

SINCE 1889



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](mailto:admintov@oceanviewde.com) / [www.oceanviewde.com](http://www.oceanviewde.com)

SINCE 1889



Fee: \$ 750.00

V - 419

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: 65 Luzerne Drive, Ocean View

The Justification for the Variance (Explanation of Hardship) is: Building screened porch on property facing woods.

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): Velna Niederhauser Phone #: [REDACTED]

Address of residence: 65 Luzerne Drive Ocean View DE 19970

Signature(s): Velna Niederhauser Date: 5/10/2024  
(Property Owner(s))

Applicant(s) (Print): Velna Niederhauser Phone #: [REDACTED]

Address: 65 Luzerne Drive Ocean View DE 19970

Signature(s): Velna Niederhauser Date: 5/10/2022  
Applicant(s)

**TOWN USE ONLY:**

**Administrative Official Signature:**

65 Luzerne Drive

(PIDN: 413.039 / CTM# 134-16.00-887.00)

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-419, submitted by the property owner, Velna Niederhauser, for variances from Article V, §140-32 and Article VI, §140-35-A(2)(b) of the Town Code. 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. Article V, §140-32 requires attached accessory structures to maintain the same rear setback as the principal structure. Article VI, §140-35-A(2)(b) states that a deck (over 24" high) attached to a building or structure shall be subject to the same rear yard setback as the principal building to which it is attached.

The property owners wish to construct an attached accessory structure (screened porch) with a deck/landing (over 24" high) that would encroach into the rear yard setback on property zoned MXPC (Mixed-Use Planned Community), located at 65 Luzerne Drive (PIDN: 413.039 / CTM# 134-16.00-887.00).

Date Received: 5/14/21 Date Advertised: 5/21/21 Hearing Date: 6/17/21

**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\*\*\*\***

DATE <b>06/04/2021</b>	PROPERTY OWNER NAME <b>Niederhauser</b>
PIDN <b>413.039</b>	PROPERTY LOCATION <b>65 Luzerne Dr.</b>

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

MCSJ Acct #	Description of Fees	Amount
01-400-120-105	Building Permit # _____	
01-400-120-110	Sign Permit # <b>S-</b> _____	
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	<b>P-</b> _____ P&Z <b>V-419</b> Board of Adj Fees	750.00
01-400-120-130	Other Fee (circle): <b>Deed Recordation Bid Package</b>	
	Other (describe): _____ Subtotal	\$ 750.00
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	<b>TOTAL FOR MCSJ FINANCE MODULE (General Fund Money Market)</b>	<b>\$ 750.00</b>
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%	
	<b>TOTAL FOR MCSJ A/R MODULE (General Fund Money Market)</b>	<b>\$ -</b>
01-400-115-003	Real Estate Transfer Tax @ 1.5% (Transfer Tax Acct)	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	<b>TOTAL TRANSFER TAX MONEY MARKET ACCOUNT</b>	<b>\$ -</b>
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%	
	<b>TOTAL WATER SYSTEM CHECKING ACCOUNT</b>	<b>\$ -</b>
	<b>TOTAL DEPOSIT RECEIVED (May pay on one check)</b>	<b>\$ 750.00</b>

Payment received by:  
Name on Check if not  
Property Owner

**JO**

Check #/CC Auth Code

**ck# 219**

Date Received

**5/10/21**

Updated: cal 06/15/2015

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## TOWN OF OCEAN VIEW

201 Central Avenue – 2<sup>nd</sup> Floor  
Ocean View, DE 19970

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

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### 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 not 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 topographical or other physical condition peculiar to the property? If so, please explain:

Narrowness of Backlot property facing Woods.  
Property faces Woods - would NOT overlap  
with any other property owners.

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

NO

#### 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 - Variance needed to construct porch  
on property

Porch would cross over BLR line

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

Yes

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?

No

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

No

We were told when purchasing home that there will be no other construction in back of house.

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

All woods

No

5. Extent of variance

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

Yes

- 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)?

Urgent need for approval before next meeting, which I think, is on May 15, 2021



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

April 14, 2021

Velna Niederhauser  
65 Luzerne Drive  
Ocean View, DE 19970

PROPERTY ADDRESS: Same as Above

RE: 10' x 15' Eze Breeze Window Porch, 4' x 8' Outside Trash Enclosure, Moving Existing Paver to 6 x 8' Grill Area

Dear Velna:

We are pleased to inform you that the Architectural Committee (ARC), as approved your installation of your 10' x 15' Eze windows porch (Not to extend over the BRL), 4' x 8' trash enclosure, 6' x 8' paver pad for grill area behind house.

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



MAR 08 2021

paid v# 217  
3/5/2021

ARA  
Architectural Review Application  
PLEASE PRINT NEATLY

DATE SUBMITTED	3/5/2021
DATE STAMPED (EPM OFFICE)	
COMMUNITY	Silver Woods
PROPERTY OWNER	Velna NIEDERHAUSER
STREET ADDRESS (of improvement)	65 LUZERNE DRIVE Ocean View DE
LOT #	39
MAILING ADDRESS	SAME AS ABOVE
CITY, STATE & ZIP CODE	" " "
DAY TIME PHONE NUMBER	[REDACTED]
ALTERNATE PHONE NUMBER	[REDACTED]
EMAIL ADDRESS	[REDACTED]
DESCRIPTION OF IMPROVEMENT Please provide general description of improvement - EXAMPLE 15' x 12' porch with 10' x 10' deck	<del>10' x 19' Screened in Porch</del>
	10' x 15' Screened in Porch
	2' DEPTH SHORTER ON RIGHT SIDE
	<input checked="" type="checkbox"/> APPROVED
ESTIMATED START DATE	may 2021
ESTIMATED COMPLETION DATE	June 2021
SUBMITTED BY (PRINT)	Velna NIEDERHAUSER
SIGNATURE (OWNER)	Velna Niederhauser

Changes 4-7-21  
CNS

**TOWN OF OCEAN VIEW**201 CENTRAL AVE, 2<sup>ND</sup> FLOOR  
OCEAN VIEW, DE 19970

June 17, 2021

TO: Board of Adjustment

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

SUBJECT: **OVERVIEW OF APPLICATION V-419**

Application V-419, submitted by the property owner, submitted by the property owner, Velna Niederhauser, for a variance from Article VII, §140-50-B and Article V, §140-32 of the Town Code. Article VII, §140-50-B 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 the requirements for the Silverwoods Mixed-Use Planned Community (MXPC), including: a minimum 5 (five) foot side yard setback, a minimum 15 foot separation between adjacent dwelling units and attached accessory buildings/structures, and the establishment of a drainage easement equal to the minimum separation of 15 feet required between dwelling units.

The property owners wish to construct an attached accessory structure (screened porch) with a deck/landing (over 24" high) that would encroach into the rear yard setback on property zoned MXPC (Mixed-Use Planned Community), located at 65 Luzerne Drive (PIDN: 413.039 / CTM# 134-16.00-887.00).

**TOWN COMMENTS**

The applicant is seeking two variances:

- 1) 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. Article V, §140-32 requires attached accessory structures to maintain the same rear setback as the principal structure. Due to the irregular shape of the rear property line, the rear wall of the house was not constructed parallel to the property line. It is approximately 20.9 ft. from the rear property line at the southeast corner and approximately 29.4 ft. from the rear property line at the southwest corner. The screened porch will be attached to the rear wall of the house and is proposed to be 15 ft. wide and 10 ft. deep. The distance that the screened porch projects into the required rear yard setback will vary. The maximum projection will be 3.1 ft.
- 2) Article VI, §140-35-A(2)(b) states that decks (over 24" high) attached to a building or structure shall be subject to the same rear yard setback as the principal building to which it is attached. As previously stated, the rear wall of the existing house was not constructed parallel to the rear property line. The deck will be attached to the rear wall of the house and is proposed to be 11 ft. wide and 4 ft. deep. The distance that the deck projects into the required rear yard setback will vary. The maximum projection will be 2.2 ft.

ORDINANCE NO.: 353

**AN ORDINANCE AMENDING THE CONDITIONS OF APPROVAL  
FOR 115.59 ACRES, MORE OR LESS,  
ANNEXED INTO THE TOWN LIMITS BY ORDINANCE NO. 282  
AND ORDINANCE NO. 321,  
BEING THE LANDS OF SILVERSTOCK, LLC**

**WHEREAS**, the Town Council annexed into the town limits of the Town of Ocean View 115.59 acres, more or less, by Ordinance No. 282; and

**WHEREAS**, the territories so annexed were rezoned and designated MXPC, Mixed Use Planned Community District; and

**WHEREAS**, the conditions of Ordinance No. 282 were amended by Ordinance No. 321, adopted March 10, 2015; and

**WHEREAS**, Silverstock Builders, LLC, the owner of the annexed territory has requested that the conditions of approval be amended, relating to lot coverage and other matters; and

**WHEREAS**, on the 19 day of July, 2018, a hearing was held before the Planning and Zoning Commission and the Commission recommended to the Council that the application be granted; and

**WHEREAS**, on the 11 day of September, 2018, and the 9 day of October, 2018, public hearings were held, after notice, before the Town Council and based on the Finding of Facts, it determined that the amendment of the conditions of approval for the MXPC Mixed Use Planned Community District is for the general convenience and welfare of the present and future inhabitants of the Town of Ocean View.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF OCEAN VIEW:**

Section 1. Amend Ocean View Ordinance No. 282, An Ordinance Annexing into the Town Limits of the Town of Ocean View of 115.59 Acres, More or Less, be the Lands of Silverstock Builders, LLC, and Ordinance No. 321, An Ordinance Amending the conditions of approval for 115.59 acres More or Less, by amending the conditions of approval of the rezoning and designation of the territory annexed as a MXPC Mixed use Planned Community District, by

deleting the text in brackets and adding hereto the text underlined, as follows:


1. Setbacks shall be :
  - 20' front yard
  - 20' rear yard
  - 5' side yard
2. The Minimum separation between dwelling units and attached accessory buildings/structures shall be 15'.
3. A drainage easement, equal to the minimum separation of 15' required between dwelling units shall be provided.
4. Maximum lot coverage for single family lots shall be 45% with an exception of 50% lot coverage for single family lots on which **[the Ryan Homes Springhaven model is erected.] selected models may be erected on non-adjacent lots and comply with all other conditions set out herein.**
5. Detached accessory buildings/structures are not permitted in front or side yards and they shall be located no closer than a minimum of 10' from rear lot lines and 5' from any other structure.
6. Individual wells are not permitted on residential lots.

Section 2. Except as amended herein, all other conditions of approval shall remain in full force and effect.

Section 3. This Ordinance shall be effective upon its adoption by a majority of all members elected to the Town Council of Ocean View.

**TOWN OF OCEAN VIEW**

{Seal}

By:   
Mayor

Attest:   
Town Clerk

Adopted: 10/9/18

Town of Ocean View, DE  
Friday, June 11, 2021

## Chapter 140. Land Use and Development

### Article V. Dimensional Regulations

#### § 140-32. Accessory buildings and structures.

[Amended 4-12-2011 by Ord. No. 274]

<b>Standard</b>	<b>Attached to Principal Building or Structure</b>	<b>Detached</b>	<b>Decks and Patios</b>
Location	On same lot as principal building or structure		See § 140-35
Distance from other buildings and structures (feet)	N/A	5	See § 140-35
Setbacks			
From front lot line	Same as principal building or structure	Not permitted	See § 140-35
From side lot line	Same as principal building or structure	Same as the principal building or structure	See § 140-35
From rear lot line (feet)	Same as principal building or structure	10	See § 140-35
Maximum height (feet)	Same as principal building or structure	14	See § 140-35
Maximum coverage of lot area (includes all buildings and structures)	Must be included with principal building or structure		See § 140-35

*Town of Ocean View, DE  
Friday, June 11, 2021*

## Chapter 140. Land Use and Development

### Article VI. Additional Use and Dimensional Regulations

#### § 140-35. Decks and patios on residential properties.

##### A. Decks.

- (1) Definition. A "deck" is an accessory use consisting of an unroofed platform supported by pillars or posts and is either freestanding or attached to a building.
- (2) Permitted locations.
  - (a) Front or side yard location. A deck attached to a principal building or structure shall be subject to the same front and side setback standards as the principal building to which it is attached. It may not project into a required front or side yard.
  - (b) Rear yard location. A deck attached to a building or structure shall be subject to the same rear setback standard as the principal building to which it is attached. It may project no more than 10 feet into a required rear yard setback as long as the maximum height from grade does not exceed 24 inches.
- (3) Coverage. All decks shall be included in the maximum permitted building coverage for principal buildings and structures.

##### B. Patios.

- (1) Definition. A "patio" is a level, surfaced area that is at the finished grade, not covered by a permanent roof, and is either freestanding or directly adjoining a building.
- (2) Permitted locations.
  - (a) Front yard location. A patio shall be subject to the same front building setback standard as the principal building with which it is associated. It may not project into a required front yard.
  - (b) Side yard location. A patio may project into a required side yard setback as long as it is placed no closer than 10 feet to any lot line.
  - (c) Rear yard location. A patio may project into a required rear yard setback as long as it is placed no closer than 10 feet to any lot line.
- (3) Placement: 10 feet from any property line.
- (4) Coverage. The area of the patio shall be included in the maximum permitted building coverage for principal buildings and structures.

## Jill Oliver

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**From:** Jill Oliver  
**Sent:** Friday, June 11, 2021 2:19 PM  
**To:** [REDACTED]  
**Cc:** Kenneth Cimino  
**Subject:** Info for 6/17/21 Board of Adjustment Hearing - V-419

Good afternoon,

This email notice will formally notify you that the Board of Adjustment of the Town of Ocean View will hold a public hearing for Application V-419, which is your request for variances from Article V, §140-32 and Article VI, §140-35-A(2)(b) of the Town Code. 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. Article V, §140-32 requires attached accessory structures to maintain the same rear setback as the principal structure. Article VI, §140-35-A(2)(b) states that a deck (over 24" high) attached to a building or structure shall be subject to the same rear yard setback as the principal building to which it is attached.

You wish to construct an attached accessory structure (screened porch) with a deck/landing (over 24" high) that would encroach into the rear yard setback on property zoned MXPC (Mixed-Use Planned Community), located at 65 Luzerne Drive (PIDN: 413.039 / CTM# 134-16.00-887.00).

The Town will hold this public hearing on **Thursday, June 17, 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 reply to this email if you have any questions or need additional information.

Town of Ocean View is inviting you to a scheduled Zoom meeting.

Topic: Town of Ocean View - BOA Meeting  
Time: Jun 17, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/84209912716>

Meeting ID: 842 0991 2716  
One tap mobile  
+16465588656,,84209912716# US (New York)  
+13017158592,,84209912716# US (Washington DC)

Dial by your location  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

Meeting ID: 842 0991 2716



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# TOWN OF OCEAN VIEW

201 Central Avenue – 2<sup>nd</sup> Floor

Ocean View, DE 19970

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SINCE 1889



May 28, 2021

Lackey, Charles W. & Tina L.  
59 Luzerne Dr.  
Ocean View, DE 19970

413.036

## TOWN OF OCEAN VIEW PUBLIC NOTICE BOARD OF ADJUSTMENT HEARING

65 Luzerne Drive

(PIDN: 413.039 / CTM# 134-16.00-887.00)

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-419, submitted by the property owner, Velna Niederhauser, for variances from Article V, §140-32 and Article VI, §140-35-A(2)(b) of the Town Code. 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. Article V, §140-32 requires attached accessory structures to maintain the same rear setback as the principal structure. Article VI, §140-35-A(2)(b) states that a deck (over 24" high) attached to a building or structure shall be subject to the same rear yard setback as the principal building to which it is attached.

The property owners wish to construct an attached accessory structure (screened porch) with a deck/landing (over 24" high) that would encroach into the rear yard setback on property zoned MXPC (Mixed-Use Planned Community), located at 65 Luzerne Drive (PIDN: 413.039 / CTM# 134-16.00-887.00).

The Town will hold this public hearing on **Thursday, June 17, 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. Please note that the meeting agenda is subject to change.

The application material may be examined by interested parties on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 a.m. and noon and 1 through 4 p.m., Monday through Friday.

For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at [admintov@oceanviewde.com](mailto:admintov@oceanviewde.com). For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at [kcimino@oceanviewde.com](mailto:kcimino@oceanviewde.com).

### Join Zoom Meeting:

**Topic:** Town of Ocean View - Board of Adjustment  
**Time:** Jun 17, 2021 06:00 PM Eastern Time (US and Canada)  
**Zoom Link:** <https://us02web.zoom.us/j/84209912716>  
**Meeting ID:** 842 0991 2716  
**Dial by your location**  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

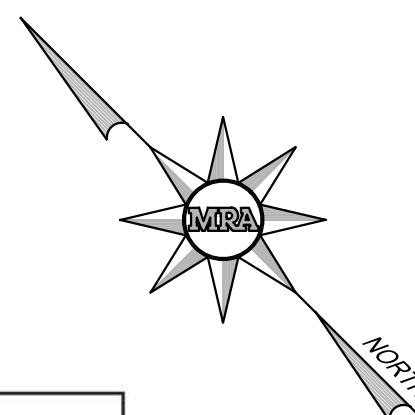


PIDN	CTM#	PL#	Property Location Street	Owner	OMA #	OMA Street	OMA City	OMA State	OMA Zip
413.036	134-16.00-884.00	59	Luzerne Drive	Lackey, Charles W. & Tina L.	59	Luzerne Dr.	Ocean View	DE	19970
413.037	134-16.00-885.00	61	Luzerne Drive	Lowe, Martha H.	61	Luzerne Dr.	Ocean View	DE	19970
413.038	134-16.00-886.00	63	Luzerne Drive	Johnson, Floyd K. & Eileen G.	63	Luzerne Dr.	Ocean View	DE	19970
413.040	134-16.00-888.00	67	Luzerne Drive	MacDowell, Lisa M.	67	Luzerne Dr.	Ocean View	DE	19970
413.041	134-16.00-889.00	66	Luzerne Drive	Mentzel, Thomas C. & Jennifer Z.	49	Old Forge Dr.	Ocean View	DE	19970
413.042	134-16.00-890.00	60	Luzerne Drive	Hope, Ronald & Faith M.	321	Amorso Way	Newark	DE	19711
413.043	134-16.00-891.00	58	Luzerne Drive	Ali, Ryad A. & Candice L.	1664	Linda Drive	Westchester	PA	19380



**FEMA FLOOD ZONE NOTE:**

THIS LOT IS LOCATED ENTIRELY WITHIN FLOOD ZONE 'X' AS SHOWN ON PANEL 10005C0513K, EFFECTIVE 03/16/2015.



**Standard Detail & Specifications**  
**Silt Fence**

**Section**

**Plan**

Source:	Symbol:	Detail No.
Adapted from MD Sids. & Specs. for ESC	<b>SF</b>	<b>DE-ESC-3.1.2.1</b> Sheet 1 of 2 Effective FEB 2019

**Standard Detail & Specifications**  
**Silt Fence**

**Construction Detail**

**Top**

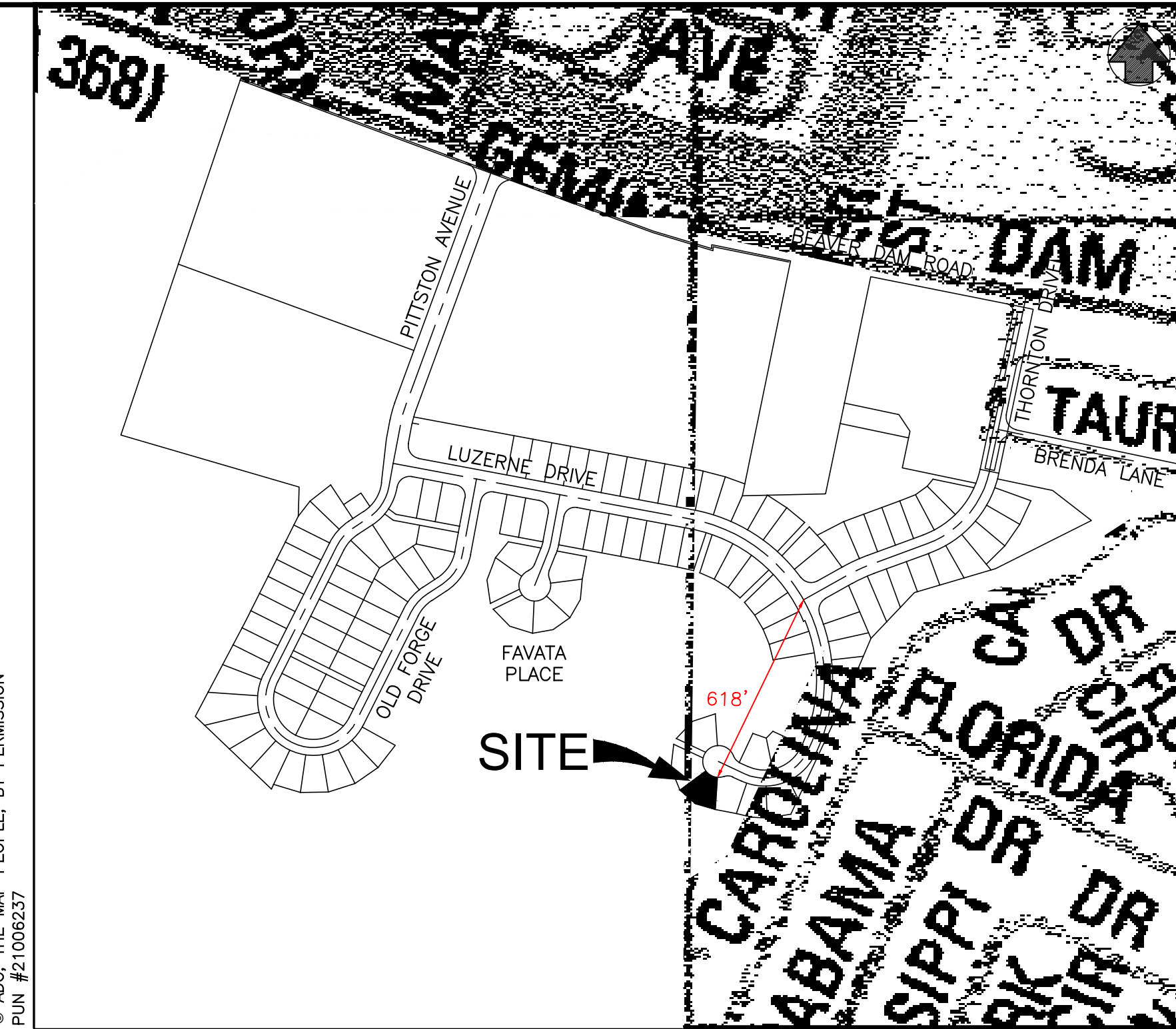
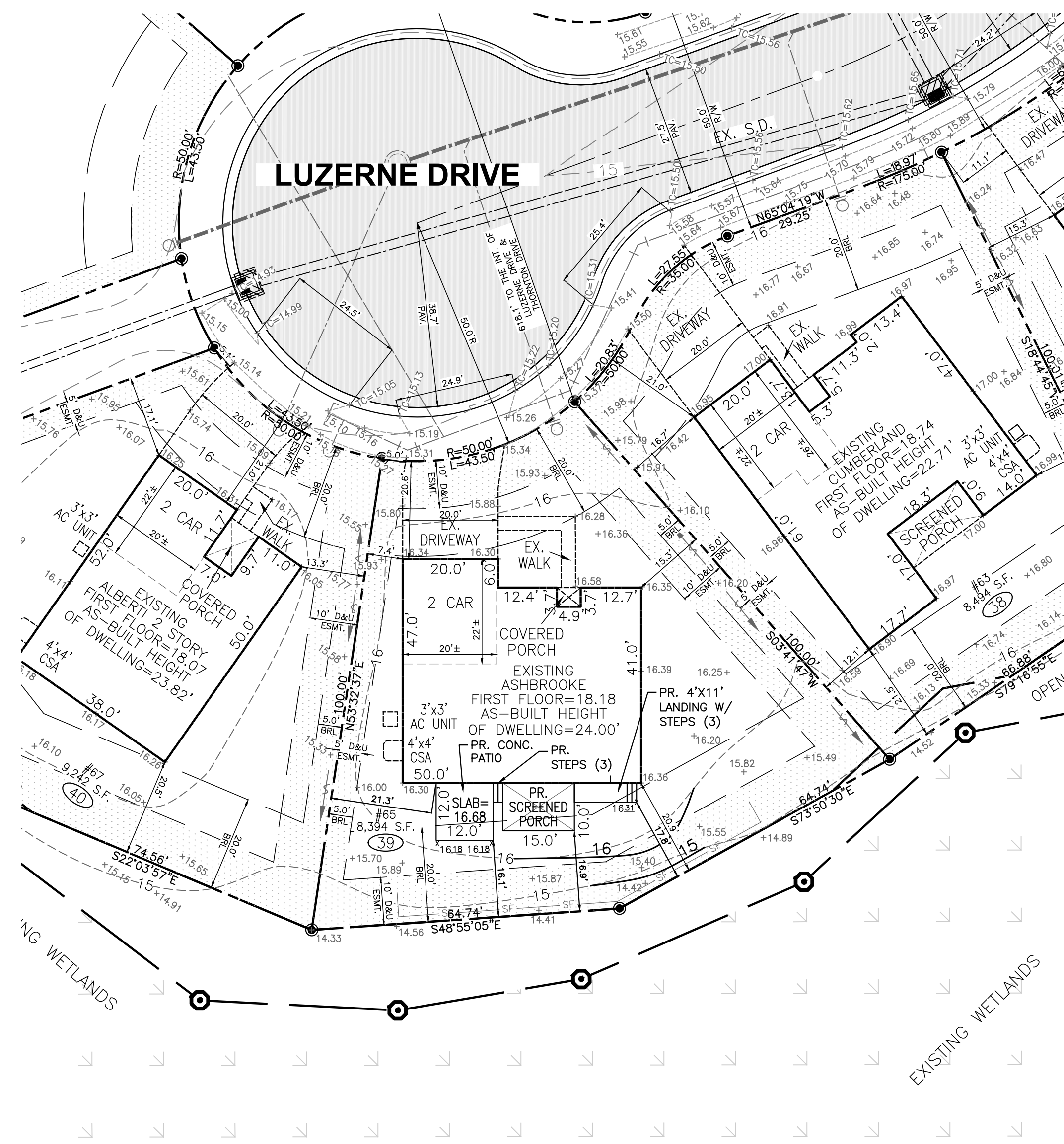
**Construction Notes:**

- Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
- When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
- Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

**Materials:**

- Stakes: Steel (either T or U) or 2" x 2" hardwood
- Geosynthetic Fabric: Type GD-I
- Reinforcing strip: Wooden lath or plastic strip

Source:	Symbol:	Detail No.
Adapted from MD Sids. & Specs. for ESC	<b>SF</b>	<b>DE-ESC-3.1.2.1</b> Sheet 2 of 2 Effective FEB 2019



- GENERAL NOTES & SITE DATA**
- SUSSEX PIN: 134-16.00-887.00
  - VERTICAL DATUM: NAVD88
  - HORIZONTAL DATUM: NAD83
  - ZONING: MXP (MIXED-USE PLANNED ZONING DISTRICT - SINGLE FAMILY DISTRICT)
  - FRONT: 20 FT. MIN.
  - SIDE: 5 FT. MIN. (MUST MAINTAIN 15' MIN. SEPARATION BETWEEN DWELLING UNITS AND ATTACHED ACCESSORY BUILDINGS/STRUCTURES). 20 FT. MIN.
  - REAR: 20 FT. MIN.
  - A DRAINAGE EASEMENT, EQUAL TO THE MINIMUM SEPARATION OF 15' REQUIRED BETWEEN DWELLING UNITS SHALL BE PROVIDED ALONG SIDE LOT LINES COMMON TO TWO DWELLINGS AND DEDICATED TO THE TOWN OF OCEAN VIEW, AS PER THIS PLAN. A 10 FOOT WIDE DRAINAGE EASEMENT IS DEDICATED TO THE TOWN OF OCEAN VIEW ALONG ALL FRONT AND REAR LOT LINES AS PER THIS PLAN.
  - MAXIMUM LOT COVERAGE FOR SINGLE FAMILY LOTS SHALL BE 45% WITH AN EXCEPTION OF 50% LOT COVERAGE FOR SINGLE FAMILY LOTS ON WHICH SELECTED MODELS MAY BE ERCTED ON NON-ADJACENT LOTS AND COMPLY WITH ALL OTHER CONDITIONS SET OUT. SEE LOT COVERAGE CHART FOR DETAILS.
  - DETACHED ACCESSORY BUILDINGS/STRUCTURES ARE NOT PERMITTED IN FRONT OR SIDE YARDS AND THEY SHALL BE LOCATED NO CLOSER THAN A MINIMUM OF 10' FROM REAR LOT LINES AND 5' FROM ANY OTHER STRUCTURE.
  - INDIVIDUAL WELLS ARE NOT PERMITTED ON RESIDENTIAL LOTS.
  - MAXIMUM BUILDING HEIGHT: 42 FT.
  - RECORD OWNER/DEVELOPER: SILVERSTOCK WP, LLC & SILVERSTOCK BUILDERS, LLC-O/ROBERT L. THORNTON
  - THE CURRENT RECORD PLAN WAS RECORDED OCTOBER 21, 2015, PB 221-PGS 19-24. CONSTRUCTION PLANS DATED 2/18/14 & REVISED 10/08/15 WERE APPROVED BY THE TOWN.
  - DRAINAGE CONVEYANCE ELEMENTS AND STORMWATER MANAGEMENT OUTFALLS SHALL BE IN PLACE DOWNSTREAM OF THE LOT PRIOR TO BUILDING PERMIT ISSUANCE. DRAINAGE PATTERNS DEPICTED ON THE APPROVED GENERAL GRADING PLAN WILL BE MAINTAINED DURING CONSTRUCTION AND WILL BE IN PLACE FOR EACH LOT PRIOR TO CERTIFICATES OF OCCUPANCY (COFO) BEING ISSUED FOR THAT LOT.
  - UPON COMPLETION OF ALL CONSTRUCTION IMPROVEMENTS, AN AS-BUILT SURVEY PLAN MUST BE SUBMITTED TO THE TOWN AND REVIEWED BY THE TOWN ENGINEER FOR CONFORMANCE WITH THE APPROVED SITE GRADING PLAN. THE TOWN MUST APPROVE THE INDIVIDUAL LOT AS-BUILT PLAN BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR SAID PROPERTY.
  - NO FINAL CERTIFICATE OF OCCUPANCY SHALL BE ISSUED BY THE TOWN OF OCEAN VIEW UNTIL ALL DISTURBED AREAS WITHIN THE PROPERTY BOUNDS ARE PERMANENTLY STABILIZED IN ACCORDANCE WITH THE STATE OF DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).

Lot #	Lot Area	Lot Coverage Allowed (45%)	Existing Lot Coverage	Proposed Lot Coverage
39	8,394 SF	3,777 SF	2,845 SF (34%)	3,199 SF (38%)

Lot Coverage includes overall building footprint, exterior porches, lead walk and driveway.

**ENGINEER (SURVEYOR) CERTIFICATION**

I GARY S. POWERS CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF DELAWARE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, I CERTIFY THAT THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED ENGINEERING AND SURVEYING STANDARDS AND PRACTICES. THE PROPOSED CONSTRUCTION AS SHOWN ON THIS PLAN COMPLIES WITH APPLICABLE LAWS AND REGULATIONS, AND THIS PLAN INCLUDES ALL INFORMATION REQUIRED BY THE LATEST REVISION OF THE SINGLE LOT DEVELOPMENT SITE PLAN CHECKLIST.

SIGNATURE: *Gary S. Powers* DATE: 05/18/21  
 PRINTED NAME AND ADDRESS: Gary S. Powers 8 West Market Street, Georgetown DE 19947 PHONE NUMBER: 302-855-5734

**OWNER CERTIFICATION**

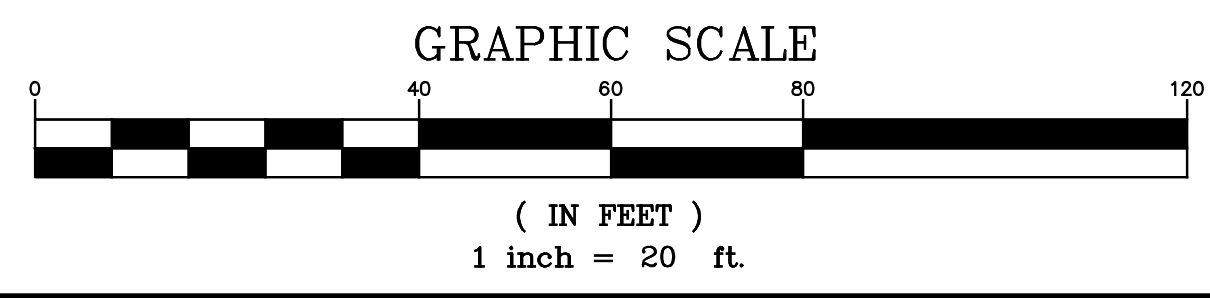
I [NAME] CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS AT MY DIRECTION.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PRINTED NAME AND ADDRESS: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

- LEGEND:**
- LOT NUMBER
  - LOT AREA
  - LOT ADDRESS
  - FINISHED FIRST FLOOR ELEVATION
  - TOP OF WALL ELEVATION
  - TOP OF FOOTING ELEVATION
  - WINDOW WELL REQUIRED
  - EGRESS WINDOW REQUIRED
  - NUMBER OF RISERS
  - DRAINAGE FLOW IN SWALE
  - AS-BUILT GROUND SPOT ELEVATION
  - CENTERLINE OF ROAD
  - AS-BUILT FINAL GRADING
  - EXISTING CURB
  - PROPERTY LINE
  - PROPOSED CONTOUR
  - RIGHT-OF-WAY
  - EXISTING SANITARY SEWER
  - EXISTING STORM DRAIN
  - EXISTING WATER MAIN
  - FIRE HYDRANT
  - WETLANDS
  - 25' WETLANDS BUFFER
  - BUILDING RESTRICTION LINE (BRL)
  - EASEMENT LINE
  - AS-BUILT 5' CONCRETE WALK
  - DRAINAGE EASEMENT
  - DENOTES PIN & CAP SET

**OWNER**  
 VELNA NIEDERHAUSER  
 #65 LUZERNE DRIVE  
 OCEAN VIEW, DE 19970

**BUILDER**  
 WINTERLING CONTRACTORS INC.  
 11509 N. DOLLY CIRCLE  
 BERLIN, MD 21811  
 PHONE: 410-726-0661



**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS & LANDSCAPE ARCHITECTS  
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 ABINGDON, MARYLAND 21009  
 (410) 515-9000  
 FAX (410) 515-9002  
 www.mragta.com

**SITE & GRADING PLAN / VARIANCE EXHIBIT**  
 FOR  
**SILVER WOODS SUBDIVISION**  
 PHASE 1  
 LOT 39  
**#65 LUZERNE DRIVE**  
 TOWN OF OCEAN VIEW SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO:
05/14/21	REVISED PORCH SIZE, ADDED PATIO AND STEPS (DA)	00000
05/18/21	REVISED PORCH SIZE (DA)	SCALE: 1"=20'
		DATE: 05/09/21
		DRAWN BY: D.A.
		DESIGN BY: --
		REVIEW BY: --
		SHEET: 1 OF 1