

Town of Milton
Planning and Zoning Commission
Minutes
May 20, 2003

Members Present:

Dean Sherman

Denny Hughs

Mick Filicko

Noble Prettyman

1. *Board of Adjustment Review on a application from Marvin Ingram for a reduction in the side and rear yard setbacks and the relief from the required off-street loading on a Commercial site to be located at 901 Palmer Street Extended also identified by Sussex County Tax map 2-35-14.00 parcel 114.02.*

Dean Sherman introduced the application for review and comment. It was stated by Dean Sherman that the Planning and Zoning was just making a recommendation to the Board of Adjustment. Eric Evans Explained to the Committee that the Planning and zoning was reviewing for the relief of the off-street loading space and the reduction of the side and rear yard setbacks, and weather or not the committee was in favor of the variances being granted. Denny Hughs made a motion to deny the variances and Noble Prettyman Seconded the motion. All present vote in favor of the motion.

2. *Board of Adjustment Review on a application from Bob Jennings for a reduction in the minimum lot size and minimum front yard width in the R-1 district to be located at Frederick Street also identified by Sussex County Tax map 2-35-14.15 parcel 125.00.*

Dean Sherman introduced the application for review and comment. Tim Willard of Fuqua and Yori explained the following. He received a letter from William Schab, Mr. Jennings Lawyer and discussed this issue with Mr. Schab and Mr. Fuqua. After reviewing the Town's Ordinances Mr. Willard determined that the real issue should be are these parcels originally established in a old subdivision created in 1946, still in compliance with the old subdivision there by making them non-conforming parcels according to the Town's Ordinance at no fault to the original owners. Mr. Willard explained non-conforming to the Planning and Zoning Committee. Mr. Willard stated that the Board of Adjustment when hearing this application should consider weather or not these parcels are non-conforming to the Town Ordinances at no fault to the original owners and that the Planning and Zoning Committee should make their recommendation to the B.O.A. on weather these parcels non-conforming or not. It was asked and stated that any construction, taking place on the property would have to meet the current setback requirements or apply for a variance from the setback requirements. Denny Hughs made the motion to recommended the parcels as non-conforming and Noble

Prettyman seconded the motion. Michael Filicko stated he was in favor of the motion. Dean Sherman abstained from voting due to conflict of interest and Mr. Willard stated for the record that he was unaware that Dean Sherman had a conflict.