

SAUL EWING

LLP

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March 9, 2026

VIA EMAIL & FED-EX

Town of Ocean View
201 Central Avenue – 2nd Floor
Ocean View, DE 19970

RE: Town of Ocean View, Delaware Special Use Exception and Variance Applications for 95, 97, & 101 Atlantic Avenue, Ocean View, Delaware 19970, being Sussex County Tax Parcel Nos. 134-12.00-297.000, 2088.00 & 2089.00

Dear Director Cimino:

We represent Nistazos Holdings, LLC, the property owner of 95, 97, & 101 Atlantic Avenue, Ocean View, Delaware 19970, being Sussex County Tax Parcel Nos. 134-12.00-297.000, 2088.00 & 2089.00 (collectively, the “Property”). Our client intends to consolidate the Property for development of a multi-use building which will include a restaurant/fast-food establishment with a drive-through and retail.

To proceed with this development, our client is seeking a special use exception for the restaurant and fast-food operation, along with two variances: one for exceeding the 50% maximum lot coverage (§140-31) and another for the 15-foot screening requirement along the Atlantic Avenue (Route 26) frontage (§140-73B(3)(b)). Further details regarding these requests can be found in the attached applications and exhibits.

Enclosed are the Board of Adjustment Special Exception and Variance Applications, along with detailed justifications for each request, supporting exhibits, and the necessary application fees.

Thank you for your time and consideration of these requests. We look forward to presenting the special use exception and variance applications to the Town’s Board of Adjustment at the next available meeting. Please feel free to reach out via email or phone if you have any questions or require additional information.

P.O. Box 1266 ♦ Wilmington, DE 19899-1266 ♦ Phone: (302) 421-6800 ♦ Fax: (302) 421-6813

Courier Address: 1201 North Market Street, Suite 2300 Wilmington, DE 19801

CALIFORNIA DELAWARE FLORIDA ILLINOIS MARYLAND MASSACHUSETTS MINNESOTA NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC

A DELAWARE LIMITED LIABILITY PARTNERSHIP

March 9, 2026
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Sincerely,

A handwritten signature in blue ink, appearing to read 'Mackenzie Sindelar', with a horizontal line above it.

Mackenzie Sindelar, Esquire

Enclosures

Cc: Nistazos Holdings, LLC
Pamela Scott, Esquire
Parker & Associates, Inc.
James H. Lober, P.E.
Jill Oliver, Planner

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)

adminrov@oceanviewde.com / www.oceanviewde.com

SINCE 1889



Fee: \$ 750.00

V - _____

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 95, 97 & 101 Atlantic Avenue, Ocean View, DE 19970, being Sussex County Tax Parcel Nos. 134-12.00-297.00, at 2088.00 & 2089.00. The Justification for the Variance

(Explanation of Hardship) is Applicant seeks: (1) Variance from the 50% maximum coverage of lot area (§140-31); (2) Variance from the 15 feet screening requirement across the frontage of Atlantic Avenue/Rt. 26 ((§140-73B(3)(b)). Justification attached hereto.

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): Nistazos Holdings, LLC Phone #: 410-258-6993

Address of residence: 9919 Golf Course Road, Ocean City, MD 21842

Signature(s): [Signature] Date: 2/24/2026
(Property Owner(s))

Applicant(s) (Print): Nistazos Holdings, LLC c/o Nick Nistazos Phone #: 410-258-6993

Address: 9919 Golf Course Road, Ocean City, MD 21842

Signature(s): [Signature] Date: 2/24/2026
(Applicant(s))

TOWN USE ONLY:

Administrative Official Signature: _____

Variance Request for: PIDN: _____ CTM#: _____ Zoned: _____

from: Article(s): _____, Section(s): _____

Code Requirement: _____

Variance Requested: _____

Date Received: _____ Date Advertised: _____ Hearing Date: _____

BOARD OF ADJUSTMENT USE ONLY:

Approved: _____ Date _____ Chairperson, Board of Adjustment

Denied: _____ Date _____ Chairperson, Board of Adjustment

Standards for Granting Variance

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:*

Applicant Response: The property is unique due to its size, shape, and existing conditions. Specifically, the narrowness of the property, along with its overall shape – particularly the eastern portion that dips below 100 feet, with 50 feet in the setback – renders it suitable for drive aisles rather than buildings. It comprises three parcels: Sussex County Tax Parcel Nos. 134-12.00-297.00 (“Parcel 297”), 134-12.00-2088.00 (“Parcel 2088”), and 134-12.00-2089.00 (“Parcel 2089”). Parcel 297 previously served as a retail location; Parcel 2088 functioned as a roadside farm market; and Parcel 2089 operated as a restaurant and fast-food establishment. As depicted in the attached site plan, the unique size, narrowness, shape, and conditions necessitated positioning the building to the west, dictating the stacked design of the building. The Applicant seeks to consolidate these parcels for the development of a multi-use building that will include a restaurant/fast-food establishment with a drive-through and retail space. To develop the property in accordance with its plans, our client requests a special use exception for a restaurant and fast-food establishment with a drive-through, along with two variances: one from the 50% maximum coverage of lot area (§140-31) and another from the 15-foot screening requirement along the frontage of Atlantic Avenue/Route 26 (§140-73B(3)(b)). The proposed lot coverage of 60.9% exceeds the allowable percentage but represents an improvement over the existing condition of 64.8%.¹ The second variance request seeks to reduce the front screening requirement from 15 feet to 6.38 feet on the west side of the proposed entrance, while the east side will remain compliant. In addition to the unique property conditions already mentioned, the property is bordered by State Route 26 (Atlantic Avenue) in front and residential development in the rear, limiting its developable area within the GB-1 District due to screening requirements. Additionally, DeIDOT requires a 32-foot wide entrance with a right turn lane and a 6.38-foot dedication, further constraining the developable area and limiting the Applicant's ability to comply with the lot coverage and screening requirements, necessitating the request for two variances.

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

Applicant Response: Yes, the unique conditions outlined above have created an exceptional practical difficulty for the Applicant in pursuing the development of a multi-use building which will include a restaurant/fast-food establishment with a drive-through and retail.

¹ See Exhibit 10 which includes a copy of the record plan and the existing conditions plan for CJ Pines property. This property was granted a variance to exceed the lot coverage requirement, allowing for 60.7%.

2. Possibility of Development

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

Applicant Response: Due to the unique characteristics of the lot and existing site conditions, the property cannot be developed in strict conformity with the zoning ordinance without the requested variances. The buildable area is limited by these unique conditions, necessitating variances for both lot coverage and screening requirements to develop the property.

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

Applicant Response: Yes, the variances are essential for reasonable use of the property, allowing for the development of a suitably sized multi-use building for the proposed restaurant establishment and retail space. The bulk, size, and location of the structure align with the character of similar establishments along Atlantic Avenue/Route 26.

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

Applicant Response: No, the exceptional practical difficulties have not been created by the Applicant. It is the unique conditions and circumstances that present significant challenges for the Applicant in advancing their development plans.

4. Effect on Surroundings

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

Applicant Response: If granted, the variances will not alter the essential character of the neighborhood. The proposed use is consistent with other commercial entities in the General Business District (GB-1) and aligns with the Commercial Future Land Use Designation, which includes nearby restaurants and drive-throughs along Atlantic Avenue/Route 26. The GB-1 district is intended for convenience, retail, and personal services, all of which the proposed uses support. Additionally, screening has been incorporated between the site and the adjacent residential community to mitigate any adverse impacts. The design of the proposed facility will reflect a coastal aesthetic, enhancing the surrounding area with landscaping, fencing, and improved visibility.

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

Applicant Response: If granted, the variances will not substantially or permanently impair the appropriate use for development of adjacent properties. An 8-foot tall solid fence and a 20-foot wide planting strip will separate the property from the residential community to the rear, as detailed in the attached Site Plan. Screening will also be provided along the property's frontage to the greatest extent practicable. Operational hours will align with neighboring businesses, with the restaurant operating from 5:00 am to 9:00 pm indoors, and 5:00 am to 9:00 pm for the drive-through. Separate

dumpsters will be provided for the restaurant and other uses, housed within an enclosed area to maintain cleanliness.

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

Applicant Response: If granted, the variances will not be detrimental to public welfare. The proposed development aligns with the character of existing businesses along Atlantic Avenue/Route 26 and will replace nonconforming uses on the property. The Comprehensive Plan emphasizes the importance of concentrated commercial development in this area, focusing on revitalizing underutilized parcels to serve the community. This proposed multi-use development supports local patronage, contributes to the town's economic growth, and is anticipated to enhance neighboring property values. Furthermore, traffic assessments by Traffic Concepts, Inc., indicate that the plan will improve existing access conditions by reducing the number of entrances from three to two, enhancing both vehicular and pedestrian flow.

5. Extent of Variance

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

Applicant Response: Yes, the variances sought represent the least modification necessary. The Applicant has worked through multiple design iterations and now seeks only two variances, down from earlier proposals requiring more extensive relief.

b. Is the variance necessary to afford relief?

Applicant Response: Yes, the variances are the minimum necessary to provide relief, as lot coverage and screening requirements cannot be met without them.

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

Applicant Response: Yes, as noted above, the variances represent the least modification necessary.

Other Considerations – Kwik Check

Years ago, the Delaware Supreme Court, in a case referred to as *Kwik-Check*,² established the criteria for Boards to use in considering whether to grant an “area” variance. The test is one of “exceptional practical difficulties,” and the Court directed that Boards of Adjustment should consider the following four factors to determine whether such difficulties exist:

- [1] the nature of the zone in which the property lies,
- [2] the character of the immediate vicinity and the uses contained therein,
- [3] whether, if the restriction upon applicant’s property were removed, such removal would seriously affect such neighboring property and uses, and
- [4] whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for owner in relation to his efforts to make normal improvements in character of that use of the property which is a permitted use under the use provisions of the ordinance.³

Subsequent Delaware Courts have further explained that these factors should be considered “collectively and holistically rather than mechanically or mathematically.”⁴ A review of each factor demonstrates that the variances requested here are appropriate.

1. Nature of the Zone

Applicant’s Response: The Property is situated within the GB-1 District, which is designated for convenience, retail, and personal services—uses that are consistent with the proposed development. The requested variances will facilitate the construction of a new building that will house a restaurant with a drive-through and retail spaces, consistent with the goals of the zoning district.

2. Character of Immediate Vicinity and Uses Contained Therein

Applicant’s Response: The Property is located along Atlantic Avenue/Route 26. The proposed use, situated within the GB-1 District and the Commercial Future Land Use Designation, is in harmony with existing commercial and retail activities, including nearby restaurants and drive-throughs.

3. Would the variances seriously affect neighboring properties and uses?

Applicant’s Response: The requested variances will not adversely impact neighboring properties or uses. If granted, they will not alter the essential character of the neighborhood. The proposed use is consistent with other commercial uses in the General Business District (GB-1) and aligns with the Commercial Future Land Use Designation. Screening measures have been implemented between the site and the adjacent residential community to minimize any impact. The facility’s design

² *Bd. of Adjustment of New Castle Cnty. v. Kwik-Check Realty, Inc.*, 389 A.2d 1289, 1291 (Del. 1978).

³ *Id.* See also 2 Rathkopf, *The Law of Zoning and Planning*, 45-20 (1972).

⁴ See, e.g., *Markert v. Bd. of Adjustment of City of Rehoboth Beach*, 2022 WL 4478388, at *5 (Del.Super. 2022).

will reflect a coastal aesthetic, enhancing the area with landscaping, fencing, and improved visibility. An 8-foot tall solid fence and a 20-foot wide planting strip will separate the property from the residential community to the rear, as shown in the attached Conceptual Site Plan. Operational hours will align with neighboring businesses, with the restaurant operating from 5:00 am to 9:00 pm indoors and from 5:00 am to 9:00 pm for the drive-through. Separate dumpsters will be designated for the restaurant and other uses, and these will be housed within an enclosed area to ensure cleanliness. Granting the variances will not detract from public welfare; rather, the proposed development aligns with the character of existing businesses along Atlantic Avenue/Route 26. The Comprehensive Plan emphasizes the necessity for concentrated commercial development in this area, aiming to revitalize underutilized parcels to better serve the community. This multi-use development encourages local patronage and supports the town's economic growth. Additionally, traffic assessments conducted by Traffic Concepts, Inc., indicate that the plan will enhance existing access conditions by reducing the number of entrances from three to two, thereby improving both vehicular and pedestrian flow.

4. *Effect on Applicant of Denying Variances*

Applicant's Response: Ultimately, a denial of the variances would impose great hardship on the Applicant, as they would be unable to develop the project. As a practical matter, there is no reason to deny the Applicant this ability. Viewing the four (4) *Kwik-Check* factors "collectively and holistically," the standards for each area variance requested are satisfied. The proposed variances for the new building are consistent with other uses in the vicinity and will not negatively impact neighboring properties. In contrast, denying these variances would result in unnecessary hardship for the Applicant. Therefore, in accordance with the balancing approach advocated by the Delaware Supreme Court, the variance requests should be granted.

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TOWN OF OCEAN VIEW, DELAWARE
BOARD OF ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302-539-1208

kcimino@oceanviewde.gov / www.oceanviewde.gov

SINCE 1889



Fee: \$ 750.00

V - _____

Special Exception is defined as a use that is generally desirable for the general convenience and welfare, but because of its nature and location, requires additional review by the Board of Adjustment to assess its impact on neighboring properties and the entire Town.

I (We) hereby request that a special exception, be granted for property located at:

95, 97, & 101 Atlantic Avenue, Ocean View, DE 19970, being Sussex County Tax Parcel Nos. 134-12.00-297.00, 2088.00, & 2089.00

Proposed Use for the property and Justification for a Special Exception: _____

Restaurant, Fast-Food with drive-through, permitted by special exception in GB-1. Justification

attached hereto.

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 of Record (Print): Nistazos Holdings, LLC

Phone #: 410-258-6993

Address of residence: 9919 Golf Course Road, Ocean City, MD 21842

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

Date: 2/24/2026

Applicant (Print): Nistazos Holdings, LLC c/o Nick Nistazos

Phone #: 410-258-6993

Address: 9919 Golf Course Road, Ocean City, MD 21842

Signature(s):  _____
(Applicant(s))

Date: 2/24/2026

TOWN USE ONLY:

Administrative Official Signature: _____

Special Exception for. PIDN: _____ . _____ CTM#: _____ Zoned: _____

Applicable Code Reference - Article(s): _____, Section(s): _____

Code Requirement: _____

Date Received: _____ Date Advertised: _____ Hearing Date: _____

BOARD OF ADJUSTMENT USE ONLY:

Approved: _____
Date

Chairperson, Board of Adjustment

Denied: _____
Date

Chairperson, Board of Adjustment

Standards for Granting a Special Use Exception

1. *Such exception will not substantially affect adversely the uses of adjacent and neighboring property.*

Applicant Response: The proposed Dunkin' drive-through is designed to integrate seamlessly with the neighboring properties while minimizing any potential adverse impacts. The inclusion of an 8-foot solid fence and a 20-foot planting buffer strip between the drive-through and the residential community located behind the site will provide effective visual screening and enhance the aesthetic appeal of the area. Additionally, the operational hours of the drive-through will align with those of nearby businesses, ensuring consistency and reducing the likelihood of noise disturbances during late or early hours.

The design of the drive-through, along with its strategic location on Atlantic Avenue/Route 26, is intended to mitigate traffic impacts, as confirmed by the Traffic Concepts, Inc. Analysis attached as Exhibit 7. This analysis indicates that the anticipated traffic generated by the proposed use will not adversely affect the traffic flow or pedestrian circulation in the area, which is characterized by other similar commercial developments. Furthermore, the proposed plan would improve access conditions by closing the westernmost full-movement entrance, thereby reducing the total number of existing entrances from three to two, while constructing a right-out-only access to Atlantic Avenue/Route 26.

Furthermore, the presence of established restaurants, nearby pharmacy (CVS) and bank drive-throughs, and other commercial uses in proximity demonstrates that such uses can coexist without detrimental effects on property values or the peaceful enjoyment of neighboring properties. Overall, the proposed Dunkin' drive-through aligns with the community's needs and is expected to enhance rather than hinder the uses of adjacent and neighboring properties by providing a convenient dining option for residents, visitors and workers in the Town of Ocean View.

2. *Any other requirements which apply to a specific type of special use exception.*

§140-128C Requirements

(1) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.

Applicant Response: The use will not create a traffic hazard or nuisance; in fact, it will enhance current traffic conditions. Specifically, as detailed in the Traffic Concepts, Inc. Analysis attached as Exhibit 7, the plan reduces the number of existing entrances, removes nonconforming uses that are located beyond the building restrictions lines and too close to the road, and introduces a turn lane to facilitate improved traffic flow.

(2) Applications for such uses shall require a traffic operational analysis or a traffic impact study report prepared by a Delaware registered engineer with experience and qualifications in the preparation of operational analysis and traffic impact studies. The administrative official shall determine what level of analysis is required and shall set the scoping limits for the analysis.

Applicant Response: See Traffic Concepts, Inc. Analysis attached as Exhibit 7.

(3) Such uses shall be located on, and take access from an arterial or collector street, as depicted on the DelDOT Functional Classification Map.

Applicant Response: The proposed use is located on and will take access from Atlantic Avenue/Route 26, which is a Minor Arterial.

(4) When such uses abut a lot in a residential district, any lot upon which there is a dwelling as a permitted use under this chapter, or a right-of-way that serves a residential district, the use shall be screened, along the entire length of the property boundary abutting the residential district, dwelling, or right-of-way by a solid wall or a substantial, slightly, solid fence, not less than eight (8) feet in height, together with a twenty (20) feet wide planting strip on the outside of such wall or fence, which shall be maintained in good condition. Screening requirements within this planting strip shall be as provided for in other sections of these regulations.

Applicant Response: An 8-foot tall solid fence and a twenty (20) feet wide planting strip on the outside of that fence are proposed between the property and the residential community to the rear, as shown on the Site Plan attached as Exhibit 2.

(5) When a drive-through facility is placed adjacent to the public right-of-way or other public access thoroughfare, the drive-through cartway shall be screened from view with a combination of structures and landscaping as determined by the Board of Adjustment.

Applicant Response: A planting strip has been proposed between the drive-through facility and Atlantic Avenue/Route 26, as more fully shown on the Site Plan attached as Exhibit 2.

(6) Such uses shall be limited to one drive-through pre-order board, one order board and one associated stacking lane.

Applicant Response: The proposed use is limited to one order board and one associated stacking lane, as shown on the Site Plan attached as Exhibit 2.

(7) Stacking lanes for such uses shall be at least one-hundred eighty (180) feet in length measured from the point of ordering and shall not block any parking spaces or drive aisles.

Applicant Response: The stacking lane is designed to be 450 feet in length, measured from the point of ordering. The stacking lane will not block any parking spaces or drive aisles, as shown on the Site Plan attached as Exhibit 2.

(8) There shall be a bypass lane of at least ten (10) feet in width along the entire length of the drive-through lane.

Applicant Response: A bypass lane of at least ten (10) feet in width has been provided along the entire length of the drive-through lane, as shown on the Site Plan attached as Exhibit 2.

(9) Drive-through lanes shall be separated from other aisles by a mountable curbed island.

Applicant Response: Drive-through lanes will be separated from other aisles by a mountable curbed island, as shown on the Site Plan attached as Exhibit 2.

(10) The allowable dimensions of the order board and any associated canopy shall be as provided for in other sections of these regulations.

Applicant Response: See Signage Exhibit 3.

(11) Such uses may install an overhead clearance bar to warn of over height vehicles. The bar shall only include the words "maximum height" or "clearance" and the height measurement. No logos or advertisement are allowed. The bar must be placed within the developable area of the site outside of any required buffering, within the drive through lane, and be attached to the Pre-Order Board if one is to be installed. The bar shall be a single arm pivoting or break away type and may have no hanging appurtenances, and may not be illuminated.

Applicant Response: An overhead clearance bar is provided, as shown on the Site Plan attached as Exhibit 2. See cutsheet attached as part of Exhibit 3.

(12) Hours of operation for such uses shall be limited to 5:00 am to 11:00 pm for the indoor portion of the restaurant and 5:00 am to 9:00 pm for the drive-through.

Applicant Response: Hours of operation will be 5:00 am to 9:00 pm for the indoor portion of the restaurant and 5:00 am to 9:00 pm for the drive-through.

(13) Such uses shall not share dumpster facilities within developments with multiple uses. Separate dumpster facilities shall be provided for such uses. Screening for these facilities shall be as provided for in other sections of these regulations.

Applicant Response: Separate dumpster will be provided: one designated for the restaurant with a drive-through and another for the remaining onsite uses, both of which will be housed within a single enclosure for screening purposes.

(14) Outdoor above ground grease traps are prohibited.

Applicant Response: No outdoor above ground grease traps are proposed.

(15) Any revisions, modifications, changes, or additions to an approved application shall be approved by the Board of Adjustment and shall be subject to all applicable sections of this Land Use and Development code.

Applicant Response: Requirement acknowledged.

Additional Considerations Pursuant to Section 140-116

- A. *Is in harmony with the purposes and intent of the Comprehensive Plan;*

Applicant Response: The proposed use, located within the General Business District (GB-1) and Commercial Future Land Use Designation, is consistent with other commercial uses, including nearby restaurants and a pharmacy drive-through along Atlantic Avenue/Route 26. The Comprehensive Plan emphasizes the concentration of commercial development along Route 26 (*See generally*, Chapter 5 of the Town of Ocean View Comprehensive Plan). It focuses on “filling in key redevelopment opportunities and underutilized parcels while maintaining the ability to serve the current population” (P. 51 of the Comprehensive Plan). The Dunkin' drive-through aligns with this vision by offering a popular and accessible food service that encourages local patronage and supports the town's economic growth. Recent updates to the Town's Zoning Code are consistent with the plans mentioned in the Comprehensive Plan for updating GB-1 to ensure appropriate uses are permitted in commercial districts. Ultimately, this drive-through would be part of a potential multi-use development, which aligns with certain goals outlined in the Comprehensive Plan for revitalizing and maintaining an established commercial corridor in commercially zoned properties along Route 26, as discussed in Chapter 5 on Future Land Use.

- B. *Will be in harmony with the general character of its neighborhood considering density, design, bulk, and scale of proposed new structure;*

Applicant Response: The GB-1 Purpose, as outlined in Section 140-21 of the Town's Zoning Code, states that the district is intended for convenience, retail, and personal services. The inclusion of a Dunkin' meets this purpose. The district's purpose also notes that such uses are appropriate along Route 26, where this project is proposed, making it consistent with the zoning district's intent. Additionally, the purpose indicates that screening is appropriate when commercial uses like this are adjacent to residential neighborhoods, and such screening has been provided. The design of the Dunkin' drive-through has been tailored to fit seamlessly into the existing neighborhood character, which includes similar restaurant establishments and nearby existing drive-throughs. The proposed structure will maintain a scale and bulk consistent with nearby buildings, ensuring it complements the surrounding area.

- C. *Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties;*

Applicant Response: The proposed aesthetic of the facility will embody a coastal design, integrating with the surrounding community. The drive-through features adequate screening measures, including landscaping and an 8-foot solid fence with a 20-foot planting buffer strip, to minimize visual impact on adjacent properties. Given the presence of other nearby restaurants, pharmacy drive-through, bank drive-throughs, and other commercial uses along the Route 26 Corridor, it is evident that the proposed use is appropriate and will not detrimentally affect property values or the peaceful enjoyment of the area.

D. *Will not cause objectionable noise, vibration, fumes, odors, dust, glare, or physical activity;*

Applicant Response: The drive-through has been strategically located to minimize potential disturbances within the Town's commercial corridor along Route 26. The operational hours will align with those of nearby businesses and will be from 5:00 am to 9:00 pm for the indoor portion and 5:00 am to 9:00 pm for the drive-through. The site will be maintained in a neat and orderly condition, with a designated dumpster location to prevent trash and debris accumulation.

E. *Will have no detrimental effect on vehicular or pedestrian traffic;*

Applicant Response: Traffic Concepts, Inc.'s Assessment, attached as Exhibit 7, indicates that the proposed drive-through will not adversely affect vehicular or pedestrian traffic flow. The site plan includes designated entry and exit points to ensure safe traffic movement to and from the site. Additionally, the plan will improve access conditions by closing the westernmost full-movement entrance, reducing the number of existing entrances from three to two. A right-out-only access point will also be constructed.

F. *Will not adversely affect the health, safety, security, or general welfare of residents, visitors, or workers in the area; and*

Applicant Response: The Dunkin' drive-through will enhance the overall health, safety, and welfare of the community by providing a convenient dining option for residents, visitors, and workers. The facility will comply with all health and safety regulations, ensuring a safe environment for all patrons.

G. *Complies with all other applicable standards, laws, and regulations in addition to the provisions of this chapter.*

Applicant Response: The use will comply with all applicable standards, laws, and regulations. Necessary permits will be obtained, ensuring that the development adheres to local standards.

Conclusion:

The proposed Dunkin' drive-through stands to benefit the community by enhancing local food options, fitting harmoniously within its context, and adhering to all necessary regulations. We respectfully request the Board of Adjustment to approve this application.

Exhibits

Exhibit 1 – Property Information Sheets and Deed

Exhibit 2 – Site Plan

Exhibit 3 – Sample Elevations, Renderings, Signage, & Overhead Clearance Bar

Exhibit 4 – Property Aerial Image

Exhibit 5 – Surrounding Use Image

Exhibit 6 – Zoning Map

Exhibit 7 – Future Land Use Map

Exhibit 8 – Traffic Concepts, Inc. Analysis & DelDOT AWSF Letter

Exhibit 9 – Lighting Plan

Exhibit 10 – CJ Pines Record Plan and Existing Conditions Plan

Exhibit 1 – Property Information Sheets and Deed

Property Information

Property Location:	97 ATLANTIC AV
Unit:	
City:	OCEAN VIEW
State:	DE
Zip:	19970
Class:	C-Commercial
Use Code (LUC):	411-Retail
Town:	OV-Ocean View
Tax District:	134 - BALTIMORE
School District:	1 - INDIAN RIVER
Fire District:	84-Millville
Deeded Acres:	.2923
Frontage:	70
Depth:	116.000
Irr Lot:	1
Plot Book Page:	/PB
100% Land Value:	\$147,700
100% Improvement Value:	\$13,200
100% Total Value:	\$160,900

Legal

Legal Description	WONDERLAND LOT 40
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Owners

Owner	Co-owner	Address	City	State	Zip
NISTAZOS HOLDINGS LLC		9919 GOLF COURSE RD	OCEAN CITY	MD	21842

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
11/17/2025	6409/225				NISTAZOS HOLDINGS LLC
08/28/2024	6158/312				26 COASTAL COTTAGE LLC

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2025	NISTAZOS HOLDINGS LLC		9919 GOLF COURSE RD	OCEAN CITY	MD	21842	6409/225
2025	26 COASTAL COTTAGE LLC		35502 PARKER RD	FRANKFORD	DE	19945	6158/312
2024	26 COASTAL COTTAGE LLC		35502 PARKER RD	FRANKFORD	DE	19945	6158/312
2024	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	4667/141
2023	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	4667/141
2022	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	4667/141
2022	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	4667/141
2021	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	4667/141
2021	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2020	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2020	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2019	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2018	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2017	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2017	KAUFFMAN INVESTMENTS LIMITED		PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2010	KAUFFMAN INVESTMENTS LIMITED		PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/36
2007	KAUFFMAN INVESTMENTS LIMITED		PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/36

2005	KAUFFMAN CHARLES M TRUSTEE	RR 4 BOX 250-M	FRANKFORD	DE	19945	3107/24
2005	KAUFFMAN CHARLES M TRUSTEE	RR 4 BOX 250-M	FRANKFORD	DE	19945	3107/24
2005	KAUFFMAN CHARLES M	RD 1 BOX 397	OCEAN VIEW	DE	19970	0/0
2005	KAUFFMAN CHARLES M	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	0/0
1900	KAUFFMAN CHARLES M				0	109/265

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1		01	70	116	.2923	N

Land Summary

Line	1
100% Land Value	147,690

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	RS2-METAL UTILITY SHED	10	14		140
1	2	CP5-CANOPY ONLY	12	52		624
1	3	CP5-CANOPY ONLY	10	20		200
1	4	CP5-CANOPY ONLY	10	40		400

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$147,700	\$13,200	\$160,900

50% Values

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
28-FEB-1996	11891-2	\$2,500	ADD.TO PRODUCE STAND-WONDERLANDLOT 40
28-JUN-1995	11891-1	\$1,500	CONCRETE SLABW/ROOF-WONDERLANDLOT 40

Property Information

Property Location:	95 ATLANTIC AV
Unit:	
City:	OCEAN VIEW
State:	DE
Zip:	19970
Class:	C-Commercial
Use Code (LUC):	408-Fast Food
Town:	OV-Ocean View
Tax District:	134 - BALTIMORE
School District:	1 - INDIAN RIVER
Fire District:	84-Millville
Deeded Acres:	.3094
Frontage:	118
Depth:	120.000
Irr Lot:	1
Plot Book Page:	/PB
100% Land Value:	\$68,000
100% Improvement Value:	\$0
100% Total Value:	\$68,000

Legal

Legal Description	WONDERLAND LOT 41
-------------------	----------------------

Owners

Owner	Co-owner	Address	City	State	Zip
NISTAZOS HOLDINGS LLC		9919 GOLF COURSE RD	OCEAN CITY	MD	21842

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
11/17/2025	6409/225				NISTAZOS HOLDINGS LLC
08/28/2024	6158/312	\$1,050,000.00			26 COASTAL COTTAGE LLC

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2025	NISTAZOS HOLDINGS LLC		9919 GOLF COURSE RD	OCEAN CITY	MD	21842	6409/225
2025	26 COASTAL COTTAGE LLC		35502 PARKER RD	FRANKFORD	DE	19945	6158/312
2024	26 COASTAL COTTAGE LLC		35502 PARKER RD	FRANKFORD	DE	19945	6158/312
2024	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	4667/141
2023	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	4667/141
2022	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	4667/141
2022	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	4667/141
2021	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	4667/141
2021	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2020	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2020	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2019	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2019	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2018	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2017	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2017	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	4667/141
2011	KAUFFMAN INVESTMENTS LIMITED		PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/36

2010	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/36
2007	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/36
2005	KAUFFMAN CHARLES M TRUSTEE	RR 4 BOX 250-M	FRANKFORD	DE	19945	3107/24
2005	KAUFFMAN CHARLES M TRUSTEE	RR 4 BOX 250-M	FRANKFORD	DE	19945	3107/24
2005	KAUFFMAN CHARLES M	RD 1 BOX 397	OCEAN VIEW	DE	19970	0/0
2005	KAUFFMAN CHARLES M	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	0/0
1900	KAUFFMAN CHARLES M				0	109/265

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1		01	118	120	.3094	N

Land Summary

Line	1
100% Land Value	109,010

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	RS1-FRAME UTILITY SHED	8	12		96

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$68,000	\$0	\$68,000

50% Values

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
27-MAY-2010	11892-2	\$2,000	RESTROOM ADDITION-WONDERLAND LOT 41
03-MAY-1994	11892-1	\$1,000	ADDITION TO STORAGE-WONDERLANDLOT 41

Property Information

Property Location:	101 ATLANTIC AV
Unit:	
City:	OCEAN VIEW
State:	DE
Zip:	19970
Class:	C-Commercial
Use Code (LUC):	411-Retail
Town	OV-Ocean View
Tax District:	134 - BALTIMORE
School District:	1 - INDIAN RIVER
Fire District:	84-Millville
Deeded Acres:	1.0728
Frontage:	0
Depth:	.000
Inr Lot:	
Plot Book Page:	/PB
100% Land Value:	\$255,500
100% Improvement Value	\$215,300
100% Total Value	\$470,800

Legal

Legal Description	WONDERLAND LOTS 37 39
-------------------	--------------------------

Owners

Owner	Co-owner	Address	City	State	Zip
NISTAZOS HOLDINGS LLC		9919 GOLF COURSE RD	OCEAN CITY	MD	21842

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
11/17/2025	6409/225	\$1,550,000.00			NISTAZOS HOLDINGS LLC
08/28/2024	6158/312				26 COASTAL COTTAGE LLC
04/30/1984	3421/42	\$20,000.00	\$400.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2025	NISTAZOS HOLDINGS LLC		9919 GOLF COURSE RD	OCEAN CITY	MD	21842	6409/225
2025	26 COASTAL COTTAGE LLC		35502 PARKER RD	FRANKFORD	DE	19945	6158/312
2024	26 COASTAL COTTAGE LLC		35502 PARKER RD	FRANKFORD	DE	19945	6158/312
2024	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	3421/42
2023	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	3421/42
2022	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	37695 HALL WAY	OCEAN VIEW	DE	19970	3421/42
2022	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	3421/42
2021	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	3421/42
2021	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2020	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2020	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2019	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2018	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2017	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP	32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2017	KAUFFMAN INVESTMENTS LIMITED		PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2011	KAUFFMAN INVESTMENTS LIMITED		PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/42

2010	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2007	KAUFFMAN INVESTMENTS LIMITED	PARTNERSHIP 32408 MCCARY RD	FRANKFORD	DE	19945	3421/42
2007	KAUFFMAN BARBARA L	32408 MCCARY RD	FRANKFORD	DE	19945	426/259
2005	KAUFFMAN CHARLES M BARBARA L	91 ATLANTIC AVE	OCEAN VIEW	DE	19945	0/0
2005	KAUFFMAN CHARLES M BARBARA L	91 ATLANTIC AVE	OCEAN VIEW	DE	19970	0/0
2005	KAUFFMAN CHARLES M BARBARA L	RR 1 BOX 397	OCEAN VIEW	DE	19970	0/0
2005	KAUFFMAN CHARLES M BARBARA L	RR 1 BOX 397	OCEAN VIEW	DE	19970	0/0
2002	KAUFFMAN CHARLES M BARBARA L	RR 1 BOX 397	OCEAN VIEW	DE	19970	0/0
1900	TIMMONS				0	1496/290
1900	OCEAN VIEW ENTERPRISE INC				0	606/616
1900	KAUFFMAN CHARLES M				0	1257/155
1900	KAUFFMAN CHARLES MBONARD B				0	1257/153
1900	TIMMONS				0	0/0

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1		01	0	0	1.0728	N
2		03			1.0728	N

Land Summary

1 of 2

Line		
100% Land Value	1	250,000

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	RS1-FRAME UTILITY SHED	12	20		240
1	2	CP5-CANOPY ONLY	10	20		200
1	3	RS1-FRAME UTILITY SHED	10	12		120
1	4	RS1-FRAME UTILITY SHED	10	14		140

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$255,500	\$215,300	\$470,800

50% Values

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
23-SEP-2009	12408-10	\$0	DECK/SHED-WONDERLAND LOTS 37-39
23-SEP-2009	12408-9	\$1,500	DECK/SHED-WONDERLAND LOTS 37-39
05-APR-2002	12408-8	\$0	SHED/DECK-WONDERLAND LOT 37-39
05-APR-2002	12408-7	\$4,546	SHED/DECK-WONDERLAND LOT 37-39
13-MAR-2002	12408-6	\$720	SHED-WONDERLAND LOT 37-39
13-JUN-2000	12408-5	\$2,762	DECK UNDER 30-WONDERLAND LOT 37-39
02-OCT-1998	12408-4	\$2,160	SHED-WONDERLAND LOT 37
18-OCT-1991	12408-3	\$30,000	DWELLINGW/ADDITIONS-COTTAGESLOT 37-39
14-FEB-1986	12408-2	\$40,000	STORE-WONDERLAND
24-JUN-1985	12408-1	\$1,000	DECK-ATLANTIC AVE.

Tax Parcel Nos. 1-34-12.00-297.00,
1-34-12.00-2088 & 1-34-12.00-2089

Prepared by/Return to:

Christopher Ouellette, Esq.
Cohen Seglias Pallas
Greenhall & Furman PC
500 Delaware Avenue, Suite 730
Wilmington, DE 19801

DEED

THIS INDENTURE made the 14th day of November, 2025, between **26 COASTAL COTTAGE, LLC**, a limited liability company of the State of Delaware (hereinafter called the Grantor), party of the first part, and **NISTAZOS HOLDINGS, LLC**, a limited liability company of the State of Maryland (hereinafter called the Grantee), party of the second part,

WITNESSETH that the said Grantors for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents do grant and convey unto the said Grantee, its successors and assigns;

PARCEL ONE: ALL THOSE CERTAIN lots, pieces and parcels of land situate, lying and being in the Town of Ocean View, in Baltimore Hundred, Sussex County, Delaware, more particularly described as LOTS 37, 38 and 39, in the subdivision known as **WONDERLAND**, as shown on a plot prepared by J. J. McCann, Inc., P.L.S., dated February, 1977, and of record in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware, in Plot Book 17, Page 42. (Tax Map 1-34-12.00-297.00).

PARCEL TWO: ALL THOSE CERTAIN lots, pieces and parcels of land situate, lying and being in the Town of Ocean View, in Baltimore Hundred, Sussex County, Delaware, more particularly described as LOTS 40 and 41, in the subdivision known as **COTTAGES ON WHITE'S CREEK**, formerly known as **WONDERLAND**, as shown on a plot prepared by J. J. McCann, Inc., P.L.S., dated February, 1977, and of record in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware, in Plot Book 17, Page 42. (Tax Map 1-34-12.00-2088 and 1-34-12.00-2089).

BEING the same lands and premises which Kauffman Investments, Limited Partnership, by Deed dated August 26, 2024 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Record 6158, Page 312 granted and conveyed unto 26 Coastal Cottage, LLC, a Delaware limited liability company, in fee.

TOGETHER WITH all the improvements thereon and the appurtenances

thereunto belonging (the "**Property**").

SUBJECT TO covenants, restrictions, zoning, easements and declarations, if any, of record affecting said premises and all applicable zoning laws, rules, regulations, codes, and ordinances affecting the Property.

AND, subject to the foregoing, warrant the title to the same, against any challenge claiming by, through or under, Grantor, but not otherwise.

TO HAVE AND TO HOLD the Property unto Grantee, and to Grantee's heirs and assigns forever.

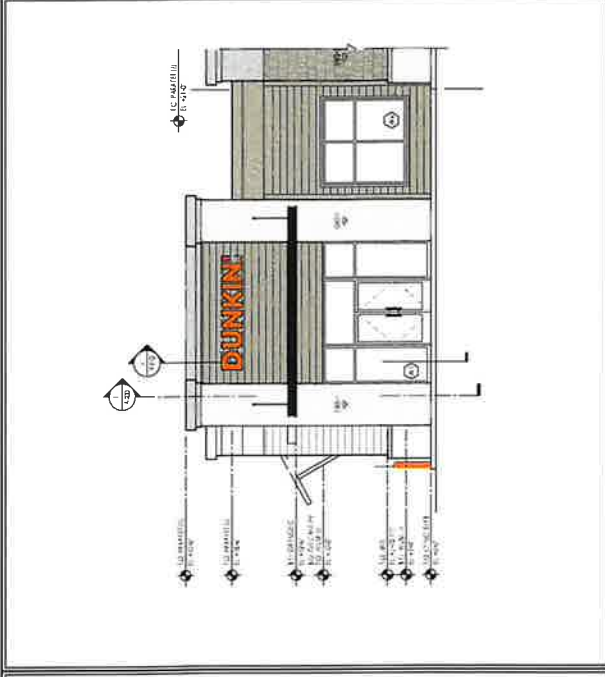
[Signature appears on following page]

Exhibit 2 – Site Plan

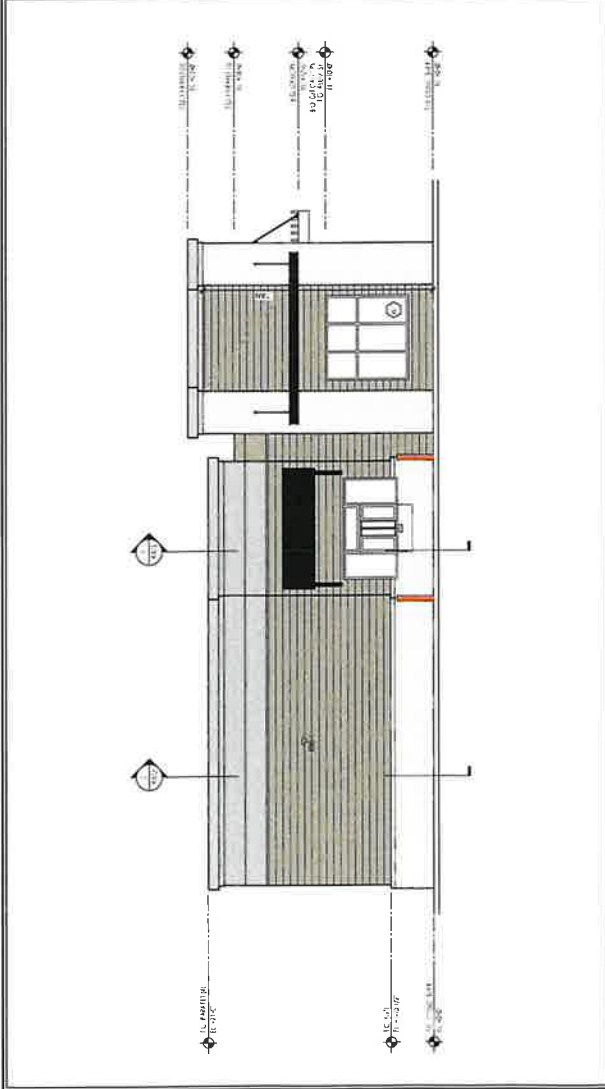
**Exhibit 3 – Sample Elevations, Renderings, Signage, &
Overhead Clearance Bar**



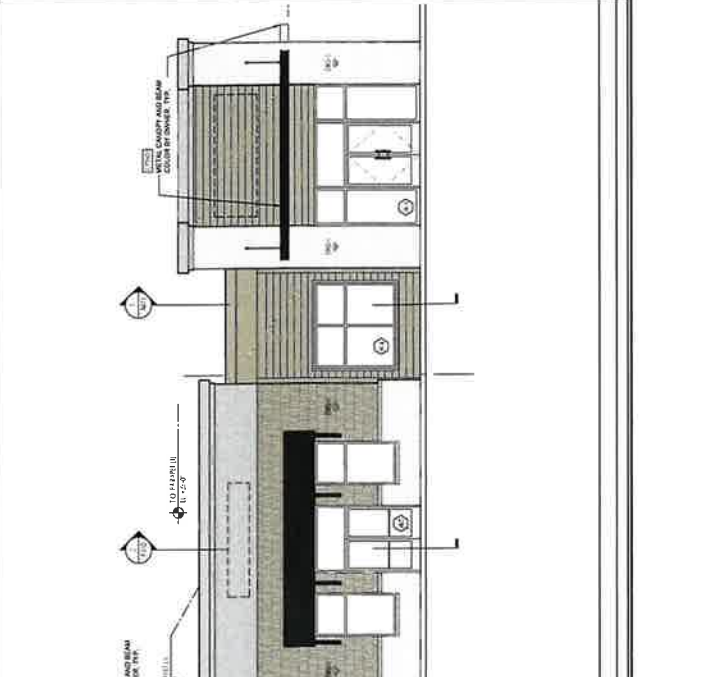




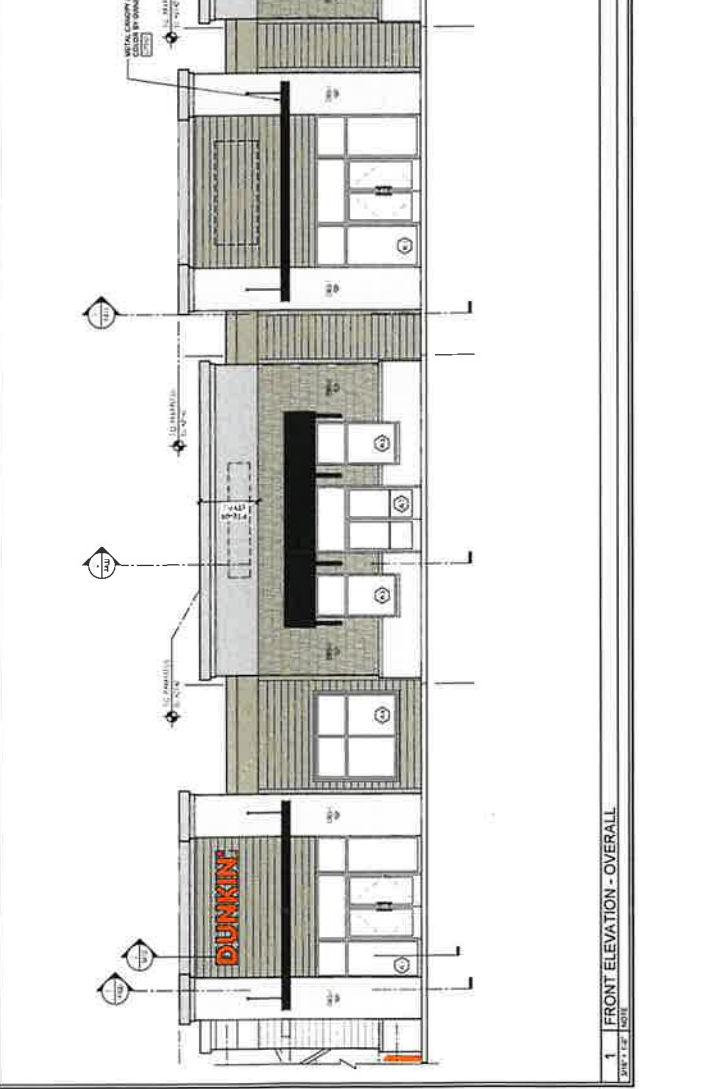
2 LEFTSIDE ELEVATION - @ DRIVE-THRU
DATE: 08/14/2018



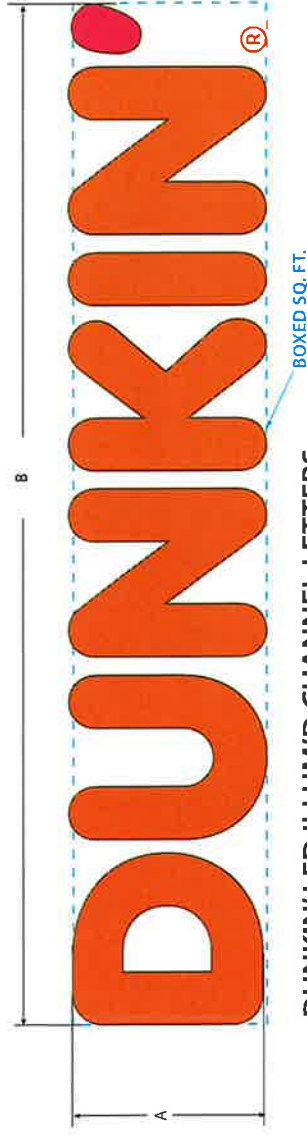
3 FRONT ELEVATION @ DUNKIN'
DATE: 08/14/2018



1 FRONT ELEVATION - OVERALL
DATE: 08/14/2018



1 FRONT ELEVATION - OVERALL
DATE: 08/14/2018



DUNKIN' LED ILLUM'D CHANNEL LETTERS

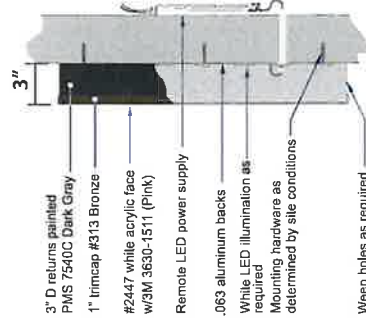
DUNKIN' CHANNEL LETTER STANDARD SIZES			
DISPLAY HEIGHT	DISPLAY LENGTH	ELECTRICAL	ACTUAL FOOTAGE
A	B	(1) 20 AMP/120 VOLT CIRCUIT	6.85"
18"	96.89"		

GENERAL SPECIFICATIONS:

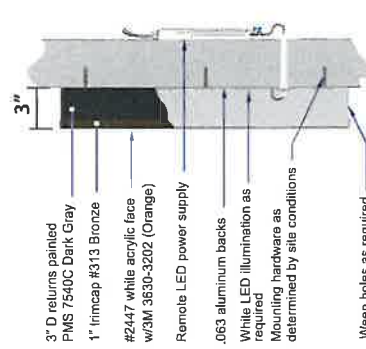
- Materials:**
 - .050 x 3" D aluminum returns; .063 aluminum backs;
 - Mounting hardware as determined by site conditions;
 - Weep holes as required
- Returns:**
 - 3" D painted PMS 7540C Dark Gray
- Letter Interiors:**
 - Painted reflective white
- Trimcap:**
 - 1" #313 Bronze
- Faces:**
 - 3/16" #2447 white acrylic faces w/ 1st surface decoration:
 - DUNKIN to be PMS 3564C, 3M 3630-3202 (Orange)
 - Apostrophe to be PMS 7635C, 3M 3630-1511 (Pink)
 - Apostrophe stands on its own
- Register Mark-®:**
 - .063 aluminum disk painted white w/ orange vinyl applied to face
- Font:**
 - Font is DUNKIN' SANS Level 5
- Area Squared:**
 - See size chart for varying square footage
- Wind Load:**
 - Standard Wind load - Wind Speed / 35 PSF

ELECTRICAL:

- Illumination to be Agilight LS-U650-71K-B200-A or equivalent LED's to be populated for even and consistent lighting without hot spots or shadows
- (1) 20A/120V circuit
- Remote power supply
- UL Listed



MAGENTA APOSTROPHE
SECTION VIEW



ORANGE DUNKIN' LETTERS
SECTION VIEW

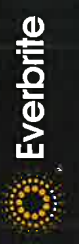


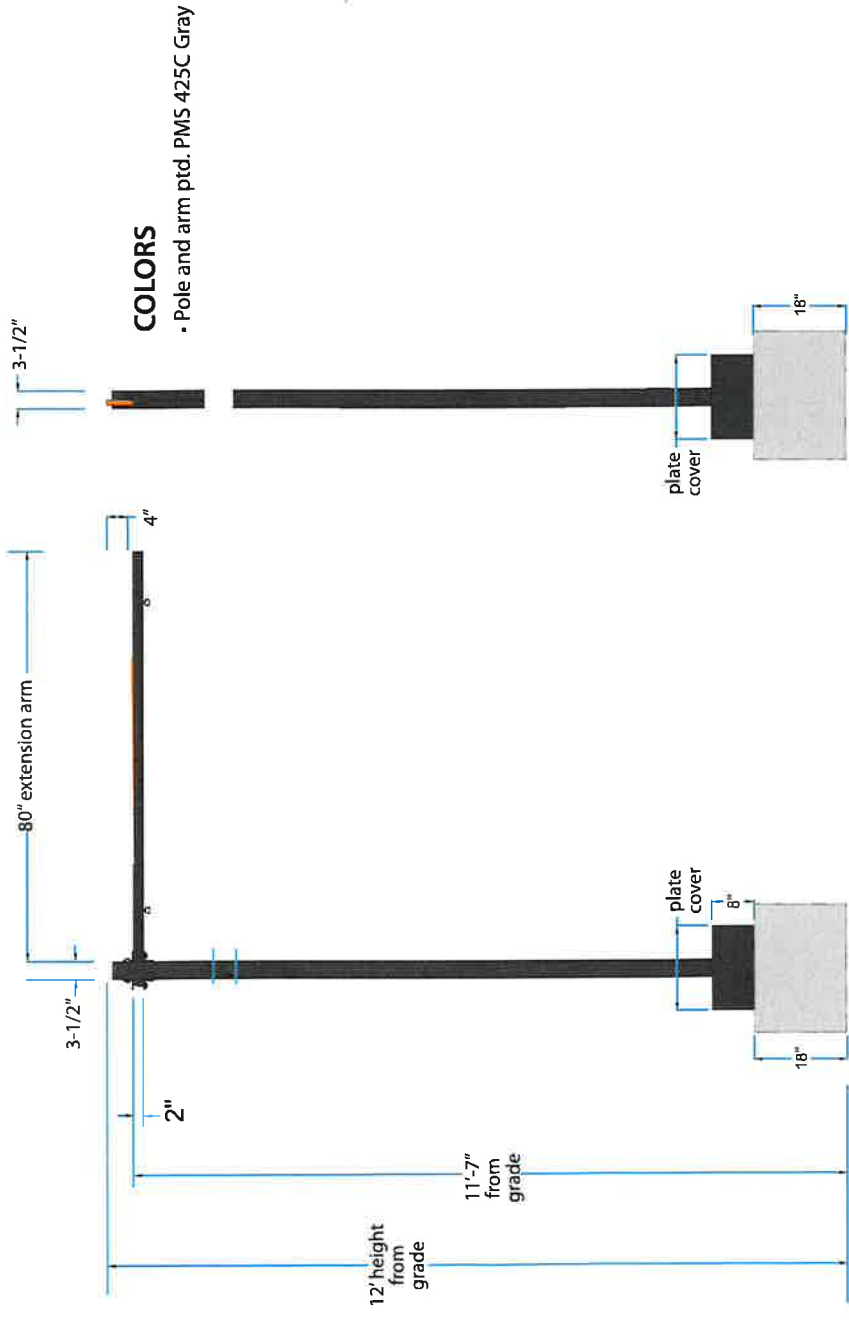
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Project No: 474940-2
 Drawn By: ERJ
 Date: 04/10/23

Part No: E038988, E038989, E038990
 Description: DD-VIS22-BS-01 LED ILLUM'D CHANNEL LETTERS, FLUSH MT.

Everbrite, LLC.
 4949 S. 110th Street, Greenfield, WI 53228
 Phone: 414-529-3500 • Fax: 414-529-7191
 Website: www.everbrite.com





COLORS

- Pole and arm ptd. PMS 425C Gray

SINGLE ARM VEHICLE HEIGHT DETECTOR

These product sheets are the exclusive property of Everbrite LLC. Use of this property in any manner without express written permission of Everbrite LLC is prohibited. Drawings are for graphic purposes only and not intended for actual construction. For more specific manufacturing detail, please refer to engineering specifications and install drawings.



Everbrite
 4949 S 110th Street, Greenfield, WI 53220
 Phone: 414-529-3500 • Fax: 414-529-7191
 Website: www.everbrite.com

Part No: **E033888**
 Description: **NEXT GEN SINGLE ARM
 VHD, NON-ILLUM'D; 9'
 CLEARANCE**

Project No: **400408-1**
 Date: **1/31/19**
 Drawn By: **CH**

DUNKIN'

Exhibit 4 – Property Aerial Images

Exhibit 5 – Surrounding Uses



OCEAN VIEW TRADE AREA

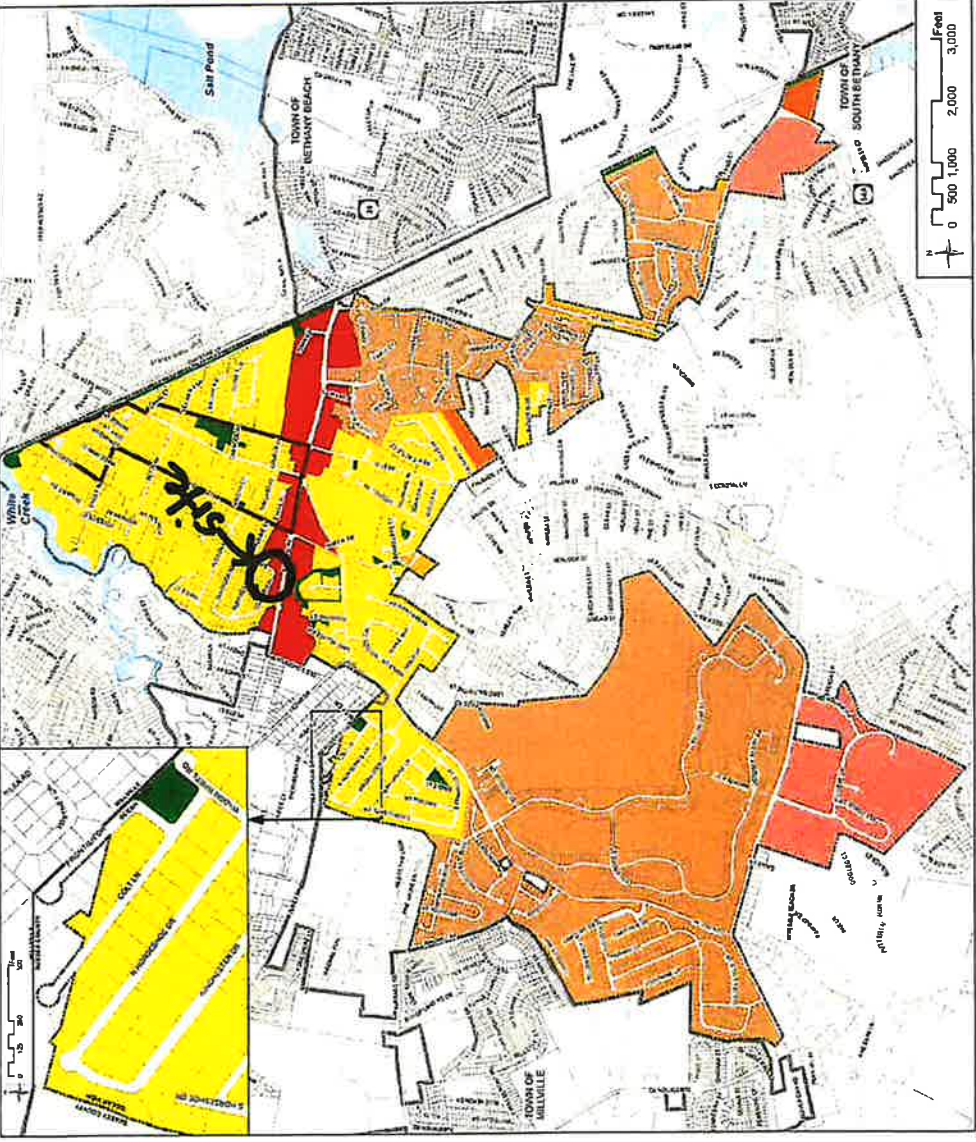
Exhibit 6 – Zoning Map

TOWN OF OCEAN VIEW
Sussex County, Delaware
Zoning Map



- Zoning Districts**
- DS, Open Space
 - R-1, Residential Single-Family
 - R-2, Residential 1- & 2-Family
 - R-3, Residential Townhouses & Multi-Family
 - RP, Residential Planned Community
 - MXPC, Mixed-Use Planned Community
 - CS-1, General Business-1
 - CS-2, General Business-2

- HPOZ, Habitable Preservation Overlay
- Base Map Data
- Ocean View Boundary
- Other Municipal Boundaries
- Parcel Boundaries
- Major Streams
- Streets & Rights
- Water Bodies



ADOPTED AS THE OFFICIAL ZONING MAP
TOWN OF OCEAN VIEW
SUSSEX COUNTY, DELAWARE

BY *[Signature]* 4/9/18 Date
Walter Curpan, Mayor

ATTEST *[Signature]* 4/9/18 Date
Dennis Schwarz, Town Clerk

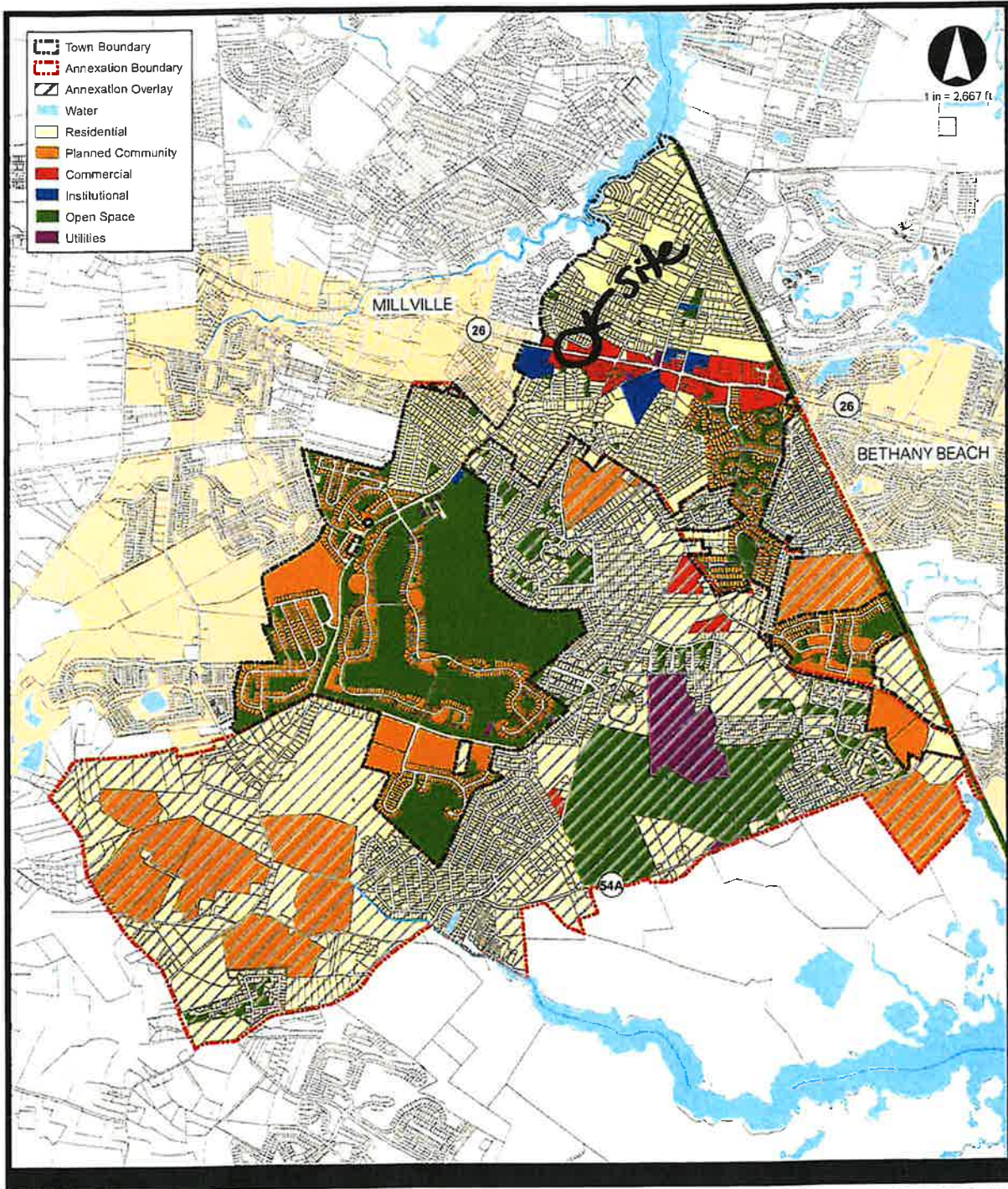
ORDINANCE NUMBER **340**

UNIVERSITY OF DELAWARE
SCHOOL OF PUBLIC ADMINISTRATION

Note: This map is provided by the Institute for Public Administration. It is not a legal document and should not be used for legal purposes. The Institute for Public Administration is not responsible for any errors or omissions in this document. For more information, please contact the Institute for Public Administration at 302-838-2000.

Exhibit 7 – Future Land Use Map

5. FUTURE LAND USE



MAP 6. FUTURE LAND USE
 COMPREHENSIVE PLAN UPDATE 2019
 Town of Ocean View



November 2019

Exhibit 8 – Traffic Concepts, Inc. Analysis &
DelDOT AWSF Letter



TRAFFIC CONCEPTS, INC.

7525 Connelley Drive • Suite B • Hanover, MD 21076 • 410-760-2911

October 15, 2025

Mr. Ken Cimino
Planning, Zoning & Development Director
Town of Ocean View
201 Central Avenue
Ocean View DE 19970

RE: Dunkin Donuts Ocean View De
Franchise Management Services – Commercial Development
Ocean View, DE (SR 26)
TCI #4215

Dear Mr. Cimino:

Franchise Management Services, Inc. seeks to develop 8,148 S.F. of commercial space that includes a 1,899 S.F. coffee/donut shop with drive-through window and 6,249 S.F. of office/retail space. The site is located at 101 Atlantic Avenue (SR 26) Ocean View, DE and rests on an approximately 1.64-acre parcel. The subject property has access directly onto SR 26. Currently, the site has three (3) full-movement entrances onto SR 26.

The developer has submitted traffic scoping letter to Delaware Department of Transportation (DelDOT) that contains peak hour trip data from the *Institute of Transportation Engineers, Trip Generation Manual 11th Edition*. The ITE land use-data used to generate peak hour trips includes Land Use Code (LUC 822) Strip Retail Plaza (<40k) and (LUC 937) Coffee/Donut Shop with Drive-Through Window.

Traffic Impact Study

Based on our recent traffic scope submission, DelDOT determined that since the site would not generate more than 2,000 ADT or 200 peak hour trips that access the state road network, DelDOT is agreeable to accepting the Area Wide Study Fee (AWSF) in lieu of a traffic study. Therefore, DelDOT has concluded that the proposed project would generate minimal peak hour trips, and a traffic impact study is not required.

We note that the scoping information presented to DeIDOT did not include any of the existing peak hour trips or average daily trips generated by the previous uses that include a seasonal produce market and an art gallery (retail). The proposed site trip impact on the adjacent road network would be reduced if the existing trips were subtracted from the new site generated trips.

Site Access

As stated, the existing site access has three (3) full-movement entrances. The proposed development plan would improve the access conditions by closing the westernmost full-movement entrance and would construct a right out only access to SR 26. The remaining two full-movement entrances would be replaced by one full-movement entrance. The proposed site access modifications improve the current access situation along SR 26 by eliminating conflict points, which improves safety and increases capacity.

On-site Queueing

To determine an adequate vehicle queue length for a coffee shop, we have examined a February 2012 report entitled *Drive-Through Queue Generation* that was authored by Mike Spack, P.E. This report cites data that was collected at six coffee shops with drive-through services over 26 days. The data (85th percentile queue) revealed a maximum queue of 13 vehicles and vehicle stacking length of 260 feet.

According to the concept site plan, the on-site vehicle drive-through stacking is approximately 450 feet when measured from the location of the order board. If the average vehicle length is 20-feet, the proposed drive-through lane, as shown on the concept site plan, would accommodate 22 vehicles.

Based on the site layout, the drive-through vehicles would not stack into the interior drive isles, would not block parking spaces, and would not back into the public right of way. Based on the proposed plan, on-site drive-through storage is adequate and would not impact public facilities.

Conclusions

A traffic impact study is not required. This finding is based on the DelDOT review of the new site generated peak hour trips and the DelDOT determination of minimal impact on the adjacent road network.

The proposed site access configuration improves the existing commercial site access conditions by reducing access points. The proposed site access is planned with one full-movement entrance and one right-out only entrance.

Finally, the design of the site creates ample coffee shop drive-through storage that is greater than the 85th percentile queues for coffee shop uses at other locations.

If you have any questions or if you require additional information, please do not hesitate to contact my office.

Sincerely,

TRAFFIC CONCEPTS, INC.



J. Mark Keeley, PTP

Project Manager

Mkeeley@traffic-concepts.com

cc: Andy Warfield Director of Construction and Facilities
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Ocean City, MD 21842

Ms. Jill Oliver, Planner, Town of Ocean View

Attachments: Concept Plan

Drive-Through Queue Generation

Mike Spack, PE, PTOE, Max Moreland, EIT, Lindsay de Leeuw, Nate Hood

1.0 Introduction

This report provides queuing data for businesses with drive-through services. It is intended to be an aid for site designers and reviewers, similar to the Institute of Transportation Engineers' *Trip Generation* and *Parking Generation* reports. The data presentation is modeled on the *Parking Generation* report and data is provided based on at least six sites, similar to data sets marked as statistically significant in *Trip Generation*.

Businesses with drive-through lanes are very common in the United States and having data that gives usage information for drive-through lanes will assist designers as well as cities in determining the appropriate amount of storage needed for proposed drive-through businesses. Data for drive-through queues was published by the ITE Technical Council Committee 5D-10 in 1995 based on information collected between the late 1960's and the 1990's. A paper was also published in 2009 by Mark Stuecheli, PTP giving updated information for bank and coffee shop drive-through lanes. The results from the 2009 study are incorporated into this paper (thank you Mark for your assistance).

2.0 Data Collection

Data was collected using COUNTcam video recording systems at a total of 30 drive-through locations in Minneapolis, MN and several surrounding suburbs between 2010 and 2012 (26 of the 30 videos were recorded in February of 2012, which should represent peak usage in the cold Minnesota winter). Videos of drive-through lanes were collected at banks, car washes, coffee shops, fast food restaurants and pharmacies. A total of six locations were selected for each of the five different land uses. Each location was recorded for between one and five days where the majority of locations were recorded for two consecutive days. The days of the week that each video was recorded on varies.

The 24-hour videos were watched at high speeds with the PC-TAS counting software and maximum queues throughout the day were noted. Most of the COUNTcams were set up such that the entire queue lane could be seen, but at a few locations the drive-through lanes wrapped around the building in a way that the entire queue length would not be able to be seen. For these situations, the COUNTcams were set up so that the ordering window and back of the queue could be seen and it was noted how many vehicles could fit between the ordering window and the front of the queue. For drive-through locations with multiple lanes, the number of lanes was noted but the maximum queue is defined as the sum of the queues at each lane for any given point in time, not the queue per lane. This approach provides overall demand, which may assist designers in determining how many drive through lanes are appropriate in addition to determining how long they should be.

Once the maximum queue for each day at each location was determined, the data was compiled and statistics for each land use were calculated. The average maximum queue, standard deviation, coefficient of variation, range, 85th percentile and 33rd percentile were calculated for each land use.

Data for drive-through coffee shops and banks from the Kansas City, Kansas metropolitan area was published in the 2009 paper New Drive-Through Stacking Information for Banks and Coffee Shops by Mark Stuecheli. This data is included in the analysis.

3.0 Data Analysis

Based on the peak queue lengths, it is apparent that each land use will require a different minimum drive through stacking distance. The results for each land use can be found below. The peak queue lengths for each location, broken down by land use and day of the week, can be found in the Appendix.

3.1 Banks

Data collection was done at six banks with drive-through services (including one credit union) in August 2011 and February 2012. Twelve days of data were collected. The banks were located in the cities of Minneapolis, Robbinsdale and St. Louis Park, MN.

All of the locations had a lane with a drive-through ATM and at least two other lanes. Though service times may differ for ATM lanes compared to the regular lanes, the maximum queues were counted together. This is because based upon what was observed, vehicles would occasionally switch the lane they were in. For example, a vehicle waiting in the ATM line with a queue of three vehicles may move over to a regular line with a queue of only one vehicle. Much of what can be done at the bank’s drive-through lane can also be accomplished at that bank’s ATM and vice versa. Vehicles being served were counted as being in the queue.

Nine days of data from the Kansas City, Kansas area is also included. This data does not factor in vehicles in ATM lanes.

Table 3.1 – Drive-Through Bank Maximum Queue Statistics

	Minnesota Data	Minnesota + Kansas Data
Number of Data Points	12	21
Average Maximum Queue (Vehicles)	5.83	5.76
Standard Deviation (Vehicles)	1.85	2.21
Coefficient of Variation	32%	38%
Range (Vehicles)	3 to 8	1 to 10
85th Percentile (Vehicles)	8.00	8.00
33rd Percentile (Vehicles)	5.00	5.00

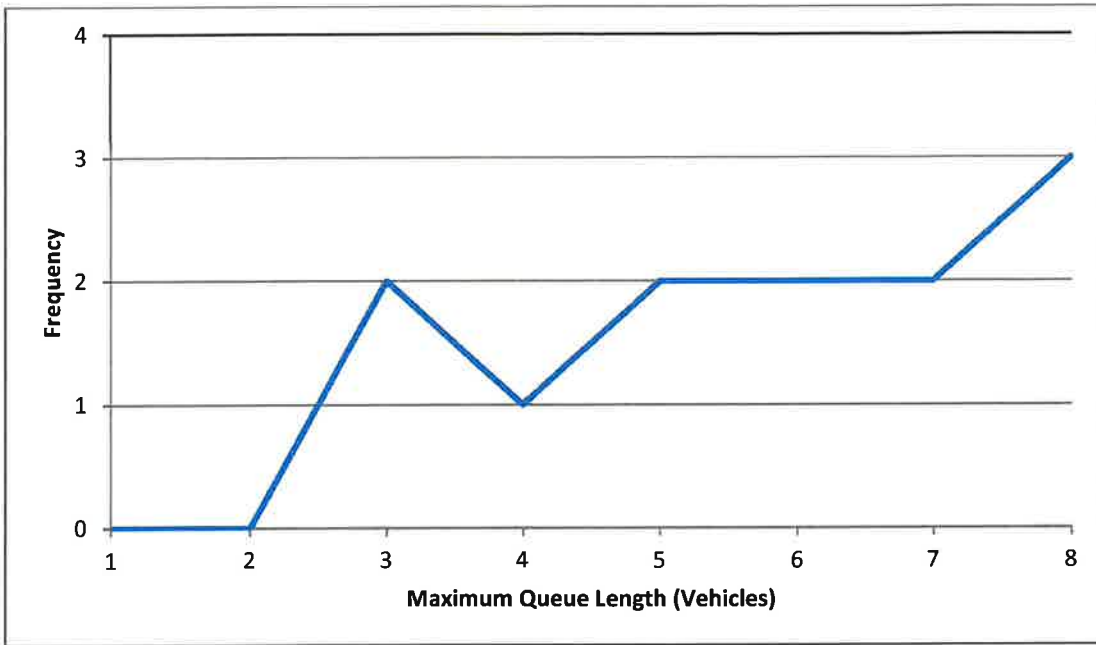


Figure 3.1.1 – Drive-Through Bank Maximum Queue Frequency – Minnesota Data



Figure 3.1.2 – Drive-Through Bank Maximum Queue Frequency – Minnesota + Kansas Data

The data for Kansas banks was collected between 4:30pm and 6:00pm. While many of the maximum queues for the data collected in Minnesota were between these times, maximum queues occurred between 8:30am and 5:30pm so it is possible that some of the Kansas data does not capture the actual maximum queues for the day.

The number of available lanes at banks, not including the ATM lane, ranged from two to seven lanes (though the most open at one time was five lanes). Even though plenty of lanes were available, cars often stacked at the lane closest to the building, thus additional lanes may not result in shorter queues. With an 85th percentile maximum queue of eight vehicles, the data suggests that banks with drive-through lanes should be able to accommodate 160 feet of vehicle stacking.

3.2 Car Washes

Data collection was done at six car washes with drive-through services (including one full-service car wash) in February 2012. Twelve days of data were collected. The car washes were located in the cities of Falcon Heights, Hopkins, Minneapolis, Roseville and St. Louis Park, MN. Five of the six car washes (excluding the full-service car wash) were located at gas stations. Only the vehicles waiting in line were counted; vehicles being washed were not added to the queue.

Table 3.2 – Drive-Through Car Wash Maximum Queue Statistics

Number of Data Points	12
Average Maximum Queue (Vehicles)	4.42
Standard Deviation (Vehicles)	2.31
Coefficient of Variation	52%
Range (Vehicles)	1 to 10
85th Percentile (Vehicles)	6.20
33rd Percentile (Vehicles)	3.00

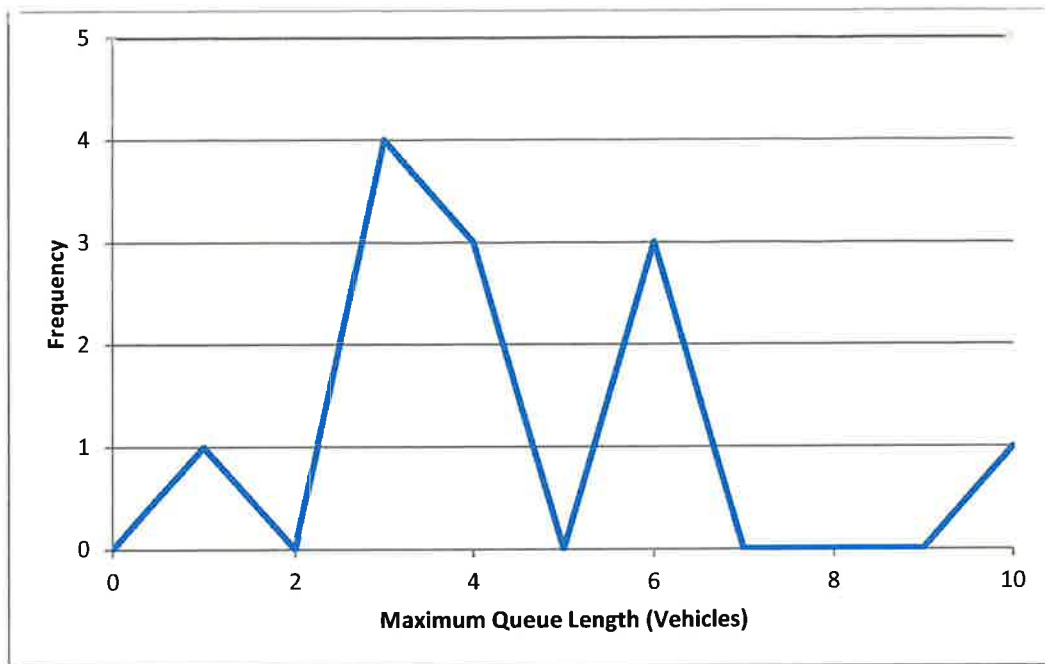


Figure 3.2 – Drive-Through Car Wash Maximum Queue Frequency

Two of the car washes had two lanes while the other four were one lane car washes. The full-service car wash had two lanes and also produced the highest maximum queue of 10 vehicles. The maximum queues for car washes were spread throughout the afternoon from 12:30pm to 8:30pm. With an 85th percentile maximum queue of more than six vehicles, the data suggests that car washes with drive-through lanes should be able to accommodate 140 feet of vehicle stacking throughout the day.

3.3 Coffee Shops

Data collection was done at six coffee shops with drive-through services in November 2010, August 2011 and February 2012. Fourteen days of data were collected. The coffee shops were located in the cities of Edina, Hopkins, Minneapolis, Roseville and St. Louis Park, MN. Vehicles being served were counted as being in the queue. Twelve days of data from the Kansas City, Kansas area is also included.

Table 3.3 – Drive-Through Coffee Shop Maximum Queue Statistics

	Minnesota Data	Minnesota + Kansas Data
Number of Data Points	14	26
Average Maximum Queue (Vehicles)	11.00	10.23
Standard Deviation (Vehicles)	2.25	2.76
Coefficient of Variation	20%	27%
Range (Vehicles)	7 to 16	3 to 16
85th Percentile (Vehicles)	13.50	13.00
33rd Percentile (Vehicles)	10.00	9.91

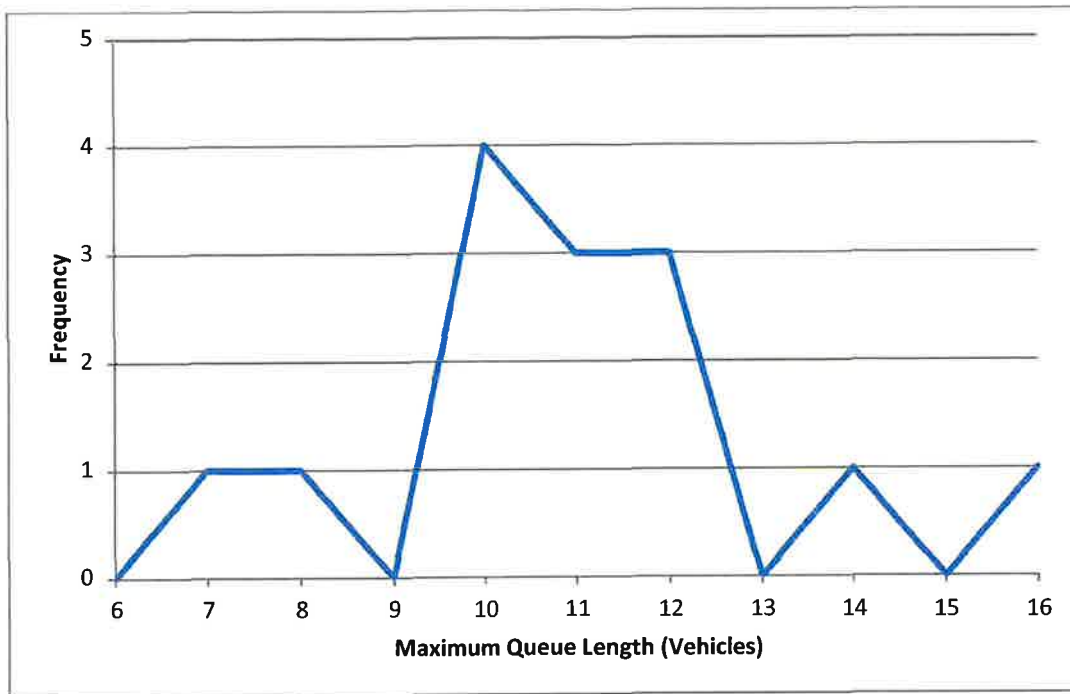


Figure 3.3.1 – Drive-Through Coffee Shop Maximum Queue Frequency – Minnesota Data

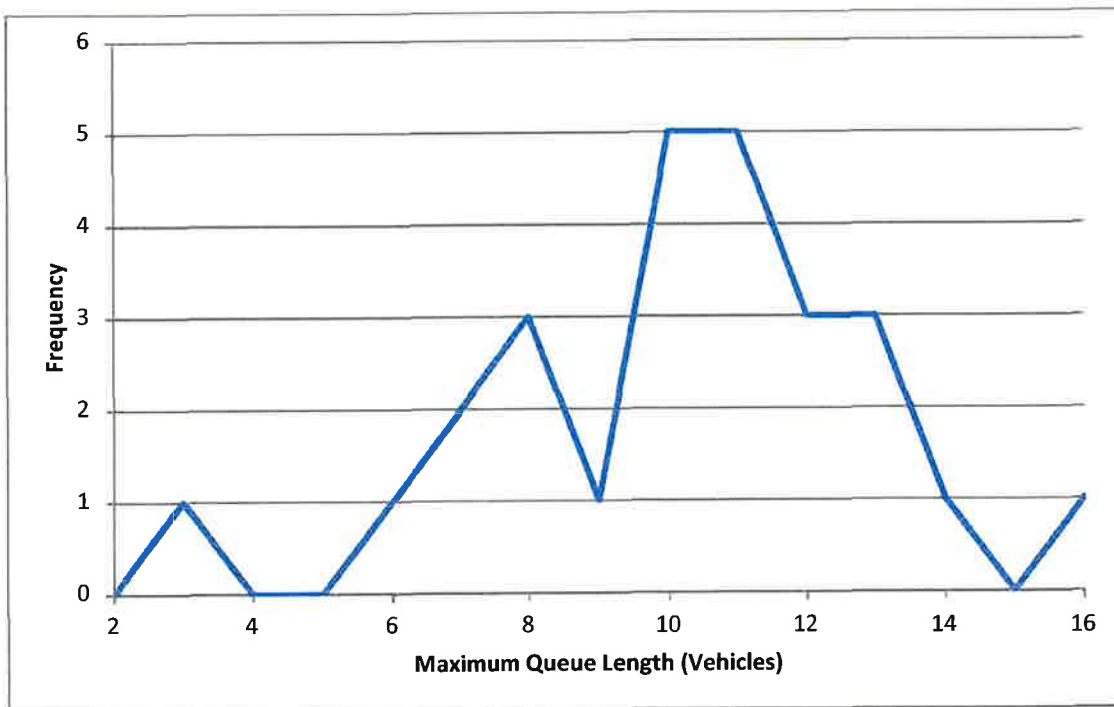


Figure 3.3.2 – Drive-Through Coffee Shop Maximum Queue Frequency – MN + KS Data

Coffee shops produced the longest maximum queues of any of the land uses in this study with all of the maximum queues occurring in the morning. In four of the six cases, the queues spilled out of the parking lot and into the street. These spillovers would typically only happen once or twice a day and last only a few minutes, however, one location had stacking into the street for about 15 minutes in addition to multiple periods of several minutes where cars would queue in the street.

With an 85th percentile maximum queue of 13 vehicles, the data suggests that coffee shops with drive-through lanes should be able to accommodate at least 260 feet of vehicle stacking during morning hours.

3.4 Fast Food Restaurants

Data collection was done at six fast food restaurants with drive-through services in August 2011 and February 2012. Fourteen days of data were collected. The restaurants were located in the cities of Golden Valley, Hopkins, Minneapolis and St. Louis Park, MN. Vehicles being served were counted as being in the queue.

Table 3.4 – Drive-Through Fast Food Restaurant Maximum Queue Statistics

Number of Data Points	14
Average Maximum Queue (Vehicles)	8.50
Standard Deviation (Vehicles)	2.68
Coefficient of Variation	32%
Range (Vehicles)	5-13
85th Percentile (Vehicles)	12.00
33rd Percentile (Vehicles)	7.90

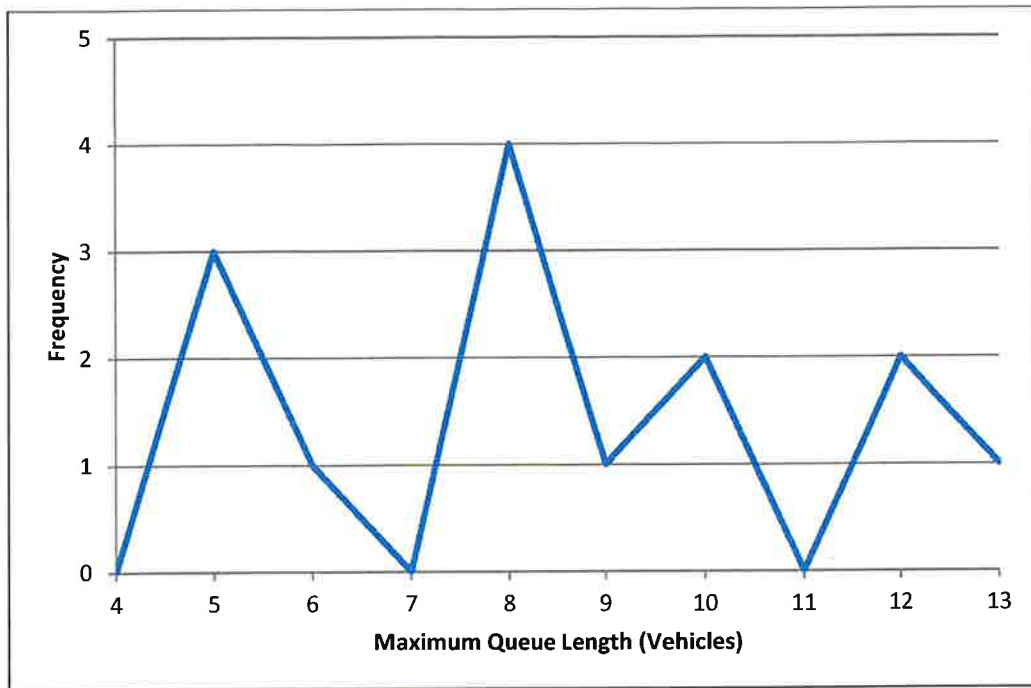


Figure 3.4 – Drive-Through Fast Food Restaurant Maximum Queue Frequency

The maximum queues for fast food restaurants were spread throughout the day from 8:00am to 10:00pm. With an 85th percentile maximum queue of 12 vehicles, the data suggests that fast food restaurants with drive-through lanes should be able to accommodate 240 feet of vehicle stacking throughout the day.

3.5 Pharmacies

Data collection was done at six pharmacies with drive-through services in February 2012. Twelve days of data were collected. The pharmacies were located in the cities of Hopkins, Minneapolis, New Hope and Robbinsdale, MN. Vehicles being served were counted as being in the queue.

Table 3.5 – Drive-Through Pharmacy Maximum Queue Statistics

Number of Data Points	12
Average Maximum Queue (Vehicles)	2.92
Standard Deviation (Vehicles)	1.16
Coefficient of Variation	40%
Range (Vehicles)	1-5
85th Percentile (Vehicles)	4.05
33rd Percentile (Vehicles)	2.00

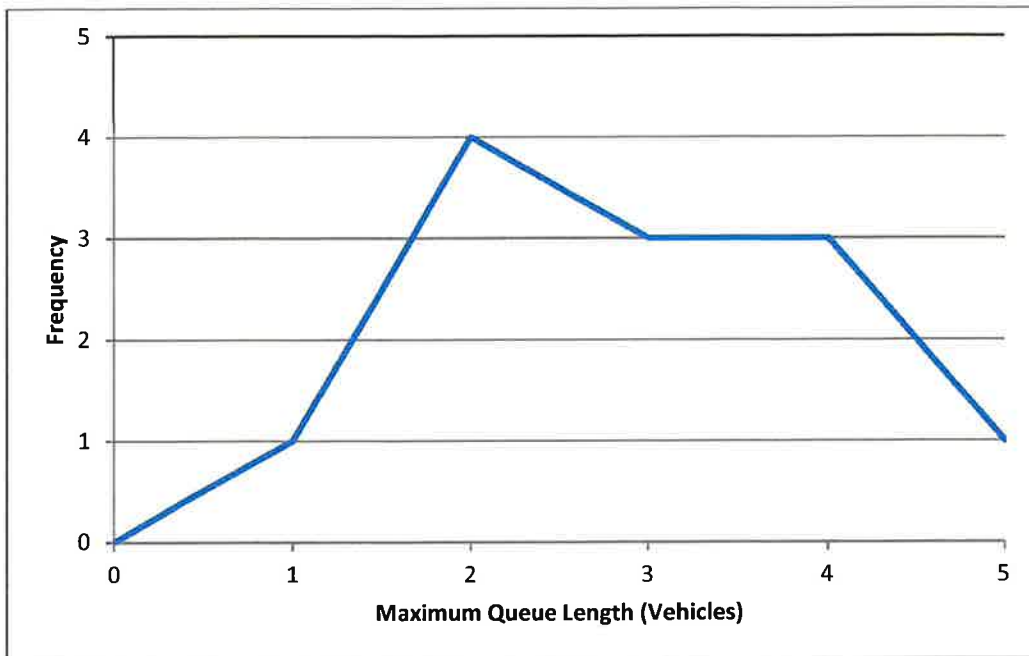


Figure 3.5 – Drive-Through Pharmacy Maximum Queue Frequency

The maximum queues for pharmacies were spread throughout the day from 8:00am to 10:00pm. With an 85th percentile maximum queue of more than 4 vehicles, the data suggests that pharmacies with drive-through lanes should be able to accommodate 100 feet of vehicle stacking throughout the day.

4.0 Conclusions

The 85th percentile maximum queue lengths for each land use are: 160 feet for banks (eight vehicles), 140 feet for car washes (seven vehicles), 260 feet for coffee shops (13 vehicles), 240 feet for fast food restaurants (12 vehicles) and 100 feet for pharmacies (five vehicles).

While some of the locations observed have an excess of space dedicated to drive-through lanes (i.e. some banks and pharmacies), others could occasionally use additional space for drive-through lanes (i.e. coffee shops in the morning).

Fast food restaurants and coffee shops have the longest maximum queues of the five land uses observed. Coffee shops have a tendency for the morning queues to build so long that they spill out onto the street, though, as is expected, their afternoon and evening queues are minimal. Fast food restaurants also have large queues, but they tended to have enough dedicated space that stacking did not go beyond the designated queuing area.



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

SHANTÉ A. HASTINGS
SECRETARY

MEMORANDUM

TO: John Pietrobono, Acting Sussex County Review Coordinator

FROM: Sireen Muhtaseb, TIS Engineer

DATE: July 9, 2025

SUBJECT: **Dunkin Donuts – Ocean View**
(Protocol Tax Parcel # 134-12.00-297.00)
Area Wide Study Fee (AWSF) and Off-site Improvements

The subject development meets DelDOT's volume warrants to pay the Area Wide Study Fee in lieu of doing a Traffic Impact Study (TIS). This memorandum is to address the amount of that fee and the off-site improvements that should be required of the developer in the absence of a TIS. The fee and improvements presented below are an alternative to the developer doing a TIS and the improvements identified through DelDOT's review of that study.

1. The proposed development consists of an 1,899 SF Coffee/Donut Shop with Drive-Through Window and 6,249 SF of retail space. Based on our review, using Land Use Codes 937 and 822, respectively, of the 11th edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, the proposed development would generate 1,353 average vehicle daily trips (ADT) and 178 vehicle trips during the a.m. peak hour. After applying the appropriate internal capture trip reduction of 4 trips during the a.m. peak hour and 44 trips during the p.m. peak hour, the primary site trips on which the AWSF is based would be 1,305 daily trips and 174 vehicle trips during the p.m. peak hour. The primary daily trips are estimated by subtracting the a.m. and p.m. internal capture trips from the gross daily trips. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be \$13,050.
2. The developer shall improve the State-maintained Roads on which they front (Delaware Route 26, Sussex Road 26), within the limits of their frontage. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one

or both sides of the road. "Frontage" means the length along the state right-of-way of a single property tract where an entrance is proposed or required. If a single property tract has frontage along multiple roadways, any segment of roadway including an entrance shall be improved to meet DeIDOT's Functional Classification criteria as found in Section 1.1 of the Development Coordination Manual and elsewhere therein, and/or improvements established in the Traffic Operational Analysis and/or Traffic Impact Study. "Secondary Frontage" means the length along the state right-of-way of a single property tract where no entrance is proposed or required. The segment of roadway may be upgraded by improving the pavement condition of the existing roadway width. The Pavement Management Section and Subdivision Section will determine the requirements to improve the pavement condition.

3. Section 2.2.2.2 of the Development Coordination Manual allows DeIDOT to accept the AWSF in lieu of a TIS, but only if the local land use agency does not require a TIS. If the Town of Ocean View requires a TIS for this development, DeIDOT will support that requirement and will not accept the AWSF.

If you have any additional questions or comments, please let me know.

SAM: km

cc: Nick Nistazos, Franchise Management Services, Inc,
Kevin Aydelotte, Parker and Associates, Inc.
Kent Liddle, Town of Ocean View
Michael Simmons, Chief Project Development South, DOTS
Wendy Carpenter, Traffic Calming & Subdivision Relations Manager, Traffic, DOTS
Sean Humphrey, Traffic Engineer, Traffic, DOTS
Alastair Probert, South District Engineer, M&O
Matthew Schlitter, South District Public Works Engineer, M&O
Travis Schirmer, South District Public Works Supervisor, M&O
Todd Sammons, Assistant Director, Development Coordination
Wendy Polasko, Subdivision Engineer, Development Coordination
Thomas Gagnon, Sussex Review Engineer, Development Coordination
Annamaria Furmato, TIS Review Engineer, Development Coordination
Benjamin Fisher, TIS Review Engineer, Development Coordination
Tijah Jones, TIS Review Engineer, Development Coordination
Tanner Chiamprasert, TIS Review Engineer, Development Coordination

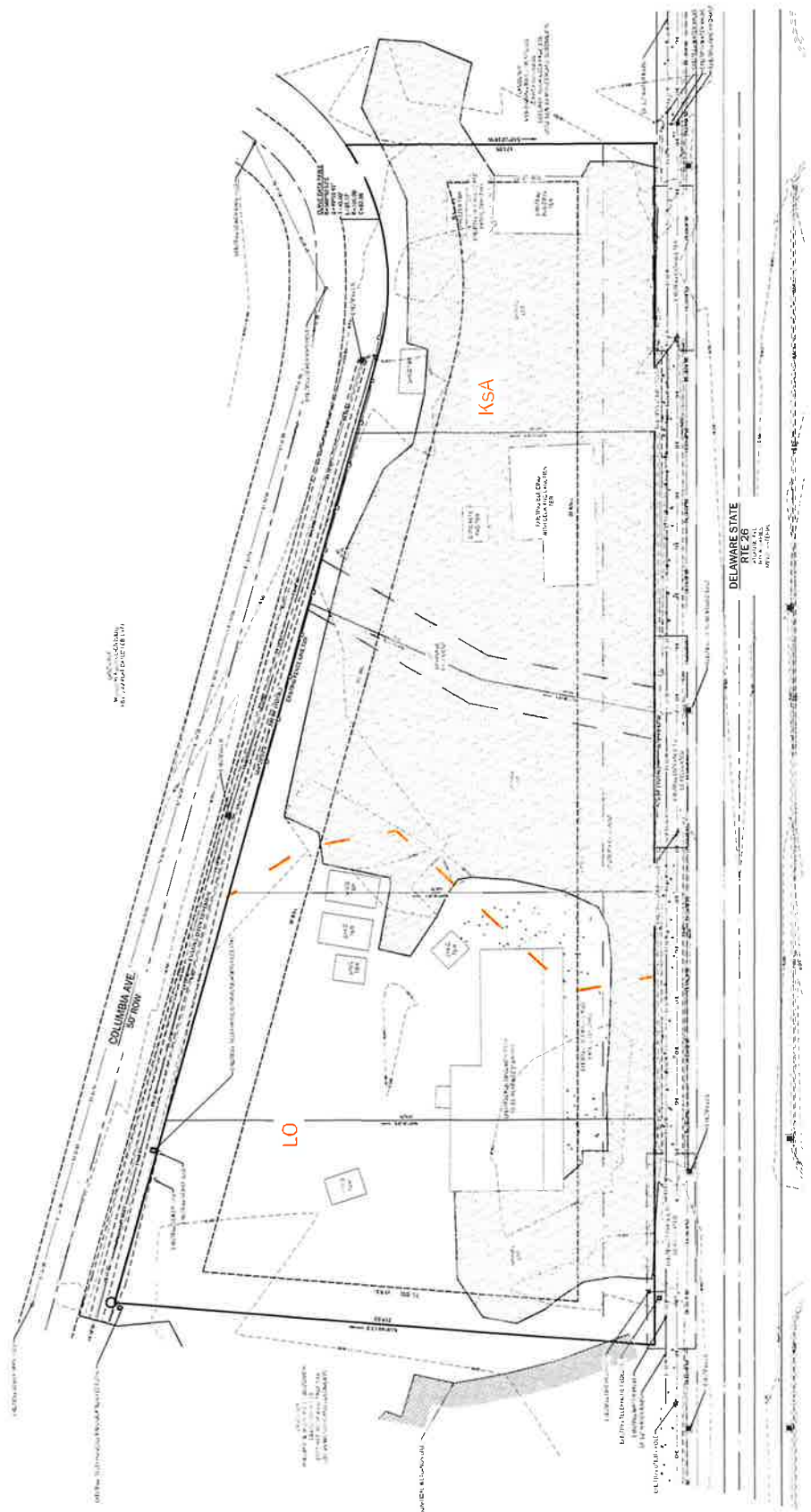
Exhibit 9 – Lighting Plan

**Exhibit 10 – CJ Pines
Record Plan and Existing Conditions Plan**



EXISTING CONDITIONS SHOPPING CENTER-OCEAN VIEW, DE

DATE	12/20/10
PROJECT	EXISTING CONDITIONS
SCALE	AS SHOWN
PROJECT NO.	1000000000
CLIENT	DELAWARE STATE
LOCATION	RT 26
COUNTY	DELAWARE



DELAWARE STATE
RT 26
OCEAN VIEW, DE

12/20/10
1000000000
SARKER ENGINEERS, INC.