced once.

Homeowners are responsible to obtain all required permits from the Town & County, if applicable except for the plumbing permit when required.

SECTION TWO: TIME FOR COMPLETION

Owner's job will be scheduled in the next available slot once signed contract, deposit and HOA approval (if applicable) are received. As of the time of contract write up, we are scheduling jobs for September. Contractor agrees that the work under this contract shall be substantially completed within 15 working days after commencement of job, subject however, to normal weather-related delays or any causes outside the control or expectation of the parties hereto.

LICENSE NO. 2010600289 DORAL

STATE OF DELAWARE

VALID

01/01/20 - 12/31/22
NOT TRANSFERABLE

POST CONSPICUOUSLY

DIVISION OF REVENUE

DLN: 19 62852 59

BUSINESS CODE
GROUP CODE

007

LICENSED
ACTIVITY

PROFESSIONAL AND/OR PERSONAL SERVICES

DATE ISSUED: 11/26/19

****VALIDATED****

2022

LICENSE FEE: \$ 225.00

MAILING ADDRESS

BUSINESS LICENSE

BUSINESS LOCATION

SEQUOIA LANDSCAPING INC
PO BOX 770
SELBYVILLE DE 19975-0770



SEQUOIA LANDSCAPING INC
30836 DUPONT BLVD
DAGSBORO DE 19939-4454

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE

JENNIFER R. HUDSON
DIRECTOR OF REVENUE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/17/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL REQUIRED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in favor of such endorsement(s).

PRODUCER
FEDERATED MUTUAL INSURANCE COMPANY
HOME OFFICE: P.O. BOX 328
OWATONNA, MN 55060

CONTACT
PHONE: CLIENT CONTACT CENTER
TOLL FREE: 888-333-1949 FAX: 1005-446-4884
E-MAIL: ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM

INSURED
SEQUOIA LANDSCAPING INC
PO BOX 770
SELBYVILLE, DE 19975-0770

150-850-6

INSURER A: FEDERATED MUTUAL INSURANCE COMPANY	NAIC #
INSURER B:	13935
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGE

CERTIFICATE NUMBER: N

POLICY NUMBER: 8

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	EXCLUDED	COVERAGE	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		N N	6047403	04/24/2020	04/24/2021	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Excluded) \$100,000 USED EXP. (Any one person) EXCLUDED PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	OTHER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-RECT <input type="checkbox"/> LOC AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> RENTED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY		N N	6047403	04/24/2020	04/24/2021	COMBINED SINGLE LIMIT (Excluded) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Excluded)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE		N N	6047404	04/24/2020	04/24/2021	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/OWNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory by RW) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A N	4041405	04/24/2020	04/24/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE NUMBER

150-850-6
EXCEL PROPERTY MANAGEMENT
35370 ATLANTIC AVE
MILLVILLE, DE 19967-6903

8 0

CANCELLATION

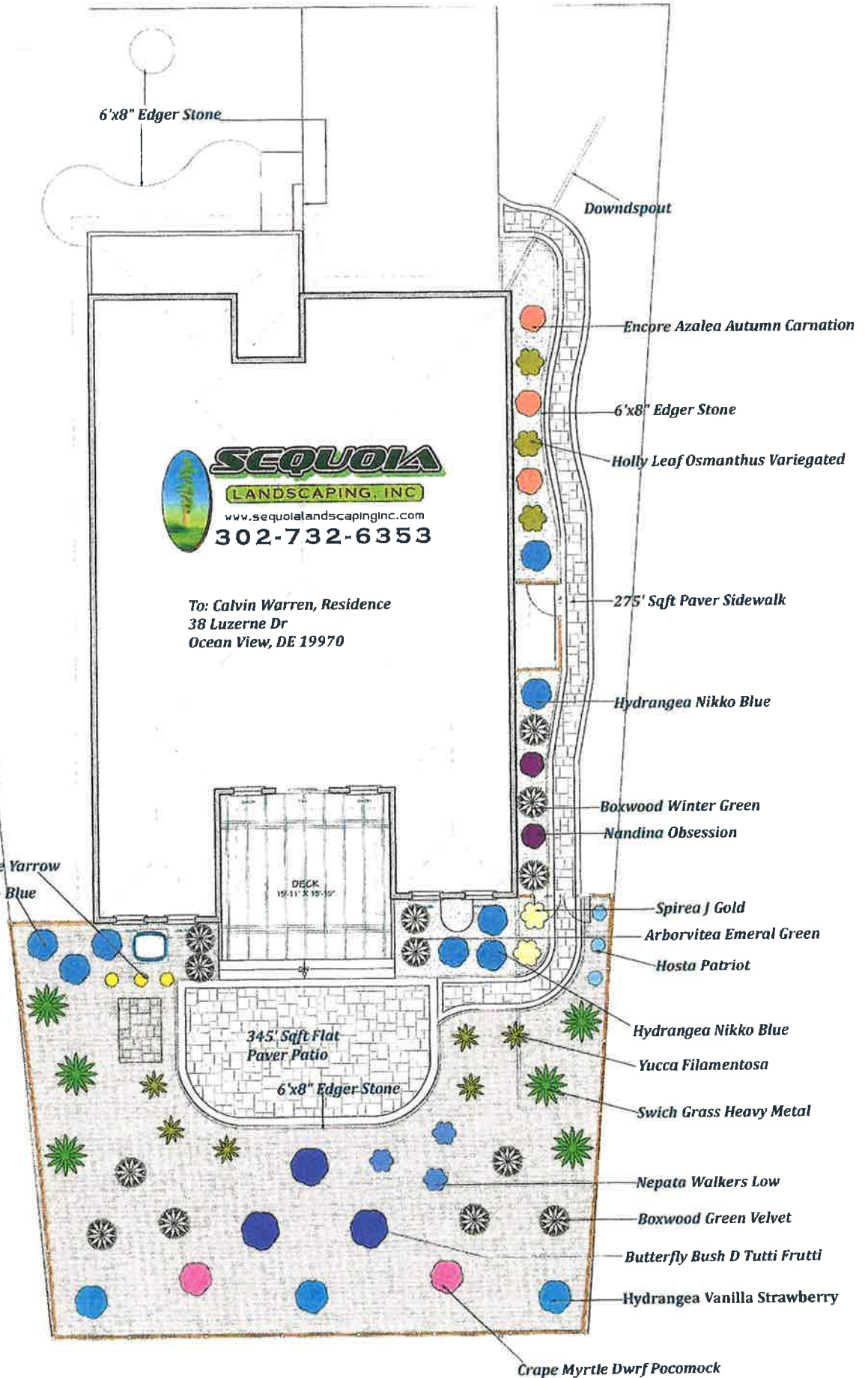
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Michael C Kern

© 1996-2015 ACORD CORPORATION. All rights reserved.

EXHIBIT A



To: Calvin Warren, Residence
38 Luzerne Dr
Ocean View, DE 19970

THIS DESIGN IS PROPERTY OF SEQUOIA LANDSCAPING, INC. THE UNAUTHORIZED USE OF THIS DESIGN BY THE HOMEOWNER OR OTHER CONTRACTOR IS PROHIBITED. IF USED, A \$500.00 FEE WILL BE CHARGED AND WILL BE PROSECUTED IF NOT PAID.

TOWN OF OCEAN VIEW PUBLIC NOTICE
BOARD OF ADJUSTMENT HEARINGS

45 Old Forge Drive

(PIDN: 413.098 / CTM# 134-16.00-947.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held for Application V-408, submitted by the property owners, Gary Reinhold and Jennifer Rosier, for a variance from Article VII, §140-50-B of the Town Code, which sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a maximum lot coverage of 45% in accordance with Article VI, §140-28 and §140-29 of the Town Code.

The property owners wish to construct a paver patio and walkway that would exceed the maximum lot coverage on property zoned MXPC (Mixed-Use Planned Community), located at 45 Old Forge Drive (PIDN: 413.098 / CTM# 134-16.00-947.00).

5 Favata Place

(PIDN: 413.059 / CTM# 134-16.00-907.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held for Application V-410, submitted by the applicant William Blatzheim of Right Coast Construction, LLC, on behalf of the property owners, Michael F. & Gaelyn C. Derr, for a variance from Article VII, §140-50-B of the Town Code, which sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a rear yard setback of 20 feet in accordance with Article VI, §140-28 and §140-29 of the Town Code.

The property owners wish to construct a sunroom that would encroach into the rear yard setback on property zoned MXPC (Mixed-Use Planned Community), located at 5 Favata Place (PIDN: 413.059 / CTM# 134-16.00-907.00).

38 Luzerne Drive

(PIDN: 413.049 / CTM# 134-16.00-897.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held for Application V-411, submitted by the property owner, Calvin E. Warren, for a variance from Article VII, §140-50-B of the Town Code, which sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a

maximum lot coverage of 45% in accordance with Article VI, §140-28 and §140-29 of the Town Code.

The property owner wishes to construct a paver patio and walkway that would exceed the maximum lot coverage on property zoned MXPC (Mixed-Use Planned Community), located at 38 Luzerne Drive (PIDN: 413.049 / CTM# 134-16.00-897.00).

63 Atlantic Avenue

(PIDN: 201.120 / CTM# 134-12.00-1227.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held for Application V-412, submitted by the applicant Tupp Signs, Inc. on behalf of the property owner Atlantic Realty Partners, LLC, requesting a variance from Article X, §140-65 of the Town Code. The property owner wishes to install a freestanding sign for a multiple-business site that will be placed less than the required 20 feet from the side property line on a parcel zoned GB-1 (General Business District 1), located at 63 Atlantic Avenue (PIDN: 201.120 / Sussex CTM#: 134-12.00-1227.00).

The Town will hold these public hearings on **Thursday, February 18, 2021 at 6:00pm** or as soon as possible thereafter by **ZOOM Teleconference**. The meeting link will appear on the posted agenda for the meeting (www.oceanviewde.com). Written comments will be accepted but must be received prior to the hearing. Please note that the meeting agenda is subject to change.

The Town's administrative offices located at 201 Central Avenue are currently closed to the public due to COVID-19 health concerns. Appointments are being made as necessary. For additional information, to request copies of the application(s), or to request the Zoom meeting link, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at kcimino@oceanviewde.com.

Town of Ocean View, DE
Thursday, February 11, 2021

Chapter 140. Land Use and Development

Article VII. Planned Community Zoning Districts

§ 140-50. Dimensional standards.

- A. Applicability: all planned community districts.
- B. Standards for dwelling units.

Standard	Dwelling Type				
	Single Unit	Duplex	Semi-detached	Townhouse	Multiple-Unit
Minimum lot area per unit (square feet)	7,500	10,000	5,000	2,000	3,000
Minimum lot width at front property line (feet)	60	100	50	22	N/A
Maximum height (feet)	42	42	42	42	42
Additional dimensional standards	May be established at the discretion of the Town Council by the ordinance enacted by the Town Council at the time a property is placed in a planned community district				
Dimensional standards not specified by ordinance enacted at the time a property is placed in a planned community district	Same as R-3 Zone				

Notes:

1. Minimum lot area and/or minimum lot width may be increased at the discretion of the Town Council by the ordinance enacted by the Town Council at the time a property is placed in a planned community district.

- C. Standards for commercial uses.

Standard

Dimensional standards

Requirement

May be established by ordinance enacted by the Town Council at the time a property is placed in a planned community zoning district

Standard

Dimensional standards not specified by ordinance enacted at the time a property is placed in a planned community district

Requirement

Same as GB-1 and GB-2 Zones

Town of Ocean View, DE
Thursday, February 11, 2021

Chapter 140. Land Use and Development

Article V. Dimensional Regulations

§ 140-28. R-1 and R-2 Zones.

[Amended 1-13-2015 by Ord. No. 320]

Standard	Zone and Dwelling Type			
	R-1 Zone Single-Family	Single-Family	R-2 Zone Semidetached	Duplex
Tract standards				
Tract area (square feet)	14,000	10,000	14,000	14,000
Maximum dwelling units per acre	3	4	6	6
Minimum distance between buildings (feet)	30	30	20	20
Lot standards				
Lot area per dwelling unit (square feet)	14,000	10,000	7,000	14,000
Lot width at front property line (feet)	75	60	70	70
Lot depth (feet)	100	100	100	100
Setbacks (feet)				
From front lot line or side lot line abutting a street	25	20	25	25
From side lot line	15	10	10	10
From rear lot line	30	20	30	30
Maximum Height				
Feet	42	42	42	42
Number of stories	3	3	3	3
Maximum coverage of lot area (includes all buildings and structures)	35%	45%	45%	45%
Minimum green area	65%	55%	55%	55%

Standard	Zone and Dwelling Type			
	R-1 Zone	R-2 Zone		
	Single-Family	Single-Family	Semidetached	Duplex
Minimum livable floor area per dwelling (square feet)	1,600	1,250	1,250	1,250

Notes:

1. Tract means a property that is not yet subdivided.
2. N/A means not applicable.

§ 140-29. R-3 Zone.

[Amended 1-13-2015 by Ord. No. 320]

Standard	Single-Family; Semidetached; Duplex	Dwelling Type	
		Townhouse	Multifamily
Tract standards			
Tract area (acres)	Same as R-2	1	2
Maximum DUs per acre	Same as R-2	6	6
Distance between townhouse rows or multifamily buildings (feet)	Same as R-2	25	50
Maximum number of townhouses in a single attached row	Same as R-2	6	N/A
Minimum frontage (feet)	Same as R-2	50	50
Setbacks from tract boundary (feet)			
From front tract line	Same as R-2	30	30
From side tract line	Same as R-2	25	25
From rear tract line	Same as R-2	30	30
Minimum green area	Same as R-2	50%	60%
Lot standards			
Lot area per dwelling unit (square feet)			
Interior	Same as R-2	2,000	3,000
End	Same as R-2	3,000	3,000
Lot width (feet)			
Interior	Same as R-2	20	See tract standards
End	Same as R-2	30	See tract standards
Lot depth (feet)	Same as R-2	100	See tract standards
Minimum townhouse width (feet)	Same as R-2	20	See tract standards

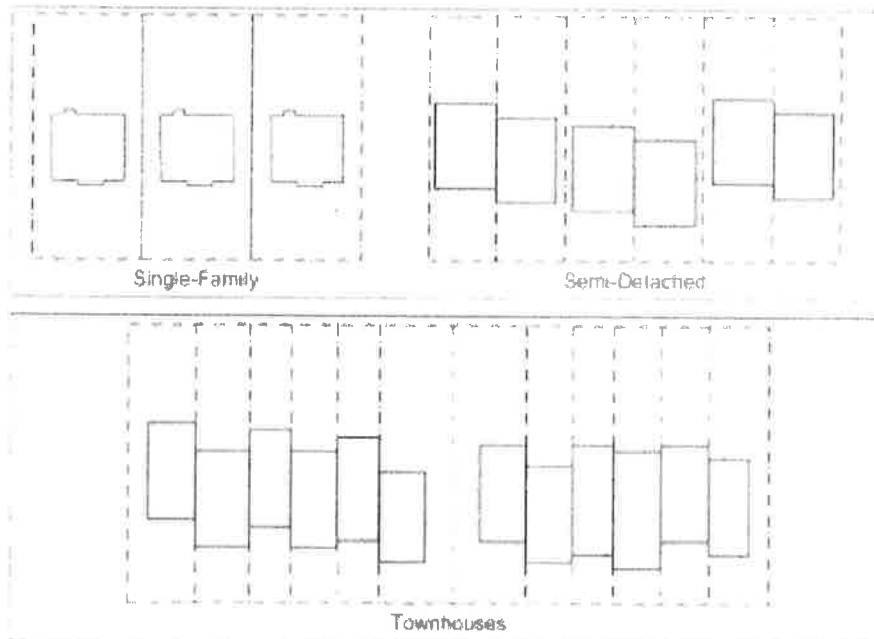
Dwelling Type

Standard	Single-Family; Semidetached; Duplex	Townhouse	Multifamily
Setbacks from lot line (feet)			
From front lot line	Same as R-2	25	See tract standards
From side lot line			
Interior	Same as R-2	0	See tract standards
End	Same as R-2	15	See tract standards
From rear lot line	Same as R-2	30	See tract standards
Maximum height			
Feet	Same as R-2	42	42
Number of stories	Same as R-2	3	3
Maximum coverage of lot area (includes all buildings and structures)	Same as R-2	55%	N/A
Minimum green area	Same as R-2	45%	N/A
Minimum livable floor area per dwelling (square feet)	Same as R-2	1,250	1,000

Notes:

1. Tract means a property that is not yet subdivided.
2. N/A means not applicable.

Figure 1. Lot Layouts—Single-Family, Semi-Detached, Townhouse



TOWN OF OCEAN VIEW201 CENTRAL AVE, 2ND FLOOR
OCEAN VIEW, DE 19970

February 18, 2021

TO: Board of Adjustment

FROM: Kenneth L. Cimino – Director of Planning, Zoning and Development

SUBJECT: **OVERVIEW OF APPLICATION V-411**

Application V-411, submitted by the property owner, Calvin E. Warren, for a variance from Article VII, §140-50-B of the Town Code, which sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a maximum lot coverage of 45% in accordance with Article VI, §140-28 and §140-29 of the Town Code.

The property owner wishes to construct a paver patio and walkway that would exceed the maximum lot coverage on property zoned MXPC (Mixed-Use Planned Community), located at 38 Luzerne Drive (PIDN: 413.049 / CTM# 134-16.00-897.00).

TOWN COMMENTS

The property owners wish to construct a paver patio which will exceed the maximum allowable lot covered of 45%. This proposed improvement would increase the lot coverage to 50.2%, resulting in an overage of 5.2% or 390 square feet.

This improvement commenced without a permit or approval from the Office of Planning, Zoning and Development. It is my understanding that there was a miscommunication between the homeowner and contractor as to who would apply for or if there was a need for a building permit. Had a building permit been applied for this office would have caught the overage of the maximum allowable lot coverage and worked with the property owner on an alternative design to attempt to construct an improvement that was code compliant.

Construction of this paver patio and walkway will not adversely impact the surrounding properties as many homes in this community have paver patios and walkways.

Jill Oliver

From: Jill Oliver
Sent: Tuesday, February 02, 2021 4:04 PM
To: Calvin Warren
Cc: Kenneth Cimino
Subject: Info. for 2/18/21 Board of Adjustment Hearing - V-411

Good afternoon Mr. Warren,

This email notice will formally notify you that the Board of Adjustment will hold a public hearing on Application V-411, which is your request for a variance from Article VII, §140-50-B of the Town Code, which sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a maximum lot coverage of 45% in accordance with Article VI, §140-28 and §140-29 of the Town Code. You wish to construct a paver patio and walkway that would exceed the maximum lot coverage on property zoned MXPC (Mixed-Use Planned Community), located at 38 Luzerne Drive (PIDN: 413.049 / CTM# 134-16.00-897.00).

The Town will hold this public hearing on **Thursday, February 18, 2021 at 6:00pm** or as soon as possible thereafter by **ZOOM Teleconference**. The meeting link is below. *If for some reason you are unable to attend via Zoom video, please ensure that you designate a representative to represent you at the virtual hearing and provide proof of this designation.*

Please call 302 539-1208 or email Ken Cimino at kcimino@oceanviewde.com if you have any questions or need additional information.

Topic: Town of Ocean View - BOA Meeting
Time: Feb 18, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/88484987108>

Meeting ID: 884 8498 7108
One tap mobile
+13126266799,,88484987108# US (Chicago)
+16465588656,,88484987108# US (New York)

Dial by your location
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington D.C)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
Meeting ID: 884 8498 7108

Have a wonderful day!
Jill

PIDN	CTM#	PL#	Property Location Street	Owner	OMA #	OMA Street	OMA City	OMA State	OMA Zip
413.010	134-16.00-858.00	31	Luzerne Drive	Van Winter, Carl B. & Pamela J.	31	Luzerne Dr.	Ocean View	DE	19970
413.011	134-16.00-859.00	33	Luzerne Drive	Maddens, David F. & Gordy, Beth C.	33	Luzerne Dr.	Ocean View	DE	19970
413.012	134-16.00-860.00	35	Luzerne Drive	Newson, Maria L. & Ricky D.	738	Cronin Dr.	Aberdeen	MD	21001
413.013	134-16.00-861.00	39	Luzerne Drive	Fleming, Scott H. & Janice D.	39	Luzerne Dr.	Ocean View	DE	19970
413.014	134-16.00-862.00	41	Luzerne Drive	Sanders, Matthew B. & Cindy L.	51	Bretton Reef Ct.	Annapolis	MD	21409
413.015	134-16.00-863.00	45	Luzerne Drive	Schoenbeck, Douglas	387	Mourning Dove Dr.	Newark	DE	19711
413.016	134-16.00-864.00 *	47 *	Luzerne Drive *	Volk, Mary J.	47	Luzerne Dr.	Ocean View	DE	19970
413.033	134-16.00-881.00 *	49 *	Luzerne Drive *	Knoll, Ann M. & Richard S.	13040	Bourne Pl.	Bristow	VA	20136
413.045	134-16.00-893.00	48	Luzerne Drive	Williams, Richard W. J. & Jane E.	48	Luzerne Dr.	Ocean View	DE	19970
413.046	134-16.00-894.00	46	Luzerne Drive	Williams, Janice M. & Richard W.	46	Luzerne Dr.	Ocean View	DE	19970
413.047	134-16.00-895.00	44	Luzerne Drive	Bartenfelder, Donald J. & Irene M.	44	Luzerne Dr.	Ocean View	DE	19970
413.048	134-16.00-896.00	40	Luzerne Drive	Loney, James & Carole	563	Fairmount Rd.	Linthicum	MD	21090
413.050	134-16.00-898.00	36	Luzerne Drive	Durivage, Edward & Frances	36	Luzerne Dr.	Ocean View	DE	19970
413.051	134-16.00-899.00	32	Luzerne Drive	Merski, Joy L.	32	Luzerne Dr.	Ocean View	DE	19970
413.052	134-16.00-900.00	30	Luzerne Drive	Sarmast, Manijeh & Sadeghi, Seyed	12820	Pinecrest Rd.	Herndon	VA	20171
413.053	134-16.00-901.00	28	Luzerne Drive	Rose, Bruce & Rosemary	3043	Amberfield Tr.	Charlottesville	VA	22911
413.115	134-16.00-43.01	0	LuzerneAve	Thornton, Robert L.		P.O. Box 449	Bethany Beach	DE	19930

SINCE 1889



TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor

Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

admintov@oceanviewde.com / www.oceanviewde.com

SINCE 1889



January 27, 2021

Van Winter, Carl B. & Pamela J.
31 Luzerne Dr.
Ocean View, DE 19970

413.010

TOWN OF OCEAN VIEW PUBLIC NOTICE BOARD OF ADJUSTMENT HEARING

38 Luzerne Drive

(PIDN: 413.049 / CTM# 134-16.00-897.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held for Application V-411, submitted by the property owner, Calvin E. Warren, for a variance from Article VII, §140-50-B of the Town Code, which sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a maximum lot coverage of 45% in accordance with Article VI, §140-28 and §140-29 of the Town Code. The property owner wishes to construct a paver patio and walkway that would exceed the maximum lot coverage on property zoned MXPC (Mixed-Use Planned Community), located at 38 Luzerne Drive (PIDN: 413.049 / CTM# 134-16.00-897.00).

The Town will hold this public hearing on **Thursday, February 18, 2021 at 6:00pm**, or as soon as possible thereafter, by **ZOOM Teleconference**. Written comments will be accepted but must be received prior to the hearing.

The Town's administrative offices located at 201 Central Avenue are currently closed to the public due to COVID-19 health concerns. Appointments are being made as necessary. For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at kcimino@oceanviewde.com.

Sincerely,

Kenneth L. Cimino
Director of Planning, Zoning & Development

Join Zoom Meeting:

Topic: Town of Ocean View - Board of Adjustment
Time: Feb 18, 2021 06:00 PM Eastern Time (US and Canada)
Zoom Link: <https://us02web.zoom.us/j/88484987108>
Meeting ID: 884 8498 7108

Dial by your location

+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington D.C.)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
Meeting ID: 884 8498 7108