

SINCE 1889



TOWN OF OCEAN VIEW, DELAWARE
BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

admintov@oceanviewde.com / www.oceanviewde.com

SINCE 1889



Fee: \$ 750.00

V - 408

Variance is defined as relief from the strict application of the provisions of Chapter 140 of the Code when, owing to special conditions or exceptional situations, a literal interpretation of this Chapter will result in exceptional practical difficulties to the property owner.

Application, requesting a variance from the Code of the Town of Ocean View, is hereby made for property located at: 45 Old Forge Drive Ocean View, DE 19970. The Justification for the Variance

(Explanation of Hardship) is: Wife will need a walker and possible a wheel chair as her diagnosis dictates.

I/We, the property owner(s) and/or applicant(s) do certify that all information and documents provided for this application are accurate, to the best of our knowledge, and I/We further understand that a hearing will not be scheduled until this application is complete as determined by the Administrative Official of the Town of Ocean View.

Owner(s) of Record (Print): Gary Reinhold and Jennifer Rosier Phone #:

Address of residence: 45 Old Forge Drive Ocean View DE. 19970

Signature(s): Gary A. Reinhold Digitally signed by Gary A. Reinhold Date: 2020.09.02 12:50:05 -04'00' Date: (Property Owner(s))

Applicant(s) (Print): Gary Reinhold Phone #:

Address: 45 Old Forge Drive, Ocean View, DE 19970

Signature(s): Gary A. Reinhold Digitally signed by Gary A. Reinhold Date: 2020.09.02 12:51:12 -04'00' Date: (Applicant(s))

TOWN USE ONLY:

Administrative Official Signature:

45 Old Forge Drive

(PIDN: 413.098 / CTM# 134-16.00-947.00)

NOTICE IS HEREBY GIVEN BY the Board of Adjustment of the Town of Ocean View that a public hearing will be held on Application V-408, submitted by the property owners, Gary Reinhold and Jennifer Rosier, for a variance from Article VII, §140-50-B of the Town Code, which 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 321 adopted by Town Council on March 10, 2015 established Silverwoods as a Mixed-Use Planned Community (MXPC) with a maximum lot coverage of 45% in accordance with Article VI, §140-28 and Article VI, §140-29 of the Town Code.

The property owners wish to construct a paver patio and walkway that would exceed the maximum lot coverage on property zoned MXPC (Mixed Use Planned Community), located at 45 Old Forge Drive (PIDN: 413.098 / CTM# 134-16.00-947.00).

Date Received: 9/15/20 Date Advertised: 9/25/20 Hearing Date: 10/15/20

BOARD OF ADJUSTMENT USE ONLY:

Approved: Date Chairperson, Board of Adjustment

Denied: Date Chairperson, Board of Adjustment

Town of Ocean View

******RECEIPT FOR TOWN FEES******

Financial Good Standing	
Taxes current?	Checked:
Yes	JO
Invoices, if any, current?	
N/A	JO
Water charges, if any, current?	
N/A	JO

DATE 09/22/2020	PROPERTY OWNER NAME Reinhold / Rosier
PIDN 413.098	PROPERTY LOCATION 45 Old Forge Drive

MCSJ Acct #	Description of Fees	Amount
01-400-120-105	Building Permit # _____	
01-400-120-110	Sign Permit # S- _____	
01-400-120-115	Impact Fees (\$1,436.00 per New Construction for Capital Costs)	
01-400-120-120	Impact Fees (\$ 500.00 per New Construction for ESEF Program)	
01-400-120-120	ESEF @ .5%	0.00
01-400-120-125	Single Lot Development Fee	
01-400-125-175	P- _____ P&Z V-408 Board of Adj Fees	750.00
01-400-120-130	Other Fee (circle): Deed Recordation Bid Package	
	Other (describe): _____ Subtotal	\$ 750.00
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL FOR MCSJ FINANCE MODULE (General Fund Money Market)	\$ 750.00
01-400-121-110	Temp Bus License # _____	
01-400-121-135	Business License # _____	
01-400-121-155	Rental License # _____	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL FOR MCSJ A/R MODULE (General Fund Money Market)	\$ -
01-400-115-003	Real Estate Transfer Tax @ 1.5% (Transfer Tax Acct)	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL TRANSFER TAX MONEY MARKET ACCOUNT	\$ -
05-400-101-102	Water Permit # _____ (Water Fund)	
05-400-101-103	Water Service Connection (Water Fund)	
05-400-101-104	Water Inspection (Water Fund)	
	Subtotal	\$ -
05-400-201-110	CREDIT CARD CONVENIENCE FEE: Water 3%	
	TOTAL WATER SYSTEM CHECKING ACCOUNT	\$ -
	TOTAL DEPOSIT RECEIVED (May pay on one check)	\$ 750.00

Payment received by:

JO

Check #/CC Auth Code

ck# 2593

Name on Check if not

Property Owner

Date Received

9/15/20

Updated: cal 06/15/2015

SINCE 1889



TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor

Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

admintov@oceanviewde.com / www.oceanviewde.com

SINCE 1889



NOTICE

To: ALL APPLICANTS FOR VARIANCES, SPECIAL USE EXCEPTIONS, CONDITIONAL USES, BUILDING PERMITS AND OTHER PERMITS

Re: Homeowners' Associations and Restrictive Covenants and Conditions

Applicants for variances, special use exceptions, conditional uses, building permits and other permits, such as home based businesses, are required to comply with all Town Codes and with all deed restrictions applicable to their property.

Compliance with Town Codes and the granting of a Town variance, special use exception, conditional use, building permit or other permit does not eliminate the need for applicants to comply with deed restrictions applicable to their property or have their homeowners' association approval.

If a conflict exists between the requirements of deed restrictions and Town Codes, the more restrictive applies.

The Town will enforce its codes, but not deed restrictions, which will include *per diem* fines and court costs.

A violation of a deed restriction may result in legal action by a person authorized to enforce the deed restrictions and the applicant may be liable for the court costs and reasonable attorney fees incurred by the person enforcing the deed restrictions.

In order for the Board of Adjustment to grant a special use exception or variance, the Board must find that the applicant has proven the following:

STANDARDS FOR GRANTING OF VARIANCES

1. **Uniqueness**

- a. Unique physical circumstances or conditions (such as irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the property).
- b. That unnecessary hardship or exceptional practical difficulty is due to such unique conditions, and not to general circumstances or conditions and cannot be developed in strict conformity.

2. **Cannot otherwise be developed**

- a. There is no possibility the property can be developed in strict conformity with the zoning ordinance.
- b. That the variance is necessary to enable reasonable use of the property.

3. **Not created by the applicant**

- a. The unnecessary hardship or exceptional practical difficulty cannot have been created by the applicant.

4. **Will not alter the essential character of the neighborhood**

- a. The variance will not alter the essential character of the neighborhood.
- b. The variance will not substantially or permanently impair the appropriate use or development of adjacent property.
- c. The variance will not be detrimental to the public welfare.

5. **Minimum variance**

- a. The variance is the minimum that will afford relief.
- b. The variance will represent the least modification possible of the regulation in issue.

STANDARDS FOR GRANTING A SPECIAL USE EXCEPTION

- 1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.
- 2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code (for instance, time limitations).

BOARD OF ADJUSTMENTS STANDARDS FOR RELIEF

In order for the Board of Adjustment to grant a variance or a special use exception, the Applicant must be prepared to answer the following questions and address the following factors:

VARIANCES

1. Uniqueness

- a. Do you have a unique circumstance or condition, such as, irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical condition peculiar to the property? If so, please explain:

N/A

- b. Is there an exceptional practical difficulty due to such unique condition (and not related to general circumstances or conditions)? If yes, please explain:

Resident in home has difficulty navigating grass and uneven terrain and expecting to decline which may result in the use of a walker or wheelchair.

2. Possibility of Development

- a. Can the property be developed in strict conformity with the zoning ordinance without a variance? If not, please explain:

No. Per zoning ordinance the walk will cover more ground than allowed.

b. Is the variance necessary to enable reasonable use of the property?

Yes, Resident in home has difficulty navigating grass and uneven terrain and expecting to decline which may result in the use of a walker or wheelchair.

3. Has the difficulty been created by the Applicant? If not, please explain:

Yes, Resident diagnosis of health issues.

4. Effect on Surroundings

a. Will the variance alter the essential character of the neighborhood?

No

b. Will the variance substantially or permanently impair the appropriate use for development of adjacent property?

No

c. Will the variance be detrimental to the public welfare?

No

5. Extent of variance

- a. Will the variance represent the least modification possible of regulations at issue?

Yes

- b. Is the variance necessary to afford relief?

Resident in home has difficulty navigating grass and uneven terrain and expecting to decline which may result in the use of a walker or wheelchair.

- c. Will the variance represent the least modification possible of regulations at issue?

Yes

SPECIAL USE EXCEPTION

1. Will the exception substantially affect adversely the uses of adjacent and neighboring property?

No

2. Are there any other requirements, which are applicable to the specific exception being requested (for example, time limitations)?

No

Township of Ocean View DE

5 September 2020

Dear Sir/Madam,

I am writing to express my support of the hardscaping project submitted by Gary Reinhold for 45 Old Forge Drive in Ocean View. I have reviewed the plans and feel that they would add value to the home and community without any detriment to the "ecology" of the neighborhood. I am their back neighbor and see only positive impacts.

Thank you for your consideration

A handwritten signature in cursive script, appearing to read "Randi Johnson", written in black ink.

Randi Johnson
23 Old Forge Dr
Ocean View DE 19970

[REDACTED]

[REDACTED]

To whom it may concern,

We, the owners at 49 Old Forge Drive, who border Gary Reinhold's residence at 45 Old Forge Drive, agree with the variance that Gary has proposed to the town of Ocean View. We believe it will improve the neighborhood and property values.

Tom & Jenn Mentzel
49 Old Forge Drive
Ocean View, DE 19970

To whom it may concern,

My home at 46 Old Forge Dr. is across the street from Mr. Reinhold's property. I am aware of the hardscape project he wants to have installed at his home. I do not see it as being an eyesore or offensive in any way shape or form to me or any of his neighbors front, back or side. In fact, I think it be an attractive addition to his landscape.

Regards,
Nick Schauman



35370 Atlantic Ave.
Millville, DE 19967
302-541-5312
Fax 302-541-5313
www.excelpmllc.com

July 19, 2020

Gary Reinhold
45 Old Forge Drive
Ocean View, DE 19970

PROPERTY ADDRESS: Same as Above

RE: 10' x 20' Paver Patio with Sitting Wall, Sidewalk 221' Sq. Ft.

Dear Gary:

We are pleased to inform you that the Architectural Committee (ARC) has approved your installation of your 10' x 20' paver patio with sitting wall, sidewalk 221' square foot. All installations will be in spec with the application submitted.

This approval is pending the following requirements:

- All county, state and federal approvals and permits is the owner's responsibility.
- Any changes to the original ARC request or design must be resubmitted in writing and approved before changes can be made
- All costs associated with this project are the owner's responsibility
- All building materials must match existing style, color, quality, and manufacture
- Construction must be completed in a timely manner
- All building permits are the responsibility of owner.
- No storage of construction materials or dumping or rock/ debris piles in the street.
- This structure must be within the required building restriction/ property lines and are the responsibility of the owner to verify. Construction in any easement is not permitted.

Thank you for your cooperation.

Best regards,

Dave Baldo
Excel Property Management, LLC

ARC - TRACKING LOG



APPROVED
DATE: 8/19/20

ASSOCIATION Silver Woods

NAME Reinhold

ADDRESS 45 Old Forge

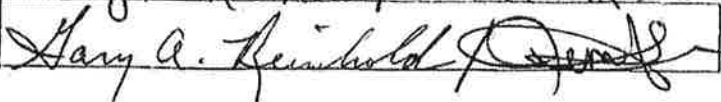
DESCRIPTION OF PROPERTY IMPROVEMENT

10' x 20' Paver Patio & side walk 221 sq. ft.
with sitting wall

DATE SUBMITTED 7-24-20

1. waiting on docs, ck, application
2. sent 8-14-20 - another copy of application
3. 8-17-20 dropped off ck (no application)
4. 8-17-20 Chad dropped off appl. to owners but he
5. 8-18-20 - Owner dropped off a different application ✓ could not open attachment in email
6. Reviewed on 8-19-20 Approved
7. _____

ARA
Architectural Review Application
 PLEASE PRINT NEATLY

DATE SUBMITTED	8/18/2020		
DATE STAMPED (BPM OFFICE)			
COMMUNITY	Silver Woods		
PROPERTY OWNER	Gary Reinhold and Jennifer Rosier		
STREET ADDRESS (of improvement)	45 Old Forge Drive		
LOT #	9B		
MAILING ADDRESS	45 Old Forge Drive		
CITY, STATE & ZIP CODE	Oceanview	DE	19970
DAY TIME PHONE NUMBER			
ALTERNATE PHONE NUMBER			
EMAIL ADDRESS			
DESCRIPTION OF IMPROVEMENT Please provide general description of improvement - EXAMPLE 15' x 12' porch with 10' x 10' deck			
	20' x 10' patio		
	221 sq ft paver sidewalk		
ESTIMATED START DATE	9-14-2020		
ESTIMATED COMPLETION DATE	9-25-2020		
SUBMITTED BY (PRINT)	Gary A. Reinhold / Jennifer Rosier		
SIGNATURE (OWNER)			

ARA
Architectural Review Application
Check List
PLEASE PRINT NEATLY

REQUIRED ITEMS	INCLUDED PLEASE CHECK OFF
ARA Architectural Review Application (completed & signed)	✓
SITE SURVEY (to scale, showing existing home, proposed improvement, easements and building restriction lines)	✓
ADDITIONS & PATIOS WITH RAISED WALLS (building plans showing plan & elevation views)	✓
PATIOS & DECKS WITHOUT RAISED WALLS (on grade, plans showing plan views)	n/a
LANDSCAPING (plans showing size, type & location of plants)	n/a
LIST OF MATERIALS (including manufacture, style, color & brochures if available)	✓
APPLICATION FEE OF \$75.00 MADE PAYABLE TO <u>EXCEL PROPERTY MANAGEMENT</u>	✓
CONTRACTOR COMPANY NAME	✓
ADDRESS	✓
CITY, STATE & ZIP CODE	✓
CONTACT PERSON	✓
CELL PHONE #	
OFFICE #	✓
FAX #	✓
CONTRACTOR BUSINESS LICENSES	✓
CONTRACTOR'S PROOF OF INSURANCE	✓
COUNTY BUILDING PERMIT - IF APPLICABLE	n/a

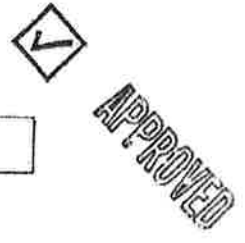
I HAVE READ MY COMMUNITY DOCUMENTS AND FULLY UNDERSTAND THEIR REQUIREMENTS.

SUBMITTED BY (PRINT) Gary A. Reinhold
SIGNATURE (OWNER) *Gary A. Reinhold*

If all required information has been provided, Excel Property Management will issue a decision within 30 days from the receipt of this application.

YOUR ARA APPLICATION HAS BEEN APPROVED
YOUR ARA APPLICATION HAS BEEN NOT APPROVED

BY:	DATE: 8-19-20
SIGNATURE:	



ARA
Architectural Review Application
Contractors Agreement

CONTRACTOR REQUIREMENTS

1. Proof of General Liability Insurance
2. Proof of Worker's Compensation Insurance
3. Copy of Business Licenses
4. Abide & comply with all community rules, regulations & restrictions
5. Maintain safety lines/tape/barricades around all open footings, ditches, holes & excavations
6. Maintain safety cones around vehicles parked on street
7. Job site must be cleaned up daily
8. The parking of trailers or dumpsters over night is prohibited
9. Working activity on weekends & holidays is prohibited
10. The property owner is responsible for the conduct and damage caused by contractors, vendors and their employees

CONTRACTOR'S NAME (PRINT)

Val Escobar

DATE

8-17-2020

CONTRACTOR'S SIGNATURE

on file

I/we the property owner of 45 Old Forge Drive Ocean View DE 19970
have read the community documents regarding addition, improvement, alteration and landscaping and
understand them fully. I/we also accept full responsibility for any damage caused by any contractors &
vendors and their employees.

PROPERTY OWNER'S NAME (PRINT)

Gary Reinhold and Jennifer Rosier

DATE

8-17-2020

PROPERTY OWNER'S SIGNATURE

Gary A. Reinhold Jennifer Rosier

Excel Property Management, LLC
35370 Atlantic Avenue
Millville, DE 19970
302-641-5312

CONTRACTOR REQUIREMENTS

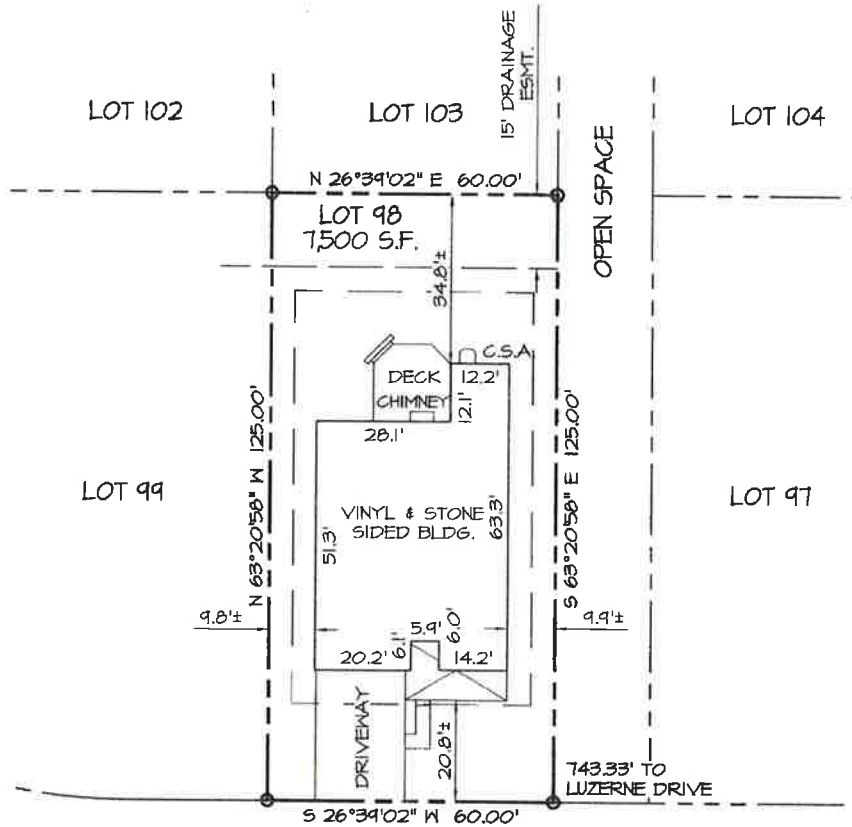
SURVEYOR'S CERTIFICATION

I, GARY S. POWERS, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE ESTABLISHED BY THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OF PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



Gary S. Powers
GARY S. POWERS, DE PLS 689

9/08/20
DATE



OLD FORGE DRIVE
(50' R.O.W.)

BUILDING SETBACKS

- FRONT: 20'
 - SIDE: 5' (MUST MAINTAIN 15' MINIMUM SEPARATION BETWEEN DWELLING UNITS AND ATTACHED ACCESSORY BUILDINGS/STRUCTURES)
 - REAR: 20'
- — — — — DENOTES MINIMUM BUILDING SETBACK LINE
- C.S.A. = CRAWL SPACE ACCESS
D.U.E. = DRAINAGE UTILITY EASEMENT

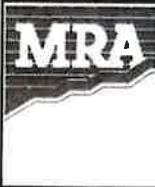
BAR AND CAP SET AT ALL PROPERTY CORNERS

A DRAINAGE EASEMENT, EQUAL TO THE MINIMUM SEPARATION OF 15' REQUIRED BETWEEN DWELLING UNITS SHALL BE PROVIDED.

A 10 FOOT WIDE DRAINAGE EASEMENT IS DEDICATED TO THE TOWN OF OCEAN VIEW ALONG ALL INTERIOR LOT LINES CREATED WITHIN THE SUBDIVISION. REFER TO DEDICATION & EASEMENT PLAT PREPARED BY BECKER MORGAN GROUP INC. DATED MAY 25, 2012.

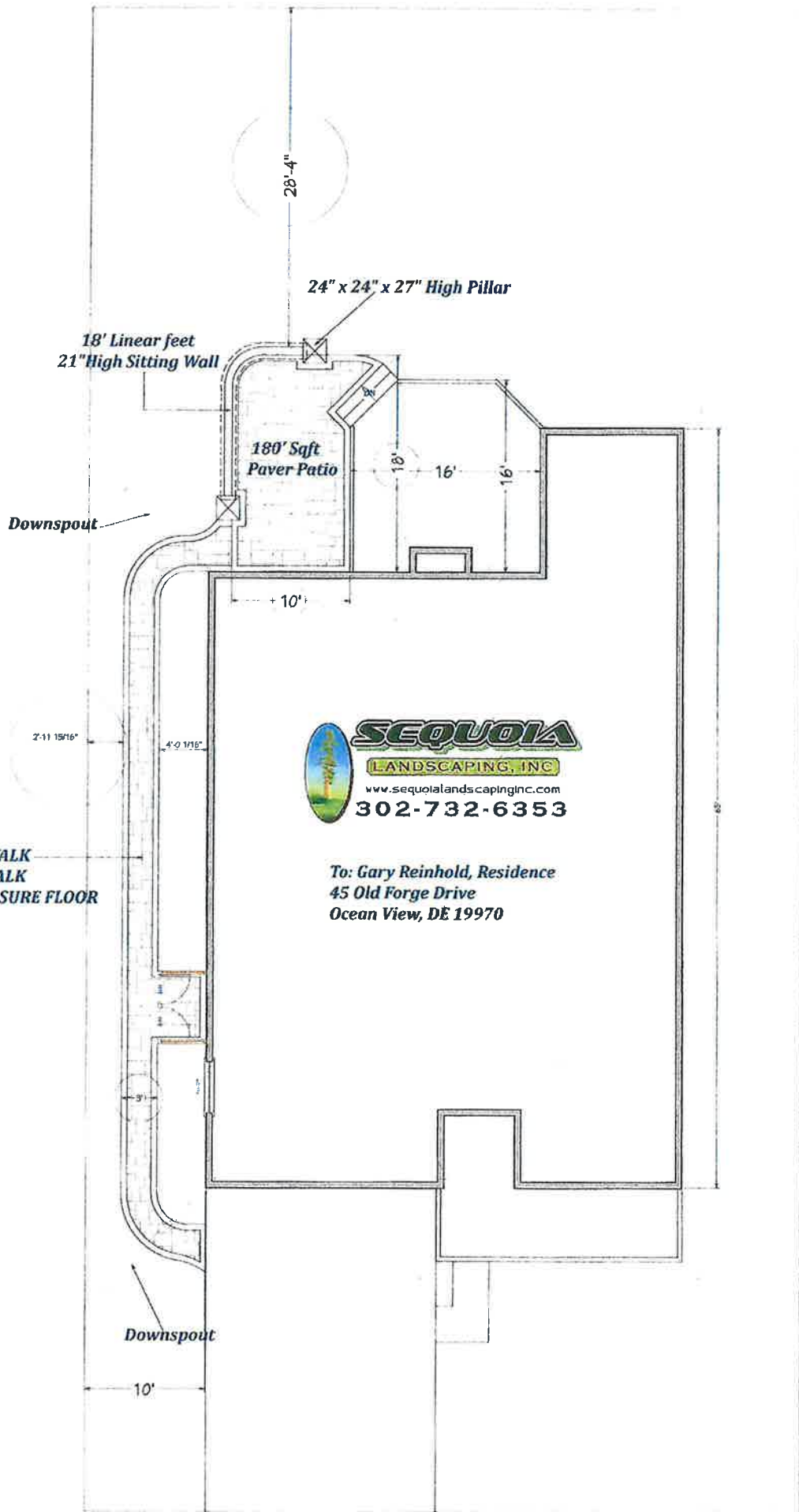
LEVEL OF ACCURACY IS BASED ON "SUBURBAN SURVEY" STANDARDS

TAX MAP PARCEL: 1-34-16.00-947.00



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHITECTS
8 West Market Street
Georgetown, Delaware 19947
(302) 855-5734

BOUNDARY SURVEY PLAN
LOT 98
PHASE I - RECORD PLAT
SILVER WOODS SUBDIVISION
PLOT BOOK 221 PAGE 23
TOWN OF OCEAN VIEW SUSSEX CO., DELAWARE
FOR: RYAN HOMES



To: Gary Reinhold, Residence
45 Old Forge Drive
Ocean View, DE 19970

THIS DESIGN IS PROPERTY OF SEQUOIA LANDSCAPING, INC. THE UNAUTHORIZED USE OF THIS DESIGN BY THE HOMEOWNER OR OTHER CONTRACTOR IS PROHIBITED. IF USED, A \$500.00 FEE WILL BE CHARGED AND WILL BE PROSECUTED IF NOT PAID.



**221' SQFT PAVER SIDEWALK
36" WIDE PAVER SIDEWALK
AND INCLUCDE HE ENCLOSURE FLOOR**



SEQUOIA
LANDSCAPING, INC.
www.sequoialandscapinginc.com
302-732-6353

To: Gary Reinhold, Residence
45 Old Forge Drive
Ocean View, DE 19970

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