

Town of Milton
Board of Adjustment
Minutes
April 22, 2003

Members Present:

John Collier

Marion Jones

Larry Savage

John Collier opened the meeting. Mr. Collier introduced the application from Warren Builders for a variance from the Municipal Code of the Town of Milton, Article 4, Section 3, Table 1 (Table of District Regulations) rear yard setback for R-1 zoning. The applicant requests a one and one-half (1½') foot rear yard setback variance from fifteen (15') feet to thirteen and one-half (13½') feet for the property located at 106 Sailor Lane further identified by Sussex County Tax Map and Parcel number 2-35-14.00 431.00.

Mr. Bill Warren representing the application stated they are applying for the variance to install a sunroom. Mr. Warren stated that when he first started building homes in Shipbuilders Phase II the Code Officer at the time stated to him that the rear yard setback was 10' using the R-2 zoning setback for the rear of the property. When the current Code Officer started reviewing the site plans he started using the setback for R-1 zoning on the entire lot. Previous to this Mr. Warren had told a resident that he was permitted to install a sunroom and have a rear yard setback of 10'. Ms. Jones asked how long ago it was when he was told ten-foot setbacks. Mr. Warren stated it was before the current Code Officer was employed. Mr. McNamara stated when he was looking at the sample homes he viewed a house in the area with a sunroom. He asked if a sunroom could be added onto his home and was told by the sales person that it was possible. Mr. McNamara stated after they purchased the home he hired a contractor to install a deck and a sunroom. When the contractor went to pull the building permit he was informed about the setback issues. Mr. Collier asked if any member had a question for the applicants. Mr. Savage asked is there any other homes in the area that has a sunroom? Mr. Warren stated there was. Mr. Collier asked if there was anyone else here on behalf of the applicant? None stated. Eric Evans stated there was two pieces of correspondence toward the application. One from the Planning and Zoning Committee, and one from Mr. McElduff from 108 Sailor Lane both in favor of granting the applicants request. Mr. Collier asked if anyone was apposed to the application? None stated. Mr. Collier stated this was a pretty unique situation on this site. The development was zoned R-3 but the good faith the homes were being built under R-1 zoning. Mr. Collier made a motion to grant the variance of 1 ½' and stated not to encroach on the setback any further. The members voted as follows Larry Savage – Approved, Marion Jones – Approved, John Collier – Approved.

Minute Approved:

John Collier

Marion Jones

Larry Savage