

Town of Milton  
Board of Adjustment Committee  
Minutes  
October 25, 2005

Members Present:

|               |              |               |                |
|---------------|--------------|---------------|----------------|
| Marion Jones  | Larry Savage | Matt Dotterer | Paul Camenisch |
| Town Members: | Eric Evans   |               |                |

*Ms. Jones opened the meeting and introduced the application from Charles and Marie Burton, who are requesting a variance from the Municipal Code of the Town of Milton, Article 7, Section 7.4.1.3 location of an accessory building in the front yard setback. The applicant is requesting the placement of a garage in the front yard setback vice side or rear yard. The property is located at 114 Marshall Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-13.00.*

Mr. Wright Parker, construction manager of the project, addressed the board and stated the applicant is requesting to be allowed to leave the accessory building free standing instead of attaching it to the house as Town Code requires. The original plan showed a walkway connecting the two structures but because of the elevation of the house platform height from the stairs and the elevation of the sidewalk, the roof would be difficult to connect. Due to this problem, the owners and architect are asking for a variance. The owners would like to preserve a 36-inch diameter pine tree and moving any closer to the tree would risk its survival. When asked by the board, Mr. Parker stated it would be possible to connect the buildings. The awkward part is going around the tree and trying to keep the look of the roofline from the house to the carport.

It was noted that a neighbor had spoke to Mr. Evans and had no objection with the request. No one from the audience stepped forward to support or opposes the request.

Ms. Jones stated unless the owner can be any more distinct on the elevation and the hardship there, she made a motion to deny the request. She believes the information was available to the owner and architect before construction began. The motion was seconded by Mr. Dotterer. All those in favor. Aye.

Ms. Jones concluded the meeting for the Board of Adjustment.

***Historic Preservation Board***

Ms. Jones opened the meeting and introduced the following applications:

*The applicant Episcopal Diocese of DE. Is requesting a building permit to erect a sign for the property located at 307 Federal Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-104.00 which is located in the Historic Overlay District.*

Mr. Gary Lauren addressed the board and stated the current sign is set back from the road and not clearly visible to motorists. The church would like to erect a 3 X 6 illuminated sign to announce services and church functions.

Ms. Yarbrough stated she is against the sign and feels the current sign is more appropriate. She does not feel the new sign fits into the neighborhood.

Ms. Jones stated there was one piece of correspondence in opposition of the sign to be entered on record.

There was clarification regarding the existing sign being relocated to the side of the building, on Prettyman Street.

Mr. Dotterer stated it was difficult to compare to other church signs since those signs were already in place before the Historical Ordinance was written. He likes that the sign will be sized down but feels the white background will stand out too much to those coming down the street.

The sign will be lit from early evening to around 11:00 p.m.

Ms. Jones wanted to clarify the sign will be 3 X 6 and bronze tone. There was question as to which signs would remain since the church is only able to have two signs on the property. Mr. Camenisch would like to see a proportioned sign and the location of where it will be placed in relation to the church before voting on the issue. Mr. Dotterer agreed.

Mr. Evans clarified that the sign that is against the church will have to be removed because it exceeds the limit of signs allowed on the property. Mr. Evans asked the board if they would rather see direct light instead of florescent lighting. Mr. Dotterer would like to see it on paper first. Mr. Evans gave the applicants a few suggestions on other materials that could be used for the sign.

The application was tabled until the applicant can provide a materials list and a new drawing to scale of the new size and location of the sign.

*The applicant Kellie McGinnis is requesting a exterior building permit for the property located at 425 Federal Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07 28.00 which is located in the Historic Overlay District.*

Bill Moore addressed the board on behalf of Ms. McGinnis. Mr. Moore stated the applicant would like to wrap the porch around the house and the mud room pushed back. He provided pictures and a materials list. The windows, shingles and siding will be replaced with like material and would be put back to the original state.

There was no one present to oppose or approve of the request.

Mr. Dotterer asked Mr. Moore about the windows. Mr. Dotterer and Ms. Jones would like to see divided lights on the windows. Mr. Moore may have to buy the mullions and install them himself. Ms. Jones asked about the asbestos shingles on the mud room. Mr. Moore stated there will be mineral fiber siding. The deck material will be dutch fir or something similar. The posts and molding will match the existing materials. The porch will be shingles and the mud room will have a metal roof. The 45 degree supports will have to be hand made to match. There will be brick supports under the porch with lattice between the supports. The railings will have to change to meet code.

If Mr. Moore can not get posts to match the front of the house, he will have to take the front posts out and have matching posts in both areas.

Mr. Camenisch made a motion to approve the application with the condition the materials match or be replaced to make all of the work look the same. The motion was seconded by Mr. Savage. All those in favor. Aye.

Mr. Camenisch asked about the enforcement on the variance codes and variances given out to homeowners. He wanted clarification on the enforcement if the homeowner does not follow the board's requirements. Mr. Evans stated he is the person who follows up on the applications. Mr. Camenisch stated 208 Chestnut Street was to have one structure, open in the middle covered by one roof. Mr. Evans will make sure the owners are completing the project as approved.

The meeting was adjourned.