

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
April 20, 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 Preston Coppels 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. Greg Neuner and John Planchart were not present.

2. **APPROVAL OF THE AGENDA**

A motion was made by Mr. Lawless, seconded by Mr. Coppels, to approve the agenda. The motion was carried unanimously 3/0.

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Coppels, seconded by Mr. Lawless, to approve the minutes for the February 16, 2023, meeting. The motion was carried unanimously 3/0.

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-444 8 Winchester Drive (PIDN:004.920/CTM#134-12.00-1810.00)**

Application V-444 is submitted by the property owners, Glenn and Deborah Merckling, for property zoned R-1 (Single-Family Residential District) located at 8 Winchester Drive (PIDN: 004.920 / CTM# 134-12.00-1810.00). The property owners are seeking a variance from Article V, §140-32, which requires attached accessory structures to maintain the same front yard setback as the principal structure, to construct a porch addition that would encroach into the required front yard setback of twenty-five feet.

Mr. Cimino made the following comments: The existing front porch is ten feet wide and 5 feet deep (see photograph) and lies within the building envelope with additional area possibly available for improvements. Extending the existing porch to twelve feet deep will cause an encroachment into the front yard setback by 4.8 feet.

The office of Planning and Development does not recommend approval of this variance request.

Mr. Glenn Merckling was sworn in by Ms. Faust. He noted that he purchased the house in August of 2022, and explained that his wife has health issues and eventually he will need to install a ramp for her.

Mr. Coppels questioned if the deck would be in the setback. Mr. Merckling replied yes. Mr. Lawless asked if Mr. Merckling was aware of this situation prior to purchasing the property. Mr. Merckling replied yes. Ms. Kerwin observed that there is

not ample space on the front porch to replace the door. Mr. Cimino replied that the porch is 5' wide and 10' long, and there is only two' left for him to build out. The porch would be 2'8" into the front yard setback, saying Mr. Merckling needs a variance of 4'8".

PUUBLIC COMMENT

Mr. Randy Robust, Winchester Drive, was sworn in by Ms. Faust. He noted that the property was pretty run down when Mr. Merckling purchased it and he has made many improvements since. The property looks great. What is there currently does not look good.

Mr. Lawless commented that the Board has limited opportunity to bend the rules.

A motion was made by Mr. Coppels, seconded by Mr. Lawless, to deny the application. Mr. Coppels withdrew the motion.

A motion was made by Mr. Lawless, seconded by Mr. Coppels, to amend the application for variance to one' only. The motion was carried unanimously 3/0.

B. V-445 31 Woodland Ave/28 Central Avenue (PIDN:176.000/175.000)

Application V-445 is submitted by the property owner, Joanne Gichner, for properties zoned R-1 (Single-Family Residential District). The property owner is seeking a variance from Article IV, §140-25-A which requires that an accessory structure be incidental and subordinate to the principal use. The property owner wishes to maintain an existing detached accessory structure (pole building) without a principal structure (dwelling unit) on proposed lot No. 3 as depicted on the plan titled "Proposed Minor Subdivision for 31 Woodland Avenue & 28 Central Avenue." (31 Woodland Avenue, PIDN: 176.000 / CTM# 134-12.00-560.01 & 28 Central Avenue, PIDN: 175.000 / CTM# 134-12.00-319.00)

Mr. Cimino made the following comments: The applicant wishes to subdivide two parcels of land located at 31 Woodland Avenue and at 28 Central Avenue which will result in a non-compliant structure on proposed lot 3.

While there is another way to accomplish the result of the pole barn being located on newly formed lot 3, the Office of Planning and Zoning would like to recommend to the Board of Adjustment that, should you choose to grant this variance, conditions should be placed on the applicant to apply for a permit to construct a principal structure (dwelling unit) within two (2) years of the date of this variance. The results of this Board of Adjustment Hearing will be communicated to the Planning & Zoning Commission.

Ms. Joann Gichner was sworn in by Ms. Faust. Ms. Gichner stated she is looking to subdivide her property into three lots to divide among her children. The pole building will be on a lot with no primary residence, which is against the town code. Ms.

Kerwin asked if her house faced Central or Woodland. Ms. Gichner replied Central. Ms. Kerwin asked if she planned to remove or demolish the current house. Ms. Gichner replied it was not necessary. Mr. Coppels questioned if she would be building another house. Ms. Gichner said her children plan to someday build homes. Mr. Lawless commented that they would need to get a permit, which can only be extended by six months. Mr. Cimino stated the pole barn is currently part of 28 Central, suggested that it could be subdivided differently. Mr. Coppels asked when the pole barn was built. Ms. Gichner replied five years ago. Ms. Faust cautioned that the pole barn could be sold separately after the property is subdivided and suggested adding a condition to the variance. Mr. Lawless asked how soon her children planned to build homes. Ms. Gichner replied within five to seven years.

There was no public comment.

A motion was made by Mr. Lawless, seconded by Mr. Coppels, to approve the variance on the condition that the house be permitted within three years. The motion was carried unanimously 3/0.

5. **ADJOURNMENT**

A motion was made by Mr. Lawless, seconded by Ms. Kerwin, to adjourn the meeting at 4:00pm. The motion was carried unanimously 3/0.

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