

**BOARD OF ADJUSTMENT MINUTES**  
**TOWN OF OCEAN VIEW**  
**January 15, 2026, 3:00pm**

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

2. **APPROVAL OF THE AGENDA**

*A motion was made by Ms. Kerwin, seconded by Mr. Thornton, to approve the agenda. The motion was carried unanimously 3/0.*

3. **APPROVAL OF THE MINUTES**

*A motion was made by Mr. Thornton, seconded by Ms. Kerwin, to approve the minutes for the December 18, 2025, meeting. The motion was carried unanimously 3/0.*

4. **NEW BUSINESS**

A. **V-464 5 Canal 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).

Mr. Lober read his overview of the application. He said 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.

Mr. Mark Fitzgerald, Canalfront Builders LLC, was sworn in. He described the property as an irregularly shaped lot. He said he is looking to build a garage for classic cars, no storage needed to blend with the house. Mr. Fitzgerald noted the roof pitch is the same as the house. He noted that there were three letters of support, a fourth came in late.

Mr. Neuner asked if there is a HOA. Mr. Fitzgerald replied no. Mr. Thornton asked about an open attic. Mr. Fitzgerald replied just a skuttle opening.

Mr. Brice Jones was sworn in. He said he was the son of the owner, and the issue is the height of the garage. They have a stacker to store the cars and they need extra height.

Mr. Neuner stated he was concerned about the tree removal. Mr. Fitzgerald said they will create a new buffer. Ms. Kerwin asked about access to water. Mr. Fitzgerald said there would be a toilet and a sink. Mr. Thornton asked if the beams would be strong enough to hold a floor. Mr. Fitzgerald said no. Mr. Thornton asked if the garage would be as tall as the house. Mr. Fitzgerald replied no, the house is taller, with the same roof pitch.

*A motion was made by Mr. Thornton, seconded by Ms. Kerwin, to approve the variance application as long as there was no livable second floor and a buffer is reestablished. Mr. Neuner stated that there was exceptional practical difficulty due to shape of the lot. They all voted yes. The motion carried 3/0.*

PUBLIC COMMENT:

PUBLIC COMMENT CLOSED

5. ADJOURNMENT

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

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

