

Town of Milton  
Board of Adjustment  
Minutes  
February 25, 2003

Members Present:

John Collier

Marion Jones

Larry Savage

John Collier opened the meeting. The board members read the minutes of the previous meeting held on January 28, 2003 and approved them in written form.

- 1. An application from Daniela Atkins for a variance from the Municipal Code of the Town of Milton, Article 4, Section 3, Table 1 (Table of District Regulations) front yard setback for R-1 zoning. The applicant requests an 8' front yard setback variance from 30' to 22' for the property located at the corner of Frederick Street and Bennett Street further identified by Sussex County Tax Map and Parcel number 2-35-14.15 123.00.*

John Collier introduced the application and asked who was here to represent the application. Jason Atkins presented the application for a decrease in the front yard setback from 30' to 22' for the placement of a home to face Fredrick St. Mr. Atkins stated due to the size of the lot and the size of the home they wished to place on the lot the current setbacks could not be met. The lot size is 65' x 118', and the house they wished to place on the lot was 28' x 60'. With the current setbacks in place the house would encroach on these front yard setbacks by 8'. John Collier asked if the side and rear yard setbacks will be met and Mr. Atkins stated they would be in compliance with these setbacks. John Collier asked if there was anyone opposed of the variance, and received no response. John Collier then asked if there was anyone for the variance and Mrs. Carol Atkins who lives across the street from the lot said she did not have a problem with the granting of the variance.

John Collier stated after reviewing the application and visiting the site he was in favor of granting the applicant an 8' variance in the setback there by having a 22' setback vice 30'. Due to the size of the lot, this would correspond with the character of the neighborhood, and did not appear to have a negative affect to the community. John Collier informed the applicant that there was only one side of the yard that could be built upon that would permit them to remain with in the side yard setback.

Marion Jones stated that she also visited the site and after reviewing the application, she was in favor of granting the applicant an 8' setback variance. This home would be an asset and would conform to the character of the community.

Larry Savage also stated that he also visited the site and after reviewing the application, and reviewing the building plans he feels by granting the applications waiver would be in best interest and conform to the character of the community.

Final Findings 3 votes for granting the waiver.

2. *An application from Del Phoenix LLC/Phoebe Sachs representing Raymond and Catherine Sachs for a variance from the Municipal Code of the Town of Milton. The applicant requests 5 separate variances from the following Chapters, Articles and sections:*
  1. *Article 4, Section 3, Table 1 (Table of District Regulations) requesting front yard setback be reduced from 30' to 20' on 8 proposed lots.*
  2. *Article 4, Section 3, Table 1 (Table of District Regulations) requesting Minimum Width be reduced from 75' to 55' on lots 3 and 6.*
  3. *Article 4, Section 3, Table 1 (Table of District Regulations) requesting Minimum Depth be reduced from 100' to 75' on lots 2,3,4,5,7 and 8.*
  4. *Chapter 17 Section 17-20(d) minimum right-of-way for minor street from 50' to 30' the applicant is proposing a 10' utility easement to be dedicated to the Town of Milton on each side of the road.*
  5. *Chapter 17 Section 17-20(o) minor roadway width from 34' between curbs to 20' between curbs.*

John Collier introduced the application and asked who was here to represent the application. Jessica Nichols, Raymond and Phoebe Sachs introduced themselves.

John Collier stated he would like to start with item #5 first and review each variance individually. Jessica Nichols from Meridian Engineering stated they are proposing an 8-lot subdivision off Coulter St and Collins St. The lots are zoned R-1 and laid out to meet the minimum requirement for square footage that being 10,000 sq ft. Jessica Nichols stated based on the layout of the existing lot dimensions she felt the roads were adequate for this size of a subdivision and typical road width of a Sussex County subdivision street which is 20' in width 10' from center line and is not less than the typical street for a Sussex County subdivision. It is Fire Marshall accessible. Therefore this road only being used for these lots the developer feels the road width is acceptable at 20'. John Collier asked what type of curb and gutter was being used. Jessica Nichols stated it was the integral rolled curb and gutter. John Collier asked has this plan been submitted to the Fire Marshall for review. Jessica Nichols stated it has not been submitted to the Fire Marshall as of yet however the Milton Fire Chief did review the plat and his comment was he would like to see the road as wide as possible but he did not have a problem with the current design. John Collier's concern was the short radius compound curve that was on the plat. Jessica Nichols stated that she did run a template for a single body truck for movement within the road width and all though it does require the full roadway width it can make the moves. Marion Jones asked about the parking on the streets and Jessica Nichols stated there would be no on street parking permitted and signs would be installed stating such as well as deed restrictions. John Collier asked to see the street width wider. Jessica Nichols stated they intended to increase the road width to 24' – 25' however plat was submitted with request and the plat did not get changed. Phoebe Sachs stated she had visited neighbors in the area and presented to the committee letters of no objection. This item was deferred to a later time in the hearing.

John Collier moved to item #4 for the minimum right-of-way. John Collier stated that the reduction of the right-of-way from 50' to 30' with the added 10' utility easement on both sides of the road was acceptable with the character of the neighborhood and that the 10' utility easement would be in effect until the Town of Milton has no further need for it. John Collier granted the variance for a 30' right-of-way with the 10' dedicated utility easement.

John Collier explained to the board members that the dedicated property still comes to 50' for the utility right-of-way, however the street width if approved could only be 30' wide.

Marion Jones granted the variance as written due to it not affecting the proposed street width in the development and taking in to consideration the current width and right-of-way of Coulter Street. She feels it is in character with the surrounding area.

Larry Savage stated that he agreed with the committee's comments and voted to grant the variance for a 30' right-of-way with the 10' utility easement on both sides.

John Collier moved to item #1 in regards to the setbacks. John Collier asked the applicant to explain why they needed a reduction to the front yard set backs. Jessica Nichols explained that the reduction would allow for a larger house and establish a community feeling bringing the homes closer to the streets. Jessica Nichols also explained that with the front and rear setbacks as they are it would restrict the size of homes that they are intending to construct in the area. John Collier asked if this is a hardship or not and does not think this is considered a hardship but more of an advantage for the developer. Jessica Nichols said they were trying to use some of the ideas from the LPD Zoning. Jessica did not think that there was a hardship because homes could be fit on the lots but not to the size they were looking for. Phoebe Sachs stated that the actual hardship with this is to the individuals in the developed area and was not creating a hardship for anyone else without development. However if they were to build the homes to the back of the properties then they could actually create a hardship for the surrounding neighbors, which is not their intention.

John Collier move to item 1 and proposed granting a variance to reduce the front yard setback from 30' to 25' vice the 20' requested the board members and the applicant were in agreement with this. John Collier stated he would grant the variance for 25' front yard setback and that it does conform to the character of the neighborhood and will not have an adverse effect.

Marion Jones does not agree with the 20' front yard setback but would agree with the 25' front yard setback.

Larry Jones stated the same he did not agree with the 20' front yard setback but would agree to 25' front yard setback.

The Board voted unanimously to grant a 25' front yard setback vice 30'.

John Collier moved to items 2 for the reduced front yard width. John Collier stated due to the design and the nature of the layout and the developer meeting the minimum sq ft requirement per lot he was in favor of granting the variance for 55' front yard width for lots 3 and 6.

Marion Jones stated she feels this is a responsible design and because the way it is situated on the land she agrees with granting the variance for a 55' front yard width for lots 3 and 6.

Larry Jones stated he liked the lay out of the development and he agreed to grant the variance for 55' front yard width.

John Collier reviewed item 3 and agreed to grant the variance for a lot depth reduction to 75' on lots 2,3,4,5,7 and 8. Stating the developer meets the minimum sq ft per lot for R-1 zoning.

Marian Jones voted to grant the variance for a lot depth reduction to 75' on lots 2,3,4,5,7 and 8.

Larry Jones also voted to grant the variance for a lot depth reduction to 75' on lots 2,3,4,5,7 and 8.

John Collier revisited item #5 street widths. John asked the applicant if they were going to propose a new width for the roads in the development what would the requested width be? Jessica Nichols ask if the board would be open to 24'-25' edge of pavement to edge of pavement

not to include the curb and gutter, which would be additional. Jessica Nichols stated on an engineering standpoint she would like to use 24' for the road width. John stated with the gutter pan of the curbing it would actually be 26' of drivable surface if needed. Jessica agreed.

John Collier stated that he was in favor of the 24' street width. It is wider than the first proposed and wider than the streets that it will be connecting to but less than the required 34' as per the Town Ordinance. This conforms to the character of the neighborhood and will permit emergency vehicle easier access. Jessica Nichols reiterated that there would be no on street parking and signage would be install.

Marion Jones stated she would grant the variance for 24' street width as long as signage is installed and deed restrictions stating no on street parking permitted.

Larry Savage stated he would agree to the 24' street width variance as discussed.

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John Collier

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Marion Jones

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Larry Savage