



TOWN OF OCEAN VIEW, DELAWARE  
BOARD OF ADJUSTMENT  
SPECIAL EXCEPTION APPLICATION

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

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

admintov@oceanviewde.com / www.oceanviewde.com



Fee: \$ 750.00

V - 409

*Special Exception is defined as a use that is generally desirable for the general convenience and welfare, but because of its nature and location, requires additional review by the Board of Adjustment to assess its impact on neighboring properties and the entire Town.*

I (We) hereby request that a special exception, be granted for property located at:

85 Atlantic Avenue, Ocean View, Delaware

Proposed Use for the property and Justification for a Special Exception: Brewpub

*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 of Record (Print): CJ Pines, LLC Phone #: \_\_\_\_\_

Address of residence: 36219 Old Church Cemetery Road, Frankford, DE 1994

Signature(s): *Kenneth W. Linn*, Manager Date: 9-14-2020  
(Property Owner(s))

Applicant (Print): Ocean View Brewing, LLC Phone #: \_\_\_\_\_

Address: 220 Rehoboth Avenue, Unit A, Rehoboth Beach, DE 19971

Signature(s): *Scott E. Kammerer* Date: 9/15/20  
Applicant(s)

**TOWN USE ONLY:**

Administrative Official Signature: *Kenneth W. Linn*

85 Atlantic Avenue

(PIDN: 093.000 / CTM# 134-12.00-300.00)

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-409, submitted by Ocean View Brewing Company, LLC, an entity of the SoDel Restaurant Group, with permission of the property owners, C.J. Pines, LLC, requesting a Special Exception, as required by Article IV, §140-24 (Permitted uses and structures, attachment 1) of the Town Code, in order to establish a Brewpub in accordance with Article VI, §140-42.1 on property zoned GB-1 (General Business District 1), located at 85 Atlantic Avenue (PIDN: 093.000 / Sussex CTM#: 134-12.00-300.00).

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?	JO
N/A	JO
Water charges, if any, current?	JO
Yes	JO

DATE <b>09/22/2020</b>	PROPERTY OWNER NAME <b>CJ Pines, LLC</b>
PIDN <b>093.000</b>	PROPERTY LOCATION <b>85 Atlantic Avenue</b>

MCSJ Acct #	Description of Fees	Amount
01-400-120-105	Building Permit # _____	
01-400-120-110	Sign Permit # <b>S-</b> _____	
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	<b>P-</b> _____ P&Z <b>V-409</b> Board of Adj Fees	750.00
01-400-120-130	Other Fee (circle): <b>Deed Recordation Bid Package</b>	
	Other (describe): _____ Subtotal	<b>\$ 750.00</b>
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	<b>TOTAL FOR MCSJ FINANCE MODULE (General Fund Money Market)</b>	<b>\$ 750.00</b>
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%	
	<b>TOTAL FOR MCSJ A/R MODULE (General Fund Money Market)</b>	<b>\$ -</b>
01-400-115-003	Real Estate Transfer Tax @ 1.5% (Transfer Tax Acct)	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	<b>TOTAL TRANSFER TAX MONEY MARKET ACCOUNT</b>	<b>\$ -</b>
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	<b>\$ -</b>
05-400-201-110	CREDIT CARD CONVENIENCE FEE: Water 3%	
	<b>TOTAL WATER SYSTEM CHECKING ACCOUNT</b>	<b>\$ -</b>
	<b>TOTAL DEPOSIT RECEIVED (May pay on one check)</b>	<b>\$ 750.00</b>

Payment received by: **JO** Check #/CC Auth Code **ck# 5170**  
 Name on Check if not Property Owner **SoDel Concepts II** Date Received **9/15/20**



Attorneys at Law

VINCENT G. ROBERTSON  
Rehoboth Beach Office  
302-226-8702  
[vrobertson@pgslegal.com](mailto:vrobertson@pgslegal.com)  
Firm Website: [www.pgslegal.com](http://www.pgslegal.com)

September 15, 2020

Town of Ocean View, Delaware  
Board of Adjustment  
201 Central Avenue  
2nd Floor  
Ocean View, DE 19970

**RE: Brewpub Application  
CJ Pines Center  
85 Atlantic Avenue**

Dear Members of the Board:

This letter is in support of the application for a Special Exception related to 85 Atlantic Avenue. The Applicant is Ocean View Brewing, LLC, an entity owned by the SoDel Restaurant Group.

The proposed brewpub will be located within the footprint of the pad site previously approved by the Town for the CJ Pines shopping center. The Applicant and their team have designed a very attractive building to be located on this site. Color renderings of the proposed building are attached.

The SoDel Restaurant Group currently operates another very successful brewpub along Route One, just outside of Rehoboth Beach. That facility, known as "Thompson Island Brewing Company", is a larger operation than what is proposed for this site. From their very positive experience in operating Thompson Island, they know that there will be no odors or noise from the small brewing operations that will occur at this new brewpub. Also, the deliveries to and from the brewpub associated with the brewery operations are minimal; their frequency cannot be differentiated from the regular deliveries associated with a standard restaurant operation.

In addition to all of the approvals necessary from the Town to operate a brewpub, the Applicant is in the process of obtaining the required approvals from the Delaware Alcoholic Beverage Control Commission as well as a federal TTB permit.

In accordance with Section 140-42.1 of the Code of Ocean View, the Applicant further represents the following:

- Food sales at the premises will constitute more than 50% of the total business revenue.

Town of Ocean View, Delaware

Board of Adjustment

*RE: Brewpub Application, CJ Pines Center, 85 Atlantic Avenue*

September 15, 2020

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- No more than 50% of the gross floor area of the establishment will be used for the brewery functions.
- Take-out service of beer only occur in containers that hold a gallon or less of liquid (commonly identified as “growlers”), except for sales of kegs for the very limited purposes outlined in §140-42.1D (kegs for special events for the exposition of beers and kegs for Town-sponsored events).
- All mechanical equipment visible from streets and alleys shall be screened.
- Loading bays for the brewing operations shall not face any streets, and the access points for the brewing operations shall remain closed except when goods, materials and products are being loaded into, or unloaded out of, the building.
- Deliveries associated with the brewing operations shall only occur between the hours of 8:00 am and 8:00 pm, Monday through Saturday, and 11:00 am and 7:00 pm on Sundays and national holidays.
- No outdoor storage associated with the brewing operations shall occur on the site.

For all of these reasons, it is respectfully requested that a Special Exception be approved to allow Ocean View Brewing to operate at 85 Atlantic Avenue.

Sincerely yours,

**PARKOWSKI, GUERKE & SWAYZE, P.A.**



Vincent G. Robertson, Esquire

VGR/kl

CC: Ocean View Brewing, LLC

*Town of Ocean View, DE  
Friday, September 25, 2020*

## Chapter 140. Land Use and Development

### Article VI. Additional Use and Dimensional Regulations

#### § 140-42.1. Brewpub.

[Added 7-12-2016 by Ord. No. 330]

In addition to all other applicable standards of the zoning district, an establishment that meets the definition of a brewpub shall comply with the following:

- A. Revenue from food sales shall constitute more than 50% of the total business revenues;
- B. No more than 50% of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
- C. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a United States gallon (3,785 ml/128 U.S. fluid ounces). These containers are commonly referred to as growlers;
- D. Brewpubs may sell beer in keg containers larger than a United States gallon (3,785 ml/128 U.S. fluid ounces) for the following purposes and in the following amounts:
  - (1) An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers;
  - (2) An unlimited number of kegs for Town cosponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event cosponsor, but is instead dispensed by employees of the brewpub.
- E. All mechanical equipment visible from the street (excluding alleys) or an adjacent residential use or residential zoning district shall be screened;
- F. Access and loading bays shall not face toward any street, excluding alleys;
- G. Access and loading bays facing an adjacent residential use or residential zoning district shall have the doors closed at all times, except during the movement of raw materials, other supplies, and finished products into and out of the building;
- H. Service trucks, for the purpose of loading and unloading materials and equipment, shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., Monday through Saturday, and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
- I. No outdoor storage shall be allowed. This prohibition includes the use of fixed or portable storage units, cargo containers and tractor trailers.





- AREA BREAKDOWN:**
- BREWERY = 531 SF
  - COOLER = 108 SF
  - STORAGE = 348 SF
  - OFFICE = 85 SF
  - LIFT = 64 SF
  - MECH. ROOF = 803 SF



SEAL:

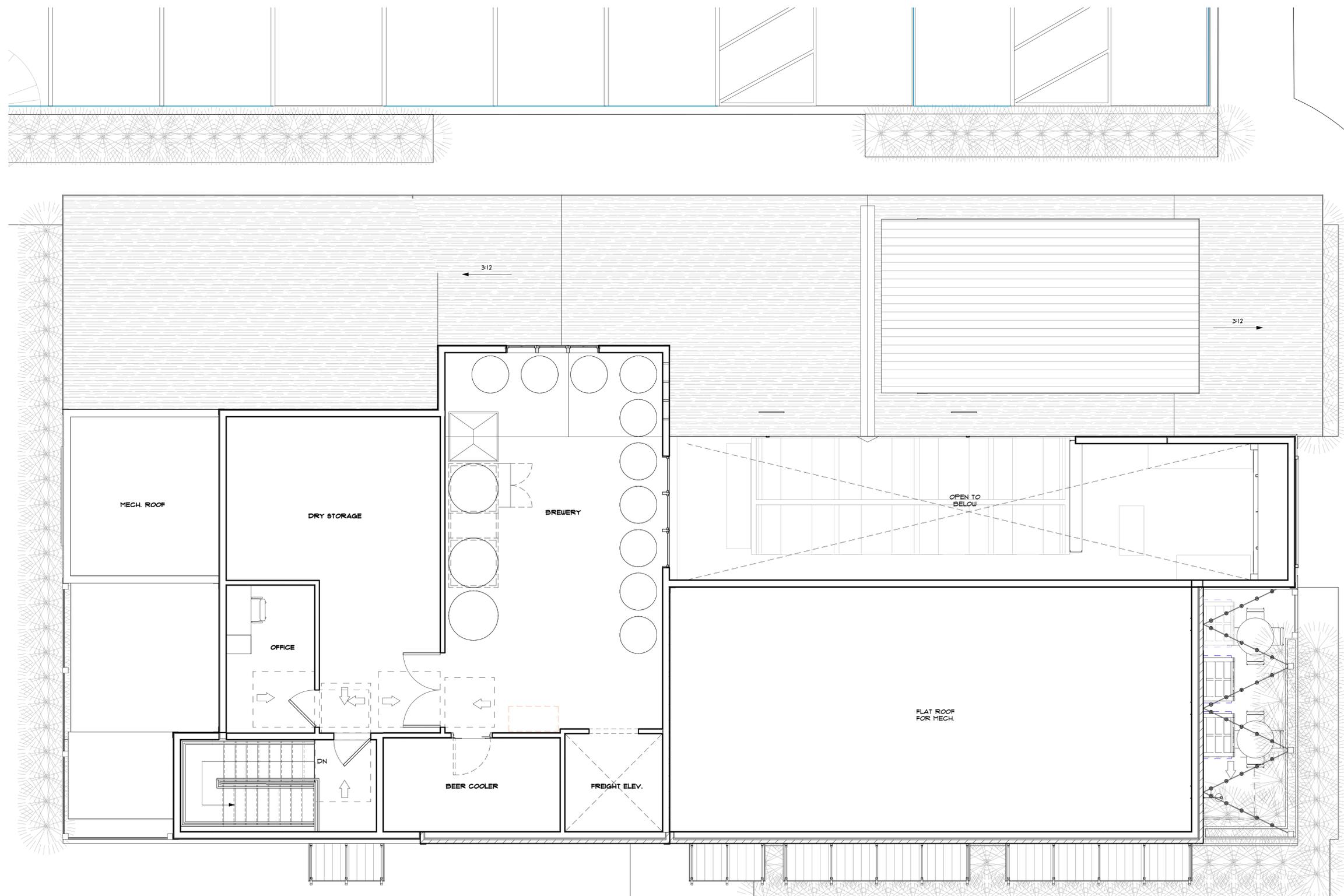


PROFESSIONAL CERTIFICATION:  
I CERTIFY THAT THESE DOCUMENTS WERE  
PREPARED OR APPROVED BY ME, AND THAT I AM  
A LICENSED ARCHITECT UNDER THE LAW.

LICENSE NO.: S5-0007610  
EXPIRATION NO.: 01.31.2022

THE DOCUMENTS PREPARED BY FISHER  
ARCHITECTURE, LLC, ARE SOLELY FOR  
THE PURPOSES OF THE SPECIFIED  
PROJECT. THEY ARE NOT TO BE USED OR  
AUTHORIZED FOR USE ON ANY OTHER  
PROJECT. FISHER ARCHITECTURE, LLC  
MAKES NO REPRESENTATION AS TO  
THEIR SUITABILITY FOR ANY OTHER USE.  
ALL DOCUMENTS PREPARED BY FISHER  
ARCHITECTURE, LLC ARE INSTRUMENTS  
OF PROFESSIONAL SERVICE IN RESPECT  
OF THE PROJECT. THESE DOCUMENTS  
ARE, AND SHALL REMAIN, THE PROPERTY  
OF FISHER ARCHITECTURE, LLC.

CONSULTANTS:



SODEL REDFIN OCEAN VIEW

DE ROUTE 26 AT WOODLAND AVENUE  
OCEAN VIEW, DE

SHEET INFO:

SECOND FLOOR  
PLAN

REV	DATE	DESCRIPTION
DATE:	2019/07/23	
PROJECT NO.:	2019XXX	
SCALE:	1/4" = 1'-0"	
FROM:	Designer	
DRAWN BY:	Author	
SHEET NUMBER:		

① SECOND FLOOR 1,110 GROSS SF  
1/4" = 1'-0"

A-102

DELAWARE'S  
**OCEANVIEW**  
BREWING COMPANY





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