

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 - 442

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: 27 Hudson Ave, Ocean View, DE 19970. The Justification for the Variance

(Explanation of Hardship) is: Property in flood plain. When property built house was legal and conformed. With new sessions we require a variance due to flood plain.

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): W. David and Claire Greer Phone #: 302 260 4545

Address of residence: 27 Hudson Ave, Ocean View, DE 19970

Signature(s): W.D. Greer Claire Greer Date: 3/15/2023
(Property Owner(s))

Applicant(s) (Print): W. David and Claire Greer Phone #: 302-260-4545

Address: 27 Hudson Ave, Ocean View, DE 19970

Signature(s): W.D. Greer Claire Greer Date: 3/15/2023
(Applicant(s))

TOWN USE ONLY:

Administrative Official Signature:

V

27 Hudson Avenue

(PIDN: 099.270 / CTM# 134-12.00-1533.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held on Application V-442, submitted by the property owners, Warren D. & Claire D. Greer, requesting a variance from Article I, §116-5-B(1)(a) of the Environmental Protection Chapter of the Town Code, which requires the lowest floor of a residential structure to be elevated to or above the base flood elevation plus 2.0 feet.

The property owners wish to construct an addition to their existing dwelling unit with a lowest floor elevation below the requirement of base flood elevation plus 2.0 feet on property zoned R-1 (Single-Family Residential District), located at 27 Hudson Avenue (PIDN: 099.270 / CTM# 134-12.00-1533.00).

Date Received: 1/13/23 Date Advertised: 4/28/23 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****

DATE	PROPERTY OWNER NAME
02/08/2023	Greer
PIDN	PROPERTY LOCATION
099.270	27 Hudson Ave.

Financial Good Standing	
Taxes current?	Checked:
Yes	JO
Invoices, if any, current?	
N/A	JO
Water charges, if any, current?	
Yes	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-442 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# 1054

Name on Check if not
Property Owner

Date Received

1/13/23

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)

admin@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 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:

When house was built in 1989 met FEMA's guidelines and still does. It is .3 above FEMA standard.

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

Yes. When house was built in 1989 it met FEMA's guidelines and still does. House is .3 above FEMA standard.

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. When house was built in 1989 met FEMA's guides.

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. House built in 1989. Meets current FEMA minimum Flood plain standard. We will also add Flood vents to addition.

4. Effect on Surroundings

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

No. Neighbor's letter of support attached.

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

No

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

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?

N/A

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

N/A

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name WARREN D. GREER, JR and CLAIRE duFIEF GREER				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 27 HUDSON AVENUE				Company NAIC Number:	
City OCEAN VIEW		State Delaware		ZIP Code 19970	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LOT NO. 27 1-34-12-1533 KELLEY ESTATES Ref:Plat Book '13, Page 139.					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat. <u>38°-32'-56"</u> Long. <u>-75°-05'-48"</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>8</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>1,256</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>9</u>					
c) Total net area of flood openings in A8.b <u>0</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number TOWN OF OCEAN VIEW 100046			B2. County Name SUSSEX		B3. State Delaware
B4. Map/Panel Number 10005C0511	B5. Suffix K	B6. FIRM Index Date 06/20/2018	B7. FIRM Panel Effective/ Revised Date 03/16/2015	B8. Flood Zone(s) "AE"	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 7.0'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 27 HUDSON AVENUE			Policy Number:
City OCEAN VIEW	State Delaware	ZIP Code 19970	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: PK NAIL Vertical Datum: NAVD '88

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

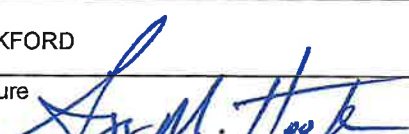
Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	3.5	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
b) Top of the next higher floor	7.3	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	<input type="checkbox"/> feet	<input type="checkbox"/> meters
d) Attached garage (top of slab)	N/A	<input type="checkbox"/> feet	<input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	7.4	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	3.5	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	4.4	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	3.8	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☒ Check here if attachments.

Certifier's Name GREGORY M. HOOK	License Number P.L.S. 711	
Title LAND SURVEYOR		
Company Name SIMPLER SURVEYING & ASSOCIATE, INC.		
Address 32486 POWELL FARM ROAD		
City FRANKFORD	State Delaware	ZIP Code 19945
Signature 	Date 12-13-2022	Telephone (302) 539-7873
Ext.		



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

1. SECTIONS A8 (a-c) – There are Nine (9) Non-Engineered, Non-Disabled, Vents Installed in the Crawl Space Area. All Vents are Within 1.0' of Adjacent Grade. Vent Dimensions are 1.2' x 0.6'.
2. SECTION C2 (e) - Heat Pump Rear of Dwelling

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 27 HUDSON AVENUE			Policy Number:
City OCEAN VIEW	State Delaware	ZIP Code 19970	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 27 HUDSON AVENUE			Policy Number:
City OCEAN VIEW	State Delaware	ZIP Code 19970	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued
-------------------	------------------------	---

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____

Local Official's Name	Title
Community Name	Telephone
Signature	Date

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
27 HUDSON AVENUE

City
OCEAN VIEW

State
Delaware

ZIP Code
19970

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption DATE TAKEN: 12-02-2022

FRONT VIEW

Clear Photo One



Photo Two

Photo Two Caption DATE TAKEN: 12-02-2022

REAR VIEW

Clear Photo Two

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
27 HUDSON AVENUE

City
OCEAN VIEW

State
Delaware

ZIP Code
19970

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption LEFT VIEW

DATE TAKEN: 12-02-2022

RIGHT SIDE Clear Photo Three

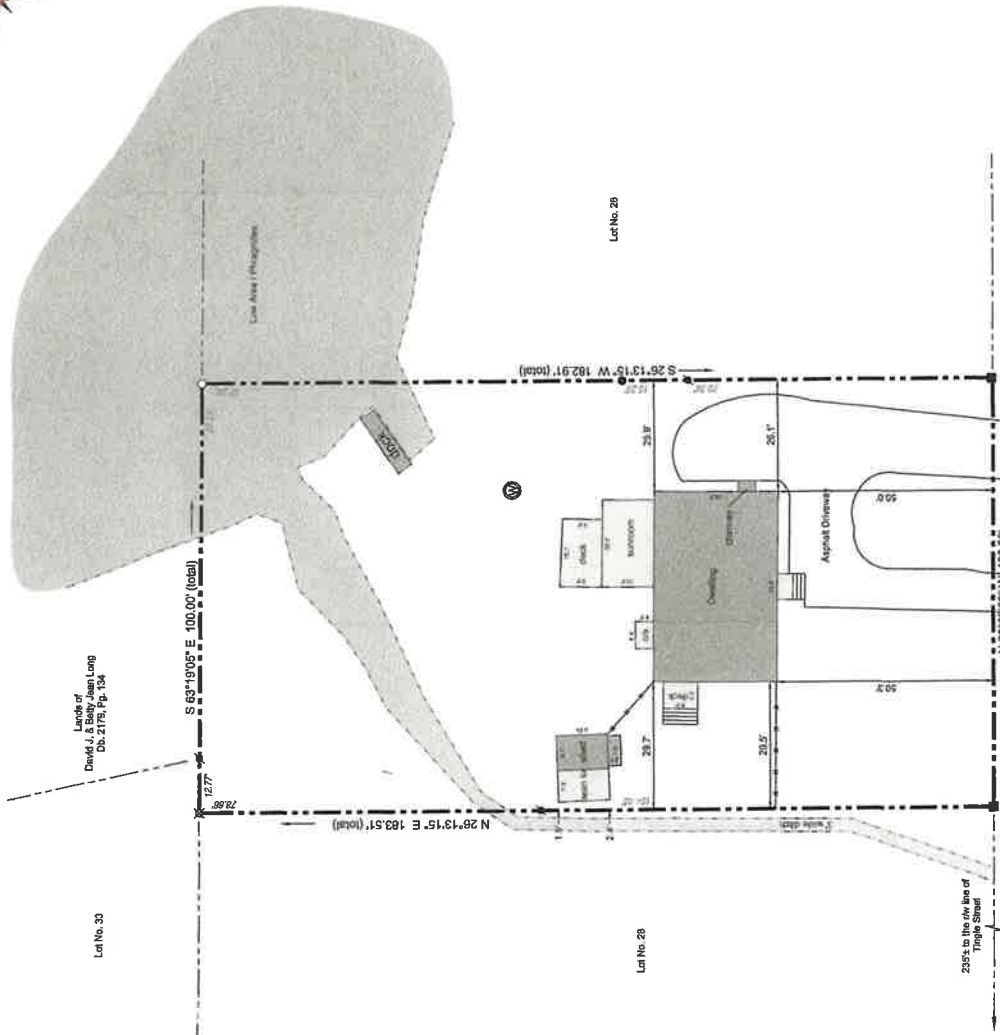


Photo Four

Photo Four Caption MECHANICAL VIEW

DATE TAKEN: 12-02-2022

VENT VIEW Clear Photo Four



7. GREGORY M. NOOK, 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 CHARTER OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, NEIGHBORHOODS, HIGHLIGHTS OR PROPERTY COORDINATES AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND RE-CERTIFICATION FOR AN OFFICIAL OF LEGAL USE, AND THIS PLAN INCLUDES ALL INFORMATION REQUIRED BY THE LATEST EDITION OF THE IDEL LOT

GREGORY W. MOORE, FLA 711
 10/1/72
 Date

GREGORY W. MOORE, 3448 POWELL FARM ROAD, WOODSTOCK, VA 22694
 10/1/72

[illegible]

REVISION: _____ DATE: _____, 2022
 DRAWN BY: JESSICA TOWEN AND _____ CHECKED BY: GREGORY M. HOW



**Simpler
Surveying**
& ASSOCIATE, INC.

2486 POWELL FARM ROAD, FRANKFORD, DE 19945
www.delawaresurveyor.com
PHONE: (302) 539-7873 FAX: (302) 539-4336

Lands of WARREN D. GREER, JR and CLAIRE duFIEF GREER, Being known as LOT NO. 27, KELLEY ESTATES. Situated in the Town of Ocean View. Ref: Plat Book 13, Page 139.

TOWN OF OCEAN VIEW

201 CENTRAL AVE, 2ND FLOOR
OCEAN VIEW, DE 19970

TO: Board of Adjustment

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

DATE: May 18, 2023

SUBJECT: **OVERVIEW OF APPLICATION V-442**

Application V-442 is submitted by the property owners, Warren D. & Claire D. Greer, requesting a variance from Article I, §116-5-B(1)(a) of the Environmental Protection Chapter of the Town Code, which requires the lowest floor of a residential structure to be elevated to or above the base flood elevation plus 2.0 feet.

The property owners wish to construct an addition to their existing dwelling unit with a lowest floor elevation below the requirement of base flood elevation plus 2.0 feet on property zoned R-1 (Single-Family Residential District), located at 27 Hudson Avenue (PIDN: 099.270 / CTM# 134-12.00-1533.00).

TOWN COMMENTS

According to a survey and Federal Emergency Management Agency (FEMA) Elevation Certificate completed by Simple Surveying and Associates, Inc. and submitted by the homeowner in support of their application, the proposed floor elevation of the addition to the dwelling unit is 7.3. The existing floor elevation of the house is 7.3. According to the FEMA Flood Insurance Rate Map (FIRM) number 10005C0511K, the base flood elevation at this location is 7.0. Constructing the addition to match the floor of the house will place it 0.3 feet above the base flood elevation, or 1.7 ft. less than the 2.0 ft. above the base flood elevation required by the code.

§116-7 Paragraph A stipulates that the Board of Adjustment shall have the power to authorize, in specific cases, such variances from the requirements of this article, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this article would result in unnecessary hardship.

§116-7 Paragraph C states that when considering variances from the requirements of this article, the Board of Adjustment shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of this article, and the following factors:

TOWN OF OCEAN VIEW

201 CENTRAL AVE, 2ND FLOOR
OCEAN VIEW, DE 19970

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
- (6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

§ 116-7 Paragraph D states that an affirmative decision on a variance request shall only be issued upon:

- (1) A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
- (3) Increased cost or inconvenience of meeting the requirements of this article does not constitute an exceptional hardship to the applicant.
- (4) A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in this article.
- (5) A determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- (6) A determination that the structure or other development is protected by methods to minimize flood damages.

TOWN OF OCEAN VIEW

201 CENTRAL AVE, 2ND FLOOR
OCEAN VIEW, DE 19970

- (7) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (8) Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of this article, the Board of Adjustment may attach such conditions to variances as it deems necessary to further the purposes of this article.
- (9) The Board of Adjustment shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements of this article only, and that the cost of federal flood insurance will be commensurate with the increased risk.

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

TO: Planning and Zoning Commission
DATE: November 17, 2022
FROM: Kenneth L. Cimino – Director of Planning, Zoning & Development

SUBJECT: COMMENTS ON APPLICATION P-343

Application **P-343**, Ordinance Review, to amend the conditions of approval for 115.59 acres, more or less, annexed into the Town limits by Ordinance #282, and amended by Ordinances #321 & #353, being the lands of Silverstock Builders, LLC, located on Beaver Dam Road (Silverwoods Mixed-Use Planned Community, PIDN: 413.000 / CTM# 134-16.00-various).

Comments

1. The original annexation ordinance adopted in 2011 (Ordinance 282) rezoned and reclassified the land as an MXPC, but did not specifically stipulate modified dimensional standards as the code allows for Planned Communities. Therefore, all the dimensional standards for the MXPC were to be the same as those required by R-3 Zoning. This is not consistent with other Planned Communities in town. It has been customary and routine for modified dimensional standards to be set for planned communities, be they RPC or MXPC, at the time of the reclassification.

Realizing that the typical R-3 zoning requirements weren't compatible with the proposed development of the land, the developer returned in 2015 requesting to revise the ordinance to include modified dimensional standards for the single-family portion of the community. Ordinance 321 was adopted by Town Council establishing those standards. This ordinance did not include modified dimensional standards for any of the other portions of the MXPC.

This new ordinance revision includes modified dimensional standards for the townhouse portion of the MXPC. The Department believes that, although these modifications are typically made with the original reclassification ordinance, they are still an appropriate application of the intent of the Planned Community allowances within the code. The change in lot coverage from a maximum lot coverage of 55% to 75% is consistent with other planned communities that offer townhouse units.

2. As proposed, the base house footprint, driveway and lead walk will occupy the vast majority of the 75% lot coverage allowed by the new ordinance. In the Department's experience, new residents in similar communities have been surprised by the limited opportunity for additions and accessory structures. This has led to frustration and a significant number of variance applications.

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

To better inform the home buyers and attempt to avoid this situation in the future to the greatest extent possible, an additional stipulation should be added to the ordinance language requiring that an exhibit shall be included within the seller's disclosure documents required by Delaware law specific to each individual lot depicting the following information:

- a. Metes and bounds of the subject property
 - b. Specific building footprint of the base house model proposed for the subject property with size dimensions
 - c. Specific building footprint of any builder's options proposed for the subject property with size dimensions
 - d. Designation of any area available outside of the overall proposed building footprint for addition of code compliant structures with size dimensions
 - e. A note specifying that any structures proposed outside of the designated area would first require a waiver of the requirements of the restrictive covenants from the Homeowner's Association, and a variance from the Town of Ocean View Board of Adjustment.
3. Any reference to Ryan Homes in the ordinance should be stricken from the ordinance as it was inadvertently included after being previously removed.
 4. Given the additional open space provided in conjunction with the MXPC application, and the goal of minimizing impervious cover, the 20 ft. wide alley required by §140-44D should be replaced by a 20 ft. wide cross access easement centered on the rear property line of abutting townhouse lots.

Recommendation

For the reasons outlined in comment #1 above and contingent upon the inclusion of the additional stipulations outlined in comment #2-4 above, the office of Planning, Zoning and Development does not object to the setting of dimensional regulations for the townhouse portion of the planned community.

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)

kcimino@oceanviewde.gov / www.oceanviewde.gov

SINCE 1889



May 2, 2023

Averso, Martha J. & David F.
310 Deaven Rd.
Harrisburg, PA 17111

099.240

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

27 Hudson Avenue
(PIDN: 099.270 / CTM# 134-12.00-1533.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held on Application V-442, submitted by the property owners, Warren D. & Claire D. Greer, requesting a variance from Article I, §116-5-B(1)(a) of the Environmental Protection Chapter of the Town Code, which requires the lowest floor of a residential structure to be elevated to or above the base flood elevation plus 2.0 feet.

The property owners wish to construct an addition to their existing dwelling unit with a lowest floor elevation below the requirement of base flood elevation plus 2.0 feet on property zoned R-1 (Single-Family Residential District), located at 27 Hudson Avenue (PIDN: 099.270 / CTM# 134-12.00-1533.00).

The Town will hold this hearing on **Thursday, May 18, 2023 at 3:00pm** or as soon as possible thereafter in the Ocean View Community Center located at 32 West Avenue, adjacent to John West Park. All interested parties are welcome to attend. Please note that the meeting agenda is subject to change. For more information, please visit www.oceanviewde.gov.

The 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 12:00 p.m. and 1:00 p.m. through 4:00 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 kcimino@oceanviewde.gov.

PIDN	CTM#	PL#	Property Location Street	Owner	OMA #	OMA Street	OMA City	OMA State	OMA Zip
099.240	134-12.00-1530.00	19	Hudson Ave.	Averso, Martha J. & David F.	310	Deaven Rd.	Harrisburg	PA	17111
099.250	134-12.00-1531.00	21	Hudson Ave.	White, Bruce A. & Barbara J.	21	Hudson Ave.	Ocean View	DE	19970
099.260	134-12.00-1532.00	23	Hudson Ave.	Greer, Warren D. & Claire D.	27	Hudson Ave.	Ocean View	DE	19970
099.270	134-12.00-1533.00	27	Hudson Ave.	Greer, Warren D. & Claire D.	27	Hudson Ave.	Ocean View	DE	19970
099.280	134-12.00-1534.00	29	Hudson Ave.	Van Der Loo, Dirk M & Margaretha J	517	Kerwin Rd.	Silver Spring	MD	20901
099.290	134-12.00-306.01	9	Tingle St.	Riley, Kathryn L.	9	Tingle St.	Ocean View	DE	19970
099.310	134-12.00-306.00	7	Tingle St.	Pearson, Joseph T. & Jo Marie	3	Tingle St.	Ocean View	DE	19970
099.330	134-12.00-1535.00	3	Tingle St.	Pearson, Joseph T. & Jo Marie	3	Tingle St.	Ocean View	DE	19970
099.350	134-12.00-1536.00	1	Tingle St.	McGrew, Palmer & Ceda J.	7452	Spring Village Dr. #104	Springfield	VA	22150
099.160	134-12.00-1543.00	36	Hudson Ave.	Shively, Robert G & Priscilla L	36	Hudson Ave.	Ocean View	DE	19970
099.150	134-12.00-1544.00	32	Hudson Ave.	DeCanio, Jonathan R.	32536	Heron Circle	Bethany Beach	DE	19930
099.130	134-12.00-1545.00	30	Hudson Ave.	Logarzo, Joseph M. & Dale F.	147	Lincrest Rd	Andover	NJ	07321
099.120	134-12.00-1547.00	28	Hudson Ave.	Spain, Thomas	28	Hudson Ave.	Ocean View	DE	19970
099.110	134-12.00-1548.00	26	Hudson Ave.	Twardzik, Francis G. & Colleen P.	26	Hudson Ave.	Ocean View	DE	19970
099.090	134-12.00-1549.00	22	Hudson Ave.	Beck, Willard E. & Doris W.	22	Hudson Ave.	Ocean View	DE	19970
094.110	134-12.00-2063.00	5	Seabrook Rd.	Corrozi, Matthew J. & Michelle M. Halligan, Michael F. & Carol A. & Elinor G. Halligan	19	Peninsula Ct.	Bear	DE	19701
094.120	134-12.00-2064.00	7	Seabrook Rd.		7	Seabrook Rd.	Ocean View	DE	21093
094.130	134-12.00-2065.00	9	Seabrook Rd.	Donahue, Paul A. & Rebecca A.	428	Woleber Rd.	Myerstown	PA	17067
094.140	134-12.00-2066.00	11	Seabrook Rd.	Merryman, John & Genevieve	11	Seabrook Rd.	Ocean View	DE	19970
094.150	134-12.00-2067.00	13	Seabrook Rd.	Audoersch, Elizabeth A. & May, Brenda	4008	Baker Ln.	Nottingham	MD	21236
094.160	134-12.00-2068.00	15	Seabrook Rd.	Hall, Cynthia M.	15	Seabrook Rd.	Ocean View	DE	19970
094.170	134-12.00-2069.00	17	Seabrook Rd.	Mulcahy Living Trust	9613	Candish Ct.	Fairfax	VA	22039
094.180	134-12.00-2070.00	19	Seabrook Rd.	Quirk, Kevin & Laura	5 N.	Synott Ave.	Wenonah	NJ	08090
094.190	134-12.00-2071.00	21	Seabrook Rd.	Quirk, Kevin & Laura	5 N.	Synott Ave.	Wenonah	NJ	08090
102.000	134-12.00-315.00	24	Longview Dr.	Long, David J. & Betty Jean	5	Hudson Ave.	Ocean View	DE	19970

Jill Oliver

From: Kenneth Cimino
Sent: Tuesday, February 14, 2023 10:29 AM
To: Donna Schwartz; Veronica O. Faust
Cc: Jill Oliver
Subject: FW: 27 Hudson Ave (PIDN: 099.270 / CTM# 134.12.00-1533.00)

For the BOA meeting

From: betha1111@aol.com <betha1111@aol.com>
Sent: Tuesday, February 14, 2023 9:35 AM
To: Kenneth Cimino <kcimino@oceanviewde.gov>
Subject: 27 Hudson Ave (PIDN: 099.270 / CTM# 134.12.00-1533.00)

Thank you for the Notice regarding the variance hearing for 27 Hudson Avenue. Although I cannot attend the meeting, I wanted to express my support to approve the variance. I live on the adjacent street, Seabrook Road.

Elizabeth Audoersch
13 Seabrook Road.

March 15, 2023

Subject: Home Addition Variance Application
27 Hudson Avenue, Ocean View, DE 19970

To Whom It May Concern,

My name is Kathryn Riley and I am a neighbor of the Greer Family. I am writing this letter to state my approval in support of the construction of a home addition at 27 Hudson Avenue, Ocean View. I am aware that the Greers have applied for a variance and I am not opposed to the variance.

Should you have any questions of me please feel free to call.

Sincerely,


Kathryn Riley

9 Tingle Street

Ocean View, DE 19970

571-436-8584

Kriley571@gmail.com

Proposed Addition

3 messages

Jo Pearson <jmpearson55@gmail.com>
To: greerfamily8@gmail.com

Wed, Mar 15, 2023 at 4:48 PM

To Whom it May Concern:

We are aware of an upcoming Variance Meeting to address future construction at the Greer Residence located on Hudson Avenue.

Our home is located on Tingle Street and we have rear boundaries that meet with #27 Hudson.

Our line of sight is clear to the rear and west side of the Greer Home.

In that regard, please advise them to put some darn clothes on. Geez.

Sincerely,

Jo Mare Pearson
Joseph T Pearson

We, JOE + JANE LOGARZO, residents
of 30 Hudson Avenue, Danvers, Re-
sponse, would like to inform the
Council that we have no opposition
to the proposed addition planned by
our neighbor, Dave + Linda Steer,
residents of 27 Hudson Avenue, Danvers, Re-

Joe + Jane
Logarzo

Tommy Spain

28 Hudson Ave

Ocean View, De 19970

Dear Dave and Claire Greer,

Please accept this letter as my knowledge you are going to do an addition and need a variance. I have no objections to your addition and support you making the neighborhood more valuable.

Thank you.

Tommy Spain

Thomas P. Spain
3/15/23

Standard Detail & Specifications
Silt Fence

Section:

Plan:

DE-ESC-12.3
(March 1992)

Standard Detail & Specifications
Stabilized Construct. Entrance

Plan:

DE-ESC-14.7
(March 1992)

Standard Detail & Specifications
ESC for Minor Development

Plan:

DE-ESC-17.1
(March 1992)

Standard Detail & Specifications
Silt Fence

Construction Notes:

Materials:

Standard Detail & Specifications
Stabilized Construct. Entrance

Construction Notes:

Standard Detail & Specifications
ESC for Minor Development

Construction Notes:

STANDARD LEGEND

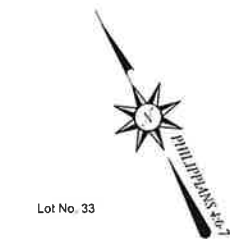
- These standard symbols will be found in the drawing
- 5/8" RE-BAR (FD)
 - 3/4" PIPE (FD)
 - CONC. MON. (FD)
 - POINT
 - T-BAR (FD)
 - WELL
 - SPOT ELEVATION (NAVD '89)
 - PROPOSED ELEVATION
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - SEWER MAN HOLE
 - WELL

FLOOD DATA This property is in Zone **"AE" - 7.0' B.F.E.** of the Flood Insurance Rate Map, Community Panel No. 100046-100050511-K which has an effective date of **MARCH 16, 2015** and is in a Special Flood Hazard Area.

SURVEYOR CERTIFICATION

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, AND THIS PLAN INCLUDES ALL INFORMATION REQUIRED BY THE LATEST REVISION OF THE SINGLE LOT DEVELOPMENT SITE PLAN CHECKLIST.

GREGORY M. HOOK, PLS 711 Date
GREGORY M. HOOK, 32486 POWELL FARM ROAD, FRANKFORD, DE 19945 302-539-7873
PRINTED NAME AND ADDRESS PHONE NUMBER

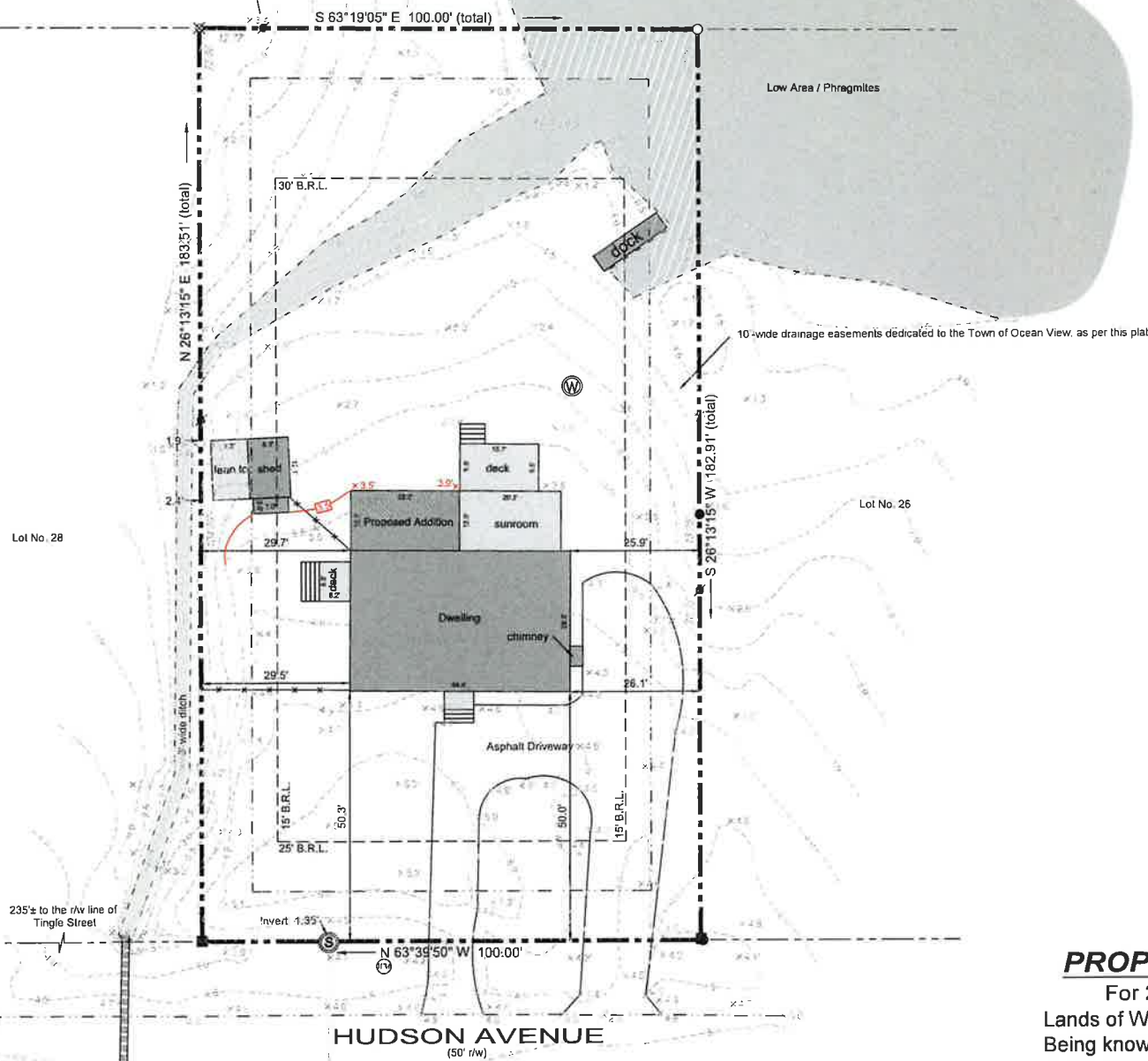


Lot No. 33

Lands of
David J. & Betty Jean Long
Db. 2179, Pg. 134

Lot No. 28

Lot No. 26



OWNER CERTIFICATION

WARREN D. GREER, JR and CLAIRE duFIEF GREER 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.

WARREN D. GREER, JR and CLAIRE duFIEF GREER Date
27 Hudson Avenue, Ocean View, DE 19970 302-260-4545
PRINTED NAME AND ADDRESS PHONE NUMBER

DATE OF ORIGINAL: MARCH 13, 2023
REVISION: DATE: 2023
REVISION: DATE: 2023
REVISION: DATE: 2023
REVISION: DATE: 2023
REVISION: DATE: 2023
REVISION: DATE: 2023
REVISION: DATE: 2023
Drawn by: MICHAEL LOVELAND Checked by: GREGORY M. HOOK

PROPOSED SITE AND GRADING PLAN

For 27 Hudson Avenue, Ocean View, DE 19970
Lands of WARREN D. GREER, JR and CLAIRE duFIEF GREER.
Being known as LOT NO. 27, KELLEY ESTATES. Situated in the
Town of Ocean View. Ref: Plat Book 13, Page 139.



VICINITY MAP

Scale: 1" = 400'

SITE DATA

- TAX MAP NO. 1-34-12-1533
- STATE: DELAWARE
- COUNTY: SUSSEX
- HUNDRED: BALTIMORE
- MUNICIPALITY: TOWN OF OCEAN VIEW
- AREA: 18,320 SQ. FT.
- SCALE: 1"=20'
- CLASS "A" SURVEY

Zoning data for the subject parcel was taken from the town zoning map (<http://www.oceanviewde.com/Zoning-Map-Regulations/>) and Restrictions shown hereon were obtained through General Code Website: eCode360, Town of Ocean View, Chapter 140 - Land Use and Development (<https://ecode360.com/15703531>).

- ZONING- R-1 (Residential)
- BUILDING RESTRICTION LINE (B.R.L.)
 - A. -FRONT= 25'
 - B. -SIDE = 15'
 - C. -REAR = 30'

- LOT COVERAGE CALCULATION: MAX ALLOWABLE AREA 35%

- EXISTING 21.89% (4,010 SQ. FT.)
 - Dwelling, driveway, shed, ect.
- PROPOSED 23.41% (4,288 SQ. FT.)
 - Existing conditions plus proposed addition

- VERTICAL DATUM- NAVD'88 (1988 NORTH AMERICAN VERTICAL DATUM)

- HORIZONTAL DATUM- NAD'83 (1983 NORTH AMERICAN DATUM)

- ALL PIPES MUST BE INSPECTED AT THE END OF CONSTRUCTION TO ENSURE THAT THEY ARE CLEAN, CLEAR, AND SILT FREE.

- ALL DISTURBED AREAS SHALL BE PROPERLY STABILIZED IN ACCORDANCE WITH THE STATE OF DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION) PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY

- THE 10' WIDE DRAINAGE EASEMENT SHOWN WITHIN THE SUBJECT PARCEL IS HEREBY DEDICATED TO THE TOWN OF OCEAN VIEW AS PER THIS PLAN.

SEAL

SIMPLER
SURVEYING
& ASSOCIATE, INC.

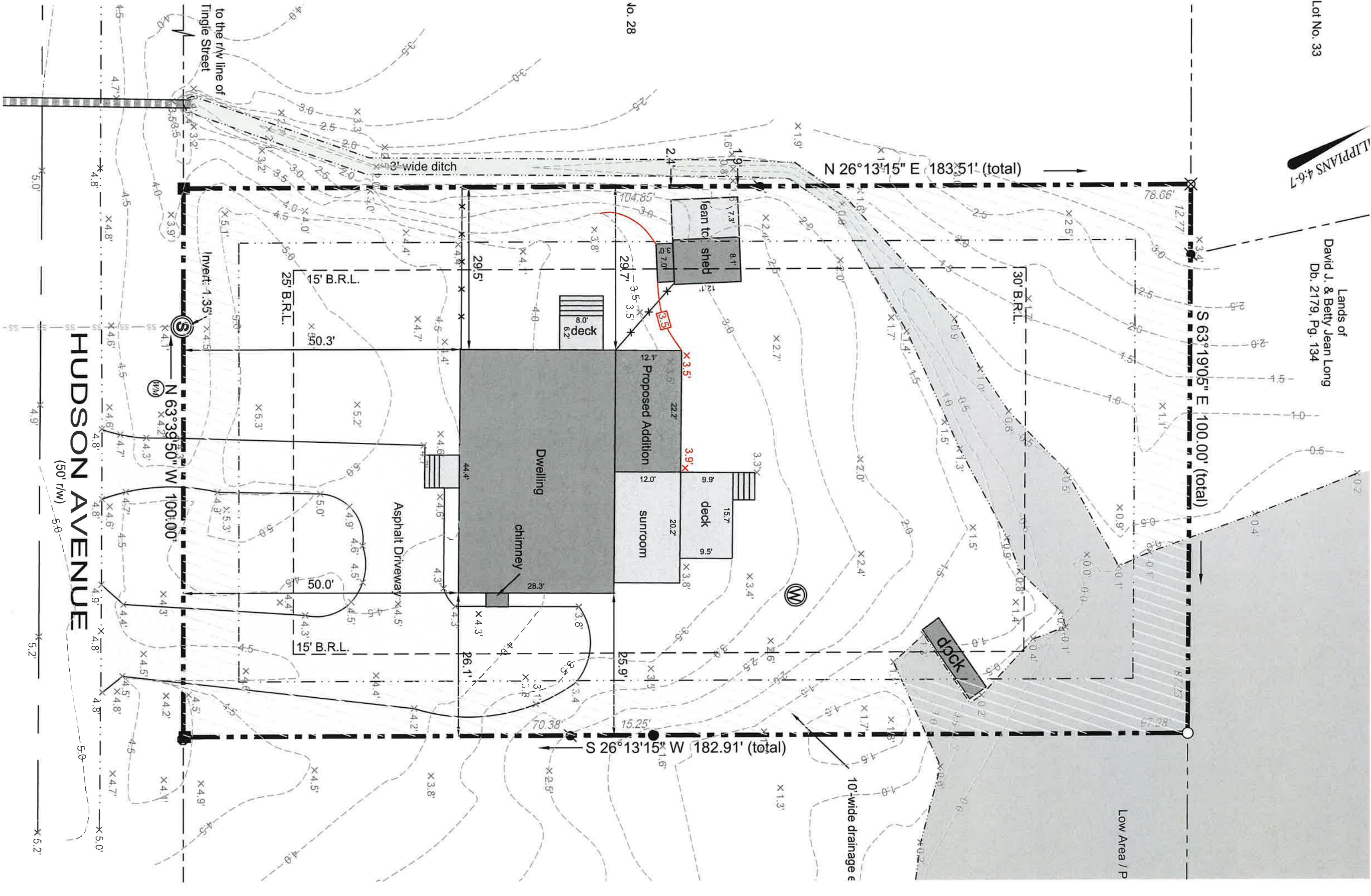
32486 POWELL FARM ROAD, FRANKFORD, DE 19945
www.delawaresurveyor.com
PHONE: (302) 539-7873 FAX: (302) 539-4336

PLS. 711

Lot No. 33

PLANS 4-6-7

Lands of
David J. & Betty Jean Long
Db. 2179, Pg. 134



HUDSON AVENUE

(50' r/w)

to the r/w line of
Tingle Street

Low Area / P

10' wide drainage easement

10.28