

Town of Milton
Board of Adjustment
Minutes
April 26, 2005

Members Present:

John Collier	Marion Jones	Larry Savage	Joan Martin-Brown
Matt Dotterer	Paul Camenisch		
Town Members:	Eric Evans		

John Collier opened the meeting. Mr. Collier introduced the application from Andrew Meddick and Thomas Mcglone. They are requesting a variance from the Municipal Code of the Town of Milton, Article 5, Section 5.1 (Density Control Table) minimum front yard width for R-1 zoning. The applicants are requesting a reduction in the minimum front yard width from seventy-five (75) feet to sixty-four (64') feet along Lavinia Street. The property is located at 201 Lavinia Street further identified by Sussex County Tax Map and Parcel number 2-35-14.19 4.00.

Thomas McGlone introduced himself and proceeded to explain his request. He stated he is requesting a minimum front yard width variance from 75' to 64'. Mr. McGlone also stated the last time they were before the board they were asking to divide 1 lot into 3 lots, and with a great amount of feed back from the neighbors and the comments from the Board helping us with this process. We realized you did us a great favor in identifying things such as setbacks and things we were not aware of and thought the surveyor was looking out for our best interest toward the code. It appeared that after the feedback from you that, that is not what was happening. As a result we went back to reconsider what our plan was. Are plan is still the same in subdividing the parcel so we can become Milton residents and live on one parcel and have an organic farm on one parcel. The farm would enable them to have a local produce business. Those plans are still in place. As a result we met with the surveyors and had them put together a new site plan with a building envelope showing the building setbacks where we could put structures on these two lots if we are given the approval to create these two lots.

John Collier asked if there were any questions from the board members.

Marion Jones asked if parcel 2 had any intentions to have a entrance from Lake Drive? Mr. McGlone stated the entrance for both parcels would be from Lavinia Street, which I think was a concern from the neighboring properties along Lake Drive.

Mr. Collier asked by the Plot that the building setback for lot 2 will be 30' from the back of lot 1. Mr. McGlone stated that is correct. Mr. Collier asked if Mr. McGlone if he was would to place that restriction on the dead should we grant this variance? Mr. McGlone stated he was. Mr. Collier asked then the narrow piece would be used as the driveway to the rear of the property. Mr. McGlone stated it was.

Alan Davis representing the owners along Lake Drive. We are glad to see the property owners take the concerns that were expressed at the last meeting and make modifications to see the property developed appropriately for the neighborhood. We would also like to state that bad relations to begin with don't make bad neighbors.

John Collier recommended a vote by the Board that we grant the front yard width as asked with the condition that this variance only occurs when Town council approves the partition of the lot and the setback line from lot 2 be 30' from lot 1.

Marion Jones seconded the recommendation.

Mr. Collier asked how the board felt on the recommendation.

Mr. Dotterer stated for, Mrs. Martin-Brown stated against, Mr. Camenisch stated for, Mr. Savage stated for, Mrs. Jones stated for and Mr. Collier stated for.

Mr. Collier stated with the conditions the variance is granted however you still need to get Town Council approval for the partition.

Mr. Collier introduced the application from Robert Chambers is requesting a variance from the Municipal Code of the Town of Milton, 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 width from ten (10') feet to five 5' feet. The property is located at 206 Chestnut Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-96.00.

Bill Bell stated he is representing the applicant and proceeded to explain the request. Mr. Bell stated the request for the variance is for the addition of a first floor bathroom. Because the way the house was built and its location to the property line what we would like to do is build the addition out to the existing house's edge.

John Collier asked if they were widening the existing width. Mr. Bell stated no.

Marion Jones stated they are proposing more than just a bathroom. Mr. Bell stated you are right we are proposing a porch and a carport also. Mr. Collier asked if there was an entrance for the car from the other side of the property. Mr. Bell stated there was.

Paul Camenisch stated there was a porch there previously.

Mr. Collier asked if anyone had a comment either for or against the application. None

Paul Camenisch motioned to accept the offer for a variance.

Matt Dotterer seconded the motion.

Marion Jones stated in keeping with the neighborhood I have no opposition in granting the variance.

Larry Savage voted for the variance, Joan Martin-Brown voted in favor of the variance, Matt Dotterer stated he second the motion and has objection and John Collier stated he was for granting the variance.

The Board granted the variance for the side yard setback.

Historic Preservation Board

The applicant Robert Chambers is requesting a exterior building permit for 206 Chestnut Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07-96.00 which is located in the Historic Overlay District.

Bill Bell proceeded to explain the historic review. The current building is cedar lap siding and in keeping with the conformity the material that is being removed for the bathroom will be used on the exterior of the addition. As pieces break or new material is needed it will be cedar lap siding. The window that is being removed will be reused on the addition. The new shingles will be architectural shingle to match the current roof. The storm doors are new on

the side of the house and are half glass half aluminum and a new storm door for the front of the house is the full glass panel.

John Collier stated he did not think anything was being asked that was outside the realm of the ordinance.

Matt Dotterer asks what the roof pitch was going to be. Mr. Bell stated between 3" and 4". Mr. Dotterer stated once you get down to 2 12 pitch you will need to go to rolled roofing. Mr. Camenisch stated to make the roof match the house you need to make the pitch. The need to go as high as you can to use shingles is no problem but if you cannot get the pitch and need to use rolled roofing aesthetically it would not match. We need to stipulate that in order for you to do this you need to use architectural shingles. Which will be 2 12 or greater.

Marian Jones asked the age of the home. It was stated the floor joist are tree trunks so it could be 100-200 years old.

Ms. Jones asked about the area around the deck. Mr. Bell stated the area around the deck from deck to ground would be enclosed in cedar. All the material on the deck except the joist will be cedar. Marian Jones stated she didn't see any other open-air porches in the neighborhood. Also the storm doors for the sides look vary modern, and I can see the old doors would never work.

Joan Martin-Brown made the motion to approve the design under the new historic ordinances with the stipulations as discussed by the panel and rearticulated by the chair.

John Collier stated the stipulations are as follows: The use of architectural grade shingle is required and that it has sufficient pitch to enable that.

Paul Camenisch seconded the motion. Mr. Collier stated he was in favor of the motion, as did Mrs. Martin-Brown, Mr. Dotterer, Mr. Savage and Ms. Jones.

Plans excepted as stipulated.

The applicant Gary Merz is requesting window signage for the Federal Street Gallery & Espresso Bar. The building is located at 108 Federal Street further identified by Sussex County Tax Map and Parcel number 2-35-20.07 69.00 which is located in the Historic Overlay District.

Gail Merz stated she was representing the application and proceeded to explain the signage. The sign will be a vinyl window sign to be placed in the front window gold lettering green background. She also asked about the sandwich board out front. They have been using the sandwich board sign during the summer months but chose not to put it out in the winter months. Mr. Collier asked Eric Evans about the sandwich board sign. Mr. Evans stated they have used it in the past and it is in good character with the area.

Charlene Jones stated she feels the sign is appropriate for the neighborhood.

John Collier motioned to grant the window sign as presented. Marion Jones seconded the motion. All voted in favor.

The applicant Ballybunion L.L.C. is requesting a exterior building permit for 105 & 107 Union Street further identified by Sussex County Tax Map and Parcel numbers 2-35-20.07 77.00 & 2-35-20.07 76.00 which is located in the Historic Overlay District.

Matt Dotterer recused himself.

Steven Ellis stated he represented the applicant. Mr. Ellis stated when you review the plans there is very little change to the front of the structure except for the signs. The sign style will stay the same except read Irish Eyes Pub. All the modifications to the building takes place to

the rear of the building and not the front. Ms. Jones asked if the window signage was part of the application. Mr. Dotterer stated the window signs are part of the application. The photos of signage are part of the plan and in compliance with the town sign ordinance. There is a awning in the back for smokers to keep them of the front street. The awning will be the large one over the deck. You also have picture of the fence, which is the same style as the one they currently have at their Rehoboth store. The rear of the structure will have the coolers added onto it, which will be encased in cedar impressions. This will prevent people from looking at bright coolers. The roof will be a flat roof that will have rolled roofing installed. The front structure is to remain as is and any repairs later will be replaced as is. The owners are also proposing along governor's walk gooseneck lighting for the walk. Mr. Collier asked about the Clipper Ship and it was stated that it is for future reference and not part of this decision. Mrs. Martin-Brown told the applicant about a historic sign that has been proposed for the side of the building and she was told you could use the side of our building anytime you would like to. Mr. Dotterer presented the picture of the front door, a thermatru vinyl classic series. Ms. Jones asked about the signage in the windows. Ms. Jones stated the window signage appears to be a modern overstated sign but do to no opposition I have concerns. Mr. Dotterer stated he spoke with Lynn Rogers of Rogers Signs in regards to signage in the down town area and was told that this is exactly what they would have only reverse painted on the windows for this type of business. Ms. Jones also stated the awning didn't appear to be historic. Mrs. Martin-Brown asked if the poles holding the awning was square or round it was stated they were white square posts. This is to meet the flood ordinances requirements. Paul Camenisch made the motion to accept the applicants request seconded by Larry Savage. All voted in favor.

Front Yard interpretation for Cul-De-Sacs.

After discussion and until the Towns attorney writes a definition the Board feels the front yard on a cul-de-sac would be defined as follows:

It would be by drawing a straight line from the front of the house to the side property lines on one parcel and by drawing a straight line from the neighboring house across the front of that house to the side yards. Where the two lines intersect at the side yard would be the front and side yard line, or were the two lines intersect go to where one of the lines cross over the side yard boundary and that spot would be considered the front and side yards. One of the properties could have a 90 degree angle leading in the direction of the side yard boundary line.

The Board of Adjustment was then closed.

Marion Jones

Jackie Artis

Joan Martin-Brown

Paul Camenisch

Larry Savage

John Collier

Matt Dotterer