



**BOARD OF ADJUSTMENT AGENDA
Thursday, October 14, 2021**

Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, DE 19963

This meeting is also available to the public by accessing the following link:

<https://zoom.us/j/99394757863>

Members of the public may also call in by dialing:

1-646-558-8656 Webinar ID: 993 9475 7863

Public Comments are encouraged on the items as noted on the agenda and must be submitted via email to cityclerk@milford-de.gov no later than the start of the meeting. Those attendees participating virtually may alert the City Clerk that they wish to speak at the appropriate time by submitting their name, address, and agenda item on which they would like to comment via the Zoom Chat function or the Raise Your Hand function during the meeting. All public comments received will be read into the record at the meeting.

**10:00 A.M.
PUBLIC HEARINGS ©**

Call to Order-Chairman Warfel

Pledge of Allegiance

Approval of Minutes
July 8, 2021

Unfinished Business

New Business

Application Number / Name	:	21-034 / Bigg Jim’s Homes, LLC
Applicant/Owner	:	Bigg Jim’s Homes, LLC 1979 Mitten Street Dover, DE 19901
Application Type	:	Variance
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Present Zoning District	:	R-3 (Garden Apartment & Townhouse)
Present Use	:	Single-family detached
Proposed Use	:	Single-family detached with 2 Vacant Lots
Size and Location	:	1.0 +/- acre of land located along the west side of Truitt Avenue between NW Second Street and NW Third Street
Address:	:	208 Truitt Avenue
Tax Map & Parcel	:	MD-16-183.10-01-21.00

Variance #1

Chapter 230-11(B)(1)(a)[3] states the “minimum lot width shall be sixty (60) feet.” Applicant is seeking a reduction in the minimum lot width of Lot 1 to 34.34 feet, or 25.66 feet less than required.

Variance #2

Chapter 230-11(B)(1)(a)[6] states “side yards shall be provided as follows: each lot shall have at least two side yards eight (8) feet in width, except for semidetached structures, which shall have at least one side yard per lot, eight feet in width.” Applicant is seeking a reduction in the northern side setback of Lot 1 from eight (8) feet to five (5) feet, resulting in an encroachment of three (3) feet.

Variance #3

Chapter 230-11(B)(1)(a)[6] states “side yards shall be provided as follows: each lot shall have at least two side yards eight (8) feet in width, except for semidetached structures, which shall have at least one side yard per lot eight feet in width.” Applicant is seeking a reduction in the southern side setback of Lot 1 from eight (8) feet to five (5) feet, resulting in an encroachment of three (3) feet.

Variance #4

Chapter 230-11(B)(1)(a)[3] states “minimum lot width shall be sixty (60) feet.” Applicant is seeking a reduction in the minimum lot width of Lot 2 to 50.34 feet, or 9.66 feet less than required.

Variance #5

Chapter 230-11(B)(1)(a)[3] states “minimum lot width shall be sixty (60) feet.” Applicant is seeking a reduction in the minimum lot width of the residual lot to 48.82 feet, or 11.18 feet less than required.

Variance #6

Chapter 230-11(B)(1)(a)[6] states “side yards shall be provided as follows: each lot shall have at least two (2) side yards eight (8) feet in width, except for semidetached structures, which shall have at least one side yard per lot eight (8) feet in width.” Applicant is seeking a reduction in the northern side setback of the residual lot to five (5) feet, resulting in an encroachment of three (3) feet into the minimum side yard setback.

Application Number/Name	:	21-035 / S&P Holdings LLC – Parcel 9.00
Applicant/Owner	:	S&P Holdings, LLC 1503 W. Stein Way Seaford, DE 19973
Application Type	:	Variance
Present Comprehensive Plan Map Designation:	:	Industrial
Present Zoning District	:	I-1 (Limited Industrial District)
Present & Proposed Use	:	Warehousing
Size and Location	:	5.78 +/- acres located at the northwest corner of the McCoy Street and McColley Street intersection
Address	:	730 & 740 McColley Street
Tax Map & Parcel	:	3-30-11.09-009.00

Variance #1

Chapter 230-16(F)(6) states the “minimum side yard setback shall be 40 feet.” The applicant is seeking a reduction in the side yard setback from 40 feet to 11 feet which will result in an encroachment of 29 feet into the required side yard setback.

Variance #2

Chapter 230-16(F)(2) states the “maximum lot coverage shall be 60%, with the remainder being that of grass and landscape areas.” The applicant is seeking permission to increase the lot coverage from 60% to 67.4% in order to accommodate the existing impervious cover conditions for the proposed minor subdivision.

Variance #3

Chapter 230-16(F)(5) states the “minimum front yard setback shall be 75 feet.” The applicant is seeking a reduction in the front yard setback from 75 feet to 53.8 feet to accommodate the existing building encroachment.

Variance #4

Chapter 230-16(F)(6) states the “minimum side yard setback shall be 40 feet.” The applicant is seeking a reduction in the side yard setback from 40 feet to 11 feet which will result in an encroachment of 29 feet into the required side yard setback.

Variance #5

Chapter 230-16(F)(7) states the “minimum rear yard setback shall be 45 feet.” The applicant is seeking a reduction in the rear yard setback from 45 feet to 31.7 feet to accommodate the existing building encroachment.

Application Number/Name	:	21-036 / S&P Holdings LLC – Parcel 12.00 thru 15.00
Applicant/Owner	:	S&P Holdings, LLC 1503 W. Stein Way Seaford, DE 19973
Application Type	:	Variance
Present Comprehensive Plan Map Designation:	:	Industrial
Present Zoning District	:	I-1 (Limited Industrial District)
Present & Proposed Use	:	Warehousing
Size and Location	:	5.84 +/- acres located at the northeast corner of the McCoy Street and McColley Street intersection and the northwest corner of Marshall Street and McCoy Street
Address	:	638 & 640 Marshall Street
Tax Map & Parcel	:	3-30-11.09-012.00, 013.00, 014.00, 015.00, 017.02 & 017.03

Variance #1

Chapter 230-16(F)(5) states the “minimum front yard setback shall be 75 feet.” The applicant is seeking a reduction in the front yard setback from 75 feet to 36.9 feet to accommodate the existing building encroachment.

Variance #2

Chapter 230-16(F)(6) states the “minimum side yard setback shall be 40 feet.” The applicant is seeking a reduction in the side yard setback from 40 feet to 2.6 feet which will result in an encroachment of 37.4 feet into the required side yard setback.

Variance #3

Chapter 230-16(F)(1) states the “minimum lot area shall be two acres.” The applicant is seeking a reduction in the minimum lot area from 2 acres to 1.886 acres which will be 0.114 acres less than the minimum area requirement.

Variance #4

Chapter 230-16(F)(2) states the “maximum lot coverage shall be 60%, with the remainder being that of grass and landscape areas.” The applicant is seeking permission to increase the lot coverage from 60% to 75.0% to accommodate the existing impervious cover conditions for the proposed minor subdivision.

Variance #5

Chapter 230-16(F)(5) states the “minimum front yard setback shall be 75 feet.” The applicant is seeking a reduction in the front yard setback from 75 feet to 40.2 feet to accommodate the existing building encroachment.

Variance #6

Chapter 230-16(F)(6) states the “minimum side yard setback shall be 40 feet.” The applicant is seeking a reduction in the side yard setback from 40 feet to 2.6 feet which will result in an encroachment of 37.4 feet into the required side yard setback.

Application Number / Name	:	21-025 / Lands of Tyler & Devyn Nicholls
Applicant/Owner	:	Tyler & Devyn Nicholls 16 Fleming Street Harrington, DE 19952
Application Type	:	Variance
Present Comprehensive Plan Map Designation	:	Low Density Residential
Present Zoning District	:	R-1 (Single-family Residential District)
Present Use	:	Vacant
Proposed Use	:	Single-family Detached
Size and Location	:	0.83 +/- acres of land located along the north side of Kings Highway approximately 260 feet west of the Lakeview Avenue intersection.
Address:		
Tax Map & Parcel	:	1-30-1.20-003.00

Chapter 230-10(G)(1)(e) states the “minimum front building setback line shall be 30 feet.” The applicant is seeking permission to construct a new single-family detached dwelling 15.6 feet from the front property, which would result in an encroachment of 14.4 feet into the required front yard area.

FINDINGS OF FACT:

*Lands of Tyler & Devyn Nicholls for variance in a R-1 Zoning District.
Tax Map & Parcel(s): MD-16-183.06-01-30.0; Hearing on: August 12, 2021*

*Lands of Bay to Beach Builders, Inc for a variance in a R-3 Zoning District. Property addressed as 509 West Street;
Tax Map & Parcel(s): MD-16-183.06-01-30.00; Hearing on: August 12, 2021*

*Lands of 39 North Walnut, LLC for a variance in a C-2 Zoning District. Property addressed as 39 N. Walnut Street;
Tax Map & Parcel(s): MD-16-183.10-04-44.00; Hearing on: August 12, 2021*

*Lands of Jaasiel, LLC for variance in a C-2 Zoning District; Property addressed as 115 NE Front Street;
Tax Map & Parcel(s): MD-16-183.10-03-68.00; Hearing on: September 9, 2021*

*Lands of Dorothy Brown for variance in a R-1/R-2/R-3 Zoning District; Property addressed as 7456 Pinwheel Drive;
Tax Map & Parcel(s): 1-30-6.00-457.00; Hearing on: September 9, 2021*

*Lands of Mustafa Cinar for variance in a C-1 Zoning District; Property addressed as 621 N. Walnut Street;
Tax Map & Parcel(s): MD-16-183.06-03-01.00; Hearing on: September 9, 2021*

*Lands of Mark Munoz for a variance in a R-2 Zoning District; Property addressed as 5 Governors Burton Court;
Tax Map & Parcel(s): MD-16-183.06-05-22.00; Hearing on: September 9, 2021*

Adjournment

© Public Comment, up to three minutes per person, will be accepted.

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT
NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED
AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.**