

Town of Milton  
Board of Adjustment  
Minutes  
January 27, 2004

Members Present:

John Collier

Marion Jones

Larry Savage

Town Members:

Eric Evans

*John Collier opened the meeting.* The minutes from the last Board of Adjustments on September 23, 2003 were read and approved with corrections. *Mr. Collier introduced the application from Damalier Molina for a variance from the Municipal Code of the Town of Milton, Article 14, Section 8, Item 4 (Accessory Buildings and Structures) rear yard setback for accessory buildings and structures in a R-1 zoning district. The applicant requests a two (2') foot rear yard setback variance from six (6') feet thereby making the rear yard setback four (4') feet from the property line for the property located at 330 Behringer Avenue further identified by Sussex County Tax Map and Parcel number 2-35-14.19 154.03.*

Mr. Damalier Molina explained his application. Mr. Molina stated he was asking for a dominions variance of 2' from what was required of 6'. Mr. Molina described the site layout and stated he was asking for the variance so he could add an addition onto the house at a future time. Mr. Molina stated that his hardship was the lots that were subdivided at the time were done so to create smaller lots and did not anticipate the uses of today's families. It was agreed that the lot is smaller than the current zoning and was a nonconforming lot.

John Collier asked for the dimensions of the deck. Mr. Molina stated he was putting a 2' walk way around the pool and the deck area is going to be 8'-10'. Mr. Collier stated that with out the deck there was approximately 35' between the pool and the house. Mr. Molina stated the addition has not been defined at this time. Mr. Collier stated the walkway will need to be 3' around the pool. Ms. Jones asked if the applicant was aware of any variances granted for similar issues (setback) in any adjacent properties. Mr. Molina stated he was not aware of any granted. Mr. Evans stated he was not aware of any variances granted by the Town. Having no further question from the BOA members Mr. Molina thanked the members for their time. Mr. Collier asked if there was anyone present else present for or against this application. Having none the BOA was called at ease and the Mr. Molina was told that a decision would be available Wednesday morning from the Town Hall.

The BOA resumed their meeting and discussed the application. The following comments were made on the application:

John Collier stated the lack of proving a hardship and not having plans for the addition it's difficult to determine the needs of a variance. John Collier made a motion to deny the variance application.

Marian Jones stated that she believes it is detrimental to public welfare and additional threat to public safety when the pool is located 4' from an alley that is not lighted. Also

the request does not meet the requirements of Article 9 Section 4 (Special Yard Exceptions) and hardship was not proven. Marian Jones motioned to deny the variance application.

Larry Savage stated the setback is necessary due to the alley's presents and needs to be 6' as required by the Ordinance and there was no hardship proven. Larry Savage motioned to deny the variance application.

Minute Approved:

\_\_\_\_\_  
John Collier

\_\_\_\_\_  
Marion Jones

\_\_\_\_\_  
Larry Savage