

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

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Fee: \$ 750.00

V - 446

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: 34 Old forge Dr. The Justification for the Variance

(Explanation of Hardship) is: need for patio

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): Joseph Casparriello Phone #: 4438446697

Address of residence: 34 Old Forge Dr Ocean View DE 19970

Signature(s):  Date: 4-10-23
(Property Owner(s))

Applicant(s) (Print): Karen Casparriello Phone #: 4109495153

Address: 34 Old Forge Dr Ocean View DE 19970

Signature(s):  Date: 4-10-23
(Applicant(s))

TOWN USE ONLY:

Administrative Official Signature: _____

34 Old Forge Drive

(PIDN: 413.072 / CTM# 134-16.00-921.00)

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-446, submitted by the property owner, Joseph Casparriello, seeking a variance from Article VI, §140-35-B(2)(c), which states that a patio may project into a required rear yard setback as long as it is placed no closer than 10 feet to any lot line. The property owner wishes to install a patio less than 10 feet from the rear property line on property zoned MXPC (Mixed Used Planned Community) located at 34 Old Forge Drive (PIDN: 413.072 / CTM# 134-16.00-921.00).

Variance Requested: _____

revised app
Date Received: 4/11/23 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
05/09/2023	Casparriello
PIDN	PROPERTY LOCATION
413.072	34 Old Forge Drive

Financial Good Standing	
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-446 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# 1285**
 Name on Check if not Property Owner Date Received **2/9/23**

Updated: cal 06/15/2015

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NOTICE

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

Re: Homeowners' Associations and Restrictive Covenants and Conditions

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

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

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

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

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

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:

Yes

The house was built way back on the property so the front yard is much larger than the rear yard.

- 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

I need a patio in the rear of my house so the grandkids can play safely away from the street.

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 House SITS TOO FAR BACK
ON THE PROPERTY

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







December 20, 2022

Joe Casparriello
34 Old Forge
Ocean View, DE 19970

COMMUNITY: Silver Woods

RE: Paver Walkway and Border, Shower and Trash Enclosure, Fire Pit, Sitting Wall

Dear Joe:

We are glad to inform you that the Architectural Committee (ARC), has approved the installation of your paver walkway, driveway border, shower enclosure trash enclosure, fire pit, and sitting wall. All installations will be in spec with the application submitted.

This approval is pending the following requirements:

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

Thank you for your cooperation.

Best regards,

Dave Baldo, Excel Property Management

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-446**

Application V-435, submitted by the property owner, Joseph Casparriello, seeking a variance from Article VI, §140-35-B(2)(c), which states that a patio may project into a required rear yard setback as long as it is placed no closer than 10 feet to any lot line. The property owner wishes to install a patio less than 10 feet from the rear property line on property zoned MXPC (Mixed Used Planned Community) located at 34 Old Forge Drive (PIDN: 413.072 / CTM# 134-16.00-921.00).

TOWN COMMENTS

The patio, as proposed, will be 8.5 feet from the rear property line, 1.5 feet closer than allowed by Town code.

Chapter 140. Land Use and Development

Article VI. Additional Use and Dimensional Regulations

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

A. Decks.

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

B. Patios.

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

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May 2, 2023

Lorencz, Timothy J. & Schott, Darlene
M.
42 Old Forge Dr.
Ocean View, DE 19970

413.068

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

34 Old Forge Drive

(PIDN: 413.072 / CTM# 134-16.00-921.00)

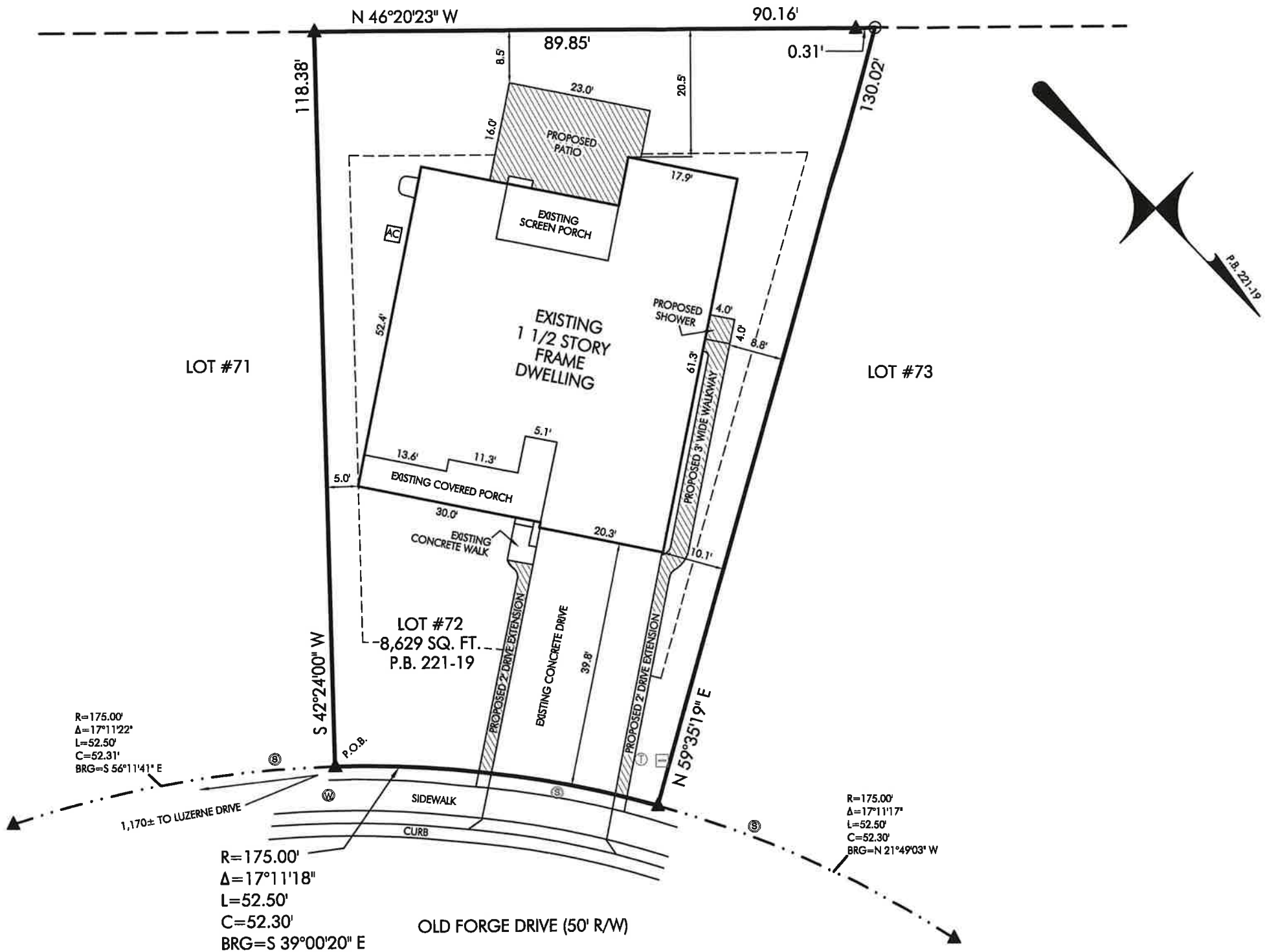
NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held on Application V-446, submitted by the property owner, Joseph Casparriello, seeking a variance from Article VI, §140-35-B(2)(c), which states that a patio may project into a required rear yard setback as long as it is placed no closer than 10 feet to any lot line. The property owner wishes to install a patio less than 10 feet from the rear property line on property zoned MXPC (Mixed Used Planned Community) located at 34 Old Forge Drive (PIDN: 413.072 / CTM# 134-16.00-921.00).

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
413.068	134-16.00-917.00	42	Old Forge Drive	Lorencz, Timothy J. & Schott, Darlene M.	42	Old Forge Dr.	Ocean View	DE	19970
413.069	134-16.00-918.00	40	Old Forge Drive	Wisneski, Ronald J. & Barbara J.	40	Old Forge Dr.	Ocean View	DE	19970
413.070	134-16.00-919.00	38	Old Forge Drive	Allenspach Trust, Sue M.	38	Old Forge Dr.	Ocean View	DE	19970
413.071	134-16.00-920.00	36	Old Forge Drive	D'Eramo, Dennis A. & Elizabeth M.	36	Old Forge Dr.	Ocean View	DE	19970
413.072	134-16.00-921.00	34	Old Forge Drive	Caspariello, Joseph & Karen	34	Old Forge Dr.	Ocean View	DE	19970
413.073	134-16.00-922.00	32	Old Forge Drive	Volk, Elizabeth L.	32	Old Forge Dr.	Ocean View	DE	19970
413.074	134-16.00-923.00	30	Old Forge Drive	Fritts, Glenn D. & Jayne A.	5260	Suncrest Cr.	Whitehall	PA	18052
413.075	134-16.00-924.00	28	Old Forge Drive	Ware, Terence J.	28	Old Forge Dr.	ocean View	DE	19970
413.076	134-16.00-925.00	26	Old Forge Drive	Seeger, Joseph M. & Diane L.	26	Old Forge Dr.	Ocean View	DE	19970
413.098	134-16.00-947.00	45	Old Forge Drive	Reinhold, Gary A. & Rosier, Jennifer J.	21	Shybrook Ct.	Elizabethtown	PA	17022
413.099	134-16.00-948.00	43	Old Forge Drive	DeVoe, Thomas C. & Diane P.	50	Pleasantview Dr.	Wayne	NJ	07470
413.100	134-16.00-949.00	41	Old Forge Drive	Pierorazio, Fred V. & Dolores	1998	Pimlico Ct.	Forest Hill	MD	21050
413.101	134-16.00-950.00	29	Old Forge Drive	MacDougall, William D. & Lynda J.	408	Coote Dr.	Avondale	PA	19311
413.102	134-16.00-952.00	25	Old Forge Drive	Lopez, Richard	25	Old Forge Dr.	Ocean View	DE	19970
413.103	134-16.00-953.00	23	Old Forge Drive	Hoecherl, Cortney C.	23	Old Forge Dr.	Ocean View	DE	19970

"FOREST LANDING" SUBDIVISION
P.B. 110-263



SITE DATA:

A 10' WIDE DRAINAGE EASEMENT WAS PREVIOUSLY DEDICATED TO THE TOWN OF OCEAN VIEW ALONG ALL INTERIOR LOT LINES (PER P.B. 221-19)
ZONING: MXPC (MIXED-USE PLANNED ZONING DISTRICT- SINGLE FAMILY DISTRICT)
WATER SUPPLIER: TIDEWATER UTILITIES
SANITARY SEWER SERVICE PROVIDER: SUSSEX COUNTY

EXISTING LOT AREA: 8,629 SQ. FT.
EXISTING COVERAGE: 3,639 SQ. FT. (42.2%)
PROPOSED COVERAGE: 4,263 SQ. FT. (49.4%)
MAXIMUM LOT COVERAGE: 45.0% WITH AN EXCEPTION OF 50% LOT COVERAGE FOR SINGLE FAMILY LOTS ON WHICH THE RYAN HOMES SPRINGHAVEN MODEL IS ERECTED (PER P.B. 221-19).

MAXIMUM BUILDING HEIGHT: 42' FROM AVERAGE GRADE
REQUIRED SETBACK: FRONT - 20'; REAR - 20'; SIDE - 5' (MUST MAINTAIN 15' MINIMUM SEPARATION BETWEEN DWELLING UNITS AND ATTACHED ACCESSORY BUILDINGS / STRUCTURES)

FLOOD ZONE: X (NO B.F.E.)
F.I.R.M.: 10005C0513K, JUNE 20, 2018

OWNER'S CERTIFICATION

I, JOSEPH CASPARRIELLO, CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN AND THE LAND USE ACTION PROPOSED BY THIS PLAN IS MY DIRECTION.

SIGNATURE _____ DATE _____

LEGEND:

- ▲ IRON ROD (FOUND)
- POINT

PROPOSED CONDITIONS SITE PLAN FOR
JOSEPH CASPARRIELLO



SCALE: 1" = 20'

TOWN:	OCEAN VIEW	MARCH 8, 2023
HUNDRED:	BALTIMORE	COUNTY:
		SUSSEX
STATE:	DELAWARE	DRAWN BY:
		TSM
REF.:	P.B. 221-19	DWG. NO.:
		1-34-16.00-921.00
		SURVEY CLASS: SUBURBAN

DATE	REVISION

Prepared by:
FORESIGHTServices
Surveying & Precision Measurement
302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971