

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
February 16, 2023, 3:00pm

1. 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 Bob Lawless. Planning Zoning and Development Director Ken Cimino, Solicitor Veronica Faust, Planner Jill Oliver, and Town Clerk Donna Schwartz. The meeting was held at 32 West Avenue. Preston Coppels was not present.

2. **APPROVAL OF THE AGENDA**

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

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Neuner, seconded by Mr. Lawless, to approve the minutes for the January 19, 2023, meeting. The motion carried unanimously 4/0.

Ms. Faust 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-441 13 Longview Drive (PIDN:103.130/CTM#134-12.00-311.03)**

Application V-441, is submitted by submitted by the property owners, Shane and Michelle Truitt, for property zoned R-1 (Single-Family Residential District) located at 13 Longview Drive (PIDN: 103.130 / CTM# 134-12.00-311.03). The property owners wish to construct a detached accessory structure (pole building) and are seeking a variance from Article V, §140-28 for all existing and proposed building/structures on the lot to exceed the maximum allowable lot coverage of 35%. The property owners also seek a variance from Article V, §140-32 for the detached accessory structure to exceed the maximum allowable height of 14 feet.

Planning, Zoning and Development Director Ken Cimino read the Standards for Variance completed by the applicant and then following overview:

Variance No. 1 – §140-28, Maximum Allowable Lot Coverage

The proposed improvement will increase the lot coverage to 44%, 9% more than the maximum allowable. As stated in the application submitted, the applicant states that there is no unique circumstance or condition that creates this overage. The Office of Planning, Zoning and Development finds that the difficulty created is the sole responsibility of the property owner.

Variance No. 2 - §140-32, Detached Accessory Structure Maximum Allowable Height

The proposed improvement will be 18 feet, 4 feet greater than the maximum allowable height allowable. As stated in the application submitted, the applicant states that there is no unique circumstance or condition that creates this overage. The Office of Planning, Zoning and Development finds that the difficulty created is the sole responsibility of the property owner.

Mr. Lawless asked if a home office was allowable use in town. Mr. Cimino replied yes.

Mr. Shane Truitt, the homeowner, was sworn in by Ms. Faust. He explained the need for the new pole building saying he was in the lawn maintenance business, and stated he would be removing a shed that is currently on the property. Mr. Truitt said only his lawn equipment would be kept in the shed.

Ms. Kerwin asked how many employees he hired. Mr. Truitt stated he was the sole employee. Mrs. Kerwin also questioned his driveway. Mr. Truitt stated he would not be adding to his driveway. Mr. Neuner questioned the amount of pre-existing lot coverage. Mr. Truitt said the front driveway is wider than the rear driveway. He also confirmed that the shed was out. Mr. Truitt confirmed that the shed was out. Mr. Lawless questioned the use of oversized buildings in town. Mr. Cimino stated that the pole building is creating the overage in lot coverage. Mrs. Kerwin asked if the pole building would have water service. Mr. Truitt replied, the building would have only electric service. Mr. Neuner commented that he saw no exceptional practical difficulty. He was concerned about drainage issues. Mr. Truitt stated he has no problem with drainage. Mr. Cimino suggested he remove something from the property. Mr. Truitt said the house is not overly large, that the problem must be the driveway.

There was no public comment.

A motion was made by Mr. Planchart, seconded by Mr. Lawless, to deny the variance because it did not meet the qualifications for a variance. The motion carried 4/0.

5. ADJOURNMENT

A motion was made by Mr. Lawless, seconded by Mr. Planchart, to adjourn the meeting at 3:31pm. The motion carried unanimously 4/0.

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