

**BOARD OF ADJUSTMENT MINUTES**  
**TOWN OF OCEAN VIEW**  
**March 19, 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, Preston Coppels 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. Mr. Ron Galey was sick.

2. **APPROVAL OF THE AGENDA**

*A motion was made by Mr. Coppels, seconded by Mr. Thornton, to approve the agenda. The motion was carried unanimously 4/0.*

3. **APPROVAL OF THE MINUTES**

*A motion was made by Ms. Kerwin, seconded by Ms. Thorton, to approve the minutes for the January 15, 2025, meeting. The motion was carried unanimously 4/0.*

4. **NEW BUSINESS**

A. **V-466 4 Luzerne Drive (PIDN: 4413.087/CTM# 134-16.00-936.00)**

V-466 submitted by the property owners, John and Teresa Sevier seeks a variance from Article VII, §140-50-B and Article V, §140-29 of the Town Code on property zoned MXPC (Mixed-Use Planned Community), located at 4 Luzerne Drive (PIDN: 413.087 / CTM# 134-16.00-936.00).

Article VII, §140-50-B sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. Ordinance #282 (later amended by Ordinances #321 & #353) established the zoning designation of Mixed-Use Planned Community (MXPC) for Silver Woods and established some dimensional regulations for the single-family portion of the MXPC, including a maximum lot coverage of 45% for single-family lots, except for selected models erected on non-adjacent lots, which were permitted to have 50%.

The property owners are seeking a variance to exceed the maximum allowable lot coverage of 45% for a single-family lot in Silver Woods. The property owners wish to construct a concrete patio and walkway which would result in a total lot coverage of approximately 54%, exceeding the maximum allowable lot coverage by 9%.

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**

As of the writing of this overview, the Department has not received any correspondence either in support of or opposition to the application. The applicant has provided conditional approval from the Silver Woods Homeowners Association. The subject lot backs up to a 20 ft. wide swath of open space between it and the lots behind it. Should the Board choose to grant the variance, a single lot grading plan will be required to accompany the building permit application, which will be reviewed by the Department for code compliance.

Mr. John Sevier was sworn in by Mr. Jameson. He stated he was looking to build a small patio and walkway, but he was worried about the height of the back porch. Mr. Neuner questioned the height of the back porch. Mr. Sevier replied he would like it to be level with the existing porch. Mr. Coppels asked whether he had considered other materials. Mr. Sevier stated that pavers are not considered imperious. Mr. Sevier said he has a large house on a small lot. Mrs. Theresa Sevier was sworn in and stated that they needed a walkway for wheelchair use. Mr. Thorton asked if the neighbors had a walkway, Mr. Sevier answered no.

### **PUBLIC COMMENT:**

Mr. Roy Warren, 2 Luzerne Drive, stated he is a neighbor and has no problem with what they want to do. Mr. Neuner commented that there have been lots of variances from the Silverwoods development, lots of big homes on small lots. Mr. Coppels noted that it becomes concerning at 45%.

**PUBLIC COMMENT CLOSED**

*A motion was made by Mr. Copples, seconded by Mr. Thornton, to approve the application on the condition that a single lot grading plan is done. The motion passed unanimously 4/0.*

**B. V-465 5 Canal Court (PIDN:255.050/CTM# 134-13.00-4.05)**

Application V-465, submitted by the applicant and owner, Michael Cook of Cook Architecture, seeks variances as enumerated below on property zoned R-1 (Single Family Residential), located at 5 Canal Court. (PIDN: 255.050 / CTM# 134-13.00-4.05).

1. From §140-28 to allow the existing building to project 0.62 ft. into the required 25 ft. front side yard setback associated with West Ave.
2. From §140-28 to allow the existing building to project 12.33 ft. into the required 15 ft. side yard setback to the northwest.
3. From §140-28 to allow the existing building to project 19.69 ft. into the required 30 ft. rear yard setback.
4. From §140-28 to allow the existing building to project 3.66 ft. into the required 15 ft. side yard setback to the southeast.
5. From §140-33 to allow the proposed steps to project up to 1 ft. more than the maximum allowable projection of 4 ft. into the side yard setback
6. From §140-33 to allow the proposed steps to project up to 9 ft. more than the maximum allowable projection of 4 ft. into the rear yard setback
7. From §140-28 to develop the property with a proposed lot coverage of 39%, which exceeds the maximum allowable lot coverage of 35%.
8. From §140-100-D(12)-b(4), and From §187-10-A to exceed the maximum allowable driveway width of 20 ft. to construct a driveway at 21.5 ft. wide within the Town right-of-way.

The property owners wish to connect and renovate the two existing structures on-site resulting in one primary structure. Variances 1-4 are required so that the existing structures will no longer be considered non-conforming. The proposed development requires variances 5-8.

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 structures on the lot, the support of the neighbors, and the character of the existing community, the Department does not object to variances 1-4 associated with the existing structures. Given the overall proposed improvement to the property, the Department believes that the requests are reasonable and that the benefits will outweigh any detriment and therefore does not object to variances 5-8 associated with the proposed development.

Mr. Michael Cook was sworn in by Mr. Jameson. He spoke of the preservation /rehabilitation of structures on his property. He described doing this in three phases. Removal of part of the barn and removal of the bamboo. An addition to the house and a pool. The barn/garage will become a studio, with a new entry in the new addition. Lastly, a modified driveway.

Mr. Neuner questioned if he would eventually live in house. Mr. Cook stated yes in about four years. Ms. Kerwin asked if the shaded part was the new

addition. Mr. Cook replied yes, he noted that the old barn was built in 1920 and the house in 1979. Mr. Copples commented that the detail was great and asked if the property was grandfathered. Mr. Lober commented that it is allowed to remain however, not encouraged. Mr. Neuner said needed #8 at 21.5'. Mr. Cook stated he would prefer 39% and a 20' wide pool. Mr. Neuner questioned variances 1 through 7. Mr. Lober replied they have to do with lot coverage. The pool is pushing the lot coverage to 39%.

**PUBLIC COMMENT:**

None

**PUBLIC COMMENT CLOSED**

*A motion was made by Mr. Thornton, seconded by Mr. Neuner, to approve variance 1 – 7 lot coverage at 39%, with a single lot grading plan required. The motion passed unanimously 4/0.*

**5. ADJOURNMENT**

*A motion was made by Ms. Kerwin, seconded by Mr. Copples, to adjourn the meeting at 3:49pm. The motion was carried unanimously 3/0.*

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

