

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 / www.oceanviewde.com

SINCE 1889



Fee: \$ 750.00

V - 410

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: 5 Favata Place, Ocean View, DE 19970. The Justification for the Variance

(Explanation of Hardship) is: irregular shaped lot and placement of building envelope is not condusive (resitricks) ability construct rear sunroom addition

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): Michael F. Derr

Phone #: [REDACTED]

Address of residence: 5 Favata Place, Ocean View, DE 19970

Signature(s):

Michael F. Derr
(Property Owner(s))

Date: 6/6/2020

Applicant(s) (Print): William Blatzheim

Phone #: [REDACTED]

Address: 30183 Dune Ridge Circle, Dagsboro, DE 19939

Signature(s):

[Signature]
Applicant(s)

Date: 6/3/2020

TOWN USE ONLY:

Administrative Official Signature:

Vari:

5 Favata Place

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

Cod

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 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.

Vari

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).

Date Received: 11/18/20 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

DATE 06/30/2020	PROPERTY OWNER NAME Derr
PIDN 413.059	PROPERTY LOCATION 5 Favata Place

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

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-TBD 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# 1095**
 Name on Check if not Property Owner
 Date Received **6/9/20**

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 typographical 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 topographical or other physical condition peculiar to the property? If so, please explain:

Yes the property is situated in an area that backs to an undeveloped land area. It is an irregular shaped property. It is only 43' at the front entrance area to the property and fans out towards the rear corners. This has created an irregular building envelope to adhere to current Town setback requirements. The back left corner of the building is maxed out to the 20' rear building restriction line. The homeowner respectfully submits that their lot depth is too shallow to practically construct a useable sunroom area and requests a variance of the minimal amount needed to do so. The homeowner respectfully requests a variance of 6.6' into the rear setback. (to the furthest corner of the proposed sunroom) - See survey

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

The homeowner did not create this practical difficulty. At the time of signing the contract to have the house built the owners had selected the option to have a sunroom added to the home. It was only when the house was under construction when they were advised that the porch could not be added because of the rear building restriction setback line. Ryan Homes would not alter the design or placement of the porch in order to accommodate the owners and honor their contract. They were told they could add the porch at a later date after they settled without any problems.. that the porch only encroached a "few inches" and they they could scale back the porch once they closed. The process was too far along for the owners to back out and to select another property within the development. The homeowners were provided erroneous information that they relied on to their detriment. It was then learned the "few inches" was several feet. The owners were very upset when they learned of this information and have exhausted all venues with the builder to remedy the situation.

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, there is only approximately 7' to the apex of the building restriction line. Making the entire rear yard practically unable to construct a useable and reasonable space for the owners use.

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

Yes. There are no other possible buildable areas in the rear yard due to the 20' building setback line.

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

No. In fact it is the owners belief they were misguided by Ryan Homes during the sales process. They were unaware of the restriction and the building envelope this particular lot had with it. It was misrepresented to them and feel a variance with the Town is the only course of action to take in order for them to enjoy their property as it was sold to them.

4. Effect on Surroundings

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

No. This sunroom will be consistent with several other thru out the neighborhood. When the project is completed the sunroom will look like it was built along with the house. See provided drawings.

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

No, property to the rear of owners property is undeveloped wooded land. No plans for further development.

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

No. There would be no safety issues, no encroachments onto any utility easements or any impact on the public welfare. Please see 3 attached letters of No Objection from property owners around owners property.

5. Extent of variance

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

If authorized this 6'6" variance would represent the minimum variance that will afford the relief needed and represent the least modification possible. If the board grants this variance, there would be a 13'4" setback at the apex to the existing property line. This is the shorest point while the all other points would be greater. (15'2" setback on the opposite side of the sunroom)

- b. Is the variance necessary to afford relief?

Yes, it is required in order for the owners to rightfully enjoy their property.

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

Yes. See A above

SPECIAL USE EXCEPTION

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

N/A

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

N/A



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

November 12, 2020

Michael & Gaelyn Deer
5 Favata Place
Ocean View, DE 19970

PROPERTY ADDRESS: Same as Above

RE: 13' Wide x 12' Deep 4 Season Sun Porch with landing and Stairs

Dear Michael & Gaelyn:

We are pleased to inform you that the Architectural Committee (ARC) has approved your application to install your 13' x 12' 4 Season Sun Porch with landing and stairs. County Variance permit will be needed to complete installation.

All installations must 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

Derr original porch info

1 message

To: "Blatzheim, Bill" <rightcoastllc@gmail.com>
Cc: "Derr, Gaelyn" <gaelyn18@gmail.com>

Thu, Jun 4, 2020 at 10:40 AM

June 4, 2020

Bill,

Attached is what we have found so far regarding the original porch add on. Later after the home site lot was surveyed and laid out, our salesman at the time, Jeffrey Crockett, notified us that the porch exceeded the BSL and thus could not be built; he replaced it with other options such as a stone front and siding choices. We also remember him assuring us that adding a custom porch later would be no problem, and probably cheaper then having it built by Ryan. Jeffrey was terminated by Ryan Homes shortly thereafter for what we assume was promises he couldn't keep. AHHHHHHH - salespersons !!! I have one other large pile of docs to go through and if I find anything in it more substantial then what I have sent you, I will let you know. In the meantime, thank you for all your work so far, and good luck.

Mike and Gaelyn Derr


Derr_Orig_porch_Docs.pdf
900K



AVIANO

DELAWARE SOUTH
SILVER WOODS
DESSL0059

Your Information

Purchaser: Gaelyn Derr
Co-Purchaser:
Phone: 813.001.1843-7400
Email Address: galeand@earthlink.net
Homesite #: 0059
Address: 5 FAVATA PL
City/State/Zip: OCEAN VIEW, DE
Sales Rep: Jeffrey Crockett Jr
Contract Date: 08/13/2018

YOUR PRICING

Base Price: \$304,990
Options Total: \$10,565
Homesite Premium: \$10,000
Sub-Total: \$325,555
Your Purchase Price: \$325,555

Your Selections

Product Layout: Per Plan | Driveway Location: Right

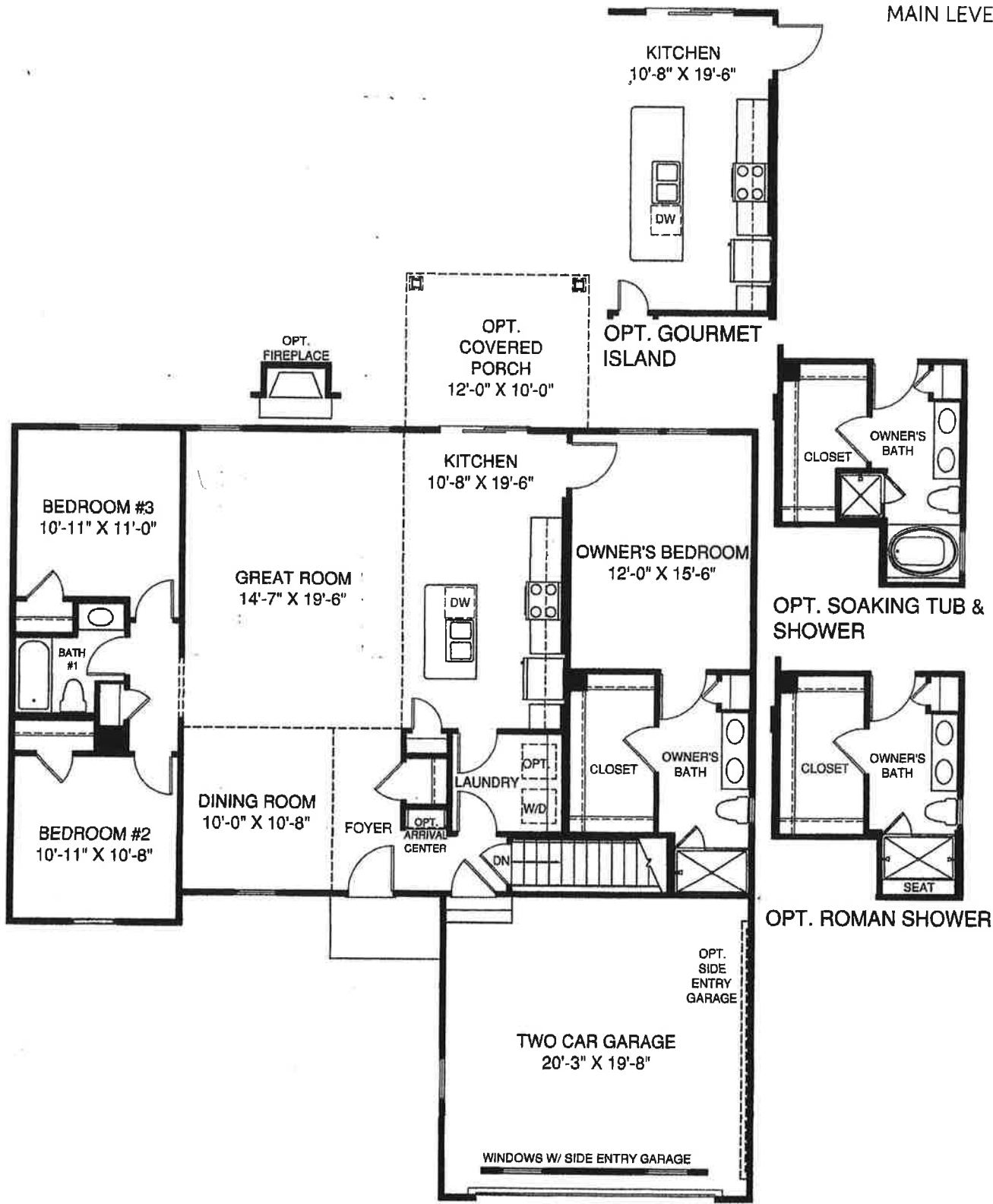
ELEVATION A						Section Total:	\$0
Category	Code	Description	Color Location	Quantity	Price	Final Price	
INCLUDED	ELA	ELEVATION A					\$0

DESIGNER SELECTIONS						Section Total:	\$0
Category	Code	Description	Color Location	Quantity	Price	Final Price	
ADJUSTED	DIRS015	BARRINGTON III			\$8,995	(\$8,995)	\$0

ELEVATIONS						Section Total:	\$0
Category	Code	Description	Color Location	Quantity	Price	Final Price	
INCLUDED	EVF	SIDING VENEER FRONT					\$0
ADJUSTED	EPE	COVERED PORCH (CONCRETE SURFACE)			\$10,995	(\$10,995)	\$0

Aviano

MAIN LEVEL



Although all illustrations and specifications are believed correct at the time of publication, the right is reserved to make changes, without notice or obligation. Windows, doors, ceilings, and room sizes may vary depending on the options and elevations selected. Optional items indicated are available at additional cost. This brochure is for illustrative purposes only and not part of a legal contract. It is recommended that the architectural blueprints be reserved for further clarification of features. Not all features are shown. Please ask our Sales and Marketing Representative for complete information.

Derr porch neighbor 1 OK

1 message

[redacted]@mission.com <[redacted]@mission.com>
To: "Blatzheim, Bill" <[redacted]@gmail.com>

Wed, May 27, 2020 at 7:10 AM

----- Forwarded message from [redacted]@gmail.com -----

Date: Tue, 26 May 2020 09:19:01 -0400

From: Douglas Scott <[redacted]@gmail.com>

Reply-To: Douglas Scott <[redacted]@gmail.com>

Subject: Re: Sun Porch at 5 Favata Place

To: [redacted]@mission.com

Mr. Derr,

I approve of the proposed porch, good luck and enjoy.

Thank You Douglas Scott 5/26/20

On Tue, May 26, 2020 at 8:52 AM <[redacted]@mission.com> wrote:

Neighbor,

We are one of your Silver Woods neighbors residing at 5 Favata Place, and are contacting you regarding a City of Ocean View variance that we intend to submit for a sun porch we hope to add to the rear of our home.

Our home was ordered with a porch nearly two years ago, but, as so often happens, a later survey of our wedge-shaped property determined that a porch would exceed the setback by inches, and thus not doable. Ryan Homes offered other incentives and told us that adding a porch later would not be a problem, and probably cheaper.

Our four season sun porch would run 13' along the back centered roughly around the double sliding door that faces the bordering wetlands. The room would protrude 12' from the rear wall of the house toward the East, and in the process would reduce the required building/property line setback from 20' to 13.5' at the closest point.

Our porch contractor advises us that we need to notify our neighbors of the addition because of the setback restriction and its possible impact on their properties. You are in sight of the proposed new porch location, and are being notified accordingly.

Please reply to this email with one of these two statements and your name and the date

1. I approve of this proposed porch

or

2. I disapprove of this porch.

Your name

The date

Thank you for your time.

Michael and Gaelyn Derr
5 Favata Place
Ocean View, DE 19970
[REDACTED]
[REDACTED]

--
Douglas W. Scott
22 Luzerne Drive
Ocean View, DE 19970
[REDACTED]
[REDACTED]

----- End forwarded message -----

Mr. Derr,

I approve of the proposed porch, good luck and enjoy.

Thank You Douglas Scott 5/26/20

On Tue, May 26, 2020 at 8:52 AM <[REDACTED]> wrote:
Neighbor,

We are one of your Silver Woods neighbors residing at 5 Favata Place, and are contacting you regarding a City of Ocean View variance that we intend to submit for a sun porch we hope to add to the rear of our home.

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Please reply to this email with one of these two statements and your name and the date

1. I approve of this proposed porch

or

2. I disapprove of this porch.

The date

Michael and Gaelyn Derr
5 Favata Place
Ocean View, DE 19970

~~892829.6131~~

~~CONFIDENTIAL~~

Douglas W. Scott
22 Luzerne Drive
Ocean View, DE 19970

352-341-2137 ext

802-539-1552 home

Derr porch neighbor 2 OK

1 message

[REDACTED]@xmission.com <[REDACTED]@xmission.com>
To: "Blatzheim, Bill" <[REDACTED]@gmail.com>

Wed, May 27, 2020 at 7:11 AM

----- Forwarded message from [REDACTED]@gmail.com -----
Date: Tue, 26 May 2020 13:05:42 -0400
From: Wayne1 <[REDACTED]@gmail.com>
Reply-To: Wayne1 <[REDACTED]@gmail.com>
Subject: Re: sun porch at 5 Favata Place
To: [REDACTED]

Hello Mike and Gaelyn,

Our vote:

1. I approve of this proposed porch

Wayne Bogovich. May 26, 2020
Jackie Bogovich. May 26, 2020

Background:

I assume your contractor told you to do this to see if there were any possible nearby opposers to your porch project so you could deal with them prior to submitting your Variance application. That being said, as part of the ~\$700 Variance Application Fee, the town will send out a certified letter to everyone within 200' letting them know of your desire to acquire a variance and to do what. We never saw what was sent to our neighbors but the Town Planning and Zoning Commission said, under oath at our hearing, that the notifications were sent.

We've all been promised a thing or 2 by Ryan Homes during our purchase and construction which came up short or was just plain wrong. I think that is why our community is so close because of that common thread.

Anyway, good luck with your variance request and your porch. If you have any questions, please don't hesitate to contact us. We walked a mile in those shoes.

Thanks,

Wayne & Jackie Bogovich
3 Favata Pl
[REDACTED]

Sent from my iPhone

On May 26, 2020, at 8:48 AM, [REDACTED]@xmission.com wrote:

Neighbor,

We are one of your Silver Woods neighbors residing at 5 Favata Place, and are contacting you regarding a City of Ocean View variance that we intend to submit for a sun porch we hope to add to the rear of our home.

Our home was ordered with a porch nearly two years ago, but, as so often happens, a later survey of our wedge-shaped property determined that a porch would exceed the setback by inches, and thus not doable. Ryan Homes offered other incentives and told us that adding a porch later would not be a problem, and probably cheaper.

Our four season sun porch would run 13' along the back centered roughly around the double sliding door that faces the

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Please reply to this email with one of these two statements and your name and the date

1. I approve of this proposed porch

or

2. I disapprove of this porch.

Your name The date

Thank you for your time.

Michael and Gaelyn Derr
5 Favata Place
Ocean View, DE 19970
302.929.8131
m.derr@amission.com

----- End forwarded message -----

Derr porch neighbor 3 OK

1 message

[REDACTED] <[REDACTED]>
To: "Blatzheim, Bill" <[REDACTED]>

Wed, May 27, 2020 at 7:11 AM

----- Forwarded message from [REDACTED] -----
Date: Tue, 26 May 2020 15:13:05 -0400
From: Joe Giorgianni <[REDACTED]>
Reply-To: Joe Giorgianni <[REDACTED]>
Subject: Re: Sun Porch at 5 Favata Place
To: [REDACTED]

I approve of the proposed porch.
Joe Giorgianni 05/26/2020

On May 26, 2020, at 8:35 AM, [REDACTED] wrote:

Neighbor,

We are one of your Silver Woods neighbors residing at 5 Favata Place, and are contacting you regarding a City of Ocean View variance that we intend to submit for a sun porch we hope to add to the rear of our home.

Our home was ordered with a porch nearly two years ago, but, as so often happens, a later survey of our wedge-shaped property determined that a porch would exceed the setback by inches, and thus not doable. Ryan Homes offered other incentives and told us that adding a porch later would not be a problem, and probably cheaper.

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Please reply to this email with one of these two statements and your name and the date

1. I approve of this proposed porch

or

2. I disapprove of this porch.

Your name

The date

Michael and Gaelyn Derr

5 Favata Place

Ocean View, DE 19970

[REDACTED]

[REDACTED]

Thank you for your time.

Mike and Gaelyn Derr

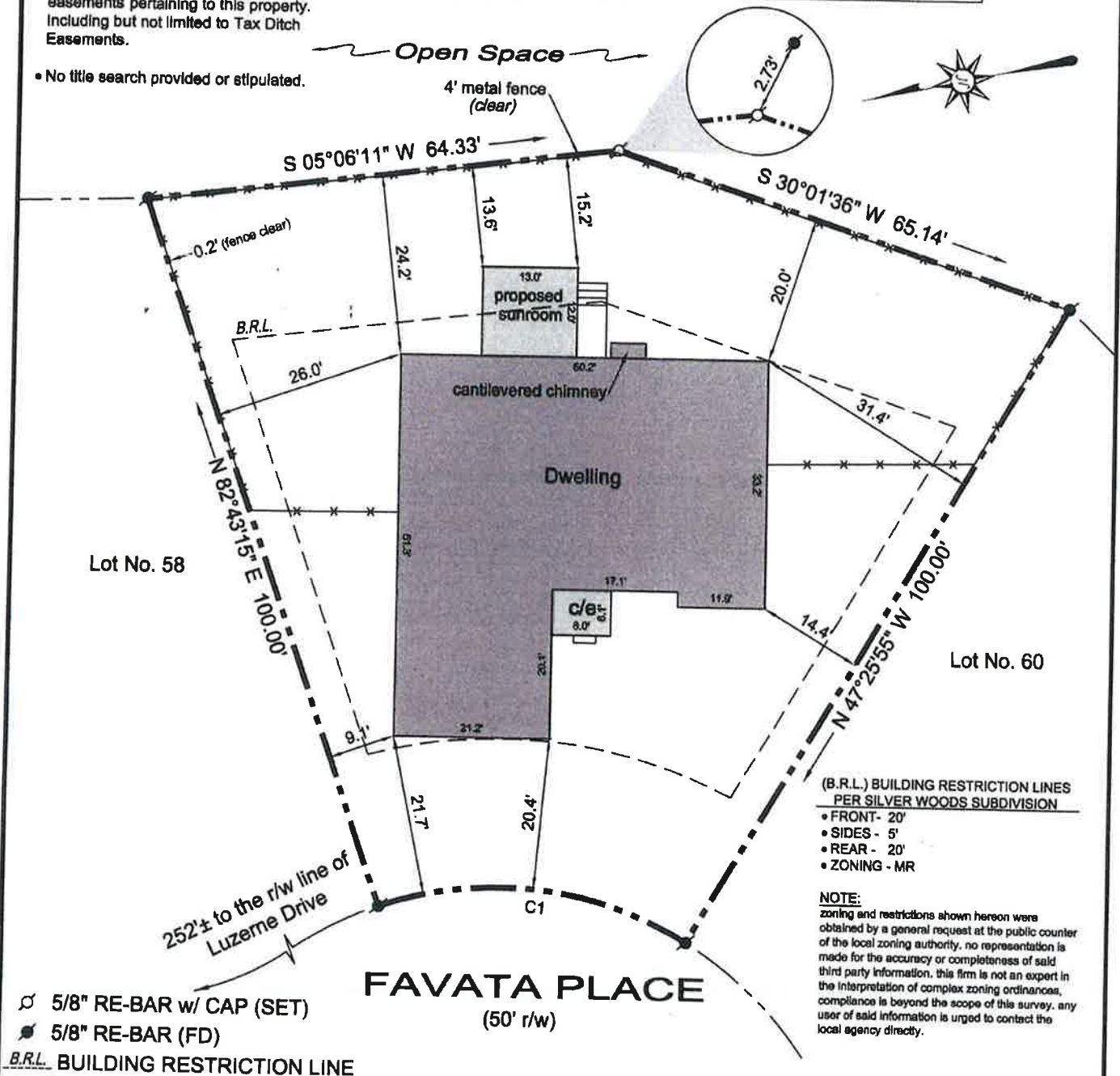
----- End forwarded message -----

NOTES:

• Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property. Including but not limited to Tax Ditch Easements.

• No title search provided or stipulated.

PROPERTY LINE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	43.50'	42.14'	N 17°38'38" E	49°50'36"



SCALE: 1"=20'

AREA: 8,394 SQ. FT.

TAX MAP NO. 1-34-16-907

Lands of MICHAEL F. DERR and GAELYN C. DERR. Being known as LOT NO. 59, PHASE NO. 1, SILVER WOODS. Situated in the TOWN OF OCEAN VIEW. Ref: Plat Book: 258, Page 53.

Revised: 03-24-2020, steps and landing
Revised: 04-07-2020, Proposed additions location
Revised: 11-16-2020, Fence Re-located

FIRM INFORMATION:

100046 - 0513 - K

MARCH 16, 2015

ZONE: "X", NON-SHADED

CLASS "A" SURVEY

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 02/10/2020

DRAWN BY: ALEX KANSACK

SIMPLER SURVEYING & ASSOCIATE, INC.

32486 POWELL FARM ROAD, FRANKFORD, DE 19945

www.delawaresurveyor.com

PHONE: (302) 539-7873 FAX: (302) 539-4336



I, Gregory M. Hook, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

P.L.S. 711

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

201 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-410**

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).

TOWN COMMENTS

The property owner wishes to construct a 3-season room that will project into the rear yard setback by approximately 6.5+/- feet. Inspection of the property and review of the as-built plan on file does verify that this lot is irregularly shaped and shallow.

Construction of this 3-season room will not adversely impact the surrounding properties as many homes in this community have screened in porches or 3-season rooms.

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:

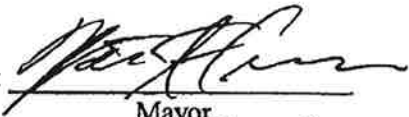
1. Setbacks shall be :
 - 20' front yard
 - 20' rear yard
 - 5' side yard
2. The Minimum separation between dwelling units and attached accessory buildings/structures shall be 15'.
3. A drainage easement, equal to the minimum separation of 15' required between dwelling units shall be provided.
4. Maximum 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

Jill Oliver

From: Jill Oliver
Sent: Tuesday, February 02, 2021 4:02 PM
To: rightcoastllc@gmail.com
Cc: mfderr@xmission.com; Kenneth Cimino
Subject: Info. for 2/18/21 Board of Adjustment Hearing - V-410

Good afternoon Mr. Blatzheim,

This email notice will formally notify you that the Board of Adjustment will hold a public hearing on Application V-410, which is your request on behalf of the property owners, Michael & Gaelyn 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).

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
413.053	134-16.00-901.00	28	Luzerne Drive	Rose, Bruce & Rosemary	3043	Amberfield Tr.	Charlottesville	VA	22911
413.054	134-16.00-902.00	26	Luzerne Drive	Davids, Ruck G. & Robin D.	26	Luzerne Dr.	Ocean View	DE	19970
413.055	134-16.00-903.00	24	Luzerne Drive	Kelly, Edward J. & Doreen A.	1829	Danforth St.	Philadelphia	PA	19152
413.056	134-16.00-904.00	22	Luzerne Drive	Scott, Douglas & Patricia	22	Luzerne Dr.	Ocean View	DE	19970
413.057	134-16.00-905.00	20	Luzerne Drive	Bognar, Marcos & Barbara A.	20	Luzerne Dr.	Ocean View	DE	19970
413.058	134-16.00-906.00	3	Favata Place	Bogovich, Wayne M. & Jacqueline W.	1975	Cotter Rd.	Sugar Run	PA	18846
413.060	134-16.00-908.00	7	Favata Place	Giorgianni, Joseph & Laura S.	7	Favata Pl.	Ocean View	DE	19970
413.061	134-16.00-909.00	8	Favata Place	Douglass, Joseph R. & Elizabeth G.	8	Favata Pl.	Ocean View	DE	19970
413.062	134-16.00-910.00	6	Favata Place	Bosse, Patricia M.	6	Favata Pl.	Ocean View	DE	19970
413.063	134-16.00-911.00	4	Favata Place	Balatka, Zdenka D. & Pavel J.	4	Favata Pl.	Ocean View	DE	19970
413.064	134-16.00-912.00	16	Luzerne Drive	Stein, Margaret M. & Kenneth	16	Luzerne Dr.	Ocean View	DE	19970
413.065	134-16.00-913.00	14	Luzerne Drive	Granruth, Brian S. & Elena	6229	Longleaf Pine Rd.	Sykesville	MD	21784

V-410

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

Rose, Bruce & Rosemary
3043 Amberfield Tr.
Charlottesville, VA 22911

413.053

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

5 Favata Place

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

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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

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