

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
January 16, 2025, 3:00pm

1. The Board of Adjustment Chair Susan Kerwin called the meeting to order at 3:00pm with the Pledge of Allegiance. In attendance were Board Members Greg Neuner, John Planchart, and Ron Galey. Planning Zoning and Development Director Ken Cimino, Town Engineer James Lober, Solicitor Veronica Faust, Planner Jill Oliver, and Town Clerk Donna Schwartz. The meeting was held at 32 West Avenue. Mr. Coppels was absent from the meeting.

2. **APPROVAL OF THE AGENDA**

A motion was made by Mr. Galey, seconded by Mr. Neuner, to approve the agenda. The motion was carried unanimously 4/0.

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Galey, seconded by Mr. Planchart, to approve the minutes for the November 21, 2024, meeting. The motion was carried unanimously 4/0.

4. **NEW BUSINESS**

- A. **V-457 1 Town Road (PIDN:284.090/CTM#134-13.00-1101.00)**

Mrs. Faust swore in Ken Cimino, Jim Lober and Jill Oliver.

Mrs. Faust read Application V-457, submitted by the property owners, James & Jana Wanser, is a variance request from Article X, §140-65 which limits a business to one (1) wall sign with a maximum area of 10 square feet. The property owner wishes to install two (2) wall signs with an area of more than 10 square feet each on property zoned GB-1 (General Business District 1) located at 1 Town Road (PIDN: 284.090 / CTM# 134-13.00-1101.00)

The applicant is requesting a variance in order to install two (2) wall signs at their new commercial location, Bethany Beach Billiards by RR Games, to be located at 1 Town Road. The area of one wall sign is approximately 19sf and the second is approximately 25sf as depicted in the renderings submitted by the applicant. The Department is not opposed to the variance request, considering the orientation and scale of the building and its distance from Town Road.

Applicant Jim Wanser was present and answered various questions from the Board. Mr. Neuner questioned what the term “close to scale” meant. Mr. Wanser replied that the measurements were actual sizing. Mrs. Kerwin asked a couple of questions also.

PUBLIC COMMENT - none

A motion was made by Mr. Galey, seconded by Mr. Planchart, to approve the application for a variance as presented. The motion carried unanimously 5/0.

- B. V-458 39 Atlantic Avenue (PIDN:272.000/CTM#134-13.00-19.00)
35 Atlantic Avenue (PIDN:273.000/CTM#134-13.00-20.00)
33 Atlantic Avenue (PIDN:274.000/CTM#134-13.00-21.00)

Mrs. Faust read Application V-458, submitted by Alan Decktor, P.E. of Pennoni Associates, Inc., on behalf of the property owner, Albari, LLC, is seeking a variance from Article V, §140-31, which limits the maximum coverage of lot area to 50% on GB-1 (General Business District 1) parcels. Maximum coverage of lot area includes all buildings and structures, and has, therefore, been interpreted to include all impervious surfaces.

Mr. Lober read the applicant's questionnaire verbatim. He then offered this overview to the applicant. This variance seeks to allow the maximum coverage of the lot area to exceed 50% by 6.48% proposing 56.48% maximum lot coverage on parcels located at 39 Atlantic Avenue (PIDN: 272.000, CTM# 134-13.00-19.00), 35 Atlantic Avenue (PIDN: 273.000, CTM# 134-13.00-20.00), and 33 Atlantic Avenue (PIDN: 274.000, CTM# 134-13.00-21.00). All lots are zoned GB-1, General Business District 1, and are proposed to be consolidated into one (1) lot.

The additional impervious proposed above 50% consists of 10 parking spaces that are not required by the Code. The Department is not opposed to the variance, provided that stormwater management can be provided in accordance with the applicable regulations for all of the proposed impervious, DelDOT takes no issue with the proposed layout, and the additional impervious remains as additional parking and not additional gross floor area for either of the proposed structures.

Mr. Mark Davidson, of Pennoi Associates, was present to present the application to the Board. He was joined by Petru Cornescu of Albari, LLC. Mr. Davidson made a presentation and offered a handout to the Board. Mr. Galey asked for a building timeline. Mr. Cornescu replied. Mrs. Kerwin asked several questions about traffic concerns. Mr. Neuner asked about storm water and where the water would go. Mr. Davidson replied that the water will be taken care of on the lot.

PUBLIC COMMENT

Mr. Steve Cobb, West Avenue, asked if the building would be adjacent to the church lot.

Mr. Daryl Houghton, Church of Christ, asked about a swale along the property.

PUBLIC COMMENT CLOSED

A motion was made by Mr. Galey, seconded by Mr. Neuner, to approve the application to exceed the maximum allowable limits by 6.48% as shown on the "Impervious Area Limit" with three conditions: 1) storm water management can be provided in accordance with applicable regulations for proposed impervious, per the "Impervious Area Exhibit;" 2) DelDOT supplies a letter of no objection prior to development, per the "Impervious Area Exhibit;", and additional impervious surface remains as additional parking and 3) not additional gross floor area for either structure. The motion carried unanimously 5/0.

5. ADJOURNMENT

A motion was made by Mr. Neuner., seconded by Mr. Planchart, to adjourn the meeting at 3:45pm. The motion was carried unanimously 5/0.

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

