

BOARD OF ADJUSTMENT MINUTES
ZOOM TELECONFERENCE
TOWN OF OCEAN VIEW
December 16, 2021

1. Board of Adjustment Chair Susan Kerwin called the meeting to order at 7:00 pm with the Pledge of Allegiance. In attendance were Board Members Gene Brendel, Greg Neuner, Preston Coppels, and Bob Lawless. Planning Zoning and Development Director Ken Cimino, Solicitor Dennis Schrader, and Town Clerk Donna Schwartz. The meeting was held at 32 West Avenue.

2. **APPROVAL OF THE AGENDA**

A motion was made by Mr. Coppels, seconded by Mr. Brendel, to approve the agenda. The motion carried unanimously 5/0.

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Coppels, seconded by Mr. Neuner, to approve the minutes for the November 18, 2021, meeting. The motion carried unanimously 5/0.

Mr. Schrader read the rules of the meeting. He swore in Mr. Ken Cimino and Ms. Donna Schwartz. Ms. Schwartz confirmed that the applications had been advertised, noticed, and posted in accordance with the rules of the hearing.

4. **NEW BUSINESS**

- A. **V-425 20 Woodland Avenue (PIDN: 120.000 / CTM# 134-12.00-319.07)**

Application **V-425**, submitted by the property owners, James & Susan Quinn, for property zoned R-1 (Single-Family Residential District) located at 20 Woodland Avenue (PIDN: 120.000 / CTM# 134-12.00-319.07 / FEMA Flood Zone AE elev. 6.0). The property owners request variances from the following Town Code requirements:

1. Article XVI, §140-100-D (12)(b)[4] & Article III, §187-10-A, which allow driveways to be a maximum of 20 feet through the right-of-way. The property owners wish to maintain an existing driveway that exceeds this requirement.
2. Article I, §116-5-B(1)(a) of the Environmental Protection Chapter of the Town Code, which requires the lowest floor of a residential structure to be elevated to or above the base flood elevation plus 2.0 feet. The property owners wish to construct an addition that would connect the existing dwelling unit to an existing garage. The existing elevation of the garage floor is less than 2.0 ft above the base flood elevation. A portion of the floor of the proposed addition would also be less than 2.0 ft above base flood elevation.
3. Article V, §140-32, which requires that accessory structures attached to a principal building or structure maintain the same front yard setback as the principal structure. Article V, §140-28 creates a 25' setback for a side lot line abutting a street in the R-1 Single Family Residential zoning district. With the proposed addition, the existing garage would become part of the principal structure and would violate the 25' setback requirement associated with the side lot line abutting a street.

Mr. Cimino stated that the applicant is seeking three variances:

1. The existing driveway is approximately 25.9 feet, or 5.9 feet wider than allowed by current town code. The driveway was constructed and approved in accordance with old code requirements. The Office of Planning and Development views this as an existing non-conformity.
2. The most recent construction plans submitted to the Office of Planning and Development have since demonstrated compliance with Article I, §116-5-B(1)(a) of the Environmental Protection Chapter of the Town Code. As submitted, the project no longer requires a variance from Article I, §116-5-B(1)(a) as long as those portions of the garage and addition are utilized for parking, access, or storage only.
3. The existing garage was constructed and approved in accordance with old code requirements. The Office of Planning and Development views this as an existing non-conformity.

Mr. Schrader swore-in Mr. James Quinn, property owner. Mr. Schrader also noted that Item #2 was in compliance with the base flood elevation and did not need a variance.

Mr. Neuner asked why he was putting an addition on? Mr. Quinn replied for additional living space. Mr. Cimino noted that he was attaching the addition to the existing house. Mr. Schrader asked what year the house was built. Mr. Quinn replied 1980.

A motion was made by Mr. Coppels, seconded by Mr. Lawless, to approve the variances for Items #1 and #3. The motion carried unanimously 5/0.

5. ADJOURNMENT

A motion was made by Mr. Coppels, seconded by Mr. Lawless, to adjourn the meeting at 6:15pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, CMC
Town Clerk