

## **OXFORD PLANNING AND ZONING COMMISSION**

### **Minutes, June 5, 2007 Meeting**

The meeting was called to order at 7:00 p.m. by the chairman, Pamela Baker. Also present were Anthony Passarella and Don Silliman.

The minutes from the May 15, 2007 meeting were approved as written.

#### **Building Permit for Review:**

The commission reviewed a permit from Deborah Barbour, owner of 102-104 S. Morris Street to replace an existing fence that is in poor condition and also to extend it from about 9 feet in length to about 18 feet in order to screen an existing oil tank and to provide a storage location for trash bins. Ms. Barbour was represented by Ray Stevens. The fence in question is 5' high; the replacement and extension would also be 5' high. Mr. Stevens explained that the existing fence conceals heat pumps and that the desire is to extend it to conceal the oil tank and thereby dress up the front yard of the building. The entire fence would need to be 5' high in order to hide the oil tank which is 51" high. The fence runs parallel to the building at 102 S. Morris and would blend in with the building.

Because the fence is greater than allowed by the Zoning Ordinance (32.12), the commission denied the permit. However, after discussion about any potential impact on the property and its appearance, it was agreed to recommend granting a special exception to allow the higher fence. There was some discussion about whether the fence would be used only for screening or if it were planned as a display unit for the business at 104 S. Morris. The commission recommends that only limited items should be displayed on the fence and preferred that they be flowers or wreaths, not additional signs or similar items. Mr. Silliman moved and Mr. Passarella seconded that we deny the building permit and recommend to the Board of Appeals to grant a

special exception to allow the 5' fence.  
The motion was passed unanimously.

#### **Appeal Request:**

Adrian Kutko, 107 Benoni St., requests a variance to allow the placement of two heat pumps outside the building envelope and to allow an oil storage tank to be placed along the fence line on the south side of the property. The request was accompanied by a letter detailing the placement and decisions surrounding the placement as well as photographs of the units and a plat of the property.

The heat pumps and oil tank were both placed in those locations about a year ago as part of renovation and reconstruction of the house.

There had recently been a complaint about their location from an adjacent property owner. Mr. Kutko, in his letter, stated that they and the contractor were unaware of the Zoning Ordinance which requires that heat pumps remain within the building envelope (23.03, 1, k) and that they were put in place in June 2006. Mr. Passarella noted that heat pumps do make noise

and that they should be kept within the building envelope in order to minimize impact on neighbors. Mrs. Baker noted that the area of Benoni and Tred Avon Streets has many small, non-conforming lots and structures, so that houses are already close to each other. Mr. Silliman noted that the Zoning Ordinance is very clear on heat pump placement and the fact that the pumps were placed along the fence already was irrelevant. He also noted that it was not clear if the heat pump for the house at 101 Tred Avon was, in fact, within the building envelope. Following discussion, Mr. Silliman moved that we recommend denying this request for variance based on the clarity of the Zoning Ordinance and the lack of basis for a variance (11.02.4). Mr. Passarella seconded and the motion was unanimously approved.

The Commission then discussed the oil tank. Mr. Passarella noted that tanks are not noisy. Mrs. Baker stated that the Zoning Ordinance does not specifically address fuel storage tanks and that there appears to be considerable precedence to allow them to be on the property line. Photos accompanying this request showed the neighbor to the west of this property, in fact, has propane tanks which encroach on this property. The applicant stated that there are plans to screen the oil tank with a trellis. Mr. Silliman moved that we recommend that the oil tank be allowed to remain where it is because the Zoning Ordinance does not address storage tanks and therefore this one is not out of compliance, and because it would not have a noise impact on neighbors and that screening will minimize any visual impact. Mr. Passarella seconded and the motion passed unanimously.

### *Consultation*

Mr. Giovanni Salvo is the contract purchaser of 512 East Strand. He and Jane McCarthy were present to discuss his potential plans. Mr. Salvo stated that he is cognizant of and sympathetic to historic preservation, but that the building inspection of this house was not encouraging. The inspection indicated that about 50% of the

foundation would need to be replaced, that there was a water or sewer problem that has caused underground erosion, that some floor joists would need replacing and that the deck would need to be replaced. He was seeking advice on what could be done to put it in good repair and livability. He understands that the house could not be enlarged. He had met with the Historic District Commission (HDC) on June 4 2007 and noted that they were resistant to demolition of the house which is listed as a contributing structure on the National Historic Register listing for Oxford.

Mr. Silliman stated some of the history of the house: part of it was the cabin of the training ship for the old Maryland Military Academy. A house has been built around it, but the cabin was still evident. Ms. McCarthy stated that the house was probably built around 1930. Mrs. Baker stated that a 1932 photo of it appears in Doug Hank's book "Oxford, Then and Now."

Mr. Salvo showed us potential plans for a house that his architect designed and which is said to fit within the allowable building envelope for the lot. (There were not drawings of the house on a site plan). The consensus of the Commission was that, while the house may fit within the building envelope, its design is not desirable. Mr. Salvo stated that it was only preliminary and the appearance could be modified to make it more acceptable. Mr. Salvo wanted to know what was acceptable to the commission. We stated that, as for demolition, we follow the lead of the HDC for houses in the Historic District, and that historic preservation is part of the Zoning Ordinance.

Mr. Salvo was concerned about the potential cost of renovating and restoring the house. Mrs. Baker and Mr. Passarella noted that whether he restores or builds new, he will still have the cost of repairing the underground leak and erosion, and building a new foundation. Mr. Salvo and Ms. McCarthy stated that the house does not now have a

bedroom. Mrs. Baker noted that, indeed, the previous owner used the old ship's cabin as a bedroom and that it was adequate in size but not height, although the ceiling could be raised. Mrs. Baker noted that any buyer's financial decisions would be based on evaluation of the purchase price, the cost of restoring the house, the cost of demolition and reconstruction, and the end value of the property, and that those were decisions of the property owner and not the Planning Commission.

There was some further discussion about older homes in Oxford that have been elevated and put on new foundations without incident, even though they appeared to have structural problems.

There being no further business, Ms. Passarella moved and Mr. Silliman seconded that the meeting be adjourned which it was at 8:02 PM.

Respectfully submitted,

Pamela Baker  
Chairman