

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)

admin@oceanviewde.com / www.oceanviewde.com

SINCE 1889



Fee: \$ 750.00

V - 450

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: 23 Murrells CT. The Justification for the Variance

(Explanation of Hardship) is: paver patio wall is slightly over setback & the grill enclosure is over setback.

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): Richard Saltzman Phone #: 973-214-6031

Address of residence: 23 Murrells Ct Ocean View DE 19970

Signature(s): [Signature] Date: 9/7/23
(Property Owner(s))

Applicant(s) (Print): Josh Edmonson (Just Imagine Landscaping) Phone #: 302-402-3659

Address: 103 Sunset Strip Dagsboro DE 19937

Signature(s): [Signature] Date: 10/11/23
Applicant(s)

TOWN USE ONLY.

Administrative Official Signature

23 Murrells Court

(PIDN: 408.016 / CTM# 134-17.00-842.00)

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-450, submitted by the property owners, Richard & Kathy Saltzman and their contractor, Just Imagine Landscaping, LLC. Article VII, §140-50-B of the Town Code 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. The minimum rear yard for accessory uses/structures in Ocean View Beach Club is 10 feet as defined in Ordinance 214 adopted by Town Council on March 6, 2007. Article V, §140-35 of the Town Code indicates that a patio may project into a required rear yard as long as it is placed no closer than 10 feet to a lot line.

The property owners wish to maintain an existing paver patio with built-in grill area that encroaches into the required rear yard setback on property zoned R.P.C. (Residential Planned Community) located at 23 Murrells Court (PIDN: 408.016 / CTM# 134-17.00-842.00).

Date Received: 10/13/23 Date Advertised: 10/27/23 Hearing Date: 11/16/23

BOARD OF ADJUSTMENT USE ONLY:

Approved: _____
Date

Chairperson, Board of Adjustment

Denied: _____
Date

Chairperson, Board of Adjustment

CFM:M 011818

Town of Ocean View

****RECEIPT FOR TOWN FEES****

DATE	PROPERTY OWNER NAME
11/08/2023	Saltzman
PIDN	PROPERTY LOCATION
408.016	23 Murrells Court

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-450 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# 1389

Name on Check if not
Property Owner

Just Imagine Landscaping

Date Received

10/13/23

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:

Patio was measured off of survey stakes that were present. Grill enclosure was built to be a safe distance from the house. Grill enclosure built on an angle and was inadvertently constructed beyond the setback.

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

Grill enclosure was built to maintain a safe grilling distance from the house. ~~Patio~~ Measurements were taken from survey stakes that were present on the property.

2. Possibility of Development

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

Has already been built

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

The grill area needed to be set away from the House.

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

NO

4. Effect on Surroundings

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

No blends nicely with surroundings.
Does not create any drainage or other issues.

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

Property behind will not be developed
and Does not affect either property to the sides

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 no other construction will need to be completed. If variance is denied Demolition will need to occur*
- b. Is the variance necessary to afford relief? *Already built variance needed*
- 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? *will not affect any other properties*
2. Are there any other requirements, which are applicable to the specific exception being requested (for example, time limitations)? *NO*

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: November 16, 2023

SUBJECT: **OVERVIEW OF APPLICATION V-450**

23 Murrells Court
(PIDN: 408.016 / CTM# 134-17.00-842.00)

Application V-450 is submitted by the property owners, Richard & Kathy Saltzman and their contractor, Just Imagine Landscaping, LLC. Article VII, §140-50-B of the Town Code 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. The minimum rear yard for accessory uses/structures in Ocean View Beach Club is 10 feet as defined in Ordinance 214 adopted by Town Council on March 6, 2007. Article V, §140-35 of the Town Code indicates that a patio may project into a required rear yard as long as it is placed no closer than 10 feet to a lot line.

The property owners wish to maintain an existing paver patio with built-in grill area that encroaches into the required rear yard setback on property zoned R.P.C. (Residential Planned Community) located at 23 Murrells Court (PIDN: 408.016 / CTM# 134-17.00-842.00).

TOWN COMMENTS

§ 140-35 Decks and patios on residential properties.

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.

TOWN OF OCEAN VIEW

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

(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.*
-

- The Saltzman patio project and associated landscaping received Ocean View Beach Club Architectural Control Committee approval on August 15, 2022. A building permit (BP# 22-286) for a paver patio with sitting walls, grill enclosure and fire pit was then issued by the Office of Planning, Zoning and Development on August 26, 2022. Previously, the property owners were successful in obtaining a variance (V-432) for the projection of a proposed screened porch into the required rear yard setback of 30 ft.
- A review of an as-built survey detailing the above-mentioned improvements revealed that a corner of the patio and grill enclosure area encroach 1.81 ft. into the required 10 ft. rear yard patio setback. This is .81 ft. or 9.72 inches over what would qualify for an administrative variance of one foot into a yard setback due to contractor error.
- The as-built survey verifies compliance with lot coverage requirements.
- It is worth noting that the rear of the property backs up to the wooded area of Ocean View Beach Club open space parcel "D."
- Because the corner of the patio and grill area also encroaches into the Town of Ocean View's 10 ft. drainage easement, it is the recommendation of this Office that, should the Board of Adjustment choose to grant this variance, a note be added to the as-built plan as follows:

"The variance for the encroachment of the patio and grill area is approved subject to the following: The Town reserves the perpetual right to enter upon real estate, at any time that it may seem fit in order to construct, maintain, and repair the drainage easement for the purpose of conveying water over, across, through and under the lands of the Applicant, together with the right to remove trees, bushes, undergrowth, and other obstructions interfering with the purposes of the drainage easement. The Town shall have no obligation to repair or restore the patio/grill enclosure or to pay for the same."

↑
44'10" E 70.00'

DT S16
000 ± SF

6.0

1.81'

D &
ESN
TYF

5'

6.5

7.0

9.7

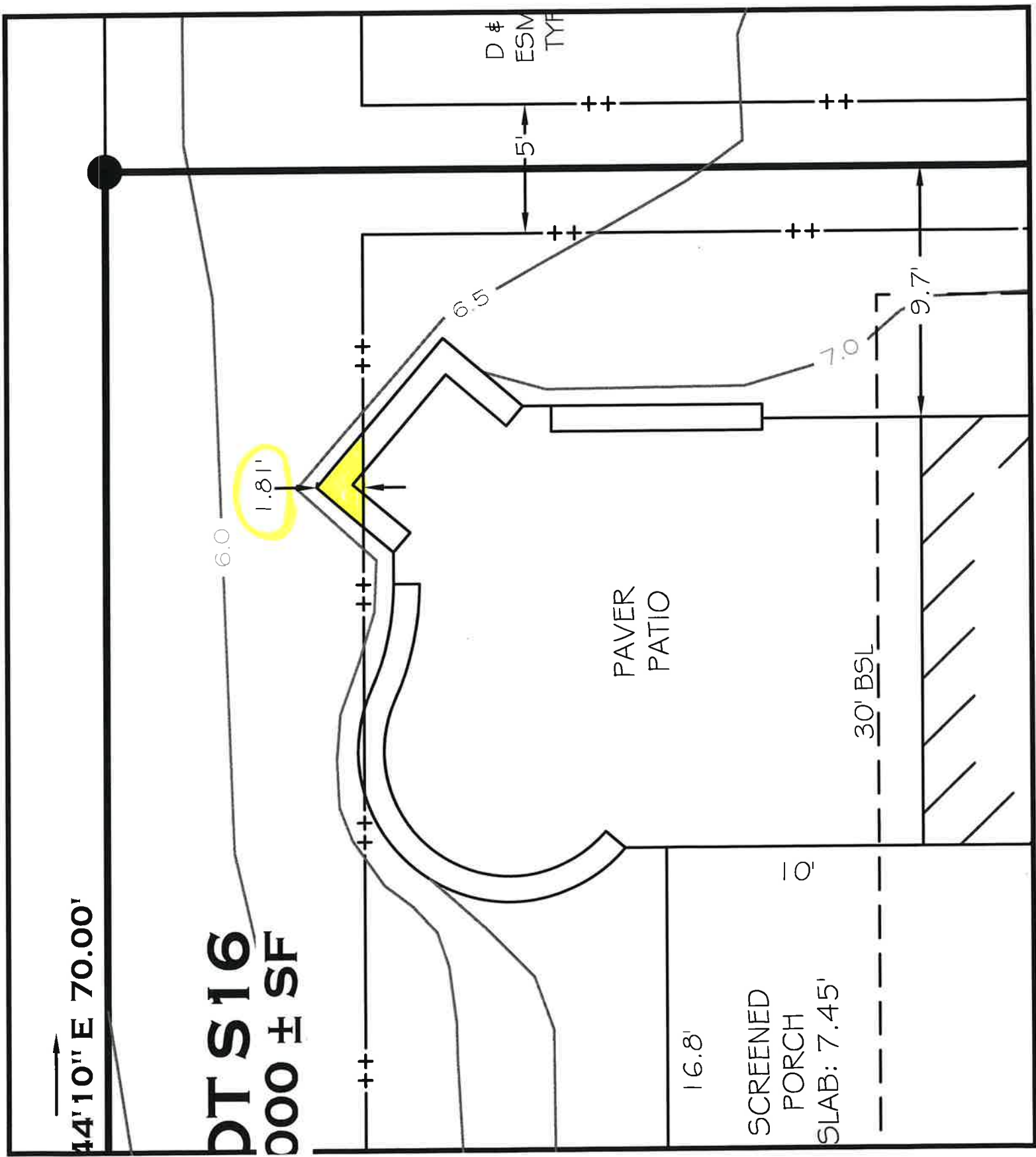
PAVER
PATIO

30' BSL

16.8'

SCREENED
PORCH
SLAB: 7.45'

0'





10/31/2023 14:34



10/31/2023 14:34



10/31/2023 14:33

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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



November 1, 2023

Deegan Family Revocable Trust
12450 Petrillo Dr.
Highland, MD 20777

408.017

TOWN OF OCEAN VIEW PUBLIC NOTICE BOARD OF ADJUSTMENT HEARING

23 Murrells Court
(PIDN: 408.016 / CTM# 134-17.00-936.00)

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-450, submitted by the property owners, Richard & Kathy Saltzman and their contractor, Just Imagine Landscaping, LLC. Article VII, §140-50-B of the Town Code 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. The minimum rear yard for accessory uses/structures in Ocean View Beach Club is 10 feet as defined in Ordinance 214 adopted by Town Council on March 6, 2007. Article V, §140-35 of the Town Code indicates that a patio may project into a required rear yard as long as it is placed no closer than 10 feet to a lot line.

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The Town will hold these hearings on **Thursday, November 16, 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
408.017	134-17.00-843.00	25	Murrells Court	Deegan Family Revocable Trust	12450	Petrillo Dr.	Highland	MD	20777
408.016	134-17.00-842.00	23	Murrells Court	Saltzman, Richard and Kathy	36	Valley Rd.	Randolph	NJ	07869
408.015	134-17.00-841.00	21	Murrells Court	Blair, John A. & Debora J. Vaswani, Neil H. & Ashima A. / Subhash T. & Meena Ramani	7606	Augustine Way	Gaithersburg	MD	20879
408.014	134-17.00-840.00	19	Murrells Court	Webb, Cameron	483	Stonehenge Dr.	Lititz	PA	17543
408.013	134-17.00-839.00	17	Murrells Court	Dapkus, Steven J. & Roy D. Windansea, LLC / Convergence Investments	11009	Wheeler Dr.	Silver Spring	MD	20901
408.012	134-17.00-838.00	15	Murrells Court		15	Murrells Ct.	Ocean View	DE	19970
408.350	open space parcel D					P.O. Box 1686	Jackson Hole	WY	83001