

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 - 443

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: 14 Seabrook Rd. The Justification for the Variance

(Explanation of Hardship) is: Seeking variance to accommodate patio in back yard which will exceed the allowable lot coverage due to the lot size being 38% smaller than district minimum. Article III, Sec. 140-28 (max. lot cover)

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): Kelly & Peter Kenny Phone #: 610-772-7247

Address of residence: 801 Ridge Road Pottstown, PA 19465

Signature(s): _____ Date: _____
(Property Owner(s))

Applicant(s) (Print): same Phone #: same

Address: same

Signature(s): Kelly Kenny Digitally signed by Kelly Kenny
Date: 2023.03.09 13:55:28 -05'00' Date: _____
Applicant(s)

TOWN USE ONLY:

Administrative Official Signature: _____

14 Seabrook Road

(PIDN: 094.570 / CTM# 134-12.00-2102.00)

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-443, submitted by the property owners, Peter and Kelly Kenny, for property zoned R-1 (Single-Family Residential District) located at 14 Seabrook Road (PIDN: 094.570 / CTM# 134-12.00-2102.00). The property owners propose to construct a concrete patio and are seeking a variance from Article V, §140-28 for all existing and proposed building/structures on the lot to exceed the maximum allowable lot coverage of 35%.

Variance Requested: To permit the 37.6% lot coverage in order to construct a patio behind the existing dwelling.

The existing lot coverage is 33.8%, and the dwelling is 1,200 s.f. living space, where 1,600 min. is required.

Date Received: 3/10/23 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 04/06/2023	PROPERTY OWNER NAME Kenny, Peter & Kelly
PIDN 004.570	PROPERTY LOCATION 14 Seabrook Rd.

Financial Good Standing	
Taxes current?	Checked:
Yes No	
Invoices, if any, current?	
Yes No N/A	
Water charges, if any, current?	
Yes No N/A	

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-443 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	10004
Name on Check if not Property Owner		Date Received	

Updated: cal 06/15/2015

BOARD OF ADJUSTMENTS STANDARDS FOR RELIEF

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

VARIANCES

1. Uniqueness

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

The unique circumstance relating to our property is that it is non-conforming in the fact that the minimum lot size is 14,000sf where as the existing lot size of our property is 10,125sf. The existing impervious coverage is 33.8% and the proposed patio would increase the impervious to 37.6, which exceeds the maximum coverage. If the lot area met the 14,000sf minimum, the proposed coverage would only be 27.2%. The proposed patio is 418 s.f., which is also the same amount the existing living space is short of the ordinance-required living space (1,200 s.f. existing, 1,600 s.f. is required, which is noted on the plan as an existing non-conformance).

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

This is to be a unique situation, where the livable space is not large enough to meet the minimum, yet the existing coverage is almost at the maximum. The difficulty is that this lot is 10,125 s.f. and has been zoned R-1, which is for 14,000+ s.f. lots. Therefore is it difficult to apply the maximum lot cover % for lots of this size.

2. Possibility of Development

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

No - The lot exists now in strict conformance to the Ordinance, which will not permit the construction of any outdoor patio or decking behind the home, which we feel is something that should be allowed within the parameters of the Ordinance. A patio would be permitted provided the lot met the minimum lot size, which it does not.

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

Yes, as there is no outdoor living space to have a picnic table and enjoy the fenced in back yard area. Approval of the variance will certainly enable us to maximize "reasonable use of the property".

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

No. The lot size was already established when we purchased the home in October 2021. We have made no changes to any outdoor space.

4. Effect on Surroundings

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

No, not in anyway. The variance applies to the rear yard which is surrounded by fence. Many neighbors have existing patios or decks to enjoy their own outdoor space. HOA approval has been obtained for this plan and the completed Architectural Review Form is attached to this application.

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, only minimum variance is requested.

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

Yes, only 2.60% over allowable.

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

JMR ENGINEERING, LLC

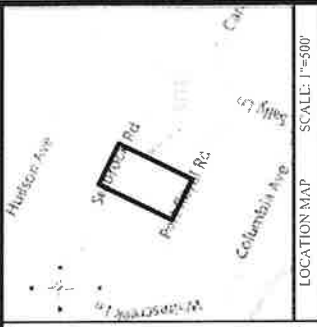


PROFESSIONAL CIVIL ENGINEERING
106 SCHUBERT DRIVE
DOWNTOWNTOWN, PA 19335
VOICE: (484) 880-7342 ~ FAX: (610) 594-6863
EMAIL: ADMIN@JMRENGINEERING.COM
WEBSITE: WWW.JMRENGINEERING.COM

SITE PLAN

PROJECT No. 101218-0
DATE: 02/04/2024
SCALE: 1" = 20'

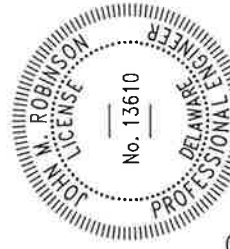
14 SEABROOK ROAD
FOR



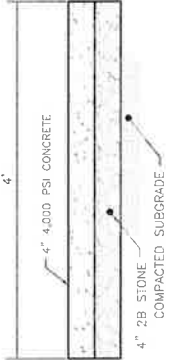
LEGEND	EXISTING	PROPOSED
PROPERTY LINE	---	N/A
ADJACENT PROPERTY LINE	---	N/A
IRON PIN	O	N/A
RIGHT-OF-WAY LINE	---	N/A
CONCRETE/PAVEMENT	---	N/A
INTERMEDIATE CONTOUR	---	N/A
BUILDING	---	N/A

PROJECT GENERAL NOTES

- PROJECT INFORMATION:
 - 14 SEABROOK ROAD
OCEAN VIEW, DE 19970
- FIELD SURVEY CONDUCTED BY JMR ENGINEERING OF JOE SCHUBERT DRIVE, DOWNTOWNTOWN, PA 19335 ON JULY 2023. THE HORIZONTAL DATUM IS NAD83 AND VERTICAL DATUM IS NAVD88. THIS WAS ESTABLISHED BY STATIC OBSERVATIONS CORRECTED BY THE USGS ONLINE POSITIONING USER SYSTEM (OPUS).
- PLAN REFERENCE:
 - A. TRACT BOUNDARY OBTAINED FROM A PLOT PLAN ENTITLED "LOT 57 (FORMERLY 'WONDERLAND') THE COTTAGES ON WHITE'S CREEK" SUSSEX COUNTY, DELAWARE, PREPARED BY LAND TECH, INC., DATED 5-10-90 AND LAST REVISED 9-6-90.
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS, COVENANTS, EASEMENTS, AND/OR RIGHT-OF-WAYS, WRITTEN OR IMPLIED.



JOHN M. ROBINSON
PROFESSIONAL ENGINEER
DELAWARE LICENSE NO. 13610



CONCRETE PATIO DETAIL

NOT TO SCALE

IMPERVIOUS COVERAGE TABLE

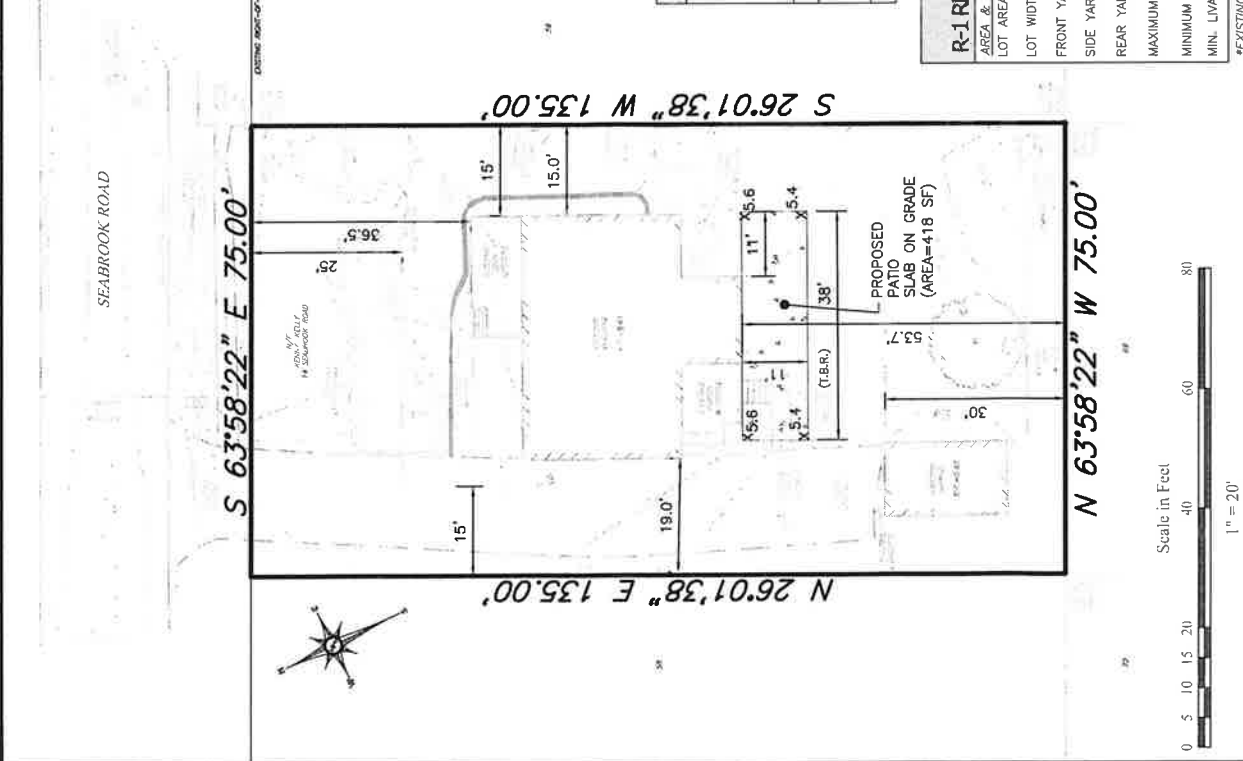
EXISTING DWELLING	=	1,207 SF
EXISTING DRIVEWAY	=	1,612 SF
EXISTING GARAGE	=	250 SF
EXISTING DECK, WALKWAY PORCH, ETC.	=	355 SF
TOTAL IMPERVIOUS COVERAGE EXISTING	=	3,424 SF
EXISTING WALKWAY/STEPS TO BE REMOVED	=	-40 SF
PROPOSED PATIO AREA	=	418 SF
TOTAL IMPERVIOUS COVERAGE PROPOSED	=	3,802 SF

OCEAN VIEW, DELAWARE

R-1 RESIDENTIAL ZONING DISTRICT (SINGLE-FAMILY DETACHED DWELLING)

AREA & BULK REGULATIONS:	REQUIRED	EXISTING	PROPOSED
LOT AREA	14,000 SF	10,125 SF*	10,125 SF*
LOT WIDTH @ FRONT PROPERTY LINE	75 FEET (MIN.)	75 FT	75 FEET
FRONT YARD SETBACK	25 FT (MIN.)	36.5 FT	36.5 FEET
SIDE YARD SETBACK	15 FT (MIN.)	15.0 FT	15.0 FT
REAR YARD SETBACK	30 FEET (MIN.)	53.7 FT	53.7 FT
MAXIMUM COVERAGE OF LOT AREA	35% (MAX.)	33.8% (3,424 SF)	3,802 SF (37.6%)
MINIMUM GREEN AREA	65% (MAX.)	66.2%	62.4%
MIN. LIVABLE FLOOR AREA PER DWELLING	1,600 SF	1,207 SF*	1,207 SF*

*EXISTING NON-CONFORMANCE



Cottages on White's Creek Homeowners Association Architectural Review Form

General Information:

Before completing this form, please read the Homeowners on White's Creek Restrictions and Architectural Review Guidelines to determine the information that must be submitted with this form. **The Architectural Review Committee can not conduct a review of your request unless all relevant information is included.**

The Architectural Review Form and all relevant information must be submitted for approval prior to obtaining Permits and Variances. Building setbacks and height must be per Sussex County, Town of Ocean View, and Cottages on White's Creek Homeowners Association requirements. Permits and variances must be obtained from Sussex County and the Town of Ocean View, as required.

All construction sites must be maintained in a neat and clean manner, with care taken to insure that any construction debris blowing on adjacent lots is to be cleared immediately.

Procedures:

1. Submit all requested data, including color samples, with this form.
2. Submit the form and all relevant data to:

Cottages on White's Creek Homeowners Association
C/O Architectural Review Committee
P.O. Box 105
Ocean View, DE 19970

Form:

Date: 3/3/2022Homeowner's Name: Peter & Kelly KennyCottage's Address: 14 Seabrook RoadLot Number: 57Homeowner's Telephone Number: 610-772-7247

Builder's Name (if applicable): _____

Builder's Address (if applicable): _____

Builder's Telephone Number (if applicable): _____

Proposed Start Date: 4/19/2022Proposed Finish Date: 4/20/2022Signature of Applicant: Kelly Kenny PK

Approval (1): _____

Architectural Review Committee

Approval (2): _____

Architectural Review Committee

Project: Install Concrete patio around back of house per attached plan. Remove & replace sidewalk in front of house.

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-443**

Application V-435, submitted by the property owners, Peter and Kelly Kenny, for property zoned R-1 (Single-Family Residential District) located at 14 Seabrook Road (PIDN: 094.570 / CTM# 134-12.00-2102.00). The property owners propose to construct a concrete patio and are seeking a variance from Article V, §140-28 for all existing and proposed building/structures on the lot to exceed the maximum allowable lot coverage of 35%.

TOWN COMMENTS

The existing lot coverage on this parcel of land is 33.8% or 3,424 Square Feet. Maximum lot coverage in R-1, Residential Single-Family District is 35%, or in this case, 3,544 SF.

The proposed improvement will result in lot coverage of 37.6% or 3,802 Square Feet. This is 2.6% above the maximum allowable impervious lot coverage of 35%.

It should be noted that when this lot was created prior to changes in the code in 2013, maximum lot coverage was 30% in R-1 (Single-Family Residential District).

Also noteworthy is that the applicant originally proposed a 525 SF patio. This application has been revised by the applicant and shows a proposed patio of 418 SF, a reduction in impervious cover of 1% or 107 SF.

The office of Planning and Development does not oppose this application.

Chapter 140. Land Use and Development

Article V. Dimensional Regulations

§ 140-28. R-1 and R-2 Zones.

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

Standard	Zone and Dwelling Type			
	R-1 Zone Single-Family	Single-Family	R-2 Zone Semidetached	Duplex
Tract standards				
Tract area (square feet)	14,000	10,000	14,000	14,000
Maximum dwelling units per acre	3	4	6	6
Minimum distance between buildings (feet)	30	30	20	20
Lot standards				
Lot area per dwelling unit (square feet)	14,000	10,000	7,000	14,000
Lot width at front property line (feet)	75	60	70	70
Lot depth (feet)	100	100	100	100
Setbacks (feet)				
From front lot line or side lot line abutting a street	25	20	25	25
From side lot line	15	10	10	10
From rear lot line	30	20	30	30
Maximum Height				
Feet	42	42	42	42
Number of stories	3	3	3	3
Maximum coverage of lot area (includes all buildings and structures)	35%	45%	45%	45%
Minimum green area	65%	55%	55%	55%
Minimum livable floor area per dwelling	1,600	1,250	1,250	1,250

	Zone and Dwelling Type			
	R-1 Zone		R-2 Zone	
Standard (square feet)	Single-Family	Single-Family	Semidetached	Duplex

Notes:

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

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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

Blottenberger, Volkar & Eliz.
1615 Kurtz Ave.
Lutherville, MD 21093

094.100

TOWN OF OCEAN VIEW PUBLIC NOTICE BOARD OF ADJUSTMENT HEARING

14 Seabrook Road
(PIDN: 094.570 / CTM# 134-12.00-2102.00)

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-443**, submitted by the property owners, Peter and Kelly Kenny, for property zoned R-1 (Single-Family Residential District) located at 14 Seabrook Road (PIDN: 094.570 / CTM# 134-12.00-2102.00). The property owners propose to construct a concrete patio and are seeking a variance from Article V, §140-28 for all existing and proposed building/structures on the lot to exceed the maximum allowable lot coverage of 35%.

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
094.100	134-12.00-2062.00	3	Seabrook Rd.	Blottenberger, Volkar & Eliz.	1615	Kurtz Ave.	Lutherville	MD	21093
194.110	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.	Donahue, Paul A. & Rebecca A. Merryman, John & Genevieve	7 428	Seabrook Rd. Woleber Rd.	Ocean View Myerstown	DE PA	21093 17067
094.130	134-12.00-2065.00	9	Seabrook Rd.	Audoersch, Elizabeth A. & May, Brenda	11	Seabrook Rd.	Ocean View	DE	19970
094.140	134-12.00-2066.00	11	Seabrook Rd.	Hall, Cynthia M.	4008	Baker Ln.	Nottingham	MD	21236
094.150	134-12.00-2067.00	13	Seabrook Rd.	Mulcahy Living Trust	15	Seabrook Rd.	Ocean View	DE	19970
094.160	134-12.00-2068.00	15	Seabrook Rd.	Quirk, Kevin & Laura	9613	Candish Ct.	Fairfax	VA	22039
094.170	134-12.00-2069.00	17	Seabrook Rd.	Lopez, Luis E. & Sandra	5 N.	Synott Ave.	Wenonah	NJ	08090
094.180	134-12.00-2070.00	19	Seabrook Rd.	Hunt, Barry & Margaret	22	Seabrook Rd.	Ocean View	DE	19970
094.610	134-12.00-2106.00	22	Seabrook Rd.		8429	Bates Dr.	Bowie	MD	20720
094.620	134-12.00-2107.00	20	Seabrook Rd.						
094.590	134-12.00-2104.00	18	Seabrook Rd.	Argerson, Dennis	1206	Tilghman Landing Way	Annapolis	MD	21403
094.580	134-12.00-2103.00	16	Seabrook Rd.	Zorn, Sandra	16	Seabrook Rd.	Ocean View	DE	19970
094.570	134-12.00-2102.00	14	Seabrook Rd.	Kenny Peter & Kelly & Zeleznick, Johnathan & Kathryn	801	Ridge Rd.	Pottstown	PA	19465
094.560	134-12.00-2101.00	12	Seabrook Rd.	Free, Betty T.	4713	Miltfred Ter.	Rockville	MD	20853
094.550	134-12.00-2100.00	10	Seabrook Rd.	Argeski, Bernard G. & Carol J.	201	Washington Ave.	Elmwood Park	NJ	07407
094.540	134-12.00-2099.00	8	Seabrook Rd.	Nines, Michael	501	Bucks Rd.	Perkasie	PA	18994
094.720	134-12.00-2117.00	19	Port Royal Rd.	O'Brien Marie A.	19	Port Royal Rd.	Ocean View	DE	19970
094.710	134-12.00-2116.00	17	Port Royal Rd.	Bozo, Rodmy	1515	N. Queen St. Unit 505	Arlington	VA	22209
094.700	134-12.00-2115.00	15	Port Royal Rd.	Morosko, Shawn & Frances	2350	Engle Rd.	Fallston	MD	21047
094.690	134-12.00-2114.00	13	Port Royal Rd.	Damiano, Baptist & Rose M. Scott	13	Port Royal Rd.	Ocean View	DE	19970
094.680	134-12.00-2113.00	11	Port Royal Rd.	Southard, Craig & Tracy	11	Port Royal Rd.	Ocean View	DE	19970
094.670	134-12.00-2112.00	9	Port Royal Rd.	Johns, Stephen A. & Jamey J.	471	Butler Rd.	Kitanning	PA	16201
094.660	134-12.00-2111.00	7	Port Royal Rd.	Zumbrun, Jeffrey & Constance	6028	Sykesville Rd.	Eldersburg	MD	21784
099.080	134-12.00-1550.00	18	Hudson Ave.	Kaskel, Kelli B. & Joseph M.	18	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
099.110	134-12.00-1548.00	26	Hudson Ave.	Twardzik, Francis G. & Colleen P.	26	Hudson Ave.	Ocean View	DE	19970
099.120	134-12.00-1547.00	28	Hudson Ave.	Spain, Thomas	28	Hudson Ave.	Ocean View	DE	19970
099.130	134-12.00-1545.00	30	Hudson Ave.	Logarzo, Joseph M. & Dale F.	147	Linecrest Rd	Andover	NJ	07821



N 26°01'38" E 135.00'

S 63°58'22" E 75.00'

EXISTING
IRON PIN
(FOUND)

N 63°58'22" W 75.00'

EXISTING
IRON PIN
(FOUND)

S 26°01'38" W 135.00'

EXISTING
IRON PIN
(FOUND)

