

NOTICE: Any person requiring accommodation to participate in or observe a public town meeting or hearing shall make a written request for accommodation to the Town Clerk, Donna Schwartz, 7 business days in advance of the meeting or hearing.

JOIN YouTube Meeting: <https://www.youtube.com/@OceanViewDEstreams>

TOWN OF OCEAN VIEW PUBLIC NOTICE
BOARD OF ADJUSTMENT MEETING
January 15, 2026 3:00PM

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a meeting will be held at 3:00pm or as soon as possible thereafter on Thursday, January 15, 2026, to consider matters set out in the attached agenda at 32 West Avenue. The applicable material may be examined prior to the hearing by all interested parties on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 a.m. and noon and 1 through 4 p.m., Monday through Friday.

AGENDA

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - A. December 18, 2025, Board of Adjustment Meeting Minutes.**
- 6. NEW BUSINESS**
 - A. V-464 5 Captains Court (PIDN: 152.002 / CTM: 134-12.00-592.02)**

V-464: a request for a variance from Article V, §140-32, which sets the maximum height of a detached accessory structure to 14 feet. The property owners wish to construct a detached accessory structure (three-car garage) with a proposed height of approximately 25'-9".

The application is submitted by the applicant Mark Fitzgerald of Canalfront Builders on behalf of the property owners, Audra and Hugh Jones, for property zoned R-1 (Single-Family Residential), located at 5 Captains Court (PIDN: 152.002 / CTM: 134-12.00-592.02).
- 7. ADJOURNMENT**

Note: The agenda items listed may not be considered in sequence.

Posted: January 7, 2026

Rules of Order for Meetings (Summary)

Each person addressing the Town Council, or any Town Commission, shall identify him/herself by name and place of residence for the record and shall address all remarks to the Town Council/Town Commission as a body and not to any member thereof.

Each person shall limit their remarks to the matter under discussion, shall be permitted to speak only one time on any topic, and shall be limited to (3) minutes. A written statement in lieu of or in addition to verbal comments is permissible.

No one other than a member of the Town Council/Commission is permitted to enter discussions without approval of the mayor/presiding officer. No members of the public are permitted to ask questions of any speaker while they are addressing the Town Council/Commission or of a Town Councilmember/ Commissioner without permission from the presiding officer.

All people attending in person or participating electronically in a Town Council/Commission meeting should conduct themselves in an orderly fashion. All shall follow the direction of the mayor/presiding officer, no disruptive behavior is permitted, and electronic devices shall be silent.

BOARD OF ADJUSTMENT MINUTES

TOWN OF OCEAN VIEW

December 18, 2025, 3:00pm

1. The Board of Adjustment Vice Chair Ron Galey called the meeting to order at 3:00pm with the Pledge of Allegiance. In attendance were Board Members Greg Neuner, Susan Kerwin, Preston Coppels, and new member Eric Thornton. Planning Zoning and Development Director Ken Cimino, Solicitor Max Walton, Planner Jill Oliver, and Town Clerk Donna Schwartz. The meeting was being held at 32 West Avenue.

2. SWEARING IN F ERIC THORNTON

3. REORGANTIZATION OF BOARD

A motion was made by Mr. Coppels to nominate Mr. Neuner for Chair, Mr. Galey seconded the motion. All voted in favor. 5/0.

4. APPROVAL OF THE AGENDA

A motion was made by Ms. Kerwin, seconded by Mr. Neuner, to approve the agenda. The motion was carried unanimously 5/0.

5. APPROVAL OF THE MINUTES

A motion was made by Ms. Kerwin, seconded by Mr. Neuner, to approve the minutes for the September 15, 2025, meeting. The motion was carried unanimously 5/0.

6. NEW BUSINESS

A. V-463 21 Port Royal Rd. (PIDN: 094.730 / CTM: 134-12.00-2118.00)

Application V-463, submitted by the applicant and property owners, Mark and Maureen Nicholson, requests relief from Article V, §140-35, which requires decks to adhere to the same front yard setback as the principal structure, on property zoned R-1 (Single Family Residential), located at 21 Port Royal Rd. (PIDN: 094.730 / CTM: 134-12.00-2118.00)

The property owners wish to enlarge their existing front porch by way of a 4'x20' deck extension. The front yard setback in the R-1 single-family residential zone is 25 ft. as established in Article V, §140-28 of the Town Code. As proposed, the deck extension would project approximately 3.5' into the required 25 ft. front yard setback.

A Variance is outlined in Article XVII, § 140-108 with the following definition: A “variance” is relief from the strict application of the provisions of this chapter when, owing to special conditions or exceptional situations, a literal interpretation of this chapter will result in exceptional practical difficulties to the property owner.

Article XVII, § 140-108-G lists the Required Findings for the granting of a Variance.

G. Required findings. Pursuant to Title 22, Section 327, of the Delaware Code and applicable law, the Board of Adjustment shall determine whether each variance application meets the following criteria:

1. The variance relates to a specific parcel of land, and the hardship is not shared generally by other properties in the same zoning district and vicinity.
2. The variance can be granted without substantial detriment to the public good.
3. The benefits from granting the variance would substantially outweigh any detriment.
4. Approval of the variance would not substantially impair the intent and purposes of the Comprehensive Plan or this chapter; and
5. All requirements for the grant of a variance under Delaware law.

The applicant has received approval from the architectural review committee of the homeowner's association for the Cottages. The Department is in receipt of five letters from adjacent property owners in support of the application. The proposed deck extension will not cause the maximum allowable lot coverage to be exceeded. Given the existing lot dimensions, and character of the neighborhood, the Department does not object to the variance request. Should the Board choose to grant the variance, the Department recommends including a condition that the deck extension remain uncovered in perpetuity.

Maureen and Mark Nicholson were sworn in by Mr. Walton. They stated they want to expand their 4' x 14' deck. It is too narrow to use comfortably. They had six additional letters of support. Mr. Neuner said this sounds hazardous. Mrs. Nicholson said the 4ft porch was standard when the house was built. Mr. Neuner questioned what the actual size of the porch is. Mr. Nicholson stated 4' by 8'. Mr. Neuner asked if a roof would make a difference. Mr. Lober replied that was the difference between a porch or a deck. They cannot put a roof on the deck. Mr. Cimino noted that most the homes in the Cottages sit back from the road, but the Nicholson house is closer, that's why they need the variance.

PUBLIC COMMENT:

Patti Malin, Port Royal Road, spoke in favor of the variance.

PUBLIC COMMENT CLOSED

A motion was made by Mr. Coppels, seconded by Mr. Neuner to approve the variance request for a deck with no roof. The motion carried unanimously 5/0.

Mr. Neuner – 4' deck is a hazard.

Ms. Kerwin – the deck is a safety feature.

Mr. Coppels – he said he concurs with Ms. Kerwin.

Mr. Galey – concurs with the other members.

Mr. Thornton - reasonable request to enlarge the small deck.

7. ADJOURNMENT

A motion was made by Mr. Coppels, seconded by Ms. Kerwin, to adjourn the meeting at 3:19pm. The motion was carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, MMC, Town Clerk

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Fee: \$ 750.00

**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)

adminintov@oceanviewde.com / www.oceanviewde.com

SINCE 1889



V - 464

Variance is defined as relief from the strict application of the provisions of Chapter 140 of the Code when, owing to special conditions or exceptional situations, a literal interpretation of this Chapter will result in exceptional practical difficulties to the property owner.
Application, requesting a variance from the Code of the Town of Ocean View, is hereby made for property located

at 5 Captains Court The Justification for the Variance

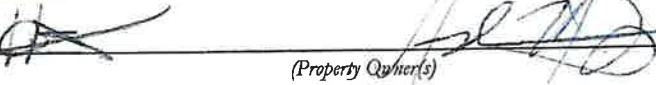
(Explanation of Hardship) is: Ord. #274 Accessory buildings and structures for detached garage w/ 14' max height would prevent

Owner's from designing and building a garage that would be both functional and aesthetically appealing. Irregular lot is limiting garage to detached

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): Audra & Hugh Jones Phone #: 302-500-3137 Audra

Address of residence: 812 Ormond Street Venice, FL 34285

Signature(s):  Date: 12/12/25
(Property Owner(s))

Applicant(s) (Print): Canalfront Builders- Mark Fitzgerald Phone #: 302-260-2038

Address: 33576 Crossing Ave. Unit 3 Lewes, DE 19958

Signature(s):  Date: 12/12/2025
(Applicant(s))

TOWN USE ONLY:

Administrative Official Signature: 

5 Captains Court

V:

(PIDN: 152.002 / CTM# 134-12.00-592.02)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held on the following variance application:

C
V-464: a request for a variance from Article V, §140-32, which sets the maximum height of a detached accessory structure to 14 feet. The property owners wish to construct a detached accessory structure (three-car garage) with a proposed height of approximately 25'-9".

V: The application is submitted by the applicant Mark Fitzgerald of Canalfront Builders on behalf of the property owners, Audra and Hugh Jones, for property zoned R-1 (Single-Family Residential), located at 5 Captains Court (PIDN: 152.002 / CTM: 134-12.00-592.02).

Date Received: 12/15/25 Date Advertised: 12/26/25 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
01/12/2026	Jones
PIDN	PROPERTY LOCATION
152.005	5 Captains Ct.

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-464 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# 6864
Name on Check if not Property Owner	Canalfront Builders	Date Received	12/15/25

Updated: cal 06/15/2015

In order for the Board of Adjustment to grant a special use exception or variance, the Board must find that the applicant has proven the following:

STANDARDS FOR GRANTING OF VARIANCES

1. Uniqueness

- a. Unique physical circumstances or conditions (such as irregularity, narrowness or shallowness of lot size or shape, or exceptional typographical or other physical conditions, peculiar to the property).
- b. That unnecessary hardship or exceptional practical difficulty is due to such unique conditions, and not to general circumstances or conditions and cannot be developed in strict conformity.

2. Cannot otherwise be developed

- a. There is no possibility the property can be developed in strict conformity with the zoning ordinance.
- b. That the variance is necessary to enable reasonable use of the property.

3. Not created by the applicant

- a. The unnecessary hardship or exceptional practical difficulty cannot have been created by the applicant.

4. Will not alter the essential character of the neighborhood

- a. The variance will not alter the essential character of the neighborhood.
- b. The variance will not substantially or permanently impair the appropriate use or development of adjacent property.
- c. The variance will 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 typographical or other physical condition peculiar to the property? If so, please explain:

Yes. This 1/2 acre lot is irregular in shape, starting extremely narrow at the front of the cul-de-sac it requires that the house to be pushed back 43' beyond the typical front yard setback of 25'. The buildable footprint is then shorted on the left side by the irregular shaped rear yard 30' setback along Savage Lane. The longer right side lot line is interrupted by an irregular 2nd side yard setback that also includes a 25' drainage easement. The unique, irregular lot shape and setbacks created design challenges that preventing the owner's from designing an attached 3-car garage which would allow a garage height up to 42' tall. The owner's are avid classic car collectors and use lifts that require a minimum ceiling height of 12'. It is their desire to include a garage that compliments the architectural style and finish of the home. The current code limitation of 14' maximum roof height prevents this type of design instead limiting the roof design to a low pitch flat roof that look more like a storage unit. The height restriction of 14' seems to conflict with item #4 of the accessory structure guidelines which encourages the structural features of the accessory building to be consistent with the principal use (ie primary residence).

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

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. In order to build the 3-car garage on this irregular lot it lends itself to being detached from the house. We looked at the possibility of attaching the garage to the rear of the house and detrimental to the design. Attaching the garage would eliminate several windows that would leave the main living areas void of natural light. Once the garage is detached the maximum roof height of 14' is extremely limiting. If the current garage were to be built with a code minimum 4/12 roof pitch it would have a height of 17'-6" above grade. Upon inquiring we were told the 14' height restriction in 2011 was driven primarily to prevent owner's from building detached garages with apartments or habitable space above. The owner's have designed this garage for the sole use of storing their classic car collection. There is no habitable space in the attic trusses or below.

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

Yes. The irregular shape of the lot and the lack of width prevents a front entry car design as well as an attached garage to the rear of house. The unique shape and setbacks of this 1/2 acre lot lends itself to a detached garage. The 14' maximum roof height for accessory structures is extremely limiting and prevents the design of a functional and aesthetically appealing garage design. Whether intentional or not the 14' height restriction practically eliminates the ability to have a detached garage on a property but instead only allow smaller shed like structures.

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

No. The Owner's purchased the lot with the desire to build their dream home. Since purchasing the lot they learned that a permanent Right-of-Way for Savage encroaches their lot approximately 5' x140' and was legally granted years ago. The 14' height restriction for the detached garage wasn't discovered until late in the design phase. Since the lot is 1/2 an acre in size it came as a big surprise that this restriction would limit their garage design.

4. **Effect on Surroundings**

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

No. The garage will be tucked behind the home and with little to no visibility from the street as well as the neighboring houses. It is the Owner's desire to build a garage that is functional while also compliment the house architecturally. Both adjoining neighbors have reviewed the plans and shared letters of support for the variance.

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

No. The two most impacted houses have sent letter of support of the variance after reviewing the drawings.

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?

The variance would allow the garage to be built with an architectural design that compliments the house. (similar roof pitches and gable along with using same exterior materials)

- b. Is the variance necessary to afford relief?

Yes. In order to install a car lift the minimum garage height is 12'. Adding a roof structure even with the minimum code of 4/12 roof pitch requires a roof height above 14'.

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

SPECIAL USE EXCEPTION

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

No.

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

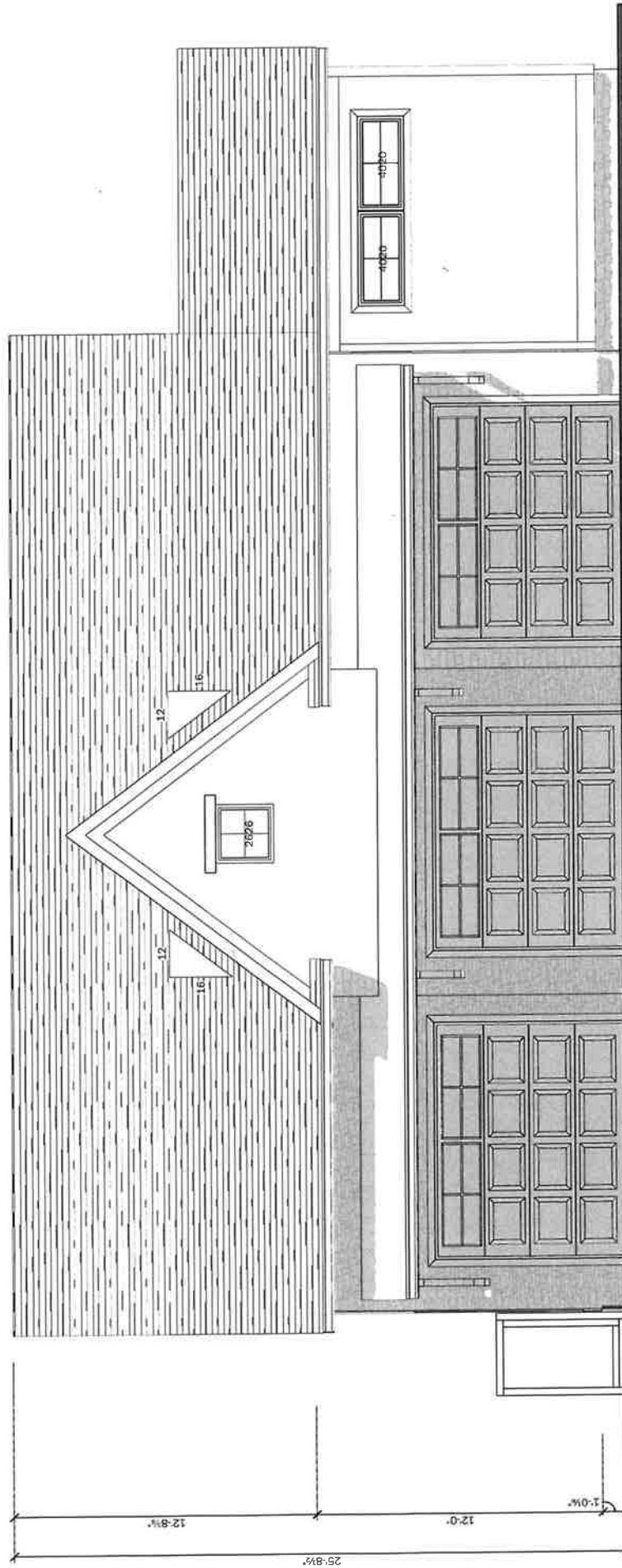
No.



Exhibit-3 Side elevation to scale. Garages tucked behind house



Exhibit 2 - Front Elevation from street.



GARAGE FRONT ELEVATION

SCALE: 3/16" = 1'-0"

ION

TOWN OF OCEAN VIEW

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

January 8, 2026

TO: Board of Adjustment

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

SUBJECT: **OVERVIEW OF APPLICATION V-464**

Application V-464, submitted by the applicant Mark Fitzgerald of Canalfront Builders on behalf of the property owners, Audra and Hugh Jones, requests relief from Article V, §140-32, with regard to the maximum allowable height for detached accessory structures, on property zoned R-1 (Single Family Residential), located at 5 Captains Court. (PIDN: 152.002 / CTM: 134-12.00-592.02)

The property owners wish to construct a detached garage to a height of 25 ft. 9 in. The maximum allowable height for detached accessory structures, as established in Article V, §140-32 of the Town Code, is 14 ft. The proposed garage will exceed the maximum allowable height by 11ft. 9 in.

A Variance is outlined in Article XVII, § 140-108 with the following definition:

A “variance” is relief from the strict application of the provisions of this chapter when, owing to special conditions or exceptional situations, a literal interpretation of this chapter will result in exceptional practical difficulties to the property owner.

Article XVII, § 140-108-G lists the Required Findings for the granting of a Variance.

G. Required findings. Pursuant to Title 22, Section 327, of the Delaware Code and applicable law, the Board of Adjustment shall determine whether each variance application meets the following criteria:

1. The variance relates to a specific parcel of land, and the hardship is not shared generally by other properties in the same zoning district and vicinity;
2. The variance can be granted without substantial detriment to the public good;
3. The benefits from granting the variance would substantially outweigh any detriment;
4. Approval of the variance would not substantially impair the intent and purposes of the Comprehensive Plan or this chapter; and
5. All requirements for the grant of a variance under Delaware law.

Town Comments

The Department is in receipt of three letters from adjacent property owners in support of the application. Given the location of the structure on the lot, the support of the neighbors, and the character of the existing community, the Department does not object to the variance request. Should the Board choose to grant the variance, the Department recommends including a condition that no second floor be permitted to be constructed within the structure.

Chapter 140. Land Use and Development

Article V. Dimensional Regulations

§ 140-32. Accessory buildings and structures.

[Amended 4-12-2011 by Ord. No. 274]

Standard	Attached to Principal Building or Structure	Detached	Decks and Patios
Location	On same lot as principal building or structure		See § 140-35
Distance from other buildings and structures (feet)	N/A	5	See § 140-35
Setbacks			
From front lot line	Same as principal building or structure	Not permitted	See § 140-35
From side lot line	Same as principal building or structure	Same as the principal building or structure	See § 140-35
From rear lot line (feet)	Same as principal building or structure	10	See § 140-35
Maximum height (feet)	Same as principal building or structure	14	See § 140-35
Maximum coverage of lot area (includes all buildings and structures)	Must be included with principal building or structure		See § 140-35

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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



December 22, 2025

Savage, Ormil Jr
2 Savage Ln.
Ocean View, DE 19970

147.000

TOWN OF OCEAN VIEW PUBLIC NOTICE BOARD OF ADJUSTMENT HEARING

5 Captains Court

(PIDN: 152.002 / CTM# 134-12.00-592.02)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held on the following variance application:

V-464: a request for a variance from Article V, §140-32, which sets the maximum height of a detached accessory structure to 14 feet. The property owners wish to construct a detached accessory structure (three-car garage) with a proposed height of approximately 25'-9".

The application is submitted by the applicant Michael Fitzgerald of Canalfront Builders on behalf of the property owners, Audra and Hugh Jones, for property zoned R-1 (Single-Family Residential), located at 5 Captains Court (PIDN: 152.002 / CTM: 134-12.00-592.02).

The Town will hold this hearing on **Thursday, January 15, 2026 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. The meeting will be available online via livestream on the Town's YouTube channel. The link to the livestream will appear on the posted agenda for the meeting and in the calendar portion of the Town's website, www.oceanviewde.gov. Please note that the meeting agenda is subject to change. Written comments will be accepted but must be submitted prior to the start of the meeting.

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 **by appointment only**. For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at kcimino@oceanviewde.gov

12/29/2025 12:48



Letter of Support for Variance Request

December 27, 2025

Ocean View Zoning Board

Ocean View, Delaware

Dear Members of the Zoning Board,

I am writing to express my support for my next-door neighbors, Hugh and Audra Jones, regarding the request for a height variance for a detached garage at 5 Captains Court.

As an adjoining property owner at 3 Captains Court, I am aware of the proposed garage and have no concerns with the requested height. The structure will not negatively affect my property in terms of appearance, privacy, or enjoyment, and I believe it will fit well within the surrounding neighborhood.

In my view, the variance is reasonable given the intended use of the garage and the overall layout of the property. Hugh and Audra and I have spent some time together and have my confidence that they will be considerate neighbors, and I trust the project will be completed responsibly and in accordance with applicable requirements.

Thank you for your time and consideration.

Sincerely,



Benjamin Hollander

Letter of support for Jones garage variance (5 Captains Court Ocean View Delaware)

I, Doug Salter, at 7 Captains Court, Ocean View Delaware, the next-door neighbor to Hugh and Audra Jones whose property is directly next door to mine, would like to express my support of their request for a variance for their detached garage and the height limit of the garage. I have reviewed the proposed drawings for the entire project (including the detached garage) which were provided to me on 12/21/2025 and have no objection to their request for a height requirement variance for the detached garage.

Name: Doug Salter

Signature: 

Date: 12/23/2025

Donna Schwartz

From: Kenneth Cimino
Sent: Monday, January 5, 2026 3:05 PM
To: Donna Schwartz; Jill Oliver
Subject: FW: Ref: 5 Captains Ct (PIDN: 152.002 / /CTM# 134-12.00-592.02)

From: Peter Owens <peter.joseph.owens@gmail.com>
Sent: Wednesday, December 31, 2025 10:39 AM
To: Kenneth Cimino <kcimino@oceanviewde.gov>
Subject: Ref: 5 Captains Ct (PIDN: 152.002 / /CTM# 134-12.00-592.02)

ATTN: Kenneth L. Cimino, Director of Planning, Zoning & Development

Reference: V-464

Dear Mr. Cimino,

I would like to express my support for the property owner's variance request to build a 3 car detached garage that exceeds the 14 feet maximum limit. As one of four property owners on our small cul-de-sac neighborhood, we wanted to provide our feedback into the process. Please let me know if you have any questions.

Regards,

Peter & Marianne Owens
1 Captains Ct
860-670-3321

Jill Oliver

From: Jennifer Heist <jheist@UECU.org>
Sent: Tuesday, January 13, 2026 8:58 AM
To: Jill Oliver; Kenneth Cimino
Cc: Bury, Teresa; byrdshmyrd@aol.com; Jennifer Heist
Subject: Comments Re: 5 Captain's Court (PIDN: 152.002/CTM# 134-12.00-592.02
Attachments: Treeline Pics and Diagram.zip; Variance Request Letter 5 Captains Court 1-13-2026.docx

Importance: High

Good morning,

Attached is a letter along with a zip file containing pictures and documentation supporting our concerns regarding the variance for the 3-car garage. Please acknowledge receipt of this email as soon as you receive it. We will most likely not be attending the meeting, but we will be watching it online and we hope to hear acknowledgement of our concerns and how they will be addressed. Thank you.

Jennifer Heist

Sr. Project Manager

P: 610.898.7517

W: uecu.org



Your Trusted Financial Partner for Life

11 Meridian Blvd, Wyomissing, PA 19610 | PO Box 14864, Reading, PA 19612-4864

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Jennifer Heist & Teresa Bury
3 Savage Lane
Ocean View, DE 19970
Email: jheist@ptd.net

1-13-2026

Re: 5 Captains' Court
PIDN: 152.002 / CTM# 134-12.00-592.02
Variance V-464 (Article V-32)

Attn: Town of Ocean View
Kenneth L. Cimino, Director of Planning, Zoning & Development
Jill C. Oliver, Planner
201 Central Avenue
Ocean View, DE 19970

Subject: Concerns Regarding Variance V-464 – Preservation of Easement Tree Line

Dear Mr. Cimino, Ms. Oliver, and Members of the Board of Adjustment:

We appreciate the opportunity to provide input regarding Variance V-464 (Article V-32), which proposes a three-car garage with a height of 25'9", exceeding the current code limit of 14'. While we support the homeowners' desire to construct the garage, we are concerned about the potential impact on the easement and the existing tree line.

Our Concern

The trees within the easement provide natural beauty, privacy, and environmental benefits that contribute to the character of our neighborhood. Removing them would significantly alter the landscape and could negatively affect drainage and habitat.

Standards for Granting Variances

In accordance with Sussex County and Town of Ocean View requirements, the Board of Adjustment must find that the applicant has proven the following before granting a variance:

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.

Under section 4 a. the applicants, Audra and Hugh Jones, state that the variance will not alter the essential character of the neighborhood and that the two most impacted neighbors shared support of the variance. We live directly behind 5 Captain's Court on Savage Lane and are probably the most impacted neighbor by this requested variance. Our primary concern is maintaining the natural beauty of the surrounding area and not altering the existing character of our property and the surrounding properties.

Removing the established tree line within the easement would conflict with these standards. The trees provide natural screening, stormwater absorption, and habitat, all of which are integral to the neighborhood's character and public welfare. Preserving them ensures compliance with these criteria while allowing the proposed garage construction.

Legal Considerations

Under 25 Del. C. § 81-216, easement rights must be honored as recorded, and any alteration—including tree removal—must comply with the terms of that easement. Additionally, Ocean View Code § 140-74 restricts excavation or disturbance within the dripline of large trees and requires replacement for any removed trees.

Suggested Approach

We respectfully request that any approval of this variance include conditions that:

- Preserve the existing tree line within the easement
- Limit removal to certified hazard trees only, with proper permits and replacement plantings
- Avoid construction within the dripline of protected trees unless hardship is demonstrated and mitigation approved.

This approach allows the homeowners to proceed while maintaining compliance with local and state requirements and preserving the natural environment that benefits all residents.

Thank you for considering our concerns and for your continued efforts to maintain the integrity and beauty of our community. Please feel free to contact us at jheist@ptd.net if you would like additional information.

Sincerely,

Jennifer Heist & Teresa Bury

Legal References and Local Ordinances

Delaware Easement Rights (25 Del. C. § 81-216). Easement rights established by recorded declarations must be honored; any alteration within an easement—including tree removal, grading, or construction—must comply with the declaration and governing documents of the property.

Town of Ocean View – Tree Protection and Site Disturbance (§ 140-74). The Town Code restricts excavation or subsurface disturbance within the dripline of 'large trees' (\geq 18" diameter), requires impervious surfaces to be at least 12.5 feet from the trunk unless undue burden is shown, and mandates replacement plantings when qualifying trees are removed.

Sources: Delaware Code § 81-216: <https://law.justia.com/codes/delaware/title-25/chapter-81/subchapter-ii/section-81-216/>; Ocean View Code § 140-74: https://oceanview-de.elaws.us/code/coor_ptii_ch140_artxi_sec140-74





