

**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

