

Town of Milton  
Board of Adjustment Committee  
Minutes  
October 24, 2006

Members Present:

John Collier	Larry Savage	Marion Jones	Joan Martin-Brown
Brenda. Burns	Jack Vessel	Matt Dotter	

Others Present:        Robin Davis                John Brady

**Board of Adjustment**

**Public Hearing**

Chairman John Collier opened the meeting and introduced the public hearing:

1.        The applicant, Kelly Sharp, is requesting a variance from the Town of Milton, Article 5, Section 5.1 (Density Control Table) minimum rear yard setback for R-1 zoning. The applicant is requesting a reduction in the minimum rear yard setback from fifteen (15) feet to seven (7) feet. The property is located at 110 Genoa Lane further identified by Sussex County Tax Map and Parcel # 2-35-14.00-445.00.

John Collier- Is there anyone here on behalf of the applicant?

Kelly Sharp- I would like to get a variance for a screened in porch on the back of my house.

John Collier- Anyone from the board with any questions for Mrs. Sharp?

John Collier- There is one letter from Michael MacDamerer , 106 Sailor Lane, Milton, De. The letter states that Kelly Sharp has his approval for a closed porch. Is this the lot directly behind you?

Kelly Sharp- No it isn't.

John Collier-Is there a public comment? Pro or Con? Shipbuilder was designed under residential standards but there was an agreement between the builder and the Town of Milton to adhere to R-1 setbacks. This is why it is necessary for a variance to be granted.

Brenda Burns- The depth of the property is 83' w/front set back at 32'. With a 15' porch there is only a clearance of 7' from the other property.

John Collier-The drawing states there is an 8' foot variance; they only need a 7' variance. Are there any other questions?

Mrs. Butler- I heard there was a mix up in the zoning for the setbacks. How does this affect the variance?

John Collier- The development was granted a R-2 zoning, however the developer reached an agreement to build to R-1 standards and setbacks.

Mrs. Butler- How do we know what the property lines are?

John Collier- Property lines have not changed. Any other questions or comments?

Matt Dotterer – If it passes, are we required to have a final placement survey?

John Collier- We will address that later, this is only a public hearing for commentary.

2.        The applicant, Kathleen Sperl-Bell, is requesting a variance from the Municipal Code of the Town of Milton. Item one: Article 5, Section 5.1, Table 1 (Density Control Table) minimum side yard setback for R-1 zoning. The applicant is requesting a reduction in the minimum side yard setback from ten (10) to seven

point five (7.5) feet. Item two: Article 5, Section 5.2 (Corner Lots) minimum front yard on side street in all districts. The applicant is requesting a reduction in the minimum side street setback from fifteen (15) feet to nine (9) feet. The property is located at 422 Chestnut Street further identified by Sussex County Tax Map and Parcel #2-35-20.07-32.00.

John Collier- Is there anyone here on behalf of this application?

Bill Bell- We are requesting a variance for the setbacks, as the house wasn't built square with the lot. The width of the lot on average is 45'.

John Collier- It is one of the non- conforming lots.

Bill Bell- We want to keep the garage and the sunroom addition in line with the house.

Mr. Collier-Is the sunroom enclosed or open?

Bill Bell- The sunroom is enclosed with a 4' porch.

Mr. Collier- Does anyone have any questions?

Marion Jones- I know you are here for the 7.5' variance. Is there any issue from the front edge of Poplar St?

John Collier-Yes, that is item 2. This is a corner lot with a side set back 15'. Does anyone have any questions?

Closed this portion of public hearing.

## Board of Adjustment

### **Additions or Corrections to Agenda**

John Collier- Are there any corrections to agenda? Can I get a motion?

Jack Vessel- Motion

John Collier-Do I have a second? Those in favor " Aye", Opposed-none. Agenda approved.

### **Approval of Minutes**

John Collier- August 22, September 12, and September 26. Is there a motion for August 22? Any additions or corrections.

Marion Jones- Motion to accept minutes for August 22

Matt Dotter-Second

John Collier- All those in favor "Aye". Opposed-None. September 12, Any corrections?

Jack Vessel- Motion to approve.

Brenda burns- Second.

John Collier-All those in favor "Aye" Opposed-None. September 26, Any corrections?

Jack Vessel-Motion to approve.

Larry Savage- Second

John Collier-All those in favor " Aye" Opposed-None

1. The applicant, Kelly Sharp, is requesting a variance from the Town of Milton, Article 5, Section 5.1 (Density Control Table) minimum rear yard setback for R-1 zoning. The applicant is requesting a reduction in the minimum rear yard setback

from fifteen (15) feet to seven (7) feet. The property is located at 110 Genoa Lane further identified by Sussex County Tax Map and Parcel # 2-35-14.00-445.00.

Brenda Burns- Property is extremely close to the next house, about 29’.

John Collier- If this was an open porch it could encroach on up to ½ the distance for the side and rear setbacks, although this porch is to be enclosed.

Brenda Burns- If it was a screened porch it would be ok.

John Collier- If it was a screened porch it wouldn’t require as large a variance.

Brenda Burns- Is that something the applicants would consider.

Mrs. Sharp- I am requesting the variance to have a roof overhead instead of a deck.

Brenda Burns- My concern is that it sets a precedent for the development, to build within 7’.

John Collier – This hasn’t been the first variance heard by the board for this. Zoning was originally for R-2 and then changed to R-1.

Jack Vessel- I move for approval of application.

Marion Jones- I second it.

John Collier- All those in approval “Aye” Opposed-None. Variance granted.

2. The applicant, Kathleen Sperl-Bell, is requesting a variance from the Municipal Code of the Town of Milton. Item one: Article 5, Section 5.1, Table 1 (Density Control Table) minimum side yard setback for R-1 zoning. The applicant is requesting a reduction in the minimum side yard setback from ten (10) to seven point five (7.5) feet. Item two: Article 5, Section 5.2 (Corner Lots) minimum front yard on side street in all districts. The applicant is requesting a reduction in the minimum side street setback from fifteen (15) feet to nine (9) feet. The property is located at 422 Chestnut Street further identified by Sussex County Tax Map and Parcel #2-35-20.07-32.00.

John Collier – Is there someone here on behalf of applicant?

Bill Bell- House was built crooked to lot and we want to keep it in line with the house.

John Collier- Existing dwelling is non-conforming. I assume you intend to park in the garage at all times. Bill Bell- Exactly

John Collier – Thank you for providing the plot plan with stamp and seal. Are there any questions?

Brenda Burns- I make a motion to approve and supply As-Built drawings.

Jack Vessel- Second.

John Collier- Motion to Approve and require As-Built drawings. Any Questions? All in favor “Aye”. Opposed-None. Motion carried.

John Collier- Closed Board of Adjustment

## **Historic Preservation Board**

### **New Business**

- a. The applicants, Richard & Lee Wheeler, are requesting a sign permit to install a sign for an Interior Design Studio at 311 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-167.00.

John Collier- Is there someone here on behalf of application?

Mr. Wheeler- Last month I presented a sign, which had two concerns, the look and shape of the sign, and how far the placement from the property line. The size will be 24" X 26", which is 4.24sq ft. There was a survey done in June 2003 by Peninsula Survey, who are out of business. I went to Charles Murphy and Associates of Milford, and had him look at the site. I have copies for you. He does most of his work in Milford and was preparing this property based on designs for Milford's historic area. Mr. Murphy stated that my property line goes to the end of the sidewalk. It is 6.5' from property line to the tip of porch. Therefore the sign placement could meet the town ordinance of 5' behind the property line. I propose to leave it the same.

John Collier- I don't know what the right of way line is. The plan is only valid with an embossed seal or original signature. Discretion is to the Board. Any questions?

Matt Dotterer – Are you hanging it from a post?

Mr. Wheeler- It is two-sided and will hang from a single post.

Matt Dotterer- Is it a decorative post?

Mr. Wheeler- PVC most likely, but it doesn't matter.

Marion Jones- I like the revised sign but I don't like the placement on the driveway line. The other homes in the area are placed on the structures.

Mr. Wheeler- Ordinance states that it must be affixed to the face of the building.

John Collier-Section 8.1.1 Identification signs, such identification signs may be affixed to the face of the building or may be erected on a post or posts not over 4' in height, located in the yard and at least 5' from the property line, not to impede pedestrian traffic.... How would you like to proceed?

Brenda Burns- Motion to approve the sign

Larry Savage- Second.

John Collier- Are there any questions? Do we want it hung on a cedar, decorative, or a pvc post?

Brenda Burns- I amend my motion to include a decorative post with a finial, to keep with the historical district.

Larry Savage- Motion to second

John Collier-All those in favor " Aye" Opposed "Nay" 2- Marion Jones, Joan Martin-Brown , Split Vote

Joan Martin-Brown- Oppose as to the placement of sign.

Marion Jones- Opposed for the same reason.

- b. The applicant, The Milton Historical Society, is requesting sign permits for signs to be installed at 210 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-99.00.

John Collier- Is there anyone here on behalf of the applicant?

Anne Yarborough- Historical Society is requesting 3 signs. The first sign is a kiosk for people walking to see what will be happening in the next few weeks. The second sign will be to identify the museum as the Lydia Black Cannon Museum. The third sign is for the museum gift shop.

Brenda Burns- So sign #3 is to be mounted on the railing

Anne Yarborough- Theresa sent copies of 2 of the signs, the ground sign and the museum sign.

John Collier- For the bulletin board sign is there any attempt to illuminate it?

Anne Yarborough- No

Joan Martin-Brown- Where is the Lydia Cannon Sign to be located? Will it be below the big window? And against the building

Anne Yarborough- Yes, below the window but not against the building.

Marion Jones- Is there any time the museum gift shop is open that the museum is not? Is this in addition to the sandwich board sign?

Anne Yarborough- It is just a temporary sign. We may only use the sandwich board for a special event.

John Collier- How many feet of building frontage is there?

Anne Yarborough- I was told about 60'.

John Collier- In town center, the ordinance states that total display of all signs shall be 1.5 sq ft of display for each area, facing a main street or highway. I don't think we've exceeded that.

Matt Dotterer-Sign 3 must be 5' from the sides and the front.

John Collier- the 5' applies to the hanging type sign, not wall signs. The only one that is described as being off the property line is the permanent bulletin board that they are entitled to as a non-profit organization.

Brenda Burns-It doesn't impede traffic in any way.

Joan Martin-Brown- I have concerns about the height of the sign, detracting from the building.

John Collier-They cannot have two identical signs, but you can have four different ones. They had to make a choice as to placement. Are there any other questions? May I have a Motion.

Jack Vessel- Motion to approve signs.

John Collier-All in favor" Aye", Opposed-None.

Brenda Burns-Second. Motion Carried

- c. The applicant, Glenn Howard, is requesting a building permit to replace the asphalt shingles on the porch roof with metal standing seam and replace 23 windows in the house. The property is located at 402 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-38.00.

John Collier- Is there someone here on behalf of the application?

Mr. Howard- I would like to replace the asphalt shingles with standing seam because the porch roof leaks and I would like to replace the 23 windows.

John Collier- And you are changing the style of the windows.

Mr. Howard- The back of the house is currently different than the front and I would like all the windows to be the same.

John Collier- The standing seem is it pre colored?

Mr. Howard- Yes, but they will be the same color.

John Collier- Are there any questions or comments?

Brenda Burns- I drive by your house everyday. I think you are doing a wonderful job. Very nice.

John Collier- Are there any questions from the public?

Lynn Ekelund- 406 Union St. I think your doing a great job on the house.

Bill Bell- What kind of windows are you going to use?

Mr. Howard- It is a capital window, and I have pamphlets. It is a replacement window. I am not going to get rid of the windows and I plan on storing the originals. They are vinyl.

John Collier- Are there any questions?

Joan Martin-Brown- Motion to approve application.

Brenda Burns- Second.

John Collier-We have a motion and a second to approve as submitted. In favor “ Aye”,  
Opposed-None. Motion carried.

- d. The applicants, Joanne Mattioni & Susan Denise Suthard, are requesting a sign permit to install a sign for a pet boutique located at 309 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-168.00.

John Collier- Is there someone here on behalf of the application?

Joanne Mattioni- Sign was prematurely installed by Quillen’s, and we just need an approval for it. (Board has pictures of the sign.)

Brenda Burns- I think the sign is of the proper size for the district.

Marion Jones- On September 21, the sign was recognized as being hung without being before the board. Did you receive notification to remove the sign?

Joanne Mattioni- No, we received notification to cover the sign.

Marion Jones- When did you receive the notification?

Joanne Mattioni- Just a few days ago.

Marion Jones- Prior to that you didn’t receive a phone call.

Joanne Mattioni-We received a call and called Quillen’s and was told it would cost more to have it removed.

Marion Jones- Did you receive a call from a town official to alter the sign and it was hung without coming before the board?

Joanne Mattioni- Yes, I did.

Marion Jones- How long after you hung the sign did you get the call?

Joanne Mattioni- About a week after.

John Collier- I like the sign, but the post may not be exactly what might be approved. Is there any public comment?

Lynn Ekelund- I have a question concerning the sandwich board.

John Collier- The sandwich board is not in town center, they are in a R-1 district and it is not allowed. It is a problem for code enforcement.

Susan Denise Suthard- Are you going to make all business in the downtown area remove their sandwich boards?

John Collier- If they are in town center, it is allowed.

Marion Jones- Why did you put up the sandwich board when you had just received notification of the sign being hung without approval?

Joanne Mattioni- I didn’t know the sandwich board was not allowed. I put it up because people were walking in, and I wanted to let them know the store was not open.

Brenda Burns- Motion for approval

John Collier- Motion for approval as erected. Can I get a second?

Matt Dotterer- I would like to see a more decorated post.

Joanne Mattioni- Quillens assured us the post/sign met with the character of the town. It would cost a lot of money to have it changed.

John Collier- I would like to see a finial or paint. Would you consider adding a finial and painting it? And how long would it take?

Joanne Mattioni-It is pressure treated and will take time before it can be painted.

Brenda Burns- I amend the motion to include a finial to the post and since Ms. Suthard is a professional painter, request it to be painted within 6 months.

Matt Dotterer- Second.

John Collier- Lets call a vote. All in favor “Aye” Opposed” Nay”- 3.

John Collier- I vote for approval. Motion carried.

Joan Martin-Brown- I don’t want this to become a commercial strip. The town center is supposed to be the business section. I also don’t approve of the design of the sign.

Larry Savage – Voted against it because it is in violation.

Marion Jones- The same reason as Mr. Savage, because of the freestanding post, and because the applicants were knowingly in violation.

Susan Denise Suthard – Excuse me, not knowingly.

Marion Jones – Did you receive information the code (cut off by applicant).

Susan Denise Suthard – No we did not.

- e. The applicant, Kathleen Sperl-Bell, is requesting a building permit to build a sunroom and garage addition to an existing dwelling located at 422 Chestnut Street further identified by Sussex County Tax Map and Parcel # 2-35-20.07-32.00.

John Collier- Is there someone here on behalf of the application?

Bill Bell- Requesting a building permit for the exterior materials to be used for the addition. The siding is Harding plank, and the windows will be weather shield simulated. They will be divided which are similar to the current windows.

John Collier-What are the garage doors going to look like?

Bill Bell- The doors will look like a carriage house.

John Collier- Are there any questions?

Marion Jones- Is it binding as we can’t be specific about the garage doors? I would like you to provide a picture of the doors to the code enforcer.

John Collier- Is the material for the door metal?

Bill Bell- The material would be a vinyl clad aluminum type.

Matt Dotterer- Is the foundation block or brick?

Bill Bell- It will be block, parched.

Brenda Burns- If we make a motion to approve, it should come with a condition for approval of the garage doors at the next meeting. We need to see the brochures.

John. Collier- Motion to approve conditionally. They must provide a picture by next meeting of the doors.

Jack Vessel-Second

John Collier- Are there any public comments?

Matt Dotterer-Is the porch screened in? Are there decorative posts?

Bill Bell-It is not screened in and the posts are square column posts, craftsmen style. 8-12” at the base narrowing to 6” to the top.

John Collier- All those in favor “Aye” Opposed-None.

- f. The applicant, The Town of Milton, is requesting approval for the design of the sign to be installed at Town Hall located at 115 Federal Street further identified by Sussex County Tax Map and Parcel # 2-35-20.07-88.00.

John Collier- Is there someone here on behalf of the application?

George Dickerson- It will be a non-illuminated double-sided wooden sign, 30" X 36".

The property located in town center.

John Collier- Are there any questions?

Anne Yarborough- I have a question concerning the ship on the sign. It was mastered by a Milton sea captain but it was not built in Milton. You may want to find another ship.

John Collier- Does anyone want to make a motion?

Joan Martin-Brown- Motion for approval.

Brenda Burns- Second.

John Collier- Motion and a Second to accept as presented. All those in favor " Aye"-

Opposed-None.

Meeting adjourned.