

Town of Milton
Board of Adjustment
Minutes
September 23, 2003

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 June 24, 2003 were read and approved. Mr. Collier introduced the application from David Churchill and Benjamin Leighton for a variance from the Municipal Code of the Town of Milton, Article 4, Section 3, Table 1 (Table of District Regulations) minimum lot size for R-1 zoning. The applicant requests reduction in the square footage from 10,000 sq ft per parcel to create two separate parcels with 7868 sq ft and 7834 sq ft respectively. The property is located at 107 Chestnut Street further identified by Sussex County Tax Map and Parcel number 2-35-20.08-14.00.

Mr. Collier asked if anyone was present on behalf of the application and Mr. Charles Coffman stated he was. Mr. Collier asked Mr. Coffman to present his application and state why they are asking for the variance. Mr. Coffman stated that the property owners would like to subdivide the single parcel into two parcels. Mr. Coffman stated that the block in question of Chestnut and Walnut has 11 lots and of the 11 lots 9 lots are under the 10,000 sq ft requirement. Also the back of the lot currently looks like it is just a vacant lot and by subdividing the lot into two lots it would the property to be developed. He also stated he thinks the new lot would be sold.

Mr. Collier stated he agrees with the subdivision being in sink with the surrounding lots however, those lot line were drawn at an earlier time before the current zoning ordinance was in effect and are now called non-conforming. There are many non-conforming lots within the Town however the establishment of the zoning ordinance was to create conformity throughout the Town. Mr. Collier stated he could not find in the current zoning ordinance anything that would permit him to grant this variance. Mr. Collier stated that he could not find were by not granting the variance that he was creating exceptional hardship on the applicant or that the applicant provided information as to the hardship for the variance. Also Mr. Collier was wondering if he granted the variance was he not granting the variance for personal gain to the applicant.

Mr. Coffman asked that in the ordinance regarding square footage (10,000') was this put in place for the establishment of new lots? Mr. Collier stated in fact by granting this variance they would be creating new lots.

Mr. Coffman stated he did not know of a hardship that would be established if the variance was not granted however the granting of this variance would benefit the Town and neighborhood.

Ms. Jones stated she could not find a reason to grant the variance and that a little open space in the area is a good thing.

Mr. Savage stated he does not see the hardship in not granting the variance.

Mr. Collier asked if there was anything else that could be provide to the BOA members and explained that once the decision of the Board members are made the next step of the

appeal process would be to appear before the Superior Court. Mr. Coffman requested that the application be withdrawn and he would talk with his clients and their council on the matter before a decision is made.

The board of Adjustment closed the meeting due to the application being withdrawn.

Minute Approved:

John Collier

Marion Jones

Larry Savage